

2014 DEC 31 PM 12:09

**RESOLUTION**

**WHEREAS**, on September 24, 2008, the City of El Paso (the "City") and T.V.P. Nonprofit Corporation ("TVP") entered into a CHDO-HOME Financial Terms Contract ("TVP CHDO Agreement") whereby TVP would acquire and develop certain identified parcels;

**WHEREAS**, TVP acquired and developed some of the parcels identified in the TVP CHDO Agreement and acquired and developed other parcels not identified in the TVP CHDO Agreement;

**WHEREAS**, on November 11, 2013, TVP and the City executed the First Amendment to the TVP CHDO Agreement which identified the parcels which had been acquired and developed by TVP after the execution of the TVP CHDO Agreement;

**WHEREAS**, on September 30, 2014, City Council authorized the City to enter into an Assumption and Community Housing Development Organization Written Agreement, Note and Lien (the "Assumption Agreement") with TVP and PV Community Development Corporation ("PV") whereby PV agreed to assume the financial obligations of TVP and the City agreed to convey to PV the parcels originally identified in the TVP CHDO Agreement; and

**WHEREAS**, in order to clarify the parties' intentions and the identification of the parcels to be conveyed by the City to PV, the City, TVP and PV desire to amend the Assumption Agreement to identify the parcels to be conveyed to PV as those identified in the First Amendment to the TVP CHDO Agreement;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the City Manager be authorized to sign the First Amendment to the Assumption Agreement between T.V. P. Nonprofit Corporation, PV Community Development Corporation, and the City of El Paso that was approved by Council on September 30, 2014 for the nine sites located at 3816 Harrison A&B, 3326 Lincoln A&B, 4011 Fillmore A&B, 4013 Fillmore A&B, and 4010 Pierce in order to amend the property description for the properties to be conveyed by the City of El Paso to PV Community Development Corporation.

**THE CITY OF EL PASO**

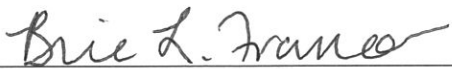
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Oscar Leaser, Mayor


**ATTEST:**

\_\_\_\_\_  
Richarda Duffy Momsen, City Clerk

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Brie L. Franco  
Assistant City Attorney

**APPROVED AS TO CONTENT:**

  
\_\_\_\_\_  
Verónica R. Soto, AICP, Director  
Community and Human Development

CITY CLERK DEPT.  
2014 DEC 31 PM 12:09

2014 DEC 31 PM 12:09

**FIRST AMENDMENT TO THE ASSUMPTION AND  
COMMUNITY HOUSING DEVELOPMENT  
ORGANIZATION (CHDO) WRITTEN AGREEMENT, NOTE AND LIEN**

THIS FIRST AMENEMDNT TO THE ASSUMPTION AND COMMUNITY HOUSING DEVELOPMENT ORGANIZATION WRITTEN AGREEMENT, NOTE AND LIEN (the "Amendment") is made and entered into this 6<sup>th</sup> day of January, 2015, by and among **T.V.P. NON-PROFIT CORPORATION** ("TVP"), **PV COMMUNITY DEVELOPMENT CORPORATION** ("PV"), and the **CITY OF EL PASO, TEXAS** ("City").

**RECITALS**

**WHEREAS**, on September 24, 2008, the City and TVP entered into a CHDO-HOME Financial Terms Contract ("TVP CHDO Agreement") whereby TVP would acquire and develop certain identified parcels;

**WHEREAS**, TVP acquired and developed some of the parcels identified in the TVP CHDO Agreement and acquired and developed other parcels not identified in the TVP CHDO Agreement;

**WHEREAS**, on November 11, 2013, TVP and the City executed the First Amendment to the TVP CHDO Agreement which identified the parcels which had been acquired and developed by TVP after the execution of the TVP CHDO Agreement;

**WHEREAS**, on September 30, 2014, City Council authorized the City to enter into an Assumption and Community Housing Development Organization Written Agreement, Note and Lien (the "Assumption Agreement") with TVP and PV whereby PV agreed to assume the financial obligations of TVP and the City agreed to convey to PV the parcels originally identified in the TVP CHDO Agreement; and

**WHEREAS**, in order to clarify the parties' intentions and the identification of the parcels to be conveyed by the City to PV, the City, TVP and PV desire to amend the Assumption Agreement to identify the parcels to be conveyed to PV as those identified in the First Amendment to the TVP CHDO Agreement;

**NOW, THEREFORE**, for and in consideration of the mutual covenants herein contained and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto agree as follows:

1. That the parcels described and attached hereto in Exhibit "A" shall replace the parcels identified in the third recital of the Assumption Agreement, and that the parcels identified in Exhibit "A" will be collectively referred to as "Property" in the Assumption Agreement; and

2. Except as otherwise specifically provided in this Amendment, all other terms and conditions of the Assumption Agreement shall remain unchanged and shall remain in full force and effect.

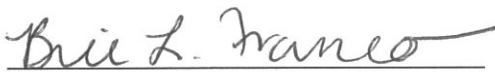
[SIGNATURES ON FOLLOWING PAGES]

IN WITNESS WHEREOF, the parties hereto have executed this Assumption Agreement on the date first above written.


CITY OF EL PASO

\_\_\_\_\_  
Tomás González  
City Manager

APPROVED AS TO FORM:

  
Brie L. Franco  
Assistant City Attorney

APPROVED AS TO CONTENT:

  
Verónica R. Soto, AICP, Director  
Community and Human Development

(Acknowledgment)

STATE OF TEXAS            )  
                                      )  
COUNTY OF EL PASO        )

Before me, the undersigned Notary Public, on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, personally appeared Tomás González, as City Manager of THE CITY OF EL PASO, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same on behalf of said corporation and for the purposes and consideration therein expressed.

\_\_\_\_\_  
Notary Public in and for the State of Texas

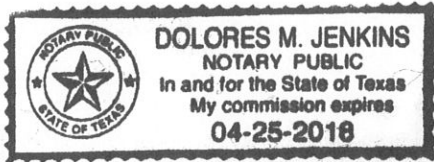
PV COMMUNITY DEVELOPMENT CORPORATION:

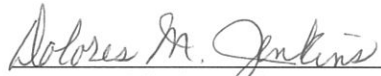
  
\_\_\_\_\_  
Bill Schlesinger, Co-Director

(Acknowledgment)

STATE OF TEXAS            )  
                                      )  
COUNTY OF EL PASO        )

Before me, the undersigned Notary Public, on this 5<sup>th</sup> day of January, 2015, personally appeared Bill Schlesinger, Co-Director, PV Community Development Corporation, known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that he/she executed the same for the purposes and consideration therein expressed.



  
\_\_\_\_\_  
Notary Public in and for the State of Texas

CITY CLERK DEPT.  
2014 DEC 31 PM 12:10

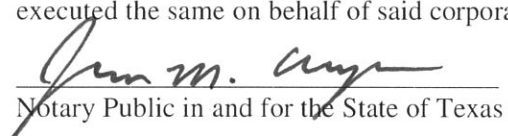
T.V.P. Non-Profit Corporation  
6501 Boeing Ave., Suite E-1  
El Paso, Texas 79925

  
Walter Deines – Board President

(Acknowledgment)

STATE OF TEXAS                    )  
  )  
COUNTY OF EL PASO        )

Before me, the undersigned Notary Public, on this 31<sup>ST</sup> day of DECEMBER, 2014, personally appeared Walter Deines, Board President, T.V.P. Non-Profit Corporation, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same on behalf of said corporation and for the purposes and consideration therein expressed.

  
Notary Public in and for the State of Texas

AFTER RECORDING RETURN TO:

CITY OF EL PASO  
COMMUNITY AND HUMAN DEVELOPMENT  
HOUSING PROGRAM DIVISION  
P.O. BOX 1890  
EL PASO, TEXAS 79950



# EXHIBIT “A”

Parcel 1: Lot 24, Block 41, AMENDED MAP OF MORNINGSID E HEIGHTS ADDITION, an Addition to the City of El Paso, El Paso County, Texas, according to the plat thereof recorded in Volume 11, Page 33, Plat Records of El Paso County, Texas. (3816 Harrison A)

Parcel 2: Lot 25, Block 41, AMENDED MAP OF MORNINGSID E HEIGHTS ADDITION, an Addition to the City of El Paso, El Paso County, Texas, according to the plat thereof recorded in Volume 11, Page 33, Plat Records of El Paso County, Texas. (3816 Harrison B)

Parcel 3: Lot 9, Block 69, AMENDED MAP OF MORNINGSID E HEIGHTS ADDITION, an Addition to the City of El Paso, El Paso County, Texas, according to the plat thereof recorded in Volume 11, Page 33, Plat Records of El Paso County, Texas. (4013 Fillmore A)

Parcel 4: Lot 10, Block 69, AMENDED MAP OF MORNINGSID E HEIGHTS ADDITION, an Addition to the City of El Paso, El Paso County, Texas, according to the plat thereof recorded in Volume 11, Page 33, Plat Records of El Paso County, Texas. (4013 Fillmore B)

Parcel 5: Lot 11, Block 69, AMENDED MAP OF MORNINGSID E HEIGHTS ADDITION, an Addition to the City of El Paso, El Paso County, Texas, according to the plat thereof recorded in Volume 11, Page 33, Plat Records of El Paso County, Texas. (4011 Fillmore A)

Parcel 6: Lot 12, Block 69, AMENDED MAP OF MORNINGSID E HEIGHTS ADDITION, an Addition to the City of El Paso, El Paso County, Texas, according to the plat thereof recorded in Volume 11, Page 33, Plat Records of El Paso County, Texas. (4011 Fillmore B)

Parcel 8: Lot 22, and the East ½ of Lot 23, Block 69, AMENDED MAP OF MORNINGSID E HEIGHTS ADDITION, an Addition to the City of El Paso, El Paso County, Texas, according to the plat thereof recorded in Volume 11, Page 33, Plat Records of El Paso County, Texas. (4010 Pierce)

Parcel 9: Lot 30, Block 115, AMENDED MAP OF MORNINGSID E HEIGHTS ADDITION, an Addition to the City of El Paso, El Paso County, Texas, according to the plat thereof recorded in Volume 11, Page 33, Plat Records of El Paso County, Texas. (3326 Lincoln A)

Parcel 10: Lot 31, Block 115, AMENDED MAP OF MORNINGSID E HEIGHTS ADDITION, an Addition to the City of El Paso, El Paso County, Texas, according to the plat thereof recorded in Volume 11, Page 33, Plat Records of El Paso County, Texas. (3326 Lincoln B)

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1. That the parcels described and attached hereto in Exhibit "A" shall replace the parcels identified in the third recital of the Assumption Agreement, and that the parcels identified in Exhibit "A" will be collectively referred to as "Property" in the Assumption Agreement; and

2. Except as otherwise specifically provided in this Amendment, all other terms and conditions of the Assumption Agreement shall remain unchanged and shall remain in full force and effect.

[SIGNATURES ON FOLLOWING PAGES]

**IN WITNESS WHEREOF**, the parties hereto have executed this Assumption Agreement on the date first above written.

CITY OF EL PASO

\_\_\_\_\_  
Tomás González  
City Manager

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

\_\_\_\_\_  
Brie L. Franco  
Assistant City Attorney

\_\_\_\_\_  
Verónica R. Soto, AICP, Director  
Community and Human Development

(Acknowledgment)

STATE OF TEXAS            )  
  )  
COUNTY OF EL PASO        )

Before me, the undersigned Notary Public, on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, personally appeared Tomás González, as City Manager of THE CITY OF EL PASO, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same on behalf of said corporation and for the purposes and consideration therein expressed.

\_\_\_\_\_  
Notary Public in and for the State of Texas

PV COMMUNITY DEVELOPMENT CORPORATION:

\_\_\_\_\_  
Bill Schlesinger, Co-Director

(Acknowledgment)

STATE OF TEXAS            )  
                                      )  
COUNTY OF EL PASO        )

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\_\_\_\_\_  
Notary Public in and for the State of Texas

T.V.P. Non-Profit Corporation  
6501 Boeing Ave., Suite E-1  
El Paso, Texas 79925

\_\_\_\_\_  
Walter Deines – Board President

(Acknowledgment)

STATE OF TEXAS            )  
                                      )  
COUNTY OF EL PASO        )

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