

ORDINANCE NO. 3505

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, DESIGNATING A CERTAIN AREA AS REINVESTMENT ZONE NO. SIXTEEN FOR PROLOGIS DEVELOPMENT SERVICES INCORPORATED 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. 24-2002 duly adopted by the City on the 20th day of May, 2002, a public hearing before the City Council was set for 3:00 p.m. on the 3rd day of June, 2002, 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. Sixteen (16), 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 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 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 immediately from and after the passage of this ordinance.

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 3rd day of June, 2002.



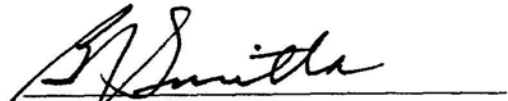
Mike Anderson  
Mayor

ATTEST:

APPROVED:



Ellen Williams  
City Secretary



B. J. Smith  
City Attorney

PROPOSED BLOCK 1, LOT 1

BEING a 30.76 acre tract of land situated in the City of Mesquite, Dallas County, Texas, being out of the Isaac Beeman Survey, Abstract Number 82, and being a portion of the tract of land described in deed to the Buckner Orphans Home, recorded in Volume 2595, Page 436, Deed Records of Dallas County, Texas, said 30.76 acre tract of land being more particularly described as follows:

COMMENCING at the point of intersection of the northerly right-of-way line of Samuel Boulevard (120' right-of-way) with the curving easterly right-of-way line of Buckner Boulevard (Loop 12) (a variable width right-of-way), the radius point of said curve being situated South 88 degrees 26 minutes 07 seconds East, a distance of 1860.00 feet from said iron rod;

THENCE North 89 degrees 58 minutes 00 seconds East, along said northerly right-of-way line of Samuel Boulevard, a distance of 1824.21 feet to the POINT OF BEGINNING;

THENCE North 00 degrees 03 minutes 25 seconds West, departing said northerly right-of-way line of Samuel Boulevard, a distance of 1370.00 feet to a point for corner;

THENCE North 89 degrees 58 minutes 00 seconds East, a distance of 978.00 feet to a point for corner in the westerly line of the Big Town Addition, an addition to the City of Mesquite, according to the plat thereof recorded in Volume 37, Page 215, Map Records of Dallas County, Texas;

THENCE South 00 degrees 03 minutes 25 seconds East, along said westerly line of said Big Town Addition, a distance of 1370.00 feet to a point for corner in the northerly right-of-way line of Samuel Boulevard for the southwest corner of said Big Town Addition;

THENCE South 89 degrees 58 minutes 00 seconds West, along said northerly right-of-way line of Samuel Boulevard, a distance of 978.00 feet to the POINT OF BEGINNING AND CONTAINING 1,339,860 square feet or 30.76 acres of land, more or less.

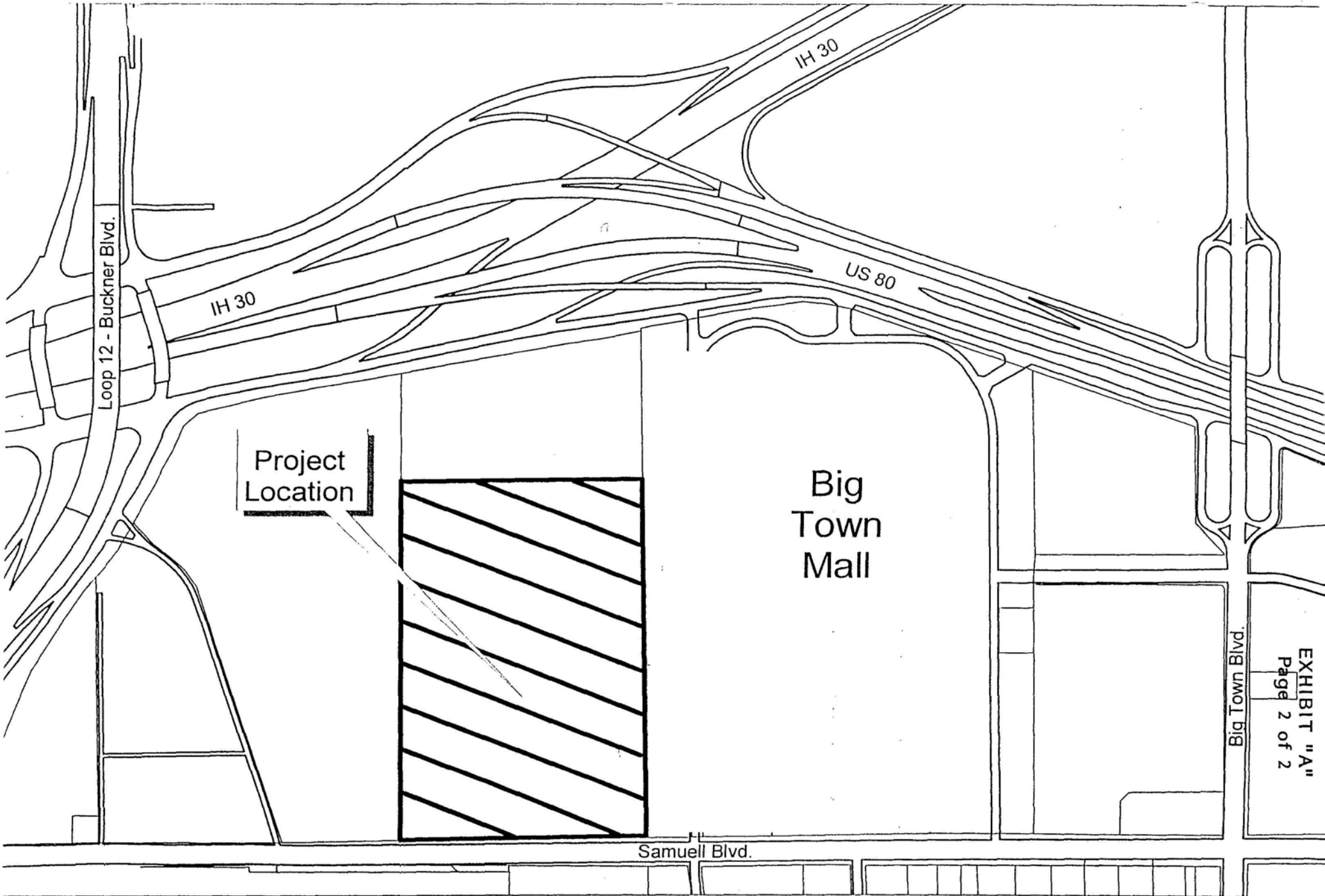
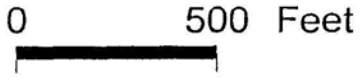


EXHIBIT "A"  
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# Public Hearing Reinvestment Zone 16



Project Manager: Tom Palmer  
Drawn By: Steve Rhone  
Date: November 15, 2001  
Pathway: J:/engineering/engr\_tech/arcview/projects/public hearing zone 16.apr

