

RESOLUTION NO. _____

A RESOLUTION REGARDING THE CREATION OF OAK CREEK 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 Leander, 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 March 17, 2014, there was submitted to and filed with the City Secretary of the City pursuant to the Act that certain "Petition for the Creation of a Public Improvement District to Finance Improvements to Oak Creek Subdivision" (the "Petition") requesting the establishment of a public improvement district covering approximately 150.894 acres described in the Petition and Exhibit A attached hereto, and to be known as the "Oak Creek Public Improvement District" (the "District");

WHEREAS, the City Council of the City (the "City Council") has reviewed the Petition and determined that the Petition satisfies the requirements of the Act;

WHEREAS, after providing the notices required by the Act and by the Texas Open Meetings Act, Chapter 551, Texas Government Code, as amended (the "Open Meetings Act"), the City Council conducted a public hearing on June 5, 2014, to determine the advisability of creating and establishing the District and undertaking the public improvement projects described in the Petition;

WHEREAS, the public hearing was continued and reconvened on July 3, 2014, to allow the City Council to hear evidence and make findings as to the advisability, nature and cost of the improvements the boundaries of the district and the method of assessment and apportionment of costs between the District and the City;

WHEREAS, all owners of property located within the proposed 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 LEANDER, 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 own taxable real property that constitutes more than 50 percent of the area of all real property that is liable for assessment under the proposal;
- (b) the proposed public improvements described in the Petition and in Exhibit B to this Resolution are of the nature of the public improvements described in Section 372.003 of Texas Local Government Code, as amended, 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 boundaries of the District include all of the property that is set forth and described in Exhibit A attached hereto and made a part hereof for all purposes;
- (e) the nature of the proposed improvements and estimated costs thereof are set forth and described in Exhibits B and C attached hereto and made a part hereof for all purposes;
- (f) the assessment of costs of the proposed improvements will be levied on each parcel of property within the Public Improvement 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 C; and
- (h) the District shall be managed without the creation of an advisory body.

Section 3. Based on the foregoing, the Oak Creek Public Improvement District is hereby created and the public improvements described in Exhibits B and C are authorized to be made in accordance with the service and assessment plan for the Oak Creek Public Improvement District to be approved by the City Council at a future meeting.

Section 4. After adoption of this resolution, the City Secretary is authorized and directed to cause a copy of this resolution to be published in a newspaper of general circulation within

the City.

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 publication of this resolution as provided above.

PASSED, APPROVED AND EFFECTIVE this _____, 2014.

City of Leander, Texas

Christopher Fielder, Mayor

ATTEST:

Debbie Haile, City Secretary

[SEAL]

EXHIBIT A

OAK CREEK PUBLIC IMPROVEMENT DISTRICT BOUNDARIES

25.319 AC.

WATERSTONE TYLERVILLE, L.P.

A DESCRIPTION OF 25.319 ACRES (APPROXIMATELY 1,102,883 SQ. FT.) IN THE CHARLES COCHRAN SURVEY, ABSTRACT NO. 134, IN WILLIAMSON COUNTY, TEXAS, BEING A PORTION OF A 107.928 ACRE TRACT CONVEYED TO WATERSTONE TYLERVILLE, L.P. IN A SPECIAL WARRANTY DEED WITH VENDOR'S LIEN DATED AUGUST 5, 2004 AND RECORDED IN DOCUMENT NO. 2004063370 OF THE OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS; SAID 25.319 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2" rebar with Chaparral cap set in the west line of the said 107.928 acre tract, being also in the south right-of-way line of San Gabriel Parkway (right-of-way width varies) as described in Document No. 2005011119 of the Official Public Records of Williamson County, Texas, and being in the east line of a 34.705 acre tract described in Document No. 2005006808 of the Official Public Records of Williamson County, Texas, from which a 1/2" rebar found for the northwest corner of the 107.928 acre tract bears North 20°44'42" West, a distance of 453.14 feet;

THENCE with the south line of San Gabriel Parkway, over and across the 107.928 acre tract, the following four (4) courses and distances:

1. South 77°11'17" East, a distance of 206.16 feet to a 1/2" rebar with ZWA cap found;
2. South 76°33'22" East, a distance of 999.84 feet to a 1/2" rebar with ZWA cap found;
3. South 76°10'25" East, a distance of 306.57 feet to a 1/2" rebar with Chaparral cap set, from which a 1/2" rebar found with an illegible cap found bears South 06°04'20" West, a distance of 0.38 feet;
4. With a curve to the left, having a radius of 2150.00 feet, a delta angle of 14°13'24", an arc length of 533.72 feet, and a chord which bears South 83°17'07" East, a distance of 532.35 feet to a 1/2" rebar with Chaparral cap set;

THENCE continuing over and across the 107.928 acre tract, the following two (4) courses and distances:

1. South 00°24'10" East, a distance of 20.00 feet to a 1/2" rebar with Chaparral cap set;
2. South 46°02'48" West, a distance of 35.85 feet to a 1/2" rebar with Chaparral cap set;
3. North 88°14'47" West, a distance of 20.00 feet to a 1/2" rebar with Chaparral cap set;
4. South 01°45'13" West, a distance of 284.57 feet to a calculated point in the south line of the 107.928 acre tract, being also the north line of a 164.466 acre tract described in Document No. 2004063368 of the Official Public Records of Williamson County, Texas, being also an agreed boundary line described in Volume 1455, Page 296 of the Official Public Records of Williamson County, Texas, from which a 1/2" rebar found in the common line of the 107.928 acre tract and the 164.466 acre tract, and being in the west line of a 3.150 acre tract described in Document No. 2000053933 of the Official Public Records of Williamson County, Texas bears North 63°51'43" East, a distance of 55.17 feet, and South 86°45'17" East, a distance of 11.33 feet for the northwest corner of the 3.150 acre tract, and South 00°45'28" East, a distance of 22.26 feet;

THENCE with the south line of the 107.928 acre tract, being also the north line of the 164.466 acre tract, being also the agreed boundary line, and being the center of Brushy Creek, the following fourteen (14) courses and distances:

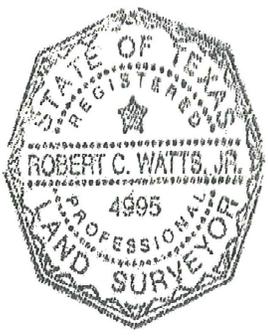
1. South 63°51'43" West, a distance of 205.44 feet to a calculated point;
2. South 16°32'43" West, a distance of 105.29 feet to a calculated point;
3. South 70°10'43" West, a distance of 89.94 feet to a calculated point;
4. North 39°53'17" West, a distance of 143.77 feet to a calculated point;
5. South 75°34'43" West, a distance of 148.11 feet to a calculated point;
6. South 57°03'43" West, a distance of 58.81 feet to a calculated point;
7. North 82°30'17" West, a distance of 435.20 feet to a calculated point;
8. North 46°59'17" West, a distance of 75.24 feet to a calculated point;

- 9. South 69°06'43" West, a distance of 245.27 feet to a calculated point;
- 10. South 80°03'43" West, a distance of 151.16 feet to a calculated point;
- 11. North 35°10'17" West, a distance of 76.69 feet to a calculated point;
- 12. North 13°32'17" West, a distance of 73.80 feet to a calculated point;
- 13. North 25°33'17" West, a distance of 69.71 feet to a calculated point;
- 14. North 77°13'17" West, a distance of 144.19 feet to a calculated point for the southwest corner of the 107.928 acre tract, being also the southeast corner of Lot 3, Block H, Benbrook Ranch Section Two, Phase One, a subdivision of record in Cabinet CC, Slide 3 of the Plat Records of Williamson County, Texas;

THENCE North 20°44'42" West, with the west line of the 107.928 acre tract, being also the east line of Lot 3, Block H, and being the east line of the 34.705 acre tract, at 55.92 feet passing a 1/2" rebar found, and continuing for a total distance of 747.56 feet to the **POINT OF BEGINNING**, containing 25.319 acres of land, more or less.

Surveyed on the ground September 12, 2013. Bearing basis is Grid Azimuth for Texas Central Zone, 1983/93 HARN values from LCRA control network. Attachments: Survey Drawing No. 143-033-BASE.

rcw
Robert C. Watts, Jr.
Registered Professional Land Surveyor
State of Texas No. 4995



9-19-13

**125.575 AC.
WATERSTONE MICHELLE, L.P.**

A DESCRIPTION OF 125.575 ACRES (APPROXIMATELY 5,470,044 SQUARE FEET) IN THE CHARLES COCHRAN SURVEY, ABSTRACT NO. 134, IN WILLIAMSON COUNTY, TEXAS, BEING A PORTION OF A 164.466 ACRE TRACT DESCRIBED IN A SPECIAL WARRANTY DEED WITH VENDOR'S LIEN TO WATERSTONE MICHELLE, L.P., DATED AUGUST 5, 2004 AND RECORDED IN DOCUMENT NO. 2004063368 OF THE OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS; SAID 125.575 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at a 1/2" rebar found for the southeast corner of the said 164.466 acre tract, being also the northeast corner of a 78.978 acre tract recorded in Document No. 2003003109 of the Official Public Records of Williamson County, Texas and being also in the west right-of-way line of US Highway 183 (right-of-way width varies);

THENCE South 75°04'10" West, with the south line of the 164.466 acre tract and the north line of the 78.978 acre tract, a distance of 603.40 feet to a 1/2" rebar with Chaparral cap set for the **POINT OF BEGINNING**;

THENCE with the south line of the 164.466 acre tract and the north line of the 78.978 acre tract, the following five (5) courses and distances:

1. South 75°04'10" West, a distance of 30.83 feet to a concrete monument found;
2. South 75°04'31" West, a distance of 1,312.45 feet to a concrete monument found;
3. South 75°07'18" West, a distance of 837.81 feet to a 1/2" rebar found;
4. South 80°22'18" West, a distance of 27.71 feet to 1/2" rebar found;
5. South 69°36'56" West, a distance of 21.77 feet to a 1/2" rebar found in the south line of the 164.466 acre tract, being also the northwest corner of the 78.978 acre tract, being also the northeast corner of Lot 68 Block A, Estates of North Creek Ranch Section Two, a subdivision of record in Cabinet V, Slide 293 of the Plat Records of Williamson County, Texas;

THENCE South 69°09'11" West with the south line of the 164.466 acre tract and the north line of the said Estates of North Creek Ranch Section Two, a distance of 369.12

feet to a 1/2" rebar with Stanley cap found for the southeast corner of Lot 1, Block A, Heritage Glen Section One, a subdivision of record in Cabinet CC, Slide 369 of the Plat Records of Williamson County, Texas;

THENCE crossing the 164.466 acre tract, with the perimeter of said Heritage Glen Section One, the following ten (10) courses and distances:

1. North 21°07'13" West, a distance of 186.87 feet to a 1/2" rebar with All Points cap found in the north right-of-way line of the termination of South Brook Drive (64' right-of-way width), being also in the south line of Lot 1, Block D, Heritage Glen Section One;
2. North 68°51'57" East, with the south line of Lot 1, a distance of 154.83 feet to a 1/2" rebar with Chaparral cap found for a point of curvature;
3. With a curve to the left in the south line of Lot 1, having a radius of 15.00 feet, a delta angle of 89°43'31", an arc length of 23.49 feet, and a chord which bears North 23°56'24" East, a distance of 21.16 feet to a 1/2" rebar with Chaparral cap found for a point of tangency in the east line of Lot 1;
4. North 21°06'14" West, with the east line of Lot 1, a distance of 744.15 feet to a Mag nail with Chaparral washer set for the northeast corner of Lot 1;
5. South 68°53'22" West, with the north line of Lot 1, a distance of 750.35 feet to a 1/2" rebar with Chaparral cap found for the northwest corner of Lot 1;
6. South 18°24'23" East, with the west line of Lot 1, a distance of 213.39 feet to a 1/2" rebar with Chaparral cap found for a point of curvature;
7. With a curve to the right in the west line of Lot 1, having a radius of 931.56 feet, a delta angle of 01°53'09", an arc length of 30.66 feet, and a chord which bears South 17°29'03" East, a distance of 30.66 feet to a 1/2" rebar with All Points cap found in the east right-of-way of the termination of Coulee Drive (60' right-of-way width);
8. South 73°28'22" West, with the north termination of Coulee Drive, a distance of 59.85 feet to a 1/2" rebar with All Points cap found in the west right-of-way line of Coulee Drive;
9. With a curve to the right in the west line of Coulee Drive, having a radius of 871.56 feet, a delta angle of 01°05'46", an arc length of 16.68 feet, and a chord

which bears South 15°58'40" East, a distance of 16.67 feet to a 1/2" rebar with All Points cap found for the northeast corner of Lot 10, Block C of Heritage Glen Section One;

10. South 74°30'40" West, with the north line of said Lot 10, a distance of 146.22 feet to a 1/2" rebar with Stanley cap found for the northwest corner of lot 10, being also in the east line of Lot 13, Block H, Benbrook Ranch, Section One, Phase Two, a subdivision recorded in Cabinet Y, Slide 345 of the Plat Records of Williamson County, Texas, and being also in the west line of the 164.466 acre tract;

THENCE North 16°29'54" West, with the west line of said 164.466 acre tract, same being the east line of said Block H, a distance of 1,009.33 feet to a 1/2" rebar found for an angle point in the west line of the 164.466 acre tract, being also in the southeast line of Lot 3, Block H, Benbrook Ranch Section Two, Phase One, a subdivision of record in Cabinet CC, Slide 3 of the Plat Records of Williamson County, Texas;

THENCE with the northwest line of the 164.466 acre tract and the southeast line of said Lot 3, the following five (5) courses and distances:

1. North 26°58'52" East, a distance of 227.49 feet to a 1/2" rebar found;
2. North 07°51'51" West, a distance of 113.94 feet to a 182" rebar found;
3. North 07°08'24" West, a distance of 89.78 feet to a 1/2" rebar found;
4. North 10°03'53" East, a distance of 17.15 feet to a 1/2" rebar found;
5. North 19°15'44" West, a distance of 37.17 feet to a calculated point in the centerline of Brushy Creek;

THENCE with the north line of the 164.466 acre tract, being the centerline of Brushy Creek, and being the south line of Lot 3, the following six (6) courses and distances:

1. North 34°38'57" East, a distance of 99.98 feet to a calculated point;
2. North 67°39'42" East, a distance of 149.82 feet to a calculated point;
3. North 52°34'57" East, a distance of 241.82 feet to a calculated point;
4. North 66°42'22" East, a distance of 108.26 feet to a calculated point;

5. North 69°49'32" East, a distance of 135.35 feet to a calculated point;
6. North 77°47'52" East, a distance of 160.43 feet to a calculated point for the southeast corner of Lot 3, being also the southwest corner of a 107.928 acre tract described in Document No. 2004063370 of the Official Public Records of Williamson County, Texas, from which a 1/2" rebar found bears North 20°39'49" West, a distance of 55.92 feet;

THENCE with centerline of Brushy Creek, being also the north line of the 164.466 acre tract and the south line of the 107.928 acre tract, the following fifteen (15) courses and distances:

1. South 77°13'17" East, a distance of 144.19 feet to a calculated point;
2. South 25°33'17" East, a distance of 69.71 feet to a calculated point;
3. South 13°32'17" East, a distance of 73.80 feet to a calculated point;
4. South 35°10'17" East, a distance of 76.69 feet to a point;
5. North 80°03'43" East, a distance of 151.16 feet to a calculated point;
6. North 69°06'43" East, a distance of 245.27 feet to a calculated point;
7. South 46°59'17" East, a distance of 75.24 feet to a calculated point;
8. South 82°30'17" East, a distance of 435.20 feet to a calculated point;
9. North 57°03'43" East, a distance of 58.81 feet to a calculated point;
10. North 75°34'43" East, a distance of 148.11 feet to a calculated point;
11. South 39°53'17" East, a distance of 143.77 feet to a calculated point;
12. North 70°10'43" East, a distance of 89.94 feet to a calculated point;
13. North 16°32'43" East, a distance of 105.29 feet to a calculated point;
14. North 63°51'43" East, a distance of 260.61 feet to a calculated point;

15. South 86°45'17" East, a distance of 11.33 feet to a calculated point for the northwest corner of a 3.150 acre tract recorded in Document No. 2000053933 of the Official Public Records of Williamson County, Texas;

THENCE leaving Brushy Creek, with the north line of the 164.466 acre tract, being also the west line of the 3.150 acre tract, the following two (2) courses and distances:

1. South 00°45'28" East, a distance of 22.26 feet to a 1/2" rebar found;
2. South 00°45'28" East, a distance of 95.51 feet to a 1/2" rebar found for the southwest corner of the 3.150 acre tract;

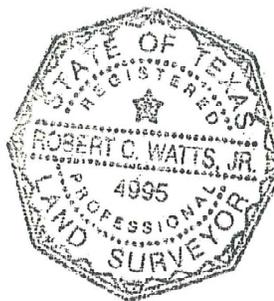
THENCE with the north line of the 164.466 acre tract, being also the south line of the 3.150 acre tract, the following two (2) courses and distances:

1. North 88°19'34" East, a distance of 440.91 feet to a 1/2" rebar found, from which a nail found in a concrete dam bears North 11°52'18" West, a distance of 168.04 feet;
2. North 88°34'02" East, a distance of 234.28 feet to a 1/2" rebar with Chaparral cap set, from which a 1/2" rebar found in the west right-of-way line of U.S. 183, being also the northeast corner of the 164.466 acre tract, being also the southeast corner of the 3.150 acre tract, bears North 88°34'02" East, a distance of 636.85 feet;

THENCE South 21°01'11" East, crossing the 164.466 acre tract, a distance of 1,478.67 to the **POINT OF BEGINNING**, containing 125.575 acres of land, more or less.

Surveyed on the ground July 17, 2013. Bearing basis is Grid Azimuth for Texas Central Zone, 1983/93 HARN values from LCRA control network. Attachments: Survey Drawing No. 942-001-T11.

rwj
Robert C. Watts, Jr.
Registered Professional Land Surveyor
State of Texas No. 4995



7-24-13

EXHIBIT B

Proposed Public Improvements

Sanitary Sewer – South Brook Drive – The sanitary sewer line along South Brook Drive consists of approximately 1,880 linear feet of 8-inch SDR-26 PVC gravity line with approximately 11 four foot diameter manholes.

Sanitary Sewer – West Broade Street – The sanitary sewer line along West Broade Street consists of approximately 2,840 linear feet of 8-inch SDR-26 PVC gravity line with approximately 17 manholes. Additionally, there is approximately 450 linear feet of 15-inch SDR-26 PVC gravity line with approximately 4 manholes along West Broade Street.

Drainage – South Brook Drive – Drainage improvements along South Brook Drive consist of approximately 2,970 linear feet of Reinforced Concrete Pipe (RCP) storm sewer ranging in size from 18 inches up to 60 inches. Drainage improvements also include approximately 5 junction boxes and approximately 8 curb inlets.

Drainage – West Broade Street – Drainage improvements along West Broade Street consist of approximately 2,540 linear feet of Reinforced Concrete Pipe (RCP) storm sewer ranging in size from 18 inches up to 60 inches. Drainage improvements also include approximately 9 junction boxes and approximately 9 curb inlets.

Primary Entry Feature – San Gabriel Parkway - The primary entry feature is located on the southwest corner of San Gabriel Parkway and West Broade Street. The design features a stone tower and entry monument sign face. An enhanced paving pattern will be incorporated into the roadway to emphasize the entry. Native landscape material will be planted around the entry feature to provide color and texture. A few stands of mature trees will be planted behind the monument sign.

Secondary Entry Feature - The community's secondary entry feature is located on the east side of West Broade Street at the southern edge of the community. The secondary entry will be similar in design to the Primary Entry, but smaller in scale. The secondary entry feature will be surrounded by native, drought tolerant plants and trees. A dry stream bed will curve in front of the entry feature and continue on the west side of West Broade Street, contributing to a cohesive entry experience.

Neighborhood Entry Features - Neighborhood entry features reflect the design aesthetic and materials established by the primary and secondary entry features. Signs displaying the neighborhood name will be located at the entry to neighborhoods and sited to be easily viewed from the roadway.

Walls at Collectors - Masonry walls will be constructed along both sides of West Broade Street and along San Gabriel Parkway to provide an attractive border along the community boundary. The wall materials will complement the stone material utilized in the entry features described above. Masonry columns will be incorporated into the walls

at regular intervals along the roadway frontage.

Collector Road Landscape - Native and drought tolerant landscape including turf, ornamental grasses and xeriscaped planting beds will be installed along West Broade Street, San Gabriel Parkway and the eastern section of South Brook Drive. The landscaping along the road is intended to create a unique sense of place and enhance the natural beauty of the community.

Native Area Re-vegetation - For designated parcels within the community, plans are in place to repair any damage caused during construction. Areas disturbed by site grading will be reseeded with native grass mix and wildflowers.

Pond Treatments - The area surrounding the water quality retention/detention ponds will be enhanced to create attractive community amenities. The land will be fine graded and an enhanced seed mix will be placed onto the slopes to re-establish native grasses and wildflowers. Trees native to Central Texas will be planted around the ponds and irrigated.

Pond Aeration - An aeration fountain will be installed in the water quality retention pond to circulate the water and prevent stagnation. The fountain will also create an aesthetic amenity for the pond.

Mail Service - Mail kiosks throughout the community will be enhanced to feature a shade covering and/or masonry base and column. Approximately 10 kiosks will be located throughout the community, near street lights, to allow convenient drive up access for residents. Mail kiosks will be constructed to Federal and City standards and specifications.

Trailheads - Community trails comprised of 6' and 8' wide concrete walkways will be constructed to wind along West Broade Street and through the greenbelt to ultimately connect with the Benbrook Park Trail to the west. Trailheads will be located within the neighborhoods to connect the internal local sidewalks to the hike and bike trail. The trailheads may include features such as benches, trash cans, enhanced landscaping and dog stations.

EXHIBIT C

Estimated Costs of Public Improvements

The estimated total cost of the proposed public improvements is \$4,046,205.00 (excluding required reserves and cost of issuance), which may be modified to conform to actual expenses. The costs of the improvements will be paid by assessment of the property owners within the proposed Public Improvement District. The City will pay none of the costs of the proposed improvements from funds other than such assessments. The remaining costs of the proposed improvements, as well as any other infrastructure required for the property, will be paid from sources other than the City or assessments from property owners.