

ORDINANCE NO. 3303

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, DESIGNATING A CERTAIN AREA AS A TAX INCREMENT FINANCE REINVESTMENT ZONE TO BE KNOWN AS THE FALCON'S LAIR TAX INCREMENT FINANCE REINVESTMENT ZONE NO. FOUR, CITY OF MESQUITE, TEXAS, ESTABLISHING THE BOUNDARIES THEREOF, ESTABLISHING A BOARD OF DIRECTORS FOR SUCH REINVESTMENT ZONE, AND OTHER MATTERS RELATING THERETO; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.

WHEREAS, the City Council of the City of Mesquite (the City), desires to promote the development of a certain contiguous geographic area (the Falcon's Lair area) within its jurisdiction by creation of a reinvestment zone in compliance with Section 311.005(a)(2) of the Tax Increment Financing Act, Chapter 311 of the *Texas Property Tax Code, Vernon's Texas Codes Annotated* (the Act); and

WHEREAS, in compliance with the Act, the City has called a public hearing to hear comments on the creation of the proposed reinvestment zone and its benefits to the City and the property in the proposed reinvestment zone; and

WHEREAS, a public hearing has been set for 3 p.m. on the 7th day of June, 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 of such hearing at least sixty (60) days prior thereto to all taxing units overlapping the territory inside the proposed reinvestment zone; and

WHEREAS, the City at such hearing invited any interested person, or representative, 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 increment financing and the appointment of a board of directors for the proposed reinvestment zone; 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. That the facts and recitations contained in the preamble of this ordinance are hereby found and declared to be true and correct.

SECTION 2. That the City Council, 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. 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 Exhibit "A" (attached hereto); and
- (c) That improvements in the reinvestment zone created herein for tax increment financing, as described in Exhibit "A", will significantly enhance the value of all taxable real property in the reinvestment zone and will be of general benefit to the City; 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 311.005 of the Act in that:
 - (1) It is a contiguous geographic area located wholly within the corporate limits of the City; and
 - (2) The area is predominately open and because of obsolete platting or deterioration of structures or site improvements, substantially impairs or arrests the growth of the City; and
- (e) That 10 percent or less of the property in the proposed reinvestment zone, excluding property dedicated to public use, is currently used for residential purposes, which is defined in the Act as any property occupied by a house which has less than five (5) living units; and
- (f) That the total appraised value of all taxable real property in the proposed reinvestment zone according to the most recent appraisal rolls of the City, together with the total appraised value of taxable real property in all other existing reinvestment zones within the City according to the most recent appraisal rolls of the City, does not exceed 15 percent of the total appraised value of taxable real property in the City and in the industrial districts created by the City, if any; and
- (g) That the proposed reinvestment zone does not contain more than 15 percent of the total appraised value of real property taxable by Dallas County or Mesquite Independent School District; and

- (h) That the level of development or redevelopment of the property in the proposed reinvestment zone will not occur solely through private investment in the reasonably foreseeable future.

SECTION 3. That pursuant to the Act, the City hereby creates a reinvestment zone for tax increment financing encompassing only the area described in Exhibit "A" (attached hereto) and such reinvestment zone is hereby designated and shall hereafter be designated as the Falcon's Lair Tax Increment Finance Reinvestment Zone Number Four, City of Mesquite, Texas (the "Zone").

SECTION 4. That the Zone shall take effect on January 1, 2000, and that the termination of the Zone shall occur on December 31, 2025, or at an earlier time designated by subsequent ordinance of the City Council in the event the City determines that the Zone should be terminated due to investment which is insufficient to meet the objectives of the project plan and financial plan, or at such time as all project costs and tax increment bonds, if any, and the interest thereon, have been paid in full.

SECTION 5. That there is hereby established a board of directors for the Zone which shall consist of seven (7) members. The board of directors for the Zone shall be appointed as follows:

- (a) Four (4) members shall be appointed by the City Council and three (3) members shall be appointed by the MISD. The initial board of directors shall be appointed by resolution of the governing bodies of the City and the taxing units as provided herein within sixty (60) days of the passage of this ordinance or within a reasonable time thereafter. All members appointed to the board shall meet eligibility requirements as set forth in the Act; and
- (b) The terms of the board members shall be for two (2) year terms. The City Council shall annually designate a member of the board to serve as chairman of the board of directors for a one (1) year term, and the board shall elect from its members, a vice chairman and other officers as it sees fit; and
- (c) The board of directors shall make recommendations to the City Council concerning the administration of the Zone. It shall prepare and adopt a project plan and reinvestment zone financing plan for the Zone and must submit such plans to the City Council for its approval. The board of directors shall possess all powers necessary to prepare, implement and monitor such project plan for the Zone as the City Council considers advisable, including the submission of an annual report on the status of the Zone.

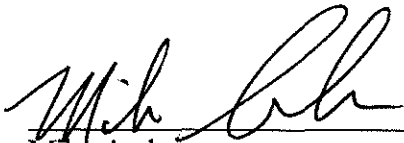
SECTION 6. That there is hereby created and established a Tax Increment Fund for the Zone which may be divided into such subaccounts as may be authorized by subsequent resolution or ordinance, into which all tax increments, less any of the amounts not required to be paid into the Tax Increment Fund pursuant to the Act, are to be deposited. The Tax Increment Fund and any subaccounts are to be maintained in an account at the depository bank of the City and shall be secured in the manner prescribed by law. In addition, all revenues from the sale of

any tax increment bonds and notes hereafter issued by the City, revenues from the sale of any property acquired as part of the tax increment financing plan and other revenues to be dedicated to and used in the Zone shall be deposited into such fund or subaccounts from which money will be disbursed to pay project costs for the Zone or to satisfy the claims of holders of tax increment bonds or notes issued for the Zone.

SECTION 7. That should any word, sentence, clause, paragraph, or provision of this ordinance be held to be unconstitutional, the remaining provisions of this ordinance shall remain in full force and effect.


SECTION 8. That the creation of Falcon's Lair Tax Increment Finance Reinvestment Zone creates an urgency and an emergency for the preservation of public health, safety, and welfare and requires that this ordinance shall take effect immediately from and after its passage.

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 7th day of June, 1999.



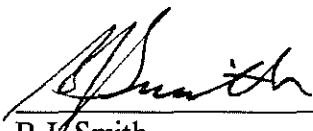
Mike Anderson
Mayor

ATTEST



Ellen Williams
City Secretary

APPROVED:



B.J. Smith
City Attorney

