

RESOLUTION NO. 4165

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DENISON, TEXAS DECLINING A PETITION CONCERNING THE CREATION OF THE COURTYARDS AT KATY TRAIL PUBLIC IMPROVEMENT DISTRICT; AND RESOLVING OTHER MATTERS IN CONNECTION THEREWITH.

WHEREAS, the City Council (the “City Council”) of the City of Denison, Texas (the “City”) has received a petition, dated July 10, 2024 to create the Courtyards at Katy Trail Public Improvement District (the “Petition”), which Petition is attached hereto as **Exhibit A** and which Petition is submitted pursuant to Subchapter A of Chapter 372, as amended, Texas Local Government Code (the “Act”); and

WHEREAS, the Petition indicated: (i) the owner 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 roll of the appraisal district in which the property is located and (ii) record owners of real property liable for assessment under the proposal who: (a) constitute more than 50 percent of all records owners of property liable for assessment under the proposal; or (b) own taxable real property that constitutes more than 50 percent of the area of all taxable real property that is liable for assessment under the proposal, executed the Petition; and

WHEREAS, the City Council reviewed, in consultation with its advisors, the advisability of the proposed improvement, its estimated cost, the method of assessment, and the apportionment of cost between the proposed improvement district and the municipality or county as a whole; and

WHEREAS, the City Council hereby finds and determines that the City should not proceed with accepting the Petition and the conducting of a public hearing concerning the creation of the PID; and

WHEREAS, the City Council hereby finds and determines that these actions are in the best interests of the residents of the City.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DENISON, TEXAS AS FOLLOWS:

Section 1. City staff and its advisors have reviewed the Petition and have provided information regarding the Petition to the Mayor and Council. The Petition is filed with the office of the City Clerk and is available for public inspection.

Section 2. The City Council hereby declines the Petition and declines to call a public hearing on the advisability of the improvement.

Section 3. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Resolution for all purposes and are adopted as a part of the judgment and findings of the City Council.

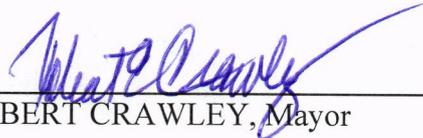
Section 4. This Resolution shall be construed and enforced in accordance with the laws of the State and the United States of America.

Section 5. If any provision of this Resolution or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Resolution and the application of such provision to other persons and circumstances shall nevertheless be valid, and this City Council hereby declares that this Resolution would have been enacted without such invalid provision.

Section 6. It is officially found, determined, and declared that the meeting at which this Resolution is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Resolution, was given, all as required by Chapter 551, as amended, Texas Government Code.

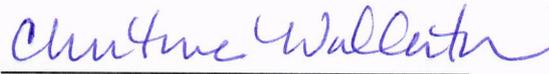
ADOPTED, PASSED, AND APPROVED on this the 19th day of August, 2024.

CITY OF DENISON, TEXAS



ROBERT CRAWLEY, Mayor

ATTEST:



Christine Wallentine, City Clerk



EXHIBIT A

PETITION
(see attached Petition)

PETITION FOR CREATION OF THE COURTYARDS AT KATY TRAIL PUBLIC IMPROVEMENT DISTRICT WITHIN THE CITY OF DENISON, TEXAS

RECEIVED IN THE OFFICE
OF THE CITY CLERK

THE STATE OF TEXAS §

COUNTY OF GRAYSON §

JUL 10 2024

11:35 am

c. willcutt

TO THE HONORABLE MAYOR AND CITY COUNCIL, CITY OF DENISON, TEXAS:

COMES NOW Vita Nova Construction, LLC, a Texas limited liability company (“Petitioner”), the owner of certain taxable real property, and pursuant to Chapter 372 of the Texas Local Government Code, as amended (the “Act”), hereby petitions the City of Denison, Texas (“City”) to establish the Courtyards at Katy Trail Public Improvement District (the “District”) to include property owned by the Petitioner and located within the corporate limits of the City. In support of same, Petitioner would respectfully show the following:

I.

The boundaries of the proposed District are set forth in **Exhibit A** attached hereto and incorporated by reference herein (the “Property”).

II.

The general nature of the proposed public improvements to be provided by the District that are necessary for the development of the Property within the District and which shall promote the interests of the City and confer a special benefit upon the Property, may include: (i) design, acquisition, construction, improvement, and other allowed costs related to street and roadway improvements, including related drainage, sidewalks, utility relocation, signalization, landscaping, lighting, signage, off-street parking and right-of-way; (ii) design, acquisition, construction, improvement, and other allowed costs related to storm drainage improvements, (iii) design, acquisition, construction, improvement, and other allowed costs related to water, wastewater and drainage (including detention) improvements and facilities, (iv) design, acquisition, construction, improvement, and other allowed costs related to parks, open space and recreational improvements including trails and landscaping related thereto; (v) design, construction and other allowed costs related to projects similar to those listed in sections (i) – (iv) above authorized by the Act, including similar off-site projects that provide a benefit to the Property within the District; (vi) acquisition of real property, interests in real property, or contract rights in connection with each Authorized Improvement (vii) payment of expenses incurred in the establishment, administration, and operation of the District; (viii) payment of expenses associated with financing such public improvement projects, which may include but are not limited to, costs associated with the issuance and sale of revenue bonds secured by assessments levied against the Property within the District; and (ix) maintenance and operation expenses of the Authorized Improvements (collectively, the “Authorized Improvements”).

III.

The Petitioner estimates the cost to design, acquire and construct the Authorized Improvements is \$15,000,000.00.

IV.

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. Each assessment may be paid in part or in full at any time (including interest), and certain assessments may be paid in annual installments (including interest). If the City allows an assessment 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 assessment and must continue for a period necessary to retire the indebtedness on those Authorized Improvements (including interest).

V.

The City will not be obligated to provide any funding to finance the Authorized Improvements, other than from assessments levied in the District and possible tax increment reinvestment zone revenues. No City property in the District shall be assessed. The Petitioner may fund certain improvements from other funds available to the Petitioner.

VI.

The management of the District will be by the City, with the assistance of one or more consultants, who shall, from time to time, advise the City regarding certain operations of the District.

VII.

The person or entity (through authorized representatives) signing this Petition for Creation of the Courtyards at Katy Trail Public Improvement District Within the City of Denison, Texas (the "Petition") concurs with the establishment of the District and has the corporate authority to execute and deliver the Petition.

VIII.

The Petitioner proposes the District be established and managed without the creation of an advisory board. However, if an advisory board is created, the Petitioner requests a representative of the Petitioner be appointed to the advisory board.

IX.

The person or entity (through authorized representatives) signing this Petition is also owner of taxable real property representing more than fifty percent (50%) of the appraised value of taxable real property liable for assessment under the proposal as determined by the current roll of the appraisal district in which the Property is located; and the record owner of real property liable for assessment under the proposal who (a) constitutes more than fifty percent (50%) of all record owners of property that is liable for assessment under the proposal, and (b) owns taxable real property that constitutes more than fifty percent (50%) of the area of

all taxable real property that is liable for assessment under the proposal.

X.

This Petition is hereby filed with the City Clerk, City of Denison, Texas, in support of the creation of the District by the City Council of the City as herein provided. The undersigned requests that the City Council grant its consent as above stated.

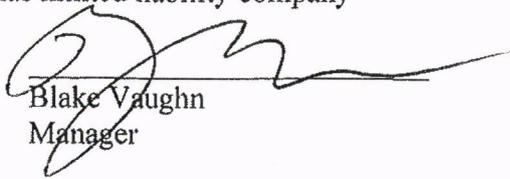
RESPECTFULLY SUBMITTED, on this 10th day of July, 2024.

[Signature on following page]

PETITIONER

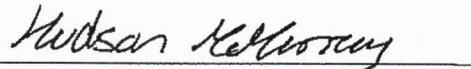
VITA NOVA CONSTRUCTION, LLC,
a Texas limited liability company

By:


Blake Vaughn
Manager

THE STATE OF TEXAS §
COUNTY OF Tarrant §

This instrument was acknowledged before me on this the 6 day of July, 2024, by Blake Vaughn, Manager of Vita Nova Construction, LLC, a Texas limited liability company, on behalf of said entity.


Notary Public in and for the
State of T E X A S

(SEAL)

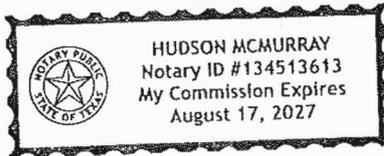


EXHIBIT A
Legal Description

Situated in the County of Grayson, State of Texas, being a part of James Ball Survey, Abstract No. 77, part of James Manning Survey, Abstract No. 781, and part of P.C. Martin Survey, Abstract No. 767, and being part of Lots 12, 13, and 14 of Hunts Subdivision, recorded in Volume 448, Page 93, Deed Records, Grayson County, Texas, and part of a called 95.147 acre tract of land described in the deed to Vita Nova Construction LLC, recorded in Instrument No. 2022-18221, said Official Public Records, and being described by metes and bounds as follows:

Beginning at the center of a creek, on the easterly line of said 95.147 acre tract, and on the westerly right-of-way line of Texoma Parkway, and from which a 1/2" steel rod previously set for the northeast corner of said 95.147 acre tract bears North 28°43'10" East, a distance of 331.48 feet;

Thence South 28°43'10" West, with an easterly line of said 95.147 acre tract, and with the westerly right-of-way line of said Texoma Parkway, passing en route at a distance of 191.88 feet a found concrete right-of-way monument, and continuing on said course, passing en route at a distance of 691.74 feet a found concrete monument, and continuing on said course, a total distance of 926.97 feet to a 1/2" pipe found for the eastern-most southeast corner of said 95.147 acre tract, common to the northeast corner of a called 10.00 acre tract of land described in the deed to Stephen Kiley Wilson Exempt Family Trust, recorded in Volume 5012, Page 713, said Official Public Records;

Thence North 79°00'32" West, with a southerly line of said 95.147 acre tract, and with the northerly line of said 10.00 acre tract, along or near a fence, a distance of 414.54 feet to a 1" pipe found;

Thence North 88°09'53" West, continuing with a southerly line of said 95.147 acre tract, and with the northerly line of said 10.00 acre tract, along or near a fence, a distance of 177.78 feet to a 1/2" steel rod found for a re-entrant corner on the easterly line of said 95.147 acre tract, common to the northwest corner of said 10.00 acre tract;

Thence South 12°28'02" West, with an easterly line of said 95.147 acre tract, and with the westerly line of said 10.00 acre tract, a distance of 886.04 feet to a 1" pipe found for a salient corner of said 95.147 acre tract, common to the southwest corner of said 10.00 acre tract, and on the northerly line of a called 4.028 acre tract of land described in the deed to Four O'Clock Prop., recorded in Volume 5303, Page 166, Official Public Records;

Thence North 60°55'51" West, with a southerly line of said 95.147 acre tract, and with the northerly line of said 4.028 acre tract, passing en route at a distance of 106.90 feet a found 1/2" steel rod, and continuing on said course a total distance of 213.80 feet to a 1/2" steel rod set for the northwest corner of said 4.028 acre tract, common to the northern-most northeast corner of a called 12.983 acre tract of land described in the deed to George Michael Chamberlain, recorded in Volume 4709, Page 189, said Official Public Records;

Thence North 60°53'56" West, continuing with the southerly line of said 95.147 acre tract, and with a northerly line of said 12.983 acre tract, a distance of 708.01 feet to a 1/2" steel rod found for a re-entrant corner on the easterly line of said 95.147 acre tract, common to the northwest corner of said 12.983 acre tract;

Thence South 04°25'12" East, with an easterly line of said 95.147 acre tract, and with the westerly line of said 12.983 acre tract, along or near a fence, a distance of 566.13 feet to a point in a creek;

Thence in a southwesterly direction, continuing with an easterly line of said 95.147 acre tract, and in said creek, the following 6 courses:

1. South 46°16'24" West, a distance of 98.94 feet to a point;
2. North 36°41'47" West, a distance of 43.94 feet to a point;
3. South 39°12'43" West, a distance of 85.55 feet to a point;
4. North 82°11'47" West, a distance of 31.63 feet to a point;
5. South 27°00'45" West, a distance of 74.01 feet to a point;
6. South 54°46'30" West, a distance of 124.72 feet to the southern-most southeast corner of said 95.147 acre tract, common to the northeast corner of a called 37.99 acre tract of land described in the deed to Jennifer Mathews and Richard Mathews II, recorded in Volume 5559, Page 90, said Official Public Records;

Thence North 73°33'05" West, with a southerly line of said 95.147 acre tract, and with the northerly line of said 37.99 acre tract, a distance of 203.60 feet to a set 1/2" steel rod;

Thence North 72°09'41" West, continuing with a southerly line of said 95.147 acre tract, and with the northerly line of said 37.99 acre tract, a distance of 103.61 feet to a set 1/2" steel rod;

Thence North 73°03'32" West, continuing with a southerly line of said 95.147 acre tract, and with the northerly line of said 37.99 acre tract, a distance of 354.42 feet to a 1/2" steel rod found for the southeast corner of Lot 1 of Theresa Bend Addition, according to the plat thereof recorded in Instrument No. 2019-167, Plat Records, Grayson County, Texas;

Thence North 00°32'08" East, with the westerly line of said 95.147 acre tract, with the easterly line of said Lot 1, passing en route at a distance of 714.87 feet a 1/2" steel rod found for witness, and continuing on said course a total distance of 745.80 feet to a P/K nail set for the northeast corner of said Theresa Bend Addition, and in Theresa Bend;

Thence in a northeasterly direction, with a westerly line of said 95.147 acre tract, and in Theresa Bend, the following 5 courses:

1. North 68°58'37" East, a distance of 186.29 feet to a set P/K nail;
2. North 62°37'41" East, a distance of 119.12 feet to a set P/K nail;
3. North 40°03'06" East, a distance of 117.54 feet to a set P/K nail;
4. North 22°15'33" East, a distance of 100.85 feet to a set P/K nail;
5. North 16°34'50" East, a distance of 142.08 feet to a set P/K nail at the intersection of said Theresa Drive and Park Avenue;

Thence North 04°00'13" West, with a westerly line of said 95.147 acre tract, and in said Park Avenue, a distance of 138.00 feet to a P/K nail set and on the easterly line of a called 3.106 acre tract of land described in the deed to Hemphins Partners, LTD., recorded in Volume 5056, Page 900, said Official Public Records;

Thence with a westerly line of said 95.147 acre tract, and with the easterly line of said 3.106 acre tract, and with a non-tangent curve to the left having a radius of 1219.00 feet, (chord bears North 51°12'45" East, a distance of 199.61 feet) an arc length of 199.83 feet to a set 1/2" steel rod;

Thence continuing with a westerly line of said 95.147 acre tract, and with the easterly line of said 3.106 acre tract, and with a compound curve to the left having a radius of 1920.00 feet, (chord bears North 43°57'43" East, a distance of 168.79 feet) an arc length of 168.84 feet to a set 1/2" steel rod;

Thence North 41°26'33" East, continuing with a westerly line of said 95.147 acre tract, and with the easterly line of said 3.106 acre tract, and a distance of 388.98 feet to a set 1/2" steel rod;

Thence South 82°07'33" East, with a northerly line of said 95.147 acre tract, a distance of 39.68 feet to an 'X' scribed in concrete on a concrete bridge, and at the center of aforesaid creek;

Thence crossing said 95.147 acre tract, and with the center of said creek, the following 19 courses:

1. South 40°36'59" East, a distance of 193.02 feet to a point;
2. South 13°50'42" East, a distance of 92.93 feet to a point;
3. South 44°27'14" East, a distance of 101.11 feet to a point;
4. South 77°47'50" East, a distance of 48.94 feet to a point;
5. North 67°06'56" East, a distance of 113.33 feet to a point;
6. South 81°22'15" East, a distance of 92.50 feet to a point;
7. North 68°33'40" East, a distance of 53.22 feet to a point;
8. North 39°50'22" East, a distance of 79.46 feet to a point;
9. North 18°28'39" East, a distance of 78.55 feet to a point;
10. North 62°19'13" East, a distance of 161.62 feet to a point;
11. South 67°16'57" East, a distance of 32.27 feet to a point;
12. South 56°51'22" East, a distance of 225.33 feet to a point;
13. North 78°39'19" East, a distance of 49.72 feet to a point;
14. South 73°38'01" East, a distance of 149.45 feet to a point;
15. South 71°06'32" East, a distance of 82.25 feet to a point;
16. North 74°17'32" East, a distance of 306.76 feet to a point;
17. North 72°04'21" East, a distance of 253.77 feet to a point;
18. North 64°59'46" East, a distance of 87.69 feet to a point;
19. South 62°13'44" East, a distance of 111.23 feet to the Point of Beginning and enclosing 69.465 acres of land, more or less.;