

City of Houston, Texas, Ordinance No. 2005- 1049

AN ORDINANCE ENLARGING THE BOUNDARIES OF REINVESTMENT ZONE NUMBER THREE, CITY OF HOUSTON, TEXAS, (MAIN STREET/MARKET SQUARE TIRZ); 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 Three, City of Houston, Texas, (the "Zone") by Ordinance No. 1995-1323 passed December 13, 1995; and

WHEREAS, the City enlarged the boundaries of the Zone by Ordinance No. 98-1204 passed December 16, 1998; and

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

WHEREAS, the Board of Directors of the Zone has adopted a Resolution requesting that the City annex into the Zone certain areas contiguous to the Zone pursuant to the provisions of Chapter 311, Texas Tax Code; 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 meets the criteria of Section 311.0031 of the Texas Tax Code because the area is within an enterprise zone designated under the provisions of Chapter 2303, Texas Government Code and meets the requirements of Section 311.005 of the Texas Tax 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 the deterioration of site and other improvements; and

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

hereby enlarge Reinvestment Zone Number Three, 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 City Council confirms that the boundaries of the Zone as amended by this Ordinance shall be the area described in Exhibit "C" attached hereto.

Section 5. That the tax increment base for the enlarged Zone shall include the tax increment base established by Ordinance No. 95-1323 and by Ordinance No. 98-1204 and beginning January 1, 2006, shall include the tax increment base attributable to the land added to the Zone by this Ordinance, which shall be January 1, 2005.

Section 6. 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 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. 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 Open Meetings Law, TEX. GOV'T CODE ANN., Ch. 551 (Vernon 2004); 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. 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 it shall take effect in accordance with Article VI, Section 6, Houston City Charter.

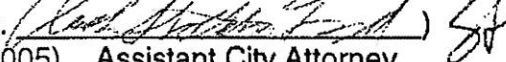
PASSED AND ADOPTED this 14th day of September, 2005.
APPROVED this _____ day of _____, 2005.

CITY OF HOUSTON, TEXAS

Mayor of the City of Houston

Pursuant to Article VI, Section 6, Houston City Charter, the effective date of the foregoing Ordinance is SEP 20 2005.


City Secretary

(Prepared by Legal Dept. )
(CSL/csl September 6, 2005) Assistant City Attorney
(Requested by Marlene Gafrick, Director, Planning and Development)
(L.D. File No. 061950003042)

AYE	NO	
✓		MAYOR WHITE
....	COUNCIL MEMBERS
✓		LAWRENCE
✓		GALLOWAY
✓		GOLDBERG
✓		EDWARDS
✓		WISEMAN
	ABSENT	KHAN
✓		HOLM
✓		GARCIA
✓		ALVARADO
✓		ELLIS
✓		QUAN
✓		SEKULA-GIBBS
	ABSENT-ON PERSONAL BUSINESS	GREEN
✓		BERRY
CAPTION	ADOPTED	

**Area to be Added to the Main Street Market Square Reinvestment Zone
(Part C, 2005 Annexation)**

BEGINNING at the intersection of the easterly right-of-way line of Fannin Street and the southerly right-of-way line of Polk Avenue;

THENCE proceeding in a southeasterly direction along the southerly right-of way line of Polk Avenue to its intersection with the easterly right-of way line of Caroline Street;

THENCE proceeding in a northeasterly direction along the easterly right-of-way line of Caroline Street to its intersection with the northerly right-of-way line of Dallas Avenue;

THENCE proceeding in a northwesterly direction along the northerly right-of-way line Dallas Avenue to its intersection with the easterly right-of-way line of Fannin Street;

THENCE proceeding in a southwesterly direction along the easterly right-of-way line of Fannin Street to its intersection with the southerly right-of-way line of Polk Avenue to its POINT OF BEGINNING.

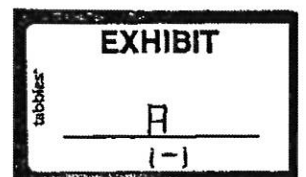
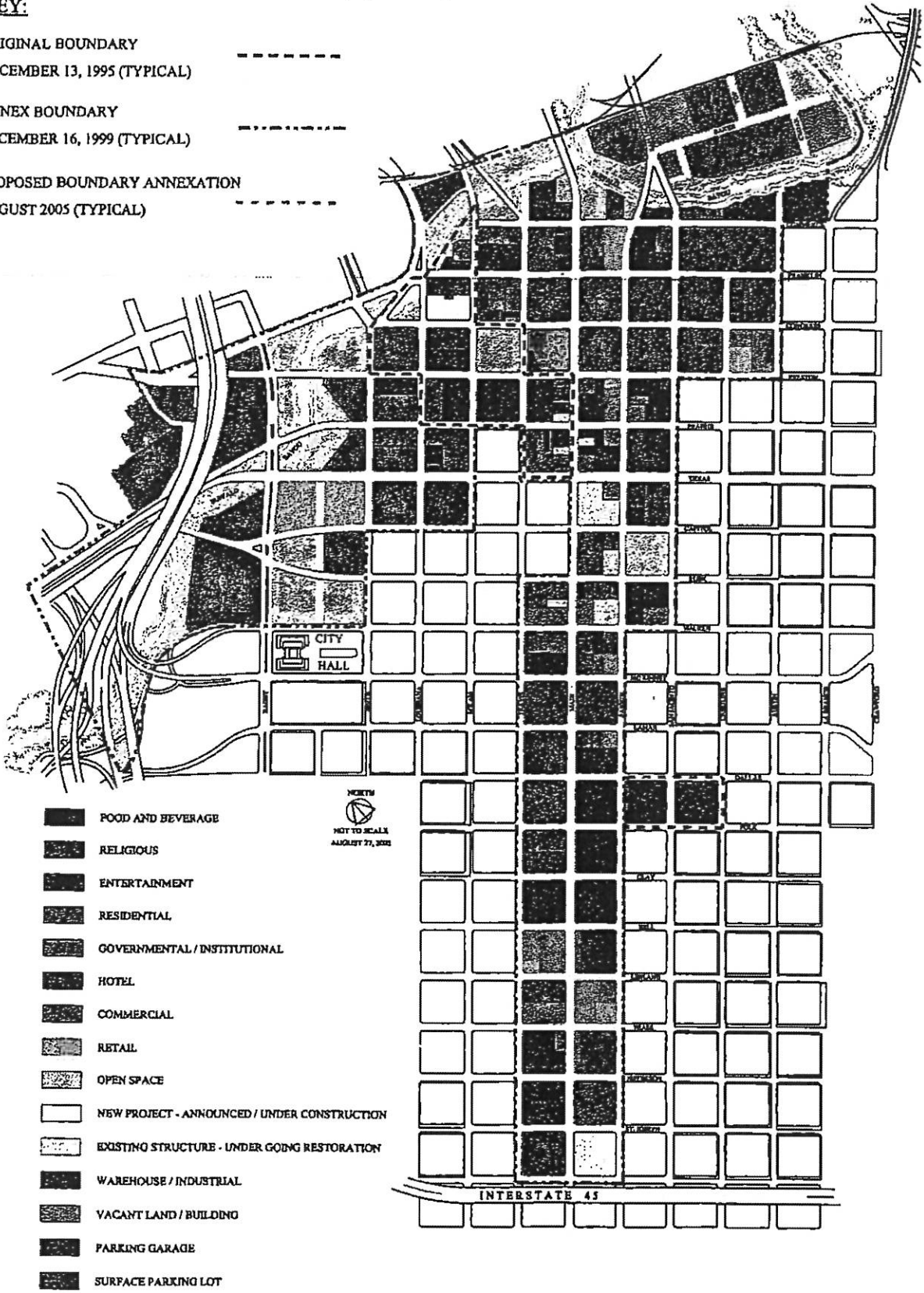


EXHIBIT B

KEY:

- ORIGINAL BOUNDARY
DECEMBER 13, 1995 (TYPICAL) - - - - -
- ANNEX BOUNDARY
DECEMBER 16, 1999 (TYPICAL) - - - - -
- PROPOSED BOUNDARY ANNEXATION
AUGUST 2005 (TYPICAL) - - - - -



TAX INCREMENT REINVESTMENT ZONE (TIRZ) #3
2005 LAND USE MAP

EXHIBIT

B

1-1

BOUNDARIES OF REINVESTMENT ZONE NUMBER THREE,
AS ENLARGED

BEGINNING at the intersection of the center line of the right-of-way of Texas Avenue and the west right-of-way line of Main Street and proceeding in a southwesterly direction along the west right-of-way line of Main Street to its intersection with the north right-of-way line of Rusk Street.

THENCE proceeding in a northwesterly direction along the north right-of-way line of Rusk Street to its intersection with the west right-of-way line of Travis Street.

THENCE proceeding in a southwesterly direction along the west right-of-way line of Travis Street to its intersection with the south right-of-way line of Pierce Street.

THENCE proceeding in a southeasterly direction along the south right-of-way line of Pierce Street to its intersection with the east right-of-way line of Fannin Street.

THENCE proceeding in a northeasterly direction along the east right-of-way line of Fannin Street to its intersection with the south right-of-way line Polk Avenue.

THENCE proceeding in a southwesterly direction along the south right-of way line of Polk Avenue to its intersection with the east right-of way line of Caroline Street.

THENCE proceeding in a northeasterly direction along the east right-of-way line of Caroline Street to its intersection with the north right-of-way line of Dallas Avenue.

THENCE proceeding in a northwesterly direction along the north right-of-way line of Dallas Avenue to its intersection with the east right-of-way line of Fannin Street.

THENCE proceeding in a northeasterly direction along the east right-of-way line of Fannin Street to its intersection with the south right-of-way line of Walker Street.

THENCE proceeding in a southeasterly direction along the south right-of-way line of Walker Street to its intersection with the east right-of-way line of San Jacinto Street.

THENCE proceeding in a northeasterly direction along the east right-of-way line of San Jacinto Street to its intersection with the south right-of-way line of Preston Street.

THENCE proceeding in a southeasterly direction along the south right-of-way line of Preston Street to its intersection with the east right-of-way line of Austin Street.

THENCE proceeding in a northeasterly direction along the east right-of-way line of Austin Street to its intersection with the south right-of-way line of Commerce Street.

THENCE proceeding in a southeasterly direction along the south right-of-way line of Commerce Street to its intersection with the west right-of-way line of La Branch Street.

THENCE proceeding in a northeasterly direction along the west right-of-way line of La Branch Street and a northerly projection thereof to the intersection with the center line of Buffalo Bayou.

THENCE proceeding in a easterly and then northerly direction along the meanders of the center line of Buffalo Bayou to its intersection with the easterly projection of the north right-of-way line of the Southern Pacific Rail Road's "Main Passenger Line" right-of-way line, sometimes shown as the Galveston, Houston and Henderson Rail Road right-of-way line and sometimes shown as Allen Avenue (hereinafter the "Main Passenger Line").

THENCE proceeding in a northwesterly direction along the north right-of-way line and the easterly projection thereof of the Main Passenger Line right-of-way line to its intersection with a southerly projection of the west right-of-way line of the northbound ramp to Interstate Highway 10, a continuation of Louisiana Street.

THENCE proceeding in a southerly direction along the west right-of-way line of the northbound ramp to Interstate Highway 10 and a southerly extension thereof, a continuation of Louisiana Street, to the intersection with the north right-of-way line of Franklin Avenue.

THENCE proceeding in a westerly direction along the north right-of-way line of Franklin Avenue to the southwest corner of Lot 1, Block C, of the N.S.B.B. subdivision.

THENCE proceeding in a westerly direction along the south property line of Lot 1, Block C, of the N.S.B.B. subdivision, also shown as the north right-of-way line of Preston Avenue, and continuing along the south property line of Lot 5B, Block C, of the N.S.B.B. subdivision, also shown as the north right-of-way line of Preston Avenue, to the southwest corner of Lot 5B, Block C, of the N.S.B.B. subdivision.

THENCE proceeding in a southerly direction to the intersection of the south right-of-way line of Preston Avenue and the west right-of-way line of Artesia Street.

THENCE proceeding in a southerly direction along the west right-of-way line of Artesia Street to its intersection with the northeast corner of Tract 3, Block G of the Evans Subdivision.

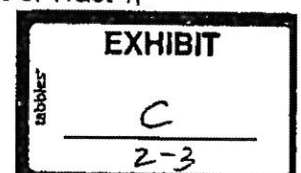
THENCE proceeding in a westerly direction along the north property line of Tract 3, Block G, and continuing along the north property line of Tract 6A, Block G of the Evans Subdivision to the northwest corner of Tract 6A, Block G of the Evans Subdivision.

THENCE proceeding in a southerly direction along the west property line of Tract 6A, Block G of the Evans Subdivision, continuing along the west property line of Tract 3, Block G of the Evans Subdivision and continuing along the west property line of Tract 2, Block G of the Evans Subdivision to the northwest corner of Tract 1, Block G of the Evans Subdivision.

THENCE proceeding in a westerly direction along the north property line of Tract 1, Block G of the Evans Subdivision to the southwest corner of Tract 1, Block G of the Evans Subdivision.

THENCE proceeding in a southerly direction along the west property line of Tract 1, Block G of the Evans Subdivision to its intersection with the most northerly north property line, and continuing along a west property line, of Tract 4, Block E of the Evans Subdivision to an interior corner of said Tract 4.

THENCE proceeding in a westerly direction along the most southerly north property line of Tract 4, Block E of the Evans Subdivision to its most southerly northwest corner.



THENCE proceeding in a southerly direction along the most westerly west property line of Tract 4, Block E, of the Evans Subdivision to its intersection with the north right-of-way line of Memorial Drive.

THENCE proceeding in a westerly direction along the north right-of-way line of Memorial Drive to its intersection with the west right-of-way line of Houston Avenue.

THENCE proceeding in a southerly direction along the west right-of-way line of Houston Avenue and a southern projection thereof to the intersection with the southeastern right-of-way line of Interstate Highway 45.

THENCE proceeding in a southwesterly direction along the southeastern right-of-way line of Interstate Highway 45 to its intersection with the south right-of-way line of Walker Avenue.

THENCE proceeding in an easterly direction along the south right-of-way line of Walker Street to its intersection with the west right-of-way line of Smith Street.

THENCE proceeding in a northeasterly direction along the west right-of-way line of Smith Street to its intersection with the south right-of-way line of Capital Street.

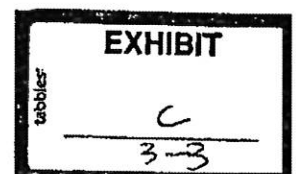
THENCE proceeding in a southeasterly direction with the south right-of-way line of Capital Street to its intersection with the east right-of-way line of Milam Street.

THENCE proceeding in a northeasterly direction along the east right-of-way line of Milam Street to its intersection with the center line of the right-of-way of Prairie Street.

THENCE proceeding in a southeasterly direction along the center line of the right-of-way of Prairie Street to its intersection with the center line of the right-of-way of Travis Street.

THENCE proceeding in a southwesterly direction along the center line of the right-of-way of Travis Street to its intersection with the center line of the right-of-way of Texas Avenue.

THENCE proceeding in a southeasterly direction along the center line of the right-of-way of Texas Street to its intersection with the center line of the west right-of-way line of Main Street, the POINT OF BEGINNING.



City of Houston, Texas, Ordinance No. 2005-1050

AN ORDINANCE APPROVING A THIRD AMENDED PROJECT PLAN AND REINVESTMENT ZONE FINANCING PLAN FOR REINVESTMENT ZONE NUMBER THREE, CITY OF HOUSTON, TEXAS (MAIN STREET/MARKET SQUARE TIRZ); AUTHORIZING THE CITY SECRETARY TO DISTRIBUTE SUCH PLANS; DETERMINING THE PORTION OF TAX INCREMENT THE CITY WILL PAY FROM THE AREA ANNEXED INTO THE ZONE; CONTAINING VARIOUS PROVISIONS RELATED TO THE FOREGOING SUBJECT; AND DECLARING AN EMERGENCY.

WHEREAS, by City Ordinance No. 95-1323, adopted on December 13, 1995, the City Council of the City of Houston (the "City") created Reinvestment Zone Number Three, City of Houston, Texas (the "Zone") pursuant to Chapter 311 of the Texas Tax Code, as amended (the "Code"), for the purposes of redevelopment in the downtown area of the City generally referred to as the Market Square area; and

WHEREAS, the City enlarged the boundaries of the Zone by City Ordinance No. 98-1204, adopted on December 16, 1998 to include additional areas within the downtown area of the City generally referred to as the Main Street area; and

WHEREAS, the Board of Directors of the Zone adopted and the City approved, by City Ordinance No. 96-911, adopted on September 11, 1996, 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 adopted, and the City approved, by Ordinance No. 98-1205, adopted on December 16, 1998, the Amended Project Plan and Reinvestment Zone Financing Plan dated November 23, 1998 for the Zone; and

WHEREAS, the Board of Directors of the Zone adopted, and the City approved, by City Ordinance No. 1999-828, adopted on August 11, 1999, the Second Amended Project Plan and Reinvestment Zone Financing Plan dated August 9, 1999 (as amended, the "Project Plan") for the Zone; and

WHEREAS, the Board of Directors of the Zone, at its August 15, 2005 board meeting, considered and adopted a Third Amended Project Plan and Reinvestment Zone Financing Plan (the "Third Amendment"), and requested City Council approval of the Third Amendment; and

WHEREAS, the Board of Directors of the Zone, at its August 15, 2005 board meeting, approved the annexation of two blocks into the Zone (the "Annexed Area") and has requested City Council approval of the annexation; and

WHEREAS, the Third Amendment includes projects for the Annexed Area;

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

WHEREAS, a public hearing on the Third 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 Third Amendment on August 31, 2005; and

WHEREAS, at the public hearing, interested persons were allowed to speak for or against the proposed Third Amendment and the enlargement of the boundaries of the Zone; and

WHEREAS, evidence was received and presented at the public hearing in favor of the proposed Third Amendment and the enlargement of the boundaries of the Zone; and

WHEREAS, the City gave reasonable opportunity for the owners of property in the area proposed for inclusion in the Zone to protest the inclusion of such properties in the Zone; and

WHEREAS, the City desires to approve the Third Amendment; and

WHEREAS, the City currently contributes 100% of its tax increments generated within the boundaries of the Zone as established by City Ordinance No. 95-1323 and City Ordinance No. 98-1204 to the Zone's Tax Increment Fund; and

WHEREAS, the City desires to establish its level of participation in the Annexed Area approved by the City pursuant to City Ordinance No. 2005-1049¹;

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 Third Amendment. That the Amended Project Plan and the Reinvestment Zone Financing Plan dated August 9, 1999 approved by City Ordinance No. 1999-828, adopted on August 11, 1999, is hereby amended by

¹ Ordinance number of the ordinance enlarging the boundary of the zone to be inserted by the City Secretary.

substituting the "Third Amended Project Plan and Reinvestment Zone Financing Plan," attached to this Ordinance as Exhibit "A". The Third Amendment is hereby determined to be feasible and is approved. The appropriate officials of the City are authorized to take all steps reasonably necessary to implement the Third Amendment.

Section 3. Approval of the City's Level of Participation in the Expanded Zone.

That the City will participate in the Annexed Area by contributing tax increment to the tax increment fund for the Zone from taxes levied and collected by the City from \$0.231 per \$100 valuation, beginning January 1, 2006 and continuing for the remaining term of the Zone. The remainder of the taxes collected from the City's tax levy within the Annexed Area shall be retained by the City.

Section 4. Distribution to Taxing Units. That the City Secretary is directed to provide copies of the Third Amendment to each taxing unit levying ad valorem taxes in the Zone.

Section 5. 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 6. 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 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 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 14th day of September, 2005.

APPROVED this _____ day of _____, 2005.

Mayor of the City of Houston

Pursuant to Article VI, Section 6, Houston City Charter, the effective date of the foregoing Ordinance is SEP 20 2005.



City Secretary

CAPTION PUBLISHED IN DAILY COURT
REVIEW
DATE: SEP 20 2005

(Prepared by Legal Dept. Clark Stettin)
 (CSL/csl September 6, 2005) Assistant City Attorney
 (Requested by Marlene Gafrick, Director, Planning and Development)
 (L.D. File No. 061950003042)

AYE	NO	
✓		MAYOR WHITE
....	COUNCIL MEMBERS
✓		LAWRENCE
✓		GALLOWAY
✓		GOLDBERG
✓		EDWARDS
✓		WISEMAN
	ABSENT	KHAN
✓		HOLM
✓		GARCIA
✓		ALVARADO
✓		ELLIS
✓		QUAN
✓		SEKULA-GIBBS
	ABSENT ON PERSONAL BUSINESS	GREEN
✓		BERRY
CAPTION	ADOPTED	