

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

Date: January 21, 2020

Owner: LCSM Ph. 1-2, LLC, 303 Colorado Street, Suite 2300, Austin, TX 78701

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 pursuant to the terms of a development agreement with the City under Sections 43.016 and 212.172 of the Texas Local Government Code

3. In consideration of the mutual benefits to the Owner and the City arising from the annexation of the Property, and other good and valuable consideration, the receipt of which is hereby acknowledged, the Owner and the City enter into this Agreement and agree that services to the Property will be provided as described in Exhibit B.

4. This Agreement is made, and shall be construed and interpreted under the laws of the State of Texas. Venue for any legal proceedings shall lie in state courts located in Hays County, Texas. Venue for any matters in federal court will be in the United States District Court for the Western District of Texas.

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

6. This Agreement shall be binding upon Owner, and Owner's heirs, successors and assigns, and all future owners of all or any portion of the Property.

7. This Agreement will become effective as of the date an ordinance annexing the Property is finally passed, approved and adopted by the City's city council (the Effective Date).

[SIGNATURES ON NEXT PAGE]

CITY:

By: _____

Name: _____

Title: _____

ACKNOWLEDGMENT

STATE OF TEXAS §

§

COUNTY OF HAYS §

This instrument was acknowledged before me on _____, 20____, by _____, _____ of the City of San Marcos, in such capacity, on behalf of said municipality.

Notary Public, State of Texas

OWNER LCSM PH. 1-2, LLC, a Texas Limited Liability Company:

By: _____

Name: _____

Title: _____

ACKNOWLEDGMENT

STATE OF _____ §

§

COUNTY OF _____ §

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

Notary Public, State of _____

EXHIBIT A



MARCH, 2019
HAYS COUNTY, TEXAS

- LEGEND**
- 1/2" IRON ROD W/ PLASTIC CAP STAMPED "TOP" (FORWARD) SET
 - 1/2" IRON ROD W/ PLASTIC CAP STAMPED "BOTTOM" (NO SURFACE) FOUND
 - 1/2" IRON ROD W/ PLASTIC CAP STAMPED "TOP" SET
 - △ SPLIT-HEAD ROD
 - △ BENCHMARK
 - () RECORD INFORMATION
 - EASEMENT BY HAYS COUNTY, TEXAS
 - P.R.H.C.T.X. 1/4" SUCCESSION MAPS COUNTY, TEXAS
 - R.P.H.C.T.X. REAL PROPERTY RECORDS OF HAYS COUNTY, TEXAS
 - O.P.H.C.T.X. OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS
 - F.U.E. PUBLIC UTILITY EASEMENT
 - PREPARED SEPARATE LOCATION
 - PLAT BOUNDARY LINE
 - BENCHMARK POSITION
 - D.E. DEDICATED EASEMENT
- NOTE: SEE SHEET 4 OF 4 FOR LINE AND CURVE TABLES.

FILE NO.	19-00000	DATE	03/15/19
DATE	03/15/19	PROJECT	LA CIMA
SCALE	1" = 100'	ORDERED BY	LA CIMA
DRAWN BY	BJW	CHECKED BY	LA CIMA
DATE	03/15/19	DATE	03/15/19

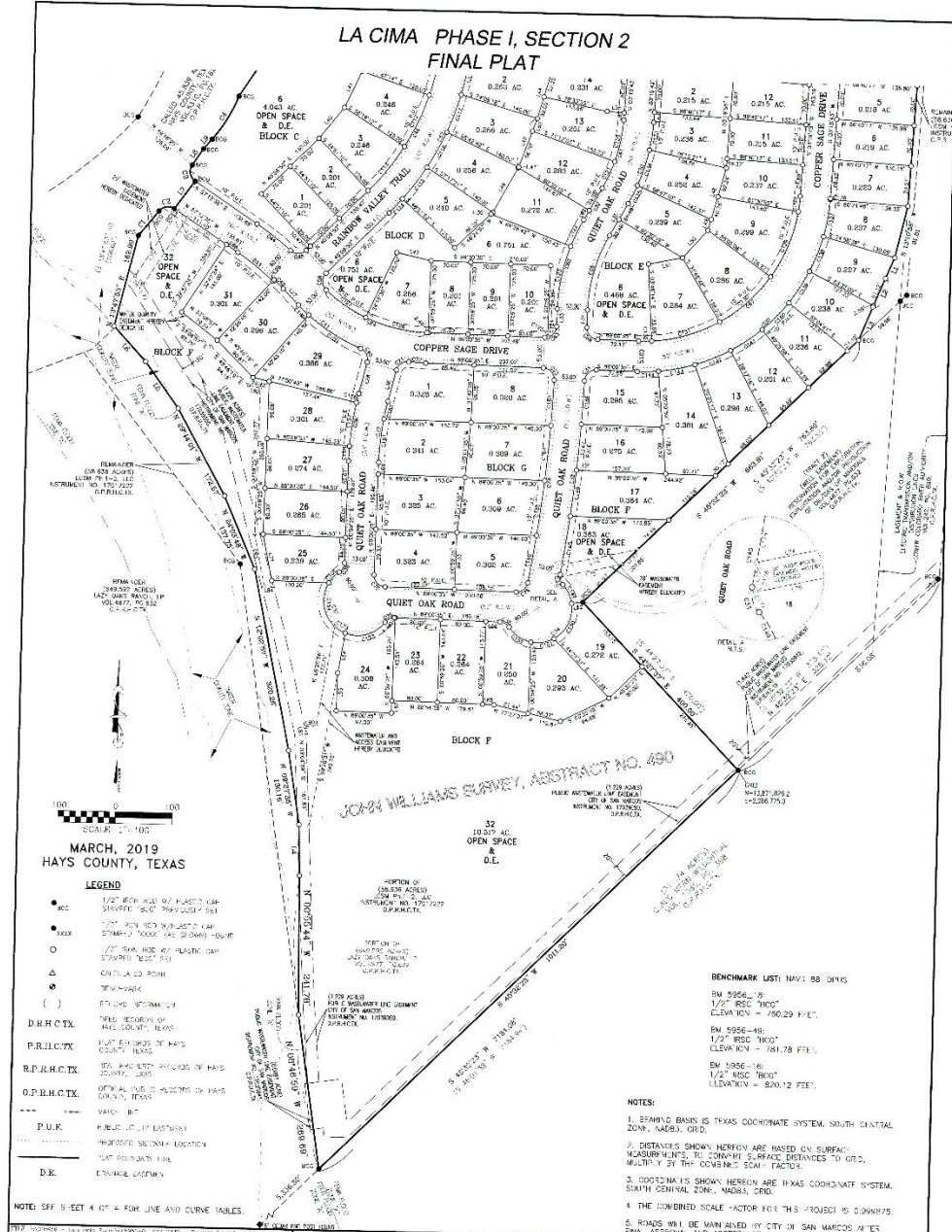
Bowman CONSULTING

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TSPS Firm No. F-14309 | TSPS Firm No. 101206-00

FINAL PLAT
LA CIMA
PHASE I, SECTION 2
JOHN WILLIAMS SURVEY, ABSTRACT 490
HAYS COUNTY, TEXAS

SHEET 2 OF 4
PLAN #: 1207

LA CIMA PHASE I, SECTION 2 FINAL PLAT



MARCH, 2019
HAYS COUNTY, TEXAS

LEGEND

- 1/2" BENCH MARK BY PLASTER CAR SHAVING "S&T" REFERENCE 581
- 1/2" BENCH MARK BY PLASTER CAR STAMPED "XXXX" (43) (2468) "XXXX"
- 1/2" BENCH MARK BY PLASTER CAR STAMPED "XXXX" (43) (2468) "XXXX"
- △ CONCRETE PILE
- BENCHMARK
- () OTHER INFORMATION
- D.H.C.T.X. FIELD RECORDS OF HAYS COUNTY, TEXAS
- P.R.I.C.T.X. PLAT RECORDS OF HAYS COUNTY, TEXAS
- R.P.R.H.C.T.X. REAL PROPERTY RECORDS OF HAYS COUNTY, TEXAS
- O.P.R.H.C.T.X. OFFICIAL RECORD RECORDS OF HAYS COUNTY, TEXAS
- VARIOUS LOT
- P.U.K. PUBLIC UTILITY ESTABLISHMENT
- PROPOSED SURVEYOR LOCATION
- STATE ROADWAY LINE
- D.E. EASEMENT, EASEMENT

NOTE: SEE SHEET 4 OF 4 FOR LINE AND CURVE TABLES.

BENCHMARK LIST: BMV: 88 DEVIS

- BM 5956-06
1/2" BENCH MARK
ELEVATION = 750.29 FEET
- BM 5956-48
1/2" BENCH MARK
ELEVATION = 761.78 FEET
- BM 5956-16
1/2" BENCH MARK
ELEVATION = 826.12 FEET

- NOTES:**
1. BENCHMARK BASIS IS TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE, NAD83, UTM.
 2. DISTANCES SHOWN HEREIN ARE BASED ON SUBSTRUMENT MEASUREMENTS, TO CORRECT SURFACE DISTANCES TO GRID, MULTIPLY BY THE CORRECTION SCALE FACTOR.
 3. COORDINATES SHOWN HEREIN ARE TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE, NAD83, UTM.
 4. THE COMBINED SCALE FACTOR FOR THIS PROJECT IS 0.999975.
 5. ROADS WILL BE MAINTAINED BY CITY OF SAN MARCOS AFTER FINAL APPROVAL AND ACCEPTANCE.

DATE	BY	CHKD	DATE
03/11/2019	J. B. BOWMAN	J. B. BOWMAN	03/11/2019
DATE	BY	CHKD	DATE
03/11/2019	J. B. BOWMAN	J. B. BOWMAN	03/11/2019

Bowman CONSULTING

Bowman Consulting Group, L.P.
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www.bowmanconsulting.com

FINAL PLAT
LA CIMA
PHASE I, SECTION 2
JOHNS WILLIAMS SURVEY, ABSTRACT 490
HAYS COUNTY, TEXAS

EXHIBIT B

When the Property is annexed, services will be provided to the Property as follows:

1. Police Protection

Police services, including patrolling, response to calls and other routine services, will begin on the Effective Date of the annexation using existing personnel and equipment.

2. Fire Protection

Fire protection services, including emergency response calls, will begin on the Effective Date of the annexation using existing personnel and equipment and within the limitations of the available water supply.

3. Emergency Medical Services

Emergency medical services, including emergency response calls, will continue at the same level of service after the annexation. The City of San Marcos contracts for emergency medical services through the San Marcos – Hays County EMS, which already provides service to the area being annexed.

4. Solid Waste Collection

Solid waste collection services, provided under contract with a private company, will be made available to all properties on the Effective Date of the annexation. Residents of the Property may elect to continue using the services of a private solid waste hauler for a period of two years after the Effective Date of the annexation. Businesses and institutions must make arrangements with private solid waste haulers.

5. Operation and Maintenance of Water and Wastewater Facilities

a. Water. The Property is located within an area over which the City of San Marcos holds a Certificate of Convenience and Necessity (CCN) for water service. The City will make water service available to the Property on the Effective Date of the annexation on the same basis as available to other owners of property in the City, i.e., the Owner is solely responsible for the cost to construct and extend all infrastructure, facilities, and lines necessary to serve the Property.

b. Wastewater. The Property is not covered by a CCN for wastewater service, however, the City of San Marcos has wastewater lines adjacent to the Property and 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. In addition, the City is in the process of adding the Property as an area covered by the City's CCN for wastewater service.

6. Construction, Operation and Maintenance of Roads and Streets

As new development occurs within the Property, the Owner(s) of Property will be required to construct streets at the Owner's sole expense in accordance with applicable ordinances of the City.

7. Electric Service

The Property is located in the Pedernales Electric 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.