

An Ordinance of the City of Plano, Texas, accepting and approving the Annual Update of the Service and Assessment Plan and Assessment Roll for the Downtown Plano Public Improvement District; levying Assessments against 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; providing for severability; resolving matters incident and related thereto; and providing an effective date.

WHEREAS, a petition was submitted and filed with the City Secretary (the “City Secretary”) of the City of Plano, Texas (the “City”) pursuant to the Public Improvement District Assessment Act, Texas Local Government Code, Chapter 372, as amended (the “PID Act”), requesting the creation of a public improvement district located within the corporate limits of the City to be known as the Downtown Plano Public Improvement District (the “District”); and

WHEREAS, the petition contained the signature of the owners of taxable property representing more than fifty percent of the appraised value of taxable real property liable for assessment within the District, as determined by the then current ad valorem tax rolls of the Collin Central Appraisal District; and

WHEREAS, on January 9, 2023, after due notice, the City Council of the City (the “City Council”) held the public hearing in the manner required by law on the advisability of the improvement projects and services described in the petition as required by Section 372.009 of the PID Act, and on January 9, 2023, the City Council made the findings required by Section 372.009(b) of the PID Act and, by adopting Resolution No. 2023-1-6(R) (the “Authorization Resolution”) adopted by a majority of the members of the City Council, authorized the District in accordance with its finding as to the advisability of the improvement projects and services for the District (the “Public Improvements”); and

WHEREAS, the City on behalf of the District Advisory Board, prepared an operations and maintenance budget to be included in the operations and maintenance service and assessment plan for the District; and

WHEREAS, on February 27, 2023, after due process, the City Council approved the Operation and Maintenance (“O&M”) Service and Assessment Plan for the District by adopting Ordinance No. 2023-2-4, which levied the Operations and Maintenance Assessment on Assessed Property within the District to finance the costs of operations and maintenance and approved an Assessment Roll; and

WHEREAS, on July 27, 2023, the District Advisory Board met and recommended approval of the *City of Plano, Texas, Downtown Plano Public Improvement District 2023 Operations and Maintenance Service and Assessment Plan Update* (the “2023 O&M Service and Assessment Plan Update” or “Service and Assessment Plan”); and

WHEREAS, on July 27, 2023, the City prepared and mailed public hearing notices to property owners in accordance with the PID Act for the levy of the Operations and Maintenance Assessment within the District; and

WHEREAS, on July 27, 2023, the City published notice of the public hearing and proposed levy and assessments in a newspaper of general circulation in accordance with the PID Act; and

WHEREAS, the City Council desires to levy a special assessment to fund improvements and services within the District for the 2023-2024 fiscal year at a rate of \$0.15 per square foot of real property improvements in the District, as determined by the Collin Central Appraisal District; and

WHEREAS, on August 14, 2023, the City Council conducted and closed the public hearing, and, after considering all written and documentary evidence presented at the 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 PID Act.

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

Section I. Terms.

Terms not otherwise defined herein, including in the preambles to this Ordinance, have the meanings ascribed thereto as set forth in the Service and Assessment Plan.

Section II. Findings.

The findings and determinations set forth in the preambles hereof 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. The City Council hereby finds, determines, and ordains, as follows:

(a) The apportionment of the operations and maintenance costs (as reflected in the 2023 O&M Service and Assessment Plan Update) is fair and reasonable, reflects an accurate presentation of the special benefit each parcel of Assessed Property will receive from the operations and maintenance costs identified in the 2023 O&M Service and Assessment Plan Update, and is hereby approved;

(b) The Service and Assessment Plan apportions the operations and maintenance costs to be assessed against the Assessed Property and such apportionment is made on the basis of special benefits accruing to the property because of the operations and maintenance;

(c) The 2023 O&M Service and Assessment Plan Update should be approved as the service plan and assessment plan for the District as described in Sections 372.013 and 372.014 of the PID Act;

(d) The Assessment Roll should be approved as the assessment roll for the District;

(e) The provisions of the Service and Assessment Plan relating to due and delinquency dates for the Assessments, interest on Annual Installments, interest and penalties on delinquent Assessments and delinquent Annual Installments, and procedures in connection with the imposition and collection of Assessments are hereby approved and will expedite collection of the Assessments in a timely manner in order to provide the services and improvements needed and required for the area within the District; and

(f) A written notice of the date, hour, place and subject of this meeting of the City Council was posted at a place convenient to the public for the time required by law preceding this meeting, as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended, and this meeting has been open to the public as required by law at all times during which this Ordinance and the subject matter hereof has been discussed, considered, and formally acted upon.

Section III. Service and Assessment Plan.

Pursuant to the requirements of the Act, the City Council, after being presented with the 2023 O&M Service and Assessment Plan Update for the District developed and approved by the Advisory Board, hereby approves and adopts the 2023 O&M Service and Assessment Plan Update, attached as Exhibit "A".

Section IV. Assessment Roll.

The Assessment Roll is hereby accepted and approved pursuant to Section 372.016 of the PID Act as the assessment roll for the District.

Section V. Levy and Payment of Assessments for Actual Costs of the Public Improvements.

(a) The City Council hereby approves the levy of a special assessment on all taxable real property within the District by the City at a rate of \$0.15 per square foot of real property improvements, as determined by the Collin Central Appraisal District, to fund improvements and services in the District, in accordance with the approved assessment roll. Annual assessments shall be capped at \$25,000 per development project (property of one or more lots owned or managed as a single unit).

(b) The City Council finds that the assessments should be made and levied against the respective parcels of property within the District, as shown in Exhibit "B" and against the owners thereof, and further finds that in each case the property assessed is especially benefited by means of the said services and improvements in the District, and further finds that the apportionment of costs of the services and improvements is in accordance with the law in force in this City and the State and in the proceedings of the City heretofore with reference to the formation of the District.

(c) The real property of entities that have obtained an exemption from the City of Plano real property taxes pursuant to the Texas Tax Code (except under the provisions of Sections 11.24 and 11.28 of the Tax Code) will not be subject to an assessment on that portion of the assessed value of the property exempt from City real property taxes.

(d) The several sums above-mentioned and assessed against the said parcels of property and the owners thereof, together with reasonable fees and the costs of collection, if incurred, are hereby declared to be and are made a first and prior lien against the property assessed, superior to all other liens and claims except liens and claims for state, county, community college, school district and municipal ad valorem taxes and is a personal liability of, and charge against, the owners of the property regardless of whether the owners are named. The lien is effective from the date of this ordinance until the assessment is paid and may be enforced by the governing body in the same manner that an ad valorem tax lien against real property may be enforced by the City Council.

(e) The assessments levied herein shall be due and payable in full on or before January 31, 2024. Delinquent payment of assessments shall incur interest, penalties, and attorney fees in the same manner as delinquent ad valorem taxes. If default be made in the payment of any of the said sums hereby assessed against said property owners and their property, collection hereof, including costs and fees, shall be enforced by the governing body in the same manner that an ad valorem tax lien against real property may be enforced by the City Council. The owner of the assessed property may pay at any time the entire assessment, with interest that has accrued on the assessment, on any lot or parcel. All assessments levied are a personal liability and charge against the real and true owners of the premises described, notwithstanding such owners may not be named, or may be incorrectly named.

(f) The City will collect and disburse the District funds, and may contract with non-profit corporations to conduct District activities and programs. The Advisory Board shall manage the service plan and improvements undertaken by the District and shall oversee expenditure of District funds that are to be undertaken by contract with non-profit corporations.

Section VI. Applicability of Tax Code.

To the extent not inconsistent with this Ordinance, and not inconsistent with the PID Act or the other laws governing public improvement districts, the provisions of the Texas Tax Code shall be applicable to the imposition and collection of Assessments by the City.

Section VII. Filing in Land Records.

The City Secretary is directed to cause a copy of this Ordinance, including the Service and Assessment Plan and the Assessment Roll attached thereto, to be recorded

in the real property records of Collin County. The City Secretary is further directed to similarly file each Annual Service Plan Update approved by the City Council.

Section VIII. Severability.

If any provision, section, subsection, sentence, clause, or phrase of this Ordinance, or the application of 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 Ordinance 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 or any other portion hereof, and all provisions of this ordinance are declared to be severable for that purpose.

Section IX. Effective Date.

This Ordinance shall take effect, and the levy of the Assessments and the provisions and terms of the Service and Assessment Plan shall become effective, upon passage and execution hereof.

PASSED AND APPROVED on the 14th day of August, 2023

John B. Muns, MAYOR

ATTEST:

Lisa C. Henderson, CITY SECRETARY

APPROVED AS TO FORM:

Paige Mims, CITY ATTORNEY