

# ZONING CHANGE, OVERLAY OR ESTABLISHMENT OF A HISTORIC DISTRICT/LANDMARK APPLICATION

Updated: September, 2020



## CONTACT INFORMATION

<b>Applicant's Name</b>	Pamela Madere	<b>Property Owner</b>	Alp Yilmaz
<b>Company</b>	Jackson Walker LLP	<b>Company</b>	San Marcos Hampton LLC & CCM San Marcos LLC
<b>Applicant's Mailing Address</b>	100 Congress Avenue, Suite 1100, Austin, TX.	<b>Owner's Mailing Address</b>	7700 Kempwood Drive, Houston, TX. 77055
<b>Applicant's Phone #</b>	512-236-2048	<b>Owner's Phone #</b>	
<b>Applicant's Email</b>	pmadere@jw.com	<b>Owner's Email</b>	

## PROPERTY INFORMATION

**Subject Property Address(es):** SW of Posey Rd. and IH 35 SB Frontage Road

**Legal Description:** Lot \_\_\_\_\_ Block \_\_\_\_\_ Subdivision \_\_\_\_\_

**Total Acreage:** 72.932 ac/rezoning to HC 15.6 acres **Tax ID #:** R 18642, R18643 & R18628

**Preferred Scenario Designation:** Employment Center **Existing Zoning:** 3.5 ac AR, remainder not in the city limits

**Existing Land Use(s):** Vacant

## DESCRIPTION OF REQUEST

**Proposed Zoning District(s):** Heavy Commercial (HC)

**Proposed Land Uses / Reason for Change:** Proposed unified development for commercial use along the IH 35 frontage road with industrial park

## AUTHORIZATION

*I certify that the information on this application is complete and accurate. I understand the fees and the process for this application. I understand my responsibility, as the applicant, to be present at meetings regarding this request.*

**Filing Fee\*** \$1,057 plus \$100 per acre **Technology Fee** \$13 **MAXIMUM COST** \$3,013

*\*Existing Neighborhood Regulating Plan Included.*

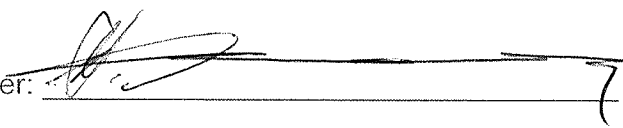
**Submittal of this digital Application shall constitute as acknowledgement and authorization to process this request.**

**APPLY ONLINE – [WWW.MYGOVERNMENTONLINE.ORG/](http://WWW.MYGOVERNMENTONLINE.ORG/)**

## PROPERTY OWNER AUTHORIZATION

I, Alp Yilmaz (owner name) on behalf of  
San Marcos Hampton LLC & CCM San Marcos LLC (company, if applicable) acknowledge that I/we  
am/are the rightful owner of the property located at  
SE of Posey Rd and IH 35 SB frontage road (address).

I hereby authorize Pamela Madere (agent name) on behalf of  
Jackson Walker LLC (agent company) to file this application for  
a zoning (application type), and, if necessary, to work with  
the Responsible Official / Department on my behalf throughout the process.

Signature of Owner: 

Date: 4/15/2022

Printed Name, Title: Alp Yilmaz, Manager

Signature of Agent: \_\_\_\_\_

Date: 04/15/2022

Printed Name, Title: Pamela Madere

Form Updated October, 2019

## PROPERTY OWNER AUTHORIZATION

I, \_\_\_\_\_ (owner name) on behalf of  
\_\_\_\_\_ (company, if applicable) acknowledge that I/we  
am/are the rightful owner of the property located at  
\_\_\_\_\_ (address).

I hereby authorize \_\_\_\_\_ (agent name) on behalf of  
\_\_\_\_\_ (agent company) to file this application for  
\_\_\_\_\_ (application type), and, if necessary, to work with  
the Responsible Official / Department on my behalf throughout the process.

Signature of Owner: \_\_\_\_\_ Date: \_\_\_\_\_

Printed Name, Title: \_\_\_\_\_

Signature of Agent:  \_\_\_\_\_ Date: \_\_\_\_\_

Printed Name, Title: \_\_\_\_\_

Form Updated October, 2019

## AGREEMENT TO THE PLACEMENT OF NOTIFICATION SIGNS AND ACKNOWLEDGEMENT OF NOTIFICATION REQUIREMENTS

The City of San Marcos Development Code requires public notification in the form of notification signs on the subject property, published notice, and / or personal notice based on the type of application presented to the Planning Commission and / or City Council.

- Notification Signs: if required by code, staff shall place notification signs on each street adjacent to the subject property and must be placed in a visible, unobstructed location near the property line. It is unlawful for a person to alter any notification sign, or to remove it while the request is pending. However, any removal or alteration that is beyond the control of the applicant shall not constitute a failure to meet notification requirements. ***It shall be the responsibility of the applicant to periodically check sign locations to verify that the signs remain in place had have not been vandalized or removed. The applicant shall immediately notify the responsible official of any missing or defective signs. It is unlawful for a person to alter any notification sign, or to remove it while the case is pending; however, any removal or alteration that is beyond the control of the applicant shall not constitute a failure to meet notification requirements.***
- Published Notice: if required by code, staff shall publish a notice in a newspaper of general circulation in accordance with City Codes and the Texas Local Government Code. ***If, for any reason, more than one notice is required to be published it may be at the expense of the applicant. The renotification fee shall be \$91 plus a \$13 technology fee.***
- Personal Notice: if required by code, staff shall mail personal notice in accordance with City Codes and the Texas Local Government Code. ***If, for any reason, more than one notice is required to be mailed it may be at the expense of the applicant. The renotification fee shall be \$91 plus a \$13 technology fee.***

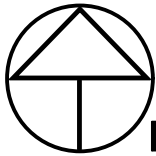
*I have read the above statements and agree to the required public notification, as required, based on the attached application. The City's Planning and Development Services Department staff has my permission to place signs, as required, on the property and I will notify City staff if the sign(s) is/are damaged, moved or removed. I understand the process of notification and public hearing and hereby submit the attached application for review by the City.*

Signature:  \_\_\_\_\_

Date: \_\_\_\_\_

Print Name: \_\_\_\_\_

Form Updated October, 2019



**NORTH**  
SCALE: 1" = 200'

GENERAL NOTES

1. SURVEYOR DID NOT ABSTRACT SUBJECT PROPERTY, THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A CURRENT TITLE REPORT OR ABSTRACTORS CERTIFICATE AND WOULD BE SUBJECT TO ANY AND ALL CONDITIONS OR RESTRICTIONS THAT A CURRENT TITLE REPORT OR ABSTRACTORS CERTIFICATE MAY DISCLOSE.
2. BEARINGS WERE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE. (NAD83)
3. THIS EXHIBIT IS ACCOMPANIED BY A SEPARATE METES AND BOUNDS DESCRIPTION.
4. THIS EXHIBIT DOES NOT IMPLY TO BE A LAND TITLE SURVEY OF THE SUBJECT PROPERTY AND IS NOT INTENDED TO BE USED FOR TITLE CONVEYANCE PURPOSES.

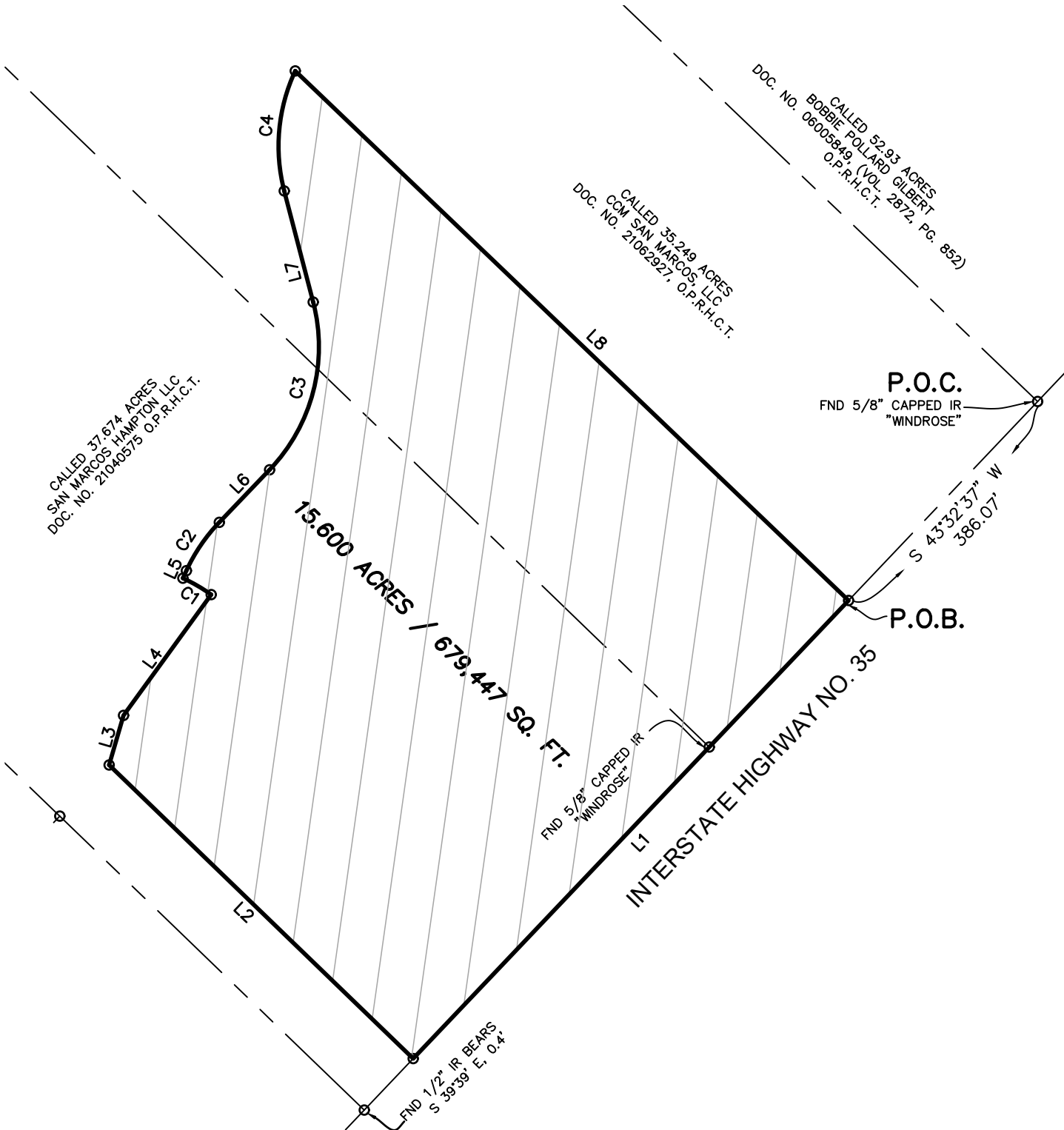
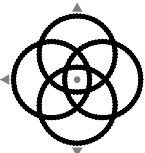


EXHIBIT OF  
15.600 ACRES/ 679,447 SQ. FT.  
SITUATED IN THE  
W.H. VANHORN ONE-THIRD LEAGUE, A-464  
HAYS COUNTY, TEXAS

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S 43°32'37" W	888.99'
L2	N 46°00'30" W	594.56'
L3	N 16°11'47" E	72.60'
L4	N 35°58'24" E	209.95'
L5	N 24°48'27" E	11.70'
L6	N 43°44'20" E	102.38'
L7	N 14°35'23" W	161.58'
L8	S 46°15'40" E	1,077.34'

CURVE CHART					
CURVE	RADIUS	DELTA	LENGTH	BEARING	CHORD
C1	250.00'	10°34'14"	46.12'	N 59°54'31" W	46.06'
C2	250.00'	18°55'52"	82.23'	N 34°16'24" E	82.23'
C3	250.00'	58°19'43"	254.51'	N 14°34'28" E	243.66'
C4	250.00'	39°38'28"	172.97'	N 05°13'51" E	169.54'

FIELD BY:	-	DATE:	4-15-2022
DRAWN BY:	DB	REV:	4-19-2022
CHECKED BY:	CSC	REV:	5-31-2022
JOB NO.	56955-COMMERCIAL	REV:	
SHEET 1 OF 3		REV:	



**WINDROSE**  
LAND SURVEYING | PLATTING

11111 RICHMOND AVE, STE 150 | HOUSTON, TX 77082 | 713.458.2281  
FIRM REGISTRATION NO. 10108800 | WINDROSESERVICES.COM



# WINDROSE

LAND SURVEYING | PLATTING

## DESCRIPTION OF 15.600 ACRES OR 679,447 SQ. FT.

A TRACT OR PARCEL CONTAINING 15.600 ACRES OR 679,447 SQUARE FEET OF LAND BEING A PORTION OF A CALLED 35.249 ACRE TRACT OF LAND DESCRIBED IN DEED TO CCM SAN MARCOS, LLC, AS RECORDED UNDER DOC. NO. 21062927, OFFICIAL PUBLIC RECORDS HAYS COUNTY TEXAS (O.P.R.H.C.T.), AND BEING A PORTION OF A CALLED 37.674 ACRE TRACT OF LAND DESCRIBED IN DEED TO SAN MARCOS HAMPTON, LLC, AS RECORDED UNDER DOC. NO. 21040575, O.P.R.H.C.T., SITUATED IN THE W.H. VAN HORN ONE-THIRD LEAGUE, ABSTRACT NO. 464, HAYS COUNTY, TEXAS, WITH SAID 11.588 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS, WITH ALL BEARINGS BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE (NAD 83):

**COMMENCING**, AT A 5/8 INCH IRON ROD WITH CAP STAMPED "WINDROSE" FOUND ON THE NORTHWEST RIGHT-OF-WAY (R.O.W.) LINE OF INTERSTATE HIGHWAY NO. 35, BEING THE SOUTHWEST CORNER OF A CALLED 52.93 ACRE TRACT DESCRIBED IN DEED TO BOBBIE POLLARD GILBERT, AS RECORDED UNDER DOC. NO. 06005849 (VOL. 2872, PG. 852) O.P.R.H.C.T., AND BEING THE SOUTHEAST CORNER OF SAID CALLED 35.249 ACRE TRACT;

**THENCE**, SOUTH 43 DEG. 32 MIN. 37 SEC. WEST, WITH THE NORTHWEST R.O.W. LINE OF SAID INTERSTATE HIGHWAY NO. 35, A DISTANCE OF 386.07 FEET BEING THE SOUTHEAST CORNER AND **POINT OF BEGINNING** OF THE HEREIN DESCRIBED TRACT;

**THENCE**, SOUTH 43 DEG. 32 MIN. 37 SEC. WEST, CONTINUING WITH THE NORTHWEST R.O.W. LINE OF SAID INTERSTATE HIGHWAY NO. 35, A DISTANCE OF 888.99 FEET FOR THE SOUTHWEST CORNER OF THE HEREIN DESCRIBED TRACT;

**THENCE**, DEPARTING THE NORTHWEST R.O.W. LINE OF SAID INTERSTATE HIGHWAY NO. 35, OVER AND ACROSS SAID CALLED 37.674 ACRE TRACT, THE FOLLOWING COURSES AND DISTANCES:

NORTH 46 DEG. 00 MIN. 30 SEC. WEST, A DISTANCE OF 594.56 FEET TO A POINT FOR THE NORTHWEST CORNER OF THE HEREIN DESCRIBED TRACT;

NORTH 16 DEG. 11 MIN. 47 SEC. EAST, A DISTANCE OF 72.60 FEET TO A POINT FOR AN INTERIOR CORNER OF THE HEREIN DESCRIBED TRACT;

NORTH 35 DEG. 58 MIN. 24 SEC. EAST, A DISTANCE OF 209.95 FEET TO A POINT FOR AN INTERIOR CORNER OF THE HEREIN DESCRIBED TRACT, AND BEING THE POINT OF BEGINNING TO A CURVE TO THE LEFT;

WITH A CURVE TO THE LEFT, HAVING A RADIUS OF 250.00 FEET, A CENTRAL ANGLE OF 10 DEG. 34 MIN. 14 SEC., AN ARC LENGTH OF 46.12 FEET, AND A CHORD BEARING AND DISTANCE OF NORTH 59 DEG. 54 MIN. 31 SEC. WEST, 46.06 FEET TO A POINT FOR AN INTERIOR CORNER OF THE HEREIN DESCRIBED TRACT;

NORTH 24 DEG. 48 MIN. 27 SEC. EAST, A DISTANCE OF 11.70 FEET TO A POINT FOR AN INTERIOR CORNER OF THE HEREIN DESCRIBED TRACT, AND BEING THE POINT OF BEGINNING TO A CURVE TO THE RIGHT;

WITH A CURVE TO THE RIGHT, HAVING A RADIUS OF 250.000 FEET, A CENTRAL ANGLE OF 18 DEG. 55 MIN. 52 SEC., AN ARC LENGTH OF 82.23 FEET, AND A CHORD BEARING AND DISTANCE OF NORTH 34 DEG. 16 MIN. 24 SEC. EAST, 82.23 FEET TO A POINT FOR AN INTERIOR CORNER OF THE HEREIN DESCRIBED TRACT;

NORTH 43 DEG. 44 MIN. 20 SEC. EAST, A DISTANCE OF 102.36 FEET TO A POINT FOR AN INTERIOR CORNER OF THE HEREIN DESCRIBED TRACT, AND BEING THE POINT OF BEGINNING TO A CURVE TO THE LEFT;

**THENCE**, WITH A CURVE TO THE LEFT, THROUGH AND ACROSS SAID CALLED 35.249 ACRE TRACT, HAVING A RADIUS OF 250.00 FEET, A CENTRAL ANGLE OF 58 DEG. 19 MIN. 43 SEC., AN ARC LENGTH OF 254.51 FEET, AND A CHORD BEARING AND DISTANCE OF NORTH 14 DEG. 34 MIN. 28 SEC. EAST, 243.66 FEET TO A POINT FOR AN INTERIOR CORNER OF THE HEREIN DESCRIBED TRACT;

**THENCE**, OVER AND ACROSS SAID CALLED 35.249 ACRE TRACT, THE FOLLOWING COURSES AND DISTANCES:

NORTH 14 DEG. 35 MIN. 23 SEC. WEST, A DISTANCE OF 161.58 FEET TO A POINT FOR AN INTERIOR CORNER OF THE HEREIN DESCRIBED TRACT, AND BEING THE POINT OF BEGINNING TO A CURVE TO THE RIGHT;

WITH A CURVE TO THE RIGHT, HAVING A RADIUS OF 250.00 FEET, A CENTRAL ANGLE OF 39 DEG. 38 MIN. 28 SEC., AN ARC LENGTH OF 172.97 FEET, AND A CHORD BEARING AND DISTANCE OF NORTH 05 DEG. 13 MIN. 51 SEC. EAST, 169.54 FEET TO A POINT FOR THE NORTHEAST CORNER OF THE HEREIN DESCRIBED TRACT;

SOUTH 46 DEG. 15 MIN. 40 SEC. EAST, A DISTANCE OF 1,077.34 FEET TO THE **PLACE OF BEGINNING** AND CONTAINING 15.600 ACRES OR 679,447 SQUARE FEET OF LAND, AS SHOWN ON JOB NO. 56955-COMMERCIAL, PREPARED BY WINDROSE.



LUCAS G. DAVIS  
R.P.L.S. NO. 6599  
STATE OF TEXAS  
FIRM REGISTRATION NO. 10108800



04-15-2022  
DATE:  
REVISED: 04-19-2022  
REVISED: 05-31-2022

ATC-NEW BRAUNFELS  
4000142100914

**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.**

SPECIAL WARRANTY DEED WITH VENDOR'S LIEN

Date: November 10, 2021

Grantor: LANCE EVAN POSPISIL, this being his Separate Property, joined herein pro forma by his wife, DONNA LEE DALE, and KATHLEEN POSPISIL WHITLOCK, formerly known as KATHLEEN POSPISIL LAWRIE, a feme sole.

Grantor's Mailing Address (including county): 11908 A Whitewing Avenue  
Austin, Travis County, Texas 78753

Grantee: CCM SAN MARCOS, LLC, a Texas Limited Liability Company

Grantee's Mailing Address (including county): 7700 Kempwood Drive  
Houston, Harris County, Texas 77055

Consideration: TEN AND NO/100 DOLLARS (\$10.00) and other valuable consideration and a note of even date that is in the principal amount of ONE MILLION SIX HUNDRED NINETY THOUSAND AND NO/100 (\$1,690,000.00) DOLLARS, and is executed by CCM SAN MARCOS, LLC, payable to the order of AMERICAN FIRST NATIONAL BANK. The note is secured by a vendor's lien retained in favor of AMERICAN FIRST NATIONAL BANK in this deed and by a deed of trust of even date from CCM SAN MARCOS, LLC, to ROBERT J. ADAM, STEPHEN W. BING, LEIGH ANN THOMPSON or PHILIP D. CONWAY, Trustee(s).

Property:

A tract or parcel containing 35.249 acres or 1,535,432 square feet of land being out of and a part of a called 88.25 acre tract of land described in deed to Lance Evan Pospisil and Kathleen Pospisil Whitlock, as recorded under Document No. 19015232, Official Public Records Hays County, Texas (O.P.R.H.L.C.T.) situated in the W.H. Van Horn Survey, Abstract No. 464, Hays County, Texas, with said 35.249 acre tract being more particularly described in Exhibit "A" attached hereto and incorporated herein for all purposes.

Grantor's conveyance of rights, privileges and appurtenances pertaining to the Property, including but not limited to, water rights, claims, permits, strips and gores and easements shall be without warranty of any kind whether statutory, express or implied.

Reservations from and Exceptions to Conveyance and Warranty:

This conveyance is made and accepted subject to the following:



Any and all restrictions, exceptions, reservations, covenants, conditions, setbacks and easements, if any, relating to the hereinabove described property, but only to the extent they are still in effect or shown of record in the hereinabove mentioned City, County or State, and to all building codes, zoning laws, regulations and ordinances of municipal and/or other governmental authorities, if any, relating to the hereinabove described property including all statutes, rules and regulations pertaining to any septic systems and water wells, and to any and all visible and apparent easements and to any and all encroachments and to any claims and to ownership by adverse possession or deed overlap by adjoining property owners, and to any and all reservations of oil, gas and minerals and related rights thereto and to any and all governmental statutes, rules and regulations concerning the Property because of its being located within the floodway and the 100 year flood plain, having a natural creek or water drainage way or because of its location in, on or over any aquifer, the aquifer recharge zone and/or any contributing zone or watershed and to any and all rules, regulations and requirements of any water entity having jurisdiction, authority, and/or control concerning water rights and the Property.

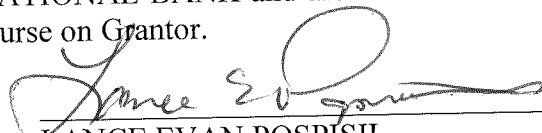
Grantor for the consideration herein provided, grants, sells and conveys to Grantee the Property, TO HAVE AND TO HOLD the above described premises, together with all and singular, the rights and appurtenances thereto in anywise belonging unto the said Grantee, its successors and assigns forever; and Grantor does hereby binds themselves to WARRANT and forever defend all and singular the said premises unto the said Grantee, its successors, heirs and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof, when the claim is by, through, or under Grantor but not otherwise, except as to the reservations from and exceptions to conveyance and warranty contained herein.


The vendor's lien against and superior title to the Property are retained until each note described is fully paid according to its terms, at which time this deed shall become absolute.

Ad valorem taxes and other assessments and taxes of every nature for the current year have been prorated between the Grantor and Grantee and Grantee assumes and agrees to pay the taxes for the year 2021, and subsequent years including additional taxes and assessments, penalties and interest (Assessments) for prior years due to a change in land usage or ownership.

When the context requires, singular nouns and pronouns include the plural.

AMERICAN FIRST NATIONAL BANK at the request of CCM SAN MARCOS, LLC, the Borrower, has paid in cash to Grantor that portion of the purchase price of the property that is evidenced by the note described. The vendor's lien and superior title to the property are retained for the benefit of AMERICAN FIRST NATIONAL BANK and are transferred to AMERICAN FIRST NATIONAL BANK, without recourse on Grantor.

  
LANCE EVAN POSPISIL

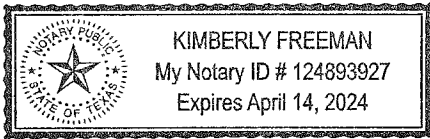
  
DONNA LEE DALE

  
KATHLEEN POSPISIL WHITLOCK

THE STATE OF TEXAS )(

COUNTY OF Comal )(

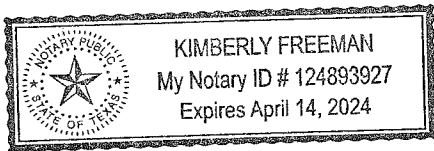
This instrument was acknowledged before me this the 10 day of November, 2021, by LANCE EVAN POSPISIL and wife, DONNA LEE DALE.



K. J. Freeman  
Notary Public, State of Texas

THE STATE OF TX )(COUNTY OF Comal )(

This instrument was acknowledged before me this the 10 day of November, 2021, by KATHLEEN POSPISIL.



K. J. Freeman  
Notary Public, State of TX

## EXHIBIT "A"

A TRACT OR PARCEL CONTAINING 35.249 ACRES OR 1,535,432 SQUARE FEET OF LAND BEING OUT OF AND A PART OF A CALLED 88.25 ACRE TRACT OF LAND DESCRIBED IN DEED TO LANCE EVAN POSPISIL AND KATHLEEN POSPISIL WHITLOCK, AS RECORDED UNDER DOC. NO. 19015232, OFFICIAL PUBLIC RECORDS HAYS COUNTY TEXAS (O.P.R.H.C.T) SITUATED IN THE W.H. VAN HORN SURVEY, ABSTRACT NO. 464, HAYS COUNTY, TEXAS, WITH SAID 35.249 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS, WITH ALL BEARINGS BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE (NAD 83):

BEGINNING AT A 3/8 INCH IRON PIPE FOUND FOR THE WEST CORNER OF A CALLED 52.93 ACRE TRACT DESCRIBED IN DEED TO BOBBIE POLLARD GILBERT, AS RECORDED UNDER DOC. NO. 06005849 (VOL. 2872, PG. 852) O.P.R.H.C.T., AND THE NORTH CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, SOUTH 46 DEG. 15 MIN. 40 SEC. EAST, ALONG THE SOUTHWEST LINE OF SAID 52.93 ACRE TRACT, A DISTANCE OF 2,341.28 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE" SET ON THE NORTHWEST RIGHT-OF-WAY (R.O.W.) LINE OF INTERSTATE HIGHWAY NO. 35 FOR THE SOUTH CORNER OF SAID 52.93 ACRE TRACT AND THE EAST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, SOUTH 43 DEG. 32 MIN. 37 SEC. WEST, ALONG THE NORTHWEST R.O.W. LINE OF SAID INTERSTATE HIGHWAY NO. 35, A DISTANCE OF 670.52 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE" SET FOR THE SOUTH CORNER OF HEREIN DESCRIBED TRACT;

THENCE, NORTH 46 DEG. 00 MIN. 29 SEC. WEST, DEPARTING THE NORTHWEST R.O.W. LINE OF SAID INTERSTATE HIGHWAY NO. 35, A DISTANCE OF 2,278.54 FEET TO A 3 INCH IRON PIPE FOUND ON THE SOUTHEAST R.O.W. LINE OF UNION PACIFIC RAILROAD FOR THE WEST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, WITH A NON-TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 1,684.58 FEET, A CENTRAL ANGLE OF 11 DEG. 28 MIN. 19 SEC., AN ARC LENGTH OF 337.29 FEET AND A CHORD BEARING AND DISTANCE OF NORTH 37 DEG. 57 MIN. 55 SEC. EAST - 336.73 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE" SET FOR A POINT OF TANGENCY;

THENCE, NORTH 38 DEG. 16 MIN. 01 SEC. EAST, ALONG THE SOUTHEAST LINE OF SAID UNION PACIFIC RAILROAD, A DISTANCE OF 326.92 FEET TO THE PLACE OF BEGINNING AND CONTAINING 35.249 ACRES OR 1,535,432 SQUARE FEET OF LAND, AS SHOWN ON JOB NO. 56955-ADD, PREPARED BY WINDROSE LAND SERVICES.

**THE STATE OF TEXAS  
COUNTY OF HAYS**

I hereby certify that this instrument was FILED on the  
date and the time stamped hereon by me and was duly  
RECORDED in the Records of Hays County, Texas.

21062927 DEED  
11/15/2021 01:13:42 PM Total Fees: \$38.00

Elaine H. Cárdenas, MBA, PhD, County Clerk  
Hays County, Texas



New Braunfels Title Co.  
G.F.# NB12136221

**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.**

### **WARRANTY DEED WITH VENDOR'S LIEN**

**Date:** July 13, 2021

**Grantor:** Benjamin H. Johnston

**Grantor's Mailing Address:** 4106 Hunter Road  
San Marcos, Texas 78666

**Grantee:** San Marcos Hampton LLC, a Texas limited liability company

**Grantee's Mailing Address:** 7700 Kempwood Drive  
Houston, Texas 77055

**Consideration:** Cash and a note of even date executed by Grantee and payable to the order of American First National Bank in the principal amount of \$1,200,000.00. The note is secured by a first and superior vendor's lien and superior title retained in this deed in favor of American First National Bank and by a first-lien deed of trust of even date from Grantee to Walter A. Schroeder, Trustee.

**Property (including any improvements):**

Being a 37.674 acre tract of land out of the William H. Van Horn Survey, A-464, being a portion of a called 120 acre tract of land, recorded in Volume 1499, Page 203, Deed Records of Hays County, Texas (No Description), described in Volume 102, Page 612, Deed Records, Hays County, Texas; said 37.674 acre tract being more particularly described by metes and bounds in Exhibit "A" attached hereto and made a part hereof for all purposes.

**Reservations from Conveyance:** None.

**Exceptions to Conveyance and Warranty:**

1. Standby fees, taxes and assessments by any taxing authority for the year 2021, and subsequent years; and subsequent taxes and assessments by any taxing authority for prior years due to change in land usage or ownership.
2. Easement to The Texas Pipeline Company, recorded in Volume 97, Page 542, of the Deed Records of Hays County, Texas.
3. Easement to Southwestern Bell Telephone Company, recorded in Volume 218, age 41, of the Deed Records of Hays County, Texas.
4. Utility Easement to Pedernales Electric Cooperative, Inc., of Johnson City, recorded in Volume 4454, Page 459, of the Official Public Records of Hays County, Texas.
5. City of San Marcos Request for Out-of-City Utility Extension or Connection, recorded in Volume 3712, Page 49 of the Official Public Records of Hays County, Texas. (Address 5520 IH 35 S, 36 ac)
6. Supplemental Final Order and Judgment, In RE: AT&T Fiber Optic Cable Installation Litigation, recorded in Volume 3277, Page 794, of the Official Public Records of Hays County, Texas.
7. Judgment in favor of Quest Communications Company, LLC, et al, recorded in Volume 5273, Page 815, of the Official Public Records of Hays County, Texas.
8. Interest in and to all coal, lignite, oil, gas and other minerals, and all rights incident thereto, contained in instrument dated November 6, 1998, recorded in Volume 1474, page 896, of the Official Public Records of Hays County, Texas.
9. Subject property lies within the York Creek Improvement District and Hays County Special Road District as reflected upon the tax rolls.

Grantor, for the Consideration and subject to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty, grants, sells and conveys to Grantee the Property, together with all and singular the rights and appurtenances thereto in any way belonging, to have and to hold it to Grantee and Grantee's heirs, successors, and assigns forever. Grantor binds Grantor and Grantor's heirs and successors to warrant and forever defend all and singular the Property to Grantee and Grantee's heirs, successors and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the Reservations from Conveyance and Exceptions to Conveyance and Warranty, when the claim is made by, through or under Grantor, but not otherwise.

American First National Bank, at Grantee's request, has paid in cash to Grantor a portion of the purchase price of the Property and other property that is evidenced by the note. The first and superior vendor's lien against and superior title to the Property are retained for the benefit of American First National Bank and are transferred to American First National Bank without recourse against Grantor.

When the context requires, singular nouns and pronouns include the plural.

*Benjamin H. Johnston*

Benjamin H. Johnston

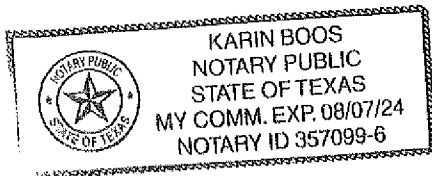
By Charlene Johnston, Attorney-in-Fact

*by Charlene Johnston, Attorney-in-Fact*

STATE OF TEXAS §

COUNTY OF COMAL §

This instrument was acknowledged before me on July 23, 2021, by Charlene Johnston, acting as Attorney-in-Fact for Benjamin H. Johnston.



*Karin Boos*

Notary Public, State of Texas



410 N. Seguin Ave.  
 New Braunfels, TX 78130  
 HMTNB.COM  
 830.625.8555 • FAX: 830.625.8556  
 TBPLS FIRM 10153600

**EXHIBIT A**

**METES AND BOUNDS DESCRIPTION  
 FOR A 37.674 ACRE TRACT OF LAND**

Being a 37.674 acre tract of land out of the William H. Van Horn Survey, A-464, being a portion of a called 120 acre tract of land, recorded in Volume 1499, Page 203, Deed Records of Hays County, Texas (No Description), described in Volume 102, Page 612, Deed Records, Hays County, Texas, said 37.674 acre tract being more particularly described as follows:

BEGINNING at a 1/2" iron pin found in the Northwest right-of-way line of Interstate Highway 35 for the East corner of a called 3.94 acre tract, described in Volume 1128, Page 806, Official Public Records, Hays County, Texas, the South corner of the herein described tract;

THENCE with the common line of the herein described tract and said 3.94 acre tract, N 46°03'48" W a distance of 596.15 feet to a 1/2" iron pin found for the North corner of said 3.94 acre tract, same being the East corner of Lot 7, H&H Industrial Park Section Two, recorded in Volume 13, Page 341, Plat Records, Hays County, Texas, an angle point of the herein described tract;

THENCE with the common line of the herein described tract and Lot 7, N 45°54'34" W a distance of 336.99 feet to a 1/2" iron pin (w/ cap "Pro-Tech") found for the East corner of Central Texas Avenue, and the North corner of said Lot 7;

THENCE with the common line of the herein described tract and Central Texas Avenue, N 46°11'26" W a distance of 59.85 feet to a 1/2" iron pin (w/ cap "Pro-Tech") found for the North corner of Central Texas Avenue, the East corner of Lot 8B, Amending Plat of Lots 8A & 9A, H&H Industrial Park Section Two, recorded in Volume 19, Page 226, Plat Records, Hays County, Texas;

THENCE with the common line of the herein described tract and Lot 8B, N 45°59'11" W a distance of 529.72 feet to a 1/2" iron pin (w/ cap "Pro-Tech") found for the North corner of Lot 8B, the East corner of a called 32.975 acre tract, described in Document No. 10026134, Official Public Records, Hays County, Texas;

THENCE with the common line of the herein described tract and said 32.975 acre tract, N 46°00'10" W a distance of 912.09 feet to a 1/2" iron pin found in the South line of a Union Pacific Railroad right-of-way, for an angle point of said right-of-way, same being an angle point of said 32.975 acre tract and the West corner of the herein described tract, from which a 1/2" iron pin found for an angle point of said railroad right-of-way and the North corner of said 32.975 acre tract bears N 44°22'23" W a distance of 97.95 feet;

THENCE into and across said 120 acre tract with said railroad right-of-way, the following two calls:

1. Along the arc of a curve to the left, having a radius of 1435.08 feet, an arc length of 554.37 feet, and a chord bearing of N 58°59'38" E, a distance of 550.93 feet to a 1/2" iron pin (with cap stamped "HMT") set;
2. N 46°35'56" E a distance of 172.35 feet to a 3" metal post found in the North line of said 120 acre tract and the South line of another called 120 acre tract, described in Volume 105, Page 247, Deed Records, Hays County, Texas, the North corner of the herein described tract;

A handwritten signature in black ink, appearing to be "Cj", is located at the bottom center of the page.



**EXHIBIT A**

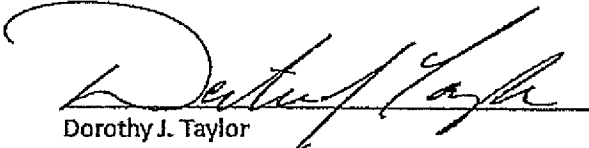
THENCE departing the right-of-way of Union Pacific Railroad, with the common line of the herein described tract and said remainder of 120 acres, with a barbed wire fence, S 46°01'21" E a distance of 2278.68 feet to a 3" metal post found in the Northwest right-of-way line of Interstate 35 for the South corner of said remainder of 120 acres, the East corner of the herein described tract, from which a TXDOT monument found at the intersection of the Northwest right-of-way line of Interstate 35 and the Southwest right-of-way line of Posey Road for the East corner of a called 52.39 acre tract, described in Document No. 06005849, Official Public Records, Hays County, Texas, bears N 43°32'45" E a distance of 1574.01 feet;

THENCE with the Northwest right-of-way line of Interstate 35, S 43°31'57" W a distance of 705.02 feet to the POINT OF BEGINNING and containing a 37.674 acre tract of land in Hays County, Texas.

Bearings shown hereon are based on the Texas Coordinate System, South Central Zone (4204), NAD 83.

Written this the 12th day of March, 2019.

Reference survey of said 37.674 acre tract of land prepared this same date.

  
Dorothy J. Taylor

Registered Professional Land Surveyor No. 6295

S:\Projects\Title Surveys\Van Horn, William\36 Acres - IEB35\19-0219 Bdy\CAD\19-0219 m&b.docx

3-14-19



*Cj*

**THE STATE OF TEXAS  
COUNTY OF HAYS**

I hereby certify that this instrument was FILED on the  
date and the time stamped hereon by me and was duly  
RECORDED in the Records of Hays County, Texas.

21040575 DEED  
07/27/2021 09:20:17 AM Total Fees: \$42.00

Elaine H. Cárdenas, MBA, PhD, County Clerk  
Hays County, Texas



## **Hampton Business Park Zoning Application**

### Lienholder Information:

American First National Bank  
Jennifer Cho, Senior Vice President  
9999 Bellaire Blvd., Houston, TX. 77036  
713-596-2817  
[jennifer@afnb.com](mailto:jennifer@afnb.com)

# TAX CERTIFICATE

**Jenifer OKane Tax Assessor-Collector, Hays County**

712 S. Stagecoach Trail, Suite 1120  
 San Marcos, TX 78666  
 Phone: 512-393-5545 Fax: 512-393-5547

This certificate includes tax years up to 2021

**Entities to which this certificate applies:**

RSP - Special Road Dist  
 GHA - Hays County  
 EHA - Hays County ESD #9-EMS

SSM - San Marcos CISD  
 YCI - York Creek Improvement District  
 FSO - South Hays Co ESD #3-FIRE

**Property Information**

Property ID : 10-0464-0024-00001-3

Quick-Ref ID : R18643

**Value Information**

	Land HS	:	\$0.00
S IH 35 SAN MARCOS, TX	Land NHS	:	\$0.00
78666	Imp HS	:	\$0.00
	Imp NHS	:	\$0.00
ABS 464 WM VANHORN	Ag Mkt	:	\$274,450.00
SURVEY 2.9844 AC	Ag Use	:	\$460.00
	Tim Mkt	:	\$0.00
	Tim Use	:	\$0.00
	HS Cap Adj	:	\$0.00
	Assessed	:	\$460.00

**Owner Information**

Owner ID : O0355014

CCM SAN MARCOS LLC  
 7700 KEMPWOOD DR  
 HOUSTON, TX 77055-1008

Ownership: 100.00%

This is to certify that after a careful check of the tax records of this office, the following delinquent taxes, penalties, interest and any known costs and expenses as provided by Tax Code Section 33.48 are due on the described property for the following taxing unit(s)

Entity	Year	Tax	Discount	P&I	Atty Fee	TOTAL
SSM	2021	5.39	0.00	0.48	0.00	0.00
RSP	2021	0.11	0.00	0.01	0.00	0.00
YCI	2021	0.02	0.00	0.00	0.00	0.00
GHA	2021	1.67	0.00	0.15	0.00	0.00
FSO	2021	0.46	0.00	0.04	0.00	0.00
EHA	2021	0.27	0.00	0.03	0.00	0.00

**Total for current bills if paid by 4/30/2022 : \$0.00****Total due on all bills 4/30/2022 : \$0.00**

2021 taxes paid for entity SSM \$5.87

2021 taxes paid for entity RSP \$0.12

2021 taxes paid for entity YCI \$0.02

2021 taxes paid for entity GHA \$1.82

2021 taxes paid for entity FSO \$0.50

2021 taxes paid for entity EHA \$0.30

**2021 Total Taxes Paid : \$8.63****Date of Last Payment : 03/29/22**

If applicable, the above-described property has / is receiving special appraisal based on its use, and additional rollback taxes may become due based on the provisions of the special appraisal (Comptroller Rule 9.3040) or property omitted from the appraisal roll as described under Tax Code Section 25.21 is not included in this certificate.

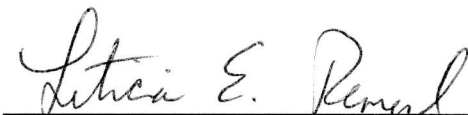
Date of Issue : 04/07/2022

Requestor : CCM SAN MARCOS LLC

Receipt : SM-2022-1451718

Fee Paid : \$10.00

Payer : KATHERINE PROKOPOV LOAYZA



Signature of Authorized Officer of the Tax Office

# TAX CERTIFICATE

**Jenifer OKane Tax Assessor-Collector, Hays County**

712 S. Stagecoach Trail, Suite 1120  
 San Marcos, TX 78666  
 Phone: 512-393-5545 Fax: 512-393-5547

This certificate includes tax years up to 2021

**Entities to which this certificate applies:**

RSP - Special Road Dist  
 GHA - Hays County  
 EHA - Hays County ESD #9-EMS

SSM - San Marcos CISD  
 YCI - York Creek Improvement District  
 FSO - South Hays Co ESD #3-FIRE

**Property Information**

Property ID : 10-0464-0024-00000-3

Quick-Ref ID : R18642

**Value Information**

	Land HS	:	\$0.00
S IH 35 SAN MARCOS, TX	Land NHS	:	\$0.00
78666	Imp HS	:	\$0.00
	Imp NHS	:	\$0.00
ABS 464 TR 14 WM	Ag Mkt	:	\$2,944,150.00
VANHORN SURVEY 32.0156	Ag Use	:	\$4,900.00
AC	Tim Mkt	:	\$0.00
	Tim Use	:	\$0.00
	HS Cap Adj	:	\$0.00
	Assessed	:	\$4,900.00

**Owner Information**

Owner ID : O0355014

CCM SAN MARCOS LLC  
 7700 KEMPWOOD DR  
 HOUSTON, TX 77055-1008

Ownership: 100.00%

This is to certify that after a careful check of the tax records of this office, the following delinquent taxes, penalties, interest and any known costs and expenses as provided by Tax Code Section 33.48 are due on the described property for the following taxing unit(s)

Entity	Year	Tax	Discount	P&I	Atty Fee	TOTAL
SSM	2021	57.37	0.00	0.00	0.00	0.00
RSP	2021	1.17	0.00	0.00	0.00	0.00
YCI	2021	0.24	0.00	0.00	0.00	0.00
GHA	2021	17.79	0.00	0.00	0.00	0.00
FSO	2021	4.90	0.00	0.00	0.00	0.00
EHA	2021	2.85	0.00	0.00	0.00	0.00

**Total for current bills if paid by 4/30/2022 : \$0.00****Total due on all bills 4/30/2022 : \$0.00**

2021 taxes paid for entity SSM \$57.37

2021 taxes paid for entity RSP \$1.17

2021 taxes paid for entity YCI \$0.24

2021 taxes paid for entity GHA \$17.79

2021 taxes paid for entity FSO \$4.90

2021 taxes paid for entity EHA \$2.85

**2021 Total Taxes Paid : \$84.32****Date of Last Payment : 11/21/21**

If applicable, the above-described property has / is receiving special appraisal based on its use, and additional rollback taxes may become due based on the provisions of the special appraisal (Comptroller Rule 9.3040) or property omitted from the appraisal roll as described under Tax Code Section 25.21 is not included in this certificate.

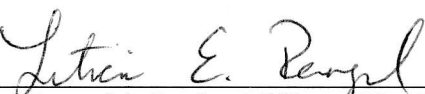
Date of Issue : 04/07/2022

Requestor : CCM SAN MARCOS LLC

Receipt : SM-2022-1451720

Fee Paid : \$10.00

Payer : KATHERINE PROKOPOV LOAYZA



Signature of Authorized Officer of the Tax Office

# TAX CERTIFICATE

**Jenifer OKane Tax Assessor-Collector, Hays County**

712 S. Stagecoach Trail, Suite 1120  
 San Marcos, TX 78666  
 Phone: 512-393-5545 Fax: 512-393-5547

This certificate includes tax years up to 2021

**Entities to which this certificate applies:**

RSP - Special Road Dist  
 GHA - Hays County  
 EHA - Hays County ESD #9-EMS

SSM - San Marcos CISD  
 YCI - York Creek Improvement District  
 FSO - South Hays Co ESD #3-FIRE

**Property Information**

Property ID : 10-0464-0013-00000-3

Quick-Ref ID : R18628

**Value Information**

HUNTER RD SAN MARCOS, TX 78666	Land HS :	\$0.00
	Land NHS :	\$0.00
	Imp HS :	\$0.00
	Imp NHS :	\$0.00
A0464 WILLIAM H VAN HORN SURVEY, ACRES 85.643, * INTERESTS	Ag Mkt :	\$3,928,300.00
	Ag Use :	\$12,100.00
	Tim Mkt :	\$0.00
	Tim Use :	\$0.00
	HS Cap Adj :	\$0.00
	Assessed :	\$12,100.00

**Owner Information**

Owner ID : O9136792

JOHNSTON BENJAMIN H (BLUE)  
 4106 HUNTER RD  
 SAN MARCOS, TX 78666

Ownership: 100.00%

This is to certify that after a careful check of the tax records of this office, the following delinquent taxes, penalties, interest and any known costs and expenses as provided by Tax Code Section 33.48 are due on the described property for the following taxing unit(s)

Entity	Year	Tax	Discount	P&I	Atty Fee	TOTAL
SSM	2021	141.66	0.00	0.00	0.00	0.00
RSP	2021	2.88	0.00	0.00	0.00	0.00
YCI	2021	0.58	0.00	0.00	0.00	0.00
GHA	2021	43.91	0.00	0.00	0.00	0.00
FSO	2021	12.10	0.00	0.00	0.00	0.00
EHA	2021	7.04	0.00	0.00	0.00	0.00

**Total for current bills if paid by 4/30/2022 : \$0.00****Total due on all bills 4/30/2022 : \$0.00**

2021 taxes paid for entity SSM \$141.66

2021 taxes paid for entity RSP \$2.88

2021 taxes paid for entity YCI \$0.58

2021 taxes paid for entity GHA \$43.91

2021 taxes paid for entity FSO \$12.10

2021 taxes paid for entity EHA \$7.04

**2021 Total Taxes Paid : \$208.17****Date of Last Payment : 11/16/21**

If applicable, the above-described property has / is receiving special appraisal based on its use, and additional rollback taxes may become due based on the provisions of the special appraisal (Comptroller Rule 9.3040) or property omitted from the appraisal roll as described under Tax Code Section 25.21 is not included in this certificate.

  
 Signature of Authorized Officer of the Tax Office

Date of Issue : 04/07/2022

Requestor : JOHNSTON BENJAMIN H (BLUE)

Receipt : SM-2022-1451721

Fee Paid : \$10.00

Payer : KATHERINE PROKOPOV LOAYZA