

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRYAN, TEXAS, TO CREATE AND DESIGNATE A CERTAIN AREA AS A REINVESTMENT ZONE FOR COMMERCIAL-INDUSTRIAL TAX ABATEMENT; ASSIGNING THE NAME "HONEYWELL REINVESTMENT ZONE NUMBER THIRTY-THREE" OF THE CITY OF BRYAN, TEXAS TO SAID ZONE; DESCRIBING THE BOUNDARIES THEREOF; PROVIDING FOR ELIGIBILITY REQUIREMENTS FOR TAX ABATEMENT WITHIN SAID ZONE; PROVIDING TERMS FOR ABATEMENT WITHIN THE ZONE; PROVIDING REQUIRMENTS FOR TAX ABATEMENT AGREEMENTS; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; FINDING AND DETERMINING THAT THE MEETING AT WHICH SAID ORDINANCE IS PASSED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Bryan, Texas, ("City"), as authorized by the Property Redevelopment and Tax Abatement Act, Chapter 312, TEX. TAX CODE, ("the Act"), seeks to designate a new reinvestment zone in an effort to promote the development or redevelopment of a certain contiguous geographic area through the use of tax abatements; and

WHEREAS, the City held a public hearing on the creation of the Reinvestment Zone after providing proper notice to the public and other taxing entities;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRYAN, TEXAS:

Section 1. Findings.

The City, after conducting a public hearing to receive evidence and testimony of all persons wishing to be heard, hereby makes the following findings and determinations:

- (a) That a public hearing on the adoption of the Reinvestment Zone has been properly called, held and conducted and that the required notice of such hearing has been given to the public and to all taxing units overlapping the territory inside the proposed reinvestment zone;
- (b) That the boundaries of the area of the proposed reinvestment zone shall be the area described in Exhibit "A" which is attached hereto and incorporated herein;
- (c) That the creation of the reinvestment zone for commercial-industrial tax abatement with boundaries as described in Exhibit "A" will result in benefits to the City and to the land included in the Reinvestment Zone and the improvements sought are feasible and practical;
- (d) That the Reinvestment Zone, as defined in Exhibit "A", meets the criteria for the creation of a Reinvestment Zone as set forth in Section 312.202 (6) of the Act to "be 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"; and

(e) That the reinvestment zone as defined in Exhibit "A" meets the criteria for the creation of a reinvestment zone as set forth in the City of Bryan Guidelines and Criteria Governing Property Tax Abatement.

Section 2. Definitions.

In this Ordinance, the following words shall be defined as follows:

(a) Improvements shall include, for the purpose of establishing eligibility under Section 312.202 of the Act, new construction or redevelopment of current structures.

(b) Property covered in Reinvestment Zone shall include real and personal property located in the reinvestment zone.

(c) Base Year the base year for determining increased value shall be the taxable value of the real property and any fixed improvements as of January 1 of the year in which the tax abatement is executed.

Section 3. Creation of Reinvestment Zone

Pursuant to the Property Redevelopment and Tax Abatement Act, Chapter 312, TEX. TAX CODE, the City of Bryan hereby creates and designates a reinvestment zone for commercial-industrial tax abatement encompassing only the areas as described in Exhibit "A" which shall be known as HONEYWELL Reinvestment Zone Number Thirty-Three of the City of Bryan, Texas. .

Section 4. Eligibility for Tax Abatement.

To be considered eligible for an agreement for tax abatement with the City of Bryan, a project located in HONEYWELL Reinvestment Zone Number Thirty-Three shall meet the standards of City of Bryan Guidelines and Criteria Governing Property Tax Abatement for granting Tax Abatement in a reinvestment zone.

Section 5. Tax Abatement Terms Within Zone.

Written agreements with property owner(s) located within the Zone shall provide identical terms regarding duration of exemption and share of taxable real property value and tangible personal property.

(a) Duration of Exemption: includes number of consecutive tax years beginning with and including the January 1 assessment date.

(b) Share of taxes abated: (i) includes number years of abatement, and (ii) annual percentage for each abatement year (i.e. percentage of the value of the taxable property in each year covered by the agreement only to the extent its value for that year exceeds its value for the Base Year.

Section 6. Tax Abatement Agreement Requirements.

All agreements for abatement of taxes within HONEYWELL Reinvestment Zone Number Thirty-Three must comply with Section 312.205 (a) of the Act and must:

- (a) List the kind, number and location of all proposed improvements of the property;
- (b) Provide access to and authorize inspection of the property by municipal employees, to insure that the improvements or repairs are made according to the specification, and conditions of the agreement;
- (c) Limit the uses of the property consistent with the general purpose of encouraging the development, redevelopment of the Reinvestment Zone during the period that property tax exemptions are in effect; and
- (d) Provide for recapturing property tax revenue lost as a result of the agreement if the owner of the property fails to make the improvements as provided by the agreement.

Section 7. Severability.

If for any reason any section, paragraph, subdivision, clause, phrase or provision of this ordinance shall be held invalid, it shall not affect any valid provision of this or any other Resolution of the City of Bryan to which this Ordinance relates.

Section 8. Invalidity.

If any portion of this Ordinance shall, for any reason, be declared invalid by any court of competent jurisdiction, such invalidity shall not affect the remaining provisions hereof.

Section 9. Open Meeting Finding.

It is hereby officially found and determined that the meeting at which this Ordinance is passed is open to the public as required by law and that public notice of the time, place and purpose of said meeting was given as required.

Section 10. Effective Date of Ordinance.

The provisions of this Ordinance, including the reinvestment zone designation, shall take effect immediately upon its first and only reading and passage.

PASSED, ADOPTED, AND APPROVED the ___ day of _____, 2024 at a regular meeting of the City Council of the City of Bryan, Texas, by a vote of ___ yeses and ___ noes.

ATTEST:

CITY OF BRYAN, TEXAS:

Mary Lynne Stratta, City Secretary

Bobby Gutierrez, Mayor

APPROVED AS TO FORM:

Thomas A. Leeper, City Attorney

EXHIBIT "A"
BOUNDARY DESCRIPTION

25.0 acres of land in the W.S. Martin Survey, A-35, and Moses Baine League, A-5, of Brazos County, Texas, being more particularly described by metes and bounds in the certain deed from Koch Microelectronic to GEM Microelectronic Materials LLC, dated 4/16/2002, recorded at Volume 4576, Page 101, of the Official Records of Brazos County, Texas