

ANNEXATION APPLICATION

Updated: September, 2020



CONTACT INFORMATION

Applicant's Name	Tyler Sibley, Manager	Property Owner	Tyler Sibley, Manager
Company	Centerpoint Commons, LLC	Company	Centerpoint Commons, LLC
Applicant's Mailing Address	415 N. Guadalupe St. #400 San Marcos, TX 78666	Owner's Mailing Address	515 Congress Avenue, Ste. 1515 Austin, TX 78701
Applicant's Phone #	214.282.8970	Owner's Phone #	214.282.8970
Applicant's Email	tylersibley1@gmail.com	Owner's Email	tylersibley1@gmail.com

PROPERTY INFORMATION

Is the property adjacent to city limits: ☒ YES ☐ NO

Is the property proposing to connect to City utilities: ☒ YES, WATER ☒ YES, WASTE WATER ☐ NO

Is the property subject to an approved development or other agreement : ☐ YES ☒ NO

Proposed Use: CD-5 zoning uses Proposed Zoning: CD-5 zoning

Reason for Annexation / Other Considerations: This annexation is for a portion of a 70.894 acre property that did not originally include some of the drainage easement

areas in the annexation application. This annexation will incorporate the entirety of the property (including drainage easement areas) into the City limits.

AUTHORIZATION

By submitting this digital application, 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 \$1,181 Technology Fee \$13 **TOTAL COST \$1,194**

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

APPLY ONLINE – WWW.MYGOVERNMENTONLINE.ORG/

PROPERTY OWNER AUTHORIZATION

I, Tyler Sibley (owner name) on behalf of
Centerpoint Commons, LLC (company, if applicable) acknowledge that I/we
am/are the rightful owner of the property located at
The 70.894 acres outlined in this annexation application (address).

I hereby authorize Tyler Sibley (agent name) on behalf of
Centerpoint Commons, LLC (agent company) to file this application for
the annexation of the portions of the property that aren't currently in the City limits
(application type), and, if necessary, to work with
the Responsible Official / Department on my behalf throughout the process.

Signature of Owner: _____

Date: 11/15/2021

Printed Name, Title: _____

Tyler Sibley, Manager

Signature of Agent: _____

Date: 11/15/2021

Printed Name, Title: _____

Tyler Sibley, Manager

Form Updated October, 2019

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

OWNER'S CONSENT TO ANNEXATION OF LAND

Date: 11/15/2021
City: City of San Marcos, Texas, a home rule municipal corporation
Owner: Centegant Commons, LLC
Property: A portion of a 70.894 acre property generally located at the SW of Commercial Loop to Gregory's Bend.

Owner petitioned the City to initiate proceedings to annex the Property. Owner acknowledges and agrees that, in connection with annexation of the Property:

1. Owner does not wish to enter into a development agreement with the City under Section 212.172 and has declined the offer by the City of such a development agreement.
2. Unless specifically authorized by a written agreement with Owner approved by the City Council under applicable ordinances, the City has no obligation to extend water, wastewater, or electric utility services, roads, or other infrastructure to the Property at the City's expense, and the City has made no offers, representations or promises that the City will, at the City's expense, extend water, wastewater, or electric utility services, roads, or other infrastructure to the Property. Such extensions to the Property shall be made available in the same manner and on the same basis as available to other areas of the City, whereby it shall be Owner's sole obligation, and at Owner's sole expense, to construct and install all infrastructure necessary to extend such services to the Property under applicable ordinances.
3. Owner waives any and all rights of Owner to assert any claim or demand, or to file suit against, and covenants not to sue, the City on the basis that the annexation of the Property by the City is invalid, void or voidable, in whole or in part.
4. This instrument is made, and shall be construed and interpreted under the laws of the State of Texas. Venue for any legal proceedings concerning this instrument shall lie in State courts having jurisdiction 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 instrument is held to be unconstitutional or invalid by a court of competent jurisdiction, the other provisions of this instrument will continue in force if they can be given effect without the invalid portion.

6. This instrument may be recorded in the Official Public Records of the County or Counties in which the Property is located and is binding on Owner's successors, heirs and assigns, and any future owners of the Property.

[SIGNATURE(S) ON NEXT PAGE]

OWNER:

By: _____

Name: _____

Title: _____

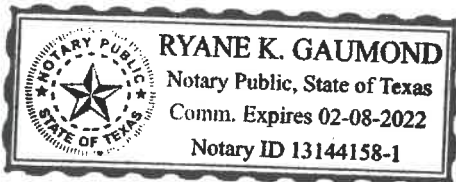
[Handwritten signature of Tyler Sibley]
Tyler Sibley
Manager

ACKNOWLEDGMENT

STATE OF TX §

COUNTY OF Bexar §

This instrument was acknowledged before me on November 15, 2021 by Tyler Sibley, Manager of Centerpoint Commons, LLC in such capacity on behalf of said entity.



[Handwritten signature of Ryane K. Gaumond]

Notary Public, State of TX

DECLINATION OF OFFER OF DEVELOPMENT AGREEMENT

The attached Development Agreement was offered by the City of San Marcos to the owner of the property subject to the following application/petition (check one):

☐ Out of City Utility Connection of Extension Application

☒ Petition for Annexation (without OCU Request)

By signing below, the owner of the subject property declines the offer to enter into such Development Agreement.

OWNER (individual):

Date: _____

[OR]

OWNER (Entity):

By: _____

Name: Tyler S. Day

Title: Mayor

Date: 11/15/2021

Case No. _____ (to be inserted by City Staff)



Exhibit “__”

7401B Highway 71 West, Suite 160
Austin, TX 78735
Office: 512.583.2600
Fax: 512.583.2601

Doucetengineers.com

**2.527-Acre Tract
Hays County, Texas**

**D&A Job No. 2055-001
December 2, 2021**

**DESCRIPTION
2.527 Acre Tract**

BEING A 2.527 ACRE TRACT OUT OF THE EDWARD BURLESON SURVEY NUMBER 18, ABSTRACT NUMBER 63, HAYS COUNTY, TEXAS, BEING A PORTION OF THE REMAINDER OF A CALLED 109.22 ACRE TRACT, DESCRIBED TO OUTLET WEST INVESTORS, LTD, AS RECORDED IN VOLUME 1486, PAGE 887 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS [O.P.R.H.C.T.]; SAID 2.527 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2-inch iron rod with cap stamped “BYRN” found for the north corner of said remainder tract, same being the west corner of a called 17.85-acre tract, and a called 5.88-acre drainage easement tract, as recorded in Volume 4389, Page 592 [O.P.R.H.C.T.], also being in the southeast line of the Union Pacific Railroad Company tract, a called 200 foot wide strip of land as recorded in Volume 41, Page 23 of The Deed Records of Hays County, Texas [D.R.H.C.T.], and for the northwest corner of the tract described herein;

THENCE N46°39'17"E with the existing southeast line of said Union Pacific Railroad Company tract, the northwest line of said 17.85-acre tract and 5.88-acre drainage easement tract, a distance of 80.27 feet to a 1/2-inch iron rod with cap stamped “Doucet” set in the southeast line of said Union Pacific Railroad Company tract, the northwest line of said 17.85-acre tract and 5.88-acre drainage easement tract, and for a north corner of the tract described herein;

THENCE over and across said remainder tract, the following five (5) courses and distances:

- 1) S46°27'01"E, along the centerline of said 5.88-acre drainage easement tract, passing at a distance of 576.43 feet, a chiseled "+" in concrete on top of a bridge culvert, set for reference, and continuing for a total distance of 577.67 feet to a calculated point,
- 2) N43°34'23"E, for a distance of 79.83 feet to a 1/2-inch iron rod with cap stamped "5687" found on the northeast line of said 5.88-acre drainage easement tract and for an exterior corner of the tract described herein,
- 3) S46°27'01"E, with a northeast line of said 5.88-acre drainage easement tract, a distance of 66.86 feet to a 1/2-inch iron rod with cap stamped "DOUCET" set for an exterior corner of the tract described herein,
- 4) S52°15'58"E, continuing with the northeast line of said 5.88-acre drainage easement tract, a distance of 302.69 feet to a found 1/2-inch iron rod (bent) found for an exterior corner of the tract described herein,

CONTINUED ON NEXT PAGE

COMMITMENT YOU EXPECT.
EXPERIENCE YOU NEED.
PEOPLE YOU TRUST.



- 5) N44°07'24"E, a distance of 218.45 feet to a 1/2-inch iron rod with cap stamped "BYRN" found in the southwest line of Lot 2 of Lowman Ranch Subdivision, Section 2, as recorded in Volume 18, Page 17 [P.R.H.C.T.] from which a 1/2-inch iron rod found for the west corner of said Lot 2, bears N46°06'09"W a distance of 294.28 feet;

THENCE with the lines common to said Lot 2 and said remainder tract, the following three (3) courses and distances:

- 1) S46°06'09"E, a distance of 79.85 feet to a 1/2-inch iron rod with cap stamped "BYRN" found for the south corner of said Lot 2,
- 2) N44°10'40"E, a distance of 163.49 feet to a 1/2-inch iron rod with cap stamped "BYRN" found for an angle point, and
- 3) N72°59'43"E, a distance of 14.62 feet to a calculated point in the northwest line of a called 5.81-acre City Ordinance, 2007-33

THENCE with the northwest lines of said 5.81-acre City Ordinance and over and across said remainder tract the following three (3) courses and distances:

- 1) S43°37'28"W, a distance of 431.33 feet to a calculated point for a south corner of the tract described herein,
- 2) N50°34'15"W, a distance of 263.28 feet to a calculated point for the north corner of said 5.81-acre City Ordinance and for an angle point of the tract described herein, and
- 3) S39°35'41"W, a distance of 121.72 feet to a calculated point for a south corner of the tract described herein,

THENCE with the west line of said 17.85-acre tract and over and across said remainder tract the following two (2) courses and distances:

- 1) N52°15'58"W, a distance of 129.90 feet to a calculated point for an angle point of the tract described herein, and
- 2) N46°26'54"W, a distance of 657.06 feet to the **POINT OF BEGINNING** of the tract described herein and containing 2.527-acres more or less.

CONTINUED ON NEXT PAGE



DOUCET

Basis of bearings is the Texas Coordinate System, South Central Zone [4204], NAD83 (2011), Epoch 2010. All distances are grid values.

Units: U.S. Survey Feet.

I, John Barnard, Registered Professional Land Surveyor, hereby certify that this description and accompanying plat of even date represent an actual survey performed on the ground.

12/03/2021

John Barnard

Date

Registered Professional Land Surveyor

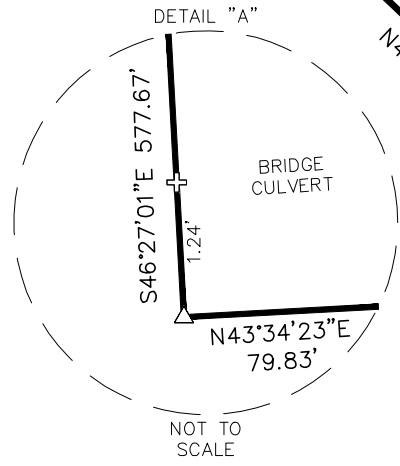
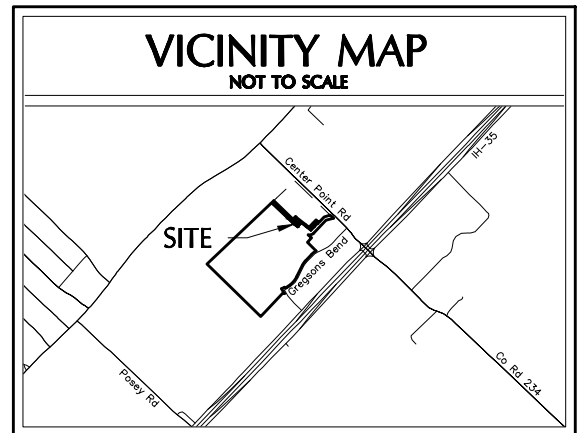
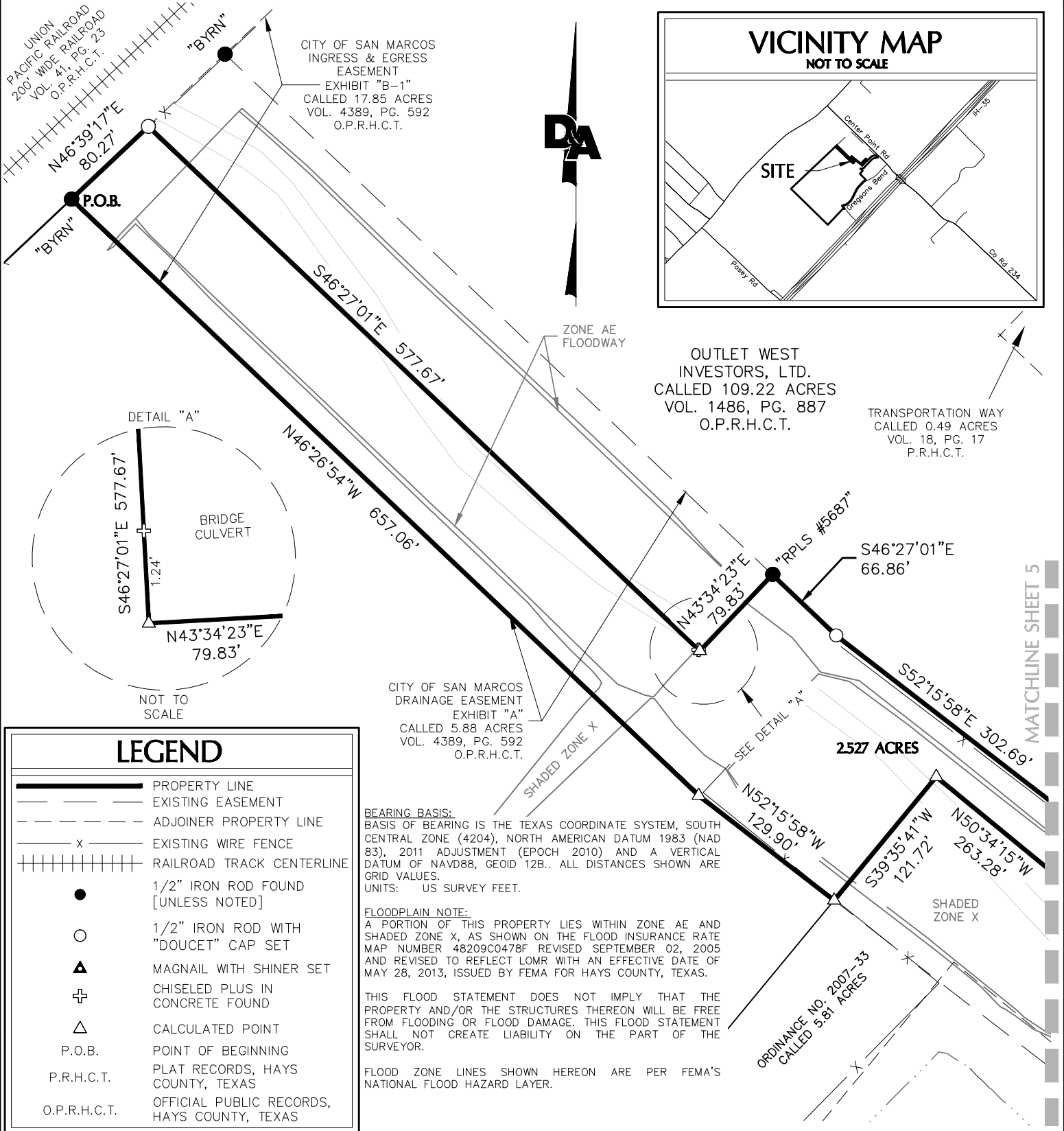
Texas Registration No. 5749

Doucet & Associates

JBarnard@DoucetEngineers.com

TBPELS Firm Registration No. 10105800





LEGEND	
	PROPERTY LINE
	EXISTING EASEMENT
	ADJOINER PROPERTY LINE
	EXISTING WIRE FENCE
	RAILROAD TRACK CENTERLINE
	1/2" IRON ROD FOUND [UNLESS NOTED]
	1/2" IRON ROD WITH "DOUCET" CAP SET
	MAGNAIL WITH SHINER SET
	CHISELED PLUS IN CONCRETE FOUND
	CALCULATED POINT
P.O.B.	POINT OF BEGINNING
P.R.H.C.T.	PLAT RECORDS, HAYS COUNTY, TEXAS
O.P.R.H.C.T.	OFFICIAL PUBLIC RECORDS, HAYS COUNTY, TEXAS

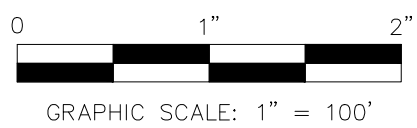
BEARING BASIS:
BASIS OF BEARING IS THE TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE (4204), NORTH AMERICAN DATUM 1983 (NAD 83), 2011 ADJUSTMENT (EPOCH 2010) AND A VERTICAL DATUM OF NAVD88, GEOID 12B.. ALL DISTANCES SHOWN ARE GRID VALUES.
UNITS: US SURVEY FEET.

FLOODPLAIN NOTE:
A PORTION OF THIS PROPERTY LIES WITHIN ZONE AE AND SHADED ZONE X, AS SHOWN ON THE FLOOD INSURANCE RATE MAP NUMBER 48209C0478F REVISED SEPTEMBER 02, 2005 AND REVISED TO REFLECT LOMR WITH AN EFFECTIVE DATE OF MAY 28, 2013, ISSUED BY FEMA FOR HAYS COUNTY, TEXAS.

THIS FLOOD STATEMENT DOES NOT IMPLY THAT THE PROPERTY AND/OR THE STRUCTURES THEREON WILL BE FREE FROM FLOODING OR FLOOD DAMAGE. THIS FLOOD STATEMENT SHALL NOT CREATE LIABILITY ON THE PART OF THE SURVEYOR.

FLOOD ZONE LINES SHOWN HEREON ARE PER FEMA'S NATIONAL FLOOD HAZARD LAYER.

2.527 ACRES
CITY OF SAN MARCOS,
HAYS COUNTY, TEXAS



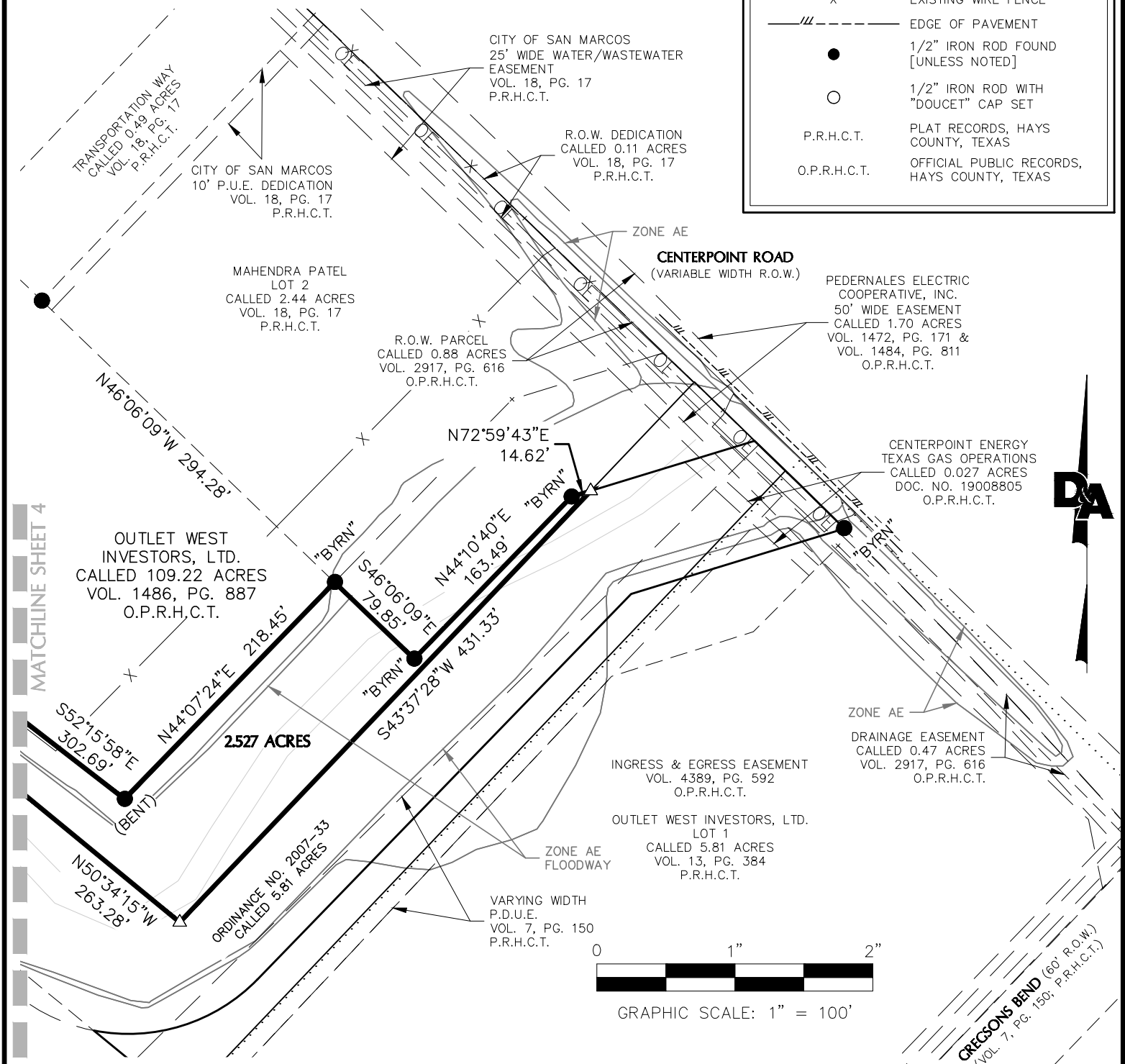
DOUCET

Civil Engineering // Entitlements // Geospatial
7401 B. Highway 71 W, Ste. 160
Austin, TX 78735, Tel: (512)-583-2600
www.doucetengineers.com
TBPE Firm Number: 3937
TBPELS Firm Number: 10105800

Date:	12/02/2021
Scale:	1" = 100'
Drawn by:	JRT
Reviewer:	JB
Project:	2055-001
Sheet:	4 OF 5
Field Book:	XXXX
Party Chief:	ADM
Survey Date:	07/08/2020

LEGEND

	PROPERTY LINE
	EXISTING EASEMENT
	ADJOINER PROPERTY LINE
	EXISTING WIRE FENCE
	EDGE OF PAVEMENT
	1/2" IRON ROD FOUND [UNLESS NOTED]
	1/2" IRON ROD WITH "DOUCET" CAP SET
P.R.H.C.T.	PLAT RECORDS, HAYS COUNTY, TEXAS
O.P.R.H.C.T.	OFFICIAL PUBLIC RECORDS, HAYS COUNTY, TEXAS



2.527 ACRES
CITY OF SAN MARCOS,
HAYS COUNTY, TEXAS



DOUCET

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Scale: 1" = 100'

Drawn by: JRT

Reviewer: JB

Project: 2055-001

Sheet: 5 OF 5

Field Book: XXXX

Party Chief: ADM

Survey Date: 07/08/2020



70 2012 12019483

Hays County
Liz Q. Gonzalez
County Clerk
San Marcos, Texas 78666

Instrument Number: 2012-12019483

As

Recorded On: July 18, 2012

OPR RECORDINGS

Parties: OUTLET WEST INVESTORS LTD

Billable Pages: 12

To SAN MARCOS CITY OF

Number of Pages: 13

Comment:

(Parties listed above are for Clerks reference only)

**** Examined and Charged as Follows: ****

OPR RECORDINGS	60.00
Total Recording:	60.00

***** DO NOT REMOVE. THIS PAGE IS PART OF THE INSTRUMENT *****

Any provision herein which restricts the Sale, Rental or use of the described REAL PROPERTY
because of color or race is invalid and unenforceable under federal law.

File Information:

Record and Return To:

Document Number: 2012-12019483
Receipt Number: 309029
Recorded Date/Time: July 18, 2012 03:34:09P
Book-Vol/Pg: BK-OPR VL-4389 PG-592
User / Station: S Breland - Cashiering #3

CITY OF SAN MARCOS
ATTN SAM AGUIRRE
630 EAST HOPKINS
SAN MARCOS TX 78666



State of Texas |
County of Hays

I hereby certify that this instrument was filed for record in my office on the date and
time stamped hereon and was recorded on the volume and page of the named records
of Hays County, Texas

Liz Q. Gonzalez
Liz Q. Gonzalez, County Clerk

**DRAINAGE EASEMENT
AND DETENTION POND AGREEMENT**

Date: January 27, 2011

Grantor: OUTLET WEST INVESTORS, LTD., c/o Towery & Assoc., 3518 Travis Street,
Houston, Texas 77002

Grantee: City of San Marcos, Texas, 630 East Hopkins Street, San Marcos, Hays County, Texas
78666

Property: Those two (2) certain tracts described more particularly on Exhibits "B" and "B-1"
attached hereto and incorporated herein by reference.

Easement Area: 5.88 acres, more or less, of land area in the Edward Burleson Survey No. 18,
Abstract 63, more particularly described by metes and bounds on Exhibit "A"
attached hereto and incorporated herein by reference.

Consideration: \$10.00 and other good and valuable consideration, the receipt and sufficiency of
which is hereby acknowledged.

Grant of Easement:

Grantor, for the Consideration, grants and conveys to Grantee an easement through, upon and across the Easement Area for rainwater drainage ways and drainage facilities and all equipment, if any, appurtenances and improvements (the "Drainage Improvements"), together with a right of ingress and egress at all times upon and across the Property (but only to the extent necessary to access the Easement Area and only in a manner that does not unreasonably interfere with the use of the Property) and Easement Area for the purposes of inspecting the Easement Area and Drainage Improvements, to have and to hold this easement unto the Grantee, its successors and assigns. Grantor binds the Grantor and Grantor's heirs, administrators, successors and assigns to warrant and forever defend all and singular this easement to Grantee and Grantee's successors and assigns against every person whomsoever claiming or to claim the same or any part thereof, by, through or under Grantor, but not otherwise, subject however to all easements, restrictions, mineral reservations and leases and other matters of record applicable to the Property or Easement Area.

Grantor, on behalf of itself and all future fee owners of the Property and Easement Area or any part thereof, acknowledges and agrees that it shall design, install, maintain and operate the Drainage Improvements in accordance with plans and specifications approved by the United States Army Corps of Engineers and applicable City of San Marcos, Texas ordinances. Grantor further acknowledges and agrees, on behalf of itself and all future fee owners of the Property and Easement Area or any part thereof, that it is solely responsible for the continued maintenance of the Easement Area and Drainage Improvements in accordance with appropriate engineering standards and applicable City of San Marcos, Texas ordinances. The foregoing obligations of Grantor shall run with the fee ownership of the Property and Easement Area, and shall be binding on all future owners of the Property and Easement Area, or any part thereof during their respective periods of fee ownership. Upon Grantor or any future owner of the

Property or Easement Area or any part thereof conveying all its fee ownership interest in the Property or Easement Area or any part thereof, such party shall be released from any further obligations regarding the maintenance and operation of the Easement Area and Drainage Improvements arising from and after the date of such conveyance. If Grantor and all future fee owners of the Property and Easement Area fail to properly maintain the Easement Area and Drainage Improvements, Grantee may perform such maintenance and assert a lien against the Property and Easement Area for the cost thereof subject to providing any notice and opportunity to take corrective measures as may be required under applicable City of San Marcos ordinances.

Upon completion, approval by the United States Army Corps of Engineers and acceptance by the City of the Drainage Improvements, Grantor shall promptly initiate an application with the City of San Marcos to plat the Easement Area as one or more lots plus the right-of-way for the extension of Commercial Loop, based on an as-built survey of the Easement Area showing the Drainage Improvements. The plat shall indicate, among any other requirements under applicable City of San Marcos ordinances, that a permanent drainage easement over the actual Easement Area as reflected on the as-built survey is being dedicated to the public by virtue of the plat and that the Drainage Improvements will be maintained by the owner of the Property and Easement Area and any successors or assigns and shall not be the responsibility of the City of San Marcos.

Upon final approval and recording of said plat, the foregoing easement shall automatically terminate, at which time Grantee shall, upon written request, execute and acknowledge a written instrument confirming such termination.

Detention Pond Agreement:

Grantor hereby agrees that it will complete construction of a detention pond (the "Detention Pond") in the approximate 4.18 acre Drainage Easement dedicated on the Final Plat Establishing Lot 1, Lowman Ranch Subdivision Section 2, recorded in Book 13, Page 384, of the Plat Records of Hays County, Texas, in compliance with all the applicable requirements of the City of San Marcos, prior to completion of construction of the Drainage Improvements in the Easement Area. In connection with such agreement, Grantor hereby imposes the following restriction (the "Restriction") on the Easement Area:

No improvement shall be substantially completed within the Easement Area, nor shall any improvements in the Easement Area receive final approval from the City of San Marcos, until such time as the Detention Pond has been substantially completed in compliance with all applicable requirements of the City of San Marcos. For purposes of this Restriction, improvements shall be deemed substantially completed when such improvements have been completed except for final re-vegetation requirements.

Upon final completion of the Detention Pond in compliance with all applicable requirements of the City of San Marcos, the foregoing Restriction shall automatically terminate and be of no further force and effect, at which time Grantee shall, upon written request, execute and acknowledge a written instrument confirming the completion of the Detention Pond and the termination of the Restriction.

Miscellaneous:

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

GRANTOR:

OUTLET WEST INVESTORS, LTD., a Texas limited partnership

By: JOQ GP, LLC, its general partner

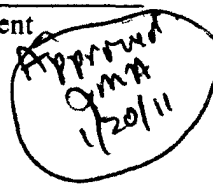

Robert C. Wilson, III, President



The State of Texas

County of HARRIS

§
§
§



This instrument was acknowledged before me on January 21, 2011 by Robert C. Wilson, III, President of JOQ GP, LLC, a Texas limited liability company, as general partner of Outlet West Investors, Ltd., a Texas limited partnership and on behalf of said limited partnership.


Notary Public, State of Texas

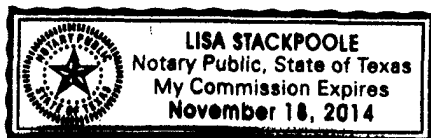


EXHIBIT "A"
EASEMENT AREA

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RECORDING PURPOSES**

Exhibit A

EXHIBIT A

DESCRIPTION OF 5.88 ACRES, MORE OR LESS, OF LAND AREA IN THE EDWARD BURLESON SURVEY NO. 18, ABSTRACT 63, BEING A PORTION OF THAT TRACT DESCRIBED AS 109.22 ACRES IN A DEED FROM LOWMAN RANCH, LTD. TO OUTLET WEST INVESTORS, LTD. DATED DECEMBER 21, 1998 AND RECORDED IN VOLUME 1486, PAGE 887 OF THE HAYS COUNTY OFFICIAL PUBLIC RECORDS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/4" iron rod set with a plastic cap stamped "Byrn Survey" in the southeast line of that tract described as a 100 foot strip in a deed from W.C. Johnson et al to M. K. and T. Railroad Company dated September 12, 1900 and recorded in Volume 41, Page 23 of the Hays County Deed Records, from which a 1/4" iron rod found with a unidentifiable red plastic cap in the southwest line of Centerpoint Road for the west corner of that tract described as a 0.88 of an acre strip of land dedicated for right of way purposes in Volume 2571, Page 69 of the Hays County Official Public Records and a north corner of a remaining portion of the Outlet West Investors, Ltd. tract bears N 47°09'14" E (this course being the BEARING BASIS for this description) 540.84 feet;

THENCE leaving the M. K. and T. Railroad Company tract and crossing a remaining portion of the Outlet West Investors, Ltd. tract the following four courses:

1. S 45°58'03" E 640.21 feet to a 1/4" iron rod set,
2. S 51°46'01" E 302.69 feet to a 1/4" iron rod set,
3. N 44°37'43" E 402.99 feet to a 1/4" iron rod set, and
4. N 73°26'46" E 114.97 feet to a 1/4" iron rod set in the southwest line of the previously mentioned 0.88 of an acre strip and the southwest line of Centerpoint Road for a northeasterly corner of this description, from which a 1/4" iron rod found with a plastic cap stamped "Byrn Survey" bears a chord distance of N 45°28'49" W 140.03 feet;

THENCE with the common southwest line of the 0.88 of an acre strip of land, the southwest line of Centerpoint Road and the northeast line of a remaining portion of the Outlet West Investors, Ltd. tract the following three courses:

1. with a right-breaking curve having the following characteristics: central angle = 00°06'32", radius = 31,510.00 feet, arc length = 59.90 and a chord which bears S 45°17'55" E 59.90 feet to a 1/4" iron rod found,
2. S 45°21'14" E 78.53 feet to a calculated point, and

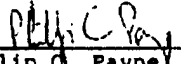
3. with a right-breaking curve having the following characteristics: central angle = $00^{\circ}30'40''$, radius = 4,930.00 feet, arc length = 43.99 and a chord which bears S $45^{\circ}01'47''$ E 43.99 feet to a $\frac{1}{4}$ " iron rod set for the east corner of this description;

THENCE leaving the 0.88 of an acre strip of land and Centerpoint Road and crossing a remaining portion of the Outlet West Investors, Ltd. tract the following five courses:

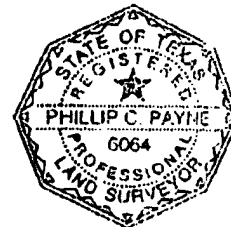
1. S $73^{\circ}26'46''$ W 161.48 feet to a $\frac{1}{4}$ " iron rod set,
2. S $44^{\circ}37'43''$ W 388.71 feet to a $\frac{1}{4}$ " iron rod set,
3. with a right-breaking curve having the following characteristics: central angle = $83^{\circ}36'16''$, radius = 130.00 feet, arc length = 189.69 and a chord which bears S $86^{\circ}25'51''$ W 173.31 feet to a $\frac{1}{4}$ " iron rod set,
4. N $51^{\circ}46'01''$ W 337.62 feet to a $\frac{1}{4}$ " iron rod set, and
5. N $45^{\circ}58'03''$ W 657.03 feet to a $\frac{1}{4}$ " iron rod set in the southeast line of the previously mentioned M. K. and T. Railroad Company tract and the northwest line of the Outlet West Investors, Ltd. tract, from which a $\frac{1}{4}$ " iron rod found with a plastic cap stamped "Byrn Survey" for the west corner of a remaining portion of the Outlet West Investors, Ltd. tract bears S $47^{\circ}09'14''$ W 1903.13 feet;

THENCE with the common southeast line of the M. K. and T. Railroad Company tract and the northwest line of the Outlet West Investors, Ltd. tract N $47^{\circ}09'14''$ E 160.24 feet to the PLACE OF BEGINNING

There are contained within these metes and bounds 5.88 acres, more or less, as prepared from public records and a survey made on the ground on January 13, 2010 by Byrn & Associates, Inc., of San Marcos, Texas. All $\frac{1}{4}$ " iron rods set are capped with a plastic cap stamped "Byrn Survey".


Phillip C. Payne, R.P.L.S. #6064

Client: Outlet West Investors, Ltd.
Date: January 13, 2010
Survey: Burleson No. 18, Edward, A-63
County: Hays, Tx
Job No. : 26235-09
END 5.88



CLIENT: OULET WEST INVESTORS, LTD.
DATE: JANUARY 11, 2010
OFFICE: PAYNE
CREW: EYENETT, LOZANO, C. SMITH
FB/PQ: 674/SJ
PLAT NO.: 20235-00-7-0

EXHIBIT "B"
PROPERTY

1. LOT 1, Lowman Ranch Subdivision Section 2, a subdivision in the City of San Marcos, Hays County, Texas, according to the plat thereof recorded in Plat Book 13, Page 384, of the Plat Records of Hays County, Texas.
2. Approximately 17.85 acres as described more particularly on Exhibit "B-1" attached hereto and incorporated herein by reference, SAVE AND EXCEPT any portion thereof which may be dedicated and accepted as a public right of way in the future, which portion shall be automatically deleted from the Property upon such dedication and acceptance.

Exhibit B

EXHIBIT "B-1"

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RECORDING PURPOSES**

Exhibit B-1

EXHIBIT B-1

DESCRIPTION OF 17.85 ACRES, MORE OR LESS, OF LAND AREA IN THE EDWARD BURLESON SURVEY NO. 18, ABSTRACT 63, BEING A PORTION OF THAT TRACT DESCRIBED AS 109.22 ACRES IN A DEED FROM LOWMAN RANCH, LTD. TO OUTLET WEST INVESTORS, LTD. DATED DECEMBER 21, 1998 AND RECORDED IN VOLUME 1486, PAGE 887 OF THE HAYS COUNTY OFFICIAL PUBLIC RECORDS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/4" iron rod set with a plastic cap stamped "Byrn Survey" in the southeast line of that tract described as a 100 foot strip in a deed from W.C. Johnson et al to M. K. and T. Railroad Company dated September 12, 1900 and recorded in Volume 41, Page 23 of the Hays County Deed Records, from which a 1/4" iron rod found with a plastic cap stamped "Byrn Survey" for the west corner of a remaining portion of the Outlet West Investors, Ltd. tract bears S 47°09'14" W 1903.13 feet;

THENCE with the southeast line of the M. K. and T. Railroad Company tract N 47°09'14" E (this course being the BEARING BASIS for this description) 701.08 feet to a 1/4" iron rod found with an unidentifiable red plastic cap in the southwest line of Centerpoint Road for the west corner of that tract described as a 0.88 of an acre strip of land dedicated for right of way purposes in Volume 2571, Page 69 of the Hays County Official Public Records, for the north corner of a remaining portion of the Outlet West Investors, Ltd. tract and the north corner of this description;

THENCE leaving the M. K. and T. Railroad Company tract, with the southwest line of Centerpoint Road and the 0.88 acre strip of land and the northeast line of the remaining portion of the Outlet West Investors, Ltd. tract the following six courses:

1. with a left-breaking curve having the following characteristics:
central angle = 00°28'40", radius = 18,800.00 feet, arc length = 156.78 feet and a chord which bears S 45°25'14" E 156.78 feet to a red capped iron rod found,
2. S 45°39'32" E 675.77 feet to a 1/4" iron rod found with a plastic cap stamped "Byrn Survey",
3. S 45°28'49" E 140.03 feet to a 1/4" iron rod set,
4. with a right-breaking curve having the following characteristics:
central angle = 00°06'32", radius = 31,510.00 feet, arc length = 59.90 and a chord which bears S 45°17'55" E 59.90 feet to a 1/4" iron rod found,
5. S 45°21'14" E 78.53 feet to a calculated point, and
6. with a right-breaking curve having the following characteristics:
central angle = 00°34'21", radius = 4930.00 feet, arc length = 49.26 and a chord which bears S 44°59'56" E 49.26 feet to a calculated point for the east corner of this description;

THENCE leaving Centerpoint Road and the 0.88 acre strip, with the northwest line of Lot 1, Lowman Ranch Subdivision, Section 2, a subdivision recorded in Volume 13, Page 384 of the Hays County Plat Records, and a southeast line of

the Outlet West Investors, Ltd. remaining portion the following three courses:

1. S 45°17'14" W 100.00 feet to a 1/4" iron rod found with a plastic cap stamped "Byrn Survey" (pass at 12.18 feet the north corner of the previously mentioned Lot 1),
2. S 72°59'28" W 113.37 feet to a 1/4" iron rod found with a plastic cap stamped "Byrn Survey", and
3. S 43°24'06" W 431.47 feet to a 1/4" iron rod found with a plastic cap stamped "Byrn Survey" for the east corner of a drainage easement recorded in Volume 13, Page 384 of the Hays County Plat Records and the south corner of this description, from which a 1/4" iron rod found with a plastic cap stamped "Byrn Survey" for the west corner of Lot 1, Lowman Ranch Subdivision, Section 2 bears S 43°24'06" W 131.19 feet;

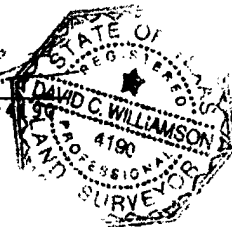
THENCE leaving Lot 1, Lowman Ranch Subdivision, Section 2 and entering the remaining portion of the Outlet West Investors, Ltd. tract, with the northeast line of the previously mentioned drainage easement N 50°07'47" W 96.87 feet to a calculated point in the south line of a proposed channel easement, from which a 1/4" iron rod set bears N 73°07'46" E 124.06 feet;

THENCE crossing the previously mentioned drainage easement and the remaining portion of the Outlet West Investors, Ltd. tract, with the southwest line of a proposed channel easement the following three courses:

1. with a right-breaking curve having the following characteristics:
central angle = 26°36'09", radius = 130.00 feet, arc length = 60.36
and a chord which bears N 65°04'06" W 59.82 feet to a 1/4" iron rod set,
2. N 51°46'01" W 337.62 feet to a 1/4" iron rod set, and
3. N 45°58'03" W 657.03 feet to the PLACE OF BEGINNING

There are contained within these metes and bounds 17.85 acres, more or less, as prepared from public records and a survey made on the ground on January 13, 2010 by Byrn & Associates, Inc., of San Marcos, Texas. All 1/4" iron rods set are capped with a plastic cap stamped "Byrn Survey".

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



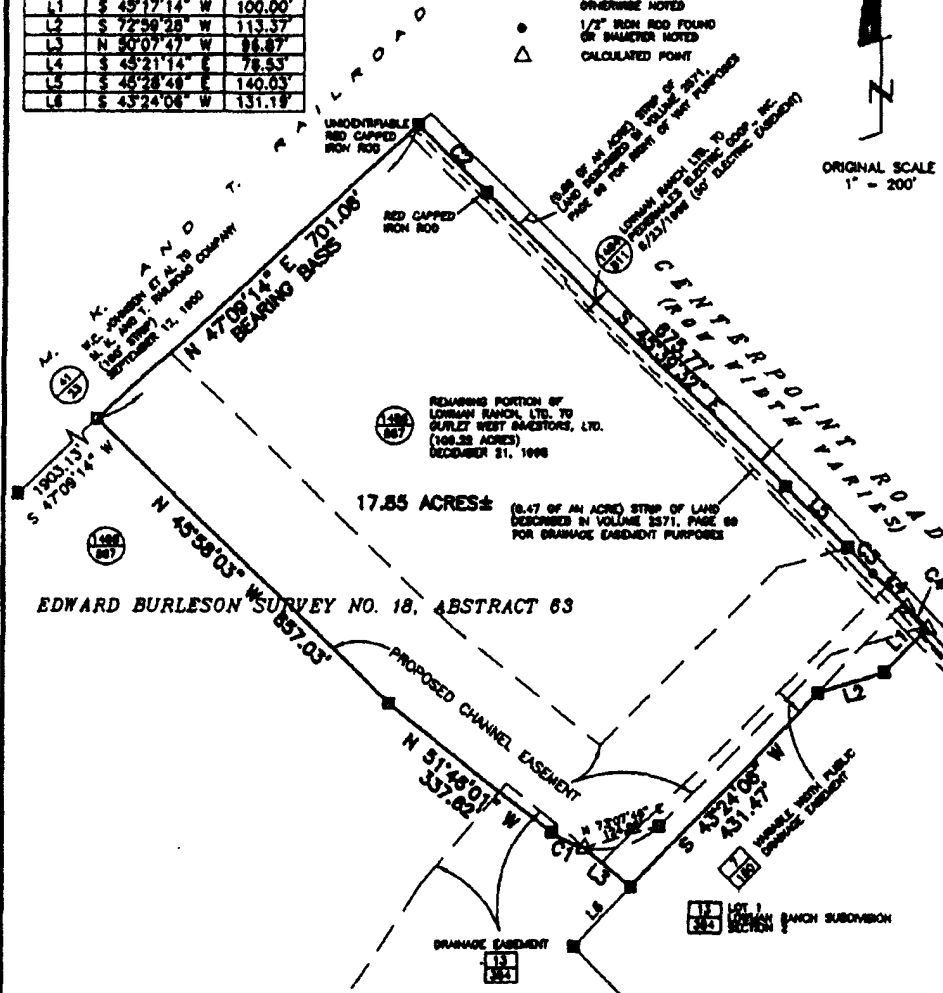
Client: Outlet West Investors, Ltd.
Date: January 13, 2010
Survey: Burleson No. 18, Edward, A-63
County: Hays, Tx
Job No. : 26235-10-12
FND 17.85

REMARKS/NOTES

1. THIS SURVEY WAS DONE WITHOUT THE BENEFIT OF A CURRENT TITLE REPORT AND THE SURVEYOR DID NOT RESEARCH THE DEED RECORDS FOR PREVIOUS CONFLICTS IN TITLE OR EASEMENT. THEREFORE, CERTAIN EASEMENTS MAY HAVE BEEN GRANTED WHICH ARE NOT REFLECTED HEREON.
2. THIS SURVEY PLAT WAS PREPARED IN CONJUNCTION WITH A LAND DESCRIPTION DATED JANUARY 13, 2010 PREPARED BY BYRN AND ASSOCIATES, INC. OF SAN MARCOS, TEXAS.

LINE	BEARING	DISTANCE
L1	S 45°17'14" W	100.00'
L2	S 72°59'28" W	113.37'
L3	N 50°07'47" W	86.87'
L4	S 45°21'14" E	78.53'
L5	S 45°28'48" E	140.03'
L6	S 43°24'04" W	131.18'

- LEGEND**
- VOL. PG. HAYS COUNTY DEED, REAL PROPERTY OR OFFICIAL PUBLIC RECORDS
 - VOL. PG. HAYS COUNTY PLAT RECORDS
 - 1/2" IRON ROD SET WITH PLASTIC CAP STAMPED "BYRN SURVEY"
 - 1/2" IRON ROD FOUND WITH PLASTIC CAP STAMPED "BYRN SURVEY" OR OTHERWISE NOTED
 - 1/2" IRON ROD FOUND OR OTHERWISE NOTED
 - △ CALCULATED POINT



CURVE	DELTA ANGLE	RADIUS	ARC LENGTH	CHORD BEARING	CHORD LENGTH
C1	28°34'09"	130.00'	80.34'	N 85°04'08" W	59.82'
C2	00°28'40"	18800.00'	156.78'	S 45°25'14" E	156.78'
C3	00°08'32"	31510.00'	56.80'	S 45°17'55" E	56.80'
C4	00°34'21"	4930.00'	48.26'	S 44°58'54" E	49.26'

TO OUTLET WEST INVESTORS, LTD., EXCLUSIVELY, AND FOR USE WITH THIS TRANSACTION ONLY:

I HEREBY STATE TO THE BEST OF MY SKILL AND KNOWLEDGE THAT THIS PLAT IS TRUE AND CORRECT ACCORDING TO AN ACTUAL SURVEY MADE ON THE GROUND ON JANUARY 13, 2010, THAT ALL PROPERTY CORNERS ARE MONUMENTED AS SHOWN HEREON.

DAVID C. WILLIAMSON, R.P.L.S. NO. 4190

BYRN & ASSOCIATES, INC.
ENGINEERS SURVEYORS
P.O. BOX 1433 SAN MARCOS, TEXAS 78687
PHONE 812-300-2270 FAX 812-302-2046

**PLAT OF 17.85 ACRES, MORE OR LESS,
IN THE EDWARD BURLESON
SURVEY NO. 18, ABSTRACT 63,
HAYS COUNTY, TEXAS**

CLIENT: OUTLET WEST INVESTORS, LTD.
DATE: JANUARY 13, 2010
OFFICE: PAINTE
CITY: EVERETT, LOZANO, C. SMITH
FBI/PG: 874/83
PLAT NO: 20228-10-12-0