

ORDINANCE NO. O-11-31

AN ORDINANCE OF THE CITY OF MISSOURI CITY, TEXAS, APPROVING THE FIRST AMENDMENT TO THE PROJECT PLAN AND REINVESTMENT ZONE FINANCING PLAN FOR REINVESTMENT ZONE NUMBER THREE, CITY OF MISSOURI CITY; AUTHORIZING THE CITY SECRETARY TO DISTRIBUTE SUCH PLAN; CONTAINING FINDINGS AND PROVISIONS RELATED TO THE FOREGOING SUBJECT; REPEALING ALL ORDINANCES AND RESOLUTIONS OR PARTS OF ORDINANCES AND RESOLUTIONS IN CONFLICT HERewith; AND PROVIDING FOR SEVERABILITY

* * * * *

WHEREAS, the City Council of the City of Missouri City ("City") pursuant to the provisions of Chapter 311, Texas Tax Code, created Reinvestment Zone Number Three, City of Missouri City (the "Zone") by Ordinance No. O-07-58, adopted on December 3, 2007; and

WHEREAS, the Board of Directors of the Zone adopted and recommended and the City approved the Project Plan and Reinvestment Zone Financing Plan (the "Plan") for the Zone by Ordinance No. O-08-22, adopted on May 19, 2008; 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 the Zone (the "First Amendment") and recommended the First Amendment for approval by City Council; and

WHEREAS, after public notice thereof was given in accordance with the law, the City Council conducted a public hearing on September 6, 2011, on the proposed First 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 First Amendment; and

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

WHEREAS, the City now desires to amend the Plan by the adoption of the First Amendment; now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MISSOURI CITY, 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 First Amendment shown as Exhibit A attached hereto. The First 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 First Amendment.

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

Section 4. All ordinances and resolutions or parts of ordinances and resolutions, if any, in conflict herewith, shall be and are hereby expressly repealed to the extent of such conflict only.

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 be 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 City Council 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 City Council officially finds, determines, recites and declares that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council 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 City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

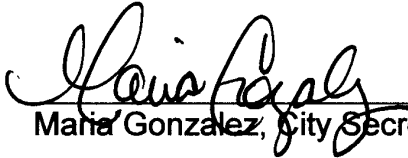
PASSED and APPROVED on first reading this 6th day of September, 2011.

PASSED, APPROVED and ADOPTED on second and final reading this 19th
day of September, 2011.




Allen Owen, Mayor

ATTEST:



Maria Gonzalez, City Secretary

APPROVED AS TO FORM:



Caroline Kelley, City Attorney

Exhibit A

**FIRST AMENDMENT
to the
PROJECT PLAN
for
REINVESTMENT ZONE NUMBER THREE, CITY OF MISSOURI CITY**

This First Amendment (the "First Amendment") to the Project Plan (the "Project Plan") for Reinvestment Zone Number Three, City of Missouri City shall be effective upon approval by the City Council of the City of Missouri City, Texas. Terms defined in the Project Plan shall have the same meaning when used in this First Amendment.

The Project Plan is amended as followed:

1. The chart reflecting the Projects and the Estimated Project Costs, as set forth on Page 14 of the Project Plan, adopted by Ordinance No. O-08-22, is replaced by the chart reflecting the Projects and the Estimated Project Costs attached hereto.

IN TESTIMONY OF WHICH, THIS FIRST AMENDMENT has been approved by Reinvestment Zone Number Three, City of Missouri City, the Missouri City Development Authority, and the City of Missouri City, Texas as of the dates below stated.

CITY OF MISSOURI CITY, TEXAS

By: _____
Allen Owen, Mayor

ATTEST:

Date: _____

Maria Gonzalez, Interim City Secretary

**MISSOURI CITY DEVELOPMENT
AUTHORITY**

By: _____
Allen Owen, President

ATTEST:

Date: _____

Danny Nguyen, Secretary

**REINVESTMENT ZONE NUMBER THREE,
CITY OF MISSOURI CITY**

By: _____
Ron Lee, Chairperson

ATTEST:

Date: _____

Joe Workman, Secretary

**Reinvestment Zone Number Three, City of Missouri City
Chart of Estimated Project Costs, Page 14
Project Plan**

Current Projects	Reinvestment Zone Number Three
New Roadway Construction	
Sienna Christus Drive Phase 2	\$500,000
Sienna Springs East Phase 2	\$1,500,000
Quadrangle Way (North-HCC) (South-Town Ctr.)	\$900,000
Ft. Bend Parkway Tollroad Corridor. ¹	\$5,250,000
Village Center Roads	\$2,000,000
Trammel Fresno Road	\$1,500,000
Sienna Ranch & Sienna Springs West²	\$4,250,000
Roadway Improvements	
Sound buffer device along Sienna Pkwy	\$500,000
Pedestrian Tunnel under Sienna Pkwy	\$1,000,000
Intersection Improvements	
Sienna Pkwy @ SH 6, Sienna Springs Blvd, Sienna Ranch Road, Trammel Fresno Road, Watts Plantation Road, Fort Bend Pkwy, Sienna Christus Drive	\$2,300,000
SH 6 @ Sienna Ranch Road, Sienna Christus Drive, Wells Fargo	\$2,400,000
Sienna Springs Blvd	\$450,000
Sienna Ranch @ 5 locations ³	\$1,900,000
Structured Parking Garage	\$6,750,000
Decorative Signage, Landscaping, Enhancements	
Herrin, Gould, Zeringue Tract—General, Retail, Commercial	\$400,000
PD8/PD53—General Retail, Commercial @ SH6,	\$3,900,000

¹ Includes Feeder Road from Sienna Ranch Road to Sienna Parkway (within the FBTR ROW) and sound protection walls adjacent to future residential areas plus \$500k for SP improvements at Intersection (\$600k to \$700k could be FBTR reimbursed).

² Roadway construction for Sienna Ranch Road (SRR) and Sienna Springs Blvd. (SSB) West with ½ section bridge over Flat Bank Creek.

³ Intersection improvements at SRR at Discovery Lane, SSB, and two un-named intersections south of FBTR (4 total).

Town Center, Office, Live Work, etc.	
Sienna Ranch & Sienna Springs West⁴	\$1,100,000
PD35/PD36—General, Retail, Commercial	\$600,000
Houston Community College Educational Facilities⁵	\$6,916,772
Zone Administration and Legal (City)	\$1,800,000
Project Totals	\$45,916,772

⁴ Lighting, sidewalks and landscaping within the ROW on SRR and SSB West.

⁵ HCC Educational Facilities costs are not reflected in the Bond Analysis and Debt Service Requirements (Appendix 1)

* Sienna Plantation MUD #12 has installed water, sewer, and drainage facilities within the TIRZ at an estimated cost of \$1,000,000.