

RESOLUTION NO. 33-2010

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, SUPPORTING THE THOMASSON SQUARE SUSTAINABLE DEVELOPMENT PROJECT, COMMITTING TO A LOCAL FUNDING MATCH, AND AUTHORIZING THE CITY MANAGER TO ENTER INTO AN INTERLOCAL COOPERATIVE AGREEMENT WITH THE NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS.

WHEREAS, the Regional Transportation Council (the "RTC"), comprised primarily of local elected officials, is the regional transportation policy board associated with the North Central Texas Council of Governments (the "NCTCOG"), and is the regional forum for cooperative decisions on transportation; and

WHEREAS, the RTC approved \$44.8 million for the current Sustainable Development Call for Projects on June 3, 2010; and

WHEREAS, the City of Mesquite (the "City") is committed to the redevelopment of the Casa View Heights target neighborhood, including the Gus Thomasson Road commercial corridor, as manifested in the Casa View Heights Neighborhood Plan and North Gus Thomasson Corridor Revitalization Code; and

WHEREAS, the City submitted a sustainable development project application for the Thomasson Square Sustainable Development Project (the "Project") to the NCTCOG prior to the October 2, 2009, deadline; and

WHEREAS, in conjunction with the sustainable development project application, private sector sponsorship in support of redevelopment was committed by formal letter prior to the October 2, 2009, deadline; and

WHEREAS, the Project serves as the primary catalyst project for the Casa View Heights community vision to promote a walkable, mixed use development; and

WHEREAS, the RTC approved \$2,999,537 in RTC local funds for the Project through the 2009-2010 Sustainable Development Call for Projects; and

WHEREAS, the City and the RTC will coordinate the reimbursement of project funding in concert with the progress of construction; and

WHEREAS, the RTC requires the submittal of this resolution prior to the execution of an Interlocal Cooperative Agreement with the NCTCOG and the use of funds pending the receipt of an Interlocal Cooperative Agreement, and further requires that said resolution of Mesquite's governing body supporting the project must be submitted to the NCTCOG offices by 5 p.m. on September 3, 2010.

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

SECTION 1. That the City of Mesquite (the "City") supports the Thomasson Square Sustainable Development Project (the "Project") as applied for in the original 2009-2010 Sustainable Development Call for Projects application and the Project's programmed funding fiscal years 2010-11 and 2011-12.

SECTION 2. That the City will serve as the public sponsor and lead project contact on the Project, and to that end, the City Manager is hereby authorized to designate a single point of contact for the Project.

SECTION 3. That the City commits to fund a minimum local cash or in-kind match of 20 percent of the total project cost or \$749,884 over the two-year period of 2010 and 2011.

SECTION 4. That the City confirms that as the Project's local partner it will be responsible for any cost overruns, not the Regional Transportation Council (the "RTC").

SECTION 5. That the City Manager is authorized to enter into an Interlocal Cooperative Agreement with the North Central Texas Council of Governments.

SECTION 6. That the City confirms that infrastructure built with RTC local funds will follow the City's administrative processes, rules for procurement and design standards as enacted in the North Gus Thomasson Corridor Revitalization Code and the Code of the City of Mesquite, and further, that in the event federal funds are used for the Project, the City supports the use of state and federal design guidelines in conjunction with such codes.

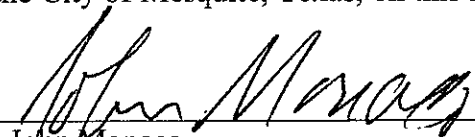
SECTION 7. That the City confirms that all funding shall be handled on a reimbursement basis.

SECTION 8. That the City confirms that there are no outstanding local regulatory issues associated with the proposed land uses attendant to the Project and that the Project is consistent with the Casa View Heights Neighborhood Plan and the North Gus Thomasson Corridor Revitalization Code.

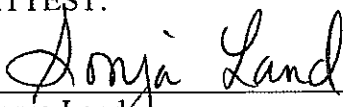
SECTION 9. That the City confirms that the private developers, Broadway Square, Inc., and Mesquite Ace Hardware, will participate in the Project as indicated within the letters of intent attached to this resolution as Exhibit "A," and the City Manager or his designee is authorized to modify arrangements with the current private developers including securing a replacement developer if necessary.

SECTION 10. That the City concurs with the Sustainable Development Call for Projects Program Rules.

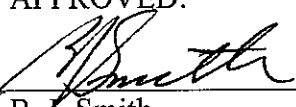
DULY RESOLVED by the City Council of the City of Mesquite, Texas, on this 2nd day of August, 2010.



John Monaco
Mayor

ATTEST:


Sonja Land
City Secretary

APPROVED:


B.J. Smith
City Attorney

Exhibit A

Clements-Gear

Commercial Real Estate

September 29, 2009

Mr. Michael Morris
North Central Texas Council of Governments
616 Six Flags Drive. Ste. 200
Centerpoint Two
Arlington, Texas 76011

Re: Sustainable Development Call for Projects

Dear Mr. Morris,

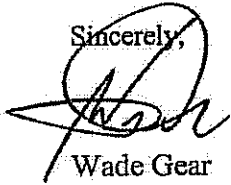
Broadway Square, Inc. operating as Broadway Square Shopping Center, and ground Lessee, is pleased to participate with the City of Mesquite on our project component of the larger Thomasson Square vision, in the 2009 Sustainable Development call for projects. The property is an 11.08 ac. mixed use development, located at 4550 Gus Thomasson Road. On behalf of the Ownership; I have been working with the City since the recent passage of the Gus Thomasson Corridor Revitalization Code and the initiation of other planning efforts intended to enhance the suitability of this portion of the project for redevelopment as a mixed use project that includes more specialized retail tenants. The Ground Lease does in fact give Broadway Square, Inc. the ability to "erect any building or other improvement on the demised premises...of such type and specification as Lessee may deem desirable in its sole discretion." This Ground Lease goes on appoint the Lessee to act as Lessor's true and lawful attorney to "make, execute, acknowledge and deliver good and sufficient conveyances, dedications, and plats of streets, alleys, sidewalks and public utility easements situated within the demised premises."

Key to attaining such suitability is changing the nature of Gus Thomasson Road and the environment it creates for retail investment. Also important is further progress toward revitalization of the larger neighborhood served by our project site. Broadway Square, Inc. sees the vision portrayed in this grant application working in tandem with City initiatives already set in place and thereby significantly advancing progress toward realization of the project's vision. The inclusion of local travel lanes, on-street parking, bike trails that connect to the City/ regional network, and beautification of the public domain will not only establish a standard for the future of the area but will also transform the present day setting.

The Broadway Square Shopping Center currently leases space on this site and is committed to a long term relationship with the City of Mesquite which will insure the success of the general neighborhood. The public portion of the project is requesting \$3,000,000 to fund eligible infrastructure costs and street improvements which will be accompanied by the future phased improvement of this site in accordance with the City's Gus Thomasson Corridor Revitalization Code. Broadway Square, Inc. is also prepared at present to work with the City of Mesquite to accommodate the land set backs as described in the plans received September 25th, 2009 entitled Broadway Square Encroachment Exhibit.

In closing, we appreciate the opportunity to submit our project for your review and look forward to furthering our relationship.

Sincerely,



Wade Gear
Manager
Broadway Square Shopping Center

CC: Sam Giller
Hervey Levin



4415 Gus Thomason, Mesquite, TX, 75150
972-681-4418

September 29, 2009

Mr. Micheal Morris
North Central Texas Council of Governments
616 Six Flags Drive, Ste. 200
Centerpoint Two
Arlington, Texas 76011

Re: Sustainable Development Call for Projects

Dear Mr. Morris,

Mesquite Ace Hardware is pleased to partner with the City of Mesquite on our project component of the larger Thomasson Square vision, in the NCTCOG 2009 Sustainable Development Call for Projects. Our project is a 3.87 ac. mixed use development, located at 4412 Gus Thomasson Road. When fully developed in accordance with the recently adopted Gus Thomasson Corridor Revitalization Code (attached to Mesquite's proposal) and vision for an enhanced public domain (illustrated in Mesquite's project description), our project site will be transformed from a single use retail site to a pedestrian friendly mixed use environment connected to the City Trail System and (more importantly) Gus Thomasson will be transformed from a through highway to a destination shopping street that accommodates on-street parking, wide sidewalks, and bike lanes. This will truly be a Smart Growth, Sustainable Development that begins to positively redefine the area of Mesquite in which I have maintained my business and in which I plan to make further investment.

Mesquite Ace Hardware has owned and operated this site for 57 years and is committed to a long term relationship with the City of Mesquite which will insure the success of our general neighborhood. The public portion of the project is requesting \$3,000,000 to fund eligible infrastructure cost and street improvements which will be accompanied by my investment in the reconstruction of the current retail establishment with additional space for mixed use occupancy in accordance with the City's Gus Thomasson Corridor Revitalization Code.

We intend to initiate our project upon completion of the public domain work that will define an environment in which the desired mixed use occupancy is sustainable. We are also prepared at present to accommodate the land encroachments needed by the City of Mesquite to fully accomplish its vision.

In closing, we appreciate the opportunity to submit our project for your review and look forward to furthering our relationship.

Sincerely,

Tim Hutcheson
President Mesquite Ace Hardware