

**RESOLUTION 091024 - 3**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CADDO MILLS, TEXAS, APPROVING THE CREATION OF A PUBLIC IMPROVEMENT DISTRICT AND ORDERING PUBLIC IMPROVEMENTS TO BE MADE FOR THE BENEFIT OF SUCH DISTRICT; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND CONTAINING OTHER MATTERS RELATING TO THE SUBJECT.**

**WHEREAS**, the City of Caddo Mills, Texas (the “*City*”) is authorized by Chapter 372, Texas Local Government Code, as amended (the “*Act*”) to create a public improvement district and to levy special assessments against property within the district to pay the costs of public improvement projects that confer a special benefit on property within the district;

**WHEREAS**, on or before August 9, 2024, there was submitted to and filed with the City Secretary of the City (the “*City Secretary*”) pursuant to the Act that certain “Petition for Creation of the Fox Landing Public Improvement District within the City of Caddo Mills, Texas” (the “*Petition*”) requesting the establishment of a public improvement district covering approximately 149.65 acres located within the corporate limits of the City described in the Petition and Exhibit B attached hereto, and to be known as “Fox Landing Public Improvement District” (the “*District*”);

**WHEREAS**, the City Council of the City (the “*City Council*”) received the Petition and determined that it satisfied the requirements of the Act;

**WHEREAS**, after providing the notices required by Section 372.009 of the Act and by the Texas Open Meetings Act, Chapter 551, Texas Government Code, as amended (the “*Open Meetings Act*”), on September 10, 2024, the City Council opened, conducted and closed a public hearing to determine the advisability of creating and establishing the District and undertaking the public improvement projects described in the Petition;

**WHEREAS**, all owners of property located within the District and all other interested persons were given the opportunity at such public hearing to speak for or against the creation of the District and the proposed public improvements; and

**WHEREAS**, the City Council has made findings based on the information contained in the Petition presented to the City Council and the comments received at the public hearing.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CADDO MILLS, TEXAS:**

**SECTION 1:** The City Council hereby approves the statements contained in the preamble of this Resolution and finds that all statements are true and correct and incorporate the same in the body of this Resolution.

**SECTION 2:** The City Council, after considering the Petition and the evidence and testimony presented at the public hearing, hereby finds and determines that:

- (a) the Petition was filed with the City Secretary and was signed by 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 appraisal roll of the appraisal district in which the property is located, and by the record owners of real property liable for assessment under the proposal who: (i) constitute more than 50 percent of all record owners of property that is liable for assessment under this proposal; or (ii) owns 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;
- (b) the proposed public improvements described in the Petition are of the nature of the public improvements described in Section 372.003 of the Act and are advisable and desirable improvements for the District;
- (c) the proposed public improvements will promote the interests of the City and are of the nature that will confer a special benefit on all property within the District by enhancing the value of such property located within the District;
- (d) the nature of the proposed improvements and estimated costs thereof are set forth and described in Exhibit A attached hereto and made a part hereof for all purposes;
- (e) the boundaries of the District include all of the property that is set forth and described in Exhibit B attached hereto and made a part hereof for all purposes;
- (f) the assessment of costs of the proposed public improvements will be levied on each parcel of property within the District in a manner that results in imposing equal shares of the costs on property similarly benefitted;
- (g) the costs of the improvements shall be apportioned between the District and City such that all such costs are paid from the assessments levied on the property within the District and other sources available to the owners and developers of the property within the District, as further described in Exhibit A;
- (h) the management of the District will be by the City with the assistance of a third-party administrator and other consultants hired by the City and paid as part of the annual administrative cost of the District; and
- (i) the District shall be managed without the creation of an advisory body.

**SECTION 3:** Based on the foregoing, Fox Landing Public Improvement District is hereby created as a public improvement district under the Act, and the public improvements described in Exhibit A are authorized to be made in accordance with the service and assessment plan to be approved by the City Council.

**SECTION 4:** Not later than the seventh day after the date of the adoption of this Resolution, City staff is hereby authorized and directed to file a copy of this Resolution creating the District with the county clerk of each county in which all or a part of the District is located.

**SECTION 5:** If any section, article, paragraph, sentence, clause, phrase or word in this resolution or application thereof to any persons or circumstances is held invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this resolution; and the City Council hereby declares it would have passed such remaining portions of the resolution despite such invalidity, which remaining portions shall remain in full force and effect.

**SECTION 6:** The authorization of the District pursuant to this resolution shall take effect upon the date this Resolution is adopted.

*[Remainder of page left blank intentionally.]*

**PASSED AND APPROVED** by the City Council of the City of Caddo Mills, Texas, on the 10th day of September 2024.

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Chris Davies, Mayor

**ATTEST:**

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Becky Pattillo, City Secretary

[CITY SEAL]

## EXHIBIT A

### Proposed Improvements and Estimated Costs

The general nature of the proposed public improvements to be provided by the District that are necessary for the development of the Property within the District and which shall promote the interests of the City and confer a special benefit upon the Property, may include: (a) (i) design, acquisition, construction, improvement, and other allowed costs related to street and roadway improvements, including related drainage, sidewalks, utility relocation, signalization, landscaping, lighting, signage, off-street parking and right-of-way; (ii) design, acquisition, construction, improvement, and other allowed costs related to storm drainage improvements, (iii) design, acquisition, construction, improvement, and other allowed costs related to water, wastewater and drainage (including detention) improvements and facilities, (iv) design, acquisition, construction, improvement, and other allowed costs related to parks, open space and recreational improvements including trails and landscaping related thereto; (v) design, construction and other allowed costs related to projects similar to those listed in sections (a)(i) – (iv) above authorized by the Act, including similar off-site projects that provide a benefit to the Property within the District; (vi) acquisition of real property, interests in real property, or contract rights in connection with each authorized improvement (collectively, the “Authorized Improvements”); and (b) (i) payment of expenses incurred in the establishment, administration, and operation of the District; (ii) 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 within the District; and (iii) maintenance and operation expenses of the Authorized Improvements.

The estimated cost to design, acquire and construct the Authorized Improvements, together with bond issuance costs, legal and financial fees, letter of credit fees and expenses, bond credit enhancement expenses, capitalization of bond interest, the creation of a bond reserve fund, expenses incurred in the establishment, administration and operation of the District is \$30,000,000. The City will pay none of the costs of the proposed Authorized Improvements or other costs from funds other than from special assessments levied in the District and/or from revenues received from a tax increment reinvestment zone (“TIRZ”) established by the City that shall include the District. No City property in the District shall be assessed.

## EXHIBIT B

### Boundaries of the District

BEING all that certain lot, tract or parcel of land situated in Hunt County, Texas, being part of the Shelby County School Land Survey, Abstract No. 946, being the called 28.767 acres described in the deed from Robert Quinn and Marlon Fritz to Randall Beard recorded in the Real property Records of Hunt County in Volume 362 at Page 324 and being more particularly described as follows:

BEGINNING at a 3/8 inch iron rod found at an old fence post at the southwest corner of said 28.767 acres tract, said corner being in the east line of the 71.806 acres described in said Quinn and Fritz to Beard deed;  
THENCE N 00°58'17" E with the west line of said 28.767 acres tract and the east line of said 71.806 acres tract 375.44 feet to a 3/8 inch iron rod found at a T-post at the northeast corner of said 71.806 acres tract;  
THENCE N 00°02'16" W 414.56 feet to a 3/8 inch iron rod found at a T-post at the northwest corner of said 28.767 acres tract, for a corner;  
THENCE N 89°52'17" E 1292.25 feet to a 3/8 inch iron rod found at a fence corner at the northernmost northeast corner of said 28.767 acres tract, for a corner;  
THENCE S 07°01'23" E along a fence 83.14 feet to a 1/2 inch iron rod set at turn in fence, for a corner;  
THENCE S 26°14'17" E continuing along said fence 221.37 feet to a 1/2 inch iron rod set at a turn in fence, for a corner;  
THENCE S 47°15'02" E continuing along said fence 783.38 feet to a 1/2 inch iron rod set at a fence corner, for a corner;  
THENCE S 31°51'24" E along a fence 4.72 feet to a 1/2 inch iron rod set at a fence corner, for a corner;  
THENCE S 01°46'03" W along a fence 5.81 feet to a 3/8 inch iron rod found at the southeast corner of said 28.767 acres tract, for a corner;  
THENCE N 89°08'21" W 1984.17 feet to return to the Place of Beginning and containing 28.975 acres of land.

## AND

All those certain lots, tracts, or parcels of land situated in Hunt County, Texas, and more particularly described as follows, to-wit:  
TRACT ONE: All that certain tract or parcel of land situated in Hunt County, Texas, about 11 miles South 44 degrees West from Greenville, being a part of the Shelby County School Land Survey, Abstract No. 946, and described as follows:  
BEGINNING at the Northwest corner of the Clement Bustillas Survey on the East boundary line of the Shelby County School Land Survey a stake in the center of a public road;  
THENCE West with a post and wire fence 210.5 varas a fence corner;  
THENCE North with a post and wire fence 150 varas a fence corner;

THENCE West with a post and wire fence 264.90 varas a fence corner;  
THENCE with a post and wire fence as follows: South 36 varas; South 29 degrees 35 minutes East 98.56 varas; South 48 degrees 45 minutes East 275.4 varas to a fence corner;  
THENCE East with a post and wire fence 225.28 varas to the center of a public road and the East boundary line of the original survey;  
THENCE North 144.28 varas to the place of beginning and containing 14 13/100 acres of land.

TRACT TWO: All that certain tract or parcel of land situated in Hunt County, Texas, approximately 1.25 acres, more or less, out of the C. Bustillas Survey, Patent No. 385, Volume 3, Abstract No. 41, and being a part of the land conveyed to Robert A. Morris, et ux, by O. T. Nelson, Jr., et ux, by deed dated March 1, 1949, and recorded in Volume 489, Page 154, of the Deed Records of Hunt County, Texas, said 1.25 acre tract being more particularly described as follows:  
BEGINNING at the Northwest corner of the said C. Bustillas Survey, said point also being the Northwest corner of the said Robert A. Morris farm conveyed by said deed recorded in Volume 489, Page 154, of the Hunt County Deed Records;  
THENCE East with the center of County road, and the North boundary line of said Robert A. Morris farm, 276 feet, more or less, to the intersection of said line with the Northwest boundary line of the right-of-way of Texas Farm to Market Road No. 1565;  
THENCE in a Southwesterly direction with said Northwest boundary line of said Texas Farm to Market Road 620.7 feet, more or less, to the point of intersection of said Texas farm road boundary line with the center of a county road on the West boundary line of said Robert A. Morris farm;  
THENCE North with the center of said county road and the West line of said Morris farm 405 feet, more or less, to the place of beginning and containing approximately 1.25 acres of land, same being all of the land owned by the said Robert A. Morris lying on the Northwest side of said Texas Farm to Market Road No. 1565.

## AND

Situated in Hunt county, Texas, and being a tract or parcel of land Southwestly from the City of Greenville, and being part of the Shelby County School Land Survey, Abstract No. 946, and being the Hollis Cotton [sic] land in said survey per deed in Volume 573, Page 531, of the Hunt County Deed Records, and being more particularly described as follows:

BEGINNING at point for corner in middle of county road and at the Northeast corner of said Ira Cotton [sic] land in said survey, an iron stake for marker offset in South Boundary Line of said road;

THENCE South with fence, 1549 feet to turn in fence line;

THENCE South 0 deg. 49 min. East, 456 feet along fence to an iron stake for corner at fence corner;

THENCE South 88 deg. 18 min 56 sec. West, 2324.79 feet along property line to an iron stake in field for corner and at the Southwest corner of said Cotton [sic] land;

THENCE North 1 deg. 30 min. East, 2074 feet along property line and West Boundary Line of said Cotton [sic] land to corner in middle of county road, an iron stake for marker offset in South Boundary Line of said road;

THENCE East along middle of said road, 2263 feet to the place of beginning, and containing 107.224 acres of land.

SAVE AND EXCEPT a one acre tract of land conveyed by Hollis C. Cotton [sic] and wife, Marie W. Cotton [sic] by deed dated September 4, 1981, of record in Volume 881, page 106, Deed Records of Hunt County, Texas, and

ALSO SAVE AND EXCEPT the following two (2) ½ acre tracts being retained by grantor described as follows, to wit:

TRACT ONE: All that certain lot, tract or parcel of land out of the above-described 107.224 acre tract which lies West of and adjacent to the above-described one acre tract now owned by Grantor, said ½ acre tract described as follows:

BEGINNING at the Northwest corner of the said one acre tract;

THENCE South 285 feet along the West line of said one acre tract to its Southwest corner;

THENCE West 76.5 feet to a stake;

THENCE North 285 feet to a stake in the middle of a county road;

THENCE East 76.5 feet along the center of said road to the Place of Beginning, and containing 0.50 acres of land.

TRACT TWO: All that certain lot, tract or parcel of land out of the above-described 107.224 acre tract which lies East of and adjacent to the above-described one acre tract now owned by Grantor, said ½ acre tract described as follows:

BEGINNING at the Northeast corner of the said one acre tract;

THENCE South 285 feet along the East line of said one acre tract to its Southeast corner;

THENCE East 76.5 feet to a stake;

THENCE North 285 feet to a stake in the middle of a county road;

THENCE West 76.5 feet along the center of said road to the Place of Beginning, and containing 0.50 acres of land.