

## **RESOLUTION NO.**

**WHEREAS**, the City of Austin, Texas (the “City”) created, by Resolution No. 20130606-054 adopted by the City Council of the City (the “Council”) on June 6, 2013, the Estancia Hill Country Public Improvement District (the “District”), pursuant to and in accordance with the provisions of Chapter 372 of the Texas Local Government Code (the “Act”); and

**WHEREAS**, the City authorized the creation of the District to finance certain public improvements authorized by the Act for the benefit of the property within the District (the “Authorized Improvements”); and

**WHEREAS**, the development of the District is occurring in three phases, the first phase being approximately 214.90 acres located within the District, as more particularly described and depicted in the Preliminary SAP, as defined below, (“Improvement Area #1”), the second phase being approximately 131.00 acres located within the District, as more particularly described and depicted in the Preliminary SAP (“Improvement Area #2”), and the third phase being approximately 180.60 acres located within the District, as more particularly described and depicted in the Preliminary SAP (“Improvement Area #3); and

**WHEREAS**, the Council and City staff have been presented with the “Estancia Hill Country Public Improvement District 2018 Amended and Restated Service and Assessment Plan”, including the proposed assessment roll for Improvement Area #2 (the “Proposed Assessment Roll,” and jointly the “Preliminary SAP”), a copy of which is attached as Exhibit A and is incorporated for all purposes; and

**WHEREAS**, the Preliminary SAP sets forth the estimated total costs of certain Authorized Improvements benefitting the property within Improvement Area #2 to be financed by the District, and the Proposed Assessment Roll states the assessments proposed to be levied against each parcel of land in Improvement Area #2 in the District, as determined by the method of assessment chosen by the City; and

**WHEREAS**, the Act requires that the Proposed Assessment Roll be filed with the City Clerk and be subject to public inspection; and

**WHEREAS**, the Act requires that a public hearing (the “Assessment Hearing”) be called to consider proposed assessments and requires the Council to hear and pass on any objections to the proposed assessments at, or on the adjournment of, the Assessment Hearing; and

**WHEREAS**, the Act requires that notice of the Assessment Hearing be mailed to property owners liable for assessment and published in a newspaper of general circulation in the City and the City’s extraterritorial jurisdiction before the 10th day before the date of the Assessment Hearing; and

**WHEREAS**, the Council finds and determines that these actions are in the best interests of the residents of the City; **NOW, THEREFORE**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

SECTION 1. The Council accepts and approves the Preliminary SAP for the District, including the Proposed Assessment Roll. All capitalized terms not otherwise defined shall have the meanings given those terms in the Preliminary SAP.

SECTION 2. The Council determines that the total costs of the Authorized Improvements benefitting property located in Improvement Area #2 of the District to be financed by the District are as set forth in Section V.C(2) of the Preliminary SAP, which costs do not include the payment of expenses incurred in the administration of the District.

SECTION 3. The Council's final determination and approval of the costs of the Authorized Improvements benefitting property located in Improvement Area #2 shall be subject to and contingent upon the Council's approval of a final Service and Assessment Plan, which will include the final Assessment Roll, after the properly noticed and held Assessment Hearing.

SECTION 4. The Proposed Assessment Roll shows the assessment proposed to be levied against each parcel of land in Improvement Area #2 of the District, as determined by the method of assessment chosen by the City, and as more fully described in the Preliminary SAP.

SECTION 5. The Council authorizes and directs the filing of the Proposed Assessment Roll with the City Clerk and the same shall be available for public inspection.

SECTION 6. The Council authorizes and calls a public hearing (the Assessment Hearing) to be held on December 13, 2018, at 4:00 p.m. at City Hall, 301 W. Second Street, Austin, Texas 78701, at which time the Council shall, among other actions, hear and pass on any objections to the proposed assessments.

SECTION 7. The Council authorizes and directs the City Clerk's office, with the assistance of the City Controller's Office, to publish notice of the Assessment Hearing to be held on December 13, 2018, in substantially the form attached as

Exhibit B and incorporated for all purposes, in a newspaper of general circulation in the City and the City's extraterritorial jurisdiction, on or before December 2, 2018, as required by Section 372.016(b) of the Act.

SECTION 8. When the Proposed Assessment Roll is filed with the City Clerk, the Council authorizes and directs the City Clerk, with the assistance of the City Controller's Office, to mail to owners of property liable for assessment notice of the Assessment Hearing to be held on December 13, 2018, as required by Section 372.016(c) of the Act.

SECTION 9. The City staff is authorized and directed to take such other actions as are required (including, but not limited to, providing notice of the public hearing as required by the Texas Open Meetings Act) to place the public hearing on the agenda for the December 13, 2018 meeting of the Council.

SECTION 10. The recitals contained in this Resolution are found to be true, and such recitals are made a part of this Resolution for all purposes and are adopted as a part of the judgment and findings of the Council.

SECTION 11. All ordinances and resolutions which are in conflict or inconsistent with any provision of this Resolution are repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters set forth in this Resolution.

SECTION 12. This Resolution shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

SECTION 13. If any provision of this Resolution or its application to any person or circumstance shall be held to be invalid, the remainder of this Resolution and the application of such provision to other persons and circumstances shall nevertheless be valid, and this Council declares that this Resolution would have been enacted without such invalid provision.

SECTION 14. It is officially found, determined, and declared that the meeting at which this Resolution was adopted was open to the public, and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Resolution, was given, all as required by Chapter 551 of the Texas Government Code.

**ADOPTED:** \_\_\_\_\_, 2018

**ATTEST:** \_\_\_\_\_

Jannette S. Goodall  
City Clerk

## **EXHIBIT A**

### **PRELIMINARY 2018 AMENDED AND RESTATED SERVICE AND ASSESSMENT PLAN ESTANCIA HILL COUNTRY PUBLIC IMPROVEMENT DISTRICT**

*Draft*

## **EXHIBIT B**

### **CITY OF AUSTIN, TEXAS ESTANCIA HILL COUNTRY PUBLIC IMPROVEMENT DISTRICT NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN THAT a public hearing will be conducted by the City Council (the “Council”) of the City of Austin, Texas on December 13, 2018, at 4:00 p.m. at the City Hall, 301 W. Second Street, Austin, Texas 78701. The public hearing will be held to consider proposed assessments to be levied against the assessable property within Improvement Area #2 of the Estancia Hill Country Public Improvement District (the “District”) pursuant to the provisions of Chapter 372 of the Texas Local Government Code (the “Act”).

The proposed Authorized Improvements to be undertaken include those improvements authorized under the Act, including the construction of streets and related sidewalks, landscaping and signage, the construction of water and sanitary sewer and drainage improvements, projects similar to those listed above, and costs related to the Authorized Improvements and the creation of the District.

The total costs of the Authorized Improvements benefitting property within Improvement Area #2 of the District is \$9,665,320, including costs of issuance and required reserves related to the proposed issuance of bonds to finance the construction of the public improvements.

The boundaries of the District include approximately 593.791 acres of land located within the City’s extraterritorial jurisdiction, including approximately 131.0 acres which comprise Improvement Area #2 of the District, each of which is more particularly described by a metes and bounds description on file with the City Clerk and available for public inspection.

All written or oral objections to the proposed assessments within Improvement Area #2 of the District will be considered at the public hearing.

A copy of the Proposed Assessment Roll relating to the Authorized Improvements benefitting property within Improvement Area #2, which Assessment Roll includes the assessments to be levied against each parcel in Improvement Area #2 of the District, is available for public inspection at the office of the City Clerk, 301 W. Second Street, Austin, Texas 78701.