

**RESOLUTION NO. R-2021-9**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS AUTHORIZING AND CREATING THE WESTSIDE PLACE PUBLIC IMPROVEMENT DISTRICT IN ACCORDANCE WITH CHAPTER 372 OF THE TEXAS LOCAL GOVERNMENT CODE; PROVIDING FOR RELATED MATTERS; CONDUCTING A PUBLIC HEARING; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, it is the intent of the City Council to promote the public welfare; and

**WHEREAS**, the City of Tyler, Texas (the "City"), is authorized under Chapter 372 of the Texas Local Government Code (the "Act"), to create a public improvement district within the corporate limits of the City; and

**WHEREAS**, on January 13, 2021, the City Council adopted Resolution No. R-2021-1 approving a Public Improvement District (PID) Policy setting forth criteria for determining establishment of a PID and outlining items such as petition requirements; and

**WHEREAS**, on January 13, 2021, Bellwood 323 2019 LP (the "Petitioner") submitted and filed with the City Clerk of the City a petition (the "Petition") requesting the establishment of a public improvement district for property within the corporate limits of the City; and

**WHEREAS**, the Petition requested the creation of the Westside Place Public Improvement District (the "District"), which District is located within the corporate limits of the City and more particularly depicted in Exhibit A and described by metes and bounds in Exhibit B (the "Property") each attached hereto and incorporated herein for all purposes; and

**WHEREAS**, on January 13, 2021, the Tyler City Council adopted Resolution No. R-2021-2 accepting a petition from Bellwood 323 2029 LP to create a Public Improvement District and establishing a February 10, 2021 public hearing date regarding the creation of the District; and

**WHEREAS**, the City Council of the City (the "City Council") has investigated and determined that the facts contained in the Petition are true and correct; and

**WHEREAS**, after publishing notice in the Tyler Morning Telegraph, a newspaper of general circulation in the City, and mailing notice of the hearing, all as required by and in conformity with the Act, the City Council, opened a public hearing on the advisability of the improvements on February 10, 2021, and after all interested parties were given the opportunity to speak, the City Council closed the public hearing.

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

**PART 1.** The City Council hereby finds that the recitals set forth above are true and correct and are incorporated into this Resolution as if written herein.

**PART 2.** The Petition submitted to the City by the Petitioners was filed with the City Clerk and complies with Section 372.005 of the Act.

**PART 3.** Pursuant to the requirements of the Act, including, without limitation, Sections 372.006, 372.009(a), and 372.009(b), the City Council, after considering the Petition and the evidence and testimony presented at the public hearing on February 10, 2021, hereby finds and declares:

- (a) **Advisability of the Proposed Improvements.** It is advisable to create the District to provide the Authorized Improvements (as described below). The Authorized Improvements are feasible and desirable and will promote the interests of the City and will confer a special benefit on the Property.
- (b) **General 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 that are necessary for the development of the Property, which Authorized Improvements will include, but not be limited to: (1) design, construction and other allowed costs related to street and roadway improvements, including related sidewalks, drainage, utility relocation, signalization, landscaping, lighting, signage and rights-of-way; (2) design, construction and other allowed costs related to storm drainage improvements; (3) design, construction and other allowed costs related to water, wastewater and drainage (including detention) improvements and facilities; (4) design, construction and other allowed costs related to erection of fountains, distinctive lighting and signs; acquisition and installation of pieces of art; (5) design, construction and other allowed costs related to parks, open space, and recreational improvements, including trails, landscaping, and irrigation related thereto; (6) design, construction and other allowed costs related to off-street parking facilities, including related sidewalks, drainage, utility relocation, signalization, landscaping, lighting, signage and rights-of-way; (7) design, construction and other allowed costs related to projects similar to those listed in subsections (1) - (6) above authorized by the Act, including similar off-site projects that provide a benefit to the Property within the District; (8) design, construction and other allowed costs related to special supplemental services for improvement and promotion of the District, including services related to advertising, promotion, health and sanitation, water and wastewater, public safety, security, business recruitment, development, recreation, and cultural enhancement; (9) payment of expenses incurred in the establishment, administration and operation of the District; and, (10) payment of expenses associated with financing such public improvement projects, which may include but are not limited to, costs associated with issuance and sale of revenue bonds secured by assessments levied against the Property (collectively, the "Authorized Improvements"). These Authorized Improvements promote the interests of the City and confer a special benefit upon the Property.
- (c) **Estimated Costs of the Authorized Improvements and Apportionment of Costs.** The estimated total costs to design, acquire, and construct the Authorized Improvements, including payment of expenses to finance such public improvement projects such as eligible legal and financial fees and expenses incurred in the establishment, administration and operation of the District, is \$150,000,000, which costs shall be paid by assessments levied on the Property within the District. The City will not be obligated to provide any funds to finance the Authorized Improvements, other than from assessments levied on the Property. No municipal property in the District shall be assessed. The developer of the Property (the "Developer") may also pay certain costs of the Authorized Improvements from other funds available to the Developer.

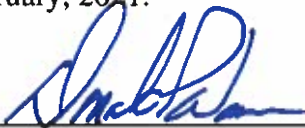
- (d) **Boundaries of the District.** The District is proposed to include approximately 538.33 acres of land generally located north of Earl Campbell Road Extension, south of Highway 31, east of Bellwood Lake, and west of S. Southwest Loop 323 and as more particularly depicted in Exhibit A attached hereto, and as more properly described in the metes and bounds described in Exhibit B attached hereto.
- (e) **Proposed Method of Assessment.** The City shall levy assessments on each parcel within the District in a manner that results in imposing equal shares of the costs on property similarly benefited. All assessments may be paid in full at any time (including interest and debt), 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 by the assessments and must continue for a period necessary to retire the indebtedness for those Authorized Improvements (including interest).
- (f) **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.
- (g) **Advisory Board.** The District shall be managed without the creation of an advisory body.

**PART 4.** The Westside Place 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 conclusion that the District is needed to fund such Authorized Improvements.

**PART 5.** Notice of this Resolution authorizing the District shall be given by publishing such notice once in the Tyler Morning Telegraph, a newspaper of general circulation in the City. Effective upon the publication of such notice, the District shall be established.

**PART 6.** This Resolution shall take effect immediately from and after its passage and publication as required by law.

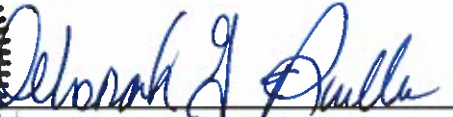
**PASSED AND APPROVED** on this 10th day of February, 2021.

  
DONALD P. WARREN, MAYOR  
OF THE CITY OF TYLER, TEXAS

ATTEST:

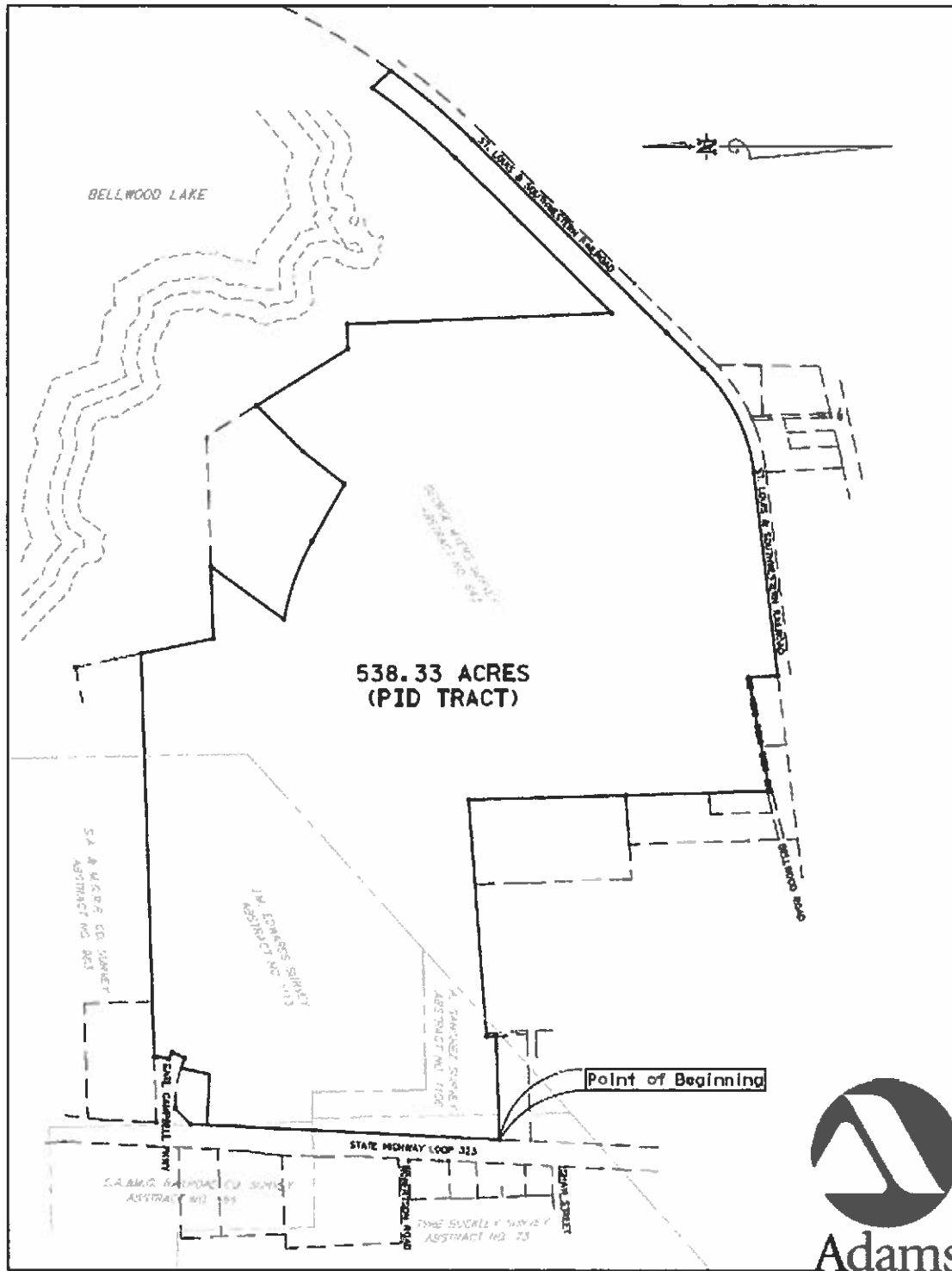
  
CASSANDRA BRAGER, CITY CLERK



APPROVED:  
  
DEBORAH G. PULLUM,  
CITY ATTORNEY

RESOLUTION NO. R-2021-9  
EXHIBIT "A"

Property Depiction



**RESOLUTION NO. R-2021-9**  
**EXHIBIT "B"**

**Metes and Bounds Description of the Property**

BEING a 538.33 acre Tract of land in the George Myers Survey, A-643, J.M. Edwards Survey, A-1113, A. Sanchez Survey, A-1106, T. Buckley Survey, A-73 and S.A. & M.G. Railroad Company Survey, A-966, Smith County, Texas, and being all of a called 543.1936 acre tract of land as described in deed to Bellwood Lake & Loop 323, LLLP, recoded in document no. 2007-R00006843 of the Official Public Records of Smith County, Texas (O.P.R.S.C.T.). Said 540.8 acres being comprised of a portion of Unit 1, Westchase Subdivision as shown by plat recorded in Cabinet B, Slide 282-A, Plat Records, Smith County, Texas and those certain tracts of land conveyed to Westchase Center, Inc. by Deed recorded in Volume 3183, Page 588, of the Land Records of Smith County, Texas, and all of those certain tracts of land conveyed to Mattin J. & Michelle T. Heines by deed recorded in Volume 7649, Page 352, Deed Records, Smith County, Texas, Save and Except a called 2.4251 acre tract as described in deed to the City of Tyler recorded in document no. 2010-R00001006 O.P.R.S.C.T., Said 538.33 acres being more particularly described by metes & bounds as follows:

COMMENCING at a capped 1/2-inch iron rod found (Carter & Burgess) marking the northeast corner of said Unit 1, and being on the westerly right of way line of State Highway Loop 323 (called 193 foot wide right of way);

THENCE South 02°50'10" West, along the common line between said Unit 1, Westchase Subdivision and the westerly right of way line of State Highway Loop 323, a distance of 257.18 feet to a 5/8-inch iron rod found with cap stamped "TRI TECH DFW SURVEYING" marking the POINT OF BEGINNING of the herein described tract of land;

THENCE South 02°50'10" West, continuing along the common line between said Unit 1, Westchase Subdivision and the westerly right of way line of State Highway Loop 323, a distance of 2381.41 feet to a 1/2 inch iron rod set with cap stamped "Summit" for corner;

THENCE North 86 deg. 58 min. 35 sec. West a distance of 413.51 feet to a 1/2 inch iron rod with cap stamped "Summit" set for corner;

THENCE South 11 deg. 22 min. 10 sec. West a distance of 239.62 feet to a 1/2 inch iron rod with cap stamped "Summit" set for corner in the north right of way of Earl Campbell Parkway and the north line of said 2.4251 acre tract;

THENCE in a Northwesterly direction, with the north right of way of Earl Campbell Parkway and the north line of said 2.4251 acre tract, along the arc of a curve to the right, said arc having a radius of 847.50 feet, an interior angle of 5°56'03", and a chord bearing North 68 deg. 07 min. 06 sec. West - 87.74 feet, for a total arc distance of 87.78 feet to a 5/8" iron rod with cap stamped "TRI-TECH" set for the northwest corner of said 2.4251 acre tract;

THENCE along the east line of said 2.4251 acre tract the following five courses:

South 24°50'55" West, a distance of 115.00 feet to a 5/8" iron rod with cap stamped "TRI-TECH" set for an interior corner;

In a Southeasterly direction along the arc of a curve to the left, having a radius of 962.50 feet, and interior angle of 03°36'42", a chord bearing South 66°57'26" East a distance of 60.66 feet, for an arc distance of 60.67 feet to a 5/8" iron rod with cap stamped "TRI-TECH" set for an interior corner;

South 19°02'40" West, a distance of 10.07 feet to a 5/8" iron rod with cap stamped "TRI-TECH" set for a point of curvature to the left, from which a capped 1/2" iron rod bears North 42°16' West a distance of 0.5 feet;

In a Southwesterly direction along the arc of a curve to the left, having a radius of 236.71 feet, an interior angle of 20°43'33", a chord bearing South 08°40'44" West a distance of 85.16 feet, for an arc distance of 85.63 feet to a 5/8" iron rod with cap stamped "TRI-TECH" set for the point of termination of said curve; and

South 01°40'56" East, a distance of 28.12 feet to a 5/8" iron rod with cap stamped "TRI-TECH" set for the Southwest corner of said 2.4251 Acre tract, in the north line of a called 12.22 acre tract as described in deed to Realty Income Properties 25, LLC as recorded in document no. 2013-30435 of the Official Public Records of Smith County, Texas, for the Southernmost Southwest corner of the herein described tract;

THENCE South 88°11'10" West with the north line of said 12.22 acre tract, a distance of 3269.31 feet to a point on the easterly line of that certain tract of land conveyed to the City of Tyler by deed recorded in Volume 127, Page 579, Deed Records, Smith County, Texas and marking the common westerly corner between said Westchase Inc. tract and First Savings Association of Southeast Texas tract, from which a found 1/2-iron rod with cap (illegible) bears South 18°21' West, a distance of 0.5 feet;

THENCE, along the common line between said Westchase Center, Inc. tract and the City of Tyler tract the following two courses:

North 11°44'37" West, a distance of 599.59 feet to a 1/2-inch iron rod with cap (RPLS 2131) found for corner; and

South 88°13'35" West, a distance of 584.19 feet to a 5/8-inch iron rod found with cap stamped "TRI TECH DFW SURVEYING" marking a corner of the herein described tract of land;

THENCE, North 35°49'27" East, a distance of 732.23 feet to a 5/8-inch iron rod set with cap stamped "TRI TECH DFW SURVEYING" marking an interior corner of the herein described tract of land and the beginning of a non-tangent curve to the right, from which the radius point of said non-tangent curve bears North 10°10'03" East, a distance of 2000.00 feet;

THENCE, Northwesterly, an arc distance of 680.20 feet along said non-tangent curve to the right having a radius of 2000.00 feet, a central angle of 19°29'10", and a chord which bears North 70°05'21" West, a distance of 676.92 feet to a 5/8-inch iron rod found with cap stamped "TRI TECH DFW SURVEYING" marking the point of tangency of said curve;

THENCE, North 60°20'46" West, a distance of 528.53 feet to a 5/8-inch iron rod found with cap stamped "TRI TECH DFW SURVEYING" marking an interior corner of the herein described tract of land;

THENCE, South 38°07'43" West, a distance of 430.52 feet to a 5/8" iron rod with cap stamped "TRI-TECH" set for an angle point;

THENCE, South 44°49'00" West, a distance of 527.89 feet to a 5/8-inch iron rod found with cap stamped "TRI TECH DFW SURVEYING" on the aforementioned common line between the City of Tyler and Westchase Center, Inc. tracts, and marking a corner of the herein described tract of land;

THENCE, along the common line between said Westchase Center, Inc. tract and the City of Tyler tract the following six courses:

North  $31^{\circ}44'06''$  West (North  $29^{\circ}56'06''$  West), a distance of 874.08 feet to a 2 inch iron pipe found for corner;

South  $87^{\circ}28'59''$  West, a distance of 200.00 feet (200.00 feet) to a 1-inch iron pipe found for corner;

North  $02^{\circ}21'41''$  West, a distance of 2159.28 feet to a capped 1/2 inch iron rod found (Carter & Burgess) for the corner, from which a found 1-inch sucker rod bears North  $42^{\circ}23'$  West, a distance of 0.4 feet;

South  $44^{\circ}39'04''$  West, a distance of 1791.07 feet to a 5/8-inch iron rod found with cap stamped "TRI TECH DFW SURVEYING" marking the point of curvature of a tangent curve to the left;

Southwesterly an arc distance of 880.83 feet, along said tangent curve to the left having a radius of 5480.00 feet, a central angle of  $09^{\circ}12'34''$ , and a chord which bears South  $40^{\circ}02'09''$  West, a distance of 879.88 feet to a point for a corner, from which a found capped (RPLS2131) 1/2-inch iron rod bears North  $31^{\circ}17'$  West a distance of 0.5 feet; and

North  $43^{\circ}19'35''$  West, a distance of 204.24 feet to a found capped 1/2-inch iron rod (RPLS 2131) marking the most westerly common corner between said tracts and being on the Southeasterly right-of-way of the St. Louis Southwestern Railroad (100-foot right-of-way) also being on the arc of a non-tangent curve to the right, from which the radius point of said non-tangent curve bears South  $54^{\circ}09'27''$  East, a distance of 5680.00 feet;

THENCE, along the common line between the southeasterly right of way line of the St. Louis Southwestern Railroad, the northerly line of said Westchase Center, Inc. tract and Heine's tract the following four courses:

Northeasterly, an arc distance of 873.26 feet along said non-tangent curve to the right having a radius of 5680.00 feet, a central angle of  $08^{\circ}48'31''$ , and a chord which bears North  $40^{\circ}14'49''$  East, a distance of 872.40 feet, to a found capped 1/2-inch iron (RPLS 2131) rod found marking the point of tangency of said curve;

North  $44^{\circ}39'04''$  East, passing at a distance of 2251.19 feet the northwest corner of that certain called 77.941 acre (Tract one) as conveyed to Martin J. Heines and Michelle T. Heines by deed recorded in Volume 7649, Page 352, Deed Records, Smith County, Texas, and continuing a total distance of 2635.95 feet to a 1/2-inch iron rod found marking the beginning of a tangent curve to the right;

Northeasterly, an arc distance of 961.07 feet along said tangent curve to the right having a radius of 1426.88 feet, a central angle of  $38^{\circ}35'28''$ , and a chord which bears North  $63^{\circ}56'49''$  East, a distance of 943.00 feet to a 1/2-inch iron rod found marking the end of said curve; and

North  $83^{\circ}14'33''$  East, a distance of 1650.85 feet to a 1/2-inch iron rod found marking the common northerly corner between said Heines tract and that certain called 1.59 acre tract conveyed to the Trustees of the Dale Chappell Church of Smith County, by deed recorded in Volume 103, Page 594, Deed Records, Smith County, Texas;

THENCE, South  $03^{\circ}22'14''$  East, along the common line between said Heines and Dale Chappell Church tracts, passing at a distance of 225.24 feet a found 1/2-inch iron pipe and continuing a total distance of 240.15 feet to a point for a corner on the northerly line of said WestchaseCenter, Inc. tract, from which a found 1/2-inch iron rod bears North  $72^{\circ}02'$  East, a distance of 0.65 feet;

THENCE, North 79°25'45" East, along the centerline of Bellwood Road and northerly line of said Westchase Center, Inc. tract, a distance of 937.32 feet pk nail found marking the original interior ell corner of the certain tract of land conveyed to Joe Potter by deed recorded in Volume 865, Page 367, deed Records, Smith County, Texas, said corner also being the northerly common corner between said Westchase Center, Inc. tract and that certain tract of land conveyed to Jarvco Inc. by deed recorded in Volume 2753, Page 237, Deed Records, Smith County, Texas;

THENCE, South 01°39'01" East, along the common line between said Westchase Center, Inc. tract, Joe Potter tract and Jarvco tracts, passing at a distance of 1174.17 feet a 3/4-inch iron pipe found marking the southwest corner of said Joe Potter tract and continuing a total distance of 2452.07 feet to a 5/8-inch iron rod set with plastic cap stamped "TRI TECH DFW SURVEYING" marking a common southerly corner between said Jarvco Inc. tract and an interior ell corner of said Westchase Center, Inc. tract;

THENCE, North 85°43'28" East, along the common line between said Westchase Center, Inc. tract, Unit 1, Westchase Subdivision, Jarvco Inc. tract and that certain tract of land conveyed to Pearl Nelson, a distance of 1919.70 feet to a 1/2-inch iron rod found on the common line between the east right of way line of Whiteside Drive (60 foot wide right of way) and west line of Lot 1, N.C.B. 1545A, Unit 1, Westchase Subdivision for corner;

THENCE, North 01°51'13" West, along the common line between said lot 1 and the east right of way line of Whiteside Drive, a distance of 76.19 feet to a 5/8-inch iron rod found with plastic cap stamped "TRI TECH DFW SURVEYING" marking a corner of the herein described tract of land;

THENCE, North 88°06'56" East, a distance of 839.01 feet to the POINT OF BEGINNING and containing a computed area of 538.33 acres of land.