

**TOWN OF NORTHLAKE, TEXAS**

**RESOLUTION NO. 13-10**

**A RESOLUTION OF THE TOWN COUNCIL OF THE  
TOWN OF NORTHLAKE, TEXAS, AUTHORIZING THE  
CREATION OF NORTHLAKE PUBLIC IMPROVEMENT  
DISTRICT NO. 1.**

**WHEREAS**, Chapter 372 of the Texas Local Government Code (the “Act”) authorizes the creation of public improvement districts; and

**WHEREAS**, on April 8, 2013, the owners of real property as described in Exhibit A delivered to the Town of Northlake a petition (the “Petition”) indicating the (i) the owner of more than 50% of the appraised value of the taxable real property liable for assessment and (ii) the owners of more than 50% of the area of all taxable real property liable for assessment within the District have executed the Petition requesting that the Town Council create the Northlake Public Improvement District No. 1 (the “District”), as shown on Exhibit “B” (the “Map of the District”); and

**WHEREAS**, the Act states that the Petition is sufficient if signed by owners of more than 50 percent of the taxable real property, according to appraised value, and either of the following: more than 50 percent of the area of all taxable real property liable for assessment under the proposal, or more than 50 percent of all record owners of property liable for assessment; and

**WHEREAS**, Town Staff reviewed the Petition and determined that same complied with the requirements of the Act; and

**WHEREAS**, the Act further requires that prior to the adoption of the resolution creating the District, the Town Council must hold a public hearing on the advisability of establishing the District, the nature of the improvements contemplated, the estimated costs of the improvements, the boundaries of the District, the method of assessment, and the apportionment, if any, of the costs between the District and the Town as a whole; and

**WHEREAS**, on May 9, 2013, the Town Council authorized a public hearing to be held on May 23, 2013, to hear comments and concerns regarding creation of the District and to

receive evidence and testimony concerning the matters set forth in this Resolution and required by the Act for creation of the District; and

**WHEREAS**, after providing the notices required by Section 372.009 of the Act, the Town Council, on May 23, 2013, conducted a public hearing on the advisability of creating the District and, after duly receiving evidence and testimony therein, including public comment, adjourned such public hearing.

**NOW, THEREFORE**, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF NORTHLAKE:

**Section 1.** Pursuant to the requirements of the Act, the Town Council, after considering the Petition for the proposed District and the evidence and testimony presented at the public hearing on May 23, 2013, hereby finds and declares that the facts and recitals contained in the Preamble of this Resolution are true and correct and, further, finds and declares:

- (a) Advisability of Services and Improvements Proposed for the District. It is advisable to create the District to provide the services and improvements described in this Resolution; the services and improvements will contribute to the public health, safety, and welfare and such services and improvements are authorized by the Act and approved by the Town Council.
- (b) Nature of the Services and Improvements. The general nature of the services and improvements to be performed by the District are:
  - Turf maintenance, which includes seasonal specifications for mowing height and cycles for the various types of landscaped areas and grasses, specifications for edging and trimming, and specifications for the application of herbicides as required;
  - Horticultural maintenance, which controls the weeding and cultivation of shrubs and ground-cover beds;
  - Irrigation maintenance, which includes inspection schedules and management of seasonal watering schedules and repairs to the system as required;
  - Seasonal color specifications to control type, color, number and size of plants to be installed in applicable areas;
  - Tree care, which includes tree fertilization, pruning and insect disease control;
  - Water, electricity and any other associated utility costs for irrigation systems;
  - Maintenance and repair of special fencing and walls;

- Maintenance and repair of fountains, lakes and other water features;
- Ground and holiday lighting maintenance;
- Supplementary security services;
- Other services incidental to the maintenance of landscaping;
- Maintenance and repair of special streetlight and street signs; and,
- Other services incidental to the maintenance and repair of other qualified public facilities.

Note: The District will not be responsible for the maintenance or repair of any Town-owned playground or other recreational equipment located within the District.

- (c) Estimated Cost of Services and Improvements. It is estimated that the District's first year budget starting July 1, 2013 will be approximately \$56,800, which will result in an estimated annual assessment for the first year of approximately \$630 for a home within the District having an appraised value of \$300,000. In addition, the Applicant will, have at its option, have the right to negotiate with each homebuilder purchasing lots within the District a "Builder Contribution Fee" due each year while such lot remains vacant and undeveloped.
- (d) Boundaries. Except as may be shown on Exhibit "A", the majority of the District is not located in the full purpose Town limits of the Town of Northlake, Texas. The boundaries of the District are shown on the Map of the District attached hereto as Exhibit "A" and by the metes and bounds description hereof attached as Exhibit "B".
- (e) Method of Assessment. District costs may be assessed using any methodology that results in the imposition of equal shares of the costs on property similarly benefited within the District.

The City shall exclude the following classes of property from assessment: (i) property of the City; (ii) property of the County, and (iii) property owned by political subdivisions of the State of Texas and used for public purposes; and (iv) other property that is excluded by law or by agreement of the City and the petitioners.

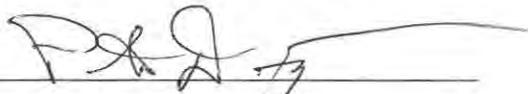
- (f) Assessment Roll and Setting of Rate. The Town Administrator, or its designated representative, shall annually prepare an assessment roll and file that roll with the Town Clerk, in conformity with the exemptions from assessment established under subparagraph (e) above. The annual assessment installment for the first year of the District shall not exceed .21% per \$100.00 valuation of taxable real property as shown on the tax rolls of the Denton Central Appraisal District.

**Section 2.** The Northlake Public Improvement District No. 1 is hereby authorized and created as a Public Improvement District under the Act in accordance with the findings set forth in this Resolution as to the advisability of the services and improvements. The District shall be subject to the terms, conditions, limitation, and reservations contained in the findings of Section 1 of this Resolution.

**Section 3.** The Town Clerk is directed, if required under Town law, to give notice of the authorization of establishment of the District by publishing a copy of this Resolution once in a newspaper of general circulation in the Town of Northlake. Such authorization shall take effect and the District shall be deemed to be established effective upon publication of such notice if such publication is required. Otherwise, the District shall be deemed to be established effective upon a vote by a majority of the members of the Town Council. The District can be terminated as provided by law. Subject to the last sentence of this Section 3, the power of the Town to continue to levy and collect assessments within the District pursuant to the Act will cease and the District will be dissolved following the date that a petition requesting dissolution is filed with the Town Clerk of the Town of Northlake and the petition contains signatures of at least the number of property owners in the District to make the petition sufficient for creation of a public improvement district as provided in Section 372.005(b) of the Act, and a public hearing has been held by the Town Council as described in Section 372.011 of the Act. If the District is dissolved, the District shall remain in effect for the purpose of meeting obligations of indebtedness.

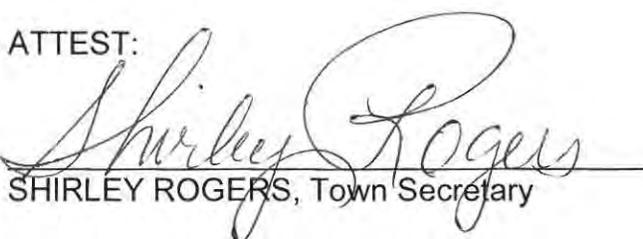
**PASSED AND APPROVED THIS THE 23<sup>RD</sup> DAY OF MAY, 2013**

**TOWN OF NORTHLAKE, TEXAS**



PETER DEWING, Mayor

ATTEST:



SHIRLEY ROGERS, Town Secretary

Exhibit "A"

BELMONT 407, LLC  
CC\* 2011-124875  
R.P.R.D.C.T.

Justin Road

Paula K. Thompson  
Inst.\* 2009-147653  
R.P.R.D.C.T.

BELMONT 407, LLC  
Inst.\* 2011-124875  
R.P.R.D.C.T.

Belmont 407, LLC  
Inst.\* 2012-130827  
R.P.R.D.C.T.



1" = 1000'

Richard Farris  
Inst.\* 2009-143980  
R.P.R.D.C.T.

Belmont 407, LLC  
Inst.\* 2012-130827  
R.P.R.D.C.T.

Harvest Phase I, LLC.  
Inst.\* 2012-122110  
R.P.R.D.C.T.

Belmont 407, LLC  
Inst.\* 2012-146888  
R.P.R.D.C.T.

Prairie Mound Cemetery

Southlake Equip.  
Co. Inc.  
Inst.\* 2006-46806  
R.P.R.D.C.T.

Belmont 407, LLC  
Inst.\* 2012-145967  
R.P.R.D.C.T.

Harvest Phase I, LLC.  
Inst.\* 2012-122109  
R.P.R.D.C.T.

Realty Capital Argyle  
II, Ltd.  
Inst.\* 2006-81505  
R.P.R.D.C.T.

Alliance  
Church of Christ  
Inst.\* 2002-92517  
R.P.R.D.C.T.

POB

FM 407

IH 35W

Town of Northlake Limit Line

Exhibit of 889.515 Acres



5751 KROGER DR. STE. 185 | KELLER, TX 76244 | 817-562-3350

JOB #	HWR11004	DRAWN BY:	TAB	CHECKED BY:	WB	DATE:	4-5-13	PAGE #	1 OF 1
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**Description of a  
889.515 Acre Tract**

**BEING** a tract of land situated in the Patrick Rock Survey, Abstract Number 1063 City of North Lake, Denton County, Texas and being all of those tracts of land described by deed to Harvest Phase 1, LLC., as recorded in Instrument Number 2012-122109, and Instrument Number 2012-122110, all of Belmont 407, LLC., as recorded in Instrument Number 2012-130827, Instrument Number 2012-145967, Instrument Number 2012-146888, a portion of Instrument Number 2011-124875, and a portion of Realty Capital Argyle 114, LTD, Instrument Number 2006-81505, all of Real Property Records, Denton County, Texas and being more particularly described by metes and bounds as follows:

**BEGINNING** at the southwest corner of said Belmont 407, LLC tract recorded in Instrument Number 2012-145967, also being in the north right-of-way of FM 407;

**THENCE** N 00°34'58"W, 2690.39 feet, departing said north right-of-way to the northwest corner of the above mentioned Belmont tract, also being the southwest corner of said Belmont 407, LLC. tract as recorded in Instrument Number 2012-130827, said County Records;

**THENCE** N 00°24'34"W, 897.67 feet with the west line of the above mentioned Belmont tract;

**THENCE** N 89°42'38"W, 199.35 feet continuing with said west line;

**THENCE** N 00°06'34"E, 1926.74 feet with said west line to the northwest corner of the above mentioned Belmont tract;

**THENCE** N 89°54'09"W, 1379.40 feet, departing said west line to the northerly southwest corner of the above mentioned Belmont 407, LLC. tract as recorded in Instrument Number 2011-124875, said County Records;

**THENCE** N 89°52'03"W, 742.40 feet with the west line of said Belmont tract;

**THENCE** N 00°28'40"W, 977.69 feet with said west line;

**THENCE** N 89°52'48"W, 452.32 feet continuing with said west line;

**THENCE** N 00°21'09"W, 1854.93 feet continuing with said west line to the northwest corner of said Belmont 407 tract;

**THENCE** S 89°58'58"E, 275.33 feet with the north line of said Belmont tract;

**THENCE** S 88°54'09"E, 1702.42 feet with said north line;

**THENCE** S 89°43'17"E, 3068.91 feet with said north line;

**THENCE** N 89°57'08"E, 1539.87 feet continuing with said north line;

**THENCE** S 89°36'30"E, 45.27 feet with said north line;

**THENCE** S 00°16'50"W, 41.47 feet, departing said north line, the beginning of a curve to the left;

**THENCE** with said curve to the left, an arc distance of 438.00 feet, through a central angle of 53°44'04", having a radius of 467.03 feet, the long chord which bears S 27°02'53"E, 422.12 feet;

**THENCE** N 80°00'02"E, 14.03 feet;

**THENCE** S 58°10'22"E, 65.18 feet;

**THENCE** S 27°46'42"W, 86.05 feet;

**THENCE** S 25°47'23"W, 76.18 feet, the beginning of a curve to the left;

**THENCE** with said curve to the left, an arc distance of 259.65 feet, through a central angle of 26°14'14", having a radius of 567.00 feet, the long chord which bears S 12°40'16"W, 257.38 feet;

**THENCE** S 00°26'51"E, 759.99 feet;

**THENCE** N 88°59'45"W, 389.79 feet;

**THENCE** S 00°24'22"E, 227.47 feet;

**THENCE** S 89°44'57"E, 389.86 feet;

**THENCE** S 00°26'51"E, 2376.67 feet;

**THENCE** with said curve to the right, an arc distance of 368.15 feet, through a central angle of 39°34'29", having a radius of 533.00 feet, the long chord which bears S 19°20'23"W, 360.87 feet;

**THENCE** S 39°07'38"W, 179.39 feet, the beginning of a curve to the left;

**THENCE** with said curve to the left, an arc distance of 323.92 feet, through a central angle of 39°44'28", having a radius of 467.00 feet, the long chord which bears S 19°15'24"W, 317.46 feet;

**THENCE** S 00°36'50"E, 16.70 feet;

**THENCE** S 45°30'09"E, 14.17 feet;

**THENCE** N 89°36'32"E, 23.59 feet;

**THENCE** S 00°09'01"W, 66.00 feet;

**THENCE** S 89°36'32"W, 20.39 feet;

**THENCE** S 44°36'32"W, 14.14 feet;  
**THENCE** S 00°23'28"E, 518.00 feet;  
**THENCE** S 45°23'28"E, 14.14 feet;  
**THENCE** S 02°17'42"E, 54.03 feet;  
**THENCE** S 43°39'25"W, 16.96 feet;  
**THENCE** S 00°23'28"E, 505.39 feet;  
**THENCE** S 49°21'00"E, 16.81 feet to the beginning of a curve to the right;  
**THENCE** with said curve to the right, an arc distance of 24.36 feet, through a central angle of 21°28'21", having a radius of 65.00 feet, the long chord which bears S 38°36'50"E, 24.22 feet;  
**THENCE** S 00°23'28"E, 60.00 feet to the beginning of a curve to the right;  
**THENCE** with said curve to the right, an arc distance of 13.87 feet, through a central angle of 12°13'43", having a radius of 65.00 feet, the long chord which bears S 33°12'35"W, 13.85 feet;  
**THENCE** S 00°23'28"W 40.00 feet to the beginning of a curve to the right;  
**THENCE** with said curve to the right, an arc distance of 637.11 feet, through a central angle of 34°45'55", having a radius of 1050.00 feet, the long chord which bears S 16°59'29"W, 627.38 feet;  
**THENCE** S 34°22'27"W, 887.59 feet to the beginning of a curve to the left;  
**THENCE** with said curve to the left, an arc distance of 576.75 feet, through a central angle of 34°47'04", having a radius of 950.00 feet, the long chord which bears S 16°58'55"W, 567.93 feet;  
**THENCE** S 00°24'37"W, 112.39 feet;  
**THENCE** S 89°35'23"W, 1310.60 feet;  
**THENCE** N 00°23'28"W, 9.14 feet;  
**THENCE** N 88°36'40"W, 81.89 feet;  
**THENCE** N 88°10'38"W, 100.00 feet;  
**THENCE** N 87°57'40"W, 100.00 feet;  
**THENCE** N 88°48'40"W, 100.00 feet;

**THENCE** N 89°59'57"W, 601.38 feet;

**THENCE** S 89°47'44"W, 516.97 feet to the **Point of Beginning** and containing 38,747,267 square feet or 889.515 acres of land more or less.

"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."