

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF CORPUS CHRISTI, TEXAS DETERMINING THE COSTS OF CERTAIN AUTHORIZED IMPROVEMENTS TO BE FINANCED WITHIN IMPROVEMENT AREA # 1 OF THE WHITECAP PUBLIC IMPROVEMENT DISTRICT NO. 1; APPROVING A PRELIMINARY SERVICE AND ASSESSMENT PLAN, INCLUDING A PROPOSED IMPROVEMENT AREA # 1 ASSESSMENT ROLL; DIRECTING THE FILING OF THE PROPOSED IMPROVEMENT AREA # 1 ASSESSMENT ROLL WITH THE CITY SECRETARY TO MAKE AVAILABLE FOR PUBLIC INSPECTION; NOTICING A PUBLIC HEARING TO CONSIDER AN ORDINANCE LEVYING ASSESSMENTS ON PROPERTY LOCATED WITHIN IMPROVEMENT AREA # 1 OF THE WHITECAP PUBLIC IMPROVEMENT DISTRICT NO. 1; DIRECTING CITY STAFF TO PUBLISH AND MAIL NOTICE OF SAID PUBLIC HEARING; AND RESOLVING OTHER MATTERS INCIDENT AND RELATED THERETO

WHEREAS, the Public Improvement District Assessment Act, Texas Local Government Code, Chapter 372, as amended (the "PID Act") authorizes the City of Corpus Christi, Texas (the "City") to create a public improvement district within the corporate boundaries of the City; and

WHEREAS, pursuant to Resolution No. 032761 (the "Authorization Resolution"), adopted by the City Council (the "City Council") of the City on May 17, 2022, the City has created the "Whitecap Public Improvement District No. 1" (the "District"); and

WHEREAS, the property within the District, consisting of approximately 242.011 acres, is being developed in phases, of which approximately 55.9022 acres, as more particularly described and depicted in the Preliminary SAP (as defined herein), are included in the first improvement area ("Improvement Area #1"); and

WHEREAS, the City Council and City staff have been presented with the "Whitecap Public Improvement District No. 1 Preliminary Service and Assessment Plan", including the proposed assessment roll for Improvement Area #1 attached as Exhibit F thereto (the "Proposed Improvement Area #1 Assessment Roll," and jointly the "Preliminary SAP"), a copy of which is attached hereto as **Exhibit A** and is incorporated herein for all purposes; and

WHEREAS, the Preliminary SAP sets forth the estimated total costs of certain Authorized Improvements to be financed by the District at this time to benefit property within Improvement Area #1 (the "Improvement Area #1 Improvements") and the Proposed Improvement Area #1 Assessment Roll states the assessments proposed to be levied against each benefitted parcel of land in Improvement Area #1 of the District, as determined by the method of assessment chosen by the City and set forth in the Preliminary SAP; and

WHEREAS, the PID Act requires that the Proposed Improvement Area #1 Assessment Roll be filed with the City Secretary of the City (the “City Secretary”) and be subject to public inspection; and

WHEREAS, the PID Act requires that a public hearing (the “Assessment Hearing”) be called to consider proposed assessments against the benefitted property within Improvement Area #1 of the District and requires City Council to hear and pass on any objections to the proposed assessments at, or on the adjournment of, the Assessment Hearing; and

WHEREAS, the PID Act requires that notice of the Assessment Hearing be mailed to property owners liable for assessment and published in a newspaper of general circulation in the City before the tenth (10th) day before the date of the Assessment Hearing; and

WHEREAS, the City Council hereby finds and determines that these actions are in the best interests of the residents of the City.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CORPUS CHRISTI, TEXAS AS FOLLOWS:

SECTION 1. The recitals set forth above in this Resolution are true and correct and are hereby adopted as findings of the City Council and are incorporated into the body of this Resolution as if fully set forth herein.

SECTION 2. The City Council does hereby accept the Preliminary SAP for the District, including the Proposed Improvement Area #1 Assessment Roll, in a form substantially similar to the attached **Exhibit A**, and which is incorporated herein for all purposes. All capitalized terms not otherwise defined herein shall have the meanings given to such terms in the Preliminary SAP.

SECTION 3. The City Council hereby determines that the total costs of the Improvement Area #1 Improvements to be financed by the District are as set forth in Exhibit B to the Preliminary SAP.

SECTION 4. The City Council’s final determination and approval of the costs of the Improvement Area #1 Improvements, or any portion thereof, shall be subject to and contingent upon City Council’s approval of a final, updated Service and Assessment Plan which will include a final Improvement Area #1 Assessment Roll, after the properly noticed and held Assessment Hearing.

SECTION 5. The Proposed Improvement Area #1 Assessment Roll states the assessments and the projected annual installments proposed to be levied against each parcel of land in Improvement Area #1 of the District that benefits from the Improvement Area #1 Improvements, as determined by the method of assessment chosen by the City in the Authorization Resolution and as more fully described in the Preliminary SAP.

SECTION 6. The City Council hereby authorizes and directs the filing of the Proposed Improvement Area #1 Assessment Roll with the City Secretary and directs the City Secretary to make the same available for public inspection.

SECTION 7. The City Council expressly defers the levy of assessments against property within future improvement areas for Authorized Improvements that will benefit such property until such time as the costs of such Authorized Improvements can be determined with certainty as more fully described in the Preliminary SAP.

SECTION 8. The City Council hereby authorizes, and calls, a public hearing (the Assessment Hearing, as defined above) to be held on **January 23, 2024, at or after 11:30 a.m.** in the Corpus Christi City Hall, 1201 Leopard Street, Corpus Christi, Texas, 78401, at which, the City Council shall, among other actions, hear and pass on any objections to the proposed assessments, and, upon the adjournment of the Assessment Hearing, the City Council will consider an ordinance levying the assessments as special assessments on property located within the District that benefits from the Improvement Area #1 Improvements and which ordinance shall specify the method of payment of the assessments.

SECTION 9. The City Council hereby authorizes and directs the City Secretary to publish notice of the Assessment Hearing to be held on **January 23, 2024**, in substantially the form attached hereto as **Exhibit B** and incorporated herein for all purposes, in the *Corpus Christi Caller-Times*, a newspaper of general circulation in the City, on or before **January 28, 2024**, as required by Section 372.016(b) of the PID Act.

SECTION 10. When the Proposed Improvement Area #1 Assessment Roll is filed with the City Secretary, the City Council hereby authorizes and directs the City Secretary, on or before **January 26, 2024** to mail to owners of property liable for the proposed assessments notice of the Assessment Hearing to be held on **February 13, 2024**, as required by Section 372.016(c) of the PID Act.

SECTION 11. 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 **February 13, 2024** meeting of the City Council.

SECTION 12. This Resolution shall become effective from and after its date of passage in accordance with law.

ADOPTED, PASSED, AND APPROVED on the 23rd day of January, 2024.

CITY OF CORPUS CHRISTI, TEXAS

Mayor

ATTEST:

City Secretary

APPROVED THIS 23rd day of January, 2024:

Miles Risley, City Attorney

(CITY SEAL)

THE STATE OF TEXAS §

COUNTY OF NUECES §

I, the undersigned, City Secretary of the City of Corpus Christi, Texas, do hereby certify that the above and foregoing is a true, full and correct copy of a Resolution passed by the City Council of the City of Corpus Christi, Texas (and of the minutes pertaining thereto) on the 23rd day of January, 2024, authorizing a resolution of the City determining the costs of certain authorized improvements to be financed within Improvement Area #1 of the Whitecap Public Improvement District No. 1, which resolution is duly of record in the minutes of said City Council, and said meeting was open to the public, and public notice of the time, place and purpose of said meeting was given, all as required by Texas Government Code, Chapter 551.

EXECUTED UNDER MY HAND AND SEAL of said City, this the 23rd day of January, 2024.

City Secretary

(CITY SEAL)

PASSED AND APPROVED, this the 23rd day of January, 2024.

Paulette Guajardo _____

Jim Klein _____

Roland Barrera _____

Mike Pusley _____

Sylvia Campos _____

Everett Roy _____

Gil Hernandez _____

Dan Suckley _____

Michael Hunter _____

ATTEST:

Rebecca Huerta
City Secretary

Paulette Guajardo
Mayor

EXHIBIT A
Preliminary Service and Assessment Plan
(see attached)

EXHIBIT B
CITY OF CORPUS CHRISTI, TEXAS
NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN THAT a public hearing will be conducted by the City Council of Corpus Christi, Texas (the "City") on February 13, 2024 at or after 11:30 a.m. at the Corpus Christi City Hall, 1201 Leopard Street, Corpus Christi, Texas, 78401. The public hearing will be held to consider proposed assessments to be levied against the assessable property within Improvement Area #1 of the Whitecap Public Improvement District No. 1 (the "District") pursuant to the provisions of Chapter 372 of the Texas Local Government Code, as amended.

The proposed Authorized Improvements to be undertaken at this time (the *Improvement Area #1 Improvements*) include: (1) design, construction and other allowed costs related to street and roadway improvements, including related earthwork, sidewalks, drainage, utility relocation, signalization, landscaping, lighting, signage, and rights-of-way; (2) design, construction and other allowed costs related to storm drainage improvements; (3) design, construction and other allowed costs related to water, wastewater and drainage (including detention) improvements and facilities; (4) design, construction and other allowed costs related to parks, open space, and recreational improvements, including trails, landscaping, and irrigation related thereto; (5) design, construction and other allowed costs related to off-street parking facilities, including related sidewalks, drainage, utility relocation, signalization, landscaping, lighting, signage and rights-of-way; (6) design, construction and other allowed costs related to projects similar to those listed in subsections (1) - (5) above authorized by the Act, including similar off-site projects that provide a benefit to the Property within the District; (7) design, construction and other allowed costs related to special supplemental services for improvement and promotion of the District, including services related to advertising, promotion, health and sanitation, water and wastewater, public safety, security, business recruitment, development, recreation, and cultural enhancement; (8) payment of expenses incurred in the establishment, administration and operation of the District; and (9) payment of expenses associated with financing such public improvement projects, which may include but are not limited to, costs associated with issuance and sale of any revenue bonds secured by or on behalf of the District, if necessary.

The total costs of the Improvement Area #1 Improvements, including administrative costs and the costs of issuing bonds, is \$31,943,908.

The boundaries of the District include approximately 242.011 acres of land within the corporate limits of the City, and the boundaries of Improvement Area #1 of the District include approximately 55.9022 acres of land within the District, all as more particularly described by a metes and bounds description available at Corpus Christi City Hall for public inspection.

All written or oral objections on the proposed assessment within Improvement Area #1 of the District will be considered at the public hearing.

A copy of the proposed Improvement Area #1 Assessment Roll, which includes the assessments proposed to be levied against each parcel of land within Improvement Area #1 of the District that

benefits from the Improvement Area #1 Improvements, is available for public inspection at the office of the City Secretary, 1201 Leopard Street, Corpus Christi, Texas, 78401.