

RESOLUTION 2021-233R

A RESOLUTION OF THE CITY OF SAN MARCOS, TEXAS, DETERMINING COSTS OF THE PROPOSED PUBLIC IMPROVEMENTS IN THE WHISPER SOUTH PUBLIC IMPROVEMENT DISTRICT, APPROVING A PROPOSED ASSESSMENT ROLL, AND MAKING RELATED FINDINGS AND DETERMINATIONS, IN ACCORDANCE WITH CHAPTER 372 OF THE TEXAS LOCAL GOVERNMENT CODE.

WHEREAS, the City of San Marcos, Texas (the "City"), is authorized under Chapter 372 of the Texas Local Government Code, as amended (the "Act"), to create a public improvement district;

WHEREAS, Harris Hill Residential Land Holdings, Ltd., a Texas limited partnership and Harris Hill Commercial Land Holdings, Ltd., a Texas limited partnership, previously submitted and filed with the City Secretary of the City a petition (the "Petition") requesting the establishment of a public improvement district;

WHEREAS, after providing all notices required by the Act and the Texas Government Code Chapter 551, the City Council on May 4, 2021 conducted a public hearing to consider comments for and against the creation of the District and the advisability of the proposed public improvements and, after closing the public hearing, passed and approved Resolution No. 2021-87R and Resolution No. 2021-91R, (collectively, the "PID Creation Resolution") authorizing creation of the Whisper South Public Improvement District on May 4, 2021 ("District");

WHEREAS, in accordance with Section 372.010 of the Act, notice of the resolution creating the District was published in the San Marcos Daily Record on June 30, 2021;

WHEREAS, the City has reviewed the Preliminary Service and Assessment Plan attached to this Resolution as "**Exhibit A**" and the Proposed Improvement Area #1 Assessment Roll attached as "**Exhibit F**," the Proposed Improvement Area #2 Assessment Roll attached as "**Exhibit H**," and the Proposed Improvement Area #3 Assessment Roll attached as "**Exhibit J**" to such Preliminary Service and Assessment Plan (the Proposed Improvement Area #1 Assessment Roll, the Proposed Improvement Area #2 Assessment Roll and the Proposed Improvement Area #3 Assessment Roll are collectively referred to herein as the "Proposed Assessment Roll"); **WHEREAS**, in accordance with Section 372.016 of the Act, the City Council desires to make certain determinations and findings with regard to the total cost of the "Authorized Improvements," and the portion of such Authorized Improvements allocable to each of the Improvement Areas, all as set forth in the Preliminary Service and Assessment Plan attached to this Resolution as "**Exhibit A**";

WHEREAS, in accordance with Section 372.016 of the Act, the City Council also desires to approve the Proposed Assessment Roll, which is included as "**Exhibit F**," **Exhibit "H"** and **Exhibit "J"** to the Preliminary Service and Assessment Plan attached to this Resolution as "**Exhibit A**," cause the Proposed Assessment Roll to be filed with the City Secretary, and to direct the City Secretary to make the Proposed Assessment Roll available for public inspection and publish notice of the City Council's intention to consider the respective proposed assessments on Improvement Area #1, Improvement Area #2 and Improvement Area #3 (each as defined in the Preliminary Service and Assessment Plan) at a public hearing, all in accordance with the requirements of the Act.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS, THAT:

Section 1. The findings set forth in the recitals of this Resolution are found to be true and correct and are incorporated into this Resolution for all purposes by this reference.

Section 2. The City Council hereby finds, declares, and directs:

(a) Determination of Cost. The cost determinations for the proposed Authorized Improvements in the District, and the portion of the cost of such Authorized Improvements allocable to each Improvement Area, all as set forth in the Preliminary Service and Assessment Plan attached to this Resolution as "**Exhibit A**" are hereby approved.

(b) Proposed Assessment Roll. The Proposed Assessment Rolls included in the Preliminary Service and Assessment Plan attached to this Resolution as "**Exhibit A**," stating the assessment against each parcel of assessable land in the District as determined by the method of assessment set forth in said Preliminary Service and Assessment Plan is hereby approved, and the City Council declares that the Proposed Assessment Roll is hereby filed with the City Secretary. The City Council hereby directs the City Secretary to make the Proposed Assessment Roll available for public inspection and publish notice of the City Council's intention to consider the proposed assessments on the District at a public hearing, all in accordance with the requirements of the Act.

Section 3. City Council hereby authorizes and directs City Secretary to take the actions described in Section 2 of this Resolution and authorizes and directs staff to prepare the required resolutions, ordinances, agreements, service and assessment plan, assessment roll and other documents necessary for the City Council to effectuate the PID Creation Resolution and this Resolution.

Section 4. The City Council hereby declares that written notice of the date, hour and place of the meeting at which this Resolution was adopted, was posted and that such meeting was open to the public as required by law at all times when this Resolution and the subject matter hereof were discussed, considered, and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

Section 5. This Resolution shall take effect immediately from and after its passage.

EXHIBIT LIST:

Exhibit A – Preliminary Service and Assessment Plan (including the Proposed Assessment Rolls)

PASSED & APPROVED by the **CITY COUNCIL** of the **CITY OF HUTTO** on the ____ day of _____, 2021 on vote of ____ AYES; ____ NAYS; ____ ABSTENTIONS.

THE CITY OF SAN MARCOS, TEXAS

By: _____
Jane Hughson, Mayor

ATTEST:

By: _____
Tammy Cook, City Clerk

EXHIBIT A

(Preliminary Service and Assessment Plan – including the Proposed Assessment Roll)