

**CITY OF LEEDS
RESOLUTION NO. 2019-06-08**

RESOLUTION AUTHORIZING THE USE AND GRANT OF PUBLIC FUNDS AND THINGS OF VALUE IN AID OF A PRIVATE ENTITY PURSUANT TO AMENDMENT 772 OF THE ALABAMA CONSTITUTION.

WHEREAS, Bucee's LTD, a Texas Limited Partnership ("Buc-ee's") has undertaken the necessary processes and actions related to the beginning of the Development of a travel center on certain real property which is currently under contract at or near the U.S. I-20 Interstate Exit 140 and within the corporate limits of the City of Leeds, Alabama (the "City"); and

WHEREAS, Buc-ee's has agreed to commence construction of the Project subject to the terms of a Development, and the travel center development is intended to generally consist of, upon build-out, the investment of more than \$30,000,000.00 in a development and construction of approximately 50,000 square feet of retail space on more than 15 acres of land, and the construction of certain infrastructure to support the construction and development of the same (the "Project"); and

WHEREAS, the City conducted the necessary public hearing according the Section 94.01 of the Constitution of the State of Alabama and adopted Resolution 2017-06-11 in approval of the subject Development Agreement wherein the City agreed to assist the Project by granting 1% of the Sales Tax and the equivalent of 2% of the Employment Taxes actually generated by the Project, along with the waiver of certain permit fees and costs (the "Grant"); and

WHEREAS, in May of 2019 Buc-ee's requested that the Agreement be amended to allow for a restructuring of the incentives to be provided by the City, and a First Amendment to the Project Development Agreement has been created between the Buc-ee's, and the City to formalize all of the restructured understandings, covenants, duties and commitments of each Party to the Development Agreement (the "Amendment") (attached as **Exhibit A**); and

WHEREAS, it is prudent that the City seek to comply with all applicable legal requirements of the Project including any additional consideration pursuant to Section 94.01 of the State Constitution; and

WHEREAS, the City has caused to be published a notice (attached as **Exhibit B**) satisfying the requirements stated in Section 94.01 of the Constitution of Alabama of 1901, as amended (hereinafter referred to as "Amendment 772"), to the extent Amendment 772 applies, to approve and to authorize the lending of the City's credit and the use and grant of public funds and things of value in aid of Buc-ee's in connection with the City's approval of and participation in the Amendment and the Project; and

WHEREAS, the City desires to authorize and to approve the execution, delivery, and the performance of the Amendment and documents necessary to provide the requested grant and any other documents necessary to affect the purposes of this Resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LEEDS, ALABAMA, as follows:

1. The Recitals set forth above are hereby found and declared to be true and correct.
2. The City has caused public notice of this meeting to be published in accordance with Amendment 772 to the Alabama Constitution of 1901, as amended.

3. It is hereby found and declared that the use and the grant of public funds and things of value and the lending of the City's credit in connection the City's execution of the Amendment will serve a valid and sufficient public purpose under Amendment 772 to the Constitution of Alabama of 1901, as amended, notwithstanding any incidental benefit accruing to any private entity (including any benefit to Buc-ee's, or their affiliates, agents & assigns), as the Project is expected to create new jobs in the City, to have a significant impact on the tax base, tax revenues, job opportunities, future growth in and around the City, and to create new business and revenues for vendors, service providers, and other persons engaged in business and occupations in and around the City.

4. Subject to the full execution of an Amendment with the Council, as approved by the City, execution, delivery and performance by the City of the Amendment and related documents necessary to provide the requested grant, and any other actions necessary to affect the purposes of this Resolution including those actions and items performed by the City and its agent to date are hereby ratified, approved and authorized.

5. The Mayor, Acting City Clerk, staff, City attorneys, and other representatives or agents of the City are hereby severally authorized and empowered to take any and all such further actions necessary, required, or convenient to effectuate the intent of this Resolution, and any such actions taken by them are hereby ratified and confirmed.

APPROVED this 17th day of June 2019.

AYES:

NAYS:

ABSENT FROM VOTING:

ABSTAIN:

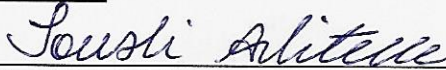
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CITY OF LEEDS, ALABAMA



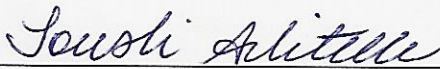
David Miller, MAYOR

ATTEST:



Toushi Arbitelle, City Clerk

In my capacity as City Clerk of the City of Leeds, hereby certify that the above Resolution was duly adopted by the City Council of the City of Leeds at a properly called special meeting held on the 17th day of June 2019.



Toushi Arbitelle