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CITY OF MELISSA, TEXAS

ORDINANCE NO. 08-17

**AN ORDINANCE OF THE CITY OF MELISSA, TEXAS CORRECTING
ORDINANCE NO. 05-47 RELATING TO THE CREATION OF TAX
INCREMENT FINANCING REINVESTMENT ZONE NUMBER ONE, CITY
OF MELISSA, TEXAS; PROVIDING FOR REPEALING, SAVINGS AND
SEVERABILITY CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE
OF THIS ORDINANCE.**

WHEREAS, on September 29, 2005, the City Council of the City of Melissa, Texas (“City Council”) adopted Ordinance No. 05-47 (“Ordinance No. 05-47”) which authorized the creation of Tax Increment Financing Reinvestment Zone Number One, City of Melissa, Texas (“Reinvestment Zone”); and

WHEREAS, Ordinance No. 05-47 provided for the creation of the Reinvestment Zone over the area described in “Exhibit A” attached to Ordinance No. 05-47, and Ordinance No. 05-47 also had attached thereto a map depicting the boundaries of the Reinvestment Zone, describing the “Initial Area” and “Ultimate Area” of the Reinvestment Zone; and

WHEREAS, the Reinvestment Zone was to be developed in phases, with the Initial Area, located wholly within the corporate limits of the City of Melissa, Texas (“City”), to be the original boundary of the Reinvestment Zone, and, upon the occurrence of certain events, including annexation to the City of certain property that was within the Ultimate Area and not within the Initial Area, for the boundaries of the Reinvestment Zone to be enlarged to comprise the Ultimate Area; and

WHEREAS, “Exhibit A”, attached Ordinance No. 05-47, contained a boundary description of the Ultimate Area; and

WHEREAS, the City Council investigated and determined that it was the intent of this City Council and the intended purpose of its adoption of Ordinance No. 05-47 that the boundaries of the Reinvestment Zone would include only that area within the Initial Area, and that the boundary description of the Ultimate Area contained in “Exhibit A” was attached thereto by inadvertent and unintentional error or mistake; and

WHEREAS, by the adoption of this Ordinance *nunc pro tunc*, the City Council will correct the boundary description of the Reinvestment Zone set forth in Ordinance No. 05-47 so as to accurately reflect the property considered and acted upon with regard to the Reinvestment Zone; and

WHEREAS, the City Council has further investigated and determined that the meeting at which this Ordinance was considered was open to the public, and public notice of the time, place and purpose of said meeting was given, all as required by Chapter 551, Texas Government Code; and

WHEREAS, the City Council has further investigated and determined that all lawful requirements have been complied with in the consideration and approval of this Ordinance.

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

SECTION 1: Findings Incorporated. The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2: Correction of Ordinance No. 05-47 (Exhibit A). The boundaries of the Reinvestment Zone are and shall be as set forth in "Exhibit A", attached hereto and incorporated herein for all purposes, setting forth the Initial Area of the Reinvestment Zone. By adoption of this Ordinance *nunc pro tunc*, the description of the boundaries of the Reinvestment Zone shall be as set forth in "Exhibit A", attached hereto. Ordinance No. 05-47 is hereby corrected so as to remedy the inadvertent and unintentional mistake or error and accurately reflect the property considered and acted upon by the City Council with regard to the Reinvestment Zone.

SECTION 3: Savings/Repealing Clause. Ordinance No. 05-47 shall remain in full force and effect, save and except as corrected by this Ordinance. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

SECTION 4: Severability. Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. The City hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional or invalid.

SECTION 5: Effective Date. This Ordinance shall become effective immediately upon its adoption.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MELISSA, TEXAS on this 8 day of April 2008.



DAVID E. DORMAN, Mayor

ATTESTED TO AND

CORRECTLY RECORDED BY:



LINDA BANNISTER
City Secretary

EXHIBIT A

City of Melissa, Collin County, Texas TIF Reinvestment Zone Number One Initial Area Boundary Description

[3 pages attached]

Exhibit A
Sheet 1 of 3
City of Melissa, Collin County, Texas
TIF Reinvestment Zone Number One
Initial Area Boundary Description

Being a tract of land situated in the D.E.W. Babb Survey, Abstract 33; the John Fitzhugh Survey, Abstract 319; the Jacob Gragg Survey, Abstract 339; and the William Sanders Survey, Abstract 867; and as more particularly described as follows:

Beginning at the centerline of Fannin Road at the boundary between the D.E.W. Babb Survey, Abstract 33 and the John Fitzhugh Survey, Abstract 319; near the southwest corner of the Villages of Melissa PD;

thence north along the western boundary of the Villages of Melissa PD to the southeast corner of Country Ridge Phase I - Revised;

thence along the common boundary between the Villages of Melissa PD and Country Ridge Phase 1 - Revised, Country Ridge Phase 3, the Woods of Country Ridge Phase I, and the Woods of Country Ridge Phase 2;

thence westerly along the northern boundary of the Woods of Country Ridge Phase 2;

thence south along the western boundary of the Woods of Country Ridge Phase 2;

thence westerly along the northern boundary of the Woods of Country Ridge Phase 1;

thence north along the eastern boundary of Country Ridge Phase 4;

thence easterly along the northern boundary of the Villages of Melissa PD to the centerline of CR365;

thence northerly along the centerline of CR 365 to the intersection of CR 365 and CR 364;

thence east to the eastern right of way line of SH5;

thence southerly along the eastern ROW line of SH5 to the eastern ROW line of Central Street;

thence southerly along the eastern ROW line of Central Street to the northern boundary of a tract of land owned by Graves Place Ltd;

Exhibit A
Sheet 2 of 3
City of Melissa, Collin County, Texas
TIF Reinvestment Zone Number One
Initial Area Boundary Description

thence east along the northern property boundary and passing the northeast corner of the tract of land owned by Graves Place Ltd. to the common boundary between the DART ROW and the Liberty PD;

thence southerly and easterly along the western boundary of the Liberty PD to the centerline of Santa Fe Street;

thence southerly along the centerline of Santa Fe Street to the centerline of Paris Street;

thence easterly along the centerline of Paris Street to the centerline of Sherman Street;

thence southerly along the centerline of Sherman Street to the centerline of Harrison Street;

thence easterly along the centerline of Harrison Street to the centerline of the Dallas Street right of way;

thence northerly along the centerline of the Dallas Street right of way to the southern boundary of the Liberty Planned Development;

thence southerly and easterly along the western boundary of the Liberty PD to the centerline of FM 545;

thence westerly along the centerline of FM 545 to the intersection of FM 545 and Berry Road;

thence southerly along the centerline of Berry Road to the southern boundary of Tract 1 as defined in the City of Melissa's original incorporation;

thence westerly along the southern boundary of Tract 1 to the western boundary of the DART ROW;

thence northerly along the DART ROW to the northeast corner of the Alpha Industries property;

thence westerly along the northern boundary of the Alpha Industries property to the eastern boundary of the SH5 ROW;

thence southerly along the eastern SH5 ROW to the southern boundary of Tract 1;

Exhibit A
Sheet 3 of 3
City of Melissa, Collin County, Texas
TIF Reinvestment Zone Number One
Initial Area Boundary Description

thence west along the southern boundary of Tract 1 to the western boundary of Tract 1;
thence north along the western boundary of Tract 1 to the southern boundary of a tract of land owned by the Harlow Living Trust;
thence westerly along the southern boundary of the Harlow Living Trust tract to the western boundary of the tract of land owned by the Harlow Living Trust;
thence north along the western property boundary of the tract of land owned by Harlow Living Trust to the southeast corner of a tract of land owned by the Harlow Land Company;
thence west along the southern boundary of the tract of land owned by the Harlow Land Company to the centerline of Fannin Road;
thence northerly and easterly along the centerline of Fannin Road to the Point of Beginning and containing approximately 644 acres of land, more or less.

Filed and Recorded
Official Public Records
Stacey Kemp
Collin County, TEXAS
04/10/2008 10:12:31 AM
\$40.00 TKING
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A handwritten signature in black ink that reads "Stacey Kemp".