

RESOLUTION NO. 40-2020

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, AUTHORIZING THE SALE OF TAX-FORECLOSED PROPERTY LOCATED AT 515 OLD LONDON LANE IN MESQUITE, TEXAS (THE “PROPERTY”); ACCEPTING THE OFFER FROM JOSE SERRATO (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 (the “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 described in Exhibit A, attached hereto and made a part hereof for all purposes (“Property”), the Property was “struck off” to the City to be held on the City’s behalf and as trustee for MISD and Dallas County; 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, Jose Serrato (the “**Purchaser**”) has submitted an offer to purchase the Property for the price more fully set forth in Exhibit A; and

WHEREAS, the Purchaser 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 July 27, 2020, by resolution MISD’s Board of Trustees approved the sale of the Property to be sold pursuant to Texas Tax Code § 34.05(j); and

WHEREAS, on August 4, 2020, with the passage of Court Order 2020-0799, the Dallas County Commissioners Court approved the sale of the Property 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 offer to purchase the Property by the Purchaser for the price set forth in Exhibit A.

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 set forth in Exhibit A.

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) and as otherwise provided by law.

DULY RESOLVED by the City Council of the City of Mesquite, Texas, on the 21st day of September 2020.



Bruce Archer
Mayor

ATTEST:



Sonja Land
City Secretary

APPROVED AS TO LEGAL FORM:



David L. Paschall
City Attorney

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

R&B District #	MAPSCO	PROPERTY ADDRESS	CAUSE # / JUDGMENT DATE	TAX YEARS INCLUDED IN JUDGMENT (CO/CITY/SCHOOL)	DATE OF SHERIFF'S SALE	DCAD TAX ACCOUNT #	"I" or "U"	APPROX LAND SIZE	CURRENT DCAD VALUE	MARKET VALUE IN JUDGMENT	JUDGMENT STRIKE OFF AMOUNT (Total Amount in Judgment including Administrative Fees, Court Fees, Sheriff's Fees & Publication Fees)	OFFER AMOUNT	POST-JUDGMENT TAXES with an anticipated July 2020 closing date	OFFER AMOUNT + POST-JUDGMENT TAXES, if applicable	% OF CURRENT DCAD VALUE	PROPOSED SALE TO BE TAX CODE	HIGH BIDDERS
1	49-Z	515 Old London Lane	TX-17-00875 combined with TX-09-31597 / 2/8/2018 and 6/6/2011, respectively	County: 2002-2017 County: 1995-2000 City: 2000-2017 MISD: 2000-2017	12/4/2018	38180500001830100	U	22,500 SF	\$ 22,750.00	\$ 56,940.00	\$ 68,347.39	\$ 40,000.00	\$ -	\$ 40,000.00	176%	34.05(j)	Jose Serrato