

PETITION FOR THE CREATION OF A PUBLIC IMPROVEMENT DISTRICT TO FINANCE
IMPROVEMENTS TO LAKESIDE MEADOWS 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 attached hereto (the “*Land*”) 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 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.

Section 2. General Nature of the Proposed Construction and Maintenance of the Public Improvements. The general nature of the proposed public improvements are: (i) the establishment of parks and open space, together with the design, construction and maintenance of 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 and improvement of 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.

Section 3. Estimated Cost and Terms of the Proposed Construction of the Public Improvements. The estimated cost of the proposed construction is \$20,000,000.00 (including issuance and other financing costs).

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 financed 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 property on the basis of the special benefits. 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. 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 owner of the Land.

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*") 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. A land plan that outlines, at a minimum, land use and thoroughfare connections and is consistent with the City's Comprehensive Plan, as amended;
- b. 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;
- c. The development will be located within the City's existing Water and Wastewater CCNs or expanded CCNs facilitated by the landowner(s) within the District if, in the City's discretion, such expansion is feasible;
- d. 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;
- e. 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. Mix of land uses (i.e. mix of land uses that attract and support the concentration of major commercial and employment uses as well as complimentary residential uses);
 - ii. Architectural design;
 - iii. Public parkland dedication and development;
 - iv. Public facilities; and
 - v. Streetscaping, public art, or other amenities accessible by the public.
- f. The development proposal will be subject to specific criteria in order to establish strict limitations relating to issuance and repayment of infrastructure bonds (i.e., maximum amount of debt issued, term limits, net effective interest rates, minimum par, etc.), which will be established administratively; and
- g. 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:

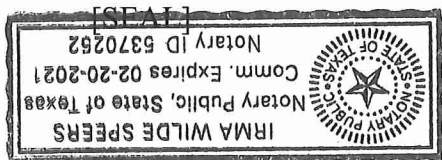
Cactus Commercial South LP

By: CACTUS GP, LLC
Its: GENERAL PARTNER

By: [Signature]
Name: CHARLES S. NICHOLS JR
Title: PARTNER

THE STATE OF TEXAS
COUNTY OF TRAVIS

THIS INSTRUMENT is acknowledged before me on this 23rd day of September, 2019, by CHARLES S. NICHOLS JR, PARTNER of CACTUS GP, LLC, a Texas, LLC, the General PARTNER of Cactus Commercial South LP., a Texas limited partnership, on behalf of such entities.



[Signature]
Notary Public, State of Texas

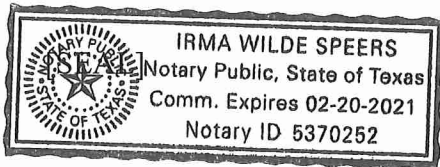
Cactus Commercial LP

By: CACTUS GP, LLC
Its: GENERAL PARTNER

By: Charles S. Nichols Jr
Name: CHARLES S. NICHOLS JR
Title: PARTNER

THE STATE OF TEXAS
COUNTY OF TRAVIS

THIS INSTRUMENT is acknowledged before me on this 23rd day of September, 2019, by CHARLES S. NICHOLS JR, PARTNER of CACTUS GP LLC, a Texas LLC, the GP of Cactus Commercial LP., a Texas limited partnership, on behalf of such entities.



Irma W Speers
Notary Public, State of Texas

James R. Bohls
16314 Weiss Ln
Pflugerville, Texas 78660

By: James R. Bohls
Name: James Bohls

STATE OF TEXAS
COUNTY OF TRAVIS

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§

The foregoing instrument was acknowledged before me by
James Bohls.

Given under my hand and seal of office on this October 3, 2019.

Lisa Ellisor

Notary Public, State of Texas



Barbara Bohls
16314 Weiss Ln
Pflugerville, Texas 78660

By: Barbara Bohls
Name: Barbara Bohls

STATE OF TEXAS
COUNTY OF TRAVIS

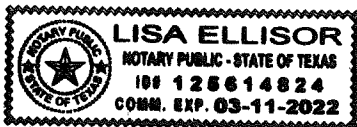
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The foregoing instrument was acknowledged before me by
Barbara Bohls.

Given under my hand and seal of office on this October 17, 2019.

Lisa Ellis

Notary Public, State of Texas





FIELD NOTES

A 416.634 ACRE TRACT OF LAND, SITUATED IN THE W. CALDWELL SURVEY, SECTION NO. 66, ABSTRACT NO. 162 AND OUT OF THE E. KIRKLAND SURVEY, ABSTRACT NO. 458 OF TRAVIS COUNTY, TEXAS BEING ALL THE REMNANT PORTION OF A CALLED 281.80 ACRE TRACT CONVEYED TO CACTUS COMMERCIAL SOUTH, LP RECORDED IN DOCUMENT NO. 2014095553 OF THE OFFICIAL PUBLIC RECORDS, BEING ALL OF A CALLED 50.66 ACRE TRACT (TRACT 1) CONVEYED TO CACTUS COMMERCIAL, LP RECORDED IN DOCUMENT NO. 2007232656 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, BEING ALL OF A CALLED 50.68 ACRE TRACT (TRACT 2) CONVEYED TO CACTUS COMMERCIAL, LP RECORDED IN DOCUMENT NO. 2007232656 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, BEING A PORTION OF 62 ½ ACRE TRACT CONVEYED TO JAMES R. BOHLS, RECORDED IN VOLUME 871, PAGE 488 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS AND BEING ALL OF A REMNANT PORTION OF A CALLED 5.00 ACRE TRACT CONVEYED TO JAMES R. BOHLS, RECORDED IN VOLUME 10951, PAGE 53 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY TEXAS, AND BEING ALL OF REMNANT PORTION OF A CALLED 5.00 ACRE TRACT CONVEYED TO JAMES R. BOHLS RECORDED IN VOLUME 10951, PAGE 53 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS. SAID 416.634 ACRE TRACT BEING MORE FULLY DESCRIBED AS FOLLOWS, WITH BEARINGS BASED ON THE NORTH AMERICAN DATUM OF 1983 (NA 2011) EPOCH 2010.00, FROM THE TEXAS COORDINATE SYSTEM ESTABLISHED FOR THE CENTRAL ZONE:

BEGINNING at iron rod with cap marked "McGray" found in the east right-of-way line of Weiss Lane, a variable width right-of-way, same being a point in the north right-of-way line of Pecan Street East, a variable width right-of-way, said point being the southwest corner of a called 0.4752-acre tract conveyed to the City of Pflugerville, recorded in Document No. 2017013110 of the Official Public Records of Travis County, Texas, same being the southeast corner of the Remnant Portion of said 5.00-acre tract for the southeast corner and **POINT OF BEGINNING** hereof;

THENCE N 62°24'35" W, with the north right-of-way line of said Pecan Street East, same being the south line of the Remnant Portion of said 5.00-acre tract, a distance of **782.17 feet** to a ½" iron rod found at the southwest corner of said 5.00-acre tract, same being the southeast corner of said 281.80-acre tract, for the southernmost southeast corner hereof;

THENCE N 62°40'06" W, with the north right-of-way line of said Pecan Street East, same being the south line of the Remnant Portion of said 281.80-acre tract, a distance of **836.85 feet** to a ½" iron rod found for an angle point hereof;

THENCE N 27°19'54" E, with the east right-of-way of said Pecan Street East, same being the west line of the Remnant Portion of said 281.80-acre tract, a distance of **39.47 feet** to a ½" iron rod found for an angle point hereof;

THENCE N 62°40'06" W, with the northeast right-of-way of said Pecan Street East, same being the southwest line of the Remnant Portion of said 281.80-acre tract, a distance of **914.44 feet** to an iron rod with cap marked "TXDOT" found at a point in the east right-of-way line of Texas Toll Road 130, a variable width right-of-way recorded in Document Numbers 2004003227, 2004009078, and 2004016877 of the Official Public Records of said county for a point at the southernmost southwest corner and point of non-tangent curvature hereof;

THENCE along the arc of a curve to the right, with the northeast right-of-way line of said Texas Toll Road 130, same being the southwest line of the Remnant Portion of said 281.80, said curve having a **radius of 100.00 feet**, a **central angle of 48°30'37"**, a **chord bearing and distance of N 38°24'44" W, 82.16 feet**, an **arc length of 84.67 feet** to an iron rod with cap marked "TXDOT" found at a point of non-tangency hereof,

THENCE with the east right-of-way line of said Texas Toll Road 130, same being the west line of the Remnant Portion of said 281.80-acre tract the following three (3) courses and distances:

1. **N 14°09'23" W**, a distance of **1246.00 feet** to a calculated point for an angle point hereof,
2. **N 14°02'32" W**, a distance of **892.18 feet** to a calculated point for an angle point hereof, and
3. **N 22°26'44" W**, a distance of **480.99 feet** to a calculated point in the east right-of-way line of said Texas Toll Road 130, said point being at the southwest corner of said 281.80-acre tract, also being the southeast corner of the Remnant Portion of a called 97 ½-acre tract conveyed to Timmerman Farms LTD, recorded in Document No. 2004240371 of the Official Public Records of Travis County, Texas for the southwest corner hereof;

THENCE N 27°36'39" E, departing the east right-of-way line of said Texas Toll Road 130, with the west line of said 281.80-acre tract, same being the east line of said 97 ½-acre tract, a distance of **1112.42 feet** to a ½" iron rod found for a northwest corner hereof;

THENCE S 63°48'24" E, with a north line of said 281.81-acre tract, same being a south line of said 97 ½-acre tract, a distance of **107.86 feet** to a ½" iron rod found at a northwest ell corner hereof;

THENCE N 27°10'10" E, with the west line of said 281.80-acre tract, same being the east line of said 97 ½-acre tract, a distance of **2143.06 feet** to a ½" iron rod found in the east line of said 97

½-acre tract, same being a northwest corner of said 281.80-acre tract, also being the southwest corner of a called 11.00-acre tract recorded in Volume 7607, Page 974 of the Deed Records of Travis County, Texas, conveyed to Bob and Emma Nicholas in Volume 11418, Page 1139 of the Real Property Records of Travis County, Texas for a northwest corner hereof;

THENCE S 62°58'15" E, departing the east line of said 97 ½-acre tract, with a north line of said 281.80-acre tract, same being the south line of said 11.00-acre tract, a distance of **1362.04 feet** to a ½" iron rod found at the southeast corner of said 11.00 tract, same being a northwest ell corner of said 281.80-acre tract for a northwest ell corner hereof;

THENCE N 27°11'57" E, with the west line of said 281.80-acre tract, same being the east line of said 11.00-acre tract, with the east line of called 7.00-acre tract recorded in Volume 7229, Page 224 of the Deed Records of Travis County, Texas, conveyed to Bob and Emma Nicholas in Volume 11418, Page 1139 of the Real Property Records of Travis County, Texas and in part with the east line of a called 58.06-acre tract recorded in Volume 7082, Page 618 of the Deed Records of Travis County, Texas, conveyed to Bob and Emma Nicholas in Volume 11418, Page 1139 of the Real Property Records of Travis County, Texas a distance of **1078.82 feet** to a calculated point at a northwest corner of said 281.80-acre tract, same being a point in the east line of said 58.06-acre tract for a northwest corner hereof;

THENCE S 58°15'32" E, with a north line of said 281.80-acre tract, a distance of **29.68 feet** to a calculated point at the northwest corner of said 281.80-acre tract, same being a point in the said 50.68-acre tract, for a northwest ell corner hereof;

THENCE N 27°15'58" E, with the west line of said 50.68-acre tract, a distance of **82.68 feet** to an iron rod with illegible cap found in the south right-of-way line of E. Pflugerville Parkway, a variable width right-of-way, said point being the northwest corner of said 50.68-acre tract for the northernmost northwest hereof;

THENCE S 51°29'10" E, with the south right-of-way line of said E. Pflugerville Parkway, same being the north line of said 50.68-acre tract, a distance of **1214.76 feet** to a calculated point of non-tangent curvature in the south right-of-way line of said E. Pflugerville Parkway, at the northeast corner of said 50.68-acre tract, same being the northwest corner of said 50.66-acre tract;

THENCE along the arc of a curve to the left, continuing with the south right-of-way line of said E. Pflugerville Parkway, same being the north line of said 50.67-acre tract, said curve having a **radius of 955.00 feet**, a **central angle of 12°32'22"**, a **chord bearing and distance of S 57°45'07" E, 208.59 feet**, for an **arc length of 209.01 feet** to a calculated point in the south right-of-way line of said E. Pflugerville Parkway, said point being the northwest corner of said 50.67-acre tract, same being the northeast corner of the Remnant Portion of a called 164.4-acre

tract conveyed to Wiess Et. Al, recorded in Document No. 2001065236 of the Official Public Records of Travis County, Texas for the northeast corner hereof;

THENCE S 27°21'39" W, with the east line of said 50.66-acre tract, same being the west line of the Remnant Portion of said 164.4-acre tract, a distance of **336.08 feet** to a calculated point at the southwest corner of the Remnant Portion of said 164.40-acre tract, same being the northwest corner of a called 29.153-acre tract conveyed to Don & Gladys Wiess recorded in Volume 5161, Page 1611 of the Deed Records of Travis County, Texas, for an angle point hereof;

THENCE S 27°17'31" W, with the east line of said 50.66-acre tract, same being the west line of said 29.153-acre tract, a distance of **901.17 feet** to a calculated point at the southwest corner of said 29.153-acre tract, same being the northwest corner of a called 32.290-acre tract conveyed to Don & Gladys Wiess recorded in Document No. 2008172152 of the Official Public Records of Travis County, Texas, for an angle point hereof;

THENCE S 27°17'22" W, with the east line of said 50.66-acre tract, same being the west line of said 32.290-acre tract, a distance of **902.56 feet** to a calculated point at the southwest corner of said 32.290-acre tract, same being the northwest corner of a called 32.290-acre tract conveyed to Weiss Et. Al., recorded in Document No. 2001065238 of the Official Public Records of Travis County, Texas, for an angle point hereof;

THENCE S 27°18'54" W, with the east line of said 50.66-acre tract, same being the west line of said 32.290-acre tract, a distance of **910.28 feet** to a calculated point at the southwest corner of said 32.290-acre tract, same being the southeast corner of said 50.66-acre tract, also being a point in the north line of said 281.80-acre tract for the northeast ell corner hereof;

THENCE S 62°41'06" E, with a north line of said 281.80-acre tract, same being the south line of said 32.290-acre tract, a distance of **698.36 feet** to a, iron rod with illegible cap for an angle point in the north line of said 281.80-acre tract, same being an angle point in the south line of said 32.290-acre tract for an angle point hereof;

THENCE S 62°31'41" E, continuing with a north line of said 281.80-acre tract, same being the south line of said 32.290-acre tract, a distance of **834.34 feet** to a calculated point in the east right-of-way line of said Weiss Lane, said point being the easternmost northeast corner of said 281.80-acre tract, same being the southwest corner of said 32.290-acre tract for the easternmost northeast corner hereof;

THENCE S 28°13'58" W, with the east line of said 281.80-acre tract, same being the west line of said Weiss Lane, a distance of **25.77 feet** to a calculated point at the easternmost southeast corner of said 281.80-acre tract, same being the northeast corner of the Remnant Portion of a called

62 ½-acre tract conveyed to James R. Bohls recorded in Volume 871, Page 488 of the Deed Records of Travis County, Texas, for the easternmost southeast corner hereof;

THENCE N 62°32'07" W, departing the west right-of-way line of said Weiss Lane, with a south line of said 281.80-acre tract, same being the north line of the Remnant Portion of said 62 ½-acre tract, a distance of **833.52 feet** to a calculated point at the northwest corner of the Remnant Portion of said 62 ½-acre tract, same being a southeast ell corner of said 281.80-acre tract for a southeast ell corner hereof;

THENCE S 27°05'44" W, with the east line of said 281.80-acre tract, same being the west line of said 62 ½-acre tract, a distance of **1334.58 feet** to a calculated point hereof;

THENCE S 64°52'34" E, departing the east line of said 281.80-acre tract, through the interior of said 62 ½-acre tract, a distance of **818.30 feet** to a calculated point in the west right-of-way line of said Wiess Lane, for a northeast corner hereof;

THENCE with the west right-of-way line of said Wiess Lane, same being the east line of the Remnant Portion of said 62 ½-acre tract, in part with the east line of both 5.00-acre tracts of land conveyed in Volume 10951, Page 53 the following eight (8) courses and distances:

1. **S 26°50'59" W**, a distance of **886.15 feet** to an iron rod with cap marked "McGray" for an angle point hereof,
2. **S 20°34'21" W**, a distance of **100.60 feet** to a calculated angle point hereof,
3. **S 26°50'59" W**, a distance of **36.35 feet** to a calculated angle point hereof,
4. **S 26°23'53" W**, a distance of **252.78 feet** to an iron rod with cap marked "McGray" for an angle point hereof,
5. **S 26°43'27" W**, a distance of **250.05 feet** to an iron rod with cap marked "McGray" for an angle point hereof,
6. **N 62°14'15" W**, a distance of **13.18 feet** to an iron rod with cap marked "McGray" for an angle point hereof,
7. **S 26°47'38" W**, a distance of **212.77 feet** to an iron rod with cap marked "McGray" for an angle point hereof, and

8. **S 71°55'13" W**, a distance of **62.00 feet** to the **POINT OF BEGINNING** and containing 416.634 acres in Travis County, Texas. Said tract being described in accordance with an exhibit prepared under Job No. 50627-00 by Pape-Dawson Engineers, Inc.

PREPARED BY: Pape-Dawson Engineers, Inc.
DATE: June 3, 2019
JOB No.: 50627-00
DOC.ID.: H:\Survey\CIVIL\50627-00\Word\FN50627-00_416.634Ac_PUD.docx
TBPE Firm Registration #470
TBPLS Firm Registration #100288-01

