

A RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAIR OAKS RANCH, TEXAS ACCEPTING FOR FILING A LANDOWNER PETITION REQUESTING THE CREATION OF THE POST OAK PUBLIC IMPROVEMENT DISTRICT; FINDING THE PETITION TO BE COMPLIANT WITH APPLICABLE LAWS; CALLING A PUBLIC HEARING TO CONSIDER THE CREATION OF THE PUBLIC IMPROVEMENT DISTRICT; AUTHORIZING AND DIRECTING THAT NOTICE OF THE PUBLIC HEARING BE GIVEN AS REQUIRED BY LAW; PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE; AND RESOLVING OTHER MATTERS IN CONNECTION THEREWITH

WHEREAS, Chapter 372, Texas Local Government Code, as amended (the "Act"), authorizes the City of Fair Oaks Ranch, Texas (the "City") to create public improvement districts within the corporate limits and extraterritorial jurisdiction of the City, and

WHEREAS, a landowner petition, a copy of which is attached as Exhibit A (the "Petition"), was filed with the City Secretary requesting the creation of the "Post Oak Public Improvement District" (the "District") and which Petition the City Council of the City (the "City Council") hereby finds and determines to be validly submitted, in proper form, and compliant with applicable laws of the State of Texas (the "State") concerning the creation of a public improvement district with boundaries as described in the Petition, to support a development project within the corporate limits of the City, as required and in compliance the Act, and

WHEREAS, the Petition indicated: (i) the owners of taxable real property representing more than fifty percent (50%) 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 (ii) the record owners of real property liable for assessment under the proposal who: (a) constitute more than fifty percent (50%) of all record owners of property that are liable for assessment under the proposal, or (b) own taxable real property that constitutes more than fifty percent (50%) of the area of all taxable real property that is liable for assessment under the proposal executed the Petition, and

WHEREAS, pursuant to the Act, prior to the action of the City Council concerning the creation of the District, the City Council is required to conduct a public hearing concerning any such creation and provide notice of such public hearing as follows: (i) publish notice thereof in a newspaper of general circulation in the City and in the part of the extraterritorial jurisdiction in which the District is to be located or in which the improvements are to be undertaken, which notice shall contain, at a minimum, the requisite information specified in the Act, and (ii) mail written notice thereof which shall contain, at a minimum, the requisite information specified in the Act to the current address of the owner, as reflected on tax rolls, of property subject to assessment under the proposed District, and

WHEREAS, the City Council has determined that it is in the best interest of the City to accept the Petition and to call a public hearing (the "Public Hearing") at which the City Council will consider the adequacy of the Petition and hear public testimony regarding the feasibility and advisability of creating the proposed District.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAIR OAKS RANCH, TEXAS:

- Section 1.** The recitals set forth in the WHEREAS clauses of this Resolution are true and correct and are incorporated as part of this Resolution.
- Section 2.** City staff has reviewed the Petition and determined that the same complies with the requirements of the Act and the filing of the Petition is accepted. The Petition is filed with the office of the City Secretary and is available for public inspection.
- Section 3.** The City Council calls the Public Hearing to consider the adequacy of the Petition and to hear public testimony on the feasibility and advisability of creating the proposed 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 of the improvements, to be held beginning at or after 6:30 P.M. on Thursday, June 19, 2025, in the regular meeting place of the City Council in City Hall located at 7286 Dietz Elkhorn, Fair Oaks Ranch, Texas 78015. Attached hereto as Exhibit B is a form of the Notice of Public Hearing, the form and substance of which is hereby adopted and approved. All residents and property owners within the District, and all other persons, are hereby invited to appear in person, or by their attorney, and speak on the creation of the District.
- Section 4.** The Public Hearing may be adjourned from time to time.
- Section 5.** The City Secretary is hereby authorized and directed to give all notices of the Public Hearing as required by law, including notices required by the Texas Open Meetings Act and by the Act. The notice of public hearing regarding creation of the District is hereby approved and authorized to be published and mailed and shall read substantially in the form and content of Exhibit B attached hereto which notice is incorporated herein by reference as a part of this Resolution for all purposes.
- Section 6.** The City Secretary shall cause the aforesaid notice, attached hereto as Exhibit B, to be published in a newspaper of general circulation in the City and in the part of the extraterritorial jurisdiction in which the District is to be located or in which the improvements are to be undertaken before the fifteenth (15th) day before the scheduled date of the Public Hearing. The City Secretary is hereby authorized and directed to mail notices of the hearing regarding the creation of the District substantially in the form attached hereto as Exhibit B to the current addresses of the owners, as reflected on the tax rolls, of property subject to assessment under the proposed District and to address such notices to the "Property Owner" before the fifteenth (15th) day before the scheduled date of the Public Hearing, as required and as provided by the provisions of Section 372.009(d) of the Act.
- Section 7.** Upon the closing of the Public Hearing, the City Council may consider the adoption of a resolution creating the proposed District or may defer the adoption of such a resolution for up to six months. The creation of the proposed District is within the sole discretion of the City Council.

Section 8. All orders and resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters resolved herein.

Section 9. This Resolution shall be construed and enforced in accordance with the laws of the State and the United States of America.

Section 10. If any provision of this Resolution or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Resolution and the application of such provision to other persons and circumstances shall nevertheless be valid, and this City Council hereby declares that this Resolution would have been enacted without such invalid provision.

Section 11. It is officially found, determined, and declared that the meeting at which this Resolution is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Resolution, was given, all as required by Chapter 551, as amended, Texas Government Code.

Section 12. This Resolution shall become effective immediately from and after it is passed and approved.

PASSED, APPROVED, and ADOPTED on this 20th day of May 2025.

Gregory C. Maxton, Mayor

ATTEST:

APPROVED AS TO FORM:

Christina Picioccio, TRMC
City Secretary

Denton Navarro Rodriguez Bernal Santee & Zech
P.C., City Attorney