

**Ordinance No. 16-046**

**An ordinance of the City Council of the City of Arlington, Texas, accepting and approving the 2016 Assessment Roll for the Arlington Tourism Public Improvement District of the City of Arlington; levying the assessments on the assessed parcels appearing on said roll, and providing for and requiring the payment of the assessments and related matters**

- WHEREAS, a petition was submitted to the City of Arlington, Texas (the “City”), pursuant to the Public Improvement District Assessment Act, Chapter 372, Texas Local Government Code, as amended (the “PID Act”), requesting the creation of a public improvement district on land within the City to be known as the Arlington Tourism Public Improvement District of the City of Arlington (the “District”); and
- WHEREAS, the petition contained the signatures required under Section 372.005 (b-1) of the PID Act; and
- WHEREAS, on September 6, 2016, the City Council of the City held the public hearing in the manner required by law on the advisability of the improvement projects and services described in the petition as required by Section 372.009 of the PID Act; and
- WHEREAS, on September 6, 2016, the City Council of the City approved the service and assessment plan including a determination of assessment, and determined the total cost of the improvements over the ten-year term of the District, as required by Sections 372.013-372.015 of the PID Act, and directed City staff to prepare a proposed assessment roll based on the approved plan in Resolution No. 16-192; and
- WHEREAS, on September 6, 2016, the City Council of the City authorized and created the District in accordance with its finding as to the advisability of the improvement projects and services; and
- WHEREAS, the City Council, pursuant to Section 372.016(b) of the PID Act, published notice of a public hearing to consider the proposed assessments for the 2016 tax year in the assessment roll (the “Proposed 2016 Assessment Roll”), attached hereto as Exhibit “A”, and the levy of assessments (the “Assessments”) on the benefitted property described on the Proposed 2016 Assessment Roll (herein called the “Assessed Parcels”) in the District; and
- WHEREAS, the City Council, pursuant to Section 372.016(c) of the PID Act, mailed notice of the public hearing to consider the Proposed 2016 Assessment Roll and the levy of the Assessments on property in the District to the last known address of the owners of the property liable for the Assessments (the “Assessed Parties”); and

WHEREAS, the City Council convened the hearing as scheduled, at which all written or oral objections were considered, and all persons who appeared, or requested to appear, in person or by their attorney, were given the opportunity to object to any proposed Assessment; and

WHEREAS, at or on the adjournment of the hearing, the City Council passed on the objections to a proposed Assessment on any Assessed Parcel, as summarized in Exhibit "B", and the 2016 Assessment Roll shall consist of the Proposed 2016 Assessment Roll as adjusted by the approved modifications to the proposed assessment on specific Assessed Parcels, if any, as set forth in Exhibit "B"; and

WHEREAS, the City Council closed the hearing, and, after considering all oral and written and documentary evidence presented at the hearing, including all written comments and statements filed with the City, determined that each property is specially benefitted at least to the extent of the assessment set forth in Exhibit "B", and to proceed with the adoption of this Ordinance in conformity with the requirements of the PID Act; and

WHEREAS, the City Council finds and determines that the 2016 Assessment Roll should be approved and that the Assessments should be levied as provided in this Ordinance and in the Service and Assessment Plan and the 2016 Assessment Roll; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARLINGTON, TEXAS:

Section 1. Terms.

Capitalized terms not otherwise defined herein are as defined in the approved Service and Assessment Plan.

Section 2. Findings.

The findings and determinations set forth in the preambles are hereby incorporated by reference for all purposes.

Section 3. 2016 Assessment Roll.

The Proposed 2016 Assessment Roll as adjusted by the approved modifications to the proposed assessment on specific Assessed Parcels as set forth in Exhibit "B" is hereby accepted and approved as the 2016 Assessment Roll relating to the Assessments of the District required by Section 372.016 of the PID Act. The City Secretary is directed to prepare Exhibit "B", a summary of any approved modification to proposed assessment to specific Assessed Parcels, upon the adjournment of the September 15, 2016, City Council meeting.

Section 4. Levy of Assessments.

(a) In accordance with the requirements and provisions of Section 372.017 of the PID Act, the City hereby levies Assessments against the Assessed Parcels in the aggregate amount of the costs of the improvements and for the purposes set forth in the approved Service and Assessment Plan, as a special assessment on the Assessed Parcels. The apportionment of such costs shall be two percent (2%) of the total price of a sleeping room or sleeping facility located on the Assessed Parcels, said price to include all goods and services provided by the hotel, which are subject to the City's hotel occupancy tax. The Assessments are payable beginning October 15, 2016. All Assessments received by the City shall be deposited, used, and applied to pay the Improvements in accordance with the approved Service and Assessment Plan.

(b) All Assessments levied in this Ordinance and all other provisions hereof are subject to the annual or periodic reviews, analyses, and recalculations required by the Service and Assessment Plan and herein, and may change from time to time as required and permitted by the PID Act and by this Ordinance.

Section 5. Annual Accounting, Billing and Collection Requirements.

(a) A hotel required to collect the Assessment imposed by this Ordinance shall pay the City Administrator the Assessments collected during the preceding reporting period and at the same time shall file with the City Administrator a report required in accordance with all requirements and procedures set forth in Article IV, Hotel Occupancy Tax, of the Taxation Chapter of the Code of the City of Arlington.

(b) Each reporting period, Assessments imposed under this Ordinance are due and payable to the City Administrator on or before the 20th day of the month following the end of each reporting period.

Section 6. Allocation and Apportionment of Amounts Among Owners, Collections.

The amounts of the Assessments levied and assessed shall be periodically adjusted, modified, amended, allocated, and apportioned among the owners of the Assessed Parcels in accordance with the provisions of and the allocation directions contained in the Service and Assessment Plan, the Assessment Roll, and this Ordinance.

Section 7. Penalties and Interest on Delinquent Assessments.

An Assessment bears interest at the same rate, and beginning at the same time, as local hotel occupancy taxes. Delinquent Assessments shall be subject to the penalties, interest, attorney's fees, and procedures set forth in this Ordinance, Article IV, Hotel Occupancy Tax, of the Taxation Chapter of the Code of the City of Arlington, and in Chapter 351 of the Texas Tax Code.

Section 8. Remedies for Failure to Pay.

The Assessments levied hereby, with interest, the expense of collection, and reasonable attorney's fees, if incurred, shall be binding upon the owners of Assessed Parcels, regardless of whether the owners are named, in the same manner and for the same period as such parties would be personally liable for the payment of local hotel occupancy taxes under applicable law. The City may pursue remedies for the failure to pay the Assessment that are available to the City for failure to pay local hotel occupancy tax under Article IV, Hotel Occupancy Tax, of the Taxation Chapter of the Code of the City of Arlington and Chapter 351 of the Texas Tax Code.

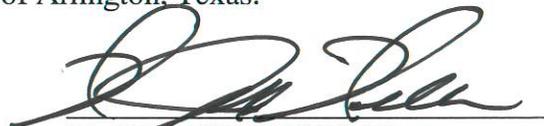
Section 9. Severability.

If any provision, section, subsection, sentence, clause, or phrase of this Ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void, or invalid, the validity of the remaining portions of this Ordinance or the application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council that no portion hereof, or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality or invalidity of any other portion hereof, and all provisions of this Ordinance are declared to be severable for that purpose.

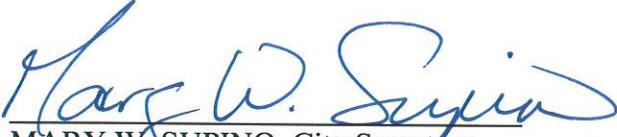
Section 10. Effective Date of Assessments.

The levy of the Assessments shall be effective October 15, 2016, without any further action by the City.

PRESENTED AND GIVEN FIRST READING on the 6th day of September, 2016, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the 15th day of September, 2016, by a vote of 8 ayes and 0 nays at a special meeting of the City Council of the City of Arlington, Texas.

  
W. JEFF WILLIAMS, Mayor

ATTEST:

  
\_\_\_\_\_  
MARY W. SUPINO, City Secretary

APPROVED AS TO FORM:  
TERIS SOLIS, City Attorney

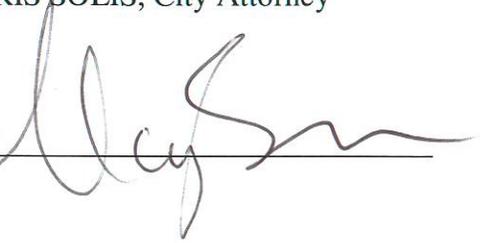
BY   
\_\_\_\_\_

EXHIBIT "A"

[Proposed 2016 Assessment Roll]

Arlington Tourism Public Improvement District  
2016 Assessment Roll

Hotel Name	Street Name	City	State	Zip	# of Rooms
ARLINGTON COURTYARD #1M1	1500 Nolan Ryan Expwy	ARLINGTON	TX	76011	147
BAYMONT INN & SUITES	2401 DIPLOMACY DR	ARLINGTON	TX	76011	100
COURTYARD BY MARRIOTT ARLINGTON	711 HIGHLANDER BLVD	ARLINGTON	TX	76015	103
CROWNE-PLAZA SUITES ARLINGTON	700 AVENUE H ST	ARLINGTON	TX	76011	202
Days Inn - Collins	910 N COLLINS ST	ARLINGTON	TX	76011	87
Doubletree by Hilton Arlington DFW South	1507 N WATSON RD	ARLINGTON	TX	76006	237
FAIRFIELD INN	2500 E LAMAR BLVD	ARLINGTON	TX	76006	109
HAMPTON INN & SUITES ARLINGTON NORTH	2200 BROOKHOLLOW PLAZA DR	ARLINGTON	TX	76006	103
HAWTHORN SUITES BY WYNDAM ARLINGTON	2401 BROOKHOLLOW PLAZA DR	ARLINGTON	TX	76006	129
HILTON ARLINGTON	2401 E LAMAR BLVD	ARLINGTON	TX	76006	308
HOLIDAY INN ARLINGTON	1311 WET N WILD WAY	ARLINGTON	TX	76011	147
HOLIDAY INN EXPRESS	1721 PLEASANT PL	ARLINGTON	TX	76015	128
HOLIDAY INN EXPRESS SIX FLAGS	2451 E RANDOL MILL RD	ARLINGTON	TX	76011	103
HOMESTEAD STUDIO SUITES #9704	1221 N WATSON RD	ARLINGTON	TX	76006	137
HOWARD JOHNSON	2001 E COPELAND RD	ARLINGTON	TX	76011	99
HYATT PLACE	2380 ROAD TO SIX FLAGS ST E	ARLINGTON	TX	76011	127
LA QUINTA INN #692	825 N WATSON RD	ARLINGTON	TX	76011	340
LA QUINTA INNS & SUITES #960	4001 SCOTS LEGACY DR	ARLINGTON	TX	76015	129
Quality Inn & Suites (Six Flags Area)	2626 E RANDOL MILL RD	ARLINGTON	TX	76011	121
RESIDENCE INN ARLINGTON	1050 BROOKHOLLOW PLAZA DR	ARLINGTON	TX	76006	114
Residence Inn by Marriott	801 HIGHLANDER BLVD	ARLINGTON	TX	76015	96
SHERATON ARLINGTON	1500 CONVENTION CENTER DR	ARLINGTON	TX	76011	311
SLEEP INN MAINGATE SIX FLAGS	750 SIX FLAGS DR	ARLINGTON	TX	76011	126
SPRINGHILL SUITES BY MARRIOTT	1975 E LAMAR BLVD	ARLINGTON	TX	76006	121
STUDIO 6 # 5046	1607 N WATSON RD	ARLINGTON	TX	76006	110
Studio Plus # 46	2420 E LAMAR BLVD	ARLINGTON	TX	76006	86
TOWNEPLACE SUITES	1709 E LAMAR BLVD	ARLINGTON	TX	76006	95
VALUE INN (Knights Inn - Arlington)	820 N WATSON RD	ARLINGTON	TX	76011	100
WINGATE BY WYNDHAM	1024 BROOKHOLLOW PLAZA DR	ARLINGTON	TX	76006	122
BLUE CYPRESS HOTEL & RESORT (UPPER DECK)	117 S WATSON RD	ARLINGTON	TX	76010	192
BUDGETEL INN & SUITES	3501 E DIVISION ST	ARLINGTON	TX	76011	116
CANDLEWOOD SUITES DALLAS ARLINGTON	2221 BROOKHOLLOW PLAZA DR	ARLINGTON	TX	76006	125
ARLINGTON QUALITY INN	121 E Interstate Hwy 20	ARLINGTON	TX	76011	141
ARLINGTON HOMEWOOD SUITES	2401 EAST ROAD TO SIX FLAGS	ARLINGTON	TX	76011	89
INTOWN SUITES ARLINGTON LLC	2601 S COOPER ST	ARLINGTON	TX	76015	121
INTOWN SUITES ARLINGTON OAK VILLAGE	1727 OAK VILLAGE BLVD	ARLINGTON	TX	76017	132
INTOWN SUITES ARLINGTON SOUTH L P	6016 S COOPER ST	ARLINGTON	TX	76015	121
INTOWN SUITES SIX FLAGS	2211 N COLLINS ST	ARLINGTON	TX	76011	132
STUDIO 6 #6036	1980 W PLEASANT RIDGE RD	ARLINGTON	TX	76015	141
HAMPTON INN & SUITES ARLINGTON SOUTH	1100 E INTERSTATE 20	ARLINGTON	TX	76017	98
COMFORT SUITES ARLINGTON TX	411 W Road To Six Flags	ARLINGTON	TX	76011	108
HILTON GARDEN INN ARLINGTON	2190 E LAMAR BLVD	ARLINGTON	TX	76006	132

EXHIBIT "B"

[City Secretary to prepare a summary of any approved adjustments to the Assessment for specific Assessed Properties, setting forth the address and the modified assessment]