

ORDINANCE NO. _____

AN ORDINANCE DESIGNATING A TRANSPORTATION REINVESTMENT ZONE FOR EL PASO; 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 ONE, CITY OF EL PASO, TEXAS”; ESTABLISHING A TAX INCREMENT FUND; 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 a Transportation Reinvestment Zone (the “Zone”), as hereinafter more specifically defined and named, and with boundaries as hereinafter provided, pursuant to the provisions of Texas Transportation Code Chapter 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 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 Zone if the area satisfies the requirements of certain sections of the Act; and

WHEREAS, on November 4, 2008, the Council adopted a resolution expressing its intent to create the Zone, setting a date for a public hearing, and authorizing the City Manager publish notice of the public hearing; and

WHEREAS, notice of the public hearing held on November 18, 2008, was duly published in the *El Paso Times*, not later than the seventh day before the date of the hearing, in compliance with Section 222.106(e) of the Act; and

WHEREAS, a public hearing was held on November 18, 2008, in the City Council Chambers, El Paso City Hall, to consider the creation of a Transportation Reinvestment 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 No. 1 Ordinance.

Section 2. Designating the Area as a Reinvestment Zone.

The areas within the boundaries more 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 is herein referred to as the "Zone"), is hereby designated as a Transportation Reinvestment Zone under the Act.

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

The Transportation Reinvestment Zone is made up of nine separate but contiguous corridors. Attached hereto as **Exhibits A through G**, incorporated herein by reference for all purposes as if copied herein verbatim, is a narrative description and depiction of the boundaries for each of the nine separate corridors that make up the Zone. The entire Zone is depicted in **Exhibit H**, incorporated herein by reference for all purposes as if copied herein verbatim.

Section 4. Effective Date and Termination Date of the Zone.

The Zone shall take effect immediately upon the passage of this ordinance, pursuant to Section 222.106(g)(2) of the Act, and continue until its termination date of December 31, 2025 (the "Termination Date"), unless otherwise terminated earlier as a result of payment in full of all project costs, and the interest accrued on those costs, or as authorized or permitted by law.

Section 5. Assigning a Name to the Zone.

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

Section 6. 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, 2008, the year in which the Zone was designated as a Transportation Reinvestment Zone (the “Tax Increment Base”).

Section 7. Establishment of a Tax Increment Fund.

There is hereby created and established in the depository bank of the City, a fund to be called the “TRANSPORTATION REINVESTMENT ZONE NUMBER ONE, 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 8. Findings.

The City hereby finds and declares that:

- (a) the area within the Zone is unproductive and underdeveloped;
- (b) promotion of transportation projects will cultivate development or redevelopment of the area;
- (c) creation of a 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 area within the Zone meets 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 9. 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. It is the City’s intent that the priority for any excess funds will be for transit related improvements.

Section 10. 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 11. 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.

Section 12. Effective Date.

This Ordinance shall be in full force and effect upon the date of its passage.

READ, ADOPTED AND APPROVED this **23rd** day of **December, 2008**.

CITY OF EL PASO

John F. Cook
Mayor

ATTEST:

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:

Cynthia Osborn
Assistant City Attorney

APPROVED AS TO CONTENT:

Patricia D. Aauto
Deputy City Manager
Development and Infrastructure Service