

ORDINANCE NO. 4464

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING ORDINANCE NO. 4401, PREVIOUSLY APPROVED BY THE CITY COUNCIL ON NOVEMBER 2, 2015, TO REDUCE THE BOUNDARIES AND GEOGRAPHIC AREA OF THE SKYLINE TAX INCREMENT FINANCE REINVESTMENT ZONE NO. SEVEN, CITY OF MESQUITE, TEXAS, TO AN AREA CONSISTING OF APPROXIMATELY 60.31 ACRES; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the City of Mesquite, Texas (“City”), has established the Skyline Tax Increment Finance Reinvestment Zone No. Seven, City of Mesquite, Texas (“Skyline TIF”) and has established a Board of Directors for the Skyline TIF to promote development or redevelopment within the Skyline TIF pursuant to Ordinance No. 4401, authorized by the City Council on November 2, 2015, as authorized by the Tax Increment Financing Act, V.T.C.A., Tax Code, Chapter 311 (the “Act”), as amended; and

WHEREAS, a Project Plan and Reinvestment Zone Financing Plan for the Skyline TIF has not yet been approved by the City Council; and

WHEREAS, a public hearing has been set for 7:00 p.m., on December 19, 2016, to provide interested persons the opportunity to speak and present evidence for or against amending the Skyline TIF to reduce the boundaries and geographic area of the Skyline TIF; and

WHEREAS, notice of the public hearing was published in a newspaper of general circulation in the City at least seven days before the date of the public hearing; and

WHEREAS, notice of the public hearing was also mailed to all property owners in the Skyline TIF; and

WHEREAS, the City desires, by holding such public hearing, to provide a reasonable opportunity for any owner of property located within the Skyline TIF and any other interested persons to speak for or against amending the Skyline TIF to reduce the boundaries and geographic area of the Skyline TIF; and

WHEREAS, the public hearing scheduled for 7:00 p.m., on December 19, 2016, has been held and closed; and

WHEREAS, the Board of Directors of the Skyline TIF has recommended that the boundaries and geographic area of the Skyline TIF be reduced to an area consisting of approximately 60.31 acres and being the property depicted as the shaded area on the map attached hereto as Exhibit “A” and made a part hereof for all purposes, said property being more particularly described by metes and bounds in Exhibit “A” attached hereto and made a part hereof for all purposes; and

WHEREAS, pursuant to §311.007 of the Act, the City Council may reduce the boundaries of the Skyline TIF by ordinance or resolution provided that: (i) 30 percent or less of the property in the Skyline TIF, as reduced, excluding property that is publicly owned, is used for residential purposes; and (ii) the total appraised value of taxable real property in the Skyline TIF, as reduced, and in other existing reinvestment zones in the City does not exceed 25 percent of the total appraised value of taxable real property in the City and in industrial districts created by the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS:

SECTION 1. That Ordinance No. 4401, previously approved by the City Council on November 2, 2015, is hereby amended to reduce the boundaries and geographic area of the Skyline TIF to an area consisting of approximately 60.31 acres and being the property depicted as the shaded area on the map attached hereto as Exhibit “A” and made a part hereof for all purposes, said property being more particularly described by metes and bounds in Exhibit “A” attached hereto and made a part hereof for all purposes (the “Skyline TIF Reduced Zone”).

SECTION 2. That the City Council finds that: (i) less than 30 percent of the Skyline TIF Reduced 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 (ii) the total appraised value of taxable real property in the Skyline TIF Reduced Zone, according to the most recent appraisal rolls of the City, together with the total appraised value of taxable real property in other existing reinvestment zones in 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 industrial districts created by the City.

SECTION 3. That the facts and recitations contained in the preamble of this ordinance are hereby found and declared to be true and correct.

SECTION 4. That the reduction of the boundaries and geographic area of the Skyline TIF as more fully set forth in this ordinance will result in benefits to the City and to the property included within the Skyline TIF Reduced Zone.

SECTION 5. That the map depicting the original boundaries of the Skyline TIF attached to Ordinance No. 4401 is hereby amended by reducing the boundaries of said map to include only the property contained within the Skyline TIF Reduced Zone as described in Exhibit “A” attached to this ordinance and that as of the effective date of this ordinance, all references in Ordinance No. 4401 to Exhibit “A” shall be deemed to refer to the Exhibit “A” attached to this ordinance.

SECTION 6. That improvements in the Skyline TIF will significantly enhance the value of all taxable real property in the Skyline TIF Reduced Zone.

SECTION 7. That Ordinance No. 4401 will remain in full force and effect, save and except as expressly amended by this ordinance.

SECTION 8. 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 9. That should any word, sentence, clause, paragraph or provision of this ordinance be held to be invalid or unconstitutional, the remaining provisions of this ordinance shall remain in full force and effect.

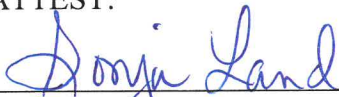
SECTION 10. That this ordinance shall take effect immediately upon passage of this ordinance.

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 19th day of December, 2016.




Stan Pickett
Mayor

ATTEST:



Sonja Land
City Secretary

APPROVED:



B.J. Smith
City Attorney

Exhibit "A"

Map and Metes and Bounds Description of Reduced Boundaries and Geographic Area
of Skyline Tax Increment Finance Reinvestment Zone No. Seven, City of Mesquite, Texas



EXHIBIT A - Page 2

BEING a tract of land situated in the Daniel Tanner Survey, Abstract No. 1426, in the City of Mesquite, Dallas County, Texas, and being part of that called 85.204 acre tract of land described in deed to The City of Mesquite, Texas, as recorded in Volume 95191, Page 00916 of the Deed Records of Dallas County, Texas (D.R.D.C.T.), and being more particularly described as follows:

COMMENCING at a 1/2-inch found iron rod for the west corner of Lot 1, Block 1 of Peachtree/Gross Addition, and addition to the City of Mesquite, Texas, as recorded in Volume 99074, Page 00009, D.R.D.C.T., said point being on the easterly right-of-way line of Peachtree Road (a 100 foot wide public right-of-way) as described in deed recorded in Volume 71054, Page 0405, D.R.D.C.T., said point also being the most westerly north corner of that tract of land described in deed to Golden Shamrock Realty, Inc., as recorded in Volume 2001007, Page 02031, D.R.D.C.T.;

THENCE South 46 degrees 16 minutes 40 seconds West, along the common westerly line of said Golden Shamrock Realty tract and said easterly right-of-way line of Peachtree Road, a distance of 120.96 feet to a 1/2-inch set iron rod with yellow plastic cap stamped "HALFF ASSOC INC." (hereinafter referred to as "with cap") for the POINT OF BEGINNING;

THENCE South 43 degrees 43 minutes 20 seconds East, departing said common line along the southeasterly line of said Golden Shamrock Realty tract, a distance of 269.56 feet (deed 270.00 feet) to a 5/8-inch found iron rod for corner;

THENCE South 21 degrees 45 minutes 55 seconds East, continuing along said southeasterly line, a distance of 650.20 feet (deed 650.00 feet) to a 1/2-inch set iron rod with cap for the southwest corner of said Golden Shamrock Realty tract;

THENCE North 77 degrees 14 minutes 05 seconds East, along the southerly line of said Golden Shamrock Realty tract, a distance of 312.75 feet (deed 313.33 feet) to a 1/2-inch set iron rod with cap for the southeast corner of said Golden Shamrock Realty tract, said point being on the common westerly right-of-way line of Interstate Highway 635 (L.B.J. Freeway, a variable width public right-of-way) and the easterly line of said City of Mesquite tract;

THENCE South 15 degrees 17 minutes 27 seconds East, along said common line, a distance of 503.14 feet to a point for corner, from which point a found aluminum TXDOT monument bears North 65 degrees 26 minutes 11 seconds East a distance of 0.68 feet;

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THENCE South 09 degrees 56 minutes 00 seconds East, continuing along said common line, a distance of 250.56 feet to a point for corner, from which point a found aluminum TXDOT monument bears North 63 degrees 51 minutes 49 seconds East a distance of 0.74 feet;

THENCE South 02 degrees 28 minutes 33 seconds East, continuing along said common line, a distance of 800.01 feet to a 1/2-inch set iron rod with cap for corner;

THENCE South 06 degrees 24 minutes 28 seconds East, continuing along said common line, a distance of 311.76 feet to a 1/2-inch found iron rod with cap stamped "BRITTAIN AND CRAWFORD" for the northeast corner of Lots 2 and 3, Block 1, Peachtree Center, an addition to the City of Mesquite as recorded in Volume 2003092, Page 00027, D.R.D.C.T.;

THENCE departing said common line and along the northerly line of said Peachtree Center addition, the following courses and distances:

North 70 degrees 39 minutes 48 seconds West a distance of 578.50 feet to a found 2-inch diameter disk stamped "MLA RPLS #4873" for corner;

North 19 degrees 20 minutes 12 seconds East a distance of 60.00 feet to a 1/2-inch found iron rod with cap stamped "BRITTAIN AND CRAWFORD" for corner;

North 70 degrees 39 minutes 48 seconds West a distance of 70.00 feet to a 1/2-inch found iron rod with cap stamped "BRITTAIN AND CRAWFORD" for corner;

South 80 degrees 33 minutes 59 seconds West a distance of 124.66 feet to a found 2-inch diameter disk stamped "MLA RPLS #4873" for corner;

North 05 degrees 37 minutes 15 seconds East a distance of 103.27 feet to a point for corner from which a found 2-inch diameter disk stamped "MLA RPLS #4873" bears North 21 degrees 18 minutes 56 seconds East a distance of 0.26 feet;

North 84 degrees 22 minutes 45 seconds West a distance of 150.41 feet to a found 2-inch diameter disk stamped "MLA RPLS #4873" for the point of curvature of a tangent circular curve to the left having a radius of 535.10 feet whose chord bears South 82 degrees 19 minutes 40 seconds West a distance of 246.07 feet;

Westerly, along said circular curve to the left, through a central angle of 26 degrees 35 minutes 10 seconds, an arc distance of 248.29 feet to a found 2-inch diameter disk stamped "MLA RPLS #4873" for the point of tangency;

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South 69 degrees 02 minutes 05 seconds West a distance of 15.00 feet to a found 2-inch diameter disk stamped "MLA RPLS #4873" for corner,

North 65 degrees 11 minutes 14 seconds West a distance of 45.81 feet to a 1/2-inch set iron rod with cap for the most westerly northwest corner of said Peachtree Center addition, said point also being in the common westerly line of said City of Mesquite tract and the aforementioned easterly right-of-way line of Peachtree Road, said point being on a circular curve to the left having a radius of 759.73 feet whose chord bears North 31 degrees 03 minutes 06 seconds West a distance of 136.50 feet, said curve being non-tangent to the last described course;

THENCE Northwesterly, departing said northerly line of said Peachtree Center addition, along said common line between said City of Mesquite tract and said Peachtree Road and along said circular curve, through a central angle of 10 degrees 18 minutes 29 seconds, an arc distance of 136.68 feet to a 1/2-inch set iron rod with cap for the point of tangency;

THENCE North 36 degrees 12 minutes 20 seconds West, along said common line, a distance of 248.77 feet to a 1/2-inch set iron rod with cap for the point of curvature of a tangent circular curve to the right having a radius of 1,269.75 feet whose chord bears North 05 degrees 02 minutes 10 seconds East a distance of 1,674.13 feet;

THENCE Northerly, continuing along said common line and along said circular curve, through a central angle of 82 degrees 29 minutes 00 seconds, an arc distance of 1,827.94 feet to a 1/2-inch set iron rod with cap for the point of tangency;

THENCE North 46 degrees 16 minutes 40 seconds East, continuing along said common line, a distance of 341.44 feet to the POINT OF BEGINNING AND CONTAINING 2,626,887 square feet or 60.31 acres of land, more or less.