

City of Houston, Texas, Ordinance No. 2009 - 1396

AN ORDINANCE ENLARGING THE BOUNDARIES OF REINVESTMENT ZONE NUMBER TWO, CITY OF HOUSTON, TEXAS, (MIDTOWN ZONE); CONTAINING FINDINGS AND PROVISIONS RELATED TO THE FOREGOING SUBJECT; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

* * * * *

WHEREAS, the City Council of the City of Houston ("City"), pursuant to the provisions of Chapter 311, Texas Tax Code, as amended (the "Code"), created Reinvestment Zone Number Two, City of Houston, Texas, (the "Zone") by Ordinance No. 1994-1345 approved December 14, 1994; and

WHEREAS, the City may enlarge the boundaries of an existing reinvestment zone pursuant to Section 311.007 of the Code; and

WHEREAS, the City previously enlarged the boundaries of the Zone by Ordinance No. 95-1322 approved December 13, 1995 and Ordinance No. 1999-849 approved August 11, 1999; and

WHEREAS, the City Council finds that the area now proposed to be added to the Zone is located wholly within the corporate limits of the City of Houston and is contiguous to the existing boundaries of the Zone; and

WHEREAS, the City Council finds that the area proposed for addition to the Zone is unproductive, underdeveloped or blighted; and

WHEREAS, the City Council finds that the area proposed for addition to the Zone meets the requirements of Section 311.005(a)(1) of the Code because the area to be

added substantially impairs and arrests the sound growth of the City, retards the provision of housing accommodations, constitutes an economic and social liability, and is a menace to the public health, safety, morals and welfare in its present condition and use because of the presence of:

- (a) predominance of defective or inadequate sidewalk or street layout; and
- (b) faulty lot layout in relation to size, adequacy, accessibility, or usefulness;

and

WHEREAS, the City Council finds that the area proposed for addition to the Zone also meets the requirements of Section 311.005(a)(2) of the Code because the area to be added is predominantly open and, due to a variety of factors, substantially impairs or arrests the sound growth of the City; and

WHEREAS, less than ten percent (10%) of the property proposed to be included in the Zone, excluding property dedicated to public use, is used for residential purposes as described in Section 311.006(d) of the Code; and

WHEREAS, the total appraised value of taxable real property in the enlarged Zone and in any other existing reinvestment zones does not exceed fifteen percent (15%) of the total appraised value of taxable real property in the City and in the industrial districts created by the City; and

WHEREAS, the enlarged Zone does not contain more than fifteen percent (15%) of the total appraised value of real property taxable by Harris County or the Houston Independent School District, within whose boundaries the Zone, as enlarged, is located; and

WHEREAS, the proposed improvements in the enlarged zone will significantly enhance the value of all taxable real property in the proposed zone and will be of general benefit to the City; **NOW, THEREFORE**,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HOUSTON, TEXAS:

Section 1. That the findings and recitals contained in the preamble of this Ordinance are found and declared to be true and correct and are adopted as part of this Ordinance for all purposes.

Section 2. That the City, acting in accordance with the provisions of Chapter 311 of the Code, specifically Sections 311.005, 311.006 and 311.007, does hereby enlarge Reinvestment Zone Number Two, City of Houston, Texas, by adding the areas described in Exhibit "A" and depicted on the map in Exhibit "B," each of which is attached hereto.

Section 3. That the Zone shall be enlarged as of the effective date of this Ordinance.

Section 4. That the tax increment base for the enlarged Zone shall include the tax increment bases established by Ordinance No. 94-1345 and Ordinance No. 95-1322 and Ordinance No. 1999-849, and beginning January 1, 2010, shall include the tax increment base attributable to the land added to the Zone by this Ordinance, which tax increment base shall be January 1 of the year in which this ordinance becomes effective.

Section 5. That if any provision, section, subsection, sentence, clause, or phrase of this Ordinance, or the application of same to any person or set of circumstances, is for any reason be held to be unconstitutional, void, or invalid, the

validity of the remaining provisions of this Ordinance shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality, voidness, or invalidity of any other portion hereof, and all provisions of this Ordinance are declared to be severable for that purpose.

Section 6. That the City Council officially finds, determines, recites, and declares that a sufficient written notice of the date, hour, place, and subject of this meeting of the City Council was posted at a place convenient to the public at the City Hall for the time required by law preceding this meeting, as required by the law governing Open Meetings, TEX. GOV'T CODE ANN., Ch. 551; and that this meeting was open to the public as required by law at all times during which this Ordinance and the subject matter thereof was discussed, considered, and acted upon. The City Council further ratifies, approves, and confirms such written notice and the contents and posting thereof.

Section 7. That there exists a public emergency requiring that this Ordinance be passed finally on the date of its introduction as requested in writing by the Mayor; therefore, this Ordinance shall be passed finally on such date and shall take effect immediately upon its passage and approval by the Mayor.

PASSED AND APPROVED this 29th day of December, 2009.



Mayor of the City of Houston

(Prepared by Legal Department _____ Donna Capps ^{DFM})
(DRC:drc December 21, 2009) Assistant City Attorney
(Requested by Michelle Mitchell, Director, Finance Department)
(L.D. File No. 0610800104005)

G:\LAND\TIRZ\TIRZ 2 Midtown\Annexation\ORD Boundary Enlargement Cultural District Midtown 12-21-09 FINAL.doc

CAPTION PUBLISHED IN DAILY COURT
REVIEW
DATE: JAN 04 2009

AYE	NO	
✓		MAYOR WHITE
••••	••••	COUNCIL MEMBERS
✓		LAWRENCE
✓		JOHNSON
✓		CLUTTERBUCK
✓		ADAMS
✓		SULLIVAN
✓		KHAN
✓		HOLM
✓		GONZALEZ
✓		RODRIGUEZ
✓		BROWN
✓		LOVELL
✓		NORIEGA
✓		GREEN
✓		JONES
CAPTION	ADOPTED	

EXHIBIT "A"

LEGAL DESCRIPTION OF AREA PROPOSED TO BE ADDED TO REINVESTMENT ZONE NUMBER TWO, CITY OF HOUSTON, TEXAS (MIDTOWN ZONE)

BEGINNING at the intersection of the east right-of-way line of Fannin Street and the north right-of-way line of Rosedale Avenue, same being the east line of the Midtown Tax Increment Reinvestment Zone No. 2, same being the west corner of the Lot described as Lot 5, Tract 6, Block 1, Southmore Outlot 100;

THENCE, proceeding in a southeasterly direction along the north right-of-way line of Rosedale Avenue, same being the southern property line of said Lot 5, Tract 6, Block 1, Southmore Outlot 100 to the southeast corner to the Lot described as Lot 1 and Tracks 2A and 10, Block 1, Southmore Outlot 100, same being the intersection of the north right-of-way line of Rosedale Avenue and the west right-of-way line of San Jacinto Street;

THENCE, continuing in a southeasterly direction to the southwest corner of the Lot described as Lots 5, 6, 7, and 8, and Tracks 9B and 10B, Block 4, Southmore Outlot 99, same being the intersection of the north right-of-way line of Rosedale Avenue and the east right-of-way line of San Jacinto Street;

THENCE, continuing in a southeasterly direction along the north right-of-way line of Rosedale Avenue to the southeast corner of a Lot described as Track 1, Block 1, Caroline Oaks, same being the intersection of the north right-of-way of Rosedale Avenue and the west right-of-way of Caroline Street;

THENCE, proceeding in a northeasterly direction along the east property line of said Tract 1, Block 1, Caroline Oaks, same being the the west right-of-way line of Caroline Street, to the northeast corner of the Lot described as Lot 4, Tracks 3 and 9A, Block 4 of Southmore Outlot 99, same being the intersection of the west right-of-way line of Caroline and the south right-of-way of Arbor Place;

THENCE, continuing in a northeasterly direction to the southeast corner of the Lot described as Tracks 1 and 10, Block 38 of Macgregor Blodgett Park Sec 1, same being the intersection of the west right-of-way line of Caroline Street and the north-right of way line of Arbor Place;

THENCE, continuing in a northeasterly direction along the east property line of said Tract 1 and 10, Block 38 of MacGregor Blodgett Park Sec 1 to the northeast corner of a Lot described as Lot 4, Tracks 3A and 9A, Block 38 of Macgregor Blodgett Park Sec 1,

same being the intersection of the west right-of-way line of Caroline Street and the south right-of-way line of Wentworth Avenue;

THENCE, continuing in a northeasterly direction to the southeast corner of a Lot described as Lot 5, Block 1 of Caroline Manor, same being intersection of the west right-of-way of Caroline Street and the north right-of-way line of Wentworth Avenue;

THENCE, proceeding in southeasterly direction to the southwest corner of a Lot described as Lot 6, Block 1 of Blodgett Park Townhomes Sec 2, same being the intersection of the north right-of-way line of Wentworth Avenue and the east right-of-way line of Caroline Street;

THENCE, proceeding in a southwesterly direction to the northwest corner of a Lot described as Lots 16, 17, 18, and Track 19E, Block 39 of Blodgett Park Section 2, same being the intersection of the east right-of-way line of Caroline Street and the south right-of-way line of Wentworth Avenue;

THENCE, proceeding in southeasterly direction along the south right-of-way line of Wentworth Avenue, same being the north property line of said Lots 16, 17, 18, and Track 19E, Block 39 of Blodgett Park Section 2 to the northeast corner of the said Lots 16, 17, 18, and Track 19E, Block 39 of Blodgett Park Section 2;

THENCE, proceeding in a southwesterly direction along the east property line of said Lots 16, 17, 18, and Track 19E, Block 39 of Blodgett Park Section 2 to the southeast corner of a said Lots 16, 17, 18, and Track 19E, Block 39 of Blodgett Park Section 2;

THENCE, proceeding in a northwesterly direction along the southern property line of said Lots 16, 17, 18, and Track 19E, Block 39 of Blodgett Park Sec 2 to the southwest corner of the said Lots 16, 17, 18, and Track 19E, Block 39 of Blodgett Park Sec 2, same being the intersection of the southwest corner of the said Lots 16, 17, 18, and Track 19E, Block 39 of Blodgett Park Sec 2 and the east right-of-way line of Caroline Street;

THENCE, proceeding in a southwesterly direction along the east right-of-way line of Caroline Street to the southwest corner of the Lot described as Lot 1, Block 1 of Rosedale Park, same being the intersection of the east right-of-way line of Caroline Street and the north right-of way line of Rosedale Avenue;

THENCE, continuing in a southwesterly direction to the northwest corner of the Lot described as Lots 1, 2, 3, 6 thru 10, 12, and Tracks 4A, 11, 11B, 11C, Block 3 of Southmore Outlot 109, same being the intersection of the east right-of-way line of Caroline Street and the south right-of-way line of Rosedale Avenue;

THENCE, continuing in a southwesterly direction along the west property line of said Lots 1, 2, 3, 6 thru 10, 12, and Tracks 4A, 11, 11B, 11C, Block 3 of Southmore Outlot 109, to the southwest corner of said Lots 1, 2, 3, 6 thru 10, 12, and Tracks 4A, 11, 11B, 11, C, Block 3 of Southmore Outlot 109, same being the intersection of the east right-of-way line of Caroline Street and the north right-of-way line of Wichita Avenue;

THENCE, continuing in a southwesterly direction to the northwest corner of a Lot described as Lot 8, Tracks 7 and 9C, Block 2 of Southmore Outlot 109, same being the intersection of the east right-of-way line of Caroline Street and the south right-of-way line of Wichita Avenue;

THENCE, continuing in a southwesterly direction along the west property line of said Lot 8, Tracks 7 and 9C, Block 2 of Southmore Outlot 109, to the southwest corner of the Lot described as Lots 5, 6, Tracks 7A, 9B, and 10B, Block 2 of Southmore Outlot 109, same being the intersection of the east right-of-way line of Caroline Street and the north right-of-way line of Palm Street;

THENCE, continuing in a southwesterly direction to the northwest corner of the Lot described as Lots 7 and 8, Tracks 9B, Block 1 of Southmore Outlot 109, same being the intersection of the east right-of-way line of Caroline Street and the south right-of-way line of Palm Street;

THENCE, proceeding in a southeasterly direction along the north property line of said Lots 7 and 8, Tracks 9B, Block 1 of Southmore Outlot 109, to the northeast corner of a Lot described as Lot 4, Tracks 3 and 9A, Block 1 of Southmore Outlot 109, the same being the intersection of the south right-of-way line of Palm Street and the west right-of-way line of Austin Street;

THENCE, proceeding in a southwesterly direction along the west right-of-way line of Austin Street to the southeast corner of a Lot described as Lot 1, Tracks 2A and 10, Block 1, Southmore Outlot 109, same being the intersection of the west right-of-way line of Austin Street and the north right-of-way line of Southmore Avenue;

THENCE, continuing in a southwesterly direction to the northeast corner of a Lot described as Reserve A, Block 1, Asia Society Texas Center, same being the intersection of the west right-of-way line of Austin Street and the south right-of-way line of Southmore Avenue;

THENCE continuing in a southwesterly direction along the east property line of said Reserve A, Block 1, Asia Society Texas Center, to the southeast corner of said Reserve A, Block 1, Asia Society Texas Center, same being the intersection of the west right-of-way line of Austin Street and the north right-of-way line of Oakdale Avenue;

THENCE, proceeding in a northwesterly direction along the north right-of-way line of Oakdale Avenue to the southeast corner of a Lot described as Lot 6, Tracks 7A and 12B, Block 3 of Southmore 119;

THENCE, proceeding in a northeasterly direction along the east property line of said Lot 6, Tracks 7A and 12B, Block 3 of Southmore 119 to the northeast corner of said Lot 6, Tracks 7A and 12B, Block 3 of Southmore 119;

THENCE, proceeding in a northwesterly direction along the north property line of said Lot 6, Tracks 7A and 12B, Block 3 of Southmore 119 to the northwest corner of the said Lot 6, Tracks 7A and 12B, Block 3 of Southmore 119, same being the intersection of the said Lot 6, Tracks 7A and 12B, Block 3 of Southmore 119 and the west right-of-way line of Caroline Street;

THENCE, proceeding in a southwesterly direction along the east right-of-way line of Caroline Street to the southwest corner of said Lot 6, Tracks 7A and 12B, Block 3 of Southmore 119 same being the intersection of the east right-of-way line of Caroline Street and the north right-of-way line of Oakdale Avenue;

THENCE, continuing in a southeasterly direction to the northwest corner of a Lot described as Reserve A, Block 1 of Oaks at Caroline, same being the intersection of the east right-of-way line of Caroline Street and the south right-of-way line of Oakdale Avenue;

THENCE, continuing in a southwesterly direction along the north property line of said Reserve A, Block 1 of Oaks at Caroline to the westerly most northwest corner of said Lot Reserve A, Block 1 of Oaks at Caroline;

THENCE, proceeding in a northwesterly direction to the southeast corner of the Lot described as Lots 1 thru 10, and Track 11 of Block 5 of Southmore 119, same being the intersection of the south right-of-way line of Oakdale Avenue and the west right-of-way line of Caroline Street;

THENCE, proceeding in a northeasterly direction to the southeast corner of the Lot described as Lots 1, 2, and 3, and Tracks 4A, 11A and 12A, Block 6 of Southmore 119, same being the intersection of the west right-of-way line of Caroline Street and the north right-of-way line of Oakdale Avenue;

THENCE, continuing in a northeasterly direction along the east property line of said Lots 1, 2, and 3, and Tracks 4A, 11A and 12A, Block 6 of Southmore 119, to the northeast corner of a Lot described as Lot 5, Tracks 4 and 11, Block 6 of Southmore 119, same being the intersection of the west right-of-way line of Caroline Street and the south right-of-way line of Southmore Avenue;

THENCE, continuing in a northeasterly direction to the southeast corner of the Lot described as Lots 1, 2 and Track 10, Block 4 of Southmore Outlot 109, same being the intersection of the west right-of-way line of Caroline Street and the north right-of-way line of Southmore Avenue;

THENCE, continuing in a northeasterly direction along the east property line of said Lots 1, 2 and Track 10, Block 4 of Southmore Outlot 109, to the northeast corner of a Lot described as Tracks 3 and 4, Block 4 of Southmore Outlot 109, same being the intersection of the west right-of-way line of Caroline Street and the south right-of-way line of Palm Street;

THENCE, continuing in a northeasterly direction the southeast corner of a Lot described as Lots 1 and 2, Track 10, Block 5 of Southmore Outlot 109, same being the intersection of the west right-of-way line of Caroline Street and the north right-of-way line of Palm Street;

THENCE, continuing in a northeasterly direction along the east property line of said Lots 1 and 2, Track 10, Block 5 of Southmore Outlot 109, to the northeast corner of a Lot described as Lots 3 and 4, Track 9, Block 5 of Southmore Outlot 109, same being the intersection of the west right-of-way line of Caroline Street and the south right-of-way line of Wichita Avenue;

THENCE, continuing in a northeasterly direction to the southeast corner of the Lot described as Tracks 1A and 2A, Block 6 of Southmore Outlot 109, same being the intersection of the west right-of-way line of Caroline Street and the north right-of-way line of Wichita Avenue;

THENCE, continuing in a northeasterly direction along the east property line of said Tracks 1A and 2A, Block 6 of Southmore Outlot 109, to the northeast corner of the Lot described as Lot 1, Block 1, Forty Nine Hundred Caroline Boulevard, same being the intersection of the west right-of-line of Caroline Street and the south right-of-way line of Rosedale Avenue;

THENCE, proceeding in a northwesterly direction along the north property line of said Tracks 1A and 2A, Block 6 of Southmore Outlot 109 to the northwest corner of a Lot described as Lot 10, Tracks 9 and 11C, Block 6 of Southmore Outlot 109, same being the intersection of the south right-of-way line of Rosedale Avenue and the east right-of-way line of San Jacinto Street;

THENCE, continuing in a northwesterly direction to the northeast corner of a Lot described as Lot 5, Tracks 4 and 11A, Block 3 of Southmore Outlot 110, same being the intersection of the south right-of-way line of Rosedale Avenue and the west right-of-way line of San Jacinto Street;

THENCE, proceeding in a northwesterly direction along the north property line of said Lot 5, Tracks 4 and 11A, Block 3 of Southmore Outlot 110, to the northwest corner of a Lot described as Lot 10, Tracks 9 and 11B, Block 3 of Southmore Outlot 110, same being the intersection south right-of-way line of Rosedale Avenue and the east right-of-way line of Fannin Street;

THENCE, proceeding in a northeasterly direction to the southwest corner of a Lot described Lot 5, Tract 6, Block 1 of Southmore Outlot 100, same being the intersection of the east right-of-way line of Fannin Street and the north right-of-way line of Rosedale Avenue, the POINT OF BEGINNING.

EXHIBIT "B"

**MAP OF AREA TO BE ADDED
TO REINVESTMENT ZONE NUMBER TWO, CITY OF HOUSTON, TEXAS
(MIDTOWN ZONE)**

(see map(s) immediately following this page)

