

RESOLUTION NO. 33-2003

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, MAKING FINDINGS AS TO THE COMMERCIAL NATURE OF THE TEXAS AMATEUR BASEBALL CONGRESS, INC., PROJECT.

WHEREAS, at the request of Texas Amateur Baseball Congress, Inc. (the "User"), pursuant to a "Resolution Designating Development Area," adopted on November 18, 2002 (the "Development Area Resolution"), the City of Mesquite (the "City") designated a development area (the "Development Area") within the meaning of the Development Corporation Act of 1979, Article 5190.6, Vernon's Texas Civil Statutes, as amended (the "Act"); and

WHEREAS, pursuant to a "Resolution Approving a Project in a Development Area, and Approving a Loan Agreement by Mesquite Industrial Development Corporation to Issue Bonds for Texas Amateur Baseball Congress, Inc., and Approving the Bond Resolution Providing for the Issuance of Such Bonds," adopted on June 16, 2003 (the "Approving Resolution"), the City has approved the issuance of bonds of the Mesquite Industrial Development Corporation (the "Issuer") for the purpose of financing youth baseball facilities (the "Project") for the User within the Development Area; and

WHEREAS, in the Development Area Resolution, the City found that the overall objectives for the Development Area include the development and operation of youth baseball fields and related buildings, parking, open space and improvements; and

WHEREAS, in the Approving Resolution, the City found that the Project will significantly contribute to the fulfillment of the overall objectives of the City for the Development Area; and

WHEREAS, the User has made certain additional representations to the City with respect to the commercial nature and impact of the Project; and

WHEREAS, the City deems it necessary and advisable to make further findings with respect to the commercial nature and impact of the Project in compliance with the Act.

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

SECTION 1. That based upon the representations of Texas Amateur Baseball Congress, Inc. (the "User"), the City Council of the City of Mesquite hereby finds and determines that:

- (a) The Project, as defined in the recitals above, is required or suitable for the promotion of commercial development or expansion in that, as a result of the influx of approximately 1,300 youths, together with their parents, to the Project for league activities, as well as an additional 600 teams with in excess of 7,500 youths together with their parents from outside the area and, in some cases, outside the state of Texas

for tournaments, significant concessions (of which the User receives a percentage) will be purchased at the Project and the construction of additional restaurants, shopping and lodging facilities in the immediate vicinity of the Project will be encouraged; and

- (b) The Project is for use by a commercial enterprise in that the User charges fees for the use of its facilities and programs, and employs an executive secretary and a tournament director full-time, employs over 150 umpires and scorers part-time, provides the framework for the employment of managers and coaches, and contracts with local companies for equipment and for maintenance services for its facilities.

SECTION 2. That the Mayor and Councilmembers are hereby authorized to take all actions necessary to carry out the intents and purposes hereof.

DULY RESOLVED by the City Council of the City of Mesquite, Texas, on the 21st day of July, 2003.



Mike Anderson  
Mayor

ATTEST:

APPROVED:



Judy Womack  
City Secretary



B. J. Smith  
City Attorney

## CERTIFICATE FOR RESOLUTION

THE STATE OF TEXAS :  
 COUNTY OF DALLAS :  
 CITY OF MESQUITE :

We, the undersigned the Mayor and the City Secretary of the City of Mesquite, Texas (the "City") hereby certify as follows:

1. The City Council (the "City Council") of the City convened in REGULAR MEETING ON THE 21ST DAY OF JULY, 2003, at the designated meeting place, and the roll was called of the duly constituted members of said City Council, to-wit:

Mike Anderson, Mayor  
 John Monaco  
 Steve Alexander  
 John Heiman, Jr.  
 Dennis Tarpley  
 Shirley Roberts  
 David Paschall

and all of said persons were present, except the following absentees: None thus constituting a quorum. Whereupon, among other business, the following was transacted at said Meeting: a written

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was duly introduced for the consideration of the City Council and read in full. It was then duly moved and seconded that said Resolution be adopted; and, after due discussion, said motion carrying with it the adoption of said Resolution, prevailed and carried by the following vote:

All members of the City Council shown present above voted "AYE".

NOES: 0.

ABSTENTIONS: 0.

2. A true, full and correct copy of the aforesaid Resolution adopted at the Meeting described in the above and foregoing paragraph is attached to and follows this Certificate; that said Resolution has been duly recorded in the City Council's minutes of said Meeting; that the above and foregoing paragraph is a true, full and correct excerpt from the City Council's minutes of said Meeting pertaining to the adoption of said Resolution; that the persons named in the above and foregoing paragraph are the duly chosen, qualified and acting members of the City Council as indicated therein; that each of the members of the City Council was duly and sufficiently notified officially and personally, in advance, of the time, place and purpose of the aforesaid Meeting, and that said Resolution would be introduced and considered for adoption at said Meeting, and each of members consented, in advance, to the holding of said Meeting for such purpose; and that the said Meeting was

open to the public, and public notice of the time, place and purpose of said Meeting was given, all as required by Chapter 551, Texas Government Code.

SIGNED AND SEALED the 21st day of July, 2003..

  
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City Secretary

  
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Mayor

(SEAL)