

RESOLUTION NO. 42-1990

A RESOLUTION DECLARING THE CITY OF ABILENE, TEXAS, ELECTS TO DESIGNATE HIGHLAND INDUSTRIES, INC., DBA "HIGHLAND FOODS COMPANY", A "QUALIFIED BUSINESS" AS DEFINED IN SECTION 3(a)(10) OF THE TEXAS ENTERPRISE ZONE ACT, TEXAS REVISED CIVIL STATUTES ANNOTATED ARTICLE 5190.7( THE "ACT"), FOR THE PURPOSE OF APPLYING TO THE TEXAS DEPARTMENT OF COMMERCE ("COMMERCE") FOR DESIGNATION AS AN ENTERPRISE PROJECT.

WHEREAS, Commerce designated the City of Abilene's East Enterprise Zone (the "Zone") on October 9, 1989 and approved an amendment to the Zone on September 15, 1990; and

WHEREAS, Commerce will consider Highland Industries, Inc. as an enterprise project pursuant to a nomination and an application made by the City of Abilene, Texas (the "City"); and

WHEREAS, the City desires to pursue the creation of the proper economic and social environment in order to induce the investment of private resources in productive business enterprises located in the Zone and to provide employment to residents of the Zone and to other economically disadvantaged individuals; and

WHEREAS, pursuant to Section 10 of the Act, Highland Industries, Inc. has applied to the City for designation as an enterprise project; and

WHEREAS, the City finds that Highland Industries, Inc. meets the criteria for designation as an enterprise project under Section 10(c) of the Act on the following grounds:

1. Highland Industries, Inc. is a "qualified business" under Section 3(a)(10) of the Act since it is engaged in the active conduct of a trade or business in the Zone and is substantially committed to employing persons who are residents of a Zone within the City's jurisdiction or economically disadvantaged individuals, to make up at least twenty-five percent (25%) of the total employees;
2. Highland Industries, Inc. is located in the Zone which has an unemployment rate of not less than one and one-half (1 1/2) times the state unemployment rate;
3. There has been and will continue to be a high level of cooperation between public, private, and neighborhood entities within the Zone; and
4. The designation of Highland Industries, Inc. as an enterprise project will contribute significantly to the achievement of the plans of the City for overall economic development and revitalization of the Zone; and

WHEREAS, by becoming designated an enterprise project by Commerce, Highland Industries, Inc. will be eligible for certain state incentives; and

WHEREAS, the City finds that Highland Industries, Inc. meets the criteria for tax relief and other incentives adopted by the City by Resolution No. 43-1989 on August 10, 1989 and nominates Highland Industries, Inc. on the grounds that it will be located wholly within the Zone, will create a higher level of employment, economic activity and stability; and

WHEREAS, the City finds that it is in the best interests of the City to nominate Highland Industries, Inc. as an enterprise project pursuant to the Act;

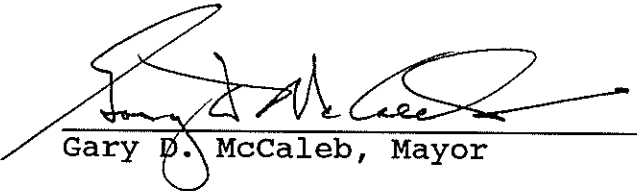
NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS:

- PART 1: That the findings of the City and its actions approving this resolution taken at the council meeting are hereby approved and adopted, and
- PART 2: That Highland Industries, Inc. is a "qualified business", as defined in Section 3(a)(10) of the Act, and meets the criteria for designation as an enterprise project, as set forth in Section 10 of the Act.
- PART 3: That the enterprise project shall take effect on the date of designation of the enterprise project by Commerce and terminate five (5) years after that date of designation.

ADOPTED BY THE CITY COUNCIL of the City of Abilene, Texas this 23 day of October, 1990.

ATTEST:

  
Jo Moore, City Secretary

  
Gary D. McCaleb, Mayor

Approved:

  
Claudia Clinton  
City Attorney