

ORDINANCE NO. 29861

**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.

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**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

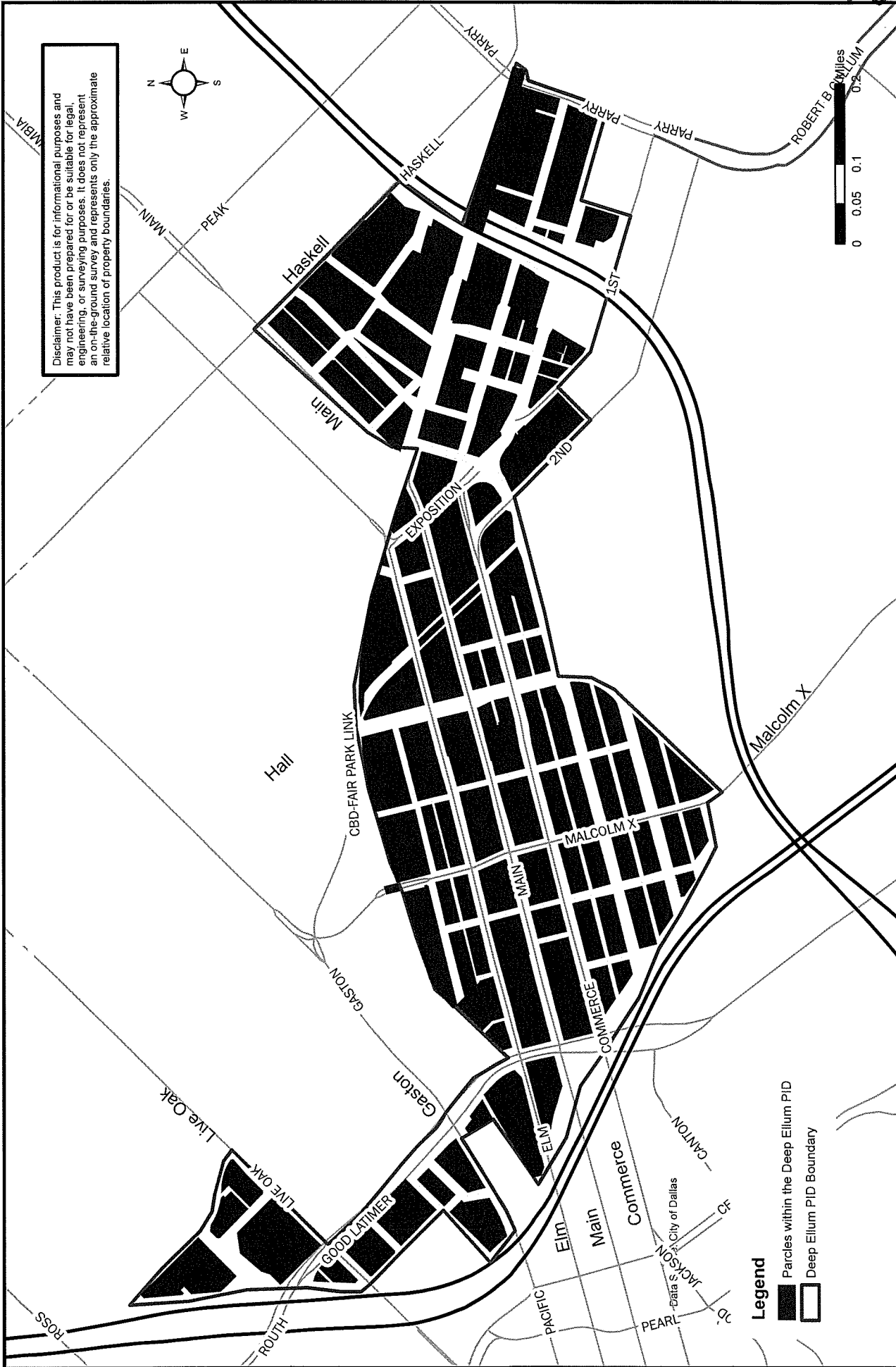
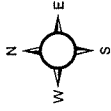
WARREN M. S. ERNST  
CITY ATTORNEY

By:   
Assistant City Attorney

SEP 09 2015

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**

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

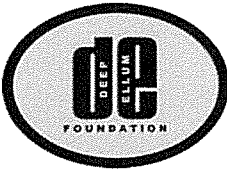
**DALLAS ECONOMIC DEVELOPMENT**  
 Area Redevelopment Division  
 214.670.1685  
 dallas-ecodev.org  
 Created: 09/2013

# Deep Ellum PID Boundary Map Exhibit A

| EXHIBIT B<br>DEEP ELLUM PID<br>Service Plan 2015-2020 |                     |                     |                     |                     |                     |                     |              |
|---|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|--------------|
| Revenues and Reserves                                 | 2015                | 2016                |                     | 2017                |                     | 2020                |              |
|   | ACTUAL              | BUDGET              | BUDGET              | BUDGET              | BUDGET              | BUDGET              |              |
| 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 <sup>6</sup>          | \$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          |              |
| <b>Total Income and Reserves</b>                      | <b>\$458,407.25</b> | <b>\$485,416.80</b> | <b>\$498,225.28</b> | <b>\$525,197.12</b> | <b>\$553,386.72</b> | <b>\$582,854.97</b> |              |
| Improvements <sup>1</sup>                             | \$80,021.82         | 20%                 | \$87,223.78         | 22%                 | \$88,940.40         | \$98,262.87         | \$103,276.54 |
| Transportation and related expenses <sup>2</sup>      | \$31,633.42         | 8%                  | \$34,480.42         | 9%                  | \$35,159.02         | \$36,956.71         | \$38,844.28  |
| Business Development and Recruitment <sup>3</sup>     | \$31,365.34         | 8%                  | \$34,188.22         | 9%                  | \$34,861.06         | \$36,643.52         | \$38,515.09  |
| Marketing and Promotion <sup>4</sup>                  | \$156,042.55        | 39%                 | \$170,086.38        | 43%                 | \$173,433.78        | \$182,301.50        | \$191,612.60 |
| Public Safety <sup>5</sup>                            | \$19,804.40         | 5%                  | \$21,586.79         | 5%                  | \$22,011.63         | \$23,137.09         | \$24,318.83  |
| Administration  | \$55,827.62         | 14%                 | \$60,852.10         | 15%                 | \$62,049.71         | \$65,222.33         | \$68,563.58  |
| Financial Audit and Insurance                         | \$23,322.94         | 6%                  | \$25,422.01         | 6%                  | \$25,922.33         | \$27,247.74         | \$28,639.43  |
| <b>Total Expenditures</b>                             | <b>\$398,018.08</b> | <b>\$433,839.71</b> | <b>\$442,377.94</b> | <b>\$464,996.83</b> | <b>\$488,746.67</b> | <b>\$513,684.01</b> |              |
| <b>Fund Balance/Reserves</b>                          | <b>\$60,389.17</b>  | <b>\$51,577.09</b>  | <b>\$55,847.34</b>  | <b>\$60,200.28</b>  | <b>\$64,640.04</b>  | <b>\$69,170.96</b>  |              |

1. Graffiti control, landscaping, park improvements, trash pickup and neighborhood improvements
2. Acquisition, construction, operation and maintenance of transportation facilities and wayfinding signage including neighborhood parking programs
3. Business development and recruitment to promote the District
4. Marketing, website, and other promotional activities including but not limited to wifi
5. Safety and security related initiatives including but not limited to lighting and signage
6. 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.
7. 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**

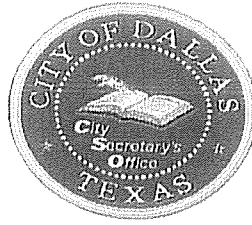
The cost of the services and improvements provided by the Deep Ellum Public Improvement District (DEPID) will be paid primarily by special assessments against property in the District. Annual assessments will be based on the total value of real property and improvements as certified by the Dallas Central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





PROOF OF PUBLICATION – LEGAL ADVERTISING

The legal advertisement required for the noted ordinance was published in the Dallas Morning News, the official newspaper of the city, as required by law, and the Dallas City Charter, Chapter XVIII, Section 7.

SEP 09 2015

DATE ADOPTED BY CITY COUNCIL \_\_\_\_\_

29861

ORDINANCE NUMBER \_\_\_\_\_

SEP 12 2015

DATE PUBLISHED \_\_\_\_\_

ATTESTED BY: