

A Resolution

NO. _____

A RESOLUTION DECLARING A NEED FOR AND AUTHORIZING THE TEXAS HOUSING FOUNDATION TO EXERCISE ITS POWERS WITHIN THE TERRITORIAL BOUNDARIES OF THE CITY OF FORT WORTH, TEXAS AND AUTHORIZING A COOPERATIVE AGREEMENT FOR THE PURPOSE OF REHABILITATING TWO AFFORDABLE HOUSING DEVELOPMENTS

WHEREAS, there exists in the City of Fort Worth a shortage of safe and sanitary housing available to lower income residents at rents they can afford; and

WHEREAS, the Texas Housing Foundation (“Foundation”) is a regional housing authority with significant experience and expertise in successfully providing, developing, financing, and managing housing projects that are affordable to lower income residents and are assets to the City; and

WHEREAS, the Foundation has the ability to receive housing bond capacity, federal tax credits, and to operate public finance corporations to provide affordable housing;

WHEREAS, the Foundation is proposing to rehabilitate and extend the affordability period for two existing affordable housing developments in the City, specifically the Garden Gate Apartments and the Webber Gardens Apartments;

WHEREAS, Texas Local Government Code, Section 392.017(d) requires that the governing body of a municipality adopt a resolution declaring a need for a municipal housing authority to exercise its powers in another jurisdiction, and authorizing a cooperation agreement (“Cooperation Agreement”) under Section 392.059; and

WHEREAS, it is recommended that the City Council authorize the Foundation to exercise its powers within the boundaries of the City of Fort Worth to rehabilitate and extend the affordability periods for the Garden Gate Apartments and the Webber Gardens Apartments.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FORT WORTH, TEXAS, THAT:

1. Pursuant to Texas Local Government Code, Section 392.017(d)(1), the City Council, which is the governing body for the City of Fort Worth, declares that there is a need for the Foundation to exercise its powers in the territorial boundaries of the City of Fort Worth to provide decent, safe, and sanitary housing that is affordable for lower income residents of Fort Worth.

2. Pursuant to Texas Local Government Code, Section 392.017(d) and the Cooperation Agreement authorized by Section 392.059, which is attached hereto and incorporated herein, between the Foundation and the City of Fort Worth, the Foundation is hereby authorized to exercise its powers within the City of Fort Worth for the purpose of rehabilitating the Garden Gate Apartments located at 6901 North Beach Street, and the Webber Gardens Apartments located at 4830 Virgil Street (collectively the "Housing Projects").
3. The City of Fort Worth agrees to cooperate with the Foundation to allow the Foundation to provide housing for lower income residents in the territorial boundaries of the City of Fort Worth consistent with the terms of the Cooperation Agreement.
4. The Foundation is authorized to exercise its powers under the Texas Housing Authorities Law, the Texas Local Government Code Chapter 392 to finance, plan, undertake, rehabilitate, or operate the Housing Projects in the City of Fort Worth consistent with the terms of the Cooperation Agreement.
5. The City Manager or his designee is hereby authorized to execute the Cooperation Agreement on behalf of the City of Fort Worth and to make any modifications or amendments to the same that are necessary to fulfill the intent of the agreement.

Adopted this 12th day of October, 2021.

Mattie Parker
Mayor

ATTEST:

By: _____
Ronald P. Gonzales, Acting City Secretary

**COOPERATION AGREEMENT
BETWEEN
THE CITY OF FORT WORTH, TEXAS
AND THE
TEXAS HOUSING FOUNDATION
(Webber Garden Apartments and Garden Gate Apartments)**

WHEREAS, on October 21, 2021, under provisions of the Texas Local Government Code, Section 392.017(d), the City of Fort Worth, Texas, a home rule municipality organized under the laws of the State of Texas (the “**City**”), declared that there is a need for the Texas Housing Foundation, a Texas regional housing authority organized under Chapter 392 of the Texas Local Government Code, to exercise its powers within the territorial boundaries of the City because there exists in the City a shortage of safe and sanitary housing available to lower income persons at rents they can afford;

WHEREAS, Texas Local Government Code, Section 392.017(d), requires that the City Council adopt a resolution authorizing the Texas Housing Foundation to exercise its powers in the City, and authorizing a cooperation agreement under Section 392.059(a);

WHEREAS, on October 8, 2021 the Board of Commissioners of the Texas Housing Foundation also adopted a resolution to exercise its powers in the City of Fort Worth and the area of operation of the Housing Authority of the City of Fort Worth specific to the Webber Gardens Apartments project and the Garden Gate Apartments project and authorizing it to enter into cooperation agreements with the Housing Authority of the City of Fort Worth, Texas and the City of Fort Worth under Section 392.059;

NOW, THEREFORE, the parties hereto, the City and the Texas Housing Foundation agree as follows:

Section 1: Cooperation Agreement. The City and the Texas Housing Foundation agreement to cooperate under this Cooperation Agreement (the “**Agreement**”) to allow the Texas Housing Foundation to provide housing for lower income residents in the City, consistent with the provisions below.

Section 2. Housing Project Authorization. The Texas Housing Foundation is authorized to exercise its powers under the Texas Housing Authorities Law, Texas Local Government Code, Chapter 392 to finance, plan, undertake, or operate a housing development specifically, by and through two apartment complexes: (a) **Webber Gardens Apartments** located at 4830 Virgil Street, Fort Worth, Texas 76119 within Council District 5 and (b) **Garden Gate Apartments** located at 6901 N. Beach Street, Fort Worth, Texas 76137 within Council District 4.

Section 3. Housing Authority Authorization. The Texas Housing Foundation is authorized to acquire land, develop site improvements, construct and rehabilitate buildings for the housing developments within the territorial boundaries of the City, and to operate and manage such projects for the benefit of lower income residents of the City.

Section 4: Specific Authorization. The Texas Housing Foundation is authorized to negotiate to create and own one or more entities that will participate in the ownership structure of both the Webber Garden Apartments complex and the Garden Gate Apartments complex located within the territorial boundaries of the City of Fort Worth, and is also authorized to own, operate, and manage such projects for the benefit of lower income residents of Fort Worth.

Section 5. Future Housing Project Development. The Texas Housing Foundation is not authorized to undertake housing projects other than those listed herein within the City of Fort Worth on its own or in collaboration with another housing development organization except through the separate approval of the City Council of Fort Worth.

Section 6. Annual Reports. The Texas Housing Foundation shall submit within 120 days after the end of its fiscal year a report to the City Manager of his designee of the City describing the housing and services operation undertaken for the benefit of lower income residents of the City of Fort Worth and other activities of the Texas Housing Foundation in the City.

Section 7. Preservation of Authority. No applicable provision or intention in this Agreement limits the authority or power of the City to exercise its powers under any law. No provision of intention of this Agreement limits the authority or power of the Texas Housing Foundation to exercise its powers under the Texas Housing Authorities Law, Texas Local Government Code Chapter 392 to finance, plan, undertake, construct, or operate a housing project under this Agreement or in the area of operation of the Texas Housing Foundation defined in Texas Local Government Code 392.013.

Section 8. Implementation. The City Manager or his designee of the City and the President of the Texas Housing Foundation are authorized to take any reasonable and necessary action to effectuate and implement the direction or intention of this Agreement and the authorizing resolutions. The City Manager, or his designee, may make any amendments or modifications to this Agreement that are necessary to fulfill the intent of this Agreement.

EXECUTED AND EFFECTIVE as of the last date indicated below by the parties' signatures.

CITY OF FORT WORTH

**TEXAS HOUSING FOUNDATION,
a Texas regional housing authority**

BY: _____
Fernando Costa, Assistant City Manager

BY: _____
Mark Mayfield, President

DATE: _____

DATE: _____

RECOMMENDED BY:

BY: _____
Victor Turner, Neighborhood Services Department Director

APPROVED AS TO FORM AND LEGALITY:

BY: _____
Jo Ann Pate, Assistant City Attorney

CONTRACT COMPLIANCE MANAGER:

By signing I acknowledge that I am the person responsible for monitoring and administration of this agreement, including ensuring all performance and reporting requirements.

BY: _____
Amy Connolly, Assistant Neighborhood Services Department Director

ATTEST:

BY: _____
Ronald P. Gonzales, Acting City Secretary