



# City of Seagoville Meeting Agenda City Council

City Hall  
702 N. Hwy 175  
Seagoville, Texas 75159

Monday, February 26, 2024

6:30 PM

Council Chambers

LACKEY STEPPER SEBASTIAN  
MAYOR

RICK HOWARD  
PLACE 1

ALLEN GRIMES  
PLACE 4

PATRICK STALLINGS  
CITY MANAGER

JOSE HERNANDEZ  
PLACE 2

JON EPPS  
PLACE 5

HAROLD MAGILL  
PLACE 3 - MAYOR PRO TEM

Notice is hereby given that the City Council of the City of Seagoville, Texas will meet in a Regular Called Meeting at 6:30 p.m. for Work Session, and Regular Session will begin at 7:00 p.m., to be held at City Hall, 702 N. Hwy 175 Seagoville, Texas 75159.

As authorized by Section 551.071(2) of the Texas Government Code, this meeting may be convened into closed Executive Session for the purpose of seeking confidential legal advice from the City Attorney on any agenda item listed herein.

As authorized by Section 551.127, of the Texas Government Code, one or more Councilmembers or employees may attend this meeting remotely using videoconferencing technology. The video and audio feed of the videoconferencing equipment can be viewed and heard by the public at the address posted above as the location of the meeting.

The City of Seagoville reserves the right to reconvene, recess or realign any session or order of business at any time prior to adjournment. The purpose of the meeting is to consider the following items:

## **WORK SESSION – 6:30 PM**

1. Call to Order
2. Receive a presentation on the 2023 Racial Profiling Report.
3. Receive an update on the Boards and Commissions appointment timeline.
4. Discuss Regular Session agenda items.
5. Adjourn

## **REGULAR SESSION – 7:00 PM**

6. Call to Order
7. Invocation
8. Pledge of Allegiance
9. Mayor's Report
10. Citizen's Comments

This portion of the meeting is to allow each speaker up to six (6) minutes to address the council on items not posted on the current agenda. City Council may not discuss these items but may respond with factual data or policy information or place the item on a future agenda. Anyone wishing to speak should submit a Speaker Request Form to the City Secretary.

### **Consent Agenda**

- 11. Consider approving the City Council meeting minutes: February 5, 2024.**
- 12. Consider a Resolution authorizing the Mayor to accept and file the police department's 2023 Racial Profiling Report.**
- 13. Consider a Resolution authorizing County of Dallas to resell tax foreclosed properties by public or private sale, to the highest qualified purchaser, as provided by section 34.05 of the Texas Property Tax Code.**

### **Regular Agenda**

- 14. Discuss and consider a Resolution accepting the Preliminary Service and Assessment Plan for Improvement Area #1 Projects and Major Improvement Projects within the Santorini Public Improvement District; setting a date for public hearing on the proposed levy of assessments; authorizing the publication and mailing of notice; and enacting other provisions relating thereto.**
- 15. Discuss and consider approval of the Seagoville Chamber of Commerce and City 2024 event dates as presented.**
- 16. Discuss and consider approving a Resolution ratifying emergency concrete to Ross Lane and authorizing the City Manager to make payment to C&M Concrete in an amount not to exceed \$25,732.45; and execute any and all necessary documents.**
- 17. Discuss and consider approving a Resolution of the City of Seagoville, Texas awarding a contract to Reliable Paving, Inc. for the reconstruction of the 800 block of Hall Road, in an amount not to exceed \$607,502.36; authorizing the City Manager to negotiate and execute any and all necessary documents.**
- 18. Discuss and consider a Resolution approving Work Order No. 14, issued under the Master Agreement for Professional Services executed on March 24, 2021 between the City and Garver, LLC, for the Seagoville road traffic study project, for compensation in a total amount not to exceed \$26,399.00; authorizing the City Manager to execute the work order and all necessary and related documents.**
- 19. Discuss 'No Parking' signs and parking concerns along US 175 Service Road.**
- 20. Items of community interest and councilmember reports.**

Pursuant to Section 551.0415 of the Texas Government Code, the City Council or City Administration may report information on the following items: 1) expression of thanks, congratulations, or condolences, 2) information about holiday schedules, 3) recognition of individuals, 4) reminders about upcoming City events, 5) information about community events, and 6) announcements involving an imminent threat to public health and safety.

**EXECUTIVE SESSION**

The City Council will convene into closed Executive Session pursuant to:

21. Texas Govt. Code Section 551.071(2) – Consultation with Attorney, to seek legal advice relating to:
  - A. Regulation of mobile food units within city limits.
  - B. Appropriate zoning restrictions with regard to tobacco and related shops.
22. Texas Govt. Code section 551.087 – To discuss or deliberate the offer of a financial or other incentive to a business prospect that the governmental body seeks to have locate, stay, or expand in or near the City and with which the City is conducting economic development negotiations: Soulman’s BBQ
23. Texas Govt. Code Section 551.074 – To deliberate the reassignment or duties of a public officer or employee: City Attorney

**REGULAR SESSION**

24. Take any necessary action as a result of Executive Session.
25. Discuss future agenda items.
26. Adjourn

**CERTIFICATE**

I certify that the above Notice of Meeting was posted on the bulletin board at the City Hall of the City of Seagoville, Texas on this 22<sup>nd</sup> day of February 2024, by 5 p.m.

---

Sara Egan, City Secretary

The City of Seagoville does not discriminate based on disability in the admission or access to, or treatment or employment in, its programs or activities. If you have a request for services that will make this program accessible to you, please contact the City of Seagoville at least 72 hours in advance at (972) 287-6819. (TDD access 1-800-RELAY-TX)

**UPCOMING DATES:**

- Tuesday, February 27, 2024, Joint City Council and Planning and Zoning Commission Meeting
- Monday, March 4, 2024, Regular City Council Meeting



TO: Mayor and City Council  
FROM: Ray Calverley, Police Chief and  
DATE: February 26, 2024  
ITEM: 2  
DESCRIPTION: Receive a presentation on the 2023 Racial Profiling Report.

---

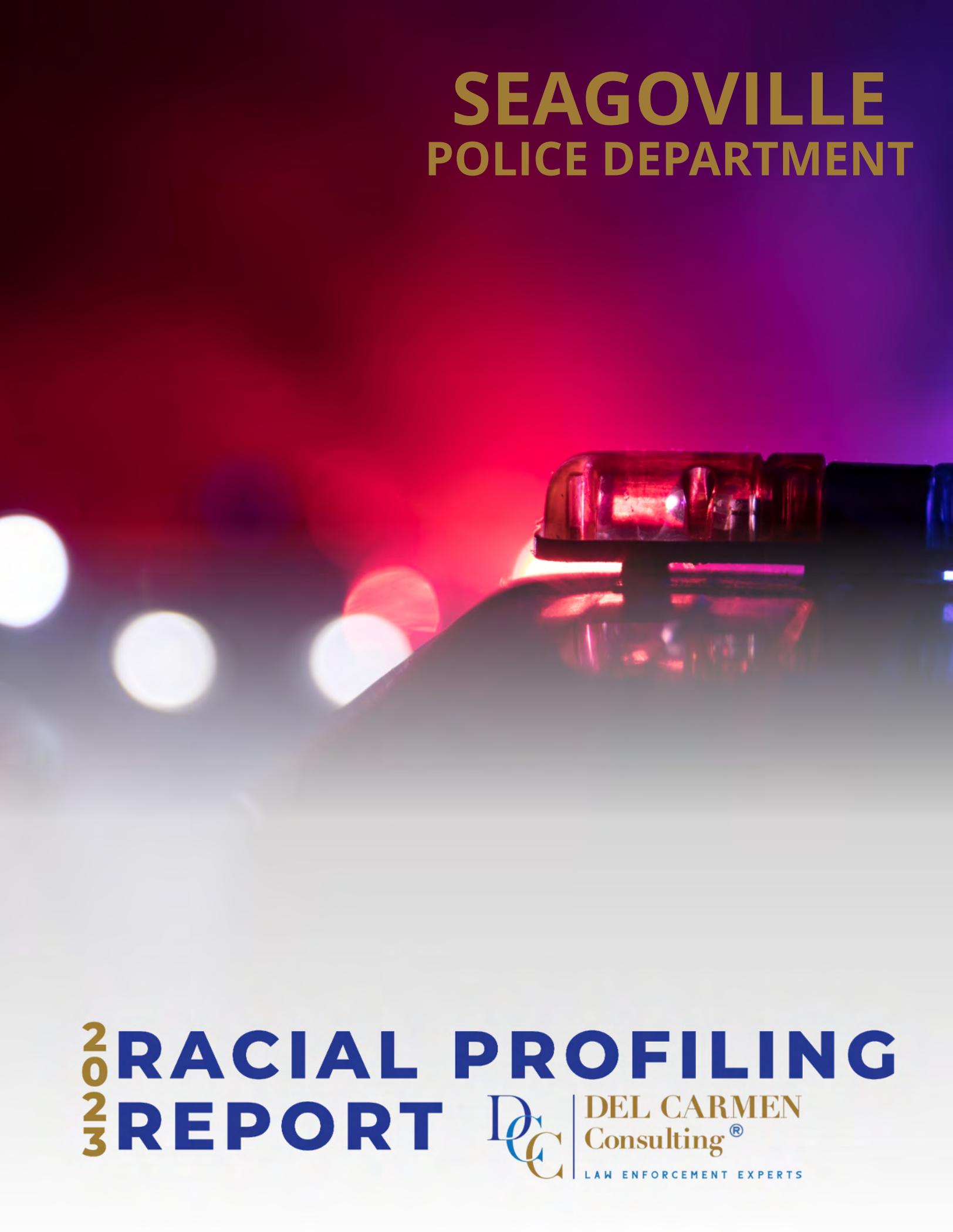
### **INTRODUCTION**

The purpose of this item is to present the completed findings of the 2023 Racial Profiling report to the City of Seagoville Governing body prior to the March 1 deadline date.

### **BACKGROUND**

The City Council of the City of Seagoville, Texas, understands and supports applicable laws concerning racial profiling accountability. The City Council of the City of Seagoville, Texas, supports the transparent open reporting and accounting of all police contacts covered within the Racial Profiling legislation. The Seagoville Police Department has presented its 2023 Racial Profiling Report.

# SEAGOVILLE POLICE DEPARTMENT



## 2023 RACIAL PROFILING REPORT



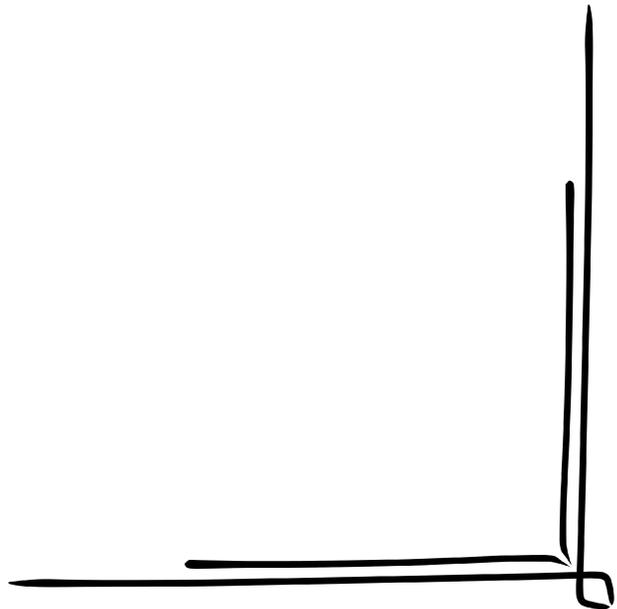
DEL CARMEN  
Consulting®

LAW ENFORCEMENT EXPERTS



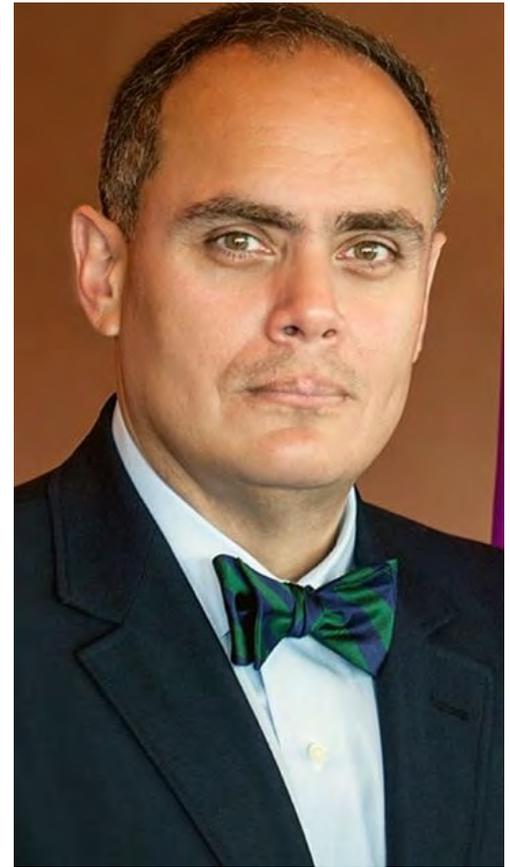
*"Dr. Alex del Carmen's work on racial profiling exemplifies the very best of the Sandra Bland Act, named after my daughter. My daughter's pledge to fight for injustice is best represented in the high quality of Dr. del Carmen's reports which include, as required by law, the data analysis, audits, findings and recommendations. I commend the agencies that work with him as it is clear that they have embraced transparency and adherence to the law."*

**-Quote by Geneva Reed (Mother of Sandra Bland)**



January 19, 2024

Seagoville City Council  
702 N. US Highway 175  
Seagoville, TX 75159



Dear Distinguished Members of the City Council,

In 2001 the Texas Legislature, with the intent of addressing the issue of racial profiling in policing, enacted the Texas Racial Profiling Law. During the last calendar year, the Seagoville Police Department, in accordance with the law, has collected and reported traffic and motor vehicle related contact data for the purpose of identifying and addressing (if necessary) areas of concern regarding racial profiling practices. In the 2009 Texas legislative session, the Racial Profiling Law was modified and additional requirements were implemented. Further, in 2017 the Sandra Bland Act was passed and signed into law (along with HB 3051, which introduced new racial and ethnic designations). The Sandra Bland Law currently requires that law enforcement agencies in the state collect additional data and provide a more detailed analysis. All of these requirements have been met by the Seagoville Police Department and are included in this report.

In this report, you will find three sections with information on motor vehicle-related contacts. In addition, when appropriate, documentation is included which demonstrates the manner in which the Seagoville Police Department has complied with the Texas Racial Profiling Law. In section one, you will find the table of contents. Section two documents compliance by the Seagoville Police Department relevant to the requirements established in the Texas Racial Profiling Law. That is, you will find documents relevant to the training of all police personnel on racial profiling prevention and the institutionalization of the compliment and complaint processes, as required by law.

Finally, section three contains statistical data relevant to contacts (as defined by the law) which were made during the course of motor vehicle stops that took place between 1/1/23 and 12/31/23. Further, this section contains the Tier 2 form, which is required to be submitted to this particular organization and the law enforcement agency's local governing authority by March 1 of each year. The data in this report has been analyzed and compared to information derived from the U.S. Census Bureau's Fair Roads Standard. The final analysis and recommendations are also included in this report.

In the last section of the report, you will find the original draft of the Texas Racial Profiling Law, SB1074, as well as the Sandra Bland Act (current law). Also in this section, a list of requirements relevant to the Racial Profiling Law, as established by TCOLE (Texas Commission on Law Enforcement), is included. The findings in this report support the Seagoville Police Department's commitment to comply with the Texas Racial Profiling Law.

Sincerely,

Alex del Carmen, Ph.D.

# Table of Contents

---

## Introduction

- 2 Letter to Council Members
- 3 Table of Contents

## Responding to the Law

- 4 Public Education on Filing Compliments and Complaints
- 5 Racial Profiling Course Number 3256
- 11 Reports on Compliments and Racial Profiling Complaints
- 13 Tier 2 Data (Includes tables)

## Analysis and Interpretation of Data

- 23 Tier 2 Motor Vehicle-Related Contact Analysis
- 24 Comparative Analysis
- 26 Summary of Findings
- 27 Checklist

## Legislative and Administrative Addendum

- 29 TCOLE Guidelines
- 34 The Texas Law on Racial Profiling
- 41 Modifications to the Original Law
- 49 Racial and Ethnic Designations
- 50 The Sandra Bland Act
- 51 Seagoville Police Department Racial Profiling Policy

# Public Education on Responding to Compliments and Complaints

## Informing the Public on the Process of Filing a Compliment or Complaint with the Seagoville Police Department

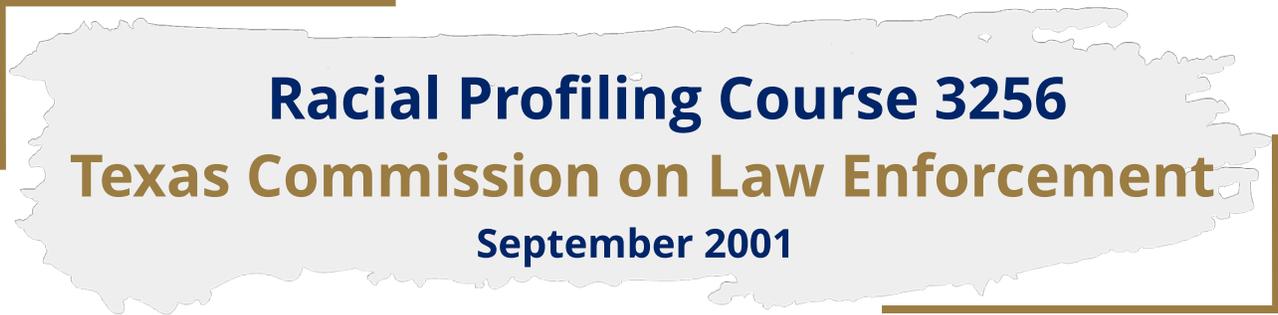
The Texas Racial Profiling Law requires that police agencies provide information to the public regarding the manner in which to file a compliment or racial profiling complaint. In an effort to comply with this particular component, the Seagoville Police Department launched an educational campaign aimed at informing the public on issues relevant to the racial profiling complaint process.

The police department made available, in the lobby area and on its web site, information relevant to filing a compliment and complaint on a racial profiling violation by a Seagoville Police Officer. In addition, each time an officer issues a citation, ticket or warning, information on how to file a compliment or complaint is given to the individual cited. This information is in the form of a web address (including in the document issued to the citizen), which has instructions and details specifics related to the compliment or complaint processes.

It is believed that through these efforts, the community has been properly informed of the new policies and the complaint processes relevant to racial profiling.

All Seagoville Police Officers have been instructed, as specified in the Texas Racial Profiling Law, to adhere to all Texas Commission on Law Enforcement (TCOLE) training and the Law Enforcement Management Institute of Texas (LEMIT) requirements. To date, all sworn officers of the Seagoville Police Department have completed the TCOLE basic training on racial profiling. The main outline used to train the officers of Seagoville has been included in this report.

It is important to recognize that the Chief of the Seagoville Police Department has also met the training requirements, as specified by the Texas Racial Profiling Law, in the completion of the LEMIT program on racial profiling. The satisfactory completion of the racial profiling training by the sworn personnel of the Seagoville Police Department fulfills the training requirement as specified in the Education Code (96.641) of the Texas Racial Profiling Law.



**Racial Profiling Course 3256**  
**Texas Commission on Law Enforcement**  
**September 2001**

## **Racial Profiling 3256**

### **Instructor's Note:**

You may wish to teach this course in conjunction with Asset Forfeiture 3255 because of the related subject matter and applicability of the courses. If this course is taught in conjunction with Asset Forfeiture, you may report it under Combined Profiling and Forfeiture 3257 to reduce data entry.

### **Abstract**

This instructor guide is designed to meet the educational requirement for racial profiling established by legislative mandate: 77R-SB1074.

**Target Population:** Licensed law enforcement personnel in Texas

**Prerequisites:** Experience as a law enforcement officer

**Length of Course:** A suggested instructional time of 4 hours

**Material Requirements:** Overhead projector, chalkboard and/or flip charts, video tape player, handouts, practical exercises, and demonstrations

**Instructor Qualifications:** Instructors should be very knowledgeable about traffic stop procedures and law enforcement issues

### **Evaluation Process and Procedures**

An examination should be given. The instructor may decide upon the nature and content of the examination. It must, however, sufficiently demonstrate the mastery of the subject content by the student.

### **Reference Materials**

Reference materials are located at the end of the course. An electronic copy of this instructor guide may be downloaded from our web site at <http://www.tcleose.state.tx.us>.

## **Racial Profiling 3256**

### **1.0 RACIAL PROFILING AND THE LAW**

**1.1 UNIT GOAL: The student will be able to identify the legal aspects of racial profiling.**

**1.1.1 LEARNING OBJECTIVE: The student will be able to identify the legislative requirements placed upon peace officers and law enforcement agencies regarding racial profiling.**

#### **Racial Profiling Requirements:**

Racial profiling CCP 3.05

Racial profiling prohibited CCP 2.131

Law enforcement policy on racial profiling CCP 2.132

Reports required for traffic and pedestrian stops CCP 2.133

Liability CCP 2.136

Racial profiling education for police chiefs Education Code 96.641

Training program Occupations Code 1701.253

Training required for intermediate certificate Occupations Code 1701.402

Definition of "race or ethnicity" for form Transportation Code 543.202

#### **A. Written departmental policies**

1. Definition of what constitutes racial profiling
2. Prohibition of racial profiling
3. Complaint process
4. Public education
5. Corrective action
6. Collection of traffic-stop statistics
7. Annual reports

#### **B. Not prima facie evidence**

#### **C. Feasibility of use of video equipment**

#### **D. Data does not identify officer**

#### **E. Copy of complaint-related video evidence to officer in question**

#### **F. Vehicle stop report**

1. Physical description of detainees: gender, race or ethnicity
2. Alleged violation
3. Consent to search
4. Contraband
5. Facts supporting probable cause
6. Arrest
7. Warning or citation issued

#### **G. Compilation and analysis of data**

#### **H. Exemption from reporting - audio/video equipment**

#### **I. Officer non-liability**

#### **J. Funding**

#### **K. Required training in racial profiling**

1. Police chiefs
2. All holders of intermediate certificates and/or two-year-old licenses as of 09/01/2001 (training to be completed no later than 09/01/2003) - see legislation 77R-SB1074



**1.1.2 LEARNING OBJECTIVE: The student will become familiar with Supreme Court decisions and other court decisions involving appropriate actions in traffic stops.**

**A. Whren v. United States, 517 U.S. 806, 116 S.Ct. 1769 (1996)**

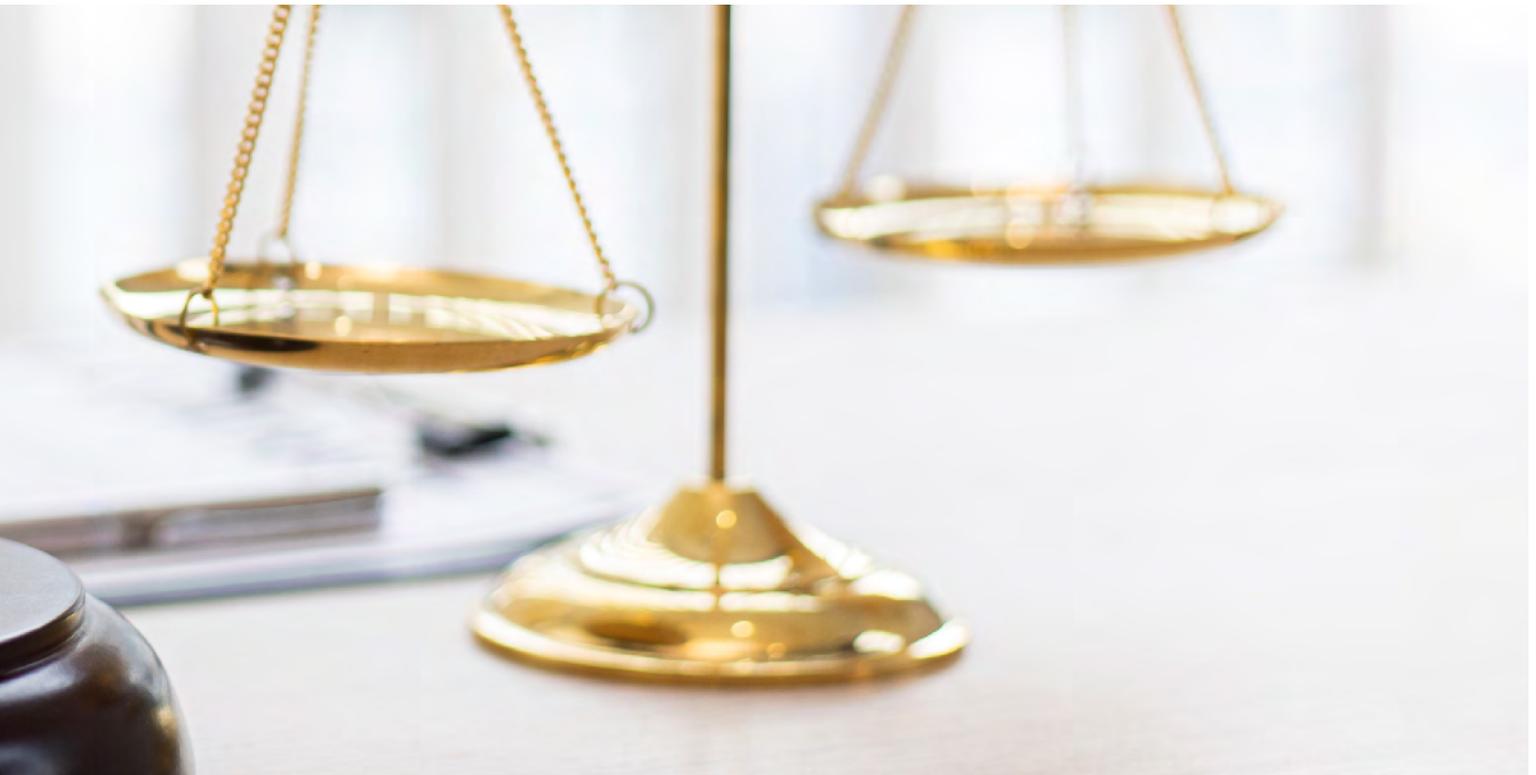
1. Motor vehicle search exemption
2. Traffic violation acceptable as pretext for further investigation
3. Selective enforcement can be challenged

**B. Terry v. Ohio, 392 U.S. 1, 88 S.Ct. 1868 (1968)**

1. Stop & Frisk doctrine
2. Stopping and briefly detaining a person
3. Frisk and pat down

**C. Other cases**

1. Pennsylvania v. Mimms, 434 U.S. 106, 98 S.Ct. 330 (1977)
2. Maryland v. Wilson, 117 S.Ct. 882 (1997)
3. Graham v. State, 119 MdApp 444, 705 A.2d 82 (1998)
4. Pryor v. State, 122 Md.App. 671 (1997) cert. denied 352 Md. 312, 721 A.2d 990 (1998)
5. Ferris v. State, 355 Md. 356, 735 A.2d 491 (1999)
6. New York v. Belton, 453 U.S. 454 (1981)



## **2.0 RACIAL PROFILING AND THE COMMUNITY**

**2.1 UNIT GOAL: The student will be able to identify logical and social arguments against racial profiling.**

**2.1.1 LEARNING OBJECTIVE: The student will be able to identify logical and social arguments against racial profiling.**

- A. There are appropriate reasons for unusual traffic stops (suspicious behavior, the officer's intuition, MOs, etc.), but police work must stop short of cultural stereotyping and racism.
- B. Racial profiling would result in criminal arrests, but only because it would target all members of a race randomly – the minor benefits would be far outweighed by the distrust and anger towards law enforcement by minorities and the public as a whole .
- C. Racial profiling is self-fulfilling bad logic: if you believed that minorities committed more crimes, then you might look for more minority criminals, and find them in disproportionate numbers.
- D. Inappropriate traffic stops generate suspicion and antagonism towards officers and make future stops more volatile – a racially-based stop today can throw suspicion on tomorrow's legitimate stop.
- E. By focusing on race, you would not only be harassing innocent citizens, but overlooking criminals of all races and backgrounds – it is a waste of law enforcement resources.

### 3.0 RACIAL PROFILING VERSUS REASONABLE SUSPICION

**3.1 UNIT GOAL:** The student will be able to identify the elements of both inappropriate and appropriate traffic stops.

**3.1.1 LEARNING OBJECTIVE:** The student will be able to identify elements of a racially motivated traffic stop.

- A. Most race-based complaints come from vehicle stops, often since race is used as an inappropriate substitute for drug courier profile elements
- B. "DWB" – "Driving While Black" – a nickname for the public perception that a Black person may be stopped solely because of their race (especially with the suspicion that they are a drug courier), often extended to other minority groups or activities as well ("Driving While Brown," "Flying While Black," etc.)
- C. A typical traffic stop resulting from racial profiling
1. The vehicle is stopped on the basis of a minor or contrived traffic violation which is used as a pretext for closer inspection of the vehicle, driver, and passengers
  2. The driver and passengers are questioned about things that do not relate to the traffic violation
  3. The driver and passengers are ordered out of the vehicle
  4. The officers visually check all observable parts of the vehicle
  5. The officers proceed on the assumption that drug courier work is involved by detaining the driver and passengers by the roadside
  6. The driver is asked to consent to a vehicle search – if the driver refuses, the officers use other procedures (waiting on a canine unit, criminal record checks, license-plate checks, etc.), and intimidate the driver (with the threat of detaining him/her, obtaining a warrant, etc.)



**3.1.2 LEARNING OBJECTIVE: The student will be able to identify elements of a traffic stop which would constitute reasonable suspicion of drug courier activity.**

- A. Drug courier profile (adapted from a profile developed by the DEA)
  1. Driver is nervous or anxious beyond the ordinary anxiety and cultural communication styles
  2. Signs of long-term driving (driver is unshaven, has empty food containers, etc.)
  3. Vehicle is rented
  4. Driver is a young male, 20-35
  5. No visible luggage, even though driver is traveling
  6. Driver was over-reckless or over-cautious in driving and responding to signals
  7. Use of air fresheners
  
- B. Drug courier activity indicators by themselves are usually not sufficient to justify a stop

**3.1.3 LEARNING OBJECTIVE: The student will be able to identify elements of a traffic stop which could constitute reasonable suspicion of criminal activity.**

- A. Thinking about the totality of circumstances in a vehicle stop
  
- B. Vehicle exterior
  1. Non-standard repainting (esp. on a new vehicle)
  2. Signs of hidden cargo (heavy weight in trunk, windows do not roll down, etc.)
  3. Unusual license plate suggesting a switch (dirty plate, bugs on back plate, etc.)
  4. Unusual circumstances (pulling a camper at night, kids' bikes with no kids, etc.)
  
- C. Pre-stop indicators
  1. Not consistent with traffic flow
  2. Driver is overly cautious, or driver/passengers repeatedly look at police car
  3. Driver begins using a car- or cell-phone when signaled to stop
  4. Unusual pull-over behavior (ignores signals, hesitates, pulls onto new street, moves objects in car, etc.)
  
- D. Vehicle interior
  1. Rear seat or interior panels have been opened, there are tools or spare tire, etc.
  2. Inconsistent items (anti-theft club with a rental, unexpected luggage, etc.)

**Resources**

Proactive Field Stops Training Unit – Instructor's Guide, Maryland Police and Correctional Training Commissions, 2001. (See Appendix A.)

Web address for legislation 77R-SB1074: <http://tlo2.tlc.state.tx.us/tlo/77r/billtext/SB01074F.htm>

# Report on Compliments and Racial Profiling Complaints



## Report on Complaints

The following table contains data regarding officers that have been the subject of a complaint, during the time period of 1/1/23-12/31/23 based on allegations outlining possible violations related to the Texas Racial Profiling Law. The final disposition of the case is also included.



A check above indicates that the Seagoville Police Department has not received any complaints, on any members of its police services, for having violated the Texas Racial Profiling Law during the time period of 1/1/23-12/31/23.

### **Complaints Filed for Possible Violations of The Texas Racial Profiling Law**

<b>Complaint Number</b>	<b>Alleged Violation</b>	<b>Disposition of the Case</b>

<b>Additional Comments:</b>

# Tables Illustrating Motor Vehicle-Related Contacts

## TIER 2 DATA

### TOTAL STOPS: 4,665

#### STREET ADDRESS OR APPROXIMATE LOCATION OF STOP.

City Street	3,855
US Highway	531
State Highway	260
County Road	0
Private Property	19

#### WAS RACE OR ETHNICITY KNOWN PRIOR TO STOP?

Yes	13
No	4,652

#### RACE OR ETHNICITY

Alaska Native/American Indian	11
Asian/Pacific Islander	18
Black	1,189
White	1,496
Hispanic/Latino	1,951

#### GENDER

##### Female Total: 1,656

Alaska Native/American Indian	4
Asian/Pacific Islander	8
Black	489
White	541
Hispanic/Latino	614

##### Male Total: 3,009

Alaska Native/American Indian	7
Asian/Pacific Islander	10
Black	700
White	955
Hispanic/Latino	1,337

#### REASON FOR STOP?

##### Violation of Law Total: 114

Alaska Native/American Indian	0
Asian/Pacific Islander	1
Black	24
White	50
Hispanic/Latino	39

##### Pre-existing Knowledge Total: 81

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	35
White	18
Hispanic/Latino	28

##### Moving Traffic Violation Total: 2,166

Alaska Native/American Indian	8
Asian/Pacific Islander	16
Black	562
White	607
Hispanic/Latino	973

## TIER 2 DATA

### Vehicle Traffic Violation Total: 2,304

Alaska Native/American Indian	3
Asian/Pacific Islander	1
Black	568
White	821
Hispanic/Latino	911

### Contraband (in plain view) Total: 5

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	1
White	1
Hispanic/Latino	3

### WAS SEARCH CONDUCTED?

	YES	NO
Alaska Native/American Indian	1	10
Asian/Pacific Islander	0	18
Black	32	1,157
White	47	1,449
Hispanic/Latino	56	1,895
<b>TOTAL</b>	<b>136</b>	<b>4,529</b>

### Probable Cause Total: 69

Alaska Native/American Indian	1
Asian/Pacific Islander	0
Black	22
White	21
Hispanic/Latino	25

### Inventory Total: 36

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	6
White	5
Hispanic/Latino	25

### REASON FOR SEARCH?

#### Consent Total: 25

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	3
White	20
Hispanic/Latino	2

### Incident to Arrest Total: 1

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	0
White	0
Hispanic/Latino	1

# TIER 2 DATA

## WAS CONTRABAND DISCOVERED?

	YES	NO
Alaska Native/American Indian	1	0
Asian/Pacific Islander	0	0
Black	20	12
White	24	23
Hispanic/Latino	28	28
<b>TOTAL</b>	<b>73</b>	<b>63</b>

## Did the finding result in arrest?

	YES	NO
Alaska Native/American Indian	0	1
Asian/Pacific Islander	0	0
Black	1	19
White	2	22
Hispanic/Latino	0	28
<b>TOTAL</b>	<b>3</b>	<b>70</b>

## DESCRIPTION OF CONTRABAND

### Drugs Total: 46

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	13
White	17
Hispanic/Latino	16

### Currency Total: 0

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	0
White	0
Hispanic/Latino	0

### Weapons Total: 5

Alaska Native/American Indian	1
Asian/Pacific Islander	0
Black	2
White	1
Hispanic/Latino	1

### Alcohol Total: 19

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	3
White	5
Hispanic/Latino	11

**Stolen Property Total: 0**

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	0
White	0
Hispanic/Latino	0

**Other Total: 3**

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	2
White	1
Hispanic/Latino	0

**RESULT OF THE STOP**

**Verbal Warning Total: 2,708**

Alaska Native/American Indian	4
Asian/Pacific Islander	9
Black	704
White	915
Hispanic/Latino	1,076

**Written Warning Total: 9**

Alaska Native/American Indian	1
Asian/Pacific Islander	0
Black	2
White	3
Hispanic/Latino	3

**Citation Total: 1,925**

Alaska Native/American Indian	6
Asian/Pacific Islander	9
Black	479
White	571
Hispanic/Latino	860

**Written Warning and Arrest Total: 0**

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	0
White	0
Hispanic/Latino	0

**Citation and Arrest Total: 0**

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	0
White	0
Hispanic/Latino	0

**Arrest Total: 23**

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	4
White	7
Hispanic/Latino	12

# TIER 2 DATA

**ARREST BASED ON  
Violation of Penal Code Total: 1**

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	0
White	1
Hispanic/Latino	0

**Violation of Traffic Law Total: 0**

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	0
White	0
Hispanic/Latino	0

**Violation of City Ordinance Total: 0**

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	0
White	0
Hispanic/Latino	0

**Outstanding Warrant Total: 22**

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	4
White	6
Hispanic/Latino	12

**Was physical force used resulting in bodily injury during the stop?**

	YES	NO
Alaska Native/American Indian	0	11
Asian/Pacific Islander	0	18
Black	0	1,189
White	0	1,496
Hispanic/Latino	0	1,951
<b>TOTAL</b>	<b>0</b>	<b>4,665</b>

# Tables Illustrating Motor Vehicle Related Contact Data

**Table 1. Citations and Warnings**

Race/ Ethnicity	All Contacts	Citations	Verbal Warning	Written Warning	Contact Percent	Citation Percent	Verbal Percent	Written Percent
<b>Alaska Native/ American Indian</b>	11	6	4	1	0%	0%	0%	11%
<b>Asian/ Pacific Islander</b>	18	9	9	0	0%	0%	0%	0%
<b>Black</b>	1,189	479	704	2	25%	25%	26%	22%
<b>White</b>	1,496	571	915	3	32%	30%	34%	33%
<b>Hispanic/ Latino</b>	1,951	860	1,076	3	42%	45%	40%	33%
<b>TOTAL</b>	4,665	1,925	2,708	9	100%	100%	100%	100%



**Table 2. Motor Vehicle Contacts and Fair Roads Standard Comparison**

Comparison of motor vehicle-related contacts with households that have vehicle access.

Race/Ethnicity	Contact Percentage	Households with Vehicle Access
<b>Alaska Native/American Indian</b>	0%	0%
<b>Asian/Pacific Islander</b>	0%	5%
<b>Black</b>	25%	14%
<b>White</b>	32%	60%
<b>Hispanic/Latino</b>	42%	19%
<b>TOTAL</b>	100%	98%

**Table 3. Motor Vehicle Searches and Arrests.**

Race/Ethnicity	Searches	Consent Searches	Arrests
<b>Alaska Native/American Indian</b>	1	0	0
<b>Asian/Pacific Islander</b>	0	0	0
<b>Black</b>	32	3	4
<b>White</b>	47	20	7
<b>Hispanic/Latino</b>	56	2	12
<b>TOTAL</b>	136	25	23

**Table 4. Instances Where Peace Officers Used Physical Force Resulting in Bodily Injury**

<b>Instances Where Peace Officers Used Physical Force that Resulted in Bodily Injury</b>	<b>Arrest</b>	<b>Location of Stop</b>	<b>Reason for Stop</b>

**Table 5. Search Data**

<b>Race/Ethnicity</b>	<b>Searches</b>	<b>Contraband Found Yes</b>	<b>Contraband Found No</b>	<b>Arrests</b>	<b>Percent Searches</b>	<b>Percent Contraband Found</b>	<b>Percent No Contraband</b>	<b>Percent Arrest</b>
<b>Alaska Native/American Indian</b>	1	1	0	0	1%	1%	0%	0%
<b>Asian/Pacific Islander</b>	0	0	0	0	0%	0%	0%	0%
<b>Black</b>	32	20	12	4	24%	27%	19%	17%
<b>White</b>	47	24	23	7	35%	33%	37%	30%
<b>Hispanic/Latino</b>	56	28	28	12	41%	38%	44%	52%
<b>TOTAL</b>	136	73	63	23	100%	100%	100%	100%

**Table 6. Report on Audits.**

The following table contains data regarding the number and outcome of required data audits during the period of 1/1/23-12/31/23.

<b>Audit Data</b>	<b>Number of Data Audits Completed</b>	<b>Date of Completion</b>	<b>Outcome of Audit</b>
1	1	03/01/23	Data was valid and reliable
2	1	06/01/23	Data was valid and reliable
3	1	09/01/23	Data was valid and reliable
4	1	12/01/23	Data was valid and reliable

<b>ADDITIONAL COMMENTS:</b>

**Table 7. Instance Where Force Resulted in Bodily Injury.**

<b>Race/Ethnicity</b>	<b>Number</b>	<b>Percent</b>
<b>Alaska Native/American Indian</b>	0	0%
<b>Asian/Pacific Islander</b>	0	0%
<b>Black</b>	0	0%
<b>White</b>	0	0%
<b>Hispanic/Latino</b>	0	0%
<b>TOTAL</b>	0	0%

**Table 8. Reason for Arrests from Vehicle Contact**

Race/ Ethnicity	Violation of Penal Code	Violation of Traffic Law	Violation of City Ordinance	Outstanding Warrant	Percent Penal Code	Percent Traffic Law	Percent City Ordinance	Percent Warrant
Alaska Native/ American Indian	0	0	0	0	0%	0%	0%	0%
Asian/ Pacific Islander	0	0	0	0	0%	0%	0%	0%
Black	0	0	0	4	0%	0%	0%	18%
White	1	0	0	6	100%	0%	0%	27%
Hispanic/ Latino	0	0	0	12	0%	0%	0%	55%
<b>TOTAL</b>	1	0	0	22	100%	0%	0%	100%

**Table 9. Contraband Hit Rate**

Race/ Ethnicity	Searches	Contraband Found Yes	Contraband Hit Rate	Search Percent	Contraband Percent
Alaska Native/ American Indian	1	1	100%	1%	1%
Asian/ Pacific Islander	0	0	0%	0%	0%
Black	32	20	63%	24%	27%
White	47	24	51%	35%	33%
Hispanic/Latino	56	28	50%	41%	38%

## Analysis and Interpretation of Data

In 2001, the Texas Legislature passed Senate Bill 1074, which eventually became the Texas Racial Profiling Law. This particular law came into effect on January 1, 2002 and required all police departments in Texas to collect traffic-related data and report this information to their local governing authority by March 1 of each year. This law remained in place until 2009, when it was modified to include the collection and reporting of all motor vehicle-related contacts in which a citation was issued or an arrest was made. Further, the modification to the law further requires that all police officers indicate whether or not they knew the race or ethnicity of the individuals before detaining them. In addition, it became a requirement that agencies report motor vehicle-related data to their local governing authority and to the Texas Commission on Law Enforcement (TCOLE) by March 1 of each year. The purpose in collecting and disclosing this information is to determine if police officers in any particular municipality are engaging in the practice of racially profiling minority motorists.

One of the central requirements of the law is that police departments interpret motor vehicle-related data. Even though most researchers would likely agree that it is within the confines of good practice for police departments to be accountable to the citizenry while carrying a transparent image before the community, it is in fact very difficult to determine if individual police officers are engaging in racial profiling from a review and analysis of aggregate/institutional data. In other words, it is challenging for a reputable researcher to identify specific "individual" racist behavior from aggregate-level "institutional" data on traffic or motor vehicle-related contacts.

As previously noted, in 2009 the Texas Legislature passed House Bill 3389, which modified the Racial Profiling Law by adding new requirements; this took effect on January 1, 2010. The changes included, but are not limited to, the re-definition of a contact to include motor vehicle-related contacts in which a citation was issued or an arrest was made. In addition, it required police officers to indicate if they knew the race or ethnicity of the individual before detaining them. The 2009 law also required adding "Middle Eastern" to the racial and ethnic category and submitting the annual data report to TCOLE before March 1 of each year.

In 2017, the Texas Legislators passed HB 3051 which removed the Middle Eastern data requirement while standardizing the racial and ethnic categories relevant to the individuals that came in contact with police. In addition, the Sandra Bland Act (SB 1849) was passed and became law. Thus, the most significant legislative mandate (Sandra Bland Act) in Texas history regarding data requirements on law enforcement contacts became law and took effect on January 1, 2018. The Sandra Bland Act not only currently requires the extensive collection of data relevant to police motor vehicle contacts, but it also mandates for the data to be analyzed while addressing the following:

**1. A comparative analysis of the information compiled (under Article 2.133):**

- a. Evaluate and compare the number of motor vehicle stops, within the applicable jurisdiction, of persons who are recognized as racial or ethnic minorities and persons who are not recognized as racial or ethnic minorities;*
- b. Examine the disposition of motor vehicle stops made by officers employed by the agency, categorized according to the race or ethnicity of the affected persons, as appropriate, including any searches resulting from stops within the applicable jurisdiction;*
- c. Evaluate and compare the number of searches resulting from motor vehicle stops within the applicable jurisdiction and whether contraband or other evidence was discovered in the course of those searches.*

**2. Information related to each complaint filed with the agency alleging that a peace officer employed by the agency has engaged in racial profiling.**

As part of their effort to comply with The Texas Racial Profiling/Sandra Bland Law, the Seagoville Police Department commissioned the analysis of its 2023 contact data. Hence, two different types of data analyses were performed. The first of these involved a careful evaluation of the 2023 motor vehicle-related data. This particular analysis measured, as required by the law, the number and percentage of Whites, Blacks, Hispanics or Latinos, Asians and Pacific Islanders, Alaska Natives and American Indians (Middle Easterners and individuals belonging to the “other” category, as optional categories), who came in contact with police in the course of a motor vehicle-related contact and were either issued a ticket, citation, or warning or an arrest was made. Also included in this data were instances when a motor vehicle contact took place for an alleged violation of the law or ordinance. The Tier 2 data analysis included, but was not limited to, information relevant to the number and percentage of contacts by race/ethnicity, gender, reason for the stop, location of stop, searches while indicating the type of search performed, result of stop, basis of an arrest, and use of physical force resulting in bodily injury.

The analysis on the data performed in this report, was based on a comparison of the 2023 motor vehicle contact data with a specific baseline. When reading this particular analysis, one should consider that there is disagreement in the literature regarding the appropriate baseline to be used when analyzing motor vehicle-related contact information. Of the baseline measures available, the Seagoville Police Department accepted our recommendation to rely, as a baseline measure, on the Fair Roads Standard. This particular baseline is established on data obtained through the U.S. Census Bureau (2020) relevant to the number of households that have access to vehicles while controlling for the race and ethnicity of the heads of households.

It should be noted that the census data presents challenges to any effort made at establishing a fair and accurate racial profiling analysis. That is, census data contains information on all residents of a particular community, regardless whether they are among the driving population. Further, census data, when used as a baseline of comparison, presents the challenge that it captures information related to city residents only, thus excluding individuals who may have come in contact with the Seagoville Police Department in 2023 but live outside city limits. In some jurisdictions the percentage of the population that comes in contact with the police but lives outside city limits represents a substantial volume of all motor vehicle-related contacts made in a given year.

In 2002, some civil rights groups in Texas expressed their concern and made recommendations to the effect that all police departments should rely, in their data analysis, on the Fair Roads Standard. This source contains census data specific to the number of “households” that have access to vehicles. Thus, proposing to compare “households” (which may have multiple residents and only a few vehicles) with “contacts” (an individual-based count). In essence this constitutes a comparison that may result in ecological fallacy. Despite this risk, as noted earlier, the Seagoville Police Department accepted the recommendation to utilize this form of comparison (i.e., census data relevant to households with vehicles) in an attempt to demonstrate its “good will” and “transparency” before the community. Thus, the Fair Roads Standard data obtained and used in this study is specifically relevant to the Dallas Fort-Worth (DFW) Metroplex.

### **Tier 2 (2023) Motor Vehicle-Related Contact Analysis**

When examining the enhanced and more detailed Tier 2 data collected in 2023, it was evident that most motor vehicle-related contacts were made with Hispanics, followed by Whites. Of those who came in contact with police, most tickets or citations were issued to Hispanics and Whites; this was followed by Blacks. However, in terms of written warnings, most of these were issued to Whites and Hispanics.

While reviewing searches and arrests, the data showed that most searches took place among Hispanics. When considering all searches, most were consented by Whites and Blacks, while most custody arrests were of Hispanics. Overall, most searches resulted in contraband; of those that produced contraband, most were of Hispanics; this was followed by Whites. Of the searches that did not produce contraband, most were of Hispanics. Most arrests were made of Hispanics. Most of the arrests that originated from a violation of the penal code involved Whites. Overall, the police department does not report any instances where force was used that resulted in bodily injury.

### **Comparative Analysis**

A comprehensive analysis of the motor vehicle contacts made in 2023 to the census data relevant to the number of “households” in DFW who indicated in the 2020 census that they had access to vehicles, produced interesting findings. Specifically, the percentage of Whites, Asians, and American Indians who came in contact with police was the same or lower than the percentage of White, Asian, and American Indian households in DFW that claimed in the last census to have access to vehicles. The opposite was true of Blacks and Hispanics. That is, a higher percentage of Blacks and Hispanics came in contact with police than the percentage of Black and Hispanic households in DFW that claimed in the last census to have access to vehicles.

The comprehensive analysis of the searches resulting in contraband shows that the most significant contraband hit rate is of American Indians. This was followed by Blacks and Whites. This means that among all searches performed in 2023, the most significant percentage of these that resulted in contraband was among American Indians. The lowest contraband hit rate was among Hispanics.

### **Summary of Findings**

As referenced earlier, the most recent Texas Racial Profiling Law requires that police departments perform data audits in order to validate the data being reported. Consistent with this requirement, the Seagoville Police Department has engaged del Carmen Consulting, LLC in order to perform these audits in a manner consistent with normative statistical practices. As shown in Table 6, the audit performed reveals that the data is valid and reliable. Further, as required by law, this report also includes an analysis on the searches performed. This analysis includes information on whether contraband was found as a result of the search while controlling for race/ethnicity. The search analysis demonstrates that the police department is engaging in search practices consistent with national trends in law enforcement.

While considering the findings produced as a result of this analysis, it is recommended that the Seagoville Police Department should continue to collect and evaluate additional information on motor vehicle contact data (i.e., reason for probable cause searches, contraband detected), which may prove to be useful when determining the nature of the contacts police officers are making with all individuals.

As part of this effort, the Seagoville Police Department should continue to:

- 1) Perform an independent analysis on contact and search data in the upcoming year.
- 2) Commission data audits in 2024 in order to assess data integrity; that is, to ensure that the data collected is consistent with the data being reported.

The comprehensive data analysis performed serves as evidence that the Seagoville Police Department has complied with the Texas Racial Profiling Law and all of its requirements. Further, the report demonstrates that the police department has incorporated a comprehensive racial profiling policy, currently offers information to the public on how to file a compliment or complaint, commissions quarterly data audits in order to ensure validity and reliability, collects and commissions the analysis of Tier 2 data, and ensures that the practice of racial profiling will not be tolerated.

# Checklist

The following requirements were met by the Seagoville Police Department in accordance with The Texas Racial Profiling Law:

- ✔ Implement a Racial Profiling Policy citing act or actions that constitute racial profiling.
- ✔ Include in the racial profiling policy, a statement indicating prohibition of any peace officer employed by the Seagoville Police Department from engaging in racial profiling.
- ✔ Implement a process by which an individual may file a complaint regarding racial profiling violations.
- ✔ Provide public education related to the complaint and complaint process.
- ✔ Implement disciplinary guidelines for officers found in violation of the Texas Racial Profiling Law.
- ✔ Collect, report and analyze motor vehicle data (Tier 2).
- ✔ Commission Data Audits and a Search Analysis.
- ✔ Indicate total number of officers who knew and did not know, the race/ethnicity of individuals before being detained.
- ✔ Produce an annual report on police contacts (Tier 2) and present this to the local governing body and TCOLE by March 1, 2024.
- ✔ Adopt a policy, if video/audio equipment is installed, on standards for reviewing video and audio documentation.



**Legislative & Administrative**  
*Addendum*

REGULATI

TAX

FEDERA

# TCOLE GUIDELINES

## Guidelines for Compiling and Reporting Data under Senate Bill 1074

### Background

Senate Bill 1074 of the 77<sup>th</sup> Legislature established requirements in the Texas Code of Criminal Procedure (TCCP) for law enforcement agencies. The Commission developed this document to assist agencies in complying with the statutory requirements.

The guidelines are written in the form of standards using a style developed from accreditation organizations including the Commission on Accreditation for Law Enforcement Agencies (CALEA). The standards provide a description of *what* must be accomplished by an agency but allows wide latitude in determining *how* the agency will achieve compliance with each applicable standard.

Each standard is composed of two parts: the standard statement and the commentary. The *standard statement* is a declarative sentence that places a clear-cut requirement, or multiple requirements, on an agency. The commentary supports the standard statement but is not binding. The commentary can serve as a prompt, as guidance to clarify the intent of the standard, or as an example of one possible way to comply with the standard.

### Standard 1

Each law enforcement agency has a detailed written directive that:

- clearly defines acts that constitute racial profiling;
- strictly prohibits peace officers employed by the agency from engaging in racial profiling;
- implements a process by which an individual may file a complaint with the agency if the individual believes a peace officer employed by the agency has engaged in racial profiling with respect to the individual filing the complaint;
- provides for public education relating to the complaint process;
- requires appropriate corrective action to be taken against a peace officer employed by the agency who, after investigation, is shown to have engaged in racial profiling in violation of the agency's written racial profiling policy; and
- requires the collection of certain types of data for subsequent reporting.

### Commentary

Article 2.131 of the TCCP prohibits officers from engaging in racial profiling, and article 2.132 of the TCCP now requires a written policy that contains the elements listed in this standard. The article also specifically defines a law enforcement agency as it applies to this statute as an “agency of the state, or of a county, municipality, or other political subdivision of the state, that employs peace officers who make traffic stops in the routine performance of the officers’ official duties.”

The article further defines race or ethnicity as being of “a particular descent, including Caucasian, African, Hispanic, Asian, or Native American.” The statute does not limit the required policies to just these ethnic groups.

This written policy is to be adopted and implemented no later than January 1, 2002.

## **Standard 2**

Each peace officer who stops a motor vehicle for an alleged violation of a law or ordinance regulating traffic, or who stops a pedestrian for any suspected offense reports to the employing law enforcement agency information relating to the stop, to include:

- a physical description of each person detained, including gender and the person’s race or ethnicity, as stated by the person, or, if the person does not state a race or ethnicity, as determined by the officer’s best judgment;
- the traffic law or ordinance alleged to have been violated or the suspected offense;
- whether the officer conducted a search as a result of the stop and, if so, whether the person stopped consented to the search;
- whether any contraband was discovered in the course of the search, and the type of contraband discovered;
- whether probable cause to search existed, and the facts supporting the existence of that probable cause;
- whether the officer made an arrest as a result of the stop or the search, including a statement of the offense charged;
- the street address or approximate location of the stop; and
- whether the officer issued a warning or citation as a result of the stop, including a description of the warning or a statement of the violation charged.

## **Commentary**

The information required by 2.133 TCCP is used to complete the agency reporting requirements found in Article 2.134. A peace officer and an agency may be exempted from this requirement under Article 2.135 TCCP Exemption for Agencies Using Video and Audio Equipment. An agency may be exempt from this reporting requirement by applying for the funds from the Department of Public Safety for video and audio equipment and the State does not supply those funds. Section 2.135 (a)(2) states, “the governing body of the county or municipality served by the law enforcement agency, in conjunction with the law enforcement agency, certifies to the Department of Public Safety, not later than the date specified by rule by the department, that the law enforcement agency needs funds or video and audio equipment for the purpose of installing video and audio equipment as described by Subsection (a) (1) (A) and the agency does not receive from the state funds for video and audio equipment sufficient, as determined by the department, for the agency to accomplish that purpose.”

## **Standard 3**

The agency compiles the information collected under 2.132 and 2.133 and analyzes the information identified in 2.133.

## **Commentary**

Senate Bill 1074 from the 77<sup>th</sup> Session of the Texas Legislature created requirements for law enforcement agencies to gather specific information and to report it to each county or municipality served. New sections of law were added to the Code of Criminal Procedure regarding the reporting of traffic and pedestrian stops. Detained is defined as when a person stopped is not free to leave.

Article 2.134 TCCP requires the agency to compile and provide and analysis of the information collected by peace officer employed by the agency. The report is provided to the governing body of the municipality or county no later than March 1 of each year and covers the previous calendar year.

There is data collection and reporting required based on Article 2.132 CCP (tier one) and Article 2.133 CCP (tier two).

The minimum requirements for “tier one” data for traffic stops in which a citation results are:

- 1) the race or ethnicity of individual detained (race and ethnicity as defined by the bill means of “a particular descent, including Caucasian, African, Hispanic, Asian, or Native American”);
- 2) whether a search was conducted, and if there was a search, whether it was a consent search or a probable cause search; and
- 3) whether there was a custody arrest.

The minimum requirements for reporting on “tier two” reports include traffic and pedestrian stops. Tier two data include:

- 1) the detained person’s gender and race or ethnicity;
- 2) the type of law violation suspected, e.g., hazardous traffic, non-hazardous traffic, or other criminal investigation (the Texas Department of Public Safety publishes a categorization of traffic offenses into hazardous or non-hazardous);
- 3) whether a search was conducted, and if so whether it was based on consent or probable cause;
- 4) facts supporting probable cause;
- 5) the type, if any, of contraband that was collected;
- 6) disposition of the stop, e.g., arrest, ticket, warning, or release;
- 7) location of stop; and
- 8) statement of the charge, e.g., felony, misdemeanor, or traffic.

Tier one reports are made to the governing body of each county or municipality served by the agency an annual report of information if the agency is an agency of a county, municipality, or other political subdivision of the state. Tier one and two reports are reported to the county or municipality not later than March 1 for the previous calendar year beginning March 1, 2003. Tier two reports include a comparative analysis between the race and ethnicity of persons detained to see if a differential pattern of treatment can be discerned based on the disposition of stops

including searches resulting from the stops. The reports also include information relating to each complaint filed with the agency alleging that a peace officer employed by the agency has engaged in racial profiling. An agency may be exempt from the tier two reporting requirement by applying for the funds from the Department of Public Safety for video and audio equipment and the State does not supply those funds [See 2.135 (a)(2) TCCP].

Reports should include both raw numbers and percentages for each group. Caution should be exercised in interpreting the data involving percentages because of statistical distortions caused by very small numbers in any particular category, for example, if only one American Indian is stopped and searched, that stop would not provide an accurate comparison with 200 stops among Caucasians with 100 searches. In the first case, a 100% search rate would be skewed data when compared to a 50% rate for Caucasians.

#### **Standard 4**

If a law enforcement agency has video and audio capabilities in motor vehicles regularly used for traffic stops, or audio capabilities on motorcycles regularly used to make traffic stops, the agency:

- adopts standards for reviewing and retaining audio and video documentation; and
- promptly provides a copy of the recording to a peace officer who is the subject of a complaint on written request by the officer.

#### **Commentary**

The agency should have a specific review and retention policy. Article 2.132 TCCP specifically requires that the peace officer be promptly provided with a copy of the audio or video recordings if the officer is the subject of a complaint and the officer makes a written request.

#### **Standard 5**

Agencies that do not currently have video or audio equipment must examine the feasibility of installing such equipment.

#### **Commentary**

None

#### **Standard 6**

Agencies that have video and audio recording capabilities are exempt from the reporting requirements of Article 2.134 TCCP and officers are exempt from the reporting requirements of Article 2.133 TCCP provided that:

- the equipment was in place and used during the proceeding calendar year; and
- video and audio documentation is retained for at least 90 days.

#### **Commentary**

The audio and video equipment and policy must have been in place during the previous calendar year. Audio and video documentation must be kept for at least 90 days or longer if a complaint has been filed. The documentation must be retained until the complaint is resolved. Peace officers are not exempt from the requirements under Article 2.132 TCCP.

**Standard 7**

Agencies have citation forms or other electronic media that comply with Section 543.202 of the Transportation Code.

**Commentary**

Senate Bill 1074 changed Section 543.202 of the Transportation Code requiring citations to include:

- race or ethnicity, and
- whether a search of the vehicle was conducted and whether consent for the search was obtained.

# The Texas Law on Racial Profiling

S.B. No. 1074 - An Act relating to the prevention of racial profiling by certain peace officers.  
BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 2, Code of Criminal Procedure, is amended by adding Articles 2.131 through 2.138 to read as follows:

Art. 2.131. RACIAL PROFILING PROHIBITED. A peace officer may not engage in racial profiling.

Art. 2.132. LAW ENFORCEMENT POLICY ON RACIAL PROFILING. (a) In this article:

(1) "Law enforcement agency" means an agency of the state, or of a county, municipality, or other political subdivision of the state, that employs peace officers who make traffic stops in the routine performance of the officers' official duties.

(2) "Race or ethnicity" means of a particular descent, including Caucasian, African, Hispanic, Asian, or Native American descent.

(b) Each law enforcement agency in this state shall adopt a detailed written policy on racial profiling. The policy must:

(1) clearly define acts constituting racial profiling;

(2) strictly prohibit peace officers employed by the agency from engaging in racial profiling;

(3) implement a process by which an individual may file a complaint with the agency if the individual believes that a peace officer employed by the agency has engaged in racial profiling with respect to the individual;

(4) provide public education relating to the agency's complaint process;

(5) require appropriate corrective action to be taken against a peace officer employed by the agency who, after an investigation, is shown to have engaged in racial profiling in violation of the agency's policy adopted under this article;

(6) require collection of information relating to traffic stops in which a citation is issued and to arrests resulting from those traffic stops, including information relating to:

(A) the race or ethnicity of the individual detained; and

(B) whether a search was conducted and, if so, whether the person detained consented to the search; and

(7) require the agency to submit to the governing body of each county or municipality served by the agency an annual report of the information collected under Subdivision (6) if the agency is an agency of a county, municipality, or other political subdivision of the state.

(c) The data collected as a result of the reporting requirements of this article shall not constitute prima facie evidence of racial profiling.

(d) On adoption of a policy under Subsection (b), a law enforcement agency shall examine the feasibility of installing video camera and transmitter-activated equipment in each agency law enforcement motor vehicle regularly used to make traffic stops and transmitter-activated equipment in each agency law enforcement motorcycle regularly used to make traffic stops. If a law enforcement agency installs video or audio equipment as provided by this subsection, the

policy adopted by the agency under Subsection (b) must include standards for reviewing video and audio documentation.

(e) A report required under Subsection (b)(7) may not include identifying information about a peace officer who makes a traffic stop or about an individual who is stopped or arrested by a peace officer. This subsection does not affect the collection of information as required by a policy under Subsection (b)(6).

(f) On the commencement of an investigation by a law enforcement agency of a complaint described by Subsection (b)(3) in which a video or audio recording of the occurrence on which the complaint is based was made, the agency shall promptly provide a copy of the recording to the peace officer who is the subject of the complaint on written request by the officer.

Art. 2.133. REPORTS REQUIRED FOR TRAFFIC AND PEDESTRIAN STOPS. (a) In this article:

(1) "Race or ethnicity" has the meaning assigned by Article 2.132(a).

(2) "Pedestrian stop" means an interaction between a peace officer and an individual who is being detained for the purpose of a criminal investigation in which the individual is not under arrest.

(b) A peace officer who stops a motor vehicle for an alleged violation of a law or ordinance regulating traffic or who stops a pedestrian for any suspected offense shall report to the law enforcement agency that employs the officer information relating to the stop, including:

(1) a physical description of each person detained as a result of the stop, including:

(A) the person's gender; and

(B) the person's race or ethnicity, as stated by the person or, if the person does not state the person's race or ethnicity, as determined by the officer to the best of the officer's ability;

(2) the traffic law or ordinance alleged to have been violated or the suspected offense;

(3) whether the officer conducted a search as a result of the stop and, if so, whether the person detained consented to the search;

(4) whether any contraband was discovered in the course of the search and the type of contraband discovered;

(5) whether probable cause to search existed and the facts supporting the existence of that probable cause;

(6) whether the officer made an arrest as a result of the stop or the search, including a statement of the offense charged;

(7) the street address or approximate location of the stop; and

(8) whether the officer issued a warning or a citation as a result of the stop, including a description of the warning or a statement of the violation charged.

Art. 2.134. COMPILATION AND ANALYSIS OF INFORMATION COLLECTED.

(a) In this article, "pedestrian stop" means an interaction between a peace officer and an individual who is being detained for the purpose of a criminal investigation in which the individual is not under arrest.

(b) A law enforcement agency shall compile and analyze the information contained in each report received by the agency under Article 2.133. Not later than March 1 of each year, each local law enforcement agency shall submit a report containing the information compiled

during the previous calendar year to the governing body of each county or municipality served by the agency in a manner approved by the agency.

(c) A report required under Subsection (b) must include:

(1) a comparative analysis of the information compiled under Article 2.133 to:

(A) determine the prevalence of racial profiling by peace officers employed by the agency; and  
(B) examine the disposition of traffic and pedestrian stops made by officers employed by the agency, including searches resulting from the stops; and

(2) information relating to each complaint filed with the agency alleging that a peace officer employed by the agency has engaged in racial profiling.

(d) A report required under Subsection (b) may not include identifying information about a peace officer who makes a traffic or pedestrian stop or about an individual who is stopped or arrested by a peace officer. This subsection does not affect the reporting of information required under Article 2.133(b)(1).

(e) The Commission on Law Enforcement Officer Standards and Education shall develop guidelines for compiling and reporting information as required by this article.

(f) The data collected as a result of the reporting requirements of this article shall not constitute prima facie evidence of racial profiling.

Art. 2.135. EXEMPTION FOR AGENCIES USING VIDEO AND AUDIO EQUIPMENT. (a) A peace officer is exempt from the reporting requirement under Article 2.133 and a law enforcement agency is exempt from the compilation, analysis, and reporting requirements under Article 2.134 if:

(1) during the calendar year preceding the date that a report under Article 2.134 is required to be submitted:

(A) each law enforcement motor vehicle regularly used by an officer employed by the agency to make traffic and pedestrian stops is equipped with video camera and transmitter-activated equipment and each law enforcement motorcycle regularly used to make traffic and pedestrian stops is equipped with transmitter-activated equipment; and

(B) each traffic and pedestrian stop made by an officer employed by the agency that is capable of being recorded by video and audio or audio equipment, as appropriate, is recorded by using the equipment; or

(2) the governing body of the county or municipality served by the law enforcement agency, in conjunction with the law enforcement agency, certifies to the Department of Public Safety, not later than the date specified by rule by the department, that the law enforcement agency needs funds or video and audio equipment for the purpose of installing video and audio equipment as described by Subsection (a)(1)(A) and the agency does not receive from the state funds or video and audio equipment sufficient, as determined by the department, for the agency to accomplish that purpose.

(b) Except as otherwise provided by this subsection, a law enforcement agency that is exempt from the requirements under Article 2.134 shall retain the video and audio or audio documentation of each traffic and pedestrian stop for at least 90 days after the date of the stop. If a complaint is filed with the law enforcement agency alleging that a peace officer employed by the agency has engaged in racial profiling with respect to a traffic or pedestrian stop, the agency shall retain the video and audio or audio record of the stop until final disposition of the complaint.

(c) This article does not affect the collection or reporting requirements under Article 2.132.

Art. 2.136. LIABILITY. A peace officer is not liable for damages arising from an act relating to the collection or reporting of information as required by Article 2.133 or under a policy adopted under Article 2.132.

Art. 2.137. PROVISION OF FUNDING OR EQUIPMENT.

(a) The Department of Public Safety shall adopt rules for providing funds or video and audio equipment to law enforcement agencies for the purpose of installing video and audio equipment as described by Article 2.135(a)(1)(A), including specifying criteria to prioritize funding or equipment provided to law enforcement agencies. The criteria may include consideration of tax effort, financial hardship, available revenue, and budget surpluses. The criteria must give priority to:

(1) law enforcement agencies that employ peace officers whose primary duty is traffic enforcement;

(2) smaller jurisdictions; and

(3) municipal and county law enforcement agencies.

(b) The Department of Public Safety shall collaborate with an institution of higher education to identify law enforcement agencies that need funds or video and audio equipment for the purpose of installing video and audio equipment as described by Article 2.135(a)(1)(A). The collaboration may include the use of a survey to assist in developing criteria to prioritize funding or equipment provided to law enforcement agencies.

(c) To receive funds or video and audio equipment from the state for the purpose of installing video and audio equipment as described by Article 2.135(a)(1)(A), the governing body of a county or municipality, in conjunction with the law enforcement agency serving the county or municipality, shall certify to the Department of Public Safety that the law enforcement agency needs funds or video and audio equipment for that purpose.

(d) On receipt of funds or video and audio equipment from the state for the purpose of installing video and audio equipment as described by Article 2.135(a)(1)(A), the governing body of a county or municipality, in conjunction with the law enforcement agency serving the county or municipality, shall certify to the Department of Public Safety that the law enforcement agency has installed video and audio equipment as described by Article 2.135(a)(1)(A) and is using the equipment as required by Article 2.135(a)(1).

Art. 2.138. RULES. The Department of Public Safety may adopt rules to implement Articles 2.131-2.137.

SECTION 2. Chapter 3, Code of Criminal Procedure, is amended by adding Article 3.05 to read as follows:

Art. 3.05. RACIAL PROFILING. In this code, "racial profiling" means a law enforcement-initiated action based on an individual's race, ethnicity, or national origin rather than on the individual's behavior or on information identifying the individual as having engaged in criminal activity.

SECTION 3. Section 96.641, Education Code, is amended by adding Subsection (j) to read as follows:

(j) As part of the initial training and continuing education for police chiefs required under this section, the institute shall establish a program on racial profiling. The program must include an examination of the best practices for:

(1) monitoring peace officers' compliance with laws and internal agency policies relating to racial profiling;

(2) implementing laws and internal agency policies relating to preventing racial profiling;  
and

(3) analyzing and reporting collected information.

SECTION 4. Section 1701.253, Occupations Code, is amended by adding Subsection (e) to read as follows:

(e) As part of the minimum curriculum requirements, the commission shall establish a statewide comprehensive education and training program on racial profiling for officers licensed under this chapter. An officer shall complete a program established under this subsection not later than the second anniversary of the date the officer is licensed under this chapter or the date the officer applies for an intermediate proficiency certificate, whichever date is earlier.

SECTION 5. Section 1701.402, Occupations Code, is amended by adding Subsection (d) to read as follows:

(d) As a requirement for an intermediate proficiency certificate, an officer must complete an education and training program on racial profiling established by the commission under Section 1701.253(e).

SECTION 6. Section 543.202, Transportation Code, is amended to read as follows:

Sec. 543.202. FORM OF RECORD. (a) In this section, "race or ethnicity" means of a particular descent, including Caucasian, African, Hispanic, Asian, or Native American descent.

(b) The record must be made on a form or by a data processing method acceptable to the department and must include:

(1) the name, address, physical description, including race or ethnicity, date of birth, and driver's license number of the person charged;

(2) the registration number of the vehicle involved;

(3) whether the vehicle was a commercial motor vehicle as defined by Chapter 522 or was involved in transporting hazardous materials;

(4) the person's social security number, if the person was operating a commercial motor vehicle or was the holder of a commercial driver's license or commercial driver learner's permit;

(5) the date and nature of the offense, including whether the offense was a serious traffic violation as defined by Chapter 522;

(6) whether a search of the vehicle was conducted and whether consent for the search was obtained;

(7) the plea, the judgment, and whether bail was forfeited;

(8) [~~7~~] the date of conviction; and

(9) [~~8~~] the amount of the fine or forfeiture.

SECTION 7. Not later than January 1, 2002, a law enforcement agency shall adopt and implement a policy and begin collecting information under the policy as required by Article 2.132, Code of Criminal Procedure, as added by this Act. A local law enforcement agency shall first submit information to the governing body of each county or municipality served by the agency as required by Article 2.132, Code of Criminal Procedure, as added by this Act, on March 1, 2003. The first submission of information shall consist of information compiled by the agency during the period beginning January 1, 2002, and ending December 31, 2002.

SECTION 8. A local law enforcement agency shall first submit information to the governing body of each county or municipality served by the agency as required by Article 2.134, Code of Criminal Procedure, as added by this Act, on March 1, 2004. The first submission of information shall consist of information compiled by the agency during the period beginning January 1, 2003, and ending December 31, 2003.

SECTION 9. Not later than January 1, 2002:

(1) the Commission on Law Enforcement Officer Standards and Education shall establish an education and training program on racial profiling as required by Subsection (e), Section 1701.253, Occupations Code, as added by this Act; and

(2) the Bill Blackwood Law Enforcement Management Institute of Texas shall establish a program on racial profiling as required by Subsection (j), Section 96.641, Education Code, as added by this Act.

SECTION 10. A person who on the effective date of this Act holds an intermediate proficiency certificate issued by the Commission on Law Enforcement Officer Standards and Education or has held a peace officer license issued by the Commission on Law Enforcement Officer Standards and Education for at least two years shall complete an education and training program on racial profiling established under Subsection (e), Section 1701.253, Occupations Code, as added by this Act, not later than September 1, 2003.

SECTION 11. An individual appointed or elected as a police chief before the effective date of this Act shall complete a program on racial profiling established under Subsection (j), Section 96.641, Education Code, as added by this Act, not later than September 1, 2003.

SECTION 12. This Act takes effect September 1, 2001

---

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 1074 passed the Senate on April 4, 2001, by the following vote: Yeas 28, Nays 2; May 21, 2001, Senate refused to concur in House amendments and requested appointment of Conference Committee; May 22, 2001, House granted request of the Senate; May 24, 2001, Senate adopted Conference Committee Report by a viva-voce vote.

---

Secretary of the Senate

I hereby certify that S.B. No. 1074 passed the House, with amendments, on May 15, 2001, by a non-record vote; May 22, 2001, House granted request of the Senate for appointment of Conference Committee; May 24, 2001, House adopted Conference Committee Report by a non-record vote.

---

Chief Clerk of the House

Approved:

---

Date

---

Governor

# Modifications to the Original Law

## (H.B. 3389)

Amend CSHB 3389 (Senate committee report) as follows:

(1) Strike the following SECTIONS of the bill:

(A) SECTION 8, adding Section 1701.164, Occupations Code (page 4, lines 61-66);

(B) SECTION 24, amending Article 2.132(b), Code of Criminal Procedure (page 8, lines 19-53);

(C) SECTION 25, amending Article 2.134(b), Code of Criminal Procedure (page 8, lines 54-64);

(D) SECTION 28, providing transition language for the amendments to Articles 2.132(b) and 2.134(b), Code of Criminal Procedure (page 9, lines 40-47).

(2) Add the following appropriately numbered SECTIONS to the bill and renumber subsequent SECTIONS of the bill accordingly: SECTION \_\_\_\_\_. Article 2.132, Code of Criminal Procedure, is amended by amending Subsections (a),(b), (d), and (e) and adding Subsection (g) to read as follows:

(a) In this article:

(1) "Law enforcement agency" means an agency of the state, or of a county, municipality, or other political subdivision of the state, that employs peace officers who make motor vehicle~~[traffic]~~ stops in the routine performance of the officers' official duties.

(2) "Motor vehicle stop" means an occasion in which a peace officer stops a motor vehicle for an alleged violation of a law or ordinance.

(3) "Race or ethnicity" means of a particular descent, including Caucasian, African, Hispanic, Asian, ~~[or]~~ Native American, or Middle Eastern descent.

(b) Each law enforcement agency in this state shall adopt a detailed written policy on racial profiling. The policy must:

(1) clearly define acts constituting racial profiling;

(2) strictly prohibit peace officers employed by the agency from engaging in racial profiling;

(3) implement a process by which an individual may file a complaint with the agency if the individual believes that a peace officer employed by the agency has engaged in racial profiling with respect to the individual;

(4) provide public education relating to the agency's complaint process;

(5) require appropriate corrective action to be taken against a peace officer employed by the agency who, after an investigation, is shown to have engaged in racial profiling in violation of the agency's policy adopted under this article;

(6) require collection of information relating to motor vehicle ~~[traffic]~~ stops in which a citation is issued and to arrests made as a result of ~~[resulting from]~~ those ~~[traffic]~~ stops, including information relating to:

(A) the race or ethnicity of the individual detained; and

(B) whether a search was conducted and, if so, whether the individual ~~[person]~~ detained consented to the search; and

(C) whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual; and

(7) require the chief administrator of the agency, regardless of whether the administrator is elected, employed, or appointed, to submit ~~[to the governing body of each county or~~

~~municipality served by the agency]~~ an annual report of the information collected under Subdivision (6) to:

(A) the Commission on Law Enforcement Officer Standards and Education; and

(B) the governing body of each county or municipality served by the agency, if the agency is an agency of a county, municipality, or other political subdivision of the state.

(d) On adoption of a policy under Subsection (b), a law enforcement agency shall examine the feasibility of installing video camera and transmitter-activated equipment in each agency law enforcement motor vehicle regularly used to make motor vehicle ~~[traffic]~~ stops and transmitter activated equipment in each agency law enforcement motorcycle regularly used to make motor vehicle ~~[traffic]~~ stops. If a law enforcement agency installs video or audio equipment as provided by this subsection, the policy adopted by the agency under Subsection (b) must include standards for reviewing video and audio documentation.

(e) A report required under Subsection (b)(7) may not include identifying information about a peace officer who makes a motor vehicle ~~[traffic]~~ stop or about an individual who is stopped or arrested by a peace officer. This subsection does not affect the collection of information as required by a policy under Subsection (b)(6).

(g) On a finding by the Commission on Law Enforcement Officer Standards and Education that the chief administrator of a law enforcement agency intentionally failed to submit a report required under Subsection (b)(7), the commission shall begin disciplinary procedures against the chief administrator.

SECTION \_\_\_\_\_. Article 2.133, Code of Criminal Procedure, is amended to read as follows:

Art. 2.133. REPORTS REQUIRED FOR MOTOR VEHICLE ~~[TRAFFIC AND PEDESTRIAN]~~ STOPS. (a) In this article, "race ~~[:~~

~~[(1) "Race]~~ or ethnicity" has the meaning assigned by Article 2.132(a).

~~[(2) "Pedestrian stop" means an interaction between a peace officer and an individual who is being detained for the purpose of a criminal investigation in which the individual is not under arrest.]~~

(b) A peace officer who stops a motor vehicle for an alleged violation of a law or ordinance ~~[regulating traffic or who stops a pedestrian for any suspected offense]~~ shall report to the law enforcement agency that employs the officer information relating to the stop, including:

(1) a physical description of any ~~[each]~~ person operating the motor vehicle who is detained as a result of the stop, including:

(A) the person's gender; and

(B) the person's race or ethnicity, as stated by the person or, if the person does not state the person's race or ethnicity, as determined by the officer to the best of the officer's ability;

(2) the initial reason for the stop ~~[traffic law or ordinance alleged to have been violated or the suspected offense];~~

(3) whether the officer conducted a search as a result of the stop and, if so, whether the person detained consented to the search;

(4) whether any contraband or other evidence was discovered in the course of the search and a description ~~[the type]~~ of the contraband or evidence ~~[discovered];~~

(5) the reason for the search, including whether:

(A) any contraband or other evidence was in plain view;

(B) any probable cause or reasonable suspicion existed to perform the search; or

(C) the search was performed as a result of the towing of the motor vehicle or the arrest of any person in the motor vehicle [existed and the facts supporting the existence of that probable cause];

(6) whether the officer made an arrest as a result of the stop or the search, including a statement of whether the arrest was based on a violation of the Penal Code, a violation of a traffic law or ordinance, or an outstanding warrant and a statement of the offense charged;

(7) the street address or approximate location of the stop; and

(8) whether the officer issued a written warning or a citation as a result of the stop[, including a description of the warning or a statement of the violation charged].

SECTION \_\_\_\_\_. Article 2.134, Code of Criminal Procedure, is amended by amending Subsections (a) through (e) and adding Subsection (g) to read as follows:

(a) In this article:

(1) "Motor vehicle[, "pedestrian] stop" has the meaning assigned by Article 2.132(a) [means an interaction between a peace officer and an individual who is being detained for the purpose of a criminal investigation in which the individual is not under arrest].

(2) "Race or ethnicity" has the meaning assigned by Article 2.132(a).

(b) A law enforcement agency shall compile and analyze the information contained in each report received by the agency under Article 2.133. Not later than March 1 of each year, each [~~local~~] law enforcement agency shall submit a report containing the incident-based data [information] compiled during the previous calendar year to the Commission on Law Enforcement Officer Standards and Education and, if the law enforcement agency is a local law enforcement agency, to the governing body of each county or municipality served by the agency [in a manner approved by the agency].

(c) A report required under Subsection (b) must be submitted by the chief administrator of the law enforcement agency, regardless of whether the administrator is elected, employed, or appointed, and must include:

(1) a comparative analysis of the information compiled under Article 2.133 to:

(A) evaluate and compare the number of motor vehicle stops, within the applicable jurisdiction, of persons who are recognized as racial or ethnic minorities and persons who are not recognized as racial or ethnic minorities [determine the prevalence of racial profiling by peace officers employed by the agency]; and

(B) examine the disposition of motor vehicle [traffic and pedestrian] stops made by officers employed by the agency, categorized according to the race or ethnicity of the affected persons, as appropriate, including any searches resulting from [the] stops within the applicable jurisdiction; and

(2) information relating to each complaint filed with the agency alleging that a peace officer employed by the agency has engaged in racial profiling.

(d) A report required under Subsection (b) may not include identifying information about a peace officer who makes a motor vehicle [traffic or pedestrian] stop or about an individual who is stopped or arrested by a peace officer. This subsection does not affect the reporting of information required under Article 2.133(b)(1).

(e) The Commission on Law Enforcement Officer Standards and Education, in accordance with Section 1701.162, Occupations Code, shall develop guidelines for compiling and reporting information as required by this article.

(g) On a finding by the Commission on Law Enforcement Officer Standards and Education that the chief administrator of a law enforcement agency intentionally failed to submit a report required under Subsection (b), the commission shall begin disciplinary procedures against the chief administrator.

SECTION \_\_\_\_\_. Article 2.135, Code of Criminal Procedure, is amended to read as follows:

Art. 2.135. PARTIAL EXEMPTION FOR AGENCIES USING VIDEO AND AUDIO EQUIPMENT. (a) A peace officer is exempt from the reporting requirement under Article 2.133 and the chief administrator of a law enforcement agency, regardless of whether the administrator is elected, employed, or appointed, is exempt from the compilation, analysis, and reporting requirements under Article 2.134 if:

(1) during the calendar year preceding the date that a report under Article 2.134 is required to be submitted:

(A) each law enforcement motor vehicle regularly used by an officer employed by the agency to make motor vehicle [~~traffic and pedestrian~~] stops is equipped with video camera and transmitter-activated equipment and each law enforcement motorcycle regularly used to make motor vehicle [~~traffic and pedestrian~~] stops is equipped with transmitter-activated equipment; and

(B) each motor vehicle [~~traffic and pedestrian~~] stop made by an officer employed by the agency that is capable of being recorded by video and audio or audio equipment, as appropriate, is recorded by using the equipment; or

(2) the governing body of the county or municipality served by the law enforcement agency, in conjunction with the law enforcement agency, certifies to the Department of Public Safety, not later than the date specified by rule by the department, that the law enforcement agency needs funds or video and audio equipment for the purpose of installing video and audio equipment as described by Subsection (a)(1)(A) and the agency does not receive from the state funds or video and audio equipment sufficient, as determined by the department, for the agency to accomplish that purpose.

(b) Except as otherwise provided by this subsection, a law enforcement agency that is exempt from the requirements under Article 2.134 shall retain the video and audio or audio documentation of each motor vehicle [~~traffic and pedestrian~~] stop for at least 90 days after the date of the stop. If a complaint is filed with the law enforcement agency alleging that a peace officer employed by the agency has engaged in racial profiling with respect to a motor vehicle [~~traffic or pedestrian~~] stop, the agency shall retain the video and audio or audio record of the stop until final disposition of the complaint.

(c) This article does not affect the collection or reporting requirements under Article 2.132.

(d) In this article, "motor vehicle stop" has the meaning assigned by Article 2.132(a).

SECTION \_\_\_\_\_. Chapter 2, Code of Criminal Procedure, is amended by adding Article 2.1385 to read as follows:

Art. 2.1385. CIVIL PENALTY. (a) If the chief administrator of a local law enforcement agency intentionally fails to submit the incident-based data as required by Article 2.134, the agency is liable to the state for a civil penalty in the amount of \$1,000 for each violation. The attorney general may sue to collect a civil penalty under this subsection.

(b) From money appropriated to the agency for the administration of the agency, the executive director of a state law enforcement agency that intentionally fails to submit the incident-based

data as required by Article 2.134 shall remit to the comptroller the amount of \$1,000 for each violation.

(c) Money collected under this article shall be deposited in the state treasury to the credit of the general revenue fund.

SECTION \_\_\_\_\_. Subchapter A, Chapter 102, Code of Criminal Procedure, is amended by adding Article 102.022 to read as follows:

Art. 102.022. COSTS ON CONVICTION TO FUND STATEWIDE REPOSITORY FOR DATA RELATED TO CIVIL JUSTICE. (a) In this article, "moving violation" means an offense that:

(1) involves the operation of a motor vehicle; and

(2) is classified as a moving violation by the Department of Public Safety under Section 708.052, Transportation Code.

(b) A defendant convicted of a moving violation in a justice court, county court, county court at law, or municipal court shall pay a fee of 10 cents as a cost of court.

(c) In this article, a person is considered convicted if:

(1) a sentence is imposed on the person;

(2) the person receives community supervision, including deferred adjudication; or

(3) the court defers final disposition of the person's case.

(d) The clerks of the respective courts shall collect the costs described by this article. The clerk shall keep separate records of the funds collected as costs under this article and shall deposit the funds in the county or municipal treasury, as appropriate.

(e) The custodian of a county or municipal treasury shall:

(1) keep records of the amount of funds on deposit collected under this article; and

(2) send to the comptroller before the last day of the first month following each calendar quarter the funds collected under this article during the preceding quarter.

(f) A county or municipality may retain 10 percent of the funds collected under this article by an officer of the county or municipality as a collection fee if the custodian of the county or municipal treasury complies with Subsection (e).

(g) If no funds due as costs under this article are deposited in a county or municipal treasury in a calendar quarter, the custodian of the treasury shall file the report required for the quarter in the regular manner and must state that no funds were collected.

(h) The comptroller shall deposit the funds received under this article to the credit of the Civil Justice Data Repository fund in the general revenue fund, to be used only by the Commission on Law Enforcement Officer Standards and Education to implement duties under Section 1701.162, Occupations Code.

(i) Funds collected under this article are subject to audit by the comptroller.

SECTION \_\_\_\_\_. (a) Section 102.061, Government Code, as reenacted and amended by Chapter 921 (H.B. 3167), Acts of the 80th Legislature, Regular Session, 2007, is amended to conform to the amendments made to Section 102.061, Government Code, by Chapter 1053 (H.B. 2151), Acts of the 80th Legislature, Regular Session, 2007, and is further amended to read as follows:

Sec. 102.061. ADDITIONAL COURT COSTS ON CONVICTION IN STATUTORY COUNTY COURT: CODE OF CRIMINAL PROCEDURE. The clerk of a statutory county court shall collect fees and costs under the Code of Criminal Procedure on conviction of a defendant as follows:

(1) a jury fee (Art. 102.004, Code of Criminal Procedure) . . . \$20;

(2) a fee for services of the clerk of the court (Art. 102.005, Code of Criminal Procedure) . . . \$40;

- (3) a records management and preservation services fee (Art. 102.005, Code of Criminal Procedure) . . . \$25;
- (4) a security fee on a misdemeanor offense (Art. 102.017, Code of Criminal Procedure) . . . \$3;
- (5) a juvenile delinquency prevention and graffiti eradication fee (Art. 102.0171, Code of Criminal Procedure) . . . \$50 [~~\$5~~]; [~~and~~]
- (6) a juvenile case manager fee (Art. 102.0174, Code of Criminal Procedure) . . . not to exceed \$5; and
- (7) a civil justice fee (Art. 102.022, Code of Criminal Procedure) . . . \$0.10.

(b) Section 102.061, Government Code, as amended by Chapter 1053 (H.B. 2151), Acts of the 80th Legislature, Regular Session, 2007, is repealed. Section 102.061, Government Code, as reenacted and amended by Chapter 921 (H.B. 3167), Acts of the 80th Legislature, Regular Session, 2007, to reorganize and renumber that section, continues in effect as further amended by this section.

SECTION \_\_\_\_\_. (a) Section 102.081, Government Code, as amended by Chapter 921 (H.B. 3167), Acts of the 80th Legislature, Regular Session, 2007, is amended to conform to the amendments made to Section 102.081, Government Code, by Chapter 1053 (H.B. 2151), Acts of the 80th Legislature, Regular Session, 2007, and is further amended to read as follows:

Sec. 102.081. ADDITIONAL COURT COSTS ON CONVICTION IN COUNTY COURT: CODE OF CRIMINAL PROCEDURE. The clerk of a county court shall collect fees and costs under the Code of Criminal Procedure on conviction of a defendant as follows:

- (1) a jury fee (Art. 102.004, Code of Criminal Procedure) . . . \$20;
- (2) a fee for clerk of the court services (Art. 102.005, Code of Criminal Procedure) . . . \$40;
- (3) a records management and preservation services fee (Art. 102.005, Code of Criminal Procedure) . . . \$25;
- (4) a security fee on a misdemeanor offense (Art. 102.017, Code of Criminal Procedure) . . . \$3;
- (5) a juvenile delinquency prevention and graffiti eradication fee (Art. 102.0171, Code of Criminal Procedure) . . . \$50 [~~\$5~~]; [~~and~~]
- (6) a juvenile case manager fee (Art. 102.0174, Code of Criminal Procedure) . . . not to exceed \$5; and
- (7) a civil justice fee (Art. 102.022, Code of Criminal Procedure) . . . \$0.10.

(b) Section 102.081, Government Code, as amended by Chapter 1053 (H.B. 2151), Acts of the 80th Legislature, Regular Session, 2007, is repealed. Section 102.081, Government Code, as amended by Chapter 921 (H.B. 3167), Acts of the 80th Legislature, Regular Session, 2007, to reorganize and renumber that section, continues in effect as further amended by this section.

SECTION \_\_\_\_\_. Section 102.101, Government Code, is amended to read as follows:

Sec. 102.101. ADDITIONAL COURT COSTS ON CONVICTION IN JUSTICE COURT: CODE OF CRIMINAL PROCEDURE. A clerk of a justice court shall collect fees and costs under the Code of Criminal Procedure on conviction of a defendant as follows:

- (1) a jury fee (Art. 102.004, Code of Criminal Procedure) . . . \$3;
- (2) a fee for withdrawing request for jury less than 24 hours before time of trial (Art. 102.004, Code of Criminal Procedure) . . . \$3;
- (3) a jury fee for two or more defendants tried jointly (Art. 102.004, Code of Criminal Procedure) . . . one jury fee of \$3;

- (4) a security fee on a misdemeanor offense (Art. 102.017, Code of Criminal Procedure) . . . \$4;
- (5) a fee for technology fund on a misdemeanor offense (Art. 102.0173, Code of Criminal Procedure) . . . \$4;
- (6) a juvenile case manager fee (Art. 102.0174, Code of Criminal Procedure) . . . not to exceed \$5;
- (7) a fee on conviction of certain offenses involving issuing or passing a subsequently dishonored check (Art. 102.0071, Code of Criminal Procedure) . . . not to exceed \$30; ~~and~~
- (8) a court cost on conviction of a Class C misdemeanor in a county with a population of 3.3 million or more, if authorized by the county commissioners court (Art. 102.009, Code of Criminal Procedure) . . . not to exceed \$7; and
- (9) a civil justice fee (Art. 102.022, Code of Criminal Procedure) . . . \$0.10.

SECTION \_\_\_\_\_. Section 102.121, Government Code, is amended to read as follows:

Sec. 102.121. ADDITIONAL COURT COSTS ON CONVICTION IN MUNICIPAL COURT: CODE OF CRIMINAL PROCEDURE. The clerk of a municipal court shall collect fees and costs on conviction of a defendant as follows:

- (1) a jury fee (Art. 102.004, Code of Criminal Procedure) . . . \$3;
- (2) a fee for withdrawing request for jury less than 24 hours before time of trial (Art. 102.004, Code of Criminal Procedure) . . . \$3;
- (3) a jury fee for two or more defendants tried jointly (Art. 102.004, Code of Criminal Procedure) . . . one jury fee of \$3;
- (4) a security fee on a misdemeanor offense (Art. 102.017, Code of Criminal Procedure) . . . \$3;
- (5) a fee for technology fund on a misdemeanor offense (Art. 102.0172, Code of Criminal Procedure) . . . not to exceed \$4; ~~and~~
- (6) a juvenile case manager fee (Art. 102.0174, Code of Criminal Procedure) . . . not to exceed \$5; and
- (7) a civil justice fee (Art. 102.022, Code of Criminal Procedure) . . . \$0.10.

SECTION \_\_\_\_\_. Subchapter D, Chapter 1701, Occupations Code, is amended by adding Section 1701.164 to read as follows:

Sec. 1701.164. COLLECTION OF CERTAIN INCIDENT-BASED DATA SUBMITTED BY LAW ENFORCEMENT AGENCIES. The commission shall collect and maintain incident-based data submitted to the commission under Article 2.134, Code of Criminal Procedure, including incident-based data compiled by a law enforcement agency from reports received by the law enforcement agency under Article 2.133 of that code. The commission in consultation with the Department of Public Safety, the Bill Blackwood Law Enforcement Management Institute of Texas, the W. W. Caruth, Jr., Police Institute at Dallas, and the Texas Police Chiefs Association shall develop guidelines for submitting in a standard format the report containing incident-based data as required by Article 2.134, Code of Criminal Procedure.

SECTION \_\_\_\_\_. Subsection (a), Section 1701.501, Occupations Code, is amended to read as follows:

- (a) Except as provided by Subsection (d), the commission shall revoke or suspend a license, place on probation a person whose license has been suspended, or reprimand a license holder for a violation of:
  - (1) this chapter;

(2) the reporting requirements provided by Articles 2.132 and 2.134, Code of Criminal Procedure;  
or

(3) a commission rule.

SECTION \_\_\_\_\_. (a) The requirements of Articles 2.132, 2.133, and 2.134, Code of Criminal Procedure, as amended by this Act, relating to the compilation, analysis, and submission of incident-based data apply only to information based on a motor vehicle stop occurring on or after January 1, 2010.

(b) The imposition of a cost of court under Article 102.022, Code of Criminal Procedure, as added by this Act, applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is covered by the law in effect when the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

# Racial and Ethnic Designations (H.B. 3051)

H.B. No. 3051 - An Act relating to the categories used to record the race or ethnicity of persons stopped for or convicted of traffic offenses.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Article 2.132(a)(3), Code of Criminal Procedure, is amended to read as follows:

(3) "Race or ethnicity" means the following categories:

(A) Alaska native or American Indian;

(B) ~~[of a particular descent, including Caucasian, African, Hispanic,]~~ Asian or Pacific Islander;

(C) black;

(D) white; and

(E) Hispanic or Latino ~~[, Native American, or Middle Eastern descent]~~.

SECTION 2. Section 543.202(a), Transportation Code, is amended to read as follows:

(a) In this section, "race or ethnicity" means the following categories:

(1) Alaska native or American Indian;

(2) ~~[of a particular descent, including Caucasian, African, Hispanic,]~~ Asian or Pacific Islander;

(3) black;

(4) white; and

(5) Hispanic or Latino ~~[, or Native American descent]~~.

SECTION 3. This Act takes effect September 1, 2017.

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Speaker of the House

I certify that H.B. No. 3051 was passed by the House on May 4, 2017, by the following vote: Yeas 143, Nays 2, 2 present, not voting.

\_\_\_\_\_  
Chief Clerk of the House

I certify that H.B. No. 3051 was passed by the Senate on May 19, 2017, by the following vote: Yeas 31, Nays 0.

\_\_\_\_\_  
Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

\_\_\_\_\_  
Governor

# The Sandra Bland Act

## (S.B. 1849)

S.B. No. 1849

An Act relating to interactions between law enforcement and individuals detained or arrested on suspicion of the commission of criminal offenses, to the confinement, conviction, or release of those individuals, and to grants supporting populations that are more likely to interact frequently with law enforcement.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

ARTICLE 1. SHORT TITLE

SECTION 1.01. SHORT TITLE. This Act shall be known as the Sandra Bland Act, in memory of Sandra Bland.

ARTICLE 2. IDENTIFICATION AND DIVERSION OF AND SERVICES FOR PERSONS SUSPECTED OF HAVING A MENTAL ILLNESS, AN INTELLECTUAL DISABILITY, OR A SUBSTANCE ABUSE ISSUE

SECTION 2.01. Article 16.22, Code of Criminal Procedure, is amended to read as follows:

Art. 16.22. EARLY IDENTIFICATION OF DEFENDANT SUSPECTED OF HAVING MENTAL ILLNESS OR INTELLECTUAL DISABILITY [MENTAL RETARDATION]. (a)(1) Not later than 12 [72] hours after receiving credible information that may establish reasonable cause to believe that a defendant committed to the sheriff's custody has a mental illness or is a person with an intellectual disability [mental retardation], including observation of the defendant's behavior immediately before, during, and after the defendant's arrest and the results of any previous assessment of the defendant, the sheriff shall provide written or electronic notice of the information to the magistrate. On a determination that there is reasonable cause to believe that the defendant has a mental illness or is a person with an intellectual disability [mental retardation], the magistrate, except as provided by Subdivision

(2), shall order the local mental health or intellectual and developmental disability [mental retardation] authority or another qualified mental health or intellectual disability [mental retardation] expert to:

(A) collect information regarding whether the defendant has a mental illness as defined by Section 571.003,

Health and Safety Code, or is a person with an intellectual disability [mental retardation] as defined by Section 591.003, Health and Safety Code, including information obtained from any previous assessment of the defendant; and

(B) provide to the magistrate a written assessment of the information collected under Paragraph (A).

(2) The magistrate is not required to order the collection of information under Subdivision

(1) if the defendant in the year preceding the defendant's applicable date of arrest has been determined to have a mental illness or to be a person with an intellectual disability [mental retardation] by the local mental health or intellectual and developmental disability [mental retardation] authority or another mental health or intellectual disability [mental retardation] expert described by Subdivision

(1). A court that elects to use the results of that previous determination may proceed under Subsection (c).

(3) If the defendant fails or refuses to submit to the collection of information regarding the defendant as required under Subdivision (1), the magistrate may order the defendant to submit to an examination in a mental health facility determined to be appropriate by the local mental health or intellectual and developmental disability [mental retardation] authority for a reasonable period not to exceed 21 days. The magistrate may order a defendant to a facility operated by the Department of State Health Services or the Health and Human Services Commission [Department of Aging and Disability Services] for examination only on request of the local mental health or intellectual and developmental disability [mental retardation] authority and with the consent of the head of the facility. If a defendant who has been ordered to a facility operated by the Department of State Health Services or the Health and Human Services Commission [Department of Aging and Disability Services] for examination remains in the facility for a period exceeding 21 days, the head of that facility shall cause the defendant to be immediately transported to the committing court and placed in the custody of the sheriff of the county in which the committing court is located. That county shall reimburse the facility for the mileage and per diem expenses of the personnel required to transport the defendant calculated in accordance with the state travel regulations in effect at the time.

(b) A written assessment of the information collected under Subsection (a)(1)(A) shall be provided to the magistrate not later than the 30th day after the date of any order issued under Subsection (a) in a felony case and not later than the 10th day after the date of any order issued under that subsection in a misdemeanor case, and the magistrate shall provide copies of the written assessment to the defense counsel, the prosecuting attorney, and the trial court. The written assessment must include a description of the procedures used in the collection of information under Subsection (a)(1)(A) and the applicable expert's observations and findings pertaining to:

(1) whether the defendant is a person who has a mental illness or is a person with an intellectual disability [mental retardation];

(2) whether there is clinical evidence to support a belief that the defendant may be incompetent to stand trial and should undergo a complete competency examination under Subchapter B, Chapter 46B; and

(3) recommended treatment.

(c) After the trial court receives the applicable expert's written assessment relating to the defendant under Subsection (b) or elects to use the results of a previous determination as described by Subsection (a)(2), the trial court may, as applicable:

(1) resume criminal proceedings against the defendant, including any appropriate proceedings related to the defendant's release on personal bond under Article 17.032;

(2) resume or initiate competency proceedings, if required, as provided by Chapter 46B

or other proceedings affecting the defendant's receipt of appropriate court-ordered mental health or intellectual disability [mental retardation] services, including proceedings related to the defendant's receipt of outpatient mental health services under Section 574.034, Health and Safety Code; or

(3) consider the written assessment during the punishment phase after a conviction of the offense for which the defendant was arrested, as part of a presentence investigation report, or in connection with the impositions of conditions following placement on community supervision, including deferred adjudication community supervision.

(d) This article does not prevent the applicable court from, before, during, or after the collection of information regarding the defendant as described by this article: (1) releasing a defendant who has a mental illness [mentally ill] or is a person with an intellectual disability [mentally retarded defendant] from custody on personal or surety bond; or

(2) ordering an examination regarding the defendant's competency to stand trial.

SECTION 2.02. Chapter 16, Code of Criminal Procedure, is amended by adding Article 16.23 to read as follows:

Art. 16.23. DIVERSION OF PERSONS SUFFERING MENTAL HEALTH CRISIS OR SUBSTANCE ABUSE ISSUE. (a) Each law enforcement agency shall make a good faith effort to divert a person suffering a mental health crisis or suffering from the effects of substance abuse to a proper treatment center in the agency's jurisdiction if:

(1) there is an available and appropriate treatment center in the agency's jurisdiction to which the agency may divert the person;

(2) it is reasonable to divert the person;

(3) the offense that the person is accused of is a misdemeanor, other than a misdemeanor involving violence; and

(4) the mental health crisis or substance abuse issue is suspected to be the reason the person committed the alleged offense.

(b) Subsection (a) does not apply to a person who is accused of an offense under Section 49.04, 49.045, 49.05, 49.06, 49.065, 49.07, or 49.08, Penal Code.

SECTION 2.03. Section 539.002, Government Code, is amended to read as follows:

Sec. 539.002. GRANTS FOR ESTABLISHMENT AND EXPANSION OF COMMUNITY COLLABORATIVES. (a) To the extent funds are appropriated to the department for that purpose, the department shall make grants to entities, including local governmental entities, nonprofit community organizations, and faith-based community organizations, to establish or expand community collaboratives that bring the public and private sectors together to provide services to persons experiencing homelessness, substance abuse issues, or [and] mental illness. [The department may make a maximum of five grants, which must be made in the most populous municipalities in this state that are located in counties with a population of more than one million.] In awarding grants, the department shall give special consideration to entities:

(1) establishing [a] new collaboratives; or

(2) establishing or expanding collaboratives that serve two or more counties, each with a population of less than 100,000 [collaborative].

(b) The department shall require each entity awarded a grant under this section to:

(1) leverage additional funding from private sources in an amount that is at least equal to the amount of the grant awarded under this section; [and]

(2) provide evidence of significant coordination and collaboration between the entity, local mental health authorities, municipalities, local law enforcement agencies, and other community stakeholders in establishing or expanding a community collaborative funded by a grant awarded under this section; and

(3) provide evidence of a local law enforcement policy to divert appropriate persons from jails or other detention facilities to an entity affiliated with a community collaborative for the purpose of providing services to those persons.

SECTION 2.04. Chapter 539, Government Code, is amended by adding Section 539.0051 to read as follows:

Sec. 539.0051. PLAN REQUIRED FOR CERTAIN COMMUNITY COLLABORATIVES. (a) The governing body of a county shall develop and make public a plan detailing:

(1) how local mental health authorities, municipalities, local law enforcement agencies, and other community stakeholders in the county could coordinate to establish or expand a community collaborative to accomplish the goals of Section 539.002;

(2) how entities in the county may leverage funding from private sources to accomplish the goals of Section 539.002 through the formation or expansion of a community collaborative; and

(3) how the formation or expansion of a community collaborative could establish or support resources or services to help local law enforcement agencies to divert persons who have been arrested to appropriate mental health care or substance abuse treatment.

(b) The governing body of a county in which an entity that received a grant under Section 539.002 before September 1, 2017, is located is not required to develop a plan under Subsection (a).

(c) Two or more counties, each with a population of less than 100,000, may form a joint plan under Subsection (a).

### ARTICLE 3. BAIL, PRETRIAL RELEASE, AND COUNTY JAIL STANDARDS

SECTION 3.01. The heading to Article 17.032, Code of Criminal Procedure, is amended to read as follows:

Art. 17.032. RELEASE ON PERSONAL BOND OF CERTAIN [MENTALLY ILL] DEFENDANTS WITH MENTAL ILLNESS OR INTELLECTUAL DISABILITY.

SECTION 3.02. Articles 17.032(b) and (c), Code of Criminal Procedure, are amended to read as follows:

(b) A magistrate shall release a defendant on personal bond unless good cause is shown

otherwise if the:

(1) defendant is not charged with and has not been previously convicted of a violent offense;

(2) defendant is examined by the local mental health or intellectual and developmental disability [mental retardation] authority or another mental health expert under Article 16.22 [of this code];

(3) applicable expert, in a written assessment submitted to the magistrate under Article 16.22:

(A) concludes that the defendant has a mental illness or is a person with an intellectual disability [mental retardation] and is nonetheless competent to stand trial; and

(B) recommends mental health treatment or intellectual disability treatment for the defendant, as applicable; and

(4) magistrate determines, in consultation with the local mental health or intellectual and developmental disability [mental retardation] authority, that appropriate community-based mental health or intellectual disability [mental retardation] services for the defendant are available through the [Texas] Department of State [Mental] Health Services [and Mental Retardation] under Section 534.053, Health and Safety Code, or through another mental health or intellectual disability [mental retardation] services provider.

(c) The magistrate, unless good cause is shown for not requiring treatment, shall require as a condition of release on personal bond under this article that the defendant submit to outpatient or inpatient mental health or intellectual disability [mental retardation] treatment as recommended by the local mental health or intellectual and developmental disability [mental retardation] authority if the defendant's:

(1) mental illness or intellectual disability [mental retardation] is chronic in nature; or

(2) ability to function independently will continue to deteriorate if the defendant is not treated.

SECTION 3.03. Article 25.03, Code of Criminal Procedure, is amended to read as follows:

Art. 25.03. IF ON BAIL IN FELONY. When the accused, in case of felony, is on bail at the time the indictment is presented, [it is not necessary to serve him with a copy, but] the clerk shall [on request] deliver a copy of the indictment [same] to the accused or the accused's [his] counsel[,] at the earliest possible time.

SECTION 3.04. Article 25.04, Code of Criminal Procedure, is amended to read as follows:

Art. 25.04. IN MISDEMEANOR. In misdemeanors, the clerk shall deliver a copy of the indictment or information to the accused or the accused's counsel at the earliest possible time before trial [it shall not be necessary before trial to furnish the accused with a copy of the indictment or information; but he or his counsel may demand a copy, which shall be given as early as possible

SECTION 3.05. Section 511.009(a), Government Code, as amended by Chapters 281 (H.B. 875), 648 (H.B. 549), and 688 (H.B. 634), Acts of the 84th Legislature, Regular Session, 2015, is reenacted and amended to read as follows:

- (a) The commission shall:
- (1) adopt reasonable rules and procedures establishing minimum standards for the construction, equipment, maintenance, and operation of county jails;
  - (2) adopt reasonable rules and procedures establishing minimum standards for the custody, care, and treatment of prisoners;
  - (3) adopt reasonable rules establishing minimum standards for the number of jail supervisory personnel and for programs and services to meet the needs of prisoners;
  - (4) adopt reasonable rules and procedures establishing minimum requirements for programs of rehabilitation, education, and recreation in county jails;
  - (5) revise, amend, or change rules and procedures if necessary;
  - (6) provide to local government officials consultation on and technical assistance for county jails;
  - (7) review and comment on plans for the construction and major modification or renovation of county jails;
  - (8) require that the sheriff and commissioners of each county submit to the commission, on a form prescribed by the commission, an annual report on the conditions in each county jail within their jurisdiction, including all information necessary to determine compliance with state law, commission orders, and the rules adopted under this chapter;
  - (9) review the reports submitted under Subdivision (8) and require commission employees to inspect county jails regularly to ensure compliance with state law, commission orders, and rules and procedures adopted under this chapter;
  - (10) adopt a classification system to assist sheriffs and judges in determining which defendants are low-risk and consequently suitable participants in a county jail work release program under Article 42.034, Code of Criminal Procedure;
  - (11) adopt rules relating to requirements for segregation of classes of inmates and to capacities for county jails;
  - (12) require that the chief jailer of each municipal lockup submit to the commission, on a form prescribed by the commission, an annual report of persons under 17 years of age securely detained in the lockup, including all information necessary to determine compliance with state law concerning secure confinement of children in municipal lockups;
  - (13) at least annually determine whether each county jail is in compliance with the rules and procedures adopted under this chapter;
  - (14) require that the sheriff and commissioners court of each county submit to the commission, on a form prescribed by the commission, an annual report of persons under 17 years of age securely detained in the county jail, including all information necessary to determine compliance with state law concerning secure confinement of children in county jails;
  - (15) schedule announced and unannounced inspections of jails under the commission's jurisdiction using the risk assessment plan established under Section 511.0085 to guide the inspections process;
  - (16) adopt a policy for gathering and distributing to jails under the commission's jurisdiction information regarding:
    - (A) common issues concerning jail administration;
    - (B) examples of successful strategies for maintaining compliance with state law and the rules,

standards, and procedures of the commission; and

(C) solutions to operational challenges for jails;

(17) report to the Texas Correctional Office on Offenders with Medical or Mental Impairments on a jail's compliance with Article 16.22, Code of Criminal Procedure;

(18) adopt reasonable rules and procedures establishing minimum requirements for jails to:

(A) determine if a prisoner is pregnant; and

(B) ensure that the jail's health services plan addresses medical and mental health care, including nutritional requirements, and any special housing or work assignment needs for persons who are confined in the jail and are known or determined to be pregnant;

(19) provide guidelines to sheriffs regarding contracts between a sheriff and another entity for the provision of food services to or the operation of a commissary in a jail under the commission's jurisdiction, including specific provisions regarding conflicts of interest and avoiding the appearance of impropriety; [and]

(20) adopt reasonable rules and procedures establishing minimum standards for prisoner visitation that provide each prisoner at a county jail with a minimum of two in-person, noncontact visitation periods per week of at least 20 minutes duration each;

(21) [(20)] require the sheriff of each county to:

(A) investigate and verify the veteran status of each prisoner by using data made available from the Veterans Reentry Search Service (VRSS) operated by the United States Department of Veterans Affairs or a similar service; and

(B) use the data described by Paragraph (A) to assist prisoners who are veterans in applying for federal benefits or compensation for which the prisoners may be eligible under a program administered by the United States Department of Veterans Affairs;

(22) [(20)] adopt reasonable rules and procedures regarding visitation of a prisoner at a county jail by a guardian, as defined by Section 1002.012, Estates Code, that:

(A) allow visitation by a guardian to the same extent as the prisoner's next of kin, including placing the guardian on the prisoner's approved visitors list on the guardian's request and providing the guardian access to the prisoner during a facility's standard visitation hours if the prisoner is otherwise eligible to receive visitors; and

(B) require the guardian to provide the sheriff with letters of guardianship issued as provided by Section 1106.001, Estates Code, before being allowed to visit the prisoner; and

(23) adopt reasonable rules and procedures to ensure the safety of prisoners, including rules and procedures that require a county jail to:

(A) give prisoners the ability to access a mental health professional at the jail through a telemental health service 24 hours a day;

(B) give prisoners the ability to access a health professional at the jail or through a telehealth service 24 hours a day or, if a health professional is unavailable at the jail or through a telehealth service, provide for a prisoner to be transported to access a health professional; and

(C) if funding is available under Section 511.019, install automated electronic sensors or cameras to ensure accurate and timely in-person checks of cells or groups of cells confining at-risk individuals.

SECTION 3.06. Section 511.009, Government Code, is amended by adding Subsection (d) to read

as follows:

(d) The commission shall adopt reasonable rules and procedures establishing minimum standards regarding the continuity of prescription medications for the care and treatment of prisoners. The rules and procedures shall require that a qualified medical professional shall review as soon as possible any prescription medication a prisoner is taking when the prisoner is taken into custody.

SECTION 3.07. Chapter 511, Government Code, is amended by adding Sections 511.019, 511.020, and 511.021 to read as follows:

Sec. 511.019. PRISONER SAFETY FUND. (a) The prisoner safety fund is a dedicated account in the general revenue fund.

(b) The prisoner safety fund consists of:

(1) appropriations of money to the fund by the legislature; and

(2) gifts, grants, including grants from the federal government, and other donations received for the fund.

(c) Money in the fund may be appropriated only to the commission to pay for capital improvements that are required under Section 511.009(a)(23).

(d) The commission by rule may establish a grant program to provide grants to counties to fund capital improvements described by Subsection (c). The commission may only provide a grant to a county for capital improvements to a county jail with a capacity of not more than 96 prisoners.

Sec. 511.020. SERIOUS INCIDENTS REPORT. (a) On or before the fifth day of each month, the sheriff of each county shall report to the commission regarding the occurrence during the preceding month of any of the following incidents involving a prisoner in the county jail:

(1) a suicide;

(2) an attempted suicide;

(3) a death;

(4) a serious bodily injury, as that term is defined by

Section 1.07, Penal Code;

(5) an assault;

(6) an escape;

(7) a sexual assault; and

(8) any use of force resulting in bodily injury, as that term is defined by Section 1.07, Penal Code.

(b) The commission shall prescribe a form for the report required by Subsection (a).

(c) The information required to be reported under Subsection (a)(8) may not include the name or other identifying information of a county jailer or jail employee.

(d) The information reported under Subsection (a) is public information subject to an open records request under Chapter 552.

Sec. 511.021. INDEPENDENT INVESTIGATION OF DEATH OCCURRING IN COUNTY JAIL. (a) On the death of a prisoner in a county jail, the commission shall appoint a law enforcement agency, other

than the local law enforcement agency that operates the county jail, to investigate the death as soon as possible.

(b) The commission shall adopt any rules necessary relating to the appointment of a law enforcement agency under Subsection

(a), including rules relating to cooperation between law enforcement agencies and to procedures for handling evidence.

SECTION 3.08. The changes in law made by this article to Article 17.032, Code of Criminal Procedure, apply only to a personal bond that is executed on or after the effective date of this Act. A personal bond executed before the effective date of executed, and the former law is continued in effect for that purpose.

SECTION 3.09. Not later than January 1, 2018, the Commission on Jail Standards shall:

(1) adopt the rules and procedures required by Section 511.009(d), Government Code, as added by this article, and the rules required by Section 511.021(b), Government Code, as added by this article; and

(2) prescribe the form required by Section 511.020(b), Government Code, as added by this article.

SECTION 3.10. Not later than September 1, 2018, the Commission on Jail Standards shall adopt the rules and procedures required by Section 511.009(a)(23), Government Code, as added by this article. On and after September 1, 2020, a county jail shall comply with any rule or procedure adopted by the Commission on Jail Standards under that subdivision.

SECTION 3.11. To the extent of any conflict, this Act prevails over another Act of the 85th Legislature, Regular Session, 2017, relating to non-substantive additions to and corrections in enacted codes.

#### ARTICLE 4. PEACE OFFICER AND COUNTY JAILER TRAINING

SECTION 4.01. Chapter 511, Government Code, is amended by adding Section 511.00905 to read as follows:

Sec. 511.00905. JAIL ADMINISTRATOR POSITION; EXAMINATION REQUIRED. (a) The Texas Commission on Law Enforcement shall develop and the commission shall approve an examination for a person assigned to the jail administrator position overseeing a county jail.

(b) The commission shall adopt rules requiring a person, other than a sheriff, assigned to the jail administrator position overseeing a county jail to pass the examination not later than the 180th day after the date the person is assigned to that position. The rules must provide that a person who fails the examination may be immediately removed from the position and may not be reinstated until the person passes the examination.

(c) The sheriff of a county shall perform the duties of the jail administrator position at any time there is not a person available who satisfies the examination requirements of this

section.

(d) A person other than a sheriff may not serve in the jail administrator position of a county jail unless the person satisfies the examination requirement of this section.

SECTION 4.02. Section 1701.253, Occupations Code, is amended by amending Subsection (j) and adding Subsection (n) to read as follows: commission shall require an officer to complete a 40-hour statewide education and training program on de-escalation and crisis intervention techniques to facilitate interaction with persons with mental impairments. An officer shall complete the program not later than the second anniversary of the date the officer is licensed under this chapter or the date the officer applies for an intermediate proficiency certificate, whichever date is earlier. An officer may not satisfy the requirements of this subsection [section] or Section 1701.402(g) by taking an online course on de-escalation and crisis intervention techniques to facilitate interaction with persons with mental impairments.

(n) As part of the minimum curriculum requirements, the commission shall require an officer to complete a statewide education and training program on de-escalation techniques to facilitate interaction with members of the public, including techniques for limiting the use of force resulting in bodily injury.

SECTION 4.03. Section 1701.310(a), Occupations Code, is amended to read as follows:

(a) Except as provided by Subsection (e), a person may not be appointed as a county jailer, except on a temporary basis, unless the person has satisfactorily completed a preparatory training program, as required by the commission, in the operation of a county jail at a school operated or licensed by the commission. The training program must consist of at least eight hours of mental health training approved by the commission and the Commission on Jail Standards.

SECTION 4.04. Section 1701.352(b), Occupations Code, is amended to read as follows:

(b) The commission shall require a state, county, special district, or municipal agency that appoints or employs peace officers to provide each peace officer with a training program at least once every 48 months that is approved by the commission and consists of:

(1) topics selected by the agency; and

(2) for an officer holding only a basic proficiency certificate, not more than 20 hours of education and training that contain curricula incorporating the learning objectives developed by the commission regarding:

(A) civil rights, racial sensitivity, and cultural diversity;

(B) de-escalation and crisis intervention techniques to facilitate interaction with persons with mental impairments; [and]

(C) de-escalation techniques to facilitate interaction with members of the public, including techniques for limiting the use of force resulting in bodily injury; and

(D) unless determined by the agency head to be inconsistent with the officer's assigned duties:

(i) the recognition and documentation of cases that involve child abuse or neglect, family violence, and sexual assault; and

(ii) issues concerning sex offender characteristics.

SECTION 4.05. Section 1701.402, Occupations Code, is amended by adding Subsection (n) to read

as follows:

(n) As a requirement for an intermediate proficiency certificate or an advanced proficiency certificate, an officer must complete the education and training program regarding de-escalation techniques to facilitate interaction with members of the public established by the commission under Section 1701.253(n).

SECTION 4.06. Not later than March 1, 2018, the Texas Commission on Law Enforcement shall develop and the Commission on Jail Standards shall approve the examination required by Section 511.00905, Government Code, as added by this article.

SECTION 4.07. (a) Not later than March 1, 2018, the Texas Commission on Law Enforcement shall establish or modify training programs as necessary to comply with Section 1701.253, Occupations Code, as amended by this article.

(b) The minimum curriculum requirements under Section 1701.253(j), Occupations Code, as amended by this article, apply only to a peace officer who first begins to satisfy those requirements on or after April 1, 2018.

SECTION 4.08. (a) Section 1701.310, Occupations Code, as amended by this article, takes effect January 1, 2018.

(b) A person in the position of county jailer on September 1, 2017, must comply with Section 1701.310(a), Occupations Code, as amended by this article, not later than August 31, 2021.

## ARTICLE 5. MOTOR VEHICLE STOPS, RACIAL PROFILING, AND ISSUANCE OF CITATIONS

SECTION 5.01. Article 2.132, Code of Criminal Procedure, is amended by amending Subsections (b) and (d) and adding Subsection (h) to read as follows:

(b) Each law enforcement agency in this state shall adopt a detailed written policy on racial profiling. The policy must:

(1) clearly define acts constituting racial profiling;

(2) strictly prohibit peace officers employed by the agency from engaging in racial profiling;

(3) implement a process by which an individual may file a complaint with the agency if the individual believes that a peace officer employed by the agency has engaged in racial profiling with respect to the individual;

(4) provide public education relating to the agency's compliment and complaint process, including providing the telephone number, mailing address, and e-mail address to make a compliment or complaint with respect to each ticket, citation, or warning issued by a peace officer;

(5) require appropriate corrective action to be taken against a peace officer employed by the agency who, after an investigation, is shown to have engaged in racial profiling in violation of the agency's policy adopted under this article;

(6) require collection of information relating to motor vehicle stops in which a ticket, citation, or warning is issued and to arrests made as a result of those stops, including information

relating to:

- (A) the race or ethnicity of the individual detained;
- (B) whether a search was conducted and, if so, whether the individual detained consented to the search; [and]
- (C) whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual;
- (D) whether the peace officer used physical force that resulted in bodily injury, as that term is defined by Section 1.07, Penal Code, during the stop;
- (E) the location of the stop; and
- (F) the reason for the stop; and

(7) require the chief administrator of the agency, regardless of whether the administrator is elected, employed, or appointed, to submit an annual report of the information collected under Subdivision (6) to:

- (A) the Texas Commission on Law Enforcement; and
- (B) the governing body of each county or municipality served by the agency, if the agency is an agency of a county, municipality, or other political subdivision of the state.

(d) On adoption of a policy under Subsection (b), a law enforcement agency shall examine the feasibility of installing video camera and transmitter-activated equipment in each agency law enforcement motor vehicle regularly used to make motor vehicle stops and transmitter-activated equipment in each agency law enforcement motorcycle regularly used to make motor vehicle stops. The agency also shall examine the feasibility of equipping each peace officer who regularly detains or stops motor vehicles with a body worn camera, as that term is defined by Section 1701.651, Occupations Code. If a law enforcement agency installs video or audio equipment or equips peace officers with body worn cameras as provided by this subsection, the policy adopted by the agency under Subsection (b) must include standards for reviewing video and audio documentation.

(h) A law enforcement agency shall review the data collected under Subsection (b)(6) to identify any improvements the agency could make in its practices and policies regarding motor vehicle stops.

SECTION 5.02. Article 2.133, Code of Criminal Procedure, is amended by amending Subsection (b) and adding Subsection (c) to read as follows:

(b) A peace officer who stops a motor vehicle for an alleged violation of a law or ordinance shall report to the law enforcement agency that employs the officer information relating to the stop, including:

(1) a physical description of any person operating the motor vehicle who is detained as a result of the stop, including:

- (A) the person's gender; and
- (B) the person's race or ethnicity, as stated by the person or, if the person does not state the person's race or ethnicity, as determined by the officer to the best of the officer's ability;

(2) the initial reason for the stop;

(3) whether the officer conducted a search as a result of the stop and, if so, whether the person detained consented to the search;

(4) whether any contraband or other evidence was discovered in the course of the search

and a description of the contraband or evidence;

(5) the reason for the search, including whether:

(A) any contraband or other evidence was in plain view;

(B) any probable cause or reasonable suspicion existed to perform the search; or

(C) the search was performed as a result of the towing of the motor vehicle or the arrest of any person in the motor vehicle;

(6) whether the officer made an arrest as a result of the stop or the search, including a statement of whether the arrest was based on a violation of the Penal Code, a violation of a traffic law or ordinance, or an outstanding warrant and a statement of the offense charged;

(7) the street address or approximate location of the stop; [and]

(8) whether the officer issued a verbal or written warning or a ticket or citation as a result of the stop; and

(9) whether the officer used physical force that resulted in bodily injury, as that term is defined by Section 1.07, Penal Code, during the stop.

(c) The chief administrator of a law enforcement agency, regardless of whether the administrator is elected, employed, or appointed, is responsible for auditing reports under Subsection (b)

to ensure that the race or ethnicity of the person operating the motor vehicle is being reported.

SECTION 5.03. Article 2.134(c), Code of Criminal Procedure, is amended to read as follows:

(c) A report required under Subsection (b) must be submitted by the chief administrator of the law enforcement agency, regardless of whether the administrator is elected, employed, or appointed, and must include:

(1) a comparative analysis of the information compiled under Article 2.133 to:

(A) evaluate and compare the number of motor vehicle stops, within the applicable jurisdiction, of persons who are recognized as racial or ethnic minorities and persons who are not recognized as racial or ethnic minorities; [and]

(B) examine the disposition of motor vehicle stops made by officers employed by the agency, categorized according to the race or ethnicity of the affected persons, as appropriate, including any searches resulting from stops within the applicable jurisdiction; and

(C) evaluate and compare the number of searches resulting from motor vehicle stops within the applicable jurisdiction and whether contraband or other evidence was discovered in the course of those searches; and

(2) information relating to each complaint filed with the agency alleging that a peace officer employed by the agency has engaged in racial profiling.

SECTION 5.04. Article 2.137, Code of Criminal Procedure, is amended to read as follows:

Art. 2.137. PROVISION OF FUNDING OR EQUIPMENT. (a) The Department of Public Safety shall adopt rules for providing funds or video and audio equipment to law enforcement agencies for the purpose of installing video and audio equipment in law enforcement motor vehicles and motorcycles or equipping peace officers with body worn cameras [as described by Article 2.135(a)(1)(A)], including specifying criteria to prioritize funding or equipment provided to law enforcement agencies. The criteria may include consideration of tax effort, financial hardship,

available revenue, and budget surpluses. The criteria must give priority to:

(1) law enforcement agencies that employ peace officers whose primary duty is traffic enforcement;

(2) smaller jurisdictions; and

(3) municipal and county law enforcement agencies.

(b) The Department of Public Safety shall collaborate with an institution of higher education to identify law enforcement agencies that need funds or video and audio equipment for the purpose of installing video and audio equipment in law enforcement motor vehicles and motorcycles or equipping peace officers with body worn cameras [as described by Article 2.135(a)(1)(A)]. The collaboration may include the use of a survey to assist in developing criteria to prioritize funding or equipment provided to law enforcement agencies.

(c) To receive funds or video and audio equipment from the state for the purpose of installing video and audio equipment in law enforcement motor vehicles and motorcycles or equipping peace officers with body worn cameras [as described by Article 2.135(a)(1)(A)], the governing body of a county or municipality, in conjunction with the law enforcement agency serving the county or municipality, shall certify to the Department of Public Safety that the law enforcement agency needs funds or video and audio equipment for that purpose.

(d) On receipt of funds or video and audio equipment from the state for the purpose of installing video and audio equipment in law enforcement motor vehicles and motorcycles or equipping peace officers with body worn cameras [as described by Article 2.135(a)(1)(A)], the governing body of a county or municipality, in conjunction with the law enforcement agency serving the county or municipality, shall certify to the Department of Public Safety that the law enforcement agency has taken the necessary actions to use and is using [installed] video and audio equipment and body worn cameras for those purposes [as described by Article 2.135(a)(1)(A) and is using the equipment as required by Article 2.135(a)(1)].

SECTION 5.05. Article 2.1385(a), Code of Criminal Procedure, is amended to read as follows:

(a) If the chief administrator of a local law enforcement agency intentionally fails to submit the incident-based data as required by Article 2.134, the agency is liable to the state for a civil penalty in an [the] amount not to exceed \$5,000 [of \$1,000] for each violation. The attorney general may sue to collect a civil penalty under this subsection.

SECTION 5.06. Article 2.135, Code of Criminal Procedure, is repealed.

SECTION 5.07. Articles 2.132 and 2.134, Code of Criminal Procedure, as amended by this article, apply only to a report covering a calendar year beginning on or after January 1, 2018.

SECTION 5.08. Not later than September 1, 2018, the Texas Commission on Law Enforcement shall:

(1) evaluate and change the guidelines for compiling and reporting information required under Article 2.134, Code of Criminal Procedure, as amended by this article, to enable the guidelines to better withstand academic scrutiny; and

(2) make accessible online:

(A) a downloadable format of any information submitted under Article 2.134(b), Code of Criminal

Procedure, that is not exempt from public disclosure under Chapter 552, Government Code; and  
(B) a glossary of terms relating to the information to make the information readily understandable to the public. This Act takes effect September 1, 2017.

\_\_\_\_\_  
Senate Speaker of the House

\_\_\_\_\_  
President of the

I hereby certify that S.B. No. 1849 passed the Senate on May 11, 2017, by the following vote:  
Yeas 31, Nays 0.

\_\_\_\_\_  
Secretary of the Senate

I hereby certify that S.B. No. 1849 passed the House on May 20, 2017, by the following vote:  
Yeas 137, Nays 0, one present not voting.

ARTICLE 6. EFFECTIVE DATE

SECTION 6.01. Except as otherwise provided by this Act,

Approved:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Governor

\_\_\_\_\_  
Chief Clerk of the House

**SEAGOVILLE  
POLICE DEPARTMENT  
RACIAL PROFILING POLICY**

	<b>SEAGOVILLE POLICE DEPARTMENT</b>	
	<b>Policy 2.2 Bias Based Policing</b>	
	<b>Effective Date: 08/23/2016</b>	<b>Replaces: 01/27/2012</b>
	Approved:  Chief of Police	
<b>Reference: TBP 2.01.1</b>		

## I. POLICY

We are committed to a respect for constitutional rights in the performance of our duties. Our success is based on the respect we give to our communities, and the respect members of the community observe toward law enforcement. To this end, we shall exercise our sworn duties, responsibilities, and obligations in a manner that does not discriminate on the basis of race, sex, gender, national origin, ethnicity, age, or religion. All people carry biases: in law enforcement, however, the failure to control our biases can lead to illegal arrests, searches, and detentions, thus thwarting the mission of our department. Most importantly, actions guided by bias destroy the trust and respect essential for our mission to succeed. We live and work in communities very diverse in population: respect for diversity and equitable enforcement of the law are essential to our mission.

All enforcement actions, particularly stops of individuals (for traffic and other purposes), investigative detentions, arrests, searches and seizures of persons or property, shall be based on the standards of reasonable suspicion or probable cause as required by the Fourth Amendment to the U. S. Constitution and statutory authority. In all enforcement decisions, officers shall be able to articulate specific facts, circumstances, and conclusions which support probable cause or reasonable suspicion for arrests, searches, seizures, and stops of individuals. Officers shall not stop, detain, arrest, search, or attempt to search anyone based solely upon the person's race, sex, sexual orientation, national origin, color, creed, disability, gender, economic status, ethnic background, age, religion, citizenship, cultural group or any other identifiable group . Officers shall base all such actions on a reasonable suspicion or probable cause that the person or an occupant of a vehicle committed an offense. (TBP: 2.01)

All departmental orders are informed and guided by this directive. Nothing in this order limits non-enforcement contacts between officers and the public.

## II. PURPOSE

The purpose of this order is to provide general guidance on reducing the presence of bias in law enforcement actions, to identify key contexts in which bias may influence these actions, and emphasize the importance of the constitutional guidelines within which we operate.

### III. DEFINITIONS

Most of the following terms appear in this order. In any case, these terms appear in the larger public discourse about alleged biased enforcement behavior and in other orders. These definitions are intended to facilitate on-going discussion and analysis of our enforcement practices.

- A. Bias: Prejudice or partiality which may be based on preconceived ideas, a person's upbringing, culture, experience, or education.
- B. Biased policing: Stopping, detaining, searching, or attempting to search, or using force against a person based upon his or her race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group, or any other identifiable group.
- C. Ethnicity: A cluster of characteristics which may include race but also cultural characteristics or traits which are shared by a group with a common experience or history.
- D. Gender: Unlike sex, a psychological classification based on cultural characteristics or traits.
- E. Probable cause: Facts or apparent facts and circumstances within an officer's knowledge and of which the officer had reasonable, trustworthy information to lead a reasonable person to believe that an offense has been or is being committed, and that the suspect has committed it.
- F. Race: A category of people of a particular decent, including Caucasian, African, Hispanic, Asian, or Native American descent. As distinct from ethnicity, race only refers to physical characteristics sufficiently distinctive to group people under a classification.
- G. Racial profiling: A law-enforcement initiated action based on an individual's race, ethnicity, or national origin rather than on the individual's behavior or on information identifying the individual as having engaged in criminal activity.
- H. Reasonable suspicion: Articulate, objective facts which lead an experienced officer to suspect that a person has committed, is committing, or may be about to commit a crime. A well-founded suspicion is based on the totality of the circumstances and does not exist unless it can be articulated. Reasonable suspicion supports a stop of a person. Courts require that stops based on reasonable suspicion be "objectively reasonable."
- I. Sex: A biological classification, male or female, based on physical and genetic characteristics.

- J. Stop: The detention of a subject for a brief period of time, based on reasonable suspicion. A stop is investigative detention.

#### **IV. PROCEDURES**

##### **A. General responsibilities**

1. Officers are prohibited from engaging in bias based profiling or stopping, detaining, searching, arresting, or taking any enforcement action including seizure or forfeiture activities against any person based solely on the person's race, national origin, citizenship, religion, ethnic background, age, gender, color, creed, sexual orientation, disability, economic status, cultural group, or any other identifiable group. These characteristics, however, may form part of reasonable suspicion or probable cause when officers are seeking a suspect with one or more of these attributes. (TBP: 2.01.1)
2. Investigative detentions, traffic stops, arrests, searches, and property seizures by officers will be based on a standard of reasonable suspicion or probable cause in accordance with the Fourth Amendment of the U.S. Constitution. Officers must be able to articulate specific facts and circumstances that support reasonable suspicion or probable cause for investigative detentions, traffic stops, subject stops, arrests, nonconsensual searches, and property seizures. Except as provided in number 3 below, officers shall not consider race/ethnicity in establishing either reasonable suspicion or probable cause. Similarly, except as provided below, officers shall not consider race/ethnicity in deciding to initiate even those nonconsensual encounters that do not amount to legal detentions or to request consent to search. (TBP 2.01.1)

Reasonable suspicion or probable cause shall form the basis for any enforcement actions or decisions. Individuals shall only be subjected to stops, seizures, or detention upon reasonable suspicion that they have committed, are committing, or are about to commit an offense. Officers shall document the elements of reasonable suspicion and probable cause in appropriate reports.

3. Officers may take into account the reported race or ethnicity of a specific suspect or suspects based on trustworthy, locally relevant information that links a person or persons of a specific race/ethnicity to a particular unlawful incident(s). Race/ethnicity can never be used as the sole basis for probable cause or reasonable suspicion. Except as provided above, reasonable suspicion or probable cause shall form the basis for any enforcement actions or decisions. Individuals shall be subjected to stops, seizures, or detentions only upon reasonable suspicion that they have committed, are committing, or are about to commit an offense. Officers shall document the elements of reasonable suspicion and probable cause in appropriate reports. (TBP 2.01.1)

Officers shall observe all constitutional safeguards and shall respect the constitutional rights of all persons.

- a. As traffic stops furnish a primary source of bias-related complaints, officers shall have a firm understanding of the warrantless searches allowed by law, particularly the use of consent. How the officer disengages from a traffic stop may be crucial to a person's perception of fairness or discrimination.
  - b. Officers shall not use the refusal or lack of cooperation to justify a search of the person or vehicle or a prolonged detention once reasonable suspicion has been dispelled.
4. All personnel shall treat everyone with the same courtesy and respect that they would have others observe to department personnel. To this end, personnel are reminded that the exercise of courtesy and respect engenders a future willingness to cooperate with law enforcement.
    - a. Personnel shall facilitate an individual's access to other governmental services whenever possible, and shall actively provide referrals to other appropriate agencies.
    - b. All personnel shall courteously accept, document, and forward to the Chief of Police any complaints made by an individual against the department. Further, officers shall provide information on the complaints process and shall give copies of "How to Make a Complaint" when appropriate.
  5. When feasible, personnel shall offer explanations of the reasons for enforcement actions or other decisions that bear on individual's well-being unless the explanation would undermine an investigation or jeopardize an officer's safety. When concluding an encounter, personnel shall thank him or her for cooperating.
  6. When feasible, all personnel shall identify themselves by name. When a person requests the information, personnel shall give their departmental identification number, name of the immediate supervisor, or any other reasonable information.
  7. All personnel are accountable for their actions. Personnel shall justify their actions when required.

#### B. Supervisory responsibilities

1. Supervisors shall be held accountable for the observance of constitutional safeguards during the performance of their duties. Supervisors shall identify and correct instances of bias in the work of their subordinates.

2. Supervisors shall use the disciplinary mechanisms of the department to ensure compliance with this order and the constitutional requirements of law enforcement.
3. Supervisors shall be mindful that in accounting for the actions and performance of subordinates, supervisors are key to maintaining community trust in law enforcement. Supervisors shall continually reinforce the ethic of impartial enforcement of the laws, and shall ensure that personnel, by their actions, maintain the community's trust in law enforcement.
4. Supervisors are reminded that biased enforcement of the laws engenders not only mistrust of law enforcement, but increases safety risks to personnel. Lack of control over bias also exposes the department to liability consequences. Supervisors shall be held accountable for repeated instances of biased enforcement of their subordinates.
5. Supervisors shall ensure that all enforcement actions are duly documented per departmental policy. Supervisors shall ensure that all reports show adequate documentation of reasonable suspicion and probable cause, if applicable.
6. Supervisors shall facilitate the filing of any complaints about law enforcement service.
7. Supervisors shall be responsible for reviewing video footage from both in-car and body worn cameras from each of their subordinates on traffic stops as well as calls for service monthly. These reviews are to be documented in the VIDEO VIEW LOG to ensure compliance with all written directives and in accordance with all bias based profiling requirements. The viewing of each officer's entire shift is not required; however the supervisor should review in a manner to gain an understanding of each officer's performance and adherence to policy and laws. (TBP 2.01.1)
8. Supervisor are responsible for insuring that each of their subordinates are in-putting all required SB 1074 information regarding traffic stops that result in a verbal warning ONLY. This information is required in order to comply with the Sandra Bland act.

#### C. Disciplinary consequences

Actions prohibited by this order shall be cause for disciplinary action, up to and including dismissal.

#### D. Training (TBP: 2.01.1)

1. Officers shall complete all training required by state law regarding bias based profiling.

## **V. COMPLAINTS**

- A. The Department shall publish “How to Make a Complaint” handout and make them available in the Police Department lobby, and the lobby of City Hall as well as on the City’s web-site. The Department’s complaint process and its bias based profiling policy will be posted on the Department’s website. Whenever possible, the media will be used to inform the public of the Department’s policy and complaint process.
- B. Complaints alleging incidents of bias based profiling will be fully investigated as described under Policy 2.4.
- C. Complainants will be notified of the results of the investigations when such investigation is completed.

## **VI. RECORD KEEPING**

- A. The Department will maintain all required records on traffic stops where a warning of any type is given, a citation is issued, arrest is made subsequent to a traffic stop and whether or not any type of force was used to affect that arrest pursuant to state law.
- B. The information collected above will be reported to the City Council annually.
- C. The information will also be reported to TCOLE in the required format.

For additional questions regarding the information presented in this report, please contact:

**Del Carmen Consulting©**  
**817.681.7840**  
[www.texasracialprofiling.com](http://www.texasracialprofiling.com)  
[www.delcarmenconsulting.com](http://www.delcarmenconsulting.com)

Disclaimer: The author of this report, Alejandro del Carmen/del Carmen Consulting©, is not liable for any omissions or errors committed in the acquisition, analysis, or creation of this report. Further, Dr. del Carmen/del Carmen Consulting© is not responsible for the inappropriate use and distribution of information contained in this report. Further, no liability shall be incurred as a result of any harm that may be caused to individuals and/or organizations as a result of the information contained in this report.



Copyright: This report may not be altered or reproduced outside the agreed terms, in any manner whatsoever without the written permission of the author.



TO: Mayor and City Council  
FROM: Sara Egan, City Secretary  
DATE: February 26, 2024  
ITEM: 3  
DESCRIPTION: Receive an update on the Boards and Commissions appointment timeline.

---

### INTRODUCTION

The purpose of this item is to present the drafted timeline for the application period and dates for interviews and appointment of board members.

### BACKGROUND

The City of Seagoville has 6 active boards with terms expiring 6/30/2024. The City Secretary's Office oversees the appointment process and screens applications for eligibility.

These boards serve an important function in the decision-making of the City within their respective areas of responsibility and advisory capacity.





TO: Mayor and City Council  
FROM: Sara Egan, City Secretary  
DATE: February 26, 2024  
ITEM: 11  
DESCRIPTION: Consider approving the City Council meeting minutes: February 5, 2024.

---

**RECOMMENDATION**

Recommend approval of the meeting minutes.

**ATTACHMENTS**

1. February 5, 2024 Minutes



# City of Seagoville

## Meeting Minutes

### City Council

City Hall  
702 N. Hwy 175  
Seagoville, Texas 75159

Monday, February 5, 2024

6:30 PM

Council Chambers

Present: Mayor Lackey Sebastian, Mayor Pro Tem Harold Magill, Councilmember Jose Hernandez, Councilmember Rick Howard, Councilmember Allen Grimes, and Councilmember Jon Epps

Also present were City Manager Patrick Stallings, City Attorney Victoria Thomas, and City Secretary Sara Egan.

The City Council of the City of Seagoville met in a Regular Called Meeting on Monday, February 5, 2024, at 6:30 p.m. in the City Council Chambers of City Hall, 702 N. Hwy 175, Seagoville, Texas.

#### **WORK SESSION**

##### **1. Call to Order**

Due to a delayed adjournment by SEDC Board, Mayor Sebastian called the City Council meeting to order at 7:04 p.m. to convene into executive session.

#### **EXECUTIVE SESSION**

The City Council will convene into executive session pursuant to:

- 2. Texas Govt. Code section 551.071 – Consultation with Attorney, to seek legal advice regarding resubmittal of rezoning request which, pursuant to Code of Ordinances section 25.092.786(3), is more restrictive or for less intense use or development than previously requested.**
- 3. Texas Govt. Code section 551.087 – To discuss or deliberate the offer of a financial or other incentive to a business prospect that the governmental body seeks to have locate, stay, or expand in or near the City and with which the City is conducting economic development negotiations, to wit:
  - A. Simonds Partners, LLC**
  - B. Soulman’s BBQ”****

Mayor Sebastian adjourned the Executive Session at 7:34 p.m.

##### **4. Adjourn**

Mayor Sebastian reconvened into the Work Session at 7:35 p.m. There being no further business before the City Council, the Work Session was adjourned.

#### **REGULAR SESSION**

##### **5. Call to Order**

Mayor Sebastian called the Regular Session to order at 7:40 p.m.

##### **6. Invocation**

Mayor Pro Tem Magill led the invocation.

##### **7. Pledge of Allegiance**

City Council led the pledge of allegiance.

**8. Mayor's Report**

- City Facilities will be closed Monday, February 19<sup>th</sup> for Presidents' Day
- Monday, February 26<sup>th</sup> is the next Regular City Council Meeting
- Tuesday, February 27<sup>th</sup> there will be Joint City Council and Planning and Zoning Commission Meeting.

**9. Citizen's Comments**

- 1) Amber Mefford, Seagoville, TX, spoke regarding code enforcement practices and a recent experience.

**10. Receive a presentation of FY 2024 1st Quarter Financials.**

Finance Director Gail Franch provided a presentation.

**Consent Agenda**

There were no questions regarding the Consent Agenda.

Councilmember Hernandez made a motion to approve Consent Agenda Items 11-19, seconded by Mayor Pro Tem Magill. The motion passed by a unanimous vote (5/0).

**11. Consider approving the City Council meeting minutes: January 22, 2024.****12. Consider a Resolution authorizing the purchase of soccer goals in an amount not to exceed fifteen thousand four hundred one dollars and ninety-one cents (\$15,401.91) from BSN Sports; authorizing the City Manager to execute any necessary documents and disburse the funds for said purchase.**

Resolution No. 2024-04

**13. Consider a Resolution authorizing the purchase of (12) bleachers in an amount not to exceed one hundred eight thousand three hundred eighty-four dollars and sixty cents (\$108,384.60) from BSN Sports; authorizing the City Manager to execute any necessary documents and disburse the funds for said purchase.**

Resolution No. 2024-05

**14. Consider a Resolution authorizing the City Manager to engage C&M Concrete for installation of concrete bleacher pads at Bruce Central Park and Bearden Park in an amount not to exceed one hundred four thousand four hundred dollars and zero cents (\$104,400.00); and execute any necessary documents.**

Resolution No. 2024-06

**15. Consider a Resolution accepting two nonexclusive 15-foot-wide utility easements and rights-of-way for water line crossings from Oncor Electric Delivery Company LLC as grantor; providing for the recording of said easements and rights-of-way along with a certified copy of this Resolution in the real property records of Dallas County, Texas as a deed.**

Resolution No. 2024-07

**16. Consider a Resolution authorizing execution of an encroachment on easement agreement with Oncor Electric Delivery Company, LLC ("Oncor") regarding the construction, operation, and maintenance of two road crossings, Henley Road and Shannon Road, a 42-inch RCP storm drain crossing, a 12-inch water line crossing, an 8-inch sanitary sewer crossing, and a 24-inch sanitary sewer crossing within Oncor's easements.**

Resolution No. 2024-08

**17. Consider a Resolution authorizing the purchase of a 2024 Chevrolet 1500 Silverado from Caldwell Country for a total purchase price not to exceed \$43,305.00 and further authorizing purchase of emergency equipment and graphics for the vehicle from Pursuit Safety, Inc. for a purchase price not to exceed \$5,172.52; authorizing the City Manager to execute any necessary documents and disburse the funds for said purchases.**

Resolution No. 2024-09

- 18. Consider a Resolution approving a First Amendment to the Professional Services Agreement with Ladis Barr to expand the scope of services to include residential, commercial, and multifamily construction inspection services; authorizing the City Manager to execute said amendment.**

Resolution No. 2024-10

- 19. Consider a Resolution authorizing continued participation with the Steering Committee of Cities served by ONCOR; and authorizing the payment of ten cents (\$0.10) per capita to the Steering Committee to fund regulatory and legal proceedings and activities related to ONCOR Electric Delivery Company, LLC.**

Resolution No. 2024-11

### **Public Hearing**

- 20. Conduct a public hearing and consider an Ordinance amending the comprehensive zoning ordinance and map of the City for approximately 146.43 acres of land located in the Herman Heider Survey, Abstract Number 541, Dallas County, Texas, being a portion of the Judith Smith Moore and Kirby Campbell Smith called 145.38 acre tract, from R-1 Single Family Dwelling ("R-1") to Planned Development with base zonings of R-5 Single Family Dwelling and Duplex Dwelling ("PD-R-5/D"), (PD 03-2024), subject to the development regulations, conditions, and provisions set forth.**

Mayor Sebastian opened the public hearing at 7:55 p.m.

Community Development Director Bill Medina briefed the City Council on this item.

Councilmember Hernandez expressed concerns regarding the existing conditions of Stark Road and residential on street parking for the proposed homes with a square footage of 2,000 or greater.

Mayor Pro Tem Magill expressed concerns regarding parking and garage depth sizes. He also mentioned to expect drainage issues in the greenbelt area during heavy rains.

Mr. Medina explained the initial proposal was a 20-foot driveway and what is being presented is a 25-foot driveway. He also explained an HOA would be required for this development project.

Mayor Sebastian stated similar developments have been approved in the past by the City Council.

Councilmember Epps described the parking situation in an existing community.

The applicant, Pat Atkins approached the podium and stated that this project is next to Stonehaven Development and is consistent with other developments presented to the City. Mr. Atkins explained the Traffic Impact Analysis (TIA) would outline the needs for this project, and they would be addressed. He also explained they would undertake coordination with the City of Dallas to address road conditions on Stark Road.

Councilmember Hernandez requested that City Council convene into Executive Session.

Mayor Sebastian recessed the Regular Session at 8:28 p.m. to convene into executive session pursuant to Texas Govt. Code section 551.071 – Consultation with Attorney, to seek legal advice regarding Agenda Item 20. Mayor Sebastian adjourned the Executive Session at 7:44 p.m. and reconvened into the Regular Session.

Mr. Atkins reiterated that the TIA would address the areas of focus for the project and additional driveway space could be accommodated on the larger lots.

Mayor Sebastian invited members of the public to speak. No one spoke in favor or against. Mayor Sebastian closed the public hearing at 8:46 p.m.

Mr. Medina read into the record the Planning and Zoning Commission meeting minutes of August 10, 2021, as it relates to this agenda item:

*Commissioner Lemond moved to recommend to City Council to approve with staff's recommended conditions of approval the zoning change request from R-1, Residential Single Family, to PD-21-04 (planned development for single family and multi-family uses), on approximately 145+ acres of Tract 3 in the Herman Heider Abstract 541, being commonly referred to as 100 Stark Road, Seagoville, Dallas County, Texas. The motion was seconded by Commissioner Haney. By a show of hands and voice vote, the motion passed unanimously (four to zero) in favor of the motion to approve the request.*

Councilmember Hernandez made a motion to approve item 20 seconded by Mayor Pro Tem Magill. The motion passed by a unanimous vote (5/0).

Ordinance No. 2024-03

### Regular Agenda

**21. FIRST READING: Discuss and consider a Resolution approving the economic development project between the Seagoville Economic Development Corporation and Simonds Partners LLC as reflected in the terms and conditions of an option agreement and an economic development incentive agreement between the parties.**

**22. Discuss and consider a Resolution ratifying an emergency purchase and authorizing the City Manager to make payment to Municipal Emergency Services in an amount not to exceed eighty-six thousand five hundred seventy-three dollars and fifty-three cents (\$86,573.53); and execute any necessary documents.**

Fire Chief Todd Gilcrease briefed the City Council on this item.

Mayor Pro Tem Magill made a motion to approve item 22, seconded by Councilmember Grimes. The motion passed by a unanimous vote (5/0).

Resolution No. 2024-12

**23. Discuss and consider a Resolution authorizing the City Manager to engage C&M Concrete for a new concrete sidewalk on the 3100 block of Highland Meadows Drive in an amount not to exceed nineteen thousand eight hundred twelve dollars and fifty cents (\$19,812.50); authorizing the City Manager to execute an agreement and any necessary documents.**

Public Works Director Chris Ryan briefed the City Council on this item and answered questions.

Mayor Pro Tem Magill made a motion to approve item 23, seconded by Councilmember Hernandez. The motion passed by a unanimous vote (5/0).

Resolution No. 2024-13

**24. Discuss and consider a Resolution approving and ratifying emergency concrete repairs to Seagoville Road and authorizing the City Manager to make payment to C&M Concrete in an amount not to exceed sixty-nine thousand nine hundred sixty dollars and zero cents (\$69,960.00); and execute any necessary documents.**

Public Works Director Chris Ryan briefed the City Council on this item and answered questions.

Councilmember Epps made a motion to approve item 24, seconded by Councilmember Howard. The motion passed by a unanimous vote (5/0).

Resolution No. 2024-14

- 25. Discuss and consider a Resolution approving and ratifying emergency repairs of partially collapsed storm drains at 825 Dakota Lane and at the 700 block of east Simonds Road; and authorizing the City Manager to make payment to C&M Concrete in an amount not to exceed eighteen thousand nine hundred fifty dollars and zero cents (\$18,950.00); and execute any necessary documents.**

Public Works Director Chris Ryan briefed the City Council on this item and answered questions. Councilmember Hernandez made a motion to approve item 25, seconded by Councilmember Howard. The motion passed by a unanimous vote (5/0).

Resolution No. 2024-15

- 26. Discuss and consider a Resolution approving and ratifying a funding agreement with the Seagoville Economic Development Corporation by which the corporation will provide funding in the amount of one hundred two thousand, nine hundred sixty dollars (\$102,960.00) for design, construction, and installation of double pickle ball courts at C.O. Bruce (“Central”) Park; authorizing the City Manager to execute the funding agreement.**

Public Works Director Chris Ryan briefed the City Council on this item and answered questions. Councilmember Hernandez made a motion to approve item 26, seconded by Councilmember Grimes. The motion passed by a unanimous vote (5/0).

Resolution No. 2024-16

- 27. SECOND READING: Discuss and consider a Resolution approving the economic development project between the Seagoville Economic Development Corporation and Simonds Partners LLC as reflected in the terms and conditions of an option agreement and an economic development incentive agreement between the parties.**

City Attorney Victoria Thomas briefed the City Council on this item.

Councilmember Hernandez made a motion to approve item 27, seconded by Mayor Pro Tem Magill. The motion passed by a unanimous vote (5/0).

Resolution No. 2024-17

- 28. Items of community interest and councilmember reports.**

No reports were presented.

- 29. Discuss future agenda items.**

Councilmember Howard requested to review sidewalk repair needs for future budgeting.

Councilmember Grimes requested to review the ‘No Parking’ signs.

- 30. Adjourn**

There being no further business before the City Council, the meeting was adjourned at 8:59 p.m.

APPROVED:

ATTEST:

\_\_\_\_\_  
Sara Egan, City Secretary

\_\_\_\_\_  
Lackey Stepper Sebastian, Mayor



TO: Mayor and City Council  
FROM: Ray Calverley, Police Chief  
DATE: February 26, 2023  
ITEM: 12  
DESCRIPTION: Consider a Resolution authorizing the Mayor to accept and file the police department's 2023 Racial Profiling Report.

---

### **INTRODUCTION**

The purpose of this item is to present the completed findings of the 2023 Racial Profiling report to the City of Seagoville Governing body prior to the March 1 deadline date.

### **BACKGROUND**

The City Council of the City of Seagoville, Texas, understands and supports applicable laws concerning racial profiling accountability. The City Council of the City of Seagoville, Texas, supports the transparent open reporting and accounting of all police contacts covered within the Racial Profiling legislation. The Seagoville Police Department has presented its 2023 Racial Profiling Report.

### **RECOMMENDATION**

Staff recommends approval.

### **ATTACHMENTS**

1. Resolution

**A RESOLUTION OF THE CITY OF SEAGOVILLE, TEXAS**

**RESOLUTION NO. \_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEAGOVILLE, TEXAS, AUTHORIZING THE MAYOR TO ACCEPT AND FILE THE POLICE DEPARTMENT'S 2023 RACIAL PROFILING REPORT, PROVIDING FOR THE REPEAL OF ANY AND ALL RESOLUTIONS IN CONFLICT; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City Council of the City of Seagoville, Texas, understands and supports applicable laws concerning racial profiling accountability; and

**WHEREAS**, the City Council of the City of Seagoville, Texas, supports the transparent open reporting and accounting of all police contacts covered within the Racial Profiling legislation; and

**WHEREAS**, the Seagoville Police Department has presented it's 2023 Racial Profiling Report; and

**WHEREAS**, the City Council of the City of Seagoville, Texas desires to authorize the Mayor to accept and file the Police Department's 2023 Racial Profiling Report with the Texas Commission on Law Enforcement;

**THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEAGOVILLE, TEXAS THAT:**

**Section 1.** The City Council of the City of Seagoville, Texas, authorizes the Mayor to accept the Police Department's 2022 Racial Profiling Report.

**Section 2.** The City Council further authorizes the Mayor or his designee to file the 2023 Racial Profiling Report with the Texas Commission on Law Enforcement within the mandated reporting time.

**Section 3.** If any article, paragraph, subdivision, clause or provision of this Resolution, as hereby amended, be adjudged invalid or held unconstitutional for any reason, such judgment or holding shall not affect the validity of this Resolution as a whole or any part or provision thereof, as amended hereby, other than the part so declared to be invalid or unconstitutional.

**Section 4.** That this Resolution shall take effect immediately from and after its passage as the law and Charter in such cases provide.

**DULY ORDERED** by the City Council of the City of Seagoville, Texas on the 26<sup>th</sup> day of February, 2024.

APPROVED:

\_\_\_\_\_  
LACKEY STEPPER SEBASTIAN, MAYOR

ATTEST:

\_\_\_\_\_  
SARA EGAN, CITY SECRETARY

APPROVED AS TO FORM:

\_\_\_\_\_  
VICTORIA THOMAS, CITY ATTORNEY



TO: Mayor and City Council  
FROM: Dallas County  
DATE: September 18, 2023  
ITEM: 13  
DESCRIPTION: Consider a Resolution authorizing County of Dallas to resell tax foreclosed properties by public or private sale, to the highest qualified purchaser, as provided by section 34.05 of the Texas Property Tax Code.

---

### **INTRODUCTION**

The purpose of this item is to authorize the resell of 712 Elmo Drive by County of Dallas.

### **BACKGROUND**

City Council has previously provided consent, in compliance with Section 34.05(i) of the Texas Tax Code to the sale of said parcels to the highest purchaser, even if the amount tendered is less than the market value of the land specified in the judgment of foreclosure or the total amount of the judgment against the property as is required by Section 34.05(h) of the Texas Tax Code, or in compliance with Section 34.05(j) of the Texas Tax Code for an amount equal to or greater than its current market value as shown by the most recent certified appraisal roll, if the sum of the amount of the judgment plus post-judgment taxes, penalties, and interest owing against the property exceeds the market value, and each taxing unit entitled to receive proceeds of the sale consents to the sale for that amount.

### **RECOMMENDATION**

City Staff recommends approval.

### **ATTACHMENTS**

1. Resolution
2. Exhibit A

**CITY OF SEAGOVILLE, TEXAS**  
**RESOLUTION NO. \_\_\_\_\_**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEAGOVILLE,  
TEXAS AUTHORIZING COUNTY OF DALLAS TO RESELL TAX  
FORECLOSED PROPERTIES BY PUBLIC OR PRIVATE SALE, TO THE  
HIGHEST QUALIFIED PURCHASER, AS PROVIDED BY SECTION 34.05 OF  
THE TEXAS PROPERTY TAX CODE.**

**WHEREAS,** this matter was briefed to the Seagoville City Council (“City Council”) on February 26, 2024 wherein the City Council agreed to use this form of Resolution to provide the County of Dallas consent to sell specific properties to the highest qualified purchaser by public or private sale; and

**WHEREAS,** a parcel of land commonly known as 712 Elmo Drive in the City of Seagoville was offered for sale by the Sheriff of Dallas County, Texas, at public auction pursuant to a judgment of the District Court of Dallas County, Texas, for foreclosure of the tax liens securing payment of delinquent property taxes, accrued penalty and interest, and court costs; and

**WHEREAS,** those parcel of land which did not receive a sufficient bid as set by law was struck off to the City of Seagoville Dallas Independent School District (Taxing Authorities) pursuant to Section 34.01(j) of the Texas Tax Code; and

**WHEREAS,** by this resolution, the County of Dallas, as Trustee for itself and the other Taxing Authorities is authorized to resell this struck off parcel of land, which did not receive a sufficient bid as set by law and to execute quitclaim deeds for said parcel conveying the right, title, and interest acquired or held by the City of Seagoville as a party to the judgment foreclosing tax liens, and

**WHEREAS,** the City of Seagoville desires to resell said parcel in an expeditious manner pursuant to Section 34.05 of the Property Tax Code.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEAGOVILLE, TEXAS; THAT:**

**Section 1.** The Seagoville City Council does hereby provide specific authorization to the County of Dallas to act as Trustee to offer for sale by public or private sale the parcel of land shown in Exhibit “A,” attached hereto and made a part hereof, being commonly known as 712 Elmo Drive in Seagoville, Texas, and the Seagoville City Council does hereby consent, in compliance with Section 34.05(i) of the Texas Tax Code to the sale of said parcel to the highest purchaser, even if the amount tendered is less than the market value of the land specified in the judgment of foreclosure or the total amount of the judgment against the property as is required by Section 34.05(h) of the Texas Tax Code, or in compliance with Section 34.05(j) of the Texas Tax Code for an amount equal to or greater than its current market value as shown by the most recent certified appraisal roll, if the sum of the amount of the judgment plus post-judgment taxes, penalties, and interest owing against the property exceeds the market value, and each taxing unit entitled to receive proceeds of the sale consents to the sale for that amount.

**Section 2.** This Resolution shall take effect immediately from and after its passage in accordance with the provisions of the law.

**PASSED and APPROVED** this 26<sup>th</sup> day of February, 2024 by the Seagoville City Council, Seagoville, Dallas County, Texas.

APPROVED:

\_\_\_\_\_  
LACKEY STEPPER SEBASTIAN MAYOR

ATTEST:

\_\_\_\_\_  
SARA EGAN, CITY SECRETARY

APPROVED AS TO FORM:

\_\_\_\_\_  
VICTORIA THOMAS, CITY ATTORNEY

4867-6604-3048, v. 1

**EXHIBIT A**  
**Identification of Property Authorized for Sale: 712 Elmo Drive**

**[to be attached]**

4867-6604-3048, v. 1

**EXHIBIT "A"**

**TAX FORECLOSURE PROPERTY STRUCK OFF TO DALLAS COUNTY ON ITS BEHALF AND  
AS TRUSTEE FOR THE CITY OF SEAGOVILLE AND DALLAS ISD**

<b>STREET ADDRESS</b>	<b>TAX ACCOUNT #</b>	<b>IMPROVED / UNIMP.</b>	<b>LAND SIZE (APPROX.)</b>	<b>2023 DCAD VALUE</b>	<b>JUDGMENT CAUSE #</b>	<b>JUDGMENT STRIKE OFF AMOUNT</b>	<b>MARKET VALUE IN JUDGMENT</b>	<b>TAX YEARS INCLUDED IN JUDGMENT (COUNTY, CITY, SCHOOL)</b>	<b>DATE OF SHERIFF'S SALE</b>	<b>SHERIFF'S DEED RECORDING INSTR. # / DATE</b>
712 Elmo Drive, Seagoville	65042727070130000	Land Only	58' x 258' 14,964 sqft	\$44,000	TX-17-00866 12/4/2018 w/ TX-05-30090-T-H 9/27/2005	\$49,804.68	\$7,480	County: 1993 - 2017 City: 1991 - 2017 DISD: 1993, 1996-2017	1/2/2024	202400006559 1/10/2024



\*VG-364-2024-20240006559\*

Dallas County  
John F. Warren  
Dallas County Clerk

---

**Instrument Number:** 20240006559

Real Property Recordings

Recorded On: January 10, 2024 02:45 PM

Number of Pages: 3

---

**" Examined and Charged as Follows: "**

Total Recording: \$0.00

---

\*\*\*\*\* THIS PAGE IS PART OF THE INSTRUMENT \*\*\*\*\*

Any provision herein which restricts the Sale, Rental or use of the described REAL PROPERTY because of color or race is invalid and unenforceable under federal law.

**File Information:**

Document Number: 20240006559  
Receipt Number: 20240110000690  
Recorded Date/Time: January 10, 2024 02:45 PM  
User: Thelma B  
Station: Cc133

**Record and Return To:**

PUBLIC WORKS  
500 ELM ST STE 5300  
  
DALLAS TX 75202



**STATE OF TEXAS  
Dallas County**

**I hereby certify that this Instrument was filed in the File Number sequence on the date/time printed hereon, and was duly recorded in the Official Records of Dallas County, Texas**

John F. Warren  
Dallas County Clerk  
Dallas County, TX

**Sheriff's Deed**

**010224-07**

The State of Texas, } **KNOW ALL MEN BY THESE PRESENTS:**  
County of Dallas.

**NOTICE OF CONFIDENTIALITY RIGHTS: "IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER."**

THAT, WHEREAS, By virtue of a certain Order of Sale, issued out of the Honorable 14<sup>th</sup> Judicial District Court, on 10<sup>th</sup> day of October, A. D. 2023 in and for Dallas County, Styled Dallas County Et Al, Plaintiff -versus-Fred Range, A/K/A Fred Range, Sr., et al, Defendant, Case No. TX-17-00866 Combined W/ 05-30090-T-H, Judgment Date is September 27, 2005. On a certain judgment and Decree of Foreclosure rendered on 27<sup>th</sup> day of September, 2005 by said Court and directed and delivered to me as Sheriff of Dallas County, Texas, commanding me to seize and sell the real property described in said Order of Sale, I, **Marian Brown, Sheriff**, aforesaid, did upon the 22<sup>nd</sup> day of November, A.D.,2023, execute said property described in said Order of Sale, by having notice of the time and place of such sale published in the English language, once a week for three consecutive weeks, preceding such sale, in the **DAILY COMMERCIAL RECORD** a newspaper published in said County, the first of said publications appearing not less than twenty days immediately preceding the day of said sale, and by MAILING a written notice of such sale Fred Range A/K/A Fred Range, Sr.; Lily Range; Forrest Gene Range (In Rem Only); Glorea Dean Rainge Henderson A/K/A Glorea Dean Range Henderson (In Rem Only); Fred Range, Jr. (In Rem Only); J W. Range A/K/A Jimmy W Range (In Rem Only), Defendant(s) and on the 1<sup>st</sup> Tuesday in January, A.D. 2024 it being the 2<sup>nd</sup> day of the month, within the hours prescribed by law,(9:00 A.M.) sold said real property on the Online Real Auction in County of Dallas, at which sale the real property herein after described was struck off to Dallas County, on its behalf and as Trustee for the City of Seagoville and Dallas ISD for the sum of \$49,804.68 Dollars as there were no bids taken on that property therefore.

**NOW, THEREFORE**, in consideration of the premises aforesaid and of the payment to me of the said sum of \$49,804.68 Dollars, the receipt of which is hereby acknowledged, I, **Marian Brown, Sheriff** as aforesaid, have SOLD and CONVEYED, and by these presents do SELL and CONVEY unto the said Dallas County on its behalf and as Trustee for the City of Seagoville and Dallas ISD all of the estate, right, title and interest which the said **Defendant** had on the 27<sup>th</sup> day of September, A.D. 2005 or at any time afterwards, in and to the following described real property, same being also described in the said **Order of Sale**, **all that certain lot, tract or parcel of land, lying in being situated in Dallas County, TX and being more particularly described as follows:**

**PROPERTY ADDRESS: 712 ELMO DR., SEAGOVILLE, DALLAS COUNTY, TEXAS. ACCT. NO. 65042727070130000; A 58.3X258 FOOT TRACT OUT OF THE JAMES DONALDSON SURVEY, ABSTRACT NO. 427 PAGE 270 IN THE CITY OF SEAGOVILLE, DALLAS COUNTY, TEXAS, AS SHOWN BY THE WARRANTY DEED RECORDED IN VOLUME 71085 PAGE 122 OF THE DEED RECORDS OF DALLAS COUNTY, TEXAS AND MORE COMMONLY ADDRESSED AS 712 ELMO, THE CITY OF SEAGOVILLE, DALLAS COUNTY, TEXAS.**

TO HAVE AND TO HOLD The above described premises, together with all and singular, the rights and Appurtenances thereto in anywise belonging, unto the said Dallas County on its behalf and as Trustee for the City of Seagoville and Dallas ISD heirs and assigns, forever as fully and as absolutely as I, a Sheriff aforesaid, can convey by virtue of said Order of Sale.

IN TESTIMONY WHEREOF, I have hereunto set my hand, this 9<sup>th</sup> day of January, A.D. 2024.

MARIAN BROWN, SHERIFF,  
DALLAS,COUNTY,TEXAS

by [Signature]  
Deputy L. Tapp #411, Deputy B. House #517

The State of Texas}  
County of Dallas

BEFORE ME, MELDA CRUZ, A Notary Public on this day personally appeared Deputy Larry Tapp, #411, Deputy B. House #517 Deputy Sheriff of Dallas County, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledge to me that he executed the same for the purpose and consideration therein expressed, and in his capacity as Deputy Sheriff therein set forth.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, This 9<sup>th</sup> day of January, A.D. 2024.



[Signature]  
Notary Public, State of Texas  
Commission Expires 08-10-24

The State of Texas}  
County of Dallas

I \_\_\_\_\_ County Clerk of said County, do hereby certify that the above instrument of writing, together with its Certificate of Authentication was filed for record in my office on the \_\_\_\_\_ day of \_\_\_\_\_ A.D. 2024, at \_\_\_\_\_ o'clock \_\_\_\_\_ M, and duly recorded the \_\_\_\_\_ day of \_\_\_\_\_ A.D., 2024, in Volume \_\_\_\_\_, Page \_\_\_\_\_ of the Records of Deeds, etc., of said County.

WITNESS MY HAND AND OFFICIAL SEAL This \_\_\_\_\_ of \_\_\_\_\_ A.D.2024.

\_\_\_\_\_  
County Clerk Dallas County, Texas.

By \_\_\_\_\_  
Deputy



TO: Mayor and City Council

FROM: Legal Counsel

DATE: February 26, 2024

ITEM: 14

DESCRIPTION: Discuss and consider a Resolution accepting the Preliminary Service and Assessment Plan for Improvement Area #1 Projects and Major Improvement Projects within the Santorini Public Improvement District; setting a date for public hearing on the proposed levy of assessments; authorizing the publication and mailing of notice; and enacting other provisions relating thereto.

---

#### **INTRODUCTION**

Provide the purpose of the agenda item is to accept the PSAP for IA #1 within the Santorini PID.

#### **BACKGROUND**

The City Council received a Petition requesting the establishment of a PID within the corporate limits of the City. After publication and mailing of notice of a public hearing on the creation of the District and after the conduct of a public hearing, the City Council approved the creation of the District by Resolution approved on November 20, 2022.

The District is to be developed in phases and assessments are anticipated to be levied in each development phase; and pursuant to Sections 372.013, 372.014, and 372.016 of the Act, the City Council has directed the preparation of a Preliminary Service and Assessment Plan for the Improvement Area #1 Projects and the Major Improvement Area Projects.

The Preliminary Plan attached as Exhibit B, covers a period of at least five years and defines the annual indebtedness and the projected costs of the Improvement Area #1 Projects and the Major Improvement Area Projects.

#### **RECOMMENDATION**

This item has been reviewed by legal counsel for approval.

#### **ATTACHMENTS**

1. Resolution
2. Exhibits

RESOLUTION NO. \_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEAGOVILLE, TEXAS, ACCEPTING THE PRELIMINARY SERVICE AND ASSESSMENT PLAN FOR IMPROVEMENT AREA #1 PROJECTS AND MAJOR IMPROVEMENT PROJECTS WITHIN THE SANTORINI PUBLIC IMPROVEMENT DISTRICT; SETTING A DATE FOR PUBLIC HEARING ON THE PROPOSED LEVY OF ASSESSMENTS; AUTHORIZING THE PUBLICATION AND MAILING OF NOTICE; AND ENACTING OTHER PROVISIONS RELATING THERETO.

WHEREAS, the City Council of the City (the "*City Council*") received a Petition requesting the establishment of a PID (to be known as the "Santorini Public Improvement District") (the "*District*") within the corporate limits of the City which was signed by the owners of more than 50% of the appraised value of the taxable real property liable for assessment and the record owners of more than 50% of the area of all taxable real property within the proposed boundaries of the District that was liable for assessment, and as such, the Petition complied with the Act; and

WHEREAS, after publication and mailing of notice of a public hearing on the creation of the District and after the conduct of a public hearing, the City Council approved the creation of the District by Resolution approved on November 20, 2022 (the "*Creation Resolution*"); and

WHEREAS, the District is to be developed in phases and assessments are anticipated to be levied in each development phase (each an "Improvement Area"); and

WHEREAS, pursuant to Sections 372.013, 372.014, and 372.016 of the Act, the City Council has directed the preparation of a Preliminary Service and Assessment Plan (the "Preliminary Plan"), for the Improvement Area #1 Projects (as defined in the Preliminary Plan) and the Major Improvement Area Projects (as defined in the Preliminary Plan). The Preliminary Plan attached hereto as Exhibit B, covers a period of at least five years and defines the annual indebtedness and the projected costs of the Improvement Area #1 Projects and the Major Improvement Area Projects; and

WHEREAS, the Preliminary Plan also includes assessment plans that apportion the costs of the Improvement Area #1 Projects to be assessed against property within Improvement Area #1 of the District and apportion the costs of the Major Improvement Area Projects to be assessed against property within the Major Improvement Area (as defined in the Preliminary Plan) of the District and such apportionments are made on the basis of special benefits accruing to the assessed property within Improvement Area #1 of the District because of the Improvement Area #1 Projects and to the assessed property within the Major Improvement Area of the District because of the Major Improvement Area Projects; and

WHEREAS, the City Council also directed the preparation of an assessment roll for the District that states the assessment against each parcel of land (i) within the District for the Major

Improvement Area Projects (the “Major Improvement Area Assessment Roll”), and (ii) within Improvement Area #1 for the Improvement Area #1 Projects (the “Improvement Area #1 Assessment Roll” and together with the Major Improvement Area Assessment Roll, the “Assessment Rolls”) and such Assessment Rolls are attached to and a part of the Preliminary Plan; and

WHEREAS, after determining the total costs of the Improvement Area #1 Projects and the Major Improvement Area Projects, the City Council notes that the Preliminary Plan and proposed Assessment Rolls may be changed as the City Council deems appropriate before such Preliminary Plan and Assessment Rolls are adopted as final by the City Council; and

WHEREAS, the City has determined to call a public hearing regarding the proposed levy of assessments on property within the District pursuant to the Preliminary Plan and the proposed Assessment Rolls, pursuant to Section 372.016 of the Act; and

WHEREAS, the City desires to publish and mail notice of such public hearing in order to provide notice to all interested parties of the City's proposed levy of assessments against such property in the District, pursuant to Section 372.016 of the Act; and

WHEREAS, the City desires to file the Preliminary Plan and Assessment Rolls with the City Secretary such that they are available for public inspection pursuant to Section 372.016 of the Act.

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

Section 1. Findings. The findings and determinations set forth in the preambles hereto are hereby incorporated by reference for all purposes.

Section 2. Calling Public Hearing. The City Council hereby calls a public hearing (the “Public Hearing”) for 7:00 p.m. on March 18, 2024 at the regular meeting place of the City, the City Council Chamber at Seagoville City Hall, 702 North Highway 175, Seagoville, Texas 75159 to consider approving the Preliminary Plan, with such changes and amendments as the City Council deems necessary, and the proposed Assessment Rolls with such amendments to the assessments on any parcel as the City Council deems necessary, as the final Service and Assessment Plan ( the “Final Plan”) and final Improvement Area #1 Assessment Roll and final Major Improvement Area Assessment Roll (the “Final Rolls”). After all objections made at such hearing have been heard, the City Council may (i) levy separate assessments as special assessments (a) for the Improvement Area #1 Projects against each assessed property in Improvement Area #1 of the District and (b) for the Major Improvement Area Projects on each assessed property within the Major Improvement Area of the District, all as set forth in the Final Plan, including the Final Rolls; (ii) specify the method of payment of the assessments; and (iii) provide that assessments be paid in periodic installments. Notice of the Public Hearing setting out the matters required by Section 372.016 of the Act shall be given by publication at least eleven (11) days before the date of the hearing, in a newspaper of general circulation in the City. Notice of such hearing shall also be given by the City Secretary, by mailing a copy of the notice containing the information required by Section 372.016(b) of the Act to the last known address of each owner of property liable for an

assessment in the proposed Final Rolls as reflected on the tax rolls of the Kaufman County Appraisal District. All residents and property owners within the District, and all other persons, are hereby invited to appear in person, or by their attorney, and contend for or contest the Preliminary Plan and the Final Rolls, and the proposed assessments and offer testimony pertinent to any issue presented on the amount of the assessments, purpose of the assessments, special benefit of the assessments, and the costs of collection and the penalties and interest on delinquent assessments. At or on the adjournment of the hearing conducted pursuant to Section 372.016 on the proposed assessments, the City Council must hear and pass on any objection to a proposed assessment. The City Council may amend a proposed assessment on any parcel in the District. The failure of a property owner to receive notice does not invalidate the proceeding.

Section 3. Publication of Notice. The City Council hereby directs the City Secretary to cause the publication and mailing of notice of the Public Hearing substantially in the form attached as Exhibit A. Such publication shall occur before the 10th day before the date of the Public Hearing.

Section 4. Conduct of Public Hearing. The City Council shall convene at the location and at the time specified in the notice described above for the Public Hearing and shall conduct the Public Hearing in connection with its consideration of the Final Plan, including the Final Rolls, and the levy of the proposed assessments, including costs of collection, penalties and interest on delinquent assessments. At the Public Hearing, the City Council will hear and pass on any objections to the Preliminary Service and Assessment Plan and the proposed Assessment Rolls and the levy of the proposed assessments (which objections may be written or oral). At or on the adjournment of the Public Hearing, the City Council may amend a proposed assessment on any parcel in the District. After all objections, if any, have been heard and passed upon, the City may (i) levy assessments as special assessments against each parcel of property in Improvement Area #1 of the District as set forth in the Final Plan and Final Improvement Area #1 Roll for the District, (ii) levy assessments as special assessments against each parcel of property in the Major Improvement Area of the District for the Major Improvement Area Projects as set forth in the Final Plan and Final Major Improvement Area Assessment Roll for the District (iii) specify the method of payment of the assessments, and (iv) provide that the assessments be paid in periodic installments.

Section 5. Filing of Proposed Assessment Roll. The proposed Final Rolls shall be filed in the office of the City Secretary and be made available to any member of the public who wishes to inspect the same.

Section 6. Further Action. The City Secretary is hereby authorized and directed to take such other actions as are required, including providing notice of the Public Hearing as required by the Texas Open Meetings Act and placing the Public Hearing on the agenda for the March 18, 2024 meeting of the City Council.

[Signature Page Follows]

DULY RESOLVED by the City Council of the City of Seagoville, Texas, on the 26th day of February, 2024.

---

Mayor

ATTEST:

APPROVED:

---

City Secretary

---

City Attorney

## EXHIBIT A

### CITY OF SEAGOVILLE NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN THAT a public hearing will be conducted by the City Council of the City of Seagoville, Texas for 7:00 p.m. on March 18, 2024 at the regular meeting place of the City, the City Council Chamber at Seagoville City Hall, 702 North Highway 175, Seagoville, Texas 75159. The public hearing will be held to consider proposed assessments to be levied against certain assessable property in the Santorini Public Improvement District (the "District") pursuant to the provisions of Chapter 372 of the Texas Local Government Code, as amended (the "Act").

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

The estimated cost to design, acquire and construct the Authorized Improvements within the District, together with bond issuance costs, eligible legal and financial fees, eligible credit enhancement costs and eligible costs incurred in establishment, administration and operation of the District is approximately \$225,000,000. The City will pay no costs of the Authorized Improvements from funds other than assessments levied on property within the District. The remaining costs of the proposed improvements will be paid from sources other than those described above.

The boundaries of the District includes approximately 528.097 acres of land within the City of Seagoville, Kaufman County and Dallas County, Texas, said property being generally located south and adjacent to HWY 175 between Bluff Road in Dallas County to FM 1389 in Kaufman County and continuing south to almost where Bois D Arc Road to Combine Road. A metes and bounds description is available for inspection at the offices of the City Secretary at the location described below.

All written or oral objections relating to the levy of the proposed assessments will be considered at the public hearing.

A copy of the Preliminary Service and Assessment Plan, including the proposed Assessment Rolls, is available for public inspection at the office of the City Secretary, Seagoville City Hall, 702 North Highway 175, Seagoville, Texas 75159.

WITNESS MY HAND AND THE OFFICIAL SEAL OF THE CITY, this 26th day of February, 2024.

/s/ Sara Egan  
City Secretary

EXHIBIT B

PRELIMINARY SERVICE AND ASSESSMENT PLAN  
IMPROVEMENT AREA #1 AND MAJOR IMPROVEMENTS

# Santorini Public Improvement District

---

PRELIMINARY SERVICE AND ASSESSMENT PLAN

FEBRUARY 26, 2024



AUSTIN, TX | NORTH RICHLAND HILLS, TX

## TABLE OF CONTENTS

Table of Contents .....	2
Introduction .....	4
Section I: Definitions .....	5
Section II: The District .....	13
Section III: Authorized Improvements .....	13
Section IV: Service Plan .....	16
Section V: Assessment Plan .....	17
Section VI: Terms of the Assessments .....	22
Section VII: Assessment Roll .....	28
Section VIII: Additional Provisions .....	28
Exhibits .....	31
Appendices.....	32
Exhibit A-1 – Map of the District.....	33
Exhibit A-2 – Map of Improvement Area #1.....	34
Exhibit A-3 – Map of Major Improvement Area .....	35
Exhibit B – Project Costs .....	36
Exhibit C – Service Plan .....	37
Exhibit D – Sources and Uses of Funds .....	38
Exhibit E – Maximum Assessment and Tax Rate Equivalent .....	39
Exhibit F-1 – Improvement Area #1 Assessment Roll.....	40
Exhibit F-2 – Improvement Area #1 Annual Installments.....	41
Exhibit G-1 – Major Improvement Area Assessment Roll .....	42
Exhibit G-2 – Major Improvement Area Annual Installments .....	43
Exhibit H-1 – Maps of Improvement Area #1 Improvements .....	44
Exhibit H-2 – Maps of Major Improvements .....	48
Exhibit I – TIRZ No. 1 Annual Credit Amount by Lot Type .....	54
Exhibit J – Form of Notice of Assessment Termination .....	55
Exhibit K-1 – Debt Service Schedule for Improvement Area #1 Bonds .....	58
Exhibit K-2 – Debt Service Schedule for Major Improvement Area Bonds .....	59
Exhibit L-1 – District Legal Description .....	60

Exhibit L-2 – Improvement Area #1 Legal Description ..... 73

Exhibit L-3 – Major Improvement Area Legal Description..... 82

Appendix A – Engineer’s Report ..... 92

Appendix B – Buyer Disclosures..... 105

Santorini Public Improvement District Improvement Area #1 Initial Parcel Buyer Disclosure .. 106

Santorini Public Improvement District Improvement Area #1 Lot Type 1 Buyer Disclosure ..... 112

Santorini Public Improvement District Improvement Area #1 Lot Type 2 Buyer Disclosure ..... 118

Santorini Public Improvement District Major Improvement Area Initial Parcel Buyer Disclosure  
..... 124

DRAFT

## INTRODUCTION

Capitalized terms used in this Service and Assessment Plan shall have the meanings given to them in **Section I** unless otherwise defined in this Service and Assessment Plan or unless the context in which a term is used clearly requires a different meaning. Unless otherwise defined, a reference to a “Section,” an “Exhibit,” or an “Appendix” shall be a reference to a Section of this Service and Assessment Plan or an Exhibit or Appendix attached to and made a part of this Service and Assessment Plan for all purposes.

On November 20, 2023, the City Council passed and approved Resolution No. 95-R-2023 authorizing the establishment of the District in accordance with the PID Act, which authorization was effective upon approval in accordance with the PID Act. The purpose of the District is to finance the Actual Costs of Authorized Improvements that confer a special benefit on approximately 528.097 acres located within the corporate limits of the City, as depicted on **Exhibit A-1** and described by the legal description on **Exhibit L-1**.

The PID Act requires a service plan must (i) cover a period of at least five years; (ii) define the annual indebtedness and projected cost of the Authorized Improvements; and (iii) include a copy of the notice form required by Section 5.014 of the Texas Property Code, as amended. The Service Plan is contained in **Section IV** and the notice form is attached as **Appendix B**.

The PID Act requires that the Service Plan include an Assessment Plan that assesses the Actual Costs of the Authorized Improvements against the Assessed Property within the District based on the special benefits conferred on such property by the Authorized Improvements. The Assessment Plan is contained in **Section V**.

The PID Act requires an Assessment Roll that states the Assessment against each Parcel determined by the method chosen by the City Council. The Assessment against each Parcel of Assessed Property must be sufficient to pay the share of the Actual Costs of the Authorized Improvements apportioned to such Parcel and cannot exceed the special benefit conferred on the Parcel by such Authorized Improvements. The Assessment Roll for Improvement Area #1 is included as **Exhibit F-1**. The Assessment Roll for the Major Improvement Area is included as **Exhibit G-1**.

## SECTION I: DEFINITIONS

**“Actual Costs”** mean, with respect to Authorized Improvements, the actual costs paid or incurred by or on behalf of the Developer, (either directly or through affiliates), including : (1) the costs for the design, planning, financing, administration/management, acquisition, installation, construction and/or implementation of such Authorized Improvements; (2) the fees paid for obtaining permits, licenses, or other governmental approvals for such Authorized Improvements; (3) the costs for external professional services, such as engineering, geotechnical, surveying, land planning, architectural landscapers, appraisals, legal, accounting, and similar professional services; (4) the costs for all labor, bonds, and materials, including equipment and fixtures, owing to contractors, builders, and materialmen engaged in connection with the acquisition, construction, or implementation of the Authorized Improvements; (5) all related permitting and public approval expenses, and architectural, engineering, consulting, and other governmental fees and charges and (6) costs to implement, administer, and manage the above-described activities including, but not limited to, a construction management fee equal to four percent (4%) of construction costs if managed by or on behalf of the Owner.

**“Additional Interest”** means the amount collected by the application of the Additional Interest Rate.

**“Additional Interest Rate”** means the 0.50% additional interest rate that may be charged on Assessments securing PID Bonds pursuant to Section 372.018 of the PID Act.

**“Administrator”** means the City or independent firm designated by the City who shall have the responsibilities provided in this Service and Assessment Plan, any Indenture, or any other agreement or document approved by the City related to the duties and responsibilities of the administration of the District. The initial Administrator is P3Works, LLC.

**“Annual Collection Costs”** mean the actual or budgeted costs and expenses related to the operation of the District, including, but not limited to, costs and expenses for: (1) the Administrator; (2) City staff; (3) legal counsel, engineers, accountants, financial advisors, and other consultants engaged by the City; (4) calculating, collecting, and maintaining records with respect to Assessments and Annual Installments; (5) preparing and maintaining records with respect to Assessment Rolls and Annual Service Plan Updates; (6) paying and redeeming PID Bonds; (7) investing or depositing Assessments and Annual Installments; (8) complying with this Service and Assessment Plan, the PID Act, and any Indenture, with respect to the PID Bonds, including the City’s continuing disclosure requirements; and (9) the paying agent/registrar and Trustee in connection with PID Bonds, including their respective legal counsel. Annual Collection

Costs collected but not expended in any year shall be carried forward and applied to reduce Annual Collection Costs for subsequent years.

**“Annual Installment”** means the annual installment payment of an Assessment as calculated by the Administrator and approved by the City Council, that includes: (1) principal; (2) interest; (3) Annual Collection Costs; and (4) Additional Interest related to the PID Bonds, if applicable.

**“Annual Service Plan Update”** means an update to this Service and Assessment Plan prepared no less frequently than annually by the Administrator and approved by the City Council.

**“Assessed Property”** means any Parcel within the District against which an Assessment is levied.

**“Assessment”** means an assessment levied against Assessed Property, and imposed pursuant to an Assessment Ordinance and the provisions herein, as shown on an Assessment Roll, subject to reallocation upon the subdivision of such Assessed Property or reduction according to the provisions herein and in the PID Act.

**“Assessment Ordinance”** means an ordinance adopted by the City Council in accordance with the PID Act that levies an Assessment on the Assessed Property, as shown on any Assessment Roll.

**“Assessment Plan”** means the methodology employed to assess the Actual Costs of the Authorized Improvements against the Assessed Property based on the special benefits conferred on such property by the Authorized Improvements, more specifically set forth and described in **Section V**.

**“Assessment Roll”** means any assessment roll for the Assessed Property, [including the Improvement Area #1 Assessment Roll and the Major Improvement Area Assessment Roll], as updated, modified or amended from time to time in accordance with the procedures set forth herein and in the PID Act, including in any Annual Service Plan Updates.

**“Authorized Improvements”** means the improvements authorized by Section 372.003 of the PID Act, and described in **Sections III.A** and **III.B**, as further depicted on **Exhibit H-1** and **Exhibit H-2**.

**“Bond Issuance Costs”** means the costs associated with issuing PID Bonds, including, but not limited to, attorney fees, financial advisory fees, consultant fees, appraisal fees, printing costs, publication costs, capitalized interest, reserve fund requirements, underwriter’s discount, fees charged by the Texas Attorney General, and any other cost or expense incurred by the City directly associated with the issuance of any series of PID Bonds.

**“City”** means the City of Seagoville, Texas.

**“City Council”** means the governing body of the City.

**“Dallas County”** means Dallas County, Texas.

**“Delinquent Collection Costs”** mean costs related to the foreclosure on Assessed Property and the costs of collection of delinquent Assessments, delinquent Annual Installments, or any other delinquent amounts due under this Service and Assessment Plan, including penalties and reasonable attorney’s fees actually paid, but excluding amounts representing interest and penalty interest.

**“Developer”** means Seagoville Laguna Azure, LLC, and any successors or assigns thereof that intends to develop the property in the District for the ultimate purpose of transferring title to end users/is responsible for building the Major Improvements.

**“District”** means the Santorini Public Improvement District containing approximately 528.097 acres located within the corporate limits of the City, as depicted on **Exhibit A-1** and more specifically described in **Exhibit L-1**.

**“District Formation Costs”** means the costs associated with forming the District, including, but not limited to, attorney fees, and any other cost or expense incurred by the City directly associated with the establishment of the District.

**“Engineer’s Report”** means the report provided by a licensed professional engineer that describes the Authorized Improvements, including their costs, location, and benefit, and is attached hereto as **Appendix A**.

**“Estimated Buildout Value”** means the estimated value of an Assessed Property with fully constructed buildings, as provided by the Developer and confirmed by the City Council, by considering such factors as density, lot size, proximity to amenities, view premiums, location, market conditions, historical sales, builder contracts, discussions with homebuilders, reports from third party consultants, or any other factors that, in the judgment of the City, may impact value. The Estimated Buildout Value for each Lot Type is shown on **Exhibit E**.

**“Improvement Area #1”** means approximately 136.07 acres located within the District, as depicted on **Exhibit A-2** and more specifically described in **Exhibit L-2**.

**“Improvement Area #1 Annual Installment”** means the Annual Installment of the Improvement Area #1 Assessment as calculated by the Administrator and approved by the City Council, that includes: (1) principal; (2) interest; (3) Annual Collection Costs related to Improvement Area #1; and (4) Additional Interest, if applicable, related to the Improvement Area #1 Bonds, as shown on **Exhibit F-2**, which amount may be reduced by the TIRZ No. 1 Annual Credit Amount.

**“Improvement Area #1 Assessed Property”** means any Parcel within Improvement Area #1 against which an Improvement Area #1 Assessment is levied.

**“Improvement Area #1 Assessment”** means an Assessment levied against Improvement Area #1 Assessed Property, related to the Improvement Area #1 Projects, and imposed pursuant to an Assessment Ordinance and the provisions herein, as shown on the Improvement Area #1 Assessment Roll, subject to reallocation or reduction pursuant to the provisions set forth in **Section VI** herein and in the PID Act.

**“Improvement Area #1 Assessment Roll”** means the Assessment Roll for the Improvement Area #1 Assessed Property, as updated, modified, or amended from time to time in accordance with the procedures set forth herein and in the PID Act, including any updates prepared in connection with the issuance of PID Bonds or any Annual Service Plan Updates. The Improvement Area #1 Assessment Roll is included in this Service and Assessment Plan as **Exhibit F-1**.

**“Improvement Area #1 Bonds”** means those certain “City of Seagoville, Texas, Special Assessment Revenue Bonds, Series 2024 (Santorini Public Improvement District Improvement Area #1 Project)” that are secured by Improvement Area #1 Assessments.

**“Improvement Area #1 Improvements”** means the Authorized Improvements which only benefit the Improvement Area #1 Assessed Property, as further described in **Section III.A** and Depicted on **Exhibit H-1**.

**“Improvement Area #1 Initial Parcel”** means all of the Improvement Area #1 Assessed Property against which the entire Improvement Area #1 Assessment is levied, as shown on the Improvement Area #1 Assessment Roll.

**“Improvement Area #1 Projects”** means, collectively, (1) the Improvement Area #1 Improvements; and (2) the pro rata portion of the Major Improvements allocable to Improvement Area #1; (3) the Annual Collection Costs related to the Improvement Area #1 Bonds; and (4) Bond Issuance Costs associated with the issuance of the Improvement Area #1 Bonds.

**“Indenture”** means an Indenture of Trust entered into between the City and the Trustee in connection with the issuance of each series of PID Bonds, as amended from time to time, setting forth the terms and conditions related to a series of PID Bonds.

**“Kaufman County”** means Kaufman County, Texas.

**“Lot”** means (1) for any portion of the District for which a final subdivision plat has been recorded in the Plat or Official Public Records of Kaufman County or Official Public Records of Dallas County, a tract of land described by “lot” in such subdivision plat; and (2) for any portion of the District for which a subdivision plat has not been recorded in the Plat or Official Public Records of the County, a tract of land anticipated to be described as a “lot” in a final recorded subdivision

plat as shown on a concept plan or a preliminary plat. A “Lot” shall not include real property owned by a government entity, even if such property is designated as a separate described tract or lot on a recorded Subdivision Plat.

“**Lot Type**” means a classification of final building Lots with similar characteristics (e.g. lot size, home product, Estimated Buildout Value, etc.), as determined by the Administrator and confirmed by the City Council. In the case of single-family residential Lots, the Lot Type shall be further defined by classifying the residential Lots by the Estimated Buildout Value of the Lot as provided by the Developer, and confirmed by the City Council, as shown on **Exhibit E**.

“**Lot Type 1**” means a Lot within Improvement Area #1 marketed to homebuilders as a 40’. The buyer disclosure for Lot Type 1 is attached as **Appendix B**.

“**Lot Type 2**” means a Lot within Improvement Area #1 marketed to homebuilders as a 50’. The buyer disclosure for Lot Type 2 is attached as **Appendix B**.

“**Major Improvement Area**” means approximately 392.024 acres located within the District, as depicted on **Exhibit A-3** and more specifically described in **Exhibit L-3**. The Major Improvement Area includes all of the District save and except Improvement Area #1.

“**Major Improvement Area Annual Installment**” means the Annual Installment of the Major Improvement Area Assessment as calculated by the Administrator and approved by the City Council that includes: (1) principal; (2) interest; (3) Annual Collection Costs related to the Major Improvement Area; and (4) Additional Interest related to the Major Improvement Area Bonds, if applicable, as shown on **Exhibit G-2**.

“**Major Improvement Area Assessed Property**” means any Parcel within the Major Improvement Area against which a Major Improvement Area Assessment is levied.

“**Major Improvement Area Assessment**” means an Assessment levied against the Major Improvement Area Assessed Property, related to the Major Improvement Area Projects, and imposed pursuant to an Assessment Ordinance and the provisions herein, as shown on the Major Improvement Area Assessment Roll, subject to reallocation or reduction pursuant to the provisions set forth in **Section VI** herein and in the PID Act.

“**Major Improvement Area Assessment Roll**” means the Assessment Roll for the Major Improvement Area Assessed Property within the District, as updated, modified, or amended from time to time in accordance with the procedures set forth herein and in the PID Act, including any Annual Service Plan Updates. The Major Improvement Area Assessment Roll is included in this Service and Assessment Plan as **Exhibit G-1**.

**“Major Improvement Area Bonds”** means those certain “City of Seagoville, Texas, Special Assessment Revenue Bonds, Series 2024 (Santorini Public Improvement District Major Improvement Area Project)” that are secured by Major Improvement Area Assessments and expected to be issued in calendar year 2024.

**“Major Improvement Area Initial Parcel”** means all of the Major Improvement Area Assessed Property against which the entire Major Improvement Area Assessment is levied as shown on Major Improvement Area Assessment Roll.

**“Major Improvement Area Projects”** means collectively, (1) the pro rata portion of the Major Improvements allocable to the Major Improvement Area; (2) the first year’s Annual Collection Costs related to the Major Improvement Area Bonds; and (3) Bond Issuance Costs incurred in connection with the issuance of the Major Improvement Area Bonds, if and when issued.

**“Major Improvements”** means those Authorized Improvements that confer a special benefit to all of the Assessed Property within the District, as further described in **Section III.B** and depicted on **Exhibit H-2**.

**“Maximum Assessment”** means, for each Lot, an Assessment equal to the lesser of (1) the amount calculated pursuant to **Section VI.A**, or (2) the amount shown on **Exhibit E**.

**“Non-Assessed Property”** means Parcels within the boundaries of the District that accrue special benefit from the Authorized Improvements as determined by the City Council but are not assessed.

**“Non-Benefitted Property”** means Parcels within the boundaries of the District that accrue no special benefit from the Authorized Improvements as determined by the City Council.

**“Notice of Assessment Termination”** means a document that shall be recorded in the Official Public Records of the County evidencing the termination of an Assessment, a form of which is attached as **Exhibit J**.

**“Parcel”** or **“Parcels”** means a specific property within the District identified by either a tax parcel identification number assigned by the Kaufman Central Appraisal District or Dallas Central Appraisal District for real property tax purposes, by legal description, or by lot and block number in a final subdivision plat recorded in the Official Public Records of the County, or by any other means determined by the City.

**“PID Act”** means Chapter 372, Texas Local Government Code, as amended.

**“PID Bonds”** means any bonds issued by the City in one or more series and secured in whole or in part by Assessments.

**“Prepayment”** means the payment of all or a portion of an Assessment before the due date of the final Annual Installment thereof. Amounts received at the time of a Prepayment which represent a payment of principal, interest, or penalties on a delinquent installment of an Assessment are not to be considered a Prepayment, but rather are to be treated as the payment of the regularly scheduled Annual Installment.

**“Prepayment Costs”** means interest, including Additional Interest and Annual Collection Costs, to the date of Prepayment.

**“Service and Assessment Plan”** means this Santorini Public Improvement District Service and Assessment Plan as updated, amended, or supplemented from time to time.

**“Service Plan”** means the plan described in **Section IV** which covers a period of at least five years and defines the annual indebtedness and projected costs of the Authorized Improvements.

**“TIRZ No. 1”** means the Santorini Tax Increment Reinvestment Zone Number One, City of Seagoville, TX.

**“TIRZ No. 1 Annual Credit Amount”** is defined in **Section V.F**, which amount shall not annually exceed the TIRZ No. 1 Maximum Annual Credit Amount, and which shall be transferred from the TIRZ No. 1 Fund to the applicable pledged revenue fund pursuant to the TIRZ No. 1 Agreement.

**“TIRZ No. 1 Project Plan”** means the Santorini Tax Increment Reinvestment Zone Number 1, City of Seagoville, Texas Project and Finance Plan, dated [REDACTED].

**“TIRZ No. 1 Fund”** means the tax increment fund created pursuant to the TIRZ No. 1 Ordinance where TIRZ No. 1 Revenues are deposited annually.

**“TIRZ No. 1 Maximum Annual Credit Amount”** means for each Lot Type, the amount of TIRZ No. 1 Revenues that results in a total tax stack of \$3.09 per \$100 of assessed value for such Lot Type taking into consideration the tax rates of all applicable overlapping taxing units and the equivalent tax rate of the Improvement Area #1 Annual Installment, based on assumed buildout at the time the City Council approves the Assessment Ordinance levying the Improvement Area #1 Assessment. The assumed buildout values per projected Lot Type are shown on **Exhibit I**.

**“TIRZ No. 1 Ordinance”** means Ordinance No. [REDACTED] adopted by the City Council approving the TIRZ No. 1 Project Plan and authorizing the use of TIRZ No. 1 Revenues for project costs under the Chapter 311, Texas Tax Code as amended, and related to certain public improvements as provided for in the TIRZ No. 1 Project Plan.

**“TIRZ No. 1 Revenues”** mean, for each year, the amounts which are deposited in the TIRZ No. 1 Fund pursuant to the TIRZ No. 1 Ordinance, TIRZ No. 1 Project Plan, and TIRZ No. 1 Agreement.

**“Trustee”** means the trustee or successor trustee under an Indenture.

DRAFT

## SECTION II: THE DISTRICT

The District includes approximately 528.097 contiguous acres located within the corporate limits of the City, the boundaries of which are depicted on **Exhibit A-1** and more particularly described on **Exhibit L-1**. Development of the District is anticipated to include approximately 1,938 Lots developed with single-family homes.

Improvement Area #1 includes approximately 136.07 contiguous acres located within the corporate limits of the City, the boundaries of which are depicted on **Exhibit A-2** and more particularly described on **Exhibit L-2**. Development of Improvement Area #1 is anticipated to include approximately 393 Lots developed with single-family homes (148 single-family homes that are on Lots classified as Lot Type 1, and 245 single-family homes that are on Lots classified as Lot Type 2.)

The Major Improvement Area includes approximately 392.024 contiguous acres located within the corporate limits of the City, the boundaries of which are depicted on **Exhibit A-3** and more particularly described on **Exhibit L-3**. Development of the Major Improvement Area is anticipated to include approximately 1,545 Lots developed with single-family homes.

## SECTION III: AUTHORIZED IMPROVEMENTS

Based on information provided by the Developer and their engineer and reviewed by the City staff and by third-party consultants retained by the City, the City has determined that the Authorized Improvements confer a special benefit on the Assessed Property. Authorized Improvements will be designed and constructed in accordance with the City's standards and specifications and will be owned and operated by the City or by a third party pursuant to a qualified management contract except as otherwise noted below. The budget for the Authorized Improvements is shown on **Exhibit B**.

### A. Improvement Area #1 Improvements

#### ▪ *Excavation and Erosion Control*

Improvements including clearing and grubbing, mass grading for the overall project, roadway cuts, detention ponds, grade to drain work, BMPs for TCEQ permit, and material testing on fill areas to support wet utilities, roads, parks, trails.

#### ▪ *Roads*

Improvements including subgrade stabilization, concrete and reinforcing steel for roadways, testing, handicapped ramps, maintenance bonds, and streetlights. Signage,

lighting and re-vegetation of all disturbed areas within the right-of-way are included. The street improvements will provide benefit to each Lot within Improvement Area #1.

- *Water*

Improvements including trench excavation and embedment, trench safety, PVC piping, boring, encasement, fire hydrants, vales, air release valves, service connections, utility testing, material testing, maintenance bond, and all necessary appurtenances required to provide water service to all Lots within Improvement Area #1.

- *Sanitary Sewer*

Improvements including trench excavation and embedment, trench safety, PVC piping, ductile iron encasement, boring, manholes, service connections, utility testing, material testing, maintenance bond, and all necessary appurtenances required to provide wastewater service to all Lots within Improvement Area #1.

- *Storm Sewer*

Improvements including earthen channels, swales, curb and drop inlets, RCP piping and boxes, headwalls, concrete flumes, rock rip rap, concrete outfalls, maintenance bond, and testing as well as all necessary appurtenances required to provide storm drainage for all Lots within Improvement Area #1.

- *Soft Costs*

Costs related to designing, constructing, and installing the Improvement Area #1 Improvements including land planning and design, City fees, engineering, soil testing, survey, construction management, contingency, legal fees, and consultant fees.

## **B. Major Improvements**

- *Excavation and Erosion Control*

Improvements including clearing and grubbing, mass grading for the overall project, roadway cuts, detention ponds, grade to drain work, BMPs for TCEQ permit, and material testing on fill areas to support wet utilities, roads, parks, and trails.

- *Roads*

Improvements including subgrade stabilization, concrete and reinforcing steel for roadways, testing, handicapped ramps, maintenance bonds, and streetlights. Signage, lighting and re-vegetation of all disturbed areas within the right-of-way are included. The street improvements will provide benefit to each Lot within the District.

- *Offsite Utilities*

Improvements include easement acquisition, trench excavation and embedment, PVC piping, manholes, fire hydrants, valves, utility testing, material testing, temp fencing for livestock management, maintenance bonds, and ROW costs, including related condemnation expenses.

- *Water*

Improvements including trench excavation and embedment, trench safety, PVC piping, boring, encasement, fire hydrants, vales, air release valves, service connections, utility testing, material testing, maintenance bond, and all necessary appurtenances required to provide water service to all Lots within the District.

- *Sanitary Sewer*

Improvements including lift stations, trench excavation and embedment, trench safety, PVC piping, ductile iron encasement, boring, manholes, service connections, utility testing, material testing, maintenance bond, and all necessary appurtenances required to provide wastewater service to all Lots within the District.

- *Storm Sewer*

Improvements including earthen channels, swales, curb and drop inlets, RCP piping and boxes, headwalls, concrete flumes, rock rip rap, concrete outfalls, maintenance bond, and testing as well as all necessary appurtenances required to provide storm drainage for all Lots within the District.

- *Landscaping*

Improvements including all related earthwork, excavation, erosion control, signage, utility infrastructure, drainage infrastructure, landscape, irrigation, and hardscape inside the ROW.

- *Soft Costs*

Costs related to designing, constructing, and installing the Major Improvements including land planning and design, City fees, engineering, soil testing, survey, construction management, contingency, District Formation Costs, legal fees, and consultant fees.

## **C. Bond Issuance Costs**

- *Debt Service Reserve Fund*

Equals the amount to be deposited in a debt service reserve fund under an applicable Indenture in connection with the issuance of PID Bonds.

- *Capitalized Interest*

Equals the amount required to be deposited for the purpose of paying capitalized interest on a series of PID Bonds under an applicable Indenture in connection with the issuance of such PID Bonds.

- *Underwriter's Discount*

Equals a percentage of the par amount of a particular series of PID Bonds related to the costs of underwriting such PID Bonds.

- *Underwriter's Counsel*

Equals a percentage of the par amount of a particular series of PID Bonds reserved for the underwriter's attorney fees.

- *Cost of Issuance*

Includes costs of issuing a particular series of PID Bonds, including but not limited to issuer fees, attorney's fees, financial advisory fees, consultant fees, appraisal fees, printing costs, publication costs, City's costs, fees charged by the Texas Attorney General, and any other cost or expense directly associated with the issuance of PID Bonds.

**D. Other Costs**

- *Deposit to Administrative Fund*

Equals the amount necessary to fund the first year's Annual Collection Costs for a particular series of PID Bonds.

## SECTION IV: SERVICE PLAN

The PID Act requires the 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 the District during the five-year period. The Service Plan is also required to include a copy of the buyer disclosure notice form required by Section 5.014 of the Texas Property Code, as amended. The Service Plan must be reviewed and updated in each Annual Service Plan Update. **Exhibit C** summarizes the initial Service Plan for the District. Per the PID Act and Section 5.014 of the Texas Property Code, as amended, this Service and Assessment

Plan, and any future Annual Service Plan Updates, shall include a form of the buyer disclosure for the District. The buyer disclosures are attached hereto as **Appendix B**.

**Exhibit D** summarizes the sources and uses of funds required to construct the Authorized Improvements. The sources and uses of funds shown on **Exhibit D** shall be updated in an Annual Service Plan Update to show the amount required to fund the required reserves and issue the PID Bonds at the time the PID Bonds are issued.

## SECTION V: ASSESSMENT PLAN

The PID Act allows the City Council to apportion the costs of the Authorized Improvements to the Assessed Property based on the special benefit received from the Authorized Improvements. The PID Act provides that such costs may be apportioned: (1) equally per front foot or square foot; (2) according to the value of property as determined by the City Council, with or without regard to improvements constructed on the property; or (3) in any other manner approved by the City Council that results in imposing equal shares of such costs on property similarly benefited. The PID Act further provides that the City Council may establish by ordinance or order reasonable classifications and formulas for the apportionment of the cost between the City and the area to be assessed and the methods of assessing the special benefits for various classes of improvements.

This section of this Service and Assessment Plan describes the special benefit received by each Parcel within the District as a result of the Authorized Improvements and provides the basis and justification for the determination that this special benefit equals or exceeds the amount of the Assessments to be levied on the Assessed Property for such Authorized Improvements.

The determination by the City Council of the assessment methodologies 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 and developers of the Assessed Property.

### A. Assessment Methodology

Acting in its legislative capacity and based on information provided by the Developer and its engineer and reviewed by the City staff and by third-party consultants retained by the City, the City Council has determined that the costs of the Authorized Improvements shall be allocated entirely to the Initial Parcel. Upon subdivision of an Assessed Property, the Actual Costs of the Authorized Improvements shall be reallocated based on Estimated Buildout Value as further described in **Section VI**. that the costs related to the Authorized Improvements shall be allocated as follows:

- The costs of the Improvement Area #1 Projects shall be allocated to each Parcel within Improvement Area #1 based on the ratio of the Estimated Buildout Value of each Parcel designated as Improvement Area #1 Assessed Property to the Estimated Buildout Value of all Improvement Area #1 Assessed Property. Currently, the Improvement Area #1 Initial Parcel is the only Parcel within Improvement Area #1, and as such, the Improvement Area #1 Initial Parcel is allocated 100% of the Improvement Area #1 Projects.
- The costs of the Major Improvements shall be allocated to Improvement Area #1 and the Major Improvement Area based upon Estimated Buildout Value of each Parcel or Assessed Property to the Estimated Buildout Value of the District. Currently, Improvement Area #1 is allocated 20.67% of the Major Improvements costs, and the Major Improvement Area is allocated 79.33% of the Major Improvements costs. The Major Improvement Area and Improvement Area #1's shares of the Major Improvement costs are illustrated in **Exhibit B**.
- The costs of the Major Improvement Area Projects shall be allocated to each Parcel within the Major Improvement Area based on the ratio of the Estimated Buildout Value of each Parcel designated as Major Improvement Area Assessed Property to the Estimated Buildout Value of all Major Improvement Area Assessed Property. Currently, the Major Improvement Area Initial Parcel is the only Parcel within the Major Improvement Area, and as such, the Major Improvement Area Initial Parcel is allocated 100% of the Major Improvement Area Projects.

## **B. Assessments**

The Improvement Area #1 Assessment will be levied on the Improvement Area #1 Initial Parcel in the amount shown on the Improvement Area #1 Assessment Roll, attached hereto as **Exhibit F-1**. The projected Improvement Area #1 Annual Installments are shown on **Exhibit F-2**. Upon division or subdivision of the Improvement Area #1 Initial Parcel, the Improvement Area #1 Assessment will be reallocated pursuant to **Section VI**.

The Major Improvement Area Assessment will be levied on the Major Improvement Area Initial Parcel in the amount shown on the Major Improvement Area Assessment Roll, attached hereto as **Exhibit G-1**. The projected Major Improvement Area Annual Installments are shown on **Exhibit G-2**. Upon division or subdivision of the Major Improvement Area Initial Parcel, the Major Improvement Area Assessment will be reallocated pursuant to **Section VI**.

The Maximum Assessment for each Lot Type is shown on **Exhibit E**. In no case will the Assessment for Lots classified as Lot Type 1 and Lot Type 2, respectively, exceed the corresponding Maximum Assessment for each Lot classification.

### C. Findings of Special Benefit

Acting in its legislative capacity and based on information provided by the Developer and their engineer and reviewed by the City staff and by third-party consultants retained by the City, the City Council has found and determined the following:

- *Improvement Area #1*
  - The costs of the Improvement Area #1 Projects equal \$20,258,919 as shown on **Exhibit B**;
  - The Improvement Area #1 Assessed Property receives special benefit from the Improvement Area #1 Projects equal to or greater than the Actual Cost of the Improvement Area #1 Projects;
  - The Improvement Area #1 Initial Parcel will be allocated 100% of the Improvement Area #1 Assessment levied for the Improvement Area #1 Authorized Improvements, which equals \$17,995,000 as shown on the Improvement Area #1 Assessment Roll attached hereto as **Exhibit F-1**;
  - The special benefit ( $\geq \$20,258,919$ ) received by the Improvement Area #1 Initial Parcel from the Improvement Area #1 Projects is equal to or greater than the amount of the Improvement Area #1 Assessment (\$17,995,000) levied on the [Improvement Area #1 Initial Parcel for the Improvement Area #1 Projects; and
  - At the time the City Council approved the Service and Assessment Plan, the Developer owned 100% of the Improvement Area #1 Initial Parcel. The Developer acknowledged that the Improvement Area #1 Projects confer a special benefit on the Improvement Area #1 Initial Parcel and consented to the imposition of the Improvement Area #1 Assessment to pay for the Actual Costs associated therewith. The Developer ratified, confirmed, accepted, agreed to, and approved: (1) the determinations and findings by the City Council as to the special benefits described herein and the applicable Assessment Ordinance; (2) the Service and Assessment Plan and the applicable Assessment Ordinance; and (3) the levying of the Improvement Area #1 Assessment on the Improvement Area #1 Initial Parcel.
- *Major Improvement Area*
  - The costs of the Major Improvement Area Projects equal \$15,915,000, as shown on **Exhibit C**;

- The Major Improvement Area Assessed Property receives special benefit from the Major Improvements equal to or greater than the Actual Cost of the Major Improvement Area Projects;
- The Major Improvement Area Initial Parcel will be allocated 100% of the Major Improvement Area Assessment levied for the Major Improvement Area Projects, which equals \$15,915,000 as shown on the Major Improvement Area Assessment Roll attached hereto as **Exhibit G-1**;
- The special benefit (  $\geq$  \$15,915,000) received by the Major Improvement Area Initial Parcel from the Major Improvement Area Projects is greater than or equal to the amount of the Major Improvement Area Assessment (\$15,915,000) levied on the Major Improvement Area Initial Parcel for the Major Improvement Area Projects; and
- At the time the City Council approved the Service and Assessment Plan, the Developer owned 100% of the Major Improvement Area Initial Parcel. The Developer acknowledged that the Major Improvement Area Projects confer a special benefit on the Major Improvement Area Initial Parcel and consented to the imposition of the Major Improvement Area Assessments to pay for the Actual Costs associated therewith. The Developer has ratified, confirmed, accepted, agreed to, and approved: (1) the determinations and findings by the City Council as to the special benefits described herein and the applicable Assessment Ordinance; (2) the Service and Assessment Plan and the applicable Assessment Ordinance; and (3) the levying of Major Improvement Area Assessment on the Major Improvement Area Initial Parcel.

#### **D. Annual Collection Costs**

The Annual Collection Costs shall be paid for annually by the owner of each Parcel pro rata based on the ratio of the amount of outstanding Assessment remaining on the Parcel to the total outstanding Assessment. The Annual Collection Costs shall be collected as part of and in the same manner as Annual Installments in the amounts shown on the Assessment Roll, which may be revised based on Actual Costs incurred in Annual Service Plan Updates.

#### **E. Additional Interest**

The interest rate on Assessments securing each respective series of PID Bonds may exceed the interest rate on each respective series of PID Bonds by the Additional Interest Rate. To the extent required by any Indenture, Additional Interest shall be collected as part of each Annual Installment and shall be deposited pursuant to the applicable Indenture.

## F. TIRZ No. 1 Annual Credit Amount

The City Council, in accordance with the TIRZ No. 1 Agreement, has agreed to use a portion of TIRZ No. 1 Revenues generated from each Assessed Property to offset a portion of the principal and interest of such property's Improvement Area #1 Assessment, as applicable.

1. The principal and interest portion of the Improvement Area #1 Annual Installment for Improvement Area #1 Assessed Property shall receive a TIRZ No. 1 Annual Credit Amount equal to the TIRZ No. 1 Revenue generated by the Improvement Area #1 Assessed Property for the previous Tax Year (e.g. TIRZ No. 1 Revenue collected from the Improvement Area #1 Assessed Property for Tax Year 2024 shall be applied as the TIRZ No. 1 Annual Credit Amount applicable to the Improvement Area #1 Assessed Property's Improvement Area #1 Annual Installment to be collected in Tax Year 2025), but in no event shall the TIRZ No. 1 Annual Credit Amount exceed the TIRZ No. 1 Maximum Annual Credit Amount shown in **Section V.F.2** as calculated on **Exhibit E** for each Improvement Area #1 Assessed Property.
2. The TIRZ No. 1 Maximum Annual Credit Amount available to reduce the principal and interest portion of the Improvement Area #1 Annual Installment for the Improvement Area #1 Assessed Property is calculated for each Lot Type, as shown on **Exhibit F**. The TIRZ No. 1 Maximum Annual Credit Amount is calculated so that the average Improvement Area #1 Annual Installment minus the TIRZ No. 1 Maximum Annual Credit Amount for each Lot Type does not produce an equivalent tax rate for such Lot Type which exceeds the competitive, composite equivalent ad valorem tax rate (\$3.09 per \$100 of assessed value) taking into consideration the 2023 tax rates of all applicable overlapping taxing units and the equivalent tax rate of the Improvement Area #1 Annual Installments based on assumed buildout values at the time Assessment Ordinance is approved. The resulting maximum TIRZ No. 1 Annual Credit Amount for each Lot Type is shown below:

i.	Lot Type 1:	\$1,030.56
ii.	Lot Type 2:	\$1,159.38

3. After the TIRZ No. 1 Annual Credit Amount is applied to provide a credit towards the principal and interest portion of the Improvement Area #1 Annual Installment for the Improvement Area #1 Assessed Property, any excess TIRZ No. 1 Revenues available from the Santorini PID Account of the TIRZ No. 1 Fund shall be held in a segregated account by the City and shall be used either (1) to prepay a portion of all Improvement Area #1 Assessments on the Improvement Area #1 Assessed Property in a manner determined by the City and the administration to be fair and equitable, and to redeem bonds pursuant to the extraordinary redemption provisions of the Indenture, (2) to optionally redeem the outstanding PID Bonds pursuant to the provisions of the

Indenture, or (3) to be applied as a credit towards a portion of Improvement Area #1 Annual Installments in future years in an effort to maintain a level Improvement Area #1 Annual Installment schedule.

## SECTION VI: TERMS OF THE ASSESSMENTS

Any reallocation of Assessments as described in this Section VI shall be considered an administrative action of the City and will not be subject to the notice or public hearing requirements under the PID Act.

### A. Reallocation of Assessments

#### 1. *Upon Division Prior to Recording of Subdivision Plat*

Upon the division of any Assessed Property (without the recording of a subdivision plat), the Administrator shall reallocate the Assessment for the Assessed Property prior to the division among the newly divided Assessed Properties according to the following formula:

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

Where the terms have the following meanings:

A = the Assessment for the newly divided Assessed Property

B = the Assessment for the Assessed Property prior to division

C = the Estimated Buildout Value of the newly divided Assessed Property

D = the sum of the Estimated Buildout Value for all of the newly divided Assessed Properties

The calculation of the Assessment of an Assessed Property shall be performed by the Administrator and shall be based on the Estimated Buildout Value of that Assessed Property, as provided by the Developer, relying on information from homebuilders, market studies, appraisals, Official Public Records of the County, and any other relevant information regarding the Assessed Property. The Estimated Buildout Values for Lot Type 1 and Lot Type 2 are shown on **Exhibit E** and will not change in future Annual Service Plan Updates but **Exhibit E** may be updated in future Annual Service Plan Updates to account for additional Lot Types. The calculation as confirmed by the City Council shall be conclusive and binding.

The sum of the Assessments for all newly divided Assessed Properties shall equal the Assessment for the Assessed Property prior to subdivision. The calculation shall be made separately for each newly divided Assessed Property. The reallocation of an Assessment

for an Assessed Property that is a homestead under Texas law may not exceed the Assessment prior to the reallocation. Any reallocation pursuant to this section shall be reflected in the Annual Service Plan Update immediately following such reallocation.

*2. Upon Subdivision by a Recorded Subdivision Plat*

Upon the subdivision of any Assessed Property based on a recorded subdivision plat, the Administrator shall reallocate the Assessment for the Assessed Property prior to the subdivision among the new subdivided Lots based on Estimated Buildout Value according to the following formula:

$$A = [B \times (C \div D)] / E$$

Where the terms have the following meanings:

A = the Assessment for the newly subdivided Lot

B = the Assessment for the Parcel prior to subdivision

C = the sum of the Estimated Buildout Value of all newly subdivided Lots with the same Lot Type

D = the sum of the Estimated Buildout Value for all of the newly subdivided Lots excluding Non-Benefitted Property

E = the number of newly subdivided Lots with the same Lot Type

Prior to the recording of a subdivision plat, the Developer shall provide the City an Estimated Buildout Value as of the date of the recorded subdivision plat for each Lot created by the recorded subdivision plat. The calculation of the Assessment for a Lot shall be performed by the Administrator and confirmed by the City Council based on Estimated Buildout Value information provided by the Developer, homebuilders, third party consultants, and/or the Official Public Records of the County regarding the Lot. The Estimated Buildout Values for Lot Type 1 and Lot Type 2 are shown on **Exhibit H** and will not change in future Annual Service Plan Updates. The calculation as confirmed by the City Council shall be conclusive and binding.

The sum of the Assessments for all newly subdivided Lots shall not exceed the Assessment for the portion of the Assessed Property subdivided prior to subdivision. The calculation shall be made separately for each newly subdivided Assessed Property. The reallocation of an Assessment for an Assessed Property that is a homestead under Texas law may not exceed the Assessment prior to the reallocation. Any reallocation pursuant to this section shall be reflected in the Annual Service Plan Update immediately following such reallocation.

### *3. Upon Consolidation*

If two or more Lots or Parcels are consolidated into a single Lot or Parcel, the Administrator shall allocate the Assessments against the Lots or Parcels before the consolidation to the consolidated Lot or Parcel, which allocation shall be approved by the City Council in the next Annual Service Plan Update immediately following such consolidation. The Assessment for any resulting Lot may not exceed the Maximum Assessment for the applicable Lot Type and compliance may require a mandatory Prepayment of Assessments pursuant to **Section VI.C.**

#### **B. Mandatory Prepayment of Assessments**

If an Assessed Property or a portion thereof is conveyed to a party that is exempt from payment of the Assessment under applicable law, or the owner causes a Lot, Parcel or portion thereof to become Non-Benefitted Property, the owner of such Lot, Parcel or portion thereof shall pay to the City, or cause to be paid to the City, the full amount of the Assessment, plus all Prepayment Costs and Delinquent Collection Costs for such Assessed Property, prior to any such conveyance or act, and no such conveyance shall be effective until the City receives such payment. Following payment of the foregoing costs in full, the City shall provide the owner with a recordable “Notice of Assessment Termination,” a form of which is attached hereto as **Exhibit J.**

#### **C. True-Up of Assessments if Maximum Assessment Exceeded at Plat**

Prior to the City approving a final subdivision plat, the Administrator will certify that such plat will not result in the Assessment per Lot for any Lot Type to exceed the Maximum Assessment. If the Administrator determines that the resulting Assessment per Lot for any Lot Type will exceed the Maximum Assessment for that Lot Type, then (1) the Assessment applicable to each Lot Type shall each be reduced to the Maximum Assessment, and (2) the person or entity filing the plat shall pay to the City, or cause to be paid to the City, the amount the Assessment was reduced, plus Prepayment Costs and Delinquent Collection Costs, if any, prior to the City approving the final plat. The City’s approval of a plat without payment of such amounts does not eliminate the obligation of the person or entity filing the plat to pay such amounts. At no time shall the aggregate Assessments for any Lot exceed the Maximum Assessment.

#### **D. Reduction of Assessments**

If the Actual Costs of completed Authorized Improvements are less than the Assessments, then (i) in the event PID Bonds have not been issued for the purpose of financing Authorized Improvements affected by such reduction in Actual Costs, the City Council shall reduce each Assessment on a pro rata basis such that the sum of the resulting reduced Assessments for all Assessed Property equals the reduced Actual Costs that were expended, or (ii) in the event that

PID Bonds have been issued for the purpose of financing Authorized Improvements affected by such reduction in Actual Costs, the Trustee shall apply amounts on deposit in the applicable account of the project fund created under the Indenture relating to such series of PID Bonds as directed by the City pursuant to the terms of such Indenture, and the TIRZ No. 1 Annual Credit Amount will be reduced in the same proportion as the Assessments. Such excess PID Bond proceeds may be used for any purpose authorized by such Indenture. The Assessments shall never be reduced to an amount less than the amount required to pay all outstanding debt service requirements on all outstanding PID Bonds.

The Administrator shall update (and submit to the City Council for review and approval as part of the next Annual Service Plan Update) the Assessment Roll and corresponding Annual Installments to reflect the reduced Assessments.

#### **E. Prepayment of Assessments**

The owner of any Assessed Property may, at any time, pay all or any part of an Assessment in accordance with the PID Act. Prepayment Costs, if any, may be paid from a reserve established under the applicable Indenture. If an Annual Installment has been billed, or the Annual Service Plan Update has been approved by the City Council prior to the Prepayment, the Annual Installment shall be due and payable and shall be credited against the Prepayment.

If an Assessment on an Assessed Property is prepaid in full, with Prepayment Costs, (1) the Administrator shall cause the Assessment to be reduced to zero on said Assessed Property and the Assessment Roll to be revised accordingly; (2) the Administrator shall prepare the revised Assessment Roll and submit such revised Assessment Roll to the City Council for review and approval as part of the next Annual Service Plan Update; (3) the obligation to pay the Assessment and corresponding Annual Installments shall terminate with respect to said Assessed Property; and (4) the City shall provide the owner with a recordable "Notice of Assessment Termination."

If an Assessment on an Assessed Property is prepaid in part with Prepayment Costs: (1) the Administrator shall cause the Assessment to be reduced to zero on said Assessed Property and the Assessment Roll revised accordingly; (2) the Administrator shall prepare the revised Assessment Roll and submit such revised Assessment Roll to the City Council for review and approval as part of the next Annual Service Plan Update; and (3) the obligation to pay the Assessment will be reduced to the extent of the Prepayment made.

#### **F. Payment of Assessment in Annual Installments**

Assessments that are not paid in full shall be due and payable in Annual Installments. **Exhibit F-2** shows the estimated Improvement Area #1 Annual Installments, and **Exhibit G-2** shows the

estimated Major Improvement Area Annual Installments. Annual Installments are subject to adjustment in each Annual Service Plan Update.

Prior to the recording of a final subdivision plat, if any Parcel shown on the Assessment Roll is assigned multiple tax parcel identification numbers for billing and collection purposes, the Annual Installment shall be allocated pro rata based on the acreage of the Parcel not including any Non-Benefitted Property or Non-Assessed Property, as shown by the Appraisal District for each tax parcel identification number.

The Administrator shall prepare and submit to the City Council for its review and approval an Annual Service Plan Update to allow for the billing and collection of Annual Installments. Each Annual Service Plan Update shall include updated Assessment Rolls and updated calculations of Annual Installments. The Annual Collection Costs for a given Assessment shall be paid by the owner of each Parcel pro rata based on the ratio of the amount of outstanding Assessment remaining on the Parcel to the total outstanding Assessment. Annual Installments shall be reduced by any credits applied under an applicable Indenture, such as capitalized interest, interest earnings on account balances, and any other funds available to the Trustee for such purposes. Annual Installments shall be collected by the City in the same manner and at the same time as ad valorem taxes. Annual Installments shall be subject to the penalties, procedures, and foreclosure sale in case of delinquencies as set forth in the PID Act and in the same manner as ad valorem taxes due and owing to the City. To the extent permitted by the PID Act or other applicable law, the City Council may provide for other means of collecting Annual Installments, but in no case shall the City take any action, or fail to take any action, that would cause it to be in default under any Indenture. Assessments shall have the lien priority specified in the PID Act.

Foreclosure sales of the Assessed Property for nonpayment of Annual Installments shall be subject to the lien for the remaining unpaid Annual Installments against the Assessed Property, and the Assessed Property may again be sold at a judicial foreclosure sale if the purchaser fails to timely pay any of the remaining unpaid Annual Installments as they become due and payable.

The City reserves the right to refund PID Bonds in accordance with applicable law, including the PID Act. In the event of a refunding, the Administrator shall recalculate the Annual Installments so that total Annual Installments will be sufficient to pay the refunding bonds, and the refunding bonds shall constitute "PID Bonds."

Each Annual Installment of an Assessment, including interest on the unpaid principal of the Assessment, shall be updated annually. Each Annual Installment shall be due when billed and shall be delinquent if not paid prior to February 1 of the following year. The initial Annual Installments of the Improvement Area #1 Assessments and Major Improvement Area

Assessments shall be due when billed and shall be delinquent if not paid prior to February 1, 2025.

Failure of an owner of an Assessed Property to receive an invoice for an Annual Installment shall not relieve said owner of the responsibility for payment of the Assessment. Assessments, or Annual Installments thereof, that are delinquent shall incur Delinquent Collection Costs.

#### **G. Prepayment as a Result of an Eminent Domain Proceeding or Taking**

Subject to applicable law, if any portion of any Parcel of Assessed Property is taken from an owner as a result of eminent domain proceedings or if a transfer of any portion of any Parcel of Assessed Property is made to an entity with the authority to condemn all or a portion of the Assessed Property in lieu of or as a part of an eminent domain proceeding (a **“Taking”**), the portion of the Assessed Property that was taken or transferred (the **“Taken Property”**) shall be reclassified as Non-Benefitted Property.

For the Assessed Property that is subject to the Taking as described in the preceding paragraph, the Assessment that was levied against the Assessed Property (when it was included in the Taken Property) prior to the Taking shall remain in force against the remaining Assessed Property (the Assessed Property less the Taken Property) (the **“Remaining Property”**), following the reclassification of the Taken Property as Non-Benefitted Property, subject to an adjustment of the Assessment applicable to the Remaining Property after any required Prepayment as set forth below. The owner of the Remaining Property will remain liable to pay, pursuant to the terms of this Service and Assessment Plan, as updated, and the PID Act, the Assessment that remains due on the Remaining Property, subject to an adjustment in the Assessment applicable to the Remaining Property after any required Prepayment as set forth below. Notwithstanding the foregoing, if the Assessment that remains due on the Remaining Property exceeds the applicable Maximum Assessment, the owner of the Remaining Property will be required to make a Prepayment in an amount necessary to ensure that the Assessment against the Remaining Property does not exceed such Maximum Assessment, in which case the Assessment applicable to the Remaining Property will be reduced by the amount of the partial Prepayment. If the City receives all or a portion of the eminent domain proceeds (or payment made in an agreed sale in lieu of condemnation), such amount shall be credited against the amount of Prepayment, with any remainder credited against the Assessment on the Remaining Property.

In all instances the Assessment remaining on the Remaining Property shall not exceed the applicable Maximum Assessment.

By way of illustration, if an owner owns 100 acres of Assessed Property subject to a \$100 Assessment and 10 acres is taken through a Taking, the 10 acres of Taken Property shall be

reclassified as Non-Benefitted Property and the remaining 90 acres constituting the Remaining Property shall be subject to the \$100 Assessment (provided that this \$100 Assessment does not exceed the Maximum Assessment on the Remaining Property). If the Administrator determines that the \$100 Assessment reallocated to the Remaining Property would exceed the Maximum Assessment, as applicable, on the Remaining Property by \$10, then the owner shall be required to pay \$10 as a Prepayment of the Assessment against the Remaining Property and the Assessment on the Remaining Property shall be adjusted to \$90.

Notwithstanding the previous paragraphs in this subsection, if the owner of the Remaining Property notifies the City and the Administrator that the Taking prevents the Remaining Property from being developed for any use which could support the Estimated Buildout Value requirement, the owner shall, upon receipt of the compensation for the Taken Property, be required to prepay the amount of the Assessment required to buy down the outstanding Assessment to the applicable Maximum Assessment on the Remaining Property to support the Estimated Buildout Value requirement. The owner will remain liable to pay the Assessment on both the Taken Property and the Remaining Property until such time that such Assessment has been prepaid in full.

Notwithstanding the previous paragraphs in this subsection, the Assessments shall never be reduced to an amount less than the amount required to pay all outstanding debt service requirements on all outstanding PID Bonds.

## **SECTION VII: ASSESSMENT ROLL**

The Improvement Area #1 Assessment Roll is attached as **Exhibit F-1**. The Administrator shall prepare and submit to the City Council for review and approval proposed revisions to the Improvement Area #1 Assessment Roll and Improvement Area #1 Annual Installments for each Parcel as part of each Annual Service Plan Update.

The Major Improvement Area Assessment Roll is attached as **Exhibit G-1**. The Administrator shall prepare and submit to the City Council for review and approval proposed revisions to the Major Improvement Area Assessment Roll and Major Improvement Area Annual Installments for each Parcel as part of each Annual Service Plan Update.

## **SECTION VIII: ADDITIONAL PROVISIONS**

### **A. Calculation Errors**

If the owner of a Parcel claims that an error has been made in any calculation required by this Service and Assessment Plan, including, but not limited to, any calculation made as part of any

Annual Service Plan Update, the owner's sole and exclusive remedy shall be to submit a written notice of error to the Administrator by December 1<sup>st</sup> of each year following City Council's approval of the calculation. Otherwise, the owner shall be deemed to have unconditionally approved and accepted the calculation. The Administrator shall provide a written response to the City Council and the owner not later than 30 days after receipt of such written notice of error by the Administrator. The City Council shall consider the owner's notice of error and the Administrator's response at a public meeting, and, not later than 30 days after closing such meeting, the City Council shall make a final determination as to whether an error has been made. If the City Council determines that an error has been made, the City Council shall take such corrective action as is authorized by the PID Act, this Service and Assessment Plan, the applicable Assessment Ordinance, the applicable Indenture, or as otherwise authorized by the discretionary power of the City Council. The determination by the City Council as to whether an error has been made, and any corrective action taken by the City Council, shall be final and binding on the owner and the Administrator.

#### **B. Amendments**

Amendments to this Service and Assessment Plan must be made by the City Council in accordance with the PID Act. To the extent permitted by the PID Act, this Service and Assessment Plan may be amended without notice to owners of the Assessed Property: (1) to correct mistakes and clerical errors; (2) to clarify ambiguities; and (3) to provide procedures to collect Assessments, Annual Installments, and other charges imposed by this Service and Assessment Plan.

#### **C. Administration and Interpretation**

The Administrator shall: (1) perform the obligations of the Administrator as set forth in this Service and Assessment Plan; (2) administer the District for and on behalf of and at the direction of the City Council; and (3) interpret the provisions of this Service and Assessment Plan. Interpretations of this Service and Assessment Plan by the Administrator shall be in writing and shall be appealable to the City Council by owners of Assessed Property adversely affected by the interpretation. Appeals shall be decided by the City Council after holding a public meeting at which all interested parties have an opportunity to be heard. Decisions by the City Council shall be final and binding on the owners of Assessed Property and developers and their successors and assigns.

#### **D. Form of Buyer Disclosure; Filing in Real Property Records**

Within seven days of approval by the City Council, the City Secretary shall file and record in the Official Public Records of the County the executed Ordinance of this Service and Assessment Plan.

In addition, the City Secretary shall similarly file each Annual Service Plan Update approved by the City Council, with each such filing to occur within seven days of the date of each respective Annual Service Plan Update is approved.

**E. Severability**

If any provision of this Service and Assessment Plan is determined by a governmental agency or court to be unenforceable, the unenforceable provision shall be deleted and, to the maximum extent possible, shall be rewritten to be enforceable. Every effort shall be made to enforce the remaining provisions.

DRAFT

## EXHIBITS

The following Exhibits are attached to and made a part of this Service and Assessment Plan for all purposes:

<b>Exhibit A-1</b>	Map of the District
<b>Exhibit A-2</b>	Map of Improvement Area #1
<b>Exhibit A-3</b>	Map Major Improvement Area
<b>Exhibit B</b>	Project Costs
<b>Exhibit C</b>	Service Plan
<b>Exhibit D</b>	Sources and Uses of Funds
<b>Exhibit E</b>	Maximum Assessment and Tax Rate Equivalent
<b>Exhibit F-1</b>	Improvement Area #1 Assessment Roll
<b>Exhibit F-2</b>	Improvement Area #1 Annual Installments
<b>Exhibit G-1</b>	Major Improvement Area Assessment Roll
<b>Exhibit G-2</b>	Major Improvement Area Annual Installments
<b>Exhibit H-1</b>	Maps of Improvement Area #1 Improvements
<b>Exhibit H-2</b>	Maps of Major Improvements
<b>Exhibit I</b>	TIRZ No. 1 Annual Credit Amount by Lot Type
<b>Exhibit J</b>	Form of Notice of Assessment Termination
<b>Exhibit K-1</b>	Debt Service Schedule for Improvement Area #1 Bonds
<b>Exhibit K-2</b>	Debt Service Schedules for Major Improvement Area Bonds
<b>Exhibit L-1</b>	District Boundary Description
<b>Exhibit L-2</b>	Improvement Area #1 Legal Description
<b>Exhibit L-3</b>	Major Improvement Area Legal Description

## APPENDICES

The following Appendices are attached to and made a part of this Service and Assessment Plan for all purposes:

**Appendix A**

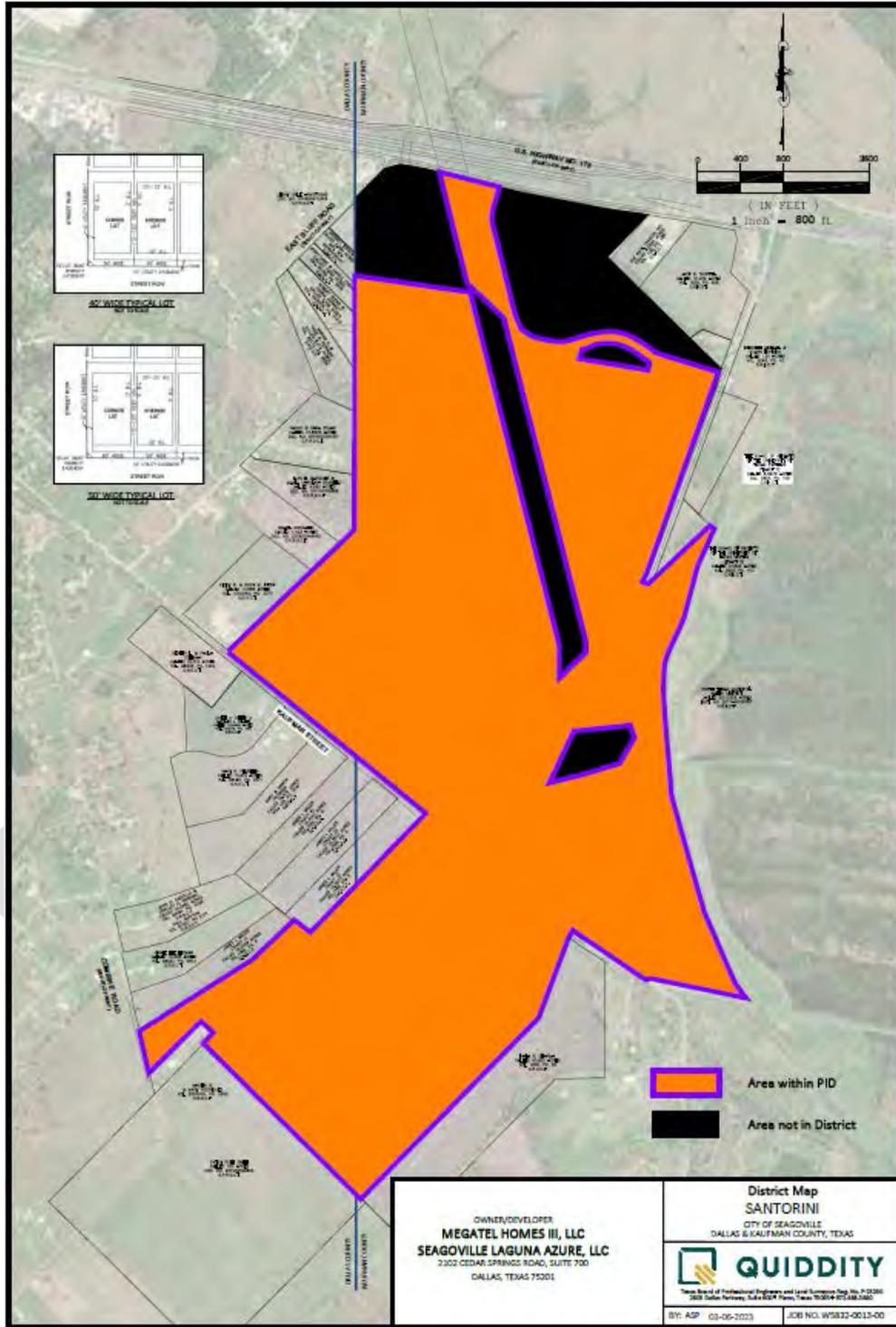
Engineer's Report

**Appendix B**

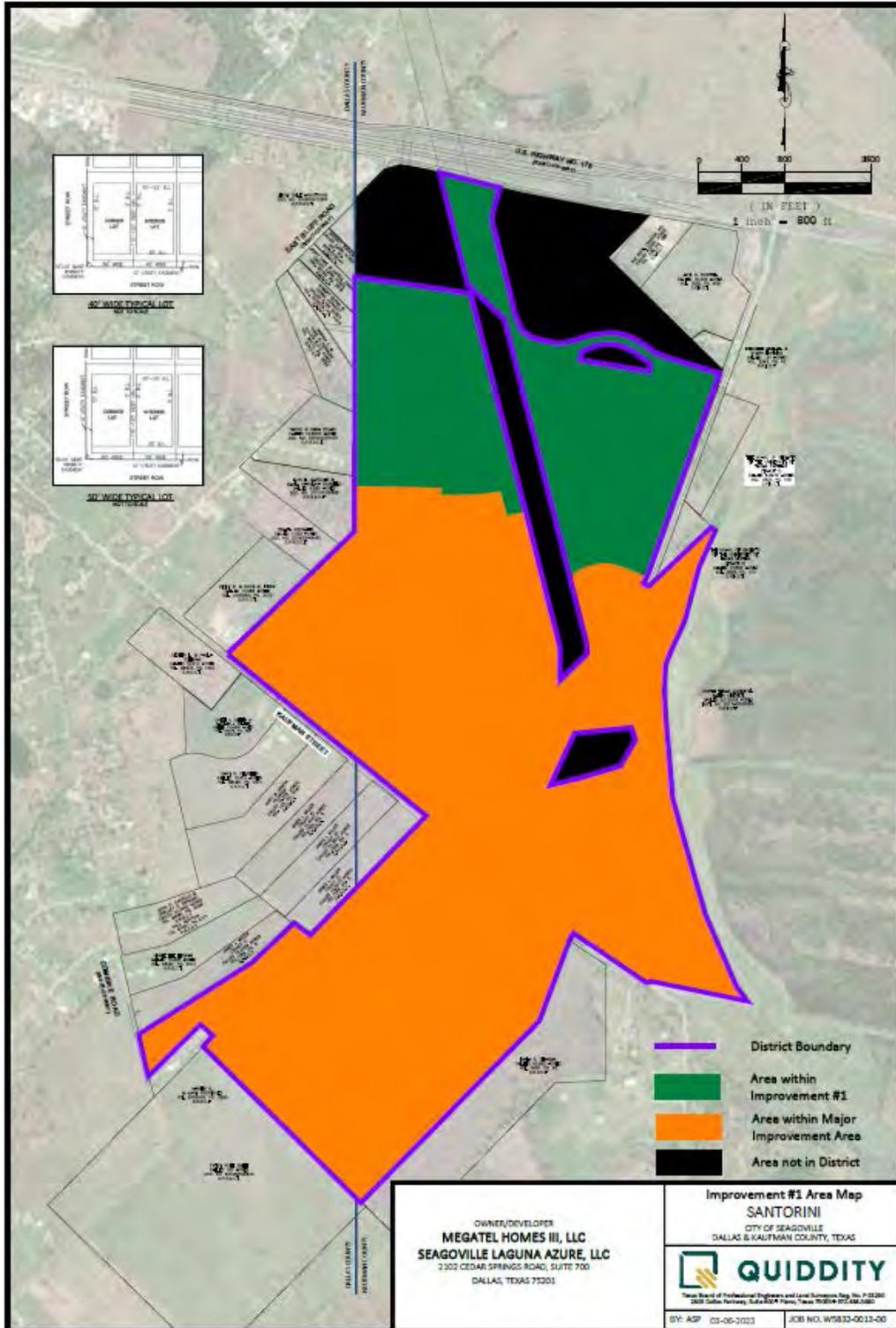
Buyer Disclosures

DRAFT

# EXHIBIT A-1 – MAP OF THE DISTRICT



# EXHIBIT A-2 – MAP OF IMPROVEMENT AREA #1





## EXHIBIT B – PROJECT COSTS

	Total Project Costs <sup>[a]</sup>	Developer Contribution	Oversizing <sup>[b]</sup>	Non-Assessed Property <sup>[c]</sup>	PID Eligible Costs	Improvement Area #1		Major Improvement Area	
						%	\$	%	\$
<b>Improvement Area #1 Improvements</b>									
Excavation and Erosion Control	\$ 716,792	\$ -	\$ -	\$ 81,344	\$ 635,448	100.00%	\$ 635,448	0.00%	\$ -
Roads	4,249,234	-	-	482,220	3,767,014	100.00%	3,767,014	0.00%	-
Water	1,923,134	-	-	218,245	1,704,889	100.00%	1,704,889	0.00%	-
Sanitary Sewer	1,351,894	-	-	153,418	1,198,476	100.00%	1,198,476	0.00%	-
Storm Sewer	3,359,183	-	-	381,213	2,977,969	100.00%	2,977,969	0.00%	-
Soft Costs	3,786,756	-	-	429,736	3,357,020	100.00%	3,357,020	0.00%	-
	<u>\$ 15,386,993</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ 1,746,177</u>	<u>\$ 13,640,815</u>		<u>\$ 13,640,815</u>		<u>\$ -</u>
<b>Major Improvements<sup>[d],[e]</sup></b>									
Excavation and Erosion Control	\$ 805,860	\$ -	\$ -	\$ 91,452	\$ 714,408	20.67%	\$ 147,675	79.33%	\$ 566,733
Roads	2,985,779	-	-	338,838	2,646,941	20.67%	547,147	79.33%	2,099,793
Offsite Utilities <sup>[f]</sup>	2,638,418	-	-	299,418	2,339,000	20.67%	483,493	79.33%	1,855,507
Water	505,113	-	-	57,322	447,791	20.67%	92,563	79.33%	355,228
Sanitary Sewer	1,669,727	-	201,683	189,487	1,278,557	20.67%	264,290	79.33%	1,014,267
Storm Sewer	2,567,960	-	-	291,422	2,276,538	20.67%	470,582	79.33%	1,805,956
Landscaping	1,349,930	-	-	153,195	1,196,735	20.67%	247,376	79.33%	949,358
Soft Costs	4,020,061	-	-	456,213	3,563,848	20.67%	736,681	79.33%	2,827,168
	<u>\$ 16,542,849</u>	<u>\$ -</u>	<u>\$ 201,683</u>	<u>\$ 1,877,348</u>	<u>\$ 14,463,817</u>		<u>\$ 2,989,806</u>		<u>\$ 11,474,011</u>
<b>Private Improvements</b>									
Private Improvements	\$ 2,934,440	\$ 2,934,440	-	\$ -	\$ -	-	\$ -	-	\$ -
	<u>\$ 2,934,440</u>	<u>\$ 2,934,440</u>		<u>\$ -</u>	<u>\$ -</u>		<u>\$ -</u>		<u>\$ -</u>
<b>Bond Issuance Costs<sup>[g]</sup></b>									
Debt Service Reserve Fund	\$ 2,828,010	\$ -	\$ -	\$ -	\$ 2,828,010	-	\$ 1,494,790	-	\$ 1,333,220
Capitalized Interest	2,083,311	-	-	-	2,083,311	-	514,357	-	1,568,954
Underwriter's Discount	1,117,300	-	-	-	1,117,300	-	589,850	-	527,450
Cost of Issuance	1,960,665	-	-	-	1,960,665	-	989,300	-	971,365
	<u>\$ 7,989,286</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ 7,989,286</u>		<u>\$ 3,588,297</u>		<u>\$ 4,400,989</u>
<b>Other Costs</b>									
Deposit to Administrative Fund	\$ 80,000	\$ -	\$ -	\$ -	\$ 80,000	-	\$ 40,000	-	\$ 40,000
	<u>\$ 80,000</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ 80,000</u>		<u>\$ 40,000</u>		<u>\$ 40,000</u>
<b>Total</b>	<b>\$ 42,933,568</b>	<b>\$ 2,934,440</b>	<b>\$ 201,683</b>	<b>\$ 3,623,526</b>	<b>\$ 36,173,919</b>		<b>\$ 20,258,919</b>		<b>\$ 15,915,000</b>

**Footnotes:**

[a] Based on the Engineer's Report, attached hereto as **Appendix A**.

[b] To be paid for by the Developer, not reimbursable through PID Bonds or Assessments.

[c] Non-Assessed Property allocated 11.35% of Improvement Area #1 Improvements that benefit the Non-Assessed Property (\$15,386,993 \* 11.35% = \$1,746,177); and 11.35% of all Major Improvements (\$15,806,272 \* 11.35% = \$1,793,759) based on Estimated Buildout Value. Such Improvements to be funded by Developer Contribution for Non-Assessed Property.

[d] Major Improvements are allocated pro rata based on Estimated Buildout Value.

[e] Major Improvement costs include Major Improvements to be constructed with Phase 1A and 1B, as shown on **Appendix A**.

[f] Per Engineer's Report, include offsite sewer and offsite water, not yet constructed due to eminent domain proceedings.

[g] Preliminary estimates only, to be updated when PID Bonds are issued.

## EXHIBIT C – SERVICE PLAN

Improvement Area #1					
Annual Installments Due	1/31/2025	1/31/2026	1/31/2027	1/31/2028	1/31/2029
Principal	\$ 183,000.00	\$ 196,000.00	\$ 210,000.00	\$ 225,000.00	\$ 240,000.00
Interest	\$ 1,259,650.00	1,246,840.00	1,233,120.00	1,218,420.00	1,202,670.00
Capitalized Interest	\$ -	\$ -	\$ -	\$ -	\$ -
(1)	\$ 1,442,650.00	\$ 1,442,840.00	\$ 1,443,120.00	\$ 1,443,420.00	\$ 1,442,670.00
Annual Collection Costs	(2) \$ 40,000.00	\$ 40,800.00	\$ 41,616.00	\$ 42,448.32	\$ 43,297.29
Additional Interest	(3) \$ 89,975.00	\$ 89,060.00	\$ 88,080.00	\$ 87,030.00	\$ 85,905.00
<b>Total Annual Installment</b>	<b>(4) = (1) + (2) + (3)</b>	<b>\$ 1,572,625.00</b>	<b>\$ 1,572,700.00</b>	<b>\$ 1,572,816.00</b>	<b>\$ 1,572,898.32</b>

Major Improvement Area					
Annual Installments Due	1/31/2025	1/31/2026	1/31/2027	1/31/2028	1/31/2029
Principal	\$ -	\$ 176,000.00	\$ 188,000.00	\$ 202,000.00	\$ 216,000.00
Interest	\$ 1,114,050.00	1,114,050.00	1,101,730.00	1,088,570.00	1,074,430.00
Capitalized Interest	\$ (1,114,050.00)	\$ -	\$ -	\$ -	\$ -
(1)	\$ -	\$ 1,290,050.00	\$ 1,289,730.00	\$ 1,290,570.00	\$ 1,290,430.00
Annual Collection Costs	(2) \$ 40,000.00	\$ 40,800.00	\$ 41,616.00	\$ 42,448.32	\$ 43,297.29
Additional Interest	(3) \$ 79,575.00	\$ 79,575.00	\$ 78,695.00	\$ 77,755.00	\$ 76,745.00
<b>Total Annual Installment</b>	<b>(4) = (1) + (2) + (3)</b>	<b>\$ 119,575.00</b>	<b>\$ 1,410,425.00</b>	<b>\$ 1,410,041.00</b>	<b>\$ 1,410,773.32</b>

## EXHIBIT D – SOURCES AND USES OF FUNDS

	Non-Assessed Property / Private	Improvement Area #1	Major Improvement Area
<b>Sources of Funds</b>			
Improvement Area #1 Bonds	\$ -	\$ 17,995,000	\$ -
Major Improvement Area Bonds	-	-	15,915,000
Developer Contribution - Improvement Area #1 <sup>[a]</sup>	-	#VALUE!	-
Developer Contribution - Major Improvements <sup>[b]</sup>	-	-	#VALUE!
Developer Contribution - Major Improvements - Offsite Utilities <sup>[c]</sup>	-	483,493	1,855,507
Developer Contribution - Non-Assessed Property <sup>[d]</sup>	3,623,526	-	-
Developer Contribution - Private Improvements <sup>[e]</sup>	2,934,440	-	-
Developer Contribution - Oversizing <sup>[e]</sup>	201,683	-	-
Developer Contributions - Already confirmed and expended		(Dev to Provide)	(Dev to Provide)
<b>Total Sources</b>	<b>\$ 6,759,649</b>	<b>\$ 20,258,919</b>	<b>\$ 15,915,000</b>
<b>Uses of Funds</b>			
Improvement Area #1 Improvements	\$ 1,746,177	\$ 13,640,815	\$ -
Improvement Area #1 Improvements Constructed	-	(Dev to Provide)	-
Major Improvements	2,079,031	2,989,806	11,474,011
Major Improvements Constructed	-	(Dev to Provide)	(Dev to Provide)
Private Improvements <sup>[e]</sup>	2,934,440	-	-
	<b>\$ 6,759,649</b>	<b>\$ 16,630,622</b>	<b>\$ 11,474,011</b>
<i>Bond Issuance Costs<sup>[f]</sup></i>			
Debt Service Reserve Fund	\$ -	\$ 1,494,790	\$ 1,333,220
Capitalized Interest	-	514,357	1,568,954
Underwriter's Discount	-	589,850	527,450
Cost of Issuance	-	989,300	971,365
	<b>\$ -</b>	<b>\$ 3,588,297</b>	<b>\$ 4,400,989</b>
<i>Other Costs</i>			
Deposit to Administrative Fund	\$ -	\$ 40,000	\$ 40,000
	<b>\$ -</b>	<b>\$ 40,000</b>	<b>\$ 40,000</b>
<b>Total Uses</b>	<b>\$ 6,759,649</b>	<b>\$ 20,258,919</b>	<b>\$ 15,915,000</b>

**Footnotes:**

[a] Non-reimbursable to Developer from Assessments or PID Bonds, but reimbursable from TIRZ Revenue to the extent provided in the Development Agreement and TIRZ Agreement, as amended.

[b] Reimbursable in part or in full to Developer from levy of Assessments in the future.

[c] Cash contribution due to the City at time of levy.

[d] Non-Assessed Property allocated 11.35% of Improvement Area #1 Improvements that benefit the Non-Assessed Property (\$15,386,993 \* 11.35% = \$1,746,177); and 11.35% of all Major Improvements (\$15,806,272 \* 11.35% = \$1,793,759) based on Estimated Buildout Value. Such Improvements to be funded by Developer Contribution for Non-Assessed Property.

[e] Non-reimbursable to Developer from Assessments or TIRZ Fund, and do not include vertical construction of Amentity Center/Commercial or Lagoon.

[f] Preliminary estimates only, to be updated when PID Bonds are issued.

## EXHIBIT E – MAXIMUM ASSESSMENT AND TAX RATE EQUIVALENT

Lot Type	Units <sup>[a]</sup>	Finished Lot Value <sup>[b]</sup>		Estimated Buildout Value <sup>[a]</sup>		Total Assessment		Average Annual Installment <sup>[b]</sup>		Total PID TRE	Maximum TIRZ Credit TRE	Net Total Tax Stack
		Per Unit	Total	Per Unit	Total	Per Unit	Total	Per Unit	Total			
<i>Improvement Area #1</i>												
Lot Type 1 (40's)	148	\$ 80,732	\$ 11,948,303	\$ 400,000	\$ 59,200,000	\$ 42,479	\$ 6,286,834	\$ 3,712	\$ 549,369	\$ 0.928	\$ (0.258)	\$ 3.090
Lot Type 2 (50's)	245	\$ 90,823	\$ 22,251,697	\$ 450,000	\$ 110,250,000	\$ 47,788	\$ 11,708,166	\$ 4,176	\$ 1,023,107	\$ 0.928	\$ (0.258)	\$ 3.090
<b>Improvement Area #1 Total</b>	<b>393</b>		<b>\$ 34,200,000</b>		<b>\$ 169,450,000</b>		<b>\$ 17,995,000</b>		<b>\$ 1,572,475</b>			
<b>Major Improvement Area</b>												
<i>Improvement Area #2</i>												
40' Lots - Kaufman County	196	\$ 42,424	\$ 8,315,152	\$ 400,000	\$ 78,400,000	\$ 9,789	\$ 1,918,708	\$ 867	\$ 170,017	\$ 0.217	\$ -	\$ 2.637
50' Lots - Kaufman County	134	\$ 42,424	\$ 5,684,848	\$ 450,000	\$ 60,300,000	\$ 11,013	\$ 1,475,741	\$ 976	\$ 130,766	\$ 0.217	\$ -	\$ 2.637
<i>Improvement Area #3</i>												
40' Lots - Dallas County	272	\$ 37,486	\$ 10,196,114	\$ 400,000	\$ 108,800,000	\$ 9,789	\$ 2,662,697	\$ 867	\$ 235,942	\$ 0.217	\$ -	\$ 2.514
50' Lots - Dallas County	78	\$ 37,486	\$ 2,923,886	\$ 450,000	\$ 35,100,000	\$ 11,013	\$ 859,014	\$ 976	\$ 76,117	\$ 0.217	\$ -	\$ 2.514
<i>Improvement Area #4</i>												
40' Lots - Kaufman County	93	\$ 39,011	\$ 3,627,991	\$ 400,000	\$ 37,200,000	\$ 9,789	\$ 910,408	\$ 867	\$ 80,671	\$ 0.217	\$ -	\$ 2.637
50' Lots - Kaufman County	195	\$ 39,011	\$ 7,607,078	\$ 450,000	\$ 87,750,000	\$ 11,013	\$ 2,147,534	\$ 976	\$ 190,294	\$ 0.217	\$ -	\$ 2.637
40' Lots - Dallas County	304	\$ 39,011	\$ 11,859,239	\$ 400,000	\$ 121,600,000	\$ 9,789	\$ 2,975,956	\$ 867	\$ 263,700	\$ 0.217	\$ -	\$ 2.514
50' Lots - Dallas County	65	\$ 39,011	\$ 2,535,693	\$ 450,000	\$ 29,250,000	\$ 11,013	\$ 715,845	\$ 976	\$ 63,431	\$ 0.217	\$ -	\$ 2.514
<i>Improvement Area #5</i>												
40' Lots - Kaufman County	34	\$ 45,769	\$ 1,556,154	\$ 400,000	\$ 13,600,000	\$ 9,789	\$ 332,837	\$ 867	\$ 29,493	\$ 0.217	\$ -	\$ 2.637
50' Lots - Kaufman County	174	\$ 45,769	\$ 7,963,846	\$ 450,000	\$ 78,300,000	\$ 11,013	\$ 1,916,261	\$ 976	\$ 169,800	\$ 0.217	\$ -	\$ 2.637
<b>Major Improvement Area Total</b>	<b>1,545</b>		<b>\$ 62,270,000</b>		<b>\$ 650,300,000</b>		<b>\$ 15,915,000</b>		<b>\$ 1,410,233</b>			
<b>Total</b>	<b>1,938</b>		<b>\$ 96,470,000</b>		<b>\$ 819,750,000</b>		<b>\$ 33,910,000</b>		<b>\$ 2,982,708</b>			

**Footnotes:**

[a] Per information provided by the Developer dated 10/18/2023.

[b] Per the Appraisal dated 1/31/2024.

**EXHIBIT F-1 – IMPROVEMENT AREA #1 ASSESSMENT ROLL**

<b>Property ID<sup>[a]</sup></b>	<b>Lot Type</b>	<b>Outstanding Assessment</b>	<b>Annual Installment Due 1/31/2025</b>
9465	Improvement Area #1 Initial Parcel	\$ 9,379,306.13	\$ 819,679.43
9467	Improvement Area #1 Initial Parcel	\$ 8,615,693.87	\$ 752,945.57
<b>Total</b>		<b>\$ 17,995,000.00</b>	<b>\$ 1,572,625.00</b>

**Footnotes:**

[a] The entire Improvement Area #1 is contained within Property IDs 9465 and 9467. For billing purposes, the Annual Installment due 1/31/2025 shall be allocated pro rata based on acreage.

## EXHIBIT F-2 – IMPROVEMENT AREA #1 ANNUAL INSTALLMENTS

Annual Installment Due 1/31	Principal	Interest <sup>[a]</sup>	Additional Interest	Capitalized Interest	Annual Collection Costs	Annual Installment <sup>[b]</sup>
2024	\$ -	\$ 514,357.08	\$ -	\$ (514,357.08)	\$ -	\$ -
2025	\$ 183,000.00	\$ 1,259,650.00	\$ 89,975.00	\$ -	\$ 40,000.00	\$ 1,572,625.00
2026	\$ 196,000.00	\$ 1,246,840.00	\$ 89,060.00	\$ -	\$ 40,800.00	\$ 1,572,700.00
2027	\$ 210,000.00	\$ 1,233,120.00	\$ 88,080.00	\$ -	\$ 41,616.00	\$ 1,572,816.00
2028	\$ 225,000.00	\$ 1,218,420.00	\$ 87,030.00	\$ -	\$ 42,448.32	\$ 1,572,898.32
2029	\$ 240,000.00	\$ 1,202,670.00	\$ 85,905.00	\$ -	\$ 43,297.29	\$ 1,571,872.29
2030	\$ 258,000.00	\$ 1,185,870.00	\$ 84,705.00	\$ -	\$ 44,163.23	\$ 1,572,738.23
2031	\$ 276,000.00	\$ 1,167,810.00	\$ 83,415.00	\$ -	\$ 45,046.50	\$ 1,572,271.50
2032	\$ 296,000.00	\$ 1,148,490.00	\$ 82,035.00	\$ -	\$ 45,947.43	\$ 1,572,472.43
2033	\$ 317,000.00	\$ 1,127,770.00	\$ 80,555.00	\$ -	\$ 46,866.38	\$ 1,572,191.38
2034	\$ 340,000.00	\$ 1,105,580.00	\$ 78,970.00	\$ -	\$ 47,803.70	\$ 1,572,353.70
2035	\$ 365,000.00	\$ 1,081,780.00	\$ 77,270.00	\$ -	\$ 48,759.78	\$ 1,572,809.78
2036	\$ 391,000.00	\$ 1,056,230.00	\$ 75,445.00	\$ -	\$ 49,734.97	\$ 1,572,409.97
2037	\$ 419,000.00	\$ 1,028,860.00	\$ 73,490.00	\$ -	\$ 50,729.67	\$ 1,572,079.67
2038	\$ 450,000.00	\$ 999,530.00	\$ 71,395.00	\$ -	\$ 51,744.27	\$ 1,572,669.27
2039	\$ 482,000.00	\$ 968,030.00	\$ 69,145.00	\$ -	\$ 52,779.15	\$ 1,571,954.15
2040	\$ 518,000.00	\$ 934,290.00	\$ 66,735.00	\$ -	\$ 53,834.73	\$ 1,572,859.73
2041	\$ 555,000.00	\$ 898,030.00	\$ 64,145.00	\$ -	\$ 54,911.43	\$ 1,572,086.43
2042	\$ 596,000.00	\$ 859,180.00	\$ 61,370.00	\$ -	\$ 56,009.66	\$ 1,572,559.66
2043	\$ 639,000.00	\$ 817,460.00	\$ 58,390.00	\$ -	\$ 57,129.85	\$ 1,571,979.85
2044	\$ 686,000.00	\$ 772,730.00	\$ 55,195.00	\$ -	\$ 58,272.45	\$ 1,572,197.45
2045	\$ 737,000.00	\$ 724,710.00	\$ 51,765.00	\$ -	\$ 59,437.90	\$ 1,572,912.90
2046	\$ 791,000.00	\$ 673,120.00	\$ 48,080.00	\$ -	\$ 60,626.65	\$ 1,572,826.65
2047	\$ 849,000.00	\$ 617,750.00	\$ 44,125.00	\$ -	\$ 61,839.19	\$ 1,572,714.19
2048	\$ 911,000.00	\$ 558,320.00	\$ 39,880.00	\$ -	\$ 63,075.97	\$ 1,572,275.97
2049	\$ 978,000.00	\$ 494,550.00	\$ 35,325.00	\$ -	\$ 64,337.49	\$ 1,572,212.49
2050	\$ 1,050,000.00	\$ 426,090.00	\$ 30,435.00	\$ -	\$ 65,624.24	\$ 1,572,149.24
2051	\$ 1,128,000.00	\$ 352,590.00	\$ 25,185.00	\$ -	\$ 66,936.72	\$ 1,572,711.72
2052	\$ 1,211,000.00	\$ 273,630.00	\$ 19,545.00	\$ -	\$ 68,275.46	\$ 1,572,450.46
2053	\$ 1,301,000.00	\$ 188,860.00	\$ 13,490.00	\$ -	\$ 69,640.97	\$ 1,572,990.97
2054	\$ 1,397,000.00	\$ 97,790.00	\$ 6,985.00	\$ -	\$ 71,033.79	\$ 1,572,808.79
<b>Total</b>	<b>\$ 17,995,000.00</b>	<b>\$ 26,234,107.08</b>	<b>\$ 1,837,125.00</b>	<b>\$ (514,357.08)</b>	<b>\$ 1,622,723.17</b>	<b>\$ 47,174,598.17</b>

**Footnotes:**

[a] Interest on the PID Bonds is calculated at a 7.00% rate for illustrative purposes.

[b] The figures shown above are estimates only and subject to change in Annual Service Plan Updates. Changes in Annual Collection Costs, reserve fund requirements, interest earnings, or other available offsets could increase or decrease the amounts shown.

**EXHIBIT G-1 – MAJOR IMPROVEMENT AREA ASSESSMENT ROLL**

Property ID <sup>[a]</sup>	Lot Type	Outstanding Assessment	Annual Installment Due 1/31/2025 <sup>[b]</sup>
215348	Major Improvement Area Initial Parcel	\$ 2,761,463.79	\$ 20,747.85
9466	Major Improvement Area Initial Parcel	\$ 3,582,259.89	\$ 26,914.78
9469	Major Improvement Area Initial Parcel	\$ 115,199.45	\$ 865.53
9470	Major Improvement Area Initial Parcel	\$ 450,459.40	\$ 3,384.46
9471	Major Improvement Area Initial Parcel	\$ 687,504.42	\$ 5,165.46
9472	Major Improvement Area Initial Parcel	\$ 680,489.07	\$ 5,112.75
12604	Major Improvement Area Initial Parcel	\$ 967,749.24	\$ 7,271.04
65085008010230000	Major Improvement Area Initial Parcel	\$ 1,048,289.17	\$ 7,876.17
65174264510010000	Major Improvement Area Initial Parcel	\$ 1,824,043.02	\$ 13,704.68
65085008510300000	Major Improvement Area Initial Parcel	\$ 271,014.10	\$ 2,036.22
65174264510020000	Major Improvement Area Initial Parcel	\$ 1,680,383.39	\$ 12,625.31
65174264510050000	Major Improvement Area Initial Parcel	\$ 1,846,145.07	\$ 13,870.74
<b>Total</b>		<b>\$ 15,915,000.00</b>	<b>\$ 119,575.00</b>

**Footnotes:**

[a] The entire Major Improvement Area is contained within Property ID 215348, 9466, 9469, 9470, 9471, 9472, 12604, 65085008010230000, 65174264510010000, 65085008510300000, 65174264510020000, and 65174264510050000. For billing purposes, the Annual Installment due 1/31/2025 shall be allocated pro rata based on acreage.

[b] Includes 12 months of capitalized interest.

## EXHIBIT G-2 – MAJOR IMPROVEMENT AREA ANNUAL INSTALLMENTS

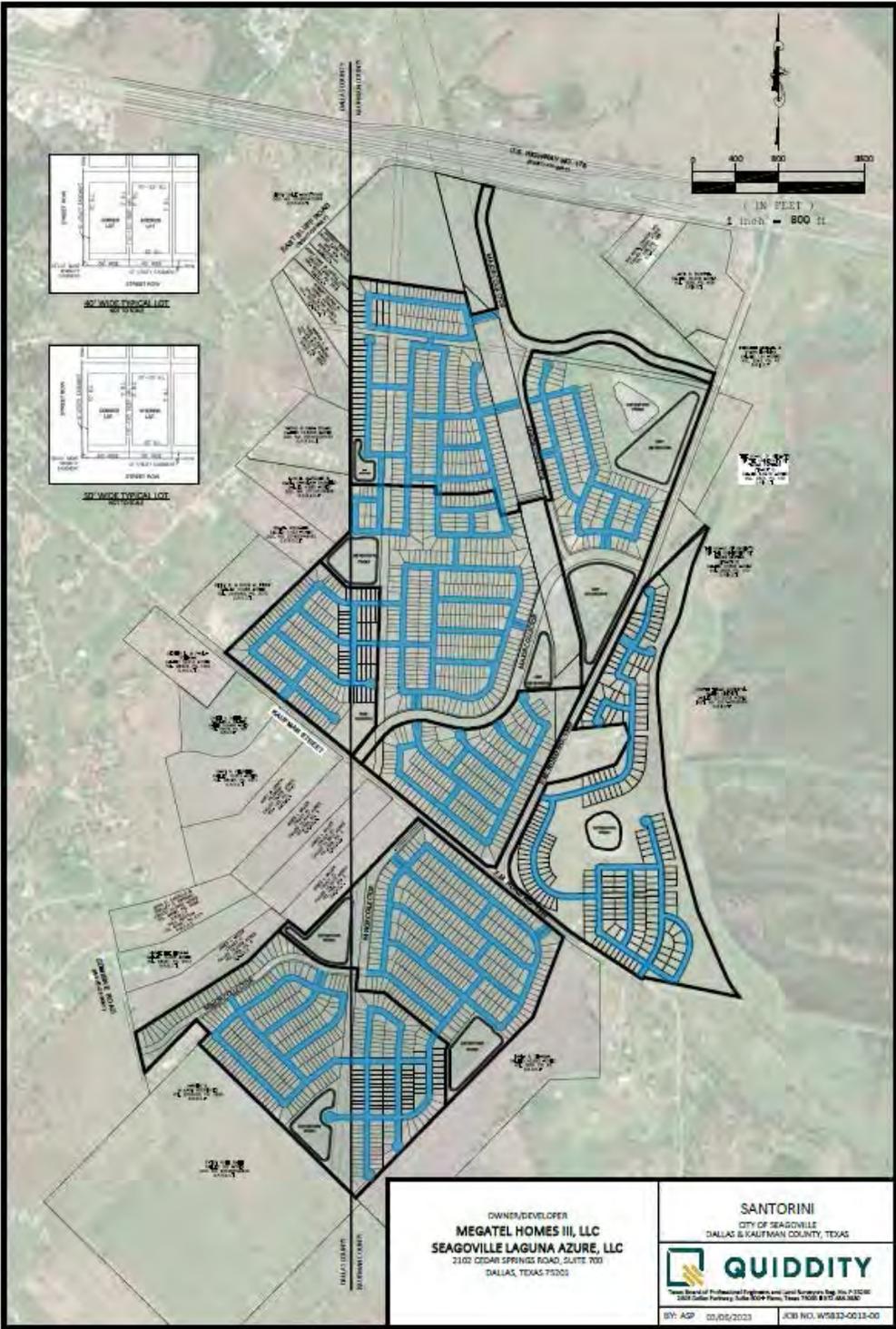
Annual Installment Due 1/31	Principal	Interest <sup>[a]</sup>	Additional Interest	Capitalized Interest	Annual Collection Costs	Annual Installment <sup>[b]</sup>
2024	\$ -	\$ 454,903.75	\$ -	\$ (454,903.75)	\$ -	\$ -
2025	\$ -	\$ 1,114,050.00	\$ 79,575.00	\$ (1,114,050.00)	\$ 40,000.00	\$ 119,575.00
2026	\$ 176,000.00	\$ 1,114,050.00	\$ 79,575.00	\$ -	\$ 40,800.00	\$ 1,410,425.00
2027	\$ 188,000.00	\$ 1,101,730.00	\$ 78,695.00	\$ -	\$ 41,616.00	\$ 1,410,041.00
2028	\$ 202,000.00	\$ 1,088,570.00	\$ 77,755.00	\$ -	\$ 42,448.32	\$ 1,410,773.32
2029	\$ 216,000.00	\$ 1,074,430.00	\$ 76,745.00	\$ -	\$ 43,297.29	\$ 1,410,472.29
2030	\$ 231,000.00	\$ 1,059,310.00	\$ 75,665.00	\$ -	\$ 44,163.23	\$ 1,410,138.23
2031	\$ 248,000.00	\$ 1,043,140.00	\$ 74,510.00	\$ -	\$ 45,046.50	\$ 1,410,696.50
2032	\$ 265,000.00	\$ 1,025,780.00	\$ 73,270.00	\$ -	\$ 45,947.43	\$ 1,409,997.43
2033	\$ 284,000.00	\$ 1,007,230.00	\$ 71,945.00	\$ -	\$ 46,866.38	\$ 1,410,041.38
2034	\$ 305,000.00	\$ 987,350.00	\$ 70,525.00	\$ -	\$ 47,803.70	\$ 1,410,678.70
2035	\$ 327,000.00	\$ 966,000.00	\$ 69,000.00	\$ -	\$ 48,759.78	\$ 1,410,759.78
2036	\$ 350,000.00	\$ 943,110.00	\$ 67,365.00	\$ -	\$ 49,734.97	\$ 1,410,209.97
2037	\$ 375,000.00	\$ 918,610.00	\$ 65,615.00	\$ -	\$ 50,729.67	\$ 1,409,954.67
2038	\$ 402,000.00	\$ 892,360.00	\$ 63,740.00	\$ -	\$ 51,744.27	\$ 1,409,844.27
2039	\$ 432,000.00	\$ 864,220.00	\$ 61,730.00	\$ -	\$ 52,779.15	\$ 1,410,729.15
2040	\$ 463,000.00	\$ 833,980.00	\$ 59,570.00	\$ -	\$ 53,834.73	\$ 1,410,384.73
2041	\$ 496,000.00	\$ 801,570.00	\$ 57,255.00	\$ -	\$ 54,911.43	\$ 1,409,736.43
2042	\$ 533,000.00	\$ 766,850.00	\$ 54,775.00	\$ -	\$ 56,009.66	\$ 1,410,634.66
2043	\$ 571,000.00	\$ 729,540.00	\$ 52,110.00	\$ -	\$ 57,129.85	\$ 1,409,779.85
2044	\$ 613,000.00	\$ 689,570.00	\$ 49,255.00	\$ -	\$ 58,272.45	\$ 1,410,097.45
2045	\$ 658,000.00	\$ 646,660.00	\$ 46,190.00	\$ -	\$ 59,437.90	\$ 1,410,287.90
2046	\$ 706,000.00	\$ 600,600.00	\$ 42,900.00	\$ -	\$ 60,626.65	\$ 1,410,126.65
2047	\$ 758,000.00	\$ 551,180.00	\$ 39,370.00	\$ -	\$ 61,839.19	\$ 1,410,389.19
2048	\$ 813,000.00	\$ 498,120.00	\$ 35,580.00	\$ -	\$ 63,075.97	\$ 1,409,775.97
2049	\$ 873,000.00	\$ 441,210.00	\$ 31,515.00	\$ -	\$ 64,337.49	\$ 1,410,062.49
2050	\$ 937,000.00	\$ 380,100.00	\$ 27,150.00	\$ -	\$ 65,624.24	\$ 1,409,874.24
2051	\$ 1,006,000.00	\$ 314,510.00	\$ 22,465.00	\$ -	\$ 66,936.72	\$ 1,409,911.72
2052	\$ 1,081,000.00	\$ 244,090.00	\$ 17,435.00	\$ -	\$ 68,275.46	\$ 1,410,800.46
2053	\$ 1,160,000.00	\$ 168,420.00	\$ 12,030.00	\$ -	\$ 69,640.97	\$ 1,410,090.97
2054	\$ 1,246,000.00	\$ 87,220.00	\$ 6,230.00	\$ -	\$ 71,033.79	\$ 1,410,483.79
<b>Total</b>	<b>\$ 15,915,000.00</b>	<b>\$ 23,408,463.75</b>	<b>\$ 1,639,540.00</b>	<b>\$ (1,568,953.75)</b>	<b>\$ 1,622,723.17</b>	<b>\$ 41,016,773.17</b>

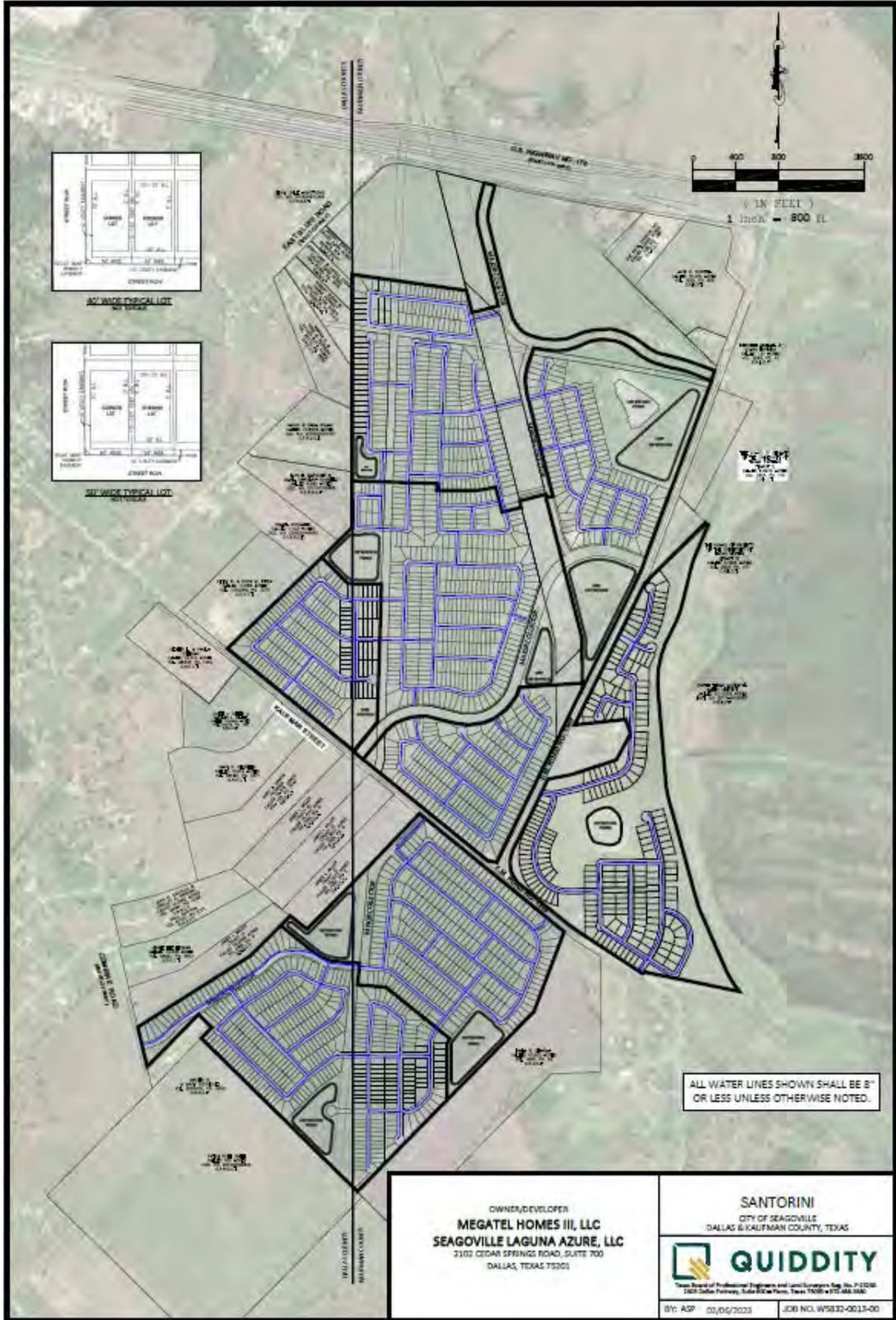
**Footnotes:**

[a] Interest on the PID Bonds is calculated at a 7.00% rate for illustrative purposes.

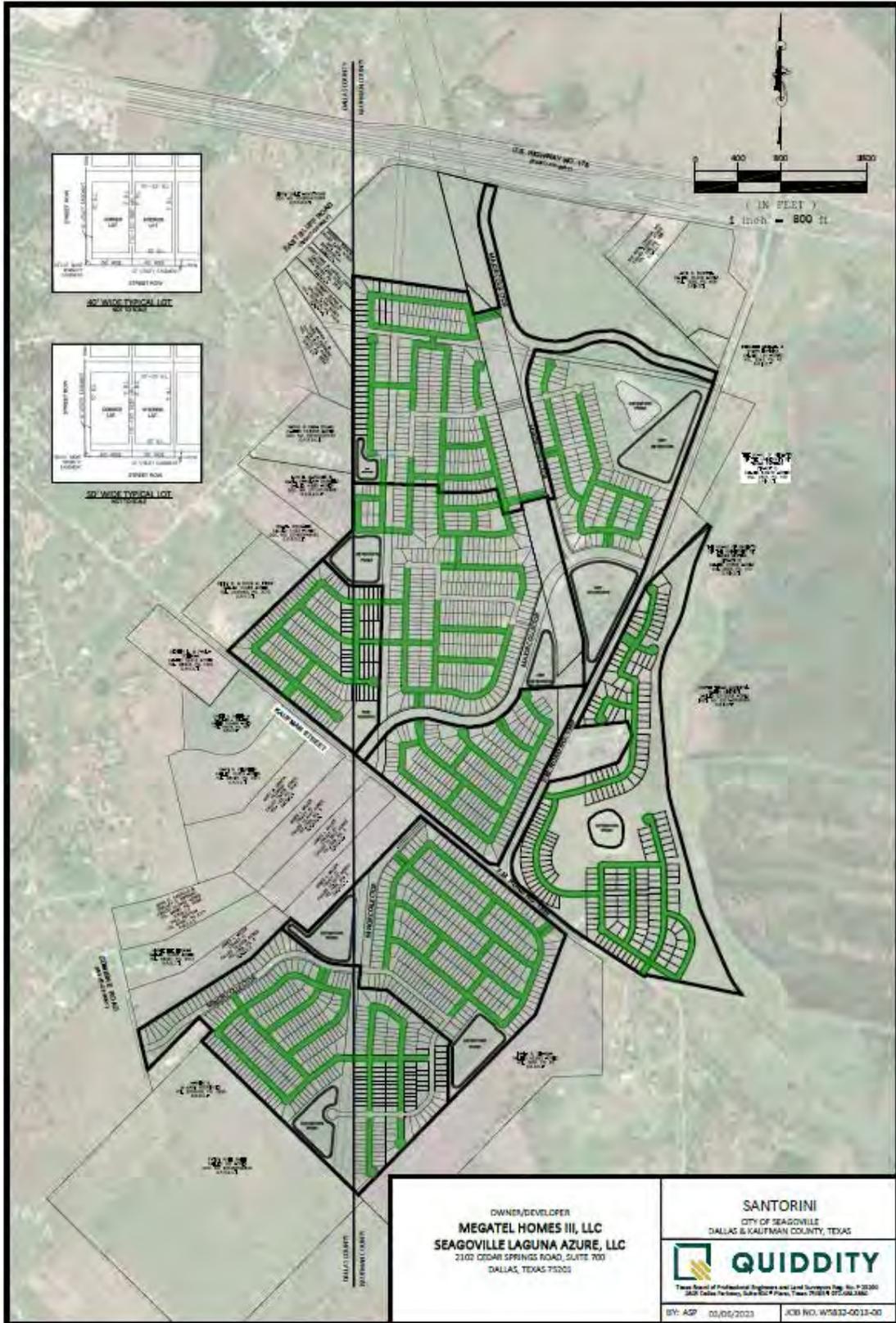
[b] The figures shown above are estimates only and subject to change in Annual Service Plan Updates. Changes in Annual Collection Costs, reserve fund requirements, interest earnings, or other available offsets could increase or decrease the amounts shown.

**EXHIBIT H-1 – MAPS OF IMPROVEMENT AREA #1 IMPROVEMENTS**

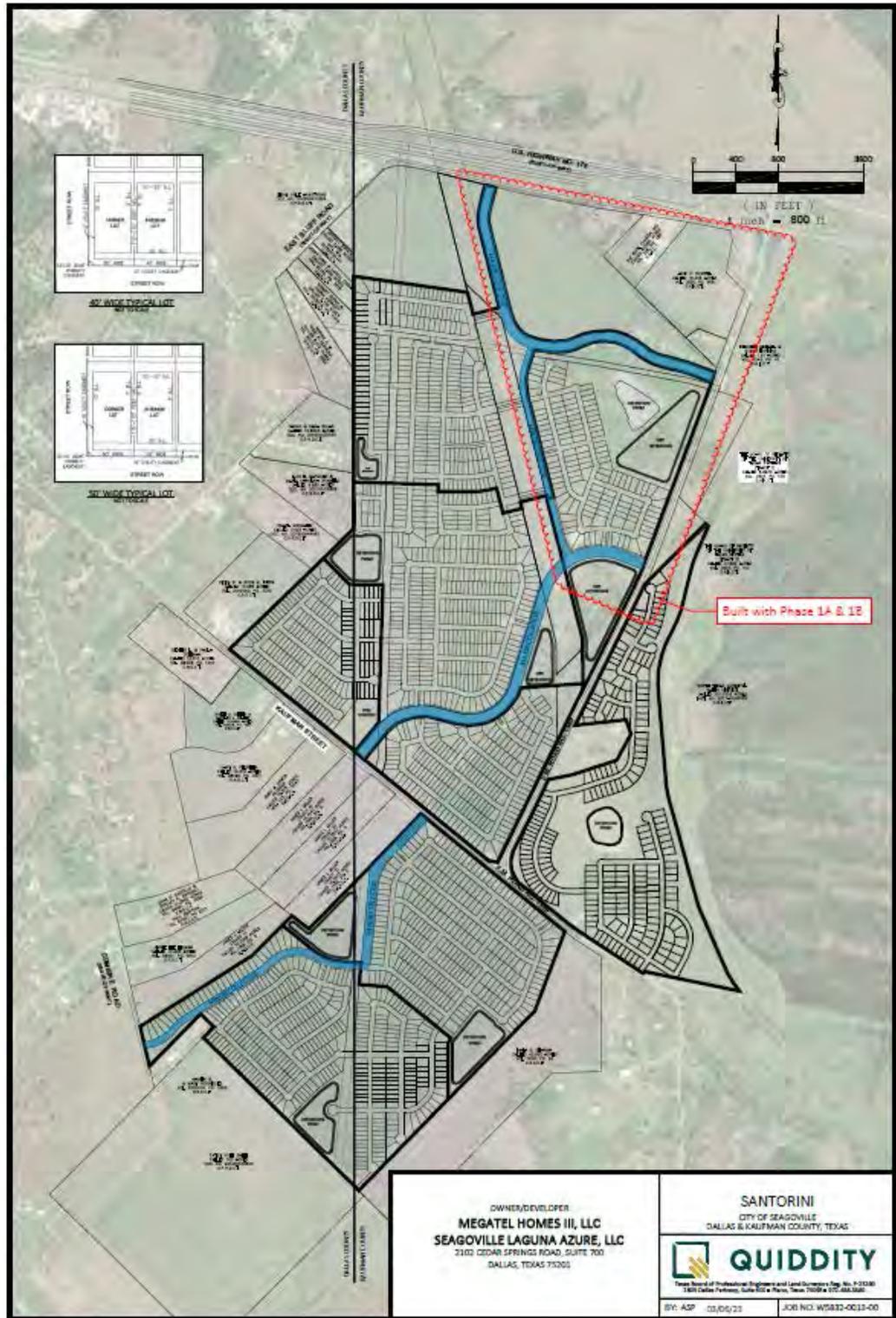






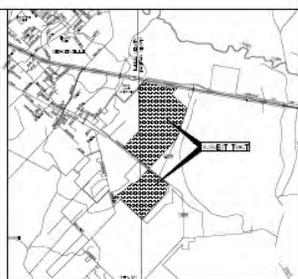


## EXHIBIT H-2 – MAPS OF MAJOR IMPROVEMENTS



# Exhibit E.10 - Master Water: Offsites

Built with Phase 1A

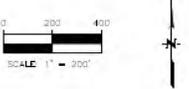


VICINITY MAP

**LEGEND**

- PROPERTY BOUNDARY
- PROP. SANITARY SEWER
- PROP. WATER MAIN
- SANITARY SEWER EASEMENT
- WATER LINE EASEMENT

CITY OF SEAGOVILLE  
DALLAS & KAUFMAN COUNTY,  
TEXAS

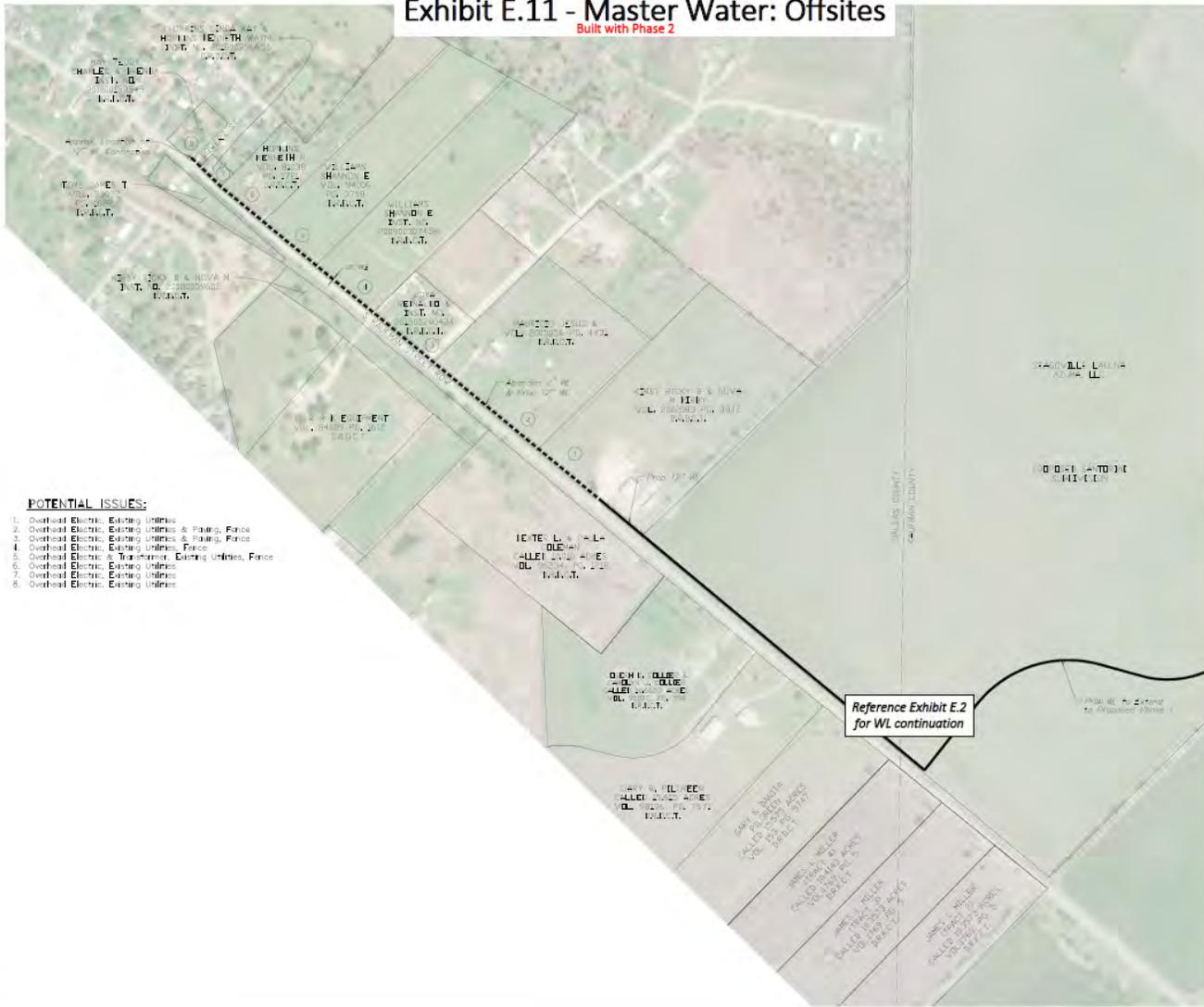


Disclaimer: This product is offered for information purposes and may not have been prepared for or be suitable for legal proceedings, or similar purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property, easement and/or general boundaries or related utilities to said boundary. No express warranties are made by Quiddity, concerning the accuracy, completeness, reliability, or validity of the information included within this exhibit.

Texas Board of Professional Engineers and Land Surveyors Reg. No. 1-22290  
2625 Dallas Parkway, Suite 5004 Plano, Texas 75093 • 972-428-3382

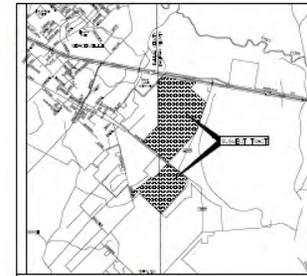
# Exhibit E.11 - Master Water: Offsites

Built with Phase 2

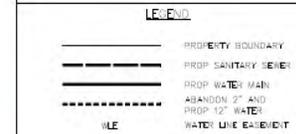


**POTENTIAL ISSUES:**

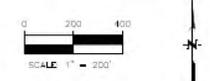
1. Overhead Electric, Existing Utilities
2. Overhead Electric, Existing Utilities & Fencing, Fence
3. Overhead Electric, Existing Utilities & Fencing, Fence
4. Overhead Electric, Existing Utilities, Fence
5. Overhead Electric & Transformer, Existing Utilities, Fence
6. Overhead Electric, Existing Utilities
7. Overhead Electric, Existing Utilities
8. Overhead Electric, Existing Utilities



VICINITY MAP  
N.T.S.

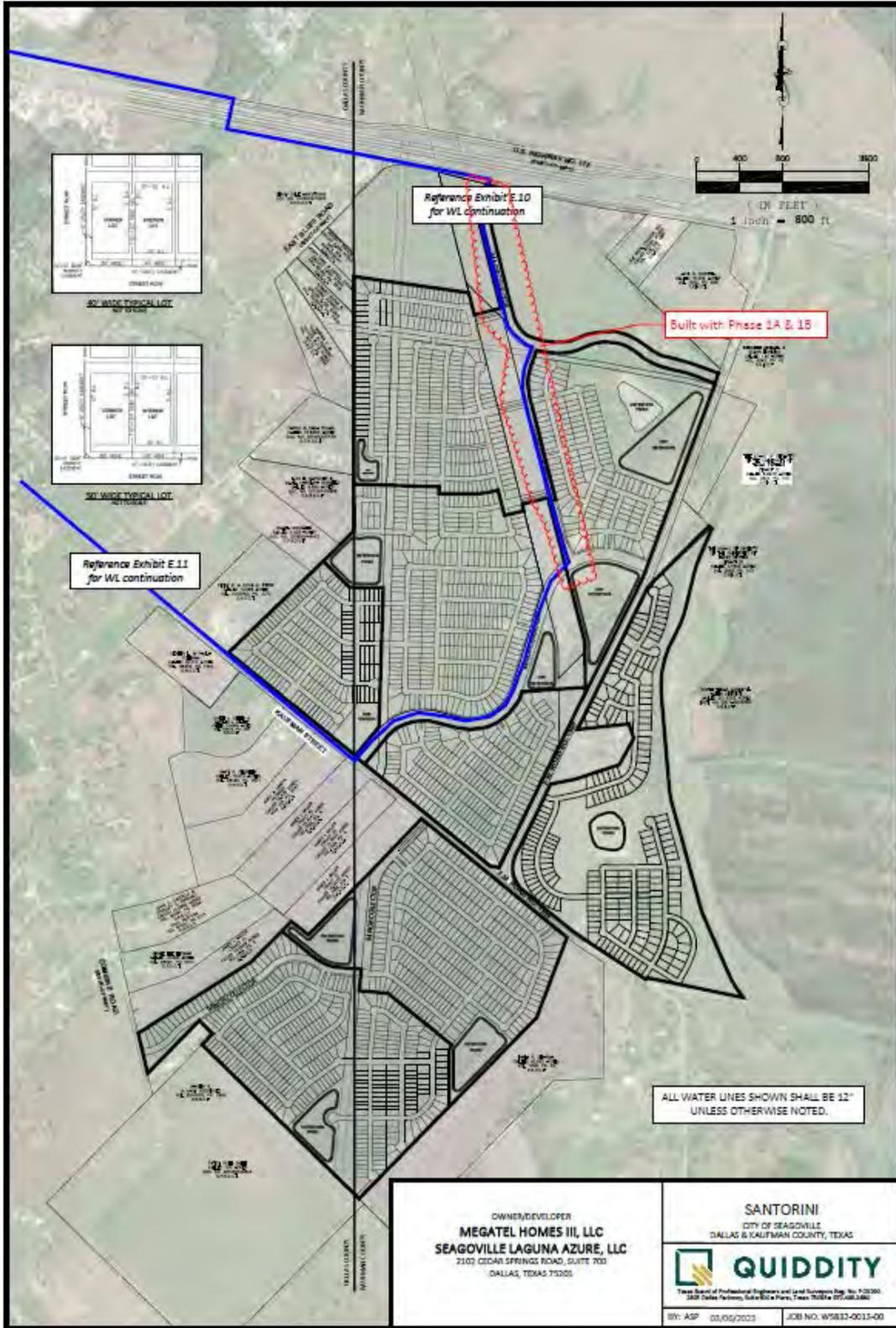


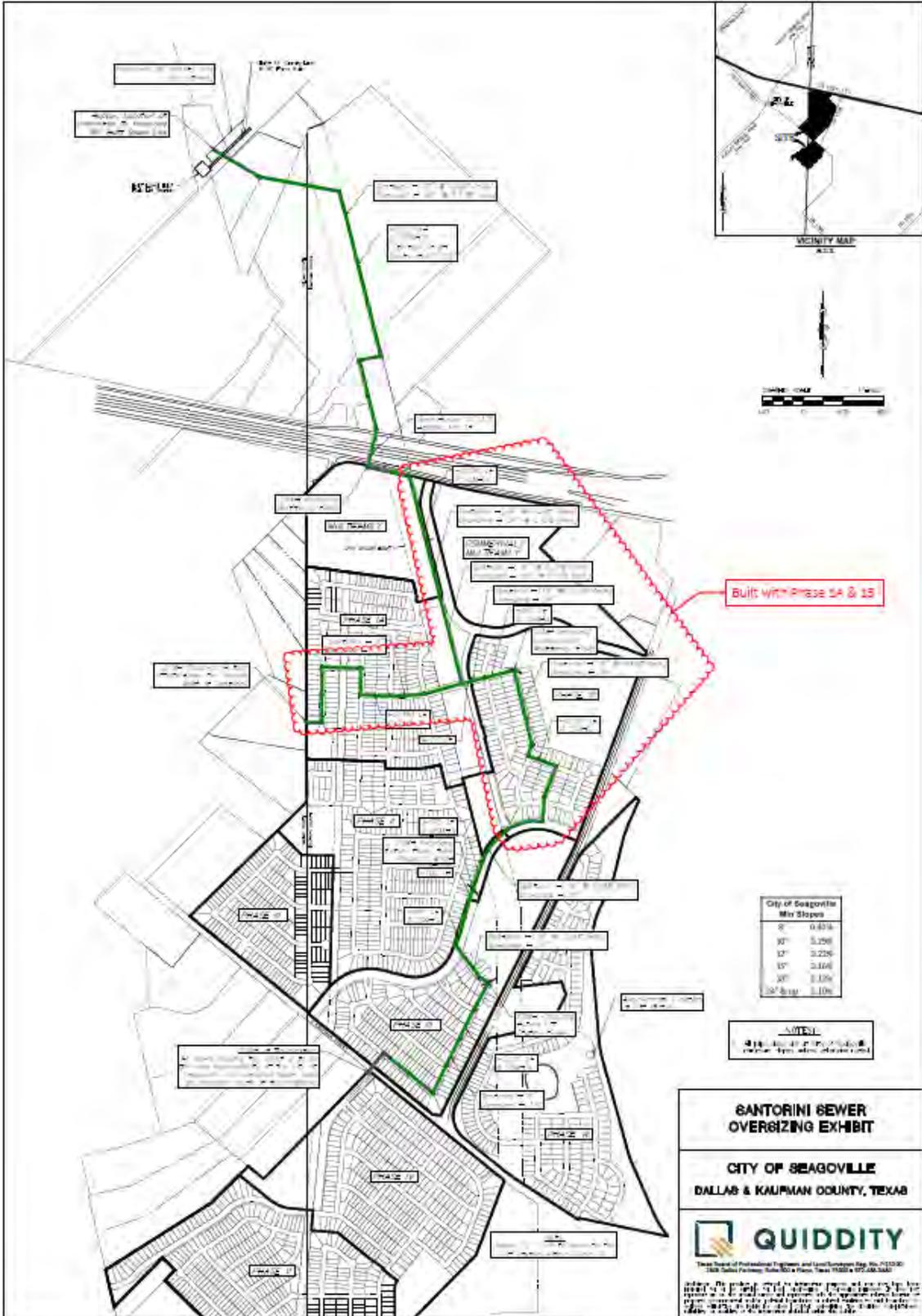
CITY OF SEAGOVILLE  
DALLAS & KAUFMAN COUNTY,  
TEXAS

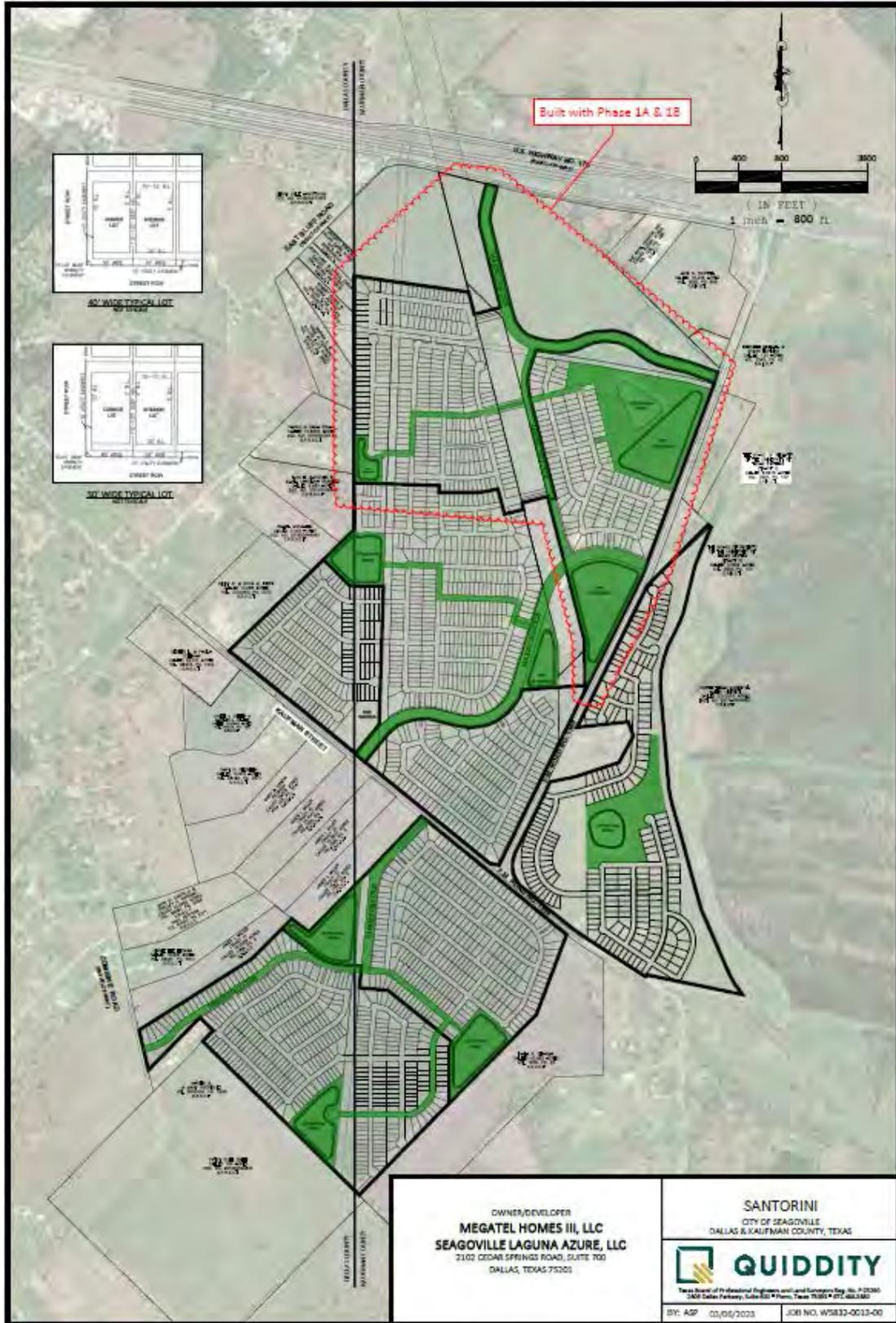


Disclaimer: This product is offered for information purposes only and has been prepared for the purpose of legal, engineering, or scientific purposes. It does not represent or constitute a warranty of any kind, and represents only the approximate location of property, governmental and/or private boundaries or related utilities to said boundary. No express warranties are made by Quiddity, concerning the accuracy, completeness, reliability, or usability of the information included within this exhibit.









OWNER/DEVELOPER  
**MEGATEL HOMES III, LLC**  
**SEAGOVILLE LAGUNA AZURE, LLC**  
 2102 CEDAR SPRINGS ROAD, SUITE 700  
 DALLAS, TEXAS 75201

**SANTORINI**  
 CITY OF SEAGOVILLE  
 DALLAS & KAUFMAN COUNTY, TEXAS

**QUIDDITY**  
Texas Board of Professional Engineers and Land Surveyors Reg. No. P-25280  
 2840 Dallas Parkway, Suite 620 • Fort Worth, Texas 76104 • 817-883-1880

BY: ADP 02/06/2023 JOB NO. W5832-0013-00

## EXHIBIT I – TIRZ NO. 1 ANNUAL CREDIT AMOUNT BY LOT TYPE

Lot Type	Estimated Buildout Value per Unit	Assessment per Unit	Average Annual Installment per Unit	Gross PID TRE	Total Tax Rate <sup>[a]</sup>	Maximum Annual TIRZ No. 1 Credit Amount per Unit	Net Annual Installment Per Unit	Net PID TRE	Net Equivalent Total Tax Rate
Lot Type 1	\$ 400,000.00	\$ 42,478.61	\$ 3,711.95	\$ 0.9280	\$ 3.3476	\$ 1,030.56	\$ 2,681.39	\$ 0.6703	\$ 3.0900
Lot Type 2	\$ 450,000.00	\$ 47,788.43	\$ 4,175.95	\$ 0.9280	\$ 3.3476	\$ 1,159.38	\$ 3,016.57	\$ 0.6703	\$ 3.0900

**Footnotes:**

[a] Includes taxing jurisdictions as of the 2023-2024 tax year: City of Seagoville (\$0.728004), Kaufman County (\$0.328958), Road and Bridge (\$0.082500), Trinity Valley CC (\$0.110990), and Crandall ISD (\$1.169200).

**EXHIBIT J – FORM OF NOTICE OF ASSESSMENT TERMINATION**



P3Works, LLC  
9284 Huntington Square, Suite 100  
North Richland Hills, TX 76182

[Date]

[County] County Clerk's Office

Honorable [County Clerk]

[County Clerk's office address]

**Re: City of Seagoville Lien Release documents for filing**

Dear Ms./Mr. [County Clerk]

Enclosed is a lien release that the City of Seagoville is requesting to be filed in your office. Lien release for [insert legal description]. Recording Numbers: [Plat]. Please forward copies of the filed documents to my attention:

City of Seagoville  
Attn: City Secretary  
702 N. Hwy. 175  
Seagoville, TX 75159

Please contact me if you have any questions or need additional information.

Sincerely,  
[Signature]

P3Works, LLC  
(817) 393-0353  
Admin@P3-Works.com  
www.P3-Works.com



[legal description], an addition to the City of [City], [County], Texas, according to the map or plat thereof recorded as Instrument No. \_\_\_\_\_ in the Map Records of \_\_\_\_\_ County, Texas (the "Property");

and

**WHEREAS**, the Lien Amount has been paid in full.

**RELEASE**

**NOW THEREFORE**, for and in consideration of the full payment of the Lien Amount, the City hereby releases and discharges, and by these presents does hereby release and discharge, the Lien to the extent that it affects and encumbers the Property.

**EXECUTED** to be **EFFECTIVE** this the \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

**CITY OF SEAGOVILLE, TEXAS,**  
A Texas home rule municipality,

By: \_\_\_\_\_  
[Manager Name], City Manager

**ATTEST:**

\_\_\_\_\_  
[Secretary Name], City Secretary

**STATE OF TEXAS**                   §  
  §  
**COUNTY OF KAUFMAN**         §

This instrument was acknowledged before me on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_, by the City Manager for the City of Seagoville, Texas, a Texas home rule municipality, on behalf of said municipality.

\_\_\_\_\_  
Notary Public, State of Texas

## EXHIBIT K-1 – DEBT SERVICE SCHEDULE FOR IMPROVEMENT AREA #1 BONDS

Preliminary

**City of Seagoville**

Santorini PID Phase 1 Improvement Area

Special Assessment Revenue Bonds

Series 2024

**Debt Service Schedule**

Part 1 of 2

Date	Principal	Coupon	Interest	Total P+I
09/30/2024	-	-	514,357.08	514,357.08
09/30/2025	183,000.00	7.000%	1,259,650.00	1,442,650.00
09/30/2026	196,000.00	7.000%	1,246,840.00	1,442,840.00
09/30/2027	210,000.00	7.000%	1,233,120.00	1,443,120.00
09/30/2028	225,000.00	7.000%	1,218,420.00	1,443,420.00
09/30/2029	240,000.00	7.000%	1,202,670.00	1,442,670.00
09/30/2030	258,000.00	7.000%	1,185,870.00	1,443,870.00
09/30/2031	276,000.00	7.000%	1,167,810.00	1,443,810.00
09/30/2032	296,000.00	7.000%	1,148,490.00	1,444,490.00
09/30/2033	317,000.00	7.000%	1,127,770.00	1,444,770.00
09/30/2034	340,000.00	7.000%	1,105,580.00	1,445,580.00
09/30/2035	365,000.00	7.000%	1,081,780.00	1,446,780.00
09/30/2036	391,000.00	7.000%	1,056,230.00	1,447,230.00
09/30/2037	419,000.00	7.000%	1,028,860.00	1,447,860.00
09/30/2038	450,000.00	7.000%	999,530.00	1,449,530.00
09/30/2039	482,000.00	7.000%	968,030.00	1,450,030.00
09/30/2040	518,000.00	7.000%	934,290.00	1,452,290.00
09/30/2041	555,000.00	7.000%	898,030.00	1,453,030.00
09/30/2042	596,000.00	7.000%	859,180.00	1,455,180.00
09/30/2043	639,000.00	7.000%	817,460.00	1,456,460.00
09/30/2044	686,000.00	7.000%	772,730.00	1,458,730.00
09/30/2045	737,000.00	7.000%	724,710.00	1,461,710.00
09/30/2046	791,000.00	7.000%	673,120.00	1,464,120.00
09/30/2047	849,000.00	7.000%	617,750.00	1,466,750.00
09/30/2048	911,000.00	7.000%	558,320.00	1,469,320.00
09/30/2049	978,000.00	7.000%	494,550.00	1,472,550.00
09/30/2050	1,050,000.00	7.000%	426,090.00	1,476,090.00
09/30/2051	1,128,000.00	7.000%	352,590.00	1,480,590.00
09/30/2052	1,211,000.00	7.000%	273,630.00	1,484,630.00
09/30/2053	1,301,000.00	7.000%	188,860.00	1,489,860.00
09/30/2054	1,397,000.00	7.000%	97,790.00	1,494,790.00
<b>Total</b>	<b>\$17,995,000.00</b>	<b>-</b>	<b>\$26,234,107.08</b>	<b>\$44,229,107.08</b>

Series 2023 v5 - 2.22.24 | SINGLE PURPOSE | 2/22/2024 | 1:48 PM

## EXHIBIT K-2 – DEBT SERVICE SCHEDULE FOR MAJOR IMPROVEMENT AREA BONDS

Preliminary

### City of Seagoville

Santorini PID Major Improvement Area

Special Assessment Revenue Bonds

Series 2024

### Debt Service Schedule

Part 1 of 2

Date	Principal	Coupon	Interest	Total P+I
09/30/2024	-	-	454,903.75	454,903.75
09/30/2025	-	-	1,114,050.00	1,114,050.00
09/30/2026	176,000.00	7.000%	1,114,050.00	1,290,050.00
09/30/2027	188,000.00	7.000%	1,101,730.00	1,289,730.00
09/30/2028	202,000.00	7.000%	1,088,570.00	1,290,570.00
09/30/2029	216,000.00	7.000%	1,074,430.00	1,290,430.00
09/30/2030	231,000.00	7.000%	1,059,310.00	1,290,310.00
09/30/2031	248,000.00	7.000%	1,043,140.00	1,291,140.00
09/30/2032	265,000.00	7.000%	1,025,780.00	1,290,780.00
09/30/2033	284,000.00	7.000%	1,007,230.00	1,291,230.00
09/30/2034	305,000.00	7.000%	987,350.00	1,292,350.00
09/30/2035	327,000.00	7.000%	966,000.00	1,293,000.00
09/30/2036	350,000.00	7.000%	943,110.00	1,293,110.00
09/30/2037	375,000.00	7.000%	918,610.00	1,293,610.00
09/30/2038	402,000.00	7.000%	892,360.00	1,294,360.00
09/30/2039	432,000.00	7.000%	864,220.00	1,296,220.00
09/30/2040	463,000.00	7.000%	833,980.00	1,296,980.00
09/30/2041	496,000.00	7.000%	801,570.00	1,297,570.00
09/30/2042	533,000.00	7.000%	766,850.00	1,299,850.00
09/30/2043	571,000.00	7.000%	729,540.00	1,300,540.00
09/30/2044	613,000.00	7.000%	689,570.00	1,302,570.00
09/30/2045	658,000.00	7.000%	646,660.00	1,304,660.00
09/30/2046	706,000.00	7.000%	600,600.00	1,306,600.00
09/30/2047	758,000.00	7.000%	551,180.00	1,309,180.00
09/30/2048	813,000.00	7.000%	498,120.00	1,311,120.00
09/30/2049	873,000.00	7.000%	441,210.00	1,314,210.00
09/30/2050	937,000.00	7.000%	380,100.00	1,317,100.00
09/30/2051	1,006,000.00	7.000%	314,510.00	1,320,510.00
09/30/2052	1,081,000.00	7.000%	244,090.00	1,325,090.00
09/30/2053	1,160,000.00	7.000%	168,420.00	1,328,420.00
09/30/2054	1,246,000.00	7.000%	87,220.00	1,333,220.00
<b>Total</b>	<b>\$15,915,000.00</b>	<b>-</b>	<b>\$23,408,463.75</b>	<b>\$39,323,463.75</b>

Series 2023 v5 MIA - 2.22 | SINGLE PURPOSE | 2/22/2024 | 1:59 PM

HilltopSecurities  
Public Finance

Page 5

## EXHIBIT L-1 – DISTRICT LEGAL DESCRIPTION

### LEGAL #1 SOUTH TRACT NO. 1

**BEING** a 187.56 acre tract of land situated in the John D. Merchant Survey, Abstract No. 850, Dallas County, Texas, John D. Merchant Survey, Abstract No. 310, Kaufman County, Texas, being part of a 333.291 acre tract, described in deed to Megatel Homes III, LLC., recorded in Volume 6772, Page 220, Deed Records Dallas County, Texas (D.R.D.C.T.), and being more particularly described as follows:

**BEGINNING** at a point for the west corner of said 333.291 acre tract in the northerly right of way-line of Kaufman Street and the southeast corner of a called 13.988 acre tract described in deed to Ricky B. and Nova M. Kirby, recorded in Volume 2002083, Page 3372, D.R.D.C.T., from which a 1" iron pipe found bears North 45 Degrees 40 Minutes 43 Seconds East, a distance of 1.50 feet;

**THENCE** North 45 Degrees 40 Minutes 43 Seconds East, departing the right-of-way of said Kaufman Street along the common line between said 333.291 acre tract and said 13.988 acre tract, a distance of 1632.87 feet to a 3/8" iron rod found for the northwest corner of said 383.295 acre tract, and being located in the southerly line of a called 2.985 acre tract of land described in deed to Luis E. Marquez and Maria Carolina Gramillo, recorded in Doc. No. 201100319866, Official Public records Dallas County, Texas, (O.P.R.D.C.T.);

**THENCE** North 00 Degrees 04 Minutes 58 Seconds East, along the east line of said 9.985 acre tract and the west line of said 333.291 acre tract, a distance of 1101.02 feet to a 5/8" iron rod with cap stamped "Jones Carter" set;

**THENCE** North 00 Degrees 09 Minutes 18 Seconds West, along the west line of said 333.291 acre, at a distance of 1191.15 feet passing a 3/8" iron rod found for the northeast corner a called 2.980 acre tract of land described in deed to Jerry Lane and Lanell Cheek, recorded in Volume 84160, Page 3578, D.R.D.C.T., and continuing for a total distance of 1,258.58 feet to point for corner;

**THENCE** South 82 Degrees 16 Minutes 34 Seconds East a distance of 1,074.15 feet to a point in the west line of a 11.304 acre tract conveyed to Texas Power & Light Company in Volume 470, Page 342 of the Deed Records of Kauffman County, Texas (D.R.K.C.T.);

**THENCE** South 14 Degrees 09 Minutes 54 Seconds East, at 1,857.13 feet pass a point for the southwest corner of said 11.304 acres, northwest corner of a called 9.017 acre tract conveyed to Texas Power & Light Company in Volume 470, Page 340 D.R.K.C.T. and continue a total distance of 3,397.19 feet;

**THENCE** South 00 Degrees 30 Minutes 57 Seconds East, along the common line between said 333.291 acre tract and said 9.017 acre tract, a distance of 300.10 feet to a 5/8" iron rod with cap stamped "Jones Carter" set for the southwest corner of said 9.017 acre tract;

**THENCE** South 44 Degrees 41 Minutes 05 Seconds West, along the southeasterly line of said 333.291 acre tract and the northwesterly line of a tract of land described in deed to Seagoville Laguna Azure, LLC, recorded in Volume 6910, Page 13, D.R.K.C.T., a distance of 505.82 feet to a 3/8" iron rod found for corner;

**THENCE** South 44 Degrees 03 Minutes 25 Seconds West, a distance of 1258.47 feet to a 5/8" iron rod with cap stamped "Jones Carter" set for the most southerly corner of said 333.291 acre tract and being located in the northerly right-of-way line of Kaufman Street;

**THENCE** along the southerly line of said 333.291 acre tract and the northerly right-of-way line of Kaufman Street, the following courses:

North 50 Degrees 55 Minutes 38 Seconds West, a distance of 830.28 feet to a 5/8" iron rod with cap stamped "Jones Carter" set for corner;

North 00 Degrees 33 Minutes 57 Seconds West, a distance of 12.99 feet to a 5/8" iron rod with cap stamped "Jones Carter" set for corner;

North 50 Degrees 55 Minutes 38 Seconds West, a distance of 1,531.97 feet to the **POINT OF BEGINNING** and containing 8,170,031 square feet or 187.56 acres of land more or less.

**FIELD NOTES**  
**SOUTH TRACT NO. 2**

**BEING** a 84.43 acre tract of land situated in the John D. Merchant Survey, Abstract No. 310, Kaufman County, Texas, being part of a 333.291 acre tract, described in deed to Megatel Homes III, LLC., recorded in Volume 6772, Page 220, Deed Records Dallas County, Texas (D.R.D.C.T.), and being more particularly described as follows:

**BEGINNING** at a 3/8" iron rod found for the southeast corner of said 333.291 acre tract, north corner of a tract of land described in a deed to Seagoville Laguna Azure, LLC recorded in Volume 6910, Page 13 D.R.K.C.T. and in the west right-of-way of Farm to Market Road 1389;

**THENCE** South 44 Degrees 41 Minutes 05 Seconds West, departing the westerly right-of-way line of F.M. Road No 1389, along the southeasterly line of said 333.291 acre tract and the northwesterly line of said Laguna tract., a distance of 563.18 feet to a 5/8" iron rod with cap stamped "Jones Carter" set for the southeast corner of a called 9.017 acre tract, described in deed to Texas Power & Light Company, recorded in Volume 470, Page 340, D.R.K.C.T.;

**THENCE** North 00 Degrees 30 Minutes 57 Seconds West, along the common line between said 333.291 acre tract and said 9.017 acre tract, a distance of 81.76 feet to a 5/8" iron rod with cap stamped "Jones Carter" set for corner;

**THENCE** North 14 Degrees 09 Minutes 54 Seconds West, passing a point for the northeast corner of said 9.017 acre tract, said point also being the southeast corner of a called 11.304 acre tract, described in deed to Texas Power & Light Company, recorded in Volume 470, Page 342, D.R.K.C.T., at a distance of 1145.15 feet, continuing on for a total distance of 3106.44 feet to a 5/8" iron rod with cap stamped "Jones Carter" set for the northeast corner of said 11.304 acre tract;

**THENCE** North 45 Degrees 33 Minutes 31 Seconds West, along the common line between said 333.291 acre tract and said 11.304 acre tract a distance of 479.93 feet to a 5/8" iron rod with cap stamped "Jones Carter" set for the northwest corner of said 11.304 acre tract;

**THENCE** North 14 Degrees 09 Minutes 54 Seconds West, across said 333.291 acre tract, a distance of 1063.24 feet to a point in the north line of same, in the south right-of-way of U.S Highway No. 175;

**THENCE** South 76 Degrees 05 Minutes 02 Seconds East, a distance of 571.28 feet to a point for corner;

**THENCE** over and across said 333.291 acre tract the following courses;

South 58 Degrees 54 Minutes 58 Seconds West, 14.14 feet to a point for corner;

South 13 Degrees 54 Minutes 58 Seconds West, 221.31 feet to a point for corner and the beginning of a curve to the left;

Along with said curve to the left having a central angle of 28 Degrees 00 Minutes 53 Seconds, a radius of 300.00 feet, an arc distance of 146.68 feet and a chord bearing and distance of South 00 Degrees 05 Minutes 28 Seconds East, 145.23 feet;

South 14 Degrees 05 Minutes 54 Seconds East, 859.98 feet to a point for corner and the beginning of a curve to the left;

Along with said curve to the left having a central angle of 67 Degrees 21 Minutes 06 Seconds, a radius of 300.00 feet, an arc distance of 352.65 feet and a chord bearing and distance of South 47 Degrees 46 Minutes 27 Seconds East, 332.70 feet;

South 81 Degrees 27 Minutes 00 Seconds East, 122.18 feet to a point for corner and the beginning of a curve to the left;

Along with said curve to the left having a central angle of 31 Degrees 27 Minutes 01 Seconds, a radius of 400.00 feet, an arc distance of 219.56 feet and a chord bearing and distance of North 82 Degrees 49 Minutes 29 Seconds East, 216.82 feet;

North 67 Degrees 05 Minutes 59 Seconds East, 76.67 feet to a point for corner and the beginning of a curve to the right;

Along with said curve to the right having a central angle of 64 Degrees 18 Minutes 29 Seconds, a radius of 550.00 feet, an arc distance of 617.31 feet and a chord bearing and distance of South 80 Degrees 44 Minutes 47 Seconds East, 585.42 feet and the beginning of a reverse curve to the left;

Along with said reverse curve to the left having a central angle of 26 Degrees 46 Minutes 35 Seconds, a radius of 450.00 feet, an arc distance of 210.30 feet and a chord bearing and distance of South 61 Degrees 58 Minutes 50 Seconds East, 208.39 feet;

South 75 Degrees 22 Minutes 07 Seconds East, 223.01 feet to a point for corner and the beginning of a curve to the right;

Along with said curve to the right having a central angle of 06 Degrees 29 Minutes 43 Seconds, a radius of 1050.00 feet, an arc distance of 119.03 feet and a chord bearing and distance of South 72 Degrees 07 Minutes 15 Seconds East, 118.97 feet;

South 68 Degrees 52 Minutes 24 Seconds East, 164.34 feet to a point for corner;

North 65 Degrees 41 Minutes 37 Seconds East, 14.04 feet to a point for corner in the west right-of-way of said F.M. Highway 1389;

THENCE South 20 Degrees 15 Minutes 38 Seconds West, along the westerly right-of-way line of F.M. Road No 1389, and the southeasterly line of said 333.291 acre tract, a distance of 1895.02 feet to a 1/2" iron rod with cap Stamped "RPLS #5244" found at the beginning of a tangent curve to the right;

THENCE Southwesterly, along said tangent curve to the right having a central angle of 06 Degrees 00 Minutes 10 Seconds, a radius of 2814.61 feet, an arc distance of 294.88 feet and a chord bearing and distance of South 23 Degrees 29 Minutes 08 Seconds West, 294.74 feet to a 1/2" iron rod with cap Stamped "RPLS #5244" found for corner;

THENCE South 26 Degrees 35 Minutes 34 Seconds West, along the westerly right-of-way line of F.M. Road No 1389, and the southeasterly line of said 333.291 acre tract, a distance of 167.95 feet to the POINT OF BEGINNING and containing 84.43 acres of land more or less.

SAVE AND EXCEPT the following 2.38 acre tract of land:

BEING a 2.38 acre tract of land situated in the John D. Merchant Survey, Abstract No. 310, Kaufman County, Texas, being part of a 333.291 acre tract, described in deed to Megatel Homes III, LLC., recorded in Volume 6772, Page 220, Deed Records Dallas County, Texas (D.R.D.C.T.), and being more particularly described as follows:

COMMENINC at a 5/8" iron rod found at the most easterly corner of said 333.291 acre tract, the south corner of a called 1.61 acre tract of land described in a deed to Kenneth Michael and Starr Hopkins, recorded in Volume 2242, Page 42, D.R.K.C.T. and in the westerly right-of-way of Farm to Market Road 1389;

THENCE South 20 Degrees 15 Minutes 38 Seconds West, along the westerly right-of-way line of said F.M. Road No 1389 and along the easterly line of said 333.291 acre tract, a distance of 248.91 feet to a point from which a 1/2" capped iron rod found bears South 20 Degrees 15 Minutes 38 Seconds West, continuing along the westerly right-of-way line of said F.M. Road No 1389 and along the easterly line of said 333.291 acre tract, a distance of 1679.40 feet;

THENCE departing the westerly right-of-way line of said F.M. Road No 1389, over and across said 333.291 acre tract, the following course:

North 69 Degrees 44 Minutes 22 Seconds West, a distance of 630.64 feet to the POINT OF BEGINNING of said SAVE AND EXCEPT tract;

North 79 Degrees 25 Minutes 02 Seconds West, a distance of 405.61 feet to a point for corner;

North 81 Degrees 11 Minutes 41 Seconds West, a distance of 240.19 feet to a point for corner;

North 08 Degrees 48 Minutes 19 Seconds East, a distance of 90.09 feet to a point for corner;

North 67 Degrees 05 Minutes 59 Seconds East, a distance of 76.67 feet to a point for corner and the beginning of a tangent curve to the right;

Southeasterly, along with said tangent curve to the right having a central angle of 64 Degrees 18 Minutes 29 Seconds, a radius of 450.00 feet, an arc distance of 505.08 feet and a chord bearing and distance of South 80 Degrees 44 Minutes 47 Seconds East, 478.98 feet to the beginning of a reverse curve to the left;

Southeasterly, along with said reverse curve to the left having a central angle of 12 Degrees 08 Minutes 46 Seconds, a radius of 550.00 feet, an arc distance of 116.59 feet and a chord bearing and distance of South 54 Degrees 39 Minutes 55 Seconds East, 116.38 feet;

South 10 Degrees 34 Minutes 58 Seconds West, a distance of 87.27 feet to the POINT OF BEGINNING and containing 2.38 acres of land more or less.

Bearing system is based on the Texas State Plane Coordinate System, North American Datum of 1983, Texas North Central Zone 4202.

**LEGAL #3**  
**FIELD NOTES**

**BEING** a 26.215 acre tract of land situated in John the P. Stockman Survey, Abstract No. 445, Kaufman County Texas, part of a tract described in deed to Wetlands Management L.P., recorded in Volume 2476, Page 377, Deed Records Kaufman County, Texas (D.R.K.C.T.), and being more particularly described as follows:

**BEGINNING** at a 5/8" iron rod with cap stamped "Jones Carter" found for the west corner of said Wetlands Management tract, and being the southerly corner of Tract One, described in deed to MCM Kaufman Land Partners L.P., recorded in Volume 2195, Page 199, D.R.K.C.T., also being in the northerly Right-of-Way-line of Kaufman Street;

**THENCE** North 44 Degrees 03 Minutes 25 Seconds East, along the southeasterly line of said Tract One and the northwesterly line of said Wetlands Management tract, a distance of 1258.47 feet to a 3/8" iron rod found for corner;

**THENCE** North 44 Degrees 41 Minutes 05 Seconds East, along the southeasterly line of said Tract One and the northwesterly line of said Wetlands Management tract, a distance of 1421.33 feet to a 3/8" iron rod found for corner in the westerly Right-of-Way line of F.M. Road No 1389 (90' Right-of-Way);

**THENCE** South 26 Degrees 28 Minutes 42 Seconds West, along the westerly right-of-way line of F.M. Road No 1389, a distance of 2518.55 feet to a 5/8" iron rod with cap stamped "Jones Carter" found for the beginning of a tangent curve to the left;

**THENCE** Southwesterly, along said tangent curve to the left having a central angle of 40 Degrees 00 Minutes 17 Seconds, a radius of 364.81 feet, an arc distance of 254.72 feet and a chord bearing and distance of South 06 Degrees 29 Minutes 00 Seconds West, 249.58 feet to a 5/8" iron rod with cap stamped "Jones Carter" set in the northerly Right-of-Way line of Kaufman Street;

**THENCE** North 50 Degrees 55 Minutes 38 Seconds West, along the northerly right-of-way line of Kaufman Street, a distance of 931.92 feet to the **POINT OF BEGINNING** and containing 1,141,940 square feet or 26.215 acres of land more or less.

LEGAL #4  
FIELD NOTES

BEING a 81.467-acre tract of land situated in the Peter Stockman Survey No. 57, Abstract No. 445, Kaufman County, Texas; being a portion of that certain tract of land as described in a Special Warranty Deed to Wetlands Management, LP in Volume 2476, Page 377 and further referenced as being a portion of Tract 1 called to contain 1682.50 acres to Caroline Hunt Trust Estate as described in Volume 430, Page 465 of the Deed Records of Kaufman County, Texas; said 81.467 acres being more particularly described by metes and bounds as follows with bearings referenced to the Texas Coordinate System of 1983, North Central Zone, 4202:

BEGINNING: at a 5/8-inch iron rod with cap stamped "Spooner & Assoc." found on a Western line of the Second Tract called to contain 2,314.1631 acres in a Special Warranty Deed & Grant & Reservation of Easements to North Texas Municipal Water District in Volume 5314, Page 79 (Instrument No. 2017-0005060) of the Deed Records of Kaufman County, Texas, an Eastern line of the remainder of the said Wetlands Management, LP tract for the Northeastern corner of Tract 1 called to contain 98.758 acres in a General Warranty Deed to Wetland Farm, LLC in Volume 6404, Page 305 of the Deed Records of Kaufman County, Texas, for the Southeastern corner of this herein described tract, from which a 5/8-inch iron rod with cap stamped "Spooner & Assoc." found for a corner of said Tract 1, a corner of the said 2,314.1631 acre tract, a corner of the remainder of the said Wetlands Management, LP tract bears with a curve to the left having a Delta angle of  $1^{\circ}14'05''$ , a Radius of 1030.00 feet, an Arc length of 22.20 feet with the Chord of the curve South  $39^{\circ}53'23''$  East a distance of 22.20 feet;

THENCE: North  $78^{\circ}13'15''$  West a distance of 907.33 feet along the Northernmost line of the said Tract 1 – 98.758 acres, a line of the remainder of the said Wetlands Management, LP tract to a 5/8-inch iron rod with cap stamped "Jones|Carter" set for a corner of the said 98.758-acre tract, a corner of the remainder of the said Wetlands Management, LP tract, for a corner of this herein described tract;

THENCE: South  $32^{\circ}44'27''$  West a distance of 17.74 feet continuing along a line of the said Tract 1 – 98.758 acres, a line of the remainder of the said Wetlands Management, LP tract to a 5/8-inch iron rod with cap stamped "Jones|Carter" set on the Northeastern line of Farm to Market Road No. 1389 (90' right-of-way) for a corner of the said 98.758-acre tract, a corner of the remainder of the said Wetlands Management, LP tract, for a corner of this herein described tract;

THENCE: North  $57^{\circ}11'22''$  West a distance of 650.26 feet along a Northeastern line of said Farm to Market Road No. 1389 to a 5/8-inch iron rod with cap stamped "Jones|Carter" set for a corner of the remainder of the said Wetlands Management LP tract in Volume 2476, Page 377, a corner of said Farm to Market Road No. 1389, for a corner of this herein described tract;

THENCE: Continuing along a Northeastern line of said Farm to Market Road No. 1389, a curve to the right having a Delta angle of  $6^{\circ}16'00''$ , a Radius of 2819.76 feet, an Arc length of 308.41 feet with the Chord of the curve North  $54^{\circ}03'22''$  West a distance of 308.25 feet to a 5/8-inch iron rod with cap stamped "Jones|Carter" set for a corner of said Farm to Market Road No. 1389, a corner of the remainder of the said Wetlands Management, LP tract, for a corner of this herein described tract;

THENCE: North  $50^{\circ}55'22''$  West a distance of 452.08 feet continuing along a Northeastern line of said Farm to Market Road No. 1389 to a 5/8-inch iron rod with cap stamped "Jones|Carter" set for a corner of

said Farm to Market Road No. 1389, a corner of the remainder of the said Wetlands Management, LP tract, for a corner of this herein described tract;

THENCE: Continuing a Northeastern line of said Farm to Market Road No. 1389, with a curve to the right having a Delta angle of 77°15'00", a Radius of 273.31 feet, an Arc length of 368.50 feet with the Chord of curve North 12°17'52" West a distance of 341.21 feet to a 5/8-Inch Iron rod with cap stamped "Jones|Carter" set for a corner of said Farm to Market Road No. 1389, a corner of the remainder of the said Wetlands Management, LP tract, for a corner of this herein described tract;

THENCE: North 26°19'38" East a distance of 737.75 feet along the Southeastern line of said Farm to Market Road No. 1389 to a 5/8 Inch Iron rod with cap stamped "Jones|Carter" set for a corner of this herein described tract, on an occupational Southern fence line reported to be in the same location for 57 years for the Victor W. York tract not conforming to the called 3.343 acres as described in Volume 3492, Page 270 of the Deed Records of Kaufman County, Texas, from which a fence corner found bears South 77°52'30" West a distance of 2.46 feet;

THENCE: Along the said Occupational fence line as follows:

North 77°52'30" East a distance of 292.35 feet to a fence corner found;  
North 71°57'40" East a distance of 484.71 feet to a fence corner found;  
North 27°46'11" East a distance of 279.47 feet to a fence corner found;  
North 18°35'36" West a distance of 141.50 feet to a fence corner found;

THENCE: South 83°28'09" West a distance of 476.17 feet continuing with the said occupational fence line to a 5/8-Inch Iron rod with cap stamped "Jones|Carter" set on the Southeastern line of said Farm to Market Road No. 1389, for a corner of this herein described tract;

THENCE: North 26°19'38" East a distance of 1099.75 feet continuing along the Southeastern line of said Farm to Market Road No. 1389 to a 5/8-Inch Iron rod with cap stamped "Jones|Carter" for a corner of said Farm to Market Road No. 1389, for a corner of this herein described tract;

THENCE: North 26°17'38" East a distance of 279.44 feet continuing along the Southeastern line of said Farm to Market Road No. 1389 to a 5/8-Inch Iron rod with cap stamped "Jones|Carter" for a corner of said Farm to Market Road No. 1389, for a corner of this herein described tract;

THENCE: Continuing along the Southeastern line of said Farm to Market Road No. 1389, with a curve to the left having a Delta angle of 2°04'27", a Radius of 2909.79 feet, an Arc length of 105.34 feet with the Chord of curve North 25°15'25" East a distance of 105.33 feet to a 5/8 Inch Iron rod with cap stamped "Jones|Carter" set for the Southern corner of Tract 2 called to contain 3.1682 acres to The Board of Regents of the University of Texas as described in Volume 3824, Page 100 of the Deed Records of Kaufman County, Texas, from which a 1/2 Inch Iron rod found for a corner of said Farm to Market Road No. 1389, a corner of the said 3.1682 acre tract bears with a curve to the left having a Delta angle of 3°55'33", a Radius of 2909.79 feet, and Arc length of 199.37 feet with the Chord of the curve North 22°15'25" East a distance of 199.33 feet;

THENCE: North 44°40'21" East a distance of 796.06 feet along the Southeastern line of the said 3.1682 acre tract, a line of the remainder of the said Wetlands Management LP tract to a calculated point in water for the Northeastern corner of the said 3.1682 acre tract, on a line of the said Second Tract called to

contain 2,314.1631 acres of land to North Texas Municipal Water District as described in a Special Warranty Deed & Grant & Reservation of Easements in Volume 5314, Page 79 (Instrument No. 2017-0008060) of the Deed Records of Kaufman County, Texas, for the Northernmost corner of this herein described tract, from which a 1/2 inch iron rod with yellow plastic cap found on the Southeastern line of said Farm to Market Road No. 1389 for the Northwestern corner of the said 3.1682 acre tract, the Southwestern corner of Tract 1 called to contain 6.8279 acres as described in said Volume 3824, Page 100 bears North 45°36'53" West at 39.69 feet pass a found 5/8 inch iron rod disturbed a distance in all of 352.46 feet;

THENCE: South 45°36'53" East a distance of 41.65 feet along a line of the said 2,314.1631-acre tract to a calculated point in water for a corner of the said 2,314.1631-acre tract, for a corner of this herein described tract;

THENCE: South 23°42'59" West a distance of 257.26 feet continuing along a Western line of the said 2,314.1631-acre tract to a calculated point in water for a corner of the said 2,314.1631-acre tract, for a corner of this herein described tract;

THENCE: Continuing along a Western line of the said 2,314.1631-acre tract with a curve to the left having a Delta angle of 9°53'44", a Radius of 1030.00 feet, an Arc length of 177.89 feet with the Chord of the curve South 18°46'07" West a distance of 177.67 feet to a calculated point in water for a corner of the said 2,314.1631-acre tract, for a corner of this herein described tract;

THENCE: South 13°49'16" West a distance of 355.17 feet continuing along a Western line of the said 2,314.1631-acre tract to a calculated point in water for a corner of the said 2,314.1631 acres, for a corner of this herein described tract;

THENCE: Continuing along a Western line of the said 2,314.1631-acre tract with a curve to the right having a Delta angle of 14°17'42", a Radius of 870.00 feet, an Arc length of 217.06 feet with the Chord of the curve South 20°58'07" West a distance of 216.50 feet to a calculated point in water for a corner of the said 2,314.1631-acre tract, for a corner of this herein described tract;

THENCE: South 28°06'57" West a distance of 87.52 feet continuing along a Western line of the said 2,314.1631-acre tract to a calculated point in water for a corner of the said 2,314.1631 acres, for a corner of this herein described tract;

THENCE: Continuing along a Western line of the said 2,314.1631-acre tract with a curve to the left having a Delta angle of 32°58'40", a Radius of 930.00 feet, an Arc length of 535.28 feet with the Chord of the curve South 11°37'38" West a distance of 527.92 feet to a 5/8-inch iron rod with cap stamped "Spooner & Assoc." found for a corner of the said 2,314.1631-acre tract, for a corner of this herein described tract;

THENCE: South 04°51'42" East a distance of 836.37 feet continuing along a Western line of the said 2,314.1631-acre tract to a 5/8-inch iron rod with cap stamped "Spooner & Assoc." found for a corner of the said 2,314.1631-acre tract, for a corner of this herein described tract;

THENCE: Continuing along a Western line of the said 2,314.1631-acre tract with a curve to the left having a Delta angle of 10°35'04", a Radius of 1230.00 feet, an Arc length of 227.22 feet with the Chord of the curve South 10°08'46" East a distance of 226.90 feet to a 5/8-inch iron rod with cap stamped "Spooner & Assoc." found for a corner of the said 2,314.1631-acre tract, for a corner of this herein described tract;

THENCE; South 15°26'17" East a distance of 968.76 feet continuing along a Western line of the said 2,314.1631-acre tract to a 5/8-inch iron rod with cap stamped "Spooner & Assoc." found for a corner of the said 2,314.1631-acre tract, for a corner of this herein described tract;

THENCE; Continuing along a Western line of the said 2,314.1631-acre tract with a curve to the left having a Delta angle of 7°52'27", a Radius of 530.00 feet, an Arc length of 72.84 feet with the Chord of the curve South 19°26'03" East a distance of 72.78 feet to a 5/8-inch iron rod with cap stamped "Spooner & Assoc." found for a corner of the said 2,314.1631-acre tract, for a corner of this herein described tract;

THENCE; South 23°17'20" East a distance of 559.34 feet continuing along a Western line of the said 2,314.1631-acre tract to a 5/8-inch iron rod with cap stamped "Spooner & Assoc." found for a corner of the said 2,314.1631-acre tract, for a corner of this herein described tract;

THENCE; Continuing along a Western line of the said 2,314.1631 acre tract with a curve to the left having a Delta angle of 15°56'15", a Radius of 1030.00 feet, an Arc length of 286.51 feet with the Chord of the curve South 31°18'12" East a distance of 285.58 feet to the POINT OF BEGINNING and containing 81.467-acres of land.

LEGAL #5  
FIELD NOTES

BEING a 150.805 acre tract of land situated in the John D. Merchant Survey, Abstract No. 850, and the P. Stockman Survey, Abstract No. 445 Kaufman County Texas, being all of a called 150.802 acre tract described in deed to The 160 MC Squared L.P, recorded in Volume 2447, Page 115 Deed Records Kaufman County, Texas (D.R.K.C.T.) and Instrument No. 200412505267 of the Deed Property Records of Dallas County, Texas (D.R.D.C.T.), and being more particularly described as follows:

BEGINNING at a 5/8" Iron rod found at a southwest corner of said 150.802 acre tract and the easterly right of way-line of Combine Road and being the northwest corner of a tract of land described in deed to Martin G. and Mary Rodriguez, recorded Volume 2000035, Page 3265, D.R.D.C.T.;

THENCE North 13 Degrees 06 Minutes 52 Seconds West, along the easterly line of said Combine Road and a west line of said 150.802 acre tract, a distance of 383.69 feet to a 5/8" Iron rod with cap stamped "Jones Carter" set for the northwest corner of said 150.802 acre tract and the southwest corner of a called 10.2009 acre tract of land, described in deed to James L. Miller, recorded in Volume 1769, Page 5, D.R.K.C.T., from which a 3/8" Iron rod found bears North 13 Degrees 06 Minutes 52 Seconds West, a distance of 380.06 feet;

THENCE North 57 Degrees 39 Minutes 29 Seconds East, departing the easterly line of said Combine Road, along the south line of said 10.2009 acre tract and the north line of said 150.802 acre tract, a distance of 1245.80 feet to a 3/8" Iron rod found for corner;

THENCE North 45 Degrees 20 Minutes 32 Seconds East, along said common line, a distance of 525.86 feet to a 3/8" Iron rod found for the southeast corner of said 10.2009 acre tract and northeast corner of said 150.802 acre tract and the westerly line of called 10.3573 acre tract of land described in deed to James L. Miller;

THENCE South 50 Degrees 55 Minutes 44 Seconds East, along said common line, a distance of 200.05 feet to a 5/8" Iron rod with cap stamped "Jones Carter" set;

THENCE North 44 Degrees 12 Minutes 06 Seconds East, with the southerly line of said 10.3573, a distance of 1509.69 feet to a 5/8" Iron rod with cap stamped "Jones Carter" set for the northern most corner of said 150.802 acre tract, and being located in the southerly line of Kaufman Street;

THENCE South 50 Degrees 55 Minutes 38 Seconds East, with the southerly line of said Kaufman Street, and the northerly line of said 150.802 acre tract, a distance 1743.17 feet to a 5/8" Iron rod with cap stamped "Jones Carter" set for the northeast corner of said 150.802 acre tract and the northwest corner of a called 40.862 acre tract described in deed to Kala R.

Dharma, recorded in Volume 1876, Page. 25 D.R.D.C.T., from which a 3/8" iron rod found bears South 53 Degrees 06 Minutes 55 Seconds East, a distance of 153.10 feet;

THENCE South 20 Degrees 45 Minutes 43 Seconds West, departing the southerly line of F.M. 1389, along the easterly line of said 150.802 acre tract and the westerly line of said 40.862 acre tract, a distance of 799.65 feet to a 5/8" iron rod with cap stamped "Jones Carter" set for corner;

THENCE South 44 Degrees 26 Minutes 54 Seconds West, a distance of 2360.68 feet to a 3/8" iron rod found for the southeast corner of said 150.802 acre tract, and being located in the northerly line of a called 100 acre tract described in deed to Patsy Ruth Smith recorded in Document No. 201200182823 of the Official Public Records of Dallas County, Texas (O.P.R.D.C.T.);

THENCE North 45 Degrees 29 Minutes 25 Seconds West, along the common line between said 100 acre tract and said 150.802 acre tract, a distance of 2045.13 feet to a 5/8" iron rod with cap stamped "Jones Carter" set in the easterly line of a tract of land described in deed to Martin G. and Mary Rodriguez, recorded in Volume 2000035, Page 3265, D.R.D.C.T.;

THENCE North 44 Degrees 13 Minutes 15 Seconds East, along the common line between said 150.802 acre tract and said Rodriguez tract a distance of 144.28 feet to a 5/8" iron rod with cap stamped "Jones Carter" set for corner;

THENCE North 45 Degrees 32 Minutes 25 Seconds West, along the common line between said 150.802 acre tract and said Rodriguez tract, a distance of 175.11 feet to a 5/8" iron rod with cap stamped "Jones Carter" set for corner;

THENCE South 44 Degrees 15 Minutes 15 Seconds West, along the common line between said 150.802 acre tract and said Rodriguez tract, a distance of 689.71 feet to the POINT OF BEGINNING and containing 6,569,050 square feet or 150.805 acres of land more or less.

## EXHIBIT L-2 – IMPROVEMENT AREA #1 LEGAL DESCRIPTION

### Phase 1A

**BEGINNING** at a 5/8" iron rod with cap stamped "Jones Carter" set for corner in the northern line of said 333.291 acre tract and the southern right-of-way line of

U.S. Highway No. 175 from which a concrete monument bears North 76 Degrees 05 Minutes 02 Seconds West, a distance 548.94 feet;

**THENCE** South 76 Degrees 05 Minutes 02 Seconds East, along the common line between said 333.291 acre tract and said southern right-of-way line of U.S.

Highway No. 175, a distance of 120.00 feet to a 5/8" iron rod with cap stamped "Jones Carter" set for corner from which a concrete monument bears South 76 Degrees 05 Minutes 02 Seconds East, a distance of 251.26 feet;

**THENCE** departing said southern right-of-way line of said U.S. Highway No. 175, over and cross said 333.291 acre tract, the following courses:

South 58 Degrees 54 Minutes 58 Seconds West, a distance of 14.14 feet to a 5/8" iron rod with cap stamped "Jones Carter" set for corner;

South 13 Degrees 54 Minutes 58 Seconds West, a distance of 136.73 feet to a 5/8" iron rod with cap stamped "Jones Carter" set for corner at the beginning of a tangent curve to the left;

Southeasterly, along said tangent curve to the left having a central angle of 28 Degrees 00 Minutes 53 Seconds, a radius of 300.00 feet, an arc distance of

146.68 feet and a chord bearing and distance of South 00 Degrees 05 Minutes 28 Seconds East, 145.23 feet to a 5/8" iron rod with cap stamped "Jones

Carter" set for corner;

South 14 Degrees 05 Minutes 54 Seconds East, a distance of 955.79 feet to a 5/8" iron rod with cap stamped "Jones Carter" set for corner at the beginning of a tangent curve to the left;

Southeasterly, along said tangent curve to the left having a central angle of 67 Degrees 21 Minutes 06 Seconds, a radius of 300.00 feet, an arc distance of

352.65 feet and a chord bearing and distance of South 47 Degrees 46 Minutes 27 Seconds East, 332.70 feet to a 5/8" iron rod with cap stamped "Jones

Carter" set for corner;

South 81 Degrees 27 Minutes 00 Seconds East, a distance of 122.18 feet to a 5/8" iron rod with cap stamped "Jones Carter" set for corner at the beginning of a tangent curve to the left;

Northeasterly, along said tangent curve to the left having a central angle of 31 Degrees 27 Minutes 01 Seconds, a radius of 400.00 feet, an arc distance of

219.56 feet and a chord bearing and distance of North 82 Degrees 49 Minutes 29 Seconds East, 216.82 feet to a 5/8" iron rod with cap stamped "Jones

Carter" set for corner;

North 67 Degrees 05 Minutes 59 Seconds East, a distance of 76.67 feet to a 5/8" iron rod with cap stamped "Jones Carter" set for corner at the beginning of a

tangent curve to the right;  
Southeasterly, along said tangent curve to the right having a central angle of 64 Degrees 18 Minutes 29 Seconds, a radius of 550.00 feet, an arc distance of 617.31 feet and a chord bearing and distance of South 80 Degrees 44 Minutes 47 Seconds East, 585.42 feet to a 5/8" iron rod with cap stamped "Jones Carter" set for corner at the beginning of a reverse curve to the left;  
Southeasterly, along said reverse curve to the left having a central angle of 26 Degrees 46 Minutes 35 Seconds, a radius of 450.00 feet, an arc distance of 210.30 feet and a chord bearing and distance of South 61 Degrees 58 Minutes 50 Seconds East, 208.39 feet to a 5/8" iron rod with cap stamped "Jones Carter" set for corner;  
South 75 Degrees 22 Minutes 07 Seconds East, a distance of 223.01 feet to a 5/8" iron rod with cap stamped "Jones Carter" set for corner at the beginning of a tangent curve to the right;  
Southeasterly, along said tangent curve to the right having a central angle of 06 Degrees 29 Minutes 43 Seconds, a radius of 1050.00 feet, an arc distance of 119.03 feet and a chord bearing and distance of South 72 Degrees 07 Minutes 15 Seconds East, 118.97 feet to a 5/8" iron rod with cap stamped "Jones Carter" set for corner;  
South 68 Degrees 52 Minutes 24 Seconds East, a distance of 164.34 feet to a 5/8" iron rod with cap stamped "Jones Carter" set for corner;  
North 65 Degrees 41 Minutes 37 Seconds East, a distance of 14.04 feet to a 5/8" iron rod with cap stamped "Jones Carter" set for corner in the common line between the eastern line of said 333.291 acre tract and the western right-of-way line of said F.M. Road No. 1389 from which a 3/8" iron rod found bears North 20 Degrees 16 Minutes 03 Seconds East, a distance of 33.28 feet;  
**THENCE** South 20 Degrees 15 Minutes 38 Seconds West, along the common line between said 333.291 acre tract and said western right-of-way line of said F.M. Road No. 1389, a distance of 120.01 feet to a 5/8" iron rod with cap stamped "Jones Carter" set for corner;  
**THENCE** departing the west right-of-way line of said F.M. Road No. 1389, over and cross said 333.291 acre tract, the following courses:  
North 24 Degrees 18 Minutes 23 Seconds West, a distance of 14.25 feet to a 5/8" iron rod with cap stamped "Jones Carter" set for corner;  
North 68 Degrees 52 Minutes 24 Seconds West, a distance of 165.85 feet to a 5/8" iron rod with cap stamped "Jones Carter" set for corner at the beginning of a tangent curve to the left;  
Northwesterly, along said tangent curve to the left having a central angle of 06 Degrees 29 Minutes 43 Seconds, a radius of 950.00 feet, an arc distance of 107.70 feet and a chord bearing and distance of North 72 Degrees 07 Minutes 15 Seconds West, 107.64 feet to a 5/8" iron rod with cap stamped "Jones Carter" set for corner;  
North 75 Degrees 22 Minutes 07 Seconds West, a distance of 223.01 feet to a 5/8" iron rod with cap stamped "Jones Carter" set for corner at the beginning

of a tangent curve to the right;  
Northwesterly, along said tangent curve to the right having a central angle of 26 Degrees 46 Minutes 35 Seconds, a radius of 550.00 feet, an arc distance of 257.04 feet and a chord bearing and distance of North 61 Degrees 58 Minutes 50 Seconds West, 254.70 feet to a 5/8" iron rod with cap stamped "Jones Carter" set for corner at the beginning of a reverse curve to the left;  
Northwesterly, along said reverse curve to the left having a central angle of 64 Degrees 18 Minutes 29 Seconds, a radius of 450.00 feet, an arc distance of 505.08 feet and a chord bearing and distance of North 80 Degrees 44 Minutes 47 Seconds West, 478.98 feet to a 5/8" iron rod with cap stamped "Jones Carter" set for corner;  
South 67 Degrees 05 Minutes 59 Seconds West, a distance of 76.67 feet to a 5/8" iron rod with cap stamped "Jones Carter" set for corner at the beginning of a tangent curve to the right;  
Southwesterly, along said tangent curve to the right having a central angle of 31 Degrees 27 Minutes 01 Seconds, a radius of 500.00 feet, an arc distance of 274.46 feet and a chord bearing and distance of South 82 Degrees 49 Minutes 29 Seconds West, 271.02 feet to a 5/8" iron rod with cap stamped "Jones Carter" set for corner;  
North 81 Degrees 27 Minutes 00 Seconds West, a distance of 122.18 feet to a 5/8" iron rod with cap stamped "Jones Carter" set for corner at the beginning of a tangent curve to the right;  
Northwesterly, along said tangent curve to the right having a central angle of 01 Degrees 31 Minutes 37 Seconds, a radius of 400.00 feet, an arc distance of 10.66 feet and a chord bearing and distance of North 80 Degrees 41 Minutes 12 Seconds West, 10.66 feet to a 5/8" iron rod with cap stamped "Jones Carter" set for corner;  
South 59 Degrees 46 Minutes 40 Seconds West, a distance of 15.21 feet to a 5/8" iron rod with cap stamped "Jones Carter" set for corner;  
South 18 Degrees 39 Minutes 47 Seconds West, a distance of 158.81 feet to a 5/8" iron rod with cap stamped "Jones Carter" set for corner at the beginning of a tangent curve to the left;  
Southwesterly, along said tangent curve to the left having a central angle of 32 Degrees 49 Minutes 41 Seconds, a radius of 470.00 feet, an arc distance of 269.29 feet and a chord bearing and distance of South 02 Degrees 14 Minutes 56 Seconds West, 265.62 feet to a 5/8" iron rod with cap stamped "Jones Carter" set for corner;  
South 14 Degrees 09 Minutes 54 Seconds East, a distance of 17.13 feet to a 5/8" iron rod with cap stamped "Jones Carter" set for corner;  
South 59 Degrees 10 Minutes 26 Seconds East, a distance of 14.14 feet to a 5/8" iron rod with cap stamped "Jones Carter" set for corner;  
North 75 Degrees 52 Minutes 15 Seconds East, a distance of 0.51 feet to a 5/8" iron rod with cap stamped "Jones Carter" set for corner;

South 14 Degrees 08 Minutes 31 Seconds East, a distance of 50.00 feet to a 5/8" iron rod with cap stamped "Jones Carter" set for corner;

South 75 Degrees 49 Minutes 01 Seconds West, a distance of 0.49 feet to a 5/8" iron rod with cap stamped "Jones Carter" set for corner;

South 30 Degrees 49 Minutes 34 Seconds West, a distance of 14.14 feet to a 5/8" iron rod with cap stamped "Jones Carter" set for corner;

South 14 Degrees 09 Minutes 54 Seconds East, a distance of 425.61 feet to a 5/8" iron rod with cap stamped "Jones Carter" set for corner;

South 59 Degrees 09 Minutes 54 Seconds East, a distance of 14.14 feet to a 5/8" iron rod with cap stamped "Jones Carter" set for corner;

North 75 Degrees 50 Minutes 06 Seconds East, a distance of 0.50 feet to a 5/8" iron rod with cap stamped "Jones Carter" set for corner;

South 14 Degrees 09 Minutes 54 Seconds East, a distance of 90.00 feet to a 5/8" iron rod with cap stamped "Jones Carter" set for corner;

South 75 Degrees 50 Minutes 06 Seconds West, a distance of 0.50 feet to a 5/8" iron rod with cap stamped "Jones Carter" set for corner;

South 30 Degrees 50 Minutes 06 Seconds West, a distance of 14.14 feet to a 5/8" iron rod with cap stamped "Jones Carter" set for corner;

South 14 Degrees 09 Minutes 54 Seconds East, a distance of 349.91 feet to a 5/8" iron rod with cap stamped "Jones Carter" set for corner;

South 75 Degrees 50 Minutes 06 Seconds West, a distance of 60.00 feet to a 5/8" iron rod with cap stamped "Jones Carter" set for corner;

North 14 Degrees 09 Minutes 54 Seconds West, a distance of 0.50 feet to a 5/8" iron rod with cap stamped "Jones Carter" set for corner;

North 59 Degrees 10 Minutes 26 Seconds West, a distance of 14.14 feet to a 5/8" iron rod with cap stamped "Jones Carter" set for corner;

South 75 Degrees 49 Minutes 01 Seconds West, a distance of 240.00 feet to a 5/8" iron rod with cap stamped "Jones Carter" set for corner;

South 14 Degrees 09 Minutes 54 Seconds East, a distance of 60.00 feet to a 5/8" iron rod with cap stamped "Jones Carter" set for corner;

South 75 Degrees 49 Minutes 01 Seconds West, a distance of 185.00 feet to a 5/8" iron rod with cap stamped "Jones Carter" set for corner;

North 14 Degrees 09 Minutes 54 Seconds West, a distance of 65.00 feet to a 5/8" iron rod with cap stamped "Jones Carter" set for corner;

North 59 Degrees 10 Minutes 26 Seconds West, a distance of 14.14 feet to a 5/8" iron rod with cap stamped "Jones Carter" set for corner;

South 75 Degrees 49 Minutes 01 Seconds West, a distance of 0.51 feet to a 5/8" iron rod with cap stamped "Jones Carter" set for corner;

North 14 Degrees 08 Minutes 31 Seconds West, a distance of 50.00 feet to a 5/8" iron rod with cap stamped "Jones Carter" set for corner;

North 75 Degrees 49 Minutes 01 Seconds East, a distance of 0.49 feet to a 5/8" iron rod with cap stamped "Jones Carter" set for corner;

North 30 Degrees 49 Minutes 34 Seconds East, a distance of 14.14 feet to a 5/8" iron rod with cap stamped "Jones Carter" set for corner;

North 14 Degrees 09 Minutes 54 Seconds West, a distance of 110.00 feet to a 5/8" iron rod with cap stamped "Jones Carter" set for corner;

South 77 Degrees 00 Minutes 20 Seconds West, a distance of 151.24 feet to a 5/8" iron rod with cap stamped "Jones Carter" set for corner;

South 85 Degrees 48 Minutes 26 Seconds West, a distance of 134.55 feet to a 5/8" iron rod with cap stamped "Jones Carter" set for corner;

North 88 Degrees 06 Minutes 33 Seconds West, a distance of 266.80 feet to a 5/8" iron rod with cap stamped "Jones Carter" set for corner;

North 01 Degrees 53 Minutes 27 Seconds East, a distance of 65.00 feet to a 5/8" iron rod with cap stamped "Jones Carter" set for corner;

North 88 Degrees 06 Minutes 33 Seconds West, a distance of 290.00 feet to a 5/8" iron rod with cap stamped "Jones Carter" set for corner;

North 01 Degrees 53 Minutes 27 Seconds East, a distance of 2.82 feet to a 5/8" iron rod with cap stamped "Jones Carter" set for corner;

North 88 Degrees 06 Minutes 33 Seconds West, a distance of 125.00 feet to a 5/8" iron rod with cap stamped "Jones Carter" set for corner;

North 88 Degrees 48 Minutes 32 Seconds West, a distance of 75.01 feet to a 5/8" iron rod with cap stamped "Jones Carter" set for corner;

North 88 Degrees 06 Minutes 33 Seconds West, a distance of 300.16 feet to a 5/8" iron rod with cap stamped "Jones Carter" set for corner in the western line of said 333.291 acre tract and the eastern line of a called 9.985 acre tract described in deed to Luis E. Marquez & Maria Carolina Gramillo, recorded in Document No. 201100319866, O.P.R.D.C.T. same being the County line between Dallas and Kaufman County;

**THENCE** North 00 Degrees 04 Minutes 58 Seconds East, along said county line, a distance of 668.57 feet to a 5/8" iron rod with cap stamped "Jones Carter" set for corner;

**THENCE** North 00 Degrees 09 Minutes 18 Seconds West, continuing along said county line, a distance of 1258.58 feet to a 5/8" iron rod with cap stamped "Jones Carter" set for corner;

**THENCE** departing said County line, over and cross said 333.291 acre tract, the following courses:

South 82 Degrees 16 Minutes 34 Seconds East, a distance of 1074.24 feet to a 5/8" iron rod with cap stamped "Jones Carter" set for corner;

South 14 Degrees 20 Minutes 29 Seconds East, a distance of 114.42 feet to a 5/8" iron rod with cap stamped "Jones Carter" set for corner;

South 43 Degrees 02 Minutes 00 Seconds West, a distance of 10.00 feet to a 5/8" iron rod with cap stamped "Jones Carter" set for corner at the beginning of a non-tangent curve to the right;

Southeasterly, along said non-tangent curve to the right having a central angle of 64 Degrees 35 Minutes 24 Seconds, a radius of 50.00 feet, an arc distance of 56.37 feet and a chord bearing and distance of South 14 Degrees 40 Minutes 18 Seconds East, 53.43 feet to a 5/8" iron rod with cap stamped "Jones Carter" set for corner at the beginning of a reverse curve to the left;

Southwesterly, along said reverse curve to the left having a central angle of 31 Degrees 47 Minutes 18 Seconds, a radius of 50.00 feet, an arc distance of 27.74 feet and a chord bearing and distance of South 01 Degrees 43 Minutes 45 Seconds West, 27.39 feet to a 5/8" iron rod with cap stamped "Jones Carter" set for corner;

South 14 Degrees 09 Minutes 54 Seconds East, a distance of 10.31 feet to a 5/8" iron rod with cap stamped "Jones Carter" set for corner;

South 59 Degrees 33 Minutes 22 Seconds East, a distance of 14.05 feet to a 5/8" iron rod with cap stamped "Jones Carter" set for corner;

North 75 Degrees 03 Minutes 10 Seconds East, a distance of 245.15 feet to a 5/8" iron rod with cap stamped "Jones Carter" set for corner;

North 30 Degrees 28 Minutes 38 Seconds East, a distance of 14.25 feet to a 5/8" iron rod with cap stamped "Jones Carter" set for corner;

North 14 Degrees 05 Minutes 54 Seconds West, a distance of 845.32 feet to a 5/8" iron rod with cap stamped "Jones Carter" set for corner at the beginning of a tangent curve to the right;

Northwesterly, along said tangent curve to the right having a central angle of 28 Degrees 00 Minutes 53 Seconds, a radius of 400.00 feet, an arc distance of 195.58 feet and a chord bearing and distance of North 00 Degrees 05 Minutes 28 Seconds West, 193.64 feet to a 5/8" iron rod with cap stamped "Jones Carter" set for corner;

North 13 Degrees 54 Minutes 58 Seconds East, a distance of 136.73 feet to a 5/8" iron rod with cap stamped "Jones Carter" set for corner;

North 31 Degrees 05 Minutes 02 Seconds West, a distance of 14.14 feet to the **POINT OF BEGINNING** and containing 3,412,548 square feet or 78.341 acres of land more or less.

#### **Phase 1B**

**BEGINNING** at a 5/8" iron rod with cap stamped "Jones Carter" set for corner in the west right-of-way line of F.M. Road No. 1389 (90' Right-of-Way);

**THENCE** South 20 Degrees 15 Minutes 38 Seconds West, along the west right-of-way line of said F.M. Road No. 1389, a distance of 1775.00 feet to a 1/2" iron rod with cap stamped "RPLS #5244" found for corner at the beginning of a tangent curve to the right;

**THENCE** Southwesterly, along said tangent curve to the right having a central angle of 01 Degrees 57 Minutes 09 Seconds, a radius of 2814.61 feet, an arc distance of 95.91 feet and a chord bearing and distance of South 21 Degrees 27 Minutes 38 Seconds West, 95.91 feet to a 5/8" iron rod with cap stamped "Jones Carter" set for corner from which a 1/2" iron rod with cap stamped "RPLS #5244" bears along a southwesterly curve to the right having a central angle of 04 Degrees 03 Minutes 01 Seconds, a radius of 2814.61 feet, an arc distance of 198.97 feet and a chord bearing and distance of South 24 Degrees 27 Minutes 42 Seconds West, 198.93 feet;

**THENCE** departing the west right-of-way line of said F.M. Road No. 1389, over and cross said 333.291 acre tract, the following courses:

North 23 Degrees 13 Minutes 27 Seconds West, a distance of 14.01 feet to a 5/8" iron rod with cap stamped "Jones Carter" set for corner;

North 68 Degrees 47 Minutes 05 Seconds West, a distance of 217.56 feet to a 5/8" iron rod with cap stamped "Jones Carter" set for corner at the beginning of a tangent curve to the left;

Southwesterly, along said tangent curve to the left having a central angle of 54 Degrees 49 Minutes 06 Seconds, a radius of 500.00 feet, an arc distance of 478.38 feet and a chord bearing and distance of South 83 Degrees 48 Minutes 22 Seconds West, 460.34 feet to a 5/8" iron rod with cap stamped "Jones Carter" set for corner;

North 33 Degrees 36 Minutes 11 Seconds West, a distance of 100.18 feet to a 5/8" iron rod with cap stamped "Jones Carter" set for corner;

North 13 Degrees 32 Minutes 29 Seconds East, a distance of 14.30 feet to a 5/8" iron rod with cap stamped "Jones Carter" set for corner;

North 29 Degrees 47 Minutes 58 Seconds West, a distance of 54.64 feet to a 5/8" iron rod with cap stamped "Jones Carter" set for corner at the beginning of a tangent curve to the right;

Northwesterly, along said tangent curve to the right having a central angle of 15 Degrees 38 Minutes 04 Seconds, a radius of 530.00 feet, an arc distance of 144.62 feet and a chord bearing and distance of North 21 Degrees 58 Minutes 56 Seconds West, 144.17 feet to a 5/8" iron rod with cap stamped "Jones Carter" set for corner;

North 14 Degrees 09 Minutes 54 Seconds West, a distance of 379.32 feet to a 5/8" iron rod with cap stamped "Jones Carter" set for corner;

North 75 Degrees 50 Minutes 06 Seconds East, a distance of 60.00 feet to a 5/8" iron rod with cap stamped "Jones Carter" set for corner;

North 14 Degrees 09 Minutes 54 Seconds West, a distance of 349.91 feet to a 5/8" iron rod with cap stamped "Jones Carter" set for corner;

North 30 Degrees 50 Minutes 06 Seconds East, a distance of 14.14 feet to a 5/8" iron rod with cap stamped "Jones Carter" set for corner;

North 75 Degrees 50 Minutes 06 Seconds East, a distance of 0.50 feet to a 5/8" iron rod with cap stamped "Jones Carter" set for corner;

North 14 Degrees 09 Minutes 54 Seconds West, a distance of 90.00 feet to a 5/8" iron rod with cap stamped "Jones Carter" set for corner;

South 75 Degrees 50 Minutes 06 Seconds West, a distance of 0.50 feet to a 5/8" iron rod with cap stamped "Jones Carter" set for corner;

North 59 Degrees 09 Minutes 54 Seconds West, a distance of 14.14 feet to a 5/8" iron rod with cap stamped "Jones Carter" set for corner;

North 14 Degrees 09 Minutes 54 Seconds West, a distance of 425.61 feet to a 5/8" iron rod with cap stamped "Jones Carter" set for corner;

North 30 Degrees 49 Minutes 34 Seconds East, a distance of 14.14 feet to a 5/8" iron rod with cap stamped "Jones Carter" set for corner;

North 75 Degrees 49 Minutes 01 Seconds East, a distance of 0.49 feet to a 5/8" iron rod with cap stamped "Jones Carter" set for corner;

North 14 Degrees 08 Minutes 31 Seconds West, a distance of 50.00 feet to a 5/8" iron rod with cap stamped "Jones Carter" set for corner;

South 75 Degrees 52 Minutes 15 Seconds West, a distance of 0.51 feet to a 5/8" iron rod with cap stamped "Jones Carter" set for corner;

North 59 Degrees 10 Minutes 26 Seconds West, a distance of 14.14 feet to a 5/8" iron rod with cap stamped "Jones Carter" set for corner;

North 14 Degrees 09 Minutes 54 Seconds West, a distance of 17.13 feet to a 5/8" iron rod with cap stamped "Jones Carter" set for corner at the beginning of a tangent curve to the right;

Northeasterly, along said tangent curve to the right having a central angle of 32 Degrees 49 Minutes 41 Seconds, a radius of 470.00 feet, an arc distance of 269.29 feet and a chord bearing and distance of North 02 Degrees 14 Minutes 56 Seconds East, 265.62 feet to a 5/8" iron rod with cap stamped "Jones Carter" set for corner;

North 18 Degrees 39 Minutes 47 Seconds East, a distance of 158.81 feet to a 5/8" iron rod with cap stamped "Jones Carter" set for corner;

North 59 Degrees 46 Minutes 40 Seconds East, a distance of 15.21 feet to a 5/8" iron rod with cap stamped "Jones Carter" set for corner at the beginning of a non-tangent curve to the left;

Southeasterly, along said non-tangent curve to the left having a central angle of 01 Degrees 31 Minutes 37 Seconds, a radius of 400.00 feet, an arc distance of 10.66 feet and a chord bearing and distance of South 80 Degrees 41 Minutes 12 Seconds East, 10.66 feet to a 5/8" iron rod with cap stamped "Jones Carter" set for corner;

South 81 Degrees 27 Minutes 00 Seconds East, a distance of 122.18 feet to a 5/8" iron rod with cap stamped "Jones Carter" set for corner at the beginning of a tangent curve to the left;

Northeasterly, along said tangent curve to the left having a central angle of 31 Degrees 27 Minutes 01 Seconds, a radius of 500.00 feet, an arc distance of 274.46 feet and a chord bearing and distance of North 82 Degrees 49 Minutes 29 Seconds East, 271.02 feet to a 5/8" iron rod with cap stamped "Jones Carter" set for corner;

North 67 Degrees 05 Minutes 59 Seconds East, a distance of 76.67 feet to a 5/8" iron rod with cap stamped "Jones Carter" set for corner at the beginning of a tangent curve to the right;

Southeasterly, along said tangent curve to the right having a central angle of 64 Degrees 18 Minutes 29 Seconds, a radius of 450.00 feet, an arc distance of 505.08 feet and a chord bearing and distance of South 80 Degrees 44 Minutes 47 Seconds East, 478.98 feet to a 5/8" iron rod with cap stamped "Jones Carter" set for corner at the beginning of a reverse curve to the left;

Southeasterly, along said reverse curve to the left having a central angle of 26 Degrees 46 Minutes 35 Seconds, a radius of 550.00 feet, an arc distance of 257.04 feet and a chord bearing and distance of South 61 Degrees 58 Minutes 50 Seconds East, 254.70 feet to a 5/8" iron rod with cap stamped "Jones Carter" set for corner;

South 75 Degrees 22 Minutes 07 Seconds East, a distance of 223.01 feet to a 5/8" iron rod with cap stamped "Jones Carter" set for corner at the beginning of a tangent curve to the right;

Southeasterly, along said tangent curve to the right having a central angle of 06 Degrees 29 Minutes 43 Seconds, a radius of 950.00 feet, an arc distance of 107.70 feet and a

chord bearing and distance of South 72 Degrees 07 Minutes 15 Seconds East, 107.64 feet to a 5/8" iron rod with cap stamped "Jones Carter" set for corner;  
South 68 Degrees 52 Minutes 24 Seconds East, a distance of 165.85 feet to a 5/8" iron rod with cap stamped "Jones Carter" set for corner;  
South 24 Degrees 18 Minutes 23 Seconds East, a distance of 14.25 feet to the **POINT OF BEGINNING** and containing 2,514,785 square feet or 57.732 acres of land more or less.

## EXHIBIT L-3 – MAJOR IMPROVEMENT AREA LEGAL DESCRIPTION

### Phase 2

**BEGINNING** at a 5/8" iron rod with cap stamped "QUIDDITY ENG. PROPERTY CORNER" set for corner in the western line of said 333.291 acre tract, eastern line of a called 9.985 acre tract described in deed to Luis E. Marquez & Maria Carolina Gramillo, recorded in Document No. 201100319866, Official Public Records of Dallas

County, Texas (O.P.R.D.C.T.) same being the County line between Dallas and Kaufman County, the northwest corner of said 33.291 acre tract bears North 00 Degrees 04 Minutes 58 Seconds West - 2661.26 feet;

**THENCE** departing said western line of said 333.291 acre tract, east line of said 9.985 acre tract, over and cross said 333.291 acre tract, the following courses:

South 88 Degrees 06 Minutes 33 Seconds East, a distance of 300.16 feet to a 5/8" iron rod with cap stamped "QUIDDITY ENG. PROPERTY CORNER" set for corner;

South 88 Degrees 48 Minutes 32 Seconds East, a distance of 75.01 feet to a 5/8" iron rod with cap stamped "QUIDDITY ENG. PROPERTY CORNER" set for corner;

South 88 Degrees 06 Minutes 33 Seconds East, a distance of 125.00 feet to a 5/8" iron rod with cap stamped "QUIDDITY ENG. PROPERTY CORNER" set for corner;

South 01 Degrees 53 Minutes 27 Seconds West, a distance of 2.82 feet to a 5/8" iron rod with cap stamped "QUIDDITY ENG. PROPERTY CORNER" set for corner;

South 88 Degrees 06 Minutes 33 Seconds East, a distance of 290.00 feet to a 5/8" iron rod with cap stamped "QUIDDITY ENG. PROPERTY CORNER" set for corner;

South 01 Degrees 53 Minutes 27 Seconds West, a distance of 65.00 feet to a 5/8" iron rod with cap stamped "QUIDDITY ENG. PROPERTY CORNER" set for corner;

South 88 Degrees 06 Minutes 33 Seconds East, a distance of 266.80 feet to a 5/8" iron rod with cap stamped "QUIDDITY ENG. PROPERTY CORNER" set for corner;

North 85 Degrees 48 Minutes 26 Seconds East, a distance of 134.55 feet to a 5/8" iron rod with cap stamped "QUIDDITY ENG. PROPERTY CORNER" set for corner;

North 77 Degrees 00 Minutes 20 Seconds East, a distance of 151.24 feet to a 5/8" iron rod with cap stamped "QUIDDITY ENG. PROPERTY CORNER" set for corner;

South 14 Degrees 09 Minutes 54 Seconds East, a distance of 110.00 feet to a 5/8" iron rod with cap stamped "QUIDDITY ENG. PROPERTY CORNER" set for corner;

South 30 Degrees 49 Minutes 34 Seconds West, a distance of 14.14 feet to a 5/8" iron rod with cap stamped "QUIDDITY ENG. PROPERTY CORNER" set for corner;

South 75 Degrees 49 Minutes 01 Seconds West, a distance of 0.49 feet to a 5/8" iron rod with cap stamped "QUIDDITY ENG. PROPERTY CORNER" set for corner;

South 14 Degrees 08 Minutes 31 Seconds East, a distance of 50.00 feet to a 5/8" iron rod with cap stamped "QUIDDITY ENG. PROPERTY CORNER" set for corner;

North 75 Degrees 49 Minutes 01 Seconds East, a distance of 0.51 feet to a 5/8" iron rod with cap stamped "QUIDDITY ENG. PROPERTY CORNER" set for corner;

South 59 Degrees 10 Minutes 26 Seconds East, a distance of 14.14 feet to a 5/8" iron rod with cap stamped "QUIDDITY ENG. PROPERTY CORNER" set for corner;

South 14 Degrees 09 Minutes 54 Seconds East, a distance of 65.00 feet to a 5/8" iron rod with cap stamped "QUIDDITY ENG. PROPERTY CORNER" set for corner;  
North 75 Degrees 49 Minutes 01 Seconds East, a distance of 185.00 feet to a 5/8" iron rod with cap stamped "QUIDDITY ENG. PROPERTY CORNER" set for corner;  
North 14 Degrees 09 Minutes 54 Seconds West, a distance of 60.00 feet to a 5/8" iron rod with cap stamped "QUIDDITY ENG. PROPERTY CORNER" set for corner;  
North 75 Degrees 49 Minutes 01 Seconds East, a distance of 240.00 feet to a 5/8" iron rod with cap stamped "QUIDDITY ENG. PROPERTY CORNER" set for corner;  
South 59 Degrees 10 Minutes 26 Seconds East, a distance of 14.14 feet to a 5/8" iron rod with cap stamped "QUIDDITY ENG. PROPERTY CORNER" set for corner;  
South 14 Degrees 09 Minutes 54 Seconds East, a distance of 380.51 feet to a 5/8" iron rod with cap stamped "QUIDDITY ENG. PROPERTY CORNER" set for corner  
at the beginning of a tangent curve to the left;  
Southeasterly, along said tangent curve to the left having a central angle of 15 Degrees 42 Minutes 31 Seconds, a radius of 525.02 feet, an arc distance of 143.94 feet and a chord bearing and distance of South 22 Degrees 01 Minutes 10 Seconds East, a distance of 143.49 feet to a 5/8" iron rod with cap stamped "QUIDDITY ENG. PROPERTY CORNER" set for corner;  
South 29 Degrees 47 Minutes 58 Seconds East, a distance of 54.64 feet to a 5/8" iron rod with cap stamped "QUIDDITY ENG. PROPERTY CORNER" set for corner;  
South 13 Degrees 33 Minutes 14 Seconds West, a distance of 14.29 feet to a 5/8" iron rod with cap stamped "QUIDDITY ENG. PROPERTY CORNER" set for corner;  
South 33 Degrees 35 Minutes 56 Seconds East, a distance of 100.19 feet to a 5/8" iron rod with cap stamped "QUIDDITY ENG. PROPERTY CORNER" set for corner  
at the beginning of a tangent curve to the right;  
Northeasterly, along said tangent curve to the right having a central angle of 54 Degrees 49 Minutes 06 Seconds, a radius of 500.00 feet, an arc distance of 478.38 feet and a chord bearing and distance of North 83 Degrees 48 Minutes 22 Seconds East, a distance of 460.34 feet to a 5/8" iron rod with cap stamped "QUIDDITY ENG. PROPERTY CORNER" set for corner;  
South 68 Degrees 47 Minutes 05 Seconds East, a distance of 217.56 feet to a 5/8" iron rod with cap stamped "QUIDDITY ENG. PROPERTY CORNER" set for corner;  
South 23 Degrees 13 Minutes 27 Seconds East, a distance of 14.01 feet to a 5/8" iron rod with cap stamped "QUIDDITY ENG. PROPERTY CORNER" set for corner in the east line of said 333.291 acre tract, west right of way line of Farm to Market Road No. 1389 (FM 1389) (90 foot right-of-way) at the beginning of a tangent curve to the right;  
**THENCE** Southwesterly, along said tangent curve to the right having a central angle of 04 Degrees 34 Minutes 55 Seconds, a radius of 2488.18 feet, an arc distance of 198.98 feet and a chord bearing and distance of South 24 Degrees 27 Minutes 42 Seconds West, a distance of 198.93 feet to a 5/8" iron rod with cap stamped

“QUIDDITY ENG. PROPERTY CORNER” set for corner in the east line of said 333.291 acre tract, west line of FM 1389;

**THENCE** South 26 Degrees 29 Minutes 25 Seconds West, along the common line between said 333.291 acre tract and western right-of-way line of said F.M. Road No.

1389, a distance of 1599.15 feet to a 5/8” iron rod with cap stamped “QUIDDITY ENG. PROPERTY CORNER” set for corner;

**THENCE** departing said eastern line of said 333.291 acre tract, west line of said FM 1389, over and cross said 333.291 acre tract, the following courses:

North 00 Degrees 30 Minutes 57 Seconds West, a distance of 530.90 feet to a 5/8” iron rod with cap stamped “QUIDDITY ENG. PROPERTY CORNER” set for corner;

South 86 Degrees 18 Minutes 02 Seconds West, a distance of 340.25 feet to a 5/8” iron rod with cap stamped “QUIDDITY ENG. PROPERTY CORNER” set for corner to the beginning of a non-tangent curve to the right;

Southwesterly, along said non-tangent curve to the right having a central angle of 34 Degrees 04 Minutes 35 Seconds, a radius of 500.00 feet, an arc distance of 297.37 feet and a chord bearing and distance of South 34 Degrees 20 Minutes 17 Seconds West, a distance of 293.01 feet to a 5/8” iron rod with cap stamped “QUIDDITY ENG. PROPERTY CORNER” set for corner;

South 09 Degrees 33 Minutes 12 Seconds West, a distance of 14.77 feet to a 5/8” iron rod with cap stamped “QUIDDITY ENG. PROPERTY CORNER” set for corner at the beginning of a tangent curve to the right;

Southwesterly, along said tangent curve to the right having a central angle of 10 Degrees 20 Minutes 23 Seconds, a radius of 499.39 feet, an arc distance of 90.12 feet and a chord bearing and distance of South 57 Degrees 40 Minutes 31 Seconds West, a distance of 90.00 feet to a 5/8” iron rod with cap stamped “QUIDDITY ENG. PROPERTY CORNER” set for corner;

North 74 Degrees 12 Minutes 10 Seconds West, a distance of 14.77 feet to a 5/8” iron rod with cap stamped “QUIDDITY ENG. PROPERTY CORNER” set for corner at the beginning of a tangent curve to the right;

Southwesterly, along said tangent curve to the right having a central angle of 40 Degrees 33 Minutes 35 Seconds, a radius of 500.00 feet, an arc distance of 353.95 feet and a chord bearing and distance of South 84 Degrees 15 Minutes 15 Seconds West, a distance of 346.61 feet to a 5/8” iron rod with cap stamped “QUIDDITY ENG. PROPERTY CORNER” set for corner;

North 75 Degrees 27 Minutes 57 Seconds West, a distance of 211.26 feet to a 5/8” iron rod with cap stamped “QUIDDITY ENG. PROPERTY CORNER” set for corner to the beginning of a tangent curve to the left;

Northwesterly, along said tangent curve to the left having a central angle of 10 Degrees 26 Minutes 46 Seconds, a radius of 450.00 feet, an arc distance of 82.04 feet and a chord bearing and distance of North 80 Degrees 41 Minutes 20 Seconds West, a distance of 81.93 feet to a 5/8” iron rod with cap stamped “QUIDDITY

ENG. PROPERTY CORNER" set for corner;  
South 45 Degrees 23 Minutes 06 Seconds West, a distance of 14.77 feet to a 5/8" iron rod with cap stamped "QUIDDITY ENG. PROPERTY CORNER" set for corner;  
South 03 Degrees 04 Minutes 03 Seconds East, a distance of 0.72 feet to a 5/8" iron rod with cap stamped "QUIDDITY ENG. PROPERTY CORNER" set for corner;  
South 86 Degrees 55 Minutes 57 Seconds West, a distance of 90.00 feet to a 5/8" iron rod with cap stamped "QUIDDITY ENG. PROPERTY CORNER" set for corner;  
North 03 Degrees 04 Minutes 03 Seconds West, a distance of 0.72 feet to a 5/8" iron rod with cap stamped "QUIDDITY ENG. PROPERTY CORNER" set for corner;  
North 51 Degrees 31 Minutes 13 Seconds West, a distance of 14.77 feet to a 5/8" iron rod with cap stamped "QUIDDITY ENG. PROPERTY CORNER" set for corner  
to the beginning of a tangent curve to the left;  
Southwesterly, along said tangent curve to the right having a central angle of 40 Degrees 42 Minutes 15 Seconds, a radius of 450.00 feet, an arc distance of 319.69 feet and a chord bearing and distance of South 59 Degrees 25 Minutes 29 Seconds West, a distance of 313.01 feet to a 5/8" iron rod with cap stamped "QUIDDITY ENG. PROPERTY CORNER" set for corner;  
South 39 Degrees 04 Minutes 22 Seconds West, a distance of 302.13 feet to a 5/8" iron rod with cap stamped "QUIDDITY ENG. PROPERTY CORNER" set for corner;  
South 05 Degrees 55 Minutes 38 Seconds East, a distance of 14.14 feet to a 5/8" iron rod with cap stamped "QUIDDITY ENG. PROPERTY CORNER" set for corner  
in the south line of said 333.291 acre tract and being in the north right-of-way of Kaufman Road (variable width right of way);  
**THENCE** North 50 Degrees 55 Minutes 38 Seconds West, along the common line between said 333.291 acre tract and north right-of-way line of said Kaufman Road, a distance of 100.63 feet to a 5/8" iron rod with cap stamped "QUIDDITY ENG. PROPERTY CORNER" set for corner;  
**THENCE** departing said eastern line of said 333.291 acre tract, west line of said Kaufman Road, over and cross said 333.291 acre tract, the following courses:  
North 00 Degrees 33 Minutes 57 Seconds West, a distance of 12.99 feet to a 5/8" iron rod with cap stamped "QUIDDITY ENG. PROPERTY CORNER" set for corner;  
North 50 Degrees 55 Minutes 38 Seconds West, a distance of 11.09 feet to a 5/8" iron rod with cap stamped "QUIDDITY ENG. PROPERTY CORNER" set for corner;  
North 84 Degrees 04 Minutes 22 Seconds East, a distance of 14.14 feet to a 5/8" iron rod with cap stamped "QUIDDITY ENG. PROPERTY CORNER" set for corner;  
North 39 Degrees 04 Minutes 22 Seconds East, a distance of 280.92 feet to a 5/8" iron rod with cap stamped "QUIDDITY ENG. PROPERTY CORNER" set for corner;  
North 01 Degrees 48 Minutes 56 Seconds East, a distance of 529.45 feet to a 5/8" iron rod with cap stamped "QUIDDITY ENG. PROPERTY CORNER" set for corner;  
North 01 Degrees 56 Minutes 56 Seconds East, a distance of 352.84 feet to a 5/8" iron rod with cap stamped "QUIDDITY ENG. PROPERTY CORNER" set for corner;

North 01 Degrees 26 Minutes 55 Seconds East, a distance of 334.50 feet to a 5/8" iron rod with cap stamped "QUIDDITY ENG. PROPERTY CORNER" set for corner;  
North 01 Degrees 21 Minutes 57 Seconds East, a distance of 131.37 feet to a 5/8" iron rod with cap stamped "QUIDDITY ENG. PROPERTY CORNER" set for corner;  
North 89 Degrees 58 Minutes 49 Seconds West, a distance of 191.82 feet to a 5/8" iron rod with cap stamped "QUIDDITY ENG. PROPERTY CORNER" set for corner;  
North 84 Degrees 17 Minutes 22 Seconds West, a distance of 50.25 feet to a 5/8" iron rod with cap stamped "QUIDDITY ENG. PROPERTY CORNER" set for corner;  
West, a distance of 50.00 feet to a 5/8" iron rod with cap stamped "QUIDDITY ENG. PROPERTY CORNER" set for corner;  
North 44 Degrees 40 Minutes 31 Seconds West, a distance of 343.87 feet to a 5/8" iron rod with cap stamped "QUIDDITY ENG. PROPERTY CORNER" set for corner;  
North 45 Degrees 40 Minutes 43 Seconds East, a distance of 404.75 feet to a 5/8" iron rod with cap stamped "QUIDDITY ENG. PROPERTY CORNER" set for corner  
in the west line of said 333.291 acre tract, east line of a called 7.422 acre tract described in a deed to Ismael Gonzalez recorded in Document No. 201800048082  
O.P.R.D.C.T.;

**THENCE** North 00 Degrees 04 Minutes 58 Seconds East, a distance of 432.45 feet to the **POINT OF BEGINNING** and containing 4,506,781 square feet or 103.46 acres of land more or less.

### **Phase 3A**

**BEING** a 33.66 acre tract of land situated in the John D. Merchant Survey, Abstract No. 850, Dallas County, Texas and the John D. Merchant Survey, Abstract No. 310, Kaufman County Texas, being part of a called 333.291 acre tract described in deed to Megatel Homes, LLC, recorded in Volume 6772, Page 220, Deed Records Kaufman County, Texas (D.R.K.C.T.), and being more particularly described as follows:

**BEGINNING** at a point at the most westerly corner of said 333.291 acre tract, in the northerly right-of-way line of Kaufman Street and the southeast corner of a called 13.988 acre tract described in deed to Ricky B. and Nova M. Kirby, recorded in Volume 2002083, Page 3372, D.R.D.C.T., from which a 1" iron pipe found bears North 45 Degrees 40 Minutes 43 Seconds East, a distance of 1.50 feet;

**THENCE** North 45 Degrees 40 Minutes 43 Seconds East, departing the northerly right-of-way of said

Kaufman Street along the common line between said 333.291 acre tract and said 13.988 acre tract, a distance of 1228.12 feet to a point for corner;

**THENCE** over and across said 333.291 acre tract, the following courses:

South 44 Degrees 40 Minutes 31 Seconds East, a distance of 343.87 feet to a point for corner;

North 90 Degrees 00 Minutes 00 Seconds East, a distance of 50.00 feet to a point for corner;  
South 84 Degrees 17 Minutes 22 Seconds East, a distance of 50.25 feet to a point for corner;  
South 89 Degrees 58 Minutes 49 Seconds East, a distance of 191.82 feet to a point for corner;  
South 01 Degrees 21 Minutes 57 Seconds West, a distance of 131.37 feet to a point for corner;  
South 01 Degrees 26 Minutes 55 Seconds West, a distance of 334.50 feet to a point for corner;  
South 01 Degrees 56 Minutes 56 Seconds West, a distance of 352.84 feet to a point for corner;  
South 01 Degrees 48 Minutes 56 Seconds West, a distance of 529.45 feet to a point for corner;  
South 39 Degrees 04 Minutes 16 Seconds West, a distance of 280.93 feet to a point for corner;  
South 84 Degrees 07 Minutes 38 Seconds West, a distance of 14.14 feet to a point in the southwest line of said 333.291 acre tract and the north right-of-way line of the aforementioned Kaufman Street;

**THENCE** North 50 Degrees 55 Minutes 38 Seconds West, along the southwest line of said 333.291 acre tract, a distance of 1520.88 feet to the POINT OF BEGINNING and containing 33.66 acres of land more or less.

### **Phase 3B**

**BEING** a 33.68 acre tract of land situated in the John D. Merchant Survey, Abstract No. 310 and the P. Stockman Survey, Abstract No. 445 Kaufman County Texas, being part of a called 333.291 acre tract described in deed to Megatel Homes, LLC, recorded in Volume 6772, Page 220, Deed Records Kaufman County, Texas (D.R.K.C.T.), and part of a called 26.215 acre tract of land described in deed to Seagoville Laguna Azure, LLC, recorded in Instrument No. 2021-0000157, Official Public Records of Kaufman County, Texas, and being more particularly described as follows:

**BEGINNING** at a point on the west line of Tract 1, a 250' wide Texas Power & Light Easement and Right-of-Way, recorded in Volume 469, Page 304, D.R.K.C.T.;

**THENCE** South 00 Degrees 30 Minutes 57 Seconds East, along the west line of said Tract 1, a distance of 530.90 feet to a point in the east line of said 26.215 acre tract and the west line of F.M. Road No. 1389 (90' Right-of-Way), from said point a 3/8" iron rod found bears North 26 Degrees 28 Minutes 42 Seconds East, a distance of 1431.21 feet;

**THENCE** South 26 Degrees 28 Minutes 42 Seconds West, along the east line of said 26.215 acre tract and the west line of said F.M. Road No. 1389, a distance of 1257.40 feet to a point for corner;

**THENCE** North 83 Degrees 33 Minutes 52 Seconds West, a distance of 82.16 feet to a point in the south line of said 26.215 acre tract and the north line of Kaufman Street (Variable Width);

**THENCE** North 50 Degrees 55 Minutes 38 Seconds West, along the south line of said 26.215 acre tract and along the north Right-of-Way line of said Kaufman Street, a distance of 765.39 feet to a 5/8" capped iron rod found at the south corner of said 333.291;

**THENCE** North 50 Degrees 55 Minutes 38 Seconds West, along the south line of said 333.291 acre tract and along the north Right-of-Way line of said Kaufman Street, a distance of 729.65 feet to a point for corner;

**THENCE** departing the north Right-of-Way line of said Kaufman Street, over and across said 333.291 acre tract and said 26.215 acre tract, the following courses:

North 05 Degrees 55 Minutes 38 Seconds West, a distance of 14.14 feet to a point for corner;  
North 39 Degrees 04 Minutes 22 Seconds East, a distance of 302.13 feet to the beginning of a tangent curve to the right;  
Northeasterly, along said tangent curve to the right having a central angle of 40 Degrees 42 Minutes 15 Seconds, a radius of 450.00 feet, an arc distance of 319.69 feet and a chord bearing and distance of North 59 Degrees 25 Minutes 29 Seconds East, 313.01 feet to a point for corner;  
South 51 Degrees 31 Minutes 13 Seconds East, a distance of 14.77 feet to a point for corner;  
South 03 Degrees 04 Minutes 03 Seconds East, a distance of 0.72 feet to a point for corner;  
North 86 Degrees 55 Minutes 57 Seconds East, a distance of 90.00 feet to a point for corner;  
North 03 Degrees 04 Minutes 03 Seconds West, a distance of 0.72 feet to a point for corner;  
North 45 Degrees 23 Minutes 06 Seconds East, a distance of 14.77 feet to the beginning of a tangent curve to the right;  
Southeasterly, along said tangent curve to the right having a central angle of 10 Degrees 26 Minutes 46 Seconds, a radius of 450.00 feet, an arc distance of 82.04 feet and a chord bearing and distance of South 80 Degrees 41 Minutes 20 Seconds East, 81.93 feet to a point for corner;  
South 75 Degrees 27 Minutes 57 Seconds East, a distance of 211.26 feet to the beginning of a tangent curve to the left;  
Northeasterly, along said tangent curve to the left having a central angle of 40 Degrees 33 Minutes 35 Seconds, a radius of 500.00 feet, an arc distance of 353.95 feet and a chord bearing and distance of North 84 Degrees 15 Minutes 15 Seconds East, 346.61 feet to a point for corner;  
South 74 Degrees 12 Minutes 10 Seconds East, a distance of 14.77 feet to the beginning of a tangent curve to the left;  
Northeasterly, along said tangent curve to the left having a central angle of 10 Degrees 20 Minutes 23 Seconds, a radius of 499.39 feet, an arc distance of 90.12 feet and a chord bearing and distance of North 57 Degrees 40 Minutes 31 Seconds East, 90.00 feet to a point for corner;  
North 09 Degrees 33 Minutes 12 Seconds East, a distance of 14.77 feet to the beginning of a tangent curve to the left;  
Northeasterly, along said tangent curve to the left having a central angle of 34 Degrees 04 Minutes 35 Seconds, a radius of 500.00 feet, an arc distance of 297.37 feet and a chord bearing and distance of North 34 Degrees 20 Minutes 17 Seconds East, 293.01 feet to a point for corner;  
North 86 Degrees 18 Minutes 02 Seconds East, a distance of 340.25 feet to the **POINT OF BEGINNING** and containing 36.68 acres of land more or less.  
Bearings are based on the Texas State Plane Coordinate System, North American Datum of 1983, Texas North Central Zone 4202.

#### Phase 4

**BEING** a 71.02 acre tract of land situated in the John D. Merchant Survey, Abstract No. 850, the P. Stockman Survey, Abstract No. 1742 and the P. Stockman Survey, Abstract No. 445, Kaufman County Texas, being part of a called 150.802 acre tract described in deed to Megatel Homes, LLC, recorded in Volume 6765, Page 1, Deed Records Kaufman County, Texas (D.R.K.C.T.), and being more particularly described as follows:

**BEGINNING** at a 3/4" iron pipe rod found at the most easterly corner of Tract 1, a called 10.2009 acre tract of land, described in deed to James L. Miller, recorded in Volume 1769, Page 5, D.R.K.C.T., from which a 3/8" iron rod found bears North 50 Degrees 53 Minutes 13 Seconds West, a distance of 199.95 feet;

**THENCE** South 50 Degrees 55 Minutes 44 Seconds East, along the southerly line of Tract 2, a called 10.3573 acre tract of land, described in deed to James L. Miller, recorded in Volume 1769, Page 5, D.R.K.C.T., a distance of 200.05 feet to a 5/8" iron rod with cap stamped "Jones Carter" found;

**THENCE** North 44 Degrees 12 Minutes 06 Seconds East, with the southerly line of said 10.3573 acre tract, a distance of 1509.69 feet to a 5/8" iron rod with cap stamped "Jones Carter" found at the northern most corner of said 150.802 acre tract, and being located in the southerly line of Kaufman Street;

**THENCE** South 50 Degrees 55 Minutes 38 Seconds East, with the southerly line of said Kaufman Street, and the northerly line of said 150.802 acre tract, a distance 1743.17 feet to a 5/8" iron rod with cap stamped "Jones Carter" found for the northeast for of said 150.802 acre tract and the northwest corner of a called 40.862 acre tract described in deed to Kala R. Dharma, recorded in Volume 1876, Page. 25 D.R.D.C.T., from which a 3/8" iron rod found bears South 53 Degrees 06 Minutes 55 Seconds • East, a distance of 153.10 feet;

**THENCE** South 20 Degrees 45 Minutes 43 Seconds West, departing the southerly line of F.M. 1389, along the easterly line of said 150.802 acre tract and the westerly line of said 40.862 acre tract, a distance of 799.65 feet to a 5/8" iron rod with cap stamped "Jones Carter" found;

**THENCE** South 44 Degrees 26 Minutes 54 Seconds West, continuing along the easterly line of said 150.802 acre tract and the westerly line of said 40.862 acre tract, a distance of 1158.94 feet to a point for corner;

**THENCE** departing the westerly line of said 40.862 acre tract, over and across said 150.805 acre tract, the following courses:

North 00 Degrees 00 Minutes 00 Seconds East, a distance of 526.68 feet to a point for corner;  
North 28 Degrees 16 Minutes 22 Seconds East, a distance of 50.00 feet to a point for corner;  
North 50 Degrees 55 Minutes 38 Seconds West, a distance of 180.00 feet to a point for corner;  
North 39 Degrees 04 Minutes 22 Seconds East, a distance of 10.00 feet to a point for corner;  
North 50 Degrees 55 Minutes 38 Seconds West, a distance of 120.00 feet to a point for corner;  
South 39 Degrees 04 Minutes 22 Seconds West, a distance of 10.00 feet to a point for corner;  
North 50 Degrees 55 Minutes 38 Seconds West, a distance of 465.90 feet to a point for corner;  
North 85 Degrees 02 Minutes 39 Seconds West, a distance of 265.73 feet to a point for corner;  
North 05 Degrees 21 Minutes 38 Seconds East, a distance of 200.00 feet to a point for corner;  
North 85 Degrees 02 Minutes 39 Seconds West, a distance of 226.03 feet to the beginning of a

tangent curve to the right;  
Northwesterly, along said tangent curve to the right having a central angle of 33 Degrees 48 Minutes 14 Seconds, a radius of 360.00 feet, an arc distance of 212.40 feet and a chord bearing and distance of North 68 Degrees 08 Minutes 32 Seconds West, 209.33 feet to a point for corner;  
North 51 Degrees 14 Minutes 25 Seconds West, a distance of 409.25 feet to a point for corner;  
North 45 Degrees 20 Minutes 32 Seconds East, a distance of 125.73 feet to the **POINT OF BEGINNING** and containing 71.02 acres of land more or less.  
Bearings are based on the Texas State Plane Coordinate System, North American Datum of 1983, Texas North Central Zone 4202.

## Phase 5

**BEING** a 79.78 acre tract of land situated in the John D. Merchant Survey, Abstract No. 850, the P. Stockman Survey, Abstract No. 1742 and the P. Stockman Survey, Abstract No. 445 Kaufman County Texas, being part of a called 150.802 acre tract described in deed to Megatel Homes, LLC, recorded in Volume 6765, Page 1, Deed Records Kaufman County, Texas (D.R.K.C.T.), and being more particularly described as follows:

**BEGINNING** at a 5/8" iron rod found at a southwest corner of said 150.802 acre tract and the easterly Right-of-Way line of Combine Road and being the northwest corner of a tract of land described in deed to Martin G. and Mary Rodriguez, recorded Volume 2000035, Page 3265, D.R.D.C.T.;

**THENCE** North 13 Degrees 06 Minutes 52 Seconds West, along the easterly line of said Combine Road and a west line of said 150.802 acre tract, a distance of 383.69 feet to a 5/8" iron rod with cap stamped "Jones Carter" found for the northwest corner of said 150.802 acre tract and the southwest corner of a called 10.2009 acre tract of land, described in deed to James L. Miller, recorded in Volume 1769, Page 5, D.R.K.C.T., from which a 3/8" iron rod found bears North 13 Degrees 06 Minutes 52 Seconds West, a distance of 380.06 feet;

**THENCE** North 57 Degrees 39 Minutes 29 Seconds East, departing the easterly line of said Combine Road, along the south line of said 10.2009 acre tract and the north line of said 150.802 acre tract, a distance of 1245.80 feet to a 3/8" iron rod found for corner;

**THENCE** North 45 Degrees 20 Minutes 32 Seconds East, along said common line, a distance of 400.12 feet to a point for corner;

**THENCE** departing said common line, over and across said 150.805 acre tract, the following courses:

South 51 Degrees 14 Minutes 25 Seconds East, a distance of 409.25 feet to the beginning of a tangent curve to the left;

Southeasterly, along said tangent curve to the left having a central angle of 33 Degrees 48 Minutes 14 Seconds, a radius of 360.00 feet, an arc distance of 212.40 feet and a chord bearing and distance of South 68 Degrees 08 Minutes 32 Seconds East, 209.33 feet to a point for corner;

South 85 Degrees 02 Minutes 39 Seconds East, a distance of 226.03 feet to a point for corner;

South 05 Degrees 21 Minutes 38 Seconds West, a distance of 200.00 feet to a point for corner;  
South 85 Degrees 02 Minutes 39 Seconds East, a distance of 265.73 feet to a point for corner;

## APPENDIX A – ENGINEER’S REPORT



2805 Dallas Parkway, Suite 600  
Plano, Texas 75093  
Tel: 972.488.3880  
www.quiddity.com

Re: Engineer’s Report  
Santorini Development  
Seagoville, Texas  
Kaufman County

### Introduction:

Santorini is a proposed single-family development including approximately 611.54 acres and is anticipated to include approximately 1,938 single-family homes and approximately 69.40 acres of multi-family/commercial/amenity development is located south of US HWY 175 and centered on the intersection of FM Road 1389 and Kaufman Street in Seagoville, Texas as depicted on Exhibit A. This Engineer’s report includes the documents requested by the City of Seagoville for the formation of the PID and the issuance of bonds by the City. Bonds are anticipated to be used to finance public infrastructure projects vital for the development within the PID.

### Development Costs:

An opinion of probable cost (OPC) has been prepared for all off-site and on-site infrastructure and is included as Exhibit B.

### Development Improvements:

Development improvements have been separated into Direct and Master Improvements. The Direct and Master Improvements.

Improvements for Direct Improvements and Master Improvements are depicted in Exhibit C through Exhibit J. Any oversizing required by the city has been noted on the pertinent exhibits.

### Development Schedule:

#### Design Stage

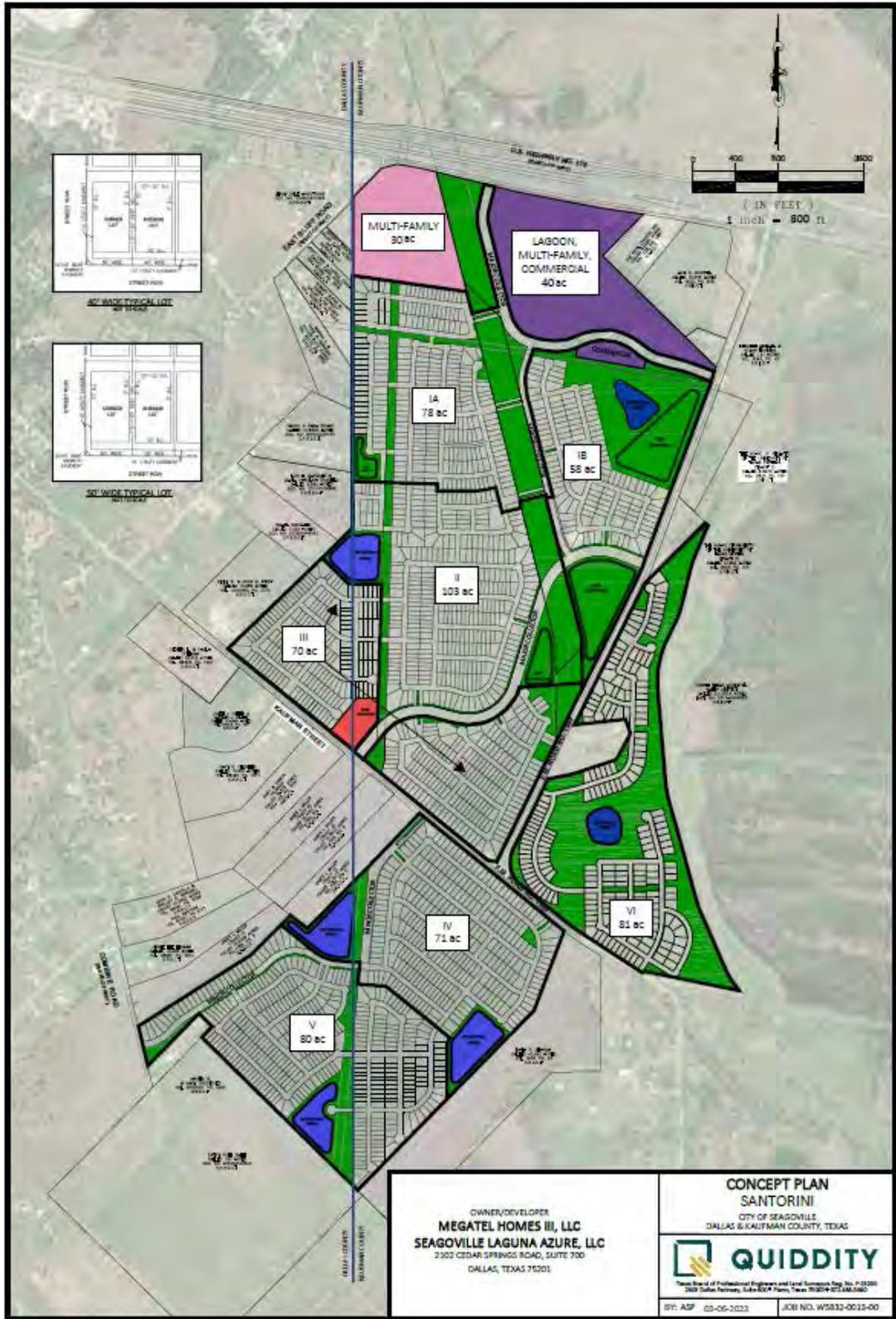
The construction plats and engineering plans for Phase 1A, 1B and 2 have all been approved by the City of Seagoville.

#### Construction Stage

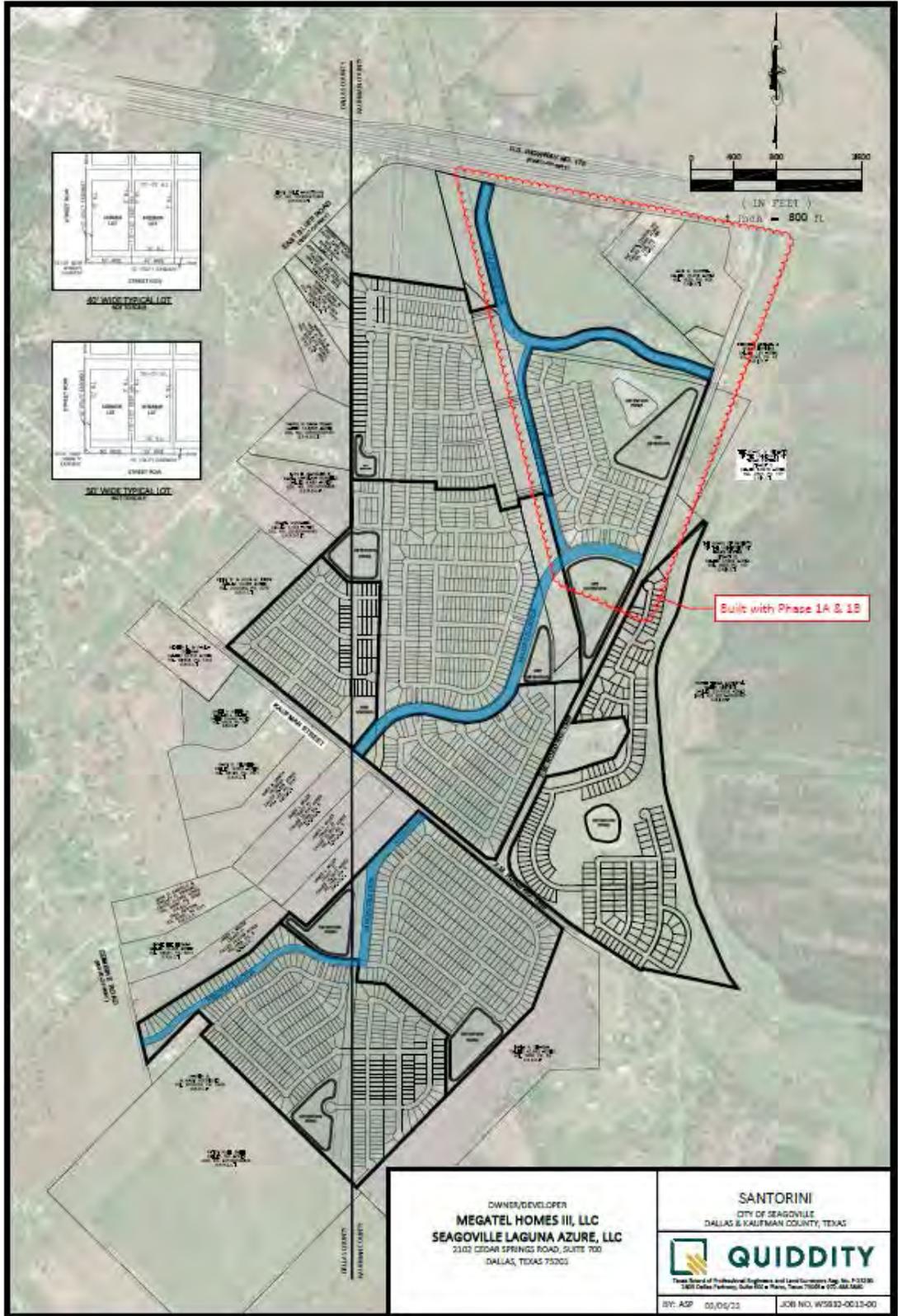
Phase 1 Mass Grading was completed in Q4 2022 and construction of Phase 1A, 1B and offsite infrastructure began Q1 2023.

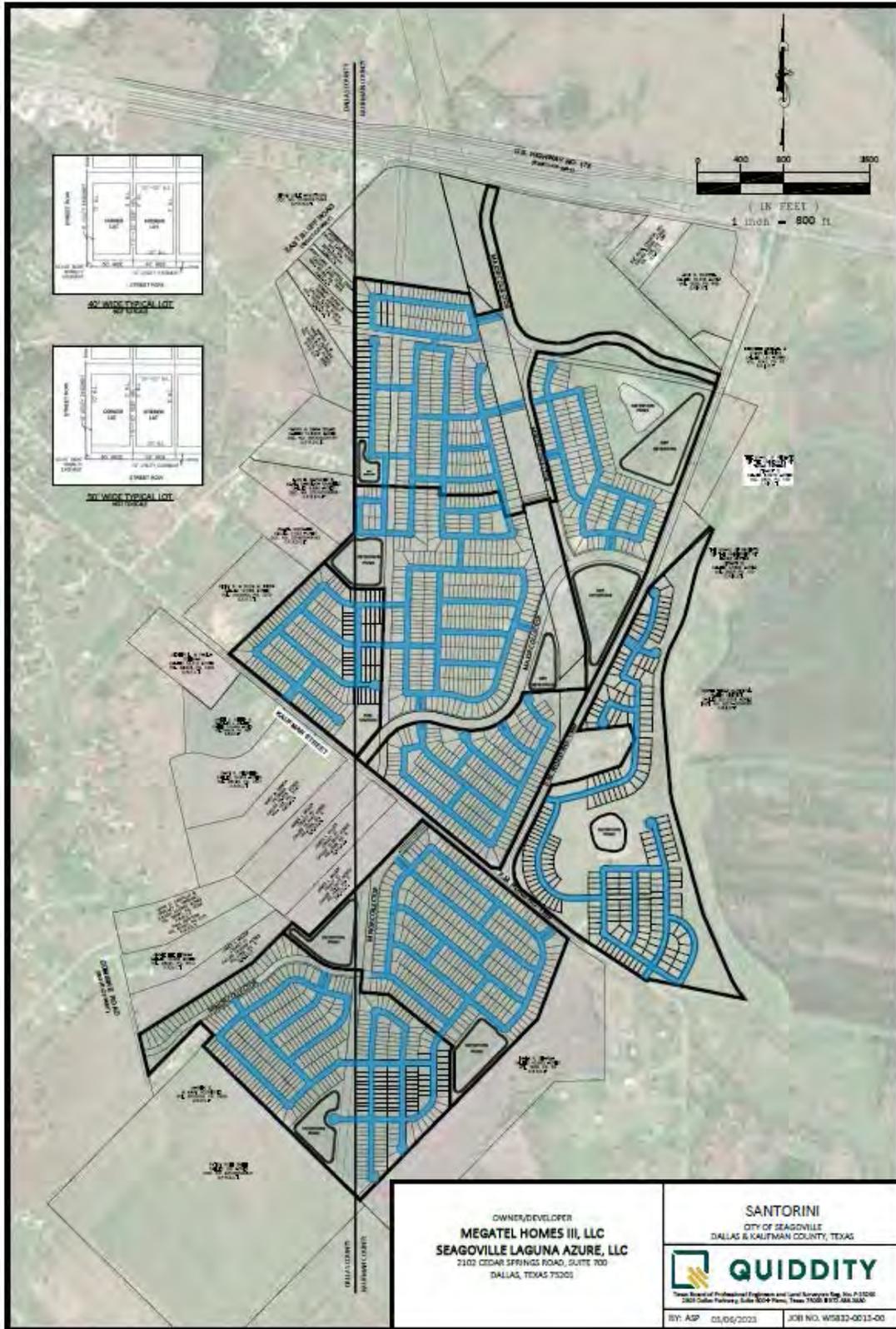


Texas Board of Professional Engineers Registration No. F-439 | Texas Board of Professional Land Surveying Registration No. 10046100



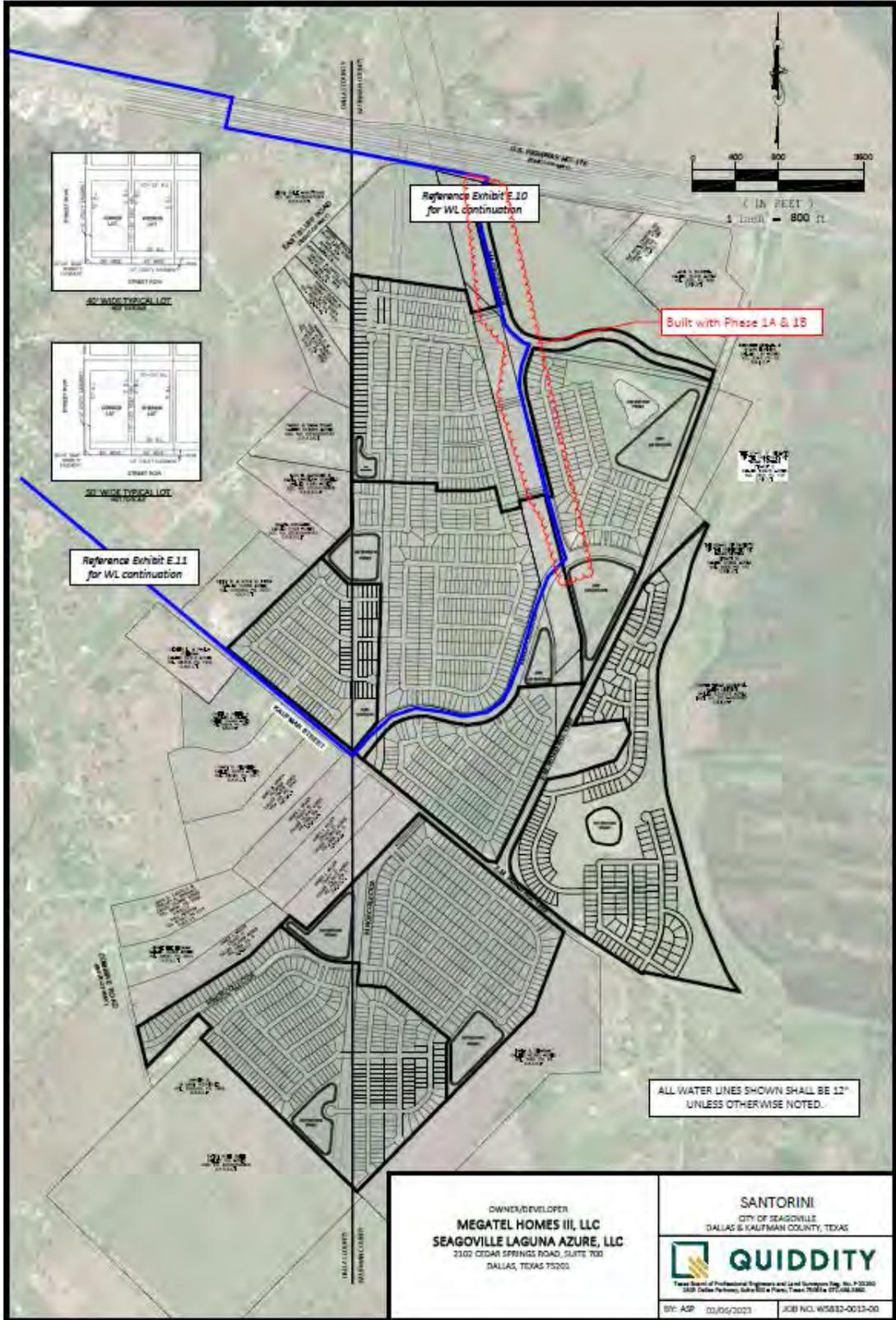


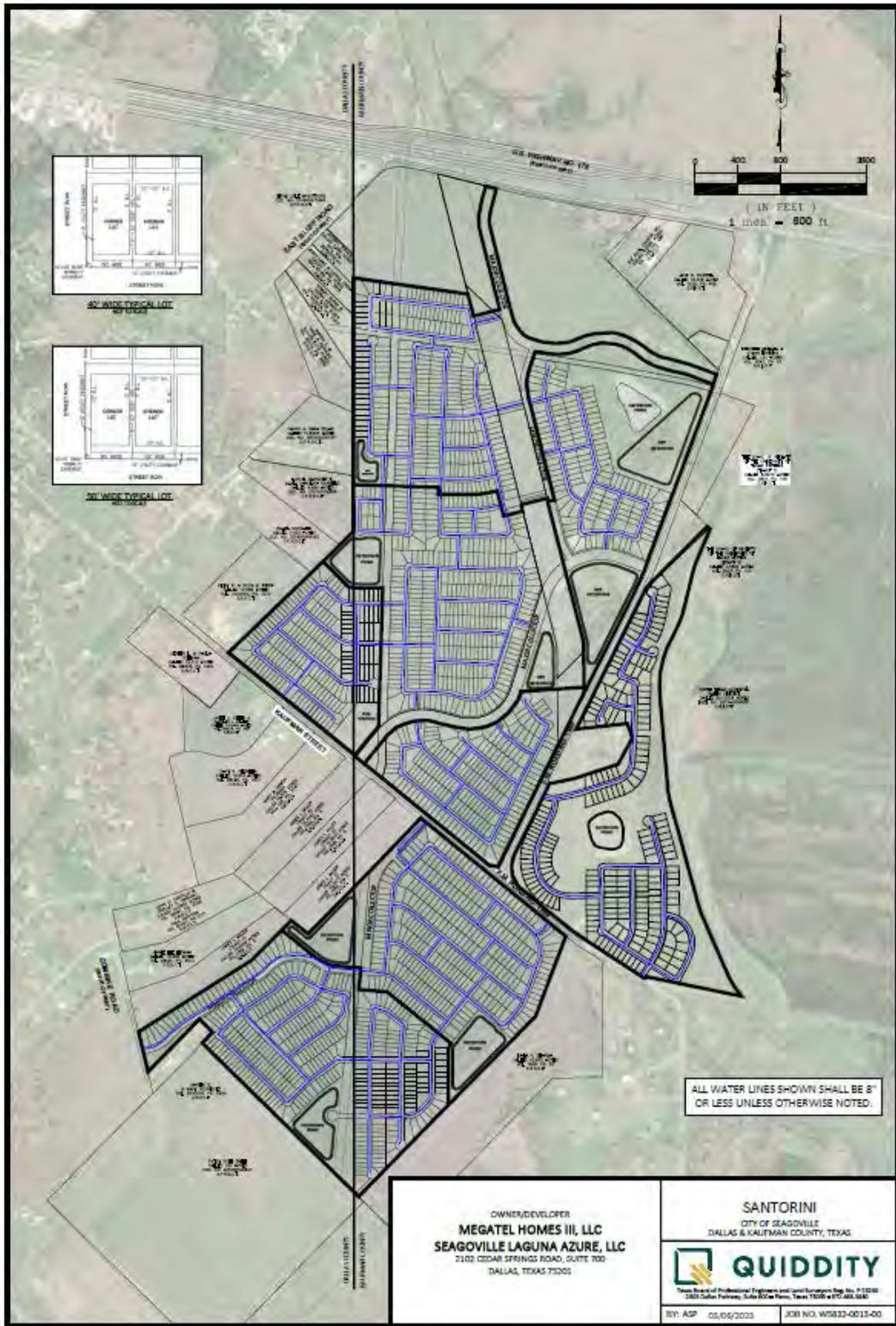




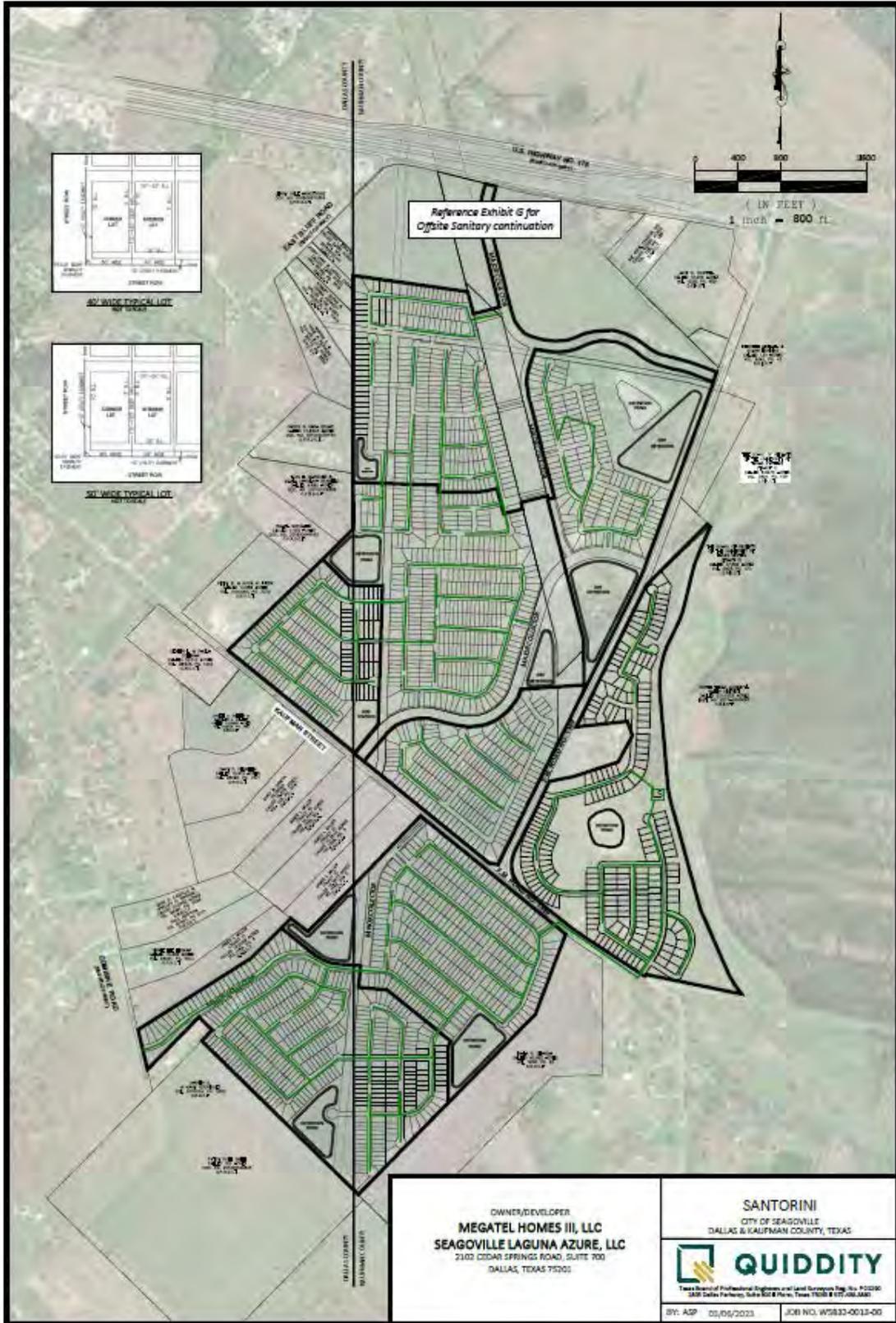


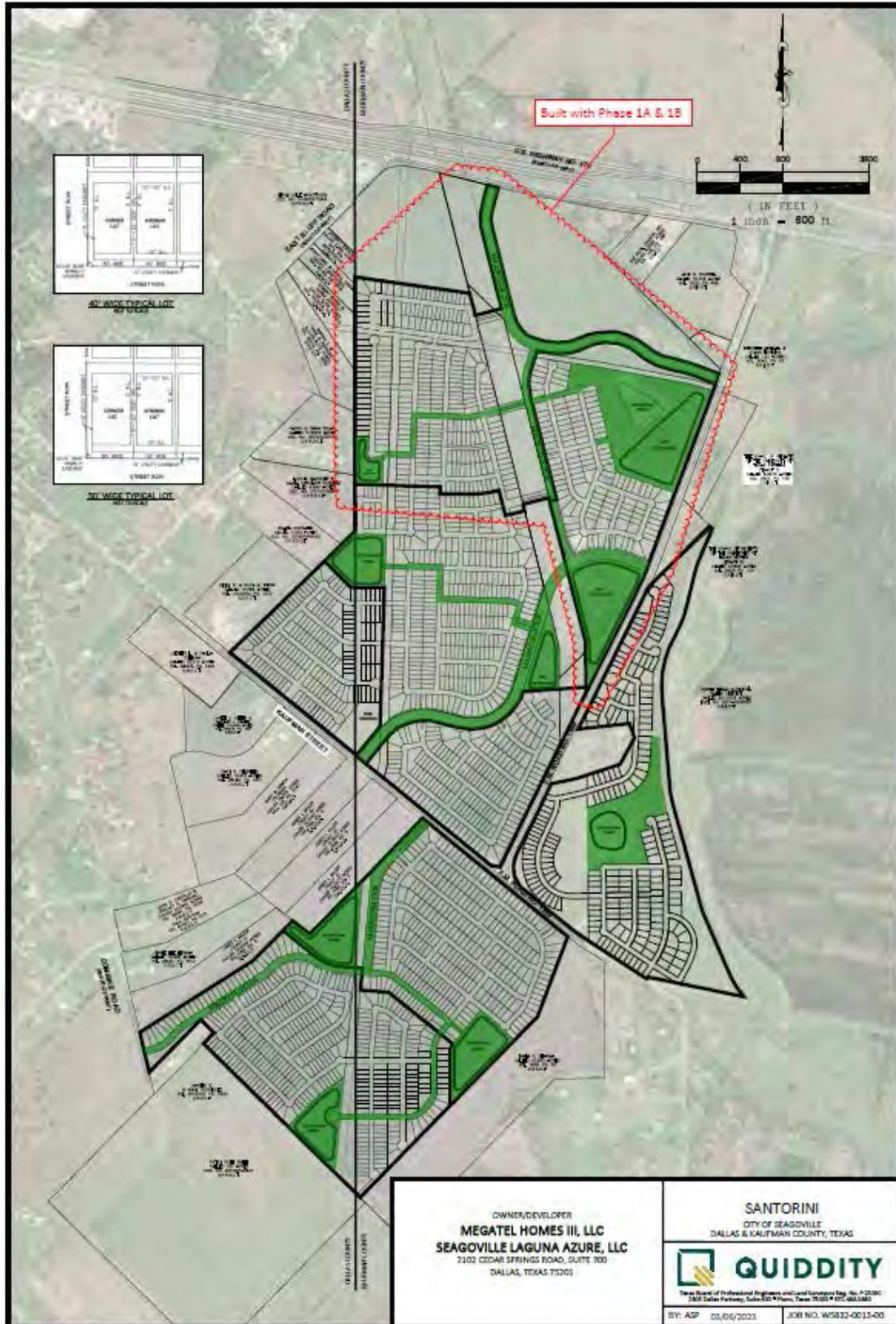










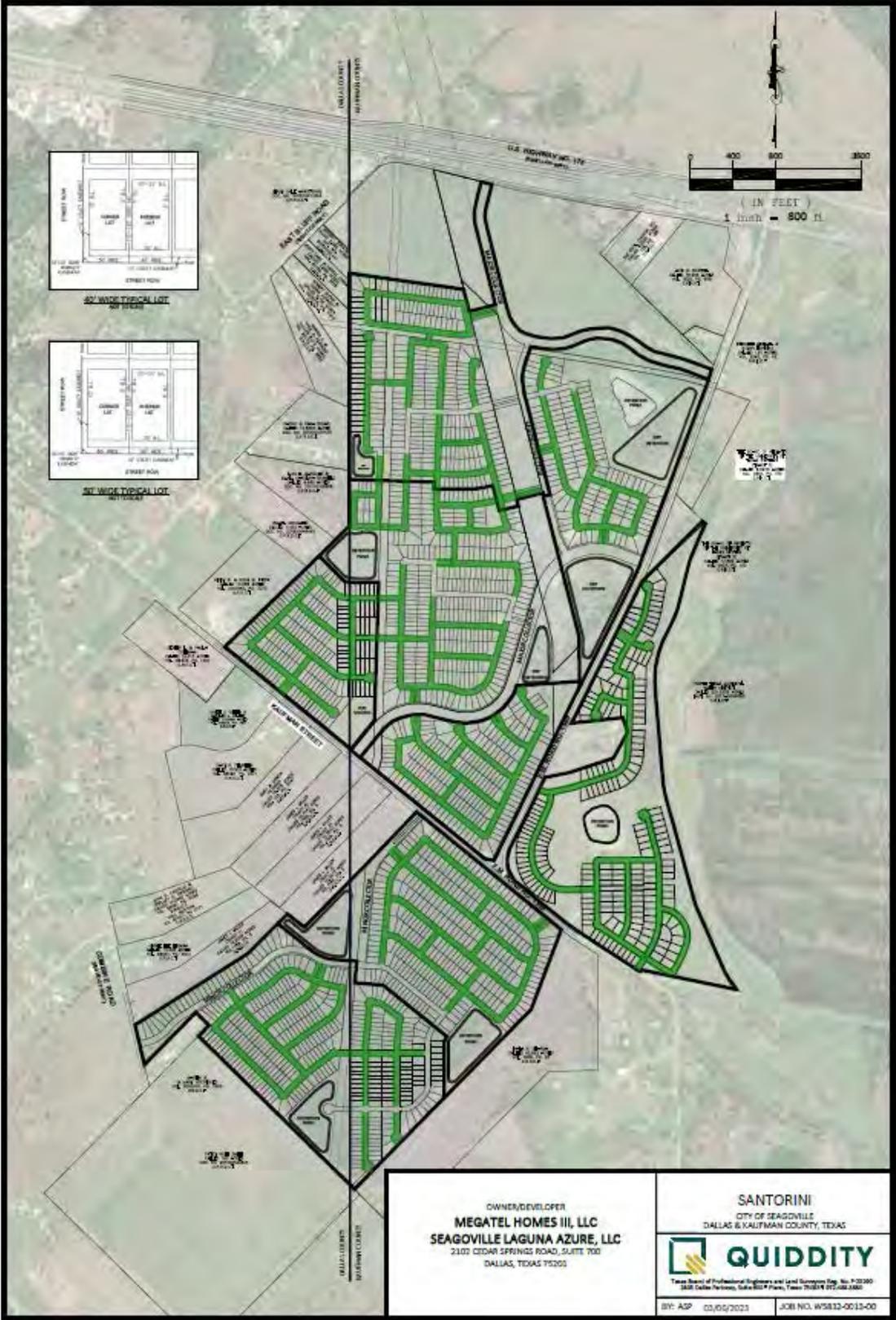


OWNER/DEVELOPER  
**MEGATEL HOMES III, LLC**  
**SEAGOVILLE LAGUNA AZURE, LLC**  
 2102 CEDAR SPRINGS ROAD, SUITE 700  
 DALLAS, TEXAS 75201

**SANTORINI**  
 CITY OF SEAGOVILLE  
 DALLAS & KAUFMAN COUNTY, TEXAS

**QUIDDITY**  
Texas Board of Professional Engineers and Surveyors Reg. No. 725394  
 3302 Cedar Parkway, Suite 501, Plano, Texas 75093 & (972) 464-3300

BY: ADP 03/06/2023 JOB NO. WS832-0013-00



## APPENDIX B – BUYER DISCLOSURES

Forms of the buyer disclosures for the following Lot Types are found in this appendix:

### Improvement Area #1

- Initial Parcel
- Lot Type 1
- Lot Type 2

### Major Improvement Area

- Initial Parcel

[Remainder of page left intentionally blank.]

**SANTORINI PUBLIC IMPROVEMENT DISTRICT IMPROVEMENT AREA #1 INITIAL  
PARCEL 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 RECORDING<sup>1</sup> RETURN TO:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

\_\_\_\_\_  
STREET ADDRESS

**IMPROVEMENT AREA #1 INITIAL PARCEL PRINCIPAL ASSESSMENT:  
\$17,995,000.00**

As the purchaser of the real property described above, you are obligated to pay assessments to City of Seagoville, 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 *Santorini Public Improvement District* (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 the City of Seagoville. The exact amount of each annual installment will be approved each year by the Seagoville 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 Seagoville.

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.

\_\_\_\_\_  
<sup>1</sup> 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 Kaufman 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]<sup>2</sup>

<sup>2</sup> 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]<sup>3</sup>

\_\_\_\_\_  
<sup>3</sup> 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 Kaufman 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]<sup>4</sup>

\_\_\_\_\_  
<sup>4</sup> 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 Kaufman County.

## ANNUAL INSTALLMENTS - IMPROVEMENT AREA #1 INITIAL PARCEL

Annual Installment Due 1/31	Principal	Interest <sup>[a]</sup>	Additional Interest	Capitalized Interest	Annual Collection Costs	Annual Installment <sup>[b]</sup>
2024	\$ -	\$ 514,357.08	\$ -	\$ (514,357.08)	\$ -	\$ -
2025	\$ 183,000.00	\$ 1,259,650.00	\$ 89,975.00	\$ -	\$ 40,000.00	\$ 1,572,625.00
2026	\$ 196,000.00	\$ 1,246,840.00	\$ 89,060.00	\$ -	\$ 40,800.00	\$ 1,572,700.00
2027	\$ 210,000.00	\$ 1,233,120.00	\$ 88,080.00	\$ -	\$ 41,616.00	\$ 1,572,816.00
2028	\$ 225,000.00	\$ 1,218,420.00	\$ 87,030.00	\$ -	\$ 42,448.32	\$ 1,572,898.32
2029	\$ 240,000.00	\$ 1,202,670.00	\$ 85,905.00	\$ -	\$ 43,297.29	\$ 1,571,872.29
2030	\$ 258,000.00	\$ 1,185,870.00	\$ 84,705.00	\$ -	\$ 44,163.23	\$ 1,572,738.23
2031	\$ 276,000.00	\$ 1,167,810.00	\$ 83,415.00	\$ -	\$ 45,046.50	\$ 1,572,271.50
2032	\$ 296,000.00	\$ 1,148,490.00	\$ 82,035.00	\$ -	\$ 45,947.43	\$ 1,572,472.43
2033	\$ 317,000.00	\$ 1,127,770.00	\$ 80,555.00	\$ -	\$ 46,866.38	\$ 1,572,191.38
2034	\$ 340,000.00	\$ 1,105,580.00	\$ 78,970.00	\$ -	\$ 47,803.70	\$ 1,572,353.70
2035	\$ 365,000.00	\$ 1,081,780.00	\$ 77,270.00	\$ -	\$ 48,759.78	\$ 1,572,809.78
2036	\$ 391,000.00	\$ 1,056,230.00	\$ 75,445.00	\$ -	\$ 49,734.97	\$ 1,572,409.97
2037	\$ 419,000.00	\$ 1,028,860.00	\$ 73,490.00	\$ -	\$ 50,729.67	\$ 1,572,079.67
2038	\$ 450,000.00	\$ 999,530.00	\$ 71,395.00	\$ -	\$ 51,744.27	\$ 1,572,669.27
2039	\$ 482,000.00	\$ 968,030.00	\$ 69,145.00	\$ -	\$ 52,779.15	\$ 1,571,954.15
2040	\$ 518,000.00	\$ 934,290.00	\$ 66,735.00	\$ -	\$ 53,834.73	\$ 1,572,859.73
2041	\$ 555,000.00	\$ 898,030.00	\$ 64,145.00	\$ -	\$ 54,911.43	\$ 1,572,086.43
2042	\$ 596,000.00	\$ 859,180.00	\$ 61,370.00	\$ -	\$ 56,009.66	\$ 1,572,559.66
2043	\$ 639,000.00	\$ 817,460.00	\$ 58,390.00	\$ -	\$ 57,129.85	\$ 1,571,979.85
2044	\$ 686,000.00	\$ 772,730.00	\$ 55,195.00	\$ -	\$ 58,272.45	\$ 1,572,197.45
2045	\$ 737,000.00	\$ 724,710.00	\$ 51,765.00	\$ -	\$ 59,437.90	\$ 1,572,912.90
2046	\$ 791,000.00	\$ 673,120.00	\$ 48,080.00	\$ -	\$ 60,626.65	\$ 1,572,826.65
2047	\$ 849,000.00	\$ 617,750.00	\$ 44,125.00	\$ -	\$ 61,839.19	\$ 1,572,714.19
2048	\$ 911,000.00	\$ 558,320.00	\$ 39,880.00	\$ -	\$ 63,075.97	\$ 1,572,275.97
2049	\$ 978,000.00	\$ 494,550.00	\$ 35,325.00	\$ -	\$ 64,337.49	\$ 1,572,212.49
2050	\$ 1,050,000.00	\$ 426,090.00	\$ 30,435.00	\$ -	\$ 65,624.24	\$ 1,572,149.24
2051	\$ 1,128,000.00	\$ 352,590.00	\$ 25,185.00	\$ -	\$ 66,936.72	\$ 1,572,711.72
2052	\$ 1,211,000.00	\$ 273,630.00	\$ 19,545.00	\$ -	\$ 68,275.46	\$ 1,572,450.46
2053	\$ 1,301,000.00	\$ 188,860.00	\$ 13,490.00	\$ -	\$ 69,640.97	\$ 1,572,990.97
2054	\$ 1,397,000.00	\$ 97,790.00	\$ 6,985.00	\$ -	\$ 71,033.79	\$ 1,572,808.79
<b>Total</b>	<b>\$ 17,995,000.00</b>	<b>\$ 26,234,107.08</b>	<b>\$ 1,837,125.00</b>	<b>\$ (514,357.08)</b>	<b>\$ 1,622,723.17</b>	<b>\$ 47,174,598.17</b>

**Footnotes:**

[a] Interest on the PID Bonds is calculated at a 7.00% rate for illustrative purposes.

[b] The figures shown above are estimates only and subject to change in Annual Service Plan Updates. Changes in Annual Collection Costs, reserve fund requirements, interest earnings, or other available offsets could increase or decrease the amounts shown.

**SANTORINI PUBLIC IMPROVEMENT DISTRICT IMPROVEMENT AREA #1 LOT TYPE  
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 RECORDING<sup>1</sup> RETURN TO:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

\_\_\_\_\_  
STREET ADDRESS

**IMPROVEMENT AREA #1 LOT TYPE 1 PRINCIPAL ASSESSMENT: \$42,478.61**

As the purchaser of the real property described above, you are obligated to pay assessments to City of Seagoville, 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 *Santorini Public Improvement District* (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 the City of Seagoville. The exact amount of each annual installment will be approved each year by the Seagoville 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 the City of Seagoville.

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.

\_\_\_\_\_  
<sup>1</sup> 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 Kaufman 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]<sup>2</sup>

<sup>2</sup> 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]<sup>3</sup>

\_\_\_\_\_  
<sup>3</sup> 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 Kaufman 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]<sup>4</sup>

\_\_\_\_\_  
<sup>4</sup> 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 Kaufman County.

## ANNUAL INSTALLMENTS - IMPROVEMENT AREA #1 LOT TYPE 1

Annual Installment Due 1/31	Principal	Interest <sup>[a]</sup>	Additional Interest	Capitalized Interest	Annual Collection Costs	Annual Installment <sup>[b]</sup>
2024	\$ -	\$ 1,214.18	\$ -	\$ (1,214.18)	\$ -	\$ -
2025	\$ 431.99	\$ 2,973.50	\$ 212.39	\$ -	\$ 94.42	\$ 3,712.30
2026	\$ 462.67	\$ 2,943.26	\$ 210.23	\$ -	\$ 96.31	\$ 3,712.48
2027	\$ 495.72	\$ 2,910.88	\$ 207.92	\$ -	\$ 98.24	\$ 3,712.76
2028	\$ 531.13	\$ 2,876.18	\$ 205.44	\$ -	\$ 100.20	\$ 3,712.95
2029	\$ 566.54	\$ 2,839.00	\$ 202.79	\$ -	\$ 102.21	\$ 3,710.53
2030	\$ 609.03	\$ 2,799.34	\$ 199.95	\$ -	\$ 104.25	\$ 3,712.57
2031	\$ 651.52	\$ 2,756.71	\$ 196.91	\$ -	\$ 106.34	\$ 3,711.47
2032	\$ 698.73	\$ 2,711.10	\$ 193.65	\$ -	\$ 108.46	\$ 3,711.94
2033	\$ 748.30	\$ 2,662.19	\$ 190.16	\$ -	\$ 110.63	\$ 3,711.28
2034	\$ 802.60	\$ 2,609.81	\$ 186.41	\$ -	\$ 112.84	\$ 3,711.66
2035	\$ 861.61	\$ 2,553.63	\$ 182.40	\$ -	\$ 115.10	\$ 3,712.74
2036	\$ 922.99	\$ 2,493.31	\$ 178.09	\$ -	\$ 117.40	\$ 3,711.80
2037	\$ 989.08	\$ 2,428.70	\$ 173.48	\$ -	\$ 119.75	\$ 3,711.02
2038	\$ 1,062.26	\$ 2,359.47	\$ 168.53	\$ -	\$ 122.15	\$ 3,712.41
2039	\$ 1,137.80	\$ 2,285.11	\$ 163.22	\$ -	\$ 124.59	\$ 3,710.72
2040	\$ 1,222.78	\$ 2,205.46	\$ 157.53	\$ -	\$ 127.08	\$ 3,712.86
2041	\$ 1,310.12	\$ 2,119.87	\$ 151.42	\$ -	\$ 129.62	\$ 3,711.03
2042	\$ 1,406.90	\$ 2,028.16	\$ 144.87	\$ -	\$ 132.22	\$ 3,712.15
2043	\$ 1,508.41	\$ 1,929.68	\$ 137.83	\$ -	\$ 134.86	\$ 3,710.78
2044	\$ 1,619.36	\$ 1,824.09	\$ 130.29	\$ -	\$ 137.56	\$ 3,711.30
2045	\$ 1,739.75	\$ 1,710.73	\$ 122.20	\$ -	\$ 140.31	\$ 3,712.98
2046	\$ 1,867.22	\$ 1,588.95	\$ 113.50	\$ -	\$ 143.11	\$ 3,712.78
2047	\$ 2,004.13	\$ 1,458.25	\$ 104.16	\$ -	\$ 145.98	\$ 3,712.52
2048	\$ 2,150.49	\$ 1,317.96	\$ 94.14	\$ -	\$ 148.90	\$ 3,711.48
2049	\$ 2,308.65	\$ 1,167.42	\$ 83.39	\$ -	\$ 151.87	\$ 3,711.33
2050	\$ 2,478.61	\$ 1,005.82	\$ 71.84	\$ -	\$ 154.91	\$ 3,711.18
2051	\$ 2,662.73	\$ 832.32	\$ 59.45	\$ -	\$ 158.01	\$ 3,712.51
2052	\$ 2,858.66	\$ 645.93	\$ 46.14	\$ -	\$ 161.17	\$ 3,711.89
2053	\$ 3,071.11	\$ 445.82	\$ 31.84	\$ -	\$ 164.39	\$ 3,713.17
2054	\$ 3,297.73	\$ 230.84	\$ 16.49	\$ -	\$ 167.68	\$ 3,712.74
<b>Total</b>	<b>\$ 42,478.61</b>	<b>\$ 61,927.66</b>	<b>\$ 4,336.68</b>	<b>\$ (1,214.18)</b>	<b>\$ 3,830.57</b>	<b>\$ 111,359.33</b>

**Footnotes:**

[a] Interest on the PID Bonds is calculated at a 7.00% rate for illustrative purposes.

[b] The figures shown above are estimates only and subject to change in Annual Service Plan Updates. Changes in Annual Collection Costs, reserve fund requirements, interest earnings, or other available offsets could increase or decrease the amounts shown.

**SANTORINI PUBLIC IMPROVEMENT DISTRICT IMPROVEMENT AREA #1 LOT TYPE  
2 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 RECORDING<sup>1</sup> RETURN TO:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

\_\_\_\_\_  
STREET ADDRESS

**IMPROVEMENT AREA #1 LOT TYPE 2 PRINCIPAL ASSESSMENT: \$47,788.43**

As the purchaser of the real property described above, you are obligated to pay assessments to City of Seagoville, 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 *Santorini Public Improvement District* (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 the City of Seagoville. The exact amount of each annual installment will be approved each year by the Seagoville 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 the City of Seagoville.

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.

\_\_\_\_\_  
<sup>1</sup> 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 Kaufman 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]<sup>2</sup>

<sup>2</sup> 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]<sup>3</sup>

\_\_\_\_\_  
<sup>3</sup> 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 Kaufman 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]<sup>4</sup>

\_\_\_\_\_  
<sup>4</sup> 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 Kaufman County.

## ANNUAL INSTALLMENTS - IMPROVEMENT AREA #1 LOT TYPE 2

Annual Installment Due 1/31	Principal	Interest <sup>[a]</sup>	Additional Interest	Capitalized Interest	Reserve Fund	Annual Collection Costs	Annual Installment <sup>[b]</sup>
2024	\$ -	\$ 1,365.95	\$ -	\$ (1,365.95)	\$ -	\$ -	\$ -
2025	\$ 485.98	\$ 3,345.19	\$ 238.94	\$ -	\$ -	\$ 106.23	\$ 4,176.34
2026	\$ 520.51	\$ 3,311.17	\$ 236.51	\$ -	\$ -	\$ 108.35	\$ 4,176.54
2027	\$ 557.69	\$ 3,274.74	\$ 233.91	\$ -	\$ -	\$ 110.52	\$ 4,176.85
2028	\$ 597.52	\$ 3,235.70	\$ 231.12	\$ -	\$ -	\$ 112.73	\$ 4,177.07
2029	\$ 637.36	\$ 3,193.87	\$ 228.13	\$ -	\$ -	\$ 114.98	\$ 4,174.34
2030	\$ 685.16	\$ 3,149.26	\$ 224.95	\$ -	\$ -	\$ 117.28	\$ 4,176.64
2031	\$ 732.96	\$ 3,101.30	\$ 221.52	\$ -	\$ -	\$ 119.63	\$ 4,175.40
2032	\$ 786.07	\$ 3,049.99	\$ 217.86	\$ -	\$ -	\$ 122.02	\$ 4,175.94
2033	\$ 841.84	\$ 2,994.96	\$ 213.93	\$ -	\$ -	\$ 124.46	\$ 4,175.19
2034	\$ 902.92	\$ 2,936.03	\$ 209.72	\$ -	\$ -	\$ 126.95	\$ 4,175.62
2035	\$ 969.31	\$ 2,872.83	\$ 205.20	\$ -	\$ -	\$ 129.49	\$ 4,176.83
2036	\$ 1,038.36	\$ 2,804.98	\$ 200.36	\$ -	\$ -	\$ 132.08	\$ 4,175.77
2037	\$ 1,112.72	\$ 2,732.29	\$ 195.16	\$ -	\$ -	\$ 134.72	\$ 4,174.89
2038	\$ 1,195.04	\$ 2,654.40	\$ 189.60	\$ -	\$ -	\$ 137.41	\$ 4,176.46
2039	\$ 1,280.02	\$ 2,570.75	\$ 183.62	\$ -	\$ -	\$ 140.16	\$ 4,174.56
2040	\$ 1,375.63	\$ 2,481.15	\$ 177.22	\$ -	\$ -	\$ 142.97	\$ 4,176.97
2041	\$ 1,473.89	\$ 2,384.85	\$ 170.35	\$ -	\$ -	\$ 145.83	\$ 4,174.91
2042	\$ 1,582.77	\$ 2,281.68	\$ 162.98	\$ -	\$ -	\$ 148.74	\$ 4,176.17
2043	\$ 1,696.96	\$ 2,170.89	\$ 155.06	\$ -	\$ -	\$ 151.72	\$ 4,174.63
2044	\$ 1,821.78	\$ 2,052.10	\$ 146.58	\$ -	\$ -	\$ 154.75	\$ 4,175.21
2045	\$ 1,957.21	\$ 1,924.58	\$ 137.47	\$ -	\$ -	\$ 157.85	\$ 4,177.11
2046	\$ 2,100.62	\$ 1,787.57	\$ 127.68	\$ -	\$ -	\$ 161.00	\$ 4,176.88
2047	\$ 2,254.65	\$ 1,640.53	\$ 117.18	\$ -	\$ -	\$ 164.22	\$ 4,176.58
2048	\$ 2,419.30	\$ 1,482.70	\$ 105.91	\$ -	\$ -	\$ 167.51	\$ 4,175.42
2049	\$ 2,597.23	\$ 1,313.35	\$ 93.81	\$ -	\$ -	\$ 170.86	\$ 4,175.25
2050	\$ 2,788.43	\$ 1,131.55	\$ 80.82	\$ -	\$ -	\$ 174.28	\$ 4,175.08
2051	\$ 2,995.57	\$ 936.36	\$ 66.88	\$ -	\$ -	\$ 177.76	\$ 4,176.57
2052	\$ 3,215.99	\$ 726.67	\$ 51.90	\$ -	\$ -	\$ 181.32	\$ 4,175.88
2053	\$ 3,455.00	\$ 501.55	\$ 35.82	\$ -	\$ -	\$ 184.94	\$ 4,177.31
2054	\$ 3,709.94	\$ 259.70	\$ 18.55	\$ -	\$ -	\$ 188.64	\$ 4,176.83
<b>Total</b>	<b>\$ 47,788.43</b>	<b>\$ 69,668.62</b>	<b>\$ 4,878.76</b>	<b>\$ (1,365.95)</b>	<b>\$ -</b>	<b>\$ 4,309.39</b>	<b>\$ 125,279.25</b>

**Footnotes:**

[a] Interest on the PID Bonds is calculated at a 7.00% rate for illustrative purposes.

[b] The figures shown above are estimates only and subject to change in Annual Service Plan Updates. Changes in Annual Collection Costs, reserve fund requirements, interest earnings, or other available offsets could increase or decrease the amounts shown.

**SANTORINI PUBLIC IMPROVEMENT DISTRICT MAJOR IMPROVEMENT AREA  
INITIAL PARCEL 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 RECORDING<sup>1</sup> RETURN TO:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

\_\_\_\_\_  
STREET ADDRESS

**MAJOR IMPROVEMENT AREA INTIAL PARCEL PRINCIPAL ASSESSMENT:  
\$15,915,000.00**

As the purchaser of the real property described above, you are obligated to pay assessments to City of Seagoville, 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 *Santorini Public Improvement District* (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 the City of Seagoville. The exact amount of each annual installment will be approved each year by the Seagoville 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 the City of Seagoville.

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.

\_\_\_\_\_  
<sup>1</sup> 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 Kaufman 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]<sup>2</sup>

<sup>2</sup> 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]<sup>3</sup>

\_\_\_\_\_  
<sup>3</sup> 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 Kaufman 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]<sup>4</sup>

\_\_\_\_\_  
<sup>4</sup> 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 Kaufman County.

## ANNUAL INSTALLMENTS - MAJOR IMPROVEMENT AREA INITIAL PARCEL

Annual Installment Due 1/31	Principal	Interest <sup>[a]</sup>	Additional Interest	Capitalized Interest	Annual Collection Costs	Annual Installment <sup>[b]</sup>
2024	\$ -	\$ 454,903.75	\$ -	\$ (454,903.75)	\$ -	\$ -
2025	\$ -	\$ 1,114,050.00	\$ 79,575.00	\$ (1,114,050.00)	\$ 40,000.00	\$ 119,575.00
2026	\$ 176,000.00	\$ 1,114,050.00	\$ 79,575.00	\$ -	\$ 40,800.00	\$ 1,410,425.00
2027	\$ 188,000.00	\$ 1,101,730.00	\$ 78,695.00	\$ -	\$ 41,616.00	\$ 1,410,041.00
2028	\$ 202,000.00	\$ 1,088,570.00	\$ 77,755.00	\$ -	\$ 42,448.32	\$ 1,410,773.32
2029	\$ 216,000.00	\$ 1,074,430.00	\$ 76,745.00	\$ -	\$ 43,297.29	\$ 1,410,472.29
2030	\$ 231,000.00	\$ 1,059,310.00	\$ 75,665.00	\$ -	\$ 44,163.23	\$ 1,410,138.23
2031	\$ 248,000.00	\$ 1,043,140.00	\$ 74,510.00	\$ -	\$ 45,046.50	\$ 1,410,696.50
2032	\$ 265,000.00	\$ 1,025,780.00	\$ 73,270.00	\$ -	\$ 45,947.43	\$ 1,409,997.43
2033	\$ 284,000.00	\$ 1,007,230.00	\$ 71,945.00	\$ -	\$ 46,866.38	\$ 1,410,041.38
2034	\$ 305,000.00	\$ 987,350.00	\$ 70,525.00	\$ -	\$ 47,803.70	\$ 1,410,678.70
2035	\$ 327,000.00	\$ 966,000.00	\$ 69,000.00	\$ -	\$ 48,759.78	\$ 1,410,759.78
2036	\$ 350,000.00	\$ 943,110.00	\$ 67,365.00	\$ -	\$ 49,734.97	\$ 1,410,209.97
2037	\$ 375,000.00	\$ 918,610.00	\$ 65,615.00	\$ -	\$ 50,729.67	\$ 1,409,954.67
2038	\$ 402,000.00	\$ 892,360.00	\$ 63,740.00	\$ -	\$ 51,744.27	\$ 1,409,844.27
2039	\$ 432,000.00	\$ 864,220.00	\$ 61,730.00	\$ -	\$ 52,779.15	\$ 1,410,729.15
2040	\$ 463,000.00	\$ 833,980.00	\$ 59,570.00	\$ -	\$ 53,834.73	\$ 1,410,384.73
2041	\$ 496,000.00	\$ 801,570.00	\$ 57,255.00	\$ -	\$ 54,911.43	\$ 1,409,736.43
2042	\$ 533,000.00	\$ 766,850.00	\$ 54,775.00	\$ -	\$ 56,009.66	\$ 1,410,634.66
2043	\$ 571,000.00	\$ 729,540.00	\$ 52,110.00	\$ -	\$ 57,129.85	\$ 1,409,779.85
2044	\$ 613,000.00	\$ 689,570.00	\$ 49,255.00	\$ -	\$ 58,272.45	\$ 1,410,097.45
2045	\$ 658,000.00	\$ 646,660.00	\$ 46,190.00	\$ -	\$ 59,437.90	\$ 1,410,287.90
2046	\$ 706,000.00	\$ 600,600.00	\$ 42,900.00	\$ -	\$ 60,626.65	\$ 1,410,126.65
2047	\$ 758,000.00	\$ 551,180.00	\$ 39,370.00	\$ -	\$ 61,839.19	\$ 1,410,389.19
2048	\$ 813,000.00	\$ 498,120.00	\$ 35,580.00	\$ -	\$ 63,075.97	\$ 1,409,775.97
2049	\$ 873,000.00	\$ 441,210.00	\$ 31,515.00	\$ -	\$ 64,337.49	\$ 1,410,062.49
2050	\$ 937,000.00	\$ 380,100.00	\$ 27,150.00	\$ -	\$ 65,624.24	\$ 1,409,874.24
2051	\$ 1,006,000.00	\$ 314,510.00	\$ 22,465.00	\$ -	\$ 66,936.72	\$ 1,409,911.72
2052	\$ 1,081,000.00	\$ 244,090.00	\$ 17,435.00	\$ -	\$ 68,275.46	\$ 1,410,800.46
2053	\$ 1,160,000.00	\$ 168,420.00	\$ 12,030.00	\$ -	\$ 69,640.97	\$ 1,410,090.97
2054	\$ 1,246,000.00	\$ 87,220.00	\$ 6,230.00	\$ -	\$ 71,033.79	\$ 1,410,483.79
<b>Total</b>	<b>\$ 15,915,000.00</b>	<b>\$ 23,408,463.75</b>	<b>\$ 1,639,540.00</b>	<b>\$ (1,568,953.75)</b>	<b>\$ 1,622,723.17</b>	<b>\$ 41,016,773.17</b>

**Footnotes:**

[a] Interest on the PID Bonds is calculated at a 7.00% rate for illustrative purposes.

[b] The figures shown above are estimates only and subject to change in Annual Service Plan Updates. Changes in Annual Collection Costs, reserve fund requirements, interest earnings, or other available offsets could increase or decrease the amounts shown.



TO: Mayor and City Council  
FROM: Seagoville Chamber of Commerce and City Staff  
DATE: February 26, 2024  
ITEM: 15  
DESCRIPTION: Discuss and consider approval of the Seagoville Chamber of Commerce and City 2024 event dates as presented.

---

### **INTRODUCTION**

The purpose of this item is to present identified dates for specific public events.

### **BACKGROUND**

The Seagoville Chamber of Commerce hosts (4) events each year: Mayfest, Fireworks in the Park, Seagofest, and the Street Dance.

#### Proposed Event Dates:

- Mayfest – May 2 thru 5, 2024
- Fireworks in the Park – June 28, 2024
- Seagofest – October 3 thru 6, 2024
- Street Dance – November 2, 2024

The City also hosts (5) additional events each year: Trash-off, Kid Fish, Movie in the Park (2), and the Tree Lighting.

#### Proposed City Event Dates:

- Trash-off – April 15 thru 20, 2024
- Kid Fish – May 18, 2024
- Movie in the Park - August 17, 2024 and September 14, 2024
- Tree lighting - December 5, 2024

### **FINANCIAL IMPACT**

These events bring in visitors that explore and discover where to eat and drink, shop, and get outside in Seagoville.



TO: Mayor and City Council  
FROM: Chris Ryan, Director of Public Works  
DATE: February 26, 2024  
ITEM: 16  
DESCRIPTION: Discuss and consider approving a Resolution ratifying emergency concrete to Ross Lane and authorizing the City Manager to make payment to C&M Concrete in an amount not to exceed \$25,732.45; and execute any and all necessary documents.

---

### **INTRODUCTION**

The purpose of this item is to ratifying emergency repairs to the 1300 block of Ross Lane.

### **BACKGROUND**

In February 2024 staff received a call about a unsafe road way in the 1300 block of Ross Lane, creating the necessity for emergency repairs to be performed immediately. Staff contacted C&M Concrete, to perform the emergency repairs. C&M Concrete., has submitted their invoice for the work performed in the amount \$25,732.45. This will authorize the City Manager to make payment to C&M Concrete in an amount not to exceed \$25,732.45.

### **FINANCIAL IMPACT**

FY2024 Street budget.

### **RECOMMENDATION**

Staff recommends approval.

### **ATTACHMENTS**

1. Resolution
2. C&M Concrete Estimate

**A RESOLUTION OF THE CITY OF SEAGOVILLE, TEXAS  
RESOLUTION NO.**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEAGOVILLE, TEXAS RATIFYING EMERGENCY CONCRETE REPAIRS TO ROSS LANE AND AUTHORIZING THE CITY MANAGER TO MAKE PAYMENT TO C&M CONCRETE IN AN AMOUNT NOT TO EXCEED TWENTY FIVE THOUSAND SEVEN HUNDRED THIRTY TWO DOLLARS AND FORTY FIVE (\$25,732.45); AND EXECUTE ANY AND ALL DOCUMENTS NECESSARY ; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the street pavement in the 1300 block of Ross lane was unsafe creating the necessity for emergency repairs to be performed immediately; and

**WHEREAS**, staff contacted C&M Concrete to perform the necessary emergency repairs to the storm drain; and

**WHEREAS** C&M Concrete has submitted their invoice for the work performed in the amount of Sixty Nine Thousand Nine Hundred Sixty Dollars and no Cents (\$25,732.45); and

**WHEREAS**, the City Council hereby approves the expenditures and authorizes the City Manager to make payment to C&M Concrete in an amount not to exceed \$25,732.45, for the emergency concrete repairs of the street.

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

**SECTION 1.** The City of Seagoville does hereby approve the expenditures and authorizes the City Manager to make payment to C&M Concrete in an amount not to exceed \$25,732.45, for the emergency concrete repairs of the street.

**SECTION 2.** This resolution shall take effect immediately from and after its passage, and so it is accordingly resolved.

**DULY ORDERED** by the City Council of the City of Seagoville, Texas, this the 26<sup>th</sup> day of February, 2024.

**APPROVED:**

\_\_\_\_\_  
Lackey Stepper Sebastian, Mayor

**ATTEST:**

---

Sara Egan, City Secretary

APPROVED AS TO FORM:

---

Victoria W. Thomas, City Attorney



C&M Concrete Contracting

362 Linkview Dr  
Duncanville, TX 75137

# Estimate

Date	Estimate #
1/29/2024	DE-4850

Name / Address
Reness Plunkett City of Seagoville - Reness Plunkett 702 US-175 Frontage Road Seagoville, Texas 75159

Ship To
Ross / Shady

P.O. No.	Project

Description	Qty	Rate	Total
35' x 24' x 8" = 93.33 sqy	93.33	265.00	24,732.45
40 lf curb	40	25.00	1,000.00
<b>Total</b>			\$25,732.45

Phone #
9729654781

E-mail
chris@concretepaving.net



TO: Mayor and City Council  
FROM: Chris Ryan, Director of Public Works  
DATE: February 26, 2024  
ITEM: 17  
DESCRIPTION: Discuss and consider approving a Resolution of the City of Seagoville, Texas awarding a contract to Reliable Paving, Inc. for the reconstruction of the 800 block of Hall Road, in an amount not to exceed \$607,502.36; authorizing the City Manager to negotiate and execute any and all necessary documents.

---

### **INTRODUCTION**

The purpose of this item is to Award the bid # 24-01PW for the Hall Road- Shady Lane to Catherine Lane project.

### **BACKGROUND**

The City council approved an engineering contract with Garver on January 24, 2022, for the reconstruction of the 800 block of Hall Road. The bid was advertised in the Daily Commercial Record for two (2) consecutive weeks. Bids were received on February 7, 2024 for the reconstruction of the 800 block of Hall Road. Two (2) bids were submitted. After careful evaluation of the bids, it was determined that Reliable Paving, Inc. was the lowest most responsible bid at \$607,502.36. This recommendation has been reviewed and approved by Garver, Inc., our consulting engineer for this project.

### **FINANCIAL IMPACT**

Approved FY2024 Budget

### **RECOMMENDATION**

Public Works recommends approval.

### **ATTACHMENTS**

1. Resolution
2. Garver, Inc Letter
3. Bid Tabulation Sheet

**A RESOLUTION OF THE CITY OF SEAGOVILLE, TEXAS**

**RESOLUTION NO. \_\_-R-2024**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEAGOVILLE, TEXAS AWARDED A CONTRACT TO RELIABLE PAVING, INC. FOR THE RECONSTRUCTION OF THE 800 BLOCK OF HALL ROAD, IN AN AMOUNT NOT TO EXCEED SIX HUNDRED SEVEN THOUSAND FIVE HUNDRED TWO DOLLARS AND THIRTY SIX CENTS \$607,502.36; AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE ANY AND ALL NECESSARY DOCUMENTS; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS,** the city sought bids under Bid # 24-01PW for the Hall Road- Shady Lane to Catherine Lane project; and

**WHEREAS,** Gaver determined that Reliable Paving, Inc. has met all bid specifications and is the lowest responsible bidder; and

**WHEREAS,** Reliable Paving, Inc. bid for the Hall Road- Shady Lane to Catherine Lane project in an amount not to exceed \$607,502.36; and

**WHEREAS,** the City Council has determined that award of the contract for construction Hall Road- Shady Lane to Catherine Lane to Reliable Paving, Inc for a contract amount not to exceed \$607,502.36 is in the best interest of the citizens of Seagoville.

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

**Section 1.** The City Council of Seagoville, Texas hereby awards Reliable Paving, Inc the contract for the construction of Hall Road- Shady Lane to Catherine Lane project, on the terms and conditions set forth in the bid documents and bid response, copies of which are attached hereto and incorporated herein as Exhibit "A", in an amount not to exceed \$607,502.36 and the City Manager is hereby authorized to negotiate and execute the contract and any and all necessary documents to complete the project.

**Section 2.** All resolutions of the City of Seagoville heretofore adopted which are in conflict with the provisions of this resolution be, and the same are hereby repealed, and all resolutions of the City of Seagoville not in conflict with the provisions hereof shall remain in full force and effect.

**Section 3.** If any article, paragraph, subdivision, clause or provision of this resolution, as hereby amended, be adjudged invalid or held unconstitutional for any reason, such judgment or holding shall not affect the validity of this resolution as a whole or any part or provision thereof, as amended hereby, other than the part declared to be invalid or unconstitutional.

**Section 4.** This resolution shall take effect immediately from and after its passage, and it is accordingly so resolved.

**DULY ORDERED** by the City Council of the City of Seagoville on the 26th day of February, 2024.

APPROVED:

---

Lackey Stepper Sebastian, Mayor

ATTEST:

---

Sara Egan, City Secretary

APPROVED AS TO FORM:

---

Victoria Thomas, City Attorney



3000 Internet Blvd  
Suite 400  
Frisco, TX 75034  
TEL 972.377.7480  
FAX 972.377.8380  
[www.GarverUSA.com](http://www.GarverUSA.com)

---

February 12, 2024

Mr. Chris Ryan  
City of Seagoville  
702 North Highway 175  
Seagoville, TX 75159

Re: Hall Road – Shady Ln to Catherine Ln  
Recommendation of Award

Dear Mr. Ryan:

Bids were received for the Hall Rd – Shady Ln to Catherine Ln project at the Seagoville City Hall at 2:00 PM on February 7, 2024.

A total of 2 bids were received for the project. The apparent low bidder was Reliable Paving, Inc., with a total base bid of **\$490,252.25**, an alternative bid total of **\$521,085.30**, and an additive alternative bid of **\$607,502.36**. The second lowest bidder was CCGMG LLC Series B, with a total base bid of **\$1,088,185**, an alternative bid total of **\$909,335.00**, and an additive alternative of **\$1,138,435.00**.

Garver performed an evaluation of the two bidders to determine if each bid was responsive and responsible. The apparent lowest bidder, Reliable Paving, Inc., submitted a **responsive** and **responsible** bid. The second bidder, CCGMG LLC Series B, also submitted a **responsive** and **responsible** bid. Reliable Paving submitted a base bid lower than the Engineer's Opinion of Probable Construction Cost (**\$568,245.00**) and met all necessary qualifications that would reflect they are a capable contractor and able to perform the work as stated in the contract.

#### **FIRST LOWEST BIDDER**

In review of the first lowest bid submitted by Reliable Paving, Inc., it is Garver's opinion that the bid is **responsive** and **responsible** with the bidding requirements. Reliable Paving did fully submit the required documentation and possesses the necessary experience required for this project as stated in the Instructions to Bidders. Garver followed up with multiple contacts, such as the City of Mesquite, City of Waxahachie, and Town of Sunnyvale to confirm their capabilities to execute this project on-time and within budget.

#### **FIRST LOWEST BIDDER ACCEPTANCE**

Therefore, Garver recommends that the project be awarded to Reliable Paving, Inc., the **lowest responsive** and **responsible** bidder.

Mr. Chris Ryan  
2/12/2024  
Page 2 of 2

**MISCELLANEOUS**

There was a typo in the description of Line Item #12 of the Bid Form. The Bid Form called for 6" Reinforced Concrete Paving 400 psi (including 6" monolithic concrete curb), but the line item was intended to call out a minimum requirement of 4,000 psi for the strength of concrete. All other bidding documentation called for 4,000 psi. Garver reached out to Reliable Paving to confirm they understood that this was a typo and that their price was reflective of 4,000 psi strength concrete; Reliable Paving confirmed their pricing was for 4,000 psi strength of concrete.

Please call me if you have any questions.

GARVER, LLC



Kory Wilkinson, P.E.  
Project Manager

Attachments: As-Read Bid Tabulation

<p>City of Seagoville, Dallas and Kaufman County, Texas</p> <p>Name of Bid-Hall Road Construction Project</p> <p>Bid Number: 24-01PW</p> <p>Bid Opening:</p> <p>Wednesday, February 7th, 2024</p>	<p>Bidders Name &amp; Address</p> <p>Reliable Paving, Inc.</p>	<p>Bidders Name &amp; Address</p> <p>CCGMG LLC Series B</p>	<p>Bidders Name &amp; Address</p>			
<p>Description</p>	<p>Base Bid</p> <p>\$ 490,252. <math>\frac{25 \text{ cents}}{100}</math></p>	<p>Base Bid</p> <p>1,088,185 <math>\frac{0}{100} \text{ cents}</math></p>	<p>Base Bid</p>	<p>Base Bid</p>	<p>Base Bid</p>	<p>Base Bid</p>
<p>TOTAL BID</p>	<p>\$ 490,252.25</p>	<p>\$ 1,088,185.00</p>				
<p>Complete Bid</p>						

**BID TABULATION  
HALL FROAD FROM SHADY LANE TO CATHERINE LANE**

BIDS OPENED:				CCGMG LLC Series B		LOW BID Reliable Paving, Inc.		Engineer's Estimate	
ITEM	DESCRIPTION	UNIT	BID QTY	UNIT COST	TOTAL COST	UNIT COST	TOTAL COST	UNIT COST	TOTAL COST
1	Mobilization, Demobilization, Bonds, and Insurance	LS	1	\$51,800.00	\$51,800.00	\$23,500.00	\$23,500.00	\$27,060.00	\$27,060.00
2	Barricades and Traffic Control	LS	1	\$10,000.00	\$10,000.00	\$15,000.00	\$15,000.00	\$25,780.00	\$25,780.00
3	Design and implement SWPPP (Erosion Control)	LS	1	\$35,600.00	\$35,600.00	\$8,500.00	\$8,500.00	\$10,110.00	\$10,110.00
4	Unclassified Excavation (Includes Asphalt Milling & Removal & Delivery to City)	CY	1,093	\$50.00	\$54,650.00	\$57.00	\$62,301.00	\$40.00	\$43,720.00
5	Embankment	CY	21	\$75.00	\$1,575.00	\$150.00	\$3,150.00	\$40.00	\$840.00
6	Rem. & Disp. of Street Concrete Paving (incl. Curb)	SY	550	\$40.00	\$22,000.00	\$26.00	\$14,300.00	\$25.00	\$13,750.00
7	Rem. & Disp. of Separate Concrete Curb and Gutter	LF	1,142	\$30.00	\$34,260.00	\$9.00	\$10,278.00	\$10.00	\$11,420.00
8	Rem. & Disp. of Concrete Driveway (incl. Curb)	SY	576	\$40.00	\$23,040.00	\$63.00	\$36,288.00	\$25.00	\$14,400.00
9	Rem. & Disp. of Gravel Driveway	SY	72	\$40.00	\$2,880.00	\$52.00	\$3,744.00	\$15.00	\$1,080.00
10	Rem. & Reloc./Replace of Exist Brick Mailbox	EA	1	\$2,000.00	\$2,000.00	\$2,500.00	\$2,500.00	\$3,000.00	\$3,000.00
11	Rem. & Reloc./Replace of Exist Mailbox (Other than Brick)	EA	1	\$1,000.00	\$1,000.00	\$1,000.00	\$1,000.00	\$500.00	\$500.00
12	6" Reinforced Concrete Paving 400 psi (including 6" monolithic concrete curb)	SY	2,990	\$175.00	\$523,250.00	\$58.00	\$173,420.00	\$95.00	\$284,050.00
13	Asphalt Pavement (4" Ty B HMAC)(Max 2" lifts)(Include tack coat)	TON	28	\$250.00	\$7,000.00	\$300.00	\$8,400.00	\$180.00	\$5,040.00
14	Asphalt Pavement (2" Ty B HMAC)	TON	15	\$275.00	\$4,125.00	\$430.00	\$6,450.00	\$220.00	\$3,300.00
15	Prime Coat	GAL	23	\$15.00	\$345.00	\$23.00	\$529.00	\$10.00	\$230.00
16	4" Reinf. Conc. Dirveway Paving 3000 PSI	SY	578	\$175.00	\$101,150.00	\$90.00	\$52,020.00	\$90.00	\$52,020.00
17	12" Lime Treated Stabilized Subgrade (Hydrated Slurry)(Under Asphalt)(2 - 6" Lifts)	SY	143	\$50.00	\$7,150.00	\$50.00	\$7,150.00	\$15.00	\$2,145.00
18	Hydrated Lime (6%) (54 lb/sy)	TON	5	\$500.00	\$2,500.00	\$330.00	\$1,650.00	\$220.00	\$1,100.00
19	6" Lime Treated Stabilized Subgrade (Hydrated Slurry)(Under Concrete)	SY	3,107	\$50.00	\$155,350.00	\$4.75	\$14,758.25	\$10.00	\$31,070.00
20	Hydrated Lime (6%) (27 lb/sy)	TON	44	\$500.00	\$22,000.00	\$330.00	\$14,520.00	\$220.00	\$9,680.00
21	6-inch High Reinf. Conc. Separate Curb with 18-inch Gutter	LF	56	\$75.00	\$4,200.00	\$96.00	\$5,376.00	\$65.00	\$3,640.00
22	Adjust Exist Sanitary Sewer Manhole to Grade (incl. New Frame and Cover)	EA	2	\$1,000.00	\$2,000.00	\$1,200.00	\$2,400.00	\$2,000.00	\$4,000.00
23	Block Sodding (incl. 4" Top Soil)	SY	1,354	\$15.00	\$20,310.00	\$17.00	\$23,018.00	\$15.00	\$20,310.00
<b>SUBTOTAL BASE BID</b>				<b>\$1,088,185.00</b>		<b>\$490,252.25</b>		<b>\$568,245.00</b>	
1R	6" Reinforced Concrete Paving 400 psi (including 6" monolithic concrete curb)	SY	-2,990	\$175.00	-\$523,250.00	\$58.00	-\$173,420.00	\$95.00	-\$284,050.00
2R	6" Lime Treated Stabilized Subgrade (Hydrated Slurry)(Under Concrete)	SY	-3,107	\$50.00	-\$155,350.00	\$4.75	-\$14,758.25	\$10.00	-\$31,070.00
3R	Hydrated Lime (6%) (27 lb/sy)	TON	-44	\$500.00	-\$22,000.00	\$330.00	-\$14,520.00	\$220.00	-\$9,680.00
1A	Asphalt Pavement (4" Ty B HMAC)(Max 2" lifts)(Include tack coat)	TON	574	\$250.00	\$143,500.00	\$130.00	\$74,620.00	\$180.00	\$103,320.00
2A	Asphalt Pavement (2" Ty D HMAC)(Include tack coat)	TON	287	\$250.00	\$71,750.00	\$140.00	\$40,180.00	\$220.00	\$63,140.00
3A	Prime Coat	GAL	468	\$15.00	\$7,020.00	\$2.25	\$1,053.00	\$10.00	\$4,680.00
4A	4" Reinf. Conc. Dirveway Paving 3000 PSI	SY	182	\$175.00	\$31,850.00	\$143.00	\$26,026.00	\$90.00	\$16,380.00
5A	12" Lime Treated Stabilized Subgrade (Hydrated Slurry)(Under Asphalt)(2 - 6" Lifts)	SY	3,107	\$50.00	\$155,350.00	\$4.90	\$15,224.30	\$15.00	\$46,605.00
6A	Hydrated Lime (6%) (54 lb/sy)	TON	86	\$500.00	\$43,000.00	\$330.00	\$28,380.00	\$220.00	\$18,920.00
7A	6-inch High Reinf. Conc. Separate Curb with 18-inch Gutter	LF	924	\$75.00	\$69,300.00	\$52.00	\$48,048.00	\$65.00	\$60,060.00
<b>SUBTOTAL ALTERNATE 1</b>				<b>-\$178,830.00</b>		<b>\$30,833.05</b>		<b>-\$11,695.00</b>	
8A	Provide and install 12-inch Steel Casing Pipe across residential driveways for future WL	LF	335	\$150.00	\$50,250.00	\$350.00	\$117,250.00	\$275.00	\$92,125.00
<b>SUBTOTAL ALTERNATE 2</b>				<b>\$50,250.00</b>		<b>\$117,250.00</b>		<b>\$92,125.00</b>	
<b>SUBTOTAL BASE BID + ALTERNATE 1</b>				<b>\$909,355.00</b>		<b>\$521,085.30</b>		<b>\$556,550.00</b>	
<b>SUBTOTAL BASE BID + ALTERNATE 2</b>				<b>\$1,138,435.00</b>		<b>\$607,502.25</b>		<b>\$660,370.00</b>	
<b>SUBTOTAL BASE BID + ALTERNATE 1 + ALTERNATE 2</b>				<b>\$959,605.00</b>		<b>\$638,335.30</b>		<b>\$648,675.00</b>	



TO: Mayor and City Council

FROM: Bill Medina, Director of Community Development

DATE: February 26, 2024

ITEM: 18

DESCRIPTION: Discuss and consider a Resolution approving Work Order No. 14, issued under the Master Agreement for Professional Services executed on March 24, 2021 between the City and Garver, LLC, for the Seagoville road traffic study project, for compensation in a total amount not to exceed \$26,399.00; authorizing the City Manager to execute the work order and all necessary and related documents.

---

#### **INTRODUCTION**

Staff is seeking approval for a work order to include development plan review services with Garver, LLC.

#### **BACKGROUND**

Generally, the scope of services includes data gathering, stakeholder input, traffic analyses, recommended drop-off/pick-up improvements, and supporting documentation/services for improvements to Seagoville North Elementary School Morning Drop-Off/Afternoon Pick-Up Traffic Infrastructure. The engineer will evaluate various solutions for drop-off/pick-up locations to minimize the queues and spillbacks to the surrounding streets.

#### **FINANCIAL IMPACT**

The amount for the proposed professional services agreement is in the amount of \$26,399.00.

#### **RECOMMENDATION**

Staff recommends approval of the proposed work order.

#### **ATTACHMENTS**

1. Resolution
2. Work Order

**THE CITY OF SEAGOVILLE, TEXAS**

**RESOLUTION NO.**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEAGOVILLE, TEXAS, APPROVING WORK ORDER NO. 14, ISSUED UNDER THE MASTER AGREEMENT FOR PROFESSIONAL SERVICES EXECUTED ON MARCH 24, 2021 BETWEEN THE CITY AND GARVER, LLC, FOR THE SEAGOVILLE ROAD TRAFFIC STUDY PROJECT, FOR COMPENSATION IN A TOTAL AMOUNT NOT TO EXCEED \$26,399.00; AUTHORIZING THE CITY MANAGER TO EXECUTE THE WORK ORDER AND ALL NECESSARY AND RELATED DOCUMENTS; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City Council for the City of Seagoville, Texas previously, on March 24, 2021, approved a Master Agreement for Professional Services with Garver, LLC under which Garver, LLC would provide professional engineering services on a work order/as needed basis; and

**WHEREAS**, the City Council now desires to enter into a work order number 14 under the Master Agreement, under which Garver, LLC would provide the Seagoville Road Traffic Study for total compensation not to exceed \$26,399.00; and,

**WHEREAS**, the City Council for the City of Seagoville, Texas has reviewed the proposed Work Order No. 14 with Garver, LLC. for these services and has determined it to be in the best interest of the City of Seagoville to enter into said agreement.

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

**SECTION 1.** Work Order No. 14 with Garver, LLC., for provision of the Seagoville Road Traffic Study in accordance with the terms and conditions set forth in Exhibit "A", attached hereto and incorporated herein by this reference, for total compensation not to exceed \$26,399.00 is approved, and the City Manager is authorized to execute the Work Order No. 14 in substantially the form of that attached hereto as Exhibit "A" and any other related, necessary documents on behalf of the City.

**SECTION 2.** Any prior Resolutions of the City Council of the City of Seagoville, Texas, in conflict with the provisions contained in this Resolution are hereby repealed and revoked.

**SECTION 3.** If any article, paragraph, subdivision, clause or provision of this Resolution, be adjudged invalid or held unconstitutional for any reason, such judgment or holding shall not affect the validity of this Resolution as a whole or any part or provision thereof, other than the part so declared to be invalid or unconstitutional.

**SECTION 4.** This resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Seagoville, Texas, and it is accordingly resolved.

**DULY PASSED** by the City Council of the City of Seagoville, Texas, on the 26th day of February, 2024.

**APPROVED:**

---

Lackey Stepper Sebastian, Mayor

**ATTEST:**

---

Sara Egan, City Secretary

**APPROVED AS TO FORM:**

---

Victoria Thomas, City Attorney

**EXHIBIT A**  
**[Work Order No. 14 with Garver, LLC]**



**WORK ORDER NO. 14**  
**City of Seagoville**  
**Seagoville Road Traffic Study**  
**Project No. 24XXXXX**

This WORK ORDER (“Work Order”) is made by and between the **City of Seagoville** (hereinafter referred to as “**Owner**”) and **Garver, LLC**, (hereinafter referred to as “**Garver**”) in accordance with the provisions of the MASTER AGREEMENT FOR PROFESSIONAL SERVICES executed on February 21, 2024 (the “Agreement”).

Under this Work Order, the Owner intends to make the following improvements for **On-Call Engineering Services**:

The Owner intends to utilize GARVER on a lump sum basis for the traffic analysis and improvements recommendation of multiple intersections along Seagoville Road, near the Seagoville North Elementary School. Generally, the scope of services includes data gathering, stakeholder input, traffic analyses, recommended drop-off/pick-up improvements, and supporting documentation/services for improvements to **Seagoville North Elementary School Morning Drop-Off/Afternoon Pick-Up Traffic Infrastructure**. The engineer will evaluate various solutions for drop-off/pick-up locations to minimize the queues and spillbacks to the surrounding streets.

Garver will provide professional services related to these improvements as described herein. Terms not defined herein shall have the meaning assigned to them in the Agreement.

**SECTION 1 - SCOPE OF SERVICES**

Task 1.0 General Items and Task Management

Garver will complete the following project administration tasks over the duration of the project:

1. Garver will attend one hybrid kick-off meeting, with up to two (2) Garver staff in person and up to three (3) virtual attendees, to discuss project objectives, internal and external team, lines of communication, and schedule. Garver will also attend a meeting to present the findings in the traffic study final report.
2. Garver will prepare a Traffic Engineering Study in compliance with Garver project execution standards.
3. Garver will prepare monthly invoicing with percent complete by task and monthly progress reports. Garver will also coordinate meetings between Garver and Owner staff, site visits, and requests for information as detailed in the following tasks.

**SECTION 2 – PAYMENT**

The table below presents a summary of the anticipated fee amounts and fee types for this Work Order.

WORK DESCRIPTION	FEE AMOUNT	FEE TYPE
Task 1 – Meeting Coordination	\$724	LUMP SUM
Task 2 – On Site Visit	\$1,548	LUMP SUM
Task 3 – Review Prior Data Sources/Plans/Studies	\$724	LUMP SUM
Task 4 – Turning Movement Counts Collection	\$1,670	LUMP SUM
Task 5 – Turning Movement Counts Review	\$600	LUMP SUM
Task 6 – Develop Existing Peak Hours	\$724	LUMP SUM
Task 7 – Develop Projections of Future Traffic Volumes	\$1,448	LUMP SUM
Task 8 – Existing Network Synrho/SimTraffic Analysis	\$3,213	LUMP SUM
Task 9 – Future Network Synrho/SimTraffic Analysis	\$3,213	LUMP SUM
Task 10 – Results Tabulation and Graphics Development	\$2,172	LUMP SUM
Task 11 – Propose Solution for Congestion during School Peak Dropoff/Pickup Times	\$1,765	LUMP SUM
Task 12 – Prepare Draft Report Sections	\$2,896	LUMP SUM
Task 13 – Update Analysis/Respond to Comments & QA/QC	\$1,448	LUMP SUM
Task 14 – Prepare and Submit Final Report	\$2,896	LUMP SUM
Task 15 – Present Findings to the Client and School Officials	\$1,358	LUMP SUM
TOTAL SERVICES	\$26,399	LUMP SUM

The lump sum amount to be paid under this Work Order is \$26,399. For informational purposes, a breakdown of Garver's rate schedule for each employee classification is included in Exhibit A.

Any unused portion of the fee, due to delays beyond Garver's control, will be increased six percent (6%) annually with the first increase effective on or about July 1, 2024.

The Owner will pay Garver on a monthly basis, based upon statements submitted by Garver to the Owner for the scope of services described in this agreement. Payments not received within 60 days of the invoice date will be subject to a one percent monthly simple interest charge.

Additional Services (Extra Work). For work not described or included in Section 1 – Scope of Services but requested by the Owner in writing, the Owner will pay Garver, for time spent on the project, at the rates shown in Exhibit A for each classification of Garver's personnel (may include contract staff

classified at Garver's discretion) plus reimbursable expenses including but not limited to printing, courier service, reproduction, and travel. The rates shown in Exhibit A will be increased annually with the first increase effective on or about July 1, 2024.

**SECTION 3 – SCHEDULE**

Garver will begin work under this Agreement within ten (10) days of a Notice to Proceed and will complete the work in accordance with the schedule below:

Phase Description	Calendar Days
Kick-off Meeting and Data Request	10 days from notice to proceed
Draft Traffic Report	60 days from receipt of notice to proceed
Final Traffic Report	90 days from receipt of notice to proceed

**SECTION 4 – APPENDICES**

- 4.1 The following Appendices are attached to and made a part of this Work Order:
  - 4.1.1 Detailed Scope of Services
  - 4.1.2 Exhibit A – Unit Rates

This Work Order may be executed in two (2) or more counterparts each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

The effective date of this Work Order shall be the last date written below.

CITY OF SEAGOVILLE

GARVER, LLC

By: \_\_\_\_\_  
*Signature*

By: \_\_\_\_\_  
*Signature*

Name: \_\_\_\_\_  
*Printed Name*

Name: Kory Wilkinson  
*Printed Name*

Title: \_\_\_\_\_

Title: Project Manager

Date: \_\_\_\_\_

Date: \_\_\_\_\_



## SCOPE OF SERVICES

### 1. GENERAL

Generally, the scope of services includes data gathering, stakeholder input, traffic analyses, recommended drop-off/pick-up improvements, and supporting documentation/services for improvements to **Seagoville North Elementary School Morning Drop-Off/Afternoon Pick-Up Traffic Infrastructure**. The engineer will evaluate various options for drop-off/pick-up locations to minimize the queues and spillbacks to the surrounding streets.

### 2. DATA GATHERING

#### 2.1. Turning Movement Counts

Garver will subcontract with the GRAM Traffic of North Texas (GRAM) to perform data collection during school morning drop-off and afternoon pick-up at the following locations:

- Seagoville Road at Travers Trail
- Seagoville Road at Alto Road
- Seagoville Road at US-175 Frontage Road
- Alto Road at Woodhaven Drive
- Alto Road at Wooley Way
- Travers Trail at Wooley Way

The turning movement counts will be reported in 15-minute intervals covering one hour before and one hour after school start and end times.

#### 2.2. On-Site Visit

Garver will conduct an on-site visit to observe the morning drop-off and afternoon pick-up operations of the schools. The field observations will occur on a single school day.

### 3. STAKEHOLDER INPUT

#### 3.1. Stakeholder Meetings

Garver will facilitate meetings to include appropriate stakeholders at Seagoville North Elementary School, the City of Seagoville, and Garver. These meetings will determine the existing school morning drop-off/afternoon pick-up operations and the expected future build morning drop-off/afternoon pick-up operations of Seagoville North Elementary School and its facilities. A total of two meetings will be held:



1. A meeting to discuss current operations and expected future operations.
2. A meeting to discuss the preliminary results and recommended best practices.

#### 4. TRAFFIC ANALYSES

##### 4.1. Existing Network Volumes

Garver will develop existing morning drop-off and afternoon pick-up volumes for the network based on the data collected by GRAM. Garver will model the existing network using *Syncrho/SimTraffic* software, ensuring that the model reflects observed existing conditions. The following conditions will be analyzed:

- Existing Network Morning Drop-Off Volumes
- Existing Network Afternoon Pick-Up Volumes

##### 4.2. Future Network Volumes

Garver will re-route the existing network volumes to create future morning drop-off and afternoon pick-up volumes based on the preliminary findings from existing volume analysis and stakeholder input. Garver will model the future network using *Syncrho/SimTraffic*. The following conditions will be analyzed:

- Future Network Morning Drop-Off Volumes
- Future Network Afternoon Pick-Up Volumes

##### 4.3. Results

Garver will report expected Levels of Service (LOS) and 95<sup>th</sup> percentile queue lengths for all analyzed conditions at all network intersections using both *Highway Capacity Manual (HCM)* and *SimTraffic* Analyses. Garver will also report overall network delay using both *HCM* and *SimTraffic* Analyses.

#### 5. RECOMMENDED DROP-OFF/PICK-UP IMPROVEMENTS

Garver will provide recommended network improvements in the form of conceptual graphics, these graphics may include the following:

- Recommended roadway directions
- Recommended number of lanes
- Recommended lane width
- Recommended pavement striping
- Recommended parking and drop-off/pick-up locations
- Recommended roadway signage/signal installation



- Recommended operational improvements for parents and staff to keep traffic moving

## 6. SUPPORTING DOCUMENTATION/SERVICES

Garver will generate a final Traffic Report summarizing the findings of the existing and future network analyses. The report will include recommendations for parents and staff for maximum network efficiency. Garver will submit one electronic copy of the report along with appendices that include detailed outputs from *Synchro* and *SimTraffic*.

## 7. PROJECT DELIVERABLES

The following will be submitted to The City by Garver:

- One digital copy of the final Traffic Report
- Synchro/SimTraffic models for Existing and Future Network

## 8. EXTRA WORK

The following items are not included under this agreement but will be considered as extra work:

- Redesign of the future network or additional alternate network analyses
- Signal Timing Plans
- Submittals or deliverables in addition to those listed herein
- Additional stakeholder meetings and/or public outreach

## 9. SCHEDULE

Garver shall begin work under this Agreement within ten (10) days of a Notice to Proceed (NTP) and shall complete the work in accordance with the schedule below:

<u>Phase Description</u>	<u>Calendar Days</u>
Turning Movement Counts	30 days from NTP (Assuming NTP is at least three weeks prior to the end of the 2023-2024 school year)
On-Site Visit	30 days from NTP (Assuming NTP is at least three weeks prior to the end of the 2023-2024 school year)
Stakeholder Meeting 1	45 days from NTP



Traffic Analyses	30 days from receipt of Turning Movement Counts
Recommended Drop-Off/Pick-Up Improvements	30 days from receipt of Turning Movement Counts
Stakeholder Meeting 2	15 days from initial Recommended Drop-Off/Pick-Up Improvements
Final Traffic Report	15 days from stakeholder meeting 2 or final stakeholder approval



**Exhibit A**  
**City of Seagoville**  
**Traffic Study**  
**Garver Hourly Rate Schedule: July 2023 - June 2024**

<b>Classification</b>	<b>Rates</b>
<b>Engineers / Architects</b>	
E-1	\$ 136.00
E-2	\$ 150.00
E-3	\$ 181.00
E-4	\$ 212.00
E-5	\$ 257.00
E-6	\$ 317.00
<b>Designers</b>	
D-1	\$ 123.00
D-2	\$ 141.00
D-3	\$ 168.00
D-4	\$ 201.00
<b>Technicians</b>	
T-1	\$ 99.00
T-2	\$ 119.00
T-3	\$ 145.00
T-4	\$ 188.00

Agreement for Professional Services  
City of Seagoville Traffic Study

Garver Project No. XXXXXXXXX



TO: Mayor and City Council

DATE: February 26, 2024

ITEM: 18

DESCRIPTION: Discuss 'No Parking' signs and parking concerns along US 175 Service Road.

---

**INTRODUCTION**

Councilmembers Allen Grimes and Jon Epps requested the item to be placed on the agenda for discussion.