

ORDINANCE NO. 094-038

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS APPROVING AN AGREEMENT BETWEEN THE CITY AND THE TEXAS TURNPIKE AUTHORITY REGARDING THE ACQUISITION AND CONSTRUCTION BY THE TURNPIKE AUTHORITY OF A TOLL TUNNEL UNDER THE ADDISON AIRPORT IN ORDER TO CONNECT THE EAST AND WEST SIDES OF KELLER SPRINGS ROAD AT THE ADDISON AIRPORT; AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT AND TO TAKE ALL STEPS NECESSARY TO CARRY OUT THE TERMS THEREOF; PROVIDING FOR THE LEVYING OF AN AD VALOREM TAX ON ALL TAXABLE PROPERTY WITHIN THE CORPORATE LIMITS OF THE TOWN AS OF JANUARY 1, 1994 AND ON EACH YEAR THEREAFTER SUFFICIENT TO PAY THE PRINCIPAL AND/OR INTEREST ON NOT MORE THAN \$2,500,000 OF THE BONDS OF THE TEXAS TURNPIKE AUTHORITY ISSUED FOR THE PURPOSE OF ACQUIRING AND CONSTRUCTING THE TOLL TUNNEL; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Keller Springs Road ("Keller Springs") is a major east-west thoroughfare located in the Town of Addison, Texas (the "City") which is divided and separated by the Addison Airport; and

WHEREAS, in order to enhance the flow of traffic in and around the City, the City desires that Keller Springs be made a continuous, uninterrupted roadway by connecting the east and west sides thereof through the construction of a tunnel under the Addison Airport runway and associated taxiways (the "Tunnel Project"); and

WHEREAS, Keller Springs intersects with and crosses under the Dallas North Tollway (the "Tollway") within the City and adjacent to the Addison Airport; and

WHEREAS, the Tollway is owned, operated and maintained by the Texas Turnpike Authority (the "Authority"); and

WHEREAS, the Authority, together with the State Highway and Public Transportation Commission, has determined that the construction of the Tunnel Project is adjunct and complementary to the existing State highway system; and

WHEREAS, in order to acquire and construct the Tunnel Project, the City and the Authority have agreed to enter into the Addison Airport Toll Tunnel Cooperation Agreement (the "Agreement") which provides generally for:

- the acquisition and construction of the Tunnel Project by the Authority;
- the issuance of Bonds by the Authority (the "Authority's Bonds") to pay for the costs of acquisition and construction; and
- the pledge of the City's ad valorem tax revenues as a secondary and supplemental source of funds to pay for a ratable portion of the Authority's Bonds;

and

WHEREAS, the City is authorized and empowered pursuant to article 6674v.1, V.T.C.S., to enter into and make payments under agreements with the Authority and pledge revenues from any available source, including annual appropriations, and levy and collect taxes to pay the interest thereon and provide a sinking fund for the purposes of construction, maintenance, and operation of any turnpike projects of the Authority; and

WHEREAS, the City Council of the Town of Addison hereby finds that the Tunnel Project is in the best interests of the health, safety and welfare of the citizens of the City and that the Agreement should be accepted and approved.

Now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS:

1. Incorporation of Premises. The above and foregoing premises are true and correct and are incorporated herein in their entirety.

2. Approval of Agreement; Execution by Mayor. The Addison Airport Toll Tunnel Cooperation Agreement, a true and correct copy of which is attached hereto as Exhibit "A" and incorporated herein for all purposes, is hereby approved and accepted. The Mayor is hereby authorized and directed to execute the Agreement on behalf of the Town, and to do and perform any and all acts necessary to carry out the terms thereof.

3. Levy of Ad Valorem Tax.

(a) The City Council hereby declares and covenants that it will provide and levy a tax legally and fully sufficient to fulfill its obligations set forth in the Agreement, it having been determined that the existing and available taxing authority of the City for such purpose is adequate to permit a legally sufficient tax in consideration of all other outstanding obligations of the City.

(b) In order to provide for the payment of the City's debt service obligations with respect to the Authority's Bonds as set forth in the Agreement, being (i) a ratable portion of the interest on the Bonds, and (ii) a sinking fund for the payment of a ratable portion of the Bonds at maturity or a sinking fund of two percent (whichever amount is greater), there is hereby levied for the current year and for each succeeding year hereafter, while the Authority's Bonds


or interest thereon are outstanding and unpaid, an ad valorem tax on each One Hundred Dollars (\$100.00) valuation of taxable property within the City at a rate sufficient, within the limits prescribed by law, to pay such debt service requirements, full allowance being made for delinquencies and costs of collection.

(c) The tax levied hereby shall be assessed and collected each year for the payment of the City's debt service obligations with respect to the Authority's Bonds as set forth in the Agreement, and the tax shall not be directed to any other purposes.

4. Severability. If any part or provision of this Ordinance or application thereof to any person or circumstance is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance, and the City Council hereby declares it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

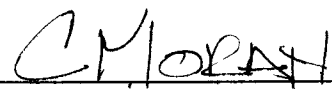
5. Effective Date. This Ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the Town of Addison.

DULY PASSED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS,
on this the 14th day of June, 1994.



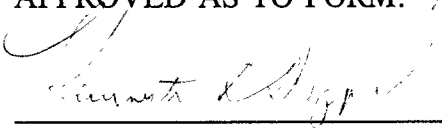
~~Rich Beckert, Mayor~~
Susan M. Halpern, Mayor Pro Tempore

ATTEST:



Carmen Moran, City Secretary

[SEAL]

APPROVED AS TO FORM:


Ken Dippel, City Attorney

Published
7/2/94

