

ORDINANCE NO. 28682

AN ORDINANCE ESTABLISHING CLASSIFICATIONS FOR THE APPORTIONMENT OF COSTS AND THE METHODS OF ASSESSING SPECIAL BENEFITS FOR THE SERVICES AND IMPROVEMENTS TO HOTEL PROPERTIES IN THE TOURISM PUBLIC IMPROVEMENT DISTRICT (DISTRICT); APPROVING AND ADOPTING THE 2012 ASSESSMENT ROLL ON FILE WITH THE CITY SECRETARY; CLOSING THE HEARING AND LEVYING ASSESSMENTS FOR THE COST OF CERTAIN SERVICES AND IMPROVEMENTS TO BE PROVIDED IN THE TOURISM PUBLIC IMPROVEMENT DISTRICT DURING 2012; FIXING CHARGES AND LIENS AGAINST THE PROPERTY IN THE DISTRICT AND AGAINST THE OWNERS THEREOF; PROVIDING FOR THE COLLECTION OF THE ASSESSMENT; AND PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, on May 7, 2012, a briefing was submitted to the Economic Development Committee regarding the creation of the Tourism Public Improvement District (TPID); and

WHEREAS, by resolution approved on May 23, 2012, the City Council authorized a public hearing to be held on June 13, 2012, to hear and receive comments concerning the annual assessment rate for the Tourism Public Improvement District by Resolution No. 12-1379; and

WHEREAS, the Dallas Convention & Visitors Bureau presented City staff with the proposed District Service Plan for 2012 and the proposed Assessment Rate for 2012 (attached hereto as **Exhibits A and B**) for the purpose of apportioning the cost of services and improvements to be assessed against the hotel properties in the District; and

WHEREAS, pursuant to the Act, the City Council authorized the District Service Plan for 2012 on May 23, 2012, and called a public hearing to be held on June 13, 2012, to receive comments from interested persons concerning the assessment rate for the District; and

WHEREAS, as further required by the Act, the City held the public hearing on June 13, 2012, and subsequently closed the public hearing after receiving hotel property owner's concerns and comments on the proposed assessment for the District; and

WHEREAS, the 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

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WHEREAS, the City Council finds that the Service Plan and Assessment Plan are feasible and sound and will serve the needs and desires of the hotel property owners and that the apportionment of the cost for the services and improvements based on a 2% rate on hotel room nights sold at Dallas hotels with 100 or more rooms are reasonable and adequate.

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That the City Council in accordance with the Assessment Plan shall apportion the costs of the services and improvements to be assessed against property in the District on the basis of special benefits accruing to the hotel property. The apportionment of such costs shall be based on a 2% of hotel room nights sold at Dallas hotels with 100 or more rooms. The 2% rate will only apply to hotel stays that are subject to the City's hotel occupancy tax.

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 City Council hereby authorizes and adopts the Assessment Roll filed with the City Secretary apportioning the total cost of the services and improvements to be assessed against property in the District (based on hotel room nights sold at Dallas hotels with 100 or more rooms) for fiscal year (August 2012 to July 2013) ending July 31, 2013 of approximately \$10,200,000. The assessment roll states that the assessment is against each parcel of land in the District (based on hotel room nights sold at Dallas hotels with 100 or more rooms) and is subject to public inspection in the City's official records.

SECTION 4. That notice of the City Council's intention to consider the proposed assessments at a public hearing on June 13, 2012 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 15th 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 5. That Dallas City staff mailed to the owners of hotel 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 15th day before the date of the hearing to the last known address of the hotel property owner on the City tax roll. The failure of the hotel property owner to receive notice does not invalidate the proceeding.

SECTION 6. That the City Council finds that the assessments should be made and levied against the respective parcels of property within the District (based on hotel room nights sold at Dallas hotels with 100 or more rooms and against the owners thereof, and are substantially in proportion to the benefits to the respective parcels of hotel 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 hotel 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 had 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 7. 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 inspection, and the several amounts assessed against the same, and the owners thereof.

SECTION 8. That the several sums above mentioned and assessed against the said parcels of hotel property (based on hotel room nights sold at Dallas hotels with 100 or more rooms) and the owners thereof, and interest thereon at the rate of up to ten percent (10%) 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 hotel property assessed, superior to all other liens and claims except liens and claims for state, county, school district and municipality ad valorem taxes and is a personal liability of and charge against the owners of the hotel 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 9. That the assessment levied herein shall be due and payable in full on or before the 15th day of the month succeeding the month during which it is due for collection, to earn a 1% prompt payment discount. Net payment is due, without discount, on or before the 25th day of the month succeeding the month during which it is due for collection, ~~and a~~ A penalty of up to 15% not to exceed the maximum amount allowed by law will ~~may~~ be assessed on the delinquent balance. The assessment ~~becomes~~ shall be considered delinquent on the 26th day of the month succeeding the month during which it is due for collection. That if default be made in the payment of any of the said sums hereby assessed against said hotel property owners and their hotel 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 hotel property may pay at any time the entire assessment, with 15% penalty, if applicable, and 10% interest that have accrued on the assessment on any lot or parcel.

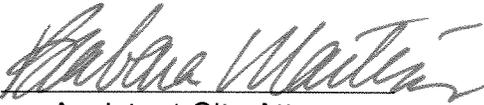
SECTION 10. That all assessments levied are a personal liability and charge against the real and true owners of the premises described, notwithstanding such owners may not be named, or may be incorrectly named.

SECTION 11. 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 12. That this ordinance takes 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

THOMAS P. PERKINS, JR
City Attorney

By: 
Assistant City Attorney

JUN 13 2012

Passed and correctly enrolled _____

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Exhibit B

**Tourism Public Improvement District
2012 Assessment Plan**

The cost of the services and improvements provided by the Tourism Public Improvement District will be paid primarily by an assessment on Dallas hotels with 100 or more rooms based on hotel room nights sold. The 2% assessment will only apply to hotel stays that are subject to the City's hotel occupancy tax.