

**ORDINANCE 2022-08-08 (7A)**

**AN ORDINANCE OF THE CITY OF ROCKDALE, TEXAS, APPROVING THE TERMS AND CONDITIONS OF AN INCENTIVE POLICY TO PROMOTE ECONOMIC DEVELOPMENT AND STIMULATE BUSINESS AND COMMERCIAL ACTIVITY IN THE CITY; ESTABLISHING GUIDELINES AND CRITERIA FOR APPROVAL OF PROPERTY TAX ABATEMENTS AND OTHER INCENTIVES; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Title 12, Subtitle A, Chapter 377 of the Texas Local Government Code, authorizes communities to establish a Municipal Development District (MDD) and collect sales taxes specifically for economic development purposes; and

**WHEREAS**, The residents of the City of Rockdale, Texas (City), on May 8, 2010, passed a ballot initiative approving the collection of 0.5% sales and use tax for the creation and funding of a Municipal Development District; and

**WHEREAS**, The City Council of the City of Rockdale, (Council) passed Resolution R2010-05-12 ratifying said election and effectively establishing the Rockdale Municipal Development District (RMDD) as a Municipal Development District; and

**WHEREAS**, the Council on February 8, 2021 approved amended Bylaws of the RMDD; and

**WHEREAS**, the Articles of Incorporation for the RMDD were approved by the Council and filed with the State of Texas; and

**WHEREAS**, Chapter 312 of the Texas Tax Code, cited as the Property Redevelopment and Tax Abatement Act, authorizes municipalities to grant tax abatements upon establishing guidelines and criteria for tax abatement agreements; and

**WHEREAS**, Chapter 380 of the Texas Local Government Code authorizes municipalities to establish and provide for the administration of programs that promote economic development and stimulate business and commercial activity in the City; and

**WHEREAS**, Section 377.071(b) of the Texas Local Government Code allows a Municipal Development District to contract with a public or private person to (1) plan, acquire, establish, develop, construct, or renovate a development project; or (2) perform any other act the district is authorized to perform under Chapter 377; and

**WHEREAS**, the City Council, as the governing body of the City of Rockdale, Texas, is committed to the promotion of quality development and expansion of its existing business base, and further recognizes the importance of retaining existing businesses, retaining or creating employment opportunities for residents, and providing for the redevelopment of sub-standard properties; and

**WHEREAS**, the Council hereby elects to be eligible for tax abatement agreements as provided for in the guidelines and criteria established in the Policy; and

**WHEREAS**, The City desires to attract high-quality, long-term investment and the creation of new jobs and to stimulate business and commercial activity in the City; and

**WHEREAS**, The City recognizes that it may be necessary to provide economic development incentives utilizing public resources in addition to RMDD Sale Taxes; and

**WHEREAS**, The City recognizes the importance of retaining existing businesses, attracting new businesses, and providing for the redevelopment of sub-standard properties; and

**WHEREAS**, The Incentives Policy (Policy) attached as Exhibit A, creates a framework where the City can establish other policies that promote economic development and stimulate business and commercial activity in the City and establish guidelines and criteria for the approval of tax abatement agreements; and

**WHEREAS**, the Property Redevelopment and Tax Abatement Act, Section 312.002 (c) provides that during a two-year period after the adoption of guidelines and criteria, they may be amended or repealed only by a vote of three-fourths of the members of the governing body; and

**WHEREAS**, The Council desires for this Policy to repeal and replace the current Tax Abatement Policy; and

**WHEREAS**, The RMDD Board on February 28, 2022, considered and recommended approval of the Policy to the Council; and

**WHEREAS**, Upon full review and consideration of the Incentive Policy attached as Exhibit A and all matters attendant and related thereto, the Council is of the opinion that the Policy will assist in implementing programs whereby economic development will be promoted and business and commercial activity will be stimulated in the City.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROCKDALE, TEXAS THAT:**

1. The facts and recitations contained in the preamble of this Ordinance are hereby found and declared to be true and correct.
2. The City Council finds that the guidelines and criteria of the Policy will promote economic development and stimulate business and commercial activity in the City.
3. The City Council hereby adopts the Policy authorizing the City to participate in tax abatement and other incentives and take other specified actions, in accordance with the guidelines and criteria outlined in the Policy.
4. The guidelines and criteria of the Policy, having been reviewed by the City of Rockdale are found to be acceptable and in the best interest of the City and its citizens and businesses, are hereby approved.

**PASSED AND APPROVED ON FIRST READING** on this the 11th day of July, 2022.

**PASSED AND APPROVED ON SECOND READING** on this the 8th day of August, 2022.

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Brett Boren, Mayor

ATTEST:

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Terry Blanchard, City Secretary

Exhibit A  
Incentives Policy

**Rockdale, Texas**  
*Incentives Policy*

**WHEREAS**, the Board of the Rockdale Municipal Development District (RMDD), on February 28, 2022 considered and recommended approval of this Incentives Policy (Policy) to the Rockdale City Council (Council); and

**WHEREAS**, upon full review and consideration of this Policy, the Council is of the opinion that this Policy will assist in implementing programs whereby economic development will be promoted and business and commercial activity will be stimulated in the City.

**BE IT KNOWN**, that the Council on August 8, 2022 approved Ordinance 2022-08-08(7A) adopting the following guidelines and criteria as the City of Rockdale's Incentives Policy.

**Section 1.**  
***Introduction & Goals***

It is the intent of this Policy to provide guidelines and criteria, requirements, and procedures to evaluate and approve any Incentives deemed necessary by the City for the furtherance of its economic development and community goals. This Policy shall include provisions for Tax Abatement as well as use of RMDD economic development sales tax funds, general funds of the City, and any other resources as approved by the Council. Incentives may be considered for both new facilities and for the Expansion or Modernization of existing Facilities and structures. Nothing herein shall imply or suggest that the City is under any obligation to provide any Incentive to any Applicant. The City retains the right to evaluate applications and grant Incentives, if any, as deemed appropriate on a case-by-case basis without the necessity of amending any contrary provisions of this Policy. Following are the goals of this Policy:

- 1.1. When in the best interests of the City, provide Incentives to existing businesses that will enhance the commercial viability and sustainability of existing commercial properties in the City;
- 1.2. When in the best interests of the City, provide Incentives to attract desired businesses or developers to invest in the City;
- 1.3. Encourage redevelopment of targeted areas in the City;
- 1.4. Incentivize those projects that will have a substantial impact to the Community and will enhance either functional or visual characteristics, have high visibility or a positive impact on the community's aesthetics, be located in an area that might not otherwise receive a substantial level of investment activity, and serve as a prototype and catalyst for other development projects.
- 1.5. Create or enhance diverse employment opportunities for all residents of the City;
- 1.6. Increase the non-residential ad-valorem tax and / or sales and use tax revenue base for the City; and
- 1.7. Ensure that all policies, procedures and any resulting Incentive Agreements related to the provision of Incentives to stimulate economic development shall comply with all applicable state statutes.

**Section 2.**  
***Definitions***

The following definitions shall apply to the terms used in this Policy.

Agreement: Shall mean an Incentive Agreement as defined herein.

Agreement in Principle (AIP): Shall mean a non-binding draft of performance requirements of a Project and any Incentives to be offered by the City.

Agreement-Incentive: Shall mean a written agreement summarizing the performance requirements of a business or developer and the Incentives to be provided by the City upon fulfillment of those performance requirements (e.g. Tax Abatement Agreement, Chapter 380 Agreement, and Performance Agreement).

Applicant: Shall mean the Property owner or business occupant signing the Incentives Application.

Application: Shall mean the Incentives Application as maintained by Staff.

Appraisal District: Shall mean the Milam County Appraisal District.

Base Year Value: Shall mean the assessed value of the Facility on the 1<sup>st</sup> of January preceding the execution of an Incentive Agreement.

Benefits: Any combination of group benefits for health care, dental care, vision care, disability insurance, or life insurance and paid time off (e.g. vacation, sick time, holidays, maternity/paternity leave).

Board: Shall mean the Board of the Rockdale Municipal Development District of the City.

City: The City of Rockdale, Texas. Where “City” is used in this Policy as an action to be taken or an incentive to be offered, City shall include the Board as authorized or permitted by State Law.

Code Violations: Shall be as defined in the City’s adopted building or zoning codes.

Construction Costs: The cost of permits, fees, construction materials, and installation labor. All other associated costs are deemed excluded, including, but not exclusively, the following costs: design, engineering, construction document preparation, bidding, and construction financing.

Council: The City Council of the City.

County: Shall mean Milam County, Texas.

Director: Shall mean the Economic Development Director for the City.

Effective Date: The date this Policy was approved by the Council.

Employee, Full-Time: Shall mean any employee of the company that regularly works a minimum of thirty (30) hours per week.

Employee, Part-Time: Shall mean any employee that regularly works less than thirty (30) hours a week.

Employee, Qualifying: Shall mean an FTE Employee meeting certain wage requirements and receiving a defined minimum benefits threshold. Only Qualifying Employees shall be used to determine compliance with any employment requirements in an Agreement.

Employees, Full-Time Equivalent (FTE): Shall mean the number of employees equivalent to full-time employees, e.g. two part-time employees working 20 hours each is equal to one full-time employee.

Expansion: Shall mean the addition of buildings, structures, fixed equipment or machinery for the purpose of increasing production capacity.

Facility: Shall mean the Property, building and Improvements.

Freeport Exemption: Shall mean an exemption from ad valorem taxation applies only if qualifying goods, wares, merchandise, ores, and certain aircraft and aircraft parts have been detained in the state for 175 days or less for the purpose of assembly, storage, manufacturing, processing, or fabricating.

Grants: Funds provided by the City for a particular Project in accordance with this Policy.

Impact Fees: Fees adopted by the City in accordance with Chapter 395 of the Texas Local Government Code.

Improvements: Shall mean the New Construction or Modernization of buildings, interiors, site work, Public Works Improvements, parking and drives, landscaping, irrigation, lighting and specifically excluding land and / or Business Personal Property.

Incentives: Shall be as defined in Section 5 herein.

Minimum Performance Requirements: Shall be as defined in Section 6 herein.

Modernization: Shall mean the replacement and upgrading of existing facilities which increases the productive input or output, updates the technology, or substantially lowers the unit cost of the operation, and extends the economic life of the Facility. This shall not include reconditioning, refurbishing, repairing or completion of deferred maintenance on the Facility or its equipment.

Municipal Development District: Shall mean the Municipal Development District of the City established pursuant to Title 12, Subtitle A, Chapter 377 of the Texas Local Government Code.

New Construction: Shall mean the first-time construction of Improvements utilizing newly purchased materials, and specifically excluding any remodeling or renovations undertaken after issuance of the first Certificate of Occupancy.

Payroll: The company's total expenditures for all employees for the month immediately preceding the Application, multiplied by twelve (12).

Performance Agreement: Shall mean an agreement meeting the provisions of Section 501.158 of the Texas Local Government Code and entered into by a Municipal Development District prior to providing a direct incentive or making an expenditure on behalf of a business enterprise.

Policy: Shall mean this Incentives Policy.

Primary Job: A job that is 1) available at a company for which a majority of the products or services of that company are ultimately exported to regional, statewide, national, or international markets, infusing new dollars into the local economy; and 2) included in an acceptable sector of the North American Industry Classification System (NAICS) as identified in Section 501.002 (12) of the Act.

Project: The initiative or investment to be provided in accordance with the performance standards of any Incentive Agreement providing Incentives.

Project Applicability: Shall be as defined in Section 7 herein.

Property: Shall mean the physical parcel of land for which Incentives are being granted.

Property – Business Personal: Shall mean the tangible and movable items used in the course of business not permanently affixed to, or part of, the real estate. Examples of Business Personal Property (BPP) include: furniture, machinery and equipment, computers, vehicles, inventory and supplies.

Property - Real: Shall mean the Property and the Improvements constructed on the Property.

Public Works Improvements: Shall mean improvements that upon completion and acceptance shall be owned and maintained by the City. (e.g. water, sewer, streets, drainage)

Recapture (aka Claw-back): A provision in an Incentive Agreement that states how and to what extent any Incentives provided must be paid back to the City if the required performance criteria are not met.

Staff: The City Manager or their designee.

Tax Abatement: Shall mean the full or partial exemption from paying ad valorem taxes on real property or tangible personal property in accordance with provisions of Chapter 312 of the Texas Tax Code.

Tax Abatement Agreement: Shall mean an agreement to provide Tax Abatement as authorized by Chapter 312 of the Texas Tax Code. It may also be referenced herein as an Incentive Agreement.

**Section 3.**  
**General Eligibility**

The following shall establish the minimum eligibility for receiving Incentives identified in this Policy.

- 3.1. Properties: Only properties meeting the following requirements at the time an Application is submitted shall be eligible to receive Incentives outlined by this Policy.
  - 3.1.1. Within the City or ETJ: Property must be located within the City's municipal boundaries or their Extraterritorial Jurisdiction (ETJ) unless provisions for annexation into the City are part of the Incentive Agreement.
  - 3.1.2. Zoning: Property must be zoned for the proposed uses or the Applicant must state their intent to submit a rezoning request to the appropriate district. Any Incentives shall be conditional upon successful rezoning process.
  - 3.1.3. Regulatory Compliance: Property must conform to all City ordinances and regulations.
  - 3.1.4. Taxes: Property shall be in good standing as it relates to taxes due to the City.
  - 3.1.5. Liens: Property shall be in good standing as it relates to any liens held by the City.
  - 3.1.6. Ownership: Property owners must provide sufficient proof of ownership.
  - 3.1.7. Code Violations: Property must not have any outstanding code violations with the City.
  - 3.1.8. Construction Commencement: Construction for the Facility must not have commenced prior to the approval of an Incentive Agreement.
  - 3.1.9. Conflict of Interest: If a member of the City Council, Planning and Zoning Commission, or Municipal Development District has an ownership interest in either the property or the business receiving incentives, the Board / Council member must disclose their business involvement / relationship and then recuse themselves from any discussion or vote.
- 3.2. Businesses: Only businesses meeting the following requirements shall be eligible to receive Incentives outlined by this Policy.
  - 3.2.1. Taxes: The business shall be in good standing as it relates to taxes due to the City.
  - 3.2.2. Property Owner Approval: Businesses, if not the owner of the property to be occupied, must provide a copy of their lease agreement and support of the Incentives Application from the Property owner prior to City approval of the Application.
  - 3.2.3. Existing Businesses: Existing businesses must have maintained operations in the City for two (2) years consecutively in order to receive Incentives.
- 3.3. Statutory Limitations: It is the intent of the City to comply with all statutory limitations on the use of any Municipal Development District sales and use tax funds for Projects as authorized by the appropriate statute.

**Section 4.**  
**Priorities**

The City has determined that the following are priorities for the Incentives potentially granted pursuant to this Policy. The evaluation of the merits of any Application shall take into consideration whether or not the Application also meets these priorities.

- 4.1. Developments: The following are the City's preferences for providing Incentives to certain types of developments in the City.
  - 4.1.1. High Priority:
    - A. Manufacturing or other large employers;

- B. Retail;
  - C. Restaurants; and
  - D. Developments providing housing.
- 4.1.2. Low Priority:
- A. Businesses that primarily mine for crypto currency.

**Section 5.**  
***Incentives***

Following are Incentives that the City, on a case-by-case basis, could consider granting for specific Projects depending on the merits of the Project. Incentives, including Tax Abatement, are available to new Facilities and structures and the Expansion and Modernization of existing Facilities and structures. This shall include the redevelopment of existing properties. Applicability for each type of Incentive shall be as shown in Section 7 herein. Any Incentives provided pursuant to this Policy shall not reduce the Base Year Value of the Facility.

- 5.1. Financial – Ad Valorem Taxes: The City may consider granting the following Incentives relative to Ad Valorem Taxes.
- 5.1.1. Real Property Tax: The City may consider abating the taxes on Real Property by approval of a Tax Abatement Agreement or by approval of an Incentive Agreement granting back Real Property taxes paid to the City (aka Rebate).
  - 5.1.2. Business Personal Property Tax: The City may consider abating the taxes on Business Personal Property by approval of a Tax Abatement Agreement or by approval of an Incentive Agreement granting back Business Personal Property taxes paid to the City.
  - 5.1.3. Inventory Tax: The City grants relief of inventory taxes through their Freeport Exemption. Inventory that is not eligible for Freeport Exemption is also not eligible for Incentives pursuant to this Policy.
  - 5.1.4. Tax Stabilization / Incremental Increase: In a situation where an existing Facility may be Expanded or Modernized, the City may consider stabilizing the ad valorem taxes collected as of the date of completion and / or an incremental yearly increase to market rates. This shall be accomplished by granting back the increase in taxes paid to the City.
  - 5.1.5. Agricultural Exemption: The City may consider granting back all or a portion of the Ag Exemption City taxes due at the time of development.
- 5.2. Financial – Sales Tax Grants / Reimbursements: Through approval of an Incentive Agreement, the City may provide Grants of all or a portion of the following sales and use taxes. Where the Project is a retail development, for the purposes of evaluating and granting incentives in accordance with this Policy, sales and use taxes shall be measured net of any business relocations occurring within the City. i.e. if a retail business is currently operating in the City, and relocates to the new development, it's sales taxes shall be excluded from the calculation of new sales taxes generated.
- 5.2.1. General Fund Sales Tax: The sales and use taxes going to the City's general fund.
  - 5.2.2. Municipal Development District Sales Tax: The sales tax going to the City's Municipal Development District Sales Tax funds.
  - 5.2.3. Alcohol Sales Tax: The sales taxes collected by the City from the sale of alcohol in the City, if applicable.



- 5.3. Financial - Fee Reductions / Credits: The City may consider the reduction or credit of all or a portion of the following fees currently existing or adopted in the future. This shall not include any charges by third-parties assisting the City with implementation of services provided by the fees unless so provided in an approved Incentive Agreement.
- 5.3.1. Impact Fee - Water: Any water Impact Fee charged by the City. This shall not include the “pass-through” Impact Fees owed to any other Agency.
- 5.3.2. Impact Fee - Wastewater: Any wastewater (aka sanitary sewer) Impact Fee charged by the City. This shall not include the “pass-through” Impact Fees owed to any other Agency.
- 5.3.3. Impact Fee - Roadway: Any roadway Impact Fee charged by the City.
- 5.3.4. Road Participation Fee: Any roadway participation fee charged by the City.
- 5.3.5. Drainage Improvement Fee: Any fee charged for the improvement of drainage facilities in the City.
- 5.3.6. Park Dedication Fee: Any fee charged for the improvement of park systems in the City.
- 5.3.7. Entitlement Fees: Any fee charged for the review of zoning change requests, platting, or other similar development fees.
- 5.3.8. Building Permit Fee: Any fee related to the review of non-Public Works construction plans and building plans required for the issuance of a building permit.
- 5.3.9. Plan Review Fee: Any fee related to the review and administrative processing of construction plans for Public Works Improvements.
- 5.3.10. Inspection Fee: Any fee related to the inspection of the Improvements.
- 5.4. Financial - Misc.: The City may consider the following miscellaneous financial Incentives.
- 5.4.1. Lease Guarantee: An Agreement by the City to guarantee any part of a real estate lease for a desired business.
- 5.4.2. Forgivable Loan: An agreement by the City to provide a loan whose repayment may be forgiven under particular circumstances.
- 5.5. Sales, Lease or Exchange of Land or Buildings: The City recognizes that the sale and conveyance, lease, or exchange of certain property owned by the City may meet the objectives identified in this Policy. In accordance with State Law, the City may consider the sale, lease or exchange of land without the necessity of accepting written bids pursuant to a published notice and at or below market value to further the objectives identified herein.
- 5.5.1. Build-to-Suit / Leaseback: An agreement where the City builds a building or facility to suit the needs of the Applicant in exchange for a commitment from the applicant to lease the facility from the City. The agreement will include requirements for a minimum ten percent (10%) down payment and security.
- 5.5.2. Land Lease: Any provision where the City leases rights to City-owned land to the Applicant to allow construction of their Facility.
- 5.6. Employment-Related: The City may consider the following employment-related Incentives.
- 5.6.1. Cash for Employment: Any provision where the City provides for one-time payments to the Business for each new employee of a certain classification established at a new or existing Facility in the City.
- 5.6.2. Employee Recruitment Assistance: Any provision where the City provides assistance with the recruiting of new employees to a new or existing facility in the City.

- 5.7. Infrastructure Assistance: The City may consider the following infrastructure assistance Incentives.
  - 5.7.1. Water Line Extensions: Participation in all or a portion of the costs of extending water distribution lines to the Facility.
  - 5.7.2. Sewer Line Extensions: Participation in all or a portion of the costs of extending sanitary sewer lines to the Facility.
  - 5.7.3. Roadway Improvements: Participation in all or a portion of the costs of roadway improvements serving the Facility.
  - 5.7.4. Storm Drainage Improvements: Participation in all or a portion of the costs of storm drainage improvements at or downstream of the Facility.
  - 5.7.5. Franchise Utility Undergrounding: Participation in all or a portion of the costs of placing franchise utility services underground to the Facility.
- 5.8. Development Cost Participation: The City may consider participation in the following development cost Incentives.
  - 5.8.1. Demolition: Participation in all or a portion of the costs of demolishing existing structures on a property.
  - 5.8.2. Environmental Mitigation: Participation in all or a portion of the costs of mitigating environmental issues on a property.
- 5.9. Process Related: The City may consider the following process-related Incentives. In all instances, any accelerated or unique process shall meet all statutory requirements.
  - 5.9.1. Fast-track Zoning: Provisions allowing an accelerated consideration of zoning entitlements for the Project.
  - 5.9.2. Fast-track Permitting: Provisions allowing an accelerated review of building and construction plans for the Project.
  - 5.9.3. Fast-track Inspections: Provisions allowing for City inspector(s) to fast-track inspections throughout construction of the Project.
    - A. Exemptions: This shall not include the costs of “call-back” inspections, weekend inspections, or holiday inspections.
- 5.10. Economic Development District Establishment: In instances where the Project is of a significant scope and scale, the City may consider the establishment of unique economic development districts (e.g. Tax Increment Reinvestment Zone, Public Improvement District).
- 5.11. Hotel Occupancy Tax: The City may consider the use of Hotel Occupancy Tax pursuant to Chapter 351 of the Texas Tax Code.
- 5.12. Support for State Incentives: The City may consider providing support for the Project in the application and processing of State of Texas incentives.
- 5.13. Support for Federal Incentives: The City may consider providing support for the Project in the application and processing of Federal incentives (Opportunity Zones, New Market Tax Credits, etc.).

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**Section 6.**

**Minimum Performance Requirements**

The following shall identify the Minimum Performance Requirements for each project classification. These requirements are new construction, revenues or employees attributable to the Project.

<b>Project Classification</b>	<b>Min. New Construction Cost</b>	<b>Min. New FTE Employees</b>	<b>Min. New Taxable Sales<sup>1</sup></b>	<b>Notes / Examples</b>
Corporate	\$5,000,000	50	-	• Significant office uses, e.g. Corporate HQ or regional HQ
Industrial	\$5,000,000	50	-	• Owner occupied, industrial / logistics business
Retail	-	-	\$1,000,000	•
Hotel / Conf. Center	\$5,000,000	-	-	• Hospitality or entertainment venues including hotels and conference centers
Development	\$5,000,000	-	\$5,000,000	• New development, housing
Redevelopment	\$10,000			• Redevelopment of blighted or substandard structures

<sup>1</sup>Generated annually

**Section 7.**

**Applicability Matrix**

The following Applicability Matrix shall provide a framework for identifying the potential Incentives that are applicable to various classifications of Projects as identified above. Term and amount of Incentives shall be determined on a case-by-case basis.

<b>Potential Incentive</b>	<b>Project Classification</b>					
	Corporate	Industrial	Retail	Hotel / Conf. Center	Development	Redevelopment
Tax Abatement	X	X	X	X	-	X
Ad Valorem Tax Grants	X	X	X	X	-	X
Sales Tax Grants	-	-	X	-	X	X
Constr. Sales Tax Grants	X	X	X	X	X	-
Fee Reductions / Credits	X	X	X	X	X	X
Misc. Financial	X	X	-	X	X	-
Land / Building Related	X	X	X	X	-	-
Employment Related	X	X	-	-	-	-
Infrastructure Assistance	X	X	X	X	X	-
Dev. Costs	X	X	X	X	X	X
Process Related	X	X	X	X	X	-
E.D. Districts	X	X	X	X	X	X
HOT	-	-	-	X	X	X
State / Fed. Assistance	X	X	X		X	X

**Section 8.**  
***Administrative Procedures***

The Applicant shall follow the Administrative Procedures noted below to apply for Incentives as identified herein.

- 8.1. Pre-Submittal: All Applicants are encouraged to meet with Staff prior to preparation of an Application. Applicants should contact the Director to set up a meeting.
- 8.2. Application Requirements: The submittal of an Application is required prior to any evaluation of the request for Incentives. The Application shall include the following information.
  - 8.2.1. General Information:
    - A. The name of the Project.
    - B. The intended use (e.g. Call center, corporate / regional office, professional office, retail, distribution).
    - C. If the Project is a relocation, consolidation or expansion of existing facilities, identify the location of the existing facilities.
    - D. An overview of the Company.
    - E. The NAICS Code of the Company's business.
    - F. A description of the experience and qualifications of the Project Team.
    - G. The type of Project (i.e. retention, expansion, own / lease, new development).
  - 8.2.2. Property Information:
    - A. Property address.
    - B. Lot / Block / Subdivision name if platted. If not platted, a legal description will be required prior to executing any Agreements.
    - C. Appraisal District Property ID numbers.
    - D. Current Appraisal District valuations for all parcels.
    - E. Acreage.
    - F. Current owner and proof of ownership (e.g. deed, appraisal info)
  - 8.2.3. Eligibility of Property: Address the eligibility requirements in Section 3.1.
  - 8.2.4. Eligibility of Business: Address the eligibility requirements in Section 3.2.
  - 8.2.5. Priorities: Address the priorities in Section 4.0.
  - 8.2.6. Project Data:
    - A. Business name.
    - B. Describe the type of building proposed (e.g. number of stories, style, materials)
    - C. Describe the development concept (e.g. single building or campus setting, open space, surface or structured parking)
    - D. Describe the extent that any infrastructure component is enhanced or expanded.
    - E. Provide timing estimates for major milestones of the Project.
    - F. For expansion of a current business, provide a description of how the business is going to grow.

- G. Provide estimates of Project data by phase and date, including but not limited to:
  - i. List the kind, number, use, square footage and location of all the proposed improvements on the property.
  - ii. Total capital investment including acquisitions, Improvements, building costs and equipment.
  - iii. Estimated Appraised Value of all Improvements.
  - iv. Acquisition cost of all Business Personal Property
  - v. Estimated Appraised Value of all Business Personal Property.
  - vi. Number, type, quality and wage levels of new Full-Time Equivalent (FTE) employees.
  - vii. New Payroll added.
  - viii. Average employees' annual salary.
  - ix. Employees with salary \$50,000 or greater.
  - x. Benefits provided to employees.
  - xi. Taxable sales from the Facility.
  - xii. Hotel Occupancy Tax generated (if applicable).
- 8.2.7. Requested Incentives: The Applicant shall itemize the Incentives (Section 5) they are requesting from the City. These are to be prioritized by order of preference by the Applicant.
- 8.2.8. Required attachments and / or exhibits:
  - A. Legal description of the Property.
  - B. Proof of ownership, or contract option or offer.
  - C. Photos of existing conditions
  - D. Drawings, renderings, plans of the proposed Improvements.
  - E. Current ad valorem tax appraised value estimates by the applicable appraisal district showing appraised values for three similar type and size projects within the County.
  - F. If Applicant is not the Property owner:
    - i. Written approval of the Application from the owner
    - ii. Copy of the signed lease agreement
- 8.2.9. Amendments: Staff may amend the form of the Application as needed to more efficiently evaluate the merits of the requested Incentives.
- 8.3. Review & Evaluation: Following are criteria to review and evaluate the Application.
  - 8.3.1. Review Criteria:
    - A. Completeness of Application: Completeness of the Application; including all required documentation.
    - B. Application Information: Any information provided in the Application.
    - C. Priorities: Does the Application include a high-priority business classification?
    - D. General Eligibility: Does the Project meet the General Eligibility requirements?
    - E. Revenues: What are the net tax revenue benefits to the City, both Ad Valorem and Sales Taxes?

- F. Employment: How many people will be employed by the Project? What are the education level requirements for employment? Are the wages to be paid higher than the average in the area?
  - G. Impacts: An estimation of the positive and negative impacts that the Project might have.
    - i. Cannibalization of Existing Businesses: To what extent does the Project cannibalize the profitability of an existing business?
    - ii. Private Investment Catalyst: To what extent does the Project act as a catalyst for future private investment?
    - iii. City Services: To what extent does the Project have a positive or negative impact on the Services or infrastructure of the City?
- 8.3.2. Staff Evaluation and Recommendation: The coordinating Staff member shall convene a team of the appropriate Staff members to evaluate the Application. Upon review, the Director shall prepare a recommendation to forward to the City or appropriate Board.
- A. Site Visit: Prior to formal evaluation of the Application, the Applicant shall allow Staff the opportunity to visit the Property to verify its status prior to any Incentives.
  - B. Financial Analysis: Staff shall analyze the financial aspects of the incentive proposal using an appropriate method (e.g. timing required for new revenues to “break-even” with the cost of the proposed Incentives). Director shall attach any fiscal / economic impact analysis to their recommendation.
  - C. Consulting Services: The Applicant may be required to submit additional information not required in the Application for a consulting service to aid in their evaluation (e.g. financial impacts / cost-benefit analysis, infrastructure impacts or capabilities). Additionally, the City may require that the Applicant participate up front in the cost of obtaining these services.
- 8.4. Preliminary Discussions: Upon receipt of a satisfactory Application, and preparation of a Staff Recommendation, Staff shall hold preliminary discussions with approving bodies as follows.
- 8.4.1. RMDD Board: Where funds to be used for any Incentive herein are subject to authorization of the RMDD Board, the Board shall consider the request for Incentives and make a recommendation to the Council.
  - 8.4.2. Council: The Council shall be briefed on the merits of the preliminary Incentives request and the recommendation of the Board, if any, and advise Staff whether or not to proceed with negotiations of an Agreement in Principle.
- 8.5. Agreement in Principle: The Director shall lead the negotiation and drafting of a non-binding Agreement in Principle (AIP) memorializing in writing the Project’s performance requirements and the Incentives to be provided by the City. This shall include engagement of Project representatives, the RMDD Board, City Council and their legal representatives if appropriate. Evolution of changes in the AIP shall be documented via redline / strikeout drafts as progress is made.
- 8.5.1. Preliminary Approval: Staff shall seek preliminary approval of the AIP from Project representatives, the appropriate Board, and City Council prior to preparation of an Incentive Agreement.

- 8.6. Incentive Agreement: An Incentive Agreement shall be required for all Projects receiving Incentives from the City in accordance with the following.
- 8.6.1. Preparation: The Director shall work with legal representatives for the City and / or Board to prepare an Incentive Agreement substantially conforming to the provisions of the Agreement in Principle.
- A. Allied Agency Engagement: Though not a party to any City Incentive Agreement, Staff shall engage and keep informed any allied agencies (County, School District) contemplating their own incentives for the Project.
- 8.6.2. Incentive Agreement Minimum Requirements: Any Incentive Agreement including Tax Abatement shall include the following at a minimum:
- A. Improvements: List the kind, number, location, costs, and timetable of all the proposed improvements on the Property.
- B. Base Year Value: Provide that the Agreement does not include any reduction in Base Year Values.
- C. Access: Provide access to and authorize inspection of the property by City employees to ensure that the improvements or repairs are made according to the specifications and conditions in the Agreement.
- D. Uses: Limit the uses of the property consistent with the general purpose of encouraging development or redevelopment of the zone during the period that property tax exemptions are in effect.
- E. Recapture Provisions: Provide for the recapture of property tax revenue lost or any Incentives provided as a result of the Agreement if the owner of the Property fails to make the improvements or repairs as provided by the Agreement.
- F. Term: Describe the term of the Agreement.
- G. Certification: Require the owner of the Property to certify annually to the governing body of each taxing unit that the owner is in compliance with each applicable term of the Agreement.
- H. Cancellation / Modification: Provide that the City may cancel or modify the Agreement if the property owner fails to comply with the Agreement.
- I. Incentives Provided: Clear description of the type of incentive or assistance provided by the City or the RMDD.
- J. Performance Requirements: Clear description of the performance the applicant has committed to as well as any specific terms and conditions that are to be met by the Applicant.
- K. Regulatory Compliance: Provide a statement whereby the applicant agrees to comply with all other City building codes and regulations, and acknowledges that this agreement does not absolve the applicant from having to receive other City permits or permissions.
- 8.6.3. Responsiveness: The offer of Incentives by any Incentive Agreement shall expire ninety (90) days from the date it is provided to the Applicant unless extended in writing by the City. The expiration of any offered Incentive Agreement shall not preclude continued negotiations toward the development of an alternative Agreement.

- 8.6.4. Approvals: Evaluation and any subsequent approval shall be on a case-by-case basis pursuant to the introductory paragraph of Section 1 herein. All Incentive Agreements, including any Tax Abatement Agreement, shall follow and comply with all statutory requirements for notice, hearings and readings where applicable. The following shall be required for approval of Incentives.
- A. Board Recommendation / Approval: Where funds to be used for any Incentive herein are subject to authorization of the RMDD Board, the Board shall consider the request for Incentives and make a recommendation to the Council. In instances where the Council has previously approved the expenditures, either through approving the Board's budget or other means as allowed by the Act, the Board shall be the final approval of the Incentive request.
  - B. Council: Unless final approval is authorized by the Board as noted above, the Council shall make the final decision regarding the merits of the Application and the appropriate Incentives to be provided, if any.
- 8.6.5. Compliance Reporting: All Incentive Agreements shall include requirements for reporting compliance with the provisions of the Agreement prior to disbursement of incentive funds.

## **Section 9. Default and Recapture**

All Incentive Agreements shall include a section on Default and Recapture incorporating provisions in this section. A recapture of Incentives (direct or indirect) will occur if a condition of Default occurs at any time prior to the end of the term of the Agreement. A Default and resulting Recapture occurs under any of the following:

- 9.1.1. When any obligation of the Applicant / owner / party to the Agreement is not fulfilled in strict accordance with the terms thereof.
- 9.1.2. When it is determined by the City or any other party that such Agreement was obtained through fraud or related criminal or unethical acts.
- 9.1.3. When the Applicant / owner / party to the Agreement fails to meet other financial obligations to the other public entities, i.e. City of Rockdale, Milam County, Rockdale ISD, State of Texas, United States of America.
- 9.1.4. When any portion of the property involved in the Application is disposed by any means or in any manner without replacement of equivalent value. The term disposition includes, as an example and not limitation, sale, theft, abandonment, obsolescence due to lack of repair (but not functional obsolescence), destruction by casualty without replacement, or any other cessation of use.
- 9.1.5. Effects of Default:
  - A. No default shall be actionable until the Applicant / owner / party has received written notice from the City or other abating entity of the alleged default and the same has not been cured within 30 days following such written notice.
  - B. Termination of the Agreement and the resulting recapture shall be retroactive to the effective date of the Agreement or the date of default, whichever is determined by the City.
  - C. Termination of the Agreement shall be effected by resolution of the Council, after notice to the Applicant / owner / party and a public hearing. Written notice of a final resolution terminating the agreement shall be given to the Applicant / owner / party.



- D. There is no administrative appeal for such determination once a determination has been made.
- E. On termination, the Applicant / owner / party shall then be liable for repayment of any incentive given by the City in an amount as determined by the City. A demand letter will be mailed via Certified Mail with return receipt to the Applicant / owner / party. Any amount shall be paid within sixty calendar days following the date of the notice of termination.
- F. The City will engage in all means necessary to recover monies owed to it and other taxing entities.

#### **Section 10.**

##### ***Applicant / Owner Certifications***

The following Applicant / Owner Certifications shall be included in the submitted Application.

- 10.1. Application Accuracy: The information provided in this Application, and all that may have been affixed hereto, is true and correct, and that the City may rely on all of the information contained herein, and all that may have been affixed hereto, as being true and correct.
- 10.2. Incentive Agreement: I (we) acknowledge that an Incentive Agreement will have to be executed prior to receiving any Incentives.
- 10.3. Discretionary Rights: I (we) acknowledge that the City has the absolute right of discretion in deciding whether or not to approve any Incentive relative to this Application, whether or not such discretion is deemed arbitrary or without basis in fact.

#### **Section 11.**

##### ***General Provisions***

- 11.1. Flexibility: The terms and conditions of this Policy are to be considered guidelines during deliberation and evaluation. The City reserves the right to modify the terms and conditions herein at any time, including for any pending application, and may approve a Tax Abatement Agreement or Incentive Agreement and the Incentives related thereto, on terms and conditions contrary to the guidelines of this Policy.
- 11.2. Section or Other Headings: Section or other headings contained in this Policy are for reference purposes only and shall not affect in any way the meaning or interpretation of this Policy.
- 11.3. Severability: In the event that any provision of this Policy is illegal, invalid, or unenforceable under present or future laws, the remainder of this Policy shall not be affected thereby.
- 11.4. Effective Term: This Policy, upon adoption shall be effective for two years from the date of adoption. The Policy may be amended or repealed at any time with a three-fourths (3/4th) vote of the City Council.

#### **Section 12.**

##### ***Supplementary Program Exhibits***

The following Exhibits are included in this Policy to raise awareness of additional incentive-related programs adopted by the City. Please contact Staff for the most current information. These supplemental schedules or programs may be revised periodically without the need for updating the exhibits in this Policy.

- 12.1. Appendix A – Tax Abatement Schedules: These schedules are used administratively to determine the appropriate amount of Tax Abatement based on the Investment and employment generated by the project.
- 12.2. Appendix B – Façade Improvement Incentive Program: The purpose of the Façade Improvement Incentive Program is to provide an incentive to business and / or property owners to encourage renovation and rehabilitation of the exterior of buildings in the City or its ETJ.

*--- Remainder of this page left blank intentionally ---*

Exhibit A  
**Tax Abatement Schedules**

*Please contact Staff for the most current version of this Program as it may be revised from time to time.*

Abatement Schedule Determined by:

Investment Level	Qualifying Jobs Created			
	15-20	21-50	51-100	100+
\$1,000,000 – 4,999,999	1	2	2	3
\$5,000,000 – 9,999,999	1	2	3	4
\$10,000,000 – 19,999,999	2	3	4	4
\$20,000,000 – 49,999,999	3	3	4	5
\$50,000,000 +	4	4	5	5

Abatement Schedule

Year	1	2	3	4	5
1	80%	100%	100%	100%	100%
2	60%	80%	100%	100%	100%
3	40%	60%	100%	100%	100%
4	20%	40%	80%	100%	100%
5	0	20%	60%	80%	100%
6	0	0	40%	70%	80%
7	0	0	20%	60%	70%
8	0	0	0	50%	60%
9	0	0	0	40%	50%
10	0	0	0	20%	30%

*Please contact Staff for the most current version of this Program as it may be revised from time to time.*



# **FAÇADE IMPROVEMENT INCENTIVE PROGRAM**

**Administered by:**

**Rockdale Municipal Development District**

**Revised August 2021**

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Façade Improvement Incentive Program

**Façade Improvement Incentive Program**

**Summary and Program Description**

The purpose of the Façade Improvement Incentive Program is to provide an incentive to business and/or property owners to encourage renovation and rehabilitation of the exterior of buildings in the City of Rockdale and its Extraterritorial Jurisdiction (ETJ). Funding for the program is provided by the Rockdale Municipal Development District (MDD). This program aims to improve the aesthetics within the City of Rockdale and its ETJ as attractive building façades positively impact the marketability and perception of the city. Thus, the Façade Improvement Program consists of a dollar to dollar match up to \$10,000.00 for approved improvements. Incentives will be awarded for facade improvements that restore, rehabilitate, enhance, or beautify a structure.

The program will be administered by the Rockdale MDD. An application form is to be submitted with a description of the work to be completed. Applications will be reviewed by a Review Committee consisting of MDD staff, Relevant MDD Leadership and Volunteers.

**Program Goals**

1. Revitalize and improve the appearance of Rockdale buildings to positively impact the aesthetics, marketability, and perception of the City of Rockdale and its ETJ
2. Serve as a catalyst for continued private sector investment through visible improvements
3. Offer the private sector an incentive program to invest in Rockdale buildings

**Eligible Applicants**

1. Property owners and tenant/business owners of properties located in a business-zoned property (zoning classification commercial or industrial) within the City of Rockdale and its ETJ area are eligible to participate in the program.
2. Business owners/tenants must have been at the location for at six months or submit a written Business Plan and have the property owner's express consent for the proposed improvements.
3. To participate in the Program, Applicants must complete and submit the Program application form provided by the MDD along with the required attachments.
4. Retroactive applications for improvement work that has already been completed will not be accepted.
5. Property taxes must be current, and participants must represent that to the best of their knowledge they have no debts in arrears to the City when a commitment letter is issued.
6. Further, the Applicant must certify that there are no current code enforcement actions pending against the property that would not be mitigated by the project.

Exhibit B  
**Façade Improvement Incentive Program**

**Eligible Costs**

The Façade Improvement Program is a matching funds program, which means that matching funds must be matched dollar for dollar (1:1 ratio) by the Applicant for qualified expenditures. The maximum incentive amount under the Program is \$10,000.00 for approved improvements per project. Incentive funds are disbursed on a reimbursement basis only. Labor, design, and material costs are eligible costs. Further, permit fees associated with the proposed renovation/rehabilitation and fees for architectural design and engineering for the project are eligible program costs. In-kind, donated, “sweat equity” or similar no cost to the Applicant improvements, services, or materials will not be matched and are ineligible costs under the Program. Costs incurred for alternations or improvements completed prior to receipt of formal written approval by the Program’s Review Committee and issuance of the “Notice to Proceed with Improvements” are not eligible for reimbursement.

**Eligible Improvements**

Subject to application approval and funding availability, incentives will be awarded for façade improvements that restore, rehabilitate, enhance, or beautify a structure.

Eligible improvements include:

- Signs (new, repairs, replacement, removal)
- Grate and grate box removal or conversion of solid grates to an open mesh style
- Awnings
- Lighting
- Paint
- Removal/replacement of inappropriate or incompatible exterior finishes or materials
- Recessing/reconfiguring entrances
- Removal of extraneous elements
- Door/window replacement or repair
- Exterior cleaning
- Historical architectural elements

**Design Requirements**

Applicants are encouraged to promote historic preservation, energy efficiency, and accessibility standards in designing improvements, to the extent that they are financially feasible or required by law. All improvements must conform to applicable city building codes, zoning ordinances, local and state laws.

**Funding Availability**

Funding is limited and incentive awards will be subject to funding availability; Project Applicants will be prioritized on a first-come, first-serve basis. A commitment letter allocating the project funds for a particular approved project will be issued and a commitment period established so that if funds are not used within that period, program funds can be reallocated for other eligible projects.

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Façade Improvement Incentive Program

Exhibit B  
**Façade Improvement Incentive Program**

**Application Process**

An application with the following information, at a minimum, is to be submitted for consideration:

- Property address
- Applicant and Property owner name(s), address(es) and signature(s)
- Proof of ownership or if tenant, copy of lease or other property agreement and written consent of Property owner to complete the proposed improvement
- Verification that property taxes on the property are paid and current
- Project Scope description, to include a detailed plan and sketch
- Hard copy and digital photograph of existing building façade
- Project budget (detailed estimated costs by materials, labor, services, and fees)

The required application forms are available at the offices of the Rockdale MDD. Incomplete applications will not be processed and will be returned to the Applicant without consideration. The Review Committee for the Program will review and score applications and select Incentive recipients on a first-come, first served basis. The Review Committee will be comprised of: MDD staff, Relevant MDD Leadership and Volunteers.

The Rockdale MDD will be primary staff for processing applications and for facilitating the Review Committee process. Specifically, Rockdale MDD staff will conduct an initial review of the submitted application to determine whether the application is complete and will meet with Applicants as necessary. Applicants may be invited to present their applications before the Review Committee.

The Review Committee will evaluate applications based on the following Review Criteria and

**Funding Priorities:**

- Awards shall be based on a point system. Complete evaluation form is at the end of this document.
  - Appropriateness of Project
  - Creativity
  - Timeliness
  - Community Impact
  - Permanent, Tangible Improvements
  - Economic Impact
  - Preservation
  - Rehabilitation
  - Location and Visibility
- Preference is given to commercial buildings with operating businesses.
- Substantial visible improvement to the appearance of the building, as determined by the Review Committee.
- Projects that have significant architectural and/or historical elements must preserve or restore these elements to be eligible for funding through this program.

Applicants will be notified in writing as to whether his/her application has been rejected or approved by the MDD Board of Directors via commitment letter issuance that allocates funds to the project if approved. Upon approval, the Applicant must enter into a reimbursement agreement with the MDD regarding the

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Façade Improvement Incentive Program

Exhibit B  
**Façade Improvement Incentive Program**

terms and conditions of his/her participation in the Program and receipt of the reimbursement funds, to include the following:

1. Project scope and property location and attachment(s) identifying the specific improvements to be undertaken;
2. Maximum amount of the allowed reimbursement incentive;
3. Work commencement date;
4. Submission of building permit(s) and other applicable permits or approvals;
5. Acknowledgment of the reimbursement claim procedure and requisite supporting
6. Documentation for reimbursement processing to the MDD (W-9 and/or Vendor List required); Monitoring and right of final inspection by Review Committee and MDD staff;
7. Acknowledgment of change order procedures;
8. Compliance with applicable local, state, and federal laws;
9. Promotional Rights to the MMD;
10. Maintenance Requirements and Repayment Penalty for Removal of Improvements within two years, and;
11. The City's and the MMD's standard contract terms and provisions (e.g., liability, indemnification, termination, and insurance requirements)

The project must begin within 45 consecutive business workdays from the date of the approval by the MDD Board and must be completed within 180 consecutive business workdays, except where the MDD Board of Directors have granted in writing the Applicant's written request for an extension stating a reasonable cause for the delay. As appropriate, Rockdale MDD staff and/or authorized City personnel will monitor the construction process. The Rockdale MDD must approve in writing any change orders to the proposed improvement work.

Requests for reimbursement will only be processed after the rehabilitation/improvement work is completed and approved following a final field inspection by Rockdale MDD staff and/or review committee members in order to verify compliance with the project scope. All expenses must be paid by check or Credit/Debit Card. Reimbursement claims must be accompanied by the following supporting documents: proof of payments (e.g., cancelled checks, paid invoices/receipts of eligible expenses), statements from architects, contractors and/or subcontractors acknowledging that all payments have been received, notarized final lien waivers from all contractors and/or subcontractors, if applicable, proof of final City inspections and a hard copy and/or digital "after" photograph of the facade improvements. Applicant must complete, sign, and submit a request for reimbursement in order for disbursement of funds per the Rockdale MDD guidelines. A photocopy of all Credit/Debit Card receipts and/or the front and back of all cancelled checks must be submitted for reimbursement along with an invoice marked "paid." All invoices must clearly indicate the work that was performed, the amount of the invoice as well as the corresponding Credit/Debit Card receipt(s) and/or check number(s). All payments are subject to the review and approval of the Rockdale MDD. Please allow up to 10 business days for receipt of the reimbursement check.

**Maintenance Requirements**

By accepting Incentive funds, the Applicant commits to properly maintain all facade improvements, clean and free of graffiti for a minimum of 2 years at the Applicant's own cost and expense. Any damage to the



Exhibit B  
**Façade Improvement Incentive Program**

façade is to be repaired immediately by the Applicant so that the property remains in good condition and positively contributes to the City of Rockdale and its ETJ. Applicant will be strongly encouraged to touch up painted areas and perform any other repairs needed on an ongoing basis and to maintain building appearance including the cleaning of any awnings at least once a year.

**Promotional Rights**

By accepting Incentive funds, Applicant authorizes the MDD to promote the project and property including, but not limited to, displaying a sign at the site during and after construction indicating participation in the Program, and using photographs and descriptions of the project and property in the MDD's printed promotional materials, press releases, and websites.



# Rockdale, Texas

## Incentives Application

Jim Gibson, CEcD, MEDP  
 Economic Development Director  
 (512) 446-2111  
[jim.gibson@rockdalemdd.org](mailto:jim.gibson@rockdalemdd.org)

<b>1</b>	<b>GENERAL INFORMATION</b>			
a	<b>Project Name:</b>			
b	<b>Intended Use (e.g. Call center, corporate / regional office, professional office, retail, distribution):</b>			
c	<b>If project is a relocation or consolidation of existing facilities, identify the location of the existing facilities:</b>			
d	<b>Company Overview:</b>			
e	<b>NAICS Code:</b> (See this link for help) <a href="https://www.census.gov/naics">https://www.census.gov/naics</a>			
f	<b>Project Team Experience &amp; Qualifications:</b>			
g	<b>General comments from Applicant (if desired):</b>			
	<b>Yes</b>	<b>No</b>	<b>Type of Project</b>	<b>Notes</b>
h			Retention of existing business	• Years in business at this location?
i			Expansion or modernization of existing facility	•
j			New business / to own new facility	•
k			New business / to own existing facility	•
l			New business / leasing existing facility	•
m			New business / leasing new facility	•
n			Development	•
o			Other:	•
<b>2</b>	<b>PROPERTY INFORMATION</b>			
a	<b>Property Address:</b>			
b	<b>Lot / Block / Subdivision Name:</b>			
c	<b>Appraisal District Property ID Numbers:</b>			
d	<b>Current Appraisal District Valuations of all Parcels:</b>			
e	<b>Acres:</b>			
f	<b>Currently owned by:</b>			
<b>3</b>	<b>ELIGIBILITY OF PROPERTY</b> [Section 3.1]			
	<b>Yes</b>	<b>No</b>	<b>Item</b>	<b>Notes</b>
a			Within the City boundary or ETJ?	•
b			Zoned appropriately for use?	•
c			City taxes in good standing?	•
d			No City liens existing?	•
e			Proof of ownership provided?	•
f			Outstanding code violations?	•
g			Construction has not commenced?	•
<b>4</b>	<b>ELIGIBILITY OF BUSINESS</b> [Section 3.2]			
	<b>Yes</b>	<b>No</b>	<b>Item</b>	<b>Notes</b>
a			Business taxes in good standing?	•
b			Tax paying entity?	•
c			If not owner, authorization provided?	•
d			If existing business, in City 2 years?	•

5 <b>PRIORITIES</b> [Section 4]						
	<b>Yes</b>	<b>No</b>	<b>Preferred Business?</b>	<b>Notes</b>		
a			Manufacturing or other large employer	•		
b			Retail	•		
c			Restaurant	•		
d			Developments providing housing	•		
6 <b>PROJECT DATA</b> [Section 8.2.6]						
a	<b>Business Name:</b>					
b	<b>Describe the type of building proposed (e.g. # of stories, style, materials, etc.):</b>					
c	<b>Describe the development concept (e.g. single building or campus setting, open space, surface or structured parking, etc.):</b>					
d	<b>Describe the extent that any infrastructure component of the City is enhanced or expanded:</b>					
e	Month / Year	<b>Timing</b>		<b>Notes</b>		
f		First development application		• (zoning, site plan, etc)		
g		Desired approval date		•		
h		Ground breaking		•		
i		Phase 1 occupancy		•		
j		Phase 2 occupancy		•		
k		Phase 3 occupancy		•		
	<b>Estimated Data by Phase and Date</b>			Phase 1 Month / Year	Phase 2 Month / Year	Phase 3 Month / Year
l	Building(s) construction in square feet					
m	Construction cost all Improvements					
n	Estimated appraised value of all Improvements					
o	Acquisition cost of all business personal property					
p	Estimated appraised value of BPP					
q	New full-time equivalent (FTE) employees					
r	New payroll added					
s	Average employees annual salary					
t	Employees w salary \$50,000 or greater					
u	Benefits provided					
v	Taxable sales from the Facility					
w	Hotel occupancy tax generated					
x	Add notes about any item above:					
	6.n	e.g. Note here				
7						
	Policy Section	<b>INCENTIVE(S) REQUESTED</b> <i>In priority order</i>		Estimated Full Cost	Requested % Term-Yrs Amount	
a	5.?			\$		\$
b	5.			\$		\$
c	5.			\$		\$
d	5.			\$		\$
e	5.			\$		\$
f	5.			\$		\$
	Add justification and / or notes about any item above:					
	7.a	e.g. Note here				

8 ATTACHMENTS / EXHIBITS				
	Yes	No	Item	Notes
a			Legal description of property	•
b			Proof of ownership	•
c			Photos of existing conditions	•
d			Drawing, renderings, plans of the proposed Improvements	• If not included in development application
e			Copy of the signed lease agreement	• If Applicant is not property owner
f			Current AV tax appraised value estimates for 3 similar projects	•
9	<b>Applicant / Owner Certifications:</b> In accordance with Ordinance # 2022-08-08(7A) adopting the Incentives Policy, the undersigned do hereby certify the following:			
a	<b>Application Accuracy:</b> The information provided in this Application, and all that may have been affixed hereto, is true and correct, and that the City may rely on all of the information herein contained, and all that may have been affixed hereto, as being true and correct.			
b	<b>Incentive Agreement:</b> I (we) acknowledge that an Incentive Agreement will have to be executed prior to receiving any Incentives.			
c	<b>Discretionary Rights:</b> I (we) acknowledge that the City has the absolute right of discretion in deciding whether or not to approve an incentive relative to this application, whether or not such discretion is deemed arbitrary or without basis in fact.			
10	<b>I (we) hereby affirm the Certifications noted above and approve this Incentives Application and the incentive requests identified herein.</b>			
<b>Property Owner</b>			<b>Applicant / Primary Incentives Contact</b>	
Company:			Company:	
Signed:			Signed:	
Name:			Name:	
Title:			Title:	
W:		C:	W: C:	
EM:			EM:	
Address:			Address:	