

June 27, 2012

WHEREAS, on August 25, 2010, the City Council elected to continue its participation in the Texas Enterprise Zone Program, and the local incentives offered under this resolution are the same on this date as were outlined in Ordinance No. 27977; and

WHEREAS, the Office of the Governor Economic Development and Tourism (EDC) through the Economic Development Bank (Bank) will consider Cummins Southern Plains, LLC as an enterprise project pursuant to a nomination and an application made by the City; and

WHEREAS, the City desires to pursue the creation of the proper economic and social environment in order to induce the investment of private resources in productive business enterprises located in the City and to provide employment to residents of enterprise zones and to other economically disadvantaged individuals; and

WHEREAS, pursuant to Chapter 2303, Subchapter F of the Texas Enterprise Zone Act, Texas Government Code (the "Act"), Cummins Southern Plains, LLC has applied to the City for designation as an enterprise project; and

WHEREAS, the City finds that Cummins Southern Plains, LLC meets the criteria for designation as an enterprise project under Chapter 2303, Subchapter F of the Act on the following grounds:

1. Cummins Southern Plains, LLC is a "qualified business" under Section 2303.402 of the Act since it will be engaged in the active conduct of a trade or business at a qualified business site within the governing body's jurisdiction located outside of an enterprise zone and at least thirty-five percent (35.0%) of the business' new employees will be residents of an enterprise zone or economically disadvantaged individuals; and
2. There has been and will continue to be a high level of cooperation between public, private, and neighborhood entities within the area; and
3. The designation of Cummins Southern Plains, LLC as an enterprise project will contribute significantly to the achievement of the plans of the City for development and revitalization of the area.

WHEREAS, the City finds that Cummins Southern Plains, LLC meets the criteria for tax relief and other incentives adopted by the City and nominates Cummins Southern Plains, LLC for enterprise project status on the grounds that it will be located at the qualified business site, will create/retain a higher level of employment, economic activity and stability; and

WHEREAS, the City finds that it is in the best interest of the City to nominate Cummins Southern Plains, LLC as an enterprise project pursuant to the Act.

NOW, THEREFORE,

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

Section 1. That the recitals above are true and correct.

Section 2. That the City finds that Cummins Southern Plains, LLC is a qualified business and meets the criteria for designation as an Enterprise Project under Chapter 2303, Subchapter F of the Enterprise Zone Act on the following grounds:

- A. Cummins Southern Plains, LLC is a "qualified business" under Section 2303.402 of the Act since it will be engaged in the active conduct of a trade or business at a qualified business site within the governing body's jurisdiction located outside of an enterprise zone and at least thirty-five percent (35.0%) of the business' new employees will be residents of an enterprise zone or economically disadvantaged individuals; and
- B. There has been and will continue to be a high level of cooperation between public, private, and neighborhood entities within the area; and
- C. The designation of Cummins Southern Plains, LLC as an enterprise project will contribute significantly to the achievement of the plans of the City for development and revitalization of the area.

Section 3. That the City finds that Cummins Southern Plains, LLC meets the criteria for incentives adopted by the City and nominates Cummins Southern Plains, LLC for an Enterprise Zone project status on the grounds that it will create and retain a higher level of employment and create economic activity and stability.

Section 4. That the designation of Cummins Southern Plains, LLC will contribute significantly to the achievement of the plans of the City for development and revitalization.

Section 5. That the City finds that it is in the best interest of the City to nominate Cummins Southern Plains, LLC as an Enterprise Project pursuant to the Act, and hereby authorizes the Assistant Director, Office of Economic Development to prepare and submit an application to the Office of the Governor, Economic Development and Tourism through the Economic Development Bank for designation of Cummins Southern Plains, LLC as an enterprise project.

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Section 6. That the enterprise project shall take effect on the date of designation of the Enterprise Project by the Office of the Governor, Economic Development and Tourism through the Economic Development Bank and terminate 5 years after date of designation.

Section 7. 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.

APPROVED BY
CITY COUNCIL

JUN 27 2012


City Secretary