

**CITY OF MANOR, TEXAS**

**RESOLUTION NO. 2022-05**

**A RESOLUTION OF THE CITY OF MANOR, TEXAS DETERMINING THE COSTS OF CERTAIN AUTHORIZED IMPROVEMENTS TO BE FINANCED BY THE LAGOS PUBLIC IMPROVEMENT DISTRICT; APPROVING AN AMENDED AND RESTATED SERVICE AND ASSESSMENT PLAN, INCLUDING THE PROPOSED ASSESSMENT ROLL; CALLING FOR AND AUTHORIZING PUBLICATION AND DELIVERY OF NOTICE OF A PUBLIC HEARING FOR APRIL 6, 2022 TO CONSIDER AN ORDINANCE LEVYING ASSESSMENTS ON PROPERTY LOCATED WITHIN IMPROVEMENT AREA #1 OF THE LAGOS PUBLIC IMPROVEMENT DISTRICT; DIRECTING THE FILING OF THE PROPOSED ASSESSMENT ROLL WITH THE CITY SECRETARY TO MAKE SAID PROPOSED ASSESSMENT ROLL AVAILABLE FOR PUBLIC INSPECTION; DIRECTING CITY STAFF TO PUBLISH AND MAIL NOTICE OF SAID PUBLIC HEARING; AND RESOLVING OTHER MATTERS RELATED TO THE FOREGOING.**

**RECITALS**

**WHEREAS**, the Public Improvement District Assessment Act, Texas Local Government Code, Chapter 372, as amended (the "Act") authorizes the governing body (the "City Council") of the City of Manor, Texas (the "City") to create a public improvement district within the City and its extraterritorial jurisdiction; and

**WHEREAS**, on March 20, 2019, the City Council conducted a public hearing to consider a petition received by the City on January 31, 2019 titled ("Petition for the Creation of a Public Improvement District to Finance Improvements to Lagos Subdivision") requesting the creation of a public improvement district; and

**WHEREAS**, on March 20, 2019, after due notice and a public hearing, the City Council approved Resolution No. 2019-02 (the "Authorization Resolution"), authorizing, establishing and creating the Lagos Public Improvement District (the "District") and determining the advisability of the improvements; and

**WHEREAS**, the City authorized the creation of the District and the issuance of up to \$12,000,000 in bonds for the District to finance certain public improvements authorized by the

Act for the benefit of the property within the District (the "Authorized Improvements"); and

**WHEREAS**, the City Council and the City staff have been presented a " Lagos Public Improvement District Preliminary Amended and Restated Service and Assessment Plan", including the proposed Improvement Area #1 Assessment Roll attached as Exhibit I (the "Proposed Assessment Roll"), dated March 16, 2022 (collectively, the "Preliminary SAP"), a copy of which is attached hereto as **Exhibit A** and is incorporated herein for all purposes; and

**WHEREAS**, the Preliminary SAP sets forth the estimated total costs of certain Authorized Improvements to be financed by the District for Phase 1 and Phases 2 – 5 ("Improvement Area #1") of development, and the Proposed Assessment Roll states the assessments proposed to be levied against each parcel of land in Improvement Area #1 of the District as determined by the method of assessment and apportionment chosen by the City; and

**WHEREAS**, the anticipated levy and assessment amount for the Authorized Improvements to be financed by Improvement Area #1 of the District (as defined in the Preliminary SAP) is approximately \$13,585,250, as referenced in Exhibit E of the Preliminary SAP; and

**WHEREAS**, the Act requires that the Proposed Assessment Roll be filed with the City Secretary of the City (the "City Secretary") and be subject to public inspection; and

**WHEREAS**, the Act requires that a public hearing (the "Assessment Hearing") be called to consider the proposed assessments 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 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 and the extraterritorial jurisdiction of 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 MANOR, TEXAS AS FOLLOWS:**

**SECTION 1.** The recitals set forth above in this Resolution are 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, dated March 16, 2022, for the District, including the Proposed Assessment Roll, a copy of which is attached hereto as **Exhibit A** and 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 estimated costs of the Authorized Improvements to be financed by Improvement Area #1 of the District are set forth in Exhibit E of the Preliminary SAP, which costs do include the payment of expenses incurred in the administration of the District or related to the issuance of any bonds.

**SECTION 4.** The City Council's final determination and approval of the estimated costs of the Authorized Improvements, or any portion thereof, shall be subject to and contingent upon City Council approval of a final Service and Assessment Plan which will include the final Improvement Area #1 Assessment Roll, after the properly noticed and held Assessment Hearing.

**SECTION 5.** The Proposed Assessment Roll states the assessment proposed to be levied against each parcel of land in Improvement Area #1 of the District 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 6.** The City Council hereby authorizes and directs the filing of the Proposed Assessment Roll with the City Secretary and the same shall be available for public inspection.

**SECTION 7.** The City Council hereby authorizes, and calls, a meeting and a public hearing (the Assessment Hearing as defined above) to be held on April 6, 2022 at 7:00 p.m. at City Hall, 105 E. Eggleston Street, Manor, Texas 78653, at which the City Council shall, among other actions, hear and pass on any objections to the proposed assessments; and, upon the adjournment of the Assessment Hearing, the City Council will consider an ordinance levying the assessments as special assessments on property within Improvement Area #1 of the District (which ordinance shall specify the method of payment of the assessments).

**SECTION 8.** The City Council hereby approves of the publication by the City Secretary of the Assessment Hearing to be held on April 6, 2022, in substantially the form attached hereto as **Exhibit B** in the March 18, 2022 edition of the *Manor Journal* and incorporated herein for all purposes, a newspaper of general circulation in the City, before the tenth (10th) day before the date of the Assessment Hearing, as required by Section 372.016(b) of the Act.

**SECTION 9.** When the Proposed Assessment Roll is filed with the City Secretary, the City Council hereby authorizes and directs the City Secretary to mail to owners of property liable for assessment notice of the Assessment Hearing to be held on April 6, 2022, as required by Section 372.016(c) of the Act.

**SECTION 10.** 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 April 6, 2022 meeting of the City Council.

**SECTION 11.** This Resolution shall become effective from and after its date of passage in accordance with law.

*[Remainder of this page intentionally left blank.]*

**PASSED AND APPROVED** on this the 16th day of March 2022.

**CITY OF MANOR, TEXAS:**

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Dr. Christopher Harvey, Mayor

**ATTEST:**

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Lluvia T. Almaraz, City Secretary  
City of Manor, Texas

**EXHIBIT A**

**PRELIMINARY AMENDED AND RESTATED SERVICE AND ASSESSMENT PLAN**

## **EXHIBIT B**

### **CITY OF MANOR, TEXAS NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN THAT a public hearing will be conducted by the City Council of Manor, Texas on April 6, 2022 at 7:00 p.m. at City Hall, 105 E. Eggleston Street, Manor, Texas 78653.

The public hearing will be held to consider proposed assessments to be levied against the assessable property within Improvement Area #1 of the Lagos Public Improvement District (the "District") pursuant to the provisions of Chapter 372 of the Texas Local Government Code to pay costs for certain improvements that will confer a special benefit to the District (such improvements, the "Authorized Improvements").

The proposed Authorized Improvements to be undertaken include improvements for the amenity pond, roadways, water, wastewater, storm drainage, and costs related to the administration of the District.

The total costs of the Authorized Improvements allocated to Improvement Area #1 are \$13,585,250.

The boundaries of the District include approximately 173 acres of land generally located south of and adjacent to Brenham Street, southwest of and adjacent to Blake Manor Road, north of a point running generally southwest or west for a distance of approximately 2,767 feet from Blake Manor Road along the City limits boundary to FM 973/South Lexington Street, and east of and adjacent to FM 973/South Lexington Street, excluding the site of Lagos Elementary School, to the point beginning at the intersection of Brenham Street and FM 973/South Lexington Street, as more particularly described by a metes and bounds description available at Manor City Hall located at 105 E. Eggleston Street, Manor, Texas 78653 and available for public inspection. The map provided with this notice and in the description of the District available at City Hall indicate the location of Improvement Area #1 within the District.

All written or oral objections on the proposed assessment within the District will be considered at the public hearing.

A copy of the Improvement Area #1 Assessment Roll relating to the portion of the costs of the Authorized Improvements allocated to Improvement Area #1, which Assessment Roll including the assessments to be levied against each parcel in Improvement Area #1 of the District, is available for public inspection at the office of the City Secretary, 105 E. Eggleston Street, Manor, Texas 78653.

*[map – to be provided]*