

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE SEGUIN ECONOMIC DEVELOPMENT CORPORATION AUTHORIZING CERTAIN EXPENDITURES TO FUND THE LAWSON STREET RECONSTRUCTION PROJECT, WHICH IS FOUND BY THE BOARD OF DIRECTORS TO BE REQUIRED INFRASTRUCTURE NECESSARY TO PROMOTE OR DEVELOP NEW OR EXPANDED BUSINESS ENTERPRISES.

- 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,** Section 501.103 authorizes expenditures for certain infrastructure improvement projects that are found by the Board to be required or suitable for infrastructure necessary to promote or develop new or expanded business enterprises; and
- WHEREAS,** the SEDC has evaluated an infrastructure improvement project for which the City of Seguin (“City”) has obtained a \$1 million grant from the Texas Department of Agriculture (TDA) for the “Lawson Street Reconstruction Project,” said grant being for the improvements and expansion of Lawson Street, extending from Kingsbury Street (U.S. Hwy. 90) to C.H. Matthies Drive, to a width of 42 feet, curb to curb, and the relocation of existing utilities within the Street Right-of-Way (sometimes “Project”).
- WHEREAS,** the SEDC finds that the Project will facilitate additional commercial development of adjacent properties, including a 40,000 square foot expansion of the Tyson Foods Inc. (“Tyson”) Seguin Facility at a total capital investment of approximately \$58 Million.
- WHEREAS,** Tyson has agreed to invest an amount not to exceed \$172,950 for design and engineering services to be provided by Freese & Nichols, Inc. (“Engineer”), with whom the City of Seguin has executed a Design and Engineering Services contract to provide design and engineering services for the Project.
- WHEREAS,** Engineer has provided a preliminary Opinion of Probable Cost (OPC) for the Project in the amount of \$1,400,000.00.
- WHEREAS,** The City of Seguin will commit to financial participation and investment in the Project on behalf in an amount not to exceed \$1,100,000.00; said financial participation and investment represents a \$1,000,000 funding commitment equal to the grant award from the TDA, and a \$100,000 (10%) match of the grant award from the TDA.
- WHEREAS,** the SEDC further finds that the Project will benefit the City’s utility systems through gaining additional or expanded commercial and industrial customers that may provide significant revenue to the systems; and
- WHEREAS,** the SEDC therefore wishes commit to financial participation in the Project on in an amount not to exceed \$400,000.00; said amount will cover Project construction costs which exceed what will be covered by the \$1 million grant awarded to the City of Seguin from the TDA for the Lawson Street Reconstruction Project.

WHEREAS, The SEDC Board of Directors finds that the Project expenditure will promote or develop new and expanded businesses enterprises within the City of Seguin and per Section 501.103 of the Texas Local Government Code is a permissible project expenditure; and

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

SECTION 1. Subject to the authorization of the project funds by the City of Seguin City Council, the Board hereby authorizes the expenditure of up to FOUR HUNDRED THOUSAND and NO/100 DOLLARS (\$400,000.00) for the Lawson Street Reconstruction Project infrastructure improvements identified on Exhibit A hereto attached.

SECTION 2. The SEDC Board of Directors will approve a budget amendment designating \$400,000.00 from the Incentive and Infrastructure Fund for the Project.

SECTION 3. The Board hereby authorizes the Executive Director to request the City Council adopt an ordinance amending the SEDC Budget to allocate the additional funding contemplated herein for the reasons stated in the foregoing recitals.

SECTION 4. The City of Seguin and the SEDC will allocate respective Project responsibilities pursuant to a memorandum of understanding approved by both entities, attached hereto as Exhibit "B".

SECTION 5. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Resolution for all purposes and are adopted as a part of the judgment and findings of the Board.

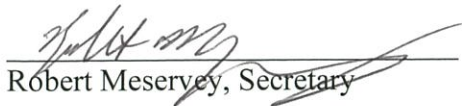
SECTION 6. All resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall he and remain controlling as to the matters resolved herein.

PASSED AND APPROVED on the 25th day of August 2022 by the Board of Directors of the Seguin Economic Development Corporation.



Carlos Moreno, President

ATTEST:


Robert Meservey, Secretary