

RESOLUTION NO. 2020-08

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANOR, TEXAS, ACCEPTING A PETITION FOR ADDITION OF LANDS TO THE MANOR HEIGHTS PUBLIC IMPROVEMENT DISTRICT AND CALLING FOR A PUBLIC HEARING.

WHEREAS, the City of Manor, Texas (the “City”) is authorized by Chapter 372, Texas Local Government Code, as amended (the “Act”) to create a public improvement district and to levy special assessments against property within the district to pay the costs of public improvement projects that confer a special benefit on property within the district; and

WHEREAS, the City Council of the City of Manor (the “City Council”) has previously created the Manor Heights Public Improvement District (the “District”) pursuant to Resolution 2018-10 adopted on November 7, 2018 (the “Creation Resolution”);

WHEREAS, on or about September 3, 2019, the owners of certain real property (the “Additional Land”) submitted to and filed with the City Secretary of the City that certain “Petition for the Addition of Land to Manor Heights Public Improvement District Within the City of Manor, Texas” (the “Petition”), which is attached as Exhibit “A” meeting the requirements of the Act and indicating: (i) the owners of more than fifty percent (50%) of the appraised value of the taxable real property liable for assessment, and (ii) the owners of more than fifty percent (50%) of the area of all taxable real property liable for assessment within the Additional Land and more than fifty percent (50%) of all record owners of property liable for assessment within the Additional Land have executed the Petition requesting the addition of such Additional Land to the District; and

WHEREAS, the Act states that a Petition to include land in a public improvement district is sufficient if signed by owners of more than fifty percent (50%) of the taxable real property, according to appraised value, and either of the following: more than fifty percent (50%) of the area of all taxable real property liable for assessment under the proposal, or more than fifty percent (50%) of all record owners of property liable for assessment; and

WHEREAS, the Act further requires that prior to the adoption of the resolution determining the boundaries of the District, the City Council must hold a public hearing on the advisability of the improvements, the nature of the improvements contemplated, the estimated costs of the improvements, the method of assessment, and the apportionment, if any, of the costs between the District and the City.

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

SECTION 1. The City Council hereby approves the recitals contained in the preamble of this Resolution and finds that all the recitals are true and correct and incorporate the same in the body of this Resolution as findings of fact.

SECTION 2. City staff reviewed the Petition and determined that same complied with the requirements of the Act and the City Council accepts the Petition. The Petition is filed with the office of the City Secretary and is available for public inspection.

SECTION 3. The City Council calls a public hearing to be scheduled at or after 7:00 p.m. on October 7, 2020 to be held at Manor City Hall, 105 E. Eggleston Street, Manor, Texas on the advisability of the improvements, the nature of the improvements contemplated, the estimated costs of the improvements, the boundaries of the District, the method of assessment, and the apportionment, if any, of the costs between the District and the City. All residents and property owners within the District and the Additional Land, and all other persons, are hereby invited to appear in person, or by their attorney, and speak on the addition of the Additional Land to the District.

SECTION 4. The Public Hearing may be adjourned from time to time. Upon the closing of the Public Hearing, the City Council may consider the adoption of a resolution adding the Additional Land to the District or may defer the adoption of such a resolution for up to six (6) months. The addition of the Additional Land to the District is within the sole discretion of the City Council.

SECTION 5. The City Council hereby authorizes and directs the City Secretary, on or before September 21, 2020, in accordance with the Act, to: (a) publish notice of the public hearing in a newspaper of general circulation in the City; and (b) mail notice of the public hearing to the owners of the Additional Land as reflected on the tax rolls.

SECTION 6. If any section, article, paragraph, sentence, clause, phrase or word in this resolution or application thereof to any persons or circumstances is held invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this resolution; and the City Council hereby declares it would have passed such remaining portions of the resolution despite such invalidity, which remaining portions shall remain in full force and effect.

PASSED AND ADOPTED by the City Council of Manor, Texas, at a regular meeting on the 16th day of September 2020, at which a quorum was present, and for which due notice was given pursuant to Government Code, Chapter 551.

Dr. Larry Wallace Jr., Mayor

ATTEST:

Lluvia T. Almaraz, City Secretary
City of Manor, Texas

**EXHIBIT "A"
PETITION FOR ADDITION OF LAND**

**PETITION FOR ADDITION OF LAND TO MANOR HEIGHTS PUBLIC
IMPROVEMENT DISTRICT WITHIN
THE CITY OF MANOR, TEXAS**

This petition (the “**Petition**”) is submitted and filed with the City Secretary of the City of Manor, Texas (the “**City**”), by Forestar (USA) Real Estate Group, Inc., a Delaware corporation (the “**Owner**”), acting pursuant to the provisions of Chapter 372, Texas Local Government Code, as amended (the “**Act**”), requesting the addition of the property located within the corporate limits of the City to the Manor Heights Public Improvement District (the “**District**”). In support of this Petition, the Owner would present the following:

1. Additional District Land. The District was established through the City Council’s adoption of Resolution 2018-10 (the “**Creation Resolution**”) on November 7, 2018. The area of the District as created through the Creation Resolution consists of 599 acres of land. The area of the District does not include that portion of land consisting of approximately 3 acres, the boundaries of which are delineated as that segment of the right of way known as Old Kimbro Road going over and through the District. The Owner hereby requests that the City consent to the addition of such land, which is more particularly described in Exhibit A attached hereto (the “**Additional District Land**”), to the District.

2. General Nature of the Improvements. The improvements that will be made to provide a special benefit to the Additional District Land are of the same type as those improvements for which the District was created and identified in the Creation Resolution (the “**Authorized Improvements**”). The Authorized Improvements shall promote the interests of the City and confer a special benefit on property in the District, including on that portion comprised of the Additional District Land.

3. Estimated Cost of the Improvements. The Owner estimates that the cost to design, acquire, and construct the Authorized Improvements benefitting the Additional District Land, together with bond issuance costs, eligible legal and financial fees, eligible credit enhancement costs and eligible costs allocated to the Additional District Land will not, when added to the Authorized Improvements contained in the Creation Resolution, cause the total costs of improvements that will benefit District to exceed the \$30,000,000 costs of improvements identified in the Creation Resolution.

4. Boundaries of the Property. The boundaries of the Additional District Land are identified in cross-hatching on Exhibit A to this Petition. The proposed boundaries of the District after addition of the Additional District Land shall include all property identified on Exhibit B attached hereto.

5. Proposed Method of Assessment. The proposed method of assessment will be identical to the proposed method of assessment approved by the City in the Creation Resolution. A revised assessment methodology will be prepared that will address (i) how the costs of the Authorized Improvements financed with the assessments are assessed against the property within the District, (ii) the assessments to be collected each year, (iii) provisions providing for the prepayment of the assessments at the option of the owner of any portion of the property within the

District, (iv) the reallocation of the assessment upon the subdivision of a portion of the property within the District, and (v) reduction of the assessments for costs savings (pursuant to the annual review of the service plan for the District) and (vi) repayment of bonds issued to finance the Authorized Improvements. Additionally, a report will be prepared showing the special benefits accruing to the property within the District and how the costs of the Authorized Improvements are assessed to the property within the District on the basis of the special benefits. The result will be that equal shares of the costs will be imposed on the portions of the property within the District similarly benefited.

6. Proposed Apportionment of Cost between the District and the City. The City shall not be obligated to provide any funds to finance the Authorized Improvements. The cost of the Authorized Improvements will be paid from assessments to be levied in the District or bonds to be issued by the City, which bonds will be repaid from the assessments and from other sources of funds, if any, available to the Owner.

7. Management of the District. The Owner proposes that, following the addition of the Property to the District, the District continue to 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.

8. Owner Requests Addition of Property to the District. The person signing this Petition requests the addition of the Property to the District.

9. Advisory Board. The Owner proposes that, following the addition of the Property to the District, the District continue to be managed without the creation of any advisory body.

This Petition has been signed by (1) the owners of taxable real property representing more than 50 percent of the appraised value of the Property which is the taxable real property liable for assessment under the proposal, as determined by the current roll of the appraisal district in which the property is located; and (2) record owners of the Property which is the real property liable for assessment under the proposal who: (A) constitute more than 50 percent of all record owners of property that is liable for assessment under the proposal; or (B) own taxable real property that constitutes more than 50 percent of the area of all taxable real property that is liable for assessment under the proposal.

This Petition is hereby filed with the City Secretary of the City in support of the addition of the Property to the District by the City Council as herein provided. The undersigned requests that the City Council grant its consent as above stated.

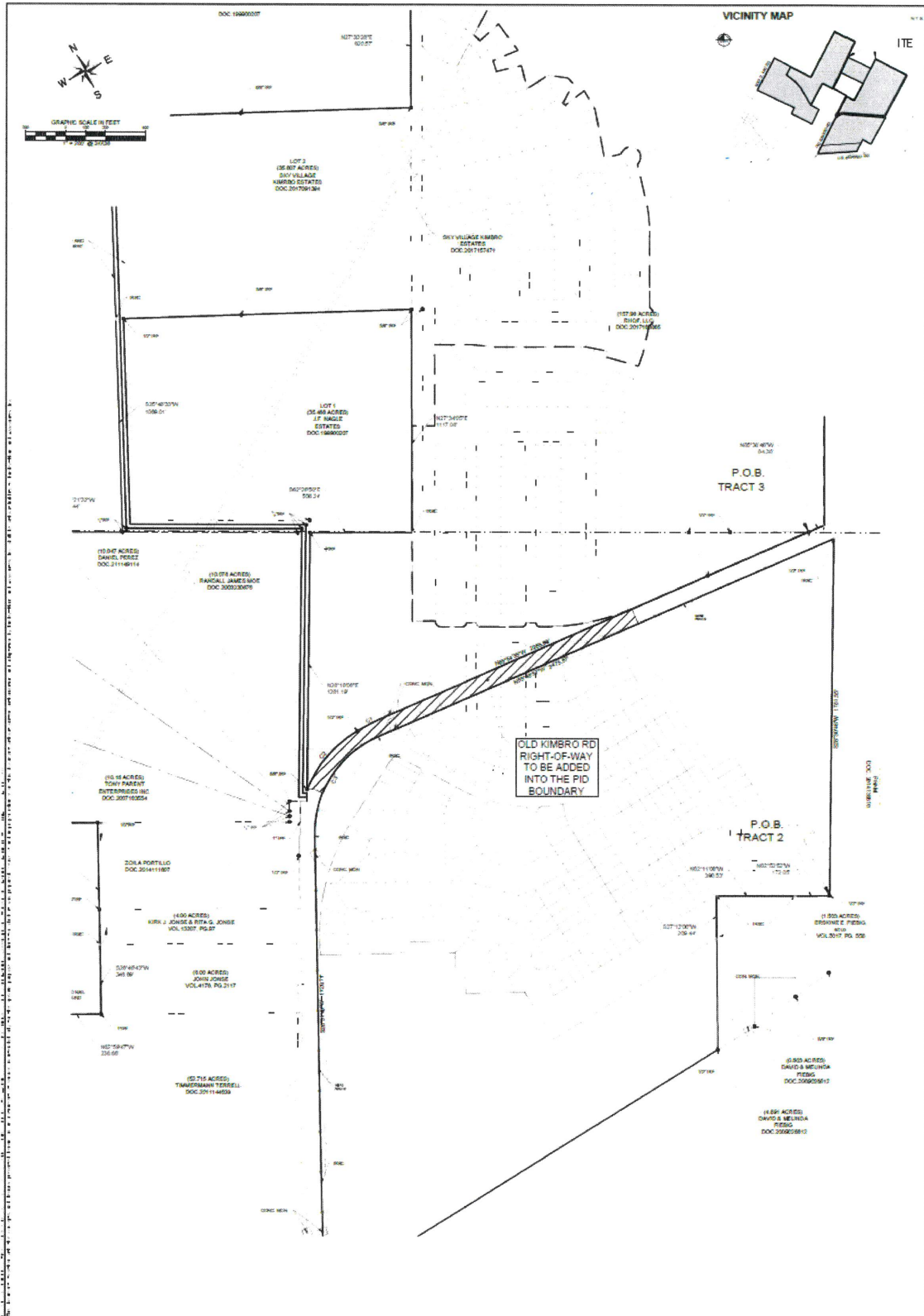
[Signatures to Follow]

RESPECTFULLY SUBMITTED, on this 3 day of sept, 2020.

**FORESTAR (USA) REAL ESTATE GROUP,
INC.,** a Delaware Corporation

By: John Maberry
Name: John Maberry
Title: Vice President

EXHIBIT A DESCRIPTION OF THE PROPERTY



MANOR HEIGHTS

EXHIBIT A

Kimley & Horn

© 2018 KIMLEY-HORN AND ASSOCIATES, INC.
 1001 S. JEFFERSON ROAD, SUITE 100, AUSTIN, TX 78746
 PHONE: 512.424.1111 FAX: 512.424.1115
 WWW.KIMLEY-HORN.COM
 10440101001-01-000001-000001

**A METES AND BOUNDS
DESCRIPTION OF A
3.700 ACRE RIGHT-OF-WAY OF LAND**

BEING a 3.700 acre (161,158 square feet) tract of land situated in the A.C. Caldwell Survey No. 52, Abstract No. 154, City of Manor, Travis County, Texas; and being a portion of Old Kimbro Road (80 feet wide); and being more particularly described as follows:

COMMENCING, at a 1/2-inch iron rod with a plastic cap stamped "KHA" found on the southerly right-of-way line of said Old Kimbro Road marking the northwest corner of a called 51.533 acre tract of land described in instrument to Chau Dinh and Kim Pham recorded in Document No. 2014139510 of the Official Public Records of Travis County, same being the northeast corner of a called 90.0886 acre tract of land described in instrument to RHOF, LLC recorded in Document No. 2017194263 of the Official Public Records of Travis County;

THENCE, North 85°48'57" West, 846.55 feet, along the southerly right-of-way line of Old Kimbro Road and the north line of said 90.0886 acre tract to the **POINT OF BEGINNING** of the herein described tract;

THENCE, continuing along the southerly right-of-way of said Old Kimbro Road and along the north line of said 90.0886 acre tract the following two (2) courses and distances:

1. North 85°48'57" West, 1629.02 feet to an iron rod with plastic cap stamped "KHA" found for a point of curvature;
2. in a southwesterly direction, along a tangent curve to the left, a central angle of 43°49'58", a radius of 533.10 feet, a chord bearing and distance of South 72°20'04" West, 397.96 feet, and a total arc length of 407.84 feet to a point for corner;

THENCE, departing the north line of said 90.0886 acre tract and crossing said Old Kimbro Road the following two (2) courses and distances:

1. North 40°17'42" West, 46.07 feet to a point for corner;
2. North 61°40'04" West, 35.46 feet to a 5/8-iron rod found on the northerly right-of-way line of said Old Kimbro Road marking the southwest corner of a called 157.9603 acre tract of land described in instrument to RHOF, LLC recorded in Document No. 2017180865 of the Official Public Records of Travis County;

THENCE, along the northerly right-of-way line of said Old Kimbro Road and along the south line of said 157.9603 acre tract the following three (3) courses and distances:

1. in a northeasterly direction, along a non-tangent curve to the right, a central angle of 36°32'19", a radius of 613.14 feet, a chord bearing and distance of North 68°23'46" East, 384.42 feet, and a total arc length of 391.01 feet to a 1/2-iron rod found for a point for corner;
2. in a northeasterly direction, along a non-tangent curve to the right, a central angle of 7°10'29", a radius of 1407.07 feet, a chord bearing and distance of South 89°23'14" East, 176.08 feet, and a total arc length of 176.20 feet to a concrete monument found for a point of tangency;
3. South 85°54'35" East, 1541.16 feet to a point for corner;

THENCE, South 4°11'03" West, 80.00 feet departing the south line of said 157.9603 acre tract and crossing said Old Kimbro Road to the **POINT OF BEGINNING**, and containing 3.700 acres of right-of-way in Travis County, Texas. The basis of bearing for this description is the Texas State Plane Coordinate System Grid, Central Zone (FIPS 4203) (NAD'83). All distances are on the surface and shown in U.S. Survey Feet. To convert grid distances to grid, apply the combined SURFACE to GRID scale factor of 0.99992097045. This document was prepared in the office of Kimley-Horn and Associates, Inc. in San Antonio, Texas.

ABEL P. STENDAHL
REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 6754
601 NW LOOP 410, SUITE 350
SAN ANTONIO, TEXAS 78216
PH. 210-541-9166
abel.stendahl@kimley-horn.com



**EXHIBIT OF A 3.700 ACRE
RIGHT-OF-WAY
TO BE RELEASED**

A.A. CALDWELL SURVEY NO.52,
ABSTRACT NO. 154
TRAVIS COUNTY, TEXAS

Kimley»Horn

601 NW Loop 410, Suite 350
San Antonio, Texas 78216

FIRM # 10193973

Tel. No. (210) 541-9166
www.kimley-horn.com

| Scale | Drawn by | Checked by | Date | Project No. | Sheet No. |
|-------|----------|------------|----------|-------------|-----------|
| N/A | DJG | APS | 9/3/2020 | 069255703 | 1 OF 2 |

EXHIBIT B

METES AND BOUNDS DESCRIPTION OF LAND IN THE DISTRICT

