

ORDINANCE NO. 20230822-016

AN ORDINANCE OF THE CITY OF ANGLETON, TEXAS, APPROVING THE 2023 UPDATE TO THE SERVICE AND ASSESSMENT PLAN AND ASSESSMENT ROLL FOR THE KIBER RESERVE PUBLIC IMPROVEMENT DISTRICT; MAKING AND ADOPTING FINDINGS; ACCEPTING AND APPROVING THE ANNUAL SERVICE PLAN UPDATE AND UPDATED ASSESSMENT ROLL FOR THE DISTRICT; PROVIDING AN EFFECTIVE DATE AND OTHER MATTERS RELATED THERETO.

WHEREAS, the Kiber Reserve Public Improvement District (the “District”) was created pursuant to the PID Act, by Resolution No. 20201110-007 of the City Council on November 10, 2020, to finance certain public improvement projects for the benefit of the property in the District; and

WHEREAS, on October 12, 2021, the City Council adopted and approved the Service and assessment plan for the District by Ordinance No. 20211012-015, (the “Service and Assessment Plan”) including an Assessment Roll, and levied Assessments on property within the District to finance the Authorized Improvements for the benefit of such property; and

WHEREAS, all capitalized terms used herein and not otherwise defined herein shall have the meanings assigned to such terms in the Service and Assessment Plan; and

WHEREAS, Section 372.013 of the Act and the Service and Assessment Plan require that the Service and Assessment Plan and Assessment Roll be reviewed and updated annually for the purpose of determining the annual budget for improvements (the “Annual Service Plan Update”); and

WHEREAS, the Annual Service Plan Update and updated Assessment Roll for Fiscal Year attached as Exhibit A (the “2023 Annual Service Plan Update) hereto conforms the Assessment Roll to the annual principal and interest payment schedule required for the PID Reimbursement Agreement and updates the Service and Assessment Plan and Assessment Roll to reflect prepayments, property divisions and changes to the cost and/or budget allocations for District Authorized Improvements that occur during the year, if any and the annual administrative costs of the District; and

WHEREAS, the City Council now desires to proceed with the adoption of this Ordinance and hereby approves and adopts the 2023 Annual Service Plan Update and the updated Assessment Roll attached thereto, in conformity with the requirements of the Act.

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

SECTION 1. *Findings.* The findings and determinations set forth in the preambles hereto are hereby incorporated by reference for all purposes and are hereby adopted.

SECTION 2. *Annual Service Plan Update.* The 2023 Annual Service Plan Update with updated Assessment Roll attached hereto as Exhibit A is hereby accepted and approved and complies with the Act in all matters as required.

SECTION 3. *Cumulative Repealer.* This Ordinance shall be cumulative of all other ordinances and shall not repeal any of the provisions of such ordinances except for those instances where there are direct conflicts with the provisions of this Ordinance. Ordinances or parts thereof in force at the time this Ordinance shall take effect and that are inconsistent with this Ordinance are hereby repealed to the extent that they are inconsistent with this Ordinance. Provided however, that any complaint, action, claim or lawsuit which has been initiated or has arisen under or pursuant to such Ordinance on the date of adoption of this Ordinance shall continue to be governed by the provisions of that ordinance and for that purpose the ordinance shall remain in full force and effect.

SECTION 4. *Severability.* If any provision, section, subsection, sentence, clause or phrase of this Ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Ordinance or the application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council that no portion hereof, or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality, voidness or invalidity of any other portion hereof, and all provisions of this Ordinance are declared to be severable for that purpose.

SECTION 5. *Effective Date.* This Ordinance shall take effect, and the provisions and terms of the Annual Service Plan Update shall be and become effective upon passage and execution hereof.

SECTION 6. *Property Records.* This Ordinance and the 2023 Annual Service Plan Update shall be filed in the real property records of Brazoria County within seven (7) days of the Effective Date.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ANGLETON, TEXAS, ON THIS THE 22ND DAY OF AUGUST 2023.

CITY OF ANGLETON, TEXAS

John Wright
Mayor

ATTEST:

APPROVED AS TO LEGAL FORM:

Michelle Perez, TRMC
City Secretary

Judith El Masri
City Attorney

THE STATE OF TEXAS §

COUNTY OF BRAZORIA §

Before me, the undersigned authority, on this day personally appeared John Wright, Mayor of the City of Angleton, Texas, known to me to be such persons who signed the above and acknowledged to me that such persons executed the above and foregoing Ordinance in my presence for the purposes stated therein.

Given under my hand and seal of office this _____.

Notary Public, State of Texas

[NOTARY STAMP]

EXHIBIT A

2023 ANNUAL UPDATE TO THE KIBER RANCH PUBLIC IMPROVEMENT DISTRICT
SERVICE AND ASSESSMENT PLAN