

**A METES AND BOUNDS  
DESCRIPTION OF  
A 7.553 ACRE TRACT OF LAND**

**BEING** a 7.553 acre (329,002 square feet) tract of land situated in the William Pettus Survey, Abstract No. 21, Caldwell County, Texas; and containing a portion of that certain 765.72 acre tract described in instrument to Franklin Mountain San Marcos I, LP, recorded in Document No. 2021-007604, Official Public Records of Caldwell County, and a portion of F.M. 1984 (80 foot wide public right-of-way); and being more particularly described as follows:

**BEGINNING** at a 1/2-inch iron rod (with red cap stamped "1868") found on the southeasterly line of said F.M. 1984, marking the northwest corner of that certain 75 acre tract described in instrument to Maxwell Acres Company, A Texas Series, recorded in Document No 2018-002943, and the northeast corner of that certain 10 acre tract described in instrument to John Charles Foster and Sheila Joyce Foster, recorded in Volume 209, Page 2, both in the Official Public Records of Caldwell County;

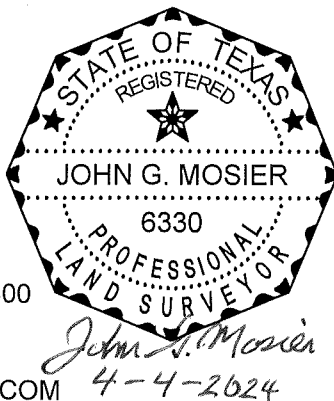
**THENCE**, departing the said southeasterly right-of-way line and crossing said F.M. 1984, and crossing into said 765.72 acre tract, the following seven (7) courses and distances:

1. North 41°07'14" West, 1113.65 feet to a point at the beginning of a curve;
2. in a northwesterly direction along a tangent curve to the left, having a radius of 940.00 feet, a chord of North 64°48'44" West, 755.41 feet, a central angle of 47°23'00", and an arc length of 777.38 feet to a point for corner;
3. North 88°30'14" West, 839.23 feet to a point for corner on the city limit - line of San Marcos;
4. North 34°03'23" East, 142.38 feet along said city limit line to a point for corner;
5. South 88°30'14" East, 762.60 feet to a point at the beginning of a curve;
6. in a southeasterly direction along a tangent curve to the right, having a radius of 1060.00 feet, a chord of South 64°48'44" East, 851.85 feet, a central angle of 47°23'00", and an arc length of 876.62 feet to a point for corner;
7. South 41°07'14" East, 1113.89 feet to a point for corner along the southeasterly right-of-way line of said F.M. 1984;

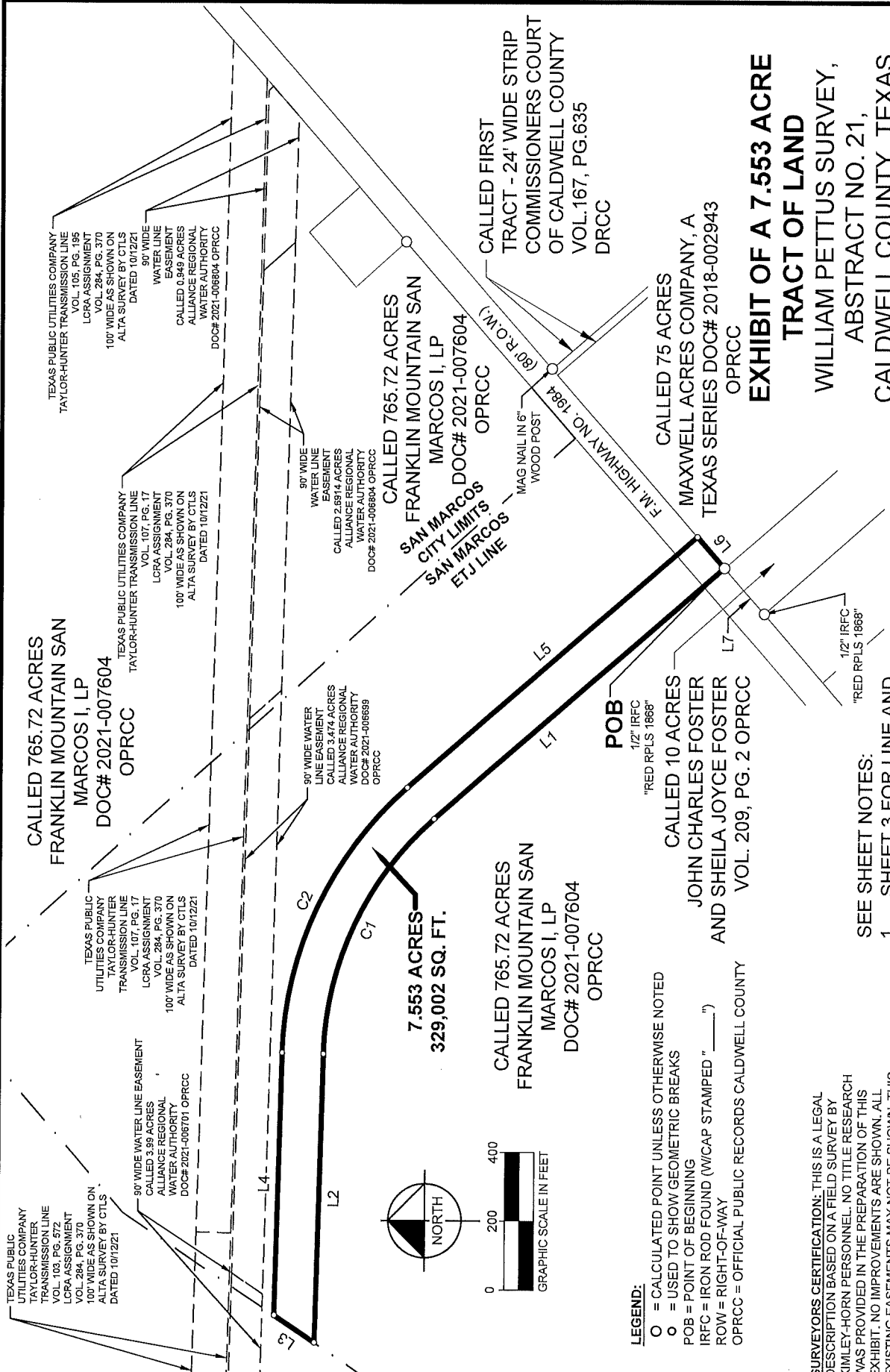
**THENCE**, South 48°59'37" West, 120.00 feet along the southeasterly right-of-way line of said FM 1984 to the **POINT OF BEGINNING**, and containing 7.553 acres of land in Caldwell County, Texas. The basis of this description is the Texas State Plane Coordinate System, South Central Zone (FIPS 4204) (NAD'83). All distances are on the Surface and shown in U.S. Survey Feet. The Combined Surface to Grid Scale Factor is 0.9998700168. This description was generated on 4/3/2024 at 4:34 PM, based on geometry in the drawing file K:\SNA\_Survey\SAN MARCOS INDUSTRIAL\064421519-FRANKLIN MOUNTAIN\DWG\Exhibits\7.553 acre Tract of Land.dwg, in the office of Kimley-Horn and Associates in San Antonio, Texas.

**EXHIBIT OF A 7.553 ACRE  
TRACT OF LAND  
WILLIAM PETTUS SURVEY,  
ABSTRACT NO. 21,  
CALDWELL COUNTY, TEXAS**

JOHN G. MOSIER  
REGISTERED PROFESSIONAL  
LAND SURVEYOR NO. 6330  
10101 REUNION PLACE, SUITE 400  
SAN ANTONIO, TEXAS 78216  
PH. 210-541-9166  
GREG.MOSIER@KIMLEY-HORN.COM



<b>Kimley»Horn</b>					
10101 Reunion Place, Suite 400 San Antonio, Texas 78216			FIRM # 10193973		Tel. No. (210) 541-9166 www.kimley-horn.com
<u>Scale</u>	<u>Drawn by</u>	<u>Checked by</u>	<u>Date</u>	<u>Project No.</u>	<u>Sheet No.</u>
N/A	DJG	JGM	4/3/2024	064421519	1 OF 3



**SURVEYORS CERTIFICATION:** THIS IS A LEGAL DESCRIPTION BASED ON A FIELD SURVEY BY KIMLEY-HORN PERSONNEL. NO TITLE RESEARCH WAS PROVIDED IN THE PREPARATION OF THIS EXHIBIT. NO IMPROVEMENTS ARE SHOWN. ALL EXISTING EASEMENTS MAY NOT BE SHOWN. THIS IS NOT A LAND TITLE SURVEY.

**GEODETIC NOTE:** THE BEARINGS SHOWN HEREON ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE (FIPS 4204) (NAD'83), AS DETERMINED BY THE GLOBAL POSITIONING SYSTEM (GPS). ALL DISTANCES SHOWN HEREON ARE ON THE SURFACE. THE COMBINED SURFACE TO GRID SCALE FACTOR FOR THE PROJECT IS 0.9998700168. THE UNIT OF LINEAR MEASUREMENT IS U.S. SURVEY FEET.

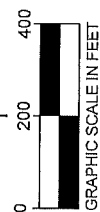
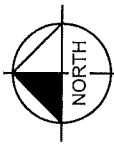
**SEE SHEET NOTES:**  
 1. SHEET 3 FOR LINE AND CURVE TABLE.  
 2. SHEET 1 OF 3 FOR SURVEYOR'S SIGNATURE AND SEAL.

**EXHIBIT OF A 7.553 ACRE TRACT OF LAND**  
**WILLIAM PETTUS SURVEY,**  
**ABSTRACT NO. 21,**  
**CALDWELL COUNTY, TEXAS**

**Kimley»Horn**  
 10101 Reunion Place, Suite 400  
 San Antonio, Texas 78216  
 Tel. No. (210) 541-9166  
 www.kimley-horn.com

Scale: 1" = 400'  
 Drawn by: DJG  
 Checked by: JGM  
 Date: 4/3/2024  
 Project No.: 064421519  
 Sheet No.: 2 OF 3

- LEGEND:**
- = CALCULATED POINT UNLESS OTHERWISE NOTED
  - = USED TO SHOW GEOMETRIC BREAKS
  - POB = POINT OF BEGINNING
  - IRFC = IRON ROD FOUND (W/CAP STAMPED "\_\_\_\_")
  - ROW = RIGHT-OF-WAY
  - OPRCC = OFFICIAL PUBLIC RECORDS CALDWELL COUNTY



LINE TABLE		
NO.	BEARING	LENGTH
L1	N41°07'14"W	1113.65'
L2	N88°30'14"W	839.23'
L3	N34°03'23"E	142.38'
L4	S88°30'14"E	762.60'
L5	S41°07'14"E	1113.89'
L6	S48°59'37"W	120.00'
L7	S48°59'37"W	175.68'

CURVE TABLE					
NO.	DELTA	RADIUS	LENGTH	CHORD BEARING	CHORD
C1	47°23'00"	940.00'	777.38'	N64°48'44"W	755.41'
C2	47°23'00"	1060.00'	876.62'	S64°48'44"E	851.85'

**EXHIBIT OF A 7.553 ACRE  
 TRACT OF LAND**  
 WILLIAM PETTUS SURVEY,  
 ABSTRACT NO. 21,  
 CALDWELL COUNTY, TEXAS

**Kimley»Horn**

10101 Reunion Place, Suite 400  
 San Antonio, Texas 78216 FIRM # 10193973

Tel. No. (210) 541-9166  
 www.kimley-horn.com

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
1" = 400'	DJG	JGM	4/3/2024	064421519	3 OF 3

**AGREEMENT FOR THE PROVISION OF SERVICES**  
(Pursuant to Tex. Local Gov't Code §43.0672)

**Date:** July 2, 2024

**Owner:** Franklin Mountain San Marcos I LP16380 Addison Rd, Addison, TX 75001

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

**Property:** As described in Exhibit A.

---

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

2. By this Agreement, the Owner affirms its consent to such annexation of the Property under the terms defined on the Development Agreement recorded at the Caldwell County Clerk Office Instrument Number 2023-001629.

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

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

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

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

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

[SIGNATURES ON NEXT PAGE]

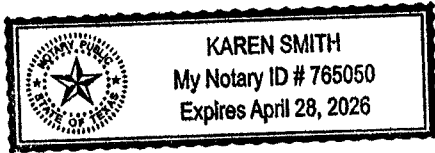
CITY:

By: Rodney Gonzales Ray Jr  
Name: Rodney Gonzales  
Title: Assistant City Manager

**ACKNOWLEDGMENT**

STATE OF TEXAS           §  
                                          §  
COUNTY OF HAYS       §

This instrument was acknowledged before me on August 12, 2024, by Rodney Gonzales, Assistant City Manager of the City of San Marcos, in such capacity, on behalf of said municipality.



Karen Smith  
Notary Public, State of Texas

**OWNER:**

FRANKLIN MOUNTAIN SAN MARCOS I, LP,  
a Texas limited partnership

By: Scarborough San Marcos GP LLC,  
a Texas limited liability company, its General Partner

By: *Ryan Burkhardt*

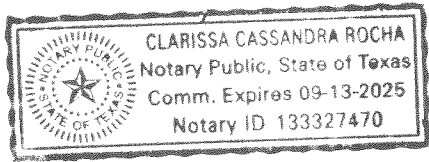
Name: *Ryan Burkhardt*

Title: Manager

**ACKNOWLEDGMENT**

STATE OF TEXAS           §  
                                          §  
COUNTY OF DALLAS   §

This instrument was acknowledged before me on AUGUST 9<sup>th</sup>, 2024 by RYAN BURKHARDT, GENERAL PARTNER of SCARBOROUGH SAN MARCOS GP LLC in such capacity on behalf of said entity.



*[Signature]*  
Notary Public, State of TEXAS

**EXHIBIT A**

**(Legal Description)**

**A METES AND BOUNDS  
DESCRIPTION OF  
A 7.553 ACRE TRACT OF LAND**

BEING a 7.553 acre (329,002 square feet) tract of land situated in the William Pettus Survey, Abstract No. 21, Caldwell County, Texas; and containing a portion of that certain 765.72 acre tract described in instrument to Franklin Mountain San Marcos I, LP, recorded in Document No. 2021-007604, Official Public Records of Caldwell County, and a portion of F.M. 1984 (80 foot wide public right-of-way); and being more particularly described as follows:

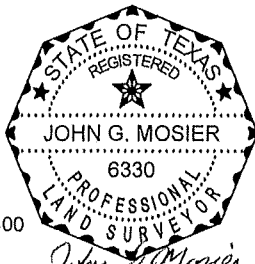
**BEGINNING** at a 1/2-inch iron rod (with red cap stamped "1868") found on the southeasterly line of said F.M. 1984, marking the northwest corner of that certain 75 acre tract described in instrument to Maxwell Acres Company, A Texas Series, recorded in Document No 2018-002943, and the northeast corner of that certain 10 acre tract described in instrument to John Charles Foster and Sheila Joyce Foster, recorded in Volume 209, Page 2, both in the Official Public Records of Caldwell County;

**THENCE**, departing the said southeasterly right-of-way line and crossing said F.M. 1984, and crossing into said 765.72 acre tract, the following seven (7) courses and distances:

1. North 41°07'14" West, 1113.65 feet to a point at the beginning of a curve;
2. in a northwesterly direction along a tangent curve to the left, having a radius of 940.00 feet, a chord of North 64°48'44" West, 755.41 feet, a central angle of 47°23'00", and an arc length of 777.38 feet to a point for corner;
3. North 88°30'14" West, 839.23 feet to a point for corner on the city limit - line of San Marcos;
4. North 34°03'23" East, 142.38 feet along said city limit line to a point for corner;
5. South 88°30'14" East, 762.60 feet to a point at the beginning of a curve;
6. in a southeasterly direction along a tangent curve to the right, having a radius of 1060.00 feet, a chord of South 64°48'44" East, 851.85 feet, a central angle of 47°23'00", and an arc length of 876.62 feet to a point for corner;
7. South 41°07'14" East, 1113.89 feet to a point for corner along the southeasterly right-of-way line of said F.M. 1984;

**THENCE**, South 48°59'37" West, 120.00 feet along the southeasterly right-of-way line of said FM 1984 to the **POINT OF BEGINNING**, and containing 7.553 acres of land in Caldwell County, Texas. The basis of this description is the Texas State Plane Coordinate System, South Central Zone (FIPS 4204) (NAD'83). All distances are on the Surface and shown in U.S. Survey Feet. The Combined Surface to Grid Scale Factor is 0.9998700168. This description was generated on 4/3/2024 at 4:34 PM, based on geometry in the drawing file K:\SNA\_Survey\SAN MARCOS INDUSTRIAL\064421519-FRANKLIN MOUNTAIN\DWG\Exhibits\7.553 acre Tract of Land.dwg, in the office of Kimley-Horn and Associates in San Antonio, Texas.

JOHN G. MOSIER  
REGISTERED PROFESSIONAL  
LAND SURVEYOR NO. 6330  
10101 REUNION PLACE, SUITE 400  
SAN ANTONIO, TEXAS 78216  
PH. 210-541-9166  
GREG.MOSIER@KIMLEY-HORN.COM



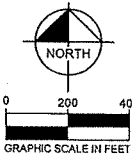
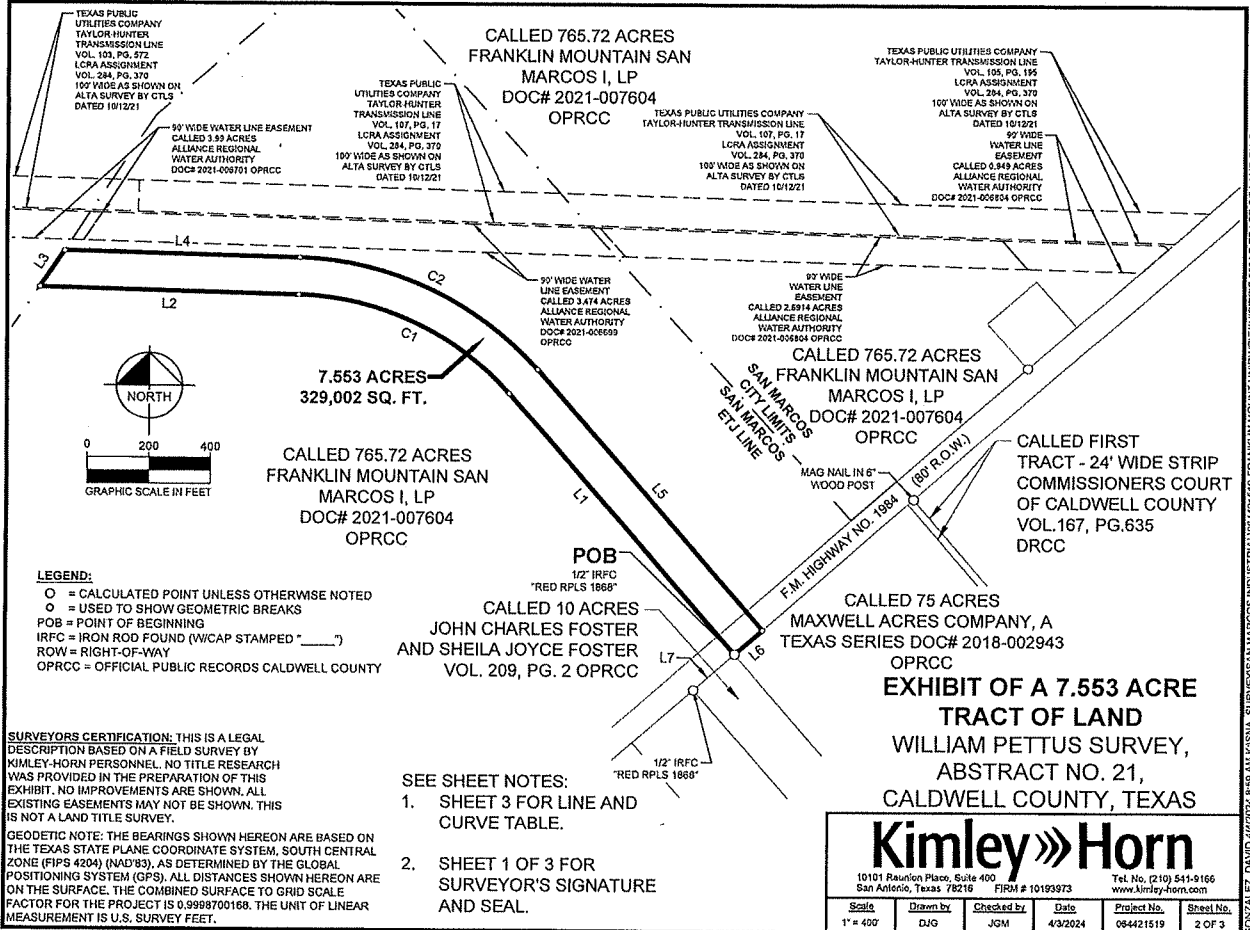
**EXHIBIT OF A 7.553 ACRE  
TRACT OF LAND  
WILLIAM PETTUS SURVEY,  
ABSTRACT NO. 21,  
CALDWELL COUNTY, TEXAS**

**Kimley»Horn**

10101 Reunion Place, Suite 400  
San Antonio, Texas 78216 FIRM # 10193973 Tel. No. (210) 541-0166  
www.kimley-horn.com

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
N/A	DJG	JGM	4/3/2024	064421519	1 OF 3





**LEGEND:**  
 ○ = CALCULATED POINT UNLESS OTHERWISE NOTED  
 ⊙ = USED TO SHOW GEOMETRIC BREAKS  
 POB = POINT OF BEGINNING  
 IRFC = IRON ROD FOUND (WCAP STAMPED "\_\_\_\_")  
 ROW = RIGHT-OF-WAY  
 OPRCC = OFFICIAL PUBLIC RECORDS CALDWELL COUNTY

**SURVEYORS CERTIFICATION:** THIS IS A LEGAL DESCRIPTION BASED ON A FIELD SURVEY BY KIMLEY-HORN PERSONNEL. NO TITLE RESEARCH WAS PROVIDED IN THE PREPARATION OF THIS EXHIBIT. NO IMPROVEMENTS ARE SHOWN. ALL EXISTING EASEMENTS MAY NOT BE SHOWN. THIS IS NOT A LAND TITLE SURVEY.

**GEODETIC NOTE:** THE BEARINGS SHOWN HEREON ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE (FIPS 4204) (NAD'83), AS DETERMINED BY THE GLOBAL POSITIONING SYSTEM (GPS). ALL DISTANCES SHOWN HEREON ARE ON THE SURFACE. THE COMBINED SURFACE TO GRID SCALE FACTOR FOR THE PROJECT IS 0.9998700166. THE UNIT OF LINEAR MEASUREMENT IS U.S. SURVEY FEET.

SEE SHEET NOTES:  
 1. SHEET 3 FOR LINE AND CURVE TABLE.  
 2. SHEET 1 OF 3 FOR SURVEYOR'S SIGNATURE AND SEAL.

**Kimley»Horn**  
 10101 Rainforest Place, Suite 400  
 San Antonio, Texas 78216 FIRM # 10193973 Tel. No. (210) 541-9166  
 www.kimley-horn.com

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
1" = 400'	DJG	JGM	4/3/2024	064421519	2 OF 3

CONZALEZ, DAVID 442024 6539 AUI KSWA SURVEY SAN MARCOS INDUSTRIAL 034421519 FRANKLIN MOUNTAIN AND WIND EXHIBIT 57 553AC TRACT OF LAND.DWG

LINE TABLE		
NO.	BEARING	LENGTH
L1	N41°07'14"W	1113.65'
L2	N88°30'14"W	839.23'
L3	N34°03'23"E	142.38'
L4	S88°30'14"E	762.60'
L5	S41°07'14"E	1113.89'
L6	S48°59'37"W	120.00'
L7	S48°59'37"W	175.68'

CURVE TABLE					
NO.	DELTA	RADIUS	LENGTH	CHORD BEARING	CHORD
C1	47°23'00"	940.00'	777.38'	N64°48'44"W	755.41'
C2	47°23'00"	1060.00'	876.62'	S64°48'44"E	851.85'

EXHIBIT OF A 7.553 ACRE  
TRACT OF LAND  
WILLIAM PETTUS SURVEY,  
ABSTRACT NO. 21,  
CALDWELL COUNTY, TEXAS

**Kimley»Horn**

10101 Reunion Place, Suite 400  
San Antonio, Texas 78216

FIRM # 10193073

Tel. No. (210) 641-9166  
www.kimley-horn.com

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
1" = 400'	DJO	JGM	4/3/2024	064421519	3 OF 3

## **EXHIBIT B**

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

### **1. Police Protection**

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

### **2. Fire Protection**

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

### **3. Emergency Medical Services**

The City of San Marcos contracts for emergency medical services through the San Marcos – Hays County EMS.

### **4. Solid Waste Collection**

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

### **5. Operation and Maintenance of Water and Wastewater Facilities**

**a. Water.** The Property is located within the CCN for Maxwell Water Special Utilities District.

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

### **6. Construction, Operation and Maintenance of Roads and Streets**

The Owner(s) of Property will be required to construct streets at the Owner's sole expense in accordance with applicable ordinances of the City.

## **7. Electric Service**

The Property is located within the Bluebonnet Electric service area.

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

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

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

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

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:** MARCH 14, 2024  
**City:** City of San Marcos, Texas, a home rule municipal corporation  
**Owner:** FRANKLIN MOUNTAIN SAN MARCOS I L.P.  
**Property:** FM 1984 - CALDWELL COUNTY

---

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 has a current development agreement with the City under Section 212.172.
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 Caldwell 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:

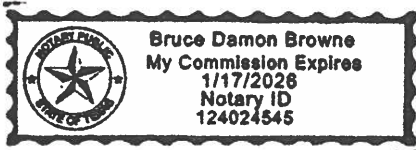
RyBall

ACKNOWLEDGMENT

STATE OF TEXAS §

COUNTY OF Dallas §

This instrument was acknowledged before me on March 12, 2024 by Ryan Burkhardt.



[Signature]  
Notary Public, State of TEXAS