

**AN ORDINANCE APPROVING AND AUTHORIZING A TAX ABATEMENT AGREEMENT BETWEEN THE CITY OF HOUSTON, TEXAS, MEMORIAL HERMANN MEDICAL PLAZA, L.P., AND MEMORIAL HERMANN HOSPITAL SYSTEM FOR CERTAIN PROPERTY LOCATED WITHIN THE MEMORIAL HERMANN REINVESTMENT ZONE; GRANTING VARIANCES TO CERTAIN REQUIREMENTS OF CHAPTER 44 OF THE CODE OF ORDINANCES; AND DECLARING AN EMERGENCY.**

\* \* \* \* \*

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HOUSTON, TEXAS:**

**Section 1.** That the City Council hereby approves and authorizes the contract, agreement or other undertaking described in the title of this Ordinance, in substantially the form of the document attached hereto and incorporated herein by this reference. The Mayor is hereby authorized to execute the Agreement described in the title of this Ordinance and all related documents on behalf of the City of Houston and to take all actions necessary to effectuate the City's intent and objectives in approving such contract, agreement, or other undertaking in the event of changed circumstances. The City Secretary is hereby authorized to attest to all such signatures and to affix the seal of the City to all such documents.

**Section 2.** That the City Council hereby approves and authorizes a variance from the terms of Section 44-127(f) of the Code of Ordinances that establishes a sliding scale formula for the abatement of the value of new eligible properties, thereby authorizing an abatement scale of 77% for years one through ten of the Abatement Period.

**Section 3.** That the City Council hereby approves and authorizes a variance from the terms of Section 44-127(g) of the Code of Ordinances that provides that abatement shall be granted effective upon the January 1 immediately following the effective date of

the agreement, thereby allowing for the effective date of the abatement to begin January 1, 2006.

**Section 4.** That the City Council hereby approves and authorizes a variance from the terms of Section 44-127(f) of the Code of Ordinances that provides for a two-year construction period, thereby authorizing a four-year construction period.

**Section 5.** That the City Attorney is hereby authorized to take all action necessary to enforce all legal obligations under the agreement authorized by this Ordinance without further authorization from City Council.

**Section 6.** That the City Council hereby finds that the terms of the Agreement authorized by this Ordinance meets the guidelines and criteria of Chapter 44 of the Code of Ordinances, Houston, Texas; that the Agreement will result in no substantial potential adverse effect on the provision of City services or the tax base; and that the planned use of the property as an outpatient surgery and imaging center, medical and administrative office space, retail space, and parking garage, will not constitute a hazard to public safety, health or morals.

**Section 7.** That 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 of the City for the time required by law preceding this meeting, as required by the Open Meetings Law, Tex. Gov't Code Ann. ch. 551 (Vernon Supp. 2004); and that this meeting has been open to the public as required by law at all times during which this Ordinance and the subject

matter thereof has been discussed, considered, and formally acted upon. The City Council further ratifies, approves, and confirms such written notice and the contents and posting thereof.

**Section 8.** That there exists a public emergency requiring that this Ordinance be passed finally on the date of its introduction as requested in writing by the Mayor; therefore, this Ordinance shall be passed finally on such date and shall take effect immediately upon its passage and approval by the Mayor; however, in the event that the Mayor fails to sign this Ordinance within five days after its passage and adoption, it shall take effect in accordance with Article VI, Section 6, Houston City Charter.


**PASSED AND ADOPTED** this 7<sup>th</sup> day of July, 2004.

**APPROVED** this 7<sup>th</sup> day of July, 2004.

  
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Mayor of the City of Houston

Pursuant to Article VI, Section 6, Houston City Charter, the effective date of the foregoing Ordinance is \_\_\_\_\_.

\_\_\_\_\_  
City Secretary

(Prepared by Legal Department )  
(CSL:csl6/30/04) Assistant City Attorney  
(Requested by Robert M. Litke, Director, Department of Planning and Development)  
(L. D. File No. 0610400120001)

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