

ORDINANCE NO. 3266

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, DESIGNATING A CERTAIN AREA AS REINVESTMENT ZONE NO. EIGHT FOR HORTICULTURAL PRINTERS, LTD., FOR COMMERCIAL/INDUSTRIAL TAX ABATEMENT; 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. 35-98 duly adopted by the City on the 5th day of October, 1998, a public hearing before the City Council was set for 3:00 p.m. on the 19th day of October, 1998, 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 were able to offer 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 were able to appear 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 Texas Property Tax 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. Eight, for Horticultural Printers, Ltd., City of Mesquite, Texas.

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

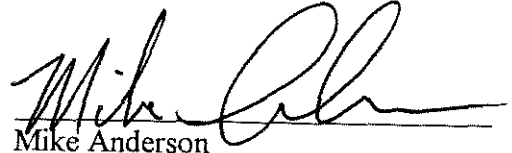
- a) Be located wholly within the zone as established herein.
- b) Meet at least two of the following criteria:
 - (1) The project must result in a net increase of at least \$2 Million Dollars in taxable value.
 - (2) The project must conform to the Comprehensive Zoning Ordinance.
 - (3) The project must contribute to the retention or expansion of primary employment or contribute substantially to redevelopment efforts, and must not be expected to solely 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 Texas Property Tax Code shall include provisions for:

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

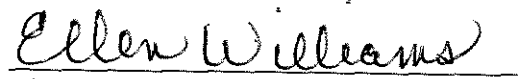
SECTION 8. If any portion of this Ordinance shall, for any reason, be declared invalid by any court or competent jurisdiction, such invalidity shall not affect the remaining provisions hereof.

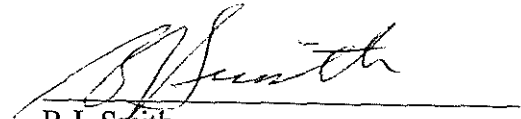
DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 19th day of October, 1998.


Mike Anderson
Mayor

ATTEST

APPROVED


Ellen Williams
City Secretary


B.J. Smith
City Attorney

**Reinvestment Zone No. Eight
Metes and Bounds Survey**

00203

Being all of that certain lot, tract or parcel of land situated in the Daniel Tanner Survey, A-1462, and in the City of Mesquite, Dallas County, Texas, and being more particularly described as follows:

Beginning at a 3/4" iron rod for corner at the present Intersection of the south R.O.W. line of Curtis Boulevard (a 50' R.O.W.) with the west R.O.W. line of Town East Boulevard (a 100' R.O.W.);

Thence S 00° 10' 00" E, 652.35' with the west line of Town East Boulevard to a 3/4" iron rod for corner in the north line of a 63' T. &P. R.R. spur;

Thence S 89° 50' 00" W, 934.27' with the north line of said spur to a 1/2" iron rod for corner at the beginning of a curve to the right having a central angle of 45° 14' 00" and a radius of 432.37';

Thence around said curve and with the north line of the railroad spur, a distance of 341.34' to a 3/8" iron rod for corner;

Thence N 44° 56' 00" W, 180.75' with the north line of the railroad spur to a 3/4" iron rod for corner at the beginning of a curve to the left having a central angle of 45° 14' 00" and radius of 528.15' bearing N 45° 04' 00" E;

Thence southeasterly around said curve and with the south line of the Cancor, J/V 6.411 acre tract of land, a distance of 416.96' to a 1/2" iron rod for corner;

Thence N 99° 50' 00" E, 157.21' with the south line of the Cancor tract to a 1/2" iron rod for corner;

Thence N 00° 10' 00" W, 525.00' with the east line of the Cancor tract to a 3/4" iron rod for corner in the south line of Curtis Boulevard;

Thence N 89° 50' 00" E, 436.35' with the south line of Curtis Boulevard to a cross for corner at the beginning of a curve to the left having a central angle of 10° 20' 00" and a radius of 854.46';

Thence around said curve and with the south line of Curtis Boulevard, a distance of 154.10' to a nail for corner;

Thence N 79° 30' 00" E, 2.47' with the south line of Curtis Boulevard to a nail for corner at the beginning of a curve to the right having a central angle of 10° 20' 00" and a radius of 804.46';

Thence around said curve and with the south line of Curtis Boulevard, a distance of 145.09' to a 3/4" iron rod for corner;

Thence N 89° 50' 00" E, 100.00' with the south line of Curtis Boulevard to the place of beginning and containing 564,290.22 square feet or 12.9643 acres of land, more or less.

SUBJECT TO THE FOLLOWING:

1. Restrictive covenants recorded in Volume 5650, Page 267, extended to subject property by Deeds recorded in Volume 68211, Page 919, and Volume 69144, Page 276, Deed Records, Dallas County, Texas.
2. Easement to Texas Power & Light Company dated October 8, 1968, filed October 14, 1968, recorded in Volume 68202, Page 731, Deed Records, Dallas County, Texas, and as shown on survey prepared by Len Davis, Davis Land Surveying Co., Inc. dated July 21, 1986. (along South 10 feet)
3. Mineral reservation of that certain 1/32nd non-participating royalty interest by the Prospect Company in Deed dated September 26, 1941, recorded in Volume 2315, Page 159, Deed Records, Dallas County, Texas.
4. Railroad spur tract in place and all rights incident thereto as shown on survey prepared by Len Davis, Davis Land Surveying Co., Inc. dated July 21, 1986.

00204

1 - Reinvestment Zone No. Nine (9)

2 - Reinvestment Zone No. Eight (8)

