

**TOWN OF PONDER**

**ORDINANCE NO. 23-10**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PONDER, TEXAS APPROVING THE 2023 ANNUAL SERVICE PLAN UPDATE TO THE SERVICE AND ASSESSMENT PLAN, INCLUDING THE ASSESSMENT ROLL, FOR PONDER PUBLIC IMPROVEMENT DISTRICT NO. 1 IN ACCORDANCE WITH CHAPTER 372, TEXAS LOCAL GOVERNMENT CODE, AS AMENDED; AND PROVIDING AN EFFECTIVE DATE.**

**RECITALS**

**WHEREAS**, on February 12, 2015, after notice and a public hearing in the manner required by law, the Town Council (the "Town Council") of the Town of Ponder, Texas (the "Town") passed and approved Resolution No. 15-01 authorizing the creation of Ponder Public Improvement District No. 1 (the "PID No. 1") for the Remington Park project; and

**WHEREAS**, on May 14, 2015, after notice and a public hearing in the manner required by law, the Town Council passed Ordinance No. 15-05 approving the "Ponder Public Improvement District No. 1 Service and Assessment Plan," including the Assessment Roll (the "Assessment Roll"), (the "Service and Assessment Plan") and levied the Assessments on property within PID No. 1 in accordance with the Assessment Roll for the purposes of financing the public improvements (the "Authorized Improvements") undertaken for the benefit of such property; and

**WHEREAS**, Chapter 372, Texas Local Government Code (as amended, the "PID Act") requires the Service and Assessment Plan to be reviewed and updated annually for the purposes of determining the annual budget for the Authorized Improvements; and

**WHEREAS**, the Town Council has received the "Ponder Public Improvement District No. 1 2023 Annual Service Plan Update" (the "Annual Service Plan Update") which includes the updated Assessment Roll and now desires to proceed with the adoption of this Ordinance which approves and adopts the Annual Service Plan Update and updated Assessment Roll for PID No. 1 as required by the PID Act.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PONDER, TEXAS:**

**Section 1. Terms.** Terms not otherwise defined herein are defined in the Service and Assessment Plan.

**Section 2. Findings.** That the recitals and findings in the Recitals of this Ordinance are hereby found and determined to be true and correct and constitute the legislative findings and determinations of the Town Council.

**Section 3. Assessment Plan.** The Annual Service Plan Update, including the updated Assessment Roll contained therein, in the form attached as **Exhibit A** is hereby approved and the same is incorporated as part of this Ordinance as if fully set forth in the body of this Ordinance.

**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 governing body of the Town in adopting this Ordinance 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 immediately from and after its passage in accordance with applicable law.

**DULY PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF PONDER, TEXAS, THE 10<sup>th</sup> DAY OF JULY 2023.**

TOWN OF PONDER

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MATTHEW POOLE, MAYOR

ATTEST:

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SHERI CLEARMAN, TOWN SECRETARY

**Exhibit A**

**2023 Annual Service Plan Update**

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