

ARMBRUST & BROWN, PLLC

ATTORNEYS AND COUNSELORS

100 CONGRESS AVENUE, SUITE 1300
AUSTIN, TEXAS 78701-2744
512-435-2300

FACSIMILE 512-435-2360

Kevin M. Flahive
(512) 435-2333
kflahive@abaustin.com

June 14, 2024

Via Certified Mail, Return Receipt Requested
& Email (thjorth@sanmarcostx.gov)

Director of Utilities
Mr. Tyler Hjorth
City of San Marcos
630 E. Hopkins
San Marcos, TX 78666

Re: Regional Wastewater Services and Facilities Cost Sharing Agreement:
Petitions for Consent to Creation of Sedona Municipal Utility District No.
1 and Sedona Municipal Utility District No. 2

Dear Mr. Hjorth:

As you know, I represent JLBC 710, Investments, LLC in connection with the Regional Wastewater Services and Facilities Cost Sharing Agreement between the City of San Marcos, Texas, Clint Jones, Rattler Ridge, LP, JLBC 710 Investments, LLC and Highlander SM Two, LLC (the "Agreement"). Enclosed, please find the Petition for Consent to the Creation of a Municipal Utility District (Sedona Municipal Utility District No. 1) and the Petition for Consent to the Creation of a Municipal Utility District (Sedona Municipal Utility District No. 2) (together, the "Petitions"). Pursuant to Section VII, Paragraph 5 of the Agreement, JLBC 710 Investments, LLC requests that the City of San Marcos provide its consent to the creation of these municipal utility districts over the "Sedona South Tract" (as defined in the Agreement), by ordinance or resolution, and without conditions or contingencies, within 60 days after the receipt of the Petitions.

Please contact me with any questions.

Sincerely,

ARMBRUST & BROWN, PLLC



Kevin M. Flahive

Enclosures (2)

Copy via email: Mr. Samuel Aguirre, City Attorney (saguirre@sanmarcostx.gov)

**PETITION FOR CONSENT TO THE CREATION
OF A MUNICIPAL UTILITY DISTRICT**

TO THE HONORABLE MAYOR AND CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS:

The undersigned ("Petitioner"), holding title to the land described by metes and bounds on **Exhibit "A"**, which is attached hereto and incorporated herein for all purposes (the "Land"), and acting pursuant to the provisions of Chapters 49 and 54 of the *Texas Water Code* and Section 42.042 of the *Texas Local Government Code*, respectfully petitions the City Council of the City of San Marcos, Texas (the "City") for its written consent to the creation of a municipal utility district over the Land, and, in support of this Petition, would show the following:

I.

The name of the proposed district is SEDONA MUNICIPAL UTILITY DISTRICT NO. 1, (the "District"). There is no other conservation or reclamation district in Guadalupe County, Texas, with the same name.

II.

The District is proposed to be created and organized under the terms and provisions of Article XVI, Section 59 and Article III, Section 52 of the Texas Constitution and Chapters 49 and 54 of the *Texas Water Code*. It is proposed that the District be granted road powers under the authority of Article III, Section 52 of the Texas Constitution.

III.

The Land proposed to be contained within the District is a total of approximately 279.484 acres of land, more or less, situated in Guadalupe County, Texas. All of the Land is located in the extraterritorial jurisdiction of the City. All of the Land may be properly included in the District.

IV.

Petitioner holds title to and is the owner of a majority in value of the Land, as indicated by the tax rolls of the Guadalupe Appraisal District. There is no lienholder on the Land.

V.

The general nature of the work proposed to be done by the District, as contemplated at the present time, is the design, construction, acquisition, improvement, extension, financing, and issuance of bonds: (i) for maintenance, operation, and conveyance of an adequate and efficient water works and sanitary sewer system for domestic purposes; (ii) for maintenance, operation, and conveyance of works, improvements, facilities, plants, equipment, and appliances helpful or necessary to provide more adequate drainage for the District, and to control, abate, and amend local storm waters or other harmful excesses of waters; (iii) for conveyance of roads and improvements in aid of roads; and (iv) for maintenance, operation, and conveyance of such other additional facilities, systems, plants, and enterprises as may be consistent with any or all of the purposes for which the District is created.

VI.

There is a necessity for the above-described work because there is not now available within the area an adequate waterworks system, sanitary sewer system, drainage and storm sewer system, or roadway system to serve the portion of the Land to be included within the District, which is proposed to be developed for residential uses. The health and welfare of the present and future inhabitants of the area and adjacent areas require the purchase, design, construction, acquisition, ownership, operation, repair, improvement, and extension of an adequate waterworks system, sanitary sewer system, drainage and storm sewer system, roadway system, and other facilities and systems. A public necessity, therefore, exists for the creation of the District in order to provide for the purchase, design, construction, acquisition, ownership, operation, repair, improvement and extension of a waterworks system, sanitary sewer system, drainage and storm sewer system, roadway system, and other facilities and systems to promote the purity and sanitary condition of the State's waters and the public health and welfare of the community.

VII.

A preliminary investigation has been made to determine the cost of the proposed District's projects, and it is now estimated by Petitioner, from such information as it has available at this time, that such cost will be approximately \$100,000,000.

VIII.

Petitioner, by submission of this Petition, requests the City's consent to the creation of the District and to the inclusion of the Land within the District.

Petitioner requests that this petition be heard and that the City Council duly pass and approve an ordinance or resolution granting the City's consent to the creation of the District and authorizing the inclusion of the Land within the District.

EXECUTED to be effective as of the 4th day of June, 2024.

[SIGNATURE PAGE FOLLOWS]

PETITIONER:

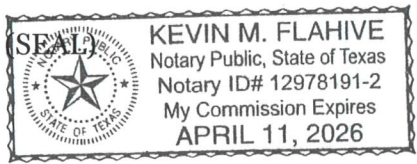
JLBC 710 INVESTMENTS, LLC,
a Texas limited liability company

By: 

John S. Lloyd, Manager

THE STATE OF HAWAII §
 §
COUNTY OF MAUI §

This instrument was acknowledged before me on the 13th day of June, 2024, by John S. Lloyd, Manager of JLBC 710 Investments, LLC, a Texas limited liability company, on behalf of said limited liability company.





Notary Public Signature

EXHIBIT "A"

Description of the Land

279.484 ACRE PARCEL
ANDREW MITCHEL SURVEY NUMBER 62,
ABSTRACT NUMBER 220,
GUADALUPE COUNTY, TEXAS

METES AND BOUNDS

BEING ALL OF THAT CERTAIN 279.484 ACRE TRACT OF LAND IN THE ANDREW MITCHEL SURVEY NUMBER 62, ABSTRACT NUMBER 220, GUADALUPE COUNTY, TEXAS, BEING A PORTION OF A CALLED 510.282 ACRE TRACT OF LAND TRACT OF LAND CONVEYED TO JLBC 710 INVESTMENTS, LLC BY DEED RECORDED IN DOCUMENT NUMBER 202199026066, OFFICIAL PUBLIC RECORDS, GUADALUPE COUNTY, TEXAS, AND A PORTION OF A CALLED 134.473 ACRE TRACT CONVEYED TO JLBC 710 INVESTMENTS, LLC BY DEED RECORDED IN DOCUMENT NUMBER 202199026067, OFFICIAL PUBLIC RECORDS, GUADALUPE COUNTY, TEXAS, SAID 279.484 ACRE TRACT OF LAND BEING MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS,

BEGINNING, at a capped 1/2 inch iron rod found stamped "CBD SETSTONE" on the north line of said 510.282 acre tract of land, being on the south line of an abandoned county road, being the **POINT OF BEGINNING** of the herein described tract,

THENCE N48°33'17"E, with the common line of said abandoned county road and said 510.282 acre tract of land, a distance of 364.89 feet to a capped 1/2 inch iron rod found stamped "CBD SETSTONE" at a north exterior corner of said 510.282 acre tract, being at the west corner of a called 0.907 acre tract conveyed to Jonathan Garner Kraak by deed recorded in Document Number 2015015713, Official Public Records, Guadalupe County, Texas,

THENCE along the common line of said 0.907 acre tract and said 510.282 acre tract, the following two (2) courses, numbered 1 and 2,

- 1) S41°14'15"E, a distance of 291.84 feet to a 1/2 inch iron rod found for corner, and,
- 2) N47°05'59"E, a distance of 136.34 feet to a 1/2 inch iron rod found at the east corner of said 0.907 acre tract, being at an interior corner of said 510.282 acre tract, and being on the west line of a 5.00 acre tract of land conveyed to Jonnie Lynn Kraak McClellan by deed recorded in Volume 943, Page 640, Deed Records, Guadalupe County, Texas, for corner,

THENCE, along the said 5.00 acre tract and said north line of said 510.282 acre tract, the following five (5) courses, numbered 1 through 5,

- 1) S41°38'54"E, a distance of 80.30 feet to a 1/2 inch iron rod found for corner,
- 2) N48°58'18"E, a distance of 500.10 feet to a capped 1/2 inch iron rod found stamped "DAM 5348" for corner,
- 3) N41°53'08"W, a distance of 30.21 feet to a 1/2 inch iron rod found for corner,
- 4) N48°38'20"E, a distance of 94.77 feet to a 1/2 inch iron rod found for corner, and,
- 5) N41°19'44"W, a distance of 342.01 feet to a capped 1/2 inch iron rod set stamped "CBD SETSTONE" on the south line of said abandoned county road, being at an exterior corner of said 510.282 acre tract of land, for corner,

THENCE, N48°37'49"E, with the common line of said 510.282 acre tract and said abandoned county road, a distance of 1738.02 feet to a 1" iron pipe found at the north corner of said 510.282 acre tract, being at the west corner of a called 100.734 acre tract conveyed to CCSM, LLC by deed recorded in Document Number 202199009636, Official Public Records, Guadalupe County, Texas, for corner,

THENCE, S41°20'52"E, with the common line of said 510.282 acre tract and said 100.734 acre tract, a distance of 2189.05 feet to a capped 1/2 inch iron rod found stamped "DAM 5348" at the southwest corner of said 100.734 acre tract, same being at a north exterior corner of said 134.473 acre tract, for corner,

J:\AC3D\5586\Survey\FIELD NOTES\MUD-1.docx

THENCE, N48°36'09"E, with the common line of said 134.473 acre tract and said 100.734 acre tract, a distance of 1988.59 feet to a capped 1/2 inch iron rod found stamped "DAM 5348" at the northernmost corner of said 134.473 acre tract, being the southeast corner of said 100.734 acre tract, same being on the west line of a called 100.55 acre tract conveyed to Moeller Family Limited Partnership by deed recorded in Volume 1156, Page 741, Deed Records, Guadalupe County, Texas, for corner,

THENCE, S41°43'29"E, along the common line of 134.473 acre tract and said 100.55 acre tract, a distance of 649.92 feet to a calculated point for corner,

THENCE, over and across said 134.473 acre tract, the following four (4) courses, numbered 1 through 4,

- 1) S48°36'08"W, a distance of 549.95 feet to a calculated point for corner,
- 2) S41°43'21"E, a distance of 1117.57 feet to a calculated point for corner,
- 3) S48°37'45"W, a distance of 699.92 feet to a calculated point for corner,
- 4) S41°24'47"E, a distance of 119.99 feet to a calculated point for corner on the north line of a called 64.57 acre tract conveyed to Clint E. Jones by deed recorded in Document Number 201999019538, Official Public Records, Guadalupe County, Texas, being the south line of said 134.473 acre tract,

THENCE, S48°38'30"W, with the south line of said 134.473 acre tract, the north line of said 64.57 acre tract, a distance of 2131.47 feet to a capped 1/2 inch iron rod found stamped "MEDINA BAIN" at the southwest corner of said 134.473 acre tract, being at the northwest corner of said 64.57 acre tract, same being at the northeast corner of a called 11.1738 acre tract conveyed to Jose DeJesus Juarez, et al. by deed recorded in Document Number 202399017401, Official Public Records, Guadalupe County, Texas, also being at the southeast corner of a called 10.00 acre tract conveyed to Larry M. Sanders and Loretta Sanders by deed recorded in Volume 1364, Page 782, Deed Records, Guadalupe County, Texas, for corner,

THENCE, with the common line of said 134.473 acre tract, said 510.282 acre tract, and said 10.00 acre tract, the following two (2) courses, numbered 1 through 2,

- 1) N41°31'52"W, a distance of 1278.71 feet to a 1/2 inch iron rod found,
- 2) S48°37'28"W, a distance of 340.97 feet to a capped 1/2 inch iron rod found stamped "DAM 5348",

THENCE, over and across said 510.282 acre tract of land, the following thirteen (13) courses, numbered 1 through 13,

- 1) N41°31'22"W, a distance of 30.04 feet to a calculated point for corner,
- 2) S48°37'46"W, a distance of 177.42 feet to a calculated point for corner,
- 3) S41°23'46"E, a distance of 46.10 feet to a calculated point for corner,
- 4) S48°37'49"W, a distance of 913.44 feet to a calculated point for corner,

279.484 ACRE PARCEL
ANDREW MITCHEL SURVEY NUMBER 62,
ABSTRACT NUMBER 220,
GUADALUPE COUNTY, TEXAS

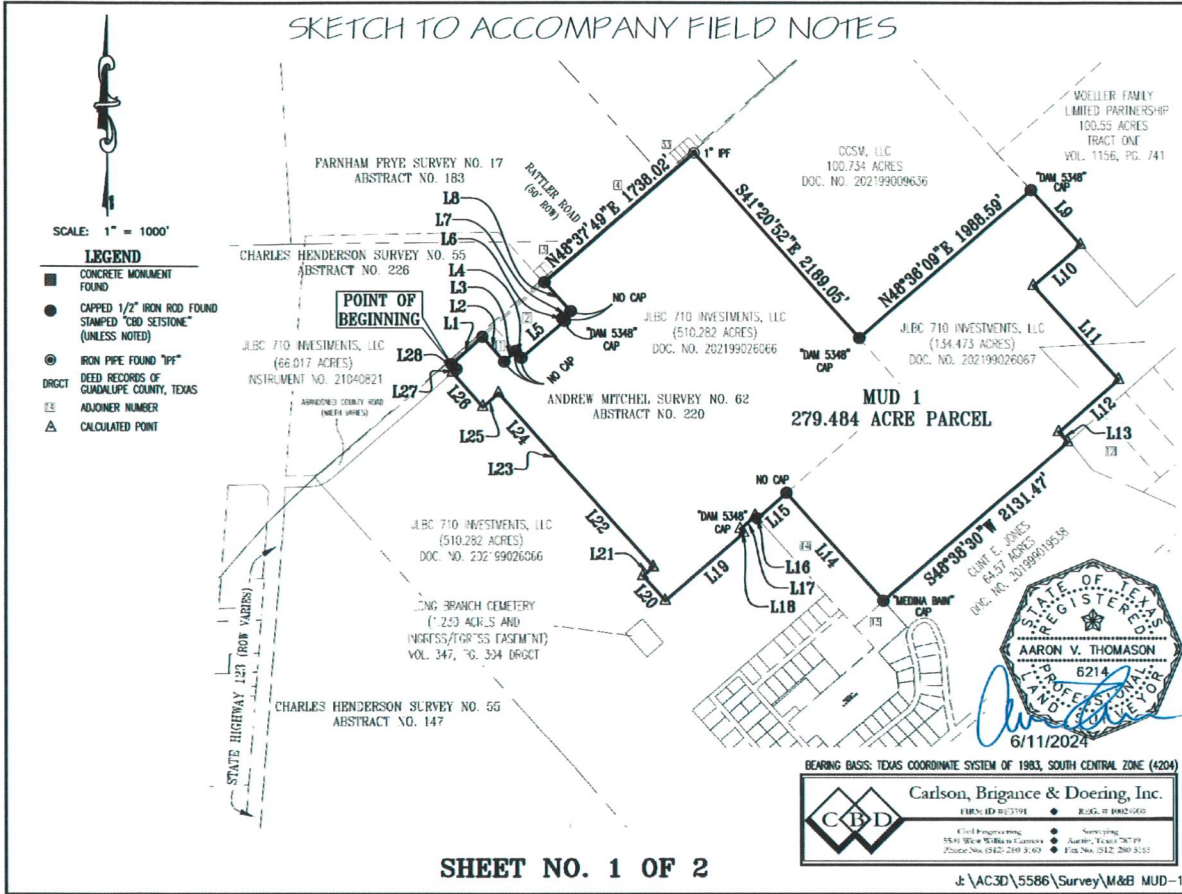
- 5) N41°22'11"W, a distance of 294.03 feet to a calculated point for corner,
- 6) N48°37'49"E, a distance of 120.00 feet to a calculated point for corner,
- 7) N41°22'11"W, a distance of 1296.22 feet to a calculated point for corner,
- 8) N48°37'49"E, a distance of 7.02 feet to a calculated point for corner,
- 9) N41°24'35"W, a distance of 754.12 feet to a calculated point for corner,
- 10) S48°37'49"W, a distance of 186.36 feet to a calculated point for corner,
- 11) N41°23'23"W, a distance of 405.42 feet to a calculated point for corner,
- 12) N48°28'43"E, a distance of 44.54 feet to a capped 1/2 inch iron rod found stamped "CBD SETSTONE", and
- 13) N41°31'17"W, a distance of 61.68 feet to the **POINT OF BEGINNING** and containing 279.484 acres of land, as shown on the attached sketch.

Surveyed by,  6/11/2024
Aaron V. Thomason, R.P.L.S. NO. 6214
Carlson, Brigrance & Doering, Inc.
REG. # 10024900
5501 W. William Cannon
Austin, TX 78749
Ph, 512-280-5160
Edannheim@cbdeng.com



BEARING BASIS: TEXAS COORDINATE SYSTEM, CENTRAL ZONE (4203), NAD83
DATE OF SURVEY: AUGUST 29, 2023

J:\AC3D\5586\Survey\FIELD NOTES\MUD-1.docx




SKETCH TO ACCOMPANY FIELD NOTES


- 1 JONATHAN GARNER KRAAK
0.907 ACRE
DOC. NO. 2015015713
- 2 JONNE LYNN KRAAK MCCLELLAN
5.00 ACRES
VOL. 943, PG. 640
- 3 COTTON WOOD PHASE 3 UNIT 3
DOC. NO. 19029834
- 4 COTTON WOOD CREEK
PHASE 3 UNIT 4
DOC. NO. 20015032
- 5 ROBERT FLEMING
3.11 ACRES
VOL. 596, PG. 826
- 6 JOSE DOMESJOS JUAREZ, ET UX
11.1738 ACRES
DOC. NO. 202399017401
- 7 LARRY M. SANDERS & LORETTA SANDERS
10.60 ACRES
VOL. 1364, PG. 782
- 8 SILVA BENITEZ
CALLED LOT 27 - 0.45 ACRE
VOL. 2177, PG. 79
- 9 COTTON WOOD CREEK
PHASE 3 UNIT 5
DOC. NO. 20043156

Line Table		
Line #	Length	Direction
L1	364.89	N48°33'17"E
L2	291.84	S41°14'15"E
L3	136.34	N47°05'59"E
L4	80.30	S41°38'54"E
L5	500.10	N48°58'18"E
L6	30.21	N41°53'08"W
L7	94.77	N48°38'20"E
L8	342.01	N41°19'44"W
L9	649.92	S41°43'29"E
L10	549.95	S48°36'08"W
L11	1117.57	S41°43'21"E
L12	699.92	S48°37'45"W
L13	119.99	S41°24'47"E
L14	1278.71	N41°31'52"W

Line Table		
Line #	Length	Direction
L15	340.97	S48°37'28"W
L16	30.04	N41°31'22"W
L17	177.42	S48°37'46"W
L18	46.10	S41°23'46"E
L19	913.44	S48°37'49"W
L20	294.03	N41°22'11"W
L21	120.00	N48°37'49"E
L22	1296.22	N41°22'11"W
L23	7.02	N48°37'49"E
L24	754.12	N41°24'35"W
L25	186.36	S48°37'49"W
L26	405.42	N41°23'23"W
L27	44.54	N48°28'43"E
L28	61.68	N41°31'17"W


Aaron V. Thomason
 6/11/2024

BEARING BASIS: TEXAS COORDINATE SYSTEM OF 1983, SOUTH CENTRAL ZONE (4204)


Carlson, Brignace & Doering, Inc.
 P.E. No. 0273794 R.L.G. No. 09925000
 C. Brignace, P.E. Surveyor
 1500 West Williams Expressway Austin, TX 78741
 Phone No. (512) 250-9369 Fax No. (512) 280-3150

SHEET NO. 2 OF 2

z:\AC3D\5586\Survey\M&B MUD-1