

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXECUTE ALL DOCUMENTS NECESSARY TO CONVEY APPROXIMATELY 171.393 ACRES OF LAND LOCATED IN BALCH SPRINGS, TEXAS (THE “PROPERTY”), TO BLOOMFIELD HOMES, L.P., RATIFYING ALL ACTIONS TAKEN IN FURTHERANCE OF SUCH DIRECTION; AND AUTHORIZING PAYMENT TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR RELEASE AND MODIFICATION OF INTERESTS IN THE PROPERTY NECESSARY TO FACILITATE THE SALE OF THE PROPERTY.

WHEREAS, on or about July 7, 1994, the City of Mesquite, Texas (“**City**”) purchased from the U.S. Department of Housing and Urban Development (“**HUD**”) for park purposes and for the sum of \$441,456.00 approximately 385.447 acres, including 171.393 acres located within the City of Balch Springs, Texas (“**Balch Springs**”) (the 171.393 acres being identified herein as the “**Property**”); and

WHEREAS, HUD originally acquired the Property through foreclosure of security interests on loans owing HUD in the approximate amount of \$17 million; and

WHEREAS, uses for the majority of the Property were restricted by deed to municipal and public school uses; and

WHEREAS, the City never developed the Property and explored opportunities to sell the Property; and

WHEREAS, HUD agreed to modify the deed restrictions for the Property to permit the sale and private development of the Property to include affordable housing components in exchange for fifty percent (50%) of the sale proceeds for the portion of the deed restricted Property; and

WHEREAS, by Ordinance No. 4649 adopted on February 4, 2019, the City Council ordered a special election for the purpose of submitting to the qualified voters of the City the question of whether to authorize the sale of the Property; and

WHEREAS, at the foregoing described special election held on May 4, 2019, the qualified voters of the City voted in favor of selling the Property as reflected in Resolution No. 37-2019 canvassing the special election and adopted on May 14, 2019; and

WHEREAS, the Property was advertised for sale in RFP No. 2019-046; and

WHEREAS, on May 4, 2020, the Mesquite City Council awarded RFP No. 2019-046 to Bloomfield Homes, L.P. ("**Bloomfield**"), to purchase the Property and be combined with the purchase of two acres owned by Balch Springs for the development of a 173.393-acre mixed use residential and retail development wholly located within Balch Springs; and

WHEREAS, the Balch Springs City Council also approved the award to Bloomfield as stipulated in RFP No. 2019-046; and

WHEREAS, on May 18, 2020, and by Resolution 21-2020, the Mesquite City Council approved a Memorandum of Understanding ("**MOU**") that outlined the basic principles to be embodied in a definitive purchase agreement to be negotiated between the parties for the sale and purchase of the Property for the sum of \$5,700,000; and

WHEREAS, Bloomfield executed the MOU on May 7, 2020, and the Balch Springs City Council approved the MOU at their City Council meeting on May 11, 2020; and

WHEREAS, Mesquite and Bloomfield negotiated the form of the Real Estate Purchase and Sale Agreement, consistent with the MOU and including the sale of the Property for \$5,700,000, which was approved by the Mesquite City Council on July 6, 2020, by Resolution No. 24-2020; and

WHEREAS, Balch Springs and Bloomfield negotiated a similar agreement for the sale of the two acres by Balch Springs to Bloomfield; and

WHEREAS, the Mesquite City Council is of the opinion and finds that the City Manager should be authorized and directed to execute all documents necessary to convey the Property to Bloomfield, that all actions taken in furtherance of this direction should be ratified and that the City Manager be instructed to remit to HUD the portion of the sales proceeds due to HUD.

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

SECTION 1. The statements, facts, findings and recitals contained in the preamble of this ordinance are hereby found and declared to be true and correct and are incorporated herein and adopted as part of this ordinance for all purposes.

SECTION 2. The City Council hereby authorizes and directs the City Manager to execute all documents necessary to convey the Property to Bloomfield, hereby ratifies all actions taken by or at the direction of the City Manager in furtherance of the direction herein given, and approves payment to HUD in the sum of \$2,206,633.68, which the City Manager is hereby directed to cause to be paid to HUD.

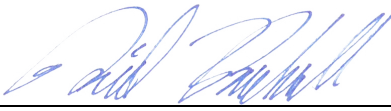
DULY RESOLVED by the City Council of the City of Mesquite, Texas, on the 4th day of January 2021.

Bruce Archer
Mayor

ATTEST:

APPROVED AS TO LEGAL FORM:

Sonja Land
City Secretary



David L. Paschall
City Attorney