

ORDINANCE NO. 208

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF WHEELER, TEXAS, DESIGNATING A CERTAIN AREA AS A INDUSTRIAL REINVESTMENT ZONE, CITY OF WHEELER, TEXAS, PROVIDING FOR THE ESTABLISHMENT OF AGREEMENTS WITHIN THE ZONE, AND OTHER MATTERS RELATING THERETO; PROVIDING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE FOR THE COMMENCEMENT OF THE REINVESTMENT ZONE AND THIS ORDINANCE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

WHEREAS, the City Council of the City of Wheeler, Texas, (the "City"), desires to promote the development or redevelopment of a certain geographic area within its jurisdiction by the creation of a Reinvestment Zone, as codified in Chapter 312 of the Texas Tax Code (the "Act"); and

WHEREAS, a hearing before the City Council was set for 6:00 p.m. on the 16 day of October 2006, such date being at least seven (7) days after the date of publication of the notice of such public hearing in a newspaper of general circulation in the City of Wheeler; and

WHEREAS, the City has called a public hearing and published notice of such public hearing, and has properly notified the proper officials of Wheeler County ;

WHEREAS, upon such hearing being convened there was presented proper proof and evidence that notices of such hearing had been published and mailed as described above; and

WHEREAS, the City at such hearing invited any interested person, or his attorney, to appear and contend for or against the creation of the Reinvestment Zone, whether all or part of the territory, which is described by a description attached hereto as Exhibit "A". All and depicted in the drawing attached hereto as Exhibit "B", should be included in such proposed Reinvestment Zone; and

WHEREAS, all owners of property located within the proposed Reinvestment Zone and all other taxing units and other interested persons were given the opportunity at such public hearing to protest the creation of the proposed Reinvestment Zone or the inclusion of their property in such Reinvestment Zone; 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

1

reinvestment zone, and no opponents of the reinvestment zone appeared to contest creation of the reinvestment zone,

WHEREAS, after considering all testimony and evidence offered at the public hearing, the City Council finds that improvements in the Reinvestment Zone will enhance significantly the value of all taxable real and personal property in the Zone, will be of general benefit to the City of Wheeler and that it will be in the public interest to pass this ordinance creating a Reinvestment Zone;

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

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

SECTION 2: The City, after conducting such hearing and having heard such evidence and testimony, pursuant to Chapter 312 of the Texas Tax Code (TTC), has made the following findings and determinations based on the evidence and testimony presented to it:

- (a) That the public hearing on adoption of the Reinvestment Zone has been properly called, held and conducted and that notice of such hearing has been published as required by law.
- (b) That the City has jurisdiction to hold and conduct this public hearing on the creation of the proposed Reinvest Zone pursuant to the Act; and
- (c) That creation of the proposed zone with boundaries as described in Exhibits "A" and "B" will result in benefits to the City, its residents and property owners, and to the property, residents and property

Owners

- (d) That the Reinvestment Zone, as defined in Exhibits "A" and "B", meets the criteria for the creation of a Reinvestment Zone as set forth in Chapter 312.202 of the Act in that:
- (1) It is a geographic area located wholly within the corporate limits or extraterritorial jurisdiction of the City.
 - (2) The area will reasonably be 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.
 - (3) no part of the property in the Reinvestment Zone is owned or leased by a member of the governing body of the City or town or by a member of a zoning or planning board or Councilperson of the city prior to its adoption.
 - (4) Improvements in the Reinvestment Zone will enhance significantly the value of all taxable real property in the Reinvestment Zone.

SECTION 3: That the City hereby creates a Reinvestment Zone over the area described by the description in Exhibit "A" attached hereto and depicted in a drawing attached hereto as Exhibit "B" and such Reinvestment Zone shall hereafter be identified as the Commercial-Industrial Reinvestment Zone (the "Zone").

SECTION 4: That operation of the Zone shall commence on _____, for a period of five years, may be renewed for an additional five years or may terminate sooner by subsequent ordinance.

SECTION 5: That a written Agreement as provided in the Act, with the owners of the property located within the Reinvestment Zone is hereby authorized according to the schedule and term outlined in Exhibit "C", and the written agreement shall provide an exemption from taxation the increased value in the real and/or personal property according to that schedule.

SECTION 6: 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 7: Pursuant to §312.002, the City Council hereby finds that the terms of the Tax Abatement Agreement to be executed in connection with this Ordinance meets the

applicable Guidelines and Criteria for Tax Abatement previously adopted by the City Council.

SECTION 8: That it is hereby officially found, determined, and declared that a 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 City Hall of the city, for the time required by law preceding this meeting, as required by the Open Meetings Act, Chapter 551. et seq of the Texas Local Government Code, as amended, 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 9: That the contents of the notice of public hearing, which hearing was held before the City Council on October 16, 2006 and the publication

3

of said notices, is hereby ratified, approved and confirmed.

PASSED, APPROVED, and ADOPTED on this the 16 day of

October 2006.

CITY OF WHEELER, TEXAS

Wanda Herd
Wanda Herd, Mayor

ATTEST:

Claudine Finsterwald
Claudine Finsterwald
Secretary

EXHIBITS TO ORDINANCE

Description of zone
Tax Abatement Schedule

4

EXHIBIT A

The Site to be designated, as the Industrial Commercial Reinvestment Zone Is the property located within the City Limits of Wheeler. The property is currently designated as the Commercial, Industrial and Local Retail Zones of Wheeler. It is located on either side of Hwy 152 (both East and West), Hwy 83 North & South), and the Industrial Zones of North Wheeler.

In fact, all local retail, commercial, and industrial zoned property that is linked contiguously to each other running North & South and East & West shall be part of this Reinvestment Zone.

EXHIBIT C

The City agrees to abate ad valorem taxes on real and personal property improvements of qualified businesses Commercial/Industrial Reinvestment Zone as follows:

Tax abatement on improvements to real and personal property will be granted to an approved Enterprise creating 3 or more full-time jobs and Investing a projected amount of at least \$250,000 in capital improvements according to the following sliding scale:

YEAR	% OF ADDED VALUE TO BE ABATED
1.	80%
2.	60%
3.	40%
4.	20%
5.	0%