

Calcasieu Parish Recording Page

H. Lynn Jones II
Clerk of Court
P.O. Box 1030
Lake Charles, LA 70602
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Received From :
CITY OF WESTLAKE (944)
P.O. BOX 700
WESTLAKE, LA 70669

First VENDOR
HORSESHOE CASINO

First VENDEE
-RE: RESL# 2023 1 AUTHORIZING WESTLAKE OPPOR ZONE DISTRICT TO LEVY & COLLECT SALES TAX

Index Type : CONVEYANCES
Type of Document : CORRECTION

File Number : 3555879

Recording Pages : 24

Book : 4673 **Page :** 854

Recorded Information

I hereby certify that the attached document was filed for registry and recorded in the Clerk of Court's office for Calcasieu Parish, Louisiana.

On (Recorded Date) : 10/29/2024

At (Recorded Time) : 10:09:51AM



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CLERK OF COURT
H. LYNN JONES II
Parish of Calcasieu
I certify that this is a true copy of the attached
document that was filed for registry and
Recorded 10/29/2024 at 10:09:51
File Number 3555879
Recorded in Book 4673 Page 854



Deputy Clerk

Bobbie Jo Dickens
EX Officio Notary
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Additional Index Recordings

<u>Index Type</u>	<u>Book</u>	<u>Page</u>	<u>File Number</u>
MTG	6276	552	3555879

Return To : CITY OF WESTLAKE (944)
P.O. BOX 700
WESTLAKE, LA 70669

WESTLAKE OPPORTUNITY ZONE DISTRICT

RESOLUTION 2023-1 (CORRECTED)

A RESOLUTION AUTHORIZING THE WESTLAKE OPPORTUNITY ZONE DISTRICT TO LEVY AND COLLECT A TWO PERCENT (2.0%) SALES AND USE TAX UPON THE SALE AT RETAIL, THE USE, THE LEASE OR RENTAL, THE CONSUMPTION AND STORAGE FOR USE OR CONSUMPTION OF TANGIBLE PERSONAL PROPERTY AND ON SALES OF SERVICES IN THE DISTRICT AND TWO PERCENT (2.0%) OF HOTEL OCCUPANCY TAXES WITHIN THE BOUNDARIES OF THE WESTLAKE OPPORTUNITY ZONE DISTRICT COMMENCING JANUARY 1, 2025; AND OTHERWISE PROVIDING RESPECT THERETO.

WHEREAS, Horseshoe Casino (individually and collectively "Owners") are the Owners of the immovable property ("Property"), located in the City of Westlake, Louisiana ("City") as more completely described on Exhibit "A";

WHEREAS, the Owners have developed the Property as a commercial development generally consisting of commercial space ("Project"), which Project may be developed in multiple phases;

WHEREAS, the Project will add permanent and temporary construction jobs, improve the retention, and recruitment of business within the City, enhance quality of life, and increase the ad valorem tax base and sales and use tax collections, which will thereby be a driving force behind economic development, job creation and growth in the City and a direct benefit to currently unemployed and low-income residents of the City (collectively, "Economic Benefits");

WHEREAS, pursuant to the provisions of Chapter 27 of Title 33 of the Louisiana Revised Statutes of 1950, as amended (La R.S. 33:9038.31 through 33:9038.42, inclusive) ("Act") and other constitutional and statutory authority, the City Council of Westlake ("Council") is empowered to define and create an economic development district ("EDD District") within the City;

WHEREAS, pursuant to the Act, an EDD District is empowered to levy up to five (5) mills of ad valorem taxes, up to two percent (2%) of sales taxes, and up to two percent (2%) of hotel occupancy taxes, or any combination thereof, within the EDD District above and in addition to any other ad valorem taxes, sales taxes, or hotel occupancy taxes, or combination of such taxes, then in existence or permitted to be in existence within the EDD District;

WHEREAS, the Owners made a request to the Council that the property be incorporated into an EDD District;

WHEREAS, the District Property produced annual sales tax revenue for the City of \$0.00 in the base year ending June 30, 2023;

WHEREAS, pursuant to Ordinance No. 994, the Council establish on July 18, 2021 and amended with Ordinance No. 1011 on November 21, 2022 the Westlake Opportunity Zone District within the City with the geographical boundaries describe on Exhibit "A";

WHEREAS, pursuant to Resolution No. 3641, the Council approved on January 23, 2023, the Council approved a Cooperative Endeavor Agreement ("CEA") by and among the City, the District and the Owners to provide for the collection of certain taxes, including the New Tax, and the distribution of those taxes to the Owners to assist in the Project Development in accordance with Section 14(C) of Article VII of the Louisiana Constitution of 1974, as amended, and the Act;

WHEREAS, pursuant to the Act, the Owners requested that the Board of Directors of Westlake Opportunity Zone District ("Board") authorize (a) the levy and collection of two percent (2%) of sales and use taxes upon the sale at retail, the use, the lease, or rental, the consumption and storage for use or consumption of tangible personal property and on sales of services within the District and a two percent (2%) of hotel occupancy tax within the District (collectively, the "New Tax") and (b) the pledge and the disbursement of the New Tax for the benefit of the Owners and the Project to assist in the construction, development, and operation of the Project (individually and collectively "Project Development");

WHEREAS, on July 17, 2023, the District adopted Resolution No. 2023-1 (the "Original Resolution") to levy the New Tax and pledge and disburse the available amount of the New Tax collected within the boundaries of the District to be used to assist with the Project Development pursuant to the terms and conditions of the CEA;

WHEREAS, pursuant to the Original Resolution, the Board found and declared that (i) the use of the New Tax by the Owners will comport with a governmental purpose (economic development) that the District has legal authority to pursue, (ii) the use of the New Tax by the Owners is not a gratuitous transfer, and (iii) the City, and the District as a result of the Economic Development Benefits, reasonably expects to receive equivalent value in exchange for the use of the New Tax by the Owners;

WHEREAS, in accordance with the Act, the District gave notice of its intention to levy and collect the New Tax and the pledge and the disbursement of the New Tax for the benefit of the Owners and the Project to assist in the Project Development;

WHEREAS, pursuant to R.S. 42:19.1 and R.S. 33:9038.39, notice to the public of the District's intent to levy New Tax pursuant to the Original Resolution in order to assist with the Project Development was advertised in the Lake Charles American Press on or about June 20, 2023 and June 27, 2023;

WHEREAS, pursuant to R.S. 42:19.1, notice of the District's intent to levy New Tax pursuant to the Original Resolution in order to assist with the Project Development was delivered on or about June 15, 2023 to State Senator Jeremy Stine and State Representative Brett Geymann;

WHEREAS, the Board intends that, once commenced, the New Tax will continue to be levied in perpetuity;

WHEREAS, the Board finds that (i) the use of the New Tax by the Owners will comport with the government purpose (economic development) that the District has legal authority to pursue, (ii) the use of the New Tax by the Owners is not a gratuitous transfer, and (iii) the City, the District as a result of the Economic Benefits, reasonably expects to receive equivalent value in exchange for the use of the New Tax by the Owners;

WHEREAS, there are no qualified electors residing in the District and therefore no election under La R.S. 33:9038.39 is required prior to the levy of the New Tax, as certified by Registrar of Voters for Calcasieu Parish, Louisiana on the certificate attached hereto and incorporated herein as Exhibit "B";

WHEREAS, it is in the public interest and within the power and authority vested in the District under the Act to levy and collect the New Tax;

WHEREAS, the District now wishes to provide for the levy and collection of the New Taxes, which shall be assessed, collected, administered and enforced in accordance with the provision of Chapter 2D of Subtitle II Chapter 47 of the Louisiana Revised Statutes of 1950 (the "Uniform Local Sales Tax Code"), as it may be amended;

WHEREAS, in accordance with the Act, the District further desires to create a special trust fund named the "Trust Fund for the Westlake Opportunity Zone District" ("Trust Fund"), the purpose of which is to fund economic development projects selected by the District in the manner provided by the Act;

WHEREAS, in accordance with the Act, the Board held in an open public meeting of the District on July 17, 2023 in order to hear any objections to the proposed levy of the New Tax;

WHEREAS, pursuant to Resolution No. EDD 2023-1 adopted on July 17, 2023, the District has authorized its Chairperson to enter into the CEA which provides for the priority of the components of the Project Development to be funded by the receipts of the New Tax; and

NOW THEREFORE, BE IT RESOLVED by the Board acting as the governing authority of the District, that:

SECTION 1: Whereas Clauses. The foregoing "WHEREAS" clauses are hereby adopted as set forth in the preamble to this resolution ("Resolution").

SECTION 2: Levy of New Taxes.

- a. The Board as the governing authority of the District does hereby approve the levy and collection by the District of two percent (2%) of sales and use taxes upon the sale at retail, the use, the lease or rental, the consumption and storage for use or consumption of tangible personal property and on sales of services in the District ("Sales Tax") and two percent (2%) of hotel occupancy taxes ("Hotel Occupancy Tax") within the District commencing January 1, 2025 and (b) the pledge and the disbursement of the New Tax for the benefit of the Owners and the Project to assist in the Project Development pursuant to the terms and conditions of the CEA.
- b. Subject to the Act, once the levy of the New Tax is commenced, the New Tax shall be levied in perpetuity.

SECTION 3. Collector. The New Tax shall each be collected by a "Collector" which term shall mean and include the entity from time-to-time collection Sales Tax and Hotel Occupancy Tax, respectively, on behalf of the City. The current Collector for both the Sales Tax and the Hotel Occupancy Tax is the Calcasieu Parish School Board.

SECTION 4. Integrated Bracket Schedule Applicable to Collection. The Sales Tax shall be collected on the basis of the applicable integrated bracket schedule prescribed by the Collector of Revenue, State of Louisiana. Pursuant to Section 304 of Title 47 of the Louisiana Revised Statutes of 1950 (La R.S. 47:304). The dealers shall remit the Sales New Taxes and Hotel Occupancy New Taxes collected to the Collector and comply with the Uniform Local Sales Tax Code, particularly La. R.S. 47:337.29, the proportionate part of the Sales Tax and Hotel Occupancy Tax collected in accordance with said integrated bracket schedule.

SECTION 5. Vendors Compensation. For the purpose of compensating the dealer in accounting for and remitting the New Taxes, each dealer shall be allowed compensation on the amount of all New Taxes due and accounted for and remitted to the Collector for the District equivalent to the amount allowed by the City for sales and use taxes levied by the City

(currently 1%). Said compensation shall be in the form of a deduction in submitting his/her report and/or reports and paying the amount due by the dealer, provided the amount due was not delinquent at the time of payment, and provided the amount of any credit claimed for taxes already paid to a wholesaler shall not be deducted in computing the commission allowed the dealer hereunder.

SECTION 6. Exclusions and Exemptions. The District has not adopted the optional exclusions or exemptions allowed by State sales and use tax law, nor does it plan to adopt any exclusions or exemptions that are not allowed as an exclusion or exemption from State sales and use tax. Included within the base of the New Taxes is every transaction, whether sales, use, lease, or rental service or hotel occupancy, as applicable, with no exclusions or exemptions except for those mandated upon political subdivisions by the Constitution or statutes of the State of Louisiana.

SECTION 7. Interest. The interest on the unpaid Tax provided for by La. R.S. 47:337.69 shall be at the rate of one percent (1%) per month.

SECTION 8. Delinquency Penalty. Penalty on the unpaid Tax as provided by La. R.S. 47:337.70 shall be five percent (5%) per month.

SECTION 9. Penalty for False or Fraudulent Return. Penalty as provided by La. R.S. 47:337.72 shall be fifty percent (50%) of the Tax found to be due.

SECTION 10. Negligence Penalty. The penalty provided by La. R.S. 47:337.73 shall be five percent (5%) of the Tax or deficiencies found to be due, or ten dollars (\$10.00), whichever is greater.

SECTION 11. Penalty for Insufficient Funds Check. The penalty provided in La. R.S. 47:337.74 shall be an amount equal to the greater of one percent (1%) of the check or twenty dollars (\$20.00).

SECTION 12. Attorney Fees. The Collector is authorized to employ private counsel to assist in collection of any Tax, penalties or interest due under this Ordinance, or to represent him in any proceeding under this Ordinance. If any Tax, penalties or interest due under this Ordinance are referred to an attorney at law for collection, an additional charge of attorney fees, in the amount of ten percent (10%) of the Tax, penalties and interest due, shall be paid by the tax debtor. Additional provisions applicable to attorney fees, inclusive of prevailing party and waiver of such fees, are included under La. R.S. 47:337.13.1 of the Uniform Local Sales Tax Code.

SECTION 13. Limits on Interest, Penalty and Attorney Fees. Should interest, penalties or attorney fees herein, or the combined interest, penalties and attorney fees be declared to be in excess of limits

provided by other law, including relevant jurisprudence, then the maximum interest, penalties and attorney fees allowed by such other law shall apply.

SECTION 14. Powers of Collector. The Collector is hereby authorized, empowered and directed to carry into effect the provisions of this Ordinance, to appoint deputies, assistants, or agents to assist in performance of his duties, and in pursuance thereof to make and enforce such rules as he may deem necessary.

SECTION 15. Disposition of Revenues.

- a. The entire proceeds of the New Taxes as received by the Westlake District shall be deposited into the Trust Fund and shall be used by the governing authority of the Westlake District for those economic development projects and purposes permitted pursuant to the Act subject to the terms and conditions of the CEA.
- b. All New Tax, revenues, funds, assessments, moneys, penalties, fees or other income which may be collected or come into the possession of the Collector under any provision or provisions of this Resolution relating to the New Tax described herein, or shall be promptly deposited by the Collector for the account of the Westlake District in the Trust Fund, heretofore established and maintained for the deposit of such proceeds, which fund shall be a separate bank account established and maintained with the regularly designated fiscal agent of the Westlake District, provided, however, any amount which is paid under protest or which is subject to litigation may be transferred to a separate account established by the Collector with said fiscal agent pending the final determination of the protest or litigation.
- c. Out of the funds on deposit in the Trust Fund, the Westlake District shall first pay all reasonable and necessary costs and expenses of administering and collecting the sales and use New Tax described herein (to the extent not already retained by the Collector) and administering the provisions of this Resolution and as well, the various administrative and enforcement procedures. Such costs and expenses shall be reported by the Collector monthly to the Westlake District.
- d. After all reasonable and necessary costs and expenses of collecting and administration of such sales and use New Tax have been paid as provided for above, the remaining balance in the Trust Fund shall be available for appropriation and expenditure by the Westlake District solely for the purposes designated and

described in the Act and other applicable law subject to the terms and conditions of the CEA.

SECTION 16. Accounting for Funds. All funds or accounts described herein may be separate funds or accounts or may be a separate accounting with a general or "sweep" fund or account containing monies from multiple sources so long as separate accounting of such monies is maintained.

SECTION 17. Authorization of Officers. The Mayor, Mayor Pro-Tempore, City Clerk and Finance Director are hereby authorized, empowered and directed to do any and all things necessary and incidental to carry out the provisions of this Resolution.

SECTION 18. Severability. If any provision of this Resolution shall be held to be illegal or invalid, such illegality or invalidity shall not affect any other provision of this Resolution, but this Resolution 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 Resolution which validates or makes legal any provision of this Resolution which would not otherwise be valid or legal, shall be deemed to apply to this Resolution.

SECTION 19. Uniform Local Sales Tax Code is Controlling. If any provision of this Ordinance shall be in conflict with the provisions of the Uniform Local Sales Tax Code, the provisions of the Uniform Local Sales Tax Code shall be controlling.

SECTION 20. Publication, Effective Date. This Resolution shall be published one time in the official journal of the City, and shall become effective January 1, 2025. ✓

SECTION 21. Incorporation of Act. This Resolution does hereby incorporate by reference as though fully set forth herein the provisions and requirements of the Act.

SECTION 22. Reference to Resolution. Although this instrument is characterized and described as a "Resolution of the Board" it has the same meaning, effect, result, impact, enforceability and validity as if this instrument was characterized as an "ordinance" in the context of actions by the governing authority of the Council and/or the governing authority of the District.

This Resolution having been submitted to a vote of the Board acting as the governing authority of the Westlake Opportunity Zone District, the vote thereon was as follows:

YEAS: Peterson, Cryer, Rougeou, Harrison, and Brown.

NAYS: None

ABSENT: None

ABSTAINED: None

THUS DONE, APPROVED, AND ADOPTED by the Board of Directors of the Westlake Opportunity Zone District, at a meeting of said public body duly held and conducted on July 17, 2023 in the City Council Chambers at 1001 Mulberry Street in the City of Westlake, Louisiana.


KENNY BROWN, CHAIRMAN

ATTEST:



ANDREA MAHFOUZ, CITY CLERK

EXHIBIT "A"

GEOGRAPHICAL BOUNDARIES OF THE WESTLAKE OPPORTUNITY ZONE DISTRICT

The Westlake Opportunity Zone District ("District") encompasses approximately 40 acres in the City of Westlake, Calcasieu Parish, Louisiana generally described as follows:

That certain tract or parcel of land lying within the Old Townsite of Westlake, Louisiana in Sections 35 and 36, Township 9 South, Range 9 West, Calcasieu Parish, Louisiana and being more particularly described as follows to-wit:

Beginning at the intersection of the North right-of-way line of Landry Street or the former Landry Street with the West Bank of the Calcasieu River, said point also being the Southeast Corner of Block 29 of the Old Townsite of Westlake;

Thence South, meandering along said west descending bank of the Calcasieu River, for a distance of 903.90 feet, more or less, to the Northeast corner of property currently or formerly owned by Lake Charles Harbor and Terminal District - Bulk Terminal #4;

Thence West, along a line contiguous with the north line of said Lake Charles Harbor and Terminal District - Bulk Terminal #4 property, for a distance of 563.00 feet, more or less, to the Section line common to Sections 35 and 36, Township 9 South, Range 9 West, Calcasieu Parish, Louisiana;

Thence North, along the Section line common to Sections 35 and 36, Township 9 South, Range 9 West, Calcasieu Parish, Louisiana, for a distance of 859.69 feet to the North line of the abandoned Landry Street and the Southwest corner of Block 21 of the Old Townsite of Westlake;

Thence West, along the North line of Landry Street and the former Landry Street, as platted and the South line of Block 20 and an extension thereof, to the Southeast Corner of Block 13 of said Old Townsite of Westlake, said point also being on the West right of way line of Miller Avenue;

Thence North, along the East line of Block 13 and West right-of-way line of Miller Avenue, to the Northeast Corner of said Block 13, and being the intersection of the West right-of-way line of Miller Avenue with the South right-of-way line of Megason Street, as platted;

Thence West, along the North line of said Block 13 and the North right-of-way line of Megason Street to the intersection with the West right-of-way line of Magnolia Street, as platted, said point also being the Northeast Corner of Block 5 of the aforesaid Old Townsite of Westlake

and also being the Southwest Corner of the intersection of Megason Street and Magnolia Street;

Thence North, along the West line of Magnolia Street, as platted and East line of Blocks 6 and 7 of the aforesaid Old Townsite of Westlake, to the Northeast Corner of Lot 10 of said Block 7, said point also being the intersection with the South right-of-way line of Isle of Capri Boulevard;

Thence East, along the South right-of-way line of Isle of Capri Boulevard and the North line of Lots 7 - 12 of Block 15 and the North line of Lots 5 - 8 of Block 18 of the aforesaid Old Townsite of Westlake, to the Northeast Corner of Lot 8 of Block 18 of the aforesaid Old Townsite of Westlake, said point also being on the West right-of-way line of Westlake Avenue;

Thence Northeasterly, crossing Westlake Avenue, to the East right-of-way line of said Westlake Avenue and Northwest Corner of property now or formerly belonging to Elaine Elder King McCarrick;

Thence East, along the North line of property, now or formerly belonging to Elaine Elder King McCarrick, to a point 50-feet West of the Top Bank of the Calcasieu River;

Thence Northerly, 50-feet West of and parallel with said Top Bank of the Calcasieu River, to the intersection with the South line of property now or formerly belonging to the Lake Charles Harbor & Terminal District;

Thence West, along the South line of property now or formerly belonging to Lake Charles Harbor & Terminal District to the Southwest corner of property belonging to said Lake Charles Harbor and Terminal District, said point also lying on the East right-of-way line of Westlake Avenue;

Thence North, along the West right-of-way line of said Westlake Avenue to the Northwest corner of property of said Lake Charles Harbor & Terminal District, said point lying on and being contiguous with the South right-of-way of the Union Pacific Railroad;

Thence East, along the North line of Lake Charles Harbor & Terminal District Property, being contiguous with the South right-of-way line of said Union Pacific Railroad, to a point 50-feet West of the Top Bank of the Calcasieu River;

Thence Northerly, crossing the Southern Pacific Railway, 50-feet West of and parallel with said Top Bank of the Calcasieu River to the North right-of-way line of said Union Pacific Railroad and being contiguous with the South line of Property now or formerly belonging to West River Landing, LLC;

Thence West, along the North right-of-way line of Union Pacific Railroad being contiguous with the South property line of said West River Landing, LLC, extending across Westlake Avenue and the South line of Lot 43 of Block 23 of the aforesaid Old Townsite of Westlake to the West right-of-way line of Miller Avenue, said point being the Southeast Corner of Lot 44 of Block 24 of the aforesaid Old Townsite of Westlake;

Thence North, along the West right-of-way line of Miller Avenue, being contiguous with the East line of Block 24 of the aforesaid Old Townsite of Westlake to the Southeast Corner of Lot 7 of Block 24 of the aforesaid Old Townsite of Westlake;

Thence West, along the South line of Lot 7 of Block 24 of the Old Townsite of Westlake to the Southwest Corner of said Lot 7 of Block 24 of the aforesaid Old Townsite of Westlake;

Thence North, along the West line of Lots 7,6,5,4,3,2 and 1 of Block 24 of the aforesaid Old Townsite of Westlake to the Northwest corner of said Lot 1, said point being on the South right-of-way line of Pilley Street, as platted;

Thence East, along the North line of Lot 1 of Block 24 of the aforesaid Old Townsite of Westlake and being contiguous with the South right-of-way line of Pilley Street, to the Northeast Corner of said Lot 1, said point being the intersection of the South right-of-way line of Pilley Street and the West right-of-way line of Miller Avenue;

Thence North, crossing Pilley Street, as platted, along the West right-of-way line of Miller Avenue to the Southeast Corner of Lot 6 of Block 25 of the aforesaid Old Townsite of Westlake, said point also being the intersection of the North right-of-way line of Pilley Street and the West right-of-way line of Miller Avenue;

Thence East, crossing Miller Avenue, along an East extension of Block 25 of the aforesaid Old Townsite of Westlake, and along Block 26 of the aforesaid Old Townsite of Westlake to the Southeast Corner of Lot 6 of Block 26 of the aforesaid Old Townsite of Westlake;

Thence Southeasterly, crossing Westlake Avenue on a diagonal, to the Northwest Corner of property now or formerly belonging to West River Landing, LLC, said point also being contiguous with the South right-of-way line of Kansas City Southern Railroad;

Thence East, along the North line of property now or formally belonging to said West River Landing, LLC and contiguous with the South right-of-way line of Kansas City Southern Railroad to the Top Bank of the Calcasieu River;

Thence Southerly, following the Top Bank of the Calcasieu River to the Point of Beginning.

NOTES:

1. Road names were obtained from the plat of the Townsite of Westlake, Calcasieu Parish, Louisiana.
2. Certain roads indicated on the map and in the description may be abandoned.
3. It is unknown if Railroad Avenue, as shown on the maps, is an actual dedicated right of way for a Street. It is part of the Union Pacific Railroad right-of-way and/or portion of Lot 44 of Block 24 of the Old Townsite of Westlake.
4. Ownership shown on maps was obtained from the Calcasieu Parish Tax Assessor Web Site.
5. This description is intended to be a part of a document that additionally contains two maps showing portions of the Townsite of Westlake, one having an aerial background image.
6. Map Date: November 7, 2022.

EXHIBIT "B"

WESTLAKE OPPORTUNITY ZONE DISTRICT

CERTIFICATE OF PARISH OF CALCASIEU REGISTRAR OF VOTERS

I, the undersigned Registrar of Voters for the Parish of Calcasieu, State of Louisiana, do hereby certify that I have examined all the voters' records concerning the following described property:

The Westlake Opportunity Zone District ("District") encompasses approximately 40 acres in the City of Westlake, Calcasieu Parish, Louisiana generally described as follows:

That certain tract or parcel of land lying within the Old Townsite of Westlake, Louisiana in Sections 35 and 36, Township 9 South, Range 9 West, Calcasieu Parish, Louisiana and being more particularly described as follows to-wit:

Beginning at the intersection of the North right-of-way line of Landry Street or the former Landry Street with the West Bank of the Calcasieu River, said point also being the Southeast Corner of Block 29 of the Old Townsite of Westlake;

Thence South, meandering along said west descending bank of the Calcasieu River, for a distance of 903.90 feet, more or less, to the Northeast corner of property currently or formerly owned by Lake Charles Harbor and Terminal District - Bulk Terminal #4;

Thence West, along a line contiguous with the north line of said Lake Charles Harbor and Terminal District - Bulk Terminal #4 property, for a distance of 563.00 feet, more or less, to the Section line common to Sections 35 and 36, Township 9 South, Range 9 West, Calcasieu Parish, Louisiana;

Thence North, along the Section line common to Sections 35 and 36, Township 9 South, Range 9 West, Calcasieu Parish, Louisiana, for a distance of 859.69 feet to the North line of the abandoned Landry Street and the Southwest corner of Block 21 of the Old Townsite of Westlake;

Thence West, along the North line of Landry Street and the former Landry Street, as platted and the South line of Block 20 and an extension thereof, to the Southeast Corner of Block 13 of said Old Townsite of Westlake, said point also being on the West right of way line of Miller Avenue;

Thence North, along the East line of Block 13 and West right-of-way line of Miller Avenue, to the Northeast Corner of said Block 13, and being

the intersection of the West right-of-way line of Miller Avenue with the South right-of-way line of Megason Street, as platted;

Thence West, along the North line of said Block 13 and the North right-of-way line of Megason Street to the intersection with the West right-of-way line of Magnolia Street, as platted, said point also being the Northeast Corner of Block 5 of the aforesaid Old Townsite of Westlake and also being the Southwest Corner of the intersection of Megason Street and Magnolia Street;

Thence North, along the West line of Magnolia Street, as platted and East line of Blocks 6 and 7 of the aforesaid Old Townsite of Westlake, to the Northeast Corner of Lot 10 of said Block 7, said point also being the intersection with the South right-of-way line of Isle of Capri Boulevard;

Thence East, along the South right-of-way line of Isle of Capri Boulevard and the North line of Lots 7 - 12 of Block 15 and the North line of Lots 5 - 8 of Block 18 of the aforesaid Old Townsite of Westlake, to the Northeast Corner of Lot 8 of Block 18 of the aforesaid Old Townsite of Westlake, said point also being on the West right-of-way line of Westlake Avenue;

Thence Northeasterly, crossing Westlake Avenue, to the East right-of-way line of said Westlake Avenue and Northwest Corner of property now or formerly belonging to Elaine Elder King McCarrick;

Thence East, along the North line of property, now or formerly belonging to Elaine Elder King McCarrick, to a point 50-feet West of the Top Bank of the Calcasieu River;

Thence Northerly, 50-feet West of and parallel with said Top Bank of the Calcasieu River, to the intersection with the South line of property now or formerly belonging to the Lake Charles Harbor & Terminal District;

Thence West, along the South line of property now or formerly belonging to Lake Charles Harbor & Terminal District to the Southwest corner of property belonging to said Lake Charles Harbor and Terminal District, said point also lying on the East right-of-way line of Westlake Avenue;

Thence North, along the West right-of-way line of said Westlake Avenue to the Northwest corner of property of said Lake Charles Harbor & Terminal District, said point lying on and being contiguous with the South right-of-way of the Union Pacific Railroad;

Thence East, along the North line of Lake Charles Harbor & Terminal District Property, being contiguous with the South right-of-way line of

said Union Pacific Railroad, to a point 50-feet West of the Top Bank of the Calcasieu River;

Thence Northerly, crossing the Southern Pacific Railway, 50-feet West of and parallel with said Top Bank of the Calcasieu River to the North right-of-way line of said Union Pacific Railroad and being contiguous with the South line of Property now or formerly belonging to West River Landing, LLC;

Thence West, along the North right-of-way line of Union Pacific Railroad being contiguous with the South property line of said West River Landing, LLC, extending across Westlake Avenue and the South line of Lot 43 of Block 23 of the aforesaid Old Townsite of Westlake to the West right-of-way line of Miller Avenue, said point being the Southeast Corner of Lot 44 of Block 24 of the aforesaid Old Townsite of Westlake;

Thence North, along the West right-of-way line of Miller Avenue, being contiguous with the East line of Block 24 of the aforesaid Old Townsite of Westlake to the Southeast Corner of Lot 7 of Block 24 of the aforesaid Old Townsite of Westlake;

Thence West, along the South line of Lot 7 of Block 24 of the Old Townsite of Westlake to the Southwest Corner of said Lot 7 of Block 24 of the aforesaid Old Townsite of Westlake;

Thence North, along the West line of Lots 7,6,5,4,3,2 and 1 of Block 24 of the aforesaid Old Townsite of Westlake to the Northwest corner of said Lot 1, said point being on the South right-of-way line of Pilley Street, as platted;

Thence East, along the North line of Lot 1 of Block 24 of the aforesaid Old Townsite of Westlake and being contiguous with the South right-of-way line of Pilley Street, to the Northeast Corner of said Lot 1, said point being the intersection of the South right-of-way line of Pilley Street and the West right-of-way line of Miller Avenue;

Thence North, crossing Pilley Street, as platted, along the West right-of-way line of Miller Avenue to the Southeast Corner of Lot 6 of Block 25 of the aforesaid Old Townsite of Westlake, said point also being the intersection of the North right-of-way line of Pilley Street and the West right-of-way line of Miller Avenue;

Thence East, crossing Miller Avenue, along an East extension of Block 25 of the aforesaid Old Townsite of Westlake, and along Block 26 of the aforesaid Old Townsite of Westlake to the Southeast Corner of Lot 6 of Block 26 of the aforesaid Old Townsite of Westlake;

Thence Southeasterly, crossing Westlake Avenue on a diagonal, to the Northwest Corner of property now or formerly belonging to West River Landing, LLC, said point also being contiguous with the South right-of-way line of Kansas City Southern Railroad;

Thence East, along the North line of property now or formally belonging to said West River Landing, LLC and contiguous with the South right-of-way line of Kansas City Southern Railroad to the Top Bank of the Calcasieu River;

Thence Southerly, following the Top Bank of the Calcasieu River to the Point of Beginning.

NOTES:

1. Road names were obtained from the plat of the Townsite of Westlake, Calcasieu Parish, Louisiana.
2. Certain roads indicated on the map and in the description may be abandoned.
3. It is unknown if Railroad Avenue, as shown on the maps, is an actual dedicated right of way for a Street. It is part of the Union Pacific Railroad right-of-way and/or portion of Lot 44 of Block 24 of the Old Townsite of Westlake.
4. Ownership shown on maps was obtained from the Calcasieu Parish Tax Assessor Web Site.
5. This description is intended to be a part of a document that additionally contains two maps showing portions of the Townsite of Westlake, one having an aerial background image.
6. Map Date: November 7, 2022.

ALL SHOWN ON THE MAP ON FILE WITH ANDREA MAHFOUZ, CITY CLERK, CITY OF WESTLAKE, LOUISIANA, 1001 MULBERRY STREET, WESTLAKE, LOUISIANA.

I further certify that there are no registered voters residing within the District as of June 13th, 2023.

REGISTRAR OF VOTERS
PARISH OF CALCASIEU
STATE OF LOUISIANA



Kim Fontenot

Dated: June 13th, 2023

EXHIBIT "C"

WESTLAKE OPPORTUNITY ZONE DISTRICT
CERTIFICATE OF CITY OF WESTLAKE FINANCE DIRECTOR
BASELINE SALES TAX COLLECTION RATE CERTIFICATE

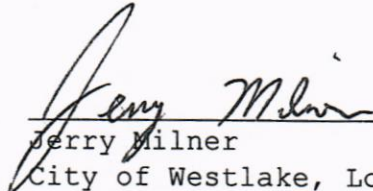
I, the undersigned Finance Director of the City of Westlake, Louisiana ("City") do hereby certify that I have examined all of the tax records concerning the following described property:

The Westlake Opportunity Zone District ("District") encompasses approximately 40 acres in the City of Westlake, Calcasieu Parish, Louisiana generally described as follows:

ALL SHOWN ON THE MAP ON FILE WITH ANDREA MAHFOUZ, CITY CLERK, CITY OF WESTLAKE, LOUISIANA, 1001 MULBERRY STREET, WESTLAKE, LOUISIANA.

I further certify that I have examined the sales, use and/or hospitality tax revenue data within the boundaries of the Westlake Opportunity Zone District for the fiscal year of City ending June 30, 2023. I hereby certify that both the annual and monthly collections of all sales, use and hospitality taxes levied within the boundaries of the Westlake Opportunity Zone District for the fiscal year ending June 30, 2023 was zero dollars (\$0.00). Accordingly, I hereby certify the initial annual baseline collection rate and the monthly baseline collection rate for the Westlake Opportunity Zone District as zero dollars (\$0.00).

FINANCE DIRECTOR
CITY OF WESTLAKE



Jerry Milner
City of Westlake, Louisiana
July 17, 2023

EXHIBIT "D"

FORM OF NOTICE

OFFICIAL PUBLIC NOTICE OF THE INTENT TO LEVY SALES TAXES AND HOTEL OCCUPANCY TAXES WITHIN THE WESTLAKE OPPORTUNITY ZONE DISTRICT AS DESCRIBED HEREIN PURSUANT TO LA. R.S. 42:19.1 AND LA. R.S. 33:9038.39.

NOTICE IS HEREBY GIVEN PURSUANT TO LA. R.S. 42:19.1 AND LA. R.S. 33:9038.39 to all citizens and to all other interested persons of the intentions of the Westlake Opportunity Zone District an economic development district created by the City Council of the City of Westlake pursuant to Ordinance No. 994 adopted on July 18, 2021, and amended Ordinance No. 1011 on November 21, 2022 with the boundaries set forth below (District), intends to adopt a resolution providing for the Resolution 2023-1 adopted by the District on July 17, 2023 ("Resolution"). The Resolution was adopted to provide for the levy of a two percent (2%) sales and use tax upon the sale at retail, the use, the lease or rental, the consumption and storage for use or consumption of tangible personal property and on sales of services in the District and a two percent (2%) hotel occupancy tax within the District (collectively, "New Tax"), all as presently defined in La. R.S. 47:301 through 316, inclusive, within the District as authorized by La. R.S. 33:9038.39. The District Resolution provides that the collection of the New Tax will commence on January 1, 2025.

The District was created by the City Council to induce and encourage the construction of a commercial development within the District generally consisting of commercial space, civic and institutional space and open space ("Project"), which Project may be developed on property within the District in multiple phases, by providing funds to Horseshoe Casino (collectively, "Owners"), from sources including by not limited to the New Tax. The New Tax will be pledged and disbursed for the benefit of the Owners and the Project to assist in the construction, development and operation of the Project pursuant to the terms of a Cooperative Endeavor Agreement to be entered into among the City of Westlake ("City"), the District, and the Owners ("CEA") in accordance with Section 14(C) of Article VII of the Louisiana Constitution of 1974, as amended. A copy of the CEA is on file with Andrea Mahfouz, City Clerk, 1001 Bob Hardey Drive, Westlake, Louisiana.

The City and the District reasonably anticipate that the Project will stimulate the local economy by adding permanent and temporary construction jobs, improving the retention, expansion, and recruitment of businesses within the City, enhancing quality of life developing underutilized land, and increasing the ad valorem tax base and sales and use tax collections, which will thereby be a driving force behind economic development, job creation and growth in the City and a direct

benefit to currently unemployed and low income residents of the City (collectively, "Economic Benefits").

The District encompasses approximately 40 acres in the City, and boundaries of the District are generally described as follows:

That certain tract or parcel of land lying within the Old Townsite of Westlake, Louisiana in Sections 35 and 36, Township 9 South, Range 9 West, Calcasieu Parish, Louisiana and being more particularly described as follows to-wit:

Beginning at the intersection of the North right-of-way line of Landry Street or the former Landry Street with the West Bank of the Calcasieu River, said point also being the Southeast Corner of Block 29 of the Old Townsite of Westlake;

Thence South, meandering along said west descending bank of the Calcasieu River, for a distance of 903.90 feet, more or less, to the Northeast corner of property currently or formerly owned by Lake Charles Harbor and Terminal District - Bulk Terminal #4;

Thence West, along a line contiguous with the north line of said Lake Charles Harbor and Terminal District - Bulk Terminal #4 property, for a distance of 563.00 feet, more or less, to the Section line common to Sections 35 and 36, Township 9 South, Range 9 West, Calcasieu Parish, Louisiana;

Thence North, along the Section line common to Sections 35 and 36, Township 9 South, Range 9 West, Calcasieu Parish, Louisiana, for a distance of 859.69 feet to the North line of the abandoned Landry Street and the Southwest corner of Block 21 of the Old Townsite of Westlake;

Thence West, along the North line of Landry Street and the former Landry Street, as platted and the South line of Block 20 and an extension thereof, to the Southeast Corner of Block 13 of said Old Townsite of Westlake, said point also being on the West right of way line of Miller Avenue;

Thence North, along the East line of Block 13 and West right-of-way line of Miller Avenue, to the Northeast Corner of said Block 13, and being the intersection of the West right-of-way line of Miller Avenue with the South right-of-way line of Megason Street, as platted;

Thence West, along the North line of said Block 13 and the North right-of-way line of Megason Street to the intersection with the West right-of-way line of Magnolia Street, as platted, said point also being the Northeast Corner of Block 5 of the aforesaid Old Townsite of Westlake and also being the Southwest Corner of the intersection of Megason Street and Magnolia Street;

Thence North, along the West line of Magnolia Street, as platted and East line of Blocks 6 and 7 of the aforesaid Old Townsite of Westlake, to the Northeast Corner of Lot 10 of said Block 7, said point also being the intersection with the South right-of-way line of Isle of Capri Boulevard;

Thence East, along the South right-of-way line of Isle of Capri Boulevard and the North line of Lots 7 - 12 of Block 15 and the North line of Lots 5 - 8 of Block 18 of the aforesaid Old Townsite of Westlake, to the Northeast Corner of Lot 8 of Block 18 of the aforesaid Old Townsite of Westlake, said point also being on the West right-of-way line of Westlake Avenue;

Thence Northeasterly, crossing Westlake Avenue, to the East right-of-way line of said Westlake Avenue and Northwest Corner of property now or formerly belonging to Elaine Elder King McCarrick;

Thence East, along the North line of property, now or formerly belonging to Elaine Elder King McCarrick, to a point 50-feet West of the Top Bank of the Calcasieu River;

Thence Northerly, 50-feet West of and parallel with said Top Bank of the Calcasieu River, to the intersection with the South line of property now or formerly belonging to the Lake Charles Harbor & Terminal District;

Thence West, along the South line of property now or formerly belonging to Lake Charles Harbor & Terminal District to the Southwest corner of property belonging to said Lake Charles Harbor and Terminal District, said point also lying on the East right-of-way line of Westlake Avenue;

Thence North, along the West right-of-way line of said Westlake Avenue to the Northwest corner of property of said Lake Charles Harbor & Terminal District, said point lying on and being contiguous with the South right-of-way of the Union Pacific Railroad;

Thence East, along the North line of Lake Charles Harbor & Terminal District Property, being contiguous with the South right-of-way line of said Union Pacific Railroad, to a point 50-feet West of the Top Bank of the Calcasieu River;

Thence Northerly, crossing the Southern Pacific Railway, 50-feet West of and parallel with said Top Bank of the Calcasieu River to the North right-of-way line of said Union Pacific Railroad and being contiguous with the South line of Property now or formerly belonging to West River Landing, LLC;

Thence West, along the North right-of-way line of Union Pacific Railroad being contiguous with the South property line of said West River Landing, LLC, extending across Westlake Avenue and the South line of Lot 43 of Block 23 of the aforesaid Old Townsite of Westlake to the West right-of-way line of Miller Avenue, said point being the Southeast Corner of Lot 44 of Block 24 of the aforesaid Old Townsite of Westlake;

Thence North, along the West right-of-way line of Miller Avenue, being contiguous with the East line of Block 24 of the aforesaid Old Townsite of Westlake to the Southeast Corner of Lot 7 of Block 24 of the aforesaid Old Townsite of Westlake;

Thence West, along the South line of Lot 7 of Block 24 of the Old Townsite of Westlake to the Southwest Corner of said Lot 7 of Block 24 of the aforesaid Old Townsite of Westlake;

Thence North, along the West line of Lots 7,6,5,4,3,2 and 1 of Block 24 of the aforesaid Old Townsite of Westlake to the Northwest corner of said Lot 1, said point being on the South right-of-way line of Pilley Street, as platted;

Thence East, along the North line of Lot 1 of Block 24 of the aforesaid Old Townsite of Westlake and being contiguous with the South right-of-way line of Pilley Street, to the Northeast Corner of said Lot 1, said point being the intersection of the South right-of-way line of Pilley Street and the West right-of-way line of Miller Avenue;

Thence North, crossing Pilley Street, as platted, along the West right-of-way line of Miller Avenue to the Southeast Corner of Lot 6 of Block 25 of the aforesaid Old Townsite of Westlake, said point also being the intersection of the North right-of-way line of Pilley Street and the West right-of-way line of Miller Avenue;

Thence East, crossing Miller Avenue, along an East extension of Block 25 of the aforesaid Old Townsite of Westlake, and along Block 26 of the aforesaid Old Townsite of Westlake to the Southeast Corner of Lot 6 of Block 26 of the aforesaid Old Townsite of Westlake;

Thence Southeasterly, crossing Westlake Avenue on a diagonal, to the Northwest Corner of property now or formerly belonging to West River Landing, LLC, said point also being contiguous with the South right-of-way line of Kansas City Southern Railroad;

Thence East, along the North line of property now or formally belonging to said West River Landing, LLC and contiguous with the South right-of-way line of Kansas City Southern Railroad to the Top Bank of the Calcasieu River;

Thence Southerly, following the Top Bank of the Calcasieu River to the Point of Beginning.

NOTES:

1. Road names were obtained from the plat of the Townsite of Westlake, Calcasieu Parish, Louisiana.
2. Certain roads indicated on the map and in the description may be abandoned.
3. It is unknown if Railroad Avenue, as shown on the maps, is an actual dedicated right of way for a Street. It is part of the Union Pacific Railroad right-of-way and/or portion of Lot 44 of Block 24 of the Old Townsite of Westlake.
4. Ownership shown on maps was obtained from the Calcasieu Parish Tax Assessor Web Site.
5. This description is intended to be a part of a document that additionally contains two maps showing portions of the Townsite of Westlake, one having an aerial background image.
6. Map Date: November 7, 2022.

ALL AS SHOWN ON THE MAP ON FILE WITH ANDREA MAHFOUZ, CITY CLERK, CITY OF WESTLAKE, 1001 BOB HARDEY DRIVE, WESTLAKE, LOUISIANA.

The public is further notified that the Board intends to levy and collect the New Tax within the boundaries of the Westlake Opportunity Zone District commencing January 1, 2025. The New Tax will be pledged and disbursed for the benefit of the Owners and the Project to assist in the construction, development and operation of the Project pursuant to the terms of the CEA.

THE PUBLIC IS NOTIFIED THAT THE BOARD WILL MEET IN OPEN AND PUBLIC SESSION TO CONSIDER THE RESOLUTION AT ITS MEETING OF THE BOARD TO BE HELD ON JULY 17, 2023, AT THE COUNCIL CHAMBERS ON 1001 MULBERRY STREET, WESTLAKE, LOUISIANA WHICH BEGINS AT 5:30 PM. IMMEDIATELY PRECEDING THE BEGINNING OF THE CITY COUNCIL MEETING, THE BOARD WILL HEAR ANY OBJECTIONS BY THE PUBLIC TO THE PROPOSED RESOLUTION AND THE NEW TAX.

STATE OF LOUISIANA
PARISH OF CALCASIEU

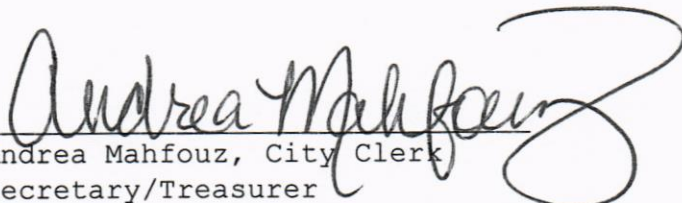
I, Andrea Mahfouz, do hereby certify that I am the duly qualified and acting City Clerk and Secretary/Treasurer of the Board of Directors of the Westlake Opportunity Zone District.

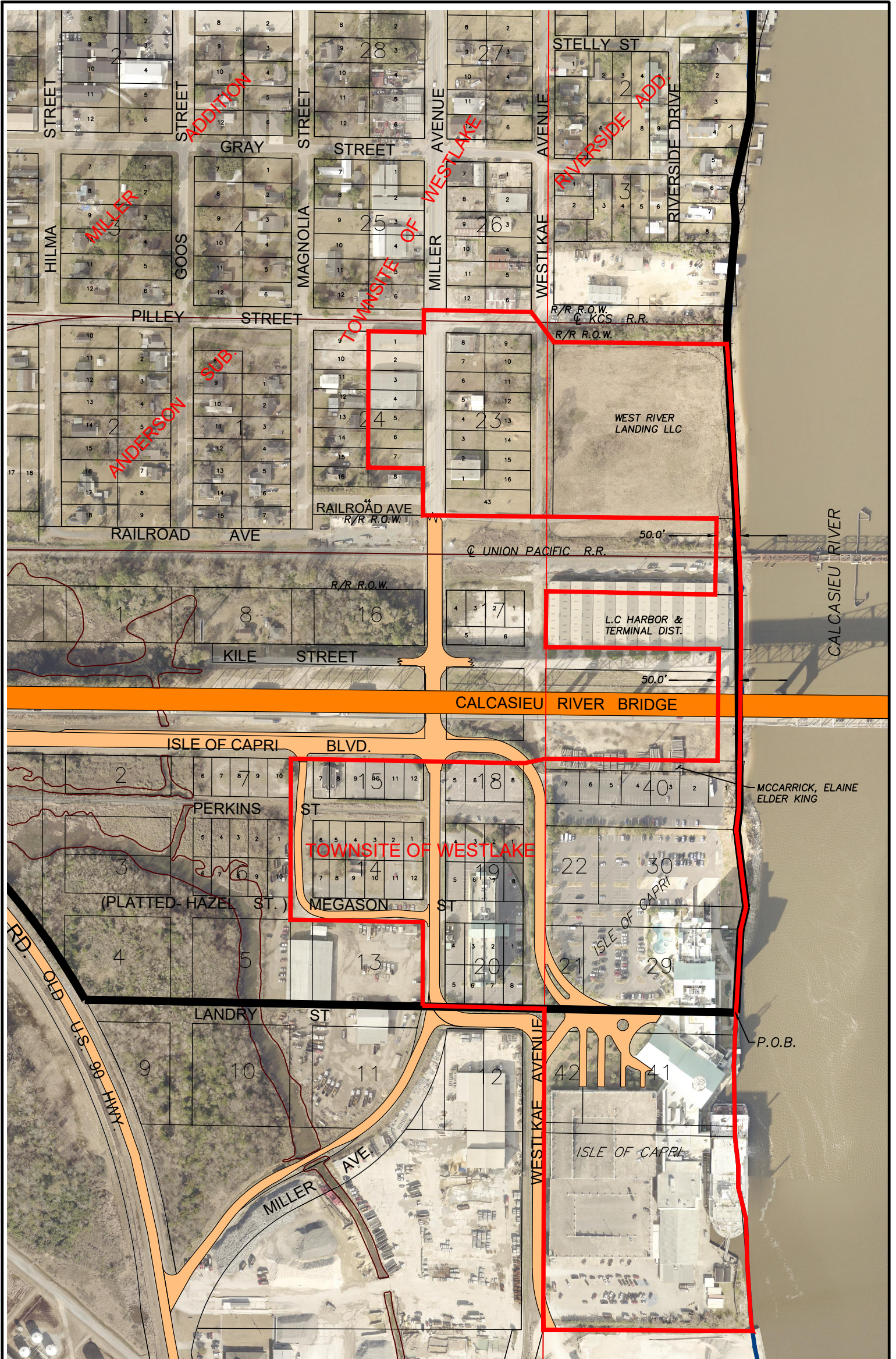
I further certify that the above and foregoing is a true and correct copy of Resolution 2023-1 entitled:

"A RESOLUTION AUTHORIZING THE WESTLAKE OPPORTUNITY ZONE DISTRICT TO LEVY AND COLLECT A TWO PERCENT (2.0%) SALES AND USE TAX UPON THE SALE AT RETAIL, THE USE, THE LEASE OR RENTAL, THE CONSUMPTION AND STORAGE FOR USE OR CONSUMPTION OF TANGIBLE PERSONAL PROPERTY AND ON SALES OF SERVICEDS IN THE DISTRICT AND TWO PERCENT (2.0%) OF HOTEL OCCUPANCY TAXES WITHIN THE BOUNDARIES OF THE WESTLAKE OPPORTUNITY ZONE DISTRICT COMMENCING JANUARY 1, 2025; AND OTHERWISE PROVIDING RESPECT THERETO."

Adopted at a Regular Meeting of the Board of Directors of the Westlake Opportunity Zone District held on July 17, 2023.

IN WITNESS WHEREOF, I have hereunto subscribed my official signature, this the 29th day of October, 2024.


Andrea Mahfouz, City Clerk
Secretary/Treasurer
Westlake Opportunity Zone District



PREPARED BY
MORRISON SURVEYING, INC.
 G.P.S. BOUNDARY, TOPOGRAPHIC, SUBDIVISION,
 INDUSTRIAL, HYDROGRAPHIC AND PIPELINE SURVEYS
 P.O. BOX 71 SULPHUR, LA 70664-0071
 480 N. CITIES SERVICE HWY. SULPHUR, LA 70663
 PHONE: (337) 625-1050
 E-MAIL: idm@morrisoni.com

**CITY OF WESTLAKE
 ECONOMIC DEVELOPMENT
 DISTRICT
 WATERFRONT DEVELOPMENT**

SCALE: 1" = 300'
 DATE: 11-7-2022