



**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. 122 for tax abatement consisting of a 16.5852 acre tract of land located at the northeast corner of the intersection of Technology Drive and Klein Road 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 122. The real property improvements amount is \$750,000 while the business personal property amount to be maintained is \$4,000,000.				
SUMMARY OF ITEM				
This is related to Kracker Enterprises LLC, a Texas limited liability company, request for tax abatement on reinvestment zone 122 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. 122 for tax abatement consisting of a 16.5852 acre tract of land located at the northeast corner of the intersection of Technology Drive and Klein Road 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. 122, 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 – thirty percent (30%) percentage of taxes on total value of appraised Real Property Improvements and fifty percent (50%) of taxes on total value of Business Personal Property 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. 122
Real Property
Metes and Bounds

Beings Lots 2, 3 and 7 in Block 1, of PLANO TECH CENTER, an Addition to the City of Plano, Collin County, Texas, according to the Map thereof recorded in Volume N, Page 578, of the Map Records of Collin County, Texas, and being more particularly described below:

TRACT 1:

BEING a tract of land situated in the J.B. Roundtree Survey, Abstract No. 759 and the J.T. McCollough Survey, Abstract No. 633, in Collin County, Texas, and being a part of a tract of land described by instrument to Argent Plano Realty, L.P., as recorded in File #99-0011425, Deed Records, Collin County, Texas (D.R.C.C.T.), and being all of Lot 2, Block 1 of the final plat of Plano Tech Center, an addition to the City to Plano, Texas as recorded in Volume N, Page 578-581, Plat Records, Collin County, Texas (P.R.C.C.T.), and being more particularly described as follows:

COMMENCING at a 1/2-inch iron rod with a yellow plastic cap stamped "HALFF ASSOC. INC." (hereinafter referred to as "with cap") found at the Southeast end of a corner clip located at the intersection of the North line of Plano Parkway (105 feet wide) and the East line of Klein Road (60 feet wide), being the Southwest corner of Lot 1 of said Block 1;

THENCE South 89 degrees 47 minutes 30 seconds East, along said North line, a distance of 48.72 feet to a 1/2-inch iron rod with cap found for the point of curvature of a circular curve to the left having a radius of 661.21 feet;

THENCE Northeasterly, continuing along said North line and along said curve, through a central angle of 47 degrees 12 minutes 09 seconds, an arc distance of 544.73 feet to an "X" in concrete found for THE POINT OF BEGINNING of the herein described tract, said point being the Southwest corner of Lot 2 of said Plano Tech Center;

THENCE North 46 degrees 59 minutes 16 seconds West, departing said North line and along the common line between said Lots 1 and 2, a distance of 91.36 feet to an "X" in concrete found for corner;

THENCE North 54 degrees 21 minutes 28 seconds West, continuing along said common line, a distance of 200.48 feet to an "X" in concrete found for corner, said point being a common corner for Lots 1, 2 and 4 of said Block 1;

THENCE North 00 degrees 12 minutes 30 seconds East, along the common line between said Lots 4 and 2, a distance of 124.33 feet to an "X" in concrete found for the beginning of a non-tangent curve to the right having a radius of 1136.28 feet and whose chord bears North 35 degrees 15 minutes 17 seconds East, 230.78 feet;

THENCE Northerly continuing along said common line and along said curve to the right, through a central angle of 11 degrees 39 minutes 25 seconds, an arc distance of 231.18 feet to an "X" in concrete found for corner;

THENCE North 52 degrees 07 minutes 16 seconds East, continuing along said common line, a distance of 299.70 feet to an "X" in concrete found for corner, said point being a common corner for Lots 2, 4, 5 and 3 of said Block 1;

THENCE South 33 degrees 40 minutes 27 seconds East, along the common line between said Lots 2 and 3, a distance of 349.28 feet to an Aluminum disk in concrete found for corner on the aforementioned northerly line of said Plano Parkway, said point being on a non-tangent circular curve to the left having a radius of 769.00 feet and whose chord bears South 42 degrees 57 minutes 14 seconds West, 356.02 feet;

THENCE Southwesterly, along said northerly line and along said curve, through a central angle of 26 degrees 46 minutes 07 seconds, an arc distance of 359.28 feet to a 1/2-inch iron rod with cap found for the point of reverse curvature of a circular curve to the right having a radius of 661.21 feet;

THENCE Southwesterly, continuing along said North line and along said curve, through a central angle of 13 degrees 26 minutes 11 seconds, an arc distance of 155.06 feet to the POINT OF BEGINNING AND CONTAINING 201,062 square feet or 4.616 acres of land, more or less.

TRACT 2:

BEING a tract of land situated in the J.B. Roundtree Survey, Abstract No. 759 and the J.T. McCollough Survey, Abstract No. 633, in Collin County, Texas, and being part of a tract of land described by instrument to Argent Plano Realty, L.P., as recorded in File #99-0011425, Deed Records, Collin County, Texas (D.R.C.C.T.), and being all of Lot 3, Block 1 of the final plat of Plano Tech Center, an addition to the City of Plano, Texas as recorded in Volume N, Page 578-581, Plat Records, Collin County, Texas (P.R.C.C.T.), and being more particularly described as follows:

COMMENCING at a 1/2-inch iron rod with a yellow plastic cap stamped "HALFF ASSOC. INC." (hereinafter referred to as "with cap") found at the Southeast end of a corner clip located at the intersection of the North line of Plano Parkway (105 feet wide) and the East line of Klein Road (60 feet wide), being the Southwest corner of Lot 1 of said Block 1;

THENCE South 89 degrees 47 minutes 30 seconds East, along said North line, a distance of 48.72 feet to a 1/2-inch iron rod with cap found for the point of curvature of a circular curve to the left having a radius of 661.21 feet;

THENCE Northeasterly, continuing along said North line and along said curve, through a central angle of 60 degrees 38 minutes 20 seconds, an arc distance of 699.79 feet to a 1/2-inch iron rod with cap found for the point of reverse curvature of a circular curve to the right having a radius of 769.00 feet;

THENCE Northeasterly, continuing along said North line and along said curve, through a central angle of 26 degrees 46 minutes 07 seconds, an arc distance of 359.28 feet to an Aluminum Monument found for THE POINT OF BEGINNING of the herein described tract, said point being the Southeast corner of Lot 2 of said Block 1 and the Southwest corner of said Lot 3;

THENCE North 33 degrees 40 minutes 27 seconds West, departing said North line and along the common line between said Lots 2 and 3, a distance of 349.28 feet to an "X" in concrete found for corner, said point being a common corner for Lots 2, 3, 4 and 5 of said Block 1, said point also being the beginning of a non-tangent curve to the right having a radius of 1118.28 feet and whose chord bears North 59 degrees 23 minutes 45 seconds East, 119.47 feet;

THENCE Northerly, along the common line between said Lots 3 and 5 and along said curve to the right, through a central angle of 06 degrees 07 minutes 27 seconds, an arc distance of 119.53 feet to a "crow's foot" in concrete found for the point of reverse curvature of a circular curve to the left having a radius of 72.00 feet;

THENCE Northerly, continuing along said common line and along said curve to the left, through a central angle of 62 degrees 14 minutes 45 seconds, an arc distance of 78.22 feet to an "X" in concrete found for the point of tangency;

THENCE North 00 degrees 12 minutes 30 seconds East, continuing along said common line, a distance of 70.76 feet to an "X" in concrete found for corner, said point being a common corner with Lot 8 of said Block 1;

THENCE South 87 degrees 48 minutes 36 seconds East, along the common line between said Lots 3 and 8, a distance of 368.10 feet to an "X" in concrete found for the point of curvature of a circular curve to the left having a radius of 88.00 feet;

THENCE Northeasterly, continuing along said common line and along said curve, through a central angle of 42 degrees 57 minutes 08 seconds, an arc distance of 65.97 feet to an "X" in concrete found for the point of reverse curvature of a circular curve to the right having a radius of 88.00 feet;

THENCE Northeasterly, continuing along said common line and along said curve, through a central angle of 46 degrees 37 minutes 28 seconds, an arc distance of 71.61 feet to an "X" in concrete found for the point of tangency;

THENCE South 87 degrees 50 minutes 54 seconds East, continuing along said common line, a distance of 20.43 feet to an "X" in concrete found for corner on the West line of a tract of land described by deed to Texas Power & Light Company as recorded in Volume 874, Page 566, Deed Records of Collin County, Texas;

THENCE South 02 degrees 11 minutes 24 seconds West, along the common line between said Texas Power & Light Company tract and said Lot 3, a distance of 349.40 feet to a 1/2-inch iron rod with cap found for corner at the Northeast end of a corner clip at the intersection of the North line of Plano Parkway (variable width) with the West line of said Texas Power & Light Company tract;

THENCE South 45 degrees 59 minutes 27 seconds West, departing said West line and along said North line, a distance of 36.09 feet to a 1/2-inch iron rod with cap found for corner on the North line of said Plano Parkway;

THENCE South 89 degrees 47 minutes 30 seconds West, along said North line, a distance of 0.91 feet to a 1/2-inch iron rod with cap found for the point of curvature of a circular curve to the left having a radius of 779.00 feet;

THENCE Southwesterly, continuing along said North line and along said curve, through a central angle of 12 degrees 51 minutes 04 seconds, an arc distance of 174.73 feet to a 1/2-inch iron rod with cap found for corner;

THENCE South 67 degrees 35 minutes 45 seconds West, continuing along said North line, a distance of 149.13 feet to a 1/2-inch iron rod with cap found for the beginning of a non-tangent circular curve to the left having a radius of 769.00 feet;

THENCE Southwesterly, continuing along said North line and along said curve, through a central angle of 9 degrees 34 minutes 12 seconds, an arc distance of 128.44 feet to the POINT OF BEGINNING AND CONTAINING 221,248 square feet or 5.0792 acres of land, more or less.

TRACT 3:

BEING a tract of land situated in the Eli Murphy Survey, Abstract No. 597, D. Yeamans Survey, Abstract No. 1043, in Collin County, Texas, and being a part of a tract of land described by instrument to Argent Plano Realty, L.P. as recorded in File #99-0011425, Deed Records, Collin County, Texas (D.R.C.C.T.), and being all of Lot 7 Block 1 of the final plat of Plano Tech Center, an addition to the City of Plano, Texas as recorded in Volume N, Page 578-581 Plat Records, Collin County, Texas (P.R.C.C.T.), and being more particularly described as follows:

BEGINNING at a 1/2-inch iron rod with cap stamped "HALFF ASSOC. INC." (hereinafter referred to as "with cap") found for the most westerly Southwest corner of said Lot 7, said point also being the Southeast corner of Block 21, a Replat of Blocks 16, 17, 20 and 21, Central Plano Industrial Park Phase III as recorded in Cabinet 'F', Page 145, Deed Records of Collin County, Texas, said point also being on the North line of Technology Drive (60 feet wide);

THENCE North 00 degrees 12 minutes 30 seconds East, departing said North line and along the East line of Block 21, a distance of 330.27 feet to a 1/2-inch iron rod with cap found at the Northeast corner of said Block 21, said corner being on the South line of a Dallas Area Rapid Transit Property Acquisition Corporation tract (variable width);

THENCE South 79 degrees 32 minutes 25 seconds East, departing said Block line and along said South line, a distance of 114.68 feet to a 1/2-inch iron rod with cap found for corner;

THENCE South 86 degrees 20 minutes 07 seconds East, continuing along said South line, a distance of 544.82 feet to a 1/2-inch iron rod with cap found for corner;

THENCE South 79 degrees 32 minutes 43 seconds East, continuing along said South line, a distance of 238.72 feet to a 1/2-inch iron rod with cap found for corner, said corner being the Northwest corner of a tract of land described by deed to Texas Utilities Electric Company as recorded in Volume 3409, Page 17, Deed Records of Collin County, Texas;

THENCE South 10 degrees 27 minutes 17 seconds West, departing said South line and along the West line of said Texas Utilities Electric Company tract, a distance of 275.00 feet to a 1/2-inch iron rod with cap found for corner, said point being a common corner with Lot 8 of said Block 1;

THENCE South 39 degrees 26 minutes 15 seconds West, departing said West line and along the common line between said Lots 7 and 8, a distance of 37.48 feet to an "X" in concrete found for corner, said point being a common corner for Lot 6 of said Block 1;

THENCE North 89 degrees 47 minutes 30 seconds West, along the common line between said Lots 6 and 7, a distance of 729.45 feet to a "crow's foot" found for corner on the East line of Klein Road;

THENCE North 10 degrees 27 minutes 35 seconds East, along said East line of Klein Road, a distance of 48.12 feet to an "X" in concrete found at the intersection of said East line and the said North line of Technology Drive;

THENCE North 79 degrees 32 minutes 25 seconds West, along said North line, a distance of 99.67 feet to the POINT OF BEGINNING AND CONTAINING 300,130 square feet or 6.89 acres of land, more or less.

TRACT 4:

Non-Exclusive easement created by Amended and Restated Declaration of Common Access Easement, Sign Easement and Restrictions for Plano Tech Center I, dated --/--/2005, filed 08/10/2004 recorded in Volume 5728, Page 2417, Land Records, Collin County, Texas.