

RESOLUTION NO. 94-01

RESOLUTION AND ORDER CANVASSING RETURNS AND DECLARING RESULTS OF SPECIAL ELECTION HELD ON JANUARY 15, 1994, FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED VOTERS OF THE CITY A PROPOSITION RELATING TO WHETHER THE CITY SHALL BE AUTHORIZED TO IMPOSE SALES AND USE TAXES UNDER SECTION 4B OF ARTICLE 5190.6, TEXAS REVISED STATUTES (THE DEVELOPMENT CORPORATION ACT OF 1979).

WHEREAS, there was held in the City of Tomball, Texas, on the 15th day of January, 1994, an election at which there was submitted to the duly qualified resident electors of said City of Tomball, Texas, for their action thereupon, the following proposition:

SHALL the City of Tomball, Texas be authorized to levy a sales and use tax of one-half cent (1/2¢) within the City in accordance with and pursuant to Section 4B of Article 5190.6, Texas Revised Civil Statutes, as amended, the Development Corporation Act of 1979 (the "Act"), for the benefit of a City industrial development corporation, to be used to pay the costs of projects authorized by the Act, including, but not limited to land, buildings, equipment, facilities and improvements found by the board of directors of the City's industrial development corporation to: (a) be required or suitable for use for professional and amateur (including children's) sports, athletic, entertainment, tourist, auditoriums, amphitheaters, concert halls, learning centers, parks and park facilities, open space improvements, municipal buildings, museums, exhibition facilities, and related store, restaurant, concession, and automobile parking facilities, related area transportation facilities, and related roads, streets, and water and sewer facilities, and other related improvements that enhance any of those items; or (b) promote or develop new or expanded business enterprises, including a project to provide public safety facilities, streets and roads, drainage and related improvements, demolition of existing structures, general municipally owned improvements, as well as any improvements or facilities that are related to any of those projects and any other project that the board in its discretion determines promotes or develops new or expanded business enterprises; or (c) pay the principal of, interest on, and other costs relating to bonds or other obligations issued by the industrial development corporation to pay the costs of the projects or to refund bonds or other obligations issued to pay the costs of projects?

FOR 244 votes

AGAINST 121 votes

Majority FOR adoption of
 (FOR) (AGAINST)
 an additional One-Half Cent (1/2¢) Sales
 and Use Tax within the City to be used
 under Section 4B of Article 5190.6, Texas
 Revised Statutes (the Development
 Corporation Act of 1979). 370 votes

as shown in the official election returns heretofore lawfully submitted to the City Council of the City of Tomball, Texas, and filed with the City Secretary of said City of Tomball, Texas; and


WHEREAS, only duly qualified resident electors of said City of Tomball, Texas, voted at said election, and said election was called and held in strict conformity with the laws of the State of Texas;

NOW THEREFORE, BE IT RESOLVED AND ORDERED BY THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS:

I.

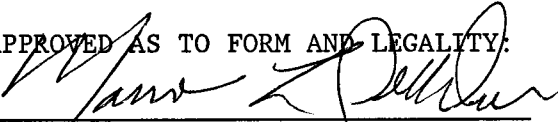
That the election described in the preamble to this resolution and order was duly called and notice thereof given in accordance with law; that said election was held in the manner required by law; that only duly qualified resident electors of the City of Tomball, Texas, voted at said election; that due returns of said election have been made by the proper officers; that said election resulted favorably to the proposition: SHALL THE CITY OF TOMBALL, TEXAS BE AUTHORIZED TO LEVY A SALES AND USE TAX OF ONE-HALF CENT (1/2¢) WITHIN THE CITY IN ACCORDANCE WITH AND PURSUANT TO SECTION 4B OF ARTICLE 5190.6, TEXAS REVISED CIVIL STATUTES, AS AMENDED, THE DEVELOPMENT CORPORATION ACT OF 1979 (THE "ACT"), FOR THE BENEFIT OF A CITY INDUSTRIAL DEVELOPMENT CORPORATION, TO BE USED TO PAY THE COSTS OF PROJECTS AUTHORIZED BY THE ACT, INCLUDING, BUT NOT LIMITED TO LAND, BUILDINGS, EQUIPMENT, FACILITIES AND IMPROVEMENTS FOUND BY THE BOARD OF DIRECTORS OF THE CITY'S INDUSTRIAL DEVELOPMENT CORPORATION TO: (A) BE REQUIRED OR SUITABLE FOR USE FOR PROFESSIONAL AND AMATEUR (INCLUDING CHILDREN'S) SPORTS, ATHLETIC, ENTERTAINMENT, TOURIST, AUDITORIUMS, AMPHITHEATERS, CONCERT HALLS, LEARNING CENTERS, PARKS AND PARK FACILITIES, OPEN SPACE IMPROVEMENTS, MUNICIPAL BUILDINGS, MUSEUMS, EXHIBITION FACILITIES, AND RELATED STORE, RESTAURANT, CONCESSION, AND AUTOMOBILE PARKING FACILITIES, RELATED AREA TRANSPORTATION FACILITIES, AND RELATED ROADS, STREETS, AND WATER AND SEWER FACILITIES, AND OTHER RELATED IMPROVEMENTS THAT ENHANCE ANY OF THOSE ITEMS; OR (B) PROMOTE OR DEVELOP NEW OR EXPANDED BUSINESS ENTERPRISES, INCLUDING A PROJECT TO PROVIDE PUBLIC SAFETY FACILITIES, STREETS AND ROADS, DRAINAGE AND RELATED IMPROVEMENTS, DEMOLITION OF EXISTING STRUCTURES, GENERAL MUNICIPALLY OWNED IMPROVEMENTS, AS WELL AS ANY IMPROVEMENTS OR FACILITIES THAT ARE RELATED TO ANY OF THOSE PROJECTS AND ANY OTHER PROJECT THAT THE BOARD IN ITS DISCRETION DETERMINES PROMOTES OR DEVELOPS NEW OR EXPANSES BUSINESS ENTERPRISES; OR (C) PAY THE PRINCIPAL OF, INTEREST ON, AND OTHER COSTS RELATING TO BONDS OR OTHER OBLIGATIONS ISSUED BY THE INDUSTRIAL DEVELOPMENT CORPORATION TO PAY THE COSTS OF THE PROJECTS OR TO REFUND BONDS OR OTHER OBLIGATIONS ISSUED TO PAY THE COSTS

ATTEST:



MARY REAGAN, City Secretary
City of Tomball, Texas

(CITY CORPORATE SEAL)

APPROVED AS TO FORM AND LEGALITY:


MARIO DELL'OSSO

Olson & Olson
City Attorneys for the City of Tomball