

**RESOLUTION NO. R-2016-31**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS, NOMINATING DELEK REFINING, LTD. TO THE OFFICE OF THE GOVERNOR, ECONOMIC DEVELOPMENT AND TOURISM THROUGH THE ECONOMIC DEVELOPMENT BANK FOR DESIGNATION AS AN ENTERPRISE PROJECT ("PROJECT") UNDER THE TEXAS ENTERPRISE ZONE PROGRAM UNDER THE TEXAS ENTERPRISE ZONE ACT, CHAPTER 2303, TEXAS GOVERNMENT CODE ("ACT").**

**WHEREAS**, on August 25, 2010, the City of Tyler, Texas (the "City") previously passed Ordinance No. O-2010-89 electing to participate in the Texas Enterprise Zone Program, and the local incentives available under this resolution are the same on this date as were outlined in Ordinance No. O-2010-89;

**WHEREAS**, pursuant to Chapter 2303, Subchapter F of the Texas Enterprise Zone Act, Texas Government Code (the "Act"), Delek Refining, Ltd. ("Delek") has applied to the City for designation as an enterprise project; and

**WHEREAS**, the Office of the Governor Economic Development and Tourism (EDT) through the Economic Development Bank will consider Delek 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, economically disadvantaged individuals and veterans; and

**WHEREAS**, the City finds that Delek meets the criteria for designation as an enterprise project under Chapter 2303, Subchapter F of the Act on the following grounds: (1) Delek is a "qualified business" under Section 2303.402 of the Act since it is engaged in the active conduct of a trade or business at a qualified business site located in an enterprise zone and at least twenty-five percent (25%) of the business' new employees are residents of an enterprise zone, economically disadvantaged individuals or veterans; (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 Delek as an enterprise project will contribute significantly to the achievement of the plans of the City for development and revitalization of the area; and

**WHEREAS**, the City finds that Delek meets the criteria for tax relief and other incentives adopted by the City on the grounds that it will be located at the qualified business site, will 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 Delek Refining, Ltd. as an enterprise project pursuant to the Act;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS:**

**PART 1:** That the findings of the City and its actions approving this resolution taken at the council meeting are hereby approved and adopted and in effect.

**PART 2:** That the City finds that Delek meets the criteria for designation as an enterprise project under Chapter 2303, Subchapter F of the Act on the following grounds:

- (a) Delek is a "qualified business", as defined in 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 located in an enterprise zone in the governing body's jurisdiction and at least twenty-five percent (25%) of the business' new employees will be residents of an enterprise zone, economically disadvantaged individuals, or veterans; and
- (b) There has been and will continue to be a high level of cooperation between public, private and neighborhood entities in the area; and
- (c) The designation of Delek as an enterprise project will contribute significantly to the achievement of the plans of the City for development and revitalization of the area.

**PART 3:** That the City nominates Delek Refining, Ltd. to the State of Texas for Enterprise status.

**PART 4:** That the enterprise project shall take effect on the date of designation of the enterprise project by the EDT and terminate five (5) years after the date of designation.

**PART 5:** That this Resolution shall become effective upon its passage and approval.

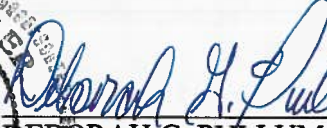
**PASSED AND APPROVED** this 24<sup>th</sup> day of August, 2016.

  
\_\_\_\_\_  
MARTIN HEINES, MAYOR  
CITY OF TYLER, TEXAS

ATTEST:

APPROVED:

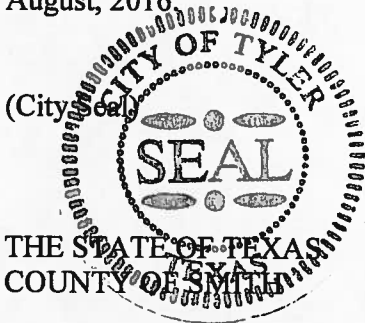
  
\_\_\_\_\_  
CASSANDRA BRAGER, CITY CLERK

  
\_\_\_\_\_  
DEBORAH G. PULLUM,  
CITY ATTORNEY



THE STATE OF TEXAS  
COUNTY OF SMITH

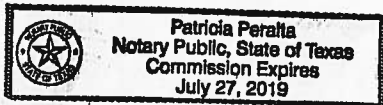
I, CASSANDRA BRAGER, City Clerk of the City of Tyler, Texas do hereby certify that the above and foregoing is a true and correct copy of Resolution Number R-2016-31 passed by the City of Tyler City Council on this 24<sup>th</sup> day of August, 2016.



Cassandra Brager  
Cassandra Brager  
City Clerk

BEFORE ME, the undersigned authority, on this day personally appeared Cassandra Brager of the City of Tyler, Texas, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he/she executed the same for the purposes and consideration therein expressed.

GIVEN under my hand and seal of office this 31<sup>st</sup> day of August, 2016.



(Notary Seal)

[Signature]  
Notary Public, State of Texas

My commission expires: 7/27/19