

ORDINANCE NO. 24-3759

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PLAINVIEW, TEXAS, AMENDING CHAPTER 11, ARTICLE 11.05, "TAX ABATEMENT ZONES" BY ADDING SECTION 11.05.041 DESIGNATING CITY OF PLAINVIEW REINVESTMENT ZONE NO. 1 ENTERPRISE ZONE TRACT NO. 950200 BLOCK 3; PROVIDING ELIGIBILITY OF THE ZONE FOR COMMERCIAL-INDUSTRIAL TAX ABATEMENT; CONTAINING FINDINGS THAT THE AREA QUALIFIES TO BE DESIGNATED AS A REINVESTMENT ZONE AND THE IMPROVEMENTS SOUGHT ARE FEASIBLE AND PRACTICABLE AND OF BENEFIT TO THE LAND AND THE CITY; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALING CLAUSE; AND PROVIDING FOR THE EFFECTIVE DATE OF SAID ORDINANCE.

WHEREAS, the City Council for the City of Plainview, Texas has jurisdiction under the constitution and laws of the State of Texas including, but not limited to, Article 11, Section 5 of the Texas Constitution as a home rule city and Texas Tax Code Chapter 312, the Property Redevelopment and Tax Abatement Act, as amended, to establish reinvestment zones to promote the development or redevelopment of a certain contiguous geographic area within its jurisdiction for commercial and industrial tax abatement; and

WHEREAS, on February 13, 2024 and February 27, 2024, in accordance with Texas Tax Code § 312.201, the City Council of the City of Plainview held public hearings, notice of which was published in a newspaper of general circulation at least seven (7) days before such hearing and notice of the hearing was delivered in writing to the presiding officer of the governing body of each taxing unit that includes in its boundaries real property that is to be included in the proposed reinvestment zone; and

WHEREAS, all interested parties were given an opportunity to appear and speak for or against the creation of the proposed reinvestment zone, the designated boundaries and any and all matters concerning the proposed reinvestment zone; and

WHEREAS, evidence was presented regarding the proposed reinvestment zone supporting the proposed reinvestment zone and detailing how the proposed reinvestment zone qualifies under Texas Tax Code Chapter 312 the Property Redevelopment and Tax Abatement Act, as amended; and

WHEREAS, all land located within the proposed reinvestment zone also lies within an area designated as an enterprise zone in Hale County in accordance with Chapter 2303 of the Texas Government Code; and

WHEREAS, the City Council, based on information and evidence presented, believes it to be in the best interest of the City of Plainview, in order to promote the development or redevelopment of the geographic area for commercial and industrial uses, to create the proposed reinvestment zone;

NOW, THEREFORE, THE CITY OF PLAINVIEW HEREBY ORDAINS THAT:

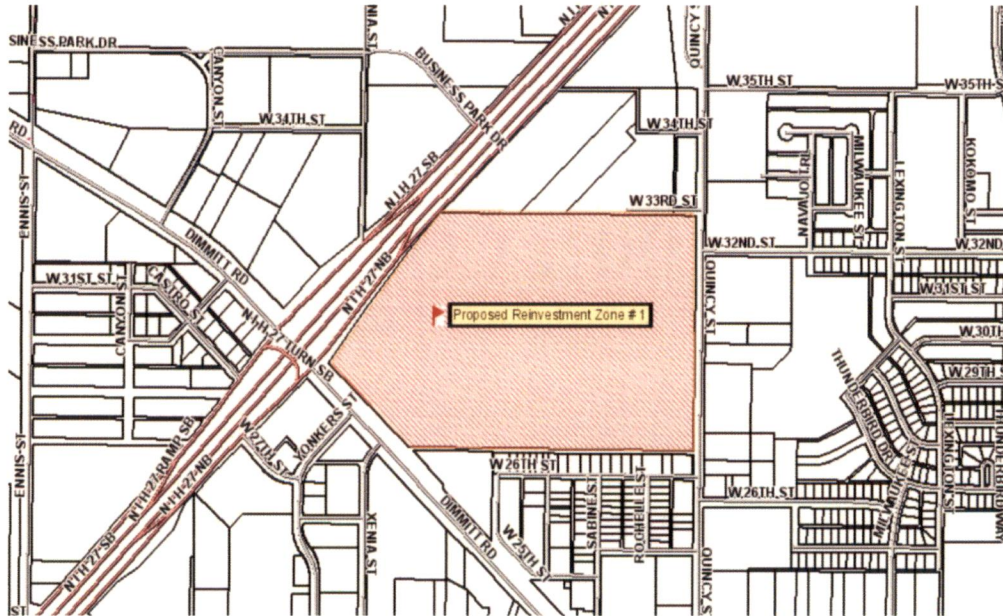
SECTION 1. The findings and recitals outlined above are found to be true, factual and correct and are hereby adopted and approved by the City Council and incorporated into this ordinance as though set forth fully herein.

SECTION 2. The Code of Ordinances, City of Plainview, is amended by amending Chapter 11, "Taxation", Article 11.05, "Tax Abatement Zones", Division 2, "Other Zones" by adding Section 11.05.041 "City of Plainview Reinvestment Zone No. 1 (Enterprise Zone Tract No. 950200 Block 3)" to read as follows (for reference purposes, new additions to the Code of Ordinances are underlined and italicized and deleted provisions are indicated by strikethrough text):

§ 11.05.041 City of Plainview Reinvestment Zone No. 1 (Enterprise Zone Tract No. 950200 Block 3) Established

- (a) The City Council of the City of Plainview, pursuant to Chapter 312 of the Texas Tax Code, hereby creates and designates as a reinvestment zone and for identification is assigned the name "City of Plainview Reinvestment Zone No. 1 (Enterprise Zone Tract No. 950200 Block 3)".
- (b) The boundaries of the City of Plainview Reinvestment Zone No. 1(Enterprise Zone Tract No. 950200 Block 3), being wholly located within the corporate limits of the City are described as follows:

Approximately 98.06 acres, North of I-27, bound on the west and north by N. I-27 and Dimmitt Road, on the east Quincy Street, and on the south by a right-of-way extending east to west from Quincy Street to the Dimmitt Highway (WAL-MART PLV BLK1 LOT 1 TYP) being wholly located in within the corporate limits and extraterritorial jurisdiction of the City of Plainview, Hale County, Texas as shown in the shaded in area below:



- (2) The improvements sought are feasible and practicable and would be of benefit to the land to be included in the zone and to the city after the expiration of a tax abatement agreement.
- (3) The City of Plainview has complied with all necessary notice and hearing requisites of Texas Tax Code 312 and the Texas Open Meetings Act applicable to this ordinance.
- (d) That the property within City of Plainview Reinvestment Zone No. 1 (Enterprise Zone Tract No. 950200 Block 3) is eligible for commercial-industrial tax abatement pursuant to a properly approved tax abatement agreement with the city effective on or after April 1, 2024.
- (e) The term of the City of Plainview Reinvestment Zone No. 1 (Enterprise Zone Tract No. 950200 Block 3) shall be for five years beginning on the effective date of eligibility outlined above and may be renewed for successive terms of five years in accordance with state law.

SECTION 3. Effective Date. This ordinance shall take effect immediately from and after its passage and publication as may be required by governing law.

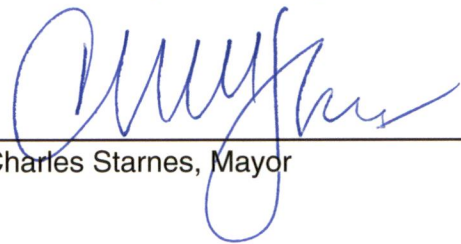
SECTION 4. Repealed. All other terms and provisions of the Code of Ordinances, City of Plainview, not in conflict herewith and not hereby amended shall remain in full force and effect.

SECTION 5. 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 Plainview, 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.

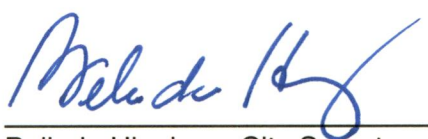
SECTION 6. Publication. The City Secretary of the City of Plainview is hereby authorized and directed to cause publication of the descriptive caption of this Ordinance as an alternative method provided by law.

Passed and approved on first reading this 13th day of February, 2024.

Passed and approved on second reading this 27th day of February, 2024.



 Charles Starnes, Mayor

ATTEST:


 Belinda Hinojosa, City Secretary

APPROVED AS TO CONTENT:

Jeffrey Snyder, City Manager

APPROVED AS TO FORM:

Matthew Wade, City Attorney