

RESOLUTION NO. R-2009-10

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS NOMINATING DELEK REFINING FOR AWARD OF A STATE OF TEXAS ENTERPRISE ZONE PROJECT DESIGNATION; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Tyler (City) has previously passed Ordinance No. O-2004-61 electing to participate in the Texas Enterprise Zone Program, and the local incentives offered under this Resolution are the same on this date as were outlined in Ordinance No. O-2004-61; and

WHEREAS, the Office of the Governor Economic Development and Tourism (EDT) through the Economic Development Bank (Bank) will consider Delek Refining, Ltd. as an enterprise project pursuant to a nomination and an application made by the City; and

WHEREAS, the City desires to pursue the creation of the proper economic and social environment in order to induce the investment of private resources in productive business enterprises located in the City and to provide employment to residents of enterprise zones and to other economically disadvantaged individuals; and

WHEREAS, pursuant to Chapter 2303, Subchapter F of the Texas Enterprise Zone Act, Texas Government Code (the "Act"), Delek Refining, Ltd. has applied to the City for designation as an enterprise project; and

WHEREAS, the City finds that Delek Refining, Ltd. meets the criteria for designation as an enterprise project under Chapter 2303, Subchapter F of the Act on the following grounds:

1. Delek Refining, Ltd. is a "qualified business" under Section 2303.402 of the Act since it will be engaged in the active conduct of a trade or business at a qualified business site within the governing body's jurisdiction located outside of an enterprise zone and at least thirty-five percent (35.0%) of the business' new employees will be residents of an enterprise zone or economically disadvantaged individuals; and

2. There has been and will continue to be a high level of cooperation between public, private, and neighborhood entities within the area; and

3. The designation of Delek Refining, Ltd. as an enterprise project will contribute significantly to the achievement of the plans of the City for development and revitalization of the area.

WHEREAS, the City finds that Delek Refining, Ltd. meets the criteria for tax relief and other incentives adopted by the City and nominates Delek Refining, Ltd. for enterprise project status on the grounds that it will be located at the qualified business site, will create a higher level of employment, economic activity and stability; and

WHEREAS, the City finds that it is in the best interest of the City to nominate Delek Refining, Ltd. as an enterprise project pursuant to the Act;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS:

PART 1. That the findings of the City and its actions approving this Resolution taken at the City Council meeting are hereby approved and adopted.

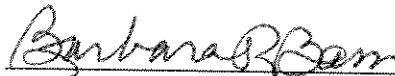
PART 2. That Delek Refining, Ltd. is a "qualified business", as defined in Section 2303.402 of the Act, and meets the criteria for designation as an enterprise project, as set forth in Section 2303, Subchapter F of the Act.

PART 3. That, accordingly, the City hereby nominates Delek Refining, Ltd. for enterprise project status.

PART 4. That the enterprise project shall take effect on the date of designation of the enterprise project by the agency and terminate on June 1, 2012.

PART 5. That this Resolution shall become effective upon its passage and approval.

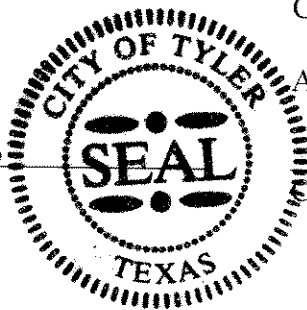
PASSED AND APPROVED BY THE CITY COUNCIL of the City of Tyler this 13th day of May, 2009.



BARBARA BASS, MAYOR OF THE
CITY OF TYLER, TEXAS

ATTEST:


CITY CLERK



APPROVED:


CITY ATTORNEY

THE STATE OF TEXAS
COUNTY OF SMITH

I, CASSANDRA BRAGER, City Clerk of the City of Tyler, Texas do hereby certify that the above and foregoing is a true and correct copy of Resolution Number R-2009-10 passed by the City of Tyler City Council on this 13th day of May, 2009.

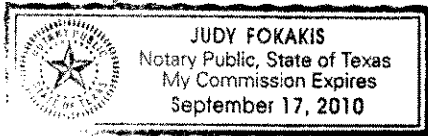
(City Seal)

Cassandra Brager
Cassandra Brager
City Clerk

THE STATE OF TEXAS
COUNTY OF SMITH

BEFORE ME, the undersigned authority, on this day personally appeared Cassandra Brager of the City of Tyler, Texas, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he/she executed the same for the purposes and consideration therein expressed.

GIVEN under my hand and seal of office this 13th day of May, 2009



(Notary Seal)

Judy Fokakis
Notary Public, State of Texas

My commission expires: 9/17/2010