

**ORDINANCE NO. 2009-03**

AN ORDINANCE DESIGNATING A CERTAIN AREA IN THE COUNTY OF CORYELL AS "TAX ABATEMENT REINVESTMENT ZONE NUMBER ONE, CORYELL COUNTY, TEXAS"; PROVIDING THE EFFECTIVE AND EXPIRATION DATES FOR THE ZONE AND A MECHANISM FOR RENEWAL OF THE ZONE; AND CONTAINING OTHER MATTERS RELATED TO THE ZONE.

WHEREAS, pursuant to the Coryell County Commissioners' Court's adoption on November 23, 2009 of a Resolution Adopting Tax Abatement Guidelines (the "Tax Abatement Policy"), Coryell County, Texas (the "County") has elected to be eligible to participate in tax abatement and has established guidelines and criteria governing tax abatement agreements entered into between the County and various parties, as authorized by and in accordance with the Property Redevelopment and Tax Abatement Act, codified in Chapter 312 of the Texas Tax Code (the "Code"); and

WHEREAS, the Coryell County Commissioners' Court desires to promote the development of the area in the County more specifically described in Exhibit "A" of this Ordinance (the "Zone") through the creation of a reinvestment zone for purposes of granting a commercial/industrial tax abatement, as authorized by and in accordance with Chapter 312 of the Code; and

WHEREAS, Design Chemicals, L.L.C. ("Owner") owns real property (the "Land") located in the Zone that Owner has leased or will lease to Attic Breeze, L.L.C. ("Company"); and

WHEREAS, Owner and Company will construct and/or cause to be constructed improvements on the Land for the purpose of Company's operating a manufacturing and sales facility (collectively, the "Real Property Improvements") and Company will locate new taxable tangible personal property on the Land (collectively, the "Personal Property Improvements") once the Real Property Improvements have been completed; and

WHEREAS, Owner has applied for a real property tax abatement (excluding any leasehold interest in the Land owned by Company) from the County in return for Owner's constructing and/or causing construction of the Real Property Improvements and compliance with certain other commitments that will foster economic development in the Zone and the County in general; and

WHEREAS, Company has applied for a real property tax abatement with respect to Company's leasehold interest in the Land and for a personal property tax abatement from the County in return for Company's constructing and/or causing construction of the Real Property Improvements, locating the Personal Property Improvements on the Land and compliance with certain other commitments that will foster economic development in the Zone and the County in general; and

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WHEREAS, on December 14, 2009, at 8:30 a.m., the County Commissioners' Court held a public hearing regarding the creation of the Zone, received information concerning the Real Property Improvements and Personal Property Improvements proposed for the Zone and afforded a reasonable opportunity for all interested persons to speak and present evidence for or against the creation of the Zone ("Public Hearing"), as required by Section 312.201 (d) of the Code; and

WHEREAS, notice of the Public Hearing was published in a newspaper of general circulation in the County on December 5, 2009, which satisfies the requirement of Section 312.201 (d)( 1) of the Code that publication of the notice occur not later than the seventh day before the date of the Public Hearing; and

WHEREAS, there are no other applicable taxing units, in accordance with Sections 312.20 1(d)(2) and (e) of the Code, no notice of the Public Hearing was required to be delivered in writing not later than the seventh day before the date of the Public Hearing to the presiding officer of the governing body of any other taxing unit that includes in its boundaries real property that is to be included in the proposed Zone;

**NOW, THEREFORE, BE IT ORDAINED BY THE CORYELL COUNTY COMMISSIONERS' COURT:**

**SECTION 1:**

**FINDINGS**

That after reviewing all information before it regarding the establishment of the Zone and after conducting the Public Hearing and affording a reasonable opportunity for all interested persons to speak and present evidence for or against the creation of the Zone, the Coryell County Commissioners' Court hereby makes the following findings of fact:

1.1 The statements and facts set forth in the recitals of this Ordinance are true and correct. Therefore, the County has met the notice and procedural requirements established by the Code for creation of a reinvestment zone under Chapter 312 of the Code.

1.2 As a result of designation as a reinvestment zone, which is a condition for Owner' s and Company's agreements to construct the Real Property Improvements, the area within the Zone is reasonably likely to contribute to the expansion of primary employment and to attract major investment in the Zone that will be a benefit to property in the Zone and will contribute to economic development in the County.

1.3 The Real Property Improvements proposed for the Zone and the Personal Property Improvements that will be located thereon, as more specifically outlined in the Public Hearing and which will be made pursuant to tax abatement agreements with Owner and with Company that must subsequently be approved by the Coryell County Commissioners' Court,

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*Chadwick Simpson*  
COUNTY CLERK

include the construction of a Manufacturing and Sales facility that will be operated by Company. The Real Property Improvements are feasible and practical and, once completed, will benefit the land included in the Zone as well as the County for a period in excess of ten (10) years, which is the statutory maximum term of any tax abatement agreement entered into under Chapter 312 of the Code.

**Section 2:**

**DESIGNATION OF ZONE.**

That the Coryell County Commissioners' Court hereby designates the Zone, containing approximately 15.002 acres, known as 1370 FM 116, and further described by metes and bounds in Exhibit "A", attached and made a part of this Ordinance for all purposes, as a reinvestment zone for purposes of granting a commercial/industrial tax abatement, as authorized by and in accordance with Chapter 312 of the Code. This Zone shall be known as "Tax Abatement Reinvestment Zone Number One, Coryell County, Texas."

This project is eligible for commercial/industrial tax abatement pursuant to Section IV, A of the Tax Abatement Guidelines.

**Section 3.**

**TERM OF ZONE.**

That the Zone shall take effect upon the effective date of this Ordinance and expire five (5) years thereafter. The Zone may be renewed by the Coryell County Commissioners' Court for one or more subsequent terms of five (5) years or less.

**Section 4.**

**SEVERABILITY.**

That if any portion, section or part of a section of this Ordinance is subsequently declared invalid, inoperative or void for any reason by a court of competent jurisdiction, the remaining portions, sections or parts of sections of this Ordinance shall be and remain in full force and effect and shall not in any way be impaired or affected by such decision, opinion or judgment.

**Section 5.**

**IMMEDIATE EFFECT.**

That this Ordinance shall take effect upon its adoption.

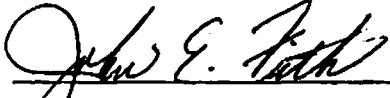
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DEC 14 2009

*Debra Simpson*  
COUNTY CLERK, CORYELL CO. TEXAS

AND IT IS SO ORDERED, ADOPTED AND EFFECTIVE THIS \_\_\_\_ DAY OF  
DECEMBER 2009.

CORYELL COUNTY COMMISSIONERS COURT:

  
\_\_\_\_\_  
CORYELL COUNTY JUDGE



ATTEST:

  
\_\_\_\_\_  
CORYELL COUNTY CLERK

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EXHIBIT "A"

DESCRIPTION OF ZONE

**LEGAL DESCRIPTION** for a tract of land in Coryell County, Texas, being part of the Bernhard Eilers Survey, Abstract No. 323, Coryell County, Texas and being part of a 120.929 acre tract described in a Warranty Deed to DK & S Ltd., Co. recorded in Instrument No. 202267, Official Records of Coryell County, Texas.

**BEGINNING** at a 1/2" iron rod found in the west right of way line of FM 116, being the southeast corner of the Jody Thomas & Robin Thomas 185.554 acre tract recorded in Instrument No. 194906, Official Records of Coryell County, Texas and the northeast corner of the 120.929 acre tract, for the northeast corner of this.

**THENCE** S. 42 deg. 19' 44" W. 350.00 feet (S. 42 deg. 15' 11" W.) with the west right of way line of FM 116 to a 1/2" iron rod set in the east line of the 120.929 acre tract, being the northeast corner of the balance of the 120.929 acre tract, for the southeast corner of this.

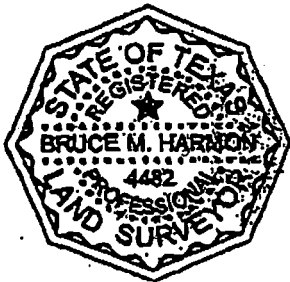
**THENCE** N. 63 deg. 47' 20" W. 1942.00 feet to a 1/2" iron rod set being an ell corner of the balance of the 120.929 acre tract, for the southwest corner of this.

**THENCE** N. 42 deg. 10' 44" E. 350.00 feet to a 1/2" iron rod set in the south line of the Thomas tract, and in the the north line of the 120.929 acre tract, being a corner of the balance of the 120.929 acre tract, for northwest corner of this.

**THENCE** S. 63 deg. 47' 20" E. 1942.00 feet ( S. 63 deg. 47' 20" E. - Base Bearing) with the north line of the 120.929 acre tract to the place of beginning containing 15.002 acres, according to my Survey and my Calculations.

The bearings for this Legal Description is based on the north line of the 120.929 acre tract described in a Warranty Deed to DK & S Ltd., Co. recorded in Instrument No. 202267, Official Records of Coryell County, Texas.

STATE OF TEXAS\*      KNOW ALL MEN BY THESE PRESENTS, that I, BRUCE M. HARMON  
                                 Registered Professional Land Surveyor, do hereby certify that I did cause  
COUNTY OF BELL\*      to be surveyed on the ground the tract shown hereon. This document is not  
                                 valid without an original signature.



IN WITNESS THEREOF, my hand and seal, this the 2nd day of October, 2009.

*B. Harmon*  
Bruce M. Harmon  
Registered Professional Land Surveyor, No. 4482  
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DEC 14 2009

*Diana Simpson*  
COUNTY CLERK, CORYELL CO. TEXAS