

City of Houston, Texas, Ordinance No. 2014-_____

AN ORDINANCE APPROVING AND AUTHORIZING A PURCHASE AND SALE AGREEMENT, A SPECIAL WARRANTY DEED AND A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF HOUSTON, TEXAS, SELLER, AND SEARCH HOMELESS SERVICES, BUYER, TO SELL 0.2328 ACRES OF LAND, BEING LOTS 9 AND 10, BLOCK 187, S.S.B.B., LOCATED AT 205 CHARTRES STREET, HOUSTON, HARRIS COUNTY, TEXAS; FOR A PURCHASE PRICE OF \$270,000.00, AND OTHER CONSIDERATION TO THE CITY; CONTAINING OTHER PROVISIONS RELATING TO THE FOREGOING SUBJECT; AND DECLARING AN EMERGENCY.

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WHEREAS, by Motion No. 2014-0799, passed on August 13, 2014, the City Council designated 0.2328 acres of land, being Lots 9 and 10 Block 187, S.S.B.B., located at 205 Chartres Street, Houston, Texas (Parcel SY15-027), surplus and authorized its sale; and

WHEREAS, SEARCH HOMELESS SERVICES, a Texas nonprofit corporation ("Buyer"), is one of the leading institutions in Greater Houston helping people move from the streets, into jobs and safe, stable housing, and they intend to use the subject property to deliver community services to the citizens of Houston; and

WHEREAS, Buyer will be allowed to offset the purchase price of \$270,000.00 by the value of services that it provides over the next five (5) years and it will enter into a Development Agreement, under which they must develop the property in a way that will benefit the general public and own and operate a non-profit homeless services facility for a period of at least fifteen (15) years and Buyer cannot sell, assign, lease, convey or otherwise transfer the property during this time-period without the City's approval, which can only be given if the acquiring organization will use it in the same or consistent manner; and

WHEREAS, if Buyer fails to comply with the restrictive covenants contained in the Development Agreement, it will reimburse the City with the purchase price; and

WHEREAS, Texas Local Government Code § 272.002(b)(4) authorizes municipalities to sell real estate directly to an independent foundation for development; **NOW, THEREFORE,**

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

Section 1. The City Council hereby approves and authorizes the Purchase and Sales Agreement, the Special Warranty Deed and the Development Agreement, in substantially the forms shown in the documents which are attached as **EXHIBIT A, EXHIBIT B** and **EXHIBIT C** and incorporated herein by this reference. The Mayor is hereby authorized to execute such documents 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.

Section 2. The Mayor is hereby authorized to take all actions, including but not limited to execution of the Purchase and Sales Agreement, the Special Warranty Deed and the Development Agreement as well as all other related documents, necessary to effectuate the City's intent and objectives in approving the undertaking described in the title of this ordinance, in the event of changed circumstances.

Section 3. The City Attorney is hereby authorized to take all action necessary to enforce all legal obligations created under this ordinance without further authorization from Council.

Section 4. 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 the ____ day of _____, 2014.

APPROVED this the ____ day of _____, 2014.

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

APPROVED AS TO FORM:

John H. Liles, Jr.

Senior Assistant City Attorney

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Requested by:

Andrew F. Icken

Chief Development Officer, Mayor's Office