

FORT BEND COUNTY FY 2010
COMMISSIONERS COURT AGENDA REQUEST FORM

Return Completed Form by E-Mail to: Agenda Coordinator, County Judge's Office

Date Submitted: 11/04/2009

Submitted By: Mary Reveles

Court Agenda Date: 11/17/2009

Department: County Attorney

Phone Number: 341-4554

SUMMARY OF ITEM:

COUNTY JUDGE:

Take all appropriate action on the Second Amendment to the Tax Abatement Agreement between Fort Bend County and RTRON Limited; Agreement amended to reflect Melanie Stafford Ventures, LLC. as Owner and Flextronics Systems Texas Ltd. as Lessee.

RENEWAL AGREEMENT/APPOINTMENT YES ☐ NO ☒
REVIEWED BY COUNTY ATTORNEY'S OFFICE: YES ☒ NO ☐

List Supporting Documents Attached: Second Amendment, First Amendment and Original Agreement

FINANCIAL SUMMARY:BUDGETED ITEM: YES ☐ NO ☐ N/A

FUNDNG SOURCE: Accounting Unit: Account Number:
Activity (If Applicable):

DESCRIPTION OF LAWSOM ACCOUNT: N/A

COUNTY JUDGE
RECEIVED
NOV 04 2009

Instructions to submit Agenda Request Form:

- Completely fill out agenda form: incomplete forms will not be processed.
- Agenda Request Forms should be submitted by e-mail, fax, or inter-office mail, and all back-up information must be provided by Wednesday at 2:00 p.m. to all those listed below.
- All original back-up must be received in the County Judge's Office by 2:00 p.m. on Wednesday.

DISTRIBUTION:

Original Form Submitted with back up to County Judge's Office ☒ (✓ when completed)

If by E-Mail to ospindon@co.fort-bend.tx.us

If by Fax to (281) 341-8609

Distribute copies with back-up to all listed below. If by fax, send to numbers below:

<input checked="" type="checkbox"/>	Auditor	(281-341-3774)	<input checked="" type="checkbox"/>	Comm. Pct. 1	(281-342-0587)
<input checked="" type="checkbox"/>	Budget Officer	(281-344-3954)	<input checked="" type="checkbox"/>	Comm. Pct. 2	(281-403-8009)
<input type="checkbox"/>	Facilities/Planning	(281-633-7022)	<input checked="" type="checkbox"/>	Comm. Pct. 3	(281-242-9060)
<input type="checkbox"/>	Purchasing Agent	(281-341-8642)	<input checked="" type="checkbox"/>	Comm. Pct. 4	(281-980-9077)
<input checked="" type="checkbox"/>	Tax Assessor/Collector		<input checked="" type="checkbox"/>	County Clerk	(281-341-8697)
<input type="checkbox"/>			<input checked="" type="checkbox"/>	County Atty	(281-341-4557)

RECOMMENDATION / ACTION REQUESTED:

Special Handling Requested (specify): Approve 2nd Amendment. The original agreement was with RTRON; the First Amendment changed Owner from RTRON to NL Ventures Cash Road, LP and this 2nd Amendment will change the Owner to Melanie Stafford Ventures, LLC. This amendment does not affect the termination of this agreement in 2011.

3 orig's ret. to Mary at Co. Attorney

11-24-09

STATE OF TEXAS §
 §
COUNTY OF FORT BEND §

**SECOND AMENDMENT TO TAX ABATEMENT AGREEMENT BETWEEN
FORT BEND COUNTY AND RTRON LIMITED**

This Second Amendment of the Tax Abatement Agreement is made and entered into by and between FORT BEND COUNTY, TEXAS, a body corporate and politic, acting herein by and through its governing body, the Commissioners Court, MELANIE STAFFORD VENTURES, LLC, a Delaware limited liability company, and FLEXTRONICS SYSTEMS TEXAS LTD., a Texas limited partnership, Lessee of the Improvements.

WHEREAS, Fort Bend County, Texas, and RTRON Limited entered into a Tax Abatement Agreement on September 12, 2000, (hereinafter the "Agreement"); and

WHEREAS, RTRON Limited assigned its interest in the Agreement to NL Ventures Cash Road, L.P., on or about March 25, 2003, (hereinafter referred to as the "First Amendment") but remained Lessee of the Improvements; and

WHEREAS, RTRON Limited was purchased by Flextronics Systems Texas Ltd., a Texas limited partnership, now the Lessee of the Improvements; and

WHEREAS, the parties desire to amend a certain portion of the Agreement and First Amendment; and

WHEREAS, NL Ventures Cash Road L.P., has dissolved and transferred its interest as Owner in the property subject to the Agreement and First Amendment and assigned all of its rights and obligations as Owner under the Agreement to Melanie Stafford Ventures, LLC; and

WHEREAS, Fort Bend County and Melanie Stafford Ventures, LLC desire to amend said Agreement and First Amendment as hereinafter set forth for the purposes described in this preamble;

NOW THEREFORE, for and in consideration of the mutual benefits to be derived by the parties hereto, Fort Bend County, Melanie Stafford Ventures, LLC and Flextronics Systems Texas Ltd. agree as follows:

Pursuant to and in accordance with the Property Redevelopment and Tax Abatement Act, Chapter 312, Texas Tax Code, and the Guidelines and Criteria for Granting Tax Abatements in Reinvestment Zones located in Fort Bend County, Texas, the Agreement is hereby amended as follows:

1. Any references in the Agreement to “Owner” shall mean MELANIE STAFFORD VENTURES, LLC, a Delaware limited liability company, as the owner of the real property and improvements subject to the Agreement located in Reinvestment Zone No. 13 created by the City of Stafford.
2. “Lessee” shall mean and refer to FLEXTRONICS SYSTEMS TEXAS LTD.
3. The Agreement is amended to the effect that all duties, obligations, and responsibilities imposed upon Owner under the Agreement shall be imposed upon MELANIE STAFFORD VENTURES, LLC, and all agreements and representations made by Owner in the Agreement shall be the agreements and representations of MELANIE STAFFORD VENTURES, LLC.
4. The representative of MELANIE STAFFORD VENTURES, LLC whose signatures execute this amendment represent and warrant to Fort Bend County that they have the requisite authority to enter into the Agreement and Amendment thereof.
5. The addresses set out in Section 17 of the September 12, 2002, agreement for notices to is hereby deleted in its entirety and the following addresses are substituted therefore:

To Owner:

Melanie Stafford Ventures, LLC
c/o David S. Sherman,
2844 Hutton Drive
Beverly Hills, CA 90210

To Lessee:

Flextronics Systems Texas Ltd.
10900 Cash Road
Stafford, Texas 77477-4300
Attention: Fanny Wong, Division Controller

To the Tax Assessor/Collector:

**Honorable Patsy Schultz
Fort Bend County Tax Assessor-Collector
1317 Ransom Road
Richmond, Texas 77469**

To County:

Fort Bend County
301 Jackson, Suite 719
Richmond, Texas 77469

Copy to:

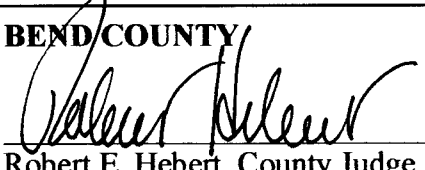
Honorable Roy L. Cordes, Jr.
Fort Bend County Attorney
301 Jackson, Suite 728
Richmond, Texas 77469

6. MELANIE STAFFORD VENTURES, LLC SHALL BE RESPONSIBLE FOR NOTIFYING THE DISTRICT OF THE ABATEMENT, INCLUDING FILING WITH THE DISTRICT ANY APPLICATION OR OTHER FORMS NECESSARY TO QUALIFY FOR OR RECEIVE THE ABATEMENT GRANTED.
7. Except as modified herein and in the First Amendment, the above referenced Agreement remains in full force and effect and has not been modified or amended.
8. The tax abatement shall apply for the tax years as stated in the Agreement. This amendment does not purport to extend the tax abatement to tax years beyond tax year 2011, as stated in the Agreement.
9. All future assignments of the rights of the parties described in said Agreement shall require written consent of the Fort Bend County Commissioners Court.
10. The Agreement executed by and between Fort Bend County and RTRON Limited on September 12, 2000, and First Amendment executed by and between Fort Bend County and NL Ventures Cash Road, L.P. are hereby adopted and incorporated by reference the same as if fully set forth verbatim herein, subject only to the above described amendments.

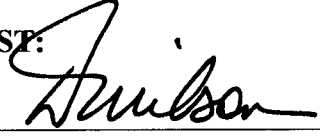
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IN TESTIMONY OF WHICH, THIS SECOND AMENDMENT shall become effective upon execution of Fort Bend County.


FORT BEND COUNTY

By: 
Robert E. Hebert, County Judge

Date: 11-17-09

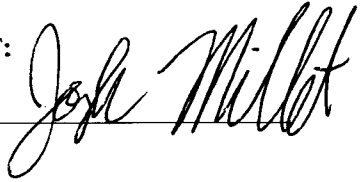
ATTEST: 
Dianne Wilson, County Clerk

MELANIE STAFFORD VENTURES, LLC.

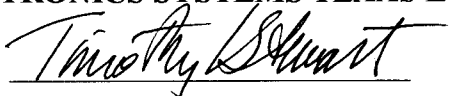
By: 

Name & Title: David Slamon
Manager

Date: 9-24-09

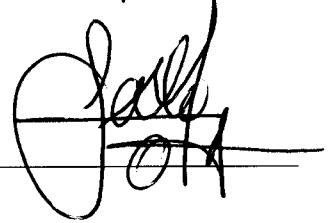
ATTEST: 

FLEXTRONICS SYSTEMS TEXAS LTD.

By: 

Name & Title: Timothy L. Stewart
Vice President

Date: 10/29/09

ATTEST: 

Attachments: **Exhibit A** - Letter request from NL Ventures dated May 20, 2009
Exhibit B - Tax Abatement Agreement between Fort Bend County and
RTRON Limited September 12, 2000
Exhibit C - First Amendment dated March 25, 2003

MER:RTRON-2nd Amendment:3195-72(09092009)

Exhibit A

May 20, 2009

Mary E. Reveles
First Assistant County Attorney
Fort Bend County
Suite 728
401 S. Jackson
Richmond, TX 77469

RE: Property R247610 10910 Cash & N Fleen 07747-7000
DC89 WM Stafford, Block 1 Acres 13.8523, Unrestricted Reserve "B"
Frontport Southwest Sec 8/RTRON

I was the Vice President of NI Ventures IV Cash Road Management, L.L.C. which was the general partner of NI Ventures IV Cash Road, L.P., the entity that sold the Property to Melanie Stafford Ventures, LLC in 2005. Since that time, both NI Ventures' entities have been dissolved and neither are any longer in operation. However, I would like to request that the tax abatement agreement between Fort Bend County and NI Ventures IV Cash Road, L.P. be assigned to Melanie Stafford Ventures, LLC, c/o David Sherman, Managing Member, 2844 Hutton Drive, Beverly Hills, CA 90210.

Thank you.

Sincerely,



Peter S. Carlsen

Title: Former Vice President of NI Ventures IV Cash Road Management, L.L.C.