

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF NEW BRAUNFELS, TEXAS, SETTING THE PUBLIC HEARING ON AMENDING THE SOLMS LANDING PUBLIC IMPROVEMENT DISTRICT WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF NEW BRAUNFELS, TEXAS, PURSUANT TO CHAPTER 372 OF THE TEXAS LOCAL GOVERNMENT CODE; AUTHORIZING THE MAILING AND PUBLICATION OF NOTICE OF THE PUBLIC HEARING IN ACCORDANCE WITH CHAPTER 372 OF THE TEXAS LOCAL GOVERNMENT CODE.

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

WHEREAS, on August 9, 2018, Solms Landing Development, LLC, a Texas limited company and The Jerome W. Timmermann Family Trust, (collectively, the "Original Petitioner"), filed with the City Secretary of New Braunfels (the "City Secretary") a petition (the "Original Petition"), requesting the establishment of a public improvement district (the "District") for property within the corporate limits of the City; and

WHEREAS, on February 26, 2021, the Original Petitioner and Chupik Properties & Design, Inc, a Texas corporation (collectively, the "Petitioner") filed with the City Secretary an amended and restated petition (the "Amended and Restated Petition"), amending, restating, and replacing in full the Original Petition for the sole purpose of increasing the cost of improvements in the District; and

WHEREAS, no assessments have been levied upon any property within the District in connection with the Original Petition; and

WHEREAS, the Amended and Restated Petition has been examined, verified, and found to meet the requirements of Section 372.005 and is sufficient for consideration by the City Council of the City (the "City Council"); and

WHEREAS, the City Council will hold a public hearing in accordance with Section 372.009 of the Act regarding the amendments to the District in the corporate limits of the City in accordance with the Amended and Restated Petition; and

WHEREAS, in order to hold a public hearing for amending the District, notice must be given in a newspaper of general circulation in the municipality in which the District is located before the 15th 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 District, attached as Exhibit "B"; and

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

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, THAT:

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. The Amended and Restated Petition was submitted to the City and was filed with the City Secretary and complies with the Act.

SECTION 3. That a public hearing is hereby called for April 12, 2021 at 7:00 p.m., to be held at City Hall, in the City Council Chambers, 550 Landa Street, New Braunfels TX, for the purpose of hearing public testimony with respect to amending the District to increase the costs of improvements, and that any interested person may appear and provide testimony and comment on the advisability of amending the District.

SECTION 4. That attached hereto as Exhibit A is the Amended and Restated Petition for the Creation of a Public Improvement District within the City of New Braunfels, Texas for the Solms Landing Public Improvement District. Attached hereto as Exhibit B is a form of the Notice of Public Hearing (the "Notice"), the general form and substance of which is hereby adopted and approved.

SECTION 5. That 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 municipality in which the proposed public improvement district will be located, 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 before the 15th day before the date of the public hearing.

SECTION 6. That City staff is authorized and directed to take such other actions as are required (including, but not limited to, notice of the public hearing as required by the Texas Open Meetings Act) to place the public hearing on the agenda for the April 12, 2021 meeting of the City Council.

SECTION 7. That 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 8. That the City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all in accordance with and as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended, and the Act.

SECTION 9. That this Resolution shall take effect from and after its passage and it is accordingly so resolved.

PASSED & APPROVED by the **CITY COUNCIL** of the **CITY OF NEW BRAUNFELS** on the ____ day of _____, 2021 on vote of ____ AYES; ____ NAYS; ____ ABSTENTIONS.

RUSTY BROCKMAN
MAYOR
CITY OF NEW BRAUNFELS

ATTEST:

CAITLIN KROBOT
CITY SECRETARY
CITY OF NEW BRAUNFELS

EXHIBIT A
AMENDED AND RESTATED PETITION FOR CREATION OF THE PID

[To Be Attached]

EXHIBIT B

NOTICE OF PUBLIC HEARING

NOTICE OF PUBLIC HEARING REGARDING AMENDING 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 New Braunfels, Texas ("City"), will hold a public hearing to accept public comments and discuss the amended and restated petition (the "Petition"), filed by Solms Landing Development, LLC, a Texas limited company, The Jerome W. Timmermann Family Trust, and Chupik Properties & Design, Inc, a Texas corporation (collectively, the "Owner"), requesting that the City amend the previously created public improvement district known as Solms Landing Public Improvement District (the "District") to include property owned by the Owner.

Time and Place of the Hearing. The public hearing will be held at New Braunfels City Council Chambers, 550 Landa Street, New Braunfels, Texas at 7 p.m. on April ___, 2021.

General Nature of the Proposed Public Improvements. The general nature of the proposed public improvements are: (i) the establishment of parks and open space, together with the design, construction and maintenance of any ancillary structures, features or amenities such as trails, pavilions, community facilities, parking facilities, sidewalks, irrigation, walkways, lighting, benches, trash receptacles and any similar items located therein; (ii) landscaping; (iii) acquisition, construction, and improvement of water, wastewater and drainage facilities; (iv) acquisition, construction and improvement of streets, roadways, rights-of-way and related facilities; (v) entry monumentation and features; (vi) signage; (vii) projects similar to those listed in subsections (i) - (vi) above; and (viii) payment of costs associated with constructing and financing the public improvements listed in subparagraphs (i) - (vii) above, including costs of establishing, administering and operating the District.

Estimated Cost of the Authorized Improvements. The estimated cost to design, acquire and construct the Authorized Improvements is \$17,000,000 (including issuance and other financing costs).

District Boundaries. The District's boundaries include approximately 97.97 acres of land generally located in New Braunfels, Comal County, Texas, and being more fully described in Exhibit A attached hereto.

Proposed Method of Assessment. An assessment methodology will be prepared that will address: (i) how the costs of the public improvements financed with the assessments are assessed against the property in the District, (ii) the assessments to be collected each year, and (iii) reduction of the assessments for costs savings (pursuant to the annual review of the service plan for the District). Additionally, a report will be prepared showing the special benefits accruing to property in the District and how the costs of the public improvements are assessed to property on the basis of the special benefits. The result will be that equal shares of the costs will be imposed on property similarly benefited.

The assessment methodology will result in each parcel paying its fair share of the costs of the public improvements provided with the assessments based on the special benefits received by the property from the public improvements and property equally situated paying equal shares of the costs of the public improvements.

Proposed Apportionment of Cost between the District and the City. Amending the District will not obligate the City to provide any funds to finance the Public Improvements. All of the costs of the Public Improvements will be paid from assessments levied on the property within the District and from other funds available to the Owner

EXHIBIT A

