**NOTICE OF**
**CITY COUNCIL REGULAR MEETING**
**CITY COUNCIL CHAMBERS 112 N. COLORADO ST, CELINA, TX 75009**
**TUESDAY, JULY 12, 2016 AT 5:00 PM**

**AGENDA**

**I. CALL TO ORDER AND ANNOUNCE A QUORUM PRESENT:**

**II. WORKSESSION/COMMITTEE REPORTS/STAFF REPORTS:**

A. Library update (Shaw)

B. Engineering update (Johnson)

C. Employee recognition (Mayor)

D. Gigabit City project update (Howard)

**III. EXECUTIVE SESSION:**

A. The Celina City Council will convene into Executive Session pursuant to Texas Government Code 551.072, Deliberations Regarding Real Property, to deliberate the purchase, exchange, lease or value of real property.

B. Property generally located North of FM 455, east of Bus SH 289, east of N. Florida and south of CR 58.

Reconvene into Open Session

C. Consider and act upon any items discussed in executive session.

**IV. PLEDGE OF ALLEGIANCE/INVOCATION:**

**V. PROCLAMATIONS/PRESENTATIONS/OATHS OF OFFICE:**

**VI. OPEN FORUM:**

Open Forum is for information only. If you wish to speak, please sign the "Speaker List" with the City Secretary. Speakers are limited to three (3) minutes. The Council can take no action. No charges and/or complaints will be heard against any elected official or employee of the city.

***Please note*** Anyone wishing to furnish the City Council with copies/handouts regarding their item of interest must provide 9 copies and present them to the City Secretary for distribution to the City Council.

**VII.** **CONSENT AGENDA:** Items are considered self-explanatory and will be enacted with one motion. No separate discussion of these items will occur unless so requested by at least one member of the City Council.

A. Minutes Approval:

1. City Council - Regular Meeting - Jun 14, 2016 5:00 PM

B. Consider and act to authorize the City Manager to execute an agreement amendment with NTTA and Collin County for Dallas North Tollway ROW utility crossings. (Johnson)

C. Consider and act upon a resolution of the City Council of the City of Celina, Texas, setting dates, times and place (Tuesday August 9, 2016 at 5:00 p.m. and Tuesday, August 23, 2016 at 5:30 p.m.) for public hearings on the proposed involuntary annexation of Wilson Creek being 82.414 acres situated in the Coleman Watson Survey, Abstract No. 945 and comprised of thirty-one (31) residential lots. (Wilson Creek Estates Phase 2 Involuntary Annexation) (Liebman)

D. Consider and act upon a Chapter 43 Pre-Annexation Agreement between the City of Celina, Texas, Lewis Dickerson, and Dorothy Stambaugh for approximately 49.084 acres situated in the Thomas Stayton Survey, Abstract No. 0805, Tract 1. (Dickerson Pre-Annexation Agreement) (Liebman)

E. Consider and act upon a resolution of the City of Celina, Texas, establishing a time and date for regularly scheduled meetings and work sessions. (Faulkner)

F. Consider and act upon a resolution of the City Council of the City of Celina, Texas, authorizing the Mayor, Council Members, City Manager, City Secretary and City Treasurer to sign checks and drafts on city accounts. (Toutounchian)

G. Consider and act to authorize the City Manager to execute a contract by and between the City of Celina and Public Management, Inc., upon review and approval from the City Aattorney for administrative services related to 2016 CDBG project. (Johnson)

H. Consider and act upon an amendment to the contract for legal services between the City of Celina and Hayes, Berry, White and Vanzant. (Vanzant)

I. Consider and act upon a resolution to support the construction of a driveway for the proposed Ace Hardware site at 1371 S Preston Road. (Johnson)

J. Consider and act upon an ordinance of the City Council of the City of Celina, Texas amending the Code of Ordinances, Chapter I, General Provisions, Article 1.04: Boards, Comissions, and Committees, Division 4: Library Board; adding two members to the board. (Shaw)

**VIII.** **PUBLIC HEARING/ACTION:**

A. The Celina City Council will conduct two public hearings at 6:00 p.m. and 6:05 p.m. on the proposed voluntary annexation of two tracts of city land within the extraterritorial jurisdiction of the City of Celina, Collin County, Texas and described as follows: being a 4.006 acre tract of land situated in the Henry Bentley Survey, Abstract No. 124, Collin County, Texas, and generally located at the southwest corner of FM 455 and FM 428; and being a 14.974 acre tract of land situated in the Henry Bentley Survey, Abstract No. 124, Collin County, Texas and generally located on the south side of FM 455 and west of FM 428, and the rights-of-way adjacent to these properties. (City Park Land Annexation Public Hearings) (Liebman)

B. The Celina City Council will conduct a public hearing on the proposed voluntary annexation of the following tracts of land within the extraterritorial jurisdiction of the City of Celina, Collin County, Texas and described as follows: being an approximately 69.34 acre tract of land situated in the B.B.B. & C.R.R. Survey, Abstract No. 130, Tract 14 and generally located north of CR 130, and east of CR 132, and the portions of right-of-way adjacent to the O'Donnell Equestrian Tract: being a 1.31 acre strip of land in the William Stapp Survey, Abstract No. 834 (CR 128) and being a 1.14 acre strip of land in the Benjamin Haile Survey, Abstract No. 397 (CR 130), within the extraterritorial jurisdiction of the City of Celina, Collin County, Texas. (O'Donnell Equestrian Tract Annexation) (Liebman)

C. The Celina City Council will conduct a public hearing to consider testimony and act upon an Ordinance of the City Council of the City of Celina, Texas, amending Ordinance No. 2006-57, as heretofore amended the same being the Comprehensive Zoning Ordinance, and amending the Official Zoning Map of the City by designating the zoning of land that is an approximately 641.3 acre tract of land situated in the John Culwell Survey, Abstract No. 208, the Hezekiah Culwell Survey, Abstract No. 186, the B.B.B. & C.R.R. Survey, Abstract Nos. 129 and 130, and the George Jay Survey, Abstract No. 488 and generally located north of CR 130, south of CR 134, and east of CR 101, and west of CR 133, Collin County, Texas; as described in Exhibit "A" and depicted in Exhibit "B" attached hereto and incorporated herein to be zoned "PD" Planned Development District #58. (O'Donnell Rezoning) (Liebman)

D. The Celina City Council will conduct a public hearing to consider testimony and act upon a rezoning request for an approximately 4.896 acre tract of land from an AG-Agricultural zoning district to a PD-Planned Development zoning district #66 with the base zoning designation of R/O – Retail Office. The property is situated in the John Ragsdale Survey, Abstract No. 735, Collin County, Texas and generally located on the north side of FM 455 and west of CR 946. (Pakvest Rezoning) (Liebman)

E. The Celina City Council will conduct two public hearings at 6:00 p.m. and 6:05 p.m. on the proposed involuntary annexation of a ±119.244 acre tract of land situated in the Levin Routh Survey, Tract 2, Collin County Texas The property is contiguous to and adjoining the City and are generally located on the approximate Southeast corner of CR 87 & CR 90 (Celina/Coit Road, LLC. Annexation ) (Liebman)

F. The Celina City Council will conduct a public hearing on the proposed involuntary annexations of a ±1.39 acre tract of land situated in the Swanner Addition, Block A, Lot 1, Collin County, Texas; a ±4.563 acre tract of land situated in the Edgemon Addition Block A, Lots 1 & 2, Collin County, Texas; a ±2.5 acre tract of land situated in the Coleman Watson Survey, Abstract No. 945, Tract 39 Collin County, Texas; and a ±2.5 acre tract of land situated in the Coleman Watson Survey, Abstract No. 945, Tract 40, Collin County, Texas. The properties are contiguous to and adjoining the City and are generally located on the Northwest corner of FM 1461 (Frontier Parkway) & FM 2478 (Custer Road) (Custer Road Annexations) (Liebman)

G. The Celina City Council will conduct a public hearing to consider and discuss the proposed assessments to be levied against the assessable property within the Glen Crossing Public Improvement District (PID), pursuant to the provisions of Chapter 372 of the Texas Local Government Code. The property is a ±109.090 acre tract of land sthe situated in the Collin County School Land Survey, Abstract No. 167 Collin County, Texas and located within the City limits of the City of Celina, Texas. The property is generally located south of CR 55, north of CR 53, east of CR 52 and west of CR 1117, on a tract of land situated in the Collin County School Land Survey, Abstract No. 167 Collin County, Texas. (Glen Crossing) (Liebman)

H. The Celina City Council will conduct a public hearing to consider and discuss revising and or determining the amount/percentage of participation in Tax Increment Reinvestment Zone Number Six (Glen Crossing)

**IX. <u>ACTION ITEM</u>:**

A. Consider and act upon an ordinance approving the Glen Crossing Tax Increment Reinvestment Zone Number Six, City of Celina, Texas Final Project and Finance Plan for Glen Crossing. (Glen Crossing) (Liebman)

B. Consider and act upon a ordinance of the City Council of the City of Celina, Texas, approving and authorizing the Mayor to execute a Glen Crossing Tax Increment Reinvestment Zone Number Six Reimbursement Agreement between the City of Celina, Texas and W/J CR55 LP. (Glen Crossing) (Liebman)

C. Consider and act upon an ordinance of the City Council of the City of Celina, Texas, accepting and approving a Service and Assessment Plan and Phase #1 Assessment Roll for Glen Crossing Public Improvement District; making a finding of Special Benefit to the property in the District, levying special assessments against property within the District and establishing a lien on such property; providing for payment of the Phase #1 Assessments, in accordance with Chapter 372, Texas Local Government Code, as amended; providing a method of assessment and the payment of Major Improvement Area assessments, and providing penalties and interest on delinquent assessments. (Glen Crossing PID) (Liebman)

D. Consider and act upon a resolution of the City Council of the City of Celina, Texas, approving and authorizing the Mayor to execute a Glen Crossing Public Improvement District Reimbursement Agreement between the City of Celina, Texas and W/J CR55 LP. (Glen Crossing) (Liebman)

E. Consider and act upon of an ordinance approving and authorizing the issuance and sale of the City of Celina, Texas, special assessment revenue bonds, series 2016 (Glen Crossing Public Improvement District Phase #1 project); and approving and authorizing related agreements, and providing an effective date.

F. Consider and act upon an ordinance amending the City's Code of Ordinances, Appendix A, Fee Schedule. (Liebman)

G. Consider and act upon a resolution of the City Council of the City Of Celina hereinafter referred to as “Applicant”, designating certain officials as being responsible for action for and on behalf of the “Applicant” in dealing with Collin County, hereinafter referred to as “County”; for the purpose of participating in the “County’s” Parks And Open Space Project Funding Assistance Program, hereinafter referred to as the “Program”; certifying that the “Applicant” is eligible to receive program assistance; certifying that the “Applicant” matching share is readily available; and dedicating the proposed site for public recreational uses. (Montgomery)

H. Consider and act upon acceptance of a letter of resignation from Lori Vaden, City Council Place 5. (Mayor)

I. Consider and act upon appointment of a member for City Council Place 5 per Celina Home Rule Charter, Section 3.04 (c). (Mayor)

**X. ADJOURNMENT:**

Celina City Hall is wheelchair accessible. Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services such as interpreters for persons who are deaf, or hearing impaired, or readers of large print, are requested to contact the City Secretary?s Office at 972-382-2682, or fax 972-382-3736 at least two (2) working days prior to the meeting so that appropriate arrangements can be made.

City Council Chambers is wheelchair accessible. Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services such as interpreters for persons who are deaf, or hearing impaired, or readers of large print, are requested to contact the City Secretary's Office at 972-382-2682, or fax 972-382-3736 at least two (2) working days prior to the meeting so that appropriate arrangements can be made.

The City Council reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by the Texas Government Code, Chapter 551. “I, the undersigned authority do hereby certify that the Notice of Meeting was posted on the bulletin board at City Hall of the City of Celina, Texas, a place convenient and readily accessible to the general public at all times and said Notice was posted on the following date and time: ___________________ at ____ p.m. and remained so posted continuously for at least 72 hours prior to the scheduled time of said meeting.”

______________________________ ______________________________

Vicki Faulkner, TRMC
City Secretary, City of Celina, TX

Date Notice Removed

NOTICE OF
CITY COUNCIL REGULAR MEETING
CITY COUNCIL CHAMBERS 112 N. COLORADO ST, CELINA, TX 75009
TUESDAY, JUNE 14, 2016 AT 5:00 PM

MINUTES

## I. CALL TO ORDER AND ANNOUNCE A QUORUM PRESENT:

Mayor Sean Terry called the meeting to order at 5:00 P.M.

| Attendee Name | Organization | Title | Status | Arrived |
|---|---|---|---|---|
| Andy Hopkins | City of Celina | Place 3 | Present | 5:20 PM |
| Bill Webber | City of Celina | Place 1 | Present | |
| Carmen Roberts | City of Celina | Place 4 | Present | |
| Chad Anderson | City of Celina | Place 6 | Absent | |
| Lori Vaden | City of Celina | Place 5 | Present | |
| Wayne Nabors | City of Celina | Place 2 | Present | 5:10 PM |
| Sean Terry | City of Celina | Mayor | Present | |

## II. WORKSESSION/COMMITTEE REPORTS/STAFF REPORTS:

A. Police Department update (Griggs)

Assistant Police Chief Tony Griggs talked with the City Council about the new adult, junior and clergy citizen volunteer groups working with the police department.

B. Farmer's Market update (Bise)

Rachel Baty with the Farmer's Market told the council that the event name would be changed to Friday Night Market to allow more varied vendors to participate.

## III. EXECUTIVE SESSION:

The City Council convened into executive session at 5:15 PM with City Attorney Lance Vanzant.

The Celina City Council will convene into Executive Session pursuant to Texas Government Code 551.074, Personnel Matters, to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee.

A. City Manager

Reconvene into Open Session

The City Council reconvened into open session at 5:55 PM.

B. Consider and act upon any items discussed in executive session.

Councilman Hopkins moved to accept the resignation of Mike Foreman.

Councilman Hopkins moved to appoint Helen-Eve Liebman as Interim City Manager.

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| **RESULT:** | **ADOPTED [UNANIMOUS]** |
| **MOVER:** | Andy Hopkins, Place 3 |
| **SECONDER:** | Bill Webber, Place 1 |
| **AYES:** | Hopkins, Webber, Roberts, Vaden, Nabors |
| **ABSENT:** | Anderson |

## IV. PLEDGE OF ALLEGIANCE/INVOCATION 6:00 PM:

Mayor Terry led the pledge of allegiance. Councilman Nabors gave the invocation.

## V. PROCLAMATIONS/PRESENTATIONS/OATHS OF OFFICE:

A. Recognitions

Michael Montgomery presented framed posters to sponsors of the Cajun Festival (Hill & Wilkinson, DFW Homes, First Southwest, Pacheco Koch, Norton Rose Fulbright, SuddenLink, Texas Municipal Law, Light Farms, Centurion American, Gentle Creek, Atmos Energy, Kirkman Engineering, Aquametric, iRoofs, Eldorado Chevrolet, Pat Lobb Toyota, Hillwood, Automation Integration, Mustang Lakes.) Mayor Terry presented a plaque of appreciation to former Councilman Erik Geiger for his service on the City Council.

## VI. OPEN FORUM:

Tawnia King of West Ash Street requested drainage relief for downtown residents. She suggested alleys, cleaning out of flow areas and culverts and grates for driveways as possible solutions.

## VII. CONSENT AGENDA:

Item I was pulled from the consent agenda and moved to the public hearing and action portion of the agenda. Councilman Webber moved to approve consent agenda A - H, J.

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| **RESULT:** | **ADOPTED [UNANIMOUS]** |
| **MOVER:** | Bill Webber, Place 1 |
| **SECONDER:** | Carmen Roberts, Place 4 |
| **AYES:** | Hopkins, Webber, Roberts, Vaden, Nabors |
| **ABSENT:** | Anderson |

A. Minutes Approval:

1. City Council - Regular Meeting - May 10, 2016 5:00 PM
2. City Council - Canvass - May 18, 2016 4:00 PM
3. City Council - Special Meeting - May 31, 2016 5:30 PM
4. City Council - Special Meeting - Jun 6, 2016 5:30 PM

B. Consider and act upon a contract by and between the City of Celina and Specialty Land Services, LLC for Professional Services related to Easement and Right-of-Way . (Johnson)

C. Consider and act upon a contract change order by and between the City of Celina and Freese and Nichols, Inc for a time extension of the current on-call engineering services contract. (Johnson)

D. Consider and act to authorize the City Manager to execute a contract Change Order No. 4 with Wilson Contractor Services in the amount of $330,214.18 for construction of the Sewer Siphon for Hillwood South Subdivision. (Johnson)

E. Consider and act upon a Financial Advisory Agreement by and between the City of Celina and First Southwest. (Toutounchian)

F. Consider and act upon a Resolution of the City Council of the City of Celina, Texas, setting a date time and place (July 12, 2016 at 6:00 p.m. and July 19, 2016 at 5:30 p.m. for Public Hearings on the proposed voluntary annexation of certain properties by the City and authorizing and directing the City Secretary to publish notice of such Public Hearings and authorizing city staff to take all necessary action to fulfill the requirements of the Municipal Annexation Act. The properties are described as follows: a ±76.551 acre tract of land situated in the B.B.B. & C.R.R. Survey, Abstract No. 130, Tract 14 and generally located north of CR 130, and east of CR 132; and the proposed annexation of portions of right-of-way adjacent to the O'Donnell Equestrian Tract: being a 1.31 acre strip of land in the William Stapp Survey, Abstract No. 834 (CR 128) and being a 1.14 acre strip of land in the Benjamin Haile Survey, Abstract No. 397 (CR 130), within the extraterritorial jurisdiction of the City of Celina, Collin County, Texas. (O'Donnell Equestrian Tract and ROW Annexation) (Liebman)

(2016-32R)

G. Consider and act to set Public Hearing dates on July 12, 2016 at 6:00 p.m. and July 12, 2016 at 6:05 p.m. for two tracts of city land within the extraterritorial jurisdiction of the City of Celina, Collin County, Texas and described as follows: being a 4.006 acre tract of land situated in the Henry Bentley Survey, Abstract No. 124, Collin County, Texas, and generally located at the southwest corner of FM 455 and FM 428; and being a 14.974 acre tract of land situated in the Henry Bentley Survey, Abstract No. 124, Collin County, Texas and generally located on the south side of FM 455 and west of FM 428. (City Land Annexations) (Liebman)

H. Consider and act upon a Chapter 43 Pre-Annexation Agreement between the City of Celina, Texas and A.J. McKnight for approximately 62.72 acres situated in the C. P. Rice Survey, Abstract No. 771, Tract 8. (McKnight Pre-Annexation Agreement) (Liebman)

I. Item I was moved to the Public Hearing Action Items

J. Consider and act upon a resolution renaming G-Bar 7 Public Improvement District as Glen Crossing Public Improvement District. (Liebman)

(2016-31R)

**VIII.** **<u>PUBLIC HEARING/ACTION</u>:**

A. The Celina City Council will conduct a public hearing to consider testimony and act upon an Ordinance of the City Council of the City of Celina, Texas, amending Ordinance No. 2006-57, as heretofore amended, the same being the Comprehensive Zoning Ordinance, and amending the Official Zoning Map of the City by designating the zoning of land that is approximately 51.418 acres situated in the Coleman Watson Survey, Abstract No. 945, Collin County, Texas and the approximately 30 foot wide strip of right-of-way of FM 2478 (Custer Road) adjacent to Rolling Meadows; as described in Exhibit "A" and depicted in Exhibit "B" attached hereto and incorporated herein to be zoned "SF-E" Single Family Estate Zoning District. (Rolling Meadows) (Liebman)

(2016-40) Mayor Terry opened the hearing at 6:08 PM. No public comment was received. The hearing was closed at 6:09 PM.

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| **RESULT:** | **APPROVED [UNANIMOUS]** |
| **MOVER:** | Wayne Nabors, Place 2 |
| **SECONDER:** | Andy Hopkins, Place 3 |
| **AYES:** | Hopkins, Webber, Roberts, Vaden, Nabors |
| **ABSENT:** | Anderson |

B. The Celina City Council will conduct a public hearing to consider testimony and act upon an Ordinance of the City Council of the City of Celina, Texas, amending Ordinance No. 2006-57, as heretofore amended the same, being the Comprehensive Zoning Ordinance, and amending the Official Zoning Map of the City by designating the zoning of land that is an approximately 165 acres situated in the Joab H. Biggs Survey, Abstract No. 52, the George Jay Survey, Abstract No. 488, the Larkin M. Boyd Survey, Abstract No. 48, and the Samuel Queen Survey, Abstract No. 732, Collin County, Texas and the approximately 30 foot wide strip of right-of-way of adjacent to DC Ranch along CR 134 and CR 97, Collin County, Texas; as described in Exhibit "A" and depicted in Exhibit "B" attached hereto and incorporated herein to be zoned "SF-E" Single Family Estate Zoning District. (DC Ranch rezoning) (Liebman)

(2016-41) Mayor Terry opened the hearing at 6:10 PM. No public comment was received. The hearing was closed at 6:11 PM.

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| **RESULT:** | **APPROVED [UNANIMOUS]** |
| **MOVER:** | Andy Hopkins, Place 3 |
| **SECONDER:** | Carmen Roberts, Place 4 |
| **AYES:** | Hopkins, Webber, Roberts, Vaden, Nabors |
| **ABSENT:** | Anderson |

C. The Celina City Council will conduct a public hearing to consider testimony and take action regarding a Development Agreement for Ownsby Farms, being a ±113.548 acre tract of land located in the Collin County School Land Survey #14, Abstract No. 167 Celina, Texas. The property is generally located west of SH 289 (Preston Road), north of Frontier Parkway (FM 1461), and south of CR 53. (Ownsby Farms) Liebman

Mayor Terry noted that item C will be continued to the July 12th meeting.

D. The Celina City Council will conduct a public hearing to consider testimony and act upon an ordinance amending the City's Code of Ordinances, Chapter 14: Zoning, Article 14.03.015: OT-R, Old Town Residential District, to amend the development standards for front yard setbacks. (Old Town Residential)

(2016-42) Mayor Terry opened the hearing at 6:12 PM. No public comment was received. The hearing was closed at 6:15 PM.
Councilman Hopkins moved to approve with the amendment that garages be flush with or behind the front of the house.

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| **RESULT:** | **APPROVED [UNANIMOUS]** |
| **MOVER:** | Andy Hopkins, Place 3 |
| **SECONDER:** | Bill Webber, Place 1 |
| **AYES:** | Hopkins, Webber, Roberts, Vaden, Nabors |
| **ABSENT:** | Anderson |

E. The Celina City Council will conduct a public hearing to consider testimony and take action regarding an Amended and Restated Development Agreement for Glen Crossing, being an approximately 119.138 acre tract of land located in the Collin County School Land Survey, Abstract No. 167 Celina, Texas and generally located south of CR 55, north of CR 53, east of CR 52 and west of CR 1117, on a tract of land situated in the Collin County School Land Survey, Abstract No. 167 Collin County, Texas. (G-Bar 7/ Glen Crossing Development Agreement) Liebman

Mayor Terry opened the hearing at 6:16 PM. No public comment was received. The hearing was closed at 6:18 PM.
Councilwoman Roberts moved to approve with the condition that the (city) attorney has final approval and recommendation.

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| **RESULT:** | **APPROVED [UNANIMOUS]** |
| **MOVER:** | Carmen Roberts, Place 4 |
| **SECONDER:** | Andy Hopkins, Place 3 |
| **AYES:** | Hopkins, Webber, Roberts, Vaden, Nabors |
| **ABSENT:** | Anderson |

F. The Celina City Council will conduct a public hearing to provide reasonable opportunity for any owner of property within the proposed Glen Crossing Tax Increment Reinvestment Zone Number Six to protest the inclusion of their property within the proposed reinvestment zone, which consists of an approximately 41.499 acre tract of land. The property is generally located south of CR 55, north of CR 53, east of CR 52 and west of CR 1117, on a tract of land situated in the Collin County School Land Survey, Abstract No. 167 Collin County, Texas. (G-Bar 7/Glen Crossing TIRZ Public Hearing) (Liebman)

Mayor Terry opened the hearing at 6:18 PM. No public comment was received. The hearing was closed at 6:19 PM.

G. The Celina City Council will conduct a public hearing to consider testimony and act upon a Construction Replat for Lot 1R, Block 11 of the Old Donation Addition, being a replat of Lot 1, Block 11 of the Old Donation Addition, approximately 1.855 acres situated in the JK Rice Survey, Abstract No. 767. The property is generally located at the southwest corner of Malone Street, and Oklahoma Drive. (BGREA Replat) (Liebman)

Mayor Terry opened the hearing at 6:07 PM. No public comment was received. The hearing was closed at 6:08 PM.

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| **RESULT:** | **APPROVED [UNANIMOUS]** |
| **MOVER:** | Bill Webber, Place 1 |
| **SECONDER:** | Carmen Roberts, Place 4 |
| **AYES:** | Hopkins, Webber, Roberts, Vaden, Nabors |
| **ABSENT:** | Anderson |

**IX. <u>ACTION ITEM</u>:**

A. Consider and act upon an ordinance of the City Council of the City of Celina, Texas, designating a contiguous geographic area within the City as a Tax Increment Reinvestment Zone pursuant to Chapter 311 of the Texas Tax Code, to be known as Reinvestment Zone Number Six, City of Celina, (the "Zone") describing the boundaries of the zone; creating a Board of Directors for the Zone; establishing a Tax Increment Fund of the Zone; containing findings related to the creation of the Zone; providing a date for the termination of the Zone; providing that the Zone take effect immediately upon passage of the Ordinance. The zone is comprised of an approximately 41.499-acre tract of land located in the Collin County School Land Survey, Abstract No. 167 (Glen Crossing TIRZ) (Liebman)

(2016-43) Councilwoman Vaden moved to approve item A with a change to the board members named by council place and not by name.

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| **RESULT:** | **APPROVED [UNANIMOUS]** |
| **MOVER:** | Lori Vaden, Place 5 |
| **SECONDER:** | Carmen Roberts, Place 4 |
| **AYES:** | Hopkins, Webber, Roberts, Vaden, Nabors |
| **ABSENT:** | Anderson |

B. Consider and act upon a resolution determining the costs of authorized improvements for the Glen Crossing Public Improvement District, calling for a public hearing for July 12, 2016 on the PID Levy and Assessment, approving the preliminary Service and Assessment Plan and proposed assessment roll, and directing notice of the July 12, 2016 public hearing, for property generally located south of CR 55, north of CR 53, east of CR 52 and west of CR 1117, on a tract of land situated in the Collin County School Land Survey, Abstract No. 167 Collin County, Texas; consisting of a ±109.090 acre tract of land, setting a levy and assessment date for July 12, 2016. (G-Bar 7/Glen Crossing) (Liebman)

(2016-33R)

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| **RESULT:** | **APPROVED [UNANIMOUS]** |
| **MOVER:** | Andy Hopkins, Place 3 |
| **SECONDER:** | Carmen Roberts, Place 4 |
| **AYES:** | Hopkins, Webber, Roberts, Vaden, Nabors |
| **ABSENT:** | Anderson |

C. Consider and act upon a resolution of the City of Celina, Texas, approving the form and authorizing the distribution of a Preliminary Official Statement for the City of Celina, Texas, Special Assessment Revenue Bonds, Series 2016 (Glen Crossing Public Improvement District Phase #1 Project); and resolving other matters incident and related thereto. (Toutounchian)

(2016-34R)

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| **RESULT:** | **APPROVED [UNANIMOUS]** |
| **MOVER:** | Bill Webber, Place 1 |
| **SECONDER:** | Wayne Nabors, Place 2 |
| **AYES:** | Hopkins, Webber, Roberts, Vaden, Nabors |
| **ABSENT:** | Anderson |

D. Consider and act upon a resolution setting a public hearing to revise the percentage of Tax Increment contributed by taxing units to Reinvestment Zone Number Six, City of Celina; and directing notice of the July 12, 2016 public hearing.(G-Bar 7/Glen Crossing) (Liebman)

(2016-35R)

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| **RESULT:** | **APPROVED [UNANIMOUS]** |
| **MOVER:** | Lori Vaden, Place 5 |
| **SECONDER:** | Carmen Roberts, Place 4 |
| **AYES:** | Hopkins, Webber, Roberts, Vaden, Nabors |
| **ABSENT:** | Anderson |

E. Consider and act upon an ordinance annexing an approximately 10 acre tract of land situated in the McKinzie Wilhite Survey, Abstract No. 1008, Collin County, Texas and generally located north of CR 84, south of CR 88, and west of CR 86. (Farmers Bank Tract) (Liebman)

(2016-44)

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| **RESULT:** | **APPROVED [UNANIMOUS]** |
| **MOVER:** | Bill Webber, Place 1 |
| **SECONDER:** | Andy Hopkins, Place 3 |
| **AYES:** | Hopkins, Webber, Roberts, Vaden, Nabors |
| **ABSENT:** | Anderson |

F. Consider and act upon a Final Plat for Light Farms, Hawthorne Phase II Neighborhood Final Plat, being approximately 7.16 acres situated in the John Ragsdale Survey, Abstract No. 734, and comprising thirty two (32) residential lots and one (1) open space lot. The property is generally located north of Frontier Parkway, south of Light Farms Way and west of the BNSF Railroad. (Light Farms)

Councilman Webber moved to approve item F with the conditions indicated in the plat notes.

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| **RESULT:** | **APPROVED [UNANIMOUS]** |
| **MOVER:** | Bill Webber, Place 1 |
| **SECONDER:** | Carmen Roberts, Place 4 |
| **AYES:** | Hopkins, Webber, Roberts, Vaden, Nabors |
| **ABSENT:** | Anderson |

G. Consider and act upon a Final Plat for Light Farms, Hazel Neighborhood Phase II Final Plat, being approximately 3.69 acres situated in the John Ragsdale Survey, Abstract No. 734, and comprising fourteen (14) residential lots. The property is generally located north of Frontier Parkway, south of Light Farms Way and west of the BNSF Railroad. (Light Farms)

Councilman Hopkins moved to approve item G with conditions indicated in the plat notes.

| | |
|---|---|
| **RESULT:** | **APPROVED [UNANIMOUS]** |
| **MOVER:** | Andy Hopkins, Place 3 |
| **SECONDER:** | Carmen Roberts, Place 4 |
| **AYES:** | Hopkins, Webber, Roberts, Vaden, Nabors |
| **ABSENT:** | Anderson |

H. Consider and act upon a Final Plat for Mustang Lakes Phase 1, approximately 172.521 acres situated in the Coleman Watson Survey, Abstract No. 945, containing 335 residential lots and twenty (20) common area lots, and generally located north of FM 1461 (Frontier Parkway) and west of FM 2478 (Custer Road). (Mustang Lakes Phase 1 Final Plat) (Liebman)

| | |
|---|---|
| **RESULT:** | **APPROVED [UNANIMOUS]** |
| **MOVER:** | Lori Vaden, Place 5 |
| **SECONDER:** | Carmen Roberts, Place 4 |
| **AYES:** | Hopkins, Webber, Roberts, Vaden, Nabors |
| **ABSENT:** | Anderson |

I. Consider and act upon a Final Plat for Celina Village, being approximately 3.596 acres situated in the John Willock Survey, Abstract No. 1055, and comprising eighteen (18) residential lots and one (1) HOA lot, the property is generally located north of FM 455, south of CR 994, east of North Florida Dr., and west of Business 289. (Celina Village)

Councilman Nabors moved to approve item I with the condition that improvements are inspected before filing.

| | |
|---|---|
| **RESULT:** | **APPROVED [UNANIMOUS]** |
| **MOVER:** | Wayne Nabors, Place 2 |
| **SECONDER:** | Lori Vaden, Place 5 |
| **AYES:** | Hopkins, Webber, Roberts, Vaden, Nabors |
| **ABSENT:** | Anderson |

J. Consider and act upon a resolution setting a date, time and place (Tuesday, July 12, 2016 at 6:00 PM & Tuesday, July 12, 2016 at 6:05 PM @ 112 N. Colorado Dr., Celina, TX 75009) for public hearings on the proposed involuntary annexation of a ±119.244 acre tract of land situated in the Levin Routh Survey, Tract 2, Collin County Texas The property is contiguous to and adjoining the City and are generally located on the approximate Southeast corner of CR 87 & CR 90 (Celina/Coit Road, LLC. Annexation ) Liebman

(2016-36R)

| | |
|---|---|
| **RESULT:** | **APPROVED [UNANIMOUS]** |
| **MOVER:** | Wayne Nabors, Place 2 |
| **SECONDER:** | Andy Hopkins, Place 3 |
| **AYES:** | Hopkins, Webber, Roberts, Vaden, Nabors |
| **ABSENT:** | Anderson |

K. Consider and act upon a resolution setting a date, time and place (Tuesday, July 12, 2016 at 6:00 PM & Tuesday, July 19, 2015 at 5:30 PM at 112 N. Colorado Dr., Celina, Tx 75009) for public hearings on the proposed involuntary annexations of a ±1.39 acre tract of land situated in the Swanner Addition, Block A, Lot 1, Collin County, Texas; a ±4.563 acre tract of land situated in the Edgemon Addition Block A, Lots 1 & 2, Collin County, Texas; a ±2.5 acre tract of land situated in the Coleman Watson Survey, Abstract No. 945, Collin County, Texas; and a ±2.5 acre tract of land situated in the Coleman Watson Survey, Abstract No. 945, Collin County, Texas. The property is contiguous to and adjoining the City and are generally located on the Northwest corner of FM 1461 (Frontier Parkway) & FM 2478 (Custer Road) (Custer Road Annexations) Liebman

(2016-37R)

| | |
|---|---|
| **RESULT:** | **APPROVED [UNANIMOUS]** |
| **MOVER:** | Bill Webber, Place 1 |
| **SECONDER:** | Wayne Nabors, Place 2 |
| **AYES:** | Hopkins, Webber, Roberts, Vaden, Nabors |
| **ABSENT:** | Anderson |

L. Consider and act upon an ordinance amending the City's Code of Ordinances,; Chapter 1, Article 1.11, Parks and Recreation, Division 2, Park Rules, Section 1.11.035, Unlawful Acts; Chapter 4, Business Regulations, Article 4.02, Alcoholic Beverages; and Chapter 8, Offenses and Nuisances, to amend and consolidate the City's alcohol regulations (Liebman).

(2016-42)
1) Councilman Nabors moved to remove the section for permanent buildings on the square within 300' of a church. Councilman Hopkins seconded. Motion *failed*. 2-yes;3-no (Roberts, Vaden, Webber)

2) Councilman Webber moved to approve item L (as presented). Councilman Hopkins seconded. Motion carried.

| | |
|---|---|
| **RESULT:** | **APPROVED [4 TO 1]** |
| **MOVER:** | Bill Webber, Place 1 |
| **SECONDER:** | Andy Hopkins, Place 3 |
| **AYES:** | Hopkins, Webber, Roberts, Vaden |
| **NAYS:** | Nabors |
| **ABSENT:** | Anderson |

M. Consider and act upon offers from Gene Grimes to purchase the following delinquent tax properties: 1) 601 W. Elm Street for $5,000.00 and, 2) 204 S. Arkansas for $15,000.00. (Toutounchian)

| | |
|---|---|
| **RESULT:** | **APPROVED [UNANIMOUS]** |
| **MOVER:** | Lori Vaden, Place 5 |
| **SECONDER:** | Carmen Roberts, Place 4 |
| **AYES:** | Hopkins, Webber, Roberts, Vaden, Nabors |
| **ABSENT:** | Anderson |

## X. ADJOURNMENT:

There being no further comment Mayor Terry adjourned the meeting at 6:43 PM.

______________________
Sean Terry, Mayor

______________________
Vicki Faulkner, TRMC
City Secretary, City of Celina, Texas

______________________
Date Minutes Approved

**Engineering/Public Works**
City of Celina, Texas

# Memorandum

| | |
|---|---|
| To: | **Honorable Mayor Terry and the Celina City Council** |
| From: | Gabe Johnson, Director of Public Works |
| Date: | July 12, 2016 |
| Re: | |

**Action Requested:**
Consider and act to authorize the City Manager to execute an agreement amendment with NTTA and Collin County for Dallas North Tollway ROW utility crossings. (Johnson)

**Background Information:**
Staff has been working with the City Attorney, NTTA and Collin County in drafting an amendment to the current three party Agreement. The amendment will address the frontage road extension of the Tollway north of FM 428. It also addresses the temporary intersection of the frontage road with CR 8 and the tie-in of CR 9.

**Board Review/Citizen Input:**
None

**Alternatives:**
None

**Financial Considerations:**
None

**Legal Review:**
Staff has been working with the City Attorney to draft the agreement.

**Supporting Documents:**
-Draft Agreement
-Exhibit A

**Staff Recommendation:**
Approve

**Draft: 04.13.16**
**For discussion purposes only.**

# FIRST AMENDMENT TO INTERLOCAL AGREEMENT BY AND AMONG THE CITY OF CELINA, THE COUNTY OF COLLIN, AND THE NORTH TEXAS TOLLWAY AUTHORITY REGARDING THE PHASE 4A EXTENSION OF THE DALLAS NORTH TOLLWAY

**THE STATE OF TEXAS §**
**§ KNOW ALL MEN BY THESE PRESENTS:**
**COUNTY OF COLLIN §**

This instrument (this "Amendment"), which amends that certain Interlocal Agreement By and Among the City of Celina, the County of Collin, and the North Texas Tollway Authority Regarding the Phase 4A Extension of the Dallas North Tollway, dated effective as of _______________ ______, 2016 (the "Agreement"), is entered into by and among the parties to the Agreement, *i.e.*, the City of Celina (the "City"), Collin County, Texas, a political subdivision of the State of Texas (the "County"), and the North Texas Tollway Authority (the "Authority") (the City, County, and Authority each being a "Party" and collectively, the "Parties").

**WITNESSETH:**

WHEREAS, the Parties entered into the Agreement to evidence their respective responsibilities regarding a planned extension of the Dallas North Tollway ("DNT") from US 380 to FM 428, said planned extension being known as the Dallas North Tollway Extension Project, Phase 4A (the "Phase 4A Extension"); and

WHEREAS, the Authority has been requested by the County of Denton, Texas ("Denton County"), to design and construct at Denton's County's cost a two-lane road that connects: (a) the existing East Service Road at its current northern terminus at FM 428, and (b) a two-lane road that the Authority at the request of Denton County will construct, which has a southern terminus approximately at the intersection of Mobberly Road/CR 8 and the borderline of Collin and Denton counties (the "Denton County Road"); such connecting road will be referred to in this Amendment as the "Service Road Extension"; and

WHEREAS, the East Service Road and Denton County Road each will be suitable for use as a service road for potential future extensions of the DNT; and

WHEREAS, the Service Road Extension also will be designed and constructed in a manner that allows the Service Road Extension to be suitable for use as a service road for the potential future DNT Extension, Phase 4B; and

WHEREAS, subject to (a) agreement between Denton County and the Authority regarding the terms and conditions for the Authority's design and construction of the Service Road Extension, (b) Denton County's provision of funds required for such purposes, and (c) fulfillment all other requirements of the Authority regarding the design and construction of the Service Road Extension; and

WHEREAS, the Service Road Extension will be located within the County and the City and the County and the City, subject to the terms of the Agreement, as amended by this Amendment, will be responsible for the maintenance, policing, and signalization of the Service Road Extension; and

WHEREAS, the Interlocal Cooperation Act, Chapter 791 of the Texas Government Code, authorizes local governmental entities to contract with one another to perform governmental functions and services under the terms thereof, and the City, the County, and the Authority have determined that mutual benefits and advantages can be obtained by formalizing their agreement as to the separate and distinct issues of importance to them regarding the matters addressed in this Agreement.

**AGREEMENT**

NOW, THEREFORE, in consideration of these premises and the mutual benefits and advantages accruing to the City, the County, and the Authority, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto agree as follows:

**1.** **Defined Terms.** Any capitalized term not expressly defined in this Amendment will have the meaning given to that term under the Agreement.

**2.** **Schematic Design of Service Road Extension.** The limits and design of the Service Road Extension will conform generally to the schematic design prepared by the Authority, which is attached to this Amendment as Exhibit A and incorporated herein by reference (the "SRE Schematic"). The County and the City hereby approve the SRE Schematic.

**3.** **Surveying for Service Road Extension.** The Authority has retained a professional surveying firm, Burns & McDonnell, to prepare survey plats and legal descriptions for all real property interests that, in the reasonable determination of the Authority, are required for construction, operation, and maintenance of the Service Road Extension. The County and the City hereby approve the Authority's engagement of such firm for those purposes.

**4.** **Right-of-Way for Service Road Extension.** The Authority has entered into donation agreements with owners of the real property on which the Service Road Extension is planned to be constructed. Under those agreements, such owners agree, subject to the terms and conditions set forth therein, to donate right-of-way for the Service Road Extension (as well as other property, if any, required in connection with a potential future DNT Extension, Phase 4B). The Authority's construction of the Service Road Extension is conditioned and contingent upon such owners' actual donation to the Authority, or, if the Authority so elects, to the County/and or City, of all such right of way, including fee and easement interests, required for the Service Road Extension. The Authority shall have no obligation to expend any funds or assume any liabilities to acquire any such right of way. The Authority must review and approve the conveyance instruments and title to all right-of-way parcels before acceptance thereof. All such right-of-way conveyed to the Authority must be subject only to those matters of title reasonably acceptable to and approved by the Authority.

**5. <u>Design of Service Road Extension</u>.** The design, grade, and precise alignment of the Service Road Extension will be determined by the Authority in its sole discretion, after reasonable consultation with the County and the City. The Authority may also consult with Denton County regarding design matters that could affect the cost of construction of the Service Road Extension. The plans and specifications for construction of the Service Road Extension shall comply with the Authority's engineering design criteria, specifications, and practices, subject, however, to any modifications agreed upon by Authority in its sole discretion in connection with a request by Denton County, Collin County or City to implement modifications that reduce the cost of construction of the Service Road Extension borne by Denton County.

~~**6. Construction Staging Areas for Service Road Extension**. The City and the County shall, if requested by the Authority, obtain and provide to the Authority one or more staging areas required by the Authority for the construction of the Service Road Extension.~~

**~~7.~~6. <u>Traffic Signals for Service Road Extension</u>**. All traffic signalization systems required with respect to the Service Road Extension shall be procured, installed, operated, and maintained by the City and/or the County in the same manner and in conformity with the same requirements and obligations as are applicable to traffic signalization for the Phase 4A Extension under the Agreement, including, without limitation, Section 4.3 of the Agreement.

**~~8.~~7. <u>City and County Obligations</u>**. Following completion of construction of the Service Road Extension, the Authority shall have no obligations regarding operation, maintenance, repair, policing, regulation, public safety or otherwise regarding the Service Road Extension. The City and County agree to perform and assume with respect to the Service Road Extension, the same responsibilities regarding, without limitation, the operation, maintenance, repair, policing, regulation, and public safety as are imposed on them with respect to the Phase 4A Frontage Roads under Article 5 of the Agreement.

**~~9.~~8. <u>Ratification; No Other Modifications</u>.** The Parties hereby acknowledge and agree that the Agreement remains in full force and effect as originally executed, except as modified by this Amendment. No other amendments or modifications, including, but not limited to, by a course of dealing by the Parties, have been made to the Agreement.

**~~10.~~9. <u>Counterparts</u>.** This Agreement may be executed in several counterparts, each of which shall be deemed an original, and all such counterparts shall constitute one single agreement between the Parties.

**IN WITNESS WHEREOF,** the parties hereto have caused these presents to be executed as of the day above stated.

[remainder of page intentionally blank; signature pages follow this page]

**CITY OF CELINA, TEXAS**

By:________________________________________

Printed Name: _______________________________
Title: ______________________________________

**ACKNOWLEDGMENT**

THE STATE OF TEXAS §
§
COUNTY OF COLLIN §

This instrument was acknowledged before me on the _____ day of __________________, 2016, by _________________________, of the City of Celina, Texas, on behalf of said city.

_______________________________________
Notary Public, State of Texas

**NORTH TEXAS TOLLWAY AUTHORITY**

By:________________________________________

Printed Name: ________________________________
Title: ______________________________________

THE STATE OF TEXAS §
§
COUNTY OF COLLIN §

This instrument was acknowledged before me on the _____ day of __________________, 2016, by __________________________, of North Texas Tollway Authority, on behalf of said tollway authority.

________________________________________
Notary Public, State of Texas

**COLLIN COUNTY, TEXAS**

By:__________________________________________

Printed Name: ___________________________________
Title: ________________________________________

THE STATE OF TEXAS §
§
COUNTY OF COLLIN §

This instrument was acknowledged before me on the _____ day of __________________, 2016, by __________________________, _____________________ of Collin County, Texas, on behalf of said county.

_________________________________________
Notary Public, State of Texas

**AFTER RECORDING RETURN TO:**

**CITY OF CELINA**
**142 N. OHIO STREET**
**CELINA, TX 75009**

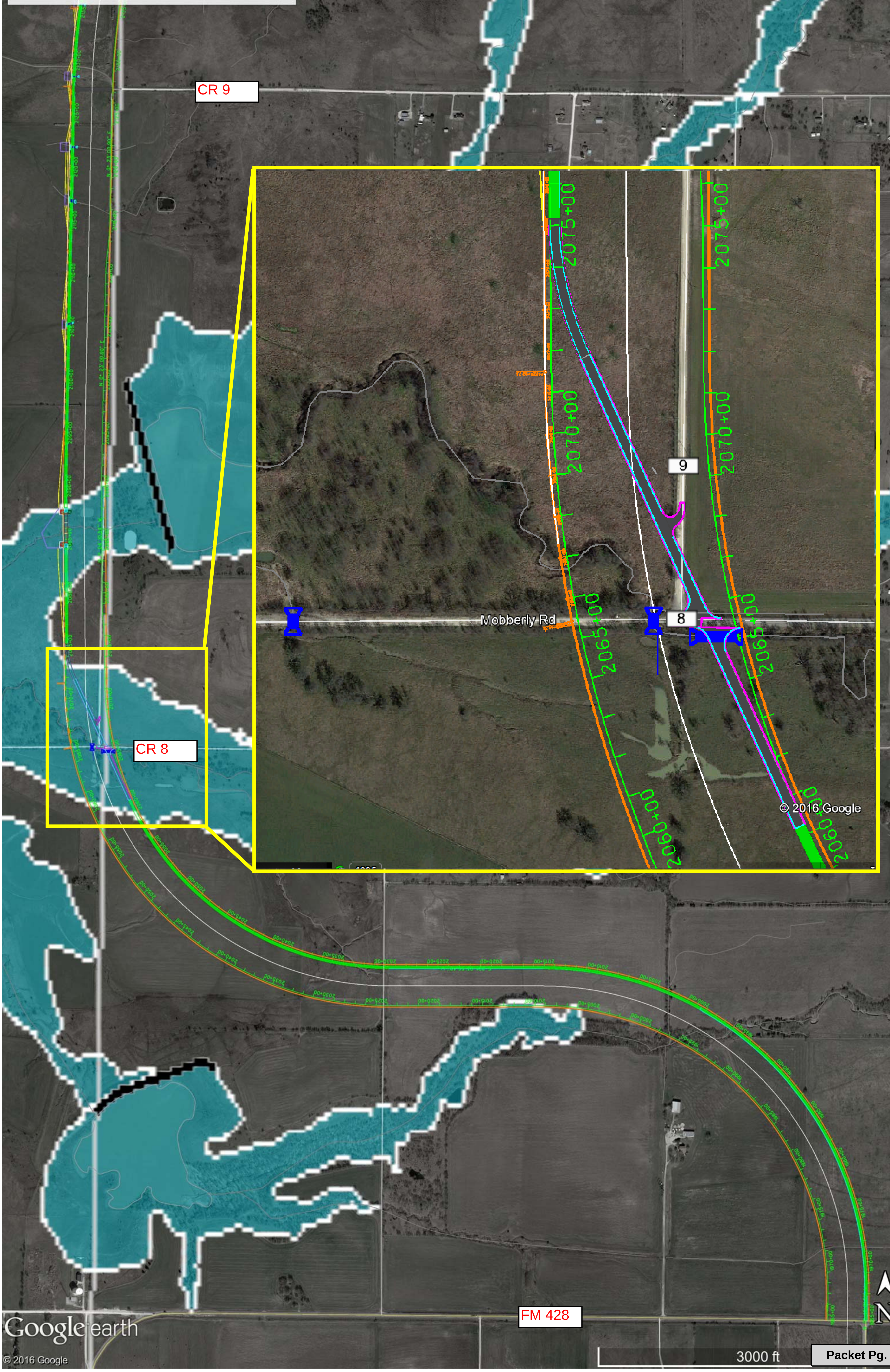
# EXHIBIT A

## Service Road Extension Schematics

[follows this cover page]

# Exhibit A

DNT Phase 4B - FM 428 to Mobberly Rd/CR 8



**Planning and Development Services**
City of Celina, Texas

# Memorandum

| | |
|---|---|
| To: | **Honorable Mayor Terry and the Celina City Council** |
| From: | Brooks Wilson, Senior Planner |
| CC: | Helen-Eve Liebman, Director of Planning and Development Services |
| Date: | July 12, 2016 |
| Re: | Wilson Creek Estates Phase 2 Annexation Resolution |

---

**Action Requested:**
Consider and act upon a resolution of the City Council of the City of Celina, Texas, setting dates, times and place (Tuesday August 9, 2016 at 5:00 p.m. and Tuesday, August 23, 2016 at 5:30 p.m.) for public hearings on the proposed involuntary annexation of Wilson Creek being 82.414 acres situated in the Coleman Watson Survey, Abstract No. 945 and comprised of thirty-one (31) residential lots. (Wilson Creek Estates Phase 2 Involuntary Annexation) (Liebman)

**Background Information:**
Below is the anticipated annexation schedule for the Wilson Creek Estates Phase 2 properties. None of the properties currently has an agricultural exemption and no pre-annexation offer is required.

| | |
|---|---|
| July 12, 2016 | Council acts on a Resolution setting date and time of the two public hearings for August 9, 2016 and August 16, 2016 |
| July 22, 2016 | Notice of public hearing published |
| July 22, 2016 | Notice of annexation sent to school districts and utilities |
| July 22, 2016 | Notice of public hearing posted on City website |
| August 9, 2016 | Council to hold first of two (2) public hearings |
| August 16, 2016 | Council to hold second of two (2) public hearings |
| September 13, 2016 | Council to consider annexation ordinance |

**Board Review/Citizen Input:**
N/A

**Alternatives:**
N/A

**Financial Considerations:**
Upon annexation, the subdivision's property owners will no longer pay the increased water rate for residents living in Celina's Extraterritorial Jurisdiction (ETJ), but will pay ad valorum taxes to the City.

**Legal Review:**
N/A

**Supporting Documents:**

Annexation Resolution

**Staff Recommendation:**
Staff recommends approval.

# CITY OF CELINA
# RESOLUTION NO. 2016-__

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CELINA, TEXAS, SETTING DATES, TIMES, AND PLACE FOR PUBLIC HEARINGS ON A PROPOSED ANNEXATION OF CERTAIN PROPERTIES BY THE CITY AND AUTHORIZING AND DIRECTING THE CITY SECRETARY TO PUBLISH NOTICE OF SUCH PUBLIC HEARINGS AND AUTHORIZING CITY STAFF TO TAKE ALL NECESSARY ACTION TO FULFILL THE REQUIREMENTS OF THE MUNICIPAL ANNEXATION ACT.**

**WHEREAS,** the City of Celina, Texas (the "City") is a Home Rule municipality located in Collin County, Texas, and Denton County, Texas created in accordance with the provisions of the Texas Local Government Code and operating pursuant to the Celina Home Rule Charter; and

**WHEREAS**, the City of Celina is provided the power to annex land under its Home Rule Charter and Section 43.021 of the Texas Local Government Code pursuant to the requirements and limitations set forth in state law; and

**WHEREAS**, the City of Celina has determined that it is in the best interest of the City and its citizens to consider the potential annexation of certain properties that are located within the City's extraterritorial jurisdiction; and

**WHEREAS**, the City of Celina desires to start the process that will enable the City, should it so desire, to annex the properties referenced in Exhibit "A" into the City of Celina, call two public hearings, and set a proposed annexation proceedings schedule.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CELINA, TEXAS;**

I. That on Tuesday, the 9h day of August, 2016 at 5:00 p.m. and on Tuesday, the 23th day August, 2016 at 5:30 p.m., at 112 N. Colorado, Celina, Texas 75009. The City Council will hold public hearings giving all interested persons the right to appear and be heard on the proposed annexations by the City of Celina of the properties more particularly described on the attached Exhibit "A" and depicted on Exhibit "B".

II. That the City Secretary is hereby authorized and directed to cause notice of each public hearing to be published once in a newspaper having general circulation in the City and in the territories described in Exhibit "A" and depicted on Exhibit "B" not more than twenty (20) days, nor less than ten (10) days prior to the date of such public hearing, in accordance with the Municipal Annexation Act.

**PASSED AND APPROVED** by the City Council of the City of Celina, Texas, this the 12th day July, 2016.

______________________________
SEAN TERRY, MAYOR

______________________________
VICKI FAULKNER, CITY SECRETARY

Exhibit A
Legal Description
Wilson Creek Estates Phase 2

Being a certain tract of land situated in Collin County, Texas, in the Coleman Watson Survey, Abstract No. 945, being a resurvey of a part of the 299.742 acres of land described in a deed from G. H. Porter and wife, Leona Porter, to Donald N. Test, Jr., dated February 13, 1968, recorded in Volume 704, Page 731 and a part of the 414.936 acre tract described in a deed from Robert S. Folsom to Margaret D. Folsom dated June 30, 1986, recorded in Volume 2401, Page 443 of the Collin County Deed Records, both deeds of the Collin County Land Records, being described by metes and bounds as follows:

BEGINNING at a 1½ inch diameter iron pipe found on the south bank of a Branch of Wilson Creek, at the northwest corner of said 299.760 acre tract;

Thence north 89º 03’ 39” east, 1121.29 feet with the north line of said 299.760 tract to a 1½ inch diameter iron pipe found on the west side of the bed of Wilson Creek, at the north, northwest corner of said 299.760 acre tract;

Thence south 0º 55’ 15” east, 213.72 feet with an east line of said 299.760 acre tract to a 1” iron pipe found at the northwest corner of the 299.760 acre tract;

Thence north 89º 59’ 31” east, 40.15 feet with a north line of said 414.936 acre tract to a point in the center of Wilson Creek for a corner;

Thence southerly with the center of Wilson Creek as follows:

South 0º 55’ 7” west, 46.06 feet; South 10º 15’ 13” east, 165.65 feet;
South 5º 48’ 25” east, 121.33 feet; South 4º 23’ 24” east, 56.26 feet;
South 10º 37’ 56” east, 235.76 feet; South 12º 27’ 48” east, 109.39 feet;
South 27’ 14” west, 53.72 feet; South 15º 21’ 14” west, 284.21 feet;
South 2º 49’ 34” east, 5.41 feet to a point in the center of said creek at the mouth of a Branch of Wilson Creek from the west, a the northeast corner of WILSON CREEK ESTATES, Ref. Volume J, Page 605 of the Map and Plat Records of Collin County.

Thence generally in a westerly direction up said Branch of Wilson Creek with its meanders and with the north line of said WILSON CREEK ESTATES as follows:

North 60º 40’ 46” west, 66.01 feet; North 47º 23’ 42” west, 23.65 feet;
North 7º 16’ 33” west, 41.98 feet; North 62º 31’ 53” west, 61.94 feet;
South 78º 3’ 36” west, 35.42 feet; North 65º 40’ 27” west, 23.31 feet;
South 89º 59’ 6” west, 42.57 feet; North 74º 30’ 21” west, 38.04 feet;
North 0º 47’ 7” east, 40.6 feet; North 49º 38’ 47” west, 36.31 feet;
South 52º 53’ 45” west, 58.1 feet; North 87º 17’ 46” west, 73.04 feet;
North 44º 14’ 12” west, 37.25 feet; North 68º 13’ 18” west, 35.24 feet;
North 84º 47’ 59” west, 53.26 feet; North 66º 30’ 40” west, 28.4 feet;
South 57º 25’ 21” west, 54.81 feet; South 81º 57’ 38” west, 19.46 feet;
South 63º 30’ 41” west, 232.16 feet; South 72º 32’ 38” west, 62.9 feet;
North 81º 43’ 35” west, 15.93 feet; South 64º 49’ 36” west, 36.4 feet;
South 40º 8’ 5” west, 23.95 feet; South 70º 23’ 48” west, 143.98 feet;
South 89º 15’ west, 13.65 feet to an iron pin found at the northwest corner of said WILSON CREEK ESTATES, over a culvert, in County Road No. 84;

Thence North 0º 44’ 37” west, 1269.85 feet with the west line of said 82.414 acre tract and with said County Road No. 84 to the PLACE OF BEGINNING and containing 31.119 acres of land, more or less.

4938

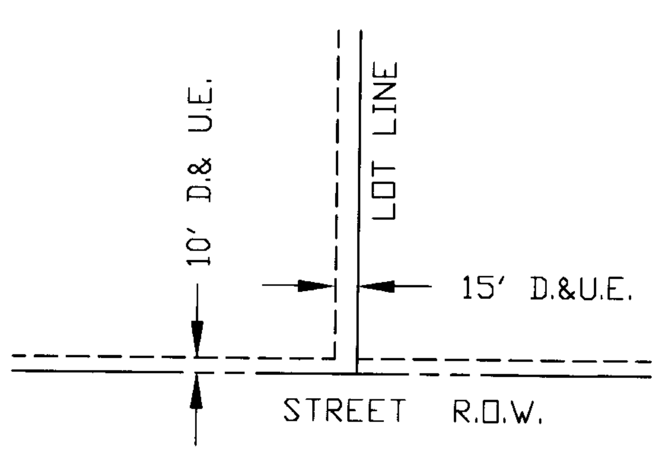
K/192
2-19-98



| LINE DATA TABLE | | |
|---|---|---|
| 1. | N 68°40'46" W | 66.01' |
| 2. | N 47°23'42" W | 23.65' |
| 3. | N 7°16'33" W | 41.98' |
| 4. | N 62°31'53" W | 61.94' |
| 5. | S 78°05'36" W | 35.42' |
| 6. | N 65°40'27" W | 23.31' |
| 7. | S 89°59'06" W | 42.57' |
| 8. | N 74°30'21" W | 38.04' |
| 9. | N 0°47'07" E | 40.60' |
| 10. | N 49°38'47" W | 36.31' |
| 11. | S 52°53'45" W | 58.10' |
| 12. | N 87°17'46" W | 73.04' |
| 13. | N 44°14'12" W | 37.25' |
| 14. | N 68°13'18" W | 35.24' |
| 15. | N 84°47'59" W | 53.26' |
| 16. | N 66°30'40" W | 28.40' |
| 17. | S 57°35'21" W | 54.81' |
| 18. | S 81°57'38" W | 19.46' |
| 19. | S 63°30'41" W | 232.16' |
| 20. | S 72°32'38" W | 62.90' |
| 21. | N 81°43'35" W | 15.93' |
| 22. | S 64°49'36" W | 36.40' |
| 23. | S 40°08'05" W | 23.95' |
| 24. | S 70°23'48" W | 143.98' |
| 25. | N 65°53'18" E | 179.49' |
| 26. | S 21°42'43" W | 36.39' |
| 27. | S 4°59'30" W | 46.99' |
| 28. | S 63°26'47" W | 57.66' |
| 29. | S 89°15'23" W | 19.48' |
| 30. | N 1°36'55" W | 34.06' |
| 31. | S 89°23'17" W | 30.00' |
| 32. | N 1°36'55" W | 15.94' |
| 33. | N 2°15'40" E | 60.39' |
| 34. | N 5°48'25" W | 108.53' |
| 35. | N 0°55'07" E | 53.75' |
| 36. | S 44°18'32" W | 35.68' |
| 37. | S 74°04'28" W | 68.06' |
| 38. | N 76°16'47" W | 43.76' |

| LINE DATA TABLE | | |
|---|---|---|
| 39. | N 50°01'51" W | 116.79' |
| 40. | N 41°38'53" W | 66.36' |
| 41. | N 69°30'25" E | 179.16' |
| 42. | S 7°57'52" E | 31.38' |
| 43. | S 16°25'15" E | 30.47' |
| 44. | N 64°13'49" E | 204.42' |
| 45. | S 72°04'45" E | 189.33' |
| 46. | N 61°10'43" E | 89.25' |
| 47. | S 62°58'35" E | 254.40' |
| 48. | N 15°21'14" E | 212.96' |
| 49. | N 27°14'00" E | 51.16' |
| 50. | N 12°27'48" E | 76.00' |
| 51. | N 10°37'56" W | 228.51' |
| 52. | N 10°15'13" W | 171.55' |
| 53. | N 1°28'51" W | 117.28' |



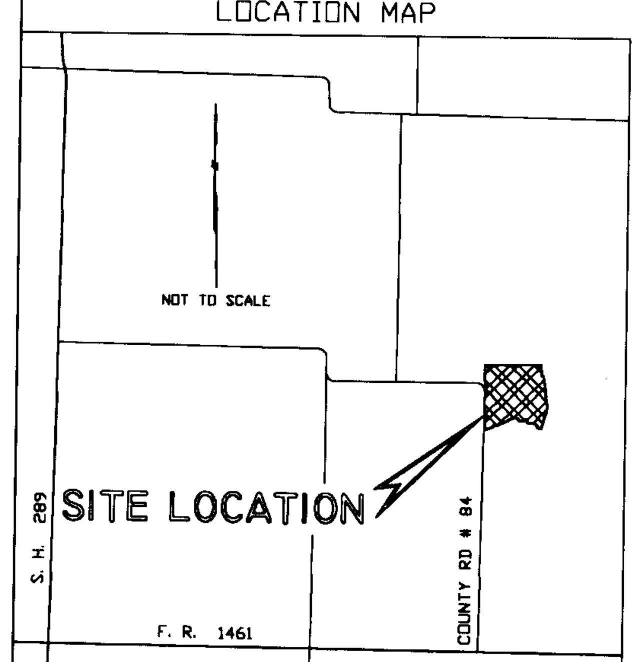



TYPICAL D.&U.E.

# LEGEND

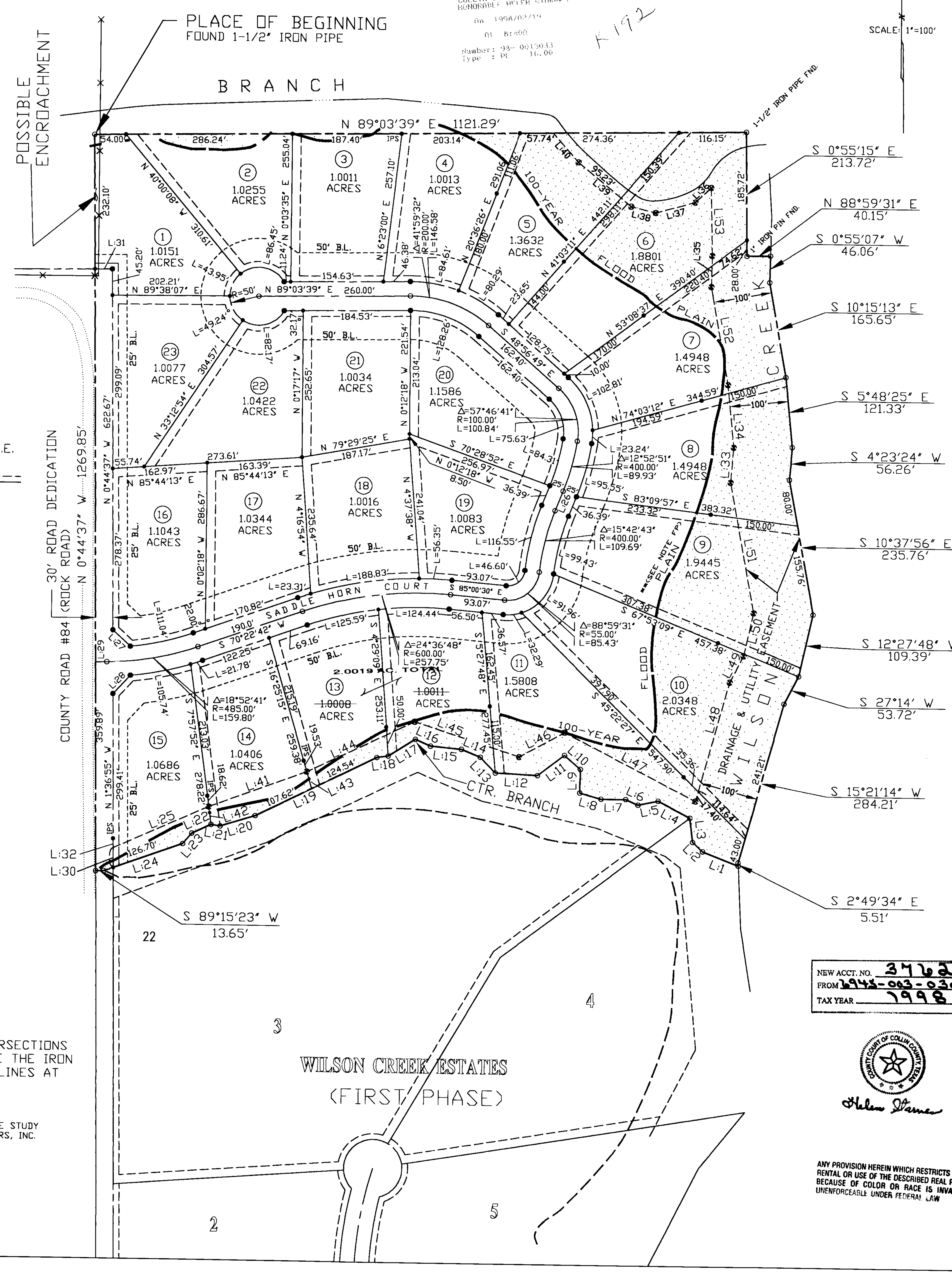
- 50' B.L. — 50' BUILDING SETBACK LINE
- ROAD
- CENTER LINE
- BOUNDARY LINE
- PROPERTY LINE
- EASEMENT LINE
- RIGHT-OF-WAY
- ○ PROP COR. DIRECTION BREAK
- 100 YEAR FLOOD BOUNDARY
- ● IRON PIN SET
- ○IPF IRON PIN FOUND
- D.&U.E. DRAINAGE & UTIL. ESM'T.
- L:29 REFERANCES THE LINE DATA TABLE
- L=49.13' ARC LENGTH

LOCATION MAP




NOTES:
1/2 INCH IRON PIN SET AT ALL LOT CORNERS AND INTERSECTIONS EXCEPT AT BRANCHES WHERE THE IRON PINS ARE SET ON THE LOT LINES AT SHOWN DISTANCES.

** NOTE FP
FLOOD PLAIN ESTABLISHED BY DRAINAGE STUDY OF NATHAN MAIER CONSULTING ENGINEERS, INC. DATED DECEMBER 1995




Filed for Record in: COLLIN COUNTY, TX HONORABLE HELEN STARNES
On 1998/02/19
Number: 98-0015013
Type : PL 16.00

K192

OWNER'S CERTIFICATE

STATE OF TEXAS :
COUNTY OF COLLIN :

WHEREAS, MT. PROSPER, L.C. is the owner of a tract of land in Collin County, Texas described as follows:

SITUATED in Collin County, Texas, in the Coleman Watson Survey, Abstract No. 945, being a resurvey of a part of the 299.742 acres of land described in a deed from G. H. Porter and wife, Leora Porter, to Donald N. Test, Jr., dated February 13, 1968, recorded in Volume 704, Page 731 and a part of the 414.936 acre TRACT 5 described in a deed from Robert S. Folsom to Margaret D. Folsom dated June 30, 1986, recorded in volume 2401, page 443 of the Collin County Deed Records, both deeds of the Collin County Land Records, being described by metes and bounds as follows:

BEGINNING at a 1-1/2 inch Dia. iron pipe found on the south bank of a Branch of Wilson Creek, at the northwest corner of said 299.760 acre tract;

Thence north 89° 03' 39" east, 1121.29 feet with the north line of said 299.760 acre tract to an 1-1/2" iron pipe found on the west side of the bed of Wilson Creek, at the north, northwest corner of said 299.760 acre tract;

Thence south 0° 55' 15" east, 213.72 feet with an east line of said 299.760 acre tract to a 1" iron pin found at the north west corner of said 414.936 acre Tract;

Thence north 88° 59' 31" east, 40.15 feet with a north line of said 414.936 acre Tract to a point in the center of Wilson Creek for a corner;

Thence southerly with the center of Wilson Creek as follows:
South 0° 55' 07" West, 46.06 feet; South 10° 15' 13" East, 165.65 feet;
South 5° 48' 25" East, 121.33 feet; South 4° 23' 24" West, 56.26 feet;
South 10° 37' 56" East, 235.76 feet; South 12° 27' 48" West, 109.39 feet;
South 27° 14' West, 53.72 feet; South 15° 21' 14" West, 284.21 feet;
South 2°49'34"East, 5.51 feet to a point in the center of said creek at the mouth of a Branch of Wilson Creek from the west, at the northeast corner of WILSON CREEK ESTATES, Ref. Volume J, Page 605 of the Map and Plat Records of Collin County;

Thence generally in a westerly direction up said Branch of Wilson Creek with its meanders and with the north line of said WILSON CREEK ESTATES as follows:
North 68° 40' 46" West, 66.01 feet; North 47° 23' 42" West, 23.65 feet;
North 7° 16' 33" West, 41.98 feet; North 62° 31' 53" West, 61.94 feet;
South 78° 05' 36" West, 35.42 feet; North 65° 40' 27" West, 23.31 feet;
South 89° 59' 06" West, 42.57 feet; North 74° 30' 21" West, 38.04 feet;
North 0° 47' 07" East, 40.6 feet; North 49° 38' 47" West, 36.31 feet;
South 52° 53' 45" West, 58.1 feet; North 87° 17' 46" West, 73.04 feet;
North 44° 14' 12" West, 37.25 feet; North 68° 13' 18" West, 35.24 feet;
North 84° 47' 59" West, 53.26 feet; North 66° 30' 40" West, 28.4 feet;
South 57° 35' 21" West, 54.81 feet; South 81° 57' 38" West, 19.46 feet;
South 63° 30' 41" West, 232.16 feet; South 72° 32' 38" West, 62.9 feet;
North 81° 43' 35" West, 15.93 feet; South 64° 49' 36" West, 36.4 feet;
South 40° 08' 05" West, 23.95 feet; South 70° 23' 48" West, 143.98 feet;
South 89° 15' West, 13.65 feet to an iron pin found at the northwest corner of said WILSON CREEK ESTATES, over a culvert, in County Road No. 84;

Thence north 0ø44'37"west, 1269.85 feet with the west line of said 82.414 acre tract and with said County Road No. 84 to the PLACE OF BEGINNING and containing 31.119 acres of land.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:
That we, MT. PROSPER, L.C., dos hereby adopt this plat designating the hereinabove described property as WILSON CREEK ESTATES, a subdivision in Collin County, Texas, and do hereby dedicate to the public use forever the streets/roads and easements as shown thereon.
WITNESS my hand at Dallas, Texas, this the 16 day of December, 1997

James Herblin
MT. PROSPER, L.L.C. By:James Herblin, ~~President~~ Comanaging Member

This instrument was acknowledged before me on the 16th day of December, 1997.
Commission Expires 3-27-2001, 199__

Marsha E. Hullett
Notary Public, State of Texas

MARSHA E. HULLETT
NOTARY PUBLIC
State of Texas
Comm. Exp.03-27-2001

SURVEYOR'S CERTIFICATE

KNOW ALL MEN BY THESE PRESENT:
That I, G. M. Geer, do hereby certify that I prepared this plat from an actual and accurate survey of the land, and that the corner monuments shown thereon were properly placed under my supervision, in accordance with the subdivision regulations of Collin County, Texas

G. M. GEER, REGISTERED PROFESSIONAL LAND SURVEYOR
TEX. REG. NO. 3258

This instrument was acknowledged before me on the 18 day of December, 1997.
Commission Expires July 23 ~~199~~ 2000

Sharon Butler
Notary Public, State of Texas

SHARON BUTLER
Notary Public
STATE OF TEXAS
My Comm. Exp. 07/23/2000

This Plat is approved by the Collin County Commissioners on this 8 day of December, 1997

Ron Harris
County Judge, Collin County, Texas

| | |
|---|---|
| NEW ACCT. NO. | 3762 |
| FROM | 2945-003-0300 |
| TAX YEAR | 1998 |

S 3762

COUNTY CLERK COLLIN COUNTY TEXAS

Helen Starnes

ANY PROVISION HEREIN WHICH RESTRICTS THE SALE, RENTAL OR USE OF THE DESCRIBED REAL PROPERTY BECAUSE OF COLOR OR RACE IS INVALID AND UNENFORCEABLE UNDER FEDERAL LAW

FINAL PLAT
# WILSON CREEK ESTATES 2
31.119 ACRES IN COLLIN COUNTY, IN THE COLEMAN WATSON SURVEY, ABSTRACT No. 945

OWNER:
MT. PROSPER, L.L.C.
501 ELM STREET # 350
DALLAS, TEXAS 75202
(214)-744-7570

SURVEYOR:
G. M. GEER
1512 WEST UNIVERSITY, SUITE 300
McKINNEY, TEXAS 75069
(972) 562-3959

F:\DWG\W2A-PLT.DWG GENE2

**Planning and Development Services**
City of Celina, Texas

# Memorandum

| | |
|---|---|
| To: | **Honorable Mayor Terry and the Celina City Council** |
| From: | Ben Rodriguez, Planner |
| CC: | Helen-Eve Liebman, Director of Planning and Development Services |
| Date: | July 12, 2016 |
| Re: | Dickerson & Stambaugh Tract Ch. 43 Agreement |

**Action Requested:**
Consider and act upon a Chapter 43 Pre-Annexation Agreement between the City of Celina, Texas, Lewis Dickerson, and Dorothy Stambaugh for approximately 49.084 acres situated in the Thomas Stayton Survey, Abstract No. 0805, Tract 1. (Dickerson Pre-Annexation Agreement) (Liebman)

**Background Information:**
Texas local government code requires that municipalities offer land owners a pre-annexation agreement for tracts of land which contain an agriculture, wildlife management or timber exemption from ad valorem taxes.
The agreement states that the property may remain outside of the City's corporate limits so long as the owner agrees not to develop the property. The agreement is to last for a period of 15 years after which the City may annex the property. Approval of this agreement will allow the city to utilize this tract as a point of contiguity in future annexations.

**Board Review/Citizen Input:**
N/A

**Alternatives:**
N/A

**Financial Considerations:**
N/A

**Legal Review:**
The City's land use attorney has reviewed the agreement and found it to be acceptable.

**Supporting Documents:**
- Proposed Agreement
- Property Exhibit

**Staff Recommendation:**
Staff Recommends Approval.

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

STATE OF TEXAS )
)
COUNTY OF COLLIN )

# CHAPTER 43 TEXAS LOCAL GOVERNMENT CODE DEVELOPMENT AGREEMENT

This Agreement is entered into pursuant to Sections 43.035 and 212.172 of the Texas Local Government Code by and between the City of Celina, Texas (the "City") and the undersigned property owner(s) (the "Owner"). The term "Owner" includes all owners of the Property.

**WHEREAS,** the Owner owns a parcel of real property (the "Property") in Collin County, Texas, legally described as Abs A0805 Thomas Stayton Survey, Tract 1, 49.804 acres, Celina, Texas and more particularly and separately described in the attached Exhibit "A"; and

**WHEREAS,** the Property is designated as one segment by Collin County Central Appraisal District, with "Land Segment 1" being 49.804 acres; and

**WHEREAS,** the City intends to begin the process to institute annexation proceedings on all or portions of Owner's Property in the near future; and

**WHEREAS,** the Owner desires to have the Property remain in the City's extraterritorial jurisdiction, in consideration for which the Owner agrees to enter into this Agreement; and

**WHEREAS,** this Agreement is entered into pursuant to Sections 43.035 and 212.172 of the Texas Local Government Code, in order to address the desires of the Owner and the procedures of the City; and

**WHEREAS,** the Owner and the City acknowledge that this Agreement is binding upon the City and the Owner and their respective successors and assigns for the term (defined below) of this Agreement; and

**WHEREAS,** this Development Agreement is to be recorded in the Real Property Records of Collin County.

**NOW, THEREFORE,** in consideration of the mutual covenants contained herein, the parties hereto agree as follows:

**Section 1.** The City guarantees the continuation of the extraterritorial status of the Owner's Property, its immunity from annexation by the City, and its immunity from City property taxes, for the term of this Agreement, subject to the provisions of this

Agreement. Except as provided in this Agreement, the City agrees not to annex the Property, agrees not to involuntarily institute proceedings to annex the Property, and further agrees not to include the Property in a statutory annexation plan for the Term of this Agreement. However, if the Property is annexed pursuant to the terms of this Agreement, then the City shall provide services to the Property pursuant to Chapter 43 of Texas Local Government Code.

**Section 2**. The Owner covenants and agrees not to use the Property for any use other than for agriculture, wildlife management, and/or timber land consistent with Chapter 23 of the Texas Tax Code without the prior written authority of the City Council.

The Owner covenants and agrees that the Owner will not file any type of subdivision plat or related development document for the Property, which includes but is not limited to seeking to create any special district (including but not limited to a Municipal Utility District, Fresh Water Supply District, Water Control and Improvement District, Municipal Management District, Public Improvement District, or any similar special district) within any part of the Property within the City's extraterritorial jurisdiction ("ETJ") including by seeking to file, or filing, any legislation or any application with the Texas Commission on Environmental Quality ("TCEQ") to create any such special district (a "Development Document"), until the Property has been annexed into, and zoned by, the City.

The Owner covenants and agrees not to construct, or allow to be constructed, any improvements or buildings on the Property that would require a permit or building permit if the Property were in the city limits, until the Property has been annexed into, and zoned by, the City. The Owner also covenants and agrees that the City's AG—Agricultural District zoning requirements apply to the Property, and that the Property shall be used only for AG— Agricultural District zoning uses that exist on that Property at the time of the execution of this Agreement, unless otherwise provided in this Agreement.

The Owner acknowledges that each and every owner of the Property must sign this Agreement in order for the Agreement to take full effect, and the Owner who signs this Agreement covenants and agrees, jointly and severably, to indemnify, hold harmless, and defend the City against any and all legal claims, by any person claiming an ownership interest in the Property who has not signed the Agreement, arising in any way from the City's reliance on this Agreement.

**Section 3.** The Owner acknowledges and stipulates that if any plat or Development Document is filed in violation of this Agreement, or if the Owner commences construction on or development of the Property in violation of this Agreement, then in addition to the City's other remedies, such act will constitute an irrevocable petition for voluntary annexation by the Owner, and the Property will be subject to annexation at the discretion of the City Council. The Owner agrees and stipulates that such annexation shall be voluntary and the Owner hereby consents to such annexation as though a petition for such annexation had been tendered by the Owner to the City. If annexation proceedings begin pursuant to this Section, the Owner acknowledges that this Agreement serves as an exception to Local Government Code Section 43.052, requiring a municipality to use certain statutory procedures under an annexation plan. Furthermore, the Owner hereby waives any and all vested rights and claims that they may have under Section 43.002(a)(2) and Chapter 245 of the Texas Local Government Code that would otherwise exist by virtue of any actions Owner has taken in violation of Section 2 herein. Owner acknowledges and stipulates that this Development Agreement is not a permit, as defined in Texas Local Government Code, Section 245.001(1), required by the City.

**Section 4.** Pursuant to Sections 43.035(b)(1)(B) of the Texas Local Government Code, Owner agrees that the City is authorized to enforce all of the City's regulations, permit requirements and planning authority that do not materially interfere with the use of the Property for agriculture, wildlife management, or timber, in the same manner the regulations are enforced within the City's boundaries. The City states and specifically reserves its authority pursuant to Chapter 251 of the Texas Local Government Code to exercise eminent domain over property that is subject to a Chapter 43 and/or Chapter 212 development agreement.

**Section 5.** The term of this Agreement (the "Term") is fifteen (15) years from the date that the City Manager's signature to this Agreement is acknowledged by a public notary. The Owner, and all of the Owner's heirs, successors and assigns shall be deemed to have filed a petition for voluntary annexation before the end of the Term, for annexation of the Property to be completed on or after the end of the Term. Prior to the end of the Term, the City may commence the voluntary annexation of the Property. In connection with annexation pursuant to this section, the Owners hereby waives any vested rights they may have under Section 43.002(a)(2) and Chapter 245 of the Texas Local Government Code that would otherwise exist by virtue of any plat or construction any of the Owners may initiate during the time between the expiration of this Agreement and the institution of annexation proceedings by the City.

**Section 6.** Property annexed pursuant to this Agreement will initially be zoned AG – Agricultural pursuant to the City's Code of Ordinances, pending determination of the property's permanent zoning in accordance with the provisions of applicable law and the City's Code of Ordinances.

**Section 7.** Any person who sells or conveys any portion of the Property shall, no later than 14 days prior to such sale or conveyance, give written notice of this Agreement to the prospective purchaser or grantee, and shall give written notice of the sale or conveyance to the City. Furthermore, the Owner and the Owner's heirs, successor, and assigns shall give the City written notice within 14 days of any change in the agricultural exemption status of the Property. A copy of either notice required by this section shall be forwarded to the City at the following address:

City of Celina
Attn: City Manager
142 N. Ohio
Celina, Texas 75009

**Section 8.** A certified copy of this Agreement shall be recorded in the real property records of Collin County, Texas, and this Agreement shall constitute a covenant that runs with the Property.

**Section 9.** If a court of competent jurisdiction determines that any covenant of this Agreement is void or unenforceable, including the covenants regarding involuntary annexation, then the remainder of this Agreement shall remain in full force and effect.

**Section 10.** This Agreement may be enforced by any Owner or the City by any proceeding at law or in equity. Failure to do so shall not be deemed a waiver to enforce the provisions of this Agreement thereafter. Notwithstanding the preceding terms of this section, the City does not waive immunity from suit or liability.

**Section 11.** No subsequent change in the law regarding annexation shall affect the enforceability of this Agreement or the City's ability to annex the properties covered herein pursuant to the terms of this Agreement.

**Section 12.** The validity of this Agreement and any of its terms and provisions, as well as the rights and duties of the parties, shall be governed by the laws of the State of Texas; and venue for any action concerning this Agreement shall be only in Collin County, Texas.

**Section 13.** This Agreement may be separately executed in individual counterparts and, upon execution, shall constitute one and same instrument.

**Section 14.** This Agreement shall survive its termination to the extent necessary for the implementation of the provisions of Sections 2, 3, and 4 herein.

**Section 15.** This Agreement embodies the complete agreement of the parties hereto, superseding all oral or written, previous and contemporary agreements between the parties and relating to the matters in this Agreement and except as otherwise provided herein, cannot be modified without written agreement of the parties to be attached to and made a part of this Agreement.

**Section 16.** The determinations recited and declared in the preambles to this Agreement are hereby incorporated herein as part of this Agreement.

**Section 17.** All exhibits to this Agreement are incorporated herein by reference for all purposes wherever reference is made to the same.

Entered into this ____ day of ________________, 2016.

SIGNATURES ON NEXT PAGE

**CITY OF CELINA**

By: ______________________________
Name: Mike Foreman
Title: City Manager
Date: ____________

THE STATE OF TEXAS §
§
COUNTY OF ______ §

This instrument was acknowledged before me on ______________, 2016, by Mike Foreman, City Manager of the City of Celina, Texas on behalf of said City.

______________________________
Notary Public in and for the State of TEXAS

**OWNER 1: DOROTHY STAMBAUGH** ESTATE

By: ______________________
Name: ~~Dorothy Stambaugh~~ Lewis Dickerson, Independent Executor
Title: Owner
Date: 6-17-16

THE STATE OF TEXAS §
§
COUNTY OF Collin §

This instrument was acknowledged before me on June 17, 2016, by Lewis Dickerson as Independent Executor, owner of said Property. of the Estate of Dorothy Stambaugh, Deceased,

Margret Self
Notary Public in and for the State of TEXAS

MARGRET SELF
Notary Public
STATE OF TEXAS
Notary ID # 129070253
My Comm. Exp. July 27, 2016

**OWNER 2: LEWIS DICKERSON**

By:______________________
Name: Lewis Dickerson
Title: Owner
Date: 6-17-16

THE STATE OF TEXAS §
§
COUNTY OF Collin §

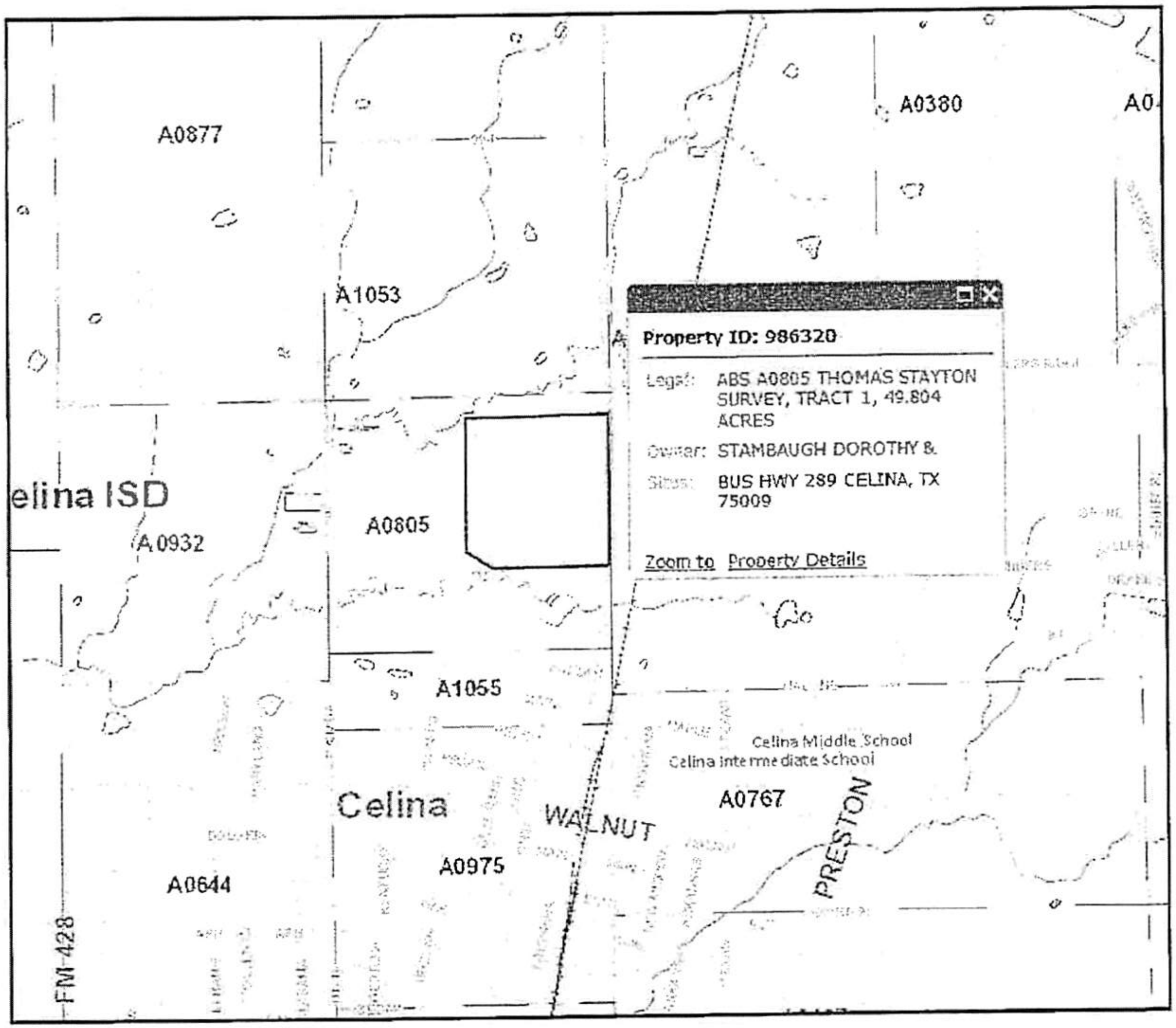
This instrument was acknowledged before me on June 17, 2016, by Lewis Dickerson, owner of said Property.

Margret Self
Notary Public in and for the State of TEXAS

MARGRET SELF
Notary Public
STATE OF TEXAS
Notary ID # 129070253
My Comm. Exp. July 27, 2016

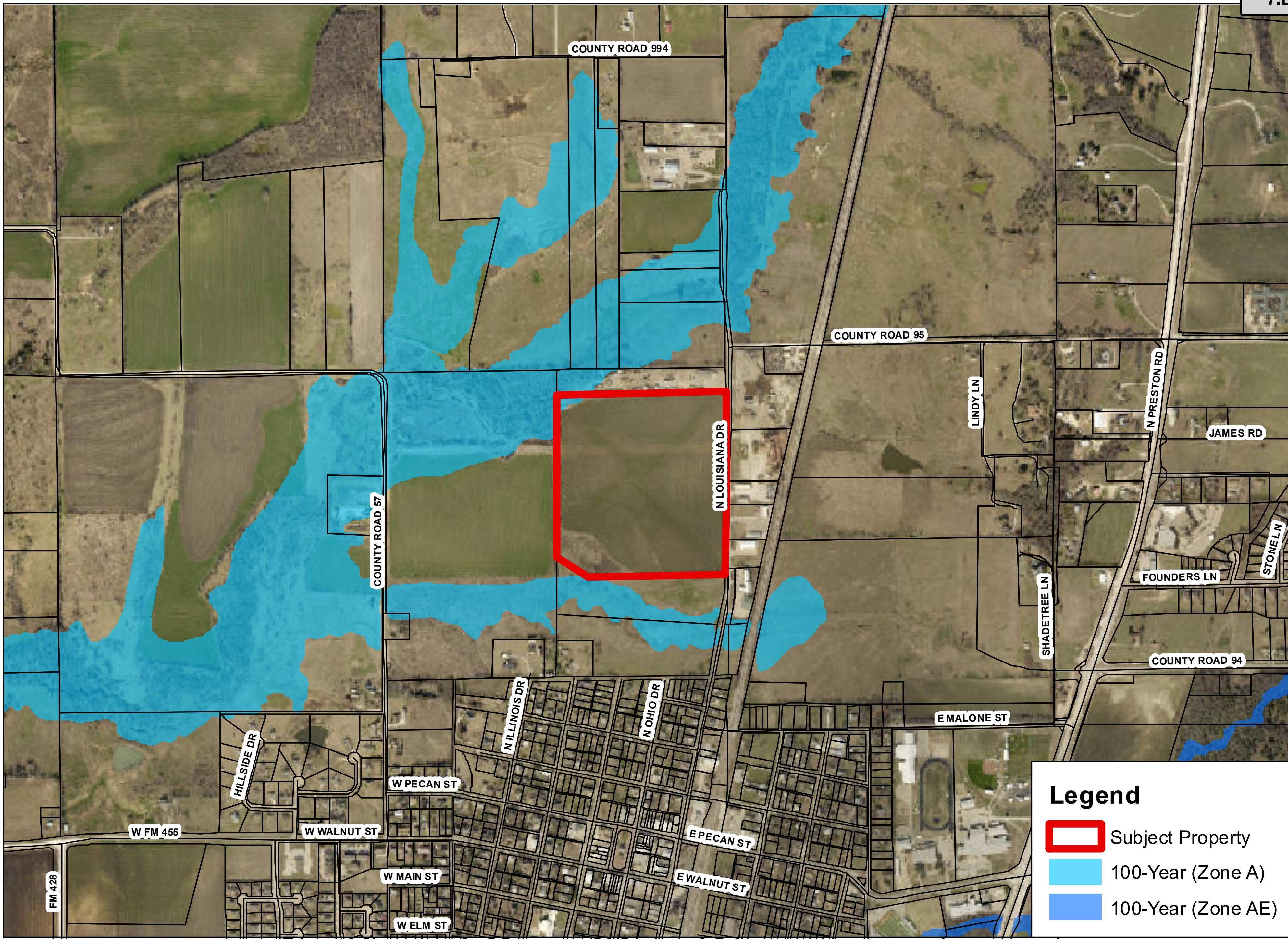
NOTARY PUBLIC STATE OF TEXAS

# EXHIBIT "A"



A0877
A1053
A0380
A0
elina ISD
A0932
A0805
A1055
Property ID: 986320
Legal: ABS A0805 THOMAS STAYTON SURVEY, TRACT 1, 49.804 ACRES
Owner: STAMBAUGH DOROTHY &
Situs: BUS HWY 289 CELINA, TX 75009
Zoom to Property Details
Celina Middle School
Celina Intermediate School
A0767
Celina
WALNUT
PRESTON
A0975
A0644
FM-428

# Chapter 43 Agreement




Attachment: Property Exhibit (1650 : Dickerson / Stambaugh Tract Ch. 43 Agreement)

**City Secretary**
City of Celina, Texas

# Memorandum

To: **Honorable Mayor Terry and the Celina City Council**
From: Vicki Faulkner, City Secretary
Date: July 12, 2016
Re: Regular Meeting Time

---

**Action Requested:**
Consider and act upon a resolution of the City of Celina, Texas, establishing a time and date for regularly scheduled meetings and work sessions. (Faulkner)

**Background Information:**
The regular monthly work session and action portions of the meeting will begin at 5:00 PM starting August 9, 2016. This is a change from the previous starting time for action portions of the meeting beginning at 6:00 PM.

**Board Review/Citizen Input:**

**Alternatives:**

**Financial Considerations:**

**Legal Review:**

**Supporting Documents:**
Resolution

**Staff Recommendation:**

**CITY OF CELINA**
**RESOLUTION NO. 2016- R**

**A RESOLUTION OF THE CITY OF CELINA, TEXAS, ESTABLISHING A TIME AND DATE FOR REGULARLY SCHEDULED MEETINGS AND WORK SESSIONS; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS,** the City of Celina, Texas (the "City") is a Home Rule municipality located in Collin County and Denton County, Texas, created in accordance with the provisions of the Texas Local Government Code and operating pursuant to enabling legislation of the State of Texas and the Constitution of the State of Texas; and

**WHEREAS**, the City has determined a date and time for regularly scheduled City Council meetings that will accommodate the needs of the Council, staff and citizens; and

**WHEREAS**, establishing such a date will provide fair notice to interested citizens and will maximize citizen input.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CELINA, TEXAS;**

**SECTION 1**
**MEETINGS**

1. That regularly scheduled meetings and workshops of the Celina City Council shall be held on the second Tuesday of each month at 5:00 p.m., beginning August 9, 2016. Said meetings and workshops shall be posted in accordance with the Texas Open Meetings Act, and unless determined otherwise, shall be held in Celina City Council Chambers, 112 N. Colorado, Celina, Texas.

2. Nothing in this Resolution shall preclude the City from holding Special Called Meetings should the need arise at a time and place properly posted.

**SECTION 2**
**EFFECTIVE DATE**

That this resolution shall take effect from and after its final date of passage, and it is accordingly so ordered.

**PASSED AND APPROVED** by the City Council of the City of Celina, Texas, this the 12th day of July, 2016.

____________________________________
SEAN TERRY, MAYOR

____________________________________
VICKI FAULKNER, CITY SECRETARY

APPROVED AS TO FORM:

____________________________________
CITY ATTORNEY

**City Secretary**
City of Celina, Texas

# Memorandum

| | |
|---|---|
| To: | **Honorable Mayor Terry and the Celina City Council** |
| From: | Vicki Faulkner, City Secretary |
| Date: | July 12, 2016 |
| Re: | Check Signing Resolution |

**Action Requested:**
Consider and act upon a resolution of the City Council of the City of Celina, Texas, authorizing the Mayor, Council Members, City Manager, City Secretary and City Treasurer to sign checks and drafts on city accounts. (Toutounchian)

**Background Information:**
Recent changes in management have necessitated additions to the check signing policy on city accounts.

**Board Review/Citizen Input:**

**Alternatives:**

**Financial Considerations:**

**Legal Review:**

**Supporting Documents:**

**Staff Recommendation:**

**RESOLUTION NO. 2016- R**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CELINA, TEXAS, AUTHORIZING THE MAYOR, COUNCIL MEMBERS, CITY MANAGER, CITY SECRETARY AND CITY TREASURER TO SIGN CHECKS AND DRAFTS ON CITY ACCOUNTS.**

**WHEREAS**, there is a continuing need for the processing of the City's financial business;

**WHEREAS**, city disbursements/checks/drafts (payroll/accounts payable) are required to have two signatures, and

**WHEREAS,** it is not necessary for City Council approval to remit disbursements/checks/drafts that have been approved under the FY budget (payroll/accounts payable);

**WHEREAS**, named City Council members will sign on the operating account only; now

**THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CELINA, TEXAS THAT THE NAMED MAYOR, CITY COUNCIL MEMBERS, INTERIM CITY MANAGER, CITY SECRETARY AND CITY TREASURER BE AUTHORIZED TO SIGN CHECKS AND DRAFTS AND THAT ALL OTHER PREVIOUSLY NAMED OFFICIALS BE REMOVED FROM THE AUTHORIZED LIST.**

The following officials are authorized to sign checks and drafts on all city financial business:

______________________________

Mayor, Sean Terry

______________________________

Councilman, Chad Anderson

______________________________

Interim City Manager, Helen-Eve Liebman

______________________________

City Treasurer, Jay Toutounchian

______________________________

City Secretary, Vicki Faulkner

**PASSED AND APPROVED** by the City Council of the City of Celina, Texas, on the 12th day of July, 2016.

______________________________

Sean Terry, Mayor

______________________________

Vicki Faulkner, City Secretary

**Engineering/Public Works**
City of Celina, Texas

# Memorandum

| | |
|---|---|
| To: | **Honorable Mayor Terry and the Celina City Council** |
| From: | Gabe Johnson, Director of Public Works |
| CC: | Helen-Eve Liebman, Director of Planning and Development Services |
| Date: | July 12, 2016 |
| Re: | |

**Action Requested:**
Consider and act to authorize the City Manager to execute a contract by and between the City of Celina and Public Management, Inc., upon review and approval from the City Aattorney for administrative services related to 2016 CDBG project. (Johnson)

**Background Information:**
Public Management, Inc. will provide administrative and planning services for the City's anticipated CDBG project and will include the following:

- Financial management of the project
- Record keeping
-Preparation of all documents and correspondence regarding the environmental clearance for the project
- Acquisition of easements
- Satisfy the equal employment opportunity requirements
- Monitor Labor Standards
- Assist with Contract Close-out
- Coordinate all project related activities
- Staff Training
- Preparation of force account documents
- Preparation and submission of necessary reports to Texas Department of Agriculture (TDA) on behalf of the City.
- Liaise with TDA on behalf of the City in all matters concerning the project

**Financial Considerations:**
The Administrative fee is not to exceed $33,000.00 and it will be payable upon receipt of invoice from the consultant in accordance with the following schedule:

Preliminary Administrative Requirements- $8,250.00
Environmental Review - $8,250.00
Start of Construction- $6,600.00
Construction Completion - $6,600.00
Closeout- $3,300.00

**Staff Recommendation:**
Approve as presented

**City Secretary**
City of Celina, Texas

# Memorandum

| | |
|---|---|
| To: | **Honorable Mayor Terry and the Celina City Council** |
| From: | Vicki Faulkner, City Secretary |
| CC: | Helen-Eve Liebman, Director of Planning and Development Services |
| Date: | July 12, 2016 |
| Re: | |

**Action Requested:**
Consider and act upon an amendment to the contract for legal services between the City of Celina and Hayes, Berry, White and Vanzant. (Vanzant)

**Background Information:**

**Board Review/Citizen Input:**

**Alternatives:**

**Financial Considerations:**

**Legal Review:**

**Supporting Documents:**
Letter agreement

**Staff Recommendation:**

**Engineering/Public Works**
City of Celina, Texas

# Memorandum

| | |
|---|---|
| To: | **Honorable Mayor Terry and the Celina City Council** |
| From: | Gabe Johnson, Director of Public Works |
| Date: | July 12, 2016 |
| Re: | |

**Action Requested:**
Consider and act upon a resolution to support the construction of a driveway for the proposed Ace Hardware site at 1371 S Preston Road. (Johnson)

**Background Information:**
Ace Hardware is in the process of purchasing the City owned property at 1371 S Preston road which is adjacent to the new Fire Station. A contingent offer was made on the property in which a few things had to be approved before the land was closed. One of those items is a driveway on Preston Road. The permit process for driveways on Preston Road and any other TxDOT owned and maintained road is the applicant provides plans and a permit application to the City. The City provides the plans and permit to TxDOT. TxDOT will either provide comments to be incorporated into the design, approve the permit or deny the permit. TxDOT reviews the permits according to their engineering design criteria.

The driveway in question does not meet the minimum driveway spacing requirements as per TxDOT design criteria. The applicant has agreed to adjust the driveway to get as close as possible to the minimum spacing required from the northern driveway, which is Sonic. However, the driveway to the south is the northern Fire Station driveway. This does not meet the minimum spacing and will not meet the minimum spacing. It is staff's opinion that the Fire Station driveway does not generate the normal traffic that a commercial site would generate and that a variance should be allowed for the proposed driveway.

**Board Review/Citizen Input:**
N/A

**Alternatives:**
N/A

**Financial Considerations:**
N/A

**Legal Review:**

**Supporting Documents:**
Resolution

**Staff Recommendation:**
Approve

# CITY OF CELINA, TEXAS

## RESOLUTION 2016-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CELINA, TEXAS, SETTING FORTH ITS SUPPORT TO THE CONSTRUCTION OF A DRIVEWAY FOR THE PROPOSED ACE HARDWARE SITE AT 1371 S PRESTON ROAD.**

**WHEREAS,** the City of Celina (the "City") is a home rule municipality located in Collin County, and Denton County, Texas created in accordance with the provisions of the Texas Local Government Code, The Texas Constitution and operating pursuant to the enabling legislation of the state of Texas; and

**WHEREAS,** the City of Celina currently owns the property at 1371 S Preston Road;

**WHEREAS,** the City of Celina processes driveway and median cut permits on behalf of property owners to TxDOT for approval on projects adjacent to TxDOT Right-of-Way;

**WHEREAS,** TxDOT reviews the permit requests and provides approval, modification or denial of said permits according to TxDOT engineering design criteria;

**WHEREAS,** the City of Celina has received a driveway permit request from the potential buyer that does not meet the minimum spacing requirements as per TxDOT design requirements;

**WHEREAS,** the City of Celina staff is requesting to submit a variance request to TxDOT for the proposed driveway to be allowed; and

**WHEREAS,** after consideration and deliberation the City Council has determined that it will support the variance request for the construction of a driveway at 1371 S Preston Road.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CELINA, TEXAS**

Section 1: That the City Council of the City of Celina hereby sets forth its support to the construction of a driveway at 1371 S Preston Road.

Section 2: Incorporation of Recitals. That the City Council hereby finds that the statements set forth in the recitals of this Resolution are true and correct, and the City hereby incorporates such recitals as part of this Resolution.

Section 3: That this Resolution shall be in full force and shall take effect immediately upon its passage.

**PASSED AND APPROVED** by the City Council of the City of Celina, Texas this _____ day of ____________, 2016.

______________________________
Sean Terry, Mayor
City of Celina, Texas

ATTEST:

______________________________
Vicki Faulkner, City Secretary
City of Celina, Texas

[SEAL]
APPROVED AS TO FORM:

______________________________
City Attorney
City of Celina, Texas

**City Secretary**
City of Celina, Texas

# Memorandum

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| To: | **Honorable Mayor Terry and the Celina City Council** |
| From: | Vicki Faulkner, City Secretary |
| Date: | July 12, 2016 |
| Re: | Library Board members |

**Action Requested:**
Consider and act upon an ordinance of the City Council of the City of Celina, Texas amending the Code of Ordinances, Chapter I, General Provisions, Article 1.04: Boards, Comissions, and Committees, Division 4: Library Board; adding two members to the board. (Shaw)

**Background Information:**
Director of Library Services Linda Shaw expressed a desire to increase the board membership for more participation on various subcommittees and projects of the board.

**Board Review/Citizen Input:**
N/A

**Alternatives:**

**Financial Considerations:**
N/A

**Legal Review:**
The resolution was prepared by the City Attorney.

**Supporting Documents:**
Resolution

**Staff Recommendation:**

**Planning and Development Services**
City of Celina, Texas

# Memorandum

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|---|---|
| To: | **Honorable Mayor Terry and the Celina City Council** |
| From: | Brooks Wilson, Senior Planner |
| CC: | Helen-Eve Liebman, Director of Planning and Development Services |
| Date: | July 12, 2016 |
| Re: | City Park Land Annexation Public Hearings |

**Action Requested:**
The Celina City Council will conduct two public hearings at 6:00 p.m. and 6:05 p.m. on the proposed voluntary annexation of two tracts of city land within the extraterritorial jurisdiction of the City of Celina, Collin County, Texas and described as follows: being a 4.006 acre tract of land situated in the Henry Bentley Survey, Abstract No. 124, Collin County, Texas, and generally located at the southwest corner of FM 455 and FM 428; and being a 14.974 acre tract of land situated in the Henry Bentley Survey, Abstract No. 124, Collin County, Texas and generally located on the south side of FM 455 and west of FM 428, and the rights-of-way adjacent to these properties. (City Park Land Annexation Public Hearings) (Liebman)

**Background Information:**
The City of Celina has purchased property for park land and wishes to annex these properties into the city limits. The properties are contiguous to current city limits.

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| ~~June 14, 2016~~ | ~~Council option to accept voluntary petition to annex~~ |
| ~~June 24, 2016~~ | ~~Notice of public hearing to be published in *The Celina Record*~~ |
| ~~June 24, 2016~~ | ~~Notice of public hearing to be published on City website~~ |
| July 12, 2016 | Council to hold public hearings (2) |
| August 9, 2016 | Council to consider annexation ordinance |

**Board Review/Citizen Input:**
N/A

**Alternatives:**
N/A

**Legal Review:**
N/A

**Supporting Documents:**
Property Exhibits

**Staff Recommendation:**
N/A

EXHIBIT A
Legal Description
4.006 acre Park

BEING all of a certain acre lot tract or parcel of land situated in the Henry Bentley Survey, Abstract No. 124, Collin County, Texas on the west side of FM 428, being all of the (called) 4.00 acre tract conveyed to Hardorstejud Property, LLC, February 17, 2016, by deed recorded in Clerk's File Number 20160218000185870, Official Public Records of Collin County, Texas, and being more particularly described as follows:

BEGINNING at the northwest corner of said Hardorstejud tract an iron rod found at the southwest corner of a (called) 14.974 acre tract conveyed to Sarmad Badii, Samieh Badii Garza, Kylee Badii, and Faris Badii, April 13, 2010 by deed recorded in Clerk's File Number 20100416000372720, Official Public Records of Collin County, Texas, said point of beginning also being on the east line of a (called) 43.545 acre tract conveyed to Old Celina LTD, November 25, 2003, by deed recorded in Volume 5554, Page 1019 of said Official Public Records;

THENCE North 89º, 21', 55" east with the south line of said Badii tract and the north line of said Hardorstejud tract, across a wheat field, a distance of 637.53 feet to an iron rod found on the west line of FM 428 (90 feet wide right-of-way);

THENCE South 00º, 38', 15" east, with said west right-of-way, a distance of 274.33 feet to an iron rod found at the Southeast corner of said Hardorstejud tract and the northeast corner of Lot 1, Block 1, Celina City Park Addition, per plat filed in Volume 2013, Page 100, Map Records, Collin County, Texas;

THENCE South 89º, 26', 24" west, with the south line of said Hardorstejud tract, the north line of said Celina City Park Addition a distance of 636.76 feet to an iron rod found at a T-post, at the Southwest corner of said Hardorstejud tract and the northwest corner of said City Park Lot on the east line of said Old Celina LTD (called) 43.545 acre tract;

THENCE North 00º, 48', 00" west with the east line of said Old Celina LTD tract and the west line of said Hardorstejud tract, a distance of 273.50 feet to the POINT OF BEGINNING and containing in all 4.006 acres of land, more or less.

EXHIBIT B
Legal Description
14.960 acre park site

All that certain tract or parcel of land lying and being situated in the Henry Bentley Survey, Abstract No. 124, Collin County, Texas, at the southwest intersection of FM 455 and FM 428, being all of the (called) 14.974 acre tract conveyed to Sarmad Badii, Samieh Badii Garza, Kylee Badii, and Faris Badii, April 13, 2010, by deed recorded in Clerk's File Number 20100416000372720, Official Public Property Records Collin County, Texas and being more particularly described as follows:

BEGINNING on the south line of FM 455, (90 feet wide right-of-way), at the northwest corner of said Badii Tract and the northeast corner of a (called) 43.545 acre tract conveyed to Old Celina LTD, November 23, 2003, by deed recorded in Volume 5554, Page 1019, of said official Public Records, said point-of-beginning monumented by a T-post, painted pink, found northeast 0.58 feet from a three inch pipe fence corner;

THENCE 88º19'00" east, with the south right-of-way line of FM 455, along and near an overhead utility line, a distance of 246.60 feet to an iron rod set at the beginning of a curve to the left of said right-of-way;

THENCE with said right-of-way curve, having a radius of 2909.79 feet, a delta angle of 06º07'00", a chord of north 85º15'30" east, 310.49 feet, and an arch distance of 310.64 feet to an iron rod set at the point of tangency of said curve;

THENCE north 82º12'00" east, with said right-of-way, a distance of 56.23 feet to an iron rod set at an angle in said right-of-way;

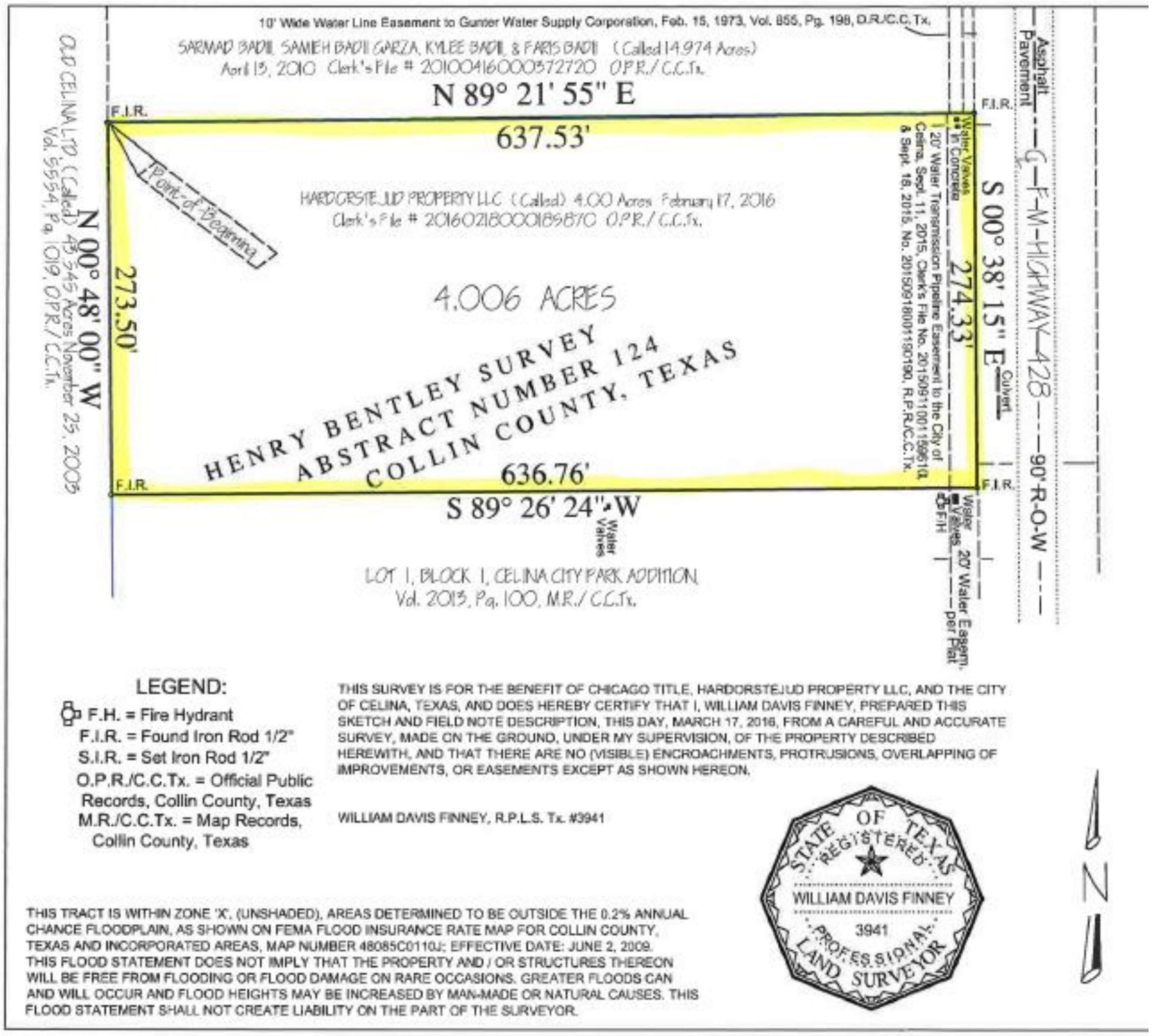
THENCE south 46º52'38" east, with said right-of-way, a distance of 39.70 feet to an iron rod set on the northeast side of a wood right-of-way marker, being the west line of FM 428 (90 feet wide right-of-way);

THENCE south 00º37'00" east, with said west right-of-way, a distance of 1015.35 feet to an iron rod found at the southeast corner of said Badii Tract and the northeast corner of a (called) 4.00 acre tract, conveyed to Stephen Harold Mills, on August 22, 2001, by deed recorded in Clerk's File Number 20010822001047390, of said Official Public Records;

THENCE south 89º21'55" west, with the north line of said Mills Tract and the south line of said Badii Tract, across a wheat field, a distance of 637.49 feet to an iron pin found at a T-post, at the southwest corner of said Badii Tract and the northwest corner of said Mills Tract on the east line of said Old Celina LTD (called) 43.545 acre tract;

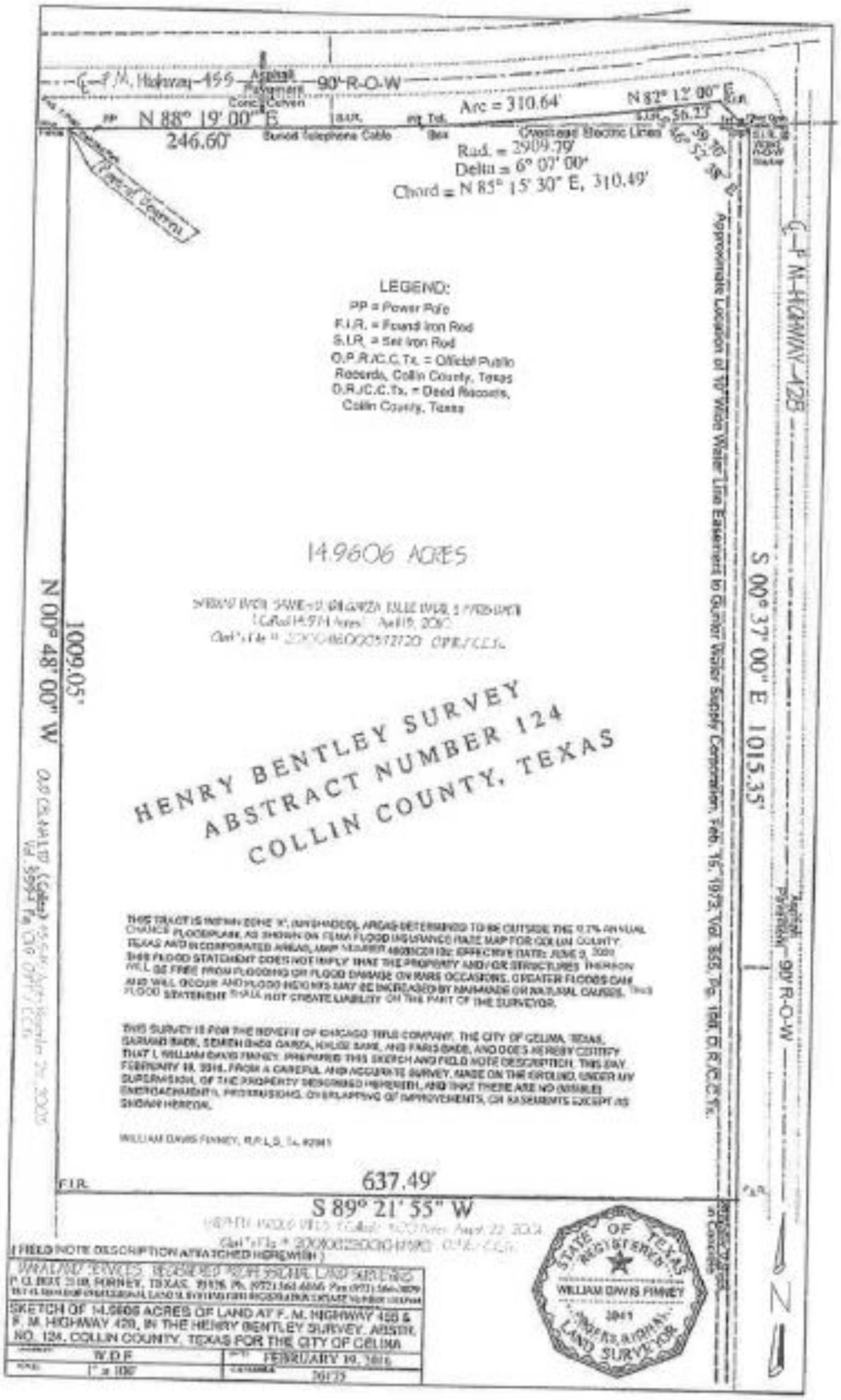
THENCE north 00º48'00" west, with the east line of said Old Celina LTD tract and the west line of said Badii Tract, a distance of 1009.05 feet to the point-of-beginning and containing in all 14.9606 acres of land, more or less.

# EXHIBIT C
## 4.006 Acre Park Land




Attachment: EXHIBIT C - 4 acre park exhibit (1639 : City Park Land Annexation Public Hearings)

Exhibit D
14.9 Acre Park Site



**Planning and Development Services**
City of Celina, Texas

# Memorandum

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|---|---|
| To: | **Honorable Mayor Terry and the Celina City Council** |
| From: | Brooks Wilson, Senior Planner |
| CC: | Helen-Eve Liebman, Director of Planning and Development Services |
| Date: | July 12, 2016 |
| Re: | O'Donnell Equestrian Tract Annexation Public Hearing |

**Action Requested:**
The Celina City Council will conduct a public hearing on the proposed voluntary annexation of the following tracts of land within the extraterritorial jurisdiction of the City of Celina, Collin County, Texas and described as follows: being an approximately 69.34 acre tract of land situated in the B.B.B. & C.R.R. Survey, Abstract No. 130, Tract 14 and generally located north of CR 130, and east of CR 132, and the portions of right-of-way adjacent to the O'Donnell Equestrian Tract: being a 1.31 acre strip of land in the William Stapp Survey, Abstract No. 834 (CR 128) and being a 1.14 acre strip of land in the Benjamin Haile Survey, Abstract No. 397 (CR 130), within the extraterritorial jurisdiction of the City of Celina, Collin County, Texas. (O'Donnell Equestrian Tract Annexation) (Liebman)

**Background Information:**
A petition for annexation was received from Kimley Horn, representing the owners, on May 24, 2016. The property is contiguous to current city limits.

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|---|---|
| ~~June 14, 2016~~ | ~~Council accepted voluntary petition to annex~~ |
| ~~June 24, 2016~~ | ~~Notice of public hearing published in The Celina Record~~ |
| ~~June 24, 2016~~ | ~~Notice of public hearing published on City website~~ |
| July 12, 2016 | Council to hold first of two public hearings |
| July 19, 2016 | Council to hold second of two public hearings |
| August 9, 2016 | Council to consider annexation ordinance |

**Board Review/Citizen Input:**
N/A

**Supporting Document:**
Property Exhibit

**Staff Recommendation:**
N/A

**Staff Recommendation:**

**Exhibit "A" - Neighborhood 6**

**BEING** a tract of land situated in the B. B. B. & C. RR. Company Survey, Abstract No. 130 and the Hezekiah, Culwell Survey, Abstract No. 186, Collin County, Texas, and being a portion of a called 76.551 acre tract of land, conveyed to Legacy Stables LLC, as evidenced in a Deed, recorded in Volume 5045, Page 190, Land Records of Collin County, Texas, a portion of a called 93.492 acre tract of land, conveyed to Celina Partners, Ltd., as evidenced in a Deed, recorded in Volume 4801, Page 1372, Land Records of Collin County, Texas and a portion of a called 0.432 acre tract of land, conveyed to Celina Partners, Ltd., as evidenced in a Deed, recorded in Volume 4817, Page 2629, Land Records of Collin County, Texas, and being more particularly described by metes and bounds as follows:

**BEGINNING** at the southeast corner of said 76.551 acre tract, same being in the approximate centerline of a gravel road, known as County Road 130;

**THENCE** South 89°10'46" West, along the southerly line of said 76.551 acre tract and generally along the centerline of said County Road 130, a distance of 1,650.07 feet to the southwest corner of said 76.551 acre tract;

**THENCE** in a northerly direction, departing said County Road 130 and along the westerly line of said 76.551 acre tract, the following:

North 08°03'48" East, a distance of 123.07 feet to a corner;

North 38°59'36" East, a distance of 364.43 feet to a corner;

North 04°52'07" West, a distance of 282.14 feet to a corner;

North 12°40'03" East, a distance of 87.53 feet to a corner;

South 57°12'42" East, a distance of 80.32 feet to a corner;

North 11°22'42" West, a distance of 293.00 feet to a corner;

North 42°52'42" West, a distance of 948.00 feet to a corner;

North 04°51'06" West, a distance of 166.08 feet to the northwest corner of said 76.551 acre tract, same being the southwest corner of aforesaid 93.492 acre Celina Partners, Ltd., tract and the southeast corner of aforesaid 0.432 acre Celina Partners, Ltd., tract;

**THENCE** North 06°53'04" West, departing the southeast corner of aforesaid 0.432 acre tract, the southwest corner of aforesaid 93.492 acre tract and crossing said 0.432 acre tract, a distance of 34.75 feet to a point for corner;

**THENCE** North 89°46'39" East, continuing across said 0.432 acre tract, crossing aforesaid 93.492 acre tract and crossing aforesaid 76.551 acre tract, a distance of 1,117.45 feet to a point for corner;

**THENCE** South 00°13'21" East, continuing across said 76.551 acre tract, a distance of 85.00 feet to a point for corner;

**THENCE** South 12°26'57" West, continuing across said 76.551 acre tract, a distance of 59.01 feet to a point for corner;

**THENCE** South 32°01'33" West, continuing across said 76.551 acre tract, a distance of 63.55 feet to a point for corner;

**THENCE** South 50°04'35" West, continuing across said 76.551 acre tract, a distance of 140.62 feet to a point for corner;

**THENCE** South 82°24'41" West, continuing across said 76.551 acre tract, a distance of 40.80 feet to a point for corner;

**THENCE** South 89°03'42" West, continuing across said 76.551 acre tract, a distance of 82.24 feet to a point for corner;

**THENCE** South 62°56'47" West, continuing across said 76.551 acre tract, a distance of 68.11 feet to a point for corner;

**THENCE** South 35°00'49" West, continuing across said 76.551 acre tract, a distance of 32.89 feet to a point for corner;

**THENCE** South 03°58'04" East, continuing across said 76.551 acre tract, a distance of 136.36 feet to a point for corner;

**THENCE** South 03°28'16" West, continuing across said 76.551 acre tract, a distance of 178.12 feet to a point for corner;

**THENCE** South 24°38'27" East, continuing across said 76.551 acre tract, a distance of 35.56 feet to a point for corner;

**THENCE** South 79°11'07" East, continuing across said 76.551 acre tract, a distance of 93.32 feet to a point for corner;

**THENCE** South 54°48'14" East, continuing across said 76.551 acre tract, a distance of 56.08 feet to a point for corner;

**THENCE** South 84°34'26" East, continuing across said 76.551 acre tract, a distance of 61.03 feet to a point for corner;

**THENCE** North 72°29'15" East, continuing across said 76.551 acre tract, a distance of 80.57 feet to a point for corner;

**THENCE** North 88°07'25" East, continuing across said 76.551 acre tract, a distance of 82.27 feet to a point for corner;

**THENCE** North 00°18'22" West, continuing across said 76.551 acre tract, a distance of 118.41 feet to a point for corner;

**THENCE** North 89°41'38" East, continuing across said 76.551 acre tract, a distance of 889.52 feet to a point for corner on the easterly line of said 76.551 acre tract

**THENCE** South 01°48’30” East, along the easterly line of said 76.551 acre tract, a distance of 1,288.32 feet to the **POINT OF BEGINNING** and containing 53.08 acres of land, more or less.

This document was prepared under 22 TAC §663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.

Michael B. Marx
Registered Professional Land Surveyor No. 5181
Kimley-Horn and Associates, Inc.
5750 Genesis Court, Suite 200
Frisco, Texas 75034
Ph. 972-335-3580
michael.marx@kimley-horn.com
TXBPLS Firm No. 10193822

**Exhibit “A” - Neighborhood 9**

**BEING** a tract of land situated in the B. B. B. & C. RR. Company Survey, Abstract No. 130 and the Hezekiah, Culwell Survey, Abstract No. 186, Collin County, Texas, and being a portion of a called 76.551 acre tract of land, conveyed to Legacy Stables LLC, as evidenced in a Deed, recorded in Volume 5045, Page 190, Land Records of Collin County, Texas, and being more particularly described by metes and bounds as follows:

**COMMENCING** at the southeast corner of said 76.551 acre tract, same being in the approximate centerline of a gravel road, known as County Road 130;

**THENCE** North 01°48’30” West, along the easterly line of said 76.551 acre tract, a distance of 1,288.32 feet to the **POINT OF BEGINNING** of the herein described tract;

**THENCE** South 89°41’38” West, departing the easterly line of said 76.551 acre tract and crossing said 76.551 acre tract, a distance of 889.52 feet to a point for corner;

**THENCE** South 00°18’22” East, continuing across said 76.551 acre tract, a distance of 118.41 feet to a point for corner;

**THENCE** South 88°07’25” West, continuing across said 76.551 acre tract, a distance of 82.27 feet to a point for corner;

**THENCE** South 72°29’15” West, continuing across said 76.551 acre tract, a distance of 80.57 feet to a point for corner;

**THENCE** North 84°34’26” West, continuing across said 76.551 acre tract, a distance of 61.03 feet to a point for corner;

**THENCE** North 54°48’14” West, continuing across said 76.551 acre tract, a distance of 56.08 feet to a point for corner;

**THENCE** North 79°11’07” West, continuing across said 76.551 acre tract, a distance of 93.32 feet to a point for corner;

**THENCE** North 24°38’27” West, continuing across said 76.551 acre tract, a distance of 35.56 feet to a point for corner;

**THENCE** North 03°28’16” East, continuing across said 76.551 acre tract, a distance of 178.12 feet to a point for corner;

**THENCE** North 03°58’04” West, continuing across said 76.551 acre tract, a distance of 136.36 feet to a point for corner;

**THENCE** North 35°00’49” East, continuing across said 76.551 acre tract, a distance of 32.89 feet to a point for corner;

**THENCE** North 62°56’47” East, continuing across said 76.551 acre tract, a distance of 68.11 feet to a point for corner;

**THENCE** North 89°03’42” East, continuing across said 76.551 acre tract, a distance of 82.24 feet to a point for corner;

**THENCE** North 82°24’41” East, continuing across said 76.551 acre tract, a distance of 40.80 feet to a point for corner;

**THENCE** North 50°04’35” East, continuing across said 76.551 acre tract, a distance of 140.62 feet to a point for corner;

**THENCE** North 32°01’33” East, continuing across said 76.551 acre tract, a distance of 63.55 feet to a point for corner;

**THENCE** North 12°26’57” East, continuing across said 76.551 acre tract, a distance of 59.01 feet to a point for corner;

**THENCE** North 00°13’21” West, continuing across said 76.551 acre tract, a distance of 85.00 feet to a point for corner;

**THENCE** North 89°46’39” East, continuing across said 76.551 acre tract, a distance of 884.39 feet to a point for corner on the easterly line of said 76.551 acre tract

**THENCE** South 01°48’30” East, along the easterly line of said 76.551 acre tract, a distance of 606.80 feet to the **POINT OF BEGINNING** and containing 16.26 acres of land, more or less.

This document was prepared under 22 TAC §663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.

Michael B. Marx
Registered Professional Land Surveyor No. 5181
Kimley-Horn and Associates, Inc.
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michael.marx@kimley-horn.com
TXBPLS Firm No. 10193822

**CR 128**
Legal Description

**BEING** a tract of land situated in the William Stapp Survey, Abstract No. 834, Collin County, Texas, and being a portion of a called 5.061 acre tract of land conveyed to Home Place Living Trust, as evidence in a Deed, recorded in Instrument No. 20140808000847090, Official Public Records, Collin County, Texas (O.P.R.C.C.T.), a portion of a called 24.291 acre tract of land conveyed to Jesse and Claudia Miller, as evidence in a Deed, recorded in Volume 1025, Page 499 Land Records, Collin County, Texas (L.R.C.C.T.), a portion of a called 45.401 acre tract of land conveyed to Glyn C. Miller and Betty Ann Miller, as evidence in a Deed, recorded Volume 1025, Page 502, L.R.C.C.T., a portion of a called 8.98 acre tract of land conveyed to Mark A. Martin & Carol Martin, as evidence in a Deed, recorded in instrument No. 20090122000067340, O.P.R.C.C.T., and being more particularly described as follows;

**BEGINNING** at the southwest corner of a said 5.061 acre tract, on the easterly line of a called 76.551 acre tract of land conveyed to Legacy Stables LLC, as evidenced in a Deed, recorded in Volume 5045, Page 190, L.R.C.C.T., same being in the approximate centerline of a gravel road, known as County Road 128;

**THENCE** North 1°48’30” West, along the westerly line of said 5.061 acre tract, along the easterly line of said 76.551 acre tract, and generally along the centerline of said County Road 128, a distance of 17.06 feet to a corner;

**THENCE** departing the easterly line of said 76.551 acre tract, across said 5.061 acre tract, said 24.291 acre tract, said 45.401 acre tract, said 8.98 acre tract, said Paulino tract, and said 62.434 acre tract, the following courses;

North 89°46’39” East, a distance of 30.01 feet to a corner;

South 1°48’30” East, 30.00 feet from and parallel with said County Road 128 a distance of 1924.81 feet to a corner;

North 46°18’52” West, a distance of 42.80 feet to a corner at the intersection of said County Road 128 and a gravel road, known as County Road 130, same being the southeast corner of said 76.551;

**THENCE** North 1°48’30” West, along the easterly line of said 76.551 acre tract and the westerly lines of aforesaid 45.401 acre tract, aforesaid 24.291 acre tract, aforesaid 5.061 acre tract, and generally along the centerline of said County Road 128, a distance of 1878.06 feet to the **POINT OF BEGINNING**, and containing 1.315acres (57,299 sq. ft.) of land, more or less.

**CR 130 (east portion)**
Legal Description

**BEING** a tract of land situated in the Benjamin Haile Survey, Abstract No. 397, and the William Stapp Survey, Abstract No. 834, Collin County, Texas, being a portion of a called 8.98 acre tract of land conveyed to Mark A. Martin & Carol Martin, as evidence in a Deed, recorded in instrument No. 20090122000067340, a portion of a tract of land conveyed to Porfirio Paulino and wife, Ojilvia Paulino, as evidence if a Deed, recorded in Volume 5674, Page 3250, L.R.C.C.T., and a portion of a called 62.434 acre tract of land conveyed to John U. Bound and Danna Bound, as evidence on a Deed, recorded in Instrument No. 20051206001715620 O.P.R.C.C.T., and being more particularly described as follows;

**BEGINNING** at the southwest corner of a called 76.551 acre tract of land conveyed to Legacy Stables LLC, as evidenced in a Deed, recorded in Volume 5045, Page 190, L.R.C.C.T., and the southeast corner of a called 23.874 acre tract of land conveyed to GSR Collin County L.P., as evidence in a Deed, recorded in Instrument No. 20070214000207970, O.P.R.C.C.T., and along the northerly line of said 62.434 acre tract, same being in the approximate centerline of a gravel road, known as County Road 130;

**THENCE** North 89°10’46” East, along the southerly line of said 76.551 acre tract and along the northerly line of aforesaid 62.434 acre tract and along the northerly line of aforesaid Paulino tract, and generally along the centerline of said County Road 130, a distance of 1650.07 feet to a corner at the intersection of said County Road 130 and said County Road 128;

**THENCE** departing the southerly line of said 76.551 acre tract, across said 8.98 acre tract, said Paulino tract, and said 62.434 acre tract, the following courses;

South 46°18’52” East, a distance of 42.80 feet to a corner;

South 89°10’46” West, 30.00 feet from and parallel with the centerline of said County Road 130, a distance of 1680.59 feet to a corner,

North 0°49’14” West, a distance of 30.00 feet to the **POINT OF BEGINNING**, and containing 1.147 acres (49,960 sq. ft.) of land, more or less.

**Planning and Development Services**
City of Celina, Texas

# Memorandum

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|---|---|
| To: | **Honorable Mayor Terry and the Celina City Council** |
| From: | Brooks Wilson, Senior Planner |
| CC: | Helen-Eve Liebman, Director of Planning and Development Services |
| Date: | July 12, 2016 |
| Re: | O'Donnell Rezoning following Annexation |

**Action Requested:**
The Celina City Council will conduct a public hearing to consider testimony and act upon an Ordinance of the City Council of the City of Celina, Texas, amending Ordinance No. 2006-57, as heretofore amended the same being the Comprehensive Zoning Ordinance, and amending the Official Zoning Map of the City by designating the zoning of land that is an approximately 641.3 acre tract of land situated in the John Culwell Survey, Abstract No. 208, the Hezekiah Culwell Survey, Abstract No. 186, the B.B.B. & C.R.R. Survey, Abstract Nos. 129 and 130, and the George Jay Survey, Abstract No. 488 and generally located north of CR 130, south of CR 134, and east of CR 101, and west of CR 133, Collin County, Texas; as described in Exhibit "A" and depicted in Exhibit "B" attached hereto and incorporated herein to be zoned "PD" Planned Development District #58. (O'Donnell Rezoning) (Liebman)

**Background Information:**
The property was annexed into the City on May 31, 2016. Prior to the property being annexed, a Development Agreement between the owners of the property and the City was executed, spelling out certain legal obligations of the owners, including the expense of exiting the Merilee Special Utility District.

The O'Donnell tract will be roughly bisected by the new east/west alignment of FM 455 (to be named GA Moore Parkway) and bisected by the north/south alignment of CR 132 (to be named McIlroy Drive). The subject property is located approximately one mile east of Preston Road, southeast of DC Ranch, and west of CR 133.

The property has been divided into twelve (12) "neighborhoods." Neighborhoods 1 and 4-8 are proposed to be exclusively single family detached residential. The single family lots are divided among three (3) types with lot widths of eighty (80) feet, sixty-five (65) feet and fifty (50) feet. The mix of lot types is the Celina preferred 50%/30%/20%. Tracts 2 and 3 are proposed to be single family detached residential as well as single family attached (townhomes - Lot Type D, see below). Duplexes are prohibited in all neighborhoods. Tracts 9-12 are proposed to have an underlying zoning of MU-2, Regional Mixed Use, with multiple family as well as commercial, office and retail uses. Specific land uses allowed and prohibited are spelled out in the Development Regulations. Amenities required with multiple family development are included in the Development Regulations.

**Comprehensive Plan:**

The 2013 Comprehensive Plan shows the O'Donnell tract as Suburban Moderate-High Residential (Suburban Mix), which is designed to accommodate a range of housing types including single family detached, duplexes and townhomes. Commercial uses such as retail/office, multiple family residential developments, commercial and entertainment uses are acceptable. These uses are intended to support a larger geographic area than the immediate neighborhoods and are likely to be located at intersections. The proposed mix of housing types, commercial nodes and multiple-family to be considered is in compliance with the Comprehensive Plan and the Future Land Use Plan.

**Pre-Annexation Development Agreement:**
On May 31, 2016, the City of Celina entered into an agreement with the owners of the O'Donnell tract, prior to the annexation of the property into the city limits. The Development Agreement included development regulations that were considered and recommended for approval by the Planning and Zoning Commission on May 17, 2016 and these development regulations are incorporated into the current rezoning request.

**Public Notice:**
A notice of the City Council public hearing was published in *The Celina Record* on June 24, 2016. Notices of the public hearing have been sent to all owners of property within Celina's city limits, as indicated by the most recently approved county tax roll, who are located within 200 feet of the subject property. Three (3) property owners within the City of Celina were notified by mail on June 24, 2016. As of the printing of this packet staff has received no comments either in support or in opposition to the rezoning request.

**Supporting Document:**
Ordinance

**Legal Review:**
The City Attorney has reviewed the ordinance and deemed it acceptable.

**Planning & Zoning Commission Recommendation:**
At the meeting on June 21, 2016, the Planning and Zoning Commission voted unanimously to recommend approval of the rezoning request as presented by staff.

**Staff Recommendation:**
Staff recommends this item be tabled to the August 9, 2016 City Council meeting.

**Staff Recommendation:**
Staff recommends this item be continued to the August 9, 2016 City Council meeting.


**Land Use Acreage Summary**

| | |
|---|---|
| Major Thoroughfares | 27.4 |
| Open Space & Amenity Centers (net thoroughfares) | 169.1 |
| Commercial (net thoroughfares) | 39.1 |
| Multi-Family Residential (net thoroughfares) | 27.5 |
| Single Family Residential (net thoroughfares) | 378.2 |
| **Total** | **641.3** |

**Open Space Acreage Summary**

| | |
|---|---|
| Open Space (OS) | 169.1 |
| **Total Percent Open Space** | **26.4%** |

Land Use and Open Space Acreage Summary Notes:

1. Acreages are approximate and subject to refinement at time of platting

**Units Summary**

| | |
|---|---|
| Multi Family Residential | 660 |
| Single Family Residential | 1700 |
| **Total** | **2360** |
| | |
| **Density Summary (Units per Acre)** | |
| Gross | 3.7 |

# EXHIBIT "C-1" CONCEPT PLAN

# O'Donnell TRACT

Celina, Texas
March 2016

Kimley»Horn

5750 Genesis Court
Suite 200
Frisco, Texas 75034
972-335-3580
State of Texas Registration No. F-928

NOTE: THIS PLAN IS CONCEPTUAL IN NATURE AND HAS BEEN PRODUCED WITHOUT THE BENEFIT OF A SURVEY, TOPOGRAPHY, UTILITIES, CONTACT WITH THE CITY, ETC.

DWG NAME K:\FRI_CIVIL\069319400-ODONNELL TRACT ZONING\DWG\EXHIBITS\EXHIBIT-ZONING PLANS.DWG
LAST SAVED 3/23/2016 8:02 AM

**Planning and Development Services**
City of Celina, Texas

# Memorandum

| | |
|---|---|
| To: | **Honorable Mayor Terry and the Celina City Council** |
| From: | Ben Rodriguez, Planner |
| CC: | Helen-Eve Liebman, Director of Planning and Development Services |
| Date: | July 12, 2016 |
| Re: | Pakvest Zoning |

**Action Requested:**
The Celina City Council will conduct a public hearing to consider testimony and act upon a rezoning request for an approximately 4.896 acre tract of land from an AG-Agricultural zoning district to a PD-Planned Development zoning district #66 with the base zoning designation of R/O – Retail Office. The property is situated in the John Ragsdale Survey, Abstract No. 735, Collin County, Texas and generally located on the north side of FM 455 and west of CR 946. (Pakvest Rezoning) (Liebman)

**Background Information:**
The Pakvest tract was voluntarily annexed into the City of Celina on May 12, 2015 (Ordinance No. 2015-28). The "holding zoning district" of AG-Agricultural was designated upon annexation. The applicant is requesting a Planned Development with the base designation of R/O - Retail Office District.

The applicant is requesting a Planned Development in order to secure the current allowable land uses. The applicant has the desire to construct a retail shopping center and is also considering the possibility of also housing an assisted living facility at this location in the future. The applicant is concerned that the City may change the list of allowable uses in the future prior to the development of his property and that is why they are being included within the Planned Development regulations. The property is located on FM 455, there are no current plans to provide City utilities to this area, and the property is located within the Marilee Special Utility District CCN. The applicant has stated that he has no plans to develop the property in the immediate future, and that they intend to hold the property until adequate infrastructure is available in the area.

**Comprehensive Plan:**
The City's future land use plan shows this area as being suburban moderate-high residential mix which states that supporting office, retail, commercial, and entertainment uses are acceptable.

**Board Review/Citizen Input:**
At the Planning and Zoning Commission meeting on June 21, 2016 the Commission voted to recommend approval for the proposal.

**Alternatives:**
N/A

**Financial Considerations:**
N/A

**Legal Review:**
The City Attorney has reviewed the proposed ordinance.

**Supporting Documents:**
- Proposed Ordinance

**Staff Recommendation:**
Staff recommends approval of zoning request.

**CITY OF CELINA, TEXAS**

**ORDINANCE 2016-____**
**PAKVEST PD#66**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CELINA, TEXAS, AMENDING ORDINANCE NO. 2006-57, AS HERETOFORE AMENDED, THE SAME BEING THE COMPREHENSIVE ZONING ORDINANCE, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY BY DESIGNATING THE ZONING OF LAND THAT IS AN APPROXIMATELY 4.896 ACRE TRACT OF LAND SITUATED IN THE JOHN RAGSDALE SURVEY, ABSTRACT NO. 735 AS DESCRIBED IN EXHIBIT "A" AND DEPICTED IN EXHIBIT "B" ATTACHED HERETO AND INCORPORATED HEREIN TO BE ZONED "PD#66" PLANNED DEVELOPMENT ZONING DISTRICT WITH THE BASE DESIGNATION OF RO, RETAIL OFFICE DISTRICT; PROVIDING FOR INCORPORATION OF PREMISES; PROVIDING FINDINGS; PROVIDING FOR AMENDMENT OF ZONING CLASSIFICATION; PROVIDING FOR ZONING DESIGNATION AND DEVELOPMENT STANDARDS; PROVIDING FOR REVISION OF ZONING MAP; PROVIDING FOR COMPLIANCE; PROVIDING FOR A PENALTY NOT TO EXCEED $2,000.00 AND A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED EACH DAY DURING OR ON WHICH A VIOLATION OCCURS OR CONTINUES AND INCLUDING PROVISIONS FOR THE AUTHORIZATION TO SEEK INJUNCTIVE RELIEF TO ENJOIN VIOLATIONS WHICH CONSTITUTE AN IMMINENT HAZARD OR DANGER TO PUBLIC HEALTH AND SAFETY; PROVIDING A CUMULATIVE REPEALER CLAUSE; PROVIDING FOR SAVINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS,** the City of Celina is a home rule municipality located in Collin, and Denton County, Texas created in accordance with the provisions of the Texas Local Government Code, The Texas Constitution and operating pursuant to the enabling legislation of the state of Texas; and

**WHEREAS,** the City Council of the City of Celina, Texas is empowered under Local Government Code 54.001 to do all acts and make all regulations which may be necessary or expedient for the promotion of the public health, safety and general welfare; and

**WHEREAS,** Title 7 Chapter 211.003 of the Texas Local Government Code, empowers a municipality to, among other things, establish and amend zoning districts, classifications of land use, adopt a comprehensive plan to regulate the use of land and open spaces, adopt and amend zoning regulations, regulate population density, and regulate the use and location of buildings; and

**WHEREAS,** the establishment of a zoning classification has been requested for the property more specifically described in Exhibit "A" attached hereto and incorporated herein; and

**WHEREAS,** the tract comprising the property has been depicted in detail in Exhibit "B" attached hereto; and incorporated herein; and

**WHEREAS,** the concept plan, and development regulations set forth in Exhibit "C," and Exhibit "D," attached hereto and incorporated herein define the base zoning districts and provide for certain modifications to such district regulations.

Attachment: Ordinance - Pakvest (1647 : Pakvest Zoning)

**WHEREAS,** the City Council has considered, among other things, the character of the property and its suitability for particular uses, with a view of encouraging the most appropriate use of land in the City, and is in the interest of public health, safety, and welfare, and does hereby find that the requested zoning accomplishes such objectives and is consistent with the provisions of the 2030 Comprehensive Plan of the City of Celina; and

**WHEREAS,** the Planning and Zoning Commission of the City of Celina and the City Council of the City of Celina, in compliance with the laws of the State of Texas and the ordinances of the City of Celina, have given the requisite notices by publication and otherwise, and have held public hearings and afforded a full and fair hearing to all property owners generally and to all persons interested in and situated in the affected area and in the vicinity thereof; and

**WHEREAS,** the City Council, in the exercise of its legislative discretion has concluded that the zoning classification on the tract of land described herein should be changed and the zoning map so amended.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CELINA, TEXAS**

**SECTION 1**
**INCORPORATION OF PREMISES**

The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

**SECTION 2**
**FINDINGS**

After due deliberations the City Council has concluded that the adoption of this Ordinance is in the best interest of the City of Celina, Texas and of the public health, safety and welfare.

**SECTION 3**
**AMENDMENT OF ZONING CLASSIFICATION**

That the zoning classification is hereby established as "PD#66" on a certain tract of land described in in Exhibit "A" and depicted in Exhibit "B".

**SECTION 4**
**ZONING DESIGNATION AND DEVELOPMENT STANDARDS**

4.01 That Ordinance No. 2006-57 of the City of Celina, Texas, as heretofore amended, the same being the City's Comprehensive Zoning Ordinance, is hereby amended by designating the zoning on the land, depicted in Exhibit "A" attached hereto and incorporated herein, as "PD#66" Single Family Estate.

**SECTION 5**
**REVISION OF ZONING MAP**

That the City Manager for the City of Celina is hereby directed to mark and indicate on the official Zoning District Map of the City the zoning change herein made.

**SECTION 6**
**COMPLIANCE REQUIRED**

That the property depicted on Exhibit "A" hereto shall be used only in the manner and for the purposes provided for in this ordinance and the Comprehensive Zoning Ordinance, of the City of Celina as amended.

**SECTION 7**
**PENALTY**

7.01 Any person, firm or corporation violating any of the provisions or terms of this ordinance or of the Code of Ordinances as amended hereby, shall be subject to the same penalty as provided for in the Code of Ordinances of the City of Celina, and upon conviction shall be punished by a fine not to exceed Two Thousand Dollars ($2,000.00) for each offense.

7.02 If the governing body of the City of Celina determines that a violation of this Ordinance has occurred, the City of Celina may bring suit in district court to enjoin the person, firm, partnership, corporation, or association from engaging in the prohibited activity.

**SECTION 8**
**CUMULATIVE REPEALER CLAUSE**

This Ordinance shall be cumulative of all other Ordinances and shall not repeal any of the provisions of such Ordinances except for those instances where there are direct conflicts with the provisions of this Ordinance. Ordinances, or parts thereof, in force at the time this Ordinance shall take effect and that are inconsistent with this Ordinance are hereby repealed to the extent that they are inconsistent with this Ordinance. Provided however, that any complaint, action, claim or lawsuit which has been initiated or has arisen under or pursuant to such other Ordinances on this date of adoption of this Ordinance shall continue to be governed by the provisions of such Ordinance and for that purpose the Ordinance shall remain in full force and effect.

**SECTION 9**
**SAVINGS CLAUSE**

All rights and remedies of the City of Celina, Texas are expressly saved as to any and all violations of the provisions of any other ordinance affecting zoning regulation which have secured at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances same shall not be affected by this Ordinance but may be prosecuted until final disposition by the court.

**SECTION 10**
**SEVERABILITY**

The provisions of the Ordinance are severable. However, in the event this Ordinance or any procedure provided in this Ordinance becomes unlawful, or is declared or determined by a judicial, administrative or legislative authority exercising its jurisdiction to be excessive, unenforceable, void, illegal or otherwise inapplicable, in while in part, the remaining and lawful provisions shall be of full force and effect and the City shall promptly promulgate new revised provisions in compliance with the authority's decisions or enactment.

**SECTION 11**
**PUBLICATION CLAUSE**

The City Secretary of the City of Celina is hereby directed to publish in the Official Newspaper of the City of Celina the Caption, and Effective Date of this Ordinance as required by Section 52.013 of the Local Government Code.

**SECTION 12**
**ENGROSSMENT AND ENROLLMENT**

The City Secretary is hereby directed to engross and enroll this Ordinance by copying the descriptive Caption in the minutes of the City Council and by filing this Ordinance in the Ordinance records of the City.

**SECTION 13**
**EFFECTIVE DATE**

This Ordinance shall become effective from and after its date of passage and publication as required by law.

**AND IT IS SO ORDAINED.**

**PASSED AND APPROVED** by the City Council of the City of Celina, Texas this 14th day of June, 2016.

______________________________
Sean Terry, Mayor
City of Celina, Texas

ATTEST:

______________________________
Vicki Faulkner, City Secretary
City of Celina, Texas

[SEAL]

APPROVED AS TO FORM:

______________________________
City Attorney
City of Celina, Texas

**EXHIBITS "A&B"**
**Pakvest Legal Description & Depiction**

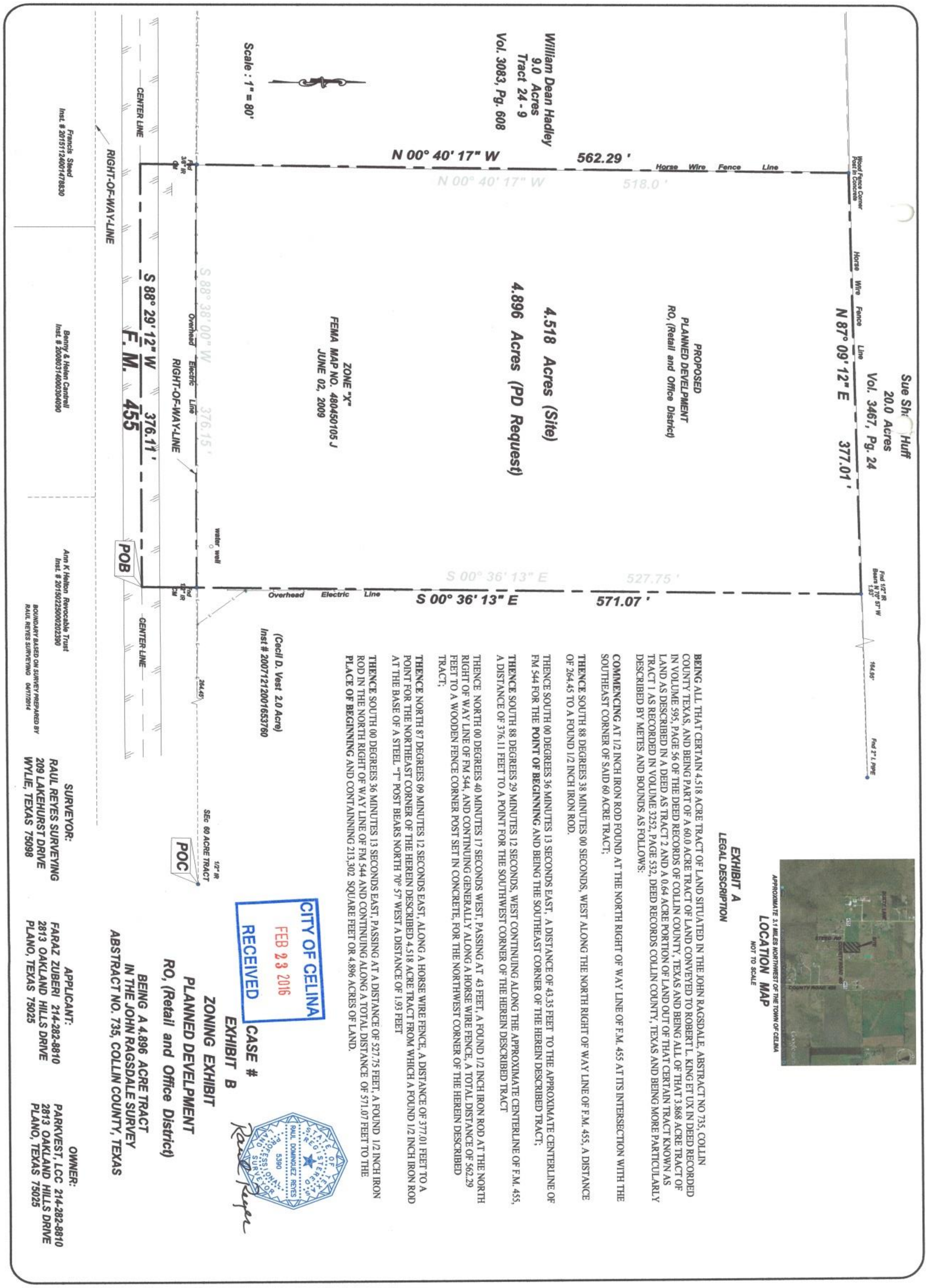

**EXHIBIT "C"**
**Concept Plan**

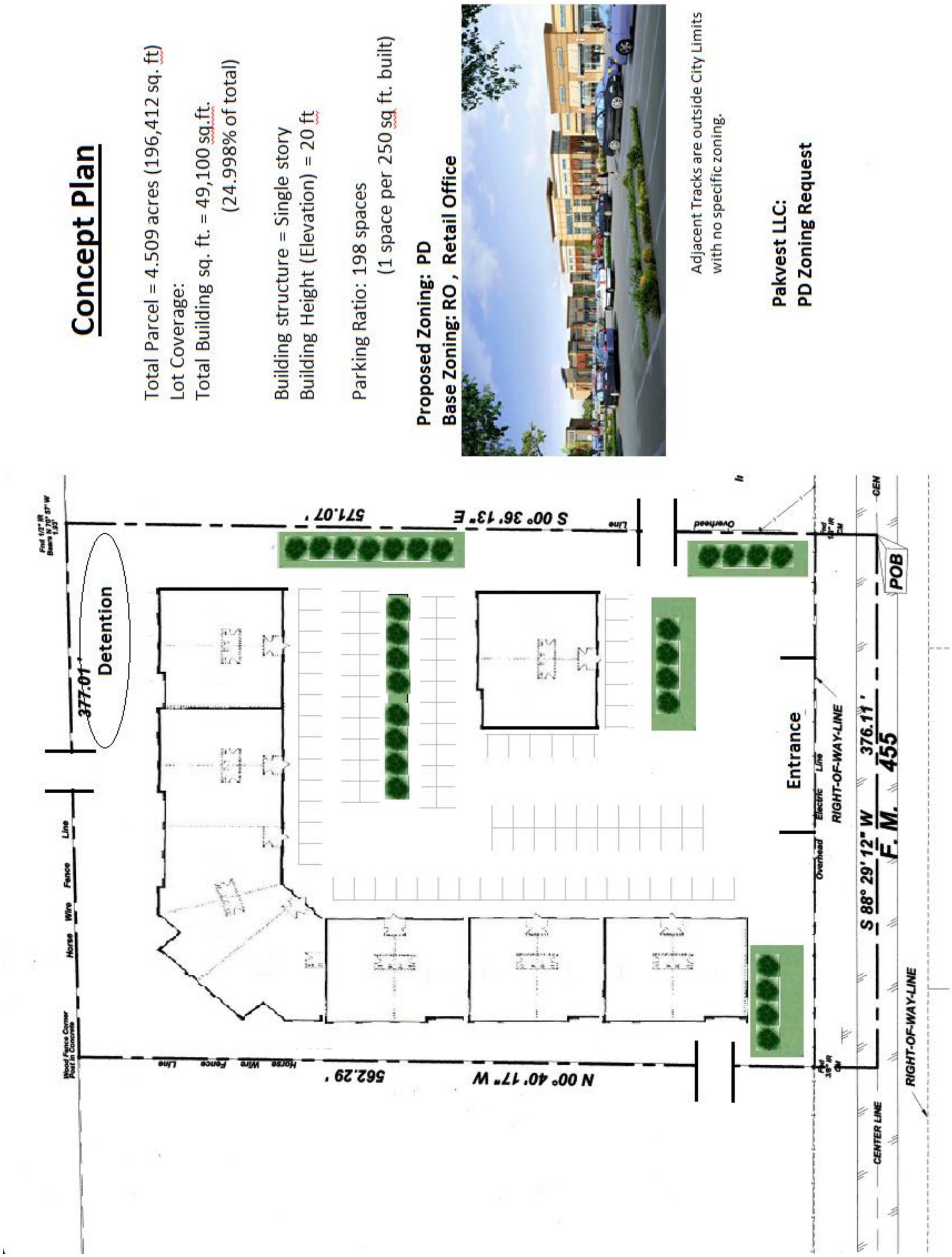

**EXHIBIT "D"**
**Development Regulations**

(A) This Property shall be zoned as a Planned Development Zoning District with the base district of RO, Retail Office District.

(1) The proposed PD may incorporate any one or more of the following land uses:

Armed services recruitment center
General Retail store
Artist studio
Auto laundry or carwash
Laundry/dry cleaning (drop off/pick up)
Auto supply store for new & rebuilt parts
Motorcycle sales & Repair
Bakery or confectionery (retail)
Nursing / convalescent home
Bank / credit unions
Offices (professional & general businesses)
Child day care (business)
Parking lot structure, commercial (auto)
Church/place of worship
Personal services shop
Concrete or asphalt batching plant (temporary)
Pet & animal grooming shop
Convenience store (with or without gas sale)
Restaurant (with drive-through service)
Restaurant (with no drive-through service)
Farmers Market (public)
Food or grocery store
Retirement home/home for the aged
Food or grocery store
Theater or playhouse (indoor)
Funeral home
Veterinarian (indoor kennels)
Garden shop (inside storage)

(B) All portions of the RO, Retail office district not amended by this PD shall follow the standards in place at the time of platting.

**Planning and Development Services**
City of Celina, Texas

# Memorandum

| | |
|---|---|
| To: | **Honorable Mayor Terry and the Celina City Council** |
| From: | Ben Rodriguez, Planner |
| CC: | Helen-Eve Liebman, Director of Planning and Development Services |
| Date: | July 12, 2016 |
| Re: | <Insert Subject/RE Here> |

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**Action Requested:**
The Celina City Council will conduct two public hearings at 6:00 p.m. and 6:05 p.m. on the proposed involuntary annexation of a ±119.244 acre tract of land situated in the Levin Routh Survey, Tract 2, Collin County Texas The property is contiguous to and adjoining the City and are generally located on the approximate Southeast corner of CR 87 & CR 90 (Celina/Coit Road, LLC. Annexation ) (Liebman)

**Background Information:**
Below is the anticipated annexation schedule for the properties. The owner did not accept the offered pre-annexation agreement.

- June 12, 2016 - City Council acts on Resolution to set the public hearing dates.
- July 12, 2016 - First public hearing held. (6:00 p.m. @ 112 N. Colorado Dr., Celina, Texas.)
- July 12, 2016 - Second public hearing held. (6:05 p.m. @ 112 N. Colorado Dr., Celina, Texas.)
- August 09, 2015 - City Council acts on Ordinance annexing the property.

**Board Review/Citizen Input:**
N/A

**Alternatives:**
N/A

**Financial Considerations:**
This property is within the Marilee Special Utility District upon development of the tract a fee of $1,250 per acre will be due to Marilee SUD.

**Legal Review:**
The City's Land Use Attorney assisted staff during the pre-annexation process.

**Supporting Documents:**
N/A

**Staff Recommendation:**
N/A

**Planning and Development Services**
City of Celina, Texas

# Memorandum

| | |
|---|---|
| To: | **Honorable Mayor Terry and the Celina City Council** |
| From: | Ben Rodriguez, Planner |
| CC: | Ben Rodriguez, Planner |
| Date: | July 12, 2016 |
| Re: | Custer Road Annexations PH |

**Action Requested:**
The Celina City Council will conduct a public hearing on the proposed involuntary annexations of a ±1.39 acre tract of land situated in the Swanner Addition, Block A, Lot 1, Collin County, Texas; a ±4.563 acre tract of land situated in the Edgemon Addition Block A, Lots 1 & 2, Collin County, Texas; a ±2.5 acre tract of land situated in the Coleman Watson Survey, Abstract No. 945, Tract 39 Collin County, Texas; and a ±2.5 acre tract of land situated in the Coleman Watson Survey, Abstract No. 945, Tract 40, Collin County, Texas. The properties are contiguous to and adjoining the City and are generally located on the Northwest corner of FM 1461 (Frontier Parkway) & FM 2478 (Custer Road) (Custer Road Annexations) (Liebman)

**Background Information:**
Below is the anticipated annexation schedule for the properties.

- June 12, 2016 - City Council acts on Resolution to set the public hearing dates.
- July 12, 2016 - First public hearing held. (6:00pm @ 112 N. Colorado Dr., Celina, Texas.)
- July 19, 2016 - Second public hearing held. (5:30pm @ 112 N. Colorado Dr., Celina, Texas.)
- August 09, 2015 - City Council acts on Ordinance annexing the property.

**Board Review/Citizen Input:**
N/A

**Alternatives:**
N/A

**Financial Considerations:**
N/A

**Legal Review:**
The City's land use attorney assisted during the pre-annexation process.

**Supporting Documents:**
N/A

**Staff Recommendation:**

N/A

**Planning and Development Services**
City of Celina, Texas

# Memorandum

| | |
|---|---|
| To: | **Honorable Mayor Terry and the Celina City Council** |
| From: | Ben Rodriguez, Planner |
| CC: | Helen-Eve Liebman, Director of Planning and Development Services |
| Date: | July 12, 2016 |
| Re: | <Insert Subject/RE Here> |

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**Action Requested:**
The Celina City Council will conduct a public hearing to consider and discuss the proposed assessments to be levied against the assessable property within the Glen Crossing Public Improvement District (PID), pursuant to the provisions of Chapter 372 of the Texas Local Government Code. The property is a ±109.090 acre tract of land sthe situated in the Collin County School Land Survey, Abstract No. 167 Collin County, Texas and located within the City limits of the City of Celina, Texas. The property is generally located south of CR 55, north of CR 53, east of CR 52 and west of CR 1117, on a tract of land situated in the Collin County School Land Survey, Abstract No. 167 Collin County, Texas. (Glen Crossing) (Liebman)

**Background Information:**
<Insert Background Info Here>

**Board Review/Citizen Input:**
<Insert Review/Citizen input here>

**Alternatives:**
<Insert Alternative here>

**Financial Considerations:**
<Insert Financial Considerations here>

**Legal Review:**
<Insert Legal Review Here>.

**Supporting Documents:**
<Insert Supporting Documents Here>

**Staff Recommendation:**

**Planning and Development Services**
City of Celina, Texas

# Memorandum

| | |
|---|---|
| To: | **Honorable Mayor Terry and the Celina City Council** |
| From: | Ben Rodriguez, Planner |
| CC: | Ben Rodriguez, Planner |
| Date: | July 12, 2016 |
| Re: | Revising participation in Glen Crossing TIRZ |

**Action Requested:**
The Celina City Council will conduct a public hearing to consider and discuss revising and or determining the amount/percentage of participation in Tax Increment Reinvestment Zone Number Six (Glen Crossing)

**Background Information:**
N/A

**Board Review/Citizen Input:**
N/A

**Alternatives:**
N/A

**Financial Considerations:**
N/A

**Legal Review:**
N/A

**Supporting Documents:**
N/A

**Staff Recommendation:**
N/A

**Planning and Development Services**
City of Celina, Texas

# Memorandum

| | |
|---|---|
| To: | **Honorable Mayor Terry and the Celina City Council** |
| From: | Ben Rodriguez, Planner |
| CC: | Helen-Eve Liebman, Director of Planning and Development Services |
| Date: | July 12, 2016 |
| Re: | Glen Crossing (G-Bar 7) TIRZ Final Project & Finance Plan Ordinance |

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**Action Requested:**
Consider and act upon an ordinance approving the Glen Crossing Tax Increment Reinvestment Zone Number Six, City of Celina, Texas Final Project and Finance Plan for Glen Crossing. (Glen Crossing) (Liebman)

**Background Information:**
The proposed ordinance approves the list of projects for the development and the associate finance plan.

**Board Review/Citizen Input:**
N/A

**Alternatives:**
N/A

**Financial Considerations:**
The City's Financial Advisor has approved the proposed ordinance.

**Legal Review:**
The City's Land Use Attorney has approved the proposed ordinance.

**Supporting Documents:**
- Proposed ordinance

**Staff Recommendation:**
Staff recommends approval

# CITY OF CELINA, TEXAS

## ORDINANCE NO. _______

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CELINA, TEXAS, APPROVING THE FINAL PROJECT AND REINVESTMENT ZONE FINANCING PLAN FOR REINVESTMENT ZONE NUMBER SIX, CITY OF CELINA, TEXAS, INCLUDING PERCENT OF PARTICIPATION; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS,** the City of Celina, Texas (hereinafter referred to as the "City"), pursuant to Chapter 311 of the Texas Tax Code, as amended (hereinafter referred to as the "Act"), may designate a geographic area within the City as a tax increment reinvestment zone if the area satisfies the requirements of the Act; and

**WHEREAS,** pursuant to and as required by Section 311.003(b) of the Act, the governing body of the City (hereinafter referred to as the "City Council") prepared a *Preliminary Reinvestment Zone Financing Plan for Reinvestment Zone Number Six, City of Celina, Texas*, dated June 14, 2016, filed with the City Secretary June 14, 2016, for a proposed tax increment reinvestment zone containing approximately 41.499 acres located within the city limits of the City; and

**WHEREAS,** notice of the public hearing on the creation of the proposed zone was published in the official newspaper of the City on June 3, 2016, which date is not later than the seventh (7th) day before the public hearing held on June 14, 2016; and

**WHEREAS,** at the public hearing on June 14, 2016, interested persons were allowed to speak for or against the creation of the zone, the boundaries of the zone, and the concept of tax increment financing, and owners of property in the proposed zone were given a reasonable opportunity to protest the inclusion of their property in the zone; and

**WHEREAS,** after the public hearing on June 14, 2016, the City Council approved Ordinance No. ______, establishing Reinvestment Zone Number Six, City of Celina, Texas ("Zone"); and

**WHEREAS,** on July 12, 2016, a public hearing was held to revise the percentage of participation by the City in the Zone; and

**WHEREAS,** on July 12, 2016, the Board of Directors for Reinvestment Zone Number Six, City of Celina, Texas, reviewed, adopted and recommended approval of the Final Project and Reinvestment Zone Financing Plan, a copy of which is attached hereto as ***Exhibit A***; and

**WHEREAS,** pursuant to Section 311.011(b) of the Act, the recommended final project plan includes, (1) a description and map showing existing uses and conditions of real property in the zone and proposed uses of that property, (2) any proposed changes of zoning ordinances, the master plan of the municipality, building codes, other municipal ordinances, and subdivision rules and regulations, if any, of the county, (3) a list of estimated non-project costs, and (4) a statement of a method of relocating persons to be displaced, if any, as a result of implementing the plan; and

**WHEREAS,** pursuant to Section 311.011(c) of the Act, the recommended final reinvestment zone financing plan includes (1) a detailed list describing the estimated project costs of the zone, including administrative expenses, (2) a statement listing the proposed kind, number, and location of all public works or public improvements to be financed by the zone, (3) a finding that the plan is economically feasible and an economic study, (4) the estimated amount of bond indebtedness to be incurred, (5) the estimated time when related costs or monetary obligations are to be incurred, (6) a description of the methods of financing all estimated project costs and the expected sources of revenue to finance or pay project costs, including the percentage of tax increment to be derived from the property taxes of each taxing unit anticipated to contribute tax increment to the zone that levies taxes on real property in the zone, (7) the current total appraised value of taxable real property in the zone, (8) the estimated captured appraised valued of the zone during each year of its existence, and (9) the duration of the zone; and

**WHEREAS,** the City Council hereby finds and determines that the adoption of this Ordinance, approving the Final Project and Reinvestment Zone Financing Plan, a copy of which is attached hereto as ***Exhibit A***, is in the best interests of the citizens of the City of Celina, Texas.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CELINA, TEXAS:**

**SECTION 1. FINDINGS.** Each and every one of the recitals, findings, and determinations contained in the preamble to this Ordinance is incorporated into the body of this Ordinance as if fully set forth herein and are hereby found and declared to be true and correct legislative findings and are adopted as part of this Ordinance for all purposes.

**SECTION 2. SUFFICIENCY.** The Final Project and Financing Plan for the Zone conforms with and satisfies all requirements set forth in Sections 311.011 of the Act. Specifically, the final project plan includes, but is not limited to, (1) a description and map showing existing uses and conditions of real property in the zone and proposed uses of that property, (2) any proposed changes of zoning ordinances, the master plan of the municipality, building codes, other municipal ordinances, and subdivision rules and regulations, if any, of the county, (3) a list of estimated non-project costs, and (4) a statement of a method of relocating persons to be displaced, if any, as a result of implementing the plan. The final financing plan includes, but is not limited to, (1) a detailed list describing the estimated project costs of the zone, including administrative expenses, (2) a statement listing the proposed kind, number, and location of all public works or public improvements to be financed by the zone, (3) a finding that the plan is economically feasible and an economic study, (4) the estimated amount of bond indebtedness to be incurred, (5) the estimated time when related costs or monetary obligations are to be incurred, (6) a description of the methods of financing all estimated project costs and the expected sources of revenue to finance or pay project costs, including the percentage of tax increment to be derived from the property taxes of each taxing unit anticipated to contribute tax increment to the zone that levies taxes on real property in the zone, (7) the current total appraised value of taxable real property in the zone, (8) the estimated captured appraised valued of the zone during each year of its existence, and (9) the duration of the zone.

**SECTION 3. FEASIBILITY.** The City Council, pursuant to Section 311.011 of the Act, finds that the Final Project and Finance Plan is feasible.

**SECTION 4. APPROVAL OF FINAL PROJECT AND FINANCING PLAN AND PARTICIPATION AMOUNT.** The Board of Directors for the Zone have prepared and adopted this Final Project and Financing Plan, and have submitted it to this City Council with a recommendation for approval. The City Council hereby approves the Final Project and Financing Plan ("Plan"), a copy of which is attached hereto as ***Exhibit A*** and is incorporated herein for all purposes. The percent of participation in the Zone shall be as reflected in the Plan.

**SECTION 5. SEVERABILITY.** If any section, article, paragraph, sentence, clause, phrase or word in this Ordinance, or the application thereto 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 Ordinance; and the City Council hereby declares it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

**SECTION 6. EFFECTIVE DATE.** This Ordinance shall become effective from and after its date of passage in accordance with law.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF CELINA, TEXAS, THIS THE 12th DAY OF JULY, 2016.**

______________________________
Sean Terry, Mayor

**ATTEST:**

______________________________
Vicki Faulkner, City Secretary

***Exhibit A***

# *REINVESTMENT ZONE NUMBER SIX,*
# *CITY OF CELINA*
# *FINAL PROJECT AND FINANCING PLAN*

(the "Final Plan")

**Planning and Development Services**
City of Celina, Texas

# Memorandum

| | |
|---|---|
| To: | **Honorable Mayor Terry and the Celina City Council** |
| From: | Ben Rodriguez, Planner |
| CC: | Helen-Eve Liebman, Director of Planning and Development Services |
| Date: | July 12, 2016 |
| Re: | Glen Crossing TIRZ Reimbursement Agreement Ordinance |

**Action Requested:**
Consider and act upon a ordinance of the City Council of the City of Celina, Texas, approving and authorizing the Mayor to execute a Glen Crossing Tax Increment Reinvestment Zone Number Six Reimbursement Agreement between the City of Celina, Texas and W/J CR55 LP. (Glen Crossing) (Liebman)

**Background Information:**
This ordinance reimburses portions of the City's ad valorem taxes back to the developer for costs associated with off site public improvements

**Board Review/Citizen Input:**
N/A

**Alternatives:**
N/A

**Financial Considerations:**
The City's Financial Advisor has approved the ordinance

**Legal Review:**
The City's Land Use Attorney has approved the ordinance.

**Supporting Documents:**
- Proposed Ordinance

**Staff Recommendation:**
Staff recommends approval

**CITY OF CELINA, TEXAS**

**ORDINANCE NO. ________**

**AN ORDINANCE OF THE CITY OF CELINA, TEXAS APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE "TIRZ REIMBURSEMENT AGREEMENT--GLEN CROSSING" BETWEEN THE CITY OF CELINA, TEXAS, THE BOARD OF DIRECTORS OF TAX INCREMENT REINVESTMENT ZONE NUMBER SIX - CITY OF CELINA, AND W/J CR55 LP**

**WHEREAS,** on June 14, 2016 the City of Celina adopted Ordinance No. ____ creating Tax Increment Reinvestment Zone Number Six, City of Celina; and

**WHEREAS,** the City of Celina desires to approve the "TIRZ Reimbursement Agreement--Glen Crossing" between the City of Celina, Texas, the Board of Directors of Tax Increment Reinvestment Zone Number Six, City of Celina, and W/J CR55 LP ("Agreement"); and

**WHEREAS,** on July 12, 2016, the City Council of the City of Celina approved the Final Tax Increment Reinvestment Zone Project and Financing Plan for Reinvestment Zone Number Six, City of Celina; and

**WHEREAS,** the Agreement satisfies the requirements of Section 311.010 of the Tax Increment Financing Act (the "Act") and is an appropriate method of implementing the Final Tax Increment Reinvestment Zone Project and Finance Plan for Reinvestment Zone Number Six, City of Celina.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CELINA, TEXAS AS FOLLOWS:**

**SECTION 1**. Each and every one of the recitals, findings, and determinations contained in the preamble to this Ordinance is incorporated into the body of this Ordinance as if fully set forth herein and are hereby found and declared to be true and correct legislative findings and are adopted as part of this Ordinance for all purposes.

**SECTION 2**. The "TIRZ Reimbursement Agreement--Glen Crossing" attached hereto as Exhibit A is hereby accepted and approved pursuant to the Act by the City as it relates to Tax Increment Reinvestment Zone Number Six, City of Celina, and the Mayor is authorized to execute the Agreement on behalf of the City of Celina, Texas.

**SECTION 3**. This Ordinance shall become effective upon passage and execution hereof.

**PASSED AND APPROVED** on this the 12th day of July, 2016.

______________________________

Sean Terry, Mayor

ATTEST:

______________________________

Vicki Faulkner, City Secretary

# EXHIBIT A

## Reimbursement Agreement

## Reinvestment Zone Number Six

**Planning and Development Services**
City of Celina, Texas

# Memorandum

| | |
|---|---|
| To: | **Honorable Mayor Terry and the Celina City Council** |
| From: | Ben Rodriguez, Planner |
| CC: | Helen-Eve Liebman, Director of Planning and Development Services |
| Date: | July 12, 2016 |
| Re: | Glen Crossing PID SAP ordinance |

---

**Action Requested:**
Consider and act upon an ordinance of the City Council of the City of Celina, Texas, accepting and approving a Service and Assessment Plan and Phase #1 Assessment Roll for Glen Crossing Public Improvement District; making a finding of Special Benefit to the property in the District, levying special assessments against property within the District and establishing a lien on such property; providing for payment of the Phase #1 Assessments, in accordance with Chapter 372, Texas Local Government Code, as amended; providing a method of assessment and the payment of Major Improvement Area assessments, and providing penalties and interest on delinquent assessments. (Glen Crossing PID) (Liebman)

**Background Information:**
This Ordinance approves the service plan for the Glenn Crossing project and authorizes the levying of assessments on the property.

**Board Review/Citizen Input:**
N/A

**Alternatives:**
N/A

**Financial Considerations:**
The City's Financial Advisor has approved the ordinance.

**Legal Review:**
The City's Land Use Attorney has reviewed and approved the proposed ordinance.

**Supporting Documents:**
- Proposed Ordinance

**Staff Recommendation:**
Staff recommends approval

# ORDINANCE NO. 2016-__

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CELINA, TEXAS ACCEPTING AND APPROVING A SERVICE AND ASSESSMENT PLAN AND PHASE #1 ASSESSMENT ROLL FOR GLEN CROSSING PUBLIC IMPROVEMENT DISTRICT; MAKING A FINDING OF SPECIAL BENEFIT TO THE PROPERTY IN PHASE #1 OF THE DISTRICT; LEVYING SPECIAL ASSESSMENTS AGAINST PROPERTY WITHIN THE DISTRICT AND ESTABLISHING A LIEN ON SUCH PROPERTY; PROVIDING FOR THE METHOD OF ASSESSMENT AND THE PAYMENT OF THE PHASE #1 SPECIAL ASSESSMENTS IN ACCORDANCE WITH CHAPTER 372, TEXAS LOCAL GOVERNMENT CODE, AS AMENDED, PROVIDING PENALTIES AND INTEREST ON DELINQUENT ASSESSMENTS, PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS,** on December 31, 2015, a petition was submitted and filed with the City Secretary (the "City Secretary") of the City of Celina, Texas (the "City") pursuant to the Public Improvement District Assessment Act, Chapter 372, Texas Local Government Code, as amended (the "PID Act"), requesting the creation of a public improvement district within the City; and

**WHEREAS,** the petition contained the signatures of the owners of taxable property representing more than fifty percent of the appraised value of taxable real property liable for assessment within the District, as determined by the then current ad valorem tax rolls of Collin Central Appraisal District and the signatures of the property owners who own taxable real property that constitutes more than fifty percent of the area of all taxable property within the District that is liable for assessment; and

**WHEREAS,** on April 12, 2016, after due notice, the City Council of the City (the "City Council") held a public hearing in the manner required by law on the advisability of the public improvements and services described in the petition as required by Section 372.009 of the PID Act and made the findings required by Section 372.009(b) of the PID Act and, by Resolution No. 2016-24R (the "Authorization Resolution") adopted by a majority of the members of the City Council, authorized and created the G Bar 7 Public Improvement District (the "District") in accordance with its finding as to the advisability of the Authorized Improvements; and

**WHEREAS,** the City published the Authorization Resolution as required by law; and

**WHEREAS,** no written protests regarding the creation of the District from any owners of record of property within the District were filed with the City Secretary;

**WHEREAS**, on June 14, 2016, the City Council adopted Resolution No. 2016-31R changing the name of the District to "Glen Crossing Public Improvement District"; and

**WHEREAS,** on June 14, 2016, the Council adopted a resolution approving the preliminary service and assessment plan, including proposed assessment rolls; calling for a public hearing to consider an ordinance levying assessments on property within Phase #1 of the

District (the "Phase #1 Special Assessments"); authorizing and directing the City Secretary of the City to file the proposed assessment rolls and make such rolls available for public inspection; authorizing and directing the publication of notice of a public hearing to consider the levying of the Phase #1 Special Assessments against the property within the District (the "Levy and Assessment Hearing"); authorizing and directing the mailing of notice of the Levy and Assessment Hearing to owners of property liable for assessment; and directing related action; and

**WHEREAS,** on June 15, 2016, the City Secretary filed the Phase #1 Assessment Roll (defined below) and made the same available for public inspection; and

**WHEREAS,** the City Secretary, pursuant to Section 372.016(b) of the PID Act, published notice of the Levy and Assessment Hearing on June 17, 2016 in *The Celina Record*, a newspaper of general circulation in the City and in the extraterritorial jurisdiction in which certain of the improvements are to be undertaken; and

**WHEREAS,** the City Secretary, pursuant to Section 372.016(c) of the PID Act, mailed the notice of the Levy and Assessment Hearing to the last known address of the owners of the property liable for the Phase #1 Special Assessments; and

**WHEREAS,** the City Council convened the Levy and Assessment Hearing on July 12, 2016, at which all persons who appeared, or requested to appear, in person or by their attorney, were given the opportunity to contend for or contest the Phase #1 Assessment Roll, and the proposed Phase #1 Special Assessments, and to offer testimony pertinent to any issue presented on the amount of the Phase #1 Special Assessments, the allocation of the Actual Costs of the Authorized Improvements to be undertaken for the benefit of Phase #1 (the "Phase #1 Projects"), the purposes of the Phase #1 Special Assessments, the special benefits of the Phase #1 Special Assessments, and the penalties and interest on annual installments and on delinquent annual installments of the Phase #1 Special Assessments; and

**WHEREAS,** the City Council finds and determines that the Phase #1 Assessment Roll and the Glen Crossing Public Improvement District Service and Assessment Plan, dated July 12, 2016 in a form substantially similar to the attached ***Exhibit A,*** which final form shall be approved by the City Manager and the City's land use attorney prior to execution (the "Service and Assessment Plan"), and which is incorporated herein for all purposes, should be approved and that the Phase #1 Special Assessments should be levied as provided in this Ordinance and the Service and Assessment Plan and the Phase #1 Assessment Roll attached thereto as Appendix A (the "Phase #1 Assessment Roll"); and

**WHEREAS,** the City Council further finds that there were no objections or evidence submitted to the City Secretary in opposition to the Service and Assessment Plan, the allocation of the Actual Costs of the Authorized Improvements as described in the Service and Assessment Plan, which Public Improvements include the Phase #1 Projects, the Phase #1 Assessment Roll, and the levy of the Phase #1 Special Assessments; and

**WHEREAS,** prior to the issuance of bonds secured by the Phase #1 Special Assessments, the owners (the "Landowners" or the "Assessed Parties"), or their representatives, of the majority of the privately-owned and taxable property located within the District, and who are the persons to be assessed pursuant to this Ordinance, appeared at the public hearing and stated they approve and accept the Service and Assessment Plan, approve the Phase #1 Assessment Roll, approve this Ordinance and approve the levy of the Phase #1 Special Assessments against their property located within the District, agree to pay the Phase #1 Special Assessments when due and payable and requested that the City file the Service and Assessment Plan and/or the assessment roll with the real property records of Collin County; and

**WHEREAS,** the City Council closed the hearing, and, after considering all written and documentary evidence presented at the hearing, including all written comments and statements filed with the City, determined to proceed with the adoption of this Ordinance in conformity with the requirements of the PID Act.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CELINA, TEXAS**:

**Section 1**. **Terms**.

Terms not otherwise defined herein are defined in the Service and Assessment Plan.

**Section 2. Findings**.

The findings and determinations set forth in the preambles hereof are hereby incorporated by reference and made a part of this Ordinance for all purposes as if the same were restated in full in this Section. The City Council hereby finds, determines, and ordains, as follows:

(a) The apportionment of the Actual Costs of the Phase #1 Projects (as reflected in the Service and Assessment Plan, and the Administrative Expenses pursuant to the Service and Assessment Plan) is fair and reasonable, reflects an accurate presentation of the special benefit each assessed Parcel will receive from the construction of the Phase #1 Projects identified in the Service and Assessment Plan, and is hereby approved;

(b) The Service and Assessment Plan covers a period of at least five years and defines the annual indebtedness and projected costs for the Public Improvements;

(c) The Service and Assessment Plan apportions the Actual Cost(s) of a Phase #1 Projects to be assessed against the property in the District and such apportionment is made on the basis of special benefits accruing to the property because of the Phase #1 Projects;

(d) All of the real property in the District which is being assessed in the amounts shown in the Phase #1 Assessment Roll will be benefited by the Phase #1 Projects proposed to be constructed as described in the Service and Assessment Plan, and each assessed Parcel will receive special benefits in each year equal to or greater than each annual Phase #1 Special Assessments and will receive special benefits during the term of the Phase #1 Special Assessments equal to or greater than the total amount assessed;

(e) The method of apportionment of the Actual Costs of the Phase #1 Projects and Administrative Expenses set forth in the Service and Assessment Plan results in imposing equal shares of the Actual Costs of the Phase #1 Projects and Administrative Expenses on property similarly benefited, and results in a reasonable classification and formula for the apportionment of the Actual Costs;

(f) The Service and Assessment Plan should be approved as the service plan and assessment plan for the District as described in Sections 372.013 and 372.014 of the PID Act;

(g) The Phase #1 Assessment Roll should be approved as the Phase #1 Assessment Roll for the District;

(h) The provisions of the Service and Assessment Plan relating to due and delinquency dates for the Phase #1 Special Assessments, interest on Annual Installments, interest and penalties on delinquent Phase #1 Special Assessments and delinquent Annual Installments, and procedures in connection with the imposition and collection of Phase #1 Special Assessments should be approved and will expedite collection of the Phase #1 Special Assessments in a timely manner in order to provide the services and improvements needed and required for the area within the District; and

(i) A written notice of the date, hour, place and subject of this meeting of the City Council was posted at a place convenient to the public for the time required by law preceding this meeting, as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended, and that this meeting has been open to the public as required by law at all times during which this Ordinance and the subject matter hereof has been discussed, considered, and formally acted upon.

**Section 3. Service and Assessment Plan**.

The Service and Assessment Plan is hereby accepted and approved pursuant to Sections 372.013 and 372.014 of the PID Act as the service plan and the assessment plan for the District.

**Section 4. Phase #1 Assessment Roll**.

The Phase #1 Assessment Roll is hereby accepted and approved pursuant to Section 372.016 of the PID Act as the Phase #1 Assessment Roll of the District.

**Section 5. Levy and Payment of Phase #1 Special Assessments for Costs of the Phase #1 Projects**.

(a) The City Council hereby levies an assessment on each Parcel of property (excluding Non-Benefitted Property) located within Phase #1 of the District, as shown and described in the Service and Assessment Plan and the Phase #1 Assessment Roll, in the respective amounts shown on the Phase #1 as a special assessment on the properties set forth in the Phase #1 Assessment Roll.

(b) The levy of the Phase #1 Special Assessments shall be effective on the date of execution of this Ordinance levying Phase #1 Special Assessments and strictly in accordance with the terms of the Service and Assessment Plan and the PID Act.

(c) The collection of the Phase #1 Special Assessments shall be as described in the Service and Assessment Plan and the PID Act.

(d) Each Phase #1 Special Assessment may be paid in a lump sum at any time or may be paid in Annual Installments pursuant to the terms of the Service and Assessment Plan.

(e) Each Phase #1 Special Assessment shall bear interest at the rate or rates specified in the Service and Assessment Plan.

(f) Each Annual Installment shall be collected each year in the manner set forth in the Service and Assessment Plan.

(g) The Administrative Expenses for Phase #1 Assessed Property shall be calculated pursuant to the terms of the Service and Assessment Plan.

**Section 6**. **Method of Assessment**.

The method of apportioning the Actual Costs of the Phase #1 Projects and Administrative Expenses are set forth in the Service and Assessment Plan.

**Section 7**. **Penalties and Interest on Delinquent Phase #1 Special Assessments**.

Delinquent Phase #1 Special Assessments shall be subject to the penalties, interest, procedures, and foreclosure sales set forth in the Service and Assessment Plan and as allowed by law.

**Section 8**. **Prepayments of Phase #1 Special Assessments**.

As provided in Section VI of the Service and Assessment Plan, the owner of any Phase #1 Assessed Property may prepay the Phase #1 Special Assessments levied by this Ordinance.

**Section 9**. **Lien Priority**.

The City Council and the Landowners intend for the obligations, covenants and burdens on the landowners of Phase #1 Assessed Property, including without limitation such Landowners' obligations related to payment of the Phase #1 Special Assessments and the Annual Installments thereof, to constitute covenants that shall run with the land. The Phase #1 Special Assessments and the Annual Installments thereof which are levied hereby shall be binding upon the Assessed Parties, as the owners of Phase #1 Assessed Property, and their respective transferees, legal representatives, heirs, devisees, successors and assigns in the same manner and for the same period as such parties would be personally liable for the payment of ad valorem taxes under applicable law. Phase #1 Special Assessments shall have lien priority as specified in the Service and Assessment Plan and the PID Act.

**Section 10**. **Appointment of Administrator and Collector of Assessments**.

(a) Appointment of Administrator.

MuniCap, Inc., is hereby appointed and designated as the initial Administrator of the Service and Assessment Plan and of Phase #1 Special Assessments levied by this Ordinance. The Administrator shall perform the duties of the Administrator described in the Service and Assessment Plan and in this Ordinance. The Administrator's fees, charges and expenses for providing such service shall constitute an Administrative Expense.

(b) Appointment of Temporary Collector.

The City's Director of Finance is hereby appointed and designated as the temporary collector of the Phase #1 Special Assessments (the "Collector"). The Collector shall serve in such capacity until such time as the City shall arrange for the Collector's duties to be performed by the Collin County Tax Assessor and Collector, or another qualified collection agent selected by the City.

**Section 11**. **Applicability of Tax Code.**

To the extent not inconsistent with this Ordinance, and not inconsistent with the PID Act or the other laws governing public improvement districts, the provisions of the Texas Tax Code shall be applicable to the imposition and collection of Phase #1 Special Assessments by the City.

**Section 12**. **Filing in Land Records**. The City Secretary is directed to cause a copy of this Ordinance, including the Service and Assessment Plan and/or the Phase #1 Assessment Roll, to be recorded in the real property records of Collin County. The City Secretary is further directed to similarly file each Annual Service Plan Update approved by the City Council.

**Section 13**. **Severability.**

If any provision, section, subsection, sentence, clause, or phrase of this Ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void, or invalid, the validity of the remaining portions of this Ordinance or the application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council that no portion hereof, or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality, voidness, or invalidity or any other portion hereof, and all provisions of this ordinance are declared to be severable for that purpose.

**Section 14**. **Effective Date**.

This Ordinance shall take effect, and the levy of the Phase #1 Special Assessments, and the provisions and terms of the Service and Assessment Plan shall be and become effective upon passage and execution hereof. However, the Service and Assessment Plan and this Ordinance shall automatically terminate if bonds secured by the Phase #1 Special Assessments are not issued by the City on or before September 30, 2016.

[Remainder of Page Intentionally Left Blank; Signatures to Follow]

**PASSED AND ADOPTED**, this July 12, 2016.

CITY OF CELINA, TEXAS

________________________________
Sean Terry, Mayor

ATTEST:

____________________________
City Secretary

(City Seal)

STATE OF TEXAS §
§
COUNTY OF COLLIN §

This instrument was acknowledged before me on the _______ day of July, 2016 by Sean Terry and Vicki Faulkner, Mayor and Secretary, respectively, of the City of Celina, Texas on behalf of said City.

____________________________________
Notary Public, State of Texas

(SEAL)

# EXHIBIT A

## Service and Assessment Plan

*Draft*

# GLEN CROSSING

# PUBLIC IMPROVEMENT DISTRICT

# PRELIMINARY SERVICE AND ASSESSMENT PLAN

**JUNE 9, 2016**

# GLEN CROSSING PUBLIC IMPROVEMENT DISTRICT

## SERVICE AND ASSESSMENT PLAN

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## Section I
## PLAN DESCRIPTION AND DEFINED TERMS

### A. Introduction

On April 12, 2016 (the "Creation Date") the City Council (the "City Council") of the City of Celina, Texas (the "City") passed and approved Resolution No. 2016-24R approving and authorizing the creation of the "G Bar 7 Public Improvement District" to finance the costs of certain public improvements for the benefit of property in such public improvement district (the "Authorized Improvements"), all of which is located within the City of Celina. On [_____, 2016] the City passed and approved [Resolution No. 2016- ____] changing the name of the "G Bar 7 Public Improvement District" to the "Glen Crossing Public Improvement District" (the "PID").

The property in the PID is proposed to be developed in approximately two phases, and the PID will finance public improvements for each phase as each phase is developed. Assessments will be imposed on the property in each phase for the public improvements to be provided for that phase.

Chapter 372 of the Texas Local Government Code, the "Public Improvement District Assessment Act" (as amended, the "PID Act"), governs the creation and operation of public improvement districts within the State of Texas. This Glen Crossing Public Improvement District Preliminary Service and Assessment Plan (the "Service and Assessment Plan") has been prepared in accordance with the PID Act and specifically Sections 372.013, 372.014, 372.015 and 372.016, which address the requirements of a service and assessment plan and the assessment roll. According to Section 372.013 of the PID Act, a service plan "must cover a period of at least five years and must also define the annual indebtedness and the projected costs for improvements. The plan shall be reviewed and updated annually for the purpose of determining the annual budget for improvements." The service plan is described in Section IV of this Service and Assessment Plan.

Section 372.014 of the PID Act requires that "an assessment plan must be included in the annual service plan." The assessment plan is described in Section V of this Service and Assessment Plan.

Section 372.015 of the PID Act requires that "the governing body of the municipality or county shall apportion the cost of an improvement to be assessed against property in an improvement district." The method of assessing the Authorized Improvement Costs and apportionment of such costs to the property in the PID is included in Section V of this Service and Assessment Plan.

Section 372.016 of the PID Act requires that "after the total cost of an improvement is determined, the governing body of the municipality or county shall prepare a proposed assessment roll. The roll must state the assessment against each parcel of land in the district, as determined by the method of assessment chosen by the municipality or county under this subchapter." The Assessment Roll for the PID is included in this Service and Assessment Plan. The Assessments as shown on the Assessment Roll are based on the method of assessment and apportionment of costs described in Section V of this Service and Assessment Plan.

## B. Definitions

Capitalized terms used herein shall have the meanings ascribed to them as follows:

"**Actual Cost(s)**" means, with respect to an Authorized Improvement, the demonstrated, reasonable, allocable, and allowable costs of constructing such Authorized Improvement. Actual Cost may include (a) the costs for the design, planning, financing, administration, management, acquisition, installation, construction and/or implementation of such Authorized Improvement, including general contractor construction management fees, if any, (b) the costs of preparing the construction plans for such Authorized Improvement, (c) the fees paid for obtaining permits, licenses or other governmental approvals for such Authorized Improvement, (d) the costs for external professional costs associated with such Authorized Improvement, such as engineering, geotechnical, surveying, land planning, architectural landscapers, advertising, marketing and research studies, appraisals, legal, accounting and similar professional services, taxes (property and franchise) (e) the costs of all labor, bonds and materials, including equipment and fixtures, incurred by contractors, builders and material men in connection with the acquisition, construction or implementation of the Authorized Improvements, (f) all related permitting, zoning and public approval expenses, architectural, engineering, legal, and consulting fees, financing charges, taxes, governmental fees and charges (including inspection fees, County permit fees, development fees), insurance premiums, miscellaneous expenses, and all advances and payments for Administrative Expenses.

Actual Costs may include general contractor's fees in an amount up to a percentage equal to the percentage of work completed and accepted by the City or construction management fees in an amount up to five percent of the eligible Actual Costs described in a Certification for Payment. The amounts expended on legal costs, taxes, governmental fees, insurance premiums, permits, financing costs, and appraisals shall be excluded from the base upon which the general contractor and construction management fees are calculated.

**"Administrative Expenses"** mean the administrative, organization, maintenance and operation costs associated with, or incident to, the administration, organization, maintenance and operation of the PID, including, but not limited to, the costs of: (i) creating and organizing the PID, including conducting hearings, preparing notices and petitions, and all costs incident thereto, including engineering fees, legal fees and consultant fees, (ii) the annual administrative, organization, maintenance, and operation costs and expenses associated with, or incident and allocable to, the administration, organization, and operation of the PID, (iii) computing, levying, billing and collecting Assessments or the Annual Installments thereof, (iv) maintaining the record of installments of the Assessments and the system of registration and transfer of the Bonds, (v) issuing, paying and redeeming the Bonds, (vi) investing or depositing of monies, (vii) complying with the PID Act and codes with respect to the Bonds, (viii) the Trustee fees and expenses relating to the Bonds, including reasonable fees, (ix) legal counsel, engineers, accountants, financial advisors, investment bankers or other consultants and advisors, and (x) administering the construction of the Authorized Improvements. Administrative Expenses do not include payment of the actual principal of, redemption premium, if any, and interest on the Bonds. Administrative Expenses collected and not expended for actual Administrative Expenses shall be carried forward and applied to reduce Administrative Expenses in subsequent years to avoid the over-collection of amounts to pay Administrative Expenses.

**"Administrator"** means the employee or designee of the City, identified in any indenture of trust relating to a series of Bonds or identified in any other agreement approved by the City Council, who shall have the responsibilities provided for herein.

**"Annual Installment"** means, with respect to each Parcel, each annual payment of: (i) the Assessments, as shown on the Assessment Roll attached hereto as Appendix E, as applicable, or in an Annual Service Plan Update, and calculated as provided in Section VI of this Service and Assessment Plan, (ii) the Administrative Expenses, (iii) the prepayment reserve described in Section V(F) of this Service and Assessment Plan, and (iv) the delinquency reserve described in Section V(G) of this Service and Assessment Plan.

**"Annual Service Plan Update"** has the meaning set forth in the second paragraph of Section IV of this Service and Assessment Plan.

**"Assessed Property"** means any property that benefits from the Authorized Improvements within the PID on which Assessments have been imposed as shown in the Assessment Roll, as the Assessment Roll is updated each year by the Annual Service Plan Update. Assessed Property includes Parcels within the PID other than Non-Benefited Property.

**"Assessment"** means an assessment levied against a Parcel imposed pursuant to an Assessment Ordinance and the provisions herein, as shown on any Assessment Roll, subject to reallocation upon the subdivision of such Parcel or reduction according to the provisions herein and the PID Act. An Assessment for a Parcel consists of the Annual Installments to be collected in all years and amounts collected to pay Administrative Expenses and interest on all Assessments.

**"Assessment Ordinance"** means an Assessment Ordinance adopted by the City Council approving the Service and Assessment Plan (including amendments or supplements to the Service and Assessment Plan) and levying the Assessments.

**"Assessment Revenues"** mean the revenues actually received by or on behalf of the City from the collection of Assessments.

**"Assessment Roll"** or **"Assessment Rolls"** means collectively or separately, as applicable, the Phase #1 Assessment Roll included in this SAP as Appendix E or any other Assessment Roll in an amendment or supplement to this Service and Assessment Plan or in an Annual Service Plan Update, as each may be updated, modified, or amended from time to time in accordance with the procedures set forth in this SAP and in the PID Act.

**"Authorized Improvements"** mean those public improvements described in Appendix B of this Service and Assessment Plan and Section 372.003 of the PID Act, acquired, constructed and installed in accordance with this Service and Assessment Plan, and any future updates and/or amendments.

**"Authorized Improvement Costs"** mean the actual or budgeted costs, as applicable, of all or any portion of the Authorized Improvements, as shown in Appendix B.

**"Bonds"** mean any bonds issued by the City, including the Phase #1 Bonds and the Phased PID Bonds, in one or more series and secured in whole or in part by the Assessment Revenues.

"**Budgeted Cost(s)**" means the amounts budgeted to construct the Authorized Improvements as used in the preparation of this Service and Assessment Plan.

**"Certification for Payment"** means the certificate to be provided by the Developer, or his designee, to substantiate the Actual Cost of one or more Authorized Improvements, which may be in segments or sections.

**"City"** means the City of Celina, Texas.

**"City Council"** means the duly elected governing body of the City.

**"City Improvements"** means the additional public improvements to be constructed as part of the agreement between the City and the Developer under the Development Agreement as discussed in Section III(B).

**"County"** means Collin County, Texas.

**"Delinquency Reserve"** has the meaning set forth in Section V(G) of this Service and Assessment Plan.

"**Delinquent Collection Costs"** mean interest, penalties and expenses incurred or imposed with respect to any delinquent installment of an Assessment in accordance with the PID Act and the costs related to pursuing collection of a delinquent Assessment and foreclosing the lien against the Assessed Property, including attorney's fees.

**"Developer"** means Wynne Jackson, Inc., a Texas corporation or other entity affiliated with Wynne Jackson, Inc. responsible for the development of all or a portion of the property within the PID.

"**Development Agreement"** means that certain "Amended and Restated Development Agreement" relating to the PID executed by and between the Developer and the City effective June 14, 2016, as the same may be amended from time to time.

**"Equivalent Units"** mean, as to any Parcel the number of dwelling units by lot type expected to be built on the Parcel multiplied by the factors calculated and shown in Appendix D attached hereto.

"**Future Phase**" means a Phase that is fully developed after Phase #1, as such area is generally depicted in Appendix A. The Future Phase is subject to adjustment and is shown for illustration purpose only.

**"Homeowner Association"** means a homeowners' association or property owners' association established for the benefit of property owners within the PID.

**"Homeowners' Association Special Assessment Allocation"** means 1% of the total Assessment that will be reallocated to cover the benefit received by the Homeowner's Association from the

Authorized Improvements benefitting the Homeowner Association Property once the Homeowner Association is created within the PID.

**"Homeowner Association Property"** or **("HOA Property")** means property within the PID owned by or irrevocably offered for dedication to, whether in fee simple or through an easement, a homeowners' association established for the benefit of a group of homeowners or property owners.

**"Lot"** means a tract of land described as a "lot" in a subdivision plat recorded in the official public records of Collin County, Texas.

**"Lot Type"** means a classification of final building lots with similar characteristics (e.g. commercial, light industrial, multifamily residential, single family residential, etc.), as determined by the Administrator and confirmed by the City Council. In the case of single family residential lots, the Lot Type shall be further defined by classifying the residential lots by the estimated final average home value for each lot as of the date of the recorded subdivision plat, considering factors such as density, lot size, proximity to amenities, view premiums, location, and any other factors that may impact the average home value on the lot, as determined by the Administrator and confirmed by the City Council.

**"Lot type 1"** means lots identified as such on the Assessment Roll, being lots typically with approximately 7,500 square feet size and a lot width of 60 feet, which may be referred to as such in the Planned Development District.

**"Lot type 2"** means lots identified as such on the Assessment Roll, being lots typically with approximately 6,000 square feet size and a lot width of 50 feet, which may be referred to as such in the Planned Development District.

**"Non-Benefited Property"** means Parcels that accrue no special benefit from the Authorized Improvements, including Public Property and easements that create an exclusive use for a public utility provider. Property identified as Non-Benefited Property at the time the Assessments (i) are imposed or (ii) are reallocated pursuant to a subdivision of a Parcel, is not assessed. Assessed Property converted to Non-Benefited Property, if the Assessments may not be reallocated pursuant to the provisions herein, remains subject to the Assessments and requires the Assessments to be prepaid as provided for in Section VI(D).

**"Parcel"** or **"Parcels"** means a parcel or parcels within the PID identified by either a tax map identification number assigned by the Collin Central Appraisal District for real property tax purposes or by lot and block number in a final subdivision plat recorded in the official public records for real property in Collin County.

**"Phase"** means one or more Parcels within the PID that will be developed in the same general time period. The Parcels within a Phase will be assessed in connection with the issuance of Phased PID Bonds for Authorized Improvements (or the portion thereof) designated in an update to this Service and Assessment Plan that specially benefit the Parcels within the Phase.

**"Phase #1"** means the initial Phase to be developed within the PID, identified as "Phase #1" and generally shown in Appendix A, as specifically depicted and described as the sum of all Parcels shown in Appendix E.

“**Phase #1 Assessed Property**” means all Parcels within Phase #1 other than Non-Benefited Property and shown on the Phase #1 Assessment Roll against which an Assessment relating to the Phase #1 Improvements is levied.

“**Phase #1 Assessment Revenues**” mean the actual revenues received by or on behalf of the City from the collection of Assessments levied against Phase #1 Assessed Property, or the Annual Installments thereof, for the Phase #1 Improvements.

**“Phase #1 Assessment Roll”** means the document included in this Service and Assessment Plan as Appendix E**,** as updated, modified or amended from time to time in accordance with the procedures set forth herein and in the PID Act, including updates prepared in connection with the issuance of Bonds or in connection with any Annual Service Plan Update.

**"Phase #1 Bonds"** mean collectively the Phase #1A Bonds (defined in Section IV.A) and the Phase #1B Bonds (defined in Section IV.A), if any, to be issued by the City to finance the Phase #1 Improvements.

“**Phase #1 Improvements**” mean the Authorized Improvements which only benefit Phase #1 Assessed Property and are described in Section III.B.

**“Phased PID Bonds”** mean bonds issued to fund Authorized Improvements (or a portion thereof) in a Phase. In connection with the Phased PID Bonds, Assessments will be levied only on Parcels, other than Non-Benefited Property, located within the respective Phase.

**“PID”** has the meaning set forth in Section I(A) of this Service and Assessment Plan.

**“PID Act”** means Texas Local Government Code Chapter 372, Public Improvement District Assessment Act, Subchapter A, Public Improvement Districts, as amended.

**“PID Reimbursement Agreement”** means that certain PID Reimbursement Agreement, dated ________, 2016, by and between the City and the Developer in which the Developer agrees to fund certain Actual Costs of Phase #1 Improvements and the City agrees to reimburse the Developer for a portion of such Actual Costs of the Phase #1 Improvements funded by the Developer with interest as permitted by the PID Act.

**“Planned Development District”** means the zoning classification established as PD – Planned Development District #23 pursuant to Ordinance No 2015-13 adopted by the City Council designating the zoning and development standards.

“**Prepayment Costs**” mean interest and expenses to the date of prepayment, plus any additional expenses related to the prepayment allowed by applicable law, reasonably expected to be incurred by or imposed upon the City as a result of any prepayment of an Assessment.

**“Prepayment Reserve”** has the meaning set forth in Section V(F) of this Service and Assessment Plan.

**"Public Property"** means property within the boundaries of the PID that is owned by or irrevocably offered for dedication to the federal government, the State of Texas, Collin County, the City, a school district or any other public agency, whether in fee simple or through an exclusive use easement.

**"Service and Assessment Plan"** means this Service and Assessment Plan prepared for the PID pursuant to the PID Act, as the same may be amended from time to time.

**"TIRZ No. 6"** means the Tax Increment Reinvestment Zone No. 6, City of Celina, Texas.

**"TIRZ Annual Credit Amount"** means, for each Parcel, such Parcel's prorated amount of TIRZ Revenues calculated pursuant to Section VI (A) of this Service and Assessment Plan.

"**TIRZ Ordinance**" means an ordinance adopted by the City Council authorizing the use of TIRZ Revenues for project costs under the Tax Increment Financing Act, Texas Tax Code, Chapter 311, as amended, relating to certain public improvements as provided for in the Tax Increment Reinvestment Zone No.  Project Plan and Financing Plan (including amendments or supplements thereto).

"**TIRZ Revenues**" mean, for each year, the amounts paid by the City from the TIRZ No. 6 tax increment fund pursuant to the TIRZ Ordinance to reduce an Annual Installment, as calculated each year by the Administrator in collaboration with the City, in accordance with Section VI(A) of this Service and Assessment Plan.

**"Trust Indenture"** means an indenture of trust, ordinance or similar document setting forth the terms and other provisions relating to the Bonds, as modified, amended, and/or supplemented from time to time.

**"Trustee"** means the fiscal agent or trustee as specified in a Trust Indenture, including a substitute fiscal agent or trustee.

# Section II
# PROPERTY INCLUDED IN THE PID

## A. Property Included in the PID

The PID is presently located within the City and contains approximately 109 acres of land. A map of the property within the PID is shown on Appendix A to this Service and Assessment Plan.

At completion, the PID is expected to consist of approximately 349 single family residential units, landscaping, and infrastructure necessary to provide roadways, drainage, and utilities to the PID. The estimated number of lots (349) and the classification of each lot are based upon the proposed development plan.

The property within the PID is proposed to be developed as follows:

**Table II-A**
**Proposed Development**

| Proposed Development Type | Quantity | Measurement |
|---|---|---|
| Single Family Residential – 60 Feet | 150 | units |
| Single Family Residential – 50 Feet | 199 | units |
| **Total** | **349** | **units** |

## B. Property Included in Phase #1

Phase #1 consists of approximately 41.5 acres and is projected to consist of 159 single family residential units as further described in Section III. A map of the property within Phase #1 and the Future Phase and depicting the boundaries of each proposed Phase is shown in Appendix A.

## C. Property Included in Future Phase

The Future Phase consists of approximately 67.5 acres and is projected to consist of approximately 190 residential units. As the Future Phase is developed, additional Phased PID Bonds may be issued for the new phase. In connection with the issuance of each new series of Phased PID Bonds, this Service and Assessment Plan will be updated to add additional details of each Future Phase as shown for Phase #1 in Section II.B. A map of the projected property within each Future Phase is shown in Appendix A. The Future Phase is shown for illustrative purposes only and is subject to adjustment.

The estimated number of units at the build-out of the PID is based on the land use approvals for the property, the anticipated subdivision of property in the PID, and the Developer's estimate of the highest and best use of the property within the PID.

## Section III
## DESCRIPTION OF THE AUTHORIZED IMPROVEMENTS

### A. Authorized Improvement Overview

Section 372.003 of the PID Act defines the improvements that may be undertaken by a municipality or county through the establishment of a public improvement district, as follows:

<u>372.003. Authorized Improvements</u>

(a) If the governing body of a municipality or county finds that it promotes the interests of the municipality or county, the governing body may undertake an improvement project that confers a special benefit on a definable part of the municipality or county or the municipality's extraterritorial jurisdiction. A project may be undertaken in the municipality or county or the municipality's extraterritorial jurisdiction.

(b) A public improvement may include:

(i) landscaping;

(ii) erection of fountains, distinctive lighting, and signs;

(iii) acquiring, constructing, improving, widening, narrowing, closing, or rerouting of sidewalks or of streets, any other roadways, or their rights-of way;

(iv) construction or improvement of pedestrian malls;

(v) acquisition and installation of pieces of art;

(vi) acquisition, construction, or improvement of libraries;

(vii) acquisition, construction, or improvement of off-street parking facilities;

(viii) acquisition, construction, improvement, or rerouting of mass transportation facilities;

(ix) acquisition, construction, or improvement of water, wastewater, or drainage facilities or improvements;

(x) the establishment or improvement of parks;

(xi) projects similar to those listed in Subdivisions (i)-(x);

(xii) acquisition, by purchase or otherwise, of real property in connection with an authorized improvement;

(xiii) 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; and

(xiv) payment of expenses incurred in the establishment, administration and operation of the district.

After analyzing the public improvement projects authorized by the PID Act, the City has determined at this time to undertake only Authorized Improvements listed as the Phase #1 Improvements in Section III.B below and described in Appendix B and shown on the diagram included as Appendix C for the benefit of the Phase #1 Assessed Property. Any change to the list of Authorized Improvements, including any improvements for the Future Phase, will require the approval of the City and an update to this Service and Assessment Plan.

## B. Description of the Authorized Improvements

***<u>Phase #1 Improvements</u>:***

The Phase #1 Improvements are the Authorized Improvements that will benefit the Phase #1 Assessed Property. The descriptions of the Phase #1 Improvements are presented below and the Budgeted Costs of the Phase #1 Improvements are shown in Table III-A. The Budgeted Costs shown in Table III-A may be revised in an Annual Service Plan Update as needed.

- ***Road Improvements***:
    - The road improvements within Phase #1 include construction of perimeter road and thoroughfare improvements, including related paving, drainage, curbs, gutters, sidewalks, retaining walls, signage, and traffic control devices. The road improvements will provide street access to each lot within Phase #1 as well as access to community roadways and state highways. All roadway projects will be designed and constructed in accordance with City standards and specifications and will be owned and operated by the City.
- ***Water Distribution System Improvements:***
    - The water distribution system improvements within Phase #1 consist of construction and installation of on-site and off-site water lines, mains, pipes, valves and appurtenances, necessary for the water distribution system, as well as related testing, trench safety and erosion protection, necessary to service the Phase #1 Assessed Property. The water distribution system improvements will extend water service to the boundaries of Phase #1 and to all lots within Phase #1. The water distribution system improvements will be designed and constructed in accordance with City standards and specifications and will be owned and operated by the City.
- ***Sanitary Sewer Improvements:***
    - The sanitary sewer improvements within Phase #1 consist of construction and installation of on-site and off-site pipes, service lines, manholes, encasements and appurtenances necessary to provide sanitary sewer service to the Phase #1 Assessed Property. The sanitary sewer improvements will extend wastewater service to the boundaries of Phase #1 and to all lots within Phase #1. The sanitary sewer improvements will be designed and constructed in accordance with City standards and specifications and will be owned and operated by the City.
- ***Storm Drainage Improvements*:**
    - The storm drainage improvements within Phase #1 consist of construction and

installation of pipes, inlets, manholes, detention ponds and appurtenances necessary to provide storm drainage to the Phase #1 Assessed Property. The storm drainage improvements will be designed and constructed in accordance with City standards and specifications and will be owned and operated by the City.

- ***Park and Open Space Improvements*:**
    - The park and open space improvements within Phase #1 consist of construction and installation of landscaping, walls, and entries. The park and open space improvements will be designed and constructed in accordance with City standards and specifications and will be owned by the City either by fee or through a public use easement and maintained by the Homeowners' Association.

Additional details of the Phase #1 Improvements are shown in Appendix B attached to this Service and Assessment Plan. The method of cost allocation is explained in Section V (C).

The Budgeted Costs shown in Tables III-A may be revised in Annual Service Plan Updates. The detailed costs of the Phase #1 Improvements are shown in Appendix B to this Service and Assessment Plan. Savings from one line item may be applied to a cost increase in another line item. These savings may be applied only to increases in costs of the Authorized Improvements (i.e., the improvements for the benefit of property within the PID).

**Table III-A**
**Phase #1 Improvement Costs**

| | |
|---|---|
| Roadway improvements | $ 1,501,138 |
| Water distribution system improvements | $572,950 |
| Sanitary sewer improvements | $691,366 |
| Storm drainage improvements | $1,377,040 |
| Park and open space improvements | $512,950 |
| Other soft, contingency and miscellaneous costs | $1,303,524 |
| **Total** | **$ 5,958,968** |

***Other Improvements*:**

Additional public improvements are contemplated to be constructed as part of the agreement between the Developer and the City under the Development Agreement. Such public improvements ("City Improvements") will be designed by the City. The City Improvements include roadway improvements, water distribution system improvements and sanitary sewer collection system improvements. The estimated costs of the City Improvements are excluded from the Authorized Improvements shown in Table III-A and will not be paid for by Assessment Revenues. The estimated costs of the City Improvements are included herein solely to establish the basis for the TIRZ Annual Credit Amount described in Section VI (A) of this Service and Assessment Plan.

City Improvements – Roadway improvements: (Descriptions to be provided)
City Improvements – Water distribution system improvements: (Descriptions to be provided)
City Improvements – Sanitary sewer collection system improvements: (Descriptions to be

provided)

Table III-B below shows the estimated costs of the City Improvements anticipated to be constructed in accordance with the Development Agreement.

**Table III-B**
**City Improvement Costs**

| Description | City Improvements to be constructed as part of | | |
|---|---|---|---|
| | **Phase #1** | **Future Phase** | **Total** |
| Roadway improvements including ROW acquisition | $160,000 | $1,012,708 | $1,172,708 |
| Water distribution system improvements | $280,060 | $0 | $280,060 |
| Sanitary sewer improvements | $753,258 | $534,891 | $1,288,149 |
| Other soft, contingency and miscellaneous costs | $289,330 | $433,328 | $722,657 |
| **Total** | **$1,482,648** | **$ 1,980,927** | **$ 3,463,574** |

Additionally, the Developer plans to construct over a period of approximately 24 months certain improvements within the PID including grading, water and sewer services, franchise utility services, landscaping and other miscellaneous items related to the Private Improvements; a pool and related facilities, fencing and landscaping (collectively, the "Private Improvements") to serve the entire PID. The costs of such Private Improvements will be paid entirely by the Developer without any reimbursement through the PID.

**C. Future Phase Authorized Improvements**

As the Future Phase is developed, additional Phased PID Bonds may be issued to finance Authorized Improvements for the Future Phase. As Phased PID Bonds are issued for the Future Phase, this Service and Assessment Plan will be updated to identify the specific Authorized Improvements financed by such Phased PID Bonds that benefit the Phase (i.e., a Table III-C will be added to show the Budgeted Costs for Authorized Improvements that will benefit the Assessed Property within Phase #2).

## Section IV
## SERVICE PLAN

### A. Sources and Uses of Funds

The PID Act requires the service plan to cover a period of at least five years. The service plan is required to define the annual projected costs and indebtedness for the Authorized Improvements undertaken within the PID during the five year period. It is anticipated that it will take approximately twelve months to construct the Phase #1 Improvements. Following the completion of construction of Phase #1 Improvements, Phase #2 development will begin and so on, with each Future Phase to be subsequently developed corresponding to the Service and Assessment Plan to be updated with that development.

The Budgeted Costs for the Phase #1 Improvements plus costs related to the issuance of the Bonds, in one or more series, and payment of expenses incurred in the establishment, administration and operation of the PID are $6,727,090 as shown in Table IV-A. The service plan shall be reviewed and updated at least annually for the purpose of determining the annual budget for Administrative Expenses, updating the Actual Costs of the Authorized Improvements, and updating the Assessment Roll(s). Any update to this Service and Assessment Plan is herein referred to as an "Annual Service Plan Update."

Table IV-A summarizes the sources and uses of funds required to construct the Phase #1 Improvements to be financed with the proceeds from the Phase #1A Bonds and PID Reimbursement Agreement, including Budgeted Costs related to establishing the PID and issuing the Phase #1 Bonds. The sources and uses of funds shown in Table IV-A shall be updated each year in the Annual Service Plan Update to reflect any budget revisions and changes in Actual Costs.

As the Future Phase is developed in connection with the issuance of Phased PID Bonds, this Service and Assessment Plan will be amended (i.e. Table IV-B will be added for Phase #2).

The Phase #1A Bonds (as defined herein) are being issued to finance a portion of the Phase #1 Improvements, including costs to issue the Phase #1A Bonds, as shown in Table IV-A below. The first series of Phase #1 Bonds ("Phase #1A Bonds") are anticipated to be issued in 2016 and will be used to construct or acquire a portion of the Phase #1 Improvements. A portion of the remaining costs of Phase #1 Improvements will be financed through the PID Reimbursement Agreement. A second series of Phase #1 Bonds ("Phase #1B Bonds") may, subject to the approval of the City Council and compliance with the applicable provisions in the Trust Indenture, be issued in 2018 or 2019; and, to the extent provided by law, the proceeds from the Phase #1B Bonds will be used to reimburse certain Actual Costs paid by the Developer under the terms of the PID Reimbursement Agreement and to pay any unpaid Actual Costs of Phase #1 Improvements required to be paid under the PID Reimbursement Agreement.

**<u>Table IV-A</u>**
**Sources and Uses**

| Sources of Funds | Authorized Improvements (PID) | Other Improvements (Non-PID) | Total Amounts |
|---|---|---|---|
| Bond par amount | $3,550,000 | $0 | $3,550,000 |
| PID Reimbursement Agreement | $2,040,000 | $0 | $2,040,000 |
| *Subtotal* | *$5,590,000* | *$0* | *$5,590,000* |
| Other funding sources - Phase #1 Improvements | $1,137,090 | $0 | $1,137,090 |
| ***Total Sources for Phase #1 Improvements*** | ***$6,727,090*** | ***$0*** | ***$6,727,090*** |
| Other funding sources - City Improvements | $0 | $1,482,648 | $1,482,648 |
| Other funding sources – Private Improvements | $0 | $1,268,901 | $1,268,901 |
| **Total Sources** | **$6,727,090** | **$2,751,549** | **$9,478,638** |
| **Uses of Funds** | | | |
| ***Authorized Improvements - Phase #1 Improvements*** | | | |
| Road improvements | $1,501,138 | $0 | $1,501,138 |
| Water distribution system improvements | $572,950 | $0 | $572,950 |
| Sanitary sewer improvements | $691,366 | $0 | $691,366 |
| Storm drainage improvements | $1,377,040 | $0 | $1,377,040 |
| Parks and open space improvements | $512,950 | $0 | $512,950 |
| Other soft and miscellaneous costs | $1,303,524 | $0 | $1,303,524 |
| *Subtotal* | *$5,958,968* | *$0* | *$5,958,968* |
| ***City Improvements*** | | | |
| Road improvements | $0 | $160,000 | $160,000 |
| Water distribution system improvements | $0 | $280,060 | $280,060 |
| Sanitary sewer improvements | $0 | $753,258 | $753,258 |
| Other soft and miscellaneous costs | $0 | $289,330 | $289,330 |
| *Subtotal* | *$0* | *$1,482,648* | *$1,482,648* |
| ***Private Improvements*** | | | |
| City debt issuance fee | $0 | $226,850 | $226,850 |
| NonBQ fee | $0 | $42,998 | $42,998 |
| Other private improvements | $0 | $999,053 | $999,053 |
| *Subtotal* | *$0* | *$1,268,901* | *$1,268,901* |
| ***Costs of issuance*** | | | |
| Capitalized interest | $197,247 | $0 | $197,247 |
| Reserve fund | $246,375 | $0 | $246,375 |
| Ag exemption foreclosure reserve | $5,000 | $0 | $5,000 |
| PID establishment/ operation and other costs of issuance | $213,000 | $0 | $213,000 |
| Underwriter's discount | $106,500 | $0 | $106,500 |
| *Subtotal* | *$768,122* | *$0* | *$768,122* |
| **Total Uses** | **$6,727,090** | **$2,751,549** | **$9,478,638** |

As described in Sections V(I) and VI(A) the City has agreed to use TIRZ Revenues generated from each Parcel to offset a portion of such Parcel's PID assessments. The total Phase #1A Bond par amount to be repaid with the TIRZ Annual Credit Amounts (the "TIRZ Credit Funded Portion") is projected to be $2,093,153 as calculated based on the projected TIRZ Annual Credit Amounts anticipated to be used for offsetting the Annual Installments to be collected from the Phase #1A Assessed Property. The balance of the Phase #1A Bonds to be repaid with the net Annual Installments (the "Net Assessment Funded Portion") is calculated to be $1,456,847 (i.e. $3,550,000 - $2,093,153 = $1,456,847). Accordingly, the Phase #1A Bonds are allocated between the TIRZ Credit Funded Portion and the Net Assessment Funded Portion as shown in Table IV-B below. The detailed breakdown of the estimated Phase #1A Bond debt service amounts is in the schedule included in Appendix E.

**Table IV-B**
**Estimated Sources and Uses**
**Phase #1 Bonds – TIRZ Credit Funded Portion**

| | **Phase #1A Bonds** | | |
|---|---|---|---|
| **Sources of Funds** | **TIRZ Credit Funded Portion** | **Net Assessment Funded Portion** | **Total** |
| Bond par amounts | $2,093,153 | $1,456,847 | $3,550,000 |
| **Total Sources** | **$2,093,153** | **$1,456,847** | **$3,550,000** |
| **Uses of Funds** | | | |
| *Improvements* | | | |
| Road improvements | $413,943 | $288,107 | $702,049 |
| Water distribution system improvements | $157,992 | $109,964 | $267,956 |
| Sanitary sewer improvements | $190,646 | $132,691 | $323,337 |
| Storm drainage improvements | $379,722 | $264,289 | $644,011 |
| Parks and open space improvements | $141,447 | $98,448 | $239,895 |
| Other soft and miscellaneous costs | $359,450 | $250,179 | $609,629 |
| **Subtotal** | **$1,643,200** | **$1,143,678** | **$2,786,878** |
| Estimated Bond issue costs | | | |
| Capitalized interest | $116,301 | $80,946 | $197,247 |
| Reserve fund | $145,268 | $101,107 | $246,375 |
| PID establishment/ operation and other costs of issuance | $125,589 | $87,411 | $213,000 |
| Underwriter's discount | $62,795 | $43,705 | $106,500 |
| **Subtotal** | **$449,952** | **$313,170** | **$763,122** |
| **Total Uses** | **$2,093,153** | **$1,456,847** | **$3,550,000** |

As the Future Phase is developed, Phased PID Bonds may be issued to finance Authorized Improvements that will benefit the new Future Phase and such Phased PID Bonds will be secured by Assessments levied only on the Assessed Property within such Future Phase. For example, Phase #2 Bonds may be issued to finance the Authorized Improvements that will benefit the Assessed Property within Phase #2. The Phased PID Bonds for the Future Phase may also be issued in one or more series of Phased PID Bonds.

The City reserves the right to issue additional parity bonds secured by the Phase #1 Assessment Revenues to finance (or refinance) a portion of Phase #1 Improvements not paid with proceeds of the Phase #1A Bonds. The issuance of such additional bonds will be subject to the conditions and provisions set forth in the Trust Indenture relating to the Phase #1 Bonds. The Phase #1 Bonds may also, subject to the approval of the City Council, be refunded pursuant to the refunding provisions of the Trust Indenture relating to the Phase #1 Bonds. If the debt service on the Series 2016 Phase #1A Bonds is reduced as the result of an economic refunding of those PID bonds, then there would be a corresponding reduction in both TIRZ Annual Credit Amounts and the Annual Installments (i.e., Annual Installments shall be permanently reduced by the same amount the TIRZ Annual Credit Amounts are reduced) which will result in a permanent reduction in the Assessments.

The annual projected costs and annual projected indebtedness is shown by Table IV-C. The annual projected costs and indebtedness is subject to revision and each shall be updated in the Annual Service Plan Update to reflect any changes in the costs or indebtedness expected for each year.

**Table IV-C**

**Annual Projected Costs and Annual Projected Indebtedness – Phase #1**

| Year | Annual Projected Cost | Annual Projected Indebtedness (Phase #1A Bonds and Phase #1 Reimbursement Agreement) | Sources other than Phase #1A Bonds and Phase #1 Reimbursement Agreement |
|---|---|---|---|
| 2016 | $6,727,090 | $5,590,000 | $1,137,090 |
| 2017 | $0 | $0 | $0 |
| 2018 | $0 | $0 | $0 |
| 2019 | $0 | $0 | $0 |
| 2020 | $0 | $0 | $0 |
| **Total** | **$6,727,090** | **$5,590,000** | **$1,137,090** |

The annual projected costs shown in Table IV-C are the annual expenditures relating to the Phase #1 Improvements shown in Table III-A, the costs associated with creating the PID and costs of issuing the Phase #1A Bonds, including reserves shown in Table IV-A, and costs related to the PID Reimbursement Agreement. The difference between the annual projected cost and the annual projected indebtedness, and between the annual projected indebtedness and the principal amount of the bonds each represent an amount funded by the Developer, which may be reimbursed with future bond proceeds to the extent available. As the Future Phase is developed, in association with issuing Phased PID Bonds, this Table IV-C will be updated to identify the Authorized Improvements to be financed by each new series of the Phased PID Bonds and the projected indebtedness resulting from each additional series of the Phased PID Bonds.

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# Section V
# ASSESSMENT PLAN

## A. Introduction

The PID Act requires the City Council to apportion the costs of the Authorized Improvements on the basis of special benefits conferred upon the property because of the Authorized Improvements. The PID Act provides that the costs of the Authorized Improvements may be assessed: (i) equally per front foot or square foot; (ii) according to the value of the property as determined by the governing body, with or without regard to improvements on the property; or (iii) in any other manner that results in imposing equal shares of the cost on property similarly benefited. The PID Act further provides that the governing body may establish by ordinance or order reasonable classifications and formulas for the apportionment of the cost between the municipality and the area to be assessed and the methods of assessing the special benefits for various classes of improvements.

The proposed bond issuance program anticipates a series of bond financings that are intended to finance the public infrastructure required for the development. This financing will necessarily be undertaken in phases to coincide with the private investment and development of the Authorized Improvements. Following the initial Phase #1A Bonds, subsequent financings may be issued over the upcoming years as the subsequent phase(s) of the development are gradually constructed.

The purpose of this anticipated gradual issuance of bonds in phases is to mirror the actual private development of the Authorized Improvements. The Phased PID Bonds to be issued are most prudently and efficiently utilized when directly coinciding with construction of public infrastructure needed for private development that is to occur once the infrastructure is completed; it is most effective to issue the Phased PID Bonds when the infrastructure is needed, not before. Furthermore, there is no economic advantage, and several disadvantages, to issuing debt and encumbering property within the PID prior to the need for the Authorized Improvements.

Additionally, phased issuance of debt will maintain a prudent value to lien ("VtL") within the financing program. In order to maintain a prudent VtL, the initial issuance of Bonds for a specific set of Authorized Improvements may not fund the entire desired level of public infrastructure because the property value is not high enough to support the entire debt burden at the VtL chosen for the development. In that case, the Developer will need to fund the additional infrastructure costs with cash at closing. This cash investment by the Developer for certain Authorized Improvements may be reimbursed by a subsequent parity lien bond financing and /or a reimbursement agreement, such as the PID Reimbursement Agreement. For example, the Phase #1A Bonds to be issued to finance a portion of the Phase #1 Improvements may, subject to the initial bond issuance requirements in the Development Agreement and approval by the City Council, be followed by a second parity lien issuance of Phased PID Bonds (the Phase #1B Bonds) to finance Actual Costs of Phase #1 Improvements not financed by the Phase #1A Bonds.

For purposes of this Service and Assessment Plan, the City Council has determined that the costs of the Phase #1 Improvements shall be allocated as described below:

1. The Authorized Improvement Costs shall be allocated on the basis of the relative value of Parcels once such property is developed, and that such method of allocation will result in

the imposition of equal shares of the costs of the Authorized Improvements to Parcels similarly benefited.

2. The City Council has concluded that larger more expensive homes are likely to be built on the larger lots, and that larger more expensive homes are likely to make greater use of and receive greater benefit from the Authorized Improvements. In determining the relative values of Parcels, the City Council has taken into consideration (i) the type of development (i.e., residential, commercial, etc.), (ii) single-family lot sizes and the size of homes likely to be built on lots of different sizes, (iii) current and projected home process provided by the Developer, (iv) the Authorized Improvements to be provided and the estimated costs, and (v) the ability of different property types to utilize and benefit from the Authorized Improvements.
3. The Assessed Property is classified into different Lot Types as described in Appendix D based on the type and size of proposed development on each Parcel.
4. Equivalent Units are calculated for each Lot Type based on the relative value of each Lot Type.
5. The Phase #1 Improvement costs less the Homeowner Association Special Assessment Allocation are allocated to each Parcel within the Phase #1 Assessed Property based on the total Equivalent Units estimated for each Parcel.

At this time it is impossible to determine with absolute certainty the amount of special benefit each Parcel within the Future Phase will receive from the Authorized Improvements that will benefit each individual phase and that are to be financed with Phased PID Bonds. Therefore, at this time only Parcels within Phase #1 will only be assessed for the special benefits conferred upon the Parcel because of the Phase #1 Improvements.

In connection with the issuance of Phased PID Bonds and/or execution of related reimbursement agreements, this Service and Assessment Plan will be updated to reflect the special benefit each Parcel of Assessed Property within a Future Phase receives from the specific Authorized Improvements funded with those Phased PID Bonds or reimbursement agreement, as applicable, issued with respect to that Future Phase. Prior to assessing Parcels located within the Future Phase in connection with issuance of Phased PID Bonds or reimbursement agreement, as applicable, each owner of the Parcels to be assessed must acknowledge that the Authorized Improvements to be financed confer a special benefit on their Parcel and must consent to the imposition of the Assessments to pay for the Actual Costs of such Authorized Improvements.

This section of this Service and Assessment Plan currently (i) describes the special benefit received by each Parcel within the Phase #1 Assessed Property as a result of the Phase #1 Improvements, (ii) provides the basis and justification for the determination that this special benefit exceeds the amount of the Assessments to be levied on the Phase #1 Assessed Property, and (iii) establishes the methodologies by which the City Council allocates and reallocates the special benefit within Phase #1 of the Phase #1 Improvements to Phase #1 Assessed Property in a manner that results in equal shares of the Actual Costs of such improvements being apportioned to Phase #1 Assessed Property similarly benefited. The determination by the City Council of the assessment methodologies set forth below is the result of the discretionary exercise by the City Council of its legislative authority and governmental powers and is conclusive and binding on the Developer and all future owners and developers of the Assessed Property.

As the Future Phase is developed or in connection with the issuance of Phased PID Bonds, this Service and Assessment Plan will be updated based on the City's determination of the assessment methodology for each Future Phase.

**B. <u>Special Benefit</u>**

Assessed Property must receive a direct and special benefit from the Authorized Improvements, and this benefit must be equal to or greater than the amount of the Assessments. The Authorized Improvements are provided specifically for the benefit of the Assessed Property. The Authorized Improvements (more particularly described in line-item format in Appendix B to this Service and Assessment Plan) and the costs of issuance and payment of costs incurred in the establishment of the PID shown in Table IV-A are authorized by the PID Act. These Authorized Improvements are provided specifically for the benefit of the Assessed Property.

Each owner of the Assessed Property has acknowledged that the Authorized Improvements confer a special benefit on the Assessed Property and has consented to the imposition of the Assessments to pay for the Actual Costs associated therewith. Each of the owners is acting in its interest in consenting to this apportionment and levying of the Assessments because the special benefit conferred upon the Assessed Property by the Authorized Improvements exceeds the amount of the Assessments.

The Authorized Improvements provide a special benefit to the Assessed Property as a result of these improvements being constructed on the Assessed Property or in close proximity to the Assessed Property and the specific purpose of these Authorized Improvements of providing infrastructure for the Assessed Property. In other words, the Assessed Property could not be used in the manner proposed without the construction of the Authorized Improvements. The Authorized Improvements are being provided specifically to meet the needs of the Assessed Property as required for the proposed use of the property.

The Assessments are being levied to provide the Authorized Improvements that are required for the highest and best use of the Assessed Property (i.e., the use of the property that is most valuable, including any costs associated with that use). Highest and best use is defined as "the reasonably probable and legal use of property, which is physically possible, appropriately supported, financially feasible, and that results in the highest value." (*Dictionary of Real Estate Appraisal, Third Edition*.) The Authorized Improvements are required for the proposed use of the Assessed Property to be physically possible, appropriately supported, financially feasible, and maximally productive.

The Developer has evaluated the potential use of the property and has determined that the highest and best use of the property is the use intended and the legal use for the property as described in Section II of this Service and Assessment Plan. The use of the Assessed Property as described herein will require the construction of the Authorized Improvements.

Each owner of the Assessed Property will ratify, confirm, accept, agree to and approve; (i) the determinations and finding by the City Council as to the special benefits described in this Service and Assessment Plan and the Assessment Ordinance; and (ii) the levying of Assessments on the Assessed Property. Use of the Assessed Property as described in this Service and Assessment Plan and as authorized by the PID Act requires that Authorized Improvements be acquired, constructed, installed, and/or improved. Funding the Actual Costs of the Authorized Improvements through the PID has been determined by the City Council to be beneficial to the City and the PID. As a result, the Authorized Improvements result in a special benefit to the Assessed Property, and this special benefit exceeds the amount of the Assessment. This conclusion is based on and supported by the evidence, information, and testimony provided to the City Council.

In summary, the Authorized Improvements result in a special benefit to the Assessed Property for the following reasons:

1. The Authorized Improvements are being provided specifically for the use of the Assessed Property, are necessary for the proposed best use of the property and provide a special benefit to the Assessed Property as a result;

2. The Developer has consented to the imposition of the Assessments for the purpose of providing the Authorized Improvements and the Developer is acting in its interest by consenting to this imposition;

3. The Authorized Improvements are required for the highest and best use of the property;

4. The highest and best use of the Assessed Property is the use of the Assessed Property that is most valuable (including any costs associated with the use of the Assessed Property);

5. Financing of the costs of the Authorized Improvement through the PID is determined to be beneficial; and,

6. As a result, the special benefits to the Assessed Property from the Authorized Improvements will be equal to or greater than the Assessments.

## C. <u>Assessment Methodology</u>

The Actual Costs may be assessed by the City Council against the Assessed Property so long as the special benefit conferred upon the Assessed Property by the Authorized Improvements equals or exceeds the Assessments. The Actual Costs may be assessed using any methodology that results in the imposition of equal shares of the Actual Costs on Assessed Property similarly benefited.

### *1. Assessment Methodology for Phase #1*

For purpose of this Service and Assessment Plan, the City Council has determined that the Actual Costs of the Phase #1 Improvements shall be allocated to the Phase #1 Assessed Property by spreading the entire Assessment across the Parcels based on the estimated Equivalent Units as calculated and shown in Appendix D using the types and number of lots anticipated to be developed on each Parcel within Phase #1. As part of the determination as to the ability of different Lot Types to utilize and benefit from the Authorized Improvements, the City Council has taken into consideration that larger, more expensive homes, on average, will create more vehicle trips and greater demands for water and wastewater consumption, and larger, more expensive homes are likely to be built on larger, more valuable lots placing greater demand on the Authorized Improvements.

Based on the Actual Costs of the Phase #1 Improvements provided by the Developer working with the City's engineers, as set forth in Table III-A, the City Council has determined that the benefit to Phase #1 Assessed Property resulting from the Phase #1 Improvements is at least equal to the Assessments levied on the Phase #1 property.

Upon subsequent divisions of any Parcel, the Assessment applicable to it will then be apportioned pro rata based on the Equivalent Units of each newly created Parcel. For residential Lots, when final residential building sites are platted, Assessments will be apportioned proportionately among each Lot Type based on the ratio of the Equivalent Unit applicable to each Lot Type at the time residential Lots are platted to the total Equivalent Units of all Lots in the platted Parcel, as determined by the Administrator and confirmed by the City Council. The result of this approach is that each final residential Lot within a recorded subdivision plat with similar values will have the same Assessment, with larger, more valuable Lots having a proportionately larger share of the Assessments than smaller, less valuable Lots. As part of the determination as to the ability of different Lot Types to utilize and benefit from the Authorized Improvements, the City Council has taken into consideration that larger, more expensive homes, on average, will create more vehicle trips and greater demands for water and wastewater consumption, and larger, more expensive homes are likely to be built on larger, more valuable lots placing greater demand on the Authorized Improvements.

Allocation of Assessments to Lot Types in Phase #1

As shown in Section IV of this Service and Assessment Plan, the total amount of the Phase #1 Bonds, which represents the total Assessment to be allocated on all Parcels within Phase #1, is $5,590,000. As shown in Appendix D, there are a total of 143.33 estimated Equivalent Units for the residential development in Phase #1, resulting in an Assessment per Equivalent Unit of $39,000.00.

The Assessment per dwelling unit or acre is calculated as the product of (i) $39,000.00 multiplied by (ii) the applicable Equivalent Unit value for each Lot Type. For example, the Assessment for a Lot Type 1 (60 Ft Lot) dwelling unit is $39,000.00 (i.e. $39,000.00 × 1.00). The Assessment for a Lot Type 2 (50 Ft Lot) dwelling unit is $32,500.00 (i.e. $39,000.00 × 0.83). Table E-2 sets forth the Assessment per dwelling unit for each of the two Lot Types in Phase #1.

**Table V-1**
**Assessment per Unit - Phase #1**

| Type | Planned No. of Units | Assessment per Equivalent Unit | Equivalent Unit Factor[1] | Assessment per Unit | | Total Assessments |
|---|---|---|---|---|---|---|
| Lot Type 1 | 65 | $39,000.00 | 1.00 | $39,000.00 | per dwelling unit | $2,535,000 |
| Lot Type 2 | 94 | $39,000.00 | 0.83 | $32,500.00 | per dwelling unit | $3,055,000 |
| Total | 159 | | | | | $5,590,000 |

1 – See Appendix D for the calculation of the Equivalent Unit Factors

The projected leverage calculated based on the estimated land values, finished lot values and home values for each Lot Type is shown in Table V-2 below.

**Table V-2**
**Projected Leverage – Phase #1**

| Lot Type | Planned No. of Units | Estimated Land Value per unit | Estimated Finished Lot Value per unit | Projected Home Value per unit | Assessment per Unit | Leverage (Land Value) | Leverage (Lot Value) | Leverage (Home Value) |
|---|---|---|---|---|---|---|---|---|
| Lot Type 1 | 65 | $30,000 | $81,000 | $405,000 | $39,000 | 0.77 | 2.08 | 10.38 |
| Lot Type 2 | 94 | $25,000 | $67,500 | $337,500 | $32,500 | 0.77 | 2.08 | 10.38 |
| **Total** | **159** | | | | | | | |

The projected tax rate equivalent per unit calculated based on the estimated land values, finished lot values and home values for each Lot Type is shown in Table V-3 below.

**Table V-3**
**Estimated Tax Rate Equivalent per unit – Phase #1**

| Lot Type | Planned No. of Units | Estimated Land Value per unit | Estimated Finished Lot Value per unit | Projected Home Value per unit | Average Annual Installment per unit | Tax Rate Equivalent (per $100 Land Value) | Tax Rate Equivalent (per $100 Lot Value) | Tax Rate Equivalent (per $100 Home Value) |
|---|---|---|---|---|---|---|---|---|
| Lot Type 1 | 65 | $30,000 | $81,000 | $405,000 | $2,980 | $9.93 | $3.68 | $0.74 |
| Lot Type 2 | 94 | $25,000 | $67,500 | $337,500 | $2,483 | $9.93 | $3.68 | $0.74 |
| **Total** | **159** | | | | | | | |

The Assessment and Annual Installments for each Parcel or Lot located within Phase #1 is shown on the Phase #1 Assessment Roll, attached as Appendix E, and no Assessment shall be changed except as authorized by this Service and Assessment Plan and the PID Act.

Appendix D shows the detailed calculation of the Assessment per Equivalent Unit and the Assessment for each Lot type.

2. *Assessment Methodology for the Future Phase*

When any given Future Phase is developed or Phased PID Bonds for that Future Phase are to be issued, this Service and Assessment Plan will be amended to determine the assessment methodology that results in the imposition of equal shares of the Actual Costs on Assessed Property similarly benefited within that Phase.

## D. Assessments

The Assessments for Phase #1 will be levied on each Parcel according to the Phase #1 Assessment Roll, attached hereto as Appendix E. The Annual Installments for the Phase #1 Bonds will be collected at the time and in the amounts shown on the Phase #1 Assessment Roll, respectively, subject to any revisions made during an Annual Service Plan Update.

**E. Administrative Expenses**

The cost of administering the PID and collecting the Annual Installments shall be paid for on a pro rata basis by each Parcel based on the amount of Assessment levied against the Parcel. The Administrative Expenses shall be collected as part of and in the same manner as Annual Installments in the amounts shown on the Assessment Roll, which may be revised based on actual costs incurred in Annual Service Plan Updates.

**F. Prepayment Reserve**

Pursuant to the PID Act, the interest rate for Assessments may exceed the actual interest rate per annum paid on the related Bonds by no more than one half of one percent (0.50%). The interest rate used to determine the Assessments is one half of one percent (0.50%) per annum higher than the actual rate paid on the Bonds, with up to 0.20% of the interest rate component of the Annual Installments allocated to fund the associated interest charged between the date of prepayment of an Assessment and the date on which Bonds are prepaid and up to 0.30% of the interest rate component of the Annual Installments allocated to fund a delinquency reserve account as described below. The prepayment reserve shall be funded until it reaches 1.50% of the outstanding Bonds as stipulated in the Bond documents. Once the prepayment reserve is funded in full, any additional interest collected shall be allocated to fund delinquent payments as described in Section V(H) below.

**G. AG Exemption Foreclosure Reserve**

A reserve in the amount of $5,000 (the “Ag Exemption Foreclosure Reserve”) shall be established and fully funded by the Developer at the time of levying the Assessments on the Assessed Property. Such amount shall be used for the payment of costs of foreclosure proceedings, if any, related to the changes in the agricultural exemption status of the Assessed Property.

**H. Delinquency Reserve**

The City has allocated up to 0.30% of the additional interest rate component of the Annual Installments to offset any possible delinquent payments. This additional reserve shall be funded up to 4% of the outstanding Bonds, but in no event will the annual collection, together with the prepayment reserve, total more than 0.50% of the outstanding Bonds. Once the delinquency reserve is funded in full, the City may allocate up to 0.50% of the additional interest rate component of the Annual Installments to pay for Administrative Expenses, improvement costs, any other use that benefits the Assessed Property or reduce the Assessments, as determined by the City Council.

**I. TIRZ Annual Credit Amount**

Pursuant to the TIRZ Ordinance, the City has agreed to use TIRZ Revenues generated from each Parcel to offset a portion of such Parcel’s PID assessments (the "TIRZ Annual Credit Amount"). The Annual Installment for each Parcel shall be calculated by taking into consideration any TIRZ Annual Credit Amount applicable to the Parcel then on deposit in the TIRZ No. 6 tax increment fund. The TIRZ Annual Credit Amount applicable to each Parcel shall be calculated as described under Section VI (A) of this Service and Assessment Plan.

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## Section VI
## TERMS OF THE ASSESSMENTS

### A. Amount of Assessments and Annual Installments for Parcels Located Within Phase #1

The Assessments, and Annual Installments thereof, for each Parcel of Phase #1 Assessed Property is shown on the Phase #1 Assessment Roll, attached as Appendix E, and no Assessment shall be changed except as authorized by this Service and Assessment Plan and the PID Act.

The Annual Installments shall be collected in an amount sufficient to pay (i) principal and interest on the Phase #1A Bonds, (ii) principal and interest required by the PID Reimbursement Agreement, (iii) to fund the prepayment reserve described in Section V, (iv) delinquency reserve described in Section V, and (v) to cover Administrative Expenses of Phase #1. The Annual Installment for each Parcel shall be calculated by taking into consideration any available capitalized interest and TIRZ Annual Credit Amount applicable to the Parcel. The TIRZ Annual Credit Amount shall be calculated separately for each Parcel and such TIRZ Annual Credit Amount shall be applied on a Parcel-by-Parcel basis.

As described in Section V-I, the TIRZ Revenues attributable to each Parcel of Assessed Property collected in any given year shall be used to calculate each Parcel's TIRZ Annual Credit Amount for such Parcel in the following year (i.e., TIRZ Revenues collected in 2016 shall be used to calculate the TIRZ Annual Credit Amount applicable to Annual Installments to be collected in 2017). TIRZ Annual Credit Amounts shall be calculated for those Parcels that are subject to Assessments in the PID. The Equivalent Units to be used for the calculation of the TIRZ Annual Credit Amount, if applicable, shall be determined by the Administrator based on the information available to the Administrator at the time of such calculations.

### B. Amount of Assessments and Annual Installments for Parcels Located Within the Future Phase

As the Future Phase is developed, this Service and Assessment Plan will be amended to determine the Assessment and Annual Installments for each Assessed Property located within the Future Phase (e.g., an Appendix will be added as the Assessment Roll for Phase #2, etc.). The Assessments shall not exceed the benefit received by the Assessed Property.

### C. <u>Reallocation of Assessments</u>

#### 1. Subdivision

Upon the subdivision of any Parcel, the Assessment for the Parcel prior to the subdivision shall be reallocated among the new subdivided Parcels according to the following formula:

$$A = B \times (C \div D)$$

Where the terms have the following meanings:

A = the Assessment for each new subdivided Parcel
B = the Assessment for the Parcel prior to subdivision
C = the estimated Equivalent Units to be built on each new subdivided Parcel

D = the sum of the estimated Equivalent Units to be built on all of the new subdivided Parcels

The calculation of the estimated number of units to be built on a Parcel shall be performed by the Administrator and confirmed by the City Council based on the information available regarding the use of the Parcel. The estimate as confirmed shall be conclusive. The number of units to be built on a Parcel may be estimated by net land area and reasonable density ratios.

The sum of the Assessments for all newly subdivided Parcels shall equal the Assessment for the Parcel prior to subdivision. The calculation shall be made separately for each newly subdivided Parcel. The reallocation of an Assessment for a Parcel that is a homestead under Texas law may not exceed the Assessment prior to the reallocation and to the extent the reallocation would exceed such amount, it shall be prepaid by such amount by the party requesting the subdivision of the Parcels.

The total Assessment initially allocated to the Phase #1 Assessed Property does not include any allocation of Assessments to the HOA Property. Once a Homeowner Association is created in the PID and Parcel(s) that are owned by the Homeowner's Association appear on the Collin Central Appraisal District ("Collin CAD") records, 1% of the initial total Assessment allocated to the Phase #1 Assessed Property shall be reallocated to such HOA Property.

Any reallocation pursuant to this section shall be reflected in an Annual Service Plan Update approved by the City Council.

**2. Consolidation**

Upon the consolidation of two or more Parcels, the Assessment for the consolidated Parcel shall be the sum of the Assessments for the Parcels prior to consolidation. The reallocation of an Assessment for a Parcel that is a homestead under Texas law may not exceed the Assessment prior to the reallocation and to the extent the reallocation would exceed such amount, it shall be prepaid by such amount by the party requesting the consolidation of the Parcels. Any reallocation pursuant to this section shall be reflected in an Annual Service Plan Update approved by the City Council.

**D. <u>Mandatory Prepayment of Assessments</u>**

1. If a Parcel subject to Assessments is transferred to a party that is exempt from the payment of the Assessment under applicable law, or if an owner causes a Parcel subject to Assessments to become Non-Benefited Property, the owner of such Parcel shall pay to the City the full amount of the principal portion of the Assessment on such Parcel, plus all Prepayment Costs, prior to any such transfer or act.

2. The payments required above shall be treated the same as any Assessment that is due and owing under the PID Act, the Assessment Ordinance, and this Service and Assessment Plan, including the same lien priority, penalties, procedures, and foreclosure specified by the Act.

## E. Reduction of Assessments

1. If after all Authorized Improvements to be funded with a series of Bonds have been completed and Actual Costs for such Authorized Improvements are less than the Authorized Improvement Costs used to calculate the Assessments securing such series of Bonds, resulting in excess Bond proceeds being available to redeem Bonds of such series, then the Assessment securing such series of Bonds for each Parcel of Assessed Property shall be reduced by the City Council pro rata such that the sum of the resulting reduced Assessments for all Assessed Properties equals the actual reduced Actual Costs and such excess Bond proceeds shall applied to redeem Bonds of such series. The Assessments shall not be reduced to an amount less than the related outstanding series of Bonds. If all of the Authorized Improvements are not completed, the City may reduce the Assessments in another method if it determines such method would better reflect the benefit received by the Parcels from the Authorized Improvements completed.

2. If after all Authorized Improvements to be funded with a series of Bonds have been completed and a portion of the Bonds have been redeemed using the TIRZ Annual Credit Amounts or other funds available to the City, then the Assessment securing such series of Bonds for each Parcel of Assessed Property shall be reduced by the City Council pro rata such that the sum of the resulting reduced Assessments for all Assessed Properties equals the remaining outstanding amount(s) of the Bonds after such redemptions. The Assessments shall not be reduced to an amount less than the related outstanding series of Bonds.

3. If all the Authorized Improvements are not undertaken, resulting in excess Bond proceeds being available to redeem Bonds, then the Assessments and Annual Installments for each Parcel shall be appropriately reduced by the City Council to reflect only the amounts required to repay the Bonds, including interest on the Bonds and Collection Costs, and such excess Bond proceeds shall be applied to redeem Bonds. The City Council may reduce the Assessments and the Annual Installments for each Parcel (i) in an amount that represents the Authorized Improvements provided for each Parcel or (ii) by an equal percentage calculated based on Equivalent Units, if determined by the City Council to be the most fair and practical means of reducing the Assessments for each Parcel, such that the sum of the resulting reduced Assessments equals the amount required to repay the Bonds, including interest on the Bonds and Collection Costs. The Principal Portion of the Assessment for each Parcel shall be reduced pro rata to the reduction in the Assessments for each Parcel such that the sum of the resulting reduced Principal Portion of the Bonds is equal to the outstanding principal amount of the Bonds.

## F. Payment of Assessments

### 1. Payment in Full

(a) The Assessment for any Parcel may be paid in full at any time. Such payment shall include all Prepayment Costs. If prepayment in full will result in redemption of Bonds, the payment amount shall be reduced by the amount, if any, of interest through the date of redemption of Bonds and reserve funds applied to the redemption under the Trust Indenture, net of any other costs applicable to the redemption of such Bonds.

(b) If an Annual Installment has been billed prior to payment in full of an Assessment, the Annual Installment shall be due and payable and shall be credited against the payment-in-full amount.

(c) Upon payment in full of the Assessment and all Prepayment Costs, the City shall deposit the payment in accordance with the Trust Indenture; whereupon, the Assessment shall be reduced to zero, and the owner's obligation to pay the Assessment and Annual Installments thereof shall automatically terminate.

(d) At the option of the owner, the Assessment on any Parcel plus Prepayment Costs may be paid in part in an amount sufficient to allow for a convenient redemption of Bonds as determined by the Administrator. Upon the payment of such amounts for a Parcel, the Assessment for the Parcel shall be reduced, the Assessment Roll shall be updated to reflect such partial payment, and the obligation to pay the Annual Installment for such Parcel shall be reduced to the extent the partial payment is made.

**2. Payment in Annual Installments**

The PID Act provides that an Assessment for a Parcel may be paid in full at any time. If not paid in full, the PID Act authorizes the Assessment to be paid in installments and additionally allows the City to collect interest, administrative expenses and other authorized charges in installments. An Assessment for a Parcel that is not paid in full will be collected in Annual Installments each year in the amounts shown on the Assessment Roll, as updated as provided for herein, which include interest, Administrative Expenses, and payments required for the Prepayment Reserve and Delinquency Reserve. Payment of the Annual Installments shall commence with tax bills mailed after the levy of the Assessments.

Each Assessment shall be paid with interest of no more than the lesser of (i) the actual interest rate paid on the Bonds and (ii) ____ percent per annum. The Phase #1 Assessment Roll sets forth for each year the Annual Installment for each Parcel based on an interest rate of 5.25% for the Phase #1 Bonds (and an additional interest at the rate of 0.5% for Administrative Expenses, Prepayment Reserve and Delinquency Reserve) and an interest rate of 3.75% for the PID Reimbursement Agreement. Furthermore, the Annual Installments may not exceed the amounts shown on the Assessment Rolls. The Assessment Roll, shown as Appendix E, will be updated with the actual interest rates on the Bonds.

The Annual Installments shall be reduced to equal the actual costs of repaying the obligations and actual Administrative Expenses (as provided for in the definition of such term), taking into consideration any other available funds for these costs, such as interest income on account balances.

The City reserves and shall have the right and option to refund the Bonds in accordance with Section 372.027 of the PID Act and Chapter 1207 of the Texas Government Code. In the event of such refunding, the Administrator shall recalculate the Annual Installments, and if necessary, may adjust, or decrease, the amount of the Annual Installments so that total Annual Installments of Assessments will be produced in annual amounts that are required to pay the refunding bonds when due and payable as required by and established in the ordinance and/or the indenture authorizing and securing the refunding bonds, and such refunding bonds shall constitute Bonds for purposes of this Service and Assessment Plan.

## G. Collection of Annual Installments

No less frequently than annually, the Administrator shall prepare, and the City Council shall approve, an Annual Service Plan Update to allow for the billing and collection of Annual Installments. Each Annual Service Plan Update shall include an updated Assessment Roll and a calculation of the Annual Installment for each Parcel. Administrative Expenses shall be allocated among Parcels in proportion to the amount of the Annual Installments for the Parcels. Each Annual Installment shall be reduced by any credits applied under the applicable Trust Indenture, such as capitalized interest, interest earnings on any account balances, and any other funds available to the Trustee for such purpose, including any existing deposits to a prepayment reserve. Annual Installments shall be collected by the City in the same manner and at the same time as ad valorem taxes and shall be subject to the same penalties, procedures, and foreclosure sale in case of delinquencies as are provided for ad valorem taxes of the City. The City Council may provide for other means of collecting the Annual Installments to the extent permitted under the PID Act. The Assessments shall have lien priority as specified in the Act.

Any sale of Assessed Property for nonpayment of the Annual Installments shall be subject to the lien established for the remaining unpaid Annual Installments against such Assessed Property and such Assessed Property may again be sold at a judicial foreclosure sale if the purchaser thereof fails to make timely payment of the non-delinquent Annual Installments against such Assessed Property as they become due and payable.

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# Section VII
# THE ASSESSMENT ROLL

## A. Phase #1 Assessment Roll

Phase #1 Assessed Property will be assessed for the special benefits conferred upon such property as a result of the Phase #1 Improvements. Table IV-A summarizes the $6,727,090 in special benefit received by Phase #1 Assessed Property from the Phase #1 Improvements, costs associated with the PID formation, and costs related to the issuance of the Phase #1A Bonds. The total amount of Phase #1A Bonds and PID Reimbursement Agreement is $5,590,000 which is less than the benefit received by Phase #1 Assessed Property, and as such the total Assessment for all Assessed Property within Phase #1 is $5,590,000 plus annual Administrative Expenses, and other authorized charges. The Assessment for each Parcel of Assessed Property within Phase #1 is calculated based on the allocation methodologies described in Section V.C of this Service and Assessment Plan. The Phase #1 Assessment Roll is attached hereto as Appendix E.

## B. Future Phase Assessment Roll

As the Future Phase is developed, this Service and Assessment Plan will be updated to determine the Assessment for each Parcel located within each Future Phase (e.g., an Appendix will be added as the Assessment Roll for Phase #2, etc.).

## C. Annual Assessment Roll Updates

The Administrator shall prepare, and shall submit to the City Council for approval, annual updates to the Phase #1 Assessment Roll in conjunction with the Annual Service Plan Update to reflect the following matters, together with any other changes helpful to the Administrator or the City and permitted by the PID Act: (i) the identification of each Parcel (ii) the Assessment for each Parcel of Phase #1 Assessed Property, including any adjustments authorized by this Service and Assessment Plan and in the PID Act; (iii) the Annual Installment for the Phase #1 Assessed Property for the year (if the Assessment is payable in installments); and (iv) payments of the Phase #1 Assessment, if any, as provided by Section VI(F) of this Service and Assessment Plan.

The Assessment Roll shall be updated, which update may be done in the next Annual Service Plan Update, to reflect the issuance of additional Phase #1 Bonds, if any, and any Phased PID Bonds for the Future Phase, and any obligations owed pursuant to a reimbursement agreement.

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# Section VIII
# MISCELLANEOUS PROVISIONS

## A. Administrative Review

The City may elect to designate a third party to serve as Administrator. The City shall notify Developer in writing at least thirty (30) days in advance before appointing a third party Administrator.

To the extent consistent with the PID Act, an owner of an Assessed Parcel claiming that a calculation error has been made in the Assessment Roll(s), including the calculation of the Annual Installment, shall send a written notice describing the error to the City not later than thirty (30) days after the date any amount which is alleged to be incorrect is due prior to seeking any other remedy. The Administrator shall promptly review the notice, and if necessary, meet with the Assessed Parcel owner, consider written and oral evidence regarding the alleged error and decide whether, in fact, such a calculation error occurred.

If the Administrator determines that a calculation error has been made and the Assessment Roll should be modified or changed in favor of the Assessed Parcel owner, such change or modification shall be presented to the City Council for approval to the extent permitted by the PID Act. A cash refund may not be made for any amount previously paid by the Assessed Parcel owner (except for the final year during which the Annual Installment shall be collected or if it is determined there are sufficient funds to meet the expenses of the PID for the current year), but an adjustment may be made in the amount of the Annual Installment to be paid in the following year. The decision of the Administrator regarding a calculation error relating to the Assessment Roll may be appealed to the City Council. Any amendments made to the Assessment Roll(s) pursuant to calculation errors shall be made pursuant to the PID Act.

The decision of the Administrator, or if such decision is appealed to the City Council, the decision of the City Council shall be conclusive as long as there is a reasonable basis for such determination. This procedure shall be exclusive and its exhaustion by any property owner shall be a condition precedent to any other appeal or legal action by such owner.

## B. Termination of Assessments

Each Assessment shall be extinguished on the date the Assessment is paid in full, including unpaid Annual Installments and Delinquent Collection Costs, if any. After the extinguishment of an Assessment and the collection of any delinquent Annual Installments and Delinquent Collection Costs, the City shall provide the owner of the affected Parcel a recordable "Notice of the PID Assessment Termination".

## C. Amendments

Amendments to the Service and Assessment Plan can be made as permitted or required by the PID Act and under Texas law.

To the extent permitted by the PID Act, the City Council reserves the right to amend this Service and Assessment Plan without notice under the PID Act and without notice to property owners of Parcels:

(i) to correct mistakes and clerical errors; (ii) to clarify ambiguities; (iii) to provide procedures for the collection and enforcement of Assessments, Prepayment Costs, Collection Costs, and other charges imposed by the Service and Assessment Plan, and (iv) as may be required by the Attorney General of Texas in connection with the issuance of any series of Bonds.

## D. Administration and Interpretation of Provisions

The City Council shall administer the PID, this Service and Assessment Plan, and all Annual Service Plan Updates consistent with the PID Act, and shall make all interpretations and determinations related to the application of this Service and Assessment Plan unless stated otherwise herein or in the Trust Indenture; such interpretations and determinations shall be conclusive.

## E. Severability

If any provision, section, subsection, sentence, clause or phrase of this Service and Assessment Plan or the application of same to an Assessed Parcel or any person or set of circumstances is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Service and Assessment Plan or the application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this Service and Assessment Plan that no part hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality, voidness or invalidity of any other part hereof, and all provisions of this Service and Assessment Plan are declared to be severable for that purpose.

If any provision of this Service and Assessment Plan is determined by a court to be unenforceable, the unenforceable provision shall be deleted from this Service and Assessment Plan and the unenforceable provision shall, to the extent possible, be rewritten to be enforceable and to give effect to the intent of the City.

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# Appendix A

## THE PID MAP


kirkman ENGINEERING

# G Bar 7

EXHIBIT B - PROPERTY DEPICTION

CELINA, TX

06.29.15

GRAPHIC SCALE

0 400 800 FEET


kirkman ENGINEERING

# G Bar 7

PHASE I BOUNDARY EXHIBIT

CELINA, TX

04.01.16

GRAPHIC SCALE

0 400 800 FEET

# Appendix B

## AUTHORIZED IMPROVEMENT COSTS

# GLEN CROSSING IMPROVEMENT COST ESTIMATES

| PHASE 1 | PID COSTS | | | NON-PID COSTS | | | TOTAL COST |
|---|---|---|---|---|---|---|---|
| | On-site | Off-site | Total | Onsite & Fees | TIRZ | Total | |
| Lot Grading | $ - | $ - | $ - | $ 292,560 | $ - | $ 292,560 | $ 292,560 |
| Franchise Utilities | $ - | $ - | $ - | $ 238,500 | $ - | $ 238,500 | $ 238,500 |
| Roadway improvements | $ 1,225,231 | $ 275,907 | $ 1,501,138 | $ - | $ - | $ - | $ 1,501,138 |
| Water distribution system improvements | $ 377,810 | $ 195,140 | $ 572,950 | $ 128,700 | $ 280,060 | $ 408,760 | $ 981,710 |
| Sanitary sewer improvements | $ 396,468 | $ 294,898 | $ 691,366 | $ 120,750 | $ 753,258 | $ 874,008 | $ 1,565,374 |
| Storm drainage improvements | $ 1,377,040 | $ - | $ 1,377,040 | $ - | $ - | $ - | $ 1,377,040 |
| Park and open space improvements | $ 512,950 | $ - | $ 512,950 | $ - | $ - | $ - | $ 512,950 |
| **SUBTOTAL** | $ 3,889,499 | $ 765,945 | $ 4,655,444 | $ 780,510 | $ 1,033,318 | $ 1,813,828 | $ 6,469,272 |
| Other soft costs and contingency | $ 1,089,059 | $ 214,464 | $ 1,303,524 | $ 218,543 | $ 289,330 | $ 507,873 | $ 1,811,396 |
| Offsite Easement / ROW acquisition | $ - | $ - | $ - | $ - | $ 160,000 | $ 160,000 | $ 160,000 |
| Celina Parks Fee | $ - | $ - | $ - | $ 226,850 | $ - | $ 226,850 | $ 226,850 |
| NonBQ Fee | $ - | $ - | $ - | $ 42,998 | $ - | $ 42,998 | $ 42,998 |
| **TOTAL** | $ 4,978,558 | $ 980,409 | $ 5,958,968 | $ 1,268,901 | $ 1,482,648 | $ 2,751,549 | $ 8,710,516 |
| Capitalized Interest | | | $ 197,247 | | | | $ (197,247) |
| Debt Service Reserve Fund - Ph 1A | | | $ 246,375 | | | | $ (246,375) |
| Debt Service Reserve Fund - Ph 1B | | | $ 60,444 | | | | |
| Costs of Issuance - PH 1A | | | $ 213,000 | | | | $ (213,000) |
| Costs of Issuance - PH 1B | | | $ 122,400 | | | | |
| Underwriter's Discount - PH 1A | | | $ 106,500 | | | | $ (106,500) |
| Underwriter's Discount - PH 1B | | | $ 61,200 | | | | |
| Total Bond Costs | | | $ 1,007,166 | | | | |
| Par Amount of Bonds - PH 1A | | | $ 3,550,000 | | | | $ 3,550,000 |
| Par Amount of Bonds - PH 1B | | | $ 2,040,000 | | | | |
| | | | | ESCROW FROM PID BOND PROCEEDS | | | $ 2,786,878 |
| Excess Eligible PID Costs over Par Amount of Bonds | | | $ 1,376,134 | DEVELOPER CASH | | | $ 5,923,638 |

# GLEN CROSSING IMPROVEMENT COST ESTIMATES

| | | | Ph 1 | | Ph 2 | | Ph 3 | | Total | |
|---|---|---|---|---|---|---|---|---|---|---|
| | Unit | Unit $ | Units | Ph $ | Units | Ph $ | Units | Ph $ | Units | Ph $ |
| **ROADWAY IMPROVEMENTS (PID)** | | | | | | | | | | |
| Clear, Strip, Grub | Ac | $ 2,500.00 | 42.0 | $ 105,000.00 | 37.00 | $ 92,500.00 | 10.00 | $ 25,000.00 | 89.00 | $ 222,500.00 |
| Import Material | CY | $ 8.50 | - | $ - | 62,000 | $ 527,000.00 | - | $ - | 62,000 | $ 527,000.00 |
| Material Testing | LOT | $ 500.00 | 159 | $ 79,500.00 | 145 | $ 72,500.00 | 45 | $ 22,500.00 | 349 | $ 174,500.00 |
| Geotech | AC | $ 168.54 | 89 | $ 15,000.00 | - | $ - | - | $ - | 89 | $ 15,000.00 |
| 6" Concrete Paving (31' B-B) | SY | $ 33.00 | 25,300 | $ 834,900.00 | 23,500 | $ 775,500.00 | 5,340 | $ 176,220.00 | 54,140 | $ 1,786,620.00 |
| 6" Lime Subgrade | SY | $ 3.00 | 27,830 | $ 83,490.00 | 25,850 | $ 77,550.00 | 5,874 | $ 17,622.00 | 59,554 | $ 178,662.00 |
| Hydrated Lime (36#/SY) | TONS | $ 150.00 | 500.94 | $ 75,141.00 | 465.30 | $ 69,795.00 | 105.73 | $ 15,859.80 | 1,072 | $ 160,795.80 |
| End of Road Barricade | EA | $ 2,000.00 | 1 | $ 2,000.00 | 1 | $ 2,000.00 | - | $ - | 2 | $ 4,000.00 |
| Street Signs | EA | $ 300.00 | 26 | $ 7,800.00 | 16 | $ 4,800.00 | 3 | $ 900.00 | 45 | $ 13,500.00 |
| Barrier Free Ramps | EA | $ 1,400.00 | 16 | $ 22,400.00 | 15 | $ 21,000.00 | 6 | $ 8,400.00 | 37 | $ 51,800.00 |
| Total | | | | $ 1,225,231.00 | | $ 1,642,645.00 | | $ 266,501.80 | | $ 3,134,377.80 |
| **Water (PID)** | | | | | | | | | | |
| 8" PVC | LF | **$ 35.00** | 7,016 | $ 245,560.00 | 5,340 | $ 186,900.00 | 1,300 | $ 45,500.00 | 13,656 | $ 477,960.00 |
| 12" PVC (CR 1117) - Ph 2/3 portion | LF | $ 35.00 | - | $ - | - | $ - | - | $ - | - | $ - |
| 8" Gate Value & Box | EA | $ 1,400.00 | 24 | $ 33,600.00 | 15 | $ 21,000.00 | 4 | $ 5,600.00 | 43 | $ 60,200.00 |
| 12" Gate Value & Box | EA | $ 2,000.00 | - | $ - | - | $ - | - | $ - | - | $ - |
| Connect to Existing | EA | $ 2,500.00 | 2 | $ 5,000.00 | 1 | $ 2,500.00 | 1 | $ 2,500.00 | 4 | $ 10,000.00 |
| Fire Hydrant | EA | $ 3,500.00 | 16 | $ 56,000.00 | 10 | $ 35,000.00 | 4 | $ 14,000.00 | 30 | $ 105,000.00 |
| Cast Iron Fittings | TON | $ 4,150.00 | 5 | $ 20,750.00 | 4 | $ 16,600.00 | 1 | $ 4,150.00 | 10 | $ 41,500.00 |
| Concrete Blocking | CY | $ 98.00 | 3 | $ 294.00 | 3 | $ 294.00 | 1 | $ 98.00 | 7 | $ 686.00 |
| 2" Water Service - Irrigation | EA | $ 480.00 | 6 | $ 2,880.00 | 2 | $ 960.00 | 1 | $ 480.00 | 9 | $ 4,320.00 |
| Air Release Valve | EA | $ 2,500.00 | 1 | $ 2,500.00 | - | $ - | - | $ - | 1 | $ 2,500.00 |
| Trench Safety | LF | $ 1.00 | 7,016 | $ 7,016.00 | 5,340 | $ 5,340.00 | 1,300 | $ 1,300.00 | 13,656 | $ 13,656.00 |
| Testing | LF | $ 0.60 | 7,016 | $ 4,209.60 | 5,340 | $ 3,204.00 | 1,300 | $ 780.00 | 13,656 | $ 8,193.60 |
| Total | | | | $ 377,809.60 | | $ 271,798.00 | | $ 74,408.00 | | $ 724,015.60 |
| **SANITARY SEWER (PID)** | | | | | | | | | | |
| 8" MAIN - SDR-26 | LF | $ 35.00 | 8,630 | $ 302,050.00 | 2,500 | $ 87,500.00 | 1,870 | $ 65,450.00 | 13,000 | $ 455,000.00 |
| 4' Manhole | EA | $ 2,000.00 | 25 | $ 50,000.00 | 7 | $ 14,000.00 | 6 | $ 12,000.00 | 38 | $ 76,000.00 |
| Steel Encasement | LF | $ 250.00 | 100 | $ 25,000.00 | - | $ - | - | $ - | 100 | $ 25,000.00 |
| Trench Safety | LF | $ 1.00 | 8,630 | $ 8,630.00 | 2,500 | $ 2,500.00 | 1,870 | $ 1,870.00 | 13,000 | $ 13,000.00 |
| Post Construction CCTV | LF | $ 1.25 | 8,630 | $ 10,787.50 | 2,500 | $ 3,125.00 | 1,870 | $ 2,337.50 | 13,000 | $ 16,250.00 |
| Total | | | | $ 396,467.50 | | $ 107,125.00 | | $ 81,657.50 | | $ 585,250.00 |

# GLEN CROSSING IMPROVEMENT COST ESTIMATES

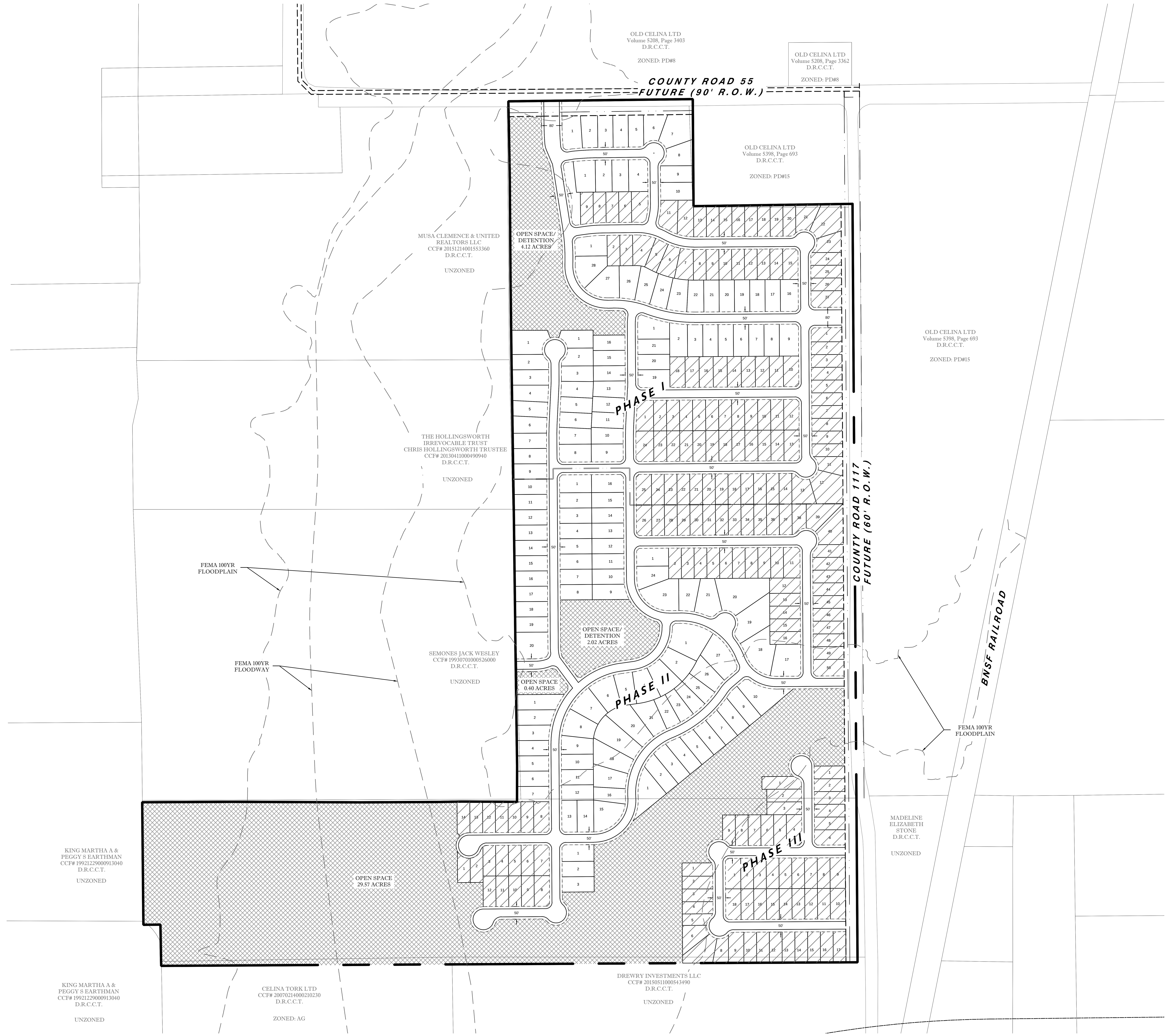
| | | | Ph 1 | | Ph 2 | | Ph 3 | | Total | |
|---|---|---|---|---|---|---|---|---|---|---|
| | Unit | Unit $ | Units | Ph $ | Units | Ph $ | Units | Ph $ | Units | Ph $ |
| **STORM DRAIN (PID)** | | | | | | | | | | |
| Excavation - Pond | CY | $ 3.00 | 261,000 | $ 783,000.00 | 25,000.00 | $ 75,000.00 | 6,600 | $ 19,800.00 | 292,600 | $ 877,800.00 |
| R Walls | LF | $ 50.00 | - | $ - | 2,650 | $ 132,500.00 | - | $ - | 2,650 | $ 132,500.00 |
| 18" RCP | LF | $ 47.00 | 925 | $ 43,475.00 | 650 | $ 30,550.00 | 240 | $ 11,280.00 | 1,815 | $ 85,305.00 |
| 21" RCP | LF | $ 53.00 | 1,700 | $ 90,100.00 | 750 | $ 39,750.00 | 450 | $ 23,850.00 | 2,900 | $ 153,700.00 |
| 24" RCP | LF | $ 61.00 | 910 | $ 55,510.00 | 615 | $ 37,515.00 | 100 | $ 6,100.00 | 1,625 | $ 99,125.00 |
| 27" RCP | LF | $ 66.00 | 290 | $ 19,140.00 | 725 | $ 47,850.00 | - | $ - | 1,015 | $ 66,990.00 |
| 30" RCP | LF | $ 70.00 | - | $ - | 350 | $ 24,500.00 | - | $ - | 350 | $ 24,500.00 |
| 33" RCP | LF | $ 80.00 | - | $ - | 100 | $ 8,000.00 | - | $ - | 100 | $ 8,000.00 |
| 36" RCP | LF | $ 97.00 | 170 | $ 16,490.00 | 100 | $ 9,700.00 | - | $ - | 270 | $ 26,190.00 |
| 42" RCP | LF | $ 130.00 | 340 | $ 44,200.00 | - | $ - | - | $ - | 340 | $ 44,200.00 |
| 54" RCP | LF | $ 175.00 | 165 | $ 28,875.00 | - | $ - | - | $ - | 165 | $ 28,875.00 |
| 10' Std Inlet | EA | $ 3,500.00 | 34 | $ 119,000.00 | 31 | $ 108,500.00 | 7 | $ 24,500.00 | 72 | $ 252,000.00 |
| 15' Std Inlet | EA | $ 4,000.00 | 2 | $ 8,000.00 | 2 | $ 8,000.00 | - | $ - | 4 | $ 16,000.00 |
| 4' x 4' Drop Inlet | EA | $ 4,000.00 | 1 | $ 4,000.00 | - | $ - | - | $ - | 1 | $ 4,000.00 |
| 24" Headwall | EA | $ 3,000.00 | 1 | $ 3,000.00 | 2 | $ 6,000.00 | 1 | $ 3,000.00 | 4 | $ 12,000.00 |
| 30" Headwall | EA | $ 3,375.00 | - | $ - | 3 | $ 10,125.00 | - | $ - | 3 | $ 10,125.00 |
| 33" Headwall | EA | $ 3,500.00 | - | $ - | 1 | $ 3,500.00 | - | $ - | 1 | $ 3,500.00 |
| 36" Headwall | EA | $ 3,750.00 | - | $ - | 2 | $ 7,500.00 | - | $ - | 2 | $ 7,500.00 |
| 54" Headwall | EA | $ 5,000.00 | 2 | $ 10,000.00 | - | $ - | - | $ - | 2 | $ 10,000.00 |
| 36" Culvert with Headwalls | EA | $ 15,000.00 | 2 | $ 30,000.00 | 1 | $ 15,000.00 | 2 | $ 30,000.00 | 5 | $ 75,000.00 |
| Grade to Drain Offsite | LF | $ 12.00 | 700 | $ 8,400.00 | 700 | $ 8,400.00 | - | $ - | 1,400 | $ 16,800.00 |
| 4' X 4' Junction Box | EA | $ 4,250.00 | - | $ - | 1 | $ 4,250.00 | - | $ - | 1 | $ 4,250.00 |
| Pond Outfall Structure | EA | $ 15,000.00 | 1 | $ 15,000.00 | 1 | $ 15,000.00 | - | $ - | 2 | $ 30,000.00 |
| Trench Safety | LF | $ 1.00 | 4,500 | $ 4,500.00 | 3,290 | $ 3,290.00 | 790 | $ 790.00 | 8,580 | $ 8,580.00 |
| Total | | | | $ 1,282,690.00 | | $ 594,930.00 | | $ 119,320.00 | | $ 1,996,940.00 |
| **STORM DRAINAGE - EROSION CONTROL (PID)** | | | | | | | | | | |
| Silt Fence | LF | $ 1.40 | 5,000 | $ 7,000.00 | 5,000 | $ 7,000.00 | 2,800 | $ 3,920.00 | 12,800 | $ 17,920.00 |
| Construction Entrance | EA | $ 5,000.00 | 1 | $ 5,000.00 | 1 | $ 5,000.00 | 1 | $ 5,000.00 | 3 | $ 15,000.00 |
| Drainage Erosion Control | LS | $ 10,000.00 | 1 | $ 10,000.00 | 1 | $ 10,000.00 | 1 | $ 10,000.00 | 3 | $ 30,000.00 |
| Curlex | LF | $ 1.50 | 14,100 | $ 21,150.00 | 13,640 | $ 20,460.00 | 3,130 | $ 4,695.00 | 30,870 | $ 46,305.00 |
| Seeding | AC | $ 300.00 | 5 | $ 1,500.00 | 3 | $ 900.00 | 1 | $ 300.00 | 9 | $ 2,700.00 |
| SWPPP | LS | $ 5,000.00 | 4 | $ 20,000.00 | 1 | $ 5,000.00 | 1 | $ 5,000.00 | 6 | $ 30,000.00 |
| SWPPP Book/Inspection | LS | $ 5,000.00 | 1 | $ 5,000.00 | 1 | $ 5,000.00 | 1 | $ 5,000.00 | 3 | $ 15,000.00 |
| ENVIRONMENTAL MIT - Onsite | LS | $ 10,000.00 | 1 | $ 10,000.00 | 1 | $ 10,000.00 | 1 | $ 10,000.00 | 3 | $ 30,000.00 |
| Inlet Protection | EA | $ 200.00 | 36 | $ 7,200.00 | 33 | $ 6,600.00 | 7 | $ 1,400.00 | 76 | $ 15,200.00 |
| Conduit-2" | LF | $ 10.00 | 750 | $ 7,500.00 | 500 | $ 5,000.00 | 250 | $ 2,500.00 | 1,500 | $ 15,000.00 |
| Total | | | | $ 94,350.00 | | $ 74,960.00 | | $ 47,815.00 | | $ 217,125.00 |

# GLEN CROSSING IMPROVEMENT COST ESTIMATES

| | Unit | Unit $ | Ph 1 Units | Ph 1 Ph $ | Ph 2 Units | Ph 2 Ph $ | Ph 3 Units | Ph 3 Ph $ | Total Units | Total Ph $ |
|---|---|---|---|---|---|---|---|---|---|---|
| **AMENITIES, ENTRYS, OPEN SP (PID)** | | | | | | | | | | |
| Screening Wall | LF | $ 100.00 | 1,785 | $ 178,500.00 | 820 | $ 82,000.00 | 900 | $ 90,000.00 | 3,505 | $ 350,500.00 |
| Landscaping - Wall | LF | $ 170.00 | 1,085 | $ 184,450.00 | 1,520 | $ 258,400.00 | 760 | $ 129,200.00 | 3,365 | $ 572,050.00 |
| Entry | EA | $ 75,000.00 | 2 | $ 150,000.00 | - | $ - | - | $ - | 2 | $ 150,000.00 |
| 6' Hike/Bike Trail | SF | **$ 5.00** | - | $ - | 27,984 | $ 139,920.00 | - | $ - | 27,984 | $ 139,920.00 |
| Dog Park | LS | $ 20,000.00 | - | $ - | 1 | $ 20,000.00 | - | $ - | 1 | $ 20,000.00 |
| Passive Recreational Field | LS | $ 35,000.00 | - | $ - | 1 | $ 35,000.00 | - | $ - | 1 | $ 35,000.00 |
| Outdoor Meeting Space | LS | $ 50,000.00 | - | $ - | 1 | $ 50,000.00 | - | $ - | 1 | $ 50,000.00 |
| Landscape/Irrigation - Trail | LS | $ 75,000.00 | - | $ - | 1 | $ 75,000.00 | - | $ - | 1 | $ 75,000.00 |
| Total | | | | $ 512,950.00 | | $ 660,320.00 | | $ 219,200.00 | | $ 1,392,470.00 |
| PID Sub Total | | | | $ 3,889,498.10 | | $ 3,351,778.00 | | $ 808,902.30 | | $ 8,050,178.40 |
| **Lot Grading (Non-PID)** | | | | | | | | | | |
| Moisture Conditioning | Lot | $ 1,500.00 | 159 | $ 238,500.00 | 145 | $ 217,500.00 | 45 | $ 67,500.00 | 349 | $ 523,500.00 |
| Rough Lot Grading | Lot | $ 200.00 | 159 | $ 31,800.00 | 145 | $ 29,000.00 | 45 | $ 9,000.00 | 349 | $ 69,800.00 |
| Final Lot Grading | Lot | $ 140.00 | 159 | $ 22,260.00 | 145 | $ 20,300.00 | 45 | $ 6,300.00 | 349 | $ 48,860.00 |
| Total | | | | $ 292,560.00 | | $ 266,800.00 | | $ 82,800.00 | | $ 642,160.00 |
| **FRANCHISE UTILITIES (Non-PID)** | | | | | | | | | | |
| Street Lights | EA | $ 4,000.00 | - | $ - | - | $ - | - | $ - | - | $ - |
| Electric | LOT | $ 1,000.00 | 159 | $ 159,000.00 | 145 | $ 145,000.00 | 45 | $ 45,000.00 | 349 | $ 349,000.00 |
| Gas | LOT | $ 500.00 | 159 | $ 79,500.00 | 145 | $ 72,500.00 | 45 | $ 22,500.00 | 349 | $ 174,500.00 |
| Total | | | | $ 238,500.00 | | $ 217,500.00 | | $ 67,500.00 | | $ 523,500.00 |
| **Water (Non-PID)** | | | | | | | | | | |
| 1" Water Service-Resident | EA | $ 800.00 | 159 | $ 127,200.00 | 145 | $ 116,000.00 | 45 | $ 36,000.00 | 349 | $ 279,200.00 |
| 1" Water Service-Amenity | EA | **$ 1,500.00** | 1 | $ 1,500.00 | - | $ - | - | $ - | 1 | $ 1,500.00 |
| Total | | | | $ 128,700.00 | | $ 116,000.00 | | $ 36,000.00 | | $ 280,700.00 |
| **Sewer (Non-PID)** | | | | | | | | | | |
| 1" Water Service-Resident | EA | **$ 750.00** | 159 | $ 119,250.00 | 145 | $ 108,750.00 | 45 | $ 33,750.00 | 349 | $ 261,750.00 |
| 1" Water Service-Amenity | EA | **$ 1,500.00** | 1 | $ 1,500.00 | - | $ - | - | $ - | 1 | $ 1,500.00 |
| Total | | | | $ 120,750.00 | | $ 108,750.00 | | $ 33,750.00 | | $ 263,250.00 |
| **AMENITIES (Non-PID)** | | | | | | | | | | |
| Amenity Center | LS | $ 750,000.00 | - | $ - | - | $ - | - | $ - | - | $ - |
| Landscaping/Irrig - Amenity Cntr | LS | $ 50,000.00 | - | $ - | - | $ - | - | $ - | - | $ - |
| Total | | | | $ - | | $ - | | $ - | | $ - |
| NON-PID Sub Total | | | | $ 780,510.00 | | $ 709,050.00 | | $ 220,050.00 | | $ 1,709,610.00 |
| Grand Total | | | | $ 4,670,008.10 | | $ 4,060,828.00 | | $ 1,028,952.30 | | $ 9,759,788.40 |

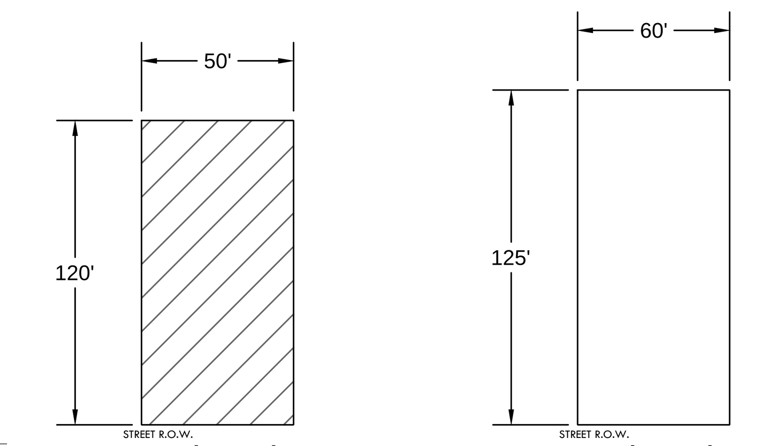
# Appendix C

## DIAGRAMS OF THE AUTHORIZED IMPROVEMENTS




## LEGEND

- OPEN SPACE
- PROPOSED PHASE LINE
- FUTURE CITY ARTERIAL R.O.W.
- 15' LANDSCAPE BARRIER
- PROPERTY LINE




TYPICAL 50'x120' LOT

TYPICAL 60'x125' LOT

## SUMMARY OF LAND USE

| | |
|---|---|
| RESIDENTIAL | 82.9 ACRES |
| OPEN SPACE | 36.1 ACRES |
| GDP AREA | 119.0 ACRES |
| ZONED: PD #23 | |

LOT SUMMARY TABLE

| | 50'x120' LOT | 60'x125' LOT | TOTAL |
|---|---|---|---|
| PHASE I | 94 | 65 | 159 |
| PHASE II | 59 | 83 | 142 |
| PHASE III | 50 | 0 | 50 |
| TOTAL | 203 | 148 | 351 |

GRAPHIC SCALE

0 200 400 FEET

24X36: 1" = 200'
11X17: 1" = N.T.S.

kirkman ENGINEERING
4821 Merlot Avenue, Suite 210
Grapevine, Texas 76051
Phone: 817-488-4960

DEVELOPER/OWNER

WYNNE JACKSON
600 North Pearl Street, Suite 650
Dallas, TX 75201
Phone: 214-880-8600

CELINA TEXAS

| | |
|---|---|
| JOB NUMBER: | WYN14001_GBar7 |
| DESIGNED BY: | CEN |
| DRAWN BY: | CEN |
| CHECKED BY: | PCF |
| ISSUE DATE: | 05-17-16 |
| REV: | |

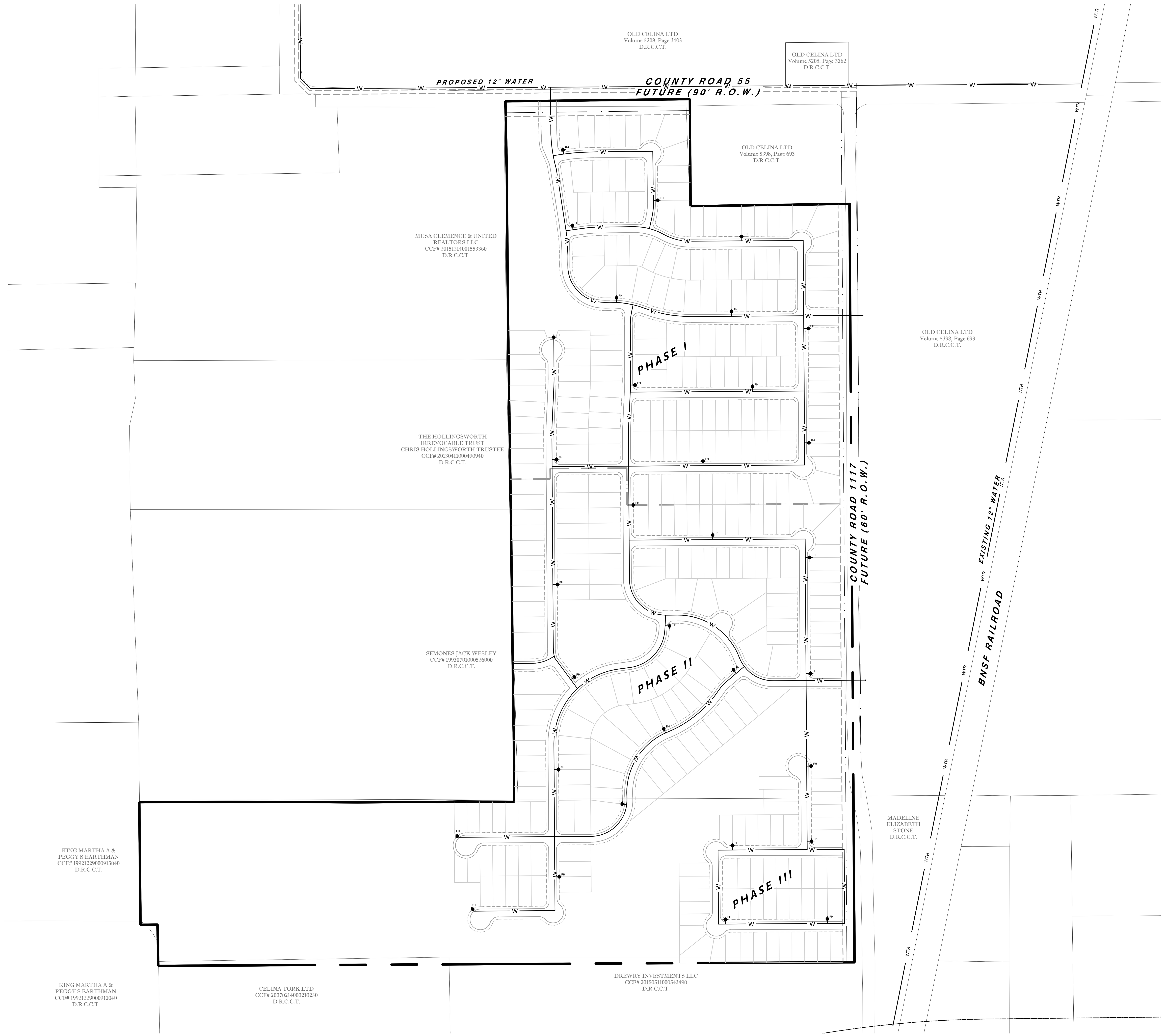
Kirkman Engineering
Texas Firm No: 15874

# GLEN CROSSING

CELINA TEXAS

# GDP PLAN

SHEET:
2.0




## LEGEND

| | |
|---|---|
| PROPOSED 8" WATER LINE (UNLESS OTHERWISE NOTED) | W |
| EXISTING 12" WATER LINE | WTR |
| PROPOSED FIRE HYDRANT | FH |
| PROPOSED PHASE LINE | |
| FUTURE CITY ARTERIAL R.O.W. | |
| 15' LANDSCAPE BARRIER | |
| PROPERTY LINE | |

GRAPHIC SCALE

0 200 400 FEET

24X36: 1" = 200'
11X17: 1" = N.T.S.

kirkman ENGINEERING

4821 Merlot Avenue, Suite 210
Grapevine, Texas 76051
Phone: 817-488-4960

DEVELOPER/OWNER

WYNNE/JACKSON

600 North Pearl Street, Suite 650
Dallas, TX 75201
Phone: 214-880-8600

CELINA TEXAS EST 1876

| | |
|---|---|
| JOB NUMBER: | WYN14001_GBar7 |
| DESIGNED BY: | CEN |
| DRAWN BY: | CEN |
| CHECKED BY: | PCF |
| ISSUE DATE: | 05-17-16 |
| REV: | |

Kirkman Engineering
Texas Firm No: 15874

GLEN CROSSING

CELINA TEXAS

**WATER PLAN**

SHEET:

5.0



FULL PATH: K:\Jobs\WYN14001_GBar7\Drawings\GDP\03 - ProductionK:\Jobs\WYN14001_GBar7\Drawings\GDP\03 - Production\P5.0 WATER PLAN

FILENAME: P5.0 WATER PLAN.dwg
PLOTTED BY: KE-CFILSON

PLOTTED WITH: DWG To PDF.pc3


kirkman
ENGINEERING
4821 Merlot Avenue, Suite 210
Grapevine, Texas 76051
Phone: 817-488-4960

DEVELOPER/OWNER

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Dallas, TX 75201
Phone: 214-880-8600

CELINA TEXAS

| | |
|---|---|
| JOB NUMBER: | WYN14001_GBar7 |
| DESIGNED BY: | CEN |
| DRAWN BY: | CEN |
| CHECKED BY: | PCF |
| ISSUE DATE: | 05-17-16 |
| REV: | |

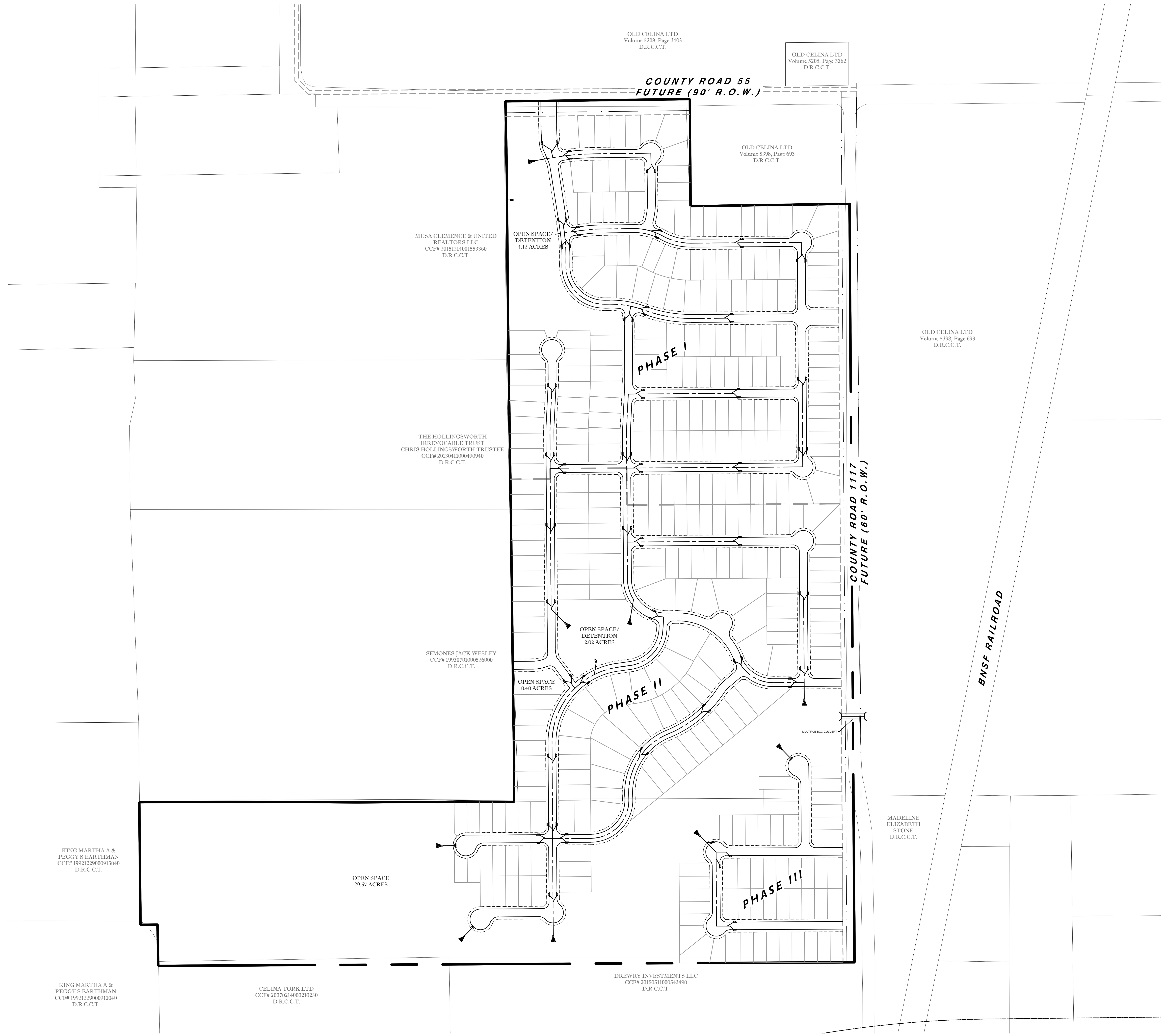
Kirkman Engineering
Texas Firm No: 15874

GLEN CROSSING

CELINA TEXAS

**SEWER PLAN**

SHEET:
6.0




## LEGEND

| | |
|---|---|
| PROPOSED STORM DRAIN SYSTEM | |
| PROPOSED PHASE LINE | |
| FUTURE CITY ARTERIAL R.O.W. | |
| 15' LANDSCAPE BARRIER | |
| PROPERTY LINE | |

GRAPHIC SCALE

0 200 400 FEET

24X36: 1" = 200'
11X17: 1" = N.T.S.

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Grapevine, Texas 76051
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DEVELOPER/OWNER

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Phone: 214-880-8600

CELINA TEXAS EST. 1876

| | |
|---|---|
| JOB NUMBER: | WYN14001_GBar7 |
| DESIGNED BY: | CEN |
| DRAWN BY: | CEN |
| CHECKED BY: | PCF |
| ISSUE DATE: | 05-17-16 |
| REV: | |

Kirkman Engineering
Texas Firm No: 15874

# GLEN CROSSING

CELINA TEXAS

# STORM PLAN

SHEET:

4.0

## SUMMARY

| HARD COST | Total Cost | Developer Cost | City Cost | Phase I | Phase II |
|---|---|---|---|---|---|
| OFFSITE 12" WATER LINE A (DEVELOPER PORTION = 41%) | $242,000.00 | $99,220.00 | $142,780.00 | $242,000.00 | $0.00 |
| OFFSITE 24" SEWER (DEVELOPER PORTION = EQUIVALENT 8" LINE) | $896,818.00 | $227,559.60 | $669,258.40 | $896,818.00 | $0.00 |
| OFFSITE 15" SEWER (400 LF) (DEVELOPER PORTION = 0%) | $44,951.00 | $0.00 | $44,951.00 | $0.00 | $44,951.00 |
| ONSITE 18" SEWER LINE A-1 (DEVELOPER PORTION = EQUIVALENT 12" LINE) | $63,690.00 | $30,690.00 | $33,000.00 | $63,690.00 | $0.00 |
| ONSITE 18" SEWER LINE A-2 (DEVELOPER PORTION = EQUIVALENT 12" LINE) | $225,810.00 | $108,810.00 | $117,000.00 | $0.00 | $225,810.00 |
| ONSITE 24" SEWER LINE B (DEVELOPER PORTION = EQUIVALENT 12" LINE) | $87,648.00 | $36,647.50 | $51,000.50 | $87,648.00 | $0.00 |
| ONSITE 12" SEWER LINE B (DEVELOPER PORTION = 100%) | $15,618.00 | $15,618.00 | $0.00 | $0.00 | $15,618.00 |
| CR 1117 (15" SEWER) (3085 LF) (DEVELOPER PORTION = 0%) | $372,940.00 | $0.00 | $372,940.00 | $0.00 | $372,940.00 |
| CR 1117 (37' B-B) (PAVING/GRADING/DRAINAGE) (DEVELOPER PORTION = 50%) | $1,121,328.00 | $560,664.00 | $560,664.00 | $0.00 | $1,121,328.00 |
| CR 1117 (400' EXT TO CR 55)(37' B-B) (PAVING/GRADING/DRAINAGE) (DEVELOPER PORTION = 0%) | $152,044.00 | $0.00 | $152,044.00 | $0.00 | $152,044.00 |
| FLEX BASE CR 1117 (PHASE I)(1175 LF OF 24' ROAD) DEVELOPER PORTION = 0% | $74,103.00 | $74,103.00 | $0.00 | $74,103.00 | $0.00 |
| CR 1117 (700' EXT TO CR 53)(37' B-B) (PAVING/GRADING/DRAINAGE) (DEVELOPER PORTION = 0%) | $300,000.00 | $0.00 | $300,000.00 | $0.00 | $300,000.00 |
| CR 1117 ROW ACQUISITION | $160,000.00 | $0.00 | $160,000.00 | $160,000.00 | $0.00 |
| CR 55 (HALF SECTION) (PAVING/GRADING/DRAINAGE) (DEVELOPER PORTION = 100%) | $201,804.47 | $201,804.47 | $0.00 | $201,804.47 | $0.00 |
| CR 55 12" WATER LINE (1560 LF) (CITY PORTION = 100%) | $137,280.00 | $0.00 | $137,280.00 | $137,280.00 | $0.00 |
| CR 55 12" WATER LINE (775 LF) (DEVELOPER PORTION = 100%) | $95,920.00 | $95,920.00 | $0.00 | $95,920.00 | $0.00 |
| SCREENING WALL (PH I-1,950 LF CR 1117 & CR 55) (PHII-1,555 LF CR 1117)(DEV PORTION = 100%) | $350,500.00 | $350,500.00 | $0.00 | $178,500.00 | $172,000.00 |
| LANDSCAPING (FOR SCREENING WALL CR 1117 7 CR 55) (DEVELOPER PORTION = 100%) | $572,050.00 | $572,050.00 | $0.00 | $184,450.00 | $387,600.00 |
| ENTRY FEATURES (2) (DEVELOPER PORTION = 100%) | $150,000.00 | $150,000.00 | $0.00 | $150,000.00 | $0.00 |
| POND EXCAVATION (261,000 CY) (DEVELOPER PORTION = 100%) | $913,500.00 | $913,500.00 | $0.00 | $913,500.00 | $0.00 |
| ADDITIONAL PAVING (DIVIDED ENTRY WAY-2,000SY) (DEVELOPER PORTION = 100%) | $64,500.00 | $64,500.00 | $0.00 | $64,500.00 | $0.00 |
| HARD COSTS TOTAL | $6,242,504.47 | $3,501,586.57 | $2,740,917.90 | $3,450,213.47 | $2,792,291.00 |
| SOFT COST (18%) | $1,123,650.80 | $630,285.58 | $493,365.22 | $621,038.42 | $502,612.38 |
| CONTINGENCY (10%) | $624,250.45 | $350,158.66 | $274,091.79 | $345,021.35 | $279,229.10 |
| TOTAL | $7,990,405.72 | $4,482,030.81 | $3,508,374.91 | $4,416,273.24 | $3,574,132.48 |


kirkman ENGINEERING

# G Bar 7

MAJOR IMPROVEMENTS

CELINA, TX

05.19.16

GRAPHIC SCALE 0 400 800 FEET

Attachment: CELINA GLEN CROSSING PID 2016 - PHASE #1 Assessement Ordinance (1659 : Glen Crossing PID SAP ordinance)

# Appendix D

## LOT TYPES AND EQUIVALENT UNITS

## Appendix D
## Lot Types and Equivalent Units

For purposes of calculating and allocating the Assessments, the Assessed Property has been classified in one of two Lot Types. The following table shows the proposed residential Lot Types within the PID.

**Table D-1**
**Proposed Development within the PID**

| Lot Type | Description | Proposed Development |
|---|---|---|
| ***Residential*** | | |
| Lot Type 1 | 60 Ft Lots | 150 units |
| Lot Type 2 | 50 Ft Lots | 199 units |
| ***Total*** | | **349 units** |

Table D-2 below shows the proposed residential Lot Types within Phase #1.

**Table D-2**
**Proposed Development – Phase #1**

| Type | Description | Proposed Development |
|---|---|---|
| ***Residential*** | | |
| Lot Type 1 | 60 Ft Lots | 65 units |
| Lot Type 2 | 50 Ft Lots | 94 units |
| ***Total*** | | **159 units** |

As explained under Section V-C, for purpose of this Service and Assessment Plan, the City Council has determined that the Actual Costs of the Phase #1 Improvements to be financed with the Phases #1 Bonds and the PID Reimbursement Agreement shall be allocated to the Phases #1 Assessed Property by spreading the entire Assessment across the Parcels based on the estimated Equivalent Units.

For purposes of this Service and Assessment Plan, the City Council has determined that the Assessments shall be allocated to the Phases #1 Assessed Property on the basis of the average home value of each Lot Type, and that such method of allocation will result in the imposition of equal shares of the Assessments on Parcels similarly benefited. In determining the average home value of each Lot Type, the City Council has taken into consideration (i) the type of lots (i.e., 60 Ft, 50 Ft, etc.); (ii) current and projected home prices; (iii) the costs of the Authorized Improvements, and (iv) the ability of different property types to utilize and benefit from the Authorized Improvements.

Having taken into consideration the matters described above, the City Council has determined that allocating the Assessments among Parcels based on average home value is best accomplished by creating classifications of benefited Parcels based on the "Lot Types" defined above. These classifications (from Lot Type 1 (60 Ft Lots) representing the highest value to Lot Type 2 (50 Ft Lot) representing the lowest value for residential lots are set forth in Table D-3 below. Assessments are allocated to each Lot Type on the basis of the average home value for each class of lots. This is accomplished by giving each Lot Type an Equivalent Unit factor. Equivalent Units are the ratio of the average value of lots within each assessment class, setting the Equivalent Unit factor for Lot Type 1 (60 Ft Lots) to 1.0.

**Table D-3**
**Equivalent Unit Factors**

| Lot Type | Estimated Average Unit Value | Equivalent Unit Factor |
|---|---|---|
| Lot Type 1 (60 Ft Lot) | $405,000 | 1.00 per dwelling unit |
| Lot Type 2 (50 Ft Lot) | $337,500 | 0.83 per dwelling unit |

The total estimated Equivalent Units for Phase #1 are shown in Table D-4 below as calculated based on the Equivalent Unit factors shown above, estimated Lot Types and number of units estimated to be built within Phase 1.

**Table D-4**
**Estimated Equivalent Units - Phase #1**

| Lot Type | Planned No. of units | Equivalent Unit Factor | Total Equivalent Units |
|---|---|---|---|
| Lot Type 1 (60 Ft Lot) | 65 | 1.00 | 65.00 |
| Lot Type 2 (50 Ft Lot) | 94 | 0.83 | 78.33 |
| **Total Equivalent Units** | **159** | | **143.33** |

# Appendix E

## PROPOSED ASSESSMENT ROLL – Phase #1 Assessed Property

# Appendix E
## Phase #1 Assessment Roll

| | |
|---|---|
| **Parcel** | All Parcels |
| **Assessment** | $5,590,000 |
| **Total Equivalent Units** | 143.33 |

| **Year** | **Principal and Interest** [1] | **Principal and Interest**[2] | **Administrative Expenses**[3] | **Total Annual Installment**[4] |
|---|---|---|---|---|
| 2016 | $214,997 | $76,500 | $30,000 | $321,497 |
| 2017 | $264,125 | $76,500 | $44,268 | $384,893 |
| 2018 | $260,675 | $76,500 | $44,880 | $382,055 |
| 2019 | $262,225 | $121,500 | $45,504 | $429,229 |
| 2020 | $258,488 | $124,813 | $46,141 | $429,441 |
| 2021 | $259,750 | $117,938 | $46,790 | $424,478 |
| 2022 | $260,725 | $121,250 | $47,453 | $429,428 |
| 2023 | $256,413 | $124,375 | $48,129 | $428,916 |
| 2024 | $257,100 | $122,313 | $48,818 | $428,231 |
| 2025 | $257,500 | $120,250 | $49,521 | $427,271 |
| 2026 | $257,613 | $118,188 | $50,238 | $426,038 |
| 2027 | $252,438 | $126,125 | $50,969 | $429,532 |
| 2028 | $252,263 | $123,688 | $51,715 | $427,666 |
| 2029 | $251,800 | $121,250 | $52,476 | $425,526 |
| 2030 | $251,050 | $123,813 | $53,252 | $428,115 |
| 2031 | $250,013 | $121,188 | $54,044 | $425,245 |
| 2032 | $248,688 | $123,563 | $54,852 | $427,102 |
| 2033 | $252,075 | $120,750 | $55,675 | $428,500 |
| 2034 | $249,888 | $122,938 | $56,515 | $429,341 |
| 2035 | $247,413 | $119,938 | $57,372 | $424,723 |
| 2036 | $249,650 | $116,938 | $58,246 | $424,834 |
| 2037 | $246,313 | $118,938 | $59,138 | $424,388 |
| 2038 | $247,688 | $120,750 | $60,047 | $428,485 |
| 2039 | $243,488 | $122,375 | $60,975 | $426,837 |
| 2040 | $244,000 | $118,813 | $61,921 | $424,734 |
| 2041 | $243,938 | $120,250 | $62,886 | $427,074 |
| 2042 | $243,300 | $121,500 | $63,871 | $428,671 |
| 2043 | $242,088 | $122,563 | $64,875 | $429,525 |
| 2044 | $240,300 | $118,438 | $65,899 | $424,637 |
| 2045 | $237,938 | $119,313 | $66,943 | $424,194 |
| 2046 | $0 | $0 | $0 | $0 |
| **Total** | **7,503,934** | **$3,503,258** | **$1,613,414** | **$12,620,607** |

1 - The principal and interest amounts are estimated based on 5.25% rate. The interest amounts shown include the 0.5% additional interest amount to be collected for prepayment and delinquency reserves.

2 - The principal and interest amounts are calculated for the Reimbursement Agreement amount of $2,040,000. The interest amounts shown are calculated based on the estimated rate of 3.75% .

3 - The estimated district administration and assessment collection costs shown will be updated each year in the Annual Service Plan Updates.

4 - The Annual Installments shown do not include any capitalized interest or TIRZ Annual Credit Amount.

# Appendix E
## Phase #1 Assessment Roll

**Lot Type** Lot Type 1 (60' Lot)
**Assessment** $39,000
**Equivalent Units** 1.00

| Year | Principal[1] | Principal[2] | Administrative Expenses[3] | Total Annual Installment[4] |
|---|---|---|---|---|
| 2016 | $1,500 | $534 | $209 | $2,243 |
| 2017 | $1,843 | $534 | $309 | $2,685 |
| 2018 | $1,819 | $534 | $313 | $2,666 |
| 2019 | $1,829 | $848 | $317 | $2,995 |
| 2020 | $1,803 | $871 | $322 | $2,996 |
| 2021 | $1,812 | $823 | $326 | $2,961 |
| 2022 | $1,819 | $846 | $331 | $2,996 |
| 2023 | $1,789 | $868 | $336 | $2,992 |
| 2024 | $1,794 | $853 | $341 | $2,988 |
| 2025 | $1,797 | $839 | $345 | $2,981 |
| 2026 | $1,797 | $825 | $350 | $2,972 |
| 2027 | $1,761 | $880 | $356 | $2,997 |
| 2028 | $1,760 | $863 | $361 | $2,984 |
| 2029 | $1,757 | $846 | $366 | $2,969 |
| 2030 | $1,752 | $864 | $372 | $2,987 |
| 2031 | $1,744 | $845 | $377 | $2,967 |
| 2032 | $1,735 | $862 | $383 | $2,980 |
| 2033 | $1,759 | $842 | $388 | $2,990 |
| 2034 | $1,743 | $858 | $394 | $2,995 |
| 2035 | $1,726 | $837 | $400 | $2,963 |
| 2036 | $1,742 | $816 | $406 | $2,964 |
| 2037 | $1,718 | $830 | $413 | $2,961 |
| 2038 | $1,728 | $842 | $419 | $2,989 |
| 2039 | $1,699 | $854 | $425 | $2,978 |
| 2040 | $1,702 | $829 | $432 | $2,963 |
| 2041 | $1,702 | $839 | $439 | $2,980 |
| 2042 | $1,697 | $848 | $446 | $2,991 |
| 2043 | $1,689 | $855 | $453 | $2,997 |
| 2044 | $1,677 | $826 | $460 | $2,963 |
| 2045 | $1,660 | $832 | $467 | $2,959 |
| 2046 | $0 | $0 | $0 | $0 |
| **Total** | **$52,353** | **$24,441** | **$11,256** | **$88,051** |

1 - The principal and interest amounts are estimated based on 5.25% rate. The interest amounts shown include the 0.5% additional interest amount to be collected for prepayment and delinquency reserves.

2 - The principal and interest amounts are calculated for the Reimbursement Agreement amount of $2,040,000. The interest amounts shown are calculated based on the estimated rate of 3.75% .

3 - The estimated district administration and assessment collection costs shown will be updated each year in the Annual Service Plan Updates.

4 - The Annual Installments shown do not include any capitalized interest or TIRZ Annual Credit Amount.

# Appendix E
## Phase #1 Assessment Roll

| | |
|---|---|
| **Lot Type** | Lot Type 2 (50' Lot) |
| **Assessment** | $32,500 |
| **Equivalent Units** | 0.83 |

| Year | Principal[1] | Principal[2] | Administrative Expenses[3] | Total Annual Installment[4] |
|---|---|---|---|---|
| 2016 | $1,250 | $445 | $174 | $1,869 |
| 2017 | $1,536 | $445 | $257 | $2,238 |
| 2018 | $1,516 | $445 | $261 | $2,221 |
| 2019 | $1,525 | $706 | $265 | $2,496 |
| 2020 | $1,503 | $726 | $268 | $2,497 |
| 2021 | $1,510 | $686 | $272 | $2,468 |
| 2022 | $1,516 | $705 | $276 | $2,497 |
| 2023 | $1,491 | $723 | $280 | $2,494 |
| 2024 | $1,495 | $711 | $284 | $2,490 |
| 2025 | $1,497 | $699 | $288 | $2,484 |
| 2026 | $1,498 | $687 | $292 | $2,477 |
| 2027 | $1,468 | $733 | $296 | $2,497 |
| 2028 | $1,467 | $719 | $301 | $2,486 |
| 2029 | $1,464 | $705 | $305 | $2,474 |
| 2030 | $1,460 | $720 | $310 | $2,489 |
| 2031 | $1,454 | $705 | $314 | $2,472 |
| 2032 | $1,446 | $718 | $319 | $2,483 |
| 2033 | $1,466 | $702 | $324 | $2,491 |
| 2034 | $1,453 | $715 | $329 | $2,496 |
| 2035 | $1,438 | $697 | $334 | $2,469 |
| 2036 | $1,451 | $680 | $339 | $2,470 |
| 2037 | $1,432 | $692 | $344 | $2,467 |
| 2038 | $1,440 | $702 | $349 | $2,491 |
| 2039 | $1,416 | $711 | $355 | $2,482 |
| 2040 | $1,419 | $691 | $360 | $2,469 |
| 2041 | $1,418 | $699 | $366 | $2,483 |
| 2042 | $1,415 | $706 | $371 | $2,492 |
| 2043 | $1,407 | $713 | $377 | $2,497 |
| 2044 | $1,397 | $689 | $383 | $2,469 |
| 2045 | $1,383 | $694 | $389 | $2,466 |
| 2046 | $0 | $0 | $0 | $0 |
| **Total** | **43,628** | **$20,368** | **$9,380** | **$73,376** |

1 - The principal and interest amounts are estimated based on 5.25% rate. The interest amounts shown include the 0.5% additional interest amount to be collected for prepayment and delinquency reserves.

2 - The principal and interest amounts are calculated for the Reimbursement Agreement amount of $2,040,000. The interest amounts shown are calculated based on the estimated rate of 3.75% .

3 - The estimated district administration and assessment collection costs shown will be updated each year in the Annual Service Plan Updates.

4 - The Annual Installments shown do not include any capitalized interest or TIRZ Annual Credit Amount.

# Breakdown of Estimated Bond Debt Service Payments
## Phase#1A Bonds

Parcel All Parcels

| Year ending September 30 | TIRZ Credit Funded Portion | | | Net Assessment Funded Portion | | | Aggregate Phase #1A Bond Debt Service |
|---|---|---|---|---|---|---|---|
| | Principal[1] | Interest[1] | Total Bond Debt Service | Principal[2] | Interest[2] | Total Bond Debt Service | |
| 2017 | $0 | $116,301 | $116,301 | $0 | $80,946 | $80,946 | $197,247 |
| 2018 | $29,646 | $109,891 | $139,537 | $30,354 | $76,484 | $106,838 | $246,375 |
| 2019 | $31,351 | $108,334 | $139,685 | $28,649 | $74,891 | $103,540 | $243,225 |
| 2020 | $33,153 | $106,688 | $139,842 | $31,847 | $73,387 | $105,233 | $245,075 |
| 2021 | $35,060 | $104,948 | $140,007 | $29,940 | $71,715 | $101,655 | $241,663 |
| 2022 | $37,076 | $103,107 | $140,183 | $32,924 | $70,143 | $103,067 | $243,250 |
| 2023 | $39,207 | $101,161 | $140,368 | $35,793 | $68,414 | $104,207 | $244,575 |
| 2024 | $41,462 | $99,102 | $140,564 | $33,538 | $66,535 | $100,073 | $240,638 |
| 2025 | $43,846 | $96,925 | $140,771 | $36,154 | $64,775 | $100,929 | $241,700 |
| 2026 | $46,367 | $94,623 | $140,991 | $38,633 | $62,877 | $101,509 | $242,500 |
| 2027 | $49,033 | $92,189 | $141,222 | $40,967 | $60,848 | $101,815 | $243,038 |
| 2028 | $51,853 | $89,615 | $141,468 | $38,147 | $58,698 | $96,845 | $238,313 |
| 2029 | $54,834 | $86,893 | $141,727 | $40,166 | $56,695 | $96,861 | $238,588 |
| 2030 | $57,987 | $84,014 | $142,001 | $42,013 | $54,586 | $96,599 | $238,600 |
| 2031 | $61,321 | $80,970 | $142,291 | $43,679 | $52,380 | $96,059 | $238,350 |
| 2032 | $64,847 | $77,750 | $142,598 | $45,153 | $50,087 | $95,240 | $237,838 |
| 2033 | $68,576 | $74,346 | $142,922 | $46,424 | $47,717 | $94,141 | $237,063 |
| 2034 | $72,519 | $70,745 | $143,265 | $52,481 | $45,280 | $97,760 | $241,025 |
| 2035 | $76,689 | $66,938 | $143,627 | $53,311 | $42,524 | $95,835 | $239,463 |
| 2036 | $81,099 | $62,912 | $144,011 | $53,901 | $39,725 | $93,627 | $237,638 |
| 2037 | $85,762 | $58,654 | $144,416 | $59,238 | $36,896 | $96,134 | $240,550 |
| 2038 | $90,693 | $54,152 | $144,845 | $59,307 | $33,786 | $93,092 | $237,938 |
| 2039 | $95,908 | $49,390 | $145,299 | $64,092 | $30,672 | $94,764 | $240,063 |
| 2040 | $101,423 | $44,355 | $145,778 | $63,577 | $27,307 | $90,884 | $236,663 |
| 2041 | $107,255 | $39,031 | $146,285 | $67,745 | $23,969 | $91,715 | $238,000 |
| 2042 | $113,422 | $33,400 | $146,821 | $71,578 | $20,413 | $91,991 | $238,813 |
| 2043 | $119,943 | $27,445 | $147,389 | $75,057 | $16,655 | $91,711 | $239,100 |
| 2044 | $126,840 | $21,148 | $147,988 | $78,160 | $12,714 | $90,874 | $238,863 |
| 2045 | $134,134 | $14,489 | $148,622 | $80,866 | $8,611 | $89,478 | $238,100 |
| 2046 | $141,846 | $7,447 | $149,293 | $83,154 | $4,366 | $87,519 | $236,813 |
| 2047 | $0 | $0 | $0 | $0 | $0 | $0 | $0 |
| **Total** | **$2,093,153** | **$2,176,963** | **$4,270,116** | **$1,456,847** | **$1,434,097** | **$2,890,944** | **$7,161,059** |

1 - The estimated principal and interest shares of the TIRZ Credit Funded Portion are calculated based on the TIRZ Annual Credit Amounts estimated to be made available for the Phase #1A Assessed Property once the homes are built and fully appraised.

1 - The estimated principal and interest shares of the Net Assessment Funded Portion are calculated by subtracting the corresponding TIRZ Annual Credit Amounts from the total Phase #1A Bond debt service amounts.

**Planning and Development Services**
City of Celina, Texas

# Memorandum

| | |
|---|---|
| To: | **Honorable Mayor Terry and the Celina City Council** |
| From: | Ben Rodriguez, Planner |
| CC: | Helen-Eve Liebman, Director of Planning and Development Services |
| Date: | July 12, 2016 |
| Re: | Glen Crossing PID Reimbursement Agreement Resolution |

**Action Requested:**
Consider and act upon a resolution of the City Council of the City of Celina, Texas, approving and authorizing the Mayor to execute a Glen Crossing Public Improvement District Reimbursement Agreement between the City of Celina, Texas and W/J CR55 LP. (Glen Crossing) (Liebman)

**Background Information:**
This agreement reimburses funds generated from PID assessments to the developer for internal costs associated with the development.

**Board Review/Citizen Input:**
N/A

**Alternatives:**
N/A

**Financial Considerations:**
The City's Financial Advisor has approved the resolution.

**Legal Review:**
The City's Land Use Attorney has reviewed and approved the proposed resolution.

**Supporting Documents:**
- Proposed resolution

**Staff Recommendation:**

**CITY OF CELINA, TEXAS**

**RESOLUTION NO. ________**

**A RESOLUTION OF THE CITY OF CELINA, TEXAS APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE "PID REIMBURSEMENT AGREEMENT—GLEN CROSSING" BETWEEN THE CITY OF CELINA, TEXAS AND W/J CR55 LP**

**WHEREAS**, on April 12, 2016 the City Council (the "City Council") of the City of Celina, Texas (the "City") adopted Resolution No. 2016-24R creating Glen Crossing Public Improvement District; and

**WHEREAS**, the City desires to approve the "PID Reimbursement Agreement -- Glen Crossing" between the City and W/J CR55 LP ("Reimbursement Agreement"); and

**WHEREAS**, the Reimbursement Agreement satisfies the requirements of Section 372.023 of the Public Improvement District Assessment Act, Texas Local Government Code, Chapter 372, as amended, and is an appropriate method of reimbursement for the Actual Costs (as defined in the Reimbursement Agreement) associated with the construction and development of Authorized Improvements (as defined in the Reimbursement Agreement) within the PID.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CELINA, TEXAS AS FOLLOWS:**

**SECTION 1.** THAT the findings and premises contained in the preamble above are hereby deemed to be true and correct and incorporated herein.

**SECTION 2.** THAT the Reimbursement Agreement, which is attached hereto as Exhibit A, is approved and the Mayor is authorized to execute such Reimbursement Agreement on behalf of the City.

**SECTION 3.** THAT this Resolution shall become effective from and after its date of passage in accordance with law.

[Remainder of Page Intentionally Left Blank; Signatures on Following Page]

**PASSED AND APPROVED, THIS THE 12th DAY OF JULY 2016.**

______________________________
Sean Terry, Mayor

**ATTEST:**

______________________________
Vicki Faulkner, City Secretary

# EXHIBIT A

# REIMBURSEMENT AGREEMENT

**Planning and Development Services**
City of Celina, Texas

# Memorandum

| | |
|---|---|
| To: | **Honorable Mayor Terry and the Celina City Council** |
| From: | Ben Rodriguez, Planner |
| CC: | Helen-Eve Liebman, Director of Planning and Development Services |
| Date: | July 12, 2016 |
| Re: | Revenue Bond Series 2016 |

**Action Requested:**
Consider and act upon of an ordinance approving and authorizing the issuance and sale of the City of Celina, Texas, special assessment revenue bonds, series 2016 (Glen Crossing Public Improvement District Phase #1 project); and approving and authorizing related agreements, and providing an effective date.

**Background Information:**
This ordinance authorized the sale of bonds for the Glen Crossing Project.

**Board Review/Citizen Input:**
N/A

**Alternatives:**
N/A

**Financial Considerations:**
The City's Financial advisor has approved the sale of the bonds

**Legal Review:**
The City's Land Use Attorney has approved the proposed ordinance

**Supporting Documents:**
- Proposed Ordinance

**Staff Recommendation:**

**Planning and Development Services**
City of Celina, Texas

# Memorandum

| | |
|---|---|
| To: | **Honorable Mayor Terry and the Celina City Council** |
| From: | Ben Rodriguez, Planner |
| CC: | Helen-Eve Liebman, Director of Planning and Development Services |
| Date: | July 12, 2016 |
| Re: | <Insert Subject/RE Here> |

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**Action Requested:**
Consider and act upon an ordinance amending the City's Code of Ordinances, Appendix A, Fee Schedule. (Liebman)

**Background Information:**
<Insert Background Info Here>

**Board Review/Citizen Input:**
<Insert Review/Citizen input here>

**Alternatives:**
<Insert Alternative here>

**Financial Considerations:**
<Insert Financial Considerations here>

**Legal Review:**
<Insert Legal Review Here>.

**Supporting Documents:**
<Insert Supporting Documents Here>

**Staff Recommendation:**
Staff recommends approval as presented

**Administration**
City of Celina, Texas

# Memorandum

| | |
|---|---|
| To: | **Honorable Mayor Terry and the Celina City Council** |
| From: | Michael Montgomery, Administrative Services |
| Date: | July 12, 2016 |
| Re: | |

**Action Requested:**
Consider and act upon a resolution of the City Council of the City Of Celina hereinafter referred to as “Applicant”, designating certain officials as being responsible for action for and on behalf of the “Applicant” in dealing with Collin County, hereinafter referred to as “County”; for the purpose of participating in the “County’s” Parks And Open Space Project Funding Assistance Program, hereinafter referred to as the “Program”; certifying that the “Applicant” is eligible to receive program assistance; certifying that the “Applicant” matching share is readily available; and dedicating the proposed site for public recreational uses. (Montgomery)

**Background Information:**
The City of Celina will apply for the 2015 Collin County Open Space Funding Assistance Program. The City will use grant funds to purchase land to expand Old Celina Park.

**Financial Considerations:**
The total project estimate is between $2-$3 million dollars. The City has approximately $2 million on hand dedicated to parks based on previous development agreements.

**Staff Recommendation:**
Approve

# RESOLUTION NO. 2016-XX

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CELINA HEREINAFTER REFERRED TO AS "APPLICANT", DESIGNATING CERTAIN OFFICIALS AS BEING RESPONSIBLE FOR ACTION FOR AND ON BEHALF OF THE "APPLICANT" IN DEALING WITH COLLIN COUNTY, HEREINAFTER REFERRED TO AS "COUNTY"; FOR THE PURPOSE OF PARTICIPATING IN THE "COUNTY'S" PARKS AND OPEN SPACE PROJECT FUNDING ASSISTANCE PROGRAM, HEREIN AFTER REFERRED TO AS THE "PROGRAM"; CERTIFYING THAT THE "APPLICANT" IS ELIGIBLE TO RECEIVE PROGRAM ASSISTANCE; CERTIFYING THAT THE "APPLICANT" MATCHING SHARE IS READILY AVAILABLE; AND DEDICATING THE PROPOSED SITE FOR PUBLIC RECREATIONAL USES.**

**WHEREAS**, the "Applicant" is fully eligible to receive assistance under the "Program"; and

**WHEREAS**, the "Applicant" is desirous of authorizing an official to represent and act for the "Applicant" dealing with the "County" concerning the "Program";

**BE IT THEREFORE RESOLVED BY THE CITY COUNCIL OF THE CITY OF CELINA, TEXAS:**

Section 1: That the "Applicant" hereby certifies that they are eligible to receive assistance under the "program";

Section 2: That the "Applicant" hereby certifies that the maximum matching share of $1,000,000.00 for this application is readily available at this time;

Section 3: That the "Applicant" hereby authorizes and directs the city manager to act for the "Applicant" in dealing with the "County", and is hereby officially designated as the representative in this regard;

Section 4: The "Applicant" hereby specifically authorizes the official to make application to the "County" concerning the sites Abs A0124 Henry Bentley Survey, Tract 30, 4.000 Acres and Abs A0124 Henry Bentley Survey, Tract 10, 14.974 Acres. The site is hereby dedicated for a public park and recreation purposes in perpetuity.

**PASSED THIS 12TH DAY OF JULY, 2016**

__________________________
Sean Terry, Mayor

__________________________
Vicki Faulkner, City Secretary