

AN ORDINANCE OF THE CITY OF LEANDER, TEXAS

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF LEANDER APPROVING AN ANNUAL UPDATE TO THE SERVICE AND ASSESSMENT PLAN FOR CALENDAR YEAR 2019 FOR THE OAK CREEK PUBLIC IMPROVEMENT DISTRICT AND APPORTIONING ASSESSMENTS AMONG SUBDIVIDED LOTS WITHIN THE DISTRICT

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEANDER, TEXAS THAT:

PART 1. Findings. The City Council finds that:

- (A) Chapter 372 (*Public Improvement District Assessment Act*) of the Texas Local Government Code (the “Act”) authorized the creation of the Oak Creek Public Improvement District (the “District”)
- (B) On July 17, 2014, the City Council passed Resolution No. 14-013-00, which approved the creation of the District in accordance with its findings.
- (C) On October 16, 2014, the City Council passed Ordinance No. 14-064-00, which approved the Service and Assessment Plan and Budget for the District and levied Special Assessments against assessable property within the District. The Service and Assessment Plan adopted on October 16, 2014 and subsequently adopted updates and amendments are herein referred to as the Service and Assessment Plan.
- (D) The Service and Assessment Plan provides that, as parcels within the District are subdivided, the Special Assessments will be reallocated and apportioned among the resulting lots.
- (E) Property within the District was subdivided after the passage of Ordinance No. 14-064-00, and this Ordinance reallocates the Special Assessments levied pursuant to Ordinance No. 14-064-00 among the resulting lots as contemplated in the Service and Assessment Plan and as provided in the Annual Service Plan Update to the Service and Assessment Plan dated August 7, 2019, attached hereto as Exhibit A (the “SAP Update”).
- (F) The City Council finds that the proposed SAP Update, including the Assessment Roll, is necessary to fund debt service payments on debt issued to enhance the District.
- (G) The proposed assessment roll attached as part of Exhibit A to this ordinance was filed with the City Secretary, and such filing is hereby ratified and confirmed.
- (H) On August 15, 2019, the City Council held a public hearing, properly noticed under the Act, to consider the proposed SAP Update and the updated Assessment Roll included therein which reallocates and apportions the assessments levied on the

assessable property within the District among lots resulting from the subdivision of property within the District after adoption of Ordinance No. 14-064-00.

- (I) At the August 15, 2019 public hearing, the City Council heard each objection to the proposed SAP Update, found in each case that the reallocation of assessments among the parcels subdivided after adoption of Ordinance No. 14-064-00 are reasonable and consistent with Ordinance No. 14-064-00 and the special benefits conferred by the District, and passed on each objection before it closed the public hearing.
- (J) The reallocation of assessments as set out in the Assessment Roll included as part of Exhibit A, attached to and incorporated in this ordinance:
 - (1) should be made against the property and property owners within the District;
 - (2) are in proportion to the benefits to the property for the services and improvements in the District;
 - (3) establish substantial justice, equality, and uniformity in the amount assessed against each property owner for the benefits received and burdens imposed; and
 - (4) are consistent with Ordinance No. 14-064-00.
- (K) In each case, the property subject to reallocated assessments is benefited by the services and improvements provided in the District.
- (L) The exclusion of certain property from reallocation of the assessment is reasonable because doing so is consistent with Ordinance No. 14-064-00 and the excluded property will not receive a benefit from the District that is sufficient to justify an assessment and the exclusions promote efficient management of the District.
- (M) The procedures followed and apportionment of the cost of the services and improvements in the District comply with applicable law and the purpose for which the District was formed.
- (N) The reallocated assessments are in proportion to the estimated average buildout values for the property, as provided in Section III of the SAP Update.

PART 2. Exemptions and Exclusions. The City Council exempts the following from payment of the assessment and excludes from the roll:

- (A) property of the City used for public purpose;
- (B) property owned by Williamson County and property owned by political subdivisions of the State of Texas and used for public purpose; and
- (C) other property that is excluded by law or by agreement of the City and the petitioners.

PART 3. SAP Update. The SAP Update, including the Assessment Roll included as part of Exhibit A, is hereby approved.

PART 4. Reallocation of Assessments. The assessments and annual installments shown on the Assessment Roll adopted under Ordinance No. 14-064-00 are hereby reallocated among the

properties in the District and identified by the Williamson Central Appraisal District records as provided in the Assessment Roll included in Exhibit A, the SAP Update.

PART 5. Liability of Multiple Owners. Each owner of property in the District owned by two or more individuals or entities is personally liable for the amount of the assessment equal to the share of the total assessment against the property based on the owner's partial interest in the total property ownership. A property owner's interest in property may be released from an assessment lien if the owner pays the owner's proportionate share of an assessment.

PART 6. Interest and Lien.

- (A) An assessment shown on the Assessment Roll in Exhibit A:
 - (1) accrues interest at the rate set forth in the Service and Assessment Plan, as modified by the SAP Update;
 - (2) accrues interest, penalties, and attorneys' fees in the same manner as a delinquent ad valorem tax, until paid; and
 - (3) is a lien on the property shown in Exhibit A and the personal liability of the property owner.

PART 7. Due Date and Collection. An assessment may be paid in a lump sum or may be paid in annual installments as set forth herein and in the SAP Update. Annual Installments for each parcel set forth in the Assessment Roll shall be due on October 1st of the year in which the particular annual installment amount is listed, and shall be delinquent if not paid by February 1st of the following year. If a property owner defaults on payment of an assessment against the owner's property, the City Manager may cause the filing of a suit to collect the assessment and may initiate a lien foreclosure, including interest, penalties, costs and attorneys' fees.

PART 8. Annual Review of Plan. The Administrator shall, in August of each year or as soon thereafter as practical, prepare and submit to the City Council for its review and approval an update to the Annual Service and Assessment Plan to allow for billing and collection of Annual Installments.

PART 9. Statutory Authority. The reallocation of assessments and the SAP Update adopted herein are made under the authority of Chapter 372 (*Public Improvement District Assessment Act*) of the Texas Local Government Code.

PART 10. Severability. The provisions of this ordinance are severable. If any provision of this ordinance or its application to any person or circumstances is held invalid, the invalidity does not affect other provisions or applications of this ordinance.

PART 11. This ordinance takes effect on August 15, 2019.

PASSED AND APPROVED on this 15th day of August, 2019.

ATTEST:

THE CITY OF LEANDER, TEXAS

Dara Crabtree, City Secretary

Troy Hill, Mayor

EXHIBIT A

**City of Leander
Oak Creek Public Improvement District
Annual Service Plan Update to the Service and Assessment Plan
Dated August 15, 2019**