

ORDINANCE NO. _____ OF 2023

ORDINANCE AUTHORIZING CITY TO ENTER INTO A COOPERATIVE ENDEAVOR AGREEMENT WITH DBUZ RUSTON, L.L.C. AND TO SELL PROPERTY TO DBUZ RUSTON, L.L.C. FOR AN ENTERTAINMENT CENTER

WHEREAS, the City of Ruston (the "City") owns an approximate 3.1 acre lot, located on the east side of La. Highway 167 / South Vienna Street in the City within the Ruston Sports Complex (the "Property"); and,

WHEREAS, the City has obtained an appraisal of the value of the Property (the "Appraisal"); and,

WHEREAS, in consideration of certain inducements to be provided by the City, DBUZ Ruston, L.L.C. ("DBUZ") proposes to purchase the Property and construct an entertainment center (the "Entertainment Center") on the Property which will generate sales taxes and create and maintain new jobs in the City ("the "Project"); and,

WHEREAS, the City desires to enter into a Cooperative Endeavor Agreement (the "CEA") with DBUZ; and,

WHEREAS, in the CEA the City will agree to sell the Property to DBUZ for a price which may be less than the appraised value reflected by the Appraisal pursuant to certain terms and conditions and DBUZ will agree to construct an Entertainment Center on the Property; and,

WHEREAS, the Entertainment Center to be constructed by DBUZ on the Property is anticipated to generate revenue and create jobs which will more than offset the difference in the purchase price and the appraised value of the Property; and,

WHEREAS, in the CEA, in connection with the construction of the Entertainment Center, DBUZ has agreed to create a specified number of jobs in the City within a specified period; and,

WHEREAS, as provided in the CEA, in the event DBUZ does not create the specified number of jobs in the City within the specified period, then DBUZ agrees to pay the full appraised value for the Property based on the appraised value set forth in the Appraisal; and,

WHEREAS, the Louisiana Constitution of 1974, Article VII, Section 14 (C), provides that for a public purpose the City may engage in cooperative endeavors with any public or private association, corporation or individual; and Article VI, Section 21 (A) authorizes assistance to local industry; and,

WHEREAS, the economic benefit to the City, Parish, and State resulting from this Project is projected to be commensurate with the value of the obligations of the City undertaken herein, this Agreement has a public purpose and is in the public interest of the City and its citizens; and,

WHEREAS, the Property is no longer needed for public purposes, and, as such, it is in the best interest of the City to sell the Property at private sale to DBUZ as an industrial inducement to facilitate economic growth in the City.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF RUSTON, LOUISIANA:

- §1.** The Property is declared to be no longer needed for public purposes.
- §2.** The City enter into a Cooperative Endeavor Agreement with DBUZ.

§3. The Mayor is authorized and empowered to execute a Cooperative Endeavor Agreement with DBUZ related to the Project and to execute any and all other documents necessary to complete the Project pursuant to such terms and conditions as he shall deem advisable and do any and all things necessary and proper to carry out this Ordinance and to fulfill its objects and purposes.

§4. The City sell the Property at private sale to DBUZ for a price that may be less than its appraised value and otherwise pursuant to the terms and conditions set forth in the Cooperative Endeavor Agreement, Purchase and Sale Agreement, Act of Sale or other agreement between the City and DBUZ, as an inducement to DBUZ and in order to facilitate economic growth in the City.

§5. The Mayor is authorized and empowered to execute all documents necessary to facilitate said sale, including, without limitation, a Purchase and Sale Agreement, an Act of Sale and other related documents, for a price less than the appraised value and pursuant to such terms and conditions set forth in the Cooperative Endeavor Agreement and/or Purchase and Sale Agreement and as he shall deem advisable in his sole discretion, and to do any and all things necessary and proper to carry out this Ordinance and to fulfill its objects and purposes.

§6. If any one or more of the provisions of this Ordinance shall, for any reason, be held to be illegal or invalid, such illegality or invalidity shall not affect any other provision of this Ordinance, but this Ordinance shall be construed and enforced as if such illegal or invalid provisions had not been contained herein. Any constitutional or statutory provision enacted after the date of this Ordinance which validates or makes legal any provision of this Ordinance which would not otherwise be valid or legal, shall be deemed to apply to this Ordinance.

§7. This Ordinance shall become effective upon final adoption and publication of the same in the manner prescribed by law and otherwise in accordance with La. R.S. 33:4712.

This Ordinance was introduced on _____, by Alderman _____, Notice of Public Hearing was published on _____, _____, and _____ and said public hearing having been held, the title having been read and the Ordinance considered, on motion to adopt, as amended, by Alderman _____, seconded by Alderman _____, a record vote was taken and the following result was had:

YEA:

NAY:

ABSENT:

WHEREUPON, the presiding officer declared the above Ordinance duly adopted on the _____ day of _____, 2023.

ATTEST:

JULIE K. SPEIR, CLERK

RONNY WALKER, MAYOR