

ANNEXATION APPLICATION

Updated: March, 2023



CONTACT INFORMATION

Applicant's Name		Property Owner	
Company		Company	
Applicant's Mailing Address		Owner's Mailing Address	
Applicant's Phone #		Owner's Phone #	
Applicant's Email		Owner's Email	

PROPERTY INFORMATION

Is the property adjacent to city limits: YES NO

Is the property proposing to connect to City utilities: YES, WATER YES, WASTE WATER NO

Is the property subject to an approved development or other agreement: YES NO

Proposed Use: _____ Proposed Zoning: _____

Reason for Annexation / Other Considerations: _____

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 \$1,800 Technology Fee \$15 TOTAL COST \$1,815

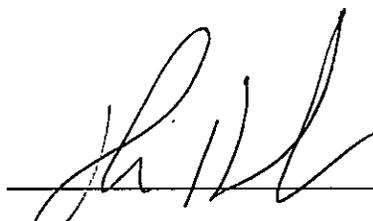
Submittal of this digital Application shall constitute as acknowledgment and authorization to process this request.

APPLY ONLINE – WWW.MYGOVERNMENTONLINE.ORG/

PROPERTY OWNER AUTHORIZATION

I, John Haberer (owner name) on behalf of
myself (company, if applicable) acknowledge that I/we
am/are the rightful owner of the property located at
State Highway 123 (R15909) (address).

I hereby authorize Luke Caraway, PE (agent name) on behalf of
Viewpoint Engineering (agent company) to file this application for
Annexation (application type), and, if necessary, to work with
the Responsible Official / Department on my behalf throughout the process.

Signature of Owner:  Date: 5/3/2023
Printed Name, Title: John Haberer

Signature of Agent: Luke Caraway  Date: 5/3/2023
Printed Name, Title: Luke Caraway, PE, President

Form Updated October, 2019

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

OWNER'S CONSENT TO ANNEXATION OF LAND

Date: 5/3/23
City: City of San Marcos, Texas, a home rule municipal corporation
Owner: John Haberer
Property: 17.937 acres out of the Barrett O. Kane Survey, A-281 (R15909)

Owner petitioned the City to initiate proceedings to annex the Property. Owner acknowledges and agrees that, in connection with annexation of the Property:

1. Owner does not wish to enter into a development agreement with the City under Section 212.172 and has declined the offer by the City of such a development agreement.
2. Unless specifically authorized by a written agreement with Owner approved by the City Council under applicable ordinances, the City has no obligation to extend water, wastewater, or electric utility services, roads, or other infrastructure to the Property at the City's expense, and the City has made no offers, representations or promises that the City will, at the City's expense, extend water, wastewater, or electric utility services, roads, or other infrastructure to the Property. Such extensions to the Property shall be made available in the same manner and on the same basis as available to other areas of the City, whereby it shall be Owner's sole obligation, and at Owner's sole expense, to construct and install all infrastructure necessary to extend such services to the Property under applicable ordinances.
3. Owner waives any and all rights of Owner to assert any claim or demand, or to file suit against, and covenants not to sue, the City on the basis that the annexation of the Property by the City is invalid, void or voidable, in whole or in part.
4. This instrument is made, and shall be construed and interpreted under the laws of the State of Texas. Venue for any legal proceedings concerning this instrument shall lie in State courts having jurisdiction 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 instrument is held to be unconstitutional or invalid by a court of competent jurisdiction, the other provisions of this instrument will continue in force if they can be given effect without the invalid portion.

6. This instrument may be recorded in the Official Public Records of the County or Counties in which the Property is located and is binding on Owner's successors, heirs and assigns, and any future owners of the Property.

[SIGNATURE(S) ON NEXT PAGE]

OWNER:

JOHN HABERER

John

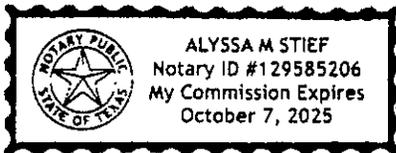
ACKNOWLEDGMENT

STATE OF Texas

COUNTY OF Comal

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§

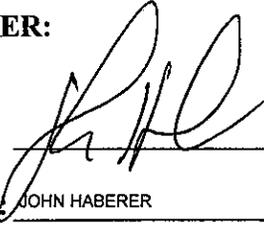
This instrument was acknowledged before me on May 4, 2023 by John Haberer.



Alyssa M. Stief
Notary Public, State of Texas

OWNER:

By:



Name: JOHN HABERER

Title: PROPERTY OWNER

ACKNOWLEDGMENT

STATE OF Texas

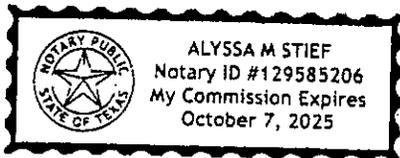
§

COUNTY OF Comal

§

§

This instrument was acknowledged before me on May 4, 2023 by John Haberer, Property owner of R15909 in such capacity on behalf of said entity.



Alyssa M. Stief
Notary Public, State of Texas

DECLINATION OF OFFER OF DEVELOPMENT AGREEMENT

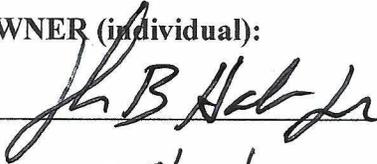
The attached or enclosed Development Agreement was offered by the City of San Marcos to the owner of the property subject to the following application/petition (check one):

___ Out of City Utility Connection of Extension Application

___ Petition for Annexation (without OCU Request)

By signing below, the owner of the subject property declines the offer to enter into such Development Agreement.

OWNER (individual):



Date: 5/22/2023

[OR]

OWNER (entity):

By: _____

Name: _____

Title: _____

Date: _____

Case No. _____ (to be inserted by City staff)



LOT 1, BLOCK A
LA VISTA FOUNDATION SUBDIVISION
VOL. 8, PG. 277
P. R. H. C. T.
LA VISTA FOUNDATION
CALLED 50.00 ACRES
VOL. 1355, PG. 462
O. P. R. H. C. T.

POB - FOUND PK NAIL
N: 13856906.77
E: 2304410.49

(DEED-N 44°04'36" E)
N 44°05'01" E 1311.65'

JOHN B. HABERER, JR.
CALLED 17.937 ACRES
DOC. NO. 23009614
D. R. H. C. T.

17.937 ACRES
781,317 SQUARE FEET

LEGAL DESCRIPTION

BEING a 17.937 acre tract of land situated in the Barnett K. Kane Survey, Abstract No. 281, Hays County, Texas; being the same called 17.937 acre tract of land described in a Deed to John B. Haberer, Jr. as recorded in Document No. 23009614 of the Official Public Records of Hays County, Texas; and being more particularly described by metes and bounds as follows:

BEGINNING at a PK Nail found in the East Right of Way line of State Highway No. 123 (asphalt) and at a Westerly corner of Lot 1, Block A of the La Vista Foundation Subdivision, according to the plat recorded in Volume 8, Page 277 of the Plat Records of Hays County, Texas for a Westerly corner of this tract.

THENCE North 44°05'01" East, a distance of 1311.65 feet to a 1/2 inch iron rod found at an ell corner of said Lot 1 for the North corner of this tract.

THENCE South 42°01'19" East, at 524.78 feet pass a 1/2 inch iron rod found, and continuing a total distance of 600.24 feet to a 5/8 inch iron rod with cap stamped "JONES-CARTER" found at an ell corner of said Lot 1 for the East corner of this tract.

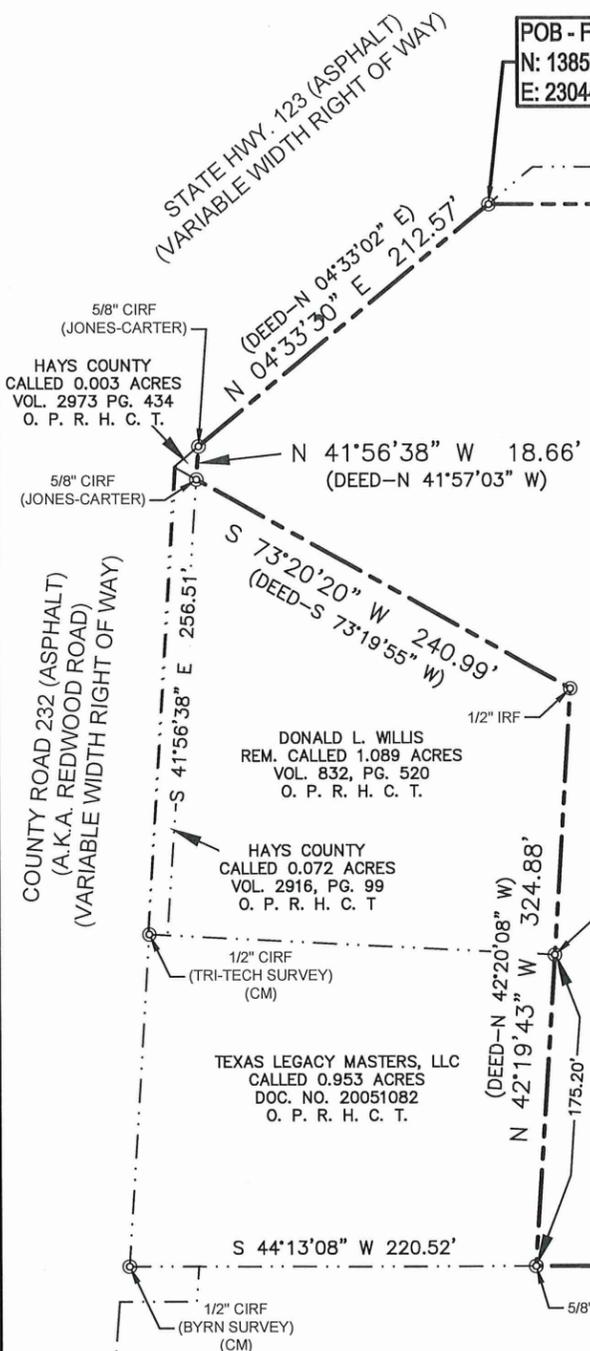
THENCE South 44°13'08" West, along the common line of this and said Lot 1, a distance of 1246.22 feet to a 5/8 inch iron rod with cap found at the East corner of a called 0.953 acre tract of land described in Deed to Texas Legacy Masters, LLC. as recorded in Document No. 20051082 of said Official Public Records for the South corner of this tract. Whence a 1/2 inch iron rod with cap stamped "BYRN SURVEY" found bears South 44°13'08" West, a distance of 220.52 feet for reference.

THENCE North 42°19'43" West, at 175.20 feet pass a 1/2 inch iron rod found at the North corner of said 0.953 acre tract and being at the East corner of the remainder of a called 1.089 acre tract of land described in Deed to Donald L. Willis as recorded in Volume 832, Page 520 of said Official Public Records, and continuing a total distance of 324.88 feet to a 1/2 inch iron rod found at the North corner of said 1.089 acre tract for an ell corner of this tract.

THENCE South 73°20'20" West, along the Northwest line of said remainder of 1.089 acre tract, a distance of 240.99 feet to a 5/8 inch iron rod with cap stamped "JONES-CARTER" found in the Northeast Right of Way line of County Road 232 (asphalt), at a Northwest corner of a called 0.072 acre tract described in Deed to Hays County as recorded in Volume 2916, Page 99 and at the East corner of a called 0.003 acre tract of land described in Deed to Hays County as recorded in Volume 2973, Page 434, both in said Official Public Records for a Southwesterly corner of this tract. Whence a 1/2 inch iron rod with cap stamped "TRI-TECH SURVEY" found at the East corner of said 0.072 acre tract bears South 41°56'38" East, a distance of 256.51 feet for reference.

THENCE North 41°56'38" West, along the Northeast Right of Way line of said County Road 232, a distance of 18.66 feet to a 5/8 inch iron rod with cap stamped "JONES-CARTER" found in the East Right of Way line of said State Highway 123 and at the North corner of said 0.003 acre tract for the most Westerly corner of this tract.

THENCE North 04°33'30" East, along the East Right of Way line of said State Highway 123, a distance of 212.57 feet to the POINT OF BEGINNING, containing 17.937 acres of land and/or 781316.6 square feet of land, more or less.



NOTES

1. ALL DISTANCES CONTAINED HEREIN ARE GROUND, BASED UPON AN ON THE GROUND SURVEY PERFORMED DURING APRIL, 2023.
2. ALL COORDINATES AND BEARINGS CONTAINED HEREIN GRID, BASED UPON THE TEXAS STATE PLANE COORDINATES SYSTEM, NORTH AMERICAN DATUM 83, SOUTH CENTRAL ZONE (4204), NAVD88.
3. ELEVATIONS MSL, DERIVED FROM G.N.S.S. OBSERVATION AND DERIVED FROM SAID ON-THE-GROUND SURVEY.
4. ALL MONUMENTS FOUND AND SHOWN HEREON WERE CONTROLLING MONUMENTS IN THE FINAL BOUNDARY DETERMINATION OF THIS SURVEY.

LOT 1, BLOCK A
LA VISTA FOUNDATION SUBDIVISION
VOL. 8, PG. 277
P. R. H. C. T.
LA VISTA FOUNDATION
CALLED 50.00 ACRES
VOL. 1355, PG. 462
O. P. R. H. C. T.

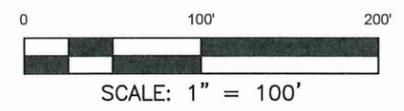
I, Matthew Tomerlin, Registered Professional Land Surveyor No. 6503 of the State of Texas, do hereby certify this plat shows the results of an on the ground survey made under my direction. Original signed and stamped in red ink.

Matthew Tomerlin
MAY 04, 2023
MATTHEW TOMERLIN
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 6503



BOUNDARY EXHIBIT
SH 123 - SAN MARCOS 17

BEING a 17.937 acre tract of land situated in the Barnett K. Kane Survey, Abstract No. 281, Hays County, Texas, being the same called 17.937 acre tract of land described in a Deed as recorded in Document No. 23009614 of the Official Public Records of Hays County, Texas.



DATAPoint
SURVEYING & MAPPING

12450 Network Blvd. - Suite 155
San Antonio, TX 78249
Phone: 726-777-4240
Firm No. 10194585

LEGAL DESCRIPTION

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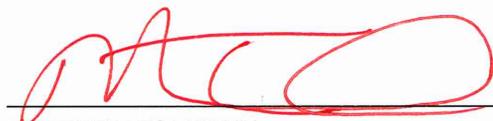
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Original signed and stamped in red ink.



Date of Signature: May 04, 2023

MATTHEW TOMERLIN
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 6503
FIRM REGISTRATION/LICENSE NO. 10194585
FOR DATAPOINT SURVEYING AND MAPPING
12450 NETWORK BLVD, SUITE 155
SAN ANTONIO, TX. 78249
(726) 777-4240 OFFICE
(726) 777-4241 FAX

