

**RESOLUTION NO. R-2017-55**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS AUTHORIZING THE TEXAS HOUSING FOUNDATION TO EXERCISE ITS POWERS WITHIN THE TERRITORIAL BOUNDARIES OF THE CITY OF BASTROP, TEXAS SPECIFICALLY LIMITED TO THE BASTROP OAK GROVE APARTMENT COMPLEX I & II LOCATED AT 1910 WILSON STREET, BASTROP, TEXAS, AUTHORIZING A COOPERATIVE AGREEMENT, ATTACHED AS EXHIBIT A, AUTHORIZING THE MAYOR TO EXECUTE SAID AGREEMENT, AND ESTABLISHING AN EFFECTIVE DATE.**

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

**WHEREAS**, the Texas Housing Foundation ("Foundation") has 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 community; and

**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 under Section 392.059;

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

**Section 1:** The City Council is the governing body of the City of Bastrop.

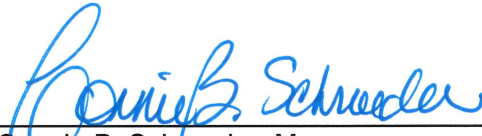
**Section 2:** Pursuant to Texas Local Government Code, Section 392.017(d)(1), the City Council declares that there is a need for the Foundation to exercise its powers in the territorial boundaries of the City of Bastrop specifically to the Bastrop Oak Grove Apartment Complex I & II located at 1910 Wilson Street, Bastrop, Texas to provide decent, safe and sanitary housing that is affordable for lower income residents of Bastrop. The Foundation is hereby authorized to exercise its powers in the territorial boundaries of the City of Bastrop specifically limited to the Bastrop Oak Grove Apartment Complex I & II located at 1910 Wilson Street, Bastrop, Texas.

**Section 3:** Pursuant to Texas Local Government Code, Section 392.017(d)(2) and the Cooperation Agreement attached hereto and incorporated herein between the Foundation and the City of Bastrop, the Foundation is hereby authorized under Texas Local Government Code Section 392.059(a) to exercise its powers within the City of Bastrop. The City of Bastrop 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 Bastrop consistent with the terms of the Cooperation Agreement. The Foundation is authorized to exercise its powers under the Texas Housing Authorities Law, Texas Local Government Code Chapter 392, to finance, plan, undertake, construct, or operate housing projects in the City of Bastrop, consistent with the terms of the Cooperation Agreement, attached as Exhibit A. The Mayor is hereby authorized to execute the Cooperation Agreement on behalf of the City of Bastrop.

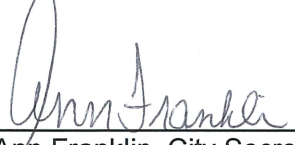
**Section 4:** The Mayor is authorized to take any reasonable and necessary action to effectuate the direction and intention of this resolution and the Cooperation Agreement.

**Section 5:** That this Resolution shall take effect immediately upon its passage.

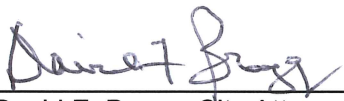
**DULY RESOLVED AND ADOPTED** by the City Council of the City of Bastrop, Texas this 25<sup>th</sup> day of July, 2017.

  
\_\_\_\_\_  
Connie B. Schroeder, Mayor

**ATTEST:**

  
\_\_\_\_\_  
Ann Franklin, City Secretary

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
David F. Bragg, City Attorney

**COOPERATION AGREEMENT BETWEEN  
THE CITY OF BASTROP, TEXAS  
AND THE  
TEXAS HOUSING FOUNDATION  
EFFECTIVE JULY 25, 2017**

**WHEREAS**, on July 25, 2017 under provisions of the Tex. Local Government Code, Section 392.017(d), the City of Bastrop, declared that there is a need for the Texas Housing Foundation, to exercise its powers within the territorial boundaries of the City of Bastrop, Texas City of Bastrop specifically limited to the Bastrop Oak Grove Apartment Complex I & II located at 1910 Wilson Street, Bastrop, Texas, (the "City") because there exists in City of Bastrop a shortage of safe and sanitary housing available to lower income persons at rentals they can afford;

**WHEREAS**, Tex. Local Govt. 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**, the Board of Commissioners of the Texas Housing Foundation also adopted a resolution to exercise its powers in the city and authorized a cooperation agreement under Section 392.059(a);

**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 agree to cooperate to allow the Texas Housing Foundation, to provide housing for lower income persons in the City, specifically limited to the Bastrop Oak Grove Apartment Complex I & II located at 1910 Wilson Street, Bastrop, Texas, 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, Tex. Local Govt. Code, Chapter 392, to finance, plan undertake, or operate a housing project in the City as provided in this Agreement.

**Section 3:** The Texas Housing Foundation is authorized to acquire land, develop site improvements, and construct buildings for housing development within the territorial boundaries of the City, and to operate and manage such project for the benefit of lower income residents of the City.

**Section 4:** Annual Reports. The Texas Housing Foundation shall submit within 120 days after the end of its fiscal year a report to the Mayor of the City describing the housing and services operation undertaken for the benefit of lower income residents of the City of Bastrop and other activities of the Texas Housing Foundation in the City.

**Section 5:** Preservation of Authority. No applicable provision or intention in this cooperation agreement limits the authority or power of the City to exercise its powers under any law. No provision or intention in this cooperation agreement limits the authority or power of the Texas Housing Foundation to exercise its powers under the Texas Housing Authorities Law, Tex. Local Govt. Code, Chapter 392, to finance, plan, undertake, construct, or operate a

housing project under this Cooperation Agreement or in the area of operation of the Texas Housing Foundation defined in Tex. Local Govt. Code 392.013.

**Section 6:** Implementation. The Mayor 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 and intention of this cooperation agreement and the authorizing resolutions.

Agreed this 25<sup>th</sup> day of July, 2017.

City of Bastrop



By: Connie B. Schroeder, Mayor

Texas Housing Foundation



By: Mark Mayfield, President

Attest:



Ann Franklin, City Secretary