

## **ORDINANCE NO. 2022-33**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS ANNEXING INTO THE CITY APPROXIMATELY 39.36 ACRES OF LAND GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF POSEY ROAD AND TRANSPORTATION WAY IN CASE NO. AN-22-08; INCLUDING PROCEDURAL PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.**

### **RECITALS:**

- 1.** In Case No. AN-22-08, the owner of approximately 39.36 acres of land generally located northeast of the intersection of Posey Road and Transportation Way, as further described in Exhibit “A,” attached hereto and incorporated herein for all purposes (the “Property”), made a request for the City to annex the Property.
- 2.** Said owner consents to the annexation of the Property.
- 3.** The Owner and the City have entered into a written agreement for the provision of services to the Property.
- 4.** The Property is contiguous and adjacent to the current boundaries of the City.
- 5.** The City Council held a public hearing regarding the request.
- 6.** The City Council hereby finds and determines that the adoption of the following ordinance is in the interest of the public health, morals, welfare and safety.

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS:**

**SECTION 1.** The recitals of this ordinance are approved and adopted.

**SECTION 2.** The Property is annexed to and is a part of the City of San Marcos, Texas and subject to the acts, ordinances, resolutions and regulations of the City.

**SECTION 3.** Services to the Property will be provided under the terms of the written agreement for the provision of services entered into between the Owner and the City as noted in Recital 3.

**SECTION 4.** The corporate limits of the City are extended to include the Property.

**SECTION 5.** The inhabitants of the Property are entitled to all the rights and privileges of other citizens of the City, and are bound by the acts, ordinances, resolutions and regulations of the City.

**SECTION 6.** If any word, phrase, clause, sentence, or paragraph of this ordinance is held to be unconstitutional or invalid by a court of competent jurisdiction, the other provisions of this ordinance will continue in force if they can be given effect without the invalid portion.

**SECTION 7.** All ordinances and resolutions or parts of ordinances or resolutions in conflict with this ordinance are repealed.

**SECTION 8.** This ordinance shall be effective upon its adoption on second reading.

**PASSED AND APPROVED** on first reading on May 3, 2022.

**PASSED, APPROVED AND ADOPTED** on second reading on May 17, 2022.

Jane Hughson  
Mayor

Attest:

Approved:

Elizabeth Trevino  
Interim City Clerk

Michael Cosentino  
City Attorney

## EXHIBIT A



### 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 Lemuel 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



# 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."



SCALE: 1"=400'



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°16'48"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 WARMELL SURVEY  
OWNER: POSEY 2000 LLC  
VOL. 17 PG. 235

TRANSPORTATION WAY  
(17' 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

SOUTH PARK COMMERCIAL  
SUBDIVISION  
VOL. 4 PG. 59

LOT 1 LOT 2 LOT 3 LOT 4 LOT 5

POINT OF  
BEGINNING

POINT OF  
COMMENCEMENT

INTERSTATE 35  
(VARIABLE WIDTH RIGHT-OF-WAY)



*Teresa A. Seidel*  
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)  
817 N. INTERSTATE 35, AUSTIN, TEXAS 78741  
PHONE: 817-440-7733 FAX: 817-440-1414 E-MAIL: INFO@TBPELS.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

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