

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

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

**Date:** September 6, 2022

**Owner:** LCSM Ph 4, LLC, 303 Colorado, Ste. 2300, Austin, TX 78701

**City:** City of San Marcos, Texas, a home rule municipal corporation, 630 East Hopkins Street, San Marcos, Texas 78666

**Property:** As described in Exhibit A.

---

**1.** The Owner has petitioned the City and the City has elected to annex the Property into the corporate limits of the City. Pursuant to Tex. Local Gov't Code §43.0672, the Owner and the City enter this agreement (the "Agreement") for the provision of services to the Property when annexed.

**2.** By this Agreement, the Owner affirms its consent to such annexation of the Property by the City and that Owner does not wish to enter into and has declined the offer from the City of a development agreement under Sections 43.016 and 212.172 of the Texas Local Government Code

**3.** In consideration of the mutual benefits to the Owner and the City arising from the annexation of the Property, and other good and valuable consideration, the receipt of which is hereby acknowledged, the Owner and the City enter into this Agreement and agree that services to the Property will be provided as described in Exhibit B.

**4.** This Agreement is made, and shall be construed and interpreted under the laws of the State of Texas. Venue for any legal proceedings shall lie in state courts located in Hays County, Texas. Venue for any matters in federal court will be in the United States District Court for the Western District of Texas.

**5.** If any word, phrase, clause, sentence, or paragraph of this Agreement is held to be unconstitutional or invalid by a court of competent jurisdiction, the other provisions of this Agreement will continue in force if they can be given effect without the invalid portion.

**6.** This Agreement shall be binding upon Owner, and Owner's heirs, successors and assigns, and all future owners of all or any portion of the Property.

**7.** This Agreement will become effective as of the date an ordinance annexing the Property is finally passed, approved, and adopted by the City's city council (the Effective Date).

[SIGNATURES ON NEXT PAGE]

**CITY:**

By: \_\_\_\_\_

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

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

**ACKNOWLEDGMENT**

STATE OF TEXAS           §

§

COUNTY OF HAYS       §

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

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

**OWNER:**  
LCSM Ph 4, LLC

By: \_\_\_\_\_

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

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

**ACKNOWLEDGMENT**

STATE OF \_\_\_\_\_ §

§

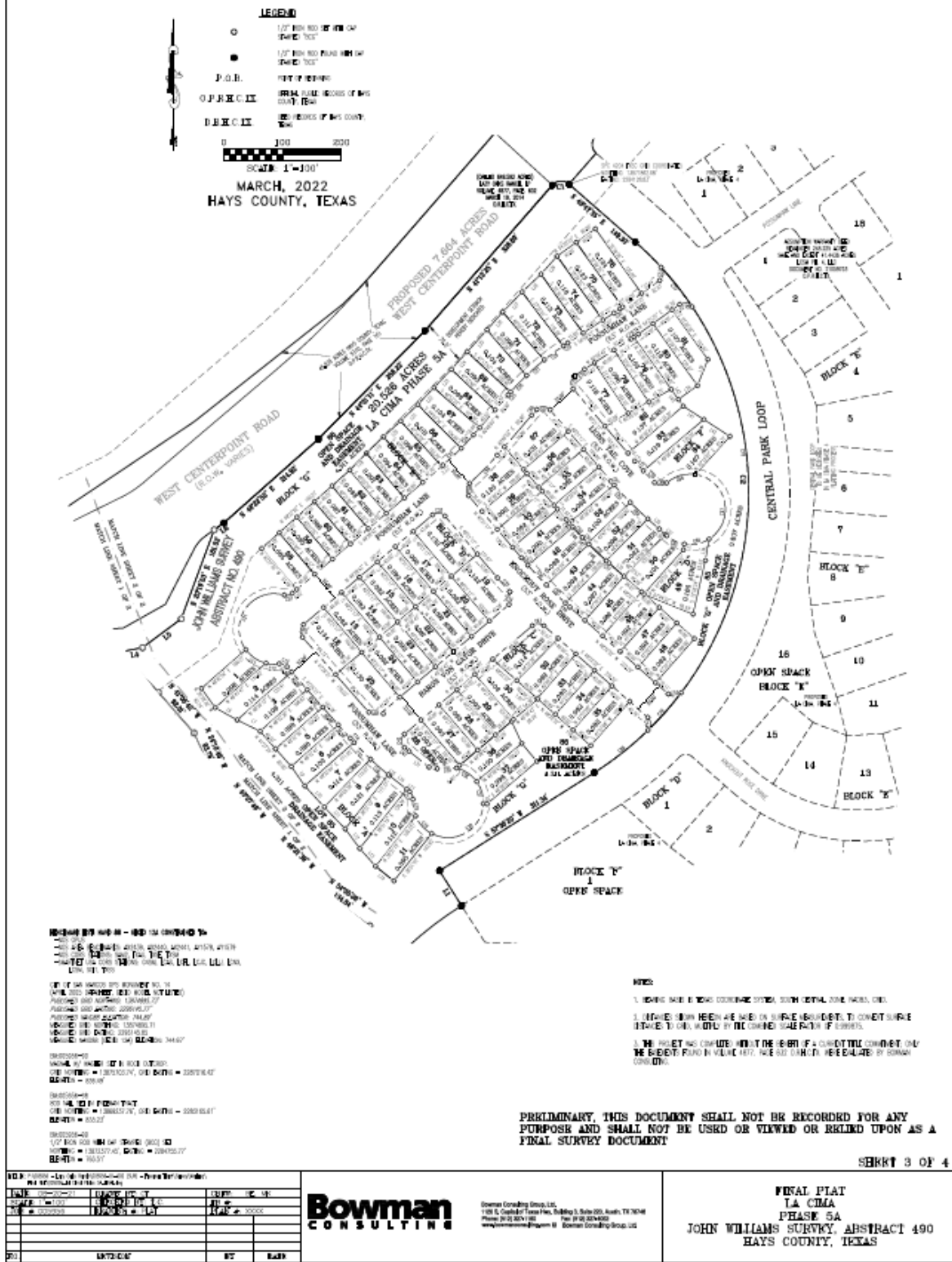
COUNTY OF \_\_\_\_\_ §

This instrument was acknowledged before me on \_\_\_\_\_, 2022 by  
\_\_\_\_\_, \_\_\_\_\_ of LCSM Ph 4, LLC, in such capacity on  
behalf of said entity.

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

# EXHIBIT A

## LA CIMA PHASE 5A FINAL PLAT



# LA CIMA PHASE 5B FINAL PLAT

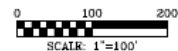
## NOTES:

1. BEARING BASE IS TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE, NAD83, GRID.
2. DISTANCES SHOWN HEREIN ARE BASED ON SURFACE MEASUREMENTS. TO CONVERT SURFACE DISTANCES TO GRID, MULTIPLY BY THE CORRECTION SCALE FACTOR OF 0.999875.
3. THIS PROJECT WAS COMPLETED WITHOUT THE BENEFIT OF A CURRENT TITLE COMMITMENT. ONLY THE EASEMENTS FOUND IN VOLUME 4877, PAGE 632 D.R.H.C.T.X. WERE EVALUATED BY BOWMAN CONSULTING.

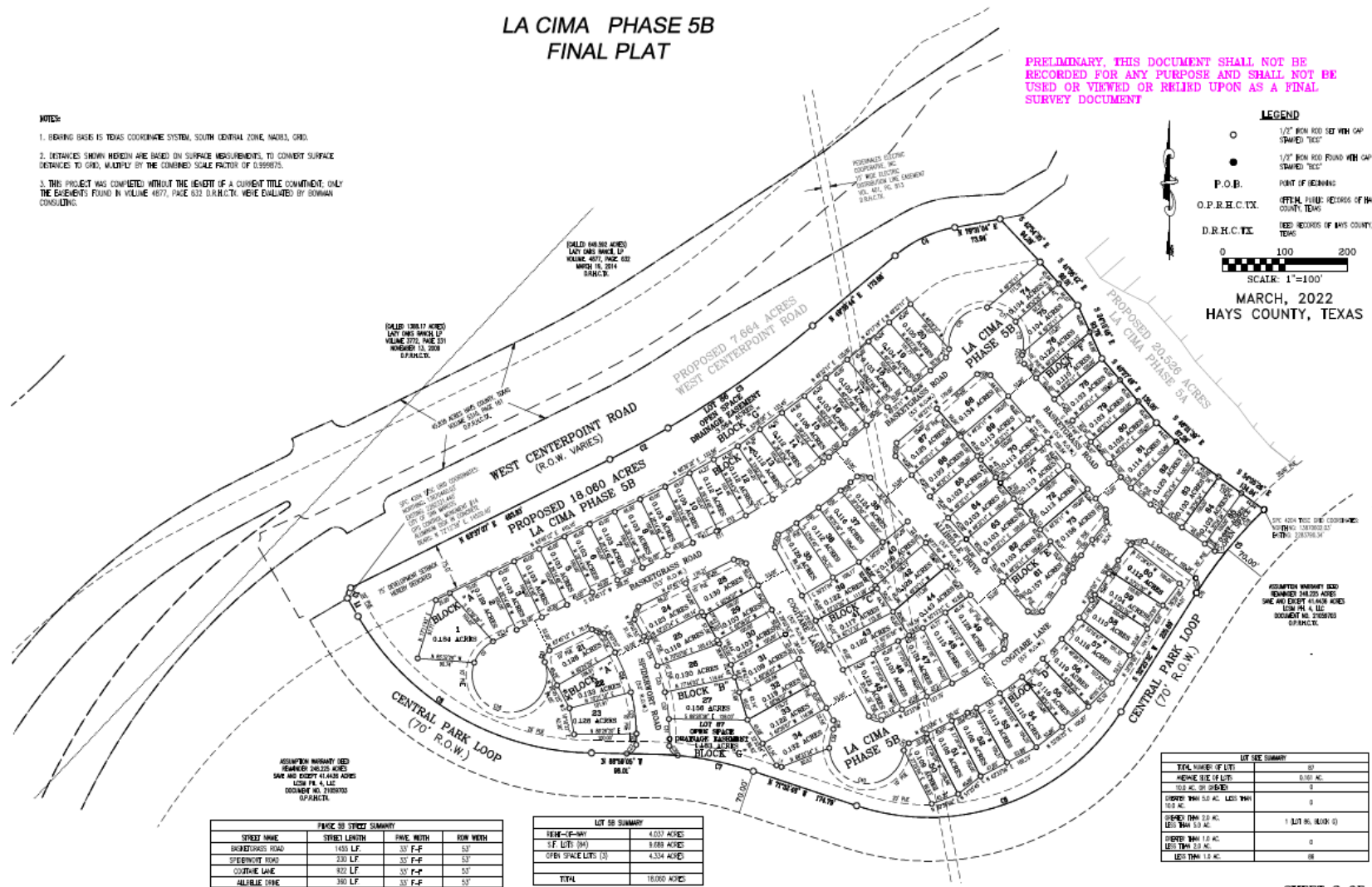
PRELIMINARY. THIS DOCUMENT SHALL NOT BE  
RECORDED FOR ANY PURPOSE AND SHALL NOT BE  
USED OR VIEWED OR RELIED UPON AS A FINAL  
SURVEY DOCUMENT

## LEGEND

- 1/2" BORN RED SET WITH CAP  
STAINED "TEST"
- 1/2" BORN RED FOUND WITH CAP  
STAINED "TEST"
- P.O.B. POINT OF BEGINNING
- O.P.R.H.C.T.X. OFFICIAL PUBLIC RECORDS OF HAYS  
COUNTY, TEXAS
- D.R.H.C.T.X. DEED RECORDS OF HAYS COUNTY,  
TEXAS



SCALE: 1"=100'  
MARCH, 2022  
HAYS COUNTY, TEXAS



PHASE 5B STREET SUMMARY				
STREET NAME	STREET LENGTH	PAVE WIDTH	ROW WIDTH	
WILSONS ROAD	1433 LF	33' F-F	53'	
SPEEDWAY ROAD	230 LF	33' F-F	53'	
COURTNEY LANE	922 LF	33' F-F	53'	
ALLIANCE DRIVE	240 LF	33' F-F	53'	

LOT 5B SUMMARY	
NEW-CF-WAY	4,037 ACRES
S.F. LOTS (94)	9,088 ACRES
OPEN SPACE LOTS (3)	4,334 ACRES
TOTAL	18,060 ACRES

LOT 5B SUMMARY	
TOTAL NUMBER OF LOTS	97
AVERAGE SIZE OF LOTS	0.185 AC.
LOTS AC. OR GREATER	0
GREATER THAN 0.5 AC. LESS THAN 1.0 AC.	0
GREATER THAN 1.0 AC. LESS THAN 2.0 AC.	1 (LOT 95, BLOCK 1)
GREATER THAN 2.0 AC. LESS THAN 3.0 AC.	0
LESS THAN 3.0 AC.	96

SHEET 2 OF 3

THREE IF LAND USE	
BLOCK 1, LOT 95, BLOCK 1, LOT 95, BLOCK 1, LOT 95	OPEN SPACE
ALL OTHER LOTS	SINGLE FAMILY

PLAT: PHASE 5B - LA CIMA PHASE 5B (5B) - PHASE 5B (5B) (5B)

DATE: 03-16-22 DRAWN BY: CT

SCALE: 1"=100' CHECKED BY: P.C.

FOR: 400000000 DRAWING # PLAT

BY: BOWMAN CONSULTING

DATE: 03-16-22

**Bowman**  
CONSULTING

Bowman Consulting Group, Ltd.  
1120 S. Central at Texas Hwy, Building 5, Suite 200, Austin, TX 78748  
Phone (512) 527-1100 Fax (512) 527-4002  
www.bowmanconsulting.com © Bowman Consulting Group, Ltd.

FINAL PLAT  
LA CIMA  
PHASE 5B  
JOHN WILLIAMS SURVEY, ABSTRACT 490  
HAYS COUNTY, TEXAS

PLAN #: XXXX

## **EXHIBIT B**

When the Property is annexed, services will be provided to the Property as follows:

### **1. Police Protection**

Police services, including patrolling, response to calls and other routine services, will begin on the Effective Date of the annexation using existing personnel and equipment.

### **2. Fire Protection**

Fire protection services, including emergency response calls, will begin on the Effective Date of the annexation using existing personnel and equipment and within the limitations of the available water supply.

### **3. Emergency Medical Services**

The City of San Marcos contracts for emergency medical services through the San Marcos – Hays County EMS, which already provides service to the area being annexed.

### **4. Solid Waste Collection**

Solid waste collection services, provided under contract with a private company, will be made available to all properties on the Effective Date of the annexation. Residents of the Property may elect to continue using the services of a private solid waste hauler for a period of two years after the Effective Date of the annexation. Businesses and institutions must make arrangements with private solid waste haulers.

### **5. Operation and Maintenance of Water and Wastewater Facilities**

**a. Water.** The Property is not covered by a CCN for water service; however, the City of San Marcos has water lines adjacent to the Property and agrees to make water service available to the Property on the Effective Date of the annexation on the same basis as available to other owners of property in the City, i.e., the Owner is solely responsible for the cost to construct and extend all infrastructure, facilities, and lines necessary to serve the Property. In addition, the City is in the process of adding the Property as an area covered by the City's CCN for water service.

**b. Wastewater.** The Property is not covered by a CCN for wastewater service; however, the City of San Marcos has wastewater lines adjacent to the Property and agrees to make wastewater service available to the Property on the Effective Date of the annexation on the same basis as available to other owners of property in the City, i.e., the Owner is solely responsible for the cost to construct and extend all infrastructure, facilities, and lines necessary to serve the Property. In addition, the City is in the process of adding the Property as an area covered by the City's CCN for wastewater service.

### **6. Construction, Operation and Maintenance of Roads and Streets**

As new development occurs within the Property, the Owner(s) of Property will be required to construct streets at the Owner's sole expense in accordance with applicable ordinances of the City.

## **7. Electric Service**

The Property is located in the Pedernales Electric Cooperative service area. Thus, the City will not provide electric service to the Property.

## **8. Operation and Maintenance of Parks, Playgrounds, and/or Swimming Pools**

No parks, playgrounds, and/or swimming pools currently exist within the Property. The same standards and policies now established and in force within the city limits will be followed in maintaining and expanding recreational facilities to serve the Property. Upon annexation, the owners and residents of property located within the Property shall be entitled to the use of all municipal parks and recreational facilities, subject to the same restrictions, fees, and availability that pertains to the use of those facilities by other citizens of the city.

## **9. Operation and Maintenance of Other Public Facilities, Buildings, and Services**

No other public facilities, buildings, or services currently exist within the Property. The same standards and policies now established and in force within the city limits will be followed in maintaining and expanding other public facilities, building, and services. Upon annexation, the owners and residents of property located within the Property shall be entitled to the use of all municipal facilities, buildings, and services, subject to the same restrictions, fees, and availability that pertains to the use of those facilities and services by other citizens of the city.