

ORDINANCE NO. 29865

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.

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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

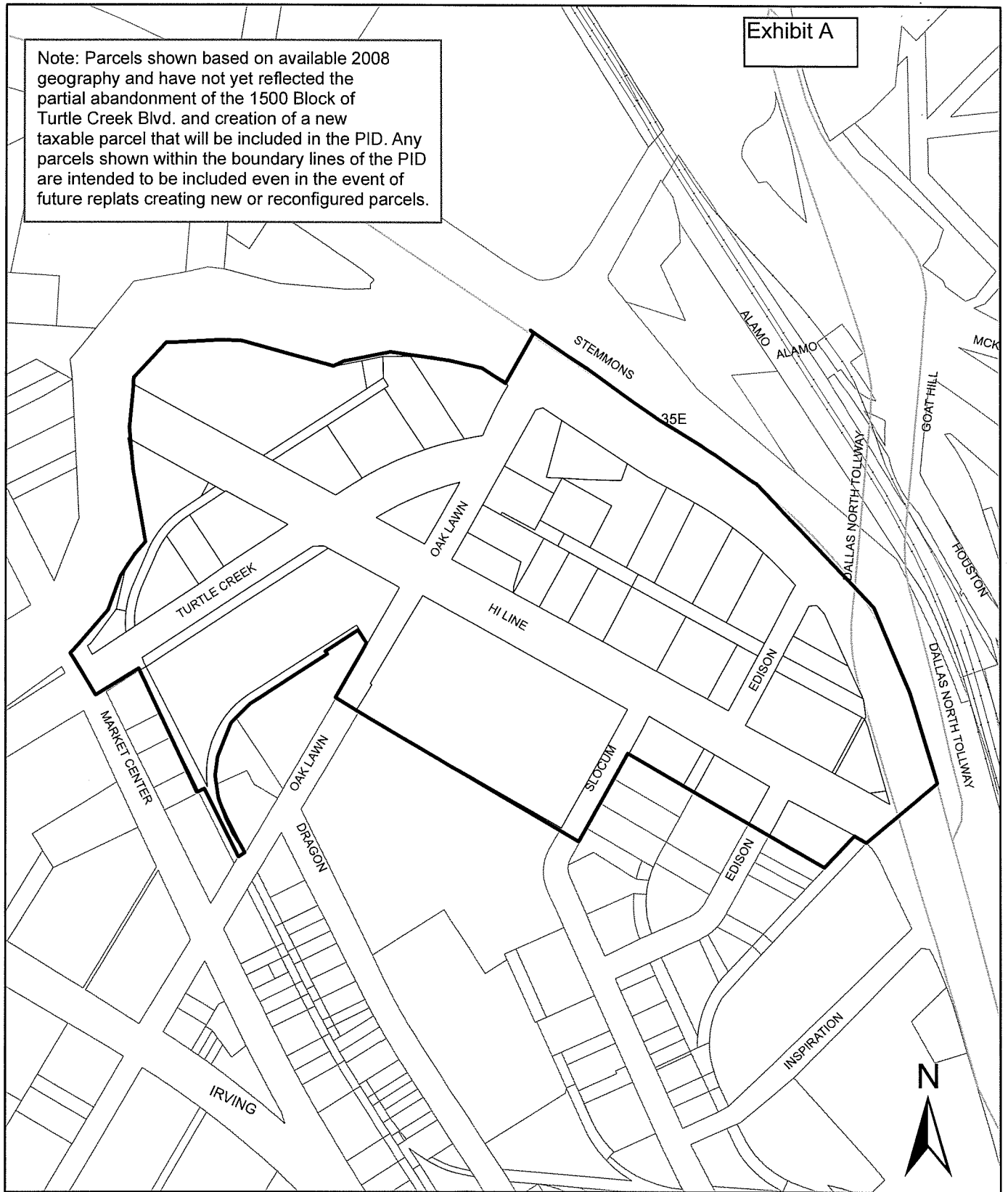
WARREN M. S. ERNST
CITY ATTORNEY

By: 
Assistant City Attorney

Passed and correctly enrolled SEP 09 2015

Exhibit A

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



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

1. Expenditures are anticipated to exceed net assessment revenue and interest income. Deficits will be met with property owner donations.
2. Public Safety Consists of contract security patrols inside PID boundary.
3. 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.
4. General Administrative costs include management fee, annual tax preparation, bookkeeping charges and postage for public notices
5. Promotion is public information dissemination primarily through the Dallas Design District weblog (www.dallasdesigndistrict.com)
6. Insurance expense provides for liability coverage binder and cost of required annual financial audit

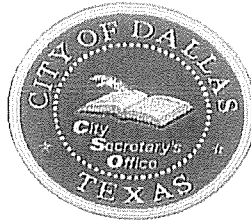
Exhibit C**OAK LAWN - HI LINE PUBLIC IMPROVEMENT DISTRICT
2015 ASSESSMENT PLAN**

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.

**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.

DATE ADOPTED BY CITY COUNCIL SEP 09 2015

ORDINANCE NUMBER 29865

DATE PUBLISHED SEP 12 2015

ATTESTED BY: