

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

**AN ORDINANCE RENEWING TAX ABATEMENT REINVESTMENT ZONE NUMBER NINETY, CITY OF FORT WORTH, TEXAS; PROVIDING THE EFFECTIVE AND EXPIRATION DATES FOR THE ZONE, AS RENEWED, AND A MECHANISM FOR ADDITIONAL RENEWALS OF THE ZONE; AND CONTAINING OTHER MATTERS RELATED TO THE ZONE.**

**WHEREAS**, on May 19, 2015 the City Council adopted Ordinance No. 21757-05-2015 designating Tax Abatement Reinvestment Zone Number Ninety, City of Fort Worth, Texas, a reinvestment zone created pursuant to and in accordance with the Property Redevelopment and Tax Abatement Act, codified in Chapter 312 of the Texas Tax Code (the “**Zone**”); and

**WHEREAS**, the Zone encompasses the area in the City more specifically described in Exhibit “A” of this Ordinance; and

**WHEREAS**, the Zone has been utilized as a valuable and successful economic development tool for the City, enabling an investment by Winner, LLC of over \$300 million in the Zone to date for operation of multiple data centers on behalf of Facebook, Inc., as reflected in two Tax Abatement Agreements between the City and Winner, LLC (City Secretary Contract No. 46727, as amended, and City Secretary Contract No. 52160), as supported by an Economic Development Program Agreement (City Secretary Contract No 46728); and

**WHEREAS**, pursuant to Section 3 of Ordinance No. 21757-05-2015, the term of the Zone commenced May 19, 2015 and will expire May 18, 2020, unless renewed by the

City Council for one or more subsequent terms of five (5) years or less, as authorized by Section 312.203 of the Texas Tax Code; and

**WHEREAS**, in order to encourage additional significant investment and job creation in the Zone, the City Council wishes to renew the Zone for an additional term of five (5) years beyond its original expiration date; and

**WHEREAS**, on May 5, 2020 the City Council held a public hearing regarding renewal of the Zone, received information concerning development in the Zone during the initial term of 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**”); and

**WHEREAS**, notice of the Public Hearing was published in a newspaper of general circulation in the City on April     , 2020, and delivered in writing not later than the seventh day before the date of the Public Hearing to the presiding officer of the governing body of each taxing unit that includes in its boundaries real property that is located in the Zone; and

**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 renewal 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 renewal 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.
- 1.2. The improvements constructed to date in the Zone, as more specifically outlined in the Public Hearing, have provided significant benefit to the Zone as well as the City, and will continue to do so for a period in excess of ten (10) years from the initial effective date of the Zone, and additional similar investment in the future will likewise benefit the Zone and the City.
- 1.3. As a result of renewal of the Zone, the area within the Zone is reasonably likely to contribute to the continued 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.**

### **RENEWAL OF ZONE.**

That the Zone is hereby renewed effective May 19, 2020 and shall expire five (5) years thereafter. The Zone may additionally be renewed by the City Council for one or more subsequent terms of five (5) years or less.

**Section 3.**

**SEVERABILITY.**

That 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 shall be and remain in full force and effect and shall not in any way be impaired or affected by such decision, opinion or judgment.

**Section 4.**

**IMMEDIATE EFFECT.**

That this Ordinance shall take effect upon its adoption.

ADOPTED AND EFFECTIVE: May 5, 2020

APPROVED AS TO FORM AND LEGALITY:

By: \_\_\_\_\_  
Peter Vaky  
Deputy City Attorney

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

**EXHIBIT “A”**

**BOUNDARY DESCRIPTION OF ZONE**