

RESOLUTION NO. 2019-032

A RESOLUTION SETTING A PUBLIC HEARING UNDER SEC. 372.009 OF THE TEXAS LOCAL GOVERNMENT CODE REGARDING THE CREATION OF THE CITY POINT PUBLIC IMPROVEMENT DISTRICT WITHIN THE CITY OF NORTH RICHLAND HILLS, TEXAS; AND AUTHORIZING THE ISSUANCE OF NOTICE BY THE CITY SECRETARY OF NORTH RICHLAND HILLS, TEXAS REGARDING THE PUBLIC HEARING.

WHEREAS, the City of North Richland Hills, Texas (the “City”), is authorized under Chapter 372 of the Texas Local Government Code (the “Act”), to create a public improvement district within its corporate limits; and

WHEREAS, on August 8, 2019, La Verne Butterfield, L.P., a California limited partnership, the owner of (1) taxable real property representing more than 50 percent of the appraised value of taxable real property liable for assessment under the proposal, as determined by the current roll of the appraisal district in which the property is located and (2) record owner of real property liable for assessment under the proposal who: (A) constitute more than 50 percent of all record owners of property that is liable for assessment under the proposal; or (B) own taxable real property that constitutes more than 50 percent of the area of all taxable real property that is liable for assessment under the proposal (the “Petitioner”), submitted and filed with the City Secretary of the City (the “City Secretary”) a petition (“Petition”), attached hereto as **Exhibit “A,”** requesting the establishment of the City Point Public Improvement District to consist of approximately 52.873 acres of property within the corporate limits of the City (the “District”); and;

WHEREAS, the City Council of the City (the “City Council”) based upon receipt of the Petition has decided to hold a public hearing in accordance with Section 372.009 of the Act regarding the advisability of establishing the District, the nature of the improvements contemplated, the estimated costs of the improvements, the boundaries of the District, the method of assessment, and the apportionment, if any, of the costs; and;

WHEREAS, in order to hold a public hearing for the creation of a public improvement district, notice must be given in a newspaper of general circulation in the municipality before the 15th day before the date of the hearing, and written notice must be mailed to the current address of each owner, as reflected on the tax rolls, of property that would be subject to assessment under the proposed public improvement district before the 15th day before the date of the hearing; and;

WHEREAS, both newspaper notice and mailed notice must contain the information required for notice as provided for in Section 372.009 of the Act; and

WHEREAS, the City Council has determined to hold a public hearing on September 9, 2019 regarding the creation of the District; and

WHEREAS, the City Council finds that the passage of this Resolution is in the best interest of the citizens of the City;

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

SECTION 1. The City Council hereby finds that the recitals set forth above are true and correct and are incorporated into this Resolution as if written herein.

SECTION 2. City Staff reviewed the Petition and determined that the same complied with the requirements of the Act and the City Council accepts the Petition.

SECTION 3. That a public hearing is hereby called for September 9, 2019, at 7:00 p.m. at North Richland Hills City Council Chambers, 4301 City Point Drive, North Richland Hills, TX 76180, for the purpose of hearing public testimony with respect to the advisability of establishing the District, the nature of the improvements contemplated, the estimated costs of the improvements, the boundaries of the District, the method of assessment, and the apportionment, if any, of the costs.

SECTION 4. At such time and place the City Council will hear testimony regarding the creation of the proposed public improvement district and consider the adoption of a resolution authorizing the creation of the District.

SECTION 5. Attached hereto as **Exhibit "A"** is the Petition for the Creation of a Public Improvement District within the City of North Richland Hills, Texas, for the City Point Public Improvement District, which includes a metes and bounds description for the District.

SECTION 6. Attached hereto as **Exhibit "B"** is a form of the Notice of Public Hearing (the "Notice"), the form and substance of which is hereby adopted and approved.

SECTION 7. The City Secretary is hereby authorized and directed to cause said Notice to be published in substantially the form attached hereto, in a newspaper of general circulation in the City, and to mail the notice to any affected landowners within the boundaries of the proposed public improvement district as required by law. The City Secretary shall provide notice on or before August 23, 2019, which is before the 15th day before the September 9, 2019 hearing.

SECTION 8. If any portion of this Resolution shall, for any reason, be declared invalid by any court of competent jurisdiction, such invalidity shall not affect the remaining provisions hereof and the City Council hereby determines that it would have adopted this Resolution without the invalid provision.

SECTION 9. This Resolution shall be in full force and effect from and after its passage, and it is accordingly so resolved.

PASSED AND APPROVED on this 12th day of August, 2019.

CITY OF NORTH RICHLAND HILLS

By: _____
Oscar Trevino, Mayor

ATTEST:

Alicia Richardson, City Secretary

APPROVED AS TO FORM AND LEGALITY:

Maleshia B. McGinnis, City Attorney

APPROVED AS TO CONTENT:

Craig Hulse, Economic Development
Director