

**From:** [Ed Theriot](#)  
**To:** [Walker, Susan](#)  
**Cc:** [Hernandez, Amanda](#); [WISE, ALLEN](#)  
**Subject:** [EXTERNAL] Wise Rezoning - ZC 22-08  
**Date:** Tuesday, March 8, 2022 12:40:16 PM  
**Attachments:** [image001.png](#)

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Susan,

Per our discussion, we would like to reduce the area of our rezoning to leave the "GC" General Commercial area as is. We would like to rezone only the "LI" Light Industrial District area cross hatched on the existing conditions map (sheet 4) of the power point presentation to Commercial District.

Thank you

Ed Theriot, AICP  
*Senior Project Manager*



7401 B Hwy 71 West, Suite 160  
Austin, TX 78735  
O: 512.583.2600  
C: 512-618-2865  
[etheriot@doucetengineers.com](mailto:etheriot@doucetengineers.com)  
[www.doucetengineers.com](http://www.doucetengineers.com)

**CAUTION:** This email is from an EXTERNAL source. Links or attachments may be dangerous. Click the Report Phishing button above if you think this email is malicious .

# ZONING CHANGE, OVERLAY OR ESTABLISHMENT OF A HISTORIC DISTRICT/LANDMARK APPLICATION

Updated: October, 2019



## CONTACT INFORMATION

Applicant's Name	Ed Theriot	Property Owner	427 LINDSEY STREET PARTNERSHIP LTD
Company	Doucet & Associates, Inc.	Company	
Applicant's Mailing Address	7401B Hwy. 71 W., Ste. 160 Austin, TX 78735	Owner's Mailing Address	1407 Brown Street SAN MARCOS, TX 78666
Applicant's Phone #	512-618-2865	Owner's Phone #	512-431-3753
Applicant's Email	etheriot@doucetengineers.com	Owner's Email	AllenWise@ibc.com

## PROPERTY INFORMATION

Subject Property Address(es): NW corner of SH 123 and Loop 110 intersection

Legal Description: Lot \_\_\_\_\_ Block \_\_\_\_\_ Subdivision IN THE C. WICKSON SURVEY, A-474, CITY OF SAN MARCOS

Total Acreage: 7.51 ac Tax ID #: R 131432, R131170

Preferred Scenario Designation: Corridor Existing Zoning: "LI" Light Industrial District

Existing Land Use(s): Vacant

## DESCRIPTION OF REQUEST

Proposed Zoning District(s): "EC" Employment Center District

Proposed Land Uses / Reason for Change: Establish appropriate area for commercial node at the intersection of of SH 123 and Loop 110.

## AUTHORIZATION

*I certify that the information on this application is complete and accurate. I understand the fees and the process for this application. I understand my responsibility, as the applicant, to be present at meetings regarding this request.*

Filing Fee\* \$1,057 plus \$100 per acre Technology Fee \$13 MAXIMUM COST \$3,013

*\*Existing Neighborhood Regulating Plan Included.*

Submittal of this digital Application shall constitute as acknowledgement and authorization to process this request.

**APPLY ONLINE – [WWW.MYGOVERNMENTONLINE.ORG/](http://WWW.MYGOVERNMENTONLINE.ORG/)**

## PROPERTY OWNER AUTHORIZATION

I, Allen Wise (owner name) on behalf of  
427 Lindsey Street Partnership (company, if applicable) acknowledge that I/we  
am/are the rightful owner of the property located at  
NW corner of SH 123 and Loop 110. (address).

I hereby authorize Ed Theriot (agent name) on behalf of  
Doucet & Associates, Inc. (agent company) to file this application for  
Zoning Change (application type), and, if necessary, to work with  
the Responsible Official / Department on my behalf throughout the process.

Signature of Owner:  Date: 1/4/22

Printed Name, Title: Allen E Wise, Manager

Signature of Agent:  Date: 1/04/22

Printed Name, Title: Ed Theriot

## AGREEMENT TO THE PLACEMENT OF NOTIFICATION SIGNS AND ACKNOWLEDGEMENT OF NOTIFICATION REQUIREMENTS

The City of San Marcos Development Code requires public notification in the form of notification signs on the subject property, published notice, and / or personal notice based on the type of application presented to the Planning Commission and / or City Council.

- Notification Signs: if required by code, staff shall place notification signs on each street adjacent to the subject property and must be placed in a visible, unobstructed location near the property line. It is unlawful for a person to alter any notification sign, or to remove it while the request is pending. However, any removal or alteration that is beyond the control of the applicant shall not constitute a failure to meet notification requirements. ***It shall be the responsibility of the applicant to periodically check sign locations to verify that the signs remain in place had have not been vandalized or removed. The applicant shall immediately notify the responsible official of any missing or defective signs. It is unlawful for a person to alter any notification sign, or to remove it while the case is pending; however, any removal or alteration that is beyond the control of the applicant shall not constitute a failure to meet notification requirements.***
- Published Notice: if required by code, staff shall publish a notice in a newspaper of general circulation in accordance with City Codes and the Texas Local Government Code. ***If, for any reason, more than one notice is required to be published it may be at the expense of the applicant. The renotification fee shall be \$91 plus a \$13 technology fee.***
- Personal Notice: if required by code, staff shall mail personal notice in accordance with City Codes and the Texas Local Government Code. ***If, for any reason, more than one notice is required to be mailed it may be at the expense of the applicant. The renotification fee shall be \$91 plus a \$13 technology fee.***

*I have read the above statements and agree to the required public notification, as required, based on the attached application. The City's Planning and Development Services Department staff has my permission to place signs, as required, on the property and I will notify City staff if the sign(s) is/are damaged, moved or removed. I understand the process of notification and public hearing and hereby submit the attached application for review by the City.*

Signature:  \_\_\_\_\_

Date: 1/04/22

Print Name: Ed Theriot

Form Updated October, 2019



# SURVEYORS NOTES

1. FENCES MEANDER.

2. BEARINGS, DISTANCES AND AREAS IN PARENTHESES ARE FROM RECORD INFORMATION.

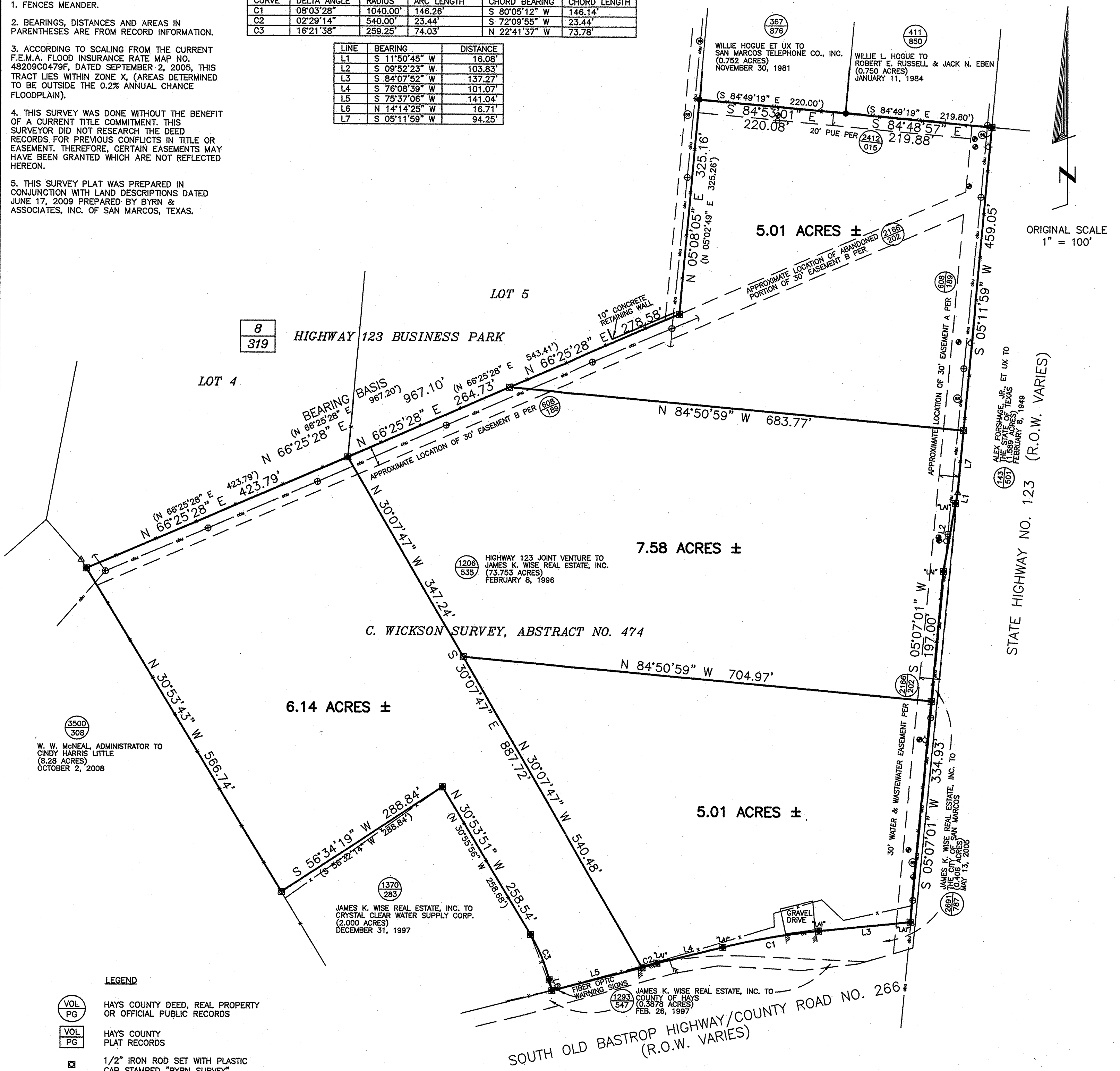
3. ACCORDING TO SCALING FROM THE CURRENT F.E.M.A. FLOOD INSURANCE RATE MAP NO. 48209C0479F, DATED SEPTEMBER 2, 2005, THIS TRACT LIES WITHIN ZONE X, (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN).

4. THIS SURVEY WAS DONE WITHOUT THE BENEFIT OF A CURRENT TITLE COMMITMENT. THIS SURVEYOR DID NOT RESEARCH THE DEED RECORDS FOR PREVIOUS CONFLICTS IN TITLE OR EASEMENT. THEREFORE, CERTAIN EASEMENTS MAY HAVE BEEN GRANTED WHICH ARE NOT REFLECTED HEREON.

5. THIS SURVEY PLAT WAS PREPARED IN CONJUNCTION WITH LAND DESCRIPTIONS DATED JUNE 17, 2009 PREPARED BY BYRN & ASSOCIATES, INC. OF SAN MARCOS, TEXAS.

CURVE	DELTA ANGLE	RADIUS	ARC LENGTH	CHORD BEARING	CHORD LENGTH
C1	08°03'28"	1040.00'	146.26'	S 80°05'12" W	146.14'
C2	02°29'14"	540.00'	23.44'	S 72°09'55" W	23.44'
C3	16°21'38"	259.25'	74.03'	N 22°41'37" W	73.78'

LINE	BEARING	DISTANCE
L1	S 11°50'45" W	16.08'
L2	S 09°52'23" W	103.83'
L3	S 84°07'52" W	137.27'
L4	S 76°08'39" W	101.07'
L5	S 75°37'06" W	141.04'
L6	N 14°14'25" W	16.71'
L7	S 05°11'59" W	94.25'

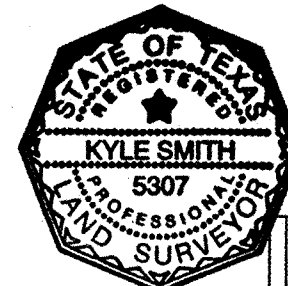


## LEGEND

- VOL PG HAYS COUNTY DEED, REAL PROPERTY OR OFFICIAL PUBLIC RECORDS
- VOL PG HAYS COUNTY PLAT RECORDS
- 1/2" IRON ROD SET WITH PLASTIC CAP STAMPED "BYRN SURVEY"
- 1/2" IRON ROD FOUND OR DIAMETER NOTED
- 1/2" IRON ROD FOUND WITH PLASTIC CAP STAMPED "BYRN SURVEY"
- FENCE POST
- CONCRETE NAIL FOUND IN AN 8" TREATED POST
- CHAIN LINK FENCE
- WIRE FENCE
- UTILITY LINE, POLE AND GUY
- EDGE OF ASPHALT
- WATER VALVE
- FIRE HYDRANT
- UTILITY PEDESTAL
- SANITARY SEWER MANHOLE
- SIGN
- PUE PUBLIC UTILITY EASEMENT

TO JIM WISE, EXCLUSIVELY, AND FOR USE WITH THIS TRANSACTION ONLY:

I HEREBY STATE TO THE BEST OF MY SKILL AND KNOWLEDGE: THAT THIS PLAT IS TRUE AND CORRECT ACCORDING TO AN ACTUAL SURVEY MADE ON THE GROUND ON JUNE 17, 2009 AND THAT ALL PROPERTY CORNERS ARE MONUMENTED AS SHOWN HEREON.



KYLE SMITH, R.P.L.S. NO. 5307

**BYRN & ASSOCIATES, INC.**  
**ENGINEERS SURVEYORS**  
 P.O. BOX 1433 SAN MARCOS, TEXAS 78667  
 PHONE 512-396-2270 FAX 512-392-2945

PLAT OF SEVERAL TRACTS IN THE C. WICKSON SURVEY, A-474, CITY OF SAN MARCOS, HAYS COUNTY, TEXAS

CLIENT: WISE, J.  
 DATE: JUNE 17, 2009  
 OFFICE: BRYANT  
 CREW: EVERETT, C. SMITH, SHAWA  
 FB/PG: 692/12  
 PLAT NO. 24233-09-9-c

1000  
2-12-96  
(5) 10165  
17.00

WARRANTY DEED WITH VENDOR'S LIEN

DATE: February 8, 1996, to be effective February 9, 1996

GRANTOR: HIGHWAY 123 JOINT VENTURE

1206,535

GRANTOR'S

MAILING ADDRESS: Attn: Steve A. Katz, Trustee  
222 Harrison  
San Antonio,  
Bexar County, Texas 78209

GRANTEE: JAMES K. WISE REAL ESTATE, INC., a Texas Corporation

GRANTEE'S

MAILING ADDRESS: Attn: James K. Wise  
300 C.M. Allen Parkway, Suite 100  
San Marcos  
Hays County, Texas 78666

CONSIDERATION: The sum of ten and No/100 dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by Grantor and the further consideration of a note of even date that is in the principal amount of \$130,000.00 and is executed by Grantee, payable to the order of Balcones Bank, S.S.B., which is being used to provide a portion of the sums to pay to Grantor a portion of the purchase price for the Property. The note is secured by a vendor's lien retained in favor of Clyde B. Smith in this deed and is additionally secured by a deed of trust of even date from Grantee to W. Chapman Bell, Trustee.

PROPERTY (including any improvements): That certain tract of land located in Hays County, Texas, more particularly described in Exhibit "A" attached hereto and incorporated herein for all purposes.

**RESERVATIONS FROM AND EXCEPTIONS TO CONVEYANCE AND WARRANTY:**

The Property shall be subject to the exceptions, reservations, conditions and restrictions listed in Exhibit "B" attached hereto and incorporated herein for all purposes:

Grantor, for the consideration and subject to the reservations from and exceptions to conveyance and warranty, grants, sells, and conveys to Grantee the property, together with all and singular the rights and appurtenances thereto in any wise belonging, to have and hold it to Grantee, Grantee's heirs, executors, administrators, successors, or assigns forever. Grantor hereby binds Grantor and

OFFICIAL PUBLIC RECORDS  
Hays County, Texas

1206536

Grantor's heirs, executors, administrators, and successors to warrant and forever defend all and singular the property to Grantee and Grantee's heirs, executors, administrators, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the reservations from and exceptions to conveyance and warranty.

Balcones Bank, S.S.B., at Grantee's request, has paid in cash to Grantor a portion of the purchase price for the Property. The vendor's lien and superior title to the property are retained for the benefit of Balcones Bank, S.S.B. and are transferred to that party without recourse on Grantor.

When the context requires, singular nouns and pronouns include the plural.

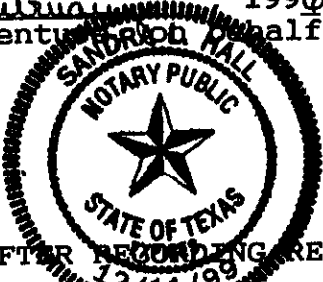
GRANTOR:

HIGHWAY 123 JOINT VENTURE

By: Steve A. Katz, Trustee  
Name: Steve A. Katz, Trustee

STATE OF TEXAS       §  
                              §  
COUNTY OF HAYS     §

This instrument was acknowledged before me on the 8<sup>th</sup> day of August, 1996, by Steve A. Katz, Trustee of Highway 123 Joint Venture on behalf of said joint venture.



Sandra D. Hall  
Notary Public, State of Texas

AFTER RECORDING RETURN TO:

Frank L. Rutenberg  
Matthews & Branscomb  
One Alamo Center, Suite 800  
106 S. St. Mary's Street  
San Antonio, Texas 78205-3692

ARROB5F3

1206.537

**EXHIBIT "A"**  
**PROPERTY DESCRIPTION**

Being 73.753 acres of land, more or less, out of the Cyrus Wickson Survey, in Hays County, Texas, and being more particularly described by metes and bounds attached thereto.

Doc# 394636  
# Pages: 5  
Date : 02-12-1996  
Time : 03:45:17 P.M.  
Filed & Recorded in  
Official Records  
of Hays County, TX.  
MARGIE T VILLALPANDO  
COUNTY CLERK  
Rec. \$ 17.00



1206,538

608 202

EXHIBIT "A"

Property Description

FIELD NOTES describing 73.753 acres of land situated in a tract called 127.34 acres in a conveyance from Riedel Investments to Binns Investments, volume 406, page 758, Cryus Wickson Survey, A-474, Hays County, Texas, and described by metes and bounds as follows:

BEGINNING at an iron pin found marking the southeast corner of this tract, the southeast corner of the called 127.34 acre tract situated at the point of intersection of the west right-of-way of State Highway No. 123 with the northwest right-of-way of the Old San Antonio-Nacogdoches Road;

THENCE with the fenced northwest right-of-way of the Old San Antonio-Nacogdoches Road, S 73° 05' 27" W 85.94 feet, S 82° 26' 40" W 83.7 feet, N 87° 55' 07" W 125.89 feet, S 79° 59' 23" W 65.44 feet, S 74° 06' 57" W 236.1 feet and S 76° 08' 47" W 229.84 feet to an iron pin found;

THENCE with a fence, N 30° 55' 59" W 863.61 feet and N 40° 07' 37" W 78.52 feet to a fence corner;

THENCE S 48° 02' 49" W 883.25 feet to an iron pin found at a fence corner;

THENCE with a fence, N 45° 41' 49" W 992.77 feet to an iron pin found marking the southwest corner of this tract;

THENCE with a fence, N 44° 35' 15" E 108.76 feet to an iron pin found, N 44° 49' 31" E 553.32 feet to an iron pin found and N 44° 23' 17" E 815.75 feet to an iron pin found marking the northwest corner of this tract situated in the south line of an eighty foot road easement;

THENCE with the south line of the eighty foot road easement, 773.2 feet along the arc of a curve to the left with a radius of 1111.1 feet and S 84° 54' 25" E 627.87 feet to a fence corner marking the northwest corner of a 1.5 acre tract;

THENCE with the west and south lines of the called 1.5 acre tract, S 5° 08' W 148.95 feet and S 84° 52' E 440.0 feet to a fence corner marking the southeast corner of the called 1.5 acre tract, the northeast corner of this tract situated in the west right-of-way of State Highway No. 123;

THENCE with the fenced west right-of-way of State Highway No. 123, S 5° 04' 47" W 1243.22 feet to the PLACE OF BEGINNING and containing 73.753 acres of land.

EXHIBIT "B"  
PERMITTED EXCEPTIONS 1206.539

1. Any discrepancies, conflicts, or shortages in area or boundary lines, or any encroachments, or protrusions or any overlapping of improvements.
2. Any title or rights asserted by anyone, including but not limited to, persons, the public, corporations, governments or other entities
  - a. to tidelands, or other lands comprising the shores or beds of navigable or perennial rivers and streams, lakes, bays, gulfs or oceans; or
  - b. to lands beyond the line of the harbor or bulkhead lines as established or changed by any government; or
  - c. to filled-in lands, or artificial lands; or
  - d. to statutory water rights, including riparian rights; or
  - e. to the area extending from the line of mean low tide to the line of vegetation, or the rights of access to that area or easements along and across that area.
3. Standby fee, taxes and assessments by any taxing authority for the year 1996, and subsequent years, and subsequent taxes and assessment by any taxing authority for any prior years due to change in land usage or ownership.
4. Power line easement granted by Steve Katz, Trustee to Bluebonnet Electric Cooperative, Inc., recorded in Volume 608, Page 189, Hays County Real Property Records.
5. Fence line encroachment along southwest property line as reflected on survey by Raymond Dietert, RPS dated February 27, 1986.

ARROB5F3

STATE OF TEXAS  
COUNTY OF HAYS  
I, \_\_\_\_\_, County Clerk, do hereby certify that the foregoing is a true and correct copy of the original as the same was duly recorded in the Volume \_\_\_\_\_ of the named RECORDS of Hays County, Texas, so stamped as shown by me.

FEB 12 1996



*Maria S. Villalpando*  
COUNTY CLERK  
HAYS COUNTY, TEXAS



70 2009 90019959

Hays County  
Linda C. Fritsche  
County Clerk  
San Marcos, Texas 78666

Instrument Number: 2009-90019959

As

Recorded On: July 28, 2009

OPR RECORDINGS

Parties: JAMES K WISE REAL ESTATE INC

Billable Pages: 5

To 427 LINDSEY STREET PARTNERSHIP LTD

Number of Pages: 6

Comment:

( Parties listed above are for Clerks reference only )

**\*\* Examined and Charged as Follows: \*\***

OPR RECORDINGS	32.00
Total Recording:	32.00

\*\*\*\*\* DO NOT REMOVE. THIS PAGE IS PART OF THE INSTRUMENT \*\*\*\*\*

Any provision herein which restricts the Sale, Rental or use of the described REAL PROPERTY  
because of color or race is invalid and unenforceable under federal law.

File Information:

Document Number: 2009-90019959  
Receipt Number: 224651  
Recorded Date/Time: July 28, 2009 04:01:07P  
Book-Vol/Pg: BK-OPR VL-3704 PG-577  
User / Station: C Rodriguez - Cashiering #4

Record and Return To:

ANDREW GARY  
PO BOX 727  
SAN MARCOS TX 78667-0727



State of Texas |  
County of Hays

I hereby certify that this instrument was filed for record in my office on the date and  
time stamped hereon and was recorded on the volume and page of the named records  
of Hays County, Texas

*Linda C Fritsche*  
Linda C Fritsche, County Clerk

**NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.**

**THE STATE OF TEXAS**

**KNOW ALL MEN BY THESE PRESENTS**

**COUNTY OF HAYS**

**CORRECTION**  
**GENERAL WARRANTY DEED**

**Date:** July 9, 2009

**Grantor:** JAMES K. WISE REAL ESTATE, INC.

**Grantor's Mailing Address (including County):**

102 Suttles Ave.  
San Marcos, Hays County, Texas 78666

**Grantee:** 427 LINDSEY STREET PARTNERSHIP, LTD., a Texas limited partnership

**Grantee's Mailing Address (including County):**

6325 Redwood Road  
San Marcos, Hays County, Texas 78666

**Consideration:** TEN AND NO/100 DOLLARS (\$10.00) and other valuable consideration and a note of even date that is in the principal amount of ONE HUNDRED SIXTY-SEVEN THOUSAND SIX HUNDRED SEVENTY-EIGHT AND NO/100 DOLLARS (\$167,678.00 ) and is executed by Grantee, payable to the order of Grantor. The note is secured by a vendor's lien retained in favor of Grantor in this Deed and by a Deed of Trust of even date from Grantee to Andrew Gary, Trustee.

**Property (including any improvements):**

7.58 acres, more or less, of land area in the C. Wickson Survey, Abstract No. 474, City of San Marcos, Hays County, Texas being a portion of that tract described as 73.753 acres in a deed from Highway 123 Joint Venture to James K. Wise Real Estate, Inc., dated February 8, 1996 and recorded in Volume 1206, Page 535 of the Hays County Official Public Records, and being more particularly described by metes and bounds on Exhibit "A" attached hereto and incorporated by reference herein.

**Reservations from and Exceptions to Conveyance and Warranty:**

This conveyance is made and accepted subject to any and all restrictions, covenants, conditions, reservations, easements, outstanding mineral and royalty interests and maintenance charges and the liens securing said charges, if any, affecting the property, premises or improvements conveyed herein and now of record in the office of the County Clerk of said County, to the extent, but only to the extent, the same are now in force and effect and relate to said property, premises or improvements,



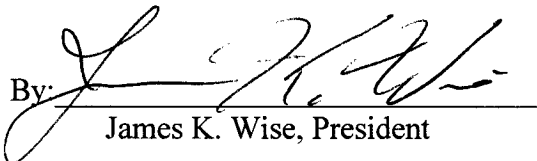
any and all laws, ordinances and governmental regulations now applicable to and enforceable against said property, premises or improvements, and taxes for 2009, which Grantee assumes and agrees to pay, and subsequent assessments for that and prior years due to change in land usage, ownership, or both, the payment of which Grantee assumes.

Grantor, for the consideration and subject to the reservations from and exceptions to conveyance and warranty, GRANTS, SELLS, and CONVEYS to Grantee the property, together with all and singular the rights and appurtenances thereto in any wise belonging, to have and to hold it to Grantee, Grantee's heirs, executors, administrators, successors, or assigns forever. Grantor hereby binds Grantor and Grantor's heirs, executors, administrators, and successors to warrant and forever defend all and singular the property to Grantee and Grantee's heirs, executors, administrators, successors, and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

This Correction General Warranty Deed is given by the Grantor and accepted by the Grantee to correct General Warranty Deed dated July 9, 2009 and recorded in Volume 3692, Page 819 of the Hays County Official Public Records, is to be effective as of July 9, 2009, and is made for the purpose of correcting the amount of the note to be \$167,678.00 in lieu of \$111,439.00 as set out in the original July 9, 2009 General Warranty Deed described above.

When the context requires, singular nouns and pronouns include the plural.

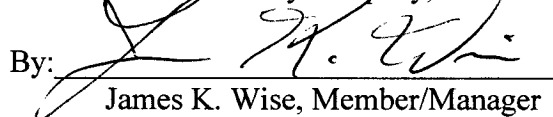
JAMES K. WISE REAL ESTATE, INC.

By:   
James K. Wise, President

Grantee acknowledges and accepts the corrections provided herein.

427 LINDSEY STREET PARTNERSHIP, LTD., a  
Texas limited partnership

By: LIMEROCK MANAGEMENT, LLC, a Texas  
limited liability company, General Partner

By:   
James K. Wise, Member/Manager

DESCRIPTION OF 5.01 ACRES, MORE OR LESS, OF LAND AREA IN THE C. WICKSON SURVEY, ABSTRACT NO. 474, CITY OF SAN MARCOS, HAYS COUNTY, TEXAS BEING A PORTION OF THAT TRACT DESCRIBED AS 73.753 ACRES IN A DEED FROM HIGHWAY 123 JOINT VENTURE TO JAMES K. WISE REAL ESTATE, INC., DATED FEBRUARY 8, 1996 AND RECORDED IN VOLUME 1206, PAGE 535 OF THE HAYS COUNTY OFFICIAL PUBLIC RECORDS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING** at a ½" iron rod found with a plastic cap stamped "Byrn Survey" in the west line of State Highway No. 123 and that tract described as 1.589 acres in a deed from Alex Forshage, Jr. et ux to the State of Texas dated February 8, 1949 and recorded in Volume 143, Page 501 of the Hays County Deed Records for the northeast corner of the Wise 73.753 acre tract and this description and southeast corner of that tract described as 0.750 acres in a deed from Willie L. Hogue to Robert E. Russell and Jack N. Eben dated January 11, 1984 and recorded in Volume 411, Page 850 of the Hays County Real Property Records;

**THENCE** leaving the Russell and Eben 0.750 acre tract and the **PLACE OF BEGINNING** as shown on that Plat numbered 24233-09-9-c dated June 17, 2009 prepared for Jim Wise by Byrn & Associates, Inc., of San Marcos, Texas, with the common east line of the Wise 73.753 acre tract and west line of State Highway No. 123 and the State of Texas 1.589 acre tract, **S 05°11'59" W 459.05 feet** to a ½" iron rod set for the southeast corner of this description;

**THENCE** leaving State Highway No. 123 and the State of Texas 1.589 acre tract entering the Wise 73.753 acre tract, **N 84°50'59" W 683.77 feet** to a ½" iron rod found with a plastic cap stamped "Byrn Survey" in the south line of Lot 5, Highway 123 Business Park Subdivision as recorded in Volume 8, Page 319 of the Hays County Plat Records for the southwest corner of this description (said Lot 5 being a portion of the Wise 73.753 acre tract);

**THENCE** with the south line of Lot 5, Highway 123 Business Park, **N 66°25'28" E (being the bearing basis for this description) 278.58 feet** to a ½" iron rod found with a plastic cap stamped "Byrn Survey" for the southeast corner of Lot 5;

**THENCE** with the east line of Lot 5, **N 05°08'05" E 325.16 feet** to a ½" iron rod found for the northwest corner of this description, an interior corner in the north line of the Wise 73.753 acre tract, and the southwest corner of that tract described as 0.752 acres in a deed from Willie Hogue et ux to San Marcos Telephone Co., Inc., dated November 30, 1981 and recorded in Volume 367, Page 876 of the Hays County Deed Records;

**THENCE** leaving Lot 5, Highway 123 Business Park with the common north line of the Wise 73.753 acre tract and south line of the San Marcos Telephone Co. 0.752 acre tract, **S 84°53'01" E 220.08 feet** to a ½" iron rod found for the southeast corner of the San Marcos Telephone Co. 0.752 acre tract and southwest corner of the previously mentioned Russell and Eben 0.750 acre tract;

**THENCE** leaving the San Marcos Telephone Co. 0.752 acre tract with the common north line of the Wise 73.753 acre tract and south line of the Russell and Eben 0.750 acre tract, **S 84°48'57" E 219.88 feet** to the **PLACE OF BEGINNING**.

THERE are contained within these metes and bounds 5.01 acres, more or less, as prepared from public records and a survey made on the ground on June 17, 2009 by Byrn & Associates, Inc., of San Marcos, Texas. All ½" iron rods set are capped with a plastic cap stamped "Byrn Survey".

  
\_\_\_\_\_  
Kyle Smith, R.P.L.S. # 5307



Client: Wise, J.  
Date: June 17, 2009  
Survey: Wickson, C. A-474  
County: Hays, Tx.  
Job NO.: 24233-09-9  
FND5.01NORTH

THE STATE OF TEXAS

COUNTY OF HAYS

This instrument was acknowledged before me on the 28<sup>th</sup> day of July, 2009, by James K. Wise, President on behalf of JAMES K. WISE REAL ESTATE, INC.

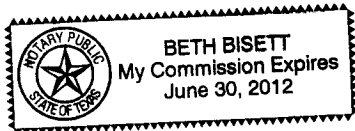


Beth Bisett  
Notary Public In And For The State of Texas

THE STATE OF TEXAS

COUNTY OF HAYS

This instrument was acknowledged before me on the 28<sup>th</sup> day of July, 2009, by James K. Wise, Member/Manager on behalf of LIMEROCK MANAGEMENT, LLC, a Texas limited liability company, General Partner on behalf of 427 LINDSEY STREET PARTNERSHIP, LTD., a Texas limited partnership.



Beth Bisett  
Notary Public In And For The State of Texas

After Recording Return To:  
Andrew Gary  
P. O. Box 727  
San Marcos, Texas 78667