



**CITY OF PLANO
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY				
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory				
Council Meeting Date:		4/12/10		
Department:		Finance		
Department Head		Denise Tacke		
Agenda Coordinator (include phone #): Katherine Crumbley x-7479				
CAPTION				
Public hearing and consideration of an ordinance of the City of Plano, Texas, designating a certain area within the City of Plano, Texas, as Reinvestment Zone No. 121 for tax abatement consisting of a 10.087 acre tract of land located north of the intersection of Mapleshade Lane and Silverglen Drive in the City of Plano, Texas, establishing the boundaries of such zone; ordaining other matters related thereto; and providing an effective date.				
FINANCIAL SUMMARY				
<input checked="" type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR:	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	0	0	0
BALANCE	0	0	0	0
FUND(S):				
COMMENTS: Notice of public hearing published on April 1, 2010, to create reinvestment zone 121. The real property improvements amount is \$6,250,000 while the business personal property amount to be maintained is \$1,350,000.				
SUMMARY OF ITEM				
This is related to Atmos Energy Corporation, a Texas and Virginia corporation, request for tax abatement on reinvestment zone 121 and creation of the zone.				
List of Supporting Documents: Ordinance			Other Departments, Boards, Commissions or Agencies	

An ordinance of the City of Plano, Texas, designating a certain area within the City of Plano, Texas, as Reinvestment Zone No. 121 for tax abatement consisting of a 10.087 acre tract of land located north of the intersection of Mapleshade Lane and Silverglen Drive 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 retail 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 12th day of April, 2010, 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) Taxable Tangible Personal Property - Shall be defined, for purposes of this Ordinance, as tangible personal property, such as office machines and office furnishings, but shall specifically exclude inventory or supplies.
- d) 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. 121, City of Plano, Texas.

Section V. The zone shall be effective as of January 1, 2011.

Section VI. To be eligible for tax abatement a retail 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 (and personalty) value from taxation as approved hereunder as shown below:

- a) Duration of Exemption – ten (10) consecutive tax years beginning with and including the January 1, 2011 assessment date.
- b) Share of taxes abated - percentage of taxes on total value of appraised Real and Business Personal Property and Improvements at the rate of: 50% for the years 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019 and 2020.

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;

- 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;
- 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 12th day of April, 2010.

Phil Dyer, Mayor

Attested:

Diane Zucco, City Secretary

Approved as to form:

Diane C. Wetherbee, City Attorney

EXHIBIT "A"
LEGAL DESCRIPTION
REINVESTMENT ZONE NO. 121
Real Property
Metes and Bounds

BEING a tract of land situated in the Martha McBride Survey Abstract No. 553, Collin County, Texas and being a portion of the land described in a deed to The Board of Regents of the University of Texas System as recorded in Volume 976, Page 517 and a portion of the land described as Exhibit R in a Quick Claim Deed to The Board of Regents of the University of Texas System as recorded in cc#94-0062867 of the Real Property Records of Collin County, Texas and being more particularly described as follows:

BEGINNING at an x-cut in concrete found in the northerly right of way line of Mapleshade Lane (a 92 feet wide right of way), said x-cut being the southeasterly corner of Lot 5, Block A of Coit Center an addition to the City of Plano according to the plat recorded in Clerks File No. 2006-100 of the Plat Records of Collin County, Texas;

THENCE along the easterly line of said Lot 5 as follows:

North 00 degrees 13 minutes 59 seconds West a distance of 114.89 feet to a 1/2 inch iron rod found for corner;

South 89 degrees 40 minutes 57 seconds West a distance of 130.00 feet to a 1/2 inch iron rod set for corner;

North 00 degrees 19 minutes 11 seconds West passing at a distance of 315.14 feet a 1/2 inch iron rod found for the northeasterly corner of said Lot 5 and continuing along the easterly line of Lot 6, Block A of Coit Center an addition to the City of Plano according to the plat recorded in County Clerks File No. 2006-99 of the Plat Records of Collin County, Texas passing at a distance of 693.87 feet the southeasterly corner of Lot 2R, Block A of Coit Center Addition an addition to the City of Plano according to the plat recorded in County Clerks File No. 2007-97 of the Plat Records of Collin County, Texas, passing at a distance of 846.93 feet a capped iron rod stamped "CARTER/BURG" found for the northeasterly corner of said Lot 2R in all a total distance of 874.36 feet to a capped iron rod stamped "CARTER/BURG" found for the northwesterly corner of said Exhibit R tract and the southerly right of way line of the Atchison, Topeka and Santa Fe Railroad (a 125 feet right of way at this point);

THENCE along the northerly line of said Exhibit R tract and the southerly right of way line of said Atchison, Topeka and Santa Fe Railroad South 67 degrees 44 minutes 07 seconds East a distance of 557.77 feet to a 1/2 inch iron rod set for corner;

THENCE departing the northerly line of said Exhibit R tract and the southerly right of way line of said Atchison, Topeka and Santa Fe Railroad South 00 degrees 19 minutes 11 seconds East a distance of 867.05 feet to a 1/2 inch iron rod set for corner in the southerly right of way line of the proposed extension of Mapleshade Lane (a 92 feet wide right of way);

THENCE along the southerly right of way line of the proposed extension of Mapleshade Lane South 89 degrees 40 minutes 49 seconds West a distance of 350.84 feet to a 1/2 inch iron rod found for corner in the southerly right of way line of Mapleshade Lane;

THENCE North 02 degrees 05 minutes 56 seconds East a distance of 90.14 feet to an aluminum monument found in the northerly right of way line of Mapleshade Lane;

THENCE along the northerly line of said Mapleshade Lane North 87 degrees 24 minutes 03 seconds West a distance of 38.19 feet to the POINT OF BEGINNING;

CONTAINING within these metes and bounds 10.825 acres of land more or less.

SAVE AND EXCEPT THE FOLLOWING:

BEING a tract of land situated in the Martha McBride Survey Abstract No. 553, Collin County, Texas and being a portion of the land described in a deed to The Board of Regents of the University of Texas System as recorded in Volume 976, Page 517 and a portion of the land described as Exhibit R in a Quick Claim Deed to The Board of Regents of the University of Texas System as recorded in cc#94-0062867 of the Real Property Records of Collin County, Texas and being more particularly described as follows:

BEGINNING at an x-cut in concrete found in the northerly right of way line of Mapleshade Lane (a 92 feet wide right of way), said x-cut being the southeasterly corner of Lot 5, Block A of Coit Center an addition to the City of Plano according to the plat recorded in Clerks File No. 2006-100 of the Plat Records of Collin County, Texas;

THENCE along the proposed northerly right of way line of Mapleshade Lane (proposed 92 feet wide right of way) North 89 degrees 40 minutes 49 seconds East a distance of 385.17 feet to a 1/2 inch iron rod with blue plastic cap stamped ElamPack Surveyors set for corner;

THENCE South 00 degrees 19 minutes 11 seconds East a distance of 92.00 feet to a 1/2 inch iron rod with blue plastic cap stamped ElamPack Surveyors set for corner in the proposed southerly right of way line of said Mapleshade Lane (proposed 92 feet wide right of way);

THENCE along the proposed southerly right of way line of said Mapleshade Lane (proposed 92 feet wide right of way) South 89 degrees 40 minutes 49 seconds West a distance of 350.84 feet to a 1/2 inch iron rod with blue plastic cap stamped ElamPack Surveyors set for corner in the easterly line of the existing Mapleshade Lane right of way;

THENCE along the easterly line of the existing Mapleshade Lane right of way North 02 degrees 05 minutes 56 seconds East a distance of 90.14 feet to an aluminum monument found for corner in the existing northerly right of way line of Mapleshade Lane;

THENCE along the existing northerly right of way line of said Mapleshade Lane North 87 degrees 24 minutes 03 seconds West a distance of 38.19 feet to the POINT OF BEGINNING;

Containing within these metes and bounds 0.738 acres or 32,135 square feet of land more or less.