

ORDINANCE NO. 4402

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, DESIGNATING A CERTAIN AREA FOR A TAX INCREMENT FINANCING DISTRICT TO BE KNOWN AS THE GUS THOMASSON TAX INCREMENT FINANCE REINVESTMENT ZONE NO. EIGHT, 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; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE THEREOF.

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, V.T.C.A., Tax Code, Chapter 311 (the "Act") for tax increment financing; and

WHEREAS, in compliance with the Act, a preliminary reinvestment zone financing plan for the proposed reinvestment zone has been prepared; and

WHEREAS, in compliance with the Act, the City has 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 has been set for 7:00 p.m. on November 2, 2015, such date being at least seven days after the date of publication of the notice of such public hearing in a newspaper of general circulation in the City; and

WHEREAS, the City held such public hearing after publishing notice of such public hearing as required by law; and

WHEREAS, the City has provided a reasonable opportunity for the owners of property within the proposed reinvestment zone to protest the inclusion of their property in the proposed reinvestment zone; and

WHEREAS, at such hearing the City invited all interested persons to speak for or against the creation of the proposed reinvestment zone, its approval by the City Council, the boundaries of the proposed reinvestment zone and/or the concept of tax increment financing; 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, if any, 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 hearing and having heard such evidence and testimony, has made the following additional findings and determinations based on the testimony and evidence presented to it:

- a. That a preliminary reinvestment zone financing plan for the proposed reinvestment zone has been prepared, 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 that owners of property within the proposed reinvestment zone have been given a reasonable opportunity to protest the inclusion of their property in the proposed reinvestment zone; and
- b. That the boundaries of the reinvestment zone should be the area shaded in yellow as depicted on the map attached hereto as Exhibit "A" and made a part hereof for all purposes; and
- c. That the reinvestment zone as depicted as the area shaded in yellow on the map attached hereto as Exhibit "A" is a contiguous geographic area located wholly within the corporate limits of the City; and
- d. That improvements in the reinvestment zone created herein will significantly enhance the value of all the taxable real property in the reinvestment zone and will be of general benefit to the City; and
- e. That the reinvestment zone as depicted as the area shaded in yellow on the map attached hereto as Exhibit "A" meets the criteria for the creation of a reinvestment zone as set forth in Section 311.005 of the Act in that the area within the proposed reinvestment zone is predominately open or undeveloped and, because of obsolete platting, deterioration of structures or site improvements, or other factors, substantially impairs or arrests the sound growth of the City; and
- f. That 30 percent or less of the property in the proposed reinvestment zone, excluding property that is publicly owned, is used for residential purposes, which is defined in the Act as property occupied by a house having fewer than five living units; and
- g. That the total appraised value of 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 existing reinvestment zones within the City, according to the most recent appraisal rolls of the City, does not exceed 25 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

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

SECTION 3. That pursuant to the Act, the City hereby creates a reinvestment zone for tax increment financing encompassing only the area shaded in yellow as depicted on the map attached hereto as Exhibit "A" and made a part hereof for all purposes and such reinvestment zone is hereby designated and shall hereafter be designated as the Gus Thomasson Tax Increment Finance Reinvestment Zone No. Eight, City of Mesquite, Texas (the "Zone").

SECTION 4. That the Zone shall take effect on November 2, 2015, immediately upon passage of this ordinance, and that the termination of the Zone shall occur on the earlier of: (i) December 31, 2035; or (ii) an earlier or later termination date designated by an ordinance adopted under Section 311.007(c) of the Act; or (iii) on the date on which all project costs and tax increment bonds, if any, and the interest thereon, and other obligations of the Zone have been paid in full.

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

- a. The initial Board shall be appointed by the governing body of the City within 60 days after the passage of this ordinance or within a reasonable time thereafter. All members appointed to the Board shall meet the eligibility requirements as set forth in the Act.
- b. The terms of the Board members shall be for two-year terms. Each year the City Council shall appoint one member of the Board to serve as Chairman of the Board for a term of one year that begins on January 1 of the following year. The Board shall elect from its members, a Vice Chairman to preside in the absence of the Chairman or when there is a vacancy in the office of Chairman, and other officers as it considers appropriate.
- c. The Board shall make recommendations to the City Council concerning the administration of the Act in the Zone. The Board 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 the project plan for the Zone as the City Council considers advisable, including the submission of an annual report on the status of the Zone provided, however, the Board is not authorized to

issue bonds, impose taxes or fees, exercise the power of eminent domain or give final approval to the project plan for the Zone.

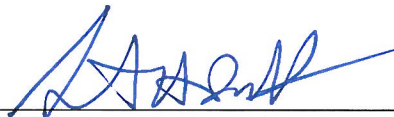
SECTION 6. That there is hereby created and established a tax increment fund for the Zone ("Tax Increment Fund") which may be divided into such subaccounts as may be authorized by subsequent resolution or ordinance, into which 75 percent of the tax increments of the City (as described in Section 311.012 of the Act), 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 or notes, revenues from the sale of any property acquired as part of the tax increment financing plan and other revenues to be used in the Zone shall be deposited into the Tax Increment Fund or subaccount from which money may be disbursed only to satisfy claims of holders of tax increment bonds or notes issued for the Zone, to pay project costs for the Zone, to make payments pursuant to an agreement made under Section 311.010(b) of the Act dedicating revenue from the Tax Increment Fund, or to repay other obligations incurred 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.

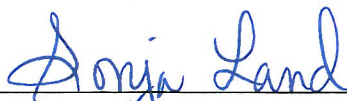
SECTION 9. That this ordinance shall take effect immediately upon passage of this ordinance.

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 2nd day of November, 2015.



Stan Pickett
Mayor

ATTEST:



Sonja Land
City Secretary

APPROVED:



B. J. Smith
City Attorney



Gus Thomasson TIF Boundary Map

GT TIF Boundary
 Mesquite City Limit

N

 0 250 500 1,000 1,500 2,000 Feet

Map Date: 9/30/2015; Q:\GIS\Projects\Economic_Development\Palmer\Gus_Thomasson_TIF\GT_TIF_Boundary_Letter.mxd