

City of Houston, Texas, Ordinance No. 2008-94

AN ORDINANCE ENLARGING THE BOUNDARIES OF REINVESTMENT ZONE NUMBER SIXTEEN, CITY OF HOUSTON, TEXAS, (UPTOWN 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, created Reinvestment Zone Number Sixteen, City of Houston, Texas, (the "Zone") by Ordinance No. 1999-709 passed July 7, 1999; and

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

WHEREAS, the City has received a petition ("Petition") requesting that a contiguous geographic area be added to the boundaries of the Zone; and

WHEREAS, the Petition was submitted by the owners of property constituting at least 50 percent of the appraised value of the area proposed to be added to the Zone according to the most recent certified appraisal roll of Harris County, Texas, the county in which the Zone and the area proposed to be added to the Zone are located; and

WHEREAS, the City Council finds that the area proposed to be included in 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 of the Texas Tax Code because:

- (1) 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 and street layout;
 - (b) Faulty lot layout in relation to size, adequacy, accessibility or usefulness;
 - (c) Unsafe or unsound conditions; and
 - (d) The existence of conditions that endanger life or property by fire or other cause; and
- (2) The area proposed to be added to the Zone is predominantly open, and, because of obsolete platting, deterioration of structures or site improvements, or other factors, substantially impairs or arrests the sound growth of the City; and
- (3) The area proposed to be added to the Zone is an area described in a petition submitted by the owners of the property constituting at least 50 percent of the appraised value of the property in the area requesting to be

added to the Zone according to the most recent certified appraisal roll for Harris County.

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 proposed 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 hereby 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 under and in accordance with the provisions of Chapter 311, Texas Tax Code, including Sections 311.005, 311.006 and 311.007, does hereby enlarge Reinvestment Zone Number Sixteen, City of Houston, Texas, by adding the areas described in Exhibit "A" and depicted in the map attached hereto as Exhibit "B".

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 base established by Ordinance No. 1999-709 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 year shall be January 1, 2008.

Section 5. 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 unconstitutionally, voidness or invalidity of any other portion hereof, and all provisions of this Ordinance are declared to be severable for that purpose.

Section 7. 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 Open Meetings Law, 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 8. 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 it shall take effect in accordance with Article VI, Section 6, Houston City Charter.

PASSED AND ADOPTED this 6th day of February, 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 FEB 12 2008.



City Secretary

(Prepared by Legal Dept. DEBORAH F. ALLEN)
(DFM/dfm February 5, 2008) Senior Assistant City Attorney
(Requested by Michelle Mitchell, Director, Department of Finance)
(L.D. File No. 06199000600039)

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

EXHIBIT "A"

LEGAL DESCRIPTION OF AREA TO BE ADDED TO UPTOWN REINVESTMENT ZONE

UPTOWN HOUSTON REINVESTMENT ZONE NO. 16
DESCRIPTION 2008 ANNEXED TRACT
CITY OF HOUSTON, HARRIS COUNTY, TEXAS

BEGINNING at the intersection of the east right-of-way line of South Post Oak Lane and the north right-of-way line of Post Oak Timber Drive, same being the northern most southwest corner of a Lot described as Lot 5, South Post Oak T/H, Subdivision;

THENCE, proceeding in an easterly direction along the north right-of-way line of Post Oak Timber Drive and continuing as it circumscribes the easterly cul-de-sac of Post Oak Timber Drive to the point of intersection with the north property line of a Lot described as Reserve A, Block 1, West Oaks Place Subdivision;

THENCE, proceeding in an easterly direction along the north property line of said Reserve A, Block 1, West Oaks Place Subdivision to the northeast corner of said Reserve A, Block 1, West Oaks Place Subdivision;

THENCE, proceeding in a southerly direction along the east property line of said Reserve A, Block 1, West Oaks Place Subdivision to the point of intersection of the east right-of-way line of Huntley Drive with the south right-of-way line of Huntley Drive, same being the northeast corner of a Lot described as Tract 32, West Oaks Section 2 Subdivision;

THENCE, proceeding in a westerly direction along the south right-of-way line of Huntley Drive to the point of intersection of the east right-of-way line of South Wynden Drive with the south right-of-way line of Huntley Drive;

THENCE, proceeding in a south and southwesterly direction along the east right-of-way line of South Wynden Drive, to the northeast corner of a Lot described as Reserve B, West Oaks Section 2 Subdivision;

THENCE, proceeding in a southerly direction along the east property line of said Reserve B, West Oaks Section 2 Subdivision, a distance of approximately 208.45 feet to the southeast corner of said Reserve B, West Oaks Section 2 Subdivision;

THENCE, proceeding in a westerly direction along the south property line of said Reserve B, West Oaks Section 2 Subdivision, a distance of approximately 402.52 feet to the southwest corner of a Lot described as Reserve D, Block 3, Upper Post Oak Subdivision;

THENCE, proceeding in a northerly direction along the west property line of said Reserve D, Block 3, Upper Post Oak Subdivision, a distance of approximately 293.41 feet to the northwest corner of said Reserve D, Block 3, Upper Post Oak Subdivision, same being the south right-of way-line of South Wynden Drive;

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THENCE, proceeding in a westerly direction along the south right-of-way line of South Wynden Drive to the northeast corner of a Lot described as Reserve C, Block 3, Upper Post Oak Subdivision;

THENCE, proceeding in a southerly direction along the east property line of said Reserve C, Block 3, Upper Post Oak Subdivision, a distance of approximately 246.46 feet to the southeast corner of said Reserve C, Block 3, Upper Post Oak Subdivision;

THENCE, proceeding in a westerly direction along the south property line of said Reserve C, Block 3, Upper Post Oak Subdivision, a distance of approximately 295.74 feet to the southwest corner of said Reserve C, Block 3, Upper Post Oak Subdivision, same being the east right-of-way line of South Post Oak Lane;

THENCE, proceeding in a northerly direction along the east right-of-way line of South Post Oak Lane to the point of intersection with the north right-of-way line of South Wynden Drive, same being the southwest corner of a Lot described as Tract 58, West Oaks Section 2 Subdivision;

THENCE, proceeding in an easterly direction along the north right-of-way line of South Wynden Drive, a distance of approximately 150.4 feet to the southeast corner of said Tract 58, West Oaks Section 2 Subdivision;

THENCE, proceeding in a northerly direction along the west property line of a Lot described as Reserve B, Block 2, Upper Post Oak Subdivision, a distance of approximately 262.03 feet to an interior corner of said Reserve B, Block 2, Upper Post Oak Subdivision, same being the northeast corner of a Lot described as Tract 58, West Oaks Section 2 Subdivision;

THENCE, proceeding in an westerly direction along the north property line of said Tract 58, West Oaks Section 2 Subdivision, a distance of approximately 144.46 feet to the northern most southwest corner of Reserve B, Block 2, Upper Post Oak Subdivision, same being the point of intersection with the east right-of-way line of South Post Lane;

THENCE, proceeding in a northerly direction along the east right-of-way line of South Post Oak Lane to the northern most southwest corner of a Lot described as Reserve A, Block 1, Upper Post Oak Subdivision;

THENCE, proceeding in a southeasterly direction, a distance of approximately 20.62 feet, to the southern most southwestern corner of said Reserve A, Block 1, Upper Post Oak Subdivision;

THENCE, proceeding in a easterly direction along the south property line of said Reserve A, Block 1, Upper Post Oak Subdivision, same being the north right-of-

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way line of North Wynden Drive, a distance of approximately 279.35 feet to the southeast corner of a Lot described as Tract 41, West Oaks Section 2 Subdivision;

THENCE, proceeding in a northerly direction along the east property line of said Tract 41, West Oaks Section 2 Subdivision, a distance of approximately 200 feet to the northeast corner of said Tract 41, West Oaks Section 2 Subdivision;

THENCE, proceeding in a westerly direction, a distance of approximately 110 feet to the northwest corner of said Tract 41, West Oaks Section 2 Subdivision;

THENCE, proceeding in a southerly direction, a distance of approximately 75 feet to the northeast corner of Lot described as Reserve A, Block 1, Upper Post Oak Subdivision;

THENCE, proceeding in a westerly direction along the north property line of said Reserve A, Block 1, Upper Post Oak Subdivision, a distance of approximately 170.42 feet the point of intersection with the east right-of-way line of South Post Oak Lane;

THENCE, proceeding in a northerly direction along the east right-of-way line of South Post Oak Lane, to the point of intersection of the north right-of-way line of Tilbury Drive with the east right-of-way line of South Post Oak Lane;

THENCE, proceeding in an easterly direction along the north right-of-way line of Tilbury Drive to the point of intersection with the west right-of-way line of Post Oak Hill Street;

THENCE, proceeding in a northerly direction along the west right-of-way line of Post Oak Hill Street to the point of intersection with the south right-of-way line of Post Oak Timber Drive;

THENCE, proceeding in a westerly direction along the south right-of-way line of Post Oak Timber Drive to the point of intersection with the east right-of-way line of South Post Oak Lane;

THENCE, proceeding in a northerly direction to the intersection of the east right-of-way line of South Post Oak Lane with the north right-of-way line of Post Oak Timber Drive, same being the northern most southwest corner of a Lot described as Lot 5, South Post Oak T/H Subdivision, the POINT OF BEGINNING.

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SAVE AND EXCEPT:

Exception 1

BEGINNING, at the northwest corner of a Lot described as Lot 5, Block 2, Hidden Oaks 2ND R/P Subdivision, same being the south right-of-way line of Tilbury Drive;

THENCE, proceeding in an easterly direction along the north property line of said Lot 5, Block 2, Hidden Oaks 2ND R/P Subdivision, same being the south right-of-way line of Tilbury Drive, a distance of approximately 375.8 feet to the northeast corner of a Lot described as Lot 4, Block 2, Hidden Oaks 2ND R/P Subdivision;

THENCE, proceeding in a southerly direction with the east property line of said Lot 4, Block 2, Hidden Oaks 2ND R/P Subdivision, a distance of approximately 200 feet to the southeast corner of said Lot 4, Block 2, Hidden Oaks 2ND R/P Subdivision;

THENCE, proceeding in a westerly direction along the south property line of said Lot 4, Block 2, Hidden Oaks 2 ND R/P Subdivision; a distance of approximately 375.8 feet to the southwest corner of a Lot described as Lot 5, Block 2, Hidden Oaks 2ND R/P Subdivision;

THENCE, proceeding in a northerly direction along the west property line of said Lot 5 Block 2, Hidden Oaks 2ND R/P Subdivision, a distance of approximately 194.72 feet to the northwest corner of said Lot 5, Block 2, Hidden Oaks 2ND R/P Subdivision, same being the south right-of-way line of Tilbury Drive, the POINT OF BEGINNING.

Exception 2

SAVE AND EXCEPT:

BEGINNING, at the northeast corner of a Lot described as Reserve B, Block 2, Upper Post Oak Subdivision, same being the south right-of-way line of North Wynden Drive;

THENCE, proceeding in an easterly direction along the south right-of-way line of North Wynden Drive, and continuing in a southeasterly and southerly direction as the south right-of-way line of North Wynden Drive becomes the west right-of-way line of North Wynden Drive, and continuing in a southerly direction as the west

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right-of-way line of North Wynden becomes the west right-of-way line of South Wynden Drive, and continuing in a southwesterly and then a westerly direction as the west right-of-way line of South Wynden Drive becomes the north right-of-way line of South Wynden Drive to the southwest corner of a Lot described as Lot 1, Block 1, Wynden Place Subdivision;

THENCE, proceeding in a northerly direction along the west property line of said Lot 1, Block 1, Wynden Place Subdivision, a distance of approximately 279.24 feet to the northwest corner of a Lot described as Lot 3, Block 1, Wynden Place Subdivision;

THENCE, proceeding in a westerly direction, a distance of approximately 125.14 feet, to the southwest corner of a Lot described as Tract 4, Block 1, Wynden Creek Villas Subdivision;

THENCE, proceeding in a northerly direction along the west property line of said Tract 4, Block 1, Wynden Creek Villas Subdivision, a distance of approximately 324.78 feet to the northeast corner of a Lot described as Reserve B, Block 2, Upper Post Oak Subdivision, same being the south right-of-way line of North Wynden Drive, the POINT OF BEGINNING.

EXHIBIT "B"

MAP OF AREA TO BE ADDED TO UPTOWN REINVESTMENT ZONE

City of Houston TIRZ #16 - Uptown Houston
Current and Proposed Boundaries - DETAIL

