

ORDINANCE NO. 2643

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, DESIGNATING A CERTAIN AREA AS REINVESTMENT ZONE NO. THREE 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 abatement, as authorized by Section 312.201 of the Texas Property Tax Code; and

WHEREAS, by Resolution No. 35-89 duly adopted by the City on the 2nd day of October, 1989, a public hearing before the City Council was set for 3 p.m. on the 6th day of November, 1989, 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

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- 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. Three, City of Mesquite, Texas.

SECTION 5. That the zone shall take effect on November 6, 1989, 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 1st reading by the City Council of the City of Mesquite, Texas, on the 6th day of November, 1989.

DULY PASSED AND APPROVED on second and final reading by the City Council of the City of Mesquite, Texas, on the 20th day of November, 1989.

George A. Venner, Sr.
 George A. Venner, Sr.
 Mayor

ATTEST:

Lynn Prugel
 Lynn Prugel
 City Secretary

APPROVED:

B.J. Smith
 B.J. Smith
 City Attorney

*Hold for
 new
 exhibit*

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EXHIBIT "A"

BEING a tract of land situated in the Daniel Tanner League, Abstract No. 1462, City of Mesquite, Dallas County, Texas, and being part of a 739.218 acre tract described as Tract No. 1 in Deed dated May 29, 1959 from W. P. Luse to Caroline Hunt Trust Estate, recorded in Volume 5122, Page 195 Dallas County Deed Records, and being more particularly described as follows:

BEGINNING at the northeast corner of the intersection of Town East Boulevard (a 100' R.O.W.), and the Texas and Pacific Railroad (a 200' R.O.W.), an iron stake set for corner;

THENCE N11°13'E with the easterly line of said Town East Boulevard, 1094.48' to the beginning of a curve to the left, having a radius of 700.0' and a central angle of 24°44', an iron stake set for corner;

THENCE in a northerly direction with the easterly line of Town East Boulevard and around said curve, 302.17' to the end of said curve, said point being on the southerly line of Skyline Drive (a 120' R.O.W.), an iron stake set for corner;

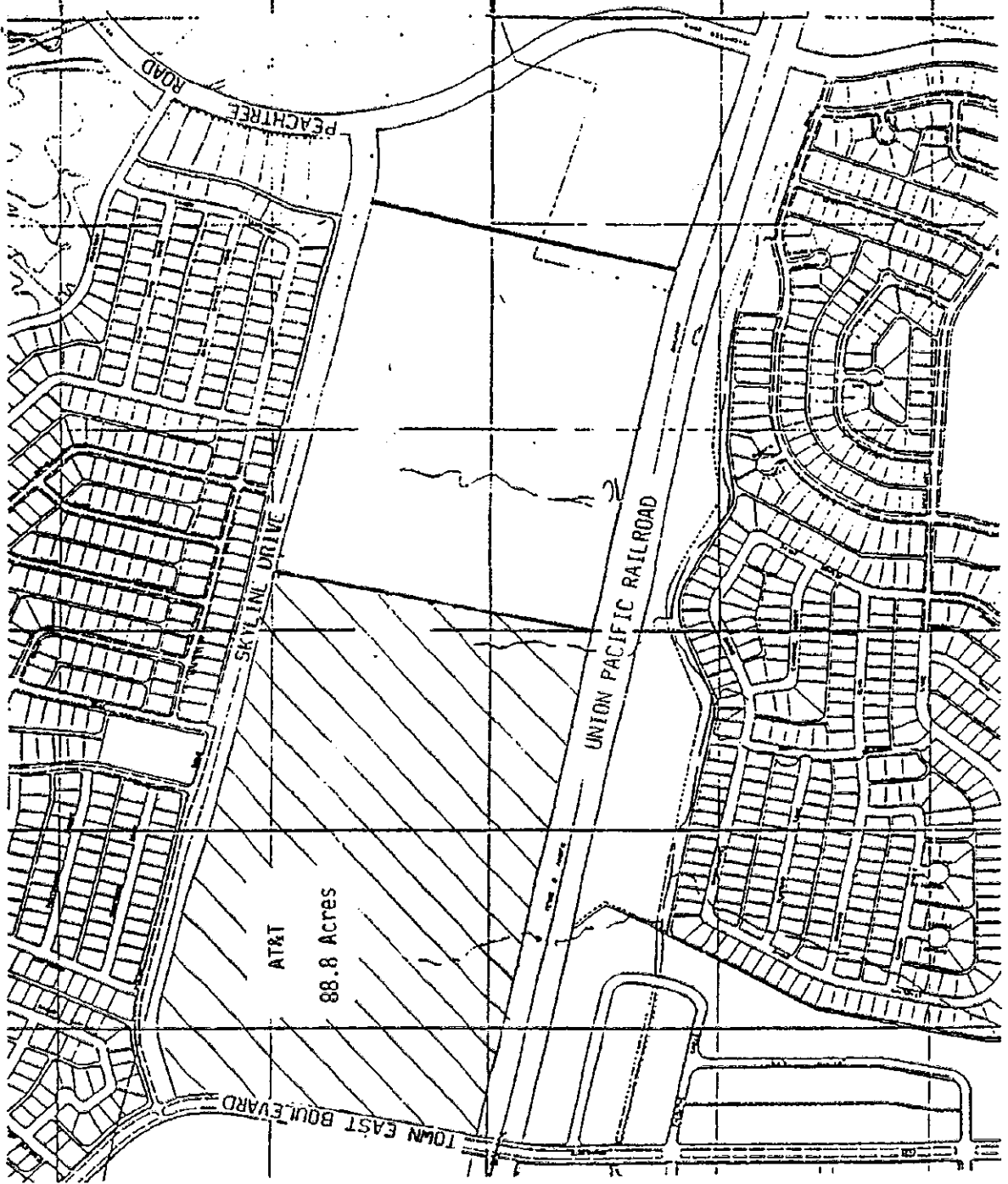
THENCE N71°40'E with the southerly line of said Skyline Drive, 206.42' to the beginning of a curve to the right, having a radius of 540.0' and a central angle of 32°07', and iron stake set for corner;

THENCE in an easterly direction with the southerly line of Skyline Drive and around said curve, 302.69' to the end of said curve, and iron stake set for corner;

THENCE S76°13'E with the southerly line of Skyline Drive, existing and proposed, passing the existing east end of the present dedicated Skyline Drive at 1397.0' and continuing along the southerly line of Skyline Drive as proposed, a total distance of 2150.72' to a point for a corner;

THENCE S11°13'W, 1462.50' to a point in the northerly line of the aforementioned Texas and Pacific Railroad (a 200' R.O.W.), for a corner;

THENCE N78°47'W and continuing along the northerly line of said Railroad Right-of-Way, 2554.42' to the place of beginning and containing 88.8 acres of land.



11

