



**CITY OF PLANO  
COUNCIL AGENDA ITEM**

<b>CITY SECRETARY'S USE ONLY</b>				
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory				
Council Meeting Date:		11/26/12		
Department:		Economic Development		
Department Head		Sally Bane		
Agenda Coordinator (include phone #): <b>Linda Thomason x8201</b>				
<b>CAPTION</b>				
Public Hearing and an Ordinance of the City of Plano, Texas, designating a certain area within the City of Plano, Texas, as Reinvestment Zone No. 132 for tax abatement consisting of a 13.939 acre tract of land located in the Samuel Brown Survey, Abstract No. 108, Collin County and described in Exhibit "A", attached hereto, in the City of Plano, Texas, establishing the boundaries of such zone; ordaining other matters related thereto; and providing an effective date.				
<b>FINANCIAL SUMMARY</b>				
<input checked="" type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR: <b>2012-13</b>	<b>Prior Year (CIP Only)</b>	<b>Current Year</b>	<b>Future Years</b>	<b>TOTALS</b>
Budget	0	0	0	<b>0</b>
Encumbered/Expended Amount	0	0	0	<b>0</b>
This Item	0	0	0	<b>0</b>
BALANCE	0	0	0	<b>0</b>
FUND(S): <b>N/A</b>				
<b>COMMENTS:</b> This item has no fiscal impact. Notice of public hearing published on November 15, 2012 to create Reinvestment Zone 132. The real property improvements amount is \$54,000,000. Strategic Plan Goal: Providing economic development incentives relates to the City's goal of Strong Local Economy.				
<b>SUMMARY OF ITEM</b>				
This relates to Capital One, National Association, request for tax abatement on reinvestment Zone 132 and the creation of the zone on Dominion Parkway.				
List of Supporting Documents:		Other Departments, Boards, Commissions or Agencies		
Ordinance				
Metes and Bounds				

**An Ordinance of the City of Plano, Texas, designating a certain area within the City of Plano, Texas, as Reinvestment Zone No. 132 for tax abatement consisting of a 13.939 acre tract of land located in the Samuel Brown Survey, Abstract No. 108, Collin County and described in Exhibit "A", attached hereto, in the City of Plano, Texas, establishing the boundaries of such zone; ordaining other matters related thereto; and providing an effective date.**

**WHEREAS**, the City Council of the City of Plano, Texas (the "City"), desires to promote the development or redevelopment of a certain contiguous geographic area within its jurisdiction by the creation of a reinvestment zone for tax abatement, as authorized by V.T.C.A. Tax Code Chapter 312 (referred to as the "Property Redevelopment and Tax Abatement Act" or the "Act"); and

**WHEREAS**, a public hearing before the City Council was set for 7:00 p.m. on the 26th day of November, 2012, such date being at least seven (7) days after the date of publication of the notice of such public hearing; and

**WHEREAS**, the City held such public hearing after giving written notice of said hearing to all taxing units overlapping the territory inside the proposed reinvestment zone; and

**WHEREAS**, the City at such hearing invited any interested person or his representative to appear for or against the creation of the reinvestment zone, the boundaries of the proposed reinvestment zone, whether all or part of the territory described in the notice calling such public hearing should be included in such proposed reinvestment zone, and the concept of tax abatement; and,

**WHEREAS**, the proponents of the reinvestment zone offered evidence, both oral and documentary, in favor of all matters relating to the creation of the reinvestment zone.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, THAT:**

**Section I.** The facts and recitations contained in the preamble of this Ordinance are hereby found and declared to be true and correct.

**Section II. Definitions.** For the purposes of this Ordinance, the following terms and phrases shall have the following meanings ascribed to them:

- a) Improvements - Improvements shall include, for the purpose of establishing eligibility under the Act, any activity at the location, including, but not limited to, new construction.
- b) Taxable Real Property - Taxable real property shall be as defined in the Texas Property Tax Code and shall not include personal property as defined in said code, nor shall it include land.
- c) Base Year - The base year for determining increased value shall be the taxable real property value assessed the year in which the agreement is executed.

**Section III.** The City, after conducting the above-mentioned hearing and having heard such evidence and testimony, has made the following findings and determinations based on the testimony presented to it:

- a) That a public hearing on the adoption of the reinvestment zone has been properly called, held and conducted and that notices of such hearings have been published as required by law and mailed to all taxing units overlapping the territory inside the proposed reinvestment zone; and
- b) That the boundaries of the reinvestment zone should be the area as described in the metes and bounds description attached hereto as Exhibit "A"; and
- c) That creation of the reinvestment zone for commercial/industrial tax abatement with boundaries as described in Exhibit "A" will result in benefits to the City and to the land included in the zone and the improvements sought are feasible and practical; and
- d) That the reinvestment zone as defined in Exhibit "A" meets the criteria for the creation of a reinvestment zone as set forth in Section 312.202 of the Act in that it is "reasonably likely as a result of the designation to contribute to the retention or expansion of primary employment or to attract major investment in the zone that would be a benefit to the property and that would contribute to the economic development of the City"; and
- e) That the reinvestment zone as defined in Exhibit "A" meets the criteria for the creation of a reinvestment zone as set forth in the City of Plano Revised Policy Statement for Tax Abatement.

**Section IV.** Pursuant to Section 312.201 of the Act, the City hereby creates a reinvestment zone for commercial/industrial tax abatement encompassing only the area described by metes and bounds in Exhibit "A" attached hereto and such reinvestment zone is hereby designated and shall hereafter be designated as Reinvestment Zone No. 132, City of Plano, Texas.

**Section V.** The zone shall be effective as of January 1, 2014.

**Section VI.** To be eligible for tax abatement a project shall:

- a) Be located wholly within the zone as established herein.
- b) Not include property that is owned or leased by a member of the City Council of the City of Plano or by a member of the Planning and Zoning Commission.
- c) Conform to the requirements of the City's Zoning Ordinance and all other applicable laws and regulations.
- d) Have and maintain all land located within the designated zone, appraised at market value for tax purposes.

**Section VII.** Written tax abatement agreements with property owner(s) located within the zone shall provide the terms regarding duration of exemption and share of taxable Real Property Improvements value from taxation as approved hereunder as shown below:

- a) Ten (10) consecutive tax years beginning with and including the January 1, 2014 assessment date for the Real Property Improvements.
- b) Share of taxes abated – fifty percent (50%) of taxes on the total value of appraised Real Property Improvements for the years 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022 and 2023.

**Section VIII.** Any written agreements authorized under this Ordinance must include provisions for:

- a) Listing the kind, number and location of all proposed improvements of the property; and
- b) Access to and inspection of property by municipal employees to ensure that the improvements or repairs are made according to the specification and conditions of the agreements; and

- c) Limiting the use of the property consistent with the general purpose of encouraging development or redevelopment of the zone during the period that property tax exemptions are in effect; and
- d) Recapturing property tax revenue lost as a result of the agreement if the owner of the property fails to make the improvements or repairs as provided by the agreement.

**Section IX.** If any portion of this Ordinance shall, for any reason, be declared invalid by any court of competent jurisdiction, such invalidity shall not affect the remaining provisions hereof.

**Section X.** This Ordinance shall become effective from and after its date of passage.

**DULY PASSED AND APPROVED** this 26th day of November, 2012.

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Phil Dyer, MAYOR

ATTEST:

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Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

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Diane C. Wetherbee, CITY ATTORNEY

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

BEING a tract of land situated in the Samuel Brown Survey, Abstract No. 108, City of Plano, Collin County, Texas, and being part of that tract of land described in Special Warranty Deed to Capital One National Association as recorded in Document Number 20081008001203900, of the Official Public Records of Collin County, Texas (O.P.R.C.C.T.), and being part of Lot 4, Block 1 of the Revised Conveyance Plat of CAPITAL ONE ADDITION LOT 4, BLOCK 1, an addition to the City of Plano, Collin County, Texas as recorded in Volume 2012, Pages 42-43, O.P.R.C.C.T., and being more particularly described as follows:

BEGINNING at a 1/2-inch iron rod with a yellow plastic cap stamped "Half" (hereafter referred to as "with cap") found at an interior corner on the north line of said Lot 4, same being the southwest corner of Lot 2, Block A of the Conveyance Plat of NETWORK ASSOCIATES, LOT 2, BLOCK A, an addition to the City of Plano, Collin County, Texas as recorded in Volume 2006, Page 535, O.P.R.C.C.T.;

THENCE North 64 degrees 39 minutes 06 seconds East, along the common line between the northwest line of said Lot 4 and the southeast line of said Lot 2, passing at a call distance of 196.54 feet the southeast corner of said Lot 2, same being the southwest corner of Lot 1, Block A of the Final Plat of NETWORK ASSOCIATES, INC., BLOCK A, LOT 1, an addition to the City of Plano, Collin County, Texas as recorded in Volume O, Pages 322-323, Map Records of Collin County, Texas, and continuing along the common line between said Lot 4 and along the southeast line of said NETWORK ASSOCIATES, INC Addition, in all a total distance of 430.07 feet to a 1/2-inch iron rod with cap found for corner, said point being the northwest corner of Lot 3R, Block 1 of the Replat of CAPITAL ONE ADDITION LOT 3R, BLOCK 1, an addition to the City of Plano, Collin County, Texas as recorded in Volume 2012, Pages 164-165, O.P.R.C.C.T.;

THENCE South 42 degrees 47 minutes 48 seconds East, departing said common line, and along the common line between said Lot 4 and said Lot 3R, a distance of 55.13 feet to a 1/2-inch iron rod with cap found for corner;

THENCE South 17 degrees 12 minutes 12 seconds West, continuing along said common line, a distance of 546.04 feet to a point for corner;

THENCE South 42 degrees 50 minutes 57 seconds East, continuing along said common line, a distance of 71.01 feet to a 1/2-inch iron rod with cap set for corner;

THENCE South 17 degrees 12 minutes 12 seconds West, continuing along said common line, passing at a distance of 312.27 feet the most westerly corner of said Lot 3R, said corner being on the northeasterly right-of-way line of Dominion Parkway, being a northerly corner of a 12.02 foot jog in said right-of-way line, and continuing in all a total distance of 324.29 feet to a City of Plano monument found for corner on said east line of Dominion Parkway (92 feet wide at this point) and the southwesterly line of said Lot 4, said point being the beginning of a non-tangent

curve to the left with a radius of 1,446.00 feet and a chord bearing North 80 degrees 43 minutes 00 seconds West, a distance of 252.31 feet;

THENCE Northwesterly, along the common line between the southeasterly line of said Lot 4, and the northeasterly right-of-way line of said Dominion Parkway, and along said curve, through a central angle of 10 degrees 00 minutes 37 seconds, an arc distance of 252.63 feet to a 1/2-inch iron rod with cap set for corner;

THENCE North 85 degrees 43 minutes 18 seconds West, continuing along said common line, a distance of 223.92 feet to a point for the beginning of a non-tangent curve to the right with a radius of 1,004.00 feet and a chord that bears North 76 degrees 56 minutes 00 seconds West, a distance of 306.78 feet;

THENCE Northwesterly, continuing along said common line, and along said curve, through a central angle of 17 degrees 34 minutes 35 seconds, an arc distance of 307.99 feet to a point for corner;

THENCE departing said common line, and over and across said Lot 4, the following bearings and distances:

North 16 degrees 47 minutes 24 seconds East, a distance of 420.55 feet to a point for the beginning of a non-tangent circular curve to the left with a radius of 567.37 feet and a chord that bears North 84 degrees 59 minutes 11 seconds West, a distance of 31.57 feet;

Northwesterly, along said curve, through a central angle of 03 degrees 11 minutes 17 seconds, an arc distance of 31.57 feet to the point of reverse curvature of a circular curve to the right with a radius of 62.00 feet and a chord that bears North 79 degrees 53 minutes 41 seconds West, a distance of 14.44 feet;

Northwesterly, along said curve, through a central angle of 13 minutes 22 minutes 16 seconds, an arc distance of 14.47 feet to the point of tangency;

North 73 degrees 12 minutes 33 seconds West, a distance of 15.64 feet to the beginning of a non-tangent curve to the right with a radius of 32.00 feet and a chord that bears North 28 degrees 11 minutes 44 seconds West, a distance of 45.25 feet;

Northwesterly, along said curve, through a central angle of 90 degrees 00 minutes 00 seconds, an arc distance of 50.27 feet to a point for corner;

North 16 degrees 48 minutes 16 seconds East, a distance of 183.77 feet to the beginning of a non-tangent curve to the right with a radius of 32.00 feet and a chord that bears North 63 degrees 01 minute 14 seconds East, a distance of 45.25 feet;

Northeasterly, along said curve, through a central angle of 90 degrees 00 minutes 00 seconds, an arc distance of 50.27 feet to the point of reverse curvature of a non-tangent

curve to the left with a radius of 251.15 feet and a chord that bears South 89 degrees 52 minutes 27 seconds East, a distance of 154.53 feet;

Southeasterly, along said curve, through a central angle of 35 degrees 50 minutes 09 seconds, an arc distance of 157.08 feet to the point of reverse curvature of a non-tangent curve to the right with a radius of 234.23 feet and a chord that bears North 88 degrees 19 minutes 13 seconds East, a distance of 106.21 feet;

Northeasterly, along said curve, through a central angle of 26 degrees 12 minutes 34 seconds, an arc distance of 107.15 feet to a point for corner;

North 40 degrees 29 minutes 33 seconds East, a distance of 74.93 feet to a point for corner on the common northeast line of said Lot 4 and southwest line of said Lot 2;

THENCE South 49 degrees 30 minutes 24 seconds East, along said common line, a distance of 147.09 feet to the POINT OF BEGINNING AND CONTAINING 607,189 square feet or 13.939 acres of land, more or less.