

## **AGREEMENT FOR THE PROVISION OF SERVICES**

(Pursuant to Tex. Local Gov't Code §43.0672)

**Date:** June 7, 2022

**Owner:** Alp Yilmaz, San Marcos Hampton LLC & CCM San Marcos, LLC, 7700 Kempwood Drive, Houston, TX, 77055

**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.

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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 by the City and that Owner does not wish to enter into and has declined the offer from the City of a development agreement under Sections 43.016 and 212.172 of the Texas Local Government Code

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: \_\_\_\_\_

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

Title: \_\_\_\_\_

**ACKNOWLEDGMENT**

STATE OF TEXAS           §

§

COUNTY OF HAYS       §

      This instrument was acknowledged before me on \_\_\_\_\_, 20\_\_\_\_, by  
\_\_\_\_\_, \_\_\_\_\_ of the City of San Marcos, in such capacity, on  
behalf of said municipality.

\_\_\_\_\_  
Notary Public, State of Texas

**OWNER:**

Alp Yilmaz

San Marcos Hampton LLC & CCM San Marcos LLC

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**ACKNOWLEDGMENT**

STATE OF \_\_\_\_\_ §

§

COUNTY OF \_\_\_\_\_ §

This instrument was acknowledged before me on \_\_\_\_\_, 20\_\_ by  
\_\_\_\_\_, \_\_\_\_\_ of \_\_\_\_\_ in such  
capacity on behalf of said entity.

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Notary Public, State of \_\_\_\_\_

# EXHIBIT A



**NORTH**  
SCALE: 1" = 400'

## GENERAL NOTES

1. SURVEYOR DID NOT ABSTRACT SUBJECT PROPERTY. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A CURRENT TITLE REPORT OR ABSTRACTS. CERTIFICATE AND WOULD BE SUBJECT TO ANY AND ALL CONDITIONS OR RESTRICTIONS THAT A CURRENT TITLE REPORT OR ABSTRACTS 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.

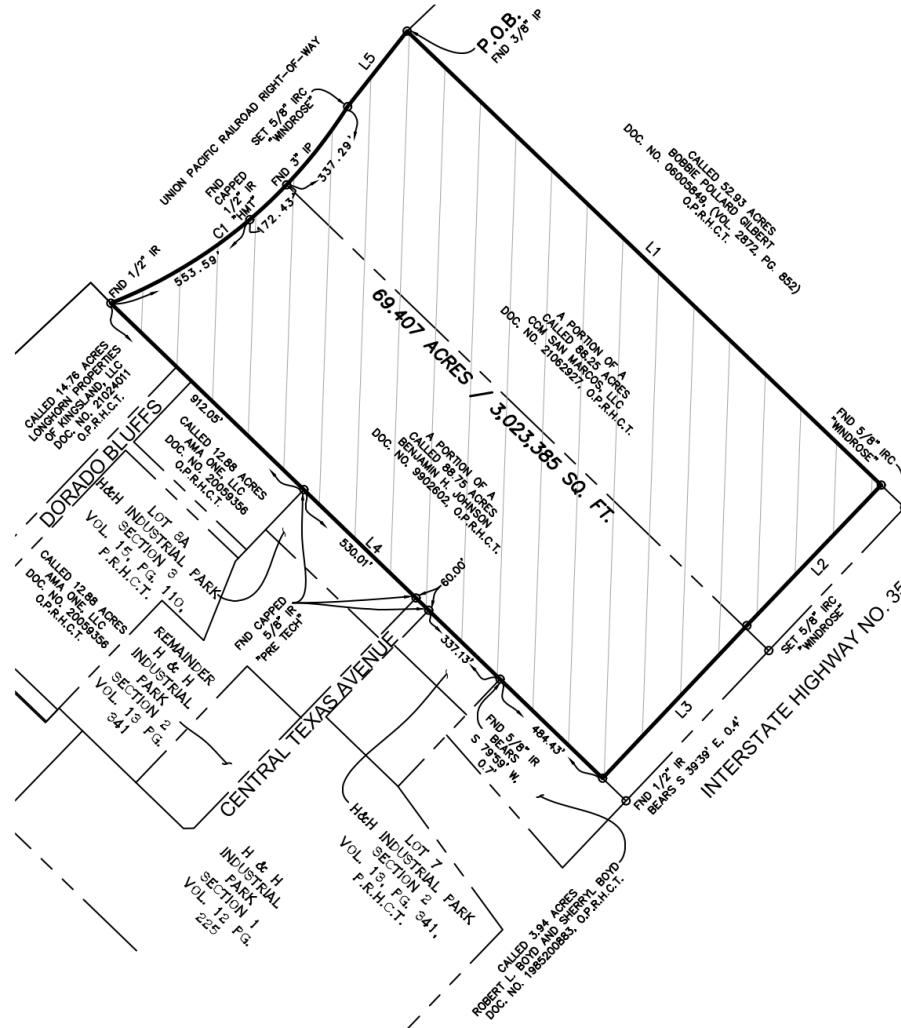


EXHIBIT OF  
69.407 ACRES/3,023,385 SQ. FT.  
SITUATED IN THE  
W.H. VANHORN SURVEY, A-464  
HAYS COUNTY, TEXAS

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S 46°15'40" E	2,231.15'
L2	S 43°46'40" W	660.77'
L3	S 43°23'19" W	713.82'
L4	N 46°00'30" W	2,323.62'
L5	N 38°16'01" E	326.92'

CURVE CHART					
CURVE	RADIUS	DELTA	LENGTH	BEARING	CHORD
C1	1,684.76'	36°09'41"	1,063.31'	N 50°18'43" E	1,045.75'

FIELD BY:	-	DATE:	4-15-2022
DRAWN BY:	DB	REV:	
CHECKED BY:	CSC	REV:	
JOB NO.	56955-ANNEXATION	REV:	
SHEET 1 OF 2		REV:	



**WINDROSE**  
LAND SURVEYING | PLATTING

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



**DESCRIPTION OF  
69.407 ACRES OR 3,023,385 SQ. FT.**

A TRACT OR PARCEL CONTAINING 69.407 ACRES OR 3,023,385 SQUARE FEET OF LAND BEING OUT OF AND PART OF A CALLED 88.25 ACRE TRACT OF LAND DESCRIBED IN DEED CCM SAN MARCOS, LLC, AS RECORDED UNDER DOC. NO. 21062927, OFFICIAL PUBLIC RECORDS HAYS COUNTY TEXAS (O.P.R.H.C.T.) AND BEING OUT OF AND PART OF A CALLED 88.75 ACRE TRACT OF LAND DESCRIBED IN DEED TO BENJAMIN H. JOHNSON AS RECORDED UNDER DOC. NO. 9902602, O.P.R.H.C.T., SITUATED IN THE W.H. VAN HORN ONE-THIRD LEAGUE, ABSTRACT NO. 464, HAYS COUNTY, TEXAS, WITH SAID 69.407 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, WITH THE SOUTHWEST LINE OF SAID CALLED 52.93 ACRE TRACT, A DISTANCE OF 2,231.15 FEET TO A POINT ON THE SOUTHWEST LINE OF SAID CALLED 52.93 ACRE TRACT, FOR THE EAST CORNER OF THE HEREIN DESCRIBED TRACT;

**THENCE**, SOUTH 43 DEG. 46 MIN. 40 SEC. WEST, OVER AND ACROSS SAID CALLED 88.25 ACRE TRACT, A DISTANCE OF 660.77 FEET TO A POINT FOR AN INTERIOR CORNER OF THE HEREIN DESCRIBED TRACT;

**THENCE**, SOUTH 43 DEG. 23 MIN. 19 SEC. WEST, OVER AND ACROSS SAID CALLED 88.75 ACRE TRACT, A DISTANCE OF 713.82 FEET TO A POINT ON THE EAST LINE OF A CALLED 3.94 ACRE TRACT OF LAND DESCRIBED IN DEED TO ROBERT L. BOYD AND SHERYL BOYD AS RECORDED UNDER DOC. NO. 1985200883, O.P.R.H.C.T. AND THE SOUTHWEST CORNER OF THE HEREIN DESCRIBED TRACT, FROM WHICH A FOUND IRON ROD BEARS FOR REFERENCE SOUTH 39 DEG. 39 MIN. EAST, A DISTANCE OF 0.4 FEET;

**THENCE**, NORTH 46 DEG. 00 MIN. 30 SEC. WEST, DEPARTING THE NORTHWEST R.O.W. LINE OF SAID INTERSTATE HIGHWAY NO. 35, WITH THE EAST LINE OF SAID CALLED 3.94 ACRE TRACT AT A DISTANCE OF 484.43 FEET PASSING AT THE NORTHWEST CORNER OF SAID CALLED 3.94 ACRE TRACT AND THE NORTHEAST CORNER OF LOT 7 OF H&H INDUSTRIAL PARK, SECTION 2, AS RECORDED IN VOLUME (VOL.) 13, PAGE (PG.) 341, PLAT RECORDS OF HAYS COUNTY, TEXAS (P.R.H.C.T.) FROM WHICH A FOUND 5/8 INCH IRON ROD BEARS SOUTH 79 DEG. 59 MIN. WEST, A DISTANCE OF 0.70 FEET, CONTINUING WITH THE EAST LINE OF SAID LOT 7 PASSING AT A DISTANCE OF 337.13 FEET FOUND 5/8 INCH CAPPED IRON ROD STAMPED "PRE TECH" FOR THE COMMON CORNER OF SAID LOT 7 AND THE SOUTHEAST R.O.W. LINE OF CENTRAL TEXAS AVENUE, CONTINUING WITH THE NORTHEAST R.O.W. LINE OF SAID CENTRAL TEXAS AVE, A DISTANCE OF 60.00 FEET TO A FOUND 5/8 INCH CAPPED IRON ROD STAMPED "PRE TECH" FOR THE COMMON CORNER OF SAID CENTRAL TEXAS AVENUE AND LOT 8A, H&H INDUSTRIAL PARK, SECTION 3, A SUBDIVISION RECORDED IN VOL. 15, PG. 110 OF THE P.R.H.C.T., CONTINUING WITH THE NORTHEAST LINE OF SAID LOT 8A, A DISTANCE OF 530.01 FEET TO A 5/8 INCH CAPPED IRON ROD STAMPED "PRE TECH" FOUND FOR THE MOST EASTERLY CORNER OF A CALLED 12.88 ACRES DESCRIBED IN DEED TO AMA ONE, LLC, AS RECORDED IN DOCUMENT NO. 20059356 OF O.P.R.H.C.T., CONTINUING WITH SAID NORTHEAST LINE OF SAID CALLED 12.88 ACRES, A DISTANCE OF 912.05 FEET AND A TOTAL DISTANCE OF 2,323.62 FEET TO A 1/2" IRON ROD FOUND ON THE SOUTHEAST R.O.W. LINE OF UNION PACIFIC RAILROAD (WIDTH VARIES-NO RECORD FOUND) BEING ON THE EAST LINE OF A CALLED 14.76 ACRES DESCRIBED IN DEED TO LONGHORN PROPERTIES OF KINGSLAND, LLC, AS RECORDED UNDER DOC. NO. 21024011 O.P.R.H.C.T., AND BEING THE NORTHWEST CORNER OF THE HEREIN DESCRIBED TRACT;

**THENCE**, WITH A NON-TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 1,684.76 FEET, A CENTRAL ANGLE OF 36 DEG. 09 MIN. 41 SEC., AN ARC LENGTH OF 1,063.31 FEET AND A CHORD BEARING AND DISTANCE OF NORTH 50 DEG. 18 MIN. 43 SEC. EAST 1,045.75 FEET TO A 5/8 INCH IRON ROD WITH CAP STAMPED "WINDROSE" SET, PASSING AT AN ARC LENGTH OF 553.59 FEET A 1/2 INCH IRON ROD WITH CAP STAMPED "HMT" FOUND ON THE SOUTHEAST R.O.W. LINE OF SAID UNION PACIFIC RAILROAD, CONTINUING WITH THE SOUTHEAST R.O.W. LINE OF SAID UNION PACIFIC RAILROAD PASSING AT AN ARC LENGTH OF 172.43 FEET A 3 INCH IRON PIPE FOUND ON THE SOUTHEAST R.O.W. LINE OF SAID UNION PACIFIC RAILROAD, CONTINUING WITH THE SOUTHEAST R.O.W. LINE OF SAID UNION PACIFIC RAILROAD FOR A TOTAL ARC LENGTH OF 1,063.31 FEET TO AN INTERIOR CORNER OF THE HEREIN DESCRIBED TRACT;

**THENCE**, NORTH 38 DEG. 16 MIN. 01 SEC. EAST, WITH THE SOUTHEAST R.O.W. LINE OF SAID UNION PACIFIC RAILROAD, A DISTANCE OF 326.92 FEET TO THE **PLACE OF BEGINNING** AND CONTAINING 69.407 ACRES OR 3,023,385 SQUARE FEET OF LAND, AS SHOWN ON JOB NO. 56955-ANNEXATION, PREPARED BY WINDROSE LAND SERVICES.

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



04-15-2022  
DATE:

## **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**

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 – Hays 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. 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 an area over which the City of San Marcos holds a Certificate of Convenience and Necessity (CCN) for water service. The City will make water 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.

**b. Wastewater.** The Property is located within an area over which the City of San Marcos holds a Certificate of Convenience and Necessity (CCN) for wastewater service. The City will 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**

As new development occurs within the Property, 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 in the Pedernales Electric service area. Thus, the City will not provide electric service to the Property.

## **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.