

RESOLUTION NO. 32-2010

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, AMENDING RESOLUTION NO. 09-2010 BY UPDATING PROCEDURAL AUTHORIZATION TO CONTINUE THE NEIGHBORHOOD STABILIZATION PROGRAM (NSP) WITH INCOME GENERATED FROM THE SALE OF HOMES ORIGINALLY PURCHASED WITH NSP FUNDS GRANTED TO THE CITY OF MESQUITE BY THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT UNDER NSP GRANT #B-08-MN-48-0007.

WHEREAS, on November 17, 2008, the City Council of the City of Mesquite approved Resolution No. 52-2008 which approved and adopted the City of Mesquite's Neighborhood Stabilization Program ("NSP") budget for fiscal year 2008-09 and the proposed activities in the amended 2008-09 Community Development Block Grant ("CDBG") Annual Action Plan, which included the acquisition of real property under the Housing Assistance Program, the Foreclosure Purchase Program and the Foreclosure/Vacant Structure Demolition Program; and

WHEREAS, the City Council found that implementation of the NSP and expenditure of the funds under the various programs mentioned above is in the best interest of the City and is for the purpose of securing CDBG resources for the primary benefit of low and moderate income citizens.

WHEREAS, on March 1, 2010, the City Council approved Resolution No. 09-2010 which authorized and designated the City Manager to negotiate the purchase of property, sign all documents, applications, certifications and appropriate forms, and attend the closing of such sales transactions on behalf of the City of Mesquite for a maximum number of 20 lots and a purchase price of no more than \$150,000.00 for each lot plus closing costs (including the cost of title insurance) not to exceed a total of \$1,882,984.00 as provided in the 2008-09 NSP budget and the amendment to the 2008-09 CDBG Annual Action Plan; and

WHEREAS, amendments to Resolution No. 09-2010 are necessary for procedural authorization to continue the NSP with income generated from the sale of homes originally purchased with NSP funds.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS:


SECTION 1. That the City Council hereby amends Resolution No. 09-2010 by authorizing and designating the City Manager to negotiate the purchase of real property, sign all documents, applications, certifications and appropriate forms, and attend the closing of such purchase transactions on behalf of the City of Mesquite for all transactions carried out using NSP grant funds awarded by the U.S. Department of Housing and Urban Development to the City of Mesquite under NSP Grant # B-08-MN-48-0007. The purchase price for each such transaction shall not exceed \$150,000.00 for each lot plus the cost of title insurance and other closing costs. Total expenditures for such purchase transactions shall not exceed \$1,882,984.00 as provided in the 2008-09 NSP budget and the amendment to the 2008-09 CDBG Annual Action Plan.

SECTION 2. That the City Council hereby amends Resolution No. 09-2010 by authorizing and designating the City Manager to negotiate the sale of real property acquired using NSP grant funds under the authority granted in Section 1 of this Resolution, and to sign all documents, applications, certifications and appropriate forms, and attend the closing of such sales transactions on behalf of the City of Mesquite.

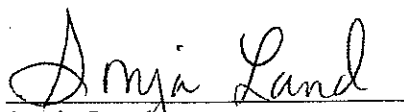
SECTION 3. That the City Council hereby amends Resolution No. 09-2010 by authorizing and designating the City Manager to negotiate the purchase of real property using proceeds ("NSP program income") from the sales transactions authorized under Section 2 of this Resolution, and to sign all documents, applications, certifications and appropriate forms, and attend the closing of such purchase transactions on behalf of the City of Mesquite. The purchase price for each such transaction shall not exceed \$150,000.00 plus the cost of title insurance and other closing costs.

SECTION 4. That the authority granted to the City Manager by the City Council under Sections 1-3 of this Resolution shall expire at the end of the term of the NSP Grant Agreement between the City of Mesquite and the U.S. Department of Housing and Urban Development, attached hereto as Exhibit "A." In the event that the NSP Grant Agreement is amended to extend the term of said Agreement, the authority granted to the City Manager by the City Council under Sections 1-3 of this Resolution shall expire at the end of the term of such Agreement as amended.


DULY RESOLVED by the City Council of the City of Mesquite, Texas, on the 19th day of July, 2010.

  
\_\_\_\_\_  
John Monaco  
Mayor

ATTEST:

  
\_\_\_\_\_  
Sonja Land  
City Secretary

APPROVED:

  
\_\_\_\_\_  
B. J. Smith  
City Attorney

**FUNDING APPROVAL AND GRANT AGREEMENT FOR  
NEIGHBORHOOD STABILIZATION PROGRAM (NSP) FUNDS  
AS AUTHORIZED AND APPROPRIATED UNDER THE  
HOUSING AND ECONOMIC RECOVERY ACT OF 2008  
(PUBLIC LAW 110-289, JULY 30, 2008)**

**NSP GRANTEE:** CITY OF MESQUITE

**NSP GRANT NUMBER:** B-08-MN-48-0007

**NSP GRANT AMOUNT:** \$2,083,933

**NSP APPROVAL DATE:** March 19, 2009

This Grant Agreement between the Department of Housing and Urban Development (HUD) and City of Mesquite (Grantee) is made pursuant to the authority of sections 2301 – 2304 of the Housing and Economic Recovery Act of 2008 (Public Law 110-289 (July 30, 2008)) (HERA). The program established pursuant to section 2301-2304 is known as the "Neighborhood Stabilization Program" or "NSP." The Notice of Allocations, Application Procedures, Regulatory Waivers Granted to and Alternative Requirements for Redevelopment of Abandoned and Foreclosed Homes Under the Housing and Economic Recovery Act, 2008 published at 73 FR 58330 (October 6, 2008) (Notice); HERA; the Grantee's submission for NSP assistance (Grantee Submission); the HUD regulations at 24 CFR Part 570 (as modified by the Notice and as now in effect and as may be amended from time to time) (Regulations); and this Funding Approval, including any special conditions, constitute part of the Grant Agreement.

Subject to the provisions of this Grant Agreement, HUD will make NSP Grant Funds in the amount of \$2,083,933 available to the Grantee upon execution of this Grant Agreement by the parties. The Grantee shall have 18 months from the date of HUD's execution of this Grant Agreement to obligate the NSP Grant Amount pursuant to the requirements of HERA and the Notice. The Grantee shall have 48 months from the date of HUD's execution of this Grant Agreement to expend the NSP Grant Amount pursuant to the requirements of the Notice. The NSP Grant Funds may be used to pay eligible costs arising from eligible uses incurred after the NSP Approval Date provided the activities to which such costs are related are carried out in compliance with all applicable requirements. Pre-award planning and general administrative costs may not be paid with funding assistance except as permitted in the Notice; the Notice limits such costs to those incurred on or after September 29, 2008. Other pre-award costs may not be paid with funding assistance except as permitted by 24 CFR 570.200(h); for purposes of NSP, such costs are limited to those incurred on or after the date that the NSP substantial amendment was received by HUD.

The Grantee agrees to assume all of the responsibilities for environmental review, decisionmaking, and actions, as specified and required in regulations issued by the Secretary pursuant to Section 104(g) of Title I of the Housing and Community Development Act, as amended (42 U.S.C. 5304) and published in 24 CFR Part 58. The Grantee further acknowledges its responsibility for adherence to the Grant Agreement by sub-recipient entities to which it makes funding assistance hereunder available.

This Grant Agreement may be amended only with the prior written approval of HUD. In considering proposed amendments to this Grant Agreement, HUD shall review, among other things, whether the amendment is otherwise consistent with HERA, the Notice, and the Regulations.

The Grantee may amend its Grantee Submission; however, such amendments, including substantial amendments as defined in 24 CFR Part 91, will be subject to the requirements of 24 CFR Part 91 (or any successor regulation) and any revisions HUD may make to the Notice (or any successor Notice or regulation).

The Grantee shall at all times maintain an up-to-date copy of its Grantee Submission, including all amendments approved by HUD, on its Internet website as required by the Notice. Further, the Grantee shall maintain information on all drawdowns, deposits, and expenditures of grant funds and program income under this Funding Approval and Grant Agreement and any other records required by 24 CFR 570.506, in its files and shall make such information available for audit or inspection by duly authorized representatives of HUD, HUD's Office of the Inspector General, or the Comptroller General of the United States.

The Grantee shall submit information on performance measurement as established by the Secretary for activities undertaken with NSP grant funds.

The Grantee is advised that providing false, fictitious or misleading information with respect to NSP Grant Funds may result in criminal, civil or administrative prosecution under 18 USC §1001, 18 USC §1343, 31 USC §3729, 31 USC §3801 or another applicable statute.

Close-out of this grant shall be subject to the provisions of 24 CFR 570.509 or such close-out instructions as may hereafter be issued by HUD specifically for NSP grants.

