ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NO. 26020, AS AMENDED, PREVIOUSLY APPROVED ON JUNE 8, 2005, AND ORDINANCE NO. 26096, AS AMENDED, PREVIOUSLY APPROVED ON AUGUST 29, 2005 TO: (1) CREATE TWO SUB-DISTRICTS WITHIN TAX INCREMENT FINANCING REINVESTMENT ZONE NUMBER ELEVEN (THE DISTRICT): (a) DOWNTOWN CONNECTION SUB-DISTRICT (ORIGINAL DISTRICT BOUNDARY) AND (b) NEWPARK SUB-DISTRICT; (2) INCREASE THE GEOGRAPHIC AREA OF THE DISTRICT TO ADD APPROXIMATELY 14.2 ACRES TO CREATE THE NEWPARK SUB-DISTRICT TO FACILITATE ANTICIPATED REDEVELOPMENT; (3) INCREASE THE TOTAL BUDGET OF THE DISTRICT (DOWNTOWN CONNECTION SUB-DISTRICT BUDGET) FROM $231,593,554.00 NET PRESENT VALUE (NPV 2005 DOLLARS) (APPROXIMATELY $454,707,775.00 TOTAL DOLLARS) TO $402,897,888.00 NPV (APPROXIMATELY $1,059,227,817.00 TOTAL DOLLARS) AN INCREASE OF $171,304,334.00 NPV (APPROXIMATELY $604,520,042.00 TOTAL DOLLARS); (4) MODIFY THE DOWNTOWN CONNECTION SUB-DISTRICT BUDGET TO ADD A LINE ITEM FOR A PUBLIC SAFETY BUILDING TO REPLACE FIRE STATION #18; (5) ESTABLISH A TERMINATION DATE FOR THE NEWPARK SUB-DISTRICT OF DECEMBER 31, 2052; (6) ESTABLISH THE PERCENTAGE OF TAX INCREMENT CONTRIBUTED BY THE CITY OF DALLAS DURING THE TERM OF THE NEWPARK SUB-DISTRICT AT 90%; (7) ESTABLISH A TOTAL BUDGET FOR THE NEWPARK SUB-DISTRICT OF $90,329,182.00 NPV 2022 DOLLARS (APPROXIMATELY $223,786,626.00 TOTAL DOLLARS); (8) REQUEST DALLAS COUNTY PARTICIPATION IN THE NEWPARK SUB-DISTRICT AT 55% FOR TWENTY YEARS BEGINNING IN 2027; AND (9) MAKE CORRESPONDING MODIFICATIONS TO THE DISTRICT BOUNDARY, BUDGET, PLAN, AND PARTICIPATION AGREEMENT WITH DALLAS COUNTY; AND CONTAINING OTHER RELATED MATTERS; PROVIDING A SAVING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on June 8, 2005, City Council authorized the establishment of Tax Increment Financing Reinvestment Zone Number Eleven (the “Downtown Connection TIF District” or “District”) in accordance with the Tax Increment Financing Act, as amended, Texas Tax Code, Chapter 311 (the “Act”) by Resolution No. 05-1779; Ordinance No. 26020, as amended; and

WHEREAS, on August 29, 2005, City Council authorized the Project Plan and Reinvestment Zone Financing Plan (Plan) for Tax Increment Financing Reinvestment Zone Number Eleven (Downtown Connection TIF District) and a participation agreement with Dallas County for the Downtown Connection TIF District by Resolution No. 05-2544; Ordinance No. 26096, as amended; and

WHEREAS, on October 19, 2005, City Council authorized amendments to the Project Plan and Reinvestment Zone Financing Plan for Tax Increment Financing Reinvestment Zone Number Eleven (Downtown Connection TIF District) to: (1) allow for commercial tax abatements pursuant to Chapter 311 of the Texas Tax Code (2) designate the City's participation level of 90% in the Downtown Connection TIF District; (3) adjust Dallas County's participation in the Downtown Connection TIF District from $24,000,000.00 net present value to $18,500,000.00 net present value; and (4) correct a typographical error in Section 2, Part VII of the Project Plan, titled Non-Project Cost, from an amount to exceed $15,000,000.00 to an amount not to exceed $15,000,000.00 by Resolution No. 05-2993; Ordinance No. 26143; and

WHEREAS, on March 8, 2006, City Council authorized amendments to the Downtown Connection TIF District Project Plan and Reinvestment Zone Financing Plan to amend the District boundary to exclude 2400 Bryan Street and 2215 Bryan Street by Resolution No. 06-0836; Ordinance No. 26291; and

WHEREAS, on December 12, 2007, City Council authorized amendments to the Downtown Connection TIF District Project Plan and Reinvestment Zone Financing Plan to: (1) provide for an affordable housing program requiring Downtown Connection TIF District funded projects to set aside ten percent of the units as affordable and specifying alternatives to providing such units within the TIF funding project; (2) reprogram $2,500,000.00 from the Park and Plaza Design and Acquisition budget line item to a new budget line item for Retail Initiatives/Streetscape Improvements; (3) expand the use of TIF funds for Grants, in accordance with the Downtown Connection TIF District Grant Program and Criteria, and for affordable housing assistance; (4) correct the principal amount of bonds to be sold from $65,000,000.00 to $66,000,000.00; and (5) update Exhibits G, H and J, Appendix A and modify the Plan to reflect 2007 property value and adjusted base year value and make any other necessary adjustments to implement the Plan amendments by Resolution No. 07-3698; Ordinance No. 27032; and

WHEREAS, on October 22, 2008, City Council authorized amendments to the Downtown Connection TIF District Project Plan and Reinvestment Zone Financing Plan to permit the direct lease or sale of City-owned/City-controlled property without auction and bidding requirements on the condition that the property is redeveloped in accordance with the Plan by Resolution No. 08-2917; Ordinance No. 27377; and

WHEREAS, on December 10, 2008, City Council authorized amendments to the Downtown Connection TIF District Project Plan and Reinvestment Zone Financing Plan to amend the District boundary to include 2307 Caroline Street, 2311 Caroline Street, 1600 Ashland Street, and 1601 Cedar Springs Road by Resolution No. 08-3396; Ordinance No. 27434; and

WHEREAS, on February 11, 2009, City Council authorized amendments to the Downtown Connection TIF District Project and Reinvestment Zoning Financing Plan to: (1) expand the development goals and specific objectives of the Project Plan; (2) expand the Redevelopment of Vacant/ Underutilized Downtown Buildings budget line item to include the Development of Underdeveloped Parcels and Surface Parking Lots; and (3) update Exhibits G and J to reflect updated base value, 2008 increment corrections, and future increment assumptions by Resolution No. 09-0469; Ordinance No. 27489; and

WHEREAS, on April 22, 2009, City Council authorized amendments to the Downtown Connection TIF District Project Plan and Reinvestment Zone Financing Plan to: (1) amend the affordable housing policy to: (a) permit additional assistance in the form of Affordable Housing Economic Development Grant to those projects providing affordable housing units, (b) extend the eligibility date for additional affordable housing assistance to projects which are approved by City Council from December 31, 2008 to December 31, 2011, (c) update the household income limit charts contained within the Zone to reflect the Dallas Area Median Household Income Limits for 2009; and (2) revise the budget to: (a) reprogram $515,000.00 from the Retail Initiative/Streetscape Improvements budget line item to a new Downtown Area Plan budget line item; and (b) update Exhibit G to reflect the budget reprogramming and new additional budget line item and make any other necessary adjustments to implement the Plan amendment by Resolution No. 09-1108; Ordinance No. 27529; and

WHEREAS, on May 22, 2013, City Council authorized amendments to the Downtown Connection TIF District Project and Reinvestment Zone Financing Plan to: (1) increase the Downtown Connection TIF District's budget from $189,807,592.00 NPV (approximately $391,744,162.00 total dollars) to $231,593,554.00 NPV (approximately $545,726,096.00 total dollars, an increase of $41,785,962.00 NPV (approximately $153,981,934.00 total dollars); (2) expand the District's focus of redevelopment efforts; and (3) make corresponding modifications to the Downtown Connection TIF District's budget and Plan by Resolution No. 13-0894; Ordinance No. 29015; and

WHEREAS, on September 11, 2013, City Council authorized amendments to the Downtown Connection TIF District Project and Reinvestment Zone Financing Plan to: (1) increase the geographic area of the Zone by adding approximately 4,950 square feet; (2) add to the Plan the provision for a land exchange of City-owned property for privately-owned property within the Zone allowing for the land swap of City-owned property without requiring an auction and/or bidding of the property; and (3) make corresponding modifications to the Zone boundary map and Plan and any other necessary adjustments to implement the Plan amendments by Resolution No. 13-1622; Ordinance No. 29143; and

WHEREAS, on December 14, 2016, City Council authorized: (1) an amendment to the Downtown Connection TIF District Project and Reinvestment Zone Financing Plan to add the Statler/Library redevelopment project to the Plan; (2) approval of the directed sale, for fair market value consideration and yet to be negotiated sale terms subject to City Council approval, of a 0.129 acre (5,600 square feet) City-owned tract of land addressed as 210 South Harwood Street located in the District to Centurion Acquisitions, LP to complete the Statler/Library redevelopment project in accordance with the Plan; and (3) corresponding modifications to the Plan by Resolution No. 16-1959; Ordinance No. 30274; and

WHEREAS, on April 29, 2022, the Downtown Connection TIF District Board of Directors and Downtown Dallas Development Authority passed a motion adopting the following amendments to the Downtown Connection TIF District's Project Plan and Reinvestment Zone Financing Plan to: (1) create two sub-districts within the Zone: (a) Downtown Connection Sub-district (original Zone boundary) and (b) Newpark Sub-district; (2) increase the geographic area of the Zone to add approximately 14.2 acres to create the Newpark Sub-district to facilitate anticipated redevelopment; (3) increase the total budget of the Zone (Downtown Connection Sub-district budget) from $231,593,554.00 Net Present Value (NPV 2005 dollars) (approximately $454,707,775.00 total dollars) to $402,897,888.00 NPV (approximately $1,059,227,817.00 total dollars, an increase of $171,304,334.00 NPV (approximately $604,520,042.00 total dollars); (4) modify the Downtown Connection Sub-district budget to add a line item for a public safety building to replace Fire Station #18; (5) establish a termination date for the Newpark Sub-district of December 31, 2052; (6) establish the percentage of tax increment contributed by the City of Dallas during the term of the Newpark Sub-district at 90%; (7) establish a total budget for the Newpark Sub-district of $90,329,182.00 NPV 2022 dollars (approximately $223,786,626.00 total dollars); (8) request Dallas County participation in the Newpark Sub-district at 55% for twenty years beginning in 2027; and (9) make corresponding modifications to the Zone boundary, budget and Plan; and

WHEREAS, on June 8, 2022, City Council authorized a public hearing to be held on June 22, 2022, to hear citizen comments and concerns regarding the proposed amendments to the Project and Financing Plan in accordance with the Act, as amended. The public hearing was held on June 22, 2022, and was subsequently closed; and

WHEREAS, the Act requires the City to publish notice of the public hearing in a newspaper having general circulation in the City, and, in compliance with the Act, notice of the public hearing was published in Dallas Morning News, a daily newspaper of general circulation in the City, at least seven (7) days before the date of the public hearing.

Now, Therefore,

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

SECTION 1. That Ordinance No. 26020, as amended, previously approved on June 8, 2005, and Ordinance No. 26096, as amended, previously approved on August 29, 2005 are hereby further amended to: **(1)** create two sub-districts within the District: **(a)** Downtown Connection Sub-district (original District boundary) and **(b)** Newpark Sub-district; **(2)** increase the geographic area of the District to add approximately 14.2 acres to create the Newpark Sub-district to accommodate anticipated redevelopment; **(3)** increase the total budget of the District (Downtown Connection Sub-district budget) from $231,593,554.00 Net Present Value (NPV 2005 dollars) (approximately $454,707,775.00 total dollars) to $402,897,888.00 NPV (approximately $1,059,227,817.00 total dollars), an increase of $171,304,334.00 NPV (approximately $604,520,042.00 total dollars); **(4)** modify the Downtown Connection Sub-district budget to add a line item for a public safety building to replace Fire Station #18; **(5)** establish a termination date for the Newpark Sub-district of December 31, 2052; **(6)** establish the percentage of tax increment contributed by the City of Dallas during the term of the Newpark Sub-district at 90%; **(7)** establish a total budget for the Newpark Sub-district of $90,329,182.00 NPV 2022 dollars (approximately $223,786,626.00 total dollars); **(8)** request Dallas County participation in the Newpark Sub-district at 55% for twenty years beginning in 2027; and **(9)** make corresponding modifications to the District boundary, budget, and Project and Financing Plan attached hereto as **Exhibit A**, and corresponding modifications to the participation agreement with Dallas County.

SECTION 2. That the facts and recitations contained in the preamble of this ordinance are hereby found and declared to be true and correct.

SECTION 3. That amendments to the budget of the District will result in benefits to the City and to the property included in the District.

SECTION 4. That the addition of approximately 14.2 acres will not result in more than thirty percent of the property in the District being used for residential purposes pursuant to the Act.

SECTION 5. That the vacant and underutilized property in the proposed expansion area (Newpark Sub-district) substantially arrests or impairs the sound growth of the City and that redevelopment in the proposed expansion area would not occur solely through private investment in the foreseeable future.

SECTION 6. That the tax increment base for the Newpark Sub-district, which is the total appraised value of all taxable real property located in the Sub-district, is to be determined as of January 1, 2022, the year in which the District was amended to include the expansion area.

SECTION 7. That the Newpark Sub-district shall take effect on January 1, 2023, and that the termination of the Newpark Sub-district shall occur on December 31, 2052, (including collection of the 2052 increment in calendar year 2053 and any related matters to be concluded in 2053) or at an earlier time designated by subsequent ordinance of the City Council.

SECTION 8. That this action is necessary to complete the public improvements necessary to facilitate the anticipated redevelopment projects in the Zone.

SECTION 9. That improvements in the Zone will significantly enhance the value of all taxable real property in the Zone and will be of general benefit to the City.

SECTION 10. That Ordinance Nos. 26020 and 26096 will remain in full force and effect, save and except as amended by this ordinance.

SECTION 11. That if any section, paragraph, clause, or provision of this ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or un-enforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this ordinance.

SECTION 12. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPORVED AS TO FORM:
CHRISTOPHER J. CASO, City Attorney

BY: _____
Assistant City Attorney

Passed: _____