

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS APPROVING A SERVICE AND ASSESSMENT PLAN AND AN ASSESSMENT ROLL FOR CITY OF MANSFIELD PUBLIC IMPROVEMENT DISTRICT NO. 2 (“P.I.D. NO. 2”); LEVYING SPECIAL ASSESSMENTS AGAINST PROPERTY WITHIN P.I.D. No. 2; PROVIDING FOR ASSESSMENTS TO BE PAID OVER A PERIOD OF TIME IN ACCORDANCE WITH THE PUBLIC IMPROVEMENT DISTRICT ASSESSMENT ACT; SPECIFYING THE METHOD AND THE AMOUNT OF PAYMENT; PROVIDING PENALTIES AND INTEREST ON DELINQUENT ASSESSMENTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, a petition was submitted to the governing body of the City of Mansfield, Texas (the “City”), pursuant to the Public Improvement District Assessment Act, Chapter 372, Texas Local Government Act (the “Act”), requesting the creation of a public improvement district to be known as City of Mansfield Public Improvement District No. 2 (“P.I.D. No. 2”) encompassing certain lands located within the corporate limits of the City; and,

WHEREAS, the petition contained the signatures of owners of property representing more than fifty percent (50%) of the appraised value of taxable real property liable for assessment within P.I.D. No. 2, as determined by the current roll of the Tarrant County Appraisal District, and the signatures of property owners who own taxable real property that constitutes more than fifty percent (50%) of the area of all taxable property that is liable for assessment by P.I.D. No. 2; and,

WHEREAS, the governing body of the City conducted a hearing on the advisability of creating P.I.D. No. 2 on March 4, 2024, after giving notice of the hearing in accordance with the requirements of the Act, and mailed to the owner of each property proposed to be subject to such assessment; and,

WHEREAS, on April 22, 2024, the governing body of the City passed and approved Resolution No. RE-4191-24 making certain findings in connection with P.I.D. No. 2, relating to the advisability of improvements and services, the nature of the improvements and services, the estimated cost of the improvements and services, the boundaries of P.I.D. No. 2, the method of assessment and the apportionment of costs between P.I.D. No. 2 and the City, authorizing the creation of P.I.D. No. 2, and making and directing the publication of notice of the authorization and creation of P.I.D. No. 2; and,

WHEREAS, notice of the authorization of P.I.D. No. 2 was published in a newspaper of general circulation within the City, Tarrant County, and within the proposed P.I.D. No. 2, on February 16, 2024, as required by the Act, and mailed to the owner of each property proposed to be subject to such assessment; and,

WHEREAS, on April 22, 2024, the governing body of the City directed that the Proposed Assessment Roll be filed with the Secretary of the governing body of the City for

public inspection as required by the Act, directed that a hearing be held on May 13, 2024, at 6 p.m. at which the governing body of the City would consider approving the Service/Assessment Plan and the Assessment Roll of the P.I.D. No. 2, respectively, and assessing assessments payable at the time and at the rate and in the amount proposed in the Service/Assessment Plan against each parcel of property in P.I.D. No. 2, as set forth in the Assessment Roll, and directed the Secretary of the governing body of the City to give notice of the hearing in the manner required by the Act; and,

WHEREAS, the governing body of the City conducted the hearing at 6 p.m. on May 13, 2024, at which all persons who appeared, or requested to appear, in person or by their attorney, were given the opportunity to contend for or contest the Service/Assessment Plan, the Assessment Roll, and each proposed assessment, and offer testimony pertinent to any issue presented on the amount of the assessment, purpose of the assessment, special benefit of the assessment, and the penalties and interest on annual installments and on delinquent annual installments of the assessment; and,

WHEREAS, notice of the hearing to consider approving the SAP was published in a newspaper of general circulation within the City, Tarrant County, and within the proposed P.I.D. No. 2, on April 26, 2024, as required by the Act, and mailed to the owner of each property proposed to be subject to such assessment; and,

WHEREAS, a representative of the owner of all the land located within P.I.D. No. 2 appeared in support; and,

WHEREAS, based on the evidence, information, and testimony provided to the City Council, the City Council has found and determined that the Assessed Property will be specially benefited by the public improvement projects approved by the City Council and identified as the “Authorized Improvements” as set forth in the Service and Assessment Plan; and,

WHEREAS, based on the evidence, information, and testimony provided to the City Council, the City Council has further found and determined: (i) that the method of apportioning the cost of the Authorized Improvements against the Assessed Property and the real and true owners thereof as set forth in the Service and Assessment Plan is just and equitable; (ii) that such method of apportioning the cost will produce substantial equality considering the benefits to be received by and the burdens imposed on the Assessed Property; and (iii) that the assessments levied and charges declared against the Assessed Property and the real and true owners thereof as set forth in the Service and Assessment Plan are just and equitable; and,

WHEREAS, after closing the public hearing on May 13, 2024, and after considering all evidence, information, and testimony provided to the City Council, and taking into consideration the fact that there were no written or oral objections to the proposed assessments, and further taking into consideration that the owners of 100% of the property liable for assessment consented to the proposed assessments, the governing body of the City finds and determines that the Service and Assessment Plan should be approved and the assessments which should be levied as provided in the Assessment Roll; and,

WHEREAS, the governing body of the City, after considering all evidence presented at the hearing, both written and documentary, and all written comments and statements filed with the City, passed and adopted this Ordinance.

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

SECTION 1.

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 City Council.

SECTION 2.

The exhibits attached to this Ordinance are incorporated as part of this Ordinance as if fully set forth in the body of this Ordinance.

SECTION 3.

The Service and Assessment Plan, in the form attached as Exhibit "A" is hereby approved as the Service and Assessment Plan for P.I.D. No. 2.

SECTION 4.

The Assessment Roll attached as Exhibit "A" to the Service and Assessment Plan is hereby approved as the Assessment Roll of P.I.D. No. 2 ("Plan").

SECTION 5.

There is hereby levied by the City an assessment on all of the benefitted property within P.I.D. No. 2 in the amount referenced in Exhibit "G" of the SAP (the "Assessment"), which Assessment shall be effective on the date of, and strictly in accordance with the terms of, this Ordinance levying assessments. Each Assessment may be paid immediately or in periodic annual installments (the "Annual Installment") over a period of time. Each Assessment shall bear interest at the rate of 6.50% per annum from January 31, 2026 until January 31, 2031, calculated on the basis of a 360 day year of twelve 30-day months, which is less than 5 percent above the highest bond index during the thirty (30) days prior to May 13, 2024, (3.32%), and thereafter the interest rate shall be 5.32%, which is 2 percent above such index. Each Annual Installment, together with the interest on the unpaid amount of an Assessment, shall be due on the 1st day of October of each year (the "Installment Payment Date") with the first Annual Installment being due on January 31, 2026, and each subsequent annual Installment being due on the 31st day of January of each year thereafter with the final Annual Installment due as provided in the Plan. Each Annual Installment together with interest thereon shall be delinquent if not paid prior to February 1 of the year following the year such annual Installment is due (the "Delinquency

Date”). The principal amount of the Assessment is shown in Exhibit “G” to the Service and Assessment Plan.

SECTION 6.

The Assessments together with interest, penalties, and expense of collection and reasonable attorney’s fees, as permitted by the Act, shall be a first and prior lien against the property assessed, superior to all other liens and claims, except liens or claims for state, county, school district, or municipal ad valorem taxes, and shall be a personal liability of and charge against the owner of the property regardless of whether the owners are named. The lien for Assessments and each installment thereof and penalties and interest is effective from the date of this Ordinance until the Assessments are paid or until all Bonds are finally paid, and shall be enforced by the City in the manner provided by the Texas Tax Act for collecting ad valorem taxes on real property.

SECTION 7.

To the extent not inconsistent with this Ordinance, and not inconsistent with Chapter 372 of the Act or the other laws governing public improvement districts, the provisions of the Texas Tax Act shall be applicable to the imposition and collection of Assessments by the City.

SECTION 8.

Failure to pay an Annual Installment when due shall not accelerate the payment of the remaining Annual Installments of the Improvement Assessments and such remaining Annual Installments (together with interest thereon) shall continue to be due and payable at the same time and in the same amount and manner as if such default had not occurred.

SECTION 9.

Any sale of property for nonpayment of an Annual Installment or Annual Installments of an Assessment shall be subject to the lien established for the remaining unpaid Annual Installments of the Assessment against such property and such property may again be sold at a foreclosure sale if the purchaser thereof fails to make timely payment of the nondelinquent Annual Installments of an Assessment against such property as they become due and payable pursuant to the terms of this Assessment Ordinance and the Ordinance authorizing the issuance of any Bonds.

SECTION 10.

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 City 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 11.

This Ordinance shall take effect on May 13, 2024.

DULY PASSED AND APPROVED ON THE FIRST AND FINAL READING BY THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS, THIS 13TH DAY OF MAY, 2024.

Michael Evans, Mayor

ATTEST:

Susana Marin, City Secretary

APPROVED AS TO FORM AND LEGALITY:

Ashley Dierker, City Attorney