

ORDINANCE NO. 2019-01

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS, ANNEXING TO THE CITY APPROXIMATELY 734.6 ACRES OF LAND OUT OF THE WILLIAM PETTUS SURVEY, ABSTRACT NO. 21 AND LOCATED ALONG STATE HIGHWAY 80 AND FM 1984; APPROVING A SERVICE PLAN FOR THIS AREA; INCLUDING PROCEDURAL PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.

RECITALS:

1. The City has received a request for annexation of approximately 734.6 acres of land out of the William Pettus Survey, Abstract No. 21 and located along State Highway 80 and FM 1984 as shown on Exhibit A, attached hereto and made a part hereof for all purposes (the "Annexation Area") on behalf of the owner(s) of the Annexation Area.

2. The City Council conducted two public hearings on December 12, 2018 and December 19, 2018, to consider the request for annexation by the City of the Annexation Area.

3. A notice for each public hearing was published in a newspaper having general circulation in the City and in the Annexation Area, on November 30, 2018 and December 2, 2018, such dates being after the 20th day and before the 10th day before the date of the respective hearings. A notice of each of the public hearings was also posted on the City's Internet website on or after the 20th day and before the 10th day before the date of the respective hearings, and these notices remained posted on the website until the dates of the respective hearings.

4. The Annexation Area is contiguous and adjacent to the current boundaries of the City.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS:

SECTION 1. The recitals of this ordinance are approved and adopted.

SECTION 2. The Annexation Area is annexed to the City of San Marcos, Texas.

SECTION 3. The Service Plan for the Annexation Area, a copy of which is attached hereto as Exhibit B and made a part hereof for all purposes, is approved.

SECTION 4. The corporate limits of the City are extended to include the Annexation Area.

SECTION 5. The Annexation Area is a part of the City of San Marcos, Texas, and residents in it are entitled to all the rights and privileges of all citizens of the City, and are bound by the acts, ordinances, resolutions and regulations of the City.

SECTION 6. If any portion of the Annexation Area is determined by the City or a court of competent jurisdiction to be within the extraterritorial jurisdiction of another municipality or ineligible to be annexed for any other reason, this ordinance shall not be effective as to such portion, but shall, otherwise, be effective and enforceable as to the remainder of the Annexation Area.

SECTION 7. If any word, phrase, clause, sentence, provision or paragraph of this ordinance is held to be unconstitutional or invalid by a court of competent jurisdiction, the other provisions of this ordinance will continue in force if they can be given effect without the invalid portion.

SECTION 8. All ordinances and resolutions or parts of ordinances or resolutions in conflict with this ordinance are repealed.

SECTION 9. This ordinance will take effect upon its adoption on second reading.

PASSED AND APPROVED on first reading on January 15, 2019.

PASSED, APPROVED AND ADOPTED on second reading on March 19, 2019.



Jane Hughson
Mayor

Attest:

Approved:



Jamie Lee Case
City Clerk



Michael J. Cosentino
City Attorney

EXHIBIT A



Exhibit “ — ”

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San Marcos ETJ
Caldwell County, Texas

D&A Job No. 1808-001
January 11, 2019

DESCRIPTION
For a 734.6-Acre [32,000,847 Square Feet]
San Marcos Annexation Tract

BEING A NET OF 734.6 ACRES [32,000,847 SQUARE FEET] FOR AN ANNEXATION TRACT OUT OF THE WILLIAM PETTUS SURVEY, ABSTRACT NUMBER 21, CALDWELL COUNTY, TEXAS, SAID TRACT BEING COMPRISED OF A CALLED 160.20-ACRE TRACT RECORDED IN VOL. 283, PG. 366, A CALLED 171.80-ACRE TRACT RECORDED IN CLERK'S FILE NO. 2017005864, A CALLED 237.06-ACRE TRACT RECORDED IN VOL. 560, PG. 840, A CALLED 70-ACRE TRACT RECORDED IN VOL. 595, PG. 549, A CALLED 216.403-ACRE TRACT RECORDED IN VOL. 178, PG.184, AND A 59.33-ACRE TRACT TO CURBY OHNHEISER BY TAX RECORD, NO DEED OF RECORD FOUND, ALL BEING OF THE OFFICIAL PUBLIC RECORDS, AND OF THE OFFICIAL PUBLIC RECORDS OF REAL PROPERTY, CALDWELL COUNTY, TEXAS [O.P.R.C.C.TX., O.P.R.R.P.C.C.TX.], SAVE AND EXCEPT A CALLED 0.953-ACRE TRACT RECORDED IN VOL. 498, PG. 345, AND A CALLED 2.952-ACRE TRACT RECORDED IN VOL. 447, PG. 141, BOTH OF THE OFFICIAL PUBLIC RECORDS OF REAL PROPERTY OF CALDWELL COUNTY, TEXAS; SAID 734.6 ACRE (NET) TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a point for the northwest corner of said 160.20-acre tract, same being at a point the northeast corner of a called 57.976-acre tract to the City of San Marcos, recorded in Vol. 175, Pg. 866 O.P.R.R.P.C.C.TX., and same being in the south line of the Missouri, Kansas, and Texas Railroad [M.K.&TX. RR.];

THENCE with the south line of said M.K.&TX. RR., and the north lines of said 160.20-acre, 171.80-acre, and 237.06-acre tracts, S88°01'32"E a distance of 4,842.33 feet to the northerly northeast corner of said 237.06-acre tract, same being the west corner of a tract of land owned by the City of San Marcos per tax record, no deed of record found;

THENCE with the northeast line of said 237.06-acre, and the southwest line of said City of San Marcos tract, S40°58'16"E a distance of 704.29 feet to a point at the southerly northeast corner of said 237.06-acre tract, same being at the south corner of said City of San Marcos tract, same being in the northwest line of said 70-acre tract;

THENCE with the southeast line of said City of San Marcos tract, and the northwest line of said 70-acre tract, N49°00'10"E a distance of 753.70 feet to the east corner of said City of San Marcos tract, same being in the south line of said M.K.&TX. RR., same being at the northerly northwest corner of said 70-acre tract;

THENCE with the north lines of said 70-acre tract and 59.33-acre tract, and the south line of said M.K.&TX. RR., S87°55'49"E a distance of 1687.28 feet to a point at the northerly northeast corner of said 59.33-acre tract;

THENCE with an east line of said 59.33-acre tract, S01°24'46"W a distance of 64.55 feet to a point at an internal ell corner, and continuing with a northeast line of said 59.33-acre tract S72°34'51"E a distance of 744.47 feet to a point at



the southerly northeast corner of said 59.33-acre tract, same being at the north corner of a called 1.247-acre tract, recorded in document number 134018 O.P.R.R.P.C.C.TX.;

THENCE with a northeast line of said 59.33-acre tract, and the southwest line of said 1.247-acre tract, S42°16'34"E a distance of 627.65 feet to a point at the east corner of said 59.33-acre tract, same being at the south corner of said 1.247-acre tract, and same being in the northwest right-of-way of Farm to Market Road 1984;

THENCE with the southeast line of said 59.33-acre tract, and the northwest right-of-way of Farm to Market Road 1984 S49°00'05"W a distance of 496.93 feet to a point in the south line of said 59.33-acre tract;

THENCE departing from and ending in the northwest right-of-way of Farm to Market Road 1984, and with the easterly, southerly, and westerly lines of said 216.403-acre tract, the following five (5) courses and distances:

- 1) S41°04'50"E a distance of 3,024.10 feet to a point,
- 2) N49°29'57"E a distance of 478.67 feet to a point,
- 3) S15°07'10"E a distance of 1,474.22 feet to a point,
- 4) S48°55'15"W a distance of 2,006.06 feet a point,
- 5) N41°03'12"W a distance of 4,357.45 feet to a point in the northwest right-of-way of Farm to Market Road 1984, same being in the southeast line of said 70-acre tract;

THENCE with the southeast line of said 70-acre tract, same being the northwest right-of-way of said Farm to Market Road 1984, S49°00'05"W a distance of 196.03 feet to a point at the south corner of said 70-acre tract, same being at the east corner of a called 75-acre tract (Third Tract), recorded in Vol. 274, Pg. 191 O.P.R.R.P.C.C.TX.;

THENCE with said the southwest line of said 70-acre tract, same being the northeast line of said 75-acre tract (Third Tract), N41°54'08"W a distance of 2,462.07 feet to a point at the west corner of said 70-acre tract, same being at the north corner of said 75-acre tract (Third Tract), and same being in the east line of said 237.06-acre tract;

THENCE with the southeast line of said 237.06-acre tract, and the northwest line of said 75-acre tract (Third Tract), S49°05'37"W a distance of 806.82 feet to a point at the west corner of said 75-acre tract (Third Tract), same being at an angle point in the east line of said 237.06-acre tract, and same being at the north corner of the remainder of a called 104.97-acre tract (First Tract), recorded in Vol. 274, Pg. 191 O.P.R.R.P.C.C.TX. ;

THENCE with the east line of said 237.06-acre tract, and the west line of said 104.97-acre (First Tract) remainder tract, S34°03'23"W a distance of 2,871.91 feet to a point of intersection with the apparent 1980 City of San Marcos Extra Territorial Jurisdiction line;

THENCE continuing with the apparent 1980 City of San Marcos Extra Territorial Jurisdiction line, severing said 237.06-acre, 171.80-acre, and 160.20-acre tracts, the following twenty-one (21) courses and distances:

- 1) N46°52'30"W a distance of 192.10 feet to an angle point,
- 2) N43°07'30"W a distance of 345.51 feet to an angle point,
- 3) N39°22'30"W a distance of 154.39 feet to an angle point,
- 4) N38°36'29"W a distance of 256.97 feet to an angle point,
- 5) N34°54'36"W a distance of 345.46 feet to an angle point,
- 6) N31°09'35"W a distance of 345.46 feet to an angle point,
- 7) N27°24'35"W a distance of 33.71 feet to an angle point,
- 8) S77°35'24"W a distance of 312.03 feet to an angle point,



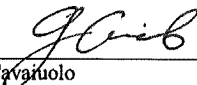
- 9) S81°20'25"W a distance of 18.65 feet to an angle point,
- 10) S51°12'13"W a distance of 260.05 feet to an angle point,
- 11) S52°12'34"W a distance of 185.32 feet to an angle point,
- 12) S55°05'24"W a distance of 345.46 feet to an angle point,
- 13) S58°50'24"W a distance of 345.46 feet to an angle point,
- 14) S62°35'24"W a distance of 95.29 feet to an angle point,
- 15) S43°50'24"W a distance of 325.16 feet to an angle point,
- 16) S47°35'24"W a distance of 345.46 feet to an angle point,
- 17) S51°20'24"W a distance of 345.46 feet to an angle point,
- 18) S55°05'24"W a distance of 345.46 feet to an angle point,
- 19) S58°50'24"W a distance of 345.46 feet to an angle point,
- 20) S62°35'24"W a distance of 345.46 feet to an angle point,
- 21) S66°20'23"W a distance of 186.76 feet to a point of intersection with the apparent 1980 City of San Marcos Extra Territorial Jurisdiction line with the west line of said 160.20-acre tract, and the east line of said 57.976-acre tract;

THENCE with the west line of said 160.20-acre tract, and the east line of said 57.976-acre tract, departing the apparent 1980 City of San Marcos Extra Territorial Jurisdiction line, N17°41'46"E a distance of 4,953.07 feet back to the **POINT OF BEGINNING** of the tract described herein, and containing a net of 734.6 Acres [32,000,847 Square Feet] subsequent to the heretofore said 0.953-acre and 2.952-acre save and except tracts.

Basis of bearings is the Texas Coordinate System, South Central Zone [4204], NAD83 (2011), Epoch 2010, U.S. Survey Feet.

This survey was performed without the benefit of a title commitment. Easements or other matters of record may exist where none are shown.

This document was prepared under 22 TAC §663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.



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1/11/2019
Date



EXHIBIT B
[ATTACH SERVICE PLAN]



Service Plan for the Annexation of a 734.6 +/- acre tract of land out of the William Pettus Survey, Abstract No. 21, generally located near the intersection of State Highway 80 and FM 1984.

Pursuant to the provisions of the Texas Local Government Code, Chapter 43, the following service plan is hereby adopted for the annexation of the above-referenced 734.6 +/- acre area. The property is being annexed at the request and with the consent of the property owner.

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 in the same manner as provided to other areas of the City.

2. Fire Protection

Fire protection services, including emergency response calls, will begin on the effective date of the annexation using existing personnel and equipment in the same manner as provided to other areas of the City, and within the limitations of the available water supply.

3. Emergency Medical Services

Emergency medical services, including emergency response calls, will continue at the same level of service after the annexation. The City of San Marcos contracts for emergency medical services through the San Marcos – Caldwell 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 in the same manner as available to other areas of the City under applicable ordinances. Residents of the annexed area 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

The annexation area is located partially within the CCN service area of the Maxwell Water Supply Corporation and partly within the CCN service area of the City of San Marcos. Wastewater service for the annexation area is proposed to be provided by the City of San Marcos. Any services

provided by the City will be on the same basis as available to other areas of the City under applicable ordinances, with all extensions made by property owners at their sole expense, except as otherwise agreed to by the City Council.

6. Construction, Operation and Maintenance of Roads and Streets

As new development occurs within the annexed area, the property owners will be required to construct streets at their sole expense, in accordance with applicable ordinances, except as otherwise agreed to by the City Council.

7. Electric Service

The property is located in the Bluebonnet Electric Cooperative service area.

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

No parks, playgrounds and/or swimming pools currently exist within the proposed annexation area. 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 annexed area. Upon annexation, the owners and residents of property located within the annexed area 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 City of San Marcos public facilities, buildings or services currently exist within the annexed area. The same standards and policies now established and in force within the city limits will be followed in maintaining and expanding other public facilities, buildings and services. Upon annexation, the owners and residents of property located within the annexed area 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.