

146

ORDINANCE NO. 2021- 30

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAGINAW, TEXAS ACCEPTING AND APPROVING A BELTMILL PUBLIC IMPROVEMENT DISTRICT SERVICE AND ASSESSMENT PLAN AND ASSESSMENT ROLL FOR THE BELTMILL PUBLIC IMPROVEMENT DISTRICT; MAKING A FINDING OF SPECIAL BENEFIT TO CERTAIN PROPERTY IN THE DISTRICT; LEVYING SPECIAL ASSESSMENTS AGAINST CERTAIN PROPERTY WITHIN THE DISTRICT AND ESTABLISHING A LIEN ON SUCH PROPERTY; PROVIDING FOR THE METHOD OF ASSESSMENT AND THE PAYMENT OF THE ASSESSMENTS IN ACCORDANCE WITH CHAPTER 372, TEXAS LOCAL GOVERNMENT CODE, AS AMENDED, PROVIDING PENALTIES AND INTEREST ON DELINQUENT ASSESSMENTS, APPROVING A REIMBURSEMENT AGREEMENT; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the Public Improvement District Assessment Act, Texas Local Government Code, Chapter 372, as amended (the "Act"), authorizes the City Council (the "Council") of the City of Saginaw, Texas (the "City"), to create a public improvement district within the City; and

WHEREAS, on March 16, 2021, the Council approved Resolution No. R-2021-10, authorizing, establishing and creating the Beltmill Public Improvement District (the "District"); and

WHEREAS, on November 16, 2021, the Council adopted a resolution (i) determining the total costs of certain authorized public improvements, (ii) approving a preliminary service and assessment plan, including a proposed Assessment Roll (defined below), and (iii) directing the publication and mailing of notice of a public hearing (the "Assessment Hearing") to consider an ordinance levying assessments (the "Assessments") on certain benefitted property within the District (the "Assessed Property"); and

WHEREAS, the City Secretary filed the proposed Assessment Roll and made the same available for public inspection; and

WHEREAS, the City Secretary (i) published notice of the Assessment Hearing on November 22, 2021 in the *Fort Worth Star Telegram*, which is a newspaper of general circulation in the City, pursuant to Section 372.016(b) of the Act, and (ii) mailed notice of the Assessment Hearing to the last known address of the owners of the property liable for the Assessments, pursuant to Section 372.016(c) of the Act; and

WHEREAS, the Council convened the Assessment Hearing on December 7, 2021, 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 Assessment Roll and the proposed Assessments, and



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ORDINANCE

SUBMITTER: CITY OF SAGINAW

Page: 1 of 147

Fees: \$599.00

Mary Louise Nicholson
MARY LOUISE NICHOLSON
COUNTY CLERK

to offer testimony pertinent to any issue presented on the amount of the Assessments, the allocation of the costs of the authorized public improvements to be undertaken for the benefit of certain property within the District (the "Authorized Improvements"), the purposes of the Assessments, the special benefits of the Authorized Improvements, and the penalties and interest on annual installments and on delinquent annual installments of the Assessments; and

WHEREAS, the Council finds and determines that (i) the Assessment Roll and the Beltmill Public Improvement District Service and Assessment Plan (the "Service and Assessment Plan"), attached hereto as **Exhibit A** and incorporated as a part of this Ordinance for all purposes, should be approved and (ii) the Assessments should be levied as provided in this Ordinance and in the Service and Assessment Plan, including the assessment roll attached thereto as Exhibit E (the "Assessment Roll"); and

WHEREAS, the Council further finds that there were no objections or evidence submitted to the City Secretary in opposition to the Service and Assessment Plan, the allocation of the costs of the Authorized Improvements as described in the Service and Assessment Plan, the Assessment Roll or the levy of the Assessments; and

WHEREAS, the Council closed the Assessment Hearing and, after considering all written and documentary evidence presented at the Assessment Hearing, including all written comments and statements filed with the City, determined to proceed with the adoption of this Ordinance in conformity with the requirements of the Act; and

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

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

Section 1. **Terms.** Capitalized terms not otherwise defined herein shall have the meanings given to such terms in the Service and Assessment Plan.

Section 2. **Findings.** The Council hereby finds, determines and ordains, as follows:

(a) The recitals set forth in the WHEREAS clauses of this Ordinance are true and correct and are hereby incorporated by reference and made a part of this Ordinance for all purposes as if the same were restated in full in this Section and constitute findings of the Council acting in its discretionary, legislative capacity.

(b) All actions of the City in connection with the creation and establishment of the District and the approval of this Ordinance (i) have been taken and performed in compliance with the Act and all other applicable laws, policies and procedures; (ii) have been taken and performed in a regular, proper and valid manner; and (iii) are approved and ratified.