

RESOLUTION 2017-029

A RESOLUTION ACCEPTING THE PRELIMINARY SERVICE AND ASSESSMENT PLAN AND ASSESSMENT ROLL FOR THE LEVY OF ASSESSMENTS FOR AUTHORIZED IMPROVEMENTS IN THE MERCER CROSSING PUBLIC IMPROVEMENT DISTRICT IN THE CITY OF FARMERS BRANCH; SETTING A DATE FOR PUBLIC HEARINGS; AUTHORIZING THE PUBLICATION OF NOTICE; AND ENACTING OTHER PROVISIONS RELATING THERETO

WHEREAS, the City Council of the City (the “City Council”) of Farmers Branch, Texas (the “City”) received a petition (the “Petition”) requesting the creation of a public improvement district (the “Mercer Crossing Public Improvement District” or the “District”) under Chapter 372 of the Texas Local Government Code (the “Act”), from the record owners of taxable real property representing more than fifty percent (50%) of the appraised value of the real property liable for assessment (as determined by the most recent certified appraisal roll for Dallas County) in each of the Districts and the record owners of taxable real property that constitute more than 50% of all of the area of all taxable real property that is liable for assessment under each of the proposed Districts; and

WHEREAS, each of the petitions contained the signatures of the owners of taxable property representing more than fifty percent of the appraised value of taxable real property liable for assessment within each District, as determined by the then current ad valorem tax rolls of the Dallas Central Appraisal District and the signatures of property owners who own taxable real property that constitutes more than fifty percent of the area of all taxable property that is liable for assessment by each District; and

WHEREAS, on February 14, 2017, after due notice, the City Council of the City held a public hearing in the manner required by law on the advisability of the Authorized Improvements (as defined in the Service and Assessment Plan) described in the petition as required by Sec. 372.009 of the Act and made the findings required by Sec. 372.009(b) of the Act and, by Resolution adopted by a majority of the members of the City Council, authorized the creation of the Mercer Crossing Public Improvement District in accordance with its findings as to the advisability of certain public improvement projects within the District; and

WHEREAS, pursuant to Sections 372.013 and 372.014 of the PID Act, the City has directed the preparation of a Preliminary Service and Assessment Plan for The Mercer Crossing Public Improvement District (the “Service and Assessment Plan” or the “Preliminary Plan”) such Preliminary Plan is attached hereto as Exhibit B, and covers a period of at least five years and defines the annual indebtedness and the projected costs of the Authorized Improvements; and

WHEREAS, the Preliminary Plan also includes an assessment plan that apportions the cost of the Authorized Improvements to be assessed against property in the District and such apportionment is made on the basis of special benefits accruing to the property because of the Authorized Improvements; and

WHEREAS, after determining the total cost of the Authorized Improvements for the District, the City directed the preparation of an assessment roll for the District that states the assessments for the Authorized Improvements against each parcel of land in the District (the "Assessment Roll") and such Assessment Roll is attached to and a part of the Preliminary Plan; and

WHEREAS, the City Council notes that the Preliminary Plan and proposed Assessment Roll may be amended with such changes as the City Council deems appropriate before such Preliminary Plan and Assessment Roll are adopted as final by the City Council; and

WHEREAS, the City has determined to call a public hearing regarding the levy of assessments pursuant to the Preliminary Plan and the Assessment Roll pursuant to Section 372.016 of the Act; and

WHEREAS, the City desires to publish notice of the public hearing to adopt the Preliminary Plan and Assessment Roll and to mail notice of such public hearing to owners of property liable for assessment, in order to provide notice to all interested parties of the City's proposed levy of assessments for Authorized Improvements against property in the District, pursuant to Section 372.016 of the Act; and

WHEREAS, the City desires to file the Preliminary Plan and Assessment Roll with the City Secretary such that they are available for public inspection pursuant to Section 372.016 of the Act; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS, THAT:

Section 1. Findings. The findings and determinations set forth in the preambles hereto are hereby incorporated by reference for all purposes.

Section 2. Calling Public Hearings. The City Council hereby calls a public hearing (the "Public Hearing") for 6:00 p.m. on March 1, 2017 at the regular meeting place of the City Council of the City of Farmers Branch, Texas, at City Hall, 13000 William Dodson Parkway, Farmers Branch, Texas, to consider approving the Preliminary Plan, with such changes and amendments as the City Council deems necessary, and the proposed Assessment Roll with such amendments to the assessments for Authorized Improvements on any parcel in the District as the City Council deems necessary, as the final Service and Assessment Plan and the related Assessment Roll. After all objections made at such hearings have been heard, the City Council may; (i) levy the assessments for Authorized Improvements as special assessments against each parcel of property in the Mercer Crossing Public Improvement District, as set forth in the Service and Assessment Plan and the related Assessment Roll; (ii) specify the method of payment of the assessments, and (iii) provide that assessments be paid in periodic installments. Notice of the hearing setting out the matters required by Section 372.016 of the Act shall be given by publication at least eleven (11) days before the date of the hearing, in a newspaper of general circulation in the City. Notice of such hearing shall also be given by the City Secretary, by mailing a copy of the notice containing the information required by Section 372.016(b) of the Act at least eleven (11) days prior to the hearing to the current address of each owner of property

liable for an assessment in the proposed Assessment Roll as reflected on the tax rolls of the Dallas Central Appraisal District. All residents and property owners within the Mercer Crossing Public Improvement District and all other persons, are hereby invited to appear in person, or by their attorney, and contend for or contest the Preliminary Plan, the Assessment Roll, and the proposed assessments and offer testimony pertinent to any issue presented on the amount of the assessments, purpose of the assessments, special benefit of the assessments, and the costs of collection and the penalties and interest on delinquent assessments. At or on the adjournment of the hearing conducted pursuant to Section 372.016 on the proposed assessments, the City Council must hear and pass on any objection to a proposed assessment. City Council may amend a proposed assessment on any parcel. The failure of a property owner to receive notice does not invalidate the proceeding.

Section 3. Publication of Notice. The City Council hereby directs City Staff to cause the publication of notice of the Public Hearing substantially in the form attached as Exhibit A with such changes as approved by the City Manager; such publication to occur before the 10th day before the date of the hearing.

Section 4. Conduct of Public Hearing. The City Council shall convene at the location and at the time specified in the notice described above for the public hearing and shall conduct the public hearing in connection with its approval of the Service and Assessment Plan and the levy of the proposed assessments in the District, including costs of collection, penalties and interest on delinquent assessments. At such public hearing, the City Council will hear and pass on any objections to the Service and Assessment Plan and the proposed Assessment Roll and the levy of the proposed assessments within the District (which objections may be written or oral). At or on the adjournment of the hearing, the City Council may amend a proposed assessment on any parcel in the District. After all objections, if any, have been heard and passed upon, the City Council may; (i) levy the assessments as special assessments against each parcel of property in the Mercer Crossing Public Improvement District as set forth in Service and Assessment Plan and the related Assessment Roll, respectively (ii) specify the method of payment of the assessments in the District, and (iii) provide that the assessments in the District be paid in periodic installments.

Section 5. Filing of Plans and Assessment Roll. The proposed Assessment Roll shall be filed in the office of the City Secretary and be made available to any member of the public who wishes to inspect the same.

Section 6. Amendment of Plan. The City Council notes that the Preliminary Plan and proposed Assessment Roll may be amended with such changes as the City Council deems appropriate before such Preliminary Plan and Assessment Roll are adopted as final by the City Council.

Section 7. Further Action. City staff is hereby authorized and directed to take such other actions as are required, including providing notice of the public hearing as required by the Texas Open Meetings Act, to place the public hearing on the agenda for the March 1, 2017 meeting of the City Council.

Section 8. Effective Date. This Resolution shall become effective from and after its date of passage.

Section 9. **PASSED AND APPROVED this 14th day of February, 2017.**

Mayor

ATTEST:

City Secretary

APPROVED AS TO FORM & LEGALITY:

City Attorney

EXHIBIT A

CITY OF FARMERS BRANCH NOTICE OF PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN THAT a public hearing will be conducted by the City Council of the City of Farmers Branch, Texas on the 1st day of March, 2017 at 6:00 p.m. at City Hall, 13000 William Dodson Parkway, Farmers Branch Texas. The public hearing will be held to consider proposed assessments to be levied against the assessable property in the Mercer Crossing Public Improvement District (the "PID"), pursuant to the provisions of Chapter 372 of the Texas Local Government Code, as amended.

General Nature of the Authorized Improvements: The general nature of the public improvement projects will include: (i) street and roadway improvements, including related sidewalks, drainage, utility relocation, signalization, landscaping, lighting, signage, off-street parking and right-of-way; (ii) establishment or improvement of parks and open space, together with the design, construction and maintenance of any ancillary structures, features or amenities such as trails, playgrounds, walkways, lighting and any similar items located therein; (iii) sidewalks and landscaping, including entry monuments and features, fountains, lighting and signage; (iv) acquisition, construction, and improvement of water, wastewater and drainage improvements and facilities; (v) projects similar to those listed in subsections (i) - (iv) above authorized by the Act, including similar off-site projects that provide a benefit to the property within the District; (vi) special supplemental services for improvement and promotion of the District; (vii) payment of costs associated with operating and maintaining the public improvements listed in subparagraphs (i) - (vii) above; and (viii) payment of costs associated with developing and financing the public improvements listed in subparagraphs (i) - (vii) above, and costs of establishing, administering and operating the District. These Authorized Improvements shall promote the interests of the City and confer a special benefit upon the Property.

The estimated cost to design, acquire and construct the Authorized Improvements for the PID is \$48,000,000.

The boundary of the PID is described generally below.

All written or oral objections will be considered at the public hearing.

A copy of the proposed Assessment Roll, which includes the assessments to be levied for the Authorized Improvements against each parcel in the PID, are available for public inspection at the offices City Secretary, City of Farmers Branch, 13000 William Dodson Parkway, Farmers Branch, Texas.

WITNESS MY HAND AND THE OFFICIAL SEAL OF THE DISTRICT, this 14th day of February, 2017. /s/ City Secretary.

Boundaries

The District includes approximately 397.57 acres of land generally located south of Valley View Lane and east of President George Bush Turnpike, located within the City and as more particularly described by a metes and bounds description available at Farmers Branch City Hall and available for public inspection.

EXHIBIT B
PRELIMINARY SERVICE AND ASSESSMENT PLAN