

City of Houston Ordinance No. 90-1452

AN ORDINANCE DESIGNATING A PORTION OF THE LAMAR TERRACE SUBDIVISION AS REINVESTMENT ZONE NUMBER ONE, CITY OF HOUSTON, TEXAS; CREATING A BOARD OF DIRECTORS FOR SUCH ZONE; PROVIDING A SEVERABILITY CLAUSE; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EMERGENCY.

* * * * *

WHEREAS, the City Council has received a petition (the "Petition") requesting that a portion of the Lamar Terrace subdivision in the City of Houston, Texas (the "City") be designated as a reinvestment zone under the provisions of Chapter 311 of the Texas Tax Code; and

WHEREAS, the Petition was submitted by the owners of property constituting at least fifty percent of the appraised value of the property in the proposed reinvestment zone according to the most recent certified appraisal roll for Harris County, the county in which the proposed zone is located; and

WHEREAS, the City Council passed Resolution No. 90-184 which authorized the preparation of a preliminary reinvestment zone financing plan and the publication of notice of a public hearing on the creation of the proposed zone; and

WHEREAS, the City has prepared a preliminary reinvestment zone financing plan and has presented such plan to the governing body of each taxing unit that levies real property taxes in the proposed reinvestment zone and provided notice to each such taxing unit of the public hearing on the creation of the proposed zone; and

WHEREAS, the preliminary reinvestment zone financing plan provides that only City ad valorem taxes are to be deposited into the tax increment fund, and that the taxes of no other taxing unit are to be utilized in the financing of the proposed zone; and

WHEREAS, a notice of the December 12, 1990 public hearing concerning the creation of the Zone was published on December 3, 1990 in the Houston Chronicle, a newspaper of general circulation in the City; and

WHEREAS, Harris County, pursuant to Section 311.003, Texas Tax Code, has waived the Tax Code requirement that it receive sixty days' notice of the public hearing on the creation of the proposed zone by action of its Commissioner's Court on November 27, 1990; and

WHEREAS, the Houston Independent School District, pursuant to Section 311.003, Texas Tax Code, has waived the requirement that it receive sixty days' notice of the public hearing on the creation of the proposed zone by action of its Board of Trustees on December 6, 1990; and

WHEREAS, at the public hearing, interested persons were allowed to speak for or against the creation for the proposed zone, its boundaries, or the concept of tax increment financing; and

WHEREAS, evidence was received and presented at the public hearing in favor of the creation of the proposed zone under the provisions of Chapter 311, Texas Tax Code; NOW, THEREFORE,

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

Section 1. Findings

1. The proposed reinvestment zone meets the criteria of Section 311.005 of the Texas Tax Code in that with regard to the area of such zone:
 - a. The proposed zone is a contiguous geographic area located wholly within the corporate limits of the City of Houston;
 - b. The proposed zone is predominantly open and because of obsolete platting or the deterioration of structures or site improvements substantially impairs or arrests the sound growth of the City;
 - c. The proposed zone is an area that substantially impairs or 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 unsanitary and unsafe conditions, the deterioration of site or other improvements, the predominance of inadequate sidewalk and street layout; and the existence of conditions that endanger life or property by fire or other cause;

- d. The total appraised value of taxable real property in the proposed zone, or in existing reinvestment zones, if any, does not exceed fifteen percent of the total appraised value of taxable real property in the municipality and in the industrial districts created by the City;
- e. The proposed reinvestment zone does not contain more than fifteen percent of the total appraised value of real property taxable by Harris County or the Houston Independent School District;
- f. The proposed improvements in the zone will significantly enhance the value of all the taxable real property in the proposed zone and will be of general benefit to the municipality;
- g. That the facts and recitations contained in the preamble of this Ordinance are hereby found and declared to be true and correct.

Section 2. Creation of the Zone

The City, acting under the provisions of Chapter 311, Texas Tax Code, including Section 311.005(a)(5), does hereby create and designate a reinvestment zone over the area described in Exhibit "A" and depicted in the map attached hereto as Exhibit "B" and that such reinvestment zone shall hereafter be identified as Reinvestment Zone Number One, City of Houston, Texas, (the "Zone").

Section 3. Board of Directors

There is hereby created a Board of Directors for the Zone which shall consist of nine (9) members. Position One on the Board of Directors shall be filled by the State Senator representing the area included within the Zone or his designee. Position Two on the Board shall be filled by the State Representative representing the area included within the Zone or his designee. The City Council of the City shall appoint the remaining seven (7) members of the Board to Positions Three through Nine. Persons appointed to these Positions must meet the eligibility requirements of Chapter 311 of the Texas Tax Code to serve as members of the Board of Directors.

The first two directors or their designees shall be members of the board by operation of law pursuant to Section 311.009(b) Texas Tax Code. The second three directors shall be appointed for two year terms while the last four directors shall be appointed to one year terms. All subsequent appointments shall be for staggered terms. The City Council hereby appoints the member of the Board appointed to Position No. 3 to serve as the chair of the Board for a term beginning January 1, 1991, and ending December 31, 1991. Thereafter, the City Council annually shall appoint a member to serve as chairman for a term of one year beginning January 1, of the following year. The City Council authorizes the Board of Directors to elect from its members a vice chairman and such other officers it sees fit.

The Board of Directors shall make recommendations to the City Council concerning the administration of the Zone. It shall prepare or cause to be prepared and adopt a project plan and a financing plan for the Zone as described in Section 311.011, Texas Tax Code and must submit such plans to the City Council for its approval. The City hereby delegates to the Board of Directors all powers necessary to prepare and implement such project plan and financing plan, subject to approval by the City Council, including the power to employ such consultants as may be reasonably required to assist the Board in the preparation of the project plan and financing plan and in the issuance of tax increment obligations.

Section 4. Administration of the Lamar Terrace Public Improvement District.

The Board of Directors of the Zone shall also manage and administer the Lamar Terrace Public Improvement District created by City of Houston Resolution No. 90-182, passed November 7, 1990 in accordance with a Memorandum of Agreement to be negotiated between the City and the Board of Directors of the Zone.

Section 5. Duration of the Zone.

The Zone shall take effect on January 1, 1991, and termination of the operation of the Zone shall occur on December 31, 2031 or at an earlier time designated by subsequent ordinance, or at such time, subsequent to the issuance of tax increment bonds, as all project costs, tax increment bonds, and the interest on those bonds, have been paid in full.

Section 6. Tax Increment Base

The Tax Increment Base for the Zone, which is the total appraised value of all taxable real property in the zone, is to be determined as of January 1, 1991, the year in which the Zone was designated a reinvestment zone.

Section 7. Tax Increment Fund.

There is hereby created and established a Tax Increment Fund for the Zone which may be divided into such subaccounts as may be authorized by subsequent ordinances, into which all Tax Increments are to be deposited. The Tax Increment Fund and any subaccounts are to be maintained at the depository bank of the City and shall be secured in the manner prescribed by law for Texas cities. The Tax Increments shall equal the amount by which the then-current appraised value of all taxable real property located in the Zone exceeds its Tax Increment Base as defined in Section 311.012(c) of the Texas Tax Code, less any other funds which are to be allocated from the Tax Increment pursuant to the Act. All revenues from the sale of any tax increment bonds or notes hereafter issued by the City may be deposited into such fund or subaccount from which money will be disbursed to pay Project Costs for the Zone as defined by the Texas Tax Code or to satisfy the claims of holders of tax increment bonds or notes issued for the Zone. Pursuant to the provisions of Section 311.011(f), Texas Tax Code, one-third of the Tax Increment Fund is hereby dedicated to providing low-income housing in the City during the term of the Zone, and shall be set aside in a separate fund established for that purpose.

Section 8. Severability

If any section, paragraph, clause or provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance.

Section 9. Open Meetings

It is hereby found, determined and declared that a sufficient written notice of the date, hour, place and subject of the meeting of the City council at which this Ordinance was adopted was posted at a place convenient and rapidly 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 Law, Article 6252-17, Vernon's Texas Civil Statutes, 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 hereof has been discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

Section 10. Notices.

That the contents of the notice of public hearing, which hearing was held before the City Council on December 12, 1990, and the publication of said notice, is hereby ratified, approved and confirmed.

Section 11. Emergency.

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 12th day of December, 1990.

APPROVED this ___ day of _____, 19____.

Mayor of the City of Houston

Pursuant to Article VI, Section 6, Houston City Charter, the effective date of the foregoing Ordinance is DEC 13 1990.

[Signature]
City Secretary

(Prepared by Legal Dept. Dawn Meich - 766) SK CA
(DRU/pas 12/06/90) Assistant City Attorney
(Requested by Hal Caton, Acting Director, Department of Planning and Development)
(L.D. File No. 61-90035-01)
DRU834

Being a tract or parcel containing approximately 42.2 acres of land situated in the H. Sanderson Survey A-725 and the Chas. Sage Survey A-697, Harris County, Texas and a part of Lamar Terrace, a Subdivision of 125 acres recorded February 15, 1950, Volume 32, Page 68 of the Harris County Map Records (H.C.M.R.).

Being comprised of all Lots in Blocks 1 through 8 and the public streets upon which said lots face within said Subdivision, said 42.2 acres being more particularly described as follows:

BEGINNING at the southeast corner of said Subdivision in the northerly right-of-way (R.O.W.) line of Richmond Avenue (100 feet wide) and the westerly R.O.W. of Rice Avenue;

THENCE, N $89^{\circ} 36'$ W along the northerly R.O.W. of Richmond Avenue 1030.00 feet to a point for corner in the easterly R.O.W. of Yorktown, also the most southwesterly corner of Lot 1 Block 8 of said Subdivision;

THENCE, continuing North along the easterly R.O.W. of Yorktown 720.21 feet to a point being the Point of Curvature of a curve to the right with a Radius of 767.06 feet, a Length of 424.93 feet and a Delta angle of $31^{\circ} 57' 08''$;

THENCE, continuing along said curve in the easterly R.O.W. of Yorktown to a Point of Reverse Curvature beginning a curve to the left having a Radius of 822.06 feet, a Length of 458.40 feet and a Delta angle of $31^{\circ} 57' 06''$ to a point of tangency;

THENCE, continuing North along said curve in the easterly R.O.W. of Yorktown 310.21 feet to a point on said easterly R.O.W. and the northerly R.O.W. of Fayette, also being the southeast corner of Lot 1 Block 1 of said Subdivision;

THENCE, continuing along the easterly R.O.W. of Yorktown on a curve to the right having a Radius of 260.49 feet, a Length of 183.38 feet and a Delta angle of $40^{\circ} 28'$, a distance of 113.36 feet to a point for corner being the northwest corner of Lot 1 Block 1 of said Subdivision;

THENCE, S $89^{\circ} 36'$ E along the back lotline of Lots 1 through 13 of Block 1 of said Subdivision 765.81 feet to a point for corner being the northeast corner of Lot 13 Block 1 and in the westerly R.O.W. of Rice Avenue;

THENCE, South along said westerly of Rice Avenue R.O.W. 1985.72 feet to the POINT OF BEGINNING and containing approximately 42.2 acres of land.

ALABAMA (80' R.O.W.)

KLEBERG (60' R.O.W.)

BOUNDARY OF PROPOSED T.I.R.Z.

1 2 3 4 5 6 7 8 9 10 11 12 13

FAYETTE (60' R.O.W.)

1 2 3 4 5 6 7 8 9 10 11 12 13

26 25 24 23 22 21 20 19 18 17 16 15 14

VAL VERDE (60' R.O.W.)

1 2 3 4 5 6 7 8 9 10 11 12 13

26 25 24 23 22 21 20 19 18 17 16 15 14

HIDALGO (60' R.O.W.)

1 2 3 4 5 6 7 8 9 10 11 12 13 14

29 28 27 26 25 24 23 22 21 20 19 18 17 16 15

NAVARRO (60' R.O.W.)

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16

33 32 31 30 29 28 27 26 25 24 23 22 21 20 19 18 17

LAMPASAS (60' R.O.W.)

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17

34 33 32 31 30 29 28 27 26 25 24 23 22 21 20 19 18

FAIRDALE (60' R.O.W.)

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16

33 32 31 30 29 28 27 26 25 24 23 22 21 20 19 18 17

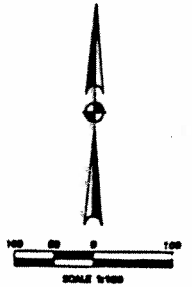
Mo CULLOCH CIRCLE (60' R.O.W.)

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17

RICHMOND AVENUE (100' R.O.W.)

BOUNDARY OF PROPOSED T.I.R.Z.

LAMAR TERRACE T.I.R.Z.



YORKTOWN (60' R.O.W.)

RICE AVENUE (60' R.O.W.)

