

RESOLUTION NO. 10-545

**A RESOLUTION AUTHORIZING THE CLOSING OF THE
ECONOMIC INCENTIVE CONTRACT AND LOAN
AGREEMENT BETWEEN ABRAHAM MANUFACTURING,
INC. AND THE CITY OF PORT ARTHUR SECTION 4A
ECONOMIC DEVELOPMENT CORPORATION**

WHEREAS, on January 17, 2006, the City Council of the City of Port Arthur approved Resolution 06-005, which authorized the material terms of an Economic Incentive Contract and Loan Agreement (the "Agreement") between Abraham Manufacturing, Inc. ("Abraham") and the City of Port Arthur Section 4A Economic Development Corporation (the "PAEDC"); and

WHEREAS, on February 7, 2006, the City Council of the City of Port Arthur approved Resolution 06-038, which authorized the President and Secretary of PAEDC to execute the Agreement between Abraham and PAEDC; and

WHEREAS, Abraham failed to meet their contractual obligations; and

WHEREAS, Abraham has offered to settle the outstanding debt and has repaid the amount of \$394,947.96, as delineated in Exhibit "A"; and

WHEREAS, based upon the payment, the City of Port Arthur Section 4A Economic Development Corporation recommends closing the Economic Incentive contract and releasing the lien held by the City of Port Arthur Section 4A Economic Development Corporation, as delineated in the Release of Lien, attached hereto as Exhibit "B".

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY
OF PORT ARTHUR, TEXAS:**

Section 1. That the facts and opinions in the preamble are true and correct.

Section 2. That the City Council of the City of Port Arthur approves the closing of the Economic Incentive Contract and Loan Agreement and further confirms the Release of the Lien held by the City of Port Arthur Section 4A Economic Development Corporation, as delineated in the Release of Lien, attached hereto as Exhibit "B".

Section 3. That a copy of the caption of this Resolution be spread upon the Minutes of the City Council.

READ, ADOPTED AND APPROVED on this 14th day of Dec. A.D., 2010, at a

Meeting of the City Council of the City of Port Arthur, Texas, by the following vote: AYES:

Mayor Prince; Mayor Pro Tem Albright

Councilmembers Chatman, Segler, Hood,
Williamson and Henderson.

NOES: None.

Deloris Prince
Deloris "Bobbie" Prince, Mayor

ATTEST:

Sherri Bellard
Sherri Bellard, Acting City Secretary

APPROVED:


Floyd Batiste
Floyd Batiste, PAEDC CEO

APPROVED AS TO FORM:



Guy N. Goodson, PAEDC Attorney

APPROVED AS TO FORM:

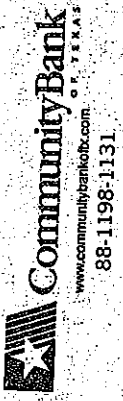


Valecia R. Tizeno, City Attorney

Exhibit “A”

19328

MOSTYN LAW FIRM, PC
JOLTA ACCOUNT
3810 WEST ALABAMA
HOUSTON, TX 77027



10/11/2010

PAY TO THE ORDER OF: **Abraham Mfg. Inc and Port Arthur Economic Development Corp** \$ ** 394,947.96

THREE HUNDRED NINETY-FOUR THOUSAND NINE HUNDRED FORTY-SEVEN AND 96/100***** DOLLARS

Abraham Mfg. Inc and Port Arthur Economic Development Cor
10335 Devinwood Drive
Baytown, TX 77523

[Handwritten Signature]
AUTHORIZED SIGNATURE

MEMO **Abraham Mfg - (Port Arthur Economic Dev. Corp)**

⑈069328⑈ ⑆13161983⑆ ⑈1109088⑈

Security features. Details on back.

Abraham Mfg. Inc.

Exhibit “B”

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

RELEASE OF LIEN

Date: October 22, 2010

Note (No. 1):

Date: 16th day of February, 2006

Original Amount: **TWO HUNDRED NINETY NINE THOUSAND SIX HUNDRED TEN AND 76/100 DOLLARS (\$299,610.76)**

Maker: Abraham Mfg., Inc., a Texas corporation

Payee: Port Arthur Section 4A Economic Development Corporation, a Texas corporation

Holder of Note and Lien: Port Arthur Section 4A Economic Development Corporation

Holder's Mailing Address (including county): 4173 39th Street
Port Arthur, Texas 77642
Jefferson County

Note (No. 2):

Date: 16th day of February, 2006

Original Amount: **TWO HUNDRED FIFTY ONE THOUSAND FOUR HUNDRED TEN AND 00/100 DOLLARS (\$251,410.00)**

Maker: Abraham Mfg., Inc., a Texas corporation

Payee: Port Arthur Section 4A Economic Development Corporation, a Texas corporation

Holder of Note and Lien: Port Arthur Section 4A Economic Development Corporation

Holder's Mailing Address (including county): 4173 39th Street
Port Arthur, Texas 77642
Jefferson County

Note and Lien Are Described in the Following Documents, Recorded in:

Deed of Trust dated February 16, 2006 executed by Abraham Mfg., Inc. a Texas corporation to Kathleen A. McGlynn, Trustee for the benefit of Port Arthur Section 4A Economic Development Corporation, a Texas corporation, recorded under Document No. 2007017996 in the Official Public Records of Jefferson County, Texas, given to secure the payment of one (1) certain promissory note of even date therewith in the original principal sum of **TWO HUNDRED NINETY NINE THOUSAND SIX HUNDRED TEN AND 76/100 DOLLARS (\$299,610.76)**, payable as therein provided and (2) Economic Incentive and Loan Agreement between the City of Port Arthur Section 4A Economic Development Corporation and Abraham Mfg., Inc. of even date therewith and related promissory note of even date therewith in the original principal sum of **TWO HUNDRED FIFTY-ONE THOUSAND FOUR HUNDRED TEN AND 00/100 DOLLARS (\$251,410.00)**.

Property (including any improvements) Subject to Lien:

Lots Numbered One through Eighteen, inclusive (1 thru 18, inc.) in Block Number Twenty-eight (28) of BEACHWAY ADDITION SECOND UNIT, to the City of Port Arthur, Jefferson County, Texas, as the same appears upon the map or plat thereof, on file and of record in Vol. 5 page 31 Map Records of Jefferson County, Texas.

Holder of the Notes and Liens is the owner and holder of the Notes and Liens described above.

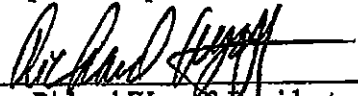
For value received, Holder of the Notes and Liens releases the Property from the Liens.

When the context requires, singular nouns and pronouns include the plural.

EXECUTED this 22 day of October, 2010.

HOLDER OF NOTES AND LIENS:

Port Arthur Section 4A Economic
Development Corporation

By: 
Richard Wycoll, President

RELEASE OF LIEN

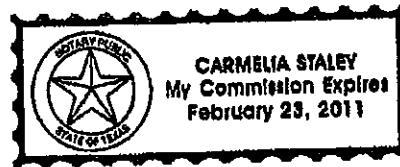
Page 2

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STATE OF TEXAS §
 §
COUNTY OF JEFFERSON §

The foregoing instrument was acknowledged before me by the said Richard Wycoff, as President of PORT ARTHUR SECTION 4A ECONOMIC DEVELOPMENT CORPORATION, a Texas Corporation, on behalf of said corporation, on Oct. 22, 2010.

Carmelia Staley
Notary Public, State of Texas



AFTER RECORDING RETURN TO:

Abraham Mfg. Inc.
1520 Woodworth Blvd.
Port Arthur, Texas 77640

PREPARED BY:

Gary W. Coker
Germer Gertz, LLP
P.O. Box 4915
Beaumont, TX 77704
(409) 654-6700

RELEASE OF LIEN
Page 3

#794874