

CONDITIONAL USE PERMIT / ALTERNATIVE COMPLIANCE (GENERAL) APPLICATION



Updated: September 2025

CONTACT INFORMATION

Applicant's Name	Shannon Mattingly	Property Owner	202 Hutch LLC
Company	The Drenner Group	Company	
Applicant's Mailing Address	2705 Bee Cave Road, Suite 100 Austin, TX 78746	Owner's Mailing Address	2516 Waukegan Road, Unit 343, Glenview, IL 60025-1774
Applicant's Phone #	[REDACTED]	Owner's Phone #	[REDACTED]
Applicant's Email	[REDACTED]	Owner's Email	[REDACTED]

PROPERTY INFORMATION

Subject Property Address: 325 N . Comanche Street, San Marcos , Texas

Zoning District: CD- 5D Tax ID #: R R53152, R53153, R53154

Legal Description: Lot _____ Block _____ Subdivision See attached description

DESCRIPTION OF REQUEST

Please use this space to describe the proposal. Attach additional pages as needed.

An alternative compliance request to allow for 7 stories instead of 5 stories but keeping the allowed 75 foot height requirement to allow a Purpose-Built Student Housing development to be constructed at 325 N. Comanche Street.

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.

Initial Filing Fee \$1,050* Technology Fee \$15 TOTAL COST \$1,065

Renewal/Amendment Filing Fee \$783* Technology Fee \$15 TOTAL COST \$798

**Nonprofit Organization fees are 50% of the adopted fee listed for Conditional Use Permits*

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

Apply Online at MGOCONNECT.ORG

PROPERTY OWNER AUTHORIZATION

I, Kelly Quinn (owner name) on behalf of
202 Hutch LLC (company, if applicable) acknowledge that I/we
am/are the rightful owner of the property located at
325 Comanche St, San Marcos Texas (address).

I hereby authorize Shannon Mattingly (agent name) on behalf of
The Drenner Group (agent company) to file this application for
AC/CUP application - Purpose Built Student Housing (application type), and, if necessary, to work with
the Responsible Official / Department on my behalf throughout the process.

Signature of Owner: *Kelly Quinn* Date: Feb 16, 2026
Kelly Qu in (Nov 18, 2025 15:27 52 CST)

Printed Name, Title: Kelly Quinn, Authorized Signatory

Signature of Agent: *Shannon Mattingly* Date: Feb 16, 2026

Printed Name, Title: Shannon Mattingly, Agent

**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 \$158 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 \$158 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: *Kelly Quinn*
Kelly Quinn (Nov 19, 2025 15:27:52 CST)

Date: Feb. 16, 2026

Print Name: Kelly Quinn

DRENNER GROUP

Shannon Mattingly
[REDACTED]
[REDACTED]

February 16, 2026

Terry Floyd
Planning Director
City of San Marcos
630 East Hopkins
San Marcos, TX 78666

Via Electronic Delivery

Re: Conditional Use Permit and Alternative Compliance request applications for the property bounded by Commanche St, and Pat Garrison St. located at 325 Commanche Street in the City of San Marcos, Hays County, Texas (the "Property")

Dear Mr. Floyd:

As representatives of the owner of the Property, we respectfully submit the enclosed applications for a Conditional Use Permit for purpose-built student housing and an Alternative Compliance request to allow for up to 7 stories on site, which will be within the allowable building height of 75 feet per code.

The purpose of the PBSH CUP application is to allow the construction of a multifamily project containing 1-5-bedroom units. The inclusion of wide range of units will provide a bedroom count that meets the housing needs of a diverse residential community.

Our request also includes an application for Alternative Compliance to allow 7 versus 5 stories but within the allowable 75 feet building height. The height is primarily driven by parking, which for the CUP is substantially higher at 1.05 spaces per bedroom versus 1 space per unit per code for conventional multi-family. Due to the higher number of parking spaces, a full 2-2.5 floors of structured parking will be required and will still likely result in a parking buydown. The proposed design plan reflects compatibility with the immediate neighbors both in use and in height. The Commanche Street façade will be compatible with the future 202 Hutch project and reflect a similar massing design.

In preparation for our submittal, we met with representatives of Texas State University to discuss the school's projected growth and to discuss the immediate and future housing needs of the university. Texas State's growth has been substantial in the last 5 years with a projected

enrollment of over 40,000 students. The representatives emphasized the need for student-oriented housing within walking or biking distance of the campus and expressed their desire for rents to remain affordable to the student body.

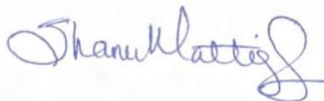
We believe that this location is ideal for accommodating the increased student population, and the need for student housing adjacent or very near to the University. By allowing more dense student housing at key locations, such as this, the city is helping solve many commonly heard issues in the community such as: Avoiding “student sprawl” throughout the city and removing many cars and busses required for the daily commute to the University, therefore reducing traffic congestion and pollution. The proximity to the University is an ideal location for this product type, allowing students to walk across the street and be on campus. The project will feature a public plaza at the Downtown Gateway and have ample indoor secured bike parking.

To serve the needs of our residents that chose to live downtown and given the very limited number of sites that exist near the University and not adjacent to single family neighborhoods, an increase in stories is necessary to achieve the parking and density to make the project beneficial for all. We have previously met with the Fire Chief and Fire Marshall and will incorporate all their recommendations to improve fire safety and access to the site.

This project is ideal, due to its proximity to the University as well as stores and services within the downtown area that are walkable. It will include an improved pedestrian experience with a well-connected network of streets to accommodate the increased pedestrian traffic, while reducing the number of cars on the road. Students will be able to attend class, get to work, shop or access other commonly used student services, all without accessing their cars.

Please let me know if you or your team members require additional information or have any questions. Thank you for your time and attention to this project.

Very truly yours,

A handwritten signature in blue ink that reads "Shannon Mattingly". The signature is fluid and cursive, with a long, sweeping tail on the final letter.

Shannon Mattingly, AICP
Director of Land Use and Entitlements

Alternative Compliance Criteria Responses
Submitted by Applicant 12/26/25

Section 2.8.4.4 Criteria for Approval

- A. **Factors.** When considering an application for alternative compliance, the Planning and Zoning Commission or City Council where applicable shall evaluate the impact of the proposed alternative compliance on and its compatibility with surrounding properties to ensure the appropriateness of the requested alternative compliance for the particular location, and shall consider the extent to which:
1. The request is consistent with the policies embodied in the adopted Comprehensive Plan; **Yes.**
 2. The request is consistent with the general purpose, intent and character of the development regulations applicable to the property; **Yes**
 3. There are special circumstances or conditions arising from the physical surroundings, shape, topography or other features affecting the subject property; **The shape of the site creates design inefficiencies impacting the amount and flow of the parking and floors above. The natural topography of the site creates a condition where the overall height of the buildings is impacted by the highest point of the site effectively losing a floor due to the slope.**
 4. The request is detrimental to the public health, safety or welfare, or injurious to other property within the area; **No.**
 5. The request either:
 - a. Does not have an adverse impact upon adjacent property or neighborhoods, including but not limited to, parking, traffic, noise, odors, visual nuisances, and drainage; **or the proposed use is consistent with the neighboring uses both in numbers of stories and uses.**
 - b. Includes Improvements either on-site or within the public rights-of-way to mitigate any such adverse impacts. **Improvements will be made along Comanche including road widening and street improvements.**
 6. The request shall not have the effect of preventing the orderly use and enjoyment of other property within the area in accordance with the provisions of this Development Code, or adversely affect the rights of owners or residents of adjacent property or neighborhoods; **No**
 7. The request shall not result in any incompatibility of the development to which it relates with, or the character and integrity of, adjacent property or neighborhoods; and **the proposed use is compatible with existing and proposed developments in both use and stories within character of the district.**
 8. The request meets the standards for the applicable zoning district, or to the extent deviations from such standards have been requested, that such deviations are necessary to render the subject development or Improvement compatible with adjacent development or the neighborhood. **Yes.**

Section 4.3.4.6 Additional Stories or Height

A. Alternative Compliance Findings. The City Council may in accordance with Section 2.8.4.1 allow additional stories in the CD-5 or up to two additional stories in CD-5D zoning districts, subject to the following considerations:

1. The project is consistent with the objectives and guidelines from the City's Comprehensive Plan and Downtown Master Plan where applicable. **Yes.**
2. For a residential project, the additional stories provide an opportunity to include a minimum of ten (10%) percent of the project as affordable housing under Section 4.3.1.1; **While not a traditional "Affordable Housing" residential project as defined by the U.S. Departments of Housing and Urban Development, the request for additional height was to add more density and increase the capacity for four and five bedroom units which helps students with affordability. After conducting our own research and meeting with Texas State University, it was determined that ultra luxury apartment units are not what's in demand within the market but pedestrian friendly living options for students at reasonable rates that would reduce the traffic from students driving in from the communities that are too far to walk or that lack a reliable shuttle option.**
3. For a residential project, the additional stories provide an opportunity to include a minimum of twenty (20%) percent of the project as workforce housing under Section 4.3.1.1; **Our project will cater to the student population at Texas State University. Although we offer our units to anyone that qualifies, we make our best efforts to inform non-student renters of the anticipated tenant base to ensure everyone can live in harmony. As such we would not cater to the needs of the population of workforce housing.**
4. The additional stories provide an opportunity for additional professional office or commercial space providing employment opportunities; **Yes.**
5. The additional stories provide an opportunity to deliver a building that is rated a minimum of a silver in the LEED green building program; **LEED is very difficult for this residential construction type to achieve. We've found that we can deploy other methods to make our building that act like a LEED building without the cost of the certification which is an annual cost that's typically passed on to the residents thereby increasing the market rates. These technologies include the use of responsibly sourced materials, solar (which the application can vary by State), high efficiency windows, energy efficient appliances and smart thermostats to name a few.**
6. The additional stories provide an opportunity to include child care within the facility; **Yes**
7. The additional stories provide an opportunity to add public parking in or adjacent to the downtown; **Possibly**
8. The additional stories provide an opportunity to include on-site publicly accessible open space in excess of the open space required under Section 3.10.1.2.. **No.**
9. In CD-5D and the five downtown Design Contexts, the approved alternate conforms to the Downtown Design Guidelines; and. **Yes**
10. The project proposes architectural elements that mitigate any effects on adjacent properties or the pedestrian experience from the street level. **Street level engagement along Comanche to retain the neighborhood character.**

Section 4.3.4.7 Varied Massing Requirement

A. Applicability. The varied massing requirements apply to buildings in the CD-5D district that meet the following criteria:

1. The building is over three (3) stories in height; and **Yes**
2. The building has a frontage greater than sixty (60) feet in width. **Yes**

B. Intent. The intent of the varied massing requirements is to:

1. Encourage and enhance the variety in building heights that exists in downtown San Marcos that help to define the character of the area; [Proposed project is consistent with the character of the area.](#)
2. Ensure that new development continues the tradition of height variation, expressing and supporting human scale and architectural diversity in the area;. [We have attached a conceptual 3-D rendering and we will keep the street level engaged by using exterior material which will keep the neighborhood character.](#)
3. Ensure that a traditional scale at the street level is maintained in order to reflect the design of historic buildings downtown; and [See note above](#)
4. Preserve views to notable buildings throughout downtown including the Courthouse Square, historic landmarks, and churches, and to areas adjacent to downtown. Reference Design Guidelines in the Design Manual for additional information regarding views. [No views of landmarks will be impacted.](#)

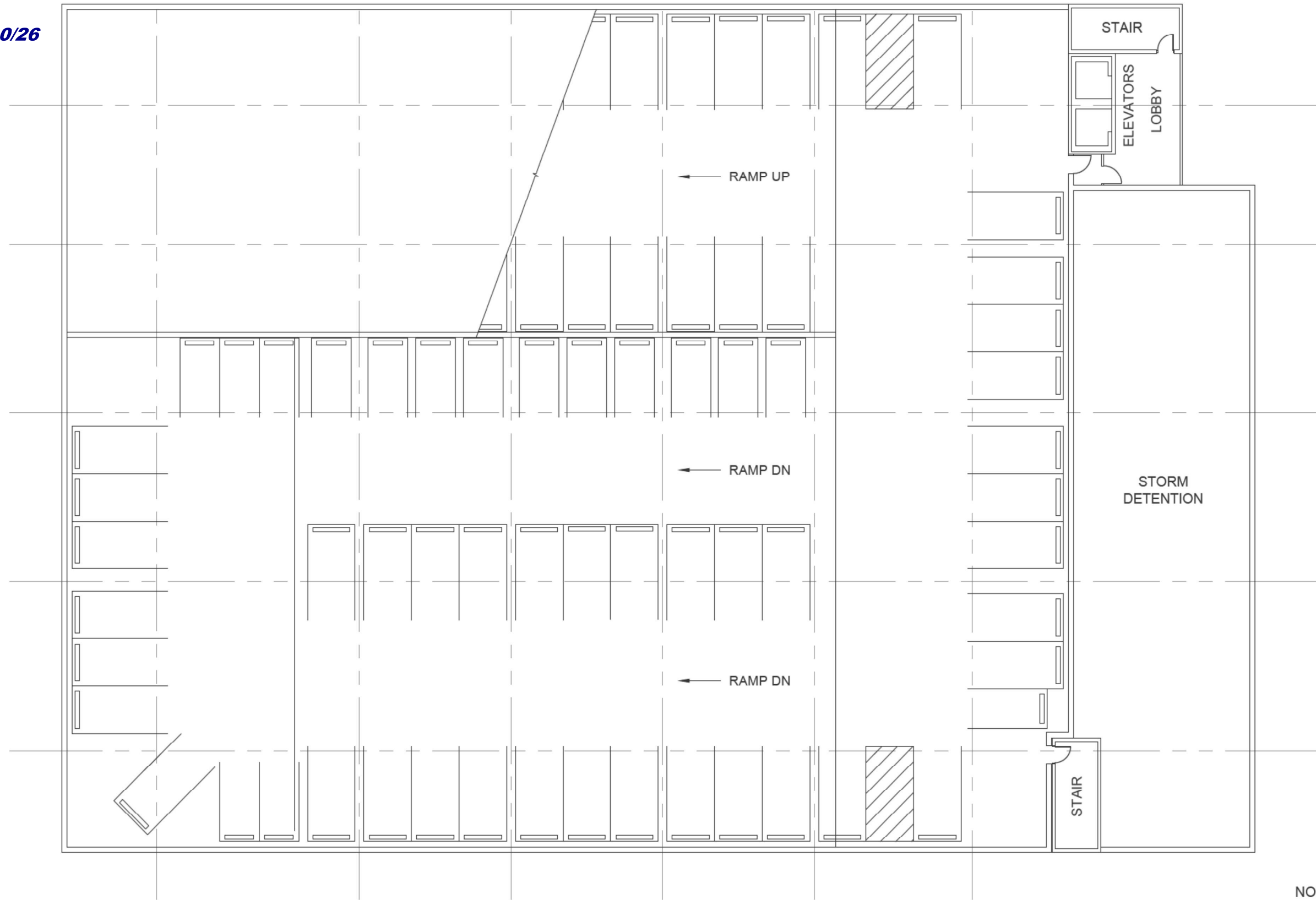
C. General Standards. The varied massing requirements can be achieved through the selection of one of the following options:

1. Option 1: A minimum of forty (40%) percent of the building facade over three (3) stories in height shall be set back a minimum of twenty (20) feet from the front property line. (Figure 4.14)
2. Option 2: A minimum of fifty (50%) percent of the building facade over three (3) stories in height shall be set back a minimum of fifteen (15) feet from the front property line. (Figure 4.15) [The project will meet Option 2](#)
3. Option 3: A minimum of forty (40%) percent of the building facade over three (3) stories is stepped back a minimum of fifteen (15) feet from the front property line and a forecourt is incorporated (see Forecourt standards in Table 4.14). (Figure 4.16)

D. Alternative Compliance Findings. The Planning and Zoning Commission may in accordance with Section 2.8.4.1 allow an alternative to the varied massing requirements, subject to the following findings.

1. The approved alternate meets the intent of the varied upper floor massing requirements; [We intend to comply with the Design Contents as approved in the Downtown Design Guidelines.](#)
2. The approved alternate conforms with the Comprehensive Plan and other adopted City Plans; and
3. In CD-5D and the five downtown Design Contexts, the approved alternate conforms to the Downtown Design Guidelines.

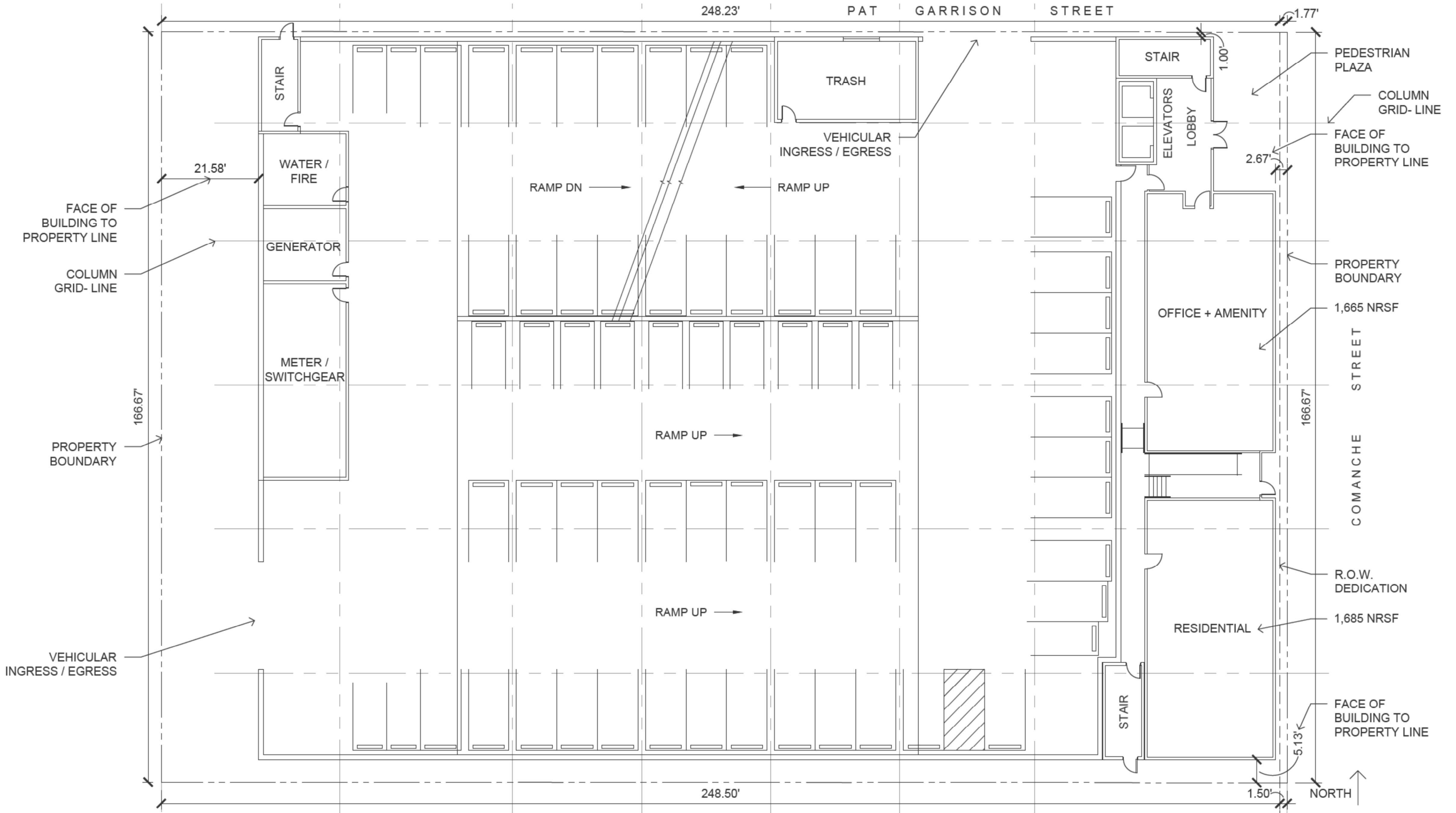
**Exhibit A:
Parking and Unit Layout
Submitted by Applicant 4/30/26**



LOWER LEVEL PLAN
1" = 20'-0"
APRIL 29, 2026

NORTH ↑

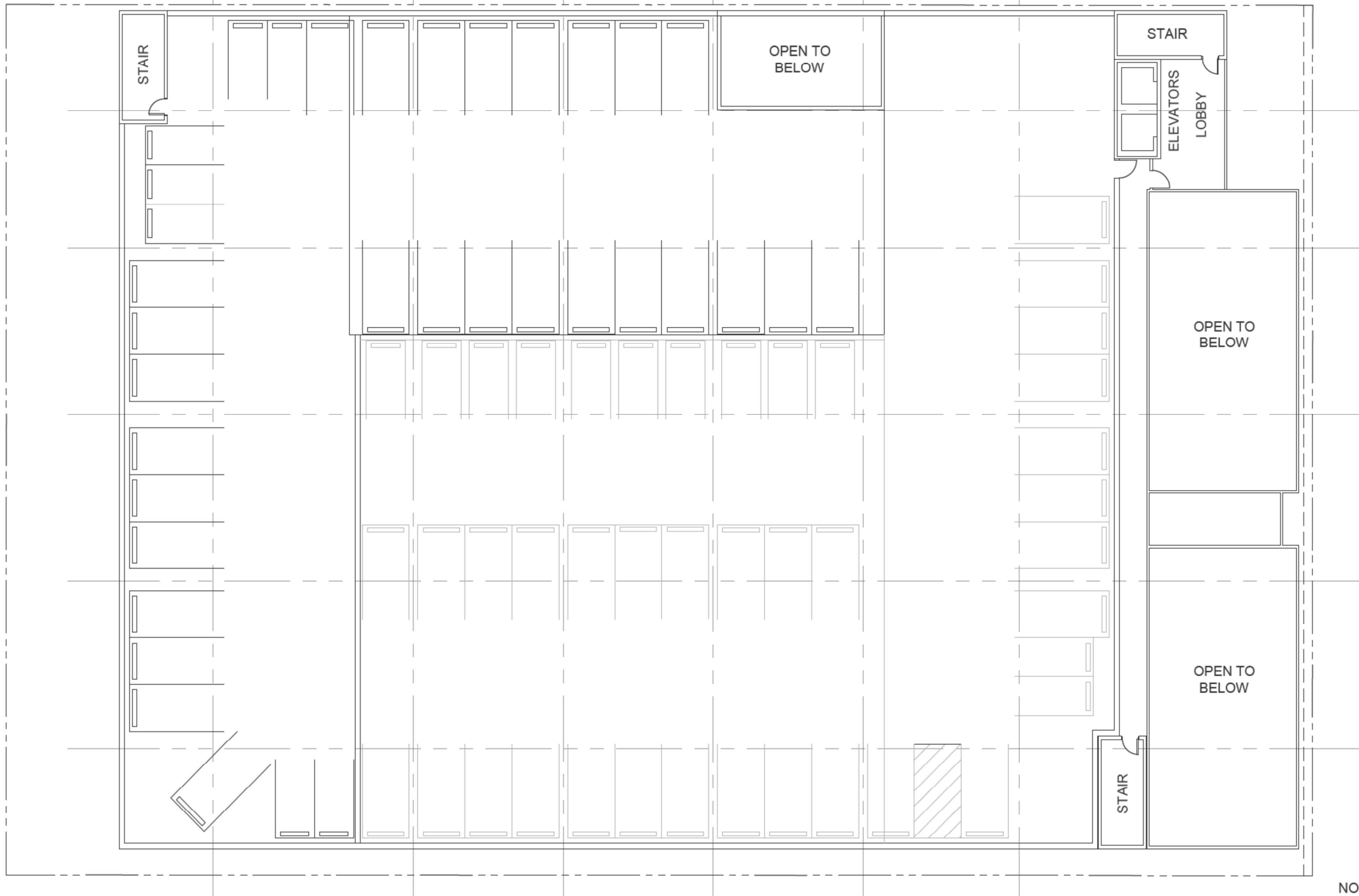
A1.0



GROUND LEVEL PLAN

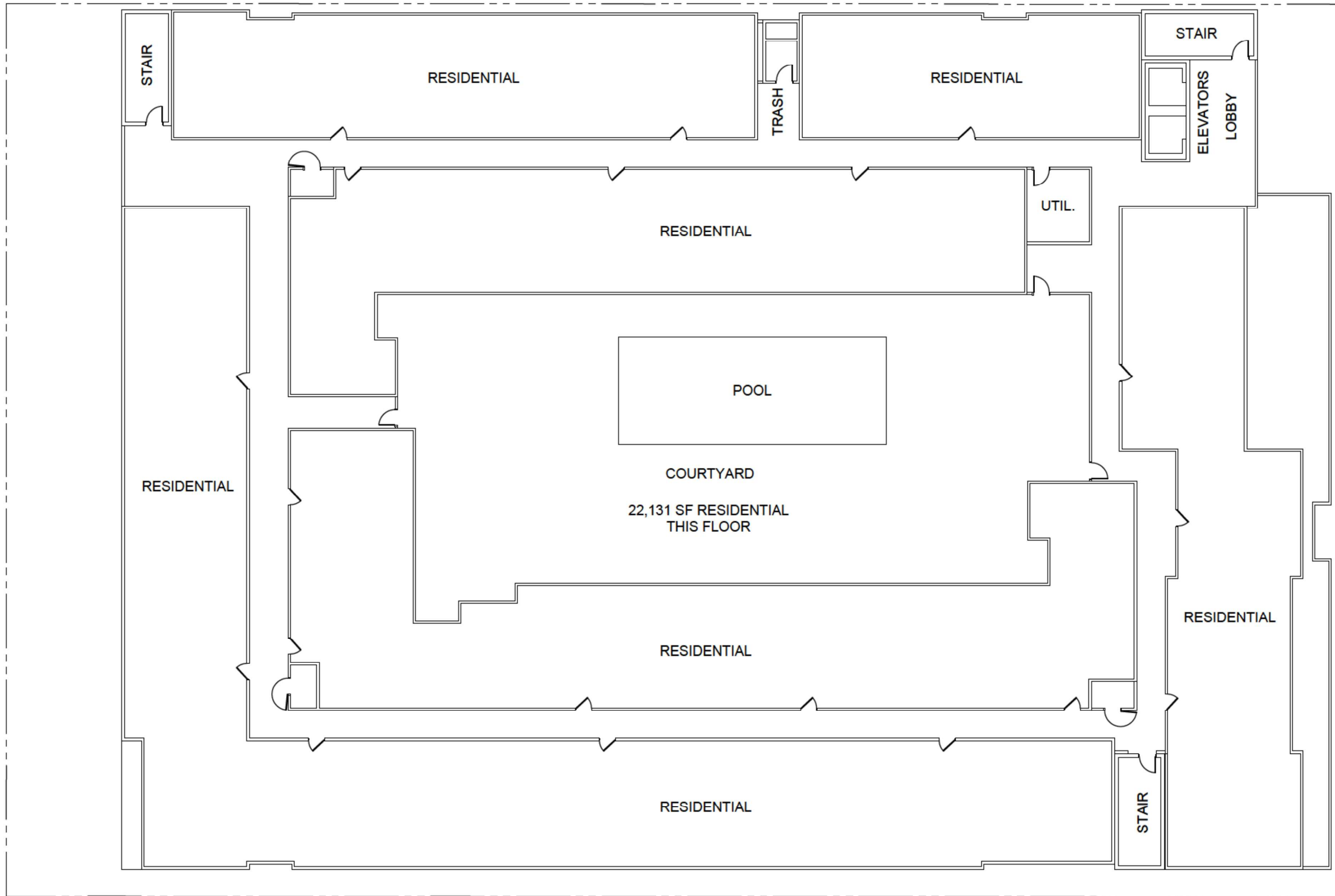
1" = 20'-0"
APRIL 29, 2026

A1.1



SECOND LEVEL PLAN
 1" = 20'-0"
 APRIL 29, 2026

A1.2



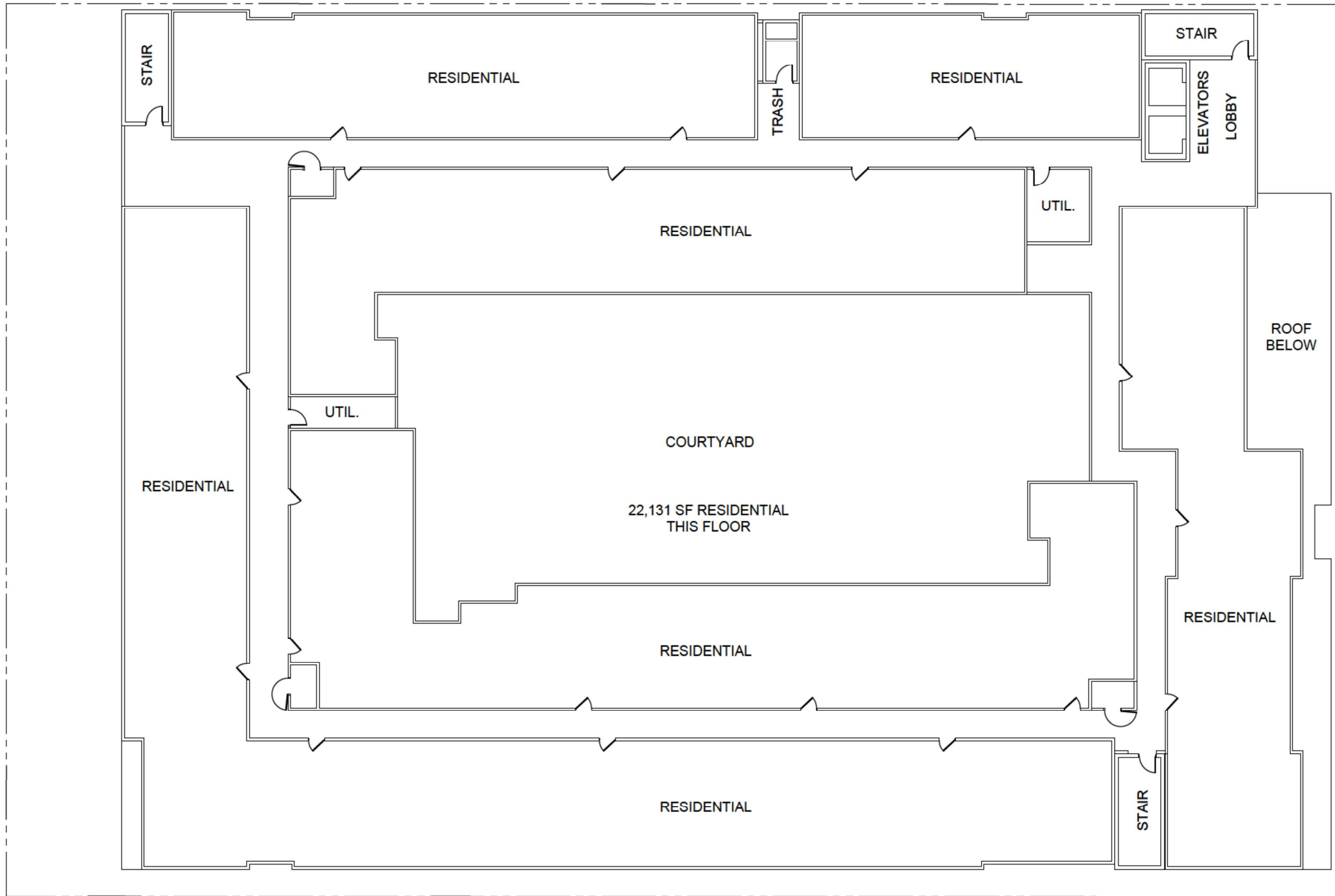
COURTYARD
22,131 SF RESIDENTIAL
THIS FLOOR

NORTH ↑

THIRD LEVEL PLAN

1" = 20'-0"
APRIL 29, 2026

A1.3



NORTH ↑

FOURTH - SEVENTH LEVEL PLAN

1" = 20'-0"
APRIL 29, 2026

A1.4



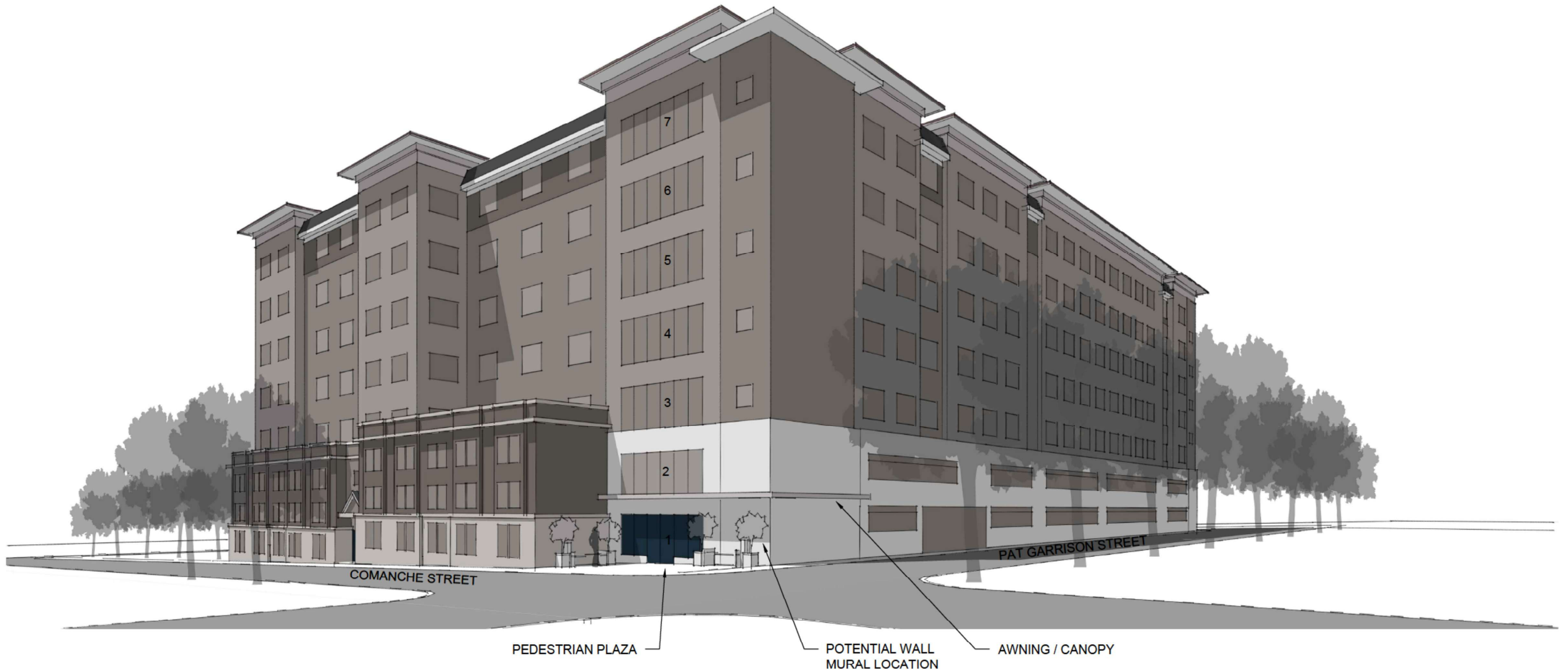
Exhibit B:
Perspective Views
 Submitted by Applicant 4/30/26

SEVEN STORY MODEL SHOWN. FIVE STORY MODEL IS EXACTLY THE SAME HEIGHT AS THE SEVEN STORY MODEL.

CONTEXT VIEW
 LOOKING NORTHWEST
 NO SCALE
 APRIL 29, 2026



A2.0



COMANCHE STREET

PAT GARRISON STREET

PEDESTRIAN PLAZA

POTENTIAL WALL MURAL LOCATION

AWNING / CANOPY

SEVEN STORY MODEL

PERSPECTIVE VIEW
LOOKING SOUTHWEST

NO SCALE
APRIL 29, 2026

A2.1

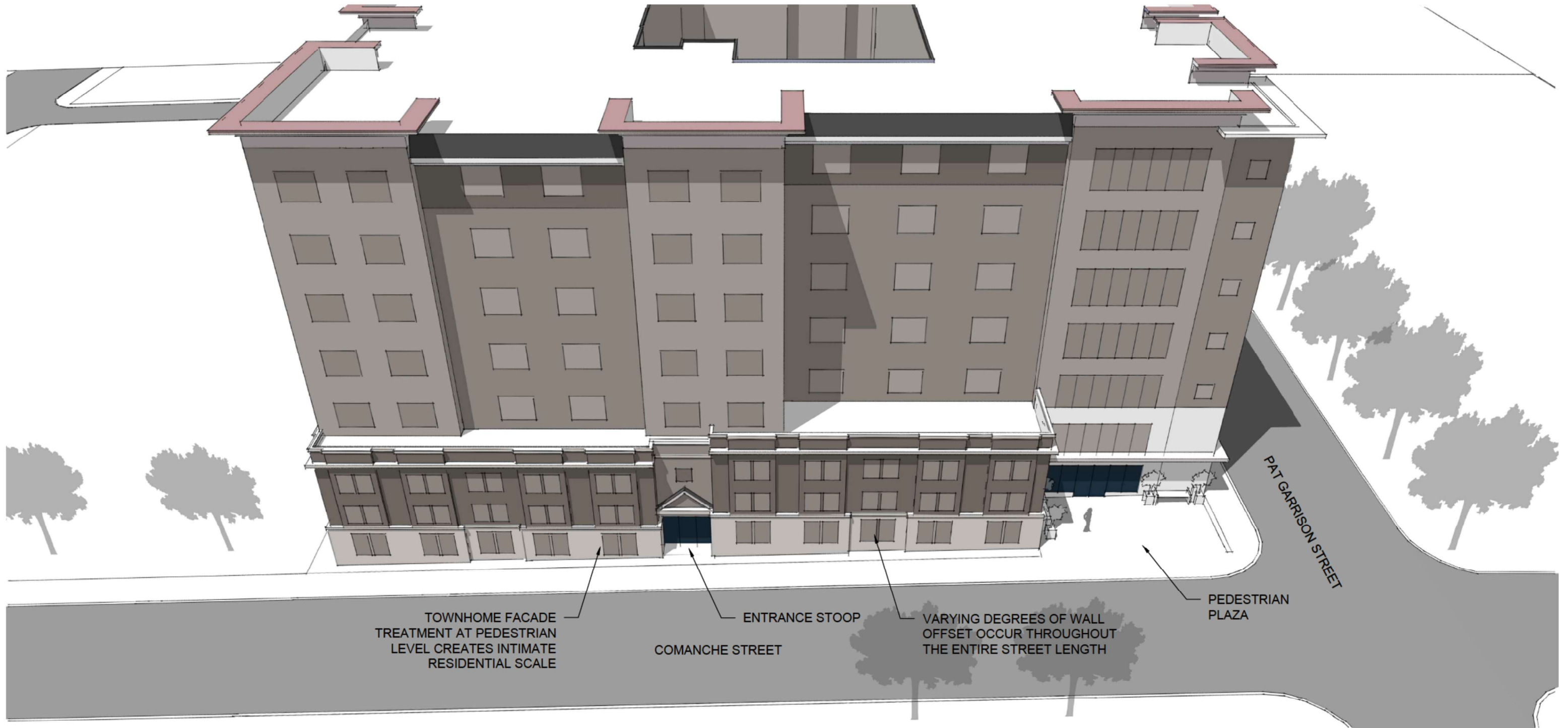
325 COMANCHE
SAN MARCOS, TEXAS

CONCEPTUAL

217 S. NEIL STREET SUITE D
CHAMPAIGN, ILLINOIS 61820
IL. PROF. DESIGN FIRM #184.006697

MODE 3 ARCHITECTURE

© 2026 MODE 3 ARCHITECTURE INC.



TOWNHOME FACADE
TREATMENT AT PEDESTRIAN
LEVEL CREATES INTIMATE
RESIDENTIAL SCALE

ENTRANCE STOOP
COMANCHE STREET

VARYING DEGREES OF WALL
OFFSET OCCUR THROUGHOUT
THE ENTIRE STREET LENGTH

PEDESTRIAN
PLAZA

PAT GARRISON STREET

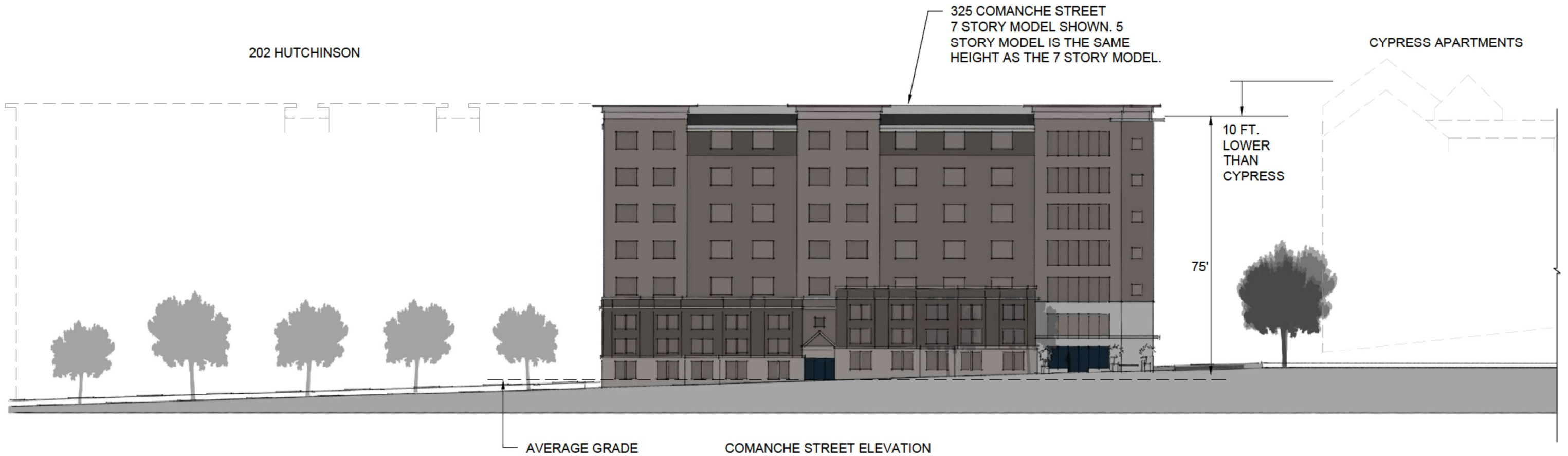
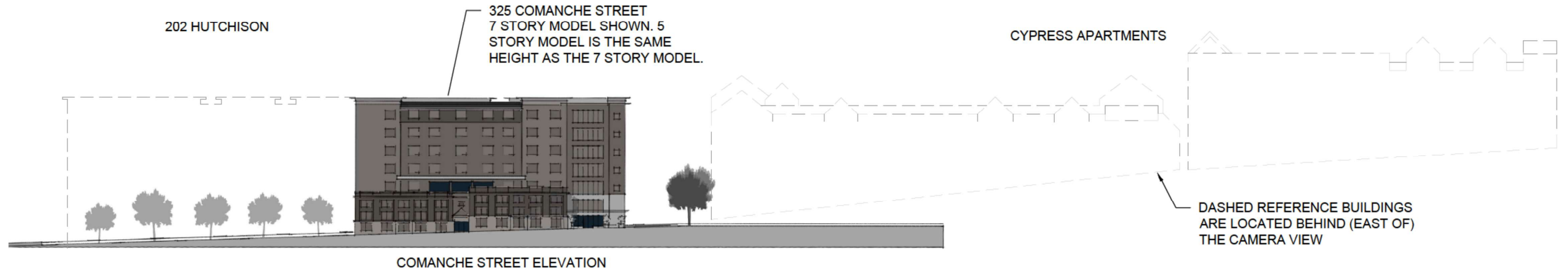
ARTICULATION + EXPRESSION ELEMENTS

SEVEN STORY MODEL

N COMANCHE ST.

NO SCALE
APRIL 29, 2026

A2.2



**BUILDING HEIGHT COMPARISON
LOOKING WEST**

COMPARISON OF TALLEST MEAN ROOF HEIGHT
* LATERAL BUILDING PLACEMENT ADJUSTED TO FIT PAGE

NO SCALE
APRIL 29, 2026

A2.3

CHICAGO TITLE GF# 4300112408796-RJ

Special Warranty Deed

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

Effective Date: July 1, 2025

Grantor: TWWG, LLC, a Texas limited liability company

Grantor's Mailing Address: 323 North Comanche Street, San Marcos, Texas 78666

Grantee: 202 HUTCH LLC, a Delaware limited liability company

Grantee's Mailing Address: 2516 Waukegan Rd., Unit 343, Glenview, IL 60025

Consideration: The sum of Ten and No/100 Dollars (\$10.00) and other valuable consideration to the undersigned paid by Grantee.

Property:

Being that certain property located in the City of San Marcos, Hays, Texas, and being more particularly described in Exhibit "A" attached hereto and made a part hereof for all purposes (the "**Land**"), together with all buildings and improvements thereon (the "**Improvements**"); all rights, privileges, easements, and appurtenances pertaining to the Land; all of Grantor's right, title, and interest in and to any alleys, strips, or gores adjoining the Land and all of Grantor's rights of ingress and egress to the Land, including, without limitation, any easements, rights-of-way, rights, or other interests in, on, under, or to any land, highway, street, road, right-of-way, or avenue, open or proposed, in, on, under, across, in front of, abutting, or adjoining the Land; and all of Grantor's right, title, and interest in and to any awards made, or to be made in lieu thereof, and in and to any unpaid awards for damage to the Land by reason of a change of grade thereof; all development rights, utility capacity, governmental approvals, licenses, and permits (including all water, sewer, and drainage capacity currently held by Grantor, if any, for the Land on the date hereof), to the extent they relate to the ownership, use, leasing, maintenance, service, or operation of the Land; all of Grantor's right, title, and interest in and to any oil, gas, and other minerals in, under, and that may be produced from the Land, regardless of whether or not the minerals are considered part of the surface estate or part of the mineral estate; all of Grantor's right, title, and interest in and to all site plans, surveys, environmental studies, soil studies, substrata studies, architectural drawings, plans and specifications, engineering plans and studies, floor plans, landscape plans, and other plans or studies of any kind that relate to the Land or the Improvements (the Land, together with the foregoing interests being referred to herein as the "**Property**").

Reservations from Conveyance: NONE

Exceptions to Conveyance and Warranty:

All of the matters described in Exhibit "B", attached hereto and incorporated herein by reference, but only to the extent the same are valid and subsisting and affect the Property.

Grantor, for the Consideration and subject to the Reservations from Conveyance and the 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 way belonging, to have and to hold it to Grantee and Grantee's heirs, successors, and assigns forever. Grantor binds Grantor and Grantor's heirs and successors to warrant and forever defend all and singular the Property to Grantee and Grantee's heirs, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof when the claim is by, through, or under Grantor but not otherwise, except as to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty.

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

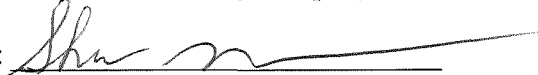
Ad valorem taxes for 2025 have been prorated between Grantor and Grantee and taxes and assessments for such year and subsequent years are assumed by Grantee.

[Signature Page Follows]

IN WITNESS WHEREOF, this Special Warranty Deed has been executed by Grantor on the date set forth below, to be effective as of the date and year first written above.

GRANTOR:

TWWG, LLC,
a Texas limited liability company

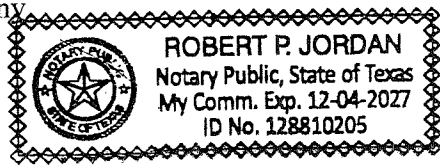
By: 
Name: W. Shane Glosso
Title: Manager

STATE OF TEXAS

COUNTY OF Bexar

§
§
§

This instrument was acknowledged before me on July 7, 2025 by W. Shane Glosso, as Manager of TWWG, LLC, a Texas limited liability company, on behalf of said limited liability company



My Commission Expires: _____



Notary Public in and for the State of Texas

Exhibit "A" – Legal Description of the Land
Exhibit "B" - Exceptions to Conveyance and Warranty

EXHIBIT "A"**LEGAL DESCRIPTION OF THE LAND****TRACT 1:**

ALL OF THAT CERTAIN LOT, TRACT OR PARCEL OF LAND, SITUATED IN HAYS COUNTY, TEXAS, AND, BEING ALL OF LOTS NOS. ONE (1), TWO (2), AND THREE (3), IN BLOCK NO. THREE (3) OF THE P.C. WOODS ADDITION TO THE CITY OF SAN MARCOS, HAYS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME "T", PAGE 80 OF THE DEED RECORDS OF HAYS COUNTY, TEXAS, AND BEING THE SAME REAL PROPERTY AS THAT CONVEYED AND DESCRIBED IN A DEED FROM MRS. MARY S. MCGEE, A WIDOW TO WILLIAM A. PENNINGTON AND EDRA C. PENNINGTON, DATED FEBRUARY 1, 1950, AND RECORDED IN VOLUME 145, PAGES 533-535 OF THE DEED RECORDS OF HAYS COUNTY, TEXAS, LESS AND EXCEPT, HOWEVER, A PORTION OF SAID LOTS NOS. ONE (1) AND TWO (2) IN BLOCK NO. THREE (3) OF SAID P.C. WOODS ADDITION, BEING SIXTY-FIVE (65) FEET BY SIXTY-FIVE (65) FEET, AND BEING MORE FULLY DESCRIBED IN AND CONVEYED BY A DEED FROM WILLIAM C. ALLBRIGHT AND EDRA PENNINGTON ALLBRIGHT TO WILLIAM C. PENNINGTON AND LINDA K. PENNINGTON, DATED SEPTEMBER 22, 1970, AND RECORDED IN VOLUME 239, PAGES 397-400 OF THE DEED RECORDS OF HAYS COUNTY, TEXAS.

TRACT 2:

ALL OF THAT CERTAIN LOT, TRACT OR PARCEL OF LAND, SITUATED IN THE CITY OF SAN MARCOS, HAYS COUNTY, TEXAS, AND BEING A SMALL TRACT OF LAND SIXTY-FIVE (65) FEET BY SIXTY-FIVE (65) FEET, A PORTION OF LOTS NOS. ONE (1) AND TWO (2), IN BLOCK NO. THREE OF THE P.C. WOODS ADDITION TO THE CITY OF SAN MARCOS, HAYS COUNTY, TEXAS, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS, TO-WIT:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT NO. ONE (1) AT A POINT IN THE SOUTH LINE OF PAT GARRISON STREET;

THENCE WITH SAID SOUTH LINE OF PAT GARRISON STREET IN AN EASTERLY DIRECTION FOR 60 FEET TO THE ACTUAL PLACE OF BEGINNING OF SAID 65 BY 65 FOOT PORTION OF LAND;

THENCE AT RIGHT ANGLE TO THE LAST-MENTIONED CALL AND PARALLEL WITH THE MUTUAL BOUNDARY LINE BETWEEN LOTS ONE (1) AND TWO (2), IN A SOUTHERLY DIRECTION FOR 65 FEET TO A POINT FOR THE SOUTHEAST CORNER OF SAID 65 BY 65 FOOT PORTION OF LAND;

THENCE CONTINUING WITH SAID SOUTH LINE OF PAT GARRISON STREET IN THE SAME EASTERLY DIRECTION FOR 65 FEET TO A POINT FOR THE NORTHEAST CORNER OF SAID 65 BY 65 FOOT PORTION OF LAND;

THENCE AT RIGHT ANGLE TO THE LAST-MENTIONED CALL AND PARALLEL WITH THE SAID SOUTH LINE OF PAT GARRISON STREET, IN A WESTERLY DIRECTION FOR 65 FEET TO A POINT FOR THE SOUTHWEST CORNER OF SAID 65 BY 65 FOOT PORTION OF LAND;

THENCE AT RIGHT ANGLE TO THE LAST-MENTIONED CALL AND PARALLEL WITH SAID MUTUAL BOUNDARY LINE OF LOTS ONE (1) AND TWO (2) IN A NORTHERLY DIRECTION FOR 65 FEET TO THE NORTHWEST CORNER OF SAID 65 BY 65 FOOT PORTION OF LAND, SUCH CORNER BEING THE PLACE OF BEGINNING, AND SAID MAP OR PLAT AND ITS SAID RECORD ARE HERE REFERRED TO AND MADE A PART THERETO FOR ALL PERTINENT, LEGAL AND DESCRIPTIVE PURPOSES.

TRACT 3:

BEING A 0.329 ACRE TRACT OF LAND SITUATED IN THE J. VERAMENDI SURVEY, ABSTRACT NO. 17, BEING A PART OF FARM LOT 21 OF THE ORIGINAL TOWN OF SAN MARCOS, HAYS COUNTY, TEXAS AND BEING ALL OF THAT CERTAIN TRACT OF LAND AS DESCRIBED IN GENERAL WARRANTY DEED TO PENN-COLLIER-KYLE, LTD IN VOLUME 1282, PAGE 190 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS; SAID 0.329 ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, WITH BEARINGS BASED ON THE TEXAS COORDINATE SYSTEM OF 1983, SOUTH CENTRAL ZONE:

BEGINNING: AT A 3/8-INCH IRON ROD FOUND ON THE SOUTHEASTERN LINE OF PAT GARRISON STREET (R.O.W. VARIES) FOR THE NORTHEASTERN CORNER OF THIS HEREIN DESCRIBED TRACT, THE NORTHWESTERN CORNER OF A CALLED 0.3314-ACRE TRACT OF LAND DESCRIBED IN A SPECIAL WARRANTY DEED TO CARL SIMEK IN VOLUME 3925, PAGE 1 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS;

THENCE: SOUTH 08°51'57" EAST A DISTANCE OF 172.09 FEET ALONG THE WESTERN LINE OF THE SAID 0.3314-ACRE TRACT, THE EASTERN LINE OF THE SAID TRACT IN VOLUME 1282, PAGE 190 TO A CALCULATED POINT ON THE NORTHWESTERN LINE OF LOT 4A, REPLAT OF ORIGINAL TOWN OF SAN MARCOS SUBDIVISION AS RECORDED IN VOLUME 3, PAGE 240 OF THE PLAT RECORDS OF HAYS COUNTY, TEXAS, FOR THE SOUTHEASTERN CORNER OF THIS HEREIN DESCRIBED TRACT, THE SOUTHWESTERN CORNER OF THE SAID 0.3314-ACRE TRACT, FROM WHICH A 1/2-INCH IRON ROD FOUND BEARS SOUTH 08°51'57" EAST A DISTANCE OF 0.20 FEET;

THENCE: SOUTH 81°43'04" WEST A DISTANCE OF 83.33 FEET ALONG THE NORTHERN LINE OF SAID LOT 4A, THE SOUTHERN LINE OF THE SAID TRACT IN VOLUME 1282, PAGE 190 TO A 5/8-INCH IRON ROD WITH CAP STAMPED "QUIDDITY ENG" SET ON THE NORTHEASTERN LINE OF N. COMANCHE STREET (R.O.W. VARIES) FOR THE SOUTHWESTERN CORNER OF THIS HEREIN DESCRIBED TRACT, FROM WHICH A MAG NAIL WITH WASHER STAMPED "HMT" FOUND FOR THE NORTHWESTERN CORNER OF SAID LOT 4A BEARS SOUTH 81°43'07" WEST A DISTANCE OF 6.47 FEET;

THENCE: NORTH 08°52'02" WEST A DISTANCE OF 171.45 FEET ALONG THE NORTHEASTERN LINE OF SAID N. COMANCHE STREET TO A CHISELED "X" IN CONCRETE SET AT THE INTERSECTION OF N. COMANCHE STREET AND PAT GARRISON STREET, FOR THE NORTHWESTERN CORNER OF THIS HEREIN DESCRIBED TRACT;

THENCE: NORTH 81°16'25" EAST A DISTANCE OF 83.33 FEET ALONG THE SOUTHEASTERN LINE OF SAID PAT GARRISON STREET TO THE POINT OF BEGINNING AND CONTAINING 0.329-ACRES OF LAND.

EXHIBIT "B"

EXCEPTIONS TO CONVEYANCE AND WARRANTY

1. Permanent easement granted to the City of San Marcos on June 13, 1978, and recorded in Volume 311, Page 636, Deed Records, Hays County, Texas.
2. The Land lies within the boundaries of Edwards Underground Water District

**THE STATE OF TEXAS
COUNTY OF HAYS**

I hereby certify that this instrument was FILED on the date and the time stamped hereon by me and was duly RECORDED in the Records of Hays County, Texas.

25024942 DEED
07/07/2025 05:01:41 PM Total Fees: \$49.00

Elaine H. Cárdenas, MBA, PhD, County Clerk
Hays County, Texas



NOTES:

The survey shown hereon has been prepared as the result of an on the ground survey completed on June 18, 2024.

The bearings shown hereon are referenced to the Texas Coordinate System of 1983, South Central Zone.

The Surveyor has not abstracted the subject property, nor made any independent investigation or search for easements of record, restrictive covenants or any other encumbrances.

The recorded easements, setbacks and encumbrances shown hereon are from Schedule B of the commitment for title insurance issued by Chicago Title Insurance Company, OF No. sct-48-4300112408796-RJ, effective date October 9, 2024, issue date October 15, 2024. The Surveyor has relied upon the accuracy and completeness of the information described above and has made no independent investigation or search for this information.

By scaling the surveyed tract onto the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) No. 48209C0389F, revised date September 2, 2005, the subject property is in ZONE X (unshaded), defined as areas determined to be outside the 0.2% annual chance floodplain. The Surveyor makes no representation as to the accuracy of said FIRM or that it is the most current published flood map.

The utility appurtenances shown hereon include those visible at the time of the survey and are for general locative purposes only. In providing this boundary survey, no attempt has been made to obtain or show data concerning existence, size, depth, condition, capacity or location of any utility existing on or adjacent to the site, whether private, municipal or public owned.

The buildings and other improvements shown hereon represent the outline at ground level. The Surveyor has not located any underground buildings, overhead protrusions or improvements not obvious and located at ground level, unless otherwise noted.

Surveyor has not identified any geological or environmental conditions in connection with the subject property and Surveyor fully disclaims any and all responsibility related to issues or claims related thereto or resulting there from.

There was not observed evidence of recent earth moving, building construction or building additions.

There was not observed evidence of recent street or sidewalk construction or repairs.

LEGAL DESCRIPTION

TRACT 1:

ALL OF THAT CERTAIN LOT, TRACT OR PARCEL OF LAND, SITUATED IN HAYS COUNTY, TEXAS, AND BEING ALL OF LOTS NOS. ONE (1), TWO (2), AND THREE (3), IN BLOCK NO. THREE (3) OF THE P.C. WOODS ADDITION TO THE CITY OF SAN MARCOS, HAYS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 11, PAGE 80 OF THE DEED RECORDS OF HAYS COUNTY, TEXAS, AND BEING THE SAME REAL PROPERTY AS THAT CONVEYED AND DESCRIBED IN A DEED FROM MRS. MARY S. MCGEE, A WIDOW TO WILLIAM A. PENNINGTON AND EDRA C. PENNINGTON, DATED FEBRUARY 1, 1950, AND RECORDED IN VOLUME 145, PAGES 533-535 OF THE DEED RECORDS OF HAYS COUNTY, TEXAS, LESS AND EXCEPT, HOWEVER, A PORTION OF SAID LOTS NOS. ONE (1) AND TWO (2) IN BLOCK NO. THREE (3) OF SAID P.C. WOODS ADDITION, BEING SIXTY-FIVE (65) FEET BY SIXTY-FIVE (65) FEET, AND BEING MORE FULLY DESCRIBED BY A DEED FROM WILLIAM C. ALLBRIGHT AND EDRA PENNINGTON ALLBRIGHT TO WILLIAM C. PENNINGTON AND LINDA K. PENNINGTON, DATED SEPTEMBER 22, 1970, AND RECORDED IN VOLUME 239, PAGES 397-400 OF THE DEED RECORDS OF HAYS COUNTY, TEXAS.

TRACT 2:

ALL OF THAT CERTAIN LOT, TRACT OR PARCEL OF LAND, SITUATED IN THE CITY OF SAN MARCOS, HAYS COUNTY, TEXAS, AND BEING A SMALL TRACT OF LAND SIXTY-FIVE (65) FEET BY SIXTY-FIVE (65) FEET, A PORTION OF LOTS NOS. ONE (1) AND TWO (2), IN BLOCK NO. THREE (3) OF THE P.C. WOODS ADDITION TO THE CITY OF SAN MARCOS, HAYS COUNTY, TEXAS, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS, TO-WIT:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT NO. ONE (1) AT A POINT IN THE SOUTH LINE OF PAT GARRISON STREET;

THENCE WITH SAID SOUTH LINE OF PAT GARRISON STREET IN AN EASTERLY DIRECTION FOR 60 FEET TO THE ACTUAL PLACE OF BEGINNING OF SAID 65 BY 65 FOOT PORTION OF LAND;

THENCE CONTINUING WITH SAID SOUTH LINE OF PAT GARRISON STREET IN THE SAME EASTERLY DIRECTION FOR 65 FEET TO A POINT FOR THE NORTHEAST CORNER OF SAID 65 BY 65 FOOT PORTION OF LAND;

THENCE AT RIGHT ANGLE TO THE LAST-MENTIONED CALL AND PARALLEL WITH THE MUTUAL BOUNDARY LINE BETWEEN LOTS ONE (1) AND TWO (2), IN A SOUTHERLY DIRECTION FOR 65 FEET TO A POINT FOR THE SOUTHWEST CORNER OF SAID 65 BY 65 FOOT PORTION OF LAND;

THENCE AT RIGHT ANGLE TO THE LAST-MENTIONED CALL AND PARALLEL WITH THE SAID SOUTH LINE OF PAT GARRISON STREET, IN A WESTERLY DIRECTION FOR 65 FEET TO A POINT FOR THE SOUTHWEST CORNER OF SAID 65 BY 65 FOOT PORTION OF LAND;

THENCE AT RIGHT ANGLE TO THE LAST-MENTIONED CALL AND PARALLEL WITH SAID MUTUAL BOUNDARY LINE OF LOTS ONE (1) AND TWO (2) IN A NORTHERLY DIRECTION FOR 65 FEET TO THE NORTHWEST CORNER OF SAID 65 BY 65 FOOT PORTION OF LAND, SUCH CORNER BEING THE PLACE OF BEGINNING, AND SAID MAP OR PLAT AND ITS SAID RECORD ARE HERE REFERRED TO AND MADE A PART THEREOF FOR ALL PERTINENT, LEGAL, AND DESCRIPTIVE PURPOSES.

TRACT 3:

BEING A 0.329 ACRE TRACT OF LAND SITUATED IN THE J. VERAMENDI SURVEY, ABSTRACT NO. 17, BEING A PART OF FARM LOT 21 OF THE ORIGINAL TOWN OF SAN MARCOS, HAYS COUNTY, TEXAS AND BEING ALL OF THAT CERTAIN TRACT OF LAND AS DESCRIBED IN GENERAL WARRANTY DEED TO PENN-COLLIER-KYLE, LTD IN VOLUME 1282, PAGE 190 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS; SAID 0.329 ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, WITH BEARINGS BASED ON THE TEXAS COORDINATE SYSTEM OF 1983, SOUTH CENTRAL ZONE.

BEGINNING: AT A 3/8-INCH IRON ROD FOUND ON THE SOUTHEASTERN LINE OF PAT GARRISON STREET (R.O.W. VARIES) FOR THE NORTHEASTERN CORNER OF THIS HEREIN DESCRIBED TRACT, THE NORTHWESTERN CORNER OF A CALLED 0.3314-ACRE TRACT OF LAND DESCRIBED IN A SPECIAL WARRANTY DEED TO CARL SIMEX IN VOLUME 3925, PAGE 1 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS;

THENCE: SOUTH 08°51'57" EAST A DISTANCE OF 172.09 FEET ALONG THE WESTERN LINE OF THE SAID 0.3314-ACRE TRACT, THE EASTERN LINE OF THE SAID TRACT IN VOLUME 1282, PAGE 190 TO A CALCULATED POINT ON THE NORTHWESTERN CORNER OF LOT 4A, REPLAT OF ORIGINAL TOWN OF SAN MARCOS SUBDIVISION AS RECORDED IN VOLUME 3, PAGE 240 OF THE PLAT RECORDS OF HAYS COUNTY, TEXAS, FOR THE SOUTHEASTERN CORNER OF THIS HEREIN DESCRIBED TRACT, THE SOUTHWESTERN CORNER OF THE SAID 0.3314-ACRE TRACT, FROM WHICH A 1/2-INCH IRON ROD FOUND BEARS SOUTH 08°51'57" EAST A DISTANCE OF 0.20 FEET;

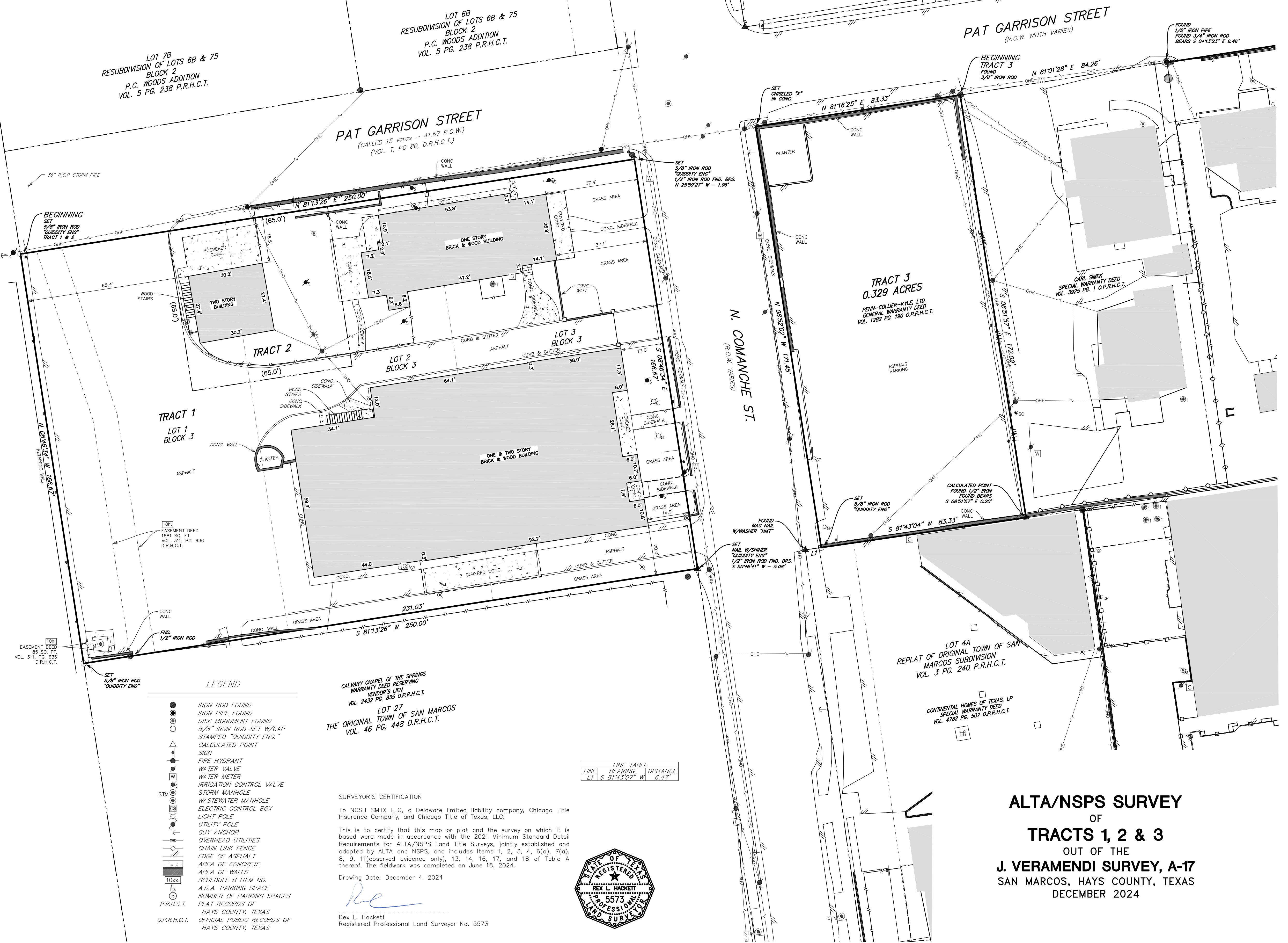
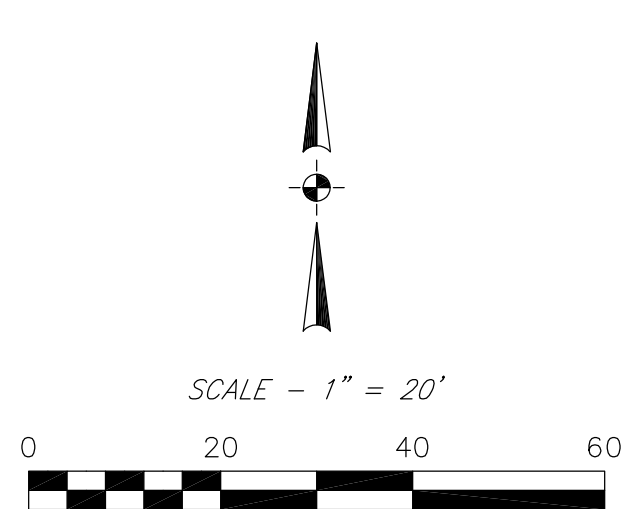
THENCE: SOUTH 81°43'04" WEST A DISTANCE OF 83.33 FEET ALONG THE NORTHERN LINE OF SAID LOT 4A, THE SOUTHERN LINE OF THE SAID TRACT IN VOLUME 1282, PAGE 190 TO A 5/8-INCH IRON ROD WITH CAP STAMPED "QUIDDITY ENG." SET ON THE NORTHEASTERN LINE OF N. COMANCHE STREET (R.O.W. VARIES) FOR THE SOUTHWESTERN CORNER OF THIS HEREIN DESCRIBED TRACT, FROM WHICH A MARK NAIL WITH WASHER STAMPED "HMT" FOUND FOR THE NORTHWESTERN CORNER OF SAID LOT 4A BEARS SOUTH 81°43'07" WEST A DISTANCE OF 6.47 FEET;

THENCE: NORTH 08°52'02" WEST A DISTANCE OF 171.45 FEET ALONG THE NORTHEASTERN LINE OF SAID N. COMANCHE STREET TO A CHISELED "X" IN CONCRETE SET AT THE INTERSECTION OF N. COMANCHE STREET AND PAT GARRISON STREET, FOR THE NORTHWESTERN CORNER OF THIS HEREIN DESCRIBED TRACT;

THENCE: NORTH 81°16'25" EAST A DISTANCE OF 83.33 FEET ALONG THE SOUTHEASTERN LINE OF SAID PAT GARRISON STREET TO THE POINT OF BEGINNING AND CONTAINING 0.329-ACRES OF LAND.

SCHEDULE B ITEMS:

10h. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document.
Granted to: City of San Marcos
Purpose: Permanent easement
Recording Date: June 13, 1978
Recording No: Volume 311, Page 636, Official Public Records of Hays County, Texas
AFFECTS Tract 1, shown hereon.



- LEGEND
IRON ROD FOUND
IRON PIPE FOUND
DISK MARKER FOUND
5/8" IRON ROD SET W/CAP STAMPED "QUIDDITY ENG."
CALCULATED POINT
SIGN
FIRE HYDRANT
WATER VALVE
WATER METER
IRRIGATION CONTROL VALVE
STORM MANHOLE
WASTEWATER MANHOLE
ELECTRIC CONTROL BOX
LIGHT POLE
UTILITY POLE
GUY ANCHOR
OVERHEAD UTILITIES
CHAIN LINK FENCE
EDGE OF ASPHALT
AREA OF CONCRETE
AREA OF WALLS
SCHEDULE B ITEM NO.
A.D.A. PARKING SPACE
NUMBER OF PARKING SPACES
PLAT RECORDS OF
HAYS COUNTY, TEXAS
OFFICIAL PUBLIC RECORDS OF
HAYS COUNTY, TEXAS

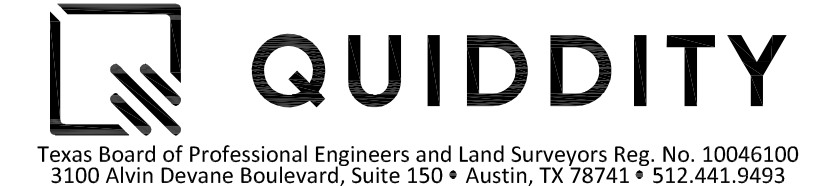
CALVARY CHAPEL OF THE SPRINGS
WARRANTY DEED RESERVING
VENDOR'S LIEN
VOL. 2432 PG. 835 O.P.R.H.C.T.
LOT 27
THE ORIGINAL TOWN OF SAN MARCOS
VOL. 46 PG. 448 D.R.H.C.T.

SURVEYOR'S CERTIFICATION
To NCSH SMX LLC, a Delaware limited liability company, Chicago Title Insurance Company, and Chicago Title of Texas, LLC:
This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2021 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes items 1, 2, 3, 4, 6(a), 7(a), 8, 9, 11 (observed evidence only), 13, 14, 16, 17, and 18 of Table A thereof. The fieldwork was completed on June 18, 2024.
Drawing Date: December 4, 2024

Signature of Rex L. Hockett
Rex L. Hockett
Registered Professional Land Surveyor No. 5573



LINE TABLE
LINE BEARING DISTANCE
L1 S 81°43'07" W 6.47'



ALTA/NSPS SURVEY
OF
TRACTS 1, 2 & 3
OUT OF THE
J. VERAMENDI SURVEY, A-17
SAN MARCOS, HAYS COUNTY, TEXAS
DECEMBER 2024