

PUBLIC NOTICE

DEVELOPMENT CORPORATION OF ABILENE, INC.

A regular meeting of the Development Corporation of Abilene, Inc. will be held on Thursday, July 13, 2017, at Develop Abilene conference room, 174 Cypress St., 3rd floor, Abilene, Texas, commencing at 2:00 p.m. to consider the following agenda:

SIGNED:


Kent Sharp, CEO

AGENDA

July 13, 2017
2:00 p.m.

Develop Abilene Conference Room
174 Cypress St., 3rd floor

1. Call the meeting to order.
2. Approval of minutes from the June 15, 2017, board meeting.
3. Sales tax report for July 2017 and financial report for May 2017.
4. Executive Session:
The DCOA reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed, as authorized by the Texas Government Code Sections:
 1. 551.071 (Consultation with Attorney),
 - A. Outstanding insurance claims
 - B. Prairie Dog Pet Products project
 - C. Construction Project Manager Position
 2. 551.072 (Deliberations about Real Property)
 - A. Acquisition of parcels of land in West Abilene
 - B. 922 N 13th St.
 3. 551.074 (Personnel Matters)
 4. 551.087 (Business Prospect/Economic Development)
 - A. Project Northeast
5. Discussion and possible approval of a resolution authorizing a land lease with Broadwind Towers (which includes an option to purchase) of 4.5 acres in Five Points Business Park at 733 Polaris Dr.
6. Discussion and possible approval of a resolution authorizing a land lease with J&N Construction, LLC in Five Points Business Park.
7. Discussion and possible approval of a resolution authorizing an independent contract with Donald Hardin, Jr.

8. Presentation and discussion of scenarios related to the one-half cent sales tax for economic development purposes and known and anticipated project commitments.
9. Discussion of next monthly board meeting.
10. Adjournment.

CERTIFICATE

I hereby certify that the above notice of meeting was posted on the bulletin board at the City Hall of Abilene, Texas, on the _____ day of _____, 2017, at _____.

City Secretary

NOTICE

Persons with disabilities who would like special assistance or need special accommodations to participate in this meeting should contact the Development Corporation of Abilene, Inc., (325) 676-6390, at least forty-eight (48) hours in advance of this meeting. Telecommunication device for the deaf is (325) 676-6360.

DEVELOPMENT CORPORATION OF ABILENE, INC.
BOARD MEETING MINUTES
June 15, 2017

MEMBERS PRESENT: John Beckham Jack Rich Greg Blair
 Jack Rentz

MEMBER ABSENT: Dave Copeland

STAFF PRESENT: Kent Sharp Kim Tarrant

GUESTS PRESENT: Mark Zachary - McMahon Law Firm
 Justin Jaworski – Abilene Industrial Foundation
 Shea Hopkins - Abilene Industrial Foundation
 Audrey Schroyer - Abilene Industrial Foundation
 Bruce Kreitler - City Council
 Kate Alvarez - Airport
 Doug Peters - Abilene Chamber of Commerce

1. CALL THE MEETING TO ORDER: President Dave Copeland called the meeting to order at 1:30 p.m. at 174 Cypress St., 3rd floor conference room, Abilene Texas.

2. APPROVAL OF MINUTES FROM THE MAY 16, 2017, BOARD MEETING: Jack Rich moved to approve the minutes from the May 16, 2017, board meeting. Greg Blair seconded and the motion carried.

3. SALES TAX REPORT FOR JUNE 2017 AND FINANCIAL REPORT FOR APRIL 2017: Kent Sharp, CEO of the DCOA, presented the sales tax report for June 2017. The sales tax rebate is \$3,070,943.27, which represents April sales. Economic Development received \$767,735.82, which is 1.76% above last year and 1.76% above the projected FY 17 budget amount. For the period October through June, sales tax is .53% above last year and .53% above the projected FY 17 budget amount. The DCOA's total current assets as of April 30, 2017 were \$21,233,951. The April 2017 revenues totaled \$866,662 and total expenditures \$342,023 with \$157,617 being spent on three different projects.

4. EXECUTIVE SESSION – SESSION 1: I hereby announce we are going into Executive Session pursuant to Texas Government Code Sections 551.071, 072, 074 and 087 to consult with our legal counsel, discuss real property transactions, personnel matters, and discuss economic development negotiations involving a business prospect, as set forth on the agenda. Any vote or action will be taken in open session.

Vice President John Beckham announced the date is June 15, 2017 and the time is 1:38 p.m. Later, Vice President John Beckham announced the date is still June 15, 2017 and the time is 2:30 p.m. No vote or action was taken in Executive Session.

5. DISCUSSION AND POSSIBLE APPROVAL OF A REVISED BUDGET FOR FY 2017 AND NEW BUDGET FOR FY 2018: Kent Sharp asked the board if there were any other questions on the budget since the last meeting. Mr. Sharp did comment on the few revisions made. The amount originally budgeted on Blue Cross Blue Shield (BCBS) was increased on the chance the DCOA would have to go ahead and replace the roof.

Marketing was raised from \$70,000 to \$100,000 in order to aggressively market any available land owned by the DCOA. The Entrepreneurship Challenge Grant was increased to \$330,000, \$250,000 is set for prize money and the additional \$80,000 would be for administrative costs incurred by the partners involved in the program, Abilene Industrial Foundation (AIF), Small Business Development Center (SBDC) and Abilene Christian University (ACU).

Mark Zachary, attorney for the DCOA spoke briefly about the laws governing conflict of interest in regards to DCOA board members versus the City Council. He also explained how this might affect future items voted on where there is a conflict of interest. Greg Blair disclosed he is on the Military Affairs Committee (MAC) and the AIF board, and Jack Rentz disclosed he is on the Chamber of Commerce board and the AIF board. Jack Rich disclosed he works for ACU with no administrative authority or interest in the entrepreneurship program.

Jack Rich made the motion to approve the revised budget for FY 2017 and the new budget for FY 2018. Greg Blair seconded and the motion passed.

6. DISCUSSION AND POSSIBLE APPROVAL OF A RESOLUTION AUTHORIZING THE PURCHASE OF CITY-OWNED SURPLUS PARCELS OF LAND ON HWY 36 AT LOOP 322 AND 1417 N. ARNOLD BLVD: Kent Sharp requested approval to purchase two parcels of vacant surplus land owned by the City of Abilene; 1) 33.968 acres located at NE Loop 322 and Hwy 36, and 2) 3.164 acres located in the Five Points Business Park at the intersection of Arnold Blvd and Marigold St. Both parcels are surrounded by land currently owned by the DCOA. Bids were taken by the City and the DCOA staff submitted bid amounts of \$10,000/acre, totaling \$339,680 for the 33.968 acres and \$31,640 for the 3.164 acres. The DCOA was awarded the bids on June 22 by the City Council, which included reimbursement to City for advertising costs. With closing costs and a Phase I ESA on the 33.968-acre parcel, the total amount requested is \$386,960.

Greg Blair moved to approve resolution DCOA-2017.10 authorizing funding in the amount \$386,960 for purchase from City of Abilene of two parcels of vacant land plus any costs incurred with the land purchase. Jack Rich seconded and the motion passed.

7. DISCUSSION AND POSSIBLE APPROVAL OF AN AMEDEMMENT TO THE FY 2017 CONTRACT WITH THE TEXAS TECH UNIVERSITY SMALL BUSINESS DEVELOPMENT CENTER: Kent Sharp requested an amendment to the annual FY 17 contract with the Small Business Development Center (SBDC). The current contract allows up to \$200,000 as partial reimbursement for business counseling to new and existing small business owners in Abilene and its ETJ. During review of the proposed FY 18 budget, Mr. Sharp noted the \$250,000 allocated to initiate an Entrepreneurship Challenge Grant Program, which will be designed to provide funding to fledgling businesses or start-ups that meet program criteria. The SBDC in partnership with the DCOA, the Abilene Industrial Foundation, and ACU'S Griggs Center for Entrepreneurship and Philanthropy will operate the new program. The current contract as written does not allow the DCOA to reimburse the SBDC staff for time spent on program development. The amendment to the FY 17 contract will allow Judy Wilhelm, Director of the SBDC to

allocate \$15,000 of the \$200,000 to pay administrative costs for this staff person through September 30, 2017.

Greg Blair moved to approve resolution DCOA-2017.11 amending the FY 17 annual contract with the SBDC to allocate \$15,000 for reimbursement of staff costs to develop the new Entrepreneurship Challenge Grant Program through September 30, 2017. Jack Rentz seconded and the motion passed.

8. DISCUSSION OF NEXT MONTHLY BOARD MEETING: Vice President John Beckham announced the next scheduled board meeting will be Thursday, July 13, 2017 at 2:00 p.m.

9. ADJOURNMENT: There being no further business the meeting was adjourned.

Dave Copeland, President

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The Sales Tax Report for July 2017
will be available at the board meeting

DEVELOPMENT CORPORATION OF ABILENE
STATEMENT OF NET POSITION
May 31, 2017 and 2016

	May 2017	May 2016
Current Assets:		
Cash and cash investments	\$ 18,636,106	\$ 18,240,339
Accounts receivable	1,677,765	35,293
Due from other governments	1,757,691	1,789,074
Total Current Assets	<u>22,071,562</u>	<u>20,064,706</u>
Noncurrent Assets:		
Notes receivable, net	3,419,600	10,858,897
Notes receivable - earning economic incentives	12,311,867	8,969,728
Capital assets	62,437,447	51,765,462
Accumulated depreciation	(14,190,010)	(9,815,739)
Total capital assets, net	<u>48,247,437</u>	<u>41,949,723</u>
Total Noncurrent Assets	<u>63,978,904</u>	<u>61,778,348</u>
Total Assets	<u><u>\$ 86,050,466</u></u>	<u><u>\$ 81,843,054</u></u>
Liabilities		
Current:		
Accounts payable	\$ 37,312	\$ 347,121
Accrued expenses	1,677,765	-
Total Current Liabilities	<u>1,715,077</u>	<u>347,121</u>
Total Liabilities	<u>1,715,077</u>	<u>347,121</u>
Net Position		
Net Investment in capital assets	48,247,437	41,949,723
Restricted for contractual obligations	10,072,929	17,547,549
Unrestricted, designated for purposes of trust	26,015,023	21,998,661
Total Net Position	<u>84,335,389</u>	<u>81,495,933</u>
Total Liabilities and Net Position	<u><u>\$ 86,050,466</u></u>	<u><u>\$ 81,843,054</u></u>

DEVELOPMENT CORPORATION OF ABILENE
SCHEDULE OF REVENUES, EXPENSES AND CHANGES IN NET POSITION
For eight months ending May 31, 2017 and 2016

	May 2017	Fiscal YTD 2017	Fiscal YTD 2016
Revenues:			
Sales and use taxes	\$ 1,016,082	\$ 6,934,762	\$ 6,907,513
Interest income	12,587	228,883	129,866
Building rental / land lease	60,239	686,485	718,223
Sale of Land		-	496,459
Miscellaneous revenue	10	47,341	77,882
Total Revenues	<u>1,088,918</u>	<u>7,897,471</u>	<u>8,329,943</u>
Expenses:			
Economic Development Projects	61,511	3,941,156	3,486,084
Life Sciences property maintenance	13,672	185,220	279,330
DCOA property maintenance	19,996	163,395	292,194
Abilene Industrial Foundation	38,574	291,736	249,389
TTU Small Business Development Center	9,619	81,862	78,150
Chamber Military Affairs	80,137	169,104	131,421
Airport Business Development Manager	7,242	69,038	65,257
Economic Development Operating Division	59,454	552,995	441,771
Total Expenditures	<u>290,205</u>	<u>5,454,506</u>	<u>5,023,596</u>
Changes In Net Position	798,713	2,442,965	3,306,347
Net Position at Beginning of Period	<u>83,536,676</u>	<u>81,892,424</u>	<u>78,189,586</u>
Net Position at End of Period	<u>\$ 84,335,389</u>	<u>\$ 84,335,389</u>	<u>\$ 81,495,933</u>

Summary of Current Period Economic Development Projects:

Hangar 0 Doghouse Construction	\$ 25,982
EASI De Fuel Truck	1,950
Industrial Maintenance Training	8,704
Spec 3 Remediation / Repair	24,875
Total	<u>\$ 61,511</u>

Development Corporation of Abilene
Economic Program Status
As of May 31, 2017

Economic Programs:	Project	Amount Budgeted	Prior Years Disbursement	Current Year Disbursement	Balance reserved for budgeted programs
Murf Systems	4998	\$ 237,240	\$ 235,665	\$ 1,575	\$ -
TTU Pharmacy School	5242	1,924,943	1,893,035	31,908	-
TTU 842 Pine	5308	853,999	853,999	-	-
Petrosmith Ph 5	5330.1	301,334	150,667	150,667	-
TTUHSC School of Nursing	5331	1,076,253	1,076,253	-	-
Rentech '12	5342	470,000	470,000	-	-
Hangar Doghouses A/E	5348.1	423,000	322,318	27,524	73,158
Hangar Doghouses Construction	5348.2	2,732,618	2,722,255	-	10,363
Hangar 0 Doghouse Construction	5348.3	2,000,000	603,023	982,808	414,169
EASI De-Fuel Truck	5354	111,560	78,200	13,650	19,710
Tucker Energy Services	5359	585,000	171,705	-	413,295
Five Points Infrastructure	5359.1	1,000,000	137,491	-	862,509
5 Pts RR Expansion	5363.1	30,800	24,320	-	6,480
Fehr Foods Expansion	5368	5,123,000	3,103,196	1,749,801	270,003
Broadwind Towers 2014	5373	679,300	679,300	-	-
Corley Wetsel Trucking	5376	455,200	-	455,200	-
Fehr Foods 14	5378	160,278	106,852	53,426	-
Gift Card System	5379	82,019	55,395	26,624	-
BWJ Consulting	5382	619,000	280,940	-	338,060
Datroo Technologies	5385	280,750	81,460	-	199,290
DCOA Strategic Planning	5386	130,000	125,000	-	5,000
Coca Cola Refreshments	5387	-	-	-	-
Martin Sprocket & Gear	5388	-	-	-	-
Industrial Maintenance Training AISD	5389	78,000	50,100	22,148	5,752
Lone Star Canvas	5390	50,000	-	-	50,000
Abimar Foods 2015	5391	300,000	-	300,000	-
BCBS Roof Repairs	5392	953,400	-	-	953,400
TTUHSC School of Public Health	5393	87,422	87,422	-	-
Praire Dog Pet Products	5394	-	-	-	-
Spec 3 Remediation	5396	253,318	214,993	38,325	-
18/36 Industrial Park	5398	52,000	-	50,000	2,000
2016 Startup Week / 2017 Springboard	5399	32,500	-	32,500	-
Broadwind Towers	5400	715,000	-	-	715,000
TSTC New Abilene Campus	5401	4,179,600	-	-	4,179,600
AbiMar Employee Relocation	5402	25,000	-	-	25,000
Communities in Schools	5403	80,850	-	5,000	75,850
Subtotal Economic Program Obligation Reserve		\$ 26,083,384	\$ 13,523,589	\$ 3,941,156	\$ 8,618,639

Plus Administrative Division Obligations:

Economic Development Operating Division	Division 2760	777,490	-	552,995	224,495
Life Sciences Property Maintenance	Division 2765	322,550	-	185,220	137,330
DCOA Property Maintenance	Division 2775	465,670	-	163,395	302,275
Abilene Industrial Foundation	Division 2775	619,780	-	291,736	328,044
TTU Small Business Dev Center	Division 2775	200,000	-	81,862	118,138
Chamber Military Affairs	Division 2775	397,000	-	169,104	227,896
Airport Business Development Manager	Division 2775	185,150	-	69,038	116,112
Subtotal Administrative Divisions Obligation Reserve		\$ 2,967,640	\$ -	\$ 1,513,350	\$ 1,454,290
Total reserve for obligated programs					\$ 10,072,929

DCOA Board approved projects waiting for signed contracts:

Dyess JLUS	\$ 50,000	Expiration Date 6/17/17
	<u>\$ 50,000</u>	

Development Corporation of Abilene
Revenue and Expense
Budget vs Actual Comparison
October 2016 - May 2017

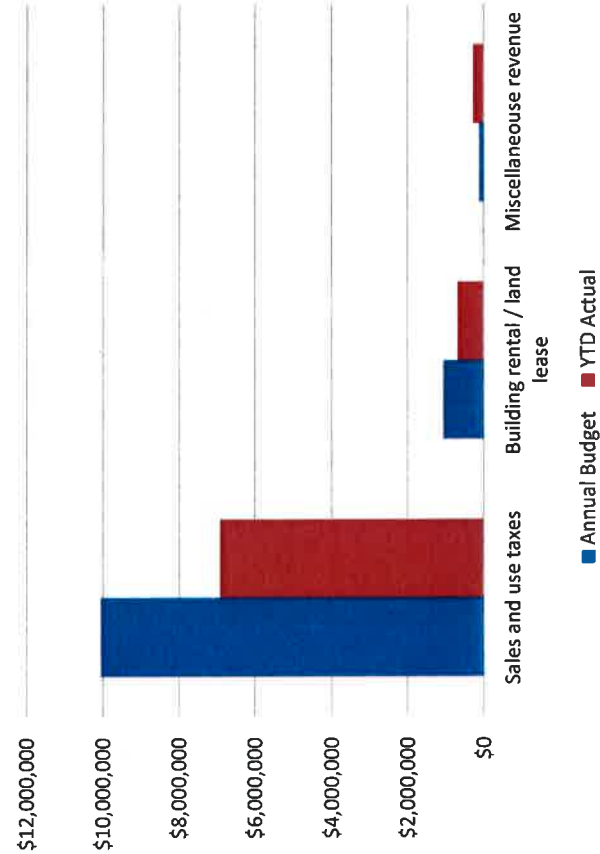
Revenue

	Annual Budget	YTD Actual	% of Budget
Sales and use taxes	10,088,060	6,934,762	69%
Building rental / land lease	1,073,200	686,485	64%
Miscellaneous revenue	135,000	276,224	205%
Revenue	11,296,260	7,897,471	70%

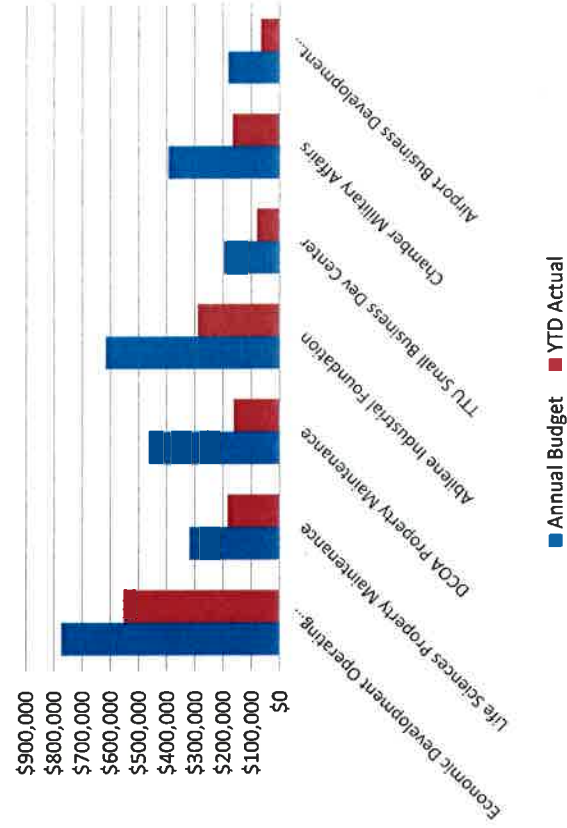
Expenses

	Annual Budget	YTD Actual	% of Budget
Economic Development Operating Division	777,490	552,995	71%
Life Sciences Property Maintenance	322,550	185,220	57%
DCOA Property Maintenance	465,670	163,395	35%
Abilene Industrial Foundation	619,780	291,736	47%
TTU Small Business Dev Center	200,000	81,862	41%
Chamber Military Affairs	397,000	169,104	43%
Airport Business Development Manager	185,150	69,038	37%
	2,967,640	1,513,350	51%

FY 17 Budget vs Actual Revenue



FY 17 Budget vs Actual Expenses



DEVELOPMENT CORPORATION OF ABILENE, INC.

BOARD AGENDA

MEETING DATE: July 13, 2017

PROJECT: Broadwind Towers Land Lease in Five Points Business Park

STAFF: Kent Sharp, CEO

BACKGROUND INFORMATION

Broadwind Towers, formerly known as Tower Tech Systems, Inc. dba Texas TTSI, Inc., is based in Manitowoc, Wisconsin and manufactures wind turbine towers. The DCOA has assisted Broadwind Towers since 2008 when the company constructed its Abilene manufacturing facility at 1126 Arnold Blvd. in the Five Points Business Park. The most recent assistance package approved by the board in 2016 includes up to \$715,000 for the Company's expansion due to additional contracts for monopole production, funded at 10% of Company's total cost. The expansion includes a new third structure constructed adjacent to the existing plant for final assembly, a new paint booth, equipment purchases, and preparation of the laydown yard. The Company will retain at least 85% of its current employment of 170. No funds have been disbursed under this agreement yet.

THE REQUEST

For additional laydown, storage and holding area for its raw materials, inventory, equipment and finished product, Broadwind recently requested to lease the adjacent vacant lot consisting of 4.5 acres in Five Points Business Park located at the NE corner of the intersection of Polaris and Marigold. The lot is depicted on the attached drawing of Five Points Business Park as Lot 8, which was recently cleared.

I propose a 12-month lease with the option to extend for a total lease period of no longer than five years at an annual lease payment of \$6,000. Broadwind has requested that the lease also include a purchase option, and I propose \$15,000/acre, or \$67,500. Lease payments will not be applied toward the purchase price.

FISCAL IMPACT

Lease revenue of \$6,000/year for up to five years

STAFF RECOMMENDATION

Staff recommends the board approve resolution DCOA-2017.12 authorizing a land lease to Broadwind Towers for the 4.5-acre parcel in Five Points Business Park, otherwise known as Lot 8. The lease shall also include a purchase option of \$15,000/acre, or \$67,500.

ATTACHMENTS

Drawing depicting subject lot
Resolution DCOA-2017.12

Five Points Business Park

This premier business park provides its residents with direct access to Interstate 20, the Union Pacific Railroad and is only 15 minutes from Abilene Regional Airport. The park is fully equipped with all major utility infrastructure including: electricity, natural gas, water and wastewater.

FIVE POINTS BUSINESS PARK

20

Interstate Highway 20

Lot # • Acreage

3	6.09 acres	20	12.06 acres
5	18.85 acres	23	9.69 acres
6	7.57 acres	25	23.62 acres
7	84.25 acres	28	107.13 acres
8	4.52 acres	29	19.78 acres
16	5.38 acres	37	20.00 acres
17	21.20 acres		

Lot Available



Union Pacific Railroad

North First Street

Broadwind Services

Lockheed Way

Capitol Street

Congress Street

North 9th Street

North 10th Street

Margold Street

F.M. 3438 N. Arnold Blvd.

Five Points Pkwy.

Highway 80/84/I-20

Fulwiler Road

Polaris Drive

TXDOT

AEP Electrical Substation

City of Abilene Water Reserve

Zoltak-Torrey

Prairie Dog Pet Products

Pactiv

Broadwind Towers

Atmos Energy

FedEx

Texas Healthcare Linen

UPS

Tucker Energy

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RESOLUTION NO. DCOA-2017.12

A RESOLUTION OF THE DEVELOPMENT CORPORATION OF ABILENE, INC. (DCOA), ABILENE, TEXAS AUTHORIZING A LEASE TO BROADWIND TOWERS (“COMPANY”) FOR A 4.5 ACRE PARCEL OF VACANT LAND LOCATED AT THE NE CORNER OF POLARIS DR. AND MARIGOLD ST. IN THE FIVE POINTS BUSINESS PARK (“LAND”).

WHEREAS, Company is based in Manitowoc, Wisconsin and manufactures wind turbine towers; and,

WHEREAS, DCOA has assisted Company since 2008 when the company constructed its Abilene manufacturing facility at 1126 Arnold Blvd. in the Five Points Business Park; and,

WHEREAS, the most recent assistance package approved by the DCOA board in 2016, includes up to \$715,000 for the Company’s expansion due to additional contracts for monopole production funded at 10% of Company’s total cost; and,

WHEREAS, the expansion includes a new third structure constructed adjacent to the existing plant for final assembly, a new paint booth, equipment purchases, and preparation of the laydown yard, plus Company will retain at least 85% of its current employment of 170; and,

WHEREAS, for additional laydown, storage and holding area for its raw materials, inventory, equipment and finished product, Company recently requested to lease the adjacent vacant lot consisting of 4.5 acres in Five Points Business Park located at the NE corner of the intersection of Polaris Dr. and Marigold St.; and,

WHEREAS, staff requests the DCOA approve a land lease to Company for a 4.5-acre parcel located in the Five Points Business Park.

NOW THEREFORE, BE IT RESOLVED BY THE DEVELOPMENT CORPORATION OF ABILENE, INC., ABILENE, TEXAS, THAT:

PART 1. DCOA authorizes a lease to Broadwind Towers, Inc. for a 4.5-acre parcel of vacant land in Five Points Business Park located at the NE corner of the intersection of Polaris Dr. and Marigold St. The lease shall be for twelve (12) months with the option to extend for a total lease period of no longer than five (5) years, with an annual lease payment of Six Thousand and no/100’s Dollars (\$6,000.00). The lease shall also include a purchase option of \$15,000/acre, or \$67,500. Lease payments will not be applied toward the purchase price.

PART 2. Terms authorized in this resolution are contingent upon execution of all necessary agreements. The commitment authorized under this resolution shall expire without notice 180 days from the date of adoption of same unless all required documents and agreements are executed prior to that expiration date or the commitment herein is extended in writing by the DCOA.

PART 3. The Chief Executive Officer of the Development Corporation of Abilene, Inc. is hereby authorized to negotiate, enter into and execute a final contract and all other related documents on behalf of the DCOA.

ADOPTED this the 13th day of July, 2017.

ATTEST:

John Beckham
Secretary/Treasurer

Dave Copeland
President

APPROVED:

Mark Zachary, Attorney

S:\DCOA\Resolution2017\2017.12 Broadwind Towersland lease 0713-17.doc

DEVELOPMENT CORPORATION OF ABILENE, INC.

BOARD AGENDA

MEETING DATE: July 13, 2017

PROJECT: J&N Construction, LLC Land Lease in Five Points Business Park

STAFF: Kent Sharp, CEO

BACKGROUND INFORMATION

James H. Johnson is owner of J&N Construction, LLC dba J&N Utilities, located at 1873 Maple St. in Abilene (www.jandnutilities.com). The company provides natural gas services including line installation and maintenance, right-of-way clearing, survey and leak detection, and trenching. The surplus fill dirt from the company's right-of-way clearing services can be dumped and graded to make flood plain areas of Five Points Business Park developable by increasing the elevation of land area.

THE REQUEST

Mr. Johnson requested and I propose to lease approximately 50 acres located at the NE corner of the intersection of Arnold Blvd and Marigold St. The area is further depicted on the attached drawing. The fill dirt will be clean with some asphalt and concrete and hauled by the company at no expense to DCOA. They will install fencing and gate, monitor the site daily, and keep the gate closed and locked. Sometime in the future they plan to install a portable building at the gate to monitor all the loads going in. DCOA will charge no rent and the lease term will be ten (10) years. DCOA will have the option to recapture any or all of the land at any time during the lease period for any purpose.

I will consider the possibility of a grading plan for that area prior to the company hauling in any dirt. In addition, the lease will include a provision giving DCOA the right to inspect the fill dirt for any possible environmental issues, then terminating immediately if necessary.

FISCAL IMPACT

None.

STAFF RECOMMENDATION

Staff recommends the board approve resolution DCOA-2017.13 authorizing a land lease to J&N Construction, LLC for approximately 50 acres in Five Points Business Park, located at the NE corner of the intersection of Arnold Blvd. and Marigold St., otherwise known as Lot 28.

ATTACHMENTS

Drawing depicting subject acreage
Resolution DCOA-2017.13

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Five Points Business Park

This premier business park provides its residents with direct access to Interstate 20, the Union Pacific Railroad and is only 15 minutes from Abilene Regional Airport. The park is fully equipped with all major utility infrastructure including: electricity, natural gas, water and wastewater.

FIVE POINTS BUSINESS PARK



20

Interstate Highway 20

Manigault Street

Polaris Drive

Fulwiler Road

Highway 80/84/I-20

City of Abilene Public Facilities

Zottak-Toray

AEP Electrical Substation

Broadwind Towers

Pactir

Prairie Dog Pet Products

Tucker Energy

UPS

Five Points Pkwy.

TXDOT

Atmos Energy

FedEx

Texas Healthcare Linen

Broadwind Services

Lockheed Way

Capitol Street

Congress Street

North 9th Street

North 10th Street

Wall Street

North First Street

Union Pacific Railroad

W

E

S

N

Lot # • Acreage

3	6.09 acres	20	12.06 acres
5	18.85 acres	23	9.69 acres
6	7.57 acres	25	23.62 acres
7	84.25 acres	28	107.13 acres
8	4.52 acres	29	19.78 acres
16	5.38 acres	37	20.00 acres
17	21.20 acres		

Lot Available



RESOLUTION NO. DCOA-2017.13

A RESOLUTION OF THE DEVELOPMENT CORPORATION OF ABILENE, INC. (DCOA), ABILENE, TEXAS AUTHORIZING A LEASE TO J&N CONSTRUCTION, LLC ("COMPANY") FOR APPROXIMATELY 50 ACRE OF VACANT LAND LOCATED AT THE NE CORNER OF ARNOLD BLVD. AND MARIGOLD ST. IN THE FIVE POINTS BUSINESS PARK ("LAND").

WHEREAS, J&N Construction, LLC dba J&N Utilities is located at 1873 Maple St. in Abilene and provides natural gas services including line installation and maintenance, right-of-way clearing, survey and leak detection, and trenching; and,

WHEREAS, the surplus fill dirt from the company's right-of-way clearing services can be dumped and graded to make flood plain areas of Five Points Business Park developable by increasing the elevation of land area; and,

WHEREAS, Company proposes to lease approximately 50 acres located at the NE corner of the intersection of Arnold Blvd and Marigold St in the Five Points Business Park for the purpose of dumping and grading excess fill dirt and recapturing land in the flood plain for future development; and,

WHEREAS, the fill dirt will be clean with some asphalt and concrete pieces and hauled by the Company at no expense to DCOA; and,

WHEREAS, the Company will install fencing and gate, monitor the site daily, and keep the gate closed and locked with future plans to install a portable building at the gate to monitor all the loads going in; and,

WHEREAS, DCOA will charge no rent and the lease term will be ten (10) years giving DCOA the option to recapture any or all of the land at any time during the lease period for any purpose; and,

WHEREAS, staff requests the DCOA approve a land lease to Company for approximately 50 acres located in the Five Points Business Park.

NOW THEREFORE, BE IT RESOLVED BY THE DEVELOPMENT CORPORATION OF ABILENE, INC., ABILENE, TEXAS, THAT:

PART 1. DCOA authorizes a lease to J&N Construction, LLC for approximately 50 acres of vacant land in Five Points Business Park located at the NE corner of the intersection of Arnold Blvd. and Marigold St. The lease shall be for ten (10) years with an annual lease payment of \$0.00. In exchange, Company will haul-in, dump and grade excess fill dirt for the purpose of recapturing land in the flood plain for future development.

PART 2. The lease shall include a provision giving the DCOA the right at any time during the term of the lease to inspect the land. If the DCOA determines that there are any environmental issues with any of the fill dirt, the DCOA will have the right to terminate the lease immediately; the lease shall also require J&N to indemnify the DCOA for all liability, costs and expenses that the DCOA incurs relating to J&N hauling in, dumping and grading fill dirt on the land.

PART 3. Terms authorized in this resolution are contingent upon execution of all necessary agreements. The commitment authorized under this resolution shall expire without notice 180 days from the date of adoption of same unless all required documents and agreements are executed prior to that expiration date or the commitment herein is extended in writing by the DCOA.

PART 4. The Chief Executive Officer of the Development Corporation of Abilene, Inc. is hereby authorized to negotiate, enter into and execute a final lease and all other related documents on behalf of the DCOA.

ADOPTED this the 13th day of July, 2017.

ATTEST:

John Beckham
Secretary/Treasurer

Dave Copeland
President

APPROVED:

Mark Zachary, Attorney

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Information for Item #7 will be available
during the board meeting