



Legislation Details (With Text)

**File #:** Res. 2020-222R      **Version:** 1      **Name:**

**Type:** Resolution      **Status:** Individual Consideration

**File created:** 9/16/2020      **In control:** City Council

**On agenda:** 10/20/2020      **Final action:**

**Title:** Consider approval of Resolution 2020-222R, approving a Real Estate Sales Contract with Randy N. and Patrice A. Greer for the City to purchase lots 2 and 3, block 12 of the original town of San Marcos, located at 128 and 140 South Guadalupe Street, for a price of \$1,600,000, plus any associated closing costs, approving amendments to said contract including an amendment providing for the withholding of funds in an amount up to \$225,000 for expenses associated with enrolling in the Texas Commission on Environmental Quality (“TCEQ”) voluntary cleanup program; approving a Voluntary Cleanup Program Agreement with the TCEQ in connection with the purchase of the property; approving the execution of said Real Estate Sales Contract by the City Manager, or his designee, on behalf of the city; authorizing the City Manager, or his designee, to execute the contract amendment regarding the withholding of funds under the TCEQ voluntary cleanup program, any related closing documents and the TCEQ Voluntary cleanup program agreement on behalf of the City; and declaring an effective date.

**Sponsors:** Laurie Moyer

**Indexes:**

**Code sections:**

**Attachments:** 1. Resolution, 2. Purchase Contract and Extensions, 3. Holdback Amendment, 4. VCP Acceptance Letter, 5. TCEQ VCP Agreement, 6. Property Location Exhibit

Date	Ver.	Action By	Action	Result
10/20/2020	1	City Council		

**AGENDA CAPTION:**

Consider approval of Resolution 2020-222R, approving a Real Estate Sales Contract with Randy N. and Patrice A. Greer for the City to purchase lots 2 and 3, block 12 of the original town of San Marcos, located at 128 and 140 South Guadalupe Street, for a price of \$1,600,000, plus any associated closing costs, approving amendments to said contract including an amendment providing for the withholding of funds in an amount up to \$225,000 for expenses associated with enrolling in the Texas Commission on Environmental Quality (“TCEQ”) voluntary cleanup program; approving a Voluntary Cleanup Program Agreement with the TCEQ in connection with the purchase of the property; approving the execution of said Real Estate Sales Contract by the City Manager, or his designee, on behalf of the city; authorizing the City Manager, or his designee, to execute the contract amendment regarding the withholding of funds under the TCEQ voluntary cleanup program, any related closing documents and the TCEQ Voluntary cleanup program agreement on behalf of the City; and declaring an effective date.

**Meeting date:** October 20, 2020

**Department:** Engineering/CIP

**Amount & Source of Funding**

**Funds Required:** \$1,600,000

**Account Number:** [Click or tap here to enter text.](#)

**Funds Available:** Click or tap here to enter text.

**Account Name:** TIRZ #5; C614 - Downtown Acquisition

**Fiscal Note:**

**Prior Council Action:** Ordinance 2020-046

**City Council Strategic Initiative:** [Please select from the dropdown menu below]

Downtown Vitality

Choose an item.

Choose an item.

**Comprehensive Plan Element (s):** [Please select the Plan element(s) and Goal # from dropdown menu below]

- Economic Development - Choose an item.
- Environment & Resource Protection - Choose an item.
- Land Use - Direct Growth, Compatible with Surrounding Uses
- Neighborhoods & Housing - Choose an item.
- Parks, Public Spaces & Facilities - Choose an item.
- Transportation - Choose an item.
- Core Services
- Not Applicable

**Master Plan:** [Please select the corresponding Master Plan from the dropdown menu below (if applicable)]

Downtown Master Plan

**Background Information:**

In June, the City Council approved an amendment to the Downtown Tax Increment Reinvestment Zone #5 Project and Financing Plan. The amendment included funding for the acquisition of property for parking and other public priorities. This resolution authorizes the City Manager to close on Lots 2 & 3, Block 12 of the Original Town of San Marcos located at 128 and 140 S. Guadalupe Street.

This property was submitted for enrollment with Texas Commission on Environmental Quality (TCEQ) in the Voluntary Cleanup Program (VCP.) TCEQ has accepted the enrollment and the resolution also approves the application into the program. The anticipated costs associated with the VCP program will be escrowed out of the purchase price and held until clearance of the site is obtained from TCEQ.

Additional information regarding the properties:

- The final use of the property has not been determined. As per the TIRZ and agenda form the

properties are identified for parking or other public priorities.

- As part of the due diligence in purchasing the properties, monitoring wells were installed for soil and groundwater analysis purposes.
- No soil contamination was found but tetrachloroethane (PERC) and trichloroethane (PCE) were found above Protective Contamination Levels (PCLs) in one well. These chemicals are typically associated with dry cleaning operations.
- Based upon analysis the source of the contamination is 128 & 140 S. Guadalupe.
- The current property owner & the City have been accepted into the Texas Commission on Environmental Quality's the Voluntary Cleanup Program. An amount above the anticipated cleanup costs is being withheld from the purchase payment to fund the effort.
- Because there is no clean-up responsibilities associated with 152 S. Guadalupe, no funding is being withheld.

### **Council Committee, Board/Commission Action:**

Click or tap here to enter text.

### **Alternatives:**

Click or tap here to enter text.

### **Recommendation:**

Click or tap here to enter text.