

AGREEMENT FOR THE PROVISION OF SERVICES

(Pursuant to Tex. Local Gov't Code §43.0672)

Date: July 2, 2024

Owner: City of San Marcos, Texas, a home rule municipal corporation, 630 East Hopkins Street, San Marcos, Texas 78666

City: City of San Marcos, Texas, a home rule municipal corporation, 630 East Hopkins Street, San Marcos, Texas 78666

Property: As described in Exhibit A.

1. The Owner has petitioned the City and the City has elected to annex the Property into the corporate limits of the City. Pursuant to Tex. Local Gov't Code §43.0672, the Owner and the City enter this agreement (the "Agreement") for the provision of services to the Property when annexed.

2. By this Agreement, the Owner affirms its consent to such annexation of the Property by the City and that Owner does not wish to enter into and has declined the offer from the City of a development agreement under Sections 43.016 and 212.172 of the Texas Local Government Code

3. In consideration of the mutual benefits to the Owner and the City arising from the annexation of the Property, and other good and valuable consideration, the receipt of which is hereby acknowledged, the Owner and the City enter into this Agreement and agree that services to the Property will be provided as described in Exhibit B.

4. This Agreement is made, and shall be construed and interpreted under the laws of the State of Texas. Venue for any legal proceedings shall lie in state courts located in Hays County, Texas. Venue for any matters in federal court will be in the United States District Court for the Western District of Texas.

5. If any word, phrase, clause, sentence, or paragraph of this Agreement is held to be unconstitutional or invalid by a court of competent jurisdiction, the other provisions of this Agreement will continue in force if they can be given effect without the invalid portion.

6. This Agreement shall be binding upon Owner, and Owner's heirs, successors and assigns, and all future owners of all or any portion of the Property.

7. This Agreement will become effective as of the date an ordinance annexing the Property is finally passed, approved, and adopted by the City's city council (the Effective Date).

[SIGNATURES ON NEXT PAGE]

CITY:

By: _____

Name: Stephanie Reyes

Title: City Manager

ACKNOWLEDGMENT

STATE OF TEXAS §

§

COUNTY OF HAYS §

This instrument was acknowledged before me on _____, 20____, by
_____, _____ of the City of San Marcos, in such capacity, on
behalf of said municipality.

Notary Public, State of Texas

OWNER:

By: _____

Name: _____

Title: _____

ACKNOWLEDGMENT

STATE OF TEXAS §

§

COUNTY OF HAYS §

 This instrument was acknowledged before me on _____, 20__ by
_____, _____ of _____ in such
capacity on behalf of said entity.

Notary Public, State of _____

EXHIBIT A

EXHIBIT A

DESCRIPTION OF 3.43 ACRES, MORE OR LESS, OF LAND AREA IN THE CYRUS WICKSON SURVEY ABSTRACT NO. 474, CITY OF SAN MARCOS, HAYS COUNTY, TEXAS, BEING A PORTION OF THAT 85.93 ACRE TRACT DESCRIBED IN A DEED FROM EDMUND JASTER HAYS COUNTY PARTNERSHIP TO URBAN MINING DEVELOPMENT, LLC. DATED MAY 5, 2017 AND RECORDED AS HAYS COUNTY DOCUMENT NUMBER 17015848 OF THE HAYS COUNTY OFFICIAL PUBLIC RECORDS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2" iron rod found for the south corner of this tract, being an interior ell corner of the Urban Mining 85.93 acre tract and being the west corner of that 2.39 acre tract dedicated for right-of-way purposes and shown on the plat of Lot 2, Clovis Barker Road Industrial Park as recorded in Volume 14, Page 310 of the Hays County Plat Records;

THENCE leaving the **PLACE OF BEGINNING** as shown on that plat numbered 27648-19-c dated April 12, 2019 as prepared for the City of San Marcos by Byrn & Associates, Inc. of San Marcos, Texas, and entering the Urban Mining tract **N 46° 12' 28" W 366.60 feet** to a 1/2" iron rod set for the west corner of this tract, being in the southeast line of an access easement portion of Lot 1 UMC Subdivision, as recorded as Hays County Document Number 18007035 of the Hays County Official Public Records, (said Lot 1 being a portion of the Urban Mining 85.93 acre tract), from which the record south corner of Lot 1 bears **S 44° 26' 41" 762.66 feet**;

THENCE with the southeast line of Lot 1 **N 44° 26' 41" E 408.28 feet** to a 1/2" iron rod set for the north corner of this tract;

THENCE leaving Lot 1 **S 45° 16' 48" E 371.50 feet** to a 1/2" iron rod set for the east corner of this tract in the common southeast line of the Urban Mining tract and the northwest line of the aforereferenced 2.39 acre right-of-way tract;

THENCE with said common line **S 45° 08' 41" W 402.35 feet** to the **PLACE OF BEGINNING**. There are contained within these metes and bounds 3.43 acres, more or less, as prepared from public records and a survey made on the ground during April, 2019 by Byrn & Associates, Inc. of San Marcos, Texas. All 1/2" iron rods set are capped with a plastic cap stamped "Byrn Survey". The BEARING BASIS for this description was determined from GPS observations and refers to Grid North of the Texas State Plane Coordinate System, N.A.D. 83, South Central Zone.

Client: City of San Marcos
Date: April 11, 2019
Survey: Wickson, Cyrus, Abstract No. 474
County: Hays
Job No: 27648-19
FND 3.43 ac

David C. Williamson, R.P.L.S. #4190

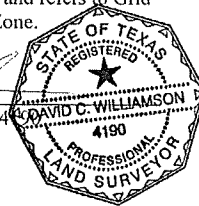


EXHIBIT B

When the Property is annexed, services will be provided to the Property as follows:

1. Police Protection

Police services, including patrolling, response to calls and other routine services, will begin on the Effective Date of the annexation using existing personnel and equipment.

2. Fire Protection

Fire protection services, including emergency response calls, will begin on the Effective Date of the annexation using existing personnel and equipment and within the limitations of the available water supply.

3. Emergency Medical Services

The City of San Marcos contracts for emergency medical services through the San Marcos – Hays County EMS, which already provides service to the area being annexed.

4. Solid Waste Collection

Solid waste collection services, provided under contract with a private company, will be made available to all properties on the Effective Date of the annexation. Residents of the Property may elect to continue using the services of a private solid waste hauler for a period of two years after the Effective Date of the annexation. Businesses and institutions must make arrangements with private solid waste haulers.

5. Operation and Maintenance of Water and Wastewater Facilities

a. Water. The Property is located within an area over which the City of San Marcos holds a Certificate of Convenience and Necessity (CCN) for water service. The City will make water service available to the Property on the Effective Date of the annexation on the same basis as available to other owners of property in the City, i.e., the Owner is solely responsible for the cost to construct and extend all infrastructure, facilities, and lines necessary to serve the Property.

b. Wastewater. The Property is not covered by a CCN for wastewater service; however, the City of San Marcos has wastewater lines in the vicinity of the Property and agrees to make wastewater service available to the Property on the Effective Date of the annexation on the same basis as available to other owners of property in the City, i.e., the Owner is solely responsible for the cost to construct and extend all infrastructure, facilities, and lines necessary to serve the Property.

6. Construction, Operation and Maintenance of Roads and Streets

As new development occurs within the Property, the Owner(s) of Property will be required to construct streets at the Owner's sole expense in accordance with applicable ordinances of the City.

7. Electric Service

The Property is located within the San Marcos Electric service area. The City will provide electric service to the Property.

8. Operation and Maintenance of Parks, Playgrounds, and/or Swimming Pools

No parks, playgrounds, and/or swimming pools currently exist within the Property. The same standards and policies now established and in force within the city limits will be followed in maintaining and expanding recreational facilities to serve the Property. Upon annexation, the owners and residents of property located within the Property shall be entitled to the use of all municipal parks and recreational facilities, subject to the same restrictions, fees, and availability that pertains to the use of those facilities by other citizens of the city.

9. Operation and Maintenance of Other Public Facilities, Buildings, and Services

No other public facilities, buildings, or services currently exist within the Property. The same standards and policies now established and in force within the city limits will be followed in maintaining and expanding other public facilities, building, and services. Upon annexation, the owners and residents of property located within the Property shall be entitled to the use of all municipal facilities, buildings, and services, subject to the same restrictions, fees, and availability that pertains to the use of those facilities and services by other citizens of the city.