

A RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAIR OAKS RANCH, TEXAS AUTHORIZING AND CREATING THE POST OAK DEVELOPMENT PUBLIC IMPROVEMENT DISTRICT IN ACCORDANCE WITH CHAPTER 372 OF THE TEXAS LOCAL GOVERNMENT CODE; AUTHORIZING A DISSOLUTION AGREEMENT; PROVIDING FOR MATTERS RELATED TO THE ADMINISTRATION OF THE DISTRICT; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City Council adopted Resolution 2025-28 on May 20, 2025, accepting a petition (the "Petition") from BRMK Boerne Ranch, LLC to form the Post Oak Development Public Improvement District (the "District"), and

WHEREAS, pursuant to Chapter 372, Texas Local Government Code, (the "Act"), BRMK Boerne Ranch, LLC represents more than fifty percent (50%) of the appraised value of the real property liable for assessment in the proposed District and the record owners of taxable real property that constitute more than 50% of all of the area of all taxable real property that is liable for assessment per the Petition, and

WHEREAS, the boundaries of the proposed District are described in **Exhibit A** attached hereto, and the area for the District is within the boundaries and/or extraterritorial jurisdiction of the City, and

WHEREAS, the Petition was submitted to and filed with the City Secretary, and

WHEREAS, pursuant to the Act, City staff determined the Petition was sufficient, and

WHEREAS, after providing all notices required by the Act, the City conducted a public hearing on the advisability of the improvements described in the Petition on June 19, 2025. The public hearing was reconvened and closed on July 3, 2025.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAIR OAKS RANCH, TEXAS:

Section 1. After considering the Petition, evidence and testimony presented at the public hearing, and the requirements of the Act, the City Council hereby finds and declares:

- a. Advisability of the improvement. The proposed improvements are advisable and desirable, and it is in the best interest of the City of Fair Oaks Ranch to create the Post Oak Development District.
- b. General Nature of the Authorized Improvements. The general nature of the proposed public improvements to be provided by the District that are necessary for the development of the Property within the District, may include, without limitation (the "Authorized Improvements"): (1) landscaping; (2) erection of fountains, distinctive lighting, and signs; (3) acquiring, constructing, improving, widening, narrowing, closing, or rerouting of sidewalks or of streets, any other roadways, or their rights-of-way; (4) construction of improvement of pedestrian malls; (5) acquisition and installation of pieces of art; (6) acquisition, construction, or improvement of libraries; (7) acquisition, construction, or improvement of off-

street parking facilities; (8) acquisition, construction, improvement, or rerouting of mass transportation facilities; (9) acquisition, construction, or improvement of water, wastewater, or drainage facilities or improvements; (10) the establishment or improvement of parks; (11) projects similar to those listed in (1)-(10); (12) acquisition, by purchase or otherwise, of real property in connection with an authorized improvement; (13) special supplemental services for improvement and promotion of the District, including services relating to advertising, promotion, health and sanitation, water and wastewater, public safety, security, business recruitment, development, recreation, and cultural enhancement; (14) payment of expenses incurred in establishment, administration, and operation of the District, including the costs of financing the public improvements listed above; (15) the development, rehabilitation, or expansion of affordable housing; and (16) payment of expenses associated with operating and maintaining the improvements listed above and any other hard or soft costs associated with the development of the Property as allowed under the Act. These Authorized Improvements shall promote the interest of the City, are consistent with the City's Comprehensive Plan, and confer a special benefit upon the Property.

- c. Estimated Cost of the Authorized Improvements. The estimated Authorized Improvement costs, 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 District are currently estimated to be \$60,000,000. The City will pay none of the costs of the proposed improvements from funds other than the District assessments. The remaining costs of the proposed improvements will be paid from sources other than the City or assessments of property owners.
- d. Boundaries of the Proposed District. The District includes the Property as shown in **Exhibit B** hereto.
- e. Method of Assessment. An assessment methodology will be prepared that will address: (1) how costs of the Authorized Improvements financed with the assessments are assessed against the property in the District; (2) the assessments to be collected each year; and (3) reduction of assessments for costs savings (pursuant to an annual review of the service plan for the District). Additionally, a report will be prepared showing the special benefits accruing to property in the District and how the costs of the Authorized Improvements are assessed to property on the basis of the special benefits. Pursuant to the methodology, the City shall levy assessments on each parcel within the District in a manner that results in imposing equal shares of the costs on property similarly benefited, in compliance with the Act. All assessments may be paid in full at any time (including interest and principal), and certain assessments may be paid in annual installments (including interest and principal). If an assessment is allowed to be paid in installments, then the installments must be paid in amounts necessary to meet annual costs for those Authorized Improvements financed by the assessment and must continue for a period necessary to retire the indebtedness of those Authorized Improvements (including interest).
- f. Proposed Apportionment of Costs between the District and the City. The City will

not be obligated to provide any funds to finance the Authorized Improvements, other than from assessments levied on the District. No municipal property in the District shall be assessed. The Petitioner may also pay certain costs of the Authorized Improvements from other funds available to the Petitioner.

- g. Management of the District. The District will be managed by the City, with the assistance of a third-party administrator, who shall from time to time advise the City regarding certain operations of the District. The Administrator shall be paid as part of the annual administrative cost of the District.
- h. Advisory Body. Pursuant to the Act, the District is established and managed without the creation of an advisory board.

Section 2. The Post Oak Development Public Improvement District is hereby authorized and created as a Public Improvement District pursuant to the Act in accordance with the findings of the City Council as to the advisability of the Authorized Improvements and services identified in this resolution. This resolution shall take effect and the District shall be deemed to be established effective upon adoption of this resolution. The Authorized Improvements shall be made in accordance with the service and assessment plan for the District and other agreements as authorized by the City Council.

Section 3. The District can be terminated as provided by law or as provided in that certain “Agreement Regarding the Dissolution of the Post Oak Development Public Improvement District” dated July 3, 2025 (the “Dissolution Agreement”) attached as **Exhibit C** hereto. The Dissolution Agreement is hereby authorized and approved in substantially the form attached hereto, which is incorporated herein as part hereof for all purposes and the City Manager is authorized and directed to execute and deliver the Dissolution Agreement with such changes as may be required to carry out the purpose of this Resolution and as approved by the City Manager, such approval to be evidenced by the execution thereof. Subject to the last sentence of this Section 3, the power of the City to continue to levy and collect assessments within the District pursuant to the Act will cease and the District will be dissolved following the date that a petition requesting dissolution is filed with the City Secretary of the City of Fair Oaks Ranch and the petition contains signatures of at least the number of property owners in the District to make the petition sufficient for creation of a public improvement district as provided in Section 372.005(b) of the Act, and a public hearing has been held by the City Council as described in Section 372.011 of the Act, and as provided in the Dissolution Agreement. If the District is dissolved, the District shall remain in effect for the purpose of meeting obligations of indebtedness for the Authorized Improvements.

Section 4. That the recitals contained in the preamble hereto are hereby found to be true and such recitals are hereby made a part of this resolution for all purposes and are adopted as a part of the judgment and findings of the City Council.

Section 5. If any provision of this resolution or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this resolution and the application of such provision to other persons and circumstances shall nevertheless

be valid, and the City Council hereby declares that this resolution would have been enacted without such invalid provision.

Section 6. That it is officially found, determined, and declared that the meeting at which this resolution is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this resolution, was given, all as required by Chapter 551, as amended, Texas Government Code.

Section 7. All resolutions or parts thereof, which are in conflict or inconsistent with any provision of this resolution are hereby repealed to the extent of such conflict, and the provision of this resolution shall be and remain controlling as to the matters resolved herein.

Section 8. This resolution shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

Section 9. This resolution shall be in force and effect from and after its final passage, and it is so resolved.

PASSED, APPROVED, and ADOPTED on this 3rd day of July 2025.

Gregory C. Maxton, Mayor

ATTEST:

APPROVED AS TO FORM:

Christina Picioccio, TRMC
City Secretary

Denton Navarro Rodriguez Bernal Santee & Zech
P.C., City Attorney

EXHIBIT A
MEETS AND BOUNDS DESCRIPTION OF THE PROPERTY

A **344.6 acre** tract of land, out of the David Bradbury Survey No. 214, Abstract 33, Kendall County, Texas and the David Bradbury Survey No. 214, Abstract 989, Comal County, Texas and being all of a called 344.6 acre tract of land as described of record in Document No. 2023-378661 of the Official Records of Kendall County, Texas, and in Document No. 202306009264, corrected in 202306009477, of the Official Public Records of Comal County, Texas. Said **344.6 acre** tract being more particularly described by metes and bounds as follows:

BEGINNING at a found ½" iron rod in the apparent east right-of-way line of Ammann Road, no record found, at the southwest corner of a called 131.013 acre tract as described in Volume 113 Page 834 of the Deed Records of Kendall County, Texas, for the northwest corner of said 344.6 acre tract and the tract described herein;

THENCE: S 88° 15' 20" E, with the common line between said 131.013 acre tract and said 344.6 acre tract, a distance of **3926.35 feet** to a found 4" pipe fence post at the southeast corner of said 131.013 acre tract, in the west line of a called 140.452 acre tract of land as described in Volume 113 Page 836 of the Deed Records of Kendall County, Texas, in the west line of a called 114.9 acre tract of land as described in Volume 1195 Page 423 of the Official Records of Kendall County, Texas, for the northeast corner of said 344.6 acre tract and the tract described herein;

THENCE: S 02° 11' 22" E, with the common line between said 114.9 acre tract and the 344.6 acre tract, at **637.60 feet** a found ½" iron rod for the southwest corner of said 114.9 acre tract, and continuing with the common line between said 140.452 acre tract and said 344.6 acre tract, a total distance of **3820.91 feet** to a found ½" iron rod in the apparent north right-of-way line of Ammann Road, no record found, at the southwest corner of said 140.452 acre tract, at the southeast corner of said 344.6 acre tract and for the southeast corner of the tract described herein;

THENCE: With the apparent north and east right-of-way lines of Ammann Road, and the south and west lines of said 344.6 acre tract, the following ten (10) courses:

1. **S 78° 03' 34" W**, a distance of **7.45 feet** to a found ½" iron rod with a yellow plastic cap stamped "ACES" for an angle of the tract described herein,
2. **N 88° 26' 20" W**, a distance of **522.50 feet** to a found ½" iron rod with a yellow plastic cap stamped "ACES" for an angle of the tract described herein,
3. **N 88° 06' 20" W**, a distance of **318.70 feet** to a found ½" iron rod with a yellow plastic cap stamped "ACES" for an angle of the tract described herein,
4. **N 87° 19' 20" W**, a distance of **923.90 feet** to a found ½" iron rod with a yellow plastic cap stamped "ACES" for an angle of the tract described herein,
5. **N 89° 33' 20" W**, a distance of **727.10 feet** to a found ½" iron rod with a yellow plastic cap stamped "ACES" for an angle of the tract described herein,
6. **S 89° 45' 40" W**, a distance of **830.80 feet** to a found ½" iron rod with a yellow plastic cap stamped "ACES" for an angle of the tract described herein,
7. **S 89° 42' 40" W**, a distance of **587.60 feet** to a found ½" iron rod with a yellow plastic cap stamped "ACES" for an angle of the tract described herein,

8. **N 44° 35' 20" W**, a distance of **20.60 feet** to a found ½" iron rod with a yellow plastic cap stamped "ACES" for an angle of the tract described herein,
9. **N 01° 59' 20" W**, a distance of **1933.70 feet** to a found ½" iron rod with a yellow plastic cap stamped "ACES" for an angle of the tract described herein, and
10. **N 02° 09' 20" W**, a distance of **1926.20 feet** to the **POINT OF BEGINNING** and containing **344.6 acres** of land situated in both Kendall & Comal County, Texas.

Note: The basis of bearing was established using the Trimble VRS Network, NAD (83), Texas State Plane Coordinate System, South Central Zone, 4204, US Survey Foot, Grid. A survey plat was prepared by a separate document. Distances recited herein are grid distances.