



ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, APPROVING AMENDMENTS TO THE PROJECT AND FINANCING PLAN FOR TAX INCREMENT REINVESTMENT ZONE NO. 1, RELATING TO THE USE OF THE SCHOOL IMPROVEMENT FUND; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on December 21, 1998, by Ordinance No. 2450, the City of Farmers Branch created Farmers Branch Tax Increment Financing Zone No. One ("Farmers Branch TIF No. 1" or "Mercer Crossing"); and

WHEREAS, on July 21, 1999, by Ordinance No. 2487, the City of Farmers Branch approved a Project Plan and Financing Plan (the "Plan"); and

WHEREAS, on August 30, 1999, by Resolution No. 99-148, the City of Farmers Branch amended the Plan and identified in the Plan the location of a Carrollton-Farmers Branch Independent School District Site; and

WHEREAS, the Carrollton-Farmers Branch Independent School District and the City of Farmers Branch entered into a Participation Agreement on August 31, 1999 (the "Participation Agreement"); and

WHEREAS, the Participation Agreement requires the Farmers Branch TIF No. 1 to make payments to the Carrollton-Farmers Branch Independent School District in an agreed amount, not to exceed \$19,000,000.00, for the purpose of paying the costs of constructing, equipping, maintaining, improving and/or operating one or more Zone School Projects (as defined in the Participation Agreement (the "School Improvement Fund"); and

WHEREAS, by Ordinance No. 3131, dated April 19, 2011, the City of Farmers Branch amended the Plan to provide a new location of a Carrollton-Farmers Branch Independent School District Zone School Project Site (approximately thirteen (13) acres) described in Exhibit "A" attached to Ordinance No. 3131, that was under contract to be purchased by the Carrollton-Farmers Branch Independent School District; and

WHEREAS, the Carrollton-Farmers Branch Independent School District subsequently terminated the contract to purchase the thirteen (13) acre Zone School Project Site identified in Ordinance No. 3131; and

WHEREAS, the Carrollton-Farmers Branch Independent School District has requested that the City of Farmers Branch, Texas approve an amendment to the Plan to allow the School Improvement Fund to be used for: (i) the demolition of the building located at 2807 Amber Lane, Farmers Branch, Texas (the former Montgomery Elementary School) and the replacement with multipurpose green space (estimated cost \$1,500,000.00); (ii) improvements to exterior, entryway and interior improvements at McLaughlin Strickland Schools (estimated cost \$400,000.00); (iii)

the demolition of building located at 2580 Valley View Lane, Farmers Branch, Texas 75237 (the former Science Center) and replacement with multipurpose green space (estimated cost \$750,000.00); (iv) the relocation or removal of electronic equipment located at the District's Technology Learning Center to a new location to be determined by the Carrollton-Farmers Branch Independent School District; (v) payments on bonds (principal and interest) issued by District to fund the costs related to the foregoing educational facilities and other Zone School Projects and Zone School Sites (estimated cost \$9,078,202.00); (vi) the administrating, operating, and maintenance expenses associated or related to any of the Zone School Projects and Zone School Sites, located within the Zone or outside the Zone but within the municipal boundaries of both the City of Farmers Branch, Texas and the Carrollton-Farmers Branch Independent School District, including Field Middle School, Stark Elementary School, McLaughlin Strickland Schools, Blair Elementary School, and Farmers Branch Elementary School (estimated cost \$1,510,335.00) (but excluding the Carrollton-Farmers Branch Independent School District's Technology Learning Center located at 2427 Carrick Street, Farmers Branch, Texas 75234), provided such project benefits the Zone by serving current or future students of the Carrollton-Farmers Branch Independent School District that reside or may in the future reside within the Zone, as a project under the Plans and the Act, and jointly used, or intended to be jointly used, by the School District and the City as set forth in Section 311.008 of the Act and in accordance with that certain Interlocal Agreement by and between the City and School District dated August 31, 1999; and

WHEREAS, the City of Farmers Branch and Carrollton-Farmers Branch Independent School District acknowledge and agree that the Participation Agreement by and between the City of Farmers Branch, Texas and the Carrollton-Farmers Branch Independent School District for TIF Zone No. 1 will have to be amended consistent with this Ordinance; and

WHEREAS, the City Council desires to amend the Plan to allow the School Improvement Fund to be used for: (i) the demolition of the building located at 2807 Amber Lane, Farmers Branch, Texas (the former Montgomery Elementary School) and the replacement with multipurpose green space (estimated cost \$1,500,000.00); (ii) improvements to exterior, entryway and interior improvements at McLaughlin Strickland Schools (estimated cost \$400,000.00); (iii) the demolition of building located at 2580 Valley View Lane, Farmers Branch, Texas 75237 (the former Science Center) and replacement with multipurpose green space (estimated cost \$750,000.00); (iv) the relocation or removal of electronic equipment located at the District's Technology Learning Center to a new location to be determined by the Carrollton-Farmers Branch Independent School District; (v) payments on bonds (principal and interest) issued by District to fund the costs related to the foregoing educational facilities and other Zone School Projects and Zone School Sites (estimated cost \$9,078,202.00); (vi) the administrating, operating, and maintenance expenses associated or related to any of the Zone School Projects and Zone School Sites, located within the Zone or outside the Zone but within the municipal boundaries of both the City of Farmers Branch, Texas and the Carrollton-Farmers Branch Independent School District, including Field Middle School, Stark Elementary School, McLaughlin Strickland Schools, Blair Elementary School, and Farmers Branch Elementary School (estimated cost \$1,510,335.00) (excluding the Carrollton-Farmers Branch Independent School District's Technology Learning Center located at 2427 Carrick Street, Farmers Branch, Texas 75234), provided such project benefits the Zone by serving current or future students of the Carrollton-Farmers Branch Independent School District that reside or may in the future reside within the Zone, as a project under the Plans and the Act, and jointly used, or

intended to be jointly used, by the School District and the City as set forth in Section 311.008 of the Act and in accordance with that certain Interlocal Agreement by and between the City and School District dated August 31, 1999;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS, THAT:

SECTION 1. The Project and Financing Plan for Tax Increment Financing Reinvestment Zone No. 1, City of Farmers Branch, Texas, is amended to provide that the School Improvement Fund may be used for: (i) the demolition of the building located at 2807 Amber Lane, Farmers Branch, Texas (the former Montgomery Elementary School) and the replacement with multipurpose green space (estimated cost \$1,500,000.00); (ii) improvements to exterior, entryway and interior improvements at McLaughlin Strickland Schools (estimated cost \$400,000.00); (iii) the demolition of building located at 2580 Valley View Lane, Farmers Branch, Texas 75237 (the former Science Center) and replacement with multipurpose green space (estimated cost \$750,000.00); (iv) the relocation or removal of electronic equipment located at the District's Technology Learning Center to a new location to be determined by the Carrollton-Farmers Branch Independent School District; (v) payments on bonds (principal and interest) issued by District to fund the costs related to the foregoing educational facilities and other Zone School Projects and Zone School Sites (estimated cost \$9,078,202.00); (vi) the administrating, operating, and maintenance expenses associated or related to any of the Zone School Projects and Zone School Sites, located within the Zone or outside the Zone but within the municipal boundaries of both the City of Farmers Branch, Texas and the Carrollton-Farmers Branch Independent School District, including Field Middle School, Stark Elementary School, McLaughlin Strickland Schools, Blair Elementary School, and Farmers Branch Elementary School (estimated cost \$1,510,335.00) (excluding the Carrollton-Farmers Branch Independent School District's Technology Learning Center located at 2427 Carrick Street, Farmers Branch, Texas 75234), provided such project benefits the Zone by serving current or future students of the Carrollton-Farmers Branch Independent School District that reside or may in the future reside within the Zone, as a project under the Plans and the Act, and jointly used, or intended to be jointly used, by the School District and the City as set forth in Section 311.008 of the Act and in accordance with that certain Interlocal Agreement by and between the City and School District dated August 31, 1999.

SECTION 2. Should any sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Ordinance as a whole.

SECTION 3. All provisions of the ordinances of the City in conflict with the provisions of this Ordinance be, and the same are hereby, repealed, and all other provisions not in conflict with the provisions of this Ordinance shall remain in full force and effect.

SECTION 4. This Ordinance and the Plan Amendments herein shall not become effective unless and until: (i) the City of Farmers Branch, Texas and the Carrollton-Farmers Branch Independent School District enter into an amendment to the Participation Agreement for Farmers Branch TIF

No. 1 authorizing the use of funds from Farmers Branch TIF No. 1 consistent with this Ordinance; (ii) the City of Farmers Branch, Texas and the Carrollton-Farmers Branch Independent School District have entered into a purchase and sale agreement wherein the City of Farmers Branch, Texas agrees to purchase from the Carrollton-Farmers Branch Independent School District the real property and improvements located at 2427 Carrick Street, Farmers Branch, Texas commonly referred to as the Carrollton-Farmers Branch Independent School District Technology Learning Center (the “PSA”); and (iii) the City of Farmers Branch, Texas closes on the purchase of the Carrollton-Farmers Branch Independent School District Technology Learning Center from the Carrollton-Farmers Branch Independent School District pursuant to the PSA, subject to any lease-back provisions contained in the PSA.

DULY PASSED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS, ON THE 17TH DAY OF APRIL 2018.

ATTEST:

APPROVED:

Amy Piukana, City Secretary

Robert C. Dye, Mayor

APPROVED AS TO FORM:

Peter G. Smith, City Attorney
(PGS:4-11-18:TM 98060)