

RESOLUTION NO. 12-450

**A RESOLUTION APPROVING THE ALLOCATION OF  
UNCOMMITTED SECTION 4B BALLOT PROPOSITION  
FUNDS FOR INFRASTRUCTURE IMPROVEMENT COSTS  
FOR THE PROCTER STREET INFRASTRUCTURE  
REHABILITATION PROJECT**

**WHEREAS**, on May 9, 2009, a ballot proposition was presented to and approved by the qualified voters in the City of Port Arthur, Texas (the "City") for the City of Port Arthur Section 4A Economic Development Corporation (the "PAEDC") to utilize Section 4A sales and use tax funds for "the cost of demolition of dilapidated structures and infrastructure limited to streets and roads, rail spurs, water and sewer utilities, electric and gas utilities, drainage, site improvements and related improvements necessary to promote or develop new or expanded business enterprises within a project area from 7<sup>th</sup> Street to the Intracoastal Canal and from Martin Luther King, Jr. Drive to Lake Charles Avenue within the City"; said authority limited to the PAEDC's expenditure of not more than \$750,000 per year for said projects (the "Ballot Proposition"); and

**WHEREAS**, the City Council approved Resolution 11-259 on June 28, 2011, amending the policies and procedures for its Operation Downtown Program; and

**WHEREAS**, pursuant to Chapter 505 of the Act, PAEDC is authorized to undertake, or to provide funding to the City and/or other parties to undertake, projects which the PAEDC finds to be encompassed by the definition of "projects", as that word is defined in Chapter 501 and 505 of the Act; and

**WHEREAS**, on August 6, 2012, at its regular Board meeting, the Board of Directors of the PAEDC considered and approved use of the uncommitted Ballot Proposition funds for fiscal year 2011-2012 in the amount of \$580,579 to fund a portion of the initial costs for infrastructure improvements including streets and roads, water and sewer utilities, electric and gas utilities,

drainage, site improvements and related improvements necessary to promote or develop new or expanded business enterprises on Procter Street, Port Arthur, Texas; and

**WHEREAS**, PAEDC anticipates that the following improvements may be required once an engineering design has been completed for the proposed Procter Street Infrastructure Rehabilitation Project, such as:

1. Demolition of existing utility facilities;
2. Reconstruction and/or expansion of street, curbs and gutters;
3. Relocation of existing water utility lines;
4. Relocation of existing sanity utility lines;
5. Relocation of existing electrical utility lines;
6. Relocation of existing storm sewer utility lines;
7. Relocation of existing gas utility lines; and
8. Relocation of existing data utility lines.

**WHEREAS**, PAEDC proposes allocating the unexpended Ballot Proposition funds for 2011-2012 to work toward improvements which will expand infrastructure services for both the development of new and expanded business for properties along and adjacent to Procter Street as well as opening additional downtown areas for business development.

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

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

**Section 2.** That the PAEDC is hereby authorized to allocate Ballot Proposition funds in the amount of \$580,579 for the proposed improvements necessary for the Procter Street Infrastructure Rehabilitation Project, which will promote or develop new or expanded business enterprise.

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

**READ, ADOPTED AND APPROVED** on this 18 day of Sept. A.D., 2012,

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

**AYES:**

Mayor

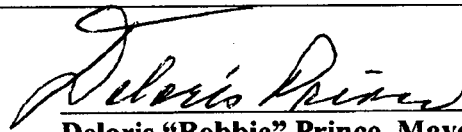
Prince; Mayor Pro Tem Lewis;

Councilmembers

Segler, Albright, Osuncu,  
Greenman and Thomas.

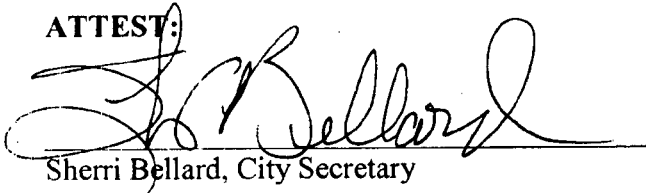
**NOES:**

None.



**Deloris "Bobbie" Prince, Mayor**

**ATTEST:**



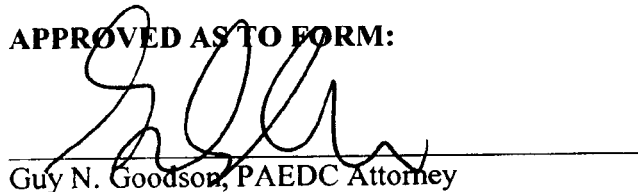
**Sherri Bellard, City Secretary**

**APPROVED:**



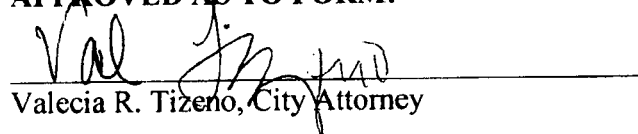
**Floyd Batiste, PAEDC CEO**

**APPROVED AS TO FORM:**



**Guy N. Goodson, PAEDC Attorney**

**APPROVED AS TO FORM:**



**Valecia R. Tizen, City Attorney**