

**ORDINANCE NO. 1514-09-2022**

**AN ORDINANCE MAKING FINDINGS; DESIGNATING A CERTAIN AREA AS A REINVESTMENT ZONE FOR COMMERCIAL-INDUSTRIAL TAX ABATEMENT; ASSIGNING THE NAME “REINVESTMENT ZONE NUMBER 23 (TWENTY-THREE) OF THE CITY OF GAINESVILLE, TEXAS” TO SAID ZONE; DESCRIBING THE BOUNDARIES THEREOF; PROVIDING FOR ELIGIBILITY REQUIREMENTS FOR TAX ABATEMENT WITHIN SAID ZONE; PROVIDING TERMS FOR ABATEMENT WITHIN THE ZONE; PROVIDING REQUIREMENTS FOR TAX ABATEMENT AGREEMENTS; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION; AND MAKING AN OPEN MEETING FINDING.**

WHEREAS, the City Council of the City of Gainesville, Texas, (“City”), as authorized by the property Redevelopment and Tax Abatement Act, Chapter 312, TEX. TAX CODE, (“the Act”), wishes to designate a new reinvestment zone in an effort to promote the development or redevelopment of a certain contiguous geographic area through the use of tax abatements; and

WHEREAS, the City held a public hearing on the creation of Reinvestment Zone Number 23 after providing proper notice to the public and other taxing entities;

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

**Section 1. Name of Ordinance:**

This Ordinance shall be known as “Reinvestment Zone No. 23 of the City of Gainesville.”

**Section 2. Definitions.**

In this Ordinance, the following words shall be defined as follows:

- (a) **Improvements** shall include, for the purpose of establishing eligibility under Section 312.202, TEX. TAX CODE, new construction or redevelopment of current structures.
- (b) **Property covered in Reinvestment Zone** shall include real and personal property located in the reinvestment zone.
- (c) **Base Year** the base year for determining increased value shall be the taxable value of the real property and any fixed improvements as of January 1 of the year in which the tax abatement is executed.

**Section 3. Determinations.**

The City, after conducting a public hearing evidence and testimony of all persons wishing to be heard, hereby makes the following findings and determinations:

- (a) That a public hearing on the adoption of the Reinvestment Zone has been properly called, held and conducted and that the required notice of such hearing has been given to the public and to all taxing units overlapping the territory inside the proposed reinvestment zone;
- (b) That the boundaries of the area of the proposed tax agreement shall be the area described in Exhibit "A" which is attached hereto and incorporated herein;
- (c) That the creation of the reinvestment zone for commercial-industrial tax abatement with boundaries as described in Exhibit "A" will result in benefits to the City and to the land included in the Reinvestment Zone and the improvements sought are feasible and practical;
- (d) That the Reinvestment Zone, as defined in Exhibit "A", meets the criteria for the creation of a Reinvestment Zone as set forth below:
  - (1) TEX. TAX CODE, Section 312.202 (6) "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.
- (e) That the reinvestment zone as defined in Exhibit "A" meets the criteria for the creation of a reinvestment zone as set forth in the City of Gainesville Guidelines and Criteria for Tax Abatement; and
- (f) The area designated to be included in Reinvestment Zone No. 23 has been zoned Outdoor Commercial (C-3) by the City of Gainesville with Ordinance Number 1409-03-2017 on March 7, 2017.

**Section 4. Creation of Reinvestment Zone**

Pursuant to the Property Redevelopment and Tax Abatement Act, Chapter 312, TEX. TAX Code, the City of Gainesville hereby creates and designates a reinvestment zone for commercial-industrial tax abatement encompassing only the areas as described in Exhibit "A" which shall be known as Reinvestment Zone No. 23 of the City of Gainesville, Texas.

**Section 5. Eligibility for Tax Abatement.**

To be considered eligible for an agreement for tax abatement with the City of Gainesville, a project located in Reinvestment Zone No. 23 shall:

- (a) meet the standards of City of Gainesville Guidelines and Criteria for granting Tax Abatement in a reinvestment zone.

**Section 6. Tax Abatement Terms Within Zone.**

Written agreements with property owner(s) located within the Zone shall provide identical terms regarding duration of exemption and share of taxable real property value and tangible personal property.

- (a) Duration of Exemption: includes number of consecutive tax years beginning with and including the January 1 assessment date.
- (b) Share of taxes abated: includes number years of abatement and annual percentage for each abatement year; i.e. of the value of the real property in each year covered by the agreement only to the extent its value for that year exceeds its value for the year in which the agreement is executed.

**Section 7. Tax Abatement Agreement Requirements.**

All agreements for abatement of taxes within Reinvestment Zone No. 23 must comply with Section 312.205 (a) of the Act and must:

- (a) List the Kind, number and location of all proposed improvements of the property;
- (b) Provide access to and authorize inspection of the property by municipal employees, to insure that the improvements or repairs are made according to the specification, and conditions of the agreement;
- (c) Limit the uses of the property consistent with the general purpose of encouraging, the development, redevelopment of the Reinvestment Zone during the period that property, tax exemptions are in effect; and
- (d) Provide for recapturing property tax revenue lost as a result of the agreement if the owner of the property fails to make the improvements as provided by the agreement.

**Section 8. Severability.**

If for any reason any section, paragraph, subdivision, clause, phrase or provision of this ordinance shall be held invalid, it shall not affect any valid provision of this or any other Resolution of the City of Gainesville to which this Ordinance relates.

**Section 9. Effective Date of Ordinance.**

The provisions of this Ordinance, including the reinvestment zone designation shall be effective immediately upon passage, execution by the Mayor, and any required publication.

**Section 10. Invalidity.**

If any portion of this Ordinance shall, for any reason, be declared invalid by any court of competent jurisdiction, such invalidity shall not affect the remaining provisions hereof.

**Section 11. Publication.**

Publication shall be made in the official newspaper of the City of Gainesville, Texas, after final passage, as provided by law.

**Section 12. Open Meeting Finding.**

That it is hereby officially found and determined that the meeting at which this Ordinance is passed is open to the public as required by law and that public notice of the time, place and purpose of said meeting was given as required.

**INTRODUCTION, FIRST READING, CHARTER SUSPENSION**

INTRODUCED AND READ FOR THE BEFORE THE CITY COUNCIL OF THE CITY OF GAINESVILLE ON THE 6<sup>TH</sup> DAY OF SEPTEMBER 2022, AT WHICH THE CHARTER PROVISION OF THE CITY OF GAINESVILLE REQUIRING THE READING OF THE ORDINANCE ON THREE SEPARATE OCCASIONS WAS SUSPENDED BY A VOTE:

6 AYES 0 NAYS 1 ABSENCES, AND 0 ABSTENTIONS

ATTEST:

*Diana Alcala*  
DIANA ALCALA, CITY SECRETARY

*Ken Keeler*  
KEN KEELER, MAYOR PRO TEM

**ADOPTION**

ADOPTED BY THE CITY COUNCIL OF THE CITY OF GAINESVILLE ON THE 6<sup>TH</sup> DAY OF SEPTEMBER 2022:

6 AYES 0 NAYS 1 ABSENCES, AND 0 ABSTENTIONS

ATTEST:

*Diana Alcala*  
DIANA ALCALA, CITY SECRETARY

*Ken Keeler*  
KEN KEELER, MAYOR PRO TEM



**EXHIBIT "A"**  
**BOUNDARY DESCRIPTIONS**  
**INCLUDING PARCELS LOCATED WITHIN THE**  
**CITY LIMITS OF GAINESVILLE**  
**ADJACENT TO THE I-35 ACCESS ROAD ON THE WEST SIDE OF I-35**

**TRACT 1**

BEING A TRACT OF LAND SITUATED IN THE SARAH SMITH SURVEY, ABSTRACT NUMBER 913, COOKE COUNTY TEXAS AND BEING A PART OF A CERTAIN CALLED 41.701 ACRES TRACT DESCRIBED IN THE SPECIAL WARRANTY DEED FROM VIEWPOINT BANK TO WOODCREST ALLIANCE LIMITED PARTNERSHIP RECORDED IN VOLUME 1673, PAGE 576 DEED RECORDS, COOKE COUNTY TEXAS, AND ALL OF LOT 2, GAINESVILLE OUTLETS ADDITION, PHASE TWO, AS SHOWN ON THE PLAT THEREOF RECORDED IN CABINET A, PAGE 199, OF THE PLAT RECORDS OF COOKE COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY MEETS AND BOUNDS AS FOLLOWS:

**BEGINNING** AT A CAPPED IRON ROD FOUND ON THE SOUTHWEST RIGHT-OF-WAY LINE OF INTERSTATE HIGHWAY 35 AT THE SOUTHEAST CORNER OF LOT 1 OF GAINESVILLE OUTLETS ADDITION, AN ADDITION TO THE CITY OF GAINESVILLE, COOKE COUNTY, TEXAS, AS SHOWN BY THE PLAT THEREOF RECORDED IN CABINET A, PAGE 191 OF THE PLAT RECORDS OF COOKE COUNTY, TEXAS.

**THENCE** SOUTH 26 DEGREES 00 MINUTES 21 SECONDS EAST, WITH THE SOUTHWEST RIGHT-OF-WAY LINE OF SAID INTERSTATE HIGHWAY 35 AND WITH THE EAST LINE OF THE SAID 41.701 ACRE TRACT OF LAND, A DISTANCE OF 367.26 FEET TO A 1/2-INCH IRON ROD FOUND FOR THE NORTH CORNER OF A TRACT OF LAND DESCRIBED IN DEED TO RICHARD C. KLEMENT, RECORDED IN VOLUME 1524, PAGE 73, DEED RECORDS, COOKE COUNTY, TEXAS;

**THENCE** SOUTH 00 DEGREES 22 MINUTES 33 SECONDS EAST, WITH THE COMMON LINE BETWEEN THE WEST LINE OF THE SAID KLEMENT TRACT AND THE EAST LINE OF SAID 41.701 ACRE TRACT OF LAND, A DISTANCE OF 115.24 FEET TO A 1/2-INCH IRON ROD STAMPED "SURVCON" FOUND FOR THE SOUTHEAST CORNER THEREOF;

**THENCE** NORTH 89 DEGREES 48 MINUTES 00 SECONDS WEST, WITH THE SOUTH LINE OF THE SAID 41.701 ACRE TRACT OF LAND, A DISTANCE OF 1569.74 FEET TO A 1/2-INCH IRON ROD STAMPED "SURVCON" FOUND FOR THE SOUTHWEST CORNER THEREOF AND THE NORTHWEST CORNER OF A CERTAIN CALLED 31.287 ACRE TRACT OF LAND DESCRIBED IN THE DEED TO RICHARD KLEMENT, RECORDED IN VOLUME 1815, PAGE 645, OFFICIAL PUBLIC RECORDS, COOKE

COUNTY, TEXAS, SAID POINT BEING IN THE EAST LINE OF A CERTAIN CALLED 111 ACRE TRACT DESCRIBED IN THE DEED TO KENNETH WAYNE RIVOIRE ESTATE TRUST, RECORDED IN VOLUME 1484, PAGE 788, OFFICIAL PUBLIC RECORDS, COOKE COUNTY, TEXAS;

**THENCE** NORTH 00 DEGREES 22 MINUTES 54 SECONDS WEST, WITH THE COMMON LINE BETWEEN THE EAST LINE OF THE SAID 111 ACRE TRACT AND THE WEST LINE OF THE 41.701 ACRE TRACT OF LAND, A DISTANCE OF 1738.34 FEET TO A 1/2-INCH IRON ROD STAMPED "SURVCON" FOUND IN THE SOUTH RIGHT-OF-WAY LINE OF F.M. 1202 FOR THE NORTHWEST CORNER THEREOF;

**THENCE** SOUTH 89 DEGREES 25 MINUTES 45 SECONDS EAST, WITH THE NORTH LINE OF THE SAID 41.701 ACRE TRACT OF LAND, WITH SAID SOUTH RIGHT-OF-WAY LINE OF F.M. 1202, A DISTANCE OF 16.57 FEET TO A PK NAIL FOUND FOR A CORNER AT AN ANGLE POINT THEREIN;

**THENCE** SOUTH 50 DEGREES 59 MINUTES 03 SECONDS EAST, WITH SAID SOUTH RIGHT-OF-WAY LINE OF F.M. 1202, A DISTANCE OF 41.01 FEET TO A PK NAIL FOUND THE NORTHWEST CORNER OF A CERTAIN CALLED 2.307 ACRE TRACT OF LAND DESCRIBED IN DEED TO GAINESVILLE HOSPITALITY, LTD. RECORDED IN VOLUME 1327, PAGE 305 OF THE SAID DEED RECORDS, SAID POINT BEING AT THE BEGINNING OF A CURVE TO THE LEFT WITH A RADIUS OF 25.00 FEET;

**THENCE** WITH THE COMMON LINE BETWEEN THE CALLED 2.307 ACRE TRACT OF LAND AND THE 41.701 ACRE TRACT OF LAND AND WITH SAID CURVE TO THE LEFT, AN ARC LENGTH OF 13.07 FEET, A CHORD BEARING OF SOUTH 14 DEGREES 35 MINUTES 39 SECONDS WEST AND A CHORD LENGTH OF 12.92 FEET TO AN X CUT FOUND FOR A CORNER,

**THENCE** SOUTH 00 DEGREES 22 MINUTES 54 SECONDS EAST, CONTINUING WITH THE COMMON LINE BETWEEN THE CALLED 2.307 ACRE TRACT OF LAND AND THE 41.701 ACRE TRACT OF LAND, A DISTANCE OF 279.89 FEET TO A PK NAIL FOUND FOR A CORNER AT THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 25.00 FEET;

**THENCE** CONTINUING THE COMMON LINE BETWEEN THE CALLED 2.307 ACRE TRACT OF LAND AND THE 41.701 ACRE TRACT OF LAND AND WITH SAID CURVE TO THE LEFT, AN ARC LENGTH OF 39.28 FEET, A CHORD BEARING OF SOUTH 45 DEGREES 22 MINUTES 54 SECONDS EAST AND A CHORD LENGTH OF 35.36 FEET TO A COTTON SPINDLE FOUND FOR THE MOST SOUTHERLY SOUTHWEST CORNER OF THE SAID 2.037 ACRE TRACT OF LAND;

**THENCE** NORTH 89 DEGREES 36 MINUTES 10 SECONDS EAST, WITH THE COMMON LINE BETWEEN THE NORTH LINE OF THE 41.701 ACRE TRACT OF LAND AND THE SOUTH LINE OF THE CALLED 2.307 ACRE TRACT OF LAND, PASSING THE SOUTHEAST CORNER THEREOF AND CONTINUING ON THE SAME COURSE WITH THE SOUTH LINE OF A CALLED 1.6859 ACRE TRACT OF LAND DESCRIBED IN THE DEED TO CBOCS RECORDED IN VOLUME 1393, PAGE 480 OF THE SAID DEED RECORDS, A DISTANCE OF 633.01 FEET TO A PK NAIL FOUND AT A SALIENT

CORNER THEREOF, AT THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 55.00 FEET;

THENCE WITH THE COMMON LINE BETWEEN THE NORTH LINE OF THE SAID 41.701 ACRE TRACT OF LAND, THE SOUTH LINE OF THE SAID 1.6859 ACRE TRACT OF LAND AND WITH SAID CURVE TO THE RIGHT, AN ARC LENGTH OF 63.62 FEET, A CHORD BEARING OF SOUTH 57 DEGREES 14 MINUTES 34 SECONDS EAST AND A CHORD LENGTH OF 60.13 FEET TO A PK NAIL FOUND FOR A CORNER;

THENCE NORTH 63 DEGREES 58 MINUTES 52 SECONDS EAST, CONTINUING THE COMMON LINE BETWEEN THE NORTH LINE OF THE SAID 41.701 ACRE TRACT OF LAND AND THE SOUTH LINE OF THE SAID 1.6859 ACRE TRACT OF LAND, A DISTANCE OF 190.05 FEET TO A 1/2-INCH IRON ROD FOUND THE SOUTHEAST CORNER THEREOF IN THE SAID SOUTHWEST RIGHT-OF-WAY LINE OF INTERSTATE HIGHWAY 35;

THENCE SOUTH 26 DEGREES 00 MINUTES 21 SECONDS EAST, WITH THE EAST LINE OF THE SAID 41.701 ACRE TRACT OF LAND AND THE SAID SOUTHWEST RIGHT OF WAY LINE OF INTERSTATE HIGHWAY 35, A DISTANCE OF 814.62 FEET TO A CAPPED IRON ROD FOUND FOR THE NORTHEAST CORNER OF SAID LOT 1;

THENCE SOUTH 63 DEGREES 34 MINUTES 58 SECONDS WEST, WITH THE NORTH LINE OF SAID LOT 1, A DISTANCE OF 204.76 FEET TO AN "X" CUT FOUND FOR THE NORTHWEST CORNER THEREOF;

THENCE SOUTH 24 DEGREES 29 MINUTES 32 SECONDS EAST, WITH THE WEST LINE OF SAID LOT 1, A DISTANCE OF 306.83 FEET TO AN "X" CUT FOUND FOR THE SOUTHWEST CORNER THEREOF;

THENCE NORTH 64 DEGREES 24 MINUTES 08 SECONDS EAST, WITH THE SOUTH LINE OF SAID LOT 1, A DISTANCE OF 212.86 FEET TO THE POINT OF BEGINNING AND ENCLOSING 40.215 ACRES OF LAND MORE OR LESS.

## TRACT 2

BEING ALL OF LOT 1 OF GAINESVILLE OUTLETS ADDITION, AN ADDITION TO THE CITY OF GAINESVILLE, COOKE COUNTY, TEXAS AS SHOWN BY THE PLAT THEREOF RECORDED IN CABINET A, PAGE 191 OF THE PLAT RECORDS OF COOKE COUNTY, TEXAS.