

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS, MAKING CERTAIN FINDINGS IN CONNECTION WITH THE SOUTH POINTE PUBLIC IMPROVEMENT DISTRICT WITH THE CITY OF MANSFIELD; ACCEPTING A SERVICE AND ASSESSMENT PLAN AND ASSESSMENT ROLL FOR THE DISTRICT; LEVYING SPECIAL ASSESSMENTS AGAINST PROPERTY WITHIN THE DISTRICT AND ESTABLISHING A LIEN ON SUCH PROPERTY; PROVIDING FOR PAYMENT OF THE ASSESSMENTS; PROVIDING FOR THE METHOD OF ASSESSMENT AND THE PAYMENT OF THE ASSESSMENTS, PROVIDING PENALTIES AND INTEREST ON DELINQUENT ASSESSMENTS, PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, the City Council of the City (the “City Council”) of Mansfield, Texas (the “City”) has received a petition (the “Petition”) requesting creation of the South Pointe Public Improvement District (the “District”) under Chapter 372 of the Texas Local Government Code (the “Act”), from the record owners of taxable real property representing more than fifty percent (50%) of the appraised value of the real property liable for assessment (as determined by the most recent certified appraisal roll for Johnson County or Ellis County, as applicable) in the proposed District and the record owners of taxable real property that constitute more than 50% of all of the area of all taxable real property that is liable for assessment under the proposal; and

**WHEREAS**, the Petition, has been examined, verified, and found to meet the requirements of Section 372.005(b) of the Act and to be sufficient for consideration by the City Council; and

**WHEREAS**, the boundaries of the proposed District are described in Exhibit “1” attached hereto, said area for the District being within the boundaries of the City; and

**WHEREAS**, on January 11, 2016, after providing all notices required by the Act, the City Council conducted a public hearing on the advisability of the improvements and services described in the Petition; and

**WHEREAS**, on February 22, 2016, the City Council adopted Resolution RE-3214-16 to authorize the District in accordance with its findings as to the advisability of the improvements and services; and

**WHEREAS**, on February 26, 2016, the City published notice of its authorization of the District in the Star-Telegram, a newspaper of general circulation in the City of Mansfield; and

**WHEREAS**, no written protests of the District from any owners of record of property within the District were filed with the City Secretary within 20 days after February 26, 2016; and

**WHEREAS**, pursuant to Section 372.013 of the Act, the City has prepared or caused to prepare a Service and Assessment Plan in the form attached hereto as Exhibit “1” that covers a period of at least five years and defines the annual indebtedness and projected costs for the improvements; and

**WHEREAS**, the Service and Assessment Plan apportions the cost of the improvement to be assessed against property in the District and such apportionment is made on the basis of special benefits accruing to the property because of the improvement.

**WHEREAS**, the property in the District being assessed will be benefited by the services and improvements to be provided through the District, and each parcel of property will receive special benefits equal to or greater than the assessment; and

**WHEREAS**, the method of apportionment set forth in the Service and Assessment Plan results in imposing equal shares of the cost of the improvement on property similarly benefited, and results in a reasonable classification and formula for the apportionment of the costs of the improvements; and

**WHEREAS**, on March 16, 2016, pursuant to Section 372.016(a) of the Act, an assessment roll in the form attached hereto as Exhibit "2" that states the assessment against each parcel of property in the District was filed with the City Secretary and was available for public inspection; and

**WHEREAS**, on March 16, 2016, pursuant to Section 372.016(b) of the Act, the City published in said Star-Telegram a notice of public hearing to consider the City Council's intention to levy an Assessment on property in the District; and

**WHEREAS**, pursuant to Section 372.016(c) of the Act, the City mailed notice of the public hearing to consider the levy of Assessments on property in the District to the last known address of the owners of the property liable for the assessment; and

**WHEREAS**, on March 28, 2016, the City Council held the aforementioned public hearing, at which all persons were given an opportunity to submit written or oral objections to the levy of assessment; and

**WHEREAS**, the City Council closed the hearing, and, after considering all written and documentary evidence presented at the hearing, determined to proceed with the adoption of this Ordinance in conformity with the requirements of the Act; and

**WHEREAS**, the City Council finds and determines that the Service and Assessment Plan should be accepted.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS:**

**SECTION 1.  
FINDINGS AFFIRMED**

The findings set forth in the recitals of this Resolution are hereby found to be true and correct.

**SECTION 2.**  
**SERVICE AND ASSESSMENT PLAN ACCEPTED**

The Service and Assessment Plan attached to this ordinance is hereby accepted as the service plan and assessment plan for the District.

**SECTION 3.**  
**ASSESSMENT**

An annual assessment of \$1,000 for a single family home within the District and \$120 for each multifamily unit within the District shall be levied. (Undeveloped lots shall not be assessed until such time as the lots are developed with a single family home or multifamily unit that has received final inspection approval by the City.) Until the District budget is fully funded through assessments, the shortfall shall be funded by the Applicant's annual subsidy required in Article 2, Section 2 of the Service and Assessment Plan. The term "Applicant" has the same meaning as set forth in the Service and Assessment Plan.

**SECTION 4.**  
**METHOD OF ASSESSMENT**

The method of payment of the annual assessment shall be in a single lump sum payment upon receipt of the assessment notice.

**SECTION 5.**  
**DELINQUENCY OF ASSESSMENT**

The payment of the assessment for the calendar year 2016 shall be due on October 1, 2016, and becomes delinquent on February 1, 2017, with the following interest rates: February 2017, 6%; March 2017, 7%; April 2017, 8%; May 2017, 9%; June 2017, 10%; and July 2017, 12%. Any assessment remaining unpaid on July 1, 2017 shall accrue an additional penalty for collection costs. The penalty shall be 20% of the amount of assessment, penalty, and interest due. A delinquent assessment accrues interest increasing at the rate of 1% for each additional month or portion of a month the assessment remain unpaid. To the extent not inconsistent with this Ordinance or the Act, the provisions of the Texas Tax Code governing enforcement of ad valorem tax liens shall be applicable to the assessment established by this ordinance.

**SECTION 6.**  
**LIEN**

A lien shall be established against each affected property within the district on the date the assessment is due, and shall not be released until the assessment is paid in full. This lien is superior to all other liens and claims except liens or claims for the state, county, school district, or city ad valorem taxes.

**SECTION 7.**  
**APPROVAL OF EXPENDITURES**

The City Manager or his designee is authorized to review and approve the expenditures recommended by the Manager of the District as defined in the Service and Assessment Plan for goods and services procured by the District.

**SECTION 8.**  
**SEVERABILITY CLAUSE**

Should any paragraph, sentence, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Ordinance as a whole or any part or provision thereof, other than the part so declared to be invalid, illegal or unconstitutional, and shall not affect the validity of the Mansfield Code of Ordinances as a whole.

**SECTION 9.**  
**EFFECTIVE DATE**

This ordinance shall take effect immediately from and after its passage on third and final reading and the publication of the caption, as the law and charter in such cases provide.

First reading approved on the \_\_\_\_\_ day of \_\_\_\_\_, 2016.

Second reading approved on the \_\_\_\_\_ day of \_\_\_\_\_, 2016.

**DULY PASSED** on the third and final reading by the City Council of the City of Mansfield, Texas, this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
**David L. Cook, Mayor**

ATTEST:

\_\_\_\_\_  
**Jeanne Heard, City Secretary**

APPROVED AS TO FORM AND LEGALITY

\_\_\_\_\_  
**Allen Taylor, City Attorney**