

ORDINANCE NO. _____

AN ORDINANCE APPROVING THE 2023 ANNUAL UPDATE TO THE SERVICE AND ASSESSMENT PLAN AND ASSESSMENT ROLL FOR THE MARTIN TRACT PUBLIC IMPROVEMENT DISTRICT INCLUDING THE COLLECTION OF THE 2023 ANNUAL INSTALLMENTS.

WHEREAS, the City of Pflugerville (the "City") received a petition meeting the requirements of Sec. 372.005 of the Public Improvement District Assessment Act (the "Act") requesting the creation of a public improvement district over an area within the corporate limits of the City to be known as the Martin Tract Public Improvement District (the "Martin Tract PID"); and

WHEREAS, the petition 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 the boundaries of the proposed Martin Tract PID, as determined by the then current ad valorem tax rolls of the Travis 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 the City; and

WHEREAS, after mailing and publication of notice in a newspaper of general circulation in the corporate limits of the City of such public hearing on June 3, 2020, the City Council of the City (the "City Council") held the public hearing on June 23, 2020 and continued the public hearing to December 8, 2020, in the manner required by law on the advisability of the Authorized Improvements 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 No. 1835-20-12-08-0797 adopted by a majority of the members of the City Council, authorized the Martin Tract PID in accordance with its finding as to the advisability of certain public improvement projects (the "Authorized Improvements"); and

WHEREAS, no written protests of the Martin Tract PID from any owners of record of property within the Martin Tract PID were filed with the City within twenty (20) days after the public hearing was closed on December 8, 2020; and

WHEREAS, the City, pursuant to Section 372.016(b) of the Act, published notice on December 22, 2021, in a newspaper of general circulation in the corporate limits of the City to consider the proposed Service and Assessment Plan for the Martin Tract PID and the levy of the Assessments on property in the Martin Tract PID; and

WHEREAS, the City Council, pursuant to Section 372.016(c) of the Act, caused the mailing of notice of the public hearing to consider the proposed Service and Assessment Plan for the Martin Tract PID (the "Service and Assessment Plan") and the related assessment roll (the "Assessment Roll") and the levy of Assessments on property in the Martin Tract PID to the address of the last known address of the owners of the property liable for the Assessments; and

WHEREAS, the City Council convened the hearing at 7:00 p.m. on the 11th day of January, 2022, at which all persons who appeared, or requested to appear, in person or by their attorney, were given the opportunity to contend for or contest the Service and Assessment Plan, the Assessment Roll, and each proposed Assessment, and to offer testimony pertinent to any issue presented on the amount of the Assessment, the allocation of the costs of the Authorized Improvements, the purposes of the Assessment,

the special benefits of the Assessment, and the penalties and interest on annual installments and on delinquent annual installments of the Assessments; and

WHEREAS, on January 25, 2022, the City Council adopted Ordinance No. 1529-22-01-25 accepting and approving the Service and Assessment Plan and Assessment Roll for the Authorized Improvements for the Martin Tract PID; making a finding of special benefit to certain property in the corporate limits of the City; levying Special Assessments against certain property within the corporate limits of the City and establishing a lien on such property; providing for payment of the Special Assessment in accordance with Chapter 372, Texas Local Government Code, as amended; providing for the method of Special Assessment and the payment of the Special Assessment; providing penalties and interest on delinquent Special Assessments; providing for severability and providing an effective date; and

WHEREAS, the Service and Assessment Plan and Assessment Roll is required to be reviewed and updated annually as described in Sections 372.013 and 372.014 of the PID Act; and

WHEREAS, the City Council now desires to proceed with the adoption of this Ordinance for the Annual Service Plan Update and the updated Assessment Roll attached thereto, in conformity with the requirements of the PID Act; and

WHEREAS, the City Council finds the passage of this Ordinance to be in the best interest for the citizens of Pflugerville.

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

SECTION 1: That 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: That the Annual Service Plan Update and updated Assessment Roll attached hereto as Exhibit A are hereby accepted as provided.

SECTION 3: If any portion of this Ordinance shall, for any reason, be declared invalid by any court of competent jurisdiction, such invalidity shall not affect the remaining provisions hereof and the Council hereby determines that it would have adopted this Ordinance without the invalid provision.

SECTION 4: That this Ordinance shall be cumulative of all other City Ordinances and all other provisions of other Ordinances adopted by the City which are inconsistent with the terms or provisions of this Ordinance are hereby repealed.

SECTION 5: It is hereby declared to be the intention of the City Council of the City of Pflugerville, Texas, that sections, paragraphs, clauses and phrases of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared legally invalid or unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such legal invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this Ordinance since the same would have been enacted by the City Council of the City of Pflugerville without the incorporation in this Ordinance of any such legally invalid or unconstitutional, phrase, sentence, paragraph or section.

SECTION 6: The City Secretary is directed to file the updated SAP with the Travis County Clerk, not later than the seventh date after the date the City Council adopted the ordinance approving the SAP.

SECTION 7: This ordinance shall take effect immediately from and after its passage as the law in such case provides.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF PFLUGERVILLE, TEXAS, THIS 12th DAY OF SEPTEMBER, 2023.

Victor Gonzales, Mayor

ATTEST:

Trista Evans, City Secretary

APPROVED AS TO FORM:

Charles Zech, City Attorney

Exhibit A

2023 Annual Service Plan Update

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