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**WHEREAS**, the City authorized the creation of the District to finance certain public improvements authorized by the Act for the benefit of the property within the District (Authorized Improvements); and

**WHEREAS,** the Whisper Valley Public Improvement District 2023 Amended and Restated Service and Assessment Plan (2023 SAP), including the proposed assessment roll for Improvement Area #3 (Proposed Assessment Roll

20 and, together with the 2023 SAP, the Preliminary SAP), is attached as Exhibit A;

21 and

22       **WHEREAS**, the Preliminary SAP sets forth the estimated total costs of  
23 certain Authorized Improvements benefitting the property within Improvement  
24 Area #3 to be financed by the District, and the Proposed Assessment Roll states the  
25 assessments proposed to be levied against each parcel of land in Improvement  
26 Area #3, as determined by the method of assessment chosen by the City; and

27       **WHEREAS**, the Act requires that the Proposed Assessment Roll be filed  
28 with the City Clerk and be subject to public inspection; and

29       **WHEREAS**, the Act requires that a public hearing (Assessment Hearing) be  
30 called to consider proposed assessments and requires the Council to hear and pass  
31 on any objections to the proposed assessments at, or on the adjournment of, the  
32 Assessment Hearing; and

33       **WHEREAS**, the Act requires that notice of the Assessment Hearing be  
34 mailed to property owners liable for assessment and published in a newspaper of  
35 general circulation in the City and the City's extraterritorial jurisdiction before the  
36 10<sup>th</sup> day before the date of the Assessment Hearing;

37       **WHEREAS**, the Council's final determination and approval of the costs of  
38 the Authorized Improvements benefitting property located in Improvement Area  
39 #3 shall be subject to and contingent upon the Council's approval, after the

Assessment Hearing, of a final Service and Assessment Plan, including the final Assessment Roll; and

**WHEREAS**, the City and Club Deal 120 Whisper Valley, Limited Partnership, the developer of the District (Developer) responsible for the construction of public improvements to serve Improvement Area #3 of the District, will enter into a Whisper Valley Public Improvement District Acquisition and Reimbursement Agreement Improvement Area #3 (Acquisition and Reimbursement Agreement) in substantially the form attached as Exhibit B; **NOW, THEREFORE**,

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

The Council approves the Preliminary SAP for the District, including the Proposed Assessment Roll. All capitalized terms not otherwise defined in this Resolution shall have the meanings given them in the Preliminary SAP.

**BE IT FURTHER RESOLVED:**

The Council determines that the total costs of the Authorized Improvements benefitting property located in Improvement Area #3 to be financed by the District are as set forth in Section V.C(4) of the Preliminary SAP, which costs do not include the payment of expenses incurred in the administration of the District.

61 **BE IT FURTHER RESOLVED:**

62 The Council directs that the Proposed Assessment Roll be filed with the City  
63 Clerk and be available for public inspection.

64 **BE IT FURTHER RESOLVED:**

65 The Council directs the City Clerk to publish notice of the Assessment  
66 Hearing to be held on August 31, 2023, in substantially the form attached as  
67 Exhibit C, in a newspaper of general circulation in the City and the City's  
68 extraterritorial jurisdiction, on or before August 15, 2023.

69 **BE IT FURTHER RESOLVED:**

70 When the Proposed Assessment Roll is filed with the City Clerk, the  
71 Council directs the City Clerk to mail to owners of property liable for assessment  
72 notice of the Assessment Hearing to be held on August 31, 2023.

73 **BE IT FURTHER RESOLVED:**

74 The Council approves the Acquisition and Reimbursement Agreement in  
75 substantially the form attached as Exhibit B. The City Manager, Mayor, and Mayor  
76 Pro Tem of the City are each authorized and directed to execute and deliver such  
77 Acquisition and Reimbursement Agreement with such changes as may be required  
78 to carry out the purpose of this Resolution and as approved by the City Manager,  
79 Mayor, or Mayor Pro Tem, such approval to be evidenced by the execution thereof.

82 **ADOPTED:** \_\_\_\_\_, 2023 **ATTEST:** \_\_\_\_\_

83

Myrna Rios

84

City Clerk

85

DRAFT