



facilities or improvements; (10) the establishment or improvement of parks; (11) projects similar to those listed in items (1)-(10) above, including masonry walls as part of the pedestrian malls and park improvements (the "Buffer Improvements"); (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 the establishment, administration, and operation of the district; (15) the development, rehabilitation, or expansion of affordable housing within the District; and (16) the payment of expenses incurred in the establishment, administration, and operation of the District, including costs of issuance, funding debt service and capitalized interest reserves and credit enhancement fees of any bonds issued relating to the District, if necessary. The authorized improvements within the District will include, but not be limited to, specific regional sewer improvements which will include: a regional sewer lift station; regional sewer force mains; regional gravity sewer mains; and related improvements, as identified on Exhibit "B" hereto, to be used upon completion by the City to provide sanitary sewer service to the property within the District (the "Regional Sewer Improvements"). The improvements identified in this Article III are collectively referred to herein as the "Authorized Improvements".

The area comprising the proposed District is not presently improved with sewer utilities in a way that will lead to new properly restricted development in the District and the City. The creation of the District is necessary in order to advance, upgrade and pay for or finance the construction of the Authorized Improvements within the District to provide such sewer service, and to provide the other Authorized Improvements. The proposed District and the Authorized Improvements are feasible, necessary, and will be a benefit to the land within the District.

After construction, the Regional Sewer Improvements identified on Exhibit "B" will be dedicated to the City to become part of, and operated under, the City's sanitary sewer system, and the lawful rules and regulations of the City related to such service. The dedication of improvements to the City will be subject to the City's inspection and approval prior to acceptance. The Petitioners, being the persons or entities that signed the Petition and have executed this Amendment, request and concur with the establishment of the District.

#### **ARTICLE IV ESTIMATED COSTS**

The estimated costs of the Authorized Improvements are:

- (1) The estimated cost of the design, construction, acquisition and financing of the Regional Sewer Improvements and Buffer Improvements within and or benefiting the District is not expected to exceed \$30,000,000, which cost is proposed to be financed through the issuance of revenue bonds by the City pursuant to Chapter 372 of the Texas Local Government Code, together with the costs of administering, establishing and operating the District, and the costs of issuance of and interest on such bonds. The revenue bonds would be repaid solely from a pledge of assessments made and collected on benefitted property within the District; and
- (2) The estimated cost of the design, construction, and acquisition of the other Authorized Improvements within the District included in items (1) through (16), above, but excluding the Regional Sewer Improvements and Buffer Improvements, is estimated to be \$51,906.27 per acre of developed property on the +/- 1,507 acres to be developed within the District.

## **ARTICLE V DISTRICT BOUNDARIES**

The District shall contain an area of approximately 1,816.29 acres of land, located partially in Hays County and partially in Guadalupe County, Texas, said land being more specifically identified in the map attached hereto as Exhibit “A-1” (the “Property”). The Property is further identified by Hays and Guadalupe County Appraisal District Parcel ID Numbers on Exhibit “A-2”, which is attached hereto and incorporated herein for all purposes. The District is situated within the corporate limits and extraterritorial jurisdiction of the City. The Property may properly be included within the District. None of the Property is within the corporate boundaries or extraterritorial jurisdiction of any other municipality.

## **ARTICLE VI METHOD OF ASSESSMENT; ASSESSABLE PROPERTY**

The proposed method of assessment related to the costs of design, construction, financing, and acquisition of the Regional Sewer Improvements, the Buffer Improvements, and other Authorized Improvements is to impose a special assessment to be paid in installments on all parcels of property within the District, net of any public right-of-way, according to the number of square feet of land contained in each parcel of property, or in any other manner that results in imposing equal shares of the cost of the Regional Sewer Improvements, the Buffer Improvements, and other Authorized Improvements on property similarly benefitted. A report will be prepared showing the special benefits accruing to property within the District and how the costs of the Regional Sewer Improvements, Buffer Improvements, and other Authorized Improvements are assessed to property on the basis of special benefit received by the property from the said improvements. 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 in part by the assessment, and must continue for a period necessary to retire the indebtedness on those Authorized Improvements (including interest).

Petitioners request that the following classes of assessable property be excluded from the assessment rolls: Any property which is public right of way and 100% exempt from ad valorem taxation according to the respective official tax roll of Hays and Guadalupe Counties.

Petitioners request that the following classes of assessable property be included in the assessment rolls: All property identified on Exhibit “A-1” and “A-2” which is not public right of way and not 100% exempt from ad valorem taxation according to the respective official tax roll of Hays and Guadalupe Counties.

## **ARTICLE VII APPORTIONMENT OF COSTS**

The cost of the Regional Sewer Improvements required for providing sanitary sewer service to the Property within the District, the cost of the Buffer Improvements, and the costs of the other Authorized Improvements acquired to benefit Property within the District, will be paid from assessments levied on the property within the District.

## **ARTICLE VIII MANAGEMENT**

The District will be managed by an entity that is approved and created by the City pursuant to § 372.023 (a) (3) of Chapter 372, which entity shall be named the “Board of Directors of the Staples Road Public Improvement District” (the “PID Board”). The PID Board shall be comprised of three board members that are nominated by the Petitioners, and appointed by the City Council in the resolution creating the District. The PID Board shall assigned the responsibility for preparing an ongoing service plan and presenting the plan to the City Council for review and approval pursuant to § 372.013 of Chapter 372, and of management of the design, construction, and maintenance of the Authorized Improvements acquired or provided within the District on behalf of the City. The three (3) individuals nominated by Petitioners and representing property owners in the District, to be appointed by the City to the PID Board, shall be one person nominated in writing by each of the following property owners:

1. The Mayan at San Marcos River, LLC;
2. HK Baugh Ranch, LLC; and
3. Freeman Educational Foundation.

Each of the above property owners has submitted their nomination to the City Clerk prior to the filing of this Amendment. In the event an individual appointed by the City to the PID Board as described herein (the “Director”) is no longer willing or able to serve, the property owner that nominated that Director shall submit a nomination to the City Clerk, in writing, nominating an individual to serve as a replacement for that Director. In the event a Petitioner conveys its property to a successor and does not reserve the right of nomination, the successor shall have the right to nominate the Director.

## **ARTICLE IX DISTRICT REQUEST**

Pursuant to Section 372.005 (7) of Chapter 372, the property owners acting through the individuals signing this Petition hereby request the City to establish of the District, and concur with the creation of the District both individually and on behalf of the entities which they represent.

## **ARTICLE X GENERAL PROVISIONS.**

Petitioners pray that the Petition, as amended by this Amendment, be heard and acted upon by the City Council of San Marcos, Texas on or before October 7, 2020. Petitioners have confirmed that a notice of a public hearing at which the City Council will consider the advisability of the Authorized Improvements and the creation of the District was published on September 20, 2020 in a newspaper of general circulation; and, that said notice was mailed to the current address of the owners of property within the District, as required by § 372.009 of Chapter 372. The Petitioners request that the Council, after the close of the public hearing, approve and adopt a resolution: making findings as to, and authorizing, the Authorized Improvements; establishing the Staples Road Public Improvement District in the manner specified in Chapter 372; and creating the PID Board and appointing the Directors as requested herein. The Petitioners intend for this document to be signed and filed with the City Clerk electronically pursuant to Chapter 322 of the Texas Business and Commerce Code.

**RESPECTFULLY SUBMITTED this 22nd day of September, 2020**

**MAYAN AT SAN MARCOS RIVER, LLC,**  
a Texas limited liability company

By: DocuSigned by:  
David L. Earl  
5E9840F35D1B462...

Name: David L. Earl

Title: Manager

By: DocuSigned by:  
Todd Burek  
3BF2741FC6D4410...

Name: Todd Burek

Title: Manager

By: DocuSigned by:  
Gerald Bennett  
17414FBCD1F1410...

Name: Gerald Bennett

Title: Manager

**HK BAUGH RANCH, LLC,** a Texas limited liability company

By: DocuSigned by:  
Paul W. Kuo  
9F060AF437B3491...

Name: Paul W. Kuo

Title: Manager

**FREEMAN EDUCATIONAL FOUNDATION**

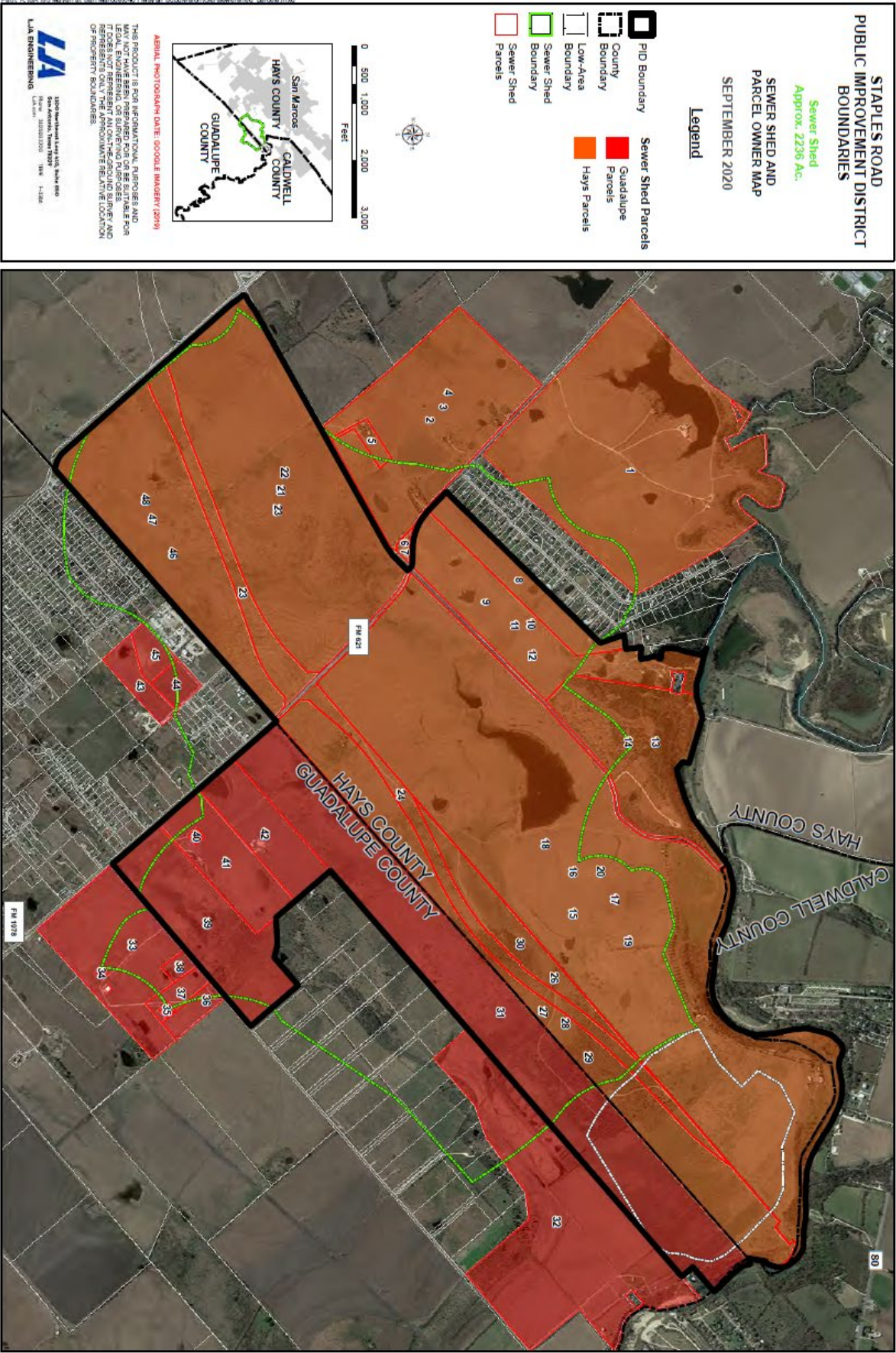
By: DocuSigned by:  
Paul W. Kuo  
9F060AF437B3491...

Name: Paul W. Kuo

Title: Authorized Representative

THIS PETITION SHALL BE FILED ELECTRONICALLY BY EMAILING THE FULLY EXECUTED DOCUMENT TO THE CITY CLERK AT [cityclerk@sanmarcostx.gov](mailto:cityclerk@sanmarcostx.gov) PURSUANT TO SECTION 372.005(C) OF CHAPTER 372 AND SECTION 322.007 OF THE TEXAS BUSINESS & COMMERCE CODE.

EXHIBIT “A-1”  
BOUNDARIES OF THE PROPOSED DISTRICT



# EXHIBIT "A-2"

## PARCELS IN THE PROPOSED DISTRICT

STAPLES ROAD PUBLIC IMPROVEMENT DISTRICT						
Boundries and Property Included Within District						
TRACT	COUNTY	APPRAISAL DIST. ID NO.	PROPERTY OWNER	OWNER ADDRESS	APPRAISED VALUE	ACRES
6	HAYS	R10488	ISHLER, DEREK	2218 STAPLES RD, SAN MARCOS, TX 78666	\$ 81,040.00	1.921645224
7	HAYS	R85437	ISHLER, DEREK	2218 STAPLES RD, SAN MARCOS, TX 78666	\$ 140,010.00	1.8
8	HAYS	R119855	TOMBLIN HOLDINGS LTD	2011 FM 621, SAN MARCOS, TX 78666	\$ 610,260.00	40.776
9	HAYS	R10495	ALEXANDER, MARY J DAVIS	500 DAVIS RANCH RD, SAN MARCOS, TX 78666-1402	\$ 436,900.00	55.8
10	HAYS	R10497	ALEXANDER, MARY J DAVIS	500 DAVIS RANCH RD, SAN MARCOS, TX 78666-1402	\$ 292,940.00	36.2
11	HAYS	R10504	ALEXANDER, MARY J DAVIS	500 DAVIS RANCH RD, SAN MARCOS, TX 78666-1402	\$ 349,280.00	0.4
12	HAYS	R16585	ALEXANDER, MARY J DAVIS	500 DAVIS RANCH RD, SAN MARCOS, TX 78666-1402	\$ 116,470.00	17
15	HAYS	R16583	HK BAUGH RANCH LLC	24607 FAIRWAY SPGS, SAN ANTONIO, TX 78260	\$ 2,886,220.00	213.596
16	HAYS	R70337	HK BAUGH RANCH LLC	24607 FAIRWAY SPGS, SAN ANTONIO, TX 78260	\$ 1,621,340.00	119.988
17	HAYS	R70338	HK BAUGH RANCH LLC	24607 FAIRWAY SPGS, SAN ANTONIO, TX 78260	\$ 1,044,660.00	7
18	HAYS	R70350	HK BAUGH RANCH LLC	24607 FAIRWAY SPGS, SAN ANTONIO, TX 78260	\$ 152,480.00	9.905
19	HAYS	R70351	HK BAUGH RANCH LLC	24607 FAIRWAY SPGS, SAN ANTONIO, TX 78260	\$ 184,100.00	1
20	HAYS	R133631	CEMENTERIO DEL RIO	FM 621, SAN MARCOS, TX 78666	NA	2.08
21	HAYS	R19015	FREEMAN EDUCATIONAL FOUNDATION	% FROST NATIONAL BANK TRUST, P O BOX 2950, SAN ANTONIO, TX 78299-2950	\$ 2,007,010.00	99.0201
22	HAYS	R20294	FREEMAN EDUCATIONAL FOUNDATION	% FROST NATIONAL BANK TRUST, P O BOX 2950, SAN ANTONIO, TX 78299-2950	\$ 4,149,520.00	204.7248
23	HAYS	R130384	FREEMAN EDUCATIONAL FOUNDATION	% FROST NATIONAL BANK TRUST, P O BOX 2950, SAN ANTONIO, TX 78299-2950	\$ 65,470.00	3.23
23	HAYS	R151625	HAYS COUNTY	111 E SAN ANTONIO ST, STE 101, SAN MARCOS, TX 78666	NA	45.42
24	HAYS	R151604	HAYS COUNTY	111 E SAN ANTONIO ST, STE 101, SAN MARCOS, TX 78666	NA	21.14
25	HAYS	R151608	HAYS COUNTY	111 E SAN ANTONIO ST, STE 101, SAN MARCOS, TX 78666	NA	32.757
26	HAYS	R13041	MAYAN AT SAN MARCOS RIVER LLC	22711 FOSSIL PEAK, SAN ANTONIO, TX 78261-3022	\$ 286,630.00	25.7636
27	HAYS	R16386	MAYAN AT SAN MARCOS RIVER LLC	22711 FOSSIL PEAK, SAN ANTONIO, TX 78261-3022	\$ 555,000.00	52.0043
28	HAYS	R92442	MAYAN AT SAN MARCOS RIVER LLC	22711 FOSSIL PEAK, SAN ANTONIO, TX 78261-3022	\$ 1,101,380.00	103.1999
29	HAYS	R151617	MAYAN AT SAN MARCOS RIVER LLC	22711 FOSSIL PEAK, SAN ANTONIO, TX 78261-3022	\$ 664,130.00	35.3146
30	HAYS	R151618	MAYAN AT SAN MARCOS RIVER LLC	22711 FOSSIL PEAK, SAN ANTONIO, TX 78261-3022	\$ 275,690.00	14.6596
31	GUADALUPE	56565	MAYAN AT SAN MARCOS RIVER LLC	22711 FOSSIL PEAK, SAN ANTONIO, TX 78261-3022	\$ 26,859.00	277.415
35	GUADALUPE	56556	ENDER RAY L & A A	725 SCULL RD, SAN MARCOS, TX 78666	\$ 173,000.00	1.00
36	GUADALUPE	56573	ENDER RAY LEE-VLB	725 SCULL RD, SAN MARCOS, TX 78666	\$ 1,994.00	9.32
37	GUADALUPE	56555	ENDER RAY L & A A	725 SCULL RD, SAN MARCOS, TX 78666	\$ 1,911.00	8.93
38	GUADALUPE	119535	VTX COMMUNICATIONS LLC	881 EAST HIDALGO AVENUE, RAYMONDVILLE, TX 78580	\$ 96,000.00	3.99291764
39	GUADALUPE	56549	MILLENNIUM INTERESTS LTD	1718 STATE STREET, HOUSTON, TX 77007	\$ 14,399.00	100.691
40	GUADALUPE	56635	SHELL LON R & P	3409 FM 621, SAN MARCOS, TX 78666	\$ 231,132.00	1,002,782,309
41	GUADALUPE	56633	SHELL LON R & P	3409 FM 621, SAN MARCOS, TX 78666	\$ 13,728.00	48.38
42	GUADALUPE	56610	CADENA JAIME M & SAN JUANA	720 PICASSO DR, SAN MARCOS, TX 78666	\$ 35,144.00	50.062
46	HAYS	R20295	FREEMAN EDUCATIONAL FOUNDATION	% FROST NATIONAL BANK TRUST, P O BOX 2950, SAN ANTONIO, TX 78299-2950	\$ 2,940,040.00	127.1898
47	HAYS	R20304	FREEMAN EDUCATIONAL FOUNDATION	% FROST NATIONAL BANK TRUST, P O BOX 2950, SAN ANTONIO, TX 78299-2950	\$ 380,020.00	16.44
48	HAYS	R151626	FREEMAN EDUCATIONAL FOUNDATION	% FROST NATIONAL BANK TRUST, P O BOX 2950, SAN ANTONIO, TX 78299-2950	\$ 627,930.00	27.1653
TOTAL APPRAISED VALUE OF TAXABLE PROPERTY=					\$ 21,562,687.00	100.000%
TOTAL APPRAISED VALUE OF PETITIONERS PROPERTY=					\$ 18,968,479.00	87.969%

= Denotes Petitioner

## EXHIBIT "B"

### REGIONAL SEWER IMPROVEMENTS

ENGINEER'S OPINION OF PROBABLE CONSTRUCTION COST  
FOR  
ULTIMATE CONDITIONS - LIFT STATION & FORCE MAIN @ 9680 LUE'S  
April 29, 2020

ITEM NO.	DESCRIPTION	UNIT	QUANTITY	UNIT PRICE	TOTAL AMOUNT
<i>Lift Station Improvements</i>					
1	Mobilization	LS	1	11%	\$ 1,168,421.74
2	Insurance & Bond	LS	1	3%	\$ 318,660.48
3	Preparing Right-of-Way	LS	1	4%	\$ 424,880.63
4	6" DR13.5 HDPE Force Main #1	LF	22465	\$ 40.00	\$ 898,600.00
5	6" DR13.5 HDPE Force Main #2	LF	22465	\$ 40.00	\$ 898,600.00
6	12" DR13.5 HDPE Force Main #3	LF	22465	\$ 100.00	\$ 2,246,500.00
7	20" DR13.5 HDPE Force Main #4	LF	22465	\$ 150.00	\$ 3,369,750.00
8	Air Release Valve	EA	20	\$ 2,500.00	\$ 50,000.00
9	Trench Excavation Safety Protection	LF	89860	\$ 1.00	\$ 89,860.00
10	Force Main Tie-In	EA	4	\$ 2,000.00	\$ 8,000.00
11	Sanitary Sewer Manhole	EA	5	\$ 4,500.00	\$ 22,500.00
12	30'Hx20'D Cast-In-Place Wet Well	LS	1	\$ 750,000.00	\$ 750,000.00
13	Submersible Pumps	EA	3	\$ 100,000.00	\$ 300,000.00
14	Site Pavement	LS	1	\$ 30,000.00	\$ 30,000.00
15	Concrete Driveway	LS	1	\$ 15,000.00	\$ 15,000.00
16	Structural Slabs	LS	1	\$ 100,000.00	\$ 100,000.00
17	Earthwork	LS	1	\$ 50,000.00	\$ 50,000.00
18	Fencing & Gates	LS	1	\$ 20,000.00	\$ 20,000.00
19	Electrical Service, Control Panels, & SCADA Tower	LS	1	\$ 500,000.00	\$ 500,000.00
20	Yard Piping, Wet Well Piping, Valves, & Fittings	LS	1	\$ 150,000.00	\$ 150,000.00
21	Water Service	EA	1	\$ 1,200.00	\$ 1,200.00
22	Backup Power Generator	EA	1	\$ 80,000.00	\$ 80,000.00
23	Temporary Construction Esm't	AC	15.5	\$ 7,500.00	\$ 116,250.00
24	Water Easement	AC	18.1	\$ 15,000.00	\$ 270,755.85
25	Easement Acquisition (35'-Wide)	LS	1	\$ 500,000.00	\$ 500,000.00
26	Canopy for Control Panels	LS	1	\$ 25,000.00	\$ 25,000.00
27	Odor Control Appurtenances	LS	1	\$ 30,000.00	\$ 30,000.00
28	Miscellaneous Appurtenances	LS	1	\$ 100,000.00	\$ 100,000.00
29	Driveway Crossings	EA	11	\$ 1,000.00	\$ 11,000.00
30	Bore & Casing 12"	LF	500	\$ 300.00	\$ 150,000.00
31	Bore & Casing 24"	LF	250	\$ 400.00	\$ 100,000.00
32	Bore & Casing 42"	LF	250	\$ 600.00	\$ 150,000.00
33	3-Phase Services	LS	1	\$ 500,000.00	\$ 500,000.00
<i>Gravity Main Improvements</i>					
33	8" Sewer Main (Trunk Line)	LF	6411	\$ 40.00	\$ 256,440.00
34	21" SDR26 Sewer Main (Trunk Line)	LF	1330	\$ 125.00	\$ 166,250.00
35	24" SDR26 Sewer Main (Trunk Line)	LF	4772	\$ 200.00	\$ 954,400.00
36	Gravity Manholes	EA	37	\$ 4,500.00	\$ 166,500.00
	Contingency	LS	1	20%	\$ 2,997,713.74
	Engineering	LS	1	10%	\$ 1,498,856.87

**ULTIMATE SEWERSHED TOTAL LIFT STATION IMPROVMENTS \$19,485,139.32**

**This is an estimate only. Actual "Oversizing Cost" will be calculated after bids are awarded and work is completed based on actual cost per LUE of service.**

LJA Engineering, Inc. does not warrant or guarantee this "estimated cost" as an "actual cost" and/or if an "actual Construction Cost" is required, and/or desired then construction bids should be obtained from appropriate sources. This estimate is being supplied for the applicable municipality only and no representations, warranties, or guarantees are rendered hereby to any other person or entity specifically including, but not limited to, any mortgage or lending institution.

PREPARED BY:  
LJA ENGINEERING, INC.  
Texas Board of Professional Engineers Registration # F-1386

APPROVED BY: