

ORDINANCE NO. 2021-78

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS ANNEXING INTO THE CITY APPROXIMATELY 390.25 ACRES OF LAND GENERALLY LOCATED BETWEEN HARRIS HILL ROAD AND THE FUTURE FM 110 NORTH OF HARRIS HILL ROAD (CASE NO. AN-21-05: WHISPER SOUTH); INCLUDING PROCEDURAL PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.

RECITALS:

1. In Case No. AN-21-05, the owner of approximately 390.25 acres of land generally located between Harris Hill Rd and the future FM 110 north of Harris Hill Rd 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.
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 All ordinances and resolutions or parts of ordinances or resolutions in conflict with this ordinance are repealed.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 21, 2021.

PASSED, APPROVED AND ADOPTED on second reading on October 4, 2021.

Jane Hughson
Mayor

Attest:

Approved:

Tammy K. Cook
Interim City Clerk

Michael Cosentino
City Attorney

EXHIBIT A



FIELD NOTES FOR A 311.9 ACRE TRACT OF LAND

A **311.9 acre** tract of land, out of the J. Veramendi Survey, Abstract 17, Hays County, Texas and being all of a called 312.005 acre tract of land as conveyed to Reuben Nicholai Revocable Trust of record in Volume 2946, Page 47 of the Official Public Records of Hays County, Texas. Said **311.9 acre** tract being more particularly described by metes and bounds as follows:

BEGINNING at a found 1-1/2" iron pipe in the apparent northeast right-of-way line of County Road 160 (Harris Hill Road), for the most southerly corner of said 312.005 acre tract and the tract described herein;

THENCE: With the apparent northeast and easterly right-of-way line of Harris Hill Road and the southwest and northwest line of said 312.005 acre tract, the following three (3) courses:

1. **N 45° 55' 28" W**, a distance of **2602.87 feet** to a found 1/2" iron rod for a point of curvature,
2. With a curve to the right having a radius of **250.00 feet**, an arc length of **392.54 feet**, a delta angle of **089° 57' 48"** and a chord bears, **N 00° 52' 20" W**, a distance of **353.44 feet** to a found 1/2" iron rod for a point of non-tangency, and
3. **N 44° 07' 28" E**, a distance of **4516.12 feet** to a found 1/2" iron rod at the apparent west corner of a 33-2/5 acre tract of land as described in Volume 154, Page 504 of the Deed Records of Hays County, Texas, for the north corner of said 312.005 acre tract and the tract described herein;

THENCE: **S 45° 55' 33" E**, departing the apparent easterly right-of-way line of Harris Hill Road and with the northeast line of said 312.005 acre tract, a distance of **2853.29 feet** to a found 1/2" iron rod in the northwest line of a called 100.0 acre tract of land as described in Volume 154, Page 503 of the Deed Records of Hays County, Texas, for the east corner of said 312.005 acre tract and the tract described herein;

THENCE: **S 44° 07' 50" W**, with the common line between said 100.0 acre tract, the northwest line of a called 24.93 acre tract of land as described in Volume 4186, Page 253 of the Official Public Records of Hays County, Texas and said 312.005 acre tract, a distance of **4766.34 feet** to the **POINT OF BEGINNING** and containing **312.005 acres** of land situated in Hays County, Texas.

Note: The basis of bearing was established using the Trimble VRS Network, NAD (83), Texas State Plane Coordinate System, South Central Zone, 4204, US Survey Foot, Grid. A survey plat was prepared by a separate document. Field work completed on January 23, 2020.

Job # 20-4003 311.9 Acres

Date: January 27, 2020



FIELD NOTES FOR A 67.94 ACRE TRACT OF LAND

A **67.94 acre** tract of land, out of the J. Miner Survey, Abstract 321, and the T.G. McGehee Survey, Abstract 11, Hays County, Texas and being all of a called 33-2/5 acre tract of land, all of a called 17.76 acre tract of land, and a portion of a called 118-1/2 acre tract of land, all as described in Volume 154, Page 504 of the Deed Records of Hays County, Texas. Said **67.94 acre** tract being more particularly described by metes and bounds as follows:

BEGINNING at a found 1/2" iron rod in the apparent southeast right-of-way line of County Road 160 (Harris Hill Road), for the southwest corner of Lot 1 of the Northpoint Section 1 Subdivision, a plat of record in Volume 2, Pages 251-252 of the Plat Records of Hays County, Texas, at the apparent north corner of said 33-2/5 acre tract and for the northwest corner of the tract described herein;

THENCE: S 46° 24' 00" E, departing the apparent southeast right-of-way line of Harris Hill Road, and with the southwest lines of said Northpoint Section 1 Subdivision, Northpoint Section 4 Subdivision, a plat of record in Volume 7, Pages 289-290 of the Plat Records of Hays County, Texas, and the apparent northeast lines of said 33-2/5 acre tract and the 17.76 acre tract, a distance of **2525.46 feet** to a found 1" iron pipe for the south corner of Lot 99 of said Northpoint Section 4 Subdivision, in the west line of said 118-1/2 acre tract, at the apparent east corner of said 17.76 acre tract and for an interior corner of the tract described herein;

THENCE: N 43° 13' 46" E, with the southeast line of said Northpoint Section 4 Subdivision, Northpoint Section 3 Subdivision, a plat of record in Volume 3, Pages 281-282 of the Plat Records of Hays County, Texas, and the northwest line of said 118-1/2 acre tract, a distance of **1397.62 feet** to a found 1-1/2" iron pipe for the southeast corner of Lot 1 of the Harris Hill Road Sport Vehicle Track Subdivision, a plat of record in Volume 14, Pages 42-43 of Plat Records of Hays County, Texas, for the south corner of a R.O.W. Dedication as shown on said Harris Hill Road Sport Vehicle Track Subdivision Plat, for the east corner of Lot 69 of said Northpoint Section 3 Subdivision, for the southwest corner of a called 5.058 acre tract of land as described and conveyed to Hays County of record in Volume 5158, Page 87 of the Official Public Records of Hays County, Texas, for the north corner of said 118-1/2 acre tract and the most northerly northeast corner of the tract described herein;

THENCE: S 46° 28' 36" E, with the common line between said 118-1/2 acre tract and said 5.058 acre tract, a distance of **10.95 feet** to a found 1/2" iron rod with an orange plastic cap stamped "McGray-McGray" for the northwest corner of a called 11.736 acre tract of land as described and conveyed to Hays County of record in Document No. 16008150 of the Official Public Records of Hays County, Texas, and for the most easterly northeast corner and a point of curvature of the tract described herein;

THENCE: Departing the northeast line of said 118-1/2 acre tract and with the westerly lines of said 11.736 acre tract, the following six (6) courses:

1. With a non-tangent curve to the left having a radius of **9110.00 feet**, an arc length of **60.14 feet**, a delta angle of **000° 22' 42"** and a chord bears, **S 33° 27' 18" W**, a distance of **60.14 feet** to a found 1/2" iron rod with an orange plastic cap stamped "McGray-McGray" for a point of tangency,
2. **S 33° 15' 57" W**, a distance of **948.71 feet** to a found 1/2" iron rod with a yellow plastic cap stamped "Byrn" for an angle,
3. **S 36° 07' 42" W**, a distance of **200.23 feet** to a found 1/2" iron rod with a yellow plastic cap stamped "Byrn" for an angle,
4. **S 33° 15' 57" W**, a distance of **199.98 feet** to a found 1/2" iron rod with a yellow plastic cap stamped "Byrn" for an angle,
5. **S 27° 33' 19" W**, a distance of **100.49 feet** to a found 1/2" iron rod for an angle, and
6. **S 33° 15' 57" W**, a distance of **796.45 feet** to a set 1/2" iron rod with a red plastic cap stamped "Matkin Hoover Eng. & Survey" in the north line of a called 100.0 acre tract of land as described in Volume 154, Page 503 of the Deed Records of Hays County, Texas, for the southwest corner of said 11.736 acre tract, the northwest corner

of a called 19.083 acre tract of land as described and conveyed to Hays County of record in Document No. 17041297 of the Official Public Records of Hays County, Texas, in the southwest line of said 118-1/2 acre tract and for the most easterly southeast corner of the tract described herein;

THENCE: N 45° 24' 57" W, with the common line between said 100.0 acre tract and said 118-1/2 acre tract, a distance of **96.67 feet** to a set 1/2" iron rod with a red plastic cap stamped "Matkin Hoover Eng. & Survey" for the northwest corner of said 100.0 acre tract and an interior corner of the tract described herein;

THENCE: S 44° 07' 50" W, with the northwest line of said 100.0 acre tract, a distance of **112.31 feet** to a found 1/2" iron rod for the east corner of a called 312.005 acre tract of land as conveyed to Reuben Nicholai Revocable Trust of record in Volume 2946, Page 47 of the Official Public Records of Hays County, Texas, and for a southerly exterior corner of the tract described herein;

THENCE: N 45° 55' 33" W, with the northeast line of said 312.005 acre tract, a distance of **2853.29 feet** to a found 1/2" iron rod in the apparent southeast right-of-way line of Harris Hill Road, at the apparent west corner of said 33-2/5 acre tract, for the north corner of said 312.005 acre tract and for the west corner of the tract described herein;

THENCE: N 44° 12' 31" E, with the apparent southeast right-of-way line of Harris Hill Road and the apparent northwest line of said 33-2/5 acre tract, a distance of **957.35 feet** to the **POINT OF BEGINNING** and containing **67.94 acres** of land situated in Hays County, Texas.

Note: The basis of bearing was established using the Trimble VRS Network, NAD (83), Texas State Plane Coordinate System, South Central Zone, 4204, US Survey Foot, Grid. A survey plat was prepared by a separate document. Field work completed on January 23, 2020.

Job # 20-4003 67.94 Acres

Date: January 27, 2020



FIELD NOTES FOR A 10.41 ACRE TRACT OF LAND

A **10.41 acre** tract of land, located in the J. Miner Survey, Abstract 321, and the J. Veramendi Survey, Abstract 17, Hays County, Texas and being the apparent existing right-of-way of County Road 160, now known as Harris Hill Road, no record found. Said **10.41 acre** tract being more particularly described by metes and bounds as follows:

BEGINNING at a found $\frac{1}{8}$ " iron rod in the apparent southeast right-of-way line of Harris Hill Road, for the southwest corner of Lot 1 of the Northpoint Section 1 Subdivision, a plat of record in Volume 2, Pages 251-252 of the Plat Records of Hays County, Texas, at the apparent north corner of said 33-2/5 acre tract and for the most northerly northeast corner of the tract described herein:

THENCE: S 44° 12' 31" W, with the apparent southeast right-of-way line of Harris Hill Road and the apparent northwest line of said 33-2/5 acre tract, a distance of **957.35 feet** to a found $\frac{1}{8}$ " iron rod for the apparent west corner of said 33-2/5 acre tract, for the north corner of a called 312.005 acre tract of land as conveyed to Reuben Nicholai Revocable Trust of record in Volume 2946, Page 47 of the Official Public Records of Hays County, Texas and for an angle of the tract described herein:

THENCE: With the apparent easterly and northeasterly right-of-way line of Harris Hill Road and the northwest and southwest line of said 312.005 acre tract, the following three (3) courses:

1. S 44° 07' 28" W, a distance of **4516.12 feet** to a found $\frac{1}{8}$ " iron rod for a point of curvature.
2. With a non-tangent curve to the left having a radius of **250.00 feet**, an arc length of **392.54 feet**, a delta angle of **089° 57' 48"** and a chord bears, S 00° 52' 20" E, a distance of **353.44 feet** to a found $\frac{1}{8}$ " iron rod for a point of non-tangency, and
3. S 45° 55' 28" E, a distance of **2602.87 feet** to a found 1-1/2" pipe for the most southerly corner of said 312.005 acre tract and the most southerly southeast corner of the tract described herein;

THENCE: S 44° 05' 23" W, into said Harris Hill Road right-of-way, a distance of **41.57 feet** to a point in an existing wire fence line, being the apparent southwesterly right-of-way line of Harris Hill Road as occupied, and for the most southerly corner of the tract described herein:

THENCE: N 45° 57' 20" W, generally along said existing wire fence line, being the apparent southwesterly right-of-way line of Harris Hill Road as occupied, a distance of **1132.60 feet** to an angle of said fence line, for the east end of a cutback at the apparent intersection of the southwesterly right-of-way line of Harris Hill Road and the southeast right-of-way line of Uhlard Road, no record found, and for an angle of the tract described herein:

THENCE: N 45° 28' 34" W, a distance of **229.94 feet** to an angle in an existing wire fence line, for the north end of a cutback at the apparent intersection of the southwesterly right-of-way line of Harris Hill Road and the northwest right-of-way line of Uhlard Road, and for an angle of the tract described herein:

THENCE: Continuing with the apparent southwest right-of-way line of Harris Hill Road and generally along said wire fence line, the following three (3) courses:

1. N 46° 09' 56" W, a distance of **1358.01 feet** to a fence angle,
2. N 47° 09' 35" W, a distance of **139.67 feet** to a fence angle, and
3. N 49° 51' 52" W, a distance of **40.53 feet** to a point in the northwest line of a called 109.43 acre tract of land as described in Volume 262, Page 398 of the Deed Records of Hays County, Texas, in the southeasterly line of a called 82.651 acre tract of land as described in Volume 2405, Page 387 of the Official Public Records of Hays County, Texas, and for the most wester corner of the tract described herein:

THENCE: With the common line between said 109.43 acre tract and said 82.651 acre tract, also being the apparent northwesterly right-of-way line of Harris Hill Road, the following two (2) courses:

1. N 44° 08' 23" E, a distance of 11.11 feet to a point for angle, and
2. N 44° 08' 23" E, a distance of 21.00 feet to a point for the northwest corner of said 109.43 acre tract, and an angle of the tract described herein:

THENCE: N 43° 54' 37" E, with the southeast line of said 82.651 acre tract and fence continuing with the northwesterly right-of-way line of Harris Hill Road, a distance of 12.60 feet to a found 5" pipe post at an easterly corner of said 82.651 acre tract, the southerly corner of a called 10.409 acre tract of land as described in Volume 4252, Page 213 of the Official Public Records of Hays County, Texas, and for an angle of the tract described herein:

THENCE: N 44° 10' 33" E, with the southeast line of said 10.409 acre tract, continuing with the northwesterly right-of-way line of Harris Hill Road and generally along an existing wire fence line, a distance of 907.45 feet to a point in the southeast line of the remainder of a called 11.586 acre tract of land as described in Volume 2446, Page 668 of the Official Public Records of Hays County, Texas, for an easterly corner of said 10.409 acre tract and an angle of the tract described herein:

THENCE: N 44° 07' 16" E, with the southeast line of said 11.586 acre tract and continuing with the northwesterly right-of-way line of Harris Hill Road, a distance of 228.26 feet to a point at the northeast corner of said 11.586 acre tract, at a south corner of a called 30' Road Easement described in Volume 5182, Page 457 of the Official Public Records of Hays County, Texas, and for an angle of the tract described herein:

THENCE: N 44° 35' 56" E, with the southeast line of said 30' Road Easement and continuing with the northwesterly right-of-way line of Harris Hill Road, a distance of 30.00 feet to a point at the southeast corner of said 30' Road Easement, at the south corner of a called 0.502 acre tract of land as described in Volume 1400, Page 291 of the Official Public Records of Hays County, Texas, and for an angle of the tract described herein:

THENCE: N 44° 33' 21" E, with the southeast line of said 0.502 acre tract and continuing with the northwesterly right-of-way line of Harris Hill Road, a distance of 140.24 feet to a found ½" iron rod at the east corner of said 0.502 acre tract, for the southeast corner of a called 2.000 acre tract of land as described in Volume 361, Page 36 of the Official Public Records of Hays County, Texas and for an angle of the tract described herein:

THENCE: N 44° 26' 19" E, with the southeast line of said 2.000 acre tract and continuing with the northwesterly right-of-way line of Harris Hill Road, a distance of 197.15 feet to a found ½" iron rod at the east corner of said 2.000 acre tract, at the south corner of a called 3.00 acre tract of land as described in Document No. 21021618 of the Official Public Records of Hays County, Texas, and for an angle of the tract described herein:

THENCE: With the southeast line of said 3.00 acre tract and continuing with the northwesterly right-of-way line of Harris Hill Road, the following two (2) courses:

1. N 44° 33' 15" E, a distance of 171.98 feet to a point for angle, and
2. N 43° 02' 38" E, a distance of 123.49 feet to a found ½" iron rod at the east corner of said 3.00 acre tract, the south corner of a called 5.60 acre tract of land as described in Volume 219, Page 576 of the Official Public Records of Hays County, Texas, and an angle of the tract described herein:

THENCE: With the southeast line of said 5.60 acre tract and continuing with the northwesterly right-of-way line of Harris Hill Road, the following three (3) courses:

1. N 42° 34' 16" E, a distance of 49.20 feet to a found ½" iron pipe for angle,
2. N 40° 21' 33" E, a distance of 196.49 feet to a found ½" iron rod for angle, and
3. N 44° 11' 13" E, a distance of 322.12 feet to a found ½" iron rod at the east corner of said 5.60 acre tract, at the south corner of a called 7.40 acre tract of land as described in Volume 219, Page 574 of the Official Public Records of Hays County, Texas and an angle of the tract described herein:

THENCE: With the southeast line of said 7.40 acre tract and continuing with the northwesterly right-of-way line of Harris Hill Road, the following two (2) courses:

1. N 44° 49' 49" E, a distance of 32.96 feet to a found 60d nail for angle, and
2. N 44° 18' 09" E, a distance of 724.34 feet to a found 6" steel post at the east corner of said 7.40 acre tract, for a southeasterly corner of a called 216.30 acre tract of land as described and conveyed to N.O.B. Holdings, Ltd., of record in Volume 3086, Page 39 of the Official Public Records of Hays County, Texas and an angle of the tract described herein:

THENCE: N 44° 09' 02" E, with the southeast line of said 216.30 acre tract and continuing with the northwesterly right-of-way line of Harris Hill Road, a distance of 1601.39 feet to a found 6" steel post at the south corner of a called 12.5' R.O.W. Dedication as shown in Volume 18, Pages 22-25 of the Plat Records of Hays County, Texas, for the east corner of said 216.30 acre tract and for an interior corner of the tract described herein:

THENCE: With southerly and westerly lines of said Dedication and continuing with the northwesterly right-of-way line of Harris Hill Road, the following two (2) courses:

1. N 47° 24' 10" W, a distance of 12.55 feet to a point for corner, and
2. N 44° 35' 16" E, a distance of 1007.14 feet to a point for the north corner of the tract described herein:

THENCE: S 45° 24' 44" E, into said Harris Hill Road right-of-way, a distance of 62.00 feet to the **POINT OF BEGINNING** and containing 10.41 acres of land situated in Hays County, Texas.

"This document was prepared under 22 TAC §663.21, does not reflect the results of an on the ground survey, and 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 was established using the Trimble VRS Network, NAD (83), Texas State Plane Coordinate System, South Central Zone, 4204, US Survey Foot, Grid

