

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEGUIN, TEXAS, ACCEPTING FOR FILING A LANDOWNER PETITION REQUESTING THE CREATION OF THE WALNUT SPRINGS PUBLIC IMPROVEMENT DISTRICT; FINDING THE PETITION TO BE COMPLIANT WITH APPLICABLE LAWS; CALLING A PUBLIC HEARING TO CONSIDER THE CREATION OF THE PUBLIC IMPROVEMENT DISTRICT; AUTHORIZING AND DIRECTING THAT NOTICE OF THE PUBLIC HEARING BE GIVEN AS REQUIRED BY LAW; PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE; AND RESOLVING OTHER MATTERS IN CONNECTION THEREWITH.

WHEREAS, Chapter 372, Texas Local Government Code, as amended (the "Act"), authorizes the City of Seguin, Texas (the "City") to create public improvement districts within the corporate limits and extraterritorial jurisdiction of the City; and

WHEREAS, a landowner petition, a copy of which is attached as Exhibit A (the "Petition"), was filed with the City Secretary requesting the creation of the "Walnut Springs Public Improvement District" (the "District") and which Petition the City Council of the City (the "City Council") hereby finds and determines to be validly submitted, in proper form, and compliant with applicable laws of the State of Texas (the "State") concerning the creation of a public improvement district with boundaries as described in the Petition, to support a development project within the corporate limits of the City, as required and in compliance the Act; and

WHEREAS, the Petition indicated: (i) the owners of taxable real property representing more than fifty percent (50%) of the appraised value of 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 (ii) the record owners of real property liable for assessment under the proposal who: (a) constitute more than fifty percent (50%) of all record owners of property that are liable for assessment under the proposal, or (b) own taxable real property that constitutes more than fifty percent (50%) of the area of all taxable real property that is liable for assessment under the proposal executed the Petition; and

WHEREAS, pursuant to the Act, prior to the action of the City Council concerning the creation of the District, the City Council is required to conduct a public hearing concerning any such creation and provide notice of such public hearing as follows: (i) publish notice thereof in a newspaper of general circulation in the City and in the part of the extraterritorial jurisdiction in which the District is to be located or in which the improvements are to be undertaken, which notice shall contain, at a minimum, the requisite information specified in the Act, and (ii) mail written notice thereof which shall contain, at a minimum, the requisite information specified in the Act to the current address of the owner, as reflected on tax rolls, of property subject to assessment under the proposed District; and

WHEREAS, the City Council has determined that it is in the best interest of the City to accept the Petition and to call a public hearing (the "Public Hearing") at which the City

Council will consider the adequacy of the Petition and hear public testimony regarding the feasibility and advisability of creating the proposed District.

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

Section 1. The recitals set forth in the WHEREAS clauses of this Resolution are true and correct and are incorporated as part of this Resolution.

Section 2. City staff has reviewed the Petition and determined that the same complies with the requirements of the Act and the filing of the Petition is accepted. The Petition is filed with the office of the City Secretary and is available for public inspection.

Section 3. The City Council calls the Public Hearing to consider the adequacy of the Petition and to hear public testimony on the feasibility and advisability of creating the proposed District, 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 of the improvements, to be held beginning at or after 5:30 P.M. on Tuesday, January 21, 2025, in the regular meeting place of the City Council in City Hall located at 210 E. Gonzales Street, Seguin, Texas 78155. Attached hereto as Exhibit B is a form of the Notice of Public Hearing, the form and substance of which is hereby adopted and approved. All residents and property owners within the District, and all other persons, are hereby invited to appear in person, or by their attorney, and speak on the creation of the District.

Section 4. The Public Hearing may be adjourned from time to time.

Section 5. The City Secretary is hereby authorized and directed to give all notices of the Public Hearing as required by law, including notices required by the Texas Open Meetings Act and by the Act. The notice of public hearing regarding creation of the District is hereby approved and authorized to be published and mailed and shall read substantially in the form and content of Exhibit B attached hereto which notice is incorporated herein by reference as a part of this Resolution for all purposes.

Section 6. The City Secretary shall cause the aforesaid notice, attached hereto as Exhibit B, to be published in a newspaper of general circulation in the City and in the part of the extraterritorial jurisdiction in which the District is to be located or in which the improvements are to be undertaken before the fifteenth (15th) day before the scheduled date of the Public Hearing. The City Secretary is hereby authorized and directed to mail notices of the hearing regarding the creation of the District substantially in the form attached hereto as Exhibit B to the current addresses of the owners, as reflected on the tax rolls, of property subject to assessment under the proposed District and to address such notices to the "Property Owner" before the fifteenth (15th) day before the scheduled date of the Public Hearing, as required and as provided by the provisions of Section 372.009(d) of the Act.

Section 7. Upon the closing of the Public Hearing, the City Council may consider the adoption of a resolution creating the proposed District or may defer the adoption of such a resolution for up to six months. The creation of the proposed District is within the sole discretion of the City Council.

Section 8. All orders and resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters resolved herein.

Section 9. This Resolution shall be construed and enforced in accordance with the laws of the State and the United States of America.

Section 10. If any provision of this Resolution or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Resolution and the application of such provision to other persons and circumstances shall nevertheless be valid, and this City Council hereby declares that this Resolution would have been enacted without such invalid provision.

Section 11. It is officially found, determined, and declared that the meeting at which this Resolution is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Resolution, was given, all as required by Chapter 551, as amended, Texas Government Code.

Section 12. This Resolution shall become effective immediately from and after it is passed and approved.

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PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF SEGUIN,
TEXAS, THIS 17TH DAY OF DECEMBER, 2024

Mayor

ATTEST:

City Secretary

(CITY SEAL)

Exhibit A

[Landowner Petition]

the land to be included in the District is within the corporate boundaries of the City and in Guadalupe County (the “County”).

IV. GENERAL NATURE OF THE PROPOSED PUBLIC IMPROVEMENTS

The general nature of the proposed public improvements to be provided by the District that are necessary for the development of the Subject Property within the District and which shall promote the interests of the City and confer a special benefit upon the Subject Property, may include, but is not limited to: (i) street and roadway improvements, including related sidewalks, drainage, utility relocation, signalization, landscaping, lighting, signage, off-street parking and right-of-way; (ii) establishment or improvement of parks and open space, together with the design, construction of any ancillary features or amenities such as trails, playgrounds, walkways, lighting and any similar items located therein; (iii) sidewalks and landscaping, including entry monuments and features, fountains, lighting and signage; (iv) acquisition, construction, and improvement of water, wastewater and drainage improvements and facilities; (v) acquisition of real property in connection with the Authorized Improvements (as defined below); (vi) payment of costs, including, without limitation, design, engineering, permitting, legal, required payment, performance and maintenance bonds, bidding, support, construction, construction management, administrative and inspection costs, associated with developing and financing the public improvements listed in (i) through (v) above; (vii) projects similar to those listed in (i) through (v) above or authorized by the Act, including similar off-site projects that provide a benefit to the property within the District; (viii) payment of costs associated with special supplemental services for improvement and promotion of the District as approved by the City including services related to advertising, promotion, health and sanitation, water and wastewater, public safety, security, business recruitment, development, recreation, and cultural enhancement; and (ix) payment of costs associated with developing and financing the public improvements listed in (i) through (viii) above, as well as the interest, costs of issuance, reserve funds, or credit enhancement of bonds issued for the purposes described in (i) through (viii) above, and costs of establishing, administering and operating the District (collectively, the “Authorized Improvements”).

V. ESTIMATED COSTS TO CONSTRUCT THE PROPOSED AUTHORIZED IMPROVEMENTS

The total estimated capital cost of constructing and acquiring all of the currently proposed Authorized Improvements, together with bond issuance costs, legal and financial fees, letter of credit fees and expenses, bond credit enhancement expenses, capitalization of bond interest, the funding of a debt service reserve fund, expenses incurred in the establishment, administration and operation of the District and acquisition, by purchase or otherwise, of real property in connection with each authorized improvement, is presently estimated to be a total of approximately \$66,796,434.00, based on the estimated current and future costs of the Authorized Improvements to serve the area within the District, as authorized by law. The total costs of the Authorized Improvements shall be paid from assessments levied on the Subject Property within the District, anticipating that the costs of acquisition of the Authorized Improvements will be paid pursuant to

the issuance of bonds secured by and payable from a special assessment levied on all assessed property within the District's boundaries for the Authorized Improvements.

VI. PROPOSED METHOD OF ASSESSMENT

The proposed method of assessment is to impose a special assessment to be paid in installments on all benefitting property within the District, net of any public right-of-way, according to the appraised value of the property, without regard to the value of improvements on the property, or in any other manner that results in imposing equal shares of the cost on property according to the pro rata share of benefit received. A report will be prepared showing the special benefits accruing to the property within the District and how the costs of Authorized Improvements are assessed to property on the basis of the special benefit received by the property from the Authorized Improvements.

VII. APPORTIONMENT OF COSTS

The City will not be obligated to provide any funds to finance the Authorized Improvements. All of the costs of the Authorized Improvements will be paid from assessments levied on properties in the District and from other sources of funds, if any, available to the Petitioner or the developer of the District.

VIII. MANAGEMENT OF DISTRICT

Management and administration of the District shall be by the City. The City may contract from time to time with a private company to provide District administrative services to be paid out of assessment proceeds.

IX. ADVISORY BODY

An advisory body may be established to develop and recommend an improvement plan to the City Council of the City of Seguin (the "City Council").

X. AUTHORIZATION

The individuals executing this Petition are duly authorized to execute this Petition, and the Petitioners request the establishment of the District.

This Petition has been executed for an on behalf of (i) the owners of more than 50% of the taxable real property described in **Exhibit "A"**, representing all of the appraised value of taxable real property liable for assessment under this Petition as shown by the current roll of the Guadalupe County Appraisal District, and (ii) the record owners of more than 50% of the real property liable for assessment under this Petition, and shall be filed with the Secretary of the City or the record

owners of more than fifty-percent (50%) of the area of all taxable real property that is liable for assessment under the proposal. The Petitioners own 100% of the property to be included in the District and are liable for the assessment.

Petitioners acknowledge that they have read and understand the City's Public Improvement District Policy adopted on January 18, 2022, and will adhere to all language provided therein unless a specific exception is requested.

XI. PRAYER

WHEREFORE, PREMISES CONSIDERED, Petitioners pray that the City Council:

(1) duly consider this Petition and adopt a Resolution finding (i) that this Petition complies with all legal requirements; (ii) that the proposed Authorized Improvements are necessary, advisable and will provide a public use and special benefit to the City; and (iii) that the estimated costs of the improvements, the method of assessment, and any apportionment of costs between the District and the City of Seguin are reasonable and acceptable;

(2) call a public hearing, give notice thereof as required by law and hold such hearing on the advisability of the Authorized Improvements specified in this Petition; and

(3) grant all matters requested in this Petition and grant such other relief, in law or in equity, to which Petitioners shall show themselves to be entitled.

Signature(s) on the Following Page(s)

EXHIBIT "A"
FIELD NOTES AND SURVEY OF THE SUBJECT PROPERTY

FIELD NOTES FOR A 413.40 ACRE TRACT OF LAND

A **413.40 acre** tract of land, located in the Antonio Maria Esnaurizar Survey, Abstract 20, and the Humphreys Branch Survey Abstract No. 1876, Guadalupe County, Texas, being a portion of a called 300.3 acre tract of land as described in Volume 15, Page 23 of the Deed Records of Guadalupe County, Texas, and a portion of a called 115 acre tract of land as described in Volume 19, Page 462 of the Deed Records of Guadalupe County, Texas. Said **413.40 acre** tract being more particularly described by metes and bounds as follows:

BEGINNING at a found ½” iron rod with orange cap in the east right-of-way line of CR 105 a.k.a. Huber Road, for the southwest corner of a called 12.504 acre tract of land as described in Document No. 2017005570 of the Official Public Records of Guadalupe County, Texas, the northwest corner of the tract described herein, from which a found ½” iron rod in the east right-of-way line of Huber Road and for the northwest corner of said 12.504 acre tract bears, N 00° 34’ 29” W, a distance of 467.60 feet;

THENCE: S 88° 32’ 55” E, departing said right-of-way line and with the south line of said 12.504 acre tract, a distance of **1145.31 feet** to a found 1-1/2” iron pipe for the southwest corner of a called 62.062 acre tract of land, the southeast corner of said 12.504 acre tract, an interior corner in the north line of said 115 acre tract and for an angle of the tract described herein;

THENCE: With the north line of said 115 acre tract and the south lines of said 62.062 acre tract, a called 31.011 acre tract of land as described in Volume 3155, Page 382 of the Official Public Records of Guadalupe County, Texas, a called 50 acre tract of land as described in Volume 158, Page 457 of the Deed Records of Guadalupe County, Texas, a called 49.99 acre tract of land as described in Volume 662, Page 599, Deed Records of Guadalupe County, Texas, a called 50.315 acre tract of land as described in Document No. 201899008151 of the Official Public Records of Guadalupe County, Texas, and a called 50.232 acre tract of land as described in Document No. 201899008150 of the Official Public Records of Guadalupe County, Texas, the following six (6) courses:

1. **S 88° 35’ 50” E**, a distance of **319.34 feet** to a found ½” iron rod with orange cap for an angle,
2. **S 88° 34’ 44” E**, a distance of **318.32 feet** to a found ½” iron rod for an angle,
3. **S 88° 27’ 59” E**, a distance of **506.59 feet** to a found ½” iron rod for an angle,
4. **S 88° 05’ 44” E**, a distance of **514.11 feet** to a found ½” iron rod for an angle,
5. **S 88° 32’ 12” E**, a distance of **515.89 feet** to a found 1” pipe for an angle, and
6. **S 89° 01’ 41” E**, a distance of **512.41 feet** to a found 1” pipe in the west line of a called 91.83 acre tract of land as described in Volume 4019, Page 75 of the Official Public Records of Guadalupe County, Texas, the southeast corner of said 50.232 acre tract, the north east corner of said 115 acre and the tract described herein;

THENCE: S 00° 25’ 47” E, with the west line of said 91.83 acre tract, the east line of said 115 acre tract and said 300.0 acre tract, for a distance of **3296.92 feet** to a found 3” iron pipe fence post for the northwest corner of a called 134.03 acre tract of land as described in Document No. 2017013004 of the Official Public Records of Guadalupe County, Texas, the southwest corner of said 91.83 acre tract and an angle of the tract described herein;

THENCE: S 01° 20’ 01” E, with the west line of said 134.03 acre tract, continuing with the east line of said 300.3 acre tract, a distance of **2084.56 feet** to a found 1-1/2” iron pipe in the north line of a called 39.90 acre tract of land as described in Volume 609, Page 228 of the Deed Records of Guadalupe County, Texas, for the southwest corner of said 134.03 acre tract, the southeast corner of said 300.3 acre tract and the tract described herein;

THENCE: S 89° 13’ 20” W, with the north line of said 39.90 acre tract and the south line of said 300.3 acre tract, a distance of **2516.63 feet** to a found ½” iron rod with orange cap in the east line of said CR 105 for the northwest corner of said 39.90 acre tract, the southwest corner of said 300.3 and the tract described herein;

THENCE: With the east and north lines of said CR 105, and the west and south lines of said 300.3 acre tract the following six (6) calls:

1. **N 01° 13' 47" W**, a distance of **2190.87 feet** to a found ½" iron rod for a corner,
2. **S 89° 24' 28" W**, a distance of **1271.74 feet** to a found ½" iron rod with orange cap stamped "B&A" or "BSA" for an angle,
3. **N 45° 13' 02" W**, a distance of **70.50 feet** to a found ½" iron rod with orange cap stamped "B&A" or "BSA" for an angle,
4. **N 00° 08' 55" W**, a distance of **1521.51 feet** to a set ½" iron rod with a red "MATKIN-HOOVER ENG. & SURVEY" plastic cap for an angle,
5. **N 00° 26' 16" W**, a distance of **1023.68 feet** to a set ½" iron rod with a red "MATKIN-HOOVER ENG. & SURVEY" plastic cap for an angle, and
6. **N 00° 32' 43" W**, a distance of **740.20 feet** to the **POINT OF BEGINNING** and containing **413.40 acres** of land situated in Bastrop County, Texas.

Note: The basis of bearing was established using the Trimble VRS Network, NAD (83), Texas State Plane Coordinate System, South Central Zone, 4204, US Survey Foot, Grid. A survey plat was prepared by a separate document. Field work performed in May 2021.



Job # 21-4047

Date: May 11, 2017

EXHIBIT "B"
PETITIONER'S SWORN STATEMENT

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| EXHIBIT B |
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**SWORN AFFIDAVIT OF FEE SIMPLE OWNER OF REAL PROPERTY REQUESTING
ESTABLISHMENT OF, AND CONSENTING TO INCLUSION IN, THE WALNUT
SPRINGS PUBLIC IMPROVEMENT DISTRICT**

2021 FII Walnut, LP, a Texas limited partnership, (hereinafter “Owners”) hereby affirm that they are the fee simple owner of real property located in the City of Seguin (the “City”), Guadalupe County (the “County”), Texas. Owners request the establishment of the Walnut Springs Public Improvement District (the “District”) and consent to the inclusion of said real property within its boundaries. The description of the real property owned by Owners, and which Owners wish to include within the proposed District is attached as **Exhibit “A”** to the Petition for the establishment of the Walnut Springs Public Improvement District.

By the signatures below, Owner verifies, in compliance with Chapter 372 of the Texas Local Government Code, that they are the owner of taxable real property, described in **Exhibit “A”** below, representing more than fifty-percent (50%) of the appraised value of taxable real property within the proposed District liable for assessment under the proposal, and that they constitute more than fifty-percent (50%) of all record owners of property within the proposed District that is labile for assessment under the proposal or that they own taxable real property that constitutes more than fifty-percent (50%) of the area of all taxable real property within the proposed District liable for assessment under the proposal.

Signature(s) on the Following Page(s)

Exhibit B

NOTICE OF PUBLIC HEARING REGARDING THE CREATION OF A PUBLIC IMPROVEMENT DISTRICT

Pursuant to Section 372.009(c) and (d) of the Texas Local Government Code, as amended, notice is hereby given that the City Council of the City of Seguin, Texas (the "City"), will hold a public hearing to accept public comments and discuss the petition (the "Petition"), filed by 2021 FII Walnut, LP, a Texas limited partnership (the "Petitioner"), requesting that the City create the Walnut Springs Public Improvement District (the "District") to include property owned by the Petitioner located within the City's corporate limits.

Time and Place of Public Hearing. The public hearing will start at or 5:30 P.M. on Tuesday, January 21, 2025, in the regular meeting place of the City Council in City Hall located at 210 E. Gonzales Street, Seguin, Texas 78155.

General Nature of the Proposed Authorized Improvements. The general nature of the proposed public improvements are: (i) street and roadway improvements, including related sidewalks, drainage, utility relocation, signalization, landscaping, lighting, signage, off-street parking and right-of-way; (ii) establishment or improvement of parks and open space, together with the design, construction of any ancillary features or amenities such as trails, playgrounds, walkways, lighting and any similar items located therein; (iii) sidewalks and landscaping, including entry monuments and features, fountains, lighting and signage; (iv) acquisition, construction, and improvement of water, wastewater and drainage improvements and facilities; (v) acquisition of real property in connection with the Authorized Improvements (as defined below); (vi) payment of costs, including, without limitation, design, engineering, permitting, legal, required payment, performance and maintenance bonds, bidding, support, construction, construction management, administrative and inspection costs, associated with developing and financing the public improvements listed in (i) through (v) above; (vii) projects similar to those listed in (i) through (v) above or authorized by the Act, including similar off-site projects that provide a benefit to the property within the District; (viii) payment of costs associated with special supplemental services for improvement and promotion of the District as approved by the City including services related to advertising, promotion, health and sanitation, water and wastewater, public safety, security, business recruitment, development, recreation, and cultural enhancement; and (ix) payment of costs associated with developing and financing the public improvements listed in (i) through (viii) above, as well as the interest, costs of issuance, reserve funds, or credit enhancement of bonds issued for the purposes described in (i) through (viii) above, and costs of establishing, administering and operating the District (collectively, the "Authorized Improvements").

Estimated Cost of the Authorized Improvements. The estimated total cost of the proposed Authorized Improvements is \$66,796,434.00, including issuance and other financing costs.

Proposed District Boundaries. The District is proposed to include approximately 413.4 acres of land as shown in the map attached hereto and as more particularly described by a metes and bounds description available at the City Secretary's office located at 210 E. Gonzales Street, Seguin, Texas 78155, and available for public inspection during regular business hours.

Proposed Method of Assessment. The City shall levy an assessment on each parcel 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 benefited. Each assessment may be paid in full at any time (including interest) and certain assessments may be paid in annual installments (including interest). If allowed to be paid in installments, then the installments must be paid in amounts

necessary to meet annual costs for the Authorized Improvements financed by the assessment and must continue for a period necessary to retire the indebtedness on those Authorized Improvements (including interest).

Proposed Apportionment of Cost between the District and City. The City will not be obligated to provide any funds to finance the Authorized Improvements. The cost of the Authorized Improvements will be paid from the assessments and from other sources of funds, if any, available to the developer of the property within the District. The City will pay none of the costs of the proposed Authorized Improvements and no municipal property in the proposed District shall be assessed.

During the public hearing any interested person may speak for or against the establishment of the District and the advisability of the improvements to be made for the benefit of the property within the District.