



CITY OF DALLAS

Memorandum

DATE May 1, 2014

TO The Honorable Chair and Members of the Charter Review Commission

SUBJECT Requirements of State Law for Notice of Ordinance and a Public Hearing Before Ordering Public Improvements and Assessments

This responds to a request for information as to what state law requires for notice of an ordinance and a public hearing regarding public improvements and assessments. One of the technical changes approved by the Commission on March 4, 2014, to Chapter XX, Public Improvements and Assessments, Sec. 2, was made to reflect the current practice of the City. The Charter language was changed to require the use of an ordinance rather than resolution and to eliminate the statement that no notice of such action is required and to add the state law requirement for notice and a public hearing.

The Texas Transportation Code, Title 6 Roadways, Subtitle E. Municipal Streets, Chapter 313 Street Improvements and Assessments in Certain Municipalities, Sec. 313.047 states:

“Sec. 313.047. NOTICE OF HEARING ON ASSESSMENT. (a) An assessment may be made against an abutting property or its owner or against a railway or its owner only after notice and opportunity for hearing as provided by this section and Section 313.048.

(b) Notice of the hearing shall be published at least three times in a newspaper published in the municipality in which the assessment tax is to be imposed. If the municipality does not have a newspaper, the notice shall be published in the newspaper that is published nearest to the municipality and that is of general circulation in the county in which the municipality is located.

(c) The first publication of the notice shall be made not later than the 21st day before the date of the hearing.

(d) In addition to the notice required by Subsection (c), written notice of the hearing shall be given by mail, postage prepaid, deposited at least 14 days before the date of the hearing, and addressed to the owners of the properties abutting the part of the highway to be improved, as the names and addresses of the owners are shown on the rendered tax roll of the municipality. If the names of the respective owners do not appear on the rendered tax roll, the notice shall be addressed to the owners as their names and addresses are shown on the unrendered tax roll of the municipality.”

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