



ORDINANCE NO. 3530

AN ORDINANCE OF THE CITY OF FARMERS BRANCH APPROVING THE ANNUAL UPDATE OF THE SERVICE AND ASSESSMENT PLAN AND ASSESSMENT ROLL FOR THE MERCER CROSSING PUBLIC IMPROVEMENT DISTRICT IN ACCORDANCE WITH TEXAS LOCAL GOVERNMENT CODE §372.013, AS AMENDED; CONTAINING A CUMMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, on February 14, 2017, the City Council of the City of Farmers Branch, Texas (“City”) approved Resolution No. 2017-028 established the Mercer Crossing Public Improvement District (“the PID”) in accordance with the provisions of Chapter 372 of the Texas Local Government Code (the Public Improvement District Assessment Act or “the PID Act”); and

WHEREAS, the City, pursuant to Section 372.016(b) of the Act, published notice on February 17, 2017 in a newspaper of general circulation in the City to consider the proposed Service and Assessment Plan for the PID and the levy of the Assessments on property in the PID; and

WHEREAS, on March 1, 2018, after notice and a public hearing conducted in the manner required by law, the City Council of the City of Farmers Branch adopted Ordinance No. 3432 approving the Mercer Crossing Public Improvement District Service and Assessment Plan and Assessment Roll (“the Service and Assessment Plan and Assessment Roll”) and the levy of assessments on property in the PID; and

WHEREAS, the Service and Assessment Plan is required to be reviewed and updated annually as described in Sections 372.013 and 372.014 of the PID Act (“the Annual Service Plan Update”); and

WHEREAS, the Annual Service Plan Update and updated Assessment Roll, attached hereto as Exhibit A, update the Service and Assessment Plan and Assessment Roll to reflect prepayments, property divisions and changes to the budget allocation for the PID that occur during the year, if any; and

WHEREAS, the City Council desires and finds it to be in the public interest to adopt this Ordinance approving and adopting the Annual Service Plan Update and the updated Assessment Roll attached thereto, in compliance with the PID Act.

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

SECTION 1. All matters stated in the preamble are found to be true and correct and are incorporated herein as if copied in their entirety.

SECTION 2. The Mercer Crossing Public Improvement District Annual Service Plan Update, attached hereto as Exhibit A and incorporated herein by reference, inclusive of the updated Assessment Roll contained therein and made a part thereof, are hereby accepted and approved.

SECTION 3. The provisions of this ordinance are to be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein; provided, however, that all prior ordinances or parts of ordinances inconsistent with or in conflict with any of the provisions of this ordinance are hereby expressly repealed to the extent of any such inconsistency or conflict.

SECTION 4. Should any sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Ordinance as a whole.

SECTION 5. This Ordinance shall take effect immediately after its passage and the publication of the caption, as the law and charter in such case provide.

DULY PASSED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS, ON THE 1ST OF OCTOBER 2018.

ATTEST:

APPROVED:

Amy Piukana, City Secretary

Robert C. Dye, Mayor

APPROVED AS TO FORM:

Peter G. Smith, City Attorney
(kbl:9/26/18:102942)

ORDINANCE NO. _____

EXHIBIT “A”

MERCER CROSSING PUBLIC IMPROVEMENT DISTRICT

FARMERS BRANCH, TEXAS

ANNUAL SERVICE PLAN UPDATE