

RESOLUTION NO. 2004-22-13

A RESOLUTION

**AUTHORIZING THE CREATION OF THE CITY OF SAN ANTONIO, TEXAS  
EMPOWERMENT ZONE DEVELOPMENT CORPORATION TO REVIEW  
AND AUTHORIZE THE ISSUANCE OF TAX-EXEMPT EMPOWERMENT  
ZONE FACILITY BONDS; AND APPROVING THE ARTICLES OF  
INCORPORATION AND BYLAWS FOR THE CORPORATION**

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*WHEREAS*, the City of San Antonio, Texas (the "City") is a duly created political subdivision of the State of Texas operating as a home-rule municipality pursuant to the laws of the State of Texas and its City Charter; and

*WHEREAS*, a written application from three residents of the City, who are citizens of the State of Texas and at least 18 years of age, has been filed with the City Council for the creation of a nonprofit local government corporation in accordance with the provisions of Subchapter D of Chapter 431, Texas Transportation Code, as amended (the "Act"), to aid and act on behalf of the City to accomplish certain governmental purposes of the City, to wit: the administration of various federal tax incentives relating to the Empowerment Zone designated within the City, including the issuance of empowerment zone bonds on behalf of qualified businesses within the Empowerment Zone, at the request of the City Council of the City; and

*WHEREAS*, it is hereby officially found and determined that the formation of a nonprofit local governmental corporation is wise, expedient, necessary or advisable and that it is in the public interest and to the benefit of the City and its citizens that a nonprofit local government corporation be authorized and created pursuant to the provisions of the Act to aid and act on behalf of the City to accomplish such governmental purposes; and

*WHEREAS*, it is hereby further officially found and determined that the meeting at which this Resolution was passed 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; *NOW THEREFORE*:

***BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:***

**SECTION 1. AUTHORIZATION AND APPROVAL FOR CREATION OF LOCAL GOVERNMENT CORPORATION.** The City Council hereby authorizes and approves the creation of a nonprofit local government corporation to act on behalf of the City, with all powers granted to such corporations in the Act, to be known as the "*CITY OF SAN ANTONIO, TEXAS EMPOWERMENT ZONE DEVELOPMENT CORPORATION*" (the "Corporation").

**SECTION 2. APPROVAL OF ARTICLES OF INCORPORATION AND BYLAWS.** The City Council hereby approves the Articles of Incorporation and the Bylaws proposed to be used in organizing and operating the Corporation (copies of which are attached to this Resolution and made a part hereof for all purposes) and hereby grants authority for the incorporation of the Corporation pursuant to Sections 431.101 and 431.102 of the Act. The initial directors named in said Articles of Incorporation shall be deemed to have been appointed, and are hereby appointed, as the initial directors of the board of directors of the Corporation for the respective terms described therein.

**SECTION 3. AUTHORITY TO ACT ON BEHALF OF CITY; APPOINTMENT OF OFFICERS.** The City specifically authorizes the Corporation to act on its behalf to further accomplish the governmental purposes stated in this Resolution and in the Articles of Incorporation attached hereto. The City further authorizes the Board of Directors of the Corporation to appoint any officers it deems necessary to conduct its business and operations in accordance with the provisions of the Bylaws attached hereto and approved hereby.

**SECTION 4. INCORPORATION OF RECITALS.** The City Council hereby finds that the statements set forth in the recitals of this Resolution are true and correct, and the City Council hereby incorporates such recitals as a part of this Resolution.

**SECTION 5. SEVERABILITY.** If any provision of this Resolution or the application thereof to any circumstance shall be held to be invalid, the remainder of this Resolution and the application thereof to other circumstances shall nevertheless be valid, and the City Council hereby declares that this Resolution would have been enacted without such invalid provision.

**SECTION 6. EFFECTIVE DATE.** This Resolution shall become effective on the tenth day from passage hereof.

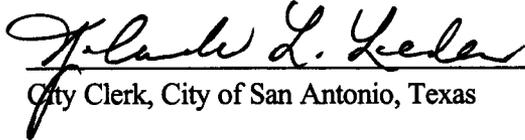
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**PASSED AND APPROVED THIS 3<sup>rd</sup> DAY OF JUNE, 2004.**



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MAYOR EDWARD D. GARZA

ATTEST:

  
\_\_\_\_\_  
City Clerk, City of San Antonio, Texas

(CITY SEAL)

APPROVED AS TO FORM:

By:   
\_\_\_\_\_  
City Attorney *ZHT*

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