

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS  
APPROVING AN UPDATE TO THE SERVICE AND ASSESSMENT PLAN FOR THE  
WHISPER PUBLIC IMPROVEMENT DISTRICT FOR THE PURPOSE OF  
REALLOCATING ASSESSMENTS TO THREE PARCELS OF PROPERTY WITHIN  
THE DISTRICT; AND PROVIDING AN EFFECTIVE DATE**

<b>THE STATE OF TEXAS</b>	<b>§</b>
<b>COUNTY OF HAYS</b>	<b>§</b>
<b>CITY OF SAN MARCOS</b>	<b>§</b>

**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**, after providing all notices, holding all public hearings and complying with all prerequisites required by the Act and otherwise required by the laws of the State of Texas, the City Council of the City (the "City Council") created a public improvement district known as the Whisper Public Improvement District (the "District");

**WHEREAS**, on June 2, 2020, the City Council passed and adopted Ordinance No. 2020-42, (the "Assessment Ordinance") levying special assessments for platted land within the District (the "Assessed Property"), approving a service and assessment plan for the platted land (the "Original Service and Assessment Plan") attached to the Assessment Ordinance, and approving an assessment roll for such platted land within the District;

**WHEREAS**, three parcels of land within the District have been sold or are in the process of being sold from Whisper Master Community Limited Partnership, Ltd., a Texas limited partnership (the "Developer") to third parties, and the Developer desires for the assessments to be reallocated to these parcels to aid in the sales process;

**WHEREAS**, there has been presented to the City Council an update to the Original Service and Assessment Plan (the "SAP Update" and, together with the Original Service and Assessment Plan, the "Service and Assessment Plan") which reallocates the assessments.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS:**

Section 1. All matters stated in the preamble of this Resolution are found to be true and correct and are incorporated into the body of this Resolution as if copied in their entirety.

Section 2. The SAP Update in substantially the form and content attached as Exhibit "A" hereto is hereby approved.

Section 3. The SAP Update reallocates Assessments, as defined in the SAP Update, from the parcels shown in the original Service and Assessment Plan to the newly created parcels resulting from the sale of the three parcels.

Section 4. This Resolution incorporates by reference all provisions and requirements of the Act.

Section 5. If any section, article, paragraph, sentence, clause, phrase, or word in this Resolution, or application thereof to any persons or circumstances is held invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Resolution; and the City Council hereby declares it would have passed such remaining portion of this Resolution, despite such invalidity, which remaining portions shall remain in full force and effect.

Section 6. This Resolution shall take effect immediately from and after its passage.

**ADOPTED** on January 19, 2021.

Jane Hughson  
Mayor

Attest:

Tammy K. Cook  
Interim City Clerk



**EXHIBIT "A"**

**UPDATED SERVICE AND ASSESSMENT PLAN**