

STATE OF TEXAS

§

COUNTY OF NUECES

§

§

PETITION FOR CREATION OF A PUBLIC IMPROVEMENT DISTRICT TO BE NAMED THE MIRABELLA PUBLIC IMPROVEMENT DISTRICT WITHIN THE COUNTY OF NUECES, TEXAS

TO THE HONORABLE CITY COUNCIL OF THE CITY OF CORPUS CHRISTI, TEXAS:

WHEREAS, the undersigned (hereinafter the “Petitioner”) does hereby formally and respectfully petition the City Council of the City of Corpus Christi Texas (“City”), for the creation of a public improvement district in accordance with and under the authority of the laws of the State of Texas, specifically Chapter 372, Texas Local Government Code; and

WHEREAS, Petitioner is the owner of and does hold fee simple title to taxable real property representing more than 50 percent of the appraised value of taxable real property liable for assessment to be included within the public improvement district proposed hereunder. As more fully set forth below, Petitioner submits this Petition for the establishment and creation of the Mirabella Public Improvement District on 297.148 acres, more or less, of real property located in the extraterritorial jurisdiction of the City and within Nueces County, Texas, on and within which the proposed Mirabella Project is to be developed; and

WHEREAS, Petitioner, as proposed in this Petition, seeks creation of the Mirabella Public Improvement District, with the intention to further the development of the aforementioned property, with such property made the subject of this Petition being more fully and particularly described by survey and metes and bounds description contained in **Exhibit A**, attached hereto and incorporated herein by reference (“Subject Property”). Petitioner files this Petition in furtherance of the development of the Subject Property, and have designated thereon a public improvement district pursuant to and in accordance with the provisions of Subchapter A, Chapter 372, Texas Local Government Code (“Chapter 372” or the “Act”). Authorization, creation, and establishment of the Mirabella Public Improvement District, as petitioned for hereunder, would be a benefit to the community, allow for the construction of public infrastructure, and assist in a coordinated effort to increase the availability of housing within Nueces County, Texas.

NOW THEREFORE, Petitioner hereby petitions the City Council of the City (the “Council”), requesting the authorization, creation, and establishment of the Mirabella Public Improvement District on the Subject Property in accordance with Chapter 372, and in support thereof would respectfully show unto the Council as follows:

**ARTICLE I
DISTRICT NAME**

The name of the proposed public improvement district shall be the “Mirabella Public Improvement District” (hereinafter referred to as the “District”).

ARTICLE II PURPOSE

The District shall be created and organized under the provisions of Subchapter A of Chapter 372. The primary purpose of creation of the District will be to fund and construct the project improvements, including necessary public infrastructure, related services, and provide ongoing operation, administration, and maintenance of such project improvement as allowed by Section 372.003 of the Act and identified herein. In authorizing the creation and establishment of the District, the Council would allow for increased availability of quality housing within the County on the Subject Property.

ARTICLE III NATURE OF IMPROVEMENTS

The general nature of the proposed public improvements (collectively, the “Authorized Improvements”) are those permitted by the Act including, without limitation, any or all of the following to the extent permitted by the Act: (i) design, engineering, construction and other allowed costs related to street and roadway improvements, including sidewalks, drainage, utility construction and relocation, signalization, landscaping, lighting, signage, entry monuments, off-street parking and right-of-way; (ii) design, engineering, and construction and other allowed costs related to improvement of parks and open space, together with any ancillary structures, features, or amenities such as trails, playgrounds, walkways, artwork, lighting, and similar items located therein; (iii) design, engineering, construction and other allowed costs related to sidewalks and landscaping, and hardscaping, fountains, lighting and signage; (iv) design, engineering, construction and other allowed costs related water, wastewater and drainage (including detention); (v) acquisition, by purchase or otherwise, of real property in connection with any Authorized Improvement; (vi) design, engineering, construction and other allowed costs related to projects similar to those listed in subsections (i) – (v) above authorized by the Act, including off-site projects that provide a benefit to the Property; (vii) special supplemental services for improvement and promotion of the District that are allowed or permitted by the Act, including services relating to advertising, promotion, health and sanitation, water and wastewater, public safety, security, business recruitment, development, recreation, and cultural enhancement; (viii) payment of costs associated with establishment, administration, and operation of the District and those related to operating and maintaining the Authorized Improvements; and (x) payment of costs associated with developing and financing the Authorized Improvements, and costs of establishing administering and operating the District. These Authorized Improvements shall promote the interests of the City, as well as confer a special benefit upon the Subject Property proposed for inclusion within the District.

ARTICLE IV ESTIMATED COSTS

The estimated costs to design, engineer, acquire, and construct the Authorized Improvements, eligible legal and other qualifying fees, eligible costs incurred in the establishment, administration, and operation of the District is One Hundred Ten Million Six Hundred Thousand and NO/00 U.S. Dollars (\$110,600,000.00), which is inclusive of financing costs.

**ARTICLE V
DISTRICT BOUNDARIES**

The proposed boundaries of the District would include and be coterminous with the Subject Property, being more particularly described in **Exhibit A**, attached hereto and made apart hereof by reference.

**ARTICLE VI
METHOD OF ASSESSMENT; ASSESSABLE PROPERTY**

Petitioner requests that the City levy assessments on each parcel within the District in a manner that results in imposing equal shares of the costs on property similarly benefitted. All assessments may be paid in full at any time (including interest and principal), and certain assessments may be paid in annual installments (including interest and principal). Petitioner requests that the property liable for assessment or “Assessable Property” be as follows: property within the District that has been converted into a developed and platted lot that has been sold and conveyed to a third-party builder or end user (not including Developer, or its related entities), but specifically excludes (i) undeveloped property (i.e. property within the District that has not been converted into developed lots containing suitable sites for building single family residences), (ii) publicly-owned property (including, but not limited to, schools, public parks, and other property owned by a political subdivision of the State), and (iii) property within the District that is subject to an agricultural or open space tax exemption (as reflected on the official tax rolls of the Nueces County Appraisal District for the year in which the assessment is made).

**ARTICLE VII
APPORTIONMENT OF COSTS**

The District shall bare the total costs of improvement within the District but may enter into a contribution and participation agreement with a tax increment reinvestment zone created under Chapter 311 of the Texas Tax Code with boundaries overlapping that of the District, if created, for contributions from the incremental ad valorem tax collected from within the zone in an amount approved by the City to fund costs of infrastructure and other allowed expenses. The District and City shall negotiate with other taxing entities regarding improvement costs outside the District’s boundaries, but that are deemed essential to the execution of the District’s Service Plan, if applicable. The City will not be obligated to provide funds to finance the Authorized Improvements, other than from assessments levied against the Subject Property within the District or as pledged from tax increment created in connection with such agreements contemplated herein.

**ARTICLE VIII
MANAGEMENT**

The Petitioner proposes that the District be managed by the City or a third party administrator hired by the City, as specifically allowed by and contemplated in Section 372.005(a)(6) of the Act.

**ARTICLE IX
DISTRICT REQUEST**

Pursuant to Section 372.005(a)(7) of the Act, Petitioner, by affixing their signature hereto and filing the same with the City Secretary, hereby formally petitions and requests the City, through formal action(s) of the Council, to authorize, create, and establish the District on the Subject Property. This Petition is conditioned upon the City later executing and entering into a development and reimbursement agreement with the developer of the Subject Property.

**ARTICLE X
ADVISORY BODY**

In accordance with Section 372.005(a)(8), the City may, but is not required to, establish an advisory body to develop and recommend an improvement plan to the Council.

**ARTICLE XI
MISCELLANEOUS**

The Petitioner has read and understands the City's PID Policy and agrees to adhere to all language therein. With respect to community property, the City may accept the signature of a spouse as a representation of both spouses that they support the creation or renewal of the PID, absent a separate property agreement. Petitioner understands that the annual update, including any associated costs, for the PID is subject to review by City staff and final approval by City Council.

Through execution and filing of this Petition by Petitioner with the City Secretary, Petitioner hereby respectfully requests that the Council take appropriate action under Chapter 372 for authorization, creation, and establishment of the Mirabella Public Improvement District on the Subject Property as set forth above.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK. SIGNATURE PAGE(S) FOLLOW]

EXECUTED and RESPECTFULLY SUBMITTED this ____ day of _____, 2024.

RHODES DEVELOPMENT, INC., a Texas corporation

By: _____

Name: Nicholas “Nick” B. Rhodes

Its: President

Date: ____ / ____ / _____

STATE OF TEXAS §
COUNTY OF HIDALGO §

This instrument was acknowledged before me on the _____ day of _____, 2024, by Rhodes Development, Inc., a Texas corporation, by and through Nicholas “Nick” B. Rhodes, its duly authorized President.

Notary Public, State of Texas
My commission expires: _____

THE LONDON PROPER, LLC a Texas limited liability company

By: _____

Name: _____

Its: _____

Date: / /

STATE OF TEXAS §
COUNTY OF NUECES §

This instrument was acknowledged before me on the _____ day of _____, 2024, by The London Proper, LLC, a Texas limited liability company, by and through _____, its duly authorized _____.

Notary Public, State of Texas
My commission expires: _____

EXHIBIT "A"
BOUNDARIES OF THE PROPOSED DISTRICT