

ORDINANCE NO. 2022-65

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS ANNEXING INTO THE CITY APPROXIMATELY 69.407 ACRES OF LAND, GENERALLY LOCATED BETWEEN I-35 SOUTH AND THE UNION PACIFIC RAILROAD, APPROXIMATELY 1,000 FEET SOUTH OF POSEY ROAD IN CASE NO. AN-22-12; INCLUDING PROCEDURAL PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.

RECITALS:

- 1.** In Case No. AN-22-12, the owner of approximately 69.407 acres of land, generally located between I-35 South and the Union Pacific railroad, approximately 1,000 feet south of Posey Road, 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 All ordinances and resolutions or parts of ordinances or resolutions in conflict with this ordinance are repealed.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 August 16, 2022.

PASSED, APPROVED AND ADOPTED on second reading on September 20, 2022.

Jane Hughson
Mayor

Attest:

Approved:

Elizabeth Trevino
City Clerk

Michael J. Cosentino
City Attorney

EXHIBIT A



NORTH
SCALE: 1" = 400'

GENERAL NOTES

1. SURVEYOR DID NOT ABSTRACT SUBJECT PROPERTY. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A CURRENT TITLE REPORT OR ABSTRACTS. CERTIFICATE AND WOULD BE SUBJECT TO ANY AND ALL CONDITIONS OR RESTRICTIONS THAT A CURRENT TITLE REPORT OR ABSTRACTS CERTIFICATE MAY DISCLOSE.
2. BEARINGS WERE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE. (NAD83)
3. THIS EXHIBIT IS ACCOMPANIED BY A SEPARATE METES AND BOUNDS DESCRIPTION.
4. THIS EXHIBIT DOES NOT IMPLY TO BE A LAND TITLE SURVEY OF THE SUBJECT PROPERTY AND IS NOT INTENDED TO BE USED FOR TITLE CONVEYANCE PURPOSES.

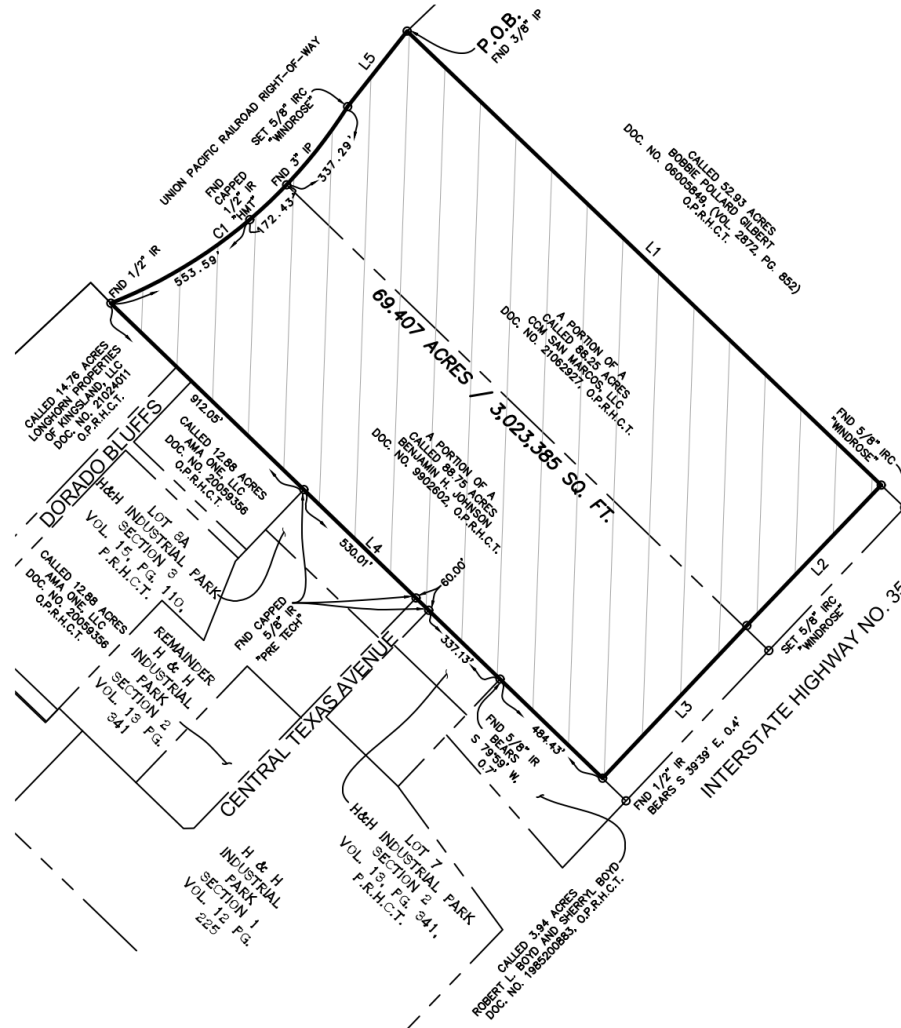


EXHIBIT OF
69.407 ACRES/3,023,385 SQ. FT.
SITUATED IN THE
W.H. VANHORN SURVEY, A-464
HAYS COUNTY, TEXAS

| LINE TABLE | | |
|------------|---------------|-----------|
| LINE | BEARING | DISTANCE |
| L1 | S 46°15'40" E | 2,231.15' |
| L2 | S 43°46'40" W | 660.77' |
| L3 | S 43°23'19" W | 713.82' |
| L4 | N 46°00'30" W | 2,323.62' |
| L5 | N 38°16'01" E | 326.92' |

| CURVE CHART | | | | | |
|-------------|-----------|-----------|-----------|---------------|-----------|
| CURVE | RADIUS | DELTA | LENGTH | BEARING | CHORD |
| C1 | 1,684.76' | 36°09'41" | 1,063.31' | N 50°18'43" E | 1,045.75' |

| | | | |
|--------------|------------------|-------|-----------|
| FIELD BY: | - | DATE: | 4-15-2022 |
| DRAWN BY: | DB | REV: | |
| CHECKED BY: | CSC | REV: | |
| JOB NO. | 56955-ANNEXATION | REV: | |
| SHEET 1 OF 2 | | REV: | |



WINDROSE
LAND SURVEYING | PLATTING

11111 RICHMOND AVE, STE 150 | HOUSTON, TX 77082 | 713.458.2281
FIRM REGISTRATION NO. 10108800 | WINDROSESERVICES.COM



**DESCRIPTION OF
69.407 ACRES OR 3,023,385 SQ. FT.**

A TRACT OR PARCEL CONTAINING 69.407 ACRES OR 3,023,385 SQUARE FEET OF LAND BEING OUT OF AND PART OF A CALLED 88.25 ACRE TRACT OF LAND DESCRIBED IN DEED CCM SAN MARCOS, LLC, AS RECORDED UNDER DOC. NO. 21062927, OFFICIAL PUBLIC RECORDS HAYS COUNTY TEXAS (O.P.R.H.C.T.) AND BEING OUT OF AND PART OF A CALLED 88.75 ACRE TRACT OF LAND DESCRIBED IN DEED TO BENJAMIN H. JOHNSON AS RECORDED UNDER DOC. NO. 9902602, O.P.R.H.C.T., SITUATED IN THE W.H. VAN HORN ONE-THIRD LEAGUE, ABSTRACT NO. 464, HAYS COUNTY, TEXAS, WITH SAID 69.407 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS, WITH ALL BEARINGS BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE (NAD 83):

BEGINNING AT A 3/8 INCH IRON PIPE FOUND FOR THE WEST CORNER OF A CALLED 52.93 ACRE TRACT DESCRIBED IN DEED TO BOBBIE POLLARD GILBERT, AS RECORDED UNDER DOC. NO. 06005849 (VOL. 2872, PG. 852) O.P.R.H.C.T., AND THE NORTH CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, SOUTH 46 DEG. 15 MIN. 40 SEC. EAST, WITH THE SOUTHWEST LINE OF SAID CALLED 52.93 ACRE TRACT, A DISTANCE OF 2,231.15 FEET TO A POINT ON THE SOUTHWEST LINE OF SAID CALLED 52.93 ACRE TRACT, FOR THE EAST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, SOUTH 43 DEG. 46 MIN. 40 SEC. WEST, OVER AND ACROSS SAID CALLED 88.25 ACRE TRACT, A DISTANCE OF 660.77 FEET TO A POINT FOR AN INTERIOR CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, SOUTH 43 DEG. 23 MIN. 19 SEC. WEST, OVER AND ACROSS SAID CALLED 88.75 ACRE TRACT, A DISTANCE OF 713.82 FEET TO A POINT ON THE EAST LINE OF A CALLED 3.94 ACRE TRACT OF LAND DESCRIBED IN DEED TO ROBERT L. BOYD AND SHERYL BOYD AS RECORDED UNDER DOC. NO. 1985200883, O.P.R.H.C.T. AND THE SOUTHWEST CORNER OF THE HEREIN DESCRIBED TRACT, FROM WHICH A FOUND IRON ROD BEARS FOR REFERENCE SOUTH 39 DEG. 39 MIN. EAST, A DISTANCE OF 0.4 FEET;

THENCE, NORTH 46 DEG. 00 MIN. 30 SEC. WEST, DEPARTING THE NORTHWEST R.O.W. LINE OF SAID INTERSTATE HIGHWAY NO. 35, WITH THE EAST LINE OF SAID CALLED 3.94 ACRE TRACT AT A DISTANCE OF 484.43 FEET PASSING AT THE NORTHWEST CORNER OF SAID CALLED 3.94 ACRE TRACT AND THE NORTHEAST CORNER OF LOT 7 OF H&H INDUSTRIAL PARK, SECTION 2, AS RECORDED IN VOLUME (VOL.) 13, PAGE (PG.) 341, PLAT RECORDS OF HAYES COUNTY, TEXAS (P.R.H.C.T.) FROM WHICH A FOUND 5/8 INCH IRON ROD BEARS SOUTH 79 DEG. 59 MIN. WEST, A DISTANCE OF 0.70 FEET, CONTINUING WITH THE EAST LINE OF SAID LOT 7 PASSING AT A DISTANCE OF 337.13 FEET FOUND 5/8 INCH CAPPED IRON ROD STAMPED "PRE TECH" FOR THE COMMON CORNER OF SAID LOT 7 AND THE SOUTHEAST R.O.W. LINE OF CENTRAL TEXAS AVENUE, CONTINUING WITH THE NORTHEAST R.O.W. LINE OF SAID CENTRAL TEXAS AVE, A DISTANCE OF 60.00 FEET TO A FOUND 5/8 INCH CAPPED IRON ROD STAMPED "PRE TECH" FOR THE COMMON CORNER OF SAID CENTRAL TEXAS AVENUE AND LOT 8A, H&H INDUSTRIAL PARK, SECTION 3, A SUBDIVISION RECORDED IN VOL. 15, PG. 110 OF THE P.R.H.C.T., CONTINUING WITH THE NORTHEAST LINE OF SAID LOT 8A, A DISTANCE OF 530.01 FEET TO A 5/8 INCH CAPPED IRON ROD STAMPED "PRE TECH" FOUND FOR THE MOST EASTERLY CORNER OF A CALLED 12.88 ACRES DESCRIBED IN DEED TO AMA ONE, LLC, AS RECORDED IN DOCUMENT NO. 20059356 OF O.P.R.H.C.T., CONTINUING WITH SAID NORTHEAST LINE OF SAID CALLED 12.88 ACRES, A DISTANCE OF 912.05 FEET AND A TOTAL DISTANCE OF 2,323.62 FEET TO A 1/2" IRON ROD FOUND ON THE SOUTHEAST R.O.W. LINE OF UNION PACIFIC RAILROAD (WIDTH VARIES-NO RECORD FOUND) BEING ON THE EAST LINE OF A CALLED 14.76 ACRES DESCRIBED IN DEED TO LONGHORN PROPERTIES OF KINGSLAND, LLC, AS RECORDED UNDER DOC. NO. 21024011 O.P.R.H.C.T., AND BEING THE NORTHWEST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, WITH A NON-TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 1,684.76 FEET, A CENTRAL ANGLE OF 36 DEG. 09 MIN. 41 SEC., AN ARC LENGTH OF 1,063.31 FEET AND A CHORD BEARING AND DISTANCE OF NORTH 50 DEG. 18 MIN. 43 SEC. EAST 1,045.75 FEET TO A 5/8 INCH IRON ROD WITH CAP STAMPED "WINDROSE" SET, PASSING AT AN ARC LENGTH OF 553.59 FEET A 1/2 INCH IRON ROD WITH CAP STAMPED "HMT" FOUND ON THE SOUTHEAST R.O.W. LINE OF SAID UNION PACIFIC RAILROAD, CONTINUING WITH THE SOUTHEAST R.O.W. LINE OF SAID UNION PACIFIC RAILROAD PASSING AT AN ARC LENGTH OF 172.43 FEET A 3 INCH IRON PIPE FOUND ON THE SOUTHEAST R.O.W. LINE OF SAID UNION PACIFIC RAILROAD, CONTINUING WITH THE SOUTHEAST R.O.W. LINE OF SAID UNION PACIFIC RAILROAD FOR A TOTAL ARC LENGTH OF 1,063.31 FEET TO AN INTERIOR CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, NORTH 38 DEG. 16 MIN. 01 SEC. EAST, WITH THE SOUTHEAST R.O.W. LINE OF SAID UNION PACIFIC RAILROAD, A DISTANCE OF 326.92 FEET TO THE **PLACE OF BEGINNING** AND CONTAINING 69.407 ACRES OR 3,023,385 SQUARE FEET OF LAND, AS SHOWN ON JOB NO. 56955-ANNEXATION, PREPARED BY WINDROSE LAND SERVICES.


LUCAS G. DAVIS
R.P.L.S. NO. 6599
STATE OF TEXAS
FIRM REGISTRATION NO. 10108800



04-15-2022
DATE: