

## ORDINANCE NO. 2089

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EULESS, TEXAS, DESIGNATING A CONTIGUOUS GEOGRAPHIC AREA WITHIN THE CITY AS A REINVESTMENT ZONE PURSUANT TO CHAPTER 311 OF THE TEXAS TAX CODE, TO BE KNOWN AS REINVESTMENT ZONE NUMBER FOUR, CITY OF EULESS, TEXAS; 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 Euless, Texas (the "City"), pursuant to the Tax Increment Financing Act, codified at Chapter 311 of the Texas Tax Code (hereinafter referred to as the "Act"), may designate a geographic area within the City as a tax increment 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 desires to promote the development of a certain contiguous geographic area in the City, which is more specifically described in Exhibit "A" and depicted in Exhibit "B" of this Ordinance, through the creation of a new reinvestment zone (hereinafter referred to as the "Zone") as authorized by and in accordance with the Act; and

**WHEREAS**, pursuant to and as required by the Act, the City has prepared a *Preliminary Reinvestment Zone Project Plan and Financing Plan for Reinvestment Zone Number Four, City of Euless, Texas* dated August 2015, attached as Exhibit "C" (hereinafter referred to as the "Preliminary Project and Finance Plan") for the Zone; and

**WHEREAS**, notice of the public hearing on the creation of the Zone was published in the official newspaper of the City on September 11, 2015, which was not later than the seventh day before the date of the public hearing, which was held on September 22, 2015; and

**WHEREAS**, at the public hearing interested persons were allowed to speak for or against the creation of the Zone, the boundaries of the 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 Zone; and the public hearing was held in full compliance with Section 311.003(c) of the Act; and

**WHEREAS**, evidence was received and presented at the public hearing;  
and

**WHEREAS**, after all comments and evidence, both written and oral, were received by the City Council, the public hearing was closed on September 22, 2015; and

**WHEREAS**, the City has taken all actions required to create the Zone including, but not limited to, all actions required by the home-rule Charter of the City, the Act, the Texas Open Meetings Act (defined herein), and all other laws applicable to the creation of the Zone.

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

**SECTION 1.  
RECITALS INCORPORATED.**

The facts and recitations contained in the preamble of this Ordinance are hereby found and declared to be true and correct.

**SECTION 2.  
FINDINGS.**

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

- (a) That the public hearing on creation of the Zone has been properly called, held and conducted and that notice of such hearing has been published as required by law; and
- (b) That the creation of the 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 Zone; and
- (c) That the Zone 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 City limits of the City; and
  - 2. The Zone meets the criteria and requirements of Section 311.005 of the Act; and

- (d) That 30 percent or less of the property in the Zone, excluding property dedicated to public use, is currently used for residential purposes; and
- (e) That the total appraised value of all taxable real property in the Zone according to the most recent appraisal rolls of the City, together with the total appraised value of taxable real property in all other existing reinvestment zones within the City, according to the most recent appraisal rolls of the City, does not exceed 50 percent 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 Zone will significantly enhance the value of all taxable real property in the Zone; and
- (g) That the development or redevelopment of the property in the Zone will not occur solely through private investment in the reasonable foreseeable future.

**SECTION 3.  
DESIGNATION AND NAME OF THE ZONE.**

- (a) Pursuant to the authority of, and in accordance with the requirements of the Act, the area described in Exhibit "A" and depicted in Exhibit "B" attached hereto is designated as a tax increment reinvestment zone.
- (b) The name assigned to the tax increment reinvestment zone for identification is **Reinvestment Zone Number Four, City of Euless, Texas** (referred to herein as the "Zone").

**SECTION 4.  
BOARD OF DIRECTORS.**

- (a) A board of directors for the Zone (hereinafter referred to as the "Board") is hereby created consisting of seven (7) members. The City Council will appoint four (4) members. Tarrant County, Tarrant County College District, and Tarrant County Hospital District will appoint one (1) member each. In the event that any of these parties does not participate in the Zone, then its right to appoint one (1) member to the Board is deemed forfeited, and the City Council will appoint an additional member to the Board.
- (b) Initial appointments will be made for terms expiring on December 31, 2015. After that, reappointments and/or new appointments will be made for two (2) year terms beginning on January 1, 2016. Board

members may be removed and replaced by the party that appointed him or her at any time during a term with or without cause. Each year the City Council shall appoint one member of the Board to serve as Chairperson.

- (c) To be eligible to serve on the Board, members must be at least 18 years of age and a resident of the county in which the Zone is located or a county adjacent to that county.
- (d) The Board shall make recommendations to the City Council concerning the administration, management, and operation of the Zone. The Board shall prepare and adopt a final project plan and reinvestment zone financing plan for the Zone and submit such plan to the City Council for its approval. The Board shall consider amendments to the final project and financing plan on its own initiative or upon submission by the City Council, but amendments recommended by the Board shall not take effect unless and until adopted by the City Council.
- (e) Directors shall not receive any salary or other compensation for their services as directors.

#### **SECTION 5. DURATION OF THE ZONE.**

- (a) The Zone shall take effect immediately upon the passage and approval of this Ordinance, consistent with Section 311.004(a)(3) of the Act.
- (b) The Zone shall terminate on December 31, 2045, or at such time, subsequent to the issuance of tax increment bonds, certificates of obligation, notes or other obligations of the Zone (hereinafter referred to as "Obligations") if any, that all project costs, Obligations and the interest on the Obligations have been paid in full in accordance with Section 311.017 of the Act, whichever occurs earlier. The Zone may also be terminated by ordinance at any time. If upon expiration of the stated term of the Zone project costs have not been paid to the property owners, neither the City nor the other taxing entities shall have any obligation to pay the shortfall.

#### **SECTION 6. TAX INCREMENT FUND**

- (a) That a tax increment fund for the Zone (hereinafter referred to as the "TIF Fund") is hereby established.
- (b) The TIF Fund may be divided into additional accounts and sub-accounts authorized by resolution or ordinance of the City Council.

The TIF Fund shall consist of (i) the percentage of the tax increment, as defined by Section 311.012(a) of the Act, that each taxing unit which levies real property taxes in the Zone, other than the City, has elected to dedicate to the TIF Fund under an agreement with the City authorized by Section 311.013(f) of the Act, plus (ii) seventy-five percent (75%) of the City's portion of the tax increment, as defined by Section 311.012(a) of the Act, subject to any binding agreement executed at any time by the City that pledges a portion of such tax increment or an amount of other legally available funds whose calculation is based on receipt of any portion of such tax increment and (iii) fifty percent (50%) of the City's one percent (1%) general sales tax rate, as defined by section 311.0123(b) of the Act, generated from taxable sales within the Zone above the sale tax base.

- (c) The TIF Fund shall be maintained in an account at the depository bank of the City and shall be secured in the manner prescribed by law for Texas cities. In addition, all revenues from the following sources shall be deposited into the TIF Fund: (i) the sale of any obligations hereafter issued by the City and secured in whole or in part from the tax increments; (ii) the sale of any property acquired as part of a tax increment financing plan adopted by the Board; (iii) other revenues dedicated to and used in the Zone.
- (d) Prior to the termination of the Zone, money shall be disbursed from the Tax Increment Fund only to pay project costs, as defined by the Act, for the Zone, to satisfy the claims of holders of Obligations for the Zone, or to pay Obligations incurred pursuant to agreements entered into to implement the project plan and reinvestment zone financing plan and achieve their purpose pursuant to Section 311.010(b) of the Act.

#### **SECTION 7. SEVERABILITY CLAUSE.**

Should any 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 remain in full force and effect. The City of Euless hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional or invalid.

#### **SECTION 8. OPEN MEETINGS.**

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 City Hall of the City for the time required by law preceding its meeting, as required by the Texas Open Meetings Act, Chapter 551 of the Texas Government Code, and that this meeting was open to the public as required by law at all times during which this Ordinance and the subject matter hereof was 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.  
EFFECTIVE DATE.**

This Ordinance shall take effect immediately upon its adoption and publication in accordance with and as provided by law and the City Charter.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF  
EULESS, TEXAS, THIS 22<sup>nd</sup> DAY OF SEPTEMBER 2015.**

**APPROVED:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Linda Martin  
Mayor

\_\_\_\_\_  
Wayne K. Olson  
City Attorney

**ATTEST:**

\_\_\_\_\_  
Kim Sutter, TRMC  
City Secretary

**EXHIBIT A**  
**BOUNDARY DESCRIPTION**

**BEING** a tract or parcel of land out of the A. J. Huitt Survey, Abstract 684, situated in the City of Euless, Tarrant, County, Texas; that those tracts of land conveyed to CADG 901 Airport Freeway, LLC, County Clerk Instrument, Numbers 214219704, 214154503, 214140253, to Shridharni Suresh, County Clerk Instrument, Number 214280676, Enconserv, LLC., County Clerk Instrument Number 213222021, and G8 Opportunity Fund I, LCC., County Clerk Instruments Numbers 210155644 and 210155645, Deed Records, Tarrant County Texas; and being more particularly described as follows:

**BEGINNING** at a 5/8" iron rod found for corner in the east line of F. M. 157 (S. Industrial Boulevard a 100 foot public right-of-way), being the Northwest corner of Tract-A, of the first National Addition, an addition to the city of Euless, Tarrant County, Texas, according to the plat recorded in Volume 388-109, Page 22, Plat records, Tarrant County, Texas, and also being the most westerly southwest corner of said CADG 901 Airport Freeway, LLC, Instrument, No. 214219704;

**THENCE** North 01°29'37" West along said right-of-way a distance of 300.02 feet to a point for corner, bringing the southwest corner of the, Lot 1 Block A of Plaza on the Lake, as recorded in Volume 388-204, Page 74, of said Deed Records;

**THENCE** leaving said right-of-way and along the boundary line of said Plaza on the Lake the following calls:

North 88°23'07" East a distance of 162.14 feet to a point for corner;

North 01°02'40" West a distance of 90.39 feet to a point for corner, being in the south line of said Enconserv tract;

South 88°56'37" West a distance of 162.84 feet to a point for corner, being in the east line of said right-of-way and being the southwest corner of said Enconserv tract;

**Thence** North 01°25'43" West along said right-of-way a distance of 311.85 feet to a point for corner, being the northwest corner of said Enconserv tract and the southwest corner of said CADG 901 Airport Freeway, LLC, tract Instrument, No. 214154503;

**THENCE** North 01°26'17" West continuing along said right-of-way a distance of 345.95 feet to a point for corner being the northwest corner of said CADG 901 Airport Freeway, LLC, Instrument, No. 214154503 and in the south right-of-way line of Villa Drive;

**THENCE** North 89°05'30" East along the said south right-of-way line of villa drive a distance of 479.59 feet to a point for corner;

**THENCE** North 00°54'54" West crossing said villa drive a distance of 209.95 feet to a point for corner, being a corner of said CADG 901 Airport Freeway, LLC, Instrument, No. 214140253, being the northwest corner of Lot 3, Villa West Second Inst., as recorded by plat in the Plat Records, Tarrant County, Texas, and being in the south line of a tract conveyed to Home Depot USA, Inc. as recorded by deed, Deed Records, Tarrant County, Texas;

**THENCE** along the property line of said CADG 901 Airport Freeway, LLC, Instrument, No. 214140253 the following calls:

North 89°06'17" East a distance of 344.11 feet to a point for corner, being the southeast corner of said Home Depot tract;

North 00°56'45" West a distance of 648.77 feet to a point for corner, being the northeast corner of said Home Depot tract and being in the south line of a tract conveyed by deed to Eules Ventures, Inc., as recorded by deed, County Clerk Instrument No. 214262201, Deed Records, Tarrant County, Texas;

North 89°01'45" East a distance of 171.28 feet to a point for corner, being the southeast corner of said Eules venture tract;

North 00°46'59" West a distance of 389.78 feet to a point for corner, in the east line of a tract of land conveyed by deed to Akashamy Investments, LLC., Volume 12848, Page121, Deed Records, Tarrant County, Texas, and being in the south line of Highway 183 (a variable width right-of-way);

North 89°27'10" East a distance of 109.50 feet to a point for corner, being the northwest corner of a tract of land conveyed by deed to Eules Animal Emergency, LLC., County Clerk Instrument No. 41584791, Deed Records, Tarrant County, Texas;

South 02°08'01" East a distance of 600.15 feet to a point for corner, being the southwest corner of said Eules Animal tract;

North 89°19'41" East a distance of 108.65 feet to a point for corner, being the southeast corner of said Eules Animal tract, and being in the west line of a tract of land conveyed by deed to Shridharani Suresh, County Clerk No. 214280676, Deed Records, Tarrant County, Texas;

**THENCE** along the property line of said Suresh tract the following calls:

North 02°16'55" West a distance of 161.52 feet to a point for corner, being the southwest corner of a tract of land conveyed by deed to Acme Brick Company, County Clerk No. 204162933, Deed Records, Tarrant County, Texas;

North 89°34'46" East a distance of 251.97 feet to a point for corner, being

the southeast corner of said Acme Brick tract;

North 02°19'14" West a distance of 438.00 feet to a point for corner, being the northeast corner of said Acme Brick, being in the south line of said Highway 183;

North 89°34'45" East a distance of 181.25 feet to a point for corner;

South 02°39'14" East along said highway 183 a distance of 200.04 feet to a point for corner, being the northwest corner of Park Crestmoor Addition, an addition to the City of Euless a recorded in Volume 388-7, Page 46, Plat Records, Tarrant County, Texas;

South 02°34'05" East along the west line of said Park Crestwood Addition a distance of 1135.77 feet to a point for corner;

South 03°17'57" East continuing along the west line of said Park Crestwood Addition a distance of 332.29 feet to a point for corner, being the southeast corner of said Suresh tract and the northeast corner of a tract of land conveyed to G8 Opportunity, Fund I, LLC., as recorded by deed, County Clerk Instrument No. 210155644, Deed Records, Tarrant County, Texas;

**THENCE** South 87°07'20" West a distance of 284.24 feet to a point for corner, being in the west right-of-way line of Park Drive (a 50 foot right-of-way);

**THENCE** South 22°16'30" West along said Park Drive a distance of 150.74 feet to a point for corner, at the beginning of a curve to the left whose chord bears South 00°12'26" East, 93.79 feet;

**THENCE** continuing along said Park Drive in a Southerly direction along said curve to the left having a central angle of 44°57'52", a radius of 122.64 feet, and an arc length of 96.25 feet to a point for corner;

**THENCE** South 21°08'47" East continuing along said Park Drive a distance of 33.43 feet to a point for corner, said corner being the northeast corner of a tract of land conveyed to Pride'n Texas Land, LTD. As recorded by deed, County Clerk Instrument No. 23042381, Deed Records Tarrant County, Texas;

**THENCE** South 87°46'09" West a distance of 102.05 feet to a point for corner, being in the east line of said CADG 901 Airport Freeway, LLC, Instrument, No. 214219704;

**THENCE** South 02°19'22" East a distance of 185.00 feet to a point for corner, in the north right-of-way line of West Euless Boulevard (a variable width right-of-way);

**THENCE** South 53°54'05" West along the north right-of-way line of said West Euless Boulevard a distance of 717.03 feet to a point for corner, at the beginning of a curve to the right whose chord bears South 55°12'52" West, 110.19 feet;

**THENCE** continuing along the north right-of-way line of said West Eules Boulevard in a Southwesterly direction along said curve to the right having a central angle of  $2^{\circ}16'00''$ , a radius of 2785.45 feet, and an arc length of 110.19 feet to a point for corner;

**THENCE** North  $33^{\circ}59'37''$  West a distance of 110.87 feet to a point for corner, being in the west right-of-way of Del Paso Street at the beginning of a curve to the left whose chord bears North  $38^{\circ}16'48''$  West, 100.29 feet,;

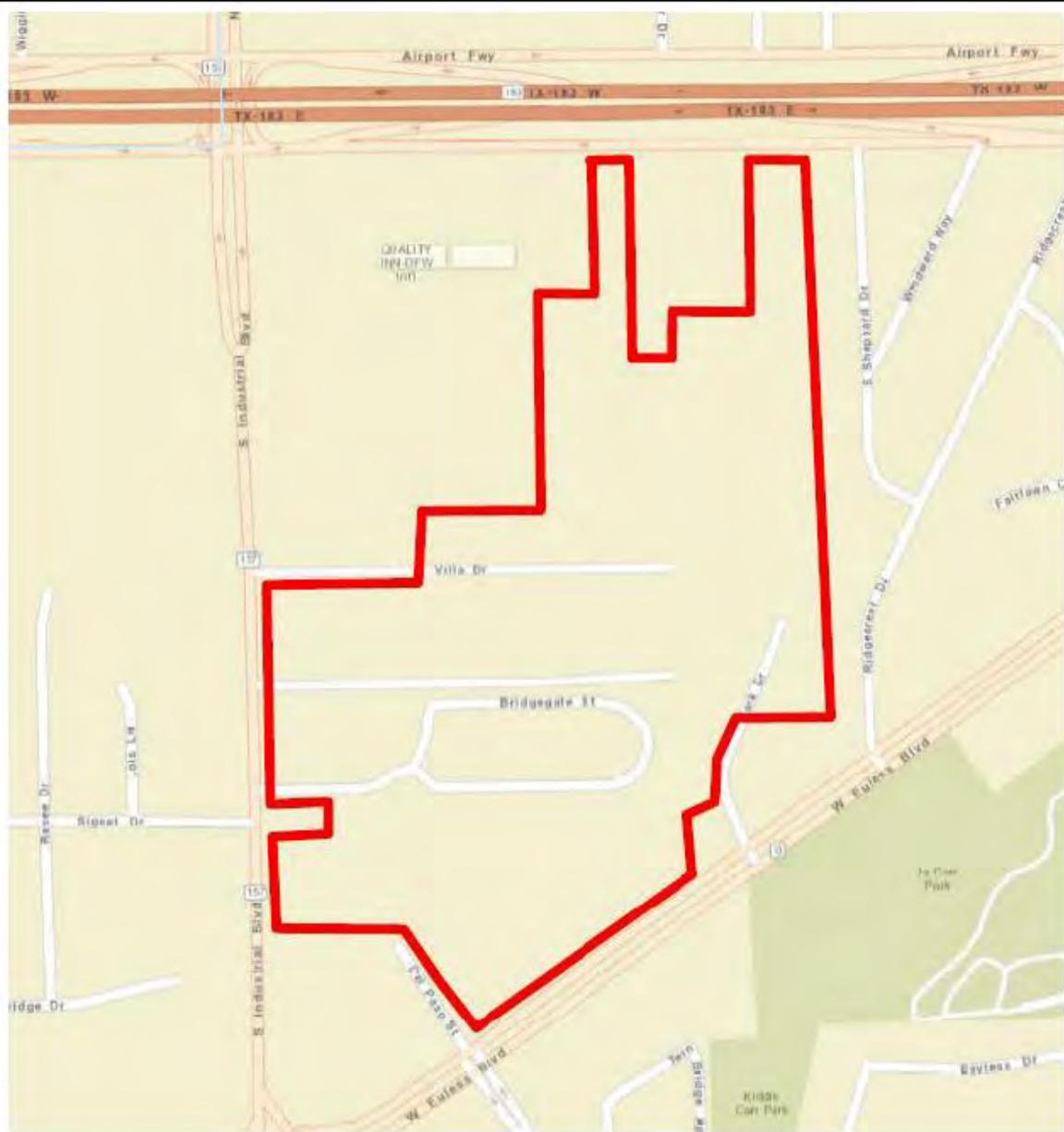
**THENCE** in a Northwesterly direction along said Del Paso Street right-of way and along said curve to the left having a central angle of  $8^{\circ}34'22''$ , a radius of 670.92 feet, and an arc length of 100.39 feet to a point for corner;

**THENCE** in a Northwesterly direction along said curve to the right having a central angle of  $15^{\circ}29'52''$ , a radius of 365.55 feet, and an arc length of 98.88 feet to a point for corner;

**THENCE** North  $27^{\circ}04'07''$  West continuing along said Del Paso Street right-of-way a distance of 64.11 feet to a point for corner;

**THENCE** South  $88^{\circ}45'53''$  West a distance of 375.15 feet to the POINT OF BEGINNING and containing 56.884 acres of land, more or less

**EXHIBIT B**  
**DEPICTION OF PROPERTY DESCRIBED IN EXHIBIT A**



***EXHIBIT C***  
PRELIMINARY REINVESTMENT ZONE PROJECT PLAN AND FINANCING  
PLAN