

Controller's Office

To the Honorable Mayor and City Council of the City of Houston:

I hereby certify, with respect to the money required for the contracts, agreements, obligation or expenditure contemplated by the ordinance set out below that:

- () Funds have been encumbered out of funds previously appropriated for such purpose.
- () Funds have been certified and designated to be appropriated by separate ordinance to be approved prior to the approval of the ordinance set out below.
- () Funds will be available out of current or general revenue prior to the maturity of any such obligation.
- () No pecuniary obligation is to be incurred as a result of approving the ordinance set out below.
- () That the money required for the expenditure or expenditures specified below is in the treasury, in the fund or funds specified below, and is not appropriated for any other purposes.
- () A certificate with respect to the money required for the expenditure or expenditures specified below is attached hereto and incorporated hereby by this reference.
- () Other - Grant Funds Available

Date: _____, 2015

City Controller of the City of Houston

FUND REF:

AMOUNT:

ENCUMB. NO.:

City of Houston, Texas, Ordinance No. 2015 - _____

AN ORDINANCE APPROVING AND AUTHORIZING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF HOUSTON AND THE HOUSTON HOUSING AUTHORITY TO PROVIDE A GRANT IN AN AMOUNT NOT TO EXCEED \$750,000.00 OF FEDERAL COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS TO ASSIST IN THE ACQUISITION OF THE SITE FOR INDEPENDENCE HEIGHTS APARTMENTS,

LOCATED IN THE VICINITY OF 8606 NORTH MAIN STREET, HOUSTON, THAT WILL PRIMARILY SERVE LOW TO MODERATE INCOME HOUSEHOLDS; MAKING VARIOUS FINDINGS AND PROVISIONS RELATING TO THE FOREGOING SUBJECT; AND DECLARING AN EMERGENCY.

* * * *

WHEREAS, the City Council (the “City Council”) of the City of Houston (the “City”) finds that the City, acting pursuant to an ordinance of its governing body, has entered into a Grant Agreement (“Grant Agreement”) with the United States Department of Housing and Urban Development (“HUD”) for federal funding of a Community Development Block Grant Program under the Housing and Community Development Act of 1974, as amended (“Act”); and

WHEREAS, the City Council finds that the Final Statement of Community Development Objectives and Projected Use of Funds, submitted as part of the Grant Agreement, includes acquisition and development of rental housing as an activity eligible for funding in order to benefit low and moderate income persons, a national objective; and

WHEREAS, the City Council finds that costs associated with the acquisition and development of rental housing that primarily benefits low and moderate income persons have been determined by the Housing and Community Development Department (“Department”) to be a part of such rental housing acquisition and development activity; and

WHEREAS, the City Council finds that the Houston Housing Authority, a public housing authority operating under Chapter 392 of the Texas Local Government Code, (“HHA”) owns the fee interest in certain property located in the Super Neighborhood 13-Independence Heights, Houston, Texas (the “Existing Parcel”), and is in the process of acquiring certain real property (the “Property”) adjacent thereto through eminent domain, on which Property together, with the Existing Parcel, HHA intends to develop a multi-family apartment building, affordable to Low to Moderate Income Households, which shall include a least 150 apartment units (the “Project”); and

WHEREAS, the City Council finds that HHA has requested that the City assist in the acquisition of the Property to facilitate development of the Project, by providing a grant of federal Community Development Block Grant Funds in an amount not to exceed Seven Hundred Fifty Thousand Dollars (\$750,000.00) to HHA to fund all or a portion of costs to acquire the Property; and

WHEREAS, City Council finds that the acquisition of the Property and the development of the Project are in the best interest of HHA and the City and that it is desirable that the City agree to grant HHA’s requests, subject to the satisfaction of certain requirements which are set forth in the document which is attached hereto subject to the terms of this Agreement; and

WHEREAS, the City is acting pursuant to the authority of Chapters 373 and/or 374 of the Local Government Code; **NOW, THEREFORE**,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HOUSTON, TEXAS:

Section 1. That the findings and recitals contained in the preamble of this Ordinance are determined to be true and correct and are hereby adopted as part of this Ordinance.

Section 2. That the City Council hereby approves and authorizes the contract, agreement or other undertaking described in the title of this Ordinance, in substantially the form as shown in the document which is attached hereto and incorporated herein by this reference. The Mayor is hereby authorized to execute such document and all related documents on behalf of the City of Houston. The City Secretary is hereby authorized to attest to all such signatures and to affix the seal of the City to all such documents. The City Attorney is hereby authorized to take all action necessary to enforce legal obligations under said contract without further authorization from City Council.

Section 3. That there exists a public emergency requiring that this Ordinance be passed finally on the date of its introduction as requested in writing by the Mayor; therefore, this Ordinance shall be passed finally on such date and shall take effect immediately upon its passage and approval by the Mayor; however, in the event that the Mayor fails to sign this Ordinance within five days after its passage and adoption, it shall take effect in accordance with Article VI, Section 6, Houston City Charter.

PASSED AND ADOPTED this ____ day of _____, 2015.

APPROVED this ____ day of _____, 2015.

Mayor of the City of Houston

Pursuant to Article VI, Section 6, Houston City Charter, the effective date of the foregoing Ordinance is _____.

City Secretary

(Prepared by Legal Dept. _____)
(RFB 03/23/15) Senior Assistant City Attorney

(Requested by Neal Rackleff, Director, Housing and Community Development Department)

(L.D. File No.0291500011001)