

December 12, 2012

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

**WHEREAS**, on June 13, 2012, the City Council elected to continue its participation in tax abatement and the Public/Private Partnership Program Guidelines and Criteria governing tax abatement agreements to be entered by the City as required by the Property Redevelopment and Tax Abatement Act, as amended, V.T.C.A. Tax Code, Chapter 312 (the "Act") by Resolution No. 12-1520; and

**WHEREAS**, the City desires to enter into an economic development grant agreement with 321 Commercial Avenue, LLC and/or 329 Commercial Avenue, LLC for added value to business personal property.

**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 an economic development grant agreement with 321 Commercial Avenue, LLC and/or 329 Commercial Avenue, LLC of an amount not to exceed \$575,000.

**Section 2.** That the economic development grant agreement with 321 Commercial Avenue, LLC and/or 329 Commercial Avenue, LLC include:

- (a) That 321 Commercial Avenue, LLC and/or 329 Commercial Avenue, LLC shall agree to create a minimum of 25 jobs in Dallas located at 2144-2154 Royal Lane in Dallas.
- (c) That a minimum \$10,000,000 in real property improvements related to phase one of the project (expansion of existing facility) will be 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.
- (d) Further, the owner must construct phase two improvements (mixed-use/retail/residential development) with a minimum investment of \$20,500,000 for site work, infrastructure, residential and retail construction by December 31, 2015.
- (e) 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.

December 12, 2012**Section 2.** (Continued)

- (f) An economic development grant in an amount not to exceed \$575,000, to be paid to grantee once the company meets its job creation, investment and other obligations under the grant agreement with the City.
- (f) 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.
- (g) A requirement that the owner of the Property certify annually to the city that the owner is in compliance with each applicable term of the agreement.
- (h) That the Dallas City Council may terminate or modify the agreement if the property owner fails to comply with the agreement.

**Section 3.** That the City Controller is hereby authorized to encumber and disburse future funds from: Fund 0352, Department ECO, Unit 9992, Object 3016, Activity PPPF, Encumbrance No. ECO9992A203, Vendor No. VS0000074458, in an amount not to exceed \$575,000.

**Section 4.** That this resolution 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.

