

A Resolution of the City of Plano, Texas approving the 2022 Annual Update to the Service and Assessment Plan and Assessment Roll for Public Improvements for the Collin Creek West Public Improvement District in accordance with Chapter 372, Texas Local Government Code, as amended; making various findings and provisions related to the subject; providing for severability; and providing for an effective date.

WHEREAS, the City of Plano, Texas (the “City”) received a petition meeting the requirements of Section 372.005 of the Chapter 372, Texas Local Government Code, as amended, (the “PID Act”) requesting the creation of a public improvement district over a portion of the area of the City to be known as the Collin Creek West Public Improvement District (the "Collin Creek West PID"); and

WHEREAS, the petition contained the signatures of the owners of taxable property representing more than fifty percent of the appraised value of taxable real property liable for assessment within the boundaries of the proposed Collin Creek West PID, as determined by the then current ad valorem tax rolls of the Collin Central Appraisal District and the signatures of property owners who own taxable real property that constitutes more than fifty percent of the area of all taxable property that is liable for assessment by the City; and

WHEREAS, on January 13, 2020, after due notice, the City Council of the City held the public hearing in the manner required by law on the advisability of the Authorized Improvements described in the petition as required by Sec. 372.009 of the PID Act and made the findings required by Sec. 372.009(b) of the PID Act and, by Resolution No. 2020-1-11(R) (the “Creation Resolution”) adopted by a majority of the members of the City Council, authorized the Collin Creek West PID in accordance with its finding as to the advisability of certain public improvement projects (the "Authorized Improvements"); and

WHEREAS, following the adoption of the Creation Resolution, the City published notice of its authorization of the District in a newspaper of general circulation in the City; and

WHEREAS, on February 8, 2021, the City adopted Resolution No. 2021-2-3(R) authorizing the addition of land to the District, and published notice of the amended boundaries within a newspaper of general circulation in the City; and

WHEREAS, no written protests of the Collin Creek West PID from any owners of record of property within the Collin Creek West PID were filed with the City Secretary within twenty (20) days after the date of publication of such notice; and

WHEREAS, on May 24, 2021, the City Council approved a resolution that made finding and determinations relating to the Costs of certain Authorized Improvements, received and accepted a preliminary service and assessment plan and proposed assessment roll, called a public hearing for June 28, 2021, and directed City staff to (i) file said proposed assessment roll with the City Secretary and to make it available for public inspection as required by Section 372.016(b) of the PID Act, and (ii) publish such notice as required by Section 372.016(b) of the PID Act relating to the June 28, 2021 hearing; and

WHEREAS, the City Council, pursuant to Section 372.016(b) of the PID Act, published notice of a public hearing in a newspaper of general circulation in the City to consider the proposed “Assessment Roll” and the “Service and Assessment Plan” and the levy of the “Assessments” on property in the District; and

WHEREAS, the City, pursuant to Section 372.016(c) of the PID Act, mailed notice of the public hearing to consider the proposed Assessment Roll and the Service and Assessment Plan and the levy of Assessments on property in the District to the last known address of the owners of the property liable for the Assessments; and

WHEREAS, the City Council convened the hearing on the 28th day of June, 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 Service and Assessment Plan, the Assessment Roll, and each proposed Assessment, and to offer testimony pertinent to any issue presented on the amount of the Assessment, the allocation of the costs of the Authorized Improvements, the purposes of the Assessment, the special benefits of the Assessment, and the penalties and interest on annual installments and on delinquent annual installments of the Assessments; and

WHEREAS, at the June 28, 2021 public hearing referenced above, there were no written objections or evidence submitted to the city Secretary in opposition to the Service and Assessment Plan, the allocation of Costs, the Assessment Roll of the levy of the Assessments; and

WHEREAS, the City Council closed the public hearing and, after considering all written and documentary evidence presented at the public hearing, including all written comments and statements filed with the City, at a meeting held on August 23, 2021 approved and accepted the Service and Assessment Plan in conformity with the requirement of the PID Act and adopted the Ordinance No. 2021-8-17 (the “Assessment Ordinance”), which Assessment Ordinance approved the Assessment Roll and levied the Assessments; and

WHEREAS, pursuant to Section 371.013, the Service and Assessment Plan must cover a period of at least five years and must also defined the annual indebtedness and projected costs for improvements and such Service and Assessment Plan must be reviewed and updated annually for the purpose of determining the annual budget for improvements; and

WHEREAS, the City required that an update to the Service and Assessment Plan and the Assessment Roll for the District for 2022 (the “Annual Service Plan Update”) be prepared, setting forth the annual budget for improvements and the Annual Installment for assessed properties in the District, and the City now desires to approve such Annual Service Plan Update.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS:

SECTION I: That the findings and determinations set forth in the preambles hereto are hereby incorporated by reference for all purposes.

SECTION II: That terms not otherwise defined herein are defined in the Service and Assessment Plan dated August 23, 2021.

SECTION III: That the Annual Service Plan Update for the District for 2022, attached hereto as Exhibit A, is hereby approved and accepted by the City Council.

SECTION IV: That if any provision, section, subsection, sentence, clause or phrase of this resolution, or the application of the same to any person or set of circumstances is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this resolution or the application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council that no portion hereof, or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality, voidness or invalidity of any other portion here, and all provisions of this resolution are declared to be severable for that purpose.

SECTION V: That this resolution shall take effect from and after its final date of passage, and it is accordingly so ordered.

DULY PASSED AND APPROVED this 27th of June, 2022.

John B. Muns, MAYOR

ATTEST:

Lisa C. Henderson, CITY SECRETARY

APPROVED AS TO FORM:

Paige Mims, CITY ATTORNEY