

COPY



ORDER

OF THE COMMISSIONERS COURT OF POLK COUNTY, TEXAS

DESIGNATING A REINVESTMENT ZONE FOR THE PURPOSES OF TAX ABATEMENT IN POLK COUNTY, TEXAS TO BE KNOWN AS REINVESTMENT ZONE #2010-01; ESTABLISHING THE BOUNDARIES THEREOF; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE CUMULATIVE EFFECT THEREOF; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Commissioners Court of Polk County, Texas, hereinafter referred to as the Commissioners Court, desires to promote the development of the area known as Southland Park, a certain contiguous geographic area within its jurisdiction described by metes and bounds on Exhibit "A" attached hereto and by plat on Exhibit "B" attached hereto, by the creation of a reinvestment zone for commercial/industrial tax abatement, as authorized by the Property Redevelopment and Tax Abatement Act, as amended; and

WHEREAS, public notice of a public hearing to consider the establishment of the reinvestment zone was published in the Polk County Enterprise, a newspaper of general circulation within Polk County, Texas, on February 14, 2010, such date being at least seven (7) days prior to the public hearing; and

WHEREAS, on the 23rd day of February, 2010 at 9:30 a.m. in the Commissioners Courtroom of the Polk County Courthouse, at 101 West Church Street, Livingston, Texas, a hearing before the Commissioners Court was held, such date being at least seven (7) days after publication of the notice of such public hearing; and

WHEREAS, written notices of such public hearing were given to the presiding officer of the governing body of each taxing entity which includes within its boundaries real property that is to be included in the proposed reinvestment zone, such notices having been given by certified mail, return receipt requested, properly addressed to each such presiding officer, not later than seven (7) days prior to such public hearing; and

WHEREAS, the Commissioners Court at such public hearing invited any interested persons to appear and speak for or against the creation of the reinvestment zone and whether all or part of the territory described should be included in the proposed reinvestment zone, and to express their concerns regarding the offering of tax abatement incentives; and

WHEREAS, the proponents of the reinvestment zone offered evidence, both oral and documentary, in favor of all of the foregoing matters relating to the creation of the reinvestment zone, and the Commissioners Court called for any and all comments and evidence against the creation of the reinvestment zone with none being presented,

NOWHEREFORE, BE IT ORDERED BY THE COMMISSIONERS COURT OF POLK COUNTY, TEXAS:

SECTION 1. That the facts and recitations contained in the preamble of this Order are hereby found and declared to be true and correct.

SECTION 2. That Polk County, Texas, after conducting such public hearing and having heard the evidence and testimony presented therein, has made the following findings and determinations based thereon:

- A. That the public hearing on the designation of the reinvestment zone has been properly called, held and conducted, and that notices of such hearing have been published as required by law and mailed to all taxing units that include within their boundaries the territory inside the proposed reinvestment zone; and
- B. That the boundaries of the reinvestment zone should be those described by metes and bounds on Exhibit "A" attached hereto and by plat on Exhibit "B" attached hereto; and
- C. That the improvements sought to be made within the area to be designated and for which the incentive of tax abatement shall be offered appear to be feasible and practical and that creation of the proposed reinvestment zone within the boundaries described above will benefit the property located within said zone and Polk County, Texas after expiration of any tax abatement agreement entered into as provided by law; and
- D. That the area so designated meets the criteria for creation of a reinvestment zone as set forth in the Property Redevelopment and Tax Abatement Act, as amended, in that it appears that the area described will be reasonably likely, as a result of its designation as a reinvestment zone to contribute to the retention or expansion of primary employment or to attract major investment in the zone that would be of benefit to the property and that would contribute to the economic development of Polk County, Texas and
- E. That the reinvestment zone as described and the proposed improvements to be constructed therein meet the Guidelines and Criteria of Polk County, Texas for the creation of the reinvestment zone.

SECTION 3. That pursuant to the Property Redevelopment and Tax Abatement Act as amended, Polk County hereby creates a reinvestment zone for commercial/industrial tax abatement encompassing the area known as Southland Park and further described by metes and bounds on Exhibit "A" attached hereto and by plat on Exhibit "B" attached hereto, and such reinvestment zone is hereby designated and shall hereafter be referred to as "Polk County, Texas Reinvestment Zone No. 2010-01".

SECTION 4. That the designation of the reinvestment zone shall take effect on March 1, 2010 and shall remain designated as a commercial/industrial reinvestment zone for a period of five (5) years from such date of designation. Prior to or upon such date of expiration, the Commissioners Court may renew such designation for one or more additional, successive periods not exceeding five (5) years each.

SECTION 5. That to be considered for execution, an agreement for tax abatement for any commercial/industrial project located or proposed within Polk County, Texas Reinvestment Zone No. 2010-01 shall meet all requirements of the Property Redevelopment and Tax Abatement Act and meet the criteria and guidelines for tax abatement established from time to time by the Commissioners Court of Polk County, Texas.

SECTION 6. That written agreements providing for tax abatement with any property owner located within Polk County, Texas Reinvestment Zone No. 2010-01 shall provide the following:

- A. the size of investment involved for the period of abatement, the estimated value to be abated and the base year value;
- B. the percent of value to be abated each year as provided by these guidelines;
- C. the commencement date and termination date of the abatement;
- D. the proposed use of the property; nature of construction, time schedule, map, property description and a list of the kind, number and location of all proposed improvements of the property as required by Application and as provided in these guidelines;
- E. provision of access to and authorized inspection of the property by employees of Polk County, Texas upon twenty-four (24) hours notice, to ensure that the improvements or repairs are made according to the specifications and conditions of the agreement and that there are no violations of the agreement during the period of abatement;
- F. limitation on the uses of the property consistent with the general purpose of

encouraging development or redevelopment of the designated area;

- G. each term agreed to by the owner of the property;
- H. contractual obligations in the event of default, violations of terms or conditions, delinquent taxes, recapture, administration and assignment as provided in these guidelines, including provision that the Commissioners Court of Polk County, Texas may cancel or modify the agreement if the property owner fails to comply with the agreement;
- I. in compliance with Section 2264.001, et seq of the Texas Government Code "Restrictions on Use of Certain Public Subsidies", as it may be amended, if a business is operated on the property, a statement certifying that the business, or a branch, division, or department of the business, does not and will not knowingly employ an undocumented worker, and that if, after receiving the benefit of any abatement of tax on the property, the business, or a branch, division, or department of the business, is convicted of a violation under 8 U.S.C. 1324a(f), the business shall repay the amount of the tax abatement received, with interest, at the highest rate then allowed by law, not later than the 120th day after the date Polk County, Texas notifies the business of the violation;
- J. 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; and
- K. any other provision, not prohibited by law, that the Commissioners Court may deem desirable or necessary to carry out the purposes of the agreement and tax abatement.

SECTION 7. That if any section, paragraph, clause or provision of this Order shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Order.


SECTION 8. That this Order shall be and is hereby declared to be cumulative of all other Orders of Polk County, Texas, and this Order shall not operate to repeal or affect any such other Orders except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this Order, in which event such conflicting provisions, if any, in such Order or Orders are hereby repealed.

SECTION 9. That it is hereby found, determined and declared that sufficient notice of the date, hour, place and subject of the meeting of the Commissioners Court at which this Order was adopted was posted at as required by Chapter 551 of the Texas Government Code (Open Meetings

Act).

SECTION 10. That this Order shall take effect immediately from and after its passage by the Commissioner Court on the date started herein.

PASSED, APPROVED AND ORDERED this 23rd day of February, 2010 by a majority vote of the Polk County Commissioners Court.

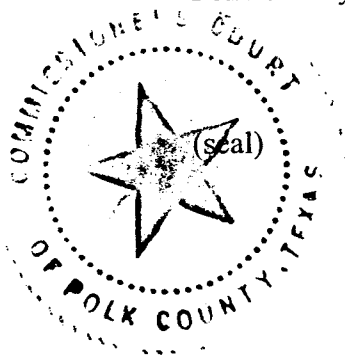


John P. Thompson, County Judge
Polk County Texas

Attest:



Schelana Walker, County Clerk
Polk County, Texas



Polk County, Texas Reinvestment Zone No. 2010-01
Description by Metes & Bounds

A parcel of land located in Polk County, Texas, more particularly described as follows: Beginning at the southeast corner of the property formerly known as Southland Park, thence S 69° 30' 40" W a distance of 926.84 feet, thence N 01° 15' 15" W a distance of 347.23 feet, thence N 35° 17' 58" W a distance of 453.34 feet, thence N 41° 09' 18" W a distance of 615.93 feet, thence N 13° 48' 57" W a distance of 142.22 feet, thence N 54° 19' 29" E a distance of 755.28 feet, thence N 11° 19' 21" W a distance of 555.79 feet, thence N16° 35' 09" E a distance of 259.27 feet, thence N 56° 14' 53" W a distance of 112.16 feet, thence N 73° 12' 53" W a distance of 213.58 feet, thence N16° 30' 52" E a distance of 200.00 feet, thence S 73° 12' 53" E a distance of 214.25 feet, thence N 89° 46' 20" E a distance of 65.86 feet, thence N 42° 59' 10" E a distance of 218.90 feet, thence S 50° 45' 26" E a distance of 98.21 feet, thence S 39° 14' 34" W a distance of 32.06 feet, thence along a curve to the left with a radius of 119.00 feet a distance of 67.98 feet, thence S 52° 34' 24" E a distance of 149.12 feet, thence along a curve to the right with a radius of 437.00 feet a distance of 178.36 feet, thence S 70° 34' 47" E a distance of 212.42 feet, thence S 19° 25' 13" W a distance of 25.00 feet, thence along a curve to the left with a radius of 763.00 feet a distance of 168.78 feet, thence S 06° 44' 47" W a distance of 564.45 feet, thence along a curve to the right with a radius of 429.00 feet a distance of 263.08 feet, thence, S 41° 52' 55" W a distance of 117.91 feet, thence S 30° 15' 13" E a distance of 1301.01 feet to the point of beginning, containing 46.84 acres more or less.

END



TAX ABATEMENT BOUNDARY EXHIBIT



06-3645-E39.DWG

CONTAINS CRITICAL ENERGY
INFRASTRUCTURE
INFORMATION

NOTICE OF LIMITED RESPONSIBILITY The undersigned engineer is, within the limits of the project, not responsible for the design of the project, but only for the design of the work shown on this drawing. The engineer does not warrant the project as a whole. The engineer's responsibility is limited to the design of the work shown on this drawing. The engineer's responsibility does not extend to any other work not shown on this drawing. The engineer's responsibility does not extend to any other work not shown on this drawing.	
PROJECT:	LAKE LIVINGSTON HYDROELECTRIC PROJECT
PREPARED FOR:	EAST TEXAS ELECTRIC COOPERATIVE
ENGINEER:	Paul C. Rizzo Associates, Inc. CONSULTANTS
PERC NO.:	P-12632-001
SCALE:	1"=200'
DATE:	10-23-09

PLT	BY	10-23-09	APPROVED BY		
	DRAWN	C.L.M.	CHECKED BY		
					CAD FILE NUMBER 06-3645-E39