

RESOLUTION NO.

WHEREAS, Chapter 372 of the Texas Local Government Code (the “Act”) authorizes the creation of public improvement districts; and

WHEREAS, owners of real property located within the Austin Central Business District delivered to the City of Austin a Petition (the “Petition”) to continue, for a third five-year term, the Austin Downtown Public Improvement District (the “District”), as shown on the map attached hereto and made a part hereof and marked Exhibit “A” (the “Map of the District”); and

WHEREAS, the City Clerk of the City of Austin has reviewed the Petition and determined that under the proposal as set out in the Petition (i) the owners of more than 50% of the appraised value of the taxable real property liable for assessment and (ii) the owners of more than 50% of the area of all taxable real property liable for assessment within the District have executed the Petition and that the Petition complies with the Act and authorizes the City Council to consider the reauthorization of the District; and

WHEREAS, after providing the notices required by Section 372.009 of the Act, the City Council on October 18, 2007, has conducted a public hearing on the advisability of the improvements and services; and

WHEREAS, the City Council adjourned such public hearing; **NOW, THEREFORE**,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

Section 1. Pursuant to the requirements of the Act, the City Council, after considering the Petition for the proposed District and the evidence and testimony presented at the public hearing on October 18, 2007, hereby finds and declares:

- (a) Advisability of the Services and Improvements Proposed for the District. It is advisable to create the District to provide the services and improvements described in this Resolution; and the services and improvements will contribute to the public health, safety, and welfare.
- (b) Nature of the Services and Improvements. The general nature of the services and improvements to be performed by the District is to improve security, supplement the maintenance of streets, sidewalks, and landscaping, provide marketing information to promote the District, provide streetscape enhancements, and provide other services and improvements that are authorized by the Act. The District was created with intention of supplementing and enhancing services within the District, and will continue to do so, but is not intended to replace or supplant existing City services provided within the District, as described in the service plan (the “Service Plan”) attached hereto as Exhibit “B” and made a part hereof. The Service Plan is hereby approved and accepted by the City Council.
- (c) Estimated Cost of the Services and Improvements. The estimated annual cost of the services and improvements to be provided by the District is approximately \$2,250,000. The District shall not incur bonded indebtedness.

- (d) Boundaries. The District is located wholly within the City of Austin, Texas. The District is located within the Austin Central Business District, which is devoted primarily to commercial activity. The boundaries of the District are shown on the Map of the District, Exhibit “A”.
- (e) Method of Assessment. The method of assessment is based on the value of the real property and real property improvements as determined by the Travis Central Appraisal District.

Except with the prior consent of the owners thereof, the following classes of property shall be excluded from assessment: (a) property of the City (provided, however, that during each year in which the District remains in effect and the Council appropriates sufficient funds, the City shall pay a certain amount in lieu of an assessment); (b) property of the County, and property owned by political subdivisions of the State of Texas and used for public purposes; (c) property owned by a church or by a strictly religious society, and which yields no revenue to such church or religious society, and which is used as an actual place of religious worship or as a dwelling place for the ministry of such church or religious society; (d) property owned by persons or associations of persons which is used exclusively for school purposes; (e) property owned by an association engaged in promoting the religious, educational, and physical development of boys, girls, young men, or young women operating under a state or national organization of like character and used exclusively and necessarily for such purpose, including, but not limited to, property owned by the Austin Independent School District;

(f) property owned by institutions of purely public charity; (g) property that was used primarily for recreational, park, or scenic purposes during the immediately preceding calendar year; (h) property owned by public or private utilities that is located in public streets or rights-of-way; (i) property used for residential purposes and fitting the definition of a homestead provided in Section 41.001, Vernon's Texas Code Annotated, Texas Property Code; (j) property owned by The University of Texas and the State of Texas; (k) all hospitals; and (l) the first \$500,000 in valuation of all properties liable for assessment.

All property owners assessed in the District automatically become members of the District and others may join by the voluntary payment of dues. The Service Plan reflects the District's intention to provide services in a manner that will primarily benefit District members.

After reviewing the testimony and evidence, it is found that the exemptions for excluded classes are reasonable because the excluded property will not receive a benefit from the District sufficient to justify assessments. It is further found that the exemptions are reasonable and necessary to promote the efficient management of the District.

(f) Apportionment of Cost Between District and Municipality as a Whole.

The District shall pay the costs of the services and improvements by special assessment against the real property and real property improvements. The City will make an annual payment to the District in lieu of an annual assessment of City-owned property, subject to annual appropriation of funds from the Council. The City will agree

to pay the District a sum in each year not to exceed \$150,000. The City Manager is hereby instructed to provide for an annual payment in future budgets for the term of the District.

- (g) Assessment Roll and Setting of Rate. The City Manager is hereby directed to annually prepare an assessment roll and file said roll with City Clerk. The assessment rate shall not exceed \$0.10 per \$100.00 valuation of taxable real property as shown on the tax rolls of the Travis Central Appraisal District, provided, however, that property designated by the City as “H” Historic shall have the exemptions from assessment contained in Section 5-5-3 of the City Code and shall be assessed on the basis of the reduced value provided by the formula therein.
- (h) The recitals set forth in the preamble of the Resolution are found to be true and correct.

Section 2. The Austin Downtown Public Improvement District is hereby reauthorized and continued as a Public Improvement District under the Act in accordance with the findings set forth in this Resolution as to the advisability of the services and improvements. The District shall be subject to the terms, conditions, limitations, and reservations contained in the findings of Section 1 of this Resolution.

Section 3. The City Clerk is directed to give notice of the reauthorization of the District by publishing a copy of this Resolution once in a newspaper of general circulation in the City of Austin. Such reauthorization shall take effect and the District shall be deemed to be reestablished effective upon the publication of such

notice. The District shall automatically dissolve five years from the date of approval of this Resolution unless the District is renewed through the Petition and approval process provided for in the Act, or the District is sooner terminated as provided by law. The power of the City to continue to levy and collect assessments within the District pursuant to the Act will cease and the District will be dissolved on the date that a petition requesting dissolution is filed with the City Clerk of the City of Austin and the petition contains the signatures of at least enough property owners in the District to make the petition sufficient for creation of a public improvement district as provided in Section 372.005(b) of the Act.

Section 4. The City Council designates Austin DMO, Inc., a Texas nonprofit corporation, d/b/a Downtown Austin Alliance, as the advisory body as contemplated by Section 372.008 of the Act.

ADOPTED: _____, 2007

ATTEST: _____

Shirley A. Gentry
City Clerk