

**TOWN OF EDGEWOOD
ORDINANCE NO. 2015-07**

AN ORDINANCE APPROVING AN ECONOMIC DEVELOPMENT PROJECT ENTITLED COMFORT INN; PROVIDING FOR BASIC INFRASTRUCTURE TO ACCOMMODATE CONSTRUCTION OF HOTEL AND FOR COSTS OF INFRASTRUCTURE FOR A HOTEL IN THE TOWN OF EDGEWOOD

WHEREAS, pursuant to the Local Economic Development Act, NMSA 1978, §§ 5-10-1 through 5-10-13, the Town of Edgewood (“Town”) has adopted Ordinance No. 2003-14, entitled “Economic Development Plan Ordinance,” also known as the “Local Economic Development Act Ordinance” (“LEDA Ordinance”), for the purpose of permitting public support of economic development; and

WHEREAS, the LEDA Ordinance sets forth the purpose of allowing public support of economic development to foster, promote and enhance local economic development efforts through the use of project participation agreements with qualifying entities while continuing to protect against the unauthorized use of public money and other public resources, and to enter into joint powers agreements with other local governments to plan and support regional economic development projects; and

WHEREAS, Aspire Hotels LLC, a New Mexico limited liability company (“Aspire Hotels”) proposes to develop real property in the Town for the purpose of building and operating a hotel; and

WHEREAS, the Town wishes to provide project assistance to Aspire Hotels in the form of infrastructure and costs as an economic development project (“Project”), in an effort to enable Aspire Hotels to construct the hotel; and

WHEREAS, Aspire Hotels has submitted a LEDA application to the Town, requesting grant funds in the amount of \$73,500.00 and substantive contributions in an amount not to exceed \$95,285.00, for a total contribution in an amount not to exceed **One Hundred Sixty-Eight Thousand Seven Hundred and Eighty Five Dollars (\$168,785.00)**, said contributions making the construction of the hotel economically feasible; and

WHEREAS, the Town has determined that providing these project assistance contributions to Aspire Hotels will facilitate construction of the hotel and that construction and operation of the hotel in the Town of Edgewood will serve the best interests of the citizens of Edgewood and will more than compensate for contributions provided.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE TOWN OF EDGEWOOD as follows:

Section 1. Aspire Hotels has submitted an application to the Town pursuant to the Town of Edgewood LEDA Ordinance No. 2003-14. The Town has reviewed and approved the

application as having met the criteria set forth therein, and Aspire Hotels has established itself as a qualifying entity and has addressed the following criteria:

- a) Aspire Hotels has complied with the LEDA Ordinance by proposing to provide a public benefit to the residents of the Town in the following respects:
 - i) generating approximately 10 new primary jobs at the hotel at income levels sufficient to avoid diluting the current economic nature of the Town;
 - ii) generating property taxes and gross receipts taxes sufficient to exceed the total contribution of the Town;
- b) Aspire Hotels will have established its commitment to the community through a Project Participation Agreement (“PPA”) by agreeing to return the project assistance provided by the Town in the event that it does not complete construction of the hotel.
- c) The benefit to the community of the Project and the activity of Aspire Hotels is demonstrated by projected economic activity that leverages the public support during the Project period.

Section 2. The Town and Aspire Hotels shall, upon approval of the Project as evidenced by the passage of this Ordinance, enter into a Project Participation Agreement which Agreement shall include, but not be limited to, the following:

- a) The economic development goals of the Project;
- b) The standards by which to measure furtherance by the Project of the economic development goals of the Town;
- c) The rights and responsibilities of the parties, including specifically defining the contributions of the Town and of Aspire Hotels;
- d) Standards for regular performance reviews of the Project by the Town and the specific measurable objectives upon which performance evaluations of the Project shall be based;
- e) A schedule and audit or review procedures for the Project and facility development and performance goal attainment in which time shall be of the essence;
- f) The security to be provided to the Town;
- g) The default and cure provisions and such other procedures by which the Project can be terminated by the Town and the public investment recovered;

- h) The time period for which the Town, pursuant to Town's participation in the Project and the development of the facility, shall retain an interest in the Project, whether secured or otherwise, and the amount of that interest; and
- i) Any other requirements imposed by state law, Town ordinance, rule or regulation not specifically identified in this ordinance.

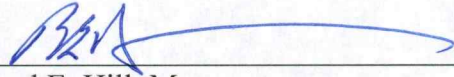
Section 3. The application of Aspire Hotels for project assistance is hereby approved, consistent with the terms of this ordinance and a Project Participation Agreement, referenced hereinabove to be negotiated by the Town or its designee and Aspire Hotels, and submitted to the Governing Body for approval.

Section 4. Severability Clause. Should any section, paragraph, clause or provision of this ordinance, for any reason, be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this ordinance.

Section 5. Repealing Clause. All ordinances or resolutions, or parts thereof, inconsistent herewith are hereby repealed only to the extent of such inconsistency. This repealing clause shall not be construed to revive any ordinance or resolution, or part thereof, heretofore repealed.

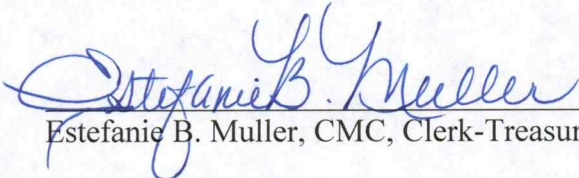
Section 6. Effective Date. This ordinance shall become effective five (5) days following publication either in its entirety or by title and a general summary of the subject matter contained in the ordinance.

ADOPTED, APPROVED AND PASSED by the Governing Body this 9th day of September, 2015.



Brad E. Hill, Mayor

ATTEST:



Stefanie B. Muller, CMC, Clerk-Treasurer

