



The City of Liberty City Council

Special/Joint Mtng- LISD Board & Liberty Co. Comm.

~ Agenda ~

1829 Sam Houston
Liberty, TX 77575
www.cityofliberty.org

Dianne Tidwell
City Secretary
(936) 336-3684

Tuesday, April 7, 2015

5:00 PM

City Hall - Liberty Center

The City Council of Liberty, Texas reserves the right to meet in closed session on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551 of the Texas Government Code.

I. CALL TO ORDER

II. REGULAR SESSION

1. Resolution (ID # 3234)

Consider possible action on a Resolution(s) regarding ad valorem taxes due to the City of Liberty and other taxing entities, by Boomerang Tube LLC, and a payment plan for same.

III. ADJOURNMENT

I certify that the attached Notice of Meeting was posted on the bulletin board and in the Message Centers located on the east and west sides of the City Hall Administration Building, located at 1829 Sam Houston on the 2nd day of April, 2015 at 2:00 p.m. This notice will remain so posted continuously for at least 72 hours preceding the scheduled time of said meeting in accordance with Chapter 551 of the Texas Government Code.

A handwritten signature in blue ink that reads "Dianne Tidwell".

Dianne Tidwell, City Secretary

Notice given to The Vindicator, Liberty Gazette, and KSHN Radio.

NOTICE

In compliance with the Americans with Disabilities Act, the City of Liberty will provide reasonable accommodation for persons attending and/or participating in this Council Meeting. To better serve you, requests must be made at least 24 hours prior to the meeting. Contact the City at (936) 336-3684 or by Fax at (936) 336-9846. The building is wheelchair accessible, with parking available, on the west side of the building.

I certify that the attached Notice and Agenda of items to be considered by the City Council was removed by me from the bulletin board at the City Hall on the _____ day of _____, 2015.

**The City of Liberty**

City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 04/07/15 05:00 PM

Department: Administration
Category: Taxes

RESOLUTION (ID # 3234)

DOC ID: 3234

TAX PAYMENT RESOLUTION

State of Texas

County of Liberty

This Tax Payment Resolution (*the "Agreement"*) is adopted to be effective as of the Effective Date (as hereinafter defined) by the City Council of the **CITY OF LIBERTY** (*the "City"*), a lawfully created home rule municipality of the State of Texas operating under its Home Rule Charter, in regards to tax obligations payable by **BOOMERANG TUBE, L.L.C** (*"Applicant"*), a Texas limited liability company.

RECITALS:

WHEREAS, the District and the Applicant entered into a Tax Abatement Agreement, dated December 30, 2008 (*hereinafter the "Tax Abatement Agreement"*); and,

WHEREAS, the Section 6 of the Tax Abatement Agreement requires Boomerang Tube, L.L.C. to pay its ad valorem taxes owed to the City and properly follow the legal procedures and/or contests for the duration of said Agreement; and,

WHEREAS, on Boomerang Tube, L.L.C. intends to enter into a **Tax Payment Agreement** with the Liberty County Tax Assessor-Collector's Office, acting on behalf of various taxing entities within Liberty County, Texas, including the City of Liberty (A true and correct copy of which is attached hereto as EXHIBIT 1, and incorporated herein by reference for all purposes); and,

WHEREAS, Boomerang Tube, L.L.C. intends to execute Exhibit 1 within the month of April, 2015; and,

WHEREAS, Boomerang Tube, L.L.C. has sought assurances from the City of Liberty that Boomerang Tube, L.L.C.'s entry into the aforesaid **Tax Payment Agreement** will not constitute a breach or default of the previously referenced December 30, 2008 Tax Abatement Agreement; and,

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

SECTION 1. That the facts and recitations contained in the preamble of this Resolution are hereby found and declared to be true and correct.

SECTION 2. That the City of Liberty acknowledges that Boomerang Tube, L.L.C. plans to enter into a Tax Payment Agreement with the Liberty County Tax Assessor-Collectors office, acting on behalf of various taxing entities within Liberty County, Texas, including the City of Liberty (A true and correct copy of which is attached hereto as EXHIBIT 1, and incorporated herein by reference for all purposes); and,

SECTION 3. That the City Council finds and declares that upon full execution of Exhibit 1, and so long as Boomerang Tube, L.L.C. makes payments in compliance with the provisions of **Tax Payment Agreement**, it will not be in default of its obligations to the City of Liberty under the December 30, 2008 Tax Abatement Agreement.

SECTION 4. That the City Council further finds and declares that the 2008 Tax Abatement Agreement provides for the adoption of this Resolution, and shall not be construed as a waiver of any subsequent breach of, or failure to comply with, the same term, condition or provision, or a waiver of any other term, condition or provision of the December 30, 2008 Tax Abatement Agreement.

IN WITNESS WHEREOF, this Resolution has been adopted by action of the City Council of the City of Liberty at a properly posted meeting of the City Council held on the 7th day of April 2015, and the "Effective Date" shall be the date of the full execution of Exhibit 1, so long as it is within the month of April, 2015.

CITY OF LIBERTY

By: _____
CARL PICKETT
Mayor
City of Liberty

Attest:

By: _____
DIANNE TIDWELL
City Secretary