

ORDINANCE NO. 4845

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, APPROVING AN AMENDMENT TO THE DOWNTOWN MESQUITE FAÇADE IMPROVEMENT PROGRAM OF THE TOWNE CENTRE REINVESTMENT ZONE NUMBER TWO, CITY OF MESQUITE, TEXAS, PREVIOUSLY APPROVED BY CITY ORDINANCE NO. 4672 TO ALLOW FOR GRANTS OF UP TO \$20,000 PER STREET ADDRESS INSTEAD OF \$20,000 PER PROPERTY TO ENCOURAGE THE REHABILITATION, ENHANCEMENT, RESTORATION, AND PRESERVATION OF THE FACADES OF BUILDINGS OCCUPIED BY MULTIPLE BUSINESS USES LOCATED WITHIN A DESIGNATED PORTION OF THE CITY OF MESQUITE'S DOWNTOWN AREA; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE.

**WHEREAS**, the City of Mesquite, Texas ("**City**"), created the Towne Centre Reinvestment Zone Number Two, City of Mesquite, Texas, and established a Board of Directors for the Towne Centre Reinvestment Zone Number Two, City of Mesquite, Texas ("**TIRZ Board**"), by Ordinance No. 3257, approved by the City Council of the City ("**City Council**") on September 21, 1998, to promote development or redevelopment in such reinvestment zone, in accordance with the Tax Increment Financing Act, V.T.C.A., Tax Code, Chapter 311 (the "**Act**"); and

**WHEREAS**, in accordance with the Act, the original boundaries of the Towne Centre Reinvestment Zone Number Two, City of Mesquite, Texas, have been enlarged and the geographic area of the original zone has been increased by Ordinance No. 4529, approved by the City Council on December 18, 2017; and

**WHEREAS**, the Towne Centre Reinvestment Zone Number Two, City of Mesquite, Texas, as created by City Ordinance No. 3257, as now and hereafter amended including, without limitation, as amended by Ordinance No. 4529, increasing the geographic area of the zone and enlarging the boundaries of the zone, is hereinafter collectively referred to as the "**Zone**"; and

**WHEREAS**, the City has a downtown area consisting in part of older buildings with historical significance and being the properties located within the boundaries outlined in red on the map attached hereto as **Exhibit "1"** and made a part hereof for all purposes ("**Downtown Mesquite**"); and

**WHEREAS**, Downtown Mesquite is located within the Zone; and

**WHEREAS**, the rehabilitation, enhancement, restoration, and preservation of building facades in Downtown Mesquite will be a catalyst to: (i) attract new customers and businesses to Downtown Mesquite; (ii) stimulate new, private investment and economic development in Downtown Mesquite; (iii) positively impact the marketability and perception of Downtown Mesquite; and (iv) promote commercial revitalization of Downtown Mesquite; and

**WHEREAS**, on May 6, 2019, the TIRZ Board approved a façade improvement program to make grants from the tax increment fund of the Zone to encourage the rehabilitation, enhancement, restoration, and preservation of building facades in Downtown Mesquite and recommended approval of the program to the City Council; and

**WHEREAS**, on May 20, 2019, by Ordinance No. 4672, the City Council approved a façade improvement program for building facades in Downtown Mesquite (the "**DM Façade Improvement**

**Program**”), and determined that the DM Façade Improvement Program was in the public interest and that the investment of public resources in Downtown Mesquite through façade improvement grants pursuant to and in accordance with the terms, conditions, and guidelines of the DM Façade Improvement Program was for a public purpose and will promote local economic development in the City, stimulate business and commercial activity in the City, and benefit the City and its citizens; and

**WHEREAS**, a true and correct copy of the DM Façade Improvement Program is attached as Exhibit “2” to Ordinance No. 4672; and

**WHEREAS**, under the terms of the DM Façade Improvement Program, an owner of multiple properties in Downtown Mesquite may apply for grant funds for each property owned but may not receive more than \$20,000 per property; and

**WHEREAS**, Downtown Mesquite consists of historic buildings located on properties that have been adapted to accommodate multiple business uses within the same property, each business use being identified by a different street address and containing a separate and distinct building façade identifying the business being operated at that address; and

**WHEREAS**, the provision in the DM Façade Improvement Program limiting grants to \$20,000 per property hinders the program in that it does not allow for grants to rehabilitate, enhance, restore, and preserve the facades of more than one business located in a building on a property occupied by multiple business uses; and

**WHEREAS**, the provision in the DM Façade Improvement Program limiting grants to \$20,000 per property is more of a burden than a benefit to the program; and

**WHEREAS**, the TIRZ Board has approved an amendment to the DM Façade Improvement Program including the Application attached as Exhibit “B” thereto (the “**Application**”) to provide that an owner of multiple properties may apply for grant funds for each property owned but may not receive more than \$20,000 per street address instead of \$20,000 per property, a true and correct copy of the amendment approved by the TIRZ Board being attached hereto as **Exhibit “2”** and made a part hereof for all purposes (the “**Amendment**”); and

**WHEREAS**, the TIRZ Board has recommended to the City Council that the City Council approve the Amendment; and

**WHEREAS**, the City Council finds and determines that the Amendment will serve a public purpose, will benefit the Zone by developing, expanding, and stimulating business and commercial activity in the Zone, and will further a purpose of the Zone, which is to provide economic development incentives; and

**WHEREAS**, the City Council finds and determines that the Amendment is in the best interest of the City and its citizens and that it is necessary and appropriate to approve the Amendment.

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

SECTION 1. That the statements, facts, findings, and recitals contained in the preamble of this ordinance are hereby found and declared to be true and correct and are incorporated herein and adopted as part of this ordinance for all purposes.

SECTION 2. That the City Council hereby approves the Amendment attached hereto as **Exhibit “2”** and incorporated as part of this ordinance for all purposes.

SECTION 3. That the Amendment shall be incorporated into and deemed a part of the DM Façade Improvement Program and Application for all purposes.

SECTION 4. That the DM Façade Improvement Program and Application are amended by this ordinance in no other manner except as expressly set forth herein and in the Amendment. All other terms, provisions, and conditions of the DM Façade Improvement Program and Application remain the same and shall continue in full force and effect in accordance with their terms. If there is a conflict between the DM Façade Improvement Program and Application, and this ordinance and the Amendment, this ordinance and the Amendment will prevail.

SECTION 5. Repealer Clause. 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 6. Severability Clause. 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 7. Effective Date. That this ordinance shall take effect immediately from and after its passage.

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 1st day of March 2021.

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Robert Miklos  
Mayor Pro Tem

ATTEST:

APPROVED AS TO LEGAL FORM:

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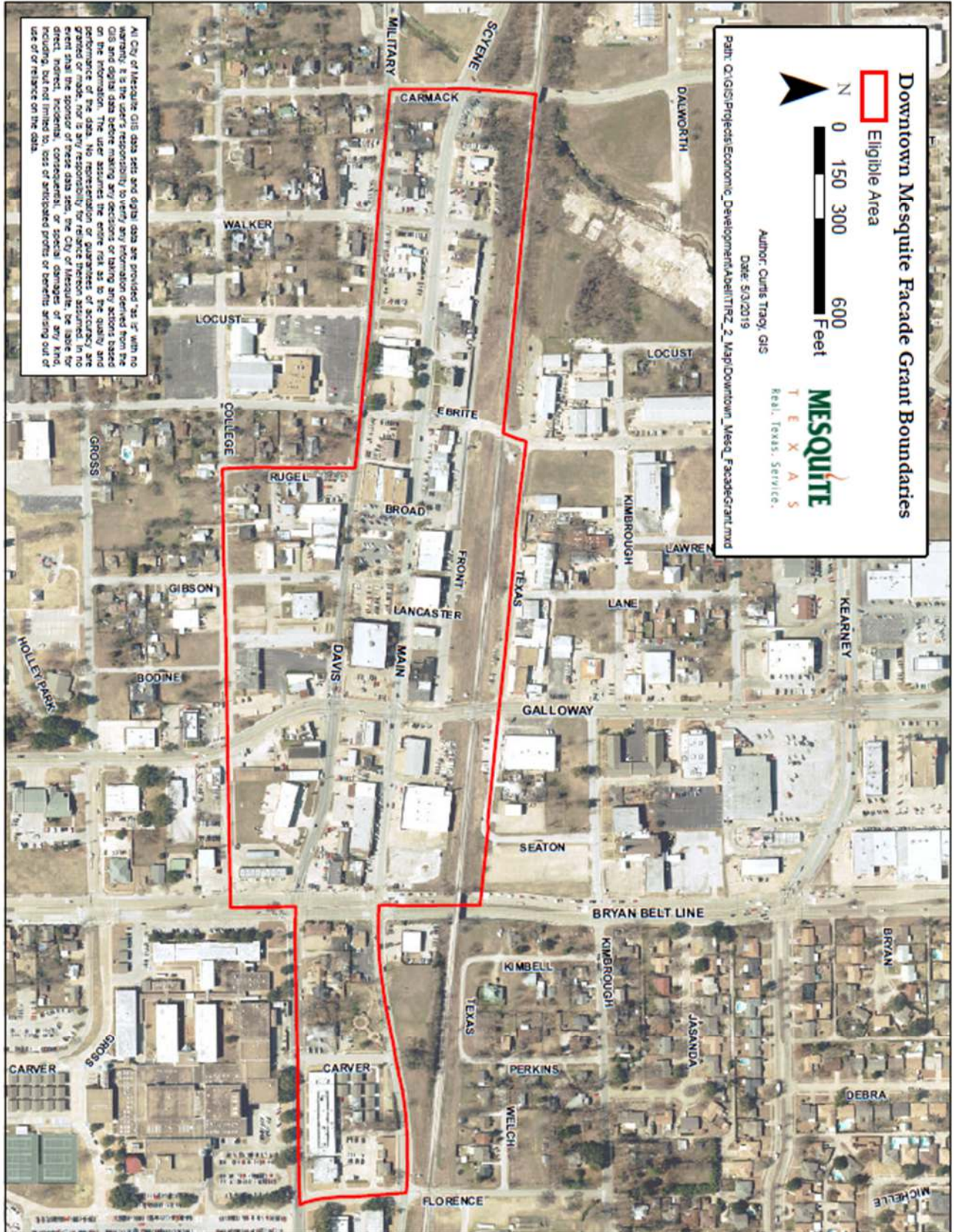
Sonja Land  
City Secretary

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David L. Paschall  
City Attorney

Exhibit "1"

Map Identifying Properties Within Downtown Mesquite



**Exhibit “2”**

Copy of Amendment to Downtown Mesquite Façade Improvement Program

**AMENDMENT TO  
DOWNTOWN MESQUITE  
FAÇADE IMPROVEMENT PROGRAM**

**WHEREAS**, the City of Mesquite, Texas (“**City**”), created the Towne Centre Reinvestment Zone Number Two, City of Mesquite, Texas, and established a Board of Directors for the Towne Centre Reinvestment Zone Number Two, City of Mesquite, Texas (“**TIRZ Board**”), by Ordinance No. 3257, approved by the City Council of the City (“**City Council**”) on September 21, 1998, to promote development or redevelopment in such reinvestment zone, in accordance with the Tax Increment Financing Act, V.T.C.A., Tax Code, Chapter 311 (the “**Act**”); and

**WHEREAS**, in accordance with the Act, the original boundaries of the Towne Centre Reinvestment Zone Number Two, City of Mesquite, Texas, have been enlarged and the geographic area of the original zone has been increased by Ordinance No. 4529, approved by the City Council on December 18, 2017; and

**WHEREAS**, the Towne Centre Reinvestment Zone Number Two, City of Mesquite, Texas, as created by City Ordinance No. 3257, as now and hereafter amended including, without limitation, as amended by Ordinance No. 4529, increasing the geographic area of the zone and enlarging the boundaries of the zone, is hereinafter collectively referred to as the “**Zone**”; and

**WHEREAS**, the City has a downtown area consisting in part of older buildings with historical significance and being the properties located within the boundaries outlined in red on the map attached hereto as **Exhibit “1”** and made a part hereof for all purposes (“**Downtown Mesquite**”); and

**WHEREAS**, Downtown Mesquite is located within the Zone; and

**WHEREAS**, on May 6, 2019, the TIRZ Board approved a façade improvement program to make grants from the tax increment fund of the Zone to encourage the rehabilitation, enhancement, restoration and preservation of building facades in Downtown Mesquite and recommended approval of the program to the City Council; and

**WHEREAS**, on May 20, 2019, by Ordinance No. 4672, the City Council approved a façade improvement program for building facades in Downtown Mesquite (the “**DM Façade Improvement Program**”), a true and correct copy of the DM Façade Improvement Program being attached as Exhibit “2” to Ordinance No. 4672; and

**WHEREAS**, under the terms of the DM Façade Improvement Program, an owner of multiple properties in Downtown Mesquite may apply for grant funds for each property owned but may not receive more than \$20,000 per property; and

**WHEREAS**, Downtown Mesquite consists of historic buildings located on properties that have been adapted to accommodate multiple business uses within the same property, each business

use being identified by a different street address and containing a separate and distinct building façade identifying the business being operated at that address; and

**WHEREAS**, the provision in the DM Façade Improvement Program limiting grants to \$20,000 per property hinders the program in that it does not allow for grants to rehabilitate, enhance, restore, and preserve the facades of more than one business located in a building on a property occupied by multiple business uses; and

**WHEREAS**, the provision in the DM Façade Improvement Program limiting grants to \$20,000 per property is more of a burden than a benefit to the program; and

**WHEREAS**, this Amendment to Downtown Mesquite Façade Improvement Program (this “**Amendment**”) amends the DM Façade Improvement Program including the Application attached as Exhibit “B” thereto (the “**Application**”) to provide that an owner of multiple properties may apply for grant funds for each property owned but may not receive more than \$20,000 per street address instead of \$20,000 per property.

NOW, THEREFORE, the DM Façade Improvement Program and Application are hereby amended as follows:

1. Article IV, Section 15(D) of the DM Façade Improvement Program is deleted in its entirety and amended to read as follows:

“An owner of multiple properties may apply for grant funds for each property owned but may not receive more than \$20,000 per street address.”

2. Item No. 9 on the 3<sup>rd</sup> page of the Application [also located on Page 15 of the DM Façade Improvement Program] is deleted in its entirety and amended to read as follows:

“9. If the applicant owns multiple properties, the applicant has not received more than \$20,000 in grants under the DM Façade Improvement Program for the street address described in the application.”

3. This Amendment shall be incorporated into and deemed a part of the DM Façade Improvement Program and Application for all purposes.

4. This Amendment modifies the DM Façade Improvement Program and Application in no other manner except as expressly set forth herein. All other terms, provisions and conditions of the DM Façade Improvement Program and Application remain the same and shall continue in full force and effect in accordance with their terms. If there is a conflict between this Amendment and the DM Façade Improvement Program and/or Application, the terms of this Amendment will prevail.

# EXHIBIT "1"

## Map Identifying Properties Within Downtown Mesquite

