

ORDINANCE NO. 3267

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, DESIGNATING A CERTAIN AREA AS REINVESTMENT ZONE NO. NINE FOR NORKOL CONVERTING, INC., 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. 36-98 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. Nine, for Norkol Converting Inc., City of Mesquite, Texas.

SECTION 5. That the zone shall take effect on November 1, 1998, 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:

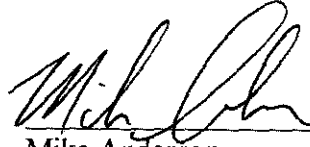
- a) Be located wholly within the zone as established herein.
- b) Meet at least two of the following criteria:
  - (1) The project must result in a net increase of at least \$2 Million Dollars in taxable value.
  - (2) The project must conform to the Comprehensive Zoning Ordinance.
  - (3) The project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

EXHIBIT "A"

Reinvestment Zone No. Nine  
Metes and Bounds Survey

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Whereas Norkol Curtis Building Partnership is the sole owner of

Being a 6.437 acre tract of land situated in the Daniel Tanner Survey, Abstract No. 1462, in the City of Mesquite, Dallas County, Texas, said tract being all of that certain 6.411 acre tract conveyed to the Northern Trust Company as trustee for the Electronic Data Systems Corporation Retirement Trust as evidenced by Deed recorded in Volume 89234, Page 1789, Deed Records of Dallas County, Texas (DRDCT) and being more particularly described by metes and bounds as follows (bearings based on the west right-of-way line of Town East Boulevard (a 100-foot wide right-of-way) as per deed in Volume 90196, Page 3744, DRDCT, said bearing being South 00° 10'00" East):

BEGINNING at a found 5/8 inch iron rod on the south line of Curtis Boulevard (50-foot wide right-of-way), said point being South 89° 50'00" West, 836.35 feet from the west line of said Town East Boulevard, said point also being the northwest corner of that certain 12.00 acre tract (Tract 1) conveyed to Foamex, L.P., a Delaware Limited Partnership as evidenced by Deed recorded in Volume 90196, Page 3744, DRDCT;

THENCE South 00° 10'00" East, departing the south line of said Curtis Boulevard and along the west line of said Foamex Tract 1, a distance of 525.00 feet to a 1/2 inch iron rod set for corner said point being the northeast corner of a called 0.798 acre tract (Tract 2) as described in said Foamex Deed;

THENCE South 89° 50'00" West, departing the west line of said Foamex Tract 1 and along the north line of said Foamex Tract 2, a distance of 157.00 feet to a 1/2 inch iron rod set at the beginning of a curve to the right;

THENCE in a northwesterly direction along the arc of said curve to the right, having a central angle of 45° 14'00" and a radius of 528.15 feet, an arc distance of 416.96 feet to a 1/2 inch iron rod set for corner, said point being on the northerly right-of-way line of a Texas and Pacific Railway Company tract, as evidenced by Deed recorded in Volume 70087, Page 199, DRDCT;

THENCE North 44° 56'00" West, along the northerly line of said Texas and Pacific Railway tract, a distance of 234.07 feet to 1/2 inch iron rod found for corner at the intersection of the northerly line of said Texas and Pacific Railway tract with the southerly right-of-way line of said Curtis Boulevard;

THENCE North 45° 04'00" East, a distance of 48.07 feet to a 1/2 inch iron rod found for the beginning of a non-tangent curve to the right;

THENCE Northeasterly along said curve to the right, having a central angle of 45° 05'15", a radius of 579.55 feet and a radial bearing of South 45° 01'40" East, an arc distance of 456.06 feet to a 1/2 inch iron rod set for corner;

THENCE North 89° 50'00" East, a distance of 251.59 feet to the POINT OF BEGINNING and containing 6.437 acres of land, more or less.

1 - Reinvestment Zone No. Nine (9)

2 - Reinvestment Zone No. Eight (8)

