

ORDINANCE NO. 2023-13

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF THORNDALE, TEXAS, DESIGNATING TAX ABATEMENT REINVESTMENT ZONE NO. 1 IN THE CITY LIMITS OF THE CITY OF THORNDALE, TEXAS FOR PROPERTY LOCATED AT 606 & 702 US HWY 79 EAST, THORNDALE, TEXAS, MILAM COUNTY, TEXAS, AS ALLOWED BY CHAPTER 312 OF THE TEXAS TAX CODE; ESTABLISHING THE BOUNDARIES THEREOF; PROVIDING FOR SEVERABILITY; PROVIDING FOR PROPER NOTICE OF MEETING; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, The City Council of the City of Thorndale, Texas (herein the “City”) desires to promote the development or redevelopment of certain contiguous geographic areas within the City by the creation of a reinvestment zone for commercial/industrial tax abatement, as authorized by the Property Redevelopment and Tax Abatement Act, Chapter 312 of the Texas Tax Code, as amended; and

WHEREAS, on September 13, 2023 a public hearing was held, such date being at least seven (7) days after the date of publication of the notice of such public hearing and the delivery of written notice to all taxing entities within its boundaries regarding the real property that is to be included in the proposed reinvestment zone, as required by Section 312.201(d) of the Texas Tax Code; and

WHEREAS, the City at such public hearing invited any interested person to appear and speak for or against the creation of the reinvestment zone and whether all or part of the territory described should be included in the proposed reinvestment zone, and any concerns regarding the offering of tax abatement incentives; and

WHEREAS, the proponents of the reinvestment zone offered evidence, both oral and documentary, supporting and relating to the creation of the zone, and no opponents of the reinvestment zone appeared to contest the creation of the reinvestment zone;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF THORNDALE, TEXAS THAT:

Section 1: Findings. The facts and recitations contained in the preamble of this Ordinance are hereby found and declared to be true and correct factual and legislative findings of the City, and are fully incorporated into the body of this ordinance.

Section 2. The City, after conducting a public hearing and having heard such evidence and testimony, has made the following findings and determinations based on the evidence and testimony presented to it:

- (a) The public hearing regarding adoption of the reinvestment zone has been properly called, held, and conducted, and that notices of such hearings have been published at least seven (7) days before the hearing in a newspaper of general circulation within the

City, and mailed to all presiding officers of the taxing units overlapping the territory inside the proposed reinvestment zone at least seven (7) days prior to the hearing; and

(b) The boundaries of the reinvestment zone should be and include the area described in attached “Exhibit A” and depicted on the map attached hereto as “Exhibit B;” and

(c) The creation of the proposed zone with boundaries as described in “Exhibit A” and “Exhibit B” will result in benefits to the City and to land included in the zone, and that the improvements sought are feasible and practical; and

(d) That the investment zone as defined in “Exhibit A” and as depicted in “Exhibit B” meets the criteria for the creation of a tax abatement reinvestment zone as set forth in Section 312.202(a) of the Texas Tax Code in that it is “reasonably likely as;” result of the designation to contribute to the retention or expansion of primary employment or to attract major investment in the zone that would be a benefit to the property and that would contribute to the economic development of the City; and

(e) The reinvestment zone as defined in “Exhibit A” and depicted in “Exhibit B” meets the City’s policy of Guidelines and Criteria for the creation of a tax abatement zone and eligible for tax abatement.

Section 3. Creation of Tax Abatement Reinvestment Zone No. 1. Pursuant to the property Redevelopment and Tax Abatement Act, Section 312.201 of the Texas Tax Code, as amended, the City hereby creates Tax Abatement Reinvestment Zone No. 1 for commercial-industrial tax abatement encompassing only the territory described in “Exhibit A” and depicted in “Exhibit B” and such reinvestment zone is hereby designated and shall hereafter be referred to as Tax Abatement Reinvestment Zone No. 1 of the City of Thorndale, Texas.

Section 4. Effective Date of Tax Abatement Reinvestment Zone No. 1. The zone shall take effect on September 13, 2023, and shall remain designated as a commercial-industrial reinvestment zone for a period of five (5) years from the date of such designation. The expiration of the designation does not affect an existing tax abatement agreement. Prior to or upon the date of expiration, the City Council may renew such designation for additional successive period(s) not exceeding five (5) years each; provided no abatement may be extended beyond ten (10) years from the date of the original abatement.

Section 5. Eligibility. To be considered eligible for execution of an agreement for tax abatement, a proposed commercial/industrial project shall meet the requirements of the City’s Tax Abatement Guidelines and the provisions of Chapter 312 of the Texas Tax Code.

Section 6. Tax Abatement Agreements. Written agreements under Section 312.205 of the Texas Tax Code with the property owner(s) located within the Tax Abatement Zone shall include, but not be limited to, the following provisions:

(a) Terms regarding the duration of exemption and share of eligible taxable personal property value from taxation;

(b) A listing of the kind, number, location, and costs of all proposed improvements of the property;

(c) A statement that access to the project shall be provided to allow for inspection by City inspectors and officials and such other governmental personnel reasonably deemed necessary to ensure that the improvements or repairs are made according to the specifications and conditions of the agreement.

(d) Limiting the use of the property consistent with the general purpose of encouraging development or redevelopment of the zone during the period that property tax exemptions are in effect.

(e) That property tax revenue lost as a result of the tax abatement agreement will be recaptured by the City if the owner of the property fails to make the improvements as provided by the agreement.

Section 7. 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 8. Proper Notice & Meeting. It is hereby found, determined and declared that a sufficient 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 readily accessible at all times as required by the Texas Open Meetings Act, Section 551.001, et seq. of the Texas Government Code, and that notice was published in the newspaper; that a public hearing was held prior to the designation of such reinvestment zone and that proper notice was in fact delivered to the presiding officer of any affected taxing entities as prescribed by the Property Redevelopment and Tax abatement Act, as amended.

Section 9. Effective Date: This Ordinance shall take effect immediately after its final passage and any publication in accordance with the requirements of the City of Thorndale and the laws of the State of Texas.


PASSED AND APPROVED, this, the 13th day of September, 2023, by a vote of 4 (ayes) to _____ (nays) to _____ (abstentions) of the City Council of the City of Thorndale.

THE CITY OF THORNDAL, TEXAS

ATTEST:


Stacy Irwin, City Secretary




George Galbreath, Jr., Mayor