

RESOLUTION NO. 2023-34

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
TOMBALL, TEXAS APPROVING A REIMBURSEMENT
AGREEMENT RELATING TO THE WINFREY ESTATES PUBLIC
IMPROVEMENT DISTRICT.**

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WHEREAS, on August 15, 2022 the City Council passed and approved a resolution creating the Winfrey Estates Public Improvement District (the “District”) covering approximately 34.4945 acres of land described by metes and bounds in said Resolution (the “District Property”); and

WHEREAS, the purpose of the District is to finance public improvements (the “Authorized Improvements”) as provided by Chapter 372, Texas Local Government Code, as amended (the “PID Act”) that promote the interests of the City and confer a special benefit on the Assessed Property within the District; and

WHEREAS, the District Property is being developed in accordance with that certain “Winfrey Estates Development Agreement,” executed by and between the Developer, and the City effective April 18, 2022 (the “Development Agreement”); and

WHEREAS, the District Property is being developed and special assessments will be levied against the Assessed Property (as to be defined in the SAP) within the District Property to pay the costs of certain authorized public improvements that confer a special benefit on the Assessed Property within the District Property; and

WHEREAS, CHTA Development, Inc. a Texas corporation (the “Developer”) is the developer of the District Property; and

WHEREAS, the City Council intends to pass and approve on the effective date hereof, an (the “Assessment Ordinance”) which, among other things, will approve a service and assessment plans (the “SAP”) that will levy Assessments on assessable property in the District, and establish the dates upon which interest on such Assessments will begin to accrue and collection of such assessments will begin; and

WHEREAS, from revenues received from the Assessments levied on property within each improvement area or phase of the District Property and pursuant to the SAP, the City intends to reimburse the Developer for all of a portion of the costs of certain public improvements (the “Authorized Improvements”) within the District; and

WHEREAS, the Developer and the City previously entered into a Reimbursement Agreement (the “ Original Reimbursement Agreement”) in order to evidence the City’s intention to reimburse the Developer for all or a portion of the costs of the Authorized Improvements from Assessments levied on assessable property within the District; and

WHEREAS, the Developer and the City wish to enter into an amended and restated reimbursement agreement (the “Amended and Restated Reimbursement Agreement”) to reflect the amount of reimbursement to the Developer as set forth in the Service and Assessment Plan;

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

Section 1. The capitalized terms defined in the recitals to this Resolution are hereby approved and adopted as a part of this Resolution. Capitalized terms not herein defined are defined in the Amended and Restated Reimbursement Agreement or in the SAP.

Section 2. The City Council hereby approves the Amended and Restated Reimbursement Agreement in substantially the form attached hereto as **Exhibit A**, with such changes as may be approved by the City Manager, and authorizes the Mayor to execute and the City Secretary to attest such Agreement.

Section 3. This resolution shall take effect immediately from and after its passage by the City Council of the City.

PASSED, APPROVED, AND RESOLVED this 17th day of July 2023.

Lori Klein Quinn
Mayor

ATTEST:

Tracylynn Garcia
City Secretary