

## PUBLIC NOTICE

### DEVELOPMENT CORPORATION OF ABILENE, INC.

A meeting of the Development Corporation of Abilene, Inc. (“DCOA”) will be held by videoconference on April 17, 2020, commencing at 1:30 pm, to consider the Agenda set forth below.

In accordance with social distancing guidelines, the DCOA Board room will not be open to the public, and the meeting will be held by videoconference. In accordance with the Texas Open Meetings Act or under the provisions provided by the Governor of Texas in conjunction with the Proclamation and Declaration of Disaster enacted March 13, 2020: 1) Board Members of the DCOA may participate in this meeting remotely by videoconference; and 2) Members of the public may attend this meeting free of charge by videoconference at the following link: <https://global.gotomeeting.com/join/504382397>. The videoconference will remain open from 1:30 pm until the end of the meeting.

Under Agenda Item 2., the opportunity for public comment will be announced and members of the public should identify themselves at that time should he or she choose to make any comments concerning any Items on the Agenda. Under Item 2 on the Agenda, public comments concerning Items on the Agenda are allowed for up to 3 minutes per person (or in the event that a person addresses the Board through a translator, such public comments on Items on the Agenda is allowed for up to 6 minutes). While the Board is in executive session the videoconference will remain active. Should you get disconnected at any time during the meeting, you may log back into the meeting using the same link that is set forth above to re-join the meeting.

The following public toll free telephone dial in number may also be used during the meeting to access the Board’s open session deliberations and/or provide public comment on any Items on the Agenda under Agenda Item 2: **1-224-501-3412, Access Code 504-382-397.**



SIGNED:

Misty Mayo

April 17, 2020  
1:30 pm

1. Call the meeting to order.
2. Public Comment on Agenda Items.
3. 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. Discussion of setting parameters and/or authorizing the Economic Relief Incentives Committee to set parameters for the DCOA’s economic relief grants
  2. 551.072 (Deliberations about Real Property)
    - A. Acquisition of property in Central Abilene

4. Discussion and possible approval of a resolution setting parameters and/or authorizing the Economic Relief Incentives Committee to set parameters for the DCOA's economic relief grants.
5. Discussion and possible approval of a resolution to purchase property in Central Abilene.
6. Discussion of the next board meeting date.
7. Adjournment.

### **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.

**RESOLUTION NO. DCOA-2020.23**

A RESOLUTION OF THE DEVELOPMENT CORPORATION OF ABILENE, INC. (“DCOA”), ABILENE, TEXAS AUTHORIZING THE ECONOMIC RELIEF INCENTIVES COMMITTEE TO TAKE CERTAIN ACTIONS.

WHEREAS, on April 1, 2020 the DCOA approved Resolution No. DCOA-2020.22 (1) setting aside up to \$3,000,000 of the DCOA’s funds for relief resulting from an economic recession in the City of Abilene (“**Economic Relief Incentives**”) and (2) establishing the Economic Relief Incentives Committee to determine how the Economic Relief Incentives can best meet the needs of the community; and,

WHEREAS, the DCOA now desires to authorize the Economic Relief Incentives Committee to (1) develop an application for the Economic Relief Incentives, (2) set deadlines related to any application for the Economic Relief Incentives, and (3) approve all Economic Relief Incentives and authorize the DCOA to make such expenditures, so long as (i) any expenditure on a single company does not exceed \$99,999, (ii) the total sum of all Economic Relief Incentives do not exceed the amount set aside for Economic Relief Incentives in Resolution No. DCOA-2020.22, and (iii) any expenditures on Economic Relief Incentives are consistent with Resolution No. DCOA-2020.22, as it may be amended.

WHEREAS, there is considerable uncertainty concerning both the effects that COVID-19 will have on business in the City of Abilene and the types of financial support on a federal and state level that will be available to help these business and as a result, the DCOA reserves the right to amend the purposes and parameters for which the Economic Relief Incentives can be used as set forth in Resolution No. DCOA-2020.22.

WHEREAS, the DCOA’s Bylaws provide that certain expenditures in excess of the dollar amount stated in the DCOA’s Bylaws will be submitted to the Abilene City Council for approval and the Economic Relief Incentives Committee shall obtain such approval when necessary.

WHEREAS, so long as the expenditures on Economic Relief Incentives are consistent with Resolution No. DCOA-2020.22, as it may be amended, the DCOA's Board of Directors finds that expenditures on the Economic Relief Incentives will (1) create and/or retain primary jobs, and (2) be suitable for the development, retention or expansion of the facilities described in Section 501.101(2) of the Texas Local Government Code.

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

**PART 1.** DCOA hereby authorizes the Economic Relief Incentives Committee to (1) develop an application for the Economic Relief Incentives, (2) set deadlines related to any application for the Economic Relief Incentives, and (3) approve all Economic Relief Incentives and authorize the DCOA to make such expenditures, so long as (i) any expenditure on a single company does not exceed \$99,999, (ii) the total sum of all Economic Relief Incentives do not exceed the amount set aside for Economic Relief Incentives in Resolution No. DCOA-2020.22, (iii) any expenditures on Economic Relief Incentives are consistent with Resolution No. DCOA-2020.22, as it may be amended, and (iv) any approval by the Abilene City Council described above is so obtained.

**PART 2.** The funding 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 funding commitment herein is extended in writing by the DCOA’s Chief Executive Officer (“**CEO**”) prior to the expiration date.

**PART 3.** This Resolution takes effect immediately upon passage.

ADOPTED this the 17<sup>th</sup> day of April, 2020.

ATTEST:

\_\_\_\_\_  
Vic Corley  
Secretary/Treasurer

\_\_\_\_\_  
Jack Rich  
President

APPROVED AS TO FORM:

\_\_\_\_\_  
Mark Zachary, Attorney at Law

**RESOLUTION NO. DCOA-2020.24**

A RESOLUTION OF THE DEVELOPMENT CORPORATION OF ABILENE, INC. (“DCOA”), ABILENE, TEXAS AUTHORIZING THE PURCHASE OF PROPERTY IN CENTRAL ABILENE.

WHEREAS, certain property in Central Abilene (the “**Central Abilene Property**”) is for sale and would provide the DCOA’s staff with a cost-effective means for developing projects as the term is used in the Texas Local Government Code; and

WHEREAS, on February 28, 2020, DCOA approved Resolution No. DCOA-2020.20 authorizing the DCOA’s Chief Executive Officer (“**CEO**”) to enter into a purchase contract for the Central Abilene Property and to expend the funds necessary in order to conduct due diligence activities; and,

WHEREAS, staff requests DCOA authorize the purchase of the Central Abilene Property, including all fixtures and/or personal property described in the purchase contract, if any, in the amount of \$985,000.00, plus all applicable closing costs.

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

**PART 1.** Subject to the Abilene City Council’s approval, DCOA authorizes the purchase of the Central Abilene Property, including all fixtures and/or personal property described in the purchase contract, if any, for \$985,000.00, plus all applicable closing costs. The existing description of the Central Abilene Property is set forth on **Exhibit A**, attached hereto and fully incorporated herein. If a survey results in a revised legal description of the Central Abilene Property, then the revised legal description may be used to describe the Central Abilene Property for any documents used at the closing to effectuate the purchase of the Central Abilene Property.

In the event that the Abilene City Council does not approve the purchase of the properties, DCOA authorizes the CEO to terminate the purchase contract.

**PART 2.** The funding 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 funding commitment herein is extended in writing by the DCOA’s CEO prior to the expiration date.

**PART 3.** The CEO is hereby authorized to, on behalf of the DCOA, negotiate, enter into and execute all agreements and to take any steps necessary which are consistent with and necessary to effectuate the actions outlined above

ADOPTED this the 17<sup>th</sup> day of April, 2020.

ATTEST:

\_\_\_\_\_  
Vic Corley  
Secretary/Treasurer

\_\_\_\_\_  
Jack Rich  
President

APPROVED AS TO FORM:

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Mark Zachary, Attorney at Law

Exhibit A

Tract One:

Being parts of Lots Nos. 1, 2, and 3, Block No. 10 of the Original Town of Abilene, Taylor County, Texas, described by metes and bounds as follows:

BEGINNING at the Northeast corner of said Lot No. 1;

THENCE West with the North line of said Lot No. 1, a distance of 48 feet;

THENCE South 94 feet;

THENCE West 35 feet;

THENCE South 7 feet;

THENCE East 83 feet to the East line of said Lot No. 3;

THENCE North, with the east line of said Lot Nos. 3, 2, and 1, a distance of 101 feet to the place of beginning.

ALSO, all that certain strip of land out of said Lots 1 and 2, in said Block No. 10, 2 feet wide and 94 feet long, subject to that certain air and light easement mentioned in deed from Henry Sayles, Jr. to W.J. Fulwiler, dated April 22, 1916, recorded in Deed Records of Taylor County, Texas, in Vol. 88, Page 333, which said strip of land is described as follows:

BEGINNING at a point in the North line of Lot No. 1, a distance of 48 feet west from its northeast corner;

THENCE South 94 feet;

THENCE West 2 feet;

THENCE North 94 feet;

THENCE East 2 feet to the place of beginning.

Tract Two:

Lots 1 and 2, of Hoeny's Subdivision of Lots 17 and 18, of Block 10, Original Town of Abilene, Taylor County, Texas as shown by plat recorded in Plat Cabinet No. 2, Slide No. 141-B, Plat Records, Taylor County, Texas.

Tract Three:

Lot 16, Block 10, Original Town of Abilene, Taylor County, Texas.