

**RESOLUTION NO. R-2018-5350**

**WHEREAS**, TOTKN, LLC (“TOTKN”), a Texas Limited Liability Company has expressed to the City of Round Rock (“City”) its desire to construct a restaurant, bar, music venue and amphitheater in the City which will provide jobs and additional tax base to the City, and

**WHEREAS**, TOTKN intends to add at least 40 employees within two years of the occupancy of the Facility; and

**WHEREAS**, §380.001 Local Government Code provides that a municipality may establish an economic development program (“Program”) to promote local economic development and to stimulate business and commercial activity in the municipality, and

**WHEREAS**, the City Council has determined that the Program described in Exhibit “A” will meet the goals set forth in said §380.001 and will be of mutual benefit to both parties, Now Therefore

**BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS,**

That the City offers to TOTKN a §380.001 Program in exchange for TOTKN constructing a restaurant, bar, music venue and amphitheater in the City, and

**BE IT FURTHER RESOLVED**

That the offer of the Program shall be as generally outlined in Exhibit “A” attached hereto and incorporated herein for all purposes.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and

the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

**RESOLVED** this 12th day of April, 2018.

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CRAIG MORGAN, Mayor  
City of Round Rock, Texas

ATTEST:

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SARA L. WHITE, City Clerk

**EXHIBIT A**  
**ECONOMIC DEVELOPMENT PROGRAM**

The terms of the \$380,001 Economic Development Program to be offered to TOTKN, LLC (“TOTKN”), in exchange for TOTKN's constructing a restaurant, bar, music venue and amphitheater in the City of Round Rock are as generally outlined below:

1. TOTKN’s obligations:

- 1.1. TOTKN agrees to construct a restaurant, bar, music venue and amphitheater in the City that is similar to its existing business known as the Nutty Brown Café and Amphitheater located in Dripping Springs, Texas (the “Facility”).
- 1.2. TOTKN agrees to create at least 40 jobs within two years of its occupancy of the Facility.

2. City’s obligations:

- 2.1 City shall, subject to TOTKN’s satisfaction of its obligation to construct the Facility make Economic Incentive Payments to TOTKN as follows:

City subject to TOTKN’s satisfaction of its obligations to construct two new buildings, make EIPs to TOTKN as set forth herein. The EIP’s shall be made in annual payments on or before March 1 of each year and shall be a percentage of Property Tax paid for the previous year. “Year 1” shall be the calendar year immediately following the issuance of the last Certificate of Occupancy for the Facility; provided, however, if the Williamson Central Appraisal District appraisal of taxable value does not reflect the completion of the Facility and installation of all equipment, then “Year 1” shall be the second calendar year following the issuance of the last Certificate of Occupancy for the Facility. EIP’s shall be calculated as paid as follows:

<u>Year</u>	<u>Percentage of Property Tax</u>	<u>Paid by March 1 of:</u>
Year 1	100%	Year 2
Year 2	100%	Year 3
Year 3	75%	Year 4
Year 4	50%	Year 5
Year 5	25%	Year 6

- 3. The terms and provisions of this Program will be set out in more detail in the Economic Development Program Agreement of even date herewith.