## RESOLUTION NO. 17-2018

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, AUTHORIZING THE SALE OF TAXFORECLOSED PROPERTY LOCATED AT 2038 RHONDA DRIVE IN MESQUITE, TEXAS (THE "PROPERTY"), ACCEPTING THE OFFER FROM THE PURCHASER TO PURCHASE THE PROPERTY; RATIFYING AND APPROVING THE OFFER AND PURCHASE AGREEMENT EXECUTED BY THE PURCHASER SETTING FORTH THE TERMS AND CONDITIONS OF THE SALE OF THE PROPERTY; AND AUTHORIZING THE CITY MANAGER TO EXECUTE A QUITCLAIM DEED AND ALL OTHER DOCUMENTS NECESSARY OR REQUESTED TO COMPLETE THE CLOSING AND SALE OF THE PROPERTY.

WHEREAS, the City of Mesquite, Texas ("City"), the Mesquite Independent School District ("MISD"), and Dallas County, Texas, on its behalf and on behalf of the Dallas County Community College District, the Parkland Hospital District and the Dallas County School Equalization Fund (collectively "Dallas County"), seek to work together in intergovernmental cooperation to return tax delinquent unproductive properties back to productive use and back to producing tax revenue; and

WHEREAS, the Texas Tax Code permits the foreclosure of a tax lien and the sale of real property in order to collect delinquent taxes; and

WHEREAS, at the tax foreclosure sale of the property located at 2038 Rhonda Drive in Mesquite, Texas (the "Property"), the Property was "struck off" to the City to be held on the City's behalf and as trustee for the taxing units that received tax title to the Property pursuant to the Sheriff's Deed executed in connection with the tax foreclosure sale of the Property; and

WHEREAS, the existence of blighted, abandoned or vacant tax delinquent properties negatively impacts adjacent property values, citizen quality of life and the tax revenues of local taxing units; and

WHEREAS, a return of delinquent tax properties to productivity would encourage revitalization of deteriorating neighborhoods, improve adjacent property values, reduce governmental expenditures on these properties and provide an increased tax base that would thus enhance future tax revenues; and

WHEREAS, pursuant to Texas Tax Code §34.05(j), a tax foreclosed property may be sold at a private sale for an amount equal to or greater than its market value, as shown by the most recent certified appraisal roll, if:

- (1) the sum of the amount of the judgment plus post-judgment taxes, penalties, and interest owing against the property exceeds the market value; and
- (2) each taxing unit entitled to receive proceeds of the sale consents to the sale for that amount; and

- WHEREAS, pursuant to Texas Tax Code §34.05(k), a sale pursuant to §34.05(j) will discharge and extinguish all liens foreclosed by the judgment and all post-judgment taxes, penalties and interest, except for prorated taxes for the year of closing; and
- WHEREAS, Saro DiFrisco (the "Purchaser") has submitted an offer of \$26,511.00 to purchase the Property and has executed and delivered to the City an Offer and Purchase Agreement (the "Offer and Purchase Agreement") setting forth the terms and provisions of the sale and purchase of the Property; and
- WHEREAS, the proposed sale of the Property meets the conditions of Texas Tax Code §34.05(j) as more fully set forth in Exhibit "A" and requires the consent of all taxing entities entitled to proceeds of the sale of such properties; and
- WHEREAS, on March 5, 2018, by resolution MISD's Board of Trustees approved the sale of 2038 Rhonda Drive in Mesquite, Texas, to be sold pursuant to Texas Tax Code §34.05(j); and
- WHEREAS, on March 6, 2018, with the passage of the Court Order 2018-0309, the Dallas County Commissioners Court approved the sale of 2038 Rhonda Drive in Mesquite, Texas, to be sold pursuant to Texas Tax Code §34.05(j); and
- WHEREAS, it is in the public interest of the citizens of Mesquite that the sale of the Property is approved by the City Council upon the terms and conditions more fully set forth herein.
- NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS:
- SECTION 1. That the City accepts the Purchaser's offer on the Property for the purchase price of \$26,511.00.
- SECTION 2. That the City Council ratifies and approves the terms and conditions of the Offer and Purchase Agreement executed by the Purchaser of the Property.
- SECTION 3. That the City is hereby authorized to sell the Property to the Purchaser for the price of \$26,511.00.
- SECTION 4. That the City Manager is hereby authorized to execute a quitclaim deed and all other documents necessary or requested to complete the closing and sale of the Property.
- SECTION 5. That the Property sold pursuant to the authority granted by this resolution shall be sold subject to: (i) the prior owners' remaining right of redemption, if any; and (ii) prorated taxes for the year of closing.
- SECTION 6. That the proceeds from the sale of the Property shall be paid first to the City to reimburse the City's reasonable costs, if any, pursuant to Texas Tax Code §34.06(c). After retaining the amount authorized by Texas Tax Code, §34.06(c), the remaining proceeds of the sale of the Property, if any, shall be distributed pursuant to Texas Tax Code §\$34.06(d) and (e).

## Administration/Sale of Tax-Foreclosed Property/2038 Rhonda Drive/March 19, 2018 Page 3 of 3

DULY RESOLVED by the City Council of the City of Mesquite, Texas, on the 19th day of March, 2018.

Stan Pickett

Mayor

ATTEST:

APPROVED:

Sonja Land

City Secretary

B. J. Smith

City Attorney

EXHIBIT "A" - TAX FORECLOSURE PROPERTY STRUCK OFF TO THE CITY OF MESQUITE AS TRUSTEE FOR MESQUITE INDEPENDENT SCHOOL DISTRICT AND DALLAS COUNTY

R8B   MAPSCO   PROPERTY   CAUSE # / TAX YEARS INCLUDED   DATE OF COLONY # 1"   APPROX   CURRENT   MARKET   JUDGAMENT SHERKE   OFFER   POST- OFFER   PROPOSED   HIGH NUMBERS   LUDGAMENT   LUDGAMENT   LUDGAMENT   MARKET   LUDGAMENT   MARKET   MACOUNT   MACO		
CURRENT         MARKET         JUDGMENT STRIKE         OFFER         POST-         OFFER         % OF         PROPOSED           DCAD VALUE         VALUE IN         OFF AMOUNT         AMOUNT         LUDGMENT         AMOUNT         CORRENT         SALE TO BE TAX           JUDGMENT         (Total Amount in Judgment including         February 2018         JUDGMENT         VALUE         CODE           Administrative         Closing date         TAXES, if applicable         AMOINT         VALUE         CODE           Sheriff's Fees & Publication Fees)         Publication Fees)         S 26,511.00         \$ 26,511.00         \$ 26,511.00         \$ 34.05(j)	BIDDER	Saro DiFrisco
CURRENT MARKET JUDGMENT STRIKE OFFER POST- DCAD VALUE IN OFF AMOUNT JUDGMENT JUDGMENT (Total Amount in Judgment including Administrative Fees, Court Fees, Sheriff's Fees & Publication Fees) \$ 25,000.00 \$ 15,000.00 \$ 66,701.37 \$ 26,511.00 \$ - \$	PROPOSED SALE TO BE TAX CODE	
CURRENT MARKET JUDGMENT STRIKE OFFER POST- DCAD VALUE IN OFF AMOUNT JUDGMENT JUDGMEN	% OF CURRENT DCAD VALUE	
CURRENT MARKET JUDGMENT STRIKE OFFER DCAD VALUE VALUE IN OF AMOUNT AMOUNT JUDGMENT LIGHT INCluding Administrative Fees, Court Fees, Sheriff's Fees & Publication Fees)  \$ 25,000.00 \$ 15,000.00 \$ 66,701.37 \$ 26,511.00	OFFER AMOUNT + POST- JUDGMENT TAXES, if applicable	\$ 26,511.00
CURRENT MARKET JUDGME DCAD VALUE IN OFF A JUDGMENT (TOTAL A Admin Fees, C Sheriff Publica \$ 25,000.00 \$ 15,000.00 \$	POST- JUDGMENT TAXES with a February 2018 closing date	v.
CURRENT MARKET JUDGME DCAD VALUE IN OFF A JUDGMENT (TOtal A Admin Fees, C Sheriff Publica \$ 25,000.00 \$ 15,000.00 \$	OFFER AMOUNT	\$ 26,511.00
CURRENT DCAD VALUE JL \$ 25,000.00 \$	JUDGMENT STRIKE OFF AMOUNT (Total Amount in Judgment including Administrative Administrative Sheriff's Fees, Sheriff's Fees, Publication Fees)	
MAPSCO   PROPERTY   CAUSE # / TAX YEARS INCLUDED   DATE OF   DCAD TAX ACCOUNT#   "" APPROX CURRENT   IN JUDGMENT   SHERIFF'S   ""   APPROX CURRENT   IN JUDGMENT   SALE   "U"   APPROX CURRENT   "U"   APPROX CURRENT   APPROX   APPROX CURRENT   APPROX   APPROX CURRENT   APPROX CURPENT   APPROX C	MARKET VALUE IN JUDGMENT	\$ 15,000.00
MAPSCO         PROPERTY         CAUSE #/ TAX YEARS INCLUDED         DATE OF TAX ACCOUNT# "" APPROX ADDRESS         "" APPROX I LAND SIZE           ADDRESS         JUDGMENT         IN JUDGMENT         SALE         "" APPROX I LAND SIZE           49-H         2038         TX-14-         County: 1994-2015         6/7/2016         380055500040180000         U Unassigned           Prive         4/6/2016         MISD: 1994-2015         6/7/2016         38005500040180000         U Unassigned	CURRENT DCAD VALUE	\$ 25,000.00
MAPSCO   PROPERTY   CAUSE # / TAX YEARS INCLUDED   DATE OF DCAD TAX ACCOUNT# ""   TAX YEARS INCLUDED   DATE OF DCAD TAX ACCOUNT# ""   Or DATE   CO/CITY/SCHOOL   SALE   Or TAX ACCOUNT# ""   Or TAX YEARS INCLUDED   DATE   Or TAX YEARS INCLUDED   DATE OF TAX YEARS INCLUDED   Or TAX YEARS INCLUDED   DATE OF TAX YEARS INCLUDED   DATE OF TAX YEARS INCLUDED   DATE OF TAX YEARS INCLUDED   OR TAX YEARS INCLUDED   DATE OF TAX YEARS INCLUDED   OR TAX YEARS INCLUDED   DATE OF TAX YEARS INCLUDED   OR TAX YEARS INCLUDED   DATE OF TAX YEARS INCLUDED   OR TAX YEARS	APPROX	Unas- signed
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ADDRESS   ADDR	DCAD TAX ACCOUNT #	38005500040180000
MAPSCO         PROPERTY         CAUSE #/ TAX YEARS INCLUDED           ADDRESS         JUDGMENT         IN JUDGMENT           ADDR         (CO/CITY/SCHOOL)         (CO/CITY/SCHOOL)           49-H         2038         TX-14- County: 1994-2015           Rhonda         40707         City: 1994-2015           Drive         4/6/2016         MISD: 1994-2014	DATE OF SHERIFF'S SALE	6/7/2016
MAPSCO PROPERTY CAUSE #/ Tr ADDRESS JUDGMENT DATE  (49-H 2038 TX-14- Cou Rhonda 40707 City Drive 4/6/2016 MIS	IN JUDGMENT CO/CITY/SCHOOL)	7: 1994-2015 1994-2015 1994-2014
MAPSCO PROPERTY CAUSE # ADDRESS JUDGMER DATE PA9-H 2038 TX-14- Rhonda 476/2016	T, (1)	Cot City 6 MIS
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	MAPSC	49-H
R&B District #	R&B District #	п