

**RESOLUTION NO. 12-613**

**A RESOLUTION AUTHORIZING THE CITY OF PORT ARTHUR SECTION 4A ECONOMIC DEVELOPMENT CORPORATION TO OFFER THE SALE OF 59+ ACRES OF LAND IN THE CITY OF PORT ARTHUR SECTION 4A ECONOMIC DEVELOPMENT CORPORATION BUSINESS PARK AT A RANGE OF \$1.02 TO \$1.08 PER SQUARE FOOT**

**WHEREAS**, the City Council deems it in the public interest to authorize the City of Port Arthur Section 4A Economic Development Corporation (the "PAEDC") to offer the sale of 59+ acres of land in the PAEDC Business Park at a range of \$1.02 to \$1.08 per square foot; and

**WHEREAS**, the property is described in **Exhibit "A"** (the "Property") and is proposed for construction of 250,000 square feet of capital improvements (the "Project"); said Project improvements anticipated to be in excess of \$28 million; and

**WHEREAS**, the Project plans to employ approximately 130 workers, shall be equipped with approximately \$25 million of machinery and material handling equipment and shall have inventory with a value of \$20 to \$30 million; and

**WHEREAS**, the Urban Group on behalf of an undisclosed buyer (the "Buyer") has submitted a proposal for the Property payable at closing in an amount of \$1,934,064.00, which is \$ .75 per square foot; and

**WHEREAS**, PAEDC current price per square foot is \$1.20 per square foot; and

**WHEREAS**, at the Board of Director meeting on December 3, 2012 the PAEDC Board voted to offer the Property for sale at \$1.02 per square foot with the total sales price of \$2,630,327 for the Property payable at closing; and

**WHEREAS**, at the Board of Directors meeting of December 3, 2012, the PAEDC Board further voted to authorize a Sales Contract with the following conditions:

1. The earnest money deposit should be increased from \$20,000 to \$50,000;
2. The escrow agent would be changed from Alamo Title to First American Title;
3. Any and all required title policies, surveys and/or feasibility studies should be undertaken at the sole cost of Buyer;
4. All commissions for commission agents shall be paid solely by Buyer;
5. The Buyer would have to be disclosed, and there would be no transfer or assignment of the Sales Contract except from Urban Group to the Buyer without the prior consent of PAEDC;
6. Neither Urban Group nor Buyer could acquire any portion of the Property for resale to third parties without the prior written consent of PAEDC, and any said resale of Property not used within the Project to provide PAEDC an additional \$0.18 per square foot;
7. The Project would proceed within twelve (12) months of the closing as identified in the Sales Contract.

**WHEREAS**, the PAEDC Board of Directors advises that its intent is to sell the Property for the development of the Project and not for the subdivision redevelopment, resale or holding of the Property by Buyer and transfers only to affiliated business entities with the approval of PAEDC.

**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 PAEDC is herein authorized to offer the Property for sale at a range of \$1.02 to \$1.08 per square foot for the Property payable at closing.

**Section 3.** That the sale of the Property pursuant to a Sales Contract would be conditioned upon the satisfaction of the recitals set forth in this Resolution which are incorporated herein as if fully set forth.

**Section 4.** That a copy of the caption of this Resolution be spread upon the Minutes of the City Council.

**READ, ADOPTED AND APPROVED** on this 11<sup>th</sup> day of Dec 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 Scott, Segler, Albright, Ducet,  
Williamson and Thomas.

NOES: None.

Deloris Prince  
Deloris "Bobbie" Prince, Mayor

ATTEST:

Sherri Bellard  
Sherri Bellard, City Secretary

APPROVED:

Floyd Batiste  
Floyd Batiste, PAEDC CEO

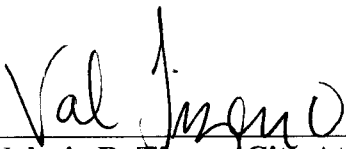
APPROVED AS TO FORM:



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**Guy N. Goodson, PAEDC Attorney**

APPROVED AS TO FORM:



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**Valecia R. Tizen, City Attorney**