

**RESOLUTION NO. 110-2023**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS  
AUTHORIZING AN AMENDMENT TO THE DEVELOPMENT AGREEMENT  
BETWEEN THE CITY OF ABILENE AND ALL KIND ANIMAL INITIATIVE**

**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 Council, on July 28, 2022 by Resolution 118-2022, approved a Memorandum of Agreement (“MOA”) with All Kind Animal Initiative wherein, in part, the City committed to provide \$4,000,000.00 towards the construction of a new pet and animal resource center at 610 ES 11<sup>th</sup> Street; and

**WHEREAS**, the City Council authorized an Economic Development Agreement with All Kind Animal Initiative in the amount of \$4,000,000 to assist in the design and construction of a new pet and animal resource center; and

**WHEREAS**, on September 22, 2022, the City and All Kind Animal Initiative entered into the Economic Development Agreement; and

**WHEREAS**, since the execution of the Economic Development Agreement, the costs of design and construction of the new pet and animal resource center have increased due to market conditions; and

**WHEREAS**, All Kind Animal Initiative has raised \$5,500,000 in private funds for the design and construction of the new pet and animal resource center; and

**WHEREAS**, the City desires to enter into this Amendment to the Economic Development Agreement with All Kind Animal Initiative 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 to All Kind Animal Initiative in accordance with this Amendment to 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; and

**WHEREAS**, the City has leased to All Kind Animal Initiative the real property located at 610 ES 11<sup>th</sup> Street for the purpose of construction and operation of the new facility; and

**WHEREAS**, the City now desires to enter into this Amendment to the Economic Development Agreement with All Kind Animal Initiative to increase the funding for the completion of the engineering and design work, and the construction of the pet and animal resource center; and

**WHEREAS**, the City hereby finds that this Amendment to the Economic Development 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 will grant to All Kind Animal Initiative the not-to-exceed sum of \$1,138,581.00 for their costs of the completion of the engineering and design work associated with the construction of the proposed pet and animal resource center at 610 ES 11<sup>th</sup> Street; and

**WHEREAS**, pursuant to Chapter 380 of the Texas Local Government Code, the City will grant to All Kind Animal Initiative the total sum of \$6,100,000.00 for their costs of construction of the proposed pet and animal resource center at 610 ES 11st Street, but deducting from that sum any amount paid to All Kind Animal Initiative for their costs of the completion of the engineering and design work; and

**WHEREAS**, a grant of public money for the purpose of development of the property 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 an Amendment to the Economic Development Agreement between the City of Abilene and All Kind Animal Initiative for the public improvement project.


Part 2: That the Amendment to the Economic Development Agreement will in all things replace the Agreement entered into on September 22, 2022.


Part 3: That the City Council adopts and confirms the findings stated in the Whereas clauses above.

Part 4. That this Resolution takes effect immediately upon its adoption.


**ADOPTED this 13<sup>th</sup> day of July, 2023.**

ATTEST:

  
Shawna Atkinson, City Secretary

  
Weldon Hurt, Mayor

APPROVED:

  
Stanley Smith, City Attorney

