

**ORDINANCE NO. O-2023-078**

**AN ORDINANCE OF THE CITY COUNCIL OF HUTTO, TEXAS, APPROVING A PROJECT AND FINANCING PLAN FOR HUTTO MEGASITE TAX INCREMENT REINVESTMENT ZONE NUMBER THREE, CITY OF HUTTO, TEXAS, ESTABLISHED PURSUANT TO CHAPTER 311 OF THE TEXAS TAX CODE; PROVIDING A SEVERABILITY CLAUSE; FINDING AND DETERMINING THE MEETING AT WHICH THIS ORDINANCE IS ADOPTED TO BE OPEN TO THE PUBLIC AS REQUIRED BY LAW; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, on November 17, 2022, the City Council of the City of Hutto, Texas (“City”), pursuant to Chapter 311 of the Texas Tax Code (“Act”), approved Ordinance No. O-2022-054 designating a noncontiguous geographic area within the City as a Reinvestment Zone Number Three, (“TIRZ 3”) of the City of Hutto, Texas; and

**WHEREAS**, pursuant to and as required by the Act, the City previously prepared a Preliminary Project Plan and Financing Plan for Reinvestment Zone Number Three, City of Hutto, for the proposed tax increment reinvestment zone containing the real property within the Zone; and

**WHEREAS**, the City Council held a public hearing on the approval of the Preliminary Project Plan and Financing Plan for TIRZ 3, of the City of Hutto (the “Plan”) and the notice of said public hearing was published in a newspaper having general circulation in the City on November 9, 2022, which date is before the seventh (7th) day before the public hearing held on November 17, 2022; and

**WHEREAS**, at the public hearing on November 17, 2022, interested persons were allowed to speak for or against the Plan and the public hearing was held in full accordance with Section 311.003(c) of the Act; and

**WHEREAS**, evidence was received and presented at the public hearing on November 17, 2022, and in favor of the Plan; and

**WHEREAS**, after all comments and evidence, both written and oral, were received by the City Council, the public hearing was closed on November 17, 2022; and

**WHEREAS**, on November 16, 2023, pursuant to Section 311.011(a) of the Act, the Board of Directors of for Reinvestment Zone Number Three approved a Project Plan and Financing Plan for TIRZ 3 of the City of Hutto, Texas; and

**WHEREAS**, the City Council desires to approve the Plan by this Ordinance.

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

**Section 1. Recitals Incorporated by Reference:** The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

**Section 2. Findings:** That the City Council hereby makes the following findings of fact:

- (a) That the Plan includes all information required by Sections 311.011(b) and (c) of the Act.
- (b) That the Plan is feasible and conforms to the City's master plan.

**Section 3. Approval of Plan.** The Board of Directors of Reinvestment Zone Number Three have prepared and adopted the Project Plan and Financing Plan and have submitted it to the City Council with a recommendation of approval. The City Council hereby approves the Project Plan and Financing Plan based on the findings set forth in Section 2 of this Ordinance, the City Council hereby approves the Plan, attached hereto as Exhibit "A."

**Section 4. Severability Clause.** Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. The City hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional or invalid.

**Section 5. Proper Notice & Meeting.** It is hereby found, determined, and declared that sufficient written notice of the date, hour, place and subject of the meeting of the City Council at which this Ordinance was adopted was posted at a place convenient and readily accessible at all times to the general public at the City Hall of the City for the time required by law preceding its meeting, as required by Chapter 551 of the Texas Government Code, and that this meeting has been open to the public as required by law at all times during which this Ordinance and the subject matter hereof has been discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

**Section 6. Passage:** Pursuant to Section 3.13 of the Hutto City Charter, the Council determined that the first reading of this ordinance is sufficient for adequate consideration by an affirmative vote of four or more members of the City Council during the first reading and the requirement for reading this Ordinance on two separate dates with was dispensed with by the affirmative vote of four or more members of the City council; therefore, this Ordinance is adopted and enacted without further readings. In the event a second reading is necessary, this Ordinance is

adopted and enacted upon the affirmative vote of four or more members of the City Council upon second reading.

**Section 7. Effective date.** This Ordinance shall take effect immediately upon its adoption and publication in accordance with and as provided by the laws of the State of Texas and the Hutto City Charter.

**READ and APPROVED** on the first reading this the 7<sup>th</sup> day of **December 2023**.

**THE CITY OF HUTTO, TEXAS**

By: \_\_\_\_\_

Mike Snyder, Mayor

**ATTEST:**

By: \_\_\_\_\_

Angela Lewis, City Secretary

