

ORDINANCE NO. 3284

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, DESIGNATING A CERTAIN AREA AS REINVESTMENT ZONE NO. TEN FOR FOUR RIVERS CORPORATION 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. 06-99 duly adopted by the City on the 15th day of February, 1999, a public hearing before the City Council was set for 3:00 p.m. on the 1st day of March, 1999, 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.

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- 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. Ten for Four Rivers Corporation, City of Mesquite, Texas.

SECTION 5. That the zone shall take effect on April 1, 1999, 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 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.

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DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas,
on the 1st day of March 1999.




Mike Anderson
Mayor

ATTEST

APPROVED



Ellen Williams
City Secretary



B.J. Smith
City Attorney

**REINVESTMENT ZONE NO. TEN
METES AND BOUNDS SURVEY**

Legal Description of Land

BEING all that certain lot, tract, or parcel of land lying and being situated in Dallas County, Texas, being out of the south corner of Tract 35 of the subdivision of the DANIEL TANNER SURVEY, Abstract Number 1462, Dallas County, Texas, also being tracts or parcels (Tract I & II) remaining from a 23.55 acre tract conveyed to H.B. Stellmaker by J.F. Smith on January 14, 1920, and recorded in the Deed Records of Dallas, Volume 3248, Page 4, January 23, 1920, said tract being more particularly describes as follows:

BEGINNING at an iron pin found at the most Southerly corner of North Ridge Estates No. 5, in addition to the City of Mesquite, as recorded in Deed Records of Dallas County, Volume 40, page 37;

THENCE South 44 degrees 31 minutes 11 seconds West along and near a fence with the northerly line of Northridge Estates No. 6, an addition to the City of Mesquite as recorded in Deed Records of Dallas County, Volume 28, Page 197, a distance of 844.79 feet to a Texas Highway Department monument found for corner on the Easterly R.O.W. line on I.H. 635;

THENCE North 24 degrees 47 minutes 52 seconds West along said easterly R.O.W. of I.H. 635 a distance of 341.76 feet to a Texas Highway Department monument found for corner;

THENCE North 01 degrees 37 minutes 41 seconds West continuing along said R.O.W. of I.H. 635 a distance of 434.77 feet to a concrete monument found for corner;

THENCE North 06 degrees 07 minutes 15 seconds West continuing along said easterly R.O.W. of I.H. 635 a distance of 318.64 feet to a Texas Highway Department monument found for corner;

THENCE North 49 degrees 22 minutes 54 seconds East along a fence a distance of 223.17 feet to an iron pin set for corner, said point being the most westerly corner of said Northridge Estates Number 5;

THENCE South 45 degrees 18 minutes 06 seconds East along the westerly line of Northridge Estates Number 5, a distance of 860.77 feet to the Point of Beginning and containing in 11.663 acres of land, more or less.