

**RESOLUTION NO. R-2013-10**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS AGREEING TO THE SALE OF CERTAIN PROPERTY LOCATED AT 2107 BEN STREET 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, Trustee, 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.22,107-C: BEING LOT 10A, BLOCK 836G, (2107 BEN STREET) IN THE CITY OF TYLER, AS DESCRIBED IN DEED RECORDED IN VOLUME 1407, PAGE 632, ON INSTRUMENT FILED MARCH 6, 1972, AND FINAL DECREE OF DIVORCE FILED ON FEBRUARY 19, 1933, CAUSE NO. 92-2532F SMITH COUNTY, TEXAS AND BEING FURTHER IDENTIFIED ON THE TAX ROLLS 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 27<sup>th</sup> day of March, 2013.

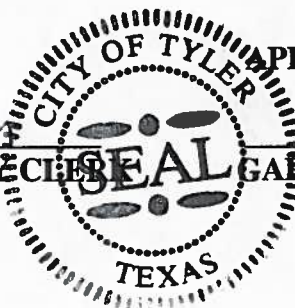
  
\_\_\_\_\_  
**BARBARA BASS, MAYOR**  
**CITY OF TYLER, TEXAS**

**ATTEST:**

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

**APPROVED:**

  
\_\_\_\_\_  
**GARY C. LANDERS, CITY ATTORNEY**



## EXHIBIT "A" TO RESOLUTION R-2013-10

Cause No.	22,107-C	
Date of Tax Sale	November 2, 2010	
Taxes Due:	\$4,108.54	Tyler Independent School District
	\$749.58	Smith County
	\$1,016.06	City of Tyler
	\$372.77	Tyler Junior College
Adjudged Value	\$7,900.00	
Acct. No.	1-50000-0836-07-010010	
Present Bid	\$3,700.00	
Bidder	Orelia Emanuel	
	2402 Madison St.	
	Tyler, TX 75701	

### **PROPERTY DESCRIPTION**

BEING LOT 10A, BLOCK 836G, IN THE CITY OF TYLER, AS DESCRIBED IN DEED RECORDED IN VOLUME 1407, PAGE 632, ON INSTRUMENT FILED MARCH 6, 1972, AND FINAL DECREE OF DIVORCE FILED ON FEBRUARY 19, 1933, CAUSE NO. 92-2532F SMITH COUNTY, TEXAS AND BEING FURTHER IDENTIFIED ON THE TAX ROLLS OF SMITH COUNTY, TEXAS

COPY

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 THREE THOUSAND SEVEN HUNDRED 00/100 (\$3,700.00) AND OTHER GOOD AND VALUABLE CONSIDERATION, in hand paid by Orelia Emanuel ("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.22,107-C styled State of Texas, Tyler Independent School District vs. Paul W. Kelly, Et Al said property being described as:

**BEING LOT 10A, BLOCK 836G, IN THE CITY OF TYLER, AS DESCRIBED IN DEED RECORDED IN VOLUME 1407, PAGE 632, ON INSTRUMENT FILED MARCH 6, 1972, AND FINAL DECREE OF DIVORCE FILED ON FEBRUARY 19, 1933, CAUSE No. 92-2532F SMITH COUNTY, TEXAS, AND BEING FURTHER IDENTIFIED ON THE TAX ROLL AND RECORDS OF TYLER INDEPENDENT SCHOOL DISTRICT UNDER ACCOUNT NUMBER 150000083607010010.**

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 Orelia Emanuel, 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 1st day of

April, 20 13.

City of Tyler

BY:

Barbara Bass

Barbara Bass  
Mayor H

CC 3-27-13

STATE OF TEXAS

X

COUNTY OF SMITH

X

This instrument was acknowledged before me on this 1st day of April, 2013, by  
Barbara Bass, Mayor of the City of Tyler.

Cassandra Brager

Printed Name: CASSANDRA BRAGER

Notary Public, State of Texas

My Commission Expires: \_\_\_\_\_

