

**RESOLUTION NO. R-2015-5**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS AGREEING TO THE SALE OF CERTAIN PROPERTY LOCATED WITHIN TYLER CITY LIMITS AND OWNED BY TAXING ENTITIES INCLUDING THE CITY OF TYLER AS THE RESULT OF A TAX SALE: AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, The taxing entities, including the City of Tyler, Smith County, Texas, have become the owners of certain real property by virtue of the foreclosure sale conducted by the Sheriff pursuant to an order of the District Court as set out in the attachments described below: and

**WHEREAS**, all taxing entities involved in the below-referenced causes must consent to the sale of the described real property; and

**WHEREAS**, it is to the benefit of all taxing entities involved that the property be returned to its respective tax rolls;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS:**

**PART 1:** That the Mayor be and is hereby directed and authorized to execute the deed and any and all documents necessary to convey the real property referred to in a District Court Order in **CAUSE NO. 21,971-C: BEING LOT 13, NCB 522, BUENA VISTA SUBDIVISION, PART OF THE T O'HARA SURVEY, COMMONLY KNOWN AS 1523 N. CHURCH AVE, TYLER, TEXAS AND AS DESCRIBED IN WARRANTY DEED WITH VENDOR'S LIEN RECORDED IN VOLUME 1123, PAGE 339, DATED JULY 14, 1964, DEED RECORDS OF SMITH COUNTY, TEXAS, AND BEING FURTHER IDENTIFIED ON THE TAX ROLLS AND RECORDS OF SMITH COUNTY, TEXAS** to the buyer for and in consideration of the cash bid; all as described in the attached Exhibit "A", said monies to be distributed pursuant to Section 34.05 of the Texas Property Tax Code.

**PART 2:** That this resolution shall take effect immediately upon adoption.

**ADOPTED** this 25<sup>th</sup> day of February, 2015

  
\_\_\_\_\_  
**MARTIN HEINES, MAYOR  
CITY OF TYLER, TEXAS**

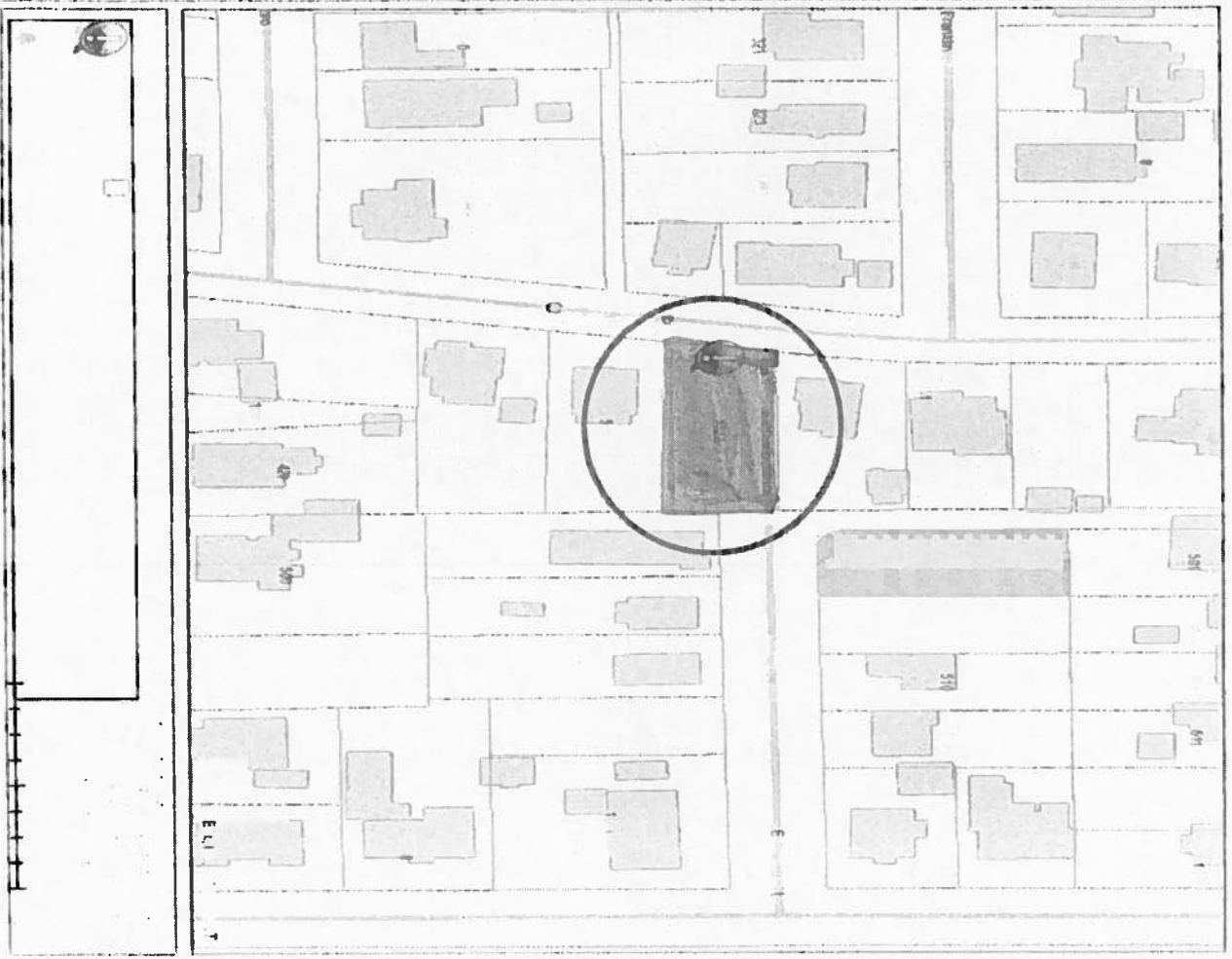
**ATTEST:**

  
\_\_\_\_\_  
**CASSANDRA BRAGER, CITY CLERK**

**APPROVED:**

  
\_\_\_\_\_  
**DEBORAH G. PULLUM, CITY  
ATTORNEY**





**EXHIBIT "A" TO RESOLUTION R-2015-5**

**Cause No.**                    **21,971-C**

**Date of Tax Sale**           **November 2, 2010**

**Taxes Due:**                **\$4,544.60 Tyler Independent School District**  
                                     **\$852.60 Smith County**  
                                     **\$406.10 Tyler Junior College**  
                                     **\$720.63 City of Tyler**

**Adjudged Value**           **\$19,553.00**

**Acct. No.**                    **150000052200013000**

**Present Bid**                **\$4,100.00**

**Bidder**                        **Benilde Garcia**  
                                     **1518 N. Church**  
                                     **Tyler, TX 75702**

***PROPERTY DESCRIPTION***

**BEING LOT 13, NCB 522, BUENA VISTA SUBDIVISION, PART OF THE T O'HARA SURVEY, COMMONLY KNOWN AS 1523 N. CHURCH AVE, TYLER, TEXAS AND AS DESCRIBED IN WARRANTY DEED WITH VENDOR'S LIEN RECORDED IN VOLUME 1123, PAGE 339, DATED JULY 14, 1964, DEED RECORDS OF SMITH COUNTY, TEXAS, AND BEING FURTHER IDENTIFIED ON THE TAX ROLLS AND RECORDS OF SMITH COUNTY, TEXAS.**

THE STATE OF TEXAS

§

RESALE DEED

COUNTY OF SMITH

§

KNOW ALL MEN BY THESE PRESENTS that SMITH COUNTY, TYLER INDEPENDENT SCHOOL DISTRICT, CITY OF TYLER and TYLER JUNIOR COLLEGE each acting by and through its duly elected official ("GRANTOR") as authorized by Section 34.05, Texas Property Tax Code, for and in consideration of the sum of FOUR THOUSAND ONE HUNDRED DOLLARS, AND 00/100 (\$4,100.00) AND OTHER GOOD AND VALUABLE CONSIDERATION, in hand paid by Benilde Garcia ("GRANTEE") the receipt of which is hereby acknowledged and confessed, has conveyed and quitclaimed and by these presents do convey and quitclaim unto said grantee all right, title and interest of the SMITH COUNTY, TYLER INDEPENDENT SCHOOL DISTRICT, CITY OF TYLER and TYLER JUNIOR COLLEGE, in the property herein conveyed, acquired by tax foreclosure sale heretofore held in Cause No.21,971-C styled State of Texas, Tyler Independent School District vs. J. Robert King, Et Al said property being described as:

**BEING LOT 13, NCB 522, IN THE BUENA VISTA SUBDIVISION, PART OF THE T O'HARA SURVEY, COMMONLY KNOWN AS 1523 N. CHURCH AVE, TYLER, TEXAS AS DESCRIBED IN DEED RECORDED IN VOLUME 1123, PAGE 339, DATED JULY 14, 1964, DEED RECORDS OF SMITH COUNTY, TEXAS, AND BEING FURTHER IDENTIFIED ON THE TAX ROLLS AND RECORDS OF TYLER INDEPENDENT SCHOOL DISTRICT UNDER ACCOUNT NUMBER 150000052200013000.**

This conveyance is made and accepted subject to the following matters to the extent that the same are in effect at this time: any and all rights of redemption, restrictions, covenants, conditions, easements, encumbrances and outstanding mineral interests, if any, relating to the hereinabove mentioned County and State, and to all zoning laws, regulations and ordinances of municipal and/or governmental authorities, if any but only to the extent that they are still in effect, relating to the hereinabove described property.

TO HAVE AND TO HOLD said premises, together with all and singular the rights, privileges and appurtenances thereto in any manner belonging unto the said Benilde Garcia, their heirs and assigns forever, so that neither SMITH COUNTY, TYLER INDEPENDENT SCHOOL DISTRICT, CITY OF TYLER and TYLER JUNIOR COLLEGE, and any person claiming under it shall at any time hereafter have, claim or demand any right or title to the aforesaid premises or appurtenances, or any part thereof.

Grantee accepts the property in "AS IS" condition and subject to any environmental conditions that might have or still exist on said property.

Post judgment taxes and taxes for the current year are assumed by Grantee.

IN TESTIMONY WHEREOF CITY OF TYLER has caused these presents to be executed this 4  
day of March, 2015.

CITY OF TYLER

BY:   
Martin Heines  
Mayor

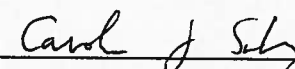
STATE OF TEXAS

X

COUNTY OF SMITH

X

This instrument was acknowledged before me on this 4 day of March, 2015, by  
Martin Heines, Mayor, of CITY OF TYLER.

  
Printed Name: Caroline J Sanchez  
Notary Public, State of Texas  
My Commission Expires: 12/23/17

