

June 27, 2012

**WHEREAS**, the City of Dallas has established Tax Increment Financing Reinvestment Zone Number Four, (Cedars TIF District or District), and established a Board of Directors for the District to promote development or redevelopment in the Cedars area pursuant to Ordinance No. 21492, as amended, approved by City Council on December 9, 1992, as authorized by the Tax Increment Financing Act, Chapter 311 of the Texas Code; and

**WHEREAS**, on April 9, 1997, City Council authorized the Cedars TIF District Project Plan and Reinvestment Zone Financing Plan by Ordinance No. 23092, as amended; and

**WHEREAS**, pedestrian and bicycle enhancements near the Cedars DART station assist with implementation of the Cedars TIF District Project Plan; and

**WHEREAS**, the North Central Texas Council of Governments (NCTCOG) has been designated as the Metropolitan Planning Organization (MPO) for the Dallas-Fort Worth Metropolitan Area; and

**WHEREAS**, the NCTCOG Executive Board and the Regional Transportation Council (RTC) have adopted Mobility 2025: The Metropolitan Transportation Plan embracing the significant growth anticipated for this region; and

**WHEREAS**, Mobility 2025 identified Sustainable Development as a strategy for improving air quality, reducing congestion and addressing the transportation funding shortfall, and established the Transportation Accessibility Program as a means to expedite Sustainable Development projects; and

**WHEREAS**, on January 29, 1999, the Texas Transportation Commission passed Minute Order 107737, authorizing the State to undertake and complete a highway improvement generally described as pedestrian and bicycle improvements to include crosswalks, streetscape, and sidewalks in the South Side Pedestrian District near the Cedars Light Rail Station; and

**WHEREAS**, on June 28, 2000, City Council authorized a Master Advance Funding Agreement with the Texas Department of Transportation for use on future transportation projects by Resolution No. 00-2086; and

**WHEREAS**, on May 15, 2001, NCTCOG issued a Call for Projects for funding through their Sustainable Development Program Initiative; and

**WHEREAS**, the Cedars Station - South Side Pedestrian District (the "South Side Pedestrian Improvement Project," or the "Project"), submitted by Dallas Area Rapid Transit (DART), was selected for funding under the Sustainable Development Program; and

**WHEREAS**, on March 5, 2002, the governing body of Dallas Area Rapid Transit approved a Local Transportation Project Advance Funding Agreement for a Congestion Mitigation and Air Quality Program by Resolution No. 020034; and

**WHEREAS**, on January 8, 2003, City Council authorized a Local Transportation Project Advance Funding Agreement for a Congestion Mitigation and Air Quality Program authorizing the City to contribute \$500,000 in 1995 bond funds toward the 20 percent local match requirement by Resolution No. 030160; and

**WHEREAS**, on August 12, 2003, the City of Dallas, Texas Department of Transportation, and Dallas Area Rapid Transit executed a Local Transportation Project Advance Funding Agreement for a Congestion Mitigation and Air Quality Program; and

**WHEREAS**, the City of Dallas, Texas Department of Transportation and DART desire the pedestrian and bicycle enhancements to the South Side Pedestrian District; and

**WHEREAS**, on May 23, 2007, City Council allocated \$66,521 in Cedars TIF District Funds to leverage an additional \$598,691 in other funding for the Project; and

**WHEREAS**, on June 11, 2012, the Cedars TIF District Board of Directors recommended that City Council authorize a development agreement with CCH Lamar Partners I, L.P. and dedicate an amount not to exceed \$207,830 in Cedars TIF District Funds to allow completion of the infrastructure improvements related to the Project; and

**WHEREAS**, in furtherance of the Cedars TIF District Project Plan and Reinvestment Zone Financing Plan, the City desires to reimburse CCH Lamar Partners I, L.P. for the costs of infrastructure improvements related to the Project in the Cedars TIF District as described in the Site Plan attached hereto as **Exhibit A**.

**NOW, THEREFORE,**

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

**Section 1.** That following the approval as to form by the City Attorney, the City Manager is hereby authorized (1) to execute an agreement between CCH Lamar Partners I, L.P. and the City of Dallas, on behalf of the Cedars TIF District, thereby confirming the Cedars TIF District Board of Director's dedication of tax increment revenues in an amount not to exceed \$207,830 to fund the design and construction of public improvements related to the South Side Pedestrian Improvement Project in the Cedars TIF District as shown in the TIF Funded Project Budget attached hereto as **Exhibit B**;

**Section 2.** That the facts and recitations contained in the preamble of this Resolution are hereby found and declared to be true and correct.

**Section 3.** That the City Controller is hereby authorized to encumber and disburse funds in accordance with the terms and conditions of the agreement from:

Cedars TIF District Fund - Fund 0033, Department ECO, Unit Q001, Activity TCED, Object 4599, Program No CEDTIF007, CT ECOQ001H173 Vendor No. VS0000055791 in an amount not to exceed \$207,830.

**Section 4.** That Cedars TIF District funds are allocated to project according to the Cedars TIF District Proportional Increment Allocation Policy (**Exhibit C – Cedars TIF District Proportional Increment Allocation Policy**). In accordance with the policy, CCH Lamar Partners I, L.P., upon completion of the Project and submission of all required documentation, will be eligible to be reimbursed from the District-Wide Set Aside as described in the Proportional Increment Allocation Policy.

**Section 5.** That CCH Lamar Partners I, L.P. will be paid solely from the Cedars TIF District Funds in accordance with the terms of the development agreement described in hereof, but only to the extent such Cedars TIF District funds are available for such purpose. No interest will be paid on this award since funds are not advanced to the City for these improvements.

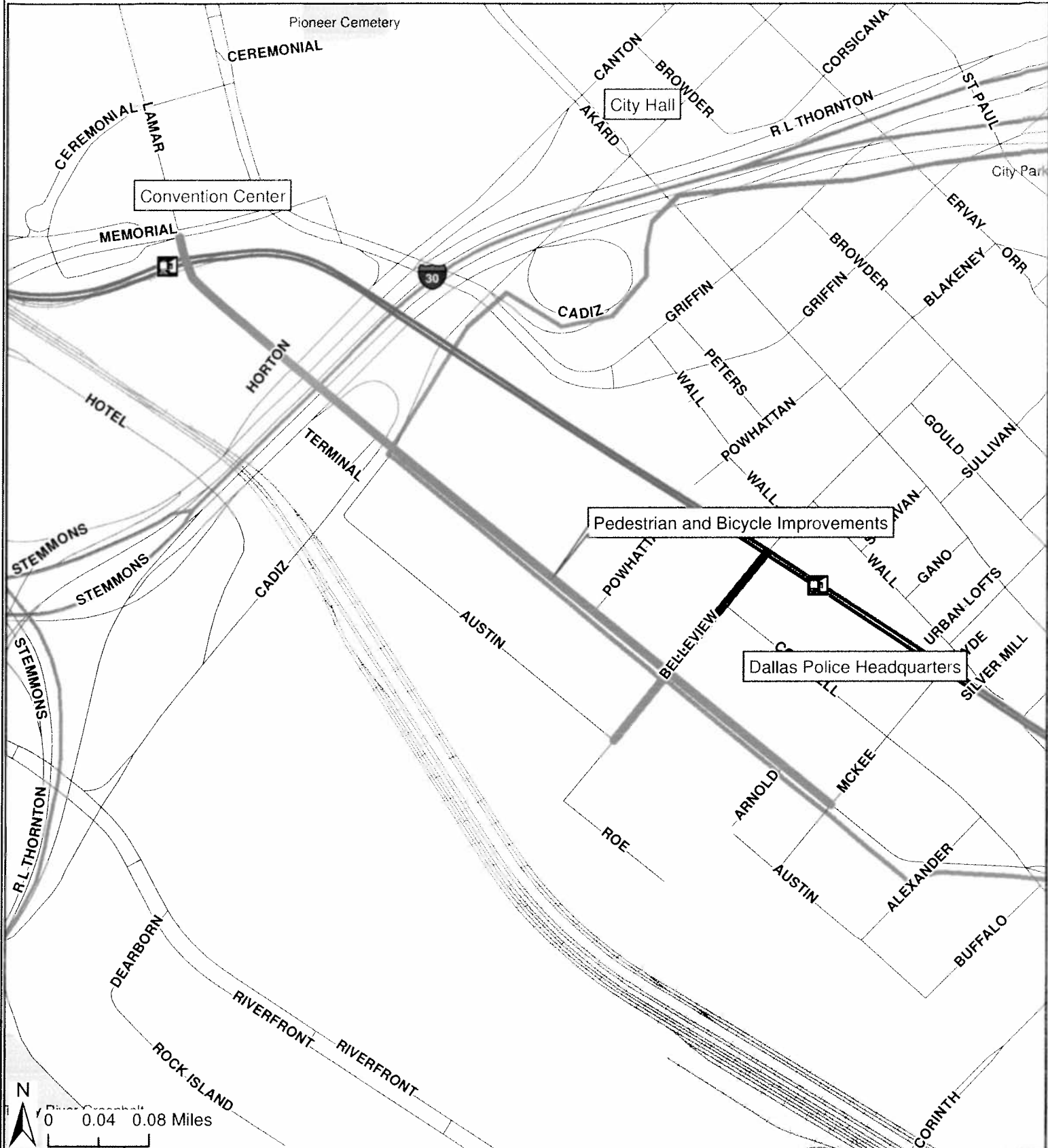
**Section 6.** That nothing in the resolution shall be construed to require the City to approve payment from any source of City funds other than the Cedars TIF District Fund and/or Tax Increment Bonds. Any funds expended under the development agreement that remain unpaid upon termination of the Cedars TIF District, due to lack or unavailability of Cedars TIF District Funds, shall no longer be considered project costs of the Cedars TIF District or the City and the obligation of the Cedars TIF District to pay CCH Lamar Partners I, L.P. shall automatically expire.

**Section 7.** 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 BY  
CITY COUNCIL

JUN 27 2012

  
City Secretary



## Bicycle and Pedestrian Improvements Lamar Street and Belview Street South Side Pedestrian Improvement

-  DART Stations
-  Cedars TIF Boundary
-  Project Limits



**Exhibit B**  
**South Side Pedestrian Improvement Project**  
**Cedars TIF District**  
**Project Costs**

<b>Budget Categories</b>	<b>Amount</b>
Infrastructure Improvements	\$207,830
Total	<b>\$207,830</b>

**Note:** The amounts listed above include engineering, construction, design, construction management, and contingency estimates. Construction management is solely intended to cover fees paid to an outside consultant or third party who confirms the quality of the work. Construction management fees must be invoiced with a detailed description of work performed. Funds may be shifted among categories as long as the total TIF funding does not exceed \$207,830.

**Exhibit C**  
**Proportional Increment Allocation**  
**Cedars TIF District**  
**5/7/07**

It is important for the City of Dallas to encourage as many projects as possible in the few remaining years of the Cedars TIF District. In that spirit, Cedars TIF District funds will be allocated to projects proportionately, dependent on the portion of the increment created by the project and other projects by that developer in the District.

Developers that are approved for TIF funding from the Cedars TIF District will be eligible, after completion of all requirements, to receive the portion of the increment that their project creates or is anticipated to create each year, (the "Individual Increment"), after (1) administrative fees have been paid and (2) a portion of the increment has been set aside for District-wide improvements. Annual allocations for each project will then be based on the Individual Increment from that project. For example, the Individual Increment for a project worth \$20 million is estimated to be approximately \$300,000 annually, but may be less depending on the actual taxable value as determined by the Dallas County Appraisal District (DCAD).

In addition to the Individual Increment, projects will be eligible to receive a portion of the Available Cash and Shared Increment, if any, from Cedars TIF District funds. Available Cash is defined as cash in the Cedars TIF fund that is not already allocated, encumbered, or otherwise set aside for other purposes. The Shared Increment is defined as the annual amount deposited into the TIF fund from the participating jurisdictions (Total Increment), less (1) expected legal and administrative fees, (2) the portion set aside for district-wide improvements, and (3) the sum of the Individual Increments of all eligible projects. The portion of the Available Cash and Shared Increment allotted to an eligible project shall be the proportion of each eligible project's Individual Increment to the sum of the Individual Increments for all eligible projects for that year.

If the appraised value of property in the TIF District decreases in value, the TIF subsidy for projects that year may be reduced or unpaid. Likewise, if the sum of 1) administrative fees, 2) District-wide improvements, and 3) the sum of the Individual Increments is greater than the Total Increment, then the Individual Increments shall be allotted on a proportional basis dependent on the proportion of each eligible project's Individual Increment to the sum of the Individual Increments for all eligible projects for that year.

In general, the assignment of increment will be done annually, after each participating jurisdiction has deposited its annual increment into the TIF fund. However, in most cases this method requires a developer with a completed project to wait months before receiving any TIF funding. Therefore, in addition to the annual allocations, upon completion of a project, and on a first-in-first-out basis, developers may apply for funding from Available Cash currently in the TIF fund, if any. This funding would be applied toward the outstanding TIF obligation.

The arrangement described herein shall not require the City to modify any prior agreement that may be inconsistent with the foregoing formula. For example, any projects approved under earlier arrangements, particularly under the first-in-first-out arrangement, shall be fully funded from the district's Available Cash and Shared Increment before newer projects are assigned additional increment.

The Cedars TIF Board may make adjustments to this funding formula at its discretion.