

PETITION FOR THE CREATION OF A PUBLIC IMPROVEMENT DISTRICT TO FINANCE  
IMPROVEMENTS TO THE CROSSINGS

THE STATE OF TEXAS     §

§

COUNTY OF COMAL       §

TO:   THE HONORABLE COUNTY JUDGE AND COMMISSIONERS OF COMAL  
      COUNTY

The undersigned petitioners (the "*Petitioners*"), acting pursuant to the provisions of Chapter 372, Texas Local Government Code, as amended (the "*Act*"), request that Comal County create a public improvement district (the "*District*") in the territory described in Exhibit A attached hereto (the "*Land*") within Comal County, Texas (the "*County*"), and in support of this petition the *Petitioners* would present the following:

Section 1. Standing of Petitioners. In compliance with the requirements of Texas Local Government Code, Section 372.005(b), as determined by the current tax roll of the Comal County Appraisal District, the *Petitioners* constitute: (i) the owners of taxable real property representing more than 50% of the appraised value of real property liable for assessment under the proposal described herein, and (ii) the record owners of taxable real property that constitutes more than 50% of the area of all taxable real property that is liable for assessment under such proposal.

Section 2. General Nature of the Proposed Construction and Maintenance of the Public Improvements. The general nature of the proposed public improvements are: (i) the establishment of parks and open space, together with the design, construction and maintenance of any ancillary structures, features or amenities such as trails, pavilions, community facilities, swimming pools, irrigation, walkways, lighting, benches, trash receptacles and any similar items located therein; (ii) landscaping; (iii) acquisition, construction, and improvement of water, wastewater and drainage facilities; (iv) acquisition, construction and improvement of streets, roadways, rights-of-way and related facilities; (v) entry monumentation and features; (vi) signage; (vii) projects similar to those listed in subsections (i) – (vi) above; and (viii) payment of costs associated with constructing and financing the public improvements listed in subparagraphs (i) – (vii) above, including costs of establishing, administering and operating the *District*.

Section 3. Estimated Cost of the Proposed Construction of the Public Improvements. \$5,000,000.00 (including issuance and other financing costs).

Section 4. Boundaries. The proposed boundaries of the *District* are described on Exhibit A attached hereto.

Section 5. Method of Assessment. An assessment methodology will be prepared that will address: (i) how the costs of the public improvements financed with the assessments are assessed against the property in the *District*, (ii) the assessments to be collected each year, and (iii) reduction of the assessments for costs savings (pursuant to the annual review of the service plan for the *District*). Additionally, a report will be prepared showing the special benefits accruing to property in the *District* and how the costs of the public improvements are assessed to

accruing to property in the District and how the costs of the public improvements are assessed to property on the basis of the special benefits. The result will be that equal shares of the costs will be imposed on property similarly benefited.

The assessment methodology will result in each parcel paying its fair share of the costs of the public improvements provided with the assessments based on the special benefits received by the property from the public improvements and property equally situated paying equal shares of the costs of the public improvements.

Section 6. Apportionment of Cost between the County and the District. Approval and creation of the PID will not obligate the County to provide any funds to finance the proposed public improvements. All of the costs of the proposed public improvements will be paid by assessments of the property within the District and from other sources of funds, if any, available to the owner of the Land.

Section 7. Management of the District. The County will manage the District, or, to the extent allowed by law, the County may contract with either a non-profit, or a for-profit organization including a Public Facilities Corporation created by the County pursuant to Chapter 303, Texas Local Government Code, to carry out all or a part of the responsibilities of managing the District, including the day-to-day management and administration of the District.

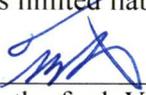
Section 8. Advisory Board. An advisory board may be established by the Commissioners of the County (the "*Commissioner's Court*").

The signers of this petition request the establishment for the District and this petition will be filed with the County Clerk in support of the creation of the District by the Commissioner's Court as herein provided.

[Signature on following page]

PETITIONER:

Southstar at Spencer Land, LLC,  
a Texas limited liability company

By:   
Thad Rutherford, Vice President

THE STATE OF TEXAS  
COUNTY OF Travis

THIS INSTRUMENT is acknowledged before me on this 15 day of September, 2015, by Thad Rutherford, Vice President of Southstar at Spencer Land, LLC a Texas limited liability company, on behalf of said limited liability company.

[SEAL]

  
Notary Public, State of Texas



**EXHIBIT A**

**LAND**

BEING An 88.176 ACRE TRACT OF LAND SITUATED IN THE NANCY KENNER SURVEY NO. 3, ABSTRACT NO. 306, COMAL COUNTY, TEXAS AND BEING THAT CERTAIN 88.193 ACRE TRACT (TRACT 3), CONVEYED TO BLUEGREEN SOUTHWEST ONE, L.P., AND RECORDED IN DOCUMENT NO. 200506026533 OF THE OFFICIAL RECORDS OF COMAL COUNTY, TEXAS, SAID 88.176 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**BEGINNING**, AT A FOUND 1/2" IRON ROD SITUATED ON THE SOUTHEASTERLY RIGHT OF WAY LINE OF FM 1102 SITUATED FOR REFERENCE S 57° 35' 29" E, A DISTANCE OF 10.09 FEET FROM A FOUND 1/2" IRON ROD AND MARKING THE WESTERLY CORNER OF THAT CERTAIN 5.000 ACRE TRACT DESCRIBED IN DOCUMENT NO. 9906008190, OFFICIAL RECORDS OF COMAL COUNTY, TEXAS AND MARKING THE MOST NORTHERLY CORNER AND **POINT OF BEGINNING** OF THIS TRACT;

**THENCE**, ALONG THE COMMON BOUNDARY LINE OF SAID 5.000 ACRE TRACT AND THIS TRACT THE FOLLOWING COURSES:

S 58° 20' 55" E, A DISTANCE OF 629.67 FEET TO A FOUND 1/2" IRON ROD MARKING A CORNER OF THIS TRACT;

S 01° 15' 49" E, A DISTANCE OF 171.60 FEET TO A FOUND 1/2" IRON ROD MARKING A CORNER OF THIS TRACT;

S 07° 11' 20" E, A DISTANCE OF 94.15 FEET TO A FOUND 1/2" IRON ROD MARKING A CORNER OF THIS TRACT;

S 08° 32' 49" W, A DISTANCE OF 390.22 FEET TO A SET 1/2" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "SHERWOOD SURVEYING" MARKING A CORNER OF THIS TRACT;

S 17° 53' 47" E, A DISTANCE OF 169.80 FEET TO A FOUND 1/2" IRON ROD SITUATED ON THE NORTHWESTERLY RIGHT OF WAY LINE OF THE UNION PACIFIC RAILROAD AND MARKING THE SOUTHERLY CORNER OF SAID 5.000 ACRE TRACT AND THE MOST SOUTHEASTERLY CORNER OF THIS TRACT;

**THENCE**, S 42° 45' 17" W, ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 3153.98 FEET TO A FOUND 1/2" IRON ROD MARKING THE EASTERLY CORNER OF THAT CERTAIN 68.465 ACRE TRACT DESCRIBED IN DOCUMENT NO. 200606053122, OFFICIAL RECORDS OF COMAL COUNTY, TEXAS AND THE MOST SOUTHERLY CORNER OF THIS TRACT;

**THENCE**, N 46° 01' 42" W, ALONG THE COMMON EASTERLY BOUNDARY LINE OF SAID 68.465 ACRE TRACT AND SOUTHWESTERLY BOUNDARY LINE OF

THIS TRACT, A DISTANCE OF 1308.74 FEET TO A FOUND 1/2" IRON ROD SITUATED ON AN ARC OF A CURVE TO THE RIGHT ON THE SAID SOUTHEASTERLY RIGHT OF WAY LINE OF FM 1102, MARKING THE WESTERLY CORNER OF THIS TRACT;

**THENCE**, ALONG THE COMMON BOUNDARY LINE OF THIS TRACT AND SAID RIGHT OF WAY LINE THE FOLLOWING COURSES:

NORTHEASTERLY, ALONG THE ARC OF SAID CURVE TO THE RIGHT HAVING A RADIUS OF 1860.10 FEET, A CENTRAL ANGLE OF  $04^{\circ}57'31''$ , AN ARC LENGTH OF 160.98 FEET AND A CHORD BEARING: N  $56^{\circ}42'02''$  E, 160.93 FEET TO A SET 1/2" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "SHERWOOD SURVEYING" MARKING A CORNER OF THIS TRACT;

N  $59^{\circ}08'58''$  E, A DISTANCE OF 913.86 FEET TO A FOUND 1/2" IRON ROD SITUATED FOR REFERENCE S  $79^{\circ}37'29''$  E, A DISTANCE OF 1.17 FEET FROM A FOUND TYPE I TXDOT MONUMENT, AT THE BEGINNING OF A CURVE TO THE LEFT AND MARKING A CORNER OF THIS TRACT;

NORTHEASTERLY, ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A RADIUS OF 1960.10 FEET, A CENTRAL ANGLE OF  $27^{\circ}33'11''$ , AN ARC LENGTH OF 942.60 FEET AND A CHORD BEARING: N  $45^{\circ}21'15''$  E, 933.54 FEET TO A FOUND TYPE I TXDOT MONUMENT MARKING A CORNER OF THIS TRACT;

N  $31^{\circ}36'32''$  E, A DISTANCE OF 826.11 FEET TO A FOUND A FOUND TYPE I TXDOT MONUMENT AT THE BEGINNING OF A CURVE TO THE RIGHT, MARKING A CORNER OF THIS TRACT;

NORTHEASTERLY, ALONG THE ARC OF SAID CURVE TO THE RIGHT HAVING A RADIUS OF 1860.10 FEET, A CENTRAL ANGLE OF  $09^{\circ}53'41''$ , AN ARC LENGTH OF 321.23 FEET AND A CHORD BEARING: N  $36^{\circ}26'38''$  E, 320.83 FEET TO FOUND TYPE I TXDOT MONUMENT MARKING A CORNER OF THIS TRACT;

N  $41^{\circ}21'08''$  E, A DISTANCE OF 500.12 FEET TO THE **POINT OF BEGINNING**, CONTAINING AN AREA OF 88.176 ACRES OF LAND MORE OR LESS.