

RESOLUTION NO. 112-2016

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS  
AUTHORIZING A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF  
ABILENE AND PDG, INC. REGARDING CONSTRUCTION OF A PUBLIC  
PEDESTRIAN AND VEHICULAR BRIDGE**

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

**WHEREAS**, PDG, Inc. intends to acquire ownership of approximately 15.7 acres of land in the City of Abilene, Texas, which is located approximately north of Curry Drive and west of Village Drive; and

**WHEREAS**, PDG, Inc. intends to develop the area and construct a commercial development providing retail, restaurant, entertainment and necessary public improvements; and

**WHEREAS**, as part of the development, PDG, Inc. seeks to construct a public access vehicular and pedestrian bridge over and across a certain existing watercourse referred to as "Catclaw Creek" to provide connectivity between the development and the existing Shops at Abilene; and

**WHEREAS**, the Development Agreement provides that PDG, Inc. will construct the bridge and transfer ownership of the bridge to the public upon its completion, and that the City of Abilene will accept public dedication of the bridge; and

**WHEREAS**, as an economic incentive for PDG, Inc.'s cost of construction of the public improvement, the City of Abilene will pay to PDG, Inc. an annual payment of the City's portion of the Sales Tax generated in the development area multiplied by 0.33; and

**WHEREAS**, the annual economic incentive payments to PDG, Inc. shall be paid until the full cost of construction of the public bridge is reimbursed, or until the amount of \$375,000 is paid, whichever amount is less; and

**WHEREAS**, no economic incentive payments shall be paid to PDG, Inc. until the public bridge is completed, and in the event that PDG, Inc. fails to complete construction of the public bridge, the City of Abilene will be under no obligation to pay any economic incentive payments to PDG, Inc.; and

**WHEREAS**, construction of the public pedestrian and vehicular bridge serves the public's interest and meets a public purpose to provide needed vehicular and pedestrian access between the

**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.

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

Part 1: The City Manager is hereby authorized to negotiate and execute the Development Agreement between the City of Abilene and PDG, Inc. for the public improvement project to construct the pedestrian and vehicular bridge over and across Cedar Creek between the new development of PDG, Inc. and the existing Shops of Abilene.

Part 2. That this Resolution takes effect immediately upon its adoption.

**ADOPTED this 25<sup>th</sup> day of August, 2016.**

ATTEST:

  
Danette Dunlap, City Secretary

  
Norman Archibald, Mayor

APPROVED:

  
Stanley Smith, City Attorney