

AGREEMENT FOR THE PROVISION OF SERVICES
(Pursuant to Tex. Local Gov't Code §43.0672)

Date: June 7, 2022

Owner: Whisper Master Community Limited Partnership
100 NE Loop 410, Suite 775
San Antonio, TX 78216

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.

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]

SAN MARCOS

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

FIELD NOTES FOR A 22.811 ACRE TRACT OF LAND

A 22.811 acre tract of land, out of the William Hemphill Survey, Abstract 221, Hays County, Texas and being a portion of a called 102.748 acre tract of land as described and conveyed to Whisper Master Community Limited Partnership, of record in Document No. 2016-16013079, of the Official Public Records of Hays County, Texas. Said 22.811 acre tract being more particularly described by metes and bounds as follows:

BEGINNING at a found 1/2" iron rod with an orange plastic cap stamped "McGray McGray" in the northeast line of a called 8.819 acre tract of land as described and conveyed to Hays County, of record in Document No. 2015-15037723, of the Official Public records of Hays County, Texas, the southwest right-of-way line of County Road 159 (Yarrington Road), for the north corner of said 102.748 acre tract and the tract described herein;

THENCE: S 46° 48' 07" E, with the southwest right-of-way line of said Yarrington Road and the northeast line of said 102.748 acre tract, a distance of 1689.54 feet to a point for the east corner of the tract described herein;

THENCE: Departing the southwest right-of-way line of Yarrington Road, and across said 102.748 acre tract, the following five (5) courses:

1. S 43° 11' 53" W, a distance of 47.18 feet to a point of curvature,
2. With a curve to the right having a radius of 150.00 feet, an arc length of 104.89 feet, a delta angle of 040° 03' 53" and a chord bears, S 63° 13' 50" W, a distance of 102.77 feet to a point of tangency,
3. S 83° 15' 46" W, a distance of 720.15 feet to a point of curvature,
4. With a curve to the right having a radius of 750.00 feet, an arc length of 655.71 feet, a delta angle of 050° 05' 33" and a chord bears, N 71° 41' 27" W, a distance of 635.03 feet to a point of tangency, and
5. N 46° 38' 40" W, a distance of 52.48 feet to a point in the east line of said 8.819 acre tract, the west line of said 102.748 acre tract and for the southwest corner of the tract described herein;

THENCE: With the east line of said 8.819 acre tract and the west line of said 102.748 acre tract, and a non-tangent curve to the left having a radius of 3515.00 feet, an arc length of 1118.98 feet, a delta angle of 018° 14' 23" and a chord bears, N 12° 53' 30" E, a distance of 1114.26 feet to the POINT OF BEGINNING and containing 22.811 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 November 16, 2020.

"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."



Job # 20-4003 22.811 Acres

Date: March 24, 2022

FIELD NOTES FOR A 50.38 ACRE TRACT OF LAND

A 50.38 acre tract of land, out of the Joel Miner Survey, Abstract 321, the William Hemphill Survey, Abstract 221, and the Thomas G. McGehee Survey, Abstract 11, Hays County, Texas and being all of a called 50.372 acre tract of land as described and conveyed to Whisper Master Community Limited Partnership, of record in Document No. 2016-16013079, of the Official Public Records of Hays County, Texas. Said 50.38 acre tract being more particularly described by metes and bounds as follows:

BEGINNING at a found mag nail with washer for the intersection of the southwest right-of-way line of County Road 159 (Yarrington Road) and the southeast right-of-way line of County Road 160 (Harris Hill Road) for the north corner of the tract described herein;

THENCE: S 46° 48' 19" E, with the southwest right-of-way line of said Yarrington Road, a distance of 285.36 feet, to a found 1/2" iron rod, for a point of curvature in said southwest right-of-way line, as described in Document No. 2015-15037723, of the Official Public Records of Hays County, Texas;

THENCE: With the southwest right-of-way line of Yarrington Road, as described in said Document No. 2015-15037723, the following three (3) courses:

1. With a tangent curve to the right having a radius of 2230.00 feet, an arc length of 218.47 feet, a delta angle of 5° 36' 47" and a chord that bears, S 39° 41' 55" E, a distance of 218.38 feet, to a found 1/2" iron rod for a point of tangency,
2. S 36° 51' 41" E, a distance of 193.11 feet, to a found 1/2" iron rod for a point of curvature, and
3. With a tangent curve to the left having a radius of 525.00 feet, an arc length of 361.98 feet, a delta angle of 39° 30' 18" and a chord that bears, S 56° 35' 57" E, a distance of 354.86 feet, to a set 1/2" iron rod with a red plastic cap stamped "Matkin Hoover Eng & Survey" for a non-tangent point in the southwest right-of-way of said Yarrington Road;

THENCE: S 46° 48' 19" E, with the southwest right-of-way line of said Yarrington Road, passing at a distance of 136.92 feet, a found 1/2" iron rod with an orange plastic cap, for the northwest corner of a called 8.819 acre tract of land as described in Document No. 2015-15037723, of the Official Public Records of Hays County, Texas, and continuing for a total distance of 253.41 feet, to a found 1/2" iron rod with an orange plastic cap for a non-tangent corner of said 8.819 acre tract and the east corner of the tract described herein;

THENCE: With the northwest line of said 8.819 acre tract, the following three (3) courses:

1. With a non-tangent curve to the to the right having a radius of 3285.00 feet, an arc length of 382.90 feet, a delta angle of 6° 40' 42" and a chord that bears, S 6° 32' 33" W, a distance of 382.69 feet, to a found 1/2" iron rod found for a point of tangency,
2. S 10° 29' 08" W, a distance of 289.94 feet, to a found 1/2" iron rod for a point of curvature, and
3. With a tangent curve to the to the right having a radius of 3295.00 feet, an arc length of 742.73 feet, a delta angle of 12° 54' 54" and a chord that bears, S 21° 24' 08" W, a distance of 741.15 feet, to a found 1/2" iron rod found in the northeast line of a called 0.73 acre tract of land as described in Document No. 2009-90020528, of the Official Public records of Hays County, Texas, for the north corner of a called 0.051 acre tract of land as described in Document No. 18005355, of the Official Public Records of Hays County, Texas, and the south corner of the tract described herein;

MATKINHOOVER

ENGINEERING
& SURVEYING

THENCE: N 50° 46' 02" W, with the northeast line of said 0.73 acre tract, a distance of 1966.32 feet, to a found 6" wood post with mag nail, in the southeast right-of-way of said Harris Hill Road for the northeast corner of said 0.73 acre tract and the west corner of the tract described herein, from which a found 1/2" iron rod with an orange plastic cap bears S 43° 26' 37" W, a distance of 9.74 feet, for the northwest corner of said 0.73 acre tract;

THENCE: N 43° 26' 37" E, with the southeast right-of-way line of said Harris Hill Road, a distance of 1375.05 feet, to the POINT OF BEGINNING and containing 50.38 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 November 16, 2020.

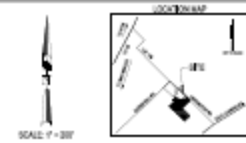
Job # 20-4003 50.38 Acres

Date: November 19, 2020



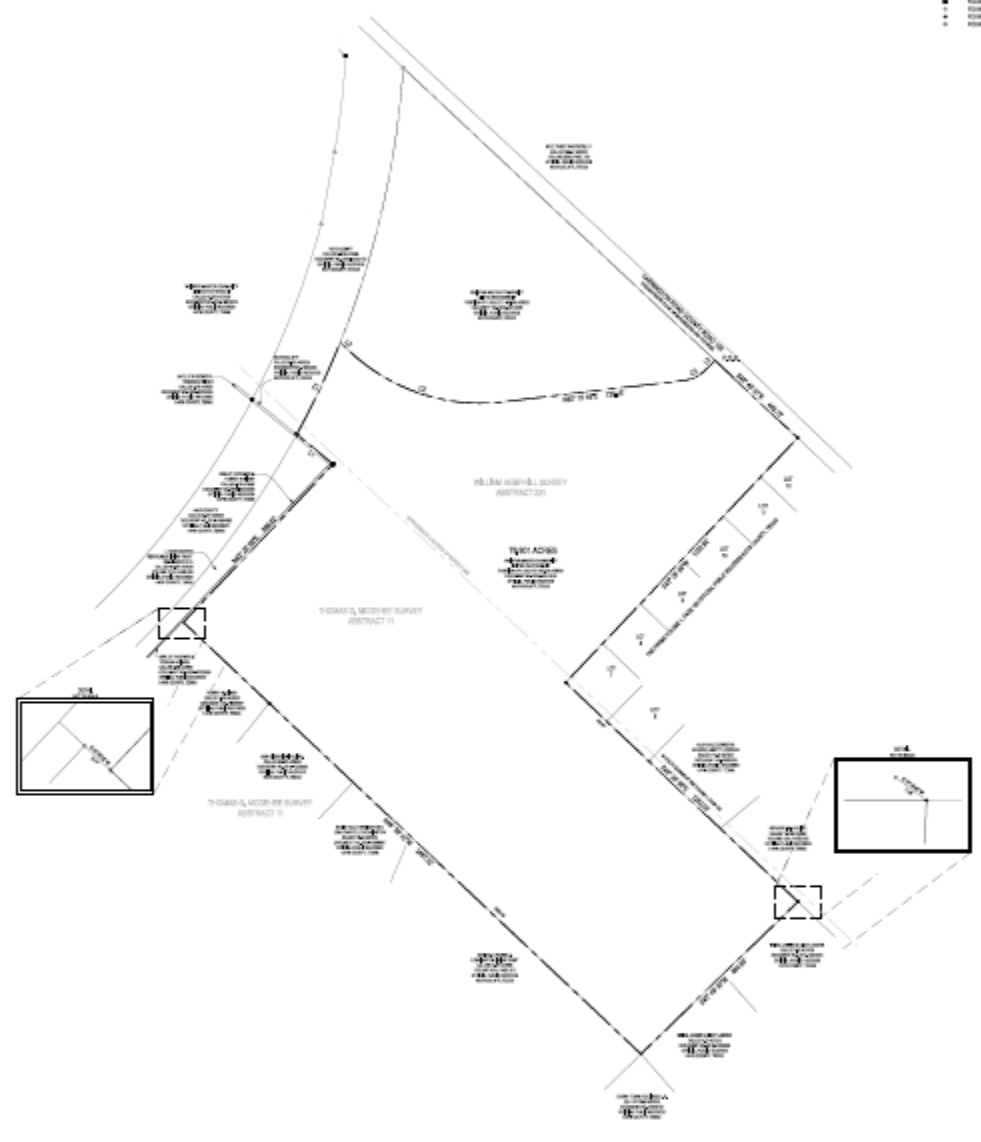
1. A PARTIAL TRACT OF LAND, OUT OF THE H.B. BISHOP'S SURVEY ABSTRACT 20, AND THE THOMAS MCGEE SURVEY ABSTRACT 11, IN WYOMING COUNTY, TEXAS AND
 2. THE TRACTS OF LAND, OUT OF THE H.B. BISHOP'S SURVEY ABSTRACT 20, AND THE THOMAS MCGEE SURVEY ABSTRACT 11, IN WYOMING COUNTY, TEXAS, AS SHOWN BY A PARTIAL COLONY.

ZONING EXHIBIT OF
 A PARTIAL TRACT OF LAND, OUT OF THE H.B. BISHOP'S SURVEY ABSTRACT 20, AND THE THOMAS MCGEE SURVEY ABSTRACT 11, IN WYOMING COUNTY, TEXAS AND
 THE TRACTS OF LAND, OUT OF THE H.B. BISHOP'S SURVEY ABSTRACT 20, AND THE THOMAS MCGEE SURVEY ABSTRACT 11, IN WYOMING COUNTY, TEXAS, AS SHOWN BY A PARTIAL COLONY.



2009 1000'					
CURS	TRACT	AREA	SECTION	DEED NUMBER	COORDINATES
10	1000	1000	1000	1000	1000
10	1000	1000	1000	1000	1000
10	1000	1000	1000	1000	1000

- LEGEND**
- 100' Easement
 - 200' Easement
 - 300' Easement
 - 400' Easement
 - 500' Easement
 - 600' Easement
 - 700' Easement
 - 800' Easement
 - 900' Easement
 - 1000' Easement



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 (817) 336-1000
 www.matkinhooper.com

FIELD NOTES FOR A 79.901 ACRE TRACT OF LAND

A 79.901 acre tract of land, out of the William Hemphill Survey, Abstract 221, and the Thomas G. McGehee Survey, Abstract 11, Hays County, Texas and being a portion of a called 102.748 acre tract of land as described and conveyed to Whisper Master Community Limited Partnership, of record in Document No. 2016-16013079, of the Official Public Records of Hays County, Texas. Said 79.901 acre tract being more particularly described by metes and bounds as follows:

BEGINNING at a point in the southwest right-of-way line of County Road 159 (Yarrington Road), in the northeast line of said 102.748 acre tract and for the north corner of the tract described herein;

THENCE: S 46° 48' 07" E, with the southwest right-of-way line of said Yarrington Road and the northeast line of said 102.748 acre tract, a distance of 449.15 feet to a found 1" iron pipe, for the north corner of The Farms, being a subdivision of record in Volume 1, Page 153, of the Official Public records of Hays County, Texas, the most northerly east corner of said 102.748 acre tract and of the tract described herein;

THENCE: S 43° 26' 59" W, with the northwest line of said The Farms and a east line of said 102.748 acre tract, a distance of 1332.94 feet to a found 1" iron pipe for the west corner of said The Farms, an interior east corner of said 102.748 acre tract and the tract described herein;

THENCE: S 46° 38' 56" E, with the southwest line of said The Farms and a northeast line of said 102.748 acre tract, passing at a distance of 452.91 feet, a found 1/2" iron rod for the south corner of said The Farms and the west corner of a called 14.06 acre tract of land as described in Document No. 19026798, of the Official Public records of Hays County, Texas, continuing with the southwest line of said 14.06 acre tract and a called 15.135 acre tract of land as described in Volume 1304, Page 833, of the Official Public Records of Hays County, Texas, for a total distance of 1262.05 feet, to a found 1" iron pipe for the north corner of a called 7.12 acre tract of land as described in Document No. 2013-13005963, of the Official Public records of Hays County, Texas, the most southerly east corner of said 102.748 acre tract and of the tract described herein, from which a found 1/2" iron rod bears, N 10° 16' 48" W, a distance of 1.19 feet;

THENCE: S 45° 49' 30" W, with the northwest line of said 7.12 acre tract, a called 4.73 acre tract of land described as described in Document No. 2013-13005963, of the Official Public records of Hays County, Texas, and the southeast line of said 102.748 acre tract, a distance of 864.65 feet to a found 1/2" iron rod for the west corner of said 4.73 acre tract, the north corner of a called 13.25 acre tract of land as described in Document No. 17043418, of the Official Public records of Hays County, Texas, the east corner of a called 91.37 acre tract of land as described in Volume 1675, Page 312, of the Official Public Records of Hays County, Texas, the south corner of said 102.748 acre tract and the tract described herein;

THENCE: N 46° 38' 42" W, with the northeast line of said 91.37 acres, a called 10.46 acre tract of land as described in Document No. 2015-15038861, of the Official Public records of Hays County, Texas, a called 33.020 acre tract of land as described in Document No. 2015-15029961, of the Official Public Records of Hays County, Texas, a called 7.000 acre tract of land as described in Document No. 18043967, of the Official Public Records of Hays County, Texas, and the southwest line of said 102.748 acre tract, passing at a distance of 2020.33 feet, a found 1/2" iron rod with a yellow plastic cap stamped "Byrn Survey" for the north corner of said 33.020 acre tract and the east corner of said 7.000 acre tract, continuing for a total distance of 2487.32 feet to a found 5/8" iron rod for the south corner of a called 0.73 acre tract of land as described in Document No. 2009-90020528, of the Official Public records of Hays County, Texas, the west corner of said 102.748 acre tract and the tract described herein, from which a found 1/2" iron rod bears N 46° 38' 42" W, a distance of 5.11 feet, for the north corner of said 7.000 tract and the northeast corner of a called 5.00 acre tract of land as described in Document No. 2009-90020528, of the Official Public Records of Hays County, Texas;

THENCE: With the common line of said 0.73 acre tract and said 102.748 acre tract, the following two (2) courses:

1. N 43° 25' 08" E, a distance of 860.62 feet, to a found mag nail for corner, and
2. N 50° 46' 02" W, a distance of 185.56 feet, to a found 1/2" iron rod with an orange plastic cap for the east corner of a called 0.051 acre tract of land as described in Document No. 18005355, of the Official Public Records of Hays County, Texas, the south corner of a called 8.819 acre tract of land as described in Document No. 2015-15037723, of the Official Public Records of Hays County, Texas, a westerly corner and point of curvature for said 102.748 acre tract and the tract described herein;

THENCE: With the southeast line of said 8.819 acre tract and a west line of said 102.748 acre tract, being a non-tangent curve to the to the left having a radius of 3515.00 feet, an arc length of 403.19 feet, a delta angle of 6° 34' 20" and a chord that bears, N 25° 17' 51" E, a distance of 402.97 feet to a point of non-tangency and the northwest corner of the tract described herein;

THENCE: Across said 102.748 acre tract, the following five (5) courses:

1. S 46° 38' 40" E, a distance of 52.48 feet to a point of curvature,
2. With a curve to the left having a radius of 750.00 feet, an arc length of 655.71 feet, a delta angle of 50° 05' 33" and a chord bears, S 71° 41' 27" E, a distance of 635.03 feet to a point of tangency,
3. N 83° 15' 46" E, a distance of 720.15 feet to a point of curvature,
4. With a curve to the left having a radius of 150.00 feet, an arc length of 104.89 feet, a delta angle of 40° 03' 53" and a chord bears, N 63° 13' 50" E, a distance of 102.77 feet to a point of tangency, and
5. N 43° 11' 53" E, a distance of 47.18 feet to the POINT OF BEGINNING and containing 79.901 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 November 16, 2020.

"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."



Job # 20-4003 79.901 Acres

Date: March 25, 2022

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. Maxwell Special Utility District is the water service provider and has the necessary CCN 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.

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 Cooperative 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.