

ORDINANCE NO. 3150

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, DESIGNATING A CERTAIN AREA AS REINVESTMENT ZONE NO. SEVEN 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 a reinvestment zone for commercial/industrial tax abatement, as authorized by Section 312.201 of the Texas Property Tax Code; and

WHEREAS, by Resolution No. 06-97 duly adopted by the City on the 3rd day of March, 1997, a public hearing before the City Council was set for 3 p.m. on the 17th day of March, 1997, 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) Improvement - 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 Property - Taxable property shall be as defined in the Texas Property Tax Code and shall not include land.

- c) Base Year - The base year for determining increased value shall be the taxable 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 notice of such hearing has 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 "reasonable 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. Seven, City of Mesquite, Texas.

**SECTION 5.** That the zone shall take effect on April 7, 1997 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:

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- 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 in special area plans by enhancing either functional or visual character e.g., historical structures, traffic circulation, parking, facades, marquee 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 or 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 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:

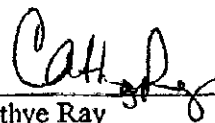
- a) Listing the kind, number and location of all proposed improvements of the property.

- b) Access to and inspection of property by municipal employees to ensure that the improvement 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 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 by the City Council of the City of Mesquite, Texas, on first reading on the 17th day of March, 1997.

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on second and final reading on the 7th day of April, 1997.



Cathye Ray  
Mayor

ATTEST

APPROVED

Ellen Williams  
Ellen Williams  
City Secretary

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

EXHIBIT A  
PART 1

BEING a 45.584 acre tract situated in the THEOPHALUS THOMAS SURVEY, ABSTRACT NO. 1461, Dallas County, Texas; said tract being part of that same as described as TRACT 4 in deed to Audubon Partners Ltd., as recorded in Volume 94033, Page 2414, Deed Records, Dallas County, Texas; and all of the tract of land as described in deed from Andy Beal recorded in Volume 94033, Page 2389, Deed Records, Dallas County, Texas; said 45.584 acre tract being more particularly described as follows:

BEGINNING at a 1/2 inch iron rod found in the southerly line of 175 foot T.P. & L. Right-of-way as recorded in Volume 5458, Page 216 and Volume 71063, Page 567; said point also being in the north line of Interstate Highway 30 (a variable right-of-way); said point also being the beginning of a curve to the left whose center bears South 33 degrees 37 minutes 50 seconds East, a distance of 11,773.93 feet from this point;

THENCE Southwesterly with said curve to the left and along said north line of Interstate Highway 30, through a central angle of 01 degrees 30 minutes 02 seconds, an arc distance of 308.35 to a 1/2 inch iron rod with "Pacheco Koch" cap found;

THENCE South 56 degrees 25 minutes 35 seconds West with said north line of Interstate Highway 30, a distance of 33.71 feet to a 1/2 inch iron rod with "Pacheco Koch" cap found; said point being the southeast corner of a tract of land described in deed to Mike Bieler and S.A. Bieler, recorded in Volume 82234, Page 2565, Deed Records, Dallas County, Texas;

THENCE North 58 degrees 53 minutes 17 seconds West, with the northeast line of said Bieler tract, a distance of 473.93 feet to a 1/2 inch iron rod found;

THENCE South 34 degrees 34 minutes 12 seconds West, with the northwest line of said Bieler tract, a distance of 261.19 feet to a 1/2 inch iron rod with "Pacheco Koch" cap found; said point being in the northeast line of Audubon Parkway (a 60 foot right-of-way) as described in Volume 88248, Page 3828, Deed Records, Dallas County, Texas;

THENCE North 55 degrees 17 minutes 28 seconds West, with said northeasterly line of Audubon Parkway, a distance of 980.14 feet to a 1/2 inch iron rod with "Pacheco Koch" cap found;

THENCE South 44 degrees 57 minutes 36 seconds West, passing at 60.97 feet the northeast corner of Twin Hills Estates Addition, as recorded in Volume 17, Page 351, Plat Records, Dallas County, Texas; continuing along the north line of said Twin Hills Estates Addition; in all 1211.48 feet to a 1/2 inch iron rod found; said point being in the north line of Republic Drive (a 100 foot right-of-way), described in Volume 88248, Page 3828, Deed Records, Dallas County, Texas; said point being the beginning of a curve to the left whose center bears South 27 degrees 47 minutes 49 seconds East, a distance of 890.00 feet from this point;

THENCE Southwesterly along said north line of Republic Drive and with said curve to the left through a central angle of 17 degrees 14 minutes 35 seconds, an arc distance of 267.84 feet to a 1/2 inch iron rod with "Pacheco Koch" cap found;

THENCE South 44 degrees 57 minutes 36 seconds West, continuing along the said northeast line of Republic Drive, a distance of 87.47 feet to a 1/2 inch iron rod with "Pacheco Koch" cap found at the most southerly southeast corner of the Dallas Christian School Addition, an addition to the City of Mesquite as recorded in Volume 94163, Page 2553, Deed Records, Dallas County, Texas;

THENCE North 08 degrees 43 minutes 00 seconds East, departing Republic Drive and with the easterly boundary of said Dallas Christian School Addition, passing at a distance of 321.15 feet a 1/2 inch iron rod with "Pacheco Koch" cap found at an east corner of said Dallas Christian School Addition, in all a distance of 592.86 feet to a 1/2 inch iron rod with "Pacheco Koch" cap set for corner;

THENCE North 00 degrees 59 minutes 13 seconds West, a distance of 708.57 feet to a 1/2 inch iron rod with "Pacheco Koch" cap set an east corner of said Dallas Christian School Addition;

North 02 degrees 39 minutes 30 seconds West, along a southeast line of said Dallas Christian School Addition, a distance of 132.16 feet to a 1/2 inch iron rod with "Pacheco Koch" cap found;

North 01 degrees 38 minutes 30 seconds West, departing said Dallas Christian School Addition, a distance of 312.70 feet to a 1/2 inch iron rod with "Pacheco Koch" cap found;

North 18 degrees 06 minutes 38 seconds East, a distance of 370.40 feet to a 1/2 inch iron rod with "Pacheco Koch" cap set; said point being in the southwestern line of said 175 foot T.P. & L. tract;

THENCE South 62 degrees 50 minutes 01 seconds East, with said southwest line of T.P. & L. tract, a distance of 2931.29 feet to the POINT OF BEGINNING and containing 1,985,618 square feet or 45.584 acres of land, more or less.

**EXHIBIT A  
PART 2**

BEING a 481,320 square feet or 11.0496 acre tract of land, more or less situated in the Theophilus Thomas Survey, Abstract No. 1461, City of Mesquite, Dallas County, Texas, and being part of the Twin Hill Estates, an addition to the City of Mesquite, Texas according to the plat thereof recorded in Volume 17, Page 351, Map Records of Dallas County, Texas and vacated by City of Mesquite Ordinance No. 2473 as recorded in Volume 87206, Page 1157, Deed Records of Dallas County, Texas, said tract being all of a 11.0496 acres tract described in deed to Warner Commercial. Lusardi, Trustee of the Warner Commercial. Lusardi Family Trust, as recorded in Volume 93243, page 5237, Deed Records of Dallas County, Texas and being more particularly described as follows:

BEGINNING at a found 1/2 inch iron rod for a corner at the intersection of the northwest line of Republic Parkway (an 80 foot right of way) with the southwest line of Audubon Parkway (a 60 foot right of way);

THENCE, the following courses and distances with the northwest line of Republic Parkway;

- S 34 degrees 41' 37" W, a distance of 19.32 feet to a found 1/2 inch iron rod at the beginning of a tangent curve to the right with a central angle of 63 degrees 40' 31", a radius of 810.00 feet, a chord bearing of S 66 degrees 31' 52" W and a chord distance of 854.57 feet;

- Southwesterly, along said curve, an arc distance of 900.19 feet to a found 1/2 inch iron rod at the beginning of a reverse curve to the left with a central angle of 36 degrees 10' 53", a radius of 890.00 feet, a chord bearing of S 80 degrees 16' 42" W and a chord distance of 552.73 feet;

- Southwesterly, along said curve, an arc distance of 562.02 feet to a found 1/2 inch iron rod for a corner in the northwest line of the said vacated Twin Hills Estates, said point being in the southeast line of a tract of land conveyed to Audubon Partners, Ltd. by deed recorded in Volume 94033, Page 2414, Deed Records of Dallas County, Texas;

THENCE, N 44 degrees 56' 40" E, departing the northwest line of Republic Parkway and with the northwest line of the said vacated Twin Hills Estates and the southwest line of the said Audubon Partners, Ltd. tract, a distance of 1150.51 feet to a found 1/2 inch iron rod with a cap for a corner in the southwest line of Audubon Parkway;

THENCE, S 55 degrees 18' 23" E, with the southwest line of Audubon Parkway, a distance of 640.86 feet to the Point of Beginning.

# CITY OF MESQUITE

## REINVESTMENT ZONE

### NO. Seven (7)

