

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, AUTHORIZING THE SALE OF TAX-FORECLOSED 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).


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

| 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 a February 2018 closing date | OFFER AMOUNT + POST- JUDGMENT TAXES, if applicable | % OF CURRENT DCAD VALUE | PROPOSED SALE TO BE TAX CODE | HIGH BIDDER |
|----------------------|--------|-------------------------|-------------------------------|---|------------------------------|--------------------|------------------|---------------------|-----------------------|--------------------------------|---|-----------------|--|---|----------------------------------|------------------------------------|----------------|
| 1 | 49-H | 2038 Rhonda Drive | TX-14- 40707 4/6/2016 | County: 1994-2015 City: 1994-2015 MISD: 1994-2014 | 6/7/2016 | 38005500040180000 | U | Unas- signed | \$ 25,000.00 | \$ 15,000.00 | \$ 66,701.37 | \$ 26,511.00 | \$ - | \$ 26,511.00 | 106% | 34.05(j) | Saro DiFrisco |