

**RESOLUTION NO. R-2017-21**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS DECLARING CERTAIN REAL PROPERTY LOCATED OUTSIDE TYLER CITY LIMITS AT 11119 COUNTY ROAD 1121 AS SURPLUS PROPERTY AND CONTRABAND SUBJECT TO FORFEITURE PURSUANT TO CHAPTER 59 OF THE TEXAS CODE CRIMINAL PROCEDURE; AUTHORIZING THE SALE BY AUCTION OF SAID PROPERTY AS IS; AUTHORIZING THE DISTRIBUTION OF THE NET PROCEEDS OF SAID SALE IN ACCORDANCE WITH THE ASSET FORFEITURE SHARING AGREEMENT BETWEEN THE CITY OF TYLER POLICE DEPARTMENT AND THE SMITH COUNTY DISTRICT ATTORNEY'S OFFICE; AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Tyler, Smith County, Texas, has become the owner of certain real property located at 11119 CR 1121 by virtue of An Agreed Judgement of Forfeiture conducted by the Tyler Police Department pursuant to an order of the District Court as set in Cause No. 15-1102-C; and

**WHEREAS**, The City has determined that said real property is contraband subject to forfeiture pursuant to Chapter 59 of the C.C.P. and is surplus property; and

**WHEREAS**, pursuant to the provisions of Chapter 59 of the Texas Code of Criminal Procedure, which said enactment deals with the disposition of forfeited property and contraband seized by law enforcement officers, the City of Tyler Police Department and the Smith County Criminal District Attorney's Office have entered into an interlocal agreement that directs the equitable distribution of property forfeited pursuant to Chapter 59 C.C.P.;

**WHEREAS**, the Asset Forfeiture Sharing Agreement, dated Aug. 24, 2016, between the City of Tyler Police Department and the Smith County District Attorney's Office provides that if non-monetary property is sold by the Tyler Police Department the net proceeds shall be distributed 63% to Tyler Police Department, 27% to Smith County District Attorney's Office and 10% to Smith County; and

**WHEREAS**, all party entities involved in the below-referenced cause have consented to the sale of the described forfeited real property; and

**WHEREAS**, it is to the benefit of all party entities involved that the property be sold;

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

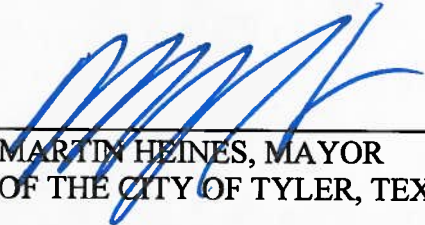
**PART 1:** That the real property located outside Tyler City Limits at 11119 County Road 1121 is declared to be surplus property and contraband subject to forfeiture pursuant to Chapter 59 of the C.C.P.

**PART 2:** That the City Manager is authorized to sell the said real property by auction as is to the highest and best bidder and to execute all necessary agreements and documents for the sale of said real property.

**PART 3:** That the net proceeds of the sale of the real property shall be distributed pursuant to and in accordance with the provisions of the 2016 Asset Forfeiture Sharing Agreement between the City of Tyler Police Department and the Smith County District Attorney's Office.

**PART 4:** That this resolution shall take effect immediately upon adoption.

**ADOPTED** this this 24<sup>th</sup> day of May, 2017.

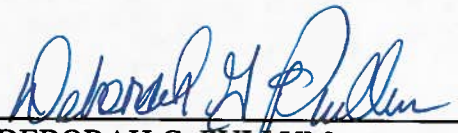
  
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MARTIN HEINES, MAYOR  
OF THE CITY OF TYLER, TEXAS

ATTEST:

APPROVED:

  
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CASSANDRA BRAGER, CITY CLERK



  
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DEBORAH G. PULUM,  
CITY ATTORNEY