

AN ORDINANCE

2011-12-15-1063

**CONSENTING TO THE CONVEYANCE OF TITLE TO THE PROPERTY AT 818 LAMAR TO MERCED HOUSING FOR INCLUSION AND USE IN THE HISTORIC ACQUISITION / REHABILITATION / RESALE PROGRAM, WITH THE CITY'S CONSIDERATION BEING THE BENEFITS DERIVED FROM THE INCLUSION OF THE PROPERTY IN THE PROGRAM.**

\* \* \* \* \*

**WHEREAS**, The City of San Antonio Office of Historic Preservation administers the Historic Preservation Acquisition/Rehabilitation/Resale Program ("Program"); and

**WHEREAS**, the Program provides financial assistance for the acquisition of abandoned or neglected historic properties to restore and rehabilitate them into viable, usable buildings so that they may again be made available for purchase; and

**WHEREAS**, on June 23, 2011, pursuant to Ordinance No. 2011-06-23-0584, the City Council of San Antonio authorized a contract between the City of San Antonio, Merced Housing Texas and the San Antonio Conservation Society for the Program; and

**WHEREAS**, the Program is supported by Community Development Block Grant allocations in the amount of \$250,000 authorized by City Council through Ordinance Number 2010-03-18-0203, dated March 18, 2010 (Project number 28-R1003181867); and

**WHEREAS**, the Office of Historic Preservation has identified a historic property located at 818 Lamar (the "Property") for proposed inclusion in the Program; and

**WHEREAS**, title to the Property is presently vested in Bexar County, as trustee for all of the taxing entities within whose boundaries the Property is located, by virtue of a delinquent tax judgment on November 2, 2010 in Cause No. 2004-TA1-5416 ("Judgment"), styled *County of Bexar, et al, vs. Unknown Heirs of Katherine Crain, Deceased, et al* and a foreclosure sale on March 25, 2011; and

**WHEREAS**, the City is currently owed approximately \$7,759.77 in delinquent taxes and code compliance fees through December 15, 2011; and

**WHEREAS**, all of the additional taxing entities within whose boundaries the Property is located, consisting of San Antonio Independent School District, Alamo Community College District, University Health System, Bexar County, San Antonio River Authority, and the Bexar County Road & Flood Fund, ("Additional Taxing Entities"), are currently owed approximately \$5,497.43; and

**WHEREAS**, court costs associated with the property are currently approximately \$2,370.66, making the potential total purchase price for the property approximately \$15,325.33; and

**WHEREAS**, the Office of Historic Preservation is proposing that the Property be conveyed to Merced Housing Texas for inclusion and use in the Project under the provisions of Section 34.05(i) of the Texas Property Tax Code for the purchase price of approximately \$6,093.07, which represents the base tax owing to the Additional Taxing Entities, excepting Bexar County, through December 15, 2011 plus court costs; with the City's consideration for taxes owing and code compliance liens on the property being the benefits to be derived from the inclusion and use of the Property in the Program; and

**WHEREAS**, similar action by the Commissioner's Court of the County is presently pending, and may be evaluated on December 20, 2011; and

**WHEREAS**, if the City were to receive the amount to which it is entitled to receive under the Judgment, the acquisition cost for the Property would increase by that amount, and the revenues available for use in the Program would be decreased by the amount of the increase; and

**WHEREAS**, the City Council hereby finds and determines that the acquisition and inclusion of the Property in the Program, in the manner described above, will serve a public purpose through urban redevelopment and rehabilitation of low income housing; and

**WHEREAS**, the City Council hereby finds and determines that the benefits to be derived by the City from the inclusion and use of the Property in the Program will equal or exceed the amount which the City is currently entitled to receive; **NOW, THEREFORE:**

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

**SECTION 1.** The findings, recitations, and other matters set out above in the Preamble of this Ordinance are hereby incorporated in and made a part of the body of this Ordinance for all purposes.

**SECTION 2.** In accordance with the provisions of Section 34.05(i) of the Property Tax Code, the City Council hereby evidences its consent, on behalf of the City of San Antonio, to the conveyance by Bexar County, as trustee for all of the taxing entities within whose limits the Property is located, of fee simple title to the Property to Merced Housing Texas for inclusion and use in the Project, for the amount of approximately \$6093.07, which represents the a portion of the taxes owed to the Additional Taxing Entities plus court costs, with the consideration received by the City being the benefits to be derived by the City from the inclusion and use of the Property in the Program, which, as stated above, have been found and determined to equal or exceed the amount to which the City is currently entitled to receive.

**SECTION 3.** The City Manager or her designee is hereby authorized to take any and all actions and execute any and all documents necessary to carry out and accomplish the intent and purpose of this Ordinance.

**SECTION 4.** The acquisition or disposition of surplus property must be coordinated through the city's Finance Department to assure the addition or removal of these assets into the City's financial records and to record the proper accounting transactions.

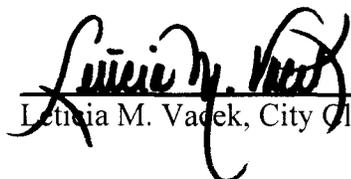
**SECTION 5.** The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director of Finance may, subject to concurrence by the City Manager or the City Manager's designee, correct allocations to specific SAP Fund Numbers, SAP Project Definitions, 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 6.** The effective date of this Ordinance shall be governed by the provisions of the City Charter and Section 1-15 of the City Code, respectively. As such, this Ordinance shall take effect immediately if passed by the affirmative vote of at least eight members of the City Council; otherwise, the same shall take effect on the tenth (10<sup>th</sup>) day after the date of its passage by the City Council.

**PASSED AND APPROVED** this 15<sup>th</sup> day of **December, 2011**.

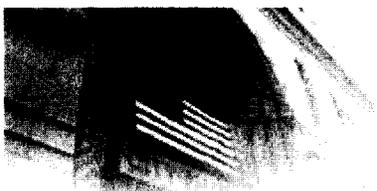
  
M A Y O R  
Julián Castro

**ATTEST:**

  
\_\_\_\_\_  
Leticia M. Vadek, City Clerk

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
for Michael D. Bernard, City Attorney



Request for  
**COUNCIL**  
**ACTION**

City of San Antonio



## Agenda Voting Results - 44

| <b>Name:</b>        | 6, 7, 8, 10, 11, 12, 13, 14, 16, 18, 19, 20, 21, 22, 23, 26, 27, 28, 29, 30A, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 48   |             |     |     |         |        |        |
|---------------------|--|-------------|-----|-----|---------|--------|--------|
| <b>Date:</b>        | 12/15/2011   |             |     |     |         |        |        |
| <b>Time:</b>        | 10:36:06 AM  |             |     |     |         |        |        |
| <b>Vote Type:</b>   | Motion to Approve  |             |     |     |         |        |        |
| <b>Description:</b> | An Ordinance consenting to the conveyance of title to the property at 818 Lamar to Merced Housing for inclusion and use in the Historic Acquisition/Rehabilitation/Resale Program, with the City's consideration being the benefits derived from involvement of the property in the project. [T.C. Broadnax, Assistant City Manager; Shanon Shea Peterson, Historic Preservation Officer, Office of Historic Preservation] |             |     |     |         |        |        |
| <b>Result:</b>      | Passed   |             |     |     |         |        |        |
| Voter               | Group  | Not Present | Yea | Nay | Abstain | Motion | Second |
| Julián Castro       | Mayor  |             | x   |     |         |        |        |
| Diego Bernal        | District 1   |             | x   |     |         |        |        |
| Ivy R. Taylor       | District 2   | x           |     |     |         |        |        |
| Jennifer V. Ramos   | District 3   |             | x   |     |         | x      |        |
| Rey Saldaña         | District 4   |             | x   |     |         |        | x      |
| David Medina Jr.    | District 5   |             | x   |     |         |        |        |
| Ray Lopez           | District 6   |             | x   |     |         |        |        |
| Cris Medina         | District 7   |             | x   |     |         |        |        |
| W. Reed Williams    | District 8   |             | x   |     |         |        |        |
| Elisa Chan          | District 9   |             | x   |     |         |        |        |
| Carlton Soules      | District 10  |             | x   |     |         |        |        |