

ORDINANCE NO. 3434

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, DESIGNATING A CERTAIN AREA AS REINVESTMENT ZONE NO. THIRTEEN (13) FOR HILLWOOD METRO NO. 9, L.P., FOR COMMERCIAL/INDUSTRIAL TAX ABATEMENT; ESTABLISHING THE BOUNDARIES THEREOF AND OTHER MATTERS RELATING THERETO; PROVIDING A REPEALER CLAUSE; AND DECLARING AN EFFECTIVE DATE.

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. 25-2001 duly adopted by the City on the 5th day of June, 2001, a public hearing before the City Council was set for 3:00 p.m. on the 2nd day of July, 2001, 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 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, 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. That for the purposes of this ordinance, certain terms shall have the meaning ascribed in the following definitions:

- (a) Improvements - Improvements shall include, for the purpose of establishing eligibility under subsection 5(b), any activity at the location including but not limited to new construction; and

- (b) Taxable Property - Taxable property shall be as defined in the Texas Property Tax Code and shall not include land; and
- (c) Base Year - The base year for determining increased value shall be the taxable property value assessed during 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; 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. Thirteen (13), City of Mesquite, Texas.

SECTION 5. 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; and
- (b) Meet at least two of the following criteria:
 - (1) The project must result in a net increase of at least two million dollars (2,000,000.00) in taxable value; or
 - (2) The project must conform to the Comprehensive Zoning Ordinance; or
 - (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 safely or primarily have the effect of transferring employment from one part of the City to another; and
- (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; and
- (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; and
- (b) Access to and inspection of property by City 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 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.

SECTION 8. That the zone shall take effect on August 2, 2001, or at an earlier time designated by subsequent ordinance.

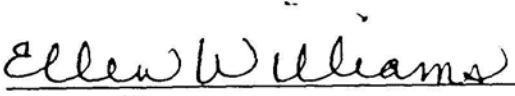
DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas,
on the 2nd day of July, 2001.



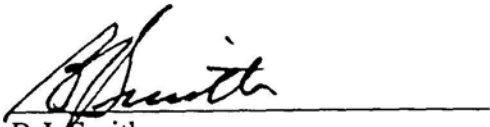
Mike Anderson
Mayor

ATTEST:

APPROVED:



Ellen Williams
City Secretary



B.J. Smith
City Attorney

PROPOSED BLOCK 1, LOT 2

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 (D.R.D.C.T.), and being all of proposed Block 1, Lot 2 of proposed Skyline Business Park, Block 1, Lot 1, & Lot 2 and Block 2, Lot 1, a proposed addition to said City of Mesquite, and being more particularly described as follows:

COMMENCING at a set 1/2-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 Texas & Pacific Railroad right-of-way (200 foot right-of-way);

THENCE North 79 degrees 34 minutes 15 seconds West, departing said westerly line and along said northerly line, a distance of 616.03 feet to a set 1/2-inch iron rod with cap for the point of curvature of a circular curve to the left having a radius of 2964.79 feet;

THENCE Westerly, continuing along said northerly line and said curve to the left, through a central angle of 02 degrees 13 minutes 47 seconds for an arc distance of 115.38 feet to the POINT OF BEGINNING, said point being on a circular curve to the left having a radius of 2964.79 feet and whose chord bears North 89 degrees 35 minutes 51 seconds West, a distance of 804.44 feet;

THENCE Westerly, continuing along said northerly line and said curve to the left, through a central angle of 15 degrees 35 minutes 39 seconds for an arc distance of 806.93 feet to a found 1/2-inch iron rod on the northeast line of a tract of land described in deed to Missouri Pacific Railroad Co. as recorded in Volume 96052, Page 1833, D.R.D.C.T.;

THENCE North 45 degrees 10 minutes 05 seconds West, departing said northerly line and along said northeast line, a distance of 947.58 feet to a set 1/2-inch iron rod with cap on the southeast line of a Dallas Power & Light Co. right-of-way (125 foot right-of-way) as recorded in Volume 5591, Page 588, D.R.D.C.T.;

THENCE North 44 degrees 13 minutes 32 seconds East, departing said northeast line and along said southeast line, a distance of 681.59 feet to a point on the southerly line of proposed Chase Road (70 foot right-of-way at this point);

THENCE South 45 degrees 46 minutes 28 seconds East, departing said southeast line and along said southerly line, a distance of 775.90 feet to the point of curvature of a circular curve to the right having a radius of 25.00 feet;

THENCE Southeasterly, continuing along said southerly line and said curve to the right, through a central angle of 50 degrees 49 minutes 53 seconds for an arc distance of 22.18 feet to the point of reverse curvature of a circular curve to the left having a radius of 70.00 feet;

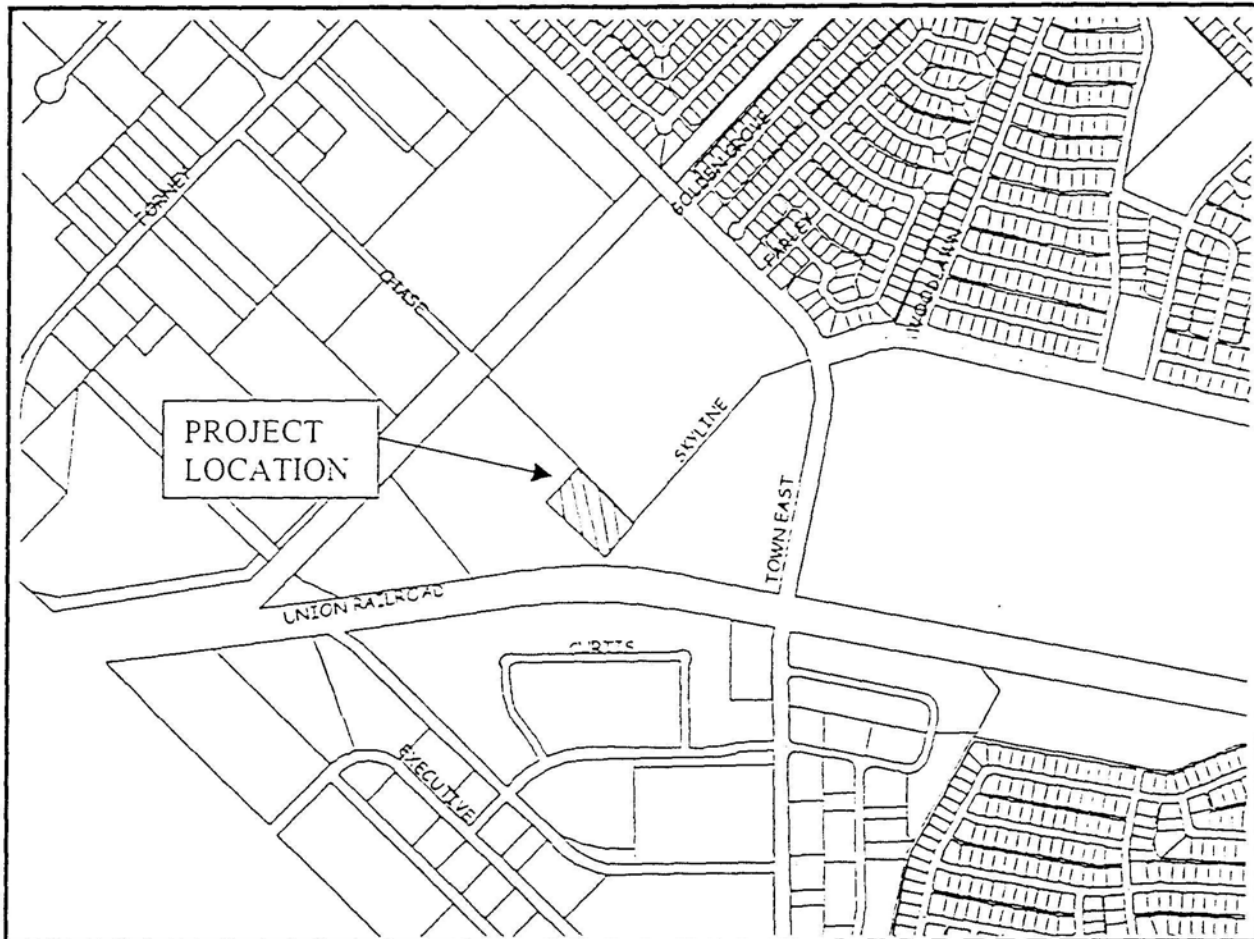
THENCE Southeasterly, continuing along said southerly line and said curve to the left, through a central angle of 94 degrees 05 minutes 09 seconds for an arc distance of 114.95 feet to a point on the westerly line of proposed Block 1, Lot 1;

THENCE South 00 degrees 58 minutes 10 seconds West, departing said southerly line and along said westerly line a distance of 162.87 feet to a point for corner;

THENCE South 45 degrees 46 minutes 29 seconds East continuing along said westerly line, a distance of 518.78 feet to the POINT OF BEGINNING AND CONTAINING 794,473 square feet or 18.24 acres of land, more or less.



PUBLIC HEARING



To: ALL INTERESTED PERSONS AND THE OWNERS OF PROPERTY IN THE CITY OF MESQUITE

"NOTICE OF PUBLIC HEARING ON THE CREATION OF REINVESTMENT ZONE"

The City Council of the City of Mesquite, Texas will conduct a public hearing at 3:00 P.M. Monday, July 2, 2001, in the City Council Chambers of the Municipal Center, 711 N. Galloway, for the purpose of receiving public comment on the creation of a Reinvestment Zone Number Thirteen (13), City of Mesquite, Texas (The "Zone"), and its benefits to the City and to the property in the proposed Zone. The proposed Zone is the tract of land in Dallas County, Texas, as indicated on the map above. A more particular legal description of the boundary of the proposed Zone, a description of the tentative plans for the development of the proposed Zone and an estimate of the general impact of the proposed Reinvestment Zone on property value and tax revenues is on file in the Economic Development Office for public inspection. This hearing is pursuant to Resolution No. 25-2001 approved by the City Council on June 5, 2001.