

**RESOLUTION NO. 125-2024**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A COMMERCIAL LEASE AGREEMENT WITH CHICK-FIL-A, INC. FOR APPROXIMATELY 2.596 ACRES, 4300 SOUTHWEST DRIVE, LOCATED IN SOUTHWEST DRIVE COMPLEX PARK.**

**WHEREAS**, the City of Abilene owns Southwest Drive Complex Park located on Southwest Drive; and

**WHEREAS**, Chick-fil-A, Inc. desires to lease a portion of Southwest Drive Complex Park, being approximately 2.596 acres and located 4300 Southwest Drive, for purposes of constructing and operating a Chick-fil-A restaurant; and

**WHEREAS**, Chick-fil-A, Inc. currently operates a Chick-fil-A restaurant at the corner of Southwest Drive and South Clack Street; and

**WHEREAS**, the lease to Chick-fil-A, Inc. will allow the Chick-fil-A restaurant to be moved to a location with better traffic flow; and

**WHEREAS**, the portion of Southwest Drive Complex Park to be leased to Chick-fil-A, Inc. is used to station recycling bins for use by Abilene residents, and is not being used for any park or recreational purposes; and

**WHEREAS**, the portion of Southwest Drive Complex Park to be leased to Chick-fil-A, Inc. has historically not been used for any park or recreational purposes; and

**WHEREAS**, the City of Abilene agrees to lease approximately 2.596 acres located at 4300 Southwest Drive to Chick-fil-A, Inc. for the purpose of constructing and operating a Chick-fil-A restaurant; and

**WHEREAS**, in the event that Chick-fil-A, Inc. ceases to operate the leased property as a Chick-fil-A restaurant, the lease shall terminate, and the City of Abilene shall own any improvements built thereon; and

**WHEREAS**, the City Council finds that it is in the best interest of the City of Abilene and its citizens and serves a public purpose to enter into a Lease Agreement with Chick-fil-A, Inc. for the lease of approximately 2.596 acres located at 4300 Southwest Drive, Southwest Drive Complex Park, for a period of forty years; and


**WHEREAS**, the Parks and Recreation Board, on November 21, 2023 and after a public hearing, approved a commercial lease of the approximately 2.596 acres located at 4300 Southwest Drive, Southwest Drive Complex Park, to Chick-fil-A, Inc. for the purpose of constructing and operating a Chick-fil-A restaurant.


**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 a Lease Agreement with Chick-fil-A, Inc. for the lease of real property described as approximately 2.596 acres and located at 4300 Southwest Drive, in Southwest Drive Complex Park, as generally shown on Exhibit A attached hereto, for the purpose of constructing and operating a Chick-fil-A restaurant. for a period of forty years.
- Part 2: That Notice of Hearing was given to the person, organization, department, or agency that has supervision of the park land as required by Section 26.002, Texas Parks and Wildlife Code.
- Part 3: That Notice of Hearing was given to the public as required by Section 26.002, Texas Parks and Wildlife Code.
- Part 4: That the City Council, as the governing body of the City of Abilene, and after a public hearing, finds and has determined that there is no feasible and prudent alternative to the use or taking of the park land as required by Section 26.001, Texas Parks and Wildlife Code.
- Part 5: That the City Council, as the governing body of the City of Abilene, and after a public hearing, finds and has determined that the program or project includes all reasonable planning to minimize harm to the land, as a park, recreation area, scientific area, wildlife area, or historic site, resulting from the use or taking as required by Section 26.001, Texas Parks and Wildlife Code.
- Part 6: The City Council adopts the statements made in the Whereas clauses above.
- Part 7: That this Resolution takes effect immediately upon its adoption.

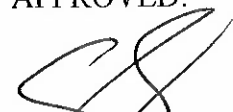
**ADOPTED this 23<sup>rd</sup> day of May, 2024.**

ATTEST:

  
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Shawna Atkinson, City Secretary

  
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Weldon Hurt, Mayor

APPROVED:

  
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Stanley Smith, City Attorney



