

**CITY OF NEW BRAUNFELS**

**RESOLUTION NO. - \_\_\_\_\_**

**RESOLUTION OF THE CITY OF NEW BRAUNFELS, TEXAS,  
APPROVING AN AMENDMENT TO THE SOLMS LANDING PUBLIC  
IMPROVEMENT DISTRICT WITHIN THE CITY OF NEW BRAUNFELS  
PURSUANT TO CHAPTER 372 OF THE TEXAS LOCAL GOVERNMENT  
CODE**

**WHEREAS**, on August 9, 2018, the City Council (the “City Council”) of the City of New Braunfels, Texas (the “City”) received a petition (the “Petition”) requesting creation of a public improvement district (the “District”) under Chapter 372 of the Texas Local Government Code (the “Act”), from the record owners of taxable real property representing more than 50% of the appraised value of the real property liable for assessment (as determined by the most recent certified appraisal roll for Comal County) in the District and the record owners of taxable real property that constitute more than 50% of all of the area of all taxable real property that is liable for assessment under the proposal; and

**WHEREAS**, on January 14, 2019, the City Council authorized the formation of the District known as Solms Landing Public Improvement District pursuant to Resolution No. 2019-R09 (the “*Creation Resolution*”) in accordance with the PID Act;

**WHEREAS**, following the adoption of Resolution No. 2019-R09, the City published notice of its authorization of the District in the New Braunfels Herald-Zeitung on June 6, 2019, a newspaper of general circulation in the City; and

**WHEREAS**, no written protests of the District from any owners of record of property within the District were filed with the City Secretary within 20 days after the date of publication of such notice; and

**WHEREAS**, on March 22, 2021 the City Council received a petition (the “Amended Petition”) requesting an amendment to the District to increase the costs of improvements up to \$17,000,000 from the record owners of taxable real property representing more than 50% of the appraised value of the real property liable for assessment (as determined by the most recent certified appraisal roll for Comal County) in the District and the record owners of taxable real property that constitute more than 50% of all of the area of all taxable real property that is liable for assessment under the proposal; and

**WHEREAS**, the Amended Petition has been examined, verified, found to meet the requirements of Section 372.005(b) of the Act, and found to be sufficient for consideration by the City Council; and

**WHEREAS**, the boundaries of the District are described in Exhibit A attached hereto and have not changed since the creation of the District, said area for the District being within the boundaries and/or the extraterritorial jurisdiction of the City;

**WHEREAS**, after providing all notices required for the original creation of the District by the Act were given for the amendment requested by the Amended Petition, the City conducted a public hearing on the advisability of the improvements and services described in the Amended Petition; and

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

**SECTION 1:** The findings set forth in the recitals of this Resolution are hereby found to be true and correct.

**SECTION 2:** The Amended Petition submitted to the City was filed with the City Secretary and complies with Subchapter A of the Act.

**SECTION 3.** Pursuant to the requirements of the Act, the City Council, after considering the Amended Petition and the evidence and testimony presented at the public hearing, hereby finds and declares:

- (a) Confirmation of the Advisability of the Proposed Improvements. The advisability and creation of the District to provide the Authorized Improvements (defined below) described in the Petition and this Resolution is hereby confirmed. The Authorized Improvements will promote the interests of the City and will confer a special benefit on the District.
- (b) General Nature of the Improvements. The public improvements for the District (the “Authorized Improvements”) have not changed since the District's creation and may consist of one or more of the public improvements included in Section 372.003(b) of the Act. The general nature of the Authorized 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, 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.
- (c) Estimated Cost of the Authorized Improvements. The estimated cost to design, acquire and construct the Authorized Improvements is \$17,000,000.00 (including issuance and other financing costs).
- (d) Boundaries. The boundaries of the District have not changed since the District's creation and are set forth in Exhibit A.

- (e) Proposed Method of Assessment. An assessment methodology will be prepared that will address: (i) how the costs of the Authorized 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 Authorized 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 Authorized Improvements provided with the assessments based on the special benefits received by the property from the Authorized Improvements and property equally situated paying equal shares of the costs of the Authorized Improvements.

- (f) Apportionment of Cost between the City and the District. The creation of the District and approval of the amendment requested by the Amended Petition will not obligate the City to provide any funds to finance the proposed Authorized Improvements. All of the costs of the proposed Authorized Improvements will be paid by issuance of bonds secured, directly or indirectly by, assessments of the property within the District and from other sources of funds, if any, available to the owner or owners of the real property in the District.
- (g) Management of the District. The District is managed by the City. Currently, the City contracts with a third-party administrator, who, from time to time, advises the City regarding certain operations of the District.
- (h) Advisory Body. The District is managed without the creation of an advisory body. The City Council reserves the right to appoint an advisory body in the future.

**SECTION 4.** The District is hereby amended as requested in the Amended Petition in accordance with the findings as to the advisability of the Authorized Improvements contained in this Resolution.

**SECTION 5.** The City's staff is directed to give notice of the amendment to the District by publishing a copy of this Resolution once in a newspaper of general circulation within the City. Such authorization shall take effect and the amendment shall be deemed to be established effective upon the publication of such notice. The District exists until dissolved or terminated as provided by law.

**SECTION 6.** This Resolution shall take effect immediately from and after its passage and it is accordingly so resolved.

[Signature page to follow]

**PASSED & APPROVED** by the **CITY COUNCIL** of the **CITY OF NEW BRAUNFELS** on  
April 2, 2021 on vote of \_\_\_\_ **AYES**; \_\_\_\_ **NAYS**; \_\_\_\_ **ABSTENTIONS**.

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**MAYOR**  
**CITY OF NEW BRAUNFELS**

**ATTEST:**

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**CITY SECRETARY**  
**CITY OF NEW BRAUNFELS**

**EXHIBIT A**  
**BOUNDARIES**

[attached]



**FIELD NOTES  
FOR  
A 97.97 ACRE TRACT**

A 97.97 acre tract of land, situated in the City of New Braunfels, out of the A.M. Esnaurizar Survey No. 1, Abstract 98, Comal County, Texas, and being the remaining portion of a called 2.028 acre tract of land, Tract I, and the remaining portion of a called 96.26 acre tract of land, Tract II, both being described by Deed of Gift of record in Volume 365 Page 866 of the Deed Records of Comal County, Texas and also being all of a called 4.225 acre tract of land as described by Deed of Gift of record in Volume 365 Page 869 of the Deed Records of Comal County, Texas. Said 97.97 acre tract of land being more particularly described by metes and bounds as follows:

**BEGINNING** at a found  $\frac{1}{2}$ " iron rod with a plastic cap stamped "Bury & Partners" in the current southeast right-of-way line of Interstate Highway 35 (I.H. 35), a variable width public right-of-way, for the most easterly corner of a called 0.020 acre tract of land as conveyed to the State of Texas of record in Document No. 9906030874 of the Official Public records of Comal County, Texas, for the most west corner of Lot 1, Block "A", of the Canyon Crossroads Subdivision Plat of record in Document No. 201106028280 of the Map and Plat Records of Comal County, Texas, in the northeast line of said 2.028 acre tract and for the most northerly corner of the tract described herein, from which a found "x" in concrete for the west end of a cutback at the intersection of I.H. 35 and F.M. 306 bears, N 47° 22' 18" E, a distance of 1162.81 feet;

**THENCE:** S 43° 30' 05" E, departing the southeast right-of-way line of I.H. 35 and along and with the northeast line of said 2.028 acre tract and the southwest line of said Lot 1, at a distance of 657.49 feet passing a found  $\frac{1}{2}$ " iron rod with a plastic cap stamped "Bury & Partners" for the south corner of said Lot 1 and the west corner of Lot 6, Block "A", Replat of Lot 2, Canyon Crossroads Subdivision of record in Document No. 201206016264 of the Map and Plat Records of Comal County, Texas, and continuing along and with the southwest line of Lot 6 and the northeast line of said 2.028 acre tract, a total distance of 1456.05 feet to a found  $\frac{1}{2}$ " iron rod (bent) for the east corner of said 2.028 acre tract, the south corner of said Lot 6, in the northwest line of said 4.225 acre tract, in the northwest line of said 96.26 acre tract and for an interior corner of the tract described herein;

**THENCE:** N 45° 03' 35" E, along and with the northwest line of the 4.225 acre tract and the 96.26 acre tract, and the southeast line of Lot 6, a distance of 369.73 feet to a found  $\frac{1}{2}$ " iron rod for the an interior corner of Lot 6, the north corner of said 4.225 acre tract and 96.26 acre tract, and a north exterior corner of the tract described herein;

**THENCE:** S 43° 58' 01" E, along and with a southwest line of said lot 6, the southwest line of Lot 1, Block 1, of the Creekside Fire Station Subdivision Plat of record in Document No. 201006023741 of the Map and Plat Records of Comal County, Texas, the southwest line of a called 5.395 acre tract of land as conveyed to the City of New Braunfels of record in Document No. 200606042906 of the Official Public Records of Comal County, Texas (now known as Creekside Crossing, a 150 foot wide public right-of-way), the northeast line of the 4.225 acre tract and the 96.26 acre tract, a distance of 1505.89 feet to a found  $\frac{1}{2}$ " iron rod for the most southerly corner of said 5.395 acre tract, the most westerly corner of a called 6.529 acre tract of land as conveyed to the City of New Braunfels of record in Document No.

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200606042905 of the Official Public Records of Comal County, Texas, the most northerly corner of Lot 14R1, of the Amending Plat of lots 8R, 14R, and 32R of Creekside Wellness Center Establishing Lots 8R1, 14R1 and 32R of Creekside Wellness Center of record in Document no. 201306033846 of the Map and Plat Records of Comal County, Texas, for the east corner of the 96.26 acre tract and the tract described herein, from which a found ½" iron rod with a plastic cap stamped "TEAM" bears, S 38° 38' 50" E, a distance of 0.16 feet;

**THENCE:** S 45° 01' 44" W, along and with the westerly line of said Lot 14R1, a distance of 369.20 feet to a found ½" iron rod with a plastic cap stamped "Hollmig" for an interior corner of said Lot 14R1 and an exterior corner of the tract described herein;

**THENCE:** S 45° 29' 57" W, along and with the northwest lines of Lot 14R1, at a distance of 912.00 feet, a found ½" iron rod with a plastic cap stamped "HMT" for the west corner of said Lot 14R1 and the north corner of a called 82.76 acre tract of land as conveyed to KB Home Lone Star Inc., of record in Document No. 201406004602 of the Official Public Records of Comal County, Texas, continuing along and with the northwest line of the 82.76 acre tract, at a distance of 2001.79 feet, a found ½" iron rod with a plastic cap stamped "HMT" for the west corner of said 82.76 acre tract and a northwest exterior corner of a called 36.90 acre tract of land as conveyed to KB Home Lone Star Inc., of record in Document No. 201606006903 of the Official Public Records of Comal County, Texas, and continuing along and with the northwest line of said 36.90 acre tract, a total distance of 3694.97 feet to a set ½" iron rod with a blue plastic cap stamped "KFW SURVEYING" in the northeast right-of-way line of South Kowald Road (also being the northeast line of a called 0.295 acre tract of land as conveyed to the County of Comal of record in Volume 140 Page 563 of the Deed Records of Comal County, Texas), at the most westerly corner of said 36.90 acre tract, in the southeast line of said 96.26 acre tract and for the most southerly corner of the tract described herein;

**THENCE:** N 43° 16' 27" W, along and with the northeast right-of-way line of South Kowald Road and the 0.295 acre tract, a distance of 793.41 feet to a set ½" iron rod with a blue plastic cap stamped "KFW SURVEYING" for the north corner of said 0.295 acre tract, the most southerly corner of Comal Farms Subdivision, Unit One, a plat of record in Volume 12 Pages 217-218 of the Map and Plat Records of Comal County, Texas, in the northwest line of said 96.26 acre tract and for the most westerly corner of the tract described herein;

**THENCE:** Departing the northeast right-of-way line of South Kowald Road and along and with the common line between said Comal Farms Subdivision and the 96.26 acre tract, the following two (2) courses:

1. N 45° 21' 50" E, a distance of 2719.37 feet to a found ½" iron rod for the most easterly corner of said Comal Farms Subdivision, an interior corner of the 96.26 acre tract and the tract described herein, and
2. N 44° 29' 27" W, a distance of 703.79 feet to a found ½" iron rod with a blue plastic cap stamped "KFW SURVEYING" for the south corner of Lot 1 of the New Braunfels Storage Subdivision Plat of record in Volume 13 Page 101 of the Map and Plat Records of Comal County, Texas, a southwest exterior corner of the 96.26 acre tract and the tract described herein;

**THENCE:** N 45° 29' 59" E, along and with the northwest line of the 96.26 acre tract, the southeast line of said Lot 1, the southeast line of a called 7.66 acre tract of land as conveyed to Barbara Nell Dean of record in Document No. 200306047820 of the Official Public Records of Comal County, Texas and the southeast line of Lot 3, Block 1 of the Richter Estates Subdivision Plat of record in Volume 7 Page 64 of the Map and Plat Records of Comal County, Texas, a distance of 911.95 feet to a point for the west

corner of the 4.225 acre tract, the east corner of said Lot 3, the south corner of the 2.028 acre tract and an interior corner of the tract described herein, from which a found 1/2" iron rod (leaning) bears, N 19° 09' 21" W, a distance of 0.45 feet;

**THENCE: N 43° 30' 05" W**, along and with the northeast line of Lot 3 and Lot 1, both of said Richter Estates Subdivision, and the southwest line of the 2.028 acre tract, a distance of **1458.50 feet** to a set 1/2" iron rod in the current southeast right-of-way line of I.H. 35, for the south corner of the 0.020 acre tract, the most easterly corner of a called 0.076 acre tract of land as conveyed to the State of Texas of record in Document No. 200106035524 of the Official Public records of Comal County, Texas and for a southwest exterior corner of the tract described herein, from which a found 1/2" iron rod in the current southeast right-of-way line of I.H. 35 and for the south corner of said 0.076 acre tract bears, S 45° 22' 17" W, a distance of 227.32 feet;

**THENCE: N 45° 22' 17" E**, along and with the current southeast right-of-way line of I.H. 35, also being the southeast line of said 0.020 acre tract, a distance of **60.01 feet** to the **POINT OF BEGINNING** and containing **97.97 acres**, more or less, in the City of New Braunfels, Comal County, Texas. Said tract being described in accordance with a survey prepared by KFW Surveying. Bearings are based on NAD83 (2011) Texas State Plane South Central Zone, 4204. Distances recited herein are surface distances using an average combined scale factor of 0.99985790106.

Job No.: 16-139  
Prepared by: KFW Surveying  
Date: December 2, 2016  
File: S:\Draw 2016\16-139 95 Acres Timmerman Tract - New Braunfels\DOCS\FN - 97.97 Acres

