

RESOLUTION NO. 85-2016

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AUTHORIZING A DEVELOPMENT AGREEMENT BETWEEN CITY OF ABILENE AND WEATHERBEE CONSTRUCTION, INC.**

**WHEREAS**, the State of Texas has authorized cities to create economic development programs in accordance with Article III, Chapter 52-a of the Texas Constitution and Chapter 380 of the Texas Local Government Code; and

**WHEREAS**, the governing body of the City of Abilene passed and approved Resolution # 49-2016 creating a Chapter 380 economic development program; and

**WHEREAS**, a certain portion of Jennings Drive, a public roadway within the city limits, has fallen into a state of disrepair and it is the City's responsibility to maintain that certain portion of Jennings Drive; and

**WHEREAS**, in order to expedite the repairs the Developer has agreed to construct the necessary public infrastructure improvements; and

**WHEREAS**, repair of Jennings Drive serves the public's interest and meets a public purpose to provide needed vehicular access to and from Dyess Elementary school as well as the surrounding residential housing; and

**WHEREAS**, a grant of public money for the purpose of constructing this infrastructure improvement will promote state or local economic development and stimulate businesses and commercial activity in the City of Abilene; and

**WHEREAS**, the Public Infrastructure Improvement Project shall consist of the repair and reconstruction of Jennings Drive, a public roadway, from the west Dyess Elementary School driveway to Maryland Street; and

**WHEREAS**, the Developer shall pay directly to and be responsible for the total cost to hire a Texas Licensed Professional Engineer to provide all the surveying, design, preparation of plans, specifications and contract documents, bidding assistance to the City, and general project supervision necessary for the successful completion of the Project. The plans and specifications of the Project shall be prepared by the Project Engineer, subject to review and approval by the City. Approval by the City shall be in its sole discretion, but shall not be unreasonably withheld; and

**WHEREAS**, the Developer shall pay upfront the estimated Construction cost of the Project to the City. The estimated Construction cost of the project is Two Hundred Sixty Four Thousand Four Hundred Forty-Five Dollars and No Cents (\$264,445.00).

**WHEREAS**, upon receipt of the Developer's upfront payment of the estimated Construction cost, and execution of the construction contract with the construction contractor, the City shall pay the actual Construction cost for constructing the Project to the construction contractor.

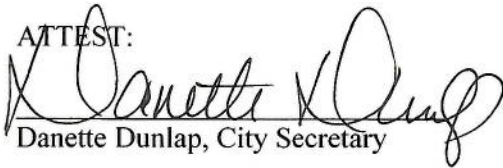
**WHEREAS**, the City shall grant to the Developer the actual total cost of the Project in three equal annual payments, with the first such payment being paid within thirty (30) days of the first anniversary date of the completion of the Project, and the remaining two payments being paid within thirty (30) days of the second and third anniversary dates of the completion of the Project. The combined total value of the three grant payments shall be equal to the actual Construction cost of the Project plus the total cost to hire the Project Engineer.

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

Part 1. The Abilene City Manager, or his designee, is authorized to execute the Development Agreement between the City of Abilene and Weatherbee Construction, Inc. for the Public Infrastructure Improvement Project that consist of the repair and reconstruction of Jennings Drive, a public roadway, from the west Dyess Elementary School driveway to Maryland Street.

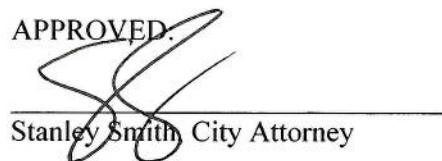
**ADOPTED this 23rd day of June, 2016.**

ATTEST:

  
Danette Dunlap, City Secretary

  
Norm Archibald, Mayor

APPROVED:

  
Stanley Smith, City Attorney