

ORDINANCE NO. 4019

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, DESIGNATING A CERTAIN AREA FOR A TAX INCREMENT FINANCING DISTRICT TO BE KNOWN AS THE RIDGE RANCH TAX INCREMENT FINANCE REINVESTMENT ZONE NO. FIVE, CITY OF MESQUITE, TEXAS; ESTABLISHING THE BOUNDARIES THEREOF; ESTABLISHING A BOARD OF DIRECTORS FOR SUCH REINVESTMENT ZONE AND OTHER MATTERS RELATING THERETO; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR A SEVERABILITY 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 the creation of a reinvestment zone in compliance with Section 311.005(a)(2) of the Tax Increment Financing Act, Chapter 311 of the Texas Property Tax Code, Vernon's Texas Codes Annotated (the "Act"); and

WHEREAS, in compliance with the Act, the City called a public hearing to hear comments on the creation of the proposed reinvestment zone and its benefits to the City and the property in the proposed reinvestment zone; and

WHEREAS, a public hearing was set for 3:00 p.m. on December 15, 2008, such date being at least seven 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 of such hearing 60 days prior thereto to all taxing units overlapping the territory inside the proposed reinvestment zone; and

WHEREAS, the City at such hearing invited any interested person, or his attorney, 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, the concept of tax increment financing and the appointment of a board of directors for the proposed reinvestment zone; and

WHEREAS, the proponents of the reinvestment zone offered 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 appeared 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 the facts and recitations contained in the preamble of this ordinance are hereby found and declared to be true and correct.

SECTION 2. That the City Council, 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 notices of such hearings have 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 description attached hereto as Exhibit "A;" and
- (c) That improvements in the reinvestment zone created herein for tax increment financing as described in Exhibit "A" will significantly enhance the value of all taxable real property in the reinvestment zone and will be of general benefit to the City; 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 311.005 of the Act in that:
  - (1) It is a contiguous geographic area located wholly within the corporate limits of the City; and
  - (2) The area is predominately open and because of obsolete platting or deterioration of structures or site improvements, substantially impairs or arrests the growth of the City.
- (e) That 10 percent or less of the property in the proposed reinvestment zone, excluding property dedicated to public use, is currently used for residential purposes, which is defined in the Act as any property occupied by a house which has less than five living units; and
- (f) That the total appraised value of all taxable real property in the proposed reinvestment zone according to the most recent appraisal rolls of the City, together with the total appraised value of taxable real property in all other existing reinvestment zones within the City, according to the most recent appraisal rolls of the City, does not exceed 15 percent of the total appraised value of taxable real property in the City and in the industrial districts created by the City, if any; and
- (g) That the proposed reinvestment zone does not contain more than 15 percent of the total appraised value of real property taxable by Dallas County or Mesquite Independent School District; and

- (h) That the improvements in the reinvestment zone will significantly enhance the value of all taxable real property in the reinvestment zone; and
- (i) That the level of development or redevelopment of the property in the proposed reinvestment zone will not occur solely through private investment in the reasonably foreseeable future.

SECTION 3. That pursuant to the Act, the City hereby creates a reinvestment zone for tax increment financing encompassing only the area described by the description in Exhibit "A" attached hereto and such reinvestment zone is hereby designated and shall hereafter be designated as the Ridge Ranch Tax Increment Finance Reinvestment Zone No. Five, City of Mesquite, Texas (the "Zone").

SECTION 4. That the Zone shall take effect on January 1, 2009, and that the termination of the Zone shall occur on December 31, 2028, or at an earlier time designated by subsequent ordinance of the City Council in the event the City determines that the Zone should be terminated due to insufficient private investment, accelerated private investment or other good cause, or at such time as all project costs and tax increment bonds, if any, and the interest thereon, have been paid in full.

SECTION 5. That there is hereby established a board of directors ("Board") for the Zone which shall consist of seven members. The Board for the Zone shall be appointed by the City Council as follows:

- (a) The initial Board shall be appointed by resolution of the governing body of the City within 60 days of the passage of this ordinance or within a reasonable time thereafter. All members appointed to the Board shall meet eligibility requirements as set forth in the Act.
- (b) The terms of the Board members shall be for two-year terms. The City Council shall annually designate a member of the Board to serve as Chairman of the Board for a one-year term, and the Board shall elect from its members, a Vice Chairman and other officers as it sees fit.
- (c) The Board shall make recommendations to the City Council concerning the administration of the Zone. It shall prepare and adopt a project plan and reinvestment zone financing plan for the Zone and must submit such plans to the City Council for its approval. The Board shall possess all powers necessary to prepare, implement and monitor such project plan for the Zone as the City Council considers advisable, including the submission of an annual report on the status of the Zone.

SECTION 6. That there is hereby created and established a Tax Increment Fund for the Zone which may be divided into such subaccounts as may be authorized by subsequent resolution or ordinance, into which all Tax Increments, less any of the amounts not required to be paid into the Tax Increment Fund pursuant to the Act, are to be deposited. The Tax Increment Fund


and any subaccounts are to be maintained in an account at the depository bank of the City and shall be secured in the manner prescribed by law. In addition, all revenues from the sale of any tax increment bonds and notes hereafter issued by the City, revenues from the sale of any property acquired as part of the tax increment financing plan and other revenues to be dedicated to and used in the Zone shall be deposited into such fund or subaccount from which money will be disbursed to pay project costs for the Zone or to satisfy the claims of holders of tax increment bonds or notes issued for the Zone.

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.

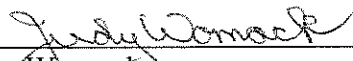
SECTION 8. That should any word, sentence, clause, paragraph or provision of this ordinance be held to be invalid or unconstitutional, the validity of the remaining provisions of this ordinance shall not be affected and shall remain in full force and effect.

SECTION 9. This ordinance shall take effect immediately from and after its passage and publication of said ordinance as the law in such cases provides.


DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 15th day of December, 2008.

  
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John Monaco  
Mayor

ATTEST:

  
\_\_\_\_\_  
Judy Womack  
City Secretary

APPROVED:

  
\_\_\_\_\_  
B. J. Smith  
City Attorney

|  |            |          |          |
|--|------------|----------|----------|
| <b>BOUNDARY EXHIBIT</b>  |            |          |          |
| <b>283.878 ACRES</b>   |            |          |          |
| J.P. ANDERSON SURVEY, ABSTRACT NO. 1                                 |            |          |          |
| CITY OF MISOURI, DALLAS COUNTY, TEXAS                                |            |          |          |
|  |            |          |          |
| DOWDY, ANDERSON & ASSOCIATES, INC.                                   |            |          |          |
| 293 Village Creek Drive, Suite 200    Plano, Texas 75093    974-1944 |            |          |          |
| CLIENT   | DRAWN      | CHECKED  | DATE     |
| SCALE  | DATE       | DATE     | DATE     |
| 1" = 200'  | 08/10/2008 | 11/20/07 | 08/10/08 |
| SHEET  | NO.        | TOTAL    |          |
| 1  |            | 1        |          |

**LEGAL DESCRIPTION:**

Being a part of the Survey of the Anderson Survey, Abstract No. 1, City of Missouri, Dallas County, Texas and being all of some lots of said Survey, the same are more particularly described as follows: To wit: Lots 1 through 24, 26 through 30, 32 through 34, 36 through 38, 40 through 42, 44 through 46, 48 through 50, 52 through 54, 56 through 58, 60 through 62, 64 through 66, 68 through 70, 72 through 74, 76 through 78, 80 through 82, 84 through 86, 88 through 90, 92 through 94, 96 through 98, 100 through 102, 104 through 106, 108 through 110, 112 through 114, 116 through 118, 120 through 122, 124 through 126, 128 through 130, 132 through 134, 136 through 138, 140 through 142, 144 through 146, 148 through 150, 152 through 154, 156 through 158, 160 through 162, 164 through 166, 168 through 170, 172 through 174, 176 through 178, 180 through 182, 184 through 186, 188 through 190, 192 through 194, 196 through 198, 200 through 202, 204 through 206, 208 through 210, 212 through 214, 216 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452 through 454, 456 through 458, 460 through 462, 464 through 466, 468 through 470, 472 through 474, 476 through 478, 480 through 482, 484 through 486, 488 through 490, 492 through 494, 496 through 498, 500 through 502, 504 through 506, 508 through 510, 512 through 514, 516 through 518, 520 through 522, 524 through 526, 528 through 530, 532 through 534, 536 through 538, 540 through 542, 544 through 546, 548 through 550, 552 through 554, 556 through 558, 560 through 562, 564 through 566, 568 through 570, 572 through 574, 576 through 578, 580 through 582, 584 through 586, 588 through 590, 592 through 594, 596 through 598, 600 through 602, 604 through 606, 608 through 610, 612 through 614, 616 through 618, 620 through 622, 624 through 626, 628 through 630, 632 through 634, 636 through 638, 640 through 642, 644 through 646, 648 through 650, 652 through 654, 656 through 658, 660 through 662, 664 through 666, 668 through 670, 672 through 674, 676 through 678, 680 through 682, 684 through 686, 688 through 690, 692 through 694, 696 through 698, 700 through 702, 704 through 706, 708 through 710, 712 through 714, 716 through 718, 720 through 722, 724 through 726, 728 through 730, 732 through 734, 736 through 738, 740 through 742, 744 through 746, 748 through 750, 752 through 754, 756 through 758, 760 through 762, 764 through 766, 768 through 770, 772 through 774, 776 through 778, 780 through 782, 784 through 786, 788 through 790, 792 through 794, 796 through 798, 800 through 802, 804 through 806, 808 through 810, 812 through 814, 816 through 818, 820 through 822, 824 through 826, 828 through 830, 832 through 834, 836 through 838, 840 through 842, 844 through 846, 848 through 850, 852 through 854, 856 through 858, 860 through 862, 864 through 866, 868 through 870, 872 through 874, 876 through 878, 880 through 882, 884 through 886, 888 through 890, 892 through 894, 896 through 898, 900 through 902, 904 through 906, 908 through 910, 912 through 914, 916 through 918, 920 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1140 through 1142, 1144 through 1146, 1148 through 1150, 1152 through 1154, 1156 through 1158, 1160 through 1162, 1164 through 1166, 1168 through 1170, 1172 through 1174, 1176 through 1178, 1180 through 1182, 1184 through 1186, 1188 through 1190, 1192 through 1194, 1196 through 1198, 1200 through 1202, 1204 through 1206, 1208 through 1210, 1212 through 1214, 1216 through 1218, 1220 through 1222, 1224 through 1226, 1228 through 1230, 1232 through 1234, 1236 through 1238, 1240 through 1242, 1244 through 1246, 1248 through 1250, 1252 through 1254, 1256 through 1258, 1260 through 1262, 1264 through 1266, 1268 through 1270, 1272 through 1274, 1276 through 1278, 1280 through 1282, 1284 through 1286, 1288 through 1290, 1292 through 1294, 1296 through 1298, 1300 through 1302, 1304 through 1306, 1308 through 1310, 1312 through 1314, 1316 through 1318, 1320 through 1322, 1324 through 1326, 1328 through 1330, 1332 through 1334, 1336 through 1338, 1340 through 1342, 1344 through 1346, 1348 through 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through 3662, 3664 through 3666, 3668 through 3670, 3672 through 3674, 3676 through 3678, 3680 through 3682, 3684 through 3686, 3688 through 3690, 3692 through 3694, 3696 through 3698, 3700 through 3702, 3704 through 3706, 3708 through 3710, 3712 through 3714, 3716 through 3718, 3720 through 3722, 3724 through 3726, 3728 through 3730, 3732 through 3734, 3736 through 3738, 3740 through 3742, 3744 through 3746, 3748 through 3750, 3752 through 3754, 3756 through 3758, 3760 through 3762, 3764 through 3766, 3768 through 3770, 3772 through 3774, 3776 through 3778, 3780 through 3782, 3784 through 3786, 3788 through 3790, 3792 through 3794, 3796 through 3798, 3800 through 3802, 3804 through 3806, 3808 through 3810, 3812 through 3814, 3816 through 3818, 3820 through 3822, 3824 through 3826, 3828 through 3830, 3832 through 3834, 3836 through 3838, 3840 through 3842, 3844 through 3846, 3848 through 3850, 3852 through 3854, 3856 through 3858, 3860 through 3862, 3864 through 3866, 3868 through 3870, 3872 through 3874, 3876 through 3878, 3880 through 3882, 3884 through 3886, 3888 through 3890, 3892 through 3894, 3896 through 3898, 3900 through 3902, 3904 through 3906, 3908 through 3910, 3912 through 3914, 3916 through 3918, 3920 through 3922, 3924 through 3926, 3928 through 3930, 3932 through 3934, 3936 through 3938, 3940 through 3942, 3944 through 3946, 3948 through 3950, 3952 through 3954, 3956 through 3958, 3960 through 3962, 3964 through 3966, 3968 through 3970, 3972 through 3974, 3976 through 3978, 3980 through 3982, 3984 through 3986, 3988 through 3990, 3992 through 3994, 3996 through 3998, 4000 through 4002, 4004 through 4006, 4008 through 4010, 4012 through 4014, 4016 through 4018, 4020 through 4022, 4024 through 4026, 4028 through 4030, 4032 through 4034, 4036 through 4038, 4040 through 4042, 4044 through 4046, 4048 through 4050, 4052 through 4054, 4056 through 4058, 4060 through 4062, 4064 through 4066, 4068 through 4070, 4072 through 4074, 4076 through 4078, 4080 through 4082, 4084 through 4086, 4088 through 4090, 4092 through 4094, 4096 through 4098, 4100 through 4102, 4104 through 4106, 4108 through 4110, 4112 through 4114,