

CITY OF KAUFMAN, TEXAS

RESOLUTION NO. R-15-18

**A RESOLUTION SETTING A PUBLIC HEARING UNDER SEC. 372.009 OF THE TEXAS LOCAL GOVERNMENT CODE FOR THE CREATION OF THE CITY OF KAUFMAN PUBLIC IMPROVEMENT DISTRICT NUMBER ONE WITHIN THE CITY OF KAUFMAN, TEXAS; AND AUTHORIZING THE ISSUANCE OF NOTICE BY THE CITY SECRETARY OF KAUFMAN, TEXAS REGARDING THE PUBLIC HEARING.**

**WHEREAS**, the City of Kaufman, Texas (the "City"), is authorized under Chapter 372 of the Texas Local Government Code (the "Act"), to create a public improvement district within its corporate limits; and

**WHEREAS**, on August 20, 2018, *JWS Land, Ltd., a Texas limited partnership*, the owner of (1) taxable real property representing more than 50 percent of the appraised value of taxable real property liable for assessment under the proposal, as determined by the current roll of the appraisal district in which the property is located and (2) record owner of real property liable for assessment under the proposal who: (A) constitute more than 50 percent of all record owners of property that is liable for assessment under the proposal; or (B) own taxable real property that constitutes more than 50 percent of the area of all taxable real property that is liable for assessment under the proposal (the "Petitioner"), within the corporate limits of the City, submitted and filed with the City Secretary of Kaufman (the "City Secretary") a petition ("Petition"), attached as **Exhibit A**, requesting the establishment of the City of Kaufman Public Improvement District Number One for 85.500 acres of property within the City (the "District"); and

**WHEREAS**, the City Council of Kaufman, Texas (the "City Council") will hold a public hearing in accordance with Section 372.009 of the Act regarding the advisability of establishing the District, the nature of the improvements contemplated, the estimated costs of the improvements, the boundaries of the District, the method of assessment, and the apportionment, if any, of the costs; and

**WHEREAS**, in order to hold a public hearing for the creation of a public improvement district, notice must be given in a newspaper of general circulation in the municipality before the 15<sup>th</sup> day before the date of the hearing, and written notice must be mailed to the current address of each owner, as reflected on the tax rolls, of property that would be subject to assessment under the proposed public improvement district; and

**WHEREAS**, both newspaper notice and mailed notice must contain the information required for notice as provided for in Section 372.009 of the Act; and

**WHEREAS**, the City Council has determined to hold a public hearing on *September 24, 2018* on the creation of a public improvement district; and

**WHEREAS**, the City Council finds that the passage of this Resolution is in the best interest of the citizens of the City.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL:**

**Section 1:** All of the above recitals are hereby found to be true and correct factual determinations of the City and are hereby approved and incorporated by reference as though fully set forth herein.

**Section 2:** City Staff reviewed the Petition and determined that the same complied with the requirements of the Act and the City Council accepts the Petition.

**Section 3:** That a public hearing is hereby called for *September 24, 2018, at 6:00 p.m. at City Council Chambers, 209 S. Washington St., Kaufman, TX 75142*, for the purpose of hearing public testimony with respect to the advisability of establishing the District, the nature of the improvements contemplated, the estimated costs of the improvements, the boundaries of the District, the method of assessment, and the apportionment, if any, of the costs.

**Section 4:** At such time and place the City Council will hear testimony regarding the creation of the proposed public improvement district and consider the adoption of a resolution authorizing the creation of the public improvement district.

**Section 5:** Attached hereto as **Exhibit A** is the Petition for the Creation of a Public Improvement District within the City for the City of Kaufman Public Improvement District Number One, which includes a metes and bounds description for the District.

**Section 6:** Attached here to as **Exhibit B** is a form of the Notice of Public Hearing (the "**Notice**") the form and substance of which is here by adopted and approved.

**Section 7:** The City Secretary is hereby authorized and directed to cause said Notice to be published in substantially the form attached hereto, in a newspaper of general circulation in the City, and to notify any affected landowners within the boundaries of the proposed public improvement district as required by law. The City Secretary shall provide notice on or before September 7, 2018, which is before the 15<sup>th</sup> day before the *September 24, 2018* hearing.

**Section 8:** If any portion of this Resolution shall, for any reason, be declared invalid by any court of competent jurisdiction, such invalidity shall not affect the remaining provisions hereof and the City Council hereby determines that it would have adopted this Resolution without the invalid provision.

**Section 9:** This Resolution shall be in full force and effect from and after its passage, and it is accordingly so resolved.

**PASSED AND APPROVED ON THIS 27TH DAY OF AUGUST, 2018.**

ATTEST:

  
\_\_\_\_\_  
Jeff Jordan, Mayor

\_\_\_\_\_  
Regina Farris, City Secretary

APPROVED AS TO FORM

\_\_\_\_\_  
Patricia Adams, Attorney for the City

**EXHIBIT A**

**Petition for the Creation of a Public Improvement District**

## EXHIBIT B

### CITY OF KAUFMAN, TEXAS NOTICE OF PUBLIC HEARING REGARDING THE CREATION OF A PUBLIC IMPROVEMENT DISTRICT

Pursuant to Section 372.009(c) and (d) of the Texas Local Government Code, as amended (the "Act"), notice is hereby given that the City Council of the City of Kaufman, Texas ("City"), will hold a public hearing to accept public comments and discuss the petition (the "Petition"), filed by *JWS Land, Ltd., a Texas limited partnership* (the "Petitioner"), requesting that the City create the City of Kaufman Public Improvement District Number 1 (the "District") to include property owned by the Petitioner.

**Time and Place of the Hearing.** The public hearing will start at *September 24, 2018, at 6:00 p.m. at City Council Chambers, 209 S. Washington St., Kaufman, TX 75142*

**General Nature of the Proposed Authorized Improvements.** The general nature of the proposed public improvements (collectively, the "Authorized Improvements") may include: (i) street and roadway improvements, including related sidewalks, drainage, utility relocation, signalization, landscaping, lighting, signage, off-street parking and right-of-way; (ii) establishment or improvement of parks and open space, together with the design, construction and maintenance of any ancillary structures, features or amenities such as trails, playgrounds, walkways, lighting and any similar items located therein; (iii) sidewalks and landscaping, including entry monuments and features, fountains, lighting and signage; (iv) acquisition, construction, and improvement of water, wastewater and drainage improvements and facilities; (v) projects similar to those listed in subsections (i) - (iv) above authorized by the Act, including similar off-site projects that provide a benefit to the property within the District; (vi) special supplemental services for improvement and promotion of the district; (vii) payment of costs associated with operating and maintaining the public improvements listed in subparagraphs (i) - (vii) above; and (viii) payment of costs associated with developing and financing the public improvements listed in subparagraphs (i) - (vii) above, and costs of establishing, administering and operating the District. These Authorized Improvements shall promote the interests of the City and confer a special benefit upon the Property.

**Estimated Cost of the Authorized Improvements.** The estimated cost to design, acquire and construct the Authorized Improvements, together with bond issuance costs, eligible legal and financial fees, eligible credit enhancement costs and eligible costs incurred in establishment, administration and operation of the District is not to exceed \$10,000,000.

**Proposed District Boundaries.** The District is proposed to include approximately 85.500 acres of land generally located *East of Tabor Parkway and North of State Highway 34 By Pass*, located within the City and as more particularly described by a metes and bounds description available at Kaufman City Hall and available for public inspection.

**Proposed Method of Assessment.** The City shall levy assessments on each parcel within the District in a manner that results in imposing equal shares of the costs on property similarly benefited. All assessments may be paid in full at any time (including interest and principal), and certain assessments may be paid in annual installments (including interest and principal). If an assessment is allowed to be paid in installments, then the installments must be paid in amounts necessary to meet annual costs for those Authorized Improvements financed by the assessment, and must continue for a period necessary to retire the indebtedness of those Authorized Improvements (including interest).

**Proposed Apportionment of Cost between the District and the City.** The City will not be obligated to provide any funds to finance the Authorized Improvements, except for assessments levied on real property within the

District and possible tax reinvestment zone revenue, if created. No municipal property in the District shall be assessed. All of the costs of the Authorized Improvements will be paid from assessments and from other sources of funds, if any, available to the Petitioner.

During the public hearing, any interested person may speak for or against the establishment of the District and the advisability of the improvements to be made for the benefit of the property within the District.