

AGREEMENT FOR THE PROVISION OF SERVICES

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

Date: April 5, 2022

Owner: Warren Realty Ltd, 1910 B Centerpoint Rd, San Marcos, TX, 78666

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:

Warren Realty Ltd.

By: _____, its general partner

By: _____

Name: _____

Title: _____

ACKNOWLEDGMENT

STATE OF _____ §

§

COUNTY OF _____ §

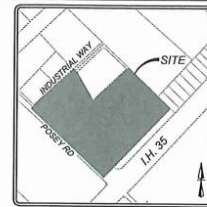
This instrument was acknowledged before me on _____, 20__ by
_____, _____ of _____, general
partner of Warren realty, Ltd., in such capacity on behalf of said entity.

Notary Public, State of _____

EXHIBIT A

NOTES

1. BEARINGS ARE BASED ON THE STATE PLANE COORDINATE SYSTEM ESTABLISHED FOR THE TEXAS SOUTH CENTRAL ZONE 4204, NORTH AMERICAN DATUM (NAD) OF 1983.
2. METES AND BOUNDS WERE PREPARED FOR THIS EXHIBIT.
3. "THIS DOCUMENT WAS PREPARED UNDER 22 SUB SECTION TAC663.21, DOES NOT REFLECT THE RESULTS OF AN ON THE GROUND SURVEY AND IS NOT TO BE USED TO CONVEY OR ESTABLISH INTEREST IN REAL PROPERTY EXCEPT THOSE RIGHTS AND INTEREST IMPLIED OR ESTABLISHED BY THE CREATION OR RECONFIGURATION OF THE BOUNDARY OF THE POLITICAL SUBDIVISION FOR WHICH IT WAS PREPARED."



LOCATION MAP
NOT-TO-SCALE

Line Table		
LINE #	LENGTH	DIRECTION
L1	59.46'	N46°42'46"W
L2	1476.16'	N46°42'46"W
L3	79.99'	N43°16'46"E
L4	441.64'	N46°42'19"E
L5	338.14'	N47°33'04"E
L6	4.17'	N46°42'15"E
L7	70.00'	S43°17'31"E
L8	472.23'	S30°14'01"E
L9	700.69'	N46°41'52"E
L10	866.81'	S46°13'36"E
L11	1416.19'	S43°33'33"W
L12	100.00'	S46°13'36"E

52.93 ACRE TRACT
OWNER: BOBBIE POLLARD GILBERT
VOL. 2872 PG. 852

7.00 ACRE TRACT
OWNER: 2842 ANVIL BLOCK ROAD, LLC
VOL. 17 PG. 235

LOT 1, BLOCK A
POSEY BUSINESS PARK
SECTION ONE
VOL. 17 PG. 235
OWNER: AUTOBUS
2000 LLC,
DOC. NO. 14002714

12.659 ACRE REMAINDER OUT OF
THE HENRY WARNELL SURVEY
OWNER: POSEY 2000 LLC
VOL. 17 PG. 235

TRANSPORTATION WAY
(70' WIDE RIGHT-OF-WAY)

LOT 1, BLOCK 1
POSEY ROAD INDUSTRIAL PARK,
PHASE I
DOC. NO. 16034904
OWNER: INGRAM READY MIX
#13 LLC
DOC. NO. 17024917

29.42 ACRE TRACT
CALLED TRACT 2
OWNER: LEMUEL B. ALLEN JR
& KELLY ALLEN
DOC. NO. 16022276

39.36 ACRE TRACT

44.70 ACRE TRACT
OWNER: WARREN REALTY, LTD.
DOC. NO. 16010823

TRACT 1
OWNER: LEMUEL B. ALLEN JR
& KELLY ALLEN
DOC. NO. 16022276

SOUTHPARK COMMERCIAL
SUBDIVISION
VOL. 4 PG. 59

POINT OF
BEGINNING

L1

POINT OF
COMMENCEMENT

INTERSTATE 35
(VARIABLE WIDTH RIGHT-OF-WAY)

TERESA A. SEIDEL
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 5672
EMAIL: TSEIDEL@KFWENGINEERS.COM
DATE OF SURVEY: 01/27/2022
PROJECT NO.: 19-115



ANY COMPLAINTS REGARDING THE SERVICES YOU HAVE RECEIVED
CAN BE DIRECTED TO:
THE TEXAS BOARD OF PROFESSIONAL ENGINEERS AND LAND
SURVEYORS (TBPELS)
1917 S. INTERSTATE 35, AUSTIN, TEXAS, 78741
PHONE: 512-460-7723, FAX: 512-442-1414 - EMAIL: INFO@PELS.TEXAS.GOV



ANNEXATION EXHIBIT OF
A 39.36 ACRE TRACT OF LAND OUT OF A
44.70 ACRE TRACT, HAYS COUNTY, TEXAS

REVISIONS:	ISSUE DATE:
JOB NO. 19-115	
DATE 01/27/2022	DESIGNER: TAS
DRAWN: JSO	CHECKED: TAS



SHEET: 1 OF 1

THIS DOCUMENT HAS BEEN PRODUCED FROM MATERIAL THAT WAS STORED AND/OR TRANSMITTED ELECTRONICALLY AND MAY HAVE BEEN INADVERTENTLY ALTERED. RELY ONLY ON FINAL HARDCOPY MATERIALS BEARING THE CONSULTANT'S ORIGINAL SIGNATURE AND SEAL.



**ANNEXATION NOTES
FOR
A 39.36 ACRE TRACT**

A **39.36 acre** tract of land out of a portion of a 44.70 acre tract as conveyed to Warren Realty, LTD., of record in Document No. 16010823 of the Official Public Records Hays County, Texas (O.P.R.) and being more particularly described by metes and bounds as follows:

COMMENCING at a point at the north end of a cutback line at the intersection of the southwest right-of-way line of Posey Road, a variable width right-of-way, with the northwest right-of-way line of Interstate Highway No. 35, a variable width right-of-way, for the most easterly corner of the a 52.93 acre tract as conveyed to Bobbie Pollard Gilbert of record in Volume 2872 Page 852 (O.P.R.);

THENCE: N 46°42'46" W, along and with the common line of Posey Road and the 52.93 acre tract, a distance of 59.46 feet to a point in the approximate City of San Marcos City Limits Line, for the **POINT OF BEGINNING** and the most southerly corner of the tract described herein;

THENCE: N 46°42'46" W, continuing along and with the common line of Posey Road and the 52.93 acre tract, a distance of **1,476.16 feet** to a point, for the west corner the tract described herein;

THENCE: N 43°16'48" E, into and across Posey Road, a distance of **79.99 feet** to a point at the intersection of the northeast right-of-way line of Posey Road and the northwest right-of-way line of Transportation Way, a 70 foot wide right-of-way, for the south corner of Lot 1, Block A, Posey Business Park, Section One, a plat of record in Volume 17 Page 235 (P.R.) as conveyed to Autobus 2000 LLC of record in Document No. 14002714 (O.P.R.);

THENCE: along and with the common line of Lot 1, Block A, a 12.659 acre remainder out of the Henry Warnell Survey as conveyed to Posey 2000 LLC of record in Volume 17 Page 235 (P.R.) and the northwest right-of-way line of Transportation Way the following three (3) courses:

1. N 46°42'19" E, a distance of **441.64 feet** to a point, for the common corner of Lot 1, Block A and the 12.659 acre tract, and an angle point of the tract described herein,
2. N 47°33'04" E, a distance of **338.14 feet** to a point, for an angle point of the 12.659 acre tract and the tract described herein, and
3. N 46°42'15" E, a distance of **4.17 feet** to a point, for the westerly northwest corner of the tract described herein;

THENCE: S 43°17'31" E, into and across Transportation Way, a distance of **70.00 feet** to a point in the southeast right-of-way line of Transportation Way, for the common corner of the 44.70 acre tract and Lot 1, Block 1, Posey Road Industrial Park, Phase I, a plat of record in Document No. 16034904 (P.R.) as conveyed to Ingram Readymix #13 LLC of record in Document No. 17024917 (O.P.R.);

THENCE: along and with the common line of Lot 1, Block 1 and the 44.70 acre tract the following two (2) courses:

1. **S 30°14'01" E**, a distance of **472.23** to a point, for an interior corner of the 44.70 acre tract, Lot 1, Block 1 and the tract described herein, and
2. **N 46°41'52" E**, a distance of **700.69 feet** to a point in the southwest line of a 29.42 acre tract, called tract 2, as conveyed to Lemel B. Allen Jr. and Kelly Allen of record in Document No. 16022276 (O.P.R.), for the northerly northwest corner of the 44.70 acre tract and the tract described herein;

THENCE: S 46°13'36" E, along and with the common line of the 29.42 acre tract, the 44.70 acre tract, and Lot 1 of the Southpark Commercial Subdivision, a plat of record in Volume 4 Page 59 (P.R.), called Tract 1, as conveyed to Lemuel B. Allen Jr. and Kelly Allen of record in Document No. 16022276 (O.P.R.) a distance of **866.81 feet** to a point in the approximate City of San Marcos City Limits Line, for the northeast corner of the tract described herein, from which a point in the northwest right-of-way line of Interstate Highway No. 35, a variable width right-of-way, for the common corner of the 44.70 acre tract and Lot 1 of the Southpark Commercial Subdivision bears, **S 46°13'36" E**, a distance of 100.00 feet;

THENCE: S 43°33'33" W, into and across the 44.70 acre tract and Posey Rd, along and with the approximate City of San Marcos City Limits Line, a distance of **1,416.19 feet** to the **POINT OF BEGINNING** and containing 39.36 acres, in Hays County, Texas. Said tract being described in accordance with an exhibit prepared by KFW Surveying. Bearings are based on NAD83 Texas State Plane South Central Zone.

"This document was prepared under 22TAC663.21, 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."

Job No.: 19-115
Prepared by: KFW Surveying
Date: January 27, 2022
File: S:\Draw 2019\19-115 Posey Road Detention Project\DOCS\FN 18.33AC.docx



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

Emergency medical services, including emergency response calls, will continue at the same level of service after the annexation. 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 located within an area over which the City of San Marcos holds a Certificate of Convenience and Necessity (CCN) for water service. The City will 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.

b. Wastewater. The Property is not covered by a CCN for wastewater service; however, the City of San Marcos 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. The extension shall be in accordance with the Developer Participation Agreement approved under City Council Resolution 2020-03R. 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 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.