

**RESOLUTION NO. 2019-043**

**A RESOLUTION OF THE CITY OF NORTH RICHLAND HILLS, TEXAS DETERMINING THE COSTS OF CERTAIN PUBLIC IMPROVEMENTS TO BE FINANCED WITHIN IMPROVEMENT ZONE A AND IMPROVEMENT ZONE B OF THE CITY POINT PUBLIC IMPROVEMENT DISTRICT; APPROVING A PRELIMINARY SERVICE AND ASSESSMENT PLAN, INCLUDING A PROPOSED IMPROVEMENT ZONE A ASSESSMENT ROLL AND A PROPOSED IMPROVEMENT ZONE B ASSESSMENT ROLL; DIRECTING THE FILING OF THE PROPOSED IMPROVEMENT ZONE A ASSESSMENT ROLL AND THE PROPOSED IMPROVEMENT ZONE B ASSESSMENT ROLL WITH THE CITY SECRETARY TO MAKE AVAILABLE FOR PUBLIC INSPECTION; NOTICING A PUBLIC HEARING FOR NOVEMBER 12, 2019 TO CONSIDER ORDINANCES LEVYING IMPROVEMENT ZONE A ASSESSMENTS AND IMPROVEMENT ZONE B ASSESSMENTS ON PROPERTY LOCATED WITHIN THE CITY POINT PUBLIC IMPROVEMENT DISTRICT; DIRECTING CITY STAFF TO PUBLISH AND MAIL NOTICE OF SUCH PUBLIC HEARING; AND RESOLVING OTHER MATTERS INCIDENT AND RELATED THERETO.**

**WHEREAS,** the Public Improvement District Assessment Act, Texas Local Government Code, Chapter 372, as amended (the "PID Act") authorizes the City of North Richland Hills, Texas (the "City") to create a public improvement district within the corporate limits of the City; and

**WHEREAS,** on September 9, 2019, the City Council of the City (the "City Council") conducted a public hearing to consider a petition received by the City Council on August 8, 2019 titled "Petition for the Creation of a Public Improvement District within the City of North Richland Hills, Texas for the City Point Public Improvement District" requesting the creation of a public improvement district; and

**WHEREAS,** on September 9, 2019, the City Council adopted Resolution No. 2019-035 (the "Authorization Resolution"), authorizing, establishing, and creating the "City Point Public Improvement District" (the "District"); and

**WHEREAS,** the City authorized the creation of the District and the issuance of bonds for the District to finance certain public improvements authorized by the PID Act for the benefit of the property within the District (the "Public Improvements"); and

**WHEREAS,** the City Council and the City staff have been presented a preliminary service and assessment plan dated October 14, 2019 (the "Preliminary SAP"), including the Proposed Improvement Zone A Assessment Roll (as defined herein) and the Proposed Improvement Zone B Assessment Roll (as defined herein) attached thereto. A copy of the Preliminary SAP (i) is attached hereto as Exhibit A, (ii) is incorporated herein for all purposes, (iii)

sets forth the proposed assessment roll for the assessable property in Improvement Zone A of the District (the “Proposed Improvement Zone A Assessment Roll”), and (iv) sets forth the proposed assessment roll for the assessable property in Improvement Zone B of the District (the “Proposed Improvement Zone B Assessment Roll”); and

**WHEREAS,** the Preliminary SAP sets forth the estimated total costs of certain Public Improvements to be financed by the District at this time, and the Proposed Improvement Zone A Assessment Roll and the Proposed Improvement Zone B Assessment Rolls state the assessments proposed to be levied against each benefitted parcel of land in Improvement Zone A and Improvement Zone B of the District, respectively, as determined by the method of assessment chosen by the City and set forth in the Preliminary SAP; and

**WHEREAS,** the PID Act requires that the Proposed Improvement Zone A Assessment Roll and the Proposed Improvement Zone B Assessment Roll be filed with the City Secretary of the City (the “City Secretary”) and be subject to public inspection; and

**WHEREAS,** the PID Act requires that public hearings (collectively, the “Assessment Hearing”) be called to consider each of the proposed assessments to be levied against the benefitted property within Improvement Zone A and Improvement Zone B of the District and requires the City Council to hear and pass on any objections to the proposed assessments at, or on the adjournment of, the Assessment Hearing; and

**WHEREAS,** the PID Act requires that notice of the Assessment Hearing be mailed to property owners liable for assessment and published in a newspaper of general circulation in the City before the tenth (10th) day before the date of the Assessment Hearing.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NORTH RICHLAND HILLS, TEXAS, THAT:**

**SECTION 1.** The findings set forth in the recitals of this Resolution are hereby found to be true and correct and are hereby adopted as findings of the City Council and are incorporated into the body of this Resolution as if fully set forth herein.

**SECTION 2.** The City Council does hereby accept the Preliminary SAP for the District, including the Proposed Improvement Zone A Assessment Roll and the Proposed Improvement Zone B Assessment Roll, in a form substantially similar to the attached **Exhibit A**, which is incorporated herein for all purposes. All capitalized terms not otherwise defined herein shall have the meanings given to such terms in the Preliminary SAP.

**SECTION 3.** The City Council hereby determines that the total costs of the Public Improvements to be financed by the District are as set forth on Exhibit E of

the Preliminary SAP. The City Council also determined that Improvement Zone A's proportionate share of the costs of the Public Improvements are as set forth in Section V of the Preliminary SAP and Improvement Zone B's proportionate share of the costs of the Public Improvements are as set forth in Section V of the Preliminary SAP.

**SECTION 4.** The City Council's final determination and approval of the costs of the Public Improvements and the District Formation and Bond Issuance Costs allocable to Improvement Zone A, or any portion thereof, and the costs of the Public Improvements and District Formation and Bond Issuance Costs allocable to Improvement Zone B, or any portion thereof, shall be subject to and contingent upon the City Council's approval of a final Service and Assessment Plan, which will include a final Improvement Zone A Assessment Roll and a final Improvement Zone B Assessment Roll after the properly noticed and held Assessment Hearing.

**SECTION 5.** The City Council hereby authorizes and directs the filing of the Preliminary SAP, including the Proposed Assessment Rolls, with the City Secretary and the same shall be available for public inspection.

**SECTION 6.** The Proposed Improvement Zone B Assessment Roll states the assessments and the projected Annual Installments proposed to be levied against each parcel of land designated to be a part of Improvement Zone B of the District that benefits from the Improvement Zone B Improvements (the "Improvement Zone B Assessments"), as determined by the method of assessment chosen by the City in the Authorization Resolution and as more fully described in the Preliminary SAP.

**SECTION 7.** The City Council hereby authorizes and directs the filing of the Proposed Improvement Zone A Assessment Roll and the Proposed Improvement Zone B Assessment Roll with the City Secretary and directs the City Secretary to make the same available for public inspection.

**SECTION 8.** The City Council hereby authorizes and calls the Assessment Hearing to be held on **November 12, 2019, at or after 7:00 p.m.** in the City of North Richland Hills City Hall, 4301 City Point Drive, North Richland Hills, Texas 76180, at which, the City Council shall, among other actions, hear and pass on any objections to the proposed Improvement Zone A Assessments and the proposed Improvement Zone B Assessments, and, upon the adjournment of the Assessment Hearing, the City Council will consider (i) an ordinance levying the Improvement Zone A Assessments as special assessments on property located within Improvement Zone A of the District that benefits from that portion of the Public Improvements allocated to Improvement Zone A and which ordinance shall specify the method of payment of the Improvement Zone A Assessments, and (ii) an ordinance levying the Improvement Zone B Assessments as special assessments on property located within Improvement Zone B of the District that benefits from that portion of the Public Improvements allocated to Improvement Zone B

and which ordinance shall specify the method of payment of the Improvement Zone B Assessments.

**SECTION 9.** The City Council hereby authorizes and directs the City Secretary to publish notice of the Assessment Hearing to be held on **November 12, 2019**, in substantially the form attached hereto as **Exhibit B** and incorporated herein for all purposes, in the Fort Worth Star-Telegram, a newspaper of general circulation in the City, on or before **November 1, 2019**, as required by Section 372.016(b) of the PID Act.

**SECTION 10.** When the Proposed Improvement Zone A Assessment Roll and the Proposed Improvement Zone B Assessment Roll are filed with the City Secretary, the City Council hereby authorizes and directs the City Secretary, on or before **November 1, 2019**, to mail to owners of property liable for the proposed Improvement Zone A Assessments or the proposed Improvement Zone B Assessments notice of the Assessment Hearing to be held on **November 12, 2019**, as required by Section 372.016(c) of the PID Act.

**SECTION 11.** City staff is authorized and directed to take such other actions as are required (including, but not limited to, notice of the public hearing as required by the Texas Open Meetings Act) to place the public hearing on the agenda for the **November 12, 2019** meeting of the City Council.

**SECTION 12.** This Resolution shall become effective from and after its date of passage in accordance with law.

**PASSED AND APPROVED** on this 14<sup>th</sup> day of October, 2019.

**CITY OF NORTH RICHLAND HILLS**

By: \_\_\_\_\_  
Oscar Trevino, Mayor

**ATTEST:**

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Alicia Richardson, City Secretary

**APPROVED AS TO FORM AND LEGALITY:**

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Maleshia B. McGinnis, City Attorney

**APPROVED AS TO CONTENT:**

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Craig Hulse, Economic Development  
Director

## EXHIBIT A

## EXHIBIT B