



REQUEST FOR COUNCIL ACTION

City of Greenville, South Carolina

Agenda Item No.

14b

TO: Honorable Mayor and Members of City Council
FROM: John F. McDonough, City Manager

Ordinance/First Reading Ordinance/Second & Final Reading Resolution/First & Final Reading Information Only

AGENDA DATE REQUESTED: February 8, 2021

ORDINANCE/RESOLUTION CAPTION:

ORDINANCE TO CONVEY SURPLUS CITY PROPERTY LOCATED ON OSCAR, NASSAU, MEADOW, WEST WASHINGTON, AND SOUTH HUDSON STREETS IN THE VICINITY OF UNITY PARK TO THE GREENVILLE HOUSING FUND, LLC FOR PURPOSES OF AFFORDABLE HOUSING

SUMMARY BACKGROUND:

This Ordinance donates surplus city land in the vicinity of Unity Park to the Greenville Housing Fund, LLC for the purposes of developing affordable housing.

IMPACT IF DENIED:

The donation of land will not occur.

FINANCIAL IMPACT:

Forgone revenues that would otherwise be realized from the direct sale of the properties; however, it is anticipated that the benefit conferred upon the City and its residents by the development of the affordable housing units that will be facilitated by the land donation will outweigh the forgone revenues over the long term.

REQUIRED SIGNATURES

DocuSigned by:
Department Director Merle Johnson
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OMB Director _____

DocuSigned by:
City Attorney Michael Pitts
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DocuSigned by:
City Manager John McDonough
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A N O R D I N A N C E

TO CONVEY SURPLUS CITY PROPERTY LOCATED ON OSCAR, NASSAU, MEADOW, WEST WASHINGTON, AND SOUTH HUDSON STREETS IN THE VICINITY OF UNITY PARK TO THE GREENVILLE HOUSING FUND, LLC FOR PURPOSES OF AFFORDABLE HOUSING

WHEREAS, on June 26, 2017, City Council adopted the “City Park and Reedy River Redevelopment Area Community Character Plan” (“Redevelopment Plan”); and

WHEREAS, the Redevelopment Plan, was completed by MKSK design firm in March 2017 and included equitable development and affordable housing as two priorities for guiding the implementation of the plan; and

WHEREAS, in January 2017, City Council adopted the “Balancing Prosperity and Housing Affordability” report (the “Report”) and has to date contributed \$6.4 million dollars (inclusive of the cost of acquisition of real property from the Greenville Housing Authority in the amount of \$331,728.80) to the Greenville Housing Fund, LLC (the “Fund”) in order to implement the findings and recommendations contained the Report and in recognition of the Fund’s status as a key partner in the development of affordable housing within the City; and

WHEREAS, the City is the owner of surplus property located on Oscar, Nassau, Meadow, West Washington, and South Hudson Streets in the vicinity of Unity Park more particularly identified and described in the Contract for Sale of Real Estate, attached hereto and incorporated herein by reference as Attachment 1 (the “Contract” and the real property described therein, the “City Property”); and

WHEREAS, the City desires to donate the City Property to the Fund for purposes of developing affordable housing thereon and the Fund intends to submit an application to South Carolina Housing’s Low-Income Housing Tax Credit Bond program in furtherance of same; and

WHEREAS, the donation shall be accomplished through the Contract; and

WHEREAS, the Fund’s use and disposition of the City Property shall at all times be governed by that certain Agreement for Affordable Housing Initiatives and Services between the City, the Fund and the Greenville Affordable Housing Trust which was approved by City Council by way of Resolution Number 2020-32 on September 28, 2020; and

WHEREAS, City Council desires to approve the donation of the City Property to the Fund and authorize the City Manager to execute all necessary documents to consummate the donation including, but in no way limited to, the Contract and one or more deeds of conveyance;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF GREENVILLE, SOUTH CAROLINA, the City Manager is hereby authorized to execute the Contract and issue one or more deeds to the Fund in order to convey the City Property. The City Manager is further authorized to execute any other documents, in consultation with the City Attorney, which may be necessary to effectuate said conveyance.

DONE, RATIFIED AND PASSED THIS THE ____ DAY OF _____, 2021.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

REVIEWED:

CITY MANAGER

Transaction to be closed on or before ninety (90) days from the date of execution of the Contract, subject to all contingencies set forth below, at the offices of Donee's counsel. Possession of the premises to be given to Donee at closing. Donor shall bear all risk of loss until the time of closing.

Donee shall bear all costs associated with the preparation of the deed, the satisfaction of any past due taxes and government fees that may be due and owing, the cost of recording and deed stamps. *Ad valorem* taxes and any other fees assessed by any governmental body for the year in which the closing occurs shall be the responsibility of the Donee. To the extent not encompassed by the foregoing, the parties shall bear their own costs and fees.

Time is of the essence of this Contract. This Contract embodies the entire agreement between the parties concerning the donation of the Property. This is a legally binding agreement. If not understood, seek competent advice. THE DONOR IS REPRESENTED BY THE OFFICE OF THE CITY ATTORNEY AND DONEE ACKNOWLEDGES THAT DONOR'S COUNSEL IS PROVIDING NO LEGAL ADVICE OR REPRESENTATION TO THE DONEE. DONEE IS ENCOURAGED TO OBTAIN INDEPENDENT LEGAL ADVICE.

Description of the land together with all improvements located thereon, if any, (collectively the "Property"):

1. Parcels A - F as shown on survey entitled, "City of Greenville," located on W. Washington Street, dated October 28, 2020, attached hereto and incorporated herein as Exhibit A.
2. Parcel containing 79,943 Sq.Ft., 1.835 Acres as shown on survey entitled, "City of Greenville," located on Oscar, Nassau and Meadow Streets, dated October 22, 2020, attached hereto and incorporated herein as Exhibit B.
3. Parcels containing 44,119 Sq.Ft, 1.013 Acres, 20,243 Sq.Ft, 0.465 Acres, 5,962 Sq.Ft., 0.137 Acres as shown on survey entitled, "City of Greenville," located on W. Washington Street and S. Hudson Street, dated October 22, 2020, attached hereto and incorporated herein as Exhibit C.
4. Parcels A – G as shown on survey entitled, "City of Greenville," located on Oscar, Nassau and Meadow Streets, dated October 22, 2020, attached hereto and incorporated herein as Exhibit D.

Other provisions and contingencies: The Donee may procure a survey of the Property, perform a title search and may conduct environmental due diligence. Donor agrees to provide Donee and its agents with reasonable access to the Property in order to conduct the foregoing, as necessary. No environmental testing or investigation beyond a Phase 1 will be conducted without Donor's written consent. Closing is contingent upon: (1) the Donor's ability to convey clear, marketable, and insurable title to the Property (unless waived by the Donee in writing); (2) the absence of objectionable matters that may be shown on a new survey (should Donee choose to have one performed) in the Donee's sole reasonable discretion; (3) should Donee elect to perform environmental due diligence, the

absence of any environmental concerns in the Donee’s sole reasonable discretion;
and (4) Greenville City Council approval of the transaction by way of an ordinance.

Witnesses: GREENVILLE HOUSING FUND, LLC,
DONEE

By: _____

Witness 1

Printed Name: _____

Its: _____

(Title)

Witness 2

Witnesses: CITY OF GREENVILLE, DONOR

By: _____

John F. McDonough

Witness 1

Its: City Manager

Witness 2

EXHIBIT A

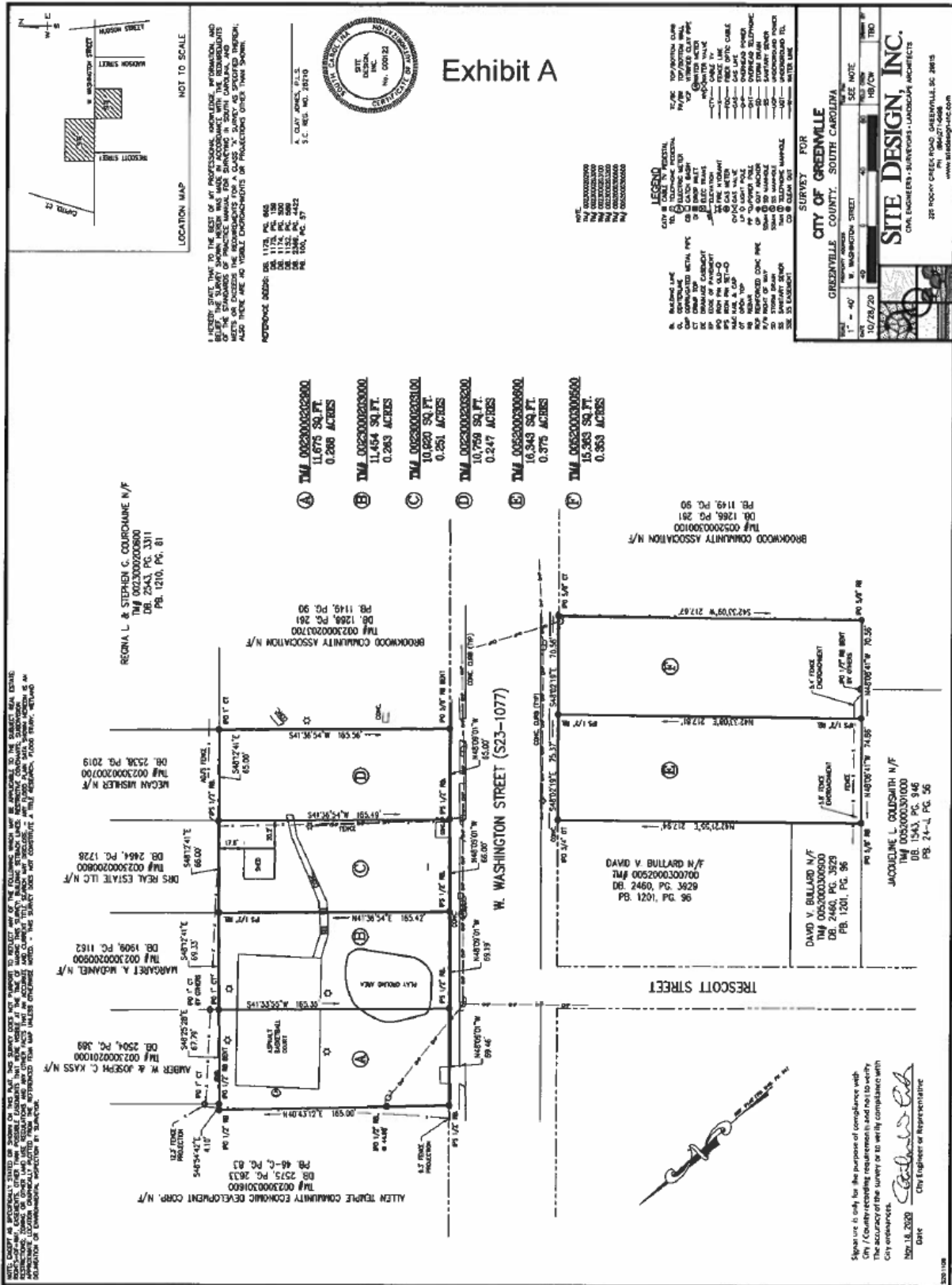


EXHIBIT B

