

Order No. 402

AN ORDER ACCEPTING AND APPROVING A REVISED SERVICE PLAN UPDATE FOR THE CROSSINGS PUBLIC IMPROVEMENT DISTRICT IN ACCORDANCE WITH CHAPTER 372, AS AMENDED, TEXAS LOCAL GOVERNMENT CODE; AND PROVIDING AN EFFECTIVE DATE

* * *

WHEREAS, Comal County, Texas (the *County*), pursuant to and in accordance with the terms, provisions, and requirements of the Public Improvement District Assessment Act, Chapter 372, Texas Local Government Code (the *PID Act*), has previously established the "The Crossings Public Improvement District" (the *District*), pursuant to Resolution No. 2016-09 adopted by the Commissioners Court of the County (the *Court*) on April 14, 2016; and

WHEREAS, pursuant to the PID Act, the Court published notice of a public hearing regarding the levy of special assessments against benefitted property located in the District, and on June 30, 2016, after hearing testimony at such public hearing, the Court closed the public hearing and adopted an order imposing such special assessments; and

WHEREAS, in the Assessment Order, the Court approved and accepted "The Crossings Public Improvement District Service and Assessment Plan" (the *Service and Assessment Plan*), dated June 30, 2016 relating to the District and levied the Assessments (as defined in the Assessment Order) against the Assessed Property as shown on the Assessment Roll (as defined and described in the Service and Assessment Plan, the *Assessment Roll*);

WHEREAS, on August 31, 2017, the Court authorized the issuance of the "Comal County, Texas Special Assessment Revenue Bonds, Series 2017 (The Crossings Public Improvement District)" and adopted an annual update to the Service and Assessment Plan (the *2017 Annual Service Plan Update*);

WHEREAS, the 2017 Annual Service Plan Update contained a clerical error on the Assessment Roll; therefore, the Court has requested that an additional update to the Service and Assessment Plan be prepared (the *2017 Annual Service Plan Update (Revised)*);

WHEREAS, the Court now desires to approve such 2017 Annual Service Plan Update (Revised) attached hereto as Exhibit A;

WHEREAS, the Court finds that the adoption of this Order is in the best interest of the residents of the County; and

WHEREAS, the meeting at which this Order is considered is open to the public as required by law, and the public notice of the time, place and purpose of said meeting was given as required by Chapter 551, Texas Government Code; now, therefore

NOW, THEREFORE, BE IT ORDERED BY THE COMMISSIONERS COURT OF COMAL COUNTY, TEXAS:

SECTION 1: Service and Assessment Plan Update. The 2017 Annual Service Plan Update (Revised) is hereby accepted and approved in accordance with the PID Act. All capitalized terms not otherwise defined herein shall have the meanings given to such terms in the 2017 Annual Service Plan Update (Revised).

SECTION 2: Incorporation of Preamble Recitals. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Order for all purposes and are adopted as a part of the judgment and findings of the Court.

SECTION 3: Inconsistent Provisions. All orders and resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Order are hereby repealed to the extent of such conflict, and the provisions of this Order shall be and remain controlling as to the matters resolved herein.

SECTION 4: Governing Law. This Order shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

SECTION 5: Severability. If any provision of this Order or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Order and the application of such provision to other persons and circumstances shall nevertheless be valid, and this Court hereby declares that this Order would have been enacted without such invalid provision.

SECTION 6: Compliance with Texas Open Meetings Act. It is officially found, determined, and declared that the meeting at which this Order 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 Order, was given, all as required by Chapter 551, as amended, Texas Government Code.

SECTION 7: Effective Date. This Order shall be in force and effect from and after its final passage, and it is so ordered.

* * *

APPROVED this 2nd day of November, 2017.

COMAL COUNTY, TEXAS



County Judge

ATTEST:



County Clerk and Ex-Officio Clerk
of the Commissioners Court



EXHIBIT A

2017 ANNUAL SERVICE PLAN UPDATE (REVISED)