

ORDINANCE NO. 20-T-39

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS TO EXTEND THE TERM OF THE TAX INCREMENT REINVESTMENT FINANCE ZONE NO. 2 (SEDONA/CROSSVINE) AND EXPAND THE BOUNBARIES AND APPROVE THE AMENDED PROJECT AND FINANCING PLAN, CITY OF SCHERTZ, TEXAS.

WHEREAS, in accordance with the Tax Increment Financing Act, Texas Tax Code, Chapter 311, the City Council of the City of Schertz through Ordinance 06-T-61 designated the Tax Increment Reinvestment Zone #2 (Sedona/Crossvine) generally located on the west side of FM 1518, north of Ware Seguin Road and primarily south of Lower Seguin Road;

WHEREASA, on October 27, 2008 the City Council of the City of Schertz, Texas approved Ordinance 08-T-50 approving the Project and Financing Plan of the TIRZ #2;

WHEREAS, on August 21, 2020 the TIRZ #2 (Sedona/Crossvine) board voted to amend the Development Agreement, Project/Financing Plan and Interlocal Agreement for the TIRZ #2 (Sedona/Crossvine) including expanding the boundaries, extending the term and increasing the maximum reimbursement amount; and

WHEREAS, on September 22, 2020 the City Council of the City of Schertz approved Resolution 20-R-107 Development Agreement, Project/Financing Plan and Interlocal Agreement for the TIRZ #2 (Sedona/Crossvine) including expanding the boundaries, extending the term and increasing the maximum reimbursement amount; and

WHEREAS, the Tax Increment Financing Act, Texas Tax Code Chapter 311 stipulates that the governing body of the municipality may enlarge an existing reinvestment zone may enlarge the boundaries of the zone and may extend the term of the zone and approve amendments to the Project and Financing Plan by ordinance or resolution after notice and a hearing on the matter subject to the restrictions on composition of the reinvestment zone; and

WHEREAS, the City Council of the City of Schertz held a public hearing on December 1, 2020 after providing the required notice; and

WHEREAS, less than 30% of the property in the proposed expanded zone, excluding property that is publicly owned, is used for residential purposes; **NOW THEREFORE:**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS:
THAT:**

Section 1. The boundaries of the TIRZ #2 (Sedona/Crossvine) are hereby amended as per Exhibit "A" *Boundary Map*.

Section 2. The term of the TIRZ #2 (Sedona/Crossvine) is hereby extended to through December 31, 2041.

Section 3. The Amended Project and Financing Plan is hereby approved, as per Exhibit “B” *Amended Project and Finance Plan Schertz Reinvestment Zone #2*.

Section 4. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the Council.

Section 5. All ordinances and codes, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters resolved herein.

Section 6. This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

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

Section 8. It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given, all as required by Chapter 551, as amended, Texas Government Code.

Section 9. This Ordinance shall be effective upon the date of final adoption hereof and any publication required by law.

Section 10. This Ordinance shall be cumulative of all other ordinances of the City of Schertz, and this Ordinance shall not operate to repeal or affect any other ordinances of the City of Schertz except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this Ordinance, in which event such conflicting provisions, if any, are hereby repealed.

Approved on first reading the 1st day of December, 2020.

PASSED, APPROVED AND ADOPTED on final reading the 8th day of December, 2020.

Ralph Gutierrez, Mayor

ATTEST:

Brenda Dennis, City Secretary

Exhibit A
“Boundary Map”

Exhibit "B"
Amended Project and Financing Plan Schertz Reinvestment Zone #2