

## RESOLUTION NO. R-2024-0006

### **A RESOLUTION OF THE BASTROP ECONOMIC DEVELOPMENT CORPORATION (BEDC) APPROVING A VARIANCE FROM VARIOUS REQUIREMENTS OF THE BEDC'S SIXTH AMENDED PROTECTIVE COVENANTS APPLICABLE TO THE BASTROP BUSINESS AND INDUSTRIAL PARK IN FAVOR OF ACUTRONIC REAL ESTATE INC.; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE; AND ADDRESSING RELATED MATTERS.**

**WHEREAS**, the Bastrop Economic Development Corporation (sometimes "BEDC") is a public instrumentality and non-profit industrial development corporation duly established and operating under Texas Local Government Code, Chapters 501 and 505, et seq., as amended, known as the Development Corporation Act of 1979 (the "Act"); and

**WHEREAS**, Acutronic Real Estate, Inc. (sometimes "Acutronic") desires to purchase approximately 13.84 acres of land (the "Property") from BEDC for One Million Eighty-Nine Thousand Dollars (\$1,089,000.00) and develop a manufacturing facility and other business development, location, and/or expansion, as well as substantial capital improvements on the Property within the Bastrop Business and Industrial Park, a target area for development for the BEDC ("Project"); and

**WHEREAS**, Acutronic entered into a Real Estate Purchase Contract with the BEDC for the Project ("Purchase Contract") executed on January 10, 2024; and

**WHEREAS**, Acutronic has also negotiated a Performance Agreement for economic development incentives with the BEDC, which was approved by the BEDC Board of Directors on September 25, 2023; and

**WHEREAS**, Acutronic has since requested to obtain a variance from certain of the Bastrop Economic Development Corporation Sixth Amended Protective Covenants (CCRs) in order for Acutronic to realize the Project as intended; and

**WHEREAS**, the BEDC has agreed to consider Acutronic's request for such variance as provided herein.

### **NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE BASTROP ECONOMIC DEVELOPMENT CORPORATION:**

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

**SECTION 2.** The Board finds that the grant of a variance to Acutronic from the specified CCR provisions provided with this Resolution as Exhibit "A" will not affect the overall intent of the CCRs; will not cause injury or negative impact on adjacent landowners, lessees, or tenants; and further authorizes the grant of variance as provided herein.

**SECTION 3.** It is hereby officially found and determined that the meeting at which this Resolution was passed was open to the public, and public notice of the time, place and

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purpose at which it was read was given in accordance with Chapter 551, Texas Government Code.

**SECTION 4.** This Resolution is effective upon passage.

**DULY RESOLVED AND ADOPTED** on this \_\_\_\_ day of \_\_\_\_\_ 2024 by the Board of Directors of the Bastrop Economic Development Corporation.

BASTROP ECONOMIC  
DEVELOPMENT CORPORATION

\_\_\_\_\_  
Ron Spencer, Board Chair

ATTEST:

\_\_\_\_\_  
Frank Urbanek, Board Secretary

APPROVED AS TO FORM:

\_\_\_\_\_  
Denton Navarro Rodriguez Bernal Santee & Zech, P.C.