

RESOLUTION 17-022

A RESOLUTION ACCEPTING THE PRELIMINARY SERVICE AND ASSESSMENT PLAN FOR AUTHORIZED IMPROVEMENTS WITHIN THE METROPARK PUBLIC IMPROVEMENT DISTRICT; SETTING A DATE FOR PUBLIC HEARING ON THE PROPOSED LEVY OF ASSESSMENTS; AUTHORIZING THE PUBLICATION AND MAILING OF NOTICE; AND ENACTING OTHER PROVISIONS RELATING THERETO.

WHEREAS, on November 30, 2016, SM Center Conroe, Ltd., a Texas limited partnership, Moon Real Estate Holdings, Ltd., a Texas limited partnership, and Metropark Square, Ltd. a Texas limited partnership (collectively, the "Owners") submitted and filed with the City Secretary of the City a petition (the "Petition") requesting the establishment of the Metropark Public Improvement District (the "District") within the corporate limits of the City to include the property described by metes and bounds in Exhibit C attached hereto and incorporated herein for all purposes; and

WHEREAS, on March 8, 2017, the City Council of the City (the "City Council") accepted the Petition and called a public hearing for March 22, 2017 to on the advisability of the improvements; and

WHEREAS, notice of the hearing was mailed on March 8, 2017 and was published in The Courier, a, newspaper of general circulation in the City on March 10, 2017; and,

WHEREAS, the owners of 100% of the property subject to assessment under the proposed District had actual knowledge of the public hearing to be held on March 22, 2017, have waived notice of such public hearing, and have consented to the creation of the proposed District; and

WHEREAS, the City Council opened and conducted such public hearing on the advisability of the improvements, and closed such hearing on March 22, 2016; and

WHEREAS, on March 22, 2017, after due notice, the City Council of the City (the "City Council") held the public hearings in the manner required by law on the advisability of the Authorized Improvements described in the petition as required by Sec. 372.009 of the Act and made the findings required by Sec. 372.009(b) of the Act and, by Resolution adopted by a majority of the members of the City Council, authorized the District in accordance with its finding as to the advisability of certain public improvement projects and services; and

WHEREAS, on March 29, 2017, the City published notice of its authorization of the District in the Conroe Courier, a newspaper of general circulation in the City; and

WHEREAS, no written protests of the District from any owners of record of property within the District were filed with the City within 20 days after publication; and

WHEREAS, pursuant to Sections 372.013, 371.014, and 372.016 of the Act, the Board has directed the preparation of a Preliminary Service and Assessment Plan for Authorized Improvements for the District (the "Preliminary Plan"), such Preliminary Plan attached hereto as Exhibit B, covers a period of at least five years and defines the annual indebtedness and the projected costs of the Authorized Improvements; and

WHEREAS, the Preliminary Plan also includes assessment plans that apportion the cost of an Authorized Improvement to be assessed against property in the District and such apportionment is made

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on the basis of special benefits accruing to the assessed property in the District because of the Authorized Improvements; and

WHEREAS, the City Council also directed the preparation of an Assessment Roll for the District that states the assessment against each parcel of land in the District and such Assessment Roll is attached to and a part of the Preliminary Plan; and

WHEREAS, the City Council notes that the Preliminary Plan and proposed Assessment Roll may be amended with such changes as the City Council deems appropriate before such Preliminary Plan and Assessment Roll are adopted as final by the City Council; and

WHEREAS, the City has determined to call a public hearing regarding the proposed levy of assessments pursuant to the Preliminary Plan and the proposed Assessment Roll on property in the City, pursuant to Section 372.016 of the Act; and

WHEREAS, the City desires to publish and mail notice of such public hearing in order to provide notice to all interested parties of the City's proposed levy of assessments against property in the City, pursuant to Section 372.016 of the Act; and

WHEREAS, the City desires to file the Preliminary Plan and Assessment Roll with the City Secretary such that they are available for public inspection pursuant to Section 372.016 of the Act; and

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF THE CITY OF SHENANDOAH, TEXAS, THAT:

Section 1. Findings. The findings and determinations set forth in the preambles hereto are hereby incorporated by reference for all purposes.

Section 2. Calling Public Hearing. The City Council hereby calls a public hearing (the "Public Hearing") for 7:00 p.m. on January 10, 2018 at the regular meeting place of the City, 29955 I-45 North, Shenandoah, Texas, to consider approving the Preliminary Plan, with such changes and amendments as the City Council deems necessary, and the proposed Assessment Roll with such amendments to the assessments on any parcel as the City Council deems necessary, as the final Service and Assessment Plan and final Assessment Roll for the District (collectively, the "Final Plan"). After all objections made at such hearing have been heard, the City Council may (i) levy the assessments as special assessments against each parcel of property in the District as set forth in the Final Plan, including a final Assessment Roll; (ii) specify the method of payment of the assessments; and (iii) provide that assessments be paid in periodic installments. Notice of the Public Hearing setting out the matters required by Section 372.016 of the Act shall be given by publication at least eleven (11) days before the date of the hearings, in a newspaper of general circulation in the City. Notice of such hearings shall also be given by the City Secretary, by mailing a copy of the notice containing the information required by Section 372.016(b) of the Act to the last known address of each owner of property liable for an assessment in the proposed Assessment Roll as reflected on the tax rolls of the Montgomery Central Appraisal District. All residents and property owners within the District, and all other persons, are hereby invited to appear in person, or by their attorney, and contend for or contest the Preliminary Plan and the Assessment Roll, and the proposed assessments and offer testimony pertinent to any issue presented on the amount of the assessments, purpose of the assessments, special benefit of the assessments, and the costs of collection and the penalties and interest on delinquent assessments. At or on the adjournment of the hearings conducted pursuant to Section 372.016 on the proposed assessments, the City Council must hear and pass on any objection to a proposed

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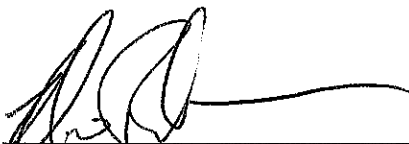
assessment. The City Council may amend a proposed assessment on any parcel in the District. The failure of a property owner to receive notice does not invalidate the proceeding.

Section 3. Publication of Notice. The City Council hereby directs City Staff to cause the publication and mailing of notice of the Public Hearing substantially in the form attached as Exhibit A. Such publication shall occur before the 10th day before the date of the Public Hearing.

Section 4. Conduct of Public Hearing. The City Council shall convene at the location and at the time specified in the notice described above for the Public Hearing and shall conduct the Public Hearing in connection with its consideration of the Final Plan, including the final Assessment Roll, for the District and the levy of the proposed assessments, including costs of collection, penalties and interest on delinquent assessments. At the Public Hearing, the City Council will hear and pass on any objections to the Preliminary Service and Assessment Plan and the proposed Assessment Roll and the levy of the proposed assessments (which objections may be written or oral). At or on the adjournment of the Public Hearing, the City Council may amend a proposed assessment on any parcel in the District. After all objections, if any, have been heard and passed upon, the City may (i) levy the assessments as special assessments against each parcel of property in the District as set forth in the Service and Assessment Plan and Assessment Roll for the District, (ii) specify the method of payment of the assessments, and (iii) provide that the assessments be paid in periodic installments.

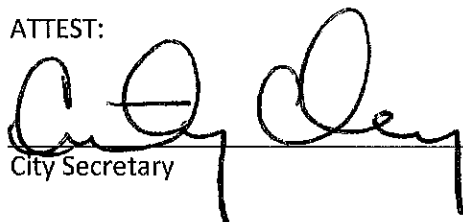
Section 5. Filing of Proposed Assessment Roll. The proposed Assessment Roll shall be filed in the office of the City Secretary and be made available to any member of the public who wishes to inspect the same.

PASSED AND APPROVED this 13th day of December, 2017.



Mayor

ATTEST:



City Secretary

EXHIBIT A

CITY OF SHENANDOAH
NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN THAT a public hearing will be conducted by the City Council of the City of Shenandoah, Texas on the 13th day of December, 2017 at 7:00 p.m. at the offices of the City, 29955 I-45 North, Shenandoah, Texas. The public hearing will be held to consider proposed assessments to be levied against the assessable property in the Metropark Public Improvement District (the "District") pursuant to the provisions of Chapter 372 of the Texas Local Government Code, as amended.

The general nature of the Authorized Improvements include the design, acquisition, construction, and improvement of public improvement projects authorized by the Act that are necessary for the development of the property within the District, which will include, but not be limited to, roadway improvements, including related right-of-way acquisition, sidewalks, drainage, traffic signals, and street lights; water and wastewater system improvements; storm drainage improvements, including related erosion control, retaining walls, and detention; and other improvement projects similar to those listed above authorized by the Act; payment of costs associated with operating, maintaining, developing and financing the Authorized Improvements listed above; and, costs of establishing, administering, and operating the District.

The estimated cost to design, acquire and construct the Authorized Improvements, including financing and administrative costs of the District is \$15,200,000.

The District includes approximately 69.76 acres of land located in Shenandoah, (1) west of and adjacent to the Missouri-Pacific Railroad (2) east of and adjacent to Interstate I-45, (3) south of TX-242, and (4) north of Pine Wood Drive. A map depicting the boundaries of the District, as well as a metes and bounds description is available for inspection at the City of Shenandoah, 29955 I-45 North, Shenandoah, Texas.

All written or oral objections relating to the levy of the proposed assessments will be considered at the public hearings.

A copy of the Preliminary Service and Assessment Plan, including the proposed Assessment Roll, for the District, which includes the assessments to be levied against each parcel in the District is available for public inspection at the City of Shenandoah, 29955 I-45 North, Shenandoah, Texas.

WITNESS MY HAND AND THE OFFICIAL SEAL OF THE District, this 13 day of December, 2017.

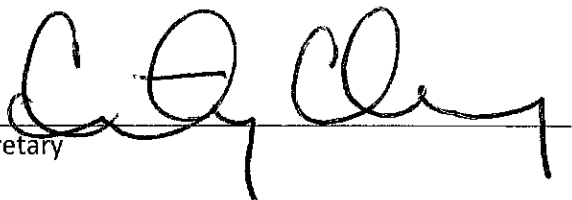
/s/ 
Secretary

EXHIBIT B
PRELIMINARY SERVICE AND ASSESSMENT PLAN

EXHIBIT C

BOUNDARIES

METES AND BOUNDS DESCRIPTION

69.76 ACRES

WILLIAM McDERMOTT SURVEY, ABSTRACT 389
MONTGOMERY COUNTY SCHOOL SURVEY, ABSTRACT 350
MONTGOMERY COUNTY, TEXAS

Being a tract or parcel 69.76 acres (3,038,750 square feet) of land situated in the William McDermott Survey, Abstract 389, and the Montgomery County School Survey, Abstract 350, both in Montgomery County, Texas, and being all of the Replat Sam Moon Center Woodlands according to the plat thereof recorded in Cabinet Z, Sheet 908, of the Montgomery County Map Records and all of the called 14.790 acre tract as described in the deed to SM Center Conroe, Ltd., recorded under Montgomery County Clerk's File Number 2014024785 and all of the called 12.1255 acre tract as described in the deed to SM Center Conroe, LTD, recorded under Montgomery County Clerk's File Number 2014125255 and of all of the 0.9060 acre tract as described in the deed to SM Center Conroe, LTD, recorded under Montgomery County Clerk's File Number 2016075533; said 69.76 acre tract being more particularly described by metes and bounds as follows (all bearings stated herein are based on the Texas State Plane Coordinate System, Central Zone Number 4203):

BEGINNING at a 5/8-inch iron rod found in the east right-of-way line of Interstate Highway 45 (width varies) marking the northwest corner of the said Replat Sam Moon Center Woodlands common with the northwest corner of the herein described tract, from which a found Texas Department of Transportation right-of-way monument bears North 12°26'15" West, 284.50 feet;

THENCE, along the north lines of said Replat Sam Moon Center Woodlands common with the south and easterly lines of the called 0.7222 acre tract as described in the deed recorded under Montgomery County Clerk's File Number 9214658, the called 0.755 acre tract as described in the deed recorded under Montgomery County Clerk's File Number 9756955, the called 5.0513 acre tract as described in the deed recorded under Montgomery County Clerk's File Number 9047163, and the called 3 acre tract as described in the deed recorded under Montgomery County Clerk's File Number 9256261, the following Six (6) courses and distances;

North 87°02'03" East, a distance of 400.00 feet to the Point of Curvature of a curve to the left;

Along said curve to the left having a central angle of 42°31'36", an arc distance of 200.40 feet, a radius of 270.00 feet, and a chord which bears North 65°46'15" East, 195.83 feet to a 5/8-inch iron rod with plastic cap stamped "TERRA SURVEYING" set marking the Point of Reverse Curvature of a curve to the left;

Along said curve to the right having a central angle of 42°31'34", an arc distance of 244.93 feet, a radius of 330.00 feet, and a chord which bears North 65°46'17" East, 239.35 feet to a 5/8-inch iron rod with plastic cap stamped "TERRA SURVEYING" set marking the end of said curve;

North 87°02'03" East, a distance of 625.37 feet to an angle corner of the herein described tract from which a found 5/8-inch iron rod bears S 78°34' W, 0.51 feet;

North 02°51'56" West, a distance of 153.10 feet to a 5/8-inch iron rod found marking an angle corner of the herein described tract;

North 86°56'10" East, a distance of 826.89 feet to a 5/8-inch iron rod found in the west right-of-way line of the Missouri-Pacific Rail Road (150 feet wide) marking the northeast corner of said Replat Sam Moon Center Woodlands common with the northeast corner of the herein described tract;

THENCE, South 14°43'43" East, along said west right-of-way line, passing at a distance of 943.08 feet a 5/8-inch iron rod with plastic cap stamped found marking the southwest corner of the aforesaid Replat Sam Moon Center Woodlands and continuing along said west right-of-way line for a total distance of 1,550.86 feet to a 5/8-inch iron rod with plastic cap found marking the southeast corner of the aforesaid called 14.790 acre tract common with the southeast corner of the herein described tract;

THENCE, South 87°03'13" West, along the north line of the called 14.794 acre tract as described in the deed recorded under Montgomery County Clerk's File Number 2000-034689, a distance of 1,145.48 feet to a 5/8-inch iron rod with plastic cap found in the west line of Pappas Restaurants according to the plat thereof recorded in Cabinet O, Sheet 150, of the Montgomery County Map Records marking the southwest corner of aforesaid called 14.790 acre tract common with an angle corner of the herein described tract;

THENCE, North 02°53'13" West, along said west line, a distance of 59.28 feet to a 5/8-inch iron rod found marking the northeast corner of said Pappas Restaurants common with an angle corner of the herein described tract;

THENCE, South 86°57'03" West, along the north line of said Pappas Restaurants, a distance of 837.30 feet to the southeast corner of Chuy's Shenandoah according to the plat thereof recorded in Cabinet U, Sheet 98, of the Montgomery County Map Records, from which a 5/8-inch iron rod with plastic cap stamped "STIECH ENG" found in the aforesaid east right-of-way line of Interstate Highway 45 marking the southwest corner of said Chuy's Shenandoah bears South 86°57'03" West, 400.00 feet, from said 5/8-inch iron rod with plastic cap stamped "STIECH ENG" a found Texas Department of Transportation right-of-way monument bears South 12°26'15" East, 158.52 feet;

THENCE, North 12°26'09" West, along the east line of said Chuy's Shenandoah, a distance of 300.04 feet to a 5/8-inch iron rod with plastic cap stamped "TERRA SURVEYING" set marking an angle corner of the herein described tract common with the southeast corner of the aforesaid 0.9060 acre tract;

THENCE, South 86°56'45" West, along the north line of said Chuy's Shenandoah, a distance of 400.01 feet to a 5/8-inch iron rod with plastic cap stamped "TERRA SURVEYING" set marking the southwest corner of the herein described tract in the aforesaid east right-of-way line of Interstate Highway 45;

THENCE, North 12°26'15" West, along said east right-of-way line, a distance of 65.38 feet to a 5/8-inch iron rod with plastic cap stamped "TERRA SURVEYING" set marking an angle corner of the herein described tract;

THENCE, North 86°57'03" East, crossing the aforesaid 0.9060 acre tract, a distance of 53.72 feet to a 5/8-inch iron rod with plastic cap stamped "TERRA SURVEYING" set marking an angle corner of the herein described tract;

THENCE, North 03°02'59" West, continuing across said 0.9060 acre tract, a distance of 26.00 feet to a 5/8-inch iron rod with plastic cap stamped "TERRA SURVEYING" set marking an angle corner of the herein described tract;

THENCE, South 86°51'39" West, continuing across said 0.9060 acre tract, a distance of 58.00 feet to a 5/8-inch iron rod with plastic cap stamped "TERRA SURVEYING" set marking an angle corner of the herein described tract in the aforesaid east right-of-way line of Interstate Highway 45;

THENCE, North 12°26'15" West, along said east right-of-way line, a distance of 772.29 feet to the POINT OF BEGINNING and containing 69.76 acres of land. This description is based on the Exhibit prepared by Terra Surveying Company, Inc., last revised on August 30, 2016, TSC Project Number 1617-1420-S.