

RECEIVED
JUN 18 2019
CITY OF FORT WORTH
CITY SECRETARY

CITY SECRETARY
CONTRACT NO. 47478-A1

**FIRST AMENDMENT TO AMENDED CREATION AND OPERATION AGREEMENT
FOR TRADITION MUNICIPAL UTILITY DISTRICT NO. 2B OF DENTON COUNTY**

This First Amendment to Amended Creation and Operation Agreement for Tradition Municipal Utility District No. 2B of Denton County (this "First Amendment") is entered into by the City of Fort Worth, Texas, a home-rule municipal corporation situated in Tarrant, Denton, Johnson, Parker, and Wise Counties, Texas (the "City"), acting by and through its duly authorized Assistant City Manager, and Tradition Municipal Utility District No. 2B of Denton County, a municipal utility district created pursuant to Article XVI, Section 59, of the Texas Constitution, Chapters 49 and 54 of the Texas Water Code, and Chapter 8189, Special District Local Laws Code (the "District") (collectively, the "Parties"), effective upon execution of this First Amendment by all Parties (the "Effective Date").

RECITALS

WHEREAS, the City and the District entered into the Amended Creation and Operation Agreement for Tradition Municipal Utility District No. 2B of Denton County effective January 12, 2016 (CSC 47478) (the "Agreement"); and

WHEREAS, the Parties wish to amend the Agreement to update certain information, to amend the deadline for issuance of Bonds, and to require the District to levy a specified ad valorem tax rate and establish a fund to assist the City in absorbing the costs of the District upon annexation of all land within the District and dissolution of the District;

NOW, THEREFORE, in consideration of the premises, mutual promises, covenants, obligations, and benefits herein contained, the Parties agree as follows:

1. The definition of "Development Agreement" is hereby amended to read as follows:

"Development Agreement" means the Development Agreement between the City and SLF IV – 114 Assemblage, L.P. dated January 12, 2016 (CSC No. 47477), as amended by that certain First Amendment to Development Agreement effective June 17, 2019 (CSC No. 47477-A1).

2. Section 4.05(e) is amended to read as follows:

Unless the City consents in writing, no Bonds shall be issued having an issuance date more than fifteen (15) years after recording in the Denton County plat records of the first final plat for the Property that contains single-family residential lots.

3. A new section 4.12, "District Tax Rate; Establishment of Fund" is added, to read as follows:

Commencing with the first levy of ad valorem taxes by the District, the date of which shall be determined by the District in its sole discretion, and each year thereafter, the District shall levy a total ad valorem tax rate (including its debt service tax rate and maintenance and operation tax rate) of no less than \$1.00 per \$100 valuation. Monies collected through such tax shall be used to pay the debt service on the District's outstanding bonds, operating costs of the District, and any other legally allowable costs of the District, and to establish a fund to assist the City in absorbing the costs of the District when it annexes all the land in the District and dissolves the District.

4. Section 8.05, "Full Purpose Annexation," is amended to read as follows:

The City will not annex the Property for full purposes any earlier than the first to occur of (a) the date that construction of water, sanitary sewer, drainage and road facilities to serve 90% of the Property is complete; (b) dissolution of the District (other than as the result of annexation by the City); or (c) the date twenty (20) years after approval by the City of the first preliminary plat for the Property that contains single-family residential lots. If the City elects to annex the Property, the City must annex all of the Property simultaneously. The City may not annex the Property in phases.

5. The Notice addresses in Section 11.01 are updated to change the City's address to 200 Texas Street, Fort Worth, Texas 76102.
6. **Exhibit D** attached hereto, "Notice Concerning Annexation and Services" supersedes and replaces Exhibit D to the Agreement.
7. All capitalized terms shall have the same meaning as set forth in the Agreement.
8. Except as specifically amended in this First Amendment, the Agreement shall remain in full force and effect in accordance with its original terms and conditions.

IN WITNESS WHEREOF, each Party has caused this First Amendment to be executed by its undersigned duly authorized representative in multiple copies on the date or dates indicated below.

[The remainder of the page is intentionally left blank.]



ATTEST:

Mary Kayser
Mary Kayser, City Secretary

CITY OF FORT WORTH

By: Jay Chapa
Jay Chapa, Assistant City Manager

M&C: L-16225 6/4/19


Date: 6-17-19

1295: NA

APPROVED AS TO FORM AND LEGALITY:

Melinda Ramo
Assistant City Attorney

**TRADITION MUNICIPAL UTILITY
DISTRICT NO. 2B OF DENTON COUNTY**

By: 
President, Board of Directors

Date: June 17, 2019

Exhibit D

STATE OF TEXAS

COUNTY OF DENTON

NOTICE CONCERNING ANNEXATION AND SERVICES

**THIS NOTICE SUPERSEDES NOTICE RECORDED IN THE DENTON COUNTY
PROPERTY RECORDS ON FEBRUARY 11, 2016,
AS DOCUMENT NO. 2016-15209**

The real property described in Exhibit A attached hereto and incorporated herein (the "Property") is located in Tradition Municipal Utility District No. 2B of Denton County (the "District"). The District is located wholly within the extraterritorial jurisdiction of the City of Fort Worth. When a district is annexed, the district is dissolved. Until such time of annexation, the City of Fort Worth does not impose property taxes within the District and is not required by state law to provide police protection, fire protection, road maintenance or any other municipal services to the District.

The City of Fort Worth may annex the Property for full purposes at any time after the earliest to occur of the following, at such time as the City finds such annexation to be feasible:

- (1) The date construction of water, sanitary sewer, drainage and road facilities to serve 90% of the Property is complete;
- (2) Dissolution of the District; or
- (3) The date twenty (20) years after approval by the City of Fort Worth of the first preliminary plat for the Property that contains single-family residential lots.

If the City elects to annex the Property, the City must annex all of the Property simultaneously. The City may not annex the Property in phases.

To obtain a copy of the Development Agreement between, SLF IV-114 Assemblage, L.P. and the City of Fort Worth governing the Property (City Secretary Contract No. 47477, as amended by Contract No. 47477-A1) (the "Development Agreement"), contact the City Secretary of the City of Fort Worth. For additional information concerning potential annexation of property within the District, contact the Director of the City of Fort Worth's Planning and Development Department.

[SIGNATURE APPEARS ON NEXT PAGE]

**TRADITION MUNICIPAL UTILITY DISTRICT NO.
2B OF DENTON COUNTY**

By: _____

Name printed: _____

Title: _____

STATE OF TEXAS §
 §
COUNTY OF _____ §

This instrument was acknowledged before me, on the ___ day of _____, 2019,
by _____, President of the Board of Directors of Tradition Municipal Utility District
No. 2B of Denton County, on behalf of said district.

Notary Public, State of Texas
Printed Name: _____
My Commission Expires: _____

After recording, return to:

Planning and Development Director
City of Fort Worth
200 Throckmorton
Fort Worth, Tx. 76102

City Attorney
City of Fort Worth
200 Throckmorton
Fort Worth, Tx. 76102

Exhibit A

SLF IV-114 ASSEMBLAGE, L.P., PROPERTY WITHIN TRADITION MUD 2

METES & BOUNDS

SLF IV-114 ASSEMBLAGE TRACT 3

BEING a 662.91 acre tract of land situated in the William D. Redd Survey, Abstract No. 1125, the James Cheshier Survey, Abstract No. 225, and the Guadalupe Cardinas Survey, Abstract No. 214, Denton County, Texas, said tract being all of a called 50.00 acre tract of land described as "Tract 2" in deed to SLF IV-114 Assemblage, L.P., as recorded in County Clerk Document No. 2014-53143, Deed Records of Denton County, Texas (D.R.D.C.T.), and also being all of a called 46.00 acre tract of land described as "Tract 2" in deed to SLF IV-114 Assemblage, L.P., as recorded in County Clerk Document No. 2014-47857, D.R.D.C.T., and also being all of a called 148.00 acre tract of land described as "Tract 1" in said deed to SLF IV-114 Assemblage, L.P., as recorded in County Clerk Document No. 2014-53143, D.R.D.C.T., also being all of a called 330.21 acre tract of land described as "Tract 3" in said deed to SLF IV-114 Assemblage, L.P., as recorded in County Clerk Document No. 2014-47856, D.R.D.C.T., and also being a part of a called 97.41 acre tract of land described as "Tract 1" in said deed to SLF IV-114 Assemblage, L.P., as recorded in County Clerk Document No. 2014-47857, D.R.D.C.T., said 662.91 acre tract being more particularly described as follows:

BEGINNING at a found P.K. Nail in asphalt within Sam Reynolds Road (variable width) for the northwest corner of said 50.00 acre tract;

THENCE North 89 degrees 56 minutes 13 seconds East, along the north line of said 50.00 acre tract, a distance of 4,660.47 feet to a found 1/2-inch iron rod with plastic cap stamped "RPLS 5439" (herein referred to as "with cap") for the northeast corner of said 50.00 acre tract;

THENCE South 00 degrees 02 minutes 37 seconds East, along the east line of said 50.00 acre tract, a distance of 27.00 feet to a found 1/2-inch iron rod for an angle point;

THENCE South 00 degrees 11 minutes 59 seconds West, continuing along the east line of said 50.00 acre tract, a distance of 185.95 feet to a 60D nail for an angle point;

THENCE South 01 degree 01 minute 11 seconds East, continuing along the east line of said 50.00 acre tract, a distance of 186.02 feet to a found 1/2-inch iron rod with red cap stamped "ALLIANCE" for an angle point;

THENCE South 00 degrees 18 minutes 15 seconds East, continuing along the east line of said 50.00 acre tract, a distance of 68.40 feet to a found 1/2-inch iron rod with yellow cap stamped "RPLS 5439" for the southeast corner of said 50.00 acre Johnson Bank tract and the northeast corner of said 46.00 acre tract;

THENCE South 00 degrees 19 minutes 44 seconds East, along the east line of said 46.00 acre tract, a distance of 117.99 feet to a found 1/2-inch iron rod with cap for an angle point;

THENCE South 00 degrees 16 minutes 02 seconds East, continuing along the east line of said 46.00 acre tract, a distance of 185.64 feet to a found 1/2-inch iron rod for an angle point;

THENCE South 00 degrees 14 minutes 59 seconds East, continuing along the east line of said 46.00 acre tract, a distance of 126.10 feet to a found 1/2-inch iron rod with cap for the southeast corner of said 46.00 acre tract and the northeast corner of said 148.00 acre tract;

THENCE South 00 degrees 25 minutes 32 seconds East, along the east line of said 148.00 acre tract, a distance of 60.38 feet to a found 1/2-inch iron rod for an angle point;

continued on next page...

8000788.003

PAGE 4 OF 8

A drawing of even date accompanies this metes and bounds description.

APRIL 15, 2015



550 Bailey Avenue • Suite 400 • Fort Worth, Texas 76107
Tel: 817.335.1121 • Fax: 817.335.7437
FIRM REGISTRATION 10098100

**TRADITION
EXHIBIT OF
SLF IV-114 ASSEMBLAGE, L.P.
PROPERTY WITHIN
TRADITION MUD 1 AND MUD 2,
AND OUTSIDE OF MUD
BOUNDARIES
DENTON COUNTY, TEXAS**

PLOTTED BY: Bulford, Brandon ON: Wednesday, April 15, 2015 AT 3:16 PM FILEPATH: G:\Production\8000788\8000788\Drawings\EXHIBIT\8000788.003 SLF Overall Property Exhibit.dwg

SLF IV-114 ASSEMBLAGE, L.P., PROPERTY WITHIN TRADITION MUD 2

METES & BOUNDS

SLF 1V-114 ASSEMBLAGE TRACT 3 continued...

THENCE South 00 degrees 03 minutes 07 seconds West, continuing along the east line of said 148.00 acre tract, a distance of 186.20 feet to a found 1/2-inch iron rod for an angle point;

THENCE South 00 degrees 28 minutes 16 seconds East, continuing along the east line of said 148.00 acre tract, a distance of 186.11 feet to a found 1/2-inch iron rod for an angle point;

THENCE South 00 degrees 08 minutes 31 seconds East, continuing along the east line of said 148.00 acre tract, a distance of 371.95 feet to a found 1/2-inch iron rod for an angle point;

THENCE South 00 degrees 16 minutes 37 seconds East, continuing along the east line of said 148.00 acre tract, a distance of 558.49 feet to a found 1/2-inch iron rod for an angle point;

THENCE South 00 degrees 12 minutes 23 seconds East, continuing along the east line of said 148.00 acre tract, a distance of 186.22 feet to a found 1/2-inch iron rod for an angle point;

THENCE South 00 degrees 21 minutes 29 seconds East, continuing along the east line of said 148.00 acre tract, a distance of 1,198.93 feet to a found 1/2-inch iron rod with cap for the southeast corner of said 148.00 acre tract and an ell corner of said 330.21 acre tract;

THENCE South 00 degrees 21 minutes 42 seconds East, along the northerly line of said 330.21 acre tract, a distance of 55.05 feet to a found Mag nail with shiner in asphalt within Sam Reynolds Road (variable width);

THENCE North 89 degrees 56 minutes 15 seconds East, along the north line of said 330.21 acre tract, a distance of 3,409.24 feet to a found 60D nail with shiner in asphalt within said Sam Reynolds Road for the northeast corner of said 330.21 acre tract;

THENCE South 00 degrees 15 minutes 21 seconds East, along east line of said 330.21 acre tract, a distance of 1,482.10 feet to a found 1/2 inch iron rod for the most easterly southeast corner of said 330.21 acre tract and the northeast corner of said 97.41 acre tract;

THENCE South 00 degrees 24 minutes 47 seconds East, along the east line of said 97.41 acre tract, a distance of 509.06 feet to a found 5/8-inch iron rod with cap stamped "DUNAWAY ASSOC. LP" for the northeast corner of a called 17.852 acre easement tract of land described in Agreed Judgment, No. CV-93-00004-C, as recorded in County Clerk Document No. 2014-46905, D.R.D.C.T., and in Volume 66, Page 104, Denton County District Court Records, said corner being on a circular curve to the left, having a radius of 5,829.65 feet and whose chord bears South 54 degrees 04 minutes 45 seconds West, a distance of 1,951.17 feet;

THENCE Southwesterly, along said 17.852 acre easement tract and said curve to the left, through a central angle of 19 degrees 16 minutes 03 seconds, an arc distance of 1,960.39 feet to a found 5/8-inch iron rod with cap stamped "DUNAWAY ASSOC. LP" for the end of said curve;

THENCE South 44 degrees 26 minutes 44 seconds West, continuing along said 17.852 acre easement tract, a distance of 27.66 feet to a found 5/8-inch iron rod with cap stamped "DUNAWAY ASSOC. LP" for corner;

continued on next page...

B000788.003

PAGE 5 OF 8

A drawing of even date accompanies this metes and bounds description.

APRIL 15, 2015



550 Bailey Avenue • Suite 400 • Fort Worth, Texas 76107
Tel: 817.335.1121 • Fax: 817.335.7437
FIRM REGISTRATION 10098100

**TRADITION
EXHIBIT OF
SLF IV-114 ASSEMBLAGE, L.P.
PROPERTY WITHIN
TRADITION MUD 1 AND MUD 2,
AND OUTSIDE OF MUD
BOUNDARIES
DENTON COUNTY, TEXAS**

PLOTTED BY: Buland, Brandon Ch.; Wednesday, April 15, 2015 AT 3:16 PM; FILEPATH: G:\Production\500\000700\B000788\Survey\DA\003\Drawings\EXHIBIT\B000788.003.SLF Overall Property Exhibit.dwg

SLF IV-114 ASSEMBLAGE, L.P., PROPERTY WITHIN TRADITION MUD 2

METES & BOUNDS

SLF IV-114 ASSEMBLAGE TRACT 3 continued...

THENCE North 00 degrees 12 minutes 20 seconds West, continuing along the west line of said 330.21 acre tract, passing at a distance of 1,206.47 feet to a found Mag nail with shiner in asphalt within said Sam Reynolds Road for the northwest corner of said 330.21 tract, said corner being the southwest corner of said 148.00 acre tract, and continuing within said Sam Reynolds Road and along the west line of said 148.00 acre tract, a total distance of 2,782.96 feet to a found railroad spike for the an ell corner of said 148.00 acre tract;

THENCE South 89 degrees 52 minutes 21 seconds West, within said Sam Reynolds Road and along the westerly south line of said 148.00 acre tract, a distance of 1,909.35 feet to a found 5/8-inch Iron rod for the most westerly southwest corner of said 148 acre tract;

THENCE North 00 degrees 09 minutes 08 seconds West, within said Sam Reynolds Road and along the west line of said 148.00 acre tract, passing at a distance of 18.67 feet a found 1/2-inch Iron rod with cap for the most westerly northwest corner of said 148.00 acre tract, said corner being the southwest corner of said 46.00 acre tract, and continuing along the west line of said 46.00 acre tract, passing at a cumulative distance of 448.40 feet a found 1/2-inch Iron rod within said Sam Reynolds Road for the northwest corner of said 46.00 acre tract and a southwest corner of said 50.00 acre tract, and continuing along the west line of said 50.00 acre tract, a total cumulative distance of 915.74 feet to the POINT OF BEGINNING and containing 28,876,476 square feet or 662.91 acres of land, more or less.

Bearings are based upon the Texas State Plane Coordinate System (NAD83), North Central Zone 4202, and are based upon GPS measurements made on the ground. Distance values are "surface" derived from grid data by utilizing the Denton County Surface Scale Factor of 1.00015063, as published by TxDOT.

PROPERTY OUTSIDE OF TRADITION MUD BOUNDARY ON NEXT PAGE

PLOTED BY: B. Ward, Burdon Ott, Wednesday, April 15, 2015 AT 3:16 PM FILEPATH: G:\Production\500\000700\000788\Survey\QA\003\Drawings\EXHIBIT\B000788_003_SLF_Coveral_Property_Exhibit.dwg

B000788_003

PAGE 7 OF 8

A drawing of even date accompanies this metes and bounds description.

APRIL 15, 2015



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FIRM REGISTRATION 10096100

**TRADITION
EXHIBIT OF
SLF IV-114 ASSEMBLAGE, L.P.
PROPERTY WITHIN
TRADITION MUD 1 AND MUD 2,
AND OUTSIDE OF MUD
BOUNDARIES
DENTON COUNTY, TEXAS**