

# ANNEXATION APPLICATION

Updated: September, 2020



## CONTACT INFORMATION

Applicant's Name		Property Owner	
Company		Company	
Applicant's Mailing Address		Owner's Mailing Address	
Applicant's Phone #		Owner's Phone #	
Applicant's Email		Owner's Email	

## PROPERTY INFORMATION

Is the property adjacent to city limits: ☐ YES ☐ NO

Is the property proposing to connect to City utilities: ☐ YES, WATER ☐ YES, WASTE WATER ☐ NO

Is the property subject to an approved development or other agreement : ☐ YES ☐ NO

Proposed Use: \_\_\_\_\_ Proposed Zoning: \_\_\_\_\_

Reason for Annexation / Other Considerations: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

## AUTHORIZATION

*By submitting this digital application, 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 \$1,181

Technology Fee \$13

**TOTAL COST \$1,194**

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, James Sims (owner name) on behalf of  
Costello, Inc (company, if applicable) acknowledge that I/we  
am/are the rightful owner of the property located at  
Posey Rd, San Marcos, TX 78666 (address).

I hereby authorize Steven Buffum (agent name) on behalf of  
Costello, Inc. (agent company) to file this application for  
Annexation (application type), and, if necessary, to work with  
the Responsible Official / Department on my behalf throughout the process.

Signature of Owner:

James Sims

Date:

10/9/21

Printed Name, Title:

James Sims

Signature of Agent:

Steven Buffum

Date:

2021/11/18

Printed Name, Title:

STEVEN BUFFUM

Form Updated October, 2019

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.

**OWNER'S CONSENT TO ANNEXATION OF LAND**

**Date:**

10/9/21

**City:**

City of San Marcos, Texas, a home rule municipal corporation

**Owner:**

James Sims

**Property:**

R19072 + R19078

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Owner petitioned the City to initiate proceedings to annex the Property. Owner acknowledges and agrees that, in connection with annexation of the Property:

1. Owner does not wish to enter into a development agreement with the City under Section 212.172 and has declined the offer by the City of such a development agreement.

2. Unless specifically authorized by a written agreement with Owner approved by the City Council under applicable ordinances, the City has no obligation to extend water, wastewater, or electric utility services, roads, or other infrastructure to the Property at the City's expense, and the City has made no offers, representations or promises that the City will, at the City's expense, extend water, wastewater, or electric utility services, roads, or other infrastructure to the Property. Such extensions to the Property shall be made available in the same manner and on the same basis as available to other areas of the City, whereby it shall be Owner's sole obligation, and at Owner's sole expense, to construct and install all infrastructure necessary to extend such services to the Property under applicable ordinances.

3. Owner waives any and all rights of Owner to assert any claim or demand, or to file suit against, and covenants not to sue, the City on the basis that the annexation of the Property by the City is invalid, void or voidable, in whole or in part.

4. This instrument is made, and shall be construed and interpreted under the laws of the State of Texas. Venue for any legal proceedings concerning this instrument shall lie in State courts having jurisdiction 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 instrument is held to be unconstitutional or invalid by a court of competent jurisdiction, the other provisions of this instrument will continue in force if they can be given effect without the invalid portion.

6. This instrument may be recorded in the Official Public Records of the County or Counties in which the Property is located and is binding on Owner's successors, heirs and assigns, and any future owners of the Property.

[SIGNATURE(S) ON NEXT PAGE]

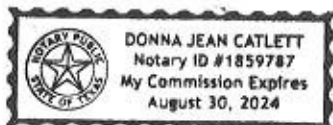
OWNER:

*James Sims*

ACKNOWLEDGMENT

STATE OF TEXAS §  
COUNTY OF Harris §

This instrument was acknowledged before me on November 9 2021 by  
James Sims.



*Donna Catlett*  
Notary Public, State of Texas

## DECLINATION OF OFFER OF DEVELOPMENT AGREEMENT

The attached Development Agreement was offered by the City of San Marcos to the owner of the property subject to the following application/petition (check one):

☐ Out of City Utility Connection of Extension Application

☒ Petition for Annexation (without OCU Request)

By signing below, the owner of the subject property declines the offer to enter into such Development Agreement.

**OWNER (individual):**

Date: 10/15/21

[OR]

**OWNER (Entity):**

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Case No. \_\_\_\_\_ (to be inserted by City Staff)

2252  
Prepared by the State Bar of Texas for use by lawyers only  
Revised 10-85  
c 1985 by the State Bar of Texas

## SPECIAL WARRANTY DEED (Long Form)

**Date:** February 9, 1999

**Grantor:** Marvin C. Kristynik, Trustee of the James M. Sims, Jr. Trust

**Grantor's Mailing Address (including county):** 801 Foster Drive, Richmond, Fort Bend County, Texas 77469

**Grantee:** James M. Sims, III

**Grantee's Mailing Address (including county):** 11533 N. Spicewood, Houston, Harris County, Texas 77044

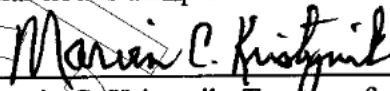
**Consideration:** The sum of Ten and no/100 Dollars (\$10.00) and other valuable consideration to the undersigned paid by the grantee herein named, the receipt of which is hereby acknowledged.

**Property (including any improvements):** A parcel of land containing 50.6354 acres, more or less, out of the Henry Warnell Survey No. 21, Abstract No. 492, Hays County, Texas, and being the southeast one-half of that 101.3 acre tract conveyed by that deed from Ramon Guana and wife, Augustina M. Guana, to Francis M. Mercer, Jr. dated March 30, 1948 and recorded in Volume 140, Pages 579-582 on April 3, 1948 in the deed records of said county. This 101.3 acre parcel is a part of that 108.86 acre tract conveyed by that deed from State Bank and Trust Co. of San Marcos to Ramon Guana and Augustina M. Guana dated September 29, 1945 and recorded in Volume 133, Page 161-165 on November 5, 1945 in said deed records. Said 50.6354 acres being more particularly described by metes and bounds in the attached Exhibit "A".

**Reservations from and Exceptions to Conveyance and Warranty:** This conveyance is made and accepted subject to all restrictions, covenants, conditions, easements, reservations, outstanding mineral interest and regulations of governmental authorities, if any, but only to the extent that they, or any of them are, as of the date of this instrument, in effect and relating to the property, and filed of record in Hays County, Texas.

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 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, except as the reservations from and exceptions to conveyance and warranty. PROVIDED, HOWEVER, SUCH WARRANTY SHALL BE BY, THROUGH, OR UNDER GRANTOR, BUT NOT OTHERWISE.

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

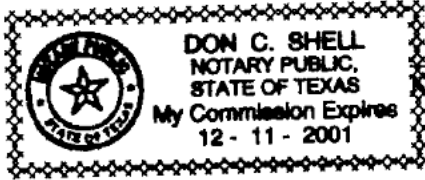
  
Marvin C. Kristynik, Trustee of  
the James M. Sims, Jr. Trust



STATE OF TEXAS

COUNTY OF FORT BEND

This instrument was acknowledged before me on the 9 day of February, 1998, by Marvin C. Kristynik, Trustee on behalf of the James M. Sims, Jr. Trust.



*Don C. Shell*  
Notary Public, State of Texas

AFTER RECORDING RETURN TO:  
MR. JAMES M. SIMS, III

12720 BRANT ROCK

# 1713

HOUSTON, TX 77082

PREPARED IN THE LAW OFFICE OF:

DON C. SHELL

2116 THOMPSONS HIGHWAY, #E-1

RICHMOND, TEXAS 77469

## FIELD NOTES

A parcel of land containing 50.6354 acres out of the Henry Warnell Survey No. 21, Abstract No. 492, Hays County, Texas, and being the southeast one half of that 101.3 acre tract conveyed by that deed from Ramon Guana and wife, Augustina M. Guana, to Francis M. Mercer, Jr. dated 30 March 1948 and recorded in Volume 140, pages 579-582 on 3 April 1948 in the deed records of said county. This 101.3 acre parcel is a part of that 108.86 acre tract conveyed by that deed from State Bank and Trust Co. of San Marcos to Ramon Guana and Augustina M. Gauna dated 29 September 1945 and recorded in Volume 133, pages 161-165 on 5 November 1945 in said deed records.

This parcel is shown on a survey dated 13 March 1998 by Charles R. Swart, Surveyor, and is described by metes and bounds in the following paragraphs. All metal monuments were set during this survey. Each aluminum capped iron monument (except that at point 255) is marked

SIMS-WILL  
1998

CHARLES R. SWART  
SURVEYOR

and with the identifying point number cited herein and shown on the plat. Each aluminum capped iron witness monument is also marked "W.C." and with the offset distance to the point witnessed. The aluminum capped iron monument at point 255 is marked

SAN PEDRO CEMETERY  
1998

255  
CHARLES R. SWART  
SURVEYOR

Beginning at the south corner (point 38) of this 50.6354 acre parcel, which is identical with the south corner of the 108.86 acre tract and the 101.3 acre tract, and falls at the west corner of the intact base of the red stone and mortar pillar at the west corner of the San Pedro Cemetery;

thence North 45 degrees 11 minutes 00 seconds West along the southwest line of this 50.6354 acre parcel, the southwest line of the 101.3 acre tract, and the southwest line of the 108.86 acre tract a distance of 1672.78 feet to a corner (point 253) of this parcel, which is identical with a corner of the 101.3 acre parcel and the 108.86 acre parcel, and is marked with an aluminum capped iron monument;

thence North 43 degrees 02 minutes 00 seconds West along the southwest line of this parcel, which is identical with the southwest line of the 101.3 acre tract and the southwest line of the 108.86 acre tract a distance of 77.83 feet to the west corner (point 72) of this parcel, which is marked with a 5/8 inch diameter iron bar, 24" long, from which an aluminum capped iron witness monument (point 75) bears North 44 degrees 45 minutes 10 seconds East a distance of 2.00 feet;

thence, from point 72, North 44 degrees 45 minutes 10 seconds East along the northwest line of this parcel a distance of 1312.20 feet to the north corner (point 71) of this parcel, which is marked with a 5/8 inch diameter iron bar, 24 inches long, which is on the northeast line of the 101.3 acre tract, the northeast line of the 108.86 acre tract, and the southwest line of that tract described in that deed recorded in Volume 212, pages 116-120 of the said deed records. From this point an aluminum capped iron witness monument (point 74) bears South 44 degrees 45 minutes 10 seconds West a distance of 2.00 feet.

Thence, from point 71, South 45 degrees 14 minutes 50 seconds East along the northeast line of this parcel, the

Field notes of the southeast one-half of a 101.3 acre tract out of the Henry Warnell Survey No. 21, Hays County, Texas  
Page two of two pages

northeast line of the 101.3 acre tract, the northeast line of the 108.86 acre tract, and the southwest line of that said tract recorded in Volume 212, pages 116-120 a distance of 1601.59 feet to a corner (point 69) of this parcel, which is marked with an aluminum capped iron monument, and is identical with the east corner of the 101.3 acre tract and the north corner of that 7.56 acre tract described in that deed from Ramon Guana and Augustina M. Guana to David T. Ramsay by that deed dated 20 March 1946 and recorded in Volume 134, page 313 et seq. of the said deed records.

thence South 38 degrees 18 minutes 00 seconds West along the southeast line of this parcel and the northwest line of the 7.56 acre tract a distance of 719.63 feet to the west corner of the 7.56 acre tract, which is marked with an aluminum capped iron monument, and is identical with the north corner of the northwest two acres of the San Pedro Cemetery, which is described in that deed from L. G. Johnson and wife, Katherine Johnson, and Mrs. Sarah Johnson to Cemeterio de San Pedro by that deed dated 14 January 1933 and recorded in Volume 105, pages 375-376 of the said deed records on 23 January 1933;

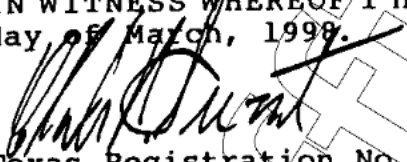
thence South 38 degrees 18 minutes 00 seconds West along the southeast line of this parcel and the northwest line of San Pedro Cemetery a distance of 605.83 feet to the point of beginning.

\*\*\*\*\*

STATE OF TEXAS  
COUNTY OF HAYS

I, CHARLES OF SWART, a Land Surveyor registered under the laws of the State of Texas, do hereby certify that I have prepared these field notes from a survey which I performed.

IN WITNESS WHEREOF I have hereunto set my hand and seal this 13th day of March, 1998.

  
Texas Registration No. 1993

1634SE

FILED AND RECORDED  
OFFICIAL PUBLIC RECORDS

*Lee Carlisle*

5-21-99 03:18 PM 9911994  
LYNN \$17.00  
LEE CARLISLE, County Clerk  
HAYS COUNTY

# EARLY LAND SURVEYING, LLC

P.O. Box 92588, Austin, TX 78709

512-202-8631

[earlysurveying.com](http://earlysurveying.com)

TBPELS Firm No. 10194487

**50.320 ACRES**

**HAYS COUNTY, TEXAS**

A DESCRIPTION OF 50.320 ACRES (APPROXIMATELY 2,191,933 SQ. FT.) IN THE HENRY WARNELL SURVEY, ABSTRACT NO. 492 IN HAYS COUNTY, TEXAS, BEING A PORTION OF A 50.6354 ACRE TRACT CONVEYED TO JAMES M. SIMS, III, IN A SPECIAL WARRANTY DEED DATED FEBRUARY 9, 1999 AND RECORDED IN DOCUMENT NO. 9911994 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS; SAID 50.320 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING** at the westernmost corner of a stone column found in the northeast right-of-way line of Posey Road (right-of-way width varies) as described in Document No. 05036207 of the Official Public Records of Hays County, Texas and as shown on Posey Road Ranch Estates Subdivision, Phase 1, a subdivision of record in Volume 8, Page 259 of the Plat Records of Hays County, Texas, being the southernmost corner of the said 50.6354 acre tract, being also the westernmost corner of two acres described in Volume 105, Page 375 of the Deed Records of Hays County, Texas;

**THENCE** North 46°07'39" West with the northeast right-of-way line of Posey Road and crossing the said 50.6354 acre tract, a distance of 1750.45 feet to a 1/2" rebar with "Capital" cap found in the northwest line of the said 50.6354 acre tract, being in the southeast line of Lot 10, of said Posey Road Ranch Estates Subdivision, Phase 1;

**THENCE** North 43°12'30" East with the northwest line of the said 50.6354 acre tract, the southeast line of said Lot 10 and the southeast line of Lots 11-18, Posey Road Ranch Estates Subdivision, Phase II, a subdivision of record in Volume 9, Page 23 of the Plat Records of Hays County, Texas, a distance of 1296.98 feet to a 5/8" rebar found for the northernmost corner of the said 50.6354 acre tract, being the easternmost corner of said Lot 18, being also in the southwest line of a 3.01 acre tract described in Document No. 06038881 of the Official Public Records of Hays County, Texas;

**THENCE** South 46°43'13" East crossing the said 50.6354 acre tract and with the southwest line of the said 3.01 acre tract, the southwest line of a 3.00 acre tract described in Volume 2525, Page 454 of the Deed Records of Hays County, Texas and the southwest right-of-way line of Horace Howard Drive (50' right-of-way width) as described in Volume 244, Page 861 of the Deed Records of Hays County, Texas, a distance of 1611.43 feet to a 1/2" rebar found for the northernmost corner of a 0.893



acre tract described in Volume 1121, Page 673 of the Deed Records of Hays County, Texas, from which a 5/8" rebar with aluminum "Swart" cap found for the easternmost corner of the said 50.6354 acre tract, bears North 37°27'41" West, a distance of 9.91 feet;

**THENCE** South 37°26'41" West with the northwest line of the said 0.893 acre tract which varies from the southeast line of the said 50.6354 acre tract, a distance of 300.23 feet to a 1/2" rebar found for the westernmost corner of the said 0.893 acre tract, being the northernmost corner of a 3.34 acre tract described in Volume 2332, Page 427 of the Deed Records of Hays County, Texas;

**THENCE** South 37°35'29" West with the northwest line of the said 3.34 acre tract which varies from the southeast line of the said 50.6354 acre tract, a distance of 416.32 feet to a 5/8" rebar with aluminum "Swart" cap found in the southeast line of the said 50.6354 acre tract, being the westernmost corner of the said 3.34 acre tract, being also the northernmost corner of the said two acre tract, from which the easternmost corner of a stone column found for the southernmost corner of the said 3.34 acre tract, bears South 47°05'52" East, a distance of 286.50 feet;

**THENCE** South 36°45'58" West with the southeast line of the said 50.6354 acre tract and the northwest line of the said two acre tract, a distance of 606.06 feet to the **POINT OF BEGINNING**, containing 50.320 acres of land, more or less.

Surveyed on the ground on December 3, 2021

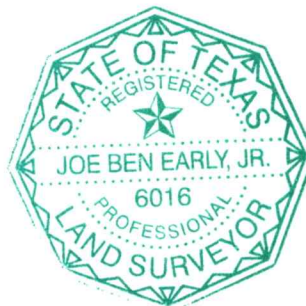
Bearing Basis: The Texas Coordinate System of 1983 (NAD83), South Central Zone, utilizing the SmartNet North America Network.

Attachments: Survey Drawing No. 1131-001-BASE

  
Joe Ben Early, Jr.  
Registered Professional Land Surveyor  
State of Texas No. 6016

12/13/21

Date



# EARLY LAND SURVEYING, LLC

P.O. Box 92588, Austin, TX 78709

512-202-8631

earlysurveying.com

TBPELS Firm No. 10194487

## 1.393 ACRES

## HAYS COUNTY, TEXAS

A DESCRIPTION OF 1.393 ACRES (APPROXIMATELY 60,661 SQ. FT.), BEING A PORTION OF HORACE HOWARD DRIVE (50' RIGHT-OF-WAY WIDTH) AS DESCRIBED IN VOLUME 244, PAGE 861 OF THE DEED RECORDS OF HAYS COUNTY, TEXAS; SAID 1.393 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING** at a 1/2" rebar found for an angle point in the southwest right-of-way line of Horace Howard Drive, being the northernmost corner of a 0.893 acre tract described in Volume 1121, Page 673 of the Deed Records of Hays County, Texas,

- from which a 1/2" rebar found for the westernmost corner of the said 0.893 acre tract, being the northernmost corner of a 3.34 acre tract described in Volume 2332, Page 427 of the Deed Records of Hays County, Texas, bears South 37°26'41" West, a distance of 300.23 feet;
- from which a 5/8" rebar with aluminum "Swart" cap found for the easternmost corner of a 50.6354 acre tract described in 9911994 of the Official Public Records of Hays County, Texas, bears North 37°27'41" West, a distance of 9.91 feet;

**THENCE** North 46°43'13" West with the southwest right-of-way line of Horace Howard Drive and crossing the said 50.6354 acre tract, a distance of 1179.98 feet to a calculated point, from which a 5/8" rebar found for the northernmost corner of the said 50.6354 acre tract, being the easternmost corner of Lot 18, Posey Road Ranch Estates Subdivision, Phase 1, a subdivision of record in Volume 8, Page 259 of the Plat Records of Hays County, Texas, bears North 46°43'13" West, a distance of 431.46 feet;

**THENCE** North 25°26'38" East with the northwest right-of-way line of Horace Howard Drive and crossing a 3.00 acre tract described in Volume 2525, Page 454 of the Deed Records of Hays County, Texas, a distance of 38.47 feet to a calculated point;

**THENCE** South 64°33'22" East crossing Horace Howard Drive and the said 3.00 acre tract, a distance of 50.00 feet to a calculated angle point in the northeast right-of-way line of Horace Howard Drive, being in the southeast line of the said 3.00 acre tract,



being also the westernmost corner of a 6.0194 acre tract described in Document No. 17025732 of the Official Public Records of Hays County, Texas;

**THENCE** South 46°39'22" East with the northeast right-of-way line of Horace Howard Drive and the southwest line of the said 6.0194 acre tract, a distance of 198.91 feet to a 1/2" rebar found for the southernmost corner of the said 6.0194 acre tract, being in the northwest line of a 5.15 acre tract described in Volume 3186, Page 328 of the Deed Records of Hays County, Texas;

**THENCE** South 46°39'22" East with the northeast right-of-way line of Horace Howard Drive and crossing the said 5.15 acre tract, a distance of 739.71 feet to a 1/2" rebar found in the southeast line of the said 5.15 acre tract, being also in the northwest line of a 1.74 acre tract described in Volume 1125, Page 656 of the Deed Records of Hays County, Texas;

**THENCE** South 46°39'22" East with the northeast right-of-way line of Horace Howard Drive and crossing the said 1.74 acre tract, a distance of 208.88 feet to a calculated angle point in the northeast right-of-way line of Horace Howard Drive;

**THENCE** South 47°02'14" West crossing Horace Howard Drive and the said 1.74 acre tract, a distance of 50.75 feet to the **POINT OF BEGINNING**, containing 1.393 acres of land, more or less.

Surveyed on the ground on December 29, 2021

Bearing Basis: The Texas Coordinate System of 1983 (NAD83), South Central Zone, utilizing the SmartNet North America Network.

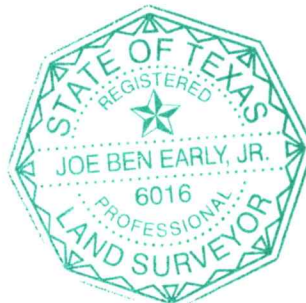
Attachments: Survey Drawing No. 1131-001-HORACE HOWARD



Joe Ben Early, Jr.  
Registered Professional Land Surveyor  
State of Texas No. 6016

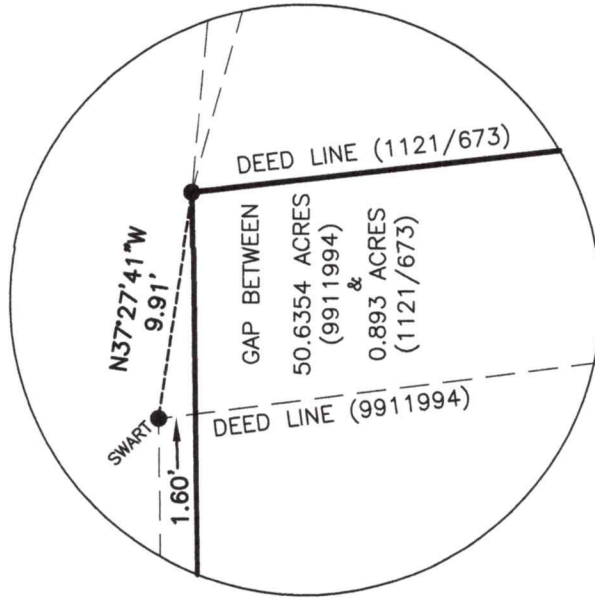
1/3/22

Date



A SKETCH TO ACCOMPANY A DESCRIPTION OF 1.393 ACRES (APPROXIMATELY 60,661 SQ. FT.), BEING A PORTION OF HORACE HOWARD DRIVE (50' RIGHT-OF-WAY WIDTH) AS DESCRIBED IN VOLUME 244, PAGE 861 OF THE DEED RECORDS OF HAYS COUNTY, TEXAS.

DETAIL  
NOT TO SCALE



# LEGEND

- SWART ● 5/8" REBAR WITH ALUMINUM "SWART" CAP FOUND
- 1/2" REBAR FOUND (OR AS NOTED)
- △ CALCULATED POINT
- ( ) RECORD INFORMATION

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N25°26'38"E	38.47'
L2	S64°33'22"E	50.00'
L3	S46°39'22"E	198.91'
L4	S46°39'22"E	208.88'
L5	S47°02'14"W	50.75'



1/3/22

BEARING BASIS: THE TEXAS COORDINATE SYSTEM OF 1983 (NAD83), SOUTH CENTRAL ZONE, UTILIZING THE SMARTNET NORTH AMERICA NETWORK.

ATTACHMENTS: METES AND BOUNDS DESCRIPTION 1131-001-HORACE HOWARD

## EARLY LAND SURVEYING, LLC

P.O. BOX 92588  
AUSTIN, TX 78709  
512-202-8631  
FIRM NO. 10194487

DATE OF SURVEY: 12/29/21  
PLOT DATE: 1/3/22  
DRAWING NO.: 1131-001-HORACE HOWARD  
DRAWN BY: JBE & BBP  
SHEET 1 OF 2





1" = 200'

OVERLAP OF

50.6354 ACRES  
(9911994)

**HORACE HOWARD DRIVE  
&  
(50' R.O.W.) (244/861)**

JAMES R. AVERY  
PORTION OF 5.15 ACRES  
(3186/328)

DAVID RICHARD  
HOWARD AND  
BEVERLY HOWARD  
PORTION OF  
1.74 ACRES  
(1125/656)

S46°39'22"E 739.71'

**HORACE HOWARD DRIVE** (50' R.O.W.) (244/861)

N46°43'13"W 1179.98'

L3

**HORACE HOWARD DRIVE**

1.393 ACRES  
APPROX. 60,661  
SQ. FT.

CAITLIN  
BANNAHAN  
LOPEZ  
6.0194 ACRES  
(17025732)

JACK C. RIES AND  
SHERYL L. RIES  
3.00 ACRES  
(2525/454)

**HORACE HOWARD DRIVE**  
(50' R.O.W.) (244/861)

PRUDENCIO R.  
LEDESMA  
3.01 ACRES  
(06038881)

**DACHSHUND DRIVE**  
PRIVATE GRAVEL ROAD  
N46°43'13"W 431.46'

5/8"

LOT 18

LOT 17

LOT 16

LOT 15

LOT 14

POSEY ROAD RANCH  
ESTATES SUBDIVISION,  
PHASE 1  
(8/259)



*[Handwritten Signature]*  
1/3/22

S37°26'41"W 300.23'  
(S38°31'W 300.00')

P.O.B.  
SEE DETAIL  
ON SHEET 1

GAP BETWEEN  
50.6354 ACRES  
(9911994)  
&  
0.893 ACRES  
(1121/673)

GAP BETWEEN

50.6354 ACRES  
(9911994)

&  
3.34 ACRES  
(2332/427)

CHARLES  
MATTHEWS AND  
ANNA L.  
MATTHEWS  
PORTION OF  
0.893 ACRES  
(1121/673)

THE COUNTY  
OF HAYS  
3.34 ACRES  
(2332/427)

**EARLY LAND  
SURVEYING, LLC**

P.O. BOX 92588  
AUSTIN, TX 78709  
512-202-8631  
FIRM NO. 10194487

DRAWING NO.: 1131-001-HORACE HOWARD  
SHEET 2 OF 2

# EARLY LAND SURVEYING, LLC

P.O. Box 92588, Austin, TX 78709

512-202-8631

earlysurveying.com

TBPELS Firm No. 10194487

## **3.631 ACRES HAYS COUNTY, TEXAS**

A DESCRIPTION OF 3.631 ACRES (APPROXIMATELY 158,174 SQ. FT.), BEING A PORTION OF POSEY ROAD (RIGHT-OF-WAY WIDTH VARIES) AS SHOWN ON PLAT RECORDED IN VOLUME 8, PAGE 259 OF THE PLAT RECORDS OF HAYS COUNTY, TEXAS AND AS DESCRIBED IN DOCUMENT NOS. 05036207, 06014801, 17043141, 19036046 AND 21022529 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS; SAID 3.631 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING** at the westernmost corner of a stone column found in the northeast right-of-way line of Posey Road (right-of-way width varies) as shown on plat recorded in Volume 8, Page 259 of the Plat Records of Hays County, Texas and as described in Document Nos. 05036207, 06014801, 17043141, 19036046 and 21022529 of the Official Public Records of Hays County, Texas, being the southernmost corner of a 50.6354 acre tract described in Document No. 9911994 of the Official Public Records of Hays County, Texas, being also the westernmost corner of two acres described in Volume 105, Page 375 of the Deed Records of Hays County, Texas;

**THENCE** South  $43^{\circ}34'11''$  West crossing Posey Road, a distance of 90.07 feet to a calculated point in the southwest right-of-way line of Posey Road, being in the northeast line of a 417.630 acre tract described in Document No. 16010858 of the Official Public Records of Hays County, Texas;

**THENCE** with the southwest right-of-way line of Posey Road and the northeast line of the said 417.630 acre tract, the following two (2) courses and distances:

1. With a curve to the right, having a radius of 14862.04 feet, an arc length of 75.24 feet, a delta angle of  $00^{\circ}17'24''$ , and a chord which bears North  $46^{\circ}17'07''$  West, a distance of 75.24 feet to a 1/2" rebar with "BCG" cap found;
2. North  $46^{\circ}07'59''$  West, a distance of 187.72 feet to a 1/2" rebar with "BCG" cap found for the easternmost corner of Lot 5, Block E, Trace Subdivision, PA 2B Section C, a subdivision of record in Document No. 21022529 of the Official Public Records of Hays County, Texas;



**THENCE** North  $46^{\circ}07'59''$  West with the southwest right-of-way line of Posey Road, the northeast line of Lot 5, Block E, of said Trace Subdivision, PA 2B Section C and the northeast line of Lot 5, Block E, Trace Subdivision, PA 2B Section B, a subdivision of record in Document No. 19036046 of the Official Public Records of Hays County, Texas, a distance of 415.38 feet to a 1/2" rebar with "BCG" cap found at the intersection of the southwest right-of-way line of Posey Road and the southeast right-of-way line of Lt. John Decker Drive (52' right-of-way width) as shown on said Trace Subdivision, PA 2B Section B, being also the northernmost corner of Lot 5, Block E, of said Trace Subdivision, PA 2B Section B;

**THENCE** North  $46^{\circ}07'59''$  West with the southwest right-of-way line of Posey Road and the northeast terminus of Lt. John Decker Drive, a distance of 52.09 feet to a 1/2" rebar with "BCG" cap found at the intersection of the southwest right-of-way line of Posey Road and the northwest right-of-way line of Lt. John Decker Drive, being the easternmost corner of Lot 50, Block B, of said Trace Subdivision, PA 2B Section B;

**THENCE** North  $46^{\circ}07'59''$  West with the southwest right-of-way line of Posey Road and the northeast line of said Lot 50, a distance of 985.74 feet to a 1/2" rebar with "BCG" cap found for the northernmost corner of said Lot 50, being the easternmost corner of Lot 28, Block B, Trace Subdivision, Section A, PA 2A, Phase A, a subdivision of record in Document No. 17043141 of the Official Public Records of Hays County, Texas;

**THENCE** North  $46^{\circ}07'59''$  West with the southwest right-of-way line of Posey Road and the northeast line of said Lot 28, a distance of 34.76 feet to a calculated point;

**THENCE** North  $43^{\circ}52'01''$  East, a distance of 90.44 feet to a 1/2" rebar with "Capital" cap found for an angle point in the northeast right-of-way line of Posey Road, being in the northwest line of the said 50.6354 acre tract, being in the southeast line of Lot 10, of Posey Road Ranch Estates Subdivision, Phase 1, a subdivision of record in Volume 8, Page 259 of the Plat Records of Hays County, Texas;

**THENCE** South  $46^{\circ}07'39''$  East with the northeast right-of-way line of Posey Road and the crossing the said 50.6354 acre tract, a distance of 1750.45 feet to the **POINT OF BEGINNING**, containing 3.631 acres of land, more or less.

Surveyed on the ground on December 29, 2021

Bearing Basis: The Texas Coordinate System of 1983 (NAD83), South Central Zone, utilizing the SmartNet North America Network.

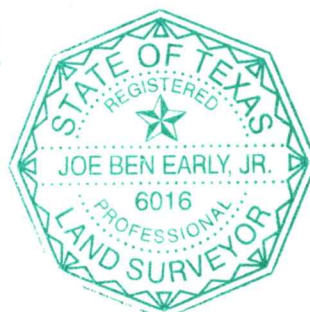
Attachments: Survey Drawing No. 1131-001-POSEY



Joe Ben Early, Jr.  
Registered Professional Land Surveyor  
State of Texas No. 6016

1/3/22

Date



A SKETCH TO ACCOMPANY A DESCRIPTION OF 3.631 ACRES (APPROXIMATELY 158,174 SQ. FT.), BEING A PORTION OF POSEY ROAD (RIGHT-OF-WAY WIDTH VARIES) AS SHOWN ON PLAT RECORDED IN VOLUME 8, PAGE 259 OF THE PLAT RECORDS OF HAYS COUNTY, TEXAS AND AS DESCRIBED IN DOCUMENT NOS. 05036207, 06014801, 17043141, 19036046 AND 21022529 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS.

CURVE TABLE				
CURVE	RADIUS	DELTA	ARC	CHORD
C1	14862.04'	0°17'24"	75.24'	N46°17'07"W 75.24'

LINE TABLE			(RECORD)
LINE	BEARING	DISTANCE	
L1	S43°34'11"W	90.07'	
L2	N46°07'59"W	187.72'	(N46°08'28"W 187.83')
L3	N46°07'59"W	415.38'	(N46°08'28"W 415.37')
L4	N46°07'59"W	52.09'	(N46°08'28"W 52.04')
L5	N46°07'59"W	985.74'	(N46°08'28"W 985.71')
L6	N46°07'59"W	34.76'	
L7	N43°52'01"E	90.44'	

#### LEGEND

- CAPITAL 1/2" REBAR WITH "CAPITAL" CAP FOUND
- SWART 5/8" REBAR WITH ALUMINUM "SWART" CAP FOUND
- BCG 1/2" REBAR WITH "BCG" CAP FOUND
- 1/2" REBAR FOUND (OR AS NOTED)
- △ CALCULATED POINT
- ( ) RECORD INFORMATION



*[Signature]* 1/3/22

DATE OF SURVEY: 12/29/21  
PLOT DATE: 01/03/22  
DRAWING NO.: 1131-001-POSEY  
DRAWN BY: JBE & BBP  
SHEET 1 OF 2

### EARLY LAND SURVEYING, LLC

P.O. BOX 92588  
AUSTIN, TX 78709  
512-202-8631  
FIRM NO.10194487

BEARING BASIS: THE TEXAS COORDINATE SYSTEM OF 1983 (NAD83), SOUTH CENTRAL ZONE, UTILIZING THE SMARTNET NORTH AMERICA NETWORK.  
ATTACHMENTS: METES AND BOUNDS DESCRIPTION 1131-001-POSEY





POSEY ROAD RANCH  
ESTATES SUBDIVISION,  
PHASE 1  
(8/259)

JAMES M. SIMS, III  
PORTION OF 50.6354 ACRES  
(9911994)

3.631 ACRES  
APPROX. 158,174  
SQ. FT.

S46°07'39"E 1750.45' (S46°08'22"E 1750.63')

POSEY ROAD (R.O.W. WIDTH VARIES) (8/259) (05036207) (06014801) (17043141) (19036046) (21022529)

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2252  
Prepared by the State Bar of Texas for use by lawyers only  
Revised 10-85  
c 1985 by the State Bar of Texas

## SPECIAL WARRANTY DEED (Long Form)

**Date:** February 9, 1999

**Grantor:** Marvin C. Kristynik, Trustee of the James M. Sims, Jr. Trust

**Grantor's Mailing Address (including county):** 801 Foster Drive, Richmond, Fort Bend County, Texas 77469

**Grantee:** James M. Sims, III

**Grantee's Mailing Address (including county):** 11533 N. Spicewood, Houston, Harris County, Texas 77044

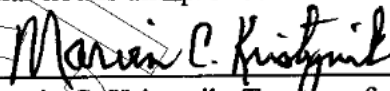
**Consideration:** The sum of Ten and no/100 Dollars (\$10.00) and other valuable consideration to the undersigned paid by the grantee herein named, the receipt of which is hereby acknowledged.

**Property (including any improvements):** A parcel of land containing 50.6354 acres, more or less, out of the Henry Warnell Survey No. 21, Abstract No. 492, Hays County, Texas, and being the southeast one-half of that 101.3 acre tract conveyed by that deed from Ramon Guana and wife, Augustina M. Guana, to Francis M. Mercer, Jr. dated March 30, 1948 and recorded in Volume 140, Pages 579-582 on April 3, 1948 in the deed records of said county. This 101.3 acre parcel is a part of that 108.86 acre tract conveyed by that deed from State Bank and Trust Co. of San Marcos to Ramon Guana and Augustina M. Guana dated September 29, 1945 and recorded in Volume 133, Page 161-165 on November 5, 1945 in said deed records. Said 50.6354 acres being more particularly described by metes and bounds in the attached Exhibit "A".

**Reservations from and Exceptions to Conveyance and Warranty:** This conveyance is made and accepted subject to all restrictions, covenants, conditions, easements, reservations, outstanding mineral interest and regulations of governmental authorities, if any, but only to the extent that they, or any of them are, as of the date of this instrument, in effect and relating to the property, and filed of record in Hays County, Texas.

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 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, except as the reservations from and exceptions to conveyance and warranty. PROVIDED, HOWEVER, SUCH WARRANTY SHALL BE BY, THROUGH, OR UNDER GRANTOR, BUT NOT OTHERWISE.

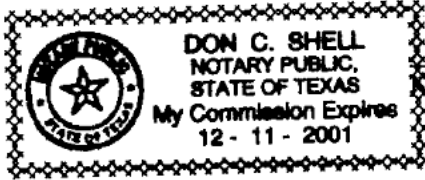
When the context requires, singular nouns and pronouns include the plural.

  
Marvin C. Kristynik, Trustee of  
the James M. Sims, Jr. Trust

STATE OF TEXAS

COUNTY OF FORT BEND

This instrument was acknowledged before me on the 9 day of February, 1998, by Marvin C. Kristynik, Trustee on behalf of the James M. Sims, Jr. Trust.



*Don C. Shell*  
Notary Public, State of Texas

AFTER RECORDING RETURN TO:  
MR. JAMES M. SIMS, III

12720 BRANT ROCK

# 1713

HOUSTON, TX 77082

PREPARED IN THE LAW OFFICE OF:

DON C. SHELL

2116 THOMPSONS HIGHWAY, #E-1

RICHMOND, TEXAS 77469



## FIELD NOTES

A parcel of land containing 50.6354 acres out of the Henry Warnell Survey No. 21, Abstract No. 492, Hays County, Texas, and being the southeast one half of that 101.3 acre tract conveyed by that deed from Ramon Guana and wife, Augustina M. Guana, to Francis M. Mercer, Jr. dated 30 March 1948 and recorded in Volume 140, pages 579-582 on 3 April 1948 in the deed records of said county. This 101.3 acre parcel is a part of that 108.86 acre tract conveyed by that deed from State Bank and Trust Co. of San Marcos to Ramon Guana and Augustina M. Gauna dated 29 September 1945 and recorded in Volume 133, pages 161-165 on 5 November 1945 in said deed records.

This parcel is shown on a survey dated 13 March 1998 by Charles R. Swart, Surveyor, and is described by metes and bounds in the following paragraphs. All metal monuments were set during this survey. Each aluminum capped iron monument (except that at point 255) is marked

SIMS-WILL  
1998

CHARLES R. SWART  
SURVEYOR

and with the identifying point number cited herein and shown on the plat. Each aluminum capped iron witness monument is also marked "W.C." and with the offset distance to the point witnessed. The aluminum capped iron monument at point 255 is marked

SAN PEDRO CEMETERY  
1998

255  
CHARLES R. SWART  
SURVEYOR

Beginning at the south corner (point 38) of this 50.6354 acre parcel, which is identical with the south corner of the 108.86 acre tract and the 101.3 acre tract, and falls at the west corner of the intact base of the red stone and mortar pillar at the west corner of the San Pedro Cemetery;

thence North 45 degrees 11 minutes 00 seconds West along the southwest line of this 50.6354 acre parcel, the southwest line of the 101.3 acre tract, and the southwest line of the 108.86 acre tract a distance of 1672.78 feet to a corner (point 253) of this parcel, which is identical with a corner of the 101.3 acre parcel and the 108.86 acre parcel, and is marked with an aluminum capped iron monument;

thence North 43 degrees 02 minutes 00 seconds West along the southwest line of this parcel, which is identical with the southwest line of the 101.3 acre tract and the southwest line of the 108.86 acre tract a distance of 77.83 feet to the west corner (point 72) of this parcel, which is marked with a 5/8 inch diameter iron bar, 24" long, from which an aluminum capped iron witness monument (point 75) bears North 44 degrees 45 minutes 10 seconds East a distance of 2.00 feet;

thence, from point 72, North 44 degrees 45 minutes 10 seconds East along the northwest line of this parcel a distance of 1312.20 feet to the north corner (point 71) of this parcel, which is marked with a 5/8 inch diameter iron bar, 24 inches long, which is on the northeast line of the 101.3 acre tract, the northeast line of the 108.86 acre tract, and the southwest line of that tract described in that deed recorded in Volume 212, pages 116-120 of the said deed records. From this point an aluminum capped iron witness monument (point 74) bears South 44 degrees 45 minutes 10 seconds West a distance of 2.00 feet.

Thence, from point 71, South 45 degrees 14 minutes 50 seconds East along the northeast line of this parcel, the

Field notes of the southeast one-half of a 101.3 acre tract out of the Henry Warnell Survey No. 21, Hays County, Texas  
Page two of two pages

northeast line of the 101.3 acre tract, the northeast line of the 108.86 acre tract, and the southwest line of that said tract recorded in Volume 212, pages 116-120 a distance of 1601.59 feet to a corner (point 69) of this parcel, which is marked with an aluminum capped iron monument, and is identical with the east corner of the 101.3 acre tract and the north corner of that 7.56 acre tract described in that deed from Ramon Guana and Augustina M. Guana to David T. Ramsay by that deed dated 20 March 1946 and recorded in Volume 134, page 313 et seq. of the said deed records.

thence South 38 degrees 18 minutes 00 seconds West along the southeast line of this parcel and the northwest line of the 7.56 acre tract a distance of 719.63 feet to the west corner of the 7.56 acre tract, which is marked with an aluminum capped iron monument, and is identical with the north corner of the northwest two acres of the San Pedro Cemetery, which is described in that deed from L. G. Johnson and wife, Katherine Johnson, and Mrs. Sarah Johnson to Cemeterio de San Pedro by that deed dated 14 January 1933 and recorded in Volume 105, pages 375-376 of the said deed records on 23 January 1933;

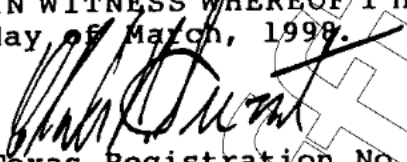
thence South 38 degrees 18 minutes 00 seconds West along the southeast line of this parcel and the northwest line of San Pedro Cemetery a distance of 605.83 feet to the point of beginning.

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STATE OF TEXAS  
COUNTY OF HAYS

I, CHARLES OF SWART, a Land Surveyor registered under the laws of the State of Texas, do hereby certify that I have prepared these field notes from a survey which I performed.

IN WITNESS WHEREOF I have hereunto set my hand and seal this 13th day of March, 1998.

  
Texas Registration No. 1993

1634SE

FILED AND RECORDED  
OFFICIAL PUBLIC RECORDS

*Lee Carlisle*

5-21-99 03:18 PM 9911994  
LYNN \$17.00  
LEE CARLISLE, County Clerk  
HAYS COUNTY