

ORDINANCE NO. 1454

AN ORDINANCE READOPTING CHAPTER 3.20 (TAX ABATEMENT AGREEMENTS) OF THE BENBROOK MUNICIPAL CODE (1985), AS AMENDED, READOPTING GUIDELINES AND CRITERIA FOR TAX ABATEMENT AGREEMENTS AND DESIGNATION OF REINVESTMENT ZONES, DEFINING QUALIFYING FACILITIES, ESTABLISHING THE TERM AND LIMITS OF ABATEMENT, REQUIRING AN APPLICATION, DELEGATING ADMINISTRATIVE AND NEGOTIATION; PROVIDING FOR ENFORCEMENT AND PENALTIES, PROVIDING FOR VARIANCES AND EXPIRATION; CONTAINING A SEVERABILITY CLAUSE AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

WHEREAS, the City of Benbrook is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, the City Council, in accordance with Chapter 312 of the Texas Tax Code, has adopted guidelines and criteria for tax abatement as codified in Chapter 3.20 of the Benbrook Municipal Code; and

WHEREAS, Chapter 312 of the Texas Tax Code stipulates that locally adopted guidelines and criteria for tax abatement are only effective for two (2) years from the date of adoption; and

WHEREAS, the City seeks to increase investment and general wealth within the City through the attraction and expansion of industry and development of industrial lands in the City; and

WHEREAS, the City desires to maintain this tax abatement tool as an incentive to attract new industry to the City and encourage major expansion of existing industries; and

WHEREAS, the City Council, in accordance with State Law, desires to readopt the guidelines and criteria for tax abatement as codified in Chapter 3.20 of the Benbrook Municipal Code.

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

**SECTION 1.
READOPTION**

That Chapter 3.20 – Tax Abatement Agreements of the Benbrook Municipal Code (1985), as amended, is hereby readopted in its entirety.

**SECTION 2
SEVERABILITY CLAUSE**

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared void, ineffective or unconstitutional by the valid judgement or decree of any court of competent jurisdiction, such voidness, ineffectiveness or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance, since the same would have been enacted by the City Council without the incorporation herein of any such void, ineffective or unconstitutional phrase, clause, sentence, paragraph or section.

**SECTION 3
PUBLICATION AND EFFECTIVE DATE**

The City Secretary of the City of Benbrook is hereby authorized to publish this ordinance in book or pamphlet form for general distribution among the public, and the operative provisions of this ordinance as so published shall be admissible in evidence in all courts without further proof than the production thereof, as provided in Section 3.10 of the Charter of the City of Benbrook.

The City Secretary of the City of Benbrook is hereby directed to engross and enroll this ordinance by copying the caption, penalty clause, publication clause and effective date clause in the minutes of the City Council and by filing the ordinance records of the City.

The City Secretary of the City of Benbrook is hereby directed to publish the caption, penalty clause, publication clause and effective date clause of this ordinance for two (2) days in the official newspaper of the City of Benbrook, as authorized by Section 52.013 of the Local Government Code.

This ordinance shall be in full force and effect from and after its passage and publication as required by law, and it is so ordained.

PASSED AND APPROVED this 16th day of January 2020.

Jerry B. Dittrich, Mayor

ATTEST:

Joanna King, City Secretary