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WHEREAS, the Dallas City Charter, Chapter XX, Section 1 provides that all of the powers conferred by the State of Texas authorizing cities to improve streets and to levy assessment for improvement of streets, alleys, sidewalks, curbs, gutters, drive approaches and any other appurtenance or incidental to such an improvement (collectively “street improvements”), as set forth in Chapters 311 and 313 of the Texas Transportation Code, as amended, are adopted as to the methods and procedures to be used for street improvements and assessments in the City of Dallas (“City”); and

WHEREAS, Section 311.001 of the Texas Transportation Code provides that a home-rule municipality has exclusive control over and under the public highways, streets, and alleys of the City and may control, regulate or improve such public highways, streets or alleys of the City; and

WHEREAS, pursuant Section 313.003(a) of the Texas Transportation Code, the City may: (1) determine the necessity for and order a street improvement in the municipality; (2) contract for the construction of the street improvement in the name of the municipality; and (3) provide for the payment of the cost of the street improvement by the municipality or partly by the municipality and partly by assessments; and

WHEREAS, although the power to impose assessments on landowners to recover a portion of the cost of the street improvement is discretionary with the city council under state law and the City Charter, the City adopted policies and rules requiring the levy of assessments for certain street improvements on May 3, 1965, by Resolution No. 65-2602, for alley improvements on March 25, 1974, by Resolution No. 74-1272, for sidewalk improvements on August 28, 1985, by Resolution No. 85-2863, and for Target Neighborhood street improvements on December 12, 1990, by Resolution No. 90-4037 (collectively “Paving Assessment Policy”) in accordance with the Texas Transportation Code; and

WHEREAS, on December 9, 2020, the City Council deferred the levy of assessments against the abutting property owners for two projects, one of which involved Street Group 12-636 and one of which involved Street Group 17-4003, until after the review, evaluation and recommendation of the City’s Paving Assessment Policy by the Transportation and Infrastructure Committee regarding the Paving Assessment Policy; and

WHEREAS, on February 23, 2021, the Transportation and Infrastructure Committee, with the assistance of the Department of Public Works staff, evaluated the City’s Paving Assessment Policy and recommended repeal of the City’s Paving Assessment Policy; and

WHEREAS, the City Council of the City of Dallas finds that it is in the public interest to repeal the City’s Paving Assessment Policy and cancel the liens for street improvements for Street Group 12-636 and Street Group 17-4003 and to cancel assessments for future street improvements; and

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WHEREAS, this action has no effect on prior assessments levied pursuant to the City's Paving Assessment Policy, once levied and the improvements completed such assessments with interest remain a first and prior lien against the properties assessed superior to all other liens except ad valorem taxes and remain a personal liability of and charge against the owner of the property; and

WHEREAS, City Council discretion to levy assessment by ordinance for future street improvements remains available pursuant to state law and the City Charter, Chapter XX, provided that notice of the ordinance and a public hearing in accordance with the requirements of state law disclosing the nature and extent of the street improvements and that assessments are to be made for such street improvements.

Now, Therefore,

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

SECTION 1. That the following resolutions are repealed:

- (a) Resolution No. 65-2602 approved by the City Council on May 10, 1965, which established a street paving assessment policy and established four street paving policy groups based on traffic generation;
- (b) Resolution No. 74-1271 approved by the City Council on March 25, 1974, which established procedures for citizens to petition for alley paving on a cost participation basis;
- (c) Resolution No. 85-2863 approved by the City Council on August 28, 1985, which established procedures for citizens to petition for replacement of curbs, butters, sidewalks and drive approaches on a cost participation basis; and
- (d) Resolution No. 90-4037 approved by the City Council on December 12, 1990, which amended the petition process and established a targeted street paving program for specified low/moderate income neighborhoods with large concentrations of non-standard residential streets.

SECTION 2. That this resolution shall not affect any other prior-approved resolutions or ordinances levying assessments, providing for the collection of such assessments, fixing a charge and lien, and/or providing for the enforcement of such liens, to pay for a portion of the construction and improvement costs for portions of specified streets, alleys, sidewalks, curbs, gutters, and drive approaches, against persons who own property that abuts such streets, alleys, sidewalks, and drive approaches to be improved, as well as against the property.

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SECTION 3. That all prior assessments shall remain valid and the liens thereon shall be released only if such assessments levied thereunder have been fully paid or satisfied pursuant to the provisions of Section 2-11.1 of the Dallas City Code.

SECTION 4. That the City's authority to sell real property, release any interest in real property upon receipt of any required payment to the City, or execute any instrument dealing with or releasing an interest in real property in connection with the City's Paving Assessment Policy shall remain in full force and effect.

SECTION 5. That all other powers conferred by the State of Texas and the City Charter to order public improvements by ordinance and levy an assessment therefor shall remain in full force and effect should the City Council exercise its discretion to do so in the future.

SECTION 6. That this resolution shall take 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 resolved.