

ORDINANCE NO.

AN ORDINANCE DESIGNATING A CERTAIN AREA IN THE CITY OF FORT WORTH AS “TAX ABATEMENT REINVESTMENT ZONE NUMBER ONE HUNDRED AND FOUR, 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 January 29, 2021 by way of Resolution No. 5342-02-2021 (“**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, Beauty Manufacturing Solutions, Corp., or an Affiliate, (“**Company**”) wishes to expend or cause to be expended at least \$30 million in real property improvements for the development of Company’s manufacturing operations and corporate office to be located in the Zone, and Company intends to install new taxable tangible business personal property at the facility worth at least \$40 million that will ultimately result in a combined real and personal property investment of at least \$70 million (collectively, the “**Improvements**”);

WHEREAS, Company has applied for real and business personal property tax abatements from the City in return for the 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 November 29, 2022, 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 Four, City of Fort Worth, Texas." This project is eligible

for commercial/industrial tax abatements per Section 4 of the Tax Abatement Policy because it concerns a Target Industry.

**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

TRACT 2 PROPERTY DESCRIPTION

BEING A TRACT OF LAND SITUATED IN THE WILLIAM HUFF SURVEY ABSTRACT NUMBER 648, TARRANT COUNTY, TEXAS, AND BEING ALL OF LOT 3R, BLOCK 1 ALLIANCE GATEWAY ADDITION, AND ADDITION TO THE CITY OF FORT WORTH, TARRANT COUNTY, TEXAS, AS RECORDED IN CABINET A, SLIDE 2155, PLAT RECORDS, TARRANT COUNTY, TEXAS, THE SAME BEING THAT CERTAIN 29.726 ACRE TRACT (TRACT 2) OF LAND DESCRIBED BY DEED TO DEED TO ALLIANCE 170 BUILDING PARTNERS, LLC, AS RECORDED IN D207348893, COUNTY RECORDS, TARRANT COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT 5/8 INCH IRON ROD WITH PLASTIC CAP STAMPED "CARTER & BURGESS" FOUND AT THE NORTHEAST CORNER OF SAID LOT 3R, BLOCK 1, ALLIANCE GATEWAY ADDITION, SAID POINT BEING AT THE INTERSECTION OF SOUTHERLY RIGHT-OF-WAY LINE OF STATE HIGHWAY 170 AND THE WESTERLY RIGHT-OF-WAY LINE OF THE UNION PACIFIC RAILROAD;

THENCE'S 24°34'10"W, 1762.61 FEET ALONG THE EAST PROPERTY LINE OF SAID LOT 3R, BLOCK 1 AND THE WESTERLY RIGHT-OF-WAY OF SAID UNION PACIFIC RAILROAD TO A 5/8 INCH IRON ROD WITH PLASTIC CAP STAMPED "CARTER & BURGESS" FOUND, SAID POINT BEING AT THE SOUTHEAST CORNER OF SAID LOT 3R, BLOCK 1 AND THE NORTHEAST PROPERTY CORNER OF THAT CERTAIN 7.148 ACRE TRACT OF LAND DESCRIBED BY DEED TO ALLIANCE GATEWAY-PHASE 1 ASSOCIATION AS RECORDED IN DOCUMENT NUMBER D206240552, DEED RECORDS, TARRANT COUNTY, TEXAS.

THENCE THE FOLLOWING BEARINGS AND DISTANCES ALONG THE SOUTHERLY PROPERTY LINE OF SAID LOT 3R, BLOCK 1 AND THE NORTHERLY PROPERTY LINE OF SAID 7.148 ACRE TRACT.

N80° 29' 25"W, 567.79 FEET TO A 5/8 INCH IRON ROD WITH PLASTIC CAP STAMPED "CARTER & BURGESS" FOUND.

N 00°08' 21"W, 99.79 FEET TO A 5/8 INCH IRON ROD WITH PLASTIC CAP STAMPED "CARTER & BURGESS" FOUND,

N 24°34'09"E, 301.26 FEET TO A 5/8 INCH IRON ROD WITH PLASTIC CAP STAMPED "CARTER & BURGESS" FOUND,

N 56°12'38"W, 49.56 FEET TO A 5/8 INCH IRON ROD WITH PLASTIC CAP STAMPED "CARTER & BURGESS" FOUND AT THE BEGINNING OF A CURVE TO THE LEFT, WITH SAID CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 11°07'46", HAVING A RADIUS OF 411.50 FEET, THE LONG CHORD OF WHICH BEARS N61°46' 31"W, 79.81 FEET, AN ARC DISTANCE OF 79.93 FEET TO A 5/8 INCH IRON ROD WITH PLASTIC CAP STAMPED "CARTER & BURGESS" FOUND AT THE

BEGINNING OF A NON-TANGENT CURVE TO THE LEFT SAID POINT BEING IN THE EASTERLY RIGHT-OF-WAY LINE OF FORMER VICTORY LANE (A PORTION OF A 60 FOOT RIGHT-OF-WAY RELEASED BY THE CITY OF FORT WORTH, TEXAS, BY MAYOR AND COUNCIL REFERENCE NUMBER L- 12805, MAY 23, 2000, SAID TRACT DESCRIBED IN QUICKCLAIM DEED TO NOKIA MOBILE PHONES INC., RECORDED IN VOLUME 14653, PAGE 224, COUNTY RECORDS, TARRANT COUNTY, TEXAS)

THENCE THE FOLLOWING BEARINGS AND DISTANCES ALONG THE WESTERLY PROPERTY LINE OF SAID LOT 3R, BLOCK 1 AND THE EASTERLY RIGHT-OF-WAY LINE OF FORMER VICTORY LANE. WITH SAID NON-TANGENT CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF $34^{\circ}52'42''$, HAVING A RADIUS OF 490.00 FEET, THE LONG CHORD OF WHICH BEARS $N 26^{\circ}56'55''E$, 293.70 FEET, AN ARC DISTANCE OF 298.28 FEET TO AN X-CUT FOUND $N 09^{\circ}30'34''E$, 435.47 FEET TO A 5/8 INCH IRON ROD WITH PLASTIC CAP STAMPED "CARTER & BURGESS" FOUND AT THE BEGINNING OF A CURVE TO THE LEFT WITH SAID CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF $10^{\circ}00'00''$, HAVING A RADIUS OF 1030.00 FEET, THE LONG CHORD OF WHICH BEARS $N 04^{\circ}30'34''E$, 179.45 FEET, AND ARC DISTANCE OF 179.77 FEET TO A 5/8 INCH IRON ROD WITH PLASTIC CAP STAMPED "CARTER & BURGESS" FOUND $N 00^{\circ}29'26''W$, 289.81 FEET TO A 5/8 INCH IRON ROD WITH PLASTIC CAP STAMPED "CARTER & BURGESS" FOUND AT THE INTERSECTION OF SAID EASTERLY RIGHT-OF-WAY LINE OF FORMER VICTORY LANE AND THE AFOREMENTIONED SOUTHERLY RIGHT-OF-WAY LINE STATE HIGHWAY 170,

THENCE THE FOLLOWING BEARINGS AND DISTANCES ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF STATE HIGHWAY 170. $N 89^{\circ} 29' 40'' E$, 100. 28 FEET TO A 5/8 INCH IRON ROD WITH PLASTIC CAP STAMPED " CARTER & BURGESS" FOUND, $S 85^{\circ} 21' 46'' E$, 200.81 FEET TO A TEXAS HIGHWAY DEPARTMENT MONUMENT FOUND. $S 82^{\circ} 32' 10'' E$, 403.90 FEET TO A TEXAS HIGHWAY DEPARTMENT MONUMENT FOUND, $S 86^{\circ}30'04''E$, 362.45 FEET TO THE POINT OF BEGINNING CONTAINING 1.294,879 SQUARE FEET OR 29.726 ACRES OF LAND MORE OR LESS

TRACT 3 LEGAL DESCRIPTION

BEING A TRACT OF LAND SITUATED IN THE WILLIAM HUFF SURVEYL ABSTRACT NUMBER 648, TARRANT COUNTY, TEXAS, AND BEING ALL OF THAT PORTION OF FORMER VICTORY LANE AS DESCRIBED IN THE QUIT CLAIM DEED TO NOKIA MOBILE PHONES, INC., AS RECORDED IN VOLUME 14653, PAGE 224, COUNTY RECORDS, TARRANT COUNTY, TEXAS, AND BEING THAT SAME TRACT OF LAND RELEASED BY THE CITY OF FORT WORTH, TEXAS BY MAYOR AND COUNCIL REFERENCE NUMBER 1-12805, MAY 23, 2000 AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS.

BEGINNING AT A 5/8 INCH IRON ROD WITH PLASTIC CAP STAMPED "CARTER' BURGESS" FOUND AT THE NORTHEAST PROPERTY CORNER OF SA I0 FORMER VICTORY LANE, SAID POINT BEING IN THE SOUTH RIGHT-OF-WAY LINE OF STATE HIGHWAY 170 AND SAID POINT ALSO BEING THE NORTHWEST CORNER OF LOT 3R, BLOCK " ALLIANCE GATEWAY ADDITION~ AS RECORDED IN CABINET A, SLIDE 2155, PLAT RECORDS, TARRANT COUNIY, TEXAS,

THENCE S 00°29' 2611 EL 289.81 FEET ALONG THE EAST LINE OF SAID FORMER VICTORY LANE AND THE WEST SIDE OF SAID LOT 3R BLOCK 1 TO A 5/8 INCH IRON ROD WITH PLASTIC CUP STAMPED "CARTER & BURGESS" FOUND AT THE BEGINNING OF A CURVE TO THE RIGHT

THENCE CONTINUING ALONG THE EAST LINE OF SAID FORMER VICTORY LANE AND CONTINUING ALONG THE WEST LINE OF SAID LOT 3R, BLOCK 1, AND WITH SAID CURVE TO THE RIGHT, AN ARC DISTANCE OF 179.77 FEET, THROUGH A CENTRAL ANGLE OF 10°00'00" HAVING A RADIUS OF 1030.00 FEET, THE LONG CHORD OF WHICH BEARS S04°30'34"W, 179.54 FEET TO A 5/8 INCH IRON ROD WITH PLASTIC CAP STAMPED "CARTER & BURGESS" FOUND

THENCE S 09°30'34", 435.47 FEET CONTINUING ALONG THE EAST LINE OF SAID FORMER VICTORY LANE AND CONTINUING ALONG THE WEST LINE OF SAID LOT 3R, BLOCK 1, TO AN X-CUT IN FOUND AT THE BEGINNING OF A CURVE TO THE RIGHT

THENCE CONTINUING ALONG THE EAST LINE OF SAID FORMER VICTORY LANE AND CONTINUING ALONG THE WEST LINE OF SAID LOT 3R, BLOCK 1 AND WITH SAID CURVE TO THE RIGHT, AN ARC DISTANCE OF 687.17 FEET THROUGH A CENTRAL ANGLE OF 80°21'05", HAVING A RADIUS OF 490.00 FEET, THE LONG CHORD OF WHICH BEARS S 49°40'06"W 632.23 FEET TO A 5/8 INCH IRON ROD WITH PLASTIC CAP STAMPED "CARTER & BURGESS" FOUND

THENCE S 89°51'39"W, 125.16 FEET CONTINUING ALONG THE EAST LINE OF SAID FORMER VICTORY LANE TO A 5/8 INCH IRON ROD WITH PLASTIC CAP STAMPED "CARTER & BURGESS" FOUND AT THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT, SAID POINT BEING THE SOUTHEASTERLY TERMINUS OF THE

REMAINDER OF VICTORY LANE (A 60' RIGHT-OF-WAY RECORDED IN VOLUME 11858, PAGE 916, COUNTY, RECORDS, TARRANT COUNTY, TEXAS)

THENCE ALONG THE EASTERLY TERMINUS OF SAID VICTORY LANE AND WITH SAID NON-TANGENT CURVE TO THE LEFT, AN ARC DISTANCE OF 62.36 FEET THROUGH A CENTRAL ANGLE OF $54^{\circ}58'22''$, AND HAVING A RADIUS OF 65.00 FEET, THE LONG CHORD OF WHICH BEARS $N 00^{\circ}08'20'' W$, 60.00 FEET TO A 5/8 INCH IRON ROD WITH PLASTIC CAP STAMPED "CARTER & BURGESS" FOUND AT THE NORTHEASTERLY TERMINUS OF SAID VICTORY LANE

THENCE $N 89^{\circ}51'39'' E$, 125.16 FEET ALONG THE NORTHERLY AND WESTERLY LINE OF SAID FORMER VICTORY LANE TO A 5/8 INCH IRON ROD WITH PLASTIC CAP STAMPED "CARTER & BURGESS" FOUND AT THE BEGINNING OF A CURVE TO THE LEFT,

THENCE CONTINUING ALONG THE NORTHERLY AND WESTERLY LINE OF SAID FORMER VICTORY LANE AND WITH SAID CURVE TO THE LEFT, AN ARC DISTANCE OF 603.03 FEET, THE LONG CHORD OF WHICH BEARS $N 49^{\circ}41'06'' E$, 554.81 FEET TO A 5/8 INCH IRON ROD WITH PLASTIC CAP STAMPED "CARTER&BURGESS" FOUND;

THENCE $N 09^{\circ}30'34'' E$, 435.47 FEET CONTINUING ALONG THE WESTERLY LINE OF SAID FORMER VICTORY LANE TO A 5/8 INCH IRON ROD WITH A PLASTIC CAP STAMPED "CARTER & BURGESS" FOUND AT THE BEGINNING OF A CURVE TO THE LEFT

THENCE CONTINUING ALONG THE WESTERLY LINE OF SAID FORMER VICTORY LANE AND WITH SAID CURVE TO THE LEFT, AN ARC DISTANCE OF 169.30 FEET, THROUGH A CENTRAL ANGLE OF $10^{\circ}00'00''$, HAVING A RADIUS OF 970.00 FEET, THE LONG CHORD OF WHICH BEARS $N 04^{\circ}30'34'' E$. 169.08 FEET TO A 5/8 INCH IRON ROD WITH PLASTIC CAP STAMPED "CARTER & BURGESS" FOUND,

THENCE $N 00^{\circ} 29' 26'' W$, 289.79 FEET CONTINUING ALONG THE WESTERLY LINE OF SAID FORMER VICTORY LANE TO A 5/8 INCH IRON ROD WITH PLASTIC CAP STAMPED "CARTER & BURGESS" FOUND IN THE SOUTHERLY RIGHT-OF-WAY LINE OF THE AFOREMENTIONED STATE HIGHWAY 170,

THENCE $N 89^{\circ}29'40'' E$, 60.00 FEET ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID STATE HIGHWAY 170 TO THE POINT OF BEGINNING AND CONTAINING 99,907 SQUARE FEET OR 2.294 ACRES OF LAND MORE OR LESS.