

City of Mesquite, Texas

Legislation Text

File #: 18-3733, **Version:** 2

A resolution consenting to the assignment by Baker Brothers Rotovision, Inc., to Baker Brothers, LLC, of its interest in that certain Economic Development Program Agreement (Chapter 380 Agreement) dated August 13, 2015, between Baker Brothers Rotovision, Inc., and the City of Mesquite, Texas, relating to economic development incentives in connection with a business located at 2615 Big Town Boulevard, Mesquite, Texas, approving an amendment of the Chapter 380 Agreement and authorizing the City Manager to execute all documents necessary or requested in connection therewith.

The City, Baker Brothers Rotovision, Inc., and 75032 Investments, LLC, (property owner) are parties to a Chapter 380 Agreement dated August 13, 2015, relating to economic development incentives in connection with a business located at 2615 Big Town Boulevard, Mesquite, Texas.

Pursuant to the Chapter 380 Agreement, any assignment of the agreement by Baker Brothers Rotovision, Inc., [or transfer of a majority of shares] requires the prior written consent of the City.

In April of 2017, the City consented to Fort Acquisition Corp acquiring 100 percent of the shares of Baker Brothers Rotovision, Inc.

Kim Hernandez, Chief Financial Officer for Baker Brothers Rotovision, Inc., has advised the City that Baker Brothers Rotovision, Inc. will no longer be a going concern and is transferring all of its assets to Baker Brothers, LLC, a Delaware limited liability company.

Baker Brothers Rotovision, Inc., is requesting: (i) the City's consent to the transfer of the Chapter 380 Agreement to Baker Brothers, LLC; (ii) the City waive the requirement that the consent be obtained prior to the transfer; and (iii) the City agree to amend the Chapter 380 Agreement to add and then substitute Baker Brothers, LLC, for Baker Brothers Rotovision, Inc., as the party to the 380 Agreement.

This resolution consents to the assignment, waives the requirement for prior written consent as to this transfer only and approves the amendment to the Chapter 380 Agreement. Other parties to the Agreement are: 75032 Investments, LLC (property owner); Fort Acquisitions Corp; and Wrench Group, LLC, the sole owner of both Fort Acquisitions Corp and Baker Brothers, LLC.

Recommended/Desired Action

Staff recommends approval of the resolution.

Attachment(s)

Resolution

Drafter

Kim Buttram

Head of Department

David Witcher