

AMENDMENT TO APPROVED AGREEMENT APPLICATION

Updated: September 2025

Original Case # PDD _07_ _02

Original Ordinance No. 2013-26



CONTACT INFORMATION

Applicant's Name	Joshua V. Elledge, P.E.	Property Owner	HEB Grocery Company LP
Company	Quiddity Engineering, LLC.	Company	HEB, LP
Applicant's Mailing Address	601 Northwest Loop 410, Suite 453, San Antonio, TX, 78216	Owner's Mailing Address	646 South Flores Street, San Antonio, TX, 78204
Applicant's Phone #	[REDACTED]	Owner's Phone #	[REDACTED]
Applicant's Email	[REDACTED]	Owner's Email	[REDACTED]

PROPERTY INFORMATION

Subject Property Address(es): 1074 E. McCarty Ln, San Marcos, TX 78666

Legal Description: Lot 1 Block A Subdivision MCCARTY COMMONS PHASE 1

Total Acreage: 17.669

Tax ID #: R 140134

Preferred Scenario Designation: N/A

Existing Use of Property: Commercial

DESCRIPTION OF REQUEST

Proposed New Preferred Scenario Designation, if any: Addition of type 5.0 sign to replace sign type 4.0 at "location A"

Proposed Base Zoning Districts: N/A

Proposed Land Uses: N/A

AUTHORIZATION

By submitting this digital application, I certify that the information on this application is complete and accurate. I understand the fees and the process for this application. I understand my responsibility, as the applicant, to be present at meetings regarding this request.

Filing Fee \$2,100 plus \$100 per acre

Technology Fee \$15

MAXIMUM COST \$5,015

Submittal of this digital Application shall constitute as acknowledgment and authorization to process this request.

Apply Online at [MGOCONNECT.ORG](https://mgoconnect.org)

PROPERTY OWNER AUTHORIZATION

I, HEB, LP (Ben Scott) (owner name) on behalf of
HEB (company, if applicable) acknowledge that I/we
am/are the rightful owner of the property located at
1074 E. MCCARTY LANE, San Marcos, TX, 78666 (address).

I hereby authorize Joshua V. Elledge (agent name) on behalf of
Quiddity Engineering (agent company) to file this application for
Amendment to an Approved Agreement Application (application type), and, if necessary, to work with
the Responsible Official / Department on my behalf throughout the process.

Signature of Owner:  Date: 03/02/2026

Printed Name, Title: Ben Scott, GVP of Real Estate & SCD

Signature of Agent:  Date: 2-25-2026

Printed Name, Title: Joshua V. Elledge, Sr PM

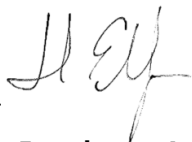
Form Updated October, 2019

AGREEMENT TO THE PLACEMENT OF NOTIFICATION SIGNS AND ACKNOWLEDGEMENT OF NOTIFICATION REQUIREMENTS

The City of San Marcos Development Code requires public notification in the form of notification signs on the subject property, published notice, and / or personal notice based on the type of application presented to the Planning Commission and / or City Council.

- Notification Signs: if required by code, staff shall place notification signs on each street adjacent to the subject property and must be placed in a visible, unobstructed location near the property line. It is unlawful for a person to alter any notification sign, or to remove it while the request is pending. However, any removal or alteration that is beyond the control of the applicant shall not constitute a failure to meet notification requirements. ***It shall be the responsibility of the applicant to periodically check sign locations to verify that the signs remain in place had have not been vandalized or removed. The applicant shall immediately notify the responsible official of any missing or defective signs. It is unlawful for a person to alter any notification sign, or to remove it while the case is pending; however, any removal or alteration that is beyond the control of the applicant shall not constitute a failure to meet notification requirements.***
- Published Notice: if required by code, staff shall publish a notice in a newspaper of general circulation in accordance with City Codes and the Texas Local Government Code. ***If, for any reason, more than one notice is required to be published it may be at the expense of the applicant. The renotification fee shall be \$158 plus a \$15 technology fee.***
- Personal Notice: if required by code, staff shall mail personal notice in accordance with City Codes and the Texas Local Government Code. ***If, for any reason, more than one notice is required to be mailed it may be at the expense of the applicant. The renotification fee shall be \$158 plus a \$15 technology fee.***

I have read the above statements and agree to the required public notification, as required, based on the attached application. The City's Planning and Development Services Department staff has my permission to place signs, as required, on the property and I will notify City staff if the sign(s) is/are damaged, moved or removed. I understand the process of notification and public hearing and hereby submit the attached application for review by the City.

Signature: 
Print Name: Joshua V. Elledge, P.E.

Date: 2-25-2026

Form Updated March, 2023



H-E-B SAN MARCOS 03

Signage Type Amendment Technical Justification

3/4/2026

Project Name	H-E-B San Marcos 03
QE Project No.	S0977-0027-00
Purpose:	Technical Justification to Support Sign Type Update for PDD Amendment Request

Technical Information:

Site Background Information

The subject site is located near the southeast corner of the intersection of I-35 frontage RD. and E. McCarty LN. The subject site is part of the McCarty Commons Planned Development District that was originally approved by ordinance no. 2008-41 and later updated by ordinance no. 2013-26, wherein the ordinance established zoning and development standards for the development, including design criteria depicting specific signage elements that require integration with the overall design of the Sub-Area (Section 9.1).

As part of the Planned Development District (PDD) amendment request, we propose to establish a new sign type (5.0) with an allowable maximum height of sixty (60) feet in a designated location, to be called "Location A" (see exhibit #1). This sign will replace the previously assigned sign type 4.0 at location A, with a maximum sign height of sixteen (16) feet, per the McCarty Commons PDD with Ordinance No. 2013-26.

McCarty Commons Planned Development District (PDD) Development Standards

The requested amendment pertains to the Signage Master Plan (Exhibit "D") within the PDD, stating sign specifications for each approved sign location. Reference Exhibit #1 for the approved Signage Master Plan. The current agreement states that Location A, as designated in Exhibit #1, is approved to have sign type 4.0. Sign type 4.0 is a gas price sign with a maximum height of sixteen (16) feet.

Proposed Agreement

The proposed amendment replaces sign type 4.0, at Location A, with a new sign type 5.0. Sign type 5.0 is a landmark sign with a maximum height of sixty (60) feet in the shape of Texas and states "H-E-B San Marcos". This new sign type will be a landmark sign that highlights the City of San Marcos and HEB. Please see Exhibit #3 for the proposed height and detailed design for sign type 5.0.

Reason for Request

Per the previous agreement, Location A allowed a sign type 4.0 with a maximum height of sixteen (16) feet which pertained to the fuel station agreed upon on May 7, 2013, per the PDD. Per the approved HEB San Marcos 03 Corp. #822 plans, the fuel station was relocated to the southwestern portion of the site, resulting in sign type 4.0 no longer needed at Location A. In place of the gas price sign, we are proposing the landmark sign (sign type 5.0) to be placed at location A. This sign will be a landmark for the City of San Marcos, HEB, and for the community. Approximately half of the anticipated primary customer base for the subject site is anticipated to/from the north via I-35, making the primary view corridor for customers the south bound lanes of I-35. The sign will easily be seen from I-35 southbound lanes.

Just south of the proposed sign type 5.0 is sign type 2.0 in the designated spot Location B (Exhibit #1), standing at forty-two (42) feet tall. This sign is primarily meant for the HEB development which advertises the gas prices and other HEB services. The objective of sign type 5.0 is to create a landmark. The proposed sign type 5.0 stands at sixty (60) feet tall, while sign 2.0 will stand at a forty-two (42) feet tall, creating a clear difference of eighteen (18) feet. Since each type of sign serves a



different purpose, it would be beneficial to draw a clear distinction between the two in terms of height and visual differences.

Public Interest

The requested amendment is favorable to the public interest and contributes to San Marcos visual landscape. The unique and visually appealing landmark sign will celebrate the City of San Marcos and will become a symbol of community pride. This sign will create a recognizable point that will benefit the broader community as much as HEB. This sign will provide wayfinding similar to the San Marcos Premium Outlets main sign, which is approximately 1 mile southwest of the proposed sign location and is the same approximate height (50-60 feet tall). The proposed signage is not a safety concern for motorists or pedestrians utilizing public infrastructure adjacent to the subject site, as the sign does not create any sight line obstructions.

Conclusion

To create a community that aligns with San Marcos's visual landscape, and with the aesthetics of the San Marcos Premium Outlets Shopping Center, we believe the proposed signage not only aligns itself within these goals but also further expands it. It would be a landmark within the City of San Marcos, leading up to the Premium Outlets which is known for its visual context and amenities provided to the community. Additionally, the proposed signage is comparable with the primary Premium Outlets sign height, as well as the citizen tower within the premium outlets. In addition to these objectives, the original purpose of advertising gas prices is no longer required at location A, as the fuel station was moved to the southwest portion of the site.

Included Exhibits

Exhibit #1 – Approved Signage Master Plan

Exhibit #2 – Site Plan

Exhibit #3 – Proposed Sign Type 5.0 Detailed Design Plan

EXHIBIT #1
**APPROVED SIGNAGE MASTER
PLAN**

Designated "Location A"

McCarty Commons / H.E.B. / Pylon and Fuel Signage / San Marcos, Texas

1.0 SITE PLAN
SCALE: NTS

McCarthy Contractors is a 239-acre, zoned-use parcel located on Interstate 35 in the southern portion of San Marcos, Texas. The property is located at the southeast corner of the intersection of Interstate 35 and McCarthy Lane. The Tanger Outlet Mall and San Marcos Premium Outlets are located along Interstate 35 immediately to the south of the property. Immediately to the north of the property is the San Marcos Convention Center and the 285-room Embassy Suites Hotel.

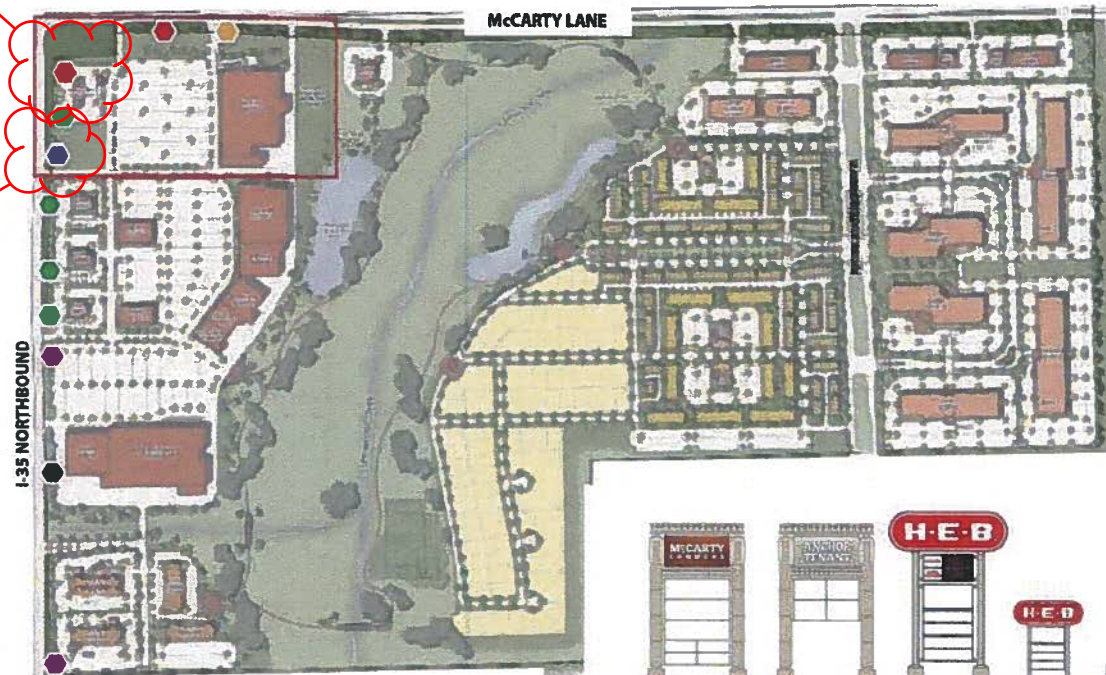
McCarly Community is located at the southwest corner of the intersection of Johnston St. and McCarly Lane in San Marcos, CA.

Location B

Location B is located along Johnston St. approximately to the north of the property across McCarly Lane is the 78,800 square foot, San Marcos Convention Center and an attached 283-room Embassy Suites Hotel. San Marcos High School is located off McCarly Lane approximately one-half mile to the east of the project.

SIGNAGETYPES

- | | |
|--------|---------------------------|
| ST 1.0 | PRIMARY PYLON |
| ST 1.1 | ANCHOR / SUB-TENANT PYLON |
| ST 2.0 | 42" H.E.B. PYLON |
| ST 3.0 | 25" H.E.B. PYLON |
| ST 3.1 | 12" PAD PYLON |
| ST 4.0 | 16" LED RUEL PRICER |



Sign Type 4.0 Currently
Assigned to Location A



1.1 McCarty Commons / SIGNAGE LINEUP
SCALE: 1/8" = 1'-0"

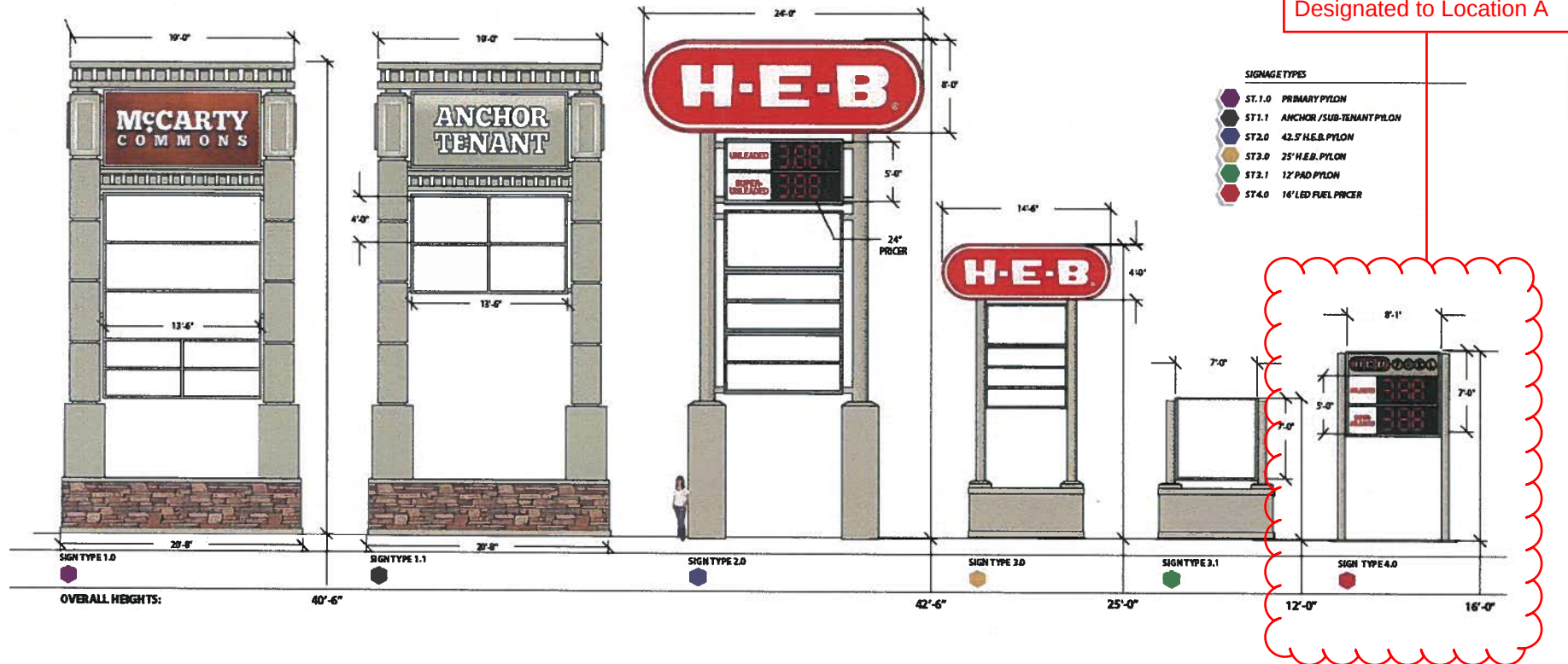


EXHIBIT #2
SITE PLAN

Date: Feb. 20, 2026, 9:37am User ID: 61
File: K:\59977\59977-027-00\HEB San Marcos - Due Diligence - TO #12 Design Phase\CAD\Plans\Site\Site\SanMarcos_Civil_C-2.3 Overall Site Plan.dwg

A1
SCALE: 1" = 60'

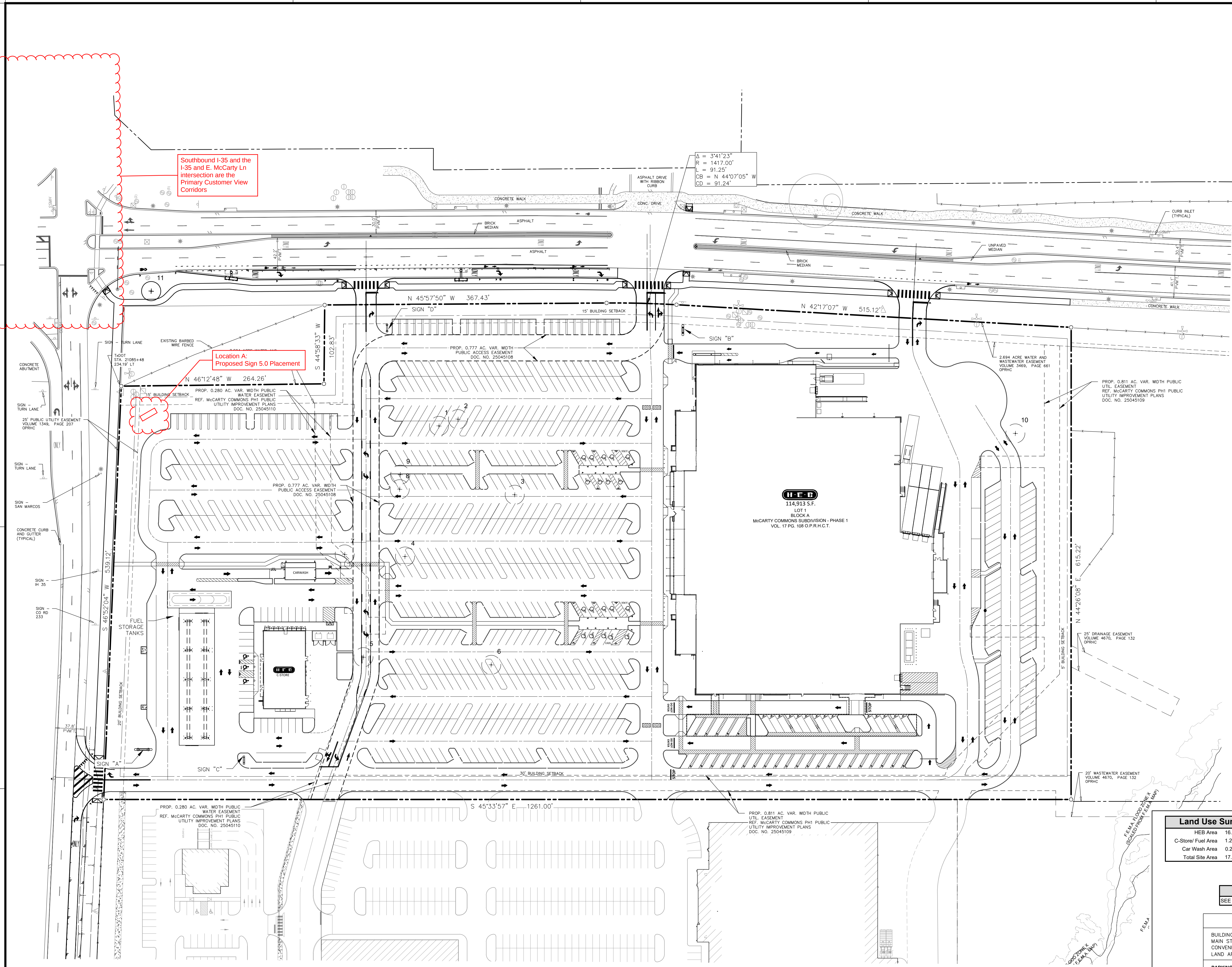
OVERALL SITE PLAN

A5
NOT TO SCALE

SITE SUMMARY

A6
NOT TO SCALE

PROJECT INFORMATION



Land Use Summary	
HEB Area	16.16 Ac
C-Store/Fuel Area	1.28 Ac
Car Wash Area	0.23 Ac
Total Site Area	17.67 Ac

Impervious Cover			
Area (SF)	Area (ac)	%	
Existing	0	0	0
Proposed	615,714	14.13	79.99
Paving Area	401,544	11.29	63.97
Building Area	124,070	2.85	16.1
Total Site Area	769,705	17.67	

Landscape Requirements
SEE LANDSCAPE SHEETS FOR LANDSCAPE REQUIREMENTS

TRAFFIC & SIDEWALK SUMMARY TABLE	
BUILDING USE	RETAIL
MAIN STORE GROSS FLOOR AREA (SF)	114,000 SQ. FT.
CONVENIENCE STORE GROSS FLOOR AREA (SF)	5,094 SQ. FT.
LAND AREA	±17.67 AC.
PARKING STORAGE STANDARDS	
MINIMUM MAIN STORE PARKING RATIO	1:250 SQ.FT.
MAXIMUM MAIN STORE PARKING RATIO PRIOR TO ADDITIONAL REQUIREMENTS	1:125 SQ.FT.
MINIMUM CONVENIENCE STORE PARKING RATIO	1:250 SQ.FT.
MAXIMUM CONVENIENCE STORE PARKING RATIO PRIOR TO ADDITIONAL REQUIREMENTS	1:125 SQ.FT.
REGULAR (STORE)	
MINIMUM REQUIRED PARKING	456
MAXIMUM REQUIRED PARKING	912
ACTUAL/PROPOSED PARKING	615
PARKING PROVIDED WITHIN 300'	315
PROPOSED PARKING RATIO:	1:185
REGULAR (FUEL STATION)	
MINIMUM REQUIRED PARKING	24
MAXIMUM REQUIRED PARKING	48
ACTUAL/PROPOSED PARKING	28
PROPOSED PARKING RATIO:	1:215
HANDICAP SPACE (ADA) (STORE)	
REQUIRED REGULAR HC PARKING	17
REQUIRED VAN PARKING	2
PROPOSED TOTAL HC PARKING	19
HANDICAP SPACE (ADA) (FUEL STATION)	
REQUIRED REGULAR HC PARKING	3
REQUIRED VAN PARKING	1
PROPOSED TOTAL HC PARKING	3
SIDEWALKS	
SIDEWALK WIDTH (FT)	5 FT
SIDEWALK LENGTH (FT)	880 FT
SIDEWALK AREA (SF)	4,400 SF
BICYCLE PARKING REQUIREMENTS	
MINIMUM REQUIRED PARKING RATIO	1:5,000 SQ. FT
MINIMUM REQUIRED PARKING	23
PROPOSED PARKING	23

B6
NOT TO SCALE

LEGEND

FLOODPLAIN INFORMATION:

ACCORDING TO MAP NO. 4829094780 OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY'S FLOOD INSURANCE RATE MAPS FOR HAYS COUNTY, DATED 1/17/2025, ZONE X, NO PORTION OF THE SUBJECT TRACT IS LOCATED WITHIN THE FEMA 1% ANNUAL CHANCE (100-YEAR) FLOODPLAIN, THE 1% ANNUAL CHANCE (100-YEAR) FLOODPLAIN LIMITS SHOWN ON THESE PLANS WERE DETERMINED BASED UPON A LETTER OF MAP REVISION (LWR) STUDY EFFECTIVE BY FEMA ON 4/4/2019 (NO. 18-06-1845P).

SURVEYOR:

QUIDDITY ENGINEERING, LLC
601 NORTHWEST LOOP 410
SUITE 453
SAN ANTONIO, TEXAS 78216
PHONE 210.494.5510
ATTN: TROY A. TROBROUGH, RPS

LEGAL DESCRIPTION:

BEING A 17.669 ACRES IN THE NATIONAL SURVEY, ABSTRACT NO. 230, HAYS COUNTY, TEXAS, BEING A PORTION OF A 258.52 ACRE TRACT CONVEYED TO S.F. I - MCCARTY, LP BY GENERAL WARRANTY DEED DATED JUL 11, 2007, AND RECORD IN VOLUME 3206, PAGE 512 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS.

BENCHMARKS:

ELEVATIONS SHOWN HEREON ARE REFERENCED TO THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD 88) UTILIZING BENCHMARKS CONTINUALLY OPERATING REFERENCE STATION (CORS) NETWORK AT THE TIME OF THE SURVEY.

TBM 104: MAG NAIL WITH WASHER SET IN CONCRETE SIDEWALK, ± 82' LEFT OF CENTERLINE ON MCCARTY LANE, ± 135' SOUTH EAST OF INTERSECTION OF MCCARTY LANE AND NORTH BOUND ACCESS ROAD OF IH-35

ELEVATION = 652.457
VERTICAL DATUM: NAVD 88 (CEOD 09)

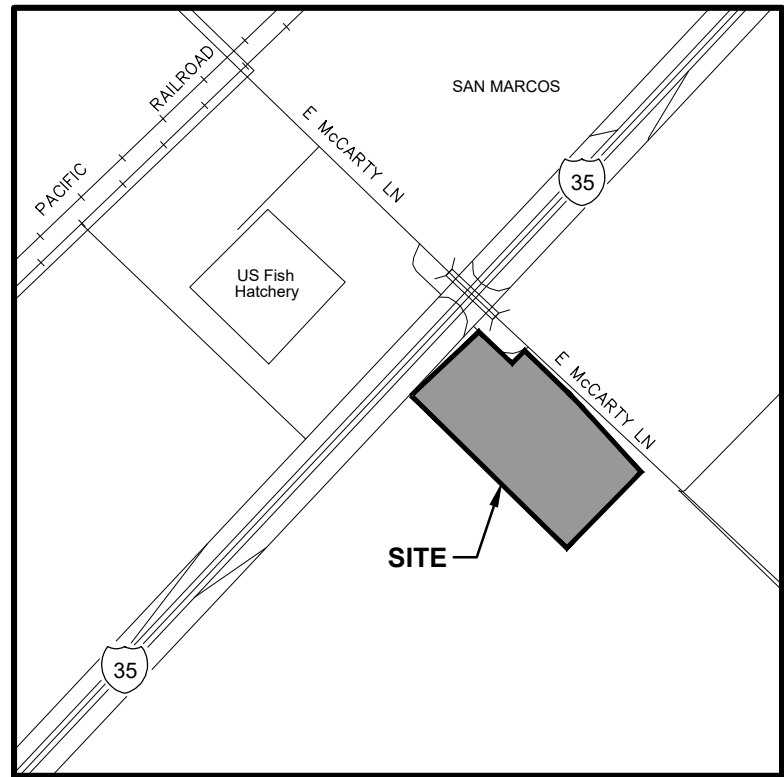
TBM 102: MAG NAIL WITH WASHER SET IN PAVEMENT, ± 21' RIGHT OF CENTERLINE ON NORTH BOUND ACCESS ROAD OF IH-35, ± 790' SOUTH OF INTERSECTION OF MCCARTY LANE AND NORTH BOUND ACCESS ROAD OF IH-35

ELEVATION = 650.014
VERTICAL DATUM: NAVD 88 (CEOD 09)

NOTE: CONTRACTOR TO VERIFY BENCHMARK LOCATIONS AND ELEVATIONS PRIOR TO CONSTRUCTION.

PLEASE BE ADVISED: THIS DOCUMENT MAY CONTAIN SENSITIVE AND/OR PROPRIETARY INFORMATION AND THEREFORE MUST BE TREATED AS A CONFIDENTIAL DOCUMENT.

ACCEPTANCE OF THIS DOCUMENT CONSTITUTES AN AGREEMENT THAT THIS DOCUMENT AND THE INFORMATION CONTAINED HEREIN SHALL BE MAINTAINED AND TRANSMITTED IN A CONFIDENTIAL MANNER. NO PART OF THIS DOCUMENT SHALL BE REPRODUCED, RELEASED OR DISTRIBUTED WITHOUT THE EXPRESS WRITTEN PERMISSION OF H.E.B. GROCERY. ANY DISTRIBUTION TO NON-H.E.B. ENTITIES OR PERSONS MUST BE SUBJECT TO A WRITTEN CONFIDENTIALITY AGREEMENT.



VICINITY MAP

LEGEND

EXISTING PROPOSED

- 1/2" IRON ROD FOUND
- 1/2" IRON ROD SET
- IRON PIPE FOUND
- NAIL FOUND
- COMPUTED POINT
- MONUMENT FOUND
- POINT OF BEGINNING
- BENCHMARK
- RECORD INFORMATION
- LIGHT POLE
- POWER POLE
- DOWN GUY
- FIRE HYDRANT
- WATER VALVE
- GAS METER
- SPRINKLER VALVE
- GAS VALVE
- WOOD FENCE
- CHAIN LINK FENCE
- WIRE FENCE
- ELECTRICAL MANHOLE
- WASTEWATER MANHOLE
- STORMSEWER MANHOLE
- WTR. MANHOLE
- CLEAN OUT
- DRAINAGE INLET
- CURB INLET
- CURB & GUTTER
- FIRE LANE
- HANDICAPPED PARKING SPACE
- SIGN
- VARIABLE HEIGHT CONCRETE RETAINING WALL
- ELECTRIC PULL BOX
- ELECTRIC METER
- ELECTRIC TRANSFORMER
- TELEPHONE SERVICE BOX
- BOLLARD
- OVER HEAD ELEC. LINE
- OVER HEAD TELEPHONE
- STORM SEWER LINE
- WATER LINE
- WASTEWATER LINE
- FORCE MAIN
- UNDERGROUND ELECTRIC
- UNDERGROUND TELEPHONE
- COMMUNICATION LINE
- GAS LINE
- PROPERTY LINE
- CONTOUR
- SPOT ELEVATION
- CUT/FILL SLOPES
- FLOW DIRECTION
- CONCRETE SURFACE
- EXISTING TREE
- EXISTING TREE TO BE REMOVED

QUIDDITY
Professional Engineers and Land Surveyors Reg. No. C-23290
P.E. License No. 138884
Survey: 03/08/2025

H-E-B

OVERALL SITE PLAN

HEB SAN MARCOS 03 - CORP. # 822
1074 E. MCCARTY LANE
SAN MARCOS, TEXAS 78866

SCALE: AS INDICATED
CONSIL PROJ. NO. 59977-027
DATE: 03/02/2025
SHEET NO. 13 OF 59
C-2.3

2025-54790

EXHIBIT #3
PROPOSED SIGN TYPE 5.0
DETAILED DESIGN PLAN

E

CUSTOM S/F PYLON

QTY: ONE (1) Scale: 1/8"=1'-0"

STAMPED
ENGINEERING
ON FILE

ME #: 73520

DocuSign Envelope ID:
68C7EFB1-FBFD-4751-A5BA-8E7FBFFA0C9A

SEAN M. MCFARLAND

88579

LICENSED PROFESSIONAL ENGINEER

- A
- S/F HEB pill sign: aluminum cabinet, angle iron structure. Bleed-face digitally-printed flex faces. Internally illuminated by white LEDs. Colors: cabinet, returns/covers & back - pms red # 485c; faces- pms red # 485c & white
- B
- San Marcos & "★" Channel letters: 5" deep aluminum returns w/ 1" retainers painted black. 3/16" white polycarbonate faces direct printed pms 7628C dark red w/ UV laminate Internally illuminated w/ white led's
- C
- Dimensional border: 5" deep x 8 7/8" stroke aluminum painted dark gray w/ surface mounted white faux led neon, attached to 1/8" thick flat cut aluminum border painted standard metallic silver.
- D
- Vertical Supports pipes: 20"x20x3/8" painted standard metallic silver
- E
- Decorative truss supports: 8"x8" sq. steel, painted standard metallic silver
- F
- Base level steel grid: 2"x6"x1/4" steel, painted metallic silver
- G
- Top level steel grid: 1"x1"x0.120" steel, painted metallic silver
- H
- Primary power - Three (3) 20 Amp circuits to Back side of base - by Customer's GC
- I
- Base: Aluminum skin & frame base with stucco finish, SW 7036 accessible beige
- J
- Concrete pad - by FSG
- K
- Concrete Footing Provided by FSG
- L
- Access Hatch, by FSG

PMS 485 C

BLACK

White

PMS 7628 C

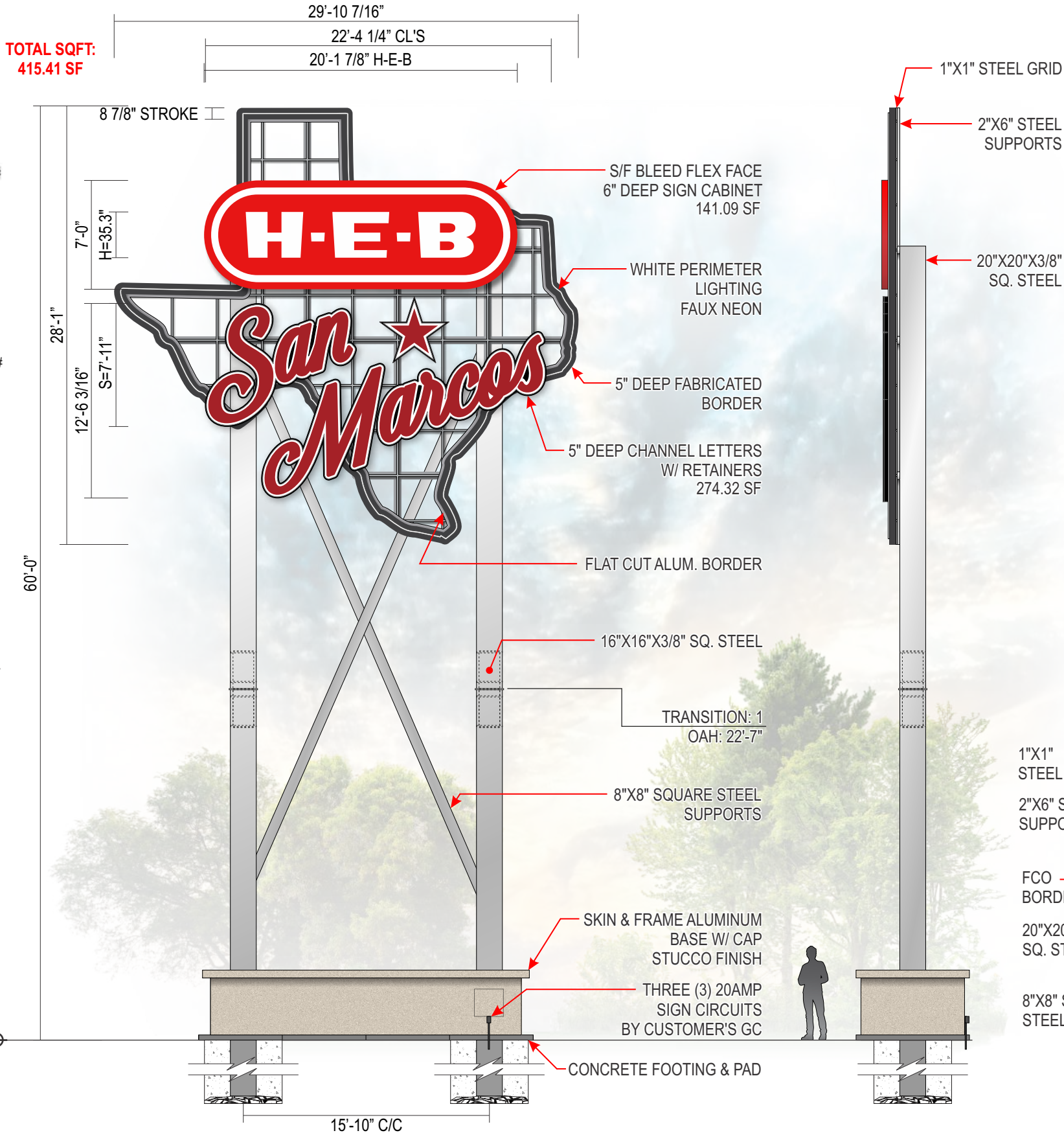
PMS COOL GRAY 10

STANDARD METALLIC SILVER

SW7036 ACCESSIBLE BEIGE

FLEX FACES

(PRINTED BY MIRATEC SYSTEMS)



SIMULATED ILLUMINATED VIEW



OPPOSING SIDE VIEW



4300 NE LOOP 410,
SAN ANTONIO, TEXAS 78218
10212 METRIC BLVD.
AUSTIN, TEXAS 78758
877-293-6027 / 512-494-0002
FSG.COM

H-E-B
1074 E McCarty Lane
San Marcos, TX 78666

Start Date: 11/11/25
Last Revision:
Job# N/A
File Name: HEB #822 - SAN
MARCOS 3 - NEW SITE - R9

Designer: Gregory Hufford
Sales Rep:
PM: Tammy Colson

Rev #	Date:	Notes:	Rev #	Date:	Notes:
R6	12/01/25GH	Add LED digit control notes			
R7	01/23/26GH	Add Sign E			
R8	01/29/26GH	Sign E design per customer comments			
R9	02/03/26GH	Sign E - PDD Amendment			

- PROPOSAL
- FINAL



CLIENT APPROVAL: I have reviewed and approved the sign details on this drawing for fabrication and installation.

McCarty Commons / H.E.B. and Development Pylons / San Marcos, Texas

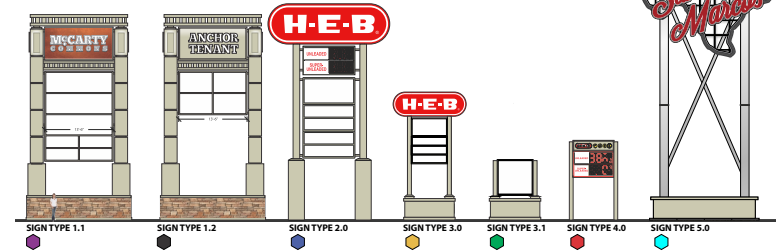
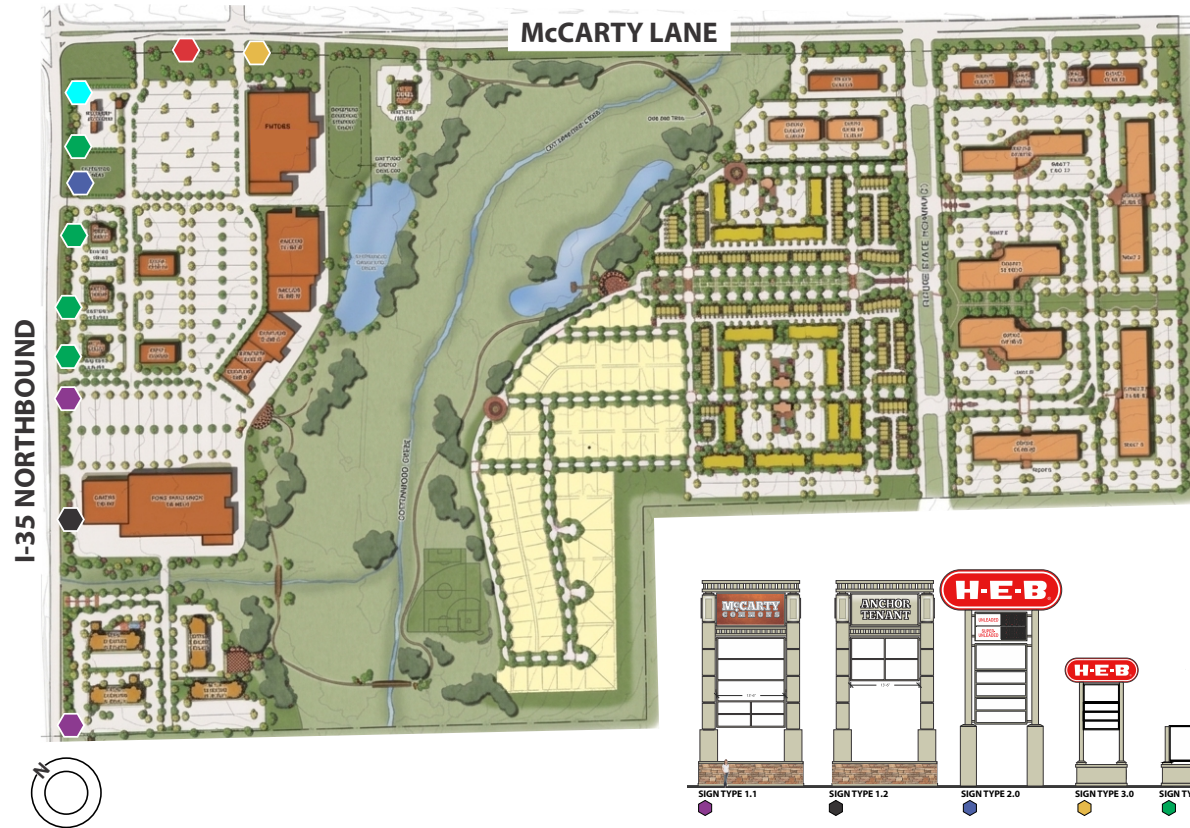
1.0 SITE PLAN SCALE: NTS

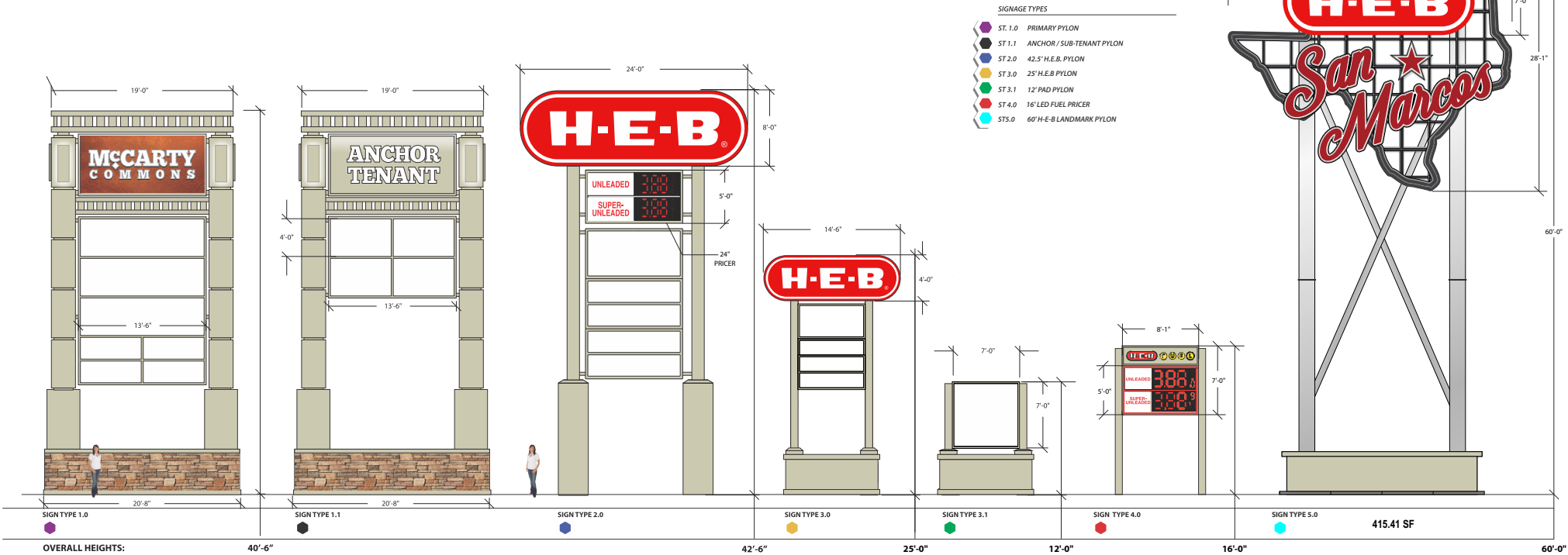
McCarty Commons is a 253-acre, mixed-use parcel located on Interstate 35 in the southern portion of San Marcos, Texas. The property is located at the southeast corner of the intersection of Interstate 35 and McCarty Lane. The Tanger Outlet Mall and San Marcos Premium Outlets are located along Interstate 35 immediately to the south of the property. Immediately to the north of the property is the San Marcos Convention Center and the 283-room Embassy Suites Hotel.

McCarty Commons is located at the southwest corner of the intersection of Interstate 35 and McCarty Lane in San Marcos, Texas. The Tanger Outlet Mall and San Marcos Premium Outlets are located along I-35 immediately to the south of the property. Immediately to the north of the property across McCarty Lane is the 78,000 square foot, San Marcos Convention Center and an attached 283-room Embassy Suites Hotel. San Marcos High School is located off McCarty Lane approximately one half mile to the east of the project.

SIGNAGE TYPES

- ST. 1.0 PRIMARY PYLON
- ST. 1.1 ANCHOR / SUB-TENANT PYLON
- ST. 2.0 42.5' H.E.B. PYLON
- ST. 3.0 25' H.E.B. PYLON
- ST. 3.1 12' PAD PYLON
- ST. 4.0 16' LED FUEL PRICER
- ST. 5.0 60' H-E-B LANDMARK PYLON



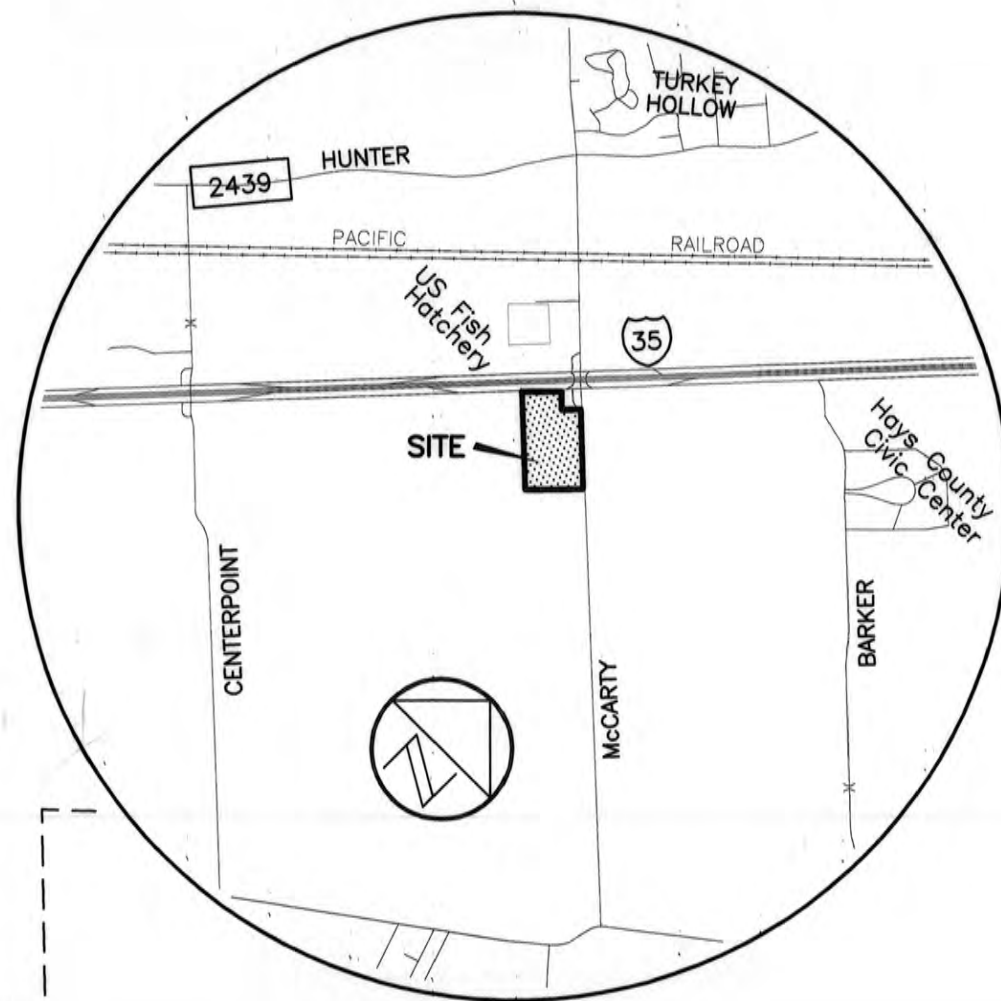


Corten Steel Finish



RED PALETTE	
PMS# 485	
PLEX # 2662	
3M" 3630-43 TOM RED	

vol. 17 Pg. 108



LOCATION MAP
NOT TO SCALE

- LEGEND
- | | |
|------|--|
| ● | 1/2" REBAR FOUND (OR AS NOTED) |
| ACAP | 1/2" REBAR WITH ALUMINUM "MWM" CAP FOUND |
| ⊙ | TxDOT TYPE II DISK FOUND |
| ⊕ | CONTROL POINT/BENCH MARK LOCATION |
| ○ | 1/2" REBAR WITH CHAPARRAL CAP SET |
| () | RECORD INFORMATION |

THIS IS A SURFACE DRAWING.

CHAPARRAL CONTROL POINT "P506"
COTTON SPINDLE WITH WASHER SET
SURFACE COORDINATES:
N 13855805.9627
E 2294874.3419

TEXAS SOUTH CENTRAL ZONE STATE
PLANE COORDINATES:
N 13854007.2001
E 2294576.4216

ELEVATION = 650.09'
VERTICAL DATUM: NAVD 88 (GEOID 09)

COMBINED SCALE FACTOR = 0.99987018
(FOR SURFACE TO GRID CONVERSION)

INVERSE SCALE FACTOR = 1.000129837
(FOR GRID TO SURFACE CONVERSION)

SCALED ABOUT 0.0
TEXAS SOUTH CENTRAL ZONE 4204

McCARTY COMMONS SUBDIVISION - PHASE 1
CITY OF SAN MARCOS, TEXAS

SLF II - McCARTY, L.P.
PHILLIP F. WIGGINS, PRESIDENT
5949 SHERRY LANE, SUITE 1750
DALLAS, TEXAS 75225
000-000-0000

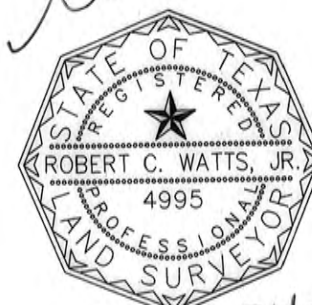
ROBERT C. WATTS, JR., R.P.L.S.
REGISTERED PROFESSIONAL LAND SURVEYOR,
STATE OF TEXAS NO. 4995
CHAPARRAL PROFESSIONAL LAND SURVEYING, INC.
3500 McCALL LANE
AUSTIN, TX 78744
512-443-1724

DANNY MILLER, P.E.
LJA ENGINEERING, INC.
5316 HIGHWAY 290 WEST, SUITE 150
AUSTIN, TEXAS 78735
512-439-4700

PREPARED ON 05/23/2013

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N42°17'07"W	516.64'
L2	N45°57'50"W	342.82'
L3	S44°58'33"W	102.68'
L4	N46°12'48"W	290.11'

CURVE TABLE							
NO.	DELTA	RADIUS	TAN	ARC	CHORD	BEARING	(RECORD CHORD)
C1	3°41'23"	1417.00'	45.64'	91.25'	91.24'	S44°07'05"E	(S44°07'42"E 91.26')
C2	3°41'27"	1392.00'	44.85'	89.67'	89.65'	N44°07'41"W	



Chaparral
Professional Land Surveying, Inc.
Surveying and Mapping
3500 McCall Lane
Austin, Texas 78744
512-443-1724

PROJECT NO.:
562-011

DRAWING NO.:
562-011-PL1

PLOT DATE:
05/24/2013

PLOT SCALE:
1"=100'

DRAWN BY:
RCW

SHEET
01 OF 02

McCARTY COMMONS
SUBDIVISION - PHASE 1

NOW, THEREFORE, KNOW ALL BY THE PRESENTS:

THAT WE, SLF II - McCARTY, L.P., A TEXAS LIMITED PARTNERSHIP, BY THE STRATFORD COMPANY, L.P., BY PHILLIP F. WIGGINS, PRESIDENT, AS OWNERS OF 17.669 ACRES IN THE NATHANIEL HUBBARD SURVEY, ABSTRACT NO. 230, HAYS COUNTY, TEXAS, BEING A PORTION OF A 259.52 ACRE TRACT CONVEYED TO SLF II - McCARTY, L.P. BY GENERAL WARRANTY DEED DATED JULY 11, 2007, AND RECORDED IN VOLUME 3206, PAGE 512 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS;

DO HEREBY ADOPT THIS PLAT DESIGNATING THE 17.669 ACRE TRACT AS McCARTY COMMONS SUBDIVISION - PHASE 1, AN ADDITION TO THE CITY OF SAN MARCOS,

AND DO HEREBY DEDICATE TO THE USE OF THE PUBLIC ALL STREETS, ALLEYS, PARKS, WATERCOURSES, DRAINS, PUBLIC EASEMENTS AND PUBLIC PLACES SHOWN HEREON UNLESS OTHERWISE INDICATED EITHER BY PLAT OR SEPARATE INSTRUMENT,

AND THAT THIS PLAT IS SUBJECT TO ALL OF THE REQUIREMENTS OF THE SUBDIVISION REGULATIONS OF THE CITY OF SAN MARCOS AND THE COUNTY OF HAYS, TEXAS.

WITNESS MY HAND THIS 10 DAY OF JUNE, 2013.

SLF II - McCARTY, L.P.,
A TEXAS LIMITED PARTNERSHIP

BY:

THE STRATFORD COMPANY, L.P.,
A TEXAS LIMITED PARTNERSHIP,
ITS GENERAL PARTNER

BY:

STRATFORD MANAGEMENT, INC.,
A TEXAS CORPORATION,
ITS GENERAL PARTNER

BY:

Phillip F. Wiggins
PHILLIP F. WIGGINS, PRESIDENT
5949 SHERRY LANE, SUITE 1750
DALLAS, TEXAS 75225

STATE OF TEXAS:
COUNTY OF ~~TRAVIS~~ DALLAS:

BEFORE ME, THE UNDERSIGNED AUTHORITY, A NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS, ON THIS DAY PERSONALLY APPEARED PHILLIP F. WIGGINS, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSE AND CONSIDERATIONS THEREIN EXPRESSED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS 10 DAY OF JUNE, 2013

Paige Atkinson
NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

January 16, 2014
MY COMMISSION EXPIRES ON:



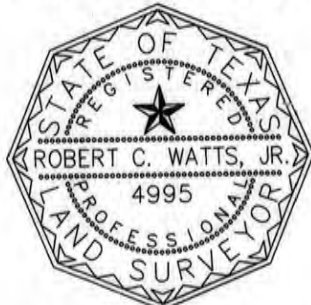
SURVEYOR'S CERTIFICATE:

KNOW ALL MEN BY THESE PRESENTS:

THAT I, ROBERT C. WATTS, JR., A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, HEREBY CERTIFY TO THE BEST OF MY SKILL AND KNOWLEDGE THAT THIS PLAT IS TRUE AND CORRECTLY MADE AND IS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND ON SEPTEMBER 6, 2011 AND THE CORNER MONUMENTS SHOWN THEREON AS "SET" WERE PROPERLY PLACED UNDER MY SUPERVISION IN ACCORDANCE WITH THE SUBDIVISION REGULATIONS OF THE CITY OF SAN MARCOS.

BEARING BASIS: GRID AZIMUTH FOR TEXAS SOUTH CENTRAL ZONE STATE PLANE COORDINATES, 1983/93 HARN, BASED ON GPS SOLUTIONS FROM THE NATIONAL GEODETIC SURVEY (NGS) ON-LINE POSITIONING USER SERVICE (OPUS).

Robert C. Watts, Jr.
ROBERT C. WATTS, JR., R.P.L.S.
REGISTERED PROFESSIONAL LAND SURVEYOR, STATE OF TEXAS NO. 4995
CHAPARRAL PROFESSIONAL LAND SURVEYING, INC.
3500 McCall Lane
AUSTIN, TX 78744
512-443-1724



ENGINEER'S CERTIFICATION:

I, DANNY MILLER, AM AUTHORIZED UNDER THE LAWS OF THE STATE OF TEXAS TO PRACTICE THE PROFESSION OF ENGINEERING, AND HEREBY CERTIFY THAT THIS PLAT IS FEASIBLE FROM AN ENGINEERING STANDPOINT, AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

NO PORTION OF THIS TRACT IS WITHIN THE BOUNDARIES OF THE 100 YEAR FLOOD OF A WATERWAY THAT IS WITHIN THE LIMITS OF STUDY OF THE FEDERAL FLOOD INSURANCE ADMINISTRATION FIRM PANEL 48209C0478F AND 48209C0479F, DATED SEPTEMBER 2, 2005, FOR HAYS COUNTY, TEXAS AND INCORPORATED AREAS.

Danny Miller
DANNY MILLER, P.E.



ENGINEERING BY:
LJA ENGINEERING, INC.
5316 HIGHWAY 290 WEST, SUITE 150
AUSTIN, TEXAS 78735
512-439-4700
TEXAS REGISTERED ENGINEERING FIRM FRN-F1386

CITY OF SAN MARCOS:
CERTIFICATE OF APPROVAL:

APPROVED AND AUTHORIZED TO BE RECORDED ON THE 11th DAY OF June, 2013
BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF SAN MARCOS.

Bill Galt 6-13-13 Tom Calk 6-12-13
CHAIRMAN DATE RECORDING SECRETARY DATE

APPROVED:
Matthew Lewis 6-12-13
DIRECTOR OF PLANNING AND
DEVELOPMENT SERVICES DEPARTMENT

D. Miller 6/12/13
DIRECTOR OF ENGINEERING
AND CAPITAL IMPROVEMENTS

STATE OF TEXAS:
COUNTY OF HAYS:

17.669 ACRES
NATHANIEL HUBBARD SURVEY,
ABSTRACT NO. 230, HAYS COUNTY

A DESCRIPTION OF 17.669 ACRES IN THE NATHANIEL HUBBARD SURVEY, ABSTRACT NO. 230, HAYS COUNTY, TEXAS, BEING A PORTION OF A 259.52 ACRE TRACT CONVEYED TO SLF II - McCARTY, L.P. BY GENERAL WARRANTY DEED DATED JULY 11, 2007, AND RECORDED IN VOLUME 3206, PAGE 512 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS; SAID 17.669 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a Type II TxDOT disk found 234.19 feet left of TxDOT centerline station 21085+48.40 in the southeast right-of-way line of Interstate Highway (IH) 35, same being the north corner of said 259.52 acre tract, being the east corner of a 1.309 acre tract described in Volume 971, Page 26 of the Official Public Records of Hays County, Texas and also being in the southwest line of a 1.498 tract described in Volume 171, Page 601 of the Official Public Records of Hays County, Texas;

THENCE with the northeast line of said 259.52 acre tract, same being the southwest line of said 1.498 acre tract, the following two (2) courses and distances:

1. South 46°12'48" East, a distance of 264.26 feet to a 1/2" rebar with Chaparral cap set;
2. North 44°58'33" East, a distance of 102.83 feet to a 1/2" rebar with aluminum "MWM" cap found in the southeast line of said 1.498 acre tract, same being the southwest line of McCarty Lane (right-of-way width varies) and also being the west corner of an 11.531 acre tract described in Volume 3469, Page 649 of the Official Public Records of Hays County, Texas;

THENCE with the southwest right-of-way line of McCarty Lane, same being the southwest line of said 11.531 acre tract and crossing said 259.52 acre tract, the following three (3) courses and distances:

1. South 45°57'50" East, a distance of 367.43 feet to a 1/2" rebar with Chaparral cap set;
2. With a curve to the right, an arc distance of 91.25 feet, a delta angle of 3°41'23", having a radius of 1417.00 feet and a chord which bears South 44°07'05" East, a distance of 91.24 feet to a 1/2" rebar with aluminum "MWM" cap found;
3. South 42°17'07" East, a distance of 515.12 feet to a 1/2" rebar with Chaparral cap set, from which a 1/2" rebar with Chaparral cap set for a point of curvature in the southwest right-of-way line of McCarty Lane, same being the southwest line of said 11.531 acre tract, bears South 42°17'07" East, a distance of 187.63 feet;

THENCE continuing across said 259.52 acre tract, the following two (2) courses and distances:

1. South 44°26'08" West, a distance of 615.22 feet to a 1/2" rebar with Chaparral cap set;
2. North 45°33'57" West, a distance of 1261.00 feet to a 1/2" rebar with Chaparral cap set in the southeast right-of-way line of IH 35, same being the southeast line of said 1.309 acre tract and also being the northwest line of said 259.52 acre tract, from which a Type II TxDOT disk found 170.00 feet left of TxDOT centerline station 21096+66.63, for an angle point in the southeast right-of-way line of IH 35, same being the northwest line of said 259.52 acre tract and also being the south corner of said 1.309 acre tract, bears South 46°52'04" West, a distance of 580.47 feet;

THENCE North 46°52'04" East, with the southeast right-of-way line of IH 35, same being the southeast line of said 1.309 acre tract and also being the northwest line of said 259.52 acre tract, a distance of 539.12 feet to the POINT OF BEGINNING, containing 17.669 acres of land, more or less.

GENERAL NOTES:

1. THIS SUBDIVISION MUST COMPLY WITH THE DEVELOPMENT STANDARDS SET FORTH IN THE McCARTY COMMONS PLANNED DEVELOPMENT DISTRICT AS ORIGINALLY APPROVED ON OCTOBER 6, 2008 (ORDINANCE NO. 2008-41) AND AS AMENDED AND APPROVED ON MAY 28, 2013, (ORDINANCE NO. 2013-26) BY THE SAN MARCOS CITY COUNCIL.
2. SIDEWALKS ARE REQUIRED ALONG ALL RIGHT-OF-WAY IN THIS SUBDIVISION, AND SHALL BE INSTALLED AT THE TIME OF CONSTRUCTION PER ORDINANCE NO. 2008-50.
3. A SITE PREPARATION PERMIT MUST BE ISSUED BY THE CITY OF SAN MARCOS PRIOR TO CONSTRUCTION IN THIS SUBDIVISION.
4. ANY RELOCATION OF EXISTING ELECTRIC FACILITIES SHALL BE AT THE OWNERS EXPENSE.
5. THE LOCATION OF EASEMENTS GRANTED BY A SEPARATE INSTRUMENT ARE APPROXIMATE AND SUCH EASEMENTS AND THEIR LOCATIONS ARE GOVERNED BY THE TERMS, PROVISIONS AND CONDITIONS OF THE SEPARATE INSTRUMENT.
6. A PUBLIC ACCESS EASEMENT FOR TRAIL IMPROVEMENTS ALONG McCARTY LANE SHALL BE CONVEYED TO THE CITY BY SEPARATE INSTRUMENT PRIOR TO ISSUANCE OF A SITE PREPARATION PERMIT FOR THIS SUBDIVISION PER SECTION 4.1.4 OF THE PDD. AN ACCESS EASEMENT FOR A SIDEWALK AND PRIVATE DRIVE SHALL BE CONVEYED TO THE CITY BY SEPARATE INSTRUMENT PRIOR TO ISSUANCE OF A SITE PREPARATION PERMIT FOR THIS SUBDIVISION PER SECTION 11.3 OF THE PDD.
7. OWNER/DEVELOPER IS RESPONSIBLE FOR PREVENTING ANY ADVERSE IMPACT TO THE EXISTING DRAINAGE SYSTEM WITHIN THE HIGHWAY RIGHT-OF-WAY. FOR PROJECTS IN THE EDWARDS AQUIFER RECHARGE OR CONTRIBUTING ZONES, OUTFALLS FOR WATER QUALITY AND/OR DETENTION PONDS TREATING IMPERVIOUS COVER RELATED TO THE DEVELOPMENT, WILL NOT ENCROACH BY STRUCTURE OR GRADING INTO STATE ROW. PLACEMENT OF PERMANENT STRUCTURAL BEST MANAGEMENT PRACTICE DEVICES OR VEGETATIVE FILTER STRIPS WITHIN STATE ROW WILL NOT BE ALLOWED.
8. ACCESS DRIVEWAYS ON STATE MAINTAINED ROADWAYS MUST MEET THE MINIMUM REQUIREMENTS AS STATED IN THE "REGULATIONS FOR ACCESS DRIVEWAYS TO STATE HIGHWAYS" AND/OR THE "ACCESS MANAGEMENT MANUAL".
9. PLACEMENT OF SIDEWALKS WITHIN THE RIGHT OF WAY OF STATE MAINTAINED ROADWAYS MUST BE APPROVED BY THE TEXAS DEPARTMENT OF TRANSPORTATION.

THE STATE OF TEXAS
COUNTY OF HAYS

I, LIZ Q. GONZALEZ, COUNTY CLERK OF HAYS COUNTY, TEXAS, DO HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT OF WRITING, WITH ITS CERTIFICATE OF AUTHENTICATION WAS FILED FOR RECORD IN MY OFFICE

ON THE 20th DAY OF June, 2013 AT 11:49 O'CLOCK AM, IN THE PLAT RECORDS OF HAYS COUNTY, TEXAS IN BOOK 17, PAGE(S) 106P. WITNESS MY HAND AND SEAL OF OFFICE, THIS THE 20th DAY OF June, 2013 AD.

BY Liz Q. Gonzalez 6-12-13
LIZ Q. GONZALEZ
COUNTY CLERK
HAYS COUNTY, TEXAS



Chaparral
Professional Land Surveying, Inc.
Surveying and Mapping
3500 McCall Lane
Austin, Texas 78744
512-443-1724

PROJECT NO.:
562-011
DRAWING NO.:
562-011-PL1
PLOT DATE:
05/24/2013
PLOT SCALE:
1"=100'
DRAWN BY:
RCW
SHEET
02 OF 02



70 2013 13020477

Hays County
Liz Q. Gonzalez
County Clerk
San Marcos, Texas 78666

Instrument Number: 2013-13020477

Recorded On: June 20, 2013

As
OPR RECORDINGS

Parties: SLF II MCCARTY LP

Billable Pages: 7

To HEB GROCERY COMPANY LP

Number of Pages: 8

Comment:

(Parties listed above are for Clerks reference only)

**** Examined and Charged as Follows: ****

OPR RECORDINGS	40.00
Total Recording:	40.00

***** DO NOT REMOVE. THIS PAGE IS PART OF THE INSTRUMENT *****

Any provision herein which restricts the Sale, Rental or use of the described REAL PROPERTY
because of color or race is invalid and unenforceable under federal law.

File Information:

Document Number: 2013-13020477
Receipt Number: 340280
Recorded Date/Time: June 20, 2013 12:04:46P
Book-Vol/Pg: BK-OPR VL-4670 PG-171
User / Station: A Herzog - Cashiering #3

Record and Return To:

HERITAGE TITLE
401 CONGRESS AVE STE 1500
ORIGINAL TO CUSTOMER
AUSTIN TX 78701



State of Texas |
County of Hays

I hereby certify that this instrument was filed for record in my office on the date and
time stamped hereon and was recorded on the volume and page of the named records
of Hays County, Texas

Liz Q. Gonzalez
Liz Q Gonzalez, County Clerk

SPECIAL WARRANTY DEED

13020477 OPR Bk Vol Pg
4670 172

THE STATE OF TEXAS §
 § KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF HAYS §

THAT THE UNDERSIGNED, **SLF II - McCARTY, L.P.**, a Texas limited partnership (“Grantor”), with an address of c/o Stratford Land, 5949 Sherry Lane, Suite 1750, Dallas, TX 75225, for and in consideration of the sum of TEN DOLLARS (\$10.00) cash, and other good and valuable consideration paid to Grantor by **HEB GROCERY COMPANY, LP**, a Texas limited partnership (“Grantee”), with an address of 646 South Main Avenue, San Antonio, TX 78204, the receipt and sufficiency of which are hereby fully acknowledged and confessed, has GRANTED, BARGAINED, SOLD and CONVEYED, and by these presents does hereby GRANT, BARGAIN, SELL and CONVEY unto Grantee, that certain tract of unimproved land totaling approximately 17.669 acres located in the City of San Marcos, Hays County, Texas (the “Land”), being more particularly described by metes and bounds on **Exhibit “A”** attached hereto and made part hereof for all purposes, together with any and all improvements situated on the Land and all right, title and interest of Grantor, if any, in and to (i) any and all appurtenances, strips or gores, roads, easements, streets, alleys, drainage facilities and rights-of-way bounding the Land, (ii) all utility capacity, utilities, water rights, licenses, permits, entitlements, and all other rights and benefits attributable to (and only to the extent attributable to) the Land (subject to the Mineral Reservation below), and (iii) all rights of ingress and egress held by Grantor thereto (all of which are hereinafter collectively called the “Property”).

Grantor reserves unto Grantor and its successors and assigns forever, all of the oil, gas and other minerals in, on and under the Property (the “**Mineral Reservation**”); except that Grantor, on behalf of itself, its successors and assigns, and in exercise of its executive leasing rights, if any, forever releases and relinquishes all rights of every kind and character whatsoever to enter upon or to use all or any portion of the surface of the Property for any purpose relating to exploring, developing, drilling, producing, transporting, mining, treating or storing any oil, gas and other minerals (the “**Surface Waiver**”) and **GRANTOR AND ITS SUCCESSORS AND ASSIGNS DO HEREBY AGREE TO AND SHALL INDEMNIFY, DEFEND, PROTECT AND HOLD HARMLESS (“GRANTOR’S INDEMNITY”) GRANTEE AND ITS SUCCESSORS AND ASSIGNS AGAINST ANY CLAIMS, LOSS OR LIABILITIES ARISING OUT OF OR RESULTING FROM ANY PURPOSE OR ACTIVITY RELATING TO EXPLORING, DEVELOPING, DRILLING, PRODUCING, TRANSPORTING, MINING, TREATING OR STORING ANY OIL, GAS OR OTHER MINERALS, INCLUDING WITHOUT LIMITATION ANY POOLING AND SUBSURFACE ACTIVITIES (AS DEFINED BELOW).** The foregoing Surface Waiver shall not restrict or prohibit the pooling or unitization of the mineral estate reserved by the Grantor hereunder with land other than the Property or the exploration or production of the oil, gas and other minerals by means of wells that are drilled or mines that open on land other than the Property but enter under or bottom under the Property (collectively, the “**Pooling and Subsurface Activities**”), provided that, unless otherwise approved by Grantee or its successor(s) or assign(s) in writing, all such operations under the Property shall be at a depth of at least 1500 feet below the surface and that these operations shall not interfere with

the surface or with the subsurface support of any improvements constructed or to be constructed on the Property, or any part thereof.

This conveyance is expressly made and accepted subject only to the Mineral Reservation and all matters set forth on **Exhibit "B"** attached hereto and made a part hereof for all purposes (the "Permitted Exceptions").

TO HAVE AND TO HOLD the Property, together with all and singular the rights and appurtenances thereto in anywise belonging unto said Grantee, subject to the Mineral Reservation and the Permitted Exceptions; and Grantor does hereby bind Grantor and Grantor's successors to WARRANT AND FOREVER DEFEND all and singular the Property unto said Grantee, against every person whomsoever lawfully claiming or to claim the same or any part thereof by, through, or under Grantor but not otherwise, subject, however, to the Mineral Reservation and the Permitted Exceptions.

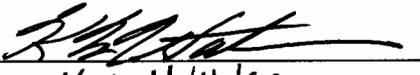
IN WITNESS WHEREOF, this Special Warranty Deed is executed to be effective the 20th day of June, 2013.

GRANTOR:

SLF II – McCARTY, L.P.,
a Texas limited partnership

By: The Stratford Company, L.P.,
a Texas limited partnership,
its General Partner

By: Stratford Management, Inc.,
a Texas corporation,
its General Partner

By: 
Name: Kevin M. Watson
Title: Vice President

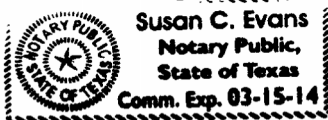
STATE OF TEXAS

§
§
§

COUNTY OF DALLAS

This instrument was ACKNOWLEDGED before me, on the 18th day of June, 2013, by Kevin M. Watson, as Vice President of Stratford Management, Inc., a Texas corporation, the General Partner of The Stratford Company, L.P., a Texas limited partnership, the General Partner of SLF II - McCARTY, L.P., a Texas limited partnership, on behalf of said limited partnership.

[NOTARY SEAL]



[Signature]
NOTARY PUBLIC, in and for
THE STATE OF TEXAS

**AFTER RECORDING,
PLEASE RETURN TO:**

HEB Grocery Company, LP
Attn: _____
646 South Main Avenue
San Antonio, TX 78204

EXHIBIT "A"

Land

A DESCRIPTION OF 17.669 ACRES IN THE NATHANIEL HUBBARD SURVEY, ABSTRACT NO. 230, HAYS COUNTY, TEXAS, BEING A PORTION OF A 259.52 ACRE TRACT CONVEYED TO SLF II - McCarty, L.P. BY GENERAL WARRANTY DEED DATED JULY 11, 2007, AND RECORDED IN VOLUME 3206, PAGE 512 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS; SAID 17.669 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a Type II TxDOT disk found 234.19 feet left of TxDOT centerline station 21085+48.40 in the southeast right-of-way line of Interstate Highway (IH) 35, same being the north corner of said 259.52 acre tract, being the east corner of a 1.309 acre tract described in Volume 971, Page 26 of the Official Public Records of Hays County, Texas and also being in the southwest line of a 1.498 tract described in Volume 171, Page 601 of the Official Public Records of Hays County, Texas;

THENCE with the northeast line of said 259.52 acre tract, same being the southwest line of said 1.498 acre tract, the following two (2) courses and distances:

1. South 46°12'48" East, a distance of 264.26 feet to a 1/2" rebar with Chaparral cap set;
2. North 44°58'33" East, a distance of 102.83 feet to a 1/2" rebar with aluminum "MWM" cap found in the southeast line of said 1.498 acre tract, same being the southwest line of McCarty Lane (right-of-way width varies) and also being the west corner of an 11.531 acre tract described in Volume 3469, Page 649 of the Official Public Records of Hays County, Texas;

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2. With a curve to the right, an arc distance of 91.25 feet, a delta angle of 3°41'23", having a radius of 1417.00 feet and a chord which bears South 44°07'05" East, a distance of 91.24 feet to a 1/2" rebar with aluminum "MWM" cap found;
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THENCE continuing across said 259.52 acre tract, the following two (2) courses and distances:

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THENCE North 46°52'04" East, with the southeast right-of-way line of IH 35, same being the southeast line of said 1.309 acre tract and also being the northwest line of said 259.52 acre tract, a distance of 539.12 feet to the **POINT OF BEGINNING**, containing 17.669 acres of land, more or less.

Also being described as Lot 1, Block A, McCARTY COMMONS SUBDIVISION – PHASE 1, an addition to the City of San Marcos, Hays County, Texas, according to the map or plat thereof, recorded in the Plat Records of Hays County, Texas as of the date hereof.

EXHIBIT "B"

Permitted Exceptions

1. Restrictive covenants of recorded in Volume 168, Page 610, Volume 171, Page 601 and Volume 971, Page 26, Deed Records, Hays County, Texas.
2. Utility easement granted to the City of San Marco by instrument dated August 8, 1997, recorded in Volume 1349, Page 200 and Volume 1349, Page 207 of the Official Public Records of Hays County, Texas.
3. Public water and wastewater easement granted to the City of San Marcos by instrument dated July 28, 2008, recorded in Volume 3469, Page 660 of the Official Public Records of Hays County, Texas.
4. Plat of McCarty Commons Subdivision – Phase 1, recorded in the Official Public Records of Hays County, Texas as of the date hereof.
5. City of San Marcos Public Wastewater Line Easement, recorded in the Official Public Records of Hays County, Texas as of the date hereof.
6. Drainage Easement, recorded in the Official Public Records of Hays County, Texas as of the date hereof.
7. City of San Marcos Subdivision Improvement Agreement, recorded in the Official Public Records of Hays County, Texas as of the date hereof, as affected by Assignment and Assumption of Subdivision Improvement Agreement, recorded in the Official Public Records of Hays County, Texas as of the date hereof.
8. Declaration of Easements, Covenants, Conditions and Restrictions, recorded in the Official Public Records of Hays County, Texas as of the date hereof.
9. Temporary Construction Easement (wastewater), recorded in the Official Public Records of Hays County, Texas as of the date hereof.
10. Temporary Construction Easement (drainage), recorded in the Official Public Records of Hays County, Texas as of the date hereof.
11. The following, as shown on survey dated October 26, 2011, prepared by Robert C. Watts, Jr., RPLS No. 4995
 - (a) Proposed twenty foot (20') front building line along IH-35;
 - (b) Fence located 0.5' on the property lines along McCarty Lane;
 - (c) Fence located 0.4' off the property line along IH-35;
 - (d) Spoil pile located on the southerly portion extending onto the adjoining land;
 - (e) Spoil pile located on the easterly portion extending onto the adjoining land;
 - (f) Barbwire fencing running throughout the property;

- (g) Five foot (5') side setback;
- (h) Fifteen foot (15') side street setback; and
- (i) Five foot (5') rear setback.