

ORDINANCE NO. 18397-12-2008

AN ORDINANCE ENLARGING THE BOUNDARIES OF TAX INCREMENT REINVESTMENT ZONE NUMBER TEN, CITY OF FORT WORTH, TEXAS; AND CONTAINING OTHER MATTERS RELATED TO THE ZONE.

WHEREAS, pursuant to Ordinance No. 16002, adopted by the City Council of the City of Fort Worth, Texas (the “City”) on June 15, 2004, the City created Tax Increment Reinvestment Zone Number Ten, City of Fort Worth, Texas (the “Zone”); and

WHEREAS, Section 311.007(a) of the Texas Tax Code (the “Code”), subject to certain provisions of Section 311.006 of the Code (if applicable), allows the City Council to enlarge the boundaries of an existing reinvestment zone by ordinance; and

WHEREAS, Section 311.006 of the Code allows a municipality to enlarge the boundaries of an existing reinvestment zone pursuant to Section 311.007(a) of the Code so long as (i) no more than ten percent (10%) of the property to be added to the zone, excluding property that is dedicated for public use, is used for residential purposes, as defined in Section 311.006(d) of the Code; (ii) the amended boundaries of the reinvestment zone will not contain more than fifteen percent (15%) of the total appraised value of taxable real property in the municipality and in the industrial districts created by the municipality; and (iii) the amended boundaries of the reinvestment zone will not contain more than fifteen percent (15%) of the total appraised value of the real property taxable by a county or school district; and

WHEREAS, the Zone currently surrounds approximately 164 acres of underdeveloped land that was located in the City’s extraterritorial jurisdiction at the time the Zone was originally designated, which property is described and depicted in Exhibit “A”, attached hereto and hereby made a part of this Ordinance for all purposes (collectively, the “Expansion Area”); and

WHEREAS, pursuant to Section 4.3 of that certain Master Economic Development Agreement by and among the City; Tarrant County, Texas; the Lone Star Local Government Corporation; and Cabela's Retail, Inc. (City Secretary Contract No. 30651), the City agreed to create the Zone, to use best efforts to annex the Expansion Area into the City and, following such annexation, to add the Expansion Area to the Zone; and

WHEREAS, the property comprising the Expansion Area has been annexed into the City and, accordingly, the City Council now wishes to expand the Zone to include the Expansion Area; and

WHEREAS, on December 9, 2008 the City Council held a public hearing regarding the enlargement of the Zone and its benefits to the City and to property in the Zone and afforded a reasonable opportunity for all interested persons to speak for or against the addition of the Expansion Area into the Zone; and

WHEREAS, notice of the public hearing was published in a newspaper of general circulation in the City on November 29, 2008, a date not later than seven (7) days prior to the date of the public hearing; and

WHEREAS, prior to the public hearing the City provided written notice to all taxing units levying real property taxes within the Zone of the City's intention to add the property within the Expansion Area into the Zone and of the public hearing.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORT WORTH, TEXAS:

Section 1.

FINDINGS.

That after reviewing all information before it regarding the enlargement of the Zone and after conducting a public hearing regarding the enlargement of the Zone and its benefits to the City and to property in the Zone and affording a reasonable opportunity for all interested persons to speak for or against the enlargement of the Zone, the City Council hereby makes the following findings of fact:

- 1.1. The statements and facts set forth in the recitals of this Ordinance are true and correct.
- 1.2. The City's Comprehensive Plan recommends that the western portion of the Zone and areas west be developed as an industrial growth center (Alliance) and the eastern portion of the Zone and areas to the east be developed as a regional mixed-use growth center (Alliance Gateway West). Given the strategic location of the Zone and the Expansion Area (which currently is surrounded by the Zone), the City Council needs to ensure that development in this area conforms to that recommended by the Comprehensive Plan. The Comprehensive Plan states that a regional mixed-use growth center needs to have three of the following five criteria: (i) high employment concentration; (ii) high concentration of residents; (iii) one or more major transportation facilities, such as highways and arterial roadways; (iv) major institutions, such as a government facility; and (v) major tourist attractions attracting at least 100,000 visitors per year. If the Expansion Area is not included within the Zone and, accordingly, does not receive the potential benefits of development afforded by means the Zone's project plan that will

govern development within the Expansion Area, there is a risk that the Expansion Area will not develop in the sound manner recommended by the Comprehensive Plan.

- 1.3. The Expansion Area is predominantly open and is located between the central city area of the City and Fort Worth Alliance Airport, a corridor of the City that is likely to become increasingly vital to the City's future development and economic well-being. However, like the property comprising the original boundaries of the Zone, the Expansion Area, together with the property comprising the original boundaries of the TIF, lacks adequate infrastructure and methods of ingress and egress, and attempts at private development in the area without public incentives and Zone designation have not been successful. Based on these facts, development within the Expansion Area will not occur solely through private investment in the reasonably foreseeable future. Because of these and other factors presented to and known by the City Council, the Expansion Area substantially impairs and arrests the sound growth of the City. The Expansion Area therefore meets the criteria for designation of a reinvestment zone pursuant to Section 311.005(a) of the Code and, as a result, is eligible to be added as part of the Zone.
- 1.4. Property in the Zone, as expanded to include the Expansion Area, will be contiguous.
- 1.5. Improvements in the Zone, including the Expansion Area, as specifically outlined in the project plan adopted by the Zone's board of directors, will significantly enhance the value of all the taxable real property in the Zone, including the Expansion Area, and will be of general benefit to the City.
- 1.6. The Expansion Area does not include property more than ten percent (10%) of which, excluding property dedicated to public use, is used for residential purposes, as defined in Section 311.006(d) of the Code.

- 1.7. The Expansion Area does not include more than fifteen percent (15%) of the total appraised value of taxable real property in the City and in the industrial districts created by the City.
- 1.8. With the addition of the property comprising the Expansion Area, the Zone will not contain more than fifteen percent (15%) of the total appraised value of real property taxable by any county or school district.

Section 2.

DESIGNATION OF EXPANSION AREA FOR INCLUSION IN ZONE.

That the City Council hereby enlarges the boundaries of the Zone by adding the Expansion Area, specifically described in Exhibit "A". The Zone, as enlarged, will thus contain all of the property specifically described and depicted in Exhibit "B". The Zone, as enlarged, has been designated under Section 311.005(a)(2) of the Code and will continue to be known as "Tax Increment Reinvestment Zone Number Ten, City of Fort Worth, Texas."

Section 3.

ZONE BOARD OF DIRECTORS.

That the board of directors for the Zone will remain unchanged and shall continue to conform to the requirements of Section 311.009 of the Code.

Section 4.

TERM OF ZONE.

That the addition of the property comprising the Expansion Area into Zone shall take effect upon the adoption of this Ordinance. The Zone, as enlarged, shall terminate in accordance with Section 4 of Ordinance No. 16002.

Section 5.

DETERMINATION OF TAX INCREMENT BASE.

That the tax increment base, as defined by Section 311.012(c) of the Code, for the Expansion Area shall be the total appraised value of the Expansion Area taxable by a taxing unit for the year 2008, which is the year in which the Expansion Area was added to the Zone. The tax increment base for the property located within the boundaries of the Zone prior to the adoption of this Ordinance shall remain unchanged.

Section 6.

TAX INCREMENT FUND.

That the Tax Increment Fund created and established for the Zone pursuant to Section 6 of Ordinance No. 16002 (the "**TIF Fund**") shall include the percentage of any tax increment (as defined by Section 311.012(a) of the Code) produced by property in the Expansion Area that (i) the City dedicates to the TIF Fund pursuant to and in accordance with Ordinance No. 16002 and Chapter 311 of the Code and (ii) each taxing unit which levies real property taxes on property located within the Expansion Area elects to dedicate to the TIF Fund under a participation agreement with the City, as authorized by Section 311.013(f) of the Code.

Section 7.

TAX INCREMENT AGREEMENTS.

That, pursuant to Sections 311.008 and 311.013 of the Code, the City Manager and City Attorney are hereby authorized to execute and deliver, for and on behalf of the City, amendments to participation agreements with taxing units that levy real property taxes on property within the Expansion Area pursuant to which such taxing units agree to deposit tax increment generated by such property into the tax increment fund of the Zone.

Section 8.

SEVERABILITY.

That if any portion, section or part of a section of this Ordinance is subsequently declared invalid, inoperative or void for any reason by a court of competent jurisdiction, the remaining portions, sections or parts of sections of this Ordinance shall be and remain in full force and effect and shall not in any way be impaired or affected by such decision, opinion or judgment.

Section 9.

EFFECTIVENESS.

That this Ordinance shall take effect and be in full force and effect from and after its adoption.

AND IT IS SO ORDAINED.

ADOPTED AND EFFECTIVE: December 9, 2008

APPROVED AS TO FORM AND LEGALITY:

By: Peter Vaky
Peter Vaky
Assistant City Attorney

Date: 12-9-08

M&C:G-16389

EXHIBIT "A"

**LEGAL DESCRIPTION AND MAP
OF THE EXPANSION AREA**

BEING a tract of land situated in the H. Creed Survey, Abstract Number 1898, and the M.E.P. & P. RR. Survey, Abstract Number 1143, Tarrant County, Texas and being more particularly described by metes and bounds as follows:

COMMENCING at the southwest corner of Lot 2, Block 1, Alliance Gateway West Addition, as recorded in Cabinet A, Slide 5817, Plat Records, Tarrant County, Texas, said point being in the existing east right-of-way line of Interstate Highway 35W;

THENCE N 00°12'16"E, 152.52 feet along the easterly right-of-way line of said Interstate Highway 35W to the beginning of a curve to the right;

THENCE continuing along the easterly right-of-way line of said Interstate Highway 35W and with said curve to the right, through a central angle of 02°40'04", having a radius of 4563.66 feet, the long chord of which bears N 01°36'33"E, 212.47 feet, an arc distance of 212.49 feet;

THENCE N 01°12'30"E, 1235.75 feet continuing along the easterly right-of-way line of said Interstate Highway 35W and across State Highway 170, again along the easterly right-of-way line of said Interstate Highway 35W to the beginning of a curve to the right;

THENCE continuing along the easterly right-of-way line of said Interstate Highway 35W and with said curve to the right, through a central angle of 02°04'52", having a radius of 11540.73 feet, the long chord of which bears N 00°46'13"W, 419.14 feet, an arc distance of 419.16 feet;

THENCE N 01°48'25"W, 133.37 feet continuing along the easterly right-of-way line of said Interstate Highway 35W;

THENCE N 88°07'58"E, 6.25 feet continuing along the easterly right-of-way line of said Interstate Highway 35W;

THENCE N 01°36'22"W, 199.97 feet continuing along the easterly right-of-way line of said Interstate Highway 35W to the beginning of a curve to the right;

THENCE continuing along the easterly right-of-way line of said Interstate Highway 35W and with said curve to the right, through a central angle of 02°24'33", having a radius of 9816.25 feet, the long chord of which bears N 00°40'09"W, 412.74 feet, an arc distance of 412.77 feet;

THENCE N 00°15'47"E, 180.44 feet continuing along the easterly right-of-way line of said Interstate Highway 35W;

THENCE N 05°09'38"W, 55.38 feet continuing along the easterly right-of-way line of said Interstate Highway 35W;

THENCE N 00°16'30"E, 223.28 feet continuing along the easterly right-of-way line of said Interstate Highway 35W to the beginning of a curve to the right;

THENCE continuing along the easterly right-of-way line of said Interstate Highway 35W and with said curve to the right, through a central angle of 009°00'37", having a radius of 6541.97 feet, the long chord of which bears N 05°07'30"E, 1027.73 feet, an arc distance of 1028.79 feet;

THENCE N 09°55'51"E, 134.93 feet continuing along the easterly right-of-way line of said Interstate Highway 35W;

THENCE N 10°29'25"E, 622.83 feet continuing along the easterly right-of-way line of said Interstate Highway 35W;

THENCE N 11°14'59"E, 930.32 feet continuing along the easterly right-of-way line of said Interstate Highway 35W;

THENCE N 17°13'22"E, 186.31 feet across Keller-Haslet Road (County Road 4042), returning to the easterly right-of-way line of said Interstate Highway 35W;

THENCE N 11°14'55"E, 884.13 feet continuing along the easterly right-of-way line of said Interstate Highway 35W;

THENCE N 12°58'01"E, 232.01 feet continuing along the easterly right-of-way line of said Interstate Highway 35W;

THENCE N 12°58'01"E, 96.22 feet continuing along the easterly right-of-way line of said Interstate Highway 35W;

THENCE N 11°14'55"E, 131.23 feet continuing along the easterly right-of-way line of said Interstate Highway 35W;

THENCE N 08°27'37"E, 162.97 feet continuing along the easterly right-of-way line of said Interstate Highway 35W;

THENCE S 88°28'58"E, 2890.60 feet to Old Denton Road;

THENCE S 00°35'41"W, 1485.20 feet along Old Denton Road to Keller-Haslet Road and the POINT OF BEGINNING.

THENCE S 89°54'46"W, 2637.53 feet along said Keller-Haslet Road;

THENCE S 00°12'58"E, 207.77 feet;

THENCE S 13°31'06"W, 490.39 feet;

THENCE S 09°58'06"W, 368.01 feet to the east line of that certain tract of land described by deed to AIL Investment, L.P., Volume 13130, Page 246, Deed Records, Tarrant County, Texas;

THENCE S 00°03'10"W, 1268.60 feet along said east line to the southeast corner of said AIL tract, and also a point in the north line of that certain tract of land described by deed to Hillwood/Freeway Ltd, as recorded in Volume 9527, page 1011; Deed Records, Tarrant County, Texas now known as AIL Investment, L.P.;

THENCE S 00°55'57"E, 366.82 feet along the north line of said Hillwood tract;

THENCE N 89°44'38"E, 2666.17 feet continuing along the north line of said Hillwood tract to Old Denton Road;

THENCE N 00°16'12"E, 2075.32 feet along Old Denton Road;

THENCE N 15°53'57"E, 120.79 feet continuing along said Old Denton Road;

THENCE N 25°29'11"E, 204.78 feet continuing along said Old Denton Road;

THENCE N 14°36'14"E, 114.86 feet continuing along said Old Denton Road;

THENCE N 01°31'40"E, 165.67 feet continuing along said Old Denton Road to the aforementioned Keller-Haslet Road;

THENCE S 89°43'16"W, 20.46 feet along said Keller-Haslet Road;

THENCE N 00°35'41"E, 21.50 feet to the POINT OF BEGINNING and containing 164 acres of land more or less.

NOTE: THIS DOCUMENT WAS PREPARED UNDER 22 TAC S663.21, AND DOES NOT REFLECT THE RESULTS OF AN ON THE GROUND SURVEY, AND IS NOT TO BE USED TO CONVEY OR ESTABLISH INTERESTS IN REAL PROPERTY, EXCEPT THOSE RIGHTS AND INTERESTS IMPLIED OR ESTABLISHED BY THE CREATION OR RECONFIGURATION OF THE BOUNDARY OF THE POLITICAL SUBDIVISION FOR WHICH IT WAS PREPARED.

Tax Increment Reinvestment Zone Number Ten: Lone Star TIF

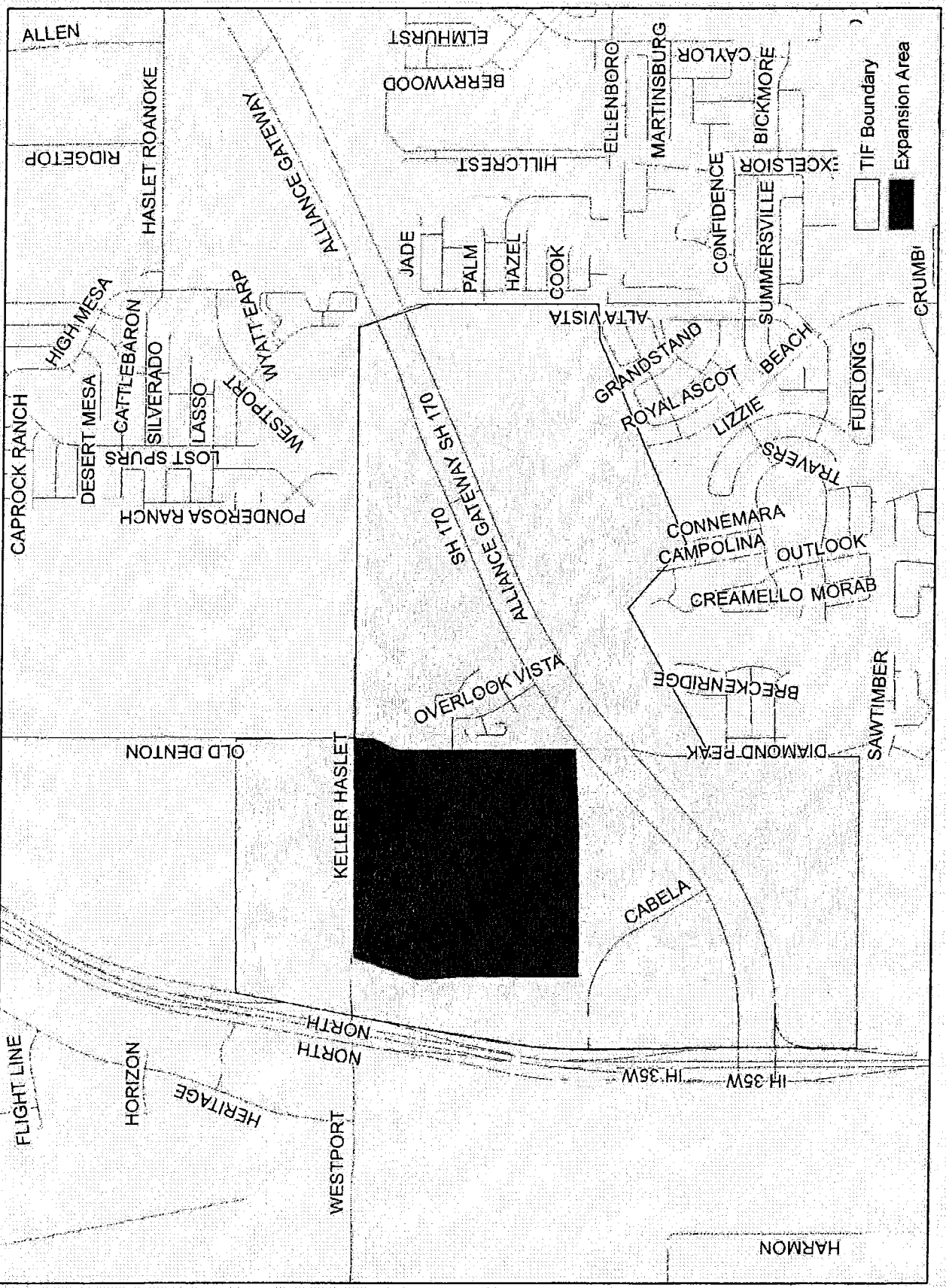


EXHIBIT "B"

LEGAL DESCRIPTION AND MAP OF THE ZONE FOLLOWING EXPANSION

BEING a tract of land situated in the J. Ashford Survey, Abstract Number 1776, the H. Cox Survey, Abstract Number 386, the H. Creed Survey, Abstract Number 1898, the I. Niece Survey, Abstract Number 1160, the A. C. Warren Survey, Abstract Number 1687, the W. Houston Survey, Abstract Number 746, the M.E.P. & P. RR. Survey, Abstract Number 1143, the T. G. Willis Survey, Abstract Number 1682, the S. T. Rhodes Survey, Abstract Number 1868, the G. W. Parker Survey, Abstract Number 1251, and the J. McDonald Survey, Abstract Number 1106, Tarrant County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at the southwest corner of Lot 2, Block 1, Alliance Gateway West Addition, as recorded in Cabinet A, Slide 5817, Plat Records, Tarrant County, Texas, said point being in the existing east right-of-way line of Interstate Highway 35W;

THENCE N 00°12'16"E, 152.52 feet along the easterly right-of-way line of said Interstate Highway 35W to the beginning of a curve to the right;

THENCE continuing along the easterly right-of-way line of said Interstate Highway 35W and with said curve to the right, through a central angle of 02°40'04", having a radius of 4563.66 feet, the long chord of which bears N 01°36'33"E, 212.47 feet, an arc distance of 212.49 feet;

THENCE N 01°12'30"E, 1235.75 feet continuing along the easterly right-of-way line of said Interstate Highway 35W and across State Highway 170, again along the easterly right-of-way line of said Interstate Highway 35W to the beginning of a curve to the right;

THENCE continuing along the easterly right-of-way line of said Interstate Highway 35W and with said curve to the right, through a central angle of 02°04'52", having a radius of 11540.73 feet, the long chord of which bears N 00°46'13"W, 419.14 feet, an arc distance of 419.16 feet;

THENCE N 01°48'25"W, 133.37 feet continuing along the easterly right-of-way line of said Interstate Highway 35W;

THENCE N 88°07'58"E, 6.25 feet continuing along the easterly right-of-way line of said Interstate Highway 35W;

THENCE N 01°36'22"W, 199.97 feet continuing along the easterly right-of-way line of said Interstate Highway 35W to the beginning of a curve to the right;

THENCE continuing along the easterly right-of-way line of said Interstate Highway 35W and with said curve to the right, through a central angle of 02°24'33", having a radius of

9816.25 feet, the long chord of which bears N 00°40'09"W, 412.74 feet, an arc distance of 412.77 feet;

THENCE N 00°15'47"E, 180.44 feet continuing along the easterly right-of-way line of said Interstate Highway 35W;

THENCE N 05°09'38"W, 55.38 feet continuing along the easterly right-of-way line of said Interstate Highway 35W;

THENCE N 00°16'30"E, 223.28 feet continuing along the easterly right-of-way line of said Interstate Highway 35W to the beginning of a curve to the right;

THENCE continuing along the easterly right-of-way line of said Interstate Highway 35W and with said curve to the right, through a central angle of 009°00'37", having a radius of 6541.97 feet, the long chord of which bears N 05°07'30"E, 1027.73 feet, an arc distance of 1028.79 feet;

THENCE N 09°55'51"E, 134.93 feet continuing along the easterly right-of-way line of said Interstate Highway 35W;

THENCE N 10°29'25"E, 622.83 feet continuing along the easterly right-of-way line of said Interstate Highway 35W;

THENCE N 11°14'59"E, 930.32 feet continuing along the easterly right-of-way line of said Interstate Highway 35W;

THENCE N 17°13'22"E, 186.31 feet across Keller-Haslet Road (County Road 4042), returning to the easterly right-of-way line of said Interstate Highway 35W;

THENCE N 11°14'55"E, 884.13 feet continuing along the easterly right-of-way line of said Interstate Highway 35W;

THENCE N 12°58'01"E, 232.01 feet continuing along the easterly right-of-way line of said Interstate Highway 35W;

THENCE N 12°58'01"E, 96.22 feet continuing along the easterly right-of-way line of said Interstate Highway 35W;

THENCE N 11°14'55"E, 131.23 feet continuing along the easterly right-of-way line of said Interstate Highway 35W;

THENCE N 08°27'37"E, 162.97 feet continuing along the easterly right-of-way line of said Interstate Highway 35W;

THENCE S 88°28'58"E, 2890.60 feet;

THENCE S 00°35'41"W, 1506.70 feet to the centerline of the aforementioned Keller-Haslet Road;

THENCE N 89°43'16"E, 448.16 feet along the centerline of said Keller-Haslet Road;

THENCE S 89°09'14"E, 1147.86 feet continuing along the centerline of said Keller-Haslet Road;

THENCE S 87°58'59"E, 1247.61 feet continuing along the centerline of said Keller-Haslet Road;

THENCE N 89°31'02"E, 1280.34 feet continuing along the centerline of said Keller-Haslet Road;

THENCE S 89°38'23"E, 731.92 feet continuing along the centerline of said Keller-Haslet Road;

THENCE S 22°45'57"E, 733.32 feet, crossing State Highway 170, to the centerline of Alta Vista Road (County Road 4053);

THENCE S 00°06'23"E, 1286.78 feet along the centerline of Alta Vista Road;

THENCE S 00°32'07"W, 801.35 feet continuing along the centerline of Alta Vista Road;

THENCE N 89°27'54"W, 385.35 feet;

THENCE S 63°01'27"W, 2495.17 feet;

THENCE N 28°03'21"W, 168.24 feet;

THENCE N 44°11'19"W, 955.22 feet;

THENCE S 64°19'09"W, 2249.53 feet to the existing west right-of-way line of Old Denton Road (County Road 4048);

THENCE S 00°41'31"W, 1910.95 feet along the existing west right-of-way line of Old Denton Road;

THENCE N 89°39'58"W, 3379.51 feet to the POINT OF BEGINNING and containing 981 acres of land more or less.

NOTE: THIS DOCUMENT WAS PREPARED UNDER 22 TAC S663.21, AND DOES NOT REFLECT THE RESULTS OF AN ON THE GROUND SURVEY, AND IS NOT TO BE USED TO CONVEY OR ESTABLISH INTERESTS IN REAL PROPERTY, EXCEPT THOSE RIGHTS AND INTERESTS IMPLIED OR

ESTABLISHED BY THE CREATION OR RECONFIGURATION OF THE
BOUNDARY OF THE POLITICAL SUBDIVISION FOR WHICH IT WAS
PREPARED.

City of Fort Worth, Texas
Mayor and Council Communication

COUNCIL ACTION: Approved on 12/9/2008 - Ord. No. 18397-12-2008

DATE: Tuesday, December 09, 2008

LOG NAME: 17LONE STAR TIF

REFERENCE NO.: G-16389

SUBJECT:

Public Hearing and Ordinance Expanding the Boundary of Tax Increment Reinvestment Zone Number Ten, City of Fort Worth, Texas (Lone Star TIF)

RECOMMENDATION:

It is recommended that the City Council:

1. Hold a public hearing to expand the boundary of Tax Increment Reinvestment Zone Number Ten, City of Fort Worth, Texas; and
2. Adopt the attached Ordinance which increases the boundary of Tax Increment Reinvestment Zone Number Ten, City of Fort Worth, Texas, pursuant to Tax Increment Financing Act, Texas Tax Code, Chapter 311 and contains specific findings of fact in support thereof.

DISCUSSION:

On June 15, 2004, the City Council adopted Ordinance No. 16002 which designated Tax Increment Reinvestment Zone Number Ten, City of Fort Worth, Texas (the Lone Star TIF). The TIF was created in accordance with a Master Economic Development Agreement between the City; Tarrant County; the Lone Star Local Government Corporation; and Cabela's Retail, Inc. (City Secretary Contract No. 30651). At the time, 164 acres of underdeveloped property in the City's extraterritorial jurisdiction was located in the middle of the TIF and was ineligible for inclusion in the TIF because it was not located in the City's boundaries. Under the Master Economic Development Agreement, the City agreed to use its best efforts to annex this land and then add it as part of the Lone Star TIF. That land has now been annexed. As a result, it is recommended that it be added to the Lone Star TIF at this time.

This public hearing is required by the Texas Tax Code, Chapter 311 (the Code). Notice of this hearing was (1) delivered to the governing body of each taxing unit that levies real property taxes on property located within the proposed TIF, and (2) published in a newspaper of general circulation at least seven days prior to the hearing.

The property described and depicted in Exhibit "A" of the attached Ordinance meets the criteria for inclusion into a reinvestment zone pursuant to the Code because among other things, the reasons contained in the findings of fact set forth in the attached Ordinance, the area is primarily open and, due to a lack of basic infrastructure that prevents development from occurring in the area solely through private investment in the reasonably foreseeable future, substantially impairs and arrests the sound growth of the City.

The property is located in COUNCIL DISTRICT 2

FISCAL INFORMATION/CERTIFICATION:

The Financial Management Services Director certifies that this action will have no material effect on City

funds.

TO Fund/Account/Centers

FROM Fund/Account/Centers

Submitted for City Manager's Office by:

Tom Higgins (6140)

Originating Department Head:

Jay Chapa (6192)

Additional Information Contact:

Shallah Hatch (2235)

