

RESOLUTION NO. ____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
KYLE, TEXAS, AUTHORIZING AND CREATING BLANCO
RIVER RANCH PUBLIC IMPROVEMENT DISTRICT**

WHEREAS, Chapter 372 of the Texas Local Government Code (the “Act”) authorizes the creation of public improvement districts; and

WHEREAS, owners of real property located generally south of RM 150, west of N. Old Stagecoach Road, and north of the Cypress Road (the “Property”), delivered to the City of Kyle (the “City”) a petition (the “Petition,”) requesting that the City Council create the Blanco River Ranch Public Improvement District (the “District”) as described on Exhibit “A” attached hereto; and

WHEREAS, after providing the notices required by Section 372.009 of the Act, the Kyle City Council (the “City Council”), on June 6, 2017, conducted a public hearing on the advisability of the improvements and services related to the proposed District; and

WHEREAS, the City Council adjourned such public hearing held on June 6, 2017, and after receiving the public input and considering same, and evaluating the supporting information received by the City from the Developer, related to the creation of the District, the Council takes the following action.

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

Section 1. Findings. Pursuant to the requirements of the Act, the City Council, after considering the Petition for the proposed District and the evidence and testimony presented at the public hearing on June 6, 2017, hereby finds and declares:

- (a) Advisability of Services and Improvements Proposed for the District. It is advisable to create the District to provide the services and improvements described in this Resolution; the services and improvements will contribute to the public health, safety, and welfare.
- (b) Nature of the Services and Improvements. The general nature of the services and improvements to be performed by the District are:
 - (i) acquisition, construction and improvement of sidewalks, streets, other roadways, and rights-of-way;
 - (ii) acquisition, construction, and improvement of water, wastewater and drainage facilities;
 - (iii) landscaping;

- (iv) establishment of parks and open space;
 - (v) acquisition, construction, and improvement of off-street parking facilities;
 - (vi) other projects similar to those listed in subsections (i) – (v) above authorized by the Act;
 - (vii) other improvement projects not listed in subsections (i) – (vi) above but are authorized by the Act; and
 - (viii) payment of costs associated with developing and financing the public improvements listed in subparagraphs (i) – (vii) above, including costs of establishing, administering and operation of the District.
- (c) Estimated Cost of Services and Improvements. The total bonded indebtedness over the term of the District is anticipated to be not more than \$100,000,000. The petitioners have represented to the City that these amounts will be supplemented with (i) additional revenue expected to be received from governmental reimbursement and participation agreements, and (ii) developer equity investment and debt financing. These anticipated additional funds are expected to be detailed in any proposed Service Plan associated with the District.
- (d) Boundaries. The District is located partially in the City limits and partially in the extraterritorial jurisdiction of the City. The boundaries of the District are specifically described on Exhibit “A.”
- (e) Method of Assessment. District costs may be assessed using any methodology that results in the imposition of equal shares of the costs on property similarly benefited within the District. The City will exclude the following classes of property from assessment: (i) property of the City; (ii) property of the County; (iii) property owned by political subdivisions of the State of Texas and used for public purposes; and (iv) other property that is excluded by law or by agreement of the City and the petitioners.
- (f) Apportionment of Cost between the City and the District. All cost of the proposed public improvements will be paid by assessments of the property within the District and from other sources of funds, if any, available to the owner of that property. The City will not be obligated to provide any funds to finance the proposed public improvements.
- (g) Assessment Roll and Setting of Rate. The City Manager shall annually prepare an assessment roll and file that roll with the County Clerk, in conformity with the exemptions from the assessment established under subparagraph (e) above.

Section 2. Authorization and Creation. The Blanco River Ranch Public Improvement District is hereby authorized and created as a Public Improvement District under the Act in accordance

with the findings set forth in this Resolution as to the advisability of the services and improvements. The District shall be subject to the terms, conditions, limitations, and reservations contained in the findings of Section 1 of this Resolution.

Section 3. Notice of Authorization. The City Secretary is directed to give notice of the authorization of establishment of the District by publishing a copy of this Resolution once in a newspaper of general circulation in the City of Kyle. Such authorization shall take effect and the District shall be deemed to be established effective upon publication of such notice. The District can be terminated as provided by law. Subject to the last sentence of this Section 3, the power of the City to continue to levy and collect assessments within the District pursuant to the Act will cease and the District will be dissolved following the date that a petition requesting dissolution is filed with the City Secretary of the City of Kyle and the petition contains signatures of at least the number of property owners in the District to make the petition sufficient for creation of a public improvement district as provided in Section 372.005(b) of the Act, and a public hearing has been held by the City Council as described in Section 372.011 of the Act. If the District is dissolved, the District shall remain in effect for the purpose of meeting obligations of indebtedness.

FINALLY PASSED AND ADOPTED on this ____ day of _____, 2017.

THE CITY OF KYLE, TEXAS

BY: _____
R. Todd Webster, Mayor

ATTEST:

Jennifer A. Vetrano, City Secretary

EXHIBIT "A"

The Property

Blanco River Ranch
858.70 acres

BEING 858.70 ACRES OF LAND LOCATED IN THE SAMUEL PHARASS $\frac{1}{4}$ LEAGUE NO. 14, ABSTRACT 360, AND THE CALEB W. BAKER SURVEY, ABSTRACT 31 HAYS COUNTY, TEXAS AND BEING A PORTION OF TRACT I, A CALLED 1,971.29 ACRE TRACT AND ALL OF TRACT II, A CALLED 195.14 ACRE TRACT AS DESCRIBED IN A DEED FROM THE STATE OF TEXAS TO BLANCO RIVER RANCH, LP AND RECORDED IN VOLUME 5230, PAGE 583 OF THE DEED RECORDS OF HAYS COUNTY, TEXAS; SAID 858.70 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS WITH ALL BEARING REFERENCED TO THE TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE.

BEGINNING at an iron rod with aluminum cap stamped "Kent McMillian" found marking the most northerly corner of a called 311.56 acre tract described in a deed to Robert Nance recorded in Volume 4459, Page 137 of said Deed Records, same being the northwest corner of a called 195.14 acre tract described in the aforementioned deed to Blanco River Ranch as Tract II and being on the southeasterly line of said 1,971.29 acre Tract I;

THENCE, with the southerly line of said 1,971.29 acre tract, same being the northeasterly line of said 311.56 acre tract S43°59'58"W, 1916.27 feet to a $\frac{1}{2}$ -inch iron rod with cap stamped "AST" set on the northerly line of proposed RM 150;

THENCE, leaving said southerly line and crossing said 1,941.29 acre tract with the proposed northerly line of RM 150 the following courses and distances:

1. N65°08'51"W, 49.48 feet to a $\frac{1}{2}$ -inch iron rod with cap stamped "AST" set at the beginning of a curve to the right;
2. with a curve to the right, 381.25 feet, having a radius of 925.00 feet, a central angle of 23°36'54" and a chord bearing and distance of N53°30'43"W, 378.55 feet to a $\frac{1}{2}$ -inch iron rod with cap stamped "AST" set for point of tangency;
3. N41°42'16"W, 336.00 feet to a $\frac{1}{2}$ -inch iron rod with cap stamped "AST" set at the beginning of a curve to the left;
4. with the arc of said curve to the left, 151.93 feet, having a radius of 1100.00 feet, a central angle of 07°54'48" and a chord bearing and distance of N45°39'41"W, 151.81 feet to a $\frac{1}{2}$ -inch iron rod with cap stamped "AST" set for point of tangency;
5. N49°37'05"W, 572.43 feet to a $\frac{1}{2}$ -inch iron rod with cap stamped "AST" set for an angle point in said line;
6. N51°37'01"W, 75.00 feet to a $\frac{1}{2}$ -inch iron rod with cap stamped "AST" set for an angle point in said line;
7. N53°36'58"W, 749.01 feet to a $\frac{1}{2}$ -inch iron rod with cap stamped "AST" set at the beginning of a curve to the left;

8. with the arc of said curve to the left, 93.33 feet, having a radius of 1025.00 feet, a central angle of 05°13'01" and a chord bearing and distance of N56°13'28"W, 93.30 feet to a 1/2-inch iron rod with cap stamped "AST" set for the most westerly southwest corner of the herein described tract;

THENCE leaving said proposed right of way line and with a dry creek, the following courses and distances:

1. N26°31'11"E, 563.37 feet to a calculated point;
2. N46°09'29"E, 1179.39 feet to a calculated point;
3. N28°22'57"E, 708.36 feet to a calculated point;
4. N44°16'34"E, 582.28 feet to a calculated point at the beginning of a curve to the right;
5. with a curve to the right, 297.90 feet, having a radius of 1184.66 feet, a central angle of 14°24'28" and a chord bearing and distance of N77°54'54"E, 297.12 feet to a calculated point;
6. N04°51'54"W, 125.14 feet to a calculated point;
7. N23°10'37"E, 321.60 feet to a calculated point;
8. N13°08'23"W, 681.62 feet to a calculated point;
9. N31°45'00"E, 255.79 feet to a calculated point;
10. N08°23'37"E, 473.49 feet to a calculated point;
11. N02°33'01"W, 195.07 feet to a calculated point;
12. N30°53'10"W, 576.14 feet to a calculated point;
13. N01°26'31"W, 729.89 feet to a calculated point;
14. N38°05'39"W, 1250.80 feet to a calculated point;
15. N20°33'26"E, 282.73 feet a 1/2-inch iron rod with cap stamped "AST" set for the most westerly northwest corner of the herein described tract on the northerly line of said 1,971.29 acre tract, same being on the southerly line of Park Land Lot 23 of Arroyo Ranch, Section One, a subdivision of record in Volume 10, Page 180 of the Hays County Official Public Records;

THENCE, with the northerly line of said 1,971.29 acre tract, S82°42'45"E, 432.46 feet to a point located in the centerline of the remains of an old stone fence corner for an angle point in the north line of the herein described tract, from which a 1/2"-inch iron rod bears S88°19'W, 37.5 feet;

THENCE, continuing with said northerly line, N43°55'32"E, 1271.63 feet to a 2-inch metal fence post at the most northerly northwest corner of said 1,971.29 acre tract and being the common corners of Lots 12, 13 and 19, Block D of said Arroyo Ranch Section One subdivision;

THENCE, with the easterly line of said 1,971.29 acre tract the following courses and distances:

1. S46°19'30"E, at 185.02 feet passing the south line of said Arroyo Ranch subdivision and north line of a 20.3 acre tract described in a deed to F. Javier, Jr et al and recorded in Volume 2813, Page 359 of said Official Public Records and continuing for a total distance of 887.68 feet to a found $\frac{1}{2}$ -inch iron rod for the south corner of said Javier tract, same being the westerly corner of a 21.15 acre tract described in a deed to Nancy L. Russell and Randall W. Russell and recorded in Volume 4385, Page 135 of said Official Public Records;
2. S46°48'04" E, 579.01 feet to a found $\frac{1}{2}$ -inch iron rod for the south corner of Russell and being the westerly corner of Quail Meadows Subdivision as recorded in Volume 7, Page 47 of the Hays County Plat Records;
3. With the southwesterly line of said subdivision, S46°06'19"E, 409.08 feet to $\frac{1}{2}$ -inch iron rod for angle point;
4. S47°09'10"E, 405.41 feet to $\frac{1}{2}$ -inch iron rod for angle point;
5. S47°52'54"E, 295.90 feet to $\frac{1}{2}$ -inch iron rod for angle point;
6. S47°18'52"E, 296.88 feet to $\frac{1}{2}$ -inch iron rod for angle point;
7. S47°21'24"E, 132.10 feet to $\frac{1}{2}$ -inch iron rod for angle point;
8. S47°07'34"E, 179.01 feet to $\frac{1}{2}$ -inch iron rod for angle point;
9. S46°55'27"E, 248.69 feet to $\frac{1}{2}$ -inch iron rod for most southerly corner of said subdivision and the westerly corner of a called 57.26 acre tract described in a deed to Kyle Mortgage Investors, LLC and recorded in Volume 3416, Page 789 of said Official Public Records;
10. S45°43'31"E, 436.59 feet to a fence post for angle point;
11. S46°32'55"E, 1447.00 feet to an iron rod with aluminum cap stamped "Kent McMillian" at an interior ell corner of said 1,971.29 acre tract;
12. Continuing with the easterly line of said 1,971,29 acre tract, S40°23'35"W, 1023.40 feet to a $\frac{1}{2}$ -inch iron rod found at the westerly corner of a called 1.259 acre tract described in a deed to Robin Robinson and recorded in Volume 5358, Page 587 of said Official Public Records;
13. S50°23'48"E, 255.70 feet to a fence post for angle point;
14. N40°43'43"E, 42.89 feet to a $\frac{1}{2}$ -inch iron rod with cap stamped "AST" set;
15. S52°09'40"E, at 85.22 feet passing a $\frac{1}{2}$ -inch iron rod found at the westerly corner of a called 0.72 acre tract described in a deed to Robin and Gale Robinson and recorded in Volume 4689, Page 363 of said Official Public Records and continuing for a total distance of 244.62 feet to a $\frac{1}{2}$ -inch iron rod with cap stamped "AST" set;
16. N43°53'50"E, 92.19 feet to a $\frac{1}{2}$ -inch iron rod with cap stamped "AST" set;
17. S78°26'49"E, 101.27 feet $\frac{1}{2}$ -inch iron rod found on the westerly right of way line of N. Old Stagecoach Road (width varies);

THENCE, with said westerly right of way line the following course and distances:

1. S16°21'49"E, 511.37 feet to a $\frac{1}{2}$ -inch iron rod with cap stamped "AST";

2. S16°20'38"E, 1420.21 feet to a 60d nail found next to a cedar fence post and
3. S16°48'53"E, 800.20 feet to a 1/2-inch iron rod with cap stamped "AST" set for the most easterly southeast corner of this tract;

THENCE, leaving said westerly right of way line and with fence along the southeasterly line of said 195.14 acre tract, S36°01'23"W, 42.36 feet to a cedar fence post;

THENCE, continuing with said southeasterly line, same being the northwesterly line of a called 132.59 acre tract described in a deed to Felder CND, LLC and recorded in Volume 5224, Page 246 of the Hays County Official Public Records the following courses and distances:

1. S48°36'08"W, 1583.50 feet to a cedar fence post;
2. N49°26'16"W, 34.23 feet to a cedar fence post;
3. S25°40'41"W, 39.42 feet to an iron rod with cap stamped "Vickrey";
4. S48°29'40"W, 2127.73 feet to a cedar fence post with "Mag Nail" on the northerly right of way line of Cypress Road (aka Limekiln Road) (width undetermined) at the southeast corner of said 195.14 acre tract from which an iron rod with aluminum cap stamped "Kent McMillian" bears S21°57'46"W, 50.84 feet;

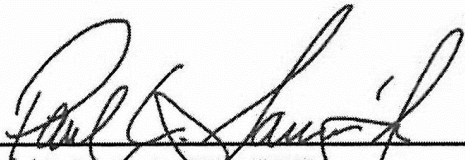
THENCE, with said northerly right of way line, N77°16'32"W, 599.91 feet to a cedar fence post on the easterly line of said 311.56 acre tract;

THENCE, with fence and the easterly line of said 311.56 acre and westerly line of said 195.14 acre tract the following courses and distances:

1. N16°48'19"W, 270.65 feet to a calculated angle point in said line and;
2. N17°13'44"W, 1607.95 feet to the **POINT OF BEGINNING** and containing 858.70 acres of land, more or less.

SURVEYOR'S STATEMENT

I hereby state that the included field note description was prepared from an actual survey made on the ground under my supervision and is true and correct, to the best of knowledge and belief.


Paul C. Sauve, Jr., RPLS #2518
Austin Spatial Technologies, LLC
December 5, 2016

