

AGENDA ITEM # 10March 23, 1999

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Consider approving resale of properties auctioned by Taylor Independent School District, acting as Trustee.

Moved: Commissioner Limmer

Seconded: Commissioner Hays

Motion: To approve resale of Lot 8, Block 61, Doak's Addition to the City of Taylor located at 304 Wyeth to Ms. Valentina Arredondo for \$6,000.00.

Vote: Motion carried 4 - 0

< Clerk copy here >

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Brian E. Brown

March 15, 1999

Honorable John C. Doerfler
Williamson County Judge
Courthouse - 2nd Floor
710 Main St.
Georgetown TX 78626

*Approved 3-23-99
John C. Doerfler*

RE: Approval of Resale of Properties Auctioned by Taylor Independent School District, Trustee

Dear Judge Doerfler:

The Taylor Independent School District recently received a written offer for purchase of tax foreclosed property. It was tendered by Valentina Arredondo, who offered \$6,000.00 for Lot 8, Block 61, Doak's Addition, located at 304 Wyeth in Taylor. The Board of Trustees accepted her offer at their March 9th regular meeting. Since the amount offered is less than the original Judgment amount, City of Taylor and Williamson County must agree to the sale before it can become final.

As you know, Taylor ISD normally disposes of its trust property through periodic live auctions held at the courthouse. However, due to unusual circumstances present in this case, the school district was willing to consider Ms. Arredondo's offer before including the property in the next auction. The following is a brief explanation of the underlying facts in this case.

Lot 8 was assessed together with Lots 6 & 7, Block 61, Doak's Addition, under a single account number until 1994. The taxes under that account were delinquent from the early 1980's. In 1993 the owner sold Lots 6 and 7 to one person and Lot 8 to Valentina Arredondo. Ms. Arredondo was unaware of the delinquent taxes. Beginning in 1994, the account number was split by the Williamson CAD with Lot 8 being assigned a separate account number. Ms. Arredondo has paid the taxes on Lot 8 each year since she bought the property. The owner of the other Lots did not care to pay the taxes on them and abandoned the property. Ms. Arredondo's problem is that her Lot was burdened with a tax lien for the entire tax delinquency for Lots 6, 7 and 8. The total delinquency for all the taxing units together with the costs of suit is \$23,973.94.

0069

Lots 6, 7 & 8 were placed for tax sale in June 1998. No one bid the minimum amount due, therefore, the property was struck off to Taylor ISD, Trustee.

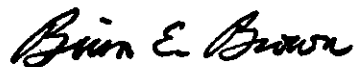
The entire property is probably not worth \$23,000. Prior to the tax sale Ms. Arredondo had expressed a willingness to pay the delinquent taxes on Lot 8. However, because the three Lots were assessed together as a single account there was no formal method to prorate the taxes and release her lot from the total tax lien. Now that the tax sale has occurred the taxing units may sell just Lot 8 for any amount.

The school district believes that the \$6,000.00 offered for Lot 8 is reasonable. Given the recent history of tax resales in the area, it is unlikely that the property would net a larger collection if posted for auction.

Enclosed is an original of the proposed deed for you to execute if the county is willing to agree to this sale. Once you have executed the original deed and had your signature notarized, please return it to me for delivery to the purchaser.

Thank you for your cooperation and assistance. Please let me know if you have any questions or comments concerning this matter.

Sincerely,



Brian E. Brown
Attorney

BEB/pjd

Enclosure:

-Tax Resale Deed

Sheryl Wilkins, Tax Assessor-Collector
Taylor Independent School District
602 West 12th Street
Taylor, Texas 76574-2974

0070

TAX RESALE DEED

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STATE OF TEXAS

X

X

KNOW ALL MEN BY THESE PRESENTS

COUNTY OF WILLIAMSON

X

That **TAYLOR INDEPENDENT SCHOOL DISTRICT, TRUSTEE, CITY OF TAYLOR, AND WILLIAMSON COUNTY**, each acting through the presiding officer of its governing body, hereunto duly authorized by resolution and order of each respective governing body and duly recorded in their official Minutes, hereinafter called grantors, for and in consideration of the sum of \$6,000.00 cash in hand paid by

**VALENTINA ARREDONDO
304 WYETH STREET
TAYLOR, TX 76574**

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 the grantors, they being all of the taxing units interested in the tax foreclosure judgment against the property herein described, acquired by tax foreclosure sale heretofore held under Cause No. 94-238-T26, in the district court of said county, said property being located in Williamson County, Texas, and described as follows:

**Lot 8, Block No. 61, Doak's First Addition, according to the map or plat thereof
recorded in Volume 56, Page 483, Deed Records of Williamson County, Texas**

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.

SUBJECT however to the following covenants, conditions and restrictions:

(a) The above described realty, or any part thereof, shall not be used in the operation of, or in conjunction with, any school or other institution of learning, study or instruction which discriminates against any person because of race, color or national origin, regardless of whether such discrimination be effected by design or otherwise.

(b) The above described realty, or any part thereof, shall not be used in the operation of, or in conjunction with, any school or other institution of learning, study or instruction which creates, maintains, reinforces, renews or encourages, or which tends to create, maintain, reinforce, renew or encourage a dual school system.

These restrictions and conditions shall be binding upon grantee and grantee's successors, assigns, heirs and personal representatives for a period of fifty (50) years from the date hereof.

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The foregoing restrictions and the other covenants hereafter set out are covenants running with the land, and each and every parcel thereof, and shall be fully binding upon any person, firm, partnership, corporation, trust, church, club, governmental body, or other organization entity whatever (whether private or governmental in nature), without limitation, hereafter acquiring any estate, title, interest or property in said land, whether by descent, devise, purchase or otherwise; and no act or omission upon the part of grantor herein, its successors and assigns, shall be a waiver of the operation or enforcement of such restrictions; but neither restriction shall be construed to be a condition subsequent or special limitation on the estate thereby conveyed.

It is further covenanted that third party beneficiaries of the restrictions set forth above shall be as follows:

- (1) As to the restrictions set out in (a) above, any person prejudiced by its violation;
- (2) As to the restriction set out in (b) above, any public school district or any person prejudiced by its violation; and
- (3) As to either or both of the restriction set out in (a) and (b) above, the United States of America, as plaintiff, and the America G.I. Forum, the League of United Latin American Citizens (LULAC), and the National Association for the Advancement of Colored People (NAACP), as intervenors, in U.S. v. Texas, Civil Action No. 5281, Tyler Division, U.S. District County, Eastern District of Texas; reported in U.S. v. Texas, 321 F. Supp. 1043 (E.D. Tex. 1970); U.S. v. Texas, 330 F. Supp. 235 (E.D. Tex 1971); aff'd with modifications sub nom. U.S. v. State of Texas and J.W. Edgar, et al., 447 F2d 441 (5 Cir. 1971); stay den. sub nom. Edgar v. U.S., 404 U.S. 1206 (1971); cert den. 404 U.S. 1016 (1972).

It is further covenanted that in case of violation of either or both of the above restrictions, any of the third party beneficiaries above alluded to is authorized and empowered to prosecute proceedings at law or in equity against any person, firm, partnership, corporation, trust, church, club, governmental body or other organization or entity whatever (whether private or governmental in nature), without limitation:

- (A) To enforce either or both of such restrictions relating to the use of the above-described realty;
- (B) To abate or prevent violations of either or both of such restrictions; and
- (C) To recover damages for a breach of either or both of such restrictions.

It is further covenanted, that any third party beneficiary referred to above shall prosecute proceedings at law or in equity for the aforesaid purposes, such third party beneficiary may recover reasonable attorney's fees from the violator or violators of either or both of such restrictions, if the Court finds that the proceedings were necessary to bring about compliance therewith.

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.

0072

IN TESTIMONY WHEREOF has caused these presents to be executed this _____ day of _____, 19____.

BY: _____
Griffin Teggegan, President
Board of Education
Taylor Independent School District

STATE OF TEXAS X

COUNTY OF WILLIAMSON X

Before me, the undersigned authority, on this day personally appeared Griffin Teggegan, President, Board of Education, Taylor Independent School District, Williamson County, Texas, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that executed the same for the purposes and consideration, therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS THE _____ DAY OF _____, 19____.

Notary Public, State of Texas
Commission Expires: _____

IN TESTIMONY WHEREOF has caused these presents to be executed this _____ day of _____, 19____.

BY: _____
Donald Hill
Chairman, City Commission
City of Taylor, Texas

STATE OF TEXAS X

COUNTY OF X

Before me, the undersigned authority, on this day personally appeared Donald Hill, Chairman, City Commission, City of Taylor, Williamson County, Texas, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that executed the same for the purposes and consideration, therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS THE _____ DAY OF _____, 19____.

Notary Public, State of Texas
Commission Expires: _____

IN TESTIMONY WHEREOF has caused these presents to be executed this 23RD day of March, 1999.

BY: John C. Doerfler 3-23-99
John Doerfler
County Judge
Williamson County, Texas

STATE OF TEXAS

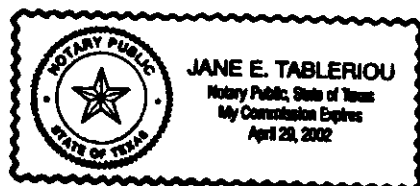
X

COUNTY OF

X

Before me, the undersigned authority, on this day personally appeared John Doerfler, County Judge, Williamson County, Texas, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that executed the same for the purposes and consideration, therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS THE 23rd DAY OF March, 1999.



Jane E. Tableriou
Notary Public, State of Texas
Commission Expires: 4/29/02

After recording return to:

0075

AGENDA ITEM # 11

March 23, 1999

Consider noting in minutes deputation of Corrections Officers David C. Mickler and Charles Hamm.

Moved: Commissioner Boatright

Seconded: Commissioner Hays

Motion: To note in minutes deputation of Sheriff Department Corrections Officers David C. Mickler and Charles Hamm.

Vote: Motion carried 4 - 0

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ED RICHARDS
SHERIFF



RICHARD ELLIOTT
CHIEF DEPUTY

WILLIAMSON COUNTY SHERIFF'S DEPARTMENT

508 S. ROCK STREET, GEORGETOWN, TEXAS 78626 ☎ PHONE (512) 943-1300 ☎ FAX 943-1444

To: Commissioners Court

From: Sheriff Ed Richards

Date: 3-11-99

Please approve Deputation for Corrections Officer David C. Mickler

Ed Richards

Ed Richards

*approved 3-23-99
John C. Daerfler*

0076