

ORDINANCE NO. 2022-18

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS ANNEXING INTO THE CITY APPROXIMATELY 55.344 ACRES OF LAND LOCATED ON POSEY ROAD APPROXIMATELY 280 FEET NORTHWEST OF THE INTERSECTION OF POSEY ROAD AND SOUTH OLD BASTROP HIGHWAY IN CASE NUMBER AN-22-03; INCLUDING PROCEDURAL PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.

RECITALS:

1. In Case No. AN-22-03, the owner of approximately 55.344 acres of land located on Posey Road approximately 280 feet northwest of the intersection of Posey Road and South Old Bastrop Highway, 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.

1. Said owner consents to the annexation of the Property.

2. The Owner and the City have entered into a written agreement for the provision of services to the Property.

3. The Property is contiguous and adjacent to the current boundaries of the City.

4. The City Council held a public hearing regarding the request.

5. 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 All ordinances and resolutions or parts of ordinances or resolutions in conflict with this ordinance are repealed.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 March 1, 2022.

PASSED, APPROVED AND ADOPTED on second reading on April 5, 2022.


Jane Hughson
Mayor

Attest:


Tammy K. Cook
City Clerk

Approved:



Michael Cosentino
City Attorney

EXHIBIT A

EARLY LAND SURVEYING, LLC

P.O. Box 92588, Austin, TX 78709

512-202-8631

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.

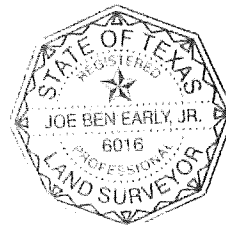
Attachments: Survey Drawing No. 1131-001-BASE



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.

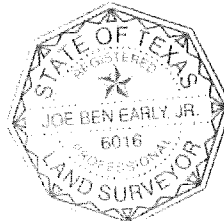
Attachments: Survey Drawing No. 1131-001-HORACE HOWARD



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

1/3/22

Date

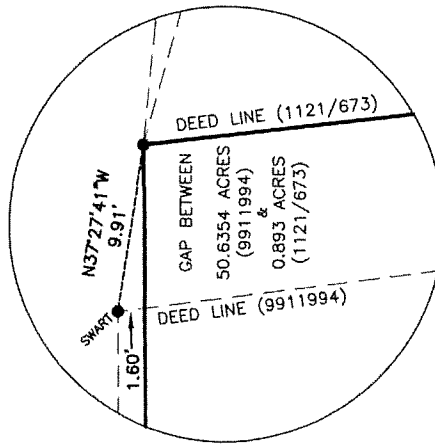


A SKETCH TO ACCOMPANY A DESCRIPTION OF 1.393 ACRES (APPROXIMATELY 60,661 SQ. FT.), BEING A PORTION OF HORACE HOWARD DRIVE (50' RIGHT-OF-WAY WIDTH) AS DESCRIBED IN VOLUME 244, PAGE 861 OF THE DEED RECORDS OF HAYS COUNTY, TEXAS.

LEGEND

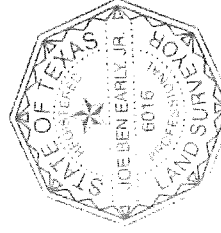
SMART ● 5/8" REBAR WITH ALUMINUM "SMART" CAP FOUND
 ● 1/2" REBAR FOUND (OR AS NOTED)
 ▲ CALCULATED POINT
 () RECORD INFORMATION

DETAIL
NOT TO SCALE



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'



Joe Lien Early, Jr.
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)

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

CAITLIN
BANNAHAN
LOPEZ
6.0194 ACRES
(17025732)

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

PRUDENCIO R.
LEDESMA
3.01 ACRES
(06038881)

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

L3
HORACE HOWARD DRIVE (50' R.O.W.) (244/861)
S46°39'22"E 739.71'

L4
P.O.B.
SEE DETAIL
ON SHEET 1

5/8"

1.393 ACRES
APPROX. 60,661
SQ. FT.

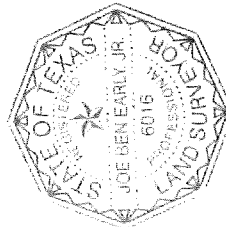
N46°43'13"W 1179.98'

S37°26'41"W 300.25'
(S38°31'W 300.00')

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

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

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



[Signature]
1/3/22

THE COUNTY
OF HAYS
3.34 ACRES
(2332/427)

GAP BETWEEN
50.6354 ACRES
(9911994)
&
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

LOT 18

LOT 17

LOT 16

LOT 15

LOT 14

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°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°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°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°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;

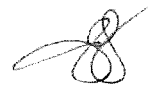
THENCE North 43°52'01" East, a distance of 90.44 feet to a 1/2" rebar with "Capital" cap found for an angle point in the northeast right-of-way line of Posey Road, being in the northwest line of the said 50.6354 acre tract, being in the southeast line of Lot 10, of Posey Road Ranch Estates Subdivision,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

THENCE South 46°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.

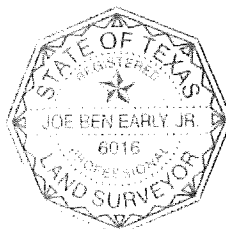
Surveyed on the ground on December 29, 2021

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

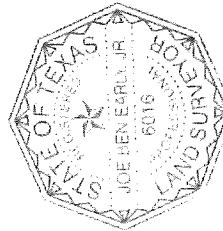
1/3/22
Date



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'	



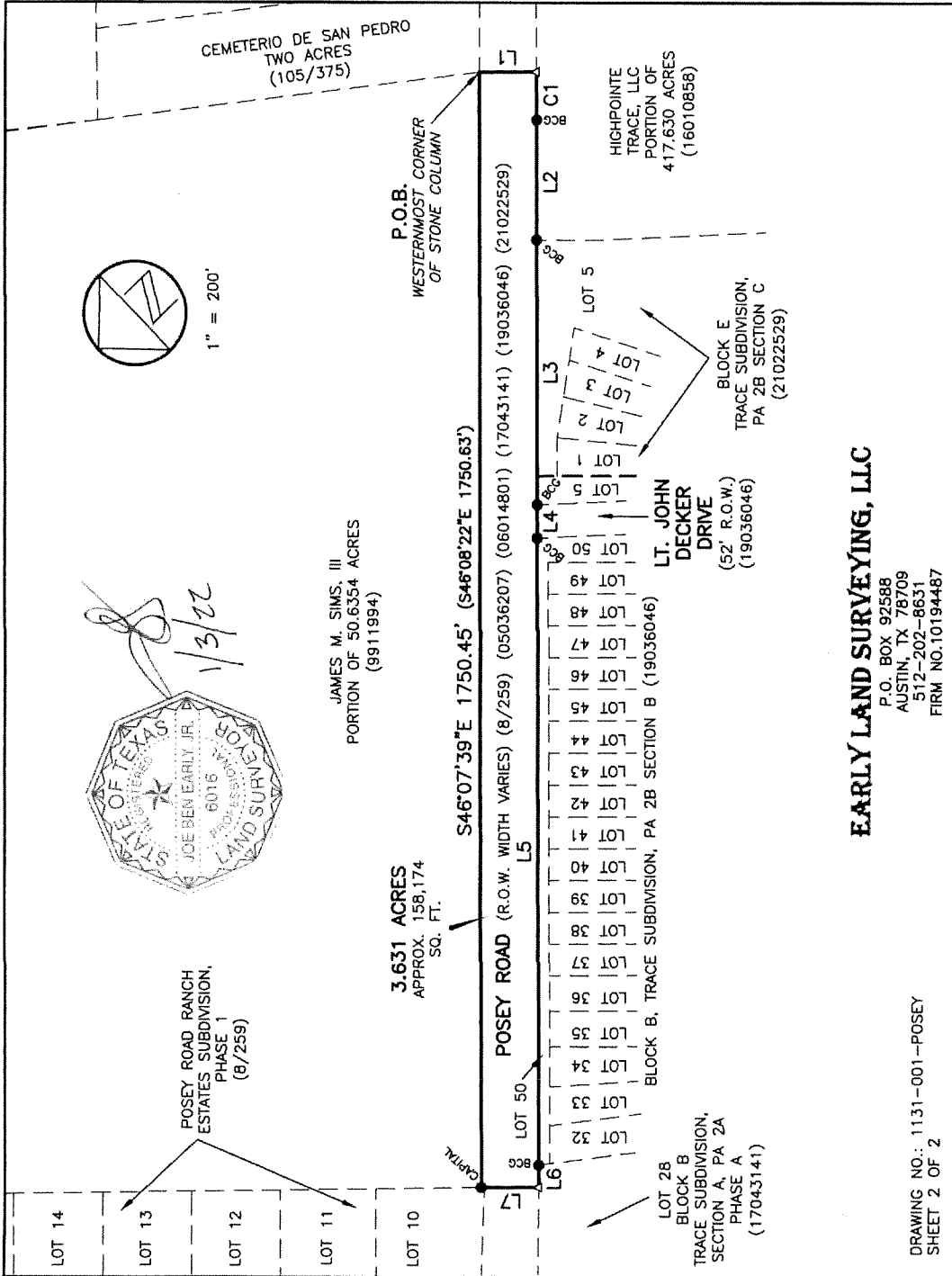
[Signature]
1/3/22

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

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

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: 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

DRAWING NO.: 1131-001-POSEY
 SHEET 2 OF 2



Recommendation

- At their regular meeting on March 1, 2022 City Council approved the annexation request on first reading with a 6-1 vote.
- Staff recommends approval of the request as presented.



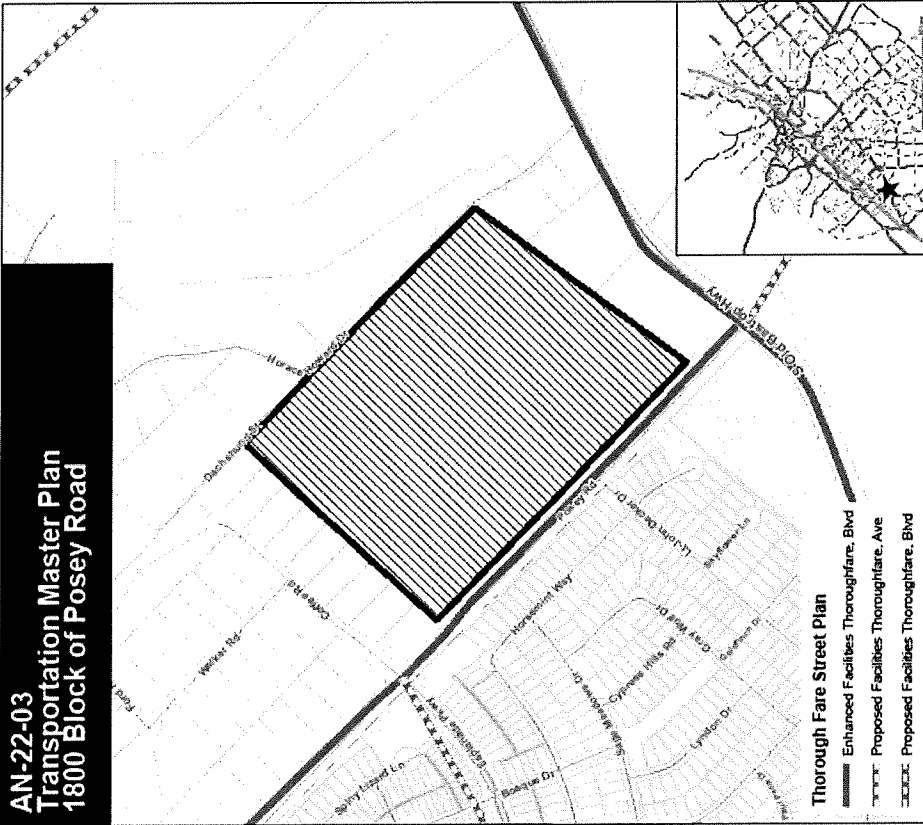
Annexation and Zoning Schedule

- **Annexation Schedule**
 - **City Council Resolution (Approval of Service Agreement and set a public hearing date):** February 1, 2022
 - **City Council Ordinance 1st Reading (Public Hearing):** March 1, 2022
 - **City Council Ordinance 2nd Reading:** April 5, 2022 (*Today*)
-

- **Zoning Schedule**
 - **Planning and Zoning Commission (Public Hearing):** February 8, 2022
 - **City Council Ordinance 1st Reading (Public Hearing):** March 1, 2022
 - **City Council Ordinance 2nd Reading:** April 5, 2022



AN-22-03
Transportation Master Plan
1800 Block of Posey Road



★ Site Location
 ▨ Subject Property
 ▭ Parcels
 ▭ City Limit

0 300 600 1,200 Feet

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

Map Date: 1/28/2022

AN-22-03
Water/Wastewater Lines
Proposed Annexation — Posey Road



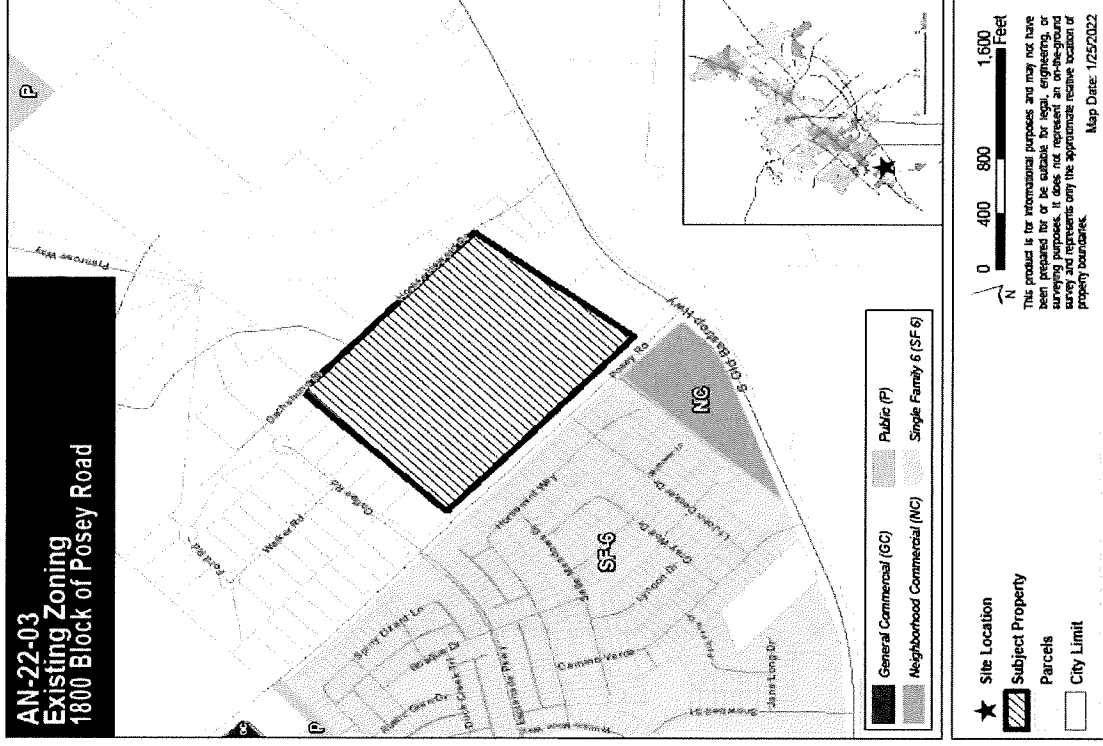


Context

- Surrounding Zoning
 - Single Family (SF-6)
 - Neighborhood Commercial (NC)

Surrounding Uses

- Vacant
- Single Family
- Trace Development



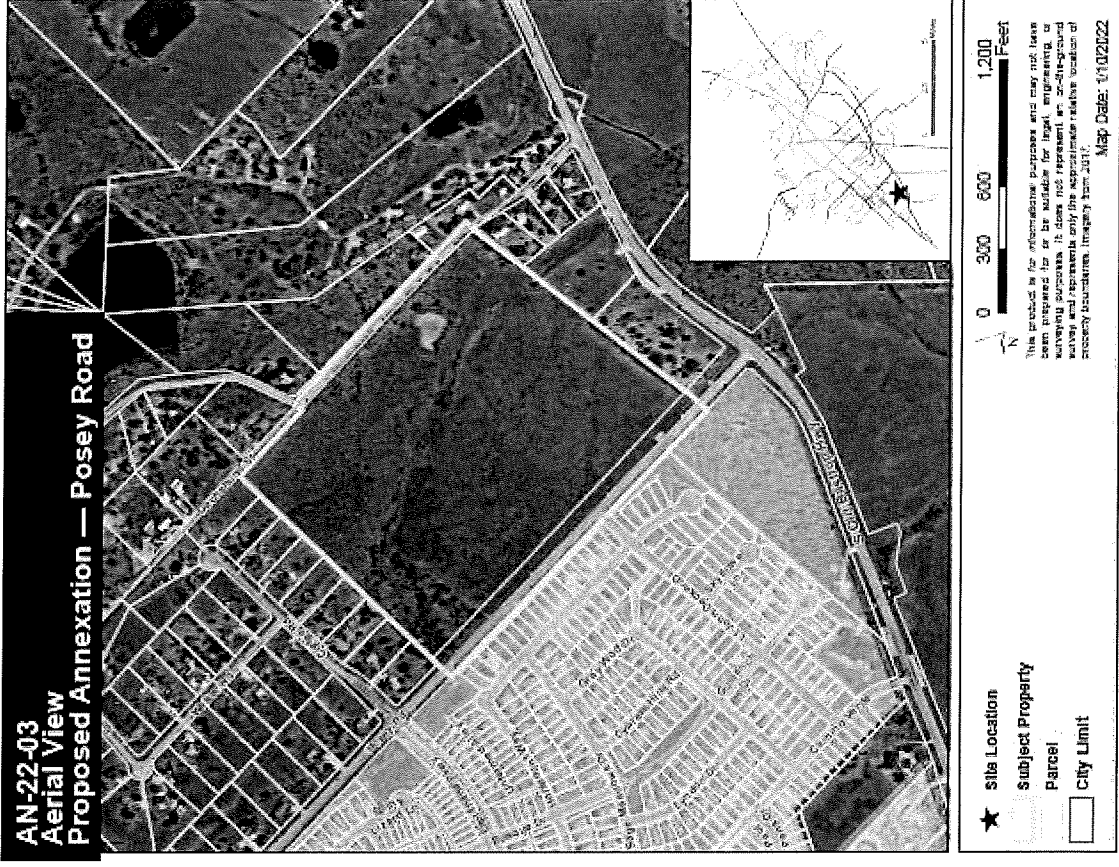


Context

Applicant requesting CD-3 Zoning
(ZC-22-05)

Includes annexation of adjacent right-of-way (Posey Road)

Service Plan (attached)
Water/Wastewater: City of San Marcos
Electric: Pedernales Electric





AN-22-03

Posey Road Annexion

Consider approval or Ordinance 2022-18, on the second of two readings, annexing into the City approximately 55.344 acres of land out of the Henry Warnell Survey, Abstract No. 492, in Hays County, Texas, generally located on Posey Road approximately 280 feet northwest of the intersection of Posey Road and South Old Bastrop Hwy (Case No. AN-22-03); including procedural provisions; and providing an effective date.

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

Date:

Owner: James M Sims III
12506 Rocky Knoll
Houston, TX 77077

City: City of San Marcos, Texas, a home rule municipal corporation, 630, East Hopkins Street, San Marcos, Texas 78666

Property: 55.344 acres out of the Henry Warnell Survey No. 21, Abstract No. 492 in Hays County.

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]

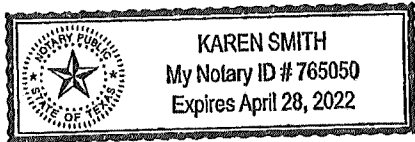
San Marcos:

By: Stephanie Reyes
Name: Stephanie Reyes
Title: Interim City Manager

ACKNOWLEDGMENT

STATE OF TEXAS §
 §
COUNTY OF HAYS §

This instrument was acknowledged before me on March 7th, 2022, by Stephanie Reyes, Interim City Manager of the City of San Marcos, in such capacity, on behalf of said municipality.



Karen Smith
Notary Public, State of Texas

OWNER (Individual):

James Sims

ACKNOWLEDGMENT

STATE OF Texas §

COUNTY OF Harris §

This instrument was acknowledged before me on February 16 2022 by James Sims.

Donna Jean Catlett
Notary Public, State of Texas

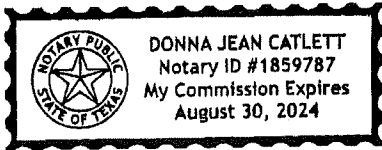


EXHIBIT B

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.