

WHEREAS, the City recognizes the importance of its role in local economic development; and

WHEREAS, by resolution approved on June 13, 2012, the City Council authorized the continuation of its participation in tax abatement and established the Public/Private Partnership Program Guidelines and Criteria governing tax abatement agreements to be entered into by the City as required by the Property Redevelopment and Tax Abatement Act, V.T.C.A. Tax Code, Chapter 312 (the "Act"); and

WHEREAS, on June 13, 2012, the City Council authorized a public hearing concerning the creation of Reinvestment Zone No.78; and

WHEREAS, on June 27, 2012, the City Council held a public hearing concerning the creation of Reinvestment Zone No. 78; and

WHEREAS, on June 27, 2012, the City Council created Reinvestment Zone No. 78; and

WHEREAS, the City desires to enter into a real property tax abatement agreement with Cummins Southern Plains, LLC for added value to real property located within Reinvestment Zone No. 78.

NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

Section 1. That the City Manager upon approval as to form by the City Attorney is hereby authorized to execute a real property tax abatement agreement with Cummins Southern Plains, LLC for added value to the real property in accordance with the Act and the City's Public/Private Partnership Guidelines and Criteria.

Section 2. That at least seven (7) days prior to the execution of the tax abatement agreement, notice of the City's intention to enter into the tax abatement agreement shall be delivered to the governing bodies of each other taxing unit that includes in its boundaries the real property that is the subject of this agreement.

Section 3. That the approval and execution of the tax abatement agreement by the City is not conditional upon approval and execution of any other tax abatement agreement by any other taxing entity.

Section 4. That the real property which will be described in the tax abatement agreement, attached hereto as **Exhibit A (Metes and Bounds)** and depicted on the attached site map as **Exhibit B (Map - the "Property")**, is located within Reinvestment Zone No. 78.

Section 5. That the tax abatement agreement shall provide, among other provisions, the following:

- (a) The Property subject to tax abatement shall be located entirely within Reinvestment Zone No. 78, City of Dallas, Texas.
- (b) None of the Property subject to tax abatement is owned or leased by a member of the City Council of the City of Dallas or by a member of the City Plan Commission.
- (c) That the development of the Property will conform to all requirements of the City's zoning ordinance, and that the use of the Property is consistent with the general purpose of encouraging development or redevelopment in the reinvestment zone during the period the tax abatement is in effect.
- (d) The City will provide Cummins Southern Plains, LLC a 50 percent abatement of the added value to the real property for a period of seven years for real property located within Reinvestment Zone No. 78 as provided in **Exhibit A (Metes and Bounds)**. The tax abatement will commence on or before January 1, 2014.
- (e) That Cummins Southern Plains, LLC will relocate 40 existing jobs and add 60 new jobs by April 15, 2016 for a total minimum employment of 100 jobs on site.
- (f) That approximately \$19,000,000 will be expended on construction, design, site work and other related hard and soft project costs to substantially completed by December 31, 2013. The Director of the Office of Economic Development may, at his sole discretion, extend the substantial completion date for a period up to six months for just cause.
- (g) That a proportionate percentage of the property tax revenue lost as a result of the tax abatement agreement will be recaptured by the City if improvements to real property are not made as provided by the tax abatement agreement.
- (h) A description of the kind, number, location and costs of all proposed improvements to the Property will be provided to the Office of Economic Development.
- (i) That access to the Property will be provided to allow for the inspection by City inspectors and officials to ensure that the improvements or repairs are made according to the specification and terms of the tax abatement agreement.

Section 5. (Continued)

- (j) A requirement that the owner of the Property certify annually to the governing body of each taxing unit that the owner is in compliance with each applicable term of the agreement.
- (k) That the Dallas City Council may terminate or modify the agreement if the property owner fails to comply with the agreement.
- (l) That the tax abatement agreement shall be personal to Cummins Southern Plains, LLC and shall only be assignable upon written approval of the assignment by the City's Director of the Office of Economic Development.

Section 6. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.



EXHIBIT ACUMMINS TRACT

DESCRIPTION, of a 20.000 acre tract of land situated in the John J. Blair Survey, Abstract No. 211, Dallas County, Texas and in Block 211/6113, Official Numbers of the City of Dallas, Texas; said tract being part of that tract of land described as Tract 1 in Special Warranty deed to MT. Creek Investments, L.P. recorded in Instrument Number 200900337341 of the Official Public Records of Dallas County, Texas; said 20.000 acre tract being more particularly described as follows:

COMMENCING at a 1/2-inch iron rod spinner found in the west right-of-way line of Mountain Creek Parkway (a variable width right-of-way, 100 feet wide at this point); said point being the southeast corner of a tract of land described in Special Warranty Deed to Mountain Creek Properties, LLC recorded in Instrument Number 20080092830 of said Official Public Records; said point also being the northeast corner of a tract of land described as Tract 1 in Special Warranty Deed to Mountain Creek Business Park Association, Inc. recorded in Volume 2003009, Page 7341 of the Deed Records of Dallas County, Texas;

THENCE, South 19 degrees, 30 minutes, 59 seconds West, along said west line of Mountain Creek Parkway and the east line of said Mountain Creek Business Park Association, Inc. tract, a distance of 75.00 feet to a 1/2-inch iron rod found for corner at the POINT OF BEGINNING; said point being the southeast corner of said Mountain Creek Business Park Association, Inc. tract and the northeast corner of said Mt. Creek Investments, L.P. tract;

THENCE, in a southerly direction, along said west line of Mountain Creek Parkway and the east line of said Mt. Creek Investments, L.P. tract, the following four (4) calls:

South 19 degrees, 30 minutes, 59 seconds West, a distance of 904.62 feet to a 1/2-inch iron rod with "Pacheco Koch" cap found at the beginning of a tangent curve to the right;

Along said curve to the right, having a central angle of 02 degrees, 39 minutes, 05 seconds, a radius of 1,150.00 feet, a chord bearing and distance of South 20 degrees, 50 minutes, 31 seconds West, 53.21 feet, an arc distance of 53.21 feet to a point for corner at the end of said curve;

North 67 degrees, 49 minutes, 56 seconds West, a distance of 10.00 feet to a point for corner at the beginning of a non-tangent curve to the right;

Along said curve to the right, having a central angle of 03 degrees, 14 minutes, 07 seconds, a radius of 1140.00 feet, a chord bearing and distance of South 23 degrees, 47 minutes, 07 seconds West, 64.36 feet, an arc distance of 64.37 feet to a point for corner;

THENCE, in a westerly direction, departing the said west line of Mountain Creek Parkway and the said east line of Mt. Creek Investments, L.P. tract, the following three (3) calls:

EXHIBIT A (continued)

North 64 degrees, 35 minutes, 49 seconds West, a distance of 31.15 feet to a point for corner at the beginning of a tangent curve to the left;

Along said curve to the left, having a central angle of 16 degrees, 56 minutes, 33 seconds, a radius of 350.00 feet, a chord bearing and distance of North 73 degrees, 04 minutes, 06 seconds West, 103.12 feet, an arc distance of 103.50 feet to a point for corner at the end of said curve;

North 81 degrees, 32 minutes, 22 seconds West, a distance of 691.84 feet to a point for corner in the west line of said Mt. Creek Investments, L.P. tract; said point also being in the east line of a tract of land described in a Deed to ExTex LaPorte, L.P. recorded in Volume 2002082, Page 3283 of said Deed Records;

THENCE, in a northerly direction, along said west line of Mt. Creek Investments, L.P. tract, and the said east line of ExTex LaPorte, L.P. tract, the following two (2) calls:

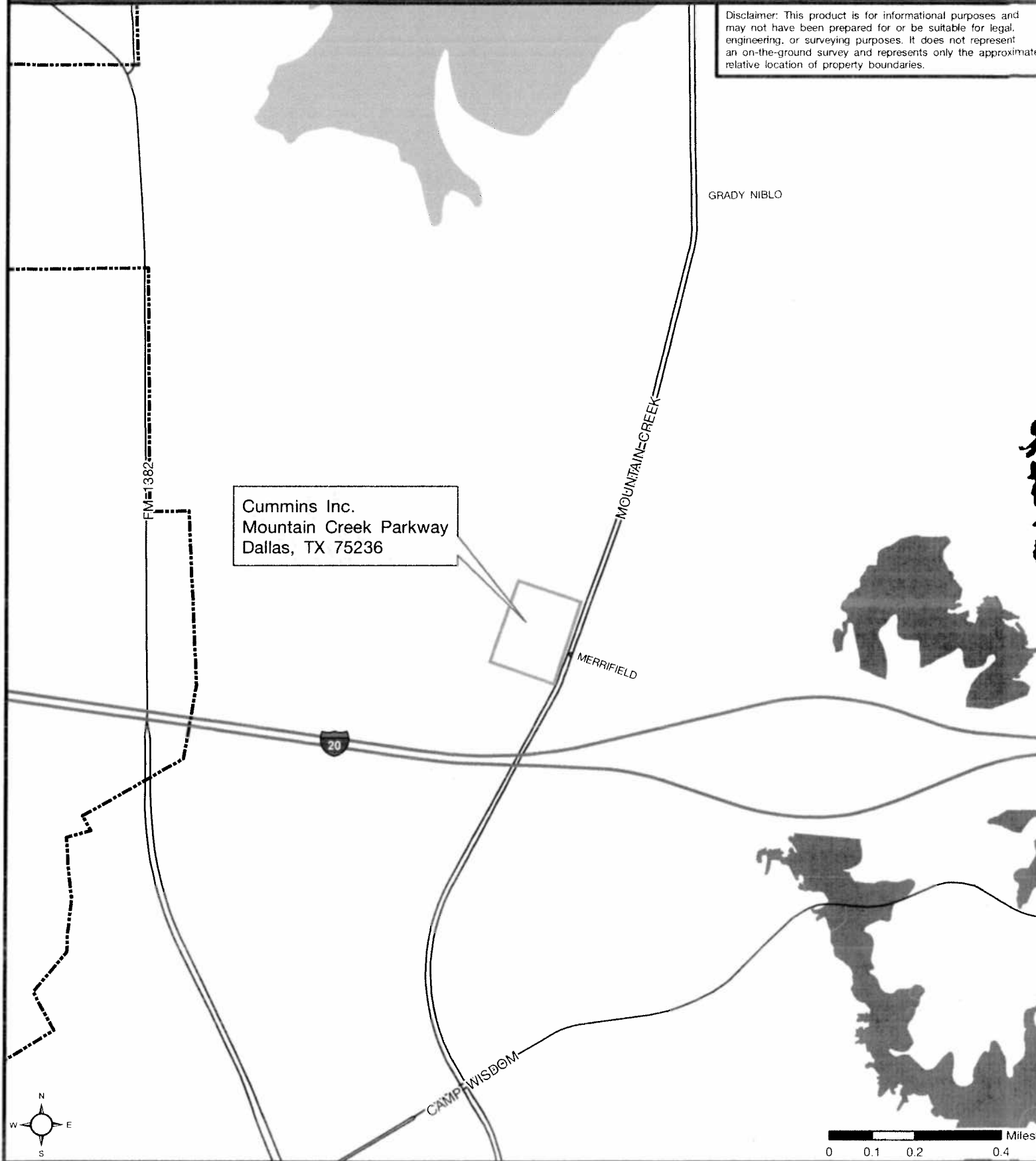
North 26 degrees, 09 minutes, 15 seconds East, a distance of 164.46 feet to an angle point;

North 19 degrees, 30 minutes, 59 seconds East, a distance of 992.31 feet to a point for corner; said point being the southwest corner of said Mountain Creek Business Park Association, Inc. tract and the northwest corner of said Mt. Creek Investments, L.P. tract;

THENCE, South 70 degrees, 29 minutes, 01 seconds East, departing the said east line of ExTex LaPorte tract and along the north line of said Mt. Creek Investments, L.P. tract, a distance of 810.00 feet to the POINT OF BEGINNING.

CONAINING: 871,202 square feet or 20.000 acres of land, more or less.

Disclaimer: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.



Cummins Inc.
Mountain Creek Parkway
Dallas, TX 75236

**DALLAS
ECONOMIC
DEVELOPMENT**

Research & Information Division
214.670.1685
dallas-ecodev.org

Legend

Site

Freeway

Highway

Arterial

Local Road

City of Dallas