



# Gaston County

Gaston County  
Board of Commissioners  
www.gastongov.com

## County Attorney

## Board Action

File #: 18-470

Commissioner Chad Brown - County Attorney - To Approve the Seventh Amendment to the Lawyers Building of Gastonia, LLC, Economic Development Incentive Agreement

### STAFF CONTACT

Charles Moore - County Attorney - 704-866-3400

### BUDGET IMPACT

Incentive payments would begin mid-year of FY20. 100% County Funds.

### BUDGET ORDINANCE IMPACT

Increase expenditures for FY20.

### BACKGROUND

This project is the re-adaptive use of the Lawyers Building on Main Street as hotel.

### POLICY IMPACT

N/A

### ATTACHMENTS

Seventh Amendment to Economic Incentive Agreement

DO NOT TYPE BELOW THIS LINE

I, Donna S. Buff, Clerk to the County Commission, do hereby certify that the above is a true and correct copy of action taken by the Board of Commissioners as follows:

NO.	DATE	M1	M2	CBrown	JBrown	AFraley	BHovis	TKelgher	TPhilbeck	RWorley	Vote
2018-304	12/11/2018	BH	TK	AB	A	AB	A	A	A	A	U

### DISTRIBUTION:

Laserfiche Users

A=AYE, N=NAY, AB=ABSENT, ABS=ABSTAIN, U=UNANIMOUS

## **SEVENTH AMENDMENT TO ECONOMIC INCENTIVE AGREEMENT**

THIS SEVENTH AMENDMENT TO ECONOMIC INCENTIVE AGREEMENT ("Amendment") is made effective as of the \_\_\_\_ day of December, 2018, by and between LAWYERS BUILDING OF GASTONIA, LLC, a North Carolina limited liability company ("Grantee"), and GASTON COUNTY ("County").

### **WITNESSETH:**

WHEREAS, Grantee and County executed that certain Economic Incentive Agreement by and between Grantee and County dated as of August 20, 2013 (the "Agreement");

WHEREAS, by Amendment dated September 26, 2014, the parties amended the terms of the original agreement to provide for 120 monthly payments instead of 10 annual payments and to extend the date by which \$2.4 million in Capital Expenses had to be expended on the project from February 2015 to December 2015;

WHEREAS, by Amendment dated November 12, 2015, the parties amended the terms of the agreement to extend the date by which \$2.4 million in Capital Expenses had to be expended on the project to June 30, 2016

WHEREAS, by Amendment dated September 7, 2016, the parties amended the terms of the agreement to extend the date by which \$2.4 million in Capital Expenses had to be expended on the project to March 31, 2017; and

WHEREAS, by Amendment dated March 28, 2017, the parties amended the terms of the agreement to extend the date by which \$2.4 million in Capital Expenses had to be expended on the project to December 31, 2017; and

WHEREAS, by Amendment dated February 27, 2018, the parties amended the terms of the agreement to extend the date by which \$2.4 million in Capital Expenses had to be expended on the project to December 31, 2018; and

WHEREAS, the Agreement requires from Grantee both an amount of Capital Expenses to be expended as well as a time period for the renovation to be substantially completed; and

WHEREAS, the parties desire to amend the Agreement as more particularly set forth herein.

NOW THEREFORE, for good and valuable consideration, the receipt and legal sufficiency of which are hereby acknowledged, the parties agree as follows:

1. Section 2(a)(i) is hereby deleted in its entirety and replaced with the following:

"Grantee shall have substantially completed the renovation of the Property into a mix-use commercial/residential building and expended at least \$2,400,000.00 in Capital Expenses on or before December 31, 2019."

2. All other terms and conditions of the Agreement shall remain unchanged. Except as amended by this Amendment, the Agreement shall continue in full force and effect, and the Agreement, as amended by this Amendment, is hereby expressly approved, ratified, confirmed and reaffirmed by Grantee and City.

IN WITNESS WHEREOF, the parties hereto have caused this Amendment to be executed as of the date first above written.

GRANTEE:

LAWYERS BUILDING OF GASTONIA, LLC,  
a North Carolina limited liability company

By: \_\_\_\_\_  
Nathan G. Kirby, Jr., Manager

COUNTY:

GASTON COUNTY BOARD OF COMMISSIONERS

By: \_\_\_\_\_  
Tracy L. Philbeck, Chairman

ATTEST:

\_\_\_\_\_  
Donna S. Buff, Clerk to the Board