

RESOLUTION NO. 215-2023

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS
AUTHORIZING AN ECONOMIC DEVELOPMENT AGREEMENT BETWEEN THE
CITY OF ABILENE AND ABILENE YOUTH SPORTS AUTHORITY, INC. (AYSA)**

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 Youth Sports Authority, Inc., 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 Youth Sports Authority, 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 of the City; and

WHEREAS, the Abilene Youth Sports Authority, Inc. intends to develop and make substantial design and construction improvements to property leased from the City located at Nelson Park, Abilene, Taylor County, Texas; and

WHEREAS, the Abilene Youths Sports Authority, Inc. and the City entered into a Memorandum of Agreement executed on June 23, 2022, whereby Abilene Youth Sports Authority, Inc. agreed to make the improvements to the Project Area and construct a soccer/flat fields facility; and

WHEREAS, pursuant to the terms of the Memorandum of Agreement, upon AYSA's securing of Ten Million Dollars and No Cents (\$10,000,000.00) for the construction of the improvements, the City agreed to provide a contribution to the Developer in the amount of Five Million Dollars and No Cents (\$5,000,000.00) in the form of cash, or in-kind services, or any combination thereof as determined by the City in its sole discretion, to be applied to the construction costs of the improvements and to waive all building permit fees and any other city fees associated with construction of the improvements; and,

WHEREAS, AYSA has secured funding in an amount of at least \$10,000,000.00 for the construction of the improvements; and

WHEREAS, the anticipated costs of construction of the improvements have increased since the date of the Memorandum of Agreement, and the scope of work of the construction of the improvements has been modified to maximize the facility; and

WHEREAS, the City will grant and pay to the Abilene Youth Sports Authority, Inc., upon execution of the Agreement, the sum of Five Million Dollars (\$5,000,000.00) to be applied to the construction costs for the soccer/flat field facilities to be constructed in the Project Area; will grant and pay to AYSA the sum of Four Million Dollars (\$4,000,000.00) payable in five (5) annual installments of \$800,000.00 beginning October 1, 2024, to pay the remaining cost of certain infrastructure and road improvements to the Project Area; and grant and pay to AYSA, upon execution of the Agreement, the sum of Nine Hundred Ninety-Six Thousand Six Hundred Sixty-Eight and No Cents (\$996,668) Dollars to partially pay for the cost of certain infrastructure and utility improvements to the Project Area.

WHEREAS, the City, to effectuate the Memorandum of Agreement with Developer, desires to enter into this Economic Development Agreement with 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 to the Developer in accordance with this 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 of its residents; and

WHEREAS, it is anticipated that the development of the Project Area will have a direct and positive economic benefit to the City; and

WHEREAS, the City hereby finds that this 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.

WHEREAS, the development serves 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 Youth Sports Authority, Inc. for the public 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 16th day of November, 2023.

ATTEST:




~~Shawna Atkinson~~, City Secretary

Kaitlin Richardson, Deputy



Weldon Hurt, Mayor

APPROVED:



Stanley Smith, City Attorney