

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PFLUGERVILLE, TEXAS, AMENDING REINVESTMENT ZONE NO. ONE TO INCLUDE ADDITIONAL PROPERTY WITHIN THE CITY OF PFLUGERVILLE, TEXAS; ESTABLISHING THE NEW BOUNDARIES THEREOF AND OTHER MATTERS RELATING THERETO, INCLUDING ESTABLISHING THE DURATIONAL TERM, APPROVING THE FIRST AMENDED PROJECT PLAN AND REINVESTMENT ZONE FINANCE PLAN AND ADJUSTING THE TAX INCREMENT BASE THEREOF; REPLACING ALL ORDINANCES IN CONFLICT; CONTAINING SEVERABILITY AND REPEALER CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City established Reinvestment Zone No. One through Ordinance No. 1063-10-12-14 (Zone) pursuant to Chapter 311 of the Texas Tax Code and desires to enlarge the boundaries of the Zone to include additional property as described in Exhibit A and depicted in Exhibit B, all as authorized by Section 311.007 of the Texas Tax Code; and

WHEREAS, a reinvestment zone financing plan for the included land has been prepared, which provides that City of Pflugerville ad valorem taxes are to be deposited into the tax increment fund, and that taxes of other taxing units may be used in the financing of the proposed zone as provided for in Exhibit C; and

WHEREAS, the Ordinance adopting the original Zone established a board of directors, provided an effective and termination date for the Zone, established a tax increment fund for the Zone and otherwise complied with all of the requirements of Chapter 311, Texas Tax Code under which the additional property will be governed; and

WHEREAS, the City provided written notice of the public hearing on the enlargement of the proposed zone and the first amended project plan and finance plan, complying with the requirements of Chapter 311, Texas Tax Code,; and

WHEREAS, a notice of a public hearing to be held on November 27, 2018 on the enlargement of the Zone was published on **November 14, 2018** in the Pflugerville Pflag, a newspaper of general circulation in the City; and

WHEREAS, at the public hearing interested persons were allowed to speak for or against the first amended project plan and finance plan, expansion of the proposed zone, duration of the proposed zone, its boundaries, or 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, evidence was received and presented at the public hearing in favor of the enlargement of the Zone under the provisions of Chapter 311, Texas Tax Code; and

WHEREAS, no owners of real property in the proposed zone protested the inclusion of their property in the proposed zone; and

WHEREAS, the City has provided all information, and made all presentations, given all notices and done all other things required by Chapter 311, Texas Tax Code, or other law as a condition to the expansion of the proposed zone; and

WHEREAS, the total area proposed to be included in the zone is approximately 67 acres, of which approximately 46 acres are in private ownership; and

WHEREAS, at its November 19, 2018 board meeting, the Board of Directors of the Zone considered and adopted the first amendment to the project plan and finance plan that included the annexation of additional territory into the Zone's boundaries ("First Amended Plans"), and has recommended the First Amended Plans for approval by the City; and

WHEREAS, the City is authorized to extend the term of all or a portion of the Zone under Section 311.007(c) of the Texas Tax Code.

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

Section 1. Findings

- (a) The facts and recitations contained in the preamble of this Ordinance are hereby found and declared to be true and correct and are adopted as part of this Ordinance for all purposes.
- (b) The City Council further finds and declares that the proposed improvements in the zone will significantly enhance the value of all the taxable real property in the proposed zone and will be of general benefit to the City.
- (c) The City Council further finds and declares that the proposed zone meets the criteria and requirements of Section 311.005 of the Texas Tax Code because the proposed zone contains substantial areas that are predominantly open and underdeveloped, and lack a proper road system and other facilities, which conditions substantially impair and arrest the sound growth of the City.
- (d) The City Council, pursuant to the requirements of Chapter 311, Texas Tax Code, further finds and declares that:
 - a. The proposed zone is a geographic area located wholly within the corporate limits of the City;
 - b. The total appraised value of taxable real property in the proposed zone does not exceed fifty percent of the total appraised value of taxable real property in the City and in the industrial districts created by the City;
 - c. The proposed zone does not contain more than 15 percent of the total appraised value of real property taxable by a county or school district in which the proposed zone is located;

- d. Less than thirty percent of the property in the proposed zone, excluding property that is publicly owned, is used for residential purposes as of the date of enlargement of the proposed zone; and
 - e. The development or redevelopment of the property in the proposed zone will not occur solely through private investment in the reasonably foreseeable future.
- (e) The City Council hereby finds and declares that all provisions of the original Ordinance, No. 1063-10-12-14 establishing the Zone are ratified and apply to the additional property except to the extent herein established.

Section 2. Enlargement and Designation of the Revised Zone

The City, acting under the provisions of Chapter 311, Texas Tax Code, including Section 311.005(a), designated the reinvestment zone through Ordinance No. 1063-10-12-14, and incorporates additional property into the reinvestment zone as described in Exhibit A, and depicted in the map attached hereto as Exhibit B, to promote the redevelopment of the area. The reinvestment zone with the additional property shall collectively be known as Reinvestment Zone Number One, City of Pflugerville, Texas, (the "Zone"). The City Council specifically declares that the Zone as enlarged is designated pursuant to Section 311.005(a)(1) and (2) of the Texas Tax Code.

Section 3. Duration of the Term of the Additional Property in Zone

The Zone as amended shall take effect immediately upon passage of this Ordinance. Deposit of tax increments from the additional property into the Tax Increment Fund established pursuant to Ordinance No. 1063-10-12-14 shall commence in 2018, and termination for the additional property included within the Zone pursuant to this Ordinance shall occur on December 31, 2058 (unless extended by the City in accordance with applicable law), or at an earlier time designated by subsequent ordinance, or at such time, subsequent to the issuance of tax increment bonds, if any, that all project costs, tax increment bonds, notes and other obligations of the Zone, and the interest thereon, have been paid in full. Notwithstanding the above, after the term of the Zone, the Zone shall continue to receive increment from tax payments made with respect to tax years during the stated term of the Zone.

Section 4. Approval of the First Amended Plans.

That the Plans are hereby amended by the First Amended Plans attached to this Ordinance as Exhibit "C." The First Amended Plans is hereby determined to be feasible and is approved.

Section 5. Tax Increment Base

The Tax Increment Base as established for the Zone by Ordinance No. 1063-10-12-14 is hereby increased by the taxable value of the additional real property, as of January 1, 2018, added to the Zone pursuant to this Ordinance, in accordance with Texas Tax Code § 311.012(c).

Section 6. Severability

The sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared

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

Section 7. Repealer

This Ordinance shall be cumulative of all other ordinances of the City of Pflugerville, and this ordinance shall not operate to repeal or affect any other ordinances of the City of Pflugerville except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this Ordinance, in which event such conflicting provisions, if any, are hereby repealed.

Section 8. Effective Date

This Ordinance will take effect immediately upon its adoption and passage by the City Council in accordance with Section 3.15(d) of the City Charter.

PASSED AND APPROVED this _____ day of _____, 2018.

CITY OF PFLUGERVILLE, TEXAS

by: _____

VICTOR GONZALES, Mayor

ATTEST:

KAREN THOMPSON, City Secretary

APPROVED AS TO FORM:

CHARLES E. ZECH, City Attorney

DENTON NAVARRO ROCHA BERNAL & ZECH, PC

EXHIBIT "A"

Legal Description of the Zone

EXHIBIT "B"

Map of the Zone

Exhibit C

First Amended Project Plan and Reinvestment Zone Finance Plan