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



Updated: March, 2023

#### **CONTACT INFORMATION**

Applicant's Name	John David Carson	Property Owner	Same as Applicant
Company	Carson Haysco Holdings, LP	Company	Same as Applicant
Applicant's Mailing Address	407 S Stagecoach Trl, Ste 203 San Marcos, TX 78666	Owner's Mailing Address	Same as Applicant
Applicant's Phone #	(512) 392-3322	Owner's Phone #	Same as Applicant
Applicant's Email	johndavid@carsonproperties.net	Owner's Email	Same as Applicant

	pach Trl and Wonder World Drive, San Marcos, TX 78666
Legal Description: LotLots 1, 2, 3 Block B & Lot 1, Block C	Hays County Government Center Campus  Subdivision & 1 unplatted tract
Total Acreage: 21.462	Tax ID #: R 132514, R132515, R132516, R132517, R1 32728
Preferred Scenario Designation: Medium Intensity	Existing Zoning: Light Industrial (LI) and General Commercial (GO
Existing Land Use(s): Vacant Land / Agricultural Use (hay graze	er cultivation)
DESCRIPTION OF REQUEST	
Proposed Zoning District(s): Character District - 5 (CD-5)	
Proposed Land Uses / Reason for Change: Alignment w	ith Comprehensive Plan
No immediate change of use proposed. Future uses consistent with the	CD-5 zoning district

#### **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\* \$1,000 plus \$150 per acre Technology Fee \$15

\*Existing Neighborhood Regulating Plan Included.

\*MAXIMUM COST \$5,015

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

# **APPLY ONLINE – WWW.MYGOVERNMENTONLINE.ORG/**

# PROPERTY OWNER AUTHORIZATION John David Carson son \_\_\_\_\_(owner name) on behalf of Carson Haysco Holdings, LP (company, if applicable) acknowledge that I/we am/are the rightful owner of the property located at 500 to 700 Block of S Stagecoach Trail, San Marcos, TX 78666 & eastern corner of Stagecoach Trl and Wonder World Drive, San Marcos, TX 78666 (address). I hereby authorize \_\_\_\_\_ (agent name) on behalf of \_\_\_\_\_(agent company) to file this application for (application type), and, if necessary, to work with the Responsible Official / Department on my behalf throughout the process. Printed Name, Title: \_\_\_\_\_\_ John David Carson, COO of the GP Signature of Agent: \_\_\_\_\_ Date: \_\_\_\_ Printed Name, Title: Form Updated October, 2019

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

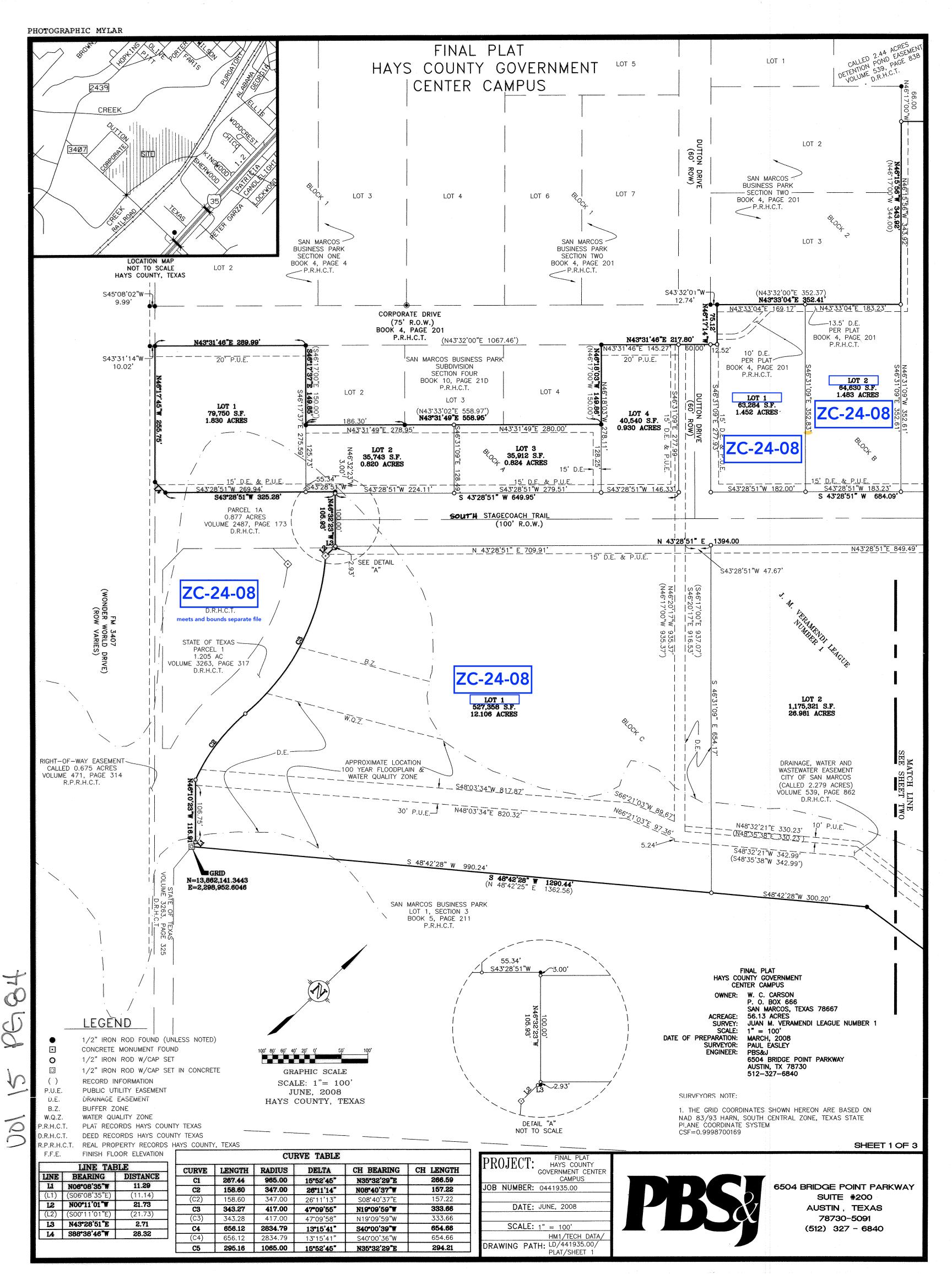
The City of San Marcos Development Code requires public notification in the form of notification signs on the subject property, published notice, and / or personal notice based on the type of application presented to the Planning Commission and / or City Council.

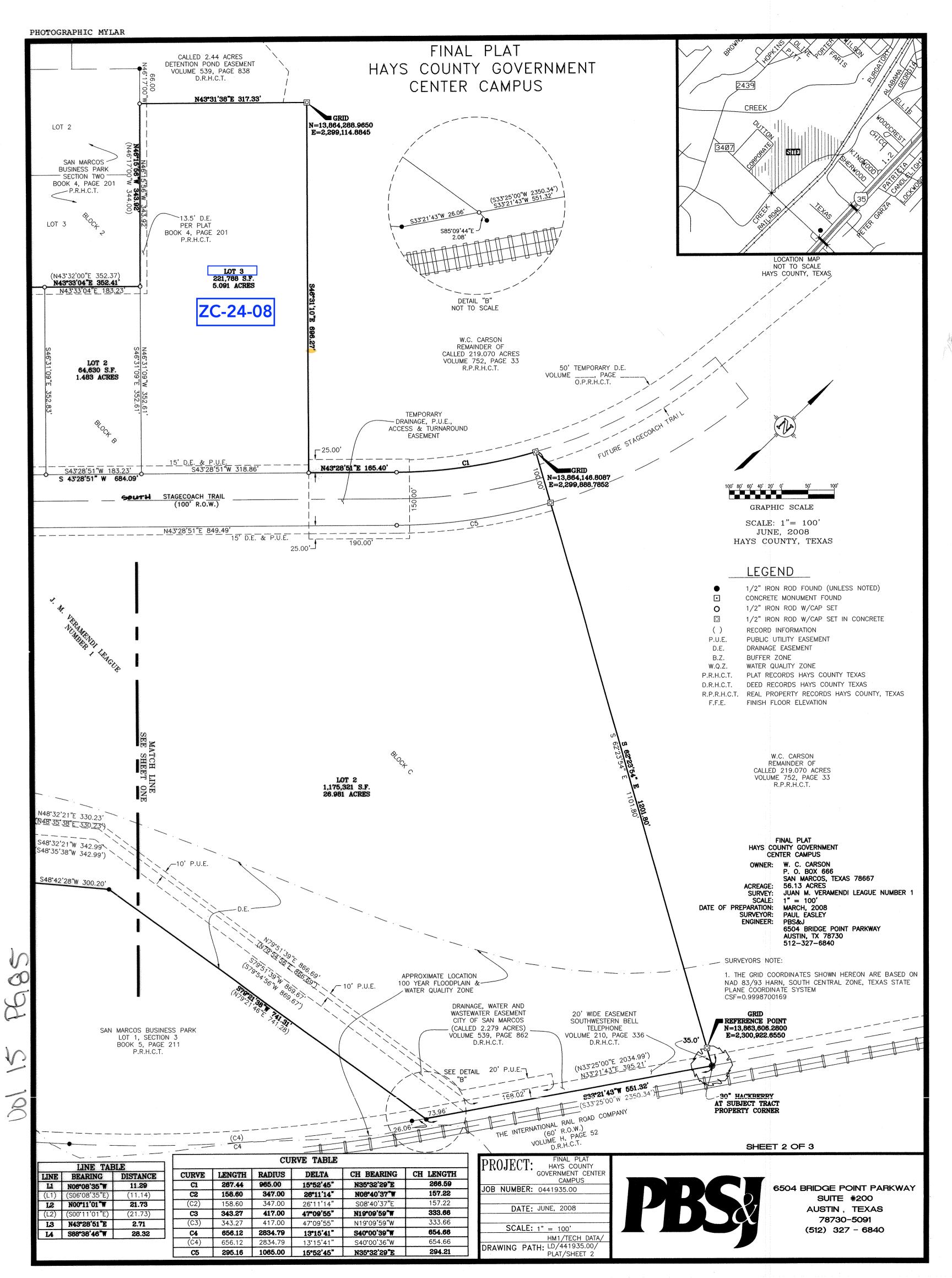
- Notification Signs: if required by code, staff shall place notification signs on each street adjacent to the subject property and must be placed in a visible, unobstructed location near the property line. It is unlawful for a person to alter any notification sign, or to remove it while the request 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 \$150 plus a \$15 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 \$150 plus a \$15 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: _	1100 <u>1</u>	9/15/24 Date:	
Print Name:	John David Carson, COO of the GP		

Form Updated March, 2023





# FINAL PLAT HAYS COUNTY GOVERNMENT CENTER CAMPUS

STATE OF TEXAS

COUNTY OF HAYS

KNOWN ALL MEN BY THESE PRESENTS

That W. C. Carson, owner of 56.131 acres of land, being a portion of that tract of land called 219.07 acres, situated in the Juan M. Veramendi Survey, League Number 1, Hays County, Texas, City of San Marcos, according to a deed as recorded in Volume 752, Page 33 of the Real Property Records of Hays County, Texas, do hereby state that there are no lien holders of the certain tract of land, and do hereby subdivide said tract as shown hereon, and do hereby consent to all plat note requirements shown hereon, and do hereby dedicate to the City of San Marcos the street rights of way and public utility, drainage, water and wastewater easements shown herein for such public San Marcos may deem appropriate. This subdivision is to be purposes as the by Government Center Campus

W. C. Carson P.O. Box 666 San Marcos, Texas 78667

STATE OF TEXAS

KNOWN ALL MEN BY THESE PRESENTS

COUNTY OF HAYS

Before me, the undersigned authority, on this day personally appeared W. C. Carson, whose name is subscribed to the foregoing instrument and acknowledged to me that they executed the same for the purpose and consideration therein expressed, in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL of office this

Notary Public in and for the State of Texas



STATE OF TEXAS

My Comm. Exp. Jul. 24, 2012

STATE OF TEXAS

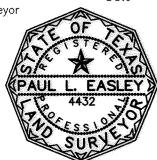
KNOWN ALL MEN BY THESE PRESENTS

COUNTY OF TRAVIS

I, Paul L. Easley, Registered Professional Land Surveyor in the State of Texas, do hereby certify that this plat is true and correctly made from and actual survey made on the ground, and that the corner monuments shown thereon were properly placed under my supervision in accordance with the Subdivision Regulations of the City of San Marcos, Texas.

Paul L. Easley

Registered Professional Land Surveyor No. 4432 State of Texas



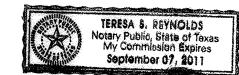
STATE OF TEXAS

COUNTY OF TRANS

Before me, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared Registered Professional Land Surveyor, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and considerations therein expressed.

Given under my hand and seal of office, this 30 day of 2007





PLAT NOTES:

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

2. ACCORDING TO THE CURRENT F.E.M.A. FLOOD INSURANCE RATE MAP NUMBER 48209C 0477F, DATED SEPTEMBER 2, 2005, A PORTION OF THIS TRACT LIES WITHIN ZONE AE, SPECIAL FLOOD HAZARD AREAS SUBJECT TO INUNDATION BY 1% ANNUAL CHANCE FLOOD AND ZONE X, AREAS OF 500-YEAR FLOOD; AREAS OF 100-YEAR FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE; AND AREAS PROTECTED BY LEVEES FROM 100-YEAR FLOOD.

BEARING BASIS FOR THIS SURVEY IS BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE AND REFERS TO GRID NORTH WITH A COMBINED SCALE FACTOR OF 0.9998700169.

4. THIS TRACT IS SUBJECT TO A DRAINAGE, WATER AND WASTE WATER EASEMENT TO THE CITY OF SAN MARCOS ACROSS PORTIONS OF LOT 2, BLOCK C AND LOT 4, BLOCK A AS SHOWN HEREON OF RECORD IN VOLUME 539, PAGE 862 OF THE DEED RECORDS OF HAYS COUNTY, TEXAS.

5. THIS TRACT IS SUBJECT TO A DRAINAGE EASEMENT ACROSS PORTIONS OF LOTS 1, 2, AND 3, BLOCK B AS SHOWN HEREON OF RECORD IN VOLUME 394, PAGE 895 OF THE DEED RECORDS OF HAYS COUNTY, TEXAS.

6. THIS SUBDIVISION IS WITHIN THE CITY LIMITS OF SAN MARCOS.

7. THIS SUBDIVISION IS WITHIN THE BOUNDARIES OF THE SAN MARCOS INDEPENDENT SCHOOL DISTRICT.

8. THIS SUBDIVISION LIES WITHIN THE BOUNDARIES OF THE EDWARDS AQUIFER TRANSITION ZONE.

9. BUILDING SETBACKS WILL BE IN ACCORDANCE WITH THE CITY OF SAN MARCOS LDC.

10. SIDEWALKS WILL BE CONSTRUCTED AND STREET TREES PLANTED IN ACCORDANCE WITH THE CITY OF SAN MARCOS LDC. AND SPECIFICATIONS MANUAL.

11. PRIOR TO CONSTRUCTION ON LOTS IN THIS SUBDIVISION, DRAINAGE PLANS WILL BE SUBMITTED TO THE CITY FOR REVIEW. RAINFALL RUN-OFF SHALL BE HELD TO THE AMOUNT EXISTING AT UNDEVELOPED CONDITIONS BY PONDING OR OTHER APPROVED METHODS.

12. THE WATER QUALITY ZONE SHOWN HEREON IS HEREBY DEDICATED AS A DRAINAGE EASEMENT.

13. FINISHED FLOOR ELEVATIONS (FFE) ARE TO BE ESTABLISHED BASED ON CURRENT FEMA FLOOD INSURANCE RATE MAP AND CITY OF SAN MARCOS ORDINANCE REQUIREMENTS.

14. CONSTRUCTION WITHIN THE 100 YEAR FLOOD PLAIN WILL REQUIRE A FLOOD PLAIN PERMIT. ANY FLOODPLAIN RECLAMATION (DEVELOPMENT OR MODIFICATION PER FEMA CLOMR) WILL ALSO REQUIRE A QUALIFIED WATERSHED PROTECTION PLAN APPROVED BY THE CITY OF SAN MARCOS PLANNING & ZONING COMMISSION.

15. FULL CONSTRUCTION OF STAGECOACH TRAIL AND ASSOCIATED UTILITIES ALONG THE REMAINING FRONTAGE OF LOTS 2, BLOCK C, WILL BE REQUIRED CONCURRENT WITH PLATTING OF PROPERTY LOCATED ADJACENT TO WEST SIDE OF STAGECOACH TRAIL ALIGNMENT.

16. THE 50' TEMPORARY DRAINAGE EASEMENT ALONG FUTURE STAGECOACH TRAIL, AS SHOWN HERE ON,

SHALL BE RELEASED BY THE CITY AS FUTURE SECTIONS ARE PLATTED. 17. A 20' P.U.E. AT A MUTUALLY AGREED UPON LOCATION ALONG OR NEAR THE NORTHERN BOUNDARY OF LOT 2, BLOCK C SHALL BE DEDICATED PRIOR TO CONSTRUCTION OF THE FUTURE

Approved and Authorized to be recorded on this  $27\pi$  day of MAY, 2008 Planning & Zoning Commission of the City of San Marcos, Texas.

Sherwood Bishop, Chairman

Planning & Zoning Commission Approved:

PURGATORY CREEK WASTE WATER INTERCEPTOR.

Chance Sparks, AICP Development Planning Manag

Sabas J. Avila, P.E. Assistant Director Public Services for Transportation Recording Secretary

STATE OF TEXAS COUNTY OF HAYS

Hays County, Texas

KNOWN ALL MEN BY THESE PRESENTS

Linda C Feftship Linda Fritsche county Clerk

SHEET 3 OF 3

PROJECT:

HAYS COUNTY GOVERNMENT CENTER

PLAT/SHEET 3

JOB NUMBER: 0441935.00

DATE: JANUARY, 2009

SCALE: 1" = 100' HM1/TECH DATA/ DRAWING PATH: LD/441935.00/

6504 BRIDGE POINT PARKWAY **SUITE #200** AUSTIN, TEXAS 78730-5091 (512) 327 - 6840

8



October 7, 2024 (revised October 23, 2024)

Planning and Development Services Department City of San Marcos 630 East Hopkins Street San Marcos, TX 78666

Re: Zoning Change Case Cover Letter

**ZC-24-08** (GC & LI  $\rightarrow$  CD-5): 21.462 acres along S Stagecoach Trail **ZC-24-09** (LI, GC, FD  $\rightarrow$  CD-1): 16.637 acres north of Dutton Drive along Purgatory Creek **ZC-24-10** (LI  $\rightarrow$  CD-4): 56.76 acres north of S Stagecoach Trail

Planning and Development Services,

The Applicants for the above captioned case numbers (Carson Haysco Holdings, LP and Carson Select Investment, LP) submit this letter detailing the request to downzone the subject properties from the current, more intensive<sup>1</sup> Special (LI - Light Industrial) and Legacy (GC - General Commercial) Districts<sup>2</sup> assigned decades ago to less intensive Character Districts (CD-1, CD-4, and CD-5) for compatibility with a proposed trail along Purgatory Creek and to align with the City's Comprehensive Plan<sup>3</sup>.

#### Case / Property Descriptions

ZC-24-08 is comprised of four platted lots out of the Hays County Government Center Campus (HCGCC) subdivision: specifically, Lots 1, 2, & 3 of Block B and Lot 1 of Block C. The Hays County Appraisal District (HCAD) Property IDs for these properties are as follows⁴: R132514 (1.452 acres, GC); R132515 (1.483 acres, GC); R132516 (5.091 acres, LI); and R123517 (12.106 acres, GC). Additionally, ZC-24-08 includes one un-platted tract with a HCAD Property ID R132728 (1.33 acres, GC). All properties have South Stagecoach Trail frontage north of Wonder World Drive. In sum, 16.371 acres are to be rezoned from GC → CD-5 and 5.091 acres are to be rezoned from LI → CD-5 for a case total of 21.462 acres.

<u>ZC-24-09</u> is comprised of a single 16.637 acre unplatted tract commencing at the northernmost bend of Dutton Drive and extending along Purgatory Creek for more than half a mile. There are two HCAD Property IDs related to this tract: R11743 (all) and R128358 (partial). According to the City's Open Data

<sup>&</sup>lt;sup>4</sup> Acreage and current zoning in parenthesis



<sup>&</sup>lt;sup>1</sup> Per Table 2.3 (Determination of Intensity) of the SMDC. The Commercial (CM) district is interpreted herein as the successor zoning category for GC which, as a Legacy District, is not specifically listed in Table 2.3. CM is more intense than CD-5.

<sup>2</sup> An indeterminate amount of the property associated with ZC-24-09 appears designated as a Future Development (FD) district.

<sup>&</sup>lt;sup>4</sup> An indeterminate amount of the property associated with ZC-24-09 appears designated as a Future Development (FD) district. Per Section 4.4.1.1., FD is a "temporary zoning district" excluded from Table 2.3 per Section 2.5.1.3.D.

<sup>&</sup>lt;sup>3</sup> The 2013 Vision San Marcos was the comprehensive plan in effect as of the date of application and is the basis for consideration under Section 2.5.1.4; however, it is noteworthy that the zoning districts proposed are consistent with the Vision SMTX plan adopted October 15, 2024 and its Vision SMTX Equivalency Table.

maps, portions of the tract contain GC and Future Development (FD) zoning districts, but those acreages are difficult to quantify given that the existing zoning does not follow parcel lines. That said, most of the property related to ZC-24-09 is currently zoned Light Industrial and is to be rezoned to CD-1.

 $\underline{\text{ZC-24-10}}$  is comprised of a single 56.76 acre unplatted tract located at the northernmost end of S Stagecoach Trail. It is associated with HCAD Property ID R128358. It is to be rezoned from LI → CD-4.

#### Timing Related to Requested Trail Conveyance

These zoning cases have been initiated by the applicants after receiving requests from the City of San Marcos, in partnership with the San Marcos River Authority and the San Marcos Greenbelt Alliance, for the applicants to consider conveying a portion of the subject properties to the public for use in the ongoing Purgatory Creek improvements project. The multi-purpose Purgatory Creek project is aimed at managing storm water as well as expanding public trail and active transportation connectivity by establishing a Greenway connecting the Purgatory Creek Natural Area to the San Marcos River.

The applicants have always intended to rezone the subject properties to align their zoning with the Comprehensive Plan but previously planned to defer any applications until such time as the applicants had a development proposal to share with the public. The applicants have no immediate development plans for these properties, but desire to ensure that their zoning is compatible with the long-term vision for the area prior to conveying any portion to another entity.

Light industrial and general commercial development/uses abutting a Greenway would neither be appropriate nor aligned with either the applicants' or public's vision for the subject properties. For this reason and in cooperation with the more immediate trail improvements schedule, the applicants have elected to bring these cases forward at this time.

#### Compatibility with the Comprehensive Plan

The subject properties are located within the South End medium intensity growth zone of the Comprehensive Plan. Per this document, the South End is "envisioned as a new connection between Downtown and the southern part of the city. ... The area is anticipated to build out with a medium-intensive mix of commercial and residential of different densities."

Section 4.1.1.6 of the San Marcos Development Code (SMDC) further describes Medium Intensity Zones generally to be "[a]n area of change intended to accommodate the City's future growth and expansion where people can meet their daily needs within a short walk, bike, transit trip, or drive."

The existing LI and GC zoning districts are antithetical to these intents, as reflected on Table 4.1 of the SMDC (the "Translation Table") and based on the land-intensive, auto-oriented development standards required of the existing districts. Conversely, the Character Districts in the SMDC were specifically created to support the Comprehensive Plan's vision, particularly in areas such as the South End.



In the SMDC's Translation Table, Special Districts (such as the <u>existing</u> Light Industrial) are listed as "<u>Not</u> Preferred" for Medium Intensity Zones. Per Section 4.1.2.8, Legacy Districts (such as the <u>existing</u> General Commercial) are no longer permitted city-wide and are to be replaced with allowable zoning districts from Chapter 4 of the SMDC. The Translation Table lists the <u>proposed</u> Character Districts as the only zoning districts to be considered for these properties.

More specifically, Table 4.6 of the SMDC (Character District / Existing Zoning Translation Table) outlines the Character Districts to be considered in zoning change cases. Existing GC and LI districts are noted for consideration for rezoning to CD-1, CD-4, and CD-5 districts, which are the districts proposed in these cases. All other districts are noted as Not Preferred.

While the applicants have no immediate development plans, rezoning the subject properties to the proposed Character Districts will ensure any future development to be compatible with the Comprehensive Plan and the SMDC.

#### Compatibility / Consistency with Surrounding Properties

The applicants have previously rezoned and/or replatted their other undeveloped holdings within the HGCCC and the abutting San Marcos Business Park Section Two subdivisions to CD-4 and CD-5. These current zoning cases will result in over 100 acres of contiguous Character District zoning within the South End activity center as intended in the Comprehensive Plan.

#### **Existing Conditions and Future Plans**

The subject properties abut both the Purgatory Creek and Willow Springs Creek watersheds. The effective FEMA Flood Insurance Rate Map (FIRM) panel for the subject properties currently show most of the area without exposure to the 1% annual flood risk (aka the 100-year flood plain). However, the preliminary/pending FIRM panel and the City of San Marcos' regulatory model both show the potential for shallow flooding on portions of the subject properties during an 1% event. This change in risk is caused almost entirely by a diversion of Willow Springs Creek and not by Purgatory Creek. Watershed studies in the area have shown that this change is the result of under-regulated upstream development in the Willow Springs watershed and not due to any actions of the applicants.

The applicants have been working in close cooperation with Hays County for several years on a mitigation plan for the Willow Springs Creek watershed. The County's engineering consultants have recently identified and proposed a project that would remove the 1% flood risk from most of the subject properties and other existing, improved properties not owned by the applicants. The applicant's engineers are currently peer reviewing this work, but no definite timeline is in place for mitigation work to commence. To date, the applicant has and continues to defer any development plans for the subject properties until an actionable mitigation plan is established. Once a regional drainage plan is established, the applicants' long-term plans for the subject properties will be aligned with the City's comprehensive plan.



Notably, net allowable impervious cover under the proposed Character Districts will be <u>reduced</u> in comparison to the existing zoning districts. Further, the intensity of development and uses under the proposed Character Districts would create substantially less noxious runoff and water quality impacts than the existing Light Industrial and General Commercial uses. In all cases, the City of San Marcos' drainage and water quality ordinances are in effect for the subject properties and the applicants fully intend to comply therewith for future development on the subject properties, if any.

#### Summary

The Applicants are proposing to downzone the properties from the existing, more intensive Light Industrial and General Commercial districts that are not aligned with the City's current and proposed Comprehensive Plan. While there are no current development plans for the subject properties, these rezonings are proposed at this time in advance of the potential conveyance of a portion of the subject properties to the public for use as a Greenway in connection with the City's Purgatory Creek improvements. The proposed Character Districts will bring the subject properties into alignment with the City's Comprehensive plan, create a contiguous Character District area alongside surrounding properties with similar zoning, and ensure compatible uses along the proposed Greenway for future development, if any.

Sincerely,

John David Carson

johndavid@carsonproperties.net

A DESCRIPTION OF A 1.33 ACRE TRACT SITUATED IN THE J.M. VERAMENDI LEAGUE, NO. 1, HAYS COUNTY, TEXAS, BEING THE REMAINDER OF A CALLED 219.07 ACRE TRACT CONVEYED TO W.C. CARSON IN VOLUME 752, PAGE 33, THE DEED RECORDS OF HAYS COUNTY, TEXAS, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING** at a ½" iron rod found in the south right of way line of Stagecoach Trail (106' RIGHT-OF-WAY), for the most westerly corner of the herein described tract;

THENCE with the south right of way line of said Stagecoach Trail, North 43°32'23" East, a distance of 173.10 feet, (called North 43°28'35" East, 172.98 feet), to a ½ inch iron rod set with cap at the intersection of said Wonder World Drive access road, for the northern most corner of the herein described tract;

**THENCE** with the intersection of Wonder World Drive access road, **South 89°09'24" East**, a distance of **40.78 feet**, (called South 89°09'20" East, 40.78 feet), to a TXDOT brass disk found in concrete for the point of curvature of a curve to the right, and for the northeast corner of the herein described tract;

**THENCE** with the west line of said Wonder World Drive access road, along a curve having a radius of 347.00 feet, an arc length of 265.88 feet, and a chord that bears, **South 17°33'11" East**, at a distance of **259.42 feet**, (called South 17°32'25" East, 259.49 feet), to a TXDOT brass disk found for a point of reverse curvature of the herein described tract;

**THENCE** continuing the west line of said Wonder World Drive access road, along a curve having a radius of 417.00 feet, an arc length of 157.33 feet, and a chord that bears, **South 6°22'58"** East, at a distance of **156.40 feet**, (called South 6°23'31" East, 156.40 feet), to a TXDOT brass disk found for the southeast corner of the herein described tract;

**THENCE** leaving the west line of said Wonder World Drive access road, **South 43°35'35" West**, at a distance of **15.70 feet**, (called South 43°42'58" West, 15.70 feet), to a TXDOT brass disk found in the east right of way of Wonder World Drive for the south corner of the herein described tract;

**THENCE** with the east right of way line of said Wonder World Drive, **North 46°17'02" West**, at a distance of **336.50 feet**, (called North 46°17'02" West, 336.50 feet, being the **BEARING BASIS** herein), to a TXDOT brass disk found at the intersection of Stagecoach Trail, and for the west corner of the herein described tract;

THENCE with the intersection of Stagecoach Trail, North 1°37'11" West, at a distance of 56.73 feet, (called North 1°24'14"West, 56.69 feet), to the POINT OF BEGINNING, and containing 1.33 acres of land.

I, Shawn T. Ash, do certify that this description and associated exhibit were prepared from a boundary survey performed under my direction during December 2010, and is true and correct to the best of my knowledge and belief.

Shawn T. Ash

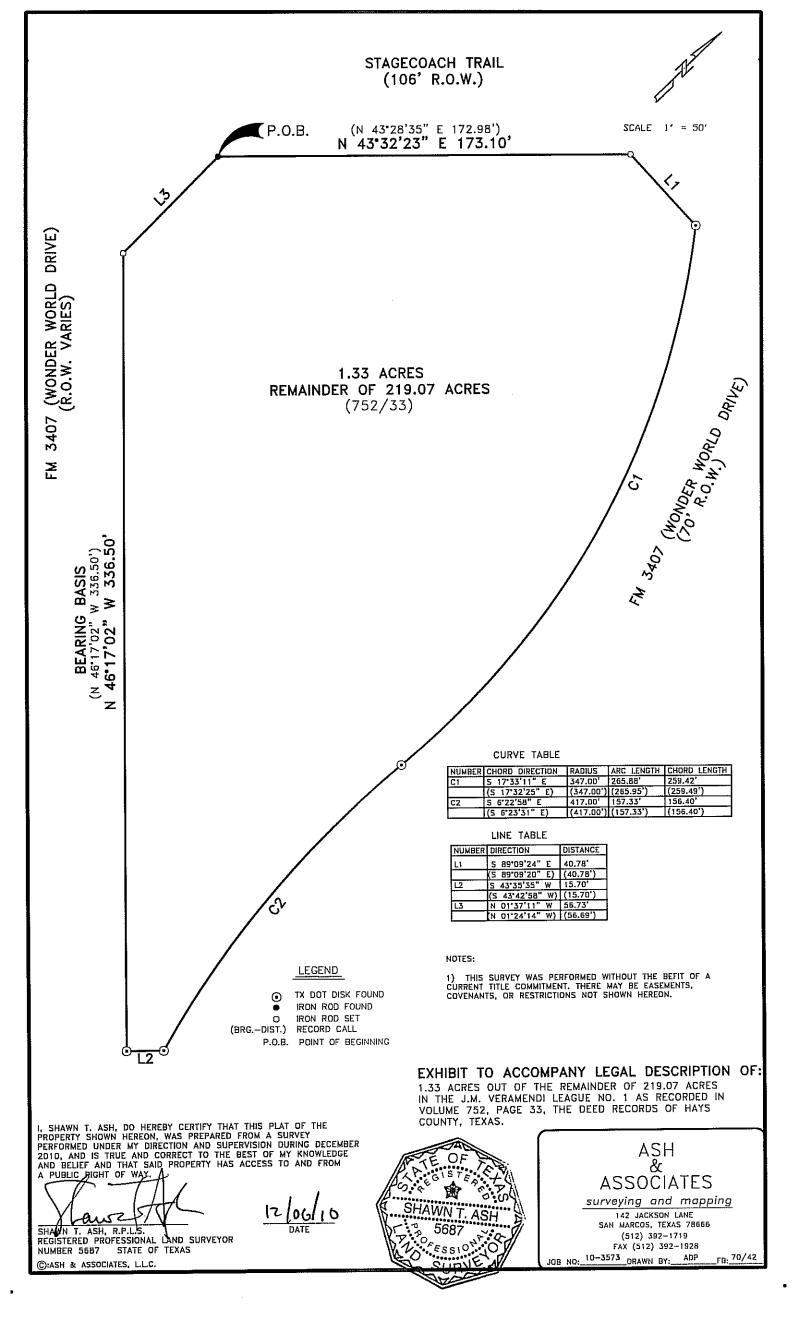
Registered Professional Land Surveyor

No. 5687 State of Texas

12/06/10 Date

Attachments: Exhibit of a 1.33 acre tract

Job: 10-3573





#### Hays County Liz Q. Gonzalez County Clerk San Marcos, Texas 78666

Instrument Number: 2012-12036465

As

Recorded On: December 19, 2012 OPR RECORDINGS

Parties: CARSON DIVERSIFIED LAND 1 LLC

Manual and Danier -

TO CARSON HAYSCO HOLDINGS LP

Number of Pages: 5

Billable Pages: 4

Comment:

( Parties listed above are for Clerks reference only )

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

**OPR RECORDINGS** 

28.00

Total Recording:

28.00

#### \*\*\*\*\*\*\* 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:

**Record and Return To:** 

Document Number: 2012-12036465

Receipt Number: 323090 Recorded Date/Time: December 19, 2012 03:56:49P

Book-Vol/Pg: BK-OPR VL-4511 PG-632

User / Station: S Breland - Cashiering #3

CARSON PROPERTIES

1911 CORPORATE DR

STE 102

SAN MARCOS TX 78666



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

Liz Q.Gonzalez, 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.

#### SPECIAL WARRANTY DEED

Date: Executed December 11, 2012, but not effective until December 31, 2012.

Grantor: Carson Diversified Land 1, LLC, a Texas limited liability company

Grantor's Mailing Address (including county): 1911 Corporate Drive, Suite 102

San Marcos

Hays County, Texas 78666

Grantee: Carson Haysco Holdings, LP, a Texas limited partnership

Grantee's Mailing Address (including county): 1911 Corporate Drive, Suite 102

San Marcos

Hays County, Texas 78666

Consideration: Ten and No/100 Dollars (\$10.00) and other valuable consideration

#### Property (including any improvements):

Lots 1, 2 and 3 of Block B; and Lot 1 of Block C, all of the Hays County Government Center Campus, a subdivision in Hays County, Texas, according to the map or plat thereof recorded in Volume 15, Pages 84-86 of the Plat Records of Hays County, Texas; and

A 1.33 acre tract situated in the J.M. Veramendi League, No. 1, Hays County, Texas, being the reminder of a called 219.07 acre tract conveyed to W.C. Carson in Volume 752, Page 33, the Deed Records of Hays County, Texas, being more particularly described by metes and bounds in Exhibit "A" attached hereto and made a part hereof for all purposes; and

19.296 acres described as Lot 1, Section 3, San Marcos Business Park, a subdivision in Hays County, Texas, according to the map or plat thereof recorded in Volume 5, Page 211 of the Plat Records of Hays County, Texas.

#### Assignment and Assumption of Leases:

Grantor hereby assigns to Grantee Grantor's rights and obligations under any Leases under which any portion of the Property is used or occupied by anyone, other than Grantor, and Grantee assumes and agrees to perform the Grantor's (Landlord's) obligations under such Leases arising after this date.

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

This conveyance is made subject to all easements, rights-of-way, and prescriptive rights, whether of record or not; all presently recorded restrictions, reservations, covenants, conditions, oil and gas leases, mineral severances, and other instruments that affect the property; rights of adjoining owners in any walls and fences situated on a common boundary; any discrepancies, conflicts, or shortages in area or boundary lines; any encroachments or overlapping of improvements; and all rights, obligations, and other matters emanating from and existing by reason of the creation, establishment, maintenance, and operation of any County Water Improvement Districts or other applicable governmental districts, agencies, authorities.

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 successors or assigns forever. Grantor binds Grantor and Grantor's successors and assigns to warrant and forever defend all and singular the property to Grantee and Grantee's 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, when the claim is by, through, or under Grantor, but not otherwise.

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

Carson Diversified Land 1, LLC

By: Carson Diversified Land, LP, Manager

By: Carson Diversified GP, LLC,

General Partner

W. C. Carson, Manager

#### **ACKNOWLEDGEMENT**

#### STATE OF TEXAS COUNTY OF HAYS

This instrument was acknowledged before me on the day of December, 2012, by W. C. Carson in his capacity as Manager of Carson Diversified GP, LLC, the general partner of Carson Diversified Land, LP, the Manager of Carson Diversified Land 1, LLC.

REBECCA L. PARMAN
Notary Public
STATE OF TEXAS
My Comm. Exp. Jul. 24, 2016

NOTARY PUBLIC, STATE OF TEXAS

After recording return to: Carson Properties 1911 Corporate Drive, Suite 102 San Marcos, Texas 78666 Prepared in the Law Office of: Leighton Law Firm, PLLC 12117 Bee Caves Road, Suite 3-240 Austin, Texas 78738

A DESCRIPTION OF A 1.33 ACRE TRACT SITUATED IN THE J.M. VERAMENDI LEAGUE, NO. 1, HAYS COUNTY, TEXAS, BEING THE REMAINDER OF A CALLED 219.07 ACRE TRACT CONVEYED TO W.C. CARSON IN VOLUME 752, PAGE 33, THE DEED RECORDS OF HAYS COUNTY, TEXAS, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING** at a ½" iron rod found in the south right of way line of Stagecoach Trail (106' RIGHT-OF-WAY), for the most westerly corner of the herein described tract;

THENCE with the south right of way line of said Stagecoach Trail, North 43°32'23" East, a distance of 173.10 feet, (called North 43°28'35" East, 172.98 feet), to a 1/2 inch iron rod set with cap at the intersection of said Wonder World Drive access road, for the northern most corner of the herein described tract;

THENCE with the intersection of Wonder World Drive access road, South 89°09'24" East, a distance of 40.78 feet, (called South 89°09'20" East, 40.78 feet), to a TXDOT brass disk found in concrete for the point of curvature of a curve to the right, and for the northeast corner of the herein described tract;

THENCE with the west line of said Wonder World Drive access road, along a curve having a radius of 347.00 feet, an arc length of 265.88 feet, and a chord that bears, South 17°33'11" East, at a distance of 259.42 feet, (called South 17°32'25" East, 259.49 feet), to a TXDOT brass disk found for a point of reverse curvature of the herein described tract;

THENCE continuing the west line of said Wonder World Drive access road, along a curve having a radius of 417.00 feet, an arc length of 157.33 feet, and a chord that bears, South 6°22'58" East, at a distance of 156.40 feet, (called South 6°23'31" East, 156.40 feet), to a TXDOT brass disk found for the southeast corner of the herein described tract;

THENCE leaving the west line of said Wonder World Drive access road, South 43°35'35" West, at a distance of 15.70 feet, (called South 43°42'58" West, 15.70 feet), to a TXDOT brass disk found in the east right of way of Wonder World Drive for the south corner of the herein described tract;

THENCE with the east right of way line of said Wonder World Drive, North 46°17'02" West, at a distance of 336.50 feet, (called North 46°17'02" West, 336.50 feet, being the BEARING BASIS herein), to a TXDOT brass disk found at the intersection of Stagecoach Trail, and for the west corner of the herein described tract;

THENCE with the intersection of Stagecoach Trail, North 1°37'11" West, at a distance of 56.73 feet, (called North 1°24'14"West, 56.69 feet), to the POINT OF BEGINNING, and containing 1.33 acres of land.

I, Shawn T. Ash, do certify that this description and associated exhibit were prepared from a boundary survey performed under my direction during December 2010, and is true and correct to the best of my knowledge and belief.

Registered Professional Land Surveyor

No. 5687 State of Texas

Jenifer OKane Tax Assessor-Collector, Hays County 712 S. Stagecoach Trail, Suite 1120 San Marcos, TX 78666

Ph: 512-393-5545 Fax: 512-393-5547

Receipt Number: SM-2024-1595268

Payor: CARSON HAYSCO HOLDINGS LP ()

407 S STAGECOACH

**STE 203** 

SAN MARCOS, TX 78666

CARSON HAYSCO HOLDINGS LP Owner:

(O0229912)

407 S STAGECOACH TRL

**STE 203** 

SAN MARCOS, TX 78666

Quick Ref ID: R132514 Property: 11-3721-000B-00100-3

Legal Description: Owner: CARSON HAYSCO HOLDINGS LP HAYS COUNTY GOVERNMENT (O0229912) - 100%

CENTER CAMPUS, BLOCK B, Lot 1,

**ACRES 1.452** Owner Address: 407 S STAGECOACH TRL Situs Address: **DUTTON DR SAN MARCOS 78666** 

STE 203

SAN MARCOS, TX 78666

Tax Year/Taxing Unit	Taxable Value	Tax Rate	Levy	Tax Paid	Amount Paid
2023					
San Marcos CISD	220	0.991500	2.18	2.18	2.18
Special Road Dist	220	0.020000	0.04	0.04	0.04
Hays County	220	0.287500	0.63	0.63	0.63
City Of San Marcos	220	0.603000	1.33	1.33	1.33
			Total Pay	ment Amount	4.18
			Check Payment (Ref # :	2166) Tendered	4.18
				Total Tendered	4.18
		Re	emaining Balance Due, inclu		
				as of 9/13/2024	0.00

Date Paid: 01/29/2024 Effective Date: 01/29/2024 Station/Till: Angie/Angie's Till

Jenifer OKane Tax Assessor-Collector, Hays County 712 S. Stagecoach Trail, Suite 1120 San Marcos, TX 78666

Ph: 512-393-5545 Fax: 512-393-5547

Receipt Number: SM-2024-1595269

Payor: CARSON HAYSCO HOLDINGS LP ()

407 S STAGECOACH

**STE 203** 

SAN MARCOS, TX 78666

CARSON HAYSCO HOLDINGS LP Owner:

(O0229912)

407 S STAGECOACH TRL

**STE 203** 

SAN MARCOS, TX 78666

Quick Ref ID: R132515 Property: 11-3721-000B-00200-3

Legal Description: Owner: CARSON HAYSCO HOLDINGS LP HAYS COUNTY GOVERNMENT (O0229912) - 100%

CENTER CAMPUS, BLOCK B, Lot 2,

**ACRES 1.483** 407 S STAGECOACH TRL

STE 203

Owner Address:

SAN MARCOS, TX 78666

Situs Address: S STAGECOACH TRL SAN MARCOS

78666

Tax Year/Taxing Unit	Taxable Value	Tax Rate	Levy	Tax Paid	Amount Paid
2023					
San Marcos CISD	230	0.991500	2.28	2.28	2.28
Special Road Dist	230	0.020000	0.05	0.05	0.05
Hays County	230	0.287500	0.66	0.66	0.66
City Of San Marcos	230	0.603000	1.38	1.38	1.38
			Total Payı	ment Amount	4.37
			Check Payment (Ref # 2	2166) Tendered	4.37
				Total Tendered	4.37
		Re	emaining Balance Due, inclu	ding other fees,	
				as of 9/13/2024	0.00

Date Paid: 01/29/2024 Effective Date: 01/29/2024 Station/Till: Angie/Angie's Till

Jenifer OKane Tax Assessor-Collector, Hays County 712 S. Stagecoach Trail, Suite 1120 San Marcos, TX 78666

Ph: 512-393-5545 Fax: 512-393-5547

Receipt Number: SM-2024-1595270

Payor: CARSON HAYSCO HOLDINGS LP ()

407 S STAGECOACH

**STE 203** 

SAN MARCOS, TX 78666

SAN MARCOS, TX 78666

CARSON HAYSCO HOLDINGS LP Owner:

(O0229912)

407 S STAGECOACH TRL

**STE 203** 

SAN MARCOS, TX 78666

Quick Ref ID: R132516 Property: 11-3721-000B-00300-3

Legal Description: Owner: CARSON HAYSCO HOLDINGS LP HAYS COUNTY GOVERNMENT (O0229912) - 100%

CENTER CAMPUS, BLOCK B, Lot 3,

ACRES 5.091

Owner Address: 407 S STAGECOACH TRL Situs Address: S STAGECOACH TRL SAN MARCOS STE 203

78666

Tax Year/Taxing Unit	Taxable Value	Tax Rate	Levy	Tax Paid	Amount Paid
2023					
San Marcos CISD	790	0.991500	7.83	7.83	7.83
Special Road Dist	790	0.020000	0.16	0.16	0.16
Hays County	790	0.287500	2.27	2.27	2.27
City Of San Marcos	790	0.603000	4.76	4.76	4.76
			Total Payı	ment Amount	15.02
			Observation of the Contract of	24.00\ T	45.00

15.02
15.02
0.00

Date Paid: 01/29/2024 Effective Date: 01/29/2024 Station/Till: Angie/Angie's Till

Jenifer OKane Tax Assessor-Collector, Hays County 712 S. Stagecoach Trail, Suite 1120 San Marcos, TX 78666

Ph: 512-393-5545 Fax: 512-393-5547

Receipt Number: SM-2024-1595271

Payor: CARSON HAYSCO HOLDINGS LP ()

407 S STAGECOACH

**STE 203** 

SAN MARCOS, TX 78666

SAN MARCOS, TX 78666

CARSON HAYSCO HOLDINGS LP Owner:

(O0229912)

407 S STAGECOACH TRL

**STE 203** 

SAN MARCOS, TX 78666

Quick Ref ID: R132517 Property: 11-3721-000C-00100-3

Legal Description: Owner: CARSON HAYSCO HOLDINGS LP HAYS COUNTY GOVERNMENT (O0229912) - 100%

CENTER CAMPUS, BLOCK C, Lot 1,

**ACRES 12.106** 

Owner Address: 407 S STAGECOACH TRL Situs Address: S STAGECOACH TRL SAN MARCOS STE 203

78666

Tax Year/Taxing Unit	Taxable Value	Tax Rate	Levy	Tax Paid	Amount Paid
2023					
San Marcos CISD	1,870	0.991500	18.54	18.54	18.54
Special Road Dist	1,870	0.020000	0.37	0.37	0.37
Hays County	1,870	0.287500	5.38	5.38	5.38
City Of San Marcos	1,870	0.603000	11.28	11.28	11.28
			Total Pay	ment Amount	35.57
			Check Payment (Ref #	2166) Tendered	35 57

Check Payment (Ref # 2166) Tendered			
Total Tendered	35.57		
Remaining Balance Due, including other fees,			
as of 9/13/2024	0.00		

Date Paid: 01/29/2024 Effective Date: 01/29/2024 Station/Till: Angie/Angie's Till

Jenifer OKane Tax Assessor-Collector, Hays County 712 S. Stagecoach Trail, Suite 1120 San Marcos, TX 78666

Ph: 512-393-5545 Fax: 512-393-5547

Receipt Number: SM-2024-1595267

Payor: CARSON HAYSCO HOLDINGS LP ()

407 S STAGECOACH

(O0229912) - 100%

SAN MARCOS, TX 78666

**STE 203** 

SAN MARCOS, TX 78666

CARSON HAYSCO HOLDINGS LP Owner:

(O0229912)

407 S STAGECOACH TRL

**STE 203** 

SAN MARCOS, TX 78666

Quick Ref ID: R132728 Property: 10-0017-1056-00001-3

Legal Description: A0017-1 JUAN M VERAMENDI SURVEY Owner: CARSON HAYSCO HOLDINGS LP

#1, ACRES 1.33

407 S STAGECOACH TRL Situs Address: WONDER WORLD DR @ S. Owner Address: **STE 203** 

STAGECOACH SAN MARCOS 78666

Tax Year/Taxing Unit	Taxable Value	Tax Rate	Levy	Tax Paid	Amount Paid
2023					
San Marcos CISD	210	0.991500	2.08	2.08	2.08
Special Road Dist	210	0.020000	0.04	0.04	0.04
Hays County	210	0.287500	0.60	0.60	0.60
City Of San Marcos	210	0.603000	1.26	1.26	1.26
			Total Pay	ment Amount	3.98
			Check Payment (Ref # :	2166) Tendered	3.98
				Total Tendered	3.98
		Re	emaining Balance Due, inclu	iding other fees, as of 9/13/2024	0.00

Date Paid: 01/29/2024 Effective Date: 01/29/2024 Station/Till: Angie/Angie's Till

# MAP LEGEND



Proposed SMGA / SMRF Hun-Dun Natural Trail



Proposed CD-1 / Trail Land Dedication (16.6 ACRES) from LI



Proposed CD-4 (56.8 ACRES, UNPLATTED) from LI



Proposed CD-5 (21.5 ACRES) from LI/GC

# **NOTES**

- Downzoning proposed for compatibility with proposed trail use and to align with Comprehensive Plan (Vision San Marcos and VisionSMTX)
- CD-1 area is equal to property under consideration for trail dedication
- CD-4 area is equal to remainder of applicant's unplatted property
  - Lowest "Consider" zoning district per VisionSMTX Equivalency Table
  - Aligned with Table 4.6 of SMDC (Existing Zoning Translation Table)
- CD-5 area primarily comprised of existing platted lots on Stagecoach Trail
  - "Consider" zoning district per Equivalency Table and Table 4.6
  - Creates consistent zoning with existing adjacent platted lots
- No current development plans





