CITY OF EL PASO, TEXAS
AGENDA ITEM
DEPARTMENT HEAD'S SUMMARY FORM

DEPARTMENT: **Financial and Administrative Services**

AGENDA DATE: **May 18, 2010 -- Introduction**
May 25, 2010 -- Public Hearing

CONTACT PERSON NAME AND PHONE NUMBER: **William Studer, (915) 541-4215**

DISTRICT(S) AFFECTED: **All**

SUBJECT:
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.

BACKGROUND / DISCUSSION:
Transportation Reinvestment Zones (TRZ's) were one of the proposed funding mechanisms the City of El Paso agreed to create as part of the 2008 Comprehensive Mobility Plan (CMP). To maintain contiguity within the proposed zones, the City has developed two separate zones to meet its funding obligations to the 2008 CMP and to the Camino Real Regional Mobility Authority. TRZ Number Three is comprised of three corridors as follows:

Corridor 3.1: The proposed alignment for the Northeast Parkway from the City limits with Fort Bliss to NM State line;
Corridor 3.2: Transmountain from US-54 to Railroad Drive;
Corridor 3.3: Dyer Street from Transmountain Road to the Proposed NE Parkway.

The zone will be effective upon Council action and will terminate in accordance with state law, anticipated on December 31 of the year in which once the commitments to the CRRMA are fulfilled.

One of the 2008 CMP projects proposed for partial funding with TRZ revenues is geographically located within this zone, construction of main lanes on Transmountain (Loop 375) from Dyer to US 54 including interchange underpass at US54.

PRIOR COUNCIL ACTION:

July 2008 – Approval of 2008 CMP
April 6, 2010 – Approved Notice of Intent to Create TRZ
April 20, 2010 – Public Hearing on the creation of TRZ #2 and #3.

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10 MAY 12 PM 4:32

AMOUNT AND SOURCE OF FUNDING:
No funding is required to create the zones.

BOARD / COMMISSION ACTION:
N/A

**********REQUIRED AUTHORIZATION**********

DEPARTMENT HEAD: _____
(If Department Head Summary Form is initiated by Purchasing, client department should sign also)

Information copy to appropriate Deputy City Manager

ORDINANCE NO. _____

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

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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 _____ day of _____, **2010**.

CITY OF EL PASO

_____
John F. Cook, Mayor

ATTEST:

_____
Richarda Duffy Momsen
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

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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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10 MAY 12 PM 4:33

Exhibit "B"

Depiction of Corridors 3.1, 3.2, and 3.3.

TRZ No.3 Parcels

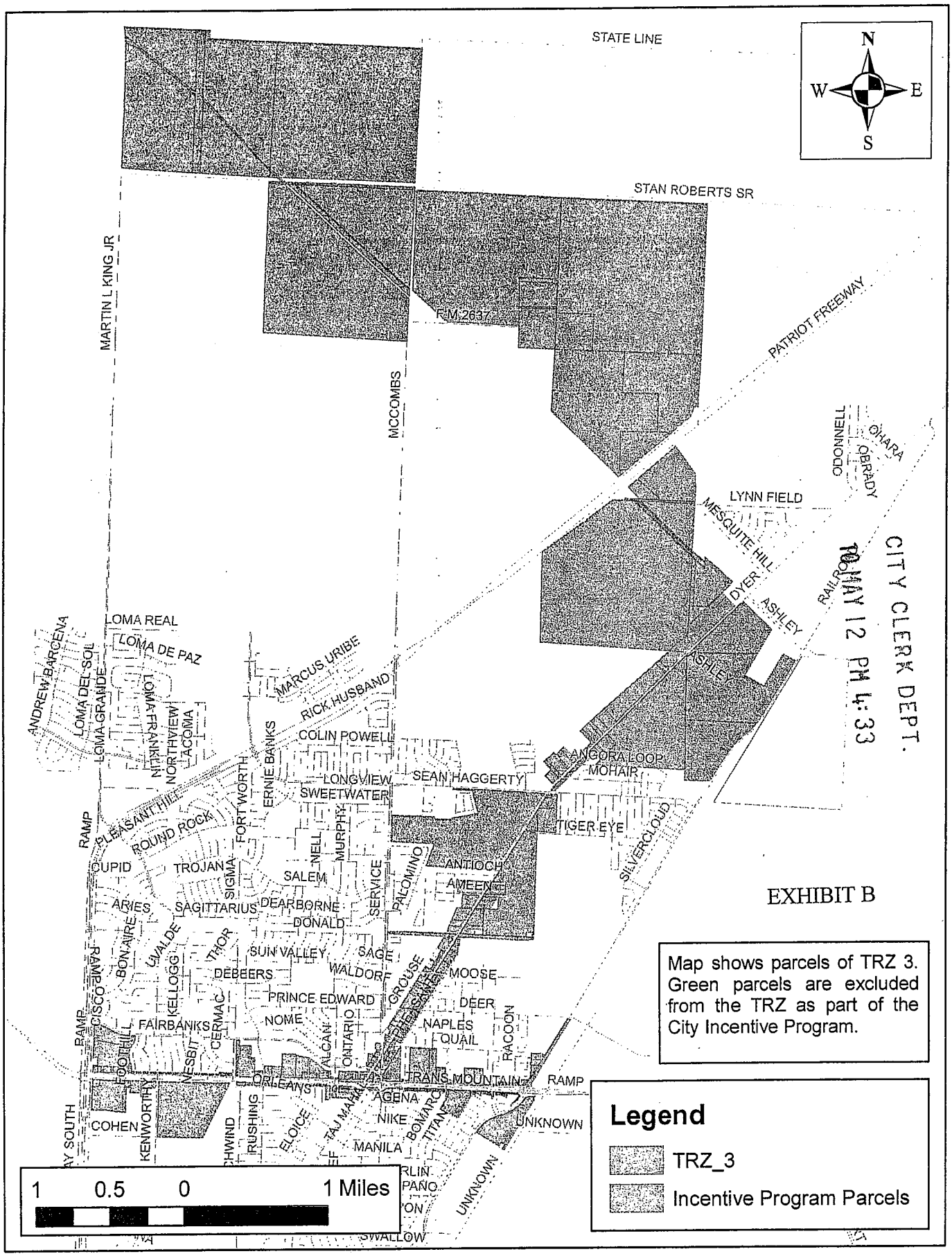

EXHIBIT B

Map shows parcels of TRZ 3. Green parcels are excluded from the TRZ as part of the City Incentive Program.

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2010 MAY 12 PM 4:33

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)

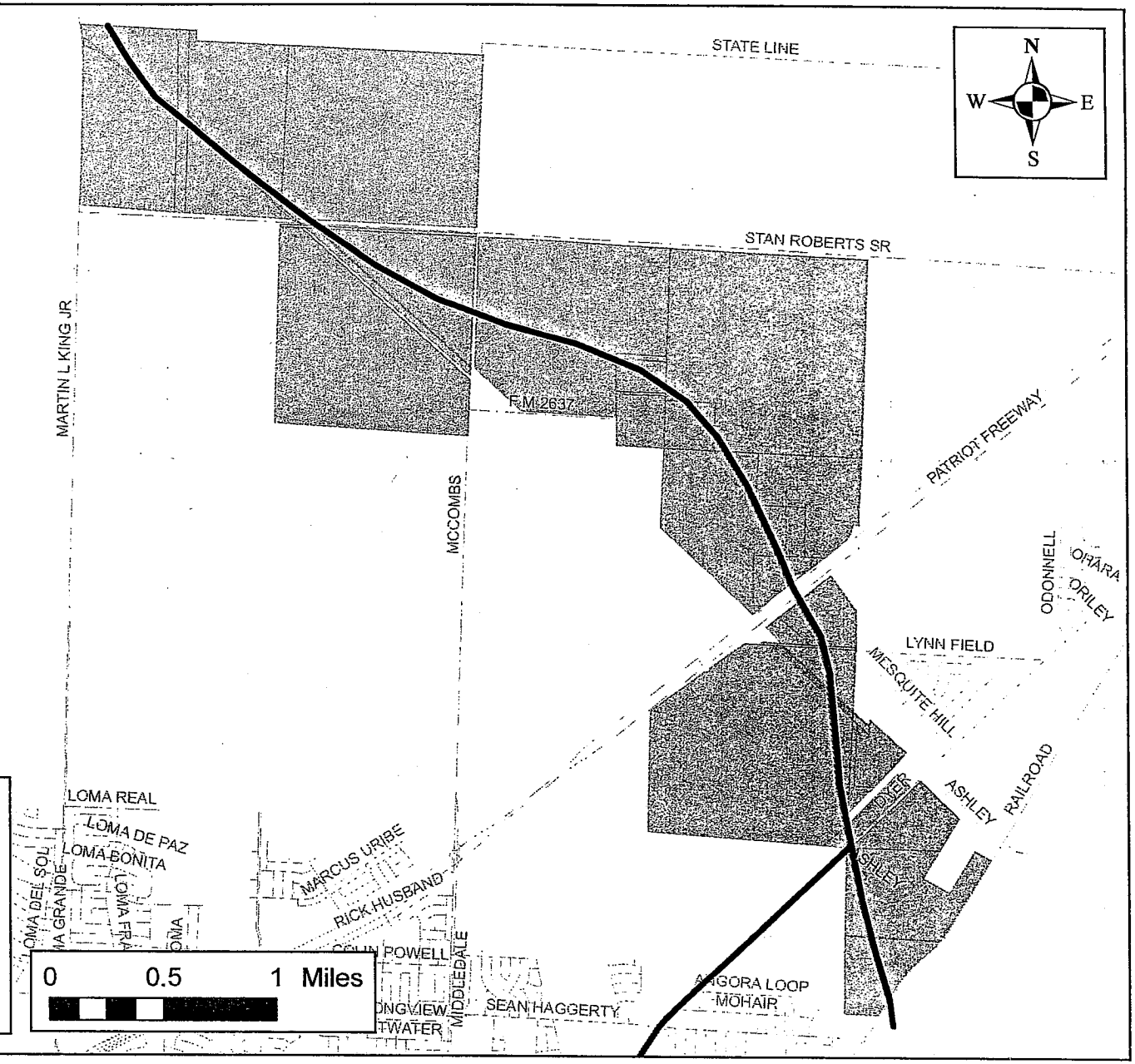
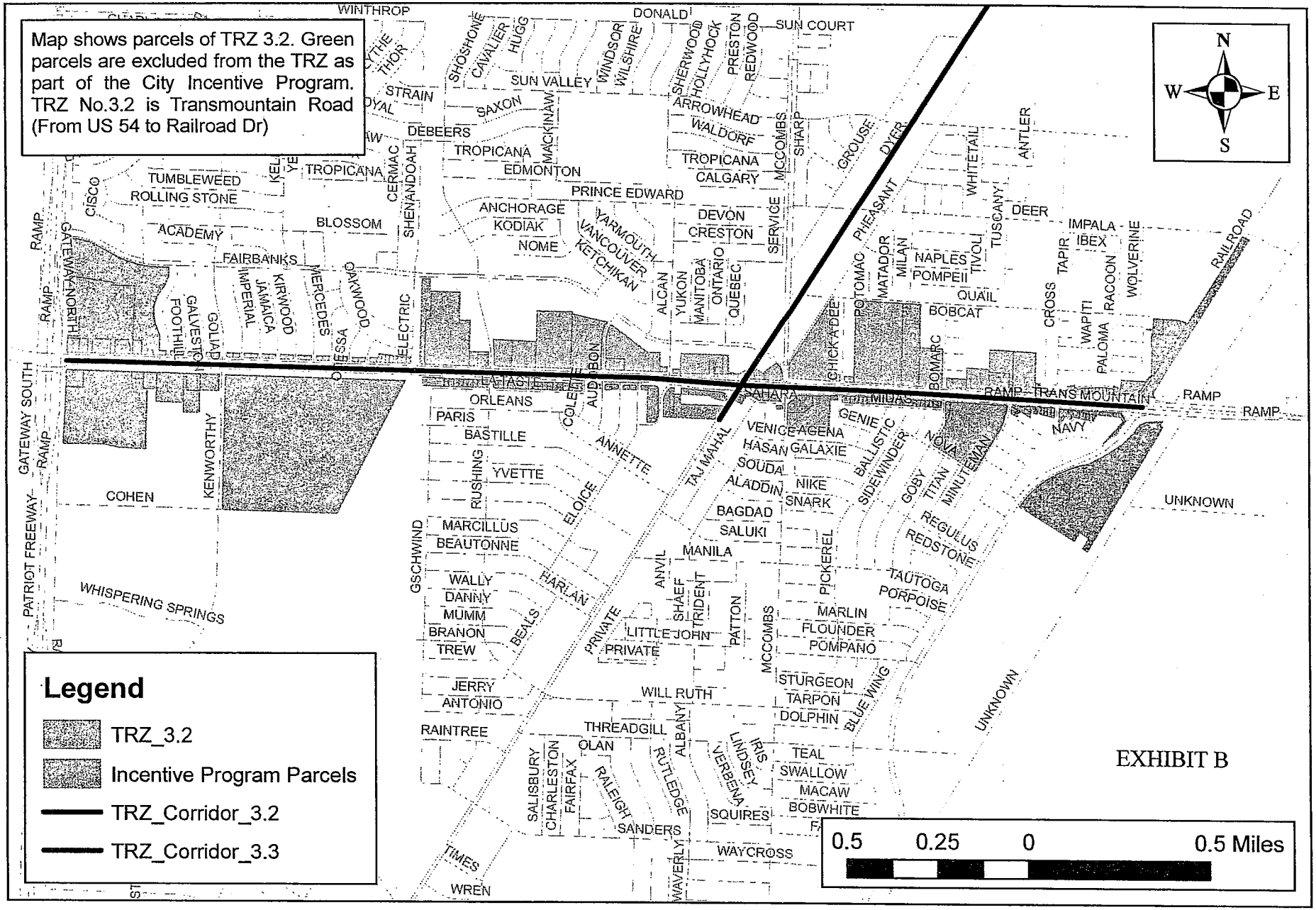


EXHIBIT B

Legend

- TRZ_3.1
- Incentive Program Parcels
- TRZ_Corridor_3.1
- TRZ_Corridor_3.3

TRZ No.3.2 Parcels



TRZ No.3.3 Parcels

EXHIBIT B

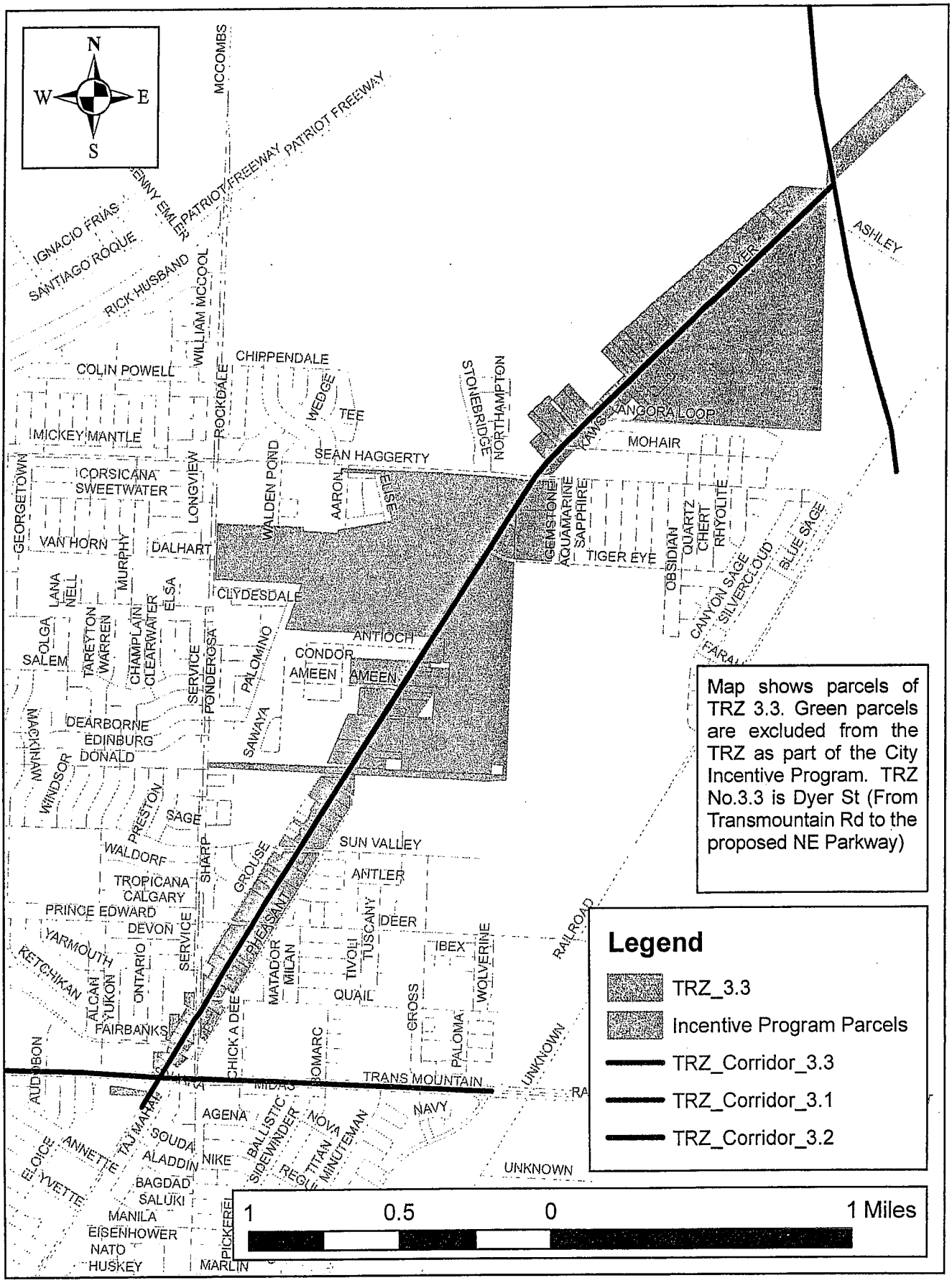


Exhibit "C"

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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10 MAY 12 PM 4:33

Exhibit C

The Parcel Identification numbers for Corridors 3.1, 3.2 and 3.3 are as follows:

X58099912000100
X58099912000400
X58099912008090
X58099912000300
X58099912100600
X58099912106000
X58199910200101
X58199910200300
X58199910100101
X58199910100301
X58199911200101
X58199911200450
X58199911200350
X58099910700100
X58099910800010
X58099910701000
X58099910700970
X58099910700850
X58099910700900
X58099910800000
X58099910800005
X58099911700100
X58099911706060
X58099911706000
X58199910200400
X58199910200110
X58199910100201
X58099912008040
X58099912100590
X58199911200201
X58099912008150
X58099912105900
X58199910200250
X58199910200275
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 as follows:

F63499900203100
D04799902901500
T17299900303100
F17099900101300
M42599905600500
T17299900302600
M42599905206400
C23299900801500
M42599905704100
T17299900304600
T17299901100100
T17299901300100
C23299900803500
C23299900800275
M99899900100500
T17299900404100
F63499900202600
R87699900200100
X581999129A0175
D04799902902500
C74199903400100
F63599900100100
F63599900100500
F63599900100400
F63599900100300
F63599900100200
F63499900203800
R87699900104100
F63499900202300
D04799902903100
P448999001Q0100
M99699900500100
M42599905602100
C74199903401000
X58199913800110
X58199913803005
S77599900404900
X581999129B0480
X581999129A0143
X581999129A0470
X581999129A0101
P448999001J8900
P448999001G9100
P448999001F9500
M42599905405300
M42599905600100
D04799902904300
D04799902904700
T17299900504100
M42599905701100
C23299900804000
R87699900100200
D04799902901100
M42599905304600
X58199913000701
R87699900202100
C23299900604000
M42599905601500
S54699920006800
T17299901108700
S77599900404700
D04799902901700
S77599900404800
M42599905600900
T17299900908300
P448999001J8600
M42599905601300
C39899900103400
F63499900202900
F63499900202500
S54699920006900
M42599905505600
M99699900903500
T17299900305100
F63499900202800
M99699900802100
F17099900101900
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F17099900101100
M42599905701600
D04799902902900
T17299901008700
X581999129A0144
B35199901100300
T17299900304100
C74199903600100
T17299900305600
M42599905403300
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F17099900101200
D04799902900700
M42599905602700
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F63499900202400
M42599905602500
P448999001G8100
C74199901409700
S03399900104900
P448999001F8900
D04799902904500
D04799902902100
R87699900102500
M42599905703100
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M42599905600700
M99799900101600
D04799902606600
M99699900602500
M42599905602900
F63499900202700
C232999008A0200
M99899900100100
M99899900100200
M99899900100300
C39899900103300
C74199900100100
T17299900900100
C232999008A0110
D04799902903700
T17299900803900
T17299901308700
F17099900100100
F17099900101400
F17099900101500
F17099900101600
F17099900101700
F17099900101800
M42599905603300
M42599905207300
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X58199913800105
X58199913803001
X58099914300378
F63599900100000
M42599905702600
C74199903500300
T17299901400100
B35199901100250
M42599905703600
D04799902902300
F17099900102000
T17299900303600
M42599905603100
M42599905303100
M42599905601900
F17099900102500
S03399900205000
M42599905601700

Exhibit C

The Parcel Identification numbers for Corridors 3.1, 3.2 and 3.3 are as follows:

T17299900804100
M42599905602300
D04799902900500
B35199901100200
B35199901100350
M42599905603500
D04799902900300
R87699900102100
X581999129A0179
M42599905503100
D04799902904100
C39899900103500
X581999129B0402
M42599905700600
D04799902903900
M99699900602700
S03399900703000
D04799902903500
M42599905600300
D04799902900100
M42599905702100
D04799902901300
D04799902901900
C39899900107700
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C232999008A0100
T17299900302100
T17299901000100
M99699900802300
B35199901100150
M42599905601100
F63499900203000
D04799902904900
S54699920600100
P448999001K7900
P448999001L8600
B28999900100100

Exhibit C

The Parcel Identification numbers for Corridors 3.1, 3.2 and 3.3 are as follows:

X58099912903086
X58099913102001
P44899900201950
P44899900204400
P44899900206850
P44899900203600
P44899900203400
P44899900201800
R69999900800100
P44899900204200
C74199903500100
C74199903500200
P44899900206400
X58099912903430
P85099900B00500
P85099900B00100
X58099912906520
P44899900200200
X58099913100301
X58099913101801
P44899900201010
P44899900206910
P44899900208100
X58099913101855
X58099913100101
N46799900101100
X58099913100501
X58099912903520
X58099912903450
P44899900207800
X58099913100801
X58099913100901
P44899900203100
X58099912903490
X58099913101853
X58099913101630
S03399900204000
X581999129C0450
N46799900100500
X581999129C0453
X581999129C0435
X58099913200213
P44899900205800
P44899900206700
X58099913101745
D41499900301000
D41499900301100
D41499900100100
D41499900103400
X58099912903290
C74199900109300
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X58099913101401
P44899900207100
P44899900207200
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X58099912903295
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X58099912903080
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P44899900202000
X581999129C0440
X58099913101408
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N46799900100400
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X581999129A0130
X58099913101701
P44899900200598
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P44899900203900
P44899900200400
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