

ORDINANCE NO. 30204

AN ORDINANCE APPROVING AND ADOPTING THE FINAL 2017 SERVICE PLAN, THE FINAL 2016 ASSESSMENT PLAN, AND THE 2016 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 2017; 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 2016 ASSESSMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, on June 23, 2010, City Council established the Knox Street Public Improvement District (the District), pursuant to the Act finding that the petition satisfied the Act's requirements and the supplemental services and improvements were feasible and conferred a special benefit to the property in the District, designated Knox Street Public Improvement District Corporation as the manager of the District, and authorized a contract for management services; and approved the District Service Plan, by Resolution No. 09-1679; and

WHEREAS, on September 9, 2015, City Council authorized the 2016 Service Plan and 2015 Assessment Plan by Ordinance No. 29663 as shown on the attached **Exhibit A - Map of the District**; and

WHEREAS, City Council must review the proposed 2017 Service Plan and hold a public hearing to receive comments and pass on any objections to the 2016 Assessment Plan raised by any owner of property located within the District, and at the conclusion of the hearing to levy the assessment for the purpose of providing supplemental services and improvements; and

WHEREAS, on August 15, 2016, information about this item was presented to the Economic Development Committee; and

WHEREAS, on August 24, 2016, City Council authorized a public hearing to be held on September 14, 2016, to receive comments on the proposed 2016 Assessment Rate and final approval of the 2017 Service Plan; and

WHEREAS, the Knox Street Public Improvement District Corporation provided City staff with the proposed District 2017 Service Plan and 2016 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 supplemental services and improvements described in the Service Plan and Assessment Plan are feasible and advisable and will serve the needs and desires of the property owners, and that an assessment apportioned in an amount equal to a rate of \$0.15 per \$100.00 of appraised value of property or improvements to the property in the District, as determined by the Dallas Central Appraisal District (DCAD), 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 2017 Service Plan, the 2016 Assessment Plan and the 2016 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 2017; 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 2016 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 assessment shall apportion the costs each year among the property owners on the basis of special benefits accruing to the property. 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 assessment amount for 2016 is proposed to be \$284,462.

SECTION 3. (Continued)

This amount shall be apportioned in an amount approximately equal to \$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 2017 service plan year.

SECTION 4. That City Council hereby authorizes and adopts the final 2017 Service Plan, the final 2016 Assessment Plan, and the 2016 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, 2016, of approximately \$906,935. 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 14, 2016 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 special benefits accrued 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 that 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, 2017. 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

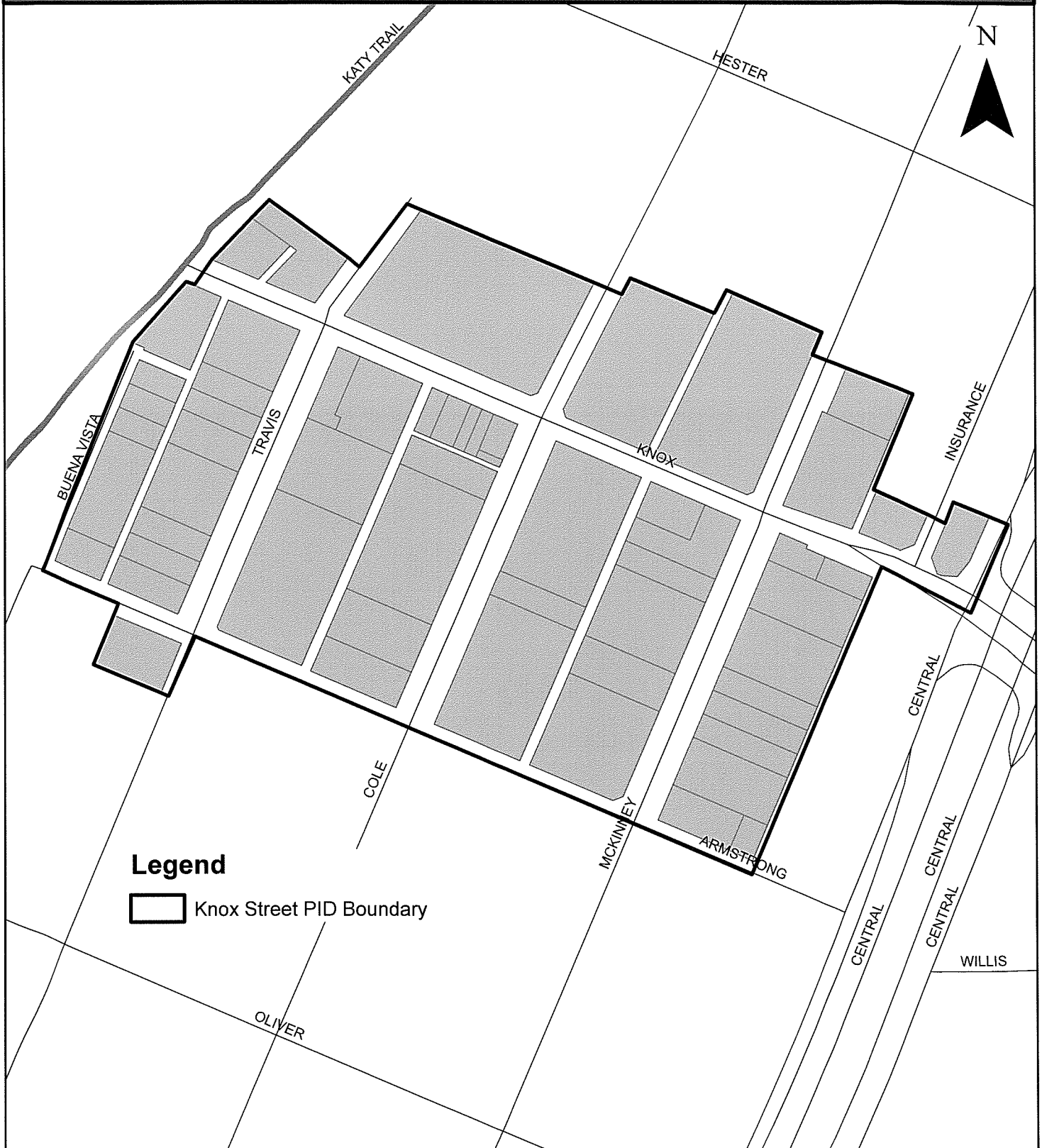
CHRISTOPHER D. BOWERS
INTERIM CITY ATTORNEY

By: 
Assistant City Attorney

Passed and correctly enrolled SEP 14 2016

EXHIBIT A

Knox Street PID



Legend

 Knox Street PID Boundary

City of Dallas

Office of Economic Development
<http://www.Dallas-EcoDev.org>
Created 04/2010

Exhibit B

30204

161499

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

	2017 Budget	2018 Budget*	2019 Budget*	2020 Budget*	2021 Budget*
INCOME					
Carryover Fund Balance From Previous Year	\$ 632,473	\$ 10,000	\$ 10,000	\$ 10,000	\$ 10,000
Net Assessment Revenue	\$ 284,462	\$ 292,996	\$ 301,786	\$ 310,839	\$ 320,165
TOTAL INCOME & RESERVES	\$ 916,935	\$ 302,996	\$ 311,786	\$ 320,840	\$ 330,164
EXPENSES					
Capital Improvements ⁽³⁾	\$ 750,038	\$ 147,565	\$ 152,715	\$ 158,020	\$ 164,483
Public Safety and Security ⁽⁴⁾	\$ 46,350	\$ 47,741	\$ 49,173	\$ 50,648	\$ 52,167
Marketing & Promotion ⁽⁶⁾	\$ 85,000	\$ 86,827	\$ 88,709	\$ 90,647	\$ 92,643
PID Renewal Fee ⁽⁷⁾	\$ 15,000	\$ -	\$ -	\$ -	\$ -
Insurance & Audit	\$ 10,399	\$ 10,711	\$ 11,033	\$ 11,364	\$ 11,704
Administrative ⁽⁸⁾	\$ 148	\$ 152	\$ 157	\$ 161	\$ 166
TOTAL EXPENSES	\$ 906,935	\$ 292,996	\$ 301,786	\$ 310,840	\$ 321,164
Current Net Income ⁽²⁾	\$ (622,473)	\$ 0	\$ 0	\$ (0)	\$ (1,000)
TOTAL CARRYOVER FUNDS AT YEAR END	\$ 10,000	\$ 10,000	\$ 10,000	\$ 10,000	\$ 9,000

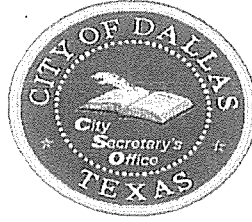
(1) 2017 Assessments are proposed to be set at the maximum rate of \$0.15 per \$100 of taxable value.
 (2) 2017 Budget Revenues are based on 2016 certified tax roll with a 10% reduction applied for potential protest and refunds.
 (3) Carryover funds will be used to fund capital improvement projects such 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. 2016 reflects the gateway marker. 2017 Capital Improvements reflects anticipated spend of majority of carryover from Security includes private security patrol, off-duty police, camera and related security systems equipment and monitoring.
 (4) Website, marketing, social media, branding, banners, special events and Christmas lights
 (5) Printing, mailing, notice, legal, audit and miscellaneous administrative expenses.
 (6) Payment to City of Dallas upon successful renewal of PID.
 (7) Actual Revenues (ie Cash Basis) in these years. 2015 Revenues include \$17,642.28 for TY 2016 received in 2015 Q4. Future years are on a tax year basis.
 (8) Subject to successful renewal in 2017.
 (*) PID Oversight Charges started in FY 2012-2013, shown here as expenses one year later. FY 2013-2014, FY 2014-2015 and FY 2015-2016 are included in 2016 Forecast since not billed yet. Starting 2016, includes \$2.75 per account fee.

EXHIBIT C
KNOX STREET PUBLIC IMPROVEMENT DISTRICT
ASSESSMENT PLAN 2016

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 2016 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.



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 14 2016

ORDINANCE NUMBER 30204

DATE PUBLISHED SEP 17 2016

ATTESTED BY:

A handwritten signature in cursive script, appearing to read "Rose C. Linn".