

RESOLUTION NO. R-2015-25

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS NOMINATING FRESENIUS MEDICAL CARE HOLDINGS, INC., FOR AWARD OF A STATE OF TEXAS ENTERPRISE ZONE PROJECT DESIGNATION; EXPRESSING INTENT TO OFFER TAX ABATEMENT AND OTHER LOCAL BUSINESS INCENTIVES; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Tyler (City) has previously passed Ordinance No. O-2010-89 on August 25, 2010, electing to participate 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. O-2010-89; and

WHEREAS, the Office of the Governor Economic Development and Tourism (EDT) through the Economic Development Bank (Bank) will consider the Fresenius Medical Care Holdings, Inc. (Fresenius) project 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"), Fresenius has applied to the City for designation as an enterprise project; and

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

1. Fresenius is a "qualified business" under Section 2303.402 of the Act since it is engaged in or has provided substantial commitment to initiate the active conduct of a trade or business:

(a) in an enterprise zone within the governing body's jurisdiction and at least twenty-five percent (25.0%) of the business' new permanent jobs in the enterprise zone are held by residents of any enterprise zone in the state, economically disadvantaged individuals or veterans; or

(b) *in an area of the state of Texas that does not qualify as an enterprise zone, and at least thirty-five percent (35.0%) of the business' new permanent jobs at the qualified business site are held by residents of any enterprise zone in the state, individuals who are economically disadvantaged individuals or veterans; 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 the Fresenius project 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 the Fresenius project meets the criteria for tax relief and other incentives adopted by the City and nominates the Fresenius project for enterprise project status on the grounds that it will be located at the qualified business site, will create 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 the Fresenius project 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 City Council meeting are hereby approved and adopted.

PART 2. That Fresenius Medical Care Holdings, Inc. is a "qualified business", as defined in Section 2303.402 of the Act, and meets the criteria for designation as an enterprise project, as set forth in Section 2303, Subchapter F of the Act.

PART 3. That, accordingly, the City hereby nominates the Fresenius Medical Care Holdings, Inc. project (Fresenius Project) for enterprise project status.

PART 4. That the enterprise project shall take effect on the date of designation of the enterprise project by the agency and terminate on **Dec. 31, 2021**.

PART 5. That local support for this project includes Tax Abatement, to be executed at a later date, and City of Tyler business incentives.

PART 6. That this Resolution shall become effective upon its passage and approval.

PASSED AND APPROVED BY THE CITY COUNCIL of the City of Tyler this 26 day of August, 2015.

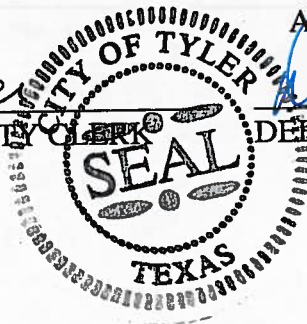

MARTIN HEINES, MAYOR OF THE
CITY OF TYLER, TEXAS

ATTEST:


CASSANDRA BRAGER, CITY CLERK

APPROVED:


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-2015-__ passed by the City of Tyler City Council on this 26 day of August, 2015.

(City Seal)

Cassandra Brager
Cassandra Brager
City Clerk

THE STATE OF TEXAS
COUNTY OF SMITH

BEFORE ME, the undersigned authority, on this day personally appeared Martin Heines, Mayor 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 26 day of August, 2017.5

(Notary Seal)



Jennifer A Pittman
Notary Public, State of Texas

My commission expires: 03-30-2019