

ORDINANCE NO. 28010

**AN ORDINANCE ESTABLISHING CLASSIFICATIONS FOR THE APPORTIONMENT OF COSTS AND THE METHODS OF ASSESSING SPECIAL BENEFITS FOR THE SERVICES AND IMPROVEMENTS TO PROPERTY IN THE LAKE HIGHLANDS PUBLIC IMPROVEMENT DISTRICT (DISTRICT); APPROVING AND ADOPTING THE 2010 ASSESSMENT ROLL ON FILE WITH THE CITY SECRETARY; CLOSING THE HEARING AND LEVYING ASSESSMENTS FOR THE COST OF CERTAIN SERVICES AND IMPROVEMENTS TO BE PROVIDED IN THE LAKE HIGHLANDS PUBLIC IMPROVEMENT DISTRICT DURING 2011; FIXING CHARGES AND LIENS AGAINST THE PROPERTY IN THE DISTRICT AND AGAINST THE OWNERS THEREOF; PROVIDING FOR THE COLLECTION OF THE ASSESSMENT; AND PROVIDING AN EFFECTIVE DATE.**

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

**WHEREAS**, on June 25, 2008, the City Council, authorized and created the District as a public improvement district, as shown on the attached **Map of the District**, under Chapter 372 of the Texas Local Government Code, by Resolution No. 08-1866; and

**WHEREAS**, on September 23, 2009, the City Council authorized the assessment rate for 2009 by Resolution No. 09-2354 and Ordinance No. 27684; and

**WHEREAS**, on September 8, 2010, the City Council authorized the Lake Highlands PID Service Plan for 2011 and authorized a public hearing to be held on September 22, 2010 to receive comments and concerns regarding the 2010 annual assessment rate by Resolution No. 10-2275; and

**WHEREAS**, the Lake Highlands Improvement District Corporation presented City staff with the proposed District Service Plan for 2011 (attached hereto as **Exhibits A and B**), and the proposed Assessment Rate for 2010 for the purpose of apportioning the cost of services and improvements to be assessed against the property in the District; and

**WHEREAS**, pursuant to the Act, the City Council authorized the updated District Service Plan and Assessment Rate on September 8, 2010, and called a public hearing to be held on September 22, 2010 to receive comments concerning the assessments for the District; and

**WHEREAS**, as further required by the Act, the City held the public hearing on September 22, 2010, and subsequently closed the public hearing after receiving property owner's concerns and comments on the proposed assessment for the District; and

**WHEREAS**, the City desired by the calling and holding of such public hearing to provide a reasonable opportunity for owners of property located in the District to speak for or against the assessment against real property and real property improvements exclusive of public rights-of-way, and to continue funding for the District for the purpose of providing supplemental services and improvements; and

**WHEREAS**, the 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**, the 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, of the property or improvements to the property located in the District; are reasonable and adequate.

**NOW, THEREFORE,**

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

**SECTION 1.** That the City Council in accordance with the Assessment Plan shall apportion the costs of the services and improvements to be assessed against property in the District on the basis of special benefits accruing to the property. The proposed method of assessment, which specifies included or excluded classes of assessable property, is based on the value of the real property and real property improvements as determined by the Dallas Central Appraisal District. Public rights-of-way and City of Dallas property are exempt from assessment. The assessment rate billed in 2010 is \$0.13 per \$100 of valuation.

**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 City Council hereby authorizes and adopts the Assessment Roll filed 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, 2010, of approximately \$259,324. The Assessment Roll states the assessment against each parcel of land in the District and is subject to public inspection in the City's official records.

**SECTION 4.** That notice of the City Council's intention to consider the proposed assessments at a public hearing on September 22, 2010 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 5.** 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 6.** That the 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 had 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 7.** 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 inspection, and the several amounts assessed against the same, and the owners thereof.

**SECTION 8.** 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 is 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 9.** That the assessments levied herein shall be due and payable in full on or before January 31, 2011. 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 10.** 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 11.** 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 12.** 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

THOMAS P. PERKINS, JR.  
City Attorney

By:   
Assistant City Attorney

Passed and correctly enrolled SEP 22 2010

LAKE HIGHLANDS PUBLIC IMPROVEMENT DISTRICT SERVICE PLAN (2011-2015)					Exhibit A
	2011	2012	2013	2014	2015
<b>INCOME</b>					
Net assessment revenue	\$259,324.00	\$261,917.24	\$269,774.76	\$277,868.00	\$286,204.04
Interest on cash balance	\$2,000.00	\$3,000.00	\$3,000.00	\$3,000.00	\$3,000.00
Surplus Carried Forward <sup>(1)</sup>	\$175,552.00	\$117,371.00	\$65,468.09	\$24,851.27	-\$9,639.05
<b>Total Income</b>	<b>\$436,876.00</b>	<b>\$382,288.24</b>	<b>\$338,242.85</b>	<b>\$305,719.27</b>	<b>\$279,564.99</b>
<b>EXPENSES</b>					
Public Safety <sup>(2)</sup>	\$214,000.00	\$214,000.00	\$214,000.00	\$215,000.00	\$215,000.00
Improvements/Maintenance <sup>(3)</sup>	\$45,000.00	\$40,500.00	\$40,500.00	\$42,000.00	\$42,000.00
Promotion <sup>(4)</sup>	\$14,420.00	\$14,852.60	\$10,000.00	\$8,000.00	\$8,240.00
Administration <sup>(5)</sup>	\$26,000.00	\$26,780.00	\$27,583.40	\$28,410.90	\$27,000.00
Audit	\$6,180.00	\$6,365.40	\$6,556.36	\$6,753.05	\$6,955.64
Insurance	\$13,905.00	\$14,322.15	\$14,751.81	\$15,194.37	\$15,650.20
<b>Total Expenses</b>	<b>\$319,505.00</b>	<b>\$316,820.15</b>	<b>\$313,391.58</b>	<b>\$315,358.32</b>	<b>\$314,845.84</b>
Surplus Carried Forward	\$117,371.00	\$65,468.09	\$24,851.27	-\$9,639.05	-\$35,280.86
Notes:					
<sup>(1)</sup> Amount set aside for landscape improvement project in future					
<sup>(2)</sup> Regular Security Patrol, patrol vehicle lease and related expenses					
<sup>(3)</sup> New sidewalk improvements on portions of Skillman, landscape architecture planning and installation					
<sup>(4)</sup> Website, marketing materials, promotion of commerce, director outreach					
<sup>(5)</sup> Office supplies, administration, notice mailings, utilities					

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**Exhibit B**  
**LAKE HIGHLANDS PUBLIC IMPROVEMENT DISTRICT**  
**2010 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 2010 assessment rate for the property in the Lake Highlands PID is proposed at \$0.13 per \$100.00 of taxable value. All properties will be assessed at a uniform rate. Assessments 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 (except under the provisions of Section 11.24 and 11.28 of the Property Tax Code), and property owned by persons already receiving and qualifying for the 65-or-older homestead exemption (under Section 11.12 (c) or (d) of the Texas Property Tax Code). Payment of assessments by other exempt jurisdictions shall be established by contract. No such contracts are in place at present.

The Lake Highlands PID'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.

