

ORDINANCE NO. 3373

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, DESIGNATING A CERTAIN AREA AS REINVESTMENT ZONE NO. 12 FOR COMMERCIAL/INDUSTRIAL TAX ABATEMENT, ESTABLISHING THE BOUNDARIES THEREOF AND OTHER MATTERS RELATING THERETO; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING A REPEALER CLAUSE.

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. 24-2000 duly adopted by the City on the 19th day of June, 2000, a public hearing before the City Council was set for 3 p.m. on the 5th day of July, 2000, such date being at least 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 their 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, and the concept of tax abatement; and

WHEREAS, 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. That for the purposes of this ordinance certain terms shall have the meaning ascribed in the following definitions:

- a) *Improvement* - Improvements shall include 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.

Reinvestment Zone No. 12/July 5, 2000

Page 2 of 4

- 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. That 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.
- 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".
- 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.
- 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 "reasonably 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."
- 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. 12, City of Mesquite, Texas.

**PROPOSED BLOCK 2, LOT 3**

BEING a tract of land situated in the Daniel Turner Survey, Abstract No. 1462, in the City of Mesquite, Dallas County, Texas, and being a part of that tract of land described in deed to Petrus Investment, L.P., as recorded in Volume 98251, Page 9371, Deed Records, Dallas County, Texas (DRDCT), and being more particularly described as follows:

COMMENCING at a set ½-inch iron rod with a yellow plastic cap stamped "HALFF ASSOC. INC." (hereafter referred to as "with cap"), at the intersection of the westerly right-of-way line of Town East Boulevard (100 foot right-of-way) and the northerly right-of-way line of a Dallas Power and Light Company right-of-way, as recorded in Volume 5624, Page 250, DRDCT, (125 foot right-of-way);

THENCE South 44 degrees 13 minutes 32 seconds West, departing said westerly line and along said northerly line, a distance of 930.01 feet to the POINT OF BEGINNING;

THENCE South 44 degrees 13 minutes 32 seconds West, continuing along said northerly line, a distance of 498.81 feet to a point at the intersection of said northerly line with the easterly right-of-way line of Chase Road (50 foot right-of-way);

THENCE North 45 degrees 45 minutes 33 seconds West, departing said northerly line and along said easterly line, a distance of 889.98 feet to a point for corner on the north line of said Petrus Investment tract;

THENCE North 44 degrees 16 minutes 17 seconds East, departing said easterly line and along the north line of said Petrus Investment tract, a distance of 493.45 feet to a point for corner;

THENCE South 45 degrees 31 minutes 28 seconds East, departing said north line, a distance of 889.59 feet to the POINT OF BEGINNING AND CONTAINING 437,446 square feet or 10.04 acres of land, more or less.

**PROPOSED BLOCK 2, LOT 4**

BEING a tract of land situated in the Daniel Turner Survey, Abstract No. 1462, in the City of Mesquite, Dallas County, Texas, and being a part of that tract of land described in deed to Petrus Investment, L.P., as recorded in Volume 98251, Page 9371, Deed Records, Dallas County, Texas (DRDCT), and being more particularly described as follows:

BEGINNING at a set ½-inch iron rod with a yellow plastic cap stamped "HALFF ASSOC. INC." (hereafter referred to as "with cap"), at the intersection of the westerly right-of-way line of Town East Boulevard (100 foot right-of-way) and the northerly right-of-way line of a Dallas Power and Light Company right-of-way, as recorded in Volume 5624, Page 250, DRDCT, (125 foot right-of-way);

THENCE South 44 degrees 13 minutes 32 seconds West, departing said westerly line and along said northerly line, a distance of 930.01 feet to a set ½-inch iron rod with cap for a corner;

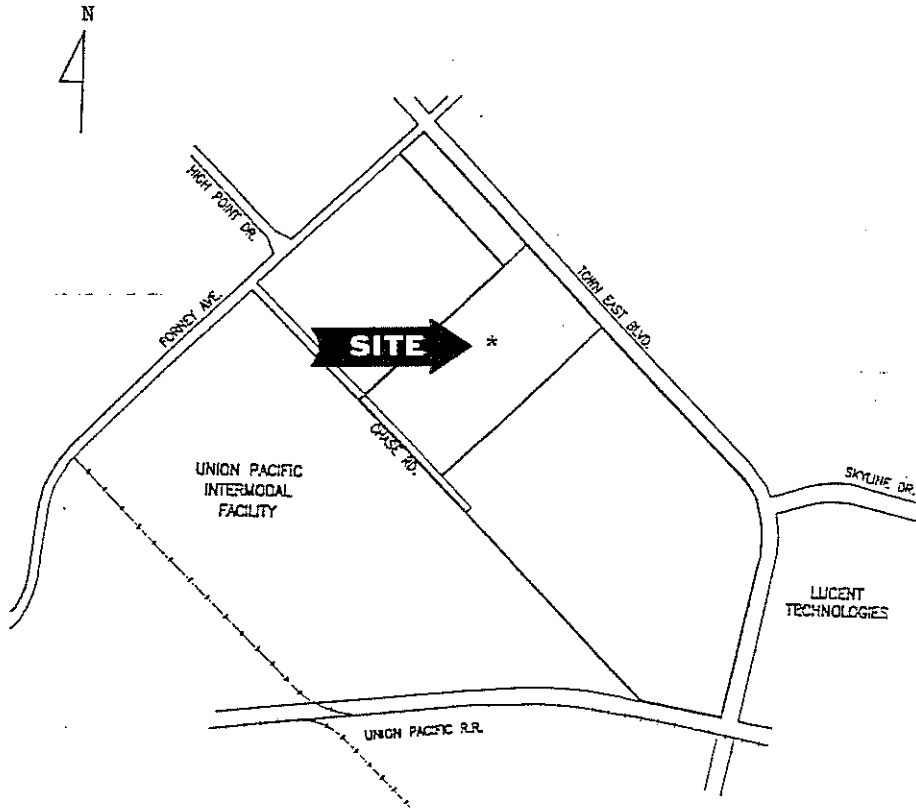
THENCE North 45 degrees 31 minutes 28 seconds West, departing said northerly line, a distance of 889.59 feet to a set ½-inch iron rod with cap for corner;

THENCE North 44 degrees 16 minutes 17 seconds East, a distance of 930.01 feet to a set ½-inch rod with cap on the said westerly line of Town East Boulevard;

THENCE South 45 degrees 31 minutes 28 seconds East, along said westerly line of said Town East Boulevard, a distance of 888.85 feet to the POINT OF BEGINNING AND CONTAINING 826,976 square feet or 18.98 acres of land, more or less.

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Reinvestment Zone No. Twelve (12)



Reinvestment Zone No. 12/July 5, 2000

Page 3 of 4

SECTION 5. That to be considered for execution of an agreement for tax abatement a commercial/industrial project shall:

- a) Be located wholly within the zone as established herein.
- b) Conform to the Comprehensive Zoning Ordinance, and meet 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 contribute to the retention or expansion of primary employment or contribute substantially to redevelopment efforts, and must not be expected to safely 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 6. 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.
- b) Access to and inspection of property by municipal employees to ensure that the improvement or repairs are made according to the specifications 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.
- 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 7. That should any word, sentence, clause, paragraph or provision of this ordinance be held to be invalid or unconstitutional, the validity of the remaining provisions of this ordinance shall not be affected and shall remain in full force and effect.

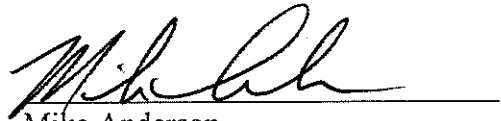
Reinvestment Zone No. 12/July 5, 2000

Page 4 of 4

SECTION 8. That all ordinances or portions thereof in conflict with the provisions of this ordinance, to the extent of such conflict, are hereby repealed. To the extent that such ordinances or portions thereof are not in conflict herewith, the same shall remain in full force and effect.

SECTION 9. That the ordinance shall become effective immediately from and after its passage and publication as the law in such cases provides.

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 5th day of July, 2000.



Mike Anderson  
Mayor

ATTEST:

APPROVED:



Ellen Williams  
City Secretary



B.J. Smith  
City Attorney