

## RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BAY CITY, TEXAS, AUTHORIZING AND CREATING A PUBLIC IMPROVEMENT DISTRICT IN THE CITY OF BAY CITY, MATAGORDA COUNTY, TEXAS, IN ACCORDANCE WITH CHAPTER 372 OF THE TEXAS LOCAL GOVERNMENT CODE; PROVIDING FOR RELATED MATTERS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Bay City, Texas (the "*City*"), is authorized under Chapter 372 of the Texas Local Government Code, as amended (the "*Act*"), to create a public improvement district ("*PID*") within its corporate limits; and

WHEREAS, the City received a petition from the owner of approximately 50 acres within the corporate limits of the City (the "*Petitioner*"), submitted and filed with the City Secretary of the City a petition (the "*Petition*") requesting the establishment of a PID (the "*District*") within the corporate limits of the City, such District to include the property described by metes and bounds in Exhibit "A" and depicted in Exhibit "B" (the "*Property*"), each attached hereto and incorporated herein for all purposes; and

WHEREAS, the City Council of the City (the "*City Council*") received the Petition which was signed by the owners of more than 50% of the appraised value of the taxable real property liable for assessment and the record owners of more than 50% of the area of all taxable real property within the District that is liable for assessment, and as such, the Petition complies with the Act; and

WHEREAS, on September 28, 2021, the City Council accepted the Petition and called a public hearing for October 26, 2021, on the creation of the District and the advisability of the improvements; and

WHEREAS, notice of the hearing was published in a newspaper of general circulation in the City in which the District is to be located on October 6, 2021; and,

WHEREAS, on September 30, 2021, notice to the owners of property within the proposed District was sent by first-class mail to the owners of 100% of the property subject to assessment under the proposed District containing the information required by the Act such that such owners had actual knowledge of the public hearing to be held on October 26, 2021; and

WHEREAS, on October 26, 2021 the City Council held such public hearing on the creation of the District and heard any comments or objection thereto;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BAY CITY, TEXAS:

SECTION 1. That the findings set forth in the recitals of this Resolution are found to be true and correct.

SECTION 2. That the Petition submitted to the City by the Petitioner was filed with the City Secretary and complies with the Act.

SECTION 3. That pursuant to the requirements of the Act, including, without limitation, Sections 372.006, 372.009(a), and 372.009(b), the City Council, after considering the Petition and any evidence and testimony presented at the public hearing on October 26, 2021 hereby finds and declares:

- (a) *Advisability of the Proposed Improvements.* It is advisable to create the District to provide the Authorized Improvements (as described below). The Authorized Improvements are feasible and desirable and will promote the interests of the City and will confer a special benefit on the Property.
- (b) *General Nature of the Authorized Improvements.* The general nature of the proposed public improvements (collectively, the "Authorized Improvements") (i) design, construction and other allowed costs related to street and roadway improvements, including related drainage, utility relocation, signalization, landscaping, lighting, signage, off-street parking and right-of-way; (ii) design, construction and other allowed costs related to storm drainage improvements, (iii) design, construction and other allowed costs related to water, wastewater and drainage (including detention) improvements and facilities, (iv) design, construction and other allowed costs related to parks, open space and recreational improvements including trails and landscaping related thereto; (v) design, construction and other allowed costs related to projects similar to those listed in sections (i) – (iv) above authorized by the Act, including similar off-site projects that provide a benefit to the property within the PID; (vi) payment of expenses incurred in the establishment, administration, and operation; and (vii) payment of expenses associated with financing such public improvement projects, which may include but are not limited to, costs associated with the issuance and sale of revenue bonds secured by assessments levied against the Property within the PID and (viii) maintenance and operation expenses of the Authorized Improvements. These Authorized Improvements shall promote the interests of the City and confer a special benefit upon the Property.
- (c) *Estimated Costs of the Authorized Improvements and Apportionment of Costs.* The estimated cost to design, acquire and construct the Authorized Improvements, together with bond issuance costs, eligible legal and financial fees, eligible credit enhancement costs and eligible costs incurred in the establishment, administration and operation of the PID is \$9,000,000 plus the annual cost of supplemental services and operation and maintenance costs, if any. The City will pay no costs of the Authorized Improvements, supplemental services or operation and maintenance costs from funds other than assessments levied on property within the PID. The remaining costs of the proposed improvements will be paid from sources other than those described above.
- (d) *Boundaries of the District.* Approximately 50 acres located in the East part of the City of Bay City between Hubbard Road and Old Van Vleck road, North of the intersection

of FM 457 and Highway 35A. A metes and bounds description is available from the City Secretary at Bay City City Hall, 1901 Fifth Street, Bay City, Texas 77414. The boundaries of the District are set forth in Exhibits "A" and "B" attached hereto.

- (e) *Proposed Method of Assessment.* The City shall levy assessments on each parcel within the PID in a manner that results in the imposition of an equal share of the costs of the Authorized Improvements on property similarly benefitted by such Authorized Improvements. The proposed method of assessment shall be based upon (i) an equal apportionment per lot, per front foot, or per square foot of property benefiting from the Authorized Improvements, as determined by the City, (ii) the ad valorem taxable value of the property benefiting from the Authorized Improvements, with or without regard to improvements on the property, or (iii) in any manner that results in imposing equal shares of the cost on property similarly benefitted.
- (f) *Apportionment of Cost Between the District and the City.* The City will not be obligated to provide any funds to finance the Authorized Improvements. All of the costs of the Authorized Improvements will be paid from assessments levied on properties in the PID and from other sources of funds available to the Petitioners.
- (g) *Management of the District.* The District shall be managed by the City, with the assistance of a consultant, who shall, from time to time, advise the City regarding certain operations of the District.
- (h) *Advisory Board.* The District shall be managed without the creation of an advisory body.

SECTION 4. That a Public Improvement District is hereby authorized and created as a public improvement district under the Act in accordance with the findings of the City Council as to the advisability of the Authorized Improvements contained in this Resolution, the nature and the estimated costs of the Authorized Improvements, the boundaries of the District, the method of assessment and the apportionment of costs as described herein; and the conclusion that the District is needed to fund such Authorized Improvements.

SECTION 5. That notice of this Resolution authorizing the District shall be given by publishing such notice once in a newspaper of general circulation in the City in which the District is to be located. Effective upon the publication of such notice, the District shall be established.

SECTION 6. That City staff is directed to cause to be prepared a Service and Assessment Plan for the District and to present it to the City Council for review and approval.

SECTION 7. That this Resolution shall take effect immediately from and after its passage and publication as required by law.

DULY RESOLVED by the City Council of the City of Bay City, Texas, on the 21st day of December, 2021.

---

Mayor

ATTEST:

---

City Secretary

STATE OF TEXAS §

COUNTY OF MATAGORDA §

Before me, the undersigned authority, on this day personally appeared Robert Nelson, Mayor of the City of Bay City, Texas, known to me to be such persons who signed the above and acknowledged to me that such persons executed the above and foregoing Ordinance in my presence for the purposes stated therein.

Given under my hand and seal of office this \_\_\_\_\_.

---

Notary Public, State of Texas

[NOTARY STAMP]

## EXHIBIT A

### Property Description

#### PROPERTY DESCRIPTION 49.71 ACRES

STATE OF TEXAS        }  
COUNTY OF MATAGORDA }

All of that certain tract or parcel containing 49.71 acres situated in the I. & G. N. R. R. Company Survey, Abstract No. 270 and in the I. & G. N. R. R. Company Survey, Abstract No. 271 of Matagorda County, Texas and being a part of the same property described as 40.40 acres in Deed dated February 20, 1937 from Amalia Teresa Meschkat to A. Uher, recorded in Volume 116, Page 516 of the Deed Records of Matagorda County, Texas and a part of the same property described as 5.06 acres in Deed dated June 14, 1937 from Gulf Coast Water Company to A. Uher, recorded in Volume 120, Page 402 of the Deed Records of Matagorda County, Texas and a part of the same property described as 28.88662 acres in Deed dated April 10, 1950 from G. A. Bailey and Myrtle Bailey to A. Uher, recorded in Volume 214, Page 28 of the Deed Records of Matagorda County, Texas. This 49.71 acres is more particularly described by moles and bounds as follows:

**BEGINNING** at an existing 1/2 inch iron rod (N=13,555,407.98; E=2,946,942.49) located in the West line of Old Van Vleet Road and at the Southeast corner of a 0.72 acre tract described in Deed recorded in File No. 20173019 of the Official Records of Matagorda County, Texas for the Northeast corner of this 49.71 acres being described;

**THENCE** South 03° 17' 50" East, with the West line of Old Van Vleet Road a distance of 393.86 feet to an existing fence corner post located at the Northeast corner of a 1.0 acre tract described in Deed recorded in File No. 112151 of the Official Records of Matagorda County, Texas and at the Southeast corner of a 20 Foot Wide Utility Easement described in Deed recorded in File No. 20176742 of the Official Records of Matagorda County, Texas for East corner of this 49.71 acres being described;

**THENCE** South 86° 25' 58" West [deed call = South 86° 28' 30" West] crossing a portion of the said 28.88662 acre tract with the North line of the said 1.0 acre tract and the South line of the said Utility Easement, a distance of 295.31 feet [deed call = 295.40 feet] to an existing 1/2 inch iron rod located in the East line of an 8.214 acre tract described in Deed recorded in File No. 20176743 of the Official Records of Matagorda County, Texas and at the Northwest corner of the said 1.0 acre tract and at the Southwest corner of the said Utility Easement for a corner of this 49.71 acres being described;

**THENCE** North 03° 20' 12" West [deed call = South 03° 19' 40" East], crossing a part of the said 28.88662 acre with the East line of the said 8.214 acre tract, a distance of 154.80 feet [deed call = 155.10 feet] to a 5/8 inch iron rod with plastic cap set at the Northeast corner of the said 8.214 acre tract for an interior corner of this 49.71 acres being described;

Page One

8735-001 PJ

Exhibit A

#8157988.2

**PROPERTY DESCRIPTION  
49.71 ACRES**

(continued)

**THENCE** South 86° 39' 48" West [deed call = North 86° 40' 20" East], crossing a portion of the said 28.68862 acre tract with the North line of the said 8.214 acre tract, a distance of 501.45 feet [deed call = 501.45 feet] to a 5/8 inch iron rod with plastic cap set at the Northwest corner of the said 8.214 acre tract for an interior corner of this 49.71 acres being described;

**THENCE** South 03° 20' 12" East [deed call = South 03° 19' 40" East], crossing a portion of the said 28.68862 acre tract with the West line of the said 8.214 acre tract, a distance of 424.23 feet [deed call = 424.31 feet] to an existing 1/2 inch iron rod located in the North line of a 13.7228 acre tract described in Deed recorded in File No. 20185002 of the Official Records of Matagorda County, Texas and at a corner of the said 8.214 acre tract for a corner of this 49.71 acres being described;

**THENCE** North 88° 50' 06" West [deed call = South 88° 50' 30" East], crossing a portion of the said 28.68862 acre tract and a portion of the above referenced 40.40 acre tract, with the North line of the said 13.7228 acre tract, a distance of 839.55 feet to an existing fence corner post located at the Northwest corner of the said 13.7228 acre tract for an interior corner of this 49.71 acres being described;

**THENCE** South 01° 06' 18" West [deed call = North 01° 09' 30" East], crossing a portion of the said 40.40 acre tract with the West line of the said 13.7228 acre tract and the West line of a 26,216 Square Foot tract described in Deed recorded in File No. 20206482 of the Official Records of Matagorda County, Texas, a distance of 850.02 feet to an existing 1/2 inch iron rod located in the North line of State Highway No. 35 and at the Southwest corner of the said 26,216 Square Foot tract for the Southeast corner of this 49.71 acres being described;

**THENCE** North 86° 14' 09" West, with the North line of State Highway No. 35, a distance of 181.42 feet to an existing 1/2 inch iron rod located at the East corner of a 0.84 acre tract described in Deed recorded in File No. 104270 of the Official Records of Matagorda County, Texas for the lower Southwest corner of this 49.71 acres being described;

**THENCE** North 36° 39' 10" West [deed call = South 33° 35' East], with the Northeast line of the said 0.84 acre tract and the Northeast line of the above referenced 5.09 acre tract and the Southwest line of the said 40.40 acre tract, a distance of 262.05 feet [deed call = 263.16 feet] to an existing 5/8 inch iron rod located at the Northeast corner of the said 0.84 acre tract for an interior corner of this 49.71 acres being described;

**THENCE** North 86° 18' 07" West [deed call = South 83° 00' East], crossing the said 5.09 acre tract with the North line of the said 0.84 acre tract, a distance of 184.42 feet [deed call = 184.4 feet] to an existing 5/8 inch iron rod located in the East line of the James Svadlik Subdivision relative to the plat recorded in Volume 2, Page 44 of the Plat Records of Matagorda County, Texas and in the West line of the said 5.09 acre tract and at the Northwest corner of the said 0.84 acre tract for the upper Southwest corner of this 49.71 acres being described;

Page Two

8735-381 PD

*Exhibit A*

#8157988.2

**PROPERTY DESCRIPTION  
49.71 ACRES**

(continued)

**THENCE** North 36° 52' 07" West (plat call = South 34° 30' East), with the Northeast line of the said subdivision and the West line of the said 5.09 acre tract, a distance of 1524.89 feet to an existing 1/2 inch iron rod located at the North corner of the said subdivision and at the Southwest corner of Birkner's Addition to the City of Bay City relative to the plat recorded in Volume 2, Page 85 of the Plat Records of Matagorda County, Texas and at the West corner of the said 5.09 acre tract for the West corner of this 49.71 acres being described;

**THENCE** North 54° 34' 44" East (plat call = South 59° 17' West), with an interior line of the said Birkner's Addition and the Northwest line of the said 5.09 acre tract, a distance of 94.27 to an existing 1/2 inch iron rod located at an interior corner of the said Birkner's Addition and at a corner of the said 5.09 acre tract for the Northwest corner of this 49.71 acres being described;

**THENCE** South 66° 47' 48" East (plat call = North 66° 04' West), with an interior line of the said Birkner's addition and the South line of a 10.00 acre tract described in Deed recorded in File No. 20151699 of the Official Records of Matagorda County, Texas and the South line of A. L. L. Subdivision relative to the plat recorded in Sills 351B-352A of the Plat Records of Matagorda County, Texas and the South line of Sander's and Ray Addition to the City of Bay City relative to the plat recorded in Volume 3, Page 34 of the Matagorda County Plat Records and the South line of the said 0.72 acre tract and with the North line of the said 5.09 acre tract and with the North line of the said 40.40 acre tract and with the North line of the said 28.68622 acre tract, a distance of 2953.16 feet to the **PLACE OF BEGINNING**, containing within these metes and bounds 49.71 acres.

The bearings and coordinates recited herein are Texas State Plane South Central Zone NAD'83 Grid based on RTK Network Base HAPB\_0219. This Property description and a plat were prepared from a survey made on the ground under my direction on October 19, 2020.

  
G & W ENGINEERS, INC.  
TBPLS Firm No. 10022100  
Henry A. Danysh  
Registered Professional  
Land Surveyor, No. 5088



Page Three

8735-C01 PD

Exhibit A

#8157988.2

### Property Depiction



Exhibit A