

**WHEREAS**, the City acquired title to a certain property, identified on "Exhibit A", attached hereto and made a part hereof, by judgment entered on July 10, 1991, ("Property"); and

**WHEREAS**, Section 272.001(g) of the Texas Local Government Code, authorizes the City to sell the Property to an entity for the development of low or moderate income housing for less than its fair market value; and

**WHEREAS**, the City adopted a Land Transfer Program by Resolution No. 03-3355, on December 8, 2003, which provides for the sale of vacant City surplus property suitable for residential development to a qualified "nonprofit organization" for the development of "affordable housing" for low income persons, as those terms are defined for the purposes of this resolution in Section 2-26.5 of the Dallas City Code ("Code") in accordance with the non-profit organization's written proposal for development of the Property by the purchaser; and

**WHEREAS**, property eligible for the surplus process of the City's Land Transfer Program will be sold by quitclaim deed and include a possibility of reverter and right of re-entry, triggered under certain conditions, including if construction of affordable housing is not completed on the property within three years of the non-profit's receipt of the quitclaim deed; and

**WHEREAS**, the quitclaim deed will include deed restrictions that ensure the desired development of the property and maintain the affordability of the property for a period of five years after the date the deed from the non-profit organization to the initial homebuyer is filed in the real property records of the county in which the property is located; and

**WHEREAS**, the City has received a written proposal which contains proposed end use and time frame from a qualified nonprofit organization to purchase the Property by private sale ("Proposal") at a fixed price of \$1,000.00 for up to 7,500 square feet of land purchased under a single Proposal, plus \$0.133 for each additional square foot of land purchased under the Proposal, all as indicated on "Exhibit A"; and

**WHEREAS**, the City Council desires to declare the Property shown on Exhibit "A" unwanted and unneeded and authorize its conveyance to Dallas Neighborhood Alliance for Habitat, Inc., a City certified Community Housing Development Organization; **NOW, THEREFORE**,

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:**

**Section 1.** That the Proposal identified on Exhibit "A" is approved by the City.

**Section 2.** That upon receipt of the monetary consideration from Dallas Neighborhood Alliance for Habitat, Inc., for the Property on the list as specified on Exhibit "A", the City Manager is hereby authorized to execute a quitclaim deed, upon approval as to form by the City Attorney and attested by the City Secretary, conveying the Property to Dallas Neighborhood Alliance for Habitat, Inc., quitclaiming the Property, subject to the conditions contained in this resolution.

**Section 3.** That the quitclaim deed to this Property will contain:

(a) A copy or summary of the proposal from the non-profit organization for the property and a requirement that the property be developed by the non-profit organization in accordance with the proposal, including the timetable specified in the proposal.

(b) A possibility of reverter with right of re-entry if the director determines that the non-profit organization:

(i) has failed to take possession of the property within ninety calendar days after receiving the quitclaim deed;

(ii) has failed to complete construction of affordable housing on the property within three years after receiving the quitclaim deed or by the end of any extended development period approved by the City Council;

(iii) is not developing the property in compliance with the timetable specified in the non-profit organization's proposal;

(iv) is unable to develop the land in compliance with its proposal because a request for a zoning change has been denied;

(v) has incurred a lien on the property because of violations of the Code or other City ordinances within three years after receiving the quitclaim deed; and

(vi) has sold, conveyed, or transferred the property without the consent of the City and the other affected taxing jurisdictions within three years after receiving the quitclaim deed.

(c) Deed restrictions requiring the purchaser to:

(i) restrict the sale and resale of owner-occupied property to low-income individuals or families for five years after the date the deed from the non-profit organization to the initial homebuyer is filed in the real property records of the county in which the property is located;

(ii) require the non-profit organization to develop all proposed housing units on the property in accordance with the Code and all applicable City ordinances and state and federal laws within three years after receiving the quitclaim deed or by the end of any extended development period approved by the City Council, and to obtain inspections and approval of the housing units by the City before initial occupancy; and

(iii) require any low-income individual or family who purchases a housing unit on a property to maintain the housing unit in accordance with the Code and all applicable City ordinances and state and federal laws for a period of five years after the date the deed from the non-profit organization to the initial homebuyer is filed in the real property records of the county in which the property is located.

**Section 4.** That the City Manager is authorized to execute an instrument, approved as to form by the City Attorney, releasing the City's possibility of reverter with right of re-entry and terminating the deed restrictions to the Property upon compliance with all terms and conditions of the Proposal and the deed restrictions.

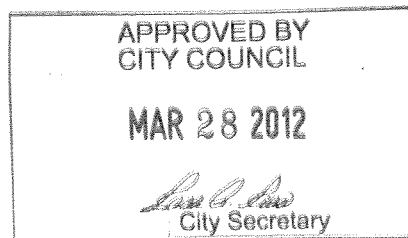
**Section 5.** That the purchaser shall be responsible for the pro rata property taxes assessed from the date of closing for the remaining part of the then current calendar year. This Property shall be placed back on the tax rolls effective as of the date of execution of the deed.

**Section 6.** That any and all proceeds for the resale of the Property listed on Exhibit A shall be deposited to General Fund 0001, Agency DEV, Balance Sheet Account 0519 and the Development Services Department shall be reimbursed for administrative costs incurred (Fund 0001, Department DEV, Unit 1183, Object 5011). Any remaining proceeds shall be transferred to the General Capital Reserve Fund 0625, Department DEV, Unit 8888, Revenue Source 8118.

**Section 7.** That if a title policy is desired, same shall be at the expense of the purchaser.

**Section 8.** That any procedures required by Code Section 2-24 that are not required by state law are hereby waived with respect to these conveyances.

**Section 9.** That this resolution shall take effect immediately from and after its passage in accordance with provisions of the City Charter of the City of Dallas and is accordingly so resolved.



# **EXHIBIT A** **SURPLUS PROPERTY**

**March 28, 2012**

PARCEL NUMBER	STREET ADDRESS LEGAL DESCRIPTION	VACANT/ IMPROVED	INSTRUMENT NUMBER	QUALIFIED NONPROFIT PURCHASER	NUMBER OF DWELLING UNITS	TYPE OF DEED	SALE AMOUNT
1	2539 Custer Lot 21, Lisbon Heights Addition, Block 5/5852	V	911540764	Dallas Neighborhood Alliance for Habitat, Inc.	1	Deed without Warranty	\$1,000.00
						<b>TOTAL:</b>	<b>\$1,000.00</b>

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