

**RESOLUTION NO. 2021-15**

**A RESOLUTION OF THE CITY OF MANOR, TEXAS APPROVING AND  
AUTHORIZING THE ROSE HILL PUBLIC IMPROVEMENT DISTRICT  
REIMBURSEMENT AGREEMENT**

**WHEREAS**, the City of Manor (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 "Rose Hill Public Improvement District" (the “District”) pursuant to Resolution No. 2003-15 adopted by the Manor City Council (the “City Council”) on June 25, 2003; and

**WHEREAS**, on September 20, 2006, the City authorized Resolution No. 2006-14 to include additional land within the District; and

**WHEREAS**, the City entered into a Development Agreement with RH-Manor, Ltd. and The Parke at Hawk Hollow, L.P. that stated the intent and expectation of the parties that the City would reimburse RH-Manor, Ltd. and The Parke at Hawk Hollow, L.P., or their successors in interest, for the costs of the construction of certain public improvements constructed for the benefit of the District; and

**WHEREAS**, Continental Homes of Texas, L.P., a Texas limited partnership (“Continental Homes”) is, for the purposes of the Development Agreement, the successor in interest to the obligations and interests of RH-Manor, Ltd. and The Parke at Hawk Hollow, L.P. under the Development Agreement; and

**WHEREAS**, the parties to the Development Agreement entered into a Management Agreement with Kevin McCright which was approved and effective June 26, 2003 which directed the management of the Rose Hill PID and the reimbursement obligations of the PID; and

**WHEREAS**, the Management Agreement terminated on March 18, 2020 due to the resignation of Kevin McCright as the PID manager; and

**WHEREAS**, the City Council finds and determines to approve the forms, terms, and/or provisions of a PID Reimbursement Agreement to direct the management of the PID and the reimbursement obligations of the PID; and

**WHEREAS**, this Resolution and the PID Reimbursement Agreement approved by it, are in furtherance of the intentions of the parties to the Development Agreement;

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

Section 1. Findings. The findings and determinations set forth in the preamble hereof are hereby incorporated by reference for all purposes as if set forth in full herein. Capitalized terms used in this Resolution and not otherwise defined herein shall have the meanings assigned to them in the PID Reimbursement Agreement.

Section 2. Approval of PID Reimbursement Agreement. The Rose Hill Public Improvement District Reimbursement Agreement (the “PID Reimbursement Agreement”), between the City and Continental Homes is hereby approved in substantially the form attached hereto as Exhibit A, and the Mayor of the City (the “Mayor”) or the City Manager of the City (the “City Manager”) is hereby authorized and directed to execute the PID Reimbursement Agreement, with such changes as may be required to carry out the purposes of this Resolution and approved by the Mayor or City Manager, such approval to be evidenced by the execution thereof. The Mayor's or City Manager's signature on the PID Reimbursement Agreement may be attested by the City Secretary.

Section 3. Additional Actions. The Mayor, Finance Director, City Manager, and City Secretary of the City are hereby authorized and directed to take all actions on behalf of the City necessary or desirable to carry out the intent and purposes of this Resolution. The Mayor, Finance Director, City Manager, and City Secretary of the City are hereby directed to execute and deliver any and all certificates, agreements, notices, instruction letters, requisitions, and other documents which may be necessary or advisable in the carrying out of the purposes and intent of this Resolution.

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.

*[Execution page follows.]*

**PASSED AND APPROVED** by the City Council of Manor, Texas, at a regular meeting on the 2<sup>nd</sup> day of June 2021, at which a quorum was present, and for which due notice was given pursuant to Government Code, Chapter 551.

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Dr. Larry Wallace Jr.  
Mayor, City of Manor, Texas

**ATTEST:**

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Lluvia T. Almaraz  
City Secretary



**EXHIBIT A**

**ROSE HILL PUBLIC IMPROVEMENT DISTRICT  
REIMBURSEMENT AGREEMENT**