

WHEREAS, the City of Dallas acquired the tracts of land identified by legal description ("Property") on Exhibit "A", attached hereto and made a part hereof; and

WHEREAS, as authorized by Section 272.001(i) of the Texas Local Government Code, the City desires to sell the Property to a developer for the development of a parking lot for a mixed-use building as a neighborhood serving retail/office and rental housing development including "affordable rental housing" on the second floor for low and moderate income persons as those terms are defined for the purposes of this resolution in Section 2-26.5 of the Dallas City Code ("Code"); and

WHEREAS, on June 28, 2006, by Council Resolution No. 06-1739, the City Council adopted the FY 2006-07 Consolidated Plan Budget which included \$3,300,000 of Section 108 Intown Program Income to be used for eligible Housing Programs; and

WHEREAS, on November 8, 2006, by Council Resolution No. 06-3435, the City Council approved the final FY 2006-07 Consolidated Plan Reprogramming Budget #1 which authorized \$1,350,000 to be used for Southern sector housing projects and this funding was used by the City to acquire the 2 properties for the development; and

WHEREAS, the Deed without Warranty to this Property will contain:

- (1) a requirement that the purchaser seek to replat the Property (as defined in Exhibit "A") within twelve months of execution of the Deed without Warranty, which consent may be withheld,
- (2) a requirement that within three (3) years of execution of the Deed without Warranty, the purchaser develop the Property with a parking lot for a building containing approximately 15,000 sq. ft. with approximately 7,500 sq. ft. as commercial/retail space on the first floor and affordable rental housing for low and moderate income households with a minimum of 7 units on the second floor of the building,
- (3) a requirement that within three (3) years of execution of the Deed without Warranty, the purchaser of the Property shall secure occupancy of the 7 affordable rental housing units on the second floor of the developed 15,000 sq. ft. building by low to moderate income households (households whose incomes are less than 80% of the area median income) ,
- (4) deed restrictions on the Property, acceptable to the City, requiring the 7 rental units on the second floor of the 15,000 sq. ft. building to remain affordable to low and moderate income households for 5 years after initial occupancy, and
- (5) a right of reverter to be exercised by the City if the requirements of the Deed without Warranty are not met; and

WHEREAS, The City Council desires to declare 2 properties shown on Exhibit "A" unwanted and unneeded and authorize their conveyance to Kaminski Holdings, Inc. (Kaminski) ("Purchaser") for \$10 and the provision of a parking lot on the Property;

NOW, THEREFORE; BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That the Property identified on Exhibit "A" is declared unwanted and unneeded by the City Council.

SECTION 2. That the Deed without Warranty to the Property will contain:

- (1) a requirement that the purchaser seek to replat the Property (as defined in Exhibit "A") within twelve months of execution of the Deed without Warranty, which consent may be withheld,
- (2) a requirement that within three (3) years of execution of the Deed without Warranty, the purchaser develop the Property with a parking lot for a building containing approximately 15,000 sq. ft. with approximately 7,500 sq. ft. as commercial/retail space on the first floor and affordable rental housing for low and moderate income households with a minimum of 7 units on the second floor of the building, within three (3) years of execution of the Deed without Warranty,
- (3) a requirement that within three (3) years of execution of the Deed without Warranty, the purchaser of the Property shall secure occupancy of the 7 affordable rental housing units on the second floor of the developed 15,000 sq. ft. building by low to moderate income households (households whose incomes are less than 80% of the area median income),
- (4) deed restrictions on the Property, acceptable to the City, requiring the 7 rental units on the second floor of the 15,000 sq. ft. building to remain affordable to low and moderate income households for 5 years after initial occupancy, and
- (5) a right of reverter to be exercised by the City if the requirements of the Deed without Warranty are not met.

SECTION 3. That the conveyance of the Property shall be subject to any visible and apparent easements, any encroachments, any restrictions, easements and rights-of-way or other instruments of record.

SECTION 4. That upon receipt of the monetary consideration from Kaminski for the Property on Exhibit "A", the City Manager is hereby authorized to execute a Deed without Warranty, upon approval as to form by the City Attorney and attested by the City Secretary, conveying the land to Kaminski, subject to the aforesaid Section 2 and the City's right of reverter and deed restrictions.

SECTION 5. That the City Manager is authorized to execute an instrument, approved as to form by the City Attorney, releasing the City's reverter rights and terminating the deed restrictions to the land upon compliance with all terms and conditions of the deed restrictions.

COUNCIL CHAMBER
083054

November 10, 2008

SECTION 6. That any procedures required by Code Section 2-24 that are not required by state law are hereby waived with respect to this conveyance.

SECTION 7. That this resolution shall take effect immediately from and after its passage in accordance with the Charter of the City of Dallas, and it is accordingly so resolved.

DISTRIBUTION:

Housing Department

City Attorney's Office

Office of Financial Services/Community Development, 4FN

APPROVED BY
CITY COUNCIL

NOV 10 2008


City Secretary

EXHIBIT A

<u>Parcel No.</u>	<u>Property Address</u>	<u>Legal Description</u>		<u>Vacant/Improved</u>
		<u>Lot</u>	<u>Block</u>	
E19	2510 Macon Street	5	10/2514	Improved
E21	2511 Starks Avenue	32	10/2514	Vacant