

ORDINANCE NO. 040624-02

**AN ORDINANCE WAIVING CERTAIN DEVELOPMENT FEES AND DUAL
FEED SERVICE FEES AND AUTHORIZING THE REIMBURSEMENT OF
CERTAIN DEVELOPMENT FEES FOR THE PROPOSED EXPANSION BY
SAMSUNG AUSTIN SEMICONDUCTOR, L.P., OF FACILITIES LOCATED AT
12100 SAMSUNG BOULEVARD, AUSTIN, TEXAS.**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. FINDINGS.

Samsung Austin Semiconductor, L.P. proposes to expand its facilities at 12100 Samsung Boulevard by constructing a building used for the fabrication of semiconductors and containing approximately 34,000 square feet. The Council finds that waiving certain development fees and dual feed service fees and authorizing the reimbursement of costs of certain development fees for the expansion is consistent with the City's economic development program and will promote the public purpose of economic development in the area.

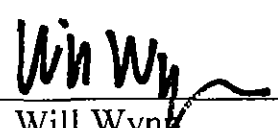
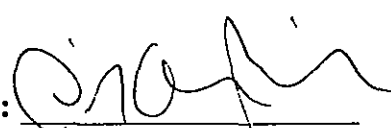
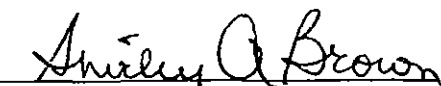
PART 2. WAIVERS.

- (A) The fees listed in Section B are waived for the expansion of the facilities located at 12100 Samsung Boulevard if the owner of the property completes the expansion in accordance with the agreement described in Section (C). The appropriate director may reimburse a fee listed in Section (B) if the fee has already been paid.
- (B) The following fees are waived under Section (A) in an amount not to exceed \$1,604,000: fees associated with the application, review and approval of site plans and building permits; and dual feed service fees, including the initial assessment fee and the facilities design and construction fee.
- (C) The property owner, Samsung Austin Semiconductor, L.P., submitted documents to the City in support of its request to expand its facilities under the economic development program. The City Manager shall negotiate and execute an agreement with the property owner requiring the owner to expand its facilities in accordance with the documents submitted by the owner. In addition to other provisions that may be negotiated, the agreement shall require the owner to:

- (1) use the \$1 million payment solely for the costs of construction, engineering and installation of energy infrastructure improvements;
- (2) create and add at least 240 permanent jobs at the expanded facilities by July 1, 2009;
- (3) increase its annual energy consumption by at least 60 million kilowatt hours by July 1, 2009; and
- (4) if Samsung fails to fulfill its obligations;
 - (a) reimburse the City its costs and expenses; and
 - (b) pay the applicable fee for each application that has been filed and each review that has occurred if the associated fee has been waived by this ordinance.

PART 3. This ordinance takes effect on July 5, 2004.

PASSED AND APPROVED

<u>June 24</u> , 2004	§ § §  _____ Will Wynne Mayor
APPROVED:  _____ David Allan Smith City Attorney	ATTEST:  _____ Shirley A. Brown City Clerk