

RESOLUTION NO. 2016-02

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
TAX INCREMENT REINVESTMENT ZONE NUMBER
FOUR, CITY OF EULESS, TEXAS APPROVING A REVISED
CONSTRUCTION, FUNDING, AND DEVELOPMENT
AGREEMENT WITH THE CITY OF EULESS AND CADG
901 AIRPORT FREEWAY, LLC.**

WHEREAS, as authorized by Chapter 311 of the Texas Tax Code (the “Act”) and pursuant to Ordinance No. 2089, adopted by the City Council of the City of Euless, Texas (the “City”) on September 22, 2015, the City created Tax Increment Reinvestment Zone Number Four, City of Euless, Texas (the “Zone”); and

WHEREAS, pursuant to Ordinance No. 2089 the City created the Board of Directors for the Zone (“TIRZ Board”); and

WHEREAS, CADG 901 Airport Freeway, LLC (the “Developer”) has undertaken a project to improve and develop a site of approximately 56 acres within the Zone as a first class mixed use development with urban residential and retail uses to be known as Euless Midtown (the “Development”); and

WHEREAS, the Developer proposes to construct public improvements for the benefit of the Development (“Authorized Improvements”);

WHEREAS, the TIRZ Board has approved a project and financing plan for the Zone which includes the Authorized Improvements for the Development; and

WHEREAS, the total revenue collected and required by the Act to be deposited into a tax increment fund (“TIRZ Fund”) each calendar year from participating taxing entities is referred to herein as the “TIRZ Revenue”; and

WHEREAS, on January 27, 2016 the TIRZ Board approved a Construction, Funding, and Development Agreement between the City of Euless, the Developer, and the TIRZ Board for the purpose of funding the Authorized Improvements within the Development; and

WHEREAS, the Developer has agreed to provide additional security to assure construction of the Authorized Improvements and to provide for land utilized for the Authorized Improvements to be conveyed to the City by warranty deed as set forth in a revised Construction, Funding, and Development Agreement; and

WHEREAS, pursuant to the revised Construction, Funding, and Development Agreement the City has agreed to loan to the TIRZ Board the proceeds from certificates of obligation which will be placed in a Construction Fund that will be used to finance the construction and acquisition of the Authorized Improvements and guarantee debt service payments on the certificates of obligation; and

WHEREAS, the TIRZ Board finds that the revised Construction, Funding, and Development Agreement provides for the same funding and payment provisions as the original Construction, Funding, and Development Agreement and will further the purposes of the Zone and is necessary for the implementation of the project and financing plan for the Zone.

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF DIRECTORS OF TAX INCREMENT REINVESTMENT ZONE NUMBER FOUR, CITY OF EULESS, TEXAS, THAT:

SECTION 1.

The revised Construction, Funding, and Development Agreement between the City of Euless, CADG 901 Airport Freeway, LLC, and the TIRZ Board is hereby authorized and approved.

SECTION 2.

The Construction, Funding, and Development Agreement between the City of Euless, the Developer, and the TIRZ Board approved by the TIRZ Board on January 27, 2016 is hereby rescinded.

SECTION 3.

This Resolution shall take effect immediately from and after its passage and it is accordingly so resolved.

PASSED AND APPROVED at a meeting of the Board of Directors of the Tax Increment Reinvestment Zone Number Four, City of Euless, Texas on the ____ day of _____, 2016 by a vote of ___ ayes, ___ nays, and ___ abstentions.

APPROVED:

Linda Martin, Chair, Board of Directors
Reinvestment Zone Number Four, City of Euless, Texas

ATTEST:

Kim Sutter, Board Secretary