

ORDINANCE NO. 017333

AN ORDINANCE DESIGNATING TRANSPORTATION REINVESTMENT ZONE NUMBER THREE FOR EL PASO, TEXAS; DESCRIBING THE BOUNDARIES OF THE ZONE; PROVIDING FOR AN EFFECTIVE DATE AND A TERMINATION DATE FOR THE ZONE; NAMING THE ZONE "TRANSPORTATION REINVESTMENT ZONE NUMBER THREE, CITY OF EL PASO, TEXAS"; ESTABLISHING A TAX INCREMENT FUND FOR THE ZONE; AND CONTAINING OTHER PROVISIONS RELATED THERETO.

WHEREAS, on July 22, 2008, the City Council (the "Council") of the City of El Paso, Texas (the "City") unanimously endorsed the 2008 Comprehensive Mobility Plan (CMP) for El Paso; and

WHEREAS, the City desires to promote the transportation projects included in the CMP as well as other transit related projects, to be funded in whole or in part through the creation of Transportation Reinvestment Zone Number Three, as hereinafter more specifically defined and named, and with boundaries as hereinafter provided (the "Zone"), pursuant to the provisions of Texas Transportation Code, Section 222.106 (the "Act"); and

WHEREAS, the City has determined that the areas within the proposed Zone are unproductive and underdeveloped; and

WHEREAS, the City has determined that the creation of the Zone and the promotion of transportation projects within the Zone will cultivate the development or redevelopment of property in the area; and

WHEREAS, the proposed public improvements for the area within the Zone may include construction of new roadways, improvements to interchanges including new connections between existing roadways, aesthetic improvements including landscaping, public art, and murals, and pedestrian and transit improvements; and

WHEREAS, pursuant to Section 222.106(c) of the Act, the City may designate a contiguous geographical area within the City as a transportation reinvestment zone if the area satisfies the requirements of certain sections of the Act; and

WHEREAS, on April 6, 2010, the City Council adopted a resolution expressing its intent to create the Zone, setting a date for a public hearing, and authorizing the City Manager to publish notice of the public hearing; and

CITY CLERK DEPT.
10 MAY 12 PM 4:32

WHEREAS, notice of the public hearing to be held on April 20, 2010, was duly published in the *El Paso Times*, in its issues dated April 7, 2010 and April 13, 2010, in compliance with Section 222.106(e) of the Act; and

WHEREAS, a public hearing was held on April 20, 2010, in the City Council Chambers, El Paso City Hall, to consider the creation of the Zone and the benefits to the City and to property in the proposed Zone; and

WHEREAS, the Council hereby recognizes that there is no guarantee that the value of property in the Zone will increase, that any increases in value are dependent upon many factors which are not within the City's control, and that there is no guarantee of any tax increment, as that term is defined in the Act; and

WHEREAS, it is hereby officially found and determined that the meeting at which this ordinance was passed was open to the public, and public notice of the time, place and purpose of said meeting was given, all as required by Chapter 551, Texas Government Code;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

Section 1. Short Title.

This ordinance may be known and cited as the "Transportation Reinvestment Zone Number Three Ordinance".

Section 2. Designating the Area as a Reinvestment Zone.

The area within the boundaries of the Zone is specifically described in Section 3 below, and officially assigned the name as designated in Section 5 below (which reinvestment Zone so described, named and designated are herein referred to as the "Zone").

Section 3. Description of the Boundaries of the Reinvestment Zone.

The Zone is made up of three (3) contiguous corridors. Attached hereto are **Exhibit A**, a narrative description of the boundaries of the three (3) corridors that make up the Zone, **Exhibit B** depicts each corridor within the Zone and **Exhibit C** is a listing of parcel identification numbers of the parcels included within each of the three (3) corridors that make up the Zone. Exhibits A, B and C are incorporated herein by reference for all purposes as if copied herein verbatim.

Section 4. Effective Date.

The Zone shall take effect immediately upon the passage of this ordinance, pursuant to Section 222.106(g)(2) of the Act and as specified in the Charter.

Section 5. Termination of Zone. Each Zone shall terminate pursuant to subsections 222.106 (j) and (k) of the Act.

Section 6. Assigning a Name to the Zone.

The Zone created hereby is assigned the name of "TRANSPORTATION REINVESTMENT ZONE NUMBER THREE, CITY OF EL PASO, TEXAS."

Section 7. Tax Increment Base.

The tax increment base for the Zone is the total appraised value of all real property taxable by the City and located in the Zone, determined as of January 1, 2010, the year in which the Zone was designated as a Transportation Reinvestment Zone.

Section 8. Establishment of a Tax Increment Fund.

There is hereby created and established in the depository bank of the City, an ad valorem tax increment account for the Zone, to be called the "TRANSPORTATION REINVESTMENT ZONE NUMBER THREE, CITY OF EL PASO, TEXAS TAX INCREMENT FUND" (the "Tax Increment Fund"). Money in the Tax Increment Fund, from whatever source, may be disbursed from the Tax Increment Fund, invested, and paid as permitted by the Act or by any agreements entered into pursuant to the Act, or as otherwise authorized by law.

Section 9. Findings.

The City hereby finds and declares that:

- (a) the areas within the Zone are unproductive and underdeveloped;
- (b) promotion of transportation projects will cultivate development or redevelopment of the Zone;
- (c) creation of the Transportation Reinvestment Zone will;
 - (1) promote public safety;
 - (2) facilitate the development or redevelopment of property;
 - (3) facilitate the movement of traffic;
 - (4) enhance the City's ability to sponsor a project;

- (5) significantly enhance the value of all the taxable real property in the Zone and will be of general benefit to the municipality; and
- (d) the areas within the Zone meet the requirements of Section 222.106(c) of the Act, in that the Zone is a contiguous geographical area located within the jurisdiction of the municipality.

Section 10. Surplus Funds.

Pursuant to Section 222.106(l) of the Act, any surplus remaining on termination of the Zone may be used for transportation projects of the municipality in or outside of the Zone. In the event there is any such surplus, those funds will be dedicated to transit related improvements.

Section 11. Incorporation of Recitals.

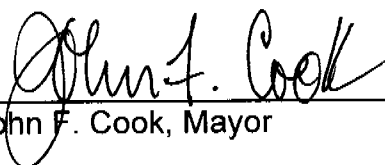
The Council hereby finds that the statements set forth in the recitals of this ordinance are true and correct, and the Council hereby incorporates such recitals as a part of this ordinance.

Section 12. Severability.

If any provision of this ordinance or the application thereof to any circumstance shall be held to be invalid, the remainder of this ordinance and the application thereof to other circumstances shall nevertheless be valid, as if such invalid provision had never appeared herein, and this governing body hereby declares that this ordinance would have been enacted without such invalid provision.

READ, ADOPTED AND APPROVED this 25th day of May, 2010.

CITY OF EL PASO


John F. Cook, Mayor



ATTEST


Richarda Duffy Madsen
City Clerk

CITY CLERK DEPT.
10 MAY 12 PM 4:32

APPROVED AS TO FORM:



Mark Shoesmith
Assistant City Attorney

APPROVED AS TO CONTENT:



William F. Studer, Jr.
Deputy City Manager
Administration and Financial Services

CITY CLERK DEPT.
10 MAY 12 PM 4:33

EXHIBIT "A"

Transportation Reinvestment Zone Number Three, City of El Paso, Texas

Transportation Reinvestment Zone Number 3 shall consist of the following area:

Corridor 3.1: Northeast Parkway Corridor. This corridor includes the parcels shown in Exhibit C, a list of parcel identification numbers of the Central Appraisal District in the proposed Northeast Parkway corridor beginning at the City Limits with Fort Bliss and ending at the New Mexico State Line in proximity to the connection with FM 3255.

Corridor 3.2: Transmountain Road. This corridor includes the parcels shown in Exhibit C, a list of parcel identification numbers of the Central Appraisal District adjacent to Transmountain Road beginning at Patriot Freeway (U.S. Highway 54) and ending at Railroad Drive.

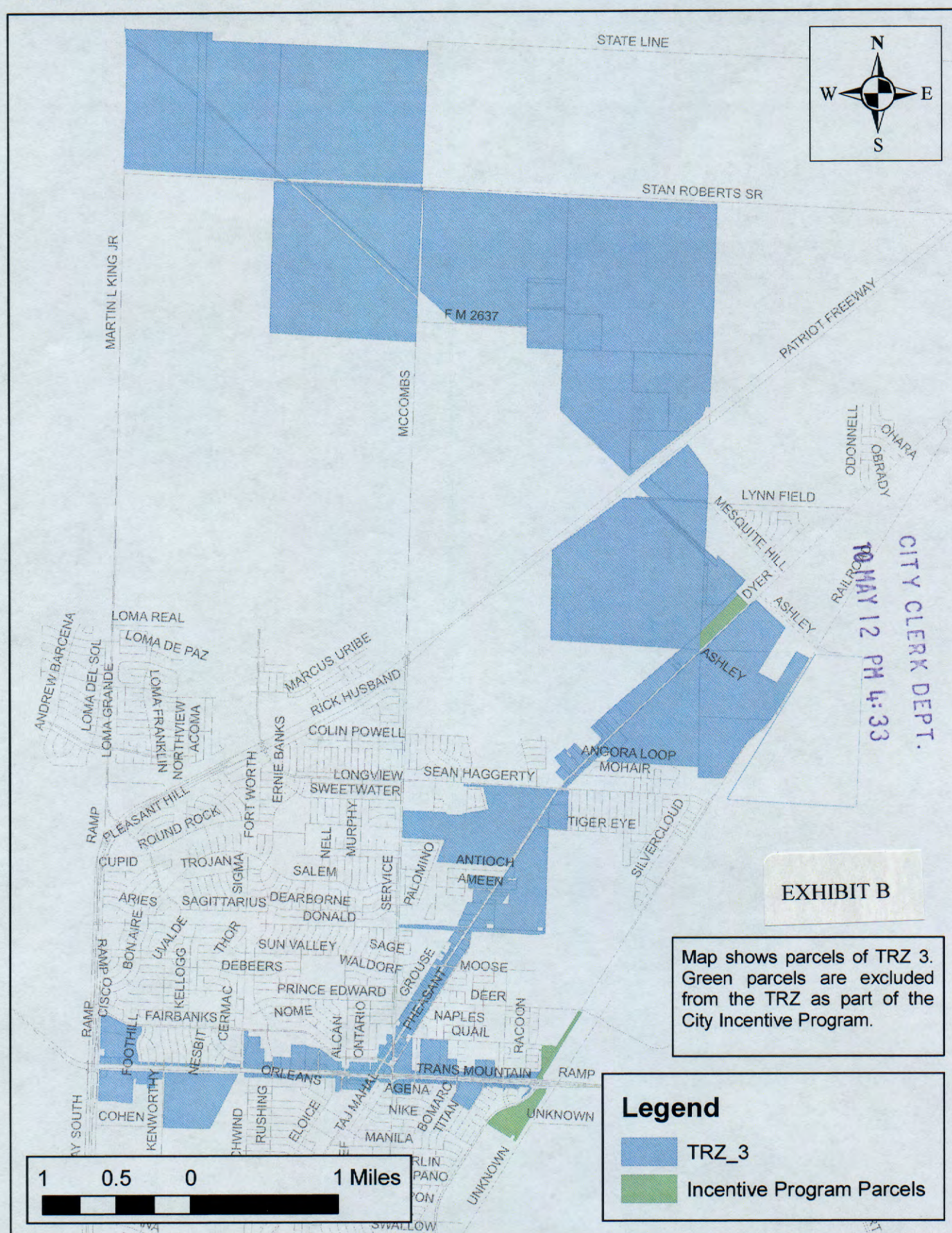
Corridor 3.3: Dyer Street. This corridor includes the parcels shown in Exhibit C, a list of parcel identification numbers of the Central Appraisal District adjacent to Dyer St, beginning at the proposed Northeast Parkway (shown in Corridor 3.1) and ending at Transmountain Road.

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Exhibit "B"

Depiction of Corridors 3.1, 3.2, and 3.3.

TRZ No.3 Parcels



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TRZ No.3.1 Parcels

Map shows parcels of TRZ 3.1. Green parcels are excluded from the TRZ as part of the City Incentive Program. TRZ No.3.1 is NE Parkway (From the City limits with Fort Bliss to the New Mexico State Line)

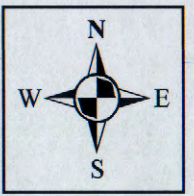


EXHIBIT B

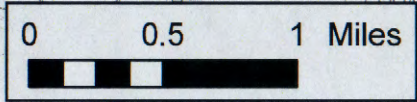
Legend

TRZ_3.1

Incentive Program Parcels

TRZ_Corridor_3.1

TRZ_Corridor_3.3



TRZ No.3.2 Parcels

Map shows parcels of TRZ 3.2. Green parcels are excluded from the TRZ as part of the City Incentive Program. TRZ No.3.2 is Transmountain Road (From US 54 to Railroad Dr)

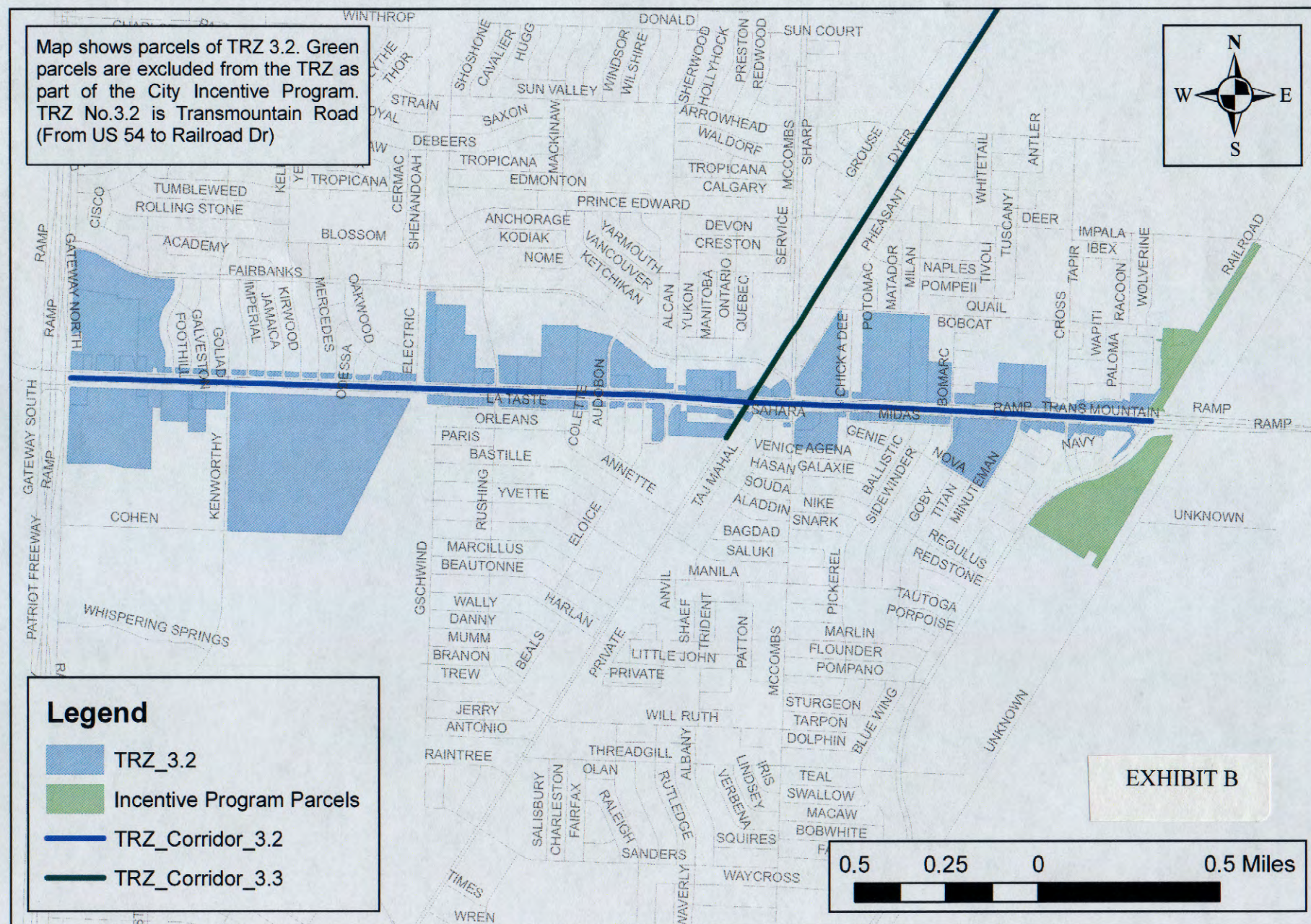
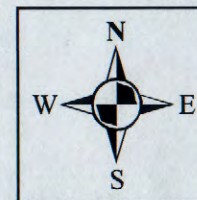
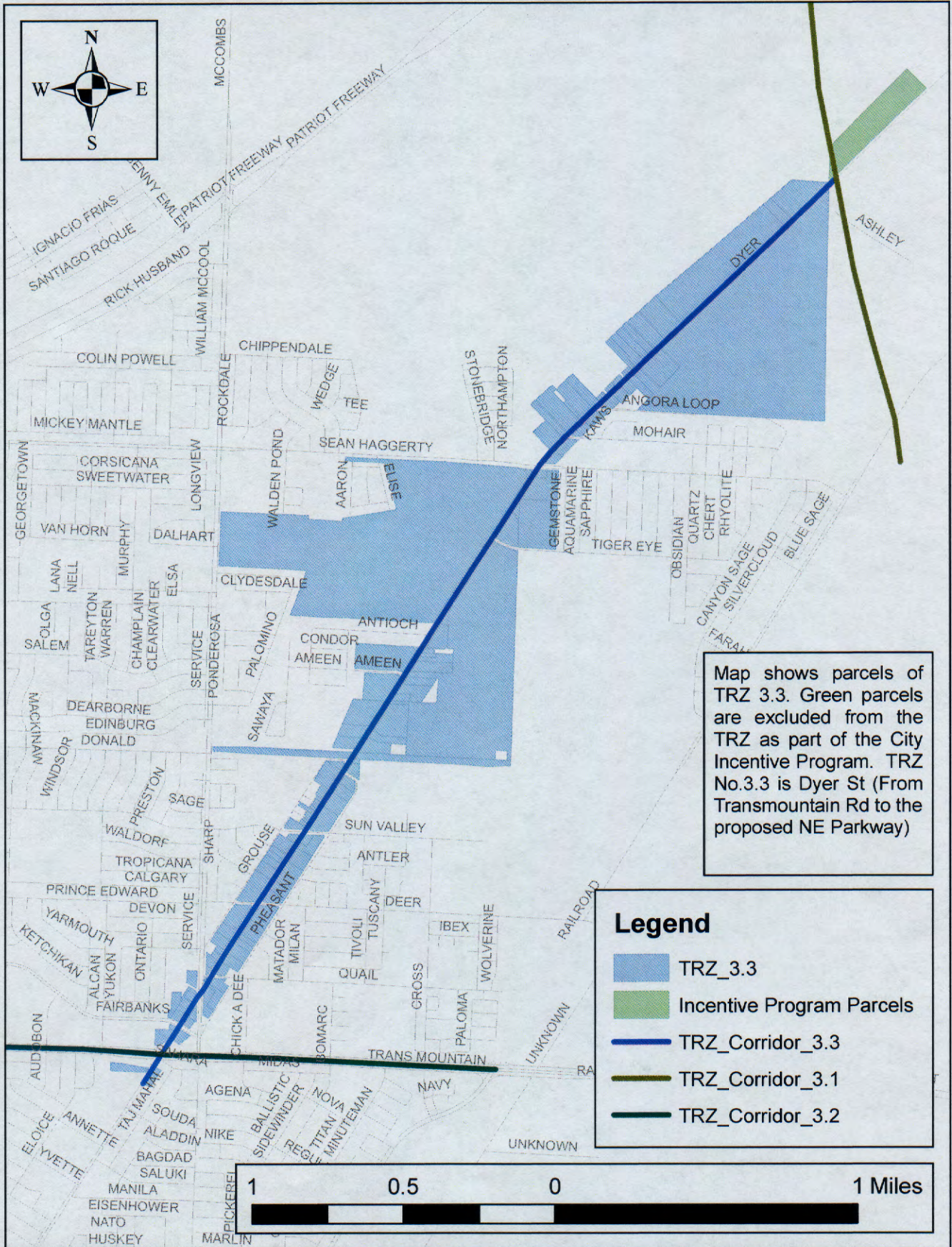


EXHIBIT B

0.5 0.25 0 0.5 Miles

TRZ No.3.3 Parcels

EXHIBIT B



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Exhibit "C"

The parcel identification numbers of the Central Appraisal District for the parcels of property included in Corridors 3.1, 3.2, and 3.3.

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Exhibit C

The Parcel Identification numbers for Corridors 3.1, 3.2 and 3.3 are the El Paso Central Appraisal District's 2009 Certified Values updated as of April 16,2010.

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X58099912000100
X58099912000400
X58099912008090
X58099912000300
X58099912100600
X58099912106000
X58199910200101
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X58199910100250
X58099912007910
X58099912100620
X58099911700300
X58099911700400
X58099912008125
X58099912800100
X58099912105780
X58099912803000

Exhibit C

The Parcel Identification numbers for Corridors 3.1, 3.2 and 3.3 are the El Paso Central Appraisal District's 2009 Certified Values updated as of April 16,2010.

F63499900203100	C23299900804000	D04799902902100
D04799902901500	R87699900100200	R87699900102500
T17299900303100	D04799902901100	M42599905703100
F17099900101300	M42599905304600	T17299900504500
M42599905600500	X58199913000701	D04799902902700
T17299900302600	R87699900202100	M99899900100400
M42599905206400	C23299900604000	F17099900102200
C23299900801500	M42599905601500	M42599905700100
M42599905704100	S54699920006800	T17299901208700
T17299900304600	T17299901108700	M42599905600700
T17299901100100	S77599900404700	M99799900101600
T17299901300100	D04799902901700	D04799902606600
C23299900803500	S77599900404800	M99699900602500
C23299900800275	M42599905600900	M42599905602900
M99899900100500	T17299900908300	F63499900202700
T17299900404100	P448999001J8600	C232999008A0200
F63499900202600	M42599905601300	M99899900100100
R87699900200100	C39899900103400	M99899900100200
X581999129A0175	F63499900202900	M99899900100300
D04799902902500	F63499900202500	C39899900103300
C74199903400100	S54699920006900	C74199900100100
F63599900100100	M42599905505600	T17299900900100
F63599900100500	M99699900903500	C232999008A0110
F63599900100400	T17299900305100	D04799902903700
F63599900100300	F63499900202800	T17299900803900
F63599900100200	M99699900802100	T17299901308700
F63499900203800	F17099900101900	F17099900100100
R87699900104100	T17299900301600	F17099900101400
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D04799902903100	M42599905701600	F17099900101600
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M99699900500100	T17299901008700	F17099900101800
M42599905602100	X581999129A0144	M42599905603300
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X581999129A0143	D04799902900900	F63599900100000
X581999129A0470	F17099900101200	M42599905702600
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P448999001J8900	M42599905602700	T17299901400100
P448999001G9100	P448999001G8500	B35199901100250
P448999001F9500	F63499900202400	M42599905703600
M42599905405300	M42599905602500	D04799902902300
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D04799902904700	S03399900104900	M42599905603100
T17299900504100	P448999001F8900	M42599905303100
M42599905701100	D04799902904500	M42599905601900

Exhibit C

The Parcel Identification numbers for Corridors 3.1, 3.2 and 3.3 are the El Paso Central Appraisal District's 2009 Certified Values updated as of April 16,2010.

F17099900102500
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Exhibit C

The Parcel Identification numbers for Corridors 3.1, 3.2 and 3.3 are the El Paso Central Appraisal District's 2009 Certified Values updated as of April 16,2010.

X58099912903086	C74199900109300	C74199900300100
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P44899900204200	X58099912903295	P44899900207000
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