

RESOLUTION

WHEREAS, the City Council (the “Council”) of the City of Lubbock (the “City”) has received a petition (the “Petition”) with signatures from the record owners of taxable real property representing more than fifty percent (50%) of the appraised value of an area within the City as determined by the most recent certified appraisal roll of the Lubbock Central Appraisal District, and owners of not less than fifty percent (50%) of the area of all taxable real property that is liable for assessment under the area covered by the Petition; and

WHEREAS, the Petition requests that the City establish a public improvement district according to Chapter 372 of the Texas Local Government Code for the general purpose of financing improvements and services related to: landscaping; erection of fountains, distinctive lighting, and signs; acquiring, constructing, improving, widening, narrowing, closing, or rerouting of sidewalks or of streets, any other roadways, or their rights-of-way; construction or improvement of pedestrian malls; acquisition and installation of pieces of art; acquisition, construction, or improvement of off-street parking facilities; acquisition, construction, or improvement of water, wastewater, or drainage facilities or improvements; the establishment or improvement of parks; projects similar to those listed above; acquisition, by purchase or otherwise, of real property in connection with an authorized improvement; special supplemental services for improvement and promotion of the district, including services relating to advertising, promotion, health and sanitation, water and wastewater, public safety, security, business recruitment, development, recreation, and cultural enhancement; or, payment of expenses incurred in the establishment, administration, and operation of the district; and

WHEREAS, the Petition, a copy of which has been attached to and made a part of this Resolution as “Exhibit A,” was examined, verified, found to meet the requirements of Section 372.005(b) of the Texas Local Government Code, and accepted by the City Council; and

WHEREAS, the Petition covers an area generally bounded by the alley between Avenue R and Avenue Q on the west, the commercially-zoned property along 19th Street to 23rd Street on the south, Interstate 27 on the east, the Marsha Sharp Freeway on the north, and including an area north of the Marsha Sharp Freeway generally bounded by the Marsha Sharp Freeway on the south, Avenue Q on the west, 3rd Street on the north (jutting north along Avenue P to the RR ROW, then following that ROW Southeast back to 3rd Street), and the commercially-zoned property in between Buddy Holly Avenue and Interstate 27 on the east, and is commonly known as Downtown Lubbock, with a description and depiction of the area covered by the Petition being attached to and made a part of this Resolution as “Exhibit B;” and

WHEREAS, notice of the public hearing was published in the Lubbock Avalanche-Journal, a daily paper of general circulation in the City, such publication date being before the fifteenth (15th) day before the date of the public hearing, stating the time and place of the public hearing, the general nature of the services, the estimated cost of the services, the

boundaries of the proposed public improvement district, the method of assessment, and the apportionment of cost between the public improvement district and the City; and

WHEREAS, before the fifteenth (15th) day before the date of the public hearing, written notice of the proposed public improvement district was mailed to the current addresses of the record owners, as reflected on the most recent certified appraisal roll of the Lubbock Central Appraisal District, of property subject to assessment under the proposed public improvement district; and

WHEREAS, the public hearing was convened at the time and place mentioned in the published notice, on _____, 2018, at five thirty (5:30) p.m., in the City Council Chambers at City Hall located at 1625 13th Street, Lubbock, Texas; and

WHEREAS, in accordance with the published and mailed notices, the Council called the public hearing and heard public comment from interested persons speaking in favor or opposition to the proposed public improvement district and the Council heard a report by City staff on the advisability of the proposed public improvement district and its benefits to the City and to the property within the boundaries of the proposed public improvement district; and

WHEREAS, the proponents of the proposed public improvement district offered evidence, both oral and documentary, in favor of all of the foregoing matters relating to the creation of the proposed public improvement district, and opponents of the public improvement district were given the opportunity to appear to contest authorization of the proposed public improvement district, after which the Council closed the hearing; and **NOW THEREFORE:**

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

SECTION 1: THAT the facts and recitations contained in the preamble of this resolution are hereby found and declared to be true and correct.

SECTION 2: THAT after conducting a public hearing, examining evidence, and hearing testimony, the City Council finds and determines the following:

(a) That the public hearing on the advisability of authorizing the Downtown Lubbock Public Improvement District (the “District”) has been properly called, held, and conducted and that notice of such hearing has been published and mailed as required by law and delivered to the current address of the owners of property subject to assessment under the District; and

(b) That authorization of the District with boundaries depicted and described in “Exhibit B” is advisable and will result in benefits to the City, its residents, and the property owners in the District for the general purpose of financing improvements and services related to: landscaping; erection of fountains, distinctive lighting, and signs; acquiring, constructing, improving, widening, narrowing, closing, or rerouting of sidewalks or of streets, any other roadways, or their rights-of-way;

construction or improvement of pedestrian malls; acquisition and installation of pieces of art; acquisition, construction, or improvement of off-street parking facilities; acquisition, construction, or improvement of water, wastewater, or drainage facilities or improvements; the establishment or improvement of parks; projects similar to those listed above; acquisition, by purchase or otherwise, of real property in connection with an authorized improvement; special supplemental services for improvement and promotion of the district, including services relating to advertising, promotion, health and sanitation, water and wastewater, public safety, security, business recruitment, development, recreation, and cultural enhancement; or, payment of expenses incurred in the establishment, administration, and operation of the district; and

(c) That the total estimated cost of services and improvements to be paid by the assessment generated within the District through Fiscal Year 2019 is approximately 310,100 (the “Costs”), with such Costs being described in “Exhibit C” attached to and made a part of this Resolution; and

(d) That the Costs will be paid by the proposed assessment rate of \$0.18 per one hundred dollars (\$100) of valuation of property within the District through Fiscal Year 2019, and then a proposed assessment rate of \$0.18 per one hundred dollars (\$100) of valuation through subsequent Fiscal Years until such time as the District may be dissolved, with such proposed assessment being described in “Exhibit C”; and

(e) That as to the apportionment of the Costs between the District and the City, all the Costs will be paid by the District through assessments on the property within the boundaries of the District.

SECTION 3: THAT subject to Chapter 372 of the Texas Local Government Code, the City Council hereby authorizes a public improvement district over the area depicted and described in “Exhibit B” and such public improvement district shall be identified as the “Downtown Lubbock Public Improvement District, City of Lubbock, Texas.”

SECTION 4: THAT the City Council shall be the governing body exercising final authority over the District. However, the City Council hereby creates and appoints members to an advisory board for the District that will oversee the operation of the District and that will provide recommendations to the City Council on certain financial and contractual issues concerning the District (the “Board”). The Board shall act as an advisory board of the City of Lubbock, and shall be composed of seven (7) members, each of whom will be a property owner within District and shall represent the five (5) commercial use zoning districts in the CBD (excluding Arts District zoning) and two (2) at-large members. The Board shall follow any and all rules, regulations, policies, and procedures related to City of Lubbock advisory boards. Three (3) of the initial members of the Board shall serve a two (2) year term based on the outcome of random drawing, while the remaining four (4) Board members shall each serve a three (3) year term. After the two (2) year term of the initial Board members expires, the three (3) open seats on the Board shall be filled according to the Bylaws adopted by the initial Board. The Bylaws adopted by the Board

shall, among other things, direct the Board as to its membership, its purpose, and its procedure for conducting business related to the District. At no point, however, shall there be an entity represented on the Board by more than one (1) Board member.

SECTION 5: THAT the notice of this authorization for the District shall be published in a newspaper of general circulation within the City of Lubbock, Texas and Lubbock County, Texas.

SECTION 6: THAT if any section, paragraph, clause or provision of this Resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section paragraph, clause or provision shall not affect any of the remaining provisions of this Resolution.

Passed by the City Council on _____, 2018.

DANIEL M. POPE, MAYOR

ATTEST:

Rebecca Garza, City Secretary

APPROVED AS TO CONTENT:

Cheryl Brock, Executive Director of
Financial Planning and Analysis

APPROVED AS TO FORM:

_____, Assistant City Attorney