

RESOLUTION 2020-233R

A RESOLUTION OF THE CITY OF SAN MARCOS, TEXAS, IN ACCORDANCE WITH CHAPTER 372 OF THE TEXAS LOCAL GOVERNMENT CODE: MAKING FINDINGS AS TO THE ADVISABILITY OF THE IMPROVEMENTS PROPOSED IN THE PETITION TO CREATE THE RIVER BRIDGE RANCH PUBLIC IMPROVEMENT DISTRICT (THE "DISTRICT"); ESTABLISHING THE DISTRICT; AND, AUTHORIZING MANAGEMENT OF THE DISTRICT.

WHEREAS, the City of San Marcos, Texas (the "City"), is authorized under Chapter 372 of the Texas Local Government Code, as amended (the "Act"), to create a public improvement district;

WHEREAS, on October 8, 2020, the Mayan at San Marcos River, LLC (the "Owner" or "Developer"), submitted and filed with the City Clerk of the City a petition (the "Petition") requesting the establishment of a public improvement district to be known as the River Bridge Ranch Public Improvement District (the "District");

WHEREAS, the Petition indicated that (i) the owners of more than 50% of the appraised value of the taxable real property liable for assessment and (ii) the owners of more than 50% of the area of all taxable real property liable for assessment within the District executed the Petition requesting that the governing body of the City (the "City Council") create the District;

WHEREAS, the City Council has investigated and determined that the facts contained in the Petition are true and correct;

WHEREAS, the District will include the approximately 563.797 acres land located within the City and (the "Property"), which Property is more particularly described and depicted on "Exhibit A-1" and "Exhibit A-2" attached hereto and made a part hereof;

WHEREAS, after providing all notices required by Section 372.009 of the Act, the City Council on October 29, 2020 conducted a public hearing on the advisability of the proposed improvements; and

WHEREAS, the City Council adjourned and closed such public hearing

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS, THAT:

Section 1. The findings set forth in the recitals of this Resolution are hereby found to be true and correct.

Section 2. The Petition submitted to the City by the Owners was filed with the City Clerk of the City and complies with Subchapter A of the Act.

Section 3. Pursuant to the requirements of the Act, including, without limitation, §§ 372.006, 372.009(a), and 372.009(b), the City Council, after considering the Petition and the evidence and testimony presented at the public hearing on October 29, 2020, hereby finds and declares:

(a) **Advisability of the Proposed Improvements.** It is advisable to provide the Authorized Improvements described in the Petition and this Resolution. The Authorized Improvements will promote the interests of the City and will confer a special benefit on the Property.

(b) **General Nature of the Authorized Improvements.** The purposes of the District include the design, acquisition, and construction of the public improvement projects authorized by Section 372.003(b) of the Act that are necessary for development of the Property, which public improvements will include, but not be limited to: (1) landscaping; (2) erection of fountains, distinctive lighting, and signs; (3) acquiring, constructing, improving, widening, narrowing, closing, or rerouting of sidewalks or of streets, any other roadways, or their rights-of-way; (4) construction or improvement of pedestrian malls; (5) acquisition and installation of pieces of art; (6) acquisition, construction, or improvement of libraries; (7) acquisition, construction, or improvement of off-street parking facilities; (8) acquisition, construction, improvement, or rerouting of mass transportation facilities; (9) acquisition, construction, or improvement of water, wastewater, or drainage facilities or improvements; (10) the establishment or improvement of parks; (11) projects similar to those listed in items (1)-(10) above. (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 District shall be approved to finance and or construct any of the improvements identified in sections (1) through (16), above, upon the passage of a resolution by the City Council approving the construction and reimbursement of any such improvements. By the adoption of this Resolution No. 2020-233R, the City Council hereby authorizes the construction and financing of the following authorized improvements: specific regional sewer improvements which will including 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”); and, masonry walls and a pedestrian walkway to be constructed within the 35 foot buffer area located adjacent to the right-of-way of FM 110 as part of the pedestrian malls and park improvements (the “Buffer Improvements”). The Regional Sewer Improvements and Buffer Improvements identified above are collectively referred to herein as the “Authorized Improvements”. These Authorized Improvements shall promote the interests of the City and confer a special benefit on the Property. The Regional

Sewer Improvements and the Buffer Improvements, that make up the Authorized Improvements, are described in further detail in the opinion of probable cost attached hereto as Exhibit "B" and incorporated herein. The Authorized Improvements will be built in general conformity with the plans incorporated into Exhibit "B", subject to: modifications as required due to site conditions; modifications due to design constraints; and, modifications required by inspection and review of the plans by City.

(c) Estimated Cost of the Authorized Improvements. The estimated costs of the Authorized Improvements are: the estimated capital cost of the design, construction, and acquisition of the Regional Sewer Improvements is \$7,988,826.51; and, the estimated cost of the design, construction, and acquisition of the Buffer Improvements is \$1,353,045.00. The total estimated cost of the Buffer Improvements and Regional Sewer Improvements which make up the Authorized Improvements within and or benefiting the District is not expected to exceed \$10,000,000, 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 administrating, establishing and operating the District, and the costs of issuance of such bonds (the "PID Bonds"). The face amount of the PID Bonds shall not exceed the greater of \$10,000,000.00 or the actual cost of the Authorized Improvements based on the final plans for such improvements as approved by the City, and will be repaid solely from a pledge of assessments made and collected on benefitted property within the District. The estimated interest charged on the PID Bonds which will be paid from the assessments on benefitted property will be established at the time of issuance but is estimated to be \$7,900,000.00. The estimated cost of any other improvements identified in Section 3 (b) that are authorized by the City Council in a future resolution, if any, will be set forth in the resolution authorizing such improvements and the reimbursement agreements related to such improvements.

(d) Boundaries of the Proposed District. The boundaries of the proposed District shall contain the Property as identified in Exhibits "A-1" and "A-2" which are attached hereto.

(e) Proposed Method of Assessment. The City shall levy an assessment on each tract within the District to pay the cost of the Authorized Improvements in a manner that results in imposing equal shares of the cost on property similarly benefitted. The proposed method of assessment to be levied on each tract 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 special assessments 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. For example, the cost of the Regional Sewer Improvements may be assessed based on number of living unit equivalent ("LUE") in sewer capacity used by each property receiving sewer service. 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). All Property within the District shall be subject to assessment and levy hereunder except the following classes of otherwise assessable property which shall be excluded from the assessment rolls and shall not be subject to assessment or levy, to-wit: any property which is public right of way and owned by a public entity which ownership causes said property to be 100% exempt from ad valorem taxation according to the respective official tax roll of Hays and Guadalupe Counties. Each assessment may be paid in full at any time (including accrued and unpaid interest) or may be paid in annual installments (including interest and debt). The installments must be paid in amounts necessary to meet annual costs for the Authorized Improvements and must continue for a period necessary to retire the indebtedness on the Authorized Improvements.

(f) Apportionment of the Cost Between District and the City. The City shall issue bonds pursuant to Chapter 372 Tex. Loc. Gov't. Code to finance the cost of construction of the Regional Sewer Improvements and Buffer Improvements, and all payments on such bonds will be paid solely from assessments levied on the assessable property within the District. 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, and the City shall not be obligated to pay for the cost of the Authorized Improvements.

(g) Management of the District. The District shall be managed in part by the City through contracting with a consultant to develop the service and assessment plan, five (5) year budget projections, and recommended assessment roles (the "Consultant"); and, by the private sector through the Developer, or its assigns, providing management of the District in the areas not assigned to the Consultant as provided herein. Specifically, the Developer shall be authorized to: oversee and administer the design, bidding, award, and timely construction and installation of the Authorized Improvements within the District; oversee and administer the maintenance of the Authorized Improvements unless the improvement is under the direct jurisdiction and management of the City or its departments (i.e. the Regional Sewer Improvements); enter into and administer reimbursement agreements for the costs of Authorized Improvements pursuant to §372.023(d) of the Act; and, take all other actions as required to carry out the purpose and intent of the District and as directed by the City Council.

(h) Advisory Board. The District shall be managed without the creation of an advisory board.

Section 4. City Council hereby makes the above findings as to the advisability of the Authorized Improvements contained in this Resolution, and the conclusion that the District is needed to fund such Authorized Improvements.

Section 5. This Resolution shall take effect immediately from and after its passage and publication as required by law.

PASSED AND APPROVED on this 29th day of October 2020.

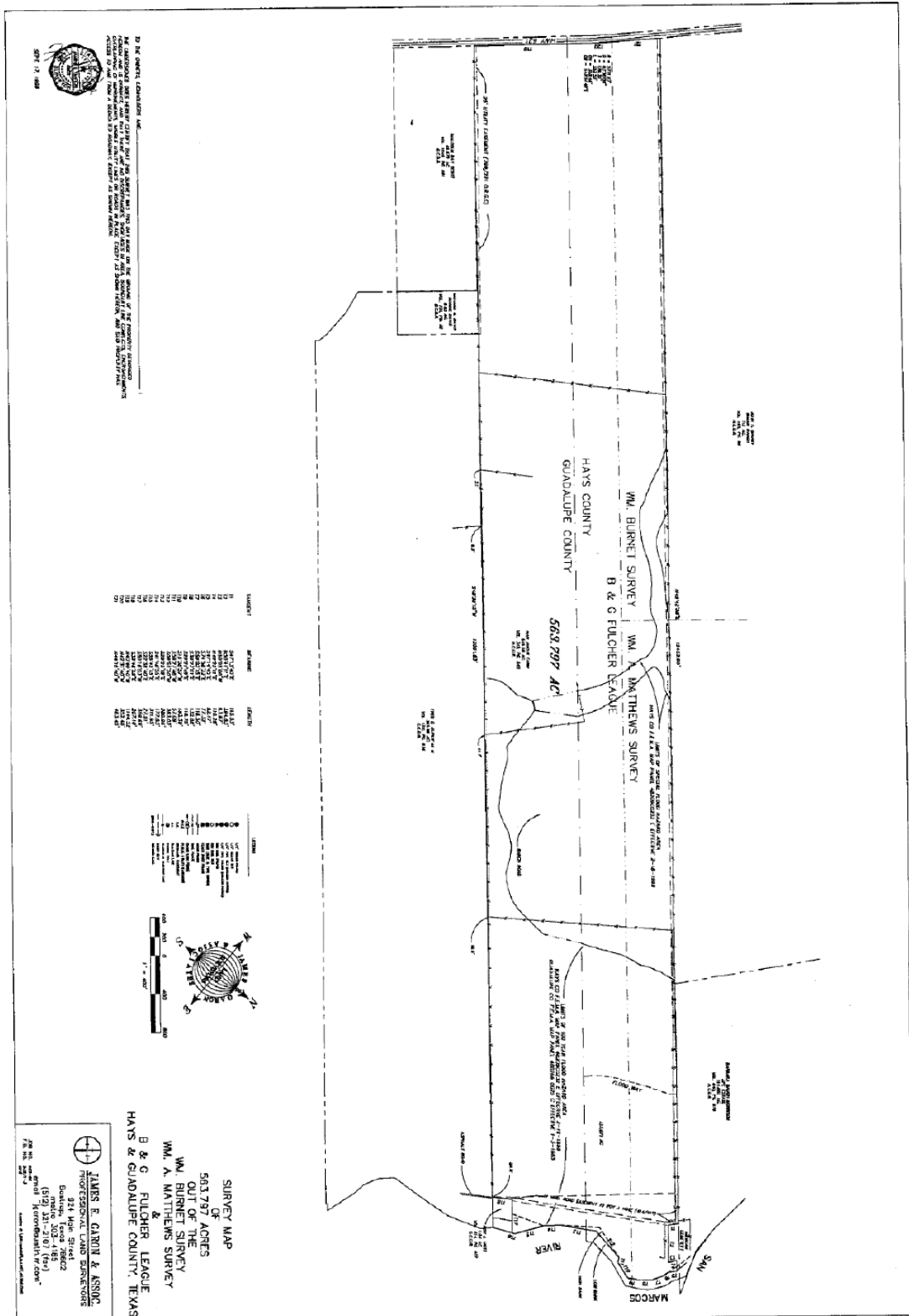
ATTEST:

THE CITY OF SAN MARCOS, TEXAS

City Secretary

MAYOR

EXHIBIT "A-1"



JAMES E. GARON & ASSOCIATES
PROFESSIONAL LAND SURVEYORS

2512 Western Trails Blvd., D-404; Austin, Texas 78745; 512-707-8087 fax 512-707-1848
1009 Chestnut Street; Bastrop, Texas 78002; 512-303-4186 fax 512-321-2107

LEGAL DESCRIPTION: BEING 563.797 ACRES OF LAND LYING IN AND SITUATED OUT OF THE WILLIAM BURNET SURVEY AND THE WILLIAM A. MATTHEWS SURVEY IN HAYS COUNTY, TEXAS AND THE B & G FULCHER LEAGUE IN GUADALUPE COUNTY, TEXAS, BEING THE REMAINDER PORTION OF THAT CALLED 455 ACRE TRACT OF LAND AND 100 ACRE TRACT OF LAND CONVEYED TO HAH ANGUS FARM BY DEED RECORDED IN VOLUME 349, PAGE 843 OF THE DEED RECORDS OF HAYS COUNTY, TEXAS; SAID 563.797 ACRES BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS AND AS SURVEYED UNDER THE SUPERVISION OF JAMES E. GARON & ASSOCIATES IN SEPTEMBER, 1998:

BEGINNING at an iron rod found on the northeasterly right-of-way (80') line of State Highway 621 for the westerly corner hereof and said 455 acre tract and the southerly corner of that certain 715 acre tract conveyed to John F. Baugh by deed recorded in Volume 166, Page 86 of the Hays County Deed Records;

THENCE North 49°42'36" East a distance of 12452.90 feet along the northwesterly line hereof and the southeasterly line of said 715 acre tract and that certain 184.883 acre tract conveyed to Barbara Baugh Morrison by deed recorded in Volume 645, Page 679 of the Hays County Deed Records to an iron rod set for corner on the southwest line of the "Mexican" cemetery;

THENCE along the limits of said cemetery and including a called 11 vara lane within this tract being described:

1. South 47°13'40" East a distance of 115.53 feet to an iron rod set for corner;
2. North 50°41'11" East a distance of 394.83 feet to an iron rod set for corner;
3. North 50°5'00" West a distance of 93.87 feet to an iron rod set for corner;
4. North 49°22'11" East a distance of 110.28 feet to a point on the southwesterly bank of the San Marco River;

THENCE along the bank of the San Marcos River the following calls:

1. South 47°14'45" East a distance of 92.17 feet;
2. South 74°56'22" East a distance of 77.32 feet;
3. South 59°2'15" East a distance of 116.50 feet;
4. South 39°27'01" East a distance of 132.88 feet;
5. South 29°21'49" East a distance of 118.75 feet;
6. South 18°38'57" West a distance of 193.59 feet;
7. South 59°27'46" West a distance of 57.09 feet;
8. South 9°55'20" West a distance of 363.02 feet;
9. South 29°25'19" East a distance of 380.96 feet;
10. South 41°46'55" East a distance of 177.83 feet;
11. South 55°45'15" East a distance of 311.95 feet;
12. South 22°38'40" East a distance of 27.91 feet;

legal description - 563.797 acres
page 2

THENCE South 50°16'03" West a distance of 359.69 feet leaving said river and along the northwest line of that certain 1.04 acre tract conveyed to Roy J. Hotz by deed recorded in Volume 414, Page 417 of the Guadalupe County Deed records to an iron rod found for the west corner of said 1.04 acre tract;

THENCE South 33°48'59" East a distance of 207.19 feet along the southwest line of said tract to an iron rod set for the southerly corner of said 1.04 acre tract;

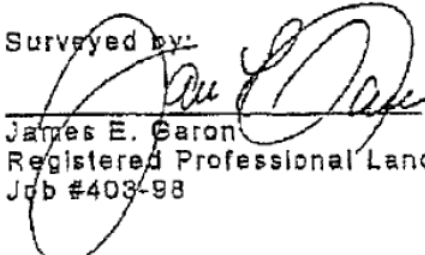
THENCE South 49°39'15" West a distance of 12091.83 feet along the southeast line hereof and said 455 and 100 acre tracts and the northwest line of that certain 365.86 acre tract conveyed to Fred G. DuPuy by deed recorded in Volume 1311, Page 876, that certain 8.85 acre tract conveyed to Richard G. Davis by deed recorded in Volume 731, Page 22 and that certain 49.872 acre tract conveyed to Malcolm Ray Scott by deed recorded in Volume 1048, Page 691, all Guadalupe County Deed Records, to a concrete monument found on the northeasterly r-o-w of State Highway 621 for the southerly corner hereof and westerly corner of said 49.872 acre tract;

THENCE along said r-o-w line the following calls:

1. North 40°46'40" West a distance of 1144.52 feet to a concrete r-o-w monument found for point of curvature of a curve to the left;
2. a length of 352.53 feet along the arc of said curve to the left having a radius of 5771.07 feet and a chord bearing North 42°31'40" West a distance of 352.48 feet to a concrete r-o-w monument found;
3. North 44°16'40" West a distance of 463.45 feet

to the POINT OF BEGINNING and containing 563.797 acres of land, more or less, and as shown on map of survey prepared herewith.

Surveyed by:



James E. Garon
Registered Professional Land Surveyor
Job #403-98

September 17, 1998

EXHIBIT A-2

RIVER BRIDGE RANCH PUBLIC IMPROVEMENT DISTRICT						
Property Included Within District						
PETITIONER'S PROPERTY	COUNTY	APPRAISAL DIST. ID NO.	PROPERTY OWNER	OWNER ADDRESS	APPRAISED VALUE	ACRES
YES	HAYS	R13041	MAYAN AT SAN MARCOS RIVER LLC	22711 FOSSIL PEAK, SAN ANTONIO, TX 78261-3022	\$ 286,630.00	25.7636
YES	HAYS	R16386	MAYAN AT SAN MARCOS RIVER LLC	22711 FOSSIL PEAK, SAN ANTONIO, TX 78261-3022	\$ 565,000.00	52.0043
YES	HAYS	R92442	MAYAN AT SAN MARCOS RIVER LLC	22711 FOSSIL PEAK, SAN ANTONIO, TX 78261-3022	\$ 1,101,380.00	103.1999
YES	HAYS	R151617	MAYAN AT SAN MARCOS RIVER LLC	22711 FOSSIL PEAK, SAN ANTONIO, TX 78261-3022	\$ 664,130.00	35.3146
YES	HAYS	R151618	MAYAN AT SAN MARCOS RIVER LLC	22711 FOSSIL PEAK, SAN ANTONIO, TX 78261-3022	\$ 275,650.00	14.6896
YES	GUADALUPE	56665	MAYAN AT SAN MARCOS RIVER LLC	22711 FOSSIL PEAK, SAN ANTONIO, TX 78261-3022	\$ 26,859.00	277.415
NO	HAYS	R151604	HAYS COUNTY	111 E SAN ANTONIO ST, STE 202, SAN MARCOS, TX 78666	\$ 21,140.00	21.14
NO	HAYS	N/A	HAYS COUNTY	111 E SAN ANTONIO ST, STE 202, SAN MARCOS, TX 78666	\$ -	34.30
TOTAL APPRAISED VALUE OF TAXABLE PROPERTY=					\$ 2,930,629.00	563.797
TOTAL APPRAISED VALUE OF PETITIONERS PROPERTY=					\$ 2,909,689.00	508.36
PERCENTAGE OF PETITIONERS PROPERTY=					99.28%	90.17%

 = Denotes Petitioner

EXHIBIT B

**ENGINEER'S OPINION OF PROBABLE CONSTRUCTION COST
FOR
River Bridge Ranch PID
October 14, 2020**

<u>ITEM NO</u>	<u>DESCRIPTION</u>	<u>TOTAL AMOUNT</u>
1	Regional Sewer Improvement/Lift Station	\$ 7,988,826.51
2	35' FM 110 Buffer Improvements	<u>\$ 1,353,045.00</u>

TOTAL PID IMPROVMENTS \$9,341,871.51

**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 mortgagor or lending institution.

PREPARED BY:
LJA ENGINEERING, INC.

APPROVED BY:

**ENGINEER'S OPINION OF PROBABLE CONSTRUCTION COST
FOR
River Bridge Ranch PID 35' SH 110 Buffer Improvements
October 14, 2020**

<u>ITEM NO</u>	<u>DESCRIPTION</u>	<u>UNIT</u>	<u>QUANTITY</u>	<u>UNIT PRICE</u>	<u>TOTAL AMOUNT</u>
<i>Buffer Improvements</i>					
1	10' Multi-use Path	SY	12535	\$ 45.00	\$ 564,075.00
2	6' Masonry Fence	LF	11271	\$ 70.00	\$ 788,970.00

TOTAL BUFFER IMPROVMENTS \$1,353,045.00

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

APPROVED BY:

PREPARED BY:
LJA ENGINEERING, INC.

**ENGINEER'S OPINION OF PROBABLE CONSTRUCTION COST
FOR
THE River Bridge Ranch SUBDIVISION - LIFT STATION & FORCE MAIN @ 1200 LUE'S
October 14, 2020**

<u>ITEM NO.</u>	<u>DESCRIPTION</u>	<u>UNIT</u>	<u>QUANTITY</u>	<u>UNIT PRICE</u>	<u>TOTAL AMOUNT</u>
<i>Lift Station Improvements</i>					
1	Mobilization	LS	1	11% \$	441,957.74
2	Insurance & Bond	LS	1	3% \$	120,533.93
3	Preparing Right-of-Way	LS	1	4% \$	160,711.91
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	Air Release Valve	EA	5	\$ 2,500.00	\$ 12,500.00
7	Trench Excavation Safety Protection	LF	44930	\$ 1.00	\$ 44,930.00
8	Force Main Tie-In	EA	1	\$ 2,000.00	\$ 2,000.00
9	Sanitary Sewer Manhole	EA	2	\$ 4,500.00	\$ 9,000.00
10	30'Hx10'D Cast-In-Place Wet Well	LS	1	\$ 300,000.00	\$ 300,000.00
11	Submersible Pumps	EA	3	\$ 65,000.00	\$ 195,000.00
12	Site Pavement	LS	1	\$ 30,000.00	\$ 30,000.00
13	Concrete Driveway	LS	1	\$ 15,000.00	\$ 15,000.00
14	Structural Slabs	LS	1	\$ 75,000.00	\$ 75,000.00
15	Earthwork	LS	1	\$ 30,000.00	\$ 30,000.00
16	Fencing & Gates	LS	1	\$ 20,000.00	\$ 20,000.00
17	Electrical Service, Control Panels, & SCADA Tower	LS	1	\$ 500,000.00	\$ 500,000.00
18	Yard Piping, Wet Well Piping, Valves, & Fittings	LS	1	\$ 70,000.00	\$ 70,000.00
19	Water Service	EA	1	\$ 1,200.00	\$ 1,200.00
20	Backup Power Generator	EA	1	\$ 50,000.00	\$ 50,000.00
21	Temporary Construction Esm't (30')	AC	15.5	\$ 7,500.00	\$ 116,250.00
22	Water Easement (20')	AC	10.3	\$ 15,000.00	\$ 154,717.63
23	Easement Acquisition	LS	1	\$ 500,000.00	\$ 500,000.00
24	Canopy for Control Panels	LS	1	\$ 25,000.00	\$ 25,000.00
25	Odor Control Appurtenances	LS	1	\$ 20,000.00	\$ 20,000.00
26	Miscellaneous Appurtenances	LS	1	\$ 50,000.00	\$ 50,000.00
27	Driveway Crossings	EA	11	\$ 1,000.00	\$ 11,000.00
28	Bore & Casing 12" force main	LF	500	\$ 300.00	\$ 150,000.00
30	3-Phase Services	LS	1	\$ 500,000.00	\$ 500,000.00
<i>Gravity Main Improvements</i>					
31	8" SDR26 Sewer Main (Trunk Line)	LF	6411	\$ 40.00	\$ 256,440.00
32	12" SDR26 Sewer Main (Trunk Line)	LF	6102	\$ 60.00	\$ 366,120.00
29	Bore & Casing 24" gravity main	LF	500	\$ 400.00	\$ 200,000.00
33	Gravity Manholes	EA	37	\$ 4,500.00	\$ 166,500.00
	Contingency	LS	1	15% \$	958,659.18
	Engineering	LS	1	10% \$	639,106.12

TOTAL LIFT STATION IMPROVMENTS \$7,988,826.51

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.

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

APPROVED BY:

