

ORDINANCE NO: 28704

AN ORDINANCE DESIGNATING A CERTAIN AREA AS A REINVESTMENT ZONE FOR COMMERCIAL/INDUSTRIAL TAX ABATEMENT IN THE CITY OF DALLAS, TEXAS, TO BE KNOWN AS REINVESTMENT ZONE NO. 78, CITY OF DALLAS, TEXAS; ESTABLISHING THE BOUNDARIES THEREOF; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, 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 for commercial tax abatement, as authorized by the Property Redevelopment and Tax Abatement Act, as amended (V.T.C.A. Tax Code, Chapter 312); and

WHEREAS, by resolution approved on June 13, 2012, the City Council authorized the continuation of its participation in tax abatement and established the Public/Private Partnership Program Guidelines and Criteria governing tax abatement agreements to be entered into by the City as required by the Property Redevelopment and Tax Abatement Act, V.T.C.A. Tax Code, Chapter 312 (the "Act"); and

WHEREAS, on June 27, 2012, the City Council held a public hearing, such date being at least seven (7) days after the date of publication of the notice of such public hearing and the delivery of written notice to the respective presiding officers of each taxing entity which includes within its boundaries real property that is to be included in the proposed 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 reinvestment zone and whether all or part of the territory described should be included in the proposed reinvestment zone, and to raise any concerns regarding the offering of tax abatement incentives; 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, if any, to the reinvestment zone appeared to contest the creation of the reinvestment zone.

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

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, after conducting such hearing and having heard such evidence and testimony, has made the following findings and determinations based on the evidence and testimony presented to it:

- (a) That the public hearing for adoption of Reinvestment Zone No. 78 has been properly called, held and conducted and that notice of such hearing has been published as required by law and mailed to the respective presiding officers of the governing bodies of all taxing units overlapping the territory inside the proposed reinvestment zone.
- (b) That the boundaries of Reinvestment Zone No. 78 shall be the area as described in the property description attached hereto as **Exhibit A (Metes and Bounds)** and depicted in **Exhibit B (Map)**.
- (c) That creation of the proposed Reinvestment Zone No. 78 will result in benefits to the City and to the land included in the zone and that the improvements sought are feasible and practical.
- (d) That Reinvestment Zone No. 78 meets the criteria for the creation of a reinvestment zone as set forth in the Act, as amended, 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 investment in the zone that would be a benefit to the property and that would contribute to the economic development of the City.
- (e) The proposed project located within Reinvestment Zone No. 78, as described in **Exhibit A (Metes and Bounds)** and depicted in **Exhibit B (Map)** attached, meets the City's Public/Private Partnership Program Guidelines and Criteria.

SECTION 3. That pursuant to the Act, as amended, the City hereby creates a reinvestment zone for commercial tax abatement encompassing only the property area described in **Exhibit A (Metes and Bounds)** and such reinvestment zone is hereby designated and shall hereafter be referred to as Reinvestment Zone No. 78.

SECTION 4. That Reinvestment Zone No. 78 shall take effect on June 27, 2012, and shall remain designated as a commercial-industrial reinvestment zone for a period of five (5) years from such date of designation.

SECTION 5. That if any section, paragraph, clause or provision of this ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect any of the remaining provisions of this ordinance.

SECTION 6. That it is hereby found, determined and declared that a sufficient 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 as required by the Texas Open Meetings Act, V.T.C.A., Government Code, Chapter 551, as amended, and that a public hearing was held prior to the designation of such reinvestment zone and that proper notice of the hearing was published in the official newspaper of the City seven days prior to the hearing, and furthermore, such notice was in fact delivered to the presiding officer of each affected taxing entity as prescribed by the Act.

SECTION 7. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM

THOMAS P. PERKINS, JR
CITY ATTORNEY

By: 
Assistant City Attorney

Passed and correctly enrolled JUN 27 2012

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EXHIBIT A

CUMMINS TRACT

DESCRIPTION, of a 20.000 acre tract of land situated in the John J. Blair Survey, Abstract No. 211, Dallas County, Texas and in Block 211/6113, Official Numbers of the City of Dallas, Texas; said tract being part of that tract of land described as Tract 1 in Special Warranty deed to MT. Creek Investments, L.P. recorded in Instrument Number 200900337341 of the Official Public Records of Dallas County, Texas; said 20.000 acre tract being more particularly described as follows:

COMMENCING at a 1/2-inch iron rod spinner found in the west right-of-way line of Mountain Creek Parkway (a variable width right-of-way, 100 feet wide at this point); said point being the southeast corner of a tract of land described in Special Warranty Deed to Mountain Creek Properties, LLC recorded in Instrument Number 20080092830 of said Official Public Records; said point also being the northeast corner of a tract of land described as Tract 1 in Special Warranty Deed to Mountain Creek Business Park Association, Inc. recorded in Volume 2003009, Page 7341 of the Deed Records of Dallas County, Texas;

THENCE, South 19 degrees, 30 minutes, 59 seconds West, along said west line of Mountain Creek Parkway and the east line of said Mountain Creek Business Park Association, Inc. tract, a distance of 75.00 feet to a 1/2-inch iron rod found for corner at the POINT OF BEGINNING; said point being the southeast corner of said Mountain Creek Business Park Association, Inc. tract and the northeast corner of said Mt. Creek Investments, L.P. tract;

THENCE, in a southerly direction, along said west line of Mountain Creek Parkway and the east line of said Mt. Creek Investments, L.P. tract, the following four (4) calls:

South 19 degrees, 30 minutes, 59 seconds West, a distance of 904.62 feet to a 1/2-inch iron rod with "Pacheco Koch" cap found at the beginning of a tangent curve to the right;

Along said curve to the right, having a central angle of 02 degrees, 39 minutes, 05 seconds, a radius of 1,150.00 feet, a chord bearing and distance of South 20 degrees, 50 minutes, 31 seconds West, 53.21 feet, an arc distance of 53.21 feet to a point for corner at the end of said curve;

North 67 degrees, 49 minutes, 56 seconds West, a distance of 10.00 feet to a point for corner at the beginning of a non-tangent curve to the right;

Along said curve to the right, having a central angle of 03 degrees, 14 minutes, 07 seconds, a radius of 1140.00 feet, a chord bearing and distance of South 23 degrees, 47 minutes, 07 seconds West, 64.36 feet, an arc distance of 64.37 feet to a point for corner;

THENCE, in a westerly direction, departing the said west line of Mountain Creek Parkway and the said east line of Mt. Creek Investments, L.P. tract, the following three (3) calls:

EXHIBIT A (continued)

North 64 degrees, 35 minutes, 49 seconds West, a distance of 31.15 feet to a point for corner at the beginning of a tangent curve to the left;

Along said curve to the left, having a central angle of 16 degrees, 56 minutes, 33 seconds, a radius of 350.00 feet, a chord bearing and distance of North 73 degrees, 04 minutes, 06 seconds West, 103.12 feet, an arc distance of 103.50 feet to a point for corner at the end of said curve;

North 81 degrees, 32 minutes, 22 seconds West, a distance of 691.84 feet to a point for corner in the west line of said Mt. Creek Investments, L.P. tract; said point also being in the east line of a tract of land described in a Deed to ExTex LaPorte, L.P. recorded in Volume 2002082, Page 3283 of said Deed Records;

THENCE, in a northerly direction, along said west line of Mt. Creek Investments, L.P. tract, and the said east line of ExTex LaPorte, L.P. tract, the following two (2) calls:

North 26 degrees, 09 minutes, 15 seconds East, a distance of 164.46 feet to an angle point;

North 19 degrees, 30 minutes, 59 seconds East, a distance of 992.31 feet to a point for corner; said point being the southwest corner of said Mountain Creek Business Park Association, Inc. tract and the northwest corner of said Mt. Creek Investments, L.P. tract;

THENCE, South 70 degrees, 29 minutes, 01 seconds East, departing the said east line of ExTex LaPorte tract and along the north line of said Mt. Creek Investments, L.P. tract, a distance of 810.00 feet to the POINT OF BEGINNING.

CONAINING: 871,202 square feet or 20.000 acres of land, more or less.

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Disclaimer: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.



DALLAS ECONOMIC DEVELOPMENT
 Research & Information Division
 214.670.1685
 dallas-ecodev.org

Legend

Site

- Freeway
- Highway
- Arterial

Local Road
 City of Dallas