

ORDINANCE NO 2018-__

AN ORDINANCE OF THE CITY COUNCIL OF LEAGUE CITY, TEXAS, AMENDING THE SERVICE AND ASSESSMENT PLAN, LEVYING AN ASSESSMENT AGAINST SECTION 13 PROPERTIES IN THE CITY OF LEAGUE CITY PUBLIC IMPROVEMENT DISTRICT NO. ONE (MAGNOLIA CREEK) FOR AND ON BEHALF OF PUBLIC IMPROVEMENT DISTRICT NO. ONE; AND MAKING CERTAIN FINDINGS RELATED THERETO.

WHEREAS, the City of League City (the “City”) is authorized pursuant to TEX. LOCAL GOV’T CODE, ch. 372, as amended (“Chapter 372”) to create public improvement districts for the purposes described therein, and to levy and collect an assessment in furtherance of the purposes thereof; and

WHEREAS, the City Council of the City of League City, Texas (the “Council”) passed and approved Resolution No. 99-66 dated November 18, 1997, authorizing the establishment of the League City Public Improvement District Number One (Magnolia Creek Maser Planned Community) (the “PID”); and

WHEREAS, by action on December 14, 1999, the Council approved a service and assessment plan (the “Plan”) for the PID; and

WHEREAS, the total costs of improvement projects for Section 13 of the PID have now been determined and reviewed by the City; and

WHEREAS, a proposed assessment roll incorporating the costs of the public improvement projects for Section 13 of the PID have been prepared by the City, and after review, has been approved by the Board of Directors of Reinvestment Zone Number One, City of League City; and

WHEREAS, the City scheduled a public hearing on August 28, 2018 before the Council to consider the proposed assessments and written notice of a public hearing was mailed to property owners on Section 13 of the PID at least 10 days before the hearing; and

WHEREAS, the City published notice of the public hearing in a newspaper of general circulation at least 10 days prior to the public hearing; and

WHEREAS, a public hearing to consider the proposed assessments and improvements was held at 6:00 p.m. on August 28, 2018, in Council Chambers at 200 West Walker Street, League City, Texas; and

WHEREAS, at such public hearing all interested persons including the persons owning property in Section 13 of the PID were given a reasonable opportunity to be heard and Council, having fully considered any comments, is of the opinion that such assessments be made and levied as set out herein; and

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

Section 1. The facts recited in the preamble hereto are found to be true and correct and hereby incorporated into this Ordinance.

Section 2. The amendment to the Service and Assessment Plan, which is attached and incorporated as Exhibit A, is hereby approved.

Section 3. The assessment roll, attached and incorporated hereto as Exhibit B, is hereby approved and the special assessments described therein are hereby levied, effective as of the adoption of this ordinance, on the subject property in accordance with the terms of the Plan, which Plan determines, *inter alia*, the method of payment of the assessments, and makes provision for the payment thereof in periodic installments, interest thereon and the collection thereof. The mayor, City secretary and any other appropriate officials of the City are hereby authorized to take all necessary actions on behalf of the City to implement the terms thereof in accordance therewith, and to record this ordinance in the official real property records of Galveston County, Texas.

Section 4. Pursuant to the provisions of Section 372.018(b) of the Act, the Improvement Assessment on any parcel identified in Exhibit B may be paid in whole or in part at any time by paying the unpaid amount of the Improvement Assessment plus the interest accrued or penalties that have been imposed prior to the date of such payment of the unpaid amount of the Improvement Assessment.

Section 5. The Assessments and each Annual Installment, together with interest, penalties, and expense of collection and reasonable attorneys' fees, as permitted by the Act, shall be a first and prior lien against the property assessed, superior to all other liens and claims, except liens or claims for state, county, school district, municipal or other ad valorem taxes, and shall be a personal liability of and charge against the owners of the property regardless of whether the owners are named. The lien for Assessments, each Annual Installment and penalties and interest thereon is effective from the date of this Ordinance until the Assessments are fully paid and shall be enforced by the City in the manner provided by Vernon's Texas Tax Code for collecting ad valorem taxes on real property.

Section 6. To the extent not inconsistent with this Ordinance, and not inconsistent with the Act or the other laws governing public improvement districts, the provisions of the Texas Tax Code relating to the imposition and collection of ad valorem taxes by the City shall be applicable to the imposition and collection of the Assessments by the City

Section 7. 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 governing body of the City in adopting this Ordinance 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 hereof, and all provisions of this Ordinance are declared to be severable for that purpose.

Section 8. It is hereby found, determined and declared that a sufficient 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 at the City Hall of the City for the time required by law preceding this meeting, as required by the Open Meetings Law, Chapter 551, Texas Government Code, and that this meeting has been open to the public as required by law at all times during which this Ordinance and the subject matter thereof has been discussed, considered and formally acted upon. City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

PASSED first reading the _____ day of _____, 2018.

PASSED second reading the _____ day of _____, 2018.

PASSED AND ADOPTED the _____ day of _____, 2018.

PAT HALLISEY
Mayor

ATTEST:

DIANA M. STAPP
City Secretary

APPROVED AS TO FORM:

NGHIEM V. DOAN
City Attorney