

Office of the City Manager

City of Richland Hills, Texas

Memorandum

To: Honorable Mayor Bill Agan and members of the Richland Hills City Council
From: Eric Strong, Assistant City Manager
Date: October 22, 2013
Subject: Bid Award for City Owned Property

City Council Action Requested:

Approve Resolution No. 418-13 authorizing the sale of property located at 3209 Kingsbury.

Background Information:

At the August 6th, 2013 City Council meeting, the City Council authorized staff to sell the property located at 3209 Kingsbury. Bids were taken for over two months on the property, and the high bidder placed a bid of \$36,100. Following council's determination to award the bid, there were two significant discoveries. The first was that the bidder was responsible for the amount of backed taxes that were previously owed on the property. These backed taxes amounted to approximately \$2,000. The second was that there were more significant foundation problems than previously known. To offset these costs, the two high bidders requested to resubmit their bids. They both resubmitted, and Mr. White was the high bidder at \$33,000. Staff recommends approving the bid in this amount.

Attachments: Letter from Tax Attorneys
Resolution No. 418-13 & Supporting Information

Staff Contact: Eric Strong, Assistant City Manager
estrong@richlandhills.com
817-616-3745

LINEBARGER GOGGAN BLAIR & SAMPSON, LLP

ATTORNEYS-AT-LAW
100 THROCKMORTON STREET, SUITE 300
FORT WORTH, TEXAS 76102
(817) 877-4589
FAX (817) 877-0601

September 24, 2013

Bill Agan, Mayor
City of Richland Hills
Attn: Eric Strong, Asst. City Manager
3200 Diana Drive
Richland Hills, TX 76118

RE: Offer to Purchase Property Struck-Off for Taxes
E20918-06 / County of Tarrant, ET AL VS Erma Dean Cox
Lot 6, Block 22, Richland Park Addition
3209 Kingsbury Avenue; Account No. 02367726

Dear Mayor Agan:

Enclosed you will find information for the sale of the above mentioned property which was struck off to the City of Richland Hills at a tax foreclosure sale on August 2, 2011. The appraised value of the property on the date of Judgment was \$87,300.00 and the current appraised value is \$86,000.00. A bid has been submitted by A & D Custom Builders, Inc. in the amount of \$33,000.00; plus agreement to pay post judgment taxes upon the approval of the sale.

This bid is less than the amount due for taxes and related fees and will require the approval of all of the taxing entities in order to convey the property. Pursuant to Section 34.06 of the Texas property Tax Code, the taxes would be prorated between the taxing units. The attached explanation includes the bid received on the property and a breakdown of the amount due to each entity if the bid is accepted.

Please consider placing this item on your next agenda for the City Council's next meeting for their approval regarding the bid. Once the bid has been approved, I would appreciate a copy of the minutes showing approval forwarded to me. Enclosed is the deed for your signature, if this bid is accepted by all of the entities.

If you have any questions or need additional information, please contact me at your convenience.

Very truly yours,

STEPHEN T. MEEKS
Attorney for Tarrant County, City of Richland Hills and
Birdville Independent School District

STM/dw

enclosures

RESOLUTION NO. 418-13**A RESOLUTION OF THE CITY OF RICHLAND HILLS,
APPROVING THE SALE OF CERTAIN REAL PROPERTY**

WHEREAS, the CITY OF RICHLAND HILLS, for itself and the use and benefit of the BIRDVILLE INDEPENDENT SCHOOL DISTRICT and TARRANT COUNTY, ET AL has acquired title to a certain tract of real estate at a Tax Sale held on August 2, 2011 in Cause No. E20918-06, County of Tarrant, ET AL v. Erma Dean Cox; and

WHEREAS, Section 34.05(a), Texas Property Tax Code, authorizes the City of Richland Hills, by and through its governing body, to resale the property; and

WHEREAS, it is in the best interest of the City of Richland Hills and its taxpayers to return this property to a productive use; and

WHEREAS, an offer has been made by A & D Custom Builders, Inc. to purchase the property for the sum of Thirty-three Thousand and No/100 Dollars (\$33,000.00), (plus agreement to pay post judgment taxes)

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Richland Hills, that the Mayor is authorized to sell, convey and transfer that certain tract of real estate acquired at the above described tax sale for the sum of \$33,000.00, as authorized by Section 34.05, Texas Property Tax Code, and that the proceeds of the sale shall be distributed as provided by Section 34.06, Texas Property Tax Code. Said proceeds of the sale to be accepted as full and final payment for tax years through 2010 (plus agreement to pay for post judgment tax year 2011).

LOT 6, BLOCK 22, OUT OF RICHLAND PARK ADDITION, SITUATED IN THE CITY OF RICHLAND HILLS, TARRANT COUNTY, TEXAS, AND LOCATED WITHIN THE BIRDVILLE INDEPENDENT SCHOOL DISTRICT AS SHOWN BY A DEED OF RECORD IN VOLUME 6789, PAGE 1763, OF THE DEED RECORDS OF TARRANT COUNTY, TEXAS.

ACCOUNT NUMBER: 02367726 ALSO KNOWN AS 3209 KINGSBURY AVENUE, RICHLAND HILLS, TX 76118

PRESENTED and PASSED this _____ day of _____, 2013, by a vote of _____ Ayes and _____ Nays by the City of Richland Hills City Council, Tarrant County, Texas.

**BY: _____
Bill Agan, Mayor**

ATTEST:

BY: _____, City Secretary

**COUNTY OF TARRANT, ET AL
VS
ERMA DEAN COX**

CAUSE NO. E20918-06

ACCOUNT NO. 02367726

Offer: September 17, 2013

**A & D CUSTOM BUILDERS, INC
7008 HOVENKAMP AVENUE
RICHLAND HILLS, TX 76118
972-979-5501
DAVID WHITE - davidwhite0611@att.net**

AMOUNT OF BID OFFERED:	\$33,000.00
(Plus agreement to pay post judgment taxes)	
Less: Court Costs	- \$ <u>1,030.00</u>

Remaining balance of \$31,970.00 to be prorated to taxing entities as follows.

Taxes to be PAID thru 2010:

City of Richland Hills	\$3,203.39
Tarrant County	\$8,356.96
Birdville ISD	<u>\$20,409.65</u>
TOTAL	<u>\$31,970.00</u>

Total Taxes Owed in JUDGMENT 1999 THRU 2010:

City of Richland Hills	\$4,432.94	(10.02%)
Tarrant County	\$11,560.56	(26.14%)
Birdville ISD	<u>\$28,232.01</u>	(63.84%)
TOTAL	\$44,225.51	

Property Description:

LOT 6, BLOCK 22, OUT OF RICHLAND PARK ADDITION, SITUATED IN THE CITY OF RICHLAND HILLS, TARRANT COUNTY, TEXAS, AND LOCATED WITHIN THE BIRDVILLE INDEPENDENT SCHOOL DISTRICT AS SHOWN BY A DEED OF RECORD IN VOLUME 6789, PAGE 1763, OF THE DEED RECORDS OF TARRANT COUNTY, TEXAS.

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Notice of confidentiality rights: If you are a natural person, you may remove or strike any or all of the following information from any instrument that transfers an interest in real property before it is filed for record in the public records: your social security number or your driver's license number.

TAX RESALE DEED

STATE OF TEXAS

X

X

KNOW ALL MEN BY THESE PRESENTS

COUNTY OF TARRANT

X

That TARRANT COUNTY, CITY OF RICHLAND HILLS, BIRDVILLE INDEPENDENT SCHOOL DISTRICT, TARRANT COUNTY COLLEGE DISTRICT and TARRANT COUNTY HOSPITAL DISTRICT, acting through the presiding officer of its governing body, hereunto duly authorized by resolution and order of each respective governing body which is duly recorded in their official Minutes, hereinafter called grantors, for and in consideration of the sum of \$33,000.00 cash in hand paid by

**A & D CUSTOM BUILDERS, INC
7008 HOVENKAMP AVENUE
RICHLAND HILLS, TX 76118**

hereinafter called grantee(s), the receipt of which is acknowledged and confessed, have quitclaimed and by these presents do quitclaim unto said grantee(s) all of the right, title and interest of grantor and all other taxing units interested in the tax foreclosure judgment against the property herein described, acquired by tax foreclosure sale heretofore held under Suit No. E20918-06, County Of Tarrant, Et Al vs. Erma Dean Cox, in the district court of said county, said property being located in Tarrant County, Texas, and described as follows:

LOT 6, BLOCK 22 OUT OF RICHLAND PARK ADDITION SITUATED IN THE CITY OF RICHLAND HILLS, TARRANT COUNTY, TEXAS, AND LOCATED WITHIN THE BIRDVILLE INDEPENDENT SCHOOL DISTRICT AS SHOWN BY A DEED OF RECORD IN VOLUME 6789 PAGE 1763 OF THE DEED RECORDS OF TARRANT COUNTY, TEXAS.

ALSO KNOWN AS 3209 KINGSBURY AVENUE, RICHLAND HILLS, TX 76118; ACCOUNT NUMBER: 02367726

TO HAVE AND TO HOLD the said premises, together with all and singular the rights, privileges, and appurtenances thereto in any manner belonging unto the said grantee(s), their heirs and assigns forever, so that neither the grantors, nor any other taxing unit interested in said tax foreclosure judgment, nor any person claiming under it and them, shall at any time hereafter have, claim or demand any right or title to the aforesaid premises or appurtenances, or any part thereof.

Taxes for the present year are to be paid by grantee(s) herein.

This deed is given expressly subject to recorded restrictive covenants running with the land, and valid easements of record as of the date of this sale, if such covenants or easements were recorded prior to January 1 of the year the tax lien(s) arose.

IN TESTIMONY WHEREOF TARRANT COUNTY has caused these presents to be executed this _____
day of _____, 2013.

BY: _____

**B. Glen Whitley
County Judge
TARRANT COUNTY**

STATE OF TEXAS X

COUNTY OF TARRANT X

**This instrument was acknowledged before me on this _____ day of _____, 2013, by
B. Glen Whitley, County Judge, of TARRANT COUNTY.**

**Printed Name: _____
Notary Public, State of Texas
My Commission Expires: _____**

IN TESTIMONY WHEREOF CITY OF RICHLAND HILLS has caused these presents to be executed this
_____ day of _____, 2013.

BY: _____

**Bill Agan
Mayor
CITY OF RICHLAND HILLS**

STATE OF TEXAS X

COUNTY OF TARRANT X

**This instrument was acknowledged before me on this _____ day of _____, 2013, by
Bill Agan, Mayor, of CITY OF RICHLAND HILLS.**

**Printed Name: _____
Notary Public, State of Texas
My Commission Expires: _____**

IN TESTIMONY WHEREOF BIRDVILLE INDEPENDENT SCHOOL DISTRICT has caused these presents to be executed this _____ day of _____, 2013.

BY: _____

**Brad Greene
President
BIRDVILLE INDEPENDENT SCHOOL DISTRICT**

STATE OF TEXAS X

COUNTY OF TARRANT X

This instrument was acknowledged before me on this _____ day of _____, 2013, by Brad Greene, Board President, of BIRDVILLE INDEPENDENT SCHOOL DISTRICT.

Printed Name: _____
Notary Public, State of Texas
My Commission Expires: _____

After recording return to:

**LINEBARGER GOGGAN BLAIR & SAMPSON
100 Throckmorton, Suite 300
Fort Worth, TX 76102**