

RESOLUTION NO. R-2024-65

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS, APPROVING AMENDMENTS TO THE REAL ESTATE PURCHASE CONTRACT AND PERFORMANCE AGREEMENT BETWEEN THE BASTROP ECONOMIC DEVELOPMENT CORPORATION AND ACUTRONIC REAL ESTATE, INC; AUTHORIZING ALL NECESSARY ACTIONS, INCLUDING EXECUTION OF NECESSARY DOCUMENTATION; REPEALING ALL RESOLUTIONS IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to the Development Corporation Act of 1979, as amended (Section 501.001 et seq., Texas Local Government Code, formerly the Development Corporation Act of 1979) (the "Act") the Bastrop Economic Development Corporation (sometimes "BEDC") is authorized to fund certain projects as defined by the Act via performance agreements to establish and provide for direct incentives or to make expenditures on behalf of business enterprise under a project; and

WHEREAS, in September 2023, the BEDC negotiated and approved a Performance Agreement with Acutronic Real Estate, Inc. ("Acutronic") whereby Acutronic would 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"), which was executed on January 10, 2024; and

WHEREAS, on April 15, 2024, the BEDC approved an amendment to the Purchase Contract extending the Inspection Period until May 9, 2024 (the "First Amendment"); and approved an amendment to the Purchase Contract extending the Inspection Period until May 22, 2024 (the "Second Amendment"); and

WHEREAS, as a result of ongoing deliberations between the parties, the BEDC and Acutronic have found that certain amendments to the Purchase Contract and Performance Agreement are warranted in order to finalize certain Project details, and as such the BEDC approved such amendments at its regular Board Meeting on May 20, 2024; and

WHEREAS, the City has reviewed the terms and conditions of the proposed third amendment to the Purchase Contract and amendment to the Performance Agreement by and between the BEDC and Acutronic, and determines that it fully complies with the statutory requirements that govern the BEDC, and is in the best interest of the BEDC to approve such amendment.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS, THAT:

SECTION 1. The findings set out above are hereby found to be true and correct and are incorporated herein for all purposes.

SECTION 2. All resolutions in conflict are hereby repealed.

SECTION 3. The City of Bastrop hereby approves the terms of the third amendment to the Purchase Contract and amendment to the Performance Agreement, attached hereto as Exhibit "A", between BEDC and Acutronic.

SECTION 4. This Resolution is effective upon passage.

DULY RESOLVED AND ADOPTED by the City Council of the City of Bastrop on the 11th day of June 2024.

APPROVED:

Lyle Nelson, Mayor

ATTEST:

Ann Franklin, City Secretary

APPROVED AS TO FORM:

Alan Bojorquez, City Attorney

EXHIBIT "A"

Third Amendment to the Real Estate Purchase Contract and Amendment to Performance Agreement Between Acutronic Real Estate, Inc., and the Bastrop Economic Development Corporation

DRAFT