

ORDINANCE NO. 2023-57

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS ANNEXING INTO THE CITY APPROXIMATELY 1.8 ACRES OF LAND IN HAYS COUNTY, GENERALLY LOCATED EAST OF THE INTERSECTION BETWEEN LOVELADY LANE AND STATE HIGHWAY 123 (CASE NO. AN-23-09); INCLUDING PROCEDURAL PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.

RECITALS:

1. In Case No. AN-23-09, the owner of approximately 1.8 acres of land in Hays County, generally located east of the intersection between Lovelady Lane and State Highway 123, 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 on September 5, 2023.
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 All ordinances and resolutions or parts of ordinances or resolutions in conflict with this ordinance are repealed.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 September 5, 2023.

PASSED, APPROVED AND ADOPTED on second reading on September 19, 2023.

Jane Hughson
Mayor

Attest:

Approved:

Elizabeth Trevino
City Clerk

Samuel J. Aguirre
City Attorney

EXHIBIT A

Property Owner: JLBC 710 INVESTMENTS, LLC

LEGAL DESCRIPTION
For a 1.80 Acre Tract of Land
AN-23-23-09
City Limits Addition

BEING A 1.80 ACRE TRACT OF LAND OUT OF THE CHARLES HENDERSON SURVEY NO. 55, ABSTRACT NO. 226, HAYS COUNTY, TEXAS, AND THE ANDREW MITCHELL SURVEY NO. 62, ABSTRACT NO 220, GUADALUPE COUNTY, TEXAS, BEING OUT OF A 510.282 ACRE TRACT DESCRIBED IN A SPECIAL WARRANTY DEED DATED JULY 27, 2021 TO JLBC 710 INVESTMENTS, LLC, RECORDED IN DOCUMENT NO. 202199026066, OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, ALSO BEING OUT OF A STATE OF TEXAS RIGHT OF WAY DESCRIBED IN VOL. 143, PG. 495; VOL. 143, PG. 497; VOL. 217, PG. 2; VOL. 217, PG. 16; VOL. 271, PG. 509; VOL. 71, PG. 521 OV THE GUADALUPE COUNTY DEED RECORDS; SAID 1.80 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING at a 1/2" iron rod with orange plastic cap stamped "BAIN MEDINA BAIN INC. PROPERTY CORNER" found (N=13,844,331.20, E=2,303,616.72) on the east right-of-way line of State Highway 123, a 130-foot wide right-of-way, common with the northwest boundary line of said 510.282 acre tract, said corner marking the southwest corner of the herein described tract:

THENCE, S.89°02'24"W., into and across said State Highway 123 right-of-way, a distance of **130.00 feet** to a point located on the west right-of-way line;

THENCE, N.02°58'51"E., along said west right-of-way line in a northeasterly direction, a distance of **40.44 feet** to a point;

THENCE, N.89°02'56"E., into and across said State Highway 123 right-of-way, a distance of **130.00 feet** to a point located on the east right-of-way line of State Highway 123 common with the westerly boundary line of said 510.282-acre tract, from which a 1/2" iron rod with yellow plastic cap stamped "DAM" bears **N.02°58'58" E.**, a distance of **19.70 feet**;

THENCE, into and across said 510.282-acre tract, the following courses and distances:

N. 89°02'56" E., a distance of **230.40 feet** to a point marking to beginning of a arc to the left having a radius of **230.00 feet**;

Continuing along said arc to the left having a radius of **230.00 feet**, a central angle of **40°33'47"**, an arc length of **162.83 feet**, a chord that bears **N. 68°45'30" E.**, a distance of **159.45 feet** to point;

N. 48°28'37" E., a distance of **753.85 feet** to a point marking the beginning of an arc to the right having a radius of **15.00 feet**;

Continuing along said arc to the right having a radius of **15.00 feet**, a central angle of **90°00'00"**, an arc length of **23.56 feet**, a chord bearing **S. 86°31'23" E.** a distance of **21.21 feet** to a point marking an interior corner hereof;

N. 48°28'37" E., a distance of **60.00 feet** to a point marking a non-tangent curve to the right having a radius of **15.00 feet**;

Continuing along said arc to the right having a radius of **15.00 feet**, a central angle of **90°00'00"**, an arc length of **23.56 feet**, a chord bearing **N. 03°28'37" E.** a distance of **21.21 feet** to a point marking a point of tangency;

N. 48°28'37" E., a distance of **548.30 feet** to a point marking the beginning of an arc to the right having a radius of **15.00 feet**;

Continuing along said arc to the right having a radius of **15.00 feet**, a central angle of **90°00'00"**, an arc length of **23.56 feet**, a chord bearing **S. 86°31'23" E.** a distance of **21.21 feet** to a point marking a northwesterly corner hereof;

N. 48°28'32" E., a distance of **60.00 feet** to a point marking a northwesterly corner hereof, from which a 1/2-inch iron rod with a yellow plastic cap stamped "DAM" bears **S. 41°16'29" E.** a distance of **69.04 feet**;

S. 41°31'23" E., a distance of **25.12 feet** to a 1/2-inch iron rod with orange plastic cap stamped "BAIN MEDINA BAIN INC PROPERTY CORNER" marking the northeasterly corner hereof;

S. 48°28'37" W., a distance of **1467.45 feet** to a 1/2-inch iron rod with orange plastic cap stamped "BAIN MEDINA BAIN INC PROPERTY CORNER" marking the beginning of an arc to the right having a radius of **269.90 feet**;

Continuing along said arc to the right having a radius of **269.90 feet**, a central angle of **40°41'31"**, an arc length of **191.68 feet**, a chord bearing **S. 68°48'43" W.** a distance of **187.68 feet** to a point;

S. 89°02'24" W., a distance of **232.50 feet** to the **Point of Beginning** containing an area of **1.80 acres** of land, more or less.

Property Owner: JLBC 710 INVESTMENTS, LLC

Bearings shown hereon are based on the Texas State Plane Coordinate System, Central Zone (4203), NAD 83(2011).

All distances are surface values using a combined scale factor of 1.00014

This property description is accompanied by a separate plat of even date.

Surveyed on the ground the __03__ day of __JULY__ 2023.



Marco Andrade, R.P.L.S. #6490



