

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



Updated: September, 2020

CONTACT INFORMATION

| | | | |
|------------------------------------|-------------------------------|--------------------------------|--|
| Applicant's Name | Pam Madere | Property Owner | |
| Company | Jackson Walker LLP | Company | |
| Applicant's Mailing Address | 100 Congress Ave, Suite 1100, | Owner's Mailing Address | |
| Applicant's Phone # | 512-236-2048 | Owner's Phone # | |
| Applicant's Email | pmadere@jw.com | Owner's Email | |

PROPERTY INFORMATION

Subject Property Address(es): _____

Legal Description: Lot _____ Block _____ Subdivision _____

Total Acreage: _____ **Tax ID #: R** _____

Preferred Scenario Designation: _____ **Existing Zoning:** _____

Existing Land Use(s): _____

DESCRIPTION OF REQUEST

Proposed Zoning District(s): _____

Proposed Land Uses / Reason for Change: _____

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* \$1,057 plus \$100 per acre Technology Fee \$13 MAXIMUM COST \$3,013

**Existing Neighborhood Regulating Plan Included.*

Submission of this digital Application shall constitute as acknowledgement and authorization to process this request.

APPLY ONLINE – WWW.MYGOVERNMENTONLINE.ORG/

**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 \$91 plus a \$13 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 \$91 plus a \$13 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: Pal Mah

Date: _____


Print Name: _____


Form Updated October, 2019

PROPERTY OWNER AUTHORIZATION

I, REID M^CCOY (owner name) on behalf of
M^CCOY FAMILY PARTNERSHIP ONE (company, if applicable) acknowledge that I/we
am/are the rightful owner of the property located at
_____ (address).

I hereby authorize Pamela Madere (agent name) on behalf of
Jackson Walker LLP (agent company) to file this application for
rezoning (application type), and, if necessary, to work with
the Responsible Official / Department on my behalf throughout the process.

Signature of Owner:  Date: 2/8/22
Printed Name, Title: REID B M^CCOY, TREASURER

Signature of Agent:  Date: 2-1-22
Printed Name, Title: Pamela Madere, Partner

Form Updated October 2019



Pamela Madere
(512) 236-2048 (Direct Dial)
(512) 236-2002 (Direct Fax)
pmadere@jw.com

February 9, 2022

Shannon Mattingly, Director
Planning and Development Services Department
City of San Marcos
630 E. Hopkins Street
San Marcos, TX 78666

Re: Zoning Application for 64.80 acres out of the C. Wickson Survey, Abstract No. 474 and Barnett O. Kane Survey, Abstract No. 281, Clovis Barker Road, Hays County, Texas (*the “Property”*)

Dear Ms. Mattingly:

As authorized by the McCoy Family Partnership One (the “Owner”), we are submitting this zoning application for “LI” Light Industrial zoning in order to develop the Property for industrial use.

The Property is currently zoned “FD” Future Development and is undeveloped. The Comprehensive Plan shows the Property as Preferred Scenario/Employment Center. The balance of the Property will remain “FD” which is the area designated as Open Space in the Comprehensive Plan.

Thank you for reviewing our request.

Sincerely,

A handwritten signature in blue ink that reads 'Pam Madere' in a cursive script.

Pamela Madere

31758381v.1



WINDROSE

LAND SURVEYING | PLATTING

DESCRIPTION OF 64.80 ACRES OR 2,822,678 SQ. FT.

A TRACT OR PARCEL CONTAINING 64.80 ACRES OR 2,822,678 SQUARE FEET OF LAND, SITUATED IN THE C. WICKSON SURVEY, ABSTRACT NO. 474 AND BARNETT O. KANE SURVEY, ABSTRACT NO. 281, HAYS COUNTY, TEXAS, BEING THE RESIDUE OF A CALLED 166.670 ACRE TRACT CONVEYED TO MCCOY FAMILY PARTNERSHIP ONE, LTD, AS RECORDED UNDER VOL. 2527, PG. 319, OFFICIAL PUBLIC RECORDS OF HAYES COUNTY (O.P.R.H.C.), WITH SAID 64.80 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS, WITH ALL BEARING BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE (NAD 83):

BEGINNING AT A CAPPED 5/8 INCH IRON ROD STAMPED "PROTECH" FOUND ON THE NORTHEAST RIGHT-OF-WAY (R.O.W.) LINE OF CLOVIS BARKER ROAD (80 FEET WIDE), THE NORTHWEST LINE OF SAID 166.670 ACRE TRACT AND MARKING THE SOUTH CORNER OF LOT 1, GENLYTE INDUSTRIAL PARK, MAP OR PLAT THEREOF RECORDED UNDER VOL. 9, PG. 372, HAYES COUNTY PLAT RECORDS (H.C.P.R.), CONVEYED TO GENLYTE THOMAS GROUP LLC, AS RECORDED UNDER HAYES COUNTY CLERK'S FILE (H.C.C.F.) NO. 03012357, FOR THE WEST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, NORTH 44 DEG. 40 MIN. 42 SEC. EAST, WITH THE COMMON LINE OF SAID 166.670 ACRE TRACT AND SAID LOT 1, PASSING AT A DISTANCE OF 1,530.88 FEET, A CAPPED 1/2 INCH IRON ROD STAMPED "DOUCET" FOUND, BEARING FOR REFERENCE NORTH 17 DEG. 53 MIN. E - 0.77 FEET, MARKING THE SOUTH CORNER OF A TRACT OF LAND CONVEYED TO THE CITY OF SAN MARCOS, A MUNICIPAL CORPORATION, AS RECORDED UNDER H.C.C.F. NO. 0301998, AND CONTINUING WITH THE SOUTHEAST LINE OF SAID THE CITY OF SAN MARCOS TRACT, FOR A TOTAL DISTANCE OF 1,635.92 FEET FOR THE EASTERLY SOUTHEAST CORNER OF SAID THE CITY OF SAN MARCOS TRACT, A SOUTHWEST CORNER OF A CALLED 109.42 ACRE TRACT CONVEYED TO BARRACKS EXPANSION LLC, AS RECORDED UNDER H.C.C.F. NO. 21005056, FROM WHICH A 1/2 INCH IRON ROD FOUND BEARS FOR REFERENCE SOUTH 49 DEG. 24 MIN. EAST - 0.39 FEET;

THENCE, NORTH 43 DEG. 50 MIN. 35 SEC. EAST, WITH A SOUTHEAST LINE OF SAID 109.42 ACRE TRACT, A DISTANCE OF 175.96 FEET TO THE MOST WESTERLY NORTH CORNER OF AND **POING OF BEGINNING** OF THE HEREIN DESCRIBED TRACT;

THENCE, THROUGH AND ACROSS SAID 166.670 ACRE TRACT, THE FOLLOWING TWENTY-SIX (26) COURSES AND DISTANCES;

- SOUTH 48 DEG. 23 MIN. 33 SEC. EAST, A DISTANCE OF 152.38 FEET TO AN ANGLE POINT;
- SOUTH 35 DEG. 43 MIN. 14 SEC. EAST, A DISTANCE OF 121.15 FEET TO AN ANGLE POINT;
- SOUTH 46 DEG. 25 MIN. 25 SEC. EAST, A DISTANCE OF 180.91 FEET TO AN ANGLE POINT;
- SOUTH 55 DEG. 34 MIN. 28 SEC. EAST, A DISTANCE OF 115.46 FEET TO AN ANGLE POINT;
- SOUTH 55 DEG. 47 MIN. 49 SEC. EAST, A DISTANCE OF 284.57 FEET TO AN ANGLE POINT;
- SOUTH 65 DEG. 33 MIN. 08 SEC. EAST, A DISTANCE OF 241.05 FEET TO AN ANGLE POINT;
- SOUTH 69 DEG. 46 MIN. 25 SEC. EAST, A DISTANCE OF 187.64 FEET TO AN ANGLE POINT;
- SOUTH 52 DEG. 13 MIN. 11 SEC. EAST, A DISTANCE OF 88.08 FEET TO AN ANGLE POINT;
- SOUTH 50 DEG. 20 MIN. 38 SEC. WEST, A DISTANCE OF 75.04 FEET TO AN ANGLE POINT;
- SOUTH 41 DEG. 25 MIN. 59 SEC. WEST, A DISTANCE OF 65.44 FEET TO AN ANGLE POINT;
- SOUTH 32 DEG. 44 MIN. 35 SEC. WEST, A DISTANCE OF 65.72 FEET TO AN ANGLE POINT;
- SOUTH 08 DEG. 08 MIN. 13 SEC. WEST, A DISTANCE OF 73.63 FEET TO AN ANGLE POINT;
- SOUTH 01 DEG. 47 MIN. 55 SEC. WEST, A DISTANCE OF 78.40 FEET TO AN ANGLE POINT;
- SOUTH 01 DEG. 06 MIN. 50 SEC. WEST, A DISTANCE OF 254.43 FEET TO AN ANGLE POINT;
- SOUTH 27 DEG. 11 MIN. 19 SEC. WEST, A DISTANCE OF 77.86 FEET TO AN ANGLE POINT;
- SOUTH 24 DEG. 21 MIN. 59 SEC. WEST, A DISTANCE OF 256.39 FEET TO AN ANGLE POINT;
- SOUTH 24 DEG. 18 MIN. 56 SEC. WEST, A DISTANCE OF 268.49 FEET TO AN ANGLE POINT;
- SOUTH 42 DEG. 38 MIN. 00 SEC. WEST, A DISTANCE OF 52.41 FEET TO AN ANGLE POINT;
- NORTH 74 DEG. 03 MIN. 27 SEC. WEST, A DISTANCE OF 278.48 FEET TO AN ANGLE POINT;

NORTH 87 DEG. 36 MIN. 55 SEC. WEST, A DISTANCE OF 184.46 FEET TO AN ANGLE POINT;

SOUTH 73 DEG. 18 MIN. 34 SEC. WEST, A DISTANCE OF 114.09 FEET TO AN ANGLE POINT;

SOUTH 68 DEG. 12 MIN. 23 SEC. WEST, A DISTANCE OF 123.97 FEET TO AN ANGLE POINT;

SOUTH 65 DEG. 39 MIN. 55 SEC. WEST, A DISTANCE OF 212.37 FEET TO AN ANGLE POINT;

SOUTH 55 DEG. 37 MIN. 56 SEC. WEST, A DISTANCE OF 113.81 FEET TO AN ANGLE POINT;

SOUTH 50 DEG. 19 MIN. 51 SEC. WEST, A DISTANCE OF 68.69 FEET TO AN ANGLE POINT;

SOUTH 41 DEG. 48 MIN. 46 SEC. WEST, A DISTANCE OF 61.81 FEET TO THE EAST R.O.W. LINE OF SAID CLOVIS BARKER ROAD FOR THE SOUTHWEST CORNER OF THE HEREIN DESCRIBED TRACT;

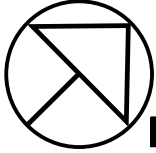
THENCE, NORTH 45 DEG. 50 MIN. 34 SEC. WEST, WITH THE EAST R.O.W. LINE OF SAID CLOVIS BARKER ROAD, A DISTANCE OF 1,231.83 FEET TO THE **POINT OF BEGINNING** AND CONTAINING 64.80 ACRES OR 2,822,678 SQUARE FEET OF LAND, AS SHOWN ON JOB NO. 57259-EXHIBIT 2, PREPARED BY WINDROSE LAND SERVICES.



ROBERT KNESS
R.P.L.S. NO. 6486
STATE OF TEXAS
FIRM REGISTRATION NO. 10108800



02/02/2022
DATE:



NORTH

SCALE: 1" = 400'

GENERAL NOTES

1. SURVEYOR DID NOT ABSTRACT SUBJECT PROPERTY, THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A CURRENT TITLE REPORT OR ABSTRACTORS CERTIFICATE AND WOULD BE SUBJECT TO ANY AND ALL CONDITIONS OR RESTRICTIONS THAT A CURRENT TITLE REPORT OR ABSTRACTORS CERTIFICATE MAY DISCLOSE.
2. BEARINGS WERE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE. (NAD83)
3. THIS EXHIBIT IS ACCOMPANIED BY A SEPARATE METES AND BOUNDS DESCRIPTION.
4. THIS EXHIBIT DOES NOT IMPLY TO BE A LAND TITLE SURVEY OF THE SUBJECT PROPERTY AND IS NOT INTENDED TO BE USED FOR TITLE CONVEYANCE PURPOSES.

LOT 1
 GENLYTE INDUSTRIAL PARK
 VOL. 9, PG. 372, H.C.P.R.

GENLYTE THOMAS GROUP LLC
 H.C.C.F. NO. 03012357

THE CITY OF SAN MARCOS,
 A MUNICIPAL CORPORATION
 H.C.C.F. NO. 03019983

FND 1/2" IR
 BEARS FOR REFERENCE
 S 49°24' E - 0.39'

FND 1/2" CAPPED IR
 "ATM"

FND 1/2" CAPPED IR
 "DOUCET"
 BEARS FOR REFERENCE
 N 17°53' E - 0.77'

PRESCRIPTIVE-NO RECORD FOUND

CLOVIS BARKER ROAD

P.O.B.
 FND 5/8" CAPPED IR
 "PROTECH"

N 45°50'34" W 1,231.83'

N 44°40'42" E 1,635.92'

1,530.88

C. WICKSON SURVEY,
 A-474

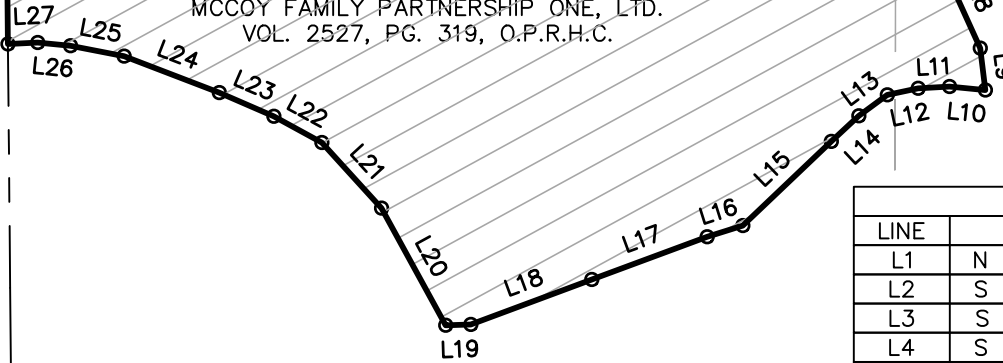
APPROXIMATE
 SURVEY LINE

BARNETT O. KANE SURVEY,
 A-281

64.80 ACRES
 2,822,678 SQ. FT.

RESIDUE OF CALLED 166.670 ACRES
 MCCOY FAMILY PARTNERSHIP ONE, LTD.
 VOL. 2527, PG. 319, O.P.R.H.C.

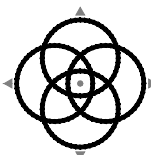
CALLED 109.42 ACRES
 BARRACKS EXPANSION LLC
 H.C.C.F. NO. 21005056



| LINE TABLE | | |
|------------|---------------|----------|
| LINE | BEARING | DISTANCE |
| L1 | N 43°50'35" E | 175.96' |
| L2 | S 48°23'33" E | 152.38' |
| L3 | S 35°43'14" E | 121.15' |
| L4 | S 46°25'25" E | 180.91' |
| L5 | S 55°34'28" E | 115.46' |
| L6 | S 55°47'49" E | 284.57' |
| L7 | S 65°33'08" E | 241.05' |
| L8 | S 69°46'25" E | 187.64' |
| L9 | S 52°13'11" E | 88.08' |
| L10 | S 50°20'38" W | 75.04' |
| L11 | S 41°25'59" W | 65.44' |
| L12 | S 32°44'35" W | 65.72' |
| L13 | S 08°08'13" W | 73.63' |
| L14 | S 01°47'55" W | 78.40' |
| L15 | S 01°06'50" W | 254.43' |
| L16 | S 27°11'19" W | 77.86' |
| L17 | S 24°21'59" W | 256.39' |
| L18 | S 24°18'56" W | 268.49' |
| L19 | S 42°38'00" W | 52.41' |
| L20 | N 74°03'27" W | 278.48' |
| L21 | N 87°36'55" W | 184.46' |
| L22 | S 73°18'34" W | 114.09' |
| L23 | S 68°12'23" W | 123.97' |
| L24 | S 65°39'55" W | 212.37' |
| L25 | S 55°37'56" W | 113.81' |
| L26 | S 50°19'51" W | 68.69' |
| L27 | S 41°48'46" W | 61.81' |

EXHIBIT OF
 64.80 ACRES / 2,822,678 SQ. FT.
 SITUATED IN THE
 C. WICKSON SURVEY, A-474 &
 BARNETT O. KANE SURVEY, A-281
 HAYS COUNTY, TEXAS

| | | | |
|--------------|-----------------|-------|-----------|
| FIELD BY: | - | DATE: | 2-02-2022 |
| DRAWN BY: | CG | REV: | |
| CHECKED BY: | CC | REV: | |
| JOB NO. | 57259-EXHIBIT 2 | REV: | |
| SHEET 1 OF 3 | | REV: | |



WINDROSE
 LAND SURVEYING | PLATTING

11111 RICHMOND AVE, STE 150 | HOUSTON, TX 77082 | 713.458.2281
 FIRM REGISTRATION NO. 10108800 | WINDROSESERVICES.COM



OWNERSHIP AND LIEN SEARCH

Issued: January 27, 2022

This is to certify that we have searched the records of Hays County in the Office of Corridor Title Company, through January 20, 2022, at 8:00 a.m. as to the following described property, to-wit:

LEGAL DESCRIPTION:

A tract or parcel containing 112.2 acres, more or less, situated in the C. WICKSON SURVEY, ABSTRACT 474, and the BARNETT O. KANE SURVEY, ABSTRACT 281, situated in Hays County, Texas, being the residue of a called 166.670 acre tract conveyed to McCoy Family Partnership One, Ltd. in Volume 2513, Page 462 and Volume 2527, Page 319, of the Official Public Records of Hays County, Texas, said 112.2 acre tract being more particularly described by metes and bounds in Exhibit "A" attached hereto.

RECORD TITLE APPEARS TO BE VESTED IN:

McCoy Family Partnership One, Ltd.

LIENS:

None Found of Record.

This certificate is for the use of and shall insure to the benefit of Maria Elizabeth Soto and Francisco Martinez and is issued in consideration of \$100.00 paid to Corridor Title Company. (The Company) by same to whom said sum shall be returned as liquidated damages in the event of any mistake, error and or omissions herein, and by accepting this certificate, same agrees that said sum and no more shall constitute the full measure of damages against The Company. None of the information contained herein, or the absence of other information constitutes a representation to any party as to the status of the title to the subject property. If a title defect and/or encumbrance should exist which is not disclosed herein, The Company shall not be liable by reason of furnishing this certificate or for any verbal statements related thereto. The Company shall not be liable for any title defect unless a title policy is hereafter issued by its insuring against such title defect, and the applicable title policy premium paid. The Company's liability shall then exist only under the terms of its policy as prescribed by the Department of Insurance and as measured and limited thereby.

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

Bk Vol Ps
04024094 DPR 2527 319

STATE OF TEXAS §
§
COUNTY OF HAYS §

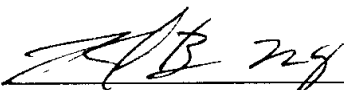
KNOW ALL MEN BY THESE PRESENTS, that REID BRIAN McCOY, Trustee of the MEAGAN LANE McCOY FAMILY TRUST, of P. O. Box 647, City of San Marcos, County of Hays, State of Texas 78667 (hereinafter referred to as "Grantor"), for and in consideration of the sum of ten and 00/100 dollars (\$10.00), and other good and valuable consideration to the undersigned paid by McCOY FAMILY PARTNERSHIP ONE, LTD., (hereinafter referred to as "Grantee"), of P. O. Box 1028, City of San Marcos, County of Hays, State of Texas 78667, the receipt of which is hereby acknowledged, has GRANTED, SOLD, and CONVEYED, and by these presents does hereby GRANT, SELL, and CONVEY unto the said Grantee an undivided 12.50% in and to the real property (including any improvements) out of the Barnett O. Kane Survey, Abstract No. 281, the Cyrus Wickson Survey, Abstract No. 474, and the J. M. Veramendi League No. 1, Hays County, Texas, described in Exhibit A attached to and made a part of this instrument, save and except the real property described in Exhibit B attached to and made a part of this instrument ("Property").

This conveyance is made and accepted subject to all validly existing easements, rights of way, and prescriptive rights, whether of record or not; all presently recorded and validly existing restrictions, reservations, covenants, conditions and other instruments that affect the Property; and taxes for the year 2004 and subsequent years, which Grantee assumes and agrees to pay, and subsequent assessments for that and prior years due to change in land usage, ownership, or both, the payment of which Grantee assumes.

TO HAVE AND TO HOLD the Property, together with all and singular the rights and appurtenances thereto in anywise belonging, unto the said Grantee, its successors and assigns forever, subject to the exception to conveyance and warranty; and Grantor does hereby bind Grantor and Grantor's successors and assigns to WARRANT AND FOREVER DEFEND all and singular the said Property unto the said Grantee, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof, by, through, or under the said Grantor, but not otherwise subject to the exceptions to conveyance and warranty provided for in this deed.

EXECUTED this 25th day of JULY, 2004.

GRANTOR



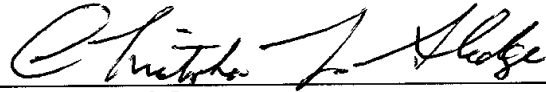
REID BRIAN McCOY, Trustee of the MEAGAN LANE McCOY FAMILY TRUST

§

§

§

This instrument was acknowledged before me on the 25TH day of JULY, 2004, by REID BRIAN McCOY, Trustee, of the MEAGAN LANE McCOY FAMILY TRUST.



Notary Public, _____

My Commission Expires:
INDEFINATE

TYPE/PRINT/STAMP NAME
CHRISTOPHER L. SLEDGE
LCDR, USN

PLEASE RETURN TO:

McCOY FAMILY PARTNERSHIP ONE, LTD.
P. O. Box 1424
San Marcos, Texas 78667



670 510

FULL NOPL DESCRIPTION OF A SURVEY MADE ON THE GROUND OF 166.670 ACRES OF LAND, MORE OR LESS, IN THE BARNETT O. KANE SURVEY A-281, THE CYRUS WICKSON SURVEY, A-474 AND THE J. M. VERAMENDI LEAGUE NC 1, ALL IN HAYS COUNTY, TEXAS, BEING A PORTON OF THAT TRACT CALLED 271.99 ACRES AS CONVEYED BY LEONARD LEIGHTON, TRUSTEE, TO TD-350 INVESTMENTS BY DEED DATED JANUARY 18, 1984 AND RECORDED IN VOLUME 414, PAGE 188 OF THE HAYS COUNTY REAL PROPERTY RECORDS, A PORTION OF THAT TRACT CALLED 52.88 ACRES CONVEYED BY ANDREW J. TICKLE, ET UX TO TD-350 INVESTMENTS BY DEED DATED JANUARY 30, 1984 AND RECORDED IN VOLUME 416, PAGE 367 OF THE HAYS COUNTY REAL PROPERTY RECORDS, AND A PORTION OF THAT TRACT CONVEYED BY ROBERT L. RIEDEL, ET AL TO RIEDEL INVESTMENTS BY DEED DATED APRIL 21, 1982 AND RECORDED IN VOLUME 374, PAGE 413 OF THE HAYS COUNTY DEED RECORDS, SAID 166 670 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 3/4" iron pipe found for a southerly southwest corner of this tract, the most southerly southwest corner of the TD-350 271.99 acre tract and in the southeast line of that tract called 58.052 acres in that deed dated October 3, 1983 conveyed by Reidel Investments to Reidel Acreage Joint Venture as recorded in Volume 403, Page 359 of the Hays County Deed Records;

THENCE leaving the PLACE OF BEGINNING as shown on that Plat No. 21760-87-25-d dated April 15, 1987 prepared for Duwe Properties by Byrn and Associates, Inc. of San Marcos, Texas, with the common line of this tract and the Reidel Acreage Joint Venture tract, as fenced, the following four calls:

1. N45°17'44"E 1656.76 feet to a fence corner post,
2. N45°20'54"W 441.88 feet to a fence post,
3. N45°27'27"W 899.47 feet to a fence post, and
4. N03°51'19"E 23.94 feet to a fence corner post for a salient west corner of this tract;

THENCE leaving the Riedel Acreage Joint Venture tract N87°46'03"E 19.77 feet to a fence corner post for the west corner of the TD-350 52.88 acre tract;

THENCE with the northwest line of the TD-350 52.88 acre tract the following three calls:

1. N44°38'13"E 488.43 feet to an 1/2" iron rod set at the south corner of that 35.86 acre tract called "Tract 1" in that deed dated October 31, 1985 conveyed by TD-350 Investments to Cottonwood Development, Inc. as recorded in Volume 560, page 535 of the Hays County Real Property Records,

670 511

- 2. N44°28'53"E 286.57 feet to an 1/2" iron rod set, and
- 3. N44°28'20"E 879.95 feet to a fence corner post for the north corner of this tract, the north corner of the TD-350 52.88 acre tract, the east corner of that 36.70 tract called "Tract 2" in that deed recorded in Volume 560, Page 535 of the Hays County Real Property Records, and in the southwest line of that tract called 116.94 acres conveyed by H. L. Schulle to Mary Ann Hood, Trustee in a deed dated November 9, 1973 and recorded in Volume 263, Page 522 of the Hays County Deed Records, pass at 200 feet, more or less, a common corner of the Cottonwood Development, Inc.'s said Tracts 1 and 2;

THENCE with the common line of the Hood tract and the TD-350 52.88 acre tract the following two calls:

- 1. S48°27'27"E 376.89 feet to an iron pipe found, and
- 2. S47°54'17"E 67.83 feet to an iron pipe found for the south corner of the Hood tract and the west corner of that 7.00 acre tract conveyed by Epafanio Velasquez, et ux to Crespín Hernandez, et ux by deed dated May 10, 1979 as recorded in Volume 326, Page 34 of the Hays County Deed Records;

THENCE S47°59'51"E 238.28 feet to an iron pipe found for the south corner of the Hernandez tract and the west corner of that 7.00 acre tract conveyed by Jose Velasquez, et ux to Joe Rivas Velasquez, Jr. by deed dated August 17, 1979 as recorded in Volume 330, Page 435 of the Hays County Deed Records;

THENCE S47°57'27"E 240.33 feet to an iron pipe found for the south corner of the Joe Rivas Velasquez, Jr. tract and the west corner of that 6.00 acre tract conveyed by Longina Velasquez, et al to Eugene R. Ferrer, et ux by deed dated August 19, 1968 as recorded in Volume 225, Page 353 of the Hays County Deed Records;

THENCE S47°54'29"E 207.58 feet to an iron pipe found for the south corner of the Ferrer tract and the west corner of that 4.96 acre tract conveyed by Longina Velasquez to Estefana Velasquez by deed dated August 19, 1968 as recorded in Volume 225, Page 348 of the Hays County Deed Records;

THENCE S48°01'01"E 173.22 feet to an 1/2" iron rod set for the south corner of the Velasquez 4.96 acre tract and the west corner of that 0.98 acre tract conveyed by TD-350 Investments to C. J. Properties by deed dated December 1, 1986 as recorded in Volume 641, Page 672 of the Hays County Real Property Records;

THENCE with the southwest line of the C. J. Properties 0.98 acre tract S47°03'45"E 35.40 feet to a fence corner post for a north-east corner of this tract, the south corner of the C. J. Properties 0.98 acre tract and in the northwest line of that 59.70 acre tract conveyed by TD-350 Investments to C. J. Properties as recorded in Volume 641, Page 672 of the Hays County Real Property Records;

THENCE leaving the C. J. Properties 0.98 acre tract with the common line of this tract and the C. J. Properties 59.70 acre tract the following four calls:

670 512

1. S44°23'59"W 496.01 feet to a fence post,
2. S44°15'45"W 280.66 feet to a fence post,
3. S44°52'07"W 274.28 feet to a fence post, and
4. S44°02'41"W 94.64 feet to an 1/2" iron rod found for an east re-entrant corner of this tract and the west corner of the C. J. Properties 59.70 acre tract;

THENCE with the southwest line of the C. J. Properties 59.70 acre tract S41°41'24"E 2505.28 feet to an 1/2" iron rod found for the most easterly corner of this tract and the south corner of the C. J. Properties 59.70 acre tract and in the northwest line of that 1.99 acre tract called "Tract Two" in that deed to James E. Braden dated May 19, 1977;

THENCE leaving the C. J. Properties 59.70 acre tract with the northwest line of the Braden tract S48°21'37"W 201.53 feet to a fence corner post for the west corner of the Braden tract and north corner of that tract called 33.6 acres conveyed by Bimms Investments to Caffey Construction Company, Inc. by deed dated February 2, 1984 as recorded in Volume 418, Page 5 of the Hays County Real Property Records;

THENCE leaving the Braden tract with the common line of this tract and the Caffey Construction Company tract, with fence, the following 17 calls:

1. S51°19'16"W 109.05 feet to an angle point,
2. S50°16'01"W 109.47 feet to an angle point,
3. S48°01'55"W 33.10 feet to an 1/2" iron rod found for an angle point,
4. S49°20'44"W 84.13 to a fence corner post for a salient southeast corner,
5. N46°37'44"W 127.95 feet to an angle point,
6. N46°08'14"W 100.34 feet to an angle point,
7. N45°29'12"W 113.87 feet to an 1/2" iron rod found at a fence corner post for a south re-entrant corner of this tract,
8. S32°25'17"W 200.35 feet to an angle point,
9. S31°38'25"W 106.80 feet to an angle point,
10. S31°09'09"W 102.98 feet to an angle point,
11. S32°44'36"W 102.28 feet to an angle point,
12. S30°46'04"W 111.96 feet to an angle point,
13. S33°42'54"W 57.97 feet to an angle point,
14. S63°46'19"W 239.46 feet to an angle point,
15. S63°37'57"W 214.63 feet to an angle point, and
16. S62°47'56"W 87.51 feet to an angle point,
17. S30°41'26"W 398.95 feet to a 10" cedar fence corner post for a south corner of this tract and the west corner of the Caffey Construction Company, Inc. tract, and an interior corner of the Riedel Investments tract;

THENCE S44°15'49"W 10.00 feet to an 1/2" iron rod set for the south corner of this tract and in the north line of that 80' wide roadway easement described in a deed dated June 27, 1974 conveyed by Alex Louis Forshage, to Clovis R. Barker, Trustee as recorded in Volume 270, Page 340 of the Hays County Deed Records;

FILED AND RECORDED
OFFICIAL PUBLIC RECORDS
On: Sep 19, 2001 at 12:04P
670 313
Document Number: 01023511

Amount 23 00

By
Patricia Lackey
Lee Carlisle, County Clerk
Hays County

THENCE N45°14'22" W 2.36 69 feet with the north line of said 80' wide roadway easement to an 1/2" iron rod set for the most westerly southwest corner of this tract and the south corner of the Riedel Acreage Joint Venture tract;

THENCE leaving the north line of said 80' wide roadway easement N45°17'44"E 10.00 feet to the PLACE OF BEGINNING. There are contained within these metes and bounds 166,670 acres of land, more or less, as surveyed on the ground during 1985, 1986, and 1987 by Byrn and Associates, Inc. of San Marcos, Texas.



MACIAS & ASSOCIATES, Inc.
LAND SURVEYORS

Exhibit A

M R Properties
to
City of San Marcos
(Proposed Right-of-way)

LEGAL DESCRIPTION FOR PARCEL NO. 21

BEING A 0.499 ACRE (21,740 SQUARE FOOT) PARCEL OF LAND OUT OF THE CYRUS WICKSON SURVEY, ABSTRACT NO. 474, HAYS COUNTY, TEXAS, ALSO BEING OUT OF A 166.670 ACRE PARCEL OF LAND CONVEYED TO M R PROPERTIES, A TEXAS GENERAL PARTNERSHIP DESCRIBED IN A DEED DATED APRIL 29, 1987, OF RECORD IN VOLUME 670, PAGE 497, DEED RECORDS OF HAYS COUNTY, TEXAS; SAID 0.499 ACRE PARCEL, AS SHOWN ON THE ACCOMPANYING SKETCH IS MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2" iron rod found on the existing northeast right-of-way line of CR269, known locally as Clovis Barker Road, and the southeast corner of said M R Properties 166.670 acre tract, same being the southwest corner of Lot 1-A, Lot 1-A and Lot 1-B, Cottonwood Creek Business Park, a subdivision of record in Book 9, Page 328, Plat Records of Hays County, Texas, for the southeast corner of this parcel;

THENCE, N 46° 02' 49" W, a distance of 2197.96 feet along the existing northeast right-of-way line of said Clovis Barker Road to a 1/2" iron rod found at the west corner of M R Properties 166.670 acre tract for the northwest corner of this parcel;

THENCE, in a northeasterly direction along the existing northeast right-of-way line of Clovis Barker Road, and the northwest boundary line of said M R Properties 166.670 acre tract the following two (2) courses;

- 1) N 47° 48' 56" E, a distance of 9.81 feet, to a 3/4" iron pipe found for an angle point;
- 2) N 44° 30' 56" E, a distance of 5.00 feet, to a 1/2" iron rod with plastic cap set on the proposed northeast right-of-way line of said Clovis Barker Road for the northwest corner of this parcel;

Pg. 2
0.499 Acre

THENCE, leaving said right-of-way line, S 45° 47' 30" E, a distance of 2196.02 feet across said M R Properties 166.70 acre tract, along the proposed northeast right-of-way line of Clovis Barker Road to a 1/2" iron rod set on the common boundary line of said MR Properties, 166.670 acre tract and Lot 1-A, said subdivision, for the southeast corner of this parcel;

THENCE, S 29° 58'59" W, a distance of 5.16 feet to the POINT OF BEGINNING, containing 0.499 acre (21,740 square feet) of land.

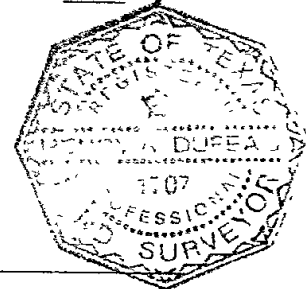
BEARING BASIS

All bearings refer to the Texas State Plane Coordinate System, South Central Zone, North American Datum of 1983.

STATE OF TEXAS §
 § **KNOW ALL MEN BY THESE PRESENTS**
COUNTY OF HAYS §

That I, Henry A. Dufeu, a Registered Professional Land Surveyor, do hereby certify that the above description is true and correct to the best of my knowledge and belief and that the property described herein was determined by a survey made on the ground under my direction and supervision.

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas this the 30th day of April, 2001 A.D.



MACIAS & ASSOCIATES, INC.
5410 South 1st Street
Austin, Texas 78745

Henry A. Dufeu
Henry A. Dufeu
Registered Professional Land Surveyor
No. 1707 – State of Texas

FILED AND RECORDED
OFFICIAL PUBLIC RECORDS
On: Oct 29, 2002 at 02:31

REFERENCES
Volume 670, Page 497 R.P.R.H.C.
TAX ID #R11870
NAD83

Document Number: 02029718
Amount 21.00
Lee Carlisle
County Clerk
By
Terry Klean, Deputy
Hays County

79-17-0 499ROWfdnotes.doc

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

STATE OF TEXAS §
 COUNTY OF HAYS §

Bk Vol Pg
 04021671 DFR 2513 462

KNOW ALL MEN BY THESE PRESENTS, that EMMETT McCOY, of P. O. Box 1424, City of San Marcos, County of Hays, State of Texas 78667, BRENDA REMME, of 1010 Thousand Oaks Loop, City of San Marcos, County of Hays, State of Texas 78666, MEAGAN LANE McCOY, Trustee of the REID BRIAN McCOY FAMILY TRUST, of P. O. Box 647, City of San Marcos, County of Hays, State of Texas 78667, ANDREW MICHAEL McCOY, Trustee of the ANDREW MICHAEL McCOY 1992 TRUST, of 124 Pinto Lane, City of San Marcos, County of Hays, State of Texas 78666, MATTHEW DON McCOY, Trustee of the MATTHEW DON McCOY 1992 TRUST, of 14 Greenpoint, City of San Marcos, County of Hays, State of Texas 78666, BRIAN FRANCIS McCOY, Trustee of the KATHRYN ELAINE McCOY 1992 TRUST, of P. O. Box 647, City of San Marcos, County of Hays, State of Texas 78667, and MIRIAM McCOY, of P. O. Box 1424, City of San Marcos, County of Hays, State of Texas 78667, (hereinafter referred to as "Grantors"), for and in consideration of the sum of ten and 00/100 dollars (\$10.00), and other good and valuable consideration to the undersigned paid by McCOY FAMILY PARTNERSHIP ONE, LTD., (hereinafter referred to as "Grantee"), of P. O. Box 1028, City of San Marcos, County of Hays, State of Texas 78667, the receipt of which is hereby acknowledged, have GRANTED, SOLD, and CONVEYED, and by these presents do hereby GRANT, SELL, and CONVEY unto the said Grantee an undivided 87.5% in and to the real property (including any improvements) out of the Barnett O. Kane Survey, Abstract No. 281, the Cyrus Wickson Survey, Abstract No. 474, and the J. M. Veramendi League No. 1, Hays County, Texas, described in Exhibit A attached to and made a part of this instrument, save and except the real property described in Exhibit B attached to and made a part of this instrument ("Property"), with the percentage interest being conveyed by each Grantor being as set forth opposite each Grantor's name:

| <u>Name of Grantor</u> | <u>Percentage Interest</u> |
|---|----------------------------|
| Brenda Remme | 25.000000% |
| Meagan Lane McCoy, Trustee, or her successor Trustee, of the Reid Brian McCoy Family Trust | 12.500000% |
| Andrew Michael McCoy, Trustee, or his successor Trustee, of the Andrew Michael McCoy 1992 Trust | 8.340000% |
| Matthew Don McCoy, Trustee, or his successor Trustee, of the Matthew Don McCoy 1992 Trust | 8.330000% |
| Brian Francis McCoy, Trustee, or his successor Trustee, of the Kathryn Elaine McCoy 1992 Trust | 8.330000% |
| Emmett and Miriam McCoy | <u>25.000000%</u> |
| TOTAL | <u>87.500000%</u> |

This conveyance is made and accepted subject to all validly existing easements, rights of way, and prescriptive rights, whether of record or not; all presently recorded and validly existing restrictions, reservations, covenants, conditions and other instruments that affect the Property; and taxes for the year 2004 and subsequent years, which Grantee assumes and agrees to pay, and subsequent assessments for that and prior years due to change in land usage, ownership, or both, the payment of which Grantee assumes.

TO HAVE AND TO HOLD the Property, together with all and singular the rights and appurtenances thereto in anywise belonging, unto the said Grantee, its successors and assigns forever, subject to the exception to conveyance and warranty; and Grantors do hereby bind themselves, their heirs, personal representatives, successors and assigns to WARRANT AND FOREVER DEFEND all and singular the said Property unto the said Grantee, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof, by, through, or under the said Grantors, but not otherwise subject to the exceptions to conveyance and warranty provided for in this deed and provided, however, that the warranties of title made herein by Grantors are made severally, and are made only as to each Grantor's respective interest in the Property.

EXECUTED this 22nd day of July, 2004.

GRANTORS

Emmett McCoy
EMMETT McCOY

Miriam McCoy
MIRIAM McCOY

Brenda Remme
BRENDA REMME

Meagan Lane McCoy
MEAGAN LANE McCOY, Trustee of the REID BRIAN
McCOY FAMILY TRUST

Andrew Michael McCoy
ANDREW MICHAEL McCOY, Trustee of the ANDREW
MICHAEL McCOY 1992 TRUST

Matthew Don McCoy
MATTHEW DON McCOY, Trustee of the MATTHEW DON
McCOY 1992 TRUST

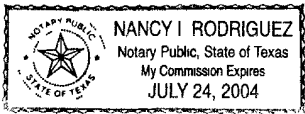
Brian Francis McCoy
BRIAN FRANCIS McCOY, Trustee of the KATHRYN
ELAINE McCOY 1992 TRUST

STATE OF TEXAS §
 §
COUNTY OF HAYS §

This instrument was acknowledged before me on the 16th day of July, 2004, by EMMETT
McCOY

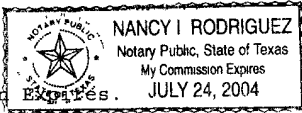
My Commission Expires

Nancy I Rodriguez
Notary Public, State of Texas
TYPE/PRINT/STAMP NAME



STATE OF TEXAS §
§
COUNTY OF HAYS §

This instrument was acknowledged before me on the 22nd day of July, 2004, by MIRIAM McCOY.



[Handwritten Signature]

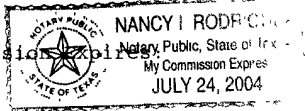
My Commission Expires

Notary Public, State of Texas

TYPE/PRINT/STAMP NAME

STATE OF TEXAS §
§
COUNTY OF HAYS §

This instrument was acknowledged before me on the 19th day of July, 2004, by BRENDA REMME



[Handwritten Signature]

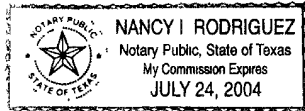
My Commission Expires

Notary Public, State of Texas

TYPE/PRINT/STAMP NAME

STATE OF TEXAS §
§
COUNTY OF HAYS §

This instrument was acknowledged before me on the 16th day of July, 2004, by MEAGAN LANE McCOY, Trustee, of the REID BRIAN McCOY FAMILY TRUST.



[Handwritten Signature]

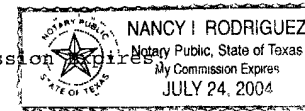
My Commission Expires

Notary Public, State of Texas

TYPE/PRINT/STAMP NAME

STATE OF TEXAS §
§
COUNTY OF HAYS §

This instrument was acknowledged before me on the 22nd day of July, 2004, by ANDREW MICHAEL McCOY, Trustee, of the ANDREW MICHAEL McCOY 1992 TRUST



[Handwritten Signature]

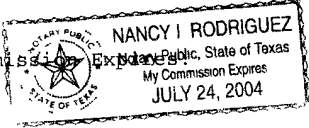
My Commission Expires

Notary Public, State of Texas

TYPE/PRINT/STAMP NAME

STATE OF TEXAS §
§
COUNTY OF HAYS §

This instrument was acknowledged before me on the 22nd day of July, 2004, by MATTHEW DON McCOY, Trustee, of the MATTHEW DON McCOY 1992 TRUST



My Commission Expires

NANCY I. RODRIGUEZ
Notary Public, State of Texas
My Commission Expires
JULY 24, 2004

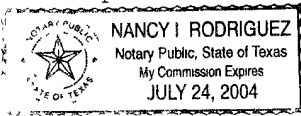
Notary Public, State of Texas

TYPE/PRINT/STAMP NAME

STATE OF TEXAS §
§
COUNTY OF HAYS §

This instrument was acknowledged before me on the 16th day of July, 2004, by BRIAN FRANCIS McCOY, Trustee, of the KATHRYN ELAINE McCOY 1992 TRUST.

My Commission Expires.



Notary Public, State of Texas

TYPE/PRINT/STAMP NAME

PLEASE RETURN TO:

MCCOY FAMILY PARTNERSHIP ONE, LTD
P. O. Box 1424
San Marcos, Texas 78667