RESOLUTION NO. 20-2020

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS AUTHORIZING AN ECONOMIC DEVELOPMENT AGREEMENT BETWEEN THE CITY OF ABILENE AND ABILENE HERITAGE SQUARE, IN. REGARDING CONSTRUCTION OF PUBLIC IMPROVEMENTS AT THE FORMER LINCOLN MIDDLE SCHOOL

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 No. 49-2016 creating a Chapter 380 economic development program; and

WHEREAS, the City desires to enter into an Economic Development Agreement with Abilene Heritage Square, Inc., the Developer, in order to implement the economic development program developed by the City to enhance and expand the City's commercial economic and employment base to the long term interest and benefit of the City and the State of Texas; and

WHEREAS, the City has determined that making an economic development grant for the Economic Incentives to Abilene Heritage Square, Inc. in accordance with the Economic Development Agreement will further the objectives of the City, will benefit the City and the City's inhabitants, will increase the quality of life of the City, will foster and promote additional economic development and will protect and safeguard the public health, safety and welfare by improving a highly visible historic building; and

WHEREAS, Abilene Heritage Square, Inc. has acquired fee simple ownership of 1699 South 1st Street, Abilene, Texas, the former Lincoln Middle School; and

WHEREAS, Abilene Heritage Square, Inc. intends to re-develop the property as a library, meeting space, museum and exhibition space, classrooms and indoor and/or outdoor gathering space; and

WHEREAS, the City and Abilene Heritage Square, Inc. entered into a Memorandum of Agreement on December 19, 2019, wherein the Developer agreed to lease a portion of the re-developed property to the City for purposes of a public library; and

WHEREAS, the current property is in a state of disrepair and is creating downward economic pressure on the economic vitality of the area, and it is anticipated that the re-development will have a direct and positive economic benefit to the City; and

WHEREAS, the City hereby finds that the Agreement embodies an eligible "project" and clearly promotes economic development in the City and, as such, meets the requisites under Chapter 380 of the Texas Local Government Code and is in the best interests of the City; and

WHEREAS, pursuant to Chapter 380 of the Texas Local Government Code, the City shall reimburse to the Developer the sum of $900,000 for costs to repair the roof of the Property, directly pay for or reimburse the Developer for actual costs of a Tier 2 asbestos abatement of the Property, relocate the water lines on the Property as required by an approved site plan, waive all building permits, utility tap fees, and any other City imposed fees during the construction of the project, provide the Developer with demolition services for demolition of agreed upon structures located on the Property, and provide the Developer with PEG funds for capital expenditures of public, educational, and governmental access channels; and

WHEREAS, no economic incentive payments shall be paid to Abilene Heritage Square, Inc. unless the public improvements are completed within five (5) years from the date of the Agreement, and Abilene Heritage Square, Inc. has submitted sufficient evidence of actual expenses for the construction of the eligible improvement. In the event that Abilene Heritage Square, Inc. fails to complete construction of the public improvements and submit actual expenses, the City of Abilene will be under no obligation to pay any economic incentive payments to Abilene Heritage Square, Inc.; and

WHEREAS, construction of the public improvements serve the public's interest and meets a public purpose; 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.

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

Part 1: That the City Manager is hereby authorized to negotiate and execute the Economic Development Agreement between the City of Abilene and Abilene Heritage Square, Inc. for the pubic improvement project.

Part 2: That the City Council adopts and confirms the findings stated in the Whereas clauses above.

Part 3. That this Resolution takes effect immediately upon its adoption.

ADOPTED this 23rd day of January, 2020.

ATTEST:

Shawna Atkinson, City Secretary

Anthony Williams, Mayor

APPROVED:

Stanley Smith, City Attorney