

AGREEMENT FOR THE PROVISION OF SERVICES

(Pursuant to Tex. Local Gov't Code §43.0672)

Date: July 5, 2022

Owner: AV McCarty Lane GP LLC & SM McCarty Lane LLC, 1801 Lavaca St, Ste 116,
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 and that Owner does not wish to enter into and has declined the offer from the City of a development agreement 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 §

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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:

AV McCarty Lane GP LLC

SM McCarty Lane LLC

By: _____

By: _____

Name: _____

Name: _____

Title: _____

Title: _____

ACKNOWLEDGMENTS

STATE OF _____ §

§

COUNTY OF _____ §

This instrument was acknowledged before me on _____, 2022 by _____, _____ of AV McCarty Lane GP LLC, in such capacity on behalf of said entity.

Notary Public, State of _____

STATE OF _____ §

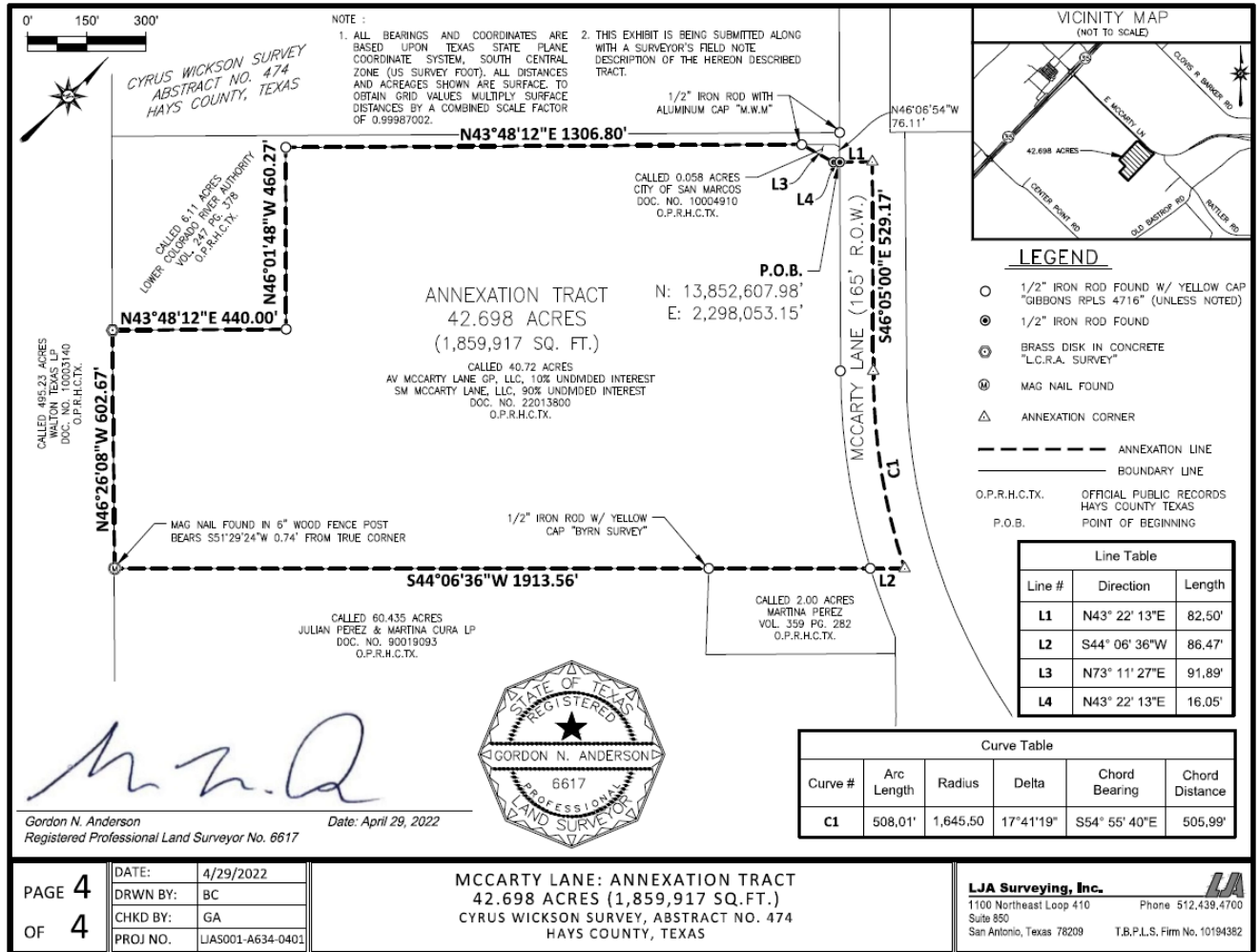
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COUNTY OF _____ §

This instrument was acknowledged before me on _____, 2022 by _____, _____ of SM McCarty Lane LLC, in such capacity on behalf of said entity.

Notary Public, State of _____

EXHIBIT A



PAGE 4
OF 4

DATE: 4/29/2022
DRWN BY: BC
CHKD BY: GA
PROJ NO. UAS001-A634-0401

**FIELD NOTE DESCRIPTION
42.698 ACRES (1,859,917 SQUARE FEET)
ANNEXATION TRACT**

BEING 42.698 ACRES (1,859,917 SQUARE FEET) TRACT OF LAND, LOCATED IN THE CYRUS WICKSON SURVEY, ABSTRACT NO. 474 SITUATED IN HAYS COUNTY, TEXAS, AND BEING ALL OUT OF A CALLED 40.72 ACRE TRACT OF LAND CONVEYED TO AV MCCARTY LANE GP, LLC AND SM MCCARTY LANE, LLC DESCRIBED AND RECORDED IN DOCUMENT NO. 22013800 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS (O.P.R.H.C.TX.), AND A PORTION OF MCCARTY LANE, A 165' RIGHT-OF-WAY (R.O.W.) ACQUIRED BY DEED BY THE CITY OF SAN MARCOS, DESCRIBED AND RECORDED IN DOCUMENT NO. 10000330, DOCUMENT NO. 90032057, DOCUMENT NO. 10000331, SAID 42.698 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 1/2" IRON ROD FOUND IN THE SOUTH R.O.W. LINE OF MCCARTY LANE, A 165' R.O.W., AT THE NORTH CORNER OF SAID 40.72 ACRE TRACT, SAME BEING THE EAST CORNER OF A CALLED 0.058 ACRE TRACT OF LAND DESCRIBED AND RECORDED IN DOCUMENT NO. 10004910 (O.P.R.H.C.TX.), WITH A GRID COORDINATE VALUE OF NORTH: 13,850,807.38' AND EAST: 2,297,754.44', FROM WHICH A 1/2" IRON ROD WITH ALUMINUM CAP STAMPED "M,W,M" BEARS N46°06'54"W A DISTANCE OF 76.11';

THENCE OVER AND ACROSS SAID 165' WIDE R.O.W. OF MCCARTY LANE, THE FOLLOWING FOUR (4) COURSES AND DISTANCES:

1. N43°22'13"E, A DISTANCE OF 82.50' TO THE CENTERLINE OF MCCARTY LANE (165' R.O.W.) FOR THE NORTH CORNER OF THE HEREIN DESCRIBED TRACT;
2. S46°05'00"E, ALONG THE CENTERLINE OF MCCARTY LANE (165' R.O.W.) A DISTANCE OF 529.17' TO A POINT OF CURVATURE TO THE LEFT OF THE HEREIN DESCRIBED TRACT;
3. FOLLOWING THE CENTERLINE OF MCCARTY LANE (165' R.O.W.), WITH A CURVE TO THE LEFT, HAVING A RADIUS OF 1,645.50', AN ARC LENGTH OF 508.01', A DELTA ANGLE OF 17°41'19", AND A CHORD BEARING AND DISTANCE OF S54°55'40"E 505.99' TO THE EAST CORNER OF THE HEREIN DESCRIBED TRACT
4. S44°06'36"W, A DISTANCE OF 86.47' TO A 1/2" IRON ROD WITH YELLOW CAP STAMPED "GIBBONS RPLS 4716" FOUND ON THE SOUTH R.O.W. LINE OF MCCARTY LANE, THE EAST CORNER OF SAID 40.72 ACRE TRACT, SAME BEING THE NORTH CORNER OF A CALLED 2.00 ACRE TRACT OF LAND CONVEYED TO MARTINA PEREZ, BEING THE REMAINING PORTION OF A 63 ACRE TRACT DESCRIBED AND RECORDED IN VOL. 359 PG. 282 (O.P.R.H.C.TX.);

THENCE S44°06'36"W, ALONG THE COMMON BOUNDARY LINE OF SAID 40.72 ACRE TRACT AND SAID 2.00 ACRE TRACT, AT A DISTANCE OF 409.20' PASSING A 1/2" IRON ROD WITH YELLOW CAP STAMPED "BYRN SURVEY" FOUND ON THE WEST CORNER OF SAID 2.00 ACRE TRACT, SAME BEING THE NORTH CORNER OF A CALLED 60.435 ACRE TRACT OF LAND CONVEYED TO JULIAN PEREZ AND MARTINA CURA LP DESCRIBED AND RECORDED IN DOCUMENT NO. 90019093 (O.P.R.H.C.TX.), FOR A TOTAL DISTANCE OF 1,913.56' TO THE SOUTH CORNER OF THE HEREIN DESCRIBED TRACT, BEING THE SOUTH CORNER OF SAID 40.72 ACRE TRACT, THE WEST CORNER OF SAID 60.435 ACRE TRACT, ON THE NORTHEAST LINE OF A CALLED 495.23 ACRE TRACT OF LAND CONVEYED TO WALTON TEXAS LP DESCRIBED AND RECORDED IN DOCUMENT NO. 10003140 (O.P.R.H.C.TX.), FROM WHICH A MAG NAIL FOUND IN A 6" WOOD FENCE POST BEARS S51°29'24"W A DISTANCE OF 0.74';

THENCE N46°26'08"W, ALONG THE COMMON BOUNDARY LINE OF SAID 40.72 ACRE TRACT AND SAID 495.23 ACRE TRACT, A DISTANCE OF 602.67' TO BRASS DISK SET IN CONCRETE STAMPED "L.C.R.A. SURVEY" FOUND FOR A WEST CORNER OF THE HEREIN DESCRIBED TRACT, SAME BEING THE SOUTH CORNER OF A CALLED 6.11 ACRE TRACT OF LAND CONVEYED TO LOWER COLORADO RIVER AUTHORITY DESCRIBED AND RECORDED IN VOLUME 247 PAGE 378 (O.P.R.H.C.TX.);

THENCE N43°48'12"E, ALONG THE COMMON BOUNDARY LINE OF SAID 40.72 ACRE TRACT AND SAID 6.11 ACRE TRACT, A DISTANCE OF 440.00' TO A 1/2" IRON ROD WITH YELLOW CAP STAMPED "GIBBONS RPLS 4716" FOUND FOR AN INTERIOR CORNER OF THE HEREIN DESCRIBED TRACT, SAME BEING AN EAST CORNER OF SAID 6.11 ACRE TRACT;

THENCE N46°01'48"W, ALONG THE COMMON BOUNDARY LINE OF SAID 40.72 ACRE TRACT AND SAID 6.11 ACRE TRACT, A DISTANCE OF 460.27' TO A 1/2" IRON ROD WITH YELLOW CAP STAMPED "GIBBONS RPLS 4716" FOUND FOR THE MOST WEST CORNER OF THE HEREIN DESCRIBED TRACT, SAME BEING AN INTERIOR CORNER OF SAID 6.11 ACRE TRACT;

THENCE N43°48'12"E, ALONG THE COMMON BOUNDARY LINE OF SAID 40.72 ACRE TRACT AND SAID 6.11 ACRE TRACT, A DISTANCE OF 1,306.80' TO A 1/2" IRON ROD WITH ALUMINUM CAP STAMPED "M.W.M." FOUND AT AN ANGLE POINT OF THE HEREIN DESCRIBED TRACT, THE SOUTHWEST CORNER OF SAID 0.058 ACRE TRACT, ON THE SOUTH LINE OF SAID 6.11 ACRE TRACT;

THENCE N73°11'27"E, ALONG THE COMMON BOUNDARY LINE OF SAID 40.72 ACRE TRACT AND SAID 0.058 ACRE TRACT, A DISTANCE OF 91.89' TO A 1/2" IRON ROD FOUND FOR AN ANGLE POINT OF THE HEREIN DESCRIBED TRACT;

THENCE N43°22'13"E, ALONG THE COMMON BOUNDARY LINE OF SAID 40.72 ACRE TRACT AND SAID 0.058 ACRE TRACT, A DISTANCE OF 16.05' TO THE **POINT OF BEGINNING**, AND CONTAINING 42,698 OF AN ACRE (1,859,917 SQUARE FEET) OF LAND, MORE OR LESS.

CYRUS WICKSON SURVEY
ABSTRACT NO. 474
HAYS COUNTY, TX

APRIL 29, 2022
LJAS001-A634-0401: McCarty Lane
PAGE 3 OF 4

THIS SURVEYOR'S FIELD NOTE DESCRIPTION IS BEING SUBMITTED ALONG WITH A PLAT OF THE
HEREON DESCRIBED TRACT.

BEARING BASIS: GRID NORTH, TEXAS STATE PLANE COORDINATES, SOUTH CENTRAL ZONE,
NAD83 (NAD83 (2011) EPOCH 2018), ALL DISTANCES ARE SURFACE VALUES, TO OBTAIN GRID
VALUES MULTIPLY SURFACE DISTANCES BY A COMBINED SCALE FACTOR OF 0.999870017. ALL
DISTANCE UNITS ARE U.S. SURVEY FEET.



Gordon N. Anderson
Registered Professional Land Surveyor No. 6617
LJA Surveying, Inc,
1100 NE Interstate 410, Loop Suite 850
San Antonio, TX 78209
(512) 439-4700
TBPLS No. 10194382

April 29, 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

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 within the Bluebonnet Electric 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.