

RESOLUTION NO. 97402 - Amended

A RESOLUTION DIRECTING PREPARATION OF SERVICE PLAN AND ASSESSMENT ROLL FOR LOS PRADOS PUBLIC IMPROVEMENT DISTRICT; FILING SAME WITH COUNTY TAX ASSESSOR-COLLECTOR AND COUNTY CLERK; SETTING A DATE FOR PUBLIC HEARING ON PROPOSED ASSESSMENTS; AND DIRECTING STAFF TO PROVIDE NOTICE OF SUCH PUBLIC HEARING AS REQUIRED BY LAW

WHEREAS, on November 12, 2024, the Commissioners Court (“Court”) of Hidalgo County, Texas (“County”), authorized and created the Los Prados Public Improvement District (“District”), a public improvement district created under and in accordance with TEX. LOC. GOV’T CODE §§ 372.001 *et seq.*, as amended (“Chapter 372”), through the passage and adoption of Resolution No. 97398 (“Creation Resolution”), at a duly called public meeting, after providing notice of and holding a public hearing, and making such findings all as required under TEX. LOC. GOV’T CODE § 372.009; and

WHEREAS, in accordance with TEX. LOC. GOV’T CODE § 372.013, an ongoing service plan is required to be prepared for the District and presented to the County for review and approval by formal order; and

WHEREAS, pursuant to TEX. LOC. GOV’T CODE § 372.013, the Court has assigned responsibility for preparation of the District’s ongoing service plan to the District Manager, as provided for in the Creation Resolution, with such annual service plan to (i) cover a period of at least five years; (ii) define the annual indebtedness and projected costs for improvements; (iii) include a copy of the notice form required by TEX. PROP. CODE § 5.014, as amended; and (iv) include an assessment plan; and

WHEREAS, in furtherance of developing an assessment plan for incorporation in the District’s service plan to be prepared and presented to the Court for review and possible approval under TEX. LOC. GOV’T CODE § 372.013, a proposed assessment roll for the District is to be prepared as required by and in accordance with TEX. LOC. GOV’T CODE § 372.016; and

WHEREAS, after preparation of the proposed assessment roll for the District, a copy of the same is required to be filed with the County tax assessor-collector for public inspection as provided by TEX. LOC. GOV’T CODE § 372.016(b); and

WHEREAS, the Court, after filing or causing to be filed the proposed assessment roll for the District, the County tax assessor-collector is required to publish notice of the Court’s intention to consider the proposed assessments for the District at a public hearing, with such notice to be published in a newspaper of general circulation within the County and the extraterritorial jurisdiction of the City of Mercedes, Texas, before the 10th day before the date of the public hearing pursuant to TEX. LOC. GOV’T CODE § 372.016; and

WHEREAS, upon the filing of the proposed assessment roll for the District, notice of the public hearing must also be mailed to the owners of property liable for assessment in the manner required under TEX. LOC. GOV'T CODE § 372.016; and

WHEREAS, the Court desires and finds it to be in the interests of the County to take all actions as may be required under Chapter 372 for review, consideration, and, if applicable, approval of the service plan, assessment plan, and proposed assessment roll for the District.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSIONERS COURT OF HIDALGO COUNTY, TEXAS:

Section 1. Findings.

The Court hereby finds and determines that:

- (a) The facts and recitations contained in the preamble of this Resolution are true and correct and are adopted as part of this Resolution for all purposes;

Section 2. Proposed Service and Assessment Plan, and Assessment Roll.

The Court hereby directs as follows with respect to the District and in accordance with Chapter 372:

- (a) The District Manager, in conjunction with County staff as appropriate, prepare a service plan for the District to be presented to the Court at a future date for review and, if applicable, approval by formal order, with such service plan to (i) cover a period of at least five years; (ii) define the annual indebtedness and projected costs for improvements; (iii) include a copy of the notice form required by TEX. PROP. CODE § 5.014, as amended; and (iv) include an assessment plan;
- (b) The District Manager, in conjunction with County staff as appropriate, prepare a proposed assessment roll, which states the assessment to be levied against each parcel of land in the District, as determined by the method of assessment described in the Creation Resolution, and file the same with the County tax assessor-collector and the County Clerk for public inspection;

Section 3. Date of Public Hearing, Provision of Notice.

The Court hereby directs as follows with respect to the District and in accordance with Chapter 372:

- (a) **Public Hearing.** As required under TEX. LOC. GOV'T CODE § 372.016, the public hearing as to the Court's intention to consider the proposed assessments is hereby directed to be held on **December 17, 2024**, and shall be conducted during that Regular Meeting of the Court scheduled to begin at **2:00 P.M.** (the *Hearing*). Interested persons shall be afforded a reasonable opportunity to be heard by the Court during the Hearing;

- (b) **Notice of Hearing.** The County tax assessor-collector, in conjunction with the District Manager and County staff as appropriate, is hereby authorized and directed to publish or cause to be published notice of the Hearing in a newspaper of general circulation within the County and within the extraterritorial jurisdiction of the City of Mercedes, Texas. Final publication of the notice of the Hearing shall be made no later than **December 6, 2024**, being before the 10th day before the date of the hearing. The final published notice of the Hearing shall include the following:
- (1) The date, time, and place of the hearing;
 - (2) The general nature of the improvements;
 - (3) The cost of the improvements;
 - (4) The boundaries of the assessment District; and
 - (5) That written or oral objections will be considered at the Hearing.

The Court further directs that, upon filing of the proposed assessment roll for the District with the County tax assessor-collector, written notice containing the information described in TEX. LOC. GOV'T CODE § 372.016(b) and above regarding the Hearing to each owner of property liable for assessment, being addressed to the last known address of such property owner;

Section 4. Severability.

If any provision, section, subsection, sentence, clause or phrase of this Resolution, or the application of same to any person or to any set circumstances, is for any reason held to be unconstitutional, void or invalid, the validity of the remaining provisions of this Resolution or their application to other persons or set of circumstances shall not be affected thereby, it being the intent of the Court in adopting this Resolution that no portion hereof or regulations connected herein shall become inoperative or fail by reason of any unconstitutionality, voidness or invalidity of any portion hereof, and all provisions of this Resolution are declared severable for that purpose.

Section 5. Open Meetings.

It is hereby found, determined and declared that a sufficient written notice of the date, hour, place and subject of the meeting of the Court at which this Resolution was adopted was posted at a place convenient and readily accessible at all times to the general public at the Hidalgo County Courthouse for the time required by law preceding its meeting, as required by the Open Meetings Law, Chapter 551, as amended, Texas Government Code, and that this meeting has been open to the public as required by law at all times during which this Resolution and the subject matter hereof has been discussed, considered and formally acted upon. The Court further ratifies, approves and confirms such written notice and the contents and posting thereof.

PASSED AND APPROVED ON THIS 26th DAY OF November, 2024.

COUNTY OF HIDALGO, TEXAS

Honorable Richard F. Cortez
Hidalgo County Judge

ATTEST:

Arturo Guajardo, Jr
Hidalgo County Clerk