

ORDINANCE NO. _____

AN ORDINANCE LEVYING ASSESSMENTS FOR THE COST OF CERTAIN IMPROVEMENTS AND/OR SERVICES PROVIDED IN FORT WORTH PUBLIC IMPROVEMENT DISTRICT NO. 11 DURING FISCAL YEAR 2019-2020; SETTING CHARGES AND LIENS AGAINST PROPERTY IN THE DISTRICT AND AGAINST THE OWNERS THEREOF; PROVIDING FOR THE COLLECTION OF SUCH ASSESSMENTS; RESERVING UNTO THE CITY COUNCIL THE RIGHT TO ALLOW CREDITS REDUCING THE AMOUNT OF THE RESPECTIVE ASSESSMENT TO THE EXTENT OF ANY CREDIT GRANTED; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Fort Worth, Texas, has heretofore directed that certain improvements and/or services (the “Improvements”) shall be provided in the Fort Worth Public Improvement District No. 11 (the “District”); and

WHEREAS, the District consists of the area bounded by Northeast 28th Street on the north side, the Burlington Northern Santa Fe Railroad tracks on the east side, Northeast 23rd Street and Flores Street on the south side, and Houston Street, West Exchange Avenue, Clinton Avenue, Finney Avenue, Northwest 25th Street, and Ellis Avenue on the west side; and

WHEREAS, the Improvements to be provided in Fiscal Year 2019-2020 and their estimated costs are as follows:

EXPENSES	
Management Fee	16,858
Litter Abatement & Maintenance	25,000
Public Events	17,000
Capital Improvements	30,000
Insurance	700.00
Website & Other Marketing	40,000
City Administrative Fee	2,000
Budgeted Expenses	\$131,558

The total budgeted expenses are \$131,558. Of this amount, \$119,447 will be funded by assessments collected on privately owned parcels located in the District. The remainder of the costs will be funded by other revenue sources:

- \$12,111 transferred from the unaudited, unassigned fund balance.

WHEREAS, it is proposed that property subject to assessment in the District be assessed at a rate of \$0.12 per each \$100 of property value, as of January 1, 2019 and determined by the appraisal district with jurisdiction over property in the District;

WHEREAS, the Improvements and proposed assessments were previously presented in a public hearing conducted by the City Council on August 20, 2019 (M&C FMS PID11FY20 BENEFIT) and the assessment roll has been on file in the office of the City Secretary for public inspection; and

WHEREAS, the Improvements and proposed assessments were once again presented in a public hearing conducted by the City Council on the 27th day of August, 2019, at 7:00 p.m. in the Council Chamber in the City Hall in the City of Fort Worth, Texas (the “Public Hearing”), notice of which was published and mailed to all record owners of property in the District, and at such hearing all desiring to be heard were given a full and fair opportunity to be heard; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORT WORTH, TEXAS:

SECTION 1.

The Public Hearing is hereby closed and any and all protests and objections, whether herein enumerated or not, are hereby overruled.

SECTION 2.

The City Council, from all evidence before it, including all information provided to it and considered in the Public Hearing, finds that the assessments herein described should be made and levied against the respective parcels of property in the District and against the owners of such property. Such assessments and charges are right and proper and are substantially in proportion to the benefits to the respective parcels of property by means of the Improvements in the District for which such assessments are levied and establish substantial justice and equality and uniformity between all parties concerned, considering the benefits received and burdens imposed. The City Council further finds that in each case the property assessed is specially benefited in enhanced value to the said property by means of the Improvements in the District and for which assessment is levied and charge made, and further finds that the apportionment of the cost of the Improvements is in accordance with applicable law. The City Council, from the evidence, further finds that the values of the respective parcels of property on January 1, 2019, are true and correct.

SECTION 3.

There shall be, and are hereby, levied and assessed against the parcels of property subject to assessment in the District and against the real and true owners thereof (whether such owners be correctly named herein or not), the sums of money itemized per parcel of property, and the owners thereof, as far as such owners are known, at the following rate and method of payment: \$0.12 per each \$100 of value.

SECTION 4.

Where more than one person or entity owns an interest in any property described herein, each such person or entity shall be personally liable only for its, her, or his pro rata share of the total assessment against such property in proportion to its, his, or her respective interest to the total ownership such property, and its, his or her respective interest in such property may be released from the assessment lien upon payment of a proportionate sum.

SECTION 5.

The several sums above mentioned and assessed against the said parcels of property, and owners thereof, and penalty and interest thereon at the rate prescribed by Chapter 372, Texas Local Government Code (the Public Improvement District Assessment Act), together with reasonable attorney's fees and cost of collection, if incurred, are hereby declared to be and are made a lien upon the respective parcels of property against which the same are assessed, and a personal liability and charge against the real and true owners of such property, whether such owners be correctly named herein or not, and such liens shall be and constitute the first enforceable lien and claim against the property on which such assessments are levied, and shall be a first and paramount lien thereon, superior to all other liens and claims, except state, county, school district and city ad valorem taxes. A copy of this ordinance may be filed with the County Clerk of Tarrant County, Texas, and when so filed shall constitute complete and adequate legal notice to the public concerning the liens hereby assessed against the respective parcels of property and the owners thereof.

The sums so assessed against the respective parcels of property and the owners thereof shall be and become due and payable on or before January 31, 2020, and shall become delinquent if not paid by February 1, 2020. The entire amount assessed against each parcel of property shall bear penalty and interest, from and after February 1, 2020 at the same rate as prescribed by law for any delinquent ad valorem tax until paid.

SECTION 6.

If default shall be made in the payment of any assessments, collection thereof shall be enforced by suit in any court of competent jurisdiction, and said City shall exercise all of its lawful powers to aid in the enforcement and collection of said assessments.

SECTION 7.

The total amount assessed against the respective parcels of property, and the owners thereof, is in accordance with the proceedings of the City hereto and is less than the proportion of the cost allowed and permitted by applicable law.

SECTION 8.

Although the aforementioned charges have been fixed, levied, and assessed in the respective amounts herein stated, the City Council does hereby reserve the right to reduce the aforementioned assessments by allowing credits to certain property owners where deemed appropriate and provided that such any such allowance does not result in any inequity or unjust discrimination.

SECTION 9.

Full power to make and levy reassessments and to correct mistakes, errors, invalidities, or irregularities in the assessments are, in accordance with the law in force in this City, vested in the City.

SECTION 10.

In any suit upon any assessment or reassessment, it shall be sufficient to allege the substance of the provision recited in this ordinance and that such recitals are in fact true, and further allegations with reference to the proceedings relating to such assessment and reassessment shall not be necessary.

SECTION 11.

Should any portion, section or part of a section of this Ordinance be declared invalid, inoperative, or void for any reason by a court of competent jurisdiction, such decision, opinion, or judgment shall in no way impair the remaining portions, sections, or parts of sections of this Ordinance, which shall remain in full force and effect.

SECTION 12.

This Ordinance shall be cumulative of all other ordinances and appropriations amending the same except in those instances where the provisions of this Ordinance are in direct conflict with such other ordinances and appropriations, in which instance said conflicting provisions of said prior ordinances and appropriations are hereby expressly repealed.

SECTION 13.

This Ordinance shall take effect and be in full force and effect from and after the date of its passage.

AND IT IS SO ORDAINED.

APPROVED AS TO FORM AND LEGALITY:

ATTEST:

Tyler F. Wallach, Assistant City Attorney

Mary J. Kayser, City Secretary

M&C: _____

Adopted and Effective: August 27, 2019