

**ORDINANCE NUMBER 900**

**AN ORDINANCE APPROVING THE FIRST AMENDMENT TO THE PROJECT PLAN AND REINVESTMENT ZONE FINANCING PLAN FOR REINVESTMENT ZONE NUMBER ONE, CITY OF BURKBURNETT, TEXAS; AUTHORIZING THE CITY CLERK TO DISTRIBUTE SUCH PLANS; EXTENDING THE DURATION OF THE ZONE TO DECEMBER 31, 2035; CONTAINING FINDINGS AND PROVISIONS RELATED TO THE FOREGOING SUBJECT; AND PROVIDING FOR SEVERABILITY.**

**WHEREAS**, by Ordinance 708, dated February 20, 2006, the Board of Commissioners of the City of Burkburnett (“City”) pursuant to the provisions of Chapter 311, Texas Tax Code, created Reinvestment Zone Number One, City of Burkburnett, Texas, (the “Zone”); and

**WHEREAS**, the Board of Directors of the Zone has adopted and recommended, and the City has approved, the Project Plan and Reinvestment Zone Financing Plan (the “Plan”) for the Zone; and

**WHEREAS**, Chapter 311 of the Texas Tax Code authorizes amendments to the Plan; and

**WHEREAS**, the Board of Directors of the Zone considered and adopted The First Amendment to the Project Plan and Reinvestment Zone Financing Plan for Tax Increment Reinvestment Zone Number One (the “Amendment”), and recommended the Amendment for approval by the Board of Commissioners; and

**WHEREAS**, after public notice thereof was given in accordance with the law, the Board of Commissioners conducted public hearings on June 20, 2016 and July 18, 2016 on the proposed Amendment, at which property owners and other interested persons were allowed to speak; and

**WHEREAS**, evidence was received and presented at the public hearing in favor of the proposed First Amendment; and

**WHEREAS**, by Ordinance 708, dated February 20, 2006, the termination date specified for the Zone was January 31, 2026, establishing a 20 year period for the Zone; and

**WHEREAS**, pursuant to the First Amendment, it will take longer to implement the public infrastructure improvement programs and revitalization projects in the Plan, and

**WHEREAS**, extending the duration of the Zone to 30 years will permit the Zone to complete the purposes for which it was established under current conditions and circumstances and to implement the First Amendment; and

**WHEREAS**, an amendment to the Plan to extend the Zone’s duration for an additional 10 years has been approved by the Zone’s Board of Directors and submitted to the City for review and approval; and

**WHEREAS**, pursuant to Section 311.007(c) of the Texas Tax Code, the Board of Commissioners may, by ordinance, extend a reinvestment zone's termination date to a date later than the date originally established for termination of the zone; and

**WHEREAS**, the Zone's Board of Directors has requested the Board of Commissioners to extend the termination date of the Zone for an additional 10 years; and

**WHEREAS**, the findings contained in the Creation Ordinance continue to apply to the Zone and all terms and conditions of the Creation Ordinance, except as modified herein, remain in full force and effect; and

**WHEREAS**, the City desires to approve the First Amendment, and to extend the Zone's duration to December 31, 2035 as described herein:

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT, TEXAS THAT:**

**Section 1.** The findings and recitals contained in the preamble of this Ordinance are hereby found and declared to be true and correct and are adopted as part of this Ordinance for all purposes.

**Section 2.** The Plan is hereby amended to reflect the Amendment shown as Exhibit A attached hereto. The Amendment is determined to be feasible and is approved. The appropriate officials of the City are authorized to take all steps reasonably necessary to implement the Amendment.

**Section 3.** The City Clerk is directed to provide copies of the Amendment to each taxing unit levying ad valorem taxes in the Zone.

**Section 4.** That, pursuant to Section 311.007(c) of the Texas Tax Code, the termination date of Reinvestment Zone Number One, City of Burkburnett, Texas is hereby extended to December 31, 2035. Except as provided in the preceding sentence of the Ordinance, the Creation Ordinance shall continue in full force.

**Section 5.** If any provision, section, subsection, sentence, clause or phrase of this Ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void or invalid, the validity of the remaining provisions of this Ordinance shall not be affected thereby, it being the intent of the Board of Commissioners in adopting this Ordinance that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionally, voidness or invalidity of any other portion hereof, and all provisions of this Ordinance are declared to be severable for that purpose.

**Section 6.** The Board of Commissioners officially finds, determines, recites and declares that a sufficient written notice of the date, hour, place and subject of this meeting of the Board of Commissioners was posted at a place convenient to the public at the City Hall for the

time required by law preceding this meeting, as required by the Open Meetings Law, TEX. GOV'T CODE ANN., Ch. 551; and that this meeting was open to the public as required by law at all times during which this Ordinance and the subject matter thereof was discussed, considered and acted upon. The Board of Commissioners further ratifies, approves and confirms such written notice and the contents and posting thereof.

**PASSED, APPROVED AND ADOPTED** on first reading this 20th day of June, 2016.

**PASSED, APPROVED AND APPROVED** on second and final reading this 18th day of July, 2016.

**CITY OF BURKBURNETT, TEXAS**

Carl Law, Mayor

ATTEST:

Janelle Dolan, City Clerk

Exhibit A

{First Amendment to Plan}