

## **ORDINANCE \_\_\_\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KILLEEN, TEXAS, DESIGNATING AN 11.875 ACRE TRACT OF LAND, LOCATED NORTHWEST OF THE INTERSECTION OF TRIMMIER ROAD AND CENTRAL TEXAS EXPRESSWAY, AS A REINVESTMENT ZONE FOR COMMERCIAL-INDUSTRIAL TAX ABATEMENT, ESTABLISHING THE BOUNDARIES THEREOF AND OTHER MATTERS RELATING THERETO; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City desires to encourage the development or redevelopment of a certain contiguous geographic area within its jurisdiction by creation of reinvestment zone for commercial-industrial tax abatement, as authorized by Section 312.201 of the Texas Tax Code; and

**WHEREAS**, the City held a public hearing on April 28, 2020, after publishing notice of such public hearing in the newspaper, and giving written notice to all taxing units overlapping the territory inside the proposed reinvestment zone at least seven (7) days prior to such hearing; and

**WHEREAS**, the City at such hearing invited any interested person to speak for or against the creation of the reinvestment zone, the boundaries of the proposed reinvestment zone, and/or whether all or part of the territory described in the notice calling such hearing should be included in such proposed reinvestment zone; and

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

**SECTION I.** That the facts and recitations contained in the preamble of this ordinance are hereby found and declared to be true and correct.

**SECTION II.** That the City, after conducting a public hearing and having heard evidence and testimony at said hearing, has made the following findings and determinations based on the testimony presented to it:

- a) That a public hearing on the adoption of the reinvestment zone has been properly called, held and conducted and that notices of such hearings have been published as required by law and mailed in writing to all taxing units overlapping the territory inside the proposed reinvestment zone;
- b) That the boundaries of the reinvestment zone should be the area as described in the legal description attached hereto as Exhibit "A" and also depicted on the map attached hereto as Exhibit "B";
- c) That the creation of the reinvestment zone for commercial-industrial tax abatement with boundaries as described in Exhibits "A" and "B" will result in benefits to the City and to the land included in the zone after the term of any agreement executed hereunder, and the improvements sought are feasible and practical; and
- d) That the reinvestment zone as described in Exhibit "A" meets the criteria for the creation of a reinvestment zone as set forth in section 312.202(a)(6) of the Texas Tax Code 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 zone that would be a benefit to the property and that would contribute to the economic development of the municipality."

**SECTION III.** That pursuant to Section 312.201 of the Texas Tax Code, the City hereby creates a reinvestment zone for commercial-industrial tax abatement encompassing only the area described by the legal description in Exhibit "A" attached hereto and depicted on a map attached hereto as Exhibit "B," and such reinvestment zone is hereby designated as I-14/Trimmier Road Reinvestment Zone of the City of Killeen, Texas.

**SECTION IV.** That written agreements with property owner(s) located within the zone shall provide the terms regarding duration of exemption, and share of taxable real and personal property value exempted from taxation.

**SECTION V.** That written agreements for tax abatement as provided for by Section 312.205 of the Texas Tax Code shall include provisions for:

- a) Listing the kind, number and location of all proposed improvements of the property;
- b) Providing access to and authorizing inspection of property by municipal employees to ensure that the improvements or repairs are made according to the specifications and conditions of the agreements;
- c) Limiting the uses of the property consistent with the general purpose of encouraging development or redevelopment of the zone during the period that property tax exemptions are in effect;
- d) Recapturing property tax revenue lost as a result of the agreement if the owner of the property fails to make the improvements or repairs as provided by the agreement.
- e) Containing each term agreed to by the owner of the property;
- f) Requiring the owner of the property to certify annually to the governing body of each taxing unit that the owner is in compliance with each applicable term of the agreement; and
- g) Providing that the governing body of the municipality may cancel or modify the agreement if the property owners fails to comply with the agreement.

**SECTION VI.** That all ordinances or resolutions or parts of ordinances or resolutions in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

**SECTION VII.** That should any section or part of any section, paragraph or clause of this ordinance be declared invalid or unconstitutional for any reason, it shall not invalidate or impair the validity, force or effect of any other section or sections or part of a section or paragraph of this ordinance.

**SECTION VIII.** That the Code of Ordinances of the City of Killeen, Texas, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

**SECTION IX.** That this ordinance shall be effective after its passage and publication according to law.

**PASSED AND APPROVED** at a regular meeting of the City Council of the City of Killeen, Texas, this 28th day of April 2020, at which meeting a quorum was present, held in accordance with the provisions of V.T.C.A., Government Code, §551.001 et seq.

**APPROVED:**

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**Jose L. Segarra, MAYOR**

**ATTEST:**

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**Lucy C. Aldrich, CITY SECRETARY**

**APPROVED AS TO FORM:**

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**Traci S. Briggs, City Attorney**

Case #20-

Ord. #20-\_\_\_\_

## **EXHIBIT A**

### **I-14 / TRIMMIER ROAD REINVESTMENT ZONE DESCRIPTION**

**LEGAL DESCRIPTION** for a tract of land in Bell County, Texas part of the HALBERT, N Abstract Survey and herein contains land described as K S L COMMERCIAL, BLOCK 001, LOT PT 1, (1, LESS SE COR), ACRES 2.481, GANDER MOUNTAIN ADDITION, BLOCK 001, LOT 004A, 4.807AC, GANDER MOUNTAIN ADDITION, BLOCK 001, LOT 004B, 1.796AC, K S L COMMERCIAL 1ST EXT, BLOCK 001, LOT 0001, & BUSINESS PERSONAL PROPERTY, ACRES 2.771, and K S L COMMERCIAL, BLOCK 001, LOT PT 1, (SE COR OF 1, 22.9' X 60.39' X 15.89' X 44.21'), ACRES .02.

BEGINNING at an iron pipe found in the west margin of Trimmier Road and in the south line of Bellaire Addition, Section One, to the City of Killeen, Texas, being of Record in Plat Book 2, Page 18-J, Plat Records of Bell County, Texas, for the northeast corner of this.

THENCE **S. 15° 58' 10" W., 451.75 feet** with said west margin to a concrete monument in the north margin of U.S Highway 190, (East Central Texas Expressway) for the most easterly southeast corner of this.

THENCE **S. 61° 00' 11" W., 142.22 feet** with said north margin to a concrete monument for the southeast corner of this.

THENCE **N. 74° 25' 13" W., 801.06 feet** with said north margin to an iron rod found for the southwest corner of this.

THENCE **N. 10° 21' 00" E., 573.43 feet** to a spike found for the northwest corner of this.

THENCE **S. 73° 15' 17" E., 957.90 feet** to the PLACE OF BEGINNING containing 11.859 acres of land.

# Reinvestment Zone Exhibit B

BELLAIRE DR

