

A Resolution

NO. 4120-08-2012

ESTABLISHING FORT WORTH PUBLIC IMPROVEMENT DISTRICT NO. 15 (SUN VALLEY PID) AND TAKING CERTAIN OTHER ACTIONS CONCERNING THE DISTRICT

WHEREAS, on July 20, 2012 the City Council of the City of Fort Worth received a petition for the establishment of the Fort Worth Public Improvement District No. 15 (the “PID”); and

WHEREAS, in accordance with Section 372.009 of the Texas Local Government Code (the “Code”), the City Council held a public hearing at its regular, open and public meeting on August 14, 2012 (the “Public Hearing”) concerning the following matters:

- the advisability of establishing the PID
- the general nature of the proposed improvements and services to be undertaken in the PID;
- the estimated costs of such improvements and services;
- the boundaries of the PID;
- the proposed method of assessment; and
- the proposed apportionment of costs between the PID and the City as a whole; and

WHEREAS, in accordance with Section 372.009(c) of the Code, notice of the Public Hearing and all of the above-referenced information was published in the Fort Worth *Star-Telegram*, a newspaper of general circulation in the City, on July 27, 2012, which date was before the fifteenth (15th) day prior to the date of the Public Hearing; and

WHEREAS, in accordance with Section 372.009(d) of the Code, notice of the Public Hearing and all of the above-referenced information was mailed to all property owners subject to assessment under the proposal set forth in the petition on July 27, 2012, which date was before the fifteenth (15th) day prior to the date of the Public Hearing; and

WHEREAS, after hearing all public comments in the Public Hearing, the City Council found that (i) the petition includes the information required by Section 372.005(a) of the Code; and (ii) the petition is sufficient because (a) in accordance with Section 372(b)(1) of the Code, it has been signed by owners of taxable real property representing more than fifty percent (50%) of the appraised value of taxable real property liable for



assessment under the proposal set forth in the petition, as determined by the current roll of Tarrant Appraisal District, and (b) in accordance with Section 372.005(b)(2)(B) of the Code, it has been signed by record owners of real property liable for assessment under the proposal set forth in the petition who own taxable real property that constitutes more than fifty percent (50%) of the area of all taxable real property that is liable for assessment under such proposal; and

WHEREAS, final adjournment of the Public Hearing occurred on August 14, 2012;

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

1. Findings.

The City Council, after duly considering the evidence and testimony presented at the Public Hearing and based on all information known by the City Council, hereby makes the following findings:

1.1. It is advisable to establish the PID.

1.2. It is advisable that the City exercise the powers granted by Chapter 372 of the Code in connection with the establishment of the PID, including the undertaking of improvement projects and services that confer a special benefit on property in the PID and the levying and collection of special assessments on property in the PID, based on the benefit conferred by such projects and services.

1.3. It is advisable that the following improvement projects and services be undertaken and provided in the PID, which projects and services are all hereby found to promote the interests of the City:

(a) An improvement district security patrol program, designed to increase the security, walk-ability, employee safety, and enhance the business environment of the industrial park. The program will involve manned, after-hours patrols working in a bright vehicle equipped with flood lighting and rotation spotlight.

(b) Various security-related or other capital improvements within the PID, including, but not limited, to lighting, landscaping, signage, sidewalks, and street and drainage improvements.

(c) An improvement district management program to provide for the establishment, administration and operation of the proposed expansion area of the District, when funds are available.

Such improvements and services will be a supplement to the standard existing level of City improvements and services and will constitute an added



increment to the improvements and services normally provided to the taxpayers generally. The City will continue to furnish or pay for the standard services in the PID at the same level, as they would be provided for the taxpayers generally.

1.4. The PID will provide improvements or services in the 2012-13 fiscal year because there will be assessment revenues for the 2012 tax year. For the 2012-13 fiscal year, the estimated cost of the above-referenced improvements and services, and estimated costs to implement such improvements and services are:

Management Fee	6,108.00
Security Patrol Services (wages, taxes, workers comp., etc.)	54,200.00
Security Patrol Services (vehicle fuel, replacement/maintenance, etc.)	7,000.00
Insurance	500.00
Audit/Accounting	1,000.00
City Administration	2,000.00
Estimated Operating Reserve	1,048.00
	<hr/>
	71,856.00

Such estimated costs are reasonable and appropriate. The estimated costs of improvements and services provided in the 2012-13 fiscal year will be determined in a subsequent annual budget and service plan for the PID approved by the City Council in September 11, 2012 in accordance with Chapter 372 of the Code. Such costs will be paid from assessments levied in accordance with Chapter 372 of the Code. The five (5)-year service plan proposed for the PID is attached hereto as **“Attachment 1”**.

1.5. The boundaries of the PID proposed in the petition is the area described and depicted in the map attached hereto as **“Attachment 2, Exhibit B”**.

1.6. The method of assessment is proposed to be as follows:

(a) Beginning in 2012, an annual budget and service plan will be approved by the City Council prior to the beginning of each fiscal year of the term of the PID in accordance with Section 372.013 of the Code.

(b) The cost of each improvement and service provided during a fiscal year will be assessed against real property within the PID benefitting from such improvement or service based on the value of such property, including the value of structures or other improvements on the property, as determined by Tarrant Appraisal District.

(c) The annual assessment during the first year of the PID shall not exceed \$0.27 per \$100 of the appraised value of real property and improvements located



therein. The City will be responsible for payment of assessments against any tax-exempt City-owned property located in the PID. Otherwise, tax exempt properties or government-owned properties in the PID will not be assessed unless the owners of such properties enter into a contract with the City to pay assessments. All the taxable properties in the PID will be assessed equally unless this Resolution is amended following a public hearing held in accordance with Section 372.016 of the Code concerning the proposed adoption of an ordinance implementing a different method of assessment authorized by Section 372.015 of the Code.

Based on the improvements and services to be undertaken in the PID, as outlined herein and in the service plan, the City Council hereby finds that the proposed method of assessment is reasonable and necessary.

1.7. The apportionment of costs between the PID and the City as a whole is as follows:

(a) The entire cost of each improvement and service will be paid from assessments levied in accordance with Chapter 372 of the Code.

(b) No City funds will be used to pay any portion of the cost of any improvement or service, unless such funding is approved from the City Council or other appropriate municipal authority on a case-by-case basis.

2. Establishment of the PID; Term.

Based on the findings set forth above, the PID comprising the boundaries set forth in Section 1.5 above is authorized to be established and shall be known as Fort Worth Public Improvement District No. 15. The PID's boundaries may be expanded only by the same procedure required by Chapter 372 of the Code for establishment of the PID. The PID shall take effect on the date on which the City Council's authorization to establish the PID pursuant to and in accordance with this Resolution is published in a newspaper of general circulation in the City in accordance with Section 372.010(b) of the Code and shall expire on the earlier of (i) September 30, 2032; (ii) the effective date of a Resolution dissolving the PID adopted by the City Council following receipt of a petition requesting dissolution and the holding of a public hearing to consider such dissolution in accordance with Section 372.011 of the Code; or (iii) any other lawful method provided for dissolution of a public improvement district pursuant to the Code, as it may be amended. Notwithstanding anything to the contrary herein, the PID shall continue in effect until all obligations of indebtedness for all previously-authorized improvement projects and services in the PID have been fully satisfied and discharged. The PID shall be subject to all conditions, limitations, and reservations set forth in the findings in Section 1.



3. Approval of Budget and Five-Year Service Plan.

The budget and five (5)-year service plan for the PID, as set forth in Section 1 and Attachment 1 hereof, are hereby approved.

4. Advisory Body.

The City Council hereby declines to appoint an advisory body for the PID pursuant to Section 372.008 of the Code. The City Council hereby reserves the right to assign responsibility for preparation of the ongoing service plan for the PID to another entity in the absence of such an advisory body, as authorized by Section 372.013(a) of the Code.

5. Effectiveness; Restriction on Construction of Improvements.

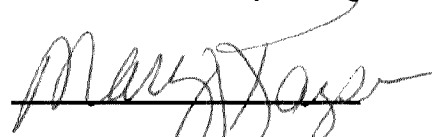
The City Council's authorization for establishment of the PID pursuant to this Resolution shall not take effect until the date as of which such authorization has been published in a newspaper of general circulation in the City in accordance with Section 372.010(b) of the Code (the "**PID Effective Date**"). All other provisions of this Resolution shall be effective from and after adoption of this Resolution. In accordance with Section 372.010(c) of the Code, actual construction of any improvement authorized under the approved service plan for the PID may not begin until after the twentieth (20th) day following the PID Effective Date.

6. Publication.

The City Secretary is hereby directed to publish notice of the City Council's authorization to establish the PID once in a newspaper of general circulation in the City.

ADOPTED this 21st day of August 2012.

ATTEST:

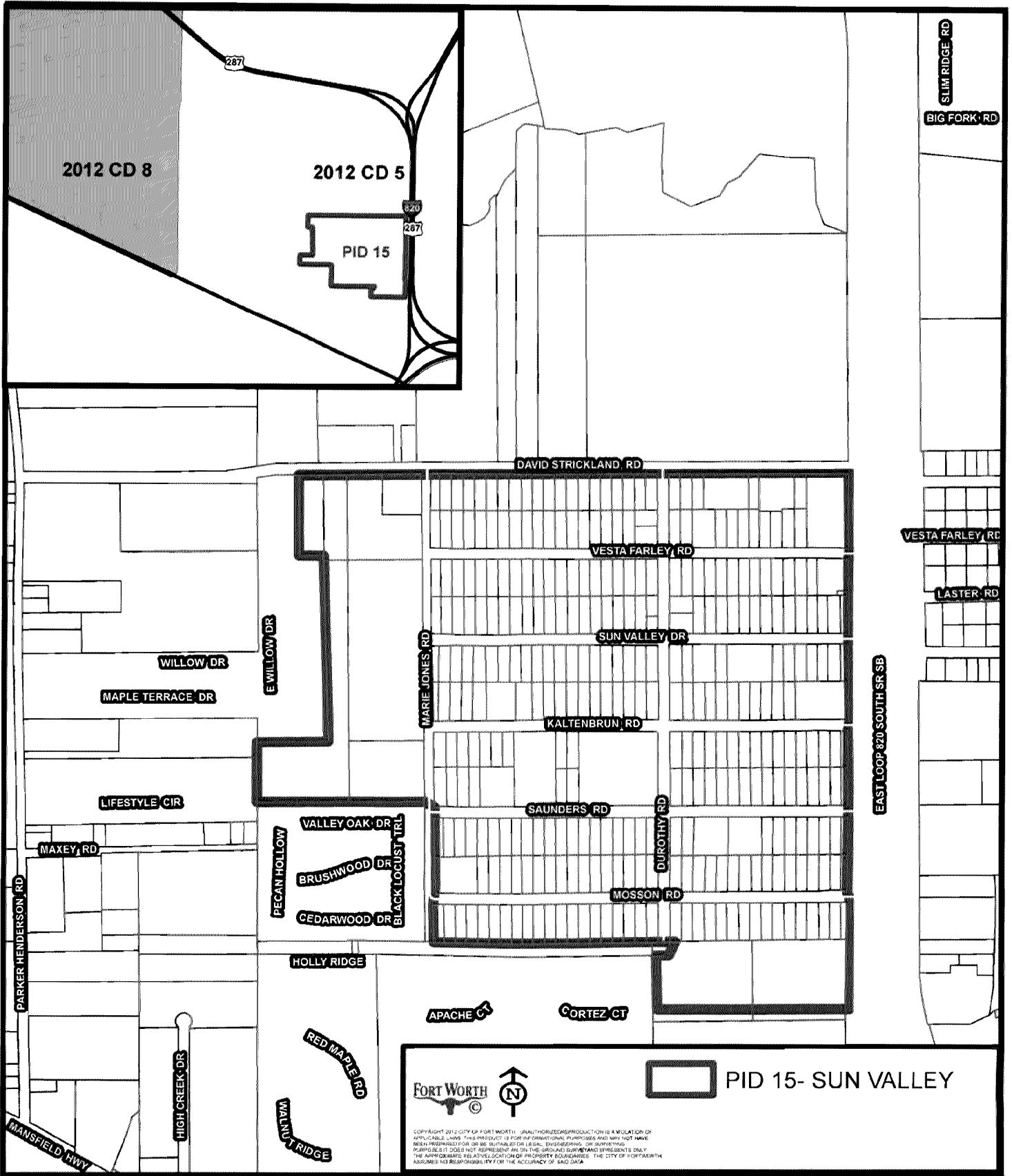

Mary J. Kayser, City Secretary



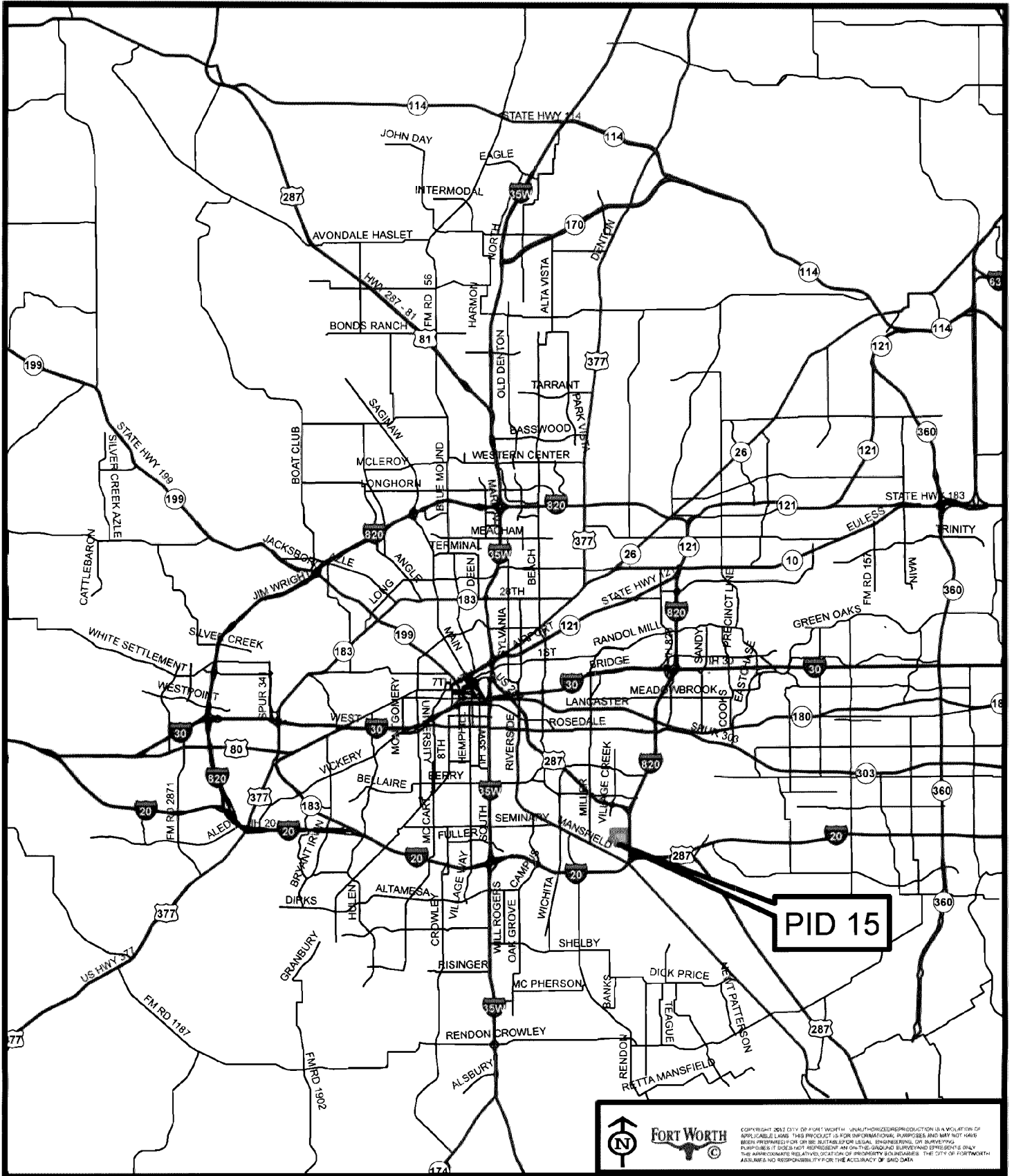
ATTACHMENT 1
City of Fort Worth
Budget and Five Year Service Plan
Public Improvement District No. 15 - SUN VALLEY

	<u>FY12/13</u>	<u>FY13/14</u>	<u>FY 14/15</u>	<u>FY15/16</u>	<u>FY 16/17</u>
REVENUES					
PID Assessments	71,856	75,633	87,272	89,017	91,242
Prior Year's Assessment	-	1,048	4,259	16,619	3,161
Total Revenues:	\$ 71,856	\$ 76,681	\$ 91,531	\$ 105,636	\$ 94,403
EXPENSES					
Management Fee (Admin.)	6,108	6,518	7,780	8,979	8,024
Security Patrol Services (wages, taxes, workers comp., etc)	54,200	55,284	56,390	57,517	58,668
Security Patrol Services (vehicle fuel, R&M, insurance)	7,000	7,105	7,212	7,320	7,430
Capital Improvements	-	-	-	25,113	15,000
Insurance	500	500	500	500	500
Audit/Accounting	1,000	1,015	1,030	1,046	1,061
City Administrative Fee	2,000	2,000	2,000	2,000	2,000
Budget Expenses:	\$ 70,808	\$ 72,422	\$ 74,912	\$ 102,475	\$ 92,683
Estimated Operating Reserve	1,048	4,259	16,619	3,161	1,720
Total Expenses:	\$ 71,856	\$ 76,681	\$ 91,531	\$ 105,636	\$ 94,403

Exhibit B



PID 15- Sun Valley



City of Fort Worth, Texas
Mayor and Council Communication

COUNCIL ACTION: Approved on 8/21/2012 - Resolution No. 4120-08-2012

DATE: Tuesday, August 21, 2012

REFERENCE NO.: G-17654

LOG NAME: 17PID15SUNVALLEYRES

SUBJECT:

Adopt Resolution Establishing the Fort Worth Public Improvement District No. 15, Sun Valley (COUNCIL DISTRICT 5)

RECOMMENDATION:

It is recommended that the City Council:

1. Adopt the attached Resolution which: (i) makes certain findings concerning the nature and advisability of the improvements and services to be provided in the Sun Valley Public Improvement District, the estimated costs, the boundaries of the Sun Valley Public Improvement District, the method of assessment and the apportionment of costs between the Sun Valley Public Improvement District and the City as a whole; (ii) establishes the Sun Valley Public Improvement District; and (iii) approves the budget and a Five-Year Service Plan for the Sun Valley Public Improvement District;
2. Direct the City Secretary to publish notice of the establishment of the Sun Valley Public Improvement District as required by Chapter 372 of the Texas Local Government Code; and
3. Set a public benefit hearing for September 11, 2012 at 7:00 p.m. for final consideration of the Sun Valley District's Fiscal Year 2012-2013 Budget and Five-Year Service Plan and 2012 Assessment Roll.

DISCUSSION:

On July 20, 2012, the City Council received a petition requesting establishment of the Fort Worth Public Improvement District No. 15 (PID No. 15, Sun Valley). The Staff has reviewed the petition and finds that it contains sufficient signatures and meets other requirements of Chapter 372 of the Texas Local Government Code necessary for the City Council to create the PID.

On August 14, 2012, (M&C BH-275) the City Council conducted a public hearing to consider the following matters:

- The advisability of establishing the proposed Public Improvement District for a term of approximately 20 years, expiring September 30, 2032;
- The general nature of the proposed improvements and/or services;
- The estimated costs of the improvements and/or services;
- The proposed boundaries of the Public Improvement District; and
- The proposed method of assessments.

The proposed PID 15 is located in COUNCIL DISTRICT 5.

FISCAL INFORMATION / CERTIFICATION:

The Financial Management Services Director certifies that, upon approval of the above recommendations, it will have no material effect on City funds.

FUND CENTERS:

TO Fund/Account/Centers

FROM Fund/Account/Centers

CERTIFICATIONS:

Submitted for City Manager's Office by:

Fernando Costa (6122)

Originating Department Head:

Jay Chapa (5804)

Sylvia Flores (8550)

Additional Information Contact:

Coy Gray (6203)
