

AN ORDINANCE 2010-03-18-0213

AMENDING THE MEMORANDUM OF AGREEMENT BETWEEN THE CITY OF SAN ANTONIO AND THE GREATER SAN ANTONIO BUILDERS' ASSOCIATION AND APPROVING THE FORM OF THE AMENDMENT; AUTHORIZING THE SALE OF THIRTY-ONE (31) PARCELS OF CITY-OWNED PROPERTY LOCATED IN THE TIERRA DEL SOL SUBDIVISION TO THE GREATER SAN ANTONIO EDUCATION FOUNDATION FOR THE SUM TOTAL OF \$91,500.00 IN CONNECTION WITH THE DISTRICT 7 AFFORDABLE SHOWCASE OF HOMES COMMUNITY DEVELOPMENT BLOCK GRANT PROJECT, AND AUTHORIZING THE EXECUTION OF ANY AND ALL DOCUMENTS IN CONNECTION THEREWITH.

* * * * *

WHEREAS, the City Council has approved the Affordable Showcase of Homes Program to serve as a catalyst for private investment in the revitalization and expansion of housing in the inner city and surrounding neighborhoods; and

WHEREAS, by Ordinance No. 2009-06-25-0593, passed and approved on June 25, 2009, the City approved a Memorandum of Agreement between the City of San Antonio and the Greater San Antonio Builders' Association (GSABA) for the purchase and development of thirty-one (31) residential platted lots in one warranty deed in connection with the Tierra del Sol Affordable Showcase of Homes Project (the "Project"); and

WHEREAS, it is necessary to amend the terms of the Memorandum of Agreement to grant GSABA an alternative method to purchase said lots; and

WHEREAS, it is the City Council's intention to authorize and amend the Memorandum of Agreement with the GSABA to allow such an alternative purchase method; and

WHEREAS, the City of San Antonio desires to sell thirty-one (31) parcels of City-owned real property in connection with the Tierra del Sol Affordable Showcase of Homes Project; and

WHEREAS, the City has canvassed this property and has determined such property to be surplus to the City; and

WHEREAS, it is necessary to authorize said sale of fee simple title to thirty-one (31) parcels of City-owned property to implement the District 7 Tierra del Sol Affordable Showcase of Homes; and

WHEREAS, the City will partner with the GSABA and the Greater San Antonio Education Foundation in the District 7 Tierra del Sol Affordable Showcase of Homes; and

WHEREAS, the Greater San Antonio Education Foundation has agreed to purchase all thirty-one (31) lots for a total of \$91,500.00; and

WHEREAS, GSABA through its non-profit organization Greater San Antonio Education Foundation will sell and distribute the thirty one (31) lots to its members for the amount of \$6,000.00 for thirty (30) lots and \$3,000.00 for one (1) lot, for a total of \$183,000.00. Said member builders will agree, in turn, to construct affordable homes that meet the Department of Housing and Urban Housing Development's (HUD) affordability guidelines; and

WHEREAS, the amount of \$91,500.00 will provide program income to be used for analysis and feasibility studies for determination and selection of potential Affordable Showcase of Homes projects;

NOW THEREFORE:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. The City Manager, or in her stead, either the Deputy City Manager, an Assistant City Manager, an Assistant to the City Manager, the Director of Housing and Neighborhood Services Department, or any other representative designated by the City Manager is hereby authorized to execute the Amended Memorandum of Agreement with the Greater San Antonio Builders Association to outline the parties relationship and responsibilities in connection with the Tierra del Sol Affordable Showcase of Homes Community Development Block Grant Project located in Council District 7 (the "Project"). A copy of the Amended Memorandum of Agreement in substantially final form is affixed hereto and incorporated herein as **Attachment I**.

SECTION 2. The thirty-one (31) parcels of City-owned property more particularly described in **Attachment I** are determined hereby to be surplus to the needs of the City and the sale by the City of the thirty-one (31) parcels of City-owned property to the Greater San Antonio Education Foundation for a sum total amount of \$91,500.00 in connection with the Project is hereby approved.

SECTION 3. The City Manager, or in her stead, either the Deputy City Manager, an Assistant City Manager, an Assistant to the City Manager, the Director of Housing and Neighborhood Services Department, or any other representative designated by the City Manager is hereby authorized to execute all related documents in connection with said Project.

SECTION 4. Funds generated by this Ordinance will be deposited into Fund Number 28034000 CDBG 34th Year, Internal Order Number 131000001804, and General Ledger 4903101.

SECTION 5. The sale of surplus property must be coordinated through the City's Finance Department to assure the removal of these assets from the City's financial records and to record the proper accounting transactions.

SECTION 6. The financial allocations in this Ordinance are subject to approval by the Chief Financial Officer (CFO), City of San Antonio. The CFO may, subject to concurrence by the City Manager or the City Manager's designee, correct allocations to specific SAP Fund Numbers, SAP Project Definitions, SAP WBS Elements, SAP Internal Orders, SAP Fund Centers, SAP Cost Centers, SAP Functional Areas, SAP Funds Reservation Document Numbers, and SAP GL Accounts as necessary to carry out the purpose of this Ordinance.

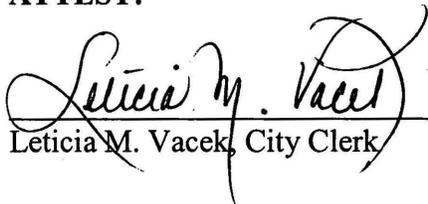
SECTION 7. This Ordinance shall become effective immediately upon passage by eight (8) or more affirmative votes of the entire City Council; otherwise, said effective date shall be ten (10) days from the date of passage hereof.

PASSED AND APPROVED this 18th day of March, 2010.



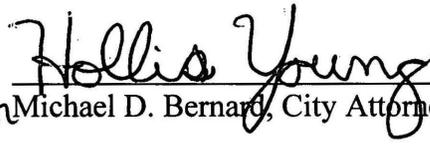
M A Y O R
Julián Castro

ATTEST:

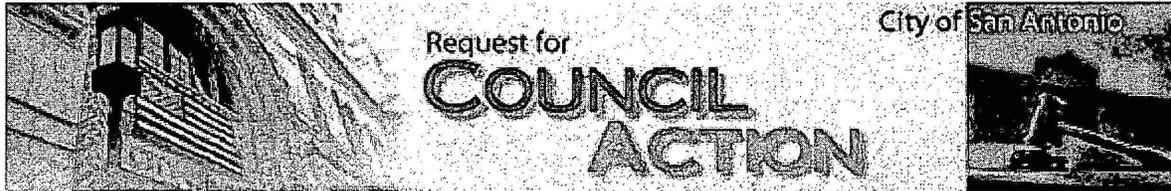


Leticia M. Vacek, City Clerk

APPROVED AS TO FORM:



for Michael D. Bernard, City Attorney



Agenda Voting Results - 14

Name:	14						
Date:	03/18/2010						
Time:	10:53:14 AM						
Vote Type:	Motion to Approve						
Description:	An Ordinance amending the Memorandum of Agreement between the City of San Antonio and the Greater San Antonio Builders Association and approving the form of the amendment; authorizing the sale of thirty-one (31) parcels of City-owned property located in the Tierra del Sol subdivision to the Greater San Antonio Education Foundation for the District 7 Affordable Showcase of Homes Project for the sum total of \$91,500.00. [T.C. Broadnax, Assistant City Manager; David D. Garza, Director, Housing and Neighborhood Services]						
Result:	Passed						
Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Julián Castro	Mayor		x				
Mary Alice P. Cisneros	District 1	x					
Ivy R. Taylor	District 2		x				
Jennifer V. Ramos	District 3		x				
Leticia Cantu	District 4		x				
David Medina Jr.	District 5		x				
Ray Lopez	District 6		x				
Justin Rodriguez	District 7		x			x	
W. Reed Williams	District 8		x				
Elisa Chan	District 9		x				
John G. Clamp	District 10		x				x

**AMENDED
MEMORANDUM OF AGREEMENT**

Between the City of San Antonio
Housing and Neighborhood Services Department and the
Greater San Antonio Builders Association/Greater
San Antonio Education Foundation
in connection with the
Tierra del Sol Affordable Showcase of Homes

- 1) For the Tierra del Sol 2008-2009 Affordable Showcase of Homes the City of San Antonio shall be responsible for all land acquisition, environmental research, public involvement, topographic and flood plain research, infrastructure design, and infrastructure construction.
- 2) The City of San Antonio (the "City") shall convey thirty-one (31) residentially platted lots to the Greater San Antonio Builders Association ("GSABA") by and through its non-profit organization Greater San Antonio Education Foundation ("GSAEF") for the price of \$3,000.00 per lot for thirty (30) lots and one residentially platted lot for the price of \$1,500.
- 3) GSABA shall make available, to all homebuilders who wish to participate in the District 7 Tierra del Sol 2008-2009 Affordable Showcase of Homes an equal opportunity to gain membership into the Greater San Antonio Builders Association.
- 4) GSABA shall choose builders for the District 7, Tierra del Sol 2008-2009 Affordable Showcase of Homes according to a lottery system. Said lottery system shall be defined as a drawing of names of interested builders conducted by GSABA. Builders shall be in good standing with GSABA and the City of San Antonio. Good Standing should be defined as having the financial capacity to complete the number of homes required. In addition, for builders who have previously participated in the Affordable Showcase of Homes projects, Good Standing is defined as having a successful track record of completing the required homes and meeting all Affordable Showcase of Homes Program requirements. GSABA shall be responsible for advertising the participation opportunity to its entire membership.
- 5) GSABA shall submit a marketing plan that is satisfactory to the City, within City's sole discretion, within thirty (30) calendar days of the execution of this Memorandum of Agreement. Said plan shall provide that 100% of the difference between the price paid by GSABA for the lots and the price paid by the individual builders for the lots shall be utilized by GSABA for marketing of the Tierra del Sol 2008-2009 Affordable Showcase of Homes. The plan should include a line item budget that details the expenses associated with the marketing.

6) GSABA shall ensure the participating homebuilders construct homes utilizing innovative designs and building technologies such as "Building Green."

a. 30 homes shall be built utilizing the "Building Green" Guideline and Specifications as required through Build San Antonio Green Level 1. Please see attachments.

b. 1 home shall be built utilizing the "Building Green" Guideline and Specifications as required through Build San Antonio Green Level 2, which is to exceed the Leadership in Energy and Environmental Design (LEED) Green Building Rating System certified standard. Please see attachments.

7) GSABA shall include the following deed restrictions in all closing documents conveying lots to the participating builders for the Tierra del Sol 2008-2009 Affordable Showcase of Homes:

a. GSABA shall convey thirty residentially platted lots to participating individual builders for the price of \$6,000.00 per lot and one residentially platted lot for the price of \$3,000.00. Should a builder that purchases any lot decide not to build a home or fail to build a home within 180 calendar days from the date of the conveyance, GSABA must ensure that the builder reverts the lot to GSABA. However, if both parties agree, the City and GSABA can extend the 180 calendar days up to 364 calendar days. If no extension is granted or the 2nd extension has been expired, the lot will be placed in the lottery again to be available for other interested builders. The new homebuilder must comply with all requirements outlined in this MOA.

b. GSABA shall adopt the following urban design standards by board resolution upon the Tierra del Sol Steering Committee's final recommendation approved by the City, and said standards shall be incorporated into each and every deed as a restriction and a covenant running with the land. Said approved urban design standards shall include:

- i. Housing specifications regarding number of bedrooms, baths, garages, etc.;
- ii. Development preferences of the resident focus group as identified in the development plan provided by the City;
- iii. Elements of housing which interface with the character of the existing neighborhood;
- iv. Design standards identified in the housing market analysis provided by GSABA; and
- v. Design guidelines developed by the Builder Committee.
- vi. Universal Standards and Guidelines as adopted by COSA Ordinance No. 95641.

c. The final sales price as stated in any purchase agreement or sales agreement for the purchase of fifty-one percent of said homes in the Tierra del Sol development shall not exceed the currently adopted COSA affordability limits, which shall include the price of the developed land. GSABA shall ensure that participating builders provide CoSA with copies of the HUD -1 statements for the 51% of homes sold that meet CoSA affordability limits.

d. Homes shall be sold to owner-occupied individuals or families. Homes shall not be sold as investment properties within the first 5 years of completed construction.

e. Homeowners shall be members of a Tierra del Sol Home Owner's Association, if created, and pay membership dues of up to \$15 on a monthly basis or \$180 on an annual basis, or as may be changed by the Board of Directors of the Association from time to time.

This agreement was authorized by the City Council on _____ date by ordinance _____ and shall be in effect 10 days after approval or upon execution of this agreement, whichever is later.

Executed in on this ____ day of March, 2010.

City of San Antonio

David D. Garza, Director
Neighborhood Housing & Service Department

Greater San Antonio Builders Association

Name:
Title:
City of San Antonio

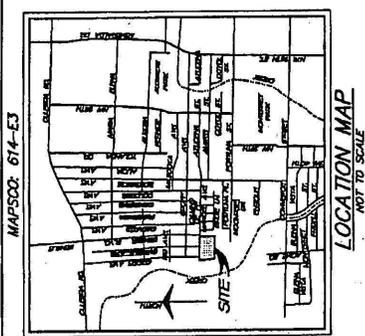
Approved to Form

Enid Howard, Assistant City Attorney
City Attorney's Office

PLAT No. 080595



ADDRESS PLAT OF
TIERRA DEL SOL SUBDIVISION
FOR ADDRESS USE ONLY



MAPSCO: 614-E3

LOCATION MAP
NOT TO SCALE

Legal Description:

Tierra Del Sol Subdivision
Plat No. 20080000595

Lots:

98 Griggs Ave., NCB 10349, Block 21, Lot 1
94 Griggs Ave., NCB 10349, Block 21, Lot 2
90 Griggs Ave., NCB 10349, Block 21, Lot 3
86 Griggs Ave., NCB 10349, Block 21, Lot 4
82 Griggs Ave., NCB 10349, Block 21, Lot 5

99 Surrels Ave., NCB 10349, Block 21, Lot 10
95 Surrels Ave., NCB 10349, Block 21, Lot 9
91 Surrels Ave., NCB 10349, Block 21, Lot 8
87 Surrels Ave., NCB 10349, Block 21, Lot 7
83 Surrels Ave., NCB 10349, Block 21, Lot 6
94 Surrels Ave., NCB 10349, Block 20, Lot 1
90 Surrels Ave., NCB 10349, Block 20, Lot 2
86 Surrels Ave., NCB 10349, Block 20, Lot 3
82 Surrels Ave., NCB 10349, Block 20, Lot 4

91 Sunset Walk, NCB 10349, Block 20, Lot 5
95 Sunset Walk, NCB 10349, Block 20, Lot 6
99 Sunset Walk, NCB 10349, Block 20, Lot 7
103 Sunset Walk, NCB 10349, Block 20, Lot 8
107 Sunset Walk, NCB 10349, Block 20, Lot 9
106 Sunset Walk, NCB 10349, Block 20, Lot 10
102 Sunset Walk, NCB 10349, Block 20, Lot 11
98 Sunset Walk, NCB 10349, Block 20, Lot 12
94 Sunset Walk, NCB 10349, Block 20, Lot 13
90 Sunset Walk, NCB 10349, Block 20, Lot 14
86 Sunset Walk, NCB 10349, Block 20, Lot 15
82 Sunset Walk, NCB 10349, Block 20, Lot 16

5102 Acequia Pass, NCB 10349, Block 20, Lot 17
5106 Acequia Pass, NCB 10349, Block 20, Lot 18
5110 Acequia Pass, NCB 10349, Block 20, Lot 19
5114 Acequia Pass, NCB 10349, Block 20, Lot 20
5118 Acequia Pass, NCB 10349, Block 20, Lot 21