

City of Houston, Texas, Ordinance No. 2009- 235

AN ORDINANCE ENLARGING THE BOUNDARIES OF REINVESTMENT ZONE NUMBER FIVE, CITY OF HOUSTON, TEXAS, (MEMORIAL-HEIGHTS 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, Texas ("City"), pursuant to the provisions of Chapter 311, Texas Tax Code, as amended, created Reinvestment Zone Number Five, City of Houston, Texas, (the "Zone") by Ordinance No. 96-1337 passed December 18, 1996; and

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

WHEREAS, the City previously enlarged the boundaries of the Zone by Ordinance No. 2007-1142 adopted October 10, 2007 and by Ordinance No. 2008-1204 adopted December 17, 2008; 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 Texas Tax Code, as amended, 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) the 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 Texas Tax Code, as amended, 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 Texas Tax Code, as amended; 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; and

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, Texas Tax Code, as amended, specifically Sections 311.005, 311.006 and 311.007, does hereby enlarge Reinvestment Zone Number Five, 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. 96-1337, Ordinance No. 2007-1142, and Ordinance No. 2008-1204 and, beginning January 1, 2009, 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, 2008.

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; however, in the event the Mayor fails to sign this Ordinance within five (5) days after its passage and adoption, this Ordinance shall take effect pursuant to Article VI, Section 6, Houston City Charter.

PASSED AND ADOPTED this 25th day of March, 2009.

APPROVED this _____ day of _____, 2009.

Mayor of the City of Houston

Pursuant to Article VI, Section 6, Houston City Charter, the effective date of the foregoing Ordinance is MAR 31 2009.



City Secretary

(Prepared by Legal Dept. Donna Capps ^{DFA})
(DRC:drc March 18, 2009) Assistant City Attorney
(Requested by Michelle Mitchell, Director, Department of Finance)
(L.D. File No. 0610800066006)

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CAPTION PUBLISHED IN DAILY COURT
REVIEW
DATE: MAR 31 2009

AYE	NO	
✓		MAYOR WHITE
••••	••••	COUNCIL MEMBERS
✓		LAWRENCE
✓		JOHNSON
✓		CLUTTERBUCK
✓		ADAMS
✓		SULLIVAN
✓		KHAN
✓		HOLM
		<i>Vacant</i>
✓		RODRIGUEZ
✓		BROWN
✓		LOVELL
✓		NORIEGA
✓		GREEN
✓		JONES
CAPTION	ADOPTED	

EXHIBIT "A"

**LEGAL DESCRIPTION OF AREA PROPOSED TO BE ADDED
TO REINVESTMENT ZONE NUMBER FIVE, CITY OF HOUSTON, TEXAS
(MEMORIAL-HEIGHTS ZONE)**

8' SIDEWALK EASEMENT
PARCEL AY9-005

DESCRIPTION OF A PARCEL OF LAND CONTAINING
3,579 SQUARE FEET (0.0822 ACRES) SITUATED IN THE
JOHN AUSTIN SURVEY, ABSTRACT 1,
HARRIS COUNTY, TEXAS

Being a parcel of land containing 3,579 square feet (0.0822 acres) situated in the John Austin Survey, Abstract 1, in Harris County, Texas and being out of Unrestricted Reserve 'A' of Legacy at Memorial Subdivision as recorded in Film Code No. 615135 of the Official Public Records of Real Property of Harris County, Texas. Said 3,579-square foot parcel being more particularly described by metes and bounds as follows:

Note: Bearings and distances are referenced to the Texas State Plane Coordinate System South Central Zone, NAD 83. All distances are surface values and all coordinates are Grid Values, to convert surface values to grid values multiply the surface value by the combined scale factor of 0.99989346854.

BEGINNING at a 1/2-inch iron rod with cap found for the southwest corner of the herein described parcel, the southwest corner of Unrestricted Reserve 'A' of Legacy at Memorial Subdivision and located in the east right of way line of Studemont Street (100 foot wide) and in the arc of a curve to the right, said point having grid coordinates of $X=3,112,937.93$ & $Y=13,842,769.98$;

THENCE with the east right of way line of Studemont Street, the west line of Unrestricted Reserve 'A', the west line of the herein described parcel and a curve to the right, having an interior angle of $2^{\circ} 39' 10''$, a radius of 2,242.01 feet, a chord that bears North $01^{\circ} 57' 43''$ East, 103.79 feet, and an arc distance of 103.80 feet to a 5/8-inch iron rod with cap set for the point of tangency;

THENCE North $03^{\circ} 17' 18''$ East with the east right of way line of Studemont

PARCEL AY9-005

THENCE South 03° 17' 18" West with the east line of the herein described parcel, a distance of 316.54 feet to a 5/8-inch iron rod with cap set for a corner of the herein described parcel and the beginning of a curve to the left;

THENCE with the east line of the herein described parcel and a curve to the left, having an interior angle of 02° 09' 40", a radius of 2,234.01 feet, a chord that bears South 02° 12' 28" West, 84.26 feet, and an arc distance of 84.27 feet to a 5/8-inch iron rod with cap set for a corner of the herein described parcel;

THENCE with the east line of the herein described parcel and a curve to the left, having an interior angle of 88° 24' 29", a radius of 20.00 feet, a chord that bears South 43° 04' 36" East, 27.89 feet, and an arc distance of 30.86 feet to a 5/8-inch iron rod with cap set for the southeast corner of the herein described parcel and located in the south line of Unrestricted Reserve 'A' and the north line of a 10.6539 acre tract (Parcel #2) as conveyed to the City of Houston by deed recorded under Volume 3316, Page 74 of the Deed Records of Harris County, Texas;

THENCE North 87° 16' 51" West with the south line of the herein described parcel, the south line of Unrestricted Reserve 'A' and the north line of the said City of Houston 10.6539 acre tract, a distance of 27.37 feet to the **POINT OF BEGINNING** and containing 3,579 square feet (0.0822 acres) of land.

Note: This metes and bounds description is referenced to a survey plat prepared by United Engineers, Inc. dated January 12, 2009 and titled "SIDEWALK EASEMENT PLAT, PARCEL AY9-005 & AY9-006."

United Engineers, Inc.
8303 Southwest Frwy. Suite 600
Houston, Texas 77074
Job No. 28088-00/ Parcel AY9-005 / January 12, 2009



SIDEWALK EASEMENT
PARCEL AY9-006

DESCRIPTION OF A PARCEL OF LAND CONTAINING
622 SQUARE FEET (0.0143 ACRES) SITUATED IN THE
JOHN AUSTIN SURVEY, ABSTRACT 1,
HARRIS COUNTY, TEXAS

Being a parcel of land containing 622 square feet (0.0143 acres) situated in the John Austin Survey, Abstract 1, in Harris County, Texas and being out of Unrestricted Reserve 'A' of Legacy at Memorial Subdivision as recorded in Film Code No. 615135 of the Official Public Records of Real Property of Harris County, Texas. Said 622-square foot parcel being more particularly described by metes and bounds as follows:

Note: Bearings and distances are referenced to the Texas State Plane Coordinate System South Central Zone, NAD 83. All distances are surface values and all coordinates are Grid Values, to convert surface values to grid values multiply the surface value by the combined scale factor of 0.99989346854.

COMMENCING at a 1/2-inch iron rod with cap set for the southwest corner of Unrestricted Reserve 'A' of Legacy at Memorial Subdivision, in the north line of a tract of land as conveyed unto City of Houston by deed recorded under Volume 3316, Page 74 of the Deed Records of Harris County, Texas and located in the east right of way line of Studemont Street (100 foot wide), said point having grid coordinates of X=3,112,937.93 & Y=13,842,769.98;

THENCE South 87° 16' 51" East with the south line of Unrestricted Reserve 'A', the north line of the City of Houston tract, a distance of 284.74 feet to an angle point for Unrestricted Reserve 'A', the northeast corner of the said City of Houston tract and the northwest corner of a tract of land as conveyed unto the City of Houston by deed recorded in File No. 20060273027 of the Official Public Records of Harris County, Texas;

THENCE North 07° 25' 00" East with the south line of said Unrestricted

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PARCEL AY9-006

THENCE South 87° 35' 00" West with the south line of Unrestricted Reserve 'A' of Legacy at Memorial and the north line of said City of Houston tract as described in File No. 20060273027 of the Official Public Records of Harris County, Texas, a distance of 25.00 feet to a 5/8-inch iron rod with cap set for the southwest corner of the herein described parcel and a corner of said Unrestricted Reserve 'A' of Legacy at Memorial;

THENCE North 02° 24' 59" West with the west line of the herein described parcel, the west line of Unrestricted Reserve 'A' of Legacy at Memorial and the east line of said City of Houston tract as described in File No. 20060273027 of the Official Public Records of Real Property of Harris, a distance of 34.87 feet to the **POINT OF BEGINNING** and containing 622 square feet (0.0143 acres) of land.

Note: This metes and bounds description is referenced to a survey plat prepared by United Engineers, Inc. dated January 12, 2009 and titled "SIDEWALK EASEMENT PLAT, PARCEL AY9-005 & AY9-006."

United Engineers, Inc.
8303 Southwest Frwy. Suite 600
Houston, Texas 77074
Job No. 28088-00/ Parcel AY9-006 / January 12, 2009

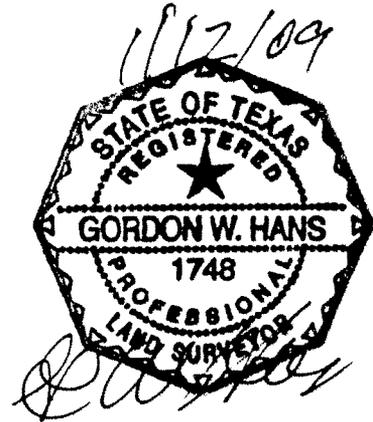
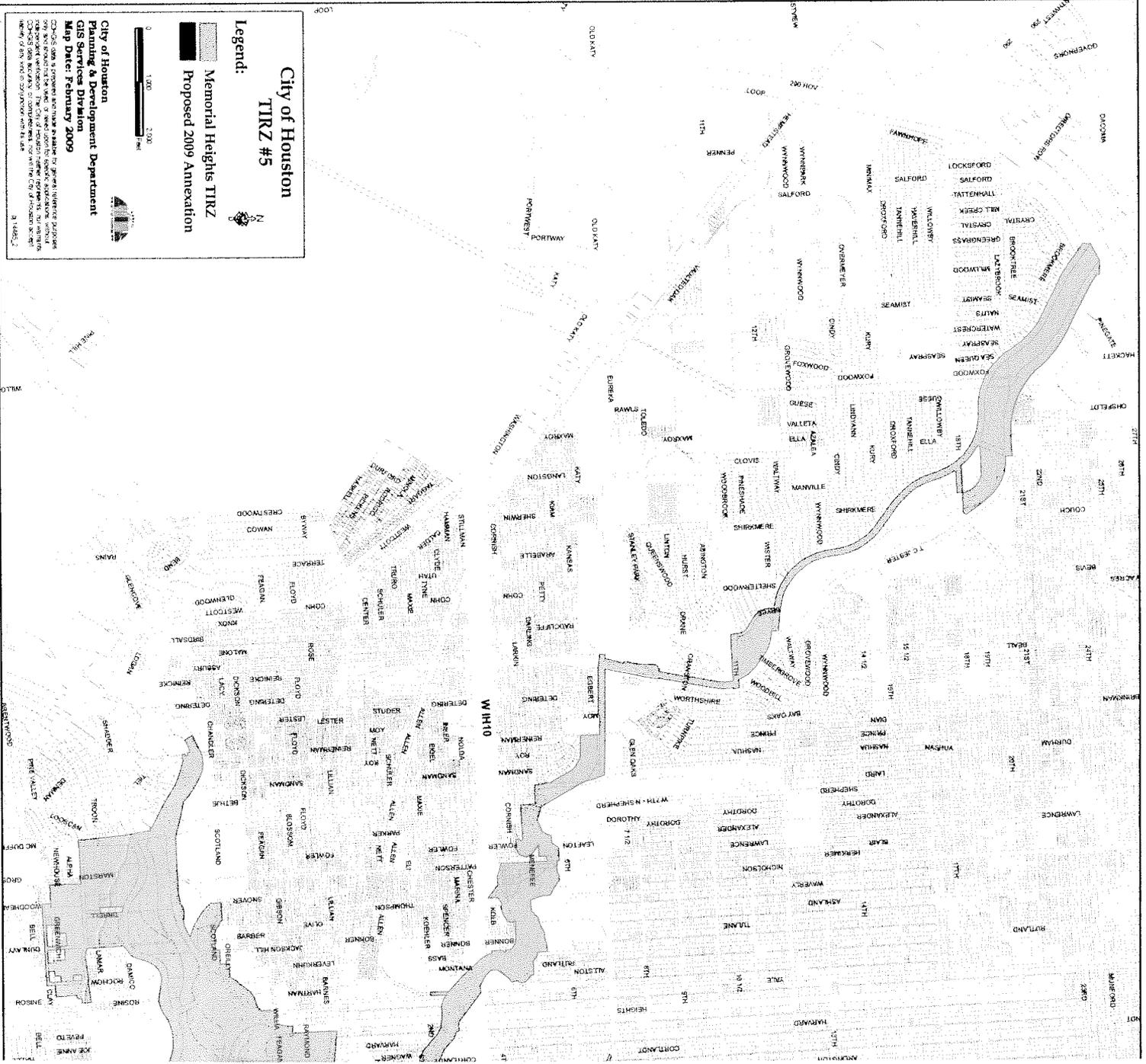


EXHIBIT "B"

**MAP OF AREA TO BE ADDED
TO REINVESTMENT ZONE NUMBER FIVE, CITY OF HOUSTON, TEXAS
(MEMORIAL-HEIGHTS ZONE)**

(see map(s) immediately following this page)



City of Houston TIRZ #5

Legend:
 ■ Memorial Heights TIRZ
 ■ Proposed 2009 Annexation



City of Houston
 Planning & Development Department
 GIS Services Division
 Map Date: February 2009

THIS DATA IS PROVIDED AS A SERVICE TO THE PUBLIC AND IS NOT GUARANTEED TO BE ACCURATE. THE CITY OF HOUSTON IS NOT RESPONSIBLE FOR ANY ERRORS OR OMISSIONS. THE CITY OF HOUSTON IS NOT RESPONSIBLE FOR ANY DAMAGES, INCLUDING CONSEQUENTIAL DAMAGES, ARISING FROM THE USE OF THIS DATA.