

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF MANSFIELD, TEXAS, APPROVING A PRESERVATION AGREEMENT WITH MANUEL AND ELVA HERNANDEZ, OWNERS OF THE GAULDEN-BASKIN HOUSE AT 301 W. BROAD STREET FOR A HISTORIC MANSFIELD PRESERVATION GRANT NOT TO EXCEED \$4,400.00; AUTHORIZING THE CITY MANAGER TO EXECUTE SAID AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council authorized a Historic Mansfield Preservation Grant Program to assist in the preservation of the City's cultural heritage through the preservation, restoration and rehabilitation of Mansfield's historic homes; and

WHEREAS, the Mansfield Historic Landmark Commission has reviewed the request for a preservation grant for the Gaulden-Baskin House at 301 W. Broad Street and has determined that the house is worthy of preservation; and

WHEREAS, the property owners of 301 W. Broad Street have agreed to the terms of the agreement and have received a designation within the Historic Landmark Overlay District on October 28, 2019;

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

SECTION 1.

The Preservation Agreement, attached hereto as Exhibit "A", between the City of Mansfield, Texas, and Manuel and Elva Hernandez is hereby approved.

SECTION 2.

This Resolution shall become effective from and after its passage.

PASSED AND APPROVED THIS THE _____ DAY OF _____, 2019.

David L. Cook, Mayor

ATTEST:

Susana Marin, City Secretary



HISTORIC MANSFIELD PRESERVATION GRANT PROGRAM PRESERVATION AGREEMENT

Whereas, this Preservation Agreement (Agreement) is entered into between the City of Mansfield, a Texas municipal corporation (City) and Manuel and Elva Hernandez (Owner); and

Whereas, the Owner will use funds made available through the Historic Mansfield Preservation Grant Program (Program) for exterior preservation, restoration, rehabilitation and/or reconstruction (Work) of the house, which is owned by the Owner; and

Whereas, the Owner has designated their property a City of Mansfield Historic Landmark; and

Whereas, the purpose of this Agreement is to set forth the responsibilities of the City and the Owner in the payment, construction and reporting of the Work; and

Whereas, the Owner has made application under the Program for financial assistance for Work to be done to the Gauden-Baskin House, located at 301 W. Broad Street, a property eligible for designation as a Mansfield Historic Landmark in the City of Mansfield; and

Whereas, such application was recommended for up to \$4,400.00 by the Mansfield Historic Landmark Commission on November 9, 2019;

NOW THEREFORE, be it agreed by the City and the Owner as follows:

Term

The term of this Agreement shall commence on the latest date of execution shown hereon and shall terminate one (1) year following the date of completion of the Work.

Amount and Scope

The City shall engage and pay directly to the Contractor up to \$4,400.00 for the Work which shall consist of:

1. Replacement of the non-compatible window and associated work on the facade facing South 2nd Avenue on the historic house at 301 W. Broad Street.

The Owner consents to the City's selection of a qualified Contractor to install new windows meeting standard in Chapter 3.3 of the *Design Guidelines for Historic Residential Properties* and shall allow the Contractor access to the property, and Owner will execute any and all agreement with the Contractor as necessary to complete the Work.

Historic Designation

The Owner received a designation of their property as a City of Mansfield Historic Landmark on October 28, 2019, in accordance with Section 5400 of the City of Mansfield Zoning Ordinance.

Default and Repayment

The City may withhold future grant payments or the Owner shall promptly repay any and all amounts paid by the City, in the event that during the term of this agreement any of the following occur:

1. The residence is not maintained to City of Mansfield building codes;
2. Historic Landmark designation is removed;
3. Property changes from residential use to another use;
4. Owner performs or arranges for other work (not under this Agreement) materially detracting from the historic character or fabric of the exterior of the house; or
5. Owner breach any other term of this Agreement.

Grant recipients who receive grant funding based on owner-occupied residential use of the property must repay twenty five percent (25%) of the grant amount if the owner-occupied status of the property changes to rental.

Liability and Indemnification

The Owner acknowledges that he/she has read the guidelines for the grant program included with the application and agree to all of the terms and conditions contained in the guidelines. If required, any Contractor hired for this project will hold contractors licenses for the City of Mansfield.

The Owner agrees to indemnify and hold harmless the Mansfield Historic Landmark Commission and the City of Mansfield, its agents, servants, employees, and officers against losses, costs, damages, expenses and liabilities of any nature directly or indirectly resulting from or arising out of or relating to the City's acceptance, consideration, approval or disapproval of this agreement and the issuance or non-issuance of a grant, or any work performed in connection with this Agreement.

Notice

The Owner shall provide the City with at least two (2) weeks' notice of any intended transfer of title, any encumbrance on title or pending legal action which may result in foreclosure of property. Notice or correspondence shall be sent to:

City of Mansfield
Planning Department
1200 E. Broad Street
Mansfield, Texas 76063

Acknowledgement

The Owner shall, at City's expense, allow for installation of a durable sign visible to the passing

public that identifies the house and acknowledges that assistance has been provided through the City of Mansfield.

Assignment

The terms of this agreement shall be binding on the Owner's successors and assigns and shall run with the property for the term of the agreement.

Executed this _____ day of _____, 20____.

Joe Smolinski, Deputy City Manager
City of Mansfield

Manuel Hernandez, Property Owner
301 W. Broad Street

Elva Hernandez, Property Owner
301 W. Broad Street