

STATE OF TEXAS §
 § PETITION TO ESTABLISH KYLE
COUNTY OF HAYS § PUBLIC IMPROVEMENT DISTRICT NO. 1

TO THE HONORABLE GOVERNING BODY OF THE CITY OF KYLE:

COMES NOW Lovey N. Driskell, Individually and as Independent Executrix of the Estate of Wyatt Ashley Driskell (“Petitioner”), and hereby requests and petitions the City of Kyle (the “City”) to establish the Kyle Public Improvement District No. 1 (the “District”) under and pursuant to the provisions of Chapter 372, Texas Local Government Code, on the hereinafter described property situated within the corporate limits of the City of Kyle, and in support thereof would respectfully show the following:

I.

The general nature of the proposed improvements to be provided by the District, in phases, is the (i) acquisition, construction and improvement of wastewater or drainage facilities and improvements; (ii) acquiring, constructing, improving, widening, narrowing, closing or rerouting streets, roadways or their rights-of-way, including revegetation and enhancements; (iii) acquisition, construction, and improvement of mass transportation improvements, including silent railway crossings; (iv) acquisition, construction, and improvement of park improvements, including parking areas; (v) acquisition, construction, and improvement of entryway improvements and related landscape enhancements; (vi) acquisition, by purchase or otherwise, of real property or contract rights in connection with each authorized improvement; and (vii) payment of expenses incurred in the establishment, administration and operation of the District and the costs of issuance, reserve funds or credit enhancement of any bonds issued by or on behalf of the District, if necessary.

II.

The estimated costs of constructing and acquiring all of the currently proposed public 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 creation of a bond reserve fund, expenses incurred in the establishment, administration and operation of the District and acquisition, by purchase or otherwise, of real property or contract rights in connection with each authorized improvement, is presently estimated to be a total of approximately \$5,000,000, based on the estimated current and future costs for construction and acquisition of a wastewater, roadway and drainage system to serve the area within the District and the mass transportation, park, landscape and parking improvements, as authorized by law. The total costs of the improvements shall be paid from any revenues or assessments lawfully available to the City, anticipating that the costs of acquisition of the wastewater, roadway and drainage system park and mass transportation, landscape and parking improvements will be paid pursuant to a contractual reimbursement obligation or the issuance of

bonds secured by and payable from a special assessment levied on all property within the District's boundaries for the public improvements.

III.

The boundaries of the proposed District are fully described in Exhibit "A", attached hereto and made a part hereof for all purposes.

IV.

The proposed method of assessment is to impose a special assessment to be paid in installments on all useable property within the District, net of any public right-of-way, according to the 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 similarly benefitted. A report will be prepared showing the special benefits accruing to property within the District and how the costs of the public improvements are assessed to property on the basis of special benefit received by the property from the public improvements.

V.

All costs incurred by the District shall be paid by the District, and there shall be no apportionment of costs between the District and the City as a whole. The City will not be obligated to provide any funds to finance the proposed improvements except from assessments generated by property within the District.

VI.

Management and administration of the District shall be by the City. The City may contract from time to time with a private company for District administrative services.

VII.

The individual executing this Petition is duly authorized to execute this Petition, and the Petitioner requests the establishment of the District.

VIII.

An Advisory Board may be established to develop and recommend an improvement plan to the City Council of the City of Kyle (the "Council"). The Petitioner requests that if the Council establishes an Advisory Board, that such Advisory Board should include representatives of the Petitioners or their designees.

IX.

This Petition has been executed for and on behalf of (i) the owners of more than 50% of the taxable real property described in said 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 Hays 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. The Petitioner owns 100% of the property to be located in the District and liable for assessment.

WHEREFORE, PREMISES CONSIDERED, Petitioner prays that the Council:

(1) duly consider this Petition and adopt a Resolution finding (i) that this Petition complies with all legal requirements; (ii) that the proposed improvements are necessary, advisable and will provide a public use and benefit to the City; and (iii) that the estimated costs of the improvements, the method of assessment and the apportionment of costs between the District and the City of Kyle 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 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 Petitioner shall show itself to be entitled.

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IN WITNESS WHEREOF, this Petition has been executed by the Petitioner on the ____ day of _____, 2017.

LOVEY N. DRISKELL, INDIVIDUALLY AND
AS INDEPENDENT EXECUTRIX OF THE
ESTATE OF WYATT ASHLEY DRISKELL

THE STATE OF TEXAS §

COUNTY OF _____ §

BEFORE ME, the undersigned, a Notary Public in and for the State of Texas, on this day personally appeared Lovey N. Driskell, Individually and as Independent Executrix of the Estate of Wyatt Ashley Driskell, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same as the act and deed of such person.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this _____ day of _____, 2017.

Notary Public in and for the State of Texas

(Notary Seal)

ACKNOWLEDGED BY:

INTERMANDECO, LLC

Cary L. Cobb, Vice President

THE STATE OF TEXAS §

COUNTY OF _____ §

BEFORE ME, the undersigned, a Notary Public in and for the State of Texas, on this day personally appeared Cary L. Cobb, Vice President of Intermandeco GP, LLC, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same as the act and deed of such person.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this _____ day of _____, 2017.

Notary Public in and for the State of Texas

(Notary Seal)

EXHIBIT A
LEGAL DESCRIPTION OF THE PROPERTY