

RESOLUTION NO. 2024-04

A RESOLUTION OF THE CITY OF MANOR, TEXAS APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE LANDOWNER AGREEMENTS AND NOTICES OF ASSESSMENT (ENTRADAGLEN PUBLIC IMPROVEMENT DISTRICT – IMPROVEMENT AREA #1)

WHEREAS, the City Council of City of Manor, Texas (the “City”), pursuant to and in accordance with the terms, provisions and requirements of the Public Improvement District Assessment Act, Chapter 372, Texas Local Government Code (the “PID Act”), authorized the creation of the EntradaGlen Public Improvement District (the “District”) pursuant to Resolution No. 2018-06 adopted by the City Council of the City (the “City Council”) on July 18, 2018; and

WHEREAS, the City received the “Petition for the Dissolution of the Original EntradaGlen Public Improvement District and for the Creation of a New Public Improvement District to Finance Improvements to Las Entradas and Shadowglen Subdivisions (EntradaGlen Public Improvement District)” (the “Petition”) on October 28, 2020, and the City Council conducted a public hearing on December 2, 2020, to consider the Petition; and

WHEREAS, on December 2, 2020, the City Council approved Resolution No. 2020-16 (the “Authorization Resolution”), authorizing, establishing and creating the EntradaGlen Public Improvement District (the “District”) to finance certain public improvements authorized by the PID Act (the “Authorized Improvements”) in part with assessments to be levied against property within the District that will directly benefit from such improvement; and

WHEREAS, pursuant to the PID Act, the City Council anticipates that it will, after holding a duly noticed public hearing, adopt a Service and Assessment Plan for the District and levy assessments against property located in the District to be used to finance such Authorized Improvements (the “Assessments”); and

WHEREAS, the City Council and the following individual owners of land in the District against which the Assessments are levied separately: a) Cottonwood Holdings, Ltd.; b) Peter A. Dwyer; c) Las Entradas Development Corp.; d) 12305 Eintrage LLC; GABS Inc.; e) Frontier Bank of Texas; f) Baylor Scott & White Health; g) Manor Grand LLC; h) Manor Apartments LLC; i) TransPak, Inc.; j) Manor Lodging Development, LLC; k) Llano Las Entradas I, LLC; l) Manor MF, LLC; and m) LVE Acquisitions, LLC, (each a “Landowner” and collectively, the “Landowners”) intend for the obligations, covenants and burdens on each Landowner as an owner of property in the District against which the Assessments are levied, including without limitation such Landowners’ obligations related to payment of the Assessments and the Annual Installments (as defined and described in a Service and Assessment Plan), to constitute a covenant running with the land; and

WHEREAS, the meeting at which this Resolution is considered is open to the public as required by law, and the public notice of the time, place and purpose of said meeting was given as required by Chapter 551, Texas Government Code, as amended;

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

SECTION 1. Findings. The definitions, findings and premises contained in the preamble above are hereby deemed to be true and correct and incorporated herein. Capitalized terms used in this Resolution and not otherwise defined herein shall have the meanings assigned to them in the Service and Assessment Plan.

SECTION 2. Approval of Landowner Agreements. Those certain individual Landowner Agreements and Notices of Assessment (EntradaGlen Public Improvement District– Improvement Area #1) (each, a “Landowner Agreement,” and collectively, the “Landowner Agreements”) by and between the City and the Landowners are hereby authorized and approved in substantially the form attached hereto as Exhibit A, which is incorporated herein as a part hereof for all purposes, and the Mayor of the City is hereby authorized and directed to execute and deliver such Landowner Agreements upon receiving satisfactory evidence that the Landowners are the true and correct owners of the respective properties in question at the time of signing the agreements, with such changes as may be required to carry out the purposes of this Resolution and approved by the Mayor, such approval to be evidenced by the execution thereof. The Mayor’s signature on the Landowner Agreements may be attested by the City Secretary.

SECTION 3. Filing in Official Public Records. The City Secretary is directed to cause copies of the Landowner Agreements to be recorded in the Official Public Records of the County of Travis, Texas.

SECTION 4. Governing Law. This Resolution shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

SECTION 5. Effect of Headings. The Section headings herein are for convenience only and shall not affect the construction hereof.

SECTION 6. Severability. If any provision of this Resolution or the application thereof to any circumstance shall be held to be invalid, the remainder of this Resolution or the application thereof to other circumstances shall nevertheless be valid, and this governing body hereby declares that this Resolution would have been enacted without such invalid provision.

SECTION 7. Construction of Terms. If appropriate in the context of this Resolution, words of the singular number shall be considered to include the plural, words of the plural number shall be considered to include the singular, and words of the masculine, feminine or neuter gender shall be considered to include the other genders.

SECTION 8. Effective Date. This Resolution shall become effective from and after its date of passage in accordance with law.

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PASSED AND APPROVED on the 21st day of February 2024.

Dr. Christopher Harvey
Mayor, City of Manor, Texas

ATTEST:

Lluvia T. Almaraz
City Secretary

(SEAL)

EXHIBIT A

Landowner Agreements