

SEDC Resolution NO. 2021-19

**A RESOLUTION OF THE BOARD OF DIRECTORS OF
THE SEGUIN ECONOMIC DEVELOPMENT CORPORATION
AUTHORIZING AN AMENDMENT TO THE
PERFORMANCE AGREEMENT MADE AND ENTERED
INTO BY AND BETWEEN THE SEGUIN ECONOMIC
DEVELOPMENT CORPORATION, VME, LLC, AND UNITED
ALLOY TEXAS, LLC; PROVIDING FOR SIGNATORIES;
AND PROVIDING AN EFFECTIVE DATE**

- WHEREAS**, the Seguin Economic Development Corporation (the “SEDC”) is a public instrumentality and non-profit economic development corporation duly established and operating under Texas Local Government Code, Chapters 501 and 504, *et seq.*, as amended, known as the Development Corporation Act of 1979 (the “Act”); and
- WHEREAS**, United Alloy Texas, LLC (“UAT”) is a metal fabrication and powder coating facility in Seguin, Texas and VME, LLC is a Texas limited liability company, collectively referred to as the “Owners”, with an existing performance agreement (the “Agreement”) with the SEDC; and
- WHEREAS**, the Parties previously entered into the Agreement to incentivize Owners for the construction and operation of a new production facility in Seguin, Texas; and
- WHEREAS**, the Owners have complied with certain obligations under the Agreement; and
- WHEREAS**, due to impacts from the COVID-19 Pandemic, Owners can no longer to commit to the original construction deadlines for Phase 2 and Phase 3 of the additional capital investment/facility expansion performance obligations outlined in Section 1.a of the Agreement; and
- WHEREAS**, the Owners are willing to commit to the required total Capital Investment, and Employment and Payroll Commitment of the Original Agreement; and
- WHEREAS**, the Owners have requested an amendment to the Original Agreement revising their obligations related to the construction of a new facility in Seguin, on land which was previously owned by the SEDC and more particularly described as a 27.28-acre tract of land situated in the Humphries Branch, Survey No. 17, Abstract 6, City of Seguin, Guadalupe County, Texas (the “Property”); and
- WHEREAS**, the SEDC has transferred the Property to Owners at no cost to the Owners; and
- WHEREAS**, the Parties agree that the value of the Property transferred is eight hundred fifty-nine thousand three hundred and twenty dollars (\$859,320.00) said value forming the basis for the consideration of the first lien deed of trust; and

WHEREAS, the SEDC has reviewed the terms, conditions, incentives and obligations related to the Agreement, has considered and evaluated the current status of the obligations of the Company under the performance agreement, and has determined it to be in the best interest of the SEDC and the Company to authorize the amendment to the Agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE SEGUIN ECONOMIC DEVELOPMENT CORPORATION THAT:

SECTION 1. The Board of Directors hereby finds that all the recitals above are true and correct and are incorporated herein as if restated in full.

SECTION 2. The Board approves the terms of the Amended Agreement with Owners, providing for the Property and value of said Property, which is incorporated herein for all purposes.

SECTION 3. The Board authorizes the Executive Director to take all necessary actions and to execute the Amended Agreement, as approved by the SEDC attorney, and any necessary subsequent documents to effectuate the performance of this Resolution.

SECTION 4. This Resolution is effective upon passage.

PASSED AND APPROVED on the 9th day of December 2021 by the Board of Directors of the Seguin Economic Development Corporation.



Carlos Moreno, President

ATTEST:



Elaine Bennett, Assistant Secretary