

ORDINANCE NO. 76-2021

AN ORDINANCE DESIGNATING CERTAIN AREAS AS REINVESTMENT ZONE NO. RZ21-1 FOR COMMERCIAL AND INDUSTRIAL TAX ABATEMENT, PURSUANT TO THE TEXAS TAX CODE CHAPTER 312, SUBCHAPTER A&B, ESTABLISHING THE BOUNDARIES THEREOF AND OTHER MATTERS PERTAINING THERETO; PROVIDING A SEVERANCE CLAUSE, PROVIDING AN EFFECTIVE DATE; AND FINDING THAT THE MEETING AT WHICH THIS ORDINANCE WAS CONSIDERED WAS OPEN TO THE PUBLIC.

WHEREAS, City Council has adopted Resolution No 2-1988 on January 28, 1988 declaring that the City of Abilene elects to become eligible to participate in Tax Abatements in accordance with the Property Redevelopment and Tax Abatement Act; and

WHEREAS, City Council most recently adopted Tax Abatement Guidelines and Criteria at their November 18, 2021 Regular Meeting; and,

WHEREAS, a public hearing, in a regularly scheduled meeting before the City Council, was held on December 17, 2021, such date being at least seven (7) days after the date of publication of the notice of such public hearing as required by the Texas Tax Code; and,

WHEREAS, the written notice of the public hearing was delivered to the presiding officer of the governing body of each taxing unit located within the proposed Reinvestment Zone at least seven (7) days before the date of the public hearing; and,

WHEREAS, the City, at such hearing invited all interested person, or their counsel, to appear and speak for or against the creation of the proposed Reinvestment Zone, the boundaries of the proposed Reinvestment Zone, and whether all or part of the property described in this ordinance should be included in such proposed Reinvestment Zone; and,

WHEREAS, all interested persons were given the opportunity to be heard; and,

WHEREAS, the area designated meets the statutory requirement that, it is reasonably likely as a 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 municipality, and/or meets other criteria that satisfies State law for the establishment of a reinvestment zone.

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

PART 1: That the facts and recitations contained in the preamble of this ordinance are hereby found and declared to be true and adopted as findings of fact by this body and as part of its official record.

PART 2: That the City, after conducting such hearing and having heard such evidence and testimony, has made the following findings and determinations based on the testimony and evidence presented to it:

- (a) That a public hearing on the designation of the Reinvestment Zone has been properly called, held and conducted and that notice of such hearing was published as required by law and delivered to all taxing units overlapping the territory inside the proposed reinvestment zone; and

- (b) That the boundaries of the area to be known as City of Abilene Reinvestment Zone No. RZ21-1 shall be the area of land described on the document attached hereto as Exhibit "A", which is incorporated herein for all purposes; and
- (c) That the creation of the City of Abilene Reinvestment Zone RZ21-1 with boundaries as described in (b) above, will result in benefits to the City and to the land included in the zone and to the City after the expiration of any Tax Abatement Agreement entered into, and the improvements sought are feasible and practical; and
- (d) That the Reinvestment Zone as described in (b) above meets the criteria for the creation of a Reinvestment Zone as set forth in Texas Tax Code Chapter 312, Subchapters A & B in that it is reasonably likely as a result of the designation to contribute to the retention or expansion of primary employment or to attract major investment in the Reinvestment Zone that would benefit the property and that would contribute to the economic development of the City; and
- (e) That the City of Abilene Reinvestment Zone RZ21-1, as defined herein satisfies the requirement of a Reinvestment Zone and is eligible under the Guidelines and Criteria for Tax Abatement as set forth in the City of Abilene Resolution No. 201-2021.

PART 3: That pursuant to Texas Tax Code Chapter 312, Subchapter B, the City hereby creates a Reinvestment Zone for commercial and industrial tax abatement encompassing the area described by the legal description in Section 2(b) above and such Reinvestment Zone is hereby designated and shall hereafter be designated City of Abilene Reinvestment Zone No RZ21-01 for a period of five (5) years, subject to renewal as allowed by law.

PART 4: Publishing and Effective Date. That the establishment of the City of Abilene Reinvestment Zone No. RZ21-1 shall take effect on the date of final passage of this Ordinance.

PART 5: That any ordinance, resolution, policy, or any provision or section of the code of the City of Abilene, Texas, as amended, in conflict herewith, be hereby repealed to the extent of any conflict.


PART 6: Severability. If any provision, section, subsection, sentence, clause or the application of same to any person or set of circumstances for any reason is held to be unconstitutional, void or invalid or for any reason unenforceable, the validity of the remaining portions of this ordinance or the application thereby shall remain in effect, it being the intent of the City Council of the City of Abilene, Texas, in adopting this ordinance, that no portion thereof or provision contained herein shall become inoperative or fail by any reasons of unconstitutionality of any other portion or provision.

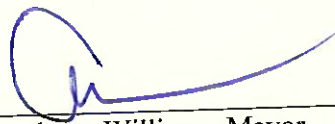
PASSED ON FIRST READING this 2nd day of December, 2021.

A notice of the time and place, where and when said ordinance would be given a public hearing and considered for final passage was published in the Abilene Reporter-News, a daily newspaper of general circulation in the City of Abilene, said publication being on the 5th day of December, 2021, the same being seven (7) or more days prior to a public hearing being held in the Council Chamber of City Hall in Abilene, Texas, at 8:30 a.m. on the 17th day of December, 2021, to permit the public to be heard.

PASSED ON SECOND AND FINAL READING this 17th day of December, 2021.

ATTEST:


Shawna Atkinson, City Secretary


Anthony Williams, Mayor

APPROVED:

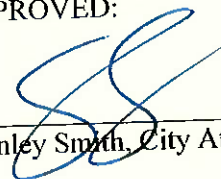
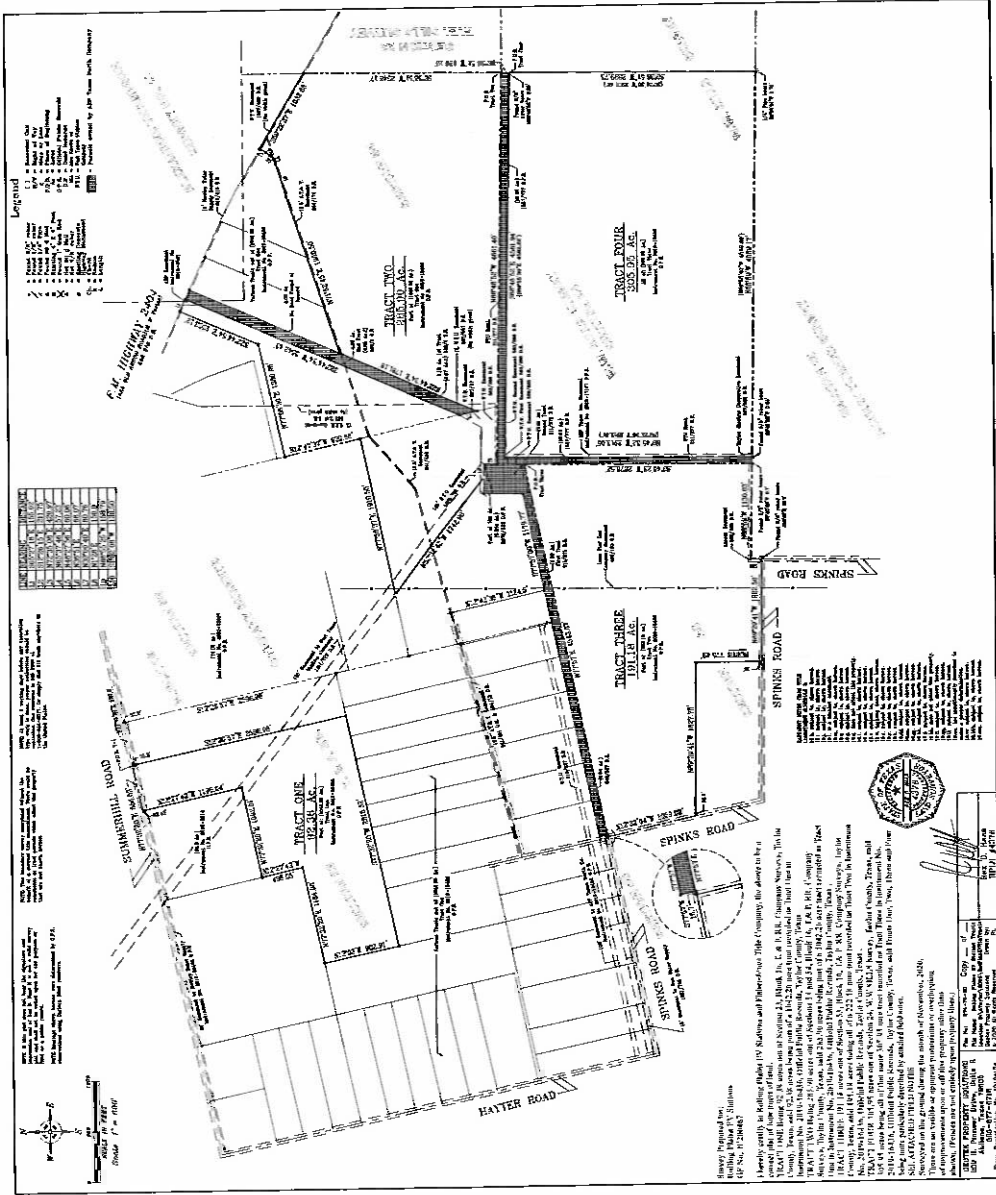

Stanley Smith, City Attorney



EXHIBIT "A"
BOUNDARIES AND LEGAL DESCRIPTION OF
CITY OF ABILENE, TEXAS REINVESTMENT ZONE NO. RZ21-1



Legend

- 1. 1/2" = 100'
- 2. 1/4" = 100'
- 3. 1/8" = 100'
- 4. 1/16" = 100'
- 5. 1/32" = 100'
- 6. 1/64" = 100'
- 7. 1/128" = 100'
- 8. 1/256" = 100'
- 9. 1/512" = 100'
- 10. 1/1024" = 100'
- 11. 1/2048" = 100'
- 12. 1/4096" = 100'
- 13. 1/8192" = 100'
- 14. 1/16384" = 100'
- 15. 1/32768" = 100'
- 16. 1/65536" = 100'
- 17. 1/131072" = 100'
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FIELD NOTES
92.38 ACRES
TRACT ONE

BEING 92.38 acres out of Section 23, Block 16, T. & P. RR. Company Surveys, Taylor County, Texas, said 92.38 acres being part of a 1042.26 acre tract recorded as Tract One in Instrument No. 2019-16436, Official Public Records, Taylor County, Texas and being more particularly described as follows:

BEGINNING at a point in Summerhill Road for the northeast corner of this tract, whence the northeast corner of said Section 23 bears N77°32'20"E 520.0 feet;

THENCE S12°20'57"E at 35.0 feet pass a 3/8" rebar found on the south side of Summerhill Road and continue along for a total distance of 2596.98 feet to a 3/8" rebar found for the southeast corner of this tract;

THENCE S77°32'20"W 2815.52 feet to a 3/8" rebar found for the southwest corner of this tract;

THENCE N12°03'W 902.91 feet to a 3/8" rebar found for the most westerly northwest corner of this tract;

THENCE N77°32'20"E 1164.98 feet to a 3/8" rebar found for an interior corner of this tract;

THENCE N12°27'42"W 498.05 feet to a 3/8" rebar found for an interior corner of this tract;

THENCE N77°32'20"E 1092.61 feet to a 3/8" rebar found for an interior corner of this tract;

THENCE N12°27'40"W at 1162.61 feet pass a 3/8" rebar found on the south side of Summerhill Road and continue along for a total distance of 1196.04 feet to a point in said road on the NBL of said Section 23 for the most northerly northwest corner of this tract;

THENCE N77°32'20"E 556.53 feet along Summerhill Road and the NBL of said Section 23 to the place of beginning and containing 92.38 acres of land.

Surveyed on the ground during the month of November, 2020.

SEE ATTACHED PLAT

Geotex Property Solutions
209 S. Pioneer Drive, Suite 2
Abilene, Texas 79605
(325) 677-6712
File # 374-75-20-92.38ac Tract One
Firm Registration No. 10194134

Rex D. Haas
R. P. L. S. #4378

FIELD NOTES
285.90 ACRES
TRACT TWO

BEING 285.90 acres out of Sections 53 and 54, Block 16, T.& P. RR. Company Surveys, Taylor County, Texas, said 285.90 acres being part of a 1042.26 acre tract recorded as Tract One in Instrument No. 2019-16436, Official Public Records, Taylor County, Texas and being more particularly described as follows:

BEGINNING at a 1/2" rebar found at the southeast corner of said Section 54, the southeast corner of said 1042.26 acre tract and the northeast corner of an 18.33 acre tract recorded in Volume 1557, Page 777, Official Public Records, Taylor County, Texas for the southeast corner of this tract;

THENCE N88°48'52"W 4661.40 feet along the SBL of said 1042.26 acre tract to a 3/8" rebar found on the EBL of a 3.91 acre tract recorded as Second Tract in Volume 511, Page 371, Deed Records, Taylor County, Texas at the northwest corner of Section 24, W.W. Sills Survey, Taylor County, Texas and the northwest corner of said 18.33 acre tract for the most southerly southwest corner of this tract;

THENCE N1°28'E 150.0 feet to a 1/2" rebar found at the northeast corner of said 3.91 acre tract and the east corner of a 0.334 acre tract recorded in Volume 3072, Page 223, Official Public Records, Taylor County, Texas for an interior corner of this tract;

THENCE N88°55'25"W 158.79 feet to a 3/8" rebar set on the NBL of said 0.334 acre tract for most westerly southwest corner of this tract;

THENCE N52°32'42"W 1742.90 feet to a 3/8" rebar set on the SBL of a 16.14 acre tract recorded in Instrument No. 2016-12702, Official Public Records, Taylor County, Texas for the most westerly northwest corner of this tract;

THENCE N77°56'37"E 1910.50 feet to a 3/8" rebar found on the EBL of said Section 53 and the WBL of said Section 54 for an interior corner of this tract;

THENCE N12°47'37"W 920.86 feet to a 3/8" rebar found on the EBL of said Section 53 and the WBL of said Section 54 for an interior corner of this tract;

THENCE N77°08'36"E 1380.96 feet to a 3/8" rebar found for an interior corner of this tract;

THENCE N23°44'34"E 1003.12 feet to a 3/8" rebar found on the SBL of F.M. Highway 2404 (right-of-way Varies) for the most northerly northwest corner of this tract;

THENCE S65°27'18"E 155.02 feet along the SBL of F.M. Highway 2404 to a 3/8" rebar found at the northwest corner of a 4.02 acre tract (no deed found of record);

THENCE S23°44'34"W 3542.43 feet to a 3/8" rebar found at the southwest corner of a 2.07 acre, more or less, tract recorded as 1st Tract in Volume 826, Page 1, Deed Records, Taylor County, Texas;

THENCE S12°26'15"E 211.75 feet to a 3/8" rebar found at the southeast corner of said 2.07 acre, more or less, tract;

THENCE N23°44'34"E 1781.18 feet to a 3/8" rebar found on the EBL of a 4.25 acre, more or less, tract recorded as 2nd Tract in Volume 826, Page 1, Deed Records, Taylor County, Texas;

THENCE to 3/8" rebars found as follows:

N71°52'45"E 1960.50 feet;

N72°35'08"E 420.97 feet;

N65°37'46"E 57.23 feet;

N48°27'56"E 60.08 feet;

N36°51'E 68.07 feet;

THENCE N30°00'40"E 80.76 feet to a 3/8" rebar found on the SBL of F.M. Highway 2404;

THENCE S59°22'27"E 1032.68 feet along the SBL of F.M. Highway 2404 to a 3/8" rebar found on the EBL of said Section 54 for the northeast corner of this tract;

THENCE S0°36'51"W 2346.17 feet along the EBL of said Section 54 to the place of beginning and containing 285.90 acres of land.

Surveyed on the ground during the month of November, 2020.

SEE ATTACHED PLAT

Geotex Property Solutions
209 S. Pioneer Drive, Suite 2
Abilene, Texas 79605
(325) 677-6712
File # 374-75-20-285.90ac T-2
Firm Registration No. 10194134

Rex D. Haas
R. P. L. S. #4378

FIELD NOTES
191.18 ACRES
TRACT THREE

BEING 191.18 acres out of Section 55, Block 16, T.& P. RR. Company Surveys, Taylor County, Texas, said 191.18 acres being part of a 222.18 acre tract recorded as Tract Two in Instrument No. 2019-16436, Official Public Records, Taylor County, Texas and being more particularly described as follows:

BEGINNING at a 1/2" rebar found at the northeast corner of said Section 55 and the northeast corner of said 222.18 acre tract for the northeast corner of this tract;

THENCE S0°40'23"W 2678.52 feet to a point on the NBL of Section 25, Robert Turner Survey, Taylor County, Texas at the most easterly southeast corner of said Section 55 and the most easterly southeast corner of said 212.18 acre tract for the most easterly southeast corner of this tract, whence a 3/8" rebar found bears S0°40'23"W 0.7 feet;

THENCE N88°59'W 1130.03 feet along the SBL of said Section 55 to a 3/8" rebar found at the northwest corner of said Section 25 for an interior corner of this tract;

THENCE S1°02'08"W 126.50 feet to a point in an ell corner of Spinks Road on the EBL of said Section 55 for the most southerly southeast corner of this tract, whence a 3/8" rebar found bears S52°48'E 18.9 feet;

THENCE N89°29'41"W 1222.50 feet to a point in Spinks Road at the southeast corner of a 31.0 acre tract recorded in Instrument No. 2020-1334, Official Public Records, Taylor County, Texas for the most southerly southwest corner of this tract;

THENCE North at 30 feet pass a 3/8" rebar found on the north side of Spinks Road and continue along for a total distance of 775.49 feet to a 3/8" rebar found at the northeast corner of said 31.0 acre tract for an interior corner of this tract;

THENCE N89°29'41"W at 1796.95 feet pass a 3/8" rebar found on the east side of Spinks Road and continue along for a total distance of 1827.75 feet to a point in said Road at the northwest corner of said 31.0 acre tract for the most westerly southwest corner of this tract;

THENCE N12°32'04"W 1059.02 feet along the WBL of said 212.18 acre tract to a 60-d nail found in Spinks Road for the northwest corner of said Section 55, the northwest corner of said 222.18 acre tract and the northwest corner of this tract;

THENCE N77°57'E along the NBL of said Section 55 and the NBL of said 222.18 acre tract at 16.7 feet pass a 3/8" rebar found on the east side of Spinks Road and continue along for a total distance of 4543.67 feet to the place of beginning and containing 191.18 acres of land.

Surveyed on the ground during the month of November, 2020.

SEE ATTACHED PLAT

Geotex Property Solutions
209 S. Pioneer Drive, Suite 2
Abilene, Texas 79605
(325) 677-6712
File # 374-75-20-191.18ac T-3
Firm Registration No. 10194134

Rex D. Haas
R. P. L. S. #4378

FIELD NOTES
305.95 ACRES
TRACT FOUR

BEING 305.95 acres out of Section 24, W.W.SILLS Survey, Taylor County, Texas, said 305.95 acres being all of that same 305.95 acre tract recorded as Tract Three in Instrument No. 2019-16436, Official Public Records, Taylor County, Texas and being more particularly described as follows:

BEGINNING at a point at the most easterly southeast corner of an 18.33 acre tract recorded in Volume 1557, Page 777, Official Public Records, Taylor County, Texas for the northeast corner of this tract, whence a 3/8" rebar bears N88°48'52"W 0.36 feet and a 1/2" rebar found on the NBL of said Section 24 at the southeast corner of Section 54, Block 16, T.& P. RR. Company Surveys, Taylor County, Texas bears N0°36'51"E 100.10 feet;

THENCE S0°36'51"W 2899.73 feet to a point on the SBL of said Section 24 for the southeast corner of this tract, whence a 1/4" pipe found bears S0°36'51"W 1.72 feet;

THENCE N88°59'W 4589.17 feet along the SBL of said Section 24 to a point at the most southerly southeast corner of said 18.33 acre tract for the southwest corner of this tract, whence a 3/8" rebar found bears S0°45'32"W 0.34 feet;

THENCE N0°45'32"E 2913.05 feet to a 3/8" rebar set for the northeast corner of this tract;

THENCE S88°48'52"E 4581.94 feet to the place of beginning and containing 305.95 acres of land.

Surveyed on the ground during the month of November, 2020.

SEE ATTACHED PLAT

Geotex Property Solutions
209 S. Pioneer Drive, Suite 2
Abilene, Texas 79605
(325) 677-6712
File # 347-63-19-305.95ac Tract 4
Firm Registration No. 10194134

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R. P. L. S. #4378