

**RESOLUTION NO. 2023-94R**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS APPROVING A CONTRACT WITH FIRST UNITED METHODIST CHURCH OF SAN MARCOS FOR THE PURCHASE OF APPROXIMATELY 0.23 OF AN ACRE (10,163 SQUARE FEET) FOR PUBLIC RIGHT OF WAY AND THE FEE SIMPLE PURCHASE OF 0.10 ACRES (4,364 SQUARE FEET), AS DETAILED IN EXHIBIT “A” ATTACHED HERETO AND INCORPORATED HEREIN FOR ALL PURPOSES, NEAR THE INTERSECTION OF NORTH GUADALUPE STREET AND UNIVERSWITY DRIVE AT A PRICE OF \$900,439.00, PLUS RELATED CLOSING COSTS; AUTHORIZING THE CITY MANAGER, OR HER DESIGNEE, TO EXECUTE SAID CONTRACT AND ALL CLOSING DOCUMENTS RELATED TO SUCH PURCHASE ON BEHALF OF THE CITY; AND DECLARING AN EFFECTIVE DATE.**

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

**PART 1.** A Contract with First United Methodist Church of San Marcos (the “Contract”) for the purchase of approximately 0.23 of an acre for public right of way and for fee simple title to approximately 0.10 acre, as detailed in Exhibit “A,” attached hereto and incorporated herein for all purposes, is hereby approved.

**PART 2.** The City Manager, or her designee, is hereby authorized to execute the Contract and all closing documents related to the purchase of the land under the Contract on behalf of the City.

**PART 3.** This resolution shall become effective immediately from and after its adoption.

**ADOPTED** on May 16, 2023.

Jane Hughson  
Mayor

Attest:

Elizabeth Trevino  
City Clerk

## EXHIBIT A

DESCRIPTION OF 0.23 OF AN ACRE (10,163 SQUARE FEET) MORE OR LESS, OF LAND AREA, BEING A PORTION OF LOT 1, STATE BANK AND TRUST COMPANY ADDITION NO. 1 AS RECORDED IN VOLUME 2, PAGE 268 OF THE HAYS COUNTY PLAT RECORDS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING** at a concrete nail set in the west line of North Guadalupe Street, for the common northeast corner of Lot 1, State Bank and Trust Company Addition No. 1 and the southeast corner of that tract described as "tract 2" in a deed from 7-Eleven, Inc. to Briarwood San Marcos LP, dated December 20, 2013 and recorded in Volume 4822, Page 635 of the Hays County Official Public records, from which an iron rod found with a plastic cap stamped "Milman" for the northeast corner of Lot 1, University Plaza, Section 1 bears N 09°04'42"W 209.21 feet;

**THENCE** leaving the Briarwood San Marcos LP tract and the **PLACE OF BEGINNING** as shown on that plat numbered 28101-22-2-b dated September 21, 2022 as prepared for the City of San Marcos by Byrn & Associates, Inc. of San Marcos, Texas, with the common west line of North Guadalupe Street and the east line of Lot 1, State Bank and Trust Company Addition No. 1, **S 09° 09' 33" E 30.07 feet** to a concrete nail set for the common southeast corner of the northerly panhandle portion of Lot 1, State Bank and Trust Company Addition No. 1 and the northeast corner of Exxon Addition No. 1 as recorded in Volume 3, Page 267 of the Hays County Plat Records;

**THENCE** leaving North Guadalupe Street, with the common south line of the northerly panhandle portion of Lot 1, State Bank and Trust Company Addition No. 1 and the north line of Exxon Addition, **S 80° 53' 27" W 125.00 feet** to a 1" iron pipe found for the common northwest corner of Exxon Addition and an interior corner of Lot 1, State Bank and trust Company Addition No. 1;


**THENCE** leaving Exxon Addition and crossing Lot 1, State Bank and Trust Company Addition, **S 81° 04' 27" W 209.40 feet** to a concrete nail set in the common west line of Lot 1, State Bank and Trust Company Addition No. 1 and the east line of Fredericksburg Street, from which a 1" iron pipe found for the southwest corner of Lot 1, State Bank and Trust Company Addition No. 1 bears S 09°02'55"E 139.69 feet;

**THENCE** with said common line **N 09° 02' 55" W 30.47 feet** to a concrete nail set for the northwest corner of Lot 1, State Bank and Trust Company Addition No. 1;

**THENCE** leaving Fredericksburg Street, with the north line of Lot 1, State Bank and Trust Company Addition No. 1, **N 81° 04' 27" E 334.34 feet** to the **PLACE OF BEGINNING**, pass at 1.49 feet a ½" iron rod found for the southwest corner of that 20 foot wide ingress/egress easement recorded in

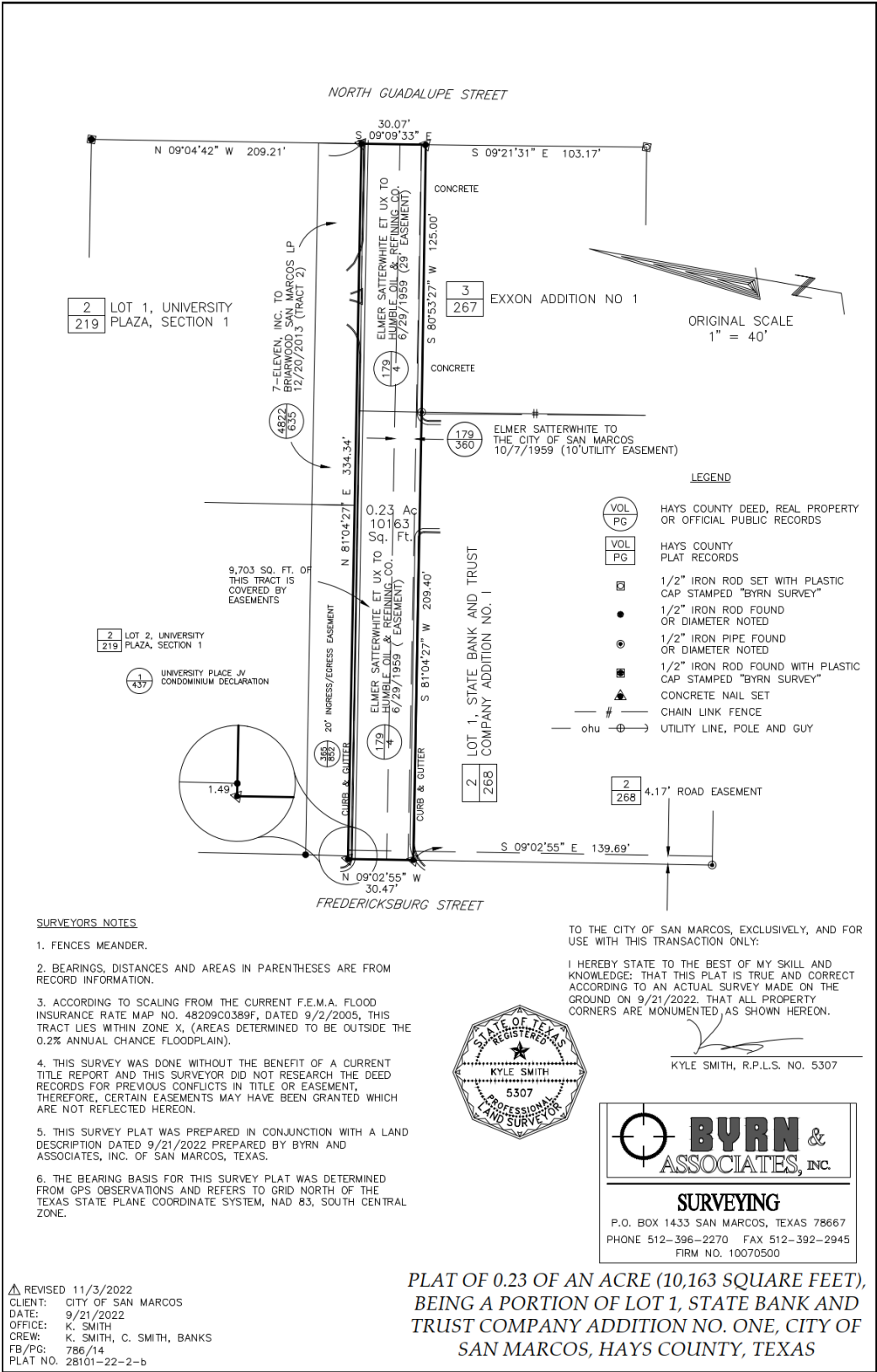
Volume 365, Page 852 of the Hays County Deed records, pass at 165.32 feet the record southeast corner of the 20 foot wide ingress/egress easement and the southwest corner of the previously mentioned Briarwood San Marcos LP tract 2;

There are contained within these metes and bounds 0.23 acres, more or less of land area as prepared from public records and a survey made on the ground on September 21, 2022 by Byrn & Associates, Inc. of San Marcos, Texas. The Bearing Basis for this description was determined from GPS Observations and refers to Grid North of the Texas State Plane Coordinate System, NAD 83, South Central Zone. All concrete nails set are marked with an aluminum washer stamped "Byrn Survey".

  
KYLE SMITH, R.P.L.S. 5307



REVISED 11/3/2022  
CLIENT: City of San Marcos  
DATE: September 21, 2022  
Subd.: State Bank and Trust Company Addition No. 1  
COUNTY: Hays, Texas  
JOB NO.: 28101-22  
FND0.23



**SURVEYORS NOTES**

1. FENCES MEANDER.
2. BEARINGS, DISTANCES AND AREAS IN PARENTHESES ARE FROM RECORD INFORMATION.
3. ACCORDING TO SCALING FROM THE CURRENT F.E.M.A. FLOOD INSURANCE RATE MAP NO. 48209C0389F, DATED 9/2/2005, THIS TRACT LIES WITHIN ZONE X, (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN).
4. THIS SURVEY WAS DONE WITHOUT THE BENEFIT OF A CURRENT TITLE REPORT AND THIS SURVEYOR DID NOT RESEARCH THE DEED RECORDS FOR PREVIOUS CONFLICTS IN TITLE OR EASEMENT, THEREFORE, CERTAIN EASEMENTS MAY HAVE BEEN GRANTED WHICH ARE NOT REFLECTED HEREON.
5. THIS SURVEY PLAT WAS PREPARED IN CONJUNCTION WITH A LAND DESCRIPTION DATED 9/21/2022 PREPARED BY BYRN AND ASSOCIATES, INC. OF SAN MARCOS, TEXAS.
6. THE BEARING BASIS FOR THIS SURVEY PLAT WAS DETERMINED FROM GPS OBSERVATIONS AND REFERS TO GRID NORTH OF THE TEXAS STATE PLANE COORDINATE SYSTEM, NAD 83, SOUTH CENTRAL ZONE.

TO THE CITY OF SAN MARCOS, EXCLUSIVELY, AND FOR USE WITH THIS TRANSACTION ONLY:

I HEREBY STATE TO THE BEST OF MY SKILL AND KNOWLEDGE: THAT THIS PLAT IS TRUE AND CORRECT ACCORDING TO AN ACTUAL SURVEY MADE ON THE GROUND ON 9/21/2022. THAT ALL PROPERTY CORNERS ARE MONUMENTED, AS SHOWN HEREON.



KYLE SMITH, R.P.L.S. NO. 5307

**BYRN & ASSOCIATES, INC.**

**SURVEYING**

P.O. BOX 1433 SAN MARCOS, TEXAS 78667  
 PHONE 512-396-2270 FAX 512-392-2945  
 FIRM NO. 10070500

▲ REVISED 11/3/2022  
 CLIENT: CITY OF SAN MARCOS  
 DATE: 9/21/2022  
 OFFICE: K. SMITH  
 CREW: K. SMITH, C. SMITH, BANKS  
 FB/PG: 786/14  
 PLAT NO. 28101-22-2-b

**PLAT OF 0.23 OF AN ACRE (10,163 SQUARE FEET), BEING A PORTION OF LOT 1, STATE BANK AND TRUST COMPANY ADDITION NO. ONE, CITY OF SAN MARCOS, HAYS COUNTY, TEXAS**

DESCRIPTION OF 0.10 OF AN ACRE (4,346 SQUARE FEET) MORE OR LESS, OF LAND AREA, BEING A PORTION OF LOT 1, STATE BANK AND TRUST COMPANY ADDITION NO. 1 AS RECORDED IN VOLUME 2, PAGE 268 OF THE HAYS COUNTY PLAT RECORDS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING** at a concrete nail set with aluminum washer stamped "Byrn Survey" in the west line of North Guadalupe Street, for the common southeast corner of Exxon Addition No. 1 as recorded in Volume 3, Page 267 of the Hays County Plat records and the northeast corner of the southern panhandle portion of Lot 1, State Bank and Trust Company Addition No. 1, from which a concrete nail set for the northeast corner of Exxon Addition No. 1 bears N 09°21'31"W 103.17 feet;

**THENCE** leaving Exxon Addition No. 1 and the **PLACE OF BEGINNING** as shown on that plat numbered 28101-22-1-b dated September 21, 2022 as prepared for the City of San Marcos by Byrn & Associates, Inc. of San Marcos, Texas, with the common west line of North Guadalupe Street and the east line of Lot 1, State Bank and Trust Company Addition No. 1, **S 09° 26' 51" E 34.57 feet** to a ½" iron rod found with a plastic cap stamped "Byrn Survey" for the common southeast corner of the southerly panhandle portion of Lot 1, State Bank and Trust Company Addition No. 1 and the northeast corner of that tract described as 1.0496 acres in a deed from Guadalupe and Hutchison St. Partners to Guadalupe-Real Property & Investments, dated July 18, 2016 and recorded in Hays County Instrument Number 16028726 of the Hays County Official Public Records;

**THENCE** leaving North Guadalupe Street, with the common south line of Lot 1, State Bank and Trust Company Addition No. 1 and the north line of the Guadalupe-Real Property & Investments tract, **S 80° 31' 04" W 125.34 feet** to a ½" iron rod set, from which an iron rod found with a plastic cap stamped "Hayes" for the northwest corner of the Guadalupe-Real Property & Investments tract;

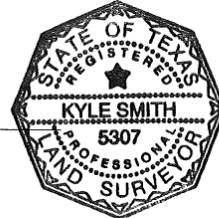
**THENCE** leaving the Guadalupe-Real Property & Investments tract and crossing Lot 1, State Bank and Trust Company Addition, **N 09° 28' 56" W 34.77 feet** to a calculated point for the common southwest corner of Exxon Addition No. 1 and the northwest corner of the southerly panhandle portion of Lot 1, State Bank and Trust Company Addition No. 1, from which a 1" iron pipe found for the northwest corner of Exxon Addition No. 1 bears N 09°09'33"W 103.79 feet;

**THENCE** with the common north line of the southerly panhandle portion of Lot 1, State Bank and Trust Company Addition No. 1 and the south line of Exxon Addition No. 1, **N 80° 36' 24" E 125.36 feet** to the **PLACE OF BEGINNING**;

There are contained within these metes and bounds 0.10 of an acre, more

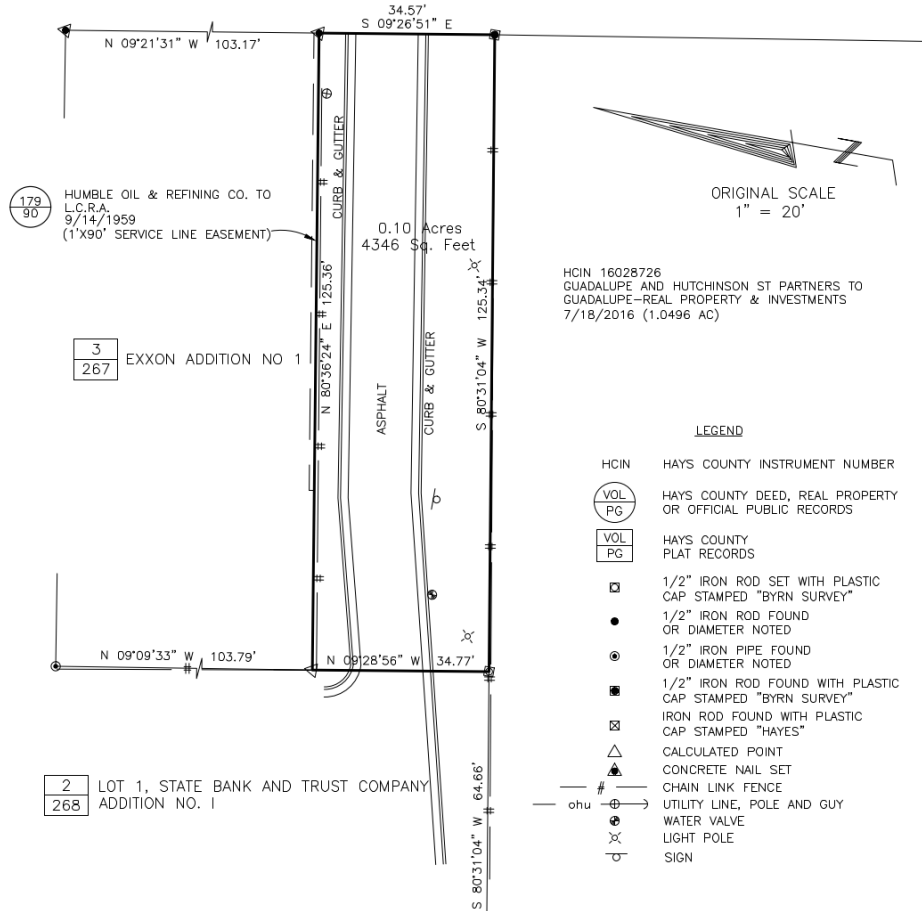
or less of land area as prepared from public records and a survey made on the ground on September 21, 2022 by Byrn & Associates, Inc. of San Marcos, Texas. The Bearing Basis for this description was determined from GPS Observations and refers to Grid North of the Texas State Plane Coordinate System, NAD 83, South Central Zone. All 1/2" iron rod set are capped with a plastic cap stamped "Byrn Survey".

  
KYLE SMITH, R.P.L.S. 5307



REVISED 11/3/2022  
CLIENT: City of San Marcos  
DATE: September 21, 2022  
Subd.: State Bank and Trust Company Addition No. 1  
COUNTY: Hays, Texas  
JOB NO.: 28101-22  
FND0.10

NORTH GUADALUPE STREET



LEGEND

- HCM HAYS COUNTY INSTRUMENT NUMBER
- HAYS COUNTY DEED, REAL PROPERTY OR OFFICIAL PUBLIC RECORDS
- HAYS COUNTY PLAT RECORDS
- 1/2" IRON ROD SET WITH PLASTIC CAP STAMPED "BYRN SURVEY"
- 1/2" IRON ROD FOUND OR DIAMETER NOTED
- 1/2" IRON PIPE FOUND OR DIAMETER NOTED
- 1/2" IRON ROD FOUND WITH PLASTIC CAP STAMPED "BYRN SURVEY"
- IRON ROD FOUND WITH PLASTIC CAP STAMPED "HAYES"
- CALCULATED POINT
- CONCRETE NAIL SET
- CHAIN LINK FENCE
- UTILITY LINE, POLE AND GUY
- WATER VALVE
- LIGHT POLE
- SIGN

SURVEYORS NOTES

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KYLE SMITH, R.P.L.S. NO. 5307

**BYRN & ASSOCIATES, INC.**

**SURVEYING**

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PHONE 512-396-2270 FAX 512-392-2945  
FIRM NO. 10070500

△ REVISED 11/3/2022  
CLIENT: CITY OF SAN MARCOS  
DATE: 9/21/2022  
OFFICE: K. SMITH  
CREW: K. SMITH, C. SMITH, BANKS  
FB/PG: 786/14  
PLAT NO. 28101-22-1-b

PLAT OF 0.10 OF AN ACRE (4,346 SQUARE FEET),  
BEING A PORTION OF LOT 1, STATE BANK AND  
TRUST COMPANY ADDITION NO. ONE, CITY OF  
SAN MARCOS, HAYS COUNTY, TEXAS