

ORDINANCE NO. 2022-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS ANNEXING INTO THE CITY APPROXIMATELY 42.698 ACRES OF LAND, LOCATED APPROXIMATELY 750 FEET NORTHWEST OF THE RATTLER ROAD. AND EAST MCCARTY LANE INTERSECTION IN CASE NO. AN-22-14; INCLUDING PROCEDURAL PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.

RECITALS:

1. In Case No. AN-22-14, the owner of approximately 42.698 acres of land, located approximately 750 feet northwest of the Rattler Road. and East McCarty Lane intersection, as further described in Exhibit "A," attached hereto and incorporated herein for all purposes (the "Property"), made a request for the City to annex the Property.
2. Said owner consents to the annexation of 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. 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. The corporate limits of the City are extended to include the Property.

SECTION 5. 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 All ordinances and resolutions or parts of ordinances or resolutions in conflict with this ordinance are repealed.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 upon its adoption on second reading.

PASSED AND APPROVED on first reading on August 2, 2022.

PASSED, APPROVED AND ADOPTED on second reading on August 16, 2022.

Jane Hughson
Mayor

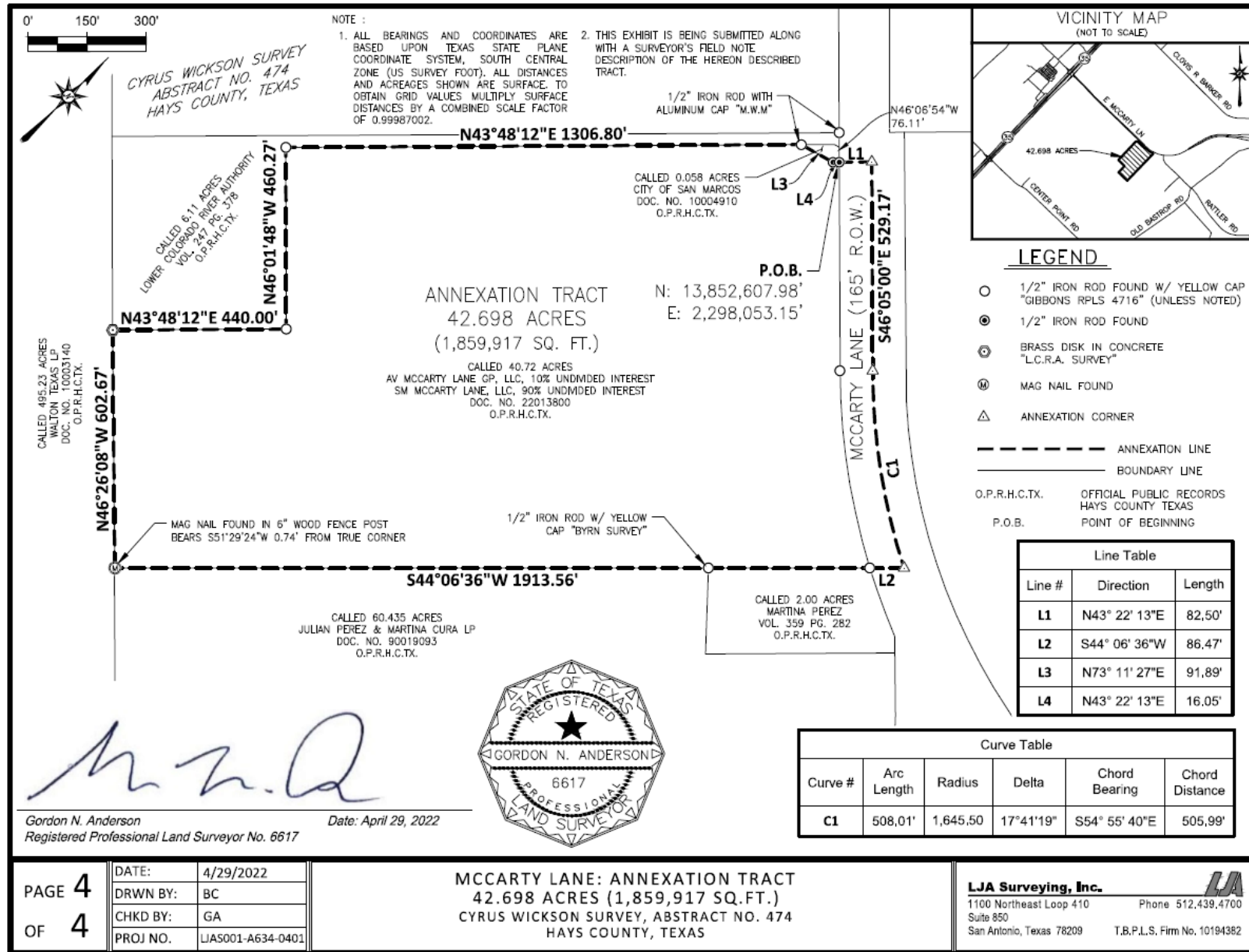
Attest:

Approved:

Elizabeth Trevino
Interim City Clerk

Michael J. Cosentino
City Attorney

EXHIBIT A



**FIELD NOTE DESCRIPTION
42.698 ACRES (1,859,917 SQUARE FEET)
ANNEXATION TRACT**

BEING 42.698 ACRES (1,859,917 SQUARE FEET) TRACT OF LAND, LOCATED IN THE CYRUS WICKSON SURVEY, ABSTRACT NO. 474 SITUATED IN HAYS COUNTY, TEXAS, AND BEING ALL OUT OF A CALLED 40.72 ACRE TRACT OF LAND CONVEYED TO AV MCCARTY LANE GP, LLC AND SM MCCARTY LANE, LLC DESCRIBED AND RECORDED IN DOCUMENT NO. 22013800 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS (O.P.R.H.C.TX.), AND A PORTION OF MCCARTY LANE, A 165' RIGHT-OF-WAY (R.O.W.) ACQUIRED BY DEED BY THE CITY OF SAN MARCOS, DESCRIBED AND RECORDED IN DOCUMENT NO. 10000330, DOCUMENT NO. 90032057, DOCUMENT NO. 10000331, SAID 42.698 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 1/2" IRON ROD FOUND IN THE SOUTH R.O.W. LINE OF MCCARTY LANE, A 165' R.O.W., AT THE NORTH CORNER OF SAID 40.72 ACRE TRACT, SAME BEING THE EAST CORNER OF A CALLED 0.058 ACRE TRACT OF LAND DESCRIBED AND RECORDED IN DOCUMENT NO. 10004910 (O.P.R.H.C.TX.), WITH A GRID COORDINATE VALUE OF NORTH: 13,850,807.38' AND EAST: 2,297,754.44', FROM WHICH A 1/2" IRON ROD WITH ALUMINUM CAP STAMPED "M,W,M" BEARS N46°06'54"W A DISTANCE OF 76.11';

THENCE OVER AND ACROSS SAID 165' WIDE R.O.W. OF MCCARTY LANE, THE FOLLOWING FOUR (4) COURSES AND DISTANCES:

1. N43°22'13"E, A DISTANCE OF 82.50' TO THE CENTERLINE OF MCCARTY LANE (165' R.O.W.) FOR THE NORTH CORNER OF THE HEREIN DESCRIBED TRACT;
2. S46°05'00"E, ALONG THE CENTERLINE OF MCCARTY LANE (165' R.O.W.) A DISTANCE OF 529.17' TO A POINT OF CURVATURE TO THE LEFT OF THE HEREIN DESCRIBED TRACT;
3. FOLLOWING THE CENTERLINE OF MCCARTY LANE (165' R.O.W.), WITH A CURVE TO THE LEFT, HAVING A RADIUS OF 1,645.50', AN ARC LENGTH OF 508.01', A DELTA ANGLE OF 17°41'19", AND A CHORD BEARING AND DISTANCE OF S54°55'40"E 505.99' TO THE EAST CORNER OF THE HEREIN DESCRIBED TRACT
4. S44°06'36"W, A DISTANCE OF 86.47' TO A 1/2" IRON ROD WITH YELLOW CAP STAMPED "GIBBONS RPLS 4716" FOUND ON THE SOUTH R.O.W. LINE OF MCCARTY LANE, THE EAST CORNER OF SAID 40.72 ACRE TRACT, SAME BEING THE NORTH CORNER OF A CALLED 2.00 ACRE TRACT OF LAND CONVEYED TO MARTINA PEREZ, BEING THE REMAINING PORTION OF A 63 ACRE TRACT DESCRIBED AND RECORDED IN VOL. 359 PG. 282 (O.P.R.H.C.TX.);

THENCE S44°06'36"W, ALONG THE COMMON BOUNDARY LINE OF SAID 40.72 ACRE TRACT AND SAID 2.00 ACRE TRACT, AT A DISTANCE OF 409.20' PASSING A 1/2" IRON ROD WITH YELLOW CAP STAMPED "BYRN SURVEY" FOUND ON THE WEST CORNER OF SAID 2.00 ACRE TRACT, SAME BEING THE NORTH CORNER OF A CALLED 60.435 ACRE TRACT OF LAND CONVEYED TO JULIAN PEREZ AND MARTINA CURA LP DESCRIBED AND RECORDED IN DOCUMENT NO. 90019093 (O.P.R.H.C.TX.), FOR A TOTAL DISTANCE OF 1,913.56' TO THE SOUTH CORNER OF THE HEREIN DESCRIBED TRACT, BEING THE SOUTH CORNER OF SAID 40.72 ACRE TRACT, THE WEST CORNER OF SAID 60.435 ACRE TRACT, ON THE NORTHEAST LINE OF A CALLED 495.23 ACRE TRACT OF LAND CONVEYED TO WALTON TEXAS LP DESCRIBED AND RECORDED IN DOCUMENT NO. 10003140 (O.P.R.H.C.TX.), FROM WHICH A MAG NAIL FOUND IN A 6" WOOD FENCE POST BEARS S51°29'24"W A DISTANCE OF 0.74';

THENCE N46°26'08"W, ALONG THE COMMON BOUNDARY LINE OF SAID 40.72 ACRE TRACT AND SAID 495.23 ACRE TRACT, A DISTANCE OF 602.67' TO BRASS DISK SET IN CONCRETE STAMPED "L,C,R,A, SURVEY" FOUND FOR A WEST CORNER OF THE HEREIN DESCRIBED TRACT, SAME BEING THE SOUTH CORNER OF A CALLED 6.11 ACRE TRACT OF LAND CONVEYED TO LOWER COLORADO RIVER AUTHORITY DESCRIBED AND RECORDED IN VOLUME 247 PAGE 378 (O.P.R.H.C.TX.);

THENCE N43°48'12"E, ALONG THE COMMON BOUNDARY LINE OF SAID 40.72 ACRE TRACT AND SAID 6.11 ACRE TRACT, A DISTANCE OF 440.00' TO A 1/2" IRON ROD WITH YELLOW CAP STAMPED "GIBBONS RPLS 4716" FOUND FOR AN INTERIOR CORNER OF THE HEREIN DESCRIBED TRACT, SAME BEING AN EAST CORNER OF SAID 6.11 ACRE TRACT;

THENCE N46°01'48"W, ALONG THE COMMON BOUNDARY LINE OF SAID 40.72 ACRE TRACT AND SAID 6.11 ACRE TRACT, A DISTANCE OF 460.27' TO A 1/2" IRON ROD WITH YELLOW CAP STAMPED "GIBBONS RPLS 4716" FOUND FOR THE MOST WEST CORNER OF THE HEREIN DESCRIBED TRACT, SAME BEING AN INTERIOR CORNER OF SAID 6.11 ACRE TRACT;

THENCE N43°48'12"E, ALONG THE COMMON BOUNDARY LINE OF SAID 40.72 ACRE TRACT AND SAID 6.11 ACRE TRACT, A DISTANCE OF 1,306.80' TO A 1/2" IRON ROD WITH ALUMINUM CAP STAMPED "M.W.M." FOUND AT AN ANGLE POINT OF THE HEREIN DESCRIBED TRACT, THE SOUTHWEST CORNER OF SAID 0.058 ACRE TRACT, ON THE SOUTH LINE OF SAID 6.11 ACRE TRACT;

THENCE N73°11'27"E, ALONG THE COMMON BOUNDARY LINE OF SAID 40.72 ACRE TRACT AND SAID 0.058 ACRE TRACT, A DISTANCE OF 91.89' TO A 1/2" IRON ROD FOUND FOR AN ANGLE POINT OF THE HEREIN DESCRIBED TRACT;

THENCE N43°22'13"E, ALONG THE COMMON BOUNDARY LINE OF SAID 40.72 ACRE TRACT AND SAID 0.058 ACRE TRACT, A DISTANCE OF 16.05' TO THE **POINT OF BEGINNING**, AND CONTAINING 42,698 OF AN ACRE (1,859,917 SQUARE FEET) OF LAND, MORE OR LESS.

CYRUS WICKSON SURVEY
ABSTRACT NO. 474
HAYS COUNTY, TX

APRIL 29, 2022
LJAS001-A634-0401: McCarty Lane
PAGE 3 OF 4

THIS SURVEYOR'S FIELD NOTE DESCRIPTION IS BEING SUBMITTED ALONG WITH A PLAT OF THE
HEREON DESCRIBED TRACT.

BEARING BASIS: GRID NORTH, TEXAS STATE PLANE COORDINATES, SOUTH CENTRAL ZONE,
NAD83 (NAD83 (2011) EPOCH 2018), ALL DISTANCES ARE SURFACE VALUES, TO OBTAIN GRID
VALUES MULTIPLY SURFACE DISTANCES BY A COMBINED SCALE FACTOR OF 0.999870017. ALL
DISTANCE UNITS ARE U.S. SURVEY FEET.



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April 29, 2022