

November 13, 2024

A RESOLUTION DETERMINING UPON THE NECESSITY OF ACQUIRING REAL PROPERTY AND AUTHORIZING ITS APPROPRIATION FOR A MUNICIPAL PURPOSE AND PUBLIC USE.

WHEREAS, the City of Dallas ("City"), the State of Texas ("State"), the County of Dallas ("County"), and/or Dallas Independent School District ("DISD") (collectively "TAXING AUTHORITIES"), as parties to a Judicial Foreclosure ("Judgment") in a District Court in Dallas County, Texas acquired Sheriff Deeds title to properties ("Properties") at a sheriff tax sale ("the First Sale") authorized by said Judgment. The Sheriff's Deeds for the Properties were recorded in the real property records of Dallas County, Texas; and, the Properties are described on "Exhibit A", attached herein and incorporated by reference; and

WHEREAS, City, by agreement with DISD and County, acts as trustee to hold the Properties in trust for the benefit of the TAXING AUTHORITIES, including but not limited to processing any dispositions of the Properties; and

WHEREAS, pursuant to Chapter 34, Section 34.05 of the Texas Tax Code, City is authorized to re-sell the Properties by public or private sale ("the Second Sale"); and

WHEREAS, by accepting its pro rata proceeds from the Second Sale, the State agrees to the transfer of Properties in which it has an interest; and

WHEREAS, the TAXING AUTHORITIES have adopted a policy whereby the Properties, being tax foreclosed properties held in trust by City, may be sold and acquired by one of the taxing jurisdictions which is a party to the judgment when said properties are needed for a public purpose; and

WHEREAS, City has determined the Properties are needed for the Kings Branch Culvert at Georgia Project ("PROJECT") and has made request to DISD and County for consent and acceptance of a Second Sale offerwherein City will acquire the Properties from the Taxing Authorities at various statutory prices as required under Chapter 34, Section 34.05 of the Texas Tax Code; and

WHEREAS, County, by County Commissioner's Court Order, and DISD, by School Board Resolution, have consented to a Second Sale to City and accepted the City's OFFER AMOUNT, and have authorized City, as Trustee, to process the Second Sale for the OFFER AMOUNT, CLOSING COSTS AND TITLE EXPENSES AND POST JUDGMENT TAXES, as defined below, and execute Quitclaim Deeds in favor of City to transfer any rights, title or interests acquired or held by each taxing entity party to the Judgment at the First Sale; and

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WHEREAS, the City's OFFER AMOUNT to be paid by the City to acquire each of the properties, represents the lowest private sale amounts calculated pursuant to Chapter 34, Section 34.05 of the Texas Tax Code, and which amounts may be inclusive of post judgment taxes; and

WHEREAS, the City Council has previously approved the resale of other properties where funds were not received, nor disbursed prior to the April 1, 2001 Tax Collection Consolidation with Dallas County; and

WHEREAS, the distribution of the proceeds from the resale of the Properties will be in accordance with Chapter 34, Section 34.06 of the Texas Tax Code; and

WHEREAS, for the purposes of this resolution, the following additional definitions of terms shall apply:

"USE": The construction, installation, use and maintenance of a section of roadway, utility relocation, intake structure, tunnel construction operation and a construction staging area for the outfall structure, together with such appurtenant facilities as may be necessary, provided, however, to the extent fee title to the Properties are acquired, such title and the Properties shall not be limited to or otherwise deemed restricted to the USE here provided.

"PROPERTY INTEREST": Fee Simple

"OWNER": City of Dallas as Trustee for itself, the County of Dallas, and the Dallas Independent School District provided, however, that the term "OWNER" as used in this resolution means all persons having an ownership interest, regardless of whether those persons are actually named herein.

"OFFER AMOUNT, CLOSING COSTS AND TITLE EXPENSES AND POST JUDGMENT TAXES" are described below:

<u>Parcel Number</u>	<u>Property Address</u>	<u>Offer Amount</u>	<u>Closing Costs and Title Expenses Not to exceed</u>	<u>Post Judgment Taxes Not to exceed</u>
651	1835 Fernwood	\$19,500.00	\$75.00	\$1,319.00

"AUTHORIZED AMOUNT": \$20,894.00

NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

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SECTION 1. That the USE of the Properties for the PROJECT is a public use and a public purpose.

SECTION 2. That public necessity requires that the CITY acquire the PROPERTY INTEREST in the Properties for the PROJECT.

SECTION 3. That for the purpose of acquiring the PROPERTY INTEREST in the PROPERTY, the Director of the Department of Facilities and Real Estate Management, Real Estate Division, or such person as she may designate, is hereby authorized and directed to offer the OFFER AMOUNT to DISD and County as payment for the PROPERTY INTEREST in the Properties in accordance with the TAXING AUTHORITIES adopted policy whereby the Properties, being tax foreclosed properties held in trust by City, may be sold and acquired by one of the taxing jurisdictions which is a party to the judgment when said properties are needed for a public purpose.

SECTION 4. That to the extent the Properties are being purchased wholly or partly with bond proceeds CITY has obtained an independent appraisal of the Properties' market value.

SECTION 5. That any and all proceeds received of the resale of the Properties listed on Exhibit A, from the Second Sale, including funds not received, nor disbursed prior to the April 1, 2001 Tax Collection Consolidation with Dallas County will be deposited to General Fund 0001, Department FRM, Balance Sheet Account 0519.

SECTION 6. The Chief Financial Officer is authorized to transfer the monetary consideration for the OFFER AMOUNT as set forth in Exhibit A out of 2024B Certificates of Obligation Fund, Fund 0799, Department SDM, Unit VD54, Activity SDRS, Program TW17VD54, Object 4210.

SECTION 7. The Chief Financial Officer is authorized and directed to draw a warrant in favor of the OWNER, the then current owner of record, or the title company closing the transaction described herein, the amount of the CLOSING COSTS AND TITLE EXPENSES and the POST JUDGMENT TAXES payable out of 2024B Certificates of Obligation Fund, Fund 0799, Department SDM, Unit VD54, Activity SDRS, Program TW17VD54, Object 4210, Encumbrance No. SDM-2024-00024939. The OFFER AMOUNT and the CLOSING COSTS AND TITLE EXPENSES together with the POST JUDGMENT TAXES shall not exceed the AUTHORIZED AMOUNT as follows:

<u>Parcel Number</u>	<u>Property Address</u>	<u>Offer Amount</u>	<u>Closing Costs and Title Expenses Not to exceed</u>	<u>Post Judgment Taxes Not to exceed</u>
651	1835 Fernwood	\$19,500.00	\$75.00	\$1,319.00

"AUTHORIZED AMOUNT": \$20,894.00

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SECTION 8. That upon receipt of the OFFER AMOUNT from the City, and having secured consent and authorization from the County and DISD, the City Manager, upon approval as to form by the City Attorney and attested by the City Secretary, is hereby authorized to execute Quitclaim Deeds for the Properties in favor of City, subject to any right of redemption, and in accordance with the written agreement of the terms, conditions, and release of the taxing entities.

SECTION 9. That the Chief Financial Officer is authorized to disburse the OFFER AMOUNT received from the City pursuant to Chapter 34, Section 34.06 of the Texas Tax Code (to be applied to the payment of the court costs, interest and cost of sale, and post judgment taxes; any such amount(s) still owed by the delinquent taxpayer to any of the taxing entities shall remain the personal obligation of the delinquent taxpayer, and any excess amounts shall be distributed in the manner described in Chapter 34, Section 34.02 of the Texas Tax Code.) Calculations for disbursements shall be provided by the Director of Facilities and Real Estate Management, or such person as she may designate to the City of Dallas Land Based Receivables, the Dallas County District Clerk, and the Dallas County Tax Office from the account specified in Section 5 above.

SECTION 10. That to the extent authorized by law, any liens securing taxes referenced in Section 9 above are hereby released.

SECTION 11. That the CITY is to have possession of the Properties at closing.

SECTION 12. That any procedures required by Section 2-24 of the Dallas City Code and not required by Texas state law are hereby waived with respect to this conveyance.

SECTION 13. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

APPROVED AS TO FORM:

Tammy L. Palomino, City Attorney

BY: 

Assistant City Attorney