

ORDINANCE NO. 4271

AN ORDINANCE OF THE CITY OF RICHARDSON, TEXAS, DESIGNATING REINVESTMENT ZONE NO. 28 (TEXAS INSTRUMENTS PHASE II); PROVIDING ELIGIBILITY OF THE ZONE FOR COMMERCIAL-INDUSTRIAL TAX ABATEMENT; CONTAINING FINDINGS THAT THE AREA DESCRIBED IN EXHIBIT "A" QUALIFIES TO BE DESIGNATED AS A TAX ABATEMENT REINVESTMENT ZONE AND THE IMPROVEMENTS SOUGHT ARE FEASIBLE AND PRACTICABLE AND OF BENEFIT TO THE LAND AND THE CITY AUTHORIZING AGREEMENTS IN WRITING WITH THE OWNERS OF ANY TAXABLE REAL AND TANGIBLE PERSONAL PROPERTY LOCATED WITHIN THE DESIGNATED ZONE AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE SAME ON BEHALF OF THE CITY; RE-ADOPTING THE TAX ABATEMENT GUIDELINES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Texas Instruments previously constructed a "RFAB I" Analog chip manufacturing facility in the City ("Phase I"); and

WHEREAS, through a coordinated tax abatement program with all local taxing entities, including the City, Collin County and Collin College (CCCCD) the taxing units entered a tax abatement agreement with Texas Instruments and provided tax abatement for the Phase I Improvements and tangible personal property and for the then planned Phase II improvements and tangible personal property dated November 25, 2003 (the "Tax Abatement Agreement"); and

WHEREAS, Plano Independent School District participated separately in providing incentives to Texas Instruments for Phase I through an agreement pursuant to Texas Government Code Chapter 313; and

WHEREAS, the second planned Phase II project was not constructed during the time period contemplated in the Tax Abatement Agreement; and

WHEREAS, Texas Instruments is now considering construction of the Phase II project consisting of a new Analog chip manufacturing facility containing approximately 864,000 square feet with a clean room of approximately 317,000 square feet and a structured parking garage adjacent to the existing Phase I facilities; and

WHEREAS, Texas Instruments has applied for an incentive pursuant to Texas Government Code Chapter 313 for an incentive from the Plano Independent School District for the Phase II project which requires the project to be located within a tax abatement reinvestment zone established pursuant to Tax Code Chapter 312; and

WHEREAS, City of Richardson Tax Abatement Reinvestment Zone No. 23 established for the Tax Abatement Agreement has expired by operation of law, and Texas Instruments has requested, and the City desires, to establish a new tax abatement reinvestment zone to facilitate

the application of Texas Instruments pursuant to Texas Government Code Chapter 313 for incentive from the Plano Independent School District for the Phase II project; and

WHEREAS, the City Council of the City of Richardson, Texas, has caused notice to be published in a newspaper having general circulation in the City and has delivered such notice to the presiding officer of the governing body of each taxing unit that includes in its boundaries real property described herein; and

WHEREAS, the City Council of the City of Richardson, Texas, has conducted a public hearing on the designation of the area described herein as a reinvestment zone;

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RICHARDSON, TEXAS:

SECTION 1. That the City Council of the City of Richardson, Texas, finds that the area described in Exhibit "A" attached hereto, will, if designated as a tax abatement reinvestment zone, be reasonably likely to contribute to the retention or expansion of primary employment, or to attract major investment in the zone that will be of benefit to the property and contribute to the economic development of the City. The City Council further finds that the improvements sought are feasible and practicable and would be of benefit to the land to be included in the zone and to the City after the expiration of a tax abatement agreement.

SECTION 2. That pursuant to the provisions of Section 312.201 of the Texas Tax Code, the property described in Exhibit "A" attached hereto and made a part hereof for all purposes is hereby designated as a Reinvestment Zone and for identification shall be known as "Reinvestment Zone 28 (Texas Instruments Phase II)."

SECTION 3. That the property within the Reinvestment Zone No. 28 is eligible for commercial-industrial tax abatement effective on January 1, 2018.

SECTION 4. That the City Council hereby authorizes tax abatement agreements with the owners of taxable real and tangible personal property located within the Reinvestment Zone

designated herein, subject to the guidelines and criteria governing tax abatement heretofore adopted by the City Council, and subject to the following conditions:

1. The agreement shall list the kind, number, and location of all proposed improvements of the property;
2. The agreement shall provide access to and authorize inspection of the property by municipal employees to ensure that the improvements or repairs are made according to the specifications and conditions of the agreement;
3. The agreement shall limit the uses of the property consistent with the general purpose of encouraging development or redevelopment of a zone during a period that property tax exemptions are in effect;
4. The agreement shall provide for recapturing property tax revenue loss as a result of the agreement if the owner of the property breaches the agreement or fails to make the improvements or repairs as provided by the agreement;
5. The agreement shall contain each term agreed to by the owner of the property;
6. The agreement shall require the owner of the property to certify annually to the City that the owner is in compliance with each applicable term of the agreement;
7. The agreement shall provide that the City may cancel or modify the agreement if the property owner fails to comply with the agreement;
8. The agreement may include the reasons for public improvements by the City or contain other provisions not inconsistent with Texas Tax Code Chapter 312, the Property Redevelopment Tax Abatement Act, as amended.

The City Manager, or designee is hereby authorized to negotiate and execute tax abatement agreements, and any instruments or amendments related thereto, with the owners of any taxable real and tangible personal property located within the Reinvestment Zone designated herein in accordance with this Ordinance. The City Manager, or designee is further hereby authorized to negotiate and execute economic development incentive agreements pursuant to Chapter 380, Texas Local Government Code with the owners of any taxable real and tangible personal property located within the Reinvestment Zone designated herein in accordance with this Ordinance.

SECTION 5. The City Council does hereby re-adopt the Richardson Policy Statement for Tax Abatement, a copy of which is on file in the City Secretary's office.

SECTION 6. If any article, paragraph or subdivision, clause or provision of this ordinance shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of this

ordinance as a whole or any part or provision thereof, other than the part so decided to be invalid or unconstitutional.


SECTION 7. That all provisions of the ordinances of the City of Richardson, Texas, in conflict with the provisions of this Ordinance be, and the same are hereby, repealed, and all other provisions of the ordinances of the City of Richardson not in conflict with the provisions of this Ordinance shall remain in full force and effect.

SECTION 8. This Ordinance shall take effect immediately from and after its passage as the law and charter in such cases provide.

DULY PASSED by the City Council of the City of Richardson, Texas, on the 8th day of October, 2018.



APPROVED:


MAYOR

CORRECTLY ENROLLED:


CITY SECRETARY

APPROVED AS TO FORM:


CITY ATTORNEY
(PGS:9-5-18:TM 102394)

EXHIBIT "A"
Legal description of land comprising Reinvestment Zone 28

METES & BOUNDS

92.445 Acres
City of Richardson
William Beverly Survey
Abstract No. 75
Collin County, Texas

SITUATED in the City of Richardson, in the William Beverly Survey, Abstract No. 75, Collin County, Texas, and being a part of that certain 128.892 acre tract of land as described in a deed from Spring Creek Centre, Ltd. to Texas Instruments Incorporated, dated May 31, 1994 and recorded in County Clerk's File No. 94-0052086 of the Deed Records of Collin County, Texas (hereafter referred to as "D.R.C.C.T.") and being more fully described as follows:

BEGINNING at a 1/2 inch iron rod found on the North right-of-way line of Renner Road (variable width R.O.W.) on the South line of said 128.892 acre tract and same being the Southeast corner of Lot 1, Block 1 of Telecom Industrial Park, an addition to the City of Richardson according to the Re-Plat thereof recorded in Cabinet J, Page 733, Map and Plat Records of Collin County, Texas and also being the Southwest corner of that certain called 2.9417 acre Reservation of Easement to Texas Utilities Electric Company, dated December 11, 1989 and recorded in Volume 3181, Page 923, D.R.C.C.T.;

THENCE: North 21 deg. 59 min. 20 sec. East, departing from said Renner Road, along the common line of said Telecom Industrial Park and said 2.9417 acre easement, a distance of 1210.65 feet to a 1/4 inch iron rod found for the most Easterly Northeast corner of said Telecom Industrial Park on the North line of said 128.892 acre tract and same being an original ell corner of that certain called 16.14 acre tract of land described in a deed to Texas Power & Light Company, dated September 29, 1959 and recorded in Volume 557, Page 99, D.R.C.C.T.;

THENCE: South 68 deg. 00 min. 40 sec. East, along the common line of said 128.892 acre tract, said 2.9417 acre tract and said 16.14 acre tract, a distance of 249.91 feet to a 1/2 inch iron rod found in concrete for corner;

THENCE: North 21 deg. 59 min. 55 sec. East, along the common line of said 128.892 acre tract and said 16.14 acre tract, a distance of 564.28 feet to a 1/2 inch iron rod found for a corner;

THENCE: North 78 deg. 34 min. 04 sec. East, along the common line of said 128.892 acre tract and said 16.14 acre tract, a distance of 1941.75 feet to a 1/2 inch iron rod found for the Northeast corner of said 128.892 acre tract on the West right-of-way line for Alma Road (80' wide R.O.W.);

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THENCE: South 0 deg. 24 min. 30 sec. West, along the common line of said 128.892 acre tract and said Alma Road, a distance of 36.23 feet to a 1/2 inch iron rod at the beginning of a curve to the left having a radius of 2080.00 feet and a chord that bears South 6 deg. 03 min. 13 sec. West - 407.92 feet,

THENCE: Along the common line of said 128.892 acre tract and said Alma Road, with said curve to the left, through a central angle of 11 deg. 15 min. 17 sec. and along an arc distance of 408.58 feet to a 1/2 inch iron rod for corner at the end of said curve;

THENCE: South 0 deg. 24 min. 57 sec. West, along the common line of said 128.892 acre tract and said Alma Road, a distance of 1464.72 feet to a 1/2 inch iron rod found at the Northerly most point of the corner clip at the Northwest corner of the intersection of Alma Road and the above mentioned Renner Road;

THENCE: South 43 deg. 41 min. 45 sec. West, along the said corner clip, a distance of 36.40 feet to a 1/2 inch iron rod found at the Southerly most point of the said corner clip on the South line of said 128.892 acre tract and the North right-of-way line of said Renner Road;

THENCE: South 86 deg. 58 min. 32 sec. West, along the common line of said 128.892 acre tract and said Renner Road, a distance of 158.23 feet to a 1/2 inch iron rod found for corner at the beginning of a curve to the right having a radius of 5000.00 feet and a chord that bears South 88 deg. 37 min. 34 sec. West - 288.28 feet;

THENCE: Along the common line of said 128.892 acre tract and said Renner Road, with said curve to the right, through a central angle of 03 deg. 18 min. 14 sec. and along an arc distance of 288.28 feet to a 1/2 inch iron rod found for corner at the end of the said curve;

THENCE: North 89 deg. 43 min. 18 sec. West, along the common line of said 128.892 acre tract and said Renner Road, a distance of 2274.40 feet to the POINT OF BEGINNING and containing 4,027,322 square feet or 92.445 acres of land.

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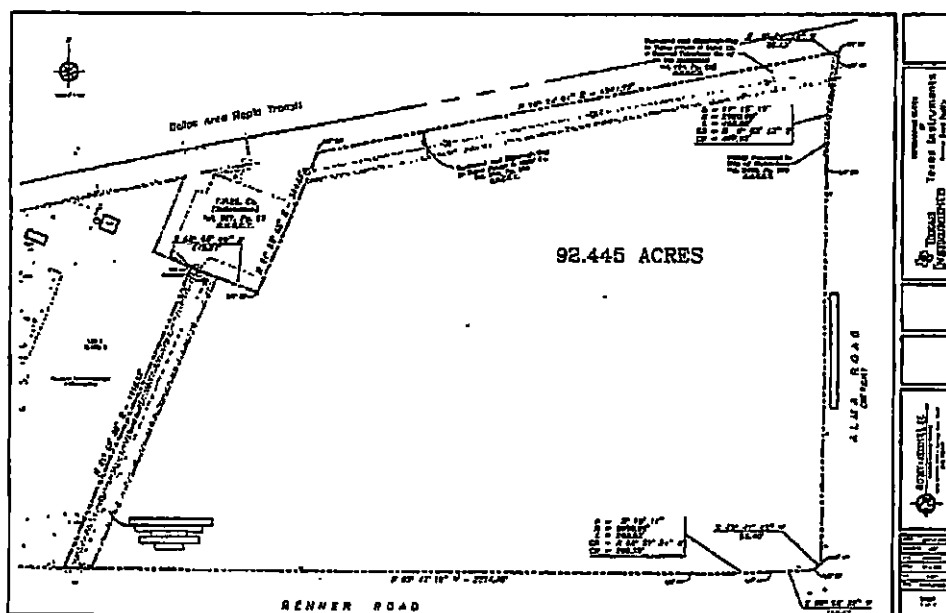


EXHIBIT "A" **Legal description of land comprising Reinvestment Zone 28**

