

**ORDINANCE NO. 32-2012**

**AN ORDINANCE APPROVING THE EXECUTION OF A DEVELOPER PARTICIPATION AGREEMENT BETWEEN THE CITY OF ABILENE (CITY) AND LA VENTANA APARTMENTS, LLC (DEVELOPER) FOR THE PURPOSE OF MAKING CERTAIN PUBLIC IMPROVEMENTS AS AUTHORIZED BY LAW.**

**WHEREAS**, Chapter 212 of the Local Government Code allows a municipality to enter an agreement with a developer of land to construct public improvements related to the development, and;

**WHEREAS**, the improvements cannot include the construction of buildings, and the municipality may not participate at a level that would exceed thirty percent of the total project cost and/or one-hundred percent of any oversizing costs, and;

**WHEREAS**, Developer is planning to construct a new affordable housing development that will provide additional housing options for local residents that are currently underserved; and

**WHEREAS**, in order to qualify for the available funding to construct said development, Developer requested participation from City; and

**WHEREAS**, City approved participation via in-kind contributions or cost saving measures up to \$160,000.00 by Resolution 3-2012 for the La Ventana Apartments (Project); and

**WHEREAS**, the City and Developer agree it is in the best interest of both entities to enter into a partnership agreement at this time to complete the Project.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS:**


**PART 1:** That the City Manager is authorized to execute a Developer Participation Agreement between the City and Developer for the purpose of allowing the City to participate in certain public improvements on the Project, as set out in Exhibit "A", attached hereto and made a part of this Ordinance for all purposes.

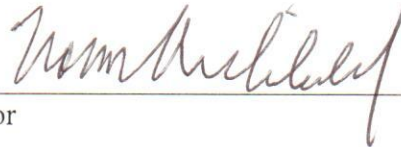
**PART 2:** That if any provision or any section of this ordinance shall be held to be void or unconstitutional, such holding shall in no way affect the validity of the remaining provisions or sections of this ordinance, which shall remain in full force and effect.

**PASSED ON FIRST READING** this 12<sup>th</sup> day of July, A.D., 2012.

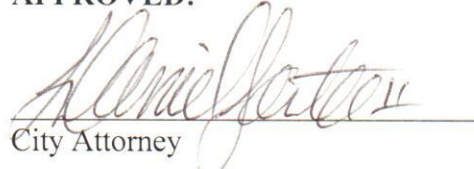
**PASSED ON SECOND AND FINAL READING** this 26th day of July, A.D., 2012.

**ATTEST:**

  
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City Secretary

  
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Mayor

**APPROVED:**

  
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City Attorney