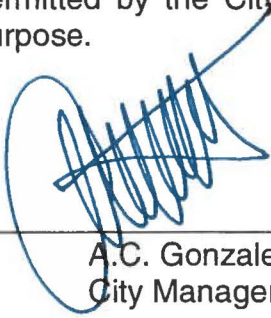


**SEPTEMBER 9, 2015 CITY COUNCIL ADDENDUM
CERTIFICATION**

This certification is given pursuant to Chapter XI, Section 9 of the City Charter for the City Council Addendum dated September 9, 2015. We hereby certify, as to those contracts, agreements, or other obligations on this Agenda authorized by the City Council for which expenditures of money by the City are required, that all of the money required for those contracts, agreements, and other obligations is in the City treasury to the credit of the fund or funds from which the money is to be drawn, as required and permitted by the City Charter, and that the money is not appropriated for any other purpose.



A.C. Gonzalez
City Manager

9/4/15

Date



For: Jeanne Chipperfield
Chief Financial Officer

9/4/15

Date

**ADDENDUM
CITY COUNCIL MEETING
SEPTEMBER 9, 2015
CITY OF DALLAS
1500 MARILLA
COUNCIL CHAMBERS, CITY HALL
DALLAS, TEXAS 75201
9:00 A. M.**

ADDITIONS:

Closed Session

Attorney Briefings (Sec. 551.071 T.O.M.A.)

- Bobby Gerald Bennett v. Cardan Spencer, et al., Civil Action No. 3:14-CV-00402-N.
- Legal issues relating to Southwest Airlines, Inc. v. U.S. Dept. of Transp.et al., Case No. 15-1036 (D.C. Cir.), City of Dallas v. Delta Air Lines, Inc. et al., Civil Action No. 3:15-CV-02069-K (N.D. Tex.), In re City of Dallas, FAA Docket No. 16-15-10, pending requests for gate accommodations at Love Field, and related matters.

CONSENT ADDENDUM

Sustainable Development and Construction

1. Authorize partial release of deed restrictions on three tracts of land containing approximately 23 acres to be conveyed by the University of North Texas System to Dallas Area Rapid Transit, located near Wheatland Road and University Hills Boulevard for construction and operation of a rail line - Financing: No cost consideration to the City

ITEMS FOR INDIVIDUAL CONSIDERATION

Note: If Addendum Item No. 2 passes, Council will consider Addendum Item No. 3.

Mayor and City Council

2. A motion to reconsider Agenda Item No. 2, previously denied on August 26, 2015, authorizing: **(1)** the rescission of Resolution No. 12-2724, previously approved on November 14, 2012, which authorized an aviation lease and a commercial aviation lease with The Braniff Centre Limited Partnership (previously known as Reed Enterprises Investment Holdings, LP); **(2)** a thirty-nine-year lease agreement with three, ten-year renewal options with The Braniff Centre Limited Partnership for approximately 752,913 square feet of land located at 7701 Lemmon Avenue for aviation use development with a capital commitment of \$17,000,000 to be expended within 36-months from the effective date of the lease with an additional \$4,000,000 to be expended within ten-years; and **(3)** a thirty-nine year lease agreement with three, ten-year renewal options with The Braniff Centre Limited Partnership at Dallas Love Field, for approximately 414,600 square feet of land for commercial development with a total capital commitment of \$20,000,000 to be expended within sixty-months from the effective date of the lease - Financing: This action has no cost consideration to the City

**ADDENDUM
CITY COUNCIL MEETING
SEPTEMBER 9, 2015**

ADDITIONS: (Continued)

ITEMS FOR INDIVIDUAL CONSIDERATION (Continued)

Aviation

3. Authorize **(1)** the rescission of Resolution No. 12-2724, previously approved on November 14, 2012, which authorized an aviation lease and a commercial aviation lease with The Braniff Centre Limited Partnership (previously known as Reed Enterprises Investment Holdings, LP); **(2)** a thirty-nine-year lease agreement with three, ten-year renewal options with The Braniff Centre for approximately 752,913 square feet of land located at 7701 Lemmon Avenue for aviation use development with a capital commitment of \$17,000,000 to be expended within 36-months from the effective date of the lease with an additional \$4,000,000 to be expended within ten-years; and **(3)** a thirty-nine year lease agreement with three, ten-year renewal options with The Braniff Centre Limited Partnership at Dallas Love Field, for approximately 414,600 square feet of land for commercial development with a total capital commitment of \$20,000,000 to be expended within sixty-months from the effective date of the lease - Estimated Annual Revenue: \$1,150,000

Office of Financial Services

4. First reading of the appropriation ordinances for the proposed FY 2015-16 City of Dallas Operating, Grants/Trusts, and Capital Budgets - Financing: This action has no cost consideration to the City

PUBLIC HEARINGS AND RELATED ACTIONS

MISCELLANEOUS HEARINGS - DESIGNATED PUBLIC SUBSIDY MATTERS

Economic Development

**Dallas Downtown
Improvement District**

Note: Addendum Item Nos. 5 and 6 must be considered collectively.

5. * A public hearing concerning the proposed levy of assessment for the Dallas Downtown Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, for the purpose of providing supplemental public services, to be funded by assessments on property in the District - Financing: No cost consideration to the City

**ADDENDUM
CITY COUNCIL MEETING
SEPTEMBER 9, 2015**

ADDITIONS: (Continued)

PUBLIC HEARINGS AND RELATED ACTIONS (Continued)

MISCELLANEOUS HEARINGS - DESIGNATED PUBLIC SUBSIDY MATTERS (Continued)

Economic Development (Continued)

**Dallas Downtown
Improvement District**

Note: Addendum Item Nos. 5 and 6 must be considered collectively.

6. * An ordinance approving and adopting the proposed and final 2016 Service Plan, the 2015 Assessment Plan and the 2015 Assessment Roll (to be kept on file with the City Secretary); establishing classifications for the apportionment of costs and the methods of assessing special assessments for the services and improvements to property in the Dallas Downtown Improvement District (District); closing the hearing and levying a special assessment on property in the District, for services and improvements to be provided during 2016; providing for reimbursement of city administrative costs for operational oversight of the District; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2015 assessment; providing for City participation in the District in an amount not to exceed \$676,048 and providing for an effective date - Total amount not to exceed \$676,048 - Financing: Current Funds (\$461,762) and Convention and Event Services Current Funds (\$214,286) (subject to appropriations)

Note: Addendum Item Nos. 7 and 8 must be considered collectively.

Deep Ellum Public Improvement District

7. * A public hearing concerning the proposed levy of assessment for the Deep Ellum Public Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, for the purpose of providing supplemental public services, to be funded by assessments on property in the District - Financing: No cost consideration to the City
8. * An ordinance approving and adopting the proposed and final 2016 Service Plan, the 2015 Assessment Plan and the 2015 Assessment Roll (to be kept on file with the City Secretary); establishing classifications for the apportionment of costs and the methods of assessing special assessments for the services and improvements to property in the Deep Ellum Public Improvement District (District); closing the hearing and levying a special assessment on property in the District, for services and improvements to be provided during 2016; providing for reimbursement of city administrative costs for operational oversight of the District; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2015 assessment; and providing for an effective date - Financing: No cost consideration to the City

**ADDENDUM
CITY COUNCIL MEETING
SEPTEMBER 9, 2015**

ADDITIONS: (Continued)

PUBLIC HEARINGS AND RELATED ACTIONS (Continued)

MISCELLANEOUS HEARINGS - DESIGNATED PUBLIC SUBSIDY MATTERS (Continued)

Economic Development (Continued)

**Klyde Warren Park/Dallas Arts District
Public Improvement District**

Note: Addendum Item Nos. 9 and 10 must be considered collectively.

9. * A public hearing concerning the proposed levy of assessment for the Klyde Warren Park/Dallas Arts District Public Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, for the purpose of providing supplemental public services, to be funded by assessments on property in the District - Financing: No cost consideration to the City

10. * An ordinance approving and adopting the proposed and final 2016 Service Plan, the 2015 Assessment Plan and the 2015 Assessment Roll (to be kept on file with the City Secretary); establishing classifications for the apportionment of costs and the methods of assessing special assessments for the services and improvements to property in the Klyde Warren Park/Dallas Arts District Public Improvement District (District); closing the hearing and levying a special assessment on property in the District, for services and improvements to be provided during 2016; providing for reimbursement of city administrative costs for operational oversight of the District; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2015 assessment; and providing for an effective date - Financing: No cost consideration to the City

**Knox Street
Public Improvement District**

Note: Addendum Item Nos. 11 and 12 must be considered collectively.

11. * A public hearing concerning the proposed levy of assessment for the Knox Street Public Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, for the purpose of providing supplemental public services, to be funded by assessments on property in the District - Financing: No cost consideration to the City

**ADDENDUM
CITY COUNCIL MEETING
SEPTEMBER 9, 2015**

ADDITIONS: (Continued)

PUBLIC HEARINGS AND RELATED ACTIONS (Continued)

MISCELLANEOUS HEARINGS - DESIGNATED PUBLIC SUBSIDY MATTERS (Continued)

Economic Development (Continued)

**Knox Street
Public Improvement District**

Note: Addendum Item Nos. 11 and 12 must be considered collectively.

12. * An ordinance approving and adopting the proposed and final 2016 Service Plan, the 2015 Assessment Plan and the 2015 Assessment Roll (to be kept on file with the City Secretary); establishing classifications for the apportionment of costs and the methods of assessing and levying special assessments for the services and improvements to property in the Knox Street Public Improvement District (District); closing the hearing a special assessment on property in the District, for services and improvements to be provided during 2016; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2015 assessment; and providing for an effective date - Financing: No cost consideration to the City

**Lake Highlands
Public Improvement District**

Note: Addendum Item Nos. 13 and 14 must be considered collectively.

13. * A public hearing concerning the proposed levy of assessment for the Lake Highlands Public Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, for the purpose of providing supplemental public services, to be funded by assessments on property in the District - Financing: No cost consideration to the City
14. * An ordinance approving and adopting the proposed and final 2016 Service Plan, the 2015 Assessment Plan and the 2015 Assessment Roll (to be kept on file with the City Secretary); establishing classifications for the apportionment of costs and the methods of assessing special assessments for the services and improvements to property in the Lake Highlands Public Improvement District (District); closing the hearing and levying a special assessment on property in the District, for services and improvements to be provided during 2016; providing for reimbursement of city administrative costs for operational oversight of the District; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2015 assessment; and providing for an effective date - Financing: No cost consideration to the City

**ADDENDUM
CITY COUNCIL MEETING
SEPTEMBER 9, 2015**

ADDITIONS: (Continued)

PUBLIC HEARINGS AND RELATED ACTIONS (Continued)

MISCELLANEOUS HEARINGS - DESIGNATED PUBLIC SUBSIDY MATTERS (Continued)

Economic Development (Continued)

**Oak Lawn-Hi Line
Public Improvement District**

Note: Addendum Item Nos. 15 and 16 must be considered collectively.

15. * A public hearing concerning the proposed levy of assessment for the Oak Lawn-Hi Line Public Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, for the purpose of providing supplemental public services, to be funded by assessments on property in the District - Financing: No cost consideration to the City

16. * An ordinance approving and adopting the proposed and final 2016 Service Plan, the 2015 Assessment Plan and the 2015 Assessment Roll (to be kept on file with the City Secretary); establishing classifications for the apportionment of costs and the methods of assessing special assessments for the services and improvements to property in the Oak Lawn-Hi Line Public Improvement District (District); closing the hearing and levying a special assessment on property in the District, for services and improvements to be provided during 2016; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2015 assessment; and providing for an effective date - Financing: No cost consideration to the City

**Prestonwood
Public Improvement District**

Note: Addendum Item Nos. 17 and 18 must be considered collectively.

17. * A public hearing concerning the proposed levy of assessment for the Prestonwood Public Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, for the purpose of providing supplemental public services, to be funded by assessments on property in the District - Financing: No cost consideration to the City

**ADDENDUM
CITY COUNCIL MEETING
SEPTEMBER 9, 2015**

ADDITIONS: (Continued)

PUBLIC HEARINGS AND RELATED ACTIONS (Continued)

MISCELLANEOUS HEARINGS - DESIGNATED PUBLIC SUBSIDY MATTERS (Continued)

Economic Development (Continued)

**Prestonwood
Public Improvement District**

Note: Addendum Item Nos. 17 and 18 must be considered collectively.

18. * An ordinance approving and adopting the final 2016 Service Plan, the final 2015 Assessment Plan and the 2015 Assessment Roll (to be kept on file with the City Secretary); establishing classifications for the apportionment of costs and the methods of assessing special assessments for the services and improvements to property in the Prestonwood Public Improvement District (District); closing the hearing and levying a special assessment on property in the District, for services and improvements to be provided during 2016; providing for reimbursement of city administrative costs for operational oversight of the District; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2015 assessment; and providing for an effective date - Financing: No cost consideration to the City

South Side Public Improvement District

Note: Addendum Item Nos. 19 and 20 must be considered collectively.

19. * A public hearing concerning the proposed levy of assessment for the South Side Public Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, for the purpose of providing supplemental public services, to be funded by assessments on property in the District - Financing: No cost consideration to the City
20. * An ordinance approving and adopting the proposed and final 2016 Service Plan, the 2015 Assessment Plan and the 2015 Assessment Roll (to be kept on file with the City Secretary); establishing classifications for the apportionment of costs and the methods of assessing special assessments for the services and improvements to property in the South Side Public Improvement District (District); closing the hearing and levying a special assessment on property in the District, for services and improvements to be provided during 2016; providing for reimbursement of city administrative costs for operational oversight of the District; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2015 assessment; and providing for an effective date - Financing: No cost consideration to the City

**ADDENDUM
CITY COUNCIL MEETING
SEPTEMBER 9, 2015**

ADDITIONS: (Continued)

PUBLIC HEARINGS AND RELATED ACTIONS (Continued)

MISCELLANEOUS HEARINGS - DESIGNATED PUBLIC SUBSIDY MATTERS (Continued)

Economic Development (Continued)

Tourism Public Improvement District

Note: Addendum Item Nos. 21 and 22 must be considered collectively.

21. * A public hearing concerning the proposed levy of assessment for the Tourism Public Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, for the purpose of providing supplemental public services, to be funded by assessments on property in the District - Financing: No cost consideration to the City
22. * An ordinance approving and adopting the proposed and final Service Plan for 2015-16, the 2015 Assessment Plan and the 2015 Assessment Roll (to be kept on file with the City Secretary); establishing classifications for the apportionment of costs and the methods of assessing special assessments on Dallas hotels with 100 or more rooms, for the services and improvements to property in the Tourism Public Improvement District (District); closing the hearing and levying a special assessment on property in the District, for services and improvements to be provided during 2016; providing for reimbursement of city administrative costs for operational oversight of the District; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2015 assessment; and providing for an effective date - Financing: No cost consideration to the City

**University Crossing
Public Improvement District**

Note: Addendum Item Nos. 23 and 24 must be considered collectively.

23. * A public hearing concerning the proposed levy of assessment for the University Crossing Public Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, for the purpose of providing supplemental public services, to be funded by assessments on property in the District - Financing: No cost consideration to the City

**ADDENDUM
CITY COUNCIL MEETING
SEPTEMBER 9, 2015**

ADDITIONS: (Continued)

PUBLIC HEARINGS AND RELATED ACTIONS (Continued)

MISCELLANEOUS HEARINGS - DESIGNATED PUBLIC SUBSIDY MATTERS (Continued)

Economic Development (Continued)

**University Crossing
Public Improvement District**

Note: Addendum Item Nos. 23 and 24 must be considered collectively.

24. * An ordinance approving and adopting the proposed and final 2016 Service Plan, the 2015 Assessment Plan and the 2015 Assessment Roll (to be kept on file with the City Secretary); establishing classifications for the apportionment of costs and the methods of assessing special assessments for the services and improvements to property in the University Crossing Public Improvement District (District); closing the hearing and levying a special assessment on property in the District, for services and improvements to be provided during 2016; providing for reimbursement of city administrative costs for operational oversight of the District; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2015 assessment; and providing for an effective date - Financing: No cost consideration to the City

Uptown Public Improvement District

Note: Addendum Item Nos. 25 and 26 must be considered collectively.

25. * A public hearing concerning the proposed levy of assessment for the Uptown Public Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, for the purpose of providing supplemental public services, to be funded by assessments on property in the District - Financing: No cost consideration to the City
26. * An ordinance approving and adopting the proposed and final 2016 Service Plan, the 2015 Assessment Plan and the 2015 Assessment Roll (to be kept on file with the City Secretary); establishing classifications for the apportionment of costs and the methods of assessing special assessments for the services and improvements to property in the Uptown Public Improvement District (District); closing the hearing and levying a special assessment on property in the District, for services and improvements to be provided during 2016; providing for reimbursement of city administrative costs for operational oversight of the District; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2015 assessment; and providing for an effective date - Financing: No cost consideration to the City

**ADDENDUM
CITY COUNCIL MEETING
SEPTEMBER 9, 2015**

ADDITIONS: (Continued)

PUBLIC HEARINGS AND RELATED ACTIONS (Continued)

MISCELLANEOUS HEARINGS - DESIGNATED PUBLIC SUBSIDY MATTERS (Continued)

Economic Development (Continued)

**Vickery Meadow
Public Improvement District**

Note: Addendum Item Nos. 27 and 28 must be considered collectively.

27. * A public hearing concerning the proposed levy of assessment for the Vickery Meadow Public Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, for the purpose of providing supplemental public services, to be funded by assessments on property in the District - Financing: No cost consideration to the City
28. * An ordinance approving and adopting the proposed and final 2016 Service Plan, the 2015 Assessment Plan and the 2015 Assessment Roll (to be kept on file with the City Secretary); establishing classifications for the apportionment of costs and the methods of assessing special assessments for the services and improvements to property in the Vickery Meadow Public Improvement District (District); closing the hearing and levying a special assessment on property in the District, for services and improvements to be provided during 2016; providing for reimbursement of city administrative costs for operational oversight of the District; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2015 assessment; and providing for an effective date - Financing: No cost consideration to the City

CORRECTION:

Note: Agenda Item No. 20 to be considered as an Item for Individual Consideration

Trinity Watershed Management

20. Authorize an amendment to Resolution No. 15-0857, previously approved on May 13, 2015, to modify the elevations of the subsurface easement and to authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from M.I. Gaston Partners, Ltd. and MSC-I, Ltd., of a subsurface easement located under approximately 10,702 square feet of land, located on Gaston Avenue near its intersection with Peak Street for the Mill Creek/Peaks Branch/State Thomas Drainage Relief Tunnel Project - Financing: This action has no cost consideration to the City

**ADDENDUM
CITY COUNCIL MEETING
SEPTEMBER 9, 2015**

DELETION:

Sustainable Development and Construction

18. An ordinance abandoning a portion of a utility easement to Intercity Investments, Inc., the abutting owner, containing approximately 13,467 square feet of land, located near the intersection of Edgemere Road and Bandera Avenue - Revenue: \$5,400, plus the \$20 ordinance publication fee

ADDENDUM DATE September 9, 2015

ITEM	IND								
#	OK	DEF	DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	DESCRIPTION
1			8	C	DEV	NC	NA	NA	Authorize partial release of deed restrictions on three tracts of land containing approximately 23 acres to be conveyed by the University of North Texas System to Dallas Area Rapid Transit, located near Wheatland Road and University Hills Boulevard for construction and operation of a rail line - Financing: No cost consideration to the City
2			All	I	MCC	NC	NA	NA	A motion to reconsider Agenda Item No. 2, previously denied on August 26, 2015, authorizing: (1) the rescission of Resolution No. 12-2724, previously approved on November 14, 2012, which authorized an aviation lease and a commercial aviation lease with The Braniff Centre Limited Partnership (previously known as Reed Enterprises Investment Holdings, LP); (2) a thirty-nine-year lease agreement with three, ten-year renewal options with The Braniff Centre Limited Partnership for approximately 752,913 square feet of land located at 7701 Lemmon Avenue for aviation use development with a capital commitment of \$17,000,000 to be expended within 36-months from the effective date of the lease with an additional \$4,000,000 to be expended within ten-years; and (3) a thirty-nine year lease agreement with three, ten-year renewal options with The Braniff Centre Limited Partnership at Dallas Love Field, for approximately 414,600 square feet of land for commercial development with a total capital commitment of \$20,000,000 to be expended within sixty-months from the effective date of the lease - Financing: This action has no cost consideration to the City
3			2	I	AVI	REV \$1,150,000	NA	NA	Authorize (1) the rescission of Resolution No. 12-2724, previously approved on November 14, 2012, which authorized an aviation lease and a commercial aviation lease with The Braniff Centre Limited Partnership (previously known as Reed Enterprises Investment Holdings, LP); (2) a thirty-nine-year lease agreement with three, ten-year renewal options with The Braniff Centre for approximately 752,913 square feet of land located at 7701 Lemmon Avenue for aviation use development with a capital commitment of \$17,000,000 to be expended within 36-months from the effective date of the lease with an additional \$4,000,000 to be expended within ten-years; and (3) a thirty-nine year lease agreement with three, ten-year renewal options with The Braniff Centre Limited Partnership at Dallas Love Field, for approximately 414,600 square feet of land for commercial development with a total capital commitment of \$20,000,000 to be expended within sixty-months from the effective date of the lease - Estimated Annual Revenue: \$1,150,000
4			N/A	I	OFS	NC	NA	NA	First reading of the appropriation ordinances for the proposed FY 2015-16 City of Dallas Operating, Grants/Trusts, and Capital Budgets - Financing: This action has no cost consideration to the City
5			2, 14	PH	ECO, CES	NC	NA	NA	Dallas Downtown Improvement District: A public hearing concerning the proposed levy of assessment for the Dallas Downtown Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, for the purpose of providing supplemental public services, to be funded by assessments on property in the District - Financing: No cost consideration to the City
6			2, 14	PH	ECO, CES	\$676,048.42	NA	NA	Dallas Downtown Improvement District: An ordinance approving and adopting the proposed and final 2016 Service Plan, the 2015 Assessment Plan and the 2015 Assessment Roll (to be kept on file with the City Secretary); establishing classifications for the apportionment of costs and the methods of assessing special assessments for the services and improvements to property in the Dallas Downtown Improvement District (District); closing the hearing and levying a special assessment on property in the District, for services and improvements to be provided during 2016; providing for reimbursement of city administrative costs for operational oversight of the District; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2015 assessment; providing for City participation in the District in an amount not to exceed \$676,048 and providing for an effective date - Total amount not to exceed \$676,048 - Financing: Current Funds (\$461,762) and Convention and Event Services Current Funds (\$214,286) (subject to appropriations)

ADDENDUM DATE September 9, 2015

ITEM	IND								
#	OK	DEF	DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	DESCRIPTION
7			2, 7, 14	PH	ECO	NC	NA	NA	Deep Ellum Public Improvement District: A public hearing concerning the proposed levy of assessment for the Deep Ellum Public Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, for the purpose of providing supplemental public services, to be funded by assessments on property in the District - Financing: No cost consideration to the City
8			2, 7, 14	PH	ECO	NC	NA	NA	Deep Ellum Public Improvement District: An ordinance approving and adopting the proposed and final 2016 Service Plan, the 2015 Assessment Plan and the 2015 Assessment Roll (to be kept on file with the City Secretary); establishing classifications for the apportionment of costs and the methods of assessing special assessments for the services and improvements to property in the Deep Ellum Public Improvement District (District); closing the hearing and levying a special assessment on property in the District, for services and improvements to be provided during 2016; providing for reimbursement of city administrative costs for operational oversight of the District; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2015 assessment; and providing for an effective date - Financing: No cost consideration to the City
9			14	PH	ECO	NC	NA	NA	Klyde Warren Park/Dallas Arts District Public Improvement District: A public hearing concerning the proposed levy of assessment for the Klyde Warren Park/Dallas Arts District Public Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, for the purpose of providing supplemental public services, to be funded by assessments on property in the District - Financing: No cost consideration to the City
10			14	PH	ECO	NC	NA	NA	Klyde Warren Park/Dallas Arts District Public Improvement District: An ordinance approving and adopting the proposed and final 2016 Service Plan, the 2015 Assessment Plan and the 2015 Assessment Roll (to be kept on file with the City Secretary); establishing classifications for the apportionment of costs and the methods of assessing special assessments for the services and improvements to property in the Klyde Warren Park/Dallas Arts District Public Improvement District (District); closing the hearing and levying a special assessment on property in the District, for services and improvements to be provided during 2016; providing for reimbursement of city administrative costs for operational oversight of the District; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2015 assessment; and providing for an effective date - Financing: No cost consideration to the City
11			14	PH	ECO	NC	NA	NA	Knox Street Public Improvement District: A public hearing concerning the proposed levy of assessment for the Knox Street Public Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, for the purpose of providing supplemental public services, to be funded by assessments on property in the District - Financing: No cost consideration to the City
12			14	PH	ECO	NC	NA	NA	Knox Street Public Improvement District: An ordinance approving and adopting the proposed and final 2016 Service Plan, the 2015 Assessment Plan and the 2015 Assessment Roll (to be kept on file with the City Secretary); establishing classifications for the apportionment of costs and the methods of assessing and levying special assessments for the services and improvements to property in the Knox Street Public Improvement District (District); closing the hearing a special assessment on property in the District, for services and improvements to be provided during 2016; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2015 assessment; and providing for an effective date - Financing: No cost consideration to the City
13			9, 10, 13	PH	ECO	NC	NA	NA	Lake Highlands Public Improvement District: A public hearing concerning the proposed levy of assessment for the Lake Highlands Public Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, for the purpose of providing supplemental public services, to be funded by assessments on property in the District - Financing: No cost consideration to the City

ADDENDUM DATE September 9, 2015

ITEM		IND		DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	DESCRIPTION
#	OK	DEF								
14				9, 10, 13	PH	ECO	NC	NA	NA	Lake Highlands Public Improvement District: An ordinance approving and adopting the proposed and final 2016 Service Plan, the 2015 Assessment Plan and the 2015 Assessment Roll (to be kept on file with the City Secretary); establishing classifications for the apportionment of costs and the methods of assessing special assessments for the services and improvements to property in the Lake Highlands Public Improvement District (District); closing the hearing and levying a special assessment on property in the District, for services and improvements to be provided during 2016; providing for reimbursement of city administrative costs for operational oversight of the District; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2015 assessment; and providing for an effective date - Financing: No cost consideration to the City
15				6	PH	ECO	NC	NA	NA	Oak Lawn-Hi Line Public Improvement District: A public hearing concerning the proposed levy of assessment for the Oak Lawn-Hi Line Public Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, for the purpose of providing supplemental public services, to be funded by assessments on property in the District - Financing: No cost consideration to the City
16				6	PH	ECO	NC	NA	NA	Oak Lawn-Hi Line Public Improvement District: An ordinance approving and adopting the proposed and final 2016 Service Plan, the 2015 Assessment Plan and the 2015 Assessment Roll (to be kept on file with the City Secretary); establishing classifications for the apportionment of costs and the methods of assessing special assessments for the services and improvements to property in the Oak Lawn-Hi Line Public Improvement District (District); closing the hearing and levying a special assessment on property in the District, for services and improvements to be provided during 2016; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2015 assessment; and providing for an effective date - Financing: No cost consideration to the City
17				12	PH	ECO	NC	NA	NA	Prestonwood Public Improvement District: A public hearing concerning the proposed levy of assessment for the Prestonwood Public Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, for the purpose of providing supplemental public services, to be funded by assessments on property in the District - Financing: No cost consideration to the City
18				12	PH	ECO	NC	NA	NA	Prestonwood Public Improvement District: An ordinance approving and adopting the final 2016 Service Plan, the final 2015 Assessment Plan and the 2015 Assessment Roll (to be kept on file with the City Secretary); establishing classifications for the apportionment of costs and the methods of assessing special assessments for the services and improvements to property in the Prestonwood Public Improvement District (District); closing the hearing and levying a special assessment on property in the District, for services and improvements to be provided during 2016; providing for reimbursement of city administrative costs for operational oversight of the District; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2015 assessment; and providing for an effective date - Financing: No cost consideration to the City
19				2	PH	ECO	NC	NA	NA	South Side Public Improvement District: A public hearing concerning the proposed levy of assessment for the South Side Public Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, for the purpose of providing supplemental public services, to be funded by assessments on property in the District - Financing: No cost consideration to the City

ADDENDUM DATE September 9, 2015

ITEM		IND		DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	DESCRIPTION
#	OK	DEF								
20				2	PH	ECO	NC	NA	NA	South Side Public Improvement District: An ordinance approving and adopting the proposed and final 2016 Service Plan, the 2015 Assessment Plan and the 2015 Assessment Roll (to be kept on file with the City Secretary); establishing classifications for the apportionment of costs and the methods of assessing special assessments for the services and improvements to property in the South Side Public Improvement District (District); closing the hearing and levying a special assessment on property in the District, for services and improvements to be provided during 2016; providing for reimbursement of city administrative costs for operational oversight of the District; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2015 assessment; and providing for an effective date - Financing: No cost consideration to the City
21				2, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14	PH	ECO	NC	NA	NA	Tourism Public Improvement District: A public hearing concerning the proposed levy of assessment for the Tourism Public Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, for the purpose of providing supplemental public services, to be funded by assessments on property in the District - Financing: No cost consideration to the City
22				2, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14	PH	ECO	NC	NA	NA	Tourism Public Improvement District: An ordinance approving and adopting the proposed and final Service Plan for 2015-16, the 2015 Assessment Plan and the 2015 Assessment Roll (to be kept on file with the City Secretary); establishing classifications for the apportionment of costs and the methods of assessing special assessments on Dallas hotels with 100 or more rooms, for the services and improvements to property in the Tourism Public Improvement District (District); closing the hearing and levying a special assessment on property in the District, for services and improvements to be provided during 2016; providing for reimbursement of city administrative costs for operational oversight of the District; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2015 assessment; and providing for an effective date - Financing: No cost consideration to the City
23				14	PH	ECO	NC	NA	NA	University Crossing Public Improvement District: A public hearing concerning the proposed levy of assessment for the University Crossing Public Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, for the purpose of providing supplemental public services, to be funded by assessments on property in the District - Financing: No cost consideration to the City
24				14	PH	ECO	NC	NA	NA	University Crossing Public Improvement District: An ordinance approving and adopting the proposed and final 2016 Service Plan, the 2015 Assessment Plan and the 2015 Assessment Roll (to be kept on file with the City Secretary); establishing classifications for the apportionment of costs and the methods of assessing special assessments for the services and improvements to property in the University Crossing Public Improvement District (District); closing the hearing and levying a special assessment on property in the District, for services and improvements to be provided during 2016; providing for reimbursement of city administrative costs for operational oversight of the District; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2015 assessment; and providing for an effective date - Financing: No cost consideration to the City
25				14	PH	ECO	NC	NA	NA	Uptown Public Improvement District: A public hearing concerning the proposed levy of assessment for the Uptown Public Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, for the purpose of providing supplemental public services, to be funded by assessments on property in the District - Financing: No cost consideration to the City

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: September 9, 2015
COUNCIL DISTRICT(S): 8
DEPARTMENT: Sustainable Development and Construction
CMO: Ryan S. Evans, 671-9837
MAPSCO: 75B

SUBJECT

Authorize partial release of deed restrictions on three tracts of land containing approximately 23 acres to be conveyed by the University of North Texas System to Dallas Area Rapid Transit, located near Wheatland Road and University Hills Boulevard for construction and operation of a rail line - Financing: No cost consideration to the City

BACKGROUND

This item is on the addendum because additional review time was required. This item authorizes the partial release of deed restrictions on three tracts of land containing a total of approximately 23 acres located near Wheatland Road and University Hills Boulevard. Deed restrictions were placed on the property by Special Warranty Deed by the City of Dallas when the City donated approximately 203 acres of public property to the University of North Texas System (UNT) for the development of a public, state-supported, institution of higher education. The deed restrictions restrict the donated property for seventy-five (75) years commencing on November 27, 2001, to ownership and use by UNT for construction and operation of a public, state-supported, institution of higher education.

Release of the deed restrictions on the 23 acre tracts will permit UNT to convey the land to DART unencumbered by the restrictions and allow DART to construct its rail line.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On May 12, 2010, Dallas City Council authorized Resolution No. 10-0354, conveying approximately 203 acres of property to UNT subject to certain covenants, conditions, restrictions and other provisions (collectively, the "Deed Restrictions").

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS) (continued)

Information about this item will be provided to the Economic Development Committee on September 8, 2015.

FISCAL INFORMATION

No cost consideration to the City.

OWNER

University of North Texas System

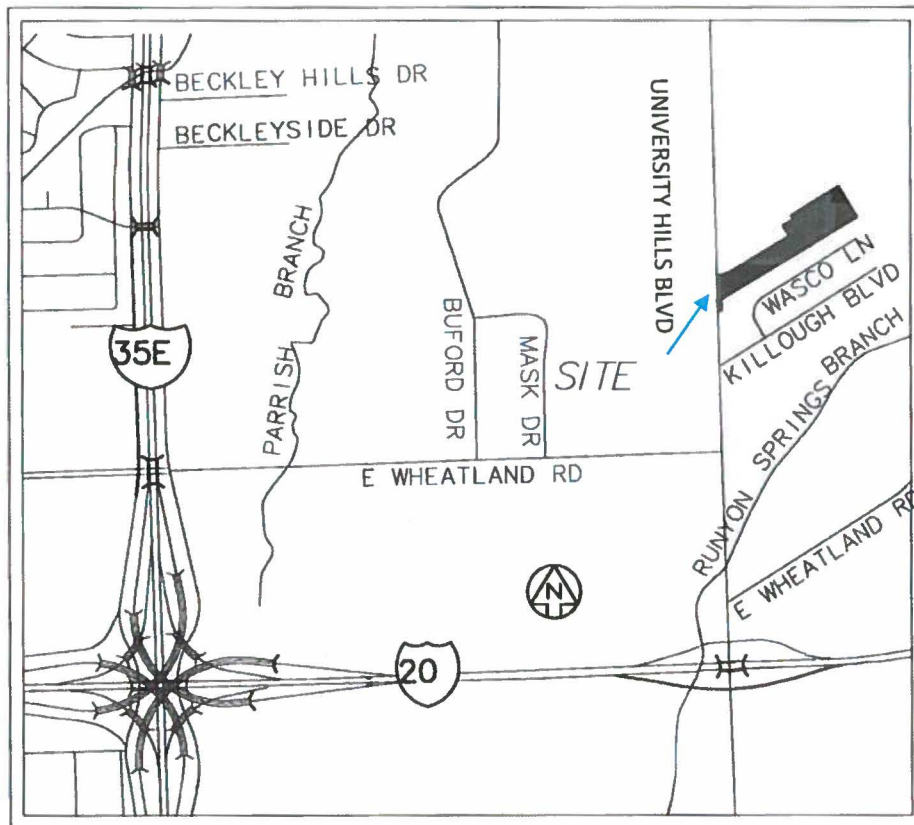
John Ellis Price, Vice Chancellor

MAP

Attached

EXHIBIT
UNT DALLAS STATION ADDITION
LOTS 1, 2, AND 3 BLOCK A/7604
DALLAS, TEXAS

VICINTY MAP
NOT TO SCALE



September 9, 2015

RESOLUTION AUTHORIZING PARTIAL RELEASE BY THE CITY OF DALLAS OF DEED RESTRICTIONS AS TO THREE TRACTS OF LAND CONTAINING A TOTAL OF APPROXIMATELY 22.7613 ACRES TO BE CONVEYED BY THE UNIVERSITY OF NORTH TEXAS SYSTEM TO DALLAS AREA RAPID TRANSIT AND AUTHORIZING INCLUSION OF TRANSIT ORIENTED USES WITHIN THE SCOPE OF PERMITTED USES DEFINED IN THE DEED RESTRICTIONS.

WHEREAS, the City of Dallas (“City”) donated and conveyed a certain 202.64 acre tract of land (“Property”) to the State of Texas for the use and benefit of the University of North Texas System (“UNT”) by Special Warranty Deed, dated November 14, 2001, recorded in Volume 2001230, Page 2058, Real Property Records of Dallas County, Texas (“Deed”); and

WHEREAS, the City donated and conveyed and UNT accepted the Property subject to certain terms, covenants, conditions, and restrictions (“Deed Restrictions”), more particularly described in the Deed beginning at recorded Page 2058 and in Exhibit “C” of the Deed beginning at recorded Page 2072; and

WHEREAS, said Deed Restrictions do not provide for any transit oriented uses, including but not limited to rail lines and rail stations of the type developed by Dallas Area Rapid Transit (“DART”), which City acknowledges are often present as ancillary facilities within institution of higher education campuses and should be permissible within the scope of “customary ancillary facilities and uses” set forth in the Deed Restrictions; and

WHEREAS, Dallas Area Rapid Transit (“DART”) desires to acquire three tracts of land totaling approximately 23 acres (“Released Tracts”) out of the Property, as more particularly described in Exhibit “A” attached hereto; and

WHEREAS, DART and UNT desire that the Released Tracts be released from the Deed Restrictions to permit DART to own, construct and operate a rail line on the Released Tracts; and

WHEREAS, the City of Dallas desires to facilitate the property conveyance from UNT to DART and construction and operation of the rail line by DART by releasing the Deed Restrictions as to the Released Tracts only; and

WHEREAS, the City of Dallas desires to clarify that the scope of “customary ancillary facilities and uses” as set forth in the Deed Restrictions includes transit oriented uses ancillary to institution of higher education campuses, including but not limited to rail lines and rail stations of the type developed by DART; **NOW, THEREFORE**,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

September 9, 2015

SECTION 1. That the City Manager be and is hereby authorized, subject to approval as to form by the City Attorney, to release the Deed Restrictions as to the Released Tracts only, as described in the attached Exhibit "A".

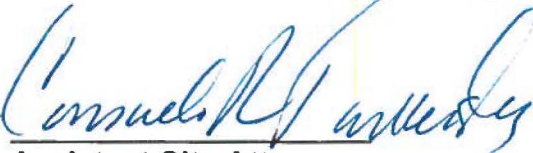
SECTION 2. That the release of the Deed Restrictions shall be effective as to the Released Tracts only and shall not release or otherwise impact the Deed Restrictions as to the remainder of the Property donated to UNT by the City of Dallas .

SECTION 3. That this resolution shall be effective to clarify that the scope of "customary ancillary facilities and uses" as set forth in the Deed Restrictions includes transit oriented uses ancillary to institution of higher education campuses, including but not limited to rail lines and rail stations of the type developed by DART .

SECTION 4. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

APPROVED AS TO FORM:
WARREN M. S. ERNST, City Attorney

BY



Assistant City Attorney

EXHIBIT A-TRACT 1

EXHIBIT 1.01-RAIL LINE RIGHT-OF-WAY TRACT

DART PARCEL NO. SOC3-14-1
PROPERTY OF THE STATE OF TEXAS, FOR THE USE
AND BENEFIT OF THE UNIVERSITY OF NORTH TEXAS
SYSTEM
PETER B. STOUT SURVEY, ABSTRACT NO. 1306
ROBERT SIMONTON SURVEY, ABSTRACT NO. 1277
CITY OF DALLAS
DALLAS COUNTY, TEXAS

PAGE 1 OF 11
DECEMBER 28, 2012

BEING an 11.4083 acre tract of land situated in the Peter B. Stout Survey, Abstract Number 1306 and the Robert Simonton Survey, Abstract Number 1277, being in Dallas City Blocks 7604 and 7613, City of Dallas, Dallas County, Texas, and being a portion of that called 212.651 acre tract of land conveyed to the State of Texas, for the use and benefit of the University of North Texas System, according to the Special Warranty Deed recorded in Volume 2001230, Page 2058, Deed Records of Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2 inch iron rod with plastic cap stamped "TX REG NO 100189-00" set for corner in the southeast line of said called 212.651 acre State of Texas tract, same being the northwest line of the Resubdivision of Tracts 1,2,3,4,5 and 6, Oak Cliff Plantations Addition, an addition to the City of Dallas, Texas, according to the plat thereof recorded in Volume 17, Page 185, Map Records of Dallas County, Texas, from whence a 5/8 inch iron rod with Survoon cap bears S 19°31'32" E, a distance of 0.94 feet, and from said 1/2 inch iron rod with plastic cap stamped "TX REG NO 100189-00" set for the southwest corner of said called 212.651 acre State of Texas tract bears S 89°06'55" W, a distance of 82.74 feet;

THENCE N 00°43'52" W, departing the southeast line of said called 212.651 acre State of Texas tract and the northwest line of said Resubdivision of Tracts 1,2,3,4,5 and 6, Oak Cliff Plantations Addition, a distance of 115.65 feet to a 1/2 inch iron rod with plastic cap stamped "TX REG NO 100189-00" set for corner;

THENCE N 59°06'55" E, a distance of 4017.84 feet to a 1/2 inch iron rod with plastic cap stamped "TX REG NO 100189-00" set for corner at the beginning of a tangent curve to the left having a central angle of 04°43'15", a radius of 5,780.49 feet, a tangent length of 238.26 feet, a chord bearing of N 56°45'18" E and a chord length of 476.12 feet;

THENCE Northeasterly, along said tangent curve to the left, an arc distance of 476.28 feet to a 1/2 inch iron rod with plastic cap stamped "TX REG NO 100189-00" set for corner;

THENCE N 54°23'40" E, at 375.46 feet passing a 1/2 inch iron rod with plastic cap stamped "TX REG NO 100189-00" set for reference and continuing for a total distance of 445.46 feet to a 1/2 inch iron rod with plastic cap stamped "TX REG NO 100189-00" set for corner in the center of Runyon Springs Branch, same being the easterly line of said called 212.651 acre State of Texas tract and the northwesterly line of that called 151.67 acre tract of land conveyed to 261 CW Springs, Ltd. and described as Tract I of the Special Warranty Deed with Vendor's Lien recorded in Instrument Number 200600294768, Official Public Records of Dallas County, Texas (an undivided 50% interest) and described as Tract I of the General Warranty Deed recorded in Instrument Number 20070424941, Official Public Records of Dallas County, Texas (an undivided 50% interest);

EXHIBIT A-TRACT 1

EXHIBIT 1.01-RAIL LINE RIGHT-OF-WAY TRACT

DART PARCEL NO. SOC3-14-1

PAGE 2 OF 11

PROPERTY OF THE STATE OF TEXAS, FOR THE USE
AND BENEFIT OF THE UNIVERSITY OF NORTH TEXAS
SYSTEM

DECEMBER 28, 2012

PETER B. STOUT SURVEY, ABSTRACT NO. 1306

ROBERT SIMONTON SURVEY, ABSTRACT NO. 1277

CITY OF DALLAS

DALLAS COUNTY, TEXAS

THENCE S 66°56'04" E, with the center of Runyon Springs Branch, the easterly line of said called 212.651 acre State of Texas tract and the northwesterly line of said 261 CW Springs, Ltd. tract, a distance of 17.38 feet;

THENCE S 39°17'07" E, continuing with the center of Runyon Springs Branch, the easterly line of said called 212.651 acre State of Texas tract and the northwesterly line of said 261 CW Springs, Ltd. tract, a distance of 23.54 feet;

THENCE S 15°53'38" E, continuing with the center of Runyon Springs Branch, the easterly line of said called 212.651 acre State of Texas tract and the northwesterly line of said 261 CW Springs, Ltd. tract, a distance of 22.04 feet;

THENCE S 11°22'45" W, continuing with the center of Runyon Springs Branch, the easterly line of said called 212.651 acre State of Texas tract and the northwesterly line of said 261 CW Springs, Ltd. tract, a distance of 56.46 feet;

THENCE S 36°15'14" E, continuing with the center of Runyon Springs Branch, the easterly line of said called 212.651 acre State of Texas tract and the northwesterly line of said 261 CW Springs, Ltd. tract, a distance of 2.40 feet;

THENCE S 54°23'40" W, departing the center of Runyon Springs Branch, the easterly line of said called 212.651 acre State of Texas tract and the northwesterly line of said 261 CW Springs, Ltd. tract, passing at a distance of 55.00 feet a 1/2 inch iron rod with plastic cap stamped "TX REG NO 100189-00" set for reference and continuing for a total distance of 407.32 to a 1/2 inch iron rod with plastic cap stamped "TX REG NO 100189-00" set for corner at the beginning of a tangent curve to the right having a central angle of 04°43'15", a radius of 5,880.49 feet, a tangent length of 242.39 feet, a chord bearing of S 56°45'18" W and a chord length of 484.36 feet;

THENCE Southwesterly, along said tangent curve to the right, an arc distance of 484.52 feet to a 1/2 inch iron rod with plastic cap stamped "TX REG NO 100189-00" set for the point of tangency;

THENCE S 59°06'55" W, at 753.47 feet passing a 1 inch iron pipe found for an ell corner of the aforementioned called 212.651 acre State of Texas tract, same being the most northerly corner of that called 89.346 acre tract of land conveyed to R.K.C.J., L.L.C. and described in Exhibit A of the Warranty Deed recorded in Volume 96066, Page 7234, Deed Records of Dallas County, Texas, continuing with the aforementioned southeast line of said called 212.651 acre State of Texas tract and with the northwest line of said R.K.C.J., L.L.C. tract, passing at an additional distance of 1,748.73 feet the most westerly corner of said R.K.C.J., L.L.C. tract, same being the most northerly corner of the aforementioned Resubdivision of Tracts 1,2,3,4,5 and 6, Oak Cliff Plantations Addition, and continuing with the southeast line of said called 212.651 acre State of Texas tract and with the northwest line of said Resubdivision of Tracts 1,2,3,4,5 and 6, Oak Cliff Plantations Addition a total distance of 4,075.93

EXHIBIT A-TRACT 1

EXHIBIT 1.01-RAIL LINE RIGHT-OF-WAY TRACT

DART PARCEL NO. SOC3-14-1
PROPERTY OF THE STATE OF TEXAS, FOR THE USE
AND BENEFIT OF THE UNIVERSITY OF NORTH TEXAS
SYSTEM

PAGE 3 OF 11
DECEMBER 28, 2012

PETER B. STOUT SURVEY, ABSTRACT NO. 1306
ROBERT SIMONTON SURVEY, ABSTRACT NO. 1277
CITY OF DALLAS
DALLAS COUNTY, TEXAS

feet to the POINT OF BEGINNING and containing 496,944 square feet or 11.4083 acres of land, more or less.

BASIS OF BEARING for this survey is referenced to Texas Department of Transportation survey control monuments R0570089 and R0570029 tied with the Western Data Systems Texas Cooperative Network (www.txrtk.com) and is referenced to NAD83 State Plane Coordinate System, Texas North Central Zone 4202. Stations DUNP-g0811 and DSIA-g081 were utilized as base stations during GPS data collection sessions.

I certify that this property description and attached plat represents a survey made on the ground under my supervision during the months of March through December 2012.



John L. Melton, Texas R.P.L.S. No. 4268
Registered Professional Land Surveyor
Nathan D. Maier Consulting Engineers, Inc.
8080 Park Lane Suite 600
Dallas, Texas 75231
(214) 739-4741

12/28/2012
Date

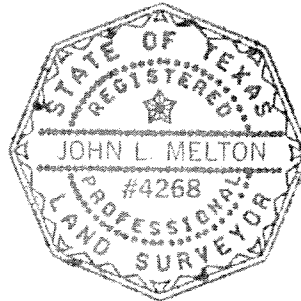


EXHIBIT A-TRACT 1

MATCH LINE - SEE SHEET 5



SCALE (IN FEET)
0 25 50 100

LEGEND

- FOUND MONUMENT (AS NOTED)
- 1/2" IRON SET WITH PLASTIC CAP STAMPED "TX REG NO. 100189-00" (EXCEPT AS NOTED)
- CM CONTROLLING MONUMENT
- P.O.C. POINT OF COMMENCING
- P.O.B. POINT OF BEGINNING

STATE OF TEXAS
(FOR THE USE AND BENEFIT OF THE UNIVERSITY OF NORTH TEXAS SYSTEM)
CALLED 212.651 ACRES
SAVE AND EXCEPT
10.014 ACRE TRACT
TO D.I.S.D.,
(VOL. 5152, PAGE 332)
VOL. 2001230, PG. 2058
FILED NOV. 27, 2001

C.L. OF ESMT. AND R.O.V.
FOR BUYING FACILITIES
DALLAS POWER & LIGHT COMPANY
VOL. 5561, PG. 8
D.R.D.C.T.,
FILED SEPT. 14, 1962
(SUBJECT TO CONDITIONS
OUTLINED IN DOCUMENT)

STATE OF TEXAS
(FOR THE USE AND BENEFIT OF THE UNIVERSITY OF NORTH TEXAS SYSTEM)
CALLED 212.651 ACRES
SAVE AND EXCEPT 10.014 ACRE TRACT
TO D.I.S.D. (VOL. 5152, PAGE 332)
VOL. 2001230, PG. 2058
FILED NOV. 27, 2001

1/2" IRON ROD
FOUND 2.51' SE
OF PROPERTY LINE

1/2" IRON ROD
FOUND 1.88' SE
OF PROPERTY LINE

RESUBDIVISION OF TRACTS 1, 2, 3, 4, 5 AND 6,
OAK CLIFF PLANTATIONS ADDITION,
VOL. 171, PG. 185
M.R.D.C.T.

MONAHAN ST.

SOC3-14-1

DALLAS CITY BLOCK 7604

NO ESMT. FOR PASSAGE OF
VEHICULAR AND PEDESTRIAN
ON R.O.V. DEDICATION
FOUND FOR CITY OF DALLAS
15.505 ACRE TRACT

C.L. OF ESMT. AND R.O.V.
FOR BUYING FACILITIES
DALLAS POWER & LIGHT COMPANY
VOL. 5908, PG. 590
D.R.D.C.T.,
FILED DEC. 4, 1962
(SUBJECT TO CONDITIONS
OUTLINED IN DOCUMENT)

20" WATER MAIN R.O.V.
(ALSO GRANTS TEMPORARY WORKING
SPACE FOR CONSTRUCTION AND
MAINTENANCE OF WATER MAIN)
CITY OF DALLAS
VOL. 5033, PG. 641
D.R.D.C.T.,
EASEMENT STRIP NO. 2
FILED JAN. 14, 1959

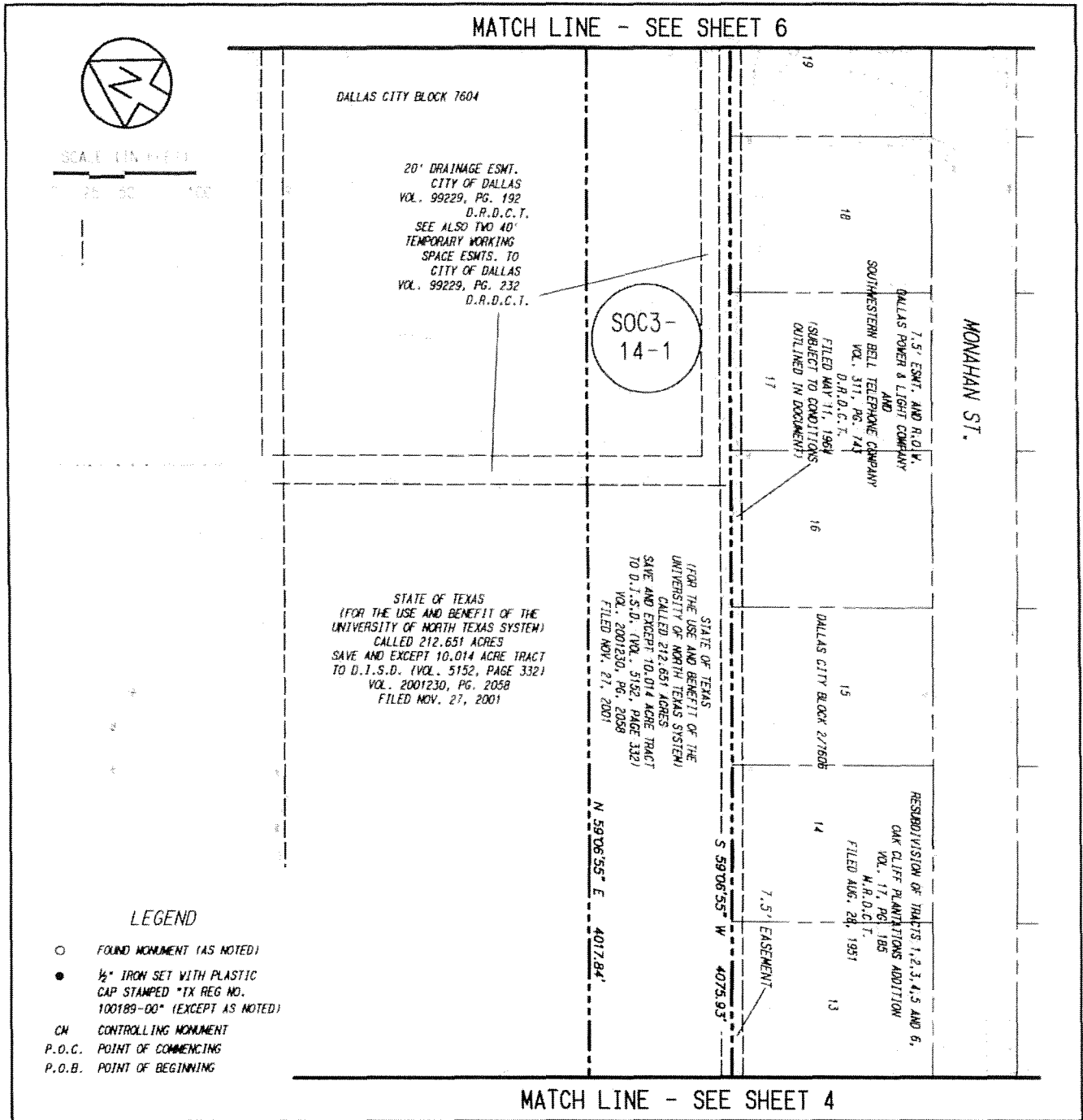
UNIVERSITY HILLS BLVD.
FORMERLY HOUSTON SCHOOL ROAD
(CALLED 80' RIGHT-OF-WAY)
DEDICATED PER VOL. 2035, PG. 591, D.R.D.C.T.,
NO ADDITIONAL RIGHT-OF-WAY FOUND

NO ESMT. FOR PASSAGE OF
VEHICULAR AND PEDESTRIAN
ON R.O.V. DEDICATION
FOUND FOR LOT 1

NO ESMT. FOR PASSAGE OF
VEHICULAR AND PEDESTRIAN
ON R.O.V. DEDICATION
FOUND FOR LOT 2

<p>PROPERTY DATA</p> <p>PROPERTY OWNER(S) OF RECORD: STATE OF TEXAS (FOR THE USE AND BENEFIT OF THE UNIV. OF NORTH TEXAS SYSTEM)</p> <p>STREET ADDRESS: 9700 E. RL THORNTON FWY, DALLAS, TEXAS 75228</p> <p>DEED VOLUME: 2001230 PAGE: 2058</p> <p>BLOCK NUMBER: DALLAS CITY BLOCKS 7604 AND 7613</p> <p>SURVEY: PETER B. STOUT, ABSTRACT NO. 1306 AND ROBERT SIMONTON, ABSTRACT NO. 1277</p>		<p>AREA SUMMARY</p> <p>WHOLE PROPERTY: 212.651 Ac</p> <p>PARCEL AREAS: 11.4083 Ac</p> <p>FEE: 11.4083 Ac</p>	
<p>NDM NATHAN D. MAIER CONSULTING ENGINEERS, INC. 8080 PARK LANE STE. 600 DALLAS, TEXAS 75231 Texas Reg. No. 100189-00</p>		<p>DART PROJECT</p> <p>DART</p>	
<p>LIGHT RAIL TRANSIT SYSTEM LINE SECTION SOC-3 PARCEL NUMBER SOC3-14-1 SHEET 4 OF 11</p>		<p>CONTRACT DWG No. SOC3-14-1</p>	

EXHIBIT A-TRACT 1



- LEGEND**
- FOUND MONUMENT (AS NOTED)
 - 1/2" IRON SET WITH PLASTIC CAP STAMPED "TX REG NO. 100189-00" (EXCEPT AS NOTED)
 - CM CONTROLLING MONUMENT
 - P.O.C. POINT OF COMMENCING
 - P.O.B. POINT OF BEGINNING

PROPERTY DATA	AREA SUMMARY
PROPERTY OWNER(S) OF RECORD: STATE OF TEXAS (FOR THE USE AND BENEFIT OF THE UNIV. OF NORTH TEXAS SYSTEM) STREET ADDRESS: 9700 E. RL THORNTON FWY, DALLAS, TEXAS 75228 DEED VOLUME: 2001230 PAGE: 2058 BLOCK NUMBER: DALLAS CITY BLOCKS 7604 AND 7613 SURVEY: PETER B. STOUT, ABSTRACT NO. 1306 AND ROBERT SOMINTON, ABSTRACT NO. 1277	WHOLE PROPERTY: 212.651 Ac PARCEL AREAS: 11.4083 Ac FEE: 11.4083 Ac

NATHAN D. MAIER CONSULTING ENGINEERS, INC. 8080 PARK LANE STE. 600 DALLAS, TEXAS 75231 Texas Reg. No. 100189-00	DART PROJECT 	LIGHT RAIL TRANSIT SYSTEM LINE SECTION SOC-3 PARCEL NUMBER SOC3-14-1 SHEET 5 OF 11
		CONTRACT DWG No. SOC3-14-1

EXHIBIT A-TRACT 1

MATCH LINE - SEE SHEET 7



SCALE: 1" = 40.00'
 0 25 50 100

DALLAS CITY BLOCK 7604

SOC3-14-1

R.K.C.J., L.L.C.
 EXHIBIT "A"
 VOL. 96066, PG. 7234
 D.R.D.C.T.
 CALLED 89.346 ACRES

7.5' ESMT. AND R.O.V.
 DALLAS POWER & LIGHT COMPANY

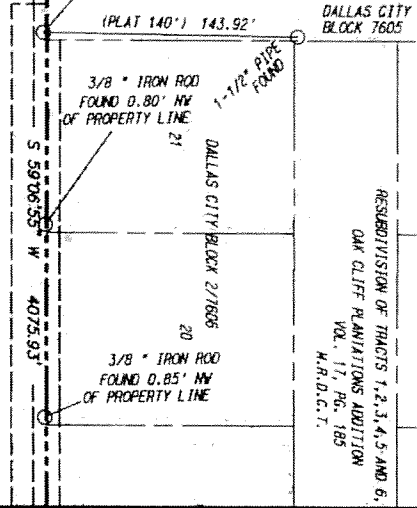
SOUTHWESTERN BELL TELEPHONE COMPANY
 VOL. 311, PG. 743
 D.R.D.C.T.
 FILED MAY 11, 1964
 (SUBJECT TO CONDITIONS
 OUTLINED IN DOCUMENT)

VAR. WIDTH ESMT. AND R.O.V.
 DALLAS POWER & LIGHT COMPANY
 PART 1
 VOL. 5216, PG. 378
 D.R.D.C.T.
 (SUBJECT TO CONDITIONS
 OUTLINED IN DOCUMENT)

(FOR THE USE AND BENEFIT OF THE
 UNIVERSITY OF NORTH TEXAS SYSTEM)
 CALLED 212.651 ACRES
 SAVE AND EXCEPT 10.014 ACRE TRACT
 TO D.I.S.D. (VOL. 5152, PAGE 332)
 VOL. 2001230, PG. 2058
 FILED NOV. 27, 2001

STATE OF TEXAS
 (FOR THE USE AND BENEFIT OF THE
 UNIVERSITY OF NORTH TEXAS SYSTEM)
 CALLED 212.651 ACRES
 SAVE AND EXCEPT 10.014 ACRE TRACT
 TO D.I.S.D. (VOL. 5152, PAGE 332)
 VOL. 2001230, PG. 2058
 FILED NOV. 27, 2001

1/2" IRON ROD WITH
 RPLS 4466 CAP FOUND
 2.05' NW OF PROPERTY LINE



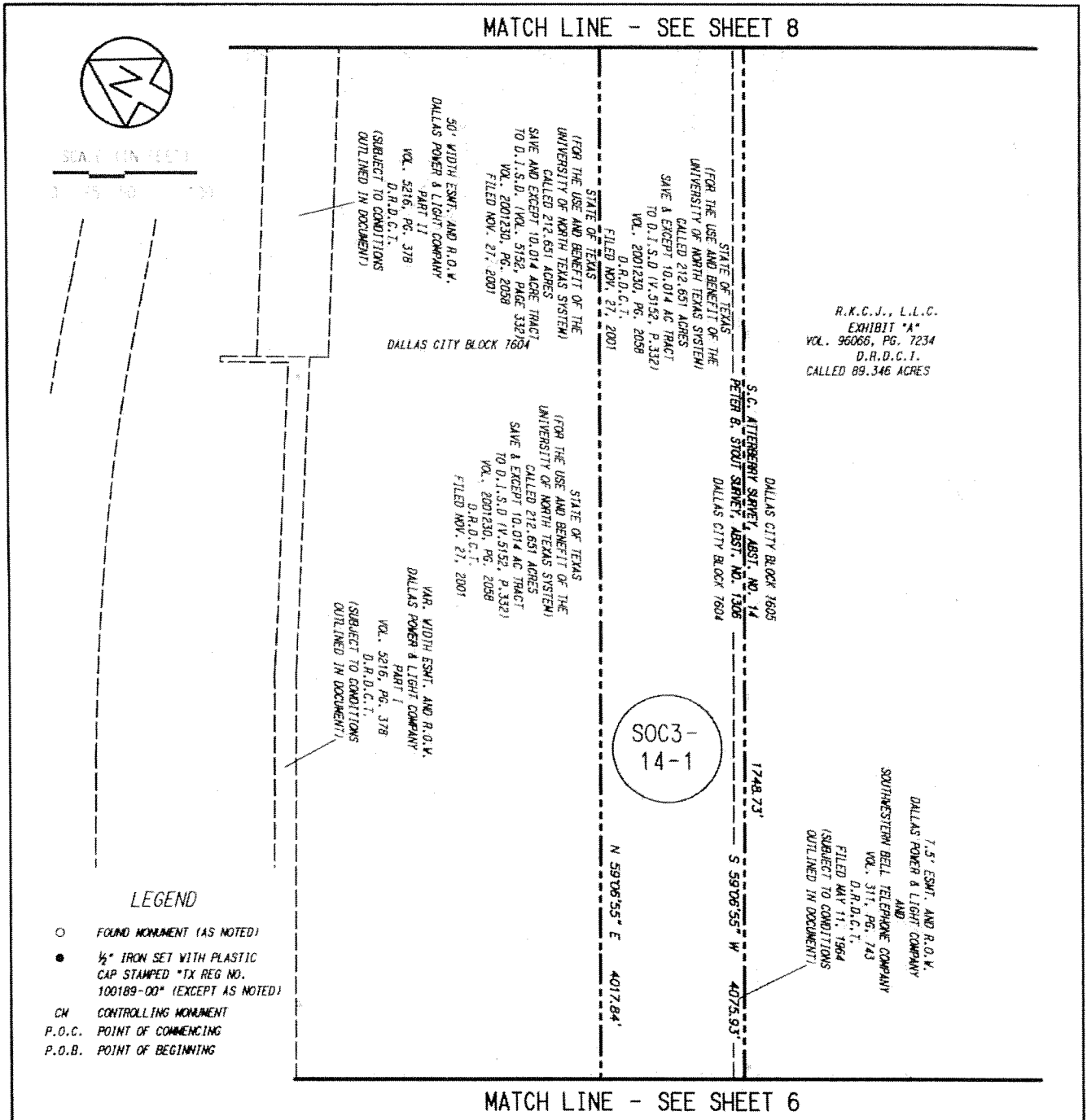
LEGEND

- FOUND MONUMENT (AS NOTED)
- 1/2" IRON SET WITH PLASTIC CAP STAMPED "TX REG NO. 100189-00" (EXCEPT AS NOTED)
- CH CONTROLLING MONUMENT
- P.O.C. POINT OF COMMENCING
- P.O.B. POINT OF BEGINNING

MATCH LINE - SEE SHEET 5

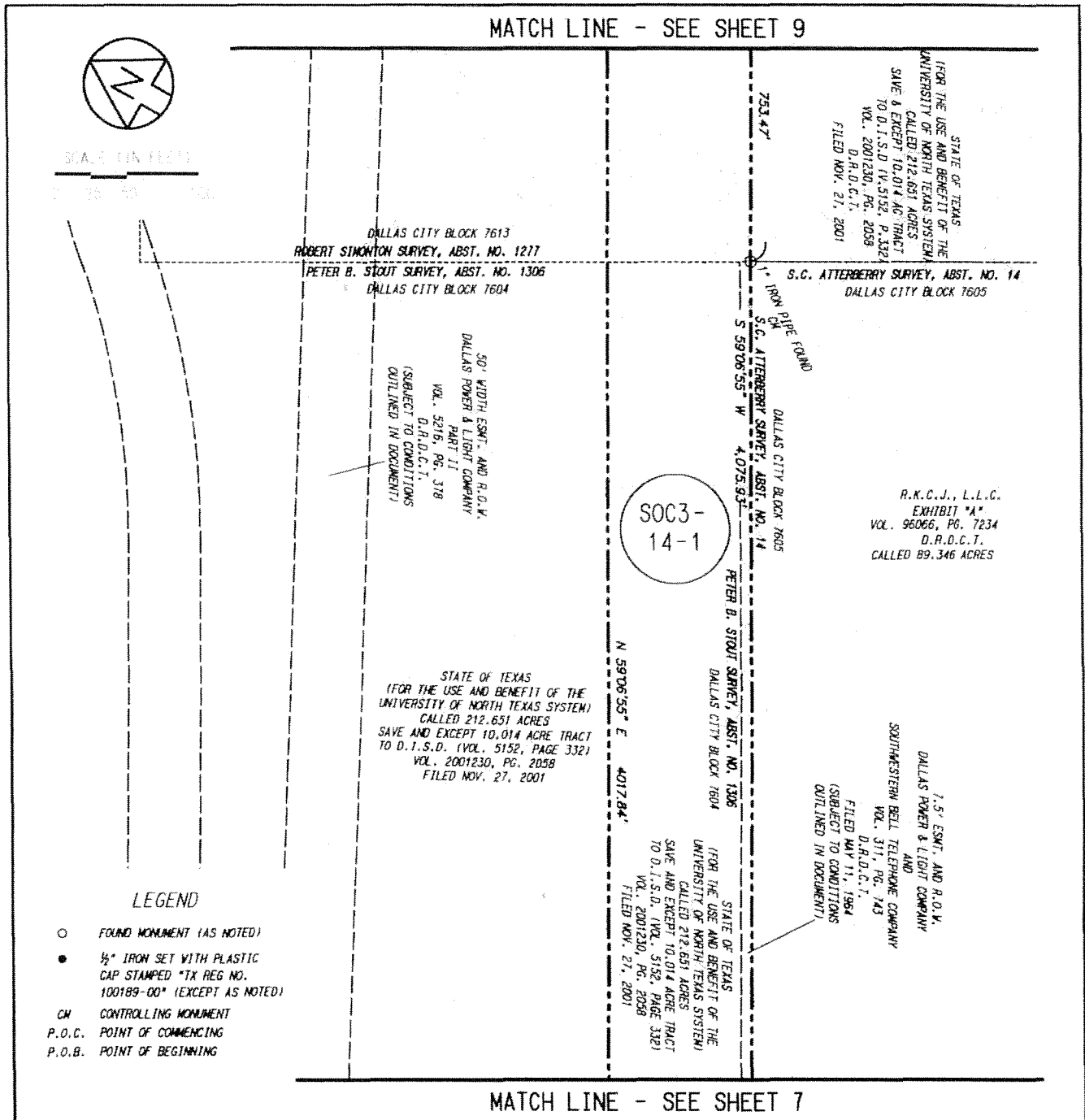
<p>PROPERTY DATA</p> <p>PROPERTY OWNER(S) OF RECORD: STATE OF TEXAS (FOR THE USE AND BENEFIT OF THE UNIV. OF NORTH TEXAS SYSTEM)</p> <p>STREET ADDRESS: 9700 E. RL THORNTON FWY, DALLAS, TEXAS 75228</p> <p>DEED VOLUME: 2001230 PAGE: 2058</p> <p>BLOCK NUMBER: DALLAS CITY BLOCKS 7604 AND 7613</p> <p>SURVEY: PETER B. STOUT, ABSTRACT NO. 1306 AND ROBERT SIMONTON, ABSTRACT NO. 1277</p>		<p>AREA SUMMARY</p> <p>WHOLE PROPERTY: 212.651 Ac</p> <p>PARCEL AREAS: 11.4083 Ac</p> <p>FEE: 11.4083 Ac</p>	
<p>NDM NATHAN D. MAIER CONSULTING ENGINEERS, INC. 8080 PARK LANE STE. 600 DALLAS, TEXAS 75231 Texas Reg. No. 100189-00</p>		<p>DART PROJECT</p> <p>DART</p>	
<p>CAES</p>		<p>LIGHT RAIL TRANSIT SYSTEM LINE SECTION SOC-3 PARCEL NUMBER SOC3-14-1 SHEET 6 OF 11</p>	
<p>CONTRACT</p>		<p>DWG No. SOC3-14-1</p>	

EXHIBIT A-TRACT 1



<p>PROPERTY DATA</p> <p>PROPERTY OWNER(S) OF RECORD: STATE OF TEXAS (FOR THE USE AND BENEFIT OF THE UNIV. OF NORTH TEXAS SYSTEM)</p> <p>STREET ADDRESS: 9700 E. RL THORNTON FWY, DALLAS, TEXAS 75228</p> <p>DEED VOLUME: 2001230 PAGE: 2058</p> <p>BLOCK NUMBER: DALLAS CITY BLOCKS 7604 AND 7613</p> <p>SURVEY: PETER B. STOUT, ABSTRACT NO. 1306 AND ROBERT SIMONTON, ABSTRACT NO. 1277</p>		<p>AREA SUMMARY</p> <p>WHOLE PROPERTY: 212.651 Ac</p> <p>PARCEL AREAS: 11.4083 Ac</p> <p>FEE: 11.4083 Ac</p>	
<p>NDM</p> <p>NATHAN D. MAIER</p> <p>CONSULTING ENGINEERS, INC.</p> <p>8080 PARK LANE STE. 600</p> <p>DALLAS, TEXAS 75231</p> <p>Texas Reg. No. 100189-00</p>		<p>DART PROJECT</p> <p>DART</p>	
<p>ICAES</p>		<p>LIGHT RAIL TRANSIT SYSTEM</p> <p>LINE SECTION SOC-3</p> <p>PARCEL NUMBER</p> <p>SOC3-14-1</p> <p>SHEET 7 OF 11</p>	
<p>CONTRACT</p>		<p>DWG No. SOC3-14-1</p>	

EXHIBIT A-TRACT 1

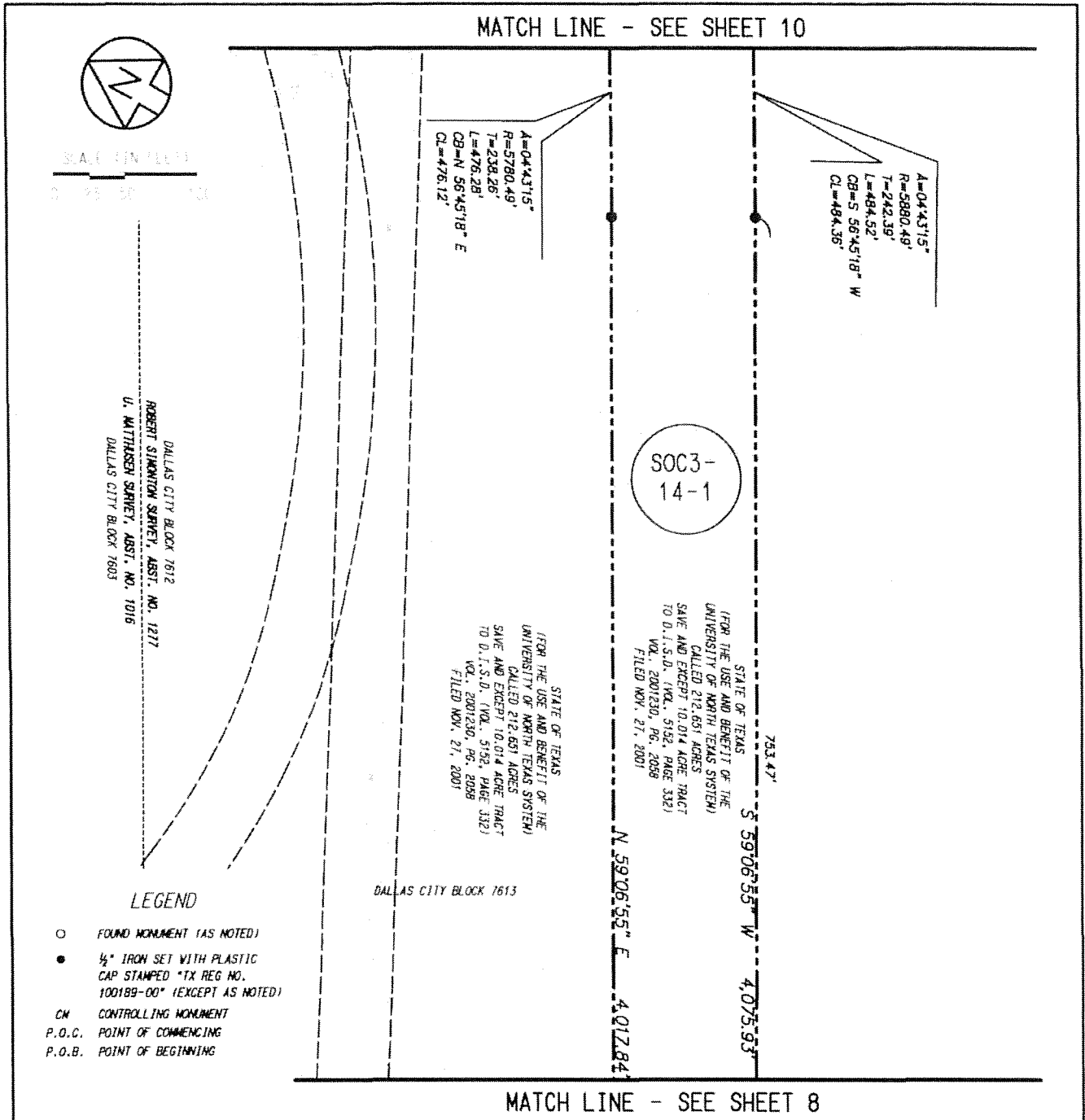


SCALE (IN FEET)
0 25 50 100

- LEGEND**
- FOUND MONUMENT (AS NOTED)
 - 1/2" IRON SET WITH PLASTIC CAP STAMPED "TX REG NO. 100189-00" (EXCEPT AS NOTED)
 - CM CONTROLLING MONUMENT
 - P.O.C. POINT OF COMMENCING
 - P.O.B. POINT OF BEGINNING

PROPERTY DATA		AREA SUMMARY	
PROPERTY OWNER(S) OF RECORD: STATE OF TEXAS (FOR THE USE AND BENEFIT OF THE UNIV. OF NORTH TEXAS SYSTEM) STREET ADDRESS: 9700 E. RL THORNTON FWY, DALLAS, TEXAS 75228 DEED VOLUME: 2001230 PAGE: 2058 BLOCK NUMBER: DALLAS CITY BLOCKS 7604 AND 7613 SURVEY: PETER B. STOUT, ABSTRACT NO. 1306 AND ROBERT SIMONTON, ABSTRACT NO. 1277		WHOLE PROPERTY: 212.651 Ac PARCEL AREAS: 11.4083 Ac FEE: 11.4083 Ac	
NATHAN D. MAIER CONSULTING ENGINEERS, INC. 8080 PARK LANE STE. 600 DALLAS, TEXAS 75231 Texas Reg. No. 100189-00	DART PROJECT 	LIGHT RAIL TRANSIT SYSTEM LINE SECTION SOC-3 PARCEL NUMBER SOC3-14-1 SHEET 8 OF 11	CONTRACT DWG No. SOC3-14-1

EXHIBIT A-TRACT 1



<p>PROPERTY DATA</p> <p>PROPERTY OWNER(S) OF RECORD: STATE OF TEXAS (FOR THE USE AND BENEFIT OF THE UNIV. OF NORTH TEXAS SYSTEM)</p> <p>STREET ADDRESS: 9700 E. RL THORNTON FWY, DALLAS, TEXAS 75228</p> <p>DEED VOLUME: 2001230 PAGE: 2058</p> <p>BLOCK NUMBER: DALLAS CITY BLOCKS 7604 AND 7613</p> <p>SURVEY: PETER B. STOUT, ABSTRACT NO. 1306 AND ROBERT SIMONTON, ABSTRACT NO. 1277</p>		<p>AREA SUMMARY</p> <p>WHOLE PROPERTY: 212.651 Ac</p> <p>PARCEL AREAS: 11.4083 Ac</p> <p>FEE: 11.4083 Ac</p>
--	--	---

NDM
NATHAN D. MAIER
CONSULTING ENGINEERS, INC.
8080 PARK LANE STE. 600
DALLAS, TEXAS 75231
Texas Reg. No. 100189-00

DART PROJECT

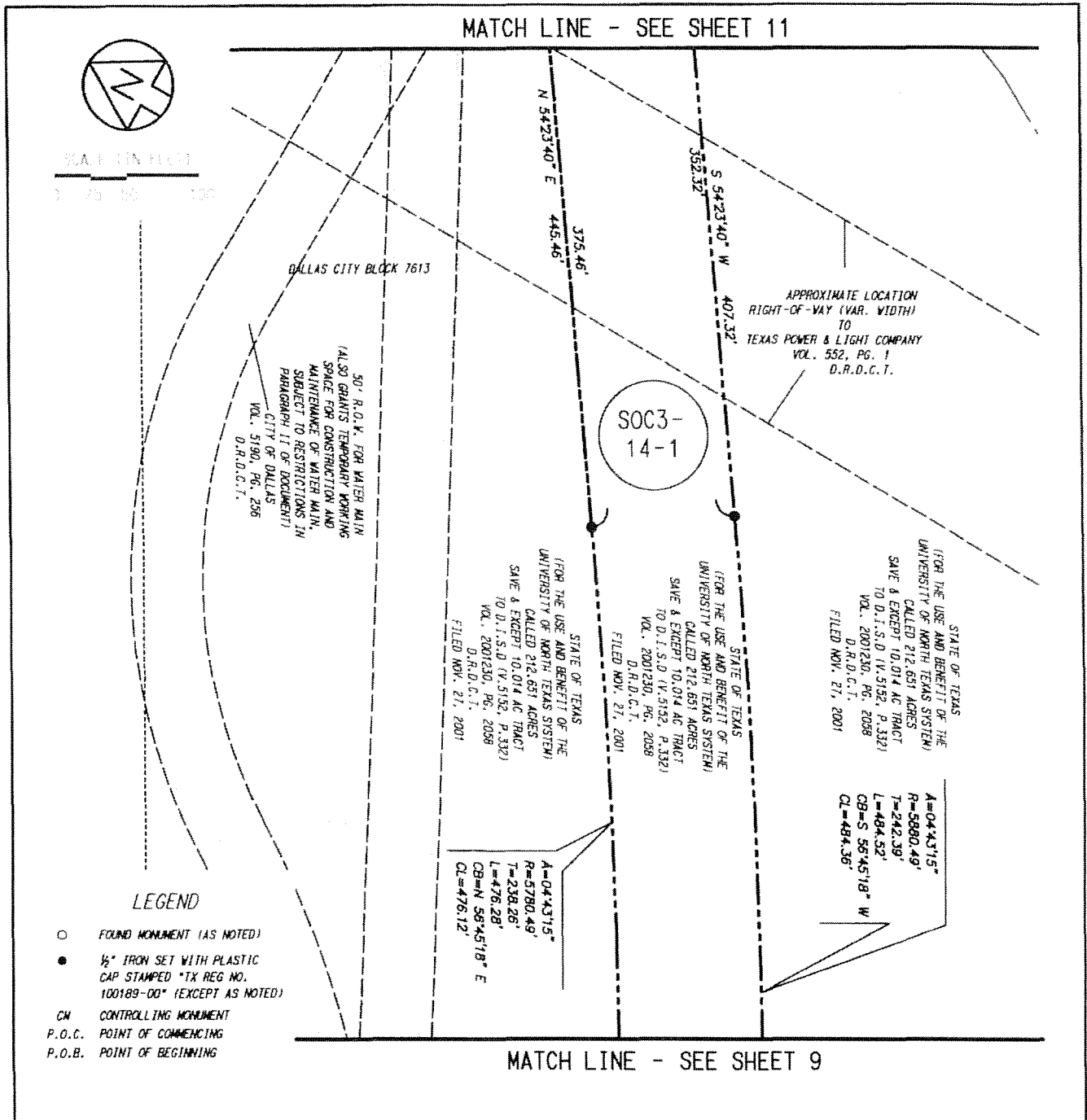
DART

DATE	11/20/01
PREP	N.D.M.
BY	N.D.M.
CHECKED	N.D.M.
DATE	11/20/01
BY	N.D.M.
DATE	11/20/01
BY	N.D.M.

LIGHT RAIL TRANSIT SYSTEM
LINE SECTION SOC-3
PARCEL NUMBER
SOC3-14-1
SHEET 9 OF 11

CONTRACT DWG No. SOC3-14-1

EXHIBIT A-TRACT 1






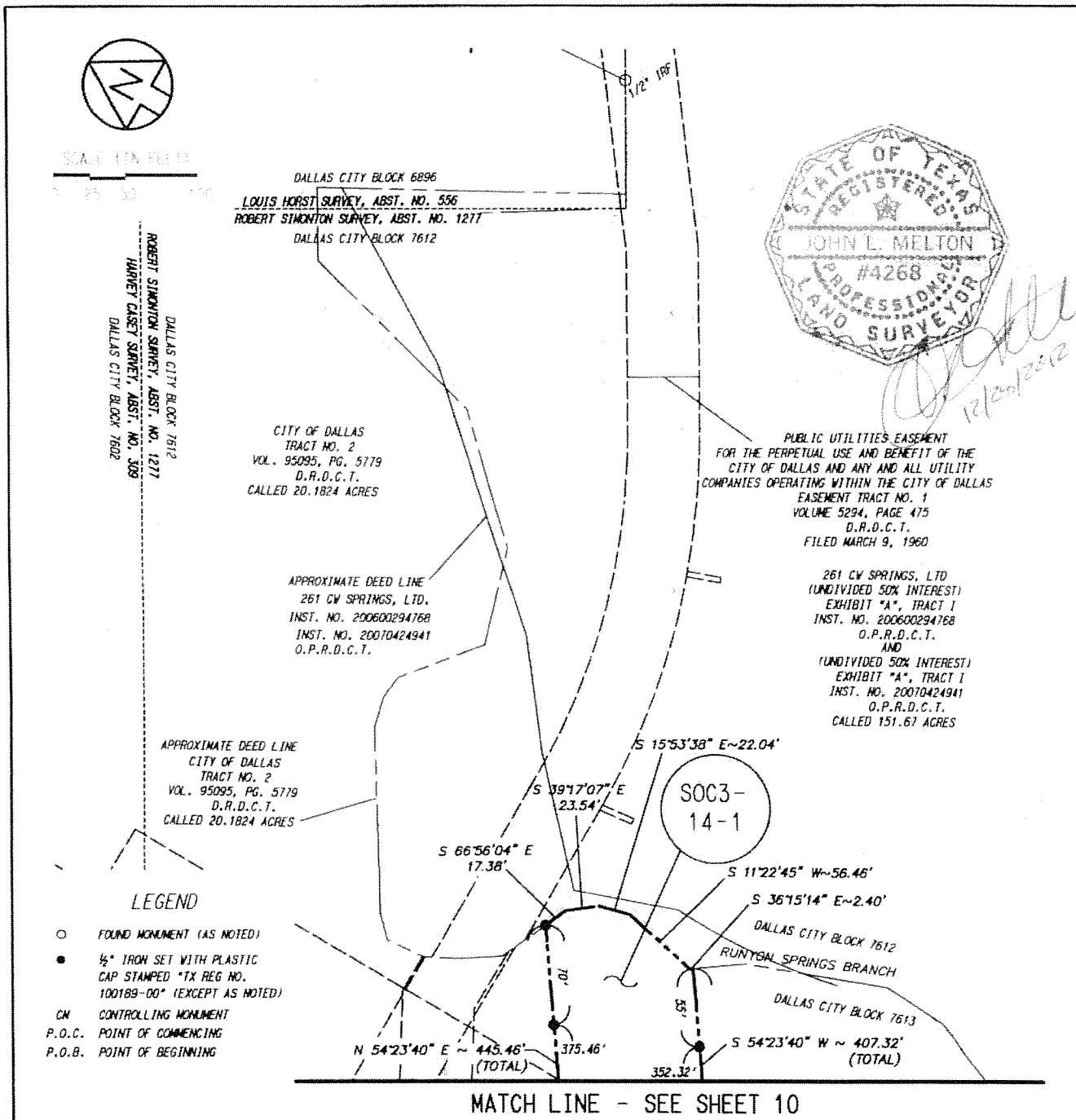
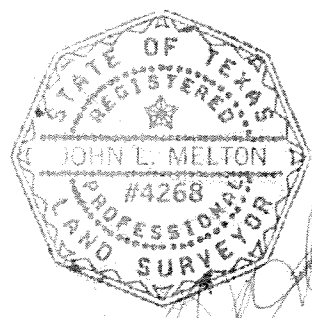
 <p>NATHAN D. MAIER CONSULTING ENGINEERS, INC.</p> <p>8080 PARK LANE STE. 600 DALLAS, TEXAS 75231 Texas Reg. No. 100189-00</p>	<p>DART PROJECT</p> 	<p>LIGHT RAIL TRANSIT SYSTEM LINE SECTION SOC-3 PARCEL NUMBER SOC3-14-1 SHEET 10 OF 11</p>
		<p>CONTRACT DWG No. SOC3-14-1</p>

EXHIBIT A-TRACT 1



SCALE 1" = 100'



PUBLIC UTILITIES EASEMENT FOR THE PERPETUAL USE AND BENEFIT OF THE CITY OF DALLAS AND ANY AND ALL UTILITY COMPANIES OPERATING WITHIN THE CITY OF DALLAS EASEMENT TRACT NO. 1 VOLUME 5294, PAGE 475 D.R.D.C.T. FILED MARCH 9, 1960

261 CV SPRINGS, LTD (UNDIVIDED 50% INTEREST) EXHIBIT "A", TRACT I INST. NO. 200600294768 O.P.R.D.C.T. AND (UNDIVIDED 50% INTEREST) EXHIBIT "A", TRACT I INST. NO. 20070424941 O.P.R.D.C.T. CALLED 151.67 ACRES

CITY OF DALLAS TRACT NO. 2 VOL. 95095, PG. 5779 D.R.D.C.T. CALLED 20.1824 ACRES

APPROXIMATE DEED LINE 261 CV SPRINGS, LTD. INST. NO. 200600294768 INST. NO. 20070424941 O.P.R.D.C.T.

APPROXIMATE DEED LINE CITY OF DALLAS TRACT NO. 2 VOL. 95095, PG. 5779 D.R.D.C.T. CALLED 20.1824 ACRES

SOC3-14-1

MATCH LINE - SEE SHEET 10

NDM
 NATHAN D. MAIER
 CONSULTING ENGINEERS, INC.
 8080 PARK LANE STE. 600
 DALLAS, TEXAS 75231
 Texas Reg. No. 100189-00

DART PROJECT

DART

DAES CONTRACT

LIGHT RAIL TRANSIT SYSTEM
 LINE SECTION SOC-3
 PARCEL NUMBER
 SOC3-14-1
 SHEET 11 OF 11

DWG No. SOC3-14-1

EXHIBIT A-TRACT 2

EXHIBIT 1.02 PARKING FACILITIES TRACT

BEING an 8.608 acre tract of land situated in the Peter B. Stout Survey, Abstract Number 1306, and being in Dallas City Block 7604, City of Dallas, Dallas County, Texas, and being a portion of that tract of land conveyed to the State of Texas, for the use and benefit of the University of North Texas System according to the Special Warranty Deed recorded in Volume 2001230, Page 2058, Deed Records of Dallas County, Texas, and being more particularly described as follows:

COMMENCING at a 1/2-inch iron rod with plastic cap stamped "TX REG NO 100189-00" set for corner in the southeasterly line of said State of Texas tract, same being the northwesterly line of the Resubdivision of Tracts 1,2,3,4,5 and 6, Oak Cliff Plantations Addition, an addition to the City of Dallas according to the plat thereof recorded in Volume 17, Page 185, Map Records of Dallas County, Texas, from whence a 5/8-inch iron rod with Survcon cap bears South 19°31'32" East, a distance of 0.96 feet, and also from whence the southwest corner of said State of Texas tract bears South 59°06'55" West, a distance of 82.74 feet;

THENCE North 00°43'52" West, departing the southeasterly line of said State of Texas tract recorded in Volume 2001230, Page 2058 and the northwesterly line of said Resubdivision of Tracts 1,2,3,4,5 and 6, Oak Cliff Plantations Addition, a distance of 333.28 feet to the POINT OF BEGINNING;

THENCE North 00°43'52" West, a distance of 56.12 feet to a 1/2-inch iron rod with plastic cap stamped "TX REG NO 100189-00" set in the northwesterly line of said State of Texas tract, same being the southeasterly line of that tract of land conveyed to the City of Dallas according to deed recorded in Volume 4855, Page 94, Deed Records of Dallas County, Texas for the beginning of a circular curve to the left having a central angle of 20°46'22", a radius of 267.50 feet, a tangent length of 49.03 feet, a chord bearing of North 69°28'38" East and a chord length of 96.45 feet, said curve being non-tangent to the last described course;

THENCE Northeasterly, with a northwesterly line of said State of Texas tract and a southeasterly line of said City of Dallas tract, and with said curve to the left for an arc distance of 96.98 feet to a 1/2-inch iron rod with plastic cap stamped "TX REG NO 100189-00" set for the point of tangency;

THENCE North 59°05'27" East, with a northwesterly line of said State of Texas tract and a southeasterly line of said City of Dallas tract, a distance of 728.14 feet to a 1/2-inch iron rod with plastic cap stamped "TX REG NO 100189-00" set for corner;

EXHIBIT A-TRACT 2

THENCE North 30°54'33" West, with a southwesterly line of said State of Texas tract and a northeasterly line of said City of Dallas tract, a distance of 132.50 feet to a 5/8-inch iron rod found for corner;

THENCE North 59°05'27" East, with a northwesterly line of said State of Texas tract and a southeasterly line of said City of Dallas tract, a distance of 132.50 feet to a 1/2-inch iron rod with plastic cap stamped "TX REG NO 100189-00" set for the most easterly corner of said City of Dallas tract;

THENCE North 30°54'33" West, with a southwesterly line of said State of Texas tract and a northeasterly line of said City of Dallas tract, 50.00 feet to a 1/2-inch iron rod with plastic cap stamped "TX REG NO 100189-00" set for corner, from whence a 5/8-inch iron rod with plastic cap stamped "Carter & Burgess" found bears South 30°54'33" East, 0.17 feet;

THENCE North 59°05'27" East, departing the westerly line of said State of Texas tract and the easterly line of said City of Dallas tract, a distance of 622.36 feet to a 1/2-inch iron rod with plastic cap stamped "TX REG NO 100189-00" set for corner;

THENCE South 30°53'05" East, a distance of 402.49 feet to a 1/2-inch iron rod with plastic cap stamped "TX REG NO 100189-00" set for corner, from whence a 1-inch iron pipe found for an ell corner in the southeasterly line of said State of Texas tract, same being the north corner of that called 89.346 acre tract of land conveyed to R.K.C.J., L.L.C. according to the Warranty Deed recorded in Volume 96066, Page 7234, Deed Records of Dallas County, Texas bears North 59°06'55" East, 1,549.05 feet and South 30°53'05" East, 100.00 feet;

THENCE South 59°06'55" West, a distance of 1,128.31 feet to a corner;

THENCE North 30°53'05" West, a distance of 29.51 feet to a corner;

THENCE North 59°05'27" East, a distance of 202.01 feet to the beginning of a circular curve to the left having a central angle of 89°58'32", a radius of 23.00 feet, a tangent length of 22.99 feet, a chord bearing of North 14°06'11" East and a chord length of 32.52 feet;

THENCE Northeasterly and Northwesterly, with said curve to the left for an arc distance of 36.12 feet to the point of tangency;

THENCE North 30°53'05" West, a distance of 83.50 feet to the beginning of a circular curve to the left having a central angle of 90°01'28", a radius of 28.00 feet, a tangent length of 28.01 feet, a chord bearing of North 75°53'49" West and a chord length of 39.61 feet;

EXHIBIT A-TRACT 2

THENCE Northwesterly and Southwesterly, with said curve to the left for an arc distance of 43.99 feet to the point of tangency;

THENCE South $59^{\circ}05'27''$ West, a distance of 551.58 feet to the beginning of a circular curve to the right having a central angle of $22^{\circ}24'00''$, a radius of 323.00 feet, a tangent length of 63.96 feet, a chord bearing of South $70^{\circ}17'27''$ West and a chord length of 125.47 feet;

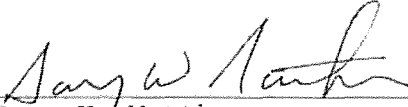
THENCE Southwesterly, with said curve to the right for an arc distance of 126.28 feet to the POINT OF BEGINNING and containing 8.608 acres (374,974 square feet) of land, more or less.

BASIS OF BEARING for this survey is referenced to Texas Department of Transportation survey control monuments R0570089 and R0570029 tied with the Western Data Systems Texas Cooperative Network (www.txrtk.com) and is referenced to NAD83 State Plane Coordinate System, Texas North Central Zone 4202. Stations DUNP-g0811 and DSIA-g081 were utilized as base stations during GPS data collection sessions.

This survey was produced without benefit of a title commitment.

I certify that this property description and attached plat represents a survey made on the ground under my supervision during the month of April, 2014.

FOR NATHAN D. MAIER CONSULTING ENGINEERS, INC.

 4-29-2014

Gary W. Matthews
Registered Professional Land Surveyor
Texas No. 5534

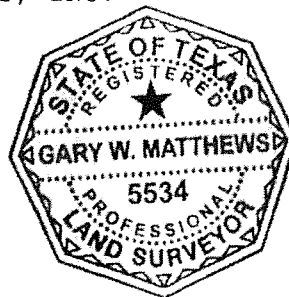
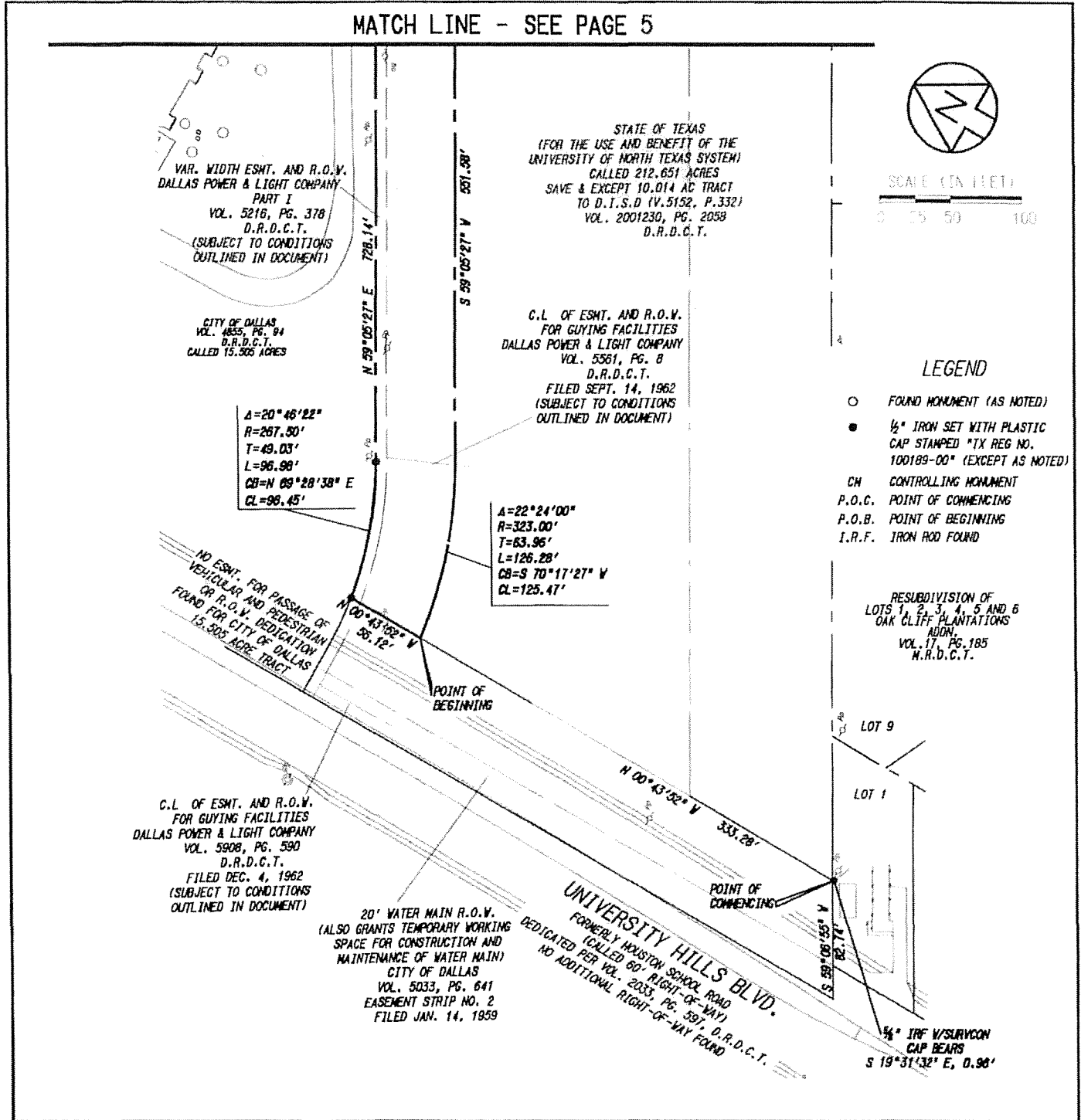


EXHIBIT A-TRACT 2

MATCH LINE - SEE PAGE 5



PROPERTY DATA

PROPERTY OWNER(S) OF RECORD: STATE OF TEXAS (FOR THE USE AND BENEFIT OF THE UNIV. OF NORTH TEXAS SYSTEM)
 STREET ADDRESS: 9700 E. RL THORNTON FWY, DALLAS, TEXAS 75228
 DEED VOLUME: 2001230 PAGE: 2058
 BLOCK NUMBER: DALLAS CITY BLOCK 7604
 SURVEY: PETER B. STOUT, ABSTRACT NO. 1306

AREA SUMMARY

PARCEL AREAS: 8.608 Ac
 FEE: 8.608 Ac

NDM
NATHAN D. MAIER
 CONSULTING ENGINEERS, INC.

8080 PARK LANE STE. 800
 DALLAS, TEXAS 75231
 Texas Reg. No. 100189-00

DART PROJECT

DART

TEXT	AS SHOWN
DRAWN	W. HULLER
DESIGNED	C. HATHINGS
CHECKED	A. W. TON
IN CHARGE	C. HATHINGS
DATE	11/11/02

CAES

LIGHT RAIL TRANSIT SYSTEM
LINE SECTION SOC-3

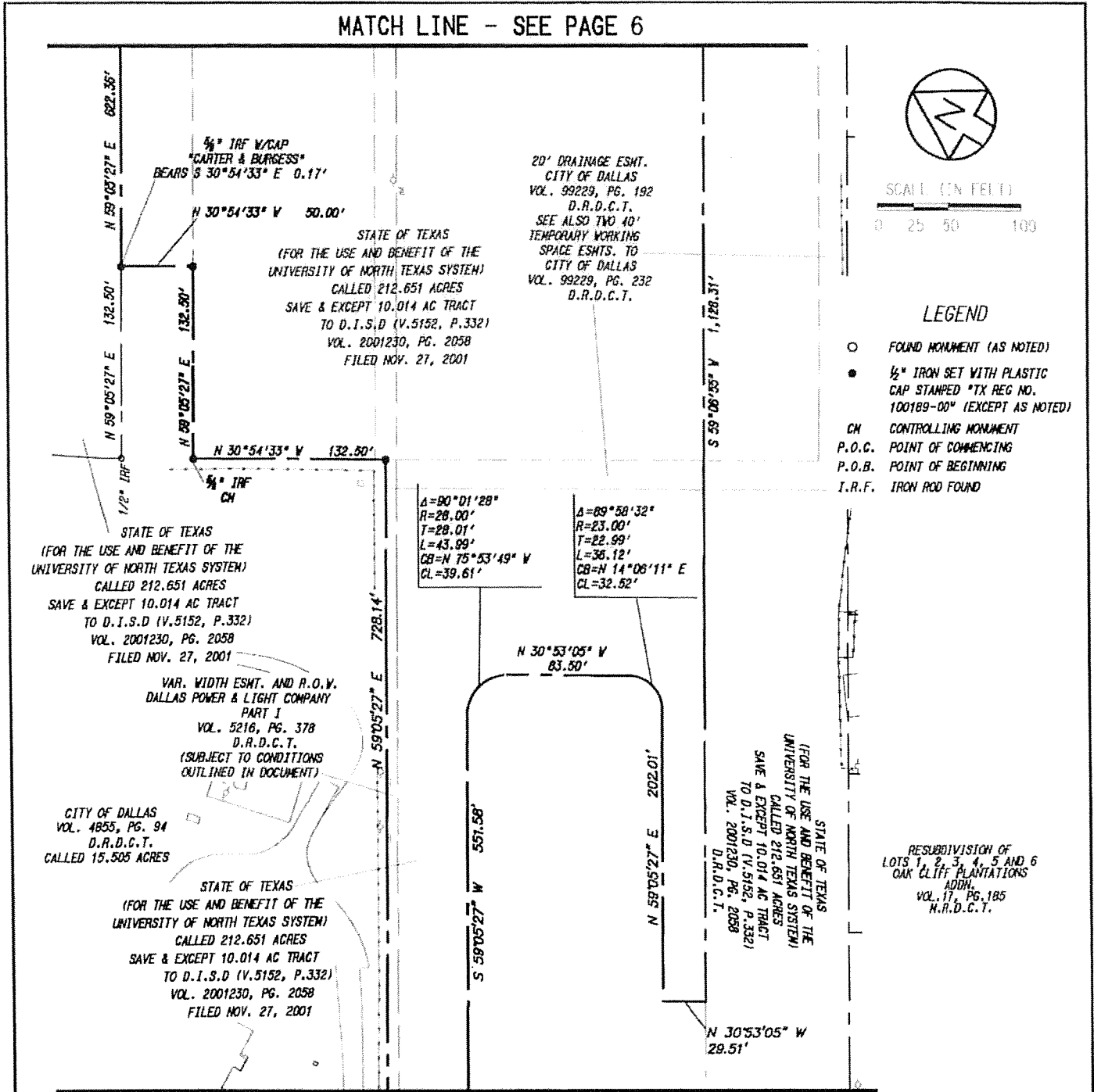
EXHIBIT 1.02
PARKING FACILITIES TRACT
 PAGE 4 OF 6

CONTRACT

DWG No. **SOC3_UNT_1_02_c**

EXHIBIT A-TRACT 2

MATCH LINE - SEE PAGE 6



SCALE (IN FEET)
0 25 50 100

LEGEND

- FOUND MONUMENT (AS NOTED)
- 1/2" IRON SET WITH PLASTIC CAP STAMPED "TX REG NO. 100189-00" (EXCEPT AS NOTED)
- CH CONTROLLING MONUMENT
- P.O.C. POINT OF COMMENCING
- P.O.B. POINT OF BEGINNING
- I.R.F. IRON ROD FOUND

MATCH LINE - SEE PAGE 4

PROPERTY DATA	AREA SUMMARY
PROPERTY OWNER(S) OF RECORD: STATE OF TEXAS (FOR THE USE AND BENEFIT OF THE UNIV. OF NORTH TEXAS SYSTEM) STREET ADDRESS: 9700 E. RL THORNTON FWY, DALLAS, TEXAS 75228 DEED VOLUME: 2001230 PAGE: 2058 BLOCK NUMBER: DALLAS CITY BLOCK 7604 SURVEY: PETER B. STOUT, ABSTRACT NO. 1306	PARCEL AREAS: 8.608 Ac FEE: 8.608 Ac

NDM
NATHAN D. MAIER
 CONSULTING ENGINEERS, INC.
 8080 PARK LANE STE. 600
 DALLAS, TEXAS 75231
 Texas Reg. No. 100189-00

DART PROJECT

DART

SCALE	AS SHOWN
DRAWN	M. MILLER
DESIGNED	J. MATTHEWS
CHECKED	J. MAIER
IN CHARGE	M. MILLER
DATE	11/11/01

CAES

LIGHT RAIL TRANSIT SYSTEM
LINE SECTION SOC-3

EXHIBIT 1.02
PARKING FACILITIES TRACT
 PAGE 5 OF 6

CONTRACT

DWG No.
SOC3_UNT_1_02_b

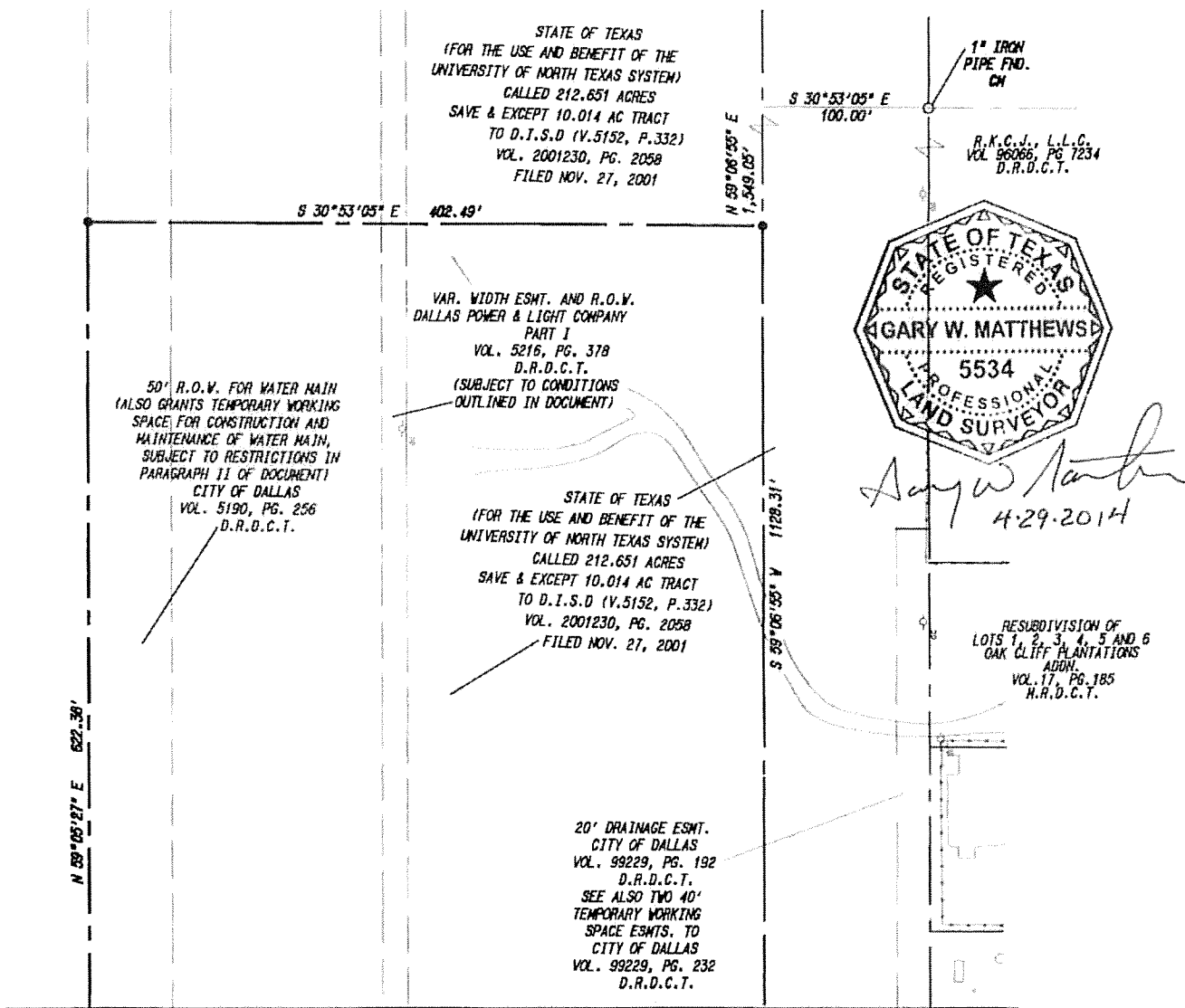
EXHIBIT A-TRACT 2



SCALE (IN FEET)
0 25 50 100

LEGEND

- FOUND MONUMENT (AS NOTED)
- 1/2" IRON SET WITH PLASTIC CAP STAMPED "TX REG NO. 100189-00" (EXCEPT AS NOTED)
- CM CONTROLLING MONUMENT
- P.O.C. POINT OF COMMENCING
- P.O.B. POINT OF BEGINNING
- I.R.F. IRON ROD FOUND



MATCH LINE - SEE PAGE 5

PROPERTY DATA	AREA SUMMARY
PROPERTY OWNER(S) OF RECORD: STATE OF TEXAS (FOR THE USE AND BENEFIT OF THE UNIV. OF NORTH TEXAS SYSTEM) STREET ADDRESS: 9700 E. RL THORNTON FWY, DALLAS, TEXAS 75228 DEED VOLUME: 2001230 PAGE: 2058 BLOCK NUMBER: DALLAS CITY BLOCK 7604 SURVEY: PETER B. STOUT, ABSTRACT NO. 1306	PARCEL AREAS: 8.608 Ac FEE: 8.608 Ac

<p>NATHAN D. MAIER CONSULTING ENGINEERS, INC. 8080 PARK LANE STE. 600 DALLAS, TEXAS 75231 Texas Reg. No. 100189-00</p>	<p>DART PROJECT</p>	<p>SCALE AS SHOWN</p> <p>DRAWN M. MILLER</p> <p>DESIGNED G. MATTHEWS</p> <p>CHECKED J. MELTON</p> <p>IN CHARGE J. MELTON</p> <p>DATE</p>	<p>LIGHT RAIL TRANSIT SYSTEM LINE SECTION SOC-3</p> <p>EXHIBIT 1.02 PARKING FACILITIES TRACT PAGE 6 OF 6</p>

EXHIBIT A-TRACT 3

EXHIBIT 1.03 PARKING FACILITIES EXPANSION TRACT

BEING a 2.745 acre tract of land situated in the Peter B. Stout Survey, Abstract Number 1306, and being in Dallas City Block 7604, City of Dallas, Dallas County, Texas, and being a portion of that certain tract of land conveyed to the State of Texas, for the use and benefit of the University of North Texas System, according to the Special Warranty Deed recorded in Volume 2001230, Page 2058, Deed Records of Dallas County, Texas, and being more particularly described as follows:

COMMENCING at a 1/2-inch iron rod with plastic cap stamped "TX REG NO 100189-00" set for corner in the southeast line of said State of Texas tract, same being the northwest line of the Resubdivision of Tracts 1,2,3,4,5 and 6, Oak Cliff Plantations Addition, an addition to the City of Dallas, Texas according to the plat thereof recorded in Volume 17, Page 185, Map Records of Dallas County, Texas, from whence a 5/8-inch iron rod with Survcon cap bears South 19°31'32" East, a distance of 0.96 feet, and also from whence the southwest corner of said State of Texas tract bears South 59°06'55" West, a distance of 82.74 feet;

THENCE North 00°43'52" West, departing the southeast line of said State of Texas tract and the northwest line of said Resubdivision of Tracts 1,2,3,4,5 and 6, Oak Cliff Plantations Addition, a distance of 115.65 feet to the POINT OF BEGINNING,

THENCE North 00°43'52" West, a distance of 217.63 feet to the beginning of a circular curve to the left having a central angle of 22°24'00", a radius of 323.00 feet, a tangent length of 63.96 feet, a chord bearing of North 70°17'27" East and a chord length of 125.47 feet, said curve being non-tangent to the last described course;

THENCE northeasterly, along said curve to the left for an arc distance of 126.28 feet to the point of tangency;

THENCE North 59°05'27" East, a distance of 551.58 feet to the beginning of a circular curve to the right having a central angle of 90°01'28", a radius of 28.00 feet, a tangent length of 28.01 feet, a chord bearing of South 75°53'49" East and a chord length of 39.61 feet;

THENCE northeasterly and southeasterly, along said curve to the right for an arc distance of 43.99 feet to the point of tangency, from whence a 5/8-inch iron rod found for an ell corner in the westerly line of said State of Texas tract and easterly line of that tract of land conveyed to the City of Dallas according to deed recorded in Volume 4855, Page 94, Deed Records of Dallas County, Texas bears North 59°05'27" East, 148.56 feet and North 30°54'33" West, 216.01 feet;

EXHIBIT A-TRACT 3

THENCE South 30°53'05" East, a distance of 83.50 feet to the beginning of a circular curve to the right having a central angle of 89°58'32", a radius of 23.00 feet, a tangent length of 22.99 feet, a chord bearing of South 14°06'11" West and a chord length of 32.52 feet;

THENCE southeasterly and southwesterly, along said curve to the right for an arc distance of 36.12 feet to the point of tangency;

THENCE South 59°05'27" West, a distance of 202.01 feet to a corner;

THENCE South 30°53'05" East, a distance of 29.51 feet to a corner, from whence a 1-inch iron pipe found for an ell corner in the southeasterly line of said State of Texas tract, same being the north corner of that called 89.346 acre tract of land conveyed to R.K.C.J., L.L.C. according to the Warranty Deed recorded in Volume 96066, Page 7234, Deed Records of Dallas County, Texas bears North 59°06'55" East, 2,677.36 feet and South 30°53'05" East, 100.00 feet;


THENCE South 59°06'55" West, a distance of 587.00 feet to the POINT OF BEGINNING and containing 2.745 acres (119,549 square feet) of land, more or less.

BASIS OF BEARINGS for this survey is referenced to Texas Department of Transportation survey control monuments R0570089 and R0570029 tied with the Western Data Systems Texas Cooperative Network (www.txrtk.com) and is referenced to NAD83 State Plane Coordinate System, Texas North Central Zone 4202. Stations DUNP-g0811 and DSIA-g081 were utilized as base stations during GPS data collection sessions.

This survey was produced without benefit of a title commitment.

I certify that this property description and attached plat represents a survey made on the ground under my supervision during the month of April, 2014.

FOR NATHAN D. MAIER CONSULTING ENGINEERS, INC.

 4.29.2014

Gary W. Matthews
Registered Professional Land Surveyor
Texas No. 5534

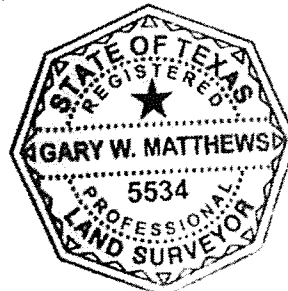
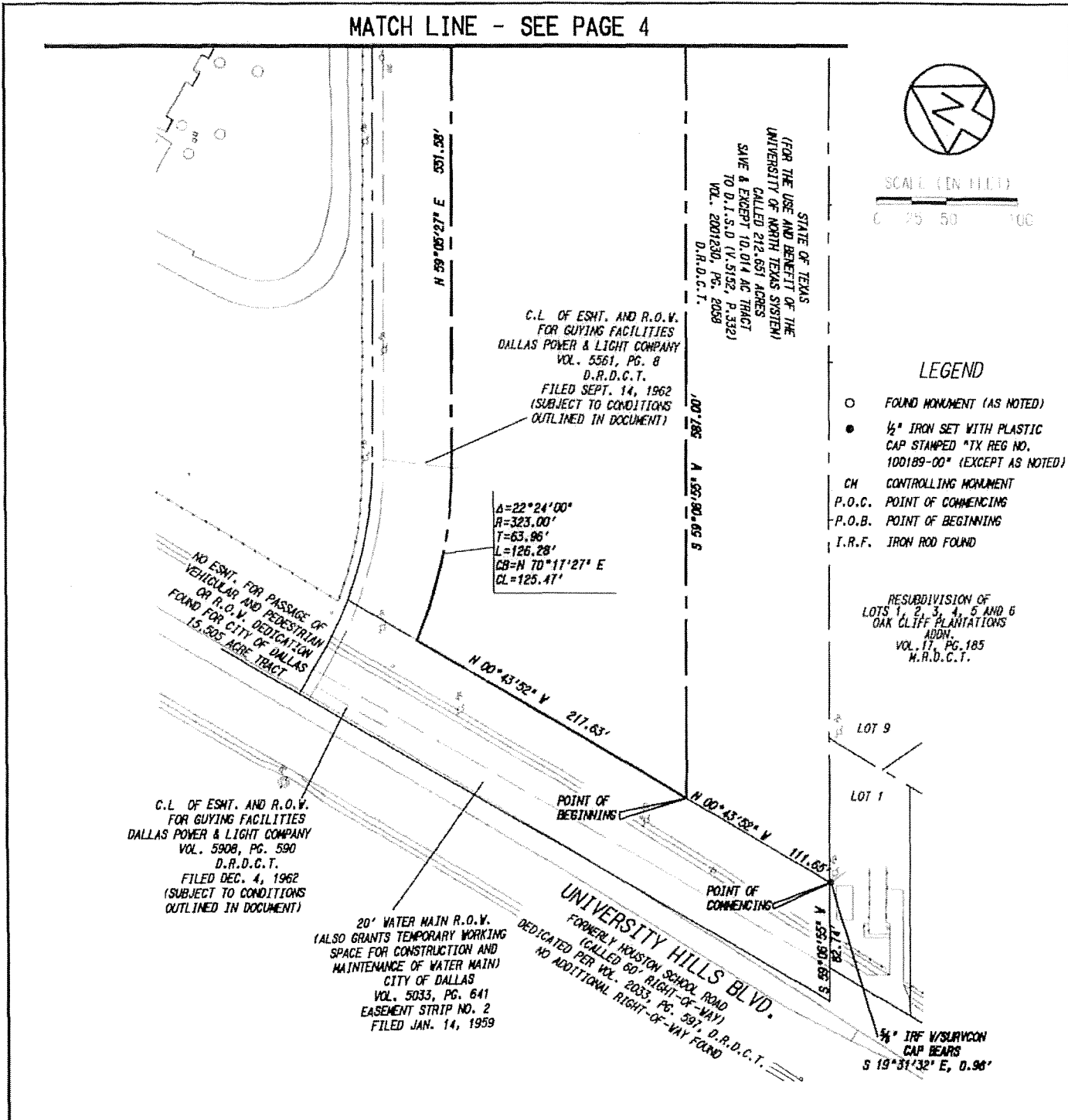


EXHIBIT A-TRACT 3

MATCH LINE - SEE PAGE 4



PROPERTY DATA	
PROPERTY OWNER(S) OF RECORD: STATE OF TEXAS (FOR THE USE AND BENEFIT OF THE UNIV. OF NORTH TEXAS SYSTEM)	
STREET ADDRESS: 9700 E. RL THORNTON FWY, DALLAS, TEXAS 75228	
DEED VOLUME: 2001230	PAGE: 2058
BLOCK NUMBER: DALLAS CITY BLOCK 7604	
SURVEY: PETER B. STOUT, ABSTRACT NO. 1306	

AREA SUMMARY
PARCEL AREAS: 2.745 Ac
LEASE AREA: 2.745 Ac

NDM
NATHAN D. MAIER
CONSULTING ENGINEERS, INC.
8080 PARK LANE STE. 600
DALLAS, TEXAS 75231
Texas Reg. No. 100189-00

DART PROJECT

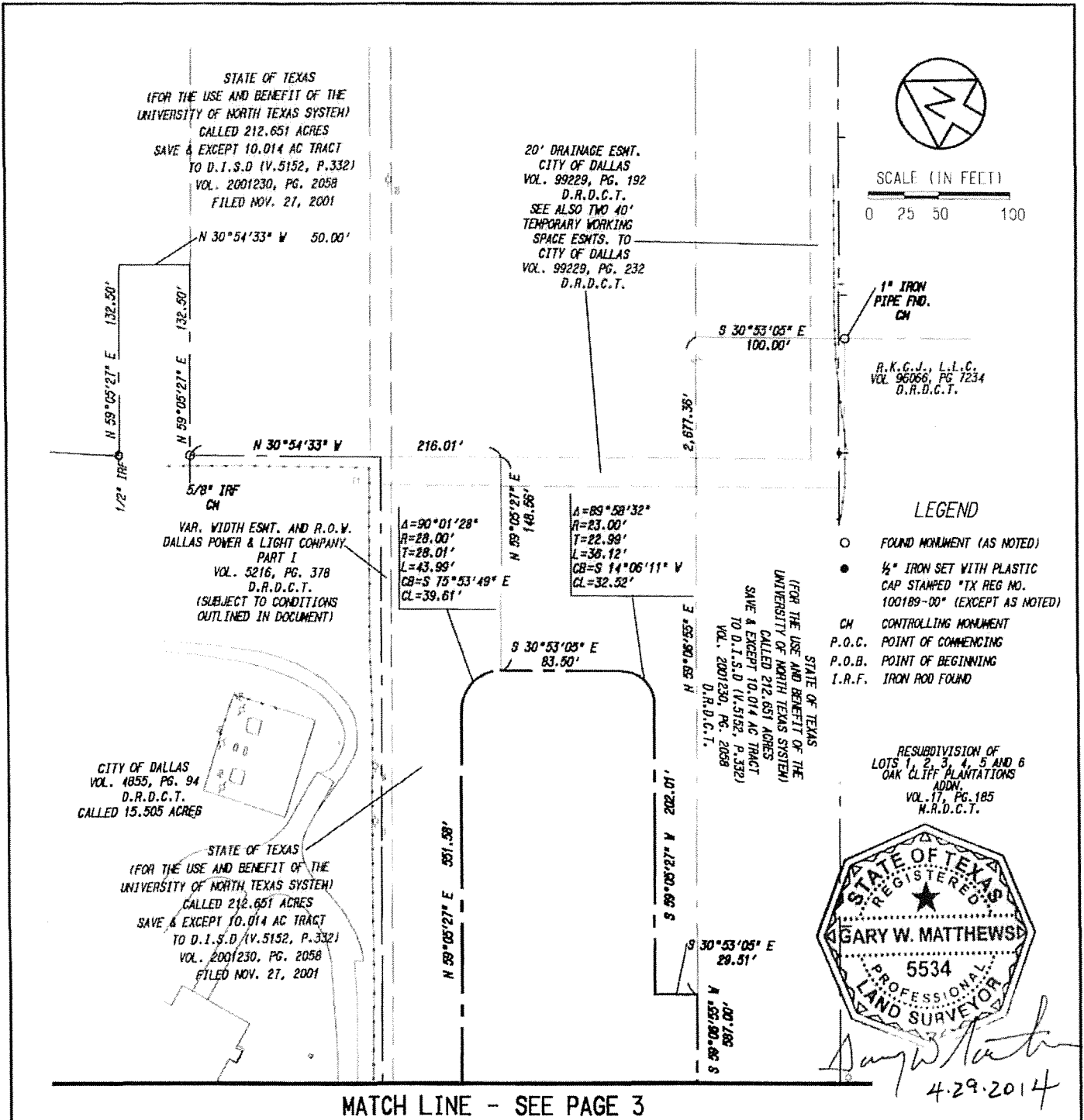
SCALE	AS SHOWN
DRAWN	H. HELLER
REGISTERED	L. WALLACE
CHECKED	L. H. THOMAS
IN CHARGE	E. HELLER
DATE	11/14/03

LIGHT RAIL TRANSIT SYSTEM
LINE SECTION SOC-3

EXHIBIT 1.03
PARKING FACILITIES EXPANSION TRACT
PAGE 3 OF 4

CONTRACT DWG No. **SOC3_UNT_1_03_0**

EXHIBIT A-TRACT 3



MATCH LINE - SEE PAGE 3

<p>PROPERTY DATA</p> <p>PROPERTY OWNER(S) OF RECORD: STATE OF TEXAS (FOR THE USE AND BENEFIT OF THE UNIV. OF NORTH TEXAS SYSTEM)</p> <p>STREET ADDRESS: 9700 E. RL THORNTON FWY, DALLAS, TEXAS 75228</p> <p>DEED VOLUME: 2001230 PAGE: 2058</p> <p>BLOCK NUMBER: DALLAS CITY BLOCK 7604</p> <p>SURVEY: PETER B. STOUT, ABSTRACT NO. 1306</p>	<p>AREA SUMMARY</p> <p>PARCEL AREAS: 2.745 Ac</p> <p>LEASE AREA: 2.745 Ac</p>
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<p>NATHAN D. MAIER CONSULTING ENGINEERS, INC.</p> <p>8080 PARK LANE STE. 600 DALLAS, TEXAS 75231 Texas Reg. No. 100189-00</p>	<p>DART PROJECT</p>	<p>SCALE: AS SHOWN</p> <p>DRAWN: M. MILLER</p> <p>DESIGNED: G. MATTHEWS</p> <p>CHECKED: J. NELTON</p> <p>IN CHARGE: J. NELTON</p> <p>DATE: 29 APR 2014</p> <p>CAES</p> <p>CONTRACT</p> <p>DWG No. SOC3_UNT_1_03_b</p>
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LIGHT RAIL TRANSIT SYSTEM
LINE SECTION SOC-3

EXHIBIT 1.03
PARKING FACILITIES EXPANSION TRACT
PAGE 4 OF 4

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: September 9, 2015
COUNCIL DISTRICT(S): All
DEPARTMENT: Mayor and City Council
CMO: A. C. Gonzalez, 670-3297
MAPSCO: 34B

SUBJECT

A motion to reconsider Agenda Item No. 2, previously denied on August 26, 2015, authorizing: **(1)** the rescission of Resolution No. 12-2724, previously approved on November 14, 2012, which authorized an aviation lease and a commercial aviation lease with The Braniff Centre Limited Partnership (previously known as Reed Enterprises Investment Holdings, LP); **(2)** a thirty-nine-year lease agreement with three, ten-year renewal options with The Braniff Centre Limited Partnership for approximately 752,913 square feet of land located at 7701 Lemmon Avenue for aviation use development with a capital commitment of \$17,000,000 to be expended within 36-months from the effective date of the lease with an additional \$4,000,000 to be expended within ten-years; and **(3)** a thirty-nine year lease agreement with three, ten-year renewal options with The Braniff Centre Limited Partnership at Dallas Love Field, for approximately 414,600 square feet of land for commercial development with a total capital commitment of \$20,000,000 to be expended within sixty-months from the effective date of the lease - Financing: This action has no cost consideration to the City

BACKGROUND

At its August 26, 2015 meeting, the City Council denied authorization of Agenda Item No. 2, rescinding Resolution No. 12-2724, and authorizing two, thirty-nine year lease agreements with three, ten-year renewal options, with The Braniff Centre Limited Partnership for property located at Dallas Love Field. Five councilmembers, including one councilmember who voted on the prevailing side, wish to have this item reconsidered by the City Council pursuant to Section 7.6 of the City Council Rules of Procedure.

PRIOR ACTION / REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On November 14, 2012, City Council authorized the original lease agreement by Resolution No. 12-2724.

Approved by the Economic Development Committee of an aviation and commercial lease agreement with Reed Enterprises Investment Holdings LP (now known as The Braniff Centre Limited Partnership), on January 20, 2015.

Information about this item was provided to the Economic Development Committee on August 17, 2015.

On August 26, 2015, the rescission of Resolution No. 12-2724 and approval of two, thirty-nine year lease agreements with three, ten-year renewal options with The Braniff Centre Limited Partnership (previously known as Reed Enterprises Investment Holdings, LP) for property at Dallas Love Field was denied.

FISCAL INFORMATION

This action has no cost consideration to the City.

OWNER

The Braniff Centre Limited Partnership, a Texas limited partnership

Randall Reed, CEO
TBC GP LLC, General Partner

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: September 9, 2015
COUNCIL DISTRICT(S): 2
DEPARTMENT: Aviation
CMO: Ryan S. Evans, 671-9837
MAPSCO: N/A

SUBJECT

Authorize **(1)** the rescission of Resolution No. 12-2724, previously approved on November 14, 2012, which authorized an aviation lease and a commercial aviation lease with The Braniff Centre Limited Partnership (previously known as Reed Enterprises Investment Holdings, LP); **(2)** a thirty-nine-year lease agreement with three, ten-year renewal options with The Braniff Centre for approximately 752,913 square feet of land located at 7701 Lemmon Avenue for aviation use development with a capital commitment of \$17,000,000 to be expended within 36-months from the effective date of the lease with an additional \$4,000,000 to be expended within ten-years; and **(3)** a thirty-nine year lease agreement with three, ten-year renewal options with The Braniff Centre Limited Partnership at Dallas Love Field, for approximately 414,600 square feet of land for commercial development with a total capital commitment of \$20,000,000 to be expended within sixty-months from the effective date of the lease - Estimated Annual Revenue: \$1,150,000

BACKGROUND

The Department of Aviation (DOA) attempted to market the property over the past several years. On May 9, 2012, City Council awarded a contract with AMX to design the demolition of the structure in order to attract a developer. DOA initiated an Environmental Assessment (EA) to demolish the Dalfort facility as part of the demolition process in the spring of 2012.

BACKGROUND (Continued)

Part of the EA process is to determine historical significance. DOA submitted information to the FAA who determined Dalfort was not eligible for listing on the National Register of Historic Structures. The State Historic Preservation Commission disagreed with the FAA and the issue was sent to the Keeper of the register for a final decision. City Council authorized a lease agreement with Reed Enterprises Investment Holdings LP (now known as The Braniff Centre Limited Partnership) on November 14, 2012. The facility was declared eligible for listing on the National Register of Historic Places (NRHP). The lease was not executed when historical significance of building was determined.

On October 14, 2014, the DOA received the Finding of No Significant Impact (FONSI) from the FAA regarding environmental assessment.

The Braniff Centre LP offered to lease and develop the property under two separate lease agreements. Below are the general terms and conditions of both leases.

Aviation Lease

The aviation lease will have a term of thirty-nine (39) years with three (3) ten-year (10) renewal options and consist of approximately 752,913 square feet of land having a lease rate based on the current prevailing annual rental rate at Love Field of \$.40 per square foot for unimproved land and \$.65 per square foot for improved land, which will be abated for the first ten (10) years of the lease period. Commencing in the 11th year of the lease, the City will begin collecting rent on the improvements constructed by lessee at the then prevailing rental rates for such improvements at Dallas Love Field. Rent will escalate every three years thereafter by the greater of: (1) the percentage increase in the Consumer Price Index over the previous 3-year period, (2) the prevailing rental rate for similar premises at the airport, or (3) 2%, provided, no single escalation shall exceed 6% from the previous 3-year period. The lease will have an initial capital commitment of \$17,000,000 to be expended within 36 months from the effective date of the lease for the construction of aviation hangars and a fuel farm and an additional capital commitment of \$4,000,000 to be expended within ten (10) years from the effective date of the lease. Total capital commitment in the aviation lease is \$21,000,000. Title to all newly constructed improvements will vest in the City upon completion of construction.

BACKGROUND (Continued)

Commercial Lease

The commercial lease will have a term of thirty-nine (39) years with three (3) ten-year (10) renewal options and consist of approximately 414,600 square feet of land having an annual ground lease rate based on appraised market value supported by a broker's opinion of value of \$.75 per square foot for unimproved and improved land and \$240,000 annual rent for the existing parking garage located at 7777 Lemmon Avenue. Total estimated annual revenue under the commercial lease is \$521,809.50, which is based on \$.75 per square foot, of which \$281,809.50 will be abated for the first ten (10) years of the lease period and less 38,854 square feet footprint of the parking garage, which rent of \$240,000 will begin in the 25th month or when possession is granted by Lessor.

Commencing in the 11th year of the lease, the City will begin collecting rent on the improvements constructed by lessee at the then prevailing rental rates for such improvements at Dallas Love Field, not to be less than .75 per square foot for unimproved and improved land. Rent will escalate every three years thereafter by the percentage increase in the Consumer Price Index over the previous 3-year period with a provision that the rent will not be reduced if a negative Consumer Price Index calculation is recorded, or a maximum of two percent (2%) per year, whichever is lesser, provided, any Consumer Price Index increase that exceeds the maximum two percent (2%) per year for any given 3-year period shall be paid by lessee by spreading the excess amount evenly over the following five year term of the lease. Beginning the 20th year of the lease, the City will receive percentage rental equal to the excess, if any, of: (1) 10% of gross rentals collected by lessee under subleases of the property over (2) the amount of base rental otherwise payable by lessee for the same period excluding automotive use subleases when the sublease is an affiliate or subsidiary of lessee. The lease will have a total capital commitment of \$20,000,000 to be expended within 60 months from the effective date of the lease. The lessee proposes to develop the site with an automobile dealership consisting of a new car showroom, bodyshop, parts, service center and parking. Upon completion of construction, the lessee will retain ownership of the permanent improvements through the remainder of the lease term, which will be subject to ad valorem property taxes. At the expiration of the lease term, the City retains the right to require the lessee, at lessee's expense, to demolish the improvements or leave them in place. The lessee shall also be granted a Right of First Refusal to lease the two office buildings and adjacent land currently leased to Signature Flight Support Corporation if/when the property becomes available to lease.

BACKGROUND (Continued)

The City remains responsible for environmental cleanup and remediation of environmental contaminants, not caused by lessee, after the City's initial demolition of the structural improvements. If, during lessee's construction of new improvements on the leased premises, environmental contaminants requiring remediation are found on the site, which the City is responsible, (any suspected hazardous materials outlined in the Phase I and Phase II environmental assessments that have not been fully quantified or located), the lessee may remediate the site to acceptable levels and the City shall reimburse lessee the cost of such remediation through rent abatements in an amount not to exceed one year's rent under both leases.

Total annual estimated revenue is \$1,150,000, commencing in the 11th year and total capital commitment under both leases is \$41,000,000. Approval of this item will convert a non-revenue producing asset into a revenue-producing amenity to the City.

PRIOR ACTION / REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized original lease, on November 14, 2012, by Resolution No. 12-2724.

Approved by the Economic Development Committee of an aviation and commercial lease agreement with Reed Enterprises Investment Holdings LP (now known as The Braniff Centre Limited Partnership), on January 20, 2015.

Information about this item was provided to the Economic Development Committee on August 17, 2015.

On August 26, 2015, the rescission of Resolution No. 12-2724 and approval of two, thirty-nine year lease agreements with three, ten-year renewal options with The Braniff Centre Limited Partnership (previously known as Reed Enterprises Investment Holdings, LP) for property at Dallas Love Field was denied.

On September 3, 2015, city councilmembers requested reconsideration of this item.

FISCAL INFORMATION

Estimated Annual Revenue (Commencing Year 3):	\$240,000.00
Estimated Annual Revenue (Commencing Year 11):	\$910,000.00

Total Estimated Annual Revenue (Commencing Year 11): \$1,150,000.00

OWNER

The Braniff Centre Limited Partnership, a Texas limited partnership

Randall Reed, CEO
TBC GP LLC, General Partner

MAP

Attached.

**The Braniff Centre Limited
Partnership
General Location
Dallas Love Field**



RECEIVED

MEMORANDUM

2015 SEP -4 AM 10: 21

CITY OF DALLAS
DALLAS, TEXAS



City of Dallas

DATE September 4, 2015
TO A.C. Gonzalez, City Manager
SUBJECT Agenda item for September 9 meeting

Per the attached memo signed by five Dallas City Council members, please place a motion to reconsider Agenda item #2 of the August 26 council hearing on the September 9 meeting agenda.

Please also post the item itself, so that the council may consider it should the body vote in the affirmative to reconsider denial of that item.

Should you have any questions, please contact Scott Goldstein at 214.670.7977.

Thank you,


Michael S. Rawlings
Mayor

cc: Members of the Dallas City Council
A.C. Gonzalez, City Manager
Ryan Evans, First Assistant City Manager
Warren Ernst, City Attorney
Rosa Rios, City Secretary

Memorandum

RECEIVED

2015 SEP -3 PM 4: 45

CITY SECRETARY
DALLAS, TEXAS

RECEIVED

2015 SEP -1 21

CITY OF DALLAS


DATE September 3, 2015

TO Mike S. Rawlings
Mayor


SUBJECT **Request to add the following item on the next available Council Agenda**

Please place a motion to reconsider Agenda Item #2 An aviation lease and a commercial aviation lease with The Braniff Centre Limited Partnership of the August 26th Council hearing on the next available agenda.

In addition, please post the item itself so that the council may consider it should the body vote in the affirmative to reconsider the denial of that item.


Rickey D. Callahan
Economic Development - Chair
District 5

Monica R. Alonzo
Mayor Pro-Tem District 6


Erik Wilson
Deputy Mayor Pro-Tem- District 8

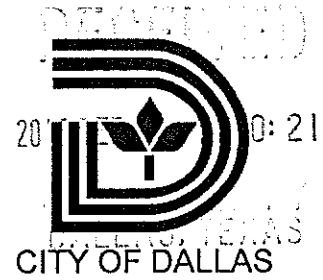
Jennifer Gates
Council Member - District 13

Lee M. Kleinman
Council Member - District 11

CC: The Honorable Mayor and Members of the City Council
Rosa Rios – City Secretary

Memorandum

RECEIVED
2015 SEP -3 PM 4:45
CITY SECRETARY
DALLAS, TEXAS



DATE September 3, 2015

TO Mike S. Rawlings
Mayor

SUBJECT **Request to add the following item on the next available Council Agenda**

Please place a motion to reconsider Agenda Item #2 An aviation lease and a commercial aviation lease with The Braniff Centre Limited Partnership of the August 26th Council hearing on the next available agenda.

In addition, please post the item itself so that the council may consider it should the body vote in the affirmative to reconsider the denial of that item.

Rickey D. Callahan
Economic Development - Chair
District 5

Monica R. Alonzo
Mayor Pro-Tem
District 6

Erik Wilson
Deputy Mayor Pro-Tem- District 8

Jennifer Gates
Council Member - District 13

Lee M. Kleinman
Council Member - District 11

CC: The Honorable Mayor and Members of the City Council
Rosa Rios – City Secretary

September 9, 2015

WHEREAS, The Braniff Centre Limited Partnership (formerly known as Reed Enterprises Investment Holdings, LP) (“Lessee”) has offered to lease approximately 1,050,138 square feet of land and improvements under two separate thirty-nine (39) years with three (3) ten-year (10) options lease agreements to develop aviation facilities (the “Aviation Lease”) containing approximately 752,913 square feet and non-aviation facilities (the “Commercial Lease”) containing approximately 414,600 square feet; and,

WHEREAS, Lessee shall expend not less than \$17,000,000 in new capital improvements on the leased premises within twenty-four months from the effective date of the leases and an additional \$4,000,000 to be expended within 10 years from the effective date of the leases; and,

WHEREAS, Lessee shall expend not less than \$20,000,000 in new capital improvements on the commercial leased premises within sixty months from the effective date of the leases; and,

WHEREAS, the City and Lessee desire to enter into two thirty-nine (39) year leases each with three (3) ten-year (10) options for land at Dallas Love Field totaling approximately 1,167,513 square feet or 26.802 acres.

Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

Section 1. That Resolution No. 12-2724, previously approved on November 14, 2012, authorizing an aviation lease and a commercial aviation lease at Dallas Love Field with The Braniff Centre LP (formerly known as Reed Enterprises Investment Holdings, LP) is hereby rescinded.

Section 2. That the proposed Aviation lease for a primary term of thirty-nine (39) years with three (3) ten-year (10) options and providing estimated current annual rent in the amount of \$404,429.76 payable in monthly installments of approximately \$33,702.48 and the commercial lease for a primary term of thirty-nine (39) years with three (3) ten-year (10) options and providing estimated current annual rent in the amount of \$521,809.56 payable in monthly installments of approximately \$43,484.13, and less parking garage rent of \$240,000 annually (which will begin in the 25th month or when possession is granted by Lessor), which both leases having a rental abatement period for the first ten (10) years, is hereby approved and the City Manager is authorized to execute, on behalf of the City of Dallas, the Aviation lease and the commercial lease after approval as to form by the City Attorney.

September 9, 2015

Section 3. That the Aviation Lease evidences, among other things, the following terms and conditions:

- A. Thirty-nine (39) year term with three (3) ten-year (10) options.
- B. Annual rent will be based on the current prevailing annual rental rate at Dallas Love Field of \$.40 per square foot for unimproved land and \$.65 per square foot for improved land.
- C. Payment of rent shall be abated for the first ten (10) years of the lease period.
- D. Commencing in the 11th year of the lease, the City will begin collecting rent on the improvements constructed by lessee at the then prevailing rental rates for such improvements at Love Field. Rent will thereafter escalate every three years by the greater of: (1) the percentage increase in the Consumer Price Index over the previous 3-year period, (2) the prevailing rental rate for similar premises at the airport, or (3) 2%, provided, no single escalation shall exceed 6% from the previous 3-year period.
- E. The lease will have an initial capital commitment of \$17,000,000 to be expended within 36 months from the effective date of the lease for the construction of aviation hangars and a fuel farm and an additional capital commitment of \$4,000,000 to be expended within 10 years from the effective date of the lease. Total capital commitment in the aviation lease is \$21,000,000.
- F. Title to all newly constructed improvements will vest in the City upon completion of construction.

Section 4. That the Commercial Aviation Lease evidences, among other things, the following terms and conditions:

- A. Thirty-nine (39) year term with three (3) ten-year (10) options.
- B. Annual rent will be \$.75 per square foot for unimproved and improved land.
- C. Payment of rent shall be abated for the first ten (10) years of the lease period with exception of parking garage rent of \$240,000 annually (which will begin in the 25th month or when possession is granted by Lessor).

September 9, 2015

- D. Commencing in the 11th year of the lease, the City will begin collecting rent on the improvements constructed by lessee at the then prevailing rental rates for such improvements at Dallas Love Field, not to be less than .75 per square foot for unimproved and improved land.
- E. Rent will escalate every three years thereafter by the percentage increase in the Consumer Price Index over the previous 3-year period with a provision that the rent will not be reduced if a negative Consumer Price Index calculation is recorded, or a maximum of two percent (2%) per year, whichever is lesser, provided, any Consumer Price Index increase that exceeds the maximum two percent (2%) per year for any given 3-year period shall be paid by lessee by spreading the excess amount evenly over the following five year term of the lease.
- F. Beginning the 20th year of the lease, the City will receive percentage rental equal to the excess, if any, of: (1) 10% of gross rentals collected by lessee under subleases of the property over (2) the amount of base rental otherwise payable by lessee for the same period excluding automotive use subleases when the sublease is an affiliate or subsidiary of lessee.
- G. The exact size of the proposed lease premises are subject to a final survey and upon completion of such survey and acceptance by the Director of Aviation, the annual rent, as provided in Sections 1, 2 & 3 herein, shall be adjusted accordingly.
- H. The lease will have a total capital commitment of \$20,000,000 to be expended within 60 months from the effective date of the lease. The lessee proposes to develop the site with an automobile dealership.
- I. Upon completion of construction, the lessee will retain ownership of the permanent improvements through the remainder of the lease term, which will be subject to ad valorem property taxes. At the expiration of the lease term, the City retains the right to require the lessee, at lessee's expense, to demolish the improvements or leave them in place.
- J. The lessee shall also be granted a Right of First Refusal to lease the two-office buildings adjacent land currently leased to Signature Flight Support Corporation if/when the property becomes available to lease.

Section 5. The exact size of the proposed lease premises in the Aviation Lease and the Commercial Lease are subject to final surveys and upon completion of such surveys and acceptance by the Director of Aviation, the annual rents, as provided in Sections 1, 2 & 3 herein, shall be adjusted accordingly.

September 9, 2015

Section 6. The City remains responsible for environmental clean-up and remediation of environmental contaminants, not caused by lessee, after the City's initial demolition of the structural improvements. If, during lessee's construction of new improvements on the leased premises, environmental contaminants requiring remediation are found on the site, which the City is responsible, the lessee may remediate the site to acceptable levels and the City shall reimburse lessee the cost of such remediation through rent abatements in an amount not to exceed one year's rent under both leases.

Section 7. That the Chief Financial Officer be and is hereby authorized to deposit all revenues received under the terms of the Aviation Lease and the Commercial Lease to: Aviation Operating Fund 0130; Dept. AVI; Unit 7722; Revenue Source 7814.

Section 8. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

KEY FOCUS AREA: E-Gov
AGENDA DATE: September 9, 2015
COUNCIL DISTRICT(S): N/A
DEPARTMENT: Office of Financial Services
CMO: Jeanne Chipperfield, 670-7804
MAPSCO: N/A

SUBJECT

First reading of the appropriation ordinances for the proposed FY 2015-16 City of Dallas Operating, Grants/Trusts, and Capital Budgets - Financing: This action has no cost consideration to the City

BACKGROUND

This item is on the addendum to allow time for completion of the ordinances.

Following the public hearing held on August 26, 2015, the City Council passes the first reading of the appropriation ordinances. The first reading of the appropriation ordinances reflects the City Manager's proposed budget and will be published in the official newspaper of the City, in accordance with the City Charter.

The final reading of the ordinance is scheduled for Council consideration on September 22, 2015, and will incorporate all amendments informally adopted during the scheduled Council budget amendment workshops.

PRIOR ACTION/REVIEW (Council, Boards, Commissions)

City Council was briefed on the City Manager's Proposed Budget on August 11, 2015.

City Council held a Budget Workshop on August 11, 2015.

City Council authorized a public hearing on August 12, 2015, to be held on August 26, 2015, by Resolution No. 15-1383.

City Council held a Budget Workshop on August 19, 2015.

City Council held a public hearing on August 26, 2015.

City Council held a Budget Workshop on September 2, 2015.

PRIOR ACTION/REVIEW (Council, Boards, Commissions) (Continued)

City Council is scheduled to hold a Budget Amendment Workshop on September 16, 2015.

FISCAL INFORMATION

This action has no cost consideration to the City

ORDINANCE NO. _____

OPERATING BUDGET APPROPRIATION ORDINANCE

An ordinance appropriating funds for fiscal year 2015-16 for the maintenance and operation of various departments; authorizing the city manager to make certain adjustments; providing for publication; and providing an effective date.

WHEREAS, the city council, in accordance with the Charter of the City of Dallas, the state law, and the ordinances of the City of Dallas, have given the required notices and have held the required public hearings regarding this amendment to the Dallas City Code; Now, Therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That for the purpose of providing the funds to be expended in the budget for the fiscal year beginning October 1, 2015 and ending September 30, 2016, the available revenues of the city of Dallas are hereby appropriated for the maintenance and operation of the various city departments and activities as follows:

<u>DEPARTMENTS AND ACTIVITIES</u>	<u>PROPOSED</u> <u>2015-16</u>
Building Services	23,863,863
Business Development and Procurement Services	2,885,993
City Attorney's Office	15,784,122
City Auditor's Office	3,005,339
City Manager's Office	1,972,802
City Secretary's Office	2,005,478
Civil Service	2,600,265
Code Compliance	37,486,794
City Controller's Office	4,543,706
Court and Detention Services	11,578,108
Elections	96,879
Fire	240,109,021
Housing/Community Services	11,724,233

Human Resources	4,790,783
Independent Audit	786,374
Jail Contract – Lew Sterrett	7,557,391
Judiciary	3,232,377
Library	30,532,714
Mayor and Council	4,379,199
Non-Departmental	57,926,112
Office of Cultural Affairs	17,373,909
Office of Economic Development	1,820,834
Office of Financial Services	2,958,798
Office of Management Services	8,529,243
Park and Recreation	85,792,907
Planning and Urban Design	4,233,988
Police	452,826,461
Public Works	5,573,719
Street Lighting	17,525,243
Street Services	71,713,461
Sustainable Development and Construction	1,439,795
Trinity Watershed Management	1,527,769
Contingency Reserve	2,628,101
Salary and Benefits Reserve	2,000,000
Liability/Claims Fund	1,994,219
GENERAL FUND TOTAL	\$1,144,800,000

	<u>PROPOSED</u>
	<u>2015-16</u>
<u>GRANT FUNDS</u>	
<u>Court and Detention Services</u>	
State Law Enforcement Grant (S104)	3,436
<u>Housing/Community Services</u>	
Child Care Programs (P114)	185,896
<u>Office of Management Services</u>	
Fair Housing – FHAP Award (F368)	4,612
Justice Assistance Grant 2012 (TR12)	55
Justice Assistance Grant 2013 (TR13)	1,012
Justice Assistance Grant 2014 (TR14)	1,792
GRANT FUNDS TOTAL	\$196,803

<u>TRUST FUNDS</u>	<u>PROPOSED</u>
	<u>2015-16</u>
<u>Code Compliance</u>	
Carryout Bag Regulation (0989)	450,000
<u>Communication and Information Services</u>	
Information Technology Equipment (0897)	700,000
<u>Convention and Event Services</u>	
Convention Center Hotel Tax Rebate Fund (0756)	10,234,400
<u>Court and Detention Services</u>	
Security Fund (0G88)	301,099
Technology Fund (0401)	387,123
<u>Fire</u>	
Smoke Detectors Program (0230)	5,581
<u>Judiciary</u>	
Juvenile Case Manager Fund (0396)	425,436
<u>Library</u>	
Dallas Theater	1,000
Genealogy Fund (0687)	43,089
Hamon Trust Fund (0458)	19,195
Kahn Fund (0208)	58,595
Meadows Foundation Fund (0734)	38,111
<u>Office of Economic Development</u>	
SourceLink System (0744)	190,514
<u>Park and Recreation</u>	
Athletic Field Maintenance (0349)	294,257
Craddock Park Trust (0340)	8,258
Fair Park Improvement Fund (0448)	11,489
Fair Park Marketing	36,978
Ford Found Innovative Program (0T14)	180
Golf Improvement Trust (0332)	1,315,274
Grauwlyer Memorial E. Trust (0331)	1,845
Junior Golf Program (0359)	624
Meadows-Fair Park Security Fund (0643)	23
Mowmentum Park Improvement (0T80)	48,208
Outdoor Programs (0469)	78,579
Park & Rec Beautification (0641)	414,329
Recreation Program (0341)	598,289

Southern Skates (0327)	132,026
PKR Program Fund Tracking (0395)	2,733,630
W.W. Samuell Park Trust (0330)	738,469
<u>Planning and Urban Design</u>	
Neighborhood Vitality Project Fund (0297)	100,000
<u>Police</u>	
Confiscated Monies - Federal (0412)	3,705,000
Law Enforcement Officer Standard Education (0S1N)	250,000
Various Police Task Forces (0T69)	424,952
<u>Street Services</u>	
Freeway Traffic Signals (0670)	318,886
<u>Sustainable Development and Construction</u>	
NAS Redevelopment Fund (0022)	211,262
TRUST FUNDS TOTAL	\$24,276,701
GRANT AND TRUST FUNDS GRAND TOTAL	\$24,473,504

<u>ENTERPRISE/INTERNAL SERVICE/OTHER FUNDS</u>	<u>PROPOSED</u> <u>2015-16</u>
Aviation	91,214,993
Communication and Information Services:	
Information Technology	67,182,087
Radio Services	5,102,268
Convention and Event Services	82,938,892
Employee Benefits	
Benefits Administration	1,126,137
Wellness Program	1,126,229
Equipment Services	53,562,030
Express Business Center	3,814,676
Risk Management	2,593,531
Sanitation Services	86,480,147
Storm Water Drainage Management	51,416,846
Sustainable Development and Construction	30,696,618
Water Utilities	645,128,387
WRR - Municipal Radio	2,054,549
911 System Operations	16,292,461
ENTERPRISE/INTERNAL SERVICE/OTHER FUNDS TOTAL	\$ 1,140,729,851

SECTION 2. That, in conformity with Chapter XI of the Charter of the City of Dallas, the transfer of an unencumbered balance of an appropriation made for the use of a department or activity to any other department or activity, or an increase in appropriation, may be made by city council resolution upon written recommendation of the city manager.

SECTION 3. That the city manager is hereby authorized to make the following adjustments:

(1) Reduce the allowed expenditures of departments or activities if, in the judgment of the city manager, actual or probable receipts are less than the amount estimated and appropriated for expenditures.

(2) Transfer appropriations budgeted for one account classification or activity to another within any individual department or activity listed in Section 1.

(3) Transfer appropriations from the Salary and Benefit Reserve to any individual department or activity listed in Section 1, to be used for salaries and benefits.

SECTION 4. That the city manager is hereby authorized, upon written notice to the city controller, to make the following adjustments:

(1) Transfer internal service fund equity from unanticipated excesses to contributing funds.

(2) Transfer funds, not to exceed \$21,583,800, from the Convention Center Operating Fund 0080, Department CCT, Unit 7840, Object 3870 to the 2009 Convention Center Debt Service Fund 0980, Department CCT, Unit P505, Revenue Source 9219 for the payment of debt service on Series 2009 Revenue Refunding and Improvement Bonds for improvements to the Dallas Civic Center Convention Complex.

(3) Transfer funds, not to exceed \$1,994,219, from the General Fund 0001, Department BMS, Unit 1996, Object 3621 to the Liability Reserve Fund 0192, Department ORM, Unit 3890, Revenue Source 8525 for payment of small and large claims against the city.

(4) Transfer funds, not to exceed \$3,400,000, to the General Fund 0001, Department BMS, Unit 1995, Revenue Source 9201 from the Sports Arena Lease Fund 0A71, Department CCT, Unit 8851, Object 3690 to support general fund operations.

(5) Transfer funds, not to exceed \$22,593,195, from the Water Utilities Operating Fund 0100, Department DWU, Unit 7015, Object 3690 in the amounts not to exceed \$10,500,000 to the Public/Private Partnership Fund 0352, Department ECO, Unit P151, Revenue Source 8219 and \$12,093,195 to the General Fund 0001, Department BMS, Unit 1991, Revenue Source 9201, as payment in lieu of taxes by the water utilities department to support economic initiatives of the city.

(6) Transfer funds, not to exceed \$1,500,000, from the Sanitation Services Fund 0440, Department SAN, Unit 3581, Object 3690 to the Sanitation Capital Improvement Fund 0593, Department SAN, Unit P309, Revenue Source 9201 for capital improvements for the McCommas Bluff Landfill.

(7) Transfer funds, not to exceed \$100,000, from the General Fund 0001, Department PNV, Unit 1581, Object 3690 to the Neighborhood Vitality Project Fund 0297, Department PNV, Unit 1728, Revenue Source 9201 for neighborhood revitalization efforts in targeted areas.

(8) Transfer funds, not to exceed \$700,000, from the Information Technology Operating Fund 0198, Department DSV, Unit 1667 and 1622, Object 3690 to the Information Technology Equipment Fund 0897, Department DSV, Unit 3717 and 3718, Revenue Source

9201 for information technology servers, computers, storage, network and other IT equipment including related software, hardware and implementation services.

(9) Transfer and administer gifts and bequests to the city in accordance with the terms and conditions accompanying the gifts or bequests and, for this purpose, the appropriation of donated amounts is hereby made.

SECTION 5. That the city manager is authorized to transfer funds in an amount not to exceed \$7,108,000 from the General Fund unassigned fund balance, to the Sanitation Services Fund 0440 to establish necessary reserves.

SECTION 6. That the city manager is authorized, upon written notice to the city controller, to transfer funds between the Employee Benefits Fund 0279 and other employee benefit funds for the purpose of allocating employee and retiree revenues to the appropriate claims funds and maximizing investment yields.

SECTION 7. That, in conformity with Chapter 40A, "Retirement," of the Dallas City Code, as amended, an appropriation of \$3,594,298 is established in the Employees' Retirement Fund Trust Fund 0275, Department ERF, Unit 5821 to provide for costs of administration of the employees' retirement fund office, with services to be paid out of income from investments.

SECTION 8. That, for the purpose of establishing reserves, the increase or reduction of restricted fund balances may be by city council resolution upon written recommendation of the city manager.

SECTION 9. That it is the intent of the city council, by passage of this ordinance, to appropriate the funds for the city departments and activities. No office or position is created by the appropriation.

SECTION 10. That following the public hearing and passage of this ordinance on first reading, the city secretary shall cause the ordinance to be published in a newspaper of general circulation in the city with a separate schedule setting forth the items in the city manager's estimate that were omitted or changed by the city council, if any. The ordinance must then be presented to the city council for final reading at least 10 days after the publication. Upon final passage by the city council, this ordinance becomes effective immediately and the funds appropriated become available October 1, 2015.

APPROVED AS TO FORM:

WARREN M. S. ERNST, City Attorney

By _____
Assistant City Attorney

PASSED ON FIRST READING SEPTEMBER 9, 2015

Rosa A. Rios, City Secretary

PASSED ON SECOND READING SEPTEMBER 22, 2015

Rosa A. Rios, City Secretary

ORDINANCE NO. _____

CAPITAL BUDGET APPROPRIATION ORDINANCE

An ordinance appropriating funds for public improvements to be financed from bond funds and other revenues of the City of Dallas for fiscal year 2015-16; providing for publication; and providing an effective date.

WHEREAS, the city council, in accordance with the Charter of the City of Dallas, the state law, and the ordinances of the City of Dallas, have given the required notices and have held the required public hearings regarding this ordinance; Now, Therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That the programs listed in Section 2 are hereby adopted as the Capital Budget of the City of Dallas for public improvements to be financed from the proceeds of bond funds and with funds from other sources for the fiscal year beginning October 1, 2015 and ending September 30, 2016.

SECTION 2. (a) That the following amounts are hereby appropriated from the funds indicated for the projects listed in the FY 2015-16 Capital Budget:

CAPITAL FUNDS

From the Aviation Capital Construction Fund (0131)	9,672,949
From the Capital Construction Fund (0671)	8,495,000
From the Cedars Tax Increment Financing District Fund (0033)	587,280

From the City Hall, City Service and Maintenance Facilities Fund (4T60)	109,606
From the Convention Center Capital Construction Fund (0082)	5,150,000
From the Cultural Arts Facilities Fund (4T49)	2,487,186
From the Cypress Waters Tax Increment Financing District Fund (0066)	1,165,249
From the Davis Garden Tax Increment Financing District Fund (0060)	455,335
From the Deep Ellum Tax Increment Financing District Fund (0056)	1,027,762
From the Design District Tax Increment Financing District Fund (0050)	2,671,165
From the Economic Development and Housing Development Programs Fund (4U52)	3,664,198
From the Economic Development and Housing Development Programs Fund (4U53)	4,050,000
From the Farmers Market Tax Increment Financing District Fund (0036)	1,341,532
From the Flood Protection and Storm Drainage Facilities Improvement Fund (4T23)	70,326,723
From the Flood Protection and Storm Drainage Facilities Improvement Fund (4U23)	218,926,754
From the Fort Worth Avenue Tax Increment Financing District Fund (0058)	644,612
From the General Capital Reserve Fund (0625)	7,000,000
From the Grand Park South Tax Increment Financing District Fund (0054)	51,667
From the Maple/Mockingbird Tax Increment Financing District Fund (0064)	1,573,906

From the Oak Cliff Gateway Tax Increment Financing District Fund (0034)	1,568,123
From the Park and Recreation Facilities Fund (4T00)	5,399,460
From the Public/Private Partnership Fund (0352)	10,500,000
From the Skillman Corridor Tax Increment Financing District Fund (0052)	2,288,586
From the Southwestern Medical Tax Increment Financing District Fund (0046)	879,463
From the Storm Water Drainage Management Capital Construction Fund (0063)	5,000,000
From the Street and Alley Improvement Fund (0715)	16,700,000
From the Street and Transportation Improvement Fund (4T22)	15,919,950
From the Street and Transportation Improvement Fund (4U22)	43,621,023
From the Street Assessment Fund (L006)	649,000
From the Street Assessment Fund (L098)	351,000
From the Transit Oriented Development Tax Increment Financing District Fund (0062)	1,331,742
From the Vickery Meadow Tax Increment Financing District Fund (0048)	1,750,561
From the Wastewater Capital Construction Fund (0103)	19,430,000
From the Wastewater Capital Improvement Fund (2116)	68,964,000
From the Wastewater Capital Improvement Fund (3116)	500,000
From the Water and Wastewater Public Art Fund (0121)	8,000

From the Water Capital Construction Fund (0102)	27,542,000
From the Water Capital Improvement Fund (2115)	27,000,000
From the Water Capital Improvement Fund (3115)	75,859,000
From the 2015 Master Lease - Equipment Fund (ML15)	30,000,000
CAPITAL FUNDS TOTAL	\$694,662,832

(b) That the following amounts are hereby appropriated from the funds indicated for payment of the FY 2015-16 Debt Service Budget:

DEBT SERVICE FUNDS

From the General Obligation Debt Service Fund (0981)	255,325,736
DEBT SERVICE FUNDS TOTAL	\$255,325,736

(c) That these appropriations and all previous appropriated funds for these projects remain in force until each project is completed or terminated.

(d) That the appropriations listed in Subsections (a) and (b) may be increased by city council resolution upon the recommendation of the city manager.

SECTION 3. That a project will be considered completed when the requisitioning authority informs the city manager of completion by written notice. Any remaining unencumbered balance in an appropriation for a project that has been completed shall then revert to the appropriate fund.

SECTION 4. That the city manager is authorized to make the following adjustments:

(1) Transfer amounts from one project appropriation to another within the same fund, provided that the total appropriation for each fund is not exceeded by this action.

(2) Decrease appropriation of any fund described in Section 2 to reduce expenditures within the fund when, in the judgment of the city manager, actual or probable receipts are less than the amount estimated and appropriated for expenditures.

SECTION 5. That the city manager is hereby authorized, upon written notice to the city controller, to make the following adjustments:

(1) Transfer funds, not to exceed \$1,695,000, to the General Fund 0001, in the amounts of \$10,000 from the Cityplace Tax Increment Financing District Fund 0030; \$10,000 from State-Thomas Tax Increment Financing District Fund 0032; \$100,000 from the Cedars Tax Increment Financing District Fund 0033; \$100,000 from the Oak Cliff Gateway Tax Increment Financing District Fund 0034; \$175,000 from the City Center Tax Increment Financing District Fund 0035; \$120,000 from the Farmers Market Tax Increment Financing District Fund 0036; \$160,000 from the Sports Arena Tax Increment Financing District Fund 0038; \$225,000 from the Downtown Connection Tax Increment Financing District Fund 0044; \$50,000 from the Southwestern Medical Tax Increment Financing District Fund 0046; \$75,000 from the Vickery Meadow Tax Increment Financing District Fund 0048; \$100,000 from the Design District Tax Increment Financing District Fund 0050; \$85,000 from the Skillman Corridor Tax Increment Financing District Fund 0052; \$30,000 from the Grand Park South Tax Increment Financing District Fund 0054; \$60,000 from the Deep Ellum Tax Increment Financing District Fund 0056; \$85,000 from the Fort Worth Avenue Tax Increment Financing District Fund 0058; \$110,000 from the Davis Garden Tax Increment Financing District Fund 0060; \$80,000 from the Transit-Oriented Development Tax Increment Financing District Fund 0062; \$50,000 from the

Maple/Mockingbird Tax Increment Financing District Fund 0064; and \$70,000 from the Cypress Waters Tax Increment Financing District Fund 0066, for reimbursement of tax increment financing administration costs.

(2) Transfer funds, not to exceed \$46,980,000, from the Water Utilities Operating Fund 0100, in the amounts of \$27,542,000 to the Water Capital Construction Fund 0102; \$19,430,000 to the Wastewater Capital Construction Fund 0103; and \$8,000 to the Water and Wastewater Public Art Fund 0121, for projects listed in the FY 2015-16 Capital Budget.

(3) Transfer funds, not to exceed \$5,000,000, from the Storm Water Drainage Management Operating Fund 0061 to the Storm Water Drainage Management Capital Construction Fund 0063, for projects listed in the FY 2015-16 Capital Budget.

(4) Transfer funds, not to exceed \$1,677,750, from the Sanitation Enterprise Fund 0440 to the General Obligation Debt Service Fund 0981 for payment of the 2003 General Obligation Bonds for flood protection and storm drainage facilities for the McCommas Bluff Landfill.

(5) Transfer funds, not to exceed \$6,845,000, from the General Capital Reserve Fund 0625 to the Capital Construction Fund 0671 for the purpose of partial reconstruction of major thoroughfares, capital improvements, maintenance, and repair of city facilities, underground storage tank removal, and security enhancements to police facilities.

(6) Transfer funds, not to exceed \$155,000, from the General Capital Reserve Fund 0625 to the Water Utilities Operating Fund 0100 to reimburse Dallas Water Utilities for an easement in the Madill Corridor area.

(7) Transfer funds, not to exceed \$1,650,000, from the Sports Arena Lease Fund 0A71 to the Capital Construction Fund 0671 for the purpose of partial reconstruction of major thoroughfares.

(8) Transfer funds, not to exceed \$1,750,000, from the Sports Arena Lease Fund 0A71 to the Street and Alley Improvement Fund 0715 for the purpose of funding citywide street and alley improvement projects.

(9) Transfer funds, not to exceed \$5,100,000, from the Water Utilities Operating Fund 0100 to the Street and Alley Improvement Fund 0715 for the purpose of funding citywide street and alley improvement projects.

(10) Transfer funds, not to exceed \$650,000, from the Sanitation Enterprise Fund 0440 to the Street and Alley Improvement Fund 0715 for the purpose of funding citywide street and alley improvement projects.

(11) Transfer funds, not to exceed \$6,200,000, from the General Fund 0001 to the Street and Alley Improvement Fund 0715 for the purpose of funding citywide street and alley improvement projects.

(12) Transfer funds, not to exceed \$3,000,000, from the General Fund unassigned fund balance to the Street and Alley Improvement Fund 0715 for the purpose of funding citywide street and alley improvement projects.

(13) Transfer funds, not to exceed \$9,672,949, from the Aviation Operating Fund 0130 to the Aviation Capital Construction fund 0131 for projects listed in the FY 2015-16 Capital Budget.

(14) Transfer funds, not to exceed \$1,493,276, to the General Obligation Debt Service Fund 0981 from the Convention Center Operating Fund 0080 for payment of 2008 Certificates of Obligation for the acquisition of land for the Convention Center Hotel Development Project.

(15) Transfer funds, not to exceed \$33,112,656, to the General Obligation Debt Service Fund 0981 from any general government, internal service, or enterprise fund incurring civilian payroll costs based on the pro-rata allocation of the actual civilian payroll costs incurred during fiscal year 2015-16 for payment of debt service on the Pension Obligation Bonds Series 600, 601, and 632.

SECTION 6. That following the public hearing and passage of this ordinance on first reading, the city secretary shall cause the ordinance to be published in a newspaper of general circulation in the city with a separate schedule setting forth the items in the city manager's estimate that were omitted or changed by the city council, if any. The ordinance must then be presented to the city council for final reading at least 10 days after the publication. Upon final passage by the city council, this ordinance becomes effective immediately and the funds appropriated become available October 1, 2015.

APPROVED AS TO FORM:

WARREN M.S. ERNST, City Attorney

By _____
Assistant City Attorney

PASSED ON FIRST READING SEPTEMBER 9, 2015

Rosa A. Rios, City Secretary

PASSED ON SECOND READING SEPTEMBER 22, 2015

Rosa A. Rios, City Secretary

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: September 9, 2015
COUNCIL DISTRICT(S): 2, 14
DEPARTMENT: Office of Economic Development
Convention and Event Services
CMO: Ryan S. Evans, 671-9837
MAPSCO: 45 F G J K L M N P Q R

SUBJECT

Dallas Downtown Improvement District

- * A public hearing concerning the proposed levy of assessment for the Dallas Downtown Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, for the purpose of providing supplemental public services, to be funded by assessments on property in the District - Financing: No cost consideration to the City
- * An ordinance approving and adopting the proposed and final 2016 Service Plan, the 2015 Assessment Plan and the 2015 Assessment Roll (to be kept on file with the City Secretary); establishing classifications for the apportionment of costs and the methods of assessing special assessments for the services and improvements to property in the Dallas Downtown Improvement District (District); closing the hearing and levying a special assessment on property in the District, for services and improvements to be provided during 2016; providing for reimbursement of city administrative costs for operational oversight of the District; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2015 assessment; providing for City participation in the District in an amount not to exceed \$676,048 and providing for an effective date - Total amount not to exceed \$676,048 - Financing: Current Funds (\$461,762) and Convention and Event Services Current Funds (\$214,286) (subject to appropriations)

BACKGROUND

This item is being placed on the addendum because the City Attorney's Office requested service plan modifications after items were initially mailed on regular agenda timeline.

BACKGROUND (Continued)

Annually, City Council calls and holds a public hearing to set the annual assessment rate for property in the Public Improvement Districts (PID) and authorizes the Service Plan for each PID.

The Downtown Dallas Inc. provided City staff with the proposed District Service Plan for 2016 and the proposed Assessment Plan for 2015 for review, and staff found the services and improvements to be advisable and recommended approval subject to the public hearing on September 9, 2015.

The public improvement district Service Plan is outlined in the following way:

- (a) Nature of the Services and Improvements.** The proposed services and improvements to be provided in the District include Downtown Safety Patrol program, safety awareness and education programs, Clean Team program, operation of the mass transportation facilities, landscaping, banner program, installation and maintenance of trash containers, promotion of downtown, installation of lighting, implement signage and wayfinding system, development of new public and green space, and related expenses incurred in establishing, administering and operating the District as authorized by the Act. The purpose of the District is to supplement and enhance services within the District, but not to replace or supplant existing City services provided within the District.
- (b) Estimated Cost of the Services and Improvements.** During the next five (5) year period, the estimated annual cost of the improvements and services provided by the District is expected to begin at approximately \$6,342,201.00 in 2016 and reach \$6,625,589.77 in 2020. The total estimated assessment to be collected during the next five year period is approximately \$32,000,187.77. The District shall incur no bonded indebtedness. Unless a specific purpose is identified in the service plan, any over collections of assessments for any year shall be returned to the property owners or the assessment rate shall be reduced in the following year so that such surplus cash may be absorbed by the cost of services and improvements to be provided by the management company for that following year. The city shall not levy assessments against property owners that exceed the total amount budgeted for the entire term of the PID without a new petition securing consent of the property owners to such increases in the service plan and city council approval.
- (c) Boundaries.** The boundaries of the District are shown on the attached Map of the District.

BACKGROUND (Continued)

- (d) **Method of Assessment.** The proposed method of assessment, which may specify included or excluded classes of assessable property, shall be assessed according to the value of the real property and real property improvements as determined by the Dallas Central Appraisal District. The estimated annual assessment rate for 2015 will be \$.1290 per \$100.00 of appraised value as determined by the Dallas Central Appraisal District.

Once levied, this assessment rate shall not increase during the 2016 service plan year. The annual assessment rate shall not exceed \$0.15 per \$100.00 valuation. Future annual assessment rates, however, may be increased up to a maximum of \$0.15 per \$100.00 valuation subject to an enhancement in value of property in the District and a corresponding increase in the services and improvements to be provided therefor. Any future increase in the assessment rate would also be subject to a public hearing and the city council passing on all objections. The real property of jurisdictions and entities that have obtained an exemption from City of Dallas real property taxes pursuant to the Texas Property Code (except under the provisions of Sections 11.24 and 11.28 of the Property Tax Code) will not be subject to an assessment on that portion of the assessed value of the property exempt from City real property taxes. Payment of assessments by other exempt jurisdictions and entities must be established by contract.

- (e) **Apportionment of costs between the District and the Municipality as a Whole.** The assessment is levied on the real property and real property improvements in the District according to the value of such property. Levying the assessment for the services and improvements based on the appraised value of the property results in the apportionment of the costs on the basis of special benefits accruing to the property.

The City of Dallas has contractually agreed to pay assessments against exempt City property in the District. City right-of-way, railroad right-of-way, parks and cemeteries are not specially benefitted and therefore are not subject to assessment. Payment of assessments by other exempt jurisdictions and entities must also be established by contract.

For FY 2015-16, the estimated City participation is approximately \$676,048 (this amount excludes an estimated \$258,000 assessment for the Convention Center Hotel property under the auspices of a Local Government Corporation). Every dollar of City assessment paid to the District will leverage approximately \$9.77 of assessments paid by private property owners. As a contributor, the City of Dallas will be represented on the governing Boards of Directors.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On June 24, 1992, City Council authorized the Dallas Downtown Improvement District by Resolution No. 92-2445.

On August 9, 2006, City Council authorized the renewal of the District for a seven-year period by Resolution Nos. 06-2048 and 06-2049.

On June 12, 2013, City Council authorized the renewal of the District for a seven-year period by Resolution No. 13-1015.

On September 10, 2014, City Council authorized the assessment rate for 2014 by Ordinance No. 29456.

Information about this item was provided to the Economic Development Committee on August 17, 2015.

This item was considered by the City Council on August 26, 2015, and the approval of the proposed Dallas Downtown Improvement District 2016 Service Plan, 2015 Assessment Plan and 2015 assessment roll was deferred to the September 9, 2015 agenda.

FISCAL INFORMATION

\$461,762.28 - Current Funds (subject to appropriations)

\$214,286.14 - Convention and Event Services Current Funds (subject to appropriations)

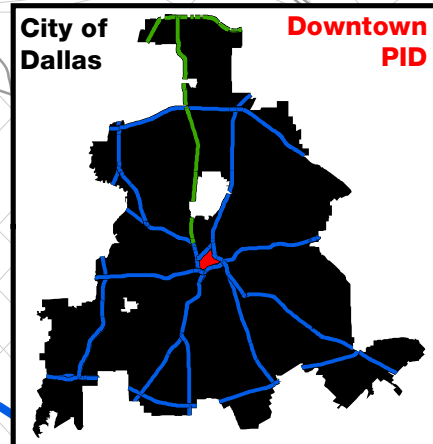
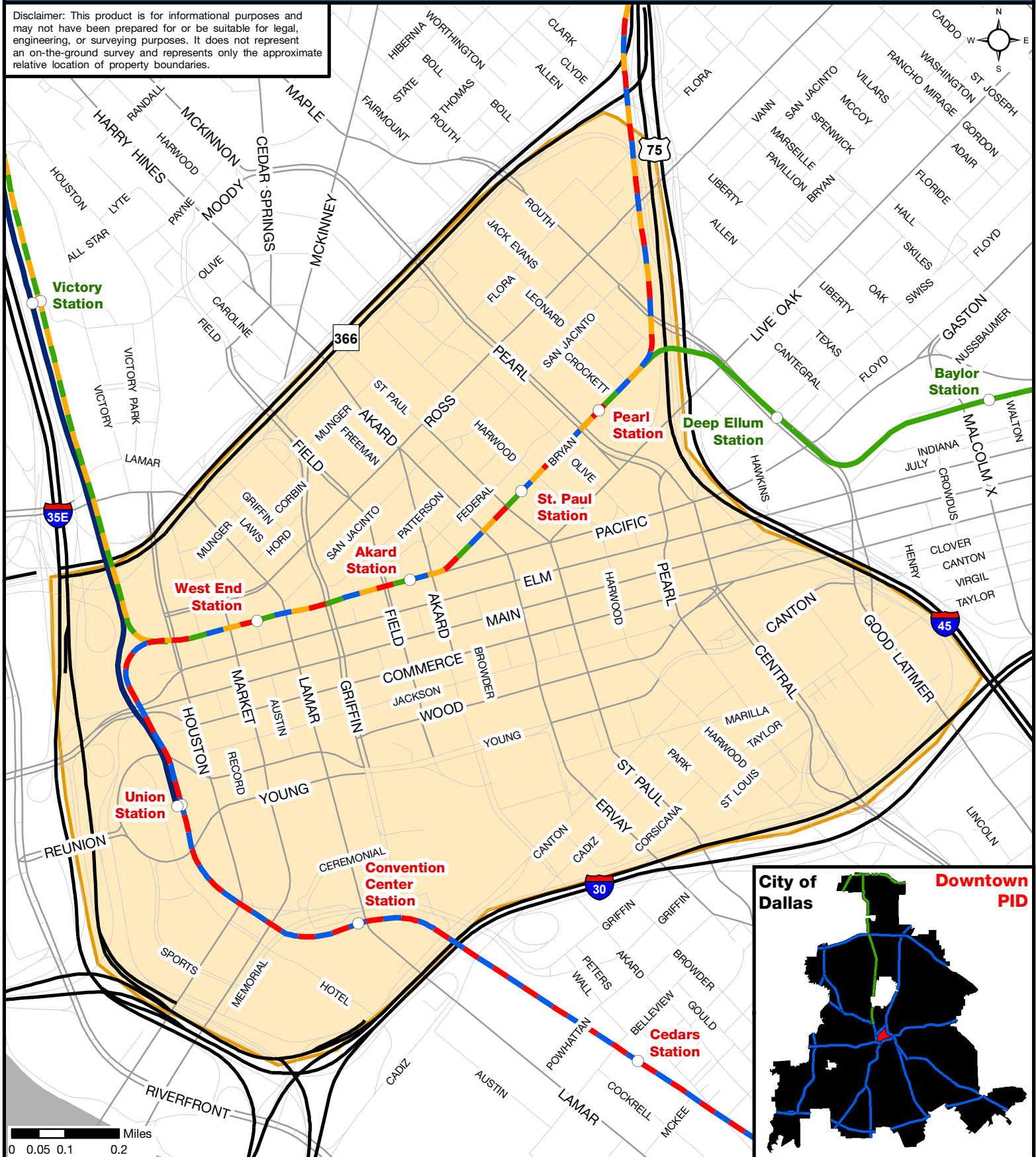
<u>COUNCIL DISTRICT</u>	<u>AMOUNT</u>
2	\$425,910.50
14	\$250,137.92

MAP

Attached.

Downtown Improvement District (DID)

Disclaimer: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.



DALLAS ECONOMIC DEVELOPMENT
 Research & Information Division
 214.670.1685
 dallas-ecodev.org

Legend

- Downtown Improvement District
- DART Green Line
- Arterial
- Rail Station
- DART Orange Line
- Local Road
- DART Red Line
- Trinity Railway Express
- Flood Plain
- DART Blue Line
- Freeway or Tollway

ORDINANCE NO. _____

AN ORDINANCE APPROVING AND ADOPTING THE FINAL 2016 SERVICE PLAN, THE FINAL 2015 ASSESSMENT PLAN, AND THE 2015 ASSESSMENT ROLL (TO BE KEPT ON FILE WITH THE CITY SECRETARY); ESTABLISHING CLASSIFICATIONS FOR THE APPORTIONMENT OF COSTS AND THE METHODS OF ASSESSING SPECIAL ASSESSMENTS FOR THE SERVICES AND IMPROVEMENTS TO PROPERTY IN THE DALLAS DOWNTOWN IMPROVEMENT DISTRICT (DISTRICT); CLOSING THE HEARING AND LEVYING A SPECIAL ASSESSMENT ON PROPERTY IN THE DISTRICT FOR SERVICES AND IMPROVEMENTS TO BE PROVIDED IN THE DISTRICT DURING 2016; PROVIDING FOR REIMBURSEMENT OF CITY ADMINISTRATIVE COST FOR OPERATIONAL OVERSIGHT OF THE DISTRICT; FIXING CHARGES AND LIENS AGAINST THE PROPERTY IN THE DISTRICT AND AGAINST THE OWNERS THEREOF; PROVIDING FOR THE COLLECTION OF THE 2015 ASSESSMENT; PROVIDING FOR CITY PARTICIPATION IN THE DISTRICT IN AN AMOUNT NOT TO EXCEED \$676,048 AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Public Improvement District Assessment Act, Chapter 372 of the Texas Local Government Code (“Act”) allows for the creation of public improvement districts; and

WHEREAS, on June 24, 1992, City Council authorized the creation of the Dallas Downtown Improvement District (District), as shown on the attached **Exhibit A - Map of the District**, as a public improvement district in accordance with the Act and found that the District promoted the interests of the City and conferred a special benefit to the property in the District, designated Downtown Dallas Inc. as the manager of the District, authorized a contract for management services; and approved the District Service Plan, and annual updates by Resolution No. 92-2445; and

WHEREAS, on August 9, 2006, City Council authorized the renewal of the District for a seven-year period by Resolution Nos. 06-2048 and 06-2049; and

WHEREAS, on June 12, 2013, City Council authorized the renewal of the District for a seven-year period by Resolution No.13-1015; and

WHEREAS, City Council must review the proposed 2016 Service Plan and 2015 Assessment Plan and hold a public hearing to provide a reasonable opportunity for any owner of property located within the District to speak for or against the 2015 assessment against real property and real property improvements exclusive of right-of-way, to continue funding for the District for the purpose of providing supplemental services and improvements; and

WHEREAS, on August 17, 2015, information about this item was presented to the Economic Development Committee; and

WHEREAS, on August 26, 2015, this item was considered by the City Council and the approval of the proposed Dallas Downtown Improvement District 2016 Service Plan, 2015 Assessment Plan and 2015 assessment roll was deferred to the September 9, 2015 agenda; and

WHEREAS, Downtown Dallas Inc. provided City staff with the proposed District 2016 Service Plan and 2015 Assessment Plan as shown in **Exhibits B and C**; and

WHEREAS, City Council desires to authorize and adopt the Assessment Roll that was filed with the City Secretary and subject to public inspection in the City's official records prior to the public hearing; and

WHEREAS, City Council finds that the Service Plan and Assessment Plan are feasible and sound and will serve the needs and desires of the property owners, and that the assessment rate of \$.1290 per \$100.00 of appraised value, as determined by the Dallas Central Appraisal District (DCAD), of the property or improvements to the property located in the District is reasonable and adequate.

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That City Council shall adopt an ordinance approving and adopting the proposed and final 2016 Service Plan, the 2015 Assessment Plan and the 2015 Assessment Roll (to be kept on file with the City Secretary); establishing classifications for the apportionment of costs and the methods of assessing special assessments for the services and improvements to property in the Dallas Downtown Improvement District (District); closing the hearing and levying a special assessment on property in the District, for services and improvements to be provided during 2016; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2015 assessment; and providing for an effective date.

SECTION 2. That the recitals and findings listed above are true and correct and that the action of the City Council closing the public hearing in these proceedings is hereby ratified and confirmed.

SECTION 3. That the proposed method of assessment, which may specify included or excluded classes of assessable property, shall be assessed according to the value of the real property and real property improvements as determined by the Dallas Central Appraisal District. The estimated annual assessment rate for 2015 will be \$.1290 per \$100.00 of appraised value for 2015, as determined by the Dallas Central Appraisal District. Once levied, this assessment rate shall not increase during the 2016 service plan year.

SECTION 3. (Continued)

The annual assessment rate shall not exceed \$0.15 per \$100.00 valuation. Future annual assessment rates, however, may be increased up to a maximum of \$0.15 per \$100.00 valuation subject to an enhancement in value of property in the District and a corresponding increase in the services and improvements to be provided therefor. Any future increase in the assessment rate would also be subject to a public hearing and the city council passing on all objections. The real property of jurisdictions and entities that have obtained an exemption from City of Dallas real property taxes pursuant to the Texas Property Code (except under the provisions of Sections 11.24 and 11.28 of the Property Tax Code) will not be subject to an assessment on that portion of the assessed value of the property exempt from City real property taxes. Payment of assessments by other exempt jurisdictions and entities must be established by contract.

SECTION 4. That City Council hereby authorizes and adopts the final 2016 Service Plan, the final 2015 Assessment Plan and the 2015 Assessment Roll (to be kept on file with the City Secretary) apportioning the total cost of the services and improvements to be assessed against property in the District for fiscal year ending December 31, 2015, of approximately \$6,607,538. The Assessment Roll apportions the assessment against each parcel of land in the District and is subject to public inspection in the City's official records.

SECTION 5. That the Chief Financial Officer is hereby authorized to encumber and disburse funds from:

Fund 0001, Department BMS, Unit 1991, Object 3599 to pay assessments on City-owned property benefitting from services and improvements provided by the District in an amount not to exceed \$461,762.28, subject to annual appropriations;

Fund 0080, Department CCT, Unit 7840, Object 3599 to pay assessments on City-owned property benefitting from services and improvements provided by the District in an amount not to exceed \$214,286.14, subject to annual appropriations; and

For a total not to exceed \$676,048.42.

SECTION 6. That Dallas City staff mailed to the owners of property liable for assessment notice of the hearing as the ownership appears on the City tax roll. The notice contained the information required by the Act. The notice was mailed before the 10th day before the date of the hearing to the last known address of the property owner on the City tax roll. The failure of the property owner to receive notice does not invalidate the proceeding.

SECTION 7. That City Council finds that the assessments should be made and levied against the respective parcels of property within the District and against the owners thereof, and are substantially in proportion to the benefits to the respective parcels of property by means of the services and improvements in the District for which such assessments are levied, and further finds that in each case the property assessed is specially benefited by means of the said services and improvements in the District, and further finds that the apportionment of costs of the services and improvements is in accordance with the law in force in this City and the State and in the proceedings of the City heretofore held with reference to the formation of the District and the imposition of assessments for said services and improvements are in all respects valid and regular.

SECTION 8. That there shall be and is hereby levied and assessed against the parcels of property within the District, and against the real and true owners thereof (whether such owners be correctly named or not), the sums of money as listed in the Assessment Roll on file with the City Secretary and subject to public inspection, and the several amounts assessed against the same, and the owners thereof.

SECTION 9. That the several sums above mentioned and assessed against the said parcels of property and the owners thereof, and interest thereon at the rate of eight percent (8%) per annum, provided, however, that such interest rate shall not exceed the maximum amount allowed by law, together with reasonable fees and the costs of collection, if incurred, are hereby declared to be and are made a first and prior lien against the property assessed, superior to all other liens and claims except liens and claims for state, county, school district and municipality ad valorem taxes and are a personal liability of and charge against the owners of the property regardless of whether the owners are named. The lien is effective from the date of this ordinance until the assessment is paid and may be enforced by the governing body in the same manner that an ad valorem tax lien against real property may be enforced by the governing body.

SECTION 10. That the assessments levied herein shall be due and payable in full on or before January 31, 2016. That if default be made in the payment of any of the said sums hereby assessed against said property owners and their property, collection thereof, including, costs and fees, shall be enforced by the governing body in the same manner that an ad valorem tax lien against real property may be enforced by the governing body. The owner of the assessed property may pay at any time the entire assessment, with interest that has accrued on the assessment, on any lot or parcel.

SECTION 11. That all assessments levied are a personal liability and charge against the real and true owners of the premises described, notwithstanding such owners may not be named, or may be incorrectly named.

SECTION 12. That as part of the assessment levied herein, and as a part of the service plan, the District shall reimburse to City, administrative costs for the day to day operations conducted by city staff for the District, which amount shall be paid by the District to City upon receipt of an invoice; and that the Chief Financial Officer is hereby authorized to establish Fund 0694, Department ECO, to support recovery of the costs incurred by the Office of Economic Development for such day to day operational costs incurred.

SECTION 13. That the Chief Financial Officer be authorized to accept and deposit any and all revenues received from the District in Fund 0694, Department ECO, Unit 9877, Revenue Source 7399; and that the Chief Financial Officer be authorized to transfer annually, funds in amounts to be determined based upon costs incurred and related rates then in effect, from Fund 0694, Department ECO, Unit 9877, to General Fund 0001, Department ECO, Unit 1161 and Unit 1163, Object 5011, to reimburse the Office of Economic Development for administrative costs incurred for the day to day operational oversight of the District.

SECTION 14. That the assessments herein levied are made and levied under and by virtue of the terms, powers and provisions of the Public Improvement District Assessment Act, Chapter 372 of the Texas Local Government Code, as amended.

SECTION 15. That this ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM

WARREN M. S. ERNST
CITY ATTORNEY

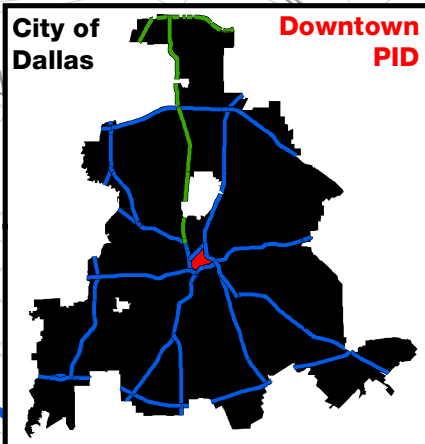
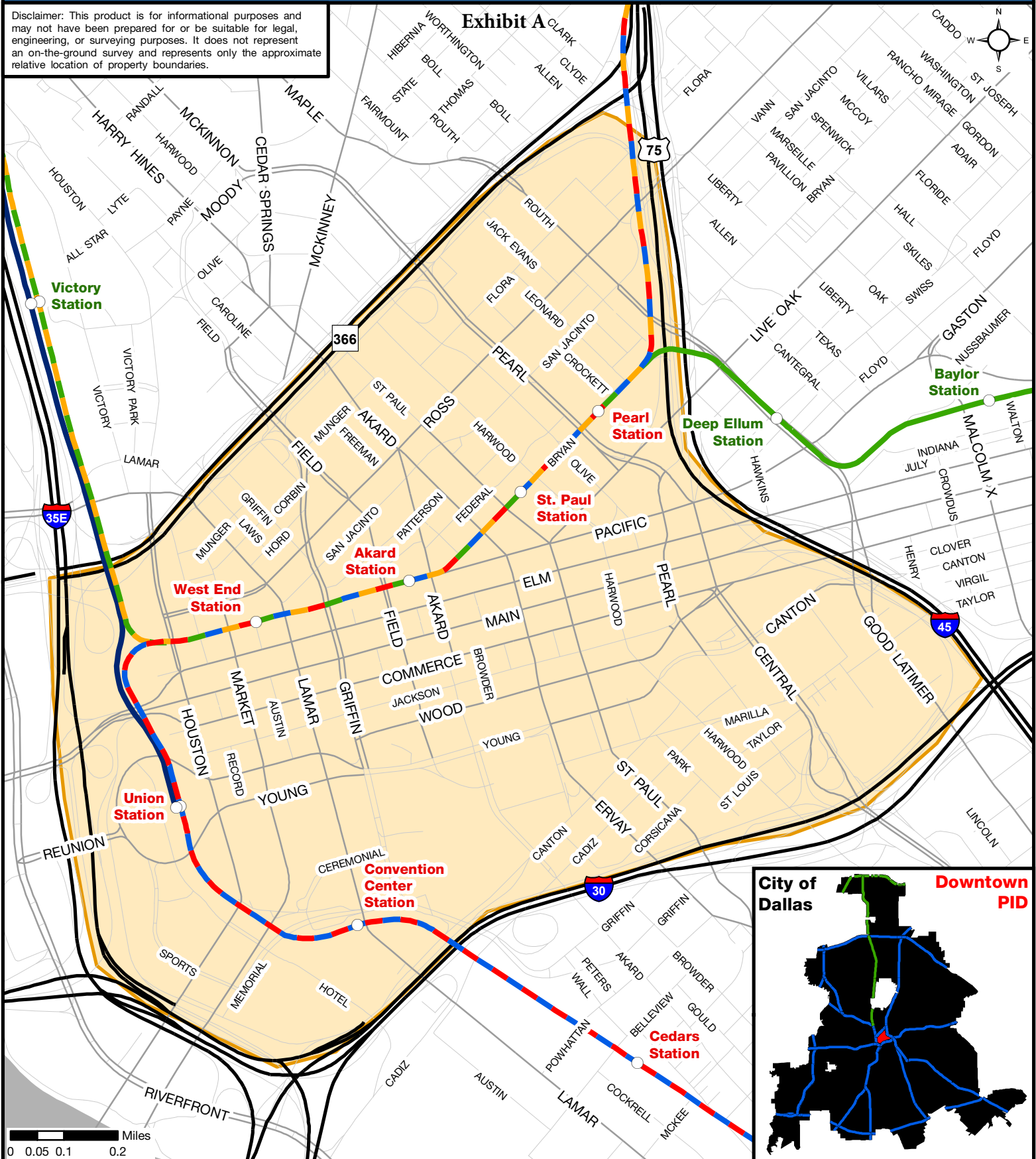
By: 
Assistant City Attorney

Passed and correctly enrolled _____

Downtown Improvement District (DID)

Disclaimer: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

Exhibit A



0 0.05 0.1 0.2 Miles

DALLAS ECONOMIC DEVELOPMENT
 Research & Information Division
 214.670.1685
 dallas-ecodev.org

Downtown Improvement District	DART Green Line	Arterial
Rail Station	DART Orange Line	Local Road
DART Red Line	Trinity Railway Express	Flood Plain
DART Blue Line	Freeway or Tollway	

Exhibit B

Dallas Downtown Improvement District (DID)

Service Plan 2016-2020

	<i>2016 Budget</i>	<i>2017 Budget</i>	<i>2018 Budget</i>	<i>2019 Budget</i>	<i>2020 Budget</i>
REVENUES & RESERVES					
Fund balance from previous year*	\$2,003.00	\$2,379.00	\$2,824.55	\$2,596.20	\$2,759.83
Net assessment revenue**	\$6,260,777.00	\$6,329,645.55	\$6,399,271.65	\$6,469,663.64	\$6,540,829.94
Exempt jurisdictions	\$81,500.00	\$81,500.00	\$81,500.00	\$81,500.00	\$81,500.00
Interest on cash balances	\$300.00	\$300.00	\$500.00	\$500.00	\$500.00
Other income & contributions	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
TOTAL INCOME & RESERVES	\$6,344,580.00	\$6,413,824.55	\$6,484,096.20	\$6,554,259.83	\$6,625,589.77
EXPENDITURES					
Organization & Administration	\$791,259.00	\$816,000.00	\$841,000.00	\$866,000.00	\$891,000.00
Capital Improvements ¹	\$432,000.00	\$445,000.00	\$450,000.00	\$455,000.00	\$460,000.00
Transportation and Improvements ²	\$385,235.00	\$390,000.00	\$395,000.00	\$400,000.00	\$405,000.00
Communications & Events ³	\$1,112,476.00	\$1,115,000.00	\$1,122,500.00	\$1,130,500.00	\$1,137,000.00
Services and Improvements ⁴	\$1,165,909.00	\$1,185,000.00	\$1,205,000.00	\$1,220,000.00	\$1,235,000.00
Safety ⁵	\$2,455,322.00	\$2,460,000.00	\$2,468,000.00	\$2,480,000.00	\$2,495,000.00
TOTAL EXPENDITURES	\$6,342,201.00	\$6,411,000.00	\$6,481,500.00	\$6,551,500.00	\$6,623,000.00
FUND BALANCE/RESERVES	\$2,379.00	\$2,824.55	\$2,596.20	\$2,759.83	\$2,589.77
<p>* 2014 Contractual Commitments of 100K MSG Improvements, 100K for Wayfinding Signs, 100K for Sidewalk Improvements</p> <p>** 2015 Assessment less admin fees and contingency for delinquent and/or protested accounts (\$300,000)</p> <p>¹ Public Improvements, landscape and parks.</p> <p>² Downtown circulator, operation and maintenance of mass transportation facilities.</p> <p>³ Special supplemental service for promotion and improvement of the DID, including, entertainment and events, and retail recruitment.</p> <p>⁴ Community programs, Clean Team, environmental enhancements and sanitation.</p> <p>⁵ Downtown Safety Patrol, Homeless outreach, education & coordination.</p> <p>Note: 2016 estimated total expenditures exceed the District's estimated 2016 total expenditures approved in 2013, the increase in expenditures reflect an increase in costs of safety, communications and events and organization and administration services provided for the District.</p>					



**DOWNTOWN
DALLAS INC**

2200 Ross Avenue
Suite 4600E
Dallas, TX 75201
p 214.744.1270
f 214.744.1986

Downtown Dallas, Inc. Improvement District 2016 Assessment Plan

The costs of the services and improvements by the District will be paid primarily by special assessment against properties in the District. Annual assessments are based on the total value of real property and real property improvements as determined by the Dallas Central Appraisal District ("DCAD").

The District service area is shown on a map attached hereto. The assessment to be levied for properties in the District service area is \$.1290 per \$100 of appraised value. Dependent upon future District property values and the changing needs of the District, the assessment rate stated above is not anticipated to change in the next five years. Actual assessment rates and levies will be set by the Dallas City Council subject to a maximum of \$0.15 per \$100 of value and according to procedures stipulated by Chapter 372 of the Texas Local Government Code.

As provided by Chapter 372 of The Code, the City of Dallas is responsible for payments of assessments against exempt municipal property in the District. Properties not liable for assessment include City rights-of-way and properties not owned by the City of Dallas but have obtained an exemption from the City of Dallas real property taxes pursuant to the Texas Property Code (except under the provisions of Sections 11.24 and 11.28 of the Property Tax Code). Payment of assessments by other exempt jurisdictions shall be established by contract.

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: September 9, 2015
COUNCIL DISTRICT(S): 2, 7, 14
DEPARTMENT: Office of Economic Development
CMO: Ryan S. Evans, 671-9837
MAPSCO: 45 G L M R and 46 J K

SUBJECT

Deep Ellum Public Improvement District

- * A public hearing concerning the proposed levy of assessment for the Deep Ellum Public Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, for the purpose of providing supplemental public services, to be funded by assessments on property in the District – Financing: No cost consideration to the City
- * An ordinance approving and adopting the proposed and final 2016 Service Plan, the 2015 Assessment Plan and the 2015 Assessment Roll (to be kept on file with the City Secretary); establishing classifications for the apportionment of costs and the methods of assessing special assessments for the services and improvements to property in the Deep Ellum Public Improvement District (District); closing the hearing and levying a special assessment on property in the District, for services and improvements to be provided during 2016; providing for reimbursement of city administrative costs for operational oversight of the District; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2015 assessment; and providing for an effective date – Financing: No cost consideration to the City

BACKGROUND

This item is being placed on the addendum because the City Attorney's Office requested service plan modifications after items were initially mailed on regular agenda timeline.

Annually, City Council calls and holds a public hearing to set the annual assessment rate for property in the Public Improvement Districts (PID) and authorizes the Service Plan for each PID.

BACKGROUND (Continued)

The Deep Ellum Foundation provided City staff with the proposed District Service Plan for 2016 and the proposed Assessment Plan for 2015 for review, and staff found the services and improvements to be advisable and recommended approval subject to the public hearing on September 9, 2015.

The public improvement district Service Plan is outlined in the following way:

- (a) Nature of the Services and Improvements.** The proposed services and improvements to be provided in the District include public safety, graffiti control, landscaping, park improvements, trash pick-up, neighborhood improvements, acquisition, construction, operation and maintenance of mass transportation facilities, marketing and promotional activities, distinctive lighting and signage, business development and recruitment to promote the area as the Deep Ellum Entertainment District and related expenses incurred in establishing, administering and operating the District as authorized by the Act.
- (b) Estimated Cost of the Services and Improvements.** During the next five (5) year period, the estimated annual cost of the improvements and services provided by the District is expected to begin at approximately \$433,840 in 2016 and reach \$513,684 in 2020. The total estimated assessments to be collected for during the next five year period is approximately \$2,716,662. The District shall incur no bonded indebtedness. The Deep Ellum Public Improvement District started 2015 with a carryover balance of \$129,191 accumulated from unspent funds from the Categories of Improvements, Business Development, and Marketing and Promotion. The carryover funds are the rest of loss of staff to oversee the management of these categories for most of FY 2015. Following the hiring of a new Executive Director, who started June 1, 2015, and the expansion of the DEPID boundaries in 2014 the DEPID has requested to spend the carry over balance for authorized neighborhood projects that were delayed, which include neighborhood-wide Wi-Fi (inside Deep Ellum Businesses and using Deep Ellum Branding), neighborhood-wide parking strategies, art mural project and a new professionally done Deep Ellum website. The city shall not levy assessments against property owners that exceed the total amount budgeted for the entire term of the PID without a new petition securing consent of the property owners to such increases in the service plan and city council approval.
- (c) Boundaries.** The boundaries of the District are shown on the attached Map of the District.
- (d) Method of Assessment.** The proposed method of assessment, which may specify included or excluded classes of assessable property, shall be assessed according to the value of the real property and real property improvements as determined by the Dallas Central Appraisal District.

BACKGROUND (Continued)

The estimated annual assessment rate for 2015 will be \$0.12 per \$100.00 of appraised value as determined by the Dallas Central Appraisal District. Once levied, this assessment rate shall not increase during the 2016 service plan year. The annual assessment rate shall not exceed \$0.15 per \$100.00 valuation. Future annual assessment rates, however, may be increased up to a maximum of \$0.15 per \$100.00 valuation subject to an enhancement in value of property in the District and a corresponding increase in the services and improvements to be provided therefor. Any future increase in the assessment rate would also be subject to a public hearing and city council passing on all objections. The real property of jurisdictions and entities that have obtained an exemption from City of Dallas real property taxes pursuant to the Texas Property Code (except under the provisions of Sections 11.24 and 11.28 of the Property Tax Code) will not be subject to an assessment on that portion of the assessed value of the property exempt from City real property taxes. Payment of assessments by other exempt jurisdictions and entities must be established by contract.

- (e) **Apportionment of costs between the District and the Municipality as a Whole.** The assessment is levied on the real property and real property improvements in the District according to the value of such property. Levying the assessment for the services and improvements based on the appraised value of the property results in the apportionment of the costs on the basis of special benefits accruing to the property. No assessment, however, will be levied against exempt City property in the District. The City of Dallas is not responsible for payment of assessment against exempt City property in the District. City rights-of-way, railroad right-of-way, City parks and cemeteries are not specially benefitted and therefore are not subject to PID assessment.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On August 9, 2006, City Council authorized renewal of the Deep Ellum Public Improvement District by Resolution Nos. 06-2050 and 06-2051.

On August 14, 2013, City Council authorized renewal of the Deep Ellum Public Improvement District by Resolution No. 13-1376.

On September 10, 2014, City Council authorized the assessment rate for 2014 by Ordinance No. 29457.

Information about this item was provided to the Economic Development Committee on August 17, 2015.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS) (Continued)

This item was considered by the City Council on August 26, 2015, and the approval of the proposed Deep Ellum Public Improvement District 2016 Service Plan, 2015 Assessment Plan and 2015 assessment roll was deferred to the September 9, 2015 agenda.

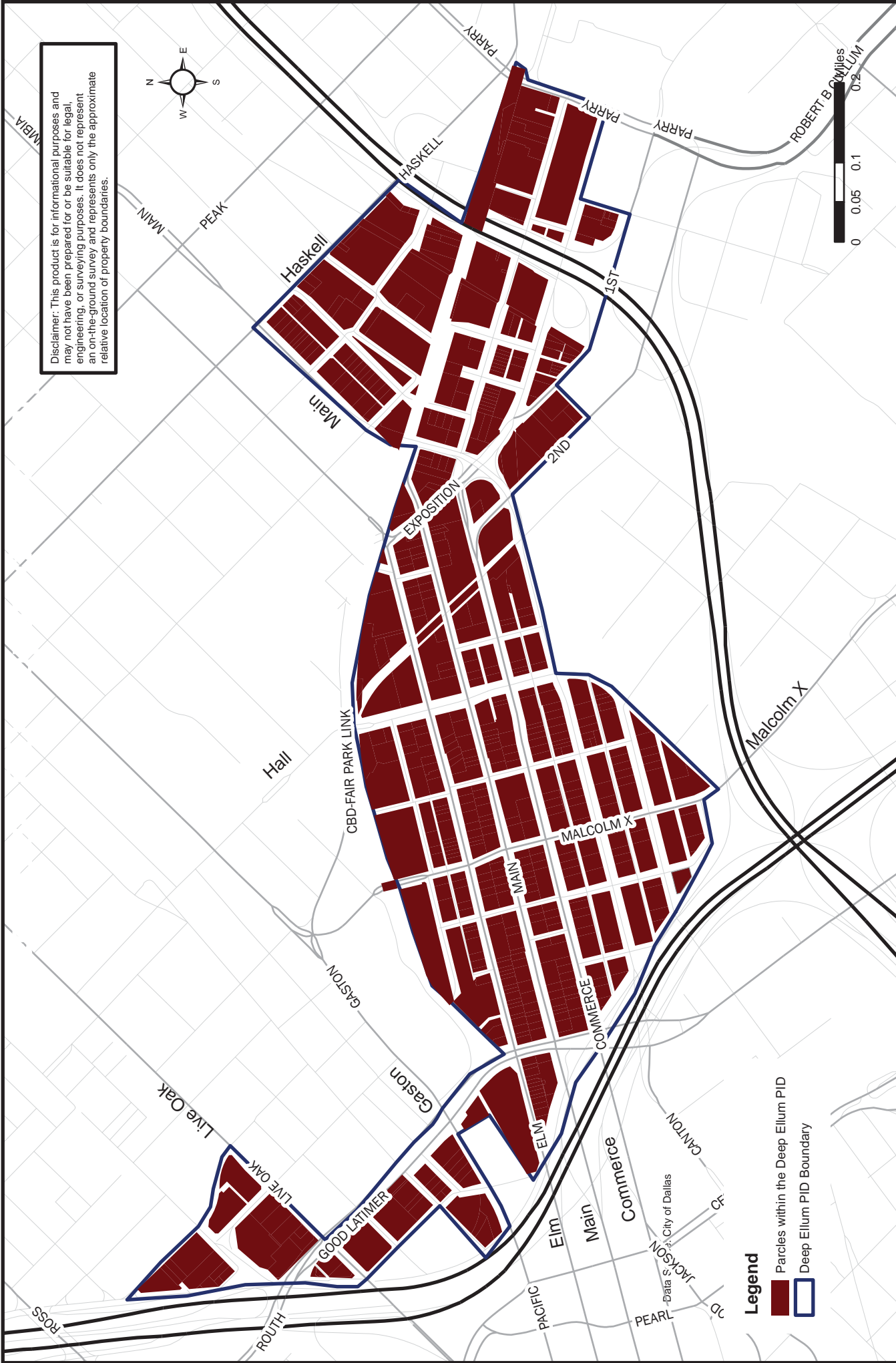
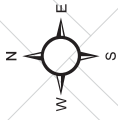
FISCAL INFORMATION

No cost consideration to the City

MAP

Attached.

Disclaimer: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.



- Legend**
- Parcels within the Deep Ellum PID
 - Deep Ellum PID Boundary

**DALLAS
ECONOMIC
DEVELOPMENT**
 Area Redevelopment Division
 214.670.1685
 dallas-ecodev.org

Deep Ellum PID Boundary Map

ORDINANCE NO. _____

AN ORDINANCE APPROVING AND ADOPTING THE FINAL 2016 SERVICE PLAN, THE FINAL 2015 ASSESSMENT PLAN, AND THE 2015 ASSESSMENT ROLL (TO BE KEPT ON FILE WITH THE CITY SECRETARY); ESTABLISHING CLASSIFICATIONS FOR THE APPORTIONMENT OF COSTS AND THE METHODS OF ASSESSING SPECIAL ASSESSMENTS FOR THE SERVICES AND IMPROVEMENTS TO PROPERTY IN THE DEEP ELLUM PUBLIC IMPROVEMENT DISTRICT (DISTRICT); CLOSING THE HEARING AND LEVYING A SPECIAL ASSESSMENT ON PROPERTY IN THE DISTRICT FOR SERVICES AND IMPROVEMENTS TO BE PROVIDED IN THE DISTRICT DURING 2016; PROVIDING FOR REIMBURSEMENT OF CITY ADMINISTRATIVE COSTS FOR OPERATIONAL OVERSIGHT OF THE DISTRICT; FIXING CHARGES AND LIENS AGAINST THE PROPERTY IN THE DISTRICT AND AGAINST THE OWNERS THEREOF; PROVIDING FOR THE COLLECTION OF THE 2015 ASSESSMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Public Improvement District Assessment Act, Chapter 372 of the Texas Local Government Code (“Act”) allows for the creation of public improvement districts; and

WHEREAS, on August 25, 1999 City Council authorized the creation of the Deep Ellum Public Improvement District (District), as shown on the attached **Exhibit A - Map of the District**, as a public improvement district in accordance with the Act and found that the District promoted the interests of the City and conferred a special benefit to the property in the District, designated Deep Ellum Foundation as the manager of the District, authorized a contract for management services; and approved the District Service Plan, and annual updates by Resolution No. 99-2604; and

WHEREAS, City Council has subsequently authorized the renewal of the Deep Ellum Public Improvement District (District) in 2006 and 2013; and

WHEREAS, on September 10, 2014, City Council authorized the 2015 Service Plan and 2014 Assessment Plan by Ordinance No. 29457; and

WHEREAS, City Council must review the proposed 2016 Service Plan and 2015 Assessment Plan and hold a public hearing to provide a reasonable opportunity for any owner of property located within the District to speak for or against the 2015 assessment against real property and real property improvements exclusive of right-of-way, to continue funding for the District for the purpose of providing supplemental services and improvements; and

WHEREAS, on August 17, 2015, information about this item was presented to the Economic Development Committee; and

WHEREAS, on August 26, 2015, this item was considered by the City Council and the approval of the proposed Deep Ellum Public Improvement District 2016 Service Plan, 2015 Assessment Plan and 2015 assessment roll was deferred to the September 9, 2015 agenda; and

WHEREAS, the Deep Ellum Foundation provided City staff with the proposed District 2016 Service Plan and 2015 Assessment Plan as shown in **Exhibits B and C**; and

WHEREAS, City Council desires to authorize and adopt the Assessment Roll that was filed with the City Secretary and subject to public inspection in the City's official records prior to the public hearing; and

WHEREAS, City Council finds that the Service Plan and Assessment Plan are feasible and sound and will serve the needs and desires of the property owners, and that the assessment rate of \$0.12 per \$100.00 of appraised value, as determined by the Dallas Central Appraisal District (DCAD), of the property or improvements to the property located in the District is reasonable and adequate.

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That City Council shall adopt an ordinance approving and adopting the proposed and final 2016 Service Plan, the 2015 Assessment Plan and the 2015 Assessment Roll (to be kept on file with the City Secretary); establishing classifications for the apportionment of costs and the methods of assessing special assessments for the services and improvements to property in the Deep Ellum Public Improvement District (District); closing the hearing and levying a special assessment on property in the District, for services and improvements to be provided during 2016; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2015 assessment; and providing for an effective date.

SECTION 2. That the recitals and findings listed above are true and correct and that the action of City Council closing the public hearing in these proceedings is hereby ratified and confirmed.

SECTION 3. That the proposed method of assessment, which may specify included or excluded classes of assessable property, shall be assessed according to the value of the real property and real property improvements as determined by the Dallas Central Appraisal District. The estimated annual assessment rate for 2015 will be \$0.12 per \$100.00 of appraised value [as determined by the Dallas Central Appraisal District. Once levied, this assessment rate shall not increase during the 2016 service plan year. The annual assessment rate shall not exceed \$0.15 per \$100.00 valuation. Future annual assessment rates, however, may be increased up to a maximum of \$0.15 per \$100.00 valuation subject to an enhancement in value of property in the District and a corresponding increase in the services and improvements to be provided therefor.

SECTION 3. (Continued)

Any future increase in the assessment rate would also be subject to a public hearing and city council passing on all objections. The real property of jurisdictions and entities that have obtained an exemption from City of Dallas real property taxes pursuant to the Texas Property Code (except under the provisions of Sections 11.24 and 11.28 of the Property Tax Code) will not be subject to an assessment on that portion of the assessed value of the property exempt from City real property taxes. Payment of assessments by other exempt jurisdictions and entities must be established by contract.

SECTION 4. That City Council hereby authorizes and adopts the final 2016 Service Plan, the final 2015 Assessment Plan and the 2015 Assessment Roll (to be kept on file with the City Secretary apportioning the total cost of the services and improvements to be assessed against property in the District for fiscal year ending December 31, 2015, of approximately \$430,836. The Assessment Roll apportions the assessment against each parcel of land in the District and is subject to public inspection in the City's official records.

SECTION 5. That notice of City Council's intention to consider the proposed assessments at a public hearing on September 9, 2015 at 1:00 p.m. in the City Council Chamber, 1500 Marilla Street, Dallas, Texas was published in the official newspaper of the City of Dallas, Texas before the 10th day before the date of the hearing. The notice stated: (1) the date, time and place of the hearing; (2) the general nature of the services and improvements; (3) the cost of the services and improvements; (4) the boundaries of the District; and (5) that written or oral objections will be considered at the hearing.

SECTION 6. That Dallas City staff mailed to the owners of property liable for assessment notice of the hearing as the ownership appears on the City tax roll. The notice contained the information required by the Act. The notice was mailed before the 10th day before the date of the hearing to the last known address of the property owner on the City tax roll. The failure of the property owner to receive notice does not invalidate the proceeding.

SECTION 7. That City Council finds that the assessments should be made and levied against the respective parcels of property within the District and against the owners thereof, and are substantially in proportion to the benefits to the respective parcels of property by means of the services and improvements in the District for which such assessments are levied, and further finds that in each case the property assessed is specially benefited by means of the said services and improvements in the District, and further finds that the apportionment of costs of the services and improvements is in accordance with the law in force in this City and the State and in the proceedings of the City heretofore held with reference to the formation of the District and the imposition of assessments for said services and improvements are in all respects valid and regular.

SECTION 8. That there shall be and is hereby levied and assessed against the parcels of property within the District, and against the real and true owners thereof (whether such owners be correctly named or not), the sums of money as listed in the Assessment Roll on file with the City Secretary and subject to public inspection, and the several amounts assessed against the same, and the owners thereof.

SECTION 9. That the several sums above mentioned and assessed against the said parcels of property and the owners thereof, and interest thereon at the rate of eight percent (8%) per annum, provided, however, that such interest rate shall not exceed the maximum amount allowed by law, together with reasonable fees and the costs of collection, if incurred, are hereby declared to be and are made a first and prior lien against the property assessed, superior to all other liens and claims except liens and claims for state, county, school district and municipality ad valorem taxes and are a personal liability of and charge against the owners of the property regardless of whether the owners are named. The lien is effective from the date of this ordinance until the assessment is paid and may be enforced by the governing body in the same manner that an ad valorem tax lien against real property may be enforced by the governing body.

SECTION 10. That the assessments levied herein shall be due and payable in full on or before January 31, 2016. That if default be made in the payment of any of the said sums hereby assessed against said property owners and their property, collection thereof, including, costs and fees, shall be enforced by the governing body in the same manner that an ad valorem tax lien against real property may be enforced by the governing body. The owner of the assessed property may pay at any time the entire assessment, with interest that has accrued on the assessment, on any lot or parcel.

SECTION 11. That all assessments levied are a personal liability and charge against the real and true owners of the premises described, notwithstanding such owners may not be named, or may be incorrectly named.

SECTION 12. That as part of the assessment levied herein, and as a part of the service plan, the District shall reimburse to City, administrative costs for the day to day operations conducted by city staff for the District, which amount shall be paid by the District to City upon receipt of an invoice; and that the Chief Financial Officer is hereby authorized to establish Fund 0694, Department ECO, to support recovery of the costs incurred by the Office of Economic Development for such day to day operational costs incurred.

SECTION 13. That the Chief Financial Officer be authorized to accept and deposit any and all revenues received from the District in Fund 0694, Department ECO, Unit 9876, Revenue Source 7399; and that the Chief Financial Officer be authorized to transfer annually, funds in amounts to be determined based upon costs incurred and related rates then in effect, from Fund 0694, Department ECO, Unit 9876, to General Fund 0001, Department ECO, Unit 1161 and Unit 1163, Object 5011, to reimburse the Office of Economic Development for administrative costs incurred for the day to day operational oversight of the District.

SECTION 14. That the assessments herein levied are made and levied under and by virtue of the terms, powers and provisions of the Public Improvement District Assessment Act, Chapter 372 of the Texas Local Government Code, as amended.

SECTION 15. That this ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

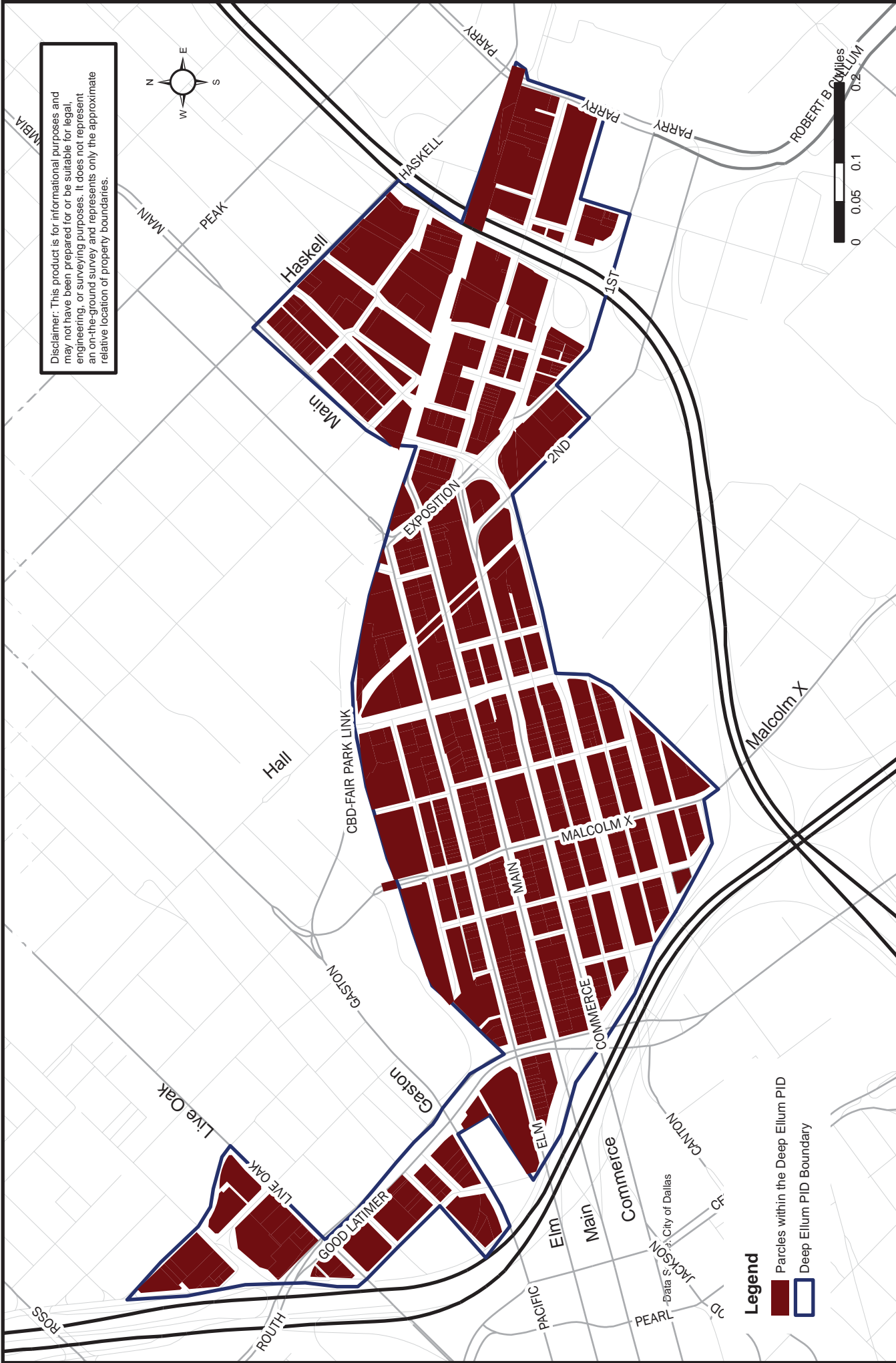
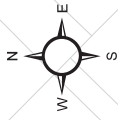
APPROVED AS TO FORM

WARREN M. S. ERNST
CITY ATTORNEY

By: 
Assistant City Attorney

Passed and correctly enrolled _____

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- Legend**
- Parcels within the Deep Ellum PID
 - Deep Ellum PID Boundary

**DALLAS
ECONOMIC
DEVELOPMENT**
Area Redevelopment Division
214.670.1685
dallas-ecodev.org

Deep Ellum PID Boundary Map Exhibit A

EXHIBIT B
DEEP ELLUM PID
Service Plan 2015-2020

	2015	2016	2017	2018	2019	2020
	ACTUAL	BUDGET	BUDGET	BUDGET	BUDGET	BUDGET
Revenues and Reserves						
Gross assessments revenue	\$335,099.75	\$430,836.13	\$452,377.94	\$474,996.83	\$498,746.67	\$523,684.01
PID Oversight Charge from City	-\$7,383.50	-\$7,383.50	-\$7,383.50	-\$7,383.50	-\$7,383.50	-\$7,383.50
Net Assessment Revenue	\$327,716.25	\$423,452.63	\$444,994.44	\$467,613.33	\$491,363.17	\$516,300.51
Fund balance from previous year ⁶	\$129,191.00	\$60,389.17	\$51,577.09	\$55,847.34	\$60,200.28	\$64,640.04
Interest on cash balances	\$500.00	\$525.00	\$551.25	\$578.81	\$607.75	\$638.14
Other income and contributions	\$1,000.00	\$1,050.00	\$1,102.50	\$1,157.63	\$1,215.51	\$1,276.28
Total Income and Reserves	\$458,407.25	\$485,416.80	\$498,225.28	\$525,197.12	\$553,386.72	\$582,854.97
Improvements ¹	\$80,021.82	\$87,223.78	\$88,940.40	\$93,487.95	\$98,262.87	\$103,276.54
Transportation and related expenses ²	\$31,633.42	\$34,480.42	\$35,159.02	\$36,956.71	\$38,844.28	\$40,826.24
Business Development and Recruitment ³	\$31,365.34	\$34,188.22	\$34,861.06	\$36,643.52	\$38,515.09	\$40,480.25
Marketing and Promotion ⁴	\$156,042.55	\$170,086.38	\$173,433.78	\$182,301.50	\$191,612.60	\$201,389.25
Public Safety ⁵	\$19,804.40	\$21,586.79	\$22,011.63	\$23,137.09	\$24,318.83	\$25,559.65
Administration	\$55,827.62	\$60,852.10	\$62,049.71	\$65,222.33	\$68,553.58	\$72,051.39
Financial Audit and Insurance	\$23,322.94	\$25,422.01	\$25,922.33	\$27,247.74	\$28,639.43	\$30,100.70
Total Expenditures	\$398,018.08	\$433,839.71	\$442,377.94	\$464,996.83	\$488,746.67	\$513,684.01
Fund Balance/Reserves	\$60,389.17	\$51,577.09	\$55,847.34	\$60,200.28	\$64,640.04	\$69,170.96

- Graffiti control, landscaping, park improvements, trash pickup and neighborhood improvements
- Acquisition, construction, operation and maintenance of transportation facilities and wayfinding signage including neighborhood parking programs
- Business development and recruitment to promote the District
- Marketing, website, and other promotional activities including but not limited to wifi
- Safety and security related initiatives including but not limited to lighting and signage
- The Public Improvement District started 2015 with a carry over balance of approximately \$130,000 accumulated from unspent funds from the Categories of Improvements, Business Development, and Marketing and Promotion. The Carry over funds is the rest of loss of staff to oversee the management of these categories for most of FY 2015. Following the hiring of a new Executive Director, who started June 1, 2015, and the expansion of the DEPID boundaries in 2014 the DEPID has requested to spend the carry over balance for delayed neighborhood projects, which will include neighborhood-wide Wi-Fi (inside Deep Ellum Businesses and using Deep Ellum Branding), neighborhood-wide parking strategies, art mural project and a new professionally done Deep Ellum website.
- The District anticipates that increased costs and service levels for 2017 – 2020 will be needed to maintain the special benefits conferred to the property owners. The future expenses and assessments that may be required are estimates only and subject to future City Council approval. To the extent such estimates exceed the maximum budgeted costs approved in the petition prior to the end of the original seven year service plan approved by the City Council, the management company will be required to seek an early renewal of the District for the collection of such additional assessments for 2019-2020.



Deep Ellum Foundation
2630 E. Commerce
Dallas, TX 75226

Exhibit C

Deep Ellum Public Improvement District Assessment Plan 2015

The cost of the services and improvements provided by the Deep Ellum Public Improvement District (DEPID) will be paid primarily by special assessments against property in the District. Annual assessments will be based on the total value of real property and improvements as certified by the Dallas Central Appraisal District.

The proposed assessment rate for 2015 will be \$0.12 per \$100.00 of appraised value as determined by the Dallas Central Appraisal District. The annual assessment rate shall not exceed \$0.15 per \$100.00 valuation.

The District shall pay the costs of the services and improvements by special assessment against the real property and real property improvements. The City of Dallas is not responsible for payment of assessment against exempt City property in the District. City right-of-way, railroad right-of-way, City parks and cemeteries are not specially benefitted and therefore are not subject to PID assessment. Payment of assessments by other exempt jurisdictions and entities must be established by contract.

Deep Ellum PID assessments will be collected by Dallas County for the City of Dallas, in accordance with the management contract between the City of Dallas and The Deep Ellum Foundation.

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: September 9, 2015
COUNCIL DISTRICT(S): 14
DEPARTMENT: Office of Economic Development
CMO: Ryan S. Evans, 671-9837
MAPSCO: 45 E F G K and L

SUBJECT

Klyde Warren Park/Dallas Arts District Public Improvement District

- * A public hearing concerning the proposed levy of assessment for the Klyde Warren Park/Dallas Arts District Public Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, for the purpose of providing supplemental public services, to be funded by assessments on property in the District – Financing: No cost consideration to the City
- * An ordinance approving and adopting the proposed and final 2016 Service Plan, the 2015 Assessment Plan and the 2015 Assessment Roll (to be kept on file with the City Secretary); establishing classifications for the apportionment of costs and the methods of assessing special assessments for the services and improvements to property in the Klyde Warren Park/Dallas Arts District Public Improvement District (District); closing the hearing and levying a special assessment on property in the District, for services and improvements to be provided during 2016; providing for reimbursement of city administrative costs for operational oversight of the District; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2015 assessment; and providing for an effective date – Financing: No cost consideration to the City

BACKGROUND

This item is being placed on the addendum because the City Attorney's Office requested service plan modifications after items were initially mailed on regular agenda timeline.

Annually, City Council calls and holds a public hearing to set the annual assessment rate for property in the Public Improvement Districts (PID) and authorizes the Service Plan for each PID.

BACKGROUND (Continued)

The Woodall Rodgers Park Foundation provided City staff with the proposed District Service Plan for 2016 and the proposed Assessment Plan for 2015 for review, and staff found the services and improvements to be advisable and recommended approval subject to the public hearing on September 9, 2015.

The public improvement district Service Plan is outlined in the following way:

- (a) **Nature of the Services and Improvements.** The purpose of the District is to supplement and enhance services and improvements for properties specifically benefitted by their proximity to KWP and DAD, but not to replace or supplant existing City or other services provided. The general nature of the proposed services and improvements to be performed by the District for KWP and DAD includes security, sanitation, graffiti control and landscape improvements, marketing and promotional activities, distinctive lighting and signage, landscaping and water features, KWP/DAD improvements, trash pick-up, cultural enhancement, programs, and related expenses incurred in establishing, administering and operating the District as authorized by the Act.
- (b) **Estimated Cost of the Services and Improvements.** During the next five (5) year period, the estimated annual cost of the improvements and services provided by the District is expected to begin at approximately \$933,872.42 in 2016 and reach \$1,051,081.64 in 2020. The total estimated assessments to be collected during the next five year period is approximately \$6,040,669.59. The District shall incur no bonded indebtedness. Unless a specific purpose is identified in the service plan, any over collections of assessments for any year shall be returned to the property owners or the assessment rate shall be reduced in the following year so that such surplus cash may be absorbed by the cost of services and improvements to be provided by the management company for that following year. The city shall not levy assessments against property owners that exceed the total amount budgeted for the entire term of the PID without a new petition securing consent of the property owners to such increases in the service plan and city council approval.
- (c) **Boundaries.** The boundaries of the District are shown on the attached Map of the District.
- (d) **Method of Assessment.** The proposed method of assessment, which may specify included or excluded classes of assessable property, shall be assessed according to the value of the real property and real property improvements as determined by the Dallas Central Appraisal District. The estimated annual assessment rate for 2015 will be \$.025 per \$100.00 of appraised value as determined by the Dallas Central Appraisal District.

BACKGROUND (Continued)

Once levied, this assessment rate shall not increase during the 2016 service plan year. The annual assessment rate is capped and shall not exceed \$0.025 per \$100.00 evaluation. Any future increase in the assessment rate would also be subject to a public hearing and the city council passing on all objections. The real property of jurisdictions and entities that have obtained an exemption from City of Dallas real property taxes pursuant to the Texas Property Code (except under the provisions of Sections 11.24 and 11.28 of the Property Tax Code) will not be subject to an assessment on that portion of the assessed value of the property exempt from City real property taxes. Payment of assessments by other exempt jurisdictions and entities must be established by contract.

- (e) **Apportionment of costs between the District and the Municipality as a Whole.** The assessment is levied on the real property and real property improvements in the District according to the value of such property. Levying the assessment for the services and improvements based on the appraised value of the property results in the apportionment of the costs on the basis of special benefits accruing to the property. No assessment, however, will be levied against exempt City property in the District. The City of Dallas is not responsible for payment of assessment against exempt City property in the District. City rights-of-way, railroad right-of-way, City parks and cemeteries are not specially benefitted and therefore are not subject to PID assessment.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On August 13, 2013, City Council authorized creation of the Klyde Warren Park Public Improvement District by Resolution No. 13-1375.

On June 25, 2014, City Council authorized the dissolution of the Klyde Warren Park Public Improvement District by Resolution No. 14-1073.

On June 25, 2014, City Council authorized the creation of the Klyde Warren Park/Dallas Arts District Public Improvement District for a period of seven-years and designated the Woodall Rodgers Park Foundation as the management entity for the District by Resolution No. 14-1074.

On September 10, 2014 City Council authorized the 2014 assessment rate for the Klyde Warren Park/Dallas Arts District Public Improvement District by Ordinance No. 29458.

Information about this item was provided to the Economic Development Committee on August 17, 2015.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS) (Continued)

This item was considered by the City Council on August 26, 2015, and the approval of the proposed Klyde Warren Park/Dallas Arts Public Improvement District 2016 Service Plan, 2015 Assessment Plan and 2015 assessment roll was deferred to the September 9, 2015 agenda.

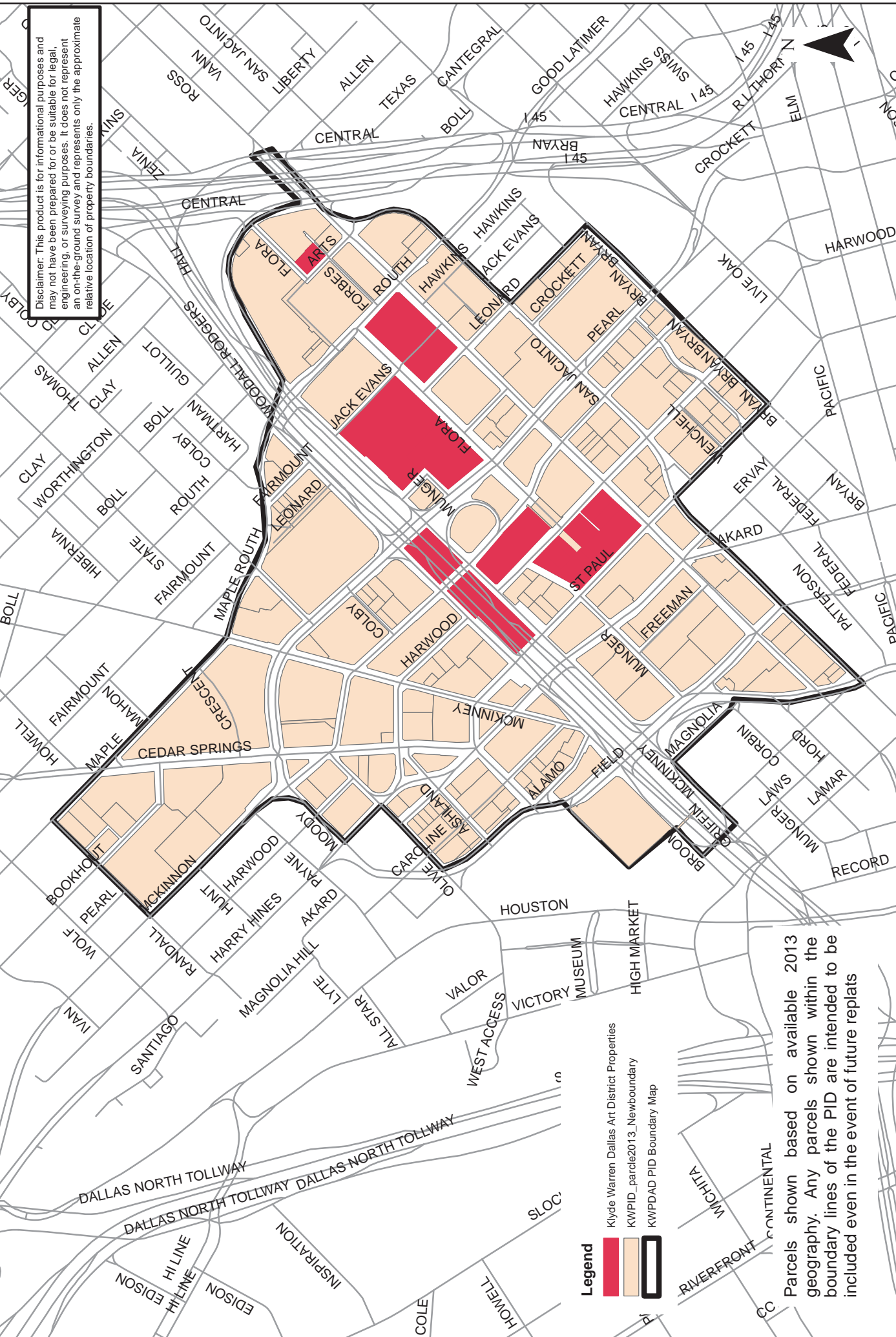
FISCAL INFORMATION

No cost consideration to the City

MAP

Attached.

Disclaimer: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.



- Legend**
- Klyde Warren Dallas Art District Properties
 - KWPID_parcel2013_Newboundary
 - KWP/DAD PID Boundary Map

Parcels shown based on available 2013 geography. Any parcels shown within the boundary lines of the PID are intended to be included even in the event of future replats

Klyde Warren Park/Art District PID (KWP/DADPID) Boundary Map

ORDINANCE NO. _____

AN ORDINANCE APPROVING AND ADOPTING THE FINAL 2016 SERVICE PLAN, THE FINAL 2015 ASSESSMENT PLAN, AND THE 2015 ASSESSMENT ROLL (TO BE KEPT ON FILE WITH THE CITY SECRETARY); ESTABLISHING CLASSIFICATIONS FOR THE APPORTIONMENT OF COSTS AND THE METHODS OF ASSESSING SPECIAL ASSESSMENTS FOR THE SERVICES AND IMPROVEMENTS TO PROPERTY IN THE KLYDE WARREN PARK/DALLAS ARTS DISTRICT PUBLIC IMPROVEMENT DISTRICT (DISTRICT); CLOSING THE HEARING AND LEVYING A SPECIAL ASSESSMENT ON PROPERTY IN THE DISTRICT FOR SERVICES AND IMPROVEMENTS TO BE PROVIDED IN THE DISTRICT DURING 2016; PROVIDING FOR REIMBURSEMENT OF CITY ADMINISTRATIVE COSTS FOR OPERATIONAL OVERSIGHT OF THE DISTRICT; FIXING CHARGES AND LIENS AGAINST THE PROPERTY IN THE DISTRICT AND AGAINST THE OWNERS THEREOF; PROVIDING FOR THE COLLECTION OF THE 2015 ASSESSMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Public Improvement District Assessment Act, Chapter 372 of the Texas Local Government Code (“Act”) allows for the creation of public improvement districts; and

WHEREAS, on June 25, 2014, City Council authorized the creation of the Klyde Warren Park/Dallas Arts District Public Improvement District (District), as shown on the attached **Exhibit A - Map of the District**, as a public improvement district in accordance with the Act and found that the District promoted the interests of the City and conferred a special benefit to the property in the District, designated Woodall Rodgers Park Foundation as the manager of the District, authorized a contract for management services; and approved the District Service Plan, and annual updates by Resolution No. 14-1074; and

WHEREAS, on September 10, 2014, City Council authorized the 2015 Service Plan and 2014 Assessment Plan Rate for the Klyde Warren Park/Dallas Arts District Public Improvement District by Ordinance No. 29458; and

WHEREAS, City Council must review the proposed 2016 Service Plan and 2015 Assessment Plan and hold a public hearing to provide a reasonable opportunity for any owner of property located within the District to speak for or against the 2015 assessment against real property and real property improvements exclusive of right-of-way, to continue funding for the District for the purpose of providing supplemental services and improvements; and

WHEREAS, on August 17, 2015, information about this item was presented to the Economic Development Committee; and

WHEREAS, on August 26, 2015, this item was considered by the City Council and the approval of the proposed Klyde Warren Park/Dallas Arts District Public Improvement District 2016 Service Plan, 2015 Assessment Plan and 2015 assessment roll was deferred to the September 9, 2015 agenda; and

WHEREAS, the Woodall Rodgers Foundation provided City staff with the proposed District 2016 Service Plan and 2015 Assessment Plan as shown in **Exhibits B and C**; and

WHEREAS, City Council desires to authorize and adopt the Assessment Roll that was filed with the City Secretary and subject to public inspection in the City's official records prior to the public hearing; and

WHEREAS, City Council finds that the Service Plan and Assessment Plan are feasible and sound and will serve the needs and desires of the property owners, and that the assessment rate of \$.025 per \$100.00 of appraised value, as determined by the Dallas Central Appraisal District (DCAD), of the property or improvements to the property located in the District is reasonable and adequate.

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That City Council shall adopt an ordinance approving and adopting the proposed and final 2016 Service Plan, the 2015 Assessment Plan and the 2015 Assessment Roll (to be kept on file with the City Secretary); establishing classifications for the apportionment of costs and the methods of assessing special assessments for the services and improvements to property in the Klyde Warren Park/Dallas Arts District Public Improvement District (District); closing the hearing and levying a special assessment on property in the District, for services and improvements to be provided during 2016; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2015 assessment; and providing for an effective date.

SECTION 2. That the recitals and findings listed above are true and correct and that the action of the City Council closing the public hearing in these proceedings is hereby ratified and confirmed.

SECTION 3. That the proposed method of assessment, which may specify included or excluded classes of assessable property, shall be assessed according to the value of the real property and real property improvements as determined by the Dallas Central Appraisal District. The estimated annual assessment rate for 2015 will be \$.025 per \$100.00 of appraised value as determined by the Dallas Central Appraisal District. Once levied, this assessment rate shall not increase during the 2016 service plan year. The Any future increase in the assessment rate would also be subject to a public hearing and the city council passing on all objections.

SECTION 3. (Continued)

The real property of jurisdictions and entities that have obtained an exemption from City of Dallas real property taxes pursuant to the Texas Property Code (except under the provisions of Sections 11.24 and 11.28 of the Property Tax Code) will not be subject to an assessment on that portion of the assessed value of the property exempt from City real property taxes. Payment of assessments by other exempt jurisdictions and entities must be established by contract.

SECTION 4. That City Council hereby authorizes and adopts the final 2016 Service Plan, the final 2015 Assessment Plan and the 2015 Assessment Roll (to be kept on file with the City Secretary apportioning the total cost of the services and improvements to be assessed against property in the District for fiscal year ending December 31, 2015, of approximately \$944,042. The Assessment Roll apportions the assessment against each parcel of land in the District and is subject to public inspection in the City's official records.

SECTION 5. That notice of City Council's intention to consider the proposed assessments at a public hearing on September 9, 2015 at 1:00 p.m. in the City Council Chamber, 1500 Marilla Street, Dallas, Texas was published in the official newspaper of the City of Dallas, Texas before the 10th day before the date of the hearing. The notice stated: (1) the date, time and place of the hearing; (2) the general nature of the services and improvements; (3) the cost of the services and improvements; (4) the boundaries of the District; and (5) that written or oral objections will be considered at the hearing.

SECTION 6. That Dallas City staff mailed to the owners of property liable for assessment notice of the hearing as the ownership appears on the City tax roll. The notice contained the information required by the Act. The notice was mailed before the 10th day before the date of the hearing to the last known address of the property owner on the City tax roll. The failure of the property owner to receive notice does not invalidate the proceeding.

SECTION 7. That City Council finds that the assessments should be made and levied against the respective parcels of property within the District and against the owners thereof, and are substantially in proportion to the benefits to the respective parcels of property by means of the services and improvements in the District for which such assessments are levied, and further finds that in each case the property assessed is specially benefited by means of the said services and improvements in the District, and further finds that the apportionment of costs of the services and improvements is in accordance with the law in force in this City and the State and in the proceedings of the City heretofore held with reference to the formation of the District and the imposition of assessments for said services and improvements are in all respects valid and regular.

SECTION 8. That there shall be and is hereby levied and assessed against the parcels of property within the District, and against the real and true owners thereof (whether such owners be correctly named or not), the sums of money as listed in the Assessment Roll on file with the City Secretary and subject to public inspection, and the several amounts assessed against the same, and the owners thereof.

SECTION 9. That the several sums above mentioned and assessed against the said parcels of property and the owners thereof, and interest thereon at the rate of eight percent (8%) per annum, provided, however, that such interest rate shall not exceed the maximum amount allowed by law, together with reasonable fees and the costs of collection, if incurred, are hereby declared to be and are made a first and prior lien against the property assessed, superior to all other liens and claims except liens and claims for state, county, school district and municipality ad valorem taxes and are a personal liability of and charge against the owners of the property regardless of whether the owners are named. The lien is effective from the date of this ordinance until the assessment is paid and may be enforced by the governing body in the same manner that an ad valorem tax lien against real property may be enforced by the governing body.

SECTION 10. That the assessments levied herein shall be due and payable in full on or before January 31, 2016. That if default be made in the payment of any of the said sums hereby assessed against said property owners and their property, collection thereof, including, costs and fees, shall be enforced by the governing body in the same manner that an ad valorem tax lien against real property may be enforced by the governing body. The owner of the assessed property may pay at any time the entire assessment, with interest that has accrued on the assessment, on any lot or parcel.

SECTION 11. That all assessments levied are a personal liability and charge against the real and true owners of the premises described, notwithstanding such owners may not be named, or may be incorrectly named.

SECTION 12. That as part of the assessment levied herein, and as a part of the service plan, the District shall reimburse to City, administrative costs for the day to day operations conducted by city staff for the District, which amount shall be paid by the District to City upon receipt of an invoice; and that the Chief Financial Officer is hereby authorized to establish Fund 0694, Department ECO, to support recovery of the costs incurred by the Office of Economic Development for such day to day operational costs incurred.

SECTION 13. That the Chief Financial Officer is hereby authorized to accept and deposit any and all revenues received from the District in Fund 0694, Department ECO, Unit 9879, Revenue Source 7399; and that the Chief Financial Officer be authorized to transfer annually, funds in amounts to is hereby determined based upon costs incurred and related rates then in effect, from Fund 0694, Department ECO, Unit 9879, to General Fund 0001, Department ECO, Unit 1161 and Unit 1163, Object 5011, to reimburse the Office of Economic Development for administrative costs incurred for the day to day operational oversight of the District.

SECTION 14. That the assessments herein levied are made and levied under and by virtue of the terms, powers and provisions of the Public Improvement District Assessment Act, Chapter 372 of the Texas Local Government Code, as amended.

SECTION 15. That this ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

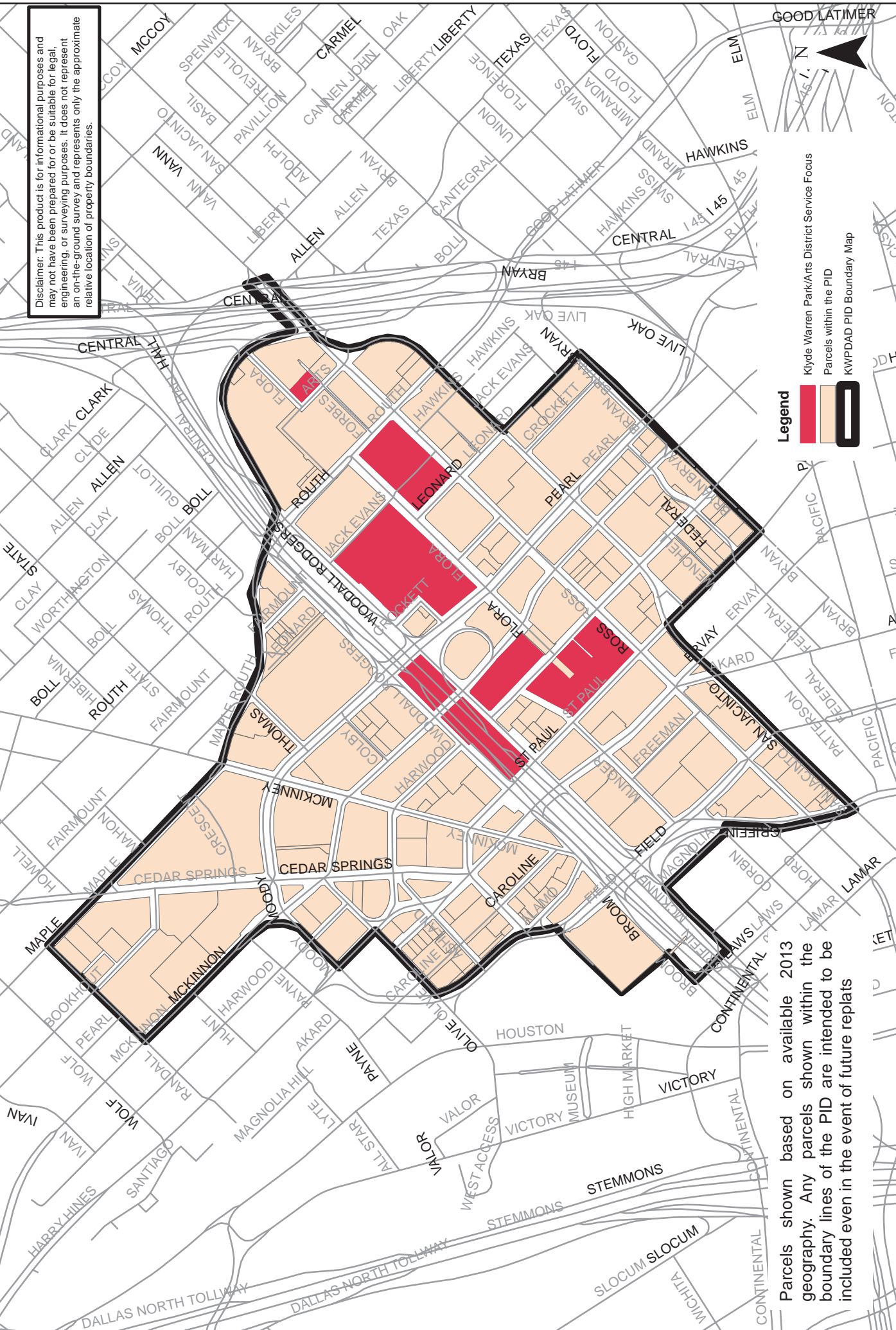
APPROVED AS TO FORM

WARREN M. S. ERNST
CITY ATTORNEY

By: 
Assistant City Attorney

Passed and correctly enrolled _____

Disclaimer: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.



Legend

- Klyde Warren Park/Arts District Service Focus
- Parcels within the PID
- KWP/DAD PID Boundary Map

Parcels shown based on available 2013 geography. Any parcels shown within the boundary lines of the PID are intended to be included even in the event of future replats

Exhibit A
Klyde Warren Park/Arts District PID (KWP/DADPID)
Boundary Map

Exhibit B

**KLYDE WARREN PARK/ DALLAS ARTS DISTRICT PID BUDGET
SERVICE PLAN 2016 TO 2020**

REVENUE		2016	2017	2018	2019	2020	
Fund Balance from previous year							
¹ Net assessment revenue		\$933,872.42	\$961,888.59	\$990,745.25	\$1,020,467.61	\$1,051,081.64	
TOTAL REVENUE		\$933,872.42	\$961,888.59	\$990,745.25	\$1,020,467.61	\$1,051,081.64	
EXPENDITURES		Allocation %					
TOTAL REVENUE		100.00%	\$933,872.42	\$961,888.59	\$990,745.25	\$1,020,467.61	\$1,051,081.64
² Security		42.83%	\$399,999.96	\$411,999.96	\$424,359.96	\$437,090.76	\$450,203.48
³ Sanitation		21.73%	\$202,968.45	\$209,057.51	\$215,329.23	\$221,789.11	\$228,442.78
⁴ Scrubbing and power washing pavers		1.43%	\$13,366.14	\$13,767.12	\$14,180.13	\$14,605.54	\$15,043.70
Waste disposal		1.72%	\$16,039.37	\$16,520.55	\$17,016.16	\$17,526.65	\$18,052.45
Landscape improvements		4.79%	\$44,776.56	\$46,119.86	\$47,503.46	\$48,928.56	\$50,396.42
Water features and general maintenance		1.50%	\$14,034.44	\$14,455.47	\$14,889.14	\$15,335.81	\$15,795.89
⁵ Cultural enhancement (programs)		5.33%	\$49,765.93	\$51,258.91	\$52,796.67	\$54,380.57	\$56,011.99
⁶ Marketing and promotion		11.91%	\$111,178.10	\$114,513.44	\$117,948.85	\$121,487.31	\$125,131.93
Administration		3.34%	\$31,204.83	\$32,140.97	\$33,105.20	\$34,098.36	\$35,121.31
Liability insurance and financial audit		2.92%	\$27,266.93	\$28,084.93	\$28,927.48	\$29,795.31	\$30,689.17
Holiday lighting and Decorations		1.43%	\$13,366.14	\$13,767.12	\$14,180.13	\$14,605.54	\$15,043.70
⁷ Signage		1.06%	\$9,905.57	\$10,202.74	\$10,508.82	\$10,824.09	\$11,148.81
Contingency							
TOTAL FUND OPERATING EXPENDITURES		100.00%	\$933,872.42	\$961,888.59	\$990,745.25	\$1,020,467.61	\$1,051,081.64
TOTAL FUND BALANCE/RESERVES		0.00%	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

KWP and DAD will support the remaining operating costs of their organizations, which is not included in the Service Plan

¹ Early year PID service needs higher for Klyde Warren Park and Dallas Arts District establishment;

Assume a 3% increase in cost and service levels beginning 2016 based on future Uptown and Downtown development

² 24 hour security at KWP; Off-duty police and crossing guards at DAD

³ Trash pickup, general cleaning, graffiti control and improvements

⁴ Pavement (sidewalk) detail cleaning, staining and restoration

⁵ Partial cost of European and Christmas Markets, programming activities, will grow yearly

⁶ Partial cost of promoting the district, PR, advertising, free Wi-Fi, website and Kiosk

⁷ Wayfinding signage

Note: The District anticipates that increased costs and service levels for 2020 will be needed to maintain the special benefits conferred to the property owners. The future expenses and assessments that may be required are estimates only and subject to future City Council approval. To the extent such estimates exceed the maximum budgeted costs approved in the petition prior to the end of the original seven year service plan approved by the City Council, the management company will be required to seek an early renewal of the District for the collection of such additional assessments for 2020

Exhibit C

Klyde Warren Park/Dallas Arts District Public Improvement District Assessment Plan

The costs of the services and improvements by the District will be paid primarily by special assessment against properties in the District. Annual assessments are based on the total value of real property and real property improvements as determined by the Dallas Central Appraisal District ("DCAD").

The Klyde Warren Park/Dallas Arts District Public Improvement District (PID) proposed assessment rate for 2016 is \$0.025 per \$100 of appraised value. Actual assessment rates and levies will be set by the Dallas City Council subject to a maximum of \$0.15 per \$100 of value and according to procedures stipulated by Chapter 372 of the Texas Local Government Code. City right-of-way, railroad right-of-way, City parks and cemeteries are not specially benefitted and therefore are not subject to PID assessment. Payment of assessments by other exempt jurisdictions and entities must be established by contract.

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: September 9, 2015
COUNCIL DISTRICT(S): 14
DEPARTMENT: Office of Economic Development
CMO: Ryan S. Evans, 671-9837
MAPSCO: 35 Q R U V

SUBJECT

Knox Street Public Improvement District

- * A public hearing concerning the proposed levy of assessment for the Knox Street Public Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, for the purpose of providing supplemental public services, to be funded by assessments on property in the District – Financing: No cost consideration to the City
- * An ordinance approving and adopting the proposed and final 2016 Service Plan, the 2015 Assessment Plan and the 2015 Assessment Roll (to be kept on file with the City Secretary); establishing classifications for the apportionment of costs and the methods of assessing and levying special assessments for the services and improvements to property in the Knox Street Public Improvement District (District); closing the hearing a special assessment on property in the District, for services and improvements to be provided during 2016; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2015 assessment; and providing for an effective date – Financing: No cost consideration to the City

BACKGROUND

This item is being placed on the addendum because the City Attorney's Office requested service plan modifications after items were initially mailed on regular agenda timeline.

Annually, City Council calls and holds a public hearing to set the annual assessment rate for property in the Public Improvement Districts (PID) and authorizes the Service Plan for each PID.

BACKGROUND (Continued)

The Woodall Rodgers Park Foundation provided City staff with the proposed District Service Plan for 2016 and the proposed Assessment Plan for 2015 for review, and staff found the services and improvements to be advisable and recommended approval subject to the public hearing on September 9, 2015.

Annually, City Council calls and holds a public hearing to set the annual assessment rate for property in the Public Improvement Districts (PID) and authorizes the Service Plan for each PID.

The Knox Street Public Improvement District provided City staff with the proposed District Service Plan for 2016 and the proposed Assessment Plan for 2015 for review, and staff found the services and improvements to be advisable and recommended approval subject to the public hearing on September 9, 2015.

The public improvement district Service Plan is outlined in the following way:

- (a) Nature of the Services and Improvements.** The proposed services and improvements to be provided in the District include public safety and security, lighting, sidewalk and streetscape, operation and maintenance of public improvements, landscaping improvements including plantings and hardscape, District marketing and promotional activities and improvements authorized by the Act.
- (b) Estimated Cost of the Services and Improvements.** During the next five (5) year period, the estimated annual cost of the improvements and services provided by the District is expected to begin at approximately \$741,419 in 2016 and reach \$284,362 in 2020. The total estimated assessments to be collected during the next five year period are approximately \$1,364,968. The District shall incur no bonded indebtedness. Future years' budgets may alter significantly as the result of the pending renewal process coming prior to the PID's expiration in 2017 as well as carryover funds accumulated through 2016 to be used to fund capital improvement projects such as gateway markers and streetscape improvements and/or possibly in conjunction with Knox Complete Streets (and related feasibility study costs). Capital Improvements include traffic studies related to Knox Complete Streets and Cole-McKinney Two Way Conversion, as well as gateway marker costs. 2016 Capital Improvements reflects anticipated spend of majority of carryover from prior years to complement Knox Complete Streets (but may be separate project from Complete Streets).
- (c) Boundaries.** The boundaries of the District are shown on the attached Map of the District.

BACKGROUND (Continued)

- (d) **Method of Assessment.** The proposed method of assessment, which may specify included or excluded classes of assessable property, shall be assessed according to the value of the real property and real property improvements as determined by the Dallas Central Appraisal District. The estimated annual assessment rate for 2015 will be \$0.15 per \$100.00 of appraised value as determined by the Dallas Central Appraisal District. Once levied, this assessment rate shall not increase during the 2016 service plan year. The annual assessment rate shall not exceed \$0.15 per \$100.00 valuation.

Future annual assessment rates, however, may be increased up to a maximum of \$0.15 per \$100.00 valuation subject to an enhancement in value of property in the District and a corresponding increase in the services and improvements to be provided therefor. Any future increase in the assessment rate would also be subject to a public hearing and city council passing on all objections. The real property of jurisdictions and entities that have obtained an exemption from City of Dallas real property taxes pursuant to the Texas Property Code (except under the provisions of Sections 11.24 and 11.28 of the Property Tax Code) will not be subject to an assessment on that portion of the assessed value of the property exempt from City real property taxes. Payment of assessments by other exempt jurisdictions and entities must be established by contract.

- (e) **Apportionment of costs between the District and the Municipality as a Whole.** The assessment is levied on the real property and real property improvements in the District according to the value of such property. Levying the assessment for the services and improvements based on the appraised value of the property results in the apportionment of the costs on the basis of special benefits accruing to the property. No assessment, however, will be levied against exempt City property in the District. The City of Dallas is not responsible for payment of assessment against exempt City property in the District. City rights-of-way, railroad right-of-way, City parks and cemeteries are not specially benefitted and therefore are not subject to PID assessment.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On August 25, 1999, City Council authorized creation of the Knox Street Public Improvement District by Resolution No. 10-1670.

On September 10, 2014 City Council authorized the assessment rate for 2014 by Ordinance No. 29459.

Information about this item was provided to the Economic Development Committee on August 17, 2015.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS) (Continued)

This item was considered by the City Council on August 26, 2015, and the approval of the proposed Knox Street Public Improvement District 2016 Service Plan, 2015 Assessment Plan and 2015 assessment roll was deferred to the September 9, 2015 agenda.

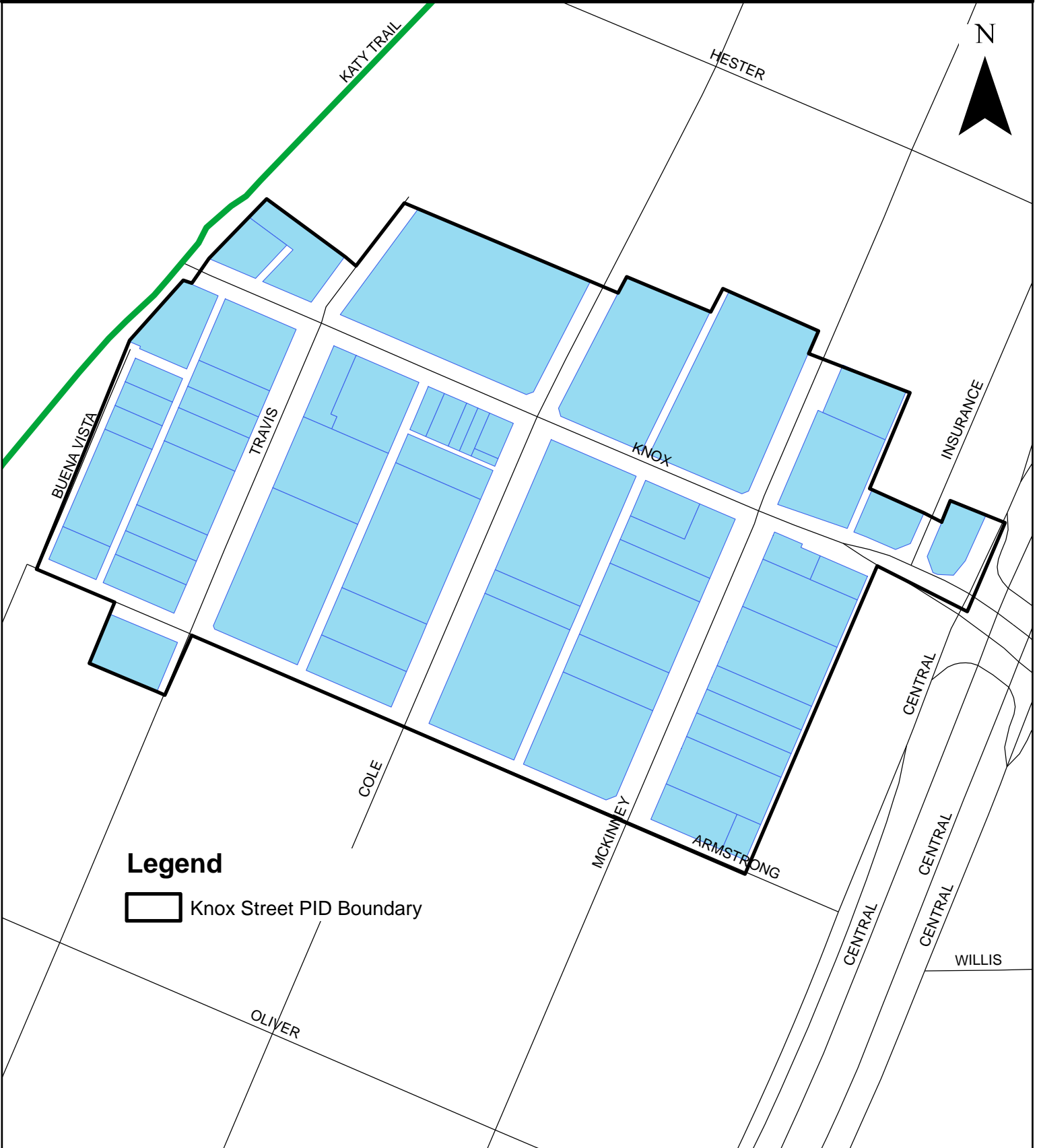
FISCAL INFORMATION

No cost consideration to the City

MAP

Attached.

Knox Street PID



Legend

 Knox Street PID Boundary

City of Dallas

Office of Economic Development

<http://www.Dallas-EcoDev.org>

Created 04/2010

ORDINANCE NO. _____

AN ORDINANCE APPROVING AND ADOPTING THE FINAL 2016 SERVICE PLAN, THE FINAL 2015 ASSESSMENT PLAN, AND THE 2015 ASSESSMENT ROLL (TO BE KEPT ON FILE WITH THE CITY SECRETARY); ESTABLISHING CLASSIFICATIONS FOR THE APPORTIONMENT OF COSTS AND THE METHODS OF ASSESSING SPECIAL ASSESSMENTS FOR THE SERVICES AND IMPROVEMENTS TO PROPERTY IN THE KNOX STREET PUBLIC IMPROVEMENT DISTRICT (DISTRICT); CLOSING THE HEARING AND LEVYING A SPECIAL ASSESSMENT ON PROPERTY IN THE DISTRICT FOR SERVICES AND IMPROVEMENTS TO BE PROVIDED IN THE DISTRICT DURING 2016; FIXING CHARGES AND LIENS AGAINST THE PROPERTY IN THE DISTRICT AND AGAINST THE OWNERS THEREOF; PROVIDING FOR THE COLLECTION OF THE 2015 ASSESSMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Public Improvement District Assessment Act, Chapter 372 of the Texas Local Government Code (“Act”) allows for the creation of public improvement districts; and

WHEREAS, on June 23, 2010, City Council authorized the creation of the Knox Street Public Improvement District (District), as shown on the attached **Exhibit A - Map of the District**, as a public improvement district in accordance with the Act and found that the District promoted the interests of the City and conferred a special benefit to the property in the District, designated Knox Street Public Improvement District Corporation as the manager of the District, authorized a contract for management services; and approved the District Service Plan, and annual updates by Resolution No. 09-1679; and

WHEREAS, on September 10, 2014, City Council authorized the 2015 Service Plan and 2014 Assessment Plan by Ordinance No. 29459; and

WHEREAS, City Council must review the proposed 2016 Service Plan and 2015 Assessment Plan and hold a public hearing to provide a reasonable opportunity for any owner of property located within the District to speak for or against the 2015 assessment against real property and real property improvements exclusive of right-of-way, to continue funding for the District for the purpose of providing supplemental services and improvements; and

WHEREAS, on August 17, 2015, information about this item was presented to the Economic Development Committee; and

WHEREAS, on August 26, 2015, this item was considered by the City Council and the approval of the proposed Knox Street Public Improvement District 2016 Service Plan, 2015 Assessment Plan and 2015 assessment roll was deferred to the September 9, 2015 agenda; and

WHEREAS, the Knox Street Public Improvement District Corporation provided City staff with the proposed District 2016 Service Plan and 2015 Assessment Plan as shown in **Exhibits B and C**; and

WHEREAS, City Council desires to authorize and adopt the Assessment Roll that was filed with the City Secretary and subject to public inspection in the City's official records prior to the public hearing; and

WHEREAS, City Council finds that the Service Plan and Assessment Plan are feasible and sound and will serve the needs and desires of the property owners, and that the assessment rate of \$0.15 per \$100.00 of appraised value, as determined by the Dallas Central Appraisal District (DCAD), of the property or improvements to the property located in the District is reasonable and adequate.

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That City Council shall adopt an ordinance approving and adopting the proposed and final 2016 Service Plan, the 2015 Assessment Plan and the 2015 Assessment Roll (to be kept on file with the City Secretary); establishing classifications for the apportionment of costs and the methods of assessing special assessments for the services and improvements to property in the Knox Street Public Improvement District (District); closing the hearing and levying a special assessment on property in the District, for services and improvements to be provided during 2016; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2015 assessment; and providing for an effective date.

SECTION 2. That the recitals and findings listed above are true and correct and that the action of City Council closing the public hearing in these proceedings is hereby ratified and confirmed.

SECTION 3. That the proposed method of assessment, which may specify included or excluded classes of assessable property, shall be assessed according to the value of the real property and real property improvements as determined by the Dallas Central Appraisal District. The estimated annual assessment rate for 2015 will be \$0.15 per \$100.00 of appraised value as determined by the Dallas Central Appraisal District. Once levied, this assessment rate shall not increase during the 2016 service plan year. The annual assessment rate shall not exceed \$0.15 per \$100.00 valuation.

SECTION 3. (Continued)

Future annual assessment rates, however, may be increased up to a maximum of \$0.15 per \$100.00 valuation subject to an enhancement in value of property in the District and a corresponding increase in the services and improvements to be provided therefor. Any future increase in the assessment rate would also be subject to a public hearing and city council passing on all objections.

The real property of jurisdictions and entities that have obtained an exemption from City of Dallas real property taxes pursuant to the Texas Property Code (except under the provisions of Sections 11.24 and 11.28 of the Property Tax Code) will not be subject to an assessment on that portion of the assessed value of the property exempt from City real property taxes. Payment of assessments by other exempt jurisdictions and entities must be established by contract.

SECTION 4. That City Council hereby authorizes and adopts the final 2016 Service Plan, the final 2015 Assessment Plan and the 2015 Assessment Roll (to be kept on file with the City Secretary apportioning the total cost of the services and improvements to be assessed against property in the District for fiscal year ending December 31, 2015, of approximately \$257,098. The Assessment Roll apportions the assessment against each parcel of land in the District and is subject to public inspection in the City's official records.

SECTION 5. That notice of City Council's intention to consider the proposed assessments at a public hearing on September 9, 2015 at 1:00 p.m. in the City Council Chamber, 1500 Marilla Street, Dallas, Texas was published in the official newspaper of the City of Dallas, Texas before the 10th day before the date of the hearing. The notice stated: (1) the date, time and place of the hearing; (2) the general nature of the services and improvements; (3) the cost of the services and improvements; (4) the boundaries of the District; and (5) that written or oral objections will be considered at the hearing.

SECTION 6. That Dallas City staff mailed to the owners of property liable for assessment notice of the hearing as the ownership appears on the City tax roll. The notice contained the information required by the Act. The notice was mailed before the 10th day before the date of the hearing to the last known address of the property owner on the City tax roll. The failure of the property owner to receive notice does not invalidate the proceeding.

SECTION 7. That City Council finds that the assessments should be made and levied against the respective parcels of property within the District and against the owners thereof, and are substantially in proportion to the benefits to the respective parcels of property by means of the services and improvements in the District for which such assessments are levied, and further finds that in each case the property assessed is specially benefited by means of the said services and improvements in the District, and further finds that the apportionment of costs of the services and improvements is in accordance with the law in force in this City and the State and in the proceedings of the City heretofore held with reference to the formation of the District and the imposition of assessments for said services and improvements are in all respects valid and regular.

SECTION 8. That there shall be and is hereby levied and assessed against the parcels of property within the District, and against the real and true owners thereof (whether such owners be correctly named or not), the sums of money as listed in the Assessment Roll on file with the City Secretary and subject to public inspection, and the several amounts assessed against the same, and the owners thereof.

SECTION 9. That the several sums above mentioned and assessed against the said parcels of property and the owners thereof, and interest thereon at the rate of eight percent (8%) per annum, provided, however, that such interest rate shall not exceed the maximum amount allowed by law, together with reasonable fees and the costs of collection, if incurred, are hereby declared to be and are made a first and prior lien against the property assessed, superior to all other liens and claims except liens and claims for state, county, school district and municipality ad valorem taxes and are a personal liability of and charge against the owners of the property regardless of whether the owners are named. The lien is effective from the date of this ordinance until the assessment is paid and may be enforced by the governing body in the same manner that an ad valorem tax lien against real property may be enforced by the governing body.

SECTION 10. That the assessments levied herein shall be due and payable in full on or before January 31, 2016. That if default be made in the payment of any of the said sums hereby assessed against said property owners and their property, collection thereof, including, costs and fees, shall be enforced by the governing body in the same manner that an ad valorem tax lien against real property may be enforced by the governing body. The owner of the assessed property may pay at any time the entire assessment, with interest that has accrued on the assessment, on any lot or parcel.

SECTION 11. That all assessments levied are a personal liability and charge against the real and true owners of the premises described, notwithstanding such owners may not be named, or may be incorrectly named.

SECTION 12. That the assessments herein levied are made and levied under and by virtue of the terms, powers and provisions of the Public Improvement District Assessment Act, Chapter 372 of the Texas Local Government Code, as amended.

SECTION 13. That this ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM

WARREN M. S. ERNST
CITY ATTORNEY

By: 
Assistant City Attorney

Passed and correctly enrolled _____



Legend

 Knox Street PID Boundary

Exhibit B

Knox Street Public Improvement District - Five Year Budget / Service Plan

	2015 Forecast	2016 Budget	2017 Budget	2018 Budget*	2019 Budget*	2020 Budget*
INCOME						
Carryover Fund Balance From Previous Year	\$ 466,698	\$ 490,805	\$ 2,037	\$ 0	\$ (0)	\$ 0
Gross Assessment Revenue	\$ 217,791 ⁽²⁾	\$ 257,098 ⁽¹⁾⁽²⁾	\$ 264,811	\$ 272,755	\$ 280,938	\$ 289,366
Interest	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
PID Oversight Charge from City **	\$ (8,568)	\$ (4,446)	\$ (4,580)	\$ (4,717)	\$ (4,859)	\$ (5,004)
Net Assessment Revenue	\$ 209,223	\$ 252,652	\$ 260,231	\$ 268,038	\$ 276,079	\$ 284,362
TOTAL INCOME & RESERVES	\$ 675,920	\$ 743,456	\$ 262,268	\$ 268,038	\$ 276,079	\$ 284,362
EXPENSES						
Capital Improvements ⁽³⁾	\$ 100,000 15%	\$ 625,000 84%	\$ 127,336 49%	\$ 129,782 48%	\$ 134,397 49%	\$ 139,153 49%
Public Safety and Security ⁽⁴⁾	\$ 45,000 7%	\$ 66,000 9%	\$ 79,200 30%	\$ 81,576 30%	\$ 84,023 30%	\$ 86,544 30%
Marketing & Promotion ⁽⁵⁾	\$ 30,000 4%	\$ 40,000 5%	\$ 45,000 17%	\$ 45,627 17%	\$ 46,273 17%	\$ 46,938 17%
Insurance & Audit	\$ 9,816 1%	\$ 10,110 1%	\$ 10,414 4%	\$ 10,726 4%	\$ 11,048 4%	\$ 11,379 4%
Administrative ⁽⁶⁾	\$ 300 0%	\$ 309 0%	\$ 318 0%	\$ 328 0%	\$ 338 0%	\$ 348 0%
TOTAL EXPENSES	\$ 185,116	\$ 741,419	\$ 262,268	\$ 268,039	\$ 276,079	\$ 284,362
Current Net Income ⁽²⁾	\$ 24,107 4%	\$ (488,768) -66%	\$ (2,037) -1%	\$ (1) 0%	\$ 1 0%	\$ (0) 0%
TOTAL CARRYOVER FUNDS AT YEAR END	\$ 490,805	\$ 2,037	\$ 0	\$ (0)	\$ 0	\$ 0

⁽¹⁾ 2016 Assessments are proposed to be set at the maximum rate of \$0.15 per \$100 of taxable value.

⁽²⁾ 2016 Budget Revenues equals TY 2015 assessments (\$231,820) increased by 3%.

⁽³⁾ Carryover funds will be used to fund capital improvement projects such as (but not limited to) gateway markers and streetscape improvements and/or possibly in conjunction with Knox Complete Streets (and related feasibility study costs). 2015 Capital Improvements includes traffic studies related to Knox Complete Streets and Cole-McKinney Two Way Conversion, as well as gateway marker costs. 2016 Capital Improvements reflects anticipated spend of majority of carryover from prior years to complement Knox Complete Streets (but may be separate project from Complete Streets).

⁽⁴⁾ Security includes private security patrol, off-duty police, camera and related security systems equipment and monitoring.

⁽⁵⁾ Website, marketing, social media, branding, banners and special events

⁽⁶⁾ Printing, mailing, notice, legal, audit and miscellaneous administrative expenses.

⁽²⁾ Actual Revenues (ie Cash Basis) in these years. 2015 Forecast Revenues excludes \$13,867.24 for TY 2015 received in 2014 Q4. Future years are on a tax year basis.

^(*) Subject to successful renewal in 2017.

^(**) PID Oversight Charges started in FY 2012-2013, shown here as expenses one year later. FY 2013-2014 and FY 2014-2015 are included in 2015 Forecast since not billed yet. Starting 2016, includes \$2.75 per account fee.

EXHIBIT C
KNOX STREET PUBLIC IMPROVEMENT DISTRICT
ASSESSMENT PLAN 2015

The cost of the services and improvements provided by the Knox Street Public Improvement District will be paid primarily by assessments against real properties within the Knox Street Public Improvement District boundaries. Annual assessments will be based on the value of real property and improvements as certified by the Dallas Central Appraisal District.

The cost of improvements and services in the district will be assessed by application of a single rate applied to all non-exempt property on the combined value of the real property and real property improvements as determined by the Dallas Central Appraisal District. The assessment rate for 2015 is proposed at \$0.15 per \$100.00 of appraised value. The annual assessment rate, during the seven-year life of the District, will not exceed \$0.15 per \$100.00 of appraised value as determined by the Dallas Central Appraisal District.

The Knox Street PID assessments will be collected by the Dallas County Tax Office in accordance with the contract with the City of Dallas and in accordance with the management contract between the City of Dallas and the Knox Street Improvement District Corporation.

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: September 9, 2015
COUNCIL DISTRICT(S): 9, 10, 13
DEPARTMENT: Office of Economic Development
CMO: Ryan S. Evans, 671-9837
MAPSCO: 27 B C E F G H J K L N P S T W X & 26 Z

SUBJECT

Lake Highlands Public Improvement District

- * A public hearing concerning the proposed levy of assessment for the Lake Highlands Public Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, for the purpose of providing supplemental public services, to be funded by assessments on property in the District – Financing: No cost consideration to the City
- * An ordinance approving and adopting the proposed and final 2016 Service Plan, the 2015 Assessment Plan and the 2015 Assessment Roll (to be kept on file with the City Secretary); establishing classifications for the apportionment of costs and the methods of assessing special assessments for the services and improvements to property in the Lake Highlands Public Improvement District (District); closing the hearing and levying a special assessment on property in the District, for services and improvements to be provided during 2016; providing for reimbursement of city administrative costs for operational oversight of the District; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2015 assessment; and providing for an effective date – Financing: No cost consideration to the City

BACKGROUND

This item is being placed on the addendum because the City Attorney’s Office requested service plan modifications after items were initially mailed on regular agenda timeline.

Annually, City Council calls and holds a public hearing to set the annual assessment rate for property in the Public Improvement Districts (PID) and authorizes the Service Plan for each PID.

BACKGROUND (Continued)

The Lake Highlands Improvement District Corporation provided City staff with the proposed District Service Plan for 2016 and the proposed Assessment Plan for 2015 for review, and staff found the services and improvements to be advisable and recommended approval subject to the public hearing on September 9, 2015.

The public improvement district Service Plan is outlined in the following way:

- (a) Nature of the Services and Improvements.** The proposed services and improvements to be provided in the District include enhanced security and public safety, capital improvements, improvement of common areas, landscaping, trash/litter removal, graffiti control, marketing and promotional activities, distinctive lighting and signage, business development and recruitment to promote the area, and related expenses incurred in establishing, administering and operating the District as authorized by the Act.
- (b) Estimated Cost of the Services and Improvements.** During the next five (5) year period, the estimated annual cost of the improvements and services provided by the District is expected to begin at approximately \$420,316 in 2016 and reach \$863,374 in 2020. The total estimated assessments to be collected for during the next five year period is approximately \$2,942,504. The District shall incur no bonded indebtedness. Unless a specific purpose is identified in the service plan, any over collections of assessments for any year shall be returned to the property owners or the assessment rate shall be reduced in the following year so that such surplus cash may be absorbed by the cost of services and improvements to be provided by the management company for that following year. The city shall not levy assessments against property owners that exceed the total amount budgeted for the entire term of the PID without a new petition securing consent of the property owners to such increases in the service plan and city council approval.
- (c) Boundaries.** The boundaries of the District are shown on the attached Map of the District.
- (d) Method of Assessment.** The proposed method of assessment, which may specify included or excluded classes of assessable property, shall be assessed according to the value of the real property and real property improvements as determined by the Dallas Central Appraisal District. The estimated annual assessment rate for 2015 will be \$0.13 per \$100.00 of appraised value as determined by the Dallas Central Appraisal District. Once levied, this assessment rate shall not increase during the 2016 service plan year. The annual assessment rate shall not exceed \$0.15 per \$100.00 valuation.

BACKGROUND (Continued)

Future annual assessment rates, however, may be increased up to a maximum of \$0.15 per \$100.00 valuation subject to an enhancement in value of property in the District and a corresponding increase in the services and improvements to be provided therefor. Any future increase in the assessment rate would also be subject to a public hearing and the city council passing on all objections. The real property of jurisdictions and entities that have obtained an exemption from City of Dallas real property taxes pursuant to the Texas Property Code (except under the provisions of Sections 11.24 and 11.28 of the Property Tax Code) will not be subject to an assessment on that portion of the assessed value of the property exempt from City real property taxes. Property owned by persons already receiving and qualifying for 65-or-older homestead exemption under Section 11.13 (c) or (d) of the Texas Property Tax Code will be exempt from assessment. Payment of assessments by other exempt jurisdictions and entities must be established by contract.

- (e) **Apportionment of costs between the District and the Municipality as a Whole.** The assessment is levied on the real property and real property improvements in the District according to the value of such property. Levying the assessment for the services and improvements based on the appraised value of the property results in the apportionment of the costs on the basis of special benefits accruing to the property. No assessment, however, will be levied against exempt City property in the District. The City of Dallas is not responsible for payment of assessment against exempt City property in the District. City rights-of-way, railroad right-of-way, City parks and cemeteries are not specially benefitted and therefore are not subject to PID assessment.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On June 25, 2008, City Council authorized creation of the Lake Highlands Public Improvement District by Resolution No. 08-1866.

Additionally, the Lake Highlands PID was renewed for a period of seven years on August 12, 2015.

On September 10, 2014, City Council authorized the assessment rate for 2014 by Ordinance No. 29460.

Information about this item was provided to the Economic Development Committee on August 17, 2015.

This item was considered by the City Council on August 26, 2015, and the approval of the proposed Lake Highlands Public Improvement District 2016 Service Plan, 2015 Assessment Plan and 2015 assessment roll was deferred to the September 9, 2015 agenda.

FISCAL INFORMATION

No cost consideration to the City

MAP

Attached.

ORDINANCE NO. _____

AN ORDINANCE APPROVING AND ADOPTING THE FINAL 2016 SERVICE PLAN, THE FINAL 2015 ASSESSMENT PLAN, AND THE 2015 ASSESSMENT ROLL (TO BE KEPT ON FILE WITH THE CITY SECRETARY); ESTABLISHING CLASSIFICATIONS FOR THE APPORTIONMENT OF COSTS AND THE METHODS OF ASSESSING SPECIAL ASSESSMENTS FOR THE SERVICES AND IMPROVEMENTS TO PROPERTY IN THE LAKE HIGHLANDS PUBLIC IMPROVEMENT DISTRICT (DISTRICT); CLOSING THE HEARING AND LEVYING A SPECIAL ASSESSMENT ON PROPERTY IN THE DISTRICT FOR SERVICES AND IMPROVEMENTS TO BE PROVIDED IN THE DISTRICT DURING 2016; PROVIDING FOR REIMBURSEMENT OF CITY ADMINISTRATIVE COSTS FOR OPERATIONAL OVERSIGHT OF THE DISTRICT; FIXING CHARGES AND LIENS AGAINST THE PROPERTY IN THE DISTRICT AND AGAINST THE OWNERS THEREOF; PROVIDING FOR THE COLLECTION OF THE 2015 ASSESSMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Public Improvement District Assessment Act, Chapter 372 of the Texas Local Government Code (“Act”) allows for the creation of public improvement districts; and

WHEREAS, on June 25, 2008, City Council authorized the creation of the Lake Highlands Public Improvement District (District), as a public improvement district in accordance with the Act and found that the District promoted the interests of the City and conferred a special benefit to the property in the District, designated Lake Highlands Improvement District Corporation as the manager of the District, authorized a contract for management services; and approved the District Service Plan, and annual updates by Resolution No. 08-1866; and

WHEREAS, City Council has subsequently authorized the renewal of the Lake Highlands Public Improvement (District) on August 12, 2015 as shown on the attached **Exhibit A - Map of the District**; and

WHEREAS, on September 10, 2014, City Council authorized the 2015 Service Plan and 2014 Assessment Plan by Ordinance No. 29460; and

WHEREAS, City Council must review the proposed 2016 Service Plan and 2015 Assessment Plan and hold a public hearing to provide a reasonable opportunity for any owner of property located within the District to speak for or against the 2015 assessment against real property and real property improvements exclusive of right-of-way, to continue funding for the District for the purpose of providing supplemental services and improvements; and

WHEREAS, on August 17, 2015, information about this item was presented to the Economic Development Committee; and

WHEREAS, on August 26, 2015, this item was considered by the City Council and the approval of the proposed Lake Highlands Public Improvement District 2016 Service Plan, 2015 Assessment Plan and 2015 assessment roll was deferred to the September 9, 2015 agenda; and

WHEREAS, the Lake Highlands Improvement District Corporation provided City staff with the proposed District 2016 Service Plan and 2015 Assessment Plan as shown in **Exhibits B and C**; and

WHEREAS, City Council desires to authorize and adopt the Assessment Roll that was filed with the City Secretary and subject to public inspection in the City's official records prior to the public hearing; and

WHEREAS, City Council finds that the Service Plan and Assessment Plan are feasible and sound and will serve the needs and desires of the property owners, and that the assessment rate of \$0.13 per \$100.00 of appraised value, as determined by the Dallas Central Appraisal District (DCAD), of the property or improvements to the property located in the District is reasonable and adequate.

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That City Council shall adopt an ordinance approving and adopting the proposed and final 2016 Service Plan, the 2015 Assessment Plan and the 2015 Assessment Roll (to be kept on file with the City Secretary); establishing classifications for the apportionment of costs and the methods of assessing special assessments for the services and improvements to property in the Lake Highlands Public Improvement District (District); closing the hearing and levying a special assessment on property in the District, for services and improvements to be provided during 2016; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2015 assessment; and providing for an effective date.

SECTION 2. That the recitals and findings listed above are true and correct and that the action of the City Council closing the public hearing in these proceedings is hereby ratified and confirmed.

SECTION 3. That the proposed method of assessment, which may specify included or excluded classes of assessable property, shall be assessed according to the value of the real property and real property improvements as determined by the Dallas Central Appraisal District. The estimated annual assessment rate for 2015 will be \$0.13 per \$100.00 of appraised value as determined by the Dallas Central Appraisal District. Once levied, this assessment rate shall not increase during the 2016 service plan year. The annual assessment rate shall not exceed \$0.15 per \$100.00 valuation.

SECTION 3. (Continued)

Future annual assessment rates, however, may be increased up to a maximum of \$0.15 per \$100.00 valuation subject to an enhancement in value of property in the District and a corresponding increase in the services and improvements to be provided therefor.

Any future increase in the assessment rate would also be subject to a public hearing and the city council passing on all objections. The real property of jurisdictions and entities that have obtained an exemption from City of Dallas real property taxes pursuant to the Texas Property Code (except under the provisions of Sections 11.24 and 11.28 of the Property Tax Code) will not be subject to an assessment on that portion of the assessed value of the property exempt from City real property taxes. Property owned by persons already receiving and qualifying for 65-or-older homestead exemption under Section 11.13 (c) or (d) of the Texas Property Tax Code will be exempt from assessment. Payment of assessments by other exempt jurisdictions and entities must be established by contract.

SECTION 4. That City Council hereby authorizes and adopts the final 2016 Service Plan, the final 2015 Assessment Plan and the 2015 Assessment Roll (to be kept on file with the City Secretary apportioning the total cost of the services and improvements to be assessed against property in the District for fiscal year ending December 31, 2015, of approximately \$428,634. The Assessment Roll apportions the assessment against each parcel of land in the District and is subject to public inspection in the City's official records.

SECTION 5. That notice of City Council's intention to consider the proposed assessments at a public hearing on September 9, 2015 at 1:00 p.m. in the City Council Chamber, 1500 Marilla Street, Dallas, Texas was published in the official newspaper of the City of Dallas, Texas before the 10th day before the date of the hearing. The notice stated: (1) the date, time and place of the hearing; (2) the general nature of the services and improvements; (3) the cost of the services and improvements; (4) the boundaries of the District; and (5) that written or oral objections will be considered at the hearing.

SECTION 6. That Dallas City staff mailed to the owners of property liable for assessment notice of the hearing as the ownership appears on the City tax roll. The notice contained the information required by the Act. The notice was mailed before the 10th day before the date of the hearing to the last known address of the property owner on the City tax roll. The failure of the property owner to receive notice does not invalidate the proceeding.

SECTION 7. That City Council finds that the assessments should be made and levied against the respective parcels of property within the District and against the owners thereof, and are substantially in proportion to the benefits to the respective parcels of property by means of the services and improvements in the District for which such assessments are levied, and further finds that in each case the property assessed is specially benefited by means of the said services and improvements in the District, and further finds that the apportionment of costs of the services and improvements is in accordance with the law in force in this City and the State and in the proceedings of the City heretofore held with reference to the formation of the District and the imposition of assessments for said services and improvements are in all respects valid and regular.

SECTION 8. That there shall be and is hereby levied and assessed against the parcels of property within the District, and against the real and true owners thereof (whether such owners be correctly named or not), the sums of money as listed in the Assessment Roll on file with the City Secretary and subject to public inspection, and the several amounts assessed against the same, and the owners thereof.

SECTION 9. That the several sums above mentioned and assessed against the said parcels of property and the owners thereof, and interest thereon at the rate of eight percent (8%) per annum, provided, however, that such interest rate shall not exceed the maximum amount allowed by law, together with reasonable fees and the costs of collection, if incurred, are hereby declared to be and are made a first and prior lien against the property assessed, superior to all other liens and claims except liens and claims for state, county, school district and municipality ad valorem taxes and are a personal liability of and charge against the owners of the property regardless of whether the owners are named. The lien is effective from the date of this ordinance until the assessment is paid and may be enforced by the governing body in the same manner that an ad valorem tax lien against real property may be enforced by the governing body.

SECTION 10. That the assessments levied herein shall be due and payable in full on or before January 31, 2016. That if default be made in the payment of any of the said sums hereby assessed against said property owners and their property, collection thereof, including, costs and fees, shall be enforced by the governing body in the same manner that an ad valorem tax lien against real property may be enforced by the governing body. The owner of the assessed property may pay at any time the entire assessment, with interest that has accrued on the assessment, on any lot or parcel.

SECTION 11. That all assessments levied are a personal liability and charge against the real and true owners of the premises described, notwithstanding such owners may not be named, or may be incorrectly named.

SECTION 12. That as part of the assessment levied herein, and as a part of the service plan, the District shall reimburse to City, administrative costs for the day to day operations conducted by city staff for the District, which amount shall be paid by the District to City upon receipt of an invoice; and that the Chief Financial Officer is hereby authorized to establish Fund 0694, Department ECO, to support recovery of the costs incurred by the Office of Economic Development for such day to day operational costs incurred.

SECTION 13. That the Chief Financial Officer is hereby authorized to accept and deposit any and all revenues received from the District in Fund 0694, Department, ECO, Unit 9881, Revenue Source 7399; and that the Chief Financial Officer be authorized to transfer annually, funds in amounts to be determined based upon costs incurred and related rates then in effect, from Fund 0694, Department. ECO, Unit 9881, to General Fund 0001, Department ECO, Unit 1161 and Unit 1163, Object 5011, to reimburse the Office of Economic Development for administrative costs incurred for the day to day operational oversight of the District.

SECTION 14. That the assessments herein levied are made and levied under and by virtue of the terms, powers and provisions of the Public Improvement District Assessment Act, Chapter 372 of the Texas Local Government Code, as amended.

SECTION 15. That this ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.




APPROVED AS TO FORM

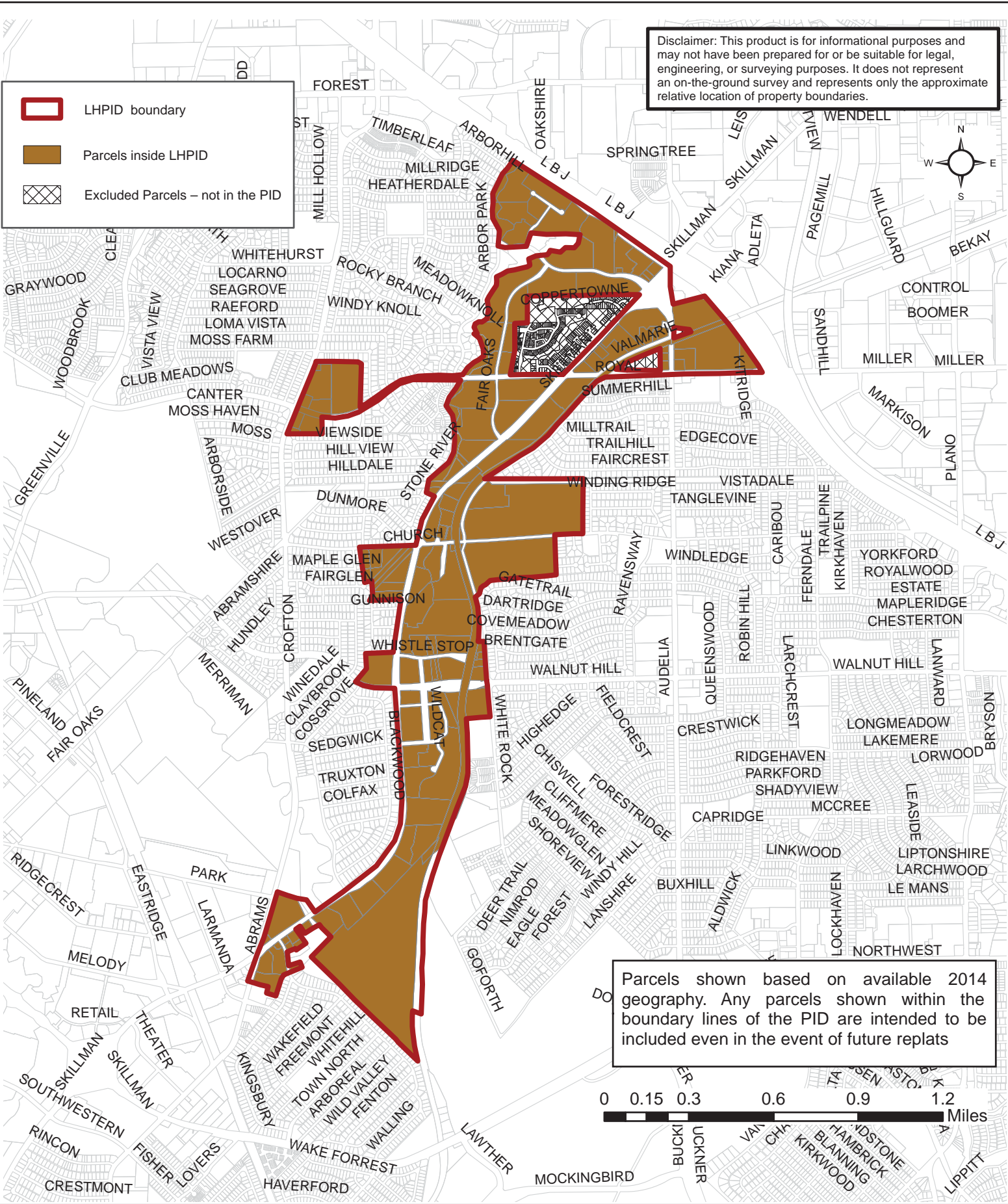
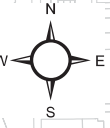
WARREN M. S. ERNST
CITY ATTORNEY

By 
Assistant City Attorney

Passed and correctly enrolled _____

Disclaimer: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

-  LHPID boundary
-  Parcels inside LHPID
-  Excluded Parcels – not in the PID



Parcels shown based on available 2014 geography. Any parcels shown within the boundary lines of the PID are intended to be included even in the event of future replats

Exhibit A - Lake Highlands PID Boundary Map

Exhibit B

**LAKE HIGHLANDS PUBLIC IMPROVEMENT DISTRICT
EXISTING AND EXPANDED PID FIVE YEAR SERVICE PLAN (2016-2020)**

	2016	2017	2018	2019	2020
INCOME					
Net Assessment	\$420,016.16	\$467,348.34	\$516,072.27	\$676,092.69	\$862,974.45
Interest on Cash Balance	\$300.00	\$300.00	\$400.00	\$400.00	\$400.00
Surplus Carried Forward	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Total Income	\$420,316.16	\$467,648.34	\$516,472.27	\$676,492.69	\$863,374.45
EXPENSES					
Renewal/Creation Fee		0%			
Public Safety ⁽¹⁾	\$189,142.27	\$210,441.75	\$232,412.52	\$304,421.71	\$388,518.50
Improvements ⁽²⁾	\$138,704.33	\$154,323.95	\$170,435.85	\$223,242.59	\$284,913.57
Promotion ⁽³⁾	\$25,218.97	\$28,058.90	\$30,988.34	\$40,589.56	\$51,802.47
Administration ⁽⁴⁾	\$42,031.62	\$46,764.83	\$51,647.23	\$67,649.27	\$86,337.44
Audit	\$8,406.32	\$9,352.97	\$10,329.45	\$13,529.85	\$17,267.49
Insurance	\$16,812.65	\$18,705.93	\$20,658.89	\$27,059.71	\$34,534.98
Total Expenses	\$420,316.16	\$467,648.34	\$516,472.27	\$676,492.69	\$863,374.45
Surplus Carried Forward	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

Notes:

- ⁽¹⁾ Regular Security Patrol, patrol vehicle lease and related expenses
- ⁽²⁾ Supplemental and enhanced median upkeep, non-standard ROW improvements, park improvements
- ⁽³⁾ Website, marketing and outreach, marketing materials, promotion, business development
- ⁽⁴⁾ Office supplies, administration, notice mailings

Exhibit C
LAKE HIGHLANDS PUBLIC IMPROVEMENT DISTRICT
2015 ASSESSMENT PLAN

The cost of the services and improvements provided by the Lake Highlands Public Improvement District will be paid primarily by assessments against real properties within the Lake Highlands Public Improvement District boundaries. Annual assessments will be based on the value of real property and improvements as certified by the Dallas Central Appraisal District.

The service area is identified on the enclosed map. All properties will be assessed at a uniform rate. The proposed assessment rate for the 2015 is proposed at \$0.13 per \$100.00 of appraised value. Each subsequent year, a recommended assessment rate will be determined by the budget prepared by the management corporation. Assessment will be carried out in accordance with procedures stipulated in Chapter 372 of the Texas Local Government Code.

Properties not liable for assessment include City rights-of-way, City-owned park properties and properties not owned by the City of Dallas but have obtained an exemption from the City of Dallas real property taxes pursuant to the Texas Property Code (exempt under the provisions of Section 11.24 and 11.28 of the Property Tax Code), and property owned by persons already receiving and qualifying of for the 65-or-older homestead exemption (under Section 11.13(c) or (d) of the Texas Property Tax Code. Payment of assessment by other exempt jurisdictions must be established by contract.

The District's assessments will be collected by Dallas County or other collection agent as determined by the City of Dallas, in accordance with management contract between the City of Dallas and the Lake Highlands Improvement District Corporation, the non-profit management corporation for the District.

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: September 9, 2015
COUNCIL DISTRICT(S): 6
DEPARTMENT: Office of Economic Development
CMO: Ryan S. Evans, 671-9837
MAPSCO: 44 H D and 45 E

SUBJECT

Oak Lawn-Hi Line Public Improvement District

- * A public hearing concerning the proposed levy of assessment for the Oak Lawn-Hi Line Public Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, for the purpose of providing supplemental public services, to be funded by assessments on property in the District – Financing: No cost consideration to the City
- * An ordinance approving and adopting the proposed and final 2016 Service Plan, the 2015 Assessment Plan and the 2015 Assessment Roll (to be kept on file with the City Secretary); establishing classifications for the apportionment of costs and the methods of assessing special assessments for the services and improvements to property in the Oak Lawn-Hi Line Public Improvement District (District); closing the hearing and levying a special assessment on property in the District, for services and improvements to be provided during 2016; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2015 assessment; and providing for an effective date – Financing: No cost consideration to the City

BACKGROUND

This item is being placed on the addendum because the City Attorney's Office requested service plan modifications after items were initially mailed on regular agenda timeline.

Annually, City Council calls and holds a public hearing to set the annual assessment rate for property in the Public Improvement Districts (PID) and authorizes the Service Plan for each PID.

BACKGROUND (Continued)

The Oak Lawn-Hi Line Improvement District Corporation provided City staff with the proposed District Service Plan for 2016 and the proposed Assessment Plan for 2015 for review, and staff found the services and improvements to be advisable and recommended approval subject to the public hearing on September 9, 2015.

The public improvement district Service Plan is outlined in the following way:

- (a) **Nature of the Services and Improvements.** The proposed services and improvements to be provided in the District include enhance security and public safety within the District, litter and graffiti control, public improvements, landscape improvements including planting, hardscape and street furniture within public open space and public right-of-way and related services and improvements that are authorized by the Act.
- (b) **Estimated Cost of the Services and Improvements.** During the next five (5) year period, the estimated annual cost of the improvements and services provided by the District is expected to begin at approximately \$341,027 in 2016 and reach \$383,848 in 2020. The total estimated assessments to be collected during the next five year period is approximately \$1,615,236. The District shall incur no bonded indebtedness. Unless a specific purpose is identified in the service plan, any over collections of assessments for any year shall be returned to the property owners or the assessment rate shall be reduced in the following year so that such surplus cash may be absorbed by the cost of services and improvements to be provided by the management company for that following year. The city shall not levy assessments against property owners that exceed the total amount budgeted for the entire term of the PID without a new petition securing consent of the property owners to such increases in the service plan and city council approval.
- (c) **Boundaries.** The boundaries of the District are shown on the attached Map of the District.
- (d) **Method of Assessment.** The proposed method of assessment, which may specify included or excluded classes of assessable property, shall be assessed according to the value of the real property and real property improvements as determined by the Dallas Central Appraisal District. The estimated annual assessment rate for 2015 will be \$0.15 per \$100.00 of appraised value as determined by the Dallas Central Appraisal District. Once levied, this assessment rate shall not increase during the 2016 service plan year. The annual assessment rate shall not exceed \$0.15 per \$100.00 valuation. Future annual assessment rates, however, may be increased up to a maximum of \$0.15 per \$100.00 valuation subject to an enhancement in value of property in the District and a corresponding increase in the services and improvements to be provided therefor.

BACKGROUND (Continued)

Any future increase in the assessment rate would also be subject to a public hearing and the city council passing on all objections. The real property of jurisdictions and entities that have obtained an exemption from City of Dallas real property taxes pursuant to the Texas Property Code (except under the provisions of Sections 11.24 and 11.28 of the Property Tax Code) will not be subject to an assessment on that portion of the assessed value of the property exempt from City real property taxes. Payment of assessments by other exempt jurisdictions and entities must be established by contract.

- (e) **Apportionment of costs between the District and the Municipality as a Whole.** The assessment is levied on the real property and real property improvements in the District according to the value of such property. Levying the assessment for the services and improvements based on the appraised value of the property results in the apportionment of the costs on the basis of special benefits accruing to the property. No assessment, however, will be levied against exempt City property in the District. The City of Dallas is not responsible for payment of assessment against exempt City property in the District. City rights-of-way and City parks are not subject to assessment.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On June 24, 2009, City Council authorized creation of the Oak Lawn-Hi Line Public Improvement District by Resolution No. 09-1679.

On September 10, 2014 City Council authorized the assessment rate for 2014 by Ordinance No. 29461.

Information about this item was provided to the Economic Development Committee on August 17, 2015.

This item was considered by the City Council on August 26, 2015, and the approval of the proposed Oak Lawn-Hi Line Public Improvement District 2016 Service Plan, 2015 Assessment Plan and 2015 assessment roll was deferred to the September 9, 2015 agenda.

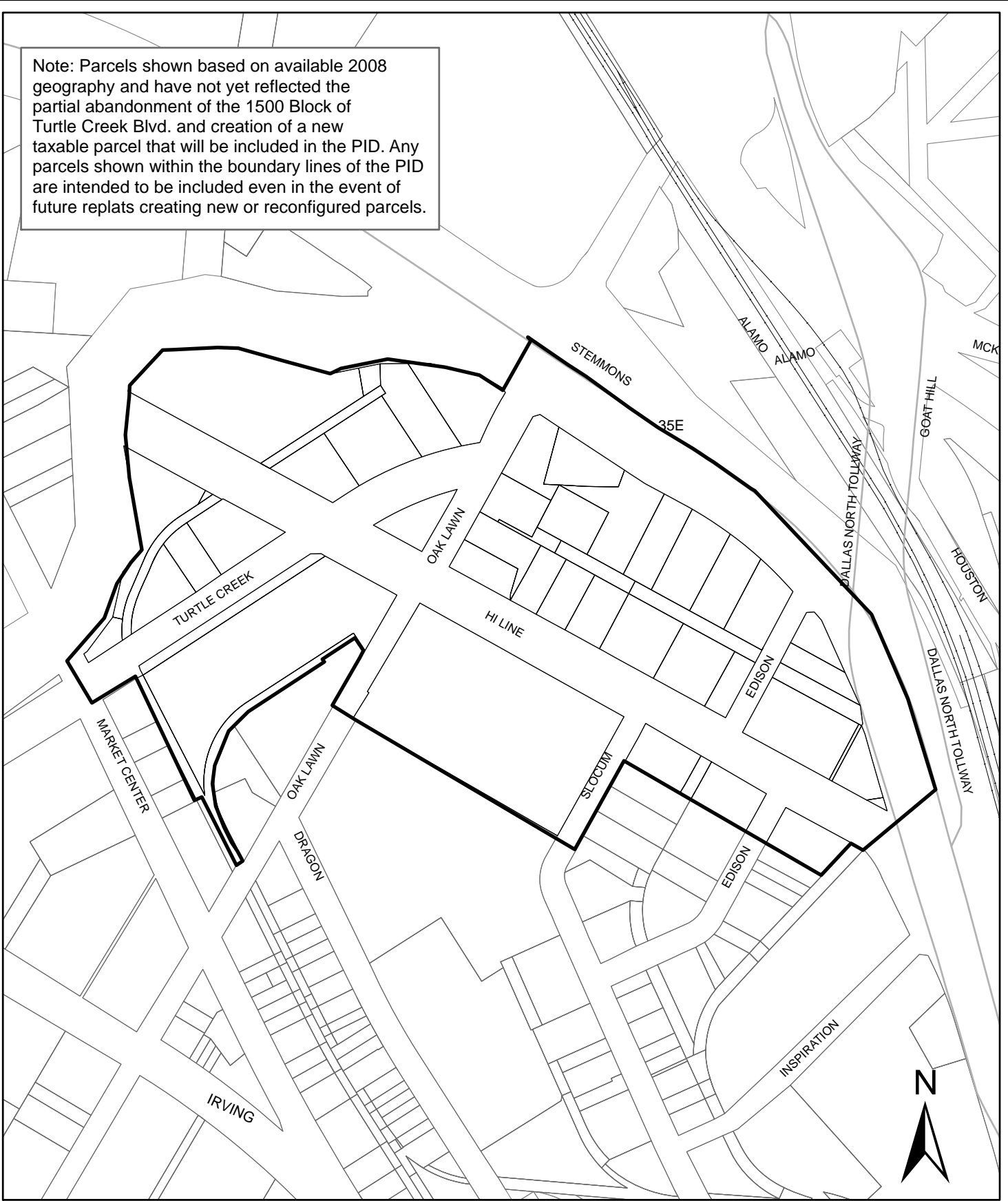
FISCAL INFORMATION

No cost consideration to the City


MAP

Attached.

Note: Parcels shown based on available 2008 geography and have not yet reflected the partial abandonment of the 1500 Block of Turtle Creek Blvd. and creation of a new taxable parcel that will be included in the PID. Any parcels shown within the boundary lines of the PID are intended to be included even in the event of future replats creating new or reconfigured parcels.



Oak Lawn - Hi Line Public Improvement District

 PID Boundary



CITY OF DALLAS, TX

Office of Economic Development
July 2009

ORDINANCE NO. _____

AN ORDINANCE APPROVING AND ADOPTING THE FINAL 2016 SERVICE PLAN, THE FINAL 2015 ASSESSMENT PLAN, AND THE 2015 ASSESSMENT ROLL (TO BE KEPT ON FILE WITH THE CITY SECRETARY); ESTABLISHING CLASSIFICATIONS FOR THE APPORTIONMENT OF COSTS AND THE METHODS OF ASSESSING SPECIAL ASSESSMENTS FOR THE SERVICES AND IMPROVEMENTS TO PROPERTY IN THE OAK LAWN-HI LINE PUBLIC IMPROVEMENT DISTRICT (DISTRICT); CLOSING THE HEARING AND LEVYING A SPECIAL ASSESSMENT ON PROPERTY IN THE DISTRICT FOR SERVICES AND IMPROVEMENTS TO BE PROVIDED IN THE DISTRICT DURING 2016; FIXING CHARGES AND LIENS AGAINST THE PROPERTY IN THE DISTRICT AND AGAINST THE OWNERS THEREOF; PROVIDING FOR THE COLLECTION OF THE 2015 ASSESSMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Public Improvement District Assessment Act, Chapter 372 of the Texas Local Government Code (“Act”) allows for the creation of public improvement districts; and

WHEREAS, on June 24, 2009, City Council authorized the creation of the Oak Lawn Hi-Line Public Improvement District (District), as shown on the attached **Exhibit A - Map of the District**, as a public improvement district in accordance with the Act and found that the District promoted the interests of the City and conferred a special benefit to the property in the District, designated Oak Lawn-Hi Line Improvement District Corporation as the manager of the District, authorized a contract for management services; and approved the District Service Plan, and annual updates by Resolution No. 09-1679; and

WHEREAS, on September 10, 2014, City Council authorized the 2015 Service Plan and 2014 Assessment Plan by Ordinance No. 29461; and

WHEREAS, City Council must review the proposed 2016 Service Plan and 2015 Assessment Plan and hold a public hearing to provide a reasonable opportunity for any owner of property located within the District to speak for or against the 2015 assessment against real property and real property improvements exclusive of right-of-way, to continue funding for the District for the purpose of providing supplemental services and improvements; and

WHEREAS, on August 17, 2015, information about this item was presented to the Economic Development Committee; and

WHEREAS, on August 26, 2015, this item was considered by the City Council and the approval of the proposed Oak Lawn Hi-Line Public Improvement District 2016 Service Plan, 2015 Assessment Plan and 2015 assessment roll was deferred to the September 9, 2015 agenda; and

WHEREAS, the Oak Lawn-Hi Line Improvement District Corporation provided City staff with the proposed District 2016 Service Plan and 2015 Assessment Plan as shown in **Exhibits B and C**; and

WHEREAS, City Council desires to authorize and adopt the Assessment Roll that was filed with the City Secretary and subject to public inspection in the City's official records prior to the public hearing; and

WHEREAS, City Council finds that the Service Plan and Assessment Plan are feasible and sound and will serve the needs and desires of the property owners, and that the assessment rate of \$0.15 per \$100.00 of appraised value, as determined by the Dallas Central Appraisal District (DCAD), of the property or improvements to the property located in the District is reasonable and adequate.

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That City Council shall adopt an ordinance approving and adopting the proposed and final 2016 Service Plan, the 2015 Assessment Plan and the 2015 Assessment Roll (to be kept on file with the City Secretary); establishing classifications for the apportionment of costs and the methods of assessing special assessments for the services and improvements to property in the Oak Lawn Hi-Line Public Improvement District (District); closing the hearing and levying a special assessment on property in the District, for services and improvements to be provided during 2016; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2015 assessment; and providing for an effective date.

SECTION 2. That the recitals and findings listed above are true and correct and that the action of the City Council closing the public hearing in these proceedings is hereby ratified and confirmed.

SECTION 3. That the proposed method of assessment, which may specify included or excluded classes of assessable property, shall be assessed according to the value of the real property and real property improvements as determined by the Dallas Central Appraisal District. The estimated annual assessment rate for 2015 will be \$0.15 per \$100.00 of appraised value as determined by the Dallas Central Appraisal District. Once levied, this assessment rate shall not increase during the 2016 service plan year. The annual assessment rate shall not exceed \$0.15 per \$100.00 valuation.

SECTION 3. (Continued)

Future annual assessment rates, however, may be increased up to a maximum of \$0.15 per \$100.00 valuation subject to an enhancement in value of property in the District and a corresponding increase in the services and improvements to be provided therefor. Any future increase in the assessment rate would also be subject to a public hearing and the city council passing on all objections. The real property of jurisdictions and entities that have obtained an exemption from City of Dallas real property taxes pursuant to the Texas Property Code (except under the provisions of Sections 11.24 and 11.28 of the Property Tax Code) will not be subject to an assessment on that portion of the assessed value of the property exempt from City real property taxes. Payment of assessments by other exempt jurisdictions and entities must be established by contract.

SECTION 4. That City Council hereby authorizes and adopts the final 2016 Service Plan, the final 2015 Assessment Plan and the 2015 Assessment Roll (to be kept on file with the City Secretary apportioning the total cost of the services and improvements to be assessed against property in the District for fiscal year ending December 31, 2015, of approximately \$307,730. The Assessment Roll apportions the assessment against each parcel of land in the District and is subject to public inspection in the City's official records.

SECTION 5. That notice of City Council's intention to consider the proposed assessments at a public hearing on September 9, 2015 at 1:00 p.m. in the City Council Chamber, 1500 Marilla Street, Dallas, Texas was published in the official newspaper of the City of Dallas, Texas before the 10th day before the date of the hearing. The notice stated: (1) the date, time and place of the hearing; (2) the general nature of the services and improvements; (3) the cost of the services and improvements; (4) the boundaries of the District; and (5) that written or oral objections will be considered at the hearing.

SECTION 6. That Dallas City staff mailed to the owners of property liable for assessment notice of the hearing as the ownership appears on the City tax roll. The notice contained the information required by the Act. The notice was mailed before the 10th day before the date of the hearing to the last known address of the property owner on the City tax roll. The failure of the property owner to receive notice does not invalidate the proceeding.

SECTION 7. That City Council finds that the assessments should be made and levied against the respective parcels of property within the District and against the owners thereof, and are substantially in proportion to the benefits to the respective parcels of property by means of the services and improvements in the District for which such assessments are levied, and further finds that in each case the property assessed is specially benefited by means of the said services and improvements in the District, and further finds that the apportionment of costs of the services and improvements is in accordance with the law in force in this City and the State and in the proceedings of the City heretofore held with reference to the formation of the District and the imposition of assessments for said services and improvements are in all respects valid and regular.

SECTION 8. That there shall be and is hereby levied and assessed against the parcels of property within the District, and against the real and true owners thereof (whether such owners be correctly named or not), the sums of money as listed in the Assessment Roll on file with the City Secretary and subject to public inspection, and the several amounts assessed against the same, and the owners thereof.

SECTION 9. That the several sums above mentioned and assessed against the said parcels of property and the owners thereof, and interest thereon at the rate of eight percent (8%) per annum, provided, however, that such interest rate shall not exceed the maximum amount allowed by law, together with reasonable fees and the costs of collection, if incurred, are hereby declared to be and are made a first and prior lien against the property assessed, superior to all other liens and claims except liens and claims for state, county, school district and municipality ad valorem taxes and are a personal liability of and charge against the owners of the property regardless of whether the owners are named. The lien is effective from the date of this ordinance until the assessment is paid and may be enforced by the governing body in the same manner that an ad valorem tax lien against real property may be enforced by the governing body.

SECTION 10. That the assessments levied herein shall be due and payable in full on or before January 31, 2016. That if default be made in the payment of any of the said sums hereby assessed against said property owners and their property, collection thereof, including, costs and fees, shall be enforced by the governing body in the same manner that an ad valorem tax lien against real property may be enforced by the governing body. The owner of the assessed property may pay at any time the entire assessment, with interest that has accrued on the assessment, on any lot or parcel.

SECTION 11. That all assessments levied are a personal liability and charge against the real and true owners of the premises described, notwithstanding such owners may not be named, or may be incorrectly named.

SECTION 12. That the assessments herein levied are made and levied under and by virtue of the terms, powers and provisions of the Public Improvement District Assessment Act, Chapter 372 of the Texas Local Government Code, as amended.

SECTION 13. That this ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

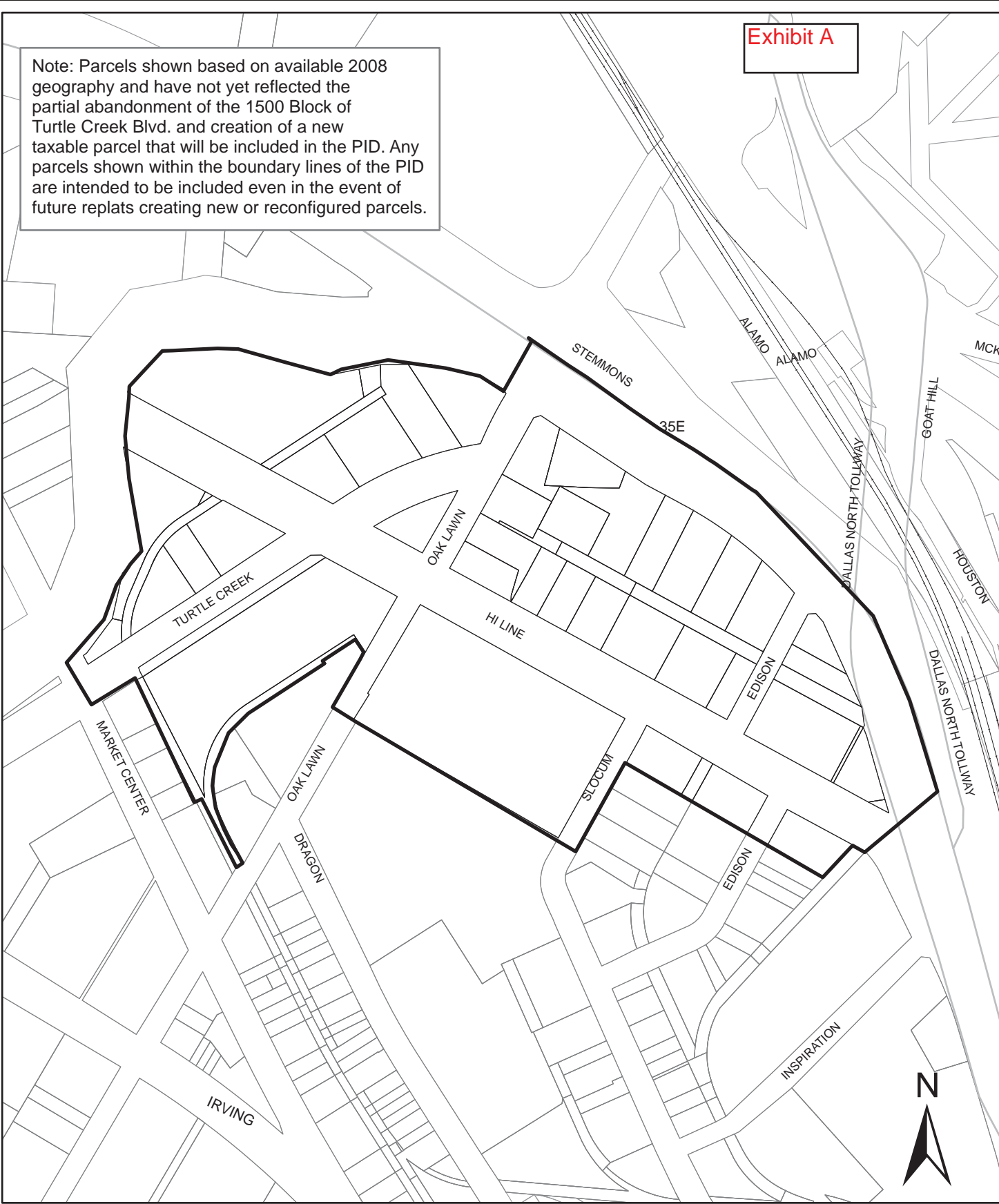
APPROVED AS TO FORM

WARREN M. S. ERNST
CITY ATTORNEY


By: 
Assistant City Attorney

Passed and correctly enrolled _____

Note: Parcels shown based on available 2008 geography and have not yet reflected the partial abandonment of the 1500 Block of Turtle Creek Blvd. and creation of a new taxable parcel that will be included in the PID. Any parcels shown within the boundary lines of the PID are intended to be included even in the event of future replats creating new or reconfigured parcels.



Oak Lawn - Hi Line Public Improvement District

 PID Boundary



CITY OF DALLAS S

Office of Economic Development
July 2009

Exhibit B
Oak Lawn-Hi Line Public Improvement District--Five Year Service Plan

	BUDGET	BUDGET	BUDGET	BUDGET	BUDGET	BUDGET
	2016	2017*	2018*	2019*	2020*	2020*
INCOME						
BALANCE FORWARD						
Net assessment revenue	\$304,237	\$313,364	\$322,765	\$332,448	\$342,421	
Interest on cash balances	\$82	\$84	\$87	\$90	\$92	
Other income & contributions ⁽¹⁾	\$36,708	\$37,830	\$38,988	\$40,176	\$41,334	
TOTAL INCOME	\$341,027	\$351,278	\$361,840	\$372,714	\$383,848	
EXPENDITURES						
Public Safety ⁽²⁾	\$119,234	\$122,811	\$115,762	\$119,234	\$122,811	32%
Area Maintenance/Improvements ⁽³⁾	\$179,703	\$178,993	\$204,944	\$211,390	\$217,963	57%
General Administrative ⁽⁴⁾	\$31,008	\$38,338	\$30,105	\$31,008	\$31,938	8%
Promotion ⁽⁵⁾	\$1,082	\$1,136	\$1,030	\$1,082	\$1,136	0%
Insurance and Audit ⁽⁶⁾	\$10,000	\$10,000	\$10,000	\$10,000	\$10,000	3%
TOTAL EXPENDITURES	\$341,027	\$351,278	\$361,840	\$372,714	\$383,848	100%

**The Oak Lawn-Hi Line PID is authorized by the City Council thru 2016. Expenses for 2017 thru 2020 are estimates pending successful renewal of the PID in 2016.*

Notes

- Expenditures are anticipated to exceed net assessment revenue and interest income. Deficits will be met with property owner donations.
- Public Safety Consists of contract security patrols inside PID boundary.
- Landscape maintenance to include turf, trees and periodic flower changes as well as litter and graffiti control. Maintenance of above standard improvements including benches, trash receptacles and bike racks is included.
- General Administrative costs include management fee, annual tax preparation, bookkeeping charges and postage for public notices
- Promotion is public information dissemination primarily through the Dallas Design District weblog (www.dallasdesigndistrict.com)
- Insurance expense provides for liability coverage binder and cost of required annual financial audit

**OAK LAWN - HI LINE PUBLIC IMPROVEMENT DISTRICT
2015 ASSESSMENT PLAN**

The cost of the services and improvements provided by the Oak Lawn-Hi Line Public Improvement District will be paid primarily by assessments against real properties within the Oak Lawn-Hi Line Public Improvement District boundaries. Annual assessments will be based on the value of real property and improvements as certified by the Dallas Central Appraisal District.

The cost of improvements and services in the district will be assessed by application of a single rate applied to all non-exempt property on the combined value of the real property and real property improvements as determined by the Dallas Central Appraisal District. The 2015 assessment rate is proposed at \$0.15 per \$100.00 of appraised value. The annual assessments rate, during the seven-year life of the District, will not exceed \$0.15 per \$100.00 of appraised value as determined by the Dallas Central Appraisal District.

The District shall pay the costs of the services and improvements by special assessment against the real property and real property improvements. The City of Dallas is not responsible for payment of assessments against exempt City property in the District, which is specially benefited. City rights-of-way and city parks are not subject to assessment. Properties otherwise exempt from ad valorem taxes are not subject to assessment. Payment of assessment by other exempt jurisdictions must be established by contract.

The Oak Lawn Hi Line PID assessments will be collected by the Dallas County Tax Office in accordance with the contract with the City of Dallas and in accordance with the management contract between the City of Dallas and the Oak Lawn-Hi Line Improvement District Corporation.

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: September 9, 2015
COUNCIL DISTRICT(S): 12
DEPARTMENT: Office of Economic Development
CMO: Ryan S. Evans, 671-9837
MAPSCO: 5 T U X Y

SUBJECT

Prestonwood Public Improvement District

- * A public hearing concerning the proposed levy of assessment for the Prestonwood Public Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, for the purpose of providing supplemental public services, to be funded by assessments on property in the District – Financing: No cost consideration to the City
- * An ordinance approving and adopting the final 2016 Service Plan, the final 2015 Assessment Plan and the 2015 Assessment Roll (to be kept on file with the City Secretary); establishing classifications for the apportionment of costs and the methods of assessing special assessments for the services and improvements to property in the Prestonwood Public Improvement District (District); closing the hearing and levying a special assessment on property in the District, for services and improvements to be provided during 2016; providing for reimbursement of city administrative costs for operational oversight of the District; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2015 assessment; and providing for an effective date – Financing: No cost consideration to the City

BACKGROUND

This item is being placed on the addendum because the City Attorney's Office requested service plan modifications after items were initially mailed on regular agenda timeline.

Annually, City Council calls and holds a public hearing to set the annual assessment rate for property in the Public Improvement Districts (PID) and authorizes the Service Plan for each PID.

BACKGROUND (Continued)

The Prestonwood Homeowners Association provided City staff with the proposed District Service Plan for 2016 and the proposed Assessment Plan for 2015 for review, and staff found the services and improvements to be advisable and recommended approval subject to the public hearing on September 9, 2015.

The public improvement district Service Plan is outlined in the following way:

- (a) **Nature of the Services and Improvements.** The proposed services and improvements to be provided in the District include enhancing public safety and security related improvements within the District as authorized by the Act.
- (b) **Estimated Cost of the Services and Improvements.** During the next five (5) year period, the estimated annual cost of the improvements and services provided by the District is expected to begin in 2016 at approximately \$303,580 and continue at the same level through 2020. The total estimated assessments to be collected for during the next five year period is approximately \$1,485,625. The District shall incur no bonded indebtedness. Unless a specific purpose is identified in the service plan, any over collections of assessments for any year shall be returned to the property owners or the assessment rate shall be reduced in the following year so that such surplus cash may be absorbed by the cost of services and improvements to be provided by the management company for that following year. The city shall not levy assessments against property owners that exceed the total amount budgeted for the entire term of the PID without a new petition securing consent of the property owners to such increases in the service plan and city council approval.
- (c) **Boundaries.** The boundaries of the District are shown on the attached Map of the District.
- (d) **Method of Assessment.** The proposed method of assessment, which may specify included or excluded classes of assessable property, shall be assessed according to the value of the real property and real property improvements as determined by the Dallas Central Appraisal District. The estimated annual assessment rate for 2015 will be \$0.07 per \$100.00 of appraised value as determined by the Dallas Central Appraisal District. Once levied, this assessment rate shall not increase during the 2016 service plan year. The annual assessment rate shall not exceed \$0.15 per \$100.00 valuation. Future annual assessment rates, however, may be increased up to a maximum of \$0.15 per \$100.00 valuation subject to an enhancement in value of property in the District and a corresponding increase in the services and improvements to be provided therefor. Any future increase in the assessment rate would also be subject to a public hearing and city council passing on all objections.

BACKGROUND (Continued)

The real property of jurisdictions and entities that have obtained an exemption from City of Dallas real property taxes pursuant to the Texas Property Code (except under the provisions of Sections 11.24 and 11.28 of the Property Tax Code) will not be subject to an assessment on that portion of the assessed value of the property exempt from City real property taxes. Payment of assessments by other exempt jurisdictions and entities must be established by contract.

- (e) **Apportionment of costs between the District and the Municipality as a Whole.** The assessment is levied on the real property and real property improvements in the District according to the value of such property. Levying the assessment for the services and improvements based on the appraised value of the property results in the apportionment of the costs on the basis of special benefits accruing to the property. No assessment, however, will be levied against exempt City property in the District. The City of Dallas is not responsible for payment of assessment against exempt City property in the District. City rights-of-way, railroad right-of-way, City parks and cemeteries are not specially benefitted and therefore are not subject to PID assessment.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On May 14, 1997, City Council authorized the establishment of the Prestonwood Public Improvement District by Resolution No. 97-1575.

Additionally, the Prestonwood PID was renewed for a period of seven years in 2004 and 2011.

On September 10, 2014, City Council authorized the assessment rate for 2014 by Ordinance No. 29462.

Information about this item was provided to the Economic Development Committee on August 17, 2015.

On August 26, 2015, City Council authorized a public hearing to be held on September 9, 2015, to receive comments on the proposed 2015 Assessment Rate and final approval of the 2016 Service Plan.

FISCAL INFORMATION

No cost consideration to the City

MAP

Attached.

ORDINANCE NO. _____

AN ORDINANCE APPROVING AND ADOPTING THE FINAL 2016 SERVICE PLAN, THE FINAL 2015 ASSESSMENT PLAN, AND THE 2015 ASSESSMENT ROLL (TO BE KEPT ON FILE WITH THE CITY SECRETARY); ESTABLISHING CLASSIFICATIONS FOR THE APPORTIONMENT OF COSTS AND THE METHODS OF ASSESSING SPECIAL ASSESSMENTS FOR THE SERVICES AND IMPROVEMENTS TO PROPERTY IN THE PRESTONWOOD PUBLIC IMPROVEMENT DISTRICT (DISTRICT); CLOSING THE HEARING AND LEVYING A SPECIAL ASSESSMENT ON PROPERTY IN THE DISTRICT FOR SERVICES AND IMPROVEMENTS TO BE PROVIDED IN THE DISTRICT DURING 2016; PROVIDING FOR REIMBURSEMENT OF CITY ADMINISTRATIVE COSTS FOR OPERATIONAL OVERSIGHT OF THE DISTRICT;--FIXING CHARGES AND LIENS AGAINST THE PROPERTY IN THE DISTRICT AND AGAINST THE OWNERS THEREOF; PROVIDING FOR THE COLLECTION OF THE 2015 ASSESSMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Public Improvement District Assessment Act, Chapter 372 of the Texas Local Government Code ("Act") allows for the creation of public improvement districts; and

WHEREAS, on May 14, 1997, City Council authorized the creation of the Prestonwood Public Improvement District (District), as shown on the attached **Exhibit A - Map of the District**, as a public improvement district in accordance with the Act and found that the District promoted the interests of the City and conferred a special benefit to the property in the District, designated Prestonwood Homeowners Association as the manager of the District, authorized a contract for management services; and approved the District Service Plan, and annual updates by Resolution No. 97-1575; and

WHEREAS, City Council has subsequently authorized the renewal of the Prestonwood Public Improvement District (District) in 2004 and 2011; and

WHEREAS, on September 10, 2014, City Council authorized the 2015 Service Plan and 2014 Assessment Plan by Ordinance No. 29462; and

WHEREAS, City Council must review the proposed 2016 Service Plan and 2015 Assessment Plan and hold a public hearing to provide a reasonable opportunity for any owner of property located within the District to speak for or against the 2015 assessment against real property and real property improvements exclusive of right-of-way, to continue funding for the District for the purpose of providing supplemental services and improvements; and

WHEREAS, on August 17, 2015, information about this item was presented to the Economic Development Committee; and

WHEREAS, on August 26, 2015, City Council authorized a public hearing to be held on September 9, 2015, to receive comments on the proposed 2015 Assessment Plan and approval of the final 2016 Service Plan; and

WHEREAS, the Prestonwood Homeowners Association provided City staff with the proposed District 2016 Service Plan and 2015 Assessment Plan as shown in **Exhibits B and C**; and

WHEREAS, City Council desires to authorize and adopt the Assessment Roll that was filed with the City Secretary and subject to public inspection in the City's official records prior to the public hearing; and

WHEREAS, City Council finds that the Service Plan and Assessment Plan are feasible and sound and will serve the needs and desires of the property owners, and that the assessment rate of \$0.07 per \$100.00 of appraised value, as determined by the Dallas Central Appraisal District (DCAD), of the property or improvements to the property located in the District is reasonable and adequate.

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That City Council shall adopt an ordinance approving and adopting the final 2016 Service Plan, the final 2015 Assessment Plan and the 2015 Assessment Roll (to be kept on file with the City Secretary); establishing classifications for the apportionment of costs and the methods of assessing special assessments for the services and improvements to property in the Prestonwood Public Improvement District (District); closing the hearing and levying a special assessment on property in the District, for services and improvements to be provided during 2016; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2015 assessment; and providing for an effective date.

SECTION 2. That the recitals and findings listed above are true and correct and that the action of City Council closing the public hearing in these proceedings is hereby ratified and confirmed.

SECTION 3. That the proposed method of assessment, which may specify included or excluded classes of assessable property, shall be assessed according to the value of the real property and real property improvements as determined by the Dallas Central Appraisal District.

SECTION 3. (Continued)

The estimated annual assessment rate for 2015 will be \$0.07 per \$100.00 of appraised value as determined by the Dallas Central Appraisal District. Once levied, this assessment rate shall not increase during the 2016 service plan year. The annual assessment rate shall not exceed \$0.15 per \$100.00 valuation. Future annual assessment rates, however, may be increased up to a maximum of \$0.15 per \$100.00 valuation subject to an enhancement in value of property in the District and a corresponding increase in the services and improvements to be provided therefor. Any future increase in the assessment rate would also be subject to a public hearing and city council passing on all objections. The real property of jurisdictions and entities that have obtained an exemption from City of Dallas real property taxes pursuant to the Texas Property Code (except under the provisions of Sections 11.24 and 11.28 of the Property Tax Code) will not be subject to an assessment on that portion of the assessed value of the property exempt from City real property taxes. Payment of assessments by other exempt jurisdictions and entities must be established by contract.

SECTION 4. That City Council hereby authorizes and adopts the final 2016 Service Plan, the final 2015 Assessment Plan and the 2015 Assessment Roll (to be kept on file with the City Secretary apportioning the total cost of the services and improvements to be assessed against property in the District for fiscal year ending December 31, 2015, of approximately \$279,474. The Assessment Roll apportions the assessment against each parcel of land in the District and is subject to public inspection in the City's official records.

SECTION 5. That notice of City Council's intention to consider the proposed assessments at a public hearing on September 9, 2015 at 1:00 p.m. in the City Council Chamber, 1500 Marilla Street, Dallas, Texas was published in the official newspaper of the City of Dallas, Texas before the 10th day before the date of the hearing. The notice stated: (1) the date, time and place of the hearing; (2) the general nature of the services and improvements; (3) the cost of the services and improvements; (4) the boundaries of the District; and (5) that written or oral objections will be considered at the hearing.

SECTION 6. That Dallas City staff mailed to the owners of property liable for assessment notice of the hearing as the ownership appears on the City tax roll. The notice contained the information required by the Act. The notice was mailed before the 10th day before the date of the hearing to the last known address of the property owner on the City tax roll. The failure of the property owner to receive notice does not invalidate the proceeding.

SECTION 7. That City Council finds that the assessments should be made and levied against the respective parcels of property within the District and against the owners thereof, and are substantially in proportion to the benefits to the respective parcels of property by means of the services and improvements in the District for which such assessments are levied, and further finds that in each case the property assessed is specially benefited by means of the said services and improvements in the District, and further finds that the apportionment of costs of the services and improvements is in accordance with the law in force in this City and the State and in the proceedings of the City heretofore held with reference to the formation of the District and the imposition of assessments for said services and improvements are in all respects valid and regular.

SECTION 8. That there shall be and is hereby levied and assessed against the parcels of property within the District, and against the real and true owners thereof (whether such owners be correctly named or not), the sums of money as listed in the Assessment Roll on file with the City Secretary and subject to public inspection, and the several amounts assessed against the same, and the owners thereof.

SECTION 9. That the several sums above mentioned and assessed against the said parcels of property and the owners thereof, and interest thereon at the rate of eight percent (8%) per annum, provided, however, that such interest rate shall not exceed the maximum amount allowed by law, together with reasonable fees and the costs of collection, if incurred, are hereby declared to be and are made a first and prior lien against the property assessed, superior to all other liens and claims except liens and claims for state, county, school district and municipality ad valorem taxes and are a personal liability of and charge against the owners of the property regardless of whether the owners are named. The lien is effective from the date of this ordinance until the assessment is paid and may be enforced by the governing body in the same manner that an ad valorem tax lien against real property may be enforced by the governing body.

SECTION 10. That the assessments levied herein shall be due and payable in full on or before January 31, 2016. That if default be made in the payment of any of the said sums hereby assessed against said property owners and their property, collection thereof, including, costs and fees, shall be enforced by the governing body in the same manner that an ad valorem tax lien against real property may be enforced by the governing body. The owner of the assessed property may pay at any time the entire assessment, with interest that has accrued on the assessment, on any lot or parcel.

SECTION 11. That all assessments levied are a personal liability and charge against the real and true owners of the premises described, notwithstanding such owners may not be named, or may be incorrectly named.

SECTION 12. That as part of the assessment levied herein, and as a part of the service plan, the District shall reimburse to City, administrative costs for the day to day operations conducted by city staff for the District, which amount shall be paid by the District to City upon receipt of an invoice; and that the Chief Financial Officer is hereby authorized to establish Fund 0694, Department ECO, to support recovery of the costs incurred by the Office of Economic Development for such day to day operational costs incurred.

SECTION 13. That the Chief Financial Officer is hereby authorized to accept and deposit any and all revenues received from the District in Fund 0694, Department, ECO, Unit 9882, Revenue Source 7399; and that the Chief Financial Officer be authorized to transfer annually, funds in amounts to be determined based upon costs incurred and related rates then in effect, from Fund 0694, Department ECO, Unit 9882, to General Fund 0001, Department ECO, Unit 1161 and Unit 1163, Object 5011, to reimburse the Office of Economic Development for administrative costs incurred for the day to day operational oversight of the District.

SECTION 14. That the assessments herein levied are made and levied under and by virtue of the terms, powers and provisions of the Public Improvement District Assessment Act, Chapter 372 of the Texas Local Government Code, as amended.

SECTION 15. That this ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM

WARREN M. S. ERNST
CITY ATTORNEY

By: 
Assistant City Attorney

Passed and correctly enrolled _____

EXHIBIT B

**Prestonwood Public Improvement District
Service Plan 2016-2020**

	2016	2017	2018	2019*	2020*
Estimated annual assessment rate requirement	0.060%	0.078%	0.078%	0.078%	0.078%
Revenue & Reserves					
Calendar Year Beginning Balance	\$ 77,078	\$ 5,894	\$ 5,083	\$ 4,272	\$ 3,461
Gross Assessment Revenue ⁽³⁾	\$ 239,549	\$ 311,519	\$ 311,519	\$ 311,519	\$ 311,519
PID Oversight Charge from City	\$ (7,154)	\$ (8,750)	\$ (8,750)	\$ (8,750)	\$ (8,750)
Exempt Jurisdictions	\$ -	\$ -	\$ -	\$ -	\$ -
Interest on Cash balances	\$ -	\$ -	\$ -	\$ -	\$ -
Total Income & Reserves	\$ 309,474	\$ 308,663	\$ 307,852	\$ 307,041	\$ 306,230
PID Services					
Public Safety ⁽¹⁾	\$ 289,080	\$ 289,080	\$ 289,080	\$ 289,080	\$ 289,080
Audit & Insurance ⁽²⁾	\$ 12,000	\$ 12,000	\$ 12,000	\$ 12,000	\$ 12,000
Administrative	\$ 2,500	\$ 2,500	\$ 2,500	\$ 2,500	\$ 2,500
Total Disbursements	\$ 303,580	\$ 303,580	\$ 303,580	\$ 303,580	\$ 303,580
Reserve	\$ 5,894	\$ 5,083	\$ 4,272	\$ 3,461	\$ 2,650

Assumptions

⁽¹⁾ No increase in average hourly rate for contracted officers.

⁽²⁾ Annual audit fees of \$5,000; insurance expense shared with PHA.

⁽³⁾ Assessment Rate is anticipated to increase in 2018 to cover costs of services. Future annual assessment rates, however, may be increased up to a maximum of \$0.15 per \$100.00 valuation subject to an enhancement in value of property in the District and a corresponding increase in the services and improvements to be provided therefor. Any future increase in the assessment rate would also be subject to a public hearing and the city council passing on all objections.

* Pending a successful renewal in 2018



HOMEOWNERS ASSOCIATION
P. O. Box 795682
Dallas, Texas 75379

Exhibit C
Prestonwood Public Improvement District
2015 Assessment Plan

The cost of the services and improvements provided by the Prestonwood Improvement District will be paid primarily by assessments against real properties within Prestonwood Public Improvement District (PID) boundaries. Annual assessments will be based on the value of real property and improvements as certified by the Dallas Central Appraisal District.

The 2015 assessment rate for the property in the Prestonwood PID is proposed at \$0.0800 per \$100.00 of value. Assessments will be carried out in accordance with procedures stipulated in Chapter 372 of the Texas Local Government Code.

The District shall pay the costs of the services and improvements by special assessment against the real property and real property improvements. The City of Dallas is not responsible for the payment of assessments against exempt City property in the District which is specifically benefitted. City rights-of-way, parks and cemeteries are not subject to assessment. Payment of assessments by other exempt jurisdictions and entities must be established by contract. No such contract is in place, nor is any proposed.

The Prestonwood PID's assessments will be collected by the Dallas County Tax Office in accordance with the contract with the City of Dallas and in accordance with the management contract between the City of Dallas and the Prestonwood Homeowners Association.

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: September 9, 2015
COUNCIL DISTRICT(S): 2
DEPARTMENT: Office of Economic Development
CMO: Ryan S. Evans, 671-9837
MAPSCO: 45 T U X Y

SUBJECT

South Side Public Improvement District

- * A public hearing concerning the proposed levy of assessment for the South Side Public Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, for the purpose of providing supplemental public services, to be funded by assessments on property in the District – Financing: No cost consideration to the City
- * An ordinance approving and adopting the proposed and final 2016 Service Plan, the 2015 Assessment Plan and the 2015 Assessment Roll (to be kept on file with the City Secretary); establishing classifications for the apportionment of costs and the methods of assessing special assessments for the services and improvements to property in the South Side Public Improvement District (District); closing the hearing and levying a special assessment on property in the District, for services and improvements to be provided during 2016; providing for reimbursement of city administrative costs for operational oversight of the District; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2015 assessment; and providing for an effective date – Financing: No cost consideration to the City

BACKGROUND

This item is being placed on the addendum because the City Attorney's Office requested service plan modifications after items were initially mailed on regular agenda timeline.

Annually, City Council calls and holds a public hearing to set the annual assessment rate for property in the Public Improvement Districts (PID) and authorizes the Service Plan for each PID.

BACKGROUND (Continued)

The South Side Quarter Development Corporation provided City staff with the proposed District Service Plan for 2016 and the proposed Assessment Plan for 2015 for review, and staff found the services and improvements to be advisable and recommended approval subject to the public hearing on September 9, 2015.

The public improvement district Service Plan is outlined in the following way:

- (a) **Nature of the Services and Improvements.** The proposed services and improvements to be provided in the District include improved security; safety and security related services to promote the District; services to enhance and protect property values, improve infrastructure, streetscape, and service of common areas; business recruitment; marketing; and other services and improvements as authorized by the Act.
- (b) **Estimated Cost of the Services and Improvements.** During the next five (5) year period, the estimated annual cost of the improvements and services provided by the District is expected to begin at approximately \$126,700 in 2016 and reach \$137,000 in 2020. The total estimated assessments to be collected during the next five-year period is approximately \$659,474. The District shall incur no bonded indebtedness. Unless a specific purpose is identified in the service plan, any over collections of assessments for any year shall be returned to the property owners or the assessment rate shall be reduced in the following year so that such surplus cash may be absorbed by the cost of services and improvements to be provided by the management company for that following year. The city shall not levy assessments against property owners that exceed the total amount budgeted for the entire term of the PID without a new petition securing consent of the property owners to such increases in the service plan and city council approval.
- (c) **Boundaries.** The boundaries of the District are shown on the attached Map of the District.
- (d) **Method of Assessment.** The proposed method of assessment, which may specify included or excluded classes of assessable property, shall be assessed according to the value of the real property and real property improvements as determined by the Dallas Central Appraisal District. The estimated annual assessment rate for 2015 will be \$0.12 per \$100.00 and the annual assessment rate for property in the premium area for 2015 will be \$0.15 per \$100.00 of appraised value as determined by the Dallas Central Appraisal District. Once levied, this assessment rate shall not increase during the 2016 service plan year. The annual assessment rate shall not exceed \$0.15 per \$100.00 valuation.

BACKGROUND (Continued)

Future annual assessment rates, however, may be increased up to a maximum of \$0.15 per \$100.00 valuation subject to an enhancement in value of property in the District and a corresponding increase in the services and improvements to be provided therefor. Any future increase in the assessment rate would also be subject to a public hearing and City Council passing on all objections. The real property of jurisdictions and entities that have obtained an exemption from City of Dallas real property taxes pursuant to the Texas Property Code (except under the provisions of Sections 11.24 and 11.28 of the Property Tax Code) will not be subject to an assessment on that portion of the assessed value of the property exempt from City real property taxes. Payment of assessments by other exempt jurisdictions and entities must be established by contract.

- (e) **Apportionment of costs between the District and the Municipality as a Whole.** The assessment is levied on the real property and real property improvements in the District according to the value of such property. Levying the assessment for the services and improvements based on the appraised value of the property results in the apportionment of the costs on the basis of special benefits accruing to the property. No assessment, however, will be levied against exempt City property in the District. The City of Dallas is not responsible for payment of assessment against exempt City property in the District. City rights-of-way, railroad right-of-way, City parks and cemeteries are not specially benefitted and therefore are not subject to PID assessment.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On August 10, 2005, City Council authorized creation of the South Side Public Improvement District by Resolution No. 05-2230.

Additionally, the South Side PID was renewed for a period of seven years on June 13, 2012 by Resolution No. 12-1585.

On September 10, 2014 City Council authorized the assessment rate for 2014 by Ordinance No. 29463

Information about this item was provided to the Economic Development Committee on August 17, 2015.

This item was considered by the City Council on August 26, 2015, and the approval of the proposed South Side Public Improvement District 2016 Service Plan, 2015 Assessment Plan and 2015 assessment roll was deferred to the September 9, 2015 agenda.

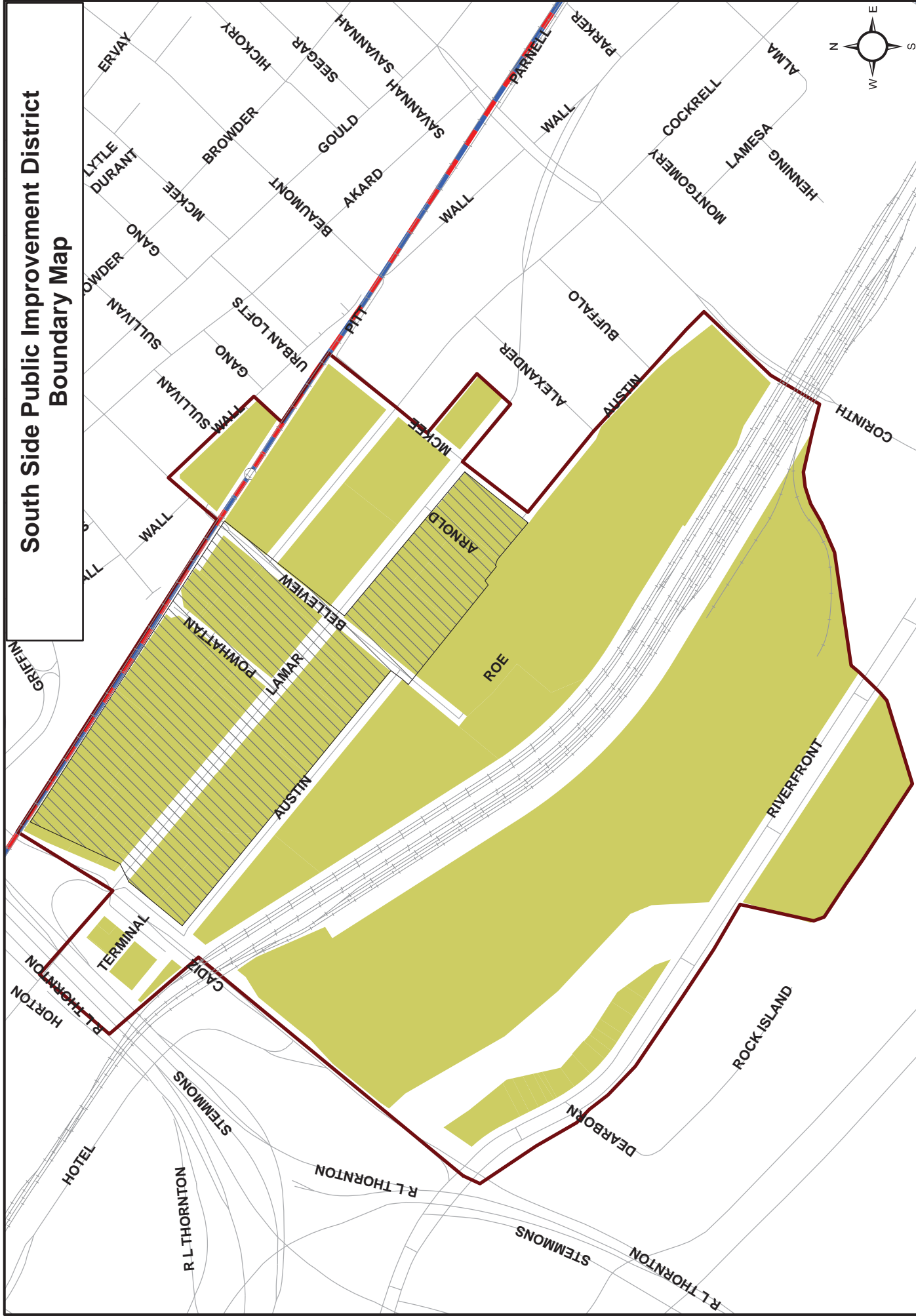
FISCAL INFORMATION

No cost consideration to the City

MAP

Attached.

South Side Public Improvement District Boundary Map



Legend

- South Side PID Boundary
- SouthSide PID Premium Boundary

Parcels shown based on available 2014 geography. Any parcels shown within the boundary lines of the PID are intended to be included even in the event of future replats creating new or reconfigured parcels.



City of Dallas
Office of Economic Development
Created August 2015

ORDINANCE NO. _____

AN ORDINANCE APPROVING AND ADOPTING THE FINAL 2016 SERVICE PLAN, THE FINAL 2015 ASSESSMENT PLAN, AND THE 2015 ASSESSMENT ROLL (TO BE KEPT ON FILE WITH THE CITY SECRETARY); ESTABLISHING CLASSIFICATIONS FOR THE APPORTIONMENT OF COSTS AND THE METHODS OF ASSESSING SPECIAL ASSESSMENTS FOR THE SERVICES AND IMPROVEMENTS TO PROPERTY IN THE SOUTH SIDE PUBLIC IMPROVEMENT DISTRICT (DISTRICT); CLOSING THE HEARING AND LEVYING A SPECIAL ASSESSMENT ON PROPERTY IN THE DISTRICT FOR SERVICES AND IMPROVEMENTS TO BE PROVIDED IN THE DISTRICT DURING 2016; PROVIDING FOR REIMBURSEMENT OF CITY ADMINISTRATIVE COSTS FOR OPERATIONAL OVERSIGHT OF THE DISTRICT; FIXING CHARGES AND LIENS AGAINST THE PROPERTY IN THE DISTRICT AND AGAINST THE OWNERS THEREOF; PROVIDING FOR THE COLLECTION OF THE 2015 ASSESSMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Public Improvement District Assessment Act, Chapter 372 of the Texas Local Government Code (“Act”) allows for the creation of public improvement districts; and

WHEREAS, on August 10, 2015, City Council authorized the creation of the South Side Public Improvement District (District) as a public improvement district in accordance with the Act and found that the District promoted the interests of the City and conferred a special benefit to the property in the District, designated South Side Quarter Development Corporation as the manager of the District, authorized a contract for management services; and approved the District Service Plan, and annual updates by Resolution No. 05-2230; and

WHEREAS, City Council has subsequently authorized the renewal of the South Side Public Improvement District (District) in 2012 as shown on the attached **Exhibit A - Map of the District**,; and

WHEREAS, on September 10, 2014, City Council authorized the 2015 Service Plan and 2014 Assessment Plan by Ordinance No. 29463 and

WHEREAS, City Council must review the proposed 2016 Service Plan and 2015 Assessment Plan and hold a public hearing to provide a reasonable opportunity for any owner of property located within the District to speak for or against the 2015 assessment against real property and real property improvements exclusive of right-of-way, to continue funding for the District for the purpose of providing supplemental services and improvements; and

WHEREAS, on August 17, 2015, information about this item was presented to the Economic Development Committee; and

WHEREAS, on August 26, 2015, this item was considered by the City Council and the approval of the proposed South Side Public Improvement District 2016 Service Plan, 2015 Assessment Plan and 2015 assessment roll was deferred to the September 9, 2015 agenda; and

WHEREAS, the South Side Quarter Development Corporation provided City staff with the proposed District 2016 Service Plan and 2015 Assessment Plan as shown in **Exhibits B and C**; and

WHEREAS, City Council desires to authorize and adopt the Assessment Roll that was filed with the City Secretary and subject to public inspection in the City's official records prior to the public hearing; and

WHEREAS, City Council finds that the Service Plan and Assessment Plan are feasible and sound and will serve the needs and desires of the property owners, and that the assessment rate for property in the standard area for 2015 of \$0.12 per \$100.00 and the annual assessment rate for property in the premium area for 2015 will be \$0.15 per \$100.00 of appraised value, as determined by the Dallas Central Appraisal District (DCAD), of the property or improvements to the property located in the District is reasonable and adequate.

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That City Council shall adopt an ordinance approving and adopting the proposed and final 2016 Service Plan, the 2015 Assessment Plan and the 2015 Assessment Roll (to be kept on file with the City Secretary); establishing classifications for the apportionment of costs and the methods of assessing special assessments for the services and improvements to property in the South Side Public Improvement District (District); closing the hearing and levying a special assessment on property in the District, for services and improvements to be provided during 2016; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2015 assessment; and providing for an effective date.

SECTION 2. That the recitals and findings listed above are true and correct and that the action of the City Council closing the public hearing in these proceedings is hereby ratified and confirmed.

SECTION 3. That the proposed method of assessment, which may specify included or excluded classes of assessable property, shall be assessed according to the value of the real property and real property improvements as determined by the Dallas Central Appraisal District.

SECTION 3. (Continued)

The estimated annual assessment rate in the standard area for 2015 will be \$0.12 per \$100.00 of appraised value and the annual assessment rate for property in the premium area for 2015 will be \$0.15 per \$100.00 of appraised value as determined by the Dallas Central Appraisal District. Once levied, this assessment rate shall not increase during the 2016 service plan year. The annual assessment rate shall not exceed \$0.15 per \$100.00 valuation. Future annual assessment rates, however, may be increased up to a maximum of \$0.15 per \$100.00 valuation subject to an enhancement in value of property in the District and a corresponding increase in the services and improvements to be provided therefor. Any future increase in the assessment rate would also be subject to a public hearing and the city council passing on all objections. The real property of jurisdictions and entities that have obtained an exemption from City of Dallas real property taxes pursuant to the Texas Property Code (except under the provisions of Sections 11.24 and 11.28 of the Property Tax Code) will not be subject to an assessment on that portion of the assessed value of the property exempt from City real property taxes. Payment of assessments by other exempt jurisdictions and entities must be established by contract.

SECTION 4. That City Council hereby authorizes and adopts the final 2016 Service Plan, the final 2015 Assessment Plan and the 2015 Assessment Roll (to be kept on file with the City Secretary apportioning the total cost of the services and improvements to be assessed against property in the District for fiscal year ending December 31, 2015, of approximately \$137,275. The Assessment Roll apportions the assessment against each parcel of land in the District and is subject to public inspection in the City's official records.

SECTION 5. That notice of City Council's intention to consider the proposed assessments at a public hearing on September 9, 2015 at 1:00 p.m. in the City Council Chamber, 1500 Marilla Street, Dallas, Texas was published in the official newspaper of the City of Dallas, Texas before the 10th day before the date of the hearing. The notice stated: (1) the date, time and place of the hearing; (2) the general nature of the services and improvements; (3) the cost of the services and improvements; (4) the boundaries of the District; and (5) that written or oral objections will be considered at the hearing.

SECTION 6. That Dallas City staff mailed to the owners of property liable for assessment notice of the hearing as the ownership appears on the City tax roll. The notice contained the information required by the Act. The notice was mailed before the 10th day before the date of the hearing to the last known address of the property owner on the City tax roll. The failure of the property owner to receive notice does not invalidate the proceeding.

SECTION 7. That City Council finds that the assessments should be made and levied against the respective parcels of property within the District and against the owners thereof, and are substantially in proportion to the benefits to the respective parcels of property by means of the services and improvements in the District for which such assessments are levied, and further finds that in each case the property assessed is specially benefited by means of the said services and improvements in the District, and further finds that the apportionment of costs of the services and improvements is in accordance with the law in force in this City and the State and in the proceedings of the City heretofore held with reference to the formation of the District and the imposition of assessments for said services and improvements are in all respects valid and regular.

SECTION 8. That there shall be and is hereby levied and assessed against the parcels of property within the District, and against the real and true owners thereof (whether such owners be correctly named or not), the sums of money as listed in the Assessment Roll on file with the City Secretary and subject to public inspection, and the several amounts assessed against the same, and the owners thereof.

SECTION 9. That the several sums above mentioned and assessed against the said parcels of property and the owners thereof, and interest thereon at the rate of eight percent (8%) per annum, provided, however, that such interest rate shall not exceed the maximum amount allowed by law, together with reasonable fees and the costs of collection, if incurred, are hereby declared to be and are made a first and prior lien against the property assessed, superior to all other liens and claims except liens and claims for state, county, school district and municipality ad valorem taxes and are a personal liability of and charge against the owners of the property regardless of whether the owners are named. The lien is effective from the date of this ordinance until the assessment is paid and may be enforced by the governing body in the same manner that an ad valorem tax lien against real property may be enforced by the governing body.

SECTION 10. That the assessments levied herein shall be due and payable in full on or before January 31, 2016. That if default be made in the payment of any of the said sums hereby assessed against said property owners and their property, collection thereof, including, costs and fees, shall be enforced by the governing body in the same manner that an ad valorem tax lien against real property may be enforced by the governing body. The owner of the assessed property may pay at any time the entire assessment, with interest that has accrued on the assessment, on any lot or parcel.

SECTION 11. That all assessments levied are a personal liability and charge against the real and true owners of the premises described, notwithstanding such owners may not be named, or may be incorrectly named.

SECTION 12. That as part of the assessment levied herein, and as a part of the service plan, the District shall reimburse to City administrative costs for the day to day operations conducted by city staff for the District, which amount shall be paid by the District to City upon receipt of an invoice; and that the Chief Financial Officer is hereby authorized to establish Fund 0694, Department ECO, to support recovery of the costs incurred by the Office of Economic Development for such day to day operational costs incurred.

SECTION 13. That the Chief Financial Officer hereby authorized to accept and deposit any and all revenues received from the District in Fund 0694, Department ECO, Unit 9883, Revenue Source 7399; and that the Chief Financial Officer be authorized to transfer annually, funds in amounts to be determined based upon costs incurred and related rates then in effect, from Fund 0694, Department ECO, Unit 9883, to General Fund 0001, Department ECO, Unit 1161 and Unit 1163, Object 5011, to reimburse the Office of Economic Development for administrative costs incurred for the day to day operational oversight of the District.

SECTION 14. That the assessments herein levied are made and levied under and by virtue of the terms, powers and provisions of the Public Improvement District Assessment Act, Chapter 372 of the Texas Local Government Code, as amended.

SECTION 15. That this ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

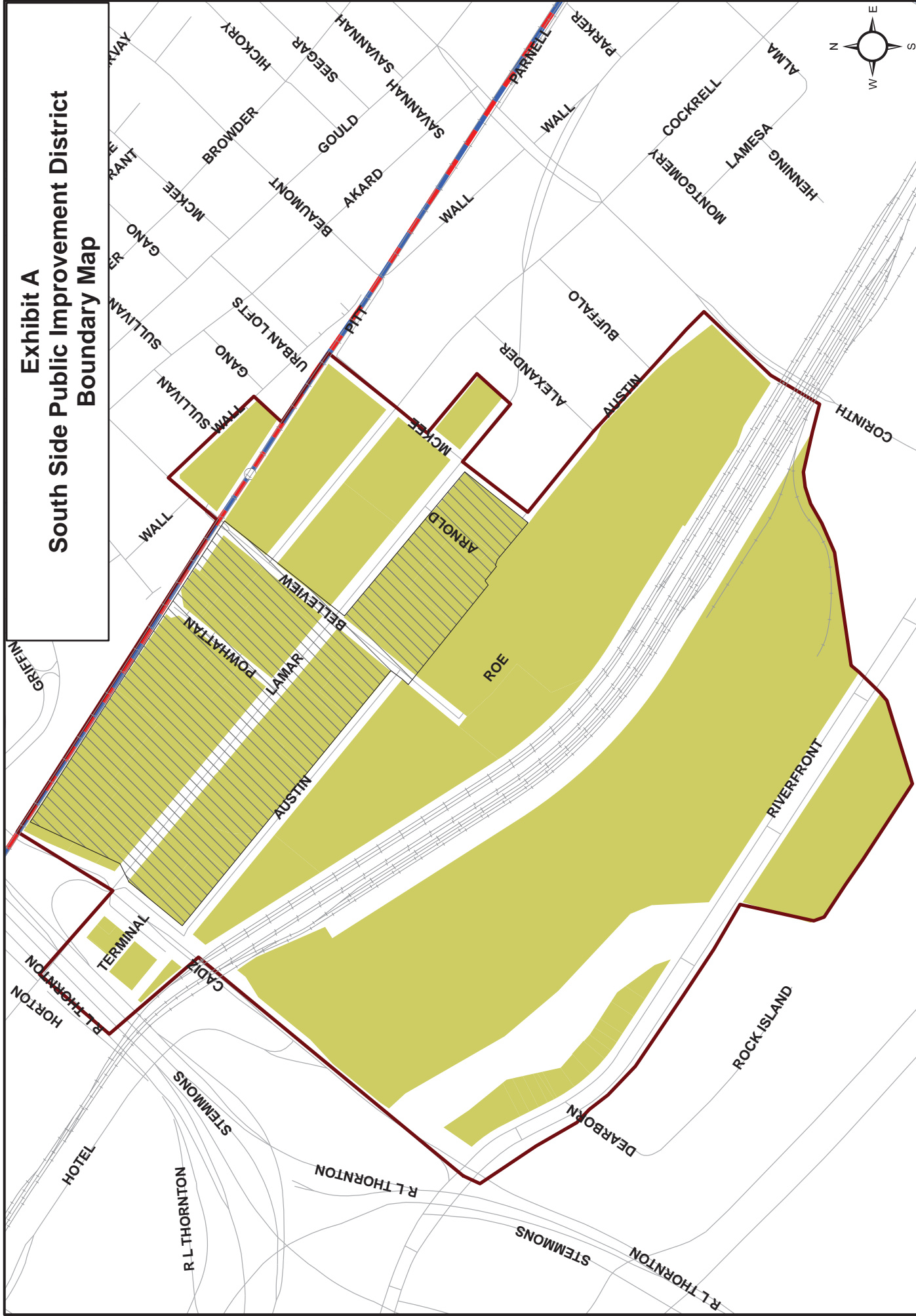
APPROVED AS TO FORM

WARREN M. S. ERNST
CITY ATTORNEY

By: 
Assistant City Attorney

Passed and correctly enrolled _____

Exhibit A South Side Public Improvement District Boundary Map



Legend

- South Side PID Boundary
- South Side PID Premium Boundary

Parcels shown based on available 2014 geography. Any parcels shown within the boundary lines of the PID are intended to be included even in the event of future replats creating new or reconfigured parcels.



City of Dallas
Office of Economic Development
Created August 2015

Exhibit B

South Side Public Improvement District
Service Plan 2014-2019

	2015	2016	2017	2018	2019	*2020
NET TOTAL ASSESSMENTS	\$117,042.53	\$132,474.50	\$127,500.00	\$131,500.00	\$133,000.00	\$135,000.00
Surplus/Deficit from previous year	\$12,914.00	\$3,956.53	\$9,731.03	\$7,531.03	\$6,331.03	\$5,881.03
Estimated Annual Income to District	\$129,956.53	\$136,431.03	\$137,231.03	\$139,031.03	\$139,331.03	\$140,881.03
Public Improvements						
Distinctive lighting/signs						
Water, wastewater, drainage						
Fountains						
Special Supplemental Services						
Park improvements ⁽¹⁾	\$33,000.00	\$35,000.00	\$37,000.00	\$37,000.00	\$37,500.00	\$40,000.00
Public safety/security ⁽²⁾	\$60,000.00	\$60,000.00	\$60,000.00	\$62,500.00	\$62,500.00	\$62,500.00
Public art projects ⁽³⁾	\$0.00					
Business recruitment/marketing ⁽⁴⁾	\$15,000.00	\$15,000.00	\$15,500.00	\$15,500.00	\$15,500.00	\$16,000.00
Cultural events ⁽⁵⁾	\$7,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00
Administration	\$1,000.00	\$1,500.00	\$2,000.00	\$2,000.00	\$2,000.00	\$2,000.00
Audit ⁽⁶⁾	\$7,000.00	\$7,000.00	\$7,000.00	\$7,200.00	\$7,200.00	\$7,500.00
Insurance ⁽⁷⁾	\$3,000.00	\$3,200.00	\$3,200.00	\$3,500.00	\$3,750.00	\$4,000.00
Estimated Annual Expenses to District	\$126,000.00	\$126,700.00	\$129,700.00	\$132,700.00	\$133,450.00	\$137,000.00
SURPLUS (DEFICIT)	\$3,956.53	\$9,731.03	\$7,531.03	\$6,331.03	\$5,881.03	\$3,881.03
<small>(1) Dog park/pedestrian area/plaza improvements. Excess funding from the admin category has been applied here. (2) RHI security group patrol and ensure safety throughout PID (3) mural and artistic updates to beautify PID (4) marketing and promotional ads & events, website maintenance & development (5) events and programs to enrich the culture of the historic area. Public art merged into this category. (6) Audit line item also includes quarterly and annual accounting charges. Audit expenses higher than originally estimated. (7) Insurance line item covers both insurance and legal fees. Insurance costs higher than originally expected. * The South Side PID is authorized by the City Council through 2019. Expenses for 2020 are estimates pending successful renewal of the PID in 2019. *Net assessment revenue is the gross assessment minus administrative cost charged per account by Dallas County (\$2.75 per account). Net assessment is allocated among budget categories.</small>						



SOUTH SIDE QUARTER DEVELOPMENT CORPORATION

The Creative District in the Heart of Dallas

Exhibit C
SOUTH SIDE QUARTER PUBLIC IMPROVEMENT DISTRICT
2015 ASSESSMENT PLAN

The cost of the services and improvements provided by the South Side Public Improvement District will be paid primarily by assessments against real properties within the South Side Public Improvement District boundaries. Annual assessments will be based on the value of real property and improvements as certified by the Dallas Central Appraisal District.

The 2015 assessment rate for the property in the premium service area is proposed at \$0.15 per \$100.00 of value. The 2015 assessment rate for the property in the standard service area is proposed at \$0.12 per \$100.00. Assessments will be carried out in accordance with procedures stipulated in Chapter 372 of the Texas Local Government Code.

The District shall pay the costs of the services and improvements by special assessment against the real property and real property improvements. The City of Dallas shall not be responsible for payment of assessments against exempt City property including City rights-of-way and parks. Payment of assessments by other tax-exempt owners must be established by contract. No such contracts are in place at present.

The South Side PID's assessments will be collected by the Dallas County Tax Office in accordance with the contract with the City of Dallas and in accordance with the management contract between the City of Dallas and the South Side Quarter Development Corporation.

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: September 9, 2015
COUNCIL DISTRICT(S): 2, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14
DEPARTMENT: Office of Economic Development
CMO: Ryan S. Evans, 671-9837
MAPSCO: N/A

SUBJECT

Tourism Public Improvement District

- * A public hearing concerning the proposed levy of assessment for the Tourism Public Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, for the purpose of providing supplemental public services, to be funded by assessments on property in the District - Financing: No cost consideration to the City
- * An ordinance approving and adopting the proposed and final Service Plan for 2015-16, the 2015 Assessment Plan and the 2015 Assessment Roll (to be kept on file with the City Secretary); establishing classifications for the apportionment of costs and the methods of assessing special assessments on Dallas hotels with 100 or more rooms, for the services and improvements to property in the Tourism Public Improvement District (District); closing the hearing and levying a special assessment on property in the District, for services and improvements to be provided during 2016; providing for reimbursement of city administrative costs for operational oversight of the District; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2015 assessment; and providing for an effective date - Financing: No cost consideration to the City

BACKGROUND

This item is being placed on the addendum because the City Attorney's Office requested service plan modifications after items were initially mailed on regular agenda timeline.

Annually, City Council calls and holds a public hearing to set the annual assessment rate for property in the Public Improvement Districts (PID) and authorizes the Service Plan for each PID.

BACKGROUND (Continued)

The Dallas Tourism Public Improvement District Management Corporation provided City staff with the proposed Service Plan for 2015-16 and proposed 2015 Assessment Plan for review, and staff found the services and improvements to be advisable and recommended approval subject to the public hearing on September 9, 2015.

The public improvement district Service Plan is outlined in the following way:

- (a) Nature of the Services and Improvements.** The proposed services and improvements to be provided in the District include marketing, business recruitment, and promotional activities authorized by the Act for improvement and promotion of the district, including the provision of incentives by the Dallas Convention and Visitors Bureau to organizations to encourage them to bring their large and city wide meetings to Dallas and to fund additional marketing by the Dallas Convention and Visitors Bureau to increase hotel stays within the City.
- (b) Estimated Cost of the Services and Improvements.** During the next five (5) year period, the estimated annual cost of the improvements and services provided by the District is expected to begin at approximately \$14,606,231 in 2016 and reach \$16,439,442 in 2020. The total estimated assessments to be collected during the next five year period is approximately \$76,778,678. The District shall incur no bonded indebtedness. Unless a specific purpose is identified in the service plan, any over collections of assessments for any year shall be returned to the hotel property owners or the assessment rate shall be reduced in the following year so that such surplus cash may be absorbed by the cost of services and improvements to be provided by the management company for that following year. The city shall not levy assessments against hotel properties that exceed the total amount budgeted for the entire term of the PID without a new petition securing consent of the property owners to such increases in the service plan and city council approval.
- (c) Boundaries.** The boundaries of the District are shown on the attached Map of the District.
- (d) Method of Assessment.** The District assessment will be levied on hotels with 100 or more rooms (“qualifying hotels”) located within the District. The proposed cost of the services and improvements to be provided shall be assessed in a manner that results in imposing equal shares of the cost of the services qualifying on hotels that are similarly benefitted. Under the Act, the apportionment of the cost of the services against property in the TPID territory must be made on the basis of special benefits accruing to the property because of the services and improvements provided.

BACKGROUND (Continued)

Accordingly, those qualifying hotels that sell more rooms will pay a greater portion of the assessment since those properties benefit more from the promotion and marketing services provided by the District. The total cost of the services and improvements to be provided shall be apportioned at a rate of 2% of room-nights sold at qualifying hotels located within the District territory until the budget for services and improvements for the year is reached. Rooms that are not subject to the City's hotel occupancy tax shall not be included for the District assessment. The future cost of services and improvements that are budgeted in the 2016 Service Plan may be increased beyond the amount shown subject to an enhancement in value of property in the District and a corresponding increase in the services and improvements to be provided therefor. Any future increase in the costs of services and improvements in the approved Service Plan would also be subject to a public hearing and the city council passing on all objections.

- (e) **Apportionment of costs between the District and the Municipality as a Whole.** City-owned hotels located within the District territory such as the Omni Hotel are subject to the District assessment.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On June 13, 2012, City Council authorized the creation of the Tourism Public Improvement District for a five year period by Resolution No. 12-1581.

On September 10, 2014, City Council authorized the assessment rate for 2014 by Ordinance No. 29467.

Information about this item was provided to the Economic Development Committee on August 17, 2015.

This item was considered by the City Council on August 26, 2015, and the approval of the proposed Tourism Public Improvement District 2016 Service Plan, 2015 Assessment Plan and 2015 assessment roll was deferred to the September 9, 2015 agenda.

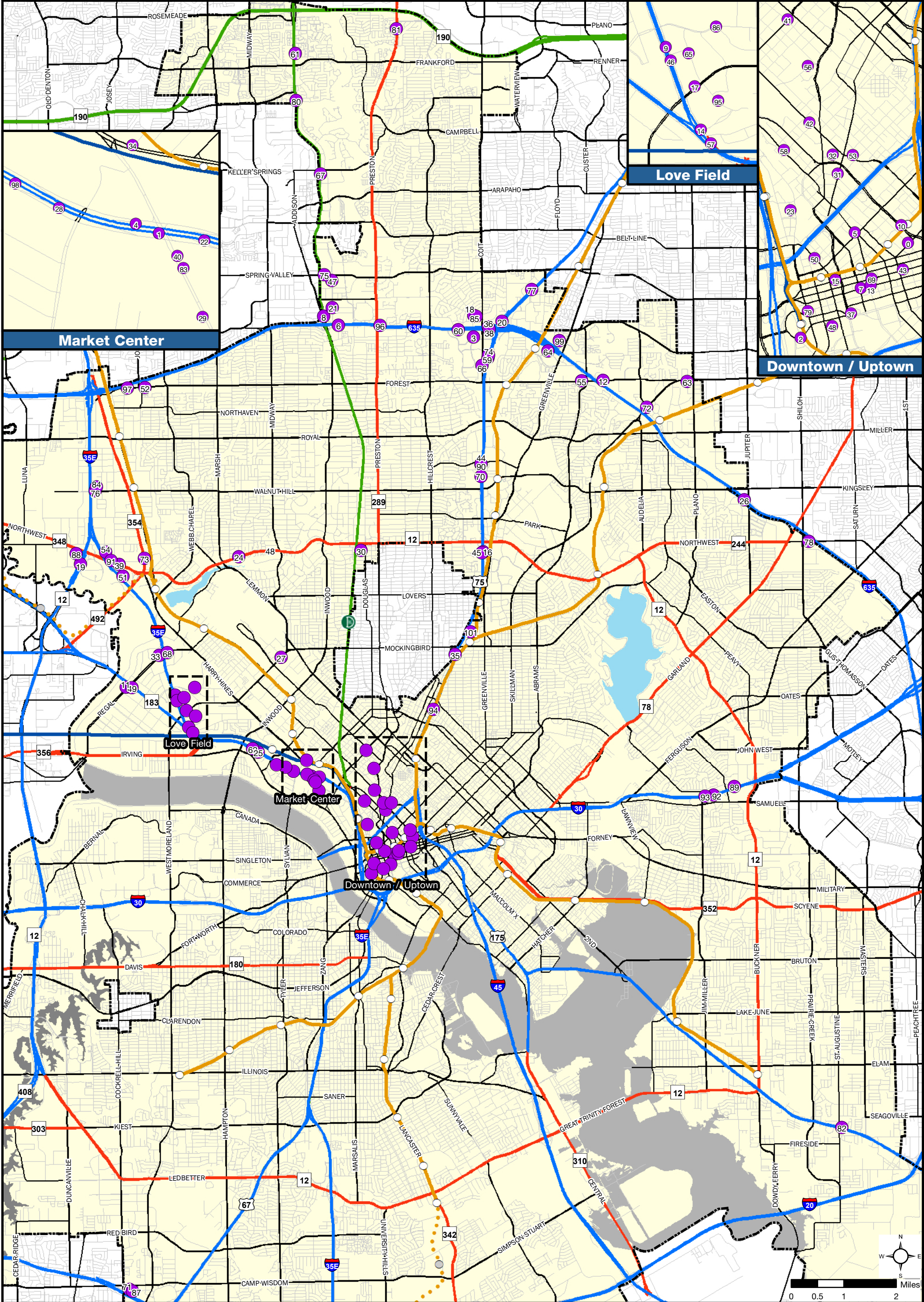
FISCAL INFORMATION

No cost consideration to the City

MAP

Attached.

Tourism PID Hotels



DALLAS ECONOMIC DEVELOPMENT
 Research & Information Division
 214.670.1685
 dallas-ecodev.org

Legend

- Proposed PID Hotel
- DART Light Rail
- Escarpment
- Rail Station
- Commuter Rail
- Highway
- Flood Plain
- Future Station
- Future DART Light Rail
- Arterial
- Freeway
- Lake
- Local Road
- City of Dallas

Source: Hotels - Texas State Comptrollers Office, 2011 - Hotels with 100+ rooms; All Other Data - City of Dallas, 2011

Created 7.20.11, Updated 7.24.12 - Tourism_PID_11x17.TGG

ORDINANCE NO. _____

AN ORDINANCE APPROVING AND ADOPTING THE FINAL SERVICE PLAN FOR 2015-16, THE FINAL 2015 ASSESSMENT PLAN, AND THE 2015 ASSESSMENT ROLL (TO BE KEPT ON FILE WITH THE CITY SECRETARY); ESTABLISHING CLASSIFICATIONS FOR THE APPORTIONMENT OF COSTS AND THE METHODS OF ASSESSING SPECIAL ASSESSMENTS FOR THE SERVICES AND IMPROVEMENTS TO PROPERTY IN THE TOURISM PUBLIC IMPROVEMENT DISTRICT (DISTRICT); CLOSING THE HEARING AND LEVYING A SPECIAL ASSESSMENT ON PROPERTY IN THE DISTRICT FOR SERVICES AND IMPROVEMENTS TO BE PROVIDED IN THE DISTRICT DURING 2016; PROVIDING FOR REIMBURSEMENT OF CITY ADMINISTRATIVE COSTS FOR OPERATIONAL OVERSIGHT OF THE DISTRICT; FIXING CHARGES AND LIENS AGAINST THE PROPERTY IN THE DISTRICT AND AGAINST THE OWNERS THEREOF; PROVIDING FOR THE COLLECTION OF THE 2015 ASSESSMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Public Improvement District Assessment Act, Chapter 372 of the Texas Local Government Code (“Act”) allows for the creation of public improvement districts; and

WHEREAS, on June 13, 2012, City Council authorized the creation of the Tourism Public Improvement District (District), as shown on the attached **Exhibit A - Map of the District**, as a public improvement district in accordance with the Act and found that the District promoted the interests of the City and conferred a special benefit to the property in the District, designated the Dallas Tourism Public Improvement District Management Corporation as the manager of the District, authorized a contract for management services; and approved the District Service Plan, and annual updates by Resolution No. 12-1581; and

WHEREAS, on September 10, 2014, City Council authorized the Service Plan for 2014-15 and 2014 Assessment Plan by Ordinance No. 29467; and

WHEREAS, City Council must review the proposed Service Plan for 2015-16 and 2015 Assessment Plan and hold a public hearing to provide a reasonable opportunity for any owner of property located within the District to speak for or against the 2015 assessment against real property and real property improvements exclusive of right-of-way, to continue funding for the District for the purpose of providing supplemental services and improvements; and

WHEREAS, on August 17, 2015, information about this item was presented to the Economic Development Committee; and

WHEREAS, on August 26, 2015, this item was considered by the City Council and the approval of the proposed Tourism Public Improvement District 2016 Service Plan, 2015 Assessment Plan and 2015 assessment roll was deferred to the September 9, 2015 agenda; and

WHEREAS, the Dallas Tourism Public Improvement District Management Corporation provided City staff with the proposed District Service Plan for 2015-16 and 2015 Assessment Plan as shown in **Exhibits B and C**; and

WHEREAS, City Council desires to authorize and adopt the Assessment Roll that was filed with the City Secretary and subject to public inspection in the City's official records prior to the public hearing; and

WHEREAS, City Council finds that the Service Plan and Assessment Plan are feasible and sound and will serve the needs and desires of the hotel property owners and that the apportionment of the cost among the hotel properties with 100 or more rooms for the services and improvements based on a 2% rate on hotel room nights sold are reasonable and adequate.

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That City Council shall adopt an ordinance approving and adopting the proposed and final Service Plan for 2015-16, the 2015 Assessment Plan and the 2015 Assessment Roll (to be kept on file with the City Secretary); establishing classifications for the apportionment of costs and the methods of assessing special assessments for the services and improvements to property in the Tourism Public Improvement District (District); closing the hearing and levying a special assessment on property in the District, for services and improvements to be provided during 2016; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2015 assessment; and providing for an effective date.

SECTION 2. That the recitals and findings listed above are true and correct and that the action of the City Council closing the public hearing in these proceedings is hereby ratified and confirmed.

SECTION 3. That the TPID assessment will be levied on hotels with 100 or more rooms ("qualifying hotels") located within the TPID territory attached hereto as **Exhibit D**. The proposed cost of the services and improvements to be provided shall be assessed in a manner that results in imposing equal shares of the cost of the services on qualifying hotels that are similarly benefitted. The apportionment of the cost of the services against property in the TPID territory must be made on the basis of special benefits accruing to the property because of the services and improvements provided.

SECTION 3. (Continued)

Accordingly, those qualifying hotels that sell more rooms shall pay a greater portion of the assessment since those properties benefit more from the promotion and marketing services provided by the district. The total cost of the services and improvements to be provided shall be apportioned at a rate of 2% of room-nights sold at qualifying hotels located within the TPID territory until the budget for services and improvements for the year is collected. Rooms that are not subject to the City's hotel occupancy tax shall not be included for the TPID assessment. The future cost of services and improvements that are budgeted for 2016 may be increased beyond the amount shown in the 2016 service plan subject to an enhancement in value of property in the District and a corresponding increase in the services and improvements to be provided therefor. Any future increase in the costs of services and improvements in the service plan would also be subject to a public hearing and the city council passing on all objections. There are no exempt jurisdictions or entities that meet the definition of "qualifying hotels". City-owned hotels such as the Omni are subject to this assessment.

SECTION 4. That City Council hereby authorizes and adopts the final Service Plan for 2015-16, the final 2015 Assessment Plan and the 2015 Assessment Roll (to be kept on file with the City Secretary apportioning the total cost of the services and improvements to be assessed against property in the District for fiscal year ending December 31, 2015, of approximately \$14,461,615. The Assessment Roll apportions the assessment against each parcel of land in the District and is subject to public inspection in the City's official records.

SECTION 5. That notice of City Council's intention to consider the proposed assessments at a public hearing on September 9, 2015 at 1:00 p.m. in the City Council Chamber, 1500 Marilla Street, Dallas, Texas was published in the official newspaper of the City of Dallas, Texas before the 10th day before the date of the hearing. The notice stated: (1) the date, time and place of the hearing; (2) the general nature of the services and improvements; (3) the cost of the services and improvements; (4) the boundaries of the District; and (5) that written or oral objections will be considered at the hearing.

SECTION 6. That Dallas City staff mailed to the owners of property liable for assessment notice of the hearing as the ownership appears on the City tax roll. The notice contained the information required by the Act. The notice was mailed before the 10th day before the date of the hearing to the last known address of the property owner on the City tax roll. The failure of the property owner to receive notice does not invalidate the proceeding.

SECTION 7. That City Council finds that the assessments should be made and levied against the respective parcels of property within the District and against the owners thereof, and are substantially in proportion to the benefits to the respective parcels of property by means of the services and improvements in the District for which such assessments are levied, and further finds that in each case the property assessed is specially benefited by means of the said services and improvements in the District, and further finds that the apportionment of costs of the services and improvements is in accordance with the law in force in this City and the State and in the proceedings of the City heretofore held with reference to the formation of the District and the imposition of assessments for said services and improvements are in all respects valid and regular.

SECTION 8. That there shall be and is hereby levied and assessed against the parcels of property within the District, and against the real and true owners thereof (whether such owners be correctly named or not), the sums of money as listed in the Assessment Roll on file with the City Secretary and subject to public inspection, and the several amounts assessed against the same, and the owners thereof.

SECTION 9. That the several sums above mentioned and assessed against the said parcels of property and the owners thereof, and interest thereon at the rate of eight percent (8%) per annum, provided, however, that such interest rate shall not exceed the maximum amount allowed by law, together with reasonable fees and the costs of collection, if incurred, are hereby declared to be and are made a first and prior lien against the property assessed, superior to all other liens and claims except liens and claims for state, county, school district and municipality ad valorem taxes and are a personal liability of and charge against the owners of the property regardless of whether the owners are named. The lien is effective from the date of this ordinance until the assessment is paid and may be enforced by the governing body in the same manner that an ad valorem tax lien against real property may be enforced by the governing body.

SECTION 10. That the assessments levied herein shall be due and payable in full on or before January 31, 2016. That if default be made in the payment of any of the said sums hereby assessed against said property owners and their property, collection thereof, including, costs and fees, shall be enforced by the governing body in the same manner that an ad valorem tax lien against real property may be enforced by the governing body. The owner of the assessed property may pay at any time the entire assessment, with interest that has accrued on the assessment, on any lot or parcel.

SECTION 11. That all assessments levied are a personal liability and charge against the real and true owners of the premises described, notwithstanding such owners may not be named, or may be incorrectly named.

SECTION 12. That as part of the assessment levied herein, and as a part of the service plan, the District shall reimburse to City, administrative costs for the day to day operations conducted by city staff for the District, which amount shall be paid by the District to City upon receipt of an invoice; and that the Chief Financial Officer is hereby authorized to establish Fund 0694, Department ECO, to support recovery of the costs incurred by the Office of Economic Development for such day to day operational costs incurred.

Section 13. That the Chief Financial Officer is hereby authorized to accept and deposit any and all revenues received from the District in Fund 0694, Department, ECO, Unit 9884, Revenue Source 7399; and that the Chief Financial Officer be authorized to transfer annually, funds in amounts to be determined based upon costs incurred and related rates then in effect, from Fund 0694, Department ECO, Unit 9884, to General Fund 0001, Department ECO, Unit 1161 and Unit 1163, Object 5011, to reimburse the Office of Economic Development for administrative costs incurred for the day to day operational oversight of the District.

SECTION 14. That the assessments herein levied are made and levied under and by virtue of the terms, powers and provisions of the Public Improvement District Assessment Act, Chapter 372 of the Texas Local Government Code, as amended.

SECTION 15. That this ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM

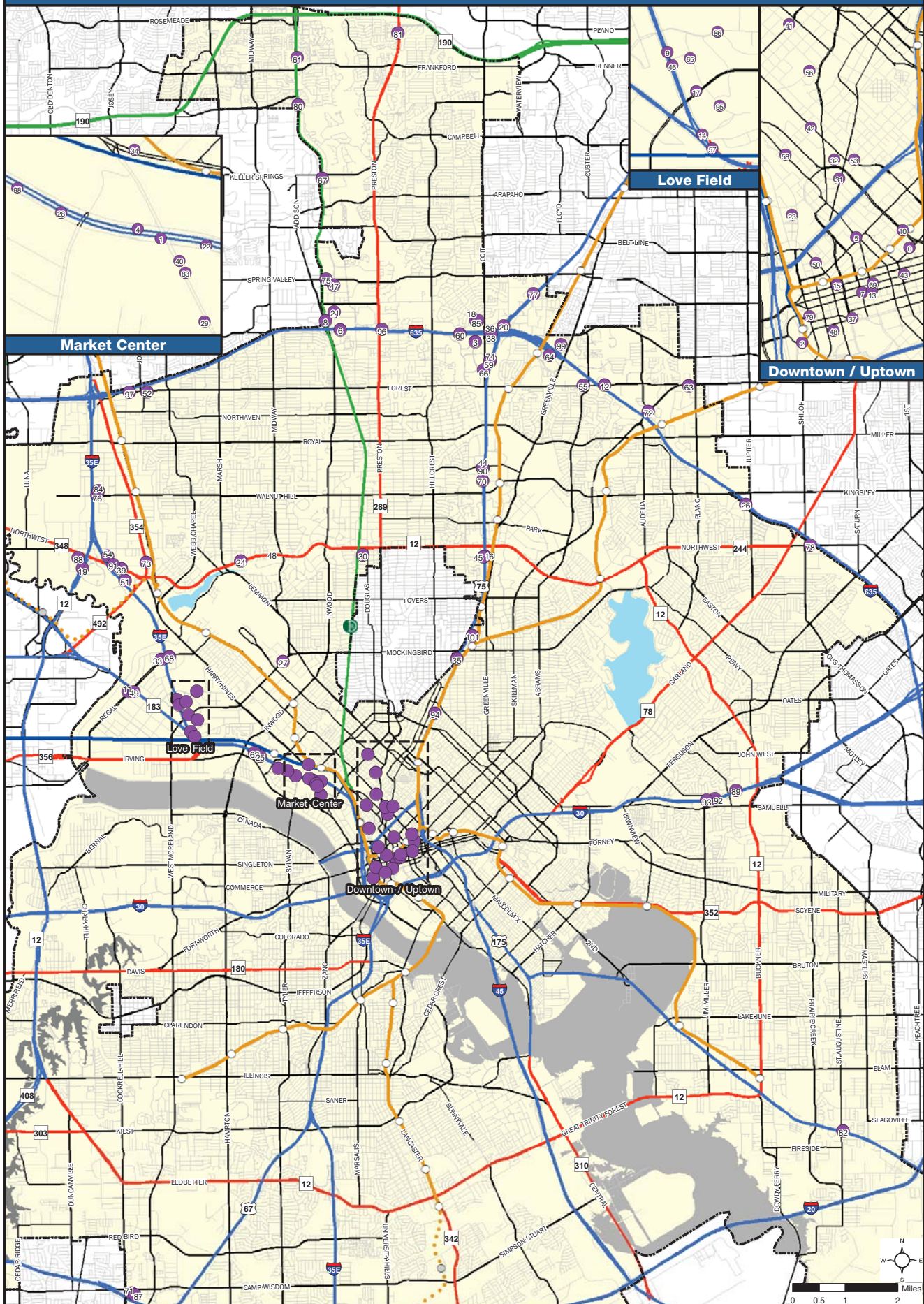
WARREN M. S. ERNST
CITY ATTORNEY

By: 
Assistant City Attorney

Passed and correctly enrolled _____

Tourism PID Hotels

Exhibit A



Legend

- Proposed PID Hotel
- Rail Station
- Future Station
- DART Light Rail
- Commuter Rail
- Freeway
- Tollway
- Highway
- Arterial
- Local Road
- Escarpment
- Flood Plain
- Lake
- City of Dallas

Source: Hotels - Texas State Comptrollers Office, 2011 - Hotels with 100+ rooms; All Other Data - City of Dallas, 2011

Exhibit B

Tourism Public Improvement District (PID) Service Plan

FISCAL YEAR	2015-16 ¹	2016-17 ²	2017-18	2018-19	2019-2020	TOTAL
Assessment Revenue	\$ 14,461,615	\$ 14,895,463	\$ 15,342,327	\$ 15,802,597	\$ 16,276,675	\$ 76,778,678
Investment Income	\$ 144,616	\$ 148,955	\$ 153,423	\$ 158,026	\$ 162,767	\$ 767,787
TOTAL INCOME	\$ 14,606,231	\$ 15,044,418	\$ 15,495,751	\$ 15,960,623	\$ 16,439,442	\$ 77,546,465

Marketing (Promotion/Advertising)	\$ 4,381,869	\$ 4,513,325	\$ 4,648,725	\$ 4,788,187	\$ 4,931,833	\$ 23,263,939
Marketing Support for DCVB	\$ 730,312	\$ 752,221	\$ 774,788	\$ 798,031	\$ 821,972	\$ 3,877,323
Marketing/Event Application Pool	\$ 1,095,467	\$ 1,128,331	\$ 1,162,181	\$ 1,197,047	\$ 1,232,958	\$ 5,815,985
Marketing Reserve	\$ 365,156	\$ 376,110	\$ 387,394	\$ 399,016	\$ 410,986	\$ 1,938,662
Marketing Sub-total	\$ 6,572,804	\$ 6,769,988	\$ 6,973,088	\$ 7,182,280	\$ 7,397,749	\$ 34,895,909
Site Visits & Familiarization Tours	\$ 1,460,623	\$ 1,504,442	\$ 1,549,575	\$ 1,596,062	\$ 1,643,944	\$ 7,754,646
Incentives & Sales Efforts ³	\$ 5,477,337	\$ 5,641,657	\$ 5,810,906	\$ 5,985,234	\$ 6,164,791	\$ 29,079,924
Incentives & Sales Efforts Reserve	\$ 365,156	\$ 376,110	\$ 387,394	\$ 399,016	\$ 410,986	\$ 1,938,662
Incentives Sub-total	\$ 7,303,116	\$ 7,522,209	\$ 7,747,875	\$ 7,980,312	\$ 8,219,721	\$ 38,773,232
Start-up expenses	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Insurance and Audit	\$ 146,062	\$ 150,444	\$ 154,958	\$ 159,606	\$ 164,394	\$ 775,465
Research	\$ 292,125	\$ 300,888	\$ 309,915	\$ 319,212	\$ 328,789	\$ 1,550,929
Administration	\$ 292,125	\$ 300,888	\$ 309,915	\$ 319,212	\$ 328,789	\$ 1,550,929
Operations Sub-total	\$ 730,312	\$ 752,221	\$ 774,788	\$ 798,031	\$ 821,972	\$ 3,877,323
TOTAL EXPENSES	\$14,606,231	\$15,044,418	\$15,495,751	\$15,960,623	\$16,439,442	\$ 77,546,465
NET Balance	\$0	\$0	\$0	\$0	\$0	\$0

Notes:

- ¹ Assessment collections are higher than originally anticipated due to increased costs and service levels provided to the District.
- ² Budget includes the final 10 months from the Tourism PID's initial five year term. Accordingly, expenses are estimated and are subject to the PID's successful early re-petition and renewal.
- ³ Incentive funds are committed to future scheduled events. These funds will not be expended until the event occurs.

Exhibit C

Tourism Public Improvement District 2015 Assessment Plan

The cost of the services and improvements provided by the Tourism Public Improvement District ("District") will be levied by special assessment against Dallas hotels located within the District territory with 100 or more rooms ("qualifying hotels") based on hotel room nights sold. The total cost of the services and improvements to be provided shall be apportioned at a rate of 2% of room-nights sold at qualifying hotels until the budget for services and improvements for the year is reached. Rooms that are not subject to the City's hotel occupancy tax shall not be included for the District assessment.

Exhibit D

Hotel Properties that Comprise the Tourism PID

Hotel Name	Street No.	Street Name	Rooms
SHERATON DALLAS	400	N OLIVE ST	1840
HILTON ANATOLE HOTEL	2201	N STEMMONS FWY	1620
HYATT REGENCY DALLAS	300	REUNION BLVD	1194
OMNI DALLAS HOTEL	555	LAMAR	1001
RENAISSANCE DALLAS HOTEL	2222	N STEMMONS FWY	556
FAIRMONT DALLAS	1717	N. AKARD STREET	545
WESTIN PARK CENTRAL HOTEL	12720	MERIT DR	545
HILTON DALLAS LINCOLN CTR	5410	LBJ FREEWAY	500
WESTIN GALERIA DALLAS	13340	DALLAS PKWY	432
ADOLPHUS HOTEL	1321	COMMERCE ST	421
BUDGET SUITES OF AMERICA	8150	N STEMMONS FWY	408
DALLAS MARRIOTT CITY CENTER	650	N PEARL ST	407
STERLING HOTEL DALLAS	1055	REGAL ROW	360
CROWNE PLAZA HOTEL DALLAS MKT CNTR	7050	N STEMMONS FWY	354
BUDGET SUITES OF AMERICA TX	9519	FOREST LN	348
PARK INN by RADISSON DALLAS LOVE FIELD	1241	W MOCKINGBIRD LN	348
MAGNOLIA HOTEL (THE)	1401	COMMERCE ST	330
CROWNE PLAZA DOWNTOWN DALLAS	1015	ELM ST	304
DOUBLETREE HOTEL CAMPBELL CENTER	8250	N CENTRAL EXPY	300
HOLIDAY INN DALLAS – PARK CITIES	6070	N CENTRAL EXPY	300
WYNDHAM SUITES - PARK CENTRAL	7800	ALPHA RD	295
BUDGET SUITES OF AMERICA	10222	N WALTON WALKER BLVD	282
EMBASSY SUITES	13131	N CENTRAL EXPY	279
DALLAS MARRIOTT SUITES	2493	STEMMONS FWY	266
LE MERIDIEN DALLAS NORTH	13402	NOEL RD	258
W DALLAS VICTORY	2440	VICTORY PARK LN	252
SHERATON SUITES MARKET CENTER	2101	N STEMMONS FWY	251
EMBASSY SUITES HOTEL	3880	W NORTHWEST HWY	248
REGENCY HOTEL	11350	LBJ FREEWAY	244
WYNDHAM / HOLIDAY INN SELECT-LOVE	3300	W MOCKINGBIRD LN	244
EMBASSY SUITE-MARKET CNTR	2727	N STEMMONS FWY	244
WILSON WORLD HOTEL	2325	N STEMMONS FWY	240
DOUBLETREE HOTEL MARKET CENTER	2015	MARKET CENTER BLVD	227
HILTON DALLAS PARK CITIES	5954	LUTHER LANE	224
ROSEWOOD CRESCENT HOTEL	400	CRESCENT CT	220
RITZ-CARLTON DALLAS	2121	MCKINNEY AVE	218
WARWICK MELROSE DALLAS	3015	OAK LAWN AVE	205
RAMADA INN	1575	REGAL ROW	203

HOLIDAY INN DALLAS MARKET CENTER	4500 HARRY HINES BLVD	200
MCM ELEGANTE HOTEL	2330 W NORTHWEST HWY	199
HIGHLAND DALLAS (THE)	5300 N CENTRAL EXPY	198
BEST WESTERN DALLAS HOTEL & CONFERENCE CENTER	8051 LBJ FREEWAY	194
ALOFT DALLAS DOWNTOWN	1033 YOUNG STREET	193
RAMADA PARK CENTRAL HOTEL	8102 LBJ FREEWAY	192
MOTEL 6/STUDIO 6 #6035	2395 STEMMONS TRL	188
COURTYARD BY MARRIOTT	2150 MARKET CENTER BLVD	184
HOTEL INDIGO DALLAS DOWNTOWN	1933 MAIN ST	172
LE MERIDIEN DALLAS	2927 MAPLE AVE	170
CENTRAL COURTYARD 1N9	10325 N CENTRAL EXPY	160
HYATT SUMMERFIELD SUITES DALLAS/LINCOLN	8221 N CENTRAL EXPY	155
RESIDENCE INN DALLAS PARK CENTRAL	7642 LBJ FREEWAY	151
CANDLEWOOD SUITES	7930 N STEMMONS FWY	150
DALLAS EMBASSY SUITES	14021 NOEL RD	150
SPRING HILL SUITES	1907 N LAMAR ST	149
HOTEL ZAZA	2332 LEONARD ST	148
COUNTRY INN & SUITES	2383 STEMMONS TRL	146
SUBURBAN EXTENDED STAY HOTEL	10326 FINNELL ST	146
COURTYARD DALLAS LBJ	2930 FOREST LN	146
THE MANSION ON TURTLE CRK	2821 TURTLE CREEK BLVD	143
MARRIOTT RESIDENCE 312	6950 N STEMMONS FWY	142
HYATT SUMMERFIELD DOWNTOWN DALLAS	2914 HARRY HINES BLVD	141
MOTEL 6	12301 N CENTRAL EXPY	140
HOMESTEAD STUDIO SUITES # 9709	18470 DALLAS PKWY	137
HOMEWOOD SUITES HOT # 69835	2747 N STEMMONS FWY	137
INTOWN SUITES METRIC	10477 METRIC DR	135
SUPER 8 MOTEL	9229 JOHN W CARPENTER FWY	134
EXTENDED STAY HOTELS # 9835	9019 VANTAGE POINT DR	134
CANDLEWOOD SUITES GALLERIA #00663	13939 NOEL RD	134
INTOWN SUITES BROOK RIVER	8201 BROOKRIVER DR	134
HOMESTEAD STUDIO SUITES # 9708	12121 COIT RD	133
STAYBRIDGE SUITES	16060 DALLAS PKWY	131
MOTEL 6	1625 REGAL ROW	131
LA QUINTA MOTOR INN #706	10001 N CENTRAL EXPY	129
SUPER 7 INN	4220 INDEPENDENCE DR	129
STUDIO SIX (6)	9801 ADLETA BLVD	128
HYATT PLACE DALLAS PARK CENTRAL	12411 N CENTRAL EXPY	128
EXECUTIVE INN	12670 E NORTHWEST HWY	125
JOULE HOTEL	1530 MAIN	125

HYATT PLACE	5229 SPRING VALLEY RD	125
TEXAS MOTEL CORP ANCHOR MOTEL	10230 HARRY HINES BLVD	125
CANDLEWOOD SUITES NORTH DALLAS #00666	12525 GREENVILLE AVE	122
RED ROOF INN	13685 N CENTRAL EXPY	121
LA QUINTA INN AND SUITES	2421 WALNUT HILL LANE	121
HOTEL LAWRENCE	302 S HOUSTON ST	120
INTOWN SUITES FOREST LANE	9355 FOREST LN	120
HOMESTEAD STUDIO SUITES # 9707	17425 DALLAS PKWY	119
SUPER 7 INN	9626 HAWN FWY	118
FAIRFIELD INN	2110 MARKET CENTER BLVD	118
MOTEL 6	2660 FOREST LANE	117
EXTENDED STAY HOTELS	12270 GREENVILLE AVE	116
HAWTHORN SUITES – GALLERIA	7880 ALPHA RD	114
HAMPTON INN	11069 COMPOSITE DR	112
KNIGHTS INN -- RED ROOF	1550 EMPIRE CENTRAL DR	111
TOWNHOUSE MOTOR LODGE	4150 INDEPENDENCE DR	108
MOTEL 6	8510 E R L THORNTON FWY	107
LAMPLIGHTER MOTEL	9001 E R L THORNTON FWY	105
EXPRESSWAY RESIDENCE INN #315	10333 N CENTRAL EXPY	103
HOLIDAY INN EXPRESS HOTEL & SUITES	2287 W NORTHWEST HWY	103
QUALITY INN	8303 E R L THORNTON FWY	102
LA QUINTA MOTOR INN #512	4440 N CENTRAL EXPY	101
HOLIDAY INN EXPRESS HOTEL & SUITES	6055 LBJ FREEWAY	100
HILTON GARDEN INN	1610 CEDAR SPRINGS RD	100
EMBASSY SUITES DALLAS UPTOWN	2212 MCKINNEY AVE	100
HOMEWOOD SUITES	1025 ELM ST	100
SUPER 7 INN	10335 GARDNER RD	100

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: September 9, 2015
COUNCIL DISTRICT(S): 14
DEPARTMENT: Office of Economic Development
CMO: Ryan S. Evans, 671-9837
MAPSCO: 35 M and 36 A B E F J K

SUBJECT

University Crossing Public Improvement District

- * A public hearing concerning the proposed levy of assessment for the University Crossing Public Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, for the purpose of providing supplemental public services, to be funded by assessments on property in the District – Financing: No cost consideration to the City
- * An ordinance approving and adopting the proposed and final 2016 Service Plan, the 2015 Assessment Plan and the 2015 Assessment Roll (to be kept on file with the City Secretary); establishing classifications for the apportionment of costs and the methods of assessing special assessments for the services and improvements to property in the University Crossing Public Improvement District (District); closing the hearing and levying a special assessment on property in the District, for services and improvements to be provided during 2016; providing for reimbursement of city administrative costs for operational oversight of the District; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2015 assessment; and providing for an effective date – Financing: No cost consideration to the City

BACKGROUND

This item is being placed on the addendum because the City Attorney's Office requested service plan modifications after items were initially mailed on regular agenda timeline.

Annually, City Council calls and holds a public hearing to set the annual assessment rate for property in the Public Improvement Districts (PID) and authorizes the Service Plan for each PID.

BACKGROUND (Continued)

The University Crossing Improvement District Corporation (dba UCPIID, Inc.) provided City staff with the proposed District Service Plan for 2016 and the proposed Assessment Plan for 2015 for review, and staff found the services and improvements to be advisable and recommended approval subject to the public hearing on September 9, 2015.

The public improvement district Service Plan is outlined in the following way:

- (a) **Nature of the Services and Improvements.** The proposed services and improvements to be provided in the District include police safety patrol's for the area, safety awareness and education programs, landscaping, banner program, installation and maintenance of trash containers, promotion of the University Crossing area, implement signage and wayfinding systems, management of new and existing public and green space, and related expenses incurred in establishing, administering and operating the District as authorized by the Act.
- (b) **Estimated Cost of the Services and Improvements.** During the next five (5) year period, the estimated annual cost of the improvements and services provided by the District is expected to begin at approximately \$746,788 in 2016 and reach \$732,077 in 2020. Carryover funds accumulated through 2016 will be used to support capital improvement projects related to the Mockingbird Lane Pedestrian Bridge and Trail Expansion. The total estimated assessments to be collected for during the next five year period is approximately \$3,554,311. The District shall incur no bonded indebtedness. Unless a specific purpose is identified in the service plan, any over collections of assessments for any year shall be returned to the property owners or the assessment rate shall be reduced in the following year so that such surplus cash may be absorbed by the cost of services and improvements to be provided by the management company for that following year. The city shall not levy assessments against property owners that exceed the total amount budgeted for the entire term of the PID without a new petition securing consent of the property owners to such increases in the service plan and city council approval.
- (c) **Boundaries.** The boundaries of the District are shown on the attached Map of the District.
- (d) **Method of Assessment.** The proposed method of assessment, which may specify included or excluded classes of assessable property, shall be assessed according to the value of the real property and real property improvements as determined by the Dallas Central Appraisal District. The estimated annual assessment rate for 2015 will be \$0.10 per \$100.00 of appraised value as determined by the Dallas Central Appraisal District.

BACKGROUND (Continued)

Once levied, this assessment rate shall not increase during the 2016 service plan year. The annual assessment rate shall not exceed \$0.15 per \$100.00 valuation. Future annual assessment rates, however, may be increased up to a maximum of \$0.15 per \$100.00 valuation subject to an enhancement in value of property in the District and a corresponding increase in the services and improvements to be provided therefor.

Any future increase in the assessment rate would also be subject to a public hearing and the city council passing on all objections. With the exception of Southern Methodist University (SMU), the real property of jurisdictions and entities that have obtained an exemption from the City of Dallas real property taxes pursuant to the Texas Property Code (except under the provisions of Sections 11.24 and 11.28 of the Property Tax Code) will not be subject to an assessment on that portion of the assessed value of the property exempt from City real property taxes. SMU has agreed to participate in the University Crossing Public Improvement District (PID) by contract with the University Crossing Improvement District Corporation through special assessment based on all taxable and tax exempt real property owned by SMU or SMU affiliates within the University Crossing PID.

- (e) **Apportionment of costs between the District and the Municipality as a Whole.** The assessment is levied on the real property and real property improvements in the District according to the value of such property. Levying the assessment for the services and improvements based on the appraised value of the property results in the apportionment of the costs on the basis of special benefits accruing to the property. No assessment, however, will be levied against exempt City property in the District. The City of Dallas is not responsible for payment of assessment against exempt City property in the District. City right-of-way, railroad right-of-way, parks and cemeteries are not specially benefitted and therefore are not subject to assessment.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On June 12, 2013, City Council authorized creation of the University Crossing Public Improvement District by Resolution No. 13-1016.

On September 10, 2014, City Council authorized the assessment rate for 2014 by Ordinance No. 29465.

Information about this item was provided to the Economic Development Committee on August 17, 2015.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS) (Continued)

This item was considered by the City Council on August 26, 2015, and the approval of the proposed University Crossing Public Improvement District 2016 Service Plan, 2015 Assessment Plan and 2015 assessment roll was deferred to the September 9, 2015 agenda.

FISCAL INFORMATION

No cost consideration to the City

MAP

Attached.

ORDINANCE NO. _____

AN ORDINANCE APPROVING AND ADOPTING THE FINAL 2016 SERVICE PLAN, THE FINAL 2015 ASSESSMENT PLAN, AND THE 2015 ASSESSMENT ROLL (TO BE KEPT ON FILE WITH THE CITY SECRETARY); ESTABLISHING CLASSIFICATIONS FOR THE APPORTIONMENT OF COSTS AND THE METHODS OF ASSESSING SPECIAL ASSESSMENTS FOR THE SERVICES AND IMPROVEMENTS TO PROPERTY IN THE UNIVERSITY CROSSING PUBLIC IMPROVEMENT DISTRICT (DISTRICT); CLOSING THE HEARING AND LEVYING A SPECIAL ASSESSMENT ON PROPERTY IN THE DISTRICT FOR SERVICES AND IMPROVEMENTS TO BE PROVIDED IN THE DISTRICT DURING 2016; PROVIDING FOR REIMBURSEMENT OF CITY ADMINISTRATIVE COSTS FOR OPERATIONAL OVERSIGHT OF THE DISTRICT; FIXING CHARGES AND LIENS AGAINST THE PROPERTY IN THE DISTRICT AND AGAINST THE OWNERS THEREOF; PROVIDING FOR THE COLLECTION OF THE 2015 ASSESSMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Public Improvement District Assessment Act, Chapter 372 of the Texas Local Government Code (“Act”) allows for the creation of public improvement districts; and

WHEREAS, on June 12, 2013, City Council authorized the creation of the University Crossing Public Improvement District (District), as shown on the attached **Exhibit A - Map of the District**, as a public improvement district in accordance with the Act and found that the District promoted the interests of the City and conferred a special benefit to the property in the District, designated University Crossing Improvement District Corporation (dba UCPIID, Inc.) as the manager of the District, authorized a contract for management services; and approved the District Service Plan, and annual updates by Resolution No. 13-1016; and

WHEREAS, on September 10, 2014, City Council authorized the 2015 Service Plan and 2014 Assessment Plan by Ordinance No. 29465 and

WHEREAS, City Council must review the proposed 2016 Service Plan and 2015 Assessment Plan and hold a public hearing to provide a reasonable opportunity for any owner of property located within the District to speak for or against the 2015 assessment against real property and real property improvements exclusive of right-of-way, to continue funding for the District for the purpose of providing supplemental services and improvements; and

WHEREAS, on August 17, 2015, information about this item was presented to the Economic Development Committee; and

WHEREAS, on August 26, 2015, this item was considered by the City Council and the approval of the proposed University Crossing Public Improvement District 2016 Service Plan, 2015 Assessment Plan and 2015 assessment roll was deferred to the September 9, 2015 agenda; and

WHEREAS, the UCPIID, Inc. provided City staff with the proposed District 2016 Service Plan and 2015 Assessment Plan as shown in **Exhibits B and C**; and

WHEREAS, City Council desires to authorize and adopt the Assessment Roll that was filed with the City Secretary and subject to public inspection in the City's official records prior to the public hearing; and

WHEREAS, City Council finds that the Service Plan and Assessment Plan are feasible and sound and will serve the needs and desires of the property owners, and that the assessment rate of \$0.10 per \$100.00 of appraised value, as determined by the Dallas Central Appraisal District (DCAD), of the property or improvements to the property located in the District is reasonable and adequate.

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That City Council shall adopt an ordinance approving and adopting the proposed and final 2016 Service Plan, the 2015 Assessment Plan and the 2015 Assessment Roll (to be kept on file with the City Secretary); establishing classifications for the apportionment of costs and the methods of assessing special assessments for the services and improvements to property in the University Crossing Public Improvement District (District); closing the hearing and levying a special assessment on property in the District, for services and improvements to be provided during 2016; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2015 assessment; and providing for an effective date.

SECTION 2. That the recitals and findings listed above are true and correct and that the action of the City Council closing the public hearing in these proceedings is hereby ratified and confirmed.

SECTION 3. That the proposed method of assessment, which may specify included or excluded classes of assessable property, shall be assessed according to the value of the real property and real property improvements as determined by the Dallas Central Appraisal District.

SECTION 3. (Continued)

The estimated annual assessment rate for 2015 will be \$0.10 per \$100.00 of appraised value as determined by the Dallas Central Appraisal District. Once levied, this assessment rate shall not increase during the 2016 service plan year. The annual assessment rate shall not exceed \$0.15 per \$100.00 valuation. Future annual assessment rates, however, may be increased up to a maximum of \$0.15 per \$100.00 valuation subject to an enhancement in value of property in the District and a corresponding increase in the services and improvements to be provided therefor.

Any future increase in the assessment rate would also be subject to a public hearing and the city council passing on all objections. With the exception of Southern Methodist University (SMU), the real property of jurisdictions and entities that have obtained an exemption from the City of Dallas real property taxes pursuant to the Texas Property Code (except under the provisions of Sections 11.24 and 11.28 of the Property Tax Code) will not be subject to an assessment on that portion of the assessed value of the property exempt from City real property taxes. SMU has agreed to participate in the University Crossing Public Improvement District (PID) by contract with the University Crossing Improvement District Corporation through special assessment based on all taxable and tax exempt real property owned by SMU or SMU affiliates within the University Crossing PID.

SECTION 4. That City Council hereby authorizes and adopts the final 2016 Service Plan, the final 2015 Assessment Plan and the 2015 Assessment Roll (to be kept on file with the City Secretary apportioning the total cost of the services and improvements to be assessed against property in the District for fiscal year ending December 31, 2015, of approximately \$696,794. The Assessment Roll apportions the assessment against each parcel of land in the District and is subject to public inspection in the City's official records.

SECTION 5. That notice of City Council's intention to consider the proposed assessments at a public hearing on September 9, 2015 at 1:00 p.m. in the City Council Chamber, 1500 Marilla Street, Dallas, Texas was published in the official newspaper of the City of Dallas, Texas before the 10th day before the date of the hearing. The notice stated: (1) the date, time and place of the hearing; (2) the general nature of the services and improvements; (3) the cost of the services and improvements; (4) the boundaries of the District; and (5) that written or oral objections will be considered at the hearing.

SECTION 6. That Dallas City staff mailed to the owners of property liable for assessment notice of the hearing as the ownership appears on the City tax roll. The notice contained the information required by the Act. The notice was mailed before the 10th day before the date of the hearing to the last known address of the property owner on the City tax roll. The failure of the property owner to receive notice does not invalidate the proceeding.

SECTION 7. That City Council finds that the assessments should be made and levied against the respective parcels of property within the District and against the owners thereof, and are substantially in proportion to the benefits to the respective parcels of property by means of the services and improvements in the District for which such assessments are levied, and further finds that in each case the property assessed is specially benefited by means of the said services and improvements in the District, and further finds that the apportionment of costs of the services and improvements is in accordance with the law in force in this City and the State and in the proceedings of the City heretofore held with reference to the formation of the District and the imposition of assessments for said services and improvements are in all respects valid and regular.

SECTION 8. That there shall be and is hereby levied and assessed against the parcels of property within the District, and against the real and true owners thereof (whether such owners be correctly named or not), the sums of money as listed in the Assessment Roll on file with the City Secretary and subject to public inspection, and the several amounts assessed against the same, and the owners thereof.

SECTION 9. That the several sums above mentioned and assessed against the said parcels of property and the owners thereof, and interest thereon at the rate of eight percent (8%) per annum, provided, however, that such interest rate shall not exceed the maximum amount allowed by law, together with reasonable fees and the costs of collection, if incurred, are hereby declared to be and are made a first and prior lien against the property assessed, superior to all other liens and claims except liens and claims for state, county, school district and municipality ad valorem taxes and are a personal liability of and charge against the owners of the property regardless of whether the owners are named. The lien is effective from the date of this ordinance until the assessment is paid and may be enforced by the governing body in the same manner that an ad valorem tax lien against real property may be enforced by the governing body.

SECTION 10. That the assessments levied herein shall be due and payable in full on or before January 31, 2016. That if default be made in the payment of any of the said sums hereby assessed against said property owners and their property, collection thereof, including, costs and fees, shall be enforced by the governing body in the same manner that an ad valorem tax lien against real property may be enforced by the governing body. The owner of the assessed property may pay at any time the entire assessment, with interest that has accrued on the assessment, on any lot or parcel.

SECTION 11. That all assessments levied are a personal liability and charge against the real and true owners of the premises described, notwithstanding such owners may not be named, or may be incorrectly named.

SECTION 12. That as part of the assessment levied herein, and as a part of the service plan, the District shall reimburse to City, administrative costs for the day to day operations conducted by city staff for the District, which amount shall be paid by the District to City upon receipt of an invoice; and that the Chief Financial Officer is hereby authorized to establish Fund 0694, Department ECO, to support recovery of the costs incurred by the Office of Economic Development for such day to day operational costs incurred.

SECTION 13. That the Chief Financial Officer is hereby authorized to accept and deposit any and all revenues received from the District in Fund 0694, Department ECO, Unit 9885, Revenue Source 7399; and that the Chief Financial Officer be authorized to transfer annually, funds in amounts to be determined based upon costs incurred and related rates then in effect, from Fund 0694, Department ECO, Unit 9885, to General Fund 0001, Department ECO, Unit 1161 and Unit 1163, Object 5011, to reimburse the Office of Economic Development for administrative costs incurred for the day to day operational oversight of the District.

SECTION 14. That the assessments herein levied are made and levied under and by virtue of the terms, powers and provisions of the Public Improvement District Assessment Act, Chapter 372 of the Texas Local Government Code, as amended.

SECTION 15. That this ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM

WARREN M. S. ERNST
CITY ATTORNEY

By: 
Assistant City Attorney

Passed and correctly enrolled _____

Exhibit B
University Crossing Public Improvement District - Five-Year Budget

	2016 Budget	2017 Budget	2018 Budget	2019 Budget	2020 Budget ⁽⁹⁾
INCOME					
Fund balance from previous year ¹	47,000	0	2,000	3,000	4,000
Net assessment revenue ⁹	696,788	703,755	710,792	717,899	725,077
Exempt jurisdictions	0	0	0	0	0
Interest on cash balances	3,000	3,000	3,000	3,000	3,000
Other income & contributions	0	0	0	0	0
TOTAL INCOME¹	\$746,788	\$706,755	\$715,792	\$723,899	\$732,077
EXPENDITURES					
Security ²	195,000	185,000	185,000	187,000	190,000
Improvements ³	197,788	180,000	180,000	185,000	189,000
Public Area Maintenance ⁴	180,000	178,000	186,792	187,000	187,000
Promotion and Communication ⁵	70,000	60,755	60,000	60,899	61,077
Organization & Administration ⁶	82,000	80,000	80,000	80,000	80,000
Audit & Insurance ⁷	22,000	23,000	24,000	24,000	25,000
TOTAL EXPENDITURES	\$746,788	\$706,755	\$715,792	\$723,899	\$732,077
FUND BALANCE/RESERVES⁸	\$0	\$2,000	\$3,000	\$3,000	\$3,000

NOTES:

- 1 The income is net of City/County PID and collection fees based on a \$0.10 per \$100 contribution on the total tax value of the area minus the \$2.75 per account County fee and approximately \$4,947 in City fees.
- 2 Police patrol of the University Crossing area, owner safety coordination, etc.
- 3 Public Improvements, landscape, parks and pedestrian amenities for the PID.
- 4 Sidewalk, public planters, waste disposal, clean area programs, and landscape improvements throughout the University Crossing area.
- 5 University Crossing area coordination among owners, program services for area promotion
- 6 Expenses of the PID and salary of PID director.
- 7 Annual audit of the PID finances and liability insurance for the PID.
- 8 Fund balances carried over from 2014 and 2015 will be used across all major categories to support the Mockingbird Lane Pedestrian Bridge and Trail Expansion construction to begin in October 2015 and continue through 2017.
- 9 The District anticipates that increased costs and service levels for 2020 will be needed to maintain the special benefits conferred to the property owners. The future expenses and assessments that may be required are estimates only and subject to future City Council approval. To the extent such estimates exceed the maximum budgeted costs approved in the petition prior to the end of the original seven year service plan approved by the City Council, the management company will be required to seek an early renewal of the District for the collection of such additional assessments for 2020.

Exhibit C
University Crossing Public Improvement District
Assessment Plan 2015

The costs of the services and improvements by the District will be paid primarily by special assessment against properties in the District. Annual assessments are based on the total value of real property and real property improvements as determined by the Dallas Central Appraisal District ("DCAD").

The University Crossing Public Improvement District (PID) proposed assessment rate for 2015 is \$0.10 per \$100 of appraised value. Actual assessment rates and levies will be set by the Dallas City Council subject to a maximum of \$0.15 per \$100 of value and according to procedures stipulated by Chapter 372 of the Texas Local Government Code. City right-of-way, railroad right-of-way, parks and cemeteries are not specially benefitted and therefore are not subject to assessment. With the exception of Southern Methodist University (SMU), payment of assessments by other exempt jurisdictions and entities must also be established by contract. SMU has agreed to participate in the University Crossing PID by contract with the University Crossing Improvement District Corporation through special assessment based on all taxable and tax exempt real property owned by SMU or SMU affiliates within the University Crossing PID.

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: September 9, 2015
COUNCIL DISTRICT(S): 14
DEPARTMENT: Office of Economic Development
CMO: Ryan S. Evans, 671-9837
MAPSCO: 35 X Y and 45 A B C F G K

SUBJECT

Uptown Public Improvement District

- * A public hearing concerning the proposed levy of assessment for the Uptown Public Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, for the purpose of providing supplemental public services, to be funded by assessments on property in the District – Financing: No cost consideration to the City
- * An ordinance approving and adopting the proposed and final 2016 Service Plan, the 2015 Assessment Plan and the 2015 Assessment Roll (to be kept on file with the City Secretary); establishing classifications for the apportionment of costs and the methods of assessing special assessments for the services and improvements to property in the Uptown Public Improvement District (District); closing the hearing and levying a special assessment on property in the District, for services and improvements to be provided during 2016; providing for reimbursement of city administrative costs for operational oversight of the District; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2015 assessment; and providing for an effective date – Financing: No cost consideration to the City

BACKGROUND

This item is being placed on the addendum because the City Attorney's Office requested service plan modifications after items were initially mailed on regular agenda timeline.

Annually, City Council calls and holds a public hearing to set the annual assessment rate for property in the Public Improvement Districts (PID) and authorizes the Service Plan for each PID.

BACKGROUND (Continued)

The Uptown, Inc., provided City staff with the proposed District Service Plan for 2016 and the proposed Assessment Plan for 2015 for review, and staff found the services and improvements to be advisable and recommended approval subject to the public hearing on September 9, 2015.

The public improvement district Service Plan is outlined in the following way:

- (a) **Nature of the Services and Improvements.** The proposed services and improvements to be provided in the District include public safety and security, lighting, sidewalk and streetscape, operation and maintenance of public improvements, landscaping improvements including plantings, hardscape, trolley operation and capital improvements, District marketing and promotional activities and improvements authorized by the Act.
- (b) **Estimated Cost of the Services and Improvements.** During the next five (5) year period, the estimated annual cost of the improvements and services provided by the District is expected to begin at approximately \$1,985,521 in 2016 and reach \$2,582,143 in 2020. The total estimated assessments to be collected during the next five year period is approximately \$11,035,589. The District shall incur no bonded indebtedness. Unless a specific purpose is identified in the service plan, any over collections of assessments for any year shall be returned to the property owners or the assessment rate shall be reduced in the following year so that such surplus cash may be absorbed by the cost of services and improvements to be provided by the management company for that following year. The city shall not levy assessments against property owners that exceed the total amount budgeted for the entire term of the PID without a new petition securing consent of the property owners to such increases in the service plan and city council approval.
- (c) **Boundaries.** The boundaries of the District are shown on the attached Map of the District.
- (d) **Method of Assessment.** The proposed method of assessment, which may specify included or excluded classes of assessable property, shall be assessed according to the value of the real property and real property improvements as determined by the Dallas Central Appraisal District. The estimated annual assessment rate for 2015 will be \$0.0450 per \$100.00 of appraised value as determined by the Dallas Central Appraisal District. Once levied, this assessment rate shall not increase during the 2016 service plan year. The annual assessment rate shall not exceed \$0.15 per \$100.00 valuation. Future annual assessment rates, however, may be increased up to a maximum of \$0.15 per \$100.00 valuation subject to an enhancement in value of property in the District and a corresponding increase in the services and improvements to be provided therefor.

BACKGROUND (Continued)

Any future increase in the assessment rate would also be subject to a public hearing and the city council passing on all objections.

The real property of jurisdictions and entities that have obtained an exemption from City of Dallas real property taxes pursuant to the Texas Property Code (except under the provisions of Sections 11.24 and 11.28 of the Property Tax Code) will not be subject to an assessment on that portion of the assessed value of the property exempt from City real property taxes. Property owned by tax-exempt religious organizations will be exempt from assessment as will property owned by persons already receiving and qualifying for 65-or-older homestead exemption under Section 11.13 (c) or (d) of the Texas Property Tax Code. Payment of assessments by other exempt jurisdictions and entities must be established by contract.

- (e) **Apportionment of costs between the District and the Municipality as a Whole.** The assessment is levied on the real property and real property improvements in the District according to the value of such property. Levying the assessment for the services and improvements based on the appraised value of the property results in the apportionment of the costs on the basis of special benefits accruing to the property. No assessment, however, will be levied against exempt City property in the District. The City of Dallas is not responsible for payment of assessment against exempt City property in the District. City rights-of-way, City parks and cemeteries are not specially benefitted and therefore are not subject to PID assessment.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On June 23, 1993, City Council authorized the creation of the Uptown Public Improvement District by Resolution No. 93-2501.

Additionally, the Uptown PID was renewed for a period of five years in 2000 and for periods of seven years in 2005 and 2012.

On September 10, 2014, City Council authorized the assessment rate for 2014 by Ordinance No. 29464.

Information about this item was provided to the Economic Development Committee on August 17, 2015.

This item was considered by the City Council on August 26, 2015, and the approval of the proposed Uptown Public Improvement District 2016 Service Plan, 2015 Assessment Plan and 2015 assessment roll was deferred to the September 9, 2015 agenda.

FISCAL INFORMATION

No cost consideration to the City

MAP

Attached.

Uptown Public Improvement District Boundary Map

Legend

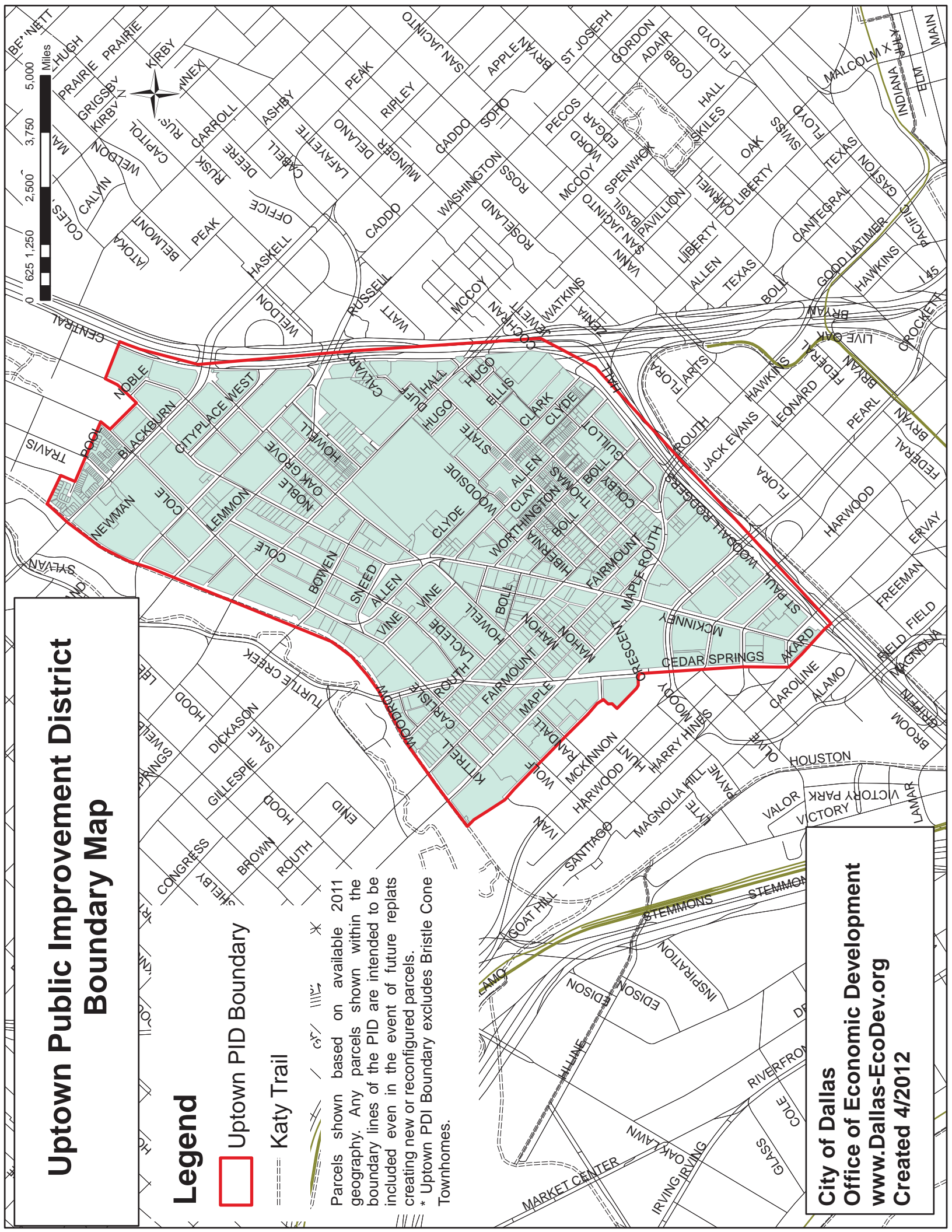
 Uptown PID Boundary

 Katy Trail

Parcels shown based on available 2011 geography. Any parcels shown within the boundary lines of the PID are intended to be included even in the event of future replats creating new or reconfigured parcels.

* Uptown PDI Boundary excludes Bristle Cone Townhomes.

City of Dallas
Office of Economic Development
www.Dallas-EcoDev.org
Created 4/2012



ORDINANCE NO. _____

AN ORDINANCE APPROVING AND ADOPTING THE FINAL 2016 SERVICE PLAN, THE FINAL 2015 ASSESSMENT PLAN, AND THE 2015 ASSESSMENT ROLL (TO BE KEPT ON FILE WITH THE CITY SECRETARY); ESTABLISHING CLASSIFICATIONS FOR THE APPORTIONMENT OF COSTS AND THE METHODS OF ASSESSING SPECIAL ASSESSMENTS FOR THE SERVICES AND IMPROVEMENTS TO PROPERTY IN THE UPTOWN PUBLIC IMPROVEMENT DISTRICT (DISTRICT); CLOSING THE HEARING AND LEVYING A SPECIAL ASSESSMENT ON PROPERTY IN THE DISTRICT FOR SERVICES AND IMPROVEMENTS TO BE PROVIDED IN THE DISTRICT DURING 2016; PROVIDING FOR REIMBURSEMENT OF CITY ADMINISTRATIVE COSTS FOR OPERATIONAL OVERSIGHT OF THE DISTRICT; FIXING CHARGES AND LIENS AGAINST THE PROPERTY IN THE DISTRICT AND AGAINST THE OWNERS THEREOF; PROVIDING FOR THE COLLECTION OF THE 2015 ASSESSMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Public Improvement District Assessment Act, Chapter 372 of the Texas Local Government Code (“Act”) allows for the creation of public improvement districts; and

WHEREAS, on June 23, 1993, City Council authorized the creation of the Uptown Public Improvement District (District) as a public improvement district in accordance with the Act and found that the District promoted the interests of the City and conferred a special benefit to the property in the District, designated Uptown, Inc. as the manager of the District, authorized a contract for management services; and approved the District Service Plan, and annual updates by Resolution No. 93-2501; and

WHEREAS, City Council has subsequently authorized the renewal of the Uptown Public Improvement District (District) in 2000, 2005 and 2012 as shown on the attached **Exhibit A - Map of the District**; and

WHEREAS, on September 10, 2014, City Council authorized the 2015 Service Plan and 2014 Assessment Plan by Ordinance No. 29464; and

WHEREAS, City Council must review the proposed 2016 Service Plan and 2015 Assessment Plan and hold a public hearing to provide a reasonable opportunity for any owner of property located within the District to speak for or against the 2015 assessment against real property and real property improvements exclusive of right-of-way, to continue funding for the District for the purpose of providing supplemental services and improvements; and

WHEREAS, on August 17, 2015, information about this item was presented to the Economic Development Committee; and

WHEREAS, on August 26, 2015, this item was considered by the City Council and the approval of the proposed Uptown Public Improvement District 2016 Service Plan, 2015 Assessment Plan and 2015 assessment roll was deferred to the September 9, 2015 agenda; and

WHEREAS, Uptown, Inc., provided City staff with the proposed District 2016 Service Plan and 2015 Assessment Plan as shown in **Exhibits B and C**; and

WHEREAS, City Council desires to authorize and adopt the Assessment Roll that was filed with the City Secretary and subject to public inspection in the City's official records prior to the public hearing; and

WHEREAS, City Council finds that the Service Plan and Assessment Plan are feasible and sound and will serve the needs and desires of the property owners, and that the assessment rate of \$0.0450 per \$100.00 of appraised value, as determined by the Dallas Central Appraisal District (DCAD), of the property or improvements to the property located in the District is reasonable and adequate.

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That City Council shall adopt an ordinance approving and adopting the proposed and final 2016 Service Plan, the 2015 Assessment Plan and the 2015 Assessment Roll (to be kept on file with the City Secretary); establishing classifications for the apportionment of costs and the methods of assessing special assessments for the services and improvements to property in the Uptown Public Improvement District (District); closing the hearing and levying a special assessment on property in the District, for services and improvements to be provided during 2016; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2015 assessment; and providing for an effective date.

SECTION 2. That the recitals and findings listed above are true and correct and that the action of the City Council closing the public hearing in these proceedings is hereby ratified and confirmed.

SECTION 3. That the proposed method of assessment, which may specify included or excluded classes of assessable property, shall be assessed according to the value of the real property and real property improvements as determined by the Dallas Central Appraisal District. The estimated annual assessment rate for 2015 will be \$0.0450 per \$100.00 of appraised value as determined by the Dallas Central Appraisal District. Once levied, this assessment rate shall not increase during the 2016 service plan year. The annual assessment rate shall not exceed \$0.15 per \$100.00 valuation. Future annual assessment rates, however, may be increased up to a maximum of \$0.15 per \$100.00 valuation subject to an enhancement in value of property in the District and a corresponding increase in the services and improvements to be provided therefor.

SECTION 3. (Continued)

Any future increase in the assessment rate would also be subject to a public hearing and the city council passing on all objections. The real property of jurisdictions and entities that have obtained an exemption from City of Dallas real property taxes pursuant to the Texas Property Code (except under the provisions of Sections 11.24 and 11.28 of the Property Tax Code) will not be subject to an assessment on that portion of the assessed value of the property exempt from City real property taxes. Property owned by tax-exempt religious organizations will be exempt from assessment as will property owned by persons already receiving and qualifying for 65-or-older homestead exemption under Section 11.13 (c) or (d) of the Texas Property Tax Code. Payment of assessments by other exempt jurisdictions and entities must be established by contract.

SECTION 4. That City Council hereby authorizes and adopts the final 2016 Service Plan, the final 2015 Assessment Plan and the 2015 Assessment Roll (to be kept on file with the City Secretary apportioning the total cost of the services and improvements to be assessed against property in the District for fiscal year ending December 31, 2015, of approximately \$1,949,558. The Assessment Roll apportions the assessment against each parcel of land in the District and is subject to public inspection in the City's official records.

SECTION 5. That notice of City Council's intention to consider the proposed assessments at a public hearing on September 9, 2015 at 1:00 p.m. in the City Council Chamber, 1500 Marilla Street, Dallas, Texas was published in the official newspaper of the City of Dallas, Texas before the 10th day before the date of the hearing. The notice stated: (1) the date, time and place of the hearing; (2) the general nature of the services and improvements; (3) the cost of the services and improvements; (4) the boundaries of the District; and (5) that written or oral objections will be considered at the hearing.

SECTION 6. That Dallas City staff mailed to the owners of property liable for assessment notice of the hearing as the ownership appears on the City tax roll. The notice contained the information required by the Act. The notice was mailed before the 10th day before the date of the hearing to the last known address of the property owner on the City tax roll. The failure of the property owner to receive notice does not invalidate the proceeding.

SECTION 7. That City Council finds that the assessments should be made and levied against the respective parcels of property within the District and against the owners thereof, and are substantially in proportion to the benefits to the respective parcels of property by means of the services and improvements in the District for which such assessments are levied, and further finds that in each case the property assessed is specially benefited by means of the said services and improvements in the District, and further finds that the apportionment of costs of the services and improvements is in accordance with the law in force in this City and the State and in the proceedings of the City heretofore held with reference to the formation of the District and the imposition of assessments for said services and improvements are in all respects valid and regular.

SECTION 8. That there shall be and is hereby levied and assessed against the parcels of property within the District, and against the real and true owners thereof (whether such owners be correctly named or not), the sums of money as listed in the Assessment Roll on file with the City Secretary and subject to public inspection, and the several amounts assessed against the same, and the owners thereof.

SECTION 9. That the several sums above mentioned and assessed against the said parcels of property and the owners thereof, and interest thereon at the rate of eight percent (8%) per annum, provided, however, that such interest rate shall not exceed the maximum amount allowed by law, together with reasonable fees and the costs of collection, if incurred, are hereby declared to be and are made a first and prior lien against the property assessed, superior to all other liens and claims except liens and claims for state, county, school district and municipality ad valorem taxes and are a personal liability of and charge against the owners of the property regardless of whether the owners are named. The lien is effective from the date of this ordinance until the assessment is paid and may be enforced by the governing body in the same manner that an ad valorem tax lien against real property may be enforced by the governing body.

SECTION 10. That the assessments levied herein shall be due and payable in full on or before January 31, 2016. That if default be made in the payment of any of the said sums hereby assessed against said property owners and their property, collection thereof, including, costs and fees, shall be enforced by the governing body in the same manner that an ad valorem tax lien against real property may be enforced by the governing body. The owner of the assessed property may pay at any time the entire assessment, with interest that has accrued on the assessment, on any lot or parcel.

SECTION 11. That all assessments levied are a personal liability and charge against the real and true owners of the premises described, notwithstanding such owners may not be named, or may be incorrectly named.

SECTION 12. That as part of the assessment levied herein, and as a part of the service plan, the District shall reimburse to City, administrative costs for the day to day operations conducted by city staff for the District, which amount shall be paid by the District to City upon receipt of an invoice; and that the Chief Financial Officer is hereby authorized to establish Fund 0694, Department ECO, to support recovery of the costs incurred by the Office of Economic Development for such day to day operational costs incurred.

SECTION 13. That the Chief Financial Officer is hereby authorized to accept and deposit any and all revenues received from the District in Fund 0694, Department ECO, Unit 9886, Revenue Source 7399; and that the Chief Financial Officer is hereby authorized to transfer annually, funds in amounts to be determined based upon costs incurred and related rates then in effect, from Fund 0694, Department ECO, Unit 9886, to General Fund 0001, Department ECO, Unit 1161 and Unit 1163, Object 5011, to reimburse the Office of Economic Development for administrative costs incurred for the day to day operational oversight of the District.

SECTION 14. That the assessments herein levied are made and levied under and by virtue of the terms, powers and provisions of the Public Improvement District Assessment Act, Chapter 372 of the Texas Local Government Code, as amended.

SECTION 15. That this ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM

WARREN M. S. ERNST
CITY ATTORNEY

By: 
Assistant City Attorney

Passed and correctly enrolled _____

Exhibit B

UPTOWN PUBLIC IMPROVEMENT DISTRICT SERVICE PLAN (2016 - 2020)					
Income	2016	2017	2018 ⁴	2019 ⁴	2020 ⁴
Net Assessments	\$1,935,521	\$2,039,408	\$2,149,529	\$2,389,988	\$2,521,143
Interest	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000
Uptown Dallas, Inc. service fees (memberships)	\$13,000	\$13,500	\$14,000	\$14,000	\$14,000
Marketing Sponsorships (for events)	\$35,000	\$40,000	\$45,000	\$45,000	\$45,000
Total	\$1,985,521	\$2,094,908	\$2,210,529	\$2,450,988	\$2,582,143
Expenditures					
Capital Improvements ¹	\$595,656	\$628,472	\$663,159	\$735,296	\$774,643
(Median Landscaping, gateway markers, walking trails, parks, streetscape, Katy Trail).					
Services	\$446,380	\$473,727	\$502,632	\$562,747	\$595,536
(Off-duty police, trolley operations, traffic & parking, marketing and promotion)					
Landscape Improvements ¹	\$595,656	\$628,472	\$663,159	\$735,296	\$774,643
(Landscape, tree care, street & sidewalk sweeping, trash cans, graffiti removal, grates).					
Finance & Administration ¹	\$297,828	\$314,236	\$331,579	\$367,648	\$387,321
(Staff Salaries & benefits, rent, office expenses, audit, insurance).					
Griggs Park Improvements ²	\$0	\$0	\$0	\$0	\$0
Contingency ³	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000
Total	\$1,985,521	\$2,094,908	\$2,210,529	\$2,450,988	\$2,582,143

¹ Millions of dollars in new construction within the District has brought about increases in population, workforce and visitor traffic thereby increasing the expenses and resources that are necessary to address its needs in the referenced categories.

² The elimination of expenses for the Griggs Park Improvements is because the related projects are being finalized and near completion.

³ Contingency funds: Allowance made for anticipated assessment refunds due to protests by property owners

⁴ The District anticipates that increased costs and service levels for 2017-2020 will be needed to maintain benefits conferred to the property owners. The future expenses and assessments that may be required are estimates only and subject to future City Council approval. To the extent such estimates exceed the maximum budgeted costs approved in the petition prior to the end of the original seven year service plan approved by the City Council, the management company will be required to seek an early renewal of the District for the collection of such additional assessments for 2018-2020.

EXHIBIT C
2015 ASSESSMENT PLAN
Uptown Public Improvement District

The cost of the services and improvements provided by the Uptown Public Improvement District will be paid primarily by special assessments against properties in the District. Annual assessments will be based on the total value of real property and improvements as determined by the Dallas Central Appraisal District.

All property owners not exempt from assessment will be assessed at a uniform rate. In 2015, the proposed rate continues to be 4.5 cents per \$100 of value. Assessments will be carried out in accordance with procedures stipulated in Chapter 372 of the Texas Local Government Code.

The City of Dallas shall not be responsible for payment of assessments against exempt City property in the District. The District's cemeteries, which operate on a nonprofit basis and are not specifically benefited by most of the improvements and services, are one class of tax-exempt properties. Accordingly, the cemeteries will be exempt from assessment. Property owned by tax-exempt religious organizations will be exempt from assessment and property owned by persons already receiving and qualifying for 65-or-older homestead exemption under Section 11.13 (c) or (d) of the Texas Property Tax Code. Payment of assessment by other exempt jurisdictions must be established by contract. No such contracts are in place, nor are any proposed. City rights-of-way and city parks are exempt from assessment. Properties otherwise exempt from ad valorem taxes are not subject to assessment.

UPID's assessments will be collected by Dallas County or other contractor chosen by the City of Dallas, in accordance with the management contract between the City of Dallas and Uptown Dallas, Inc., the non-profit corporation that manages the District.

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: September 9, 2015
COUNCIL DISTRICT(S): 13
DEPARTMENT: Office of Economic Development
CMO: Ryan S. Evans, 671-9837
MAPSCO: 26 F K L N Q R S T U V Y and Z; 27 N and S

SUBJECT

Vickery Meadow Public Improvement District

- * A public hearing concerning the proposed levy of assessment for the Vickery Meadow Public Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, for the purpose of providing supplemental public services, to be funded by assessments on property in the District – Financing: No cost consideration to the City
- * An ordinance approving and adopting the proposed and final 2016 Service Plan, the 2015 Assessment Plan and the 2015 Assessment Roll (to be kept on file with the City Secretary); establishing classifications for the apportionment of costs and the methods of assessing special assessments for the services and improvements to property in the Vickery Meadow Public Improvement District (District); closing the hearing and levying a special assessment on property in the District, for services and improvements to be provided during 2016; providing for reimbursement of city administrative costs for operational oversight of the District; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2015 assessment; and providing for an effective date – Financing: No cost consideration to the City

BACKGROUND

This item is being placed on the addendum because the City Attorney's Office requested service plan modifications after items were initially mailed on regular agenda timeline.

Annually, City Council calls and holds a public hearing to set the annual assessment rate for property in the Public Improvement Districts (PID) and authorizes the Service Plan for each PID.

BACKGROUND (Continued)

The Vickery Meadow Management Corporation provided City staff with the proposed District Service Plan for 2016 and the proposed Assessment Plan for 2015 for review, and staff found the services and improvements to be advisable and recommended approval subject to the public hearing on September 9, 2015.

The public improvement district Service Plan is outlined in the following way:

- (a) Nature of the Services and Improvements.** The proposed services and improvements to be provided in the District include public safety, graffiti control, landscaping, park improvements, trash pick-up, neighborhood improvements, acquisition, construction, operation and maintenance of mass transportation facilities, marketing and promotional activities, distinctive lighting and signage, business development and recruitment to promote the area as the Vickery Meadow Entertainment District and related expenses incurred in establishing, administering and operating the District as authorized by the Act.
- (b) Estimated Cost of the Services and Improvements.** During the next five (5) year period, the estimated annual cost of the improvements and services provided by the District is expected to begin at approximately \$628,898 in 2016 and reach \$1,543,208 in 2020. The total estimated assessments to be collected for during the next five year period is approximately \$5,210,419. The District shall incur no bonded indebtedness. Unless a specific purpose is identified in the service plan, any over collections of assessments for any year shall be returned to the property owners or the assessment rate shall be reduced in the following year so that such surplus cash may be absorbed by the cost of services and improvements to be provided by the management company for that following year. The city shall not levy assessments against property owners that exceed the total amount budgeted for the entire term of the PID without a new petition securing consent of the property owners to such increases in the service plan and city council approval.
- (c) Boundaries.** The boundaries of the District are shown in the attached Map of the District.
- (d) Method of Assessment.** The proposed method of assessment, which may specify included or excluded classes of assessable property, shall be assessed according to the value of the real property and real property improvements as determined by the Dallas Central Appraisal District. The first class of property is designated as the "Standard Service Area" per Exhibit A and shall be assessed in 2015 at \$0.05 per \$100.00 of appraised value as determined by the Dallas Central Appraisal District. The second class of property is designated as the "Premium Service Area" per Exhibit A and shall be assessed in 2015 at \$0.10 per \$100.00 of appraised value by the Dallas Central Appraisal District.

BACKGROUND (Continued)

The premium service area provides more security services, community programming, and marketing services due to greater density and demand on services than the standard service area.

Future annual assessment rates, however, may be increased up to a maximum of \$0.15 per \$100.00 valuation subject to an enhancement in value of property in the District and a corresponding increase in the services and improvements to be provided therefor. Any future increase in the assessment rate would also be subject to a public hearing and city council passing on all objections. The real property of jurisdictions and entities that have obtained an exemption from City of Dallas real property taxes pursuant to the Texas Property Code (except under the provisions of Sections 11.24 and 11.28 of the Property Tax Code) will not be subject to an assessment on that portion of the assessed value of the property exempt from City real property taxes. Payment of assessments by other exempt jurisdictions and entities must be established by contract.

- (e) **Apportionment of costs between the District and the Municipality as a Whole.** The assessment is levied on the real property and real property improvements in the District according to the value of such property. Levying the assessment for the services and improvements based on the appraised value of the property results in the apportionment of the costs on the basis of special benefits accruing to the property. No assessment, however, will be levied against exempt City property in the District. The City of Dallas is not responsible for payment of assessment against exempt City property in the District. City rights-of-way, railroad right-of-way, City parks and cemeteries are not specially benefitted and therefore are not subject to PID assessment.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On June 23, 1993, City Council authorized creation of the Vickery Meadow Public Improvement District by Resolution No. 93-2502.

Additionally, the Vickery Meadow PID was renewed for a period of Five years in 1998 and 2003, and Seven years in 2008 and 2015.

On September 10, 2014, City Council authorized the assessment rate for 2014 by Ordinance No. 29466.

Information about this item was provided to the Economic Development Committee on August 17, 2015.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS) (Continued)

This item was considered by the City Council on August 26, 2015, and the approval of the proposed Vickery Meadow Public Improvement District 2016 Service Plan, 2015 Assessment Plan and 2015 assessment roll was deferred to the September 9, 2015 agenda.

FISCAL INFORMATION

No cost consideration to the City

MAP

Attached.

ORDINANCE NO. _____

AN ORDINANCE APPROVING AND ADOPTING THE FINAL 2016 SERVICE PLAN, THE FINAL 2015 ASSESSMENT PLAN, AND THE 2015 ASSESSMENT ROLL (TO BE KEPT ON FILE WITH THE CITY SECRETARY); ESTABLISHING CLASSIFICATIONS FOR THE APPORTIONMENT OF COSTS AND THE METHODS OF ASSESSING SPECIAL ASSESSMENTS FOR THE SERVICES AND IMPROVEMENTS TO PROPERTY IN THE VICKERY MEADOW PUBLIC IMPROVEMENT DISTRICT (DISTRICT); CLOSING THE HEARING AND LEVYING A SPECIAL ASSESSMENT ON PROPERTY IN THE DISTRICT FOR SERVICES AND IMPROVEMENTS TO BE PROVIDED IN THE DISTRICT DURING 2016; PROVIDING FOR REIMBURSEMENT OF CITY ADMINISTRATIVE COSTS FOR OPERATIONAL OVERSIGHT OF THE DISTRICT; FIXING CHARGES AND LIENS AGAINST THE PROPERTY IN THE DISTRICT AND AGAINST THE OWNERS THEREOF; PROVIDING FOR THE COLLECTION OF THE 2015 ASSESSMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Public Improvement District Assessment Act, Chapter 372 of the Texas Local Government Code (“Act”) allows for the creation of public improvement districts; and

WHEREAS, on June 23, 1993, City Council authorized the creation of the Vickery Meadow Public Improvement District (District), as shown on the attached **Exhibit A - Map of the District**, as a public improvement district in accordance with the Act and found that the District promoted the interests of the City and conferred a special benefit to the property in the District, designated Vickery Meadow Management Corporation as the manager of the District, authorized a contract for management services; and approved the District Service Plan, and annual updates by Resolution No. 93-2502; and

WHEREAS, City Council has subsequently authorized the renewal of the Vickery Meadow Public Improvement District (District) in 1998, 2003, 2008, and 2015; and

WHEREAS, on September 10, 2014, City Council authorized the 2015 Service Plan and 2014 Assessment Plan by Ordinance No. 29466; and

WHEREAS, City Council must review the proposed 2016 Service Plan and 2015 Assessment Plan and hold a public hearing to provide a reasonable opportunity for any owner of property located within the District to speak for or against the 2015 assessment against real property and real property improvements exclusive of right-of-way, to continue funding for the District for the purpose of providing supplemental services and improvements; and

WHEREAS, on August 17, 2015, information about this item was presented to the Economic Development Committee; and

WHEREAS, on August 26, 2015, this item was considered by the City Council and the approval of the proposed Vickery Meadow Public Improvement District 2016 Service Plan, 2015 Assessment Plan and 2015 assessment roll was deferred to the September 9, 2015 agenda; and

WHEREAS, the Vickery Meadow Management Corporation provided City staff with the proposed District 2016 Service Plan and 2015 Assessment Plan as shown in **Exhibits B and C**; and

WHEREAS, City Council desires to authorize and adopt the Assessment Roll that was filed with the City Secretary and subject to public inspection in the City's official records prior to the public hearing; and

WHEREAS, City Council finds that the Service Plan and Assessment Plan are feasible and sound and will serve the needs and desires of the property owners, and that the assessment rate for the premium service area in the District is \$0.10 per \$100.00 of appraised value and the assessment rate for the standard service area is \$0.05 per \$100.00 of appraised value, as determined by the Dallas Central Appraisal District (DCAD), of the property or improvements to the property located in the District is reasonable and adequate.

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That City Council shall adopt an ordinance approving and adopting the proposed and final 2016 Service Plan, the 2015 Assessment Plan and the 2015 Assessment Roll (to be kept on file with the City Secretary); establishing classifications for the apportionment of costs and the methods of assessing special assessments for the services and improvements to property in the Vickery Meadow Public Improvement District (District); closing the hearing and levying a special assessment on property in the District, for services and improvements to be provided during 2016; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2015 assessment; and providing for an effective date.

SECTION 2. That the recitals and findings listed above are true and correct and that the action of City Council closing the public hearing in these proceedings is hereby ratified and confirmed.

SECTION 3. That the proposed method of assessment, which may specify included or excluded classes of assessable property, shall be assessed according to the value of the real property and real property improvements as determined by the Dallas Central Appraisal District. The estimated annual assessment rate [in the standard area] for 2015 will be \$0.05 per \$100.00 of appraised value and the annual assessment rate for property in the premium area for 2015 will be \$0.10 per \$100.00 of appraised value as determined by the Dallas Central Appraisal District.

SECTION 3. (Continued)

Once levied, this assessment rate shall not increase during the 2016 service plan year. The annual assessment rate shall not exceed \$0.15 per \$100.00 valuation. Future annual assessment rates, however, may be increased up to a maximum of \$0.15 per \$100.00 valuation subject to an enhancement in value of property in the District and a corresponding increase in the services and improvements to be provided therefor. Any future increase in the assessment rate would also be subject to a public hearing and city council passing on all objections. The real property of jurisdictions and entities that have obtained an exemption from City of Dallas real property taxes pursuant to the Texas Property Code (except under the provisions of Sections 11.24 and 11.28 of the Property Tax Code) will not be subject to an assessment on that portion of the assessed value of the property exempt from City real property taxes. Payment of assessments by other exempt jurisdictions and entities must be established by contract.

SECTION 4. That City Council hereby authorizes and adopts the final 2016 Service Plan, the final 2015 Assessment Plan and the 2015 Assessment Roll (to be kept on file with the City Secretary apportioning the total cost of the services and improvements to be assessed against property in the District for fiscal year ending December 31, 2015, of approximately \$642,640. The Assessment Roll apportions the assessment against each parcel of land in the District and is subject to public inspection in the City's official records.

SECTION 5. That notice of City Council's intention to consider the proposed assessments at a public hearing on September 9, 2015 at 1:00 p.m. in the City Council Chamber, 1500 Marilla Street, Dallas, Texas was published in the official newspaper of the City of Dallas, Texas before the 10th day before the date of the hearing. The notice stated: (1) the date, time and place of the hearing; (2) the general nature of the services and improvements; (3) the cost of the services and improvements; (4) the boundaries of the District; and (5) that written or oral objections will be considered at the hearing.

SECTION 6. That Dallas City staff mailed to the owners of property liable for assessment notice of the hearing as the ownership appears on the City tax roll. The notice contained the information required by the Act. The notice was mailed before the 10th day before the date of the hearing to the last known address of the property owner on the City tax roll. The failure of the property owner to receive notice does not invalidate the proceeding.

SECTION 7. That City Council finds that the assessments should be made and levied against the respective parcels of property within the District and against the owners thereof, and are substantially in proportion to the benefits to the respective parcels of property by means of the services and improvements in the District for which such assessments are levied, and further finds that in each case the property assessed is specially benefited by means of the said services and improvements in the District, and further finds that the apportionment of costs of the services and improvements is in accordance with the law in force in this City and the State and in the proceedings of the City heretofore held with reference to the formation of the District and the imposition of assessments for said services and improvements are in all respects valid and regular.

SECTION 8. That there shall be and is hereby levied and assessed against the parcels of property within the District, and against the real and true owners thereof (whether such owners be correctly named or not), the sums of money as listed in the Assessment Roll on file with the City Secretary and subject to public inspection, and the several amounts assessed against the same, and the owners thereof.

SECTION 9. That the several sums above mentioned and assessed against the said parcels of property and the owners thereof, and interest thereon at the rate of eight percent (8%) per annum, provided, however, that such interest rate shall not exceed the maximum amount allowed by law, together with reasonable fees and the costs of collection, if incurred, are hereby declared to be and are made a first and prior lien against the property assessed, superior to all other liens and claims except liens and claims for state, county, school district and municipality ad valorem taxes and are a personal liability of and charge against the owners of the property regardless of whether the owners are named. The lien is effective from the date of this ordinance until the assessment is paid and may be enforced by the governing body in the same manner that an ad valorem tax lien against real property may be enforced by the governing body.

SECTION 10. That the assessments levied herein shall be due and payable in full on or before January 31, 2016. That if default be made in the payment of any of the said sums hereby assessed against said property owners and their property, collection thereof, including, costs and fees, shall be enforced by the governing body in the same manner that an ad valorem tax lien against real property may be enforced by the governing body. The owner of the assessed property may pay at any time the entire assessment, with interest that has accrued on the assessment, on any lot or parcel.

SECTION 11. That all assessments levied are a personal liability and charge against the real and true owners of the premises described, notwithstanding such owners may not be named, or may be incorrectly named.

SECTION 12. That as part of the assessment levied herein, and as a part of the service plan, the District shall reimburse to City, administrative costs for the day to day operations conducted by city staff for the District, which amount shall be paid by the District to City upon receipt of an invoice; and that the Chief Financial Officer is hereby authorized to establish Fund 0694, Department ECO, to support recovery of the costs incurred by the Office of Economic Development for such day to day operational costs incurred.

SECTION 13. That the Chief Financial Officer is hereby authorized to accept and deposit any and all revenues received from the District in Fund 0694, Department, ECO, Unit 9888, Revenue Source 7399; and that the Chief Financial Officer is hereby authorized to transfer annually, funds in amounts to be determined based upon costs incurred and related rates then in effect, from Fund 0694, Department ECO, Unit 9888, to General Fund 0001, Department ECO, Unit 1161 and Unit 1163, Object 5011, to reimburse the Office of Economic Development for administrative costs incurred for the day to day operational oversight of the District.

SECTION 14. That the assessments herein levied are made and levied under and by virtue of the terms, powers and provisions of the Public Improvement District Assessment Act, Chapter 372 of the Texas Local Government Code, as amended.

SECTION 15. That this ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM

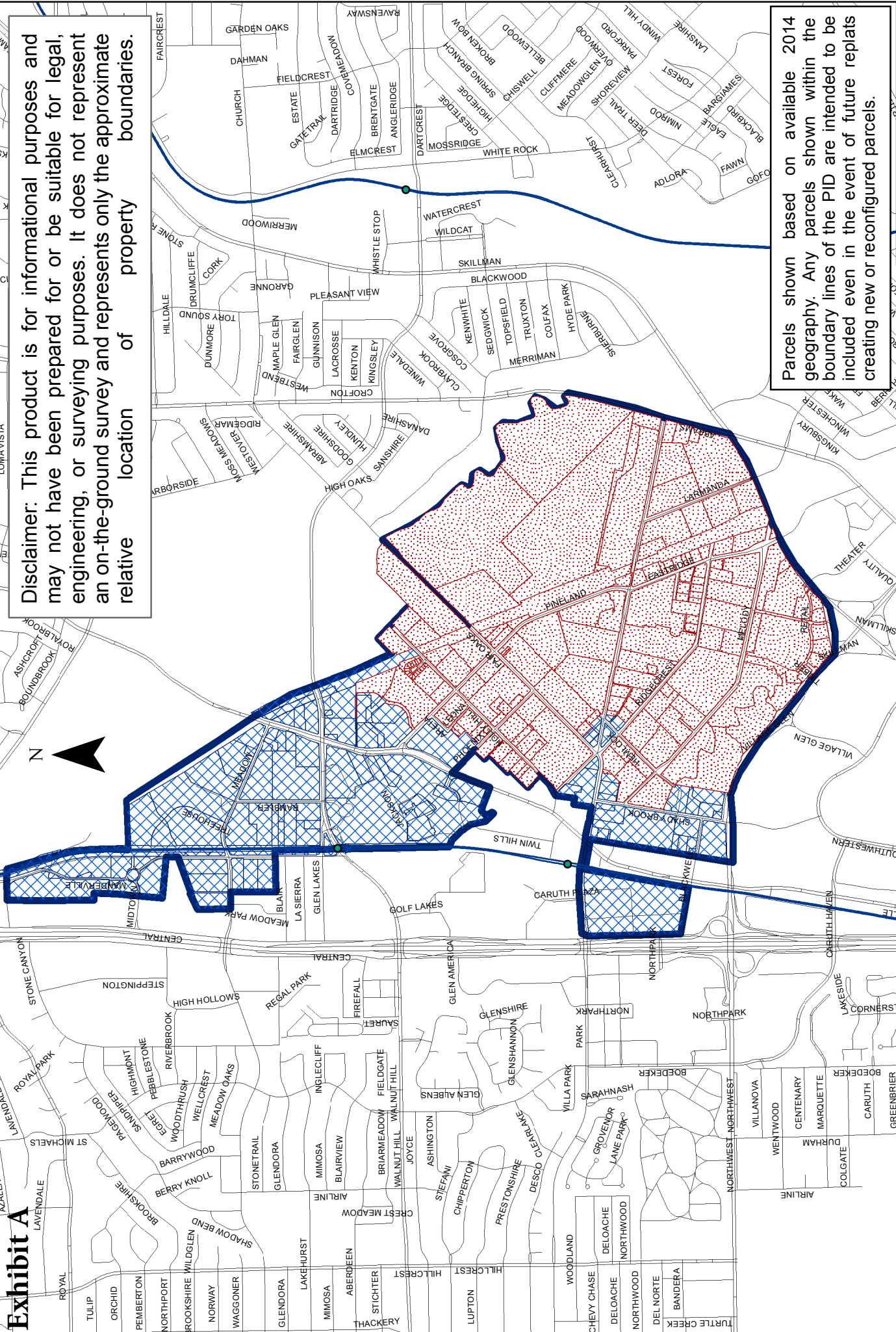
WARREN M. S. ERNST
CITY ATTORNEY

By: 
Assistant City Attorney

Passed and correctly enrolled _____




Exhibit A

Disclaimer: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.



Parcels shown based on available 2014 geography. Any parcels shown within the boundary lines of the PID are intended to be included even in the event of future replats creating new or reconfigured parcels.

DALLAS ECONOMIC DEVELOPMENT
 Area Redevelopment Division
 214.670.1685
 dallas-ecodev.org
 Created 07/2015

-  VMPID Standard Service Area
-  VMPID Premium Service Area
-  Vickery Meadow PID Boundary

Vickery Meadow PID Boundary Map

Exhibit B

VICKERY MEADOW PUBLIC IMPROVEMENT DISTRICT
SERVICE PLAN (2016-2020)

	2015 BUDGET	2016* BUDGET	2017* BUDGET	2018* BUDGET ¹⁰	2019* BUDGET	2020* BUDGET
REVENUES:						
Gross Assessment	\$642,385.00	\$642,640.00	\$698,817.00	\$948,817.00	\$1,449,117.00	\$1,550,555.00
PID Oversight Charge from the City	-\$28,053.00	-\$15,555.00	-\$15,843.00	-\$15,843.00	-\$16,143.00	-\$16,143.00
Net Assessment	\$614,332.00	\$627,085.00	\$682,974.00	\$932,974.00	\$1,432,974.00	\$1,534,412.00
Interest Income	\$415.00	\$650.00	\$1,400.00	\$1,500.00	\$1,600.00	\$1,600.00
Surplus Carried Forward ⁹	<u>\$250,000.00</u>	<u>\$4,323.74</u>	<u>\$3,160.30</u>	<u>\$3,437.67</u>	<u>\$4,689.56</u>	<u>\$7,196.32</u>
TOTAL REVENUE	\$864,747.00	\$632,058.74	\$687,534.30	\$937,911.67	\$1,439,263.56	\$1,543,208.32
DISBURSEMENTS:						
Safety & Security Expenses ¹	\$276,719.04	\$202,258.80	\$220,010.97	\$281,373.50	\$431,779.07	\$462,962.50
Capital Improvements ²		\$94,000.00	\$98,500.00	\$108,000.00	\$128,000.00	\$142,000.00
Property Standard Expenses ³	\$354,546.27	\$165,144.08	\$183,389.06	\$285,922.90	\$476,490.69	\$506,147.49
Promotion ⁴	\$43,237.35	\$31,602.94	\$34,376.71	\$46,895.58	\$71,963.18	\$77,160.42
Economic Development Expense ⁵	\$17,294.94	\$12,641.17	\$13,750.69	\$18,758.23	\$28,785.27	\$46,296.25
Recreation programming/Community Service Expenses ⁶	\$43,237.35	\$31,602.94	\$34,376.71	\$37,516.47	\$57,570.54	\$46,296.25
Park Lane ⁷	\$43,237.35	\$31,602.94	\$34,376.71	\$46,895.58	\$71,963.18	\$77,160.42
Midtown Park ⁸	\$3,323.74	\$3,160.29	\$3,437.67	\$4,689.56	\$7,196.32	\$7,196.32
Administrative Expenses ⁹	\$69,179.76	\$50,564.70	\$55,002.74	\$93,791.17	\$143,926.36	\$154,320.83
Insurance & Audit Expenses	\$8,647.47	\$6,320.59	\$6,875.34	\$9,379.12	\$14,392.64	\$15,432.08
TOTAL DISBURSEMENTS	\$860,423.27	\$628,898.44	\$684,096.62	\$933,222.11	\$1,432,067.24	\$1,543,208.32

Notes:

1. Crime Database, Security Patrols, & Crime Prevention
2. Capital Improvements - large-scale street improvements, sidewalks, enhanced landscaping, etc. Large scale projects may require funds to be carried over multiple years.
3. Landscaping, Litter Removal, Graffiti Abatement, Cart Pickup
4. Marketing, Promotion and Advertising
5. Neighborhood Planning & Recruitment of Business
6. Community Enrichment Activities, Youth Development Activities, & Special Events
7. Improvement of Common Areas or security in the Park Lane Development
8. Improvements of Common Areas or security in the Mid-Town Development
9. Office Management & Items Required by PID Contract
10. Increases in Projected Values in 2018-2019 is contingent on completion of the Mid-Town Development
11. The Public Improvement District started 2015 with a fund balance of \$250,000,000 planned for proposed improvements including Complete Streets, Five Points Intersection, Gateway Markers, and participation in The Library TIF project. Time table for these projects has been delayed due to staff transitions. The new Executive Director did not start until June 1, 2015.
12. The District anticipates that increased costs and service levels for 2016 – 2020 will be needed to maintain the special benefits conferred to the property owners. The future expenses and assessments that may be required are estimates only and subject to future City Council approval. To the extent such estimates exceed the maximum budgeted costs approved in the petition prior to the end of the original seven year service plan approved by the City Council, the management company will be required to seek an early renewal of the District for the collection of such additional assessments for 2021-2022.

EXHIBIT C

VICKERY MEADOW IMPROVEMENT DISTRICT 2015 ASSESSMENT PLAN

The costs of the services and improvements by the Vickery Meadow Improvement District will be paid primarily by assessments against real properties within the District's boundaries. Annual assessments will be based on the value of real property and improvements as certified by the Dallas Central Appraisal District ("DCAD").

The 2015 assessment rate for the property in the premium service area is proposed at \$.10 per \$100 value. The 2015 assessment rate for the property in the standard service area is proposed at \$.05 per \$100 value. Assessments will be carried out in accordance with procedures stipulated in Chapter 372 of the Texas Local Government Code. The City of Dallas shall not be responsible for payment of assessments against exempt City property including City rights-of-way and parks. Payment of assessment by other tax-exempt owners must be established by contract. No such contracts are in place at present.

The Vickery Meadow PID assessments will be collected by the Dallas County Tax Office in accordance with the contract with the City of Dallas and in accordance with the management contract between the City of Dallas and the Vickery Meadow Management Corporation.

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 9, 2015

COUNCIL DISTRICT(S): All

DEPARTMENT: Planning and Neighborhood Vitality

CMO: A. C. Gonzalez, 670-3297

MAPSCO: N/A

SUBJECT

A resolution to endorse the B4 Jackson alternative in concept as the locally preferred alternative for the Dallas Area Rapid Transit (DART) second light rail alignment in Downtown Dallas (D2), and to articulate certain City priorities to be addressed during subsequent planning of this project - Financing: No cost consideration to the City

BACKGROUND

On August 13, 1983, Dallas Area Rapid Transit Authority (DART) was created as a regional transportation authority organized and existing pursuant to Chapter 452, Texas Transportation Code, for the purpose of providing public transportation and general transportation services within the DART service area, which includes the City of Dallas, a Texas home rule municipal corporation, and surrounding regions. On February 28, 1990, Dallas City Council Resolution No. 90-0810 approved a Master Interlocal Agreement (“Master ILA”) between DART and the City regarding DART’s system and establishing a cooperative and supportive relationship between DART and the City.

The CBD Transit Mall along the Bryan/Pacific corridor currently serves as the alignment through Downtown Dallas on which DART operates their Red, Blue, Green and Orange Line light rail service. Due to capacity constraints on the existing Bryan/Pacific CBD Transit Mall, DART has proposed the Downtown Second Light Rail Alignment (D2) as a reliever route with a view towards ensuring long term light rail transit service reliability, operational flexibility, and system capacity.

On May 2, 2007, DART initiated an Alternatives Analysis (AA) and Draft Environmental Impact Statement (DEIS) process for D2. This process included identification and evaluation of alternative alignments, and extensive stakeholder and community engagement. This process was conducted in accordance with federal guidelines to ensure eligibility for federal funding. On March 10, 2010, the AA/DEIS was published by the Federal Transit Administration (FTA) and was circulated for a 45-day public comment period. Comments received during this period included recommendations that additional alternatives be examined due to changing conditions in Downtown.

BACKGROUND (Continued)

In 2012, DART applied for and received a \$700,000 Federal Transit Administration (FTA) grant to resume the D2 Alternatives Analysis based on changed conditions. This enabled DART to reinitiate the AA process focusing on new and refined alternatives based on the AA/DEIS comments, the Downtown 360 Plan, modern streetcar planning and development, and potential high speed rail service from Houston to Dallas. This process included additional community stakeholder and public engagement.

On August 10, 2015, the Council Transportation and Trinity River Project Committee was briefed on this item by DART staff, to provide an overview of the analysis of alternatives. DART staff recommended the B4 alignment as the locally preferred alignment, while also identifying a B4 Modified Jackson Alignment intended to address concerns about impacts to adjacent property. DART staff also identified a window of opportunity for a Federal Transit Administration (FTA) Capital Investment Grant to enable D2 implementation, emphasizing that a grant application would be significantly strengthened by City Council endorsement of a locally preferred alternative.

On August 24, 2015, the Transportation and Trinity River Project Committee took action to approve a draft Council resolution endorsing the B4 Jackson alternative in concept as the locally preferred alternative for D2.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

The Transportation and Trinity River Project Committee was briefed on this item and approved the resolution on August 24, 2015.

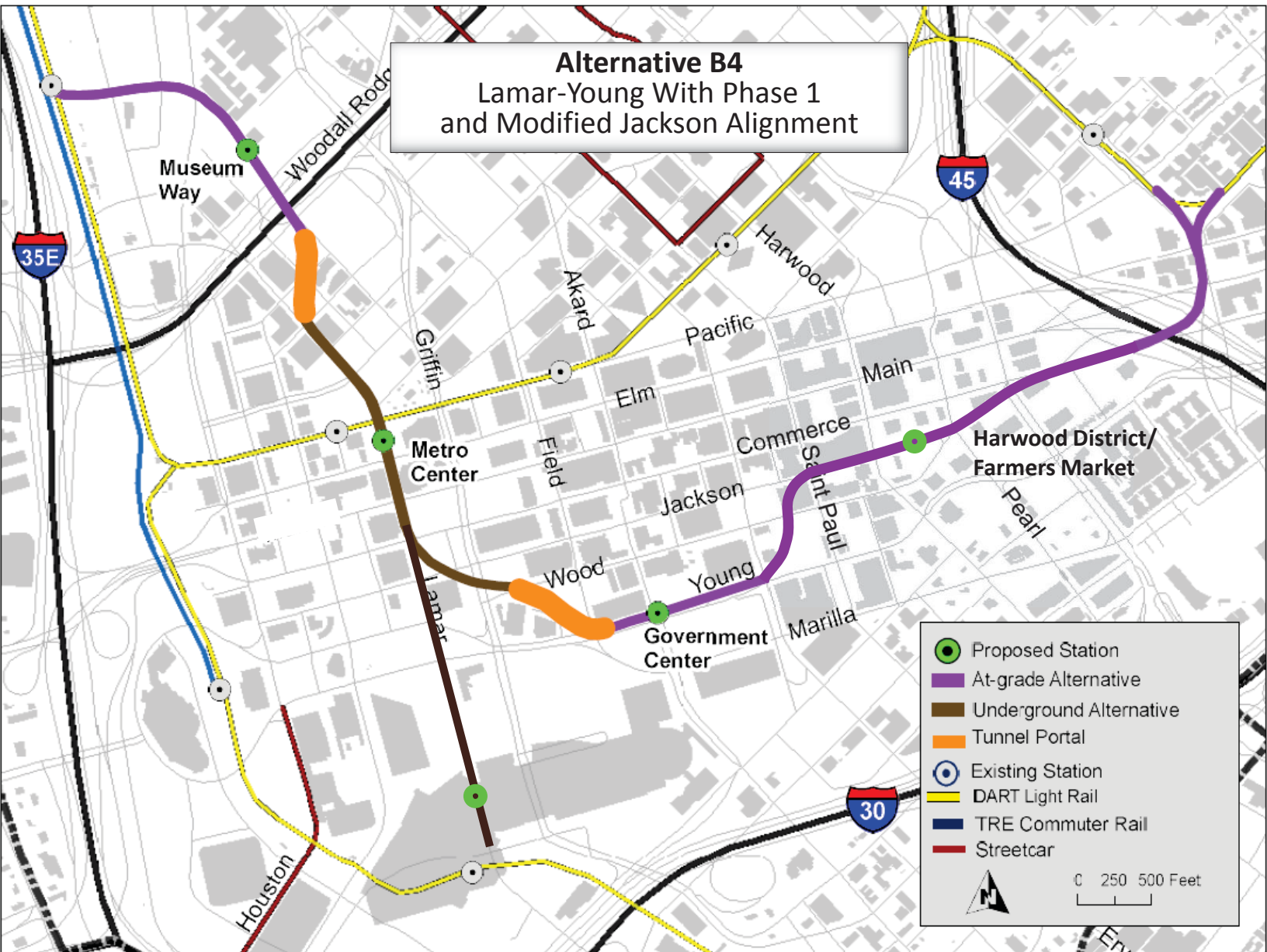
FISCAL INFORMATION

No cost consideration to the City

MAP

Attached

Alternative B4
 Lamar-Young With Phase 1
 and Modified Jackson Alignment



September 9, 2015

WHEREAS, on February 28, 1990, a Master Interlocal Agreement was executed between Dallas Area Rapid Transit (DART) and the City of Dallas including language stating that a subway remains the City's preferred solution for light rail transit passing through the Dallas Central Business District (CBD) and requiring DART to begin planning for a subway within the CBD when certain stated capacity triggers are met; and

WHEREAS, DART has subsequently proposed the Downtown Second Light Rail Alignment (D2) as a reliever route to Bryan/Pacific CBD Transit Mall to ensure long term light rail transit service reliability, operational flexibility, and system capacity, as well as enhanced Downtown circulation and economic development; and

WHEREAS, in May 2007, in anticipation of pursuing federal funding, DART initiated an Alternatives Analysis (AA) and Draft Environmental Impact Statement (DEIS) process in accordance with federal guidelines, to identify and evaluate alternative D2 alignments, and has conducted extensive stakeholder and community engagement through this process; and

WHEREAS, the AA/DEIS was published by the Federal Transit Administration (FTA) in March 2010 and was circulated for a 45-day public comment period, wherein comments included examination of additional alternatives; and

WHEREAS, the AA process was reinitiated in 2013 to evaluate and advance alternative alignments to the two percent design stage and is concluded by selection of a Locally Preferred Alternative, leaving more detailed design and alignment refinement to subsequent phases of the design process; and

WHEREAS, Texas Central Railway, a private Texas based company, is proposing inter-city high speed rail service between Dallas-Fort Worth and Houston, with a potential Downtown high speed rail station in the vicinity of the Dallas Convention Center; and

WHEREAS, providing convenient linkage between a Downtown high speed rail station and local and regional DART light rail service will be critical to take advantage of transit-oriented development opportunities associated with a well-connected inter-city high speed rail station; and

WHEREAS, on August 10, 2015, DART staff briefed the Dallas City Council Transportation and Trinity River Committee on D2, providing an update on the evaluation of alternative alignments, and identifying a window of opportunity for a Federal Transit Administration Capital Investment Grant for implementation of D2 as a Core Capacity project; and

September 9, 2015

WHEREAS, based on DART's evaluation, the B4 Jackson alternative with potential alignment modifications that may further reduce impacts provides the best balance between serving existing Downtown population centers, generating new ridership, creating opportunities for future transit-oriented development, limiting cost, and meeting the Federal Transit Administration grant criteria for Core Capacity; and

WHEREAS, a Dallas City Council resolution endorsing a preferred D2 alignment would significantly strengthen DART's application for a Federal Capital Investment Grant;

Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. In consideration of taking timely advantage of the FTA Capital Investment Grant opportunity within the 2017 federal funding cycle, the Dallas City Council only endorses the B4 Jackson alternative in concept with additional consideration of potential alignment modifications as shown in EXHIBIT 1 as the preferred D2 alternative with the understanding that DART will address the following City priorities during future detailed design of the alignment:

- (a) Integration of the at-grade light rail line within street rights-of-way will be designed and constructed in a manner that enhances the quality of the street environment through balanced consideration of multimodal accessibility to adjacent buildings and development sites.
- (b) Sufficient engineering analysis will be undertaken during the design process to study and take into consideration the impact of train operations on street-level traffic operations.
- (c) Alternative locations of the transition from at grade to below grade rail will be examined to optimize development potential on adjacent property, and to minimize street closures.
- (d) The alignment will be refined to minimize to the extent feasible negative impacts on adjacent properties.
- (e) A minimum of ~~five~~ four new stations will be added in order to maximize transit oriented development potential.
- (f) Necessary planning and design will be undertaken to maximize the flexibility of D2 to accommodate to the extent possible operation of all lines through Downtown, and to preserve the option for future extension of the D2 alignment or other appropriate linkages to connect to the Red and Blue line alignment south of Downtown.

September 9, 2015

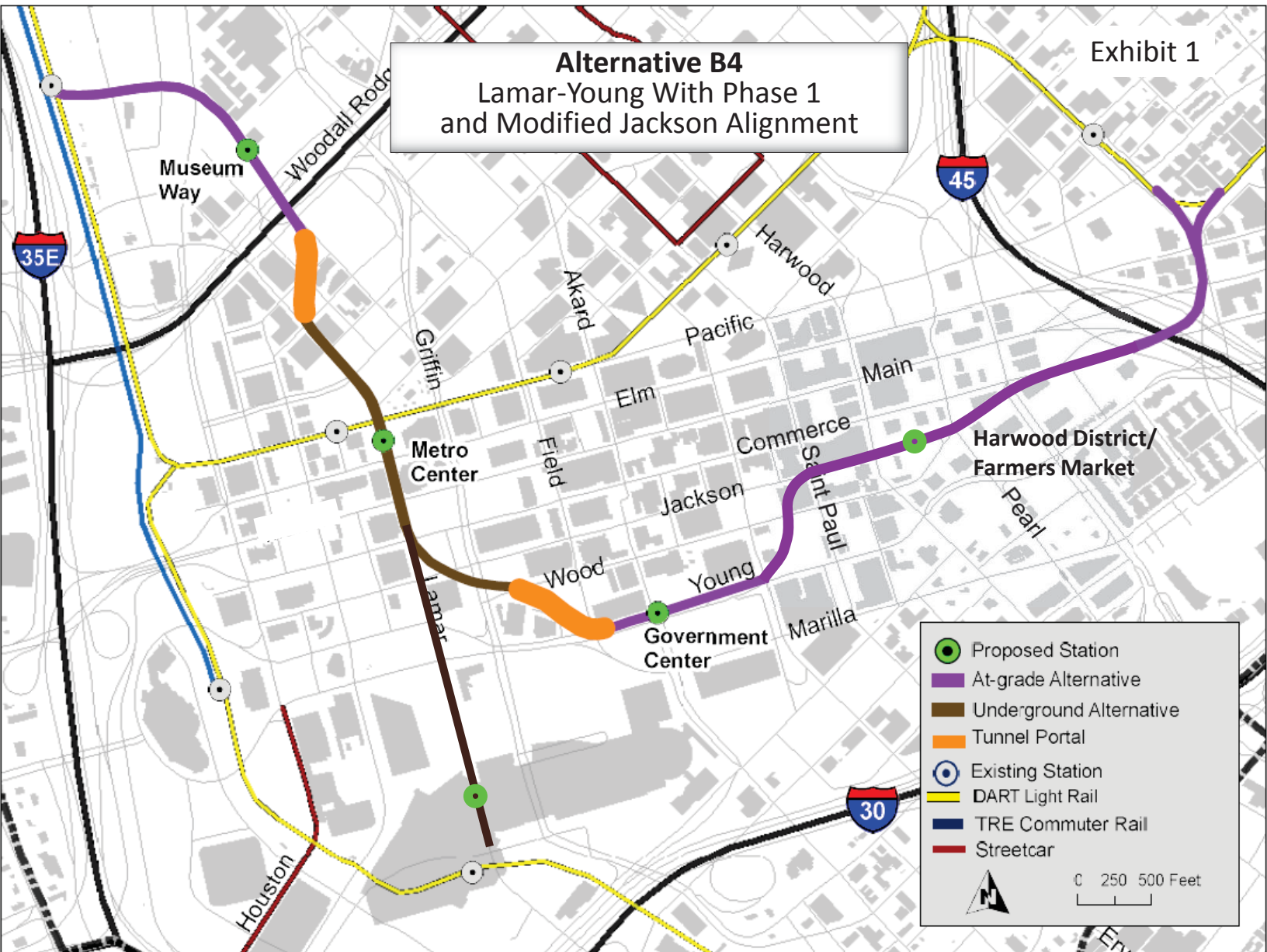
SECTION 2. That the D2 alignment will be brought back for Council approval, once the FTA Project Development phase (ten percent design stage) is complete and prior to incorporation of the alignment into the DART Service Plan under section 452.304 of the Texas Transportation Code, with regard to integration of the at-grade light rail line within street rights-of-way and the analysis of impacts on adjacent properties.

SECTION 3. That the Dallas City Council recommends that funding be set aside in DART's financial plan in a timely manner to enable construction of an extension of the D2 alignment to serve future high speed rail and the Convention Center station.

SECTION 4. That the Dallas City Council endorsement of the B4 Jackson alternative with potential alignment modifications does not in any way alter DART's commitment per the Master Interlocal Agreement to build a subway within the CBD.

SECTION 5. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

Alternative B4
Lamar-Young With Phase 1
and Modified Jackson Alignment



- Proposed Station
- At-grade Alternative
- Underground Alternative
- Tunnel Portal
- Existing Station
- DART Light Rail
- TRE Commuter Rail
- Streetcar

0 250 500 Feet

August 27, 2015

To: Dallas City Council and DART Board Members:

We the undersigned stakeholders represent Lone Star Gas Lofts, the Continental Building, the Statler Hilton, and the Jackson Street Garage. We were surprised this week to learn that the City Council Transportation Committee recommended to the City Council a D2 alignment that is called B4 Young Street Alternate with a jog in the line to Jackson Street as the “only” alternative for the City Council to consider. This is not what DART recommended to the downtown stakeholders, it is not what they were prepared to recommend to their Board and it is not what Downtown Dallas, Inc. recommended to the City Council. We all would be directly affected by the proposed D2 alignment along Jackson Street and we oppose this alignment as this has not been studied or vetted with the downtown stakeholders. We are willing to work with the City and DART to study the Jackson Street Alignment alternative but we believe it is extremely premature to make Jackson Street the “only” alignment to further evaluate at this time.

The B4 family of D2 alignments, specifically the B4 alignment along Young Street has been in the mix for consideration for almost 10 years. The property owners along that alignment have had the opportunity to confer with the City and DART to express their concerns and make suggestions for improvements. The Jackson Street alignment has only been proposed over the last 3-4 weeks and that simply is not enough time to study the feasibility and impact of the alignment. For this reason we vigorously oppose narrowing the choices to the Jackson Street “only” alignment.

Some of the initial concerns we have about a Jackson Street Alternative are listed below:

1. One of the objectives a new D2 alignment was to encourage new development. The B4 Young Alignment with the Jackson Alternative bisects two of the most valuable development sites in the core.
2. The City, or DART, will have to acquire or condemn at least 2-3 land tracts and acquire the Jackson Street Garage that is fully leased.
3. Another objective of a D2 alignment was not to create a traffic and pedestrian barrier. We believed a Young Street alignment accomplished this due to the generous width of the public right of way. Jogging the line to Jackson and then putting it into a 3 lane street will in our opinion be more dangerous and will create a barrier for traffic and pedestrians. We further believe this alignment will create logistical challenges that have not been identified yet.
4. In the stakeholders meeting on August 19, 2015 DART could not affirmatively say that vehicular traffic would be allowed on Jackson Street. Most all of these buildings have either customer parking, loading and move-in/out or trash removal off Jackson Street. If access

is denied, or negatively impacted, this will have a material impact on the viability of these buildings resulting in millions of dollars of damages.

We do not want to delay DART's submission of a funding request for D2. We want it to proceed in September, and we request that the submission include both the Young Street alignment with the potential Jackson Street alternative alignment, along with some other alignment ideas that have surfaced as a result of these discussions, one of which is a Wood Street Alternative. We do not believe that it is appropriate for the City to recommend that the Jackson Street alternative is the "only" alternative that can be supported at this time because it has not been properly studied and vetted.

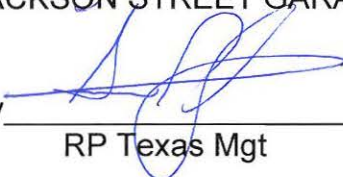
We thank you for considering our request and we sincerely hope that you will further study the different alignments for the eastern portion of the B4 Young Alternative and not narrow it down to one alternative that has not been studied or vetted with the stakeholders. We look forward to working with the City and with DART to design a final B4 alignment that is a "100 year solution" that will be the best route for our City with the least impact to the fewest number of stakeholders.

Sincerely yours,
LONE STAR GAS LOFTS

By 
Hamilton Properties Corporation
STATLER HILTON

By 
Centurion American
CONTINENTAL BUILDING

By 
Forest City Enterprises Residential
JACKSON STREET GARAGE

By 
RP Texas Mgt

Cc: A.C. Gonzalez
Gary Thomas