

To all members of the Landmark Commission

My name is Kay Gourley and I am the Listing Agent for 2201 E.22nd Street, Austin, Texas 78721. I have been a Realtor and Broker in the state of Texas for 21 years, practising in Austin, Texas. I was contacted on May 15th 2016 by Mrs. Dorothy Madison who is a very prominent member of the African American Community in Austin to assist the Spigner family in selling their home.

I listed 2201 E. 22nd on the open market to sell on May 25th, 2016. Previously the home had been listed by another real estate company from 08/20/2015 - 02/12/2016 which accumulated to 176 days with first company and then with The Gill Agency for 78 days. The home is still on the open market but in a pending taking back-up offers.

When listing a property on the open market through Austin Board of Realtors there are approximately 13,000 realtors with access and knowledge of properties listed for sale. Also with technology agents have the availability to syndicate our listing throughout the world for anyone searching for a property in Austin, Texas.

The first real estate company to the best of my knowledge did not receive any offers on the property in the 176 days it was on the market. Under The Gill Agency I received 3 written offers, all from developers and all offers were contingent upon a demo permit. Along with the Spigner family and members from my office we conducted our due diligence in accepting the appropriate offer for the family and the neighborhood due to the sensitivity of this area in Austin. We wanted to work with Scott Turner because I'm familiar with his work, his honesty, and his transparency. Also I would like to note that we received 3 verbal offers from parties who wanted to try and rehab the home. All parties conducted a feasibility period with their architects and decided the project was too difficult to take on, the home has no historic architectural features, and deemed the project too arduous, which was disappointing. I had two inquiries from agents who wanted to change the zoning on the home to commercial which I knew would not be possible.

Mr. Spigner decided the family would donate the house to a family two streets over, the Clark family but after working with Bo McCarver, President of the Blackland neighborhood association and conducting a feasibility study, the move was proven to be too difficult. Please see emails or request emails from Scott Turner as to this process. I would like to point out that home has an unfinished addition of approximately 1000 sq. ft. which has no HVAC, no sheetrock on the walls, and a severe cracked slab. The original house has a non functional floor plan which does not allow one direct access to the one bathroom. One needs to walk through the livingroom, then the dining area, through a hallway, then through a bedroom to reach the bathroom. The enclosed porch area is in bad disrepair and has no HVAC. I encourage all commission members to walk through the property. The property does not lend itself to a proper floorplan for a single family home or for Mr. Spigner and his two children. The entire structure would need to be taken down to the studs and rebuilt.

When reading Mr. Sadowsky's report and recommendation on the property there are several items left out in the report which I feel are very relevant to any decision the commission

members will make. I would like to submit and include this information to Mr. Sadowsky's report. The first is the functionality of the home and the condition. On today's real estate market the functionality is not desirable to buyers, if so the home would have been sold months ago. To note Texas law requires homeowners to fill out a Seller's Disclosure Notice which I will include in this letter so all commissioners can read. This form would require the Spigner to disclose many items in paragraph 7 in which they would have to answer [Yes] by doing so this would severely put limitations of different kinds of lending available to buyers, appraisal issues due to the condition of the home, and any typical buyer would pass on this property due to too many obstacles. Thus due to the requirements by the state of Texas we have been extremely limited as to the amount of buyers who would be interested in purchasing this property. There would also be quite a few challenges in the marketing the property.

Most importantly, a factual piece of history which has been left out of the report regards to a double shooting, there is no reference to this history, which occurred in July 2015. When telling the story of the home one needs to tell the good with the bad. The state of Texas requires Realtors to tell the good with the bad so I feel the same should be with the Landmark commission. In July 2015 at approximately 2am Mr. Spigner's door was kicked in by two intruders and Mr. Spigner was shot twice in the abdomen, his partner was shot in the arm, this was all witnessed by their 7 year old daughter who was in the bathroom at the time of the shooting. To this day Mr. Spigner's daughter cannot go in the bathroom by herself because of the trauma of being present when both her parents were shot. Mr. Spigner was confined to hospital for several weeks and the doctors had to rebuild his bladder, to this day he still has shrapnel in his abdomen.

This incident has been caused much stress on the family and the event was extremely traumatic for Mr. Spigner's daughter. This family needs to move on. Here is a link the shooting which is not discussed in Mr. Sadowsky's history of the home.

<http://kxan.com/2015/07/21/austin-police-respond-to-shooting-in-east-austin/>

I believe it very important to note that during this time that Mr. Spigner was in the hospital surrounded by his family recovering from this extremely traumatic event, Council Member Ora Houston filed a petition to have the house zoned historic without consulting the family or seeking their consent. I believe the timing of this petition to be very cynical in nature and not the kind of behaviour that would have been encouraged by a woman like Mildred Holloway. When Reedy Spigner Sr. found out about the petition he personally contacted Council Member Houston to have her withdraw the petition.

The home has been on the market for over a year and there have been many opportunities for Council Member Houston to help the Spigner family find a buyer for the home but to no avail. I don't understand if Ms. Houston and less than a handful of others in community are so concerned about zoning the home historic, why haven't they come forward to help with finding a buyer or a solution for the Spigner family. The proceeds of the sale of this house will go a long way towards enabling another two members of the African American community to attend University and hopefully continue the family tradition of public service.

It would seem Reedy Spigner Jr. is being penalized for the success and achievement of his grandparents. A more fitting memorial would be a statue or park named in their honor. When one sees a statue such as Barbara Jordan's statue at ABIA one stops to read and learn about the person. If one just drives by a house, they know nothing of the person who lived there. I believe Council Member Ora Houston should be lobbying for one of these alternatives. What kind of message would it send out to the community if Mr Spigner was not allowed to sell his house for its market value which is a basic civil right. As a professional for over 21 years in the real estate business I see this as becoming more of a problem for homeowner's rights and the city needs to think this through and come up with better solutions.

If this home is granted with an historic status are we sending out a message to future generations of high achievers, activists and civic leaders of African American origins that their families too will suffer penalties as a result of their leadership and successes. Will the families of future Mildred Holloways see their homes as potential historic landmarks thus reducing their value to their descendants?

I would like to ask the commissioners in this situation who is responsible to pay for the downfalls and the loss of investment for these families? When Mr Sadowsky suggests to move the house to another property in the same neighborhood, which we have tried to do - who should be responsible for the costs? Certainly not the Spigner family. The family is willing to donate their home, please come and take it away but they should not have to be the ones to bear the costs. Again we come to the family being penalised for their remarkable contributions to civic life and the advancement of causes relevant to the African American community in Austin. Mr Reedy Spigner carries on this family tradition of public service as an employee of the Attorney General Office here in Austin. If the city and the landmark commission wants to deem this home historic, they should cover these costs, after all the city is getting a house donated to them.

I would like to commend and I understand the Landmark Commission in their efforts to preserve East Austin's churches, schools, parks, and public gathering places. I myself have deep roots in the community. My father was an educator and coach at Old Anderson High School and my mother was the Librarian at Govalle Elementary for many years. I myself purchased my first home in East Austin. My family became lifelong friends with members of the East Austin community and have celebrated many life events together with our friends. To witness our friends' personal property and inheritance in jeopardy without their consent is becoming a harsh reality I would not want to wish upon anyone.

In closing homeownership is part of the American dream. Every American has a right to own their own home. Mildred Holloway spent her life fighting for people's rights. Let's not dishonor her memory by refusing her own family the basic civil right to sell their home .

Sincerely,
Kay Elaine Gourley, Realtor CNE, GRI, CIPS
TREC #447608
The Gill Agency

