

ORDINANCE NO. 7508

AN ORDINANCE OF THE CITY OF GARLAND, TEXAS APPROVING A REVISED PROJECT AND FINANCE PLAN AND APPROVING THE ENLARGEMENT OF THE BOUNDARIES AND THE EXTENSION OF THE TERM OF TAX INCREMENT FINANCING REINVESTMENT ZONE NUMBER 1; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; FINDING AND DETERMINING THAT THE MEETING AT WHICH THE ORDINANCE IS PASSED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW; AND PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, on December 2, 2003 by Ordinance No. 5785, the City Council of the City of Garland, Texas (the "City Council"), established Tax Increment Financing Reinvestment Zone Number One (the "Original Zone");

**WHEREAS**, by Resolution, the City Council appointed members to serve on the Board of Directors to make recommendations concerning the administration of the Original Zone, in accordance with the powers authorized by the Tax Increment Financing Act, Chapter 311 of the Texas Tax Code, Vernon's Texas Codes Annotated (the "Act");

**WHEREAS**, Section 311.007 of the Texas Tax Code allows a Tax Increment Financing Reinvestment Zone boundaries and term to be revised by ordinance or resolution of the City Council;

**WHEREAS**, Section 311.011(e) of the Texas Tax Code permits a Tax Increment Financing Zone Board of Directors to adopt an amendment to a Project and Financing Plan that is to take effect upon approval of the amendment by the governing body;

**WHEREAS**, the Project and Financing Plan was amended on January 20, 2015 by Ordinance No. 10175 to add funding to promote the City Center project through the encouragement of redevelopment;

**WHEREAS**, on December 1, 2020, by Ordinance No. 7182 the City Council expanded the boundaries of the Original zone and amended the Project and Finance Plan allocating funding to enhance and improve the Forest/Jupiter area of the TIF (the "Current Zone");

**WHEREAS**, the Tax Increment Financing Zone Number 1 Board of Directors met on November 29, 2023 and unanimously approved a revised Project and Financing Plan which contemplates expanded boundaries and provides that tax increment revenue derived from the Downtown Forest Jupiter District only be used for projects within the Downtown Forest Jupiter boundaries, recommends the expansion of the boundaries of the Current Zone, and extends the termination date of the Current Zone to December 31, 2044;

**WHEREAS**, in compliance with the Act, the City Council held a public hearing on December 12, 2023 to hear public comments on the expansion of the boundaries, inclusion of additional properties in the Current Zone, extending the termination date in the Current Zone, and the revision of a Project and Financing Plan, notice of such hearing published as required not later than seven (7) days prior to the date of the public hearing; and

**WHEREAS**, the City Council wishes to expand the boundaries of the Current Zone, extend the termination date of the Current Zone, and approve the revised Project and Financing Plan to promote the development and redevelopment of a certain geographic area within its jurisdiction, as authorized by the Tax Increment Financing Act, Chapter 311 of the Texas Property Tax Code, Vernon's Texas Codes Annotated ("Act") (collectively as amended, the "Extended Zone").

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

#### **Section 1**

That the facts and recitations contained in the preamble of this Ordinance are hereby found and declared to be true and correct.

#### **Section 2**

That the City Council, after conducting a public hearing and having heard evidence and testimony, has made the following findings and determinations based on the evidence presented to it:

- a. That a public hearing on the approval of the amended Project and Financing Plan, expansion of the boundaries of the Current Zone, and extension of the term for the Current Zone has been properly called, held, and conducted, and that notices of the public hearing were published as required by law;

- b. That the expansion of the Current Zone as described in Exhibit "A" and the approval of the amended Project and Financing Plan attached hereto as Exhibit "B" is feasible and will benefit the City, its residents and property owners, in general and to the property, residents, and property owners in the Expanded Zone;
- c. That the expansion of the Current Zone's Boundaries as defined in Exhibit "A" is a contiguous geographic area located wholly within the corporate limits of the City which meets the criteria for the expansion of a reinvestment zone as set forth in Section 311.005 and 311.007 of the Act in that, more specifically:
- (1) The area substantially arrests or impairs the sound growth of the municipality or county designating the zone, retards the provision of housing accommodations, or constitutes an economic or social liability and be a menace to the public health, safety, morals, or welfare in its present condition and use because of the presence of:
    - (i) a substantial number of substandard, slum, deteriorated, or deteriorating structures;
    - (ii) the predominance of defective or inadequate sidewalk or street layout;
    - (iii) faulty lot layout in relation to size, adequacy, accessibility, or usefulness;
    - (iv) unsanitary or unsafe conditions;
    - (v) the deterioration of site or other improvements;
    - (vi) tax or special assessment delinquency exceeding the fair value of the land;
    - (vii) defective or unusual conditions of title;
    - (viii) conditions that endanger life or property by fire or other cause; or
    - (ix) structures, other than single-family residential structures, less than 10 percent of the square footage of which has been used for commercial, industrial, or residential purposes during the preceding 12 years, if the municipality has a population of 100,000 or more; and

- (2) The area be predominantly open or undeveloped and, because of obsolete platting, deterioration of structures or site improvements, or other factors, substantially impair or arrest the sound growth of the municipality or county;
- d. That many of the goals and objectives in the Envision Garland Comprehensive Plan, Forest-Jupiter Transit-Oriented Redevelopment Plan, and Economic Development Strategic Plan are related to creating opportunities for new development and redevelopment within the Expanded Zone;
  - e. That additional funding is desired to further enhance, improve, redevelop, encourage, and manage the growth of Downtown Garland, Downtown Garland Surrounding Area, and Forest/Jupiter Area;
  - f. That the improvements in the Expanded Zone will significantly enhance the value of all taxable real property in the Expanded Zone;
  - g. That the development or redevelopment of the property in the Expanded Zone will not occur solely through private investment in the reasonably foreseeable future; and
  - h. That the amended Project and Finance Plan as adopted by the Tax Increment Financing Zone Number 1 Board of Directors on November 29, 2023, meets the criteria set out in Section 311.011 of the Texas Tax Code.

### **Section 3**

That pursuant to the Act, the Current Zone's original tax increment base is the total taxable value of all real property taxable by the unit and located in the zone for tax year 2003. The expansion of the boundaries to include surrounding areas south and west of downtown and north of Forest Jupiter properties will increase the tax increment base by the taxable value of the real property added to the Expanded Zone for tax year 2023 as depicted in Exhibit "A".

**Section 4**

Pursuant to the Act, the City Council hereby expands the boundaries of the Current Zone as depicted in Exhibit "A," to include the boundaries of the Expanded Zone, extends the term of the Expanded Zone to December 31, 2044, and approves the amended Project and Finance Plan attached hereto as Exhibit "B," as adopted by the Tax Increment Financing Zone Number 1 Board of Directors on November 29, 2023.

**Section 5**

That if any portion of this Ordinance shall, for any reason, be declared invalid by any court of competent jurisdiction, such invalidity shall not affect the remaining provisions hereof.

**PASSED AND APPROVED** this 12th day of December, 2023.

**CITY OF GARLAND, TEXAS**

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Mayor

**ATTEST:**

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Deputy City Secretary