

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, EXECUTE, AND ADMINISTER AN ECONOMIC DEVELOPMENT PROGRAM CHAPTER 380 AGREEMENT, A DEVELOPER PARTICIPATION AGREEMENT ESTABLISHING CITY PARTICIPATION IN A WATERLINE PROJECT, AND A WAIVER OF PARK LAND DEDICATION REQUIREMENTS, FOR SUCH PURPOSES WITH S16 TEXAS HOLD-EM MESQUITE, LLC, AN IDAHO LIMITED LIABILITY COMPANY, FOR THE CONSTRUCTION AND DEVELOPMENT OF A SELF-STORAGE FACILITY, AGE-RESTRICTED SINGLE FAMILY RENTAL COMMUNITY, AND WATERLINE LOCATED AT 435 CLAY MATHIS ROAD AND 2235 EAST GLEN BOULEVARD IN MESQUITE, TEXAS.

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 to S16 Texas Hold-em Mesquite, LLC (the “**Developer**”), for the construction and development of a self-storage facility, age-restricted single family rental community, and waterline, each in the City, a copy of said agreement being attached hereto as Exhibit 1 and incorporated herein by reference (the “**Agreement**”); and

WHEREAS, the Agreement is a developer participation agreement establishing the City’s participation in the cost of the waterline project to be less than 30% as authorized by Subchapter C, Chapter 212, Texas Local Government Code; and

WHEREAS, the property is located on an approximately 14.753-acre tract of land in the Samuel Andrews Survey, Abstract No. 40, Dallas County, Texas, and being all of the S16 Texas Hold-em Mesquite, LLC, called 14.753 acre tract as described in Instrument Number 201900350539, Official Public Records, Dallas County, Texas, as more particularly described and/or depicted in Exhibit A to the Agreement, and generally located at 435 Clay Mathis Road and 2235 East Glen Boulevard, City of Mesquite, Dallas County, Texas (the “**Property**”); and

WHEREAS, the City would like to encourage the development of the Property by granting certain economic development incentives to the Developer; and

WHEREAS, development of 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 and sales taxes to be collected by the City, along with increasing employment opportunities in 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; and

WHEREAS, pursuant to the Code of the City of Mesquite, Texas, Appendix B, Section 1, Article VI, the City Council further finds the private recreation facilities being built on the Property for the residents of Mesquite satisfy a portion of the park land dedication requirement for the Property and further find it is in the best interest of the City to waive the remaining portion of the park land dedication requirement up to an amount not to exceed three hundred twenty-six thousand and 00/100 dollars (\$326,000), if the Developer enters into and satisfies the terms and conditions of this Agreement.

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

SECTION 1. That the City Council finds that the terms of the proposed Agreement by and between the City and the Developer, 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 2. That the City Council finds the private recreation facilities being built on the Property for the residents of Mesquite satisfy a portion of the park land dedication requirement for the Property and it is in the best interest of the City to waive the remaining portion of the park land dedication requirement up to an amount not to exceed three hundred twenty-six thousand and 00/100 dollars (\$326,000), if the Developer enters into and satisfies the terms and conditions of the proposed Agreement.

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 to the Developer 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 \$50,000; (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 5 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 20th day of March 2023.

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 (Chapter 380 Agreement)

**Between the City of Mesquite and
S16 Texas Hold-Em Mesquite, LLC**

(to be attached)