

RESOLUTION NO. 1083

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TERRELL, TEXAS, AUTHORIZING THE ESTABLISHMENT OF THE CROSSROADS NORTHWEST CITY OF TERRELL PUBLIC IMPROVEMENT DISTRICT NO. 5

WHEREAS, on November 12, 2021, there was presented to the City of Terrell, Texas, (the "City") a Petition seeking the authorization to establish the Crossroads Northwest City Of Terrell Public Improvement District No. 5 (the "District") within the City pursuant to Chapter 372, Texas Local Government Code; and

WHEREAS, said Petition, attached hereto as Exhibit "A" and made a part hereof for all purposes, described public improvements that the property owners desire to be made within the District; and

WHEREAS, the City Council called a public hearing held on December 14, 2021, with respect to the creation of the District and determined the advisability of the proposed improvements.

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

Section 1. That the City Council of the City of Terrell, Texas, accepts the Petition for the Establishment of the Crossroads Northwest City Of Terrell Public Improvement District No. 5.

Section 2. That the City Council authorizes the creation of the proposed District as described in Exhibit "A".

Section 3. That the City Secretary is hereby authorized and directed to publish notice of the creation of the District in a newspaper of general circulation in the City.

Section 4. That this Resolution shall be in full force and effect from and after its passage and it is accordingly so resolved.

PASSED AND APPROVED this 14th day of December, 2021.



E. RICK CARMONA, Mayor

ATTEST:



DAWN STEIL, City Secretary

STATE OF TEXAS

COUNTY OF KAUFMAN

PETITION FOR THE ESTABLISHMENT OF THE
CROSSROADS NORTHWEST CITY OF TERRELL PUBLIC IMPROVEMENT DISTRICT NO. 5
("PETITION")

TO THE CITY COUNCIL, CITY OF TERRELL, TEXAS:

COMES NOW PETITIONERS:

VDG-BCDC TERRELL, II, LLC, a Georgia limited liability company
P. O. Box 92306, Southlake, Texas 76092

and

TERRELL MF VENTURES, LLC, a Texas limited liability company
P. O. Box 92306, Southlake, Texas 76092

and

TERRELL 80/20 LTD, a Texas limited partnership
8350 N. Central Expressway, Suite M1020, Dallas, Texas 75206

and

MT/GA DEVELOPMENT CORPORATION, INC., a Texas corporation
8350 N. Central Expressway, Suite M1020, Dallas, Texas 75206

The owners of real property (the "Petitioners"), and pursuant to Section 372.005 of the Texas Local Government Code, who hereby petition the City Council of the City of Terrell, Texas ("City"), to conduct a hearing on this Petition, pursuant to Section 372.009 of the Texas Local Government Code, in anticipation of the establishment of a Public Improvement District to be known as the "Crossroads Northwest City of Terrell Public Improvement District No. 5" (hereinafter referred to as the "District").

In support of same, Petitioners would respectfully show the following:

I.

The boundaries of the proposed District are set forth in the site plan identifying parcels containing approximately 119.34 total acres shown in Exhibit "A" ("Property") attached hereto and incorporated by reference herein.

II.

The general purpose and nature of the District will be to repair and maintain wetlands, open space, common drainage and other common improvements located on the Property, as generally depicted on Exhibit "B"

(Public Facilities). The Petitioners acknowledge that Exhibit "B" is for illustrative purposes and that the final Public Facilities will be determined by phased acceptance by the City Engineer of completed Public Facilities.

III.

The annualized expenses are estimated to total approximately \$75,000.00 based on the maintenance program shown in Exhibit "C" ("Maintenance Program"), attached hereto and incorporated by reference herein. The Petitioners acknowledge that expenses of the Maintenance Program will vary based on actual expenses incurred by the District for the Maintenance Program. The Petitioners acknowledge that the work of the Public Improvement District initiates and then phased in only after the City accepts as complete such Public Facilities as they are completed, dedicated and accepted by the City Engineer. In addition, the administrative expenses of annual contracts for Tax Collection and Kaufman Central Appraisal District services are PID eligible expenses.

IV.

The proposed method of assessment for each parcel within the District is as follows: the governing body of the City will contribute funds equivalent to 10% of the actual costs and then calculate and levy assessments for the remaining 90% of the actual expenses incurred by the City for the Maintenance Program based on each parcel's assessed valuation by the Kaufman Central Appraisal District. Property owned or utilized by easement by the City or by TxDOT shall not be included in the calculation. The proposed PID assessment level within the District is \$0.0375 per \$100.00 of valuation for the land and improvement values of all taxable property. A sample of annual assessment at buildout is shown below:

Example Cost Allocation and Assessment at Buildout

Example Annual Costs	\$ 70,000
City 10% Contribution	\$ 7,000
Remaining Cost Allocation	\$ 63,000

Example Developments	Example Property Value	Example PID Rate	Example PID Revenue
Magnolia Grove 1	\$ 20,000,000	0.000375	\$ 7,500
Venture MF as Approved by P&Z	\$ 20,000,000	0.000375	\$ 7,500
Hotel Event Center	\$ 18,000,000	0.000375	\$ 6,750
Senior Living	\$ 32,000,000	0.000375	\$ 12,000
Third Apartment Complex	\$ 28,000,000	0.000375	\$ 10,500
Restaurant 1	\$ 1,500,000	0.000375	\$ 563
Restaurant 2	\$ 1,500,000	0.000375	\$ 563
Restaurant 3	\$ 1,500,000	0.000375	\$ 563
Retail Component	\$ 39,000,000	0.000375	\$ 14,625
Additional Hotel	\$ 6,500,000	0.000375	\$ 2,438
Total	\$ 168,000,000	0.000375	\$ 63,000

The Petitioner acknowledges the City will adjust the assessment rate shall be consistent for all land owners and changes due to development as well as annual changes in the actual expenses of the Maintenance Program on an "as needed" basis to fully reimburse City for actual expenses of the Maintenance Program.

This PID is proposed not to terminate.

V.

The management of the District will be by the City.

VI.

The persons or entities (through authorized representatives) signing this Petition request or concur with the establishment of the District and for the District to be managed and operated by the City, including, but not limited to:

- 1) Determining and accepting the final Public Facilities.
- 2) Developing a budget for the annual expenses.
- 3) Determining and establishing the annual assessment.
- 4) Procuring all services.
- 5) Assuring timely and quality performance of services.
- 6) Auditing, reporting and otherwise performing all accounting, oversight and other management functions.
- 7) All such management and operations to be subject to annual approval by the Terrell City Council.

VII.

It is acknowledged that an Advisory Body will not be established to develop and recommend an "improvement plan" to the City Council of the City regarding the Maintenance Program. The City of Terrell shall not exempt or waive the obligations of this Petition for any land owner, current or future, in the District.

VIII.

The persons or entities (through authorized representatives) signing this Petition are:

- 1) Owners of real property representing more than fifty percent (50%) of the appraised value of the real property liable for assessment under this Petition as determined by the current roll of the appraisal district in which the Property is located; and
- 2) Owners of real property liable for assessment under this Petition who (a) constitute more than fifty percent (50%) of all record owners of property that are liable for assessment under this Petition, and (b) own real property that constitutes more than fifty percent (50%) of the area of all real property that is liable for assessment under this Petition.

IX.

The Exhibits to this Petition are summarized as follows:

Exhibit "A"	Property
Exhibit "B"	Public Facilities
Exhibit "C"	Maintenance Program

X.

This Petition for the Crossroads Northwest City of Terrell Public Improvement District No. 5 will be filed with the City Secretary of the City of Terrell, Texas. This Petition shall become effective upon the latest date of execution below.

VDG-BCDC TERRELL, II, LLC, a Georgia limited liability company

By: Ventures Development Group, LLC, a Louisiana limited liability company, its Manager

Robert E. McConnell, Jr.
Managing Member

Date: _____

TERRELL MF VENTURES, LLC, a Texas limited liability company

By: VDG-BCDC Terrell, LLC, a Georgia limited liability company, its Sole Member

By: Ventures Development Group, LLC, a Louisiana limited liability company, its Managing Member

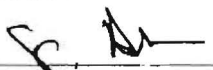
By: _____
Robert E. McConnell, Jr.
Managing Member

Date: _____

TERRELL 80/20 LTD, a Texas limited partnership

By: CR2016, LLC, a Texas limited liability company.

General Partner

By:  _____
George W. Allen, Manager

Date: 11/11/21

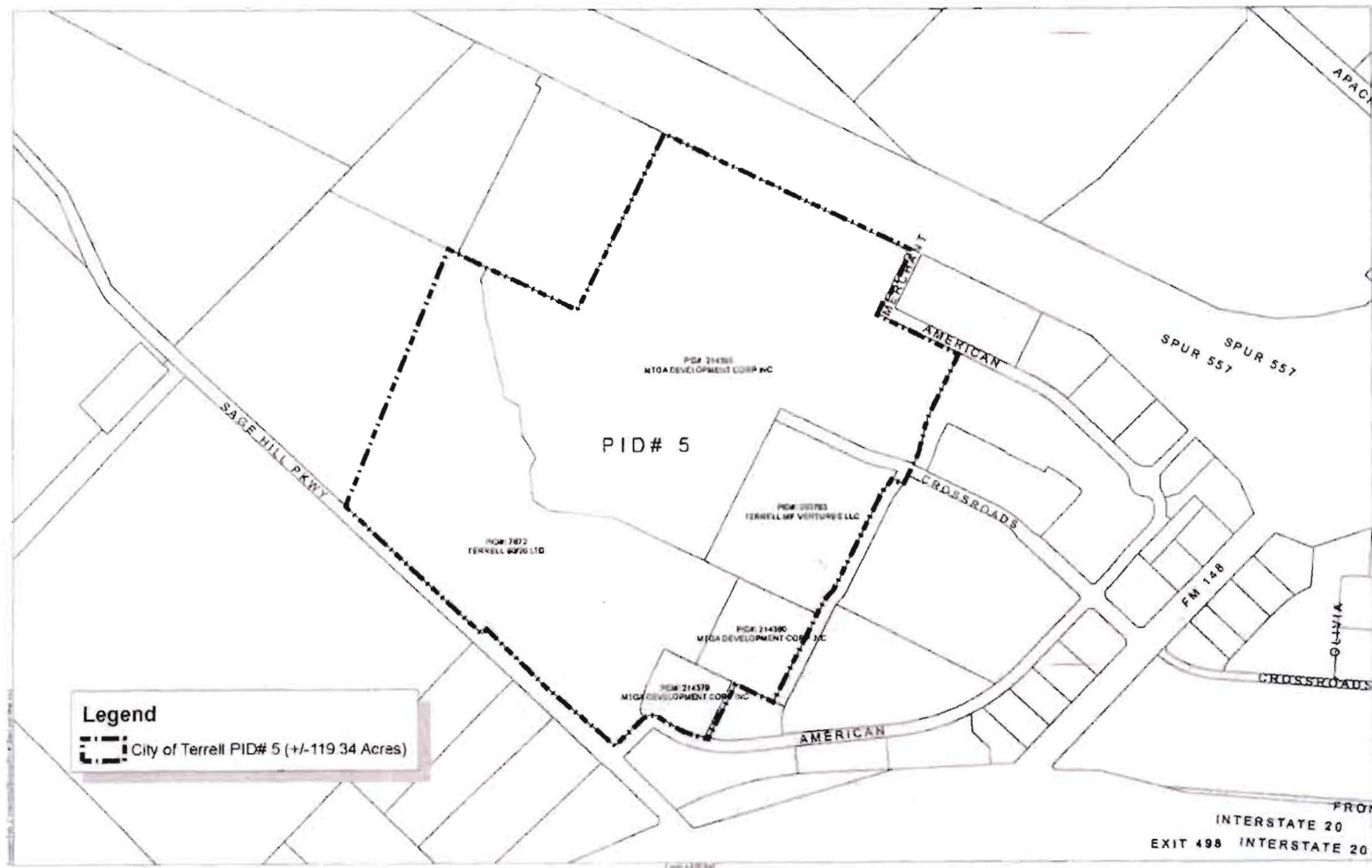
MT/GA DEVELOPMENT CORPORATION INC., a Texas corporation

By:  _____
George W. Allen, President

Date: 11/11/21

Exhibit "A"

Property



Petition for the Establishment of the Crossroads Northwest Public Improvement District

Exhibit "B"

Public Facilities

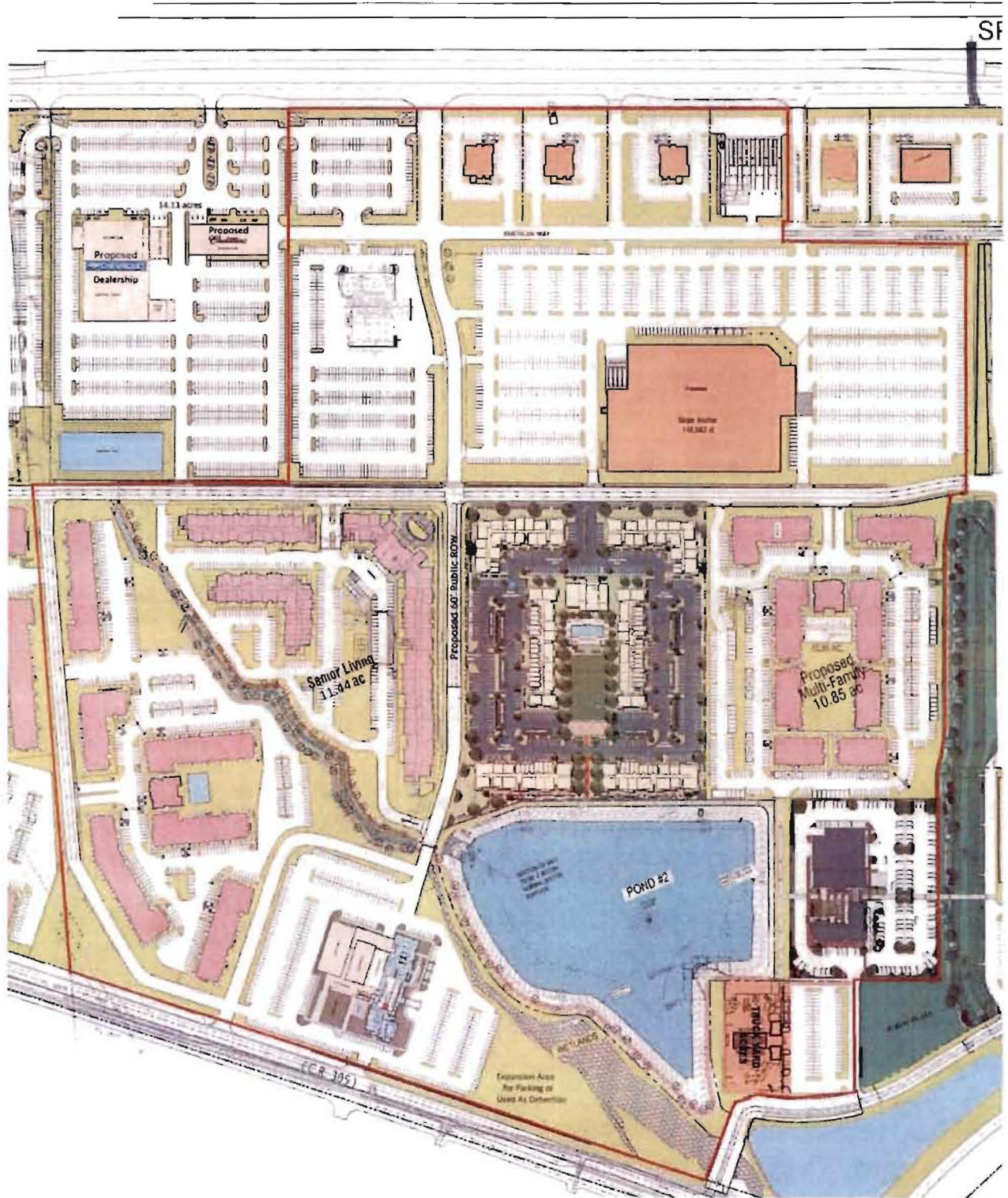


Exhibit "C"

Maintenance Program

Overall Maintenance

1. Maintain detention pond, wetland or drainage facilities dedicated to the City and accepted by the City in good working order; such maintenance will be provided in perpetuity unless and until all parties formally enter into a revised agreement. This includes, but is not limited to, maintaining the federally designated wetlands remaining after development in a manner consistent with Federal requirements.
2. Remove silt and other debris from any drainage facilities, so as to maintain a proper bottom elevation and proper slopes. Stocking fish, installing butterfly and bird habitats, and otherwise installing and maintaining wildlife elements necessary for proper ecological function, education and enjoyment of the residents within the Property and visitors to the Property.
3. Plant and maintain grass, a vegetative cover and trees on any open spaces to provide a high quality appearance and safe environment throughout the Property and to prevent erosion surrounding the drainage ponds, wetlands, or drainage facilities.
4. Maintain in good order and repair any fountain, dock, trail, fence, berm, slope, landscaping, pedestrian safety lighting, inflow or outflow devices in public ownership. Pay the regular cost of water and electrical services to common areas and common features.
5. Excepting emergency circumstances, maintain the facility during daylight, week day hours.
6. Maintain public landscape areas on park and trail improvements, dedicated public roadways, and other public access ways in the PID.
7. Keep records detailing inspection and maintenance activity and these records shall be made available to the City upon request.
8. Routine maintenance of dedicated roadways, other public access ways, including striping, joint sealing, and street light operations. Any roadway costs incurred above \$50,000 per calendar year shall be completed at no cost to the District.
9. The PID provides no maintenance of any parking area, fire lane, or private land. The PID provides no maintenance outside of the boundary of the Property.

Routine Maintenance

1. Mowing of the bank slopes and areas owned by the City on a twice per month basis during the growing season or more frequently and as needed during the cooler months.
2. Inspect outfall structures monthly for debris which could inhibit the proper flow of discharge; any debris will be removed immediately and disposed of or placed in a location to prevent future maintenance and to not cause impact up or downstream of the drainage areas.

Petition for the Establishment of the Crossroads Northwest Public Improvement District

3. Remove trash from any common areas, access easements, rights of way, around detention ponds, wetlands, parks, and drainage facilities. Remove trash from the public areas along dedicated public roadways, and other public access ways to prevent trash from entering drainage areas. Generally, the area owned by the public should be kept free of loose trash, which could be carried off site by wind or rain.
4. If needed, inspect and repair all structures, fences, landscaping and facilities for non-routine maintenance needs.
5. Maintain all public drainage in a structurally sound condition so that it satisfies the drainage and public amenity function for which it was intended; maintain all public drainage in a clean and safe condition so as not to constitute a hazard or nuisance to the public; and, to maintain all elements in accordance with all rules, standards and regulations applicable thereto as may from time to time be enacted by any governmental agency or authority, including the City.
6. Mow, edge, trim public landscape areas on dedicated public roadways, and other public access ways on a weekly basis during the growing season and as needed during cooler months.
7. Maintain dedicated public park improvements in a high quality manner.
8. Maintain wetland areas consistent with applicable U.S.A.C.E. permit requirements or best practices. In the event that the City determines that the most practical and long-term cost effective strategy associated with the wetlands is to utilize available USACE programs to buy out or otherwise relocate off-site the Wetland mitigation, it shall be a PID eligible expense for the City to do so. In such case, the City incur the costs and then shall phase the charges to the PID for such expense of purchasing wetland mitigation credits or similar over a ten year period. The maintenance and improvement of the resulting non-wetland public open space shall be a PID eligible expense.

Cyclical Maintenance of Detention Ponds / Drainage Ways

1. Monthly or after every one (1)-inch rainfall, whichever comes first:
 - a. Remove trash and debris.
 - b. Clear trash and debris from outlet pipes.
 - c. Check slopes and contributing areas owned by the City: repair any eroded areas owned by the City before the next rainfall.
 - d. Check inlet and outlet pipes, grass swales and inlet/outlet dissipaters.
 - e. Replace any rip rap that is eroded, undermined or choked with sediment.
2. Annually
 - a. Check facility depth at various locations. Remove sediment to restore original design capacity before 10% of original design capacity is lost.
 - b. Check the condition of the slopes owned by the City for erosion, transverse or longitudinal cracks, sinkholes, woody vegetation, signs of rodent infestation or other such problems.

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In support of same, Petitioners would respectfully show the following:

I.

The boundaries of the proposed District are set forth in the site plan identifying parcels containing approximately 119.34 total acres shown in Exhibit "A" ("Property") attached hereto and incorporated by reference herein.

II.

The general purpose and nature of the District will be to repair and maintain wetlands, open space, common drainage and other common improvements located on the Property, as generally depicted on Exhibit "B"

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By: Ventures Development Group, LLC, a Louisiana limited liability company, its Manager




Robert E. McConnell, Jr.
Managing Member

Date: 11-12-21

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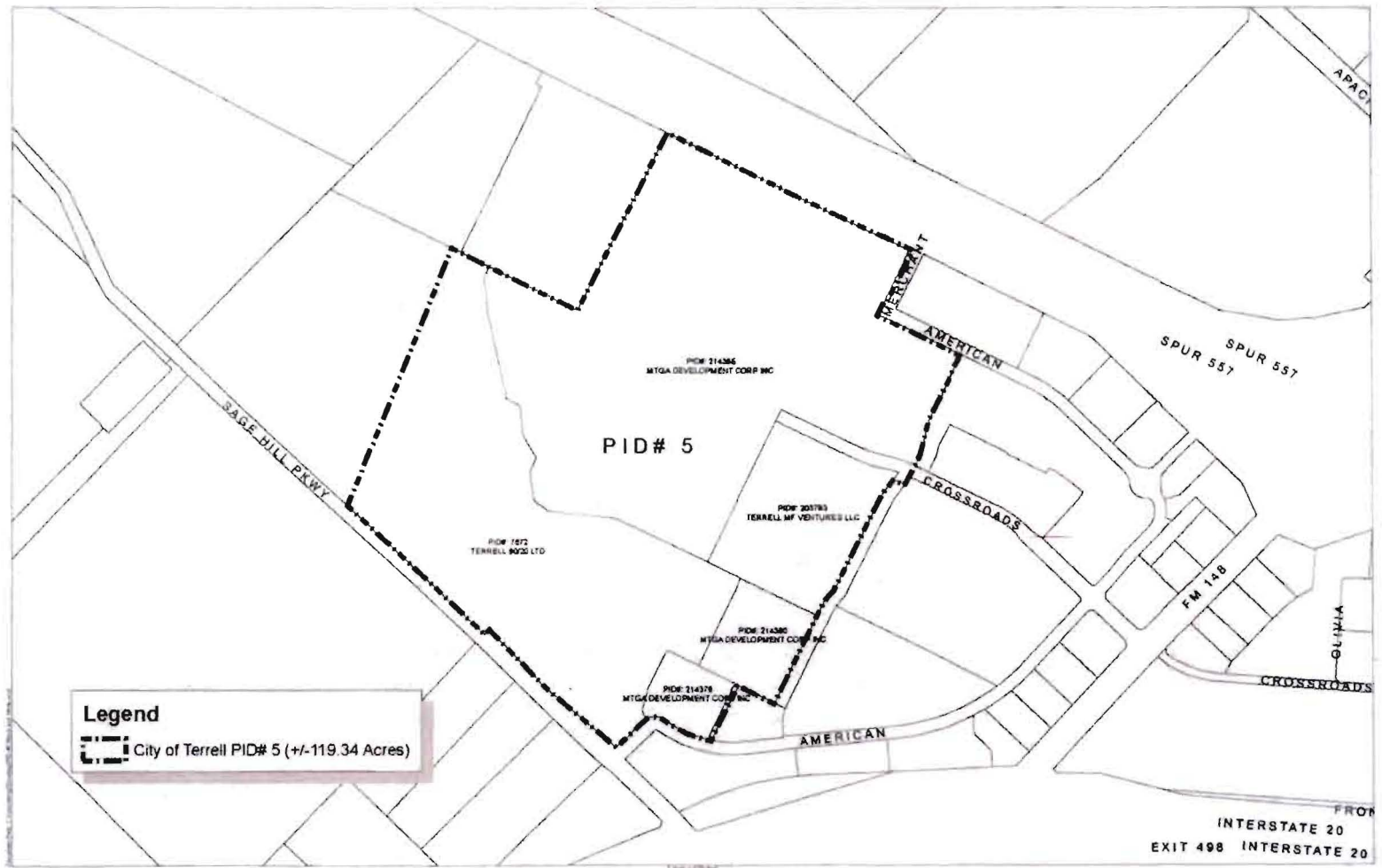
MT/GA DEVELOPMENT CORPORATION INC., a Texas corporation

By: _____
George W. Allen, President

Date: _____

Exhibit "A"

Property



Petition for the Establishment of the Crossroads Northwest Public Improvement District

Exhibit "B"

Public Facilities

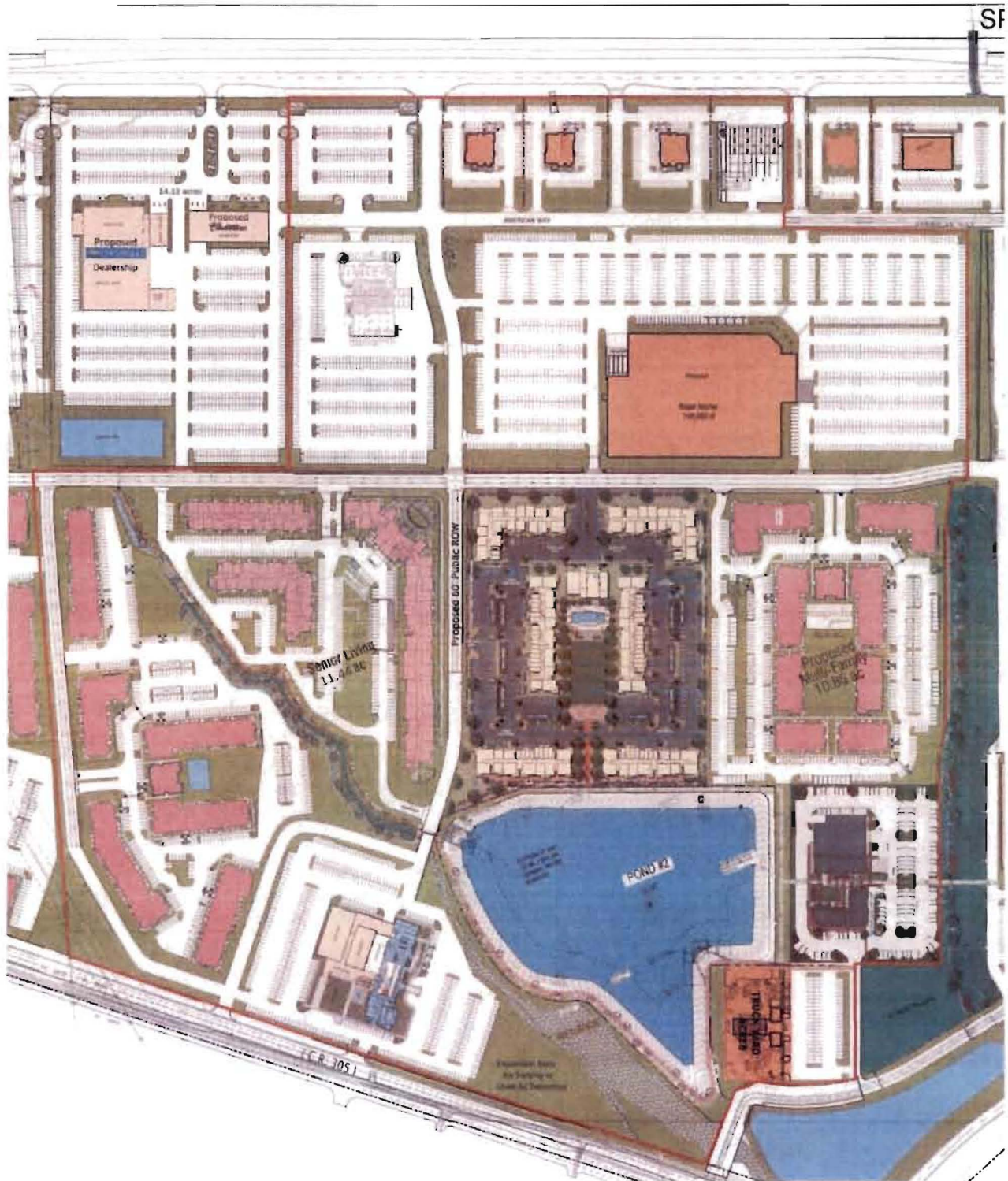


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Petition for the Establishment of the Crossroads Northwest Public Improvement District

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