

**Notice of City Council Regular Meeting
AGENDA**

October 10, 2023 at 6:00 PM

NOTICE IS HEREBY GIVEN that a Meeting of the Montgomery City Council will be held on **Tuesday, October 10, 2023, at 6:00 PM** at the City of Montgomery City Hall, 101 Old Plantersville Road, Montgomery, Texas.

Members of the public may view the meeting live on the City's website under Agenda/Minutes and then select **Live Stream Page (located at the top of the page)**. The meeting will be recorded and uploaded to the City's website.

CALL TO ORDER

INVOCATION

PLEDGE OF ALLEGIANCE TO FLAGS

VISITOR/CITIZENS FORUM:

Citizens are invited to speak for three (3) minutes on matters relating to City Government that relate to agenda or non-agenda items. Prior to speaking, each speaker must be recognized by the Presiding Officer. All speakers should approach the podium to address Council and give their name and address before sharing their comments. City Council may not discuss or take any action on an item, but may place the issue on a future agenda.

ANNOUNCEMENT:

Mayors proclamation - World Teachers' Day

CONSIDERATION AND POSSIBLE ACTION:

1. Consideration and possible action on cancellation of the second council meeting for November and December.

November

2nd Meeting - November 28, 2023 (Thanksgiving 11-23)

December

2nd Meeting - December 26, 2023 (Christmas 12-25)

2. Public Hearing related to a request to locate a HUD-code manufactured home at 14692 North Liberty Street, Montgomery, Texas.
3. Consideration and possible action on a request to locate a HUD-code manufactured home at 14692 North Liberty Street, Montgomery, Texas.
4. Consideration and possible action on the Final Plat for Montgomery Bend Section One.
5. Consideration and possible action on a Proposal for Water Plant No. 2 Improvements submitted by the city engineer.
6. Consideration and possible action on calling a Public Hearing regarding the city-initiated rezoning request of the property commonly known as 203 Prairie Street, Montgomery, Texas. Rezoning from Residential to Commercial.

7. Consideration and possible action on: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONTGOMERY ACCEPTING AND APPROVING AN ANNUAL UPDATE TO THE SERVICE AND ASSESSMENT PLAN AND ASSESSMENT ROLL FOR CITY OF MONTGOMERY PUBLIC IMPROVEMENT DISTRICT NO. 1; PROVIDING FOR PAYMENT OF THE ANNUAL INSTALLMENT OF THE ASSESSMENTS IN ACCORDANCE WITH CHAPTER 372, TEXAS LOCAL GOVERNMENT CODE, AS AMENDED; AND PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.
8. Consideration and possible action on the following Resolution: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS AUTHORIZING THE SIGNERS FOR ALL CITY OF MONTGOMERY BANKING ACCOUNTS WITH FIRST FINANCIAL BANK; AND PROVIDING AN EFFECTIVE DATE.
9. Consideration and possible action on the following Resolution: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS AUTHORIZING CREATION OF A NEW ACCOUNT AND THE SIGNERS FOR THE AFOREMENTIONED CITY OF MONTGOMERY BANKING ACCOUNT WITH FIRST FINANCIAL BANK; AND PROVIDING AN EFFECTIVE DATE.

EXECUTIVE SESSION:

The City Council reserves the right to Adjourn into Closed Executive Session as authorized by the Texas Open Meetings Act, Chapter 551 of the Government Code of the State of Texas.

Sections 551.071(consultation with attorney),[Town Creek and Atkins Creek Hydrology project]

POSSIBLE ACTION FROM EXECUTIVE SESSION:

Consideration and possible action on items discussed in Executive Session.

COUNCIL INQUIRY:

Pursuant to Texas Government Code Sect. 551.042 the Mayor and Council Members may inquire about a subject not specifically listed on this Agenda. Responses are limited to the recitation of existing policy or a statement of specific factual information given in response to the inquiry. Any deliberation or decision shall be limited to a proposal to place on the agenda of a future meeting.

ADJOURNMENT

/s/ Nici Browe

Nici Browe, City Secretary. TRMC

I certify that the attached notice of meeting was posted on the bulletin board at City of Montgomery City Hall, 101 Old Plantersville Road, Montgomery, Texas, on October 6, 2023 at 3:00 p.m.

This facility is wheelchair accessible and accessible parking spaces are available. Please contact the City Secretary's office at 936-597-6434 for further information or for special accommodations.

Montgomery City Council
AGENDA REPORT

Meeting Date: October 10, 2023	Available Funds: N/A
Department: Admin	Prepared By: Dave McCorquodale

Subject

Public Hearing related to a request to locate a HUD-code manufactured home at 14692 North Liberty Street, Montgomery, Texas.

Recommendation

Hold the Public Hearing and consider any comments received.

Discussion

Issue:
The city has received a request from a resident to place a HUD-code manufactured home at 14692 North Liberty Street to replace the existing home that will be demolished prior to delivery of the new home. Before the City Council acts on the request, a Public Hearing is required to allow interested persons to be heard.

Approved By		
Assistant City Administrator & Planning & Development Director	Dave McCorquodale	Date: 10/05/2023
City Administrator	Gary Palmer	Date: 10/05/2023

Montgomery City Council
AGENDA REPORT

Meeting Date: October 10, 2023	Available Funds: N/A
Department: Admin	Prepared By: Dave McCorquodale

Subject

Consideration and possible action on a request to locate a HUD-code manufactured home at 14692 North Liberty Street, Montgomery, Texas.

Recommendation

Consider the information and act as you see fit. Staff has no objections to the request.

DiscussionIssue:

The city has received a request from a resident to place a HUD-code manufactured home at 14692 North Liberty Street to replace the existing home that will be demolished prior to delivery of the new home.

Regulations:**Sec. 54-25. - Granting of exception to place home outside park; standards for homes located outside park.**

The City Council may permit HUD-code manufactured housing to be located outside of a HUD code manufactured home park subject to the following requirements:

- (1) The property owner shall present a written request to the city for approval to place a HUD code manufactured home outside of a licensed HUD code manufactured home park. [*Met requirement*]
- (2) A public hearing will be scheduled by the city council to hear the request, with proper legal notice and publication required. [*Met requirement*]
- (3) No HUD code manufactured home not existing on the effective date of the ordinance from which this article is derived will be allowed along the Highway 105 corridor. [*N/A*]
- (4) The property must be one-fourth of an acre or larger in size. [*Met requirement: 0.70-acre*]
- (5) No more than one dwelling is permitted on any residential lot. [*Will meet requirement with demo of existing home*]
- (6) The property must have a minimum of 75 linear feet street frontage. [*Met requirement: 159'*]
- (7) The HUD code manufactured home must be placed a minimum of 15 feet from side property lines. [*Met requirement: >25'*]
- (8) The HUD code manufactured home must be set back a minimum of 25 feet from the frontage line of the property, or 35 feet where the property faces a major street. [*Met requirement: >43'*]
- (9) The HUD code manufactured home must be set back a minimum of 25 feet from the back property line. [*Met requirement: >120'*]
- (10) The HUD code manufactured home must be used as a single-family dwelling. [*Met requirement*]
- (11) The HUD code manufactured home must contain no less than 1,000 square feet. [*Met requirement: 1,475 sq.ft.*]
- (12) The HUD code manufactured home shall be no older than five years and in good condition at the time of permitting. [*Meets requirement: will be new*]
- (13) The HUD code manufactured home must be anchored to meet the manufacturer's specifications. [*To be confirmed during inspection*]

Montgomery City Council
AGENDA REPORT

- (14) Four-inch sewer service shall be connected with SCH 40 PVC pipe, and shall be equipped with a sewer cleanout and P-trap. The line shall be left open for inspection. ***[To be confirmed during inspection]***
- (15) Water service will be three-fourths of an inch rigid PVC pipe equipped with a cut-off valve within five feet of the service entrance to the HUD code manufactured home. ***[To be confirmed during inspection]***
- (16) Electrical service from the utility pole will be routed underground and protected with a two-inch PVC conduit from the body of the HUD code manufactured home to the service disconnect on the utility pole. The line shall be left open for inspection. ***[To be confirmed during inspection]***
- (17) Gas service lines must be routed underground to the service connection on the HUD code manufactured home. No gas lines shall be enclosed under the HUD code manufactured home by skirting. ***[To be confirmed during inspection, if applicable]***
- (18) Each HUD code manufactured home shall have a service porch at the primary entrance to be of a size no less than 12 feet by eight feet, with the long side to be against the manufactured home. ***[To be confirmed during inspection]***
- (19) All HUD code manufactured homes and required porches shall be underpinned with products designed for such use and shall be properly skirted. ***[To be confirmed during inspection]***
- (20) Upon completion of the items listed in subsections (4) through (19) of this section, each HUD code manufactured homeowner shall contact the city building official to inspect and certify to the city, in writing, that the manufactured home is in compliance with this article. Such inspection shall also certify that the property meets or exceeds the requirements of the state plumbing code and the National Electrical Code, the requirements of the state department of labor and standards, and the requirements of all applicable technical codes adopted by the city.

Analysis:

If approved by City Council, the applicant will submit a permit application with the city. Separate permits will be required for the HVAC, plumbing, and electrical work. Once all work is completed, and inspection is done by the city building inspector to ensure compliance with all requirements.

Conclusion:

Staff has no objections to the request.

Approved By		
Assistant City Administrator & Planning & Development Director	Dave McCorquodale	Date: 10/06/2023
City Administrator	Gary Palmer	Date: 10/06/2023

September 17, 2023

To the Mayor, Council and Administrative City of Montgomery;

936-276-7436

I Scherhanda Hughes is asking to place a manufacturing home on my land at 14692 North Liberty St.

The current home isn't livable and I can only afford a manufacturing home the current home will be torn down, and place the new manufacturing home in the places of the current home.

The current was built in 1985 with help of Mayor Donald Duncan and has work on out the years, and it's time to replace a new home.

I really appreciate your help on making this transition for my family and I

Sincerely yours

Scherhanda Hughes

Notes:
 1. Basis of bearings: West line of east adjoining property.
 2. Easements and utility lines as shown are per the recorded plat.
 3. Survey performed without the benefit of a title report and may be subject to easements and/or restrictions not shown.

This property lies within ZONE 'X' as SCALED from FEMA Map Panel Number 48339C0200G dated August 18, 2014.

THIS MEANS THAT THE SUBJECT PROPERTY SCALES OUTSIDE THE 100 YEAR FLOOD PLAN.

This determination is made strictly according to the FEMA Maps and does not reflect actual ground flood conditions. Furthermore, this company takes no responsibility for such.

⊕ - POWER POLE
 -// - WOOD FENCE

Found Iron Rod w/ Survey Cap

Cornerstone Community Church of Montgomery
 0.921 Acres
 2021-079537

Found Iron Rod w/ Survey Cap

Detail Not to Scale
 S 12° 31' 47" E 0.97'
 Found Iron Rod w/ Survey Cap

Point of Beginning
 Found Iron Rod w/ Survey Cap

N 86° 18' 17" E 198.17' Found Iron Rod w/ Survey Cap

Lot 7

See Detail

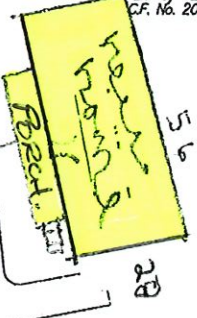
N 12° 49' 13" W 235.00'
 LIBERTY STREET
 FM 149
 Variable ROW

①
 Lot 6

1.056 Acres
 Remainder of a Called 210' by 320' Tract
 C.F. No. 2017-091071

Buffalo Springs Section 2
 Cabinet Z Sheet 644

Lot 5



Frame Shed

S 13° 08' 43" E 166.29'

Lot 4

Telephone Pedestal
 Monument to be set

S 86° 18' 17" W 198.77'

Monument to be set

Called 225' By 85' Tract
 C.F. No. 2013-044645

Found 5/8" Iron Rod

Being a 1.056 acre tract of land situated in the John Corner Survey, Abstract Number 8, Montgomery County, Texas, and the same tract as described in deed recorded in Clerk's File Number 2017-091071 of the Real Property Records of Montgomery County, Texas;

Date August 11, 2022	City N/A
Job No. 22-0037	Scale 1" = 40' (Actual)
Address 14022 Liberty Street	Drawn By: DJ
City/State Montgomery, Texas	Rev. #



Ordered For: Sherhonda Hughes
 Client: Sherhonda Hughes

I HEREBY CERTIFY THIS SURVEY WAS MADE ON THE GROUND, AND THAT THIS PLAT CORRECTLY REPRESENTS THE FACTS FOUND AT THE TIME OF SURVEY AND THIS SURVEY SUBSTANTIALLY COMPLIES WITH THE CURRENT TEXAS SOCIETY OF PROFESSIONAL SURVEYORS BOARD OF PRACTICE REQUIREMENTS FOR A CATEGORY 3A, CONDITION III, LEVEL SURVEY AND SURVEY, AND THAT THERE ARE NO DEFICIENCIES REQUIRING CORRECTION.

[Signature]
 Steven L. Crews RPLS #4141

C & C Surveying, Inc.
 Firm Number 10009400
 33300 Egypt Lane, Suite F200
 Magnolia, Texas 77354
 Office: 281-259-4377 Metro: 281-356-5172

Metes and Bounds

1.056 Acres

John Corner Survey, Abstract 8 Montgomery County, Texas

Being a 1.056 acre tract of land situated in the John Corner Survey, Abstract Number 8, of Montgomery County, Texas, being the remainder of a called 210 foot by 320 foot tract as described in deed recorded in Clerk's File Number 2017-091071, of the Real Property Records of Montgomery County, Texas; said 1.056 acres being more particularly described as follows with all bearings based on Buffalo Springs, Section 2, as recorded in Cabinet "Z", Sheet 644 of the Plat Records of Montgomery County;

BEGINNING at an iron rod with survey cap, found for the Northwest corner of the herein described tract, common with the Southwest corner of a called 0.921 acre tract, as described in deed recorded in Clerk's File Number 2021-079537 of the Real Property Records of Montgomery County, and being on the East right-of-way line of FM Highway 149 (variable width), also known as Liberty Street, and proceeding:

THENCE, North 86 degrees 18 minutes 17 seconds East, along the North line of the herein described tract, common with the North line of said 210 foot by 320 foot tract, being the South line of said called 0.921 acre tract, and departing said FM Highway 149, at a distance of 197.20 feet, passing an iron rod with survey cap, found for reference, in all a total distance of 198.17 feet, to a point for the Northeast corner of the herein described tract, common with the Northeast corner of said 210 foot by 320 foot tract, and being on the West line of said Buffalo Springs, Section 2;

THENCE, South 12 degrees 31 minutes 47 seconds East, along the East line of the herein described tract, common with the East line of said 210 foot by 320 foot tract, and being the West line of said Buffalo Springs, Section 2, a distance of 68.81 feet, to an angle point of the herein described tract;

THENCE, South 13 degrees 08 minutes 43 seconds East, continuing along the East line of the herein described tract, common with the East line of said 210 foot by 320 foot tract, being the West line of said Buffalo Springs, Section 2, a distance of 166.29 feet, to a point for the Southeast corner of the herein described tract, and the Northeast corner of a called 225 foot by 85 foot tract of land as recorded in Clerk's File Number 2013-044645 of the Real Property Records of Montgomery County;

THENCE, South 86 degrees 18 minutes 17 seconds West, along the South line of the herein described tract, severing said called 210 foot by 320 foot tract, and along the North line of said called 225 foot by 85 foot tract of land, a distance of 198.77 feet, to a point for the Southwest corner of the herein described tract, common with the East right-of-way line of aforementioned FM Highway 149;

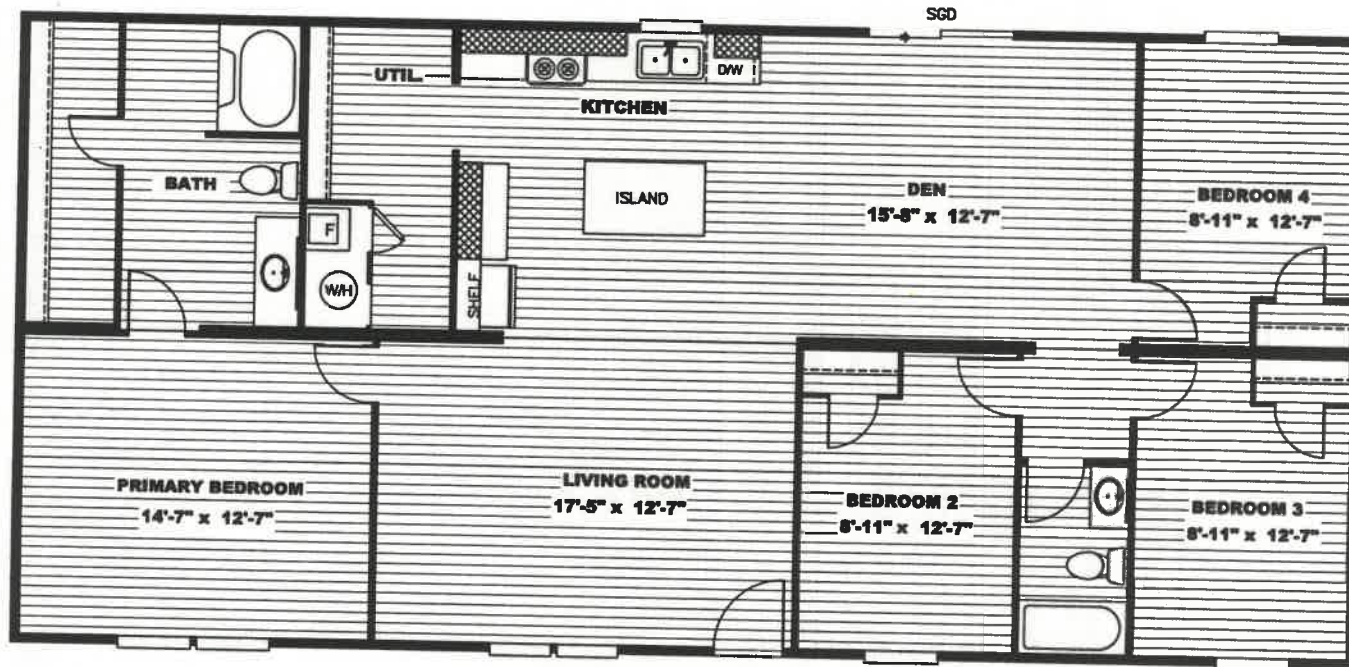
THENCE, North 12 degrees 49 minutes 13 seconds West, along the West line of the herein described tract, common with the East right-of-way line of FM Highway 149, a distance of 235.00 feet, back to the **POINT OF BEGINNING** and containing 1.056 acres of land.

Hugh W. Clarkson

Hugh W. Clarkson, Registered Professional Land Surveyor, Number 4113
22-0037
08/11/2022



Marvel 4



Model#: TRU28564A

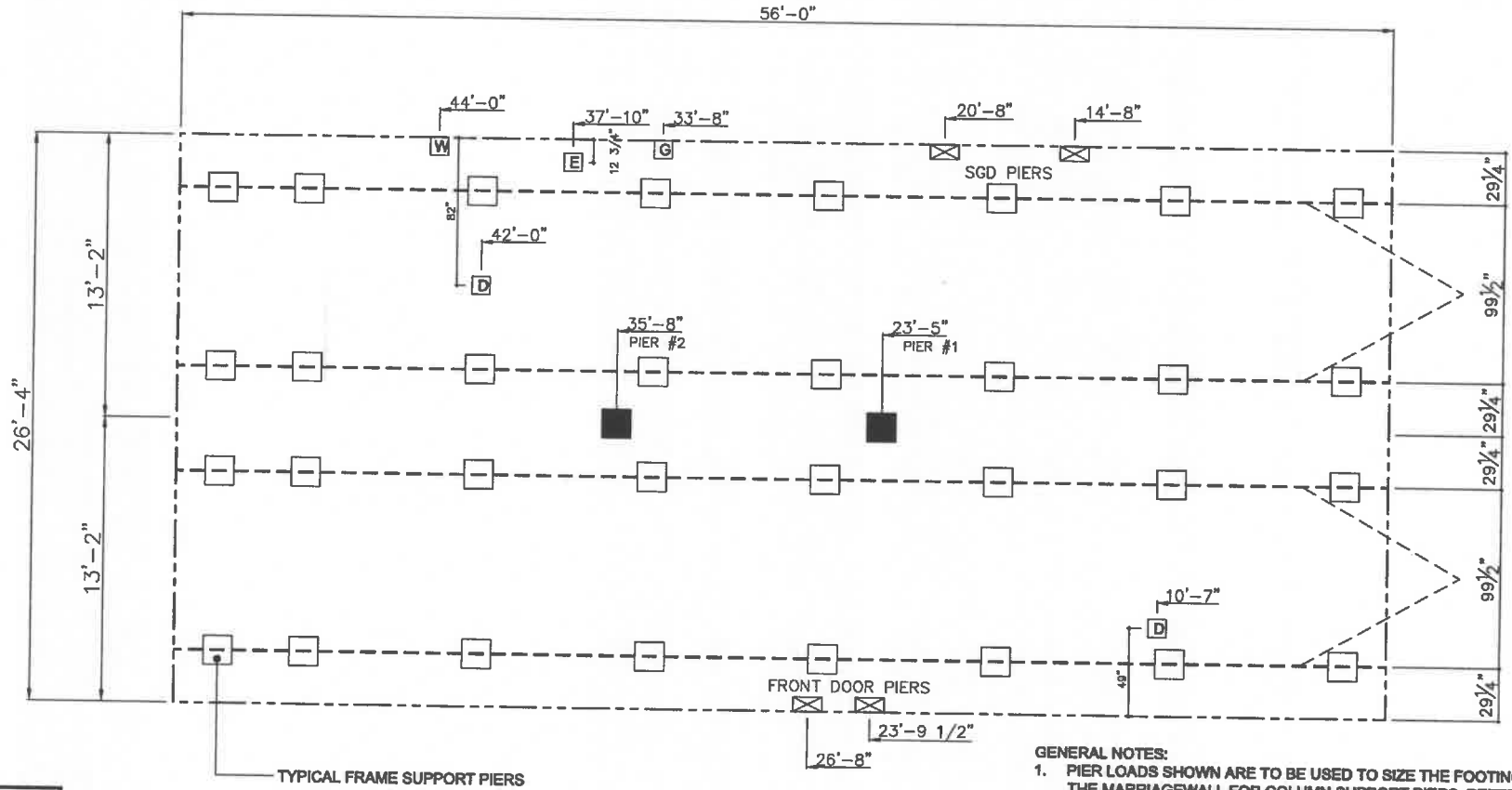
28' x 56' Marvel 4

20 lb ROOF LOAD SIDEWALL OPENING PIER LOAD 10' BOX WIDTH	SIDEWALL OPENING (FT) REQUIRED PIER LOAD (LBS)					
	3	4	5	6	8	10
	1025	1150	1275	1400	1650	1900

20 psf Roof Live Load			
Column Pier #	Distance from Hitch Feet	Hitch inches	Pier Load (lbs)
1	23	5	2819
2	35	8	2819

30 psf Roof Live Load			
Column Pier #	Distance from Hitch	Pier Load (lbs)	
1	23.417	4679	
2	35.667	4679	

*FOR 30 lb & 40 lb ROOF LOAD REFER TO TABLES 7 & 7a IN THE INSTALLATION MANUAL.



PIER LEGEND	
□	= SUPPORT UNDER MATING OPENING
■	= SUPPORT AT MATING COLUMN
▨	= SUPPORT UNDER MATING WALL
■	= PIER PORCH/RECESSED ENTRY
□	= PIER MAIN BEAM
■	= PIER PERIMETER
●	= TIE-DOWN SUPPORT (QTY PER TBL M, SEE DETAIL D-4 IN FOUND. PKG.)

SERVICE DROP LEGEND	
E	= ELECTRICAL DROP
W	= WATER INLET
D	= DWV PLUMBING DROP
G	= GAS INLET

- GENERAL NOTES:**
- PIER LOADS SHOWN ARE TO BE USED TO SIZE THE FOOTINGS BELOW THE MARRIAGEWALL FOR COLUMN SUPPORT PIERS. REFER TO TABLES 6b AND 6c IN THE INSTALLATION MANUAL FOR LOAD ON FRAME PIER FOOTINGS FOR HOMES THAT DO NOT REQUIRE PERIMETER BLOCKING. REFER TO TABLES 7b AND 7c IN THE INSTALLATION MANUAL FOR LOAD ON FRAME PIER FOOTINGS THAT REQUIRE PERIMETER BLOCKING. REFER TO TABLES 10 AND 10a TO DETERMINE FOOTING SIZE FOR ALL PIERS.
 - REFER TO TABLE 9 FOR PIER CONFIGURATION AND MAXIMUM ALLOWABLE HEIGHTS. CROSS REFERENCE THE PIER HEIGHT WITH THE MAXIMUM ALLOWABLE FLOOR HEIGHT LISTED IN THE FRAME TIEDOWN CHARTS (TABLE 18, 19, AND 20).
 - FLOOR WIDTH SHOWN IS FOR STANDARD PRODUCT ONLY. CONTACT THE MFG PLANT FOR SPECIFICATIONS OF OPTIONS ORDERED.
 - SERVICE DROP LOCATIONS IDENTIFIED ARE APPROXIMATE.
 - THE MAXIMUM SPACING FOR FRAME SUPPORT PIERS FOR 8" I-BEAMS IS 8 FEET, 10" & 12" I-BEAMS ARE 10 FEET.



REVISION	DATE
Changed H88th door from 24" to 28" 3/4 21	3/4/21

MODEL NAME	Marvel
MODEL NO.	TRU28564A
BOX SIZE	28' x 56'
MODEL DEL. FT.	1.475

DRAWN BY
JEREMY HUTTING

DATE DRAWN
5/10/16

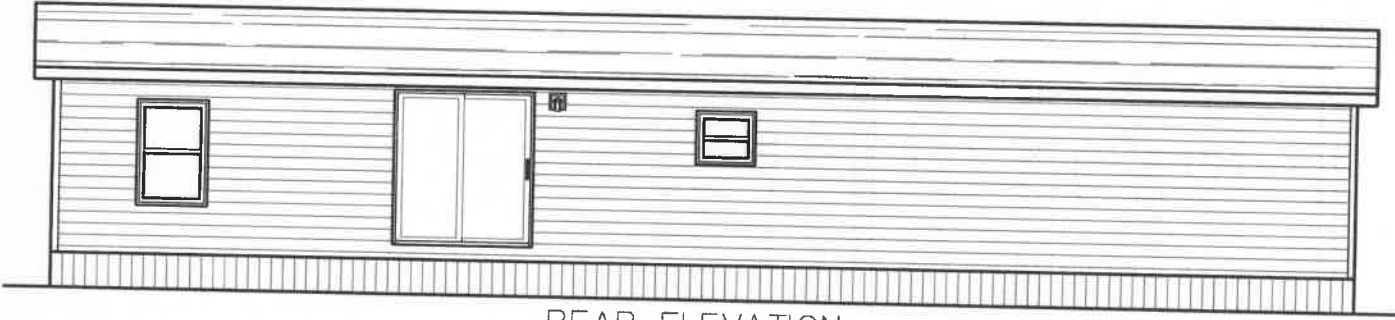
DATE PRINTED
8/31/2021

SCALE
NTS

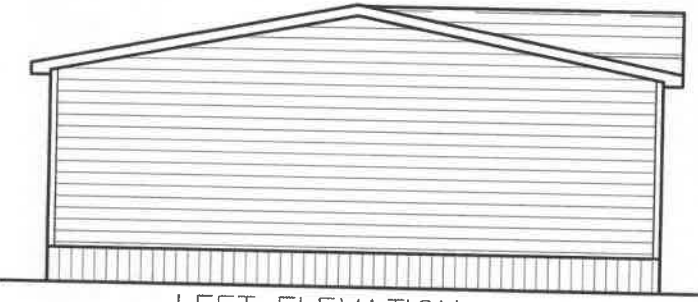
PLAN NO.
TRU-M004-58-4

SHEET NAME
99.5 PIER LAYOUT

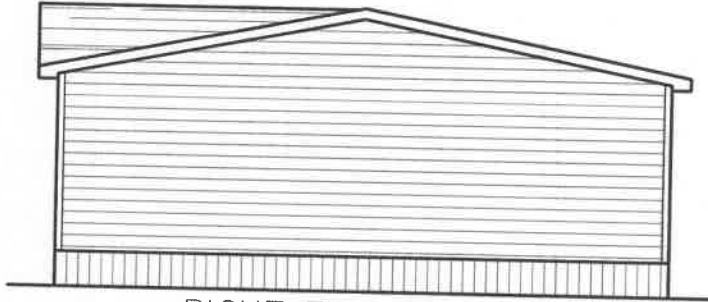
SHEET NO.
SU-1.



REAR ELEVATION



LEFT ELEVATION



RIGHT ELEVATION



FRONT ELEVATION



DATE	3/14/21
DESCRIPTION	Changed H-Bath door from 24" to 28"

MODEL NAME	Marvel
MODEL NO.	TRU28564A
BOX SIZE	28' x 56'
MODEL SQ. FT.	1,475

DRAWN BY JEREMY HUITING

DATE DRAWN 5/10/16

DATE PRINTED 8/31/2021

SCALE NTS

PLAN NO. TRU-M004-56-4

SHEET NAME ELEVATION

SHEET NO. EX-1.

Montgomery City Council
AGENDA REPORT

Meeting Date: October 10, 2023	Available Funds: N/A
Department: Admin	Prepared By: Dave McCorquodale

Subject

Consideration and possible action on the Final Plat for Montgomery Bend Section One.

Recommendation

Staff recommends approval of the Final Plat contingent on receipt of a performance bond for 100% of the remaining construction contract amount for public infrastructure improvements within Section One.

Discussion**Issue:**

Montgomery Bend Section One Final Plat has been submitted to the city for approval. The city engineers have reviewed the plat and worked with the developer to ensure the plat document conforms to city requirements. The Planning & Zoning Commission approved the plat on October 3, 2023.

Rules:

As pointed out in the city engineer's memo, review criteria for the plats is based on Chapter 78 Section 60 of the City Code of Ordinances along with certain exceptions to lot size and building setbacks as prescribed by the Development Agreement. The points of note from the Development Agreement are allowing 45-foot wide lots and 5-ft side yard setbacks conditioned on no appurtenances being located in the side yard.

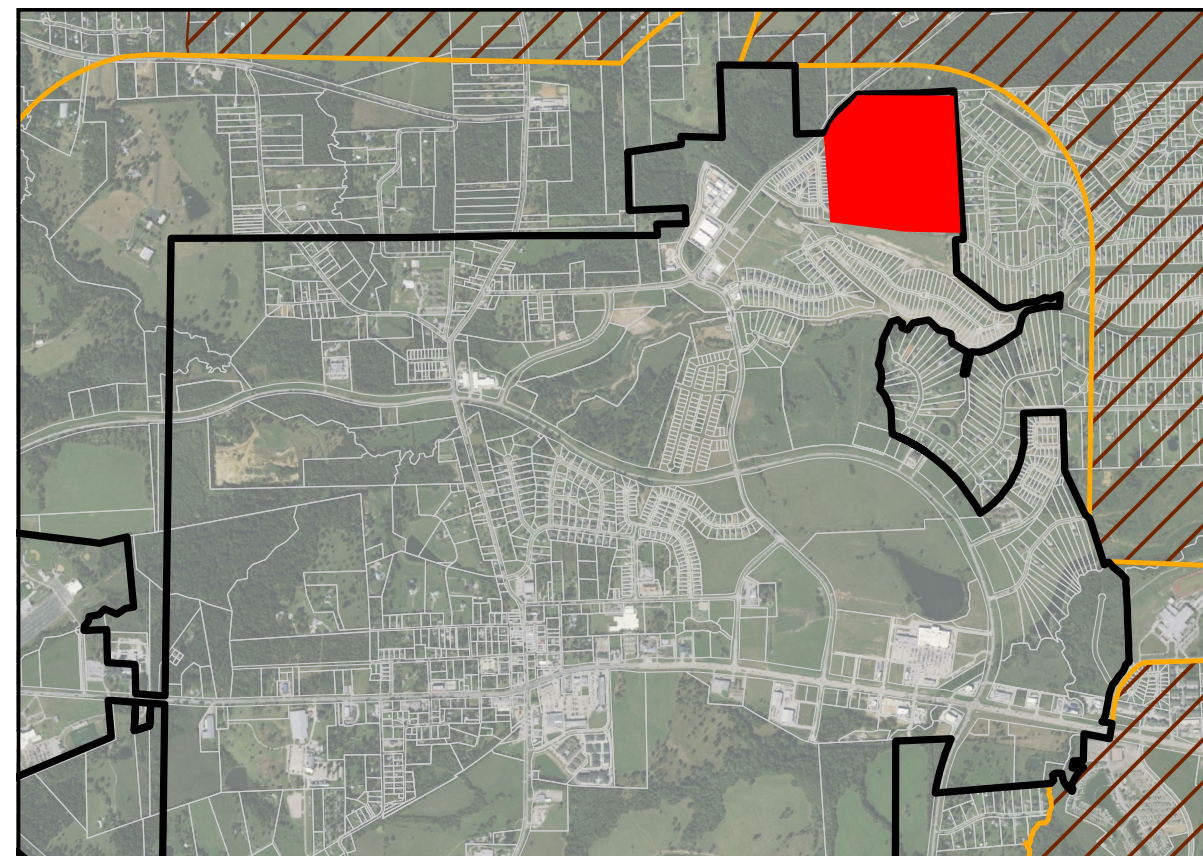
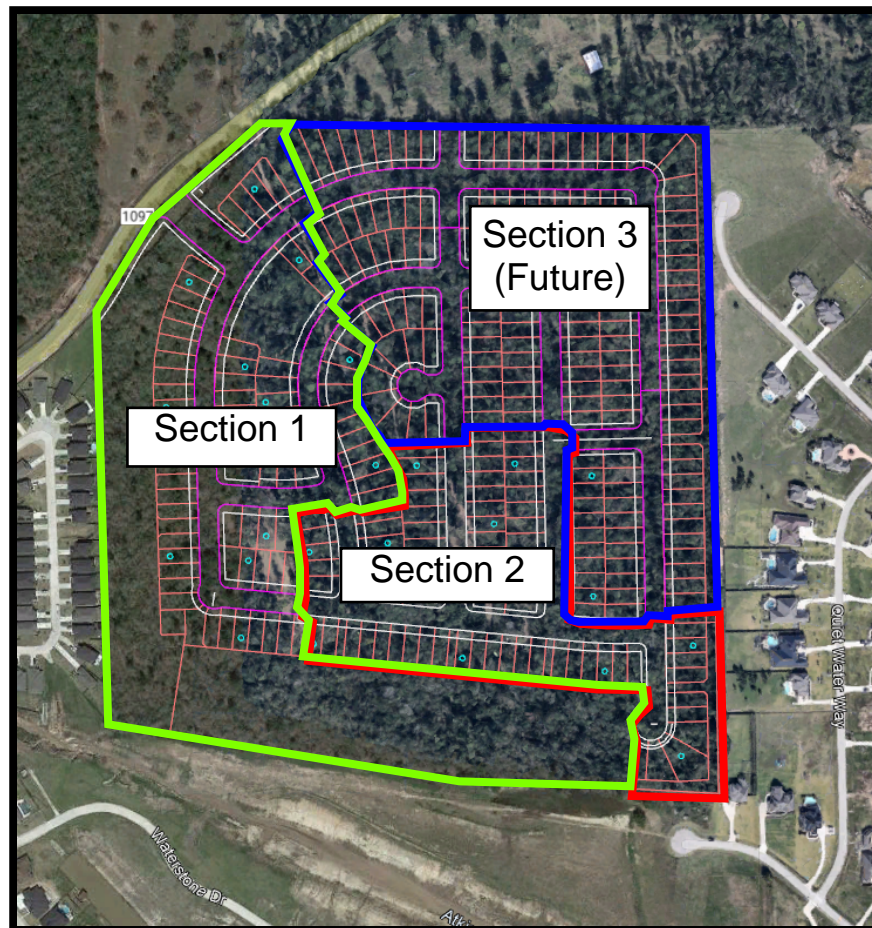
Section 78-61(j) Approval. *The city Planning and Zoning Commission shall approve or conditionally approve, defer or disapprove, within 60 days, any final plat submittal. The City Council shall approve or disapprove any final plat submitted within 30 days after the date the plat is approved by the planning and zoning commission. Final approval will expire one year after the city council action granting approval of any final plat unless the final plat has been filed for record, except that, if the subdivider shall apply in writing prior to the end of such one-year period stating reasons for needing extension, this period may, at the discretion of the City Council, be extended for another year, but not beyond that period.*

Analysis & Conclusion:

The city's development process allows for the Final Plat to be approved before all public infrastructure is complete if accompanied by a performance bond to cover the costs needed to complete any remaining public infrastructure. The performance bond ensures that the developer has provided a guarantee of funds to complete all remaining work. Staff and the city engineers recommend approval of the Final Plat contingent of receipt of the performance bond.

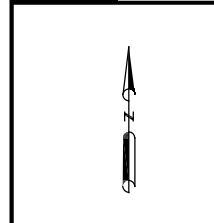
Approved By

Assistant City Administrator & Planning & Development Director	Dave McCorquodale	Date: 10/05/2023
City Administrator	Gary Palmer	Date: 10/05/2023



Development Timeline:

- Escrow Agreement Authorized - April 12, 2022
- Feasibility Presented to the City - May 24, 2022
- Developer Agreement Executed - September 13, 2022
- Clearing & Grubbing Plan Approval - October 25, 2022
- Drainage Impact Analysis Approval - December 22, 2022
- Section 1 Preliminary Plat Approval - March 7, 2023
- Section 2 Preliminary Plat - March 7, 2023
- Mass Grading & Detention Plan Approval - May 3, 2023
- Section 1 WSD&P Plan Approval - July 12, 2023
- Section 2 WSD&P Plan Approval - August 8, 2023





September 29, 2023

The Planning and Zoning Commission
City of Montgomery
101 Old Plantersville Rd.
Montgomery, Texas 77316

Re: Submission of Final Plat
Montgomery Bend, Section 1
City of Montgomery

Dear Commission:

We reviewed the Final Plat submission for Montgomery Bend Section 1, owned by Pulte Homes of Texas, LP. ("the Owner"), on behalf of the City of Montgomery. The Owner has requested platting of the tract for the development of 69 single-family residential lots and 7 reserves.

Our review was based on The City of Montgomery's Code of Ordinances, Chapter 78, Section 60 and any other applicable chapters. We offer no objection to the plat as submitted. We recommend the Commission approve the plat conditional upon receipt of a performance bond for 100% of the remaining construction contract amount in a format acceptable to the City.

If you have any questions or comments, please do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink that reads "Chris Roznovsky". The signature is fluid and cursive.

Chris Roznovsky, PE
Engineer for the City

CVR/kmv

Z:\00574 (City of Montgomery)_900 General Consultation\Correspondence\Letters\2023\2023.09.28 MEMO to P&Z RE Montgomery Bend Section 1 Final Plat.docx

Enclosures: Final Plat

Cc (via email): The Honorable Mayor and City Council – City of Montgomery
Mr. Gary Palmer – City of Montgomery, City Administrator
Ms. Nici Browe – City of Montgomery, City Secretary
Mr. Alan Petrov – Johnson Petrov, LLP, City Attorney
Mr. Garret Duhon, PE – Elevation Land Solutions

Reserve Area Table			
Reserve Letter	Area (Sq Ft)	Area (Ac)	Usage Restricted To
A	46,650.63	1.071	DRAINAGE, LANDSCAPE, OPEN SPACE
B	66,672.04	1.531	UNRESTRICTED
C	6,560.76	0.1506	LANDSCAPE, OPEN SPACE
D	6,781.23	0.1557	LANDSCAPE, OPEN SPACE AND ACCESS
E	5,625.00	0.1291	LIFT STATION, LANDSCAPE
F	274,194.72	6.295	DRAINAGE, LANDSCAPE, OPEN SPACE
G	5,725.00	0.1314	DRAINAGE, LANDSCAPE, OPEN SPACE
TOTAL	412,209.38	9.464	

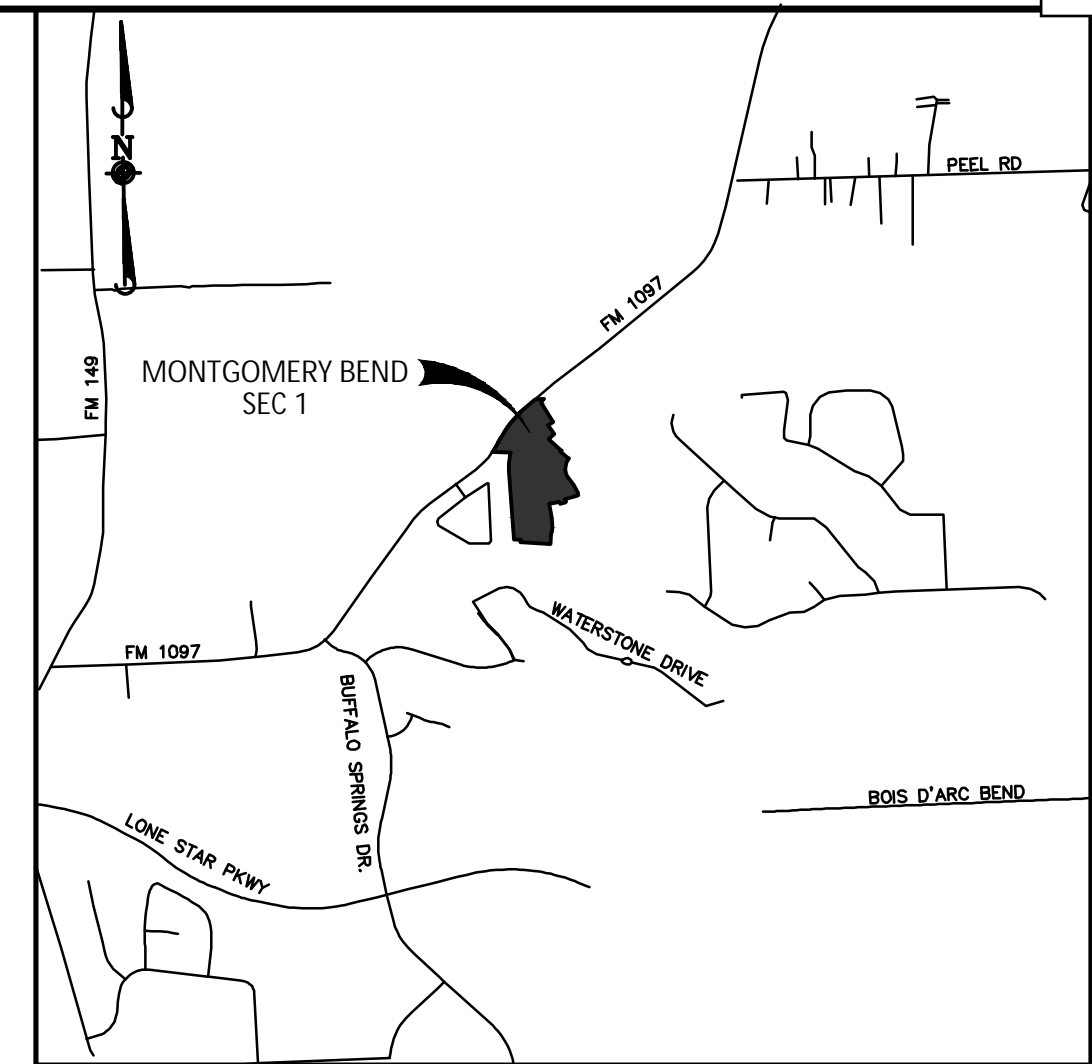
Block 1 Parcel Table		
Parcel #	Area (S.F.)	Area (Ac)
1	6692.22	0.1536
2	6925.42	0.1590
3	7297.62	0.1675
4	7824.14	0.1796

Block 2 Parcel Table		
Parcel #	Area (S.F.)	Area (Ac)
1	6203.97	0.1424
2	6203.97	0.1424
3	6253.34	0.1436
4	6281.17	0.1442
5	6274.96	0.1441
6	5724.88	0.1314
7	5784.66	0.1328
8	6013.98	0.1381
9	6233.10	0.1431
10	6150.97	0.1412
11	7916.00	0.1817
12	6401.44	0.1470
13	6888.96	0.1581
14	9779.23	0.2245
15	8307.42	0.1907
16	6591.12	0.1513
17	6429.84	0.1476
18	6364.83	0.1461
19	6316.70	0.1450

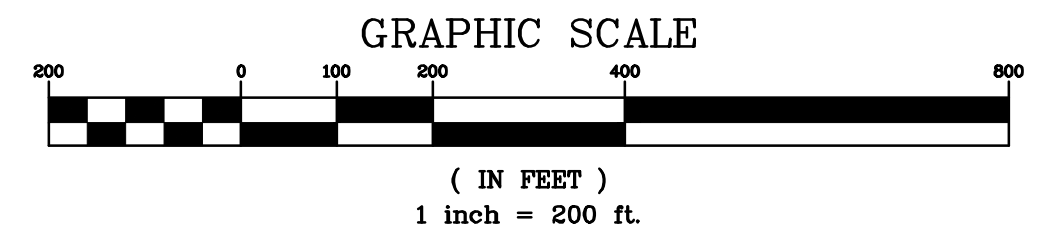
Block 3 Parcel Table		
Parcel #	Area (S.F.)	Area (Ac)
1	6885.70	0.1581
2	6946.26	0.1595
3	6946.26	0.1595
4	6016.05	0.1381
5	5651.82	0.1297
6	6327.24	0.1453
7	6938.69	0.1593
8	7191.55	0.1651
9	7397.07	0.1698

Block 5 Parcel Table		
Parcel #	Area (S.F.)	Area (Ac)
1	5625.00	0.1291
2	5625.00	0.1291
3	5625.00	0.1291
4	5625.00	0.1291
5	5625.31	0.1291
6	5445.92	0.1250
7	6127.68	0.1407
8	5493.45	0.1261
9	5625.00	0.1291
10	5625.00	0.1291
11	5575.00	0.1280
12	5575.00	0.1280
13	5625.00	0.1291
14	5625.00	0.1291
15	5625.00	0.1291
16	5625.00	0.1291
17	5625.00	0.1291
18	5625.00	0.1291
19	5625.00	0.1291
20	5838.94	0.1340
21	5936.51	0.1363
22	5955.14	0.1367
23	5916.97	0.1358
24	5960.66	0.1368
25	5916.97	0.1358
26	5960.66	0.1368
27	5916.97	0.1358
28	5950.19	0.1366

Block 4 Parcel Table		
Parcel #	Area (S.F.)	Area (Ac)
1	8189.03	0.1880
2	6818.06	0.1565
3	6666.14	0.1530
4	8599.51	0.1974
5	7515.91	0.1725
6	5625.00	0.1291
7	5625.00	0.1291
8	5625.00	0.1291
9	6496.08	0.1491



VICINITY MAP
MONTGOMERY COUNTY
KEY MAPS: 123L
NOT TO SCALE



Published Coordinates - Montgomery City Control				
Point #	Northing (grid)	Easting (grid)	Elevation	Description
MONT 1	10135441.475	3763481.913	239.70	3"Brass Cap in Conc.
MONT 2	10131535.695	3757800.740	301.87	3"Brass Cap in Conc.
MONT 3	10135296.374	3753373.590	268.73	3"Brass Cap in Conc.
MONT 4	10139200.353	3752878.057	285.97	3"Brass Cap in Conc.
MONT 7	10135557.537	3758356.460	291.77	3"Brass Cap in Conc.

Observed Coordinates - Elevation Land Solutions			
Point #	Northing (grid)	Easting (grid)	Elevation
1	10135441.371	3763481.958	239.89
2	10131535.767	3757800.807	301.72
3	10135296.519	3753373.658	268.23
4	10139200.404	3752878.122	285.89
7	10135557.584	3758356.516	291.21

ABBREVIATIONS

- | | |
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| (Symbol) | STREET NAME CHANGE |

FINAL PLAT MONTGOMERY BEND SEC 1

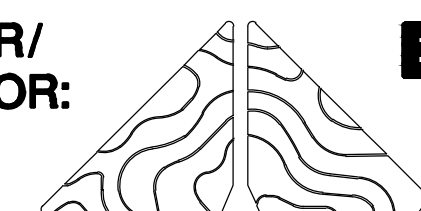
A SUBDIVISION OF 23.61 ACRES OF LAND
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69 LOTS 7 RESERVES 5 BLOCKS
SEPTEMBER 2023

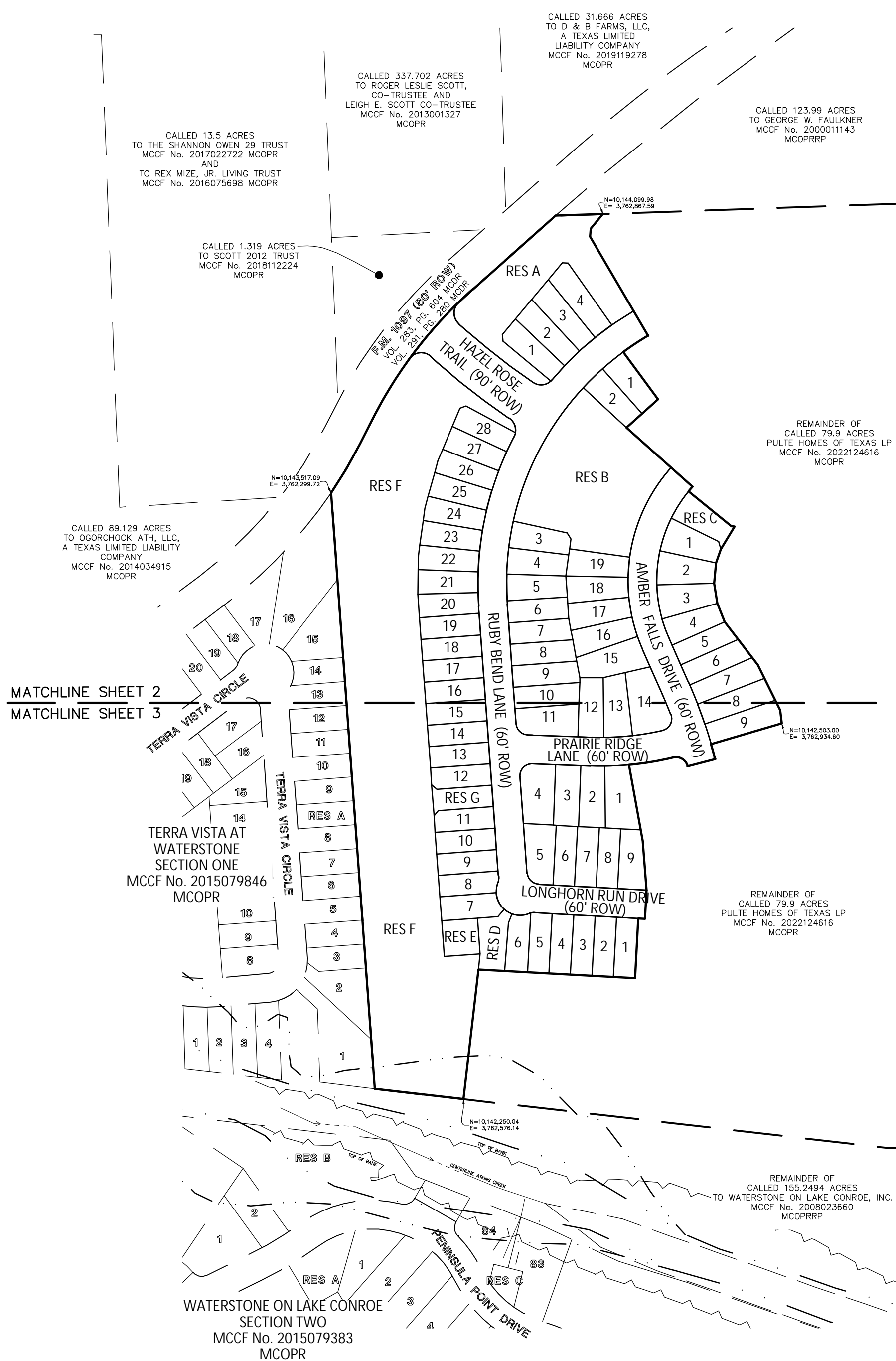
OWNER/
DEVELOPER:

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1311 BROADFIELD BLVD., SUITE 100
HOUSTON, TX 77084
281-749-8000

ENGINEER/
SURVEYOR:



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9709 LAKESIDE BLVD., SUITE 200
THE WOODLANDS, TX 77381 832-823-2200
TBPS REGISTRATION NUMBER 10194692



MATCHLINE SHEET 2
MATCHLINE SHEET 3

MATCHLINE SHEET 2
MATCHLINE SHEET 3

FINAL PLAT NOTES:

- The Coordinates shown hereon are Texas Central Zone No. 4203 State Plane Grid Coordinates (NAD83) and may be brought to surface by applying the following combined scale factor of 1.00003.
- All distances shown are SURFACE distances.
- Survey monuments shall be set to the standards of the Texas Society of Professional Land Surveying Practices Act and the General Rules of Procedure and Practices of the Texas Board of Land Surveying and shall bear reference caps as indicated.
- All interior monuments shall be set after construction of utilities and pavement, and after lots are properly graded. Lot corners will be set 5/8" iron rods with plastic caps stamped 'ELS'.
- Benchmark shown hereon are based on National Geodetic Survey Monument Designation HGCS 81, PID No. AJ6405 having published information as follows:
Elevation: 212.4 feet, NAVD88
- According to Map No. 48339C0200G of the Federal Emergency Management Agency's Flood Insurance Rate Maps for Montgomery County, Texas, dated August 18, 2014, this tract of land lies within Unshaded Zone 'X'; defined as areas determined to be outside the 0.2% annual chance floodplain, Shaded Zone 'X'; defined as areas of 0.2% annual chance flood; areas of 1% annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 1% annual chance flood, and Zone 'AE'; defined as special flood hazard areas (SFHAs) subject to inundation by the 1% annual chance flood with Base Flood Elevations determined.
- Each lot shall be restricted to a Single-Family Residential Uses; such uses may be more restrictively defined by private restrictions recorded in the real property records.
- All building lines (BL) along the right-of-way are as shown hereon.
- In addition to the building lines shown, all lots shall have a minimum 5' side yard and 10' rear yard setback unless otherwise noted. The City of Montgomery City Council approved these variances on March 14, 2023.
- All easements are centered on lot lines unless shown otherwise.
- There are no pipelines or pipeline easements through this subdivision.
- One foot reserve dedicated to the public in fee as a buffer separation between the side or ends of streets where such streets abut adjacent property, the condition of such dedication being that when the adjacent property is subdivided in a recorded plat the one foot reserve shall thereupon become vested in the public for street right-of-way purposes and the fee title thereto shall revert to and revest in the dedicator, his heirs, assigns, or successors.
- The subject tract is hereby granted the following variance listed within the executed Development Agreement, dated September 13, 2022. A variance for lot size to be a minimum of 45 feet wide and 120 feet long and an area of 5,400 square feet.

P:\610126\Mapy and Files\Drawings\MontgomeryBend Sect 1\FinalPlat.dwg, 9/27/2023, 3:31:05 PM, mrcrjcm

Line #	Length	Direction
L1	98.62'	N88°00'42"E
L2	40.00'	S39°46'57"W
L3	16.36'	S04°40'54"W
L4	122.50'	S36°24'54"E
L5	88.76'	S48°15'08"W
L6	115.46'	S50°43'55"E
L7	6.50'	S86°25'37"E
L8	55.03'	S31°02'15"W
L9	30.56'	S19°18'18"W
L10	42.77'	S05°16'04"W
L11	42.77'	S08°46'09"E
L12	41.42'	S21°28'21"E
L13	113.57'	S37°51'19"E
L14	105.59'	S26°03'45"E
L15	27.98'	S07°49'33"E
L16	60.00'	S75°29'52"W
L17	102.67'	S04°18'01"E
L18	60.00'	S03°04'57"W
L19	13.92'	N86°55'03"W
L20	125.00'	S03°04'57"W
L21	57.77'	N26°53'39"E
L22	53.54'	N48°40'08"W
L23	43.61'	N56°08'10"W
L24	1.50'	N44°43'45"E
L25	129.75'	N50°13'03"W
L26	14.14'	N05°13'03"W

Line #	Length	Direction
L27	12.17'	N87°41'30"W
L28	14.71'	N34°51'34"W
L29	48.72'	N89°34'25"E
L30	25.78'	S10°39'26"E
L31	31.62'	S03°47'47"E
L32	16.70'	N17°10'04"W
L33	20.00'	N19°48'40"E
L34	20.00'	N41°18'50"E
L35	14.14'	N40°48'13"E
L36	14.14'	N49°11'47"W
L37	116.88'	N61°34'26"W
L38	13.43'	N70°36'14"E
L39	0.45'	N48°40'08"W
L40	322.03'	N41°40'57"E
L41	20.74'	S88°00'42"W
L42	307.80'	S41°40'57"W
L43	0.71'	N48°40'08"W
L44	208.81'	S41°28'48"W
L45	22.14'	S26°53'39"W
L46	24.09'	N04°11'47"W
L47	24.06'	N26°53'39"E
L48	210.69'	N41°28'48"E
L49	15.00'	S48°40'08"E
L50	20.00'	S04°11'47"E
L51	20.00'	S04°11'47"E

Curve #	Length	Radius	Delta	CHORD LENGTH	CHORD BEARING
C1	62.79'	600.00'	005°59'45"	62.76'	S56°34'59"W
C2	12.73'	295.00'	002°28'17"	12.72'	S40°30'14"W
C3	32.40'	1030.00'	001°48'08"	32.40'	N15°24'12"W
C4	38.92'	25.00'	089°11'33"	35.11'	N59°05'54"W
C5	93.68'	630.00'	008°31'13"	93.60'	N80°33'56"E
C6	119.52'	994.99'	006°52'56"	119.45'	N30°20'07"E
C7	344.13'	915.00'	021°32'55"	342.10'	S37°40'06"W
C8	195.49'	1500.00'	007°28'01"	195.35'	S52°24'09"E
C9	701.27'	630.00'	063°46'38"	665.62'	S27°41'32"W
C10	79.41'	55.00'	082°43'16"	72.69'	S45°33'25"E
C11	58.52'	600.00'	005°35'19"	58.50'	N89°16'02"E
C12	217.66'	600.00'	020°47'06"	216.47'	N81°40'08"E
C13	163.83'	1000.00'	009°23'12"	163.64'	S19°11'43"E
C14	372.27'	325.00'	065°37'42"	352.25'	S08°55'32"W
C15	49.84'	30.00'	095°11'29"	44.30'	S83°44'07"W

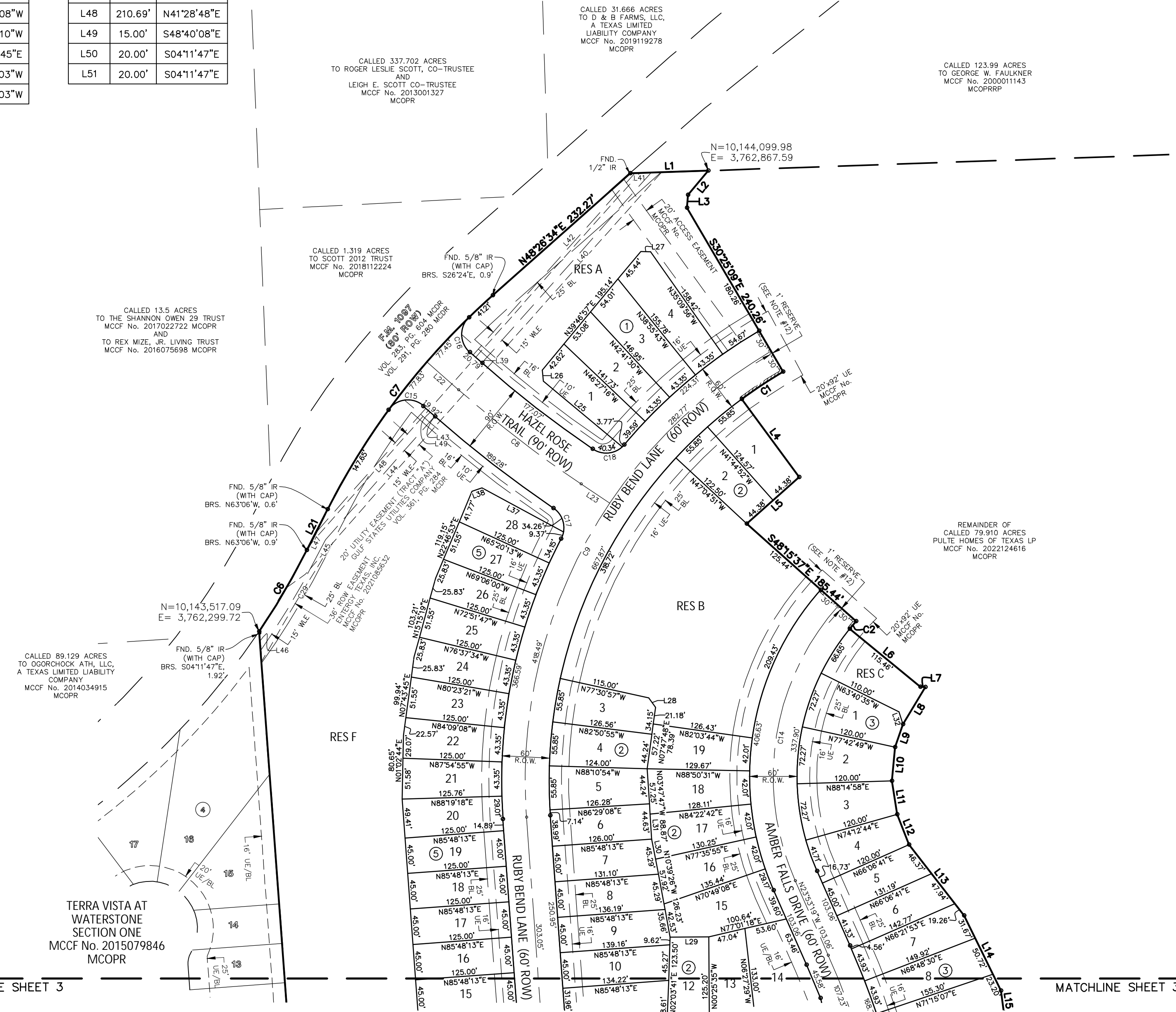
Curve #	Length	Radius	Delta	CHORD LENGTH	CHORD BEARING
C16	49.50'	30.00'	094°31'53"	44.07'	S01°24'12"E
C17	43.62'	30.00'	083°18'59"	39.88'	N14°01'49"W
C18	44.11'	30.00'	084°14'59"	40.24'	N82°14'00"E
C19	36.90'	25.00'	084°34'04"	33.64'	S46°28'49"E
C20	42.00'	25.00'	096°15'28"	37.23'	S43°55'57"W
C21	3.16'	85.00'	002°07'41"	3.16'	S05°15'37"E
C22	12.33'	25.00'	028°15'51"	12.21'	N07°48'28"E
C23	117.30'	50.00'	134°25'16"	92.19'	S45°16'15"E
C24	12.33'	25.00'	028°15'51"	12.21'	S81°39'03"W
C25	4.01'	85.00'	002°42'01"	4.01'	S85°34'02"E
C26	36.09'	25.00'	082°43'16"	33.04'	S45°33'25"E
C27	42.91'	25.00'	098°20'32"	37.83'	N27°58'29"E
C28	18.76'	50.00'	021°30'09"	18.65'	S59°26'15"E
C29	140.31'	1010.00'	007°57'34"	140.20'	S30°52'26"W

GRAPHIC SCALE

(IN FEET)
1 inch = 100 ft.

ABBREVIATIONS

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- SET 5/8" IRON ROD W/ CAP (UNLESS OTHERWISE NOTED)
- STREET NAME CHANGE



**FINAL PLAT
MONTGOMERY BEND
SEC 1**

A SUBDIVISION OF 23.61 ACRES OF LAND
OUT OF THE
OWEN SHANNON SURVEY, A-36
MONTGOMERY COUNTY, TEXAS

69 LOTS 7 RESERVES 5 BLOCKS
SEPTEMBER 2023

**OWNER/
DEVELOPER:** PULTE HOMES OF TEXAS, L.P.,
a Texas Limited Partnership
1311 BROADFIELD BLVD., SUITE 100
HOUSTON, TX 77084
281-749-8000

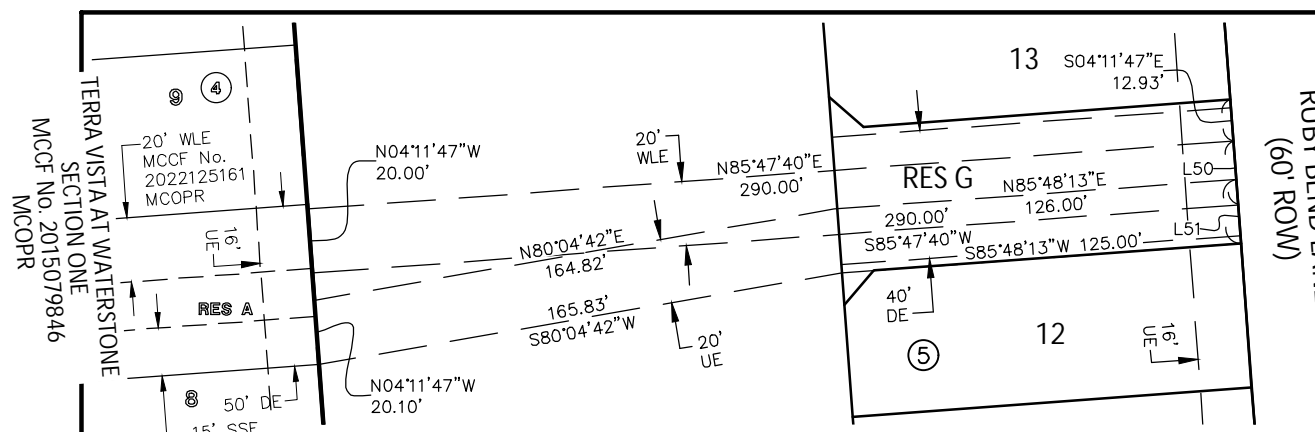
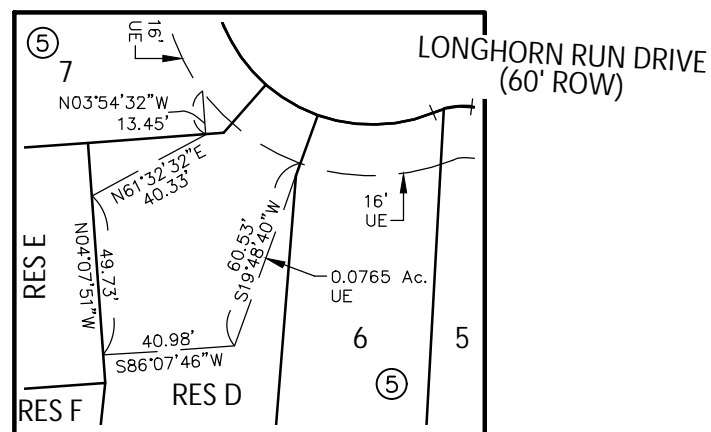
**ENGINEER/
SURVEYOR:**

ELEVATION
land solutions
TBPE REGISTRATION NUMBER F-22671
9709 LAKESIDE BLVD., SUITE 200
THE WOODLANDS, TX 77381 832-823-2200
TBPS REGISTRATION NUMBER 10194692

MATCHLINE SHEET 3

MATCHLINE SHEET 3

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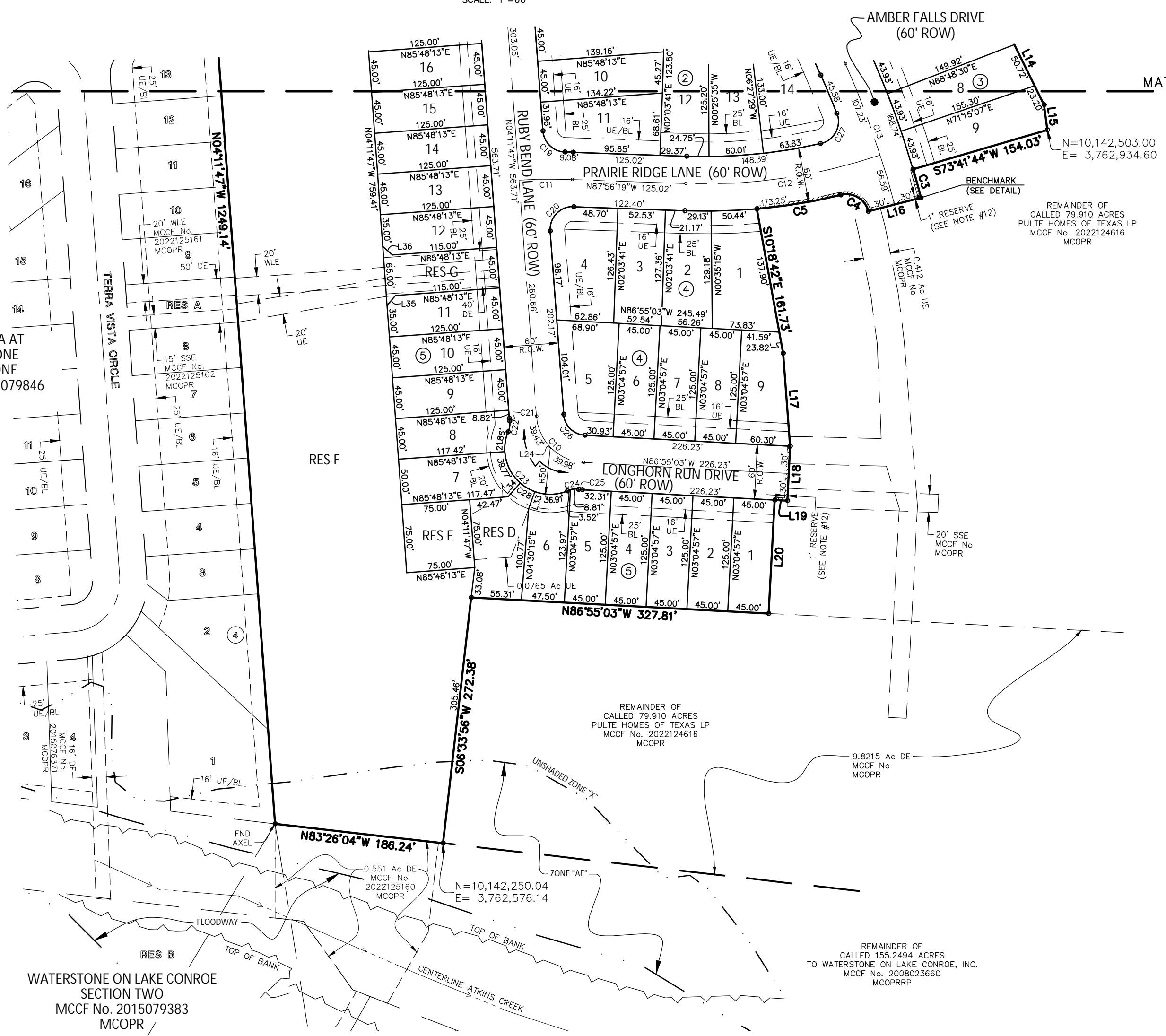


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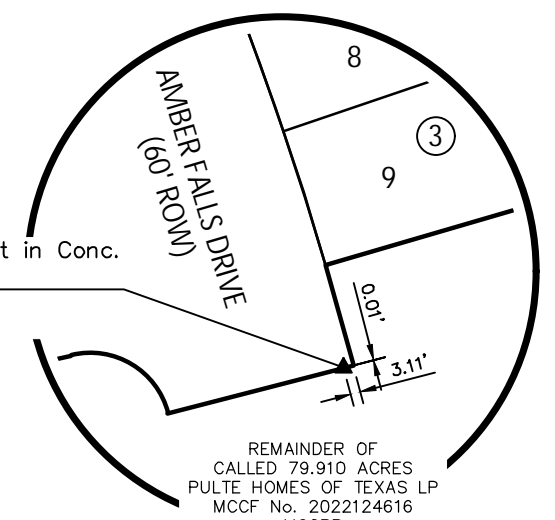
MATCHLINE SHEET 2

MATCHLINE SHEET 2

TERRA VISTA AT WATERSTONE SECTION ONE
MCCF No. 2015079846
MCOPR



3" Brass Disk Set in Conc.
MB TBM 1
EL = 244.08'
NAVD 88



MONT1
PUBLISHED GRID COORDINATES:
N 10,135,557.537
E 3,762,356.460
Elev = 291.77, GEOD -09
SURFACE COORDINATES:
(ELS OBSERVED COORDINATES):
N 10,135,557.584
E 3,762,356.516
Elev = 291.21

MONT1
PUBLISHED GRID COORDINATES:
N 10,135,441.473
E 3,763,481.913
Elev = 299.70, GEOD 09
SURFACE COORDINATES:
(ELS OBSERVED COORDINATES):
N 10,135,441.271
E 3,763,481.958
Elev = 299.89

FINAL PLAT MONTGOMERY BEND SEC 1

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**ENGINEER/
SURVEYOR:**  **ELEVATION
land solutions**
TBPE REGISTRATION NUMBER F-22671
9709 LAKESIDE BLVD, SUITE 200
THE WOODLANDS, TX 77381 832-823-2200
TBPS REGISTRATION NUMBER 10194692

STATE OF TEXAS §
COUNTY OF MONTGOMERY §

That Pulte Homes of Texas, L.P., a Texas Limited Partnership, acting by and through BRIAN WILLIAMS of PULTE NEVADA I, LLC, its general partner, herein acting individually or through the undersigned duly authorized agents, does hereby adopt this plat designating the herein described real property as the MONTGOMERY BEND Sec 1 Subdivision, and does hereby make subdivision of said property according to the lines, streets, alleys, parks, and easements therein shown, and dedicate to public use forever all areas shown on this plat as streets, alleys, parks, and easements, except those specifically indicated as private; and does hereby waive any claims for damages occasioned by the establishing of grades as approved for the streets and alleys dedicated, or occasioned by the alteration of the surface of any portion of streets or alleys to conform to such grades and does hereby bind Owner, and Owner's successors and assigns to warrant and forever defend the title to the land so dedicated.

Owner hereby certifies that Owner has or will comply with all applicable regulations of the city, and that a rough proportionality exists between the dedications, improvements, and exactions required under such regulations and the projected impact of the subdivision.

IN TESTIMONY WHEREOF, Owner, has caused these presents to be signed by BRIAN WILLIAMS, VICE PRESIDENT, of Pulte Nevada I, LLC, as the act of Pulte Homes of Texas, L.P., Pulte Nevada I, LLC, hereunto affixed this _____ day of _____, 2023.

PULTE HOMES OF TEXAS, L.P.,
a Texas limited partnership

By: PULTE NEVADA I, LLC,
a Texas limited liability company
Its General Partner

By: _____
BRIAN WILLIAMS
VICE PRESIDENT

KNOW ALL MEN BY THESE PRESENTS:

That I, Joel K. Nalley, do hereby certify that I prepared this plat from an actual and accurate survey of the land and that corner monuments shown thereof were properly placed under my personal supervision, in accordance with the subdivision regulations of the City of Montgomery, Texas.

Joel K. Nalley
Texas Registration No. 6525

I, L. Brandon Steinmann, Clerk of the County Court of Montgomery County, Texas, do hereby certify that the within instrument with it's certificate of authentication was filed for registration in my office on _____, 2023, at _____ o'clock, ___M., and duly recorded on _____, 2023, at _____ o'clock, ___M., in cabinet _____ sheet _____, of record of _____ for said county.

Witness my hand and seal of office, at Conroe, Montgomery County, Texas, the day and date last above written

L. Brandon Steinmann, Clerk, County Court,
Montgomery County, Texas

By: _____
Deputy

I, Chris Roznovsky, Engineer for the City of Montgomery, Texas, hereby certify that this subdivision plat conforms to all requirements of the subdivision regulations of the city as to which his approval is required.

Chris Roznovsky, P.E.
City Engineer – City of Montgomery

This plat and subdivision has been submitted to and considered by the City Planning and Zoning Commission, and is hereby approved by such commission.

Dated this ____ day of _____, 2023.

By: _____
Chairman
Planning and Zoning Commission

This plat and subdivision has been submitted to and considered by the City Council of the City of Montgomery, Texas, and is hereby approved by such council.

Dated this ____ day of _____, 2023.

By: _____
Byron Sanford, Mayor

Attest: _____
Nici Browe, City Secretary

STATE OF TEXAS §
COUNTY OF MONTGOMERY §

Before me, notary public in and for the State of _____ on this day personally appeared BRIAN WILLIAMS, VICE PRESIDENT, of Pulte Nevada I, LLC, a Delaware Limited Liability Company, known to me to be the person(s) whose names are subscribed to the foregoing instrument and acknowledged to me that the same is the act of Pulte Homes of Texas, L.P., a Texas Limited Partnership, and that they executed the same as and as the act of such limited partnership and for the purposes and considerations therein expressed in the foregoing instrument.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this
_____ Day of _____, 2023

Notary Public in and for the State of _____

My Commission expires _____

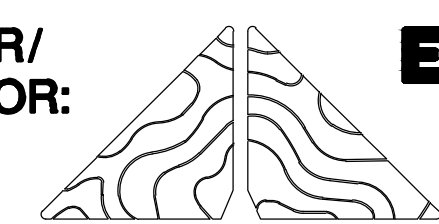
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Montgomery City Council
AGENDA REPORT

Meeting Date: October 10, 2023	Available Funds: pending CO issuance
Department: Admin	Prepared By: Dave McCorquodale

Subject

Consideration and possible action on a Proposal for Water Plant No. 2 Improvements submitted by the city engineer.

Recommendation

Staff recommends approval of the Proposal and authorizing WGA to proceed with design plans for the lump sum fee of \$109,000 plus reimbursable expenses.

Discussion

Issue:

Water Plant No. 2, located off Stewart Street near the post office, needs maintenance and repairs to various items. This work was planned to be done over the next couple of years through capital project planning. Recently, the existing well collapsed and is no longer functioning. Because the city needs Well No. 2 online, a plan was developed to design and drill a new well on the existing site and include the upcoming planned repair and maintenance in the project. The two biggest items in the project are the new well and a new ground storage tank.

Regulations:

The existing Professional Services Agreement with WGA for consulting city engineer services provides the contractual framework for the attached Proposal. The Proposal outlines the project-specific details within the scope of work.

Analysis:

The city has two options for procuring engineering design services for this project. The first is to accept WGA's proposal. WGA is very familiar with our water system and the details of Water Plant No. 2.

The second option is to issue an RFQ for the project and receive submissions, select a firm, and negotiate a contract. As a reminder, state law does not allow cities to procure professional services based on price. The RFQ process and selection of services has to be made on the most qualified firm and cannot include discussions of price. Once a firm is selected, the city can negotiate a contract and price.

Fiscal Review:

The estimated cost for design and construction of the project is \$1,461,500 plus \$247,000 (20%) for contingencies. Staff's recommendation is to use a portion of the upcoming Certificate of Obligation issuance funds to pay for the project. WGA has agreed to hold any invoices for design services until the CO's are funded and received by the city.

Conclusion:

After considering possible options, city staff recommend using the city's consulting engineer, WGA, for the design of the Water Plant No.2 Improvements project. WGA is qualified to do the work and in the best position to provide the most cost-efficient service to the city.

Montgomery City Council
AGENDA REPORT

Approved By		
Assistant City Administrator & Planning & Development Director	Dave McCorquodale	Date: 10/05/2023
City Administrator	Gary Palmer	Date: 10/05/2023



Water Plant No. 2 Improvements

City of Montgomery

This proposal is submitted pursuant to and in accordance with that certain Professional Services Agreement dated May 25, 2021, by and between Ward, Getz & Associates, PLLC and the City of Montgomery (the "City").

WGA understands the City plans to make improvements to the existing Water Plant No. 2. The improvements consist of the following elements:

1. Blast and recoat hydro pneumatic tank (HPT), booster pumps, above ground piping and valves.
2. Abandon and plug the existing jasper well.
3. Drill new jasper well with a capacity of 500 gpm on existing site.
4. Demolish existing ground storage tank (GST).
5. Install a new 125,000-gallon factory coated bolted steel GST.
6. Evaluate the condition of the existing GST concrete pad and make any necessary improvements to use for the installation of the new GST.

ASSUMPTIONS AND EXCLUSIONS:

1. This proposal does not include municipal agency review fees or impact fees.
2. Site survey, subsurface investigation, and geotechnical services are part of this project.
3. Landscape and Irrigation Plans are not included in this scope of service.
4. Client will examine all studies, reports, sketches, drawings, specifications, proposals and other documents presented by WGA, obtain advice of an attorney, insurance counselor and other consultants as Client deems appropriate for such examination and render in writing decisions pertaining thereto within a reasonable time so as not to delay the services of WGA.
5. Client will attend the pre-bid conference, bid opening, preconstruction conferences, construction progress and other job-related meetings and substantial completion inspections and final payment inspections.
6. Client will give prompt written notice to WGA whenever Client observes or otherwise becomes aware of any development that affects the scope or timing of WGA's services, or any defect or nonconformance of the work of any Contractor.
7. Preparation of applications and supporting documents for government grants, TWDB or other funding, or for planning advances is an Additional Service.
8. Client recognizes and expects that certain Change Orders may be required. WGA recommends that the Client budget a minimum of 10% of the estimated project cost for construction change orders. Any responsibility of WGA for the costs of Covered Changed Orders will be determined based on applicable contractual obligations and professional liability standards. For purposes of this paragraph, the cost of Covered Change Orders will not include:
 - any costs that Client would have incurred if the Covered Change Order work had been included originally in the Contract Documents and without any other error or omission of WGA related thereto,



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- Any costs that are due to unforeseen site conditions, or
- Any costs that are due to changes made by the Client.
- Any costs that are due to the Contractor

SCOPE OF WORK

- *Design Phase Services*
 - *Conduct one project kick-off meeting with the Client to confirm scope of work.*
 - *Conduct monthly progress meetings, up to a maximum of five (5) meetings during the final design phase.*
 - *Prepare drawings, specifications, and layouts of improvements to be constructed for design milestone (50% and 100%) submittal and for the final construction contract documents.*
 - *Prepare front end documents, including bid documents, general conditions, and special conditions for the construction contract documents.*
 - *Prepare and submit a Technical Memorandum evaluating the GST concrete pad and its suitability for bearing additional loads.*
 - *Prepare application for and TCEQ approval for the project.*
 - *Prepare application for and TCEQ approval for the new groundwater well.*
 - *50% Submittal: Prepare drawings, specifications, designs, and layouts of improvements to be constructed. Prepare bid forms. 50% submittal documents will include dimensional layout drawings, plans, sections, and elevations for all the trades, typical details, and most of the special details. The draft specifications will include major equipment items. WGA will receive comments from Client and address comments in the 100% submittal. The 50% submittal shall be defined and consist of the minimum level of completion by the following disciplines:*
 - *General and Standard Sheets to 90%*
 - *P&IDs to 90%*
 - *Process Mechanical to 50%*
 - *Civil to 50%*
 - *Structural to 30%*
 - *Instrumentation and Control to 30%*
 - *Electrical to 30%*
 - *Specifications to 50%*
 - *Sheet List to 90%*
 - *100% Submittal: Review documents will include all plans and specifications with minor corrections and notes remaining. WGA will receive comments from Client and address comments in the Final Construction Contract Documents. The 100% submittal shall be defined and consist of the minimum level of completion by the following disciplines:*
 - *General and Standard Sheets to 100%*
 - *P&IDs to 100%*
 - *Process Mechanical to 105%*
 - *Civil to 100%*
 - *Structural to 100%*



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- *Instrumentation and Control to 100%*
- *Electrical to 100%*
- *Specifications to 100%*
- *Sheet List to 100%*

- *Final Construction Contract Documents: The plans and specifications will be finalized based on one set of compiled comments from Client. Engineer will seal and sign the completed documents. Engineer shall update plans and specifications with any final comments prior to finalizing for construction.*
- *Prepare revised opinion of probable construction cost for the 75% and 100% design completion levels.*
- *Furnish Client with one electronic PDF copy of drawings and specifications for each submittal for review and approval by Client. Upon final approval by Client, WGA will provide Client one electronic PDF copy of "Final" sealed drawings and in CAD file format.*

- *Bid Phase Services: Upon completion of design services and approval of "Final" drawings and specifications by Client, WGA shall provide professional services in this phase as follows:*
 - *Assist Client in securing bids. Issue a Notice to Bidders to prospective contractors and vendors and to selected plan rooms. Provide a copy of the notice to bidders for Client to use in notifying construction news publications and publishing appropriate legal notice. The cost for publications shall be paid by Client.*
 - *Maintain information on entities that have been issued a set of bid documents. Distribute information on plan holders to interested contractors and vendors on request.*
 - *Assist Client by responding to questions and interpreting bid documents. Prepare and issue addenda to the bid documents to plan holders if necessary.*
 - *At Client request, WGA will assist Client in the opening, tabulating, and analyzing the bids received. Review the qualification information provided by the apparent low bidder to determine if, based on the information available, they appear to be qualified to construct the project. Recommend award of contracts or other actions as appropriate to be taken by the Client.*
 - *Assist the Client in conducting a pre-bid conference for the construction projects and coordinate responses with Client. Response to the pre-bid conference will be in the form of addenda issued after the conference.*
 - *Assist Client in the preparation of Construction Contract documents. Provide ten (10) sets of Construction Contract Documents which include information from the apparent low bidder bid documents, legal documents, and addenda bound in the documents for execution by the Client and construction contractor.*

- *Construction Administration*
 - *Issue notice to proceed and hold pre-construction meeting.*
 - *The Consultant shall review the Contractor's submittal schedule and shall not unreasonably delay or withhold approval concerning any civil design related submittals. The Consultant's action in reviewing submittals shall be taken in accordance with the approved submittal schedule or, in the absence of an approved submittal schedule, with reasonable promptness while allowing sufficient time in the Consultant's professional*



CONSULTING ENGINEERS

judgement to permit adequate review. The basis of the scope of work assumes 20 contractor submittal reviews, including resubmittal reviews.

- *The Consultant shall review and respond to requests for information about the Contract Documents. Requests for information shall include, at a minimum, a detailed written statement that indicates the specific Drawings or Specification in need of clarification and the nature of the clarification requested. The Consultant's response to such requests shall be made in writing in a reasonably timely manner as to not adversely affect the Owner's schedule. If appropriate, the Consultant shall prepare and issue supplemental Drawings and Specifications in response to requests for information. The basis of the scope of work assumes no more than a total of 25 responses to the following: requests for information (RFI), change order (CO) reviews, and contract modification requests (CMR).*
 - *Preparation of monthly pay estimates during construction phase. The basis of scope of work assumes no more than a total of six (6) pay estimates.*
 - *The Consultant shall make a periodic site visits to the construction site. The number of site visits shall not exceed six (6) during the construction phase. This includes the site visit during start-up.*
- *Field Project Representation*
 - *Onsite inspection by a Field Project Representative for approximately 10 hours per week (including travel time) for a total of 180 hours for the duration of the projected contract period (estimated to be 6 months).*
- *Additional Services and Reimbursable Expenses*
 - *Includes construction staking, construction materials testing, advertising expenses, and other reimbursable expenses.*
 - *Any additional site visits during the construction phase by the Consultant beyond listed above is an additional service.*
 - *Any water quality field sampling required during the design phase is an additional service.*
 - *Revising drawings, specifications or other documents when such revisions are not consistent with approvals or instructions previously given by Client or due to other causes not solely within the control of WGA.*
 - *Providing consultation concerning the replacement of any Work damaged by fire or other cause during the construction, and providing services as may be required regarding the replacement of such Work.*
 - *Investigations involving consideration of operation, maintenance and overhead expenses, and the preparation of rate schedules, earnings and expense statements, feasibility studies, appraisals, evaluations, assessment schedules, and material audits or inventories required for certification of force account construction performed by Client.*
 - *Preparing applications and supporting documents for government grants, loans, or planning advances and providing data for detailed applications.*
 - *Providing shop, mill, field or laboratory inspection of materials and equipment. Observe factory tests of equipment at any site remote to the project or observing tests required as a result of equipment failing the initial test.*



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- *Conducting pilot plant studies or tests.*
- *Preparing data and reports for assistance to Client in preparation for hearings before regulatory agencies, courts, arbitration panels or any mediator, giving testimony, personally or by deposition, and preparations therefore before any regulatory agency, court, arbitration panel or mediator.*
- *Furnishing Special Inspections required under chapter 17 of the International Building Code.*
- *Assisting Client in preparing for, or appearing at litigation, mediation, arbitration, dispute review boards, or other legal and/or administrative proceedings in the defense or prosecution of claims disputes with Contractor(s).*
- *Performing investigations, studies and analyses of substitutions of equipment and/or materials or deviations from the drawings and specifications.*
- *Assisting Client in the defense or prosecution of litigation in connection with or in addition to those services contemplated by this Agreement. Such services, if any, shall be furnished by WGA on a fee basis negotiated by the respective parties outside of and in addition to this Agreement.*
- *Performing investigations, studies, and analysis of work proposed by construction contractors to correct defective work.*
- *Design, contract modifications, studies or analysis required to comply with local, State, Federal or other regulatory agencies that become effective after the date of this agreement.*
- *Services required to resolve bid protests or to rebid the projects for any reason.*
- *Any services required because of default of the contractor(s) or the failure, for any reason, of the contractor(s) to complete the work within the contract time.*
- *Providing services after the completion of the construction phase not specifically listed in the scope of services.*
- *Providing services on an accelerated time schedule. The scope of this service includes cost for overtime wages of employees and consultants, inefficiencies in work sequence and plotting or reproduction costs directly attributable to an accelerated time schedule directed by the Client.*
- *Providing services made necessary because of unforeseen, concealed, or differing site conditions or due to the presence of hazardous substances in any form.*
- *Providing services to review or evaluate construction contractor(s) claim(s), provided said claims are supported by causes not within the control of WGA.*
- *Providing value engineering studies or reviews of cost savings proposed by construction contractors after bids have been submitted.*
- *Construction services over 20% of original contract period of performance.*



ENGINEERING COST

The cost to perform the scope of services described above is as follows:

Final Design Phase Services -	\$109,000	(Lump Sum)
Bid Phase Services	\$7,500	(Lump Sum)
Construction Administration Services -	\$35,000	(Time and Materials)
Field Project Representation -	\$45,000	(Time and Materials)
Additional Services & Reimbursable Expenses -	\$33,000	(Time and Materials)

WGA requests City Council's authorization to proceed with the preparation of the design plans for the Water Plant No. 2 Improvements on a lump sum basis, as described above.

SCHEDULE

Authorization to Proceed	1	calendar days*
Survey	45	calendar days
Design	120	calendar days
Bidding	30	calendar days
Contracts	30	calendar days
Construction	180	calendar days
TOTAL DURATION	376	calendar days

*If approved, the effective start date is the following business day from the date of acceptance.



Preliminary Cost Estimate
FOR
Water Plant No. 2 Improvements
10/5/2023

Item No.	Description	Quantity	Unit	Unit Price	Cost
<u>General</u>					
1	Mobilization, Bonds & Insurance	1	LS	\$ 30,000	\$ 30,000
2	Blast and Recoat Piping, Valves, Supports, & Pumps	1	LS	15,000	15,000
3	Blast and Recoat Hydropneumatic Tank	1	LS	40,000	40,000
4	Demolition of Existing Water Well	1	LS	20,000	20,000
5	New 500 GPM Water Well	1	LS	950,000	950,000
6	New 125,000 Gallon Bolted Steel Tank	1	LS	125,000	125,000
7	Stormwater Pollution Protection Plan	1	LS	2,000	2,000
8	Electrical and Instrumentation	1	LS	50,000	50,000
				Construction Subtotal	\$ 1,232,000
				Contingencies (20%)	\$ 247,000
				Engineering	\$ 151,500
				Field Project Representation	\$ 45,000
				Reimbursables	\$ 33,000
				Total	\$ 1,708,500

Notes:

- 1 All values rounded up to the nearest thousand.
- 2 This estimate is based on my best judgement as a design professional familiar with the construction industry. We cannot and do not guarantee that bids will not vary from this cost estimate.
- 3 This includes geotechnical investigation, construction materials testing, reproduction, advertising expenses, and other miscellaneous reimbursable costs.

Montgomery City Council
AGENDA REPORT

Meeting Date: October 10, 2023	Available Funds: N/A
Department: Admin	Prepared By: Dave McCorquodale

Subject

Consideration and possible action on calling a Public Hearing regarding the city-initiated rezoning request of the property commonly known as 203 Prairie Street, Montgomery, Texas.

Recommendation

Staff recommends calling a Public Hearing to be held on November 14, 2023 to be held at City Hall at 6:00 p.m.

Discussion

Issue:

At the September 26th meeting, the City Council directed staff to postpone the sale of 213 Prairie Street in order to pursue rezoning of the property adjacent to 213 Prairie Street. Both of the properties are owned by the city. 213 Prairie Street is zoned B – Commercial. The adjacent 203 Prairie Street is currently greenspace to the north of the building and zoned R1 – Single-Family Residential. The first step in the process is to call a Public Hearing.

Regulations:

Chapter 211 of the Texas Local Government Code and Section 98-30 of the City Code of Ordinances prescribes the process for rezoning property. Both the P&Z Commission and City Council are required to hold Public Hearings before acting on the rezoning. The P&Z will make a recommendation on the request to City Council, which is accepted by City Council receive prior to your Public Hearing. After the City Council Public Hearing, the Council will take action on a rezoning ordinance. Prior to the Public Hearings, staff publishes legal notice of the hearings and mails notification letters to property owners within 200-feet of the property requested to be rezoned.

Analysis & Conclusion:

The City may initiate a rezoning action request for properties within the city limits, including property owned by the city. The Planning & Zoning Commission has called a November 7th Public Hearing on the request to allow for citizen input before discussing the merits of the request and making a recommendation to City Council. Staff recommends calling the Public Hearing to be held on the regular meeting date of November 14th.

Approved By

Assistant City Administrator & Planning & Development Director	Dave McCorquodale	Date: 10/06/2023
City Administrator	Gary Palmer	Date: 10/06/2023

Montgomery City Council
AGENDA REPORT

Meeting Date: October 10, 2023	Available Funds: N/A
Department: Admin	Prepared By: Dave McCorquodale

Subject

Consideration and possible action on: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONTGOMERY ACCEPTING AND APPROVING AN ANNUAL UPDATE TO THE SERVICE AND ASSESSMENT PLAN AND ASSESSMENT ROLL FOR CITY OF MONTGOMERY PUBLIC IMPROVEMENT DISTRICT NO. 1; PROVIDING FOR PAYMENT OF THE ANNUAL INSTALLMENT OF THE ASSESSMENTS IN ACCORDANCE WITH CHAPTER 372, TEXAS LOCAL GOVERNMENT CODE, AS AMENDED; AND PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

Recommendation

Staff recommends adoption of the Ordinance as presented.

Discussion

Issue:

A PID, or Public Improvement District, is a type of Special District used to reimburse a developer for construction of a development through assessments levied on the properties within the District. These assessments are in addition to City property taxes and do not come from property taxes levied by the City. The City has one PID—PID No. 1—which is entirely made up of Summit Business Park.

The assessments are collected every year by the county Tax Assessor and paid to the City. The City keeps a portion of the assessment total to cover administrative costs and returns the remainder to the developer. One of the requirements of a PID is that the Service and Assessment Plan be approved annually by City Council.

Approved By

Assistant City Administrator & Planning & Development Director	Dave McCorquodale	Date: 10/05/2023
City Administrator	Gary Palmer	Date: 10/05/2023

MINUTES AND CERTIFICATION FOR ORDINANCE

THE STATE OF TEXAS §
COUNTY OF MONTGOMERY §

I, the undersigned City Secretary of the City of Montgomery, Texas (the "City"), do hereby certify as follows:

- 1. The City Council for the City convened in a meeting on the ___ day of October, 2023 in the regular meeting place of the City Council at 101 Old Plantersville Road, Montgomery, Texas, and the roll was called of the duly constituted officials and members of said Council, to wit:

Byron Sanford Mayor
Stan Donaldson Councilmember
Sara Countryman Councilmember
Carol Langley Councilmember
Casey L. Olson Councilmember
Cheryl Fox Councilmember

and all of said persons were present, except ____, thus constituting a quorum. Whereupon, among other business, the following was transacted at said meeting:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONTGOMERY ACCEPTING AND APPROVING AN ANNUAL UPDATE TO THE SERVICE AND ASSESSMENT PLAN AND ASSESSMENT ROLL FOR CITY OF MONTGOMERY PUBLIC IMPROVEMENT DISTRICT NO. 1; PROVIDING FOR PAYMENT OF THE ANNUAL INSTALLMENT OF THE ASSESSMENTS IN ACCORDANCE WITH CHAPTER 372, TEXAS LOCAL GOVERNMENT CODE, AS AMENDED; AND PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE

was duly introduced for the consideration of said City Council and read in full. It was then duly moved and seconded that said Ordinance be adopted; and, after due discussion, said motion, carrying with it the adoption of said Ordinance, prevailed and carried by the following vote:

AYES: ___
NOES: ___
ABSTENTIONS: ___

- 2. That a true, full and correct copy of the aforesaid Ordinance adopted at the meeting described in the above and foregoing paragraph is attached to and follows this certificate; that said Ordinance has been duly recorded in said City Council's minutes of said meeting pertaining to the adoption of said Ordinance; that the above and foregoing paragraph is a true, full and correct excerpt from said City Council's minutes of said meeting pertaining to the adoption of said Ordinance; that the persons named in the above and foregoing paragraph are the duly chosen, qualified and acting officers and members of said City Council as indicated therein; that each of the officers and members of said City Council was duly and sufficiently notified officially and personally, in advance, of the date, hour, place and purpose of the aforesaid meeting, and that said Ordinance would be introduced and considered for adoption at said meeting; and each of said officers and members consented, in advance, to the holding of said meeting for such purpose; that said meeting was open to the public as required by law; and that public notice of the date, hour, place, and subject of said meeting was given as required by Chapter 551, Texas Government Code.

SIGNED AND SEALED on the ___ day of October, 2023.

Nici Browe, City Secretary
Montgomery, Texas

(Seal)

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONTGOMERY ACCEPTING AND APPROVING AN ANNUAL UPDATE TO THE SERVICE AND ASSESSMENT PLAN AND ASSESSMENT ROLL FOR CITY OF MONTGOMERY PUBLIC IMPROVEMENT DISTRICT NO. 1; PROVIDING FOR PAYMENT OF THE ANNUAL INSTALLMENT OF THE ASSESSMENTS IN ACCORDANCE WITH CHAPTER 372, TEXAS LOCAL GOVERNMENT CODE, AS AMENDED; AND PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on September 30, 2014, Resolution No. 2014-2 was adopted by a majority of the members of the governing body of the City of Montgomery (the "Municipality") authorized the creation of City of Montgomery Public Improvement District No. 1 ("P.I.D. No. 1"), a public improvement district established pursuant to the Public Improvement District Act, Chapter 372, Texas Local Government Code, as amended (the "Act"); and in accordance with its finding as to the advisability of improvement projects and services within P.I.D. No. 1; and

WHEREAS, by Resolution No. 2015-03, effectively dated the 24th day of February, 2015, the governing body of the Municipality directed that the Proposed Assessment Roll be filed with the Secretary of the governing body of the Municipality for public inspection as required by the Act, directed that a hearing to be held on the 24th day of March, 2015, at 6:00 p.m. at which the governing body of the Municipality would consider approving the Service/Assessment Plan and the Assessment Roll of P.I.D. No. 1, respectively, and assessing assessments payable at the time and at the rate and in the amount proposed in the Service/Assessment Plan against each parcel of property in P.I.D. No. 1, as set forth in the Assessment Roll, and directed the Secretary of the governing body of the Municipality to give notice of the hearing in the manner required by the Act;

WHEREAS, the governing body of the Municipality conducted the hearing at 6:00 p.m. on the 24th day of March, 2015, at which all persons who appeared, or requested to appear, in person or by their attorney, were given the opportunity to contend for or contest the Service/Assessment Plan, the Assessment Roll, and each proposed assessment, and offer testimony pertinent to any issue presented on the amount of the assessment, purpose of the assessment, special benefit of the assessment, and the penalties and interest on annual installments and on delinquent annual installments of the assessment;

WHEREAS, several persons appeared in support of the Service/Assessment Plan, and the levy of assessments as proposed in the Assessment Roll, including a representative of the owner of all the land located within P.I.D. No. 1;

WHEREAS, based on the evidence, information, and testimony provided to the City Council, the City Council found and determined that the Assessed Property would be specially benefited by the public improvement projects approved by the City Council and identified as the "Authorized Improvements" as set forth in the Service and Assessment Plan;

WHEREAS, based on the evidence, information, and testimony provided to the City Council, the City Council found and determined: (i) that the method of apportioning the cost of the Authorized Improvements against the Assessed Property and the real and true owners thereof as set forth in the Service and Assessment Plan is just and equitable; (ii) that such method of apportioning the cost would produce substantial equality considering the benefits to be received by and the burdens imposed on the Assessed Property; and (iii) that the assessments levied and charges declared against the Assessed Property and the real and true owners thereof as set forth in the Service and Assessment Plan are just and equitable; and

WHEREAS, after closing the public hearing on March 24, 2015, and after considering all evidence, information, and testimony provided to the City Council, and taking into consideration the fact that there were no written or oral objections to the proposed assessments, and further taking into consideration that the owners of 100% of the property liable for assessment consented to the proposed assessments, the governing body of the Municipality found and determined that the Service and Assessment Plan should be approved and the assessments should be levied as provided in the Assessment Roll;

WHEREAS, the governing body of the Municipality, after considering all evidence presented at the hearing, both written and documentary, and all written comments and statements filed with the Municipality, passed and adopted Ordinance No. 2015-02 approving the Service and Assessment Plan attached thereto;

WHEREAS, after the adoption of the Service and Assessment Plan, a portion of the property included within the boundaries of P.I.D. No. 1 has been developed and triggered the collection of the annual installment of the Assessments on 8.9425 acres;

WHEREAS, pursuant to the Act, the Municipality has caused the preparation of an annual update of the Service and Assessment Plan and the Assessment Roll (the "Annual Service Plan") for the purpose of determining the annual budget for improvements and for making updates to the Assessment Roll to reflect the installment of Assessments to be collected for 2021;

WHEREAS, the City has determined that the Annual Service Plan reflects the amount of the Annual Installment of the Assessments, previously levied pursuant to Ordinance No. 2015-02; and

WHEREAS, a written notice of the date, hour, place and subject to this meeting of the City Council was posted at a place convenient to the public for the time required by law preceding this meeting, as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended, and that this meeting has been open to the public as required by law at all times during which this Ordinance and the subject matter hereof has been discussed, considered, and formally acted upon.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS:

Section 1. Terms.

Terms not otherwise defined herein are defined in the Annual Update to the Service and Assessment Plan attached hereto as Exhibit A (the "Annual Service Plan").

Section 2. Findings.

The findings and determinations set forth in the preambles are hereby incorporated by reference for all purposes. The governing body of the Municipality hereby finds, determines, and ordains, as follows:

(a) The Annual Service Plan should be approved;

(b) The Assessment Roll in the form attached as Appendix C to the Annual Service Plan (the "Assessment Roll") should be approved as the assessment roll for the P.I.D. No. 1 for the 2023 tax year; and

(c) The provisions of the Service and Assessment Plan relating to due and delinquency dates for the Assessments, interest on Annual Installments, interest and penalties on delinquent Assessments and delinquent Annual Installments of the Assessments, and procedures in connection with the imposition and collection of Assessments are now and shall remain in effect and are applicable to the collection of the Annual Installments identified in the Annual Service Plan.

Section 3. Assessment Plan.

The Annual Service Plan is hereby accepted and approved.

Section 4. Assessment Roll.

The Assessment Roll attached to the Annual Service Plan is hereby accepted and approved.

Section 5. Severability.

If any provision, section, subsection, sentence, clause, or phrase of this Ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void, or invalid, the validity of the remaining portions of this Ordinance or the application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council that no portion hereof, or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality, voidness, or invalidity of any other portion hereof, and all provisions of this Ordinance are declared to be severable for that purpose.

Section 6. Effective Date.

This Ordinance shall take effect and become effective on upon passage and execution hereof.

PASSED, APPROVED, AND ADOPTED, this ____ day of October, 2023.

City of Montgomery

Mayor

Attest:

City Secretary

(SEAL)

EXHIBIT A
ANNUAL SERVICE PLAN

CITY OF MONTGOMERY
PUBLIC IMPROVEMENT DISTRICT NO. 1
SERVICE AND ASSESSMENT PLAN

As updated
October __, 2023

CITY OF MONTGOMERY
PUBLIC IMPROVEMENT DISTRICT NO. 1

SERVICE AND ASSESSMENT PLAN

Table of Contents

Section I	Plan Description and Defined Terms	3
Section II	Property Included in PID No. 1	7
Section III	Description of Authorized Improvements	8
Section IV	Service Plan	12
Section V	Assessment Plan	14
Section VI	Terms of the Assessments	18
Section VII	Assessment Roll	22
Section VIII	Miscellaneous Provisions	23

List of Appendixes

Appendix A	PID No. 1 Map
Appendix B	Estimated Costs of the Authorized Improvements
Appendix C	Assessment Roll
Appendix D	Form of Notice to Purchasers

Section I
PLAN DESCRIPTION AND DEFINED TERMS

A. Introduction

On September 30, 2014, the City of Montgomery City Council passed Resolution No. 2014-2 approving and authorizing the creation of City of Montgomery Public Improvement District No. 1 ("PID No. 1") to finance the costs of certain public improvements for the benefit of property in PID No. 1, all of which is located within the corporate limits of the City of Montgomery. This Service and Assessment Plan addresses the improvements to be provided for PID No. 1.

Chapter 372 of the Texas Local Government Code, "the Public Improvement Assessment Act" (as amended, the "PID Act"), governs the creation and operation of public improvement districts within the State of Texas. This Service and Assessment Plan has been prepared pursuant to Sections 372.013, 372.014, 372.015 and 372.016 of the PID Act. According to Section 372.013 of the PID Act, a service plan "must cover a period of at least five years and must also define the annual indebtedness and the projected costs for improvements. The plan shall be reviewed and updated annually for the purpose of determining the annual budget for improvements." The service plan is described in Section IV of this Service and Assessment Plan.

Section 372.014 of the PID Act states that "an assessment plan must be included in the annual service plan." The assessment plan is described in Section V of this Service and Assessment Plan.

Section 372.015 of the PID Act states that "the governing body of the municipality or county shall apportion the cost of an improvement to be assessed against property in an improvement district." The method of assessing the PID Costs and apportionment of such costs to the property in the PID No. 1 are included in Section V of this Service and Assessment Plan.

Section 372.016 of the PID Act states that "after the total cost of an improvement is determined, the governing body of the municipality or county shall prepare a proposed assessment roll. The roll must state the assessment against each parcel of land in the district, as determined by the method of assessment chosen by the municipality or county under this subchapter." The Assessment Roll for PID No. 1 is included as Appendix C of this Service and Assessment Plan. The Assessments as shown on the Assessment Roll are based on the method of assessment and apportionment of costs described in Section V of this Service and Assessment Plan.

Contemporaneously herewith, the City and Developer have entered into that certain Facilities and Creation Cost Reimbursement Agreement, dated March 24, 2015 (the "PID Reimbursement Agreement"). The PID Reimbursement Agreement contains a more detailed description of many of the concepts addressed in this Service and Assessment Plan, therefore, the two documents should be read as a whole in order to have a more complete understanding of the terms addressed in each of the agreements.

B. Definitions Capitalized terms used herein shall have the meanings ascribed to them as follows:

"Administrator" means the employee or designee of the City who shall have the responsibilities provided for herein or in any other agreement approved by the City Council relative to PID No. 1.

"Administrative Expenses" mean the costs associated with or incident to the administration, organization, maintenance and operation of PID No. 1, including, but not limited to, the costs of: (i) creating and organizing PID No. 1, including conducting hearings, preparing notices and petitions, and all

costs incident thereto, engineering fees, legal fees and consultant fees, and (ii) the annual administrative, organization, maintenance, and operation costs and expenses associated with, or incident and allocable to, the administration, organization, maintenance and operation of PID No. 1 and the Authorized Improvements, including the cost of each Annual Service Update Plan. Amounts collected in conjunction with Annual Installments for Administrative Expenses and not expended for actual Administrative Expenses shall be carried forward and applied to reduce Administrative Expenses in subsequent years to avoid the over-collection of Administrative Expenses.

"Annual Collection Costs" mean the following actual or budgeted costs, as applicable, related to the annual collection costs of outstanding Assessments paid in installments, including the costs or anticipated costs of: (i) computing, levying, collecting and transmitting the Assessments (whether by the City, the Administrator or otherwise), (ii) the City and the Administrator in the discharge of their duties relative to PID No. 1, and (iii) the City in any way related to the collection of the Assessments in installments, including, without limitation, the administration of PID No. 1, maintaining the record of installments, payments and reallocations and/or cancellations of Assessments, including, without limitation, any associated legal expenses, the reasonable costs of other consultants and advisors and contingencies for such costs. Annual Collection Costs collected and not expended for actual Annual Collection Costs shall be carried forward and applied to reduce Annual Collection Costs in subsequent years to avoid the over-collection of Annual Collection Costs.

"Annual Installment" means, with respect to each Parcel, each annual payment of the Assessment, as shown on the Assessment Roll attached hereto as Appendix C or an Annual Service Plan Update, and calculated as provided in Section VI of this Service and Assessment Plan.

"Annual Service Plan Update" has the meaning set forth in the first paragraph of Section IV of this Service and Assessment Plan.

"Assessed Property" means the property on which Assessments have been imposed as shown in the Assessment Roll, as the Assessment Roll is updated each year by the Annual Service Plan Update. Assessed Property includes Parcels within PID No. 1 other than Non-Benefited Property.

"Assessment" means the assessment levied against Parcels within PID No. 1 imposed pursuant to the Assessment Ordinance and the provisions herein as shown on the Assessment Roll, subject to reallocation upon the subdivision of such Parcel or reduction according to the provisions herein and the PID Act. The Assessment for a Parcel consists of the Annual Installments to be collected in all years and includes the Assessments, interest on the Assessments, and Collection Costs pertaining to the Assessment.

"Assessment Ordinance" means the ordinance approved by the City Council to approve the imposition of the Assessments.

"Assessment Revenues" mean the revenues actually received by the City from Assessments.

"Assessment Roll" means the document included in this Service and Assessment Plan as Appendix C, as updated, modified or amended from time to time in accordance with the procedures set forth herein and in the PID Act.

"Authorized Improvements" mean those public improvements described in Appendix B of this Service and Assessment Plan and Section 372.003 of the PID Act which are constructed pursuant to the PID Reimbursement Agreement, which are to be undertaken for the benefit of property in PID No. I.

"Authorized Improvement Costs" mean the actual or budgeted costs, as applicable, of all or any portion of the Authorized Improvements, as shown in Appendix B.

"Benefited Property" means property within PID No. 1 that receives a benefit from the Authorized Improvements, which consists of all Parcels within PID No. 1 other than Non-Benefited Property. Benefited Property is identified on the map of PID No. 1 included in Appendix A, with a list of Parcels of Benefited Property included in Appendix C.

"City" means the City of Montgomery, Texas.

"City Council" means the duly elected governing body of the City.

"Delinquent Collection Costs" mean interest, penalties and expenses incurred or imposed with respect to any delinquent Annual Installments of an Assessment in accordance with §372.018(b) of the PID Act and the costs related to pursuing collection of a delinquent Assessment and foreclosing the lien against the Assessed Property, including attorneys' fees.

"Developer" means collectively, Ogorchock Investments, L.P., a Texas limited partnership and Ogorchock ATH, LLC .

"Non-Benefited Property" means Parcels within the boundaries of PID No. 1 that accrue no special benefit from the Authorized Improvements, including Owner Association Property, Public Property and easements that create an exclusive use for a public utility provider. Property identified as Non-Benefited Property at the time the Assessments (i) are imposed or (ii) are reallocated pursuant to a subdivision of a Parcel is not assessed. Assessed Property converted to Non-Benefited Property, if the Assessments may not be reallocated pursuant to the provisions herein remains subject to the Assessments and requires the Assessments to be prepaid as provided for in Section VI. C. 2.

"Owner Association Property" means property within the boundaries of PID No. 1 that is owned by or irrevocably offered for dedication to, whether in fee simple or through an exclusive use easement, a property owners' association.

"Parcel" or **"Parcels"** means a parcel or parcels within PID No. 1 identified by either a tax map identification number assigned by the Montgomery County Appraisal District for real property tax purposes or by lot and block number in a final subdivision plat recorded in the real property records of Montgomery County.

"PID Act" means Texas Local Government Code Chapter 372, Public Improvement Assessment Act, Subchapter A, Public Improvement Districts, as amended.

"PID No. 1" means City of Montgomery Public Improvement District No. 1.

"PID Costs" mean the portion of the Authorized Improvement Costs to be funded by PID No. 1 as explained in Section III.

"Public Property" means property within the boundaries of PID No. 1 that is owned by or irrevocably offered for dedication to the federal government, the State of Texas, the City, a school district, a public utility provider or any other public agency, whether in fee simple or through an exclusive use easement.

"Service and Assessment Plan" means this Service and Assessment Plan prepared for PID No. 1 pursuant to the PID Act.

"Trigger Date" means with respect to an unimproved parcel, the date (i) the parcel is final platted, (ii) one or more permanent commercial structures are constructed thereon, and (iii) the city has issued a certificate of occupancy for such completed permanent structure(s); however, such date shall not be prior to September 1, 2018.

Section II
PROPERTY INCLUDED IN THE PID

PID No. 1 is located within the corporate limits of the City of Montgomery, Texas and contains approximately 86.814 acres of land. A map of the property within PID No. 1 is shown on Appendix A to this Service and Assessment Plan. The property within PID No. 1 is proposed to be developed with warehouses or office warehouses.

Table II-A
Proposed Commercial Development

Description	No. of Platted/Improved Acres
Various Commercial Reserves	72

The current Parcels in PID No. I are shown on the Assessment Roll and the map included as Appendix A.

The estimated number of Platted/Improved Acres at the build-out of PID No. 1 is estimated to be as follows:

72 net acres of commercial reserves (excluding road right-of-way).

Section III
DESCRIPTION OF THE AUTHORIZED IMPROVEMENTS

Section 372.003 of the PID Act defines the improvements that may be undertaken by a municipality or county through the establishment of a public improvement district, as follows:

372.003. Authorized Improvements

- (a) If the governing body of a municipality or county finds that it promotes the interests of the municipality or county, the governing body may undertake an improvement project that confers a special benefit on a definable part of the municipality or county or the municipality's extraterritorial jurisdiction. A project may be undertaken in the municipality or county or the municipality's extraterritorial jurisdiction.
- (b) A public improvement may include:
 - (i) landscaping;
 - (ii) erection of fountains, distinctive lighting, and signs;
 - (iii) acquiring, constructing, improving, widening, narrowing, closing, or rerouting of

- sidewalks or of streets, any other roadways, or their rights-of way;
- (iv) construction or improvement of pedestrian malls;
- (v) acquisition and installation of pieces of art;
- (vi) acquisition, construction, or improvement of libraries;
- (vii) acquisition, construction, or improvement of off-street parking facilities;
- (viii) acquisition, construction, improvement, or rerouting of mass transportation facilities;
- (ix) acquisition, construction, or improvement of water, wastewater, or drainage facilities or improvements;
- (x) the establishment or improvement of parks;
- (xi) projects similar to those listed in Subdivisions (i)-(x);
- (xii) acquisition, by purchase or otherwise, of real property in connection with an authorized improvement;
- (xiii) special supplemental services for improvement and promotion of the district, including services relating to advertising, promotion, health and sanitation, water and wastewater, public safety, security, business recruitment, development, recreation, and cultural enhancement; and
- (xiv) payment of expenses incurred in the establishment, administration and operation of the district.

After analyzing the public improvement projects authorized by the PID Act, the City has determined that the Authorized Improvements as described in Appendix B and shown on the diagram included as Appendix C should be undertaken by the City for the benefit of the property within PID No. 1. The estimated Authorized Improvement Costs are shown by Table III-A.

Table III-A
Estimated Authorized Improvement Costs

Authorized Improvements	Total PID No. 1 Estimated Cost
Improvements	
Roadway improvements	\$2,766,910
Water distribution system improvements	421,150
Storm sewer collection system improvements	132,487
Wastewater collection system improvements	563,752
Engineering, surveying	440,319
Soft costs including city, professional and miscellaneous fees	119,200
FM 1097 widening, striping, TxDot	131,528

General contingency	355,505
Subtotal:	<u>4,930,851</u>
Estimated PID Creation Costs	\$50,000
<hr/>	
Total Estimated Authorized Improvement Costs	<u>\$4,980,851</u>

The costs shown in Table III-A are current estimates and may be revised in Annual Service Plan Updates.

The Authorized Improvements include on-site improvements and limited off-site improvements.

On-site Improvements

The on-site roadway improvements include:

Summit Park Drive and other internal streets – The project consists of construction approximately 4,900 linear feet of 24’ wide concrete streets (8” concrete) with 6’ shoulders (6” concrete) on each side within a dedicated street right-of-way inside PID No. 1.

The on-site water distribution system improvements consist of approximately 8,400 linear feet of 12-inch water line within the proposed street right-of-ways and easements within PID No. 1. The water lines will connect to an existing City of Montgomery main along the south side of FM 109.

The on-site storm sewer collection system improvements include

The onsite storm sewer collection systems include approximately 4,900 linear feet of ditch cut in within the proposed street right-of-way inside PID No. 1 to direct flow to the existing creeks within the development.

The on-site wastewater collection system improvements consist of approximately 5,000 linear feet of 8-inch wastewater lines within the proposed street right-of-ways within PID No. 1. A portion of these lines will connect to a proposed lift station using approximately 650’ linear feet of 4” force main to pump the wastewater to a proposed sanitary main. All proposed lines will ultimately connect to an existing main on the south side of FM 1097.

Off-site Improvements

The offsite roadway improvements include a portion of FM 1097 being re-striped for a turn lane to allow safe access into the proposed Summit Park Drive.

Additional details of the Authorized Improvements are shown in Appendix B attached to this Service and Assessment Plan.

Table III-B shows the allocation of the Authorized Improvements costs to PID No. 1.

Table III-B
Allocation of the Authorized Improvement Costs

Authorized Improvements	Total Estimated Cost	Percentage Allocated	Total PID No. 1 Estimated Cost
Improvements benefiting PID No.1			
Roadway improvements		100%	\$2,766,910
Water distribution system improvements		100%	421,150
Storm sewer collection system improvements		100%	132,487
Wastewater collection system improvements		100%	563,752
Engineering, surveying		100%	440,319
Soft costs including city, professional and miscellaneous fees		100%	119,200
FM 1097 widening, striping, TxDot		100%	131,528
General contingency		100%	355,505
Subtotal:			<u>4,930,851</u>
 Estimated PID Creation Costs		100%	50,000
Total Estimated Authorized Improvement Costs			<u>\$4,980,851</u>

The costs shown in Tables III-A and III-B are estimates and may be revised in Annual Service Plan Updates. The detailed costs of the Authorized Improvements are shown in Appendix B to this Service and Assessment Plan. Savings from one line item may be applied to a cost increase in another line item. These savings may be applied only to increases in costs of the Authorized Improvements.

Section IV
SERVICE PLAN

A. Sources and Uses of Funds

The PID Act requires a service plan to cover a period of at least five years. The service plan is required to define the annual projected costs and indebtedness for the Authorized Improvements undertaken within PID No. 1. As of the date of this Service and Assessment Plan approximately 15% of the Authorized Improvements have been constructed and funded by the Developer. PID No. 1 will not directly fund any of the Authorized Improvements. Instead, in accordance with the PID Reimbursement Agreement the Developer will construct the Authorized Improvements and the City will reimburse the Developer solely from the net proceeds of the Assessments. The plan shall be reviewed and updated annually for the purpose of determining the annual budget for the Authorized Improvements. The annual update to this Service and Assessment Plan is herein referred to as the "Annual Service Plan Update."

Table IV-A shows the sources.

Table IV-A
Sources and Uses of Funds

<u>Sources of Funds:</u>			
	Reimbursed by the PID	Not Reimbursed by the PID	Total
Funded By Developer:	\$3,000,000	\$1,980,851	\$4,980,851
<u>Uses of Funds:</u>			
Construction Costs:	\$2,950,000	\$1,980,851	
Creation Costs:			
Costs paid by Developer:	\$50,000	\$0	
Total:			\$4,980,851

This sources and uses of funds table is subject to revision and the actual sources and uses of funds for any line item may be different than shown above. The sources and uses of funds shown in Table 1V-A shall be updated each year in the Annual Service Plan Update to reflect any budget revisions or actual costs of the Authorized Improvements.

B. Annual Costs and Indebtedness

The annual projected costs and annual projected indebtedness is shown by Table 1V-B. The annual projected costs and indebtedness is subject to revision and shall be updated each year in the Annual Service Plan Update to reflect any changes in the PID Costs expected for each year and the cumulative amounts owed to the Developer. Notwithstanding the preceding, the Developer shall be reimbursed solely from the net proceeds (after payment of all costs of the City) of the Assessments which will be significantly less than total projected costs of the Authorized Improvements.

Table IV-B
Annual Projected Costs and Indebtedness

Year	Annual Projected Costs
2015	\$2,054,355
2016	
2017	
2018	
2019	\$990,964
2020	
2021	
2022	
2023	\$1,953,442
2024	
Total	\$4,998,761

Section V ASSESSMENT PLAN

A. Introduction

The PID Act requires the City Council to apportion the PID Costs on the basis of special benefits conferred upon the property because of the Authorized Improvements. The PID Act provides that the PID Costs may be assessed: (i) equally per front foot or square foot; (ii) according to the value of the property as determined by the governing body, with or without regard to improvements on the property; or (iii) in any other manner that results in imposing equal shares of the cost on property similarly benefited. The PID Act further provides that the governing body may establish by ordinance or order reasonable classifications and formulas for the apportionment of the cost between the municipality and the area to be assessed and the methods of assessing the special benefits for various classes of improvements. Section V of this Service and Assessment Plan describes the special benefit received by each Parcel of Assessed Property as a result of the Authorized Improvements, provides the basis and justification for the determination that this special benefit exceeds the amount of the Assessments, and establishes the methodology by which the City Council allocates the special benefit of the Authorized Improvements to Parcels in a manner that results in equal shares of the PID Costs being apportioned to Parcels similarly benefited. The determination by the City Council of the assessment methodology set forth below is the result of the discretionary exercise by the City Council of its legislative authority and governmental powers and is conclusive and binding on the Developer and all future owners within the Assessed Property.

B. Special Benefit

Benefited Property receives a benefit from the Authorized Improvements. Among the Benefited Property, the Assessed Property will receive a direct and special benefit from the Authorized Improvements, and this benefit will be equal to or greater than the amount of the Assessments. The Authorized Improvements (more particularly described in line-item format on Appendix B to this Service and Assessment Plan) and the costs incurred in the establishment, administration, and operation of the PID No. 1 shown in Table IV-A are authorized by the Act. These improvements are provided specifically for the benefit of the Assessed Property.

The owners of all of the Assessed Property has acknowledged and agreed to the determinations and findings as to benefits by the City Council in the Service and Assessment Plan and the Assessment Ordinance, specifically including the special benefit conferred on the Assessed Property by the Authorized Improvements, as well as any other terms and provisions within these documents, and has, therefore, consented to the imposition of the Assessments to pay the PID Costs. The owners are acting in their own interests in consenting to this imposition, because the special benefit conferred upon the Assessed Property by the Authorized Improvements exceeds the amount of the Assessments.

The public improvements provide a special benefit to the Assessed Property as a result of the close proximity of these improvements to the Assessed Property and the specific purpose of these improvements of providing infrastructure for the Assessed Property. In other words, the Assessed Property could not be used in the manner proposed without the construction of the

Authorized Improvements. The Authorized Improvements are being provided specifically to meet the needs of the Assessed Property as required for the proposed use of the property.

The Assessments are being levied to provide the Authorized Improvements, which are required for the highest and best use of the Assessed Property (i.e., the use of the property that is most valuable, including any costs associated with that use). Highest and best use can be defined as "the reasonably probable and legal use of property, which is physically possible, appropriately supported, financially feasible, and that results in the highest value." (*Dictionary of Real Estate Appraisal, Third Edition.*) The Authorized Improvements are expected to be required for the proposed use of the Assessed Property to be physically possible, appropriately supported, financially feasible, and maximally productive.

The Developer has evaluated the potential use of the property and has determined that the highest and best use of the property is the use intended and the legal use for the property as described in Section II of this Service and Assessment Plan. The use of the Assessed Property as described herein will require the construction of the Authorized Improvements.

Funding of the PID Costs by the Developer and reimbursement of the Developer by PID No. 1 is determined to be the most beneficial means of providing for the Authorized Improvements. Since the Authorized Improvements are required for the highest and best use of the Assessed Property, and PID No. 1 provides the most beneficial means of providing the Authorized Improvements, the Assessments result in a special benefit to the Assessed Property, and this special benefit exceeds the amount of the Assessments. This conclusion is based on and supported by the evidence, information, and testimony provided to the City Council.

In summary, the Assessments result in a special benefit to the Assessed Property for the following reasons:

1. The Authorized Improvements are being provided specifically for the use of the Assessed Property, are necessary for the proposed best use of the property and provide a special benefit to the Assessed Property as a result;
2. The Developer has consented to the imposition of the Assessments for the purpose of providing the Authorized Improvements and the Developer is acting in its interest by consenting to this imposition;
3. The Authorized Improvements are required for the highest and best use of the property;
4. The highest and best use of the Assessed Property is the use of the Assessed Property that is most valuable (including any costs associated with the use of the Assessed Property);
5. Financing of the PID Costs by PID No. 1 is determined to be the most beneficial means of providing for the Authorized Improvements; and,
6. As a result, the special benefits to the Assessed Property from the Authorized Improvements will be equal to or greater than the Assessments.

C. Assessment Methodology

1. The PID Costs may be assessed by the City Council against the Assessed Property so long as the special benefit conferred upon the Assessed Property by the Authorized Improvements equals or exceeds the Assessments. The PID Costs may be assessed using any methodology that results in the imposition of equal shares of the PID Costs on Assessed Property similarly benefited.
2. For purposes of this Service and Assessment Plan, the City Council has determined that the PID Costs shall be allocated to the Assessed Property equally on the basis of \$41,666.66 per acre of platted acreage that encompasses a completed permanent structure for which the City has issued a Certificate of Occupancy and that such method of allocation will result in the imposition of equal shares of the PID Costs to Parcels similarly benefited.
3. Having taken into consideration the matters described above, the City Council has determined that allocating the PID Costs among Parcels based on improved acreage containing a completed permanent structure for which the City has issued a certificate of occupancy. Accordingly, Assessments are allocated to each Parcel of Assessed Property on the basis of it being fully developed, a final plot has been recorded, commercial structure(s) have been completed and a certificate of occupancy has been issued.
4. The following table (Table V-A) shows the calculation of the Assessment per acre. There are a total of 72 acres expected to be developed and improved on the Assessed Property. The total Assessments, which represent the aggregate sum of the total Annual Installments, are equal to \$3,000,000 as shown in Table IV-C. As a result the Assessment per acre is \$41,666.66 as shown in Table V-A below.

TABLE V-A
Assessment per Improved Acre

<u>Description</u>	<u>Assessments</u>
Total Amount	\$3,000,000.00
Estimated total acreage	72
Assessment per acre	\$41,666.66

Table V-B in the following page shows the estimated Annual Installment per acre from the Trigger Date through the fifteen (15) year amortization of the Assessment.

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TABLE V-B
Annual Installment per Improved Acre from Trigger Date*

Year	Principal	Interest	Total Payment	Plus Administrative Expenses **
1	1,790.12	2,500.00	4,290.12	\$50.00
2	1,897.52	2,392.59	4,290.12	\$50.00
3	2,011.37	2,278.74	4,290.12	\$50.00
4	2,132.06	2,158.06	4,290.12	\$50.00
5	2,259.98	2,030.14	4,290.12	\$50.00
6	2,395.58	1,894.54	4,290.12	\$50.00
7	2,539.31	1,750.80	4,290.12	
8	2,691.67	1,598.44	4,290.12	
9	2,853.17	1,436.94	4,290.12	
10	3,024.36	1,265.75	4,290.12	
11	3,205.82	1,084.29	4,290.12	
12	3,398.17	891.94	4,290.12	
13	3,602.06	688.05	4,290.12	
14	3,818.19	471.93	4,290.12	
15	4,047.28	242.84	4,290.12	
Total	41,666.66	22,685.05	64,351.80	

* The Assessment shall run from the Trigger Date and shall be amortized over fifteen annual payments including principal and interest at 6% per annum. In addition, each year the City shall charge an Administrative Expense of \$50.00 per Parcel of Assessed Property to reimburse the City for its Administrative Expenses. In the event such fee for Administrative Expense is not sufficient to reimburse the City for its Administrative Expenses, the City shall deduct such expenses from the monies otherwise to be paid to Developer. The first year of the Assessment shall be levied in 2018, and shall be included in the 2018 tax bills.

** To be determined based on number of Parcels included as Assessed Property.

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Section VI
TERMS OF THE ASSESSMENTS

A. Amount of Assessments

The Assessment for each Parcel is shown on the Assessment Roll, and no Assessment shall be changed except as authorized by this Service and Assessment Plan (including the Annual Service Plan Updates) and the PID Act. The Assessments shall not exceed the amount required to repay the Developer including interest and Collection Costs.

B. Reallocation of Assessments

1. Subdivision

Upon the subdivision of any Parcel, the Assessment for the Parcel prior to the subdivision shall be reallocated among the new subdivided Parcels according to the following formula:

$$A = B \times (C \pm D)$$

Where the terms have the following meanings:

A = the Assessment for each new subdivided Parcel

B = the Assessment for the Parcel prior to subdivision

C = the estimated number of units to be built on each newly subdivided Parcel

D = the sum of the estimated number of units to be built on all of the new subdivided Parcels

The calculation of the estimated number of units to be built on a Parcel shall be performed by the Administrator and confirmed by the City Council based on the information available regarding the use of the Parcel. The estimate as confirmed shall be conclusive. The number of units to be built on a Parcel may be estimated by net land area and reasonable density ratios.

The sum of the Assessments for all newly subdivided Parcels shall equal the Assessment for the Parcel prior to subdivision. The calculation shall be made separately for each newly subdivided Parcel. The reallocation of an Assessment for a Parcel may not exceed the Assessment prior to the reallocation and to the extent the reallocation would exceed such amount, it shall be prepaid by such amount by the party requesting the subdivision of the Parcels. Any reallocation pursuant to this section shall be reflected in an Annual Service Plan Update approved by the City Council.

2. Consolidation

Upon the consolidation of two or more Parcels, the Assessment for the consolidated Parcel shall be the sum of the Assessments for the Parcels prior to consolidation. The reallocation of an Assessment for a Parcel may not exceed the Assessment prior to the reallocation and to the extent the reallocation would exceed such amount, it shall be prepaid by such amount by the party requesting the consolidation of the Parcels. Reallocation pursuant to this section shall be reflected in an Annual Service Plan Update approved by the City Council.

C. Mandatory Prepayment of Assessments

1. If at any time the Assessment on a Parcel exceeds the Maximum Assessment per

Commercial Unit calculated for the Parcel as a result of any reallocation of an Assessment authorized by this Service and Assessment Plan and initiated by the owner of the Parcel, then such owner shall pay to the City prior to the recordation of the document subdividing the Parcel the amount calculated by the Administrator by which the Assessment for the Parcel exceeds the Maximum Assessment per Commercial Unit for the Parcel. The City shall not approve the recordation of a plat or other document subdividing a Parcel without a letter from the Administrator either (a) confirming that the Assessment for any new Parcel created by the subdivision will not exceed the Maximum Assessment per Unit for each Parcel, or (b) confirming the payment of the Assessments, plus all Prepayment Costs, as provided for herein.

2. If a Parcel subject to Assessments is transferred to a party that is exempt from the payment of the Assessment under applicable law, or if an owner causes a Parcel subject to Assessments to become Non-Benefited Property, the owner of such Parcel shall pay to the City the full amount of the Assessment on such Parcel, prior to any such transfer or act.
3. The payments required above shall be treated the same as any Assessment that is due and owing under the Act, the Assessment Ordinance, and this Service and Assessment Plan, including the same lien priority, penalties, procedures, and foreclosure specified by the Act.

D. Reduction of Assessments

1. If after all Authorized Improvements have been completed, the total Authorized Improvement Costs is less than the total Assessments, then the Assessments and Annual Installments for each Parcel shall be reduced by an equal percentage such that the sum of the resulting reduced Assessments and Annual Installments for all Parcels equals the amount required to repay the Authorized Improvement Costs and interest owed thereon, and Collection Costs. The Assessment for each Parcel shall be reduced by an equal percentage such that the sum of the resulting reduced monies owed Developer is equal to the outstanding principal amount of the Assessments.
2. If all the Authorized Improvements are not undertaken, resulting in the total amount owed Developer being less than the total amount of Assessments, then the Assessments and Annual Installments for each Parcel shall be appropriately reduced by the City Council to reflect only the amounts required to repay Developer, including interest and Collection Costs. The City Council may reduce the Assessments and the Annual Installments for each Parcel (i) in an amount that represents the Authorized Improvements provided for each Parcel, or (ii) by an equal percentage, if determined by the City Council to be the most fair and practical means of reducing the Assessments for each Parcel, such that the sum of the resulting reduced Assessments equals the amount required to repay the Developer, including interest and Collection Costs. The Assessment for each Parcel shall be reduced pro rata to the reduction in the Assessments for each Parcel such that the sum of the resulting reduced Assessments is equal to the outstanding principal amount owed Developer.

E. Payment of Assessments

1. Payment in Full

- (a) The Assessment for any Parcel may be paid in full at any time.
- (b) If an Annual Installment has been billed prior to payment in full of an Assessment, the Annual Installment shall be due and payable and shall be credited against the payment-in-full amount.
- (c) Upon payment in full of the Assessment, the City shall deposit the payment in accordance with the applicable governing document; whereupon, the Assessment shall be reduced to zero, and the owner's obligation to pay the Assessment and Annual Installments thereof shall automatically terminate.
- (d) At the option of the owner, the Assessment on any Parcel may be paid in part. Upon the payment of such amounts for a Parcel, the Assessment for the Parcel shall be reduced, the Assessment Roll shall be updated to reflect such partial payment, and the obligation to pay the Annual Installment for such Parcel shall be reduced to the extent the partial payment is made.

2. Payment in Annual Installments

The Act provides that an Assessment for a Parcel may be paid in full at any time. If not paid in full, the Act authorizes the City to collect interest and Collection Costs in Annual Installments. An Assessment for a Parcel that is not paid in full will be collected in Annual Installments each year in the amounts shown in the Assessment Roll, as updated as provided for herein, which include interest and Annual Collection Costs. Payment of the Annual Installments shall commence with tax bills mailed.

Each Assessment shall be paid with interest of no more than six percent per annum. The Assessment Roll sets forth for each year the Annual Installment for each Parcel based on an estimated interest rate of 6% and additional interest at the rate of 0.5% for administrative expenses. Furthermore, the Annual Installments may not exceed the amounts shown on the Assessment Roll.

F. Collection of Annual Installments

No less frequently than annually, the Administrator shall prepare, and the City Council shall approve, an Annual Service Plan Update to allow for the billing and collection of Annual Installments. Each Annual Service Plan Update shall include an updated Assessment Roll and a calculation of the Annual Installment for each Parcel. Annual Collection Costs shall be allocated among Parcels in proportion to the amount of the Annual Installments for the Parcels. Each Annual Installment shall be reduced by any credits applied, such as interest earnings on any account balances, and any other funds available to the City for such purpose. Annual Installments shall be collected by the City in the same manner and at the same time as ad valorem taxes and shall be subject to the same penalties, procedures, and foreclosure sale in case of delinquencies as are provided for ad valorem taxes of the City. The City Council may provide for other means of collecting the Annual Installments to the extent permitted under the PID Act. The Assessments shall have lien priority as specified in the Act.

Any sale of property for nonpayment of the Annual Installments shall be subject to the lien established for the remaining unpaid Annual Installments against such property and such property may again be sold at a judicial foreclosure sale if the purchaser thereof fails to make timely payment of the non-

delinquent Annual Installments against such property as they become due and payable.

Section VII THE ASSESSMENT ROLL

Appendix C identifies each Parcel within PID No. 1, the Benefited Property, the Assessed Property and Non-Benefitted Property. The Assessment Roll includes each Parcel of Assessed Property, the Assessment imposed on each Parcel, the Assessments, and the Annual Installments to be paid each year for each Parcel if the Assessment is not paid in full for any Parcel. The Assessment on each Parcel is based on the number of units expected to be built on each Parcel, and the Assessment per unit results, as explained herein.

Each Parcel of Assessed Property has been evaluated by the City Council (based on the developable area, proposed Owner Association Property and Public Property, best and highest use of the property, and other development factors deemed relevant by the City Council) to determine, the number of dwelling units anticipated to be developed on a Parcel. Each dwelling unit is then multiplied by the Assessment per unit set forth in Table V-B of this Service and Assessment Plan, and the total of such amounts for all dwelling units for the Parcel shall constitute the "Assessment" for the Parcel as set forth on the Assessment Roll. The Assessment Roll shall be updated upon the preparation of each Annual Service Plan Update to reflect, for each Parcel, subdivisions, consolidations, prepayments, and reductions authorized by this Service and Assessment Plan.

The Administrator shall prepare, and the City Council shall review and approve, annual updates to the Assessment Roll as the Annual Service Plan Update to reflect the following matters, together with any other changes helpful to the Administrator or the City and permitted by the Act: (i) the identification of each Parcel as Benefited Property, Assessed Property, and NonBenefitted Property; (ii) the Assessment for each Parcel, including any adjustments authorized by this Service and Assessment Plan or in the Act; (iii) the Assessment for each Parcel, including any adjustments authorized by this Service and Assessment Plan or in the Act; (iv) the Annual Installment for the Parcel •for the year (if the Assessment is payable in installments); and (v) payments of the Assessment, if any, as provided by Section VI.0 of this Service and Assessment Plan.

Section VIII MISCELLANEOUS PROVISIONS

A. Administrative Review

An owner of an Assessed Parcel claiming that a calculation error has been made in the Assessment Roll, including the calculation of the Annual Installment, shall send a written notice describing the error to the City not later than thirty (30) days after the date any amount which is alleged to be incorrect is due prior to seeking any other remedy. The Administrator shall promptly review the notice, and if necessary, meet with the Assessed Parcel owner, consider written and oral evidence regarding the alleged error and decide whether, in fact, such a calculation error occurred.

If the Administrator determines that a calculation error has been made and the Assessment Roll should be modified or changed in favor of the Assessed Parcel owner, such change or modification shall be presented to the City Council for approval, to the extent permitted by the Act. A cash refund may not be made for any amount previously paid by the Assessed Parcel owner (except for the final year during which the Annual Installment shall be collected or if it is determined there are sufficient funds to meet the expenses of the PID No. 1 for the current year), but an adjustment may be made in the amount of the

Annual Installment to be paid in the following year. The decision of the Administrator regarding a calculation error relating to the Assessment Roll may be appealed to the City Council. Any amendments made to the Assessment Roll pursuant to calculation errors shall be made pursuant to the PID Act.

The decision of the Administrator, or if such decision is appealed to the City Council, the decision of the City Council, shall be conclusive as long as there is a reasonable basis for such determination. This procedure shall be exclusive and its exhaustion by any property owner shall be a condition precedent to any other appeal or legal action by such owner.

B. Termination of Assessments

Each Assessment shall be extinguished on the date the Assessment is paid in full, including unpaid Annual Installments and Delinquent Collection Costs, if any. After the extinguishment of an Assessment and the collection of any delinquent Annual Installments and Delinquent Collection Costs, the City shall provide the owner of the affected Parcel a recordable "Notice of Cancellation of PID No. 1 Assessment."

C. Amendments

The City Council reserves the right to the extent permitted by the Act to amend this Service and Assessment Plan without notice under the Act and without notice to property owners of Parcels: (i) to correct mistakes and clerical errors; (ii) to clarify ambiguities; and (iii) to provide procedures for the collection and enforcement of Assessments, Collection Costs, and other charges imposed by the Service and Assessment Plan.

D. Administration and Interpretation of Provisions

The City Council shall administer PID No. 1, this Service and Assessment Plan, and all Annual Service Plan Updates consistent with the PID Act, and shall make all interpretations and determinations related to the application of this Service and Assessment Plan unless stated otherwise herein, such determination shall be conclusive.

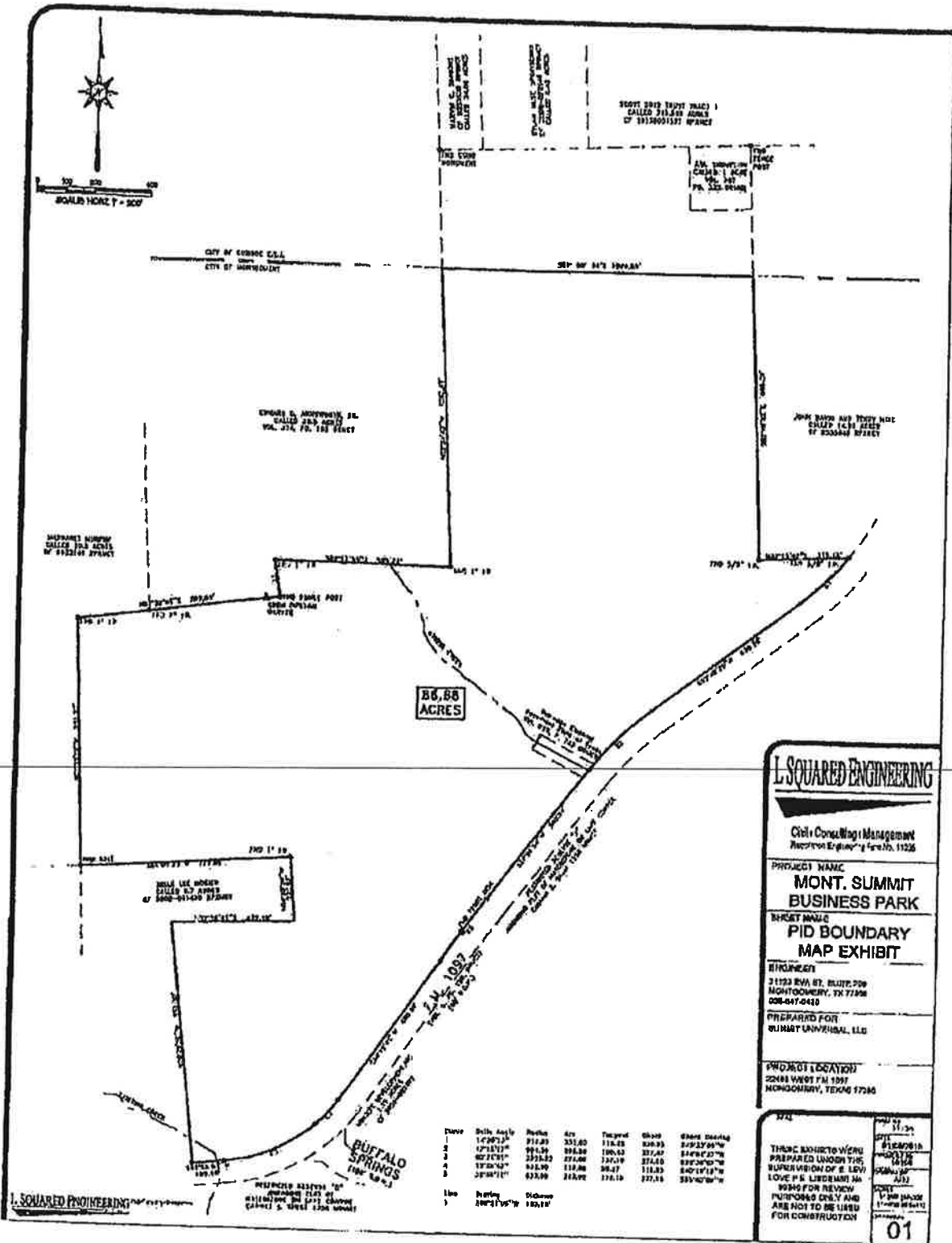
E. Severability

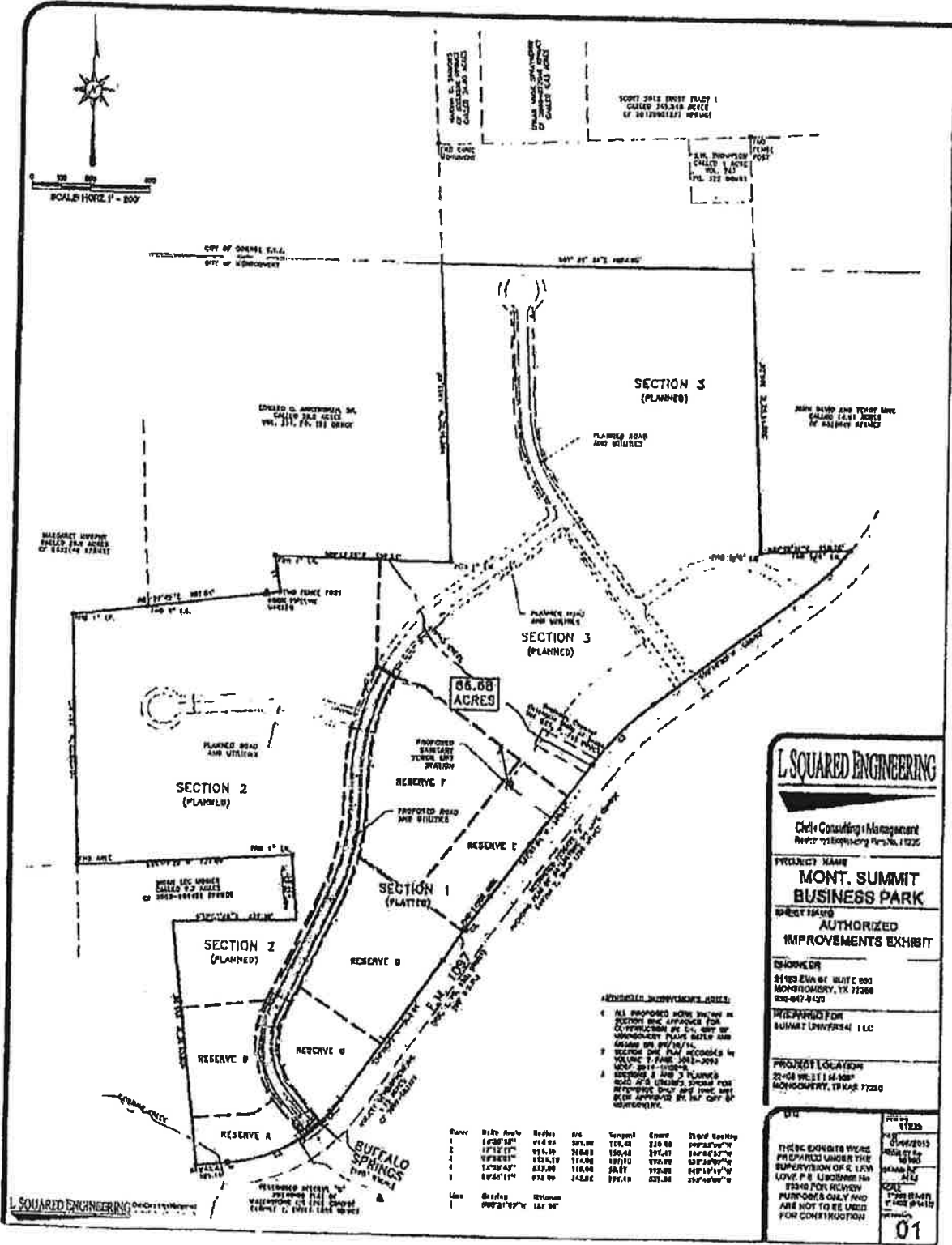
If any provision, section, subsection, sentence, clause or phrase of this Service and Assessment Plan or the application of same to an Assessed Parcel or any person or set of circumstances is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Service and Assessment Plan or the application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this Service and Assessment Plan that no part hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality, voidness or invalidity of any other part hereof, and all provisions of this Service and Assessment Plan are declared to be severable for that purpose.

If any provision of this Service and Assessment Plan is determined by a court to be unenforceable, the unenforceable provision shall be deleted from this Service and Assessment Plan and the unenforceable provision shall, to the extent possible, be rewritten to be enforceable and to give effect to the intent of the City.

Appendix A

MAP OF PID No. 1





L. SQUARED ENGINEERING
 Civil • Consulting • Management
 2113 EWA ST. SUITE C 200
 MONROEVILLE, PA 15146
 412-847-9420

PROJECT NAME
MONT. SUMMIT BUSINESS PARK

SHEET NAME
AUTHORIZED IMPROVEMENTS EXHIBIT

DRAWN BY
 2113 EWA ST. SUITE C 200
 MONROEVILLE, PA 15146
 412-847-9420

PREPARED FOR
 SUMMIT UNIVERSAL, LLC

PROJECT LOCATION
 21-68 WEST 114-300th
 MONROEVILLE, TR 15146 77250

DATE
 05/11/2015

THESE EXHIBITS WERE PREPARED UNDER THE SUPERVISION OF R. LISA LOVE P.E. LICENSE NO. 15150 FOR REVIEW PURPOSES ONLY AND ARE NOT TO BE USED FOR CONSTRUCTION

01

Curve	Beg. Ang'	End Ang'	Area	Length	Chord	Chord Bearing
1	163°00'	174°00'	371.00	115.00	210.00	092°30'00"W
2	174°00'	185°00'	216.00	150.00	295.00	086°03'00"W
3	185°00'	196°00'	174.00	107.00	200.00	087°10'00"W
4	196°00'	207°00'	116.00	70.00	130.00	091°15'00"W
5	207°00'	218°00'	62.00	37.00	67.00	095°00'00"W

- APPROVED IMPROVEMENTS SCHEDULE:**
1. All proposed work shown in Section 1 and 2 is to be completed by the City of Montgomery, PA. All work shown in Section 3 is to be completed by the City of Montgomery, PA.
 2. Section 1 and 2 are to be completed by the City of Montgomery, PA.
 3. Section 3 is to be completed by the City of Montgomery, PA.

L. SQUARED ENGINEERING
 2113 EWA ST. SUITE C 200
 MONROEVILLE, PA 15146
 412-847-9420

Appendix B

ESTIMATED COSTS OF AUTHORIZED IMPROVEMENTS

On-Site Improvements

The on-site roadway improvements include

- Summit Park Drive - The project consists of construction approximately 4,900 linear feet of 24' wide concrete streets (8" concrete) with 6' shoulders (6" concrete) on each side within a dedicated street right-of-way inside PID No. 1.

The onsite water distribution system improvements consist of approximately 8,400 linear feet of 12" water line within the proposed street right-of-way and easements within PID No. 1. The water lines will connect to an existing City of Montgomery main along the south side of FM 1097.

The onsite storm sewer collection systems include approximately 4,900 linear feet of ditch cut in within the proposed street right-of-way inside PID No.1 to direct flow to the existing creeks within the development.

The onsite wastewater collection system improvements consist of approximately 5,000 linear feet of 8" wastewater lines within the proposed street right-of-way inside PID No. 1. A portion of these lines will connect to a proposed lift station, using approximately 650' linear feet of 4" force main to pump the wastewater to a proposed sanitary main. All proposed lines will ultimately connect to an existing main on the south side of FM 1097.

Off-site Improvements

The offsite roadway improvements include a portion of FM 1097 being re-striped for a turn lane to allow safe access into the proposed Summit Park Drive.

Montgomery PID # 1		Estimated Phase 2 Costs	Estimated Phase 3 Costs	Project Total
Phase 1 costs				
Earthwork & Mobilization	\$ 5,130.00			
Legal & Insurance, Bond	\$ 76,175.01	\$29,200	\$36,500	
Engr, legal, surveying, clearing & dirtwork	\$ 344,770.70	\$95,181.36	\$166,850	
Randy Roan Const. Roadway, Water & sewer lines, lift station	\$ 1,278,167.09	\$793,178	\$1,605,393	
Sitework & landscape				
Hydromulching	\$ 73,752.90			
Platting & Surveying	\$ 42,839.84			
Utility work	\$ 48,755.59			
New Devl. Costs: project mgt., Gas line, power lines, Geotech, Communication lines, Boring, SWPP, inspection	\$ 184,763.63	\$73,405	\$144,699	
Total Phase 1	\$ 2,054,354.76	990,964.36	\$1,953,442	\$ 4,998,761.12

Appendix C

ASSESSMENT ROLL

<u>CURRENT PLATTED RESERVES:</u>	<u>ASSESSMENT</u>
Reserve A – 1.238 Acres	\$51,583.33
Reserve B – 2.262 Acres	\$94,249.98
Reserve C – 2.139 Acres	\$89,124.99
Reserve D – 4.221 Acres	\$175,874.97
Reserve E – 2.863 Acres	\$119,291.65
Reserve F – 5.346 Acres	\$222,749.96

Montgomery Summit Business Park, a subdivision of 21.227 acres recorded in Cabinet Z, Sheet Nos. 3061-3062 File No. 2014-095246 of the Map Records of Montgomery County.

Future platted reserves within the PID, which reserves will encompass approximately 56 acres. Assessment will run from Trigger Date on each platted reserve and be calculated based upon the acreage within the reserve.

2023 Annual Installment for Triggered Parcels

Quick Ref	Bdg #	Property ID	Address Line 1	Zip Code	Legal Description	Acres	PID Rate	Triggered Acres	City Admin. Fee	2023 Annual Installment
R450269	B-1	7271-00-00200	15349 SUMMIT BUSINESS PARK DR	77356	S727100 - Montgomery Summit Business Park, BLOCK 2, RES B (BLDG B-1 SUITE 101-104), ACRES 0.5655	0.5655	2426.06	0.5655	\$50.00	\$2,476.06
R471615	B-2		15349 SUMMIT BUSINESS PARK DR	77356	S727100 - Montgomery Summit Business Park, BLOCK 2, RES B (BLDG B-2 SUITE 201-204), ACRES 0.5655	0.5655	2426.06	0.5655	\$50.00	\$2,476.06
R471616	B-3		15349 SUMMIT BUSINESS PARK DR	77356	S727100 - Montgomery Summit Business Park, BLOCK 2, RES B (BLDG B-3 SUITE 301-404), ACRES 0.5655	0.5655	2426.06	0.5655	\$50.00	\$2,476.06
R471617	B-4		15349 SUMMIT BUSINESS PARK DR	77356	S727100 - Montgomery Summit Business Park, BLOCK 2, RES B (BLDG B-4 SUITE 401-404), ACRES 0.5655	0.5655	2426.06	0.5655	\$50.00	\$2,476.06

R450271	D	7271-00-00400	22394 FM 1097 W	77356	S727100 - Montgomery Summit Business Park, BLOCK 1, RES D, ACRES 4.221	4.221	18108.60	4.2210	\$50.00	\$18,158.60
R450273	F-1	7271-00-00600	15498 SUMMIT BUSINESS PARK DR	77356	S727100 - Montgomery Summit Business Park, BLOCK 1, RES F (BLDG F-1, SUITE 101- 104), ACRES 0.696	0.696	2985.92	0.6960	\$50.00	\$3,035.92
R471619	F-2	7271-00-00601	15522 SUMMIT BUSINESS PARK DR	77356	S727100 - Montgomery Summit Business Park, BLOCK 1, RES F (BLDG F-2, SUITE 201- 204), ACRES 0.696	0.696	2985.92	0.6960	\$50.00	\$3,035.92
R471620	F-3	7271-00-00602	15584 SUMMIT BUSINESS PARK DR	77356	S727100 - Montgomery Summit Business Park, BLOCK 1, RES F (BLDG F-3, SUITE 301- 303), ACRES 0.517	0.517	2217.99	0.5170	\$50.00	\$2,267.99
R471621	F-4	7271-00-00603	15636 SUMMIT BUSINESS PARK DR	77356	S727100 - Montgomery Summit Business Park, BLOCK 1, RES F (BLDG F-4, SUITE 401- 403), ACRES 0.517	0.517	2217.99	0.5170	\$50.00	\$2,267.99
R471622	F-5	7271-00-00604	15514 SUMMIT BUSINESS PARK DR	77356	S727100 - Montgomery Summit Business Park, BLOCK 1, RES F (BLDG F-5, SUITE 501- 503), ACRES 0.517	0.517	2217.99	0.5170	\$50.00	\$2,267.99
R471623	F-6	7271-00-00605	15556 SUMMIT BUSINESS PARK DR	77356	S727100 - Montgomery Summit Business Park, BLOCK 1, RES F (BLDG F-6, SUITE 601- 603), ACRES 0.517	0.517	2217.99	0.5170	\$50.00	\$2,267.99
R471624	F-7	7271-00-00606	15540 SUMMIT BUSINESS PARK DR	77356	S727100 - Montgomery Summit Business Park, BLOCK 1, RES F (BLDG F-7, SUITE 701- 703), ACRES 0.517	0.517	2217.99	0.517	\$50.00	\$2,267.99
R471625	F-8	7271-00-00607	15618 SUMMIT BUSINESS PARK DR	77356	S727100 - Montgomery Summit Business Park, BLOCK 1, RES F (BLDG F-8, SUITE 801- 804), ACRES	0.696	2985.92	0.696	\$50.00	\$3,035.92

					0.696					
R471626	F-9	7271-00-00608	15604 SUMMIT BUSINESS PARK DR	77356	S727100 - Montgomery Summit Business Park, BLOCK 1, RES F (BLDG F-9, SUITE 901-904), ACRES 0.696	0.696	2985.92	0.696	\$50.00	\$3,035.92
						18.092	57569.12	11.1560	\$700.00	\$51,543.50
									Total 2022 Assessment:	\$51,546.50

APPENDIX D
FORM OF NOTICE TO PURCHASERS

CITY OF MONTGOMERY PUBLIC IMPROVEMENT DISTRICT NO. 1
BUYER DISCLOSURE

NOTICE OF OBLIGATIONS RELATED TO PUBLIC IMPROVEMENT DISTRICT

A person who proposes to sell or otherwise convey real property that is located in a public improvement district established under Subchapter A, Chapter 372, Local Government Code (except for public improvement districts described under Section 372.005), or Chapter 382, Local Government Code, shall first give to the purchaser of the property this written notice, signed by the seller.

For the purposes of this notice, a contract for the purchase and sale of real property having a performance period of less than six months is considered a sale requiring the notice set forth below.

This notice requirement does not apply to a transfer:

- 1) under a court order or foreclosure sale;
- 2) by a trustee in bankruptcy;
- 3) to a mortgagee by a mortgagor or successor in interest or to a beneficiary of a deed of trust by a trustor or successor in interest;
- 4) by a mortgagee or a beneficiary under a deed of trust who has acquired the land at a sale conducted under a power of sale under a deed of trust or a sale under a court-ordered foreclosure or has acquired the land by a deed in lieu of foreclosure;
- 5) by a fiduciary in the course of the administration of a decedent's estate, guardianship, conservatorship, or trust;
- 6) from one co-owner to another co-owner of an undivided interest in the real property;
- 7) to a spouse or a person in the lineal line of consanguinity of the seller;
- 8) to or from a governmental entity; or
- 9) of only a mineral interest, leasehold interest, or security interest

The following notice shall be given to a prospective purchaser before the execution of a binding contract of purchase and sale, either separately or as an addendum or paragraph of a purchase contract. In the event a contract of purchase and sale is entered into without the seller having provided the required notice, the purchaser, subject to certain exceptions, is entitled to terminate the contract.

A separate copy of this notice shall be executed by the seller and the purchaser and must be filed in the real property records of the county in which the property is located at the closing of the purchase and sale of the property.

AFTER RECORDING¹ RETURN TO:

NOTICE OF OBLIGATION TO PAY IMPROVEMENT DISTRICT ASSESSMENT TO
CITY OF MONTGOMERY, TEXAS
CONCERNING THE FOLLOWING PROPERTY

[INSERT ADDRESS]

PROPERTY ADDRESS

As the purchaser of the real property described above, you are obligated to pay assessments to City of Montgomery, Texas, for the costs of a portion of a public improvement or services project (the "Authorized Improvements") undertaken for the benefit of the property within *City of Montgomery Public Improvement District No. 1* (the "District") created under Subchapter A, Chapter 372, Local Government Code.

AN ASSESSMENT HAS BEEN LEVIED AGAINST YOUR PROPERTY FOR THE AUTHORIZED IMPROVEMENTS, WHICH MAY BE PAID IN FULL AT ANY TIME. IF THE ASSESSMENT IS NOT PAID IN FULL, IT WILL BE DUE AND PAYABLE IN ANNUAL INSTALLMENTS THAT WILL VARY FROM YEAR TO YEAR DEPENDING ON THE AMOUNT OF INTEREST PAID, COLLECTION COSTS, ADMINISTRATIVE COSTS, AND DELINQUENCY COSTS.

The exact amount of the assessment may be obtained from City of Montgomery. The exact amount of each annual installment will be approved each year by the Montgomery City Council in the annual service plan update for the District. More information about the assessments, including the amounts and due dates, may be obtained from City of Montgomery.

Your failure to pay any assessment or any annual installment may result in penalties and interest being added to what you owe or in a lien on and the foreclosure of your property.

¹ To be included in separate copy of the notice required by Section 5.0143, Tex. Prop. Code, to be executed at the closing of the purchase and sale and to be recorded in the deed records of Dallas County when updating for the Current Information of Obligation to Pay Improvement District Assessment.

[The undersigned purchaser acknowledges receipt of this notice before the effective date of a binding contract for the purchase of the real property at the address described above.

DATE:

DATE:

SIGNATURE OF PURCHASER

SIGNATURE OF PURCHASER

The undersigned seller acknowledges providing this notice to the potential purchaser before the effective date of a binding contract for the purchase of the real property at the address described above.

DATE:

DATE:

SIGNATURE OF SELLER

SIGNATURE OF SELLER]²

² To be included in copy of the notice required by Section 5.014, Tex. Prop. Code, to be executed by seller in accordance with Section 5.014(a-1), Tex. Prop. Code.

[The undersigned purchaser acknowledges receipt of this notice before the effective date of a binding contract for the purchase of the real property at the address described above. The undersigned purchaser acknowledged the receipt of this notice including the current information required by Section 5.0143, Texas Property Code, as amended.

DATE:

DATE:

SIGNATURE OF PURCHASER

SIGNATURE OF PURCHASER

STATE OF TEXAS

§
§
§

COUNTY OF _____

The foregoing instrument was acknowledged before me by _____ and _____, known to me to be the person(s) whose name(s) is/are subscribed to the foregoing instrument, and acknowledged to me that he or she executed the same for the purposes therein expressed.

Given under my hand and seal of office on this _____, 20__.

Notary Public, State of Texas]³

³ To be included in separate copy of the notice required by Section 5.0143, Tex. Prop. Code, to be executed at the closing of the purchase and sale and to be recorded in the deed records of Dallas County.

[The undersigned seller acknowledges providing a separate copy of the notice required by Section 5.014 of the Texas Property Code including the current information required by Section 5.0143, Texas Property Code, as amended, at the closing of the purchase of the real property at the address above.

DATE:

DATE:

SIGNATURE OF SELLER

SIGNATURE OF SELLER

STATE OF TEXAS

§
§
§

COUNTY OF _____

The foregoing instrument was acknowledged before me by _____ and _____, known to me to be the person(s) whose name(s) is/are subscribed to the foregoing instrument, and acknowledged to me that he or she executed the same for the purposes therein expressed.

Given under my hand and seal of office on this _____, 20__.

Notary Public, State of Texas]⁴

Montgomery City Council
AGENDA REPORT

Meeting Date: October 10, 2023	Budgeted Amount: n/a
Department: Administration	Prepared By: Maryann Carl

Subject

Consideration and possible action on the following Resolution: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS AUTHORIZING THE SIGNERS FOR ALL CITY OF MONTGOMERY BANKING ACCOUNTS WITH FIRST FINANCIAL BANK; AND PROVIDING AN EFFECTIVE DATE.

Recommendation

Adopt the resolution to update bank signers.

Discussion

Due elections in May 2023, we need to update the signature cards for the City banking accounts to add Sara Countryman and Stan Donaldson.

Approved By

Finance Director	Maryann Carl	Date: 10/06/2023
City Administrator	Gary Palmer	Date: 10/06/2023

RESOLUTION NO. R - 2023-10

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS AUTHORIZING THE SIGNERS FOR ALL CITY OF MONTGOMERY BANKING ACCOUNTS WITH FIRST FINANCIAL BANK; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Montgomery, Texas (the "City") has the following banking accounts with First Financial Bank:

- Court Security Fund
- Debt Service Fund
- Home Grant
- Grant
- Home Grant General Fund
- Police Asset Forfeitures
- Capital Projects Fund
- Court Technical Fund
- Police Drug and Misc Fund
- Hotel Motel Fund
- Utility Fund
- General Fund

WHEREAS, City Council has determined that the following members of the governing body and the City Administrator are authorized signers on the aforementioned accounts:

- | | |
|-------------------|--------------------------------|
| Byron Sanford | Mayor |
| Casey Olson | Mayor Pro-Tem / Council Member |
| Carol Langley | Council Member |
| Sara Countryman | Council Member |
| Cheryl Fox | Council Member |
| Stan Donaldson | Council Member |
| Dave McCorquodale | Assistant City Administrator |
| Gary Palmer | City Administrator |

WHEREAS, First Financial Bank issues a Banking Resolution for each account with the identified signers and related information, which is attached as Exhibit "A."

WHEREAS, the City Council of the City now wishes to authorize the governing body, which includes the Mayor and members of City Council, and the City Administrator as signers on all City of Montgomery banking accounts.

NOW, THEREFORE, BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS THAT:

Section 1. The City Council and City Administrator are authorized and approved to execute any and all necessary documents on behalf of the City to conduct City business with First Financial Bank regarding all City banking accounts.

Section 2. This Resolution shall take effect immediately upon its passage and adoption.

PASSED, APPROVED AND ADOPTED this the 10th day of October, 2023.

CITY OF MONTGOMERY, TEXAS

Attest: _____
Nici Browe, City Secretary

Signed: _____
Byron Sanford, Mayor

Approved as to Form: _____
Alan P. Petrov, City Attorney

Montgomery City Council
AGENDA REPORT

Meeting Date: October 10, 2023	Budgeted Amount: n/a
Department: Administration	Prepared By: Maryann Carl

Subject

Consideration and possible action on the following Resolution: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS AUTHORIZING CREATION OF A NEW ACCOUNT AND THE SIGNERS FOR THE AFOREMENTIONED CITY OF MONTGOMERY BANKING ACCOUNT WITH FIRST FINANCIAL BANK; AND PROVIDING AN EFFECTIVE DATE.

Recommendation

Adopt the resolution to open a new bank account for the Home Depot escrow funds.

Discussion

The Home Depot is providing an escrow deposit for the infrastructure improvements related to their project. A separate bank account is necessary for these escrow funds.

Approved By		
Finance Director	Maryann Carl	Date: 10/06/2023
City Administrator	Gary Palmer	Date: 10/06/2023

RESOLUTION NO. R - 2023-11

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS AUTHORIZING CREATION OF A NEW ACCOUNT AND THE SIGNERS FOR THE AFOREMENTIONED CITY OF MONTGOMERY BANKING ACCOUNT WITH FIRST FINANCIAL BANK; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Montgomery, Texas (the "City") intends to open the following banking account with First Financial Bank:

City of Montgomery
Home Depot Escrow

WHEREAS, City Council has determined that the following members of the governing body and the City Administrator are authorized signers on the aforementioned account:

Byron Sanford	Mayor
Casey Olson	Mayor Pro-Tem / Council Member
Carol Langley	Council Member
Sara Countryman	Council Member
Cheryl Fox	Council Member
Stan Donaldson	Council Member
Dave McCorquodale	Assistant City Administrator
Gary Palmer	City Administrator

WHEREAS, First Financial Bank issues a Banking Resolution for the aforementioned account with the identified signers and related information.

WHEREAS, the City Council of the City now wishes to authorize the governing body, which includes the Mayor and members of City Council, and the City Administrator as signers on this City of Montgomery banking account.

NOW, THEREFORE, BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS THAT:

Section 1. The City Council and City Administrator are authorized and approved to execute any and all necessary documents on behalf of the City to conduct City business with First Financial Bank regarding all City banking accounts.

Section 2. This Resolution shall take effect immediately upon its passage and adoption.

PASSED, APPROVED AND ADOPTED this the 10th day of October, 2023.

CITY OF MONTGOMERY, TEXAS

Attest: _____
Nici Browe, City Secretary

Signed: _____
Byron Sanford, Mayor

Approved as to Form: _____
Alan P. Petrov, City Attorney