
CITY OF IRVING

COUNCIL RESOLUTION NO. RES-2014-73

WHEREAS, the City Council of the City (the “City Council”) of Irving, Texas (the “City”), received a petition (“Petition”) requesting the creation of a public improvement district (“The Parkside Public Improvement District” or the “District”) under Chapter 372 of the Texas Local Government Code (the “Act”), from the record owners of taxable real property representing more than fifty percent (50%) of the appraised value of the real property liable for assessment (as determined by the most recent certified appraisal roll for Dallas County) in the District and the record owners of taxable real property that constitute more than 50 percent of all of the area of all taxable real property that is liable for assessment under the proposed District; and

WHEREAS, the Petition contained the signatures of the owners of taxable property representing more than 50 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 Dallas Central Appraisal District and the signatures of property owners who own taxable real property that constitutes more than 50 percent of the area of all taxable property that is liable for assessment by the District; and

WHEREAS, on January 9, 2014, after due notice, the City Council of the City held a public hearing in the manner required by law on the advisability of the Authorized Improvements (as defined in the Service and Assessment Plan) described in each petition as required by Sec. 372.009 of the Act and made the findings required by Sec. 372.009(b) of the Act and, by resolution adopted by a majority of the members of the City Council, authorized the creation of The Parkside Public Improvement District in accordance with its findings as to the advisability of certain public improvement projects within the District; and

WHEREAS, on January 25, 2014, the City published notice of its authorization of the District in the Irving Rambler, a newspaper of general circulation in the City; and

WHEREAS, no written protests of the District from any owners of record of property within the Districts were filed with the City within 20 days after January 25, 2014; and

WHEREAS, pursuant to Sections 372.013 and 372.014 of the Act, the City has directed the preparation of a Preliminary Service and Assessment Plan for The Parkside Public Improvement District (the “Service and Assessment Plan” or the “Preliminary Plan”) such Preliminary Plan is attached hereto as Exhibit B, covers a period of at least five years and defines the annual indebtedness and the projected costs of the Authorized Improvements; and

WHEREAS, the Preliminary Plan also includes an assessment plan that apportions the cost of the Authorized Improvements 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 Improvements; and

WHEREAS, after determining the total cost of the Authorized Improvements for the District, the City directed the preparation of an assessment roll for the District that states the assessments for Authorized Improvements against each parcel of land in the District (the “Assessment Roll”) and such Assessment Roll is attached to and a part of the Preliminary Plan; and

WHEREAS, the City Council notes that the Preliminary Plan and proposed Assessment Roll may be amended with such changes as the City Council deems appropriate before such Preliminary Plan and Assessment Roll are adopted as final by the City Council; and

WHEREAS, the City has determined to call a public hearing regarding the levy of assessments pursuant to the Preliminary Plan and the Assessment Roll pursuant to Section 372.016 of the Act; and

WHEREAS, the City desires to publish notice of the public hearing to adopt the Preliminary Plan and Assessment Roll in order to provide notice to all interested parties of the City's proposed levy of assessments for Authorized Improvements against property in the District, pursuant to Section 372.016 of the Act; and

WHEREAS, the City desires to file the Preliminary Plan and Assessment Roll with the City Secretary such that they are available for public inspection pursuant to Section 372.016 of the Act;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF IRVING, TEXAS:

SECTION I. THAT the findings and determinations set forth in the preambles hereto are hereby incorporated by reference for all purposes.

SECTION II. THAT the City Council hereby calls a public hearing (the "Public Hearing") for 7:00 p.m. on March 20, 2014, at the regular meeting place of the City Council of the City of Irving, Texas, at City Hall, 825 W. Irving Boulevard, Irving, Texas, to consider approving the Preliminary Plan, with such changes and amendments as the City Council deems necessary, and the proposed Assessment Roll with such amendments to the assessments for Authorized Improvements on any parcel in the District as the City Council deems necessary, as the final Service and Assessment Plan and the related Assessment Roll. After all objections made at such hearings have been heard, the City Council may, (i) levy the assessments for Authorized Improvements as special assessments against each parcel of property in The Parkside Public Improvement District, as set forth in the the Service and Assessment Plan and the related Assessment Roll; (ii) specify the method of payment of the assessments, and (iii) provide that assessments be paid in periodic installments. Notice of the hearing setting out the matters required by Section 372.016 of the Act shall be given by publication at least eleven (11) days before the date of the hearing, in a newspaper of general circulation in the City. Notice of such hearing shall also be given by the City Secretary, by mailing a copy of the notice containing the information required by Section 372.016(b) of the Act at least eleven (11) days prior to the hearing to the current address of each owner of property liable for an assessment in the proposed Assessment Roll as reflected on the tax rolls of the Dallas Central Appraisal District. All residents and property owners within The Parkside Public Improvement District, and all other persons, are hereby invited to appear in person, or by their attorney, and contend for or contest the Preliminary Plan, the Assessment Roll, and the proposed assessments and offer testimony pertinent to any issue presented on the amount of the assessments, purpose of the assessments, special benefit of the assessments, and the costs of collection and the penalties and interest on delinquent assessments. At or on the adjournment of the hearing conducted pursuant to Section 372.016 on the proposed assessments, the City Council must hear and pass on any objection to a proposed assessment. City Council may amend a proposed assessment on any parcel. The failure of a property owner to receive notice does not invalidate the proceeding.

- SECTION III. THAT the City Council hereby directs City staff to cause the publication of notice of the Public Hearing substantially in the form attached as Exhibit A with such changes as approved by the City Attorney; such publication to occur before the 10th day before the date of the hearing.
- SECTION IV. THAT the City Council shall convene at the location and at the time specified in the notice described above for the public hearing and shall conduct the public hearing in connection with its approval of the Service and Assessment Plan and the levy of the proposed assessments in the District, including costs of collection, penalties, and interest on delinquent assessments. At such public hearing, the City Council will hear and pass on any objections to the Service and Assessment Plan and the proposed Assessment Roll and the levy of the proposed assessments within the District (which objections may be written or oral). At or on the adjournment of the hearing, the City Council may amend a proposed assessment on any parcel in the District. After all objections, if any, have been heard and passed upon, the City Council may, by separate action, (i) levy the assessments as special assessments against each parcel of property in The Parkside Public Improvement District as set forth in the Service and Assessment Plan and the related Assessment Roll, respectively, (ii) specify the method of payment of the assessments in the District, and (iii) provide that the assessments in the District be paid in periodic installments.
- SECTION V. THAT the proposed Assessment Roll shall be filed in the office of the City Secretary and be made available to any member of the public who wishes to inspect the same.
- SECTION VI. THAT this resolution shall take effect from and after its final date of passage, and it is accordingly so ordered.

EXHIBIT A
CITY OF IRVING
NOTICE OF PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN THAT a public hearing will be conducted by the City Council of the City of Irving, Texas on the 20th day of March, 2014 at 7:00 p.m. at City Hall, 825 W. Irving Blvd, Irving Texas. The public hearing will be held to consider proposed assessments to be levied against the assessable property in The Parkside Public Improvement District (the "PID"), pursuant to the provisions of Chapter 372 of the Texas Local Government Code, as amended.

General Nature of the Authorized Improvements: The general nature of the public improvement projects will include: (i) designing, developing, constructing, improving, extending, and expanding water distribution facilities and improvements, (ii) designing, developing, constructing, improving, extending, and expanding sanitary sewer facilities and improvements, (iii) designing, developing, constructing, improving, extending, and expanding drainage and storm water facilities and improvements, including landscaping and hardscaping (iv) designing, developing, constructing, improving, extending, and expanding streets, thoroughfares, sidewalks, bridges, and other public ways within the District, including streetscaping, streetlighting, right-of-way protection, utility relocation, and related storm drainage improvements; and acquiring rights-of-way in connection therewith, (v) designing, developing, constructing, improving, extending, and expanding open space, park and recreational facilities and improvements including landscaping and hardscaping, including pedestrian bridges ((i) through (v) collectively, the "Authorized Improvements"), and (vi) the payment of expenses incurred in the establishment, administration, and operation of the District, including costs of issuing bonds and funding debt service and capitalized interest reserves.

The estimated cost to design, acquire and construct the Authorized Improvements for the PID is \$20,500,000.

The boundary of the PID is described generally in Exhibit A below.

All written or oral objections will be considered at the public hearing.

A copy of the proposed Assessment Roll, which includes the assessments to be levied for Pubic Improvements against each parcel in the PID, are available for public inspection at the offices City Secretary, City of Irving, 825 W. Irving Blvd, Irving, Texas.

WITNESS MY HAND AND THE OFFICIAL SEAL OF THE DISTRICT, this 20th day of February, 2014. /s/ City Secretary.

EXHIBIT A

Boundaries

The proposed Parkside Public Improvement District is located on approximately 275 acres near the intersection of State Highway 114 and Cabell Road. A full description of the boundaries of the Parkside Public Improvement District is available at City Hall, the City of Irving, 825 W. Irving Blvd., Irving, Texas 75060.

EXHIBIT B

PRELIMINARY SERVICE AND ASSESSMENT PLAN

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF IRVING, TEXAS,
on February 20, 2014.

BETH VAN DUYNE
MAYOR

ATTEST:

Shanae Jennings
City Secretary

APPROVED AS TO FORM:

Charles R. Anderson
City Attorney