

ORDER NO. 483

**AN ORDER OF THE COMMISSIONERS COURT OF COMAL COUNTY, TEXAS
ACCEPTING AND APPROVING THE 2022 ANNUAL SERVICE PLAN UPDATE TO
THE SERVICE AND ASSESSMENT PLAN AND AN UPDATED ASSESSMENT ROLL
FOR THE GROVE PUBLIC IMPROVEMENT DISTRICT; MAKING AND ADOPTING
FINDINGS; PROVIDING A CUMULATIVE REPEALER CLAUSE; AND PROVIDING
AN EFFECTIVE DATE**

RECITALS

WHEREAS, after due notice as required by Chapter 372, Texas Local Government Code, as amended (the "PID Act"), and the Texas Open Meetings Act, Chapter 551, Texas Government Code, as amended (the "Open Meetings Act"), the Commissioners Court (the "Commissioners Court") of Comal County, Texas (the "County") held a public hearing on April 13, 2017 on the advisability of the public improvements and services described in the petition as required by Section 372.009 of PID Act, and on April 13, 2017 made the findings required by Section 372.009(b) of the PID Act and, by resolution (the "Authorization Resolution") adopted by a majority of the members of the Commissioners Court, authorized and created the "The Grove Public Improvement District" (the "District") in accordance with its finding as to the advisability of the improvement projects and services; and

WHEREAS, no objection was made by the City of New Braunfels, Texas to the creation of the District within 30 days of the County's action approving the Authorization Resolution; and

WHEREAS, pursuant to the PID Act, the Commissioners Court published notice and convened a public hearing on August 31, 2017, regarding the levy of special assessments against benefitted property located in the District (the "Assessments"); and

WHEREAS, on October 4, 2018, the Commissioners Court, after notice and public hearing, as required by the PID Act and the Open Meetings Act, adopted an order accepting and approving a service and assessment plan for the District (as amended and updated from time to time, the "Initial Service and Assessment Plan"), approving the assessment roll attached thereto (the "Assessment Roll") and levying Assessments on the Assessed Property within the District; and

WHEREAS, pursuant to the PID Act and to the terms of the Service and Assessment Plan, the Commissioners Court is required to at least annually update the Service and Assessment Plan, including the Assessment Rolls (each, an "Annual Service Plan Update"); and

WHEREAS, the County has selected a third-party administrator (the "Administrator") to assist the County in the management and administration of public improvement districts, including preparation of Annual Service Plan Updates; and

WHEREAS, pursuant to the PID Act and to the terms of the Service and Assessment Plan, the Commissioners Court now wishes to adopt an order accepting and approving the Annual Service Plan Update to the Service and Assessment Plan for 2022, including updates to the Assessment Rolls, in the form attached hereto as Exhibit A; and

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

SECTION 1. Terms. Terms not otherwise defined herein are defined in the Service and Assessment Plan.

SECTION 2. Findings. The findings and determinations set forth in the recitals above are incorporated in this Order for all purposes as if the same were restated in full in this Section and are hereby adopted.

SECTION 3. Annual Service Plan Update to the Service and Assessment Plan. The “The Grove Public Improvement District 2022 Annual Service Plan Update” (the “2022 Annual Service Plan Update”), attached hereto as Exhibit A, is hereby accepted and approved pursuant to the PID Act.

SECTION 4. Amendments to Initial Service and Assessment Plan. The Assessment Roll, attached as Exhibit A is hereby accepted and approved pursuant to the PID Act. The Administrator is hereby authorized to deliver the Assessment Roll to the Comal County Tax Assessor-Collector for the billing and collection of the Special Assessments.

SECTION 5. 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 6. Effect of Headings. The Section headings herein are for convenience only and shall not affect the construction hereof.

SECTION 7. Cumulative Repealer. This Order shall be cumulative of all other Orders and shall not repeal any of the provisions of such Orders except for those instances where there are direct conflicts with the provisions of this Order. Orders or parts thereof in force at the time this Order shall take effect and that are inconsistent with this Order are hereby repealed to the extent that they are inconsistent with this Order. Provided however, that any complaint, action, claim, or lawsuit which has been initiated or has arisen under or pursuant to such Order on the date of adoption of this Order shall continue to be governed by the provisions of that Order and for that purpose the Order shall remain in full force and effect.

SECTION 8. Severability. If any provision of this Order or the application thereof to any circumstance shall be held to be invalid, the remainder of this Order or the application thereof to other circumstances shall nevertheless be valid, and this governing body hereby declares that this Order would have been enacted without such invalid provision.

SECTION 9. Effective Date. This Order shall take effect, and the provisions and terms of the 2021 Annual Service Plan Update shall be and become effective upon passage and execution hereof.

ADOPTED, PASSED, AND APPROVED on this the 1st day of September, 2022.

COMAL COUNTY, TEXAS



County Judge of Comal County, Texas

(COUNTY SEAL)

ATTEST:

Bobbie Koepf
By: Romelle Walkup, Deputy
County Clerk and
Ex-Officio Clerk of the Commissioners Court of
Comal County Texas



that said Order would be introduced and considered for passage at said Meeting, and that said Meeting was open to the public and public notice of the time, place and purpose of said meeting was given, all as required by Chapter 551, Texas Government Code, as amended.

IN WITNESS WHEREOF, I have signed my name officially and affixed the seal of the Commissioners Court, this 1st day of September 2022.

Bobbie Koepf
By: *Romelle Walkup* Deputy
County Clerk and Ex-Officio Clerk of the
Commissioners Court of Comal County, Texas



(SEAL)