

ORDINANCE NO. 2999**AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS,
DESIGNATING A CERTAIN AREA AS REINVESTMENT
ZONE NO. FIVE 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 (The "Code"); and

WHEREAS, by Resolution No. 33-94 duly adopted by the City on the 3rd day of October, 1994, a public hearing before the City Council was set for 3 p.m. on the 17th day of October, 1994, 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 participating 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.

Page 2

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 participating 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. Five, City of Mesquite, Texas.**

SECTION 5. That the zone shall take effect on November 7, 1994, 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 must result in a net increase of at least \$2 Million Dollars in taxable value.
 - (2) The project must conform to the Comprehensive Zoning Ordinance.
 - (3) The project must contribute to the retention or expansion of primary employment or contribute substantially to redevelopment efforts, and must not be expected to safely or primarily have the effect of transferring employment from one part of the City to another.
- 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) 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 or repairs 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 17th day of October, 1994.

DULY PASSED AND APPROVED On second and final reading by the City Council of the City of Mesquite, Texas, on the 7th day of November, 1994.

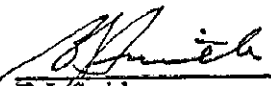


Cathye Ray
Mayor
APPROVED:

ATTEST:



Lynn Prugel
City Secretary



B.J. Smith
City Attorney

EXHIBIT A

BEING a 6.0 acre tract of land situated in the S.W. Caldwell Survey, Abstract No. 337, in the City of Mesquite, Dallas County, Texas, as recorded in Volume 85244, Page 1539, of the Deed Records of Dallas County, Texas, and being a part of Lots 6, 7, 8, and 10 of East Dallas Estates, an addition to the City of Mesquite as recorded in Volume 5, Page 62, of the Deed Records of Dallas County, Texas, and a part of Lot 8-A of East Dallas Estates as recorded in Volume 78054, Page 3255, of the Deed Records of Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a point in the west right-of-way line of Belt Line Road, said point being 350.0 feet South $01^{\circ}36'20''$ West from the intersection of the south right-of-way line of Hanby Drive with the west right-of-way line Belt Line Road;

THENCE North $88^{\circ}14'57''$ West a distance of 880.4 feet to a point in the west line of Lot 6, East Dallas Estates;

THENCE North $1^{\circ}26'42''$ East with the west line of Lot 6, East Dallas Estates, a distance of 350.0 feet to the northwest corner of said Lot 6, said corner also being in the south right-of-way line of Hanby Drive;

THENCE South $88^{\circ}14'57''$ East with the south right-of-way line of Hanby Drive a distance of 667.38 feet to a point, said point being 214.0 feet North $88^{\circ}14'57''$ West from the intersection of the south right-of-way line of Hanby Drive and the west right-of-way line of Belt Line Road;

THENCE South $01^{\circ}36'20''$ West a distance of 220.0 feet to a point;

THENCE South $88^{\circ}14'57''$ East a distance of 214.0 feet to a point in the west right-of-way line of Belt Line Road;

THENCE South $01^{\circ}36'20''$ West with the west right-of-way line of Belt Line Road a distance of 130.0 feet to the Point of Beginning and containing 6.0 acres of land, more or less.

00216