

ORDINANCE NO. O-2025-55

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS, DESIGNATING A CERTAIN AREA AS REINVESTMENT ZONE NUMBER FIVE (VALENCIA HOTEL PROJECT), CITY OF TYLER, TEXAS, FOR THE PURPOSE OF GRANTING PROPERTY TAX ABATEMENTS PURSUANT TO CHAPTER 312 OF THE TEXAS TAX CODE; PROVIDING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, on May 6, 1988, and as amended thereafter, and currently found in City Code Sections 2-30 through 2-32, the Tyler City Council adopted a Tax Abatement Policy; and

WHEREAS, the Texas Tax Code, Chapter 312, Subchapter B authorizes municipalities to designate areas as reinvestment zones to encourage development or redevelopment if certain statutory criteria are met; and

WHEREAS, the City Council finds that the designation of the area described herein will contribute to the retention or expansion of primary employment, will attract major investment in the zone, and will benefit the property and contribute to the economic development of the City; and

WHEREAS, the City held such public hearing after publishing notice of such public hearing, 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 Council of the City of Tyler, Texas, has given notice and conducted a public hearing in accordance with § 312.201(d) of the Texas Tax Code; and

WHEREAS, the City at such hearing invited any interested person, or his/her attorney, to appear and contend for or against the boundaries of the proposed reinvestment zone, whether all or part of the territory described in the ordinance calling such hearing should be included in such proposed reinvestment zone, and the concept of tax abatement;

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

PART 1. Definitions.

a) **Improvements** - Improvements shall include, for the purpose of establishing eligibility under the Tax Abatement Policy, any activity at the location, including but not limited to new construction.

b) **Taxable Real Property** – The term “taxable real property” shall be defined in the Texas Property Tax Code and said definition shall not include personal property as defined in said Code, nor shall the definition include land.

c) **Base Year** - The base year for determining increased value shall be the taxable real property value assessed the year in which the agreement is executed.

PART 2. That the facts and recitations contained in the preamble of this ordinance are

hereby found and declared to be true and correct.

PART 3. That the City, after conducting such hearings and having heard such evidence and testimony, 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 to all taxing units overlapping the territory inside the proposed reinvestment zone; and
- b) That the boundaries of the reinvestment zone should be the area as described in the legal description on the map attached hereto as Exhibit "A" and depicted on the aerial map attached hereto as Exhibit "B", which are incorporated herein; and
- c) That 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 defined in Exhibits "A", and "B" meets the criteria for the creation of a reinvestment zone as set forth in Texas Property Tax Code Section 312.202 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 City"; and
- e) That the reinvestment zone as defined in Exhibits "A", and "B" meets the criteria for the creation of a reinvestment zone as set forth in the City of Tyler guidelines and criteria for granting tax abatement in reinvestment zones.

PART 4. That pursuant to Texas Property Tax Code Section 312.201, the City hereby creates a reinvestment zone for commercial/industrial tax abatement encompassing only the area described by the legal description in Exhibits "A" and attached hereto and depicted on the aerial map attached hereto as Exhibit "B", and such reinvestment zone is hereby designated and shall hereafter be designated as Reinvestment Zone No. Five, City of Tyler, Texas.

PART 5. That written agreements with property owner(s) located within the zone shall provide the terms regarding duration of exemption and share of taxable real property value from taxation as shown below:

- a) Duration of Exemption - _____ (____) consecutive tax years beginning with and including the January 1, 2____, assessment date.
- b) Share of taxes abated:

_____ % of taxes on total value of appraised improvements which are added.

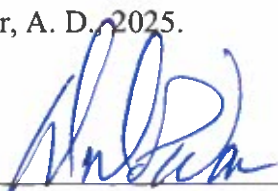
PART 6. That written agreements for tax abatement as provided for by Texas Property Tax Code Section 312.205 shall include provisions for:

- a) Listing the kind, number, and location of all proposed improvements of the property;
- b) Access to and 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 use 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 terms 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 owner fails to comply with the agreement.

PART 7. 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.

PART 8. That the zone shall take effect immediately upon its adoption.

PASSED AND APPROVED this 10th day of September, A. D., 2025.


DONALD P. WARREN, MAYOR
OF THE CITY OF TYLER, TEXAS

ATTEST:

APPROVED:


CASSANDRA BRAGER, CITY CLERK




DEBORAH G. PULLUM,
CITY ATTORNEY

ORDINANCE NO. O-2025-55
EXHIBIT "A"
VALENCIA PROJECT BOUNDARY

Being all of **Lot 1C, Block 1, of the First Place Addition, Second Amendment**, an addition to the City of Tyler, Smith County, Texas, according to the plat thereof recorded in **Document Number 202401028582, Official Public Records of Smith County, Texas**; containing approximately **0.567 acres of land** situated at the northeast intersection of East Ferguson Street and North Broadway Avenue.

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EXHIBIT "B"

VALENCIA PROJECT BOUNDARY

PROJECT LOCATION	E. LANE ST.	F. HUNTER ST.	E. HUNTER ST.	E. CHERRY ST.
	N. BROADWAY AVE.	N. BROADWAY AVE.	N. BROADWAY AVE.	N. BROADWAY AVE.
	N. BROADWAY AVE.	N. BROADWAY AVE.	N. BROADWAY AVE.	N. BROADWAY AVE.

VICINITY MAP
(NOT TO SCALE)

LOT	AREA	OWNER	REMARKS
1	0.10	ALTA/ISS	LOT 10, BLK 1
2	0.10	ALTA/ISS	LOT 11, BLK 1
3	0.10	ALTA/ISS	LOT 12, BLK 1
4	0.10	ALTA/ISS	LOT 13, BLK 1
5	0.10	ALTA/ISS	LOT 14, BLK 1
6	0.10	ALTA/ISS	LOT 15, BLK 1
7	0.10	ALTA/ISS	LOT 16, BLK 1
8	0.10	ALTA/ISS	LOT 17, BLK 1
9	0.10	ALTA/ISS	LOT 18, BLK 1
10	0.10	ALTA/ISS	LOT 19, BLK 1
11	0.10	ALTA/ISS	LOT 20, BLK 1
12	0.10	ALTA/ISS	LOT 21, BLK 1
13	0.10	ALTA/ISS	LOT 22, BLK 1
14	0.10	ALTA/ISS	LOT 23, BLK 1
15	0.10	ALTA/ISS	LOT 24, BLK 1
16	0.10	ALTA/ISS	LOT 25, BLK 1
17	0.10	ALTA/ISS	LOT 26, BLK 1
18	0.10	ALTA/ISS	LOT 27, BLK 1
19	0.10	ALTA/ISS	LOT 28, BLK 1
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21	0.10	ALTA/ISS	LOT 30, BLK 1
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90	0.10	ALTA/ISS	LOT 99, BLK 1
91	0.10	ALTA/ISS	LOT 100, BLK 1

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