

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: August 27, 2008
COUNCIL DISTRICT(S): All
DEPARTMENT: Housing
CMO: A. C. Gonzalez, 671-8925
MAPSCO: N/A

SUBJECT

Authorize a fourth amendment to the Land Bank Interlocal Cooperation Contract by and among the City of Dallas, Dallas County, Dallas Independent School District, Dallas County Hospital District, Dallas County School Equalization Fund, Dallas County Education District and Dallas County Community College District to **(1)** extend the term of the contract to September 30, 2009; and **(2)** provide that the City may refer up to 300 parcels intended for acquisition by the Land Bank for filing of a tax lawsuit by March 31, 2009 - Financing: No cost consideration to the City

BACKGROUND

This action will authorize the City Manager to execute the fourth amendment to the Land Bank Interlocal Cooperation Contract by and among the City of Dallas, Dallas County, Dallas Independent School District, Dallas County Hospital District, Dallas County School Equalization Fund, Dallas County Education District and Dallas County Community College District that allows the term of the contract to be extended to September 30, 2009 and the City to refer up to 300 parcels intended for acquisition by the Land Bank for filing of a tax lawsuit by March 31, 2009.

Linebarger Goggan Blair & Sampson, LLP has provided the pro bono legal services since the inception of the Land Bank. As of July 31, 2008, over 800 lawsuits have been filed and 261 properties have been sold to the Land Bank. Without their continued support, the Land Bank would not be as successful as it has been.

PRIOR ACTION/REVIEW (Council, Boards, Commissions)

On January 28, 2004, the City Council authorized the establishment of the DHADC as its land bank, authorized amendments to the Articles of Incorporation and By-Laws of the DHADC, and authorized an interlocal contract with the affected taxing jurisdictions for participation in the Dallas Urban Land Bank Demonstration Program by Resolution No. 04-0458.

PRIOR ACTION/REVIEW (Council, Boards, Commissions) (continued)

On May 26, 2004, the City Council authorized a contract with DHADC for the provision of land bank services as set forth in the amended Program Statement for the Dallas Urban Land Bank Demonstration Program previously approved by City Council on January 28, 2004 by Resolution No. 04-1726.

On October 13, 2004, the City Council approved the City of Dallas FY 2004-05 Urban Land Bank Demonstration Program Plan and authorized an amendment to the DHADC Contract to provide additional operating and acquisition funds for FY 2004-05 by Resolution No. 04-2930.

On August 10, 2005, the City Council authorized an amendment to the Land Bank Interlocal Contract to allow the City to refer an additional 625 parcels intended for acquisition by the Land Bank for filing of a tax lawsuit by April 30, 2006 and to extend the term to September 30, 2007 by Resolution No. 05-2239.

On August 24, 2005, the City Council approved the City of Dallas FY 2005-06 Urban Land Bank Demonstration Program Plan by Resolution No. 05-2501.

On August 23, 2006, the City Council authorized a second amendment to the Land Bank Interlocal Contract to allow the City to refer up to an additional 300 parcels intended for acquisition by the Land Bank for filing of a tax lawsuit by March 31, 2007 by Resolution No. 06-2257.

On October 11, 2006, the City Council approved the City of Dallas FY 2006-07 Urban Land Bank Demonstration Program Plan by Resolution No. 06-2785.

On October 10, 2007, the City Council approved the City of Dallas FY 2007-08 Urban Land Bank Demonstration Program Plan by Resolution No. 07-2998.

On October 10, 2007, the City Council authorized a third amendment to the Land Bank Interlocal Contract to allow the City to refer up to an additional 300 parcels intended for acquisition by the Land Bank for filing of a tax lawsuit by March 31, 2008 and to extend the term to September 30, 2008 by Resolution No. 07-3009.

FISCAL INFORMATION

No cost consideration to the City

August 27, 2008

WHEREAS, the State Legislature enacted and the Governor signed the Urban Land Bank Demonstration Program Act to enable the foreclosure of unproductive properties and sale to a land bank for the development of affordable housing; and

WHEREAS, on January 28, 2004, the City Council authorized the establishment of the Dallas Housing Acquisition and Development Corporation as its land bank and authorized an interlocal contract with the affected taxing jurisdictions for participation in the Dallas Urban Land Bank Demonstration Program by Resolution No. 04-0458; and

WHEREAS, on May 26, 2004, the City Council authorized a contract with DHADC for the provision of land bank services as set forth in the amended Program Statement for the Dallas Urban Land Bank Demonstration Program previously approved by City Council on January 28, 2004 by Resolution No. 04-1726; and

WHEREAS, on October 13, 2004, the City Council approved the City of Dallas FY 2004-05 Urban Land Bank Demonstration Program Plan and authorized an amendment to the DHADC Contract to provide additional operating and acquisition funds for FY 2004-05 by Resolution No. 04-2930; and

WHEREAS, on August 10, 2005, the City Council authorized an amendment to the Land Bank Interlocal Contract to allow the City to refer an additional 625 parcels intended for acquisition by the Land Bank for filing of a tax lawsuit by April 30, 2006 and to extend the term to September 30, 2007 by Resolution No. 05-2239; and

WHEREAS, on August 24, 2005, the City Council approved the City of Dallas FY 2005-06 Urban Land Bank Demonstration Program Plan by Resolution No. 05-2501; and

WHEREAS, on August 23, 2006, the City Council authorized a second amendment to the Land Bank Interlocal Contract to allow the City to refer up to an additional 300 parcels intended for acquisition by the Land Bank for filing of a tax lawsuit by March 31, 2007 by Resolution No. 06-2257; and

WHEREAS, on October 11, 2006, the City Council approved the City of Dallas FY 2006-07 Urban Land Bank Demonstration Program Plan by Resolution No. 06-2785; and

WHEREAS, on October 10, 2007, the City Council approved the City of Dallas FY 2007-08 Urban Land Bank Demonstration Program Plan by Resolution No. 07-2998; and

August 27, 2008

WHEREAS, on October 10, 2007, the City Council authorized a third amendment to the Land Bank Interlocal Contract to allow the City to refer up to an additional 300 parcels intended for acquisition by the Land Bank for filing of a tax lawsuit by March 31, 2008 and to extend the term to September 30, 2008 by Resolution No. 07-3009; and

WHEREAS, the City Council desires to authorize the City Manager to execute a fourth amendment to the Land Bank Interlocal Cooperation Contract by and among the City of Dallas, Dallas County, Dallas Independent School District, Dallas County Hospital District, Dallas County School Equalization Fund, Dallas County Education District and Dallas County Community College District (the "Parties") that allows the term of the contract to be extended to September 30, 2009 and the City to refer up to 300 parcels intended for acquisition by the Land Bank for filing of a tax lawsuit by March 31, 2009;
NOW, THEREFORE;

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

Section 1. That the City Manager, upon approval as to form by the City Attorney, is authorized to execute the fourth amendment to the Land Bank Interlocal Cooperation Contract by and among the City of Dallas and the Parties that allows the term of the contract to be extended to September 30, 2009 and the City to refer up to 300 parcels intended for acquisition by the Land Bank for filing of a tax lawsuit by March 31, 2009.

Section 2. That this Resolution shall take effect immediately from and after its passage in accordance with provisions of the Charter of the City of Dallas, and is accordingly so resolved.

DISTRIBUTION:

Housing Department

City Attorney's Office

Office of Financial Services/Community Development, 4FN

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: August 27, 2008
COUNCIL DISTRICT(S): All
DEPARTMENT: Housing
CMO: A. C. Gonzalez, 671-8925
MAPSCO: N/A

SUBJECT

Authorize a fourth amendment to the land bank contract with the Dallas Housing Acquisition and Development Corporation to **(1)** extend the term of the contract to September 30, 2009; **(2)** provide that the City may refer up to 300 parcels of real property intended for acquisition by the Land Bank for filing of tax lawsuits by March 31, 2009; and **(3)** provide pro bono legal services to prosecute the lawsuits during the extended term of the contract - Financing: No cost consideration to the City

BACKGROUND

This action will authorize the City Manager to execute the fourth amendment with the Dallas Housing Acquisition and Development Corporation (DHADC) that extends the contract term to September 30, 2009, allows the City to refer up to 300 parcels of real property intended for acquisition by the Land Bank for filing of tax lawsuits by March 31, 2009, and provides pro bono legal services to prosecute the lawsuits during the extended term of the contract.

Linebarger Goggan Blair & Sampson, LLP has provided the pro bono legal services since the inception of the Land Bank. As of July 31, 2008, over 800 lawsuits have been filed and 261 properties have been sold to the Land Bank. Without their continued support, the Land Bank would not be as successful as it has been.

PRIOR ACTION/REVIEW (Council, Boards, Commissions)

On January 28, 2004, the City Council authorized the establishment of the DHADC as its land bank, authorized amendments to the Articles of Incorporation and By-Laws of the DHADC, and authorized an interlocal contract with the affected taxing jurisdictions for participation in the Dallas Urban Land Bank Demonstration Program by Resolution No. 04-0458.

PRIOR ACTION/REVIEW (Council, Boards, Commissions) (continued)

On May 26, 2004, the City Council authorized a contract with DHADC for the provision of land bank services as set forth in the amended Program Statement for the Dallas Urban Land Bank Demonstration Program previously approved by City Council on January 28, 2004 by Resolution No. 04-1726.

On October 13, 2004, the City Council approved the City of Dallas FY 2004-05 Urban Land Bank Demonstration Program Plan and authorized an amendment to the DHADC Contract to provide additional operating and acquisition funds for FY 2004-05 by Resolution No. 04-2930.

On August 24, 2005, the City Council approved the City of Dallas FY 2005-06 Urban Land Bank Demonstration Program Plan by Resolution No. 05-2501.

On August 24, 2005, the City Council authorized an amendment to the contract with DHADC to extend the term to November 1, 2006 and to allow the City to refer up to 625 parcels intended for acquisition by the Land Bank for filing of a tax lawsuit by March 26, 2006 by Resolution No. 05-2474.

On January 11, 2006, the City Council authorized an amendment to the City of Dallas FY 2005-06 Urban Land Bank Demonstration Plan to increase the list of properties in the plan that may become eligible for sale to the Land Bank by Resolution No. 06-0162.

On October 11, 2006, the City Council approved the City of Dallas FY 2006-07 Urban Land Bank Demonstration Program Plan by Resolution No. 06-2785.

On December 13, 2006, the City Council authorized an amendment to the contract with DHADC to extend the term to September 30, 2007 and to allow the City to refer up to 300 parcels intended for acquisition by the Land Bank for filing of a tax lawsuit by March 31, 2007 by Resolution No. 06-3403.

On August 22, 2007, the City Council authorized an amendment to the contract with DHADC to extend the term to September 30, 2008 and to allow the City to refer up to 300 parcels intended for acquisition by the Land Bank for filing of a tax lawsuit by March 31, 2008 by Resolution No. 07-2385.

On October 10, 2007, the City Council approved the City of Dallas FY 2007-08 Urban Land Bank Demonstration Program Plan by Resolution No. 07-2998.

FISCAL INFORMATION

No cost consideration to the City

August 27, 2008

WHEREAS, on January 28, 2004, the City Council: 1) approved the City of Dallas Urban Land Bank Demonstration Program Plan; 2) approved the Program Statement for the Dallas Urban Land Bank Demonstration Program; 3) authorized amendments to the Articles of Incorporation and By-Laws of the Dallas Housing Acquisition and Development Corporation (DHADC) and 4) authorized an interlocal contract with the affected taxing jurisdictions for participation in the Dallas Urban Land Bank Demonstration Program by Resolution No. 04-0458; and

WHEREAS, on May 26, 2004, the City Council authorized a contract with the DHADC for the provision of land bank services as set forth in the Program Statement for the Dallas Urban Land Bank Demonstration Program approved by the City Council on January 28, 2004 by Resolution No. 04-0458; and

WHEREAS, on June 24, 2004, the DHADC Board authorized the contract with the City to implement the Urban Land Bank Demonstration and Residential Development Acquisition Loan Programs; and

WHEREAS, on August 24, 2005, the City Council authorized an amendment to the contract with DHADC to extend the term to November 1, 2006 and to allow the City to refer up to 625 parcels intended for acquisition by the Land Bank for filing of a tax lawsuit by March 26, 2006 by Resolution No. 05-2474; and

WHEREAS, on December 13, 2006, the City Council authorized an amendment to the contract with DHADC to extend the term to September 30, 2007 and to allow the City to refer up to 300 parcels intended for acquisition by the Land Bank for filing of a tax lawsuit by March 31, 2007 by Resolution No. 06-3403; and

WHEREAS, on August 22, 2007, the City Council authorized an amendment to the contract with DHADC to extend the term to September 30, 2008 and to allow the City to refer up to 300 parcels intended for acquisition by the Land Bank for filing of a tax lawsuit by March 31, 2008 by Resolution No. 07-2385; and

WHEREAS, on October 10, 2007, the City Council approved the City of Dallas FY 2007-08 Urban Land Bank Demonstration Program Plan by Resolution No. 07-2998; and

WHEREAS, the City Council desires to amend the contract with the DHADC to (1) extend the term of the contract to September 30, 2009; (2) provide that the City may refer up to 300 parcels of real property intended for acquisition by the Land Bank for filing of tax lawsuits by March 31, 2009; and (3) provide pro bono legal services to prosecute the lawsuits during the extended term of the contract; **NOW, THEREFORE,**

August 27, 2008

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

Section 1. That, upon approval as to form by the City Attorney, the City Manager is authorized to execute a fourth amendment to the contract with the Dallas Housing Acquisition and Development Corporation (DHADC) to (1) extend the term of the contract to September 30, 2009; (2) provide that the City may refer up to 300 parcels of real property for acquisition by the Land Bank for filing of tax lawsuits by March 31, 2009; and (3) provide pro bono legal services to prosecute the lawsuits during the extended term of the contract.

Section 2. That this resolution shall take effect immediately from and after its passage, in accordance with the Charter of the City of Dallas, and it is accordingly so resolved.

DISTRIBUTION:

Housing Department
City Attorney's Office
Office of Financial Services/Community Development, 4FN