

ORDINANCE NO. _____

AN ORDINANCE APPROVING AND ADOPTING THE FINAL 2022 O&M SERVICE PLAN UPDATE, AND THE FINAL 2022 ASSESSMENT ROLL (TO BE KEPT ON FILE WITH THE CITY SECRETARY); ESTABLISHING CLASSIFICATIONS FOR THE APPORTIONMENT OF COSTS AND THE METHODS OF ASSESSING SPECIAL ASSESSMENTS FOR THE SERVICES AND IMPROVEMENTS TO PROPERTY IN THE GEORGETOWN VILLAGE PUBLIC IMPROVEMENT DISTRICT NO. 1; CLOSING THE HEARING AND LEVYING ASSESSMENTS FOR THE COST OF CERTAIN SUPPLEMENTAL SERVICES AND IMPROVEMENTS TO BE PROVIDED IN THE DISTRICT DURING 2023; FIXING CHARGES AND LIENS AGAINST THE PROPERTY IN THE DISTRICT AND AGAINST THE OWNERS THEREOF; PROVIDING FOR THE COLLECTION OF THE ASSESSMENTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Georgetown, Texas (the “City”) is authorized under Chapter 372 of the Texas Local Government Code to create a public improvement district within its corporate limits and within its extraterritorial jurisdiction; and

WHEREAS, on February 23, 1999, the City Council first authorized and created the Georgetown Village Public Improvement District No. 1 (the “District”), as a public improvement district by Resolution No. 990223-N; and

WHEREAS, from 2001 to 2014, the City Council authorized the inclusion of additional real property into the District pursuant to Resolution Numbers 050801-AA-1, 032602-R, 040803-V-2, 011309-JJ, 062612-M, and 072214-R, a Georgetown Village PID Boundary Map of which is attached hereto as **Exhibit “A”** showing the total combined area of approximately 391.83 acres; and

WHEREAS, on July 26, 2022, the City Council authorized a public hearing to be held on August 9, 2022, to receive comments on the proposed 2022 O&M Service Plan Update and Assessment Plan, Levy of Assessment, and approval of the final 2023 Service Plan; and

WHEREAS, the City desired by the calling and holding of such public hearing to provide a reasonable opportunity for owners of property located in the District to speak for or against the assessment against real property and real property improvements exclusive of public rights-of-way, and to continue funding for the District for the purpose of providing supplemental services and improvements; and

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WHEREAS, the City Council desires to authorize and adopt the Assessment Roll that was filed with the City Secretary and subject to public inspection in the City's official records prior to the public hearing; and

WHEREAS, the City Council finds that the Service Plan and Assessment Plan are feasible and sound and will serve the needs and desires of the property owners, and that the assessment rate for the service area in the District is \$0.12 per \$100.00 of appraised value, as determined by the Williamson Central Appraisal District (WCAD), of the property or improvements to the property located in the District; are reasonable and adequate.

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

SECTION 1. All matters stated in the preamble of this Ordinance are found to be true and correct and are incorporated into the body of this Ordinance as if copied in their entirety.

SECTION 2. The action of the City Council closing the August 9, 2022, public hearing in these proceedings is hereby ratified and confirmed.

SECTION 3. The proposed method of assessment, which specifies included or excluded classes of assessable property, is based on the value of the real property and real property improvements as determined by the WCAD. Public rights-of-way and City of Georgetown property are non-assessed. The assessment rate to be billed in 2022 for the service area in the District is \$0.12 per \$100.00 of appraised valuation.

SECTION 4. The City Council hereby authorizes and adopts the final 2023 Service Plan, the final 2022 Assessment Roll (to be kept on file with the City Secretary), and the Assessment Plan, attached hereto and incorporated herein as **Exhibit "B"**.

SECTION 5. The City Council hereby finds that written notice of the date, hour, place, and purpose of the meeting at which this Ordinance was adopted was posted and that such meeting was open to the public as required by law at all times during which this Ordinance and its subject matter were discussed, considered, and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended, and the Public Improvements Assessment Act.

SECTION 6. The City Council finds that the assessments as set forth in the Assessment Plan should be made and levied against the respective parcels of land within the District and against the owners thereof, and are substantially in proportion to the benefits to the respective parcels of land by means of maintenance of improvements in the District for which such

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assessments are levied. The assessments establish substantial justice and equality and uniformity between the respective owners to the respective properties and between all parties concerned considering the benefits received and burdens imposed. The Council further finds that in each case the property assessed is specially benefited by means of the improvements in the District, and further finds that the apportionment of the cost of the services is in accordance with the law in force in this City and State, and the proceedings of this City heretofore conducted with reference to the formation of the District and the imposition of the assessments for the improvements are in all respects valid and regular.

SECTION 7. There is hereby levied and assessed against the parcels of property within the District, and against the real and true owners thereof (whether such owners be correctly named or not), the sums of the money as listed in the Assessment Roll on file with the City Secretary and subject to public inspection, and the several amounts assessed against the same, and the owners thereof at the assessment rate of \$0.12 per \$100.00 of appraised value.

SECTION 8. The assessments above mentioned and assessed against the parcels of property and the owners thereof, plus penalties and interest in the same amount as stated in Section 33.01 *et seq.* of the Texas Tax Code, together with reasonable attorney's fees and costs of collection, if incurred, are hereby a first, prior, and superior lien upon the respective parcels of property against which the same are assessed, and a personal liability and charge against the owners of such property, whether such owners be named herein or not, and the liens constitute the first enforceable lien and claim against the property on which such assessments are levied, and shall be superior to all other liens and claims except State, County, School District, and City *ad valorem* taxes.

SECTION 9. Where more than one person or entity owns an interest in any final platted residential lot, each such person or entity shall be personally liable only for his, her, or its pro rata share of the total assessment based on his, her, or its proportionate ownership interest of the lot, and that interest in the lot may be released from the assessment lien upon payment of such proportionate sum.

SECTION 10. If default be made in the payment of any of the sums hereby assessed against the property owners and their property, collection thereof, including penalties and interest authorized in Section 8 above, costs, and attorney's fees, shall be enforced by suit in any Court having jurisdiction or by lien foreclosure or both.

SECTION 11. All assessments levied are a personal liability and charge against the owners of the premises described even if such owners are not named, or are incorrectly named.

SECTION 12. The assessments herein levied are made and levied under and by virtue of

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the terms, powers and provisions of the Public Improvement District Assessment Act, Chapter 372 of the Texas Local Government Code, as amended.

SECTION 13. If any provision of this Ordinance or application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect the other provisions of this Ordinance which can be given effect without the invalid provision, and the provisions of this Ordinance are hereby declared to be severable.

SECTION 14. The Mayor is hereby authorized to sign this ordinance and the City Secretary to attest. This Ordinance shall take effect upon its passage in accordance with State Law and the City Charter.

READ and APPROVED on First Reading on the 9th day of August, 2022.

READ and APPROVED on Second Reading on the 23rd day of August, 2022.

ATTEST:

THE CITY OF GEORGETOWN:

Robyn Densmore
City Secretary

Josh Schroeder
Mayor

APPROVED AS TO FORM:

Skye Masson
City Attorney