



**CITY COUNCIL REGULAR MEETING
CELINA ISD ADMIN BLDG., BOARD ROOM
205 S. COLORADO STREET
TUESDAY, JULY 9, 2019
5:00 PM**

AGENDA

I. CALL TO ORDER AND ANNOUNCE A QUORUM PRESENT:

II. PLEDGE OF ALLEGIANCE/INVOCATION:

III. PROCLAMATIONS/PRESENTATIONS/OATHS OF OFFICE:

IV. WORKSESSION/COMMITTEE REPORTS/STAFF REPORTS:

- A. Discussion regarding Downtown Programs. (Wilson)
- B. Staff Reports attached
- C. Discussion regarding any and/or all agenda items.

V. 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.

VI. EXECUTIVE SESSION:

Reconvene Into Open Session

- A. Consider and act upon any items discussed in executive session.

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 11, 2019 5:00 PM

- B. Consider and act upon approval of Canvass documents submitted by the Collin County Elections Administrator for the June 8, 2019 General Runoff Election. (Faulkner)
- C. Consider and act upon a resolution of the City Council of the City of Celina, Texas, accepting a petition to create the Mustang Lakes (Annex) Public Improvement District and calling for a public hearing. (DeBuff)
- D. Consider and act to authorize the purchase of utility meters in the amount of \$ for continual maintenance and repairs. (Berry)
- E. Consider and act upon a resolution authorizing continued participation with the steering committee of cities served by Oncor; and authorizing the payment of eight cents per capita to the Steering Committee to fund regulatory and legal proceedings and activities related to Oncor Electric Delivery Company, LLC. (Toutouchian)
- F. Consider and act upon a resolution authorizing continued participation with the Atmos Cities Steering Committee; and authorizing the payment of five cents per capita to the Atmos Cities Steering Committee to fund regulatory and related activities related to Atmos Energy Corporation. (Toutouchian)

VIII. PUBLIC HEARING/ACTION:

- A. The Celina City Council will conduct the first of two public hearings regarding the proposed voluntary annexation of an approximately 75 acre tract of land within the Extraterritorial Jurisdiction; generally located south of Choate Parkway and approximately 2,500 feet east of Preston Road. (Collin College Annexation) (Mohan)
- B. The Celina City Council will conduct the second of two public hearings and consider and act upon an ordinance on the voluntary annexation of an approximately 8.626 acre tract of land within the Extraterritorial Jurisdiction; generally located south of Choate Parkway and approximately 1,300 feet east of County Road 87. (Huie Property Annexation) (Mohan)
- C. The Celina City Council will conduct a public hearing to consider and act upon an ordinance 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 approximately 8.626 acres of land to Agriculture District (AG), generally located south of Choate Parkway and approximately 1,330 feet east of County Road 87. (Huie Property Zoning) (Mohan)
- D. The City Council of the City of Celina will hold a public hearing to consider testimony and act upon a resolution of the City of Celina, Texas authorizing and creating the Celina Hills Public Improvement District in accordance with Chapter 372 of the Texas Local Government Code. (DeBuff)
- E. The City Council of the City of Celina will hold a public hearing to consider testimony and act upon a resolution of the City of Celina, Texas authorizing and creating the Wilson Creek Meadows Public Improvement District in accordance with Chapter 372 of the Texas Local Government Code. (DeBuff)

- F. 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 accepting and approving a Service and Assessment Plan and assessment roll for the Glen Crossing West 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 the method of assessment and the payment of the assessments in accordance with Chapter 372, Texas Local Government Code, as amended; providing penalties and interest on delinquent assessments. (Glen Crossing West PID Levy) (DeBuff)

IX. ACTION ITEM:

- A. Consider and act upon 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. (Glen Crossing West PID Reimb. Agreement) (DeBuff)
- B. Consider and act upon a resolution of the City of Celina, Texas creating a Census 2020 Complete Count Committee to plan and conduct local educational initiatives, publicity and promotional activities to increase community awareness and participation in the 2020 census. (Howard)

X. ADJOURNMENT:

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



Development Services
City of Celina, Texas

Memorandum

To: **Honorable Mayor Terry and the Celina City Council**
 From: Madhuri Mohan AICP, Planning Manager
 CC: Jason Laumer, City Manager
 Date: July 9, 2019
 Re: **Background Information:**

The City Council adopted the Downtown Master Plan in January 2019. The following programs are steps in the implementation of the plan's strategic measures to encourage investment.

1. Neighborhood Empowerment Zone (NEZ): Originally adopted by City Council in February 2017 with the goal to have minor updates to align with the Downtown Master Plan vision.
2. Downtown Investment Program (DIP)
 - a. Purpose: To substantially enhance the Celina experience and public enjoyment.
 - b. Eligibility: Façade improvements, awnings, signage, public seating, public art, safety upgrades, etc.
 - c. Eligible Area: Downtown overall - area designated by the Downtown Master Plan.
 - d. Funding: Reimbursement grant up to 50% of the project total cost up to \$25,000.
3. Residential Tax Reinvestment Program
 - a. Purpose: Improve the aesthetics of Old Town and support continued reinvestment.
 - b. Eligibility: Physical improvements or additions to exterior of single-family homes in the downtown area (interior and backyard do not qualify).
 - c. Funding: Projects with minimum of \$20,000 expenditure. Participant will receive a one-time tax rebate. Staff will determine changes in the City taxes the first year following reassessment and multiply by ten, with a maximum of \$5,000.

Supporting Documents:

- Staff Presentation

Action Requested:

Discussion regarding Downtown Programs. (Wilson)

Staff Recommendation:

N/A

Downtown Investment Programs Workshop

City Council

July 9, 2019

Attachment: Staff Presentation (Downtown Programs)

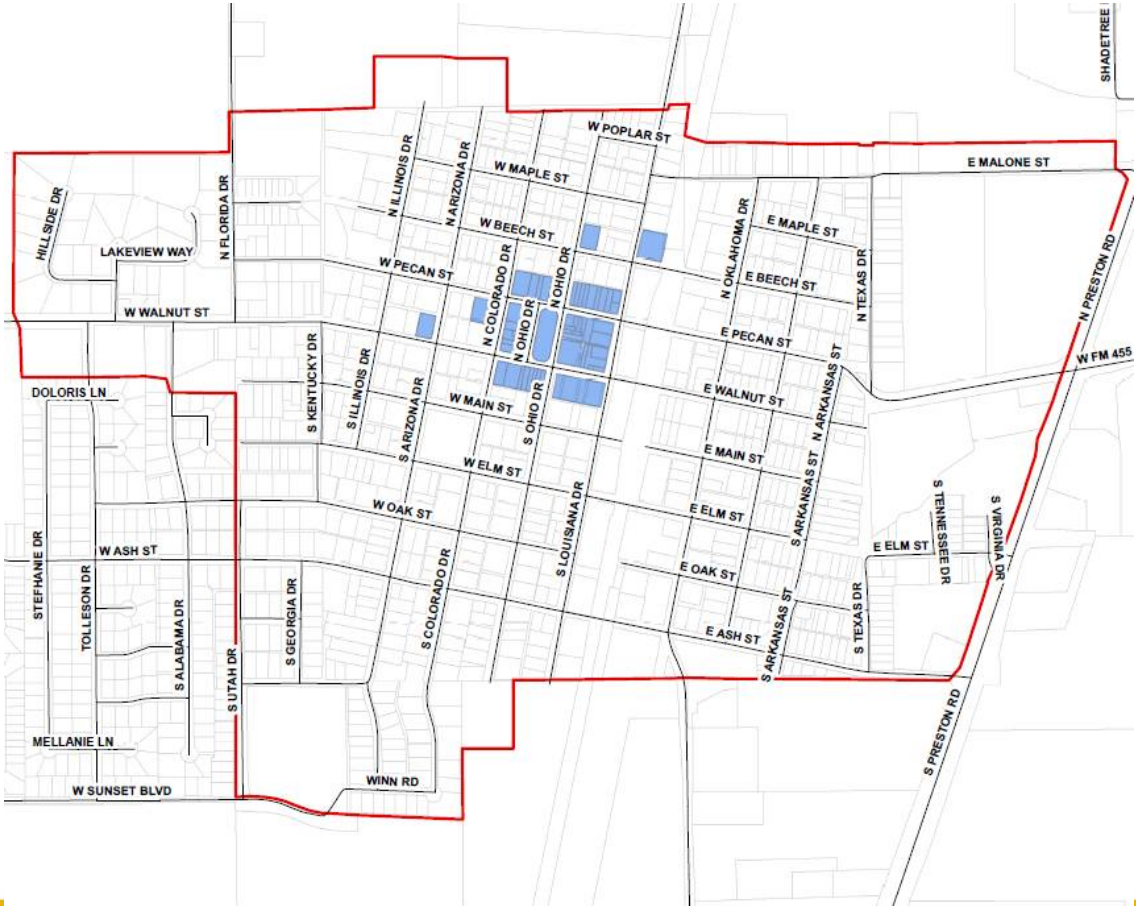


Downtown Investment Programs

- § Two years ago, Council adopted a **Neighborhood Empowerment Zone (NEZ)** in order to encourage development in downtown Celina
- § The **NEZ** geographic areas will be defined as follows:
 - o The Historic Square, and
 - o The remainder of commercial areas in the downtown area (see map)



Revised NEZ Program Map



Attachment: Staff Presentation (Downtown Programs)



Revised NEZ Program Details

- § The NEZ program offers a reduction of building permit fees and impact fees for new construction or remodeling
- § Commercial construction or remodeling will have a 100% reduction in building permit fees in the Historic Square
- § Commercial construction or remodeling outside the Historic Square, but within the NEZ boundary, will have a 75% reduction in building permit fees



Revised NEZ Program Details

- § Single-family residential construction or remodeling will have a 50% reduction in building permit fees in the downtown residential areas
- § Single-family construction or improvements have a minimum spending limit to be eligible and the applicant must incorporate traditional architectural styles desired in Old Town
- § NEZ approval will be by the City Manager or his designee



New Downtown Programs

- § Two new programs are being proposed to augment the effectiveness of the NEZ program:
- o **Downtown Investment Program** (DIP), and
 - o **Residential Tax Reinvestment Program** (RTRP)



Downtown Investment Program

- § The **Downtown Investment Program (DIP)** is proposed to provide grants for meaningful additions to the public realm - including façade improvements, lighting, public art, seating, and other projects that would directly benefit the citizens of Celina as they enjoy the downtown area
- § Grants up to \$25,000 would be available for these projects, with the applicant also contributing an equal or greater amount



Downtown Investment Program



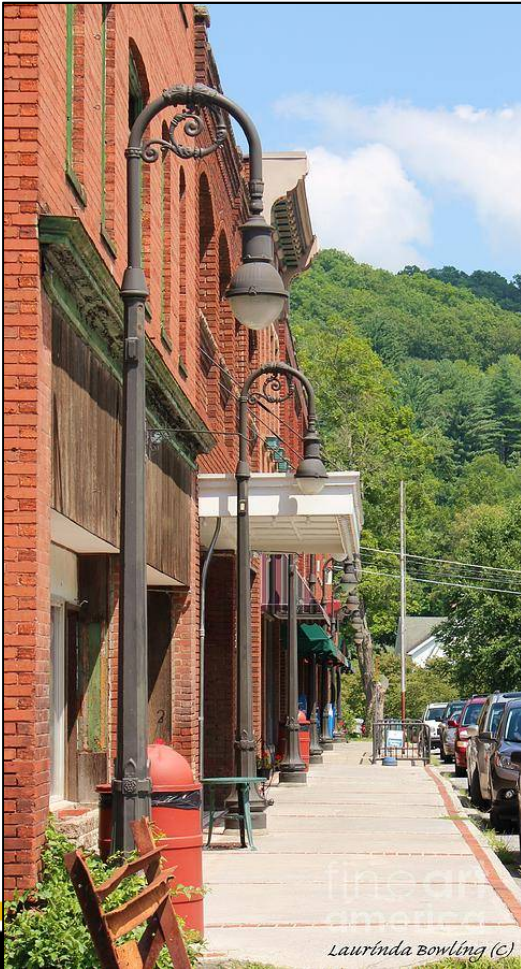
samples of
eligible projects



Attachment: Staff Presentation (Downtown Programs)



Downtown Investment Program



samples of
eligible projects



Attachment: Staff Presentation (Downtown Programs)



Downtown Incentive Program

- § Applicants would submit project scope, total cost, the percentage requested of the City, scheduling, and other pertinent data
- § The Main Street Board would determine eligibility and make recommendations to the City Council for approval
- § The City Council will approve all expenditures, based on available funds
- § Funds are generated from franchise utilities' rental fees for locating antennas on City structures

Residential Tax Reinvestment

- § The Residential Tax Reinvestment Program provides a one-time payment based on the city ad valorem tax increase due to a significant improvement to a residential exterior
- § Applicants must spend a minimum of \$20,000 on the improvement to qualify
- § Staff would track the spending to verify the costs, and at the end of the project, determine if the minimum has been spent



Residential Tax Reinvestment

- § Following the county re-appraisal due to the exterior improvement, and upon receipt of a revised property tax bill, the applicant would provide documentation of the increase in City taxes due to the improvement
- § The City would then provide a one-time payment that is 10 times the increase in City property tax (not the entire increase in property taxes) to the applicant, up to a maximum of \$5,000, based on available funds



Residential Tax Reinvestment

- § The purpose of this program is to incentivize private citizens to invest in the Old Town residential areas and not only maintain, but significantly improve, the street value of their home
- § Grants shall be made as funds are available



Residential Tax Reinvestment



example of an
eligible project



Downtown Programs

- § Using these programs together would provide applicants with significant incentives to improve their properties, whether downtown commercial buildings or single-family residences
- § The two new programs are ready to be adopted, and the NEZ has a several proposed revisions to be considered
- § Staff would appreciate any feedback or suggestions for improvements to these programs



City Secretary
City of Celina, Texas

Memorandum

To: **Honorable Mayor Terry and the Celina City Council**
From: Vicki Faulkner, City Secretary
CC: Jason Laumer, City Manager
Date: July 9, 2019
Re: Staff reports

Action Requested:
Staff Reports attached

Background Information:
Monthly staff reports.

Board Review/Citizen Input:

Alternatives:

Financial Considerations:

Legal Review:

Supporting Documents:

Staff Recommendation:



Celina Fire Department
City of Celina, Texas

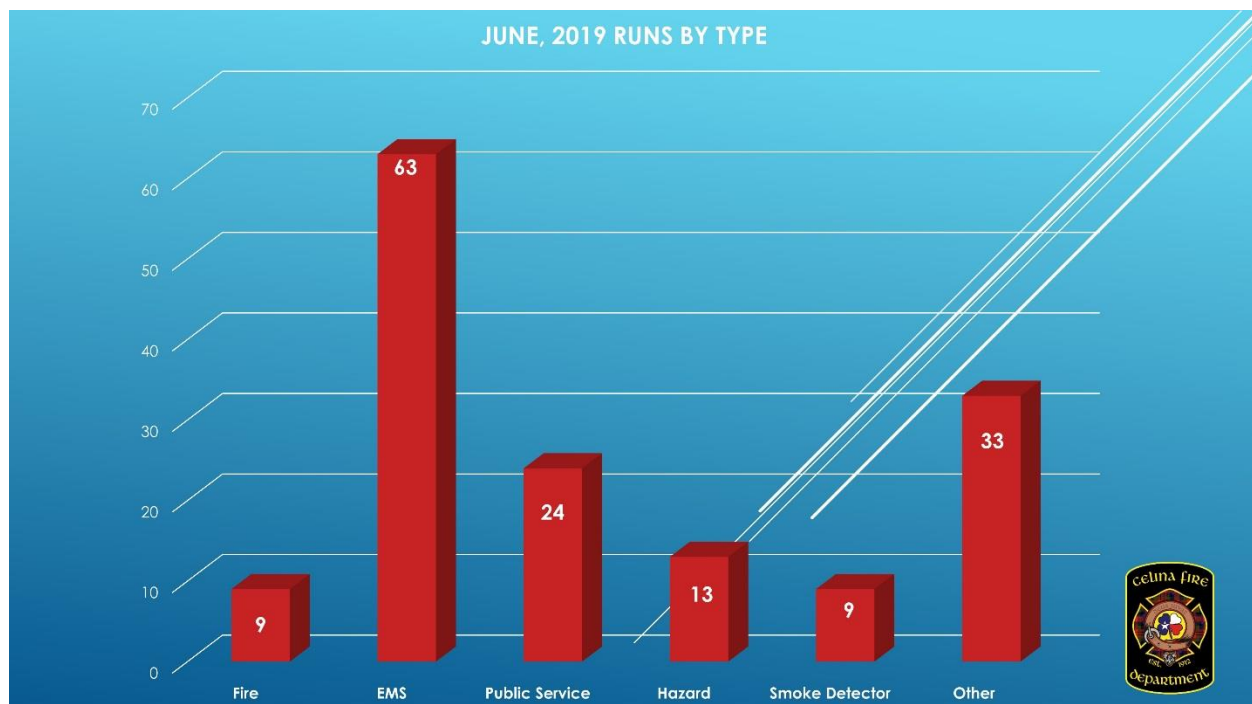
MEMORANDUM

To: Honorable Mayor Sean Terry and the Celina City Council
 From: Mark Metdker, Fire Chief/Fire Marshal
 CC: Jason Laumer, City Manager
 Date: 7/9/2019
 Re: June 2019 Fire Department Activity Report

This is the June Fire Department monthly report. It will detail the activity from Operations, EMS, Emergency Management and Fire Prevention. As always, thanks for your continued support of your Fire Department. Please contact me with any questions or comments.

Calls for Service

Celina FD had a busy month with 151 calls for service. 63 calls were EMS related



Attachment: Fire Report July 2019 (Staff Reports)

Celina FD breakdown of calls by month



2019 projections forecast an overall increase in calls



Fire Prevention Monthly Report

Month – June 2019

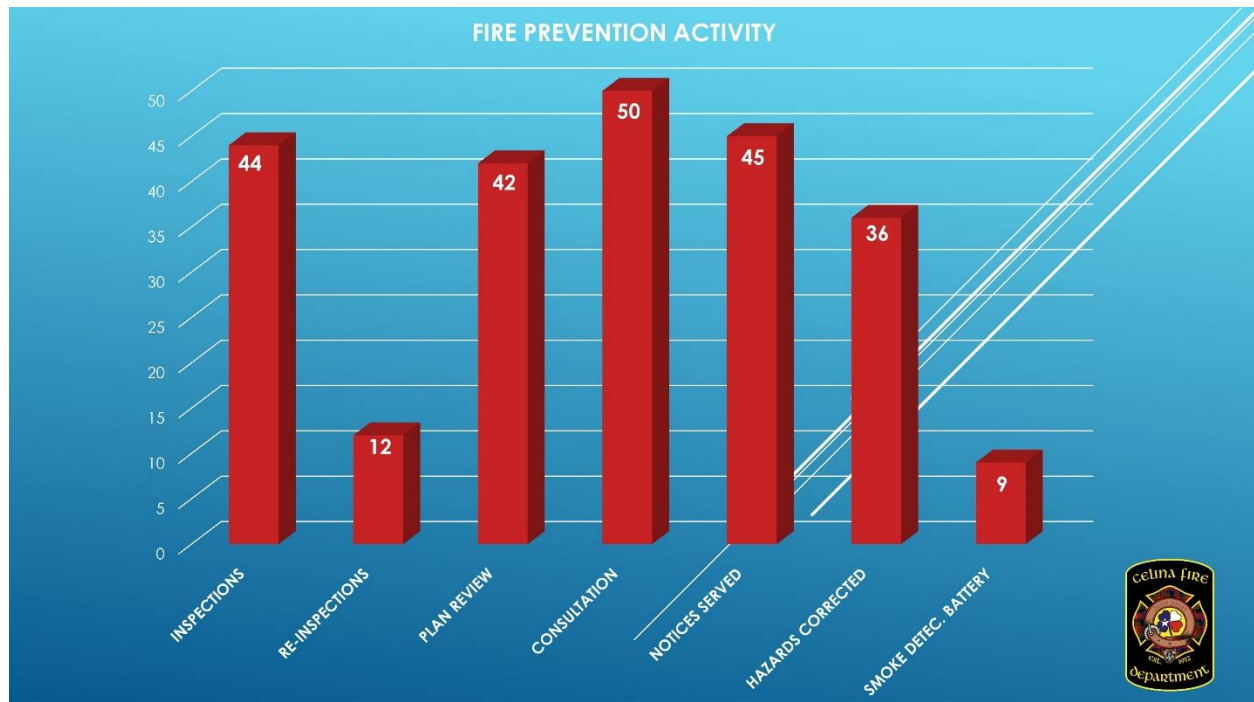
Fire Prevention and Inspections

Fire Marshal Friday

Training over Methodist Church with the crews and new hires.

Projects for June 2019

Smoke Detector Battery Replacement Program
 Weekly DRC Meetings on New Construction Projects
 Keller Williams Building (Completed)
 Celina Sports Complex (New Construction)
 Kimley Horn Tenant Finish out (Completed)
 Fire Station # 2
 Bongo Beaux (New Construction)
 Prosper School # 12 Mustang Lakes (New Construction)
 City Buildings Axxen, City Hall, EDC (Remodel)



Attachment: Fire Report July 2019 (Staff Reports)

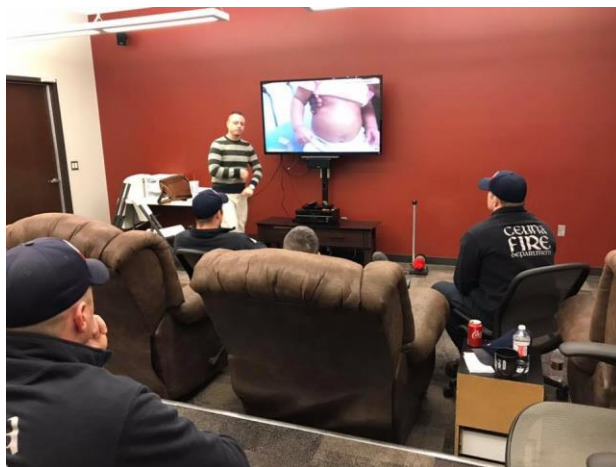
Operations/EMS/Emergency Management/Training

Month – June 2019

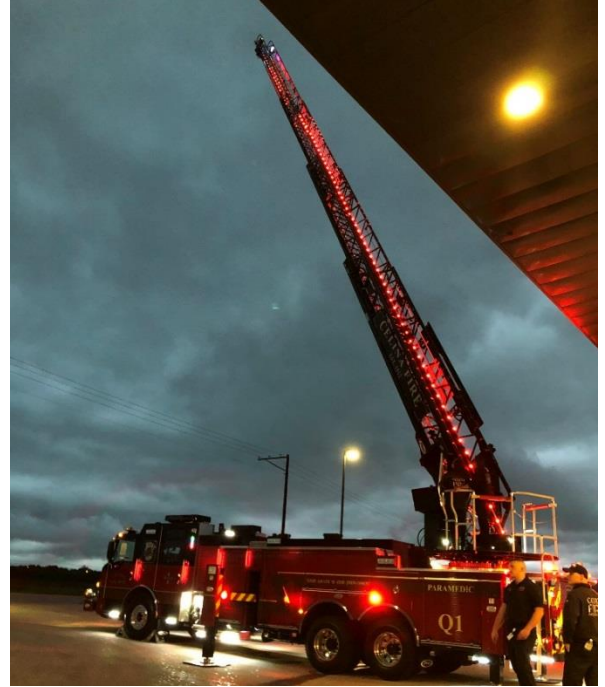
Updates

EMS/FIRE

- **North Central Texas Trauma Regional Advisory Council (NCTTRAC)** – Attended a training meeting at the NCTTRAC in Arlington. The subject was the EMS committee meeting. Continued updates on local issues with EMS including inter agency training and collaboration. At this meeting lined up future continuing education opportunities.
- **Baylor Scott and White McKinney Meeting**– Attended EMS/ Hospital partnership meeting discussing Trauma activations and the upcoming infectious disease presentation. Regional meeting of all EMS agencies in the surrounding area.
- **Collin County Fire Chief's Meeting**- Attended the Collin County Fire Chief's Meeting to discuss multi-jurisdictional issues and innovations with other chief officers within the county
- **Smoke Detector Battery Replacement Program**- Continued with the smoke detector battery replacement program to install new smoke detector batteries for all residents.
- **Structure Fire** – Celina Fire responded to a structure fire on Tolleson. Frisco FD, Gunter FD, and Celina FD all responded to the lightning strike attic fire. The flames were contained to the attic itself and all exposures were protected.
- **Station 2** - Station 2 is currently under construction, the building structure is starting to go up and everything is starting to come together.
- **Quint 1** – Quint 1 has arrived at the station and training is still currently under way.
- **Cadaver Lab/Medical CE** – Crews participated in a skills based Cadaver Lab as well as MCP delivered medical CE's at Station # 1



Attachment: Fire Report July 2019 (Staff Reports)



Attachment: Fire Report July 2019 (Staff Reports)

OURCELINA
Ready to Help You
OURGUNTER
Ready to Help You



OURCELINA
Ready to Help You
OURGUNTER
Ready to Help You



Attachment: Fire Report July 2019 (Staff Reports)



Attachment: Fire Report July 2019 (Staff Reports)

TRAINING

- **Paramedic School** – Seven Firefighter/EMT's are in preparation to attend Paramedic school.
- **Ladder Truck Training**- Pierce sent a trainer down to help Celina FD train on the new ladder truck and all three shifts continued to train on the new ladder truck.
- **CoServ Electrical Training**- CoServ conducted electrical safety training
- **Shift Level Training**- All crews participated in shift level training to include all fire ground operations



Attachment: Fire Report July 2019 (Staff Reports)



Attachment: Fire Report July 2019 (Staff Reports)

Public Relations

6/1 – Brookshire's Public Safety Day

6/8 – Mustang Lakes Pool Safety

6/8 – Creeks of Legacy HOA Event

6/14 – Summer Reading on the Square

6/22 – Keller Williams Client Appreciation Fair

6/22 – Food Drive at Celina Ninja Fitness

6/24 – Senior Citizens Lunch

6/29 – Barn Yard Fund Raiser at Light Farms

All Month- Donations for Settlers Ridge



Attachment: Fire Report July 2019 (Staff Reports)



Attachment: Fire Report July 2019 (Staff Reports)



Attachment: Fire Report July 2019 (Staff Reports)



Attachment: Fire Report July 2019 (Staff Reports)

Emergency Management

- **Revised Emergency Management EOC Activation Plan** – Revised the draft EOC activation procedure. This includes a ramping up phased approach to EOC activation. This will outline the roles and responsibilities of all major departments within the city and allow for mutual aid from other agencies. This procedure is still a work in progress and will continue to be revised
- **Tested Outdoor Weather Notification-** Tested all LAWS and Warning Sirens in the city. Ensured that all outdoor warning systems are working properly. Updated the monthly testing log to document successful tests
- **Emergency Management Coordinator Meeting** – Attended monthly emergency management coordinator meeting at Collin County Sherriff's Office. Involving all Collin County Emergency managers
- **Tier II Chemical Reports-** Submitted all Tier II chemical storage reports for businesses in the City of Celina to Collin County Emergency Management Department
- **UAV Certification-** Ongoing process for the Federal Aviation certification to operate and deploy a drone UAV. This program will allow for recon of major fires or other extended emergency operations. This drone will have thermal imaging capabilities.
- **Emergency Operations/THIRA Planning-** Continued to refine the City of Celina Specific Emergency Operations plan and Threat/Hazard assessment plan. Currently we are working under Collin County blanket plans. This is the first step in receiving government grants for emergency management projects.

Thanks for your continued support of the Celina Fire Department. If you have any questions or comments, please let me know. mmetdker@celina-tx.gov

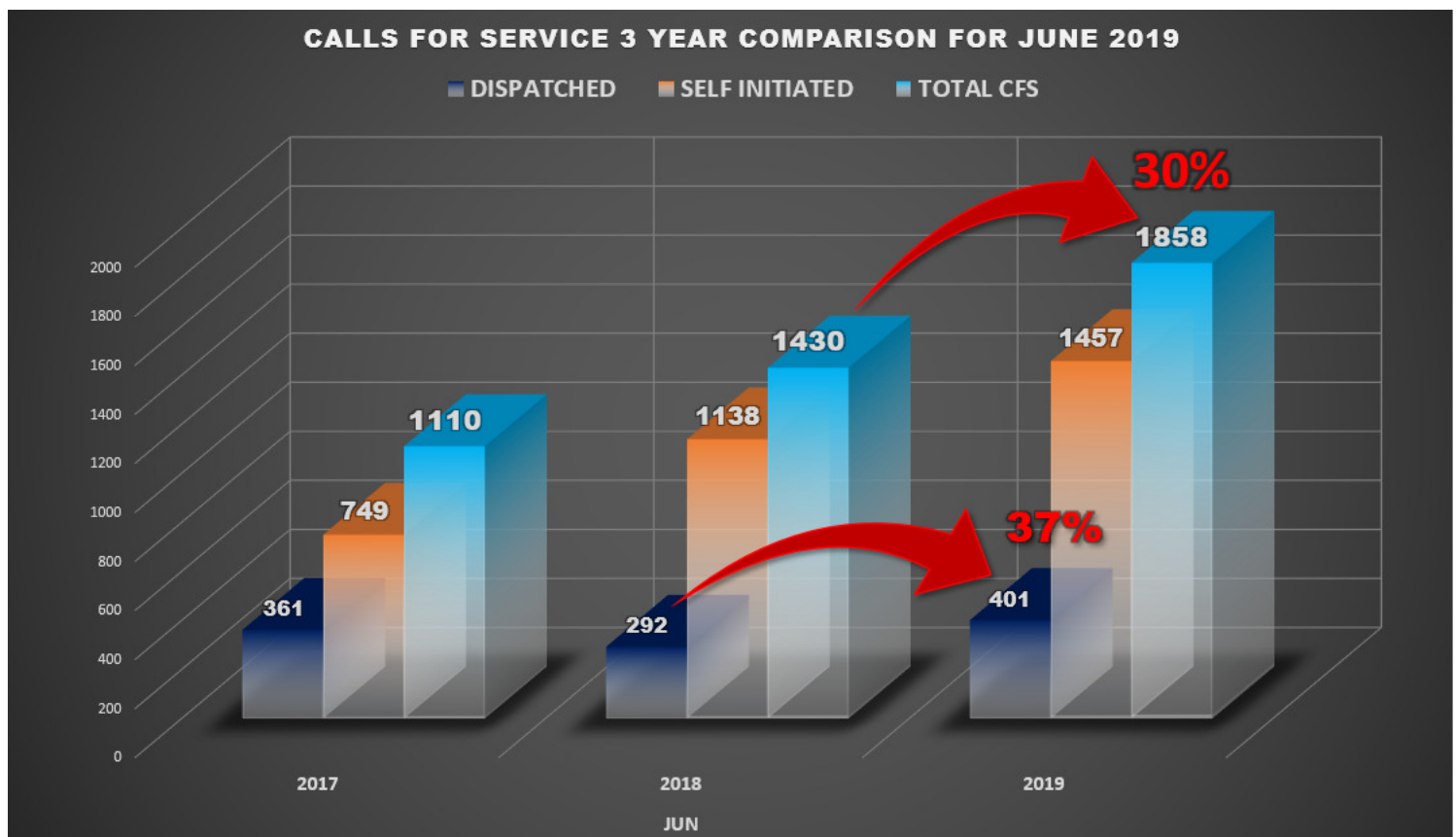


Celina Police Department
City of Celina, Texas

MEMORANDUM

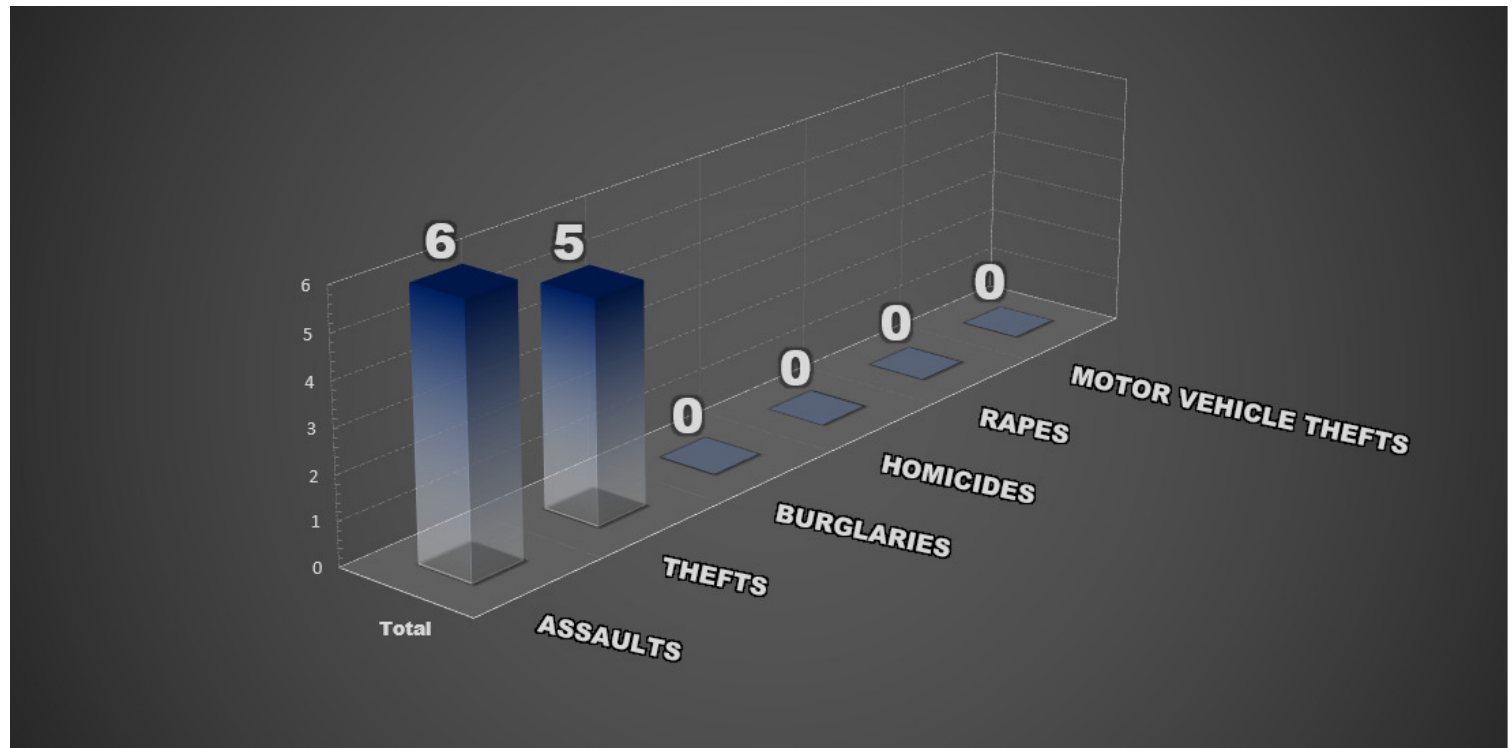
To: Honorable Mayor, Sean Terry and the Celina City Council
From: Tony Griggs, Chief of Police
CC: Jason Laumer, City Manager
Date: 07/09/2019
Re: June 2019 Monthly Police Report

In June 2019, we recorded 1858 Total Calls for Service. Compared to June 2018, our Total Calls for Service increased 30%. Dispatched calls for service increased 37% (Compared to June 2018, there was an increase of 109 more dispatched calls for service.)

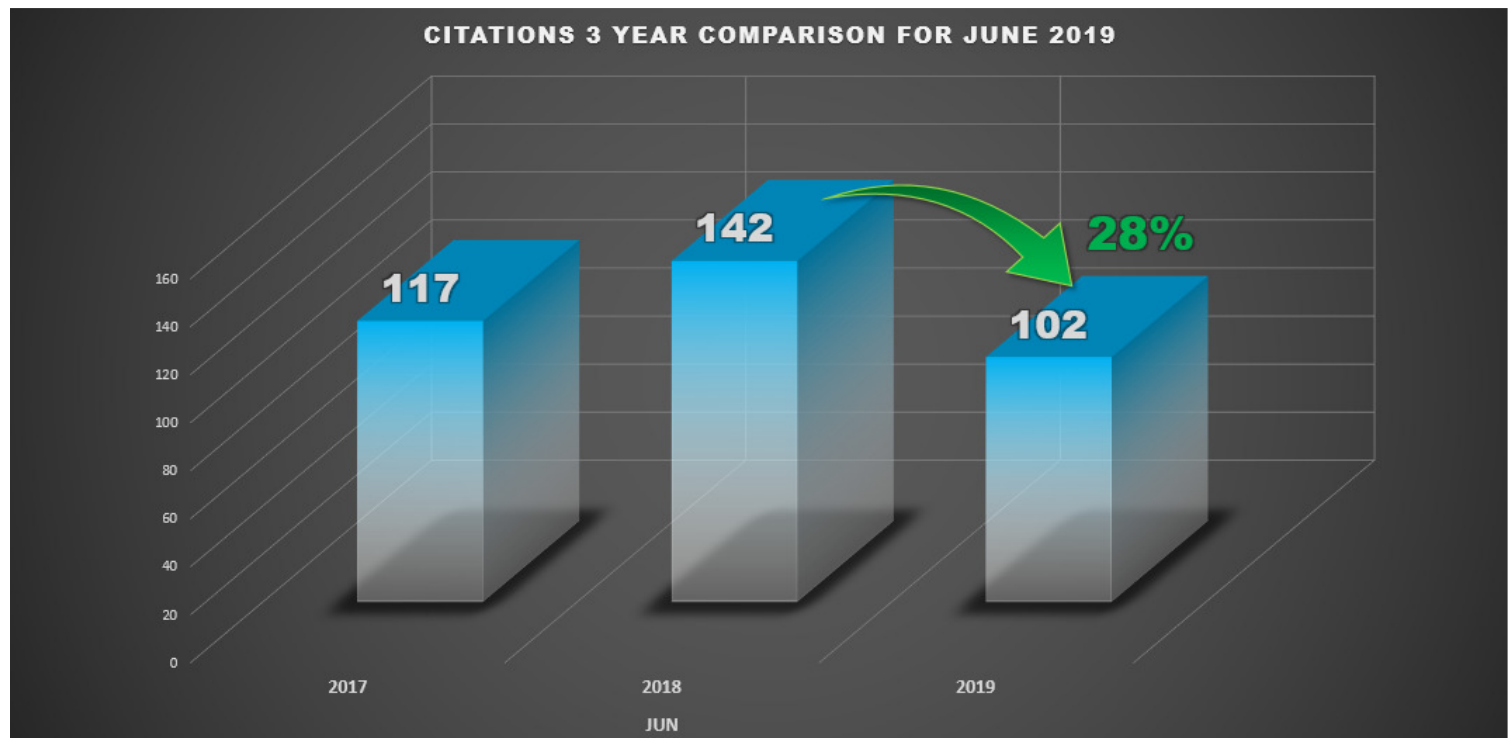


Attachment: Police 2019 July Monthly Report (Staff Reports)

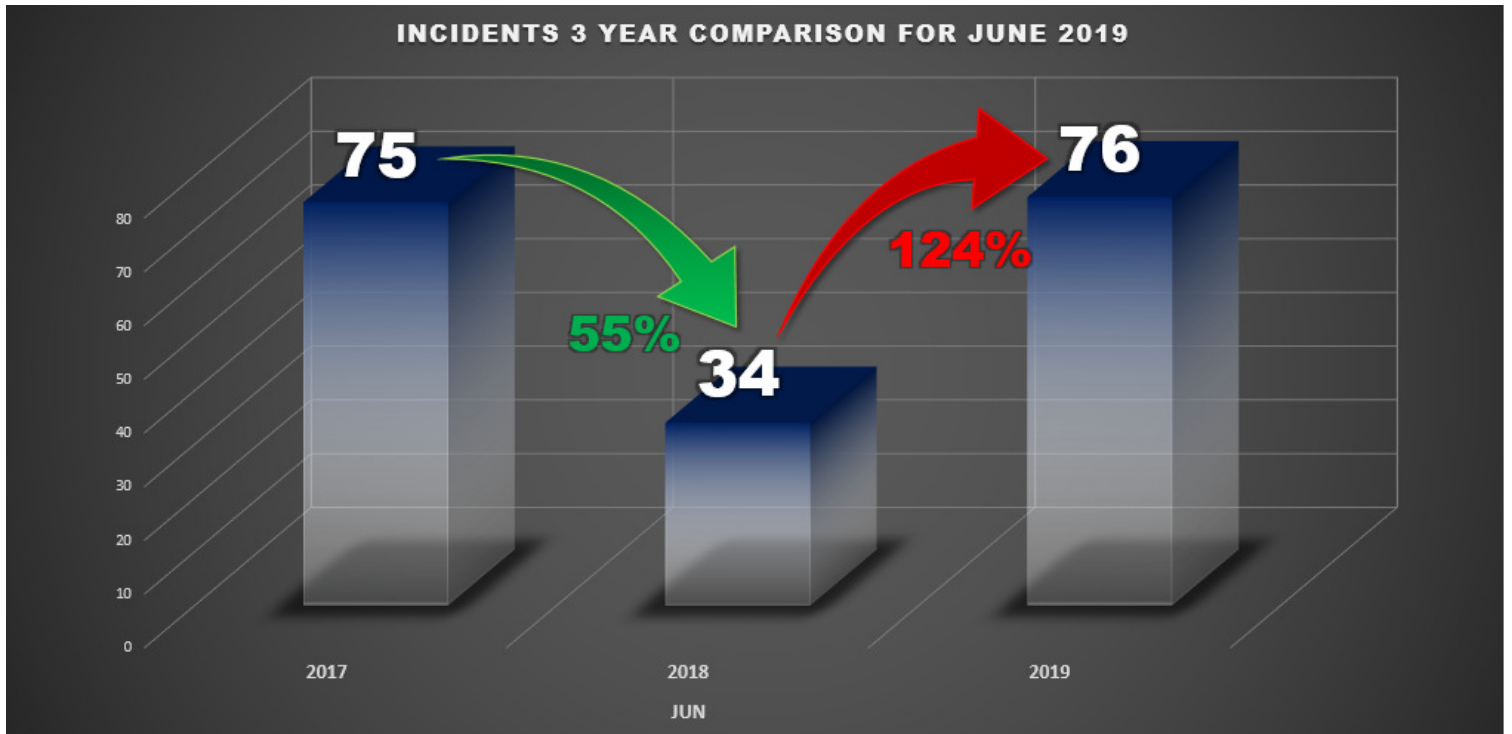
June's Part 1 Crimes indicate 6 Assaults and 5 Thefts. The department continues to focus on the problem solving initiative to prevent construction thefts, the Lock-Take-Hide initiative to encourage the community to lock their vehicles and remove their valuables, and the initiative to prevent domestic violence.



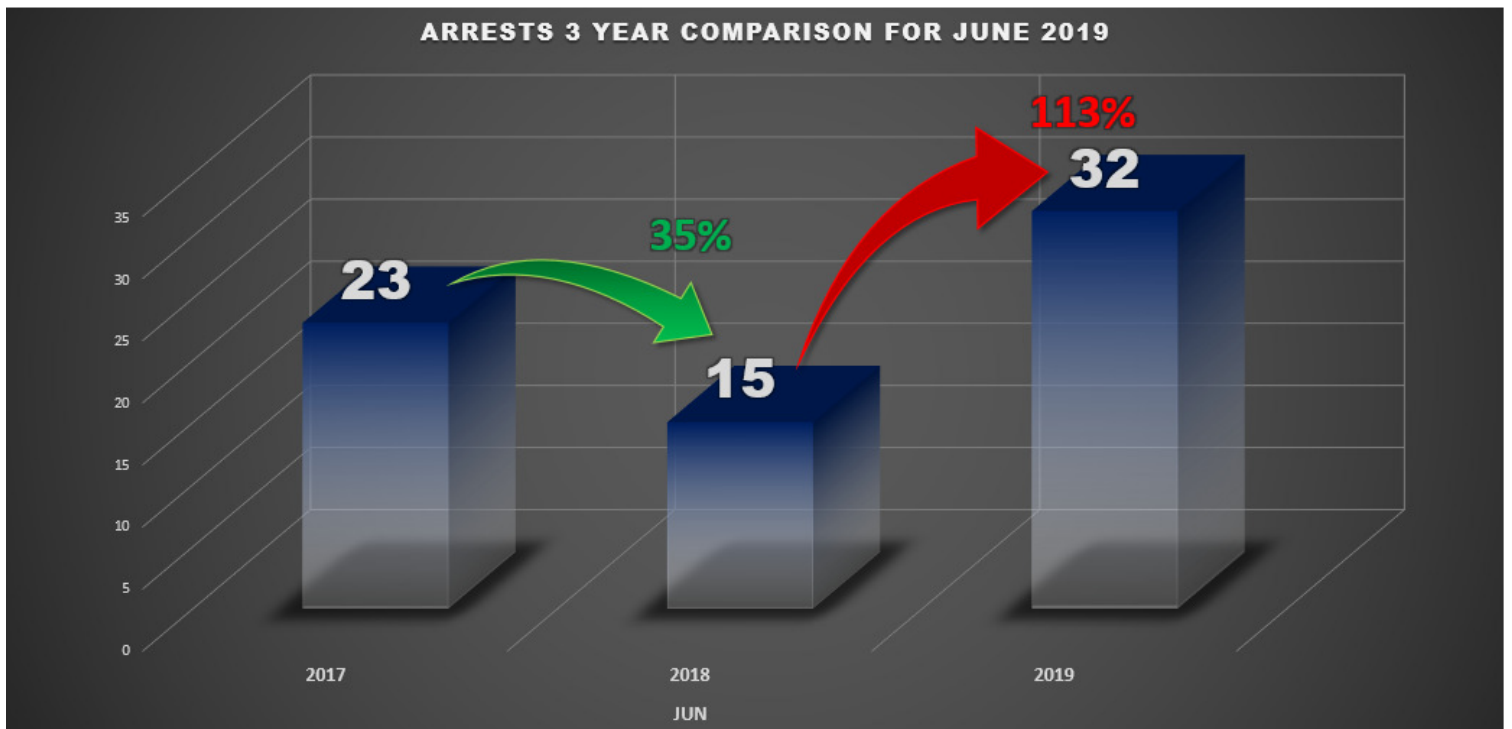
In June, Officers issued 102 citations. This averages to .91 citations per officer per 12-hour shift. The total average citation per officer for 2018 was 0.93. Citations are down 28% from June 2018.



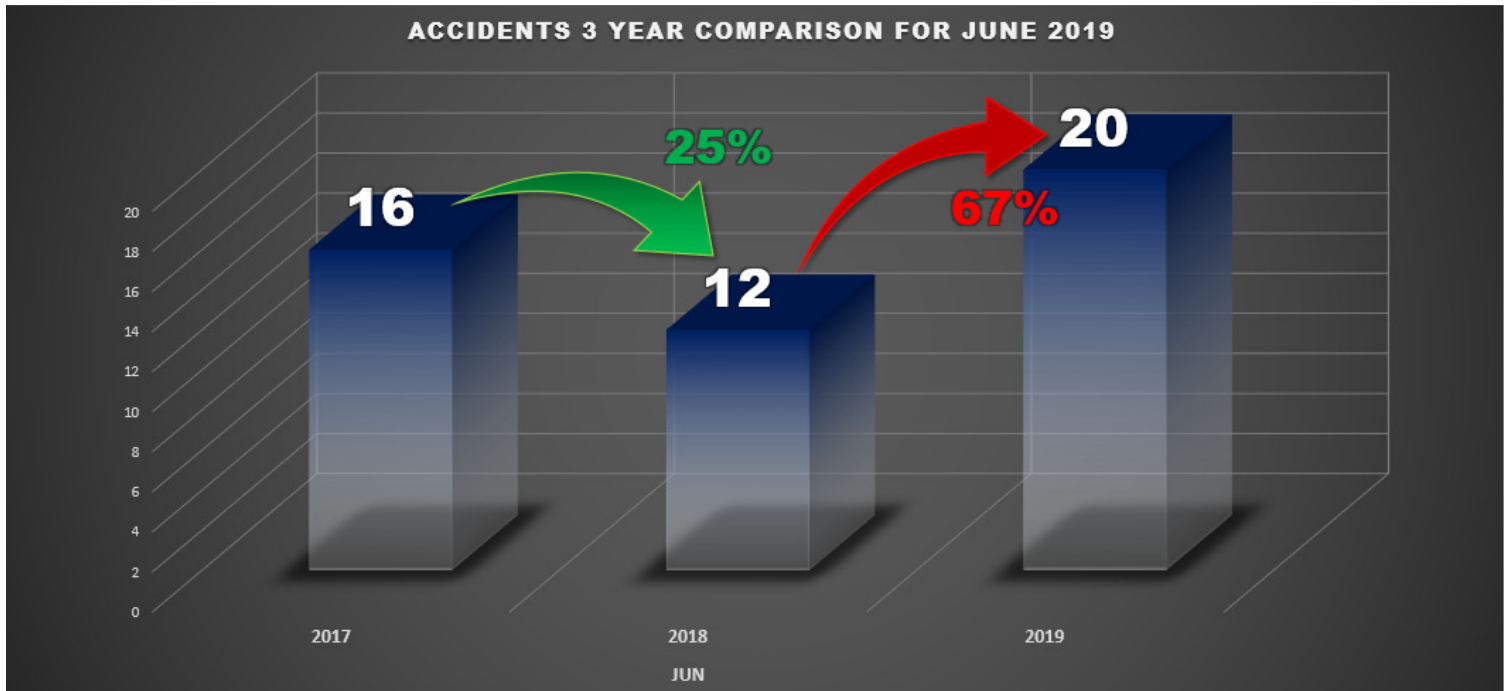
Incidents in June totaled 76. This is an increase of 124% from June 2018. (Incidents require more officer time to investigate and complete reports.)



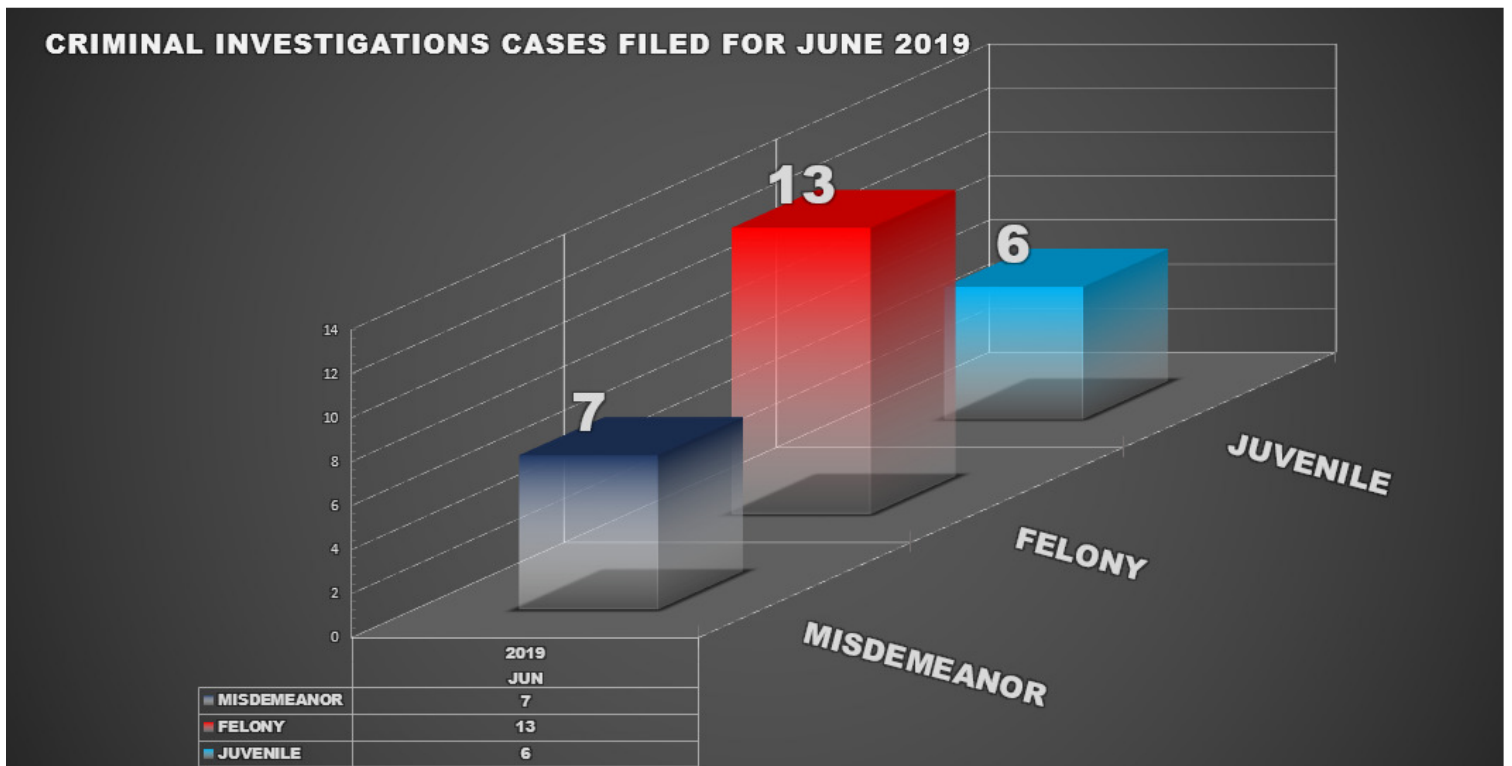
Arrests in June totaled 32. Arrests increased 113% from June 2018. Note: Arrests require a substantial portion of work-hours allocated per shift.



Accidents in June totaled 20, which are UP 67% from June 2018.



Criminal Investigations filed 7 misdemeanor cases, 13 felony cases, and 6 juvenile cases with the D.A.'s Office in June.



Attachment: Police 2019 July Monthly Report (Staff Reports)

Key Department Indicators

Community Policing: The department continues to use social media to engage the community and proactively work together to prevent crime and keep Celina safe.

Culture Team: The police department formed a culture team to ensure that our organizational culture supports our vision philosophy, strategies, and our people. Organizational culture is what keeps our organization together as a team and bring life to our organizational values.

Patrol Intelligence/Narcotics Unit (PINU): The police department received **12 narcotics** related reports and completed 2 Field Interviews in the month of June.

The police department remains focused on our initiative to proactively prevent substance abuse among minors and keep our community safe.

Training: The department continues to focus on training areas identified through strategic analysis and that follow the department's strategic plan.

Individual Officer Training

- Assistant Chief Scott
 - sUAS (Drone) Training
- Sergeant Peck
 - IACP Stalking and Response Investigation
- Sergeant Hebert
 - sUAS (Drone) Training
- Officer Harris
 - IACP Stalking and Response Investigation
- Officer Kincaid
 - De-escalation #1849
- Detective Webb
 - Training with Irving PD CID
- Detective Phillips
 - sUAS (Drone) Training
- Officer Raper
 - sUAS (Drone) Training

Department Training

- Policy Update 1.1 Mission, Values, Culture and Written Directive System
- Patrol SOP Update 130.00 Missing Persons and 17YO Runaways

SRT Training

- Joint training with McKinney SWAT

Recruit Officer Training

- Officers Ward, Suitors, and Hinshaw
 - Completed Phase 1 Field Training
 - Began Phase 2 Field Training

Thank you for your continued support of the Celina Police Department. If you have any questions please contact me at 972-382-2121, or by email at tgriggs@celina-tx.gov .

**Tony Griggs**
Chief of Police

Celina Police Department
110 N. Colorado St. Celina, TX 75009
Office: 972.382.2121
FAX: 972.382.3879

tgriggs@celina-tx.gov



**CITY COUNCIL REGULAR MEETING
CELINA ISD ADMIN BLDG., BOARD ROOM
205 S. COLORADO STREET
TUESDAY, JUNE 11, 2019
5:00 PM**

MINUTES

I. CALL TO ORDER AND ANNOUNCE A QUORUM PRESENT:

Attendee Name	Organization	Title	Status	Arrived
Justin Steiner	City of Celina	Council Place 1	Present	
Wayne Nabors	City of Celina	Place 2	Absent	
Andy Hopkins	City of Celina	Place 3	Present	
Carmen Roberts	City of Celina	City Council Place 4	Present	
Mindy Koehne	City of Celina	Council Place 5	Absent	
Chad Anderson	City of Celina	Place 6	Present	
Sean Terry	City of Celina	Mayor	Present	

Mayor Sean Terry called the meeting to order at 5:00 p.m.

II. PLEDGE OF ALLEGIANCE/INVOCATION:

Mayor Terry led the pledges of allegiance. Corbett Howard gave the invocation.

III. PROCLAMATIONS/PRESENTATIONS/OATHS OF OFFICE:

IV. OPEN FORUM:

No public comment was received.

V. WORKSESSION/COMMITTEE REPORTS/STAFF REPORTS:

A. New employee introductions. (McAfee, Griggs)

Director of Development Services Dusty McAfee introduced new community Services Manager Mike Green. Police Chief Tony Griggs introduced new officers Sean Ward, Christopher Hinshaw and Dustin Suitors.

B. Brand Messaging presentation. (Matehuala)

Alan Cooper and R.O. Eisenberg of Eisenberg & Associates presented their work to date on Celina's Brand Messaging program.

C. Drainage design requirement updates. (Brawner)

City Engineer Catherine O'duro introduced David Rivera and Chris Johnson of Freese & Nichols who presented the drainage update plan.

Minutes Acceptance: Minutes of Jun 11, 2019 5:00 PM (Minutes Approval)

- D. Pavement and subgrade design requirement updates. (Brawner)

Assistant Director of Engineering Andy Glasgow introduced Nathan Ante and Brad Tribble with Kimley-Horn Engineers who presented the new design requirements.

- E. Discussion regarding any and/or all agenda items.

No other items were discussed

- F. Staff Reports attached

VI. **EXECUTIVE SESSION:**

The City Council did not convene into Executive Session.

Reconvene Into Open Session

- A. Consider and act upon any items discussed in executive session.

VII. **CONSENT AGENDA:**

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Justin Steiner, Council Place 1
SECONDER:	Carmen Roberts, City Council Place 4
AYES:	Steiner, Hopkins, Roberts, Anderson
ABSENT:	Nabors, Koehne

- A. Minutes Approval:

1. City Council - Regular Meeting - May 14, 2019 5:00 PM
2. City Council - Special Meeting - May 28, 2019 5:30 PM

- B. Consider and act upon an ordinance of the City of Celina, Texas providing for a reduction of impact fees as described herein for certain property located within the town. (Lamar Bank Impact Fee reduction) (Laumer)

(2019-18)

- C. Consider and act to authorize the City Manager to execute an agreement by and between the City of Celina and Hauk Custom Pools, LLC for economic incentive funding under Chapter 380 of the Texas Local Government Code. (Laumer)
- D. Consider and act to authorize the award of Bid 2019-0008 to RLC Controls at the unit prices listed for SCADA system maintenance and repairs. (Berry)
- E. Consider and act to authorize the City Manager to execute a contract between the City of Celina and Roadway Solutions in the amount of \$114,989.00 plus 10% contingency (\$11,498.90) for the traffic signal installation located at 289 and Fire Station 1, Bid # 2019-0004. (Brawner)
- F. Consider and act to authorize the City Manager to execute a contract between the City of Celina and Green Mound Landscape in the amount of \$303,629.43 which includes 10% contingency for the 2019 Drainage Improvements, Bid # 2019-0009. (Brawner)

Minutes Acceptance: Minutes of Jun 11, 2019 5:00 PM (Minutes Approval)

- 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. (Brawner)

2019-27R

- H. Consider and act upon a resolution of the City Council of the City of Celina, Texas, accepting a petition to create the Wilson Creek Meadows Public Improvement District and calling for a public hearing. (DeBuff)

2019-28R

- I. Consider and act upon a resolution of the City of Celina, Texas determining the costs of authorized improvements to be financed within the Glen Crossing West Public Improvement District; approving a preliminary service plan and assessment plan, including proposed assessment roll; directing the filing of the proposed assessment roll with the City Secretary to make available for public inspection; noticing a public hearing for July 9, 2019 to consider an ordinance levying assessments on benefitted property located within Glen Crossing West Public Improvement District; directing city staff to publish and mail notice of said public hearing. (Glen Crossing West PID Costs Determining Resolution) (DeBuff)

2019-29R

- J. Consider and act to authorize the City Manager to execute an agreement by and among the City of Celina and James Land & Development, LLC formerly known as Trico Development and Land Company, and Celina 50, LLC for the purpose of the reinstatement of, assignment of, and amendment to an existing development agreement. (The Cottages Development Agreement) (Laumer)

- K. Consider and act to authorize the City Manager to execute an agreement by and among the City of Celina, Texas, the Board of Directors of Tax Increment Reinvestment Zone Number Two, City of Celina, CTMGT Frontier 80, LLC, CADG Creeks of Legacy West, LLC, and CADG Creeks of Legacy Stonegate, LLC for the purpose of an amendment to an existing development agreement. (Creeks of Legacy Development Agreement Amendment) (Laumer)

- L. Consider and act upon a resolution accepting a petition from Collin County Community College for the voluntary annexation of an approximately 75 acre tract of land, Collin County, Texas, and setting two public hearing dates for July 9, 2019 at 5:00 p.m. and August 13, 2019 at 5:00 p.m. The property is generally located south of Choate Parkway and approximately 2,500 feet east of Preston Road. (CCCC Annexation Resolution) (Mohan)

2019-30R

- M. Consider and act upon an ordinance on the City initiated annexation of an approximately 81.3 acre tract of land, generally located on the Dallas North Tollway, in between Light Farms Way and County Road 51. (NTTA ROW Annexation) (Mohan)

2019-19

- N. Consider and act upon a Development Agreement with First Baptist Church of Celina on an approximately 0.75 acre tract of land, located at 604 N. Ohio Street in the City Limits. (Iglesia Bautista El Calvario Development Agreement) (McAfee)

Minutes Acceptance: Minutes of Jun 11, 2019 5:00 PM (Minutes Approval)

- O. Consider and act upon an ordinance amending the City's Code of Ordinances, Appendix A: Fee Schedule to provide a comprehensive fee update and on the adoption of a master fee chart. (Master Fee Chart) (McAfee)

2019-20

- P. Consider and act upon a Professional Service Agreement with SAFEbuilt Texas, LLC, and authorize and empower the City Manager to execute same. (SAFEbuilt Building Inspections Contract) (McAfee)
- Q. Consider and act to authorize the City Manager to execute a contract between the City of Celina and Ideation Planning for the preparation of the Downtown Code. (Downtown Celina Zoning Professional Service Agreement) (McAfee)
- R. Consider and act to authorize the City Manager to execute an agreement by and between the City of Celina and CADG Sutton Fields, LLC for construction, funding and acquisition. (Sutton Fields II) (DeBuff)
- S. Consider and act to authorize the City Manager to execute an agreement by and between the City of Celina and CADG Sutton Fields, LLC for reimbursement for the financing of public improvements. (Sutton Fields II) (DeBuff)
- T. Consider and act to authorize the City Manager to execute a landowner agreement by and between the City of Celina and CADG Sutton Fields, LLC for the financing of public improvements. (Sutton Fields II) (DeBuff)

VIII. PUBLIC HEARING/ACTION:

- A. The Celina City Council will conduct the first of two public hearings regarding the proposed voluntary annexation of approximately 8.626 acre tract of land within the extraterritorial jurisdiction, generally located south of Choate Parkway and approximately 1,300 feet east of County Road 87. (Huie Property Annexation) (Mohan)
- B. The Celina City Council will conduct a public hearing to consider testimony and act upon a Development Agreement to modify development standards to allow for a master planned single-family residential development on an approximately 186 acre tract of land, generally located east of CR 86 (future Coit Road) and south of Choate Parkway within both the extraterritorial jurisdiction (ETJ) and the City Limits. (Wilson Creek Meadows Revised Development Agreement) (McAfee)
- 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 accepting and approving a Service and Assessment Plan and Neighborhood Improvement Area #3 assessment roll for the Sutton Fields II 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 assessments in accordance with Chapter 372, Texas Local Government Code, as amended; providing for the method of assessment and the payment of the assessments, providing penalties and interest on delinquent assessments, providing for severability, and providing an effective date. (Sutton Fields II SAP approval, PID levy) (DeBuff)

(2019-21)

IX. ACTION ITEM:

- A. Consider and act to authorize the City Manager to execute a five year contract between the City of Celina and BKD, LLP in the amount of \$280,000.00 in total (\$52,000 for year one) of the City's Audit Services, Bid 2019-0005. (Berry)
- B. Consider and act upon a resolution approving and authorizing publication of notice of intention to issue certificates of obligation. (Toutouchian)

(2019-31R)

- C. Consider and act upon a Development Agreement by and between the City of Celina and Westgate HS Celina Investments L.P. (Celina Hills Development Agreement) (DeBuff)

- D. Consider and act upon a resolution and agreement by and between the City of Celina and Westgate HS Celina Investments, L.P. for a land purchase by the city of 23.7 acres. (Celina Hills) (DeBuff)

(2019-32R)

- E. Consider and act upon a resolution of the City Council of the City of Celina, Texas, accepting a petition to create the Celina Hills Public Improvement District and calling for a public hearing. (Celina Hills PID petition) (DeBuff)

(2019-33R)

X. ADJOURNMENT:

Sean Terry, Mayor

Secretary

Date Minutes Approved

Minutes Acceptance: Minutes of Jun 11, 2019 5:00 PM (Minutes Approval)



City Secretary
City of Celina, Texas

Memorandum

To: **Honorable Mayor Terry and the Celina City Council**
 From: Vicki Faulkner, City Secretary
 CC: Justin Steiner, Council Place 1
 Date: July 9, 2019
 Re: Canvass-General Runoff Election June 8, 2019

Action Requested:

Consider and act upon approval of Canvass documents submitted by the Collin County Elections Administrator for the June 8, 2019 General Runoff Election. (Faulkner)

Background Information:

A General Runoff Election was held on Saturday, June 8, 2019, for the purpose of electing one Council Member for Place 6. Unofficial combined totals are listed below.

<u>Place 6</u>	<u>Votes Received</u>
Chad Anderson	276
Jason Poncio	202

Board Review/Citizen Input:

N/A

Alternatives:

N/a

Financial Considerations:

N/A

Legal Review:

N/A

Supporting Documents:

Canvass documents

Staff Recommendation:

STATE OF TEXAS

§

CANVASS OF THE
CITY OF CELINA
ELECTION

COUNTY OF COLLIN

§

JUNE 8, 2019

I, Bruce Sherbet, the undersigned Elections Administrator of Collin County, do hereby certify that I have made an actual check and comparison of all the ballots tabulated as voted with the Return Sheets, and the unused ballots as recorded on the Register of Official Ballots. I, therefore, make the following report of my findings from the June 8, 2019, City of Celina Election that was held in Collin County, Texas.

I hereby certify the results to be a full, true and correct tabulation, audit and count of the votes cast in the said election.

WITNESS, my hand on this the 14th day of June 2019.



Bruce Sherbet
Elections Administrator
Collin County

Attachment: Canvass-General Runoff Election (Canvass Runoff Election)

Election Summary Report
 Collin County, Texas
 General Runoff Election
 June 8, 2019

Date:06/14/19
 Time:11:26:49
 Page:1 of 1

Summary For Jurisdiction Wide, All Counters, Celina City
 Early Voting and Election Day Combined Accumulated Totals

Registered Voters 197258

Num. Report Precinct 87 - Num. Reporting 87 100.00%

Celina Councilman P6	
	Total
Number of Precincts	5
Precincts Reporting	5 100.0 %
Vote For	1
Times Counted	479/6818 7.0 %
Total Votes	478
Times Blank Voted	1
Times Over Voted	0
Number Of Under Votes	0
Chad Anderson	276 57.74%
Jason Poncio	202 42.26%

Attachment: Canvass-General Runoff Election (Canvass Runoff Election)

Election Summary Report
Collin County, Texas
General Runoff Election
June 8, 2019

Date:06/14/19
Time:11:19:18
Page:1 of 1

Summary For Jurisdiction Wide, , Celina City
Early Voting Accumulated Totals

Registered Voters 197258

Num. Report Precinct 87 - Num. Reporting 87 100.00%

Celina Councilman P6		
	Total	
Number of Precincts	5	
Precincts Reporting	5	100.0 %
Vote For	1	
Times Counted	313/6818	4.6 %
Total Votes	313	
Times Blank Voted	0	
Times Over Voted	0	
Number Of Under Votes	0	
Chad Anderson	192	61.34%
Jason Poncio	121	38.66%

Attachment: Canvass-General Runoff Election (Canvass Runoff Election)

Election Summary Report
 Collin County, Texas
 General Runoff Election
 June 8, 2019

Date:06/14/19
 Time:11:22:51
 Page:1 of 1

Summary For Jurisdiction Wide, , Celina City
 Election Day Accumulated Totals

Registered Voters 197258

Num. Report Precinct 87 - Num. Reporting 87 100.00%

Celina Councilman P6		
	Total	
Number of Precincts	5	
Precincts Reporting	5	100.0 %
Vote For	1	
Times Counted	166/6818	2.4 %
Total Votes	165	
Times Blank Voted	1	
Times Over Voted	0	
Number Of Under Votes	0	
Chad Anderson	84	50.91%
Jason Poncio	81	49.09%

Attachment: Canvass-General Runoff Election (Canvass Runoff Election)



Administration
City of Celina, Texas

Memorandum

To: **Honorable Mayor Terry and the Celina City Council**
 From: Paul DeBuff, Assistant to the City Manager
 CC: Jason Laumer, City Manager
 Date: July 9, 2019
 Re: Resolution calling for Mustang Lakes West PID public hearing

Action Requested:

Consider and act upon a resolution of the City Council of the City of Celina, Texas, accepting a petition to create the Mustang Lakes (Annex) Public Improvement District and calling for a public hearing. (DeBuff)

Background Information:

This item accepts a petition to create the Mustang Lakes (Annex) Public Improvement District (PID), and calls for a public hearing.

Chapter 372 of the Texas Local Government Code states that a Petition to create a PID is sufficient if signed by owners of more than fifty percent (50%) of the taxable real property, according to appraised value, and either of the following:

- more than fifty percent (50%) of the area of all taxable real property liable for assessment under the proposal, or
- more than fifty percent (50%) of all record owners of property liable for assessment.

Board Review/Citizen Input:

This resolution calls for a public hearing on August 13th, 2019 at the next regularly scheduled City Council meeting.

Alternatives:

N/A

Financial Considerations: This item does not affect the City's budget. However, estimated costs for authorized improvements funded by the PID are \$66,000,000.

Legal Review:

This item has been reviewed by the City Attorney.

Supporting Documents:

- Proposed resolution & creation petition

Staff Recommendation:

Staff recommends approval.

**CITY OF CELINA, TEXAS
RESOLUTION NO. __**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CELINA,
TEXAS, ACCEPTING A PETITION TO CREATE THE MUSTANG LAKES
(ANNEX) PUBLIC IMPROVEMENT DISTRICT AND CALLING FOR A
PUBLIC HEARING.**

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

WHEREAS, on April 9, 2019, the owners of real property delivered to the City of Celina, Texas (the “*City*”) a petition (the “*Petition*”, which is attached as **Exhibit A** and incorporated herein for all purposes) meeting the requirements of the Act and indicating: (i) the owners of more than fifty percent (50%) of the appraised value of the taxable real property liable for assessment, and (ii) the owners of more than fifty percent (50%) of the area of all taxable real property liable for assessment within the District have executed the Petition requesting that the City Council create the Mustang Lakes (Annex) Public Improvement District (the “*District*”); and

WHEREAS, the Act states that the Petition is sufficient if signed by owners of more than fifty percent (50%) of the taxable real property, according to appraised value, and either of the following: more than fifty percent (50%) of the area of all taxable real property liable for assessment under the proposal, or more than fifty percent (50%) of all record owners of property liable for assessment; and

WHEREAS, the Act further requires that prior to the adoption of the resolution creating the District, the City Council must hold a public hearing on the advisability of the improvements, the nature of the improvements contemplated, the estimated costs of the improvements, the boundaries of the District, the method of assessment, and the apportionment, if any, of the costs between the District and the City.

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

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

Section 2. City staff reviewed the Petition and determined that same complied with the requirements of the Act and the City Council accepts the Petition. The Petition is filed with the office of the City Secretary and is available for public inspection.

Section 3. The City Council calls a public hearing to be scheduled at or after 5:00 p.m. on August 13, 2019 to be held at 205 S. Colorado Street, Celina, Texas on the advisability of the improvements, the nature of the improvements contemplated, the estimated costs of the improvements, the boundaries of the District, the method of assessment, and the apportionment, if any, of the costs between the District and the City. Attached hereto as **Exhibit B** is a form of the Notice of Public Hearing, the form and substance of which is hereby adopted and approved. All residents and property owners within the District, and all other persons, are hereby invited to appear in person, or by their attorney, and speak on the creation of the District.

Section 4. The City Council hereby authorizes and directs the City Secretary, on or before July 28, 2019, in accordance with the Act, to: (a) publish notice of the public hearing in a newspaper of general circulation in the City; and, (b) mail notice of the public hearing to the owners of property located in the proposed District as reflected on the tax rolls.

[Remainder of page left blank intentionally.]

PASSED AND APPROVED THIS THE 9TH DAY OF JULY, 2019.

CITY OF CELINA, TEXAS

SEAN TERRY, MAYOR

ATTEST:

VICKI FAULKNER, CITY SECRETARY

EXHIBIT A PETITION FOR CREATION

PETITION FOR THE CREATION OF A
PUBLIC IMPROVEMENT DISTRICT WITHIN
THE CITY OF CELINA, TEXAS,
FOR THE MUSTANG LAKES (ANNEX) DEVELOPMENT

*received
4/9/19 JH*

This petition (the "Petition") is submitted and filed with the City Secretary of the City of Celina, Texas (the "City"), by Celina 557 Partners, L.P., a Texas limited partnership (the "Owner"), acting pursuant to the provisions of Chapter 372, Texas Local Government Code, as amended (the "Act"), requesting that the City create a public improvement district (the "District") to include property owned by the Owner and located within the corporate limits of the City (the "Property"), more particularly described in Exhibit A and depicted in Exhibit B. In support of this Petition, the Owner would present the following:

Section 1. General Nature of the Authorized Improvements. The purposes of the District include the design, acquisition, and construction of public improvement projects authorized by §372.003(b) of the Act that are necessary for development of the Property, which public improvements will include, but not be limited to: (i) roadway improvements; storm drainage improvements; water and wastewater system improvements; right-of-way acquisitions related to such improvements; parks, open space and landscaping improvements; and, other similar improvement projects; (ii) payment of expenses incurred in the establishment, administration and operation of the District; and, (iii) payment of expenses associated with financing such public improvement projects, which may include but are not limited to, costs associated with issuance and sale of revenue bonds secured by assessments levied against the Property (collectively, the "Authorized Improvements"). These Authorized Improvements shall promote the interests of the City and confer a special benefit on the Property.

Section 2. Estimated Cost of the Authorized Improvements. The Owner estimates that the cost to design, acquire, and construct the Authorized Improvements is \$66,000,000.

Section 3. Boundaries of the Proposed District. The District is proposed to include the Property.

Section 4. Proposed Method of Assessment. The City shall levy an assessment on each lot within the District to pay the cost of the Authorized Improvements in a manner that results in imposing equal shares of the cost on property similarly benefited. Each assessment may be paid in full at any time (including accrued and unpaid interest) or may be paid in annual installments (including interest and debt). The installments must be paid in amounts necessary to meet annual costs for the Authorized Improvements and must continue for a period necessary to retire the indebtedness on the Authorized Improvements.

Section 5. Proposed Apportionment of Cost between the District and the City. The City shall not be obligated to provide any funds to finance the Authorized Improvements. The cost of the Authorized Improvements will be paid from the assessments and from other sources of funds, if any, available to the Owner.

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Section 6. Management of the District. The Owner proposes that the District be managed by the City, with the assistance of a consultant, who shall, from time to time, advise the City regarding certain operations of the District.

Section 7. Owner Requests Establishment of the District. The person signing this Petition requests the establishment of the District.

Section 8. Advisory Board. The Owner proposes that the District be established and managed without the creation of an advisory body.

This Petition has been signed by (1) the owners of taxable real property representing more than 50 percent of the appraised value of taxable real property liable for assessment under the proposal, as determined by the current roll of the appraisal district in which the property is located; and (2) record owners of real property liable for assessment under the proposal who: (A) constitute more than 50 percent of all record owners of property that is liable for assessment under the proposal; or (B) own taxable real property that constitutes more than 50 percent of the area of all taxable real property that is liable for assessment under the proposal.

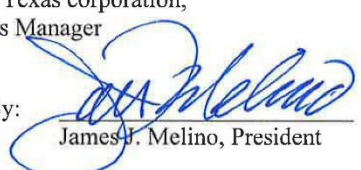
This Petition is hereby filed with the City Secretary of the City in support of the creation of the District by the City Council as herein provided. The undersigned requests that the City Council grant its consent as above stated.

RESPECTFULLY SUBMITTED, on this the 9 day of April, 2019.

CELINA 557 PARTNERS, L.P.,
a Texas limited partnership

By: Celina 557 GP Partners, LLC,
a Texas limited liability company,
its General Partner

By: LLC Manager, Inc.,
a Texas corporation,
its Manager

By: 
James J. Melino, President

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Exhibit A
Metes and Bounds Description of the Property

LEGAL DESCRIPTION
OVERALL TRACT 556.836 AC

BEING a tract of land situated in the COLEMAN WATSON SURVEY, ABSTRACT NO. 945, Collin County, Texas, being all of those tracts of land conveyed to Brinkmann Ranches of Collin County, L.P., according to deeds recorded in Document Number 2005-0176477 and 2005-0176476, Official Public Records, Collin County, Texas, and being all of those tracts of land conveyed to Collin County Two Trees Investments, LP, according to deeds recorded in Document Numbers 20090603000680790 (Tract 4), 20110929001040010 (Tract III) and 20090603000680810 (Parcels I and II), Official Public Records, Collin County, Texas;

BEGINNING at a 1/2 inch iron rod found for the northwest corner of said Tract 4 of Collin County Two Trees Investments, LP tract, same being the northeast corner of that tract of land conveyed to Donald T. Koch, as trustee of the surviving grantor's revocable trust, according to deed recorded in Document Number 20170616000785220, Official Public Records, Collin County, Texas, and being in the center line of County Road 88 (Choate Road);

THENCE N 89° 45' 07" E, with the north line of said Tract 4 of Collin County Two Trees Investments, LP tract and the center line of said County Road 88, a distance of 868.09 feet to a 1/2 inch iron rod with cap stamped "DAA" set for the northeast corner of said Tract 4 of Collin County Two Trees Investments, LP tract, same being the northwest corner of said Tract III, Collin County Two Trees Investments, LP tract;

THENCE N 89° 41' 25" E, with the north line of said Tract III of Collin County Two Trees Investments, LP tract and the center line of said County Road 88, a distance of 658.13 feet to a 1/2 inch iron rod with cap stamped "DAA" set for the northeast corner of said Tract III of Collin County Two Trees Investments, LP tract, same being the northwest corner of said Parcel II of Collin County Two Trees Investments, LP tract;

THENCE N 89° 30' 23" E, with the north line of said Parcel II of Collin County Two Trees Investments, LP tract and the center line of said County Road 88, passing the northeast corner of said Parcel II of Collin County Two Trees Investments, LP tract, same being the northwest corner of said Parcel I of Collin County Two Trees Investments, LP tract, at a distance of 351.59 feet, continuing a total distance of 691.06 feet to a 1/2 inch iron rod with cap stamped "DAA" set in the north line of said Parcel I of Collin County Two Trees Investments, LP tract, same being the southwest corner of that of land conveyed to G&N Estates, LLC, according to deed recorded in Document Number 20070315000355600, Official Public Records, Collin County, Texas;

THENCE N 88° 59' 17" E, with the north line of said Parcel I of Collin County Two Trees Investments, LP tract and the center line of said County Road 88, a distance of 663.23 feet to a 5/8 inch iron rod found in the north line of said Parcel I of Collin County Two Trees Investments, LP tract, same being the southeast corner of said G&N Estates, LLC tract, also being the southwest corner of that tract of land conveyed to Robert D. Newell and Charlotte K. Newell, according to the deed recorded in Document Number 20120615000717260, Official Public Records, Collin County, Texas;

THENCE N 89° 12' 54" E, with the north line of said Parcel I of Collin County Two Trees Investments, LP tract and the most northern line of that tract of land conveyed to Brinkmann Ranches of Collin County, L.P., according to deed recorded in Document Number 2005-0176477, Official Public Records, Collin County, Texas, and the center line of said County Road 88, a distance of 1,177.40 feet to a 1/2 inch iron rod found for an angle point in the most northern line of said Brinkmann Ranches of Collin County, L.P. tract (2005-0176477), same being the northwest corner of that tract of land conveyed to Metallic Land Company, LLC, according to deed recorded in Document Number 20150304000239620, Official Public Records, Collin County, Texas, also being in the south line of that tract of land conveyed to Vijay Prathani and wife, Pavani Chillarige, according to deed recorded in Document Number 20160908001195410, Official Public Records, Collin County, Texas;

Exhibit A to Mustang Lakes (Annex) PID Petition – Page 1

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THENCE S 73° 41' 33" E, with the most northern line of said Brinkmann Ranches of Collin County, L.P. tract (2005-0176477), same being the south line of said Metallic Land Company, LLC tract, and the center line of said County Road 88, a distance of 398.67 feet to a 1/2 inch iron rod found for the northeast corner of said Brinkmann Ranches of Collin County, L.P. tract (2005-0176477), same being the south corner of said Metallic Land Company, LLC tract, also being in the west line of Farm-To-Market Road 2478;

THENCE with the east line of said Brinkmann Ranches of Collin County, L.P. tract (2005-0176477), same being west line of said Farm-To-Market Road 2478, the following courses and distances:

S 09° 48' 59" E, a distance of 570.67 feet to a wooden monument with nail in the top found for the beginning of a non-tangent curve to the right having a central angle of 05° 44' 05", a radius of 5,679.58 feet and a chord bearing and distance of S 07° 01' 46" E, 568.23 feet;

With said non-tangent curve to the right, an arc distance of 568.47 feet to a wooden monument found;

S 04° 06' 50" E, a distance of 2,257.45 feet to a 1/2 inch iron rod found for the southeast corner of said Brinkmann Ranches of Collin County, L.P. tract (2005-0176477), same being the northeast corner of said Brinkmann Ranches of Collin County, L.P. tract (2005-0176476-Tract 9);

THENCE S 04° 14' 30" E, with the east line of said Brinkmann Ranches of Collin County, L.P. tract (2005-0176476-Tract 9), same being west line of said Farm-To-Market Road 2478, a distance of 49.85 feet to a 1/2 inch iron rod with cap stamped "DAA" found for the southeast corner of said Brinkmann Ranches of Collin County, L.P. tract (2005-0176476-Tract 9), same being the northeast corner of that tract of land conveyed to the City of McKinney, according to deed recorded in Document Number 20111026001149950, Official Public Records, Collin County, Texas;

THENCE with the south line of said Brinkmann Ranches of Collin County, L.P. tract (2005-0176476-Tract 9), same being the north lines of said City of McKinney tract, the remainder of that tract of land conveyed to Celina 682 Partners, L.P., according to deed recorded in Document Number 20060419000517060, Official Public Records, Collin County, Texas, the Amended Plat Mustang Lakes Phase One, and addition to the City of McKinney, Texas, according to the plat thereof recorded Cabinet 2017, Page 74, Official Public Records, Collin County, Texas and Mustang Lakes Phase 2A, and addition to the City of McKinney, according to the plat thereof recorded in Cabinet 2017, Page 816, Official Public Records, Collin County, Texas, the following courses and distances:

S 89° 42' 42" W, a distance of 620.02 feet to a 1/2 inch iron rod with cap stamped "DAA" found for corner;

N 89° 56' 24" W, a distance of 311.73 feet to a 1/2 inch iron rod with cap stamped "DAA" found for corner;

S 89° 51' 51" W, a distance of 816.05 feet to a 1/2 inch iron rod found for corner;

S 89° 47' 20" W, a distance of 305.39 feet to a 1/2 inch iron rod with cap stamped "DAA" found for corner;

S 89° 49' 55" W, a distance of 465.82 feet to a 1/2 inch iron rod with cap stamped "DAA" found for corner;

S 89° 48' 09" W, a distance of 2,167.88 feet to a 1/2 inch iron rod with cap stamped "DAA" found for the southwest corner of said Brinkmann Ranches of Collin County, L.P. tract (2005-0176476-Tract 9), same being the northwest corner of said Mustang Lakes Phase 2A, also being in the east line of said Brinkmann Ranches of Collin County, L.P. tract (2005-0176476-Tract 8);

THENCE S 00° 13' 49" E, with the east line of said Brinkmann Ranches of Collin County, L.P. tract (2005-0176476-Tract 8), same being west line of said Mustang Lakes Phase 2A, a distance of 1,721.82 feet to a 1/2 inch iron rod found for the southeast corner of said Brinkmann Ranches of Collin County, L.P. tract (2005-0176476-Tract 8), same being an interior ell corner of said remainder of said Celina 682 Partners, L.P. tract;

Exhibit A to Mustang Lakes (Annex) PID Petition – Page 2

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THENCE S 73° 41' 33" E, with the most northern line of said Brinkmann Ranches of Collin County, L.P. tract (2005-0176477), same being the south line of said Metallic Land Company, LLC tract, and the center line of said County Road 88, a distance of 398.67 feet to a 1/2 inch iron rod found for the northeast corner of said Brinkmann Ranches of Collin County, L.P. tract (2005-0176477), same being the south corner of said Metallic Land Company, LLC tract, also being in the west line of Farm-To-Market Road 2478;

THENCE with the east line of said Brinkmann Ranches of Collin County, L.P. tract (2005-0176477), same being west line of said Farm-To-Market Road 2478, the following courses and distances:

S 09° 48' 59" E, a distance of 570.67 feet to a wooden monument with nail in the top found for the beginning of a non-tangent curve to the right having a central angle of 05° 44' 05", a radius of 5,679.58 feet and a chord bearing and distance of S 07° 01' 46" E, 568.23 feet;

With said non-tangent curve to the right, an arc distance of 568.47 feet to a wooden monument found;

S 04° 06' 50" E, a distance of 2,257.45 feet to a 1/2 inch iron rod found for the southeast corner of said Brinkmann Ranches of Collin County, L.P. tract (2005-0176477), same being the northeast corner of said Brinkmann Ranches of Collin County, L.P. tract (2005-0176476-Tract 9);

THENCE S 04° 14' 30" E, with the east line of said Brinkmann Ranches of Collin County, L.P. tract (2005-0176476-Tract 9), same being west line of said Farm-To-Market Road 2478, a distance of 49.85 feet to a 1/2 inch iron rod with cap stamped "DAA" found for the southeast corner of said Brinkmann Ranches of Collin County, L.P. tract (2005-0176476-Tract 9), same being the northeast corner of that tract of land conveyed to the City of McKinney, according to deed recorded in Document Number 20111026001149950, Official Public Records, Collin County, Texas;

THENCE with the south line of said Brinkmann Ranches of Collin County, L.P. tract (2005-0176476-Tract 9), same being the north lines of said City of McKinney tract, the remainder of that tract of land conveyed to Celina 682 Partners, L.P., according to deed recorded in Document Number 20060419000517060, Official Public Records, Collin County, Texas, the Amended Plat Mustang Lakes Phase One, and addition to the City of McKinney, Texas, according to the plat thereof recorded Cabinet 2017, Page 74, Official Public Records, Collin County, Texas and Mustang Lakes Phase 2A, and addition to the City of McKinney, according to the plat thereof recorded in Cabinet 2017, Page 816, Official Public Records, Collin County, Texas, the following courses and distances:

S 89° 42' 42" W, a distance of 620.02 feet to a 1/2 inch iron rod with cap stamped "DAA" found for corner;

N 89° 56' 24" W, a distance of 311.73 feet to a 1/2 inch iron rod with cap stamped "DAA" found for corner;

S 89° 51' 51" W, a distance of 816.05 feet to a 1/2 inch iron rod found for corner;

S 89° 47' 20" W, a distance of 305.39 feet to a 1/2 inch iron rod with cap stamped "DAA" found for corner;

S 89° 49' 55" W, a distance of 465.82 feet to a 1/2 inch iron rod with cap stamped "DAA" found for corner;

S 89° 48' 09" W, a distance of 2,167.88 feet to a 1/2 inch iron rod with cap stamped "DAA" found for the southwest corner of said Brinkmann Ranches of Collin County, L.P. tract (2005-0176476-Tract 9), same being the northwest corner of said Mustang Lakes Phase 2A, also being in the east line of said Brinkmann Ranches of Collin County, L.P. tract (2005-0176476-Tract 8);

THENCE S 00° 13' 49" E, with the east line of said Brinkmann Ranches of Collin County, L.P. tract (2005-0176476-Tract 8), same being west line of said Mustang Lakes Phase 2A, a distance of 1,721.82 feet to a 1/2 inch iron rod found for the southeast corner of said Brinkmann Ranches of Collin County, L.P. tract (2005-0176476-Tract 8), same being an interior ell corner of said remainder of said Celina 682 Partners, L.P. tract;

Exhibit A to Mustang Lakes (Annex) PID Petition – Page 2

1245.013\77294.1

Exhibit B
Depiction of the Property

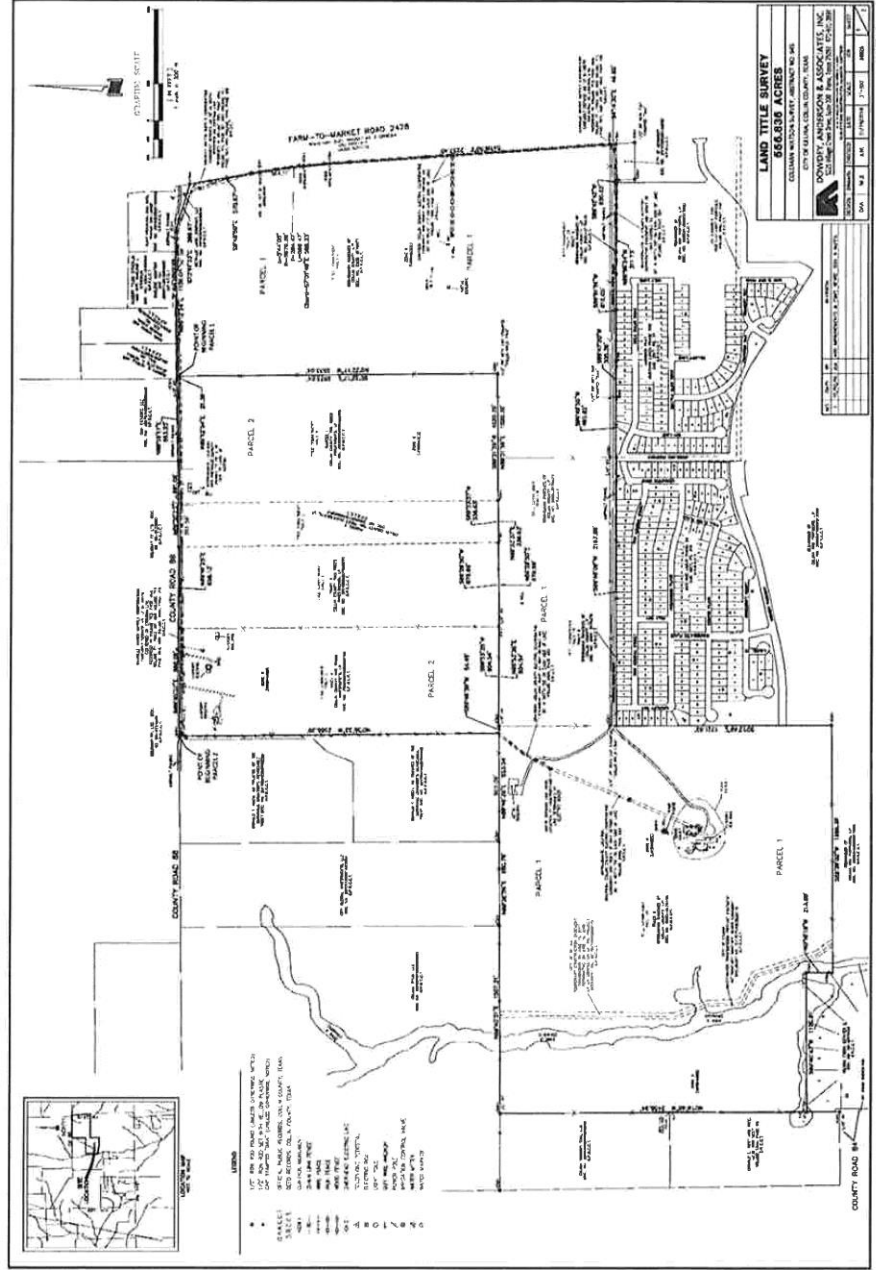


Exhibit B to Mustang Lakes (Annex) PID Petition – Page 1

1245.01377294.1

EXHIBIT B

CITY OF CELINA, TEXAS NOTICE OF PUBLIC HEARING REGARDING THE CREATION OF A PUBLIC IMPROVEMENT DISTRICT

Pursuant to Section 372.009(c) and (d) of the Texas Local Government Code, as amended, notice is hereby given that the City Council of the City of Celina, Texas (“Celina”), will hold a public hearing to accept public comments and discuss the petition (the “Petition”), filed by CELINA 557 PARTNERS, L.P., a Texas limited partnership (the “Owner”), requesting that Celina create the Mustang Lakes (Annex) Public Improvement District (the “District”) to include property owned by the Owner.

Time and Place of the Hearing. The public hearing will start at or after 5:00 p.m. on August 13, 2019 at 205 S. Colorado Street, Celina, Texas 75009.

General Nature of the Proposed Authorized Improvements. The purposes of the District include the design, acquisition, construction, and improvement of public improvement projects authorized by the Public Improvement District Assessment Act, codified as Chapter 372, Texas Local Government Code, as amended (the “Act”), that are necessary for the development of the property within the District, which public improvements may include, but not be limited to: (i) roadway improvements; storm drainage improvements; water and wastewater system improvements; right-of-way acquisitions related to such improvements; parks, open space and landscaping improvements; and other similar improvement projects; (ii) payment of expenses incurred in the establishment, administration and operation of the District; and, (iii) payment of expenses associated with financing such public improvement projects, which may include, but are not limited to, costs associated with issuance and sale of revenue bonds secured by assessments levied against the Property (collectively, the “Authorized Improvements”). These Authorized Improvements shall promote the interests of the City and confer a special benefit on the Property.

Estimated Cost of the Authorized Improvements. The estimated cost to design, acquire and construct the Authorized Improvements, including eligible costs related to the establishment, administration and operation of the District and expenses associated with financing Authorized Improvements, is \$66,000,000.

Proposed District Boundaries. The District is proposed to include approximately 556.836 acres of land generally located in the area encompassed directly south of Choate Parkway, north of FM 1461, east of Coit Road, and west of FM 2478 and as more particularly described by a metes and bounds description available at Celina City Hall located at 142 N. Ohio Street, Celina, Texas 75009 and available for public inspection during regular business hours.

Proposed Method of Assessment. Celina shall levy assessments on each parcel within the District in a manner that results in imposing equal shares of the costs on property similarly benefited. All assessments may be paid in full at any time (including interest and debt), and certain assessments may be paid in annual installments (including interest and debt). If an assessment is allowed to be paid in installments, then the installments must be paid in amounts necessary to meet annual costs for those Authorized Improvements financed by the assessments and must continue for a period necessary to retire the indebtedness issued to finance or refinance those Authorized Improvements (including interest).

Proposed Apportionment of Cost between the District and Celina. Celina will not be obligated to provide any funds to finance the Authorized Improvements, other than from assessments levied on the District property and possible tax increment reinvestment zone revenue. No municipal property in the District shall be assessed. The Petitioner may also pay certain costs of the improvements from other funds available to it as developer of the District.



Finance Department
City of Celina, Texas

Memorandum

To: **Honorable Mayor Terry and the Celina City Council**
 From: Dawn Berry, Purchasing Manager
 CC: Kim Brawner, Director of Engineering
 Date: July 9, 2019
 Re: 2019 Street Improvements

Action Requested:

Consider and act to authorize the purchase of utility meters in the amount of \$ for continual maintenance and repairs. (Berry)

Background Information:

On April 30, 2019, the City received bids for bid 2019-0007 for the 2019 annual street repairs and maintenance. The invitation was advertised in the local paper and posted on the City's eProcurement system in which ninety-two vendors were notified. Three submittals and one no bid were received. Staff reviewed the bids and recommends the apparent low bidder.

The bid for this project was in the amount of \$465,879.70. Contingency in the amount of \$46,587.97 is included to cover unexpected costs during construction. 512467.67

Board Review/Citizen Input:

N/A

Alternatives:

N/A

Financial Considerations:

Balance from 2018 Street Improvements project (106-777-00-8502, project R27) and Street budget (102-514-02-5145).

Base Bid	\$	465,879.70
Contingency	\$	<u>46,587.97</u>
Total	\$	512,467.67

Expenditures will not exceed funds appropriated. Funds will be committed at the issuance of a purchase order.

Legal Review:

N/A

Supporting Documents:

Location Map

Bid Tab

Staff Recommendation:

Staff recommends



Finance Department
City of Celina, Texas

Memorandum

To: **Honorable Mayor Terry and the Celina City Council**
From: Vicki Faulkner, City Secretary
CC: Jason Laumer, City Manager
Date: July 9, 2019
Re: Oncor Cities Steering Committee

Action Requested:

Consider and act upon a resolution authorizing continued participation with the steering committee of cities served by Oncor; and authorizing the payment of eight cents per capita to the Steering Committee to fund regulatory and legal proceedings and activities related to Oncor Electric Delivery Company, LLC. (Toutounchian)

Background Information:

See attached staff report

Board Review/Citizen Input:

N/A

Alternatives:

N/A

Financial Considerations:

Legal Review:

Supporting Documents:

Resolution
Staff Report

Staff Recommendation:

STAFF REPORT ON ASSESSMENT RESOLUTION FOR STEERING COMMITTEE OF CITIES SERVED BY ONCOR

Purpose of the Resolution

The City of CELINA is a member of a 162-member city coalition known as the Steering Committee of Cities Served by Oncor. The resolution approves the assessment of an eight cent (\$0.08) per capita fee to fund the activities of the Steering Committee.

Why this Resolution is Necessary

The Steering Committee undertakes activities on behalf of municipalities for which it needs funding support from its members. Municipalities have original jurisdiction over the electric distribution rates and services within the city. The Steering Committee has been in existence since the late 1980s. It took on a formal structure in the early 1990s. Empowered by city resolutions and funded by per capita assessments, the Steering Committee has been the primary public interest advocate before the Public Utility Commission, ERCOT, the courts, and the Legislature on electric utility regulation matters for over two decades.

The Steering Committee is actively involved in rate cases, appeals, rulemakings, and legislative efforts impacting the rates charged by Oncor Electric Delivery Company, LLC within the City. Steering Committee representation is also strong at ERCOT. It is possible that additional efforts will be necessary on new issues that arise during the year, and it is important that the Steering Committee be able to fund its participation on behalf of its member cities. A per capita assessment has historically been used, and is a fair method for the members to bear the burdens associated with the benefits received from that membership.

Explanation of “Be It Resolved” Paragraphs

I. The City is currently a member of the Steering Committee; this paragraph authorizes the continuation of the City’s membership.

II. This paragraph authorizes payment of the City’s assessment to the Steering Committee in the amount of eight cents (\$0.08) per capita, based on the population figure for the City as shown in the latest TML Directory of City Officials.

III. This paragraph requires notification to the Chair of the Steering Committee, Paige Mims, that the City has adopted the Resolution.

Payment of Assessment

A copy of the resolution should be mailed with payment of the fee to Brandi Stigler, Steering Committee of Cities Served by Oncor, c/o City Attorney’s Office, Mail Stop 63-0300, 101 S. Mesquite St., Suite 300, Arlington, Texas 76010. Checks should be made payable to: *Steering Committee of Cities Served by Oncor.*

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING CONTINUED PARTICIPATION WITH THE STEERING COMMITTEE OF CITIES SERVED BY ONCOR; AND AUTHORIZING THE PAYMENT OF EIGHT CENTS PER CAPITA TO THE STEERING COMMITTEE TO FUND REGULATORY AND LEGAL PROCEEDINGS AND ACTIVITIES RELATED TO ONCOR ELECTRIC DELIVERY COMPANY, LLC.

- WHEREAS, the City of CELINA is a regulatory authority under the Public Utility Regulatory Act (PURA) and has exclusive original jurisdiction over the rates and services of Oncor Electric Delivery Company, LLC (Oncor) within the municipal boundaries of the city; and
- WHEREAS, the Steering Committee has historically intervened in Oncor rate proceedings and electric utility related rulemakings to protect the interests of municipalities and electric customers residing within municipal boundaries; and
- WHEREAS, the Steering Committee is participating in Public Utility Commission dockets and projects, as well as court proceedings, and legislative activity, affecting transmission and distribution utility rates; and
- WHEREAS, the City is a member of the Steering Committee of Cities Served by Oncor; and
- WHEREAS, the Steering Committee functions under the direction of an Executive Committee which sets an annual budget and directs interventions before state and federal agencies, courts and legislatures, subject to the right of any member to request and cause its party status to be withdrawn from such activities; and
- WHEREAS, the Executive Committee in its December 2018 meeting set a budget for 2019 that compels an assessment of eight cents (\$0.08) per capita; and
- WHEREAS, in order for the Steering Committee to continue its participation in these activities which affects the provision of electric utility service and the rates to be charged, it must assess its members for such costs.

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

I.

That the City is authorized to continue its membership with the Steering Committee of Cities Served by Oncor to protect the interests of the City of _____ and protect the interests of the customers of Oncor Electric Delivery Company, LLC residing and conducting business within the City limits.

II.

The City is further authorized to pay its assessment to the Steering Committee of eight cents (\$0.08) per capita based on the population figures for the City shown in the latest TML Directory of City Officials.

III.

A copy of this Resolution and the assessment payment check made payable to “*Steering Committee of Cities Served by Oncor*” shall be sent to Brandi Stigler, Steering Committee of Cities Served by Oncor, c/o City Attorney’s Office, Mail Stop 63-0300, 101 S. Mesquite St., Suite 300, Arlington, Texas 76010.

PRESENTED AND PASSED on this the _____ day of _____, 2019, by a vote of _____ ayes and _____ nays at a regular meeting of the City Council of the City of _____, Texas.

Signature
Mayor

ATTEST:

Signature
City Secretary

APPROVED AS TO FORM:

Signature
City Attorney

Attachment: 2019 Oncor CSC Assessment (Oncor Steering Committee)



Finance Department
City of Celina, Texas

Memorandum

To: **Honorable Mayor Terry and the Celina City Council**
From: Vicki Faulkner, City Secretary
CC: Jason Laumer, City Manager
Date: July 9, 2019
Re: Atmos Cities Steering Committee

Action Requested:

Consider and act upon a resolution authorizing continued participation with the Atmos Cities Steering Committee; and authorizing the payment of five cents per capita to the Atmos Cities Steering Committee to fund regulatory and related activities related to Atmos Energy Corporation. (Toutounchian)

Background Information:

Please see the attached staff report.

Board Review/Citizen Input:

N/A

Alternatives:

N/A

Financial Considerations:

Legal Review:

Supporting Documents:

Resolution
Staff Report

Staff Recommendation:

STAFF REPORT ON ASSESSMENT RESOLUTION FOR ATMOS CITIES STEERING COMMITTEE

Purpose of the Resolution:

Most municipalities have retained original jurisdiction over gas utility rates and services within municipal limits. The Atmos Cities Steering Committee (“ACSC”) is composed of 178 municipalities in the service area of Atmos Energy Corporation, Mid-Tex Division that have retained original jurisdiction. Atmos is a monopoly provider of natural gas. Because Atmos has no competitors, regulation of the rates that it charges its customers is the only way that cities can ensure that natural gas rates are fair. Working as a coalition to review the rates charged by Atmos allows cities to accomplish more collectively than each city could do acting alone. Cities have more than 100 years experience in regulating natural gas rates in Texas.

ACSC is the largest coalition of cities served by Atmos Mid-Tex. There are 178 ACSC member cities, which represent more than 60 percent of the total load served by Atmos-Mid Tex. ACSC protects the authority of municipalities over the monopoly natural gas provider and defends the interests of residential and small commercial customers within the cities. Although many of the activities undertaken by ACSC are connected to rate cases (and therefore expenses are reimbursed by the utility), ACSC also undertakes additional activities on behalf of municipalities for which it needs funding support from its members.

The ACSC Membership Assessment Supports Important Activities:

ACSC is actively involved in rate cases, appeals, rulemakings, and legislative efforts impacting the rates charged by Atmos within the City. These activities will continue throughout the calendar year. It is possible that additional efforts will be necessary on new issues that arise during the year, and it is important that ACSC be able to fund its participation on behalf of its member cities. A per capita assessment has historically been used, and is a fair method for the members to bear the burdens associated with the benefits received from that membership.

Explanation of Resolution Paragraphs:

- I. This paragraph authorizes the continuation of the City’s membership in ACSC.
- II. This paragraph authorizes payment of the City’s assessment to the ACSC in the amount of five cents (\$0.05) per capita.
- III. This paragraph requires notification that the City has adopted the Resolution.

Payment of Assessment

The assessment payment check should be made out to “*Atmos Cities Steering Committee*” and mailed to Brandi Stigler, Atmos Cities Steering Committee, c/o Arlington City Attorney’s Office, Mail Stop 63-0300, 101 S. Mesquite St., Suite 300, Arlington, Texas 76010.

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING CONTINUED
PARTICIPATION WITH THE ATMOS CITIES STEERING
COMMITTEE; AND AUTHORIZING THE PAYMENT OF FIVE
CENTS PER CAPITA TO THE ATMOS CITIES STEERING
COMMITTEE TO FUND REGULATORY AND RELATED
ACTIVITIES RELATED TO ATMOS ENERGY CORPORATION

- WHEREAS, the City of CELINA is a regulatory authority under the Gas Utility Regulatory Act (GURA) and has exclusive original jurisdiction over the rates and services of Atmos Energy Corporation, Mid-Tex Division (Atmos) within the municipal boundaries of the city; and
- WHEREAS, the Atmos Cities Steering Committee (ACSC) has historically intervened in Atmos rate proceedings and gas utility related rulemakings to protect the interests of municipalities and gas customers residing within municipal boundaries; and
- WHEREAS, ACSC is participating in Railroad Commission dockets and projects, as well as court proceedings and legislative activities, affecting gas utility rates; and
- WHEREAS, the City is a member of ACSC; and
- WHEREAS, in order for ACSC to continue its participation in these activities which affects the provision of gas utility service and the rates to be charged, it must assess its members for such costs; NOW THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF _____, TEXAS:

I.

That the City is authorized to continue its membership with the Atmos Cities Steering Committee to protect the interests of the City of _____ and protect the interests of the customers of Atmos Energy Corporation, Mid-Tex Division residing and conducting business within the City limits.

II.

The City is further authorized to pay its 2019 assessment to the ACSC in the amount of five cents (\$0.05) per capita.

III.

A copy of this Resolution and approved assessment fee payable to “Atmos Cities Steering Committee” shall be sent to:

Brandi Stigler
Atmos Cities Steering Committee
c/o Arlington City Attorney’s Office, Mail Stop 63-0300
101 S. Mesquite St., Suite 300
Arlington, Texas 76010

PRESENTED AND PASSED on this the _____ day of _____, 2019, by a vote of _____
 ayes and _____ nays at a regular meeting of the City Council of the City of
 _____, Texas.

ATTEST:

 Signature
 Mayor

 Signature
 City Secretary

APPROVED AS TO FORM:
 City Attorney

BY _____

Attachment: 2019 Atmos ACSC 2019 Assessment Resolution (Atmos Steering Committee)



Development Services
City of Celina, Texas

Memorandum

To: **Honorable Mayor Terry and the Celina City Council**
 From: Madhuri Mohan AICP, Planning Manager
 CC: Jason Laumer, City Manager
 Date: July 9, 2019
 Re: Collin College Annexation 1st Public Hearing

Action Requested:

The Celina City Council will conduct the first of two public hearings regarding the proposed voluntary annexation of an approximately 75 acre tract of land within the Extraterritorial Jurisdiction; generally located south of Choate Parkway and approximately 2,500 feet east of Preston Road. (Collin College Annexation) (Mohan)

Applicant:

Beck Architecture LLC
 1807 Ross Avenue Suite 500
 Dallas, TX 75201

Owner:

Collin College
 3452 Spur 399, Suite 500
 McKinney, TX 75069

Background Information:

Below is the anticipated annexation schedule for the property:

~~June 11, 2019 - City Council acts on a resolution to set the public hearing dates.~~

July 9, 2019 - First Public Hearing to be held.

August 13, 2019 - Second Public Hearing to be held.

August 13, 2019 - City Council acts on an ordinance annexing the property.

Board Review/Citizen Input:

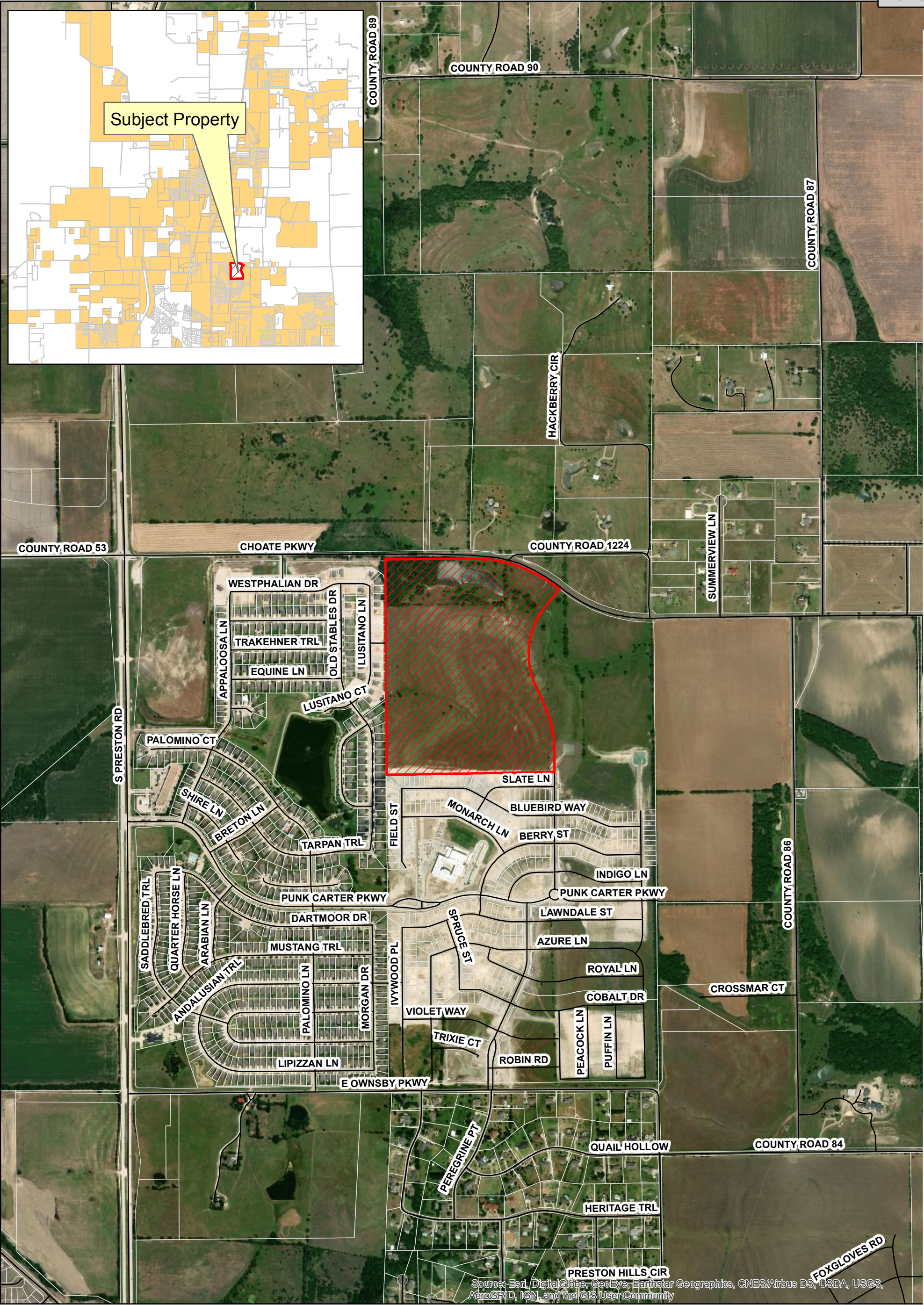
Notice of the first public hearing was published in *The Celina Record* on June 28, 2019.

Supporting Documents:

- Location Map
- Staff Presentation

Staff Recommendation:

Staff recommends approval.



Attachment: Location Map (Collin College Annexation 1st Public Hearing)

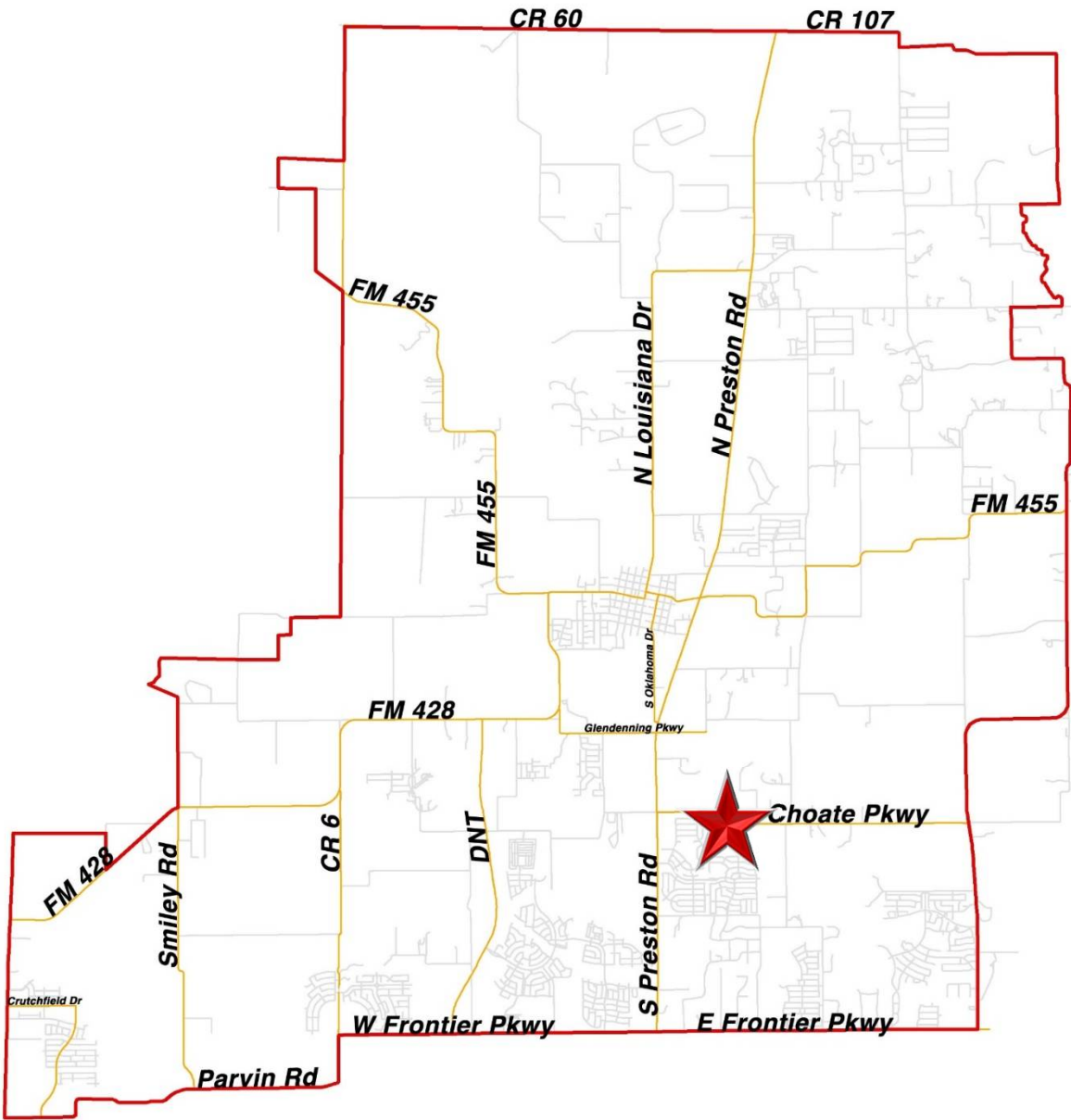
Collin College

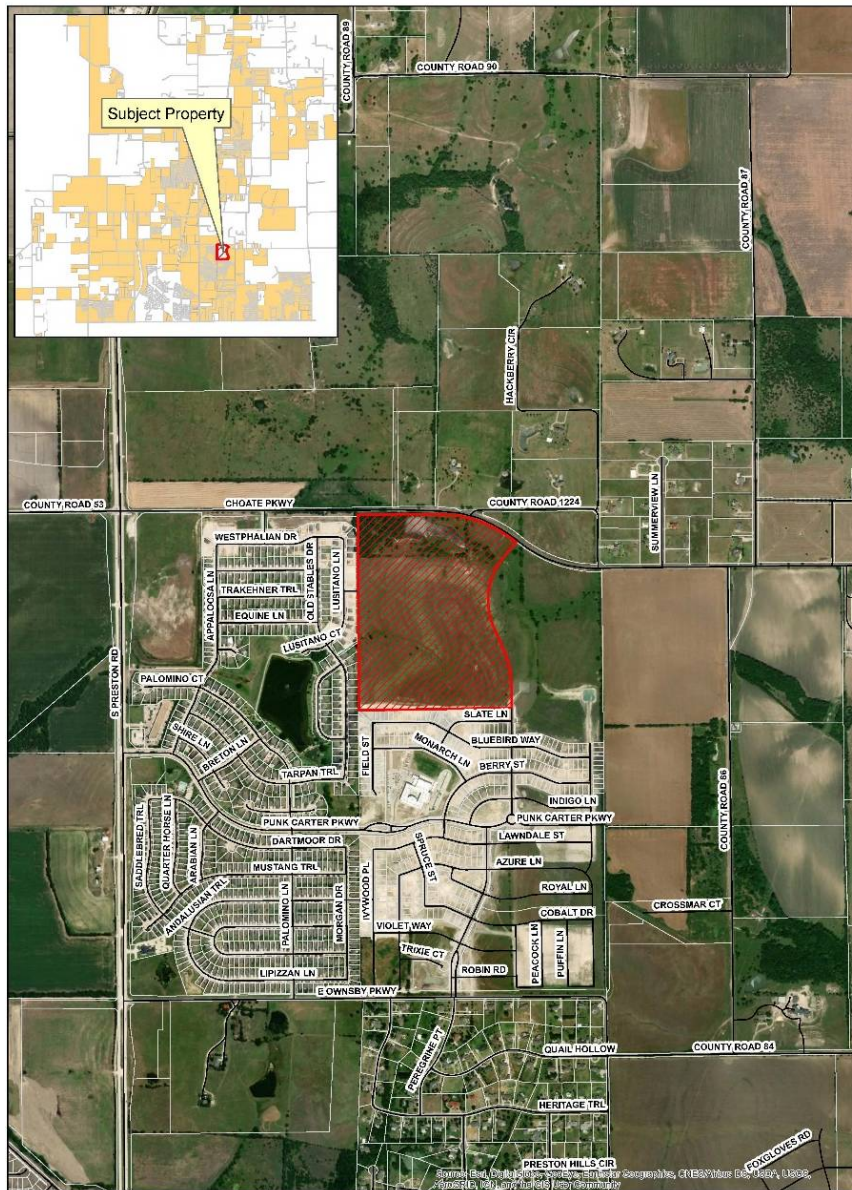
Annexation

City Council

July 9, 2019







Location Map

The subject property is generally located south of Choate Parkway and approximately 2,500 feet east of Preston Road.

Background

- The property is approximately 75 acres
- The voluntary annexation would fill in a gap of the existing City Limits and was outlined in a Development Agreement in 2009
- A Planned Development, with a base zoning of Community Facilities (CF) will follow, and will be concurrently considered on the same agenda as the annexation ordinance is considered for adoption



Annexation Schedule

- ~~June 11, 2019 – City Council acted upon the resolution and set the public hearing dates~~
- July 9, 2019 – 1st Public Hearing
- August 13, 2019 – 2nd Public Hearing and adoption of the annexation ordinance



Recommendation

- Notices were published in compliance with State and local law
- Staff recommends approval as presented





Development Services
City of Celina, Texas

Memorandum

To: **Honorable Mayor Terry and the Celina City Council**
 From: Madhuri Mohan AICP, Planning Manager
 CC: Jason Laumer, City Manager
 Date: July 9, 2019
 Re: Huie Property Annexation 2nd Public Hearing

Action Requested:

The Celina City Council will conduct the second of two public hearings and consider and act upon an ordinance on the voluntary annexation of an approximately 8.626 acre tract of land within the Extraterritorial Jurisdiction; generally located south of Choate Parkway and approximately 1,300 feet east of County Road 87. (Huie Property Annexation) (Mohan)

Applicant:

Prosper Land Company
 10394 CR 58
 Celina, TX 75009

Background Information:

Below is the anticipated annexation schedule for the property:

~~May 14, 2019 – City Council acts on a resolution to set the public hearing dates.~~

~~June 11, 2019 – First Public Hearing to be held.~~

July 9, 2019 - Second Public Hearing to be held.

July 9, 2019 - City Council acts on an ordinance annexing the property.

Board Review/Citizen Input:

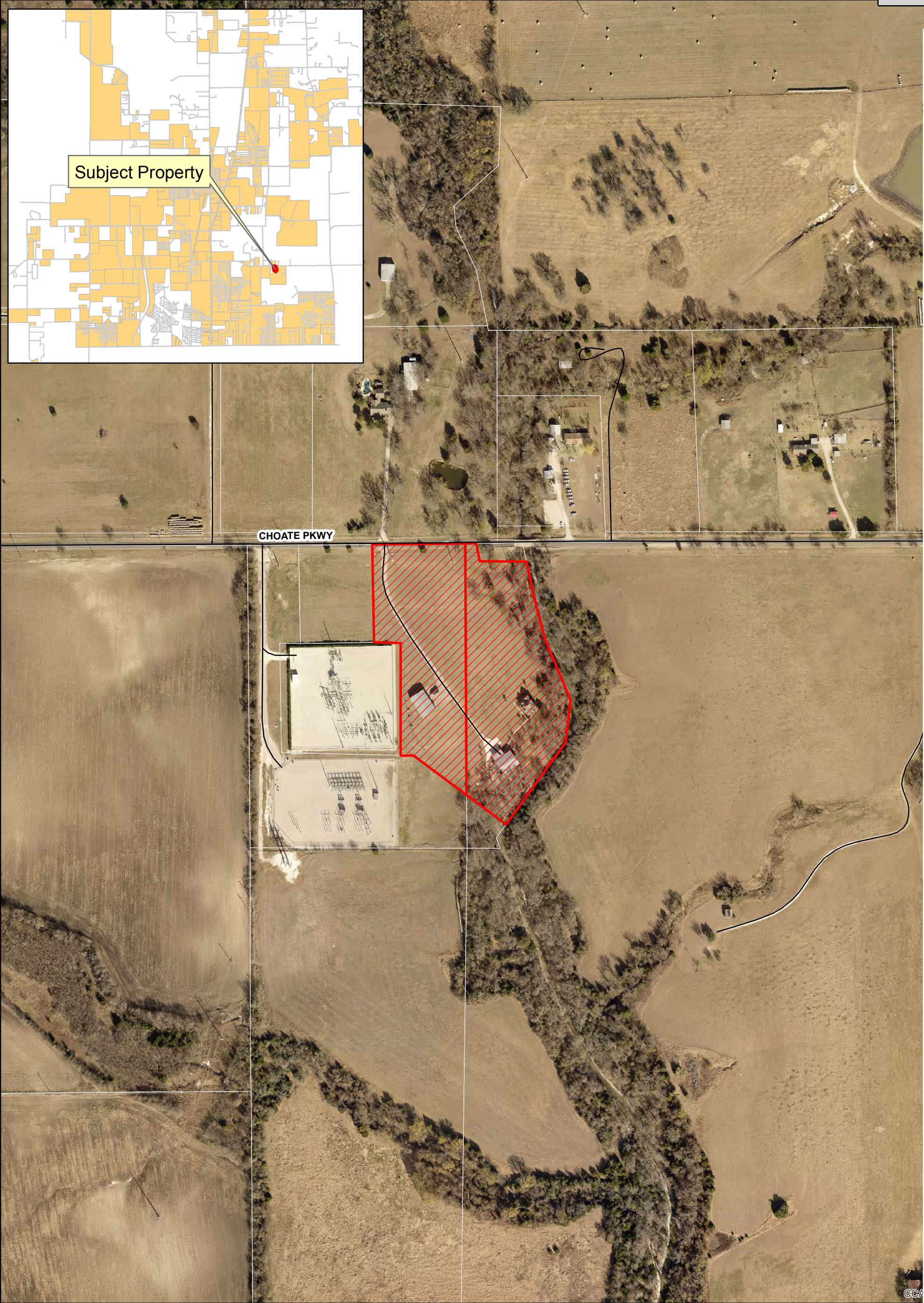
Notice of the second public hearing was published in *The Celina Record* on June 28, 2019.

Supporting Documents:

- Location Map
- Staff Presentation
- Draft Ordinance

Staff Recommendation:

Staff recommends approval.



Attachment: Location Map (Huie Property Annexation 2nd Public Hearing)

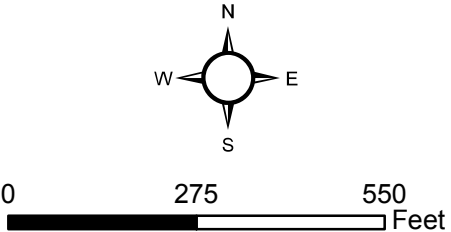


1727 Choate Pkwy Location Map

Date: 4/23/2019

Legend

- Roads
-  ProsperLandCompany
-  Parcels



A compass rose showing North (N), South (S), East (E), and West (W). Below it is a scale bar with markings for 0, 275, and 550 feet.

Packet Pg. 82

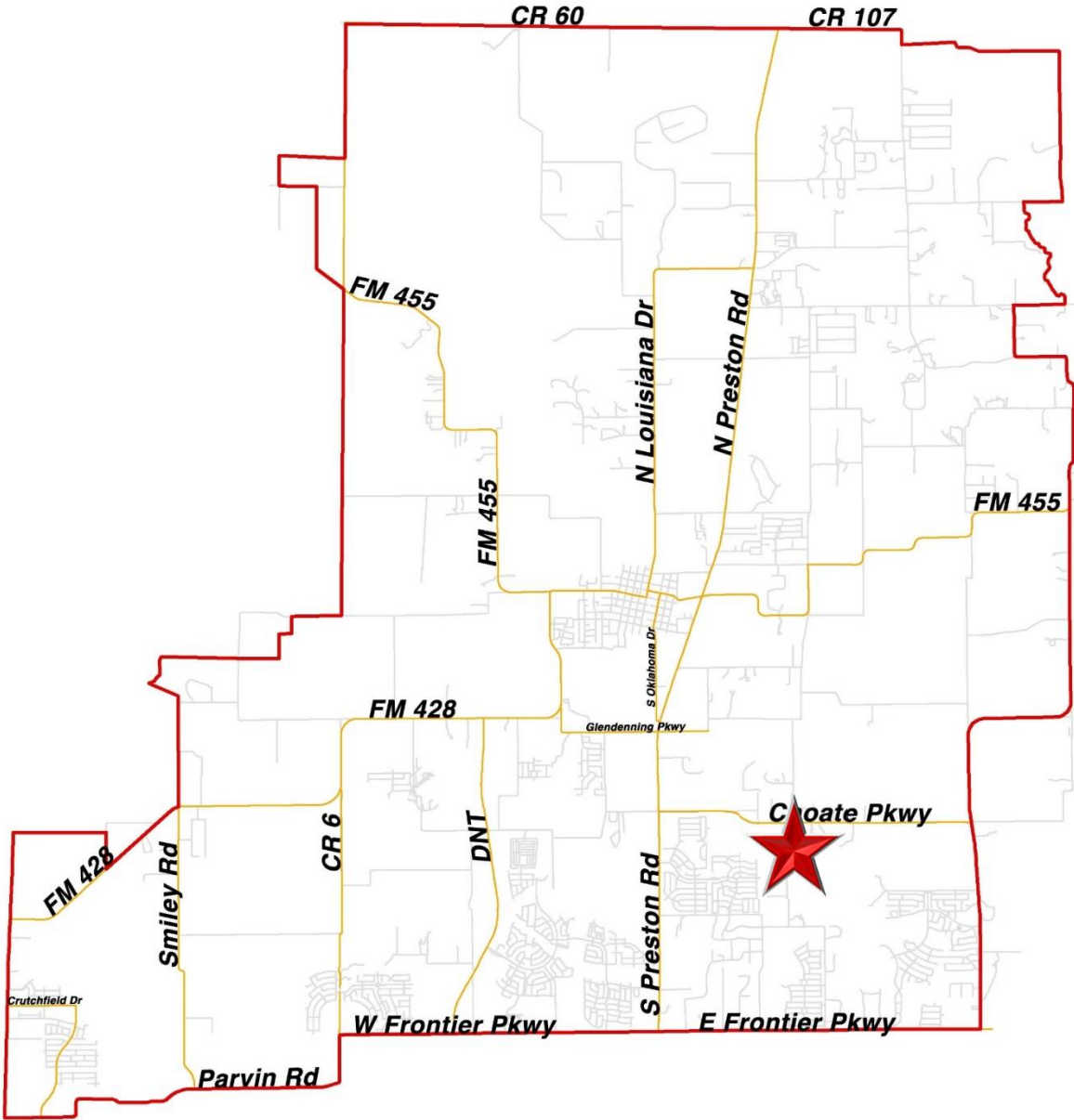
Huie Property

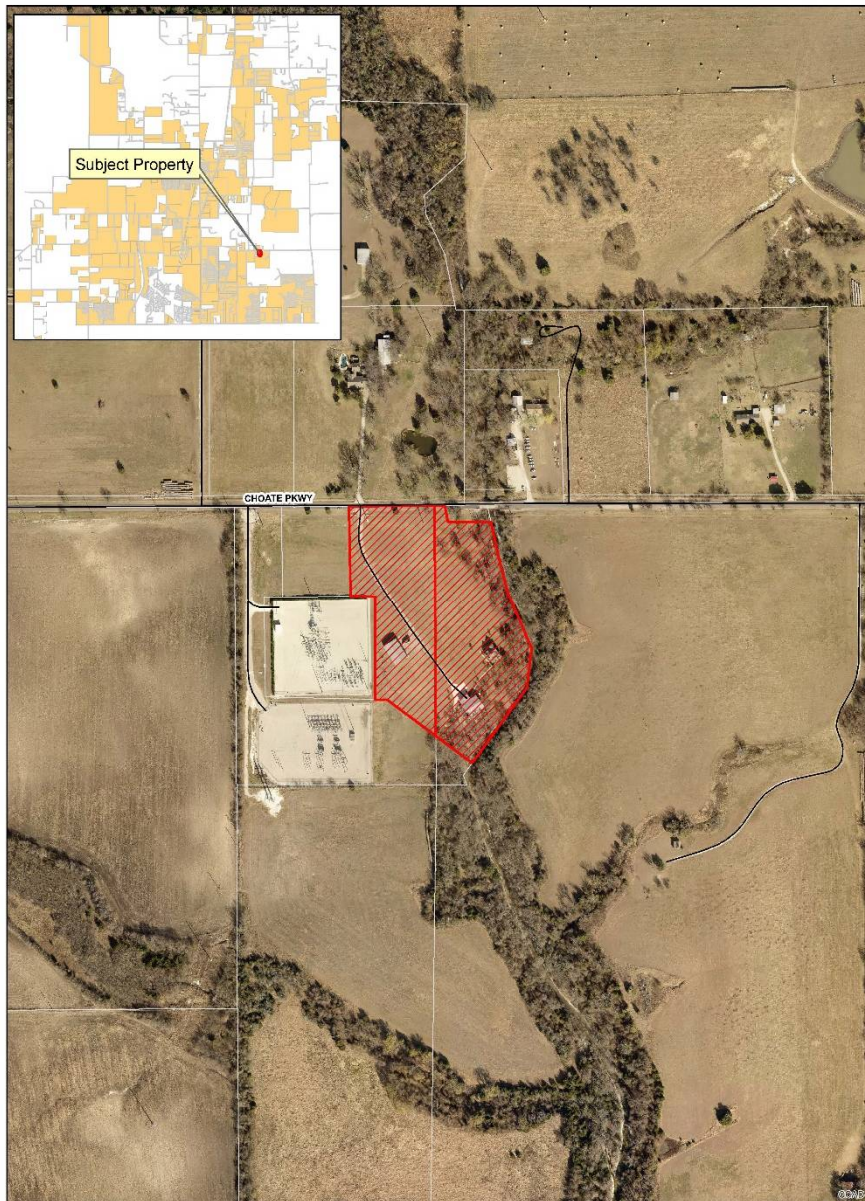
Annexation

City Council

July 9, 2019







Location Map

The subject property is generally located south of Choate Parkway and approximately 1,330 feet east of County Road 87.

Background

- The property is approximately 8.7 acres
- The voluntary annexation would fill in a gap of the existing City Limits
- A City initiated zoning to Agriculture (AG) district will be concurrently considered on tonight's agenda as the annexation ordinance is considered for adoption



Annexation Schedule

- ~~May 14, 2019 – City Council acted upon the resolution and set the public hearing dates~~
- ~~June 11, 2019 – 1st Public Hearing~~
- July 9, 2019 – 2nd Public Hearing and adoption of the annexation ordinance



Recommendation

- Notices were published in compliance with State and local law
- Staff recommends approval as presented



**CITY OF CELINA, TEXAS
ORDINANCE NO. 2019-_____
HUIE PROPERTY ANNEXATION**

AN ORDINANCE OF THE CITY OF CELINA, TEXAS, ADOPTING THE ANNEXATION OF CERTAIN TERRITORY CONTIGUOUS TO AND ADJOINING THE CITY OF CELINA, TEXAS, TO WIT: BEING AN APPROXIMATELY 8.626 ACRE TRACT OF LAND, COLLIN COUNTY, TEXAS, AND BEING MORE PARTICULARLY GRAPHICALLY DEPICTED IN EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN, SUCH TRACT IS GENERALLY LOCATED SOUTH OF CHOATE PARKWAY AND APPROXIMATELY 1,330 FEET EAST OF COUNTY ROAD 87; PROVIDING FOR INCORPORATION OF PREMISES; PROVIDING FOR AMENDING OF THE OFFICIAL CITY MAP; PROVIDING FOR A SERVICE PLAN; REQUIRING THE FILING OF THIS ORDINANCE WITH THE COUNTY CLERK; PRESCRIBING FOR EFFECT ON TERRITORY, GRANTING AS APPROPRIATE TO ALL THE INHABITANTS OF SAID PROPERTY ALL THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BINDING SAID INHABITANTS BY ALL OF THE ACTS, ORDINANCES, RESOLUTIONS, AND REGULATIONS OF THE CITY OF CELINA, TEXAS; PROVIDING A CUMULATIVE REPEALER CLAUSE; PROVIDING FOR SEVERABILITY; 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 and operating pursuant to the enabling legislation of the State of Texas and the Celina City Charter; and

WHEREAS, two separate public hearings were conducted in accordance with Section 43.052 of the Texas Local Government Code, the first hearing being held on the 11th day of June, 2019, and the second hearing being held on the 9th day of July, 2019, both in the Celina ISD Administration Building Board Room located at 205 S. Colorado in the City of Celina, to consider the annexation of the property being more particularly depicted in Exhibit "A", attached hereto and incorporated herein; and

WHEREAS, any and all required written notices and offers were timely sent to all property owners and others entitled to same; and

WHEREAS, the public hearings were conducted and held no more than forty (40) days nor less than twenty (20) days prior to the institution of annexation proceedings; and

WHEREAS, the notices of the public hearings were published in *The Celina Record*, a newspaper of general circulation within the City of Celina, Texas, on the 31st day of May, 2019 and on the 28th day of June, 2019, such dates being not more than twenty (20) days nor less than ten (10) days prior to each public hearing; and

WHEREAS, all required statutory notices pursuant to Chapter 43 of the Texas Local Government Code have been accomplished; and

WHEREAS, the City Council of the City of Celina, Texas has determined that such territory is contiguous to and adjoins the City of Celina, Texas; and

WHEREAS, the City Council of the City of Celina, Texas has investigated into, has determined and officially finds that no part of such territory is within the extraterritorial jurisdiction of any other incorporated city or town; and

WHEREAS, to the extent that this Ordinance would cause an unincorporated area to be entirely surrounded by the City of Celina's limits, the City Council has found - and incorporates herein its finding - that surrounding the area is in the public interest; and

WHEREAS, the graphic description of the property to be annexed is attached hereto as Exhibit

“A” and incorporated herein for all purposes; and

WHEREAS, the service plan for such territory is attached hereto as Exhibit “B” and incorporated herein for all purposes.

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

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 **OFFICIAL CITY MAP AMENDED**

1. The official map and boundaries of the City are hereby amended so as to include the property being more particularly depicted in Exhibit “A”, which is incorporated herein, and that such territory shall be and is hereby annexed into the corporate limits of the City.
2. The Mayor is hereby directed and authorized to perform or cause to be performed all acts necessary to correct the official map of the City to add the territory hereby annexed as required by law.

SECTION 3 **SERVICE PLAN**

The Municipal Service Plan for the herein annexed territory, attached hereto as Exhibit “B”, was submitted in accordance with Chapter 43 of the Texas Local Government Code and is hereby approved as part of this ordinance, and is made a part hereof.

SECTION 4 **FILING OF ORDINANCE REQUIRED**

The Mayor shall file or cause to be filed a certified copy of this Ordinance in the office of the County Clerk of Collin County, Texas, and any other necessary agencies, including the United States Department of Justice.

SECTION 5 **EFFECT ON TERRITORY**

From and after the passage of this Ordinance, the territory depicted in Exhibit “A”, attached hereto and incorporated herein for all purposes, shall be a part of the City of Celina, Texas, and subject to the municipal service plan referenced in Section 3 of this Ordinance. The inhabitants thereof shall be entitled to all of the rights, privileges and immunities as all other citizens of the City of Celina, Texas, and shall be bound by all of the Ordinances and regulations enacted pursuant to and in conformity with the general laws of the State of Texas.

SECTION 6 **CUMULATIVE REPEALER**

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.

SECTION 7 **SEVERABILITY**

If any section, article, paragraph, sentence, clause, phrase or word in this Ordinance, or

application thereof to any person or circumstance, is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of the Ordinance, and the City Council hereby declares it would have passed such remaining portions of the Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

SECTION 8
ENGROSSMENT AND ENROLLMENT

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

SECTION 8
EFFECTIVE DATE

This Ordinance shall be in full force and effect from and after its date of passage.

AND IT IS SO ORDAINED.

PASSED AND APPROVED by the City Council of the City of Celina, Texas, on this 9th day of July, 2019.

Sean Terry, Mayor
City of Celina, Texas

ATTEST:

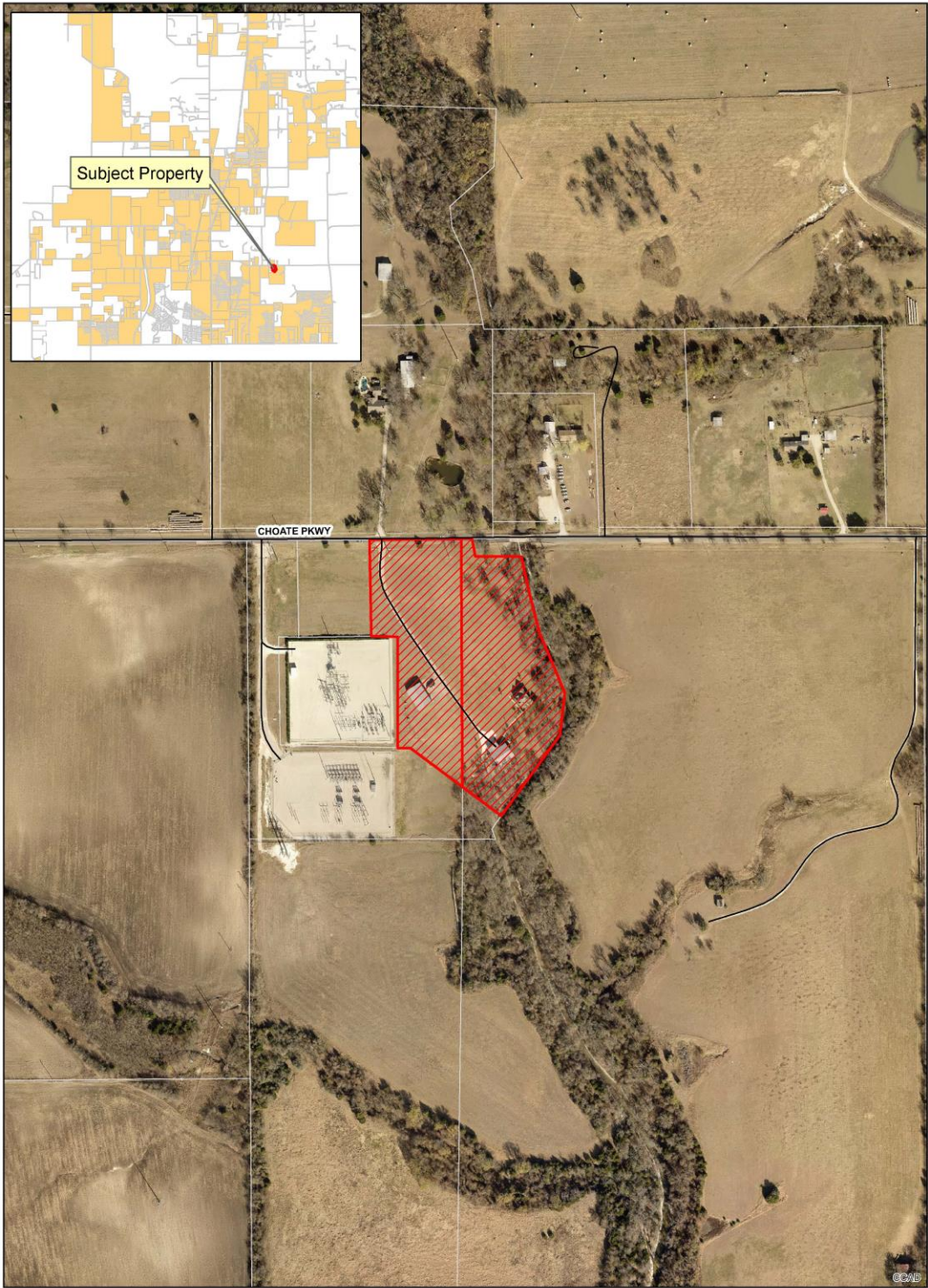
APPROVED AS TO FORM:

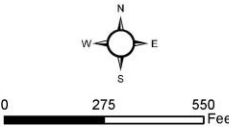
Vicki Faulkner, City Secretary
City of Celina, Texas

City Attorney
City of Celina, Texas

Attachment: Draft Ordinance (Huie Property Annexation 2nd Public Hearing)

Exhibit “A”
Property Exhibit



	1727 Choate Pkwy Location Map Date: 4/23/2019	Legend — Roads  ProsperLandCompany  Parcels	 0 275 550 Feet
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Attachment: Draft Ordinance (Huie Property Annexation 2nd Public Hearing)

**Exhibit “B”
Service Plan**

A) SERVICE PLAN GENERALLY

- 1) This service plan has been prepared in accordance with the Texas Local Government Code (“LGC”), Sections 43.021; 43.065 and 43.056(b)-(o). Municipal facilities and services to the annexed area will be provided or made available on behalf of the City of Celina in accordance with the following plan. The City of Celina shall provide the annexed tract the levels of service, infrastructure, and infrastructure maintenance that are comparable to the levels of service, infrastructure, and infrastructure maintenance available in other parts of the City of Celina with similar topography, land use, and population density. The provisions of the service plan were made available for public inspection and explained at the two public hearings held by the City Council in accordance with LGC Section 43.056(j).
- 2) For purposes of this service plan, to “provide” services includes having services provided by any method or means by which the City provides municipal services to any other areas of the City, and may include causing or allowing private utilities, governmental entities and other public service organizations to provide such services by contract or right, in whole or in part, and may include duties on part of the private landowner with regard to such services.

B) EMERGENCY SERVICES

- 1) Police Protection
 - a) Police protection from the City of Celina Police Department shall be provided to the annexed area at a level consistent with current methods and procedures presently provided to similar areas on the effective date of the annexation ordinance. Some of these services include:
 - i) Normal patrol and responses;
 - ii) Handling of complaints and incident reports;
 - iii) Special units, such as traffic enforcement and investigations; and
 - iv) Coordination with other public safety support agencies.
 - b) As development commences in these areas, sufficient police protection, including personnel and equipment will be provided to furnish these areas with the level of police services consistent with the characteristics of topography, land utilization and population density of the areas.
 - c) Upon ultimate development, police protection will be provided at a level consistent with other similarly situated areas within the city limits.
- 2) Fire Protection
 - a) The Celina Fire Department will provide emergency and fire prevention services to the annexed area. These services include:
 - i) Fire suppression and rescue;
 - ii) Pre-hospital medical services including triage, treatment and transport by Advanced Life Support (ALS) fire engines, trucks and ambulances;
 - iii) Hazardous materials response and mitigation;
 - iv) Emergency prevention and public education efforts;
 - v) Technical rescue response; and
 - vi) Construction Plan Review and required inspections.
 - b) Fire protection from the City of Celina shall be provided to the annexed area at a level consistent with current methods and procedures presently provided to similar areas of the City of Celina on the effective date of the annexation ordinance.
 - c) As development commences in these areas, sufficient fire protection, including personnel and

- equipment will be provided to furnish these areas with the level of services consistent with the characteristics of topography, land utilization and population density of the areas. It is anticipated that fire stations planned to service areas currently with the City of Celina will be sufficient to serve the annexed area.
- d) Upon ultimate development, fire protection will be provided at a level consistent with similarly situated areas within the city limits.
- 3) Emergency Medical Services
- a) The Celina Fire Department will provide emergency and safety services to the annexed area. These services include:
 - i) Emergency medical dispatch and pre-arrival First Aid instructions;
 - ii) Pre-hospital emergency Advanced Life Support (ALS) response and transport; and
 - iii) Medical rescue services.
 - b) Emergency Medical Services (EMS) from the City of Celina shall be provided to the annexed area at a level consistent with current methods and procedures presently provided to similar areas of the City of Celina on the effective date of the annexation ordinance.
 - c) As development commences in these areas, sufficient EMS, including personnel and equipment, will be provided to furnish these areas with the level of services consistent with the characteristics of topography, land utilization, and population density of the areas.
 - d) Upon ultimate development, EMS will be provided at a level consistent with similarly situated areas within the city limits.

C) SOLID WASTE

- 1) Solid Waste and Recycling Collection Services will be provided to the annexed area immediately upon the effective date of the annexation at a level consistent with current methods and procedures presently provided to similar areas within the City. Private solid waste collection service providers operating in the affected area immediately prior to annexation and currently providing customers with service may continue to provide their existing service for up to two (2) years in accordance with Texas Local Government Code Section 43.056(n).

D) WASTEWATER FACILITIES

- 1) As development commences in these areas, sanitary sewer mains as defined by the Certificate of Convenience and Necessity (CCN) Number 20764, as issued by the Texas Commission on Environmental Quality (TCEQ) will be extended in accordance with the provisions of the City's codes, ordinances, regulations and policies. City participation in the costs of these extensions shall be in accordance with applicable City codes, ordinances, regulations and policies. Capacity and extensions shall be provided consistent with the characteristics of topography, land utilization, and population density of the areas. If the annexed area is in the CCN of another provider, wastewater service shall be provided in accordance with the policies of the CCN holder. In some instances, the City might acquire the CCN rights and become the new wastewater provider, in time.
- 2) Sanitary sewer mains and lift stations installed or improved to City standards, and accepted by the City, within the annexed area which are located within dedicated easement, rights-of-way, or any other acceptable location approved by the City Manager or his designee, shall be maintained by the City on the effective date of this ordinance.
- 3) Operation and maintenance of wastewater facilities in the annexed area that are within the certificated service area of another wastewater utility will be the responsibility of that utility. Operation and maintenance of private wastewater facilities in the annexed area will be the responsibility of the owner.

E) WATER FACILITIES

- 1) Connections to existing City of Celina water distribution mains for water service as defined by Certificate of Convenience and Necessity (CCN) Number 12667, as issued by the Texas Commission on Environmental Quality (TCEQ) will be provided in accordance with existing City codes, ordinances, regulations and policies. Upon connection to existing distribution mains, water service will be provided at rates established by City ordinance. If the annexed area is in the CCN of another provider, water service shall be provided in accordance with the policies of the CCN holder. In some instances, the City might acquire the CCN rights and become the new water provider, in time.
- 2) As development commences in these areas, water distribution mains will be extended in accordance with City of Celina codes, ordinances, regulations and policies. City participation in the costs of these extensions shall be in accordance with the City of Celina's codes, ordinances, regulations and policies. Water service extensions and capacity shall be provided consistent with the characteristics of topography, land utilization, and population density of the area.
- 3) Operation and maintenance of existing water facilities in the annexed area that are within the service area of another water utility will be the responsibility of that utility. Operation and maintenance of private water facilities in the annexed area will be the responsibility of the owner.

F) ROAD AND STREETS

- 1) Emergency street maintenance shall be provided within the annexed area on the effective date of the applicable ordinance of acceptance. Routine maintenance will be provided within the annexed area and will be scheduled as part of the City's annual program and in accordance with the City's current codes, ordinances, regulations, policies and procedures defined therein and/or as established by the City Council.
- 2) Any construction or reconstruction will be considered within the annexed area on a City-wide basis and within the context of the City's Capital Improvement Plan and/or yearly fiscal budgetary allotments by the City Council. As development, improvement or construction of streets to City standards commences within this property, the policies of the City of Celina with regard to participation in the costs thereof, acceptance upon completion and maintenance after completion shall apply.
- 3) Roadway signage and associated posts will be replaced in priority of importance starting with regulatory signs, then warning signs, then informational signs and in conformance with fiscal allotments by the City Council. If a sign remains, it will be reviewed and placed on the City's inventory listed for routine re-placement. All existing signs will be reviewed for applicability and based upon an engineering study. New signs will be installed when necessary and based upon an engineering study.
- 4) Routine maintenance of road/street markings will be placed on a priority listing and scheduled within the yearly budgetary allotments by the City Council.
- 5) The City will coordinate any request for improved road and street lighting with the local electric provider. Any and all road and street lighting will be pursuant to the rules, regulations and fees of such electric utility and shall be maintained by the applicable utility company.

G) ENVIRONMENTAL HEALTH, INSPECTIONS AND CODE ENFORCEMENT SERVICES

- 1) Enforcement of the City's environmental health ordinances and regulations, including but not limited to, weed and brush ordinances, junked and abandoned vehicle ordinances and animal control ordinances, shall be provided within this area sixty (60) days of the effective date of the annexation ordinance. These ordinances and regulations will be enforced through the use of existing personnel.
- 2) Inspection services including the review of building plans, the issuance of permits and the

inspection of all buildings, plumbing, mechanical and electrical work to ensure compliance with City codes and ordinances will be continue to be provided after the effective date of the annexation ordinance. Existing personnel will be used to provide these services.

- 3) The City's zoning, subdivision, sign and other ordinances shall be enforced in this area beginning upon the effective date of the annexation.
- 4) All inspection services furnished by the City of Celina, but not mentioned above, will be provided to this area beginning within sixty (60) days of the effective date of the annexed ordinance.
- 5) As development and construction commence in this area, sufficient personnel will be provided to furnish this area the same level of environmental health, inspection and code enforcement services as are furnished throughout the City.

H) PLANNING AND ZONING SERVICES

- 1) The Planning and zoning jurisdiction of the City will extend to this area upon the effective date of the annexation ordinance. City planning will thereafter encompass this property, and it shall be entitled to consideration for zoning in accordance with the City's Zoning Ordinance and Comprehensive Plan.

I) PARKS, PLAYGROUNDS, LIBRARIES, SWIMMING POOLS

- 1) Residents within the annexed area may utilize all existing park and recreation facilities, on the effective date of this ordinance. Fees for such usage shall be in accordance with current fees established by ordinance.
- 2) As development commences in the area, additional park and recreation facilities shall be constructed based on park policies defined in the Park Master Plan and as specified in the Park Dedication Ordinance. The general planned locations and classifications of parks will ultimately serve residents from the current City limits and residents from areas being considered for annexation.

J) PUBLICLY OWNED FACILITIES

- 1) Any publicly owned facility, building, or service located within the annexed area, and not otherwise owned or maintained by another governmental entity, shall be maintained by the City of Celina on the effective date of the annexation ordinance.

K) OTHER SERVICES

- 1) Other services that may be provided by the City of Celina, such as municipal and general administration will be made available on the effective date of the annexation. The City of Celina shall provide levels of service, infrastructure, and infrastructure maintenance that are comparable to the levels of services, infrastructure, and infrastructure maintenance available in other parts of the City of Celina with similar topography, land use, and population density similar to those reasonably contemplated or projected in the area.

L) UNIFORM LEVEL OF SERVICES IS NOT REQUIRED

- 1) Nothing in this Service Plan shall require the City of Celina to provide a uniform level of full municipal services to each area of the City, including the annexed areas, if different characteristics of topography, land use, and population density are considered a sufficient basis for provided different levels of service. The City Council finds and determines that this Service Plan will not provide any fewer services, and it will not provide a lower level of services, than were in existence in the annexed area at the time immediately preceding the annexation process.
- 2) The City of Celina's codes, ordinances, regulations and policies that apply throughout the City may be reviewed at City Hall and at <http://www.franklinlegal.net/codes.html>.

M) TERM

- 1) This Service Plan shall be valid for a term of ten (10) years. Renewal of the Service Plan shall be at the discretion of the City Council and must be approved by ordinance.

N) AMENDMENTS

- 1) This Service Plan may be amended if the City Council determines at a public hearing that changed conditions or subsequent occurrences make this Service Plan unworkable or obsolete. The City Council may amend the Service Plan to conform to the changed conditions, subsequent occurrences or any other legally sufficient circumstances exist pursuant to the LGC or other Texas or Federal laws that make this service plan unworkable, obsolete or unlawful.



Development Services
City of Celina, Texas

Memorandum

To: **Honorable Mayor Terry and the Celina City Council**
 From: Madhuri Mohan AICP, Planning Manager
 CC: Jason Laumer, City Manager
 Date: July 9, 2019
 Re: Huie Property Zoning

Action Requested:

The Celina City Council will conduct a public hearing to consider and act upon an ordinance 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 approximately 8.626 acres of land to Agriculture District (AG), generally located south of Choate Parkway and approximately 1,330 feet east of County Road 87. (Huie Property Zoning) (Mohan)

Applicant:

Prosper Land Company
 10394 CR 58
 Celina, TX 75009

Background Information:

The applicant has requested voluntarily annexing into Celina's City limits, which was the previous agenda item. It is best practice to zone properties at the time of annexation. As such, the request is to zone the property to Agriculture District (AG). The AG zoning district is an appropriate "holding" district as at this time, there are no plans to develop the subject property.

Board Review/Citizen Input:

At the June 18, 2019 Planning & Zoning Commission regular meeting, the Commission voted unanimously to recommend approval of the zoning request.

A notice of the public hearing was published in *The Celina Record* on June 21, 2019.

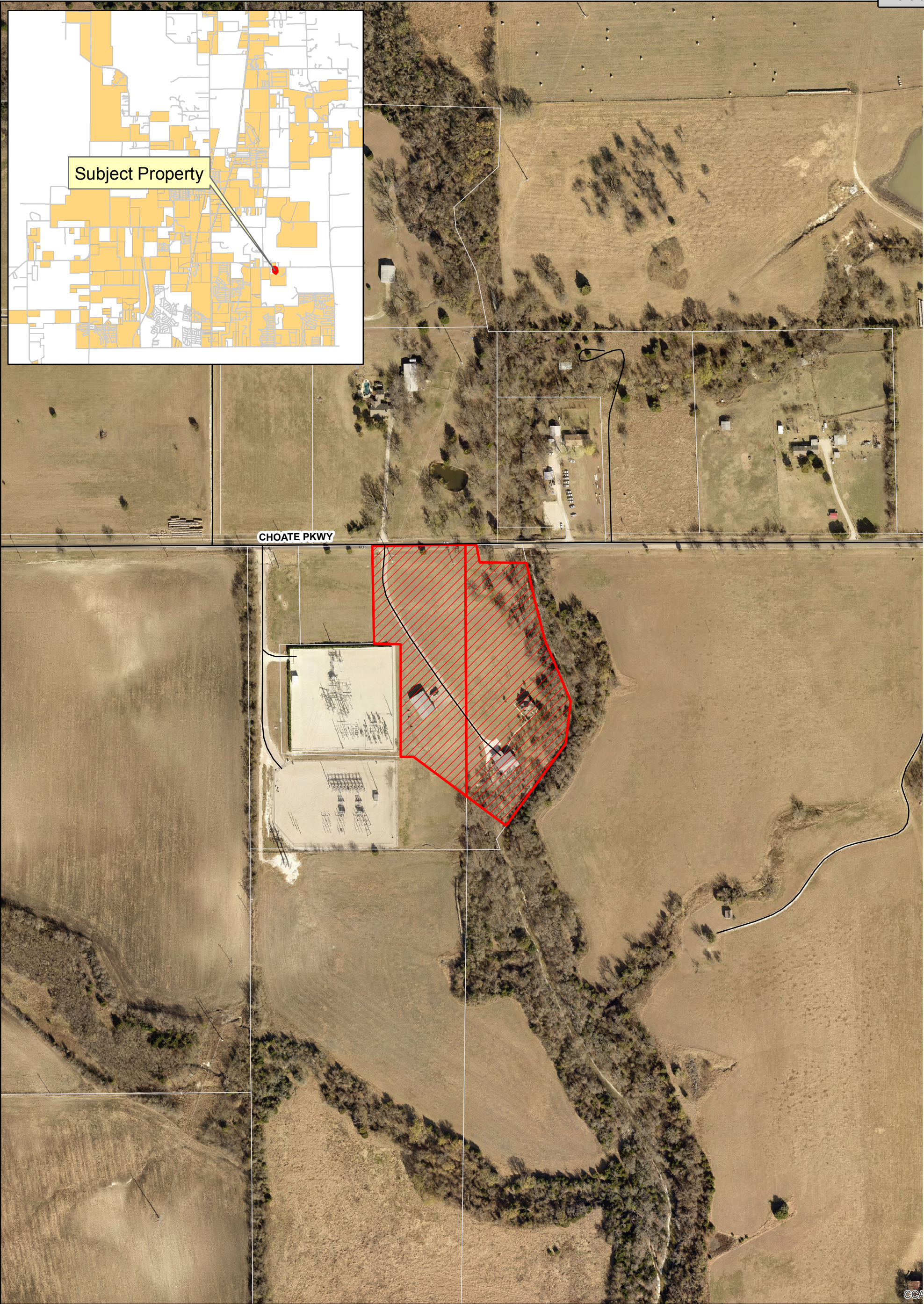
Notices of the public hearing have been sent to all owners of property residing within the City limits, as indicated by the most recently approved Collin County tax rolls, who are located within 200 feet of the subject property. As of the time of packet preparation, staff had received no comments either for or against the proposal.

Supporting Documents:

- Location Map
- Staff Presentation
- Draft Ordinance

Staff Recommendation:

Staff recommends approval.



Attachment: Location Map (Huie Property Zoning)



1727 Choate Pkwy Location Map

Date: 4/23/2019

Legend

- Roads
- ProsperLandCompany
- Parcels

0 275 550 Feet

Packet Pg. 100

Huie Property

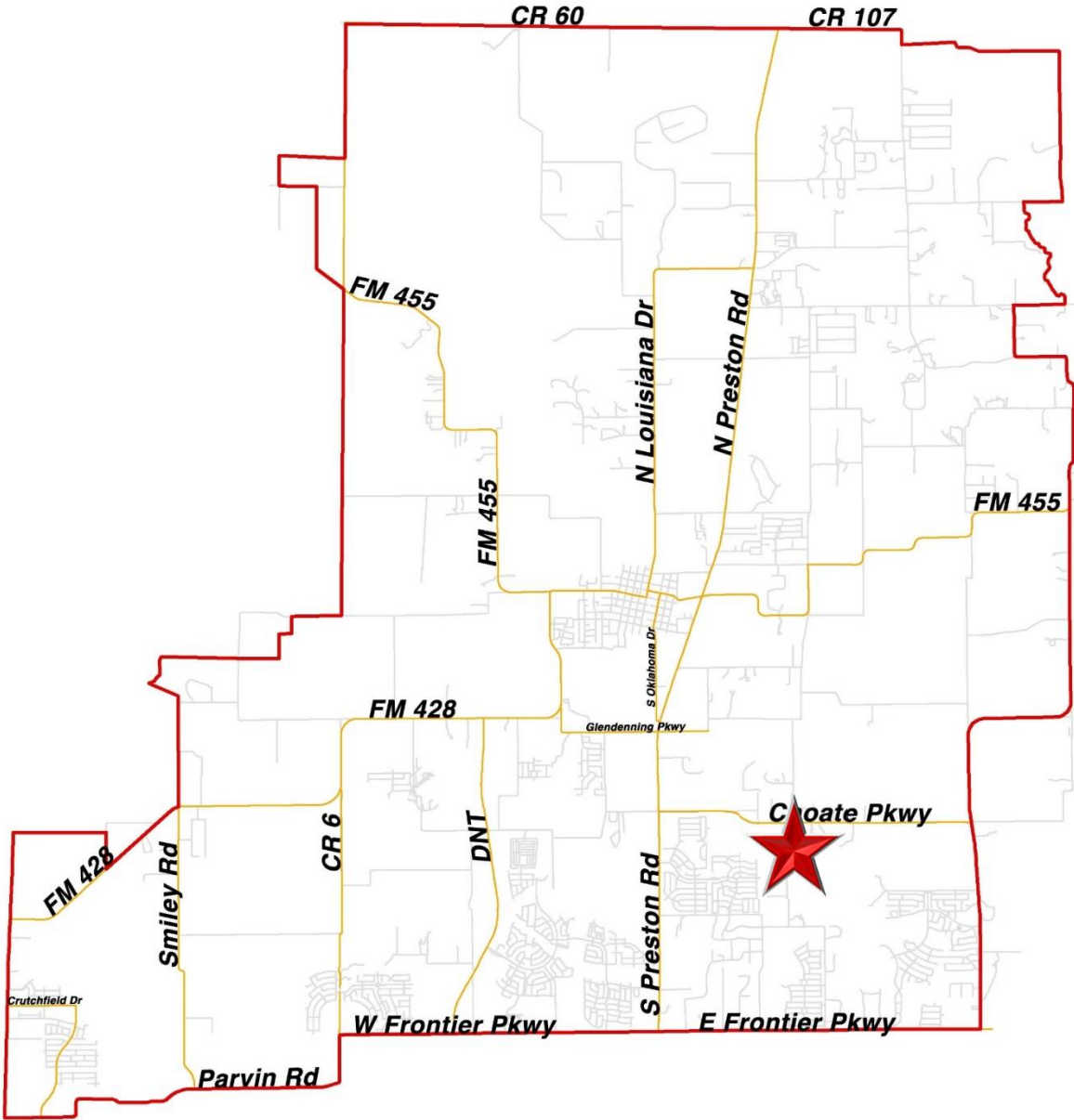
Zoning

City Council

July 9, 2019

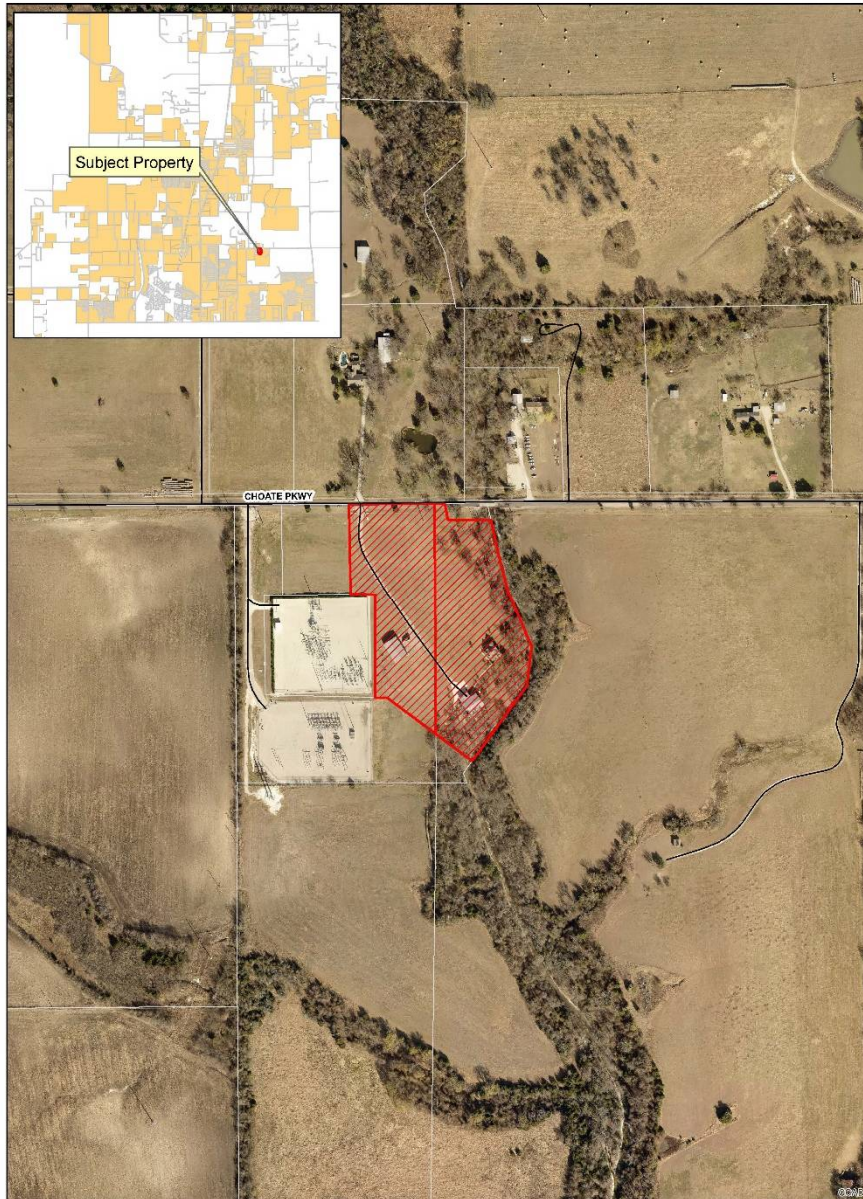
Attachment: Staff Presentation (Huie Property Zoning)





Attachment: Staff Presentation (Huie Property Zoning)





Location Map

The subject property is generally located south of Choate Parkway and approximately 1,330 feet east of County Road 87.

Attachment: Staff Presentation (Huie Property Zoning)

Background

- The property is approximately 8.7 acres
- The concurrent voluntary annexation request was the previous agenda item
- The request is to zone the property to Agriculture District (AG)
- AG zoning is an appropriate “holding” district
- At this time, there are no plans to develop the subject property

Policy Considerations

- It is best practice to zone property at time of annexation
- The subject property is voluntarily annexing into City limits with no immediate plans to develop
- The Future Land Use Plan (FLUP) supports AG zoning as a placeholder district until the property is ready for development at a future date

Recommendation

- Notices were published in compliance with State and local law
- The Planning & Zoning Commission unanimously recommended approval of the zoning request at its June 18th regular meeting
- Staff recommends approval as presented

CITY OF CELINA, TEXAS

ORDINANCE 2019-____

HUIE PROPERTY ZONING – AG – AGRICULTURE ZONING DISTRICT

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 8.626 ACRE TRACT OF LAND SITUATED IN ABSTRACT NO. A1030 IN THE JONATHAN WESTOVER SURVEY, SHEET 3, TRACT 7, AND ABSTRACT NO. A0945 IN THE COLEMAN WATSON SURVEY, SHEET 1, TRACT 66, COLLIN COUNTY, TEXAS, AND GENERALLY LOCATED SOUTH OF CHOATE PARKWAY AND APPROXIMATELY 1,330 FEET EAST OF COUNTY ROAD 87, COLLIN COUNTY, TEXAS; AS DESCRIBED IN DEPICTED IN EXHIBIT “A” ATTACHED HERETO AND INCORPORATED HEREIN TO BE ZONED “AG” AGRICULTURE ZONING 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 Texas 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 depicted in Exhibit “A” attached hereto and incorporated herein; and

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 AG, Agriculture Zoning District on a certain tract of land depicted in Exhibit "A."

SECTION 4 **ZONING DESIGNATION AND DEVELOPMENT STANDARDS**

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 AG, Agriculture Zoning District.

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 in 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 whole or 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 9th day of July, 2019.

Sean Terry, Mayor
City of Celina, Texas

ATTEST:

Vicki Faulkner, City Secretary
City of Celina, Texas

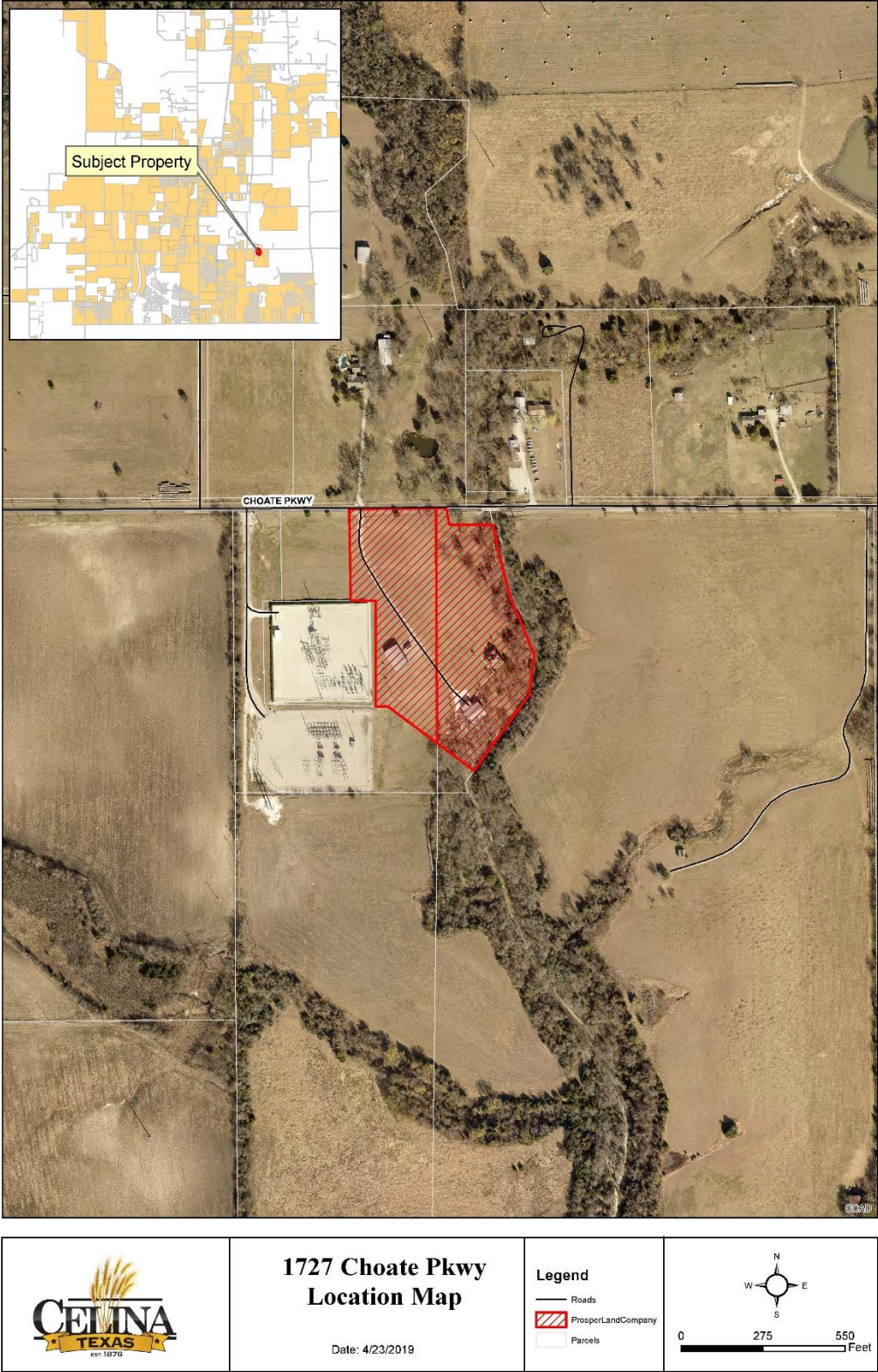
[SEAL]

APPROVED AS TO FORM:

City Attorney
City of Celina, Texas

Attachment: Draft Ordinance (Huie Property Zoning)

Exhibit A
Location Exhibit



Attachment: Draft Ordinance (Huie Property Zoning)



Administration
City of Celina, Texas

Memorandum

To: **Honorable Mayor Terry and the Celina City Council**
From: Paul DeBuff, Assistant to the City Manager
CC: Jason Laumer, City Manager
Date: July 9, 2019
Re: Celina Hills PID creation Public Hearing & Resolution

Action Requested:

The City Council of the City of Celina will hold a public hearing to consider testimony and act upon a resolution of the City of Celina, Texas authorizing and creating the Celina Hills Public Improvement District in accordance with Chapter 372 of the Texas Local Government Code. (DeBuff)

Background Information:

On June 11, 2019, the City Council called a public hearing for July 9th, 2019 to consider testimony regarding the creation of the Celina Hills Public Improvement District (PID). This item includes that public hearing, as well as the resolution creating the Celina Hills PID, with estimated improvement costs of \$10 million.

The proposed PID includes 80.87 acres generally located in the area south of CR 88 (Choate Parkway) and west of Coit Road.

Board Review/Citizen Input:

N/A

Alternatives:

N/A

Financial Considerations:

N/A

Legal Review:

This item has been reviewed by the City Attorney.

Supporting Documents:

- Proposed resolution

Staff Recommendation:

Staff recommends approval.

CITY OF CELINA, TEXAS
RESOLUTION NO. _____

**A RESOLUTION OF THE CITY OF CELINA, TEXAS AUTHORIZING
AND CREATING THE CELINA HILLS PUBLIC IMPROVEMENT
DISTRICT IN ACCORDANCE WITH CHAPTER 372 OF THE TEXAS
LOCAL GOVERNMENT CODE; PROVIDING FOR RELATED
MATTERS; AND PROVIDING AN EFFECTIVE DATE**

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

WHEREAS, on June 10, 2019, Westgate HS Celina Investments, L.P., a Texas limited partnership, (the “**Petitioner**”) submitted and filed with the City Secretary of the City a petition (the “**Petition**”) requesting the establishment of a public improvement district for property within the corporate limits of the City; and

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

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

WHEREAS, after publishing notice in the *Celina Record*, newspaper of general circulation in the City, and mailing notice of the hearing, all as required by and in conformity with the Act, the City Council, opened a public hearing on the advisability of the improvements on July 9, 2019, and after all interested parties were given the opportunity to speak, the City Council closed the public hearing.

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

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

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

Section 3. Pursuant to the requirements of the Act, including, without limitation, Sections 372.006, 372.009(a), and 372.009(b), the City Council, after considering the Petition and the evidence and testimony presented at the public hearing on July 9, 2019, hereby finds and declares:

- (a) **Advisability of the Proposed Improvements.** It is advisable to create the District to provide the Authorized Improvements (as described below). The Authorized Improvements are feasible and desirable and will promote the interests of the City and will confer a special benefit on the Property.
- (b) **General Nature of the Authorized Improvements.** The purposes of the District include the design, acquisition, and construction of public improvement projects authorized by the Act that are necessary for the development of the Property, which Authorized Improvements will include, but not be limited to: (i) roadway improvements, drainage improvements, water and wastewater system improvements, right-of-way acquisition, parks, open space, landscaping, and trail systems; and other similar improvement projects; and (ii) payment of expenses incurred in the establishment, administration and operation of the District; and (iii) payment of expenses associated with financing such public improvement projects, which may include, but are not limited to, costs associated with the issuance and sale of revenue bonds secured by assessments levied against the Property (the “Authorized Improvements”). These Authorized Improvements promote the interests of the City and confer a special benefit upon the Property.
- (c) **Estimated Costs of the Authorized Improvements and Apportionment of Costs.** The estimated total costs to design, acquire, and construct the Authorized Improvements, including payment of expenses to finance such public improvement projects such as eligible legal and financial fees and expenses incurred in the establishment, administration and operation of the District, is \$10,000,000.00 which costs shall be paid by assessments levied on the Property within the District. The City will not be obligated to provide any funds to finance the Authorized Improvements, other than from assessments levied on the Property. No municipal property in the

- District shall be assessed. The developer of the Property (the “**Developer**”) may also pay certain costs of the Authorized Improvements from other funds available to the Developer.
- (d) **Boundaries of the District.** The District is proposed to include approximately 80.870 acres of land generally located in the area south of CR 88 (Choate Parkway) and west of Coit Road, and as more particularly depicted in Exhibit A attached hereto, and as more properly described in the metes and bounds described in Exhibit B attached hereto.
- (e) **Proposed Method of Assessment.** The City shall levy assessments on each parcel within the District in a manner that results in imposing equal shares of the costs on property similarly benefited. All assessments may be paid in full at any time (including interest and debt), and certain assessments may be paid in annual installments (including interest and debt). If an assessment is allowed to be paid in installments, then the installments must be paid in amounts necessary to meet annual costs for those Authorized Improvements financed by the assessments and must continue for a period necessary to retire the indebtedness for those Authorized Improvements (including interest).
- (f) **Management of the District.** The District shall be managed by the City, with the assistance of a consultant, who shall, from time to time, advise the City regarding certain operations of the District.
- (g) **Advisory Board.** The District shall be managed without the creation of an advisory body.

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

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

Section 6. This Resolution shall take effect immediately from and after its passage and publication as required by law.

PASSED, APPROVED AND ADOPTED on the 9th day of July, 2019.

ATTEST:

SEAN TERRY, MAYOR

VICKI FAULKNER, CITY SECRETARY



EXHIBIT B

Metes and Bounds Description of the Property

Page 1 of 2 | Friday, April 26, 2019

**CELINA HILLS
PID DESCRIPTION
CELINA, COLLIN COUNTY, TEXAS
METES-AND-BOUNDS DESCRIPTION**



BEING a tract of land situated in the M. Wilhite Surveys, Abstract Numbers 1008 and 1009, City of Celina, Collin County, Texas, being part of the tract described in the deed to WESTGATE 115 INVESTORS, L.P., recorded in Document Number 20130621000869270, Official Public Records, Collin County, Texas, the subject tract being more particularly described as follows (bearings are based on the State Plane Coordinate System, Texas North Central Zone (4202), North American Datum of 1988 (NAD '88), description is based on recorded documents, limited field survey work was performed. This description for use in zoning/PID application only, is preliminary, and shall not be used, viewed or relied upon as a final survey document):

COMMENCING at a 1/2 inch rebar found within an asphalt roadway at the northwest corner of the tract described in the deed to Celina Coit 49 Partners, LTD, recorded under Document Number 20120612000700130, Official Public Records, Collin County, Texas;

THENCE with the west line of said Celina Coit 49 Partners, LTD. Tract, SOUTH 00 degrees 39 minutes 49 seconds EAST, a distance of 995.29 feet to the northwest corner and **POINT OF BEGINNING** of the herein described tract;

THENCE with the west line of said Celina Coit 49 Partners tract, SOUTH 00 degrees 39 minutes 49 seconds EAST, a distance of 715.01 feet to the southwest corner of said Celina Coit 49 Partners tract, from which a PK nail found bears SOUTH 17 degrees EAST, 4.25 feet;

THENCE with the east line of said Westgate 115 Investors tract, SOUTH 00 degrees 49 minutes 45 seconds EAST, a distance of 646.21 feet;

THENCE through the interior of said Westgate 115 Investors tract, the following calls:

1. SOUTH 89 degrees 12 minutes 21 seconds WEST, a distance of 542.27 feet;
2. SOUTH 00 degrees 47 minutes 39 seconds EAST, a distance of 426.50 feet;
3. NORTH 89 degrees 12 minutes 21 seconds EAST, a distance of 542.53 feet to the east line of said Westgate 115 Investors tract;

THENCE with the perimeter and to the corners of said Westgate 115 Investors tract, the following calls:

1. SOUTH 00 degrees 49 minutes 45 seconds EAST, a distance of 841.82 feet;
2. SOUTH 88 degrees 12 minutes 25 seconds WEST, a distance of 1308.94 feet;
3. SOUTH 89 degrees 09 minutes 05 seconds WEST, a distance of 70.31 feet;
4. NORTH 00 degrees 55 minutes 30 seconds WEST, a distance of 2742.88 feet;

Kirkman Engineering, LLC | Barton Chapa Surveying, LLC
4821 Merlot Avenue, Suite 210
Grapevine, TX 76051 | 817.488.4960
TBPE FIRM# 15874 | TBPLS FIRM# 10194474

Page 2 of 2 | Friday, April 26, 2019

**CELINA HILLS
PID DESCRIPTION
CELINA, COLLIN COUNTY, TEXAS
METES-AND-BOUNDS DESCRIPTION**



THENCE through the interior of said Westgate 115 Investors tract, NORTH 89 degrees 12 minutes 21 seconds EAST, a distance of 926.34 feet;

THENCE through the interior of said Westgate 115 Investors tract, SOUTH 79 degrees 39 minutes 26 seconds EAST, a distance of 468.26 feet, returning to the **POINT OF BEGINNING** and enclosing 80.870 acres (3,522,695 square feet) of land, more or less.

Kirkman Engineering, LLC | Barton Chapa Surveying, LLC
4821 Merlot Avenue, Suite 210
Grapevine, TX 76051 | 817.488.4960
TBPE FIRM# 15874 | TBPLS FIRM# 10194474



Administration
City of Celina, Texas

Memorandum

To: **Honorable Mayor Terry and the Celina City Council**
 From: Paul DeBuff, Assistant to the City Manager
 CC: Jason Laumer, City Manager
 Date: July 9, 2019
 Re: Wilson Creek Meadows PID creation Public Hearing & Resolution

Action Requested:

The City Council of the City of Celina will hold a public hearing to consider testimony and act upon a resolution of the City of Celina, Texas authorizing and creating the Wilson Creek Meadows Public Improvement District in accordance with Chapter 372 of the Texas Local Government Code. (DeBuff)

Background Information:

On June 11, 2019, the City Council called a public hearing for July 9th, 2019 to consider testimony regarding the creation of the Wilson Creek Meadows Public Improvement District (PID). This item includes that public hearing, as well as the resolution creating the Celina Hills PID, with estimated improvement costs of \$27 million.

The proposed PID includes approximately 185.8118 acres of land generally located north of Collin County Road 84, on the south side of Collin County Road 88, east of Collin County Road 86 and west of F.M. 2478.

Board Review/Citizen Input:

N/A

Alternatives:

N/A

Financial Considerations:

N/A

Legal Review:

This item has been reviewed by the City Attorney.

Supporting Documents:

- Proposed resolution

Staff Recommendation:

Staff recommends approval.

CITY OF CELINA, TEXAS

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF CELINA, TEXAS AUTHORIZING AND CREATING THE WILSON CREEK MEADOWS PUBLIC IMPROVEMENT DISTRICT IN ACCORDANCE WITH CHAPTER 372 OF THE TEXAS LOCAL GOVERNMENT CODE; PROVIDING FOR RELATED MATTERS; AND PROVIDING AN EFFECTIVE DATE

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

WHEREAS, on May 23, 2019, Celina Titus, LLC, a Texas limited liability company, and Celina Ownsby Coit, LLC, a Texas limited liability company, (collectively, the “**Petitioners**”) submitted and filed with the City Secretary of the City a petition (the “**Petition**”) requesting the establishment of a public improvement district for property within the corporate limits of the City; and

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

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

WHEREAS, after publishing notice in the *Celina Record*, newspaper of general circulation in the City, and mailing notice of the hearing, all as required by and in conformity with the Act, the City Council, opened a public hearing on the advisability of the improvements on July 9, 2019, and after all interested parties were given the opportunity to speak, the City Council closed the public hearing.

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

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

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

Section 3. Pursuant to the requirements of the Act, including, without limitation, Sections 372.006, 372.009(a), and 372.009(b), the City Council, after considering the Petition and the evidence and testimony presented at the public hearing on July 9, 2019, hereby finds and declares:

- (a) **Advisability of the Proposed Improvements.** It is advisable to create the District to provide the Authorized Improvements (as described below). The Authorized Improvements are feasible and desirable and will promote the interests of the City and will confer a special benefit on the Property.
- (b) **General Nature of the Authorized Improvements.** The purposes of the District include the design, acquisition, and construction of public improvement projects authorized by the Act that are necessary for the development of the Property, which Authorized Improvements will include, but not be limited to: (i) roadway improvements; storm drainage improvements; water and wastewater system improvements; and, other similar improvement projects; (ii) payment of expenses incurred in the establishment, administration and operation of the District; and, (iii) payment of expenses associated with financing such public improvement projects, which may include, but are not limited to, costs associated with issuance and sale of revenue bonds secured by assessments levied against the Property (the “Authorized Improvements”). These Authorized Improvements promote the interests of the City and confer a special benefit upon the Property.
- (c) **Estimated Costs of the Authorized Improvements and Apportionment of Costs.** The estimated total costs to design, acquire, and construct the Authorized Improvements, including payment of expenses to finance such public improvement projects such as eligible legal and financial fees and expenses incurred in the establishment, administration and operation of the District, is \$27,000,000.00 which costs shall be paid by assessments levied on the Property within the District. The City will not be obligated to provide any funds to finance the Authorized Improvements,

other than from assessments levied on the Property. No municipal property in the District shall be assessed. The developer of the Property (the “**Developer**”) may also pay certain costs of the Authorized Improvements from other funds available to the Developer.

- (d) **Boundaries of the District.** The District is proposed to include approximately 185.8118 acres of land generally located north of Collin County Road 84, on the south side of Collin County Road 88, east of Collin County Road 86 and west of F.M. 2478, and as more particularly depicted in Exhibit A attached hereto, and as more properly described in the metes and bounds described in Exhibit B attached hereto.
- (e) **Proposed Method of Assessment.** The City shall levy assessments on each parcel within the District in a manner that results in imposing equal shares of the costs on property similarly benefited. All assessments may be paid in full at any time (including interest and debt), and certain assessments may be paid in annual installments (including interest and debt). If an assessment is allowed to be paid in installments, then the installments must be paid in amounts necessary to meet annual costs for those Authorized Improvements financed by the assessments and must continue for a period necessary to retire the indebtedness for those Authorized Improvements (including interest).
- (f) **Management of the District.** The District shall be managed by the City, with the assistance of a consultant, who shall, from time to time, advise the City regarding certain operations of the District.
- (g) **Advisory Board.** The District shall be managed without the creation of an advisory body.

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

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

Section 6. This Resolution shall take effect immediately from and after its passage and publication as required by law.

PASSED, APPROVED AND ADOPTED on the 9th day of July, 2019.

ATTEST:

SEAN TERRY, MAYOR

VICKI FAULKNER, CITY SECRETARY

BOUNDARY EXHIBIT
185.8118 ACRES
8,093,961 SQ. FT.

McKenzie Wilhite Surveys, Abstract #1008 & #1009,
Jonathan Westover Survey, Abstract #1030,
Coleman Watson Survey, Abstract #945
COLLIN COUNTY, TEXAS

Kimley»Horn

6750 Glenview Court, Suite 200
 Frisco, Texas 75034
 Phone: (972) 255-2550
 Fax: (972) 255-2550
 E-mail: k@kimleyhorn.com
 Web: www.kimleyhorn.com

LINE TABLE		
NO.	BEARING	LENGTH
L1	N00°49'54"W	2024.54'
L2	N89°30'21"E	113.00'
L3	N00°49'54"W	100.00'
L4	N89°30'21"E	1140.10'
L5	N00°34'09"W	748.86'
L6	N89°29'12"E	783.89'
L7	N21°13'48"W	38.95'
L8	N35°29'12"E	367.50'
L9	N06°29'12"E	135.40'
L10	N23°45'48"W	206.30'
L11	N14°59'48"W	136.00'
L12	N12°30'48"W	119.98'
L13	N89°42'50"E	125.00'
L14	N00°17'10"W	50.00'
L15	N89°42'50"E	1148.86'
L16	S00°27'04"E	2571.21'
L17	S89°39'55"W	1507.18'
L18	S00°19'07"E	1360.48'
L19	S89°24'52"W	599.52'
L20	N01°01'45"W	108.16'
L21	S89°15'31"W	1261.77'

EXHIBIT B
Metes and Bounds Description of the Property

LEGAL DESCRIPTION

185.8118 ACRES

BEING a tract of land situated in the McKenzie Wilhite Surveys, Abstract Numbers 1008 and 1009, the Jonathan Westover Survey, Abstract Number 1030 and the Coleman Watson Survey, Abstract Number 945, Collin County, Texas, and being all that called 60.971 acre tract of land conveyed to Celina Ownsby Coit, according to the document filed of record in Instrument Number 20180518000609810, all that called 105.79 acre tract of land conveyed to Celina Titus, LLC, according to the document filed of record in Instrument Number 20160401000388930 and all that called 19.048 acre tract of land conveyed to Celina Ownsby Coit, LLC, according to the document filed of record in Instrument Number 20180816001026240, all being from the Official Public Records Collin County, Texas, said tract being more particularly described as follows:

BEGINNING at the northwest corner of that tract of land conveyed to Christopher Wesson Bosh and Adrienne Bosh, according to the document filed of record in Document Number 20131001001373380, Official Public Records Collin County, Texas, same being the southwest corner of said 60.971 acre tract, being located in the east line of that tract of land conveyed to Tambros Land Company, LLC, according to the document filed of record in Document Number 20170106000027700, Official Public Records Collin County, Texas, from which a "PK NAIL" found for witness in Collin County Road 86 bears North 03°49'24" West, 0.50 feet;

THENCE North 00°49'54" West, generally with said road, with the west line of the above mentioned 60.971 acre tract, a portion of the east line of said Tambros tract and passing at a distance of 210.00 feet a "PK NAIL" found for the northeast corner of said Tambros tract, same being common with the southeast corner of that tract of land conveyed to Westgate 115 Investors, L.P., according to the document filed of record in Document Number 20130621000869270, Official Public Records Collin County, Texas and continuing with the east line of said Westgate tract, same being common with the west line of said 60.971 acre tract for a total distance of 2024.54 feet to a "PK nail" set in said common line for the most westerly northwest corner of said 60.971 acre tract;

THENCE North 89°30'21" East, leaving said road and common line, over and across said 60.971 acre tract, a distance of 113.00 feet to a 5/8" iron rod with red plastic cap stamped "KHA" set for an interior "ell" corner of said 60.971 acre tract;

THENCE North 00°49'54" West, a distance of 100.00 feet to a 5/8" iron rod with red plastic cap stamped "KHA" set for the most easterly northwest corner of said 60.971 acre tract and being in the south line of that tract of land conveyed to Celina Coit 49 Partners, LTD., according to the document filed of record in Document Number 20120612000700130, Official Public Records Collin County, Texas;

THENCE North 89°30'21" East, with said south line, same being common with the north line of said 60.971 acre tract, a distance of 1140.10 feet to a 1/2" iron rod found in the west line of the above mentioned 105.79 acre tract for the southeast corner of said Celina Coit 49 Partners tract and common northeast corner of the above mentioned 60.971 acre

THENCE North 0°34'09" West, with the west line of said 105.79 acre tract same being the east line of said 49.25 acre tract, a distance of 748.86 feet to a 3/4 inch iron pipe found for the southerly northwest corner of said 105.79 acre tract, common to the southwest corner of a called 20.00 acre tract of land described in a deed to Grayson Collin Electric Cooperative, Inc., as recorded in Volume 5191, Page 313 of the Land Records of Collin County, Texas;

THENCE North 89°29'12" East, departing the easterly line of said 49.25 acre tract, along the northerly line of said 105.79 acre tract and the southerly line of said 20.00 acre tract, a distance of 783.89 feet to a point for the southeast corner of said 20.00 acre tract, common to an ell corner of said 105.79 acre tract, same being in the center of Wilson Creek;

THENCE North 21°13'48" West, along the westerly line of said 105.79 acre tract, the easterly line of said 20.00 acre tract, and along said creek, a distance of 38.95 feet to a point for corner;

EXHIBIT B TO RESOLUTION CREATING WILSON CREEK MEADOWS PID

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Packet Pg. 127

Attachment: 2019.003.004a - LEGAL-#81498-v2-Celina_Wilson_Creek_Meadows_PID_2019 - Resolution_Creating_PID (Wilson Creek Meadows

THENCE North 35°29'12" East, continuing with the westerly line of said 105.79 acre tract and the easterly line of said 20.00 acre tract, along the easterly line of a called 8.626 acre tract of land described in a deed to Prosper Land Company, Ltd., as recorded in Instrument No. 20161116001556640 of the Official Public Records of Collin County, Texas, and continuing along said creek, a distance of 367.50 feet to a point for corner; **THENCE** continuing with the westerly line of said 105.79 acre tract and the easterly line of said 8.626 acre tract, with the westerly line of aforesaid southeastern 0.172 acre tract, the easterly line of a called 0.172 acre tract of land described in a deed to the County of Collin, as recorded in Volume 2383, Page 570 of the Deed Records of Collin County, Texas (described as the southwestern 0.172 acre tract from hereon), and continuing along said creek, the following courses:

North 06°29'12" East, a distance of 135.40 feet to a point for corner;

North 23°45'48" West, a distance of 206.30 feet to a point for corner;

North 14°59'48" West, a distance of 136.00 feet to a point for corner;

North 12°30'48" West, a distance of 119.98 feet to a point for corner;

THENCE North 89°42'50" East, leaving said creek, a distance of 125.00 feet to a point for corner;

THENCE North 0°17'10" West, a distance of 50.00 feet to a point for corner in the above mentioned County Road Number 88;

THENCE North 89°42'50" East, along said County Road, a distance of 1148.86 feet to a railroad spike found in said road for the northeast corner of the above mentioned 105.79 acre tract, same being the common northwest corner of a called 40.039 acre tract of land described in a deed to City Global Investment, LLC, as recorded in Instrument No. 20151130001493760 of the Official Public Records of Collin County, Texas and being on the south line of a called 317.729 acre tract of land described in a deed to Belknap FP, Ltd., as recorded in Volume 4288, Page 156 of the Land Records of Collin County, Texas;

THENCE South 00°27'04" East, leaving said County Road 88, with the east line of said 105.79 acre tract and the west line of said 40.039 acre tract, a distance of 2571.21 feet to the southeast corner of said 105.79 acre tract, same being common with the southwest corner of said 40.039 acre tract and being on the northerly line of a called 185.094 acre tract of land described in a deed to Brinkman Ranches of Collin County, L.P., as recorded in Volume 6067, Page 1306 of the Land Records of Collin County, Texas, from which a 1/2 inch iron rod found for witness bears South 05°02'; West, 0.2 foot

THENCE South 89°39'55" West, with the south line of said 105.79 acre tract, and generally along a fence, a distance of 1507.18 feet to a 3/4 inch iron pipe found for the northeast corner of the above mentioned 19.048 acre tract, same being common with the northwest corner of a called 185.094 acre tract of land conveyed to Brinkman Ranches of Collin County, L.P., according to the document filed of record in Volume 6067, Page 1306 of the Land Records of Collin County, Texas;

THENCE South 00°19'07" East, leaving the south line of said 105.79 acre tract, with the east line of said 19.048 acre tract, same being common with the west line of said 185.094 acre tract and generally along a fence, a distance of 1360.48 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" set for the southeast corner of said 19.048 acre tract and common northeast corner of a called 18.531 acre tract of land described in a deed to Donald L. Vest and wife, Julie Ann Vest, as recorded in Volume 1344, Page 66 of the Deed Records of Collin County, Texas;

THENCE South 89°24'52" West, along the south line of said 19.048 acre tract and common north line of said 18.531 acre tract, generally along a fence, a distance of 599.52 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" set in the east line of the above mentioned Christopher Wesson Bosh and Adrienne Bosh tract, for the southwest corner of said 19.048 acre tract and being common with the northwest corner of said 18.531 acre tract;

THENCE North 1°01'45" West, with said east line, same being common with the west line of said 19.048 acre tract, a distance of 108.16 feet to a 5/8" iron rod with plastic cap stamped "KHA" found in said west line for the northeast corner of said Christopher Wesson Bosh and Adrienne Bosh tract, same being common with the southeast corner of the above mentioned 60.971 acre tract;

THENCE South 89°15'31" West, leaving said west line, with the north line of said Christopher Wesson Bosh and Adrienne Bosh tract, same being the common south line of said 60.971 acre tract, a distance of 1261.77 feet to the **POINT OF BEGINNING** and containing 8,093,961 square feet or 185.8118 acres of land, more or less.

EXHIBIT B TO RESOLUTION CREATING WILSON CREEK MEADOWS PID

Page 7 of 6

1246.012\81498.2



Administration
City of Celina, Texas

Memorandum

To: **Honorable Mayor Terry and the Celina City Council**
 From: Paul DeBuff, Assistant to the City Manager
 CC: Jason Laumer, City Manager
 Date: July 9, 2019
 Re: Glen Crossing West PID Creation Public Hearing & Levy

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 accepting and approving a Service and Assessment Plan and assessment roll for the Glen Crossing West 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 the method of assessment and the payment of the assessments in accordance with Chapter 372, Texas Local Government Code, as amended; providing penalties and interest on delinquent assessments. (Glen Crossing West PID Levy) (DeBuff)

Background Information:

On May 14, 2019, the City Council held a public hearing on the creation of the Glen Crossing West PID, and continued that hearing and closed it on May 28, at which time, the PID was official authorized and created by the Council.

On June 11, 2019, Council approved the preliminary service and assessment plan (SAP), and called for a public hearing to consider an ordinance levying assessments on property within the PID. That hearing takes place tonight, July 9, 2019; the related ordinance accepts the final SAP and levies assessments.

Although the intent for this PID is to operate as a cash-flow PID, the related reimbursement agreement provides flexibility to sell bonds if necessary to fund the authorized PID improvements.

Fast Facts on the Glen Crossing West PID:

- Authorized PID Improvement costs: \$1,035,663
 - non-PID Improvements: \$460,149
 - total improvements: \$1,495,812
- PID is 29.306 acres, 57 50-foot lots
- Per lot assessment: \$16,772

Board Review/Citizen Input:

N/A

Alternatives:

N/A

Financial Considerations:

N/A

Legal Review:

This item has been reviewed by the City Attorney.

Supporting Documents:

- Proposed ordinance
- Service and Assessment Plan

Staff Recommendation:

Staff recommends approval.

ORDINANCE NO. 2019-__

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CELINA, TEXAS ACCEPTING AND APPROVING A SERVICE AND ASSESSMENT PLAN AND ASSESSMENT ROLL FOR THE GLEN CROSSING WEST 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 THE METHOD OF ASSESSMENT AND THE PAYMENT OF THE 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, 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 (defined below), 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 May 14, 2019, after due notice, the City Council of the City (the "City Council") opened 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. The public hearing was continued on May 28, 2019, and, after all interested parties were given the opportunity to speak, the City Council closed the public hearing and made the findings required by Section 372.009(b) of the PID Act and, by Resolution No. 2019-25R (the "Authorization Resolution") adopted by a majority of the members of the City Council, authorized and created the Glen Crossing 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; and

WHEREAS, on June 11, 2019, the City 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 the District; authorizing and directing the City Secretary of the City to file the proposed assessment roll and make such roll available for public inspection; authorizing and directing the publication of notice of a public

hearing to consider the levying of the 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, the City Secretary filed the 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 14, 2019, in the *Celina Record*, a newspaper of general circulation in the City; 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 Assessments; and

WHEREAS, the City Council convened the Levy and Assessment Hearing on July 9, 2019, 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 Assessment Roll (~~as defined below~~herein), and the proposed Assessments, and to offer testimony pertinent to any issue presented on the amount of the Assessments, the allocation of the Actual Costs of the Authorized Improvements to be undertaken, the purposes of the Assessments, the special benefits of the Authorized Improvements, and the penalties and interest on annual installments and on delinquent annual installments of the Assessments; and

WHEREAS, the City Council finds and determines that the Assessment Roll and the Glen Crossing Public Improvement District Service and Assessment Plan, dated July 9, 2019, 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 (the "Service and Assessment Plan"), and which is incorporated herein for all purposes, should be approved and that the Assessments should be levied as provided in this Ordinance and the Service and Assessment Plan and the Assessment Roll attached thereto as Appendix E (the "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, the Assessment Roll, and the levy of the Assessments; and

WHEREAS, 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, have indicated their approval and acceptance of the Service and Assessment Plan, approve the Assessment Roll, approve this Ordinance and approve the levy of the Assessments against their property located within ~~of~~ the District, agree to pay the Assessments when due and payable and requested ~~ed~~ 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 Authorized Improvements (as reflected in the Service and Assessment Plan), and the Annual Collection Costs (pursuant to the Service and Assessment Plan) is fair and reasonable, reflects an accurate presentation of the special benefit each parcel of Assessed Property will receive from the construction of the Authorized Improvements 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 Authorized Improvements;

(c) The Service and Assessment Plan apportions the Actual Cost(s) of Authorized Improvements 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 Authorized Improvements;

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

(e) The method of apportionment of the Actual Costs of the Authorized Improvements and Annual Collection Costs set forth in the Service and Assessment Plan results in imposing equal shares of the Actual Costs of the Authorized Improvements and Annual Collection Costs 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 Assessment Roll should be approved as the Assessment Roll for the District;

(h) The provisions of the Service and Assessment Plan relating to due and delinquency dates for the Assessments, interest on Annual Installments, interest and penalties on delinquent Assessments and delinquent Annual Installments, and procedures in connection with the imposition and collection of Assessments should be approved and will expedite collection of the 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. Assessment Roll.

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

Section 5. Levy and Payment of Assessments for Actual Costs of the Authorized Improvements.

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

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

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

(d) Each 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 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 Annual Collection Costs for 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 Improvements and Annual Collection Costs are set forth in the Service and Assessment Plan.

Section 7. Penalties and Interest on Delinquent Assessments.

Delinquent 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 Assessments.

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

Section 9. Lien Priority.

The City Council and the Landowners intend for the obligations, covenants and burdens on the Landowner of each parcel of Assessed Property, including without limitation such Landowner's obligations related to payment of the Assessments and the Annual Installments thereof, to constitute covenants that shall run with the land. The Assessments and the Annual Installments thereof which are levied hereby shall be binding upon the Assessed Parties, as the owners of each parcel of 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. 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 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 Annual Collection Cost.

(b) Appointment of Temporary Collector.

The City's Director of Finance is hereby appointed and designated as the temporary collector of the 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 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 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 Assessments, and the provisions and terms of the Service and Assessment Plan shall be and become effective upon passage and execution hereof.

PASSED AND ADOPTED, this 9TH day of July, 2019.

CITY OF CELINA, TEXAS

Sean Terry
Mayor

ATTEST:

Vicki Faulkner
City Secretary

(City Seal)

STATE OF TEXAS §
 §
COUNTY OF COLLIN §

This instrument was acknowledged before me on the _____ day of July, 2019 by Sean Terry and Vicki Faulkner, Mayor and Secretary, respectively, of the City of Celina, Texas on behalf of said City.

(SEAL)

Notary Public, State of Texas

EXHIBIT A

Service and Assessment Plan

GLEN CROSSING WEST PUBLIC IMPROVEMENT DISTRICT

CITY OF CELINA, TEXAS

SERVICE AND ASSESSMENT PLAN

July 9, 2019

PREPARED BY:

MUNICAP, INC.
— PUBLIC FINANCE —

Attachment: Glen Crossing West-SAP-v2.0 (Glen Crossing West PID Creation Public Hearing & Levy)

GLEN CROSSING WEST PUBLIC IMPROVEMENT DISTRICT

SERVICE AND ASSESSMENT PLAN

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I. PLAN DESCRIPTION AND DEFINED TERMS

A. INTRODUCTION

On May 28, 2019 (the “Creation Date”) the City Council (the "City Council") of the City of Celina, Texas (the "City") passed and approved Resolution No. 2019-25R approving and authorizing the creation of the "Glen Crossing West Public Improvement District"(the “PID”) 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 corporate limits of the City.

The property in the PID is proposed to be developed in one phase. Assessments will be imposed on the property that receives a special benefit from the public improvements to be financed.

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 West 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 Annual Collection Costs.

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.

“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 Collection Costs” 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 Bonds, if issued (v) issuing, paying and redeeming the Bonds, if issued (vi) investing or depositing of monies, (vii) complying with the PID Act and codes with respect to the Bonds, if issued (viii) the Trustee fees and expenses relating to the Bonds, if issued, 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. If Bonds are issued, Annual Collection Costs do not include payment of the actual principal of, redemption premium, if any, and interest on Bonds. Annual Collection Costs collected and not expended for actual

Annual Collection Costs shall be carried forward and applied to reduce Annual Collection Costs in subsequent years to avoid the over-collection of amounts to pay Annual Collection Costs.

“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 or in an Annual Service Plan Update and calculated as provided in Section VI of this Service and Assessment Plan, and (ii) the Annual Collection Costs.

“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 Annual Collection Costs 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 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 in one or more series and secured in whole or in part by the Assessment Revenues. At this time, the City and the Developer do not anticipate that Bonds will be issued.

“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.

“County” means Collin County, Texas.

“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 "Development Agreement" relating to the PID executed by and between the Developer and the City effective October 9, 2018, as the same may be amended from time to time.

“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 a size of approximately 6,000 square feet and a lot width of 50 feet.

“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 to the extent they accrue no special benefit from the Authorized Improvements. Property identified as Non-Benefited Property at the time the Assessments are (i) imposed or (ii) 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(C).

“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.

“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 _____, by and between the City and the Developer in which the Developer agrees to fund certain Actual Costs of Authorized Improvements and the City agrees to reimburse the Developer for a portion of such Actual Costs funded by the Developer with interest as permitted by the PID Act.

“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.

“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.

“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.

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II. PROPERTY INCLUDED IN THE PID

A. PROPERTY INCLUDED IN THE PID

The PID is presently located within the City and contains approximately 29.306 acres of land and is projected to consist of 57 single family residential units as further described in Section III. A map of the property within the PID and depicting the boundaries of the PID is shown on Appendix A to this Service and Assessment Plan.

At completion, the PID is expected to consist of approximately 57 single family residential units, landscaping, and infrastructure necessary to provide roadways, drainage, and utilities to the single-family lots. The estimated number of lots (57) 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
Updated Proposed Development

Proposed Development Type	Quantity	Measurement
Single Family Residential – 50 Feet	57	units
Total	57	units

The estimated number of units at the build-out of the PID is based on the proposed 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.

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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:

372.003. Authorized Improvements

(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:

- (1) landscaping;
- (2) erection of fountains, distinctive lighting, and signs;
- (3) acquiring, constructing, improving, widening, narrowing, closing, or rerouting of sidewalks or of streets, any other roadways, or their rights-of way;
- (4) construction or improvement of pedestrian malls;
- (5) acquisition and installation of pieces of art;
- (6) acquisition, construction, or improvement of libraries;
- (7) acquisition, construction, or improvement of off-street parking facilities;
- (8) acquisition, construction, improvement, or rerouting of mass transportation facilities;
- (9) acquisition, construction, or improvement of water, wastewater, or drainage facilities or improvements;
- (10) the establishment or improvement of parks;
- (11) projects similar to those listed in Subdivisions (1)-(10);
- (12) acquisition, by purchase or otherwise, of real property in connection with an authorized improvement;
- (13) 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]

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

B. DESCRIPTION OF THE AUTHORIZED IMPROVEMENTS

The Authorized Improvements will benefit the Assessed Property. The descriptions of the Authorized Improvements are presented below, and the Budgeted Costs of the Authorized 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 include construction of road 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 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 consist of construction and installation of on-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 Assessed Property. The water distribution system improvements will extend water service to the boundaries of the PID and to all lots within the PID. 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 consist of construction and installation of on-site pipes, service lines, manholes, encasements and appurtenances necessary to provide sanitary sewer service to the Assessed Property. The sanitary sewer improvements will extend wastewater service to the boundaries of the PID and to all lots within the PID. 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 consist of construction and installation of pipes, inlets, manholes, detention ponds and appurtenances necessary to provide storm drainage to the 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 consist of construction and installation of landscaping, trails, and related improvements. 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 Authorized 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 Authorized 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
Authorized Improvement Costs

Roadway improvements	\$ 349,919
Water distribution system improvements	\$51,325
Sanitary sewer improvements	\$92,621
Storm drainage improvements	\$280,247
Park and open space improvements	\$35,000
Other soft, contingency and miscellaneous costs	\$226,551
Total	\$ 1,035,663

Other Improvements:

Additionally, concurrently with the construction of the Authorized Improvements, the Developer began constructing certain improvements within the PID including grading, water and sewer services, franchise utility services, landscaping and other miscellaneous items related to the Private Improvements (collectively, the “Private Improvements”) to serve the PID. The Private Improvements are expected to be complete shortly after the completion of the Authorized Improvements. The costs of such Private Improvements have been or will be paid entirely by the Developer without any reimbursement from Assessment Revenue derived from Assessments levied on property within the PID.

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.

The Budgeted Costs for the Authorized Improvements plus payment of expenses incurred in the establishment, administration and operation of the PID are \$ 1,035,663 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 Annual Collection Costs, updating the Actual Costs of the Authorized Improvements, and updating the Assessment Roll. 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 Authorized Improvements to be financed initially by the Developer who will be reimbursed under the terms of the PID Reimbursement Agreement, including Budgeted Costs related to establishing the PID. 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.

The City reserves the right to issue Bonds secured by the Assessment Revenues to finance (or refinance) all or a portion of costs of the Authorized Improvements.

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Table IV-A
Estimated Sources and Uses

Sources of Funds	Authorized Improvements (PID)	Other Improvements (Non-PID)	Total Amounts
PID Reimbursement Agreement	\$956,000	\$0	\$956,000
<i>Subtotal</i>	\$956,000	\$0	\$956,000
Other funding	\$79,663	\$0	\$79,663
Total Sources for Authorized Improvements	\$1,035,663	\$0	\$1,035,663
Other funding sources – Private Improvements	\$0	\$460,149	\$460,149
Total Sources	\$1,035,663	\$460,149	\$1,495,812
Uses of Funds			
Authorized Improvements			
Road improvements	\$349,919	\$0	\$349,919
Water distribution system improvements	\$51,325	\$0	\$51,325
Sanitary sewer improvements	\$92,621	\$0	\$92,621
Storm drainage improvements	\$280,247	\$0	\$280,247
Parks and open space improvements	\$35,000	\$0	35000
Other soft and miscellaneous costs	\$226,551	\$0	\$226,551
<i>Subtotal</i>	\$1,035,663	\$0	\$1,035,663
Private Improvements			
City Parks Fee	\$0	\$85,000	\$85,000
City Technology Impact Fee	\$0	\$28,500	\$28,500
Other private improvements	\$0	\$346,949	\$346,949
<i>Subtotal</i>	\$0	\$460,149	\$460,149
PID establishment/ operation	\$0	\$0	\$0
<i>Subtotal</i>	\$0	\$0	\$0
Total Uses	\$1,035,663	\$460,149	\$1,495,812

The annual projected costs and annual projected indebtedness is shown by Table IV-B. 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-B
Annual Projected Costs and Annual Projected Indebtedness

Year	Annual Projected Cost	Annual Projected Indebtedness	Other Financing Sources
2019	\$747,906	\$478,000	\$39,831
2020	\$747,906	\$478,000	\$39,831
2021	\$0	\$0	
2022	\$0	\$0	
2023	\$0	\$0	
Total	\$1,495,812	\$956,000	\$79,662

The annual projected costs shown in Table IV-B are the annual expenditures relating to the Authorized Improvements shown in Table III-A and the costs associated with creating the PID. 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 and will not be reimbursed from Assessment Revenue derived from Assessments levied on property within the PID.

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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.

For purposes of this Service and Assessment Plan, the City Council has determined that the costs of the Authorized 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 as all lots are of the same relative size and value, and that the homes that will be built on all the lots are likely to receive the same 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 a single Lot Type.
4. The Authorized Improvement costs less the Homeowner Association Special Assessment Allocation are allocated to each Parcel within the Assessed Property based on the total number of units estimated for each Parcel.

This section of this Service and Assessment Plan currently (i) describes the special benefit received by each Parcel of Assessed Property as a result of the Authorized 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 Assessed Property, and (iii) establishes the methodologies by which the City Council allocates and reallocates the special benefit to the Assessed Property of the Authorized Improvements in a manner that results in equal shares of the Actual Costs of such improvements being apportioned to 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.

B. SPECIAL BENEFIT

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. ASSESSMENT METHODOLOGY

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 purpose of this Service and Assessment Plan, the City Council has determined that the Actual Costs of the Authorized Improvements shall be allocated to the Assessed Property by spreading the entire Assessment across the Parcels based on the number of lots anticipated to be developed on each Parcel of Assessed Property. 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 Authorized 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 Assessed Property resulting from the Authorized Improvements is at least equal to the Assessments levied on the Assessed Property.

Upon subsequent divisions of any Parcel, the Assessment applicable to it will then be apportioned pro rata based on the number of units to be built on 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 number of units applicable to each Lot Type at the time residential Lots are platted to the total number of 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.

2. *Allocation of Assessments to Lot Types*

As shown in Section IV of this Service and Assessment Plan, the total amount of the Assessments to be allocated on all Parcels of Assessed Property is \$956,000. There are a total of 57 estimated number of units for the residential development of the Assessed Property, resulting in an Assessment per Unit of \$16,771.93.

Table V-1 sets forth the Assessment per dwelling unit for Lot Type 1.

Table V-1
Assessment per Unit

Type	Planned No. of Units	Total Assessments	Assessment per Unit
Lot Type 1	57	\$956,000	\$16,771.93
Total	57	\$956,000	

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**

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 ¹	Leverage (Land Value)	Leverage (Lot Value)	Leverage (Home Value)
Lot Type 1	57	\$25,000	\$67,500	\$337,500	\$16,772	1.49	4.02	20.12
Total	57							

1 – Amounts are rounded to the nearest dollar amount.

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**

Lot Type	Planned No. of Units	Estimated Land Value per unit	Estimated Finished Lot Value per unit	Projected Home Value per unit	Projected Maximum Annual Installment per unit	Tax Rate Equivalent (per \$100 Land Value)	Tax Rate Equivalent (per \$100 Lot Value)	Tax Rate Equivalent (per \$10 Home Value)
Lot Type 1	57	\$25,000	\$67,500	\$337,500	\$1,622	\$6.49	\$2.40	\$0.48
Total	57							

The Assessment and Annual Installments for each Parcel or Lot located is shown on the 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.

D. ASSESSMENTS

The Assessments will be levied on each Parcel according to the Assessment Roll, attached hereto as Appendix E. The Annual Installments will be collected at the time and in the amounts shown on the Assessment Roll subject to any revisions made during an Annual Service Plan Update.

E. ANNUAL COLLECTION COSTS

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 Annual Collection Costs 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.

VI. TERMS OF THE ASSESSMENTS

A. AMOUNT OF ASSESSMENTS AND ANNUAL INSTALLMENTS FOR PARCELS

The Assessments, and Annual Installments thereof, for each Parcel of Assessed Property is shown on the 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) the principal and interest on the amounts due under the PID Reimbursement Agreement for costs related to the Authorized Improvements and / or principal and interest on Bonds, if issued, and (ii) to cover the Annual Collection Costs.

B. REALLOCATION OF ASSESSMENTS

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 number of units to be built on each new subdivided Parcel
- D = the sum of the estimated number of 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 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 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.

C. MANDATORY PREPAYMENT OF ASSESSMENTS

1. 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.

D. REDUCTION OF ASSESSMENTS

1. If after all Authorized Improvements to be funded with a series of Bonds and/or PID Reimbursement Agreement 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 and/or PID Reimbursement Agreement, resulting in excess Bond and/or PID Reimbursement Agreement proceeds being available to redeem Bonds of such series and/or PID Reimbursement Agreement, then the Assessment securing such series of Bonds and/or PID Reimbursement Agreement 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 and/or PID Reimbursement Agreement shall be applied to redeem Bonds of such series and/or reduce the balance on the applicable PID Reimbursement Agreement. The Assessments shall not be reduced to an amount less than the related outstanding series of Bonds and/or the remaining balance on the applicable PID Reimbursement Agreement. 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, 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 number of 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.

E. 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.
- (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, Annual Collection Costs 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 and Annual Collection Costs. 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, if issued, and (ii) 6.01% per annum in accordance with the Assessment Ordinance and the PID Reimbursement Agreement. Interest on the PID Reimbursement Agreement shall be paid based on an interest rate of 6.01% per annum for years 1 through 5 and 6.01% per annum following the fifth Annual Installment in accordance with the PID Reimbursement Agreement. Each Assessment shall be paid at a rate not to exceed five hundred basis points above the highest average index rate for tax-exempt bond reported in a daily or weekly bond index approved by the City and reported in the month prior to the establishment of the Assessments and continuing for a period of five years from such date. Such rate shall then adjust and shall not exceed two hundred basis points above the bond index rate described above and shall continue until the Assessments are paid in full. The index approved by the City is the Bond Buyer Index for which the highest average rate during June 2019 was 4.01%. The City has determined that the Assessments shall bear interest at the interest rate of 6.01% per annum for years 1 through 5 and 6.01% per annum following the fifth Annual Installment, which rates are equal to or less than the initial maximum allowable rate of interest of 9.01% for years 1 through 5 and equal to the maximum allowable rate of interest following the fifth Annual Installment, which would be 6.01%. Furthermore, the Annual Installments may not exceed the amounts shown on the Assessment Roll. The Assessment Roll sets forth for each year the Annual Installment for each Parcel based on an interest rate of 6.01%.

The Annual Installments shall be reduced to equal the actual costs of repaying the obligations and actual Annual Collection Costs (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.

F. 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. Annual Collection Costs shall be allocated among Parcels in proportion to the amount of the Annual Installments for the Parcels. 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.

Each Annual Installment, including the interest on the unpaid amount of an Assessment, shall be updated annually. Each Annual Installment together with interest thereon shall be delinquent if not paid prior to February 1 of the following year. Collection of the initial Annual Installments relating to the Authorized Improvements that benefit the Assessed Property will be due when billed, and will be delinquent if not paid prior to the first February 1 following the earlier of (i) the recording of a final subdivision plat in the official public records of the County for the Assessed Property, (ii) upon issuance of Bonds, or (iii) the second anniversary of the date of levy of the Assessment.

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VII. THE ASSESSMENT ROLL

A. ASSESSMENT ROLL

The Assessed Property will be assessed for the special benefits conferred upon such property as a result of the Authorized Improvements. Table IV-A summarizes the \$1,035,663 in special benefit received by Assessed Property from the Authorized Improvements and costs associated with the PID formation. The total costs of the Authorized Improvements is \$1,035,663 which is equal to the benefit received by Assessed Property. The total Assessment for all Assessed Property is \$956,000 plus Annual Collection Costs and other authorized charges, which is less than the benefit received by the Assessed Property. The Assessment for each Parcel of Assessed Property is calculated based on the allocation methodologies described in Section V.C of this Service and Assessment Plan. The Assessment Roll is attached hereto as Appendix

B. ANNUAL ASSESSMENT ROLL UPDATES

The Administrator shall prepare, and shall submit to the City Council for approval, annual updates to the 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 Assessed Property, including any adjustments authorized by this Service and Assessment Plan and in the PID Act; (iii) the Annual Installment for the Assessed Property for the year (if the Assessment is payable in installments); and (iv) payments of the Assessment, if any, as provided by Section VI(E) 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 Bonds, if any, and any additional obligations owed pursuant to the PID Reimbursement Agreement.

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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, 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 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; 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

APPENDIX B
AUTHORIZED IMPROVEMENT COSTS

APPENDIX C
DIAGRAMS OF THE AUTHORIZED IMPROVEMENTS

APPENDIX D
ASSESSMENT ROLL

Appendix D Assessment Roll

Parcel	All Parcels
Assessment	\$956,000
Total No. of Units	57.00

Year	Principal	Interest¹	Administrative Expenses²	Total Annual Installment
1	\$12,000	\$57,456	\$20,000	\$89,456
2	\$13,000	\$56,734	\$20,200	\$89,934
3	\$14,000	\$55,953	\$20,402	\$90,355
4	\$14,000	\$55,112	\$20,606	\$89,718
5	\$15,000	\$54,270	\$20,812	\$90,082
6	\$16,000	\$53,369	\$21,020	\$90,389
7	\$17,000	\$52,407	\$21,230	\$90,638
8	\$18,000	\$51,386	\$21,443	\$90,828
9	\$19,000	\$50,304	\$21,657	\$90,961
10	\$20,000	\$49,162	\$21,874	\$91,036
11	\$22,000	\$47,960	\$22,092	\$92,052
12	\$23,000	\$46,638	\$22,313	\$91,951
13	\$24,000	\$45,255	\$22,537	\$91,792
14	\$26,000	\$43,813	\$22,762	\$92,575
15	\$27,000	\$42,250	\$22,989	\$92,240
16	\$29,000	\$40,628	\$23,219	\$92,847
17	\$31,000	\$38,885	\$23,452	\$93,336
18	\$33,000	\$37,022	\$23,686	\$93,708
19	\$35,000	\$35,038	\$23,923	\$93,961
20	\$37,000	\$32,935	\$24,162	\$94,097
21	\$39,000	\$30,711	\$24,162	\$93,873
22	\$41,000	\$28,367	\$24,162	\$93,529
23	\$44,000	\$25,903	\$24,162	\$94,065
24	\$46,000	\$23,259	\$24,162	\$93,421
25	\$49,000	\$20,494	\$24,162	\$93,656
26	\$52,000	\$17,549	\$24,162	\$93,711
27	\$55,000	\$14,424	\$24,162	\$93,586
28	\$58,000	\$11,119	\$24,162	\$93,281
29	\$62,000	\$7,633	\$24,162	\$93,795
30	\$65,000	\$3,907	\$24,162	\$93,069
Total	\$956,000	\$1,129,940	\$682,002	\$2,767,942

1 - The interest is calculated using 6.01% per annum for years 1 through 5 and 6.01% per annum thereafter.

2 - The Administrative Expenses shown include the estimated PID administration and assessment collection costs.



Administration
City of Celina, Texas

Memorandum

To: **Honorable Mayor Terry and the Celina City Council**
 From: Paul DeBuff, Assistant to the City Manager
 CC: Jason Laumer, City Manager
 Date: July 9, 2019
 Re: Resolution approving Glen Crossing West Reimbursement Agreement

Action Requested:

Consider and act upon 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. (Glen Crossing West PID Reimb. Agreement) (DeBuff)

Background Information:

On May 14, 2019, the City Council held a public hearing on the creation of the Glen Crossing West PID, and continued that hearing and closed it on May 28, at which time, the PID was official authorized and created by the Council.

On June 11, 2019, Council approved the preliminary service and assessment plan (SAP), and called for a public hearing to consider an ordinance levying assessments on property within the PID. That hearing takes place tonight, July 9, 2019; the related ordinance accepts the final SAP and levies assessments.

Although the intent for this PID is to operate as a cash-flow PID, the related reimbursement agreement provides flexibility to sell bonds if necessary to fund the authorized PID improvements.

Fast Facts on the Glen Crossing West PID:

- Authorized PID Improvement costs: \$1,035,663
 - non-PID Improvements: \$460,149
 - total improvements: \$1,495,812
- PID is 29.306 acres, 57 50-foot lots
- Per lot assessment: \$16,772

Board Review/Citizen Input:

N/A

Alternatives:

N/A

Financial Considerations:

N/A

Legal Review:

This item has been reviewed by the City Attorney.

Supporting Documents:

- Proposed resolution
- Proposed agreement

Staff Recommendation:

Staff recommends approval.

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 May 28, 2019 the City Council (the “City Council”) of the City of Celina, Texas (the “City”) adopted Resolution No. 2019-25R creating the Glen Crossing West 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 9th DAY OF JULY 2019.

Sean Terry, Mayor

ATTEST:

Vicki Faulkner, City Secretary

EXHIBIT A
REIMBURSEMENT AGREEMENT

Attachment: LEGAL-#81665-v1-Celina_Glen_Crossing_West_PID_2019_-_Resolution_Approving_PID_Reimbursement_Agreement_(Resolution

**PID Reimbursement Agreement
Glen Crossing West Public Improvement District**

This PID Reimbursement Agreement (this “Agreement”) is entered into by W/J CR 55 LP, a Texas limited partnership (the “Developer”) and the City of Celina, Texas (the “City”), to be effective July 9, 2019, (the “Effective Date”). The Developer and the City are individually referred to as a “Party” and collectively as the “Parties.”

SECTION 1. RECITALS

- 1.1 WHEREAS, capitalized terms used in this Agreement shall have the meanings given to them in Section 2;
- 1.2 WHEREAS, unless otherwise defined: (1) all references to “sections” shall mean sections of this Agreement; (2) all references to “exhibits” shall mean exhibits to this Agreement which are incorporated as part of this Agreement for all purposes; and (3) all references to “ordinances” or “resolutions” shall mean ordinances or resolutions adopted by the City Council;
- 1.3 WHEREAS, the Developer is a Texas limited partnership;
- 1.4 WHEREAS, the City is a Texas home-rule municipality;
- 1.5 WHEREAS, on May 28, 2019, the City Council passed and approved the PID Creation Resolution authorizing the creation of the PID pursuant to the Act, covering approximately 29.306 contiguous acres within the City's corporate limits, which land is described in the PID Creation Resolution;
- 1.6 WHEREAS, on July 9, 2019, the City Council passed and approved an Assessment Ordinance;
- 1.7 WHEREAS, the Assessment Ordinance approved the SAP;
- 1.8 WHEREAS, the SAP identifies Authorized Improvements to be designed, constructed, and installed by or at the direction of the Parties that confer a special benefit on the Assessed Property;
- 1.9 WHEREAS, the SAP sets forth the Actual Costs of the Authorized Improvements;

1.10 WHEREAS, the SAP determines and apportions the Actual Costs of the Authorized Improvements to the Assessed Property, which Actual Costs represent the special benefit that the Authorized Improvements confer upon the Assessed Property as required by the Act;

1.11 WHEREAS, an Assessment Ordinance levied the Actual Costs of the Authorized Improvements as Assessments against the Assessed Property in the amounts set forth on an Assessment Roll;

1.12 WHEREAS, Assessments and Annual Installments are due and payable as described in the SAP;

1.13 WHEREAS, Annual Installments shall be billed and collected by the City or it's designee;

1.14 WHEREAS, Assessment Revenue from the collection of Assessments and Annual Installments shall be deposited as provided in the applicable Indenture if PID Bonds secured by such Assessments and Annual Installments are issued or into the PID Reimbursement Fund if no such PID Bonds are issued or none of such PID Bonds remain outstanding;

1.15 WHEREAS, Bond Proceeds shall be deposited as provided in the applicable Indenture if PID Bonds are issued;

1.16 WHEREAS, a PID Project Fund related to PID Bonds shall only be used in the manner set forth in the applicable Indenture;

1.17 WHEREAS, this Agreement is a "reimbursement agreement" authorized by Section 372.023(d)(1) of the Act;

1.18 WHEREAS, the foregoing RECITALS: (1) are part of this Agreement for all purposes; (2) are true and correct; and (3) each Party has relied upon such Recitals in entering into this Agreement; and

1.19 WHEREAS, all resolutions and ordinances referenced in this Agreement (e.g., the PID Creation Resolution and each Assessment Ordinance), together with all other documents referenced in this Agreement (e.g., the SAP and each Indenture), are incorporated as part of this Agreement for all purposes as if such resolutions, ordinances, and other documents were set forth in their entirety in or as exhibits to this Agreement.

NOW THEREFORE, for and in consideration of the mutual obligations of the Parties set forth in this Agreement, the Parties agree as follows:

SECTION 2. DEFINITIONS

- 2.1 “Act” is defined as Chapter 372, Texas Local Government Code, as amended.
- 2.2 “Actual Costs” are defined in the SAP.
- 2.3 “Agreement” is defined in the introductory paragraph.
- 2.4 “Annual Collection Costs” are defined in the SAP.
- 2.5 “Annual Installment” is defined in the SAP.
- 2.6 “Applicable Laws” means the Act and all other laws or statutes, rules, or regulations of the State of Texas or the United States, as the same may be amended, by which the City and its powers, securities, operations, and procedures are, or may be, governed or from which its powers may be derived.
- 2.7 “Assessed Property” is defined in the SAP.
- 2.8 “Assessment” is defined in the SAP.
- 2.9 “Assessment Ordinance” is defined in the SAP.
- 2.10 “Assessment Revenue” means the revenues actually received by or on behalf of the City from the collection of Assessments.
- 2.11 “Assessment Roll” is defined in the SAP.
- 2.12 “Authorized Improvements” are defined in the SAP.
- 2.13 “Bond Proceeds” mean the proceeds derived from the issuance and sale of PID Bonds that are deposited and made available to pay Actual Costs in accordance with the applicable Indenture.
- 2.14 “Certificate for Payment” means a certificate (substantially in the form of Exhibit A or as otherwise approved by the Developer and the City Representative) executed by a representative of the Developer and approved by the City Representative, delivered to the City Representative (and/or, if applicable, to the trustee named in any applicable Indenture), specifying the work performed and the amount charged (including materials and labor costs) for Actual Costs, and requesting payment of

such amount from the appropriate fund or funds. Each certificate shall include supporting documentation in the standard form for City construction projects and evidence that each Authorized Improvement (or its completed segment) covered by the certificate has been inspected by the City.

2.15 “City” is defined in the introductory paragraph.

2.16 “City Council” means the governing body of the City.

2.17 “City Representative” means the person authorized by the City Council to undertake the actions referenced herein.

2.18 “Closing Disbursement Request” means a request in the form of Exhibit B or as otherwise approved by the Parties.

2.19 “Default” is defined in Section 4.8.1.

2.20 “Delinquent Collection Costs” are defined in the SAP.

2.21 “Developer” is defined in the introductory paragraph.

2.22 “Developer Advances” mean advances made by the Developer to pay Actual Costs.

2.23 “Developer Improvement Account” means the account of the PID Project Fund created and established under the applicable Indenture (and segregated from all other funds contained in the PID Project Fund) into which the City deposits any funds received from the Developer as required under such Indenture.

2.24 “Development Agreement” is defined in the SAP.

2.25 “Effective Date” is defined in the introductory paragraph.

2.26 “Failure” is defined in Section 4.8.1.

2.27 “Indenture” means the applicable trust indenture pursuant to which PID Bonds are issued.

2.28 “Maturity Date” is the date one year after the last Annual Installment is collected.

2.29 “Party” and “Parties” are defined in the introductory paragraph.

2.30 “PID” is defined as the Glen Crossing West Public Improvement District, created by the PID Creation Resolution.

2.31 “PID Bonds” are means any bonds issued by the City secured in whole or in part by the Assessment Revenues.

2.32 “PID Creation Resolution” is defined as Resolution No. 2019-25R passed and approved by the City Council on May 28, 2019.

2.33 “PID Pledged Revenue Fund” means the fund established by the City under the applicable Indenture (and segregated from all other funds of the City) into which the City deposits Assessment Revenue securing PID Bonds issued and still outstanding.

2.34 “PID Project Fund” means the fund, including all accounts created within such fund, established by the City under the applicable Indenture (and segregated from all other funds of the City) into which the City deposits Bond Proceeds in the amounts and as described in the applicable Indenture.

2.35 “PID Reimbursement Fund” means the fund established by the City under this Agreement (and segregated from all other funds of the City) into which the City deposits Assessment Revenue if not deposited into the PID Pledged Revenue Fund.

2.36 “Reimbursement Agreement Balance” is defined in Section 3.3.

2.37 “SAP” is defined as the *Glen Crossing West Public Improvement District Service and Assessment Plan* approved as part of the July 9, 2019, Assessment Ordinance, as the same may be updated or amended by City Council action in accordance with the Act.

2.38 “Transfer” and “Transferee” are defined in Section 4.11.

SECTION 3. FUNDING AUTHORIZED IMPROVEMENTS

3.1 Fund Deposits. Until PID Bonds are issued, the City shall bill, collect, and immediately deposit into the PID Reimbursement Fund all Assessment Revenue consisting of: (1) revenue collected from the payment of Assessments (including pre-payments and amounts received from the foreclosure of liens but excluding costs and expenses related to collection); and (2) revenue collected from the payment of Annual Installments (excluding Annual Collection Costs and Delinquent Collection Costs). Once PID Bonds are issued, the City shall bill, collect, and immediately deposit all Assessment Revenue in the manner set forth in the applicable Indenture. The City shall also deposit Bond Proceeds and any other funds authorized or required by the Indenture in the manner set forth in the applicable

Indenture. Annual Installments shall be billed and collected by the City (or by any person, entity, or governmental agency permitted by law) in the same manner and at the same time as City ad valorem taxes are billed and collected. Funds in the PID Project Fund shall only be used in accordance with the applicable Indenture; provided that funds disbursed from the PID Project Fund pursuant to Section 3.5 below shall be made first from Bond Proceeds held in the applicable accounts within the PID Project Fund until such accounts are fully depleted and then from the Developer Improvement Account of the PID Project Fund. Funds in the PID Reimbursement Fund shall only be used to pay Actual Costs of the Authorized Improvements or all or any portion of the Reimbursement Agreement Balance in accordance with this Agreement. Notwithstanding any other provision in this Agreement, the Actual Costs of Authorized Improvements within each phase or "Improvement Area" shall be paid from the Assessment Revenue collected solely from Assessments levied on the property within such phase or "Improvement Area" benefitting from such Authorized Improvements. The City will take and pursue all actions permissible under Applicable Laws to cause the Assessments to be collected and the liens related to such Assessments to be enforced continuously, in the manner and to the maximum extent permitted by the Applicable Laws, and, to the extent permitted by Applicable Laws, to cause no reduction, abatement or exemption in the Assessments for so long as any PID Bonds are outstanding or a Reimbursement Agreement Balance remains outstanding. The City shall determine or cause to be determined, no later than February 15 of each year whether any Annual Installment is delinquent and if such delinquencies exist, the City will order and cause to be commenced as soon as practicable any and all appropriate and legally permissible actions to obtain such Annual Installment, and any delinquent charges and interest thereon, including diligently prosecuting an action to foreclose the currently delinquent Annual Installment; provided, however, the City shall not be required under any circumstances to purchase or make payment for the purchase of the delinquent Assessment or the corresponding Assessed Property. Once PID Bonds are issued, the applicable Indenture shall control in the event of any conflicts with this Agreement.

3.2 Payment of Actual Costs. If PID Bonds are not issued (or prior to such issuance) to pay Actual Costs of Authorized Improvements, the Developer may elect to make Developer Advances to pay Actual Costs. If PID Bonds are issued, the Bond Proceeds shall be used in the manner provided in the applicable Indenture; and, except as may be required under the Development Agreement, the Developer shall have no obligation to make Developer Advances unless the Bond Proceeds, together with any other funds in the PID Project Fund or PID Reimbursement Fund, are insufficient to pay the

Actual Costs, in which case the Developer shall make Developer Advances to pay the deficit. If Developer Advances are required in connection with the issuance of a series of PID Bonds, then such Developer Advances may be reduced by the amount of payments of Actual Costs of the Authorized Improvements (or portions thereof) to be financed by such PID Bonds that the Developer has previously paid if (i) the Developer submits to the City all information related to such costs that would be required by a Closing Disbursement Request at least five (5) days prior to the pricing of the PID Bonds, and (ii) the City approves such Actual Costs in writing. The Developer shall also make Developer Advances to pay for cost overruns (after applying cost savings). The lack of Bond Proceeds or other funds in the PID Project Fund shall not diminish the obligation of the Developer to pay Actual Costs of the Authorized Improvements.

3.3 Payment of Reimbursement Agreement Balance. The City agrees to pay to the Developer, and the Developer shall be entitled to receive payments from the City, until the Maturity Date, for amounts shown on each Certificate for Payment (which amounts include all Actual Costs paid by or at the direction of the Developer) plus 6.01% simple interest per annum through the Maturity Date (the unpaid principal balance, together with accrued but unpaid interest, owed the Developer for all Certificates for Payment is referred to as the “Reimbursement Agreement Balance”); provided, however, upon the issuance of PID Bonds, the interest rate paid to the Developer shall be the same as the interest rate on such PID Bonds. The interest rate set forth in this section has been approved by the City Council and is authorized by the Act, including specifically Section 372.023, and was determined based upon the *Bond Buyer Revenue Bond Index* published in *The Bond Buyer*, a daily publication that publishes this interest rate index, and on the date of determination, June 28 2019, which date was within the month before the effective date of this agreement, the index rate was 4.01%. The Reimbursement Agreement Balance is payable solely from the PID Reimbursement Fund or from PID Bond Proceeds; and, no other City funds, revenue, taxes, income, or property shall be used even if the Reimbursement Agreement Balance is not paid in full by the Maturity Date. Payments made from PID Bond Proceeds shall be made in the manner set forth in the applicable Indenture. Payments made from the PID Reimbursement Fund toward any outstanding Reimbursement Agreement Balance, shall first be applied to unpaid interest on such Reimbursement Agreement Balance owed to the Developer, and second to unpaid principal of the Reimbursement Agreement Balance owed to the Developer. Each payment from the PID Reimbursement Fund shall be accompanied by an accounting that certifies the Reimbursement Agreement Balance as of the date of the payment and that itemizes all deposits to and

disbursements from the fund since the last payment. If there is a dispute over the amount of any payment, the City shall nevertheless pay the undisputed amount, and the Parties shall use all reasonable efforts to resolve the disputed amount before the next payment is made; however, if the Parties are unable to resolve the disputed amount, then the City's determination of the disputed amount (as approved by the City Council) shall control.

3.4 PID Bonds. The City, in its sole, legislative discretion, may issue PID Bonds, in one or more series, when and if the City Council determines it is financially feasible for the purposes of: (1) paying the Reimbursement Agreement Balance; or (2) paying directly Actual Costs of Authorized Improvements. PID Bonds issued for such purpose will be secured by and paid solely as authorized by the applicable Indenture. Upon the issuance of PID Bonds for such purpose and for so long as PID Bonds remain outstanding, the Developer's right to receive payments each year in accordance with Section 3.3 shall be subordinate to the deposits required under the applicable Indenture related to any outstanding PID Bonds and the Developer shall be entitled to receive funds pursuant to the flow of funds provisions of such Indenture. The failure of the City to issue PID Bonds shall not constitute a "Failure" by the City or otherwise result in a "Default" by the City. Upon the issuance of the PID Bonds, the Developer has a duty to construct those Authorized Improvements as described in the SAP and the Development Agreement. The Developer shall not be relieved of its duty to construct or cause to be constructed such improvements even if there are insufficient funds in the PID Project Fund to pay the Actual Costs. This Agreement shall apply to all of the PID Bonds issued by the City whether in one or more series, and no additional reimbursement agreement shall be required for future series of PID Bonds.

3.5 Disbursements and Transfers at and after Bond Closing. The City and the Developer agree that from the proceeds of the PID Bonds, and upon the presentation of evidence satisfactory to the City Representative, the City will cause the trustee under the applicable Indenture to pay at closing of the PID Bonds approved amounts from the appropriate account to the persons entitled to payment for costs of issuance and payment of costs incurred in the establishment, administration, and operation of the PID and any other eligible items expended by the Developer and the City as of the time of the delivery of the PID Bonds as described in the SAP. In order to receive disbursement, the Developer shall execute a Closing Disbursement Request to be delivered to the City no less than five (5) days prior to the scheduled closing date for the PID Bonds for payment in accordance with the provisions of the Indenture. In order to receive additional disbursements from the applicable fund under an

Indenture, the Developer shall execute a Certificate for Payment, no more frequently than monthly, to be delivered to the City for payment in accordance with the provisions of the applicable Indenture and this Agreement. Upon receipt of a Certificate for Payment (along with all accompanying documentation required by the City) from the Developer, the City shall conduct a review in order to confirm that such request is complete, to confirm that the work for which payment is requested was performed in accordance with all Applicable Laws and applicable plans therefore and with the terms of this Agreement and any other agreement between the parties related to property in the PID, and to verify and approve the Actual Costs of such work specified in such Certificate for Payment. The City shall also conduct such review as is required in its discretion to confirm the matters certified in the Certificate for Payment. The Developer agrees to cooperate with the City in conducting each such review and to provide the City with such additional information and documentation as is reasonably necessary for the City to conclude each such review. Within ten (10) business days following receipt of any Certificate for Payment, the City shall either: (1) approve the Certificate for Payment and forward it to the trustee for payment, or (2) provide the Developer with written notification of disapproval of all or part of a Certificate for Payment, specifying the basis for any such disapproval. Any disputes shall be resolved as required by Section 3.3 herein. The City shall deliver the approved or partially approved Certificate for Payment to the trustee for payment, and the trustee shall make the disbursements as quickly as practicable thereafter.

3.6 Obligations Limited. The obligations of the City under this Agreement shall not, under any circumstances, give rise to or create a charge against the general credit or taxing power of the City or a debt or other obligation of the City payable from any source other than the PID Reimbursement Fund, the PID Pledged Revenue Fund, or the PID Project Fund. Unless approved by the City, no other City funds, revenues, taxes, or income of any kind shall be used to pay: (1) the Actual Costs of the Authorized Improvements; (2) the Reimbursement Agreement Balance even if the Reimbursement Agreement Balance is not paid in full on or before the Maturity Date; or (3) debt service on any PID Bonds. None of the City or any of its elected or appointed officials or any of its officers, employees, consultants or representatives shall incur any liability hereunder to the Developer or any other party in their individual capacities by reason of this Agreement or their acts or omissions under this Agreement.

3.7 Obligation to Pay. Subject to the provisions of Section 3.6, if the Developer is in substantial compliance with its obligations under the Development Agreement, then following the inspection and

approval of any portion of Authorized Improvements for which Developer seeks reimbursement of the Actual Costs by submission of a Certificate for Payment or City approval of a Closing Disbursement Request, the obligations of the City under this Agreement to pay disbursements (whether to the Developer or to any person designated by the Developer) identified in any Closing Disbursement Request or in any Certificate for Payment and to pay debt service on PID Bonds are unconditional AND NOT subject to any defenses or rights of offset except as may be provided in any Indenture.

3.8 City Delegation of Authority. All Authorized Improvements shall be constructed by or at the direction of the Developer in accordance with the plans and in accordance with this Agreement and any other agreement between the parties related to property in the PID. The Developer shall perform, or cause to be performed, all of its obligations and shall conduct, or cause to be conducted, all operations with respect to the construction of Authorized Improvements in a good, workmanlike and commercially reasonable manner, with the standard of diligence and care normally employed by duly qualified persons utilizing their commercially reasonable efforts in the performance of comparable work and in accordance with generally accepted practices appropriate to the activities undertaken. The Developer has sole responsibility of ensuring that all Authorized Improvements are constructed in a good, workmanlike and commercially reasonable manner, with the standard of diligence and care normally employed by duly qualified persons utilizing their commercially reasonable efforts in the performance of comparable work and in accordance with generally accepted practices appropriate to the activities undertaken. The Developer shall employ at all times adequate staff or consultants with the requisite experience necessary to administer and coordinate all work related to the design, engineering, acquisition, construction and installation of all Authorized Improvements to be acquired and accepted by the City from the Developer. If any Authorized Improvements are or will be on land owned by the City, the City hereby grants to the Developer a license to enter upon such land for purposes related to construction (and maintenance pending acquisition and acceptance) of the Authorized Improvements. Inspection and acceptance of Authorized Improvements will be in accordance with applicable City ordinances and regulations.

3.9 Security for Authorized Improvements. Prior to completion and conveyance to the City of any Authorized Improvements, the Developer shall cause to be provided to the City a maintenance bond in the amount required by the City's subdivision regulations for applicable Authorized Improvements, which maintenance bond shall be for a term of two years from the date of final acceptance of the applicable Authorized Improvements. Any surety company through which a bond is written shall be a

surety company duly authorized to do business in the State of Texas, provided that legal counsel for the City has the right to reject any surety company regardless of such company's authorization to do business in Texas. Nothing in this Agreement shall be deemed to prohibit the Developer or the City from contesting in good faith the validity or amount of any mechanics or materialman's lien and/or judgment nor limit the remedies available to the Developer or the City with respect thereto so long as such delay in performance shall not subject the Authorized Improvements to foreclosure, forfeiture, or sale. In the event that any such lien and/or judgment with respect to the Authorized Improvements is contested, the Developer shall be required to post or cause the delivery of a surety bond or letter of credit, whichever is preferred by the City, in an amount reasonably determined by the City, not to exceed 120 percent of the disputed amount.

3.10 Ownership and Transfer of Authorized Improvements. The Developer shall furnish to the City a preliminary title report for land related to the Authorized Improvements to be acquired and accepted by the City from the Developer and not previously dedicated or otherwise conveyed to the City. The report shall be made available for City review and approval at least fifteen (15) business days prior to the scheduled transfer of title. The City shall approve the preliminary title report unless it reveals a matter which, in the reasonable judgment of the City, would materially affect the City's use and enjoyment of the Authorized Improvements. If the City objects to any preliminary title report, the City shall not be obligated to accept title to the applicable Authorized Improvements until the Developer has cured the objections to the reasonable satisfaction of the City.

SECTION 4. ADDITIONAL PROVISIONS

4.1 Term. The term of this Agreement shall begin on the Effective Date and shall continue until the earlier to occur of the Maturity Date or the date on which the Reimbursement Agreement Balance is paid in full.

4.2 No Competitive Bidding. Construction of the Authorized Improvements shall not require competitive bidding pursuant to Section 252.022(a) (9) of the Texas Local Government Code, as amended. All plans and specifications, but not construction contracts, shall be reviewed and approved, in writing, by the City prior to Developer selecting the contractor. The City shall have the right to examine and approve the contractor selected by the Developer prior to executing a construction contract with the contractor, which approval shall not be unreasonably delayed or withheld.

4.3 Independent Contractor. In performing this Agreement, the Developer is an independent contractor and not the agent or employee of the City.

4.4 Audit. The City Representative shall have the right, during normal business hours and upon five (5) business days' prior written notice to the Developer, to review all books and records of the Developer pertaining to costs and expenses incurred by the Developer with respect to any of the Authorized Improvements. For a period of two years after completion of the Authorized Improvements, the Developer shall maintain proper books of record and account for the construction of the Authorized Improvements and all costs related thereto. Such accounting books shall be maintained in accordance with customary real estate accounting principles. The Developer shall have the right, during normal business hours, to review all records and accounts pertaining to the Assessments upon written request to the City. The City shall provide the Developer an opportunity to inspect such books and records relating to the Assessments during the City's regular business hours and on a mutually agreeable date no later than ten (10) business days after the City receives such written request. The City shall keep and maintain a proper and complete system of records and accounts pertaining to the Assessments for so long as PID Bonds remain outstanding or Reimbursement Agreement Balance remains unpaid.

4.5 Developer's Right to Protest Ad Valorem Taxes. Nothing in this Agreement shall be construed to limit or restrict Developer's right to protest ad valorem taxes. The Developer's decision to protest ad valorem taxes on Assessed Property does not constitute a Default under this Agreement.

4.6 PID Administration and Collection of Assessments. If the City designates an administrator who shall have the responsibilities provided in the SAP related to the duties and responsibilities of the administration of the PID, the City shall provide the Developer with a copy of the agreement between the City and the administrator. If the City contracts with a third-party for the collection of Annual Installments of the Assessments, the City shall provide the Developer with a copy of such agreement. For so long as PID Bonds remain outstanding or the Reimbursement Agreement Balance remains unpaid, the City shall notify the Developer of any change of administrator or third-party collection of the Assessments.

4.7 Representations and Warranties.

4.7.1 The Developer represents and warrants to the City that: (1) the Developer has the authority to enter into and perform its obligations under this Agreement; (2) the Developer has

the financial resources, or the ability to collect sufficient financial resources, to meet its obligations under this Agreement; (3) the person executing this Agreement on behalf of the Developer has been duly authorized to do so; (4) this Agreement is binding upon the Developer in accordance with its terms; and (5) the execution of this Agreement and the performance by the Developer of its obligations under this Agreement do not constitute a breach or event of default by the Developer under any other agreement, instrument, or order to which the Developer is a party or by which the Developer is bound.

4.7.2 The City represents and warrants to the Developer that: (1) the City has the authority to enter into and perform its obligations under this Agreement; (2) the person executing this Agreement on behalf of the City has been duly authorized to do so; (3) this Agreement is binding upon the City in accordance with its terms; and (4) the execution of this Agreement and the performance by the City of its obligations under this Agreement do not constitute a breach or event of default by the City under any other agreement, instrument, or order to which the City is a party or by which the City is bound.

4.8 Default/Remedies.

4.8.1 If either Party fails to perform an obligation imposed on such Party by this Agreement (a “Failure”) and such Failure is not cured after notice and the expiration of the cure periods provided in this section, then such Failure shall constitute a “Default.” If a Failure is monetary, the non-performing Party shall have 10 days within which to cure. If the Failure is non-monetary, the non-performing Party shall have 30 days within which to cure.

4.8.2 If the Developer is in Default, the City shall have available all remedies at law or in equity; provided no default by the Developer shall entitle the City to terminate this Agreement or to withhold payments to the Developer from the PID Reimbursement Fund or the PID Pledged Revenue Fund or the PID Project Fund in accordance with this Agreement and the Indenture.

4.8.3 If the City is in Default, the Developer shall have available all remedies at law or in equity; provided, however, no Default by the City shall entitle the Developer to terminate this Agreement.

4.8.4 The City shall give notice of any alleged Failure by the Developer to each Transferee identified in any notice from the Developer, and such Transferees shall have the right, but not the obligation, to cure the alleged Failure within the same cure periods that are provided to the Developer. The election by a Transferee to cure a Failure by the Developer shall constitute a cure by the Developer but shall not obligate the Transferee to be bound by this Agreement unless the Transferee agrees in writing to be bound.

4.9 Remedies Outside the Agreement. Nothing in this Agreement constitutes a waiver by the City of any remedy the City may have outside this Agreement against the Developer, any Transferee, or any other person or entity involved in the design, construction, or installation of the Authorized Improvements. The obligations of the Developer hereunder shall be those of a party hereto and not as an owner of property in the PID. Nothing herein shall be construed as affecting the City's or the Developer's rights or duties to perform their respective obligations under other agreements, use regulations, or subdivision requirements relating to the development property in the PID.

4.10 Estoppel Certificate. From time to time upon written request of the Developer, the City Manager will execute a written estoppel certificate (1) identifying any obligations of the Developer under this Agreement that are in default or, with the giving of notice or passage of time, would be in default; or (2) stating, to the extent true, that to the best knowledge and belief of the City, the Developer is in compliance with its duties and obligations under this Agreement.

4.11 Transfers. The Developer has the right to convey, transfer, assign, mortgage, pledge, or otherwise encumber, in whole or in part without the consent of (but with notice to) the City, the Developer's right, title, or interest to payments under this Agreement (but not performance obligations) including, but not limited to, any right, title, or interest of the Developer in and to payments of the Reimbursement Agreement Balance, whether such payments are from the PID Reimbursement Fund or the PID Pledged Revenue Fund in accordance with Section 3.3 or from Bond Proceeds (any of the foregoing, a "Transfer," and the person or entity to whom the transfer is made, a "Transferee"). Notwithstanding the foregoing, no Transfer shall be effective until notice of the Transfer is given to the City. The City may rely on notice of a Transfer received from the Developer without obligation to investigate or confirm the validity of the Transfer. The Developer waives all rights or claims against the City for any funds paid to a third party as a result of a Transfer for which the City received notice.

4.12 Applicable Law; Venue. This Agreement is being executed and delivered and is intended to be performed in the State of Texas. Except to the extent that the laws of the United States may apply, the substantive laws of the State of Texas shall govern the interpretation and enforcement of this Agreement. In the event of a dispute involving this Agreement, venue shall lie in any court of competent jurisdiction in _____ County, Texas.

4.13 Notice. Any notice referenced in this Agreement must be in writing and shall be deemed given at the addresses shown below: (1) when delivered by a nationally recognized delivery service such as FedEx or UPS with evidence of delivery signed by any person at the delivery address regardless of whether such person is the named addressee; or (2) 72 hours after deposited with the United States Postal Service, Certified Mail, Return Receipt Requested.

To the City: Attn: City Manager
City of Celina
302 W. Walnut St.
Celina, Texas 75009
TEL: (972) 382-2682
FAX: (972) 382-3736

With a copy to: Attn: Julie Fort
Messer, Fort & McDonald
6371 Preston Road
Frisco, Texas 75034
TEL: (972) 668-6400
FAX: (972) 668-6414

To the Developer: Attn: Frank Murphy
W/J CR 55 LP
600 N Pearl, Suite 650 LB 149
Dallas, Texas 75201
TEL: (214) 880-8792
FAX: (214) 880-8709

With a copy to: Attn: Misty Ventura
Shupe Ventura, PLLC
9406 Biscayne Blvd.
Dallas, Texas 75218
E-mail: misty.ventura@svlandlaw.com
TEL: (214) 328-1101
FAX: (800) 519-3768

Any Party may change its address by delivering notice of the change in accordance with this section.

4.14 Conflicts; Amendment. In the event of any conflict between this Agreement and any other instrument, document, or agreement by which either Party is bound, the provisions and intent of the applicable Indenture controls. This Agreement may only be amended by written agreement of the Parties.

4.15 Severability. If any provision of this Agreement is held invalid by any court, such holding shall not affect the validity of the remaining provisions.

4.16 Non-Waiver. The failure by a Party to insist upon the strict performance of any provision of this Agreement by the other Party, or the failure by a Party to exercise its rights upon a Default by the other Party, shall not constitute a waiver of such Party's right to insist and demand strict compliance by such other Party with the provisions of this Agreement.

4.17 Third Party Beneficiaries. Nothing in this Agreement is intended to or shall be construed to confer upon any person or entity other than the City, the Developer, and Transferees any rights under or by reason of this Agreement. All provisions of this Agreement shall be for the sole and exclusive benefit of the City, the Developer, and Transferees.

4.18 Counterparts. This Agreement may be executed in multiple counterparts, which, when taken together, shall be deemed one original.

4.19 Iran, Sudan, and Foreign Terrorist Organizations. The Developer represents that neither it nor any of its parent company, wholly- or majority-owned subsidiaries, and other affiliates is a company identified on a list prepared and maintained by the Texas Comptroller of Public Accounts under Section 2252.153 or Section 2270.0201, Texas Government Code, and posted on any of the following pages of such officer's internet website:

<https://comptroller.texas.gov/purchasing/docs/sudan-list.pdf>,

<https://comptroller.texas.gov/purchasing/docs/iran-list.pdf>, or

<https://comptroller.texas.gov/purchasing/docs/fto-list.pdf>.

The foregoing representation is made solely to comply with Section 2252.152, Texas Government Code, and to the extent such Section does not contravene applicable Federal law and excludes the Developer and each of its parent company, wholly- or majority-owned subsidiaries, and other affiliates, if any, that the United States government has affirmatively declared to be excluded from its federal sanctions regime relating to Sudan or Iran or any federal sanctions regime relating to a foreign

terrorist organization. The Developer understands “affiliate” to mean any entity that controls, is controlled by, or is under common control with the Developer and exists to make a profit.

4.20 No Boycott of Israel. In *Amawi v. Pflugerville Independent School District* (1:18-cv-01091), the United States District Court for the Western District of Texas issued a preliminary injunction (the “NBI Injunction”) preventing the defendants named therein from enforcement of Texas Government Code §2270.001 et. seq, or any “No Boycott of Israel” clause in any state contract. On May 7, 2019, H.B. 793, 86th Texas Legislature, Regular Session, became law, amending Texas Government Code, §2270.001 et. seq. On May 10, 2019, the Texas Attorney General filed a Motion to Stay the NBI Injunction with the United States Court of Appeals for the Fifth Circuit. In light of the foregoing recent developments, the following representation is provided by the Developer to avoid any uncertainty regarding the authority of the City to enter into this Agreement.

The Developer hereby verifies that it and its parent company, wholly- or majority-owned subsidiaries, and other affiliates, if any, do not boycott Israel and, to the extent this Agreement is a contract for goods or services, will not boycott Israel during the term of this Agreement. The foregoing verification is made solely to comply with Section 2270.002, Texas Government Code, and to the extent such Section does not contravene applicable Federal law. As used in the foregoing verification, “boycott Israel” means refusing to deal with, terminating business activities with, or otherwise taking any action that is intended to penalize, inflict economic harm on, or limit commercial relations specifically with Israel, or with a person or entity doing business in Israel or in an Israeli-controlled territory, but does not include an action made for ordinary business purposes. The Developer understands “affiliate” to mean an entity that controls, is controlled by, or is under common control with the Developer and exists to make a profit.

[Execution pages follow.]

CITY OF CELINA, TEXAS

By: _____

Sean Terry, Mayor

ATTEST:

By: _____

Vicki Faulkner, City Secretary

Attachment: LEGAL-#81662-v1-Celina_Glen_Crossing_West_PID_2019 - PID_Reimbursement_Agreement (Resolution approving Glen

W/J CR 55 LP, a Texas limited partnership

By: W/J CELINA GP, LLC
a Texas limited liability company,
its general partner

By: _____

Name: _____

Title: _____

EXHIBIT A**CERTIFICATE FOR PAYMENT FORM**

The undersigned is an agent for _____ (the “Developer”) and requests payment from the applicable account of the [PID Reimbursement Fund] [PID Project Fund] from the City of _____, Texas (the “City”) in the amount of _____ for labor, materials, fees, and/or other general costs related to the creation, acquisition, or construction of certain Authorized Improvements providing a special benefit to property within the Glen Crossing West Public Improvement District. Unless otherwise defined, any capitalized terms used herein shall have the meanings ascribed to them in the PID Reimbursement Agreement (the “Reimbursement Agreement”).

In connection with the above referenced payment, the Developer represents and warrants to the City as follows:

1. The undersigned is a duly authorized officer of the Developer, is qualified to execute this Certificate for Payment Form on behalf of the Developer, and is knowledgeable as to the matters set forth herein.
2. The payment requested for the below referenced Authorized Improvements has not been the subject of any prior payment request submitted for the same work to the City or, if previously requested, no disbursement was made with respect thereto.
3. The amount listed for the Authorized Improvements below is a true and accurate representation of the Actual Costs associated with the creation, acquisition, or construction of said Authorized Improvements, and such costs (i) are in compliance with the Reimbursement Agreement, and (ii) are consistent with the Service and Assessment Plan.
4. The Developer is in compliance with the terms and provisions of the Reimbursement Agreement, the Indenture, the Service and Assessment Plan and the Development Agreement.
5. The Developer has timely paid all ad valorem taxes and annual installments of special assessments it owes or an entity the Developer controls owes, located in the Glen Crossing West Public Improvement District and has no outstanding delinquencies for such assessments.
6. All conditions set forth in the Indenture (as defined in the Reimbursement Agreement) for the payment hereby requested have been satisfied.
7. The work with respect to the Authorized Improvements referenced below (or its completed segment) has been completed, and the City has inspected such Authorized Improvements (or its completed segment).

8. The Developer agrees to cooperate with the City in conducting its review of the requested payment, and agrees to provide additional information and documentation as is reasonably necessary for the City to complete said review.

9. No more than ninety-five percent (95%) of the budgeted or contracted hard costs for major improvements or any phase of Authorized Improvements identified may be paid until the work with respect to such Authorized Improvements (or segment) has been completed and the City has accepted such Authorized Improvements (or segment). One hundred percent (100%) of soft costs (e.g., engineering costs, inspection fees and the like) may be paid prior to City acceptance of such Authorized Improvements (or segment).

Payments requested are as follows:

- a. X amount to Person or Account Y for Z goods or services.
- b. Etc.

[If the Authorized Improvements are to be paid in part from one series of PID Bonds and in part from another, insert the following:

As required by Section _____ of the Indenture, the costs for the Authorized Improvements that constitutes the pro-rata share of such Authorized Improvements allocable to the designated Bonds shall be paid as follows:

Authorized Improvements:	Amount to be paid from _____ Fund	Amount to be paid from _____ Fund	Total Cost of Authorized Improvements

Attached hereto are receipts, purchase orders, change orders, and similar instruments which support and validate the above requested payments. Also attached hereto are “bills paid” affidavits and supporting documentation in the standard form for City construction projects.

Pursuant to the Reimbursement Agreement, after receiving this payment request, the City has inspected the Authorized Improvements (or completed segment) and confirmed that said work has been completed in accordance with approved plans and all applicable governmental laws, rules, and regulations.

I hereby declare that the above representations and warranties are true and correct.

W/J CR 55 LP, a Texas limited partnership

By: W/J CELINA GP, LLC
a Texas limited liability company,
its general partner

By:_____

Name:_____

Title:_____

APPROVAL OF REQUEST BY CITY

The City is in receipt of the attached Certificate for Payment, acknowledges the Certificate for Payment, acknowledges that the Authorized Improvements (or its completed segment) covered by the certificate have been inspected by the City, and otherwise finds the Certificate for Payment to be in order. After reviewing the Certificate for Payment, the City approves the Certificate for Payment and shall [include said payments in the City Certificate submitted to the Trustee directing payments to be made from the appropriate account of the PID Project Fund] [direct payment from the PID Reimbursement Fund] to the Developer or to any person designated by the Developer.

CITY OF CELINA, TEXAS

By: _____

Name: _____

Title: _____

Date: _____

Exhibit B**FORM OF CLOSING DISBURSEMENT REQUEST**

The undersigned is an agent for _____ (the “Developer”) and requests payment to the Developer (or to the person designated by the Developer) from the applicable account of the PID Project Fund from _____ (the “Trustee”) in the amount of _____ (\$_____) to be transferred from the applicable account of the PID Project Fund upon the delivery of the PID Bonds for costs incurred in the establishment, administration, and operation of the Glen Crossing West Public Improvement District (the “District”), as follows. Unless otherwise defined, any capitalized terms used herein shall have the meanings ascribed to them in the Indenture of Trust by and between the City and the Trustee dated as of _____, 20__ (the “Indenture”) relating to the [INSERT NAME OF BONDS] (the “PID Bonds”).

In connection with the above referenced payment, the Developer represents and warrants to the City as follows:

1. The undersigned is a duly authorized officer of the Developer, is qualified to execute this Closing Disbursement Request on behalf of the Developer, and is knowledgeable as to the matters set forth herein.
2. The payment requested for the below referenced establishment, administration, and operation of the District at the time of the delivery of the PID Bonds have not been the subject of any prior payment request submitted to the City.
3. The amount listed for the below costs is a true and accurate representation of the Actual Costs associated with the establishment, administration and operation of the District at the time of the delivery of the PID Bonds, and such costs are in compliance with the Service and Assessment Plan.
4. The Developer is in compliance with the terms and provisions of the Reimbursement Agreement, the Indenture, the Service and Assessment Plan, and the Development Agreement.
5. All conditions set forth in the Indenture and the Reimbursement Agreement for the payment hereby requested have been satisfied.
6. The Developer agrees to cooperate with the City in conducting its review of the requested payment and agrees to provide additional information and documentation as is reasonably necessary for the City to complete said review.

Payments requested hereunder shall be made as directed below:

[Information regarding Payee, amount, and deposit instructions attached]

I hereby declare that the above representations and warranties are true and correct.

W/J CR 55 LP, a Texas limited partnership

By: W/J CELINA GP, LLC
a Texas limited liability company,
its general partner

By:_____

Name:_____

Title:_____

APPROVAL OF REQUEST BY CITY

The City is in receipt of the attached Closing Disbursement Request, acknowledges the Closing Disbursement Request, and finds the Closing Disbursement Request to be in order. After reviewing the Closing Disbursement Request, the City approves the Closing Disbursement Request and shall include said payments in the City Certificate submitted to the Trustee directing payments to be made from Costs of Issuance Account upon delivery of the PID Bonds.

CITY OF CELINA, TEXAS

By: _____

Name: _____

Title: _____

Date: _____



Administration
City of Celina, Texas

Memorandum

To: **Honorable Mayor Terry and the Celina City Council**
 From: Paul DeBuff, Assistant to the City Manager
 CC: Jason Laumer, City Manager
 Date: July 9, 2019
 Re: Complete Count Committee Resolution

Action Requested:

Consider and act upon a resolution of the City of Celina, Texas creating a Census 2020 Complete Count Committee to plan and conduct local educational initiatives, publicity and promotional activities to increase community awareness and participation in the 2020 census. (Howard)

Background Information:

The U.S. Census Bureau is required by the U.S. Constitution to conduct a count of the population, which provides a historic opportunity to help shape the foundation of our society and play an active role in American democracy. Federal and state funding is allocated to communities and decisions are made on matters of local and national importance based, in part, on census data and housing.

Additionally, census data helps determine how many seats each state will have in the U.S. House of Representatives and is necessary for the accurate and fair redistricting of the state legislature, county and city elected officials and voting districts, and information from the 2020 Census and American Community Survey are vital tools for economic development and increased employment.

Therefore, this resolution expresses support of the efforts of the U.S. Census Bureau to accurately count every resident in the City of Celina, and accomplishes the following:

1. Creates a Complete Count Committee to plan and conduct local educational activities to increase community awareness and participation in the 2020 Census is hereby created.
2. Supports the goals and ideals for the 2020 Census and agrees to make all census information available in city facilities if information is provided by the U.S. Census Bureau.
3. Encourages all Celina residents to participate in events and initiatives that will raise overall awareness of the 2020 Census.
4. Supports census takers in their efforts to complete an accurate count of Celina citizens.

Board Review/Citizen Input:

N/A

Alternatives:

N/A

Financial Considerations:

N/A

Legal Review:

N/A

Supporting Documents:

- Proposed resolution

Staff Recommendation:

Staff recommends approval.

RESOLUTION NO _____

**A RESOLUTION OF THE CITY OF CELINA, TEXAS
CREATING A CENSUS 2020 COMPLETE COUNT
COMMITTEE TO PLAN AND CONDUCT LOCAL
EDUCATIONAL INITIATIVES, PUBLICITY AND
PROMOTIONAL ACTIVITIES TO INCREASE
COMMUNITY AWARENESS AND PARTICIPATION
IN THE 2020 CENSUS.**

WHEREAS, the U.S. Census Bureau is required by the U.S. Constitution to conduct a count of the population and provide a historic opportunity to help shape the foundation of our society and play an active role in American democracy,

WHEREAS, The City of Celina, Texas is committed to ensuring every resident is counted; and

WHEREAS, federal and state funding is allocated to communities and decisions are made on matters of local and national importance based, in part, on census data and housing; and

WHEREAS, census data helps determine how many seats each state will have in the U.S. House of Representatives and is necessary for the accurate and fair redistricting of the state legislature, county and city elected officials and voting districts; and

WHEREAS, information from the 2020 Census and American Community Survey are vital tools for economic development and increased employment.

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

1. A Complete Count Committee to plan and conduct local educational activities to increase community awareness and participation in the 2020 Census is hereby created.
2. The City Council supports the goals and ideals for the 2020 Census and will agree to make all census information available in city facilities if information is provided by the U.S. Census Bureau.
3. The City Council encourages all Celina residents to participate in events and initiatives that will raise overall awareness of the 2020 Census.
4. The City Council supports census takers in their efforts to complete an accurate count of Celina citizens.

PASSED AND ADOPTED, this 9TH day of July, 2019.

CITY OF CELINA, TEXAS

Sean Terry
Mayor

ATTEST:

Vicki Faulkner
City Secretary

(City Seal)

STATE OF TEXAS §
 §
COUNTY OF COLLIN §

This instrument was acknowledged before me on the _____ day of July, 2019 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)

Attachment: Celina Complete Count Resolution 7-9-19 (Complete Count Committee Resolution)