

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS, DESIGNATING A CERTAIN AREA AS A TAX ABATEMENT REINVESTMENT ZONE FOR COMMERCIAL-INDUSTRIAL TAX ABATEMENT WITHIN THE CITY OF MANSFIELD, TEXAS; ESTABLISHING THE BOUNDARIES THEREOF AND OTHER MATTERS RELATED THERETO; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE.

WHEREAS, the City Council of the City of Mansfield, Texas (sometimes hereinafter referred to as the "City") desires to promote the development or redevelopment of a certain contiguous geographic area within the City by the creation of a reinvestment zone for commercial-industrial tax abatement, as authorized by Chapter 312 of the Texas Tax Code, as amended; and

WHEREAS, a public hearing before the City Council of the City was scheduled and held at _____, such date being at least seven (7) days after the date of publication of the notice of such public hearing, pursuant to Section 312.201(d) of the Texas Tax Code, as amended; and

WHEREAS, the City Council held such public hearing after publishing notice of such public hearing, and giving written notice to all taxing units overlapping the territory inside the proposed tax abatement reinvestment zone; and

WHEREAS, the City at such public hearing invited any interested person to appear and speak for or against the creation of the tax abatement reinvestment zone, the boundaries of the proposed tax abatement reinvestment zone, whether all or part of the territory should be included in such proposed tax abatement reinvestment zone, and the concept of tax abatement.

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

SECTION 1

The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2

The City, after conducting such public hearing and having heard such evidence and testimony has made the following findings and determinations based upon the testimony presented:

- (a) That a public hearing on the adoption of Tax Abatement Reinvestment Zone No. 45 has been properly called, held and conducted, and that notice of such hearing has been published at least seven (7) days before the hearing in a newspaper of general circulation within the City, and mailed to all property taxing units overlapping the territory inside the proposed Tax Abatement Reinvestment Zone at least seven (7) days prior to the public hearing; and
- (b) That the boundaries of Tax Abatement Reinvestment Zone No. 45 should be the area as described in Exhibit A, which is attached hereto and incorporated herein for all purposes; and
- (c) That Tax Abatement Reinvestment Zone No. 45 as described in the attached Exhibit A meets the criteria for the creation of a tax abatement reinvestment zone as set forth in Section 312.202(a) of the Texas Tax Code, as amended, and in particular Section 312.202(a)(6) of the Texas Tax Code, in that it is “reasonably likely as a result of the designation to contribute to the retention or expansion of primary employment or to attract major investment in the zone that would be a benefit to the property and that would contribute to the economic development of the City”; and
- (d) That Tax Abatement Reinvestment Zone No. 45 as described and/or depicted in Exhibit A meets the criteria for the creation of a tax abatement reinvestment zone as set forth in the City’s tax abatement guidelines and criteria; and
- (e) That the improvements proposed for Tax Abatement Reinvestment Zone No. 45 are feasible and practical and would be a benefit to the land and to the City after the expiration of any tax abatement agreement.

SECTION 3

Pursuant to Section 312.201 of the Texas Tax Code, as amended, the City of Mansfield, Texas, hereby creates Tax Abatement Reinvestment Zone No. 45 for commercial-industrial tax abatement encompassing only the area described in Exhibit A, and such Tax Abatement Reinvestment Zone No. 45 is hereby designated.

SECTION 4

Tax Abatement Reinvestment Zone No. 45 shall take effect immediately upon passage of this Ordinance. Tax Abatement Reinvestment Zone No. 45 is effective for five (5) years and may be renewed for periods not to exceed five (5) years. The expiration of the designation of Tax Abatement Reinvestment Zone No. 45 does not affect an existing tax abatement agreement.

SECTION 5

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared invalid or unconstitutional by

the valid judgment or decree of any court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation of this Ordinance of any such invalid or unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 6

Any provision of any prior ordinance of the City, whether codified or uncoded, which is in conflict with any provision of this Ordinance, is hereby repealed to the extent of the conflict, but all other provisions of the ordinances of the City, whether codified or uncoded, which are not in conflict with the provisions of this Ordinance, shall remain in full force and effect.

SECTION 7

This Ordinance shall become effective immediately upon its passage.

FIRST READING APPROVED ON THE _____ DAY OF _____, 2020.

SECOND READING APPROVED ON THE _____ DAY OF _____, 2020.

DULY PASSED ON THE THIRD AND FINAL READING BY THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS, THIS _____ DAY OF _____, 2020.

DAVID COOK, MAYOR

ATTEST:

SUSANA MARIN, CITY SECRETARY

EXHIBIT "A"

**Legal Description
Tax Abatement Reinvestment Zone No. 45
City of Mansfield, Texas**

EXHIBIT "A"

LEGAL DESCRIPTION

BEING, BEING, all of that 36.363 acre (1,583,986 square foot) tract of land situated in the John Robertson Survey, Abstract Number 1317, in the City of Mansfield, Tarrant County, Texas; being all of that tract of land described as Tract 2 in General Warranty Deed to Conway Madison, LLC as recorded in Instrument Number D209279400 of the Official Public Records of Tarrant County, Texas; said 36.363 acre tract of land being more particularly described by metes and bounds as follows:

BEGINNING, at the northeast corner of said Tract 2; said point being in the southeast line of Heritage Parkway (a variable width right-of-way) and being in the center of S. Mitchell Road (a variable width right-of-way, 60-foot wide at this point); from said point a "X" cut in concrete found bears South 15° 38' East, a distance of 0.3 feet;

THENCE, South 31° 22' 34" East, with the northeast line of said Tract 2, a distance of 814.94 feet to a point for corner; from said point a 1/2-inch iron rod with "WEIR & ASSOC INC" cap found bears South 13° 03' East, a distance of 0.5 feet; said point being the most northerly northwest corner of that tract of land described as Tract 3 in Special Warranty Deed to Living Church as recorded in Instrument Number D218159009 of the Official Public Records of Tarrant County, Texas;

THENCE, South 29° 56' 29" East, continuing with the northeast line of said Tract 2, a distance of 535.65 feet to a point at the southeast corner of said Tract 2; from said point a 1/2-inch iron rod with "WEIR & ASSOC INC" cap found bears North 61° 20' West, a distance of 0.3 feet; said point being an inner ell corner in the north line of said Tract 3;

THENCE, with the south line of said Tract 2, the following four (4) courses and distances:

South 60° 57' 21" West, a distance of 183.28 feet to a point for corner; said point being the northeast corner of that tract of land described as Tract 2, a called 5.427 acre tract, to said Living Church;

South 59° 38' 58" West, a distance of 802.72 feet to a 1/2-inch iron rod found for corner; said point being an inner ell corner on the north line of said 5.427 acre tract;

North 30° 26' 55" West, a distance of 142.73 feet to a 3/8-inch iron rod found for corner; said point being the most westerly northeast corner of said 5.427 acre tract;

South 59° 39' 48" West, a distance of 377.04 feet to a 5/8-inch iron rod with "SEMPCO INC" cap found at the southwest corner of said Tract 2 and the northwest corner of said 5.427 acre tract; said point being in the northeast line of U.S. Highway No. 287 (a variable width right-of-way);

THENCE, North 21° 33' 30" West, with the southwest line of said Tract 2 and the northeast line of said U.S. Highway No. 287, a distance of 1,094.78 feet to a point at the northwest corner of said Tract 2; said point being in the southeast line of said Heritage Parkway;

THENCE, with the northwest line of said Tract 2 and the southeast line of said Heritage Parkway, the following five (5) courses and distances:

North 28° 52' 18" East, a distance of 160.25 feet to a point for corner; from said point a 1/2-inch iron rod with "WEIR & ASSOC INC" cap found bears South 68° 54' West, a distance of 0.3 feet;

North 78° 57' 48" East, a distance of 476.48 feet to a point for corner; from said point a 1/2-inch iron rod with "WEIR & ASSOC INC" cap found bears South 24° 10' West, a distance of 0.4 feet;

North 18° 09' 46" East, a distance of 318.07 feet to a point for corner; said point being the beginning of a non-tangent curve to the left; from said point a 1/2-inch iron rod found bears South 20° 51' West, a distance of 0.3 feet;

In a northeasterly direction, along said curve to the left, an arc length of 282.58 feet, having a radius of 2,362.86 feet, a central angle of 06° 51' 08", and a chord which bears North 62° 33' 01" East, 282.41 feet to a 1/2-inch iron rod with "WEIR & ASSOC INC" cap found for corner;

North 59° 07' 28" East, a distance of 77.48 feet to the POINT OF BEGINNING and containing an area of 36.363 acres or 1,583,986 square feet of land, more or less.