

CITY OF SAGINAW, TEXAS

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAGINAW, TEXAS AUTHORIZING AND CREATING THE WESTERN CENTER PUBLIC IMPROVEMENT DISTRICT IN ACCORDANCE WITH CHAPTER 372 OF THE TEXAS LOCAL GOVERNMENT CODE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR RELATED MATTERS; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Saginaw, Texas (the “**City**”), is authorized under Chapter 372 of the Texas Local Government Code (the “**Act**”), to create a public improvement district within the corporate limits of the City; and

WHEREAS, on September 22, 2020, Lavonne White, Cheri Elaine Walker as Successor Trustee of the Cheri Elaine Walker Trust dated October 1, 1993, and Judy Lynn Hartt as Successor Trustee of the Judy Lynn Hartt Trust dated October 1, 1993 (collectively, the “**Petitioners**”) submitted and filed with the City Secretary of the City a petition (the “**Petition**”) requesting the establishment of a public improvement district for property within the corporate limits of the City; and

WHEREAS, the Petition requested the creation of the Western Center Public Improvement District (the “**District**”), which District is located within the corporate limits of the City and more particularly depicted in Exhibit A and described by metes and bounds in Exhibit B (the “**Property**”) each attached hereto and incorporated herein for all purposes; and

WHEREAS, the City Council of the City (the “**City Council**”) has investigated and determined that the facts contained in the Petition are true and correct; and

WHEREAS, after publishing notice on October 1, 2020, in the *Fort Worth Star-Telegram*, a newspaper of general circulation in the City, and mailing notice of the hearing, all as required by and in conformity with the Act, the City Council, opened a public hearing on the advisability of the improvements on October 20, 2020, and after all interested parties were given the opportunity to speak, the City Council closed the public hearing.

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

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

Section 2. The Petition submitted to the City by the Petitioners was filed with the City Secretary and complies with Section 372.005 of the Act.

Section 3. Pursuant to the requirements of the Act, including, without limitation, Sections 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 20, 2020, hereby finds and declares:

- (a) **Advisability of the Proposed Improvements.** It is advisable to create the District to provide the Authorized Improvements (as described below). The Authorized Improvements are feasible and desirable and 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, construction, and improvement of public improvement projects authorized by the Act, that are necessary for the development of the property within the District, which public improvements may include, but not be limited to: (i) roadway improvements; storm drainage/ detention improvements; water and wastewater system improvements; right-of-way acquisitions related to such improvements; sidewalks; traffic signal upgrades; parks, trail system, open space and landscaping improvements and, other similar improvement projects; (ii) payment of expenses incurred in the establishment, administration and operation of the District; and, (iii) payment of expenses associated with financing such public improvement projects, which may include but are not limited to, costs associated with issuance and sale of revenue bonds secured by assessments levied against the Property (collectively, the “Authorized Improvements”). These Authorized Improvements shall promote the interests of the City and confer a special benefit on the Property.

(c) Estimated Costs of the Authorized Improvements and Apportionment of Costs.

The estimated total costs to design, acquire, and construct the Authorized Improvements, including eligible costs related to the establishment, administration and operation of the District and expenses associated with financing Authorized Improvements is \$14,000,000, which costs shall be paid by assessments levied on the Property within the District. The City will not be obligated to provide any funds to finance the Authorized Improvements, other than from assessments levied on the Property. The developer of the Property (the “*Developer*”) may also pay certain costs of the Authorized Improvements from other funds available to the Developer.

(d) Boundaries of the District. The District is proposed to include approximately 78.724 acres of land bound on the north by Rough Rider Drive, on the east by Blue Mound Road (FM-156), and on the south by McElroy Blvd; and, generally located on the West side of FM-156 1.4 miles± north of Northwest Loop 820, and as more particularly depicted in Exhibit A attached hereto, and as more properly described in the metes and bounds in Exhibit B attached hereto.

(e) Proposed Method of Assessment. The City shall levy assessments on each parcel within the District in a manner that results in imposing equal shares of the costs on property similarly benefited. All assessments may be paid in full at any time (including interest and debt), and certain assessments may be paid in annual installments (including interest and debt). 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 by the assessments and must continue for a period necessary to retire the indebtedness for those Authorized Improvements (including interest).

(f) Management of the District. The District shall be managed by the City, with the assistance of a consultant, who shall, from time to time, advise the City regarding certain operations of the District.

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

Section 4. The Western Center Public Improvement District is hereby authorized and created as a public improvement district under the Act in accordance with the findings of the City Council as to the advisability of the Authorized Improvements contained in this Resolution, the nature and the estimated costs of the Authorized Improvements, the boundaries of the District, the method of assessment, and the apportionment of costs as described herein; and the conclusion that the District is needed to fund such Authorized Improvements.

Section 5. Notice of this Resolution authorizing the District shall be given by publishing such notice once in the *Fort Worth Star-Telegram*, a newspaper of general circulation in the City. Effective upon the publication of such notice, the District shall be established.

Section 6. If any section, article, paragraph, sentence, clause, phrase or word in this resolution or application thereof to any persons or circumstances is held invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this resolution; and the City Council hereby declares it would have passed such remaining portions of the resolution despite such invalidity, which remaining portions shall remain in full force and effect.

Section 7. This Resolution shall take effect immediately from and after its passage and publication as required by law.

[EXECUTION PAGE FOLLOWS]

PASSED, APPROVED AND ADOPTED on the 20th day of October 2020.

CITY OF SAGINAW

TODD FLIPPO, MAYOR

ATTEST:

JANICE ENGLAND, CITY SECRETARY

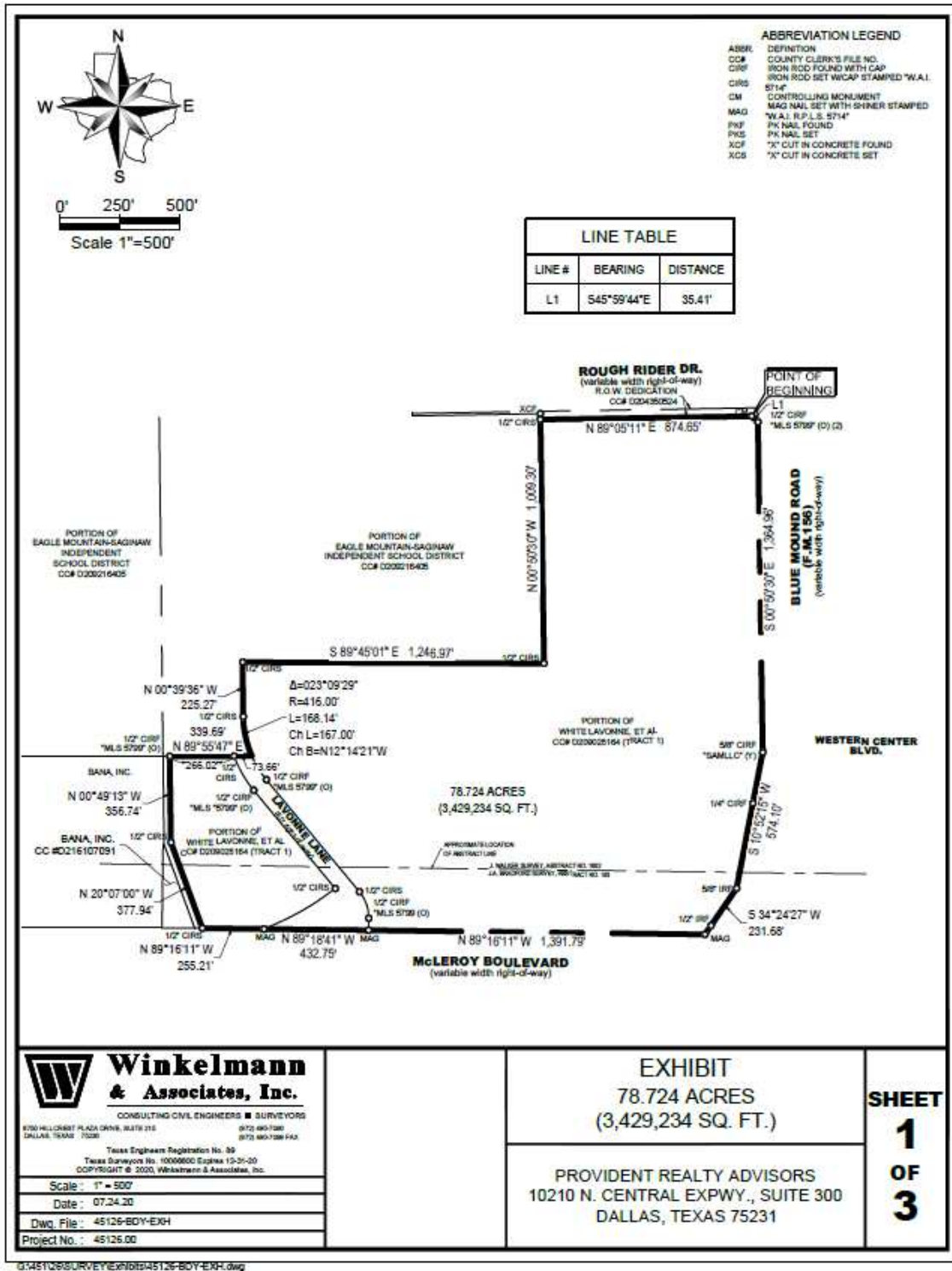


EXHIBIT B
Metes and Bounds Description of the Property

BEING a tract of land situated in the J. WALKER SURVEY, ABSTRACT NO. 1602 and the J.A. BRADFORD SURVEY, ABSTRACT NO. 183, City of Saginaw, Tarrant County, Texas and being portions of a tract of land as described in deed to The Cheri Elaine Walker Trust and The Judy Lynn Hartt Trust, recorded in County Clerk's File Number D209025164 (Tract 1), Deed Records, Tarrant County, Texas, and being a portion of Lavonne Lane (variable width right-of-way), and being more particularly described as follows:

BEGINNING at a 1/2-inch iron rod with orange plastic cap stamped "MLS 5799" found at the Northwest end of a corner clip at the intersection of the South right-of-way line of Rough Rider Drive (variable width right-of-way) and the West right-of-way line of Blue Mound Road (F.M. 156, variable width right-of-way);

THENCE South 45 deg 59 min 44 sec East, along said corner clip, a distance of 35.41 feet to a 1/2-inch iron rod with orange plastic cap stamped "MLS 5799" found for corner, said iron rod being situated in said West right-of-way line;

THENCE departing said corner clip and along the West right-of-way line of said Blue Mound Road, the following:

South 00 deg 50 min 30 sec East, a distance of 1,364.96 feet to a point for corner from which a 5/8-inch iron rod with yellow plastic cap stamped "SAMLLC" found bears, South 07 deg 09 min 14 sec West, a distance of 1.41 feet;

South 10 deg 52 min 15 sec West, a distance of 574.10 feet to a 5/8-inch iron rod found for corner;

South 34 deg 24 min 27 sec West, a distance of 231.68 feet to a MAG nail with shiner stamped "W.A.I. R.P.L.S. 5714" set for corner, said MAG nail being situated in the approximate centerline of McLeroy Boulevard (variable width right-of-way);

THENCE North 89 deg 16 min 11 sec West, along said centerline, a distance of 1,391.79 feet to a MAG nail with shiner stamped "W.A.I. R.P.L.S. 5714" set for corner, said MAG nail being situated in the East right-of-way line of Lavonne Drive, (variable width right-of-way, at this point)

THENCE North 89 deg 18 min 41 sec West, over and across, the right-of-way of said Lavonne Drive, a distance of 432.75 feet to a MAG nail with shiner stamped "W.A.I. R.P.L.S. 5714" set for corner, said MAG nail being situated in the West right-of-way line of said Lavonne Drive and the approximate centerline of said McLeroy Boulevard;

THENCE North 89 deg 16 min 11 sec West, continuing along the centerline of said McLeroy Boulevard, a distance of 255.21 feet to a 1/2-inch iron rod with red plastic cap stamped "W.A.I. 5714" set for corner, said iron rod being the Southeast corner of a tract of land as described in deed to Bana, Inc., recorded in County Clerk's File No. D216107091, Deed Records, Tarrant County, Texas;

THENCE North 20 deg 07 min 00 sec West, departing said approximate centerline and along the Easterly line of said Bana, Inc. tract, a distance of 377.94 feet to a 1/2-inch iron rod with red plastic cap stamped "W.A.I. 5714" set for corner;

THENCE North 00 deg 49 min 13 sec West, a distance of 356.74 feet to a 1/2-inch iron rod with orange plastic cap stamped "MLS 5799" found for corner;

THENCE North 89 deg 55 min 47 sec East, at a distance of 266.02 feet, passing a 1/2-inch iron rod with red plastic cap stamped "W.A.I. 5714" found and being situated in the West right-of-way line of said Lavonne Lane, in all a total distance of 339.69 feet to a point for corner, said point being situated in the East right-of-way line of said Lavonne Lane and being the beginning of a non-tangent curve to the right, having a radius of 416.00 feet, a central angle of 23 deg 09 min 29 sec, a chord bearing of North 12 deg 14 min 21 sec West and a chord length of 167.00 feet;

THENCE along said East right-of-way line and said non-tangent curve to the right, an arc distance of 168.14 feet to a 1/2-inch iron rod with red plastic cap stamped "W.A.I. 5714" found for corner;

THENCE North 00 deg 39 min 36 sec West, continuing along said East right-of-way line, a distance of 225.27 feet to a 1/2-inch iron rod with red plastic cap stamped "W.A.I. 5714" set for corner;

THENCE South 89 deg 45 min 01 sec East, departing the Easterly right-of-way line of said Lavonne Lane, a distance of 1,246.97 feet to a 1/2-inch iron rod with red plastic cap stamped "W.A.I. 5714" set for corner;

THENCE North 00 deg 50 min 30 sec West, a distance of 1,009.30 feet to a 1/2-inch iron rod with red plastic cap stamped "W.A.I. 5714" set for corner, said iron rod being situated in the South right-of-way line of said Rough Rider Drive;

THENCE North 89 deg 05 min 11 sec East, along said South right-of-way line, a distance of 874.65 feet to the POINT OF BEGINNING.

CONTAINING within these metes and bounds 78.724 acres or 3,429,234 square feet of land, more or less.

Bearings shown hereon are based upon an on-the-ground Survey performed in the field on the 13th day of June, 2019, utilizing a G.P.S. bearing related to the Texas Coordinate System, North Texas Central Zone (4202), NAD 83, grid values from the GeoShack VRS network.