

ORDINANCE NO. 2526

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, DESIGNATING A CERTAIN AREA AS REINVESTMENT ZONE NO. ONE FOR COMMERCIAL/INDUSTRIAL TAX ABATEMENT, CITY OF MESQUITE, TEXAS, ESTABLISHING THE BOUNDARIES THEREOF AND OTHER MATTERS RELATING THERETO.

WHEREAS, the City Council of the City of Mesquite, Texas (The "City"), desires to promote the development or redevelopment of a certain contiguous geographic area within its jurisdiction by creation of reinvestment zone for commercial/industrial tax statement, as authorized by Section 312.201 of the Texas Property Tax Code; and

WHEREAS, by Resolution No. 15-88 duly adopted by the City on the 2nd day of May, 1988, a public hearing before the City Council was set for 3 p.m. on the 16th day of May, 1988, such date being at least seven (7) days after the date of publication of the notice of such public hearing; and

WHEREAS, the City held such public hearing after publishing notice of such public hearing, and giving written notice to all taxing units overlapping the territory inside the proposed reinvestment zone; and

WHEREAS, the City at such hearing invited any interested person, or his attorney, to appear and contend for or against the creation of the reinvestment zone, the boundaries of the proposed reinvestment zone, whether all or part of the territory described in the ordinance calling such hearing should be included in such proposed reinvestment zone, the concept of tax abatement; and

WHEREAS, the proponents of the reinvestment zone offered evidence, both oral and documentary, in favor of all of the foregoing matters relating to the creation of the reinvestment zone, and opponents of the reinvestment zone appeared to contest creation of the reinvestment zone;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS:

SECTION 1. Definitions

a) Improvements - Improvements shall include, for the purpose of establishing eligibility under subsection 6(b), any activity at the location, including, but not limited, to, new construction.

b) Taxable Real Property - Taxable real property shall be as defined in the Texas Property Tax Code and shall not include personal property as defined in said Code, nor shall it include land.

c) Base Year - The base year for determining increased value shall be the taxable real property value assessed the year in which the agreement is executed.

SECTION 2. That the facts and recitations contained in the preamble of this Ordinance are hereby found and declared to be true and correct.

SECTION 3. The City, after conducting such hearings and having heard such evidence and testimony, has made the following findings and determinations based on the testimony presented to it:

- a) That a public hearing on the adoption of the reinvestment zone has been properly called, held and conducted and that notices of such hearings have been published as required by law and mailed to all taxing units overlapping the territory inside the proposed reinvestment zone; and
- b) That the boundaries of the reinvestment zone should be the area as described in the metes and bounds description attached hereto as Exhibit "A" and depicted on the plat attached hereto as Exhibit "B"; and
- c) That creation of the reinvestment zone for commercial/industrial tax abatement with boundaries as described in Exhibit "A" and "B" will result in benefits to the City and to the land included in the zone after the term of any agreement executed hereunder, and the improvements sought are feasible and practical; and
- d) That the reinvestment zone as defined in Exhibits "A" and "B" meets the criteria for the creation of a reinvestment zone as set forth in Section 312.202 of the Code in that it is "reasonably likely as a result of the designation to contribute to the retention or expansion of primary employment or to attract major investment in the zone that would be a benefit to the property and that would contribute to the economic development of the City"; and
- e) That the reinvestment zone as defined in Exhibits "A" and "B" meets the criteria for the creation of a reinvestment zone as set forth in the City of Mesquite guidelines and criteria for granting tax abatement in reinvestment zones.

SECTION 4. That pursuant to Section 312.201 of the Texas Property Tax Code, the City hereby creates a reinvestment zone for commercial/industrial tax abatement encompassing only the area described by the metes and bounds in Exhibit "A" attached hereto and depicted on the plat attached hereto as Exhibit "B" and such reinvestment zone is hereby designated and shall hereafter be designated as Reinvestment Zone No. One, City of Mesquite, Texas.

SECTION 5. That the zone shall take effect on June 6, 1988, or at an earlier time designated by subsequent ordinance.

SECTION 6. That to be considered for execution of an agreement for tax abatement the commercial/industrial project shall:

- a) Be located wholly within the zone as established herein.
- b) meet at least two of the following criteria:
 - (1) The project involves a minimum increase in property value of 300% for construction of a new facility, or 50% for expansion of an existing facility, for an overall new investment of at least \$2 million in taxable assets.
 - (2) The project makes a substantial contribution to redevelopment efforts or special

area plans by enhancing either functional or visual characteristics, e.g., historical structures, traffic circulation, parking, facades, materials, signs, etc.

- (3) The project has high visibility, image impact, or is of a significantly higher level of development quality.
 - (4) The project is an area which might not otherwise be developed because of constraints of topography, ownership patterns, site configuration, etc.
 - (5) The project can serve as a prototype and catalyst for other development of a higher standard.
 - (6) The project stimulates concentrations of employment or commercial activity.
 - (7) The project generates greater employment than would otherwise be achieved, e.g., commercial/industrial versus residential or manufacturing versus warehousing.
- c) Not include property that is owned or leased by a member of the City Council of the City of Mesquite or by a member of the Planning and Zoning Commission.
 - d) Conform to the requirements of the City's Zoning Ordinance, the Criteria and Guidelines governing tax abatement previously adopted by the City, and all other applicable laws and regulations.
 - e) Have and maintain all land located within the designated zone, appraised at market value for tax purposes.

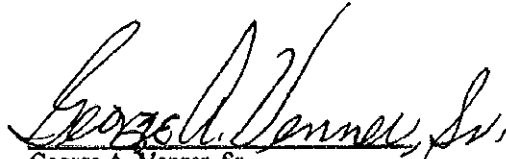
SECTION 7. That written agreements for tax abatement as provided for by Section 312.205 of the Code shall include provisions for:

- a) Listing the kind, number and location of all proposed improvements of the property;
- b) Access to and inspection of property by municipal employees to ensure that the improvements or repairs are made according to the specification and conditions of the agreements;
- c) Limiting the use 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; and
- d) Recapturing property tax revenue lost as a result of the agreement if the owner of the property fails to make the improvements as provided by the agreement.

SECTION 8. If any portion of this Ordinance shall, for any reason, be declared invalid by any court or competent jurisdiction, such invalidity shall not affect the remaining provisions hereof.

DULY PASSED AND APPROVED on first reading by the City Council of the City of Mesquite, Texas, on the 16th day of May, 1988.

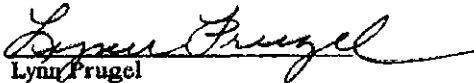
DULY PASSED AND APPROVED on second and final reading by the City Council of the City of Mesquite, Texas, on the 6th day of June, 1988.



George A. Venner, Sr.
Mayor

ATTEST:

APPROVED:



Lynn Prugel
City Secretary



Jonathan Graham
City Attorney

WHEREAS, Kearney Street Joint Venture acting by and through the undersigned, its duly authorized agent, is the sole owner of a tract of land situated in the City of Mesquite, Dallas County, Texas, in the THOMAS SCOTT SURVEY, ABSTRACT NO. 1353, as recorded in Volume _____, Page _____, of the Deed Records of Dallas County, Texas, and being part of a certain 73.062-acre tract of land conveyed to Graham Properties, Inc., Trustee, by Deed dated March 19, 1974, recorded in Volume 74062, Page 1225 of the Deed Records of Dallas County, Texas and being more particularly described as follows:

BEGINNING at a point for corner in the south line of Kearney Street formerly Long Creek Road (100-foot right-of-way), said point being the northeast corner of a certain 10.912-acre tract of land conveyed to the City of Mesquite, by Deed dated March 11, 1969, recorded in Volume 69055, Page 1378 of the Deed Records of Dallas County, Texas;

THENCE North 89 degrees 39 minutes 30 seconds East with the south line of Kearney Street, a distance of 610.00 feet to a point for corner;

THENCE South 0 degrees 20 minutes 30 seconds East, departing said south line, a distance of 1020.00 feet to a point for corner;

THENCE South 89 degrees 39 minutes 30 seconds West, a distance of 610.00 feet to a point for corner on the east line of said City of Mesquite tract;

THENCE North 0 degrees 20 minutes 30 seconds West, along said east line, a distance of 1,020 feet to the POINT OF BEGINNING AND CONTAINING 622,200 square feet or 14.2837 acres of land, more or less.

SURVEYOR'S CERTIFICATE

This is to certify that I, Haul Wong, Jr., a Registered Public Surveyor of the State of Texas, have platted the above subdivision from an actual survey on the ground; and that all lot corners, angle points, and points of curve have been properly marked on the ground, and that this plat correctly represents that survey made by me, or under my supervision.

HAUL WONG, JR.
REGISTERED PUBLIC SURVEYOR
TEXAS
No. 2958