

**ORDINANCE NO. 2020-08**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS ANNEXING INTO THE CITY APPROXIMATELY 62.48 ACRES OF LAND GENERALLY LOCATED AT THE INTERSECTION OF GREGSON'S BEND AND COMMERCIAL LOOP; INCLUDING PROCEDURAL PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.**

**RECITALS:**

1. The owner of approximately 62.48 acres of land out generally located at the intersection of Gregsons Bend and Commercial Loop, as further described by metes and bounds in Exhibit "A," attached hereto and incorporated herein for all purposes (the "Property"), made a request for the City to annex the Property. A location map of the Property is also shown in Exhibit "A."
2. Said owner of the Property has declined the offer of a development agreement from the City concerning the Property.
3. The Owner and the City have entered into a written agreement for the provision of services to the Property.
4. The Property is contiguous and adjacent to the current boundaries of the City.
5. The City Council held a public hearing regarding the request.
6. The City Council hereby finds and determines that the adoption of the following ordinance is in the interest of the public health, morals, welfare and safety.

**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.** Effective as of the Effective Date (as defined below), the Property is annexed to and is a part of the City of San Marcos, Texas and subject to the acts, ordinances, resolutions and regulations of the City.

**SECTION 3.** Services to the Property will be provided under the terms of the written agreement for the provision of services entered into between the Owner and the City as noted in Recital 3.

**SECTION 4.** Effective as of the Effective Date (as defined below), the corporate limits of the City are extended to include the Property.

**SECTION 5.** Effective as of the Effective Date (as defined below), the inhabitants of the Property are entitled to all the rights and privileges of other citizens of the City, and are bound by the acts, ordinances, resolutions and regulations of the City.

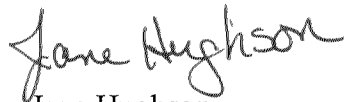
**SECTION 6.** If any word, phrase, clause, sentence, or paragraph of this ordinance is held to be unconstitutional or invalid by a court of competent jurisdiction, the other provisions of this ordinance will continue in force if they can be given effect without the invalid portion.

**SECTION 7.** All ordinances and resolutions or parts of ordinances or resolutions in conflict with this ordinance are repealed.

**SECTION 8.** This ordinance shall be effective only from and after the date (the "Effective Date") that all of the following conditions (the "Conditions") have been satisfied: (i) its passage, approval and adoption on second reading, and (ii) the closing of the purchase of the Property by Pursuant Ventures Development, LLC or its designated assigns from Outlet West Investors, Ltd., as permitted in that certain Purchase and Sale Agreement dated December 2, 2019 by and between Pursuant Ventures Development, LLC and the City. In the event that all the Conditions have not been fully satisfied by April 2, 2021, then this ordinance shall be of no further force or effect.

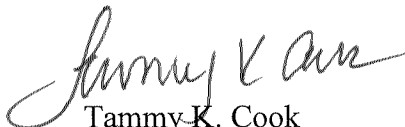
**PASSED AND APPROVED** on first reading on March 17, 2020.


**PASSED, APPROVED AND ADOPTED** on second reading on April 7, 2020.

  
Jane Hughson  
Mayor

Attest:

Approved:

  
Tammy K. Cook  
Interim City Clerk

  
Michael Cosentino  
City Attorney

# EXHIBIT "A"

## Property Description

62.48 Ac.  
Edward Burleson Survey No. 18, A-63,  
Hays County, Texas

Job No. 070199-01-001  
FN1965(en)  
Page 1 of 3

### FIELD NOTES DESCRIPTION

DESCRIPTION OF 62.48 ACRES OF LAND IN THE EDWARD BURLESON SURVEY NO. 18, A-63, HAYS COUNTY, TEXAS; BEING A PORTION OF A CERTAIN CALLED 109.22 ACRE TRACT DESCRIBED IN THE DEED TO OUTLET WEST INVESTORS, LTD. OF RECORD IN VOLUME 1486, PAGE 887, OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS; SAID 62.48 ACRE TRACT, AS SURVEYED BY BOWMAN CONSULTING GROUP, LTD., BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING** at a ½-inch iron rod with a plastic cap stamped "BYRN SURVEY" found in the southeast right-of-way line of that certain 200-foot wide Union Pacific Railroad right-of-way, being the south corner of that 100-foot strip described in the deed to the Missouri, Kansas & Texas Railway Company of Texas of record in Volume 41, Page 23, Deed Records of Hays County, Texas, in the northeast line of a certain 29.07 acre tract designated as Tract Number 3 and described in the deed to Eugene A. Herry, Jr. and Frances K. Herry of record in Volume 276, Page 313, Deed Records of Hays County, Texas, at the west corner of the said 109.22 acre tract, for the west corner and **POINT OF BEGINNING** of the tract described herein;

**THENCE** N 46°39'30" E, leaving the northeast line of the said 29.07 acre tract, with the southeast railroad right-of-way line and the northwest line of the said 109.22 acre tract, with the northwest line of the tract described herein, a distance of 1903.09 feet to a ½-inch iron rod with a plastic cap stamped "BYRN SURVEY" found, for the north corner of the tract described herein, from which a ½-inch iron rod with a plastic cap stamped "BYRN SURVEY" found in the southeast railroad right-of-way line and the northwest line of the said 109.22 acre tract bears S 46°39'30" W, a distance of 160.21 feet;

**THENCE** leaving the said southeast railroad right-of-way line, crossing the said 109.22 acre tract, with the northeast, southeast and northeast lines of the tract described herein, the following seven (7) courses and distances:

1. S 46°27'37" E, a distance of 657.03 feet to a calculated angle point,
2. S 52°15'35" E, a distance of 229.85 feet to a calculated point for the most northerly east corner,
3. S 39°31'34" W, a distance of 198.77 feet to a ½-inch iron rod with a plastic cap stamped "BYRN SURVEY" found,
4. S 32°44'39" W, a distance of 199.24 feet to a ½-inch iron rod with a plastic cap stamped "BYRN SURVEY" found at a re-entrant corner,
5. S 46°16'38" E, a distance of 348.25 feet to a ½-inch iron rod with a plastic cap stamped "BYRN SURVEY" found at an east corner,
6. S 45°29'11" W, a distance of 46.11 feet to a ½-inch iron rod found at a re-entrant corner, and
7. S 36°50'33" E, a distance of 111.52 feet to a ½-inch iron rod with a plastic cap stamped "BYRN SURVEY" found in the southeast line of the said 109.22 acre tract, same being the curving northwest right-of-way line of Gregson's Bend, a 60-foot right-of-way, as shown on the Lot 2 and Gregson Road of Section 1, the Lowman Ranch Subdivision plat of record in Volume 7, Page 215, Plat Records of Hays County, Texas, for an east corner of the tract described herein;

**THENCE** with the west and northwest right-of-way line of said Gregson's Bend, with the east and southeast line of the tract described herein, the following five (5) courses and distances:

1. with the arc of a curve to the left, having a radius of 360.00 feet, an arc distance of 69.66 feet, and a chord which bears S 31°22'59" W, a distance of 69.55 feet to a ½-inch iron rod with a plastic cap stamped "BYRN SURVEY" found at a point-of-tangency,
2. S 25°56'16" W, a distance of 277.98 feet to a ½-inch iron rod found at a point-of-curvature,

3. with the arc of a curve to the right, having a radius of 503.00 feet, an arc distance of 293.42 feet, and a chord which bears S 42°37'23" W, a distance of 289.28 feet to a ½-inch iron rod with a plastic cap stamped "BYRN SURVEY" found at a point-of-tangency,
4. S 59°20'03" W, a distance of 40.49 feet to a calculated point-of-curvature, and
5. with the arc of a curve to the right, having a radius of 25.00 feet, an arc distance of 40.54 feet, and a chord which bears N 74°10'24" W, a distance of 36.24 feet to a calculated point for the northeast terminus of Commercial Loop, a 70-foot right-of-way as shown on the Proposed Roadway and Lot 3, Lowman Ranch Subdivision, Section 1 plat of record in Volume 9, Page 62, Plat Records of Hays County, Texas, for a re-entrant corner of the tract described herein, from which a ½-inch iron rod with a plastic cap stamped "BYRN Survey" found bears N 62°00'33" E, a distance of 1.27 feet;

**THENCE** S 62°00'33" W, continuing across the said 109.22 acre tract, with the north terminus of said Commercial Loop, with a south line of the tract described herein, a distance of 70.00 feet to a ½-inch iron rod with a plastic cap stamped "BYRN SURVEY" found at the northwest terminus of said Commercial Loop and a reentrant corner of the tract described herein, and from which a ½-inch iron rod with a plastic cap stamped "BYRN SURVEY" found bears S 62°00'33" W, a distance of 4.93 feet;

**THENCE** continuing across the said 109.22 acre tract, with the curving northwest right-of-way line of said Commercial Loop, with a northeast line of the tract described herein, with the arc of a curve to the left, having a radius of 1245.00 feet, an arc distance of 123.28 feet, and a chord which bears S 30°42'59" E, a distance of 123.23 feet to a ½-inch iron rod with a plastic cap stamped "BYRN SURVEY" found at the northerly east corner of Lot 3, said Proposed Roadway and Lot 3, Lowman Ranch Subdivision, Section 1, for a northeast corner of the tract described herein;

**THENCE** leaving the northwest right-of-way line of said Commercial Loop, continuing across the said 109.22 acre tract, with the north and northwest line of said Lot 3, Lowman Ranch Subdivision, Section 1, with a south and southeast line of the tract described herein, the following two (2) courses and distances:

1. with the arc of a curve to the left, having a radius of 25.00 feet, an arc distance of 44.76 feet, and a chord which bears N 84°42'52" W, a distance of 39.02 feet to an "X" in concrete found at a point-of-tangency, and
2. S 43°35'28" W, at a distance of 21.70 feet, a ½-inch iron rod with a plastic cap stamped "BYRN SURVEY" found bears S 46°24'32" E, a distance of 0.49 feet, and continuing for a total distance of 356.89 feet to a ½-inch iron rod with a plastic cap stamped "BYRN SURVEY" found at the west corner of said Lot 3, Lowman Ranch Subdivision, Section 1, and the north corner of Lot 5, Section 1, Lowman Ranch Subdivision of record in Volume 17, Page 134, Plat Records of Hays County, Texas, for an angle point in the southeast line of the tract described herein;

**THENCE** S 43°32'32" W, continuing across the said 109.22 acre tract, with the northwest line of said Lot 5, Section 1, Lowman Ranch Subdivision, with the southeast line of the tract described herein, a distance of 322.26 feet to a ½-inch iron rod with a plastic cap stamped "BYRN SURVEY" found at the west corner of said Lot 5, Section 1, Lowman Ranch Subdivision, in the southwest line of the said 109.22 acre tract and the northeast line of the said 29.07 acre tract, for the south corner of the tract described herein, from which a 3/8-inch iron rod found in the southwest line of the said 109.22 acre tract at the northeast corner of the said 29.07 acre tract, same being an angle point in the southwest line of said Lot 5, Section 1, Lowman Ranch Subdivision and the north corner of Lot 13, South Park Commercial Subdivision of record in Volume 4, Page 59, Plat Records of Hays County, Texas bears S 45°19'13" E, a distance of 172.98 feet;

**THENCE** with the southwest line of the said 109.22 acre tract and the northeast line of the said 29.07 tract, with the southwest line of the tract described herein, the following three (3) courses and distances:

1. N 45°12'23" W, a distance of 147.03 feet to a cedar fence post found at an angle point,
2. N 45°53'12" W, a distance of 1024.34 feet to a cedar fence post found, and

62.48 Ac.  
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Hays County, Texas

Job No. 070199-01-001  
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3. N 45°57'03" W, a distance of 451.51 feet to the **POINT OF BEGINNING** and containing 62.48 acres of land more or less.

**BEARING BASIS:** Texas Coordinate System, NAD 83, South Central Zone, Grid.

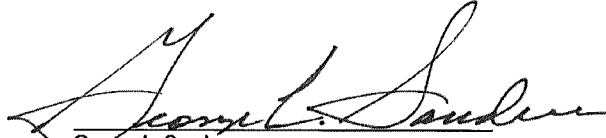
BOWMAN WORD FILE: FN1965(en)  
BOWMAN REF PLAN NO.: 3557  
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THE STATE OF TEXAS       §  
                                     §       KNOW ALL MEN BY THESE PRESENTS  
COUNTY OF TRAVIS       §

That I, George L. Sanders, a Registered Professional Land Surveyor, do hereby certify that the above description is true and correct to the best of my knowledge and belief and that the property described herein was determined by a survey made on the ground during the months of November and December 2016, under my direction and supervision.

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas, on this 4<sup>TH</sup> of January, 2017 A.D.

Bowman Consulting Group, Ltd.  
Austin, Texas 78746

  
George L. Sanders  
Registered Professional Land Surveyor No. 1838  
State of Texas

