

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, APPROVING THE TERMS AND CONDITIONS OF A PROGRAM TO PROMOTE LOCAL ECONOMIC DEVELOPMENT AND STIMULATE BUSINESS AND COMMERCIAL ACTIVITY IN THE CITY; AUTHORIZING THE CITY MANAGER TO FINALIZE AND EXECUTE AN ECONOMIC DEVELOPMENT PROGRAM AGREEMENT AND TIRZ NO. 2 REIMBURSEMENT AGREEMENT FOR SUCH PURPOSES BY AND BETWEEN THE CITY OF MESQUITE, PAUL S. CARROLL, JR. (OWNER), AND THE BOARD OF DIRECTORS OF REINVESTMENT ZONE NO. 2, CITY OF MESQUITE, TEXAS (TOWNE CENTRE) (TIRZ), FOR THE CONSTRUCTION OF IMPROVEMENTS TO PROPERTY LOCATED AT 215 WEST MAIN STREET IN MESQUITE, TEXAS AND THE GRANTING TO THE OWNER OF CERTAIN TIRZ REIMBURSEMENTS AND ECONOMIC DEVELOPMENT INCENTIVES; AND AUTHORIZING THE CITY MANAGER TO TAKE SUCH ACTIONS AND EXECUTE SUCH DOCUMENTS AS ARE NECESSARY OR ADVISABLE TO CONSUMMATE THE TRANSACTIONS CONTEMPLATED BY THE AGREEMENT, AND ADMINISTER THE AGREEMENT ON BEHALF OF THE CITY.

WHEREAS, Chapter 380 of the Texas Local Government Code authorizes the City of Mesquite, Texas (the “**City**”), and other municipalities to establish and provide for the administration of programs that promote local economic development and stimulate business and commercial activity; and

WHEREAS, the City Council has been presented with a proposed agreement providing economic incentives and tax increment reinvestment zone (“**TIRZ**”) reimbursements to Paul S. Carroll, Jr., an individual and resident of Mesquite, Dallas County, Texas (“**Owner**”), for the construction of improvements to property located in the City’s historic downtown area, a copy of said agreement being attached hereto as Exhibit 1 and incorporated herein by reference (the “**Agreement**”); and

WHEREAS, the proposed construction of improvements is to property located at 215 West Main Street in the City of Mesquite, Dallas County, Texas (the “**Property**”), and as more particularly described and/or depicted in the Agreement; and

WHEREAS, the City would like to encourage the construction of improvements to the Property by granting certain economic development incentives and TIRZ reimbursements to the Owner; and

WHEREAS, the Property is in need of improvements in order to attract tenants that will provide services and draw customers to the City’s historic downtown area; and

WHEREAS, the construction of improvements to the Property will increase the taxable value of the Property thereby adding value to the City's tax rolls and increasing the ad valorem property taxes to be collected by the City; and

WHEREAS, after holding a public hearing and upon full review and consideration of the Agreement and all matters attendant and related thereto, the City Council is of the opinion that the Agreement will assist in implementing a program whereby local economic development will be promoted, and business and commercial activity will be stimulated in the City.

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

SECTION 1. The facts, findings, and recitations contained in the preamble of this resolution are hereby found and declared to be true and correct and are incorporated and adopted as part of this resolution for all purposes.

SECTION 2. That the City Council finds that the terms of the proposed Agreement by and between the City, the Owner, and the Board of Directors for Reinvestment Zone No. 2, City of Mesquite, Texas (Towne Center), a copy of which is attached hereto as Exhibit 1 and incorporated herein by reference, will benefit the City and will accomplish the public purpose of promoting local economic development and stimulating business and commercial activity in the City in accordance with Section 380.001 of the Texas Local Government Code.

SECTION 3. That the City Council hereby adopts an economic development program whereby, subject to the terms and conditions of the Agreement, the City will provide economic development incentives and TIRZ reimbursements to the Owner and take other specified actions as more fully set forth in the Agreement in accordance with the terms and subject to the conditions outlined in the Agreement.

SECTION 4. That the terms and conditions of the Agreement, having been reviewed by the City Council and found to be acceptable and in the best interest of the City and its citizens, are hereby approved.

SECTION 5. That the City Manager is hereby authorized to finalize and execute the Agreement and all other documents necessary to consummate the transactions contemplated by the Agreement.

SECTION 6. That the City Manager is further hereby authorized to administer the Agreement on behalf of the City including, without limitation, the City Manager shall have the authority to: (i) provide any notices required or permitted by the Agreement; (ii) approve amendments to the Agreement provided such amendments, together with all previous amendments approved by the City Manager, do not increase City expenditures under the Agreement in excess of \$100,000; (iii) approve or deny any matter in the Agreement that requires the consent of the City provided, however, notwithstanding the foregoing, any assignment of the Agreement that

requires the consent of the City pursuant to the terms of the Agreement shall require the approval of the City Council; (iv) approve or deny the waiver of performance of any covenant, duty, agreement, term or condition of the Agreement; (v) exercise any rights and remedies available to the City under the Agreement; and (vi) execute any notices, amendments, approvals, consents, denials and waivers authorized by this Section 6 provided, however, notwithstanding anything contained herein to the contrary, the authority of the City Manager pursuant to this Section 6 shall not include the authority to take any action that cannot be delegated by the City Council or that is within the City Council's legislative functions.

SECTION 7. That the sections, paragraphs, sentences, clauses, and phrases of this Resolution are severable and, if any phrase, clause, sentence, paragraph, or section of this Resolution should be declared invalid, illegal, or unenforceable by the final judgment or decree of any court of competent jurisdiction, such invalidity, illegality, or unenforceability shall not affect the validity, legality, or enforceability of any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Resolution and such remaining provisions shall remain in full force and effect and shall be construed and enforced as if the invalid, illegal, or unenforceable provision had never been included in this Resolution.

DULY RESOLVED by the City Council of the City of Mesquite, Texas, on the 16th day of December 2024.

Daniel Alemán, Jr.
Mayor

ATTEST:

APPROVED AS TO LEGAL FORM:

Sonja Land
City Secretary

David L. Paschall
City Attorney

EXHIBIT 1

ECONOMIC DEVELOPMENT PROGRAM AGREEMENT

AND TIRZ NO. 2 REIMBURSEMENT AGREEMENT

BETWEEN

THE CITY OF MESQUITE, TEXAS,

**THE BOARD OF DIRECTORS OF REINVESTMENT ZONE NO. 2,
CITY OF MESQUITE, TEXAS (TOWNE CENTRE) (TIRZ)**

AND

PAUL S. CARROLL, JR.

(to be attached)