


**RESOLUTION NO. 20200729-025**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

The Indian Hills Public Improvement District Annual Service and Assessment Plan Update for 2021, attached as Exhibit A, is hereby approved.

**ADOPTED:** July 29, 2020

**ATTEST:**

  
Jannette S. Goodall  
City Clerk

# Exhibit A



## INDIAN HILLS PUBLIC IMPROVEMENT DISTRICT 2020 ANNUAL SERVICE PLAN UPDATE JULY 30, 2020

## INTRODUCTION

Capitalized terms used in this Annual Service Plan Update shall have the meanings set forth in the 2011 Service and Assessment Plan (the "SAP") or the Development, Financing, and Reimbursement Agreement, as applicable.

The PID was created pursuant to the Act by Ordinance No. 20100826-023 on August 26, 2010 by the City to finance certain Authorized Improvements for the benefit of the property in the PID.

On November 3, 2011, the City Council approved the 2011 SAP for the PID by adopting Ordinance No. 20111103-011, which included the revised Assessment Roll.

The SAP identified the Authorized Improvements to be provided by the PID, the costs of the Authorized Improvements, the indebtedness to be incurred for the Authorized Improvements, and the manner of assessing the property in the PID for the costs of the Authorized Improvements.

Pursuant to the Act the SAP must be reviewed and updated annually. This document is the Annual Service Plan Update for 2020. This 2020 Annual Service Plan Update also updates the Assessment Roll for 2020.

## **LISTED EVENTS**

Below is a list of all Listed Events, as defined in the Continuing Disclosure Agreement dated November 1, 2011:

- Resignation, Appointment and Acceptance of Trustee dated November 8, 2013
- Voluntary Disclosure of the PID Assessments dated July 7, 2015
- \$45,000 partial sinking fund redemption on September 1, 2015
- Voluntary Disclosure of the PID Assessments dated November 24, 2015
- \$70,000 partial sinking fund redemption on September 1, 2016
- \$95,000 partial sinking fund redemption on September 1, 2017
- \$155,000 partial sinking fund redemption on September 1, 2019

## **PARCEL SUBDIVISION**

There have not been any recorded plats in the PID.

## **LOT AND HOME SALES**

There are no Lots or homes in the PID.

IH Clean Energy Center TX LP has purchased 9 acres from Club Deal 116 Indian Hills TX LP. IH Clean Energy Center has started construction on a 50,000 SF flex office building.

## **OUTSTANDING ASSESSMENT**

The PID has an outstanding Assessment of \$2,180,000.00 which is net of the \$190,000.00 collected January 31, 2020 to be used to redeem Bonds on September 1, 2020.

## ANNUAL INSTALLMENT DUE 1/31/2020

- **Principal and Interest** – The total principal and interest required for the Annual Installment is \$404,200.00.
- **Administrative Expenses** – The cost of administering the PID and collecting the Annual Installments shall be paid for on a pro rata basis by each Parcel based on the amount of outstanding Assessment remaining on the Parcel. The total Administrative Expenses budgeted for the Annual Installment is \$36,950.61.

Due January 31, 2021	
Principal	\$ 230,000.00
Interest	\$ 174,200.00
Administrative Expenses	\$ 36,950.61
<b>Total Installment</b>	<b>\$ 441,150.61</b>

See **Exhibit B** for the debt service schedule for the PID Bonds.

## PREPAYMENT OF ASSESSMENTS IN FULL

No full prepayments of Assessments have occurred within the PID.

A draft of the Notice of PID Assessment Termination is attached as **Exhibit C**.

## PARTIAL PREPAYMENT OF ASSESSMENTS

No partial prepayments of Assessments have occurred within the PID.



## BOND FUND

Account:	3/31/2020 Balance
<b>Senior Pledged Revenue Fund</b>	\$306,929.36
Subordinate Pledged Revenue Fund	\$1,538.12
<b>Bond Fund</b>	
Senior Capitalized Interest Account	\$0.00
Senior Principal and Interest Account	\$22.14
Subordinate Principal and Interest Account	\$0.00
<b>Project Fund</b>	\$0.00
Senior Improvement Account	\$201.94
Subordinate Improvement Account	\$438.33
<b>Reserve Fund</b>	
Senior Reserve Account	\$273,176.77
Prepayment Reserve Account	\$27,773.52
Delinquency Reserve Account	\$35,348.13
<b>Redemption Fund</b>	\$0.00
<b>Rebate Fund</b>	\$0.00
<b>Administrative Fund</b>	\$126,664.03

## AUTHORIZED IMPROVEMENTS

The developer has completed the Authorized Improvements listed in the SAP. Decker Lake Road was accepted by the City in November of 2013 and Water Line 1 was accepted by the City in November of 2018.

## SERVICE PLAN – FIVE YEAR BUDGET FORECAST

The Act requires the annual indebtedness and projected costs for the improvements to be reviewed and updated in the Annual Service Plan Update, and the projection shall cover a period of not less than five years.

Five Year Service Plan					
Annual Installments Due	1/31/2021	1/31/2022	1/31/2023	1/31/2024	1/31/2025
Principal	\$ 230,000.00	\$ 275,000.00	\$ 330,000.00	\$ 385,000.00	\$ 445,000.00
Interest	\$ 174,200.00	\$ 154,937.50	\$ 131,906.26	\$ 105,918.76	\$ 75,600.00
(1)	\$ 404,200.00	\$ 429,937.50	\$ 461,906.26	\$ 490,918.76	\$ 520,600.00
Administrative Expenses (2)	\$ 36,950.61	\$ 37,689.62	\$ 38,443.41	\$ 39,212.28	\$ 39,996.53
<b>Total Annual Installment (3) = (1) + (2)</b>	<b>\$ 441,150.61</b>	<b>\$ 467,627.12</b>	<b>\$ 500,349.67</b>	<b>\$ 530,131.04</b>	<b>\$ 560,596.53</b>

## EMINENT DOMAIN PREPAYMENT

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 will remain liable to pay in Annual Installments, or payable as otherwise provided by this Service and Assessment Plan, as updated, or the PID Act, the Assessment that remains due on the Remaining Property, subject to an adjustment in the Annual Installments applicable to the Remaining Property after any required Prepayment as set forth below.

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 of Remaining Property shall be subject to the \$100 Assessment.

Notwithstanding the previous paragraphs in this subsection, if the owner 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 on the Remaining Property to support the Estimated Buildout Value requirement. The owner will remain liable to pay the Annual Installments 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 not, however, be reduced to an amount less than the outstanding PID Bonds.

## ASSESSMENT ROLL

The list of current Parcels or Lots within the PID, the corresponding total assessments, and current Annual Installment are shown on the Assessment Roll attached hereto as **Exhibit A**. The Parcels shown on the Assessment Roll will receive the bills for the 2020 Annual Installments which will be delinquent if not paid by January 31, 2021.

## EXHIBIT A – ASSESSMENT ROLL

Property ID	Geographic ID	Address	Assessable Acreage	%	Indian Hills	
					Outstanding Assessment <sup>1</sup>	Installment due 1/31/2021
201733	02105009440000	N F M RD 973	134.3202	57.68%	\$ 1,257,455.64	\$ 254,462.07
823422	02105009980000	N F M RD 973	90.7540	38.97%	\$ 849,605.12	\$ 171,928.36
912292	02094901010000	6201 QUINN LUKE TRL	7.7913	3.35%	\$ 72,939.25	\$ 14,760.18
<b>Total</b>			232.8655	100.00%	<b>\$ 2,180,000.00</b>	<b>\$ 441,150.61</b>

<sup>1</sup>Outstanding Assessment prior to 1/31/2021 Annual Installment.



## EXHIBIT B – DEBT SERVICE SCHEDULE

### DEBT SERVICE REQUIREMENTS

The following table sets forth the debt service requirements for the Bonds:

<b><u>Year Ending (September 30)</u></b>	<b><u>Principal</u></b>	<b><u>Interest*</u></b>	<b><u>Total*</u></b>
2012	—	\$ 183,325	183,325
2013	—	231,569	231,569
2014	—	231,569	231,569
2015	\$ 45,000	231,569	276,569
2016	70,000	227,744	297,744
2017	95,000	221,794	316,794
2018	125,000	213,719	338,719
2019	155,000	203,094	358,094
2020	190,000	190,113	380,113
2021	230,000	174,200	404,200
2022	275,000	154,938	429,938
2023	330,000	131,906	461,906
2024	385,000	105,919	490,919
2025	445,000	75,600	520,600
2026	515,000	40,556	555,556
<b>Total</b>	<b><u>\$2,860,000</u></b>	<b><u>\$2,617,613</u></b>	<b><u>\$5,477,613</u></b>

\*Totals may not add due to rounding.

## EXHIBIT C – NOTICE OF PID ASSESSMENT TERMINATION



P3Works, LLC  
9284 Huntington Square, Suite 100  
North Richland Hills, TX 76182

[Date]  
Travis County Clerk's Office  
Honorable [County Clerk Name]  
5501 Airport Boulevard  
Austin, Texas 78751

**Re: City of Austin Lien Release documents for filing**

Dear Ms./Mr. [County Clerk Name],

Enclosed is a lien release that the City of Austin is requesting to be filed in your office. Lien release for [insert legal description]. Recording Numbers: [Plat]. Please forward copies of the filed documents below:

City of Austin  
Attn: [City Secretary]  
301 W 2<sup>nd</sup> Street  
Austin, TX 78701

Please contact me if you have any questions or need additional information.

Sincerely,  
[Signature]

P3Works, LLC  
P: (817)393-0353  
admin@p3-works.com

**[City Secretary]  
301 W 2<sup>nd</sup> Street  
Austin, TX 78701**

**FULL RELEASE OF PUBLIC IMPROVEMENT DISTRICT LIEN**

**STATE OF TEXAS**                   §  
    §                   **KNOW ALL MEN BY THESE PRESENTS:**  
**COUNTY OF \_\_\_\_\_**          §

## RECITALS

**WHEREAS**, pursuant to the Act, an assessment levied under the Act is a first and prior lien against the property assessed; and

**WHEREAS**, the Assessment Ordinance imposed an assessment in the amount of \$ \_\_\_\_\_ (hereinafter referred to as the "Lien Amount") for the following property:

[legal description], a subdivision in Travis County, Texas, according to the map or plat of record in Document/Instrument No. \_\_\_\_\_ of the Plat Records of Travis County, Texas (hereinafter referred to as the "Property"); and

**WHEREAS**, the property owners of the Property have paid unto the City the Lien Amount.

**RELEASE**

**NOW THEREFORE**, the City, the owner and holder of the Lien, as established by Ordinance No. 20111103-011, which levied the Assessment in the amount of the Lien Amount against the Property releases and discharges, and by these presents does hereby release and discharge, the above-described Property from said lien held by the undersigned securing said indebtedness.

**EXECUTED** to be **EFFECTIVE** this the \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

**CITY OF AUSTIN, TEXAS,**

By: \_\_\_\_\_  
[Name], [Title]

**ATTEST:**

\_\_\_\_\_  
[Secretary Name], City Secretary

**STATE OF TEXAS** §  
§  
**COUNTY OF** \_\_\_\_\_ §

This instrument was acknowledged before me on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_, by [Name], [Title] for the City of Austin, Texas, on behalf of said municipality.

\_\_\_\_\_  
Notary Public, State of Texas