

ORDINANCE NO. 2746

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, DESIGNATING A CERTAIN AREA AS REINVESTMENT ZONE NO. FOUR 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. 09-91 duly adopted by the City on the 15th day of April, 1991, a public hearing before the City Council was set for 3 p.m. on the 6th day of May, 1991, 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
- c) That creation of the reinvestment zone for commercial/industrial tax abatement with boundaries as described in Exhibit "A" 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 Exhibit "A" 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 Exhibit "A" 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 such reinvestment zone is hereby designated and shall hereafter be designated as Reinvestment Zone No. Four, City of Mesquite, Texas.

SECTION 5. That the zone shall take effect on May 6, 1991, 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.

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- 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.

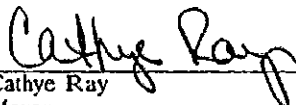
SECTION 7. That written agreements for tax abatement as provided for by Section 312.205 of the Code shall include provisions for:

- 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.

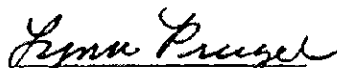
SECTION 8. If any portion of this Ordinance shall, for any reason, be declared invalid by any court or competent jurisdiction, such invalidity shall not affect the remaining provisions hereof.

DULY PASSED AND APPROVED On first reading by the City Council of the City of Mesquite, Texas, on the 6th day of May, 1991.


DULY PASSED AND APPROVED On second and final reading by the City Council of the City of Mesquite, Texas, on the 20th day of May, 1991.

  
Cathye Ray  
Mayor

ATTEST:

  
Lynn Prugel  
City Secretary

APPROVED:

  
B.J. Smith  
City Attorney

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TRACT I

Description of an 8.237 acre tract of land situated in the M.L. Swing Survey, Abstract No. 1397, in the City of Mesquite, said tract also being all of Lot 1, Block 28, of the El Rosa addition, an addition to the City of Mesquite, Dallas County, Texas, recorded in Volume 80153, Page 3018, Deed Records, Dallas County, Texas and being more particularly described as follows:

BEGINNING, at a ¼-inch iron rod with Powell & Powell cap set for corner in the intersection of the west line of Gus Thomasson Road (a 100' right-of-way) and the north line of Highland Village Drive (a 50' right-of-way);

THENCE, S 75° 25'00"W, along the north line of said Highland Village Drive, a distance of 293.24 feet to an "x" in concrete set for corner in the east line of Ebrite Street (a 50' right-of-way);

THENCE, N 00° 01'00"E, along the east line of said Ebrite Street, a distance of 322.94 feet to an "x" cut in concrete for corner, said point being in the south line of Rosabelle Drive (a 60' right-of-way);

THENCE, N 88° 39'00" E, along the south line of said Rosabelle Drive, a distance of 8.66 feet to an "x" cut in concrete for corner, said point being in the west line of a 60' drainage and utility easement, as recorded in Volume 79118, Page 1337, Deed Records, Dallas County, Texas;

THENCE, N 01° 10'00" E, along the west line of said easement and east line of said Rosabelle Drive, a distance of 60.09 feet to a ¼-inch iron rod with Powell & Powell cap set for corner;

THENCE, S 88° 39'00" W, along the north line of said Rosabelle Drive and departing the west line of said easement, a distance of 545.79 feet to a ¼-inch iron rod with Powell & Powell cap set for corner, said iron rod also being the southeast corner of City of Mesquite tract;

THENCE, N 01° 15'30" W, along the east line of said City of Mesquite tract, a distance of 427.67 feet to a ¼-inch iron rod found for corner, said point also being in the south line of Hillview Addition;

THENCE, N 83° 37'30" E, along the south line of said addition, a distance of 256.45 feet to a ¼-inch iron rod with Powell & Powell cap set for corner, said iron rod also being the northwest corner of Jesse A. Allen tract;

THENCE, S 14° 32' 20" E, a distance of 105.00 feet to a 5/8-inch iron rod found for corner, said iron also being the southwest corner of said Jesse A. Allen tract;

THENCE, N 83° 30' 37" E, along the south line of said Jesse A. Allen tract, a distance of 369.77 feet to a 4-inch iron rod with Powell & Powell cap set for corner;

THENCE, S 14° 35' 00" E, along the west line of the aforementioned road, a distance of 715.79 feet to the POINT OF BEGINNING.

TOGETHER WITH:

TRACT II

BEING a tract of land situated in the City of Mesquite, Dallas County, Texas and being part of the M. L. Swing Survey, Abstract No. 1397, Dallas County, Texas, and being all of Block 23 of the Replat of Block 23 and part of Block 24 and Block 25 of the El Rosa Addition, an addition to the City of Mesquite, as recorded in Vol. 85112, Page 1330 of the Deed Records of Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a chisel mark for corner at the intersection of the westerly line of North Galloway Avenue (Gus Thomason Road) (100 foot right-of-way) and the southerly line of Highland Village Drive (50 foot right-of-way);

THENCE South 14° 35' 00" East along the westerly line of North Galloway Avenue a distance of 253.11 feet to an iron rod for corner and point being the southeast corner of said Block 23 and the northeast corner of Lot 1, Block 24A of El Rosa Addition Replat as recorded in Volume 85141, Page 832 of the Deed Records of Dallas County, Texas;

THENCE South 75° 25' 00" West along the common line between said Block 23 and Lot 1, Block 24A a distance of 294.01 feet to an iron rod found for corner, said point being the southwest corner of Block 23 and the northwest corner of said Lot 1, Block 24A;

THENCE North 01° 10' 00" West a distance of 260.21 feet to an iron rod in the southerly line of Highland Village Drive (50 foot right-of-way);

THENCE North 75° 25' 00" East along the southerly line of Highland Village Drive a distance of 233.63 feet to the POINT OF BEGINNING.