



TOWN OF NORTHLAKE, TEXAS
OFFICIAL ORDINANCE

NO. 23-0914D

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF NORTHLAKE, TEXAS ACCEPTING AND APPROVING AN UPDATE OF THE SERVICE AND ASSESSMENT PLAN AND AN UPDATED ASSESSMENT ROLL FOR THE NORTHLAKE PUBLIC IMPROVEMENT DISTRICT NO. 1 IN COMPLIANCE WITH CHAPTER 372 (AUTHORIZED IMPROVEMENT ASSESSMENT); MAKING AND ADOPTING FINDINGS; PROVIDING FOR THE INCORPORATION OF FINDINGS; ACCEPTING AND APPROVING THE ANNUAL SERVICE PLAN UPDATE AND UPDATED ASSESSMENT ROLL FOR THE NORTHLAKE PUBLIC IMPROVEMENT DISTRICT NO. 1; PROVIDING A CUMULATIVE REPEALER CLAUSE; PROVIDING SEVERABILITY, PROVIDING FOR ENGROSSMENT AND ENROLLMENT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Northlake, Texas, has heretofore directed that certain services (the “services”) shall be provided in the Northlake Public Improvement District No. 1 (the “District”); and

WHEREAS, the boundaries of the improvement district are approximately: quarter mile north of Old Justin Road on the north, Harvest Way on the east, FM 407 on the south, and quarter mile west of Cleveland Gibbs Road on the west; and

WHEREAS, the Services provided in Fiscal Year 2022-2023 and their estimated costs are as follows:

EXPENSES:

| | |
|------------------------|--------|
| Attorney | \$0.00 |
| Audit Services | \$0.00 |
| HOA Management Company | \$0.00 |
| Intergovernmental | \$0.00 |

WHEREAS, the total budgeted expenses of the Services are \$0.00 in the District; and

WHEREAS, it is proposed that property in the District be assessed at \$0.00 per each \$100 of property value, as of January 1, 2023 and determined by the appraisal district with jurisdiction over property in the District; and

WHEREAS, the Services and proposed assessment roll were heard by the Town Council in a public hearing conducted on the 24th day of August 2023, at 5:30 p.m. in the Council Chamber in the Town Hall in the Town of Northlake, Texas (the “Public Hearing”), notice of which was published in a newspaper of general circulation in the Town, and at such hearing all desiring to be heard were given a full and fair opportunity to be heard.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF NORTHLAKE, TEXAS THAT:

Section 1. All the above premises are true and correct legislative and factual findings of the Town Council, and they are hereby approved, ratified, and incorporated into the body of this ordinance as if copied in their entirety.

Section 2. The Town Council, from all evidence before it, including all information provided to it and considered in the Public Hearing, finds that the assessments herein described should be levied against the respective parcels of property in the District and against the owners of such property. Such assessments and charges are right and proper and are substantially in proportion to the benefits to the respective parcels of property by means of the Improvements in the District for which such assessments are levied and establish substantial justice and equality and uniformity between all parties concerned, considering the benefits received and burdens imposed. The Town Council further finds that in each case the property assessed is specially benefited in enhanced value to the said property by means of the improvements in the District and for which assessment is levied and charge made, and further finds that the apportionment of the cost of the improvements is in accordance with applicable law. The Town Council, from the evidence, further finds that the values of the respective parcels of property on January 1, 2023, are true and correct.

Section 3. There shall be levied and assessed against the parcels of property in the District and against the real and true owners thereof (whether such owners be correctly named herein or not), the sums of money itemized per parcel of property, and the owners thereof, as far as such owners are known, at the following rates and method of payment: \$0.00 per each \$100 of value for property in the District.

Section 4. Where more than one person or entity owns an interest in any property described herein, each such person or entity shall be personally liable only for its, his or her pro rata share of the total assessment against such property in proportion to its, his or her respective interest to the total ownership such property, and its, his or hers respective interest in such property may be released from the assessment lien upon payment of a proportionate sum.

Section 5. The several sums above mentioned and assessed against the said parcels of property, and owners thereof, and penalty and interest thereon at the rate prescribed by Chapter 372, Texas Local Government Code (the Public Improvement District Assessment Act), together with reasonable attorney's fees and cost of collection, if incurred, are hereby declared to be and are made a lien upon the respective parcels of property against which the same are assessed, and a personal liability and charge against the real and true owners of such property, whether such owners be correctly named herein or not, and such liens shall be and constitute the first enforceable lien and claim against the property on which such assessments are levied, and shall be a first and paramount lien thereon, superior to all other liens and claims, except state, county, school district and the Town ad valorem taxes. A copy of this ordinance may be filed with the County Clerk of Denton County, Texas, and when so filed shall constitute complete and adequate legal notice to the public concerning the liens hereby assessed against the respective parcels of property and the owners thereof.

The sums so assessed against the respective parcels of property and the owners thereof shall be and become due and payable on or before January 31, 2024, and shall become delinquent if not paid by February 1, 2024. The entire amount assessed against each parcel of property shall bear penalty and interest, from and after February 1, 2024, at the same rate as prescribed by law for any delinquent ad valorem tax until paid.

Section 6. If default shall be made in the payment of any assessments, collection thereof shall be enforced by suit in any court of competent jurisdiction, and Town shall exercise all its lawful powers to aid in the enforcement and collection of said assessments.

Section 7. The total amount assessed against the respective parcels of property, and the owners thereof, is in accordance with the proceedings of the Town hereto and is less than the proportion of the cost allowed and permitted by applicable law.

Section 8. Although the aforementioned charges have been fixed, levied, and assessed in the respective amounts herein stated, the Town Council does hereby reserve the right to reduce the aforementioned assessments by allowing credits to certain property owners where deemed appropriate and provided that such any such allowance does not result in any inequity and/or unjust discrimination.

Section 9. Full power to make and levy assessments and to correct mistakes, errors, invalidities or irregularities in the assessments are, in accordance with the law in force in this Town, vested in the Town.

Section 10. In any suit upon any assessment or reassessment, it shall be sufficient to allege the substance of the provision recited in this ordinance and that such recitals are in fact true, and further allegations with reference to the proceedings relating to such assessment or reassessment shall not be necessary.

Section 11. Should any portion, section or part of a section of this Ordinance be declared invalid, inoperative or void for any reason by a court of competent jurisdiction, such decision, opinion or judgment shall in no way impair the remaining portions, sections, or parts of sections of this Ordinance, which shall remain in full force and effect.

Section 12. This Ordinance shall be cumulative of all other ordinances and appropriations amending the same except in those instances where the provisions of this Ordinance are in direct conflict with such other ordinances and appropriations, in which instance said conflicting provisions of said prior ordinances and appropriations are hereby expressly repealed.

Section 13. Any person, firm or corporation violating any of the provisions of this Ordinance shall be punished in accordance to Section 1.01.009 of the Town of Northlake Code of Ordinances, and no penalty shall be greater or less than the penalty provided for the same or a similar offense under the laws of the state.

Section 14. With the exception of those Ordinances expressly repealed herein, this Ordinance shall be cumulative of all provisions of Ordinances of the Town of Northlake, except where the provisions of this Ordinance are in direct conflict with the provisions of such Ordinances, in which event the more stringent provision shall apply and the less stringent provision, whether contained within this Ordinance or in any prior Ordinance of the Town, whether codified or un-codified, is hereby repealed to the extent of the conflict, but all other

provisions of the Ordinances of the Town, whether codified or un-codified, which are not in conflict with the provisions of the Ordinance, shall remain in full force and effect.

Section 15. All rights and remedies of the Town are expressly saved as to any and all violations of the provisions of this Ordinance, or any other Ordinances affecting the matters addressed herein, which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by the Ordinance but may be prosecuted until final disposition by the courts.

Section 16. The Town Secretary of the Town of Northlake is hereby directed to publish the caption, penalty clause, publication clause, and effective date clause of this Ordinance.

Section 17. This Ordinance shall be in full force and effect from and after its passage and/or publication as required by law.

PASSED AND APPROVED by the Town Council of the Town of Northlake, Texas, this 14th day of September 2023.

Town of Northlake, Texas

David Rettig

David Rettig, Mayor

Attest:

Zolaina R. Parker

Zolaina R. Parker, Town Secretary

