

REINVESTMENT ZONE NUMBER ONE RESOLUTION 2019-R__

ADOPTING AMENDED PROJECT PLAN AND REINVESTMENT ZONE FINANCING PLAN FOR REINVESETMENT ZONE NUMBER ONE, CITY OF NEW BRAUNFELS, TEXAS; RECOMMENDING THAT THE CITY OF NEW BRAUNFELS ENLARGE THE BOUNDARIES OF THE ZONE; AUTHORIZING THE EXECUTION OF A PHASE II TAX INCREMENT PARTICIPATION INTERLOCAL AGREEMENT; RECOMMENDING APPROVAL OF THE AMENDED PROJECT PLAN AND FINANCING PLAN AND PHASE II TAX INCREMENT PARTICIPATION INTERLOCAL AGREEMENT BY THE CITY OF NEW BRAUNFELS; AND OTHER MATTERS IN CONNECTION THEREWITH.

WHEREAS, the City Council (the "Council") of the City of New Braunfels, Texas (the "City") adopted Ordinance No. 2007-45 on May 29, 2007, which designated Reinvestment Zone Number One, City of New Braunfels, Texas (the "Zone") pursuant to Section 311.005(a) of the Tax Increment Finance Act, Texas Tax Code, Chapter 311, as amended (the "Act"); and

WHEREAS, the Board of Directors of the Zone (the "Zone Board") prepared and adopted a Project Plan and Reinvestment Zone Financing Plan (the "Project and Financing Plan") for the Zone in Reinvestment Zone Number One Resolution 2007-R01 pursuant to Section 311.011 of the Act; and

WHEREAS, the Council adopted Ordinance No. 2007-59 on July 9, 2007, which gave effect to the Project and Financing Plan pursuant to Section 311.011(d) of the Act; and

WHEREAS, the Council adopted Ordinance No. 2010-85 on November 22, 2010, which enlarged the boundaries of the Zone by approximately 18 acres; and

WHEREAS, the Zone Board desires to further enlarge the boundaries of the Zone by adding a certain geographic area for the City's fire station and fire training facility so that the boundaries of the Zone encompass the area depicted on the attached Exhibit A pursuant to 311.007 of the Act; and

WHEREAS, A-L 95 Creekside Town Center, L.P., a Texas limited partnership (the "Developer") has completed the Project and the Project Improvements as such terms are defined in the Economic Development Agreement between the City and the Developer dated March 12, 2007 (the "Economic Development Agreement") and described herein as the Phase I Project; and

WHEREAS, the Developer and the City desire to amend the Economic Development Agreement to include an additional mixed-use phase totaling up to 500,000 square feet, with estimated construction costs and aggregate reimbursement to the Developer from lawfully available Zone revenues in an aggregate amount not to exceed \$3,500,000, plus reimbursement of the Developer's interest on any expenditure authorized in the Amended Project and Financing Plan for a period of up to two years after the expenditure of funds by the Developer, located within the Zone boundaries ("Phase II Project") and establish a Phase II Tax Increment Fund related thereto which will only be funded from lawfully available funds after the satisfaction of all currently

existing obligations of the Zone, including any outstanding bonds of the Zone, as set forth in the Amendment to Economic Development Agreement;

WHEREAS, the Zone Board entered into a Tax Increment Participation Interlocal Agreement for the Zone with the City, the Developer, and Comal County, Texas (the "County"), on July 26, 2007 pursuant to Section 311.013 of the Act (as amended, the "Tax Increment Participation Interlocal Agreement") to permit the taxing units within the Zone to pay into the Tax Increment Fund tax increment produced from property located within the entirety of the Zone; and

WHEREAS, the Zone Board desires to execute a Phase II Tax Increment Participation Interlocal Agreement with the City, County and Developer (the "Phase II Agreement" attached hereto as Exhibit B) to permit the taxing units within the Zone to pay into the Phase II Tax Increment Fund, to the extent funds are lawfully available and all obligations have been satisfied, accrued or generated from property located within the boundaries of the Phase II Project as depicted in Exhibit B; and

WHEREAS, pursuant to Section 311.011(e) of the Act, the Zone Board at any time may adopt an amendment to the Project and Financing Plan consistent with the requirements and limitations of the Act, which shall take effect upon approval by the Council in accordance with Section 311.011(e) of the Act; and

WHEREAS, the Zone Board desires to amend the Project and Financing Plan to include: (i) a certain geographic area for the City's fire station and fire training facility so that the boundaries of the Zone encompass the area depicted on the attached Exhibit A pursuant to Section 311.007 of the Act; and (ii) the Phase II Project Improvements and estimates of Phase II Project Costs as set forth and further described in the amended Project and Financing Plan (the "Amended Project and Financing Plan") attached as Exhibit C. **NOW, THEREFORE**,

BE IT RESOLVED BY THE ZONE BOARD OF DIRECTORS OF REINVESTMENT ZONE NUMBER ONE, CITY OF NEW BRAUNFELS, TEXAS:

SECTION 1. ADOPTING THE AMENDED PROJECT AND FINANCING PLAN. The Zone Board hereby adopts the Amended Project and Financing Plan for the Zone with modifications to conform to the final business terms as agreed to by the City Manager and directs its submission to the Council for approval.

SECTION 2. RECOMMENDING THE CITY EXPAND THE BOUNDARIES OF THE ZONE. The Zone Board recommends that the City enlarge the boundaries of the Zone by adding a certain geographic area for the City's fire station and fire training facility so that the boundaries of the Zone encompass the area depicted on the attached Exhibit A pursuant to Section 311.007 of the Act.

SECTION 3. AUTHORIZING THE EXECUTION OF THE PHASE II AGREEMENT. The Zone Board hereby authorizes the execution of the Phase II Agreement with modifications to conform to the final business terms as agreed to by the City Manager.

SECTION 4. RECOMMENDING THE CITY APPROVE THE PHASE II AGREEMENT AND AMENDED PROJECT AND FINANCING PLAN. The Zone Board recommends that the City approve the Phase II Agreement and the Amended Project and Financing Plan by ordinance in accordance with Section 311.011(e) of the Act, each as may be modified to conform to the final business terms as agreed to by the City Manager.

SECTION 5. FURTHER PROCEEDINGS. The Zone Board is authorized to take any and all action necessary to carry out and consummate the transactions described in or contemplated by the documents approved hereby or otherwise to give effect to the actions authorized hereby and the intent hereof including revising any necessary documents to conform to the terms hereof or State law.

SECTION 6. INCORPORATION OF RECITALS. The Zone Board hereby finds that the statements set forth in the recitals of this Resolution are true and correct, and the Zone Board hereby incorporates such recitals as part of this Resolution.

SECTION 7. SEVERABILITY. If any provision of this Resolution or the application thereof to any circumstance shall be held to be invalid, the remainder of this Resolution and the application thereof to other circumstances shall nevertheless be valid, as if such invalid provision had never appeared herein, and the Zone Board hereby declares that this Resolution would have been enacted without such invalid provision.

[The remainder of this page intentionally left blank.]

PASSED AND APPROVED THIS 10TH DAY OF JANUARY, 2019

By: _____
Chairperson, Board of Directors

EXHIBIT A

[Map and Boundaries of Added Acreage to Reinvestment Zone No. 1]

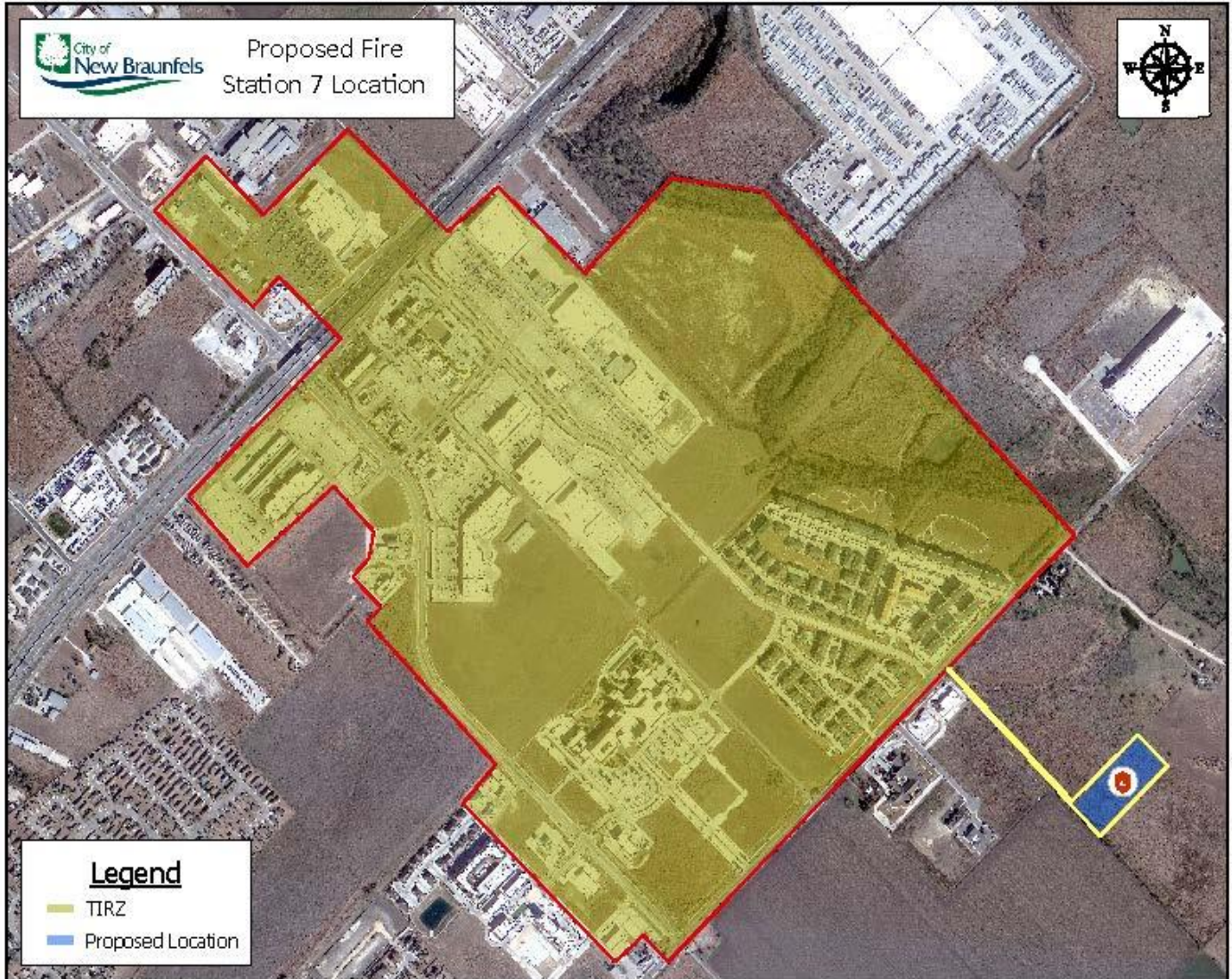


EXHIBIT B

[Phase II Tax Increment Participation Interlocal Agreement for Reinvestment Zone Number One]

EXHIBIT C

[Amended Project and Financing Plan]