

**TOWN OF TROPHY CLUB, TEXAS
ORDINANCE NO. 2022-29**

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF TROPHY CLUB ACCEPTING AND APPROVING A SERVICE AND ASSESSMENT PLAN FOR AUTHORIZED SERVICES (EMERGENCY SERVICES) AND AN ASSESSMENT ROLL FOR THE TOWN OF TROPHY CLUB PUBLIC IMPROVEMENT DISTRICT NO. 1 (THE HIGHLANDS AT TROPHY CLUB); MAKING A FINDING OF SPECIAL BENEFIT TO THE PROPERTY IN THE DISTRICT; LEVYING SPECIAL ASSESSMENTS AGAINST PROPERTY WITHIN THE DISTRICT; PROVIDING FOR PAYMENT OF THE ASSESSMENTS IN ACCORDANCE WITH CHAPTER 372, TEXAS LOCAL GOVERNMENT CODE, AS AMENDED; PROVIDING FOR THE METHOD OF ASSESSMENT AND THE PAYMENT OF THE ASSESSMENT; PROVIDING PENALTIES AND INTEREST ON DELINQUENT ASSESSMENTS, PROVIDING FOR SEVERABILITY; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on March 16, 2007, a petition was submitted and filed with the Town Secretary of the Town (the "Town Secretary") pursuant to the Public Improvement District Assessment Act, Chapter 372, Texas Local Government Code (the "PID Act"), requesting the creation of a public improvement district over a portion of the area of the Town to be known as The Town of Trophy Club Public Improvement District No. 1 (the "District"); 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 District, as determined by the then current ad valorem tax rolls of the Denton 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 District; and

WHEREAS, on May 7, 2007, after due notice, the Town Council of the Town (the "Town Council") held the public hearing in the manner required by law on the advisability of the public improvements and services 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. 2007-08 adopted by a majority of the members of the Town Council, authorized the District in accordance with its finding as to the advisability of the public improvements and services; and

WHEREAS, on May 18, 2007, the Town published notice of its authorization of the District in the Trophy Club Times, a newspaper of general circulation in the Town; and

WHEREAS, no written protests of the District from any owners of record of property within the District were filed with the Town Secretary within 20 days after May 18, 2007; and

WHEREAS, on May 21, 2007, the Council adopted a resolution directing the filing of a proposed assessment roll, and directing related action; and

WHEREAS, the Town has conducted annual reviews from 2008 through 2022 as provided in the PID Act and has annually adopted ordinances approving a Service and Assessment Plan for Authorized Services and an Assessment Roll for The Town of Trophy Club Public Improvement District No. 1; and

WHEREAS, on September 13, 2022 through the adoption of Resolution No. 2022-12 and as part of its 2022-2023 annual review of the special assessments for emergency services, the Town Council, pursuant to Section 372.016(b) of the PID Act, caused the publication on September 14, 2022 of notice of a public hearing in a newspaper of general circulation in the Town to consider the proposed "Assessment Roll" and the "Service and Assessment Plan for Authorized Services" (the "Plan") and the levy of the "Assessments" on property in the District; and

WHEREAS, the Town Council, pursuant to Section 372.016(c) of the PID Act, directed the mailing of notice of the public hearing to consider the proposed Assessment Roll and the 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 Town Council convened the hearing at 7:00 p.m. on the 27th day of September, 2022, 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 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 costs of the Authorized Services, the purposes of the assessment, the special benefits of the assessment, and the penalties and interest on delinquent Assessments; and

WHEREAS, pursuant to Sections 372.013 and 372.014 of the PID Act, the Town Council has directed the preparation of a Service and Assessment Plan for Authorized Services for the District (the "Plan"), such Plan is attached hereto as **Exhibit "A,"** covers a period of at least five years, and defines the annual indebtedness and the projected costs of the Authorized Services, as identified and defined in the Plan; and

WHEREAS, the Plan includes an assessment plan that apportions the cost of the Authorized Services to be assessed against property in the District and such apportionment is made on the basis of special benefits accruing to the property because of the Authorized Services; and

WHEREAS, the Town Council finds and determines that the Assessment Roll and the Plan should be approved and that the assessments should be levied as provided in the Plan and Assessment Roll; and

WHEREAS, the Town Council further finds that there were no written objections or evidence submitted to the Town Secretary in opposition to the Plan, the allocation of Costs, the Assessment Roll, and the levy of assessments; and

WHEREAS, the Town Council closed the hearing, and, after considering all written and documentary evidence presented at the hearing, including all written comments and statements filed with the Town, 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 TOWN COUNCIL OF THE TOWN OF TROPHY CLUB, TEXAS:

SECTION 1. TERMS

Terms not otherwise defined herein are defined in the Service and Assessment Plan for Authorized Services (the "Plan") attached hereto and incorporated herein as **Exhibit "A."**

SECTION 2. FINDINGS

The findings and determinations set forth in the preambles are hereby incorporated by reference for all purposes. The Town Council hereby finds, determines, and ordains, as follows:

- (a) The apportionment of the costs of the Authorized Services pursuant to the Plan is fair and reasonable, reflects an accurate presentation of the special benefit each property will receive from the public improvements identified in the Plan, and is hereby approved;
- (b) The Plan covers a period of at least five years and defines projected costs for the Authorized Services;
- (c) The Plan apportions the cost of the Authorized Services to be assessed against property in the District and such apportionment is made on the basis of special benefits accruing to the property because of the Authorized Services.
- (d) All of the real property in the District which is being assessed in the amounts shown in the Assessment Roll will be benefited by the Authorized Services proposed to be provided through the District in the Plan, and each parcel of real property will receive special benefits in each year equal to or greater than each annual Assessment and

will receive special benefits during the term of the Assessments equal to or greater than the total amount assessed;

- (e) The method of apportionment of the costs of the Authorized Services set forth in the Plan results in imposing equal shares of the Costs on property similarly benefited, and results in a reasonable classification and formula for the apportionment of the costs of the Authorized Services;
- (f) The Plan 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;
- (g) The 2022 Assessment Roll in the form attached as **Exhibit "B"** to the Plan (the "Assessment Roll") should be approved as the 2022 Assessment Roll for the District;
- (h) The provisions of the Plan relating to due and delinquency dates for the Assessments, interest and penalties on delinquent Assessments and procedures in connection with the imposition and collection of Assessments should be approved and will expedite collection of the Assessments in a timely manner in order to provide the services needed and required for the area within the District; and
- (i) A written notice of the date, hour, place and subject to this meeting of the Town 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 that 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 3. ASSESSMENT PLAN

The Plan is hereby accepted and approved pursuant to the PID Act Sections 372.13 and 372.014 as the Service and Assessment Plan for the District.

SECTION 4. ASSESSMENT ROLL

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

SECTION 5. LEVY AND PAYMENT OF SPECIAL ASSESSMENTS FOR COSTS OF IMPROVEMENT PROJECT

- (a) The Town Council hereby levies an assessment on each tract of property located within the District, as shown and described in the Plan and the Assessment Roll, in

the respective amounts shown on the Assessment Roll as a special assessment on the properties set forth in the Assessment Roll.

- (b) The levy of the Assessments shall be effective on the date of execution of this Ordinance levying assessments and strictly in accordance with the terms of the Plan.
- (c) Each Assessment shall be paid annually pursuant to the terms of the Plan.
- (d) Each Assessment shall be collected each year in the manner set forth in the Plan by the Denton County Tax Assessor Collector or other qualified collection agent, duly authorized by the Town Council.

SECTION 6. METHOD OF ASSESSMENT

The method of apportioning the costs of the Authorized Services is as set forth in the Plan.

SECTION 7. APPOINTMENT OF ADMINISTRATOR

DTA (www.FinanceDTA.com) is hereby appointed and designated as the Administrator of the Service and Assessment Plan for Authorized Services and of the Assessments levied by this Ordinance. The Administrator shall perform the duties of the Administrator described in the Plan and in this Ordinance. In addition to other applicable costs of collection, whether legally authorized by contract or other District document, the Administrator's fees, charges, and expenses for providing such service shall constitute Collection Costs.

SECTION 8. PENALTIES AND INTEREST ON DELINQUENT ASSESSMENTS

Delinquent assessments shall be subject to the penalties, interest, procedures, and foreclosure sales set forth in the Plan. The Assessments shall have lien priority as specified in the PID Act and the Plan.

SECTION 9. 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 Town.

**SECTION 10.
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 Town 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 hereof, and all provisions of this Ordinance are declared to be severable for that purpose.

**SECTION 11.
ENGROSSMENT AND ENROLLMENT**

The Town Secretary of the Town of Trophy Club is hereby directed to engross and enroll this Ordinance by filing this Ordinance in the ordinance records of the Town as required in the Town Charter.

**SECTION 12.
EFFECTIVE DATE**

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

ADOPTED, PASSED, and APPROVED by the Town Council, by a vote of _____ members voting “for” and _____ members voting “against” and with _____ absentee, on this 27th day of September 2022.

Alicia L. Fleury, Mayor
Town of Trophy Club, Texas

ATTEST:

[SEAL]

Anita Otterson, Town Secretary
Town of Trophy Club, Texas

APPROVED TO AS FORM:

J. David Dodd III, Town Attorney
Town of Trophy Club, Texas

EXHIBIT A

**SERVICE AND ASSESSMENT PLAN FOR AUTHORIZED SERVICES FOR
THE DISTRICT (THE “PLAN”)**