

ZONING CHANGE, OVERLAY OR ESTABLISHMENT OF A HISTORIC DISTRICT/LANDMARK APPLICATION

Updated: March, 2023



CONTACT INFORMATION

Applicant's Name	Erin Welch	Property Owner	Shravan Parsi
Company	BGE, Inc.	Company	SM McCarty Lane 60, LLC (90%) AV McCarty Lane GP 60, LLC (10%)
Applicant's Mailing Address	1701 Directors Blvd., Ste. 1000 Austin, TX 78744	Owner's Mailing Address	1801 Lavaca St., Ste. 116 Austin, TX 78701
Applicant's Phone #	[REDACTED]	Owner's Phone #	[REDACTED]
Applicant's Email	[REDACTED]	Owner's Email	[REDACTED]

PROPERTY INFORMATION

Subject Property Address(es): McCarty Lane, approx. 400' west of Cerro Vista Drive

Legal Description: A 26.770 ACRE TRACT OF LAND IN THE CYRUS WICKSON SURVEY, ABSTRACT NO. 474, HAYS COUNTY, TEXAS

Total Acreage: 26.770 acres Tax ID #: R 18946 & 190501 (a portion thereof)

East Village:
Preferred Scenario Designation: Medium Intensity Existing Zoning: CD-4

Existing Land Use(s): Vacant

DESCRIPTION OF REQUEST

Proposed Zoning District(s): CD-5

CD-5 allows a mix of uses, including outdoor entertainment, retail,
Proposed Land Uses / Reason for Change: restaurant, hotel, office and multiple residential types. The site is located in the East Village Area Plan, which allows CD-5. Alternative Compliance is requested via a 380 Agreement with the City of San Marcos, per coordination with City staff, which is to be reviewed and approved concurrently with this zoning request.

AUTHORIZATION

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* \$1,000 plus \$150 per acre Technology Fee \$15 MAXIMUM COST \$5,015

**Existing Neighborhood Regulating Plan Included.*

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

APPLY ONLINE – WWW.MYGOVERNMENTONLINE.ORG/

PROPERTY OWNER AUTHORIZATION

I, Shravan Parsi (owner name) on behalf of
SM McCarty Lane 60, LLC (90%)
AV McCarty Lane GP 60, LLC (10%) (company, if applicable) acknowledge that I/we
am/are the rightful owner of the property located at
McCarty Lane, approx. 400' west of Cerro Vista Drive (address).

I hereby authorize Erin Welch (agent name) on behalf of
BGE, Inc. (agent company) to file this application for
Rezoning (to CD-5) (application type), and, if necessary, to work with
the Responsible Official / Department on my behalf throughout the process.

Signature of Owner:  Date: March 4, 2025

Printed Name, Title: Shravan Parsi, Managing Member

Signature of Agent:  Date: March 4, 2025

Printed Name, Title: Erin Welch, Project Manager


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 \$150 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 \$150 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: 

Date: March 4, 2025

Print Name: Shravan Parsi

Form Updated March, 2023



March 6, 2025

Amanda Hernandez
Planning & Development Services Department
City of San Marcos
630 E. Hopkins Street
San Marcos, TX 78666

RE: American Ventures San Marcos – Rezoning Request Summary Letter (APP-Z-60593)

Dear Amanda,

BGE, Inc., on behalf of the property owners, submits this application to change to zoning of the subject property from the current CD-4 district to CD-5 to allow a mixed-use development. This mixed-use development is proposed as the second phase in a two-phase overall development to include a mix of residential and non-residential uses. Please note the following information detailing the property and supporting the rezoning request.

Property Information

The subject property is 26.77 acres out of the Cyrus Wickson SUR, ABS 474, located on McCarty Lane (approximately 400' west of Cerro Vista Drive), in the full-purpose jurisdiction of San Marcos, Hays County, Texas. The rezoning property is a portion of HCAD property IDs R18946 and R190501.

The property is not within any floodplain, per FIRM Panel 48055C0200F. The site is located within the boundaries of the Trinity Aquifer. The property is currently vacant and used for agriculture.

The property is within the East Village Preferred Scenario Area, Medium Intensity, and is currently zoned CD-4 (Character District-4).

Rezoning Request Support

With this application, we propose to rezone the property from CD-4 to CD-5 (Character District-5). The following information provides justification for this request.

Mixed-Use Development. The current zoning designation of CD-4 “is intended to accommodate a variety of residential options including single-family, two-family and multifamily with limited commercial or mixed use on the corners.” The property owner proposes to construct a mixed-use development on the approximately 26.77-acre site, to include a mix of commercial, retail, and residential uses, including indoor/outdoor recreation. Due to the proposed mix of uses, the most appropriate zoning district is CD-5, which “is intended to provide for a variety of residential, retail, service and commercial uses.”

Staff Recommendation. During the pre-development meeting with Staff in August 2024, it was determined that the most appropriate zoning designation is CD-5, a district that also complies with the Medium Intensity designation of the East Village area plan within the City's Comprehensive Plan.

Alternative Equivalent Compliance (AEC). Multiple AEC are requested as part of this rezoning request in order to develop the proposed mixed-use project. Per coordination with Staff, it was determined that the most appropriate methodology for obtaining these AEC are to include them in an Economic Incentive Agreement. Therefore, concurrently with this rezoning application, a Chapter 380 Agreement is being processed with Christian Smith (Economic & Business Development Manager, City Manager's Office) and the City's legal team; the AEC will be included in that Agreement as an exhibit.

Compliance with Comprehensive Plan / East Village Area Plan. The proposed development meets the community desires for new development in the East Village Area Plan within the Comprehensive Plan in the following ways.

- *New mixed-use center east of IH-35 near new neighborhoods.* The proposed mixed-use development is located east of IH-35 and will abut three new residential developments to the south: A 40-acre multi-family development immediately west of the subject property, The Rivers San Marcos (the first phase of the overall development that encompasses the subject property) and Gas Lamp to the south. Note that roadways within The Rivers San Marcos, the Preliminary Plat for which will be part of the overall entitlement process associated with this rezoning request, will connect to roadways within Gas Lamp, thus providing enhanced connectivity in this area.
- *Should be unique and distinct.* The proposed mix-use development includes an indoor/outdoor recreation (IOR) use as the impetus for the development of commercial, retail, services, and different residential types within the project. The IOR will also draw visitors from the surrounding area within and outside of San Marcos.
- *Reduce sprawl and vehicle use/traffic through denser, mixed-use development.* The proposed development will include not only commercial/retail/service uses, but also a mix of residential types in close proximity (i.e., walkable) to future residential within the first phase of the overall development.
- *Connection with transit to the rest of San Marcos.* Per discussions with Staff, a Transit Route Study is currently underway. The developer is amenable to locating a major transit stop on the property to allow for improved connectivity and access to/from the site.

Community Outreach. Prior to the public hearings at Planning & Zoning Commission and City Council, the project team will conduct neighborhood outreach and make a presentation about the proposed mixed-use development.

In conclusion, rezoning the property to CD-5 is appropriate to address the community desires within the East Village Plan while also allowing the proposed mixed-use development, once the AEC is approved with the Chapter 380 Agreement being reviewed, processed and approved concurrently with this rezoning request. We believe the zoning change and subsequent mixed-use development will benefit the

Planning & Development Services Department
March 6, 2025
Page 3

We appreciate your review of this proposal and look forward to your feedback. Should you have any questions or require additional information, please do not hesitate to contact me.

Sincerely,



Erin Welch
Project Manager

LEGAL DESCRIPTION

FIELD NOTES FOR A 26.770 ACRE TRACT OF LAND IN THE CYRUS WICKSON SURVEY, ABSTRACT NO. 474, HAYS COUNTY, TEXAS; BEING OUT OF A CALLED 59.826 ACRE TRACT OF LAND AS CONVEYED UNTO SM MCCARTY LANE, LLC AND AV MCCARTY LANE GP, LLC IN DOCUMENT NUMBER 22055143 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, SAID 26.770 ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at 1/2-inch iron rod with a cap stamped "BYRN" found on the southwest right-of-way line of McCarty Lane (R.O.W. ~ varies) as dedicated in Document Numbers 90001993 and 90029318 of the Official Public Records of Hays County, Texas, at the common corner of said 59.826 acre tract and A Hillside Village Section 1 as recorded in Book 8, Page 148 of the Plat Records of Hays County, Texas; THENCE, N 54°22'21" W, departing said right-of-way line, over and across said 59.826 acre tract, a distance of 219.02 feet to a calculated point for the east corner and POINT OF BEGINNING of the herein described tract;

THENCE, continuing over and across the 59.826 acre tract, the following six (6) courses:

- 1)S 43°48'31" W, a distance of 885.89 feet to a calculated point for the south corner of the herein described tract;
- 2) N 46°11'29" W, a distance of 117.36 feet to a calculated point for the beginning of a non-tangent curve of the herein described tract;
- 3) Curving to the left, with a radius of 283.03 feet, an arc length of 222.29 feet, a central angle of 45°00'00", a chord bearing of N 68°21'35" W, and a chord distance of 216.62 feet to a calculated point for a point of tangency of the herein described tract;
- 4) S 89°08'25" W, a distance of 163.18 feet to a calculated point for the beginning of a non-tangent curve of the herein described tract;
- 5) Curving to the right, with a radius of 217.37 feet, an arc length of 174.24 feet, a central angle of 45°55'39", a chord bearing of N 67°52'43" W, and a chord distance of 169.61 feet to a calculated point for the end of this curve of the herein described tract;
- 6) N 46°11'29" W, a distance of 588.27 feet to a calculated point on the common line of the 59.826 acre tract and a called 40.72 acre tract of land as conveyed unto SM McCarty Lane, LLC and AV McCarty Lane GP, LLC in Document Number 22013800 of the Official Public Records of Hays County, Texas, for the west corner of the herein described tract;

THENCE, N 44°06'30" E, coincident with the common line of the 59.826 acre tract and said 40.72 acre tract, a distance of 719.32 feet to a 1/2-inch iron rod with a cap stamped "BYRN" found at the common corner of the 59.826 acre tract and the remainder of a called 63.000 acre tract of land as conveyed unto Julian P. Perez and wife, Martina C. Perez in Volume 359, Page 282 of the Official Public Records of Hays County, Texas, for a northerly corner of the herein described tract;

THENCE, S 44°01'49" E, coincident with the common line of the 59.826 acre tract and the remainder of said 63.000 acre tract, a distance of 218.90 feet to a 1/2-inch iron rod found at the common corner of the 59.826 acre tract and the remainder of the 63.000 acre tract, for a re-entrant corner of the herein described tract;

THENCE, N 43°46'06" E, continuing coincident with said common line, a distance of 473.63 feet to a 1/2-inch iron rod with a cap stamped "BGE INC" set on the aforementioned southwest right-of-way line of McCarty Lane, at the most northerly corner of the 59.826 acre tract, for the most northerly corner of the herein described tract;

THENCE, in a southeasterly direction, coincident with the common line of the 59.826 acre tract and said right-of-way line, the following six (6) courses:

- 1)S 39°31'26" E, a distance of 74.66 feet to a 1/2-inch iron rod with a cap stamped "BYRN" found for an angle point of the herein described tract;
- 2) S 41°10'24" E, a distance of 333.69 feet to a 1/2-inch iron rod with a cap stamped "BYRN" found for an angle point of the herein described tract;
- 3) S 43°05'30" E, a distance of 198.03 feet to a 1/2-inch iron rod found for an angle point of the herein described tract;
- 4) S 48°20'18" E, a distance of 180.22 feet to a 1/2-inch iron rod found for an angle point of the herein described tract;
- 5) S 45°27'02" E, a distance of 49.78 feet to a 1/2-inch iron rod with a cap stamped "BYRN" found for an angle point of the herein described tract;
- 6) S 67°36'08" E, a distance of 7.67 feet to a calculated point for an angle point of the herein described tract;

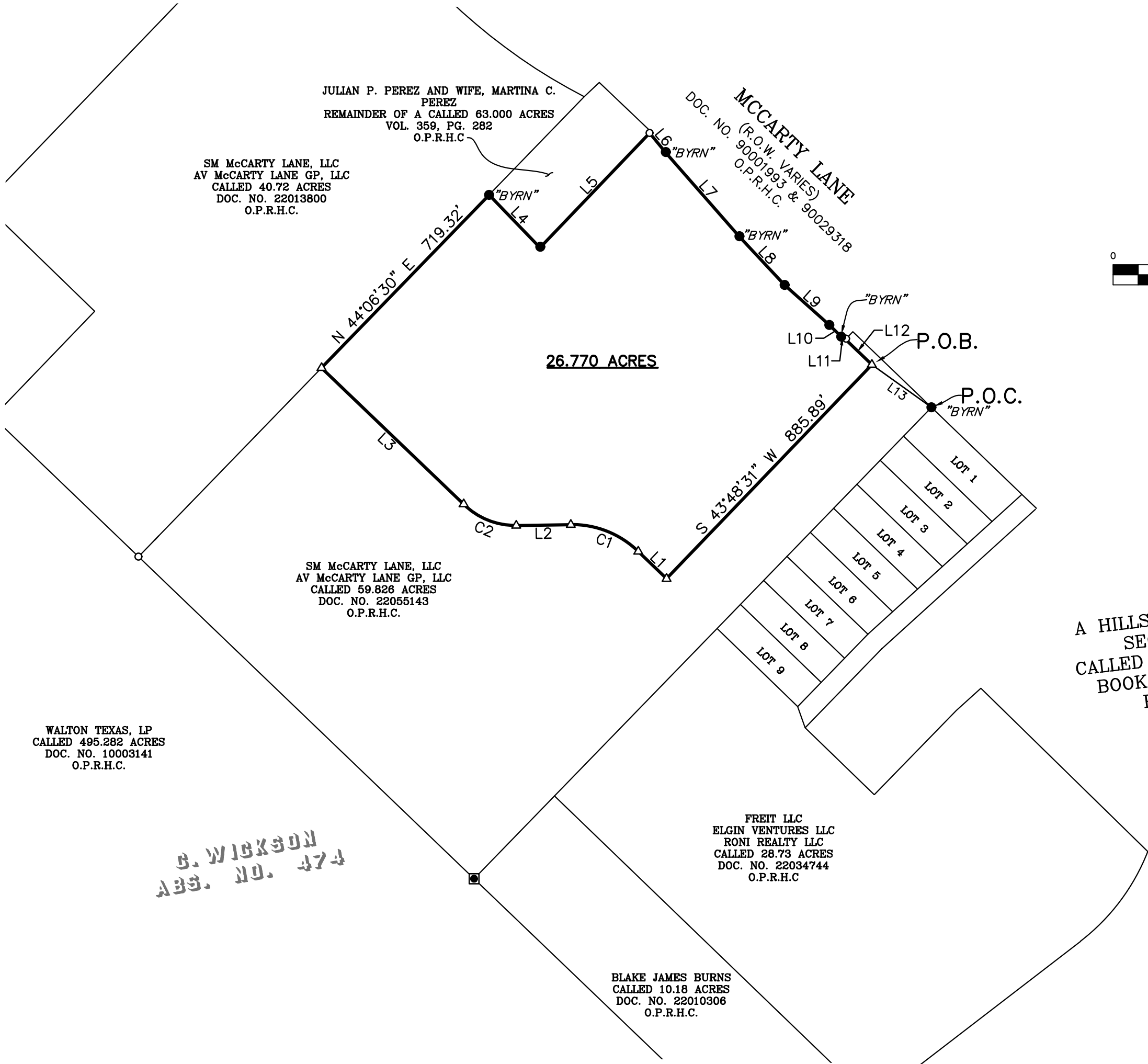
THENCE, S 46°11'29" E, departing said common line, over and across the 59.826 acre tract, a distance of 116.40 feet to the POINT OF BEGINNING and containing 26.770 acres of land, more or less.

LEGEND

DOC. NO. O.P.R.H.C. PG. P.O.B. P.O.C. P.R.H.C. R.O.W. VOL. FOUND 1/2" IRON ROD (UNLESS OTHERWISE NOTED) SET 1/2" IRON ROD W/CAP "BGE INC" FOUND RAILROAD SPIKE

GENERAL NOTES

1. BEARING ORIENTATION IS BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE 4204, NAD83.
2. A METES AND BOUNDS DESCRIPTION WITH LIKE JOB NUMBER AND DATE WAS PREPARED BY THE UNDERSIGNED IN CONJUNCTION WITH THIS EXHIBIT.



CURVE TABLE					
NUMBER	ARC LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD DISTANCE
C1	222.29'	283.03'	45°00'00"	N 68°21'35" W	216.62'
C2	174.24'	217.37'	45°55'39"	N 67°52'43" W	169.61'
C3	174.24'	217.37'	45°55'39"	N 67°52'43" W	169.61'

LINE TABLE		
NUMBER	BEARING	DISTANCE
L1	N 46°11'29" W	117.36'
L2	S 89°08'25" W	163.18'
L3	N 46°11'29" W	588.27'
L4	S 44°01'49" E	218.90'
L5	N 43°46'06" E	473.63'
L6	S 39°31'26" E	74.66'
L7	S 41°10'24" E	333.69'
L8	S 43°05'30" E	198.03'
L9	S 48°20'18" E	180.22'
L10	S 45°27'02" E	49.78'
L11	S 67°36'08" E	7.67'
L12	S 46°11'29" E	116.40'
L13	N 54°22'21" W	219.02'

THIS DOCUMENT WAS PREPARED UNDER 22 TEXAS ADMINISTRATIVE CODE § 138.95 AND DOES REFLECT THE RESULTS OF AN ON THE GROUND SURVEY BUT IS NOT TO BE USED TO CONVEY OR ESTABLISH INTERESTS IN REAL PROPERTY EXCEPT THOSE RIGHTS AND INTERESTS IMPLIED OR ESTABLISHED BY THE CREATION OR RECONFIGURATION OF THE BOUNDARY OF THE POLITICAL SUBDIVISION FOR WHICH IT WAS PREPARED.

DION P. ALBERTSON
DION P. ALBERTSON RPLS NO. 4963
BGE, INC.



BGE, Inc.
7330 San Pedro Ave., Suite 301, San Antonio, TX 78216
Tel: 210-581-3600 • www.bgeinc.com
TBPELS Licensed Surveying Firm No. 10106500

ZONING EXHIBIT OF
A 26.770 ACRE TRACT OF LAND IN THE
CYRUS WICKSON SURVEY
ABSTRACT NO 474
SAN MARCOS, HAYS COUNTY, TEXAS

PARTY CHIEF: R.C. ISSUE DATE: 03/03/2025

TECHNICIAN: T.S. SCALE: 1:200

R.P.L.S.: D.P.A. JOB NUMBER: 13782-00

FIELD BOOK NAME: N/A

BASE FILE: R:\PROJECTS\

SHEET 1

OF 1

\\bgeinc\data2\00013782-00\SV\04_Finals\Drawings\13782-00_Zoning Boundary Exhibit.dwg, 3/3/2025 3:09 PM, Dion Albertson
DWG To PDF.pc3

LEGAL DESCRIPTION

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This document was prepared under 22 Texas Administrative Code § 138.95 and does reflect the results of an on the ground survey but is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared. The basis of bearing recited herein is the Texas State Plane Coordinate System, South Central Zone, NAD-83. An exhibit plat with like job number and date was prepared by the undersigned in conjunction with this metes and bounds description.



Dion P. Albertson RPLS #4963
BGE, Inc.

7330 San Pedro Ave., Suite 301
San Antonio, TX. 78216

Telephone: 210-581-3600

TBPELS Licensed Surveying Firm Number 10106500



3/3/2025

Date

Client: AVSM
Date: March 3, 2025
Project Number: 13782-00

American Ventures San Marcos 60 Acres

Lienholder Information

R2R Capital – AV San Marcos MF Land Lender, LLC

Freedom Place at Old Parkland

4143 Maple Avenue, Suite 200

Dallas, Texas 75219

New Braunfels Title Co.
G.F.# NBT-3618-2022

22055143 DEED Total Pages: 6
Filed and Recorded: 12/05/2022 07:44:50 AM

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

WARRANTY DEED WITH VENDOR'S LIEN

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

THAT MERIDIAN CAPITAL OF TEXAS, LLC, a Texas limited liability company (hereinafter referred to as "Grantor"), for good and valuable consideration to it in hand paid by AV MCCARTY LANE GP 60, LLC, a Texas limited liability company (undivided Ten percent (10%) interest) and SM MCCARTY LANE 60, LLC, a Texas limited liability company (undivided Ninety percent (90%) interest), (hereinafter collectively referred to as "Grantee"), whose mailing address is 1801 Lavaca St., #116, Austin, Texas 78701, the receipt and sufficiency of which consideration are hereby acknowledged, and the further consideration of the execution and delivery by Grantee of that certain promissory note of even date here with in the principal sum of EIGHT MILLION FOUR HUNDRED EIGHTY-TWO THOUSAND FIVE HUNDRED AND NO/100 DOLLARS (\$8,482,500.00), payable to the order of R2R Capital - AV San Marcos MF Land Lender, LLC, a Texas limited liability company, as therein provided, the payment of which Note is secured by vendor's lien herein retained, and is additionally secured by a Deed of Trust of even date herewith to Richard O. Kopf, Trustee, by these presents does hereby GRANT, BARGAIN, SELL and CONVEY, unto Grantee all of the real property situated in Comal County, Texas, described on Exhibit A attached hereto and made a part hereof for all purposes, together with all and singular the rights, benefits, privileges, easements, tenements, hereditaments, and appurtenances thereon or in anywise appertaining thereto, including all air and water rights, and together with all improvements located thereon and any right, title and interest of Grantor in and to adjacent streets, alleys and rights-of-way (said land, rights, benefits, privileges, easements, tenements, hereditaments, appurtenances, improvements and interests being hereinafter referred to as the "Property").

This conveyance is made subject to those encumbrances and exceptions on the Property described on Exhibit B attached hereto and made a part hereof for all purposes, to the extent same are applicable and validly existing.

TO HAVE AND TO HOLD the Property, unto Grantee, its successors and assigns, forever; and Grantor does hereby bind itself and its successors, to WARRANT AND FOREVER DEFEND all and singular the Property unto Grantee, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same, or any part thereof, by, through or under Grantor.

In connection herewith, R2R Capital - AV San Marcos MF Land Lender, LLC, a Texas limited liability company ("Lender") has made a loan (the "Loan") to Grantee in the amount of \$8,482,500.00 to facilitate Grantee's purchase of the Property from Grantor. In consideration of Lender's advance of funds pursuant to the Loan, and at the request of Grantee, Grantor hereby retains a vendor's lien and superior title against the Property and assigns and conveys such vendor's lien and

superior title to Lender as security for repayment by Grantee of the Loan, in addition to such security for repayment of the Loan as may be granted by Grantee.

[SIGNATURE PAGES FOLLOW]

Unofficial Copy

IN WITNESS WHEREOF, this Warranty Deed has been executed by Grantor to be effective as of December 2, 2022.

GRANTOR:

MERIDIAN CAPITAL OF TEXAS, LLC,
a Texas limited liability company

By: Megan Doherty

Name: Megan Doherty
Title: Manager

STATE OF TEXAS §
 §
COUNTY OF Harris §

ON THIS 1 day of December, 2022, before me, the undersigned notary public, personally appeared Megan Doherty, Manager of Meridian Capital of Texas, LLC, a Texas limited liability company, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he or she executed the same for the purposes therein contained.

M K Shelnett
Notary Public, in and for the State of Texas



Kimley-Horn and Associates, Inc.
 TBPLS Firm No. 10193973
 601 NW Loop 410, Suite 350
 San Antonio, Texas 78216

Exhibit "A"

A METES AND BOUNDS DESCRIPTION OF A 59.826 ACRE TRACT OF LAND

BEING a 59.826 acre (2,606,020 square feet) tract of land situated in the Cyrus Wickson Survey, Abstract No. 474, City of San Marcos, Hays County, Texas; and being all of that certain 60.435 acre tract described in instrument to Julian Perez & Martina Cura LP, recorded in Volume 3568, Page 591 of the Official Public Records of Hays County; save and except that certain 0.27 acre tract described in instrument to County of Hays, recorded in Volume 3576, Page 326, and save and except that certain 0.59 acre tract described in instrument to County of Hays, recorded in Volume 3769, Page 659 of the Official Public Records of Hays County; and being more particularly described as follows:

BEGINNING at a 1/2-inch iron rod with a plastic cap stamp "BYRN" found on the southwesterly right of way line of Rattler Road (variable width), and on the southeasterly line of said 60.435 acre tract, marking the north corner of Lot 1, Hillside Village Section 1 Subdivision, plat of which is recorded in Volume 8, Page 146 of the Plat Records of Hays County, same being the south corner of said 0.27 acre tract;

THENCE, South 44°08'31" West, along the southeasterly line of said 60.435 acre tract; at 119.94 feet, passing a 1/2-inch iron rod with a plastic cap stamped "BYRN" found marking the west corner of said Lot 1 of said Hillside Village Section 1; at 919.60 feet, passing a 1/2-inch iron rod with a plastic cap stamped "BYRN" found marking the west corner of Lot 9 of said Hillside Village Section 1, at 1,616.78 feet, passing a 1/2-inch iron rod found marking the west corner of that certain 35.40 acre tract described in instrument to SHC Holdings, LLC, recorded in Volume 4595, Page 396 of the Official Public Records of Hays County; continuing for a total distance of 1,961.42 feet to a railroad spike found on the northeasterly line of that certain 495.23 acre tract described in instrument to Walton Texas LP, recorded in Volume 3822, Page 246 of the Official Public Records of Hays County, marking the west corner of that certain 10.265 acre tract described in instrument to Roy R. Mendoza and wife Maria G. Mendoza, recorded in Volume 2751, Page 162 of the Official Public Records of Hays County, and the south corner of said 60.435 acre tract;

THENCE, North 46°12'19" West, 1,389.29 feet along the northeasterly line of said 495.23 acre tract to a mag nail in a wooden fence post found marking the west corner of said 60.435 acre tract and the south corner of said 40.72 acre tract;

THENCE, North 44°08'37" East, 1,504.95 feet along the southeasterly line of said 40.72 acre tract to a 1/2-inch iron rod with a plastic cap stamped "BYRN" found marking a northwest corner of said 60.435 acre tract;

THENCE, along a northeasterly and northwesterly boundary of said 60.435 acre tract, and crossing over that certain 63.00 acre tract conveyed to Julian P. Perez & wife Martina C. Perez in Volume 359, Page 282 of the Deed Records of Hays County, the following to (2) courses and distances:

1. South 44°02'38" East, 216.85 feet to a 1/2-inch iron rod with a plastic cap stamp "KHA" set marking and interior corner of said 60.435 acre tract;
2. North 43°44'47" East, 473.57 feet to a 1/2-inch iron rod with a plastic cap stamp "BYRN" found marking the west corner of that certain 0.59 acre tract described in instrument to County of Hays, recorded in Volume 3769, Page 659 of the Official Public Records of Hays County;

THENCE, crossing said 60.435 acre tract, along the southwesterly boundary of said 0.59 acre tract, the following seven (7) courses and distances:

1. South 39°32'41" East, 74.87 feet to a 1/2-inch iron rod with a plastic cap stamp "BYRN" found for corner;
2. South 41°10'09" East, 333.67 feet to a 1/2-inch iron rod with a plastic cap stamp "BYRN" found for corner;
3. South 43°05'15" East, 197.84 feet to a 1/2-inch iron rod found for corner;
4. South 48°20'05" East, 180.22 feet to a 1/2-inch iron rod found for corner;
5. South 45°26'49" East, 48.78 feet to a 1/2-inch iron rod with a plastic cap stamp "BYRN" found for corner;
6. South 67°38'55" East, 15.71 feet to a 1/2-inch iron rod with a plastic cap stamp "BYRN" found for corner;
7. North 43°40'37" East, 28.91 feet to a 1/2-inch iron rod with a plastic cap stamp "BYRN" found at the southwesterly line of aforesaid 0.27 acre tract;

THENCE, South 45°04'06" East, 325.77 feet along the southwesterly line of said 0.27 acre tract to the POINT OF BEGINNING and containing 59.826 acres of land in Hays County, Texas, as shown in the document saved in the office of Kimley-Horn and Associates, Inc. in San Antonio, Texas. The basis of bearing for this description is the Texas State Plane Coordinate System Grid, South Central Zone (FIPS 4204) (NAD83). All distances are on the Grid and shown in U.S. Survey Feet. This document was prepared in the office of Kimley-Horn and Associates, Inc. in San Antonio, Texas.

EXHIBIT B**Permitted Exceptions**

1. 50' in width Pipeline easement to United Gas Pubic Service Company, recorded in Volume 182, Page 210, of the Deed Records of Hays County, Texas, and where shown on survey prepared by Kimley-Horn and Associates, Inc., and signed and sealed by John Gregory Mosier, RPLS No. 6330, and dated September 21, 2022, as last revised on December 1, 2022.
2. 30' pipe line Easement to Lo-Vaca Gathering Company recorded July 11, 1969 in the Official Public Records, Hays County, Texas in Volume 231, Page 474, and where shown on survey prepared by Kimley-Horn and Associates, Inc., and signed and sealed by John Gregory Mosier, RPLS No. 6330, and dated September 21, 2022, as last revised on December 1, 2022.
3. Water pipe line Easement to Hays County Water Supply Corporation recorded June 22, 1978 in the Official Public Records, Hays County, Texas in Volume 311, Page 873, and where shown on survey prepared by Kimley-Horn and Associates, Inc., and signed and sealed by John Gregory Mosier, RPLS No. 6330, and dated September 21, 2022, as last revised on December 1, 2022.
4. Electric Line Easement and Right of Way to Lower Colorado River Authority recorded November 4, 1981 in the Official Public Records, Hays County, Texas in Volume 366, Page 775, and where shown on survey prepared by Kimley-Horn and Associates, Inc., and signed and sealed by John Gregory Mosier, RPLS No. 6330, and dated September 21, 2022, as last revised on December 1, 2022.
5. Agreement for Waterline and Wastewater Line Easement to City of San Marcos, recorded February 3, 2010 in the Official Public Records of Hays County, Texas in Volume 3817, Page 789, and where shown on survey prepared by Kimley-Horn and Associates, Inc., and signed and sealed by John Gregory Mosier, RPLS No. 6330, and dated September 21, 2022, as last revised on December 1, 2022.
6. Easement to Bluebonnet Electric Cooperative, Inc. for Electric distribution line or system and/or telecommunications systems and equipment recorded October 25, 2010, in the Official Pubic Records Hays County, Texas in Volume 3996, Page 794, and where shown on survey prepared by Kimley-Horn and Associates, Inc., and signed and sealed by John Gregory Mosier, RPLS No. 6330, and dated September 21, 2022, as last revised on December 1, 2022.

**THE STATE OF TEXAS
COUNTY OF HAYS**

I hereby certify that this instrument was FILED on the
date and the time stamped hereon by me and was duly
RECORDED in the Records of Hays County, Texas.

22055143 DEED
12/05/2022 07:44:50 AM Total Fees: \$42.00

Elaine H. Cárdenas, MBA, PhD, County Clerk
Hays County, Texas

