

City of Houston, Texas, Ordinance No. 2008-337

**AN ORDINANCE APPROVING THE SECOND AMENDMENT OF THE REINVESTMENT ZONE FINANCING PLAN FOR REINVESTMENT ZONE NUMBER TEN, CITY OF HOUSTON, TEXAS (LAKE HOUSTON ZONE); AUTHORIZING THE CITY SECRETARY TO DISTRIBUTE SUCH PLANS; CONTAINING VARIOUS PROVISIONS RELATED TO THE FOREGOING SUBJECT; AND DECLARING AN EMERGENCY.**

\* \* \* \* \*

**WHEREAS**, by City Ordinance No. 1997-1589, adopted December 17, 1997, the City Council of the City of Houston (the "City") created Reinvestment Zone Number Ten, City of Houston, Texas (the "Zone") pursuant to Chapter 311 of the Texas Tax Code, as amended (the "Code"), for the purposes of development in the area of the City generally referred to as the Lake Houston area; and

**WHEREAS**, the Board of Directors of the Zone adopted and the City approved, by City Ordinance No. 1999-387, passed and adopted April 21, 1999, the Project Plan and Reinvestment Zone Financing Plan for the Zone; and

**WHEREAS**, the Board of Directors of the Zone adopted and the City approved, by City Ordinance No. 1999-854, passed and adopted August 11, 1999, the First Amendment of the Project Plan and Reinvestment Zone Financing Plan for the Zone; and

**WHEREAS**, Section 311.011 of the Code authorizes the Board of Directors of the Zone to adopt an amendment to its project plan, and such amendment takes effect upon approval of the City Council of the City; and

**WHEREAS**, the Board of Directors of the Zone, at its April 16, 2008, board meeting, considered and adopted an Second Amended Project Plan and Reinvestment

Zone Financing Plan (the "Second Amendment") and requested City Council approval of the Second Amendment; and

**WHEREAS**, the Second Amendment provides for tax increments from the Zone to be used to pay Project Costs associated with the construction of a new library and conversion of the existing library into a community center, both of which are located outside the boundaries of the Zone; and

**WHEREAS**, the City Council finds that the use of Zone tax increments to pay Project Costs associated with the library will allow the construction of a larger library than the current library with multiple meeting rooms that will be available, and are expected to be used, for public meetings and other public assemblies, such as civic clubs, community organizations, and City-sponsored meetings, which rooms will be in addition to common reading and research areas; and

**WHEREAS**, the City Council finds that the library will be an area of public assembly and the tax increments from the Zone used for Project Costs associated with the library will provide an area of public assembly; and

**WHEREAS**, the City Council finds that the community center will serve primarily as a meeting place for certain populations, such as senior citizens, and groups, such as civic clubs and similar organizations; and

**WHEREAS**, the City Council finds that the community center will be an area of public assembly for purposes of Section 311.010(b) of the Texas Tax Code and the tax increments from the Zone used for Project Costs associated with the community center will provide an area of public assembly; and

**WHEREAS**, the City Council finds that the use of the tax increments from the Zone for Project Costs associated with the library and community center will benefit the Zone and the property within the Zone and is necessary and convenient to the implementation of the Second Amendment; and

**WHEREAS**, before the Board of Directors of the Zone may implement the Second Amendment, the City Council must approve the Second Amendment; and

**WHEREAS**, a public hearing on the Second Amendment is required to be held by the provisions of Section 311.011 of the Code; and

**WHEREAS**, the City Council finds that notice of the public hearing was published in a newspaper of general circulation within the City in the time and manner required by law; and

**WHEREAS**, the City Council conducted a public hearing on the proposed Second Amendment on April 23, 2008; and

**WHEREAS**, at the public hearing, interested persons were allowed to speak for or against the proposed Second Amendment; and

**WHEREAS**, evidence was received and presented at the public hearing in favor of the proposed Second Amendment; and

**WHEREAS**, the City desires to approve the Second Amendment; **NOW, THEREFORE,**

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

**Section 1. Findings.** That the facts and recitations contained in the preamble of this Ordinance are hereby found and declared to be true and correct and are hereby adopted as part of this Ordinance.

**Section 2. Approval of the Second Amendment.** That the Project Plan and the Reinvestment Zone Financing Plan approved by City Ordinance No. 1999-389, adopted on April 21, 1999, and as amended by City Ordinance No. 1999-584, adopted August 11, 1999 (the "Amended Plans"), are hereby amended as follows:

A. By substituting pages 1-R and 1A-R attached hereto as Attachment "1" for page 1 in the Amended Plans; and

B. By substituting page 4-R attached hereto as Attachment "2" for page 4 in the Amended Plans.

The Plans as so amended (the "Second Amendment") are hereby determined to be feasible and are approved. The appropriate officials of the City are authorized to take all steps reasonably necessary to implement the Second Amendment.

**Section 3. Distribution to Taxing Units.** That the City Secretary is directed to provide copies of the Second Amendment to each taxing unit levying ad valorem taxes in the Zone.

**Section 4. Severability.** 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 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 5.** That City Council officially finds, determines, recites and declares a sufficient written notice of the date, hour, place and subject of this meeting of the City Council was posted at a place convenient and readily accessible at all times to the general public at the City Hall of the City for the time required by law preceding this meeting, as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended, and that this meeting has been open to the public as required by law at all times during which this Ordinance and the subject matter thereof has been discussed, considered and formally acted upon. That City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

**Section 6.** 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 that the Mayor fails to sign this Ordinance within five days after its passage and adoption, it shall take effect in accordance with Article VI, Section 6, Houston City Charter.

**PASSED AND ADOPTED** this 23<sup>rd</sup> day of April, 2008.

**APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

\_\_\_\_\_  
Mayor of the City of Houston

Pursuant to Article VI, Section 6, Houston City Charter, the effective date of the foregoing Ordinance is APR 29 2008.

  
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City Secretary

(Prepared by Legal Dept. DEBORAH F. ALARIC)  
 (DFM/dfm April 22, 2008) Senior Assistant City Attorney)  
 (Requested by Michelle Mitchell, Director, Department of Finance)  
 (L.D. File No. 0619700067042)  
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AYE	NO	
	<del>ABSENT OUT OF CITY BUSINESS</del>	MAYOR WHITE
••••	••••	COUNCIL MEMBERS
✓		LAWRENCE
	<del>ABSENT</del>	JOHNSON
✓		CLUTTERBUCK
✓		ADAMS
✓		SULLIVAN
	<del>ABSENT OUT OF CITY BUSINESS</del>	KHAN
✓		HOLM
✓	<del>MAYOR PRO TEM</del>	PRESIDING GARCIA
✓		RODRIGUEZ
	<del>ABSENT</del>	BROWN
✓		LOVELL
✓		NORIEGA
	<del>ABSENT</del>	GREEN
		JONES
CAPTION	ADOPTED	

CAPTION PUBLISHED IN DAILY COURT  
 REVIEW  
 DATE: APR 29 2008

**Attachment "1"**

**REINVESTMENT ZONE NUMBER TEN  
CITY OF HOUSTON  
Second Amended  
Project Pan and Reinvestment Zone Financing Plan**

**PROJECT PLAN**

**1. MAPS SHOWING EXISTING USES AND CONDITIONS OF REAL PROPERTY IN THE ZONE AND SHOWING PROPOSED IMPROVEMENTS TO AND PROPOSES USES OF THE PROPERTY.**

The current Zone is approximately 1,351 acres of substantially undeveloped land in Kingwood. The purpose of the Zone is to design and construct the necessary water, wastewater, and drainage facilities to facilitate the development of new residential and commercial properties in the manner committed by the City Council in approving the Kingwood Annexation Service Plan. This area was annexed into the City on December 11, 1996. The boundaries of the Zone are shown in Map 1. Map 2 and 3 show existing uses and proposed improvements and proposed uses of the property. The Zone is being expanded by 432 acres to a total of 1,783. Map 4 shows the property to be included in the expanded Zone. Appendix A describes the current boundaries of the Zone, while Appendix B contains the legal description for the tracts of land to be included in the expanded Zone.

**Proposed Improvements to and Proposed Uses of the Property**

**Non-Education Project Costs**

The public improvements to be constructed and paid for by the Zone consists of:

- Water, wastewater, and drainage infrastructure, which are required for the development of single family residential and supporting commercial development. The kind, number, and location of these public works or public improvements in the Zone are detailed in Exhibit A.
- Street Reconstruction and widening is planned for North Park Drive from Lake Houston Parkway to Mills Branch Drive; Kingwood Drive from Willow Terrace to Mills Branch Drive; and Woodland Hills Drive south from Kingwood Drive to Hamblin Road.
- Construction of a new joint city/county library and conversion of the former library to a community center. Both of these facilities are outside of the boundaries of the Zone. The utilization of TIRZ funding will allow for the construction of a library facility that is significantly larger than the present library facility serving the area. As such, the facility will be able to have multiple meeting rooms that will be available for and are expected to be used for public meetings and other public assemblies (e.g. civic

clubs, community organizations, city-sponsored meetings, etc.) in addition to common reading and research areas. The utilization of TIRZ funding will also allow for the conversion of the present library facility into a community center that will serve primarily as a meeting place for certain populations (seniors, etc.) and for civic clubs, community organizations and others. Because the new library and the community center both are "places of public assembly", they are eligible for TIRZ funding pursuant to section 311.010(b) of the TIRZ Act.

**Attachment "2"**

**Table B  
Non-Education Project Costs**

<b>Public Improvements &amp; Related Items</b>	<b>Estimated Costs</b>
Developer Costs for Public Utilities (Water/Sewer/Drainage)	\$ 28,030,640
Costs for expansion of wastewater treatment & conveyance capacity	\$ 7,000,000
Street Reconstruction for Increased Traffic Flow	\$ 5,000,000
Library and community center	\$ 9,100,000
Financing Costs*	\$ 0
Reinvestment Zone Creation	\$ 260,000
Reinvestment Zone Administration	\$ 540,000
<b>Total</b>	<b>\$ 49,930,640</b>

- If necessary, financing costs will be calculated based on and in conjunction with the approval of the issuance of bonds by City Council.

**Table C  
Education Project Costs**

<b>Project Items</b>	<b>Estimated Costs</b>
Costs associated with the construction, reconstruction, and repair of educational facilities in and outside the Lake Houston Zone	\$ 60,000,000
<b>Total</b>	<b>\$ 60,000,000</b>

**2. STATEMENT LISTING THE KIND, NUMBER, AND LOCATION OF ALL PROPOSED PUBLIC WORKS OR PUBLIC IMPROVEMENTS IN THE ZONE.**

**Non-Education Project Costs**

The public improvements to be constructed and paid for by the Zone consists of:

- Water, wastewater, and drainage infrastructure, which are required for the development of single family residential and supporting commercial development. The kind, number, and location of these public works or public improvements in the Zone are detailed in Exhibit A.
- Street Reconstruction and widening is planned for North Park Drive from Lake Houston Parkway to Mills Branch Drive; Kingwood Drive from Willow Terrace to Mills Branch Drive; and Woodland Hills Drive south from Kingwood Drive to Hamblin Road, and Mills Branch Drive from Kingwood Drive to North Park Drive.
- Construction of a new joint city/county library and conversion of the former library to a community center.