



**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:		9/26/11			
Department:		Legal			
Department Head		Diane Wetherbee			
Agenda Coordinator (include phone #): Betsy Allen # 7545					
CAPTION					
A Resolution of the City Council of the City of Plano, Texas, approving acceptance of the terms and conditions of a Trademark Assignment from Plano Economic Development Board, Inc. to and for the benefit of the City of Plano, Texas; authorizing its execution by the City Manager or his authorized designee; 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:	2010-11	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: This item has no fiscal impact.					
STRATEGIC PLAN GOAL: Reassigning the PEDB service mark relates to the City's goal of Partnering for Community Benefit.					
SUMMARY OF ITEM					
The Plano Economic Development Board, Inc. wishes to assign the service mark SMART PEOPLE, SMART PLACE to the City of Plano, Texas.					
List of Supporting Documents: Trademark Assignment			Other Departments, Boards, Commissions or Agencies		

A Resolution of the City Council of the City of Plano, Texas, approving acceptance of the terms and conditions of a Trademark Assignment from Plano Economic Development Board, Inc. to and for the benefit of the City of Plano, Texas; authorizing its execution by the City Manager or his authorized designee; and providing an effective date.

WHEREAS, the City Council has been presented a proposed Trademark Assignment assigning the service mark SMART PEOPLE, SMART PLACE from the Plano Economic Development Board, Inc. to and for the benefit of the City of Plano, Texas, a substantial copy of which is attached hereto as Exhibit "A" and incorporated herein by reference (hereinafter called "Assignment"); and,

WHEREAS, upon full review and consideration of the Assignment, and all matters attendant and related thereto, the City Council is of the opinion that the terms and conditions thereof should be approved, and that the City Manager or his authorized designee shall be authorized to execute it on behalf of the City of Plano.

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

Section I. The terms and conditions of the Assignment, having been reviewed by the City Council of the City of Plano and found to be acceptable and in the best interests of the City of Plano and its citizens, are hereby in all things approved.

Section II. The City Manager or his authorized designee is hereby authorized to execute the Assignment and all other documents in connection therewith on behalf of the City of Plano, substantially according to the terms and conditions set forth in the Assignment.

Section III. This Resolution shall become effective immediately upon its passage.

DULY PASSED AND APPROVED this the 26th day of September, 2011.

Phil Dyer, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY

TRADEMARK ASSIGNMENT

STATE OF TEXAS }

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF COLLIN }

This Trademark Assignment (“Assignment”) is made by **Plano Economic Development Board, Inc.** (“Assignor”), a nonprofit corporation organized under the laws of the State of Texas, located at 5601 Granite Parkway, Suite 310, Plano, TX 75024 U.S.A., to and for the benefit of the **City of Plano, Texas** (“Assignee”), a home-rule municipal corporation and political subdivision of the State of Texas, with principal offices located at Plano Municipal Center, 1520 Avenue K, Plano, TX 75074 U.S.A.

WHEREAS, Assignor has adopted and used the service mark **SMART PEOPLE. SMART PLACE.**, registered August 16, 2011, on the Principal Register of the United States Patent and Trademark Office under U.S. Reg. No. 4,012,519 (the “Mark”) in connection with the provision of goods and services in the business of Assignor; and

WHEREAS, Assignor desires to assign the Mark and all associated goodwill to Assignee;

NOW THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged:

Plano Economic Development Board, Inc. hereby *TRANSFERS AND ASSIGNS* to the **City of Plano, Texas** all of Assignor’s entire worldwide right, title and interest in and to the above-noted Mark together with the goodwill of the business symbolized by the Mark, and application, and in and to any registration, renewals and extensions that may be granted thereon, together with the goodwill of the business connected therewith and any right to recover for past and future infringement thereof and other past and future injury thereto.

EXECUTED this ____ day of September, 2011 to be effective as of 11:59 p.m. Central Time on September 30, 2011.

(signature page follows)

Plano Economic Development Board, Inc.

Thomas Quirk
President

BEFORE ME, on this day personally appeared Thomas Quirk known to me to be the person whose name is subscribed to the foregoing instrument on behalf of Plano Economic Development Board, Inc. and acknowledged to me that he executed the same on behalf of the corporation as the President for the purposes and consideration therein expressed.

Subscribed to and sworn to before me this ____ day of September, 2011.

Notary Public in and for the
State of Texas