

RESOLUTION NO. 2016-10

A RESOLUTION OF THE COMMISSIONERS COURT OF COMAL COUNTY, TEXAS DETERMINING THE COSTS OF CERTAIN AUTHORIZED IMPROVEMENTS TO BE FINANCED BY THE CROSSINGS PUBLIC IMPROVEMENT DISTRICT; APPROVING A FINANCING AGREEMENT; APPROVING A PRELIMINARY SERVICE AND ASSESSMENT PLAN, INCLUDING PROPOSED ASSESSMENT ROLLS RELATING TO THE DISTRICT; NOTICING A PUBLIC HEARING FOR MAY 26, 2016 TO CONSIDER AN ORDER LEVYING ASSESSMENTS ON PROPERTY LOCATED WITHIN THE CROSSINGS PUBLIC IMPROVEMENT DISTRICT; DIRECTING THE FILING OF THE PROPOSED ASSESSMENT ROLLS WITH THE COUNTY CLERK TO MAKE AVAILABLE FOR PUBLIC INSPECTION; DIRECTING COUNTY STAFF TO PUBLISH AND MAIL NOTICE OF SAID PUBLIC HEARING; AND RESOLVING OTHER MATTERS IN CONNECTION THEREWITH

WHEREAS, Comal County, Texas (the *County*) has created, by Resolution No. 2016-09 adopted by the County's Commissioners Court (the *Court*) on April 14, 2016, The Crossings Public Improvement District (the *District*), pursuant to and in accordance with the provisions of Chapter 372, as amended, Texas Local Government Code (*Chapter 372*); and

WHEREAS, the County authorized the creation of 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 Court and County staff have been presented a "The Crossings Public Improvement District Financing Agreement" (the *Financing Agreement*), dated May 12, 2016, a copy of which is attached hereto as Exhibit A and is incorporated herein for all purposes; and

WHEREAS, the Financing Agreement establishes provisions for the apportionment, levying, and collection of Special Assessments on the Property, the acquisition and/or construction of Public Improvements to be acquired by the County, funding of Public Improvements through the issuance of PID Bonds, and the issuance of bonds for financing of the Public Improvements; and

WHEREAS, the Court and County staff have been presented a "The Crossings Public Improvement District Service and Assessment Plan", including the proposed assessment rolls (the *Proposed Assessment Rolls*), dated May 12, 2016 (collectively, the *Preliminary SAP*), a copy of which is attached hereto as Exhibit B 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 and the Proposed Assessment Rolls state the assessments proposed to be levied against each parcel of land in the District as determined by the method of assessment chosen by the County; and

WHEREAS, the Act requires that the Proposed Assessment Rolls be filed with the County Clerk (the *County Clerk*) and be subject to public inspection; and

WHEREAS, the Act requires that a public hearing (the *Assessment Hearing*) be called to consider proposed assessments and requires the Commissioners Court 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 County before the tenth (10th) day before the date of the Assessment Hearing; and

WHEREAS, the Court hereby finds and determines that these actions are in the best interests of the residents of the County; now, therefore

BE IT RESOLVED BY THE COMMISSIONERS COURT OF COMAL COUNTY, TEXAS THAT:

SECTION 1: The Court does hereby accept and approve the Financing Agreement for the District, 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 Financing Agreement. As provided in Article II of the Financing Agreement, if Special Assessments are not levied on the Property on or prior to July 31, 2016, the Financing Agreement shall terminate and be of no further force and effect.

SECTION 2: The Court does hereby accept and approve the Preliminary SAP for the District, including the Proposed Assessment Rolls, a copy of which is attached hereto as Exhibit B 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 Court hereby determines that the total costs of the Public Improvements (as defined in the Preliminary SAP) to be financed by the District are as set forth in Table III-A of the Preliminary SAP, which costs do not include the payment of expenses incurred in the administration of the District or related to the issuance of any bonds.

SECTION 4: The Court's final determination and approval of the costs of the Public Improvements shall be subject to and contingent upon the Court's approval of a final Service and Assessment Plan which will include final Assessment Rolls, after the properly noticed and held Assessment Hearing.

SECTION 5: The Proposed Assessment Rolls state the assessment proposed to be levied against each parcel of land in the District as determined by the method of assessment chosen by the County in the Authorization Resolution and as more fully described in the Preliminary SAP.

SECTION 6: The Court hereby authorizes and directs the filing of the Proposed Assessment Rolls with the County Clerk and the same shall be available for public inspection.

SECTION 7: The Court hereby authorizes, and calls, a public hearing (the Assessment Hearing as defined above) to be held on May 26, 2016 at 8:30 a.m. in the Commissioners Courtroom, 100 Main Plaza, New Braunfels, Texas 78130, at which the Court shall, among other actions, hear and pass on any objections to the proposed assessments; and, upon the adjournment of the Assessment Hearing, the Court will consider an order levying the assessments as special assessments on property within the District (which order shall specify the method of payment of the assessments).

SECTION 8: The Court hereby authorizes and directs the County Clerk to publish notice of the Assessment hearing to be held on May 26, 2016, in substantially the form attached hereto as Exhibit C and incorporated herein for all purposes, in the *New Braunfels Herald-Zeitung*, a newspaper of general circulation in the County, on or before May 13, 2016 as required by Section 372.016(b) of the Act.

SECTION 9: When the Proposed Assessment Roll is filed with the County Clerk, the Court hereby authorizes and directs the County Clerk to mail to owners of property liable for assessment notice of the Assessment Hearing to be held on May 26, 2016 as required by Section 372.106(c) of the Act.

SECTION 10: County 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 May 26, 2016 meeting of the Court.

SECTION 11: The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Resolution for all purposes and are adopted as a part of the judgment and findings of the Court.

SECTION 12: All orders and resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters resolved herein.

SECTION 13: This Resolution shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

SECTION 14: If any provision of this Resolution or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Resolution and the application of such provision to other persons and circumstances shall nevertheless be valid, and this Court hereby declares that this Resolution would have been enacted without such invalid provision.

SECTION 15: It is officially found, determined, and declared that the meeting at which this Resolution is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Resolution, was given, all as required by Chapter 551, as amended, Texas Government Code.

SECTION 16: This Resolution shall be in force and effect from and after its final passage, and it is so resolved.

COMAL COUNTY, TEXAS



County Judge

ATTEST:



County Clerk and Ex-Officio
Clerk of the Commissioners Court



(SEAL OF COMMISSIONERS COURT)