

ORDINANCE NO. 3447

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, DESIGNATING A CERTAIN AREA AS REINVESTMENT ZONE NO. FOURTEEN FOR HILLWOOD METRO NO. 11, L.P., FOR COMMERCIAL/INDUSTRIAL TAX ABATEMENT; ESTABLISHING THE BOUNDARIES THEREOF AND OTHER MATTERS RELATING THERETO; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY 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. 47-2001 duly adopted by the City on the 4th day of September, 2001, a public hearing before the City Council was set for 3:00 p.m. on the 17th day of September, 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. Fourteen (14), 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 (\$2,000,000.00) dollars 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:

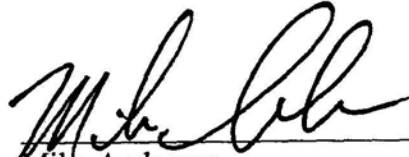
- (a) Listing the kind, number and location of all proposed improvements of the property; and
- (b) Access to and inspection of property by City municipal employees to ensure that the improvements or repairs are made according to the specifications and conditions of the agreement; and
- (c) Limiting 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 7. That all ordinance 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 8. 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 9. That the Zone shall take effect on October 1, 2001, or at an earlier time designated by subsequent ordinance.

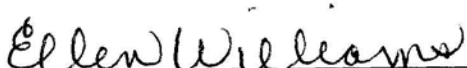
DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 17th day of September, 2001.




Mike Anderson
Mayor

ATTEST:

APPROVED:



Ellen Williams
City Secretary



B. J. Smith
City Attorney

PROPOSED BLOCK 1, LOT 1

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, and being all of proposed Block 1, Lot 1 of proposed Skyline Business Park, Block 1, Lot 1, & Lot 2 and Block 2, Lot 3, a proposed addition to said City of Mesquite, and being more particularly described as follows:

BEGINNING as a set ½-inch 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 ½-inch rod 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, along 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 a point on the easterly line of proposed Block 1, Lot 2;

THENCE North 45 degrees 46 minutes 29 seconds West, departing said northerly line and along said easterly line, a distance of 518.78 feet to a point for corner;

THENCE North 00 degrees 58 minutes 10 seconds East, continuing along said easterly line, a distance of 162.87 feet to a point for corner on the southerly line of proposed Skyline Drive (variable width right-of-way at this point), said point being on a circular curve to the left having a radius of 70.00 feet and a chord which bears North 42 degrees 10 minutes 58 seconds East, a distance of 105.32 feet;

THENCE Northeasterly, departing said easterly line and along said southerly line and said curve to the left, through a central angle of 97 degrees 34 minutes 38 seconds for an arc distance of 119.21 feet to the point of reverse curvature of a circular curve to the right having a radius of 25.00 feet;

THENCE Northeasterly, 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 tangency;

THENCE North 44 degrees 13 minutes 32 seconds East, continuing along said southerly line, a distance of 717.83 feet to the point of curvature of a circular curve to the right having a radius of 200.00 feet;

THENCE continuing along said southerly line and said circular curve to the right, through a central angle of 55 degrees 52 minutes 12 seconds for an arc distance of 195.02 feet to the point of tangency;

THENCE South 79 degrees 54 minutes 16 seconds East, continuing along said southerly line, a distance of 327.97 feet to the point of curvature of a circular curve to the left having a radius of 270.00 feet;

THENCE Easterly, continuing along said southerly line and said curve to the left, through a central angle of 28 degrees 30 minutes 02 seconds for an arc distance of 134.31 feet to the point of tangency;

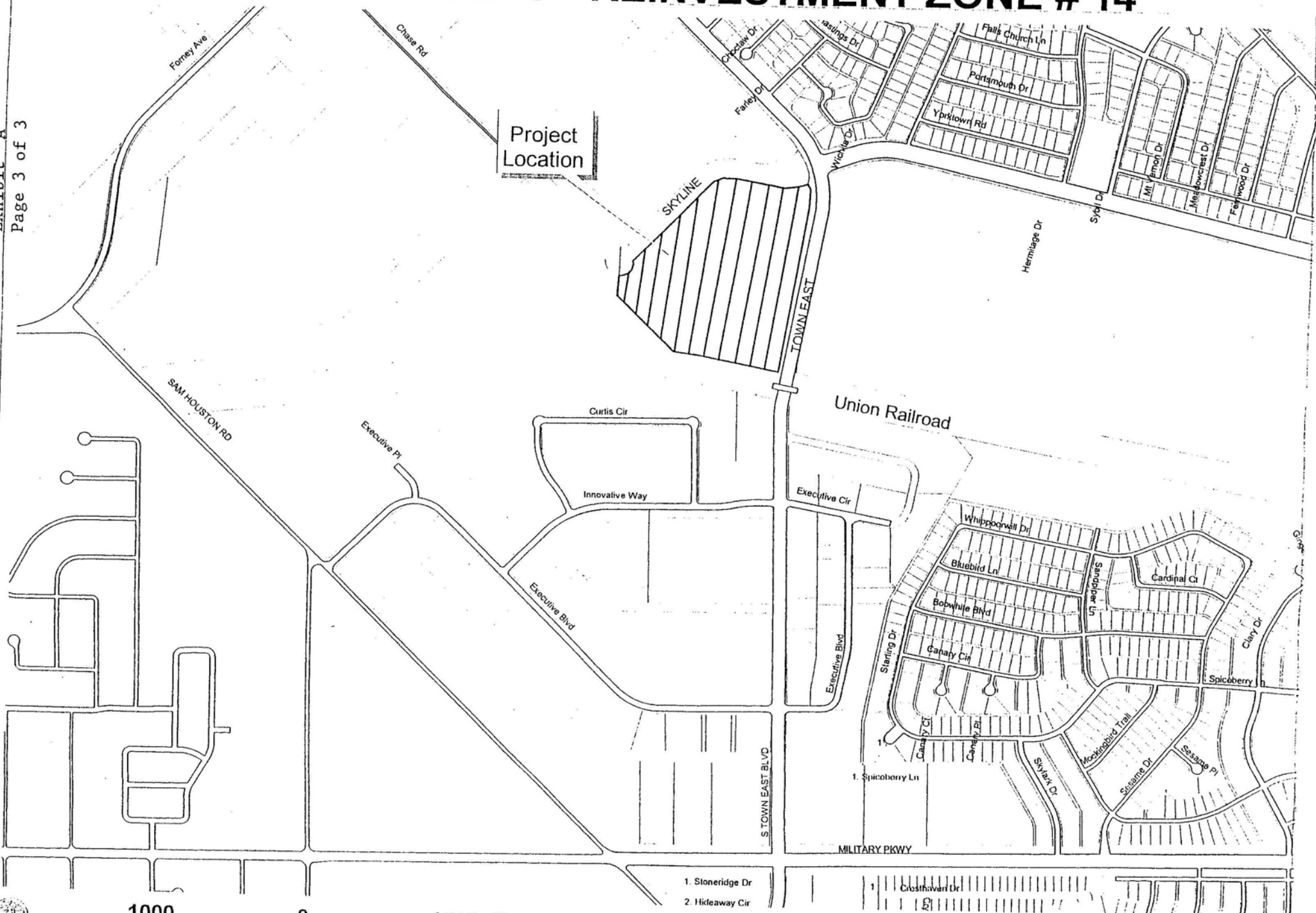
THENCE North 71 degrees 35 minutes 42 seconds East, continuing along said southerly line, a distance of 77.40 feet to a point on the aforementioned westerly right-of-way line of Town East Boulevard, said point also being on a circular curve to the right having a radius of 600.00 feet and a chord which bears South 00 degrees 20 minutes 58 seconds East, a distance of 224.42 feet;

THENCE Southerly, departing said southerly line and along said westerly line and said curve to the right, through a central angle of 21 degrees 33 minutes 27 seconds for an arc distance of 225.75 feet to the point of tangency;

THENCE South 10 degrees 25 minutes 45 seconds West, a distance of 1,095.30 feet to the POINT OF BEGINNING AND CONTAINING 1,208,563 square feet or 27.74 acres of land, more or less.

PUBLIC HEARING - REINVESTMENT ZONE # 14

Exhibit "A"
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- 1. Stoneridge Dr
- 2. Hideaway Cir

Project Manager: Tom Palmer
Drawn By: Tim Carpenter
Date: 8/23/2001
Pathway: j:\engineering\engr_tech\arcview\projects\publichearing

