

AN ORDINANCE

99288

APPROVING THE RE-ESTABLISHMENT OF THE PUBLIC IMPROVEMENT DISTRICT ("PID") IN THE DOWNTOWN AREA; SPECIFYING THE NATURE AND THE COST OF THE PROPOSED IMPROVEMENTS; ESTABLISHING DISTRICT BOUNDARIES; SPECIFYING THE METHOD OF ASSESSMENT; AND APPORTIONING COSTS BETWEEN THE PID AND MUNICIPALITY AS A WHOLE

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WHEREAS, pursuant to the Public Improvement District Assessment Act, V.T.C.A., Local Government Code, Chapter 372, as amended (the "Act") the governing body of a municipality is authorized to undertake improvements and/or services which confer a special benefit on a definable part of the city; and

WHEREAS, in 1998, in conjunction with the goals of the City's Downtown Strategic Plan, certain business and property owners desired to receive and underwrite the cost of supplemental services for the downtown area through the establishment of a public improvement district ("PID"); and

WHEREAS, on April 24, 1999, following the receipt of a statutorily required petition of the property owners representing both more than 50% of the total appraised value of the real property in the proposed district and the total number of record property owners, the City Council created the Downtown PID by Ordinance No. 89696;

WHEREAS, the property owners representing both more than 55% of the total appraised value of the real property in the proposed district and 76% of the total number of record property owners have again submitted a petition requesting that the City Council take action to re-establish the PID for a period of five (5) years, establishing a means through which property owners in the district can continue to self-fund and provide additional services to enhance the appearance and safety of downtown; and

WHEREAS, the boundaries of the original PID, as described in Exhibit "A," are not proposed to change; and

WHEREAS, the general nature of the improvements proposed to continue in the re-established PID include landscaping of public areas, light pole planters, river access stair rail planters and sidewalk planter clusters, maintenance activities, light graffiti removal, sidewalk sweeping, power washing of sidewalks, uniformed public service representatives, marketing and promotion of Downtown and any other improvement or administrative cost authorized by the Act; and

WHEREAS, such improvements shall continue to enhance the vitality and quality of the downtown area by providing supplemental services in addition to existing City services; and

WHEREAS, in addition to annual property taxes, property owners in the district would be required to pay an estimated annual assessment rate of \$0.11 per \$100 valuation which could raise in excess of one million (\$1,000,000.00) dollars annually to fund a variety of supplemental services; and

WHEREAS, pursuant to the Act, a municipality is responsible for payment of assessments against exempt municipal property in the PID and at this time, staff estimates that the City's annual PID contribution would remain at \$75,000.00, beginning in fiscal year 2005; and

WHEREAS, pursuant to Section 372.009 of the Act, all property owners in the proposed PID must be notified in writing of the petitioned action and public hearing, and notices of the public hearing must be advertised in a newspaper of general circulation at least fifteen (15) days prior to the public hearing to consider establishing the PID; and

WHEREAS, notices were mailed to individual property owners on May 17 and 19, 2004, and the required public notices appeared in the San Antonio Express News on May 16, 2004; and

WHEREAS, a public hearing was held and closed on June 3, 2004, at 2:00 p.m., in the San Antonio City Council Chambers, to consider the re-establishment of the PID; and

WHEREAS, it is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and public notice of the time, place and purpose of said meeting was given, all as required by Chapter 372, Texas Local Government Code; **NOW THEREFORE:**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. The City Council, having duly considered the petition for the re-establishment of the PID that was submitted by a majority of property owners in the public improvement district ("PID") for another five (5) year term, and the comments of those who made presentations at the public hearing, hereby finds:

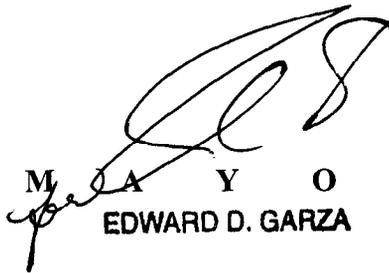
- 1) It is advisable for improvements to continue to be undertaken and provided in the PID;
- 2) The general nature of the improvements in the re-established PID shall include landscaping of public areas, light pole planters, river access stair rail planters and sidewalk planter clusters, maintenance activities, light graffiti removal, sidewalk sweeping, power washing of sidewalks, uniformed public service representatives, marketing and promotion of Downtown and any other improvement or administrative cost authorized by the Act;
- 3) A preliminary cost of the improvements in the re-established PID is \$1,000,000.00 annually, or \$5,000,000.00 for the five (5) year term of the PID;
- 4) The proposed boundaries of the PID are set forth in Exhibit "A" attached hereto;
- 5) The method of assessment in the proposed PID will be according to the value of real property and will be based on a percentage of the appraised value of real property as determined by the current roll of the Bexar Appraisal District;
- 6) The City's property included in the PID shall be subject to the assessment. Otherwise, all costs of the PID activities shall be paid by and apportioned to the PID and not to the City as a whole.

SECTION 2. The City Council of the City of San Antonio hereby finds that the Public Improvement District will promote the interest of the City and hereby authorizes the re-establishment of the area described in Exhibit "A" as a public improvement district, and all other activities necessary to effectuate the PID.

SECTION 3. The City Council hereby finds that the statements set forth in the recitals of this Ordinance are true and correct, and the Council hereby incorporates such recitals as a part of this Ordinance.

SECTION 4. This ordinance shall become effective on the tenth (10th) day after passage hereof.

PASSED AND APPROVED THIS 3rd day of June, 2004.


M A Y O R
EDWARD D. GARZA

ATTEST: 
City Clerk

APPROVED AS TO FORM: 
for City Attorney