

RESOLUTION NO.

WHEREAS, Chapter 372 of the Texas Local Government Code (the "Act") authorizes the creation of public improvement districts which are created to confer enhanced city services to a defined geographic area paid for through assessments made by property owners; and

WHEREAS, owners of the real property located within the vicinity of South Congress Avenue between Nellie Street and Annie Street delivered to the City of Austin a Petition (the "Petition") to create a South Congress Preservation and Improvement District (the "District"), as shown on the map attached and incorporated as 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 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 16, 2014, 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 District and the evidence and testimony presented at the public hearing on October 16, 2014, 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 provide for public safety and security; protect the public health and promote sanitation and provide waste management; promote economic growth and diversification including advertisement, business recruitment, marketing, and public relations; recreational activities and cultural enhancements; provide landscaped and scenic areas and parks; provide distinctive lighting, signs, and public art; enhance pedestrian and vehicular mobility; expand commerce; plan for and manage the needs of the District, and provide other services and improvements that are authorized by the Act. The District is being created with the 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 and incorporated as Exhibit "B". 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 \$71,000 for the first year. Revenues to support services and improvements are anticipated to increase to an estimated \$79,000 annually by the fifth year. The District shall not incur bond indebtedness.

(d) Boundaries: The District is located wholly within the City of Austin, Texas. 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. The following classes of property shall be excluded from assessment: (a) property of the City used for public purposes (provided, however, that during each year in which the District remains in effect and the City Council appropriates sufficient funds, the City may pay an 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 that is exempt from taxation under Section 11.20 of the Texas Property Tax Code, as amended; (d) property owned by persons or an association of persons which is used exclusively for school purposes; (e) property used exclusively for school purposes; (f) 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; (g) property owned by institutions of purely public charity; (h) property that was used primarily for recreational, park, or scenic purposes during the immediately preceding calendar year; (i) property owned by public or private utilities that is located in public streets or rights-of-way; (j) property used for residential purposes and fitting the definition of a homestead provided in Section 11.13(j)(1) of the Texas Property Tax Code; (k) all hospitals; and (l) property owned by public colleges, universities,

and the State of Texas.

Property designated by the City as "H" Historic will have the exemptions from assessment contained in Section 11-1-22 of the City Code and will be assessed on the basis of the reduced value provided by the formula there.

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 the District and the Municipality as a Whole.** The total cost of the supplemental improvements and services described in this Petition will be paid solely by the District. No portion of the supplemental services will be apportioned to the City as a whole. City right-of-way, railroad right-of-way, parks and cemeteries are not specially benefitted and therefore are not subject to assessment. Payment of assessments by other exempt jurisdictions and entities must also be established by contract. The District will pay the cost of City expenses related to oversight of the PID operations.

(g) **Assessment Roll and Setting of Rate:** The City Manager is hereby directed to annually prepare an assessment roll and file the roll with the City Clerk. The assessment rate shall not exceed \$0.20 per \$100.00 valuation of taxable real property as shown on the tax rolls of the Travis Central Appraisal District.

(h) The recitals in the preamble of the Resolution are found to be true and

correct.

Section 2. The District is hereby authorized and created as a Public Improvement District, effective October 20, 2014, in accordance with the findings 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. The District shall automatically terminate five years from the effective date of this Resolution unless the District is renewed through the Petition and approval process provided for in the Act, or the District is terminated earlier 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 the South Congress Improvement Association (SCIA), a Texas nonprofit corporation, as the advisory body as contemplated by Section 372.008 of the Act.

ADOPTED: _____. 2014

ATTEST: _____

Jannette Goodall
City Clerk