



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 #2014-01; 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 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 November 30, 2014, such date being at least seven (7) days prior to the public hearing; and

WHEREAS, on the 9th day of December, 2014 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 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. 2014-01".

SECTION 4. That the designation of the reinvestment zone shall take effect on January 1, 2015 and shall remain designated as a commercial/industrial reinvestment zone for a period of ten (10) 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. 2014-01 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. 2014-01 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.

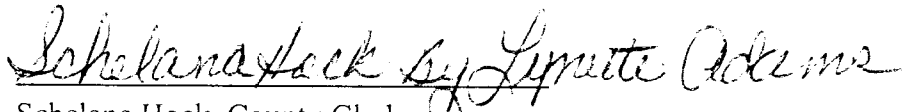
SECTION 9. That it is hereby found, determined and declared that sufficient notice of the date, hour, place and subject of the meeting of the Commissioners Court at which this Order was adopted was posted at as required by Chapter 551 of the Texas Government Code (Open Meetings Act).

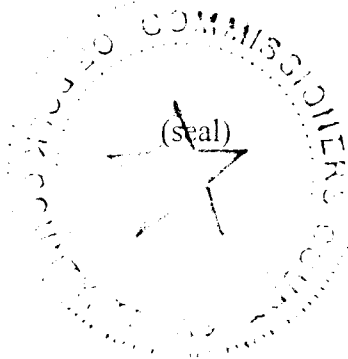
SECTION 10. That this Order shall take effect immediately from and after its passage by the Commissioner Court on the date started herein.

PASSED, APPROVED AND ORDERED this 9th day of December, 2014 by a majority vote of the Polk County Commissioners Court.


John P. Thompson, County Judge
Polk County Texas

Attest:


Schelana Hock, County Clerk
Polk County, Texas



POLK COUNTY / CORRIGAN ENTERPRISE ZONE

BOUNDARY DESCRIPTION

The Polk County / Corrigan Enterprise Zone is being established to promote job creation and capital investment by the private sector. The proposed Polk County / Corrigan Enterprise Zone is located in an estimated nine (9) square mile area of Census Tract 2104, an economically distressed area. The zone is located in an unincorporated portion of Census Tract 2104 Block Group 4 outside the city limits of Corrigan, Texas. The approximately nine (9) square mile Enterprise Zone bounds are approximately one mile west of the city limits of Corrigan on U.S. Highway 287 on the west, the southern city limits of the City of Corrigan to U.S. Highway 59 to the north and east, and approximately 2.7 miles south from the intersection of Dry Creek and U.S. Highway 59 on the south. The Enterprise Zone is more particularly described by bounds to wit:

COMMENCING FOR REFERENCE at a 1" iron pipe found for a northwest corner of said Tract 282 and northeast corner of a tract which was called 1.766 acres, Tract One, and conveyed from Billy Sam Locke to Erasmo Soto, by an instrument of record in Volume 1220, Page 726, PCOPR, lying in the south right of way (R-O-W) of U. S. Highway 287 (U.S. 287);

THENCE east along the south R-O-W line of U.S. 287 to the city limits of the City of Corrigan, Texas;

THENCE east and south along the city limits of the City of Corrigan to the center line of Dry Creek;

THENCE east along the center line of Dry Creek to the west R-O-W of U.S. 59;

THENCE south along the west R-O-W line of U.S. 59 approximately 14,420 feet to a ½" rod in a 4" x 4" concrete monument found bear S18°33' 37"W O.71';

THENCE west to the west R-O-W line of the Union Pacific Railroad (formerly T & N. O. Railroad) at Tract 363 in J. W. Angell Survey A-878;

THENCE S86°35'43"E, 25.00 feet along the east line of said Tract 484 and west R-O-W line to a 5/8" rod set for corner, being 50.00 feet from and perpendicular to the center of said railroad;

THENCE S 03°24'17"W, 776.86 feet continuing along said line to a 5/8" iron rod set for angle point and beginning of a curve;

THENCE 1,133.35 feet along the arc of a curve to the left in said common line to a 5/8" rod set for angle point and beginning of a curve;

THENCE $19^{\circ}22'39''$ E, 603.74 feet continuing along said common line to a $5/8''$ rod set for angle point and beginning of a curve;

THENCE 292.01 feet continuing along the arc of a curve to the right in said common line to a $5/8''$ iron rod set for southeast corner;

THENCE departing said Union Pacific Railroad, $S89^{\circ}24'19''$ W, 9,850.45 feet crossing said Tract 484 to a $5/8''$ iron rod set for southwest corner;

THENCE $N03^{\circ}13'25''$ W, 4,228.07 feet continuing across said Tract 484 to a $5/8''$ iron rod set for interior corner, lying in the south line of said Tract 412;

THENCE $S86^{\circ}46'35''$ W, 584.15 feet along the common line of said Tract 484 and said Tract 412 to a 3" cap in 4" X 4" concrete monument found (C.P. & F. P-403), generally lying in the centerline of Bear Creek;

THENCE generally along the centerline of Bear Creek to a point for northwest, corner, being the northwest corner of said Tract 414 and southwest corner of a tract which was called 26.56 acres and conveyed from the District Court of Polk County to Boyd Lloyd, Sr., by an instrument of record in Volume 594, Page 608, Polk County Deed Records (PCDR);

THENCE $N87^{\circ}11'39''$ E, along the common line of said Tract 414 and said 26.56 acre tract, at 50.00 feet pass a 3" cap in 4" X 4" concrete monument found (C.P. & F. P-401 CIXXA) for reference and continuing for a distance in all of 2,390 feet to a 3" cap in 4" X 4" concrete monument found (C.P. & F. P-401 CIXX) for interior corner, being said Tract 414 and southeast corner of said 26.56 acre tract, lying in a west line of said Tract 484,

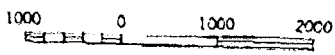
THENCE $N04^{\circ}37'16''$ W, 446.48 feet along the common line of said Tract 484 and said 26.56 acre tract to a 3" cap in 4" X 4" concrete monument found (C.P. & F. P-401 CIX) for interior corner, being the southeast corner of said Tract 415 and northeast corner of said 26.56 acre tract;

THENCE $S87^{\circ}14'26''$ W, along the common line of said Tract 415 and said 26.56 acre tract, at 2690.38 feet pass a $5/8''$ iron rod set for reference and continuing for a distance in all of 2,740.38 feet to a point for corner in said Bear Creek;

THENCE $N44^{\circ}30'17''$ W, 1,957.57 feet crossing said Tract 484 and Tract 282 to a $5/8''$ iron rod set for angle point;

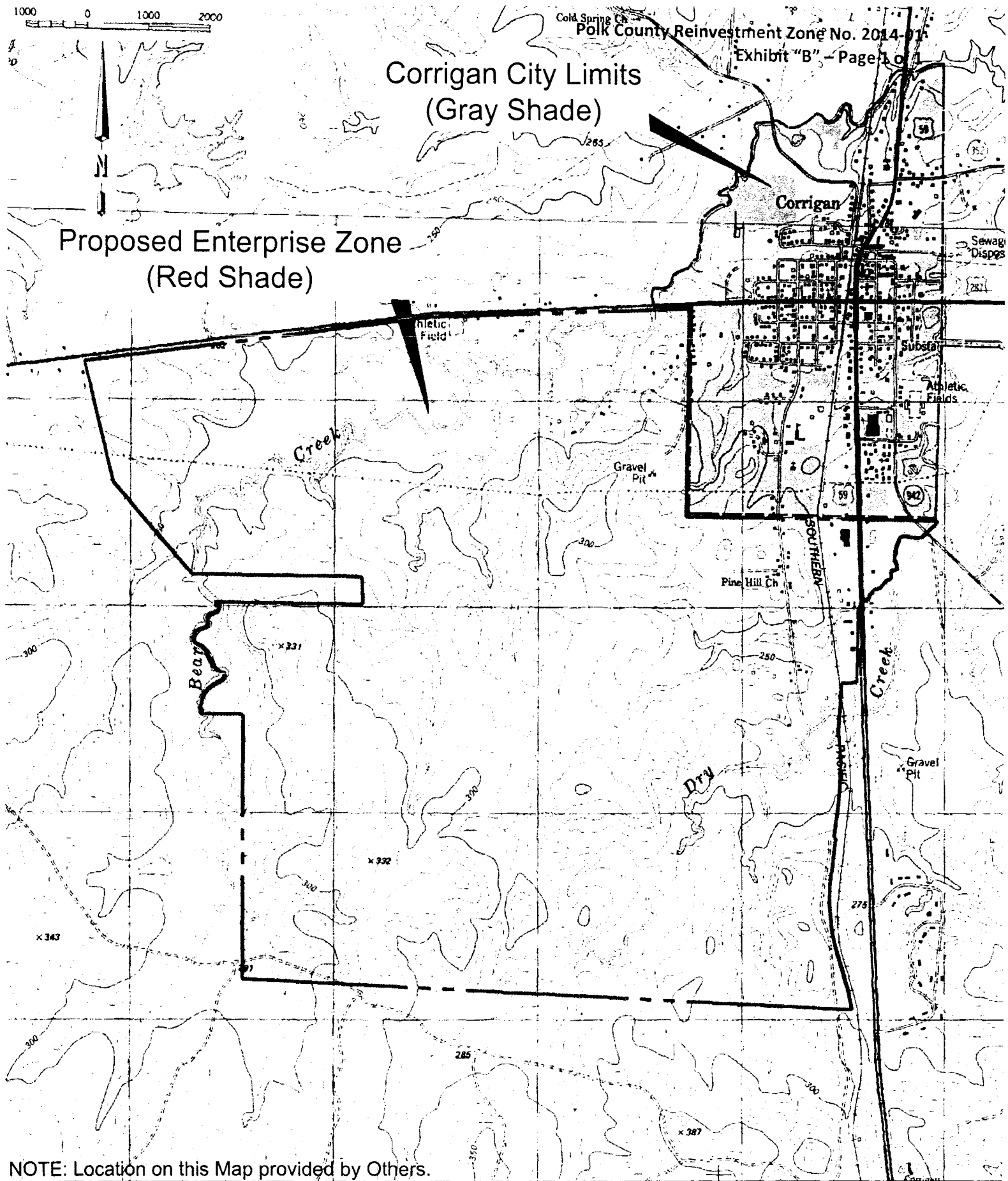
THENCE $N17^{\circ}22'58''$ W, 2,003.55 feet continuing across said Tract 282 to the PLACE OF BEGINNING.

(end of Description)



**Corrigan City Limits
 (Gray Shade)**

**Proposed Enterprise Zone
 (Red Shade)**



NOTE: Location on this Map provided by Others.



GOODWIN-LASITER-STRONG
 ENGINEERING - ARCHITECTURE - INTERIOR DESIGN - SURVEYING

HOME OFFICE
 1609 S. CHESTNUT SUITE 202
 LUFKIN, TEXAS 75901
 (936) 637-4900 / T3PE.FRM 0413
 goodwin@glstark.com

DATE	BY	APPR	JOB NO	SHEET NO
12-4-14	KLH	PGD	296045	C1

SCALE NOTED

Polk Co. / City of Corrigan
 Corrigan, Texas
 Polk County, Texas

Enterprise Zone Map