

construction of the improvements within the District to provide such sewer service and other improvements. The proposed District and its projects appear feasible, necessary, and will be a benefit to the land within the District, City, and surrounding areas. After construction, the 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 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.

ARTICLE IV ESTIMATED COSTS

The estimated costs of the sewer improvements proposed to be constructed in the District, and financed using bonds issued under Chapter 372, is \$19,485,139.32 (plus interest and cost of issuance); and the itemized estimated costs therefore are further detailed on the Opinion of Probable Cost attached hereto as Exhibit “B”. The District may undertake other improvements as required as provided pursuant to Chapter 372.

ARTICLE V DISTRICT BOUNDARIES

The District shall contain an area of approximately 1,816.29 acres of land, being more specifically identified in Exhibit “A”. The District is situated within the corporate limits and extraterritorial jurisdiction of the City. All the land proposed to be included may properly be included within the District. None of the land proposed to be included within the District is within the corporate boundaries or extraterritorial jurisdiction of any other municipality. The boundaries of the proposed District are depicted in the map and identified by Hays and Guadalupe County Appraisal District Parcel ID Numbers on Exhibit “A”, which is attached hereto and incorporated herein for all purposes.

ARTICLE VI METHOD OF ASSESSMENT; ASSESSABLE PROPERTY

Petitioners request that the City impose within the District an assessment based on the per \$100 appraised valuation as reflected in the official tax rolls of Hays and Guadalupe County Appraisal Districts, for the year of each respective assessment, in an amount necessary to satisfy the budget of the District (anticipated to initially total \$0.10 per \$100 of the aforementioned valuation); provided, however: (a) that this method of assessment may be changed by the Board to a per living unit equivalent (“LUE”) basis, with the assessment per LUE being equal to the product of the total improvement cost actually constructed divided by the total number of LUEs of capacity created by said improvements (plus pro rata interest costs), with each benefited property being assessed according to the number of LUEs of capacity it requires (the “alternative Assessment Method”). If the above methodology for imposing assessments within public improvement districts is ever invalidated under applicable Texas law, the City shall be permitted to implement a substitute assessment methodology that is permissible under applicable Texas law and most closely approximates the funding result of the then-invalidated methodology.

Petitioners request that the following classes of assessable property be excluded from the assessment rolls: Any property which is 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” which is not 100% exempt from ad valorem taxation according to the respective official tax roll of Hays and Guadalupe Counties.

ARTICLE VII APPORTIONMENT OF COSTS

Except as hereafter described, assessments collected within the District shall represent the sole source of funds to pay all costs of construction of the improvements, and interest thereon, within the District that are the subject of this Petition. No costs are to be apportioned to the City.

ARTICLE VIII ADVISORY & MANAGEMENT

Pursuant to Chapter 372 no advisory body will be established by the City. The District will be managed by the private sector acting in the form of a three member board (described below) which develop the improvement plan and submit it to the governing body of the City for approval as required by Chapter 372. Petitioners request that the operations of the District be managed by the Board of Directors having three (3) members (the "Board") that the City appoints at the time it adopts the Resolution creating the District, in compliance with Sections 372.005(6) and 372.008 of Chapter 372, as set forth in Article X, below.

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 APPOINTMENT OF DIRECTORS

Petitioners request that the City appoint three (3) individuals nominated by the Petitioners, at the time that the City creates the District, who are qualified under Subsection 372.008(b) of Chapter 372, to serve as Directors of the Board, and charge such Board with the responsibility of preparing the service plan under Section 372.013 of Chapter 372 and of management of the District pursuant to Article III above. The three (3) individuals nominated by Petitioners and representing property owners in the District, to be appointed by the City to the Board shall be one person nominated in writing by 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 shall submit their nomination to the City Clerk, in writing, no later than September 5th, 2020. In the event a Director appointed by the City 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 a successor person as Director. In the event a Petitioner conveys its property to a successor, the successor shall have the right to nominate the Director.


ARTICLE XI GENERAL PROVISIONS.

Petitioners pray that this Petition be heard and acted upon by the City Council of San Marcos, Texas on or before September 30, 2020; that a notice of the hearing be published in a newspaper of general circulation at least 15 days prior to the hearing date; and that the Council make

findings, and approve and adopt a resolution creating the Staples Road Public Improvement District, in the manner specified in Chapter 372, Texas Local Government Code, as amended. 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.

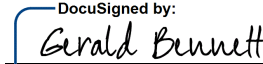
RESPECTFULLY SUBMITTED this 1st day of September, 2020

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

By: 
5E9840F35D1B462...

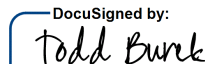
Name: David L. Earl

Title: Manager

By: 
17414FBCD1F1410...

Name: Gerald Bennett

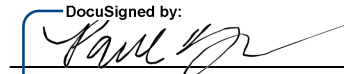
Title: Manager

By: 
3BF2741FC6D4410...

Name: Todd Burek

Title: Manager

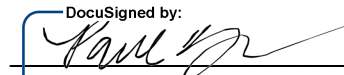
HK REAL ESTATE DEVELOPMENT, LLC, a Texas limited liability company

By: 
9F060AF437B3491...

Name: Paul W. Kuo

Title: Manager

FREEMAN EDUCATIONAL FOUNDATION

By: 
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 PURSUANT TO SECTION 372.005(C) OF CHAPTER 372 AND SECTION 322.007 OF THE TEXAS BUSINESS & COMMERCE CODE.

EXHIBIT "A"

BOUNDARIES OF THE PROPOSED DISTRICT

STAPLES ROAD PUBLIC IMPROVEMENT DISTRICT						
Boundaries 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 SPOGS, SAN ANTONIO, TX 78260	\$ 2,886,220.00	213.596
16	HAYS	R70337	HK BAUGH RANCH LLC	24607 FAIRWAY SPOGS, SAN ANTONIO, TX 78260	\$ 1,621,340.00	119.988
17	HAYS	R70338	HK BAUGH RANCH LLC	24607 FAIRWAY SPOGS, SAN ANTONIO, TX 78260	\$ 1,044,660.00	7
18	HAYS	R70350	HK BAUGH RANCH LLC	24607 FAIRWAY SPOGS, SAN ANTONIO, TX 78260	\$ 152,480.00	9.905
19	HAYS	R70351	HK BAUGH RANCH LLC	24607 FAIRWAY SPOGS, 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	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	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	3.992917164
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	1.002782309
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"

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

<u>ITEM NO.</u>	<u>DESCRIPTION</u>	<u>UNIT</u>	<u>QUANTITY</u>	<u>UNIT PRICE</u>	<u>TOTAL AMOUNT</u>
Lift Station Improvements					
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
Gravity Main Improvements					
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: