

ORDINANCE NO. _____

AN ORDINANCE EXTENDING THE TERM OF TAX INCREMENT REINVESTMENT ZONE NUMBER FOUR, CITY OF FORT WORTH, TEXAS (SOUTHSIDE TIF); APPROVING UPDATED AND AMENDED PROJECT AND FINANCING PLANS FOR THE SOUTHSIDE TIF; AND CONTAINING OTHER RELATED MATTERS.

WHEREAS, on November 25, 1997, the City Council of the City of Fort Worth, Texas (“**City**”) created Tax Increment Reinvestment Zone Number Four, City of Fort Worth, Texas (Southside TIF) (“**Zone**”) pursuant to Ordinance No. 13259.

WHEREAS, in accordance with Section 311.011(a) of the Texas Tax Code (“**Code**”), on August 30, 1999, the board of directors of the Zone (“**Board**”) adopted a project plan and financing plan for the Zone, which, as required by Section 311.011(d) of the Code, were approved by the City Council pursuant to Ordinance No. 13919;

WHEREAS, Section 311.011(e) of the Code allows the Board to adopt an amended project plan for the Zone so long as the amendment is consistent with the requirements and limitations of Chapter 311 of the Code and is approved by the governing body of the municipality that created the zone;

WHEREAS, Section 311.017(a)(1) of the Code allows a municipality to reduce or extend the term of an existing tax increment reinvestment zone by ordinance adopted subsequent to the ordinance that originally created the zone;

WHEREAS, on December 11, 2012, the City Council adopted Ordinance No. 20536-12-2012, updating the project plan and financing plan (collectively, “**Plans**”) to allow the Zone to continue and expand revitalization efforts in the Near Southside by adding approximately \$45 million in public improvement projects;

WHEREAS, on October 19, 2022, the Board adopted a resolution, approving updates and amendments to the Plans (“**Updated Plans**”), which Updated Plans are attached hereto as **Exhibit “A”** and made a part of this Ordinance for all purposes;

WHEREAS, for the projects set forth in the Plans and Updated Plans to be implemented, it is necessary for the term of the Zone to be extended;

WHEREAS, the City wishes to further extend the term of the Zone so that the projects set forth in the Plans and Updated Plans may be fully implemented and funded;

WHEREAS, in accordance with the procedural requirements of Section 311.003(c) and (d), on November 8, 2022, the City Council held a public hearing regarding the Updated Plans and the extension of the Zone’s term, and the anticipated benefits that will accrue to the City and to property in the Zone as a result of such actions, and afforded a reasonable opportunity for all interested persons to speak for or against the approval of the Updated Plans and the extension of the Zone’s term, the concept of the Zone and tax increment financing generally;

WHEREAS, notice of the public hearing was published in a newspaper of general circulation not later than seven (7) days prior to the date of the hearing; and

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

**SECTION 1.
FINDINGS**

After conducting a public hearing regarding the Updated Plans, the extension of the Zone’s term, and the anticipated benefits to the City and to property in the Zone as a result of such actions, and affording a reasonable opportunity for all interested persons to speak for or against the approval of the Updated Plans, the extension of the Zone’s term, and the concept of tax increment financing generally, the City Council hereby makes the following findings of fact:

- 1.1. The statements, facts, terms and conditions set forth in the recitals of this Ordinance are true and correct.
- 1.2. The Plans and the Updated Plans include all information required by the Code.
- 1.3. The Plans and the Updated Plans are feasible and the projects set forth therein conform to the City’s comprehensive plan.
- 1.4. By extending the term of the Zone to December 31, 2032, the City Council believes that sufficient tax increment will be generated in order for the projects set forth in the Plans and Updated Plans to be implemented and financed in their entirety.

**SECTION 2.
TAX INCREMENT AGREEMENTS**

Pursuant to the Code, the City Manager or any Assistant City Manager is authorized to execute and deliver, for and on behalf of the City, agreements with taxing units that levy real property taxes in the Zone pursuant to which tax increment of such taxing units will be deposited into the respective TIF fund.

**SECTION 3.
TERM OF ZONE**

Pursuant to the Code, the termination date of the Zone is hereby extended to be the earlier of (i) December 31, 2032 or (ii) the date on which all project costs, tax increment bonds and interest on those bonds, and other obligations have been paid in full.

**SECTION 4.
APPROVAL OF UPDATED PLANS**

The Updated Plans are hereby approved. The Plans, as previously approved by the City Council pursuant to Ordinance Nos. 13919 and 20536-12-2012, continue in effect except to the extent specifically amended or revised by the Updated Plans.

**SECTION 5.
DELIVERY OF UPDATED PLANS TO TAXING ENTITIES**

The City Manager is directed to provide a copy of the Updated Plans to the governing body of each taxing unit that taxes real property located in the Zone.

**SECTION 6.
CITY PARTICIPATION**

Beginning with tax year 2023 and continuing through tax year 2031, the City will deposit into the established tax increment fund for the Zone (“**Fund**”) the lesser of the following:

- (a) 30% of its annual tax increment as determined pursuant to Section 311.012(a) of the Code; or
- (b) an annual fixed contribution amount based on the schedule below:

Tax Year	City’s Participation
2023	\$2,700,000
2024	\$2,900,000
2025	\$3,100,000
2026	\$3,300,000
2027	\$3,500,000
2028	\$3,700,000
2029	\$3,900,000
2030	\$4,100,000
2031	\$4,300,000
Total	\$31,500,000

For the tenth and final year of the extension (tax year 2032), the City will not contribute to the Fund, as that year will be set aside to allow the Board time to complete all remaining administrative responsibilities and obligations of the Zone.

**SECTION 7.
SEVERABILITY.**

If any portion, section, or part of a section of this Ordinance is subsequently declared invalid, inoperative, or void for any reason by a court of competent jurisdiction, the remaining portions, sections, or parts of sections of this Ordinance will remain in full force and effect and not in any way be impaired or affected by such decision, opinion or judgment.

**SECTION 8.
CUMULATIVE.**

This Ordinance is cumulative of all ordinances of the City, except where the provisions of this Ordinance are in direct conflict with the provisions of any such other ordinances, in which case the conflicting provisions of such other ordinances are repealed.

**SECTION 9.
SAVINGS.**

All rights and remedies of the City are expressly saved as to any and all violations of the Code of the City, or any other ordinances of the City, that have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not under such ordinances, same will not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

**SECTION 10.
EFFECTIVE DATE**

That this Ordinance takes effect and will be in full force and effect from and after its adoption.

AND IT IS SO ORDAINED.

ADOPTED AND EFFECTIVE: _____

APPROVED AS TO FORM AND LEGALITY:

By: _____
Tyler F. Wallach
Assistant City Attorney

Date: _____

M&C: _____

EXHIBIT "A"
UPDATED PLANS