

PETITION FOR THE CREATION OF A PUBLIC IMPROVEMENT DISTRICT TO
FINANCE IMPROVEMENTS FOR THE MARTIN TRACT DEVELOPMENT

THE STATE OF TEXAS §
 §
CITY OF PFLUGERVILLE §

TO: THE HONORABLE MAYOR AND CITY COUNCIL OF THE CITY OF
PFLUGERVILLE

The undersigned petitioners (the “*Petitioners*”), acting pursuant to the provisions of Chapter 372, Texas Local Government Code, as amended (the “*Act*”), request that the City of Pflugerville create a public improvement district (the “*District*”) in the territory described in Exhibit A (the “*Land*”) attached hereto and incorporated herein for all purposes within the City of Pflugerville, Texas (the “*City*”), and in support of this petition, the Petitioners would present the following:

Section 1. Standing of Petitioners. In compliance with the requirements of Texas Local Government Code, Section 372.005(b), as determined by the current tax roll of the Travis County Central Appraisal District, the Petitioners constitute: (i) the owners of taxable real property representing more than 50% of the appraised value of real property liable for assessment under the proposal described herein, and (ii) the record owners of taxable real property that constitutes more than 50% of the area of all taxable real property that is liable for assessment under such proposal or the record owners of taxable real property that constitutes more than 50% of the total number of all taxable real property that is liable for assessment under such proposal.

Section 2. General Nature of the Proposed Construction and Maintenance of the Public Improvements. The general nature of the proposed public improvements within the District are: (i) the establishment of parks and open space, together with the design, construction, installation, and maintenance of such spaces and any ancillary structures, features or amenities, such as trails, pavilions, community facilities, swimming pools, irrigation, walkways, lighting, benches, trash receptacles, and any similar items located therein; (ii) landscaping; (iii) acquisition, construction, and improvement of water, wastewater and drainage facilities; (iv) acquisition, construction, widening, narrowing, closing, improving, and/or rerouting of sidewalks, streets, roadways, rights-of-way and related facilities; (v) entry monumentation and features; (vi) signage; (vii) projects similar to those listed in subsections (i) — (vi) above; and (viii) payment of costs associated with constructing and financing the public improvements listed in subparagraphs (i) — (vii) above, including costs of establishing, administering and operating the District. The improvements associated with the District are a benefit to the affected property and to the City because they visually enhance the area as well as provide needed public improvements for residents to enjoy, increasing the overall quality of life in the affected area.

Section 3. Estimated Cost and Terms of the Proposed Construction of the Public Improvements. The estimated cost of the proposed public improvements is \$5,200,000, as set forth and further explained in Exhibit B, attached hereto and included herein for all purposes.

Section 4. Boundaries. The proposed boundaries of the District are described on Exhibit A, attached hereto.

Section 5. Method of Assessment. An assessment methodology will be prepared that will address: (i) how the costs of the public improvements paid for with the assessments are assessed against the property in the District, (ii) the assessments to be collected each year, and (iii) reduction of the assessments for costs savings (pursuant to the annual review of the service plan for the District). Additionally, a report will be prepared showing the special benefits accruing to property in the District and how the costs of the public improvements are assessed to properties in the District on the basis of the special benefits to each and according to the net taxable value of the property. The result will be that equal shares of the costs will be imposed on property similarly benefited.

The assessment methodology will result in each parcel paying its fair share of the costs of the public improvements provided with the assessments based on the special benefits received by the property from the public improvements and property equally situated paying equal shares of the costs of the public improvements.

Section 6. Apportionment of Cost between the City and the District. Approval and creation of the District will not obligate the City to provide any funds to finance the proposed public improvements or maintain such public improvements. All of the costs of the proposed public improvements will be paid by assessments of the property within the District and from other sources of funds, if any, available to the District.

Section 7. Management of the District. The City will manage the District, or, to the extent allowed by law, the City may contract with either a non-profit, or a for-profit organization including a Public Facilities Corporation created by the City pursuant to Chapter 303, Texas Local Government Code, to carry out all or a part of the responsibilities of managing the District, including the day-to-day management and administration of the District.

Section 8. Advisory Board. An advisory board may be established by the City Council of the City (the "**City Council**") to develop and recommend an improvement plan to the City Council.

Section 9. Development Agreement. A development agreement will be entered into in connection with the District, which shall include, but not be limited to, the following provisions:

- a. An agreement to request rezoning of the Property to Single Family Residential (SF-R) zoning district;
- b. The dedication of land for park areas that is equal to that required by the City's Unified Development Code and Park Development Manual;

- c. Creating a homeowners' association to own, operate, and maintain parkland areas that the City does not want to own, operate, or maintain;
- d. Applicability of the City's construction standards;
- e. A land plan that outlines, at a minimum, land use and thoroughfare connections and is consistent with the City's Unified Development Code;
- f. The proposed development will substantially contribute to funding the expansion of arterial streets, major collector roadways, and trunk line utility infrastructure, as applicable when necessary to address the project demand for services and impacts of the development;
- g. The Land will receive wastewater service from the City, as it is located within the City's existing Wastewater CCN;
- h. The Land will receive water service from Manville Water Supply Corporation, as it is within Manville Water Supply Corporation's water CCN service area;
- i. The developer will provide one hundred thirty (131) living unit equivalents ("LUEs") of wastewater service capacity from the capacity granted to Developer in the Second Amendment to the Vine Creek Wastewater Facilities Cost Sharing, Allocation/Reservation and Escrow Agreement, dated March 19, 2019, where such capacity is a reimbursable expense through the District assessments;
- j. All public infrastructure built to serve the development shall be owned, operated, and maintained by the City following construction and dedication of public improvements to the City, and all applicable standards and fees, impact or otherwise, shall apply to the development;
- k. The development demonstrates that it will be a superior development that exceeds the minimum requirements established by the City's Code of Ordinances, including without limitation, enhanced:
 - i. Architectural design;
 - ii. Public parkland dedication and development; and
 - iii. Streetscaping, public art, or other amenities accessible by the public.
- l. The development promotes "green practices" for environmental preservation and betterment.

Section 10. Reimbursement. The City will be reimbursed for the actual costs incurred by the City for legal, engineering, administrative, and financial advisory services and fees in connection with vetting the petition and negotiating any associated development, strategic partnership or allocation agreements associated with the District.

The signers of this petition request the establishment for the District and this petition will be filed with the City Secretary in support of the creation of the District by the City Council as herein provided.

[Signature on following page]

PETITIONER:

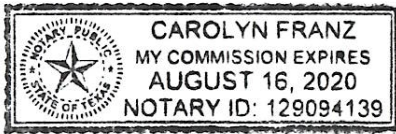
ROWE LANE DEVELOPMENT, LTD.,
a Texas limited partnership

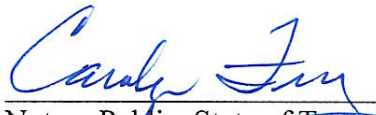
By: Tiemann Land and Cattle Development, Inc.
a Texas corporation,
its general partner

By: 
Matthew R. Tiemann, President

THE STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

THIS INSTRUMENT is acknowledged before me on this 15th day of June, 2020, by Matthew R. Tiemann, President of Tiemann Land and Cattle Development, Inc., a Texas corporation, as general partner of Rowe Lane Development, Ltd., a Texas limited partnership.




Notary Public, State of Texas

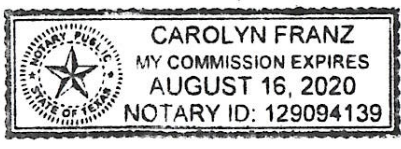
PETITIONER:

The Estate of Ardalia E. Martin

By: Frank E. Martin III (EXEC)
Frank E. Martin, III, Independent Executor

THE STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

THIS INSTRUMENT is acknowledged before me on this 15th day of June, 2020, by Frank E. Martin, III, Independent Executor of the Estate of Ardalia E. Martin.



Carolyn Franz
Notary Public, State of Texas

Exhibit A

The Land

(metes and bounds description)

40.774 Acres

THAT PART OF THE ANDREW AUSTIN SURVEY NO. 19, ABSTRACT NO. 38 IN TRAVIS COUNTY, TEXAS, BEING A REMNANT PORTION OF THAT 108.25 ACRE TRACT OF LAND CONVEYED TO ARDALIA E. MARTIN BY DEED RECORDED IN DOCUMENT NO. 2014022161 AND CORRECTED BY DOCUMENT NO. 2014087416 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN at a 1/2" iron set rod with RJ Surveying cap on the south line of Cele Road at the northwest corner of a 10.017 Acre Tract of land conveyed to Julie Fowler and Tab Fowler by deed recorded in Document No. 2018071014 of the Official Public Records of Travis County, Texas, and on the north line of said 108.25 Acre Tract;

THENCE S27°58'33"W along the west line of said 10.017 Acre Tract and across said 108.25 Acre Tract a distance of 1574.85 feet to a found 1/2" iron rod at the southwest corner of said 10.017 Acre Tract, being also on the north line of a 125.5 Acre Tract of land conveyed to Henry B. Vorwerk by deed recorded in Volume 5248, page 761 of the Deed Record of Travis County, Texas, and on the south line of said 108.25 acre Tract;

THENCE N62°37'33"W along the north line of said 125.5 Acre Tract and the south line of said 108.25 Acre Tract a distance of 1123.75 feet to a 1/2" iron rod found at the northwest corner of said 125.5 Acre Tract, same being the southwest corner of said 108.25 Acre Tract and on the east line of Verona Section 3 according to the plat thereof recorded in Document No. 201800098 of the Official Public Records of Travis County, Texas;

THENCE N27°34'43"E along the west line of said 108.25 Acre Tract and in part along the east line of said Section 3 and along the east line of Verona Section 1 according to the plat thereof recorded in Document No. 201600055 of the Official Public Records of Travis County, Texas, (pass at a distance of 385.89 feet a 1/2" iron rod found with RJ Surveying cap at the northeast corner of said Section 3 and the southeast corner of said Section 1, pass at distance of 435.89 feet a 1/2" iron rod found with RJ Surveying cap at the southeast corner of Lot 25, Block A) in all a total distance of 1571.04 feet to a 1/2" iron rod set at the northwest corner of said 108.25 Acre Tract, same being on the south line of said Cele Road;

THENCE S62°48'52"E along the south line of said Cele Road, same being the north line of said 108.25 Acre Tract a distance of 1134.68 feet to the said Point of Beginning.

Containing 40.774 acres, more or less, as shown on the sketch attached.

William L. Johnson 25 NOVEMBER 2019
William L. Johnson

Registered Professional Land Surveyor No. 5425
State of Texas

All iron rods set have RJ Surveying caps.
Bearings are Texas Coordinate System of 1983, Central Zone (4203).

RJ Surveying & Associates, Inc.
2900 Jazz Street
Round Rock, TX 78664
Firm No. 10015400

Page 1 of 1



Exhibit B

Estimated Cost of Improvements

Randall Jones & Associates Engineering, Inc.
 2900 JAZZ STREET, ROUND ROCK, TX 78664
 Phone: (512) 836-4793 Fax: (512) 836-4817
 TBPE Reg Number: F-9784

AUTHORIZED IMPROVEMENTS COST

MARTIN 40 ACRE TRACT

RJE Job # 2849

1-Apr-20

JKC

STREETS		\$ 1,586,610.08
DRAINAGE		\$ 1,568,267.65
WASTEWATER		\$ 755,347.18
OFFSITE WW/LS		\$ 261,261.00
EROSION CONTROLS		\$ 163,345.05
Engineering and Testing	15%	\$ 650,224.64
Park Improvements		\$ 97,595.00
PID Creation		\$ 100,000.00
GRAND TOTAL AUTHORIZED IMPROVEMENTS:		<u>\$ 5,182,650.60</u>

STREETS	QUANTITY	UNIT	UNIT COST	TOTAL
SUBGRADE PREPARATION	28,695	SY	\$ 3.25	\$ 93,257.67
9" CRUSHED LIMESTONE BASE	20,313	SY	\$ 11.50	\$ 233,599.50
14" CRUSHED LIMESTONE BASE	8,382	SY	\$ 13.50	\$ 113,152.50
8" LIME STABILIZED SUBGRADE	28,695	SY	\$ 10.50	\$ 301,294.00
CURB & GUTTER	13,092	LF	\$ 15.00	\$ 196,380.00
2" HMAC	21,421	SY	\$ 13.00	\$ 278,477.33
SAW-CUT and TIE TO EXISTING PVMT	2	EA	\$ 3,000.00	\$ 6,000.00
TRAFFIC CONTROL	1	LS	\$ 7,500.00	\$ 7,500.00
TYPE II DRIVEWAY	1	EA	\$ 2,500.00	\$ 2,500.00
BLUE RAISED REFLECTORS	13	EA	\$ 200.00	\$ 2,600.00
STOP SIGNS W/ STOP BAR and STREET NAME	11	EA	\$ 1,200.00	\$ 13,200.00
STREET NAME SIGNS	4	EA	\$ 900.00	\$ 3,600.00
STREET END BARRIERS	2	EA	\$ 1,000.00	\$ 2,000.00
REMOVE STREET END BARRIERS	1	EA	\$ 750.00	\$ 750.00
STAKING	13,092	LF	\$ 1.15	\$ 15,055.80
4' SIDEWALK	461	LF	\$ 18.00	\$ 8,298.00
6' SIDEWALK	2,129	LF	\$ 27.00	\$ 57,483.00
CURB RAMPS	38	EA	\$ 1,900.00	\$ 72,200.00
RESET PINS	1	LS	\$ 9,825.00	\$ 9,825.00
CONCRETE VALLEY GUTTER	7	EA	\$ 3,600.00	\$ 25,200.00
Contingency			10%	\$ 144,237.28

TOTAL IMPROVEMENTS:

\$1,586,610.08

STREET EXC & DRAINAGE	QUANTITY	UNIT	UNIT COST	TOTAL
CLEARING (ROW)	37,125	SY	\$ 0.50	\$ 18,562.50
CLEARING - LOTS	159,977	SY	\$ 0.50	\$ 79,988.50
EXCAVATION (ROW)	37,125	SY	\$ 3.00	\$ 111,375.00
18" CLASS III RCP	1,167	LF	\$ 48.00	\$ 56,016.00
24" CLASS III RCP	767	LF	\$ 62.00	\$ 47,554.00
30" CLASS III RCP	184	LF	\$ 75.00	\$ 13,800.00
36" CLASS III RCP	793	LF	\$ 96.00	\$ 76,128.00
42" CLASS III RCP	826	LF	\$ 126.00	\$ 104,076.00
48" CLASS III RCP	626	LF	\$ 150.00	\$ 93,900.00
4'X5' CLASS III BCP	307	LF	\$ 240.00	\$ 73,680.00
4' x 5' TxDOT HEADWALL	1	EA	\$ 12,000.00	\$ 12,000.00
42" HEADWALL	1	EA	\$ 4,500.00	\$ 4,500.00
48" HEADWALL	1	EA	\$ 5,500.00	\$ 5,500.00
INLETS 10-FOOT	41	EA	\$ 4,100.00	\$ 168,100.00
MANHOLES AND/OR JUNCTION BOXES	22	EA	\$ 5,800.00	\$ 127,600.00
ADJUST MANHOLE CASTINGS	22	EA	\$ 375.00	\$ 8,250.00
DETENTION POND incl outfall structures	1	LS	\$ 275,000.00	\$ 275,000.00
STAKING POND AND VOLUME VERIFICATION	1	LS	\$ 5,500.00	\$ 5,500.00
TRENCH SAFETY	4,670	LF	\$ 1.50	\$ 7,005.00
STAKING SS	4,670	LF	\$ 1.25	\$ 5,837.50
ROUGH CUTS	1	LS	\$ 3,275.00	\$ 3,275.00
GRADING TO INSURE PROPER DRAINAGE	1	LS	\$ 150,000.00	\$ 150,000.00
VERIFICATION OF DRAINAGE GRADING	1	LS	\$ 6,550.00	\$ 6,550.00
Contingency			10%	\$ 114,070.15

TOTAL IMPROVEMENTS:

\$ 1,568,267.65

	WASTEWATER	QUANTITY	UNIT	UNIT COST	TOTAL
	8" PVC SDR26 OFF-SITE - ALL DEPTHS	753	LF	\$ 60.00	\$ 45,180.00
	8" PVC SDR26 ON-SITE- ALL DEPTHS	5992	LF	\$ 50.00	\$ 299,600.00
	DOUBLE SERVICE	60	EA	\$ 1,800.00	\$ 108,000.00
	SINGLE SERVICE	11	EA	\$ 1,700.00	\$ 18,700.00
	TRENCH SAFETY	6,745	LF	\$ 1.50	\$ 10,117.50
	MANHOLES (4FT)	31	EA	\$ 5,000.00	\$ 155,000.00
	CONNECT TO EXISTING WWMH	1	EA	\$ 1,500.00	\$ 1,500.00
	STAKING	6,745	LF	\$ 1.15	\$ 7,756.75
	ADJUST MANHOLE CASTINGS	28	EA	\$ 375.00	\$ 10,500.00
	STAKE SERVICES	1	LS	\$ 5,325.00	\$ 5,325.00
	Easement Acquisition	1	LS	\$ 25,000.00	\$ 25,000.00
	Contingency			10%	\$ 68,667.93

TOTAL IMPROVEMENTS:

\$755,347.18

	EROSION	QUANTITY	UNIT	UNIT COST	TOTAL
	REVEG R.O.W.s	15,704	SY	\$ 1.00	\$ 15,704.00
	REVEG POND	18,987	SY	\$ 1.00	\$ 18,987.00
	REVEG LOTS	129,044	SY	\$ 0.50	\$ 64,522.00
	STABILIZED CONST ENT.	1	EA	\$ 1,200.00	\$ 1,200.00
	SILT FENCE- CONSTRUCTION PHASE	6,546	LF	\$ 3.00	\$ 19,638.00
	SILT FENCE-POST CONSTRUCTION	4,910	LF	\$ 3.00	\$ 14,728.50
	Staking - Erosion Controls	1	LS	\$ 6,546.00	\$ 6,546.00
	ROCK BERM	100	LF	\$ 25.00	\$ 2,500.00
	INLET PROTECTION	41	EA	\$ 70.00	\$ 2,870.00
	CONCRETE WASH OUT	1	EA	\$ 1,800.00	\$ 1,800.00
	Contingency			10%	\$ 14,849.55

TOTAL IMPROVEMENTS:

\$ 163,345.05