

AN ORDINANCE **9 8 5 6 8**

AMENDING ORDINANCE 93101 TO INCREASE THE GEOGRAPHIC AREA OF REINVESTMENT ZONE NUMBER ELEVEN, CITY OF SAN ANTONIO, TEXAS, TO INCLUDE ENLARGING THE BOUNDARIES OF THE EXISTING REINVESTMENT ZONE; ADOPTING AMENDMENTS TO THE FINAL PROJECT PLAN FOR THE ZONE TO INCORPORATE THE INCREASE IN AREA AND TO APPROVE THE PAYMENT OF ALL AVAILABLE INCREMENTAL AD VALOREM TAXES GENERATED FROM THE ADDED PARCELS INTO THE ZONE'S TAX INCREMENT FUND AS REQUESTED BY COUNCILMAN JOEL WILLIAMS

WHEREAS, on December 14, 2000, the City Council of the City of San Antonio approved Ordinance No. 93101, establishing the Tax Increment Reinvestment Zone Number Eleven (11), City of San Antonio, Texas (the "Zone") and the Board of Directors for the Zone in accordance with the Tax Increment Financing Act (the "Act"), as amended (V.T.C.A., Tax Code, Chapter 311), to promote development and redevelopment in the Zone through the use of tax increment financing, which development and redevelopment would not otherwise occur solely through private investment in the reasonably foreseeable future; and

WHEREAS, pursuant to Section 311.011(a) of the Act, the Board of Directors (the "Board") of the Zone adopted a Final Project Plan and a Final Finance Plan on May 23, 2001; and

WHEREAS, on May 24, 2001, by Ordinance No. 94006, pursuant to Section 311.011(d) of the Act, the City Council approved the Final Project Plan and Final Finance Plan after their adoption by the Board; and

WHEREAS, the Zone board recognized that not all of the existing and potential residential and commercial properties within the perimeter of the Zone, including those along Houston Street, Hackberry Street, and Walters Street, and portions of the Springview neighborhood, identified in red in Exhibit 1, were included as properties contributing to the tax increment revenue of the Zone at the time of creation of the Zone; and

WHEREAS, on December 10, 2003, the Zone board approved a Resolution to amend the Project Plan for the Zone to increase the geographic area of the Zone to include the residential and commercial properties within the perimeter of the Zone, including those along Houston Street, Hackberry Street and Walters Street and that portion of the Springview neighborhood as identified in red in Exhibit 1; and

WHEREAS, the City desires to increase the total amount of tax increment collected by the City for the Zone during the duration of the Zone without changing the percentage of tax increment contributed by the City to the Zone by increasing the geographic area of the Zone by including additional properties within the original boundaries of the Zone and those portions of the Springview neighborhood identified in red in Exhibit 1 through action in accordance with Sections 311.011(e), 311.003(c), 311.003(d) and 311.007(a) of the Act; and

WHEREAS, the City of San Antonio desires to approve the payment of all available City incremental ad valorem taxes generated from added tax parcels into the “Reinvestment Zone Number Eleven, City of San Antonio, Texas, Tax Increment Fund;” and

WHEREAS, payment into the Fund of all available City incremental ad valorem taxes generated from the added tax parcels shall begin with the January 1, 2003 tax year and continue until its termination date of September 30, 2015 (the “Termination Date”), unless otherwise terminated earlier as authorized or permitted by law; and

WHEREAS, pursuant to Section 311.011(e) of the Act, approval for an amendment to the project plan of a reinvestment zone that increases the geographic area of the reinvestment zone must be by ordinance adopted after a public hearing; and

WHEREAS, notice of a public hearing on increasing the geographic area of the Zone to be held on December 18, 2003, was duly published in the San Antonio Express News in its issue dated December 11, 2003, in compliance with Section 311.003(c) of the Act; and

WHEREAS, the City received a request from a property owner on the southern boundary of the Zone to remove seven parcels from the geographic area of the Zone, identified in purple on Exhibit 1; and

WHEREAS, pursuant to Section 311.007(a) of the Act, the City Council may reduce the boundaries of the Zone by passage of a Resolution or Ordinance; and

WHEREAS, a public hearing was held on December 18, 2003, at 1:00 p.m. in the City Council Chambers, City of San Antonio, Texas to consider the increase in geographic area of the Zone, and the removal of seven parcels on the Southern boundary of the Zone, at which time the City provided a reasonable opportunity for any owners of property to protest the property’s inclusion in or removal from the Zone in accordance with Section 311.003(d) of 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, as required by Chapter 551 of the Texas Government Code; **NOW THEREFORE:**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO, TEXAS:

SECTION 1. The boundaries of the Zone shall be amended and that the geographic area of the Zone be increased to include the tax parcels identified in red in Exhibit 1. The resulting amended Zone is within the limitations provided by Section 311.006 of the Act.

SECTION 2. The Southern boundary of the Zone shall be reduced by the seven parcels identified in purple in Exhibit 1, in accordance with Section 311.007(a) of the Act. The resulting amended Zone is within the limitations provided by Section 311.006 of the Act.

SECTION 3. The City Council of the City of San Antonio hereby approves the Amendments to the Final Project Plan as approved by the Board of Directors of the Tax Increment Reinvestment Zone Number Eleven of the City of San Antonio, Texas. A copy of the Amended Final Project Plan is attached hereto as Exhibit 2.

SECTION 4. The City Council hereby authorizes the City Manager or her designee to make payment of all incremental ad valorem taxes generated from the added tax parcels into Tax Increment Reinvestment Zone Number Eleven, City of San Antonio, Texas, Tax Increment Fund, beginning in the 2003 tax year and continue until its termination date of September 30, 2015, unless otherwise terminated earlier as authorized or permitted by law. A list of those parcels is attached hereto as Exhibit 3.

SECTION 5. The City Council hereby authorizes the City Manager or her designee to discontinue the payment of all incremental ad valorem taxes generated from the seven deleted tax parcels into Tax Increment Reinvestment Zone Number Eleven, City of San Antonio, Texas, Tax Increment Fund, beginning in the 2003 tax. The seven parcels are listed in Exhibit 3.

SECTION 6. The City Council hereby finds that the Amended Final Project Plan for the Zone is feasible and in compliance with the City's Master Plan and the City's adopted Tax Increment Financing Guidelines and Criteria for the use of tax increment financing by encouraging community revitalization, infrastructure improvements and housing within certain areas of the City which would not have occurred without tax increment financing.

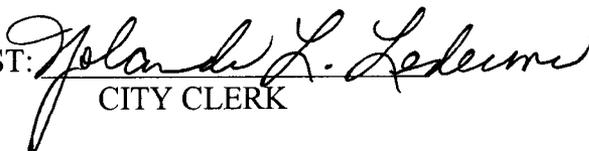
SECTION 7. If any provision of this Ordinance or application thereof to any circumstance shall be held invalid, the remainder of this Ordinance and the application thereof to other circumstances shall nevertheless be valid, and the City Council hereby declares that this Ordinance would have been enacted without such invalid provision.

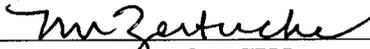
SECTION 8. This ordinance shall be effective on and after the tenth day after passage hereof.

PASSED AND APPROVED THIS 18TH DAY OF DECEMBER, 2003.



MAYOR
EDWARD D. GARZA

ATTEST: 
CITY CLERK

APPROVED AS TO FORM: 
for CITY ATTORNEY