

RESOLUTION NO. {{item.sequential\_number}}

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE TEMPLE REVITALIZATION CORPORATION TO SELL A 0.551-ACRE PROPERTY, ADDRESSED AS 1312 NORTH 3<sup>RD</sup> STREET, LOCATED IN THE HISTORIC NEIGHBORHOOD PLANNING DISTRICT, TO DAYBREAK CONSTRUCTION, INC., AS WELL AS CLOSING COSTS ASSOCIATED WITH THE PURCHASE, IN AN ESTIMATED AMOUNT OF \$153,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas**, authorization of this item will allow the Temple Revitalization Corporation (TRC) to sell a key property in the Historic Neighborhood Planning District (NPD);

**Whereas**, the property's strategic location and existing building offer opportunities for redevelopment in the NPD - this conveyance aligns with the TRC's vision for redevelopment and revitalization to enhance community resources and amenities;

**Whereas**, the TRC issued a Request For Proposals on February 27, 2024 to seek innovative proposals from experienced real estate developers and other organizations for the purchase and development of this 0.551-acre property located at 1312 North 3<sup>rd</sup> Street (Bell County Tax Appraisal District Identification No. 42566) - there is an existing 1,380-square-foot building and a 660-square-foot canopy located on this site that provide an excellent opportunity for redevelopment into a restaurant, bodega, or retail use;

**Whereas**, the TRC received one proposal from Daybreak Construction, Inc. on April 2, 2024 to redevelop the existing building into a restaurant and the existing canopy structure into an indoor dining area for food truck patrons with additional outdoor dining space - the evaluation committee reviewed and scored the proposal and the TRC and the Purchaser negotiated an agreement to sell the property for \$150,000 plus closing costs, estimated to be \$3,000;

**Whereas**, the Property Purchase and Development Agreement includes additional requirements regarding the conveyance and development of the property, including: Daybreak will commence construction of Improvements within 12 months of the Effective Date of the Agreement; Daybreak will Substantially Complete Improvements within 12 months of the issuance of required building permits; Daybreak will use the property in accordance with the Agreement, Minimum Standards, and zoning regulations and, if the Minimum Standards set forth a specific required use for the Property, Developer will use the Property as specified for a period of 10 years after Substantial Completion - failure to meet the deadlines or use the property as required will require that Daybreak reconvey the property to the TRC at no cost to the TRC;

**Whereas**, the TRC is a nonprofit organization whose purpose is to aid, assist, and act on behalf of the City in the performance of its governmental functions, including, but not limited to, the sale, purchase, development, redevelopment, and revitalization of real property in the City - the TRC was formed pursuant to Subchapter D, Chapter 431 of the Texas Transportation Code and Chapter 394 of the Texas Local Government Code;

**Whereas,** the TRC Board of Directors met and reviewed this item on August 15, 2024 - per the TRC By-Laws, Section 4.12, upon of the approval by the Board, the Asset Transfer must be submitted to the City for approval;

**Whereas,** Staff recommends Council authorize the TRC to sell a 0.551-acre property located in the Historic Neighborhood Planning District, addressed as 1312 North 3<sup>rd</sup> Street, Bell County Tax Appraisal District Identification No. 42566, to Daybreak Construction, Inc., as well as authorize closing costs associated with the purchase, in an estimated amount of \$153,000;

**Whereas,** funding received for the sale of property situated at 1312 North 3<sup>rd</sup> Street in the estimated amount of \$150,000 will be deposited into Account No. 710-0000-461-0834; and

**Whereas,** the City Council has considered the matter and deems it in the public interest to authorize this action.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, THAT:**

**Part 1: Findings.** All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

**Part 2:** The City Council authorizes the Temple Revitalization Corporation to sell a 0.551-acre property located in the Historic Neighborhood Planning District, addressed as 1312 North 3<sup>rd</sup> Street, Bell County Tax Appraisal District Identification No. 42566, to Daybreak Construction, Inc., as well as closing costs associated with the purchase, in an estimated amount of \$153,000, and authorizes the City Manager, or her designee, after approval as to form by the City Attorney’s Office, to execute any necessary documents.

**Part 3:** It is hereby officially found and determined that the meeting at which this Resolution was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED this the 15<sup>th</sup> day of August, 2024.

THE CITY OF TEMPLE, TEXAS

\_\_\_\_\_  
TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Jana Lewellen  
City Secretary

\_\_\_\_\_  
Kathryn H. Davis  
City Attorney