

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE DESIGNATING A CERTAIN AREA IN THE CITY OF FORT WORTH AS “TAX ABATEMENT REINVESTMENT ZONE NUMBER ONE HUNDRED AND SEVEN, CITY OF FORT WORTH, TEXAS”; PROVIDING THE EFFECTIVE AND EXPIRATION DATES FOR THE ZONE AND A MECHANISM FOR RENEWAL OF THE ZONE; AND CONTAINING OTHER MATTERS RELATED TO THE ZONE.**

**WHEREAS**, pursuant to the City of Fort Worth’s (“**City**”) Tax Abatement Policy, which was adopted by the City Council to be effective on February 28, 2023 by way of Resolution No. 5709-02-2023 (“**Tax Abatement Policy**”), the City has elected to be eligible to participate in tax abatement and has established guidelines and criteria governing tax abatement agreements entered into between the City and various third parties, as authorized by and in accordance with the Property Redevelopment and Tax Abatement Act, codified in Chapter 312 of the Texas Tax Code (“**Code**”);

**WHEREAS**, the City Council desires to promote the development of the area in the City more specifically described in **Exhibit “A”** of this Ordinance (“**Zone**”) through the creation of a reinvestment zone for the purpose of supporting new business investment or expansion, as authorized by and in accordance with Chapter 312 of the Code;

**WHEREAS**, DrinkPAK LLC, or an Affiliate, (“**Company**”), which is a US-based contract manufacturer of premier alcoholic and non-alcoholic beverage wishes to expand its operations to add two manufacturing facilities and a total of 1,000 employees at two separate locations in the City for a total minimum investment of \$452 million in real property and business personal property improvements (“**Project**”).

**WHEREAS**, with regard to property within this Zone, Company desires to (i) expend or cause to be expended at least \$37 million in real property improvements, and (ii) install new taxable tangible personal property worth at least \$183 million that will ultimately result in a combined real and personal property investment of at least \$220 million (collectively, the “**Improvements**”);

**WHEREAS**, Company has applied for real and business personal property tax abatements from the City in return for the construction and installation of the Improvements in the Zone and compliance with certain other employment and spending requirements;

**WHEREAS**, to foster economic development in the Zone, and the City, in general, it is anticipated that the City will enter a tax abatement agreement(s) for one or more Improvements within the Zone;

**WHEREAS**, on September 12, 2023, the City Council held a public hearing regarding the creation of the Zone, received information concerning the Improvements proposed for the Zone, and afforded a reasonable opportunity for all interested persons to speak and present evidence for, or against, the creation of the Zone (“**Public Hearing**”), as required by Section 312.201(d) of the Code;

**WHEREAS**, notice of the Public Hearing was published in a newspaper of general circulation in the City at least seven (7) days prior to the Public Hearing, which satisfies the requirement of Section 312.201(d)(1) of the Code; and

**WHEREAS**, in accordance with Sections 312.201(d)(2) and (e) of the Code, notice of the Public Hearing was also delivered, in writing, to the presiding officer of the governing body of each taxing unit that includes in its boundaries real property that is to be included in the proposed Zone not later than the seventh day before the date of the public hearing.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORT WORTH, TEXAS:**

**SECTION 1.  
FINDINGS.**

That, after reviewing all information before it regarding the establishment of the Zone and after conducting the Public Hearing and affording a reasonable opportunity for all interested persons to speak and present evidence for, or against, the creation of the Zone, the City Council hereby makes the following findings of fact:

- 1.1.** The statements and facts set forth in the recitals of this Ordinance are true and correct. Therefore, the City has met the notice and procedural requirements established by the Code for creation of the Zone under Chapter 312 of the Code.
- 1.2.** The Improvements proposed for the Zone, as more specifically outlined in the Public Hearing, are feasible and practical and, once completed, will benefit the land included in the Zone as well as the City for a period of more than ten (10) years, which is the statutory maximum term of any tax abatement agreement entered into under the Chapter 312 of the Code.
- 1.3.** As a result of designation as a reinvestment zone, the area within the Zone is reasonably likely to contribute to the expansion of primary employment and to attract major investment in the Zone that will be a benefit to property in the Zone and will contribute to the economic development of the City.

**SECTION 2.  
DESIGNATION OF ZONE**

That the City Council designates the Zone described in the boundary description attached hereto as **Exhibit "A"** and made a part of this Ordinance for all purposes as a reinvestment zone for purposes permitting tax abatement as may be found desirable by the City or any other eligible taxing units for purposes authorized by and in accordance with Chapter 312 of the Code. This Zone will be known as "Tax Abatement Reinvestment Zone Number One Hundred and Seven, City of Fort Worth, Texas." This Project is eligible for tax abatements under Section 6 of the Tax Abatement Policy because it concerns a Mega Project.

**SECTION 3.  
TERM OF ZONE**

The Zone takes effect upon the effective date of this Ordinance and expires five (5) years thereafter. The Zone may be renewed by the City Council for one or more subsequent terms not to exceed five years, unless otherwise allowed by law.

**SECTION 4.  
SEVERABILITY**

If any portion, section, or part of a section of this Ordinance is subsequently declared invalid, inoperative, or void for any reason by a court of competent jurisdiction, the remaining portions, sections or parts of sections of this Ordinance will remain in full force and effect and shall not in any way be impaired or affected by such decision, opinion, or judgment.

**SECTION 5.  
IMMEDIATE EFFECT.**

That this Ordinance takes effect upon its adoption.

ADOPTED AND EFFECTIVE: \_\_\_\_\_

APPROVED AS TO FORM  
AND LEGALITY:

ATTESTED BY:

By: \_\_\_\_\_

Tyler F Wallach  
Senior Assistant City Attorney

\_\_\_\_\_  
Janette Goodall  
City Secretary

M&C: \_\_\_\_\_

## EXHIBIT "A"

### BOUNDARY DESCRIPTION OF ZONE

BEING a tract of land situated in the J. Daniels Survey, Abstract Number 349, James Eads Survey, Abstract Number 410, A. McDonald Survey, Abstract Number 786, B. Matthews Survey, Abstract Number 860, and Peter K. Matthews Survey, Abstract Number 865, City of Fort Worth, Denton County, Texas, and being a part of that called 202.7 acre tract of land described as "Tract 1" in Special Warranty Deed to PR III/CROW BUILDING C, LP, as recorded in Document Number 55509 (2022) of the Official Records of Denton County, Texas (O.R.D.C.T.), and being part of that called 34.42 acre tract of land described as "Tract 1B" in Special Warranty Deed to PR III/CROW 3001 EAGLE PARKWAY LAND, LP, as recorded in Document Number 2018-147576, O.R.D.C.T., and being all of that called 3.861 acre tract of land described in Special Warranty Deed to PR III/CROW BUILDING C, LP, as recorded in Document Number 169375 (2023) O.R.D.C.T., and being part of Lot 1, Block 1 of Trammell Crow 35 Eagle Addition, Lot 1, Lot 2, Lot 3R and Lot 4R, Block 1, an addition to The City of Fort Worth, Denton County, Texas, as recorded in Document No. 2022-390, O.R.D.C.T., and being more particularly described as follows;

BEGINNING a found "X" cut for corner for the common corner between the easterly southwest corner said Lot 4R and the most easterly southeast corner of said Lot 1;

THENCE South 69 degrees 53 minutes 26 seconds West, passing at a distance of 66.37 feet a found Mag Nail for the common corner between said Lot 4R and said Lot 3R, along the common line between said Lot 3R and said Lot 1, in all, a distance of 188.99 feet to a found Mag Nail for corner for the point of curvature of a tangent circular curve to the left, having a radius of 118.00 feet, whose chord bears South 52 degrees 37 minutes 52 seconds West, a distance of 70.02 feet;

THENCE Southwesterly, along said common line of said Lot 3R and Lot 1, with said curve, through a central angle of 34 degrees 31 minutes 09 seconds, an arc length of 71.09 feet to a found Mag Nail for corner;

THENCE South 35 degrees 22 minutes 17 seconds West, continuing along said common line, a distance of 59.95 feet to a found "X" cut for the northeast corner of that called 3.396 acre Water Facility Maintenance Agreement (WFMA) as recorded in Document No. 130150 (2022) O.R.D.C.T., same 3.396 acre tract being described in Special Warranty Deed to Hart 35 Eagle LLC, as recorded in Document No. 169374 92023) O.R.D.C.T.;

THENCE North 54 degrees 37 minutes 43 seconds West, departing said common line and along the common line between said Lot 1 and said 3.396 acre tract, a distance of 115.26 feet to a 1/2-inch found iron rod with yellow plastic cap stamped "HALFF" (hereinafter referred to as "with cap") for the point of curvature of a tangent circular curve to the left, having a radius of 80.00 feet, whose chord bears North 72 degrees 19 minutes 00 seconds West, a distance of 48.61 feet;

THENCE Northwesterly, continuing along said common line, with said curve, through a central angle of 35 degrees 22 minutes 33 seconds, an arc length of 49.39 feet to a 1/2-inch found iron rod with cap for corner;

THENCE South 89 degrees 59 minutes 44 seconds West, continuing along said common line, passing at a distance of 536.99 feet a 1/2-inch found iron rod with cap for the northwest corner of said 3.396 acre tract, continuing along the south line of said Tract 1, in all, a total distance of 676.98 feet for the point of curvature of a non-tangent circular curve to the right, having a radius of 194.50 feet, whose chord bears South 69 degrees 25 minutes 49 seconds West, a distance of 136.65 feet;

THENCE Southwesterly, departing said common line and along said curve, through a central angle of 41 degrees 07 minutes 50 seconds, an arc length of 139.62 feet to a point for corner;

THENCE South 89 degrees 59 minutes 44 seconds West, a distance of 28.14 feet for the point of a circular curve to the left, having a radius of 242.00 feet, whose chord bears South 62 degrees 52 minutes 16 seconds West, a distance of 220.67 feet;

THENCE Southwesterly, along the arc of said circular curve through a central angle of 54 degrees 14 minutes 56 seconds, an arc length of 229.13 feet to a point for corner;

THENCE South 35 degrees 44 minutes 47 seconds West, a distance of 133.88 feet to a point for corner being on the northeast right-of-way line of said Eagle Parkway;

THENCE North 54 degrees 14 minutes 59 seconds West, along said northeast right-of-way line, a distance of 100.00 feet to a point for corner;

THENCE North 35 degrees 44 minutes 47 seconds East, a distance of 133.87 feet for the point of curvature of a circular curve to the right, having a radius of 342.00 feet, whose chord bears North 62 degrees 52 minutes 16 seconds East, a distance of 311.85 feet;

THENCE Northeasterly, along the arc of said circular curve through a central angle of 54 degrees 14 minutes 56 seconds, an arc length of 323.81 feet to a point for corner;

THENCE North 00 degrees 00 minutes 16 seconds West, a distance of 5.00 feet to a 1/2-inch found iron rod with cap for corner being on the westerly line of said Tract 1;

THENCE North 89 degrees 59 minutes 44 seconds East, along said westerly line, a distance of 28.14 feet to a 1/2-inch found iron rod with cap for the point of curvature of a circular curve to the left, having a radius of 89.50 feet, whose chord bears North 44 degrees 59 minutes 44 seconds East, a distance of 126.57 feet;

THENCE Northeasterly, continuing along said westerly line and along said circular curve to the left, through a central angle of 90 degrees 00 minutes 00 seconds, an arc length of 140.59 feet to a 1/2-inch found iron rod with cap for corner;

THENCE North 00 degrees 00 minutes 16 seconds West, continuing along said westerly line, a distance of 269.78 feet to a point for corner:

THENCE North 89 degrees 59 minutes 44 seconds East, a distance of 54.00 feet to a point for corner;

THENCE North 00 degrees 06 minutes 13 seconds West, a distance of 1,951.49 feet to a point for corner;

THENCE North 89 degrees 59 minutes 44 seconds East, a distance of 1,131.03 feet to a point for corner;

THENCE South 00 degrees 35 minutes 08 seconds East, a distance of 464.84 feet to a point for corner;

THENCE South 89 degrees 37 minutes 46 seconds West, a distance of 63.00 feet to a 1/2-inch found iron rod with cap for corner;

THENCE South 00 degrees 00 minutes 36 seconds East, a distance of 1,827.70 feet to the POINT OF BEGINNING Containing 2,640,761 square feet or 60.62 acres of land, more or less.