

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PFLUGERVILLE, TEXAS, AMENDING AND RESTATING ORDINANCE 1062-10-11-23 DESIGNATING A CERTAIN AREA AS THE PFLUGERVILLE RENEWABLE ENERGY REINVESTMENT ZONE FOR THE CITY OF PFLUGERVILLE, TEXAS; ESTABLISHING THE BOUNDARIES THEREOF AND OTHER MATTERS RELATING THERETO; PROVIDING SEVERABILITY AND REPEALER CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City Council of the City of Pflugerville, Texas (hereinafter referred to as the "City"), renews its desire to promote the development or redevelopment of a certain contiguous geographic area within its extraterritorial jurisdiction by the designation and expansion of a reinvestment zone, as authorized by chapter 312 of the Texas Tax Code, referred to as the Property Redevelopment and Tax Abatement Act; and

**WHEREAS**, the City Council originally established the Pflugerville Renewable Energy Reinvestment Zone by Ordinance No. 1062-10-11-23, which was recorded as Document Number 2017192514 in the Travis County Records; and

**WHEREAS**, the City Council, prior to the adoption of this Ordinance, elected to become eligible to participate in tax abatement and or designate areas as a reinvestment zone and thereby adopted, established and renewed its tax abatement guidelines and criteria governing tax abatement agreements; and

**WHEREAS**, a public hearing was set for 7:00 p.m. on the 24th day of April, 2018, before the City Council with such date being at least seven (7) days after the date of publication of the notice of such public hearing and delivery of personal notice to each presiding officer of the governing body of each taxing unit that includes in its boundaries real property that is to be included in the proposed reinvestment zone, pursuant to Section 312.201(d) of the Texas Tax Code; and

**WHEREAS**, at such hearing interested persons were given an opportunity to speak and present evidence for or against the designation; and

**WHEREAS**, upon full review and consideration of all matters attendant and related thereto, the City Council is of the opinion that the area described in *Exhibit A* of this Ordinance, which is attached hereto and incorporated herein, meets the criteria for designating the area as a tax abatement reinvestment zone, pursuant to Section 312.202(a)(6) of the Texas Tax Code, because the designation of the area as described in *Exhibit A* as a reinvestment zone is found to be "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 municipality."

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

Section 1. The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes.

Section 2. **Definitions.**

- (a) *Improvements* - Improvements shall include any activity at the location, including but not limited to new construction.

**Section 3. Findings and Determinations.** The City, after conducting such public hearings, and having heard such evidence and testimony, has made the following findings and determinations based upon the evidence and testimony presented:

- (a) That a public hearing on the adoption of the reinvestment zone has been properly called, held and conducted, and that notices of such hearing had been published at least seven (7) days before the hearing in a newspaper of general circulation within the City, and personal notice was mailed to the presiding officer of the governing body of each taxing unit that includes in its boundaries real property that is to be included in the proposed reinvestment zone at least seven (7) days prior to the hearing; and
- (b) That the boundaries of the reinvestment zone should be and are hereby designated as the areas described and depicted on the attached **Exhibit A**, which is attached hereto and incorporated herein for all purposes; and
- (c) That creation of the reinvestment zone for renewable energy production improvements will result in benefits to the City and to the land included within the reinvestment zone, and the improvements sought are feasible and practical; and
- (d) That the reinvestment zone meets the criteria for the creation of a reinvestment zone as set forth in 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
- (e) That the reinvestment zone meets the criteria for the creation of a reinvestment zone as set forth in the adopted and established City of Pflugerville Tax Abatement Guidelines and Criteria.

**Section 4. Reinvestment Zone Designation.** Pursuant to Section 312.201 of the Texas Tax Code, the City hereby designates a reinvestment zone for renewable energy production encompassing only the area described and depicted on the attached **Exhibit A**, and such reinvestment zone is hereby designated and shall hereafter be designated as the Pflugerville Renewable Energy Reinvestment Zone, City of Pflugerville, Texas.

**Section 5. Expiration of Reinvestment Zone.** The Pflugerville Renewable Energy Reinvestment Zone, City of Pflugerville, Texas designation is effective for five (5) years from the date of final passage of this Ordinance and may be renewed for periods not to exceed five (5) years, pursuant to Section 312.203 of the Texas Tax Code. The expiration of the designation does not affect an existing tax abatement agreement.

**Section 6. Tax Abatement Agreements.** Tax Abatement Agreements entered into as a result of this Reinvestment Zone designation shall be subject to and in conformance with Chapter 312, Subchapters A, B and C of the Texas Tax Code.

**Section 7. Severability.** The provisions of this ordinance are severable. If any section,

paragraph, sentence, subdivision, clause, or phrase of this ordinance or the application thereof to any person or circumstance is held invalid or held unconstitutional, such invalidity shall not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application.

**Section 8. 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 9. Effective.** This Ordinance will take effect after the second reading and its passage by at least four affirmative votes on May 8, 2018; provided that this Ordinance will be posted and published in accordance with the provisions of the City Charter.

CITY OF PFLUGERVILLE, TEXAS

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Victor Gonzales, Mayor

ATTESTED TO:

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Karen Thompson  
City Secretary

APPROVED AS TO FORM

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Charles E. Zech, City Attorney  
DENTON NAVARRO ROCHA BERNAL & ZECH, PC

## **Exhibit A**

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Description and Depiction of the Pflugerville  
Renewable Energy Reinvestment Zone for the City of Pflugerville, Texas

*Description of Land*

**YAJAT LLC-TRACT 1- 211.614 ACRES**

**Travis CAD Property ID: 271890 & Geo ID: 0267900117**

**LEGAL DESCRIPTION:** BEING 211.614 ACRES OF LAND LYING IN AND BEING SITUATED OUT OF THE I. LINDSEY SURVEY NO. 67, ABSTRACT NO. 476, THE WALTON HILL & WALTON SURVEY NO. 77, ABSTRACT NO. 2326 AND THE S. FOWLER SURVEY NO. 42, ABSTRACT NO. 302 AND BEING ALL OF THAT SAME 211.51 ACRE TRACT CONVEYED TO YAJAT, LLC BY DEED RECORDED IN DOCUMENT NO. 2007153496 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

**SARVI, LLC & YAJAT, LLC-TRACT 2- 319.327 ACRES**

**Travis CAD Property ID: 271881 & Geo ID: 0267900108**

**LEGAL DESCRIPTION:** BEING 319.327 ACRES OF LAND LYING IN AND BEING SITUATED OUT OF THE I. LINDSEY SURVEY NO. 67, ABSTRACT NO. 476, THE WALTON HILL & WALTON SURVEY NO. 77, ABSTRACT NO. 2326 AND THE S. FOWLER SURVEY NO. 42, ABSTRACT NO. 302 AND BEING ALL OF THAT SAME 319.089 ACRE TRACT CONVEYED TO YAJAT, LLC BY DEED RECORDED IN DOCUMENT NO. 2009077786 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS AND ALL OF THAT SAME 319.089 ACRE TRACT CONVEYED TO SARVI, LLC BY DEED RECORDED IN DOCUMENT NO. 2007024765 OF SAID OFFICIAL PUBLIC RECORDS

**SARVI YAJAT PARTNERSHIP-TRACT 3- 56.154 ACRES**

**Travis CAD Property ID: 271883 & Geo ID: 0267900110**

**LEGAL DESCRIPTION:** BEING 56.154 ACRES OF LAND LYING IN AND BEING SITUATED OUT OF THE S. FOWLER SURVEY NO. 42, ABSTRACT NO. 302 AND BEING ALL OF THAT SAME 56.154 ACRE TRACT CONVEYED TO SARVI YAJAT PARTNERSHIP BY DEED RECORDED IN DOCUMENT NO. 2010155037 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

**SARVI YAJAT PARTNERSHIP-TRACTS 4 & 5- 76.420 ACRES**

**Travis CAD Property ID: 264030 & Geo ID: 0259900101**

**Travis CAD Property ID: 800943 & Geo ID: 0259900105**

**LEGAL DESCRIPTION:** BEING 76.420 ACRES OF LAND LYING IN AND BEING SITUATED OUT OF THE S. FOWLER SURVEY NO. 42, ABSTRACT NO. 302 AND BEING ALL OF THAT SAME 71.247 ACRE TRACT, ALL OF THAT 20 FOOT STRIP CONVEYED TO SARVI YAJAT PARTNERSHIP BY DEED RECORDED IN DOCUMENT NO. 2010154796 2010155037 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS AND ALL OF THAT SAME 3.942 ACRE TRACT CONVEYED TO SARVI YAJAT PARTNERSHIP BY DEED RECORDED IN DOCUMENT NO. 2010155037 OF SAID OFFICIAL PUBLIC RECORDS

**SARVI YAJAT PARTNERSHIP-TRACT 6- 78.114 ACRES**

**Travis CAD Property ID: 264036 & Geo ID: 0259900207**

**LEGAL DESCRIPTION:** BEING 78.114 ACRES OF LAND LYING IN AND BEING SITUATED OUT OF THE R. FLETCHER SURVEY NO. 69, ABSTRACT NO. 287 AND BEING ALL OF THAT SAME 78.130 ACRE TRACT CONVEYED TO SARVI YAJAT PARTNERSHIP BY DEED RECORDED IN DOCUMENT NO. 2010154832 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

**LESTER C NELSON-TRACT 7 & 8- 186.629 ACRES**

**Travis CAD Property ID: 264046 & Geo ID: 0259900217**

**Travis CAD Property ID: 264037 & Geo ID: 0259900208**

**LEGAL DESCRIPTION:** BEING 186.629 ACRES OF LAND LYING IN AND BEING SITUATED OUT OF THE R. FLETCHER SURVEY NO. 69, ABSTRACT NO. 287 AND BEING ALL OF THAT SAME 44.19 ACRE TRACT AND ALL OF THAT 142 ACRE TRACT CONVEYED TO LESTER C. NELSON, AS TRUSTEE OF THE LESTER C. NELSON REVOCABLE LIVING TRUST BY DEED RECORDED IN VOLUME 11917, PAGE 241 AND 243 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS

**LESTER ANDERSON-TRACT 9-17.666 ACRES**

**Travis CAD Property ID: 271892 & Geo ID: 0267900118**

**Travis CAD Property ID: 271891 & Geo ID: 0267900118**

**LEGAL DESCRIPTION:** BEING 17.666 ACRES OF LAND LYING IN AND BEING SITUATED OUT OF THE S. FOWLER SURVEY NO. 42, ABSTRACT NO. 302 AND BEING ALL OF THAT SAME 17.667 ACRE TRACT CONVEYED TO LESTER ANDERSON BY DEED RECORDED IN DOCUMENT NO. 2010065612 OF OFFICIAL PUBLIC RECORDS TRAVIS COUNTY, TEXAS

**BRIAN L WINTER - TRACTS 10, 11 & 12 – 288.60 ACRES**

**Travis CAD Property ID: 264038 & Geo ID: 0259900211**

**Travis CAD Property ID: 264067 & Geo ID: 0259990114**

**Travis CAD Property ID: 259281 & Geo ID: 0251990101**

**LEGAL DESCRIPTION:** BEING 288.60 ACRES OF LAND OUT OF THE JOHN BECKMAN SURVEY, ABSTRACT NO. 2140, IN THE JOHN HARPER SURVEY, ABSTRACT NO. 398, THE B.F. CHILDRESS SURVEY, ABSTRACT NO. 182, THE J. HARRELL SURVEY, ABSTRACT NO. 349, THE JAMES P. KEMP SURVEY, ABSTRACT NO. 464 IN TRAVIS COUNTY, TEXAS, BEING THE SAME PROPERTY CONVEYED TO EMILY W. BROWN BY DEED DATED APRIL 1, 1942, RECORDED IN VOLUME 698, PAGE 329, DEED RECORDS OF TRAVIS COUNTY, TEXAS AND CONVEYED TO DONNER CORPORATION BY DEED DATED DECEMBER 26, 1960, RECORDED IN VOLUME 2256, PAGE 247, DEED RECORDS OF TRAVIS COUNTY, TEXAS.

Vicinity Map of Project, Reinvestment Zone, Qualified Investment, and Property

