

## RESOLUTION NO. 2019-035

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NORTH RICHLAND HILLS, TEXAS, AUTHORIZING THE ESTABLISHMENT OF THE CITY POINT PUBLIC IMPROVEMENT DISTRICT WITHIN THE CITY OF NORTH RICHLAND HILLS, TEXAS, IN ACCORDANCE WITH CHAPTER 372 OF THE TEXAS LOCAL GOVERNMENT CODE, AND AUTHORIZING THE ISSUANCE OF NOTICE BY THE CITY SECRETARY OF NORTH RICHLAND HILLS, TEXAS; PROVIDING FOR RELATED MATTERS AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, on August 8, 2019, the City Council of the City of North Richland Hills, Texas (the "City"), received a petition (the "Petition") requesting creation of a public improvement district (the "District") under Chapter 372 of the Texas Local Government Code (the "Act"), by (1) the record owners of taxable real property representing more than fifty percent (50%) of the appraised value of the real property liable for assessment (as determined by the most recent certified appraisal roll for Tarrant County) in the proposed District, and (2) the record owners of taxable real property that constitute more than 50% of all the area of all taxable real property that is liable for assessment under the proposal; and

**WHEREAS**, the Petition, has been examined, verified, and found to meet the requirements of Section 372.005(b) of the Act, and to be sufficient for consideration by the City Council; and

**WHEREAS**, the boundaries of the proposed District are more fully set forth and described by metes and bounds in "**Exhibit A**" attached hereto, said area for the District being within the boundaries of the City; and

**WHEREAS**, after providing all the notices required by the Act, the City, on September 9, 2019, conducted a public hearing on the advisability of the improvements and services described in the Petition; and

**WHEREAS**, the City Council closed the public hearing;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NORTH RICHLAND HILLS, TEXAS, THAT:**

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

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

**SECTION 3.** Pursuant to the requirements of the Act, the City Council, after considering the Petition and the evidence and testimony presented at the public hearing on September 9, 2019, hereby finds and declares:

- (a) Advisability of the Proposed Improvements. It is advisable to create the District to provide the Authorized Improvements described in the Petition and this Resolution. The Authorized Improvements will promote the interests of the City and will confer a special benefit on the property within the District.
- (b) General Nature of the Authorized Improvements. The general nature of the proposed public improvements may include: (i) street and roadway improvements, including related sidewalks, drainage, utility relocation, signalization, landscaping, lighting, signage, off-street parking and right-of-way; (ii) establishment or improvement of parks and open space, together with the design, construction and maintenance of any ancillary structures, features or amenities such as trails, playgrounds, walkways, lighting and any similar items located therein; (iii) sidewalks and landscaping, including entry monuments and features, fountains, lighting and signage; (iv) acquisition, construction, and improvement of water, wastewater and drainage improvements and facilities; (v) projects similar to those listed in subsections (i) - (iv) above authorized by the Act, including similar off-site projects that provide a benefit to the property within the District; (vi) special supplemental services for improvement and promotion of the district; (vii) payment of costs associated with operating and maintaining the public improvements listed in subparagraphs (i) - (vi) above; and (viii) payment of costs associated with developing and financing the public improvements listed in subparagraphs (i) - (vii) above, and costs of establishing, administering and operating the District. These Authorized Improvements shall promote the interests of the City and confer a special benefit upon the Property.
- (c) Estimated Cost of the Authorized Improvements.  
The estimated total costs of the Authorized Improvements, together with bond issuance costs, eligible legal and financial fees, eligible credit enhancement costs and eligible costs incurred in establishment, administration and operation of the District, is \$15,000,000.00, which costs shall be paid by assessment of the property owners within the proposed District. The developer of the Property (the "Developer") will be obligated for the costs of certain specified Authorized Improvements within the District. The City will not be obligated to provide any funds to finance the Authorized Improvements, other than from assessments levied on real property within the District, and possible tax increment reinvestment zone revenue, if created. The City and the Developer may be reimbursed for the costs of certain specified Authorized Improvements from assessments levied within the District. No municipal property in the District shall be assessed. The Developer may also pay certain costs of the Authorized Improvements from other funds available to the Developer.
- (d) Boundaries. The boundaries of the District shall include approximately 52.873 acres of land generally located at the Southeast corner of Boulevard

26 (Grapevine Highway) and Rodger Line Drive, located within the City, as more properly described by metes and bounds in “**Exhibit A.**”

- (e) Proposed Method of Assessment. The City shall levy assessments on each parcel within the District in a manner that results in the imposition of an equal share of the costs of Authorized Improvements for each parcel within the District similarly benefitted by such Authorized Improvements. The proposed method of assessment shall be based upon (i) an equal apportionment per lot, per front foot, or per square foot of property benefitting from the Authorized Improvements, as determined by the City, (ii) the ad valorem taxable value of the property benefitting from the Authorized Improvements, or (iii) any combination thereof or in any manner that results in imposing equal shares of the cost on property similarly benefitted. All assessment may be paid in full at any time (including accrued and unpaid interest), 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 in part by the assessment, and must continue for a period necessary to retire the indebtedness on those Authorized Improvements (including interest). A report will be prepared showing the special benefit accruing to the property in the District and how the costs of the public improvements are assessed to property on the basis of special benefit.
- (f) Apportionment of Cost between the City and the District. The City will not be obligated to provide any funds to finance the Authorized Improvements other than from assessments levied on properties in the District and from other sources of funds, if any, available to the Petitioners, and from tax increment revenue generated by a Tax Increment Financing District (“TIF District”) established over the property within the District, should a TIF District be created.
- (g) 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.
- (h) Advisory Body. The District shall be managed without the creation of an advisory body.

**SECTION 4.** The City Point 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 determination that the District is needed to fund such Authorized Improvements.

**SECTION 5.** The City Secretary is authorized and directed to give notice of this Resolution and the authorization for the establishment of the City Point Public Improvement District by publishing a copy of this Resolution along with such notice once in a newspaper of general circulation within the City. Such authorization shall take effect and the City Point Public Improvement District shall be deemed to be established effective upon the publication of such notice.

**SECTION 6.** This Resolution shall take effect and be in full force and effect immediately from and after the date of its passage and publication, and it is so resolved; and all Resolutions of the City Council of the City in conflict herewith are hereby amended or repealed to the extent of such conflict.

**PASSED AND APPROVED** on this 9th day of September, 2019.

**CITY OF NORTH RICHLAND HILLS**

By: \_\_\_\_\_  
Oscar Trevino, Mayor

**ATTEST:**

\_\_\_\_\_  
Alicia Richardson, City Secretary

**APPROVED AS TO FORM AND LEGALITY:**

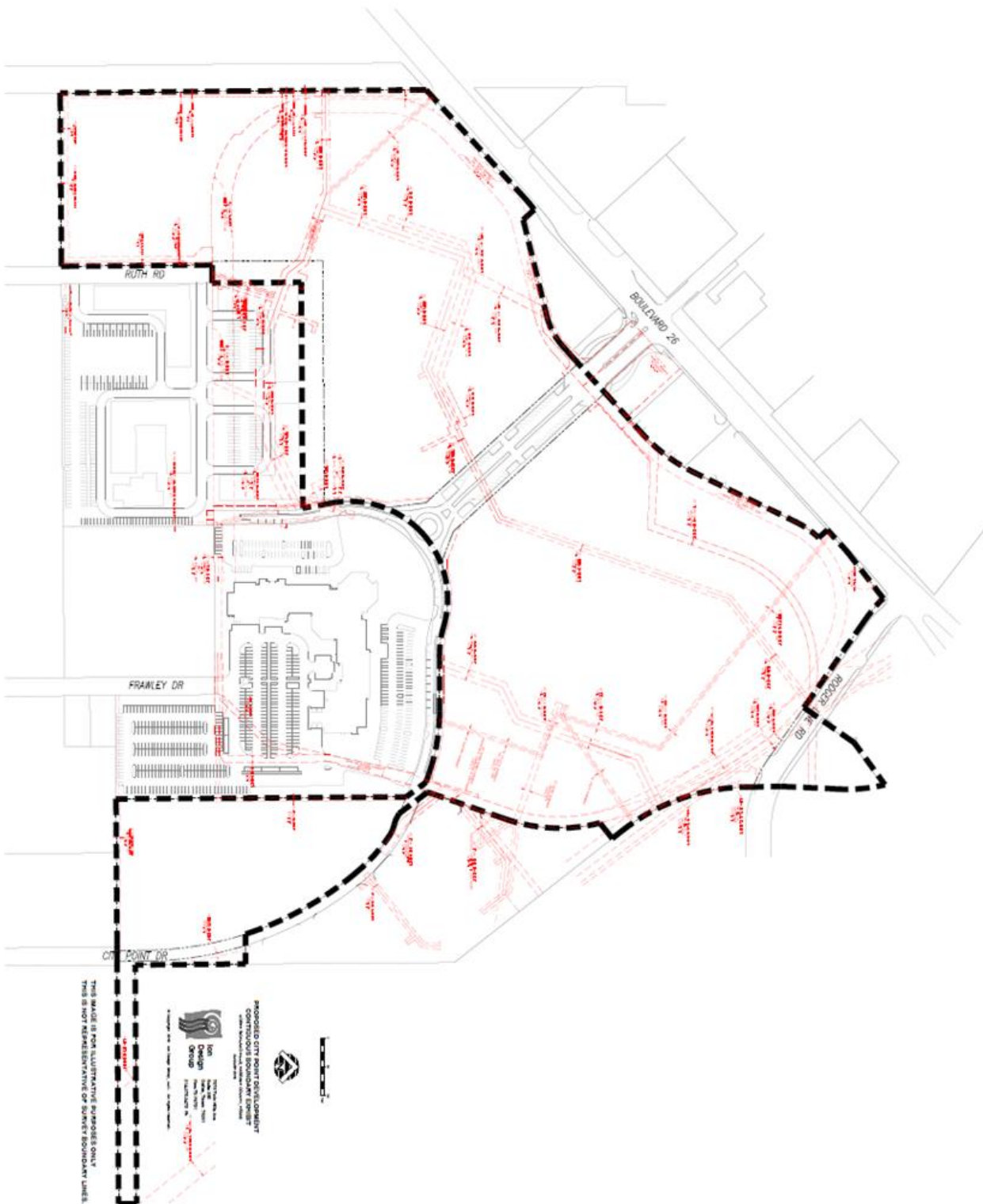
\_\_\_\_\_  
Maleshia B. McGinnis, City Attorney

**APPROVED AS TO CONTENT:**

\_\_\_\_\_  
Craig Hulse, Economic Development  
Director

# EXHIBIT A

## BOUNDARIES AND MAP



## PROPERTY METES AND BOUNDS

### 52.873 ACRES

#### TRACT 1:

BEING all of Lot 1, Block 3, CITY POINT ADDITION, an addition to the City of North Richland Hills, Tarrant County, Texas, according to the plat recorded in County Clerk's File No. D214125258, of the Official Public Records of Tarrant County, Texas.

#### TRACT 2

BEING 16.881 acres of land situated in the WILLIAM W. WALLACE SURVEY, Abstract No. 1606, North Richland Hills, Tarrant County, Texas, and being a portion of Lot 1, Block 2, CITY POINT ADDITION, an addition to the City of North Richland Hills, Tarrant County, Texas, according to the plat recorded in County Clerk's File No. D214125258, of the Official Public Records of Tarrant County, Texas, and being a portion of the tracts of land identified as Tract I, and Parcels ONE and TWO, in the deed to La Verne Butterfield, L.P., recorded in County Clerk's File No. D213022633, of the Official Public Records of Tarrant County, Texas, and also being a portion of the tract of land conveyed to La Verne Butterfield, L.P., by the deed recorded in County Clerk's File No. D214005869, of the Official Public Records of Tarrant County, Texas. Said 16.881 acres of land being more particularly described by metes and bounds as follows:

BEGINNING at a concrete Texas Electric Service Company monument found at the most Westerly Northwest corner of said Lot 1, Block 2, said point being the Northeast corner of Lot 16, Block 1, Edgley Addition, to the City of North Richland Hills, Tarrant County, Texas, according to the plat recorded in Volume 388-140, Page 11, of the Plat Records of Tarrant County, Texas, and said POINT OF BEGINNING lying in the Southeast right-of-way line of State Highway No. 26 (a variable width public right-of-way);

THENCE along the Northwest boundary line of said Lot 1, Block 2, and the Southeast right-of-way line of said State Highway No. 26, as follows:

1. N 47° 39' 42" E 413.12 feet, to a ½" iron rod marked "Brittain & Crawford" set at the beginning of a curve to the right;
2. NORTHEASTERLY 33.48 feet, along said curve to the right, having a radius of 250.00 feet, a central angle of 07° 40' 29", and a chord bearing N 51° 29' 56" E 33.46 feet, to a ½" iron rod marked "Brittain & Crawford" set at the end of said curve;

THENCE along the North boundary line of said Lot 1, Block 2, and the South boundary lines of Lot 1, Block E, Calloway Farm Addition, to the City of North Richland Hills, Tarrant County, Texas, according to the plat recorded in Cabinet "A", Slide 21590, of the Plat Records of Tarrant County, Texas, and Lot 2, Block 2, Calloway Farm Addition, to the City of North Richland Hills, Tarrant County, Texas, according to the plat recorded in County Clerk's File No. D214125258, of the Official Public Records of Tarrant County, Texas, as follows:

1. S 42° 51' 35" E 41.46 feet, to an "X" cut in concrete set at the most Westerly Southwest corner of said Lot 1, Block E, and said point lying in the curve to the right;
2. NORTHEASTERLY 11.22 feet, along said curve to the right, having a radius of 200.50 feet, a central angle of 03° 12' 25", and a chord bearing N 74° 41' 28" E 11.22 feet, to an "X" cut in concrete set at the end of said curve;
3. N 76° 15' 24" E 261.04 feet, to an "X" cut in concrete set at the beginning of a curve to the left;
1. NORTHEASTERLY 99.70 feet, along said curve to the left, having a radius of 199.50 feet, a central angle of 28° 37' 59", and a chord bearing N 61° 57' 18" E 98.66 feet, to an "X" cut in concrete set at the end of said curve;

2. N 48° 20' 24" E 53.72 feet, to a "MAG" nail set at the beginning of a curve to the left;
3. NORTHEASTERLY 8.23 feet, along said curve to the left, having a radius of 20.00 feet, a central angle of 23° 34' 41", and a chord bearing N 35° 48' 53" E 8.17 feet, to an "X" cut in concrete set at the North corner of said Lot 1, Block 2, and said point lying in the Southwest right-of-way line of City Point Drive (a 110 foot wide public right-of-way);

THENCE along the Northeast boundary line of said Lot 1, Block 2, and the Southwest right-of-way line of said City Point Drive, as follows:

1. S 42° 23' 46" E 573.15 feet, to an "X" cut in concrete found;
2. S 06° 53' 30" E 105.89 feet, to a ½" iron rod marked "TOPOGRAPHIC" found lying at the intersection of the Southwest right-of-way line of said City Point Drive with the West right-of-way line of City Point West (a 40 foot wide public right-of-way);

THENCE continuing along the Northeast boundary line of said Lot 1, Block 2, and the West right-of-way line of City Point West, as follows:

1. S 12° 35' 44" W 47.65 feet, to an "X" cut in concrete set at the beginning of a curve to the left;
2. SOUTHEASTERLY 125.38 feet, along said curve to the left, having a radius of 271.00 feet, a central angle of 26° 30' 30", and a chord bearing S 00° 39' 31" E 124.27 feet, to a point lying at the end of said curve;
3. S 13° 54' 47" E 36.64 feet, to an "X" cut in concrete set at the beginning of a curve to the right;
4. SOUTHEASTERLY 29.57 feet, along said curve to the right, having a radius of 281.00 feet, a central angle of 06° 01' 47", and a chord bearing S 10° 53' 53" E 29.56 feet, to an "X" cut in concrete set at the Northeast corner of a proposed 10.00 acres tract of land;

THENCE severing said Lot 1, Block 2, as follows:

1. S 89° 37' 12" W 628.11 feet, to a ½" iron rod marked "Brittain & Crawford" set;
2. S 00° 27' 51" E 246.59 feet, to a ½" iron rod found at the Northeast corner of Ruth Road (a 50 foot wide public right-of-way);

THENCE S 89° 35' 09" W 49.95 feet, along the North right-of-way line of said Ruth Road, to a ½" iron rod found at the Northwest corner of said Ruth Road;

THENCE again severing said Lot 1, Block 2, as follows:

1. N 00° 27' 51" W 122.78 feet, to a ½" iron rod marked "Brittain & Crawford" set;
2. S 89° 35' 50" W 480.59 feet, to a ½" iron rod marked "Brittain & Crawford" set in the West boundary line of said Lot 1, Block 2, and the East boundary line of a tract of land conveyed to ONCOR Electric Delivery Company, LLC, by the deed recorded in Volume 1947, Page 169, of the Deed Records of Tarrant County, Texas;

THENCE N 00° 22' 36" W 473.10 feet, along the West boundary line of said Lot 1, Block 2, and the East boundary line of said ONCOR Electric Delivery Company Tract and the aforesaid Lot 16, Block 1, Edgley Addition, to the POINT OF BEGINNING containing 16.881 acres (735,331 square feet) of land.

TRACT 3:

BEING all of Lot 2, Block 1, CITY POINT ADDITION, an addition to the City of North Richland Hills, Tarrant County, Texas, according to the plat recorded in County Clerk's File No. D214125258, of the Official Public Records of Tarrant County, Texas.

TRACT 4:

BEING 0.759 acre of land situated in the WILLIAM W. WALLACE SURVEY, Abstract No. 1606, North Richland Hills, Tarrant County, Texas, and being a portion of the tract of land identified as Tract VII, in the deed to La Verne Butterfield, L.P., by the deed recorded in County Clerk's File No. D205028589, of the Official Public Records of Tarrant County, Texas. Said 0.759 acre of land being more particularly described by metes and bounds as follows:

BEGINNING at a 5/8" iron rod found at the Southwest corner of said La Verne Butterfield Tract, and the Northwest corner of Lot 9, Block A, Calloway Farm Addition, to the City of North Richland Hills, Tarrant County, Texas, according to the plat recorded in Cabinet "A", Slide 299, of the Plat Records of Tarrant County, Texas, said point also being the Southeast corner of a tract of land identified as Tract I, and the Southerly portion of Tract II, in the aforesaid deed to La Verne Butterfield, L.P.;

THENCE N 00° 08' 55" W 50.08 feet, along the West boundary line of said Tract VII and the East boundary line of the aforesaid Tract of land identified as Tract I and the Southerly portion of the Tract II, to a 1/2" iron rod found at the Northwest corner of said Tract VII, and the Southwest corner of a tract of land identified as Tract II, in the deed to Columbia North Hills Hospital Subsidiary, L.P., recorded in Volume 14448, Page 33, of the Deed Records of Tarrant County, Texas;

THENCE N 89° 40' 25" E 660.60 feet, along the North boundary line of said Tract VII and the South boundary line of said Columbia North Hills Hospital Subsidiary Tract, to a 1/2" iron rod found at the Northeast corner of said Tract VII and the Southeast corner of said Columbia North Hills Hospital Subsidiary Tract, and said point lying in the West right-of-way line of Booth Calloway Road (a 60 foot wide public right-of-way);

THENCE S 00° 32' 11" E 49.98 feet, along the East boundary line of said Tract VII and the West right-of-way line of Booth Calloway Road, to a 1/2" iron rod found at the Southeast corner of said Tract VII and the Northeast corner of a tract of land identified as Tract I, in the aforesaid deed to Columbia North Hills Hospital Subsidiary, L.P.;

THENCE S 89° 39' 54" W 660.93 feet, along the South boundary line of said Tract VII and the North boundary line of said Tract I, and the aforesaid Lot 9, Block A, to the POINT OF BEGINNING containing 0.759 acre (33,059 square feet) of land.

TRACT 5:

BEING 0.169 acre of land situated in the WILLIAM W. WALLACE SURVEY, Abstract No. 1606, North Richland Hills, Tarrant County, Texas, and being a portion of the tract of land identified as "Tract I and the Southerly portion of Tract II", in the deed to La Verne Butterfield, L.P., by the deed recorded in County Clerk's File No. D205028590, of the Official Public Records of Tarrant County, Texas. Said 0.169 acre of land being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2" iron rod found with aluminum cap marked "4873" at the Southwest corner of Lot 1, Block M, Calloway Farm Addition, to the City of North Richland Hills, Tarrant County, Texas, according to the plat recorded in Cabinet "A", Slide 11807, of the Plat Records of Tarrant County, Texas, said point lying in the Northeast right-of-way line of City Point Drive (a variable width public right-of-way);

THENCE S 89° 59' 16" E 51.30 feet, along the South boundary line of said Lot 1, Block M, and severing said La Verne Butterfield Tract, to a 1/2" iron rod marked "Brittain & Crawford" set at the Southeast corner of said Lot 1, Block M, and said point lying in the West boundary line of a tract of land identified as Tract II,



in the deed to Columbia North Hills Hospital Subsidiary, L.P., recorded in Volume 14448, Page 33, of the Deed Records of Tarrant County, Texas;

THENCE S 00° 26' 57" E 305.54 feet, along the West boundary line of said Columbia North Hills Hospital Subsidiary Tract and the East boundary line of said La Verne Butterfield Tract, to a ½" iron rod found at the Southwest corner of said Columbia North Hills Hospital Subsidiary Tract, and the Northwest corner of a tract of land identified as Tract VII, in the aforesaid deed to La Verne Butterfield;

THENCE S 00° 08' 55" E 50.08 feet, along the West boundary line of said Tract VII, to a 5/8" iron rod found at the Southwest corner of said Tract VII and the Northwest corner of Lot 9, Block A, Calloway Farm Addition, to the City of North Richland Hills, Tarrant County, Texas, according to the plat recorded in Cabinet "A", Slide 299, of the Plat Records of Tarrant County, Texas, and said point lying in the East right-of-way line of the aforesaid City Point Drive;

THENCE along the Northeast right-of-way line of said City Point Drive and the West boundary line of the aforesaid Tract of land identified as Tract I and the Southerly portion of Tract II, as follows:

1. N 88° 42' 11" W 10.05 feet, to an "X" cut in concrete found;
2. N 00° 24' 47" W 80.00 feet, to an "X" cut in concrete found at the beginning of a curve to the left;
3. NORTHWESTERLY 279.79 feet, along said curve to the left, having a radius of 942.77 feet, a central angle of 17° 00' 15", and a chord bearing N 08° 54' 54" W 278.77 feet, to the POINT OF BEGINNING containing 0.169 acre (7,366 square feet) of land.

#### TRACT 6:

BEING 0.681 acre of land situated in the WILLIAM W. WALLACE SURVEY, Abstract No. 1606, North Richland Hills, Tarrant County, Texas, and being the same tract of land identified as the "Northerly portion of Tract II", in the deed to La Verne Butterfield, L.P., by the deed recorded in County Clerk's File No. D205028590, of the Official Public Records of Tarrant County, Texas. Said 0.681 acre of land being more particularly described by metes and bounds as follows:

BEGINNING at a ½" iron rod marked "SPOONER" found at the South corner of Lot 1, Block H, Calloway Farm Addition, to the City of North Richland Hills, Tarrant County, Texas, according to the plat recorded in County Clerk's File No. D194246388, of the Official Public Records of Tarrant County, Texas, and the West corner of the aforesaid La Verne Butterfield Tract, and said point lying in the Northeast right-of-way line of Rodger Line Drive (a 70 foot wide public right-of-way);

THENCE along the Southeast boundary line of said Lot 1, Block H, and the Northwest boundary line of said La Verne Butterfield Tract, as follows:

1. N 35° 00' 51" E 100.00 feet, to a ½" iron rod with aluminum cap stamped "RPLS 4873" found;
2. N 53° 58' 52" E 143.09 feet, to a ½" iron rod with aluminum cap stamped "RPLS 4873" found at the East corner of said Lot 1, Block H, and the North corner of the aforesaid La Verne Butterfield Tract, and said point lying in the West boundary line of a tract of land conveyed to the City of North Richland Hills, by the deed recorded in Volume 10616, Page 1491, of the Deed Records of Tarrant County, Texas

THENCE along the Southwest boundary line of said La Verne Butterfield Tract and the Northeast right-of-way line of said Rodger Line Drive, as follows:

1. NORTHWESTERLY 45.05 feet, along a curve to the right, having a radius of 265.00 feet, a central angle of 09° 44' 24", and a chord bearing N 59° 51' 29" W 44.99 feet, to a ½" iron rod marked "Brittain & Crawford" set at the end of said curve;
2. N 54° 59' 09" W 169.48 feet, to the POINT OF BEGINNING containing 0.681 acre (29,645 square feet) of land.

TRACT 7:

Being 5.951 acres of land situated in the William W. Wallace Survey, Abstract No. 1606, North Richland Hills, Tarrant County, Texas, and being a portion of Lot 1, Block 2, CITY POINT ADDITION, an addition to the City of North Richland Hills, Tarrant County, Texas, according to the plat recorded in County Clerk's File No. D214125258, of the Official Public Records of Tarrant County, Texas, and being all of the tract of land identified as Tract V in the deed to La Verne Butterfield, L.P. by the deed recorded in County Clerk's File No. D205028589, of the Official Public Records of Tarrant County, Texas, and a portion of the tracts of land identified as Parcels One and Two, in the deed to LaVerne Butterfield, L.P., recorded in County Clerk's File No. D213022633, of the Official Public Records of Tarrant County, Texas. Said 5.951 acres of land being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2" iron rod found at the most Westerly Southwest corner of said Lot 1, Block 2, and the Northwest corner of a tract of land conveyed to Richland Hills Methodist Church, by the deed recorded in Volume 2650, Page 247, of the Deed Records of Tarrant County, Texas, and said point lying in the East boundary line of a tract of land conveyed to ONCOR Electric Delivery Company, LLC, by deed recorded in Volume 1947, Page 169 of the Deed Records of Tarrant County, Texas;

THENCE along the West boundary line of said Lot 1, Block 2,, and the East boundary line of said ONCOR Electric Delivery Company Tract, as follows:

1. N 00°37'34" W, 482.31 feet to a 1/2" iron rod found;
2. 2. N 00°22'36" W 57.70 feet, to a 1/2" iron rod marked "Brittain & Crawford" set;

THENCE severing said Lot 1, Block 2, as follows:

1. N 89°35'50" E 480.59 feet, to a 1/2" iron rod marked "Brittain & Crawford" set;
2. S 00°27'51" E at 122.78 feet, passing a 1/2" iron rod found at the Northwest corner of Ruth Road (a 50 foot wide public right-of-way) and continuing in all 540.00 feet, to a point lying at the most Westerly Southeast corner of said Lot 1, Block 2, and the Northeast corner of said aforesaid tract of land conveyed to Richland Hills Methodist Church;

THENCE S 89°35'50" W 479.32 feet along the South boundary line of said Lot 1, Block 2, and the North boundary line of said Richland Hills Methodist Church Tract, to the Point of Beginning containing 5.951 acres (2569,235 square feet) of land