

CITY OF ANNA, TEXAS

RESOLUTION NO. 2020-12-839

A RESOLUTION REGARDING THE CREATION OF THE SHERLEY TRACT PUBLIC IMPROVEMENT DISTRICT NO. 2 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 Anna, 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 October 20, 2020, 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 Within The Extraterritorial Jurisdiction of the City of Anna, Texas for the Sherley Tract Public Improvement District No. 2" (the "Petition") requesting the establishment of a public improvement district covering approximately 289.751 acres located in the extraterritorial jurisdiction (the "ETJ") of the City described in the Petition and Exhibit A attached hereto, and to be known as the "Sherley Tract Public Improvement District No. 2" (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 the Act and by the Texas Open Meetings Act, Chapter 551, Texas Government Code, as amended (the "Open Meetings Act"), the City Council opened and conducted a public hearing on December 8, 2020, 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 public improvement 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 ANNA, 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 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 B 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 A 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 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 B; and
- (h) the District shall be managed without the creation of an advisory body.

Section 3. Based on the foregoing, the Sherley Tract Public Improvement District No. 2 is hereby created and the public improvements described in Exhibit B are authorized to be made in accordance with the service and assessment plan to be approved by the City Council.

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 and within the ETJ of 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 AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ANNA, TEXAS,  
THIS 8TH DAY OF DECEMBER, 2020.



Nate Pike, Mayor

ATTEST:

Carrie L. Land, City Secretary

2020-12-839

**EXHIBIT A**

**LEGAL DESCRIPTION AND DEPICTION OF BOUNDARIES**

**Tract I – Boundary of 0.833 Acres**

BEING that certain tract of land situated in the W. Rattan Survey, Abstract Number 752, Collin County, Texas, being a portion of that Tract of land described in deed to BFB ANA 40 Acres, LLC recorded in Instrument Number 20190412000390800 of the Official Public Records of Collin County, Texas (O.P.R.C.C.T.) and being more particularly described by metes and bounds as follows:

BEGINNING at a 5/8 inch iron rod cap stamped "Peloton" found for the southwest corner of said BFB ANA 40 Acres Tract, the southeast corner of that certain tract of land described in deed as Tract 1 to MM Anna 325, LLC recorded in Instrument Number 20190411000386110 and being in the north line of that certain tract of land described in deed to One Anna Two, LTD. recorded in Instrument Number 20070201000151600 of said O.P.R.C.C.T.

THENCE N 05° 15' 18" E, 533.77 feet to a 5/8 inch iron rod cap stamped "Peloton" set and the beginning of a curve to the left;

THENCE with said curve to the left, having an arc distance of 30.78 feet, through a central angle of 01° 50' 13", having a radius of 960.00 feet, the long chord which bears S 13° 28' 00" E, 30.78 feet to a 5/8 inch iron rod cap stamped "Peloton" set;

THENCE S 14° 23' 07" E, 120.30 feet to a 5/8 inch iron rod cap stamped "Peloton" set and the beginning of a curve to the right;

THENCE with said curve to the right, having an arc distance of 101.47 feet, through a central angle of 12° 30' 04", having a radius of 465.07 feet, the long chord which bears S 08° 14' 28" E, 101.27 feet to a 5/8 inch iron rod cap stamped "Peloton" set;

THENCE S 01° 59' 25" E, 283.25 feet to a 5/8 inch iron rod cap stamped "Peloton" set;

THENCE S 89° 04' 42" W, 110.31 feet to the POINT OF BEGINNING and containing 0.833 acres or 36,303 square feet more or less.

"Integral parts of this document"

1. Description - 1 Page
2. Exhibit - 1 Page

"This document was prepared under 22 TAC 663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared."

**Tract II – Boundary of 288.918 Acres**

BEING that certain tract of land situated in the J. Kincade Survey, Abstract Number 509, the J. Boyle Survey, Abstract Number 105, the J. Roberts Survey, Abstract Number 760, the J. Ellet Survey, Abstract Number 296, and the W. Rattan Survey, Abstract Number 752, Collin County, Texas, being all of that land described in

2020-12-839

deed to MM Anna 325, LLC Tract 1 recorded in Instrument Number 20190411000386110 of the Official Public Records of Collin County, Texas (O.P.R.C.C.T.) and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 inch iron rod found for the most southerly line of said MM Anna 325, LLC Tract 1 and being in the north line of that tract of land described in deed to CADG Hurricane Creek, LLC Tract 2 recorded in Instrument Number 201505290000631020 of said O.P.R.C.C.T.;

THENCE N 00° 42' 12" W, 232.26 feet to a 1/2 inch iron rod found;

THENCE S 88° 18' 50" W, 793.96 feet to a 3/8 inch iron rod found for the south line of said MM Anna 325, LLC Tract 1 and being in the northeast corner said CADG Hurricane Creek LLC (Tract 1);

THENCE along the common line between said MM Anna 325, LLC Tract 1 and said CADG Hurricane Creek LLC (Tract 1) the following bearings and distances:

S 89° 05' 29" W, 1757.67 feet to a 5/8 inch iron rod found;

S 88° 18' 31" W, 742.84 feet to a 1/2 inch iron rod found;

S 88° 59' 33" W, 427.28 feet to a 1/2 inch iron rod stamped "GEER 3288" found;

THENCE departing said CADG Hurricane Creek, LLC Tract 1 along the common line between said MM Anna 325, LLC Tract 1 and that tract of land described in deed to Blue Spruce L.P. recorded in Instrument Number 19940826000793830 of the O.P.R.C.C.T. the following bearings and distances:

N 61° 49' 20" E, 205.61 feet;

N 19° 24' 17" E, 181.73 feet;

N 38° 49' 43" E, 172.63 feet;

N 20° 25' 25" E, 121.13 feet;

N 49° 53' 58" E, 215.37 feet;

N 04° 32' 42" E, 69.40 feet;

THENCE N 30° 41' 24" W, 236.43 feet departing said Blue Spruce L.P. tract along the common line of said MM Anna 325, LLC Tract 1 and that tract of land described in deed to Kimberly Powell recorded in Volume 5820 Page 2130 of the O.P.R.C.C.T.;

Thence continuing along said MM Anna 325, LLC Tract 1 and said Kimberly Powell tract the following bearings and distances:

N 21° 14' 27" W, 129.45 feet;

N 11° 58' 09" W, 106.75 feet;

N 09° 26' 49" W, 132.42 feet;

N 17° 32' 12" W, 108.70 feet;

THENCE N 03° 35' 21" E, 118.10 feet departing said Kimberly Powell tract along the common line of said MM Anna 325, LLC Tract 1 and that tract of land described in deed to Harrison and Janet Smith recorded in Instrument Number 19920612000392310 of the O.P.R.C.C.T.;

2020-12-839

Thence continuing along said MM Anna 325, LLC Tract 1 and said Kimberly Powell tract the following bearings and distances:

N 16° 24' 37" E, 135.67 feet;

N 06° 20' 57" E, 127.72 feet;

N 18° 30' 44" E, 70.24 feet;

N 10° 53' 53" E, 77.78 feet;

N 19° 15' 05" E, 240.38 feet;

THENCE departing said Harrison and Janet Smith tract along the common line of said MM Anna 325, LLC Tract 1 and that tract of land described in deed to Dasara, LLC recorded in Instrument Number 20150123000077570 of the O.P.R.C.C.T. the following bearings and distances:

N 59° 17' 04" E, 231.36 feet;

N 39° 06' 49" E, 113.71 feet;

N 18° 28' 30" E, 79.37 feet;

N 45° 20' 55" E, 130.09 feet;

N 24° 01' 10" E, 163.50 feet;

N 29° 16' 45" E, 139.03 feet;

N 07° 19' 23" W, 145.67 feet;

N 22° 22' 47" E, 72.91 feet;

N 66° 09' 44" E, 68.86 feet;

N 49° 46' 52" E, 125.19 feet;

N 25° 25' 25" E, 105.50 feet;

N 41° 12' 53" E, 204.93 feet;

N 44° 25' 31" E, 122.72 feet;

N 40° 33' 22" E, 129.29 feet;

N 01° 34' 54" E, 105.14 feet;

THENCE N 30° 43' 16" E, 12.80 feet departing said Dasara, LLC tract across the common line of said MM Anna 325, LLC Tract 1 and that tract of land described in deed to Donna Peeler recorded in Volume 4972 Page 5535 of the O.P.R.C.C.T.;

THENCE departing said Donna Peeler tract along the common line of said MM Anna 325, LLC Tract 1 and that tract of land described in deed to Risland Mantua LLC recorded in Instrument Number 20180625000783630 of the O.P.R.C.C.T. the following bearings and distances:

2020-12-839

N 88° 46' 52" E, 274.56 feet to a 1/2 inch iron rod stamped "GEER" found;

N 89° 03' 01" E, 938.03 feet to a 1/2 inch iron rod stamped "GEER" found;

THENCE departing said Risland Mantua LLC tract along the common line of said MM Anna 325, LLC Tract 1 and that tract of land described in deed to Hurricane Creek Estates (Unrecorded) the following bearings and distances:

S 02° 31' 07" E, 46.18 feet to a 1/2 inch iron rod found;

S 00° 43' 55" E, 239.62 feet to a 1/2 inch iron rod found;

S 00° 54' 34" E, 240.98 feet to a 5/8 inch iron rod found;

S 00° 35' 30" E, 240.11 feet to a 1/2 inch iron rod stamped "GEER" found;

S 00° 46' 25" E, 193.73 feet to a 1/2 inch iron rod stamped "GEER" found;

S 00° 41' 51" E, 159.37 feet to a 1/2 inch iron stamped "GEER" found;

S 02° 15' 50" W, 136.17 feet;

S 00° 41' 12" E, 97.40 feet;

S 00° 41' 12" E, 20.05 feet;

N 43° 06' 55" E, 28.85 feet;

N 36° 57' 57" E, 59.11 feet;

S 81° 37' 00" E, 76.35 feet;

N 64° 47' 48" E, 51.43 feet;

S 23° 02' 34" E, 61.07 feet;

N 53° 19' 07" E, 45.87 feet;

S 82° 24' 22" E, 25.36 feet;

S 39° 57' 49" E, 56.11 feet;

S 48° 02' 59" E, 22.02 feet;

THENCE departing said Hurricane Creek Estates tract along the common line of said MM Anna 325, LLC Tract 1 and that tract of land described in plat to Urban Crossing Block B tract recorded in Instrument Number 2013-568 of the Plat Records, Collin County, Texas (P.R.C.C.T.) the following bearings and distances:

S 02° 04' 20" E, 28.82 feet to a 1/2 inch iron rod stamped "G.M. GEER" found;

S 00° 05' 05" E, 119.18 feet to a 1/2 inch iron rod stamped "G.M. GEER" found;

S 89° 47' 13" E, 602.59 feet to a 1/2 inch iron rod found;

N 88° 59' 00" E, 933.16 feet to a 1/2 inch iron rod stamped "CORWIN" found;

2020-12-839

N 88° 55' 42" E, 491.23 feet;

THENCE S 04° 03' 22" E, 703.80 feet departing said Urban Crossing Block B tract along the common line of said MM Anna 325, LLC Tract 1 and that tract of land described in deed to Sheikh Alam tract recorded in Volume 4335 Page 955 of the O.P.R.C.C.T. to a 5/8 inch iron rod stamped "PELTON" found;

THENCE departing said Sheikh Alam tract along the common line of said MM Anna 325, LLC Tract 1 and that tract of land described in deed to BFB Ana 40 Acres, LLC tract recorded in Instrument Number 20190412000390800 of the O.P.R.C.C.T. the following bearings and distances:

S 88° 44' 00" W, 60.25 feet for the beginning of a curve to the right;

With said curve to the right, having an arc distance of 99.55 feet, through a central angle of 03° 42' 13", having a radius of 1,540.00 feet, and the long chord which bears S 13° 52' 00" W, 99.53 feet;

S 15° 43' 07" W, 512.37 feet for the beginning of a curve to the left;

With said curve to the left, having an arc distance of 473.61 feet, through a central angle of 28° 16' 00", having a radius of 960.00 feet, and the long chord which bears S 01° 35' 07" W, 468.82 feet;

THENCE S 05° 15' 18" W, 533.77 feet to the most southerly southeast corner of said MM Anna 325, LLC Tract 1 and the northeast corner of said CADG Hurricane Creek, LLC Tract 2 to an iron rod found;

THENCE S 89° 04' 42" W, 1,154.08 feet to the POINT OF BEGINNING and containing 288.918 acres or 12,585,251 square feet more or less.

2020-12-839



**Tract I**

TERRA'S Firm Reg No. 1084488

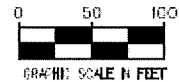
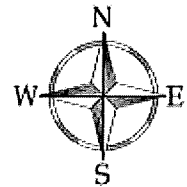
Basis of Bearing is the Texas Coordinate System, North Central Zone 4202, NAD 83

"Integral parts of this document"

1. Description - 1 Page
2. Exhibit - 1 Page

**LEGEND:**  
 IRF-IRON ROD FOUND  
 IRS-IRON ROD SET

CURVE TABLE					
NO.	DELTA	RADIUS	LENGTH	CHORD BEARING	CHORD
C1	1°50'11"	960.00'	30.76'	S13°28'00"E	30.76'
C2	12°30'04"	465.07'	101.47'	S08°14'28"E	101.27'



TRACT I  
 MM ANNA 325, LLC  
 INST. # 20190411000388110  
 O.P.R.C.C.T.

BFB ANA 40 ACRES, LLC  
 INST. # 20190412000390800  
 O.P.R.C.C.T.

W. Rattan Survey  
 Abstract Number - 752

BFB ANA 40 ACRES, LLC  
 INST. # 20190412000390800  
 O.P.R.C.C.T.

0.833 ACRES  
 36,303 SQUARE FEET

S01°59'25"E  
 283.25'

ONE ANNA TWO, LTD.  
 INST. # 20070201000151600  
 O.P.R.C.C.T.

**POINT OF BEGINNING**

"This document was prepared under 22 TAC 663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared."

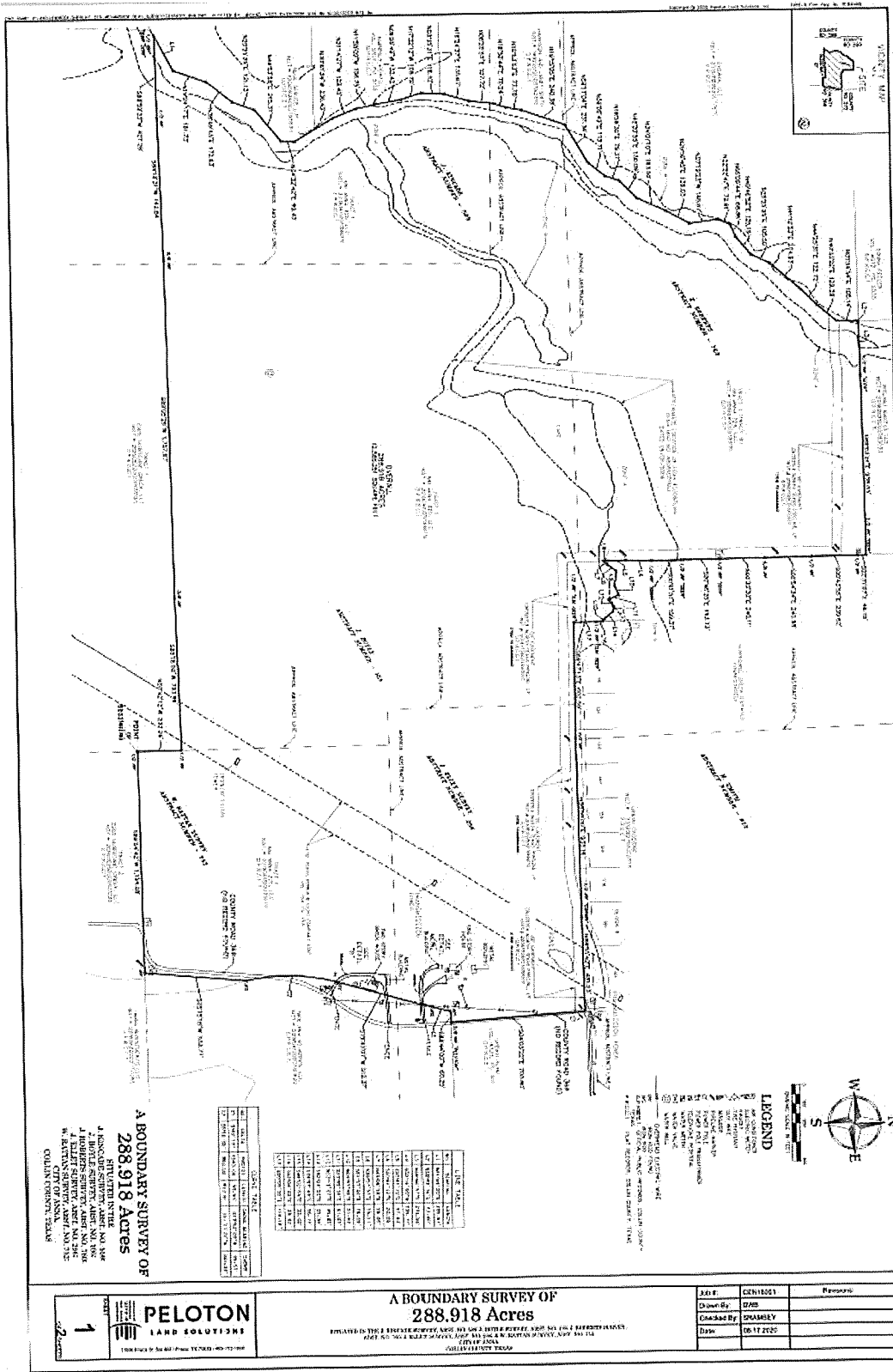
**BOUNDARY EXHIBIT OF  
 0.833 ACRES**

W. RATTAN SURVEY, ABSTRACT NO. 752  
 COLLIN COUNTY, TEXAS



2020-12-839

**Tract II**



2020-12-839

## EXHIBIT B

### PROPOSED IMPROVEMENTS AND ESTIMATED COSTS

Nature of the Authorized Improvements: The purposes of the District include the design, acquisition, construction, and improvement of public improvement projects authorized by the Act (the "Authorized Improvements") that are necessary for the development of the Property, which Authorized 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) - (vi) 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.

Estimated Costs of the Authorized Improvements and Apportionment of Costs: The estimated total costs of the Authorized Improvements is \$32,000,000.00, which costs shall be paid by assessment of the property owners within the proposed District. The City will not be obligated to provide any funds to finance the Authorized Improvements, other than from assessments levied on the Property and potential tax increment reinvestment zone revenues. The developer of the property (the "Developer") may also pay certain costs of the Authorized Improvements from other funds available to the Developer, and possible tax increment reinvestment zone revenue.

2020-12-839