

ORDINANCE NO. 3448

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, DESIGNATING A CERTAIN AREA AS REINVESTMENT ZONE NO. FIFTEEN FOR IRIS U.S.A., INC., 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. 48-2001 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. Fifteen (15), 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.

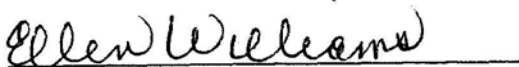
DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 17th day of September, 2001.



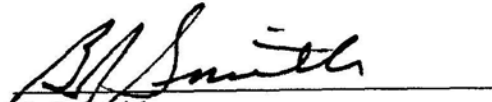
Mike Anderson
Mayor

ATTEST:

APPROVED:



Ellen Williams
City Secretary



B. J. Smith
City Attorney

FIELD NOTES

BEING a tract or parcel of land situated in the City of Mesquite, Dallas County, Texas and being part of the Daniel Tanner Survey, Abstract No. 1462, and further being part of the tract of land conveyed to Caroline Hunt Trust Estate by deed recorded in Volume 5122, Page 195, of the Deed Records of Dallas County, Texas, and being more particularly described as follows:

BEGINNING at the point of intersection of the West line of Town East Boulevard. (a 100' R.O.W.), with the North line of Curtis Blvd. (a 50' R.O.W.), an iron stake found for corner;

THENCE along the North and Northwest line of said Curtis Blvd., the following:

S 89 degrees 50' 05" W, a distance of 100.46 feet to the beginning of a curve to the left having a central angle of 10 degrees 20' and a radius of 854.46 feet, an iron stake found for corner;

Westerly around said curve, a distance of 154.10 feet to an iron stake for corner;

S 79 degrees 30' 05" W, a distance of 2.47 feet to the beginning of a curve to the right, having a central angle of 10 degrees 20' and a radius of 804.46 feet, an iron stake found for corner;

Westerly around said curve, a distance of 145.09 feet to an iron stake found for corner;

S 89 degrees 50' 05" W, a distance of 687.94 feet to the beginning of a curve to the left, having a central angle of 44 degrees 53' and a radius of 629.55 feet, an iron stake found for corner;

Southwesterly around said curve, a distance of 493.17 feet to an iron stake set for corner;

S 44 degrees 57' 05" W, a distance of 49.70 feet to a point on the Northeast line of a 63'; Texas & Pacific R.R. R.O.W. & Utility Easements, an iron stake set for corner;

THENCE N 44 degrees 58' 40" W, along said Northeast line of a 63' Texas & Pacific R.R. R.O.W. & Utility Easement, and leaving said Northwest line of Curtis Blvd., a distance of 1387.29 feet to a point along the Southerly line of the Texas & Pacific R.R. (a 200' R.O.W.) an iron stake found for corner;

THENCE along the said Southerly line of the Texas & Pacific R.R. the following:

N 83 degrees 11' 25" E, a distance of 1038.84 feet to the beginning of a curve to the right, having a central angle of 17 degrees 59' 25" and a radius of 2764.79 feet, an iron stake found for corner;

Easterly around said curve, a distance of 868.12 feet to an iron stake found for corner;

S 78 degrees 49' 10" E, a distance of 349.92 feet to the Northwest corner of Lot 1, Block H of Skyline Industrial Village No. 4, an addition to the City of Mesquite, Texas, as recorded in Volume 82197, Page 3079 of the Map Records of Dallas County, Texas, an iron stake found for corner;

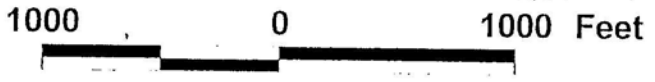
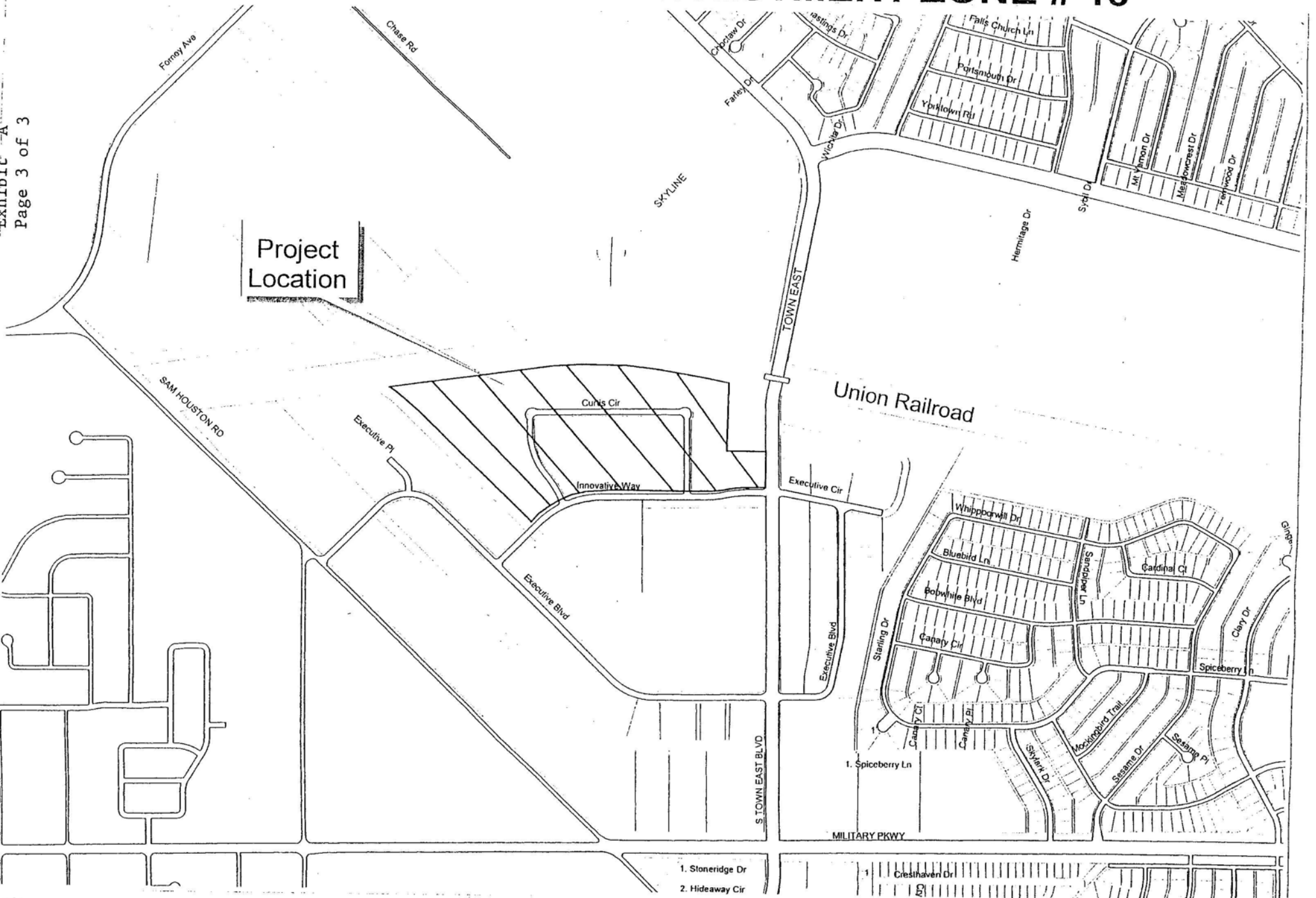
THENCE S 0 degrees 12' 10" E, leaving said Southerly line of the Texas & Pacific R.R. and along the West line of said Lot 1, Block H of Skyline Industrial Village No. 4, a distance of 465.19 feet to the Southwest corner of same said Lot 1, Block H, an iron stake set for corner;

THENCE N 89 degrees 50' 05" E, along the South line of said Lot 1, Block H, a distance of 250.0 feet to a point on the above-mentioned West line of Town East Blvd., an "X" in concrete for corner;

THENCE S 12' 10" E, along said West line of Town East Blvd., a distance of 232.22 feet to the PLACE OF BEGINNING and containing 1,639,128 square feet, or 37.629 gross acres, SAVE AND EXCEPT 114,124 square feet or 2.619 acres in the Curtis Circle Street Dedication Plat, leaving 35.010 net acres of land.

PUBLIC HEARING - REINVESTMENT ZONE # 15

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

