

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, DESIGNATING A CONTIGUOUS GEOGRAPHIC AREA CONSISTING OF APPROXIMATELY 652 ACRES OF UNDEVELOPED PROPERTY GENERALLY LOCATED BETWEEN FM 2757 AND IH-20 AND NORTH OF IH-20 EAST OF FM 740 IN KAUFMAN COUNTY, TEXAS, AND BEING COMMONLY REFERRED TO AS SPRADLEY FARMS, LOCATED WITHIN THE CORPORATE LIMITS OF THE CITY OF MESQUITE, TEXAS, AS A REINVESTMENT ZONE PURSUANT TO CHAPTER 311 OF THE TEXAS TAX CODE, TO BE KNOWN AS REINVESTMENT ZONE NUMBER THIRTEEN, CITY OF MESQUITE, TEXAS (SPRADLEY FARMS); DESCRIBING THE BOUNDARIES OF THE ZONE; CREATING A BOARD OF DIRECTORS FOR THE ZONE; ESTABLISHING A TAX INCREMENT FUND FOR THE ZONE; CONTAINING FINDINGS RELATED TO THE CREATION OF THE ZONE; PROVIDING A DATE FOR THE TERMINATION OF THE ZONE; PROVIDING THAT THE ZONE TAKE EFFECT IMMEDIATELY UPON PASSAGE OF THE ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Mesquite, Texas (the "City"), pursuant to Chapter 311 of the Texas Tax Code, as amended (the "Act"), may designate a geographic area within the corporate limits of the City as a tax increment reinvestment zone if the area satisfies the requirements of the Act; and

WHEREAS, the Act provides that the governing body of a municipality by ordinance may designate a contiguous or noncontiguous geographic area that is in the corporate limits of the municipality to be a reinvestment zone if the governing body determines that development or redevelopment would not occur solely through private investment in the reasonably foreseeable future; and

WHEREAS, the City Council of the City (the "City Council") desires for the City to consider the creation of a tax increment reinvestment zone consisting of approximately 652 acres of undeveloped property generally located between FM 2757 and IH-20 and North of IH-20 East of FM 740 in Kaufman County, Texas, and being commonly referred to as Spradley Farms, and being the property located within the boundary description attached hereto as Exhibit "A" and made a part hereof for all purposes and being generally depicted as the area shaded in blue on the boundary map attached hereto as Exhibit "B" and made a part hereof for all purposes (the "Proposed Zone"); and

WHEREAS, a preliminary reinvestment zone financing plan, dated August 2019, has been prepared for the Proposed Zone as required by the Act (the "Preliminary Reinvestment Zone Financing Plan"); and

WHEREAS, notice of the public hearing on the creation of the Proposed Zone was published in a newspaper of general circulation in the City and in a newspaper of general circulation in Kaufman County, Texas, on or before August 26, 2019, which date is before the seventh (7th) day before the public hearing held on September 3, 2019; and

WHEREAS, on September 3, 2019, the City Council opened a public hearing in accordance with Section 311.003(c) of the Act and interested persons were allowed to speak for or against the creation of the Proposed Zone, the boundaries of the Proposed Zone, and the concept of tax increment financing, and owners of property in the Proposed Zone were given a reasonable opportunity to protest the inclusion of their property in the Proposed Zone; and

WHEREAS, after all comments and evidence, both written and oral, were received by the City Council, the public hearing was closed on September 3, 2019; and

WHEREAS, the public hearing was held in full accordance with Section 311.003(c) of the Act; and

WHEREAS, the City has taken all actions required to create the Proposed Zone including, but not limited to, all actions required by the home-rule Charter of the City, the Act, Chapter 551 of the Texas Government Code, commonly referred to as the Texas Open Meetings Act, and all other laws applicable to the creation of the Proposed Zone; and

WHEREAS, less than thirty percent (30%) of the property in the Proposed Zone, excluding property that is publicly owned, is currently used for residential purposes and the total appraised value of taxable real property in the Proposed Zone and in existing reinvestment zones of the City is less than twenty-five percent (25%) of the total appraised value of taxable real property in the City and in industrial districts, if any, created by the City.

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

SECTION 1. RECITALS INCORPORATED.

That the facts and recitations contained in the preamble of this Ordinance are hereby found and declared to be true and correct and are incorporated and adopted as part of this Ordinance for all purposes.

SECTION 2. FINDINGS.

That the City Council, after conducting the above described public hearing and having heard the evidence and testimony presented at the public hearing, has made the following findings and determined based on the evidence and testimony presented to it:

- (a) That the public hearing on the creation of the Proposed Zone has been properly called, held and conducted and that notice of such hearing has been published as required by applicable law, including the Act, and that owners of property within the Proposed Zone were given a reasonable opportunity to protest the inclusion of their property in the Proposed Zone; and
- (b) That creation of the Proposed Zone with boundaries as described and depicted in Exhibits "A" and "B" will result in benefits to the City, its residents and property owners, in general, and to the property, residents and property owners in the Proposed Zone; and

- (c) That the Proposed Zone, as described and depicted in Exhibits “A” and “B,” meets the criteria for the creation of a reinvestment zone set forth in the Act in that:
 - (1) It is a geographic area located wholly within the corporate limits of the City; and
 - (2) The area is predominately open, unproductive and undeveloped and, because of the lack of necessary public improvements and other facilities, substantially impairs the sound growth of the City; and
- (d) That thirty percent (30%) or less of the property in the Proposed Zone, excluding property that is publicly owned, is currently used for residential purposes; and
- (e) That the total appraised value of taxable real property in the Proposed Zone, together with the total appraised value of taxable real property in all other existing reinvestment zones of the City, according to the most recent appraisal rolls of the City, does not exceed twenty-five percent (25%) of the current total appraised value of taxable real property in the City and in the industrial districts created by the City, if any; and
- (f) That the improvements in the Proposed Zone will significantly enhance the value of all taxable real property in the Proposed Zone and will be of general benefit to the City; and
- (g) That the development or redevelopment of the property in the Proposed Zone will not occur solely through private investment in the reasonably foreseeable future; and
- (h) That the Proposed Zone will promote development or redevelopment of the economy within the Proposed Zone and develop or expand business and commercial activity within the Proposed Zone; and
- (i) That the Preliminary Reinvestment Zone Financing Plan for the Proposed Zone was prepared prior to the adoption of this Ordinance; and
- (j) That the City Council finds that the Preliminary Reinvestment Zone Financing Plan for the Proposed Zone is feasible.

SECTION 3. DESIGNATION AND NAME OF THE ZONE.

Pursuant to the authority of, and in accordance with the requirements of the Act, the City Council hereby designates the property located within the boundary description attached hereto as Exhibit “A” and being generally depicted as the area shaded in blue on the boundary map attached hereto as Exhibit “B” as a tax increment reinvestment zone (the “Zone”). The name assigned to the Zone for identification is Reinvestment Zone Number Thirteen, City of Mesquite, Texas (Spradley Farms).

SECTION 4. BOARD OF DIRECTORS.

- (a) The City Council hereby creates a board of directors for the Zone (hereinafter referred to as the “Board”) consisting of seven (7) members all appointed by the City Council. Members of the City Council may serve as Board members.

- (b) The Board members appointed to the Board shall be eligible to serve on the Board if that person is at least 18 years of age and: (1) is a resident of the county in which the Zone is located or a county adjacent to that county; or (2) owns real property in the Zone, whether or not the individual resides in the county in which the Zone is located or a county adjacent to that county.
- (c) The Board shall make recommendations to the City Council concerning the administration, management, and operation of the Zone. The Board shall prepare or cause to be prepared and adopt a project plan and a reinvestment zone financing plan for the Zone (hereinafter referred to as the "Project and Finance Plan") as required by the Act and shall submit the Project and Finance Plan to the City Council for approval. The Board shall consider amendments to the Project and Finance Plan on its own initiative or upon submission by the City Council, but amendments considered by the Board shall not take effect unless and until adopted by the City Council.
- (d) Directors shall not receive any salary or other compensation for their services as directors.
- (e) Members of the Board shall be appointed for terms of two years. The terms of the Board members may be staggered. The City Council may remove and replace Board members at any time during a term.
- (f) The initial Board shall be seven members and the following shall be the initial members of the Board:
 - (1) Stan Pickett
 - (2) Jeff Casper
 - (3) Bruce Archer
 - (4) Dan Aleman
 - (5) Greg Noschese
 - (6) Tandy Boroughs
 - (7) Robert Miklos

The City Council hereby appoints Mayor Stan Pickett to serve as chairman of the Board for the remainder of calendar year 2019. Before the end of calendar year 2019 and each calendar year thereafter, the City Council shall appoint one member of the Board to serve as chairman for a term of one year that begins on January 1 of the following year. If the City Council does not appoint a chairman during that period, the Mayor of the City is automatically appointed to serve as chairperson for the term that begins on January 1 of the following year. The Board may elect a vice-chairman to preside in the absence of the chairman or when there is a vacancy in the office of chairman. The Board may elect other officers as it considers appropriate.

SECTION 5. DURATION OF THE ZONE.

That the Zone shall take effect immediately upon the passage of this Ordinance, consistent with Section 311.004(a)(3) of the Act, and the Zone shall terminate on the earlier of: (1) December 31, 2054, or an earlier or later termination date designated by an ordinance adopted under Section 311.007(c) of the Act; or (2) the date on which all project costs, tax increment bonds and interest on those bonds, and other obligations of the Zone have been paid in full, in accordance with Section 311.017 of the Act.

SECTION 6. TAX INCREMENT BASE AND TAX INCREMENT.

That pursuant to Section 311.012(c) of the Act, the tax increment base of the City, or any other taxing unit participating in the Zone, is the total taxable value, as of January 1, 2019, of all real property taxable by the City or other taxing unit participating in the Zone, and located in the Zone for the year in which the Zone was designated as a reinvestment zone (the "Tax Increment Base") or, if the City does not levy an ad valorem tax in the year in which the Zone is designated, the Tax Increment Base is determined by the appraisal district in which the Zone is located in accordance with Section 311.012(c) of the Act. Pursuant to Section 311.013(l) of the Act, the portion of the tax increment produced by the City that the City is required to pay into the Tax Increment Fund (defined below) for the Zone for a year will be determined in the ordinance adopted under Section 311.011 of the Act approving the reinvestment zone financing plan for the Zone calculated on the amount of real property taxes levied and collected by the City, and all or a portion of property taxes of other taxing units participating in the Zone and located in the Zone (as set forth in an agreement to participate in the Zone) for that year on the Captured Appraised Value (defined below) of real property taxable by the City or other taxing unit participating in the Zone and located in the Zone (the "Tax Increment"). Consistent with Section 311.012(b) of the Act, as amended, the captured appraised value of real property taxable by the City or other taxing unit participating in the Zone for a year is the total taxable value of all real property taxable by the City or other taxing unit participating in the Zone and located in the Zone for that year less the Tax Increment Base of the City or other taxing unit participating in the Zone (the "Captured Appraised Value").

SECTION 7. TAX INCREMENT FUND.

That there is hereby created and established a tax increment fund for the Zone ("Tax Increment Fund"), that may be divided into subaccounts as set forth in the Project and Finance Plan, into which the Tax Increment of the City and participating taxing units, if any, as such increments are described in the Project and Finance Plan and includes administration costs, 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 shall be maintained at the affiliated depository bank of the City and shall be secured in the manner prescribed by law for funds of Texas cities. In addition, all revenues to be dedicated to and used in the Zone shall be deposited into the Tax Increment Fund from which money will be disbursed to pay project costs, plus interest, for the Zone. Surplus funds in the Tax Increment Fund shall be disbursed as authorized and provided in the Act.

SECTION 8. SEVERABILITY CLAUSE.

That should any provision, section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall not be affected and shall remain in full force and effect. The City Council hereby declares that it is the intent of the City Council that the provisions, sections, subsections, sentences, clauses and phrases of this Ordinance are severable and that the City Council would have passed this Ordinance without the incorporation of such invalid or unconstitutional provision, section, subsection, sentence, clause or phrase and all remaining provisions, sections, subsections, sentences, clauses and phrases shall remain in full force and effect.

SECTION 9. OPEN MEETINGS.

That it is hereby found, determined, and declared that sufficient written notice of the date, hour, place and subject of the meeting of the City Council at which this Ordinance was adopted was posted at a place convenient and readily accessible at all times to the general public at the Municipal Center and at the City Hall of the City for the time required by law preceding the meeting, as required by the Texas Open Meetings Act, Chapter 551 of the Texas Government Code, and that this meeting has been open to the public as required by law at all times during which this Ordinance and the subject matter hereof has been discussed, considered, and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

SECTION 10. EFFECTIVE DATE.

That this ordinance shall be in full force and effect from and after its passage as required by law.

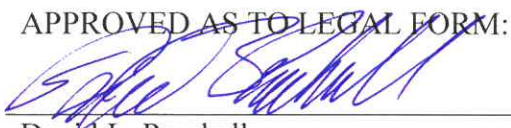
DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 3rd day of September 2019.

Stan Pickett
Mayor

ATTEST:

Sonja Land
City Secretary

APPROVED AS TO LEGAL FORM:



David L. Paschall
City Attorney

EXHIBIT A
BOUNDARY DESCRIPTION

TIRZ #13

Beginning at the southern corner of Property ID 9683 at the point it meets the eastern right of way boundary of FM 2757, thence

West to the western right of way boundary of FM 2757, thence

North along the western right of way boundary of FM 2757 to the point it meets the northern right of way boundary of FM 740, thence

East along the northern right of way boundary of FM 740 to the point it meets Property ID 11773, thence

North and then south to Property ID 9535, thence

South and then east along the southern boundary of Property ID 9535 to the point it meets the southwestern corner of Property ID 9683, thence

North along the western boundary of Property ID 9683, thence

South along the eastern boundary of Property ID 9683 to the point it meets the right of way boundary of Highway 20, thence

West along the right of way boundary of Highway 20,

Continuing west along Highway 20 to the point it meets the southern right of way boundary of FM 740, thence

South along the right of way boundary of FM 740 to the point it meets the eastern right of way boundary of FM 2757, thence

South along the eastern right of way boundary of FM 2757 to the point it meets the southern corner of Property ID 9701, thence

North along the western boundary of Property ID 9683, thence

Following the property line of Property ID 9683 to the point it meets the eastern corner of Property ID 9554, thence

North along the right of way of Highway 20 to include the access road along the southern right of way of Highway 20, thence

East along the access road along the southern right of way of Highway 20, thence

South to the northeast corner of Property ID 9683 where it meets Property ID 9718, thence

South along the property line of Property ID 9683 to the point it meets the eastern right of way boundary of FM 2757, which is the point of beginning.

Spradley Farms - TIRZ #13

