

2009 Competitive Housing Tax Credit (HTC) Challenges

The attached table titled, **Status Log of 2009 Competitive Housing Tax Credit Challenges Received and Determinations Made as of June 15, 2009** (“Status Log”), summarizes the status of challenges received on or before June 15, 2009. The challenges were made against Applications in the 2009 Application Round. Behind the Status Log, all imaged challenges are provided in project number order. This PDF document has been bookmarked by application number for quick access.

All challenges are addressed pursuant to §49.17(c) of the 2009 Qualified Allocation Plan and Rules (“QAP”), which states, “the Department will address information or challenges received from unrelated entities to a specific 2009 active Application, utilizing a preponderance of the evidence standard, as stated in paragraphs (1) – (3) of this subsection, provided the information or challenge includes a contact name, telephone number, fax number and e-mail address of the person providing the information or challenge and is received by the Department no later than June 15, 2009:

- (1) Within 14 business days of the receipt of the information or challenge, the Department will post all information and challenges received (including any identifying information) to the Department’s website.
- (2) Within seven business days of the receipt of the information or challenge, the Department will notify the Applicant related to the information or challenge. The Applicant will then have seven business days to respond to all information and challenges provided to the Department.
- (3) Within 14 business days of the receipt of the response from the Applicant, the Department will evaluate all information submitted and other relevant documentation related to the investigation. This information may include information requested by the Department relating to this evaluation. The Department will post its determination summary to its website. Any determinations made by the Department cannot be appealed by any party unrelated to the Applicant.”

Please note that a challenge is not eligible pursuant to this section if it is not made against a specific active 2009 HTC Application. If an Application is no longer active because the Development has been awarded tax credits by the Texas Department of Housing and Community Affairs’ (the “Department”) Board, challenges relating to the awarded/inactive Application are not eligible under this section.

To the extent that the Applicant related to the challenge responds to the eligible challenge(s), point reductions and/or terminations could possibly be made administratively. In these cases, the Applicant will be given an opportunity to appeal pursuant to §49.17(b) of the 2009 QAP, as is the case with all point reductions and terminations. To the extent that the evidence does not confirm a challenge, a memo will be written to the file for that Application relating to the challenge. The table attached reflects a summary of all such challenges received and determinations made as of June 15, 2009.

Date Challenge Received	TDHCA #	Development Name	Challenger	Nature and Basis of Challenge	Status
5/19/2009	09138	Belmont Senior Village	Walter Moreau, Foundation Communities, Inc.	<p>Challenge regarding points awarded to the Application under §49.9(i)(16)(F), Developments Located in an Urban Core. The basis of the challenge as reflected in the challenge documentation is: the Application was awarded 4 points for this, requiring that the location of the proposed development site be in an area that meets the definition of Urban Core as described in §49.3(105) of the 2009 QAP. Classifying the proposed site in the Application as Urban Core defies the intent of the definition's inclusion in the 2009 QAP. The proposed site is an undeveloped parcel of farmland surrounded on three sides by other parcels of undeveloped land. Granting the Urban Core points to a site in Leander completely negates the competitive balance that was being offered by §49.9(i)(16)(F) to deals located in true Urban Cores.</p>	<p>Analysis: Per §49.3(105) of the QAP, Urban Core is defined as “A compact and contiguous geographical area that is composed of adjacent block groups in which at least 90 percent of the land not in public ownership is zoned to accommodate a mix of medium or high density residential and commercial uses within the same zoning district.” Staff has reviewed the documents submitted with the challenge, as well as the Applicant’s response and documents from the Planning and Zoning section of the City of Leander’s website. Page 19 of the Composite Zoning Ordinance states that “the City of Leander is hereby divided into composite zoning districts, which contain a use component, a site component, and an architectural component...Each composite district, consisting of three components, is considered a discrete and unique zoning district.” The proposed site is zoned Multifamily (use), Type 3 (site), Type A (architectural), and is itself a “discrete and unique zoning district” that does not meet the requirements of the QAP. It is noted that Local Commercial is a permitted use within the district, provided that the use “not be located in stand alone buildings but shall be seamlessly integrated with multifamily units.” The proposed development does not include such a use.</p> <p>Resolution: The Department has evaluated the challenge pursuant to the methodology outlined in §49.17(c) of the 2009 QAP and has determined that the Application is not eligible for points under §49.9(i)(16)(F), Developments Located in an Urban Core. The Applicant has appealed staff’s determination. The appeal is pending.</p>

Date Challenge Received	TDHCA #	Development Name	Challenger	Nature and Basis of Challenge	Status
5/26/2009	09138	Belmont Senior Village	Janine Sisak, DMA Development Company, LLC	<p>Challenge regarding points awarded to the Application under §49.9(i)(16)(F), Developments Located in an Urban Core. The basis of the challenge as reflected in the challenge documentation is: the Application was awarded 4 points for this, requiring that the location of the proposed development site be in an area that meets the definition of Urban Core as described in §49.3(105) of the 2009 QAP. The City of Leander does not meet the “Urban” aspect of the definition because of its population is less than 25,000 and its distinctly rural character. Moreover, the area the Applicant defined as an “Urban Core” is not “compact” as it contains more than 2,500 acres. Most importantly, the area defined by the Applicant is not an area in which “90% of land not in public ownership is zoned to accommodate medium or high density residential and commercial uses <i>within the same zoning district.</i>” The area defined by the Applicant clearly contains several zoning districts—a Planned Unit Development, General Commercial, Light Industrial, Single Family rural, to name a few. The area also fails the definition because it does not contain 90% of land zoned to accommodate medium or high density.</p>	<p>Analysis: Per §49.3(105) of the QAP, Urban Core is defined as “A compact and contiguous geographical area that is composed of adjacent block groups in which at least 90 percent of the land not in public ownership is zoned to accommodate a mix of medium or high density residential and commercial uses within the same zoning district.” Staff has reviewed the documents submitted with the challenge, as well as the Applicant’s response and documents from the Planning and Zoning section of the City of Leander’s website. Page 19 of the Composite Zoning Ordinance states that “the City of Leander is hereby divided into composite zoning districts, which contain a use component, a site component, and an architectural component...Each composite district, consisting of three components, is considered a discrete and unique zoning district.” The proposed site is zoned Multifamily (use), Type 3 (site), Type A (architectural), and is itself a “discrete and unique zoning district” that does not meet the requirements of the QAP. It is noted that Local Commercial is a permitted use within the district, provided that the use “not be located in stand-alone buildings but shall be seamlessly integrated with multifamily units.” The proposed development does not include such a use.</p> <p>Resolution: The Department has evaluated the challenge pursuant to the methodology outlined in §49.17(c) of the 2009 QAP and has determined that the Application is not eligible for points under §49.9(i)(16)(F), Developments Located in an Urban Core. The Applicant has appealed staff’s determination. The appeal is pending.</p>

Date Challenge Received	TDHCA #	Development Name	Challenger	Nature and Basis of Challenge	Status
5/27/2009	09159	Malibu Apartments	Walter Moreau, Foundation Communities, Inc.	<p>Challenge regarding points awarded to the Application under §49.8(d)(3), Pre-Application Threshold Criteria and Review, and §49.9(h)(8)(A)(i), Certifications of Notifications. The basis of the challenge as reflected in the challenge documentation is: The Applicant is required to request a list of Neighborhood Organizations on record with the county and state whose boundaries include the proposed Development Site from local elected officials. The City of Austin confirmed that the Applicant requested the list on December 8, 2008, and the City of Austin sent a response and neighborhood list to the Applicant on that same day. However, in the Pre-Application, the Applicant claims they did not receive a reply back from the City of Austin by January 1, 2009. The Applicant has a basic responsibility to determine if a neighborhood organization exists that they should contact. The Applicant knew about the existence of the North Austin Civic Association at both the pre-application and full application stage, but for some reason chose not to notify the organization.</p>	<p>Analysis: Per §49.8(d)(3)(A) and §49.9(h)(8)(A) of the 2009 QAP, the Applicant must list all Neighborhood Organizations on record with the county or state whose boundaries include the proposed Development Site as provided by the local elected officials, or that the Applicant has knowledge of as of Pre-Application or Application Submission. Staff has reviewed the documentation included in the challenge as well as the Applicant's response. Staff has determined that the Applicant did have knowledge of at least one Neighborhood Organization whose boundaries included the Development site prior to the submission of the Pre-Application and Application. Staff has further determined that the Applicant incorrectly certified that the Applicant knew of no neighborhood organizations within whose boundaries the Development is proposed to be located and failed to disclose the contact information for the North Austin Civic Association to the Department.</p> <p>Resolution: Department has evaluated the challenge pursuant to the methodology outlined in §49.17(c) of the 2009 QAP and has determined that the Pre-Application and Application failed to meet the notification requirements of the QAP. A notice of termination was sent to the Applicant. The appeal of termination is pending.</p>

Challenge Received Date	TDHCA #	Development Name	Challenger	Nature and Basis of Challenge	Status
5/27/2009	09159	Malibu Apartments	Walter Moreau, Foundation Communities, Inc.	Challenge regarding financial feasibility and underwriting. The basis of the challenge as reflected in the challenge documentation is: The scoring and underwriting cannot be correct given the glaring omission of required ADA interior unit renovations, as well as potential related issues with asbestos remediation and tenant relocation. In order to receive housing funds from the City of Austin, the project will be required to fully renovate 10% of the units to be wheelchair/mobility accessible. TDHCA rules also require that a certain percentage of units be renovated to comply with ADA, Section 504 laws and other rules. Neither the renovation budget in the Physical Condition Assessment or the overall development application budget include any money for required interior unit ADA renovation. The total cost of the ADA renovations should also take into consideration potential asbestos abatement and tenant relocation.	<p>Analysis: The challenge refers to no particular section of the QAP. After review of the challenge and the Applicant's response, staff has determined that the Applicant has taken all of the issues raised into account in preparing the Application. Should underwriting prove the project to be infeasible, staff will not recommend an award of tax credits for the Development.</p> <p>Resolution: The Department has evaluated the challenge pursuant to the methodology outlined in §49.17(c) of the 2009 QAP and has determined that no action is required.</p>

Challenge Received Date	TDHCA #	Development Name	Challenger	Nature and Basis of Challenge	Status
6/10/2009	09166	Goldshire Townhomes	Donald J. Dobesh, Jr., Vice President, Village of Oak Lake Subdivision HOA	Challenge regarding legal ability of the Seller of the property for this Development to do business in Texas. The basis of the challenge as reflected in the challenge documentation is: The Seller of the property, SHR Invests, Inc., forfeited its charter on August 3, 2007 and should not be representing itself as a corporation to do business in the State of Texas.	Pending: Posted to the Department's website. being processed pursuant to CH 117(c) of the 2009 QAP.
6/12/2009	09163	Tremont Apartment Homes	Michael Hartman, Roundstone Development, LLC	Challenge regarding application scoring for QCP. The basis of the challenge as reflected in the challenge documentation is: The authorized representative of the Bacon Ranch Road Property Owners Association does not live within the boundaries of the organization. Owners of 7 of the 22 properties located within the organization's boundaries have no knowledge of the organization and never agreed to participate in the organization. The Neighborhood Organization's boundaries were not in effect as of February 27, 2009 because the owners of seven properties located within the boundaries had no knowledge of the organization and had not agreed to join. Further, the applicant did not disclose the Bacon Ranch Road Property Owners Association in his Pre-Application and certified that he knew of no Neighborhood Organizations within whose boundaries the proposed development site was to be located. The Application should be disqualified for this omission.	Pending: Posted to the Department's website. being processed pursuant to CH 117(c) of the 2009 QAP.

Challenge Received Date	TDHCA #	Development Name	Challenger	Nature and Basis of Challenge	Status
6/13/2009	09166	Goldshire Townhomes	Loree Conrad, Resident, Sugarland, Texas	Challenge regarding the legal name of the one of the owners for the Application. The basis of the challenge as reflected in the challenge documentation is: Navdip S. Sobti, listed as the contact for the Application, legally changed his name to Neal Singh on January 18, 2008. Neal Singh is listed as one of the development owners. Both names are used throughout the Application.	Pending: Posted to the Department's website. being processed pursuant to CHS 117(c) of the 2009 QAP.
6/15/2009	09127	Sage Brush Village	Max Schleder, Principal, ST Ventures, LLC	Challenge regarding the validity of the neighborhood organization that submitted in support of the application. The basis of the challenge as reflected in the challenge documentation is: the Key West Senior Village Neighborhood Association appears to be a Resident Council and the relationship between the individual writing the support letter and the developer of the proposed development is suspicious. In their QCP submission, the organization selected "Other" and did not designate the type of organization. The signer of the submission, Ms. Faye Biggers, identified herself in different ways in different parts of the submission and stated her address as that of the Key West Senior Village apartment community, which was TDHCA #00023. The Applicant, Randy Stevenson, is the same as that of the Key West Senior Village II, TDHCA #07151/08092. Ms. Biggers submitted a letter of support for that development as well. In 2006, Ms. Biggers submitted a QCP letter in support of application #060140, Key West Senior Village II, as a representative for the Key West Neighborhood Association.	Pending: Posted to the Department's website. being processed pursuant to CHS 117(c) of the 2009 QAP.



creating housing where families succeed

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May 18, 2009

Ms. Robbye Meyer
Director of Multifamily Programs
Texas Department of Housing and Community Affairs
P.O. Box 3941
Austin, Texas 78711-3941

Re: Challenge to Urban Core Points under Section 49.9(i)(16)(F) for Application Number 09138

Dear Ms. Meyer:

Please accept this letter as a challenge to points applied for by application #09138 under section 49.9(i)(16)(F) *Development Location* of the 2009 *Qualified Allocation Plan* (QAP). The applicant claims four points for the proposed site meeting the qualifications of QAP Section 49.9 (i)(16)(F); however the proposed site does not meet the definition of “Urban Core” as defined in QAP Section 49.3(105). Application #09138 should not be granted the four points available under Section 49.9(i)(16)(F).

Classifying the location of the proposed site in application #09138 as “urban core” defies the intent of the definition’s inclusion in the 2009 QAP and fails to meet the most basic aspect of the word. Merriam-Webster defines urban as “of, relating to, characteristic of, or constituting a city” and core is defined as “a central and often foundational part usually distinct from the enveloping part by a difference in nature <the core of the city>.” The proposed site is an undeveloped parcel of farmland surrounded on three sides by other parcels of undeveloped land. Only the northern border of the property abuts developed land, but it is a single family sub-division and can hardly be considered “urban” or “core”, as defined above.

Officials from the cities of Fort Worth, El Paso and Austin worked very hard to get language included in the 2009 QAP that would help level the playing field for development in urban areas. In past years, the number of affordable housing developments in the core cities has decreased dramatically due to higher acquisition costs and higher construction costs for parking and density requirements. At the same time, projects located in suburban areas around these cities have flourished due to cheaper land and lower density. Granting the “urban core” points to a site in Leander completely negates the competitive balance that was being offered by Section 49.9 (i)(16)(F) to deals located in the true urban cores of Fort Worth, El Paso and Austin.

There is no doubt that the City of Leander is trying to create a well-planned, suburban community as evidenced by the adoption of their unique Composite Zoning Ordinance in 2007. However, even the City of Leander admits that it is a "suburban area" as taken from a summary publication explaining the new ordinance:

<http://www.leandertx.org/pdfs/CompositeZoningGeneralPublication.pdf>: "Leander, Texas is a burgeoning satellite city with about 20,000 residents northwest of Austin. The area was mainly rural when the city was incorporated in 1978. Today, it's a typical bedroom community, albeit a rapidly growing one." The City of Leander is still a suburban area on the fringe of the larger city of Austin with a true "urban core."

The City of Leander is trying to provoke thoughtful development around the subdivisions of single family homes that have been built in rapid succession in the area. A site/facility inventory, on the City's website, lists 87 tracts of land available for development. Most of these 11,000 acres of land are unimproved. Please see attached map of inventory along with the tracts of land containing the site (tract 4) and the lots east (tract 2), west (tract 6) and south (tract 3).

Even the applicant describes the project location as a "small town." On page 479 of the application No. 09138, the Affirmative Marketing Plan reads, "The community will appeal to its senior target market because of its superior quality at affordable rental rates and small town living atmosphere, combined with the easy access to the retail and health centers in Leander (Belmont Senior Village is adjacent HEB Plus) and the nearby greater Austin, Round Rock, & Georgetown areas." "Small town" is an antonym for "urban core."

If the proposed site does not even meet the most basic definition of "urban core," it is impossible to meet the definition included in QAP Section 49.3(105) as "A compact and contiguous geographical area that is composed of adjacent block groups in which at least 90 percent of the land not in public ownership is zoned to accommodate a mix of medium or high density residential and commercial uses within the same zoning district." We challenge the site meeting the QAP definition as follows:

"compact and contiguous geographical area" –The proposed site is not included as part of the PUD overlay given to tracts most adjacent to the new Leander TOD. Admittedly, the site is close, but is not contiguous with any land zoned with the PUD overlay.

"zoned to accommodate a mix of medium or high density residential and commercial uses within the same zoning district" - The site itself is zoned MF-3-A and is surrounded by tracts zoned light industrial and general commercial – these are three distinct zoning districts. The map included on page 389 of the application has an arbitrary border drawn around an area that includes a lot of land that is zoned with the PUD overlay, but also includes areas with other zoning districts. The site also backs up to a very large subdivision of single family homes which can hardly be considered medium or high density.

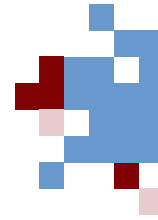
As residents of Austin, we are very aware that suburban areas such as Leander have experienced rapid growth, but the area cannot be defined as "urban." Please find attached a photo taken of downtown Leander and compare that with photos of downtown Fort Worth, Austin and El Paso.

Thank you very much for your careful consideration of this challenge.

Sincerely,
Walter Moreau
Foundation Communities, Inc.
Phone: 512-447-2026
Fax: 512-447-0288
Email: walter.moreau@foundcom.org

By: David H. Hutton, AICP

The Power of Composite:



Shaking Conventions With Conventional Zoning

A city council vote in Leander, Texas, in early September gave the city what could be the nation's first comprehensive composite zoning ordinance. Using a format resurrected from the earliest zoning codes in the U.S., composite zoning offers a flexible, simplified, and innovative method for integrating form-based standards into a traditional Euclidian framework. This method has the potential of creating compatible mixed-use neighborhoods even in a suburban setting.

Context

Leander, Texas is a burgeoning satellite city with about 20,000 residents northwest of Austin. The area was mainly rural when the city was incorporated in 1978. Today, it's a typical bedroom community, albeit a rapidly growing one. With growth comes the promise of new employment opportunities; shopping, dining and housing alternatives; and transportation options including a commuter rail line anchoring a diverse urban Transit Oriented Development (TOD).

At the same time there has been concern about potential negative growth impacts related to incompatible land uses. Some residents worried that the city's zoning ordinance was not up to

the task of enabling healthy growth. Over the years, the issue threatened to divide the community.

Status

Like most zoning codes, Leander's ordinance included a compilation of use districts. As problems were encountered with land use incompatibilities, additional use districts were created to more finely define and limit uses. Ultimately this limited the marketability of non-residential property. Over time, overlay districts, special use permits and limited form standards were applied to improve the ability to contextualize zoning rules. With the added zoning layers the ordinance became more complicated, difficult to navigate and inconsistent.


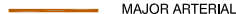


When all else failed, and it is surprising how often this can happen, a Planned Unit Development (PUD) was employed to provide standards more appropriate to the context of the site. PUD's can be effective in addressing contextual issues, but can also be confusing for anyone trying to buy, develop, market, plan, inspect or get loans for real estate. Every PUD is different from every other PUD. To understand them you must research the language of the PUD ordinance itself. The process can

last for months, resemble contract zoning, and, like a black hole, be impossible to escape from once you travel beyond its event horizon. With the addition of new staff not familiar with the standards and intent of the PUD's, they become even more difficult to administer. I consider the number of PUD's in a community to be a gauge of the ineffectiveness of their zoning ordinance. That said, a PUD can also be a valuable tool if used in moderation.


Conditional Use Permits are sometimes utilized to provide additional flexibility to a zoning ordinance and establish a process to review certain uses for compatibility within the context of their proposed location. Like a PUD, if used in moderation, they can be a valuable tool. However, they require an additional approval beyond the base zoning and have some of the same drawbacks as PUD's.


I have seen developers, neighbors, zoning administrators, city councils and zoning commissions alike complain about zoning ordinances. They are criticized as inflexible, too constraining, not constraining enough, too complicated, not able to address contextual issues, not able to protect property values, creating limits to economic development, etc. Weaknesses


ROADWAY PLAN

-  TOLLWAY
-  MAJOR ARTERIAL
-  MINOR ARTERIAL
-  PRIMARY COLLECTOR

 TOUR ROUTE

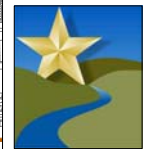
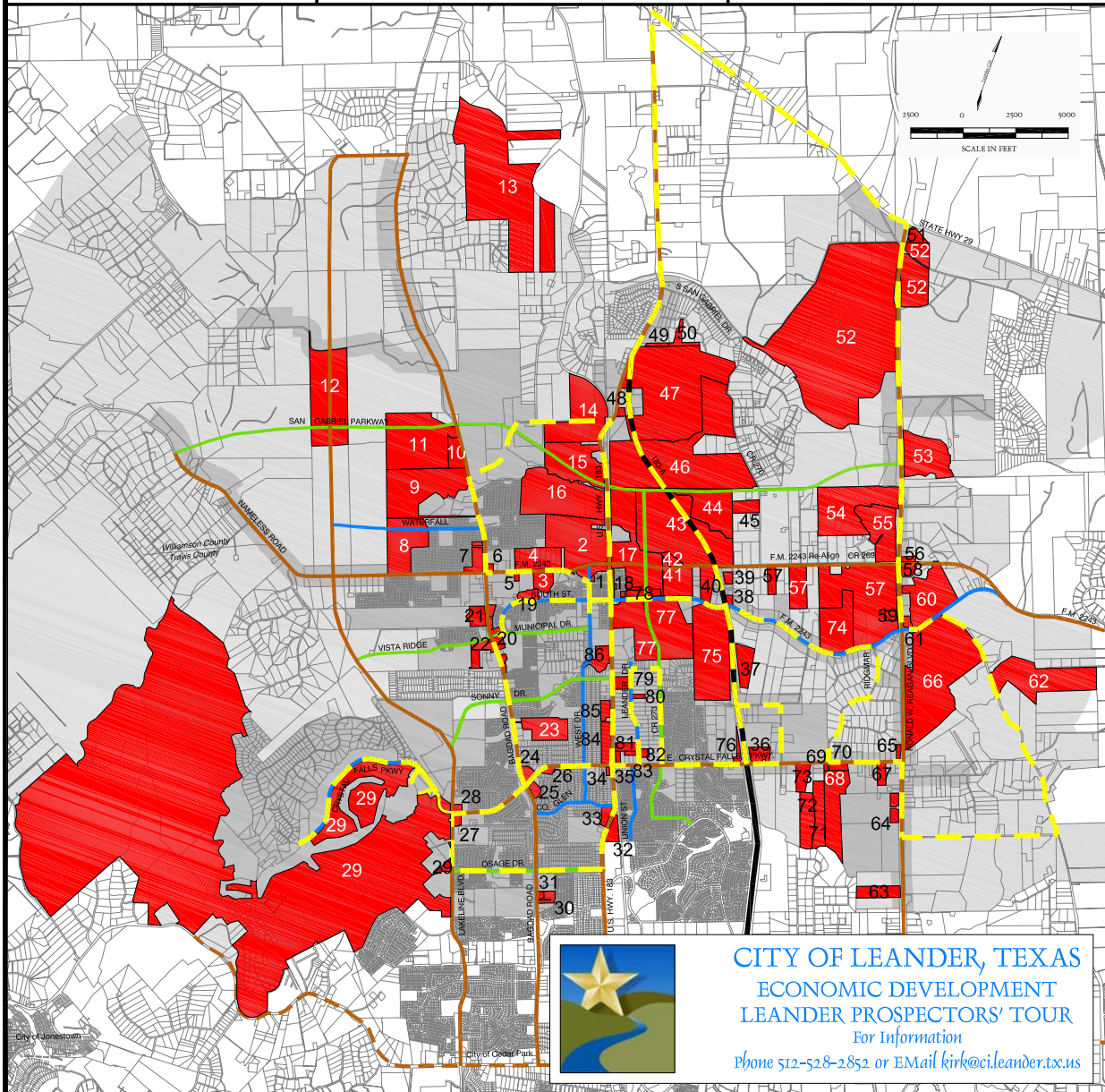
 SITE NUMBER

 CITY OF LEANDER-CITY LIMITS

 CITY OF LEANDER E.T.J.

Site Number	Name	Acres
1	Broad Street Properties	1
2	HEB Grocery	155
3	Brown Plaza	19
4	Metropolitan Management	47
5	Sandlin Ventures Development	5
6	NE Corner of Bagdad and Old 2243 West	2
7	Notife Capital	18
8	Hawkes	93
9	Hawkes Property	149
10	Park Village	22
11	Texas X-Park	179
12	Capitol Land Company	186
13	www.480acres.com	480
14	Business Park	131
15	Tylerville	107
16	Michelle	164
17	Leander Transit Village	164
18	East Old Town Properties	5
19	West South Street	10
20	Bagdad and Municipal Drive	22
21	Bagdad Road, North of Vista Ridge	17
22	Commons at Vista Ridge	18
23	Mason Property	52
24	Commons at Crystal Falls	6
25	SE Corner of Bagdad and Crystal Falls	6
26	Oaks on Crystal Falls	3
27	SE Corner of Lakeline Blvd and Crystal Falls Pkwy	4
28	NE Corner of Lakeline Blvd and Crystal Falls Pkwy	3
29	Crystal Falls	5,000
30	Moore Property	12
31	Leander Shopping Center	3
32	Robert Knight	13
33	Reunlon Development Group	8
34	Crystal Falls Plaza	1
35	Brannen Property	3
36	Duncan's NE Corner	19
37	Pruett-Pearson Property	17
38	FABCON Products	2
39	Eriksson Property	5
40	FABCON Products	23
41	Franklin House	47
42	Ranch Gate TOD	9
43	Mathis-Beasley	228
44	Hlgginbotham	89
45	Ervin Property	17

Site Number	Name	Acres
46	Buller-Winters	363
47	Villages of Messina	341
48	Meyer's Property	3
49	Seaman's Property	3
50	Garrett Property	12
51	Ironwood Real Estate	13
52	Wedemeyer	927
53	Lookout Group	93
54	Little Hill Airport	105
55	Reunion Development Group	84
56	King Property	4
57	Mahendru and Carlton	283
58	Moore Property	10
59	Bushkuhl Property	6
60	H. K. Ranch	106
61	NE Corner of FM 2243 and Reagan Blvd	5
62	Cannon Ranch	140
63	Summit Properties	27
64	Carlton's Frontage	12
65	Raid Property	3
66	Sarita Valley	323
67	Anderson Tract	10
68	Centex Properties	78
69	Carlton's Corner	1
70	Carlton's Other Corner	7
71	Cluck-Brown Property	40
72	Walley Property	40
73	Asbery Park	17
74	Reunion Development Group	85
75	Leander Crossing	163
76	Bolton Real Estate Services	5
77	Southwestern Property	212
78	Leslie Property	12
79	Midtown Square	12
80	RDG Leander Drive II	3
81	1405 & 1501 Leander Drive	9
82	RDG Leander Drive I	4
83	1503 Leander Drive	2
84	Gateway at Leander	41
85	Starfish Development	9
86	Starfish Development	19
TOTAL ACREAGE (Varies due to rounding)		11,358

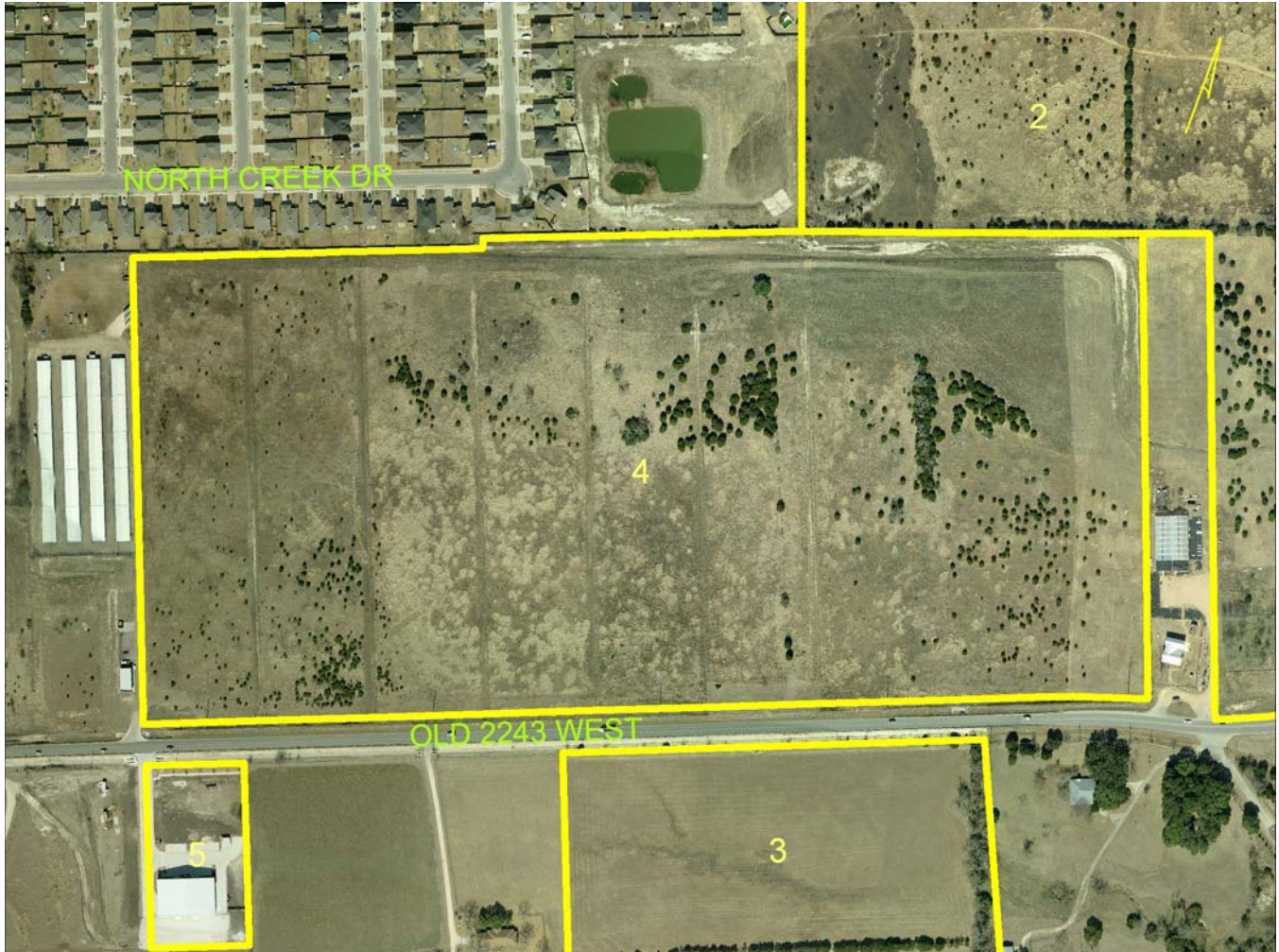


CITY OF LEANDER, TEXAS
 ECONOMIC DEVELOPMENT
 LEANDER PROSPECTORS' TOUR
 For Information
 Phone 512-528-2852 or EMAIL kirk@ci.leander.tx.us

Tract 4 contains proposed site in Application #09138

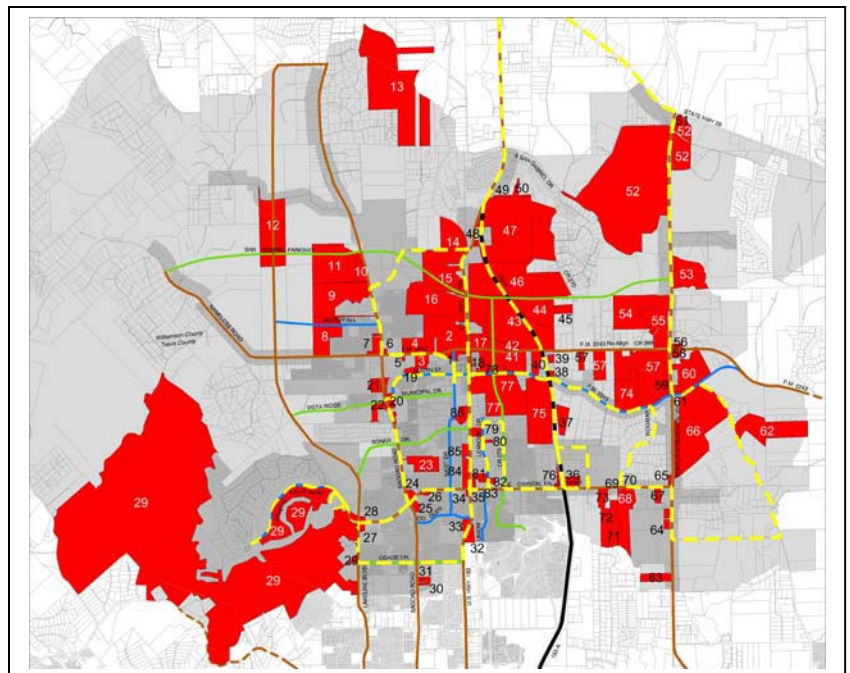
2009
Site 04

47 Acres/19 Hectares
2243 Industrial-Commercial Park



47 acres/19 hectares
US 183 access .6 mile/.9 kilometers east
Utilities
Greenfield
Zoning - Light Industrial

Mr. Doug Duwe
Capitol Land Company
P. O. Box 1944
Austin TX 78767
512.472.7002 phone
512.751.3600 mobile
512.442.8226 facs
dduwe@sbcglobal.net
www.capitolland.com



City of Leander Economic Development Department ♦ www.ci.leander.tx.us ♦ 512.528.2852

The information contained herein is from sources deemed reliable, but no guarantee is made or responsibility assumed by the City of Leander Economic Development Department as to its accuracy.

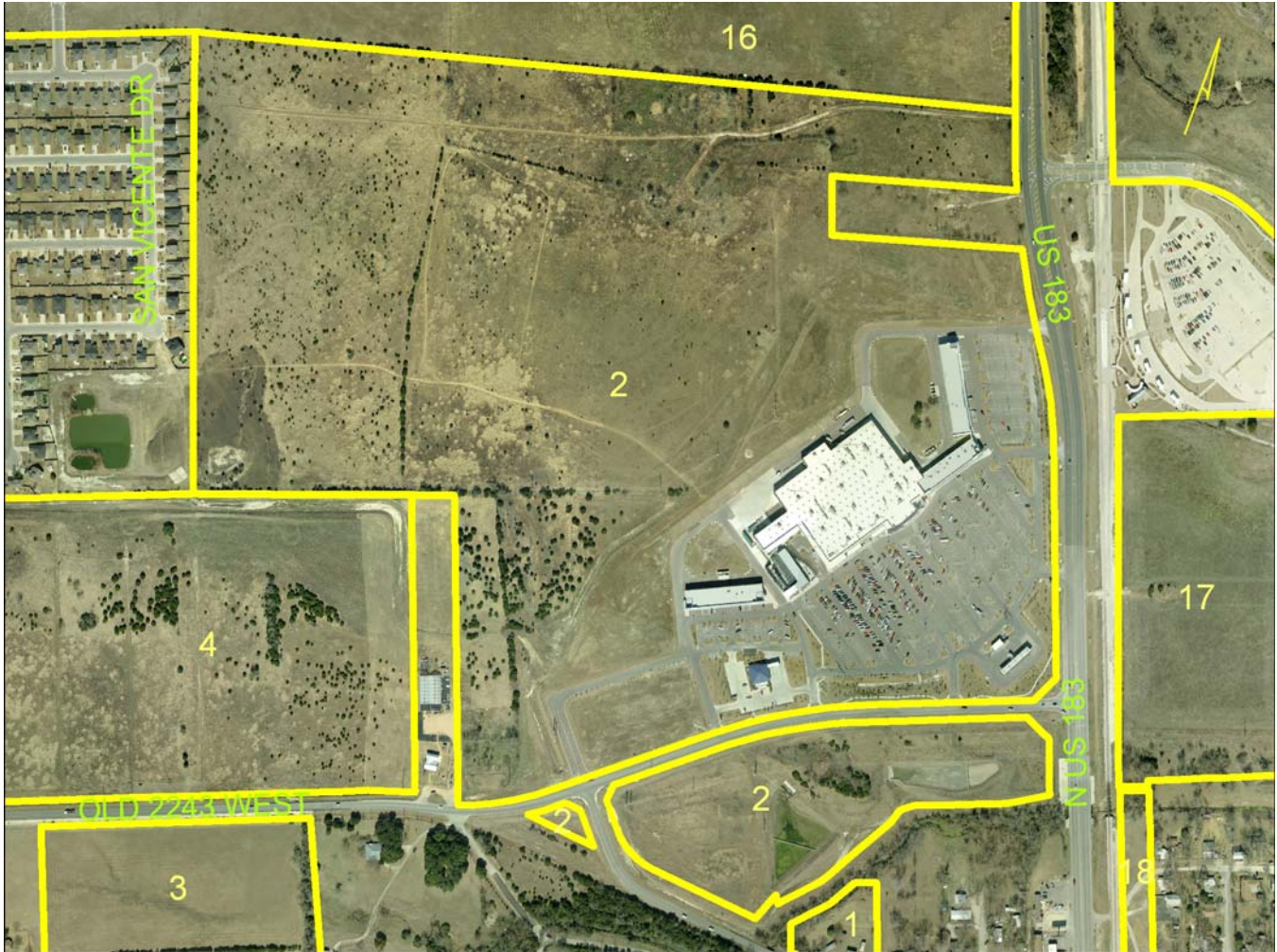
47 Acres/19 Hectares
2243 Industrial-Commercial Park

Property				
Total Acreage: 47 acres/19 hectares		Map: MAPSCO Austin 2006 Street Guide, pgs. 312, Sec. W, X		
Location				
City: Leander		County: Williamson		
Address/Directions: Rectangular property immediately west of the 142-acres (57.5 hectares) HEB-Plus grocery anchored site with over 2,100 feet/650 meters of frontage on FM 2243				
Within City Limits: Yes		Distance from City Limits: Not Applicable		
Distance to US Highways: 3,000 feet/914 meters Distance to Interstate Highways: 12 miles/19.3 km		Type of Zoning: Light Industrial		
General Site Information				
Previous Use of Site: Greenfield		General Condition: Excellent		Dimensions: 2,133 feet/650 meters x 1,024 feet/312 meters
Soil Composition (based upon USDA, Soil Conservation Service, Soil Survey of Williamson County, Issued January of 1983): Denton-Eckrant-Doss: moderately deep, shallow and very shallow, calcareous, clayey, cobbly, and stony soils formed in indurated fractured limestone or limey earths; on uplands with 1 to 8 percent slopes			Shrink/Swell Capacity: Moderate to high with a high risk of corrosion for uncoated steel and a low risk of corrosion for concrete.	
Adjoining Acreage Available: Yes		Can Site Be Divided: Yes		Lot Size: Negotiable
Improvements				
Road Distance to Rail: 3,100 feet/945 meters		Name of Railroad: Union Pacific, Southern Pacific and Capital Metro Commuter Rail		
Proximity to Port(s): Three (3) hours to Port of Houston		Other Improvements: Not Applicable		
Fenced: No		Landscaped: No		
Located within an Industrial Park: No		Type of Business: Office/Warehouse and/or Office/Retail		
Deed Restriction(s): No		Covenants: No		
Utilities				
City of Leander Services		Water - Size of Nearest Line: 12 inch/30.5 cm along FM 2243 Pressure: 65 psi/448 kilopascal		Sewer - Size of Nearest Line: 10 & 12 inch/25.4 & 30.5 cm along FM 2243 and east of property
Electric Service: Pedernales Electric Cooperative (PEC)	Phone: 888.554.4732	Facs: 830.868.5097		Email: heather.richardson@peci.com
Natural Gas Service: Mr. Will Nabors, 512.310.3810, ATMOS Energy		Size of Nearest Line: 4 inch/10.2 cm		Pressure: Intermediate Pressure located 250 feet/76.2 meters from the northeast corner at North Creek Drive
Telecommunication Service: AT&T	Phone: 512.870.4430	Facs: 512.870.4475		Email: tc4713@att.com
Solid Waste Disposal: Clawson Disposal, Inc.	Phone: 512.259.1709	Facs: 512.746.5807		Email: clawsondisp@earthlink.net
Sales Information				
Contact: Mr. Doug Duwe	Phone: (512) 472-7002 or (512) 751-3600	Facs: (512) 442-8226	Email: dduwe@sbcglobal.net	Web Site: www.capitolland.com
Sales Price: \$2.25 to \$3.25 per square foot depending upon size of land		Lease Price: Not Applicable		
Comments: Frontage on FM 2243, west of the 142-acres (57.5 hectares) HEB-Plus Grocery, Inc. property. Divisible into 6 acre/2.4 hectares to 47 acres/19 hectares sites. Excellent access in an area poised for growth.				

155 Acres/62.7 Hectares
HEB Site

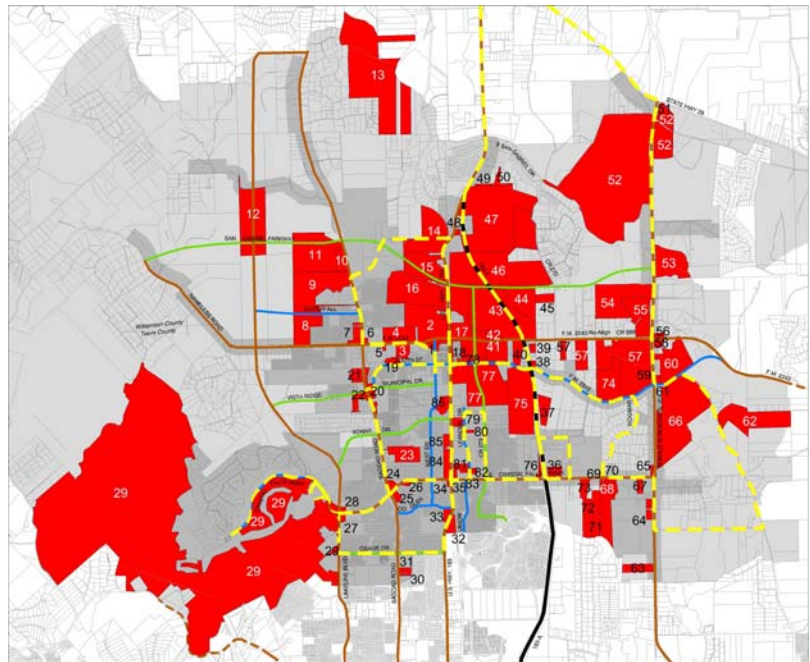
Tract 2 is immediately east of the proposed site

1/2009
Site 02



155 acres/62.7 hectares
US 183 frontage east, RR 2243 frontage south
Utilities
250,000 square feet/23,226 square meter retail complex
Zoning - General Commercial

Mr. Brett A. Baker
H-E-B Grocery, Inc.
P. O. Box 839955
San Antonio TX 78283-3955
(210) 938-8290 phone
(210) 938-7788 facs
baker.brett@heb.com
www.hebdevelopment.com



City of Leander Economic Development Department ♦ www.ci.leander.tx.us ♦ 512.528.2852

The information contained herein is from sources deemed reliable, but no guarantee is made or responsibility assumed by the City of Leander Economic Development Department as to its accuracy.

**155 Acres/62.7 Hectares
HEB Site**

Property				
Total Acreage: 155 acres/62.7 hectares			Map: MAPSCO Austin 2006 Street Guide, pgs. 312, Sec. T & X	
Location				
City: Leander			County: Williamson	
Address/Directions: Northwest corner of US 183 and FM 2243				
Within City Limits: Yes			Distance from City Limits: Not Applicable	
Distance to US Highways: immediate frontage east			Type of Zoning: General Commercial	
Distance to Interstate Highways: 11 miles/17.7 kilometers				
General Site Information				
Previous Use of Site: Farm Land		General Condition: Excellent		Dimensions: 2,834 x 2,441 feet/864 x 744 meters
Soil Composition (based upon USDA, Soil Conservation Service, Soil Survey of Williamson County, Issued January of 1983): Denton-Eckrant-Doss: moderately deep, shallow and very shallow, calcareous, clayey, cobbly, and stony soils formed in indurated fractured limestone or limey earths; on uplands with 1 to 8 percent slopes			Shrink/Swell Capacity: Moderate with high risk of corrosion for uncoated steel and a low risk of corrosion for concrete	
Adjoining Acreage Available: No		Can Site Be Divided: Yes		Lot Size: Negotiable
Improvements				
Road Distance to Rail: 500 feet/152 meters			Name of Railroad: Union Pacific, Southern Pacific, Capital Metro Commuter Rail	
Proximity to Port(s): Three (3) hours to Port of Houston			Other Improvements: Additional 50,000 square feet (4,645 square meters) in-line retail and eight pad sites	
Fenced: Yes			Landscaped: Yes	
Located within an Industrial Park: No			Type of Business: Retail	
Deed Restriction(s): Yes			Covenants: Yes	
Utilities				
City of Leander Services		Water - Size of Nearest Line: 12 inch/30.5 cm 1-mile/1.6 km west Pressure: 60 psi/413.7 kilopascal		Sewer - Size of Nearest Line: 18 inch/45.7 cm
Electric Service: Pedernales Electric Cooperative (PEC)		Phone: 888.554.4732	Facs: 830.868.5097	Email: heather.richardson@peci.com
Natural Gas Service: Mr. Will Nabors, ATMOS Energy, (512) 310-3810		Size of Nearest Line: 6 inch/15.2 cm Poly II		Pressure: Intermediate Pressure located 3,500 feet/1,067 meters south on West South Street
Telecommunication Service: AT&T		Phone: 512.870.4430	Facs: 512.870.4475	Email: tc4713@att.com
Solid Waste Disposal: Clawson Disposal, Inc.		Phone: 512.259.1709	Facs: 512.746.5807	Email: clawsondisp@earthlink.net
Sales Information				
Contact: Mr. Brett Baker		Phone: 210.938.8290	Facs: 210.938.7788	Email: baker.bret@heb.com Web Site: www.hebdevelopment.com
Sales Price: \$80,000 to \$110,000 for pad sites up to ten to fifteen years			Lease Price: \$22.00 to \$27.00 per square foot per year with a five year term	
Comments: Northwest corner of US 183 and FM 2243 catty-corner from the Cap Metro park-and-ride and train station. This beautiful H-E-B Plus Grocery Store located at the intersection of US 183 and FM 2243 opened 23 February 2007. It will serve Leander and the greater northwest area of Austin. The Forum Shopping Center includes 50,000+ square feet (4,645 square meters) of retail shop space. We have targeted a unique blend of retail, service and restaurant tenants to complete the development.				

Tract 6 is immediately west of the site

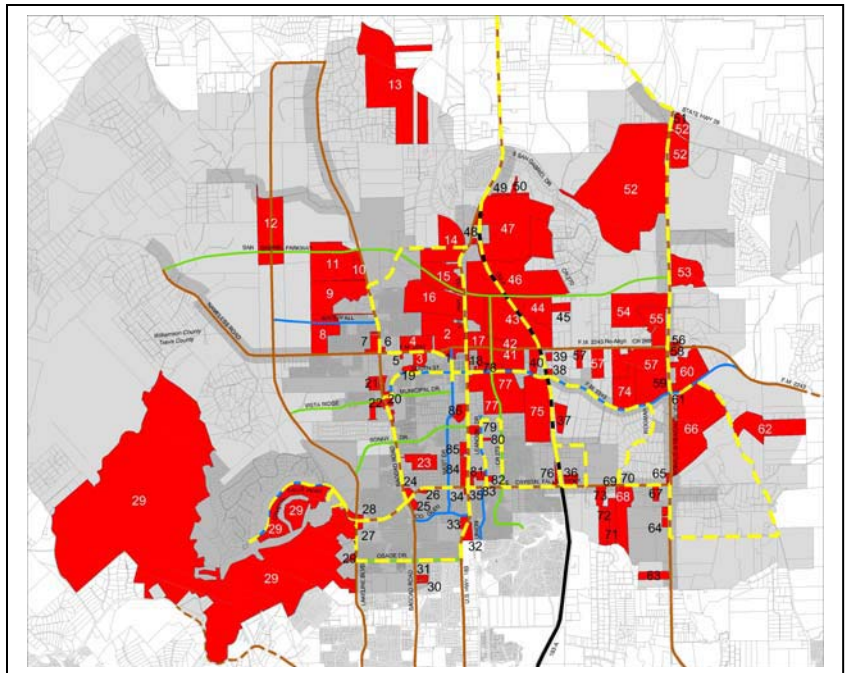
5/19/2009

Site 06

2.69 Acres/1.1 Hectare
NE Corner of Bagdad Road and Old 2243 West



2.69 Acres/1.1 Hectares
 US 183 is 3,000 feet/ 914 meters east
 Utilities
 Greenfield on hard corner
 Zoning - General Commercial



Mr. Barney Bigham
 Talisman Commercial Realty
 P. O. Box 27828
 Austin, TX 78755
 512.418.4477 phone
 512.418.4470 facs
barney@talismangroupinc.com
www.talismangroupinc.com

City of Leander Economic Development Department ♦ www.ci.leander.tx.us ♦ 512.528.2852

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2.69 Acres/1.1 Hectare
NE Corner of Bagdad Road and Old 2243 West

Property			
Total Acreage: 2.69 acres/1.1 hectares		Map: MAPSCO Austin 2006 Street Guide, pg. 342, Sec. A	
Location			
City: Leander		County: Williamson	
Address/Directions: Northeast corner of Bagdad Road and FM 2243			
Within City Limits: Yes		Distance from City Limits: Not Applicable	
Distance to US Highways: 3,000 feet/914 meters east		Type of Zoning: General Commercial	
Distance to Interstate Highways: 14 miles/22.5 kilometers east			
General Site Information			
Previous Use of Site: Greenfield	General Condition: Excellent	Dimensions: 295 x 366 feet/90 x 112 meters (entire site)	
Soil Composition (based upon USDA, Soil Conservation Service, Soil Survey of Williamson County, Issued January of 1983): Denton-Eckrant-Doss: moderately deep, shallow and very shallow, calcareous, clayey, cobbly, and stony soils formed in indurated fractured limestone or limey earths; on uplands with 1 to 5 percent slopes		Shrink/Swell Capacity: Moderate to high with a high risk of corrosion for uncoated steel and a low risk of corrosion for concrete	
Adjoining Acreage Available: No	Can Site Be Divided: No	Lot Size: Negotiable	
Improvements			
Road Distance to Rail: 4,000 feet/1.2 km east		Name of Railroad: Union Pacific, Southern Pacific, Capital Metro Commuter Rail	
Proximity to Port(s): Three (3) hours to Port of Houston		Other Improvements: Not Applicable	
Fenced: No		Landscaped: No	
Located within an Industrial Park: No		Type of Business: Commercial, Retail	
Deed Restriction(s): No		Covenants: No	
Utilities			
City of Leander Services	Water - Size of Nearest Line: 12 inch/30.5 cm Pressure: 88 psi/607 kilopascal	Sewer - Size of Nearest Line: 10 inch/25.4 cm	
Electric Service: Pedernales Electric Cooperative (PEC)	Phone: 888.554.4732	Facs: 830.868.5097	Electric Service: Pedernales Electric Cooperative (PEC)
Natural Gas Service: Mr. Will Nabors, 512.310.3810, ATMOS Energy	Size of Nearest Line: 6 inch/15.2 cm Poly II	Pressure: Intermediate Pressure located	
Telecommunication Service: AT&T	Phone: 512.870.4430	Facs: 512.870.4475	Telecommunication Service: AT&T
Solid Waste Disposal: Clawson Disposal, Inc.	Phone: 512.259.1709	Facs: 512.746.5807	Solid Waste Disposal: Clawson Disposal, Inc.
Sales Information			
Contact: Mr. Barney Bigham	Phone: 512.418.4477	Facs: 512.418.4470	Email: barney@talismangroupinc.com
			Web Site: www.talismangroupinc.com
Sales Price: Negotiable		Lease Price: Not Applicable	
Comments: This corner is located at the crossroads of one of the community's busiest intersections next to a 150 employee business. More than 3,000 homes are located in-and-around this corner with the Texas X Park three-quarters of a mile/1.2 km north. An ideal location for neighborhood services on the "coming-home" side of the road.			

19 Acres/7.7 Hectares
Brown Plaza

Tract 3 is immediately south of the proposed site

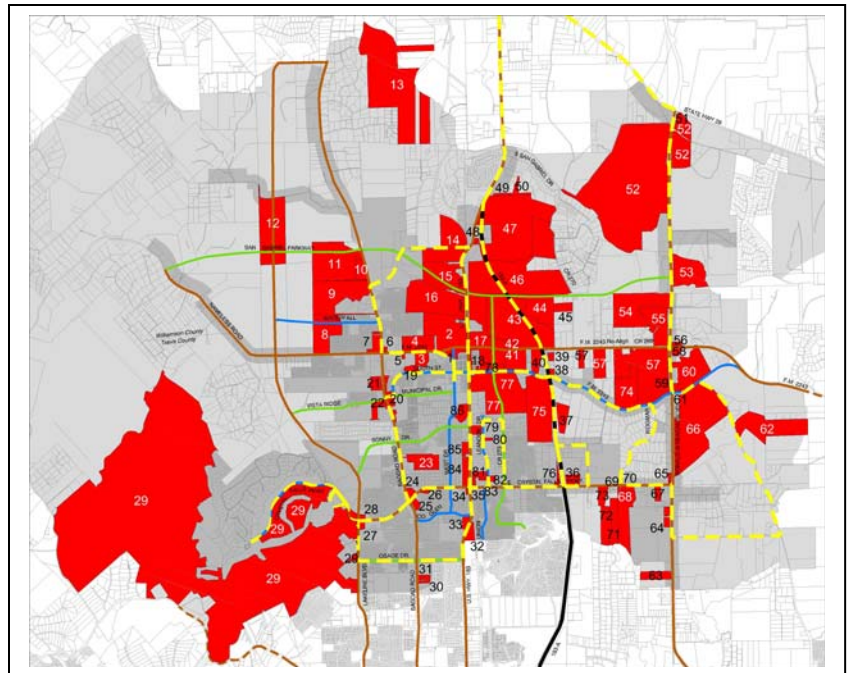
Rec'd TDHCA 5/19/2009

Site 03



19 acres/7.7 hectares
US 183 is .57 miles/.9 km east
Utilities
Greenfield
Zoning - Light Industrial

Mr. Hem Ramachandran
Indus Realty
3006 Bee Caves Rd., Bldg., D Suite 230
Austin, TX 78746
512.970.6336 mobile
512.524.3856 facs
hemanr@gmail.com
www.indusrealty.homesandland.com



City of Leander Economic Development Department ♦ www.ci.leander.tx.us ♦ 512.528.2852

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**19 Acres/7.7 Hectares
Brown Plaza**

Property				
Total Acreage: 19 acres/7.7 hectares	Map: MAPSCO Austin 2006 Street Guide, pgs. 312 & 342, Sec. X, B			
Location				
City: Leander	County: Williamson			
Address/Directions: .57 mile (.9 kilometers) west of the US 183 intersection on the south side of FM 2243				
Within City Limits: Yes	Distance from City Limits: Not Applicable			
Distance to US Highways: .57 miles (.9 kilometers) east Distance to Interstate Highways: 10 miles/16.1 kilometers east	Type of Zoning: Light Industrial			
General Site Information				
Previous Use of Site: Open Farm Land	General Condition: Excellent	Dimensions: 936 x 811 feet/285 x 247 meters		
Soil Composition (based upon USDA, Soil Conservation Service, Soil Survey of Williamson County, Issued January of 1983): Denton-Eckrant-Doss: moderately deep, shallow and very shallow, calcareous, clayey, cobbly, and stony soils formed in indurated fractured limestone or limey earths; on uplands with 1 to 2 percent slopes	Shrink/Swell Capacity: Very high with a high risk of corrosion for uncoated steel and a low risk of corrosion for concrete			
Adjoining Acreage Available: No	Can Site Be Divided: Yes	Lot Size: Negotiable		
Improvements				
Rail Served: No	Name of Railroad: Union Pacific, Southern Pacific, Capital Metro Commuter Rail			
Proximity to Port(s): Three (3) hours to Port of Houston	Other Improvements: Located SW of the 142-acre (57.5 hectares) HEB-Plus anchored property on one of Leander's major east-west corridors FM 2243.			
Fenced: Yes	Landscaped: No			
Located within an Industrial Park: No	Type of Business: Office/Warehouse or Office/Retail			
Deed Restriction(s): No	Covenants: No			
Utilities				
City of Leander Services	Water - Size of Nearest Line: 12 inches/30.5 cm Pressure: 88 psi/607 kilopascal	Sewer - Size of Nearest Line: 12 inches/30.5 cm		
Electric Service: Pedernales Electric Cooperative (PEC)	Phone: 888.554.4732	Facs: 830.868.5097	Email: heather.richardson@peci.com	
Natural Gas Service: Mr. Will Nabors, 512.310.3810, ATMOS Energy	Size of Nearest Line: 6 inch/15.2 cm 550 feet/168 meters east of the site	Pressure: Intermediate Pressure at FM 2243 approximately 3,000 feet/914 meters from the site		
Telecommunication Service: AT&T	Phone: 512.870.4430	Facs: 512.870.4475	Email: tc4713@att.com	
Solid Waste Disposal: Clawson Disposal, Inc.	Phone: 512.259.1709	Facs: 512.746.5807	Email: clawsondisp@earthlink.net	
Sales Information				
Contact: Mr. Hem Ramachandran	Phone: 512.330.0938	Facs: 512.524.3856	Email: hemanr@gmail.com	Web Site: www.indusrealty.homesandland.com
Sales Price Negotiable		Lease Price Not Applicable		
Comments: Very flat, very clean property located catty-corner to the 250,000 square feet (23,226 square meter) HEB-Plus anchored retail center. This site is well served by FM 2243; a major east-west corridor.				

Belmont Senior Village

AFFIRMATIVE MARKETING PLAN

Introduction

In accordance with the regulations of the HOME Investment Partnership Program and in the furtherance of DDC Belmont, Ltd's, commitment to non-discrimination and equal opportunity in housing; DDC Belmont, Ltd has established the procedures to affirmatively market its programs. The Belmont Senior Village will be located on 12.3 acres in the City of Leander, Williamson County, Texas. The marketing efforts for DDC Belmont, Ltd will stress the major selling points of the community: quality construction, excellent location, spacious and well appointed apartments, and the common area amenities (clubhouse, fitness center, business center, community theater, swimming pool, and senior activities), and the high level of management and maintenance services. This marketing and management plan will always be available for review upon request.

The Property

Belmont Senior Village, a 192-Unit community will offer seventy six (76) one-bedroom, one-bath, forty eight (48) two-bedroom one baths, and sixty eight (68) two bedroom, two baths apartments that will appeal to a broad range of senior residents including income-restricted as well as market rate residents. 87.5% of the total units will be income restricted in accordance with the limits of the Austin MSA median income: seventeen (17) units will be restricted to tenants who earn at or below 30%, one hundred and fifty one (151) will be restricted to tenants earning at or below 50%, and twenty four (24) will be at market rate (of which (3) will be affordable to tenants who earn at or below 80% AMI). The community will appeal to its senior target market because of its superior quality at affordable rental rates and small town living atmosphere, combined with the easy access to the retail and health centers in Leander (Belmont Senior Village is adjacent HEB Plus) and the nearby greater Austin, Round Rock, & Georgetown areas.

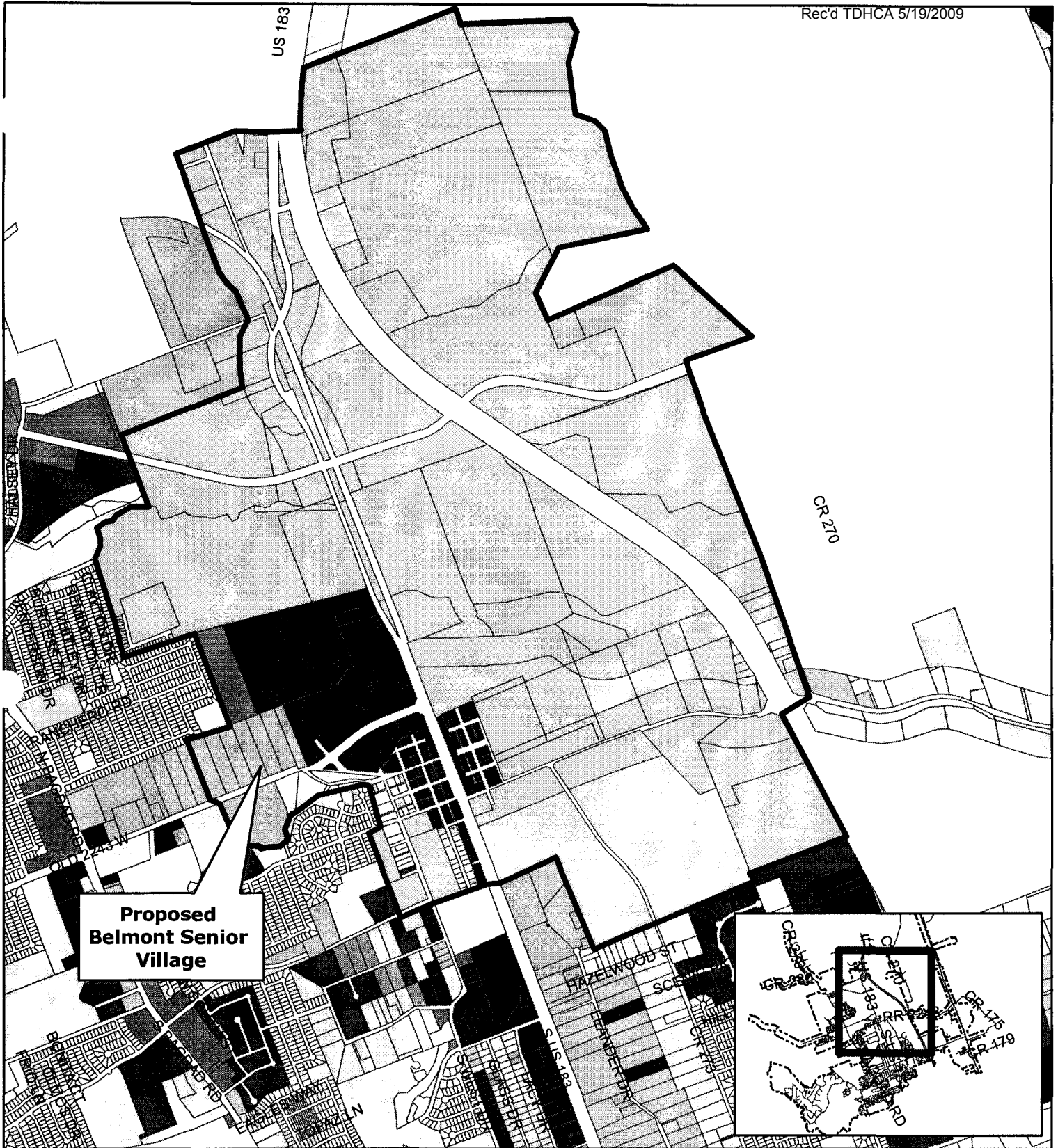
Marketing Program

Belmont Senior Village will benefit from Denison Construction & Development and its related entities (Owner and Developer) previous experience in providing quality affordable housing in the greater Austin area. Denison Construction & Development and their Management Agent, UAH Property Management, L.P. have excellent relationships with local advertising media and referral agencies that can provide potential residents for the apartment community.

Prior to construction completion of the first residential building, we will erect a "Coming Soon" information sign at the site, providing passers-by with information on the property; identifying it as an affordable rental community with 1 and 2 Bedroom Apartments for Seniors, the Fair Housing Logo and a telephone number (with call notes) that they may contact for additional information. Callers will be "screened" for eligibility by UAH Property Management, L.P., and an active "interest" list will be maintained.

We will have property brochures available for mailing to all interested parties. In addition, an introductory letter and brochures will be sent to the area's major employers, senior-oriented organizations, service organizations, the Chamber of Commerce, and various housing and other assistance agencies in Leander and the surrounding communities, including the greater Austin area.

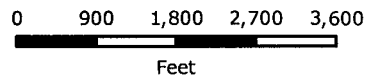
A written statement informing prospective tenants that the development is operating under a written affirmative marketing plan and a written management plan as well as local, state and federal fair housing and antidiscrimination laws, including Texas and federal fair housing acts and Texas Government Code, and that the operations are under the oversight of the Texas Department of Housing and Community Affairs will be displayed in the leasing office.



Proposed Belmont Senior Village

CITY OF LEANDER

Urban Core



Zoning			
	SFL		LC
	SFR		SFT
	SFE		SFU MH
	SFS		TF
	SFU		MF
	SFC		LO
			GC
			LI
			HI
			PUD

PHOTO COMPARISON OF LEANDER TO URBAN CORES



Downtown Leander



Downtown Fort Worth



Downtown Austin



Downtown El Paso



May 22, 2009

Ms. Robbye Meyer
Director of Multifamily Production
Texas Department of Housing & Community Affairs
P.O. Box 3941
Austin, Texas 78711-3941

Re: Challenge on Award of Urban Core Points for Application No. 09138

Dear Ms. Meyer:

This letter challenges points awarded to TDHCA # 09138 under Section 49.9(i)(16)(F) ("Development Location") of the 2009 Qualified Allocation Plan ("QAP"). The site location for this application is not located in an "Urban Core" as defined in Section 49.3(105) of the QAP, and therefore TDHCA incorrectly awarded this Application 4 points for the Development Location scoring criteria.

Urban Core is defined as "A compact and contiguous geographical area that is composed of adjacent block groups in which at least 90 percent of the land not in public ownership is zoned to accommodate a mix of medium or high density residential and commercial uses within the same zoning district."

Here, the site is located in the City of Leander. The City of Leander does not meet the "Urban" aspect of this definition because of its population less than 25,000 and its distinctively rural character. Moreover, the area that the Applicant defined as an "Urban Core" is not "compact" as it contains more than 2,300 acres. Most importantly, however, the area defined by the Applicant is not an area "in which 90% of land not in public ownership is zoned to accommodate medium or high density residential and commercial uses *within the same zoning district.*" Typically, this refers to a mixed use zoning designation or a Planned Unit Development. When considering the map that the Applicant submitted, but in color, the area defined by the Applicant clearly contains several zoning districts—a Planned Unit Development, General Commercial, Light Industrial, Single Family Rural, to name a few. (The City of Leander Zoning Map is attached in color.) This fact alone makes the area fail the "Urban Core" definition.

The area also fails the definition because it does not contain 90% of land zoned to accommodate medium or high density. The Transect Map for the Leander Transit Oriented District Planned Unit Development ("TOD"), attached, which makes up the majority of the Applicant-defined area, clearly shows that less than 90% of the TOD permits medium or high density residential and commercial uses. Indeed, the "Conventional Zone" in the northeast quadrant and the adjacent T3 Zone makes up at least 30% of the TOD. The "Conventional Zone," as defined by the Leander Smart Code,

05-26-09 P04:22 RCVD

may be developed under the applicable zoning and subdivision standards for that adjacent T Zone—here, the T3 Zone. The T3 zone is defined as the “Sub-Urban Zone,” or “Neighborhood Edge Zone/Edge of Town Zone,” and is noted for its similarity to conventional suburban single family house areas. “Table 5 Transect System Illustrated,” attached hereto, shows this zone as the transition zone between Rural and Urban, but clearly associates it with development qualities that fall short of “medium and high density.” In contrast with the typical “Urban Core” qualities, some of the qualities noted are “less density, larger blocks, primarily residential, smaller buildings, more green spaces, detached buildings, rotated frontages, yards and porches.”

Admittedly, the remaining 70% of the TOD consists of T4, T5, and T6 Zones, which permit the kind of medium and high density contained within the “Urban Core” definition. In fact, the T6 Zone is entitled the “Urban Core Zone” by the Leander Smart Code, and while the T4 and T5 Zones are less dense than the T6 Zone, the Leander Smart Code suggests a more urban residential fabric in these zones that encourages mixed use, pedestrian friendly, medium density development. Certainly, if the Applicant site was within the T4, T5 or T6 Zones of the TOD, and the Applicant defined the area as these zones within the same zoning district (here, within the TOD PUD), the Applicant would have a more compelling argument for the Urban Core points. Here, however, the site not only is not within the T4, T5 or T6 Zones of the TOD, it is not within the TOD at all.

What is most interesting is that the Applicant specifically defined the “area” by drawing its boundaries to group its site with the TOD, even though its site is outside of the TOD and is therefore outside of the PUD. Ironically, as noted above, by gerrymandering the TOD boundaries to encompass the Applicant’s site, the area now fails the definition in that it includes several zoning districts outside of the PUD—including Light Industrial and Single Family Rural, neither of which support medium to high density development.

The fact that the Applicant submitted a letter from the Chief Planner at the City of Leander, and a map entitled “Urban Core” which does not appear anywhere on the City of Leander website, is not sufficient to award Urban Core points to this Application. The area that contains the site must meet the definition set forth in the QAP based on the facts of the situation, and based on the zoning maps in place for the City of Leander.

To summarize, the area defined by the applicant as Urban Core does not qualify for the following reasons:

1. The QAP defines Urban Core as having the following key measurements: 1) the area must have a single zoning designation that allows mixed use development--meaning a PUD or a specific mixed-use zoning designation, and 2) the area must be compact and contiguous. Meeting a different definition prepared by a City is not provided as an option within the QAP and is not sufficient to award these points.
2. The area identified by the applicant as Urban Core does not have at least 90% of its land not in public ownership zoned to accommodate a mix of medium and high density residential and commercial uses within the same district. In Leander, the

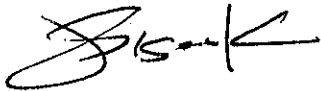
Smart Code overlay allows such mixed-use zoning in the nearby TOD, but this overlay is not applicable since the applicant's site is not located in the TOD.

3. The area identified as Urban Core is not compact and contiguous as it contains more than 2,300 acres and about 1/5th of the City.

We request that TDHCA staff reconsider the Applicant's evidence in light of this letter and the attached information provided by the City of Leander Planning Department. We appreciate your time and consideration of this request. Please let us know if we can be of further assistance with regard to this matter.

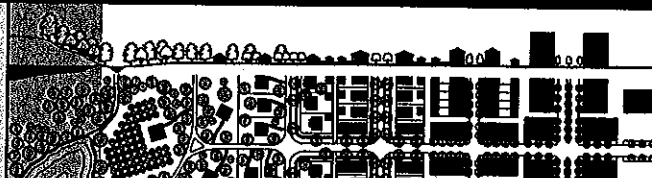
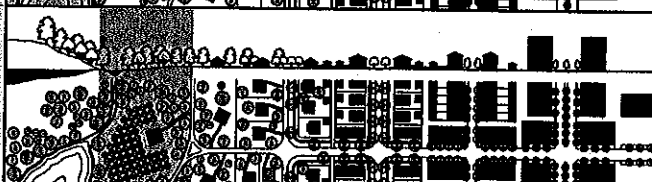
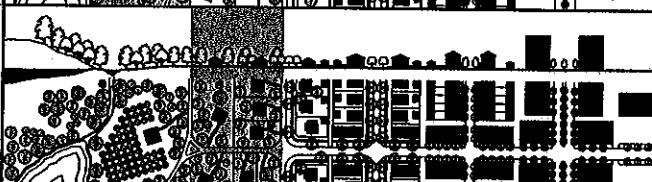

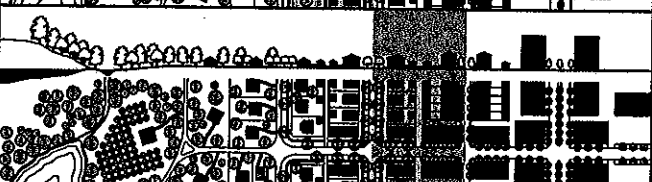
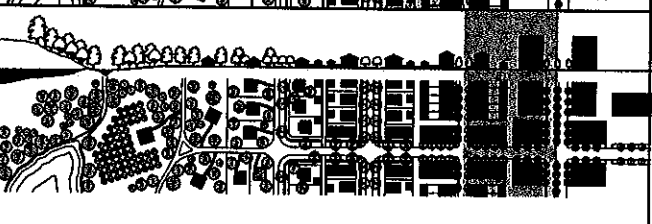
Sincerely,

DMA Development Company, LLC



Janine Sisak
Vice President/General Counsel

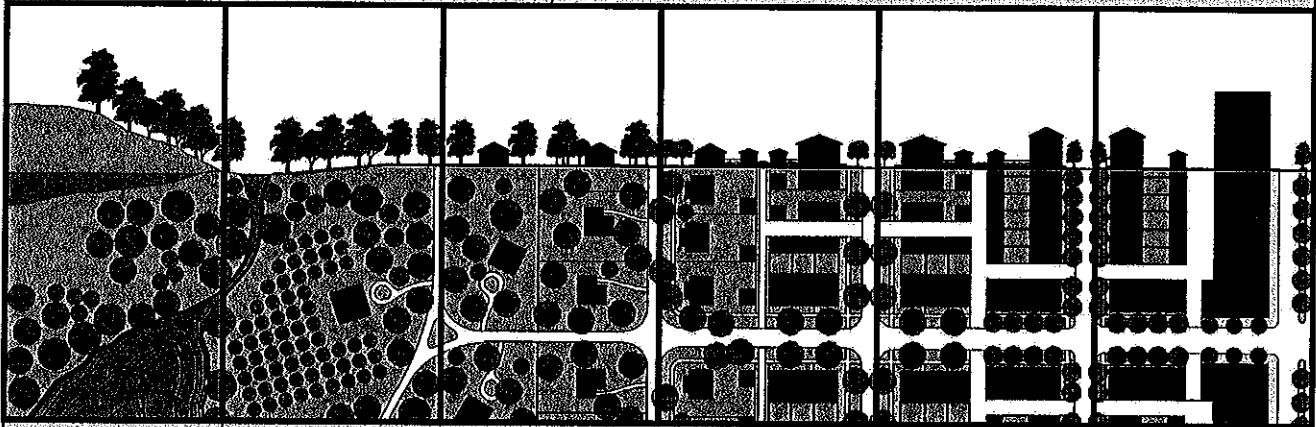
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T1	The Natural Zone consists of lands approximating or reverting to a wilderness condition, including lands unsuitable for settlement due to topography, hydrology or vegetation.	
T2	The Rural Zone consists of lands in open or cultivated state, or sparsely settled. These may include woodland, agricultural lands, grasslands, and irrigable deserts.	
T3	The Sub-Urban Zone, though similar to conventional suburban single-family house areas, differs by its street connectivity and by allowing home occupations. It is typically adjacent to other urban T-Zones. This zone is naturalistic in its planting. Blocks may be large and the roads irregular to accommodate site conditions.	
T4	The Neighborhood General Zone has a denser, primarily residential urban fabric. Mixed use is confined to certain corner locations. This Zone has the wide range of building types. Single, sideyard, and row houses are set close to the frontages. Streets typically define medium-sized blocks.	
T5	The Neighborhood Center Zone is the equivalent of a Main Street. This Zone includes mixed-use building types that accommodate retail, offices, and dwellings, including rowhouses and apartments. The T-5 Zone is a tight network of streets and blocks, with wide sidewalks, steady street tree planting, and buildings set close to the frontages.	
T6	The Urban Core Zone occurs at regional centers. It is the equivalent of a town or to the downtown of a city. It contains the densest urbanism—the tallest buildings, and the greatest variety of uses, particularly unique ones such as the city hall, financial district, and important civic buildings. The Urban Core is the least naturalistic of all the Zones; trees are formally arranged and waterways are often contained in embankments.	



RURAL **TRANSECT** **URBAN**

Rural Zones **Urban Zones**



T1 NATURAL	T2 RURAL	T3 SUB-URBAN	T4 NEIGHBORHOOD GENERAL	T5 NEIGHBORHOOD CENTER	T6 URBAN CORE
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Private	← LESS DENSITY →	MORE DENSITY →
	← LARGER BLOCKS →	SMALLER BLOCKS →
	← PRIMARILY RESIDENTIAL →	PRIMARILY MIXED-USE →
	← SMALLER BUILDINGS →	LARGER BUILDINGS →
	← MORE GREENSPACE →	MORE HARDSCAPE →
	← DETACHED BUILDINGS →	ATTACHED BUILDINGS →
	← ROTATED FRONTAGES →	ALIGNED FRONTAGES →
	← YARDS & PORCHES →	STOOPS & SHOPFRONTS →
	← DEEP SETBACKS →	SHALLOW SETBACKS →
	← ARTICULATED MASSING →	SIMPLE MASSING →
	← WOODEN BUILDINGS →	MASONRY BUILDINGS →
	← GENERALLY PITCHED ROOFS →	GENERALLY FLAT ROOFS →
	← SMALL YARD SIGNS →	BUILDING-MOUNTED SIGNAGE →
← LIVESTOCK →	DOMESTIC ANIMALS →	

Public	← ROADS & LANES →	STREETS & ALLEYS →
	← NARROW PATHS →	WIDE SIDEWALKS →
	← HIGH L.O.S. STANDARDS →	LOW L.O.S. STANDARDS →
	← OPPORTUNISTIC PARKING →	DEDICATED PARKING →
	← LARGER CURB RADII →	SMALLER CURB RADII →
	← OPEN SWALES →	RAISED CURBS →
	← NIGHT SKY →	BRIGHT LIGHTING →
	← MIXED TREE CLUSTERS →	ALIGNED STREET TREES →
← MORE SILENCE REQUIRED →	MORE NOISE ALLOWED →	

Civic	← LOCAL GATHERING PLACES →	REGIONAL INSTITUTIONS →
	← PARKS & GREENS →	PLAZAS & SQUARES →

ARTICLE 8

★CONVENTIONAL ZONE★

8.1 APPLICABILITY

- 8.1.1 The geographic area within the Conventional Zone designated on the Transect Map shall be developed pursuant to the zoning ordinance, subdivision ordinance and other development ordinances on the Transect Map, except the following architectural standards apply only to the Conventional Zone.
- 8.1.2 Upon application and approval by the UDO, any parcel designated "Conventional" and contiguous to an existing T-Zone may be developed under the applicable zoning and subdivision standards and entitlement processes in this Code for that adjacent T-Zone.

8.2 ARCHITECTURAL STANDARDS

- 8.2.1 **ROOF PITCH.** The predominant roof pitch for each house shall be 8:12 or steeper. Certain exceptions may apply:
- a. In certain small areas that are not visible from the street (front or side) a lesser pitch may be used where it is infeasible to construct a roof of prescribed pitch given the floor plan and architecture of the home (i.e. in areas that need to be covered by a flat roof because the geometry of a pitched roof is infeasible).
 - b. In certain small areas (less than 15% of the total roof area) of the house, such as porches and covered patios, where

a lower pitched roof is necessary to accomplish a certain architectural style that cannot be accomplished in another way shall be allowed (i.e. a low pitched front porch roof to accomplish a "Texas Hill Country" style home).

- 8.2.2 **ROOF MATERIAL.** The following shall be allowed:
- a. Fiberglass shingles-roofing be "dimensional style" shingles of at least 300 lbs. per square (No three tab roofing is allowed).
 - b. Concrete Tile
 - c. Concealed-fastener standing seam metal roof allowed on larger houses (No galvanized aluminum is allowed).
- 8.2.3 **MASONRY.**
- a. 100% stone, stucco or brick shall be utilized on first floor (80% overall including 2nd level areas). Only clay brick shall be utilized. No concrete brick or "king sized" brick is allowed.
 - b. Masonry must extend to a point no higher than 16 inches from the finished grade at the base of the concrete foundation. Houses with a tall foundation wall shall incorporate a lowered masonry lug where the masonry will cover the side of the foundation.
 - c. Fireplaces and chimneys located on an exterior wall must be 100% masonry. The masonry shall be the same material

on all four sides of the chimney as it extends above the roof. Chimneys that are not on an interior wall and extend solely above the roof may use materials other than masonry.

8.2.4 GARAGE DOORS.

- a. Heavy gauge steel doors with deeply embossed panels shall be utilized.
- b. Cedar-faced wooden garage doors are allowed.

8.2.5 ARCHITECTURAL DESIGN.









- a. Designs with front porches and appropriate details such as shutters are encouraged.
- b. Sidewalks shall be located per street section.

8.2.6 LANDSCAPING.

- a. Minimum 2-inch caliper trees shall be planted.
- b. A "street" tree shall be located between curb and sidewalk.
- c. Trees shall be irrigated and maintained by home owner.
- d. Front yards shall be irrigated and sodded by developer.
- e. Backyards shall be sodded by developer.






SINGLE FAMILY RESIDENTIAL



-  SFR - *Single Family Rural*
-  SFE - *Single Family Estate*
-  SFS - *Single Family Suburban*
-  SFU - *Single Family Urban*
-  SFC - *Single Family Compact*
-  SFL - *Single Family Limited*
-  SFT - *Single Family Townhouse*
-  SFU/MH - *Single Family Urban, Manufactured Home*

MULTI-FAMILY RESIDENTIAL


RETAIL / COMMERCIAL

-  LO - *Local Office*
-  LC - *Local Commercial*
-  GC - *General Commercial*


INDUSTRIAL

-  LI - *Light Industrial*
-  HI - *Heavy Industrial*

PLANNED UNIT DEVELOPMENT

-  *Planned Unit Development*

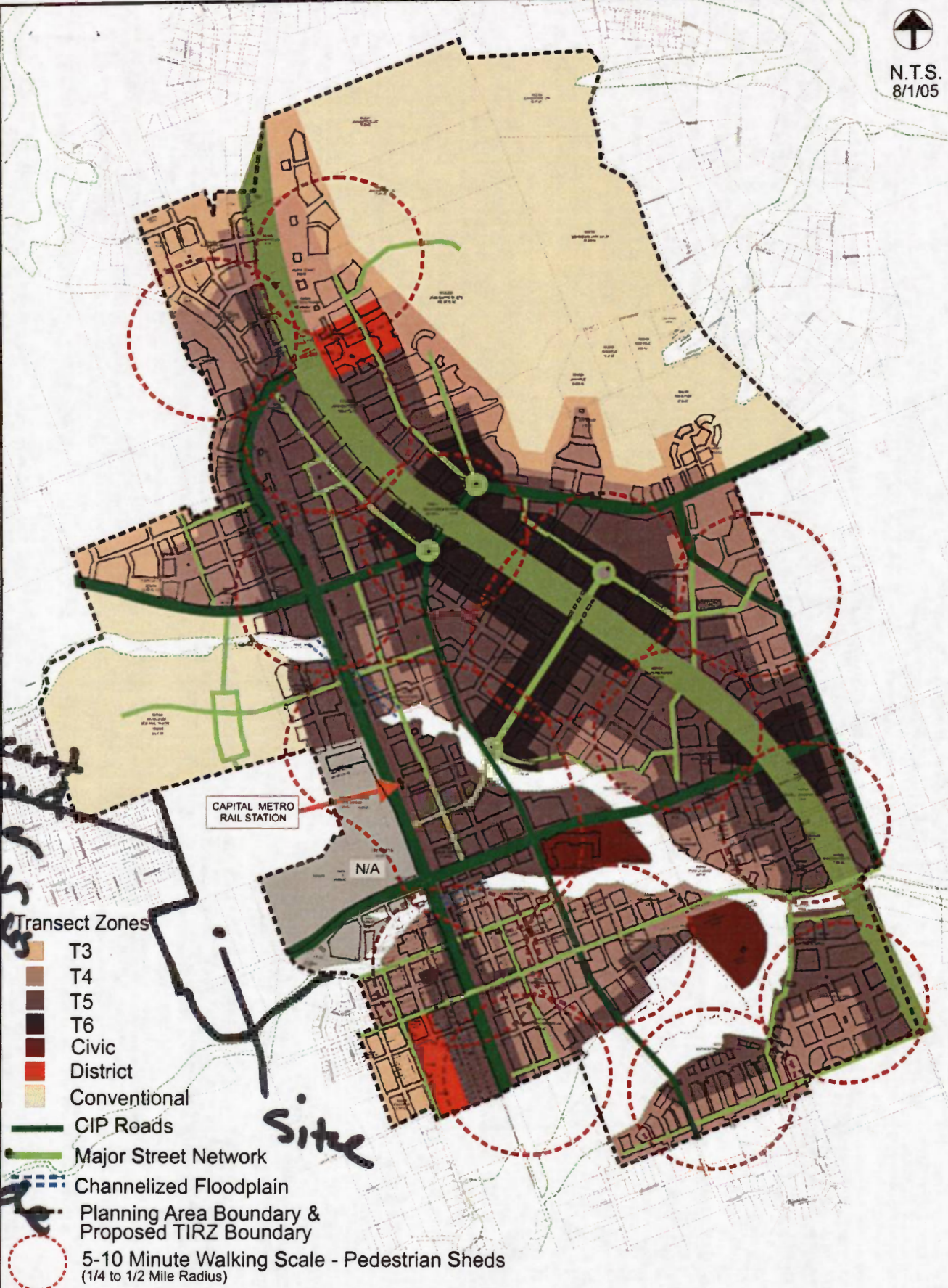
PROPOSED ANNEXATION

-  *Annexation Area*



N.T.S.
8/1/05

Applicant
Defined
area
which
includes
area
of the
site
outside
of
TOD



- Transect Zones
- T3
 - T4
 - T5
 - T6
 - Civic District
 - Conventional
 - CIP Roads
 - Major Street Network
 - Channelized Floodplain
 - Planning Area Boundary & Proposed TIRZ Boundary
 - 5-10 Minute Walking Scale - Pedestrian Sheds (1/4 to 1/2 Mile Radius)

- NOTES:
1. Parks and Civic spaces shall be regulated by a performance standard in the TOD ordinance.
 2. The CIP Roads and Major Street Network are required in addition to the Connectivity Standards in the TOD ordinance. The Code will set the standards for blocks; the block layout only illustrates the intent.
 3. The esplanade (Grand Blvd.) will remain as shown if the CTRMA agrees to lower the main lanes and construct the crossing. If this is not the case or funding is unavailable, then it will become a boulevard with major median and landscaping and will be mimicked on the other side of 183e.
 4. CONVENTIONAL designation of parcels as shown shall comply with current Leander Residential Zoning (including current PUD provisions) and General Development and Subdivision Ordinances. Application of these regulations in CONVENTIONAL shall provide for safe and appropriate transportation connections to the required roadways as adopted on the Transect Plan. It may participate in master water, wastewater, transportation, drainage and water quality development and receive funding incentives that may be adopted over time for the overall planning area as shown on the Transect Plan. A separate set of Architectural Standards shall apply to the CONVENTIONAL designation as a separate Article 8 to the Uniform Development Code and those separate Standards shall only apply to the CONVENTIONAL designated parcels.
 5. For the purpose of planning initial development along San Gabriel Parkway (CR 274), it is understood that this County roadway is initially planned to be a 2 lanes of a county-planned, 4-lane divided roadway with 120 of ROW. This 4-lane roadway will be required for development. At such point in time as a funding district is in place and necessary financing to convert this roadway section into compliance with the section designated in Table 6, BV-152-120, of the Leander SmartCode is available, it shall be funded through the funding district as adopted and set forth in the funding district plan. The 120 of ROW will define the back of Curbs for the outer curbs of the outer parallel roadways in the above section.

LEANDER TOD

Transect Map & Pedestrian Sheds

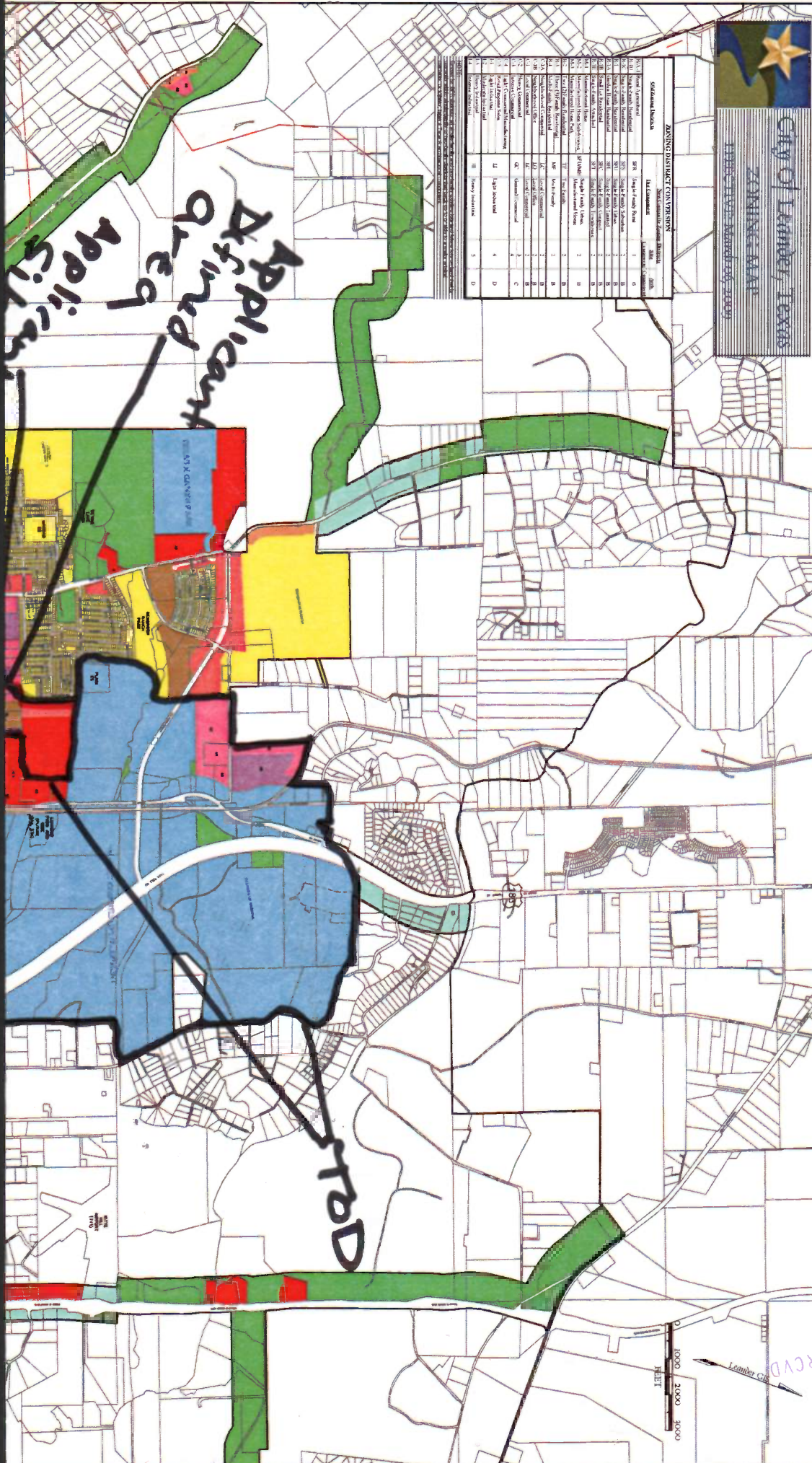
Gateway
Planning Group



CITY OF LAMAR, TEXAS
ZONING MAP
 11385 - 11415 - 11425 - 11435 - 11445 - 11455 - 11465 - 11475 - 11485 - 11495 - 11505

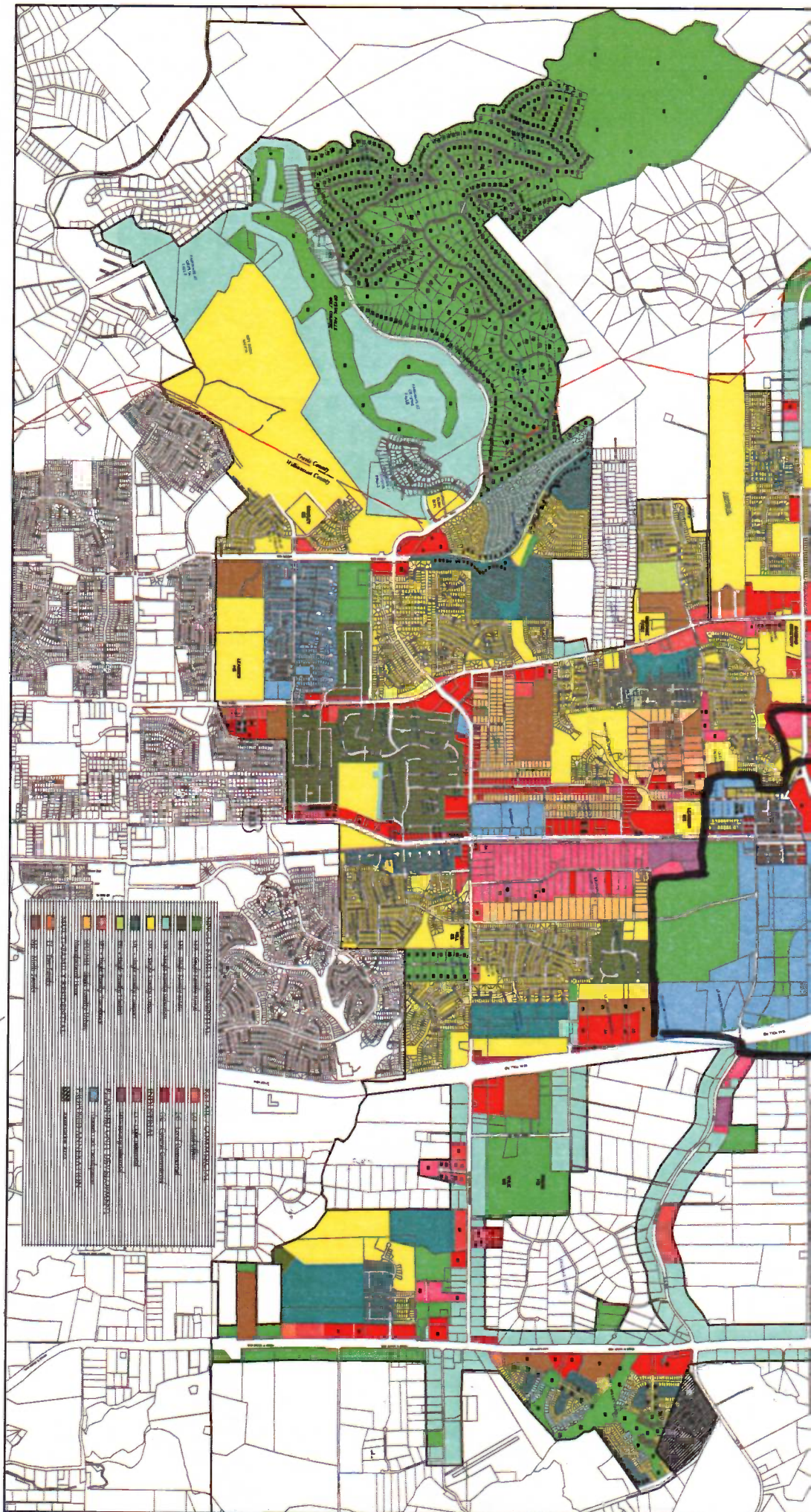
ZONING DISTRICT CONVERSION

Old District Number	Map Comments	Map District	Map District
101	Single-Family Detached	1	1
102	Single-Family Detached	1	1
103	Single-Family Detached	1	1
104	Single-Family Detached	1	1
105	Single-Family Detached	1	1
106	Single-Family Detached	1	1
107	Single-Family Detached	1	1
108	Single-Family Detached	1	1
109	Single-Family Detached	1	1
110	Single-Family Detached	1	1
111	Single-Family Detached	1	1
112	Single-Family Detached	1	1
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198	Single-Family Detached	1	1
199	Single-Family Detached	1	1
200	Single-Family Detached	1	1



05-25-09PC4:22 R.C.V.D.

See next page
for legible legend





3036 S. 1st St.
Suite 200
Austin, TX 78704

tel: 512-447-2026
fax: 512-447-0288

www.foundcom.org

May 27, 2009

Ms. Robbye Meyer
Director of Multifamily Programs
Texas Department of Housing and Community Affairs
P.O. Box 3941
Austin, Texas 78711-3941

Re: Challenge to Certification of Notifications at Pre-Application and Application (QAP Section 49.8(d)(3) and 49.(h)(8)(A)) for Application Number 09159

Dear Ms. Meyer:

Please accept this letter as a challenge to the Certification of Notifications at Pre-Application and Application per QAP Sections 49.8 (d)(3) and 49.9(h)(8)(A) that were submitted by Application Number 09159.

Notification of neighborhoods is a requirement of all applicants. The facts show that the applicant for the Malibu apartments knew about the existence of the neighborhood organization at both the pre-application and full application stage, but for some reason chose not to notify this organization.

During the pre-application phase:

We have confirmed with the City of Austin's Communication and Public Information Office that a letter was received from the applicant requesting the list of neighborhood organizations on December 8, 2008. The City sent a response and neighborhood list to the applicant on December 8, 2008. This information can be confirmed by Rita Noak, the Community Registry Coordinator for the City of Austin, at rita.noak@ci.austin.tx.us or 512-974-2584. I have attached email documentation.

05-27-09A10:06 RCVD



A Partner Agency of



United Way Capital Area



All the other pre-applications in the Austin area also received a letter back from the City of Austin with a list of neighborhood contacts for their proposed project. However, the applicant in Pre-Application Number 09159 claims they did not receive a reply back from the City of Austin. (see attached "Certification of Notifications at Pre-Application" form certified that "no reply letter (to the request for Neighborhood Organization information) was received from the local elected officials by January 1, 2009.")

The applicant has a basic responsibility to determine if a neighborhood organization exists that they should contact. The applicant in Pre-Application Number 09159 on the *Certification of Notifications at Pre-Application* form also certified that "I know of no neighborhood organizations within whose boundaries the Development is proposed to be located." This is unlikely because the City of Austin has a very well-known community registry database with access easily provided on the City of Austin's website at <http://www.ci.austin.tx.us/neighbor/search.htm>. A user can enter a zip code and all relevant neighborhood organizations and their boundaries will be displayed. Also on the City of Austin website located at <http://www.ci.austin.tx.us/development/default.htm> is a GIS map viewer that allows users to enter an address and a more specific list of neighborhood organizations will be displayed with applicable boundaries. In fact, on page 190 of Application Number 09159, is a copy of an email dated February 12, 2009 (before even the pre-application due date), with the consultant referring to the GIS mapping on the city's website that is referred to above.

Any developer or consultant with knowledge of Austin knows that a site located in the City limits of Austin will have a neighborhood organization that represents that area. The burden of responsibility lies on the developer to seek out that information. The neighborhood organization that actually represents the site, North Austin Civic Association, is an active organization who is well-versed in the City's development process; however, their voice was never given the chance to be heard – positive or negative.

During the full application phase:

In the full application the applicant again fails to notify the North Austin Civic Association, despite knowing that they exist and contain the site. The applicant included the NACA neighborhood plan in their application – twice! Under both Volume 4, Tab 12 and Volume 4, Tab 22, the application lists the *North Austin Civic Association Neighborhood Plan* as the Community Revitalization Plan eligible for points under QAP Sections 49.9(i)(13) and (24). In addition, the letter from the City of Austin included under both tabs clearly states at the bottom of page one that "The Malibu apartment complex is located within the boundaries North Austin Civic Association (NACA) Neighborhood Plan."

The applicant obviously had knowledge of the existence of the North Austin Civic Association prior to submission of the full-application and therefore should have indicated the organization in Volume 1, Tab 8 on the *Public Notifications Information and Certification Form (Page 4)* as a change from Pre-App. Even worse, the applicant actually renotified because of a change in the application from pre-app as evidenced under Volume 3, Tab 3, *Certification of Notifications (Sections A-C) All Programs*. This would have been an appropriate opportunity to notify the North Austin Civic Association based on the facts presented under Volume 4, Tab 12 and Tab 22, but the applicant, chose not to do so.

Public notification requirements outlined in the QAP must be taken seriously by all applicants. In the case of Application Number 09159, the proposed project is a rehabilitation and therefore was able to gain points under QAP Section 49.9(i)(2) with the "Malibu Resident's Council." However, to our knowledge, this does not exempt the applicant from required neighborhood association notification. If the neighborhood had been properly notified and engaged they could have chosen to either support or oppose the application. If they had chosen to oppose the project, this would have resulted in a neutral 12 point QCP score.

All other Austin applications properly notified the required neighborhood associations. It is unfair that the Malibu apartment application did not do this. We feel that the public notice requirements for the neighborhoods as laid out in the QAP were not met by Application 09159 and that the Department should consider a reduction in the QCP points awarded or other remedy.

If you have any questions about this challenge, please feel free to contact me at the information below.

Sincerely,



Walter Moreau
Foundation Communities, Inc.
Phone: 512-447-2026
Fax: 512-447-0288
Email: walter.moreau@foundcom.org

Walter Moreau

From: Bier, Marti [Marti.Bier@ci.austin.tx.us]
Sent: Tuesday, March 10, 2009 1:16 PM
To: Walter Moreau
Subject: FW: housing projects neighborhood lists
Attachments: 2906 E Martin Luther King Jr.txt; 2964 East MLK Jr PIR.txt; 5106 N Lamar Neighborhood Associations Search.txt; 7051 Meadow Lake Neighborhood Associations Search.txt; 8312 North IH 35 Neighborhood Associations Search.txt; 8600 North Lamar The Malibu.txt; Mueller Redevelopment area NAs Search.txt; PIR report for Council Member Shade.doc

Walter,

Here is the list of who got what when (PIR report for Council Member Shade.doc), and then the lists that they got are in the .txt files.
I'm meeting with Stephanie McDonald and Barbara Rush this afternoon re: resolution. Hope this helps.

Marti

Marti Bier

Policy Aide

Office of City Council Member Randi Shade

512-974-2255 (phone)

512-974-1888 (fax)

<http://www.ci.austin.tx.us/council/shade.htm>

From: Noak, Rita
Sent: Tuesday, March 10, 2009 8:15 AM
To: Bier, Marti; Florance, Christopher
Subject: RE: housing projects neighborhood lists

Marti,
I am attaching the neighborhood lists that I to the developers.

Please let me know if you need anything additional.

Thank you
Rita

Rita Pirone Noak
Community Registry Coordinator
City of Austin
Communications and Public Information Office
www.cityofaustin.org
rita.noak@ci.austin.tx.us
974-2584 Tue-Friday
P.O. Box 1088
Austin, TX 78767

5/26/2009

The Mulholland Group
 Joseph McLaughlin
 1st request 8312-IH 35 North - Woodland Heights Apartments
 Requested date: December 8, 2008, Delivered December 8, 2008
 File name: 8312 North IH 35 Neighborhood Assoc Search.txt
 2nd request 8600 North Lamar - The Malibu
 Requested date: December 8, 2008, Delivered December 8 2008
 File name: 8600 North Lamar

Affordable Housing Corp
 Jean Latsha
 Request: 8312-IH 35 North - Woodland Heights Apartments
 Requested date: December 8, 2008, Delivered December 9, 2008
 File name: 8312 North IH 35 Neighborhood Assoc Search.txt

State Street Housing Advisors
 Jeffrey S Spicer
 Request: 7051 Meadow
 Requested date: December 8, 2008, Delivered December 9, 2008
 File name: 7051 Meadow Lake Neighborhood Association Search.txt

Versa Development, LLC
 Manish Verma
 Requested the entire City of Austin
 Requested date: December 10, 2008, Delivered December 12, 2008
 File name: Dec 10 08 Export NE.xls

Foundation Communities
 Walter Moreau
 Request: 2964 East MLK Jr.
 Requested date: December 10, 2008 Delivered December 10, 2008
 File name: 2964 East MLK Jr. PIR.txt

DMA Diana Mciver & Associates
 Nora Kean
 Requested the entire City of Austin
 Requested date: December 11, 2008 Delivered December 11, 2008
 File name: Dec 10 08 Export NE.xls

Strategic Housing Finance Corp
 Keith Hoffpauir
 Requested the entire City of Austin
 Requested date: December 11, 2008 Delivered December 11, 2008
 File name: Dec 10 08 Export NE.xls

8600 North Lamar The Malibu

8600 North Lamar The Malibu Neighborhood Associations Search

PlanningID:
1081
Association Name:
NACA Neighborhood Plan Contact Team
Name:
Chair Brian T. Almon
Office Held:

Address:
9502 Stonebridge Dr, Austin, TX 78758
Home Phone:
836-6853
Work Phone:
936-7355
Email:
almonb@sbcglobal.net
North Boundary:
Kramer Lane
South Boundary:
Research Blvd
East Boundary:
Lamar Blvd
West Boundary:
Metric

PlanningID:
45
Association Name:
North Austin Civic Assn.
Name:
Mr. Anthony Williams
Office Held:
President
Address:
P.O. Box 180803, Austin, TX 78718
Home Phone:
866-531-4620
Work Phone:

Email:
williams762@earthlink.net
North Boundary:
Kramer Lane
South Boundary:
U.S. Hwy 183
East Boundary:
Lamar Blvd.
West Boundary:
Metric Blvd

PlanningID:
1048
Association Name:
Austin Northwest Association
Name:
Ms. Sarah Teeter

Office Held: 8600 North Lamar The Malibu

Address:
5703 Thornhill Dr, Austin, TX
78744
Home Phone:
512-468-4909
Work Phone:

Email:
smwjwt@yahoo.com
North Boundary:
SH 45
South Boundary:
US Hwy 183
East Boundary:
IH 35
West Boundary:
US Hwy 183

CERTIFICATION OF NOTIFICATIONS AT PRE-APPLICATION (Part III)

Pursuant to §49.3(d)(3), evidence of notifications includes this sworn affidavit and the Public Notifications Information Form.

Where necessary, check all applicable boxes below:

- I certify that all required requests for Neighborhood Organizations were made pursuant to §49.3(d)(3)(A) and included the required information as provided in the Neighborhood Organization Request template by December 8, 2008.
- I certify that:
 - No reply letter (to the request for Neighborhood Organization information) was received from the local elected officials by January 1, 2009; and/or
 - A response was received from the local elected officials before January 1, 2009, and I have notified those neighborhood organizations as required by and §49.3(d)(3)(B); and/or
 - A response was received from the local elected officials before January 1, 2009, and the response indicated that the local elected officials know of no neighborhood organizations; and/or
 - I have knowledge of other neighborhood organizations on record with the city, state or county whose boundaries contain the proposed Development site and have notified those neighborhood organizations as required by §49.3(d)(3)(B); and/or
 - I know of no neighborhood organizations within whose boundaries the Development is proposed to be located; and/or
 - The local elected officials referred to me to another source, and I requested neighborhood organizations from that source. If a response was received, those neighborhood organizations were notified as required by §49.3(d)(3)(B). Date Mailed: 1/1
 - All neighborhood organizations that were notified are correctly listed on the Public Notifications Information and Certification Form and all notifications were made in the format provided in the template, Public Notifications Form (Written). Date Mailed: 1/1
- I certify that, in addition to all of the required neighborhood organizations, the following entities were notified in accordance with §49.3(d)(3)(B)(i) through (ix). The notifications included the required information as provided in the template, Public Notifications (Written). All of the following entities were notified and are correctly listed on the Public Notifications Information and Certification Form:
 - Superintendent of the school district containing the Development;
 - Presiding officer of the board of trustees of the school district containing the Development;
 - Mayor of any municipality containing the Development;
 - All elected members of the Governing Body of any municipality containing the Development;
 - Presiding officer of the Governing Body of the county containing the Development;
 - All elected members of the Governing Body of the county containing the Development;
 - State senator of the district containing the Development; and
 - State representative of the district containing the Development.

While evidence is not required to be submitted in this Pre-Application, I understand evidence may be requested by the Department at any time during the Application review.

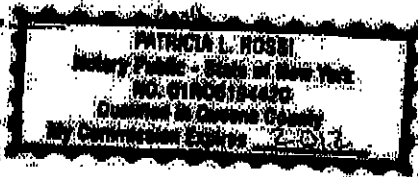
BY: [Signature] 1-6-09 Its: Developer
Signature of Applicant/Owner Date

STATE OF: NEW YORK
COUNTY OF: QUEENS

I, the undersigned, a notary public in and for said County, in said State, do hereby certify that Rowce Lushland, whose name is signed to the foregoing statement, and who is known to be one in the state, has acknowledged before me on this date, that being informed of the contents of this statement, executed the same voluntarily on the date same foregoing statement bears.

Given under my hand and official seal this 6 day of JANUARY, 2009.

[Signature] 2009
Notary Public Signature Commission Expires



From: "Groves, Sara" <Sara.Groves@ci.austin.tx.us>
Subject: RE: Contact Information
Date: February 13, 2009 2:40:50 PM CST
To: "Sarah Andre" <sarah@s2adevelopment.com>

Sarah,

According to tax records the existing multi-family structure at 8600 N Lamar Blvd was constructed in 1974.

The zoning for this property at the time of permitting under City of Austin ordinance # 710617-J was "GR, 1st Height and Area" within which *Apartment Hotel* was a permitted use. With the adoption of the City of Austin Land Development Code, Chapter 13-2 in April of 1984, residential uses were no longer permitted in commercial and industrial zoning districts. However, in accordance with Chapter 25-2-942 of the current Land Development Code, *The use of a building, structure, or property that conformed to the zoning regulations in effect on March 1, 1984 is a conforming use notwithstanding the requirements of this chapter.*

Since the use of the property was conforming when it was constructed, conformed on March 1, 1984 and the use has not changed, the use is currently in conformance with the City of Austin zoning requirements per LDC Section 25-2-942. In accordance with zoning regulations, if the structure is damaged or destroyed, it may be rebuilt to the same size, dimensions, location and number of units that existed previously, after all applicable applications are filed and permits issued for the reconstruction.

Please let me know if you have any questions.

SARA
Sara Groves
sara.groves@ci.austin.tx.us
City of Austin Development Assistance Center
Watershed Protection and Development Review Dept.
ph# 974-3425
fax# 974-2934

From: Sarah Andre [mailto:sarah@s2adevelopment.com]
Sent: Thursday, February 12, 2009 4:42 PM
To: Groves, Sara
Subject: Re: Contact Information

Hi Sara,

Thanks for getting back to me.

I need documentation that the Malibu Apartments, a 476 unit multifamily property currently located at 8600 North Lamar is allowed to exist at that location under its current zoning. The property was built in the 1970s and the current zoning is GR, according to my research assistance. I have pasted a little bit of information below from her so you know what she is looking at.

We need a letter or other documentation that lets the State of Texas Department of Housing and Community Affairs know that the project is allowed under current zoning.

Here is the information from my research assistant:

that gis map viewer looks like the area is GR, which is community commercial. i did find this map,
<http://coageoid01.ci.austin.tx.us/GIS-Data/planning/maps/Base%20Zoning%20Districts%20in%20Color.pdf>
and it does look like the area is considered commercial,

under the GR zoning, it doesn't look like multifamily is permitted
<http://www.ci.austin.tx.us/development/downloads/permitteditusechart.pdf>.

Sarah Andre
B2A Development Consulting, LLC
1308 East 6th, Suite 12

Austin, Texas 78702
512/898-2369 mobile
512/898-2289 fax/mobile

On Feb 12, 2009, at 3:31 PM, Groves, Sara wrote:

Sara Groves

sara.groves@ci.austin.tx.us
City of Austin Development Assistance Center
Watershed Protection and Development Review Dept.
ph# 974-3425
fax# 974-2934

**Volume 4, Tab 12 (§49.9(i)(13))
Community Revitalization or Historic Preservation**

The Application proposes:

Rehabilitation (includes reconstruction) Reconstruction includes the demolition of one or more residential buildings in an Existing Residential Development and the reconstruction of the Units on the Development Site. Developments proposing Adaptive Reuse or proposing to increase the total number of Units in the Existing Residential Development are not considered reconstruction.

Applications may qualify to receive points for either section A or B.

A. Community Revitalization

Development includes use of Existing Residential Housing. Yes No

Rehabilitation (includes reconstruction) is part of a Community Revitalization Plan. Yes No

Attach a copy of the Community Revitalization Plan and provide the following information.

Name of the Community Revitalization Plan(s): North Austin Civic Association Neighborhood Plan

Is an ordinance, resolution or other evidence of a vote by the local Governing Body showing adoption attached? Yes No

If no, page number of the plan where adoption is referenced: N/A (does not guarantee acceptance of the plan)

Page number(s) of the plan that references the targeting of specific geographic areas for revitalization and development of residential developments: 7

Page number(s) of the plan that references that the Rehabilitation or reconstruction is part of the plan: 12

*Attach a letter from the chief executive officer or other local official with appropriate jurisdiction of local Governing Body stating that the Development Site is located within the targeted development area(s) outlined in the plan.

*If the Community Revitalization Plan references any other documents or plans, the referenced documents must also be provided, and an outline describing how the individual plans combine to target a specific geographic area for revitalization and development of residential developments must be provided.

or

B. Historic Preservation

The Development includes* the use of an existing building that is designated as historic by a federal or state entity and proposes Rehabilitation (including reconstruction) or Adaptive Reuse. Yes No

Proof of the historic designation from the appropriate Governmental Body is included. Yes No

Letter from the Texas Historical Commission indicating the effect of the proposed rehabilitation on historical structure is included. Yes No

*The Development itself must have the designation; points in this subparagraph are not available for Developments simply located within historic districts or areas that do not have a designation on the building. The Development must include the historic building.

**Volume 4, Tab 22 (§49.9(i)(24))
Qualified Census Tracts with Community Revitalization Plan**

Attach a copy of the Community Revitalization Plan and provide the following information.

11-Digit Qualified Census Tract Number: 48456001805

Name of the Community Revitalization Plan(s): North Austin Civic Association Neighborhood Plan

Is an ordinance, resolution or other evidence of a vote by the local Governing Body showing adoption attached?
 Yes No

If no, page number of the plan where adoption is mentioned: N/A (does not guarantee acceptance of the plan)

Page number(s) of the plan that mentions the targeting of specific geographic areas for revitalization and development of residential developments: 2-10

***Attach a letter from the chief executive officer or other local official with appropriate jurisdiction of local Governing Body stating that the Development Site is located within the targeted development area(s) outlined in the plan.**

***If the Community Revitalization Plan references any other documents or plans, the referenced documents must also be provided, and an outline describing how the individual plans combine to target a specific geographic area for revitalization and development of residential developments must be provided.**



City of Austin

Neighborhood Housing and Community Development
 P.O. Box 1088, Austin, TX 78767-1088
 (512) 974-3100 • Fax (512) 974-3112 • www.cityofaustin.org/housing

February 25, 2009

Robbie Meyer
 Director, Multifamily Finance Production Division
 Texas Department of Housing and Community Affairs
 P.O. Box 13491
 Austin, TX 78711

Re: Malibu Apartments, HTC #09159
 Volume 4, Tab 12/Community Revitalization

Dear Ms. Meyer:

This letter verifies the following facts regarding the Housing Tax Credit application for the Malibu Apartments, HTC #09159:

- The Malibu Apartments is an existing multifamily development located in census tract #18.05, which is a Qualified Census Tract;
- Rehabilitation of the Malibu Apartments helps achieve the City's affordable housing and revitalization goals from the City of Austin's Consolidated Plan for Fiscal Years 2004-2009, the Austin Tomorrow Comprehensive Plan and the North Austin Civic Association Neighborhood Plan (an amendment to the Austin Tomorrow Comprehensive Plan).

The City of Austin Consolidated Plan for Fiscal Years 2004 – 2009 is the City's five year plan to address the community's most critical housing and community development needs. The goals and strategies outlined in each Consolidated Plan are the result of an extensive public process. Page 1 – 12 of the Plan describes the following housing strategies that will be attained by the rehabilitation of the Malibu Apartments:

- *Rental: Provide resources to non-profit/for-profit housing developers to construct S.M.A.R.T. Housing rental units and rehabilitate existing rental units.*

The Malibu apartment complex is an existing 476-unit apartment community in need of significant rehabilitation. An allocation of Housing Tax Credits meets the goal of improving current housing stock while increasing affordability.

- *Neighborhood Projects: Implement housing affordability components of adopted neighborhood plans, master plans and identified priority neighborhoods.*

The Malibu apartment complex is located within the boundaries North Austin Civic Association (NACA) Neighborhood Plan.

The North Austin Civic Association Neighborhood Plan is an amendment to the Austin Tomorrow Comprehensive Plan and is the primary document developed by the North Austin Civic Association and the City of Austin used in planning growth and revitalization of the area contained within the plan's borders.

Page 7 of the NACA Neighborhood Plan specifically states:

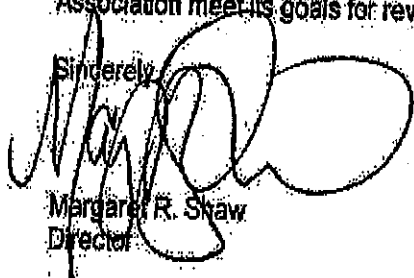
"The neighborhood would also like to revitalize North Lamar Boulevard and Rundberg, major neighborhood gateways." The Malibu apartment complex is located at 8600 N. Lamar Blvd.

Page 13 of the NACA Neighborhood Plan specifically states:

"The Neighborhood Plan addresses land use, transportation, environment, recreation, and community services. Of these, land use preservation through more aggressive enforcement of existing codes is the priority of the neighborhood. With nearly 75% of the housing being rental units, for NACA to continue to age gracefully, it is critical that properties be maintained - hopefully by conscientious owners/renters or by city enforcement if necessary."

Applicable sections of the City of Austin Consolidated Plan, the North Austin Civic Association Neighborhood Plan and the Austin Tomorrow Comprehensive Plan are attached for your review. Rehabilitation of the Malibu Apartments will help both the City of Austin and the North Austin Civic Association meet its goals for revitalizing this growing area of Austin.

Sincerely,



Margaret R. Shaw
Director

cc: The Mulholland Group
Brooke Boston

Attachments

From: express

02/26/2009 12:08

#241 P.021/028

Volume 1, Tab 8
PUBLIC NOTIFICATIONS INFORMATION AND CERTIFICATION FORM (PAGE 4)

COUNTY COMMISSIONERS CONTINUED:

Name: [REDACTED]	Address: [REDACTED]	Phone: [REDACTED]	Fax: [REDACTED]	City: [REDACTED]	District #: [REDACTED]	State: [REDACTED]	ZIP: [REDACTED]
------------------	---------------------	-------------------	-----------------	------------------	------------------------	-------------------	-----------------

Name: [REDACTED]	Address: [REDACTED]	Phone: [REDACTED]	Fax: [REDACTED]	City: [REDACTED]	District #: [REDACTED]	State: [REDACTED]	ZIP: [REDACTED]
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Name: [REDACTED]	Address: [REDACTED]	Phone: [REDACTED]	Fax: [REDACTED]	City: [REDACTED]	District #: [REDACTED]	State: [REDACTED]	ZIP: [REDACTED]
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Name: [REDACTED]	Address: [REDACTED]	Phone: [REDACTED]	Fax: [REDACTED]	City: [REDACTED]	District #: [REDACTED]	State: [REDACTED]	ZIP: [REDACTED]
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Name: [REDACTED]	Address: [REDACTED]	Phone: [REDACTED]	Fax: [REDACTED]	City: [REDACTED]	District #: [REDACTED]	State: [REDACTED]	ZIP: [REDACTED]
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NEIGHBORHOOD ORGANIZATION(S) (Submit all neighborhood organizations in which the Applicant is/was required to notify under §49.4(d)(3)(B) and/or §49.9(b)(8)(A)(ii) of the QAP):
 CHANGE FROM PRE-APP

Name: [REDACTED]	Address: [REDACTED]	Phone: [REDACTED]	Fax: [REDACTED]	City: [REDACTED]	State: [REDACTED]	ZIP: [REDACTED]
------------------	---------------------	-------------------	-----------------	------------------	-------------------	-----------------

Name: [REDACTED]	Address: [REDACTED]	Phone: [REDACTED]	Fax: [REDACTED]	City: [REDACTED]	State: [REDACTED]	ZIP: [REDACTED]
------------------	---------------------	-------------------	-----------------	------------------	-------------------	-----------------

Name: [REDACTED]	Address: [REDACTED]	Phone: [REDACTED]	Fax: [REDACTED]	City: [REDACTED]	State: [REDACTED]	ZIP: [REDACTED]
------------------	---------------------	-------------------	-----------------	------------------	-------------------	-----------------

Name: [REDACTED]	Address: [REDACTED]	Phone: [REDACTED]	Fax: [REDACTED]	City: [REDACTED]	State: [REDACTED]	ZIP: [REDACTED]
------------------	---------------------	-------------------	-----------------	------------------	-------------------	-----------------

I certify that all the information provided is correct and all of the required entities (above) were notified as required by §49.4(d)(3)(B) and/or §49.9(b)(8)(A)(ii) of the QAP. I also certify that all notifications were made in the format outlined in the template, Neighborhood Organization Request Form and Public Notifications Form (Written).

By: [Signature] Date: 2/26/09 Re: _____
Signature of Applicant/Owner

From express

02/26/2009 12:11

0241 P. 027/028

Volume 3, Tab 3

CERTIFICATION OF NOTIFICATIONS (SECTIONS A-C) ALL PROGRAMS

SECTION A: Pursuant to §49.9(h)(3)(A) and/or other applicable Rules, evidence of notifications includes this sworn affidavit and the Public Notifications and Information Certification Form (submitted in Volume 1, Tab 5). All Applicants, or persons with signing authority, must complete either Part 1 or Part 2 below.

1. Most Accurately Check Below if a Pre-Application was Submitted:

I (We) certify that:

Evidence of these notifications was submitted with the Pre-Application Threshold for the same Application and satisfied the Department's review of Pre-Application Threshold, and no additional notification was required at Application, or

A Pre-Application was submitted for this same Application and satisfied the Department's review of Pre-Application Threshold, but all required entities were re-notified as required by §49.9(h)(3)(A) and/or other applicable Rules, because I (we) have submitted a change in the Application, whether from Pre-Application to Application, or as a result of a deficiency that reflects a total Unit increase of greater than 10%, an increase of greater than 10% for any given level of AMGI, a change in the population being served (elderly, Intergenerational Housing or family), or the change of an elected official. As applicable, all changes in the Application have been made on the Public Notifications Information and Certification Form. I (we) certify that the notifications are not older than 3 months from the first day of the Application Acceptance Period for Competitive HFC Applications as required under §49.9(h)(3)(A).

2. Most Accurately Check All Appropriate Boxes Below (must complete this section only if a Pre-Application was not submitted or if the Pre-Application did not satisfy the Department's review of Pre-Application threshold):

I (We) certify that all required requests for Neighborhood Organizations pursuant to §49.9(h)(3)(A) and/or other applicable Rules, were made in the format required in the Neighborhood Organization Request template by January 20, 2009, or for HOME, Housing Trust Fund, Tax Exempt Bond and Rural Rescue Developments no later than 14 days prior to the submission of the Threshold documentation.

I (We) certify that:

No reply letter was received from the local elected officials by February 20, 2009 (or for HOME, Housing Trust Fund, Tax Exempt Bond and Rural Rescue Developments by 7 days prior to the submission of the Application), and/or

A response was received from the local elected officials before February 20, 2009 (or for HOME, Housing Trust Fund, Tax Exempt Bond and Rural Rescue Developments by 7 days prior to submission of the Application) and the response indicated that the local elected officials know of no neighborhood organizations, and/or

A response was received from the local elected officials before February 20, 2009 (or for HOME, Housing Trust Fund, Tax Exempt Bond and Rural Rescue Developments by 7 days prior to submission of the Application) and I have notified those neighborhood organizations as required by and §49.9(h)(3)(A)(i) and/or other applicable Rules, and/or

I have knowledge of other neighborhood organizations on record with the city, state, or county whose boundaries contain the proposed Development site and have notified those neighborhood organizations as required by §49.9(h)(3)(A)(i) and/or other applicable Rules, and/or

I know of no neighborhood organizations within whose boundaries the Development is proposed to be located, and/or

The local elected officials referred to me (us) to another source, and I (we) requested neighborhood organizations from that source. If a response was received, those neighborhood organizations were notified as required by §49.9(h)(3)(A) and/or other applicable Rules; and

All neighborhood organizations that were notified are correctly listed on the Public Notifications Information and Certification Form and all notifications were made in the format provided in the template, Public Notifications Format (Written).

I (We) certify that, in addition to all of the required neighborhood organizations, the following entities were notified in accordance with §49.9(h)(3)(A)(ii) and/or other applicable Rules. The notifications were in the format provided in the template, Public Notifications Format (Written). All of the following entities were notified and are correctly listed on the Public Notifications Information and Certification Form:

- * Superintendent of the school district containing the Development;
- * Presiding officer of the board of trustees of the school district containing the Development;

Initial: 



3036 S. 1st St.
Suite 200
Austin, TX 78704

tel: 512-447-2026
fax: 512-447-0288

www.foundcom.org

May 27, 2009

Ms. Robbye Meyer
Director of Multifamily Programs
Texas Department of Housing and Community Affairs
P.O. Box 3941
Austin, Texas 78711-3941

Re: Challenge to Financial Feasibility scoring and underwriting for Application
Number 09159

Dear Ms. Meyer:

I am writing to challenge the financial feasibility of the Malibu Apartment renovation project (tax credit application #09159). The scoring and underwriting cannot be correct given the glaring omission of required ADA interior unit renovations, as well as potential related issues with asbestos remediation and tenant relocation.

In order to receive housing funds from the City of Austin, the Malibu project will be required to fully renovate 10% of the units (47 units) to be wheelchair/mobility accessible. No waiver or grandfathering of this rule and City ordinance exists for existing apartment renovations that utilize City funding or are certified as SMART Housing. TDHCA rules also require that a certain percentage of units be renovated to comply with ADA, Section 504 laws and other rules.

Neither the renovation budget in the Physical Condition Assessment, or the overall development application budget include any money for required interior unit ADA renovation. The PCA states (page 37), "The review of the subject property for compliance with state and local accessibility requirements is beyond the scope of this report." Only \$25,000 is included in the renovation budget for ADA work in common areas.

The Malibu apartment units are very small, with long galley kitchens too narrow for a wheelchair, very small bathrooms and closets without an adequate turning radius, and doorways throughout that appear too narrow. Accessibility renovations will require movement of walls, and probably will require movement of plumbing, cabinetry, closets and ductwork to make everything fit and comply. New kitchen and bath millwork and plumbing fixtures will be necessary.

An architect should draft detailed plans that show how the units can meet the state and local requirements for accessibility, and this work should be priced. Each accessible unit must also have an accessible route to the parking lot and common amenities.

The total cost of this work will be substantial and must be included in the underwriting and financial feasibility analysis of the project. We recently bid very similar work on another

05-27-09 10:05 RCVD



a Partner Agency of



United Way Capital Area



property, and the cost was approximately \$20,000 per unit. The cost on 47 units could be close to \$1 million.

The total cost of the ADA renovations should also take into consideration potential asbestos abatement and tenant relocation:

Asbestos:

According to the PCA the apartment ceilings have a 'popcorn texture'. This texture in older apartments commonly contains asbestos. The Phase 1 ESA (page 22) states that potential asbestos containing materials were observed in good condition. However, if these materials are disturbed in the renovation then federal, state and local laws apply. To get a building permit in Austin an architect must certify that the buildings do not contain asbestos, or if asbestos is present, then it will not be disturbed or it will be abated.

The ADA renovations will undoubtedly require movement of walls and doorways which will disturb the ceiling texture. There is a significant cost risk to the project if the ceiling texture contains asbestos which must be abated in 47 apartments. Recently we had to abate asbestos in two of our apartment units in order to relocate a few walls, and the cost was \$8000 per unit.

TDHCA should require a phase 2 asbestos test of suspect materials, especially the popcorn ceiling texture, given the ADA renovations and other disruptive renovations that will be required. Non ADA renovations should be evaluated to determine if they will disturb the ceiling texture. If asbestos is present and requires appropriate remediation, the cost will be substantial. This potential cost should not be ignored by underwriting prior to an award of tax credits.

Relocation

The relocation plan submitted in the application (copy attached) is not plausible given the extensive renovations to 47 units for accessibility, in addition to all the other interior renovations planned. All of the units will be getting comprehensive interior improvements, however the applicant states that not a single resident will be relocated and no relocation funding is necessary. This does not seem consistent with the level of renovation work described in the PCA.

If you have any questions about this challenge, please feel free to contact me at the information below.

Sincerely,



Walter Moreau
Foundation Communities, Inc.
Phone: 512-447-2026
Fax: 512-447-0288
Email: walter.moreau@foundcom.org

Relocation Plan

Neither tenant relocation nor relocation funding is necessary, as we will complete renovations to individual units during pre-scheduled 8-hour days for occupied units. When necessary, our construction teams enter an apartment and rehabilitate specific items. At the end of each day, the apartment will continue to be functional. Typically, we only need to ask tenants to allow construction team to enter their units on three or four days throughout the entire renovation process. We will notify residents of upcoming renovations to their unit and then give them the opportunity to choose a convenient date for the renovations to take place. On the scheduled day, the construction team will enter the unit and make all repairs and replacements ensuring that the resident will return home to a functional and refurbished unit. We have found that most tenants much prefer these in-place renovations to relocation for an extended period.

June 10th, 2009

Ms. Robbye Meyer
Director of Multifamily Programs
Texas Department of Housing and Community Affairs
P.O Box 3941
Austin, Texas 78711-3941

Re: Challenge to Application by Goldshire Properties , Project #09166, Old Richmond Rd Townhowmes

§49.5.(b) Ineligibility; Disqualification and Debarment; Certain Applicant and Development Standards; Representation by Former Board Member or Other Person; Due Diligence, Sworn Affidavit; Appeals and Administrative Deficiencies for Ineligibility, Disqualification and Debarment.

Dear Ms. Meyer,

Please accept this letter as a challenge to any points awarded for application 09166.

The pre-application and application submitted by Goldshire properties clearly lists the current owner and seller of the property as **SHR Invests inc.** During our research concerning this application it was discovered that SHR Invests Inc forfeited it's charter and should not be representing itself as a corporation to do business in the State of Texas.

I have included documentation from the Secretary of State of Texas confirming this forfeiture on August 3rd, 2007. Please refer to page 9 of the Goldshire pre-application and page 188 of the Goldshire final application listing the seller of the property.

Thank you for your consideration regarding this matter.

Sincerely,
Donald J Dobesh Jr.

Vice President , Village of Oak Lake subdivision HOA

16311 Ember Hollow Lane,
Sugar Land Tx, 77498
Phone: 281-980-9147
Email: dondobesh@yahoo.com



**Forfeiture pursuant to Section 171.309 of the Texas Tax Code
of
SHR INVESTS CORPORATION**

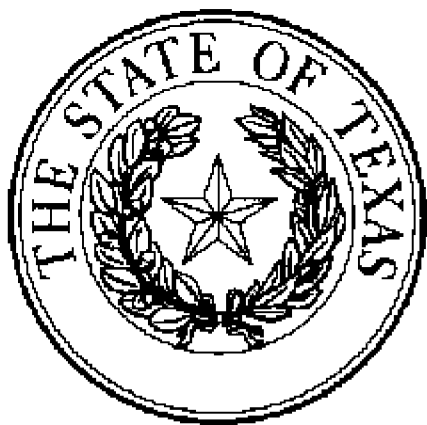
File Number : 800542292

Certificate / Charter forfeited : August 03, 2007

The Secretary of State hereby determines and finds the following:

1. The Secretary of State has received certification from the Comptroller of Public Accounts under Section 171.302 of the Texas Tax Code that there are grounds for forfeiture of the charter or certificate of authority of the referenced entity.
2. The entity has not revived its forfeited corporate privileges within 120 days after the date that the corporation privileges were forfeited.
3. The Comptroller of Public Accounts has determined that the entity does not have assets from which a judgment for any tax, penalty, or court costs imposed under Chapter 171 of the Code may be satisfied.

It is therefore ordered that the entity's charter or certificate of authority be forfeited without judicial ascertainment and that the proper entry be made upon the permanent files and records of such entity to show such forfeiture as of the date hereof.



A handwritten signature in cursive script that reads "Phil Wilson".

Phil Wilson
Secretary of State

Roundstone Development, LLC
Contact: Michael A. Hartman
1370 Taurus Court
Merritt Island, FL 32953
321-453-9587 / 321-453-6796 fax
321-223-8650 cell
mah1370@hotmail.com

June 9, 2009

Mr. Michael Gerber, Executive Director
Texas Department of Housing and Community Affairs
221 E. 11th Street
Austin, Texas 78701

Re: Challenge of TDHCA Application 09163
Tremont Apartment Homes

Dear Mr. Gerber:

We hereby provide the following information and challenge the threshold determination and scoring of Application 09163 (hereinafter referred to as "09163").

Scoring under QAP Section 49.9(i)(2), QCP from Neighborhood Organizations

1. Attached as Exhibit A is the submission of a purported Neighborhood Organization known as the Bacon Ranch Rd Property Owners Association ("Bacon") filed in support of 09163.
2. Please note that the address of the authorized representative of Bacon is 4280 High Oak Dr, Belton, 76513. Please note that the authorized representative of Bacon, Mickie Kay Schroeder, is also the Seller of the land that is the subject of Application 09163.
3. In a conversation with Karen Walinder, the second contact for Bacon, we confirmed that the authorized representative of Bacon lives at that address.
4. Attached as Exhibit C is a map which shows that the address of the authorized representative of Bacon is about 12.5 miles east of the boundaries of Bacon; i.e.; the authorized representative of Bacon does not live within the boundaries of Bacon.
5. Attached as Exhibit B are affirmations from Ms. Edith Stockhardt and Mr. Charlie Watts that they have never agreed to participate in nor have any knowledge of a property owners association being formed or created that encompasses their properties (including specifically the purported Bacon). Ms. Stockhardt owns five houses in the purported Neighborhood Organization's boundaries: 1108 Covey Ln, 1105 Covey Ln, 1103 Covey Ln, 1106 Covey Ln, and 1110 Covey Ln. Mr. Watts owns two houses in the purported Neighborhood Organization's boundaries: 1102 Covey Ln and 1104 Covey Ln. Between them they own seven of the 22 houses shown in Exhibit A as being included in the purported Neighborhood Organization.

05-12-09 12:52 RCVD

6. QAP Section 49.9(i)(2)(A)(iv) states “For the purposes of this section, a “Neighborhood Organization” is defined as an organization of persons living near one another within the organization’s defined boundaries in effect February 27, 2009 that contain the proposed Development site and that has a primary purpose of working to maintain or improve the general welfare of the neighborhood.”
7. First, we maintain that Bacon fails this definition of Neighborhood Organization because its authorized representative does not live within the organization’s defined boundaries.
8. Second, we maintain that Bacon was not in effect as of February 27, 2009 because the owners of at least seven properties within Bacon’s defined boundaries had no knowledge of Bacon and had not agreed to join Bacon.
9. Therefore, we challenge the award of 24 points to 09163 under this scoring item.

Disqualification under QAP Section 49.5(b)(1)

1. Attached as Exhibit A is the submission of a purported Neighborhood Organization known as Bacon filed in support of 09163.
2. Bacon’s written boundary description in Exhibit A states “North boundary is Bacon Ranch Rd from the 1100 to the 1900 block,…”
3. The boundary map in Exhibit A indicates that the boundaries of Bacon include a “Built Apartment Complex” to the east of the 09163 property, and indicates that the address of said Complex is 1900 Bacon Ranch Rd.
4. Attached as Exhibit G is the TDHCA Property Inventory as of 4/23/09. Note that the “Built Apartment Complex” located at 1900 Bacon Ranch Rd is TDHCA Property 05164, Ridge Pointe Apartments, whose general partner is owned 100% by Michael Lankford.
5. Per the Application submitted, Michael Lankford owns 100% of the general partner of Applicant 09163.
6. Attached as Exhibit D is the Volume 3, Tab 3 in Application 09163 submitted by Michael Lankford on February 27, 2009. Confirmation that Application 09163 was submitted to TDHCA on 2/27/09 is attached as Exhibit F.
7. In Exhibit D, Michael Lankford certifies that “Evidence of these notifications was submitted with the Pre-Application Threshold for the same Application...and no additional notification was required at Application,…”
8. Per the attached Exhibit E, Michael Lankford certified at Pre-Application that “I know of no neighborhood organizations within whose boundaries the Development is proposed to be located…”
9. Please note, per Exhibit A, that the authorized representative of Bacon is the Seller of the land that is the subject of Application 09163.
10. QAP Section 49.5(b)(1) states “The Department WILL (emphasis added) disqualify an Application...Causes for disqualification and debarment include: (1) The provision of fraudulent information, knowingly falsified documentation, or other intentional or negligent material misrepresentation in the Application…”
11. We maintain that the failure of Applicant 09163 to disclose in its Application, filed on February 27, 2009, the Bacon Ranch Rd Property Owners Association as a Neighborhood Organization within whose boundaries the Applicant was located falls under the provisions of QAP Section 49.5(b)(1). The authorized representative of the

purported Neighborhood Organization was the Seller of the land to Applicant 09163. Further, another property owned by Michael Lankford was within the boundaries of the purported neighborhood Organization. Even if you now subsequently rule that Bacon is not a neighborhood Organization, the QAP required that Applicant 09163 disclose in its Application the existence of Bacon, which Applicant failed to do.

12. Therefore, Application 09163 should be disqualified under QAP Section 49.5(b)(1).

We thank you for your consideration of this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "M. A. Hartman", with a long horizontal flourish extending to the right.

Michael A. Hartman

Enclosures

Cc: Kevin Hamby, General Counsel

Exhibit A


To: Nicole Fisher at TDHCA
From: Bacon Ranch Rd Property Owners Association
Mickie Kay Schroeder, Representative
Ref: Form for Qualified Neighborhood Organizations to Submit to
TDHCA for Quantifiable Community Participation
Date: 02/24/2009

Ms Fisher,

This is a request for the Bacon Rand Rd Property Owners Association to be on record with TDHCA.

I have attached the necessary form and boundary map.

Thank you for your assistance,

 2/24/09

Mickie Kay Schroeder Date

Exhibit A



FORM FOR QUALIFIED NEIGHBORHOOD ORGANIZATIONS TO SUBMIT TO
TDHCA FOR QUANTIFIABLE COMMUNITY PARTICIPATION
Texas Department of Housing and Community Affairs

Certify to each requirement by checking each box as required and accurately filling in all blanks. All
attachments must be included in QCP submission package.

1. This organization is submitting this form and attachments regarding the following proposed application:
Development Name: Tromont Apartment Homes TDHCA #: 09163
Development Location: 1600 Block Bacon Ranch Rd.
Development City: Killeen Development County: Bell

2. The persons signing this form have the authority to sign on behalf of this organization.
Organizational Name: Bacon Ranch Rd Property Owners Association
1st Contact Name and Title: Mickie Kay Schroeder
1st Contact Mailing Address: 4280 Hill Oak Dr
1st Contact City: Hellon 1st Contact Zip Code: 76513
1st Contact Day Phone: 254-963-9876 1st Contact Fax: 254-898-6287
1st Contact Evening Phone: _____ 1st Contact E-Mail: _____

3. This organization is also providing the following additional contact and information for our organization:
2nd Contact Name: None Karen Dealinger
2nd Contact Day Phone: (254) 628-2443 2nd Contact Fax: (254) 628-2457
2nd Contact Evening Phone: _____ 2nd Contact E-Mail: _____

4. This organization certifies that it meets the definition of "Neighborhood Organization" as defined in §49.3(66)
of the 2009 Qualified Allocation Plan and Rules and is an organization comprised of persons living near one
another within the organization's defined boundaries and that it has a primary purpose of working to maintain or
improve the general welfare of the neighborhood. This organization further certifies that it is a (must check on
of the following boxes):

- Homeowners Association
- Property Owners Association
- Resident Council and our members occupy the existing development
- Other (Explain: _____)

Initials of Signer

Exhibit A

5. **Certification of Record:** Choose one box. Registration with the county or with the Secretary of State both requires proof of registration. All 3 selections require a boundary map. The boundary map should be legible, clearly marked with the geographical boundaries of the neighborhood organization, and indicate the location of the proposed development.

This organization certifies that it was:

On record, as of February 27, 2009, with the county in which the development is proposed to be located. (Attach boundary map and documentation from the county of registration)

On record, as of February 27, 2009, with The Secretary of State as an incorporated entity in good standing. (Attach boundary map and documentation from the Secretary of State of registration)

On record or requesting to be on record, as of February 27, 2009, with The Texas Department of Housing and Community Affairs (the "Department"). (Attach boundary map)

6. **Boundary Description and Certification:** Provide a written description of the geographical boundaries of the neighborhood organization and check the box certifying the boundaries include the Development site. (Example: North boundary is Main St, East boundary is a railroad track, South boundary is First St and West boundary is Jones Ave)

Written Boundary Description:
North boundary is Bacon Ranch Rd from the 1100 to the 1900 block, south to the single family homes near 9111 Jacqueline Dr. west to Chamber Rd. then north to Bacon Ranch Rd. Located in Killam, Hall County, Texas.

This organization certifies that the boundaries of this organization include the proposed Development site in its entirety. This organization acknowledges that annexations after February 27, 2009 are not considered eligible boundaries and asserts that is only partially within the boundaries will not satisfy the requirement that the boundaries contain the proposed Development site.

7. **Statement of Support/Opposition:** (Choose only one box and clearly and concisely state at least one or more reason(s) for the organization's support/opposition; use additional sheets as needed.)

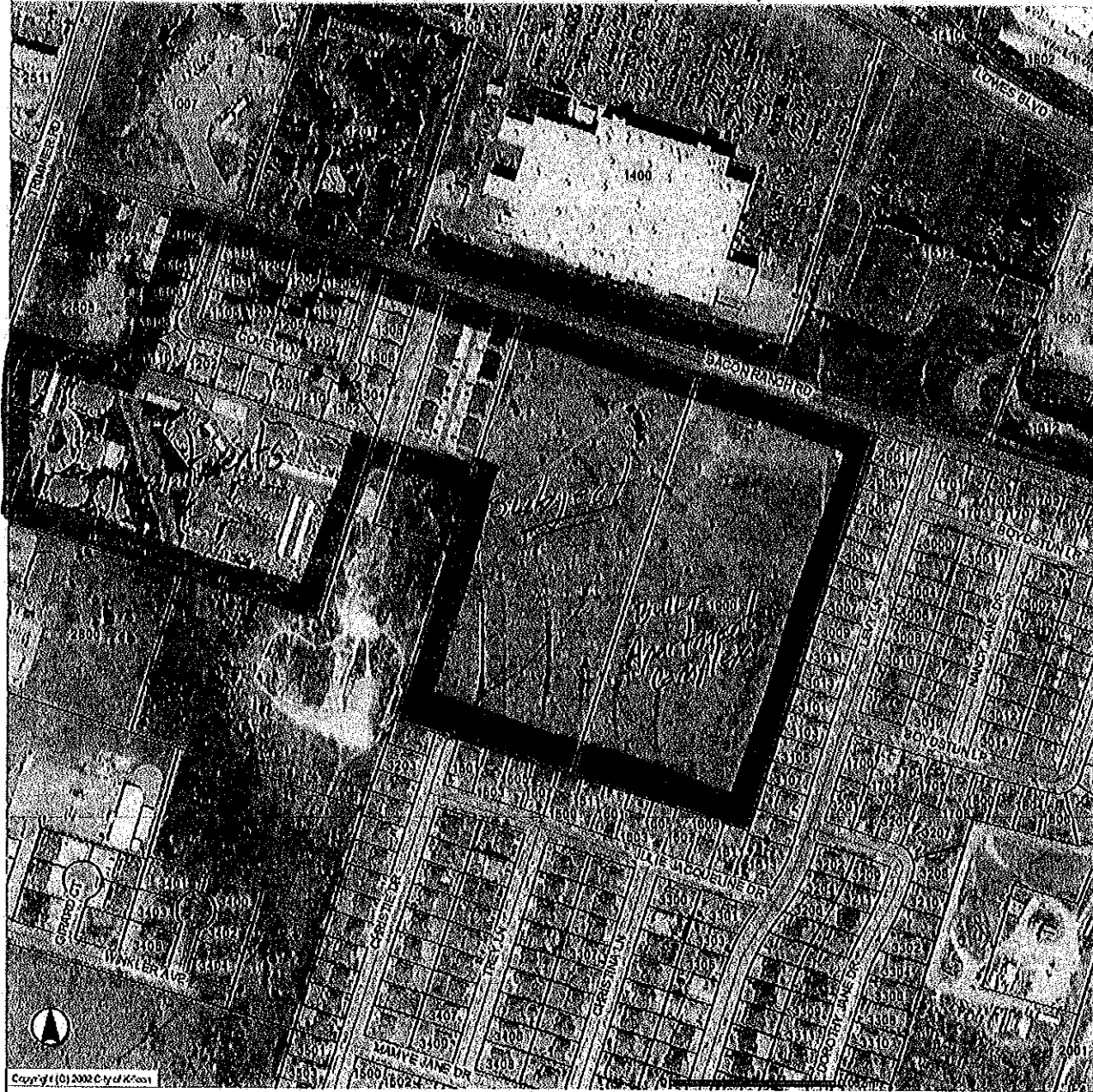
This organization certifies that we:

Support the application for Competitive Housing Tax Credits referenced above for the following reasons:
The proposed development is the best use for the area. It provides a solution to a need in the community.

Oppose the application for Competitive Housing Tax Credits referenced above for the following reasons:


 Title of Signer

12.247 Acres Bacon Ranch, Killeen, Tx



Bell County Roads

- Interstate
- US Hwy
- State Hwy
- Major Roads
- Minor Roads
- Local Roads

Legend

- Bell County Lakes
- Parcels
- Streets
- 2000 Aerial Photos

Highlighted: Boundaries of the Bacon Ranch Rd Property owners association.

Disclaimer: This Web site is a public resource of general information. The City of Killeen makes no warranty, representation or guarantee as to the content, accuracy, timeliness, or completeness of any of the database information provided herein. Any use or reliance on this information contained in it is at that party's own risk and without liability to the City of Killeen, its officials, or its employees for any discrepancies, errors or variances that may exist.

Exhibit B

June 4, 2008

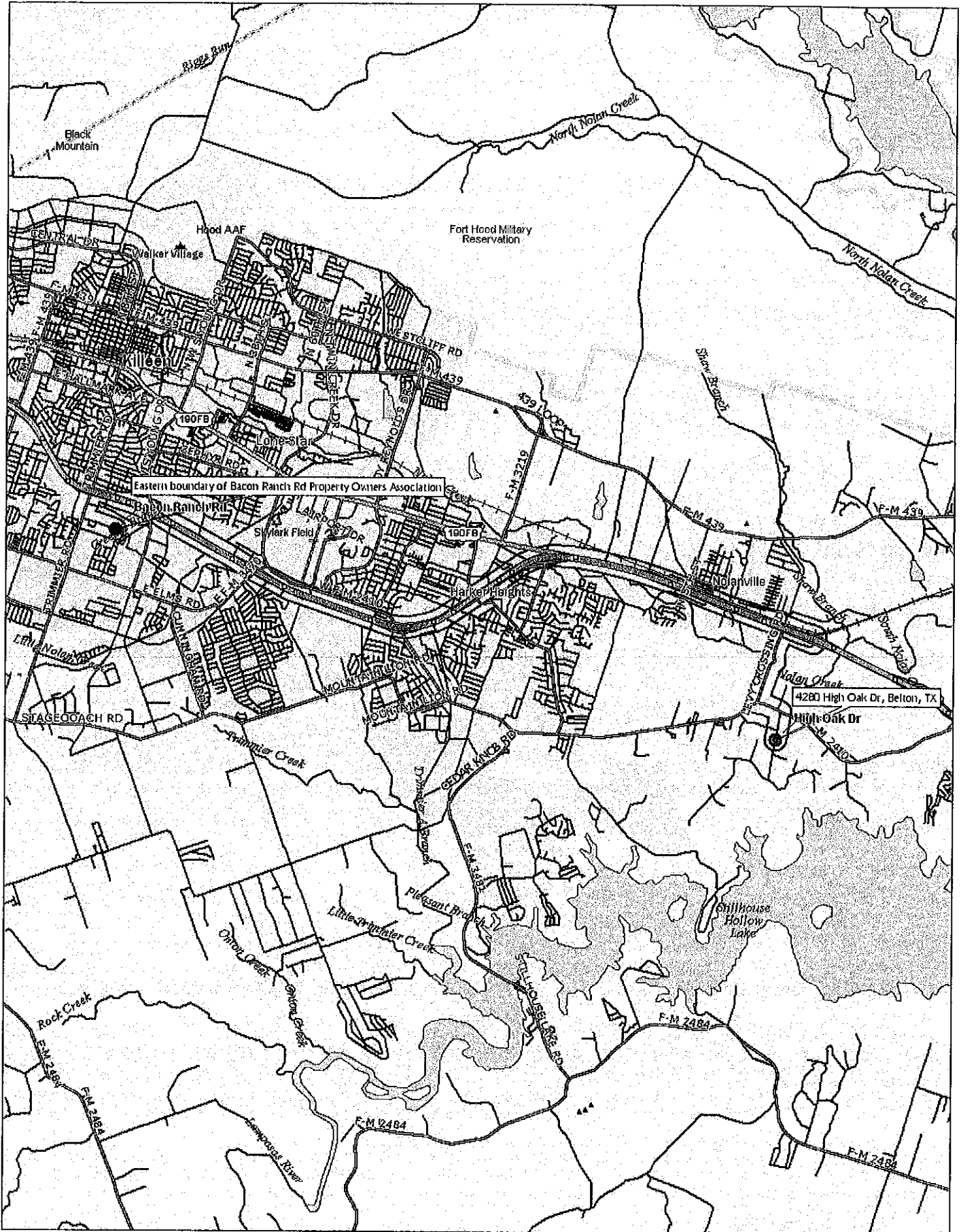
Gene Lehmann
Roundstone Development
1750 Valley View Lane Suite 420
Dallas, TX 75230

Re: Quail Run Estates

The property owners listed herein have never agreed to participate in nor have any knowledge of a property owner's association being formed or created (including specifically the Bacon Ranch Road Property Owners Association).

By signing below, we affirm the above statement is true and correct.

Signature	Name	Address	Phone #
<i>[Handwritten Signature]</i>	Edith A. Stockhardt	1108 Cooney R (210)	972-7111
Please note, I am the Property Owner of 1108 Cooney R - Lot 4, Blk 4 Quail Run Estates.			
Also I was instrumental in developing, and selling more than 50% of all the lots in Quail Run Estate also I have ownership/ ownership interest of 1105 Cooney, 1103 Cooney, 1106 Cooney, 1110 Cooney.			
This is true			
<i>[Handwritten Signature]</i>			
June 8 - 08			



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 www.delorme.com



Data Zoom 11-0

Volume 3, Tab 3
CERTIFICATION OF NOTIFICATIONS (SECTIONS A-C) ALL PROGRAMS

SECTION A: Pursuant to §49.9(h)(8)(A) and/or other applicable Rules, evidence of notifications includes this sworn affidavit and the *Public Notifications and Information Certification Form* (submitted in Volume 1, Tab 8). All Applicants, or persons with signing authority, must complete either Part 1 or Part 2 below:

1. Must Accurately Check Below if a Pre-Application was Submitted:

- I (We) certify that:
 - Evidence of these notifications was submitted with the Pre-Application Threshold for the same Application and satisfied the Department's review of Pre-Application Threshold, and no additional notification was required at Application, or
 - A Pre-Application was submitted for this same Application and satisfied the Department's review of Pre-Application Threshold, but all required entities were re-notified as required by §49.9(h)(8)(A) and/or other applicable Rules, because I (we) have submitted a change in the Application, whether from Pre-Application to Application or as a result of a deficiency that reflects a total Unit increase of greater than 10%, an increase of greater than 10% for any given level of AMGI, a change in the population being served (elderly, Intergenerational Housing or family), or the change of an elected official. As applicable, all changes in the Application have been made on the *Public Notifications Information and Certification Form*. I (we) certify that the notifications are not older than 3 months from the first day of the Application Acceptance Period for Competitive HTC Applications as required under §49.9(h)(8)(A).

2. Must Accurately Check All Appropriate Boxes Below (must complete this section only if a Pre-Application was not submitted or if the Pre-Application did not satisfy the Department's review of Pre-Application threshold):

- I (We) certify that all required requests for Neighborhood Organizations pursuant to §49.9(h)(8)(A)(i) and/or other applicable Rules, were made in the format required in the *Neighborhood Organization Request* template by January 20, 2009, or for HOME, Housing Trust Fund, Tax Exempt Bond and Rural Rescue Developments no later than 14 days prior to the submission of the Threshold documentation.
- I (We) certify that:
 - No reply letter was received from the local elected officials by February 20, 2009 (or for HOME, Housing Trust Fund, Tax Exempt Bond and Rural Rescue Developments by 7 days prior to the submission of the Application), and/or
 - A response was received from the local elected officials before February 20, 2009, (or for HOME, Housing Trust Fund, Tax Exempt Bond and Rural Rescue Developments by 7 days prior to submission of the Application) and the response indicated that the local elected officials know of no neighborhood organizations, and/or
 - A response was received from the local elected officials before February 20, 2009, (or for HOME, Housing Trust Fund, Tax Exempt Bond and Rural Rescue Developments by 7 days prior to submission of the Application) and I have notified those neighborhood organizations as required by and §49.9(h)(8)(A)(ii)(I) and/or other applicable Rules, and/or
 - I have knowledge of other neighborhood organizations on record with the city, state or county whose boundaries contain the proposed Development site and have notified those neighborhood organizations as required by §49.9(h)(8)(A)(ii)(I) and/or other applicable Rules, and/or
 - I know of no neighborhood organizations within whose boundaries the Development is proposed to be located and/or
 - The local elected officials referred to me (us) to another source, and I (we) requested neighborhood organizations from that source. If a response was received, those neighborhood organizations were notified as required by §49.9(h)(8)(A) and/or other applicable Rules; and
 - All neighborhood organizations that were notified are correctly listed on the *Public Notifications Information and Certification Form* and all notifications were made in the format provided in the template, *Public Notifications Format (Written)*.
- I (We) certify that, in addition to all of the required neighborhood organizations, the following entities were notified in accordance with §49.9(h)(8)(A)(ii) and/or other applicable Rules. The notifications were in the format provided in the template, *Public Notifications Format (Written)*. All of the following entities were notified and are correctly listed on the *Public Notifications Information and Certification Form*:
 - Superintendent of the school district containing the Development;
 - Presiding officer of the board of trustees of the school district containing the Development;

Initial: 

Exhibit D

- Mayor of any municipality containing the Development;
- All elected members of the Governing Body of any municipality containing the Development;
- Presiding officer of the Governing Body of the county containing the Development;
- All elected members of the Governing Body of the county containing the Development;
- State senator of the district containing the Development; and
- State representative of the district containing the Development.

- While not required to be submitted in this Pre-Application, I have kept evidence of all notifications made and this evidence may be requested by the Department at any time during the Application review.
- I (We) certify that the notifications are not older than 3 months from the first day of the Application Acceptance Period for Competitive HTC or not older than 3 months for Volume 3 submissions for HOME, Housing Trust Fund, Tax-Exempt Bond and Rural Rescue Developments as required under §49.9(h)(8)(A).

SECTION B: This section must only be completed if mailings were completed in lieu of posting signage on the Development site:

- I (We) certify that pursuant to §49.9(h)(8)(B) and/or other applicable Rules, posting a public notification sign is prohibited by local ordinance or code, and I (We) have mailed written notifications. The notice was mailed through the U.S. Postal Service on / / (date of mailing), and these notifications contained all required in the *Public Notifications Format (Written)*.

SECTION C: This section must only be completed if the Application is for rehabilitation of an existing property that was occupied at the time of Application submission:

- I (We) certify Units in the Development are occupied at the time of Application, and have notified each tenant at the Development and let the tenants know of the Department's public hearing schedule for comment on submitted Applications. If the public hearing schedule is not available at the time of Application submission, and WILL notify all tenants of the Department's public hearing schedule for comment on submitted Applications.

SECTION D: This section must be completed for all Competitive and 4% HTC Applications (regardless of the Bond Issuer):

- I (We) certify that if this is a Competitive Housing Tax Credit Application, the public notification sign was installed prior to the date the Application was submitted and that the TDHCA public hearing information (i.e. time, date and location) was posted to the sign (the TDHCA public hearing information will be updated on the Department's website by February 15, 2009 and the updated information will be disseminated to all persons on the Department's Listserve.); or for Tax Exempt Bond Developments, the public notification sign was installed, regardless of Priority or Issuer, within thirty (30) days of the Department's receipt of Volumes I and II AND the bond Tax Exempt Fiscal Responsibility Act (TEFRA) public hearing information (i.e. time, date and location) was posted to the sign at least thirty (30) days prior to the hearing date.

By: [Signature] 2/23/09 Its: Sole Member
Signature of Applicant/Owner Date

STATE OF: Texas
COUNTY OF: HARRIS

I, the undersigned, a notary public in and for said County, in said State, do hereby certify that Michael Lankford, whose name is signed to the foregoing statement, and who is known to be one in the same, has acknowledged before me on this date, that being informed of the contents of this statement, executed the same voluntarily on the date same foregoing statement bears.

Given under my hand and official seal this 23rd day of February, 2009 (seal)

[Signature]
Notary Public Signature

9/17/2012
Commission Expires



CERTIFICATION OF NOTIFICATIONS AT PRE-APPLICATION (Part III)

Pursuant to §49.8(d)(3), evidence of notifications includes this sworn affidavit and the Public Notifications Information Form

Must accurately Check all applicable boxes below:

- I certify that all required requests for Neighborhood Organizations were made pursuant to §49.8(d)(3)(A) and included the required information as provided in the Neighborhood Organization Request template by December 8, 2008.
- I certify that:
 - No reply letter (to the request for Neighborhood Organization information) was received from the local elected officials by January 1, 2009; and/or
 - A response was received from the local elected officials before January 1, 2009, and I have notified those neighborhood organizations as required by and §49.8(d)(3)(B); and/or
 - A response was received from the local elected officials before January 1, 2009, and the response indicated that the local elected officials know of no neighborhood organizations; and/or
 - I have knowledge of other neighborhood organizations on record with the city, state or county whose boundaries contain the proposed Development site and have notified those neighborhood organizations as required by §49.8(d)(3)(B); and/or
 - I know of no neighborhood organizations within whose boundaries the Development is proposed to be located; and/or
 - The local elected officials referred to me to another source, and I requested neighborhood organizations from that source. If a response was received, those neighborhood organizations were notified as required by §49.8(d)(3)(B). Date Mailed 1/1/09
 - All neighborhood organizations that were notified are correctly listed on the Public Notifications Information and Certification Form and all notifications were made in the format provided in the template, Public Notifications Format (Written). Date Mailed 1/1/09
- I certify that, in addition to all of the required neighborhood organizations, the following entities were notified in accordance with §49.8(d)(3)(B)(i) through (ix). The notifications included the required information as provided in the template, Public Notifications (Written). All of the following entities were notified and are correctly listed on the Public Notifications Information and Certification Form:
 - Superintendent of the school district containing the Development;
 - Presiding officer of the board of trustees of the school district containing the Development;
 - Mayor of any municipality containing the Development;
 - All elected members of the Governing Body of any municipality containing the Development;
 - Presiding officer of the Governing Body of the county containing the Development;
 - All elected members of the Governing Body of the county containing the Development;
 - State senator of the district containing the Development; and
 - State representative of the district containing the Development.

While evidence is not required to be submitted in this Pre-Application, I understand evidence may be requested by the Department at any time during the Application review.

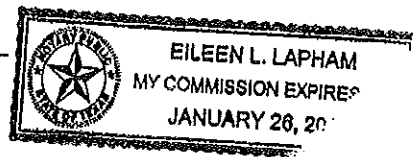
By: [Signature] 1/6/09 Its: Agent for GP
Signature of Applicant/Owner Date

STATE OF: Texas
COUNTY OF: Harris

I, Jeff Gannon, the undersigned, a notary public in and for said County, in said State, do hereby certify that Jeff Gannon, whose name is signed to the foregoing statement, and who is known to be one in the same, has acknowledged before me on this date, that being informed of the contents of this statement, executed the same voluntarily on the date same foregoing statement bears.

Given under my hand and official seal this 6th day of January, 2009 (seal)

Eileen L. Lapham 01-26-09
Notary Public Signature Commission Expires



PUBLIC NOTIFICATIONS INFORMATION FORM (PAGE 4)

COUNTY COMMISSIONERS CONTINUED:

Name: NA	District #:	State:	ZIP:
Address:	City:		
Phone: () -	Fax: () -		

Name: NA	District #:	State:	ZIP:
Address:	City:		
Phone: () -	Fax: () -		

NEIGHBORHOOD ORGANIZATION(S) (Submit all neighborhood organizations in which the Applicant is/was required to notify under §49.8(d)(3)(B) of the QAP):

Name: NA	City:	State:	ZIP:
Address:			
Phone: () -	Fax: () -		

Name: NA	City:	State:	ZIP:
Address:			
Phone: () -	Fax: () -		

Name: NA	City:	State:	ZIP:
Address:			
Phone: () -	Fax: () -		

Name: NA	City:	State:	ZIP:
Address:			
Phone: () -	Fax: () -		

*Exhibit F***FW: Submission of application**

From: **Misael Arroyo** (misael.arroyo@tdhca.state.tx.us)
Sent: Mon 6/01/09 10:20 AM
To: 'mah1370@hotmail.com' (mah1370@hotmail.com)
Cc: Robbye Meyer (robbye.meyer@tdhca.state.tx.us)

Mr. Hartman, You are correct the application did come in on February 27, 2009.

*Thanks,
Misael Arroyo*

*TDHCA/ Multifamily Finance Division
P.O. Box 13941 MC 332-10
Austin, TX 78711-3941
www.tdhca.state.tx.us
Phone: (512) 475-2596 Fax: (512) 475-0764*

-----Original Message-----

From: Robbye Meyer [mailto:robbye.meyer@tdhca.state.tx.us]
Sent: Monday, June 01, 2009 8:52 AM
To: Misael Arroyo
Subject: FW: Submission of application

Misael,

Will you check the receipt for this application and get the date for Mr. Hartman?

Robbye G. Meyer

Director of Multifamily Finance
Texas Department of Housing and Community Affairs
221 E. 11th Street
Austin, Texas 78701
(512) 475-2213 (V)
(512) 475-0764 (F)

-----Original Message-----

From: Michael Hartman [mailto:mah1370@hotmail.com]
Sent: Saturday, May 30, 2009 9:18 PM
To: Robbye Meyer
Cc: Clifton Phillips
Subject: Submission of application

Robbye,

On what date was application #09163 received by the Department? I would think it was 2/27/09, but I wanted to be certain.

Thanks,

Michael A. Hartman

Exhibit G

TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS
Inventory of Developments Placed in Service or Under Construction 1988-2008

TDHCA #	Program Type	Original TDHCA#	Year	Board Approval	Development Name	Project Address	Project City	Project County	Zip Code	LHFC Amt Awarded	Total Units	LHFC Units	Population Served	Disabled Units	Apt. Phone #
94007	9% HTC		1984		Fairfield East	906 S. Pano Maria	Kames City	Kames	78118	\$28,925	24	24	Elderly	9	(830) 780-4674
						Kames City Court	1								
70096	9% HTC		1990		Katy Manor Apartments	5360 East 5th St.	Katy	Harris	77493	\$34,602	36	36	General	1	(281) 371-7320
04284	9% HTC		2004	07/28/04	Katy Manor Apartments	5360 East 5th St.	Katy	Harris	77493	\$110,905	48	48	General	2	(281) 371-7320
05209	9% HTC		2005	07/27/05	Providence Place Apartments	20100 Saurms Rd.	Katy	Harris	77449	\$984,852	174	166	Elderly	9	(713) 914-6200
060628	4% HTC		2006	12/14/06	Lancaster Apartments	20000 block of Park Row Dr. & 1700 block of Snake River	Katy	Harris	77449	\$1,137,297	252	252	General	0	(713) 334-5514
						Katy Court	4								
01465	4% HTC		2001	01/17/02	Milstone Apartments	23405 W. Fernberst	Katy(area)	Harris	77484	\$600,679	248	248	General	13	(281) 392-1227
03096	9% HTC	FC	2003	07/29/02	Villas at Park Grove	600 Park Grove Dr.	Katy(area)	Harris	77450	\$627,566	150	120	Elderly	8	(214) 772-2400
						Katy(areas) Court	2								
04288	9% HTC		2004	07/28/04	Briarwood Apartment	519 E. 6th Street	Kaufman	Kaufman	75142	\$173,148	48	48	General	3	(817) 732-1055
07089	9% HTC	04288	2007	10/12/06	Briarwood Apartment	519 E. 6th Street	Kaufman	Kaufman	75142	\$7,000	0	0	General	0	(817) 732-1055
						Kaufman Court	2								
94005	9% HTC		1994	1994	Fireside Trails Apartments	213 West 4th St.	Keene	Johnson	76059	\$43,263	36	36	Elderly	1	(817) 556-2752
96033	9% HTC	06673	1996	1996	Sherwood Arms Apartments	213 N. Val Verde Circle	Keene	Johnson	76059	\$38,740	56	56	General	4	(817) 641-2682
						Keene Court	2								
04491	4% HTC		2004	12/13/04	Evergreen at Keller Senior Apartment Com	400 Block of Boulevard Road	Keller	Tarrant	76248	\$559,997	250	250	General	16	(972) 550-7800
						Keller Court	1								
98166	9% HTC		1998	1998	Kerrville Meadow Apartments	2300 Junction Hwy.	Kerrville	Kerr	78028	\$318,044	76	76	Elderly	12	(713) 652-5844
00011	9% HTC		2000	2000	Heritage Oaks Apartments	2550 Junction Highway	Kerrville	Kerr	78028	\$449,538	76	76	General	8	(830) 996-5151
07242	9% HTC		2007	07/30/07	Paseo de Paz Apartments	400 Blk of Clearwater Paseo	Kerrville	Kerr	78028	\$712,276	76	73	General	6	(830) 257-5323
08135	9% HTC		2008	7/27/08	Gardens at Clearwater	400 Block of Clearwater Paseo	Kerrville	Kerr	78028	\$760,987	80	80	Elderly	8	(830) 257-5323
08935	9% HTC	07242	2008	11/13/08	Paseo de Paz Apartments	400 Clearwater Paseo	Kerrville	Kerr	78028	\$37,516	0	0	General	0	(830) 257-5323
						Kerrville Court	5								
04194	9% HTC		2004	07/28/04	Lexington Court	3407 U.S. Highway 259 North	Kilgore	Gregg	75662	\$549,640	80	76	General	4	(979) 846-5878
06238	9% HTC		2008	7/31/08	Lexington Court Phase II	3508 US Hwy 259 N.	Kilgore	Gregg	75662	\$693,594	76	76	General	8	(979) 846-5878
						Kilgore Court	2								
97043	9% HTC		1997	1997	Village at Fox Creek (aka the Williamsburg)	2900 Illinois Ave.	Killeen	Bell	76543	\$885,617	128	128	General	21	(254) 690-3301
99053	9% HTC		1999	1999	Veranda at Twin Creek	1101 Twin Creek Dr.	Killeen	Bell	76543	\$421,684	88	88	Elderly	9	(254) 200-4553
03698	9% HTC		2003	07/30/03	Stone Ranch Apartments Homes	4400 East Rancher Avenue	Killeen	Bell	76543	\$593,908	152	129	Elderly	12	(713) 626-9655
05164	9% HTC		2005	07/27/05	Ridge Pointe Apartments	1900 Bacon Ranch Road	Killeen	Bell	76542	\$1,013,802	172	164	General	9	(713) 626-9655
08050	9% HTC	05164	2008	10/12/08	Ridge Pointe Apartments	1600 Blk Bacon Ranch Rd.	Killeen	Bell	76547	\$97,684	0	0	General	0	(713) 877-9100
						Killeen Court	5								
93004	9% HTC		1993	1993	Windwood II Apartments	100 Windwood Drive	Kingsland	Llano	78639	\$45,297	34	34	Elderly	6	(915) 389-9222
00050	9% HTC		2000	2000	TownePark in Kingsland	101 TownePark Dr.	Kingsland	Llano	78639	\$596,577	76	76	Elderly	8	(325) 388-9137
04004	9% HTC	FC	2004	09/11/03	Kingsland Trails Apartments	4800 Block of 2900	Kingsland	Llano	78639	\$444,334	76	60	General	8	(830) 693-6521
						Kingsland Court	3								
97027	9% HTC		1997	1997	Courts Of Las Palomas Apartments	600 General Caravaz Blvd.	Kingsville	Kleberg	78363	\$514,980	128	128	General	0	(361) 518-1114
02043	9% HTC		2002	07/29/02	King's Crossing	1700 Corral Ave.	Kingsville	Kleberg	78363	\$777,472	120	120	General	0	(713) 522-1411
07199	9% HTC		2007	07/30/07	Kingsville LULAC Menor Apartments	1220 N. 17th	Kingsville	Kleberg	78363	\$491,514	88	88	General	9	(210) 827-4308

Sharon Gamble

From: Loree Conrad [lconrad10@earthlink.net]
Sent: Saturday, June 13, 2009 8:28 PM
To: robbye.meyer@tdhca.state.tx.us
Cc: sharon.gamble@tdhca.state.tx.us
Subject: Complaint re: Application #09166



Neal Singh.jpg (465 KB)



Neal Singh 2.jpg (244 KB)



Neal Singh 3.jpg (54 KB)

Dear Ms. Meyer,

I would like to file a formal complaint re: Goldshire Townhomes, application # 09166.

As I spoke with you on the phone on June 11, I am disturbed that the applicant Navdip S. Sobti is applying using that name. He legally changed his name on January 18, 2008 (a year before this application) to Neal Singh. In his application, he uses both names, Navdip Sobti, and Neal Singh, as though they are 2 different people. He has signed both names before a Notary Public as though it were 2 individuals, rather than 1.

I am not a lawyer, so I cannot comment on the legality of this, but common sense seems to dictate that if you have legally changed your name, then you must use that name, and that name only, when you are filing an application for federal funds, and certifying that all information is true.

I have attached the scanned images of the Court decree granting the name change.

I feel that this application should be disqualified, based on this information, and Navdip Sobti/Neal Singh should never be allowed to participate in the Tax Credit Program again.

Thank you,
Loree Conrad
16427 Ember Hollow Lane
Sugar Land, TX 77498
281-277-5422 home
281-799-7155 cell

CAUSE NO. 07-CV-159941

IN THE MATTER OF
NAVDIP SINGH SOBTI,
AN ADULT

§
§
§
§
§

IN THE DISTRICT COURT OF
FORT BEND COUNTY, TEXAS
387th JUDICIAL DISTRICT

DECREE GRANTING NAME CHANGE OF ADULT

On the date below written, this Court heard the petition of petitioner Navdip Singh Sobti for a decree changing his name. Petitioner appeared before the Court in person. The Court, having considered the pleadings and having heard the evidence presented, makes the following findings:

1. The petitioner's present name is Navdip Singh Sobti.
2. The petitioner's place of residence is 4823 Menlo Park Drive, Sugar Land, Fort Bend County, Texas.
3. The full name requested for the petitioner is Neal Singh.
4. Petitioner is a Asian male who was born on January 4, 1964.
5. The petitioner's Texas Driver's License Number is 18260179, issued on April 9, 2007. The petitioner's Social Security Number is [REDACTED]
6. There is no assigned Federal Bureau of Investigation number, state identification number, or any other reference number in a criminal history record system that identifies the petitioner.
7. The petitioner is not subject to the sex offender registration requirements of The Texas Code of Criminal Procedure.
8. Petitioner has not been charged with any offense above the grade of a Class C Misdemeanor.
9. The Petitioner does not have a final felony conviction.
10. The change of name requested by petitioner is in the interest of, or to the benefit of the petitioner, and is in the interest of the public.
11. Pursuant to Section 45.104 of the Texas Family Code, the change of name granted in this Order does not release the petitioner from any liability incurred in the petitioner's previous name, nor does it defeat any right the petitioner may have in his previous name.



IT IS THEREFORE ORDER ADJUDGE AND DECREED that the name of Navdip Singh

Sobti is changed to Neal Singh.

Signed this the 18 day of January, 2008.



JUDGE PRESIDING

APPROVED and REQUESTED:



FREDERICK P. FORLANO
3050 Post Oak Blvd., Suite 1425
Houston, Texas 77056-6523
(713) 621-6611
(713) 621-4060 - FAX
FPForlano@suite1170.com - Email
SBN: 07258700

ATTORNEY FOR PETITIONER

FILED

JAN 18 2008
AT 9:07 A.M.
Amie Rene Elliott
Clerk District Court, Fort Bend Co., TX



I, Annie Rebecca Elliott, District Clerk of Fort Bend County, Texas, do hereby certify that the foregoing is a true, correct and full copy of the instrument herein set out as appears of record in the District Court of Fort Bend County, Texas. This 10th day of June 2009



ANNIE REBECCA ELLIOTT, DISTRICT CLERK

By *Lisa J. J. J.* Deputy

June 15, 2009

Robbye Meyer
Director, Multifamily Finance Production Division
Texas Department of Housing and Community Affairs
PO Box 13941
Austin, TX 78711

RE: Challenge to validity of the neighborhood organization supporting application 09127, which received points under Section 49.9(1)(2) of the 2009 QAP.

Dear Ms. Meyer:

Please accept this letter as a formal challenge to the validity of the neighborhood organization that submitted a letter in support of application 09127, Sage Brush Village, which was granted points under Section 49.9(i)(2) of the 2009 QAP.

The neighborhood organization in question is the Key West Senior Village Neighborhood Association, and the letter was submitted by A. Faye Biggers.

Organization Appears to be a Resident Council

On the TDHCA Quantifiable Community Participation certification form, certification item 4 relates to the definition of Neighborhood Organization and asks the certifying individual to check one of four boxes: (1) Homeowners Association, (2) Property Owners Association, (3) Resident Council and our members occupy the existing development, or (4) Other.

In the submission to TDHCA, Ms. Biggers checked "Other" with the explanation "Elected to be Rep at Key West Senior Village." This response does not designate the type of neighborhood organization that best resembles the Key West Senior Village Neighborhood Association. We question whether Ms. Biggers was confused by the question or whether she is actually unsure what type of organization she represents. Under certification item 2 on the TDHCA Quantifiable Community Participation certification form, Ms. Biggers writes that her title is "President," which is slightly different than the "Rep" explanation she provided under item 4. Under certification item 8, Ms. Biggers signs as "Pres. Resident Board." In her handwritten support letter, Ms. Biggers signs as "Key West Senior Village Resident Board Member." Please see Attachment A for evidence of these differing titles.

In the last two items, Ms. Biggers signs that she is part of a "Resident Board." In fact, she does not sign her handwritten support letter as the "Key West Senior Village Neighborhood Association," but rather "Key West Senior Village" "Resident Board Member." The fact that she signed her support letter as the name of her apartment community raises serious questions about whether this organization is anything more than a resident group that represents the Key West Senior Village apartment community. In addition, we question whether the box for "Resident Council" may have been checked and then erased, due to the fact that the box appears to be altered. See evidence of this in Attachment B.

The association in question is called the "Key West Senior Village Neighborhood Association." The documentation for this organization has been submitted by Ms. Biggers with an address of 711 S. County Rd. West (apt. 1002), Odessa, TX 79763. This is the address for the Key West Senior Village apartment complex, and Ms. Biggers resides in the Key West Senior Village apartment complex. This information is confirmed by Sharon Laurence (responding for Randy Stevenson) in Attachment C.

Due to the fact that the name of the neighborhood association includes the name of the senior apartment complex where the person writing the letter of support resides, we question whether this organization is truly a neighborhood organization representing a broader area, or rather a person living in an apartment complex who has simply created a "resident council" with boundaries that include the development site of application 09127.

In her initial submission to TDHCA, the map submitted with the packet had different boundaries than what Ms. Biggers wrote under item 6 on the TDHCA Quantifiable Community Participation certification form. Ms. Biggers described only the 09127 proposed development site under item 6. Upon clarification of this issue during the deficiency process, Ms. Biggers writes that she did not "personally draw out outlines of Project Plat walked by AFB." In her letter, she provides an "amended description of the boundaries of the *proposed site*" so that the description matches the map that was provided. Please see Attachment D for this documentation. Ms Biggers appears to be confused about the boundaries of her neighborhood association, and she appears to be even further confused as to whether they are the boundaries of the "proposed site" or whether they are the boundaries of the alleged neighborhood association.

Relation to the Developer

Application 09127 has been submitted by Randy Stevenson, who is the sole member of the general partner and developer for the proposed development. Please see the owner and developer chart from the 09127 application in Attachment E. Mr. Stevenson was also the developer on the Key West Senior Village II project that was awarded Housing Tax Credits in 2007 as application 07151 (forward commitment 08092). Please see evidence of this in Attachment F, which can be found in the July 30, 2007, Competitive Housing Tax Credit Program Development Information Addendum to the Board Book. In this documentation, you will also see that the Key West Senior Village II application received a letter of support from Ms. A. Faye Biggers, who, at that time, was representing the Key West Neighborhood Association.

In 2006, Ms. Biggers submitted a letter in support of application 060140, Key West Senior Village II, as the Key West Neighborhood Organization (this letter was apparently also used for points for 07151). Please see the Key West Neighborhood Association's submission to TDHCA as Attachment G. This organization is described as an organization formed "by and for the residents" and the association's boundaries include only Key West Senior Village and the Key West Senior Village II site. Ms. Biggers is listed as the president of this association, with the address of 711 S. County Rd. West, #1002, Odessa, TX 79763.

The address of 711 S. County Rd. West in Odessa is the site of Key West Senior Village, which was a 2000 Housing Tax Credit application under application number 00023. Like Key West Senior Village II, the Key West Senior Village development awarded in 2000 and is managed by the Odessa Housing Authority.

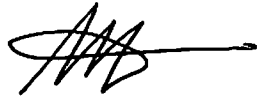
Here we have an individual, Ms. Biggers, (1) who resides in Key West Senior Village; (2) who formed the Key West Neighborhood Association, which wrote a letter of support for a property that Mr. Stevenson developed in 2006/2007; and (3) who is now "president" of a new neighborhood organization, Key West Senior Village Neighborhood Association, which has written a letter of support for a property, application 09127, Mr. Stevenson is now proposing to develop in 2009.

In conclusion, we are challenging the validity of the Key West Senior Village Neighborhood Association due to two points: (1) the organization appears to be a resident council and (2) the relationship between

the individual writing the support letter and the developer of the proposed application is suspicious. We believe that the points awarded to application 09127 under Section 49.9(i)(2) should be rescinded.

Thank you for your attention to this matter. Please let me know if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'MS', with a long horizontal line extending to the right.

Max Schleder
PO Box 639
Martindale, TX 78666
Phone: (512) 357-6636
Fax: (512) 357-2860
Max1@home-reno.com



FORM FOR QUALIFIED NEIGHBORHOOD ORGANIZATIONS TO SUBMIT TO TDHCA FOR QUANTIFIABLE COMMUNITY PARTICIPATION

Texas Department of Housing and Community Affairs

Certify to each requirement by checking each box as required and accurately filling in all blanks. All attachments must be included in QCP submission package.

1. [] This organization is submitting this form and attachments regarding the following proposed application:

Development Name: SAGE BRUSH VILLAGE TDHCA #: 09127
Development Location: 3500 West 8th St
Development City: ODESSA, TEXAS Development County: Ector

2. [] The persons signing this form have the authority to sign on behalf of this organization.

Organization Name: KEY WEST SENIOR VILLAGE NEIGHBORHOOD ASSO.
1st Contact Name and Title: A.F. BIGGERS PRESIDENT
1st Contact Mailing Address: 411 S. Co. Rd W.
1st Contact City: ODESSA, TEX. 1st Contact Zip Code: 79763
1st Contact Day Phone: 432-337-2071 1st Contact Fax:
1st Contact Evening Phone: SAME 1st Contact E-Mail:

3. [] This organization is also providing the following additional contact and information for our organization:

2nd Contact Name: LOURDES CHERRY
2nd Contact Day Phone: 432-337-9110 2nd Contact Fax:
2nd Contact Evening Phone: SAME 2nd Contact E-Mail:

4. [] This organization certifies that it meets the definition of "Neighborhood Organization" as defined in §49.3(66) of the 2009 Qualified Allocation Plan and Rules and is an organization comprised of persons living near one another within the organization's defined boundaries and that it has a primary purpose of working to maintain or improve the general welfare of the neighborhood. This organization further certifies that it is a (must check on of the following boxes):

- [] Homeowners Association
[] Property Owners Association
[] Resident Council and our members occupy the existing development
[X] Other (Explain ELECTED TO BE REP AT KEY WEST SENIOR VILLAGE.)

A.F.B.
Initials of Signer

8. Certify the following:

This organization acknowledges that this form and attachments must be submitted **no later than February 27, 2009** if the form (and enclosures) is relating to an application which submitted a pre-application or **April 1, 2009** if the form (and enclosures) is relating to an application which did not submit a pre-application.

applied on time. A.F.B.
 This organization certifies that it was not formed by any Applicant, Developer or any employee or agent of any Applicant in the 2009 Competitive Housing Tax Credit Application Round; the organization, and any members, did not accept money or a gift to cause the neighborhood organization to take its position of support or opposition; the Applicant, Developer or any employee or agent of any Applicant has not provided any assistance, other than education and information sharing, to the neighborhood organization for any application in the Application Round (i.e. hosting a public meeting, providing the "TDHCA Information Packet for Neighborhoods" to the neighborhood organization, or referring the neighborhood organization to TDHCA staff for guidance are acceptable forms of assistance); and that the Applicant, Developer or any employee or agent of any Applicant has not provided any "production" assistance for any application in the Application Round (i.e. use of fax machines owned by the Applicant, use of legal counsel related to the Applicant, delivery of letter or assistance drafting a letter).

A.F. Biggers

This organization acknowledges that this completed form and required attachments must be submitted to Texas Department of Housing and Community Affairs, Attention: Director of Multifamily Finance, Neighborhood Input, P.O. Box 13941 (MC 332-10), Austin TX 78711-3941. For overnight or courier delivery use the following physical address: 221 East 11th Street, Austin TX 78701-2410. **Do not use P.O. Box address for overnight or courier delivery.** Form and Attachments may also be faxed to (512) 475-1895 or toll free at (800) 733-5120.

This organization certifies that all certifications contained herein are true and accurate. **(First and Second Contacts must sign below):**

A. Faye Biggers

(First Contact Signature)

2-27-09

(Date)

A. FAYE BIGGERS

(Printed Name)

Pres. Resident Board

(Title)

* *Lourdes Cherry*

(Second Contact Signature)

2-25-09

(Date)

L.C.

(Printed Name)

RETIRED BUSINESS OWNER

(Title)

to the residents no matter their age group. This site of these multiple affordable housing units, will be near one of the most convenient shopping centers in Odessa, WalMart Shopping Center, which most citizens of Odessa declares is absolutely necessary for daily buying.

Odessa's economy is mind boggling, in that there is an abundance of jobs, plus men wanting to work, but there is a drastic shortage of affordable housing for their families.

Mr. Stevenson, I sincerely hope you get to build your Sage Brush Village. People of all ages will be knocking on your door.

Thank you for considering Odessa. We truly need your help and interest.

Sincerely,

A. Clay Biggers
Key West Senior Village
Resident Board Member



FORM FOR QUALIFIED NEIGHBORHOOD ORGANIZATIONS TO SUBMIT TO TDHCA FOR QUANTIFIABLE COMMUNITY PARTICIPATION

Texas Department of Housing and Community Affairs

Certify to each requirement by checking each box as required and accurately filling in all blanks. All attachments must be included in QCP submission package.

1. [] This organization is submitting this form and attachments regarding the following proposed application:

Development Name: SAGE BRUSH VILLAGE TDHCA #: 09127
Development Location: 3500 West 8th St
Development City: ODESSA, TEXAS Development County: Ector

2. [] The persons signing this form have the authority to sign on behalf of this organization.

Organization Name: KEY WEST SENIOR VILLAGE NEIGHBORHOOD ASSO.
1st Contact Name and Title: A.F. BIGGERS PRESIDENT
1st Contact Mailing Address: 411 S. Co. Rd W.
1st Contact City: ODESSA, TEX. 1st Contact Zip Code: 79763
1st Contact Day Phone: 432-337-2071 1st Contact Fax:
1st Contact Evening Phone: SAME 1st Contact E-Mail:

3. [] This organization is also providing the following additional contact and information for our organization:

2nd Contact Name: LOURDES CHERRY
2nd Contact Day Phone: 432-337-9110 2nd Contact Fax:
2nd Contact Evening Phone: SAME 2nd Contact E-Mail:

4. [] This organization certifies that it meets the definition of "Neighborhood Organization" as defined in §49.3(66) of the 2009 Qualified Allocation Plan and Rules and is an organization comprised of persons living near one another within the organization's defined boundaries and that it has a primary purpose of working to maintain or improve the general welfare of the neighborhood. This organization further certifies that it is a (must check on of the following boxes):

- [] Homeowners Association
[] Property Owners Association
[] Resident Council and our members occupy the existing development
[X] Other (Explain ELECTED TO BE REP AT KEY WEST SENIOR VILLAGE.)

A.F.B.
Initials of Signer



FORM FOR QUALIFIED NEIGHBORHOOD ORGANIZATIONS TO SUBMIT TO TDHCA FOR QUANTIFIABLE COMMUNITY PARTICIPATION Texas Department of Housing and Community Affairs

Certify to each requirement by checking each box as required and accurately filling in all blanks. All attachments must be included in QCP submission package.

1. [X] This organization is submitting this form and attachments regarding the following proposed application: Development Name: SAGE BRUSH Village TDHCA #: 09127 Development Location: 3500 West 8th St Development City: ODESSA, TEXAS Development County: Ector

2. [X] The persons signing this form have the authority to sign on behalf of this organization. Organization Name: Key West Senior Village Neighborhood Assn. 1st Contact Name and Title: R. F. Biggers President 1st Contact Mailing Address: 111 S. Co. Rd W. 1st Contact City: ODESSA, TX 1st Contact Zip Code: 79768 1st Contact Day Phone: 432-337-2071 1st Contact Evening Phone: SAME 1st Contact E-Mail: No-email

Key West Club House where I reside and the office staff will distribute any items sent to me.

3. [X] This organization is also providing the following additional contact and information for our organization: 2nd Contact Name: LOURDES C. HERAY 2nd Contact Day Phone: 432-337-9110 2nd Contact Evening Phone: SAME 2nd Contact Fax: No CONTACT by FAX 2nd Contact E-Mail: DITTO on E-mail

4. [X] This organization certifies that it meets the definition of "Neighborhood Organization" as defined in §49.3(66) of the 2009 Qualified Allocation Plan and Rules and is an organization comprised of persons living near one another within the organization's defined boundaries and that it has a primary purpose of working to maintain or improve the general welfare of the neighborhood. This organization further certifies that it is a (must check on of the following boxes):

- [] Homeowners Association
[] Property Owners Association
[] Resident Council and our members occupy the existing development
[X] Other (Explain ELECTED TO BE REP AT KEY WEST SENIOR VILLAGE.)

Q.F.B. Initials of Signer

Nicole Fisher

From: Randy Stevenson [swrealty@juno.com]
Sent: Thursday, March 26, 2009 1:20 PM
To: nicole.fisher@tdhca.state.tx.us
Subject: Re: 09127 Sage Brush Village

Nicole,

We contacted the manager at Key West Senior Village and Fay Biggers' address should have Apt. 1002 shown after the 711 South County Road West listing. She is a resident of Key West Senior Village. Her telephone number is correct but apparently she does not have an answering recorder. We believe the contact phone number for the 2nd person is also correct.

The management office at Key West has a fax number of 432-332-2222 and the office number is 432-332-2300. The manager's name is Jessica Parra. If you fax or call the manager, she might can confirm if Ms. Biggers is home or deliver a message.

Please let us know if we can do something else to help you.

Sharon Laurence for Randy Stevenson

Rock Solid Web Hosting. Click Here.

<http://thirdpartyoffers.juno.com/TGL2141/fc/BLSrjpTJQdRpiUYflbLFu3FpiM3zF6p82oDevifGEs3fNmTVG2ArcAppLLC/>

5. **Certification of Record:** Choose one box. Registration with the county or with the Secretary of State both requires proof of registration. All 3 selections require a boundary map. The boundary map should be legible, clearly marked with the geographical boundaries of the neighborhood organization, and indicate the location of the proposed development.

This organization certifies that it was:

On record, as of February 27, 2009, with the county in which the development is proposed to be located. (Attach boundary map and documentation from the county of registration)

On record, as of February 27, 2009, with The Secretary of State as an incorporated entity in good standing. (Attach boundary map and documentation from the Secretary of State of registration)

Boundary map attached.
On record or requesting to be on record, as of February 27, 2009, with The Texas Department of Housing and Community Affairs (the "Department"). (Attach boundary map)

6. **Boundary Description and Certification:** Provide a written description of the geographical boundaries of the neighborhood organization and check the box certifying the boundaries include the Development site. (Example: North boundary is Main St, East boundary is a railroad track, South boundary is First St and West boundary is Jones Ave)

Area so marked.

Written Boundary Description:
attached is letter covering inspection of site
North Boundary is 17th St - South Boundary is 8th St
West Boundary is Slop 938, 10th Street located on north side.

This organization certifies that the boundaries of this organization include the proposed Development site in its entirety. This organization acknowledges that annexations after February 27, 2009 are not considered eligible boundaries and a site that is only partially within the boundaries will not satisfy the requirement that the boundaries contain the proposed Development site.

7. **Statement of Support/Opposition:** (Choose only one box and clearly and concisely state at least one or more reason(s) for the organization's support/opposition; use additional sheets, as needed.)

This organization certifies that we:

Support the application for Competitive Housing Tax Credits referenced above for the following reasons:
all reasons are included in enclosed letter.
G.S.B.

Oppose the application for Competitive Housing Tax Credits referenced above for the following reasons:

G.S.B.
Initials of Signer

5. Certification of Record: Choose one box. Registration with the county or with the Secretary of State both requires proof of registration. All 3 selections require a boundary map. The boundary map should be legible, clearly marked with the geographical boundaries of the neighborhood organization, and indicate the location of the proposed development.

This organization certifies that it was:

- On record, as of February 27, 2009, with the county in which the development is proposed to be located. (Attach boundary map and documentation from the county of registration)
- On record, as of February 27, 2009, with The Secretary of State as an incorporated entity in good standing. (Attach boundary map and documentation from the Secretary of State of registration)
- Boundary map attached. Did not personally draw outlines of project. Plat walked by J.F.B.*
On record or requesting to be on record, as of February 27, 2009, with The Texas Department of Housing and Community Affairs (the "Department"). (Attach boundary map)

6. Boundary Description and Certification: Provide a written description of the geographical boundaries of the neighborhood organization and check the box certifying the boundaries include the Development site. (Example: North boundary is Main St, East boundary is a railroad track, South boundary is First St and West boundary is Jones Ave)

Area so marked.

Written Boundary Description:

*attached is letter covering map/description of site
North boundary is 17th St. South boundary is 2nd St.
West boundary is Prop 858. 10th Street located on north side.*

This organization certifies that the boundaries of this organization include the proposed Development site in its entirety. This organization acknowledges that annexations after February 27, 2009 are not considered eligible boundaries and a site that is only partially within the boundaries will not satisfy the requirement that the boundaries contain the proposed Development site.

7. Statement of Support/Opposition: (Choose only one box and clearly and concisely state at least one or more reason(s) for the organization's support/opposition; use additional sheets, as needed.)

This organization certifies that we:

- Support the application for Competitive Housing Tax Credits referenced above for the following reasons:
all reasons are included in enclosed letter.
- Oppose the application for Competitive Housing Tax Credits referenced above for the following reasons:

J.F.B.
Initials of Signer

To: Nield Fisher From: A. Gaye Biggers ^{3-30th}

First:

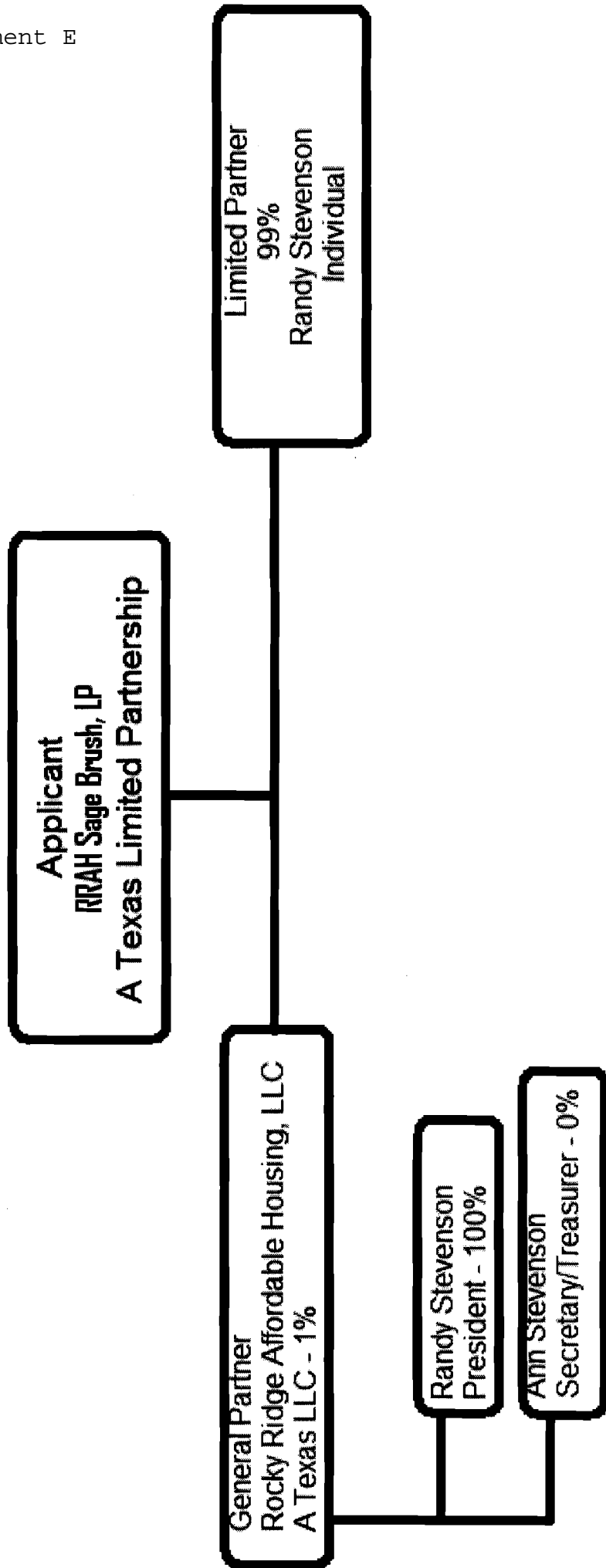
The following is an ammended description of the boundaries of the proposed site.

From County Road West and Clements go south to County Road West and Maurice. From there boundaries until you reach Loop 338. From that point point go north to 18th Street. Then head east on 18th Street until you reach County Road West. Head south on County Road to West 8th Street. Go east on West 8th Street to 385. Take 385 South to Clements Road to West County Road, which is where you started from. This is a description of our boundaries.

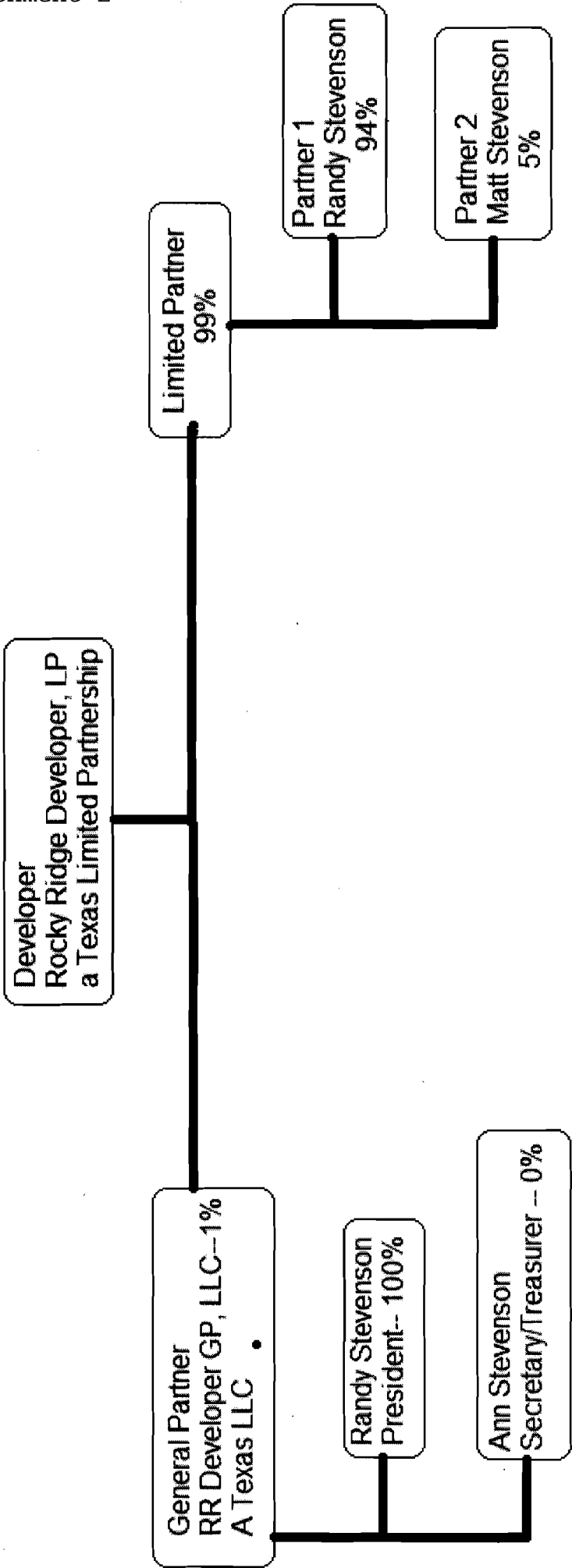
Second Item: Although I do not have an e-mail address, I can receive mail through the clubhouse where I reside. That fax number is 432-332-2222. The staff will notify me that I have mail.

Yours truly
A. Gaye Biggers

Organization Ownership Chart
Sage Brush Village
Odessa, TX



Developer Organization Chart
Sage Brush Village





MULTIFAMILY FINANCE DIVISION

July 30, 2007

Competitive Housing Tax Credit Program

Development Information, Public Input and Board Summary

Key West Village Phase II, TDHCA Number 07151

BASIC DEVELOPMENT INFORMATION

Site Address: 1600 W. Clements Development #: 07151
 City: Odessa Region: 12 Population Served: Elderly
 County: Ector Zip Code: 79763 Allocation: Urban/Exurban
 HTC Set Asides: At-Risk Nonprofit USDA Rural Rescue HTC Housing Activity*: NC
 HOME Set Asides: CHDO Preservation General Acquisition:

*HTC Housing Activity: Rehabilitation=RH, Reconstruction=RC, New Construction=NC

OWNER AND DEVELOPMENT TEAM

Owner: Odessa Senior Housing Partnership II, Ltd.
 Owner Contact and Phone: Bernadine Spears (432) 333-1088
 Developer: Rocky Ridge Developer, LP
 Housing General Contractor: To Be Determined
 Architect: Beeler, Guest, Owens Architects, L.P.
 Market Analyst: Ed Ipser & Associates, Inc.
 Syndicator: MMA Financial
 Supportive Services: Odessa Housing Authority
 Consultant: N/A

UNIT/BUILDING INFORMATION

Unit Breakdown:	<u>30%</u>	<u>40%</u>	<u>50%</u>	<u>60%</u>	Total Restricted Units:	36
	4	0	0	32	Market Rate Units:	0
	<u>Eff</u>	<u>1 BR</u>	<u>2 BR</u>	<u>3 BR</u>	<u>4 BR</u>	<u>5 BR</u>
	0	28	8	0	0	0

Type of Building:

<input type="checkbox"/> Duplex	<input type="checkbox"/> 4 units or more per building	Total Development Units:	36
<input type="checkbox"/> Triplex	<input type="checkbox"/> Detached Residence	Total Development Cost*:	\$0
<input checked="" type="checkbox"/> Fourplex	<input type="checkbox"/> Single Room Occupancy	Number of Residential Buildings:	9
<input type="checkbox"/> Townhome	<input type="checkbox"/> Transitional	HOME High Total Units:	0
		HOME Low Total Units:	0

*Note: If Development Cost = \$0, an Underwriting Report has not been completed.

FUNDING INFORMATION

	Applicant Request	Department Analysis*	Amort	Term	Rate
Competitive Housing Tax Credit Amount:	\$237,938	\$0			
HOME Activity Fund Amount:	\$0	\$0	0	0	0.00%
HOME CHDO Operating Grant Amount:	\$0	\$0			

*Note: If an Underwriting Report has not been completed and the application is recommended for an award, the credit amount recommended is the Applicant Request (pending the Financial Feasibility Analysis).



MULTIFAMILY FINANCE DIVISION

July 30, 2007

Competitive Housing Tax Credit Program

Development Information, Public Input and Board Summary

Key West Village Phase II, TDHCA Number 07151

PUBLIC COMMENT SUMMARY

Guide: "S" = Support, "O" = Opposition, "N" = Neutral, "NC" or Blank = No Comment

State and Federal Officials with Jurisdiction:

TX Senator: Seliger, District 31, S	Points: 7	US Representative: Conaway, District 11, NC
TX Representative: West, District 81, S	Points: 7	US Senator: NC

Local Officials and Other Public Officials:

Mayor/Judge: S, Larry L. Melton, Mayor	Resolution of Support from Local Government <input type="checkbox"/>
S, Michael Sanchez, Council member District 5	S, Wendell Sollis, Superintendent, Ector County ISD
S, Armando S. Rodriguez, Commissioner Precinct #4	S, Susan M. Redford, County Judge Ector County

Individuals and Businesses In Support: 5 In Opposition 0

Quantifiable Community Participation Input:

Key West Neighborhood Association, A. Faye Biggers Letter Score: 24 S or O: S
 Community Desperately Needs Additional Approved Senior Citizen Housing.

Community Input Other than Quantifiable Community Participation Input:

General Summary of Comment:

Broad support from elected officials, non-officials and a qualified neighborhood organization. Received supportive comments during public comment period of June and July Board meetings. Commenters requested forward commitments of 2008 tax credits.

CONDITIONS OF COMMITMENT



MULTIFAMILY FINANCE DIVISION

July 30, 2007

Competitive Housing Tax Credit Program

Development Information, Public Input and Board Summary

Key West Village Phase II, TDHCA Number 07151

RECOMMENDATION BY THE EXECUTIVE AWARD AND REVIEW ADVISORY COMMITTEE IS BASED ON:

Competitive Housing Tax Credits: Score: **196** Meeting a Required Set-Aside Credit Amount*: \$0

Recommendation: Not Recommended: Does not have a competitive score within its allocation type and region.

HOME Activity Funds: Loan Amount: \$0

HOME CHDO Operating Expense Grant: Grant Amount: \$0

Recommendation:

*Note: If an Underwriting Report has not been completed, the credit amount recommended is the Applicant Request (pending the Financial Feasibility Analysis).

060140

RECEIVED
MAR 30 2006
LIHTC

Key West Neighborhood Association

1600 W. Clements
Odessa, Tx 79763
432-332-2300

March 29, 2006

RECEIVED
MAR 30 2006
EXECUTIVE

Texas Department of Housing and Community Affairs
Attention: Executive Director (Neighborhood Input)
221 East 11th Street
Austin, Tx 78701-2410

Re: **Key West Village Phase II**

I am writing on behalf of our Neighborhood association about the proposed Development on Key West Lot 2 Block 1 of Key West Addition, on the corner of County Road West and Clements street which therein lies within our boundaries. Our association's boundaries extend from Bankhead Avenue to County Road West and Clements Street to the fence separating our community from RedMan Industries, located in Odessa, Tx, Ector County. (see enclosed map).

Our organization is comprised of seventeen members that are residents of Key West Senior Village. It was officially formed by and for the residents, and requested to be recorded with TDHCA on February 23, 2006. Key West Neighborhood Association was not formed by any applicant, developer, or any employee or agent of any applicant in the 2006 tax credit application round. Our association did not accept any money or gifts to cause our support. Our association received notice from Sharon D. Gamble, Multifamily Housing Specialist, on March 23, 2006 to submit actual boundaries. The requested information was then faxed to Ms. Sharon Gamble on March 27, 2006. We are still waiting on word from TDHCA, however would like to submit our letter of Support before deadline.

We learned of the proposed site and held a meeting to inform our members and came to a unanimous decision to vote on the addition. Our meeting was held on March 23, 2006 in

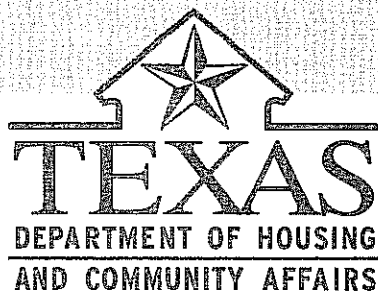
which ten members were able to attend and cast their vote. Upon conclusion the Association has voted FOR the proposed site. Among the reasons for our decision it would further enhance our community's appearance and provide an opportunity for more senior housing in our area. Also, we concluded that providing more housing in this area could possibly encourage economical growth in an area that is predominantly industrial and rural.

Enclosed is a copy of our Constitution, map, Constitution, member list and correspondence with Texas Department of Housing and Community Affairs to complete recording with the state.

Sincerely,

A handwritten signature in cursive script that reads "A. Faye Biggers". The signature is written in dark ink and is positioned above the typed name.

A. Faye Biggers
President
432-332-2300



WWW.TDHCA.STATE.TX.US

March 20, 2006

RICK PERRY
Governor

A. Faye Biggers
President
Key West Neighborhood Association
1600 West Clements
Odessa, Texas 79763

EDWINA P. CARRINGTON
Executive Director

BOARD MEMBERS
Elizabeth Anderson, Chair
Shadrick Bogany
C. Kent Conine
Vidal Gonzalez
Patrick R. Gordon
Norberto Salinas

Dear Ms. Biggers:

Please be advised that I am in receipt of your letter indicating your interest in recording the Crystal Knoll Terrace Unit 3 Homeowner's Association with the Texas Department of Housing and Community Affairs (the Department) for purposes of commenting on one or more Housing Tax Credit Program applications.

I am writing to let you know that your letter did not contain all of the necessary items for recording as required under §50.9(i)(2) of the Qualified Allocation Plan and Rules, which is the rule that governs the Housing Tax Credit Program. Below is a list of the items that were not addressed in your letter:

- The boundary description must delineate the actual geographical boundaries of the organization, whether they are actual streets or landmarks (like a river or the city limits). The map of the organization's geographical boundaries must depict the same boundaries as those indicated in the letter. Submit the actual geographical boundaries of your organization along with a map that shows the actual boundaries of the organization highlighted.

All of the above noted documents must be received by the Department no later than Wednesday, March 29, 2006. This documentation should be sent to my attention at PO Box 13941, Austin, Texas 78711-3941 or may be faxed to my attention at 512-475-0764 or emailed to sharon.gamble@tdhca.state.tx.us.

Note that this letter does not address deficiencies that may exist for any Quantifiable Community Participation letter(s) your organization may have submitted; this letter refers only to the request for recording of your organization. I look forward to your prompt response so that we can ensure that your organization is properly recorded with the Department.

Sincerely,

Sharon D. Gamble
Multifamily Housing Specialist
512-475-4610

1600 W. Clements
Odessa, Tx 79763
Phone: 432-332-2300
Fax: 432-332-2222

Key West Neighborhood Association

Fax

To: Ms. Sharon D. Gamble **From:** A. Faye Biggers
Fax: 512-475-0764 **Date:** March 27, 2006
Phone: 512-475-4610 **Pages:** 3
Re: Boundary Description **CC:**

Urgent For Review Please Comment Please Reply Please Recycle

•Comments:

see attached

Key West Neighborhood Association

1600 W. Clements

Odessa, Tx 79763

9432)332-2300

Fax (432)332-2222

March 27, 2006

Ms. Sharon D. Gamble
Multifamily Housing Specialist
Texas Department of Housing and Community Affairs
221 E. 11th St.
Austin, Tx 78701-2410

Re: Boundary Description

I am writing in reply to your letter dated March 20, 2006, in which you request the actual boundaries of our organization. Our boundaries are as follows;

from Clements Street up North to the fence line that separates Key West Senior Village and RedMan Industries, and County Road West to the East to Bankhead Avenue.

Please accept this description and the enclosed map with the highlighted boundaries for proper recording with the Department.

Sincerely,



A. Faye Biggers
President

Attachments:

Map with highlighted boundaries

TRANSMISSION VERIFICATION REPORT

TIME : 03/29/2006 15:38
NAME : KEYWEST
FAX : 4323322222
TEL : 4323322300

DATE, TIME	03/29 15:36
FAX NO./NAME	3639121
DURATION	00:01:37
PAGE(S)	07
RESULT	OK
MODE	STANDARD ECM

CONSTITUTION

Local Constitution of the Key West Neighborhood Association.

ARTICLE I

NAME AND PURPOSE

SECTION A: The name of this organization shall be the Key West Neighborhood Association.

SECTION B: The purpose of this organization shall be:

1. To operate the citizenry of the Key West Neighborhood Association area into an organization for mutual upkeep of the area in which they live.
2. To cooperate with governmental agencies for maximum efficiency of services.
3. To survey the general needs of the area and devise methods of achieving desired improvements.
4. To protect property values by maintaining our residential section for residential purposes; to enhance the beauty of public areas; to support property restrictions and enforcement of city ordinances and state laws pertaining to a proper and healthy environment.
5. To inform the residents of the area about future development plans, zoning plans, and the relations with governmental agencies having jurisdiction and taxing authority over the area.

ARTICLE II

ORGANIZATION

SECTION A: The Key West Neighborhood Association, an unincorporated association of Odessa, Ector County, Texas is a Neighborhood Assoc. civic organization of the citizens who reside in the city of Odessa, Texas.

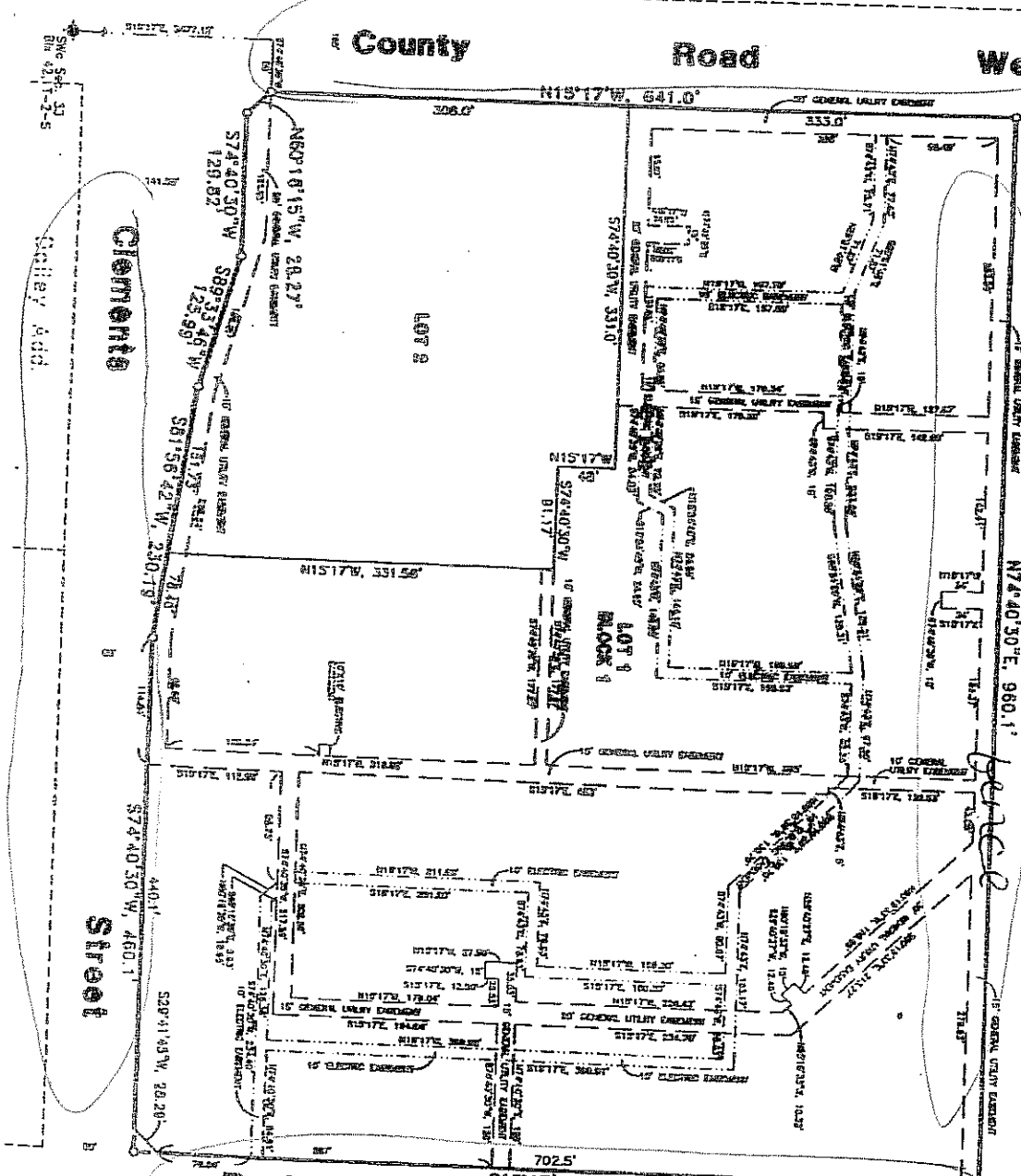
SECTION B: Its function shall be directed by a Board of Directors.

Williams Tractage Sites
2nd Filing

County Road West

KEY WEST ADDITION
TO THE CITY OF ODessa, ECTOR COUNTY, TEXAS
Being a Subdivision of 15.218 Acres of Land in Section 33,
Block 42, T-2-S, T&P Ry. Co. Survey, Ector County Texas,
and All of Lot 1, Block 1, E. L. Farmer Addition to the
City Of Odessa, Texas

Pedman Industries took land



Scale: 1" = 100'



00-26P

Handwritten initials/signature

2002

ARTICLE III

MEMBERSHIP

SECTION A: Any resident of the defined area who subscribes to the general purpose of the organization is eligible for active membership.

SECTION B: Instead of dues, whenever expenses occur or funds are needed divide the total evenly among household (not among individual members) of the organization and assign Budget Committee to collect this. No members shall be obligated to pay this assessment without his/her personal consent.

SECTION C: The Defined Area of the Neighborhood association and Board of Directors shall be **Lot 1 & 2, Block 1 Key West Addition to the City of Odess, Ector County, Texas**__.

ARTICLE IV

OFFICERS

SECTION A: Enumeration of Officers and Directors. The officers of the organization shall be, but not limited to, President, Vice President, Treasurer, and Secretary, who shall also be the Association's elected Board Members and shall constitute the Board of Directors of which the President shall be the presiding officer. They shall do the customary work of such officers and shall be unpaid.

SECTION B: Election of Officers And Term of Office. The President, Vice President, Treasurer and Secretary shall be elected at the annual meeting and shall take office immediately and shall serve until the next annual meeting. No officer shall serve more than three consecutive terms in the same office.

SECTION C: Procedure For Electing Officers And Board Members. Prior to the expiration of the term of office for elected officers and board members, and before the annual meeting of the organization, a nominating committee consisting of three (3) members shall select not more two individuals for each of the positions to be filled. The nominating committee shall present the name of the individuals selected for the various positions before the organization, majority vote is required for election. In the event that no individual receives a majority vote, his name will be withdrawn and nominations shall be made by members of the organization.

SECTION D:

Initial Board of Directors and Officers: The initial Board of Directors and officers shall be the following who will hold office until their successors are elected in accordance hereto:

President: A. Faye Biggers
Vice-President: Jay Hooks
Secretary: Maria Tenario
Treasurer: JoAnn Gillum

SECTION E:

Additional Officers. The Board of Directors may from time to time establish additional officers. Such officers shall have such title, duties, and powers as the Board of Directors shall provide and shall serve as directed by the Board of Directors.

ARTICLE V

DUTIES OF OFFICERS

SECTION A:

PRESIDENT:

1. Preside over the conducted meetings according to accepted procedures.
2. Call special meetings.
3. Keep members aware of subject within time limits.
4. Appoint committees and serve as ex-official members of the committees.
5. Represent the organization and speak on occasions.
6. Coordinate organization effort by keeping in close touch with all officers and members.
7. Follow-up organizational activities and check on progress being made.
8. Uphold the constitution, and policies of the organization.
9. Suggest ways and means to the board of Directors that are essential to accomplish long range and immediate goals.

SECTION B:

VICE PRESIDENT:

1. Assist the President.
2. Have charge of committee work in general.
3. Preside at meetings in absence of President.
4. Be prepared to assume duties and responsibilities of President.
5. Direct the administrative function of the organization.

SECTION C:

SECRETARY:

1. Prepare and read the minutes of meetings.

2. Have available for the President the list of business for each meeting.
3. Attend to official correspondence.
4. Send out and post notices.
5. Count and record rising vote when taken.
6. Prepare organization and committee reports.
7. Call meeting to order in the absence of a presiding officer.
8. Read incoming correspondence at meetings.
9. Have on hand at all meetings the following:
 - a. Official Secretary's Book and minutes of previous meetings.
 - b. List of committee reports.
 - c. Copies of program of work.
 - d. Copies of constitution and policies of organization.
10. Keep up-to-date card on residents.

SECTION D:

TREASURER:

1. Receive and act as custodian of organizational funds.
2. Assists in preparing an annual budget of estimated receipts and expenditures.
3. Keep financial records of the organization.
4. Pay out organization funds as authorized.
5. Cooperate with the Secretary in keeping an accurate membership roll (card on residents).
6. Prepare financial statements and reports.
7. Deposit all organization money in a Bank assigned by the Board of Directors not later than Twenty-four (24) hours after receipt.

ARTICLE VI

BOARD OF DIRECTORS

SECTION A:

POWERS: The Board of directors shall have full charge of any assets of the organization and shall have general control and direction of the policies and activities of the organization.

SECTION B:

COMMITTEES: The Board of Directors shall approve of the appointment of such committees from time to time deemed necessary to carry out the aims of the organization.

SECTION C:

No person shall speak for the organization unless authorized by the Board of Directors.

ARTICLE VII

REMOVAL

SECTION A: An officer or a member of the Board of Directors may be removed from office by a majority of the total membership or the Board of Directors.

ARTICLE VIII

RESIGNATION

SECTION A: Any member of the organization, Board of Directors of any officer may resign by a written notice to the Secretary, or by statement at the meeting of the board of Directors, or of the organization, and such resignation shall be effective at the time specified.

ARTICLE IX

VACANCIES

SECTION A: Vacancies among the officers or on the Board of Directors may be filled by the Board pending the annual meeting. The Board of Directors may continue to act not with standing vacancies on the Board provided, that there shall be a simple majority of Board members present to constitute a quorum. The President shall abstain from voting except when breaking a tied vote.

ARTICLE X

QUORUM

SECTION A: For special meetings of the Board of Directors, a simple majority of the members of the Board shall constitute a quorum.

SECTION B: For special meeting of the organization a simple majority of the membership shall constitute a quorum.

SECTION C: For regular meeting of the Board of Directors, or the organization, a simple majority shall constitute a quorum.

ARTICLE XI

FINANCIAL ADMINISTRATION

SECTION A: Fiscal Year: The fiscal year of the organization shall end each year on the last day of December 31.

ARTICLE XII

MEETING

SECTION A: Annual Meeting: There shall be an annual meeting of the organization in each calendar year at a time and place determined by the Board of Directors.

SECTION B: Special Meetings: Special meetings of the organization may be called by the Board of Directors, or by written request to the Secretary signed by a simple majority of the organization membership. A three day notice shall state the time, place, and purpose of the meeting.

SECTION C: The Board of Directors: Shall meet immediately following the annual meeting to set the time and place for its organizational meeting. Regular meetings of the Board of Directors shall be held at such time and place as it determines.

SECTION D: A special meeting of the Board of Directors may be called by the President or by written request to the Secretary by two (2) members thereof. Three (3) days notice shall be given to the board members which may be waived by unanimous consent of the Board of Directors. Such notice shall state the time, place, and purpose of the meeting.

ARTICLE XIII

PARLIAMENTARY AUTHORITY

SECTION A: Robert's "Rules of Order Revised" shall govern insofar as applicable and consistent with this constitution.

ARTICLE XIV

DISPOSITION OF ALL ASSETS

SECTION A: Upon the dissolution of the organization or the winding up of its affairs, the assets of the organization shall be distributed exclusively to charitable, religious, scientific, literary, or educational organization which would then qualify under the provisions of Section 501 (c) (3) of the Internal Revenue Code and

its regulations as they now exist or as they may hereafter be amended.

ARTICLE XV

AMENDMENTS

SECTION A: This constitution may be amended by a two-thirds (2/3) vote of the voting members present and voting at the annual meeting or a special meeting called for this purpose, provided the amendments shall have been submitted to the membership in writing at least (2) weeks in advance of the meeting.

(SIGNATURE PAGE FOLLOWS)

Initial Board of Directors:

A. Faye Biggers
A. Faye Biggers, President

Jay Hooks
Jay Hooks, Vice-President

Maria Tenario
Maria Tenario, Secretary

JoAnn Gillum
JoAnn Gillum, Treasurer

Key West Neighborhood Association
Member List

A. Faye Biggers
711 S. County Road West
#1002
Odessa, Tx 79763
President

Jay Hooks
711 S. County Road West
#2002
Odessa, Tx 79763
Vice President

Maria Tenario
711 S. County Rd West
#703
Odessa, Tx 79763
Secretary

JoAnn Gillum
711 S. County Road West
#704
Odessa, Tx 79763
Treasurer

Delfino Alvarez
711 S. Co. Road West
#1801
Odessa, Tx 79763

Pearlie Williams
711 S. Co. Road West
#702
Odessa, Tx 79763

Gilda Bell
711 S. Co. Road West
#2803
Odessa, Tx 79763

Merced Zubiate
711 S. Co. Road West
#2601
Odessa, Tx 79763

Marcelina Brito
711 S. Co. Road West
#501
Odessa, Tx 79763

Mary Ann Chandler
711 S. Co. Road West
#2502
Odessa, Tx 79763

Ramona Carrasco
711 S. Co. Road West
#1301
Odessa, Tx 79763

Nancy Moore
711 S. Co. Road West
#1702
Odessa, Tx 79763

Estella Villa
711 S. Co. Road West
#1601
Odessa, Tx 79763

Joy B. Steelman
711 S. County Road West
#804
Odessa, Tx 79763

Johnny Cerda
711 S. Co. Road West
#1404
Odessa, Tx 79763

Lydia Torres
711 S. County Rd West
#1703
Odessa, Tx 79763

Catherine Parkes
711 S. County Road West
#104
Odessa, Tx 79763

Key West Island Association

The first meeting of Key West Association took on March 22, 1906 at 1:00 o'clock

The agenda was to voted on the proposed addition of Key West Village Phase II.

Number of members present 10

Jay Hooks
Doris Hooks
Maria Oriola
Johnny Jascarda Jr
Mary Ann Chlander
Faye Biggers
Jann Dullien
Maria Lenois
Nancy Moore
Catherine Parkes

Sec. Maria Lenois

March 23, 2006

Key West Neighborhood Association member list **FOR** Key
West Phase II:

Jay Hooks

Doris Hooks

Maria Aida #402

Johnny Joe Cardaf.

Spy An Cardaf

Jaye Bizzere

Maria Lencio

Glenn Sillam

Catherine Parkes

March 23, 2006

Key West Neighborhood Association member list **AGAINST**
Key West Phase II:

Nancy Moore