

**CITY OF EL PASO, TEXAS
AGENDA ITEM
DEPARTMENT HEAD'S SUMMARY FORM**

AGENDA DATE: October 11, 2022
PUBLIC HEARING DATE: N/A

CONTACT PERSON(S) NAME AND PHONE NUMBER: M. Alejandra Fuentes, (915) 212-1618
Elizabeth K. Triggs, (915) 212-1619

DISTRICT(S) AFFECTED: District 6

STRATEGIC GOAL: Goal 1: Create an Environment Conducive to Strong, Sustainable Economic Development

SUBGOAL: Goal 1.1 Stabilize and Expand El Paso's Tax Base

SUBJECT:

A resolution that the City Manager be authorized to sign a Consent to Assignment from EL PASO GATEWAY, LLC, a Texas Limited Liability Company, to STAG TX HOLDINGS, LP, a Delaware limited partnership, with respect to the City of El Paso's Chapter 380 Agreement for the construction of a global manufacturer property located at 12285 Gateway Blvd. West, El Paso, Texas.

BACKGROUND / DISCUSSION:

SDI Technologies, Incorporated, KIDdesigns, LLC and EL PASO GATEWAY, LLC are the three applicants listed on the current Chapter 380 Agreement. EL PASO GATEWAY, LLC sold their portion of ownership to STAG TX Holdings, LLC. SDI ABP, LLC has requested that the City consent to the assignment of the Chapter 380 Agreement to STAG Holdings, LLC, which agrees to be responsible for all duties and obligations under agreement.

PRIOR COUNCIL ACTION:

On October 31, 2017 the City and SDI Technologies, Inc., KIDdesigns, Inc., and EL PASO GATEWAY, LLC entered into a Chapter 380 Economic Development agreement to construct a global manufacturer company property located at 12285 Gateway Blvd., El Paso, Texas 79936. A first amendment was executed on June 8, 2021. The agreement requires a contractual investment of \$15,000,000 and an incentive not to exceed \$723,943 from a Construction Materials Sales Tax Rebate, Property Tax Rebate and Building Permit Fees Rebate.

AMOUNT AND SOURCE OF FUNDING:

General Fund

HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED? X YES NO

PRIMARY DEPARTMENT: Economic and International Development

SECONDARY DEPARTMENT: N/A

*****REQUIRED AUTHORIZATION*****

DEPARTMENT HEAD:



(If Department Head Summary Form is initiated by Purchasing, client department should sign also)

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City Manager be authorized to sign a Consent to Assignment from EL PASO GATEWAY, LLC a Texas Limited Liability Company, to STAG TX HOLDINGS, LP, a Delaware limited partnership, with respect to the City of El Paso's Chapter 380 Agreement for the construction of a global manufacturer property located at 12285 Gateway Blvd. West, El Paso, Texas.

APPROVED this ____ day of _____, 2022.

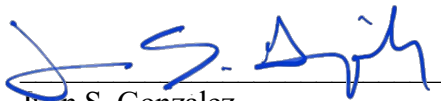
THE CITY OF EL PASO:

Oscar Leoser
Mayor

ATTEST:

Laura D. Prine
City Clerk

APPROVED AS TO FORM:



Juan S. Gonzalez
Senior Assistant City Attorney

APPROVED AS TO CONTENT:



Elizabeth K. Triggs, Director
Economic & International Development

**CONSENT TO ASSIGNMENT BETWEEN THE CITY OF EL PASO, SDI
TECHNOLOGIES, INC., KIDDESIGNS INC., EL PASO GATEWAY, LLC; AND STAG
TX HOLDINGS, LP**

This Consent to Assignment is entered into this ____ day of _____, 2022, by and between the City of El Paso (“City”); **EL PASO GATEWAY, LLC** (“Assignor”); and **STAG TX HOLDINGS, LP** (“Assignee”).

WHEREAS, on **October 31, 2017**, the City approved a Chapter 380 Agreement (“Agreement”); and

WHEREAS, Assignor was a party to the Agreement that agreed to renovate, restore and rehabilitate a commercial property located at 12285 Gateway Blvd. West, El Paso, Texas (“Real Property”); and

WHEREAS, Assignor was the owner of the Real Property, which was the subject of the Agreement; and

WHEREAS, Assignor is selling the Real Property to Assignee; and

WHEREAS, Assignor has requested that the City consent to the assignment of the Agreement to Assignee; and

WHEREAS, Assignee agrees to be responsible for all duties and obligations under the Agreement; and

WHEREAS, the Agreement requires the City’s consent to assignment; and

WHEREAS, the City agrees to the assignment of all rights, duties and obligations encompassed in the Agreement to Assignee.

NOW, THEREFORE, IT IS HEREBY AGREED as follows:

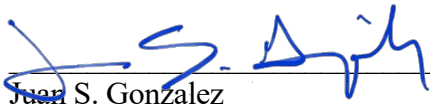
1. The City consents to the assignment of the rights, duties and obligations under the Agreement approved by Council on **October 31, 2017** to Assignee.
2. Assignee agrees to assume and perform all duties, obligations and responsibilities under the Agreement.
3. The signatories to the Agreement; SDI Technologies, Inc., and KIDdesigns, Inc. remain subject to the terms and conditions of the Agreement.
4. All terms and conditions of the Agreement shall remain in full force and effect.

(Signature Page to Follow)

CITY:
THE CITY OF EL PASO:

Tomás González
City Manager

APPROVED AS TO FORM:



Juan S. Gonzalez
Senior Assistant City Attorney

APPROVED AS TO CONTENT:



Elizabeth K. Triggs, Director
Economic & Int'l Development

STATE OF TEXAS §
 §
COUNTY OF EL PASO §

This Instrument was acknowledged before me on the ____ day of _____, 20____, by Tomás González, City Manager of the City of El Paso, Texas, on behalf of the City of El Paso, Texas.

Notary Public, State of Texas

My Commission Expires:


(Signatures Continue on the Next Page)

CITY:

THE CITY OF EL PASO:

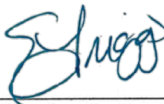
Tomás González
City Manager

APPROVED AS TO FORM:



Juan S. Gonzalez
Senior Assistant City Attorney

APPROVED AS TO CONTENT:



Elizabeth K. Triggs, Director
Economic & Int'l Development

STATE OF TEXAS §
 §
COUNTY OF EL PASO §

This Instrument was acknowledged before me on the ____ day of _____, 20____, by Tomás González, City Manager of the City of El Paso, Texas, on behalf of the City of El Paso, Texas.

Notary Public, State of Texas

My Commission Expires:

(Signatures Continue on the Next Page)

ASSIGNOR:

EL PASO GATEWAY, LLC

Isaac Ashkenazi

Signature

Isaac Ashkenazi

Printed Name

President

Title

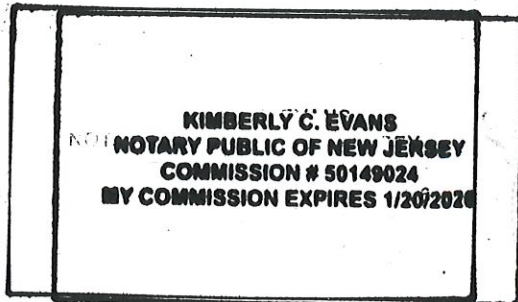
STATE OF New Jersey §

COUNTY OF Union §

This Instrument was acknowledged before me on the 28th day of September, 2022, by Isaac Ashkenazi President, on behalf of Assignor.

Kimberly Evans
Notary Public, State of New Jersey


My Commission Expires:



ASSIGNEE:

STAG TX HOLDINGS, LP,
a Delaware limited partnership

By: STAG TX GP2, LLC,
a Delaware limited liability company

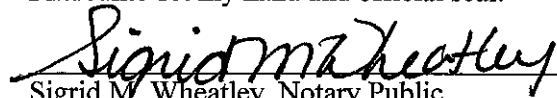
By: 
Name: Alan H. Simmons
Title: Assistant Secretary

COMMONWEALTH OF MASSACHUSETTS

County of Suffolk, ss.

On this 26th day of September, 2022, before me, a Notary Public for said Commonwealth, personally appeared Alan H. Simmons proved to me through satisfactory evidence of identification which was personal knowledge, to be the person whose name is signed on the preceding document and acknowledged to me that he signed it voluntarily for its stated purpose as the Assistant Secretary of STAG TX GP 2, LLC, a Delaware limited liability company, that being authorized to do so, executed the foregoing instrument for the purposes therein contained and on behalf of STAG TX Holdings, LP, a Delaware limited partnership.

I hereunto set my hand and official seal.


Sigrid M. Wheatley, Notary Public
My commission expires: 8/21/2026

