

ANNEXATION APPLICATION

Updated: March, 2023



CONTACT INFORMATION

Applicant's Name		Property Owner	
Company		Company	
Applicant's Mailing Address		Owner's Mailing Address	
Applicant's Phone #		Owner's Phone #	
Applicant's Email		Owner's Email	

PROPERTY INFORMATION

Is the property adjacent to city limits: ☐ YES ☐ NO

Is the property proposing to connect to City utilities: ☐ YES, WATER ☐ YES, WASTE WATER ☐ NO

Is the property subject to an approved development or other agreement: ☐ YES ☐ NO

Proposed Use: _____ Proposed Zoning: _____

Reason for Annexation / Other Considerations: _____

AUTHORIZATION

By submitting this digital application, 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 \$1,800 Technology Fee \$15 **TOTAL COST \$1,815**

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

APPLY ONLINE – WWW.MYGOVERNMENTONLINE.ORG/

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

SPECIAL WARRANTY DEED

Date: _____, 2020

Grantor: Urban Mining Development, LLC, 8201 E. Riverside Dr. Ste 150, Austin, Travis County, Texas 78744

Grantee: City of San Marcos, Texas, a Texas municipal corporation, 630 East Hopkins Street, San Marcos, Hays County, Texas 78666

Consideration: TEN DOLLARS (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged.

Property (including any improvements): 3.43 acres, more or less, of land area in the Cyrus Wickson Survey, Abstract No. 474, City of San Marcos, Hays County, Texas, being a portion of that 85.93 acre tract described in a deed from Edmund Jaster Hays County Partnership to Urban Mining Development, LLC, dated May 5, 2017 and recorded as Hays County Document No. 17015848 of the Hays County Official Public Records, as more particularly described by metes and bounds in Exhibit A, attached hereto and made a part hereof.

Restrictions, Covenants and Conditions:

This conveyance is made by Grantor and accepted by Grantee subject to the following restrictions, covenants and conditions: The Property shall be used by Grantee only for utility and other governmental purposes. Grantee, its successors and assigns shall be solely responsible for operation and maintenance of all facilities and improvements located on the Property.

Grantor, for the Consideration, and subject to the Restrictions, Covenants and Conditions, 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 Restrictions, Covenants and Conditions.

Ad valorem taxes for 2020 have been prorated between the parties and the payment of ad valorem taxes for 2020 and prior years is assumed by Grantor. Payment of ad valorem taxes for all subsequent years is assumed by Grantee as part of this conveyance. Furthermore, to the extent applicable under applicable law, Grantee assumes payment of any additional taxes, rollbacks or penalties which may be assessed for the current or prior years if, after the date hereof, Grantee changes

the use of the Property and the same results in the assessment of additional taxes, or if this sale results in the assessment of additional taxes against the Property. Grantor shall have no responsibility for any portion of any rollback taxes. Grantee hereby waives and releases any claims against Grantor arising out of or in any manner related to any loss, cost or expense whatsoever, arising from or in any manner related to any future real property taxes due on the Property, including the rollback of any ad valorem taxes as a result of the change of land use and loss of the agricultural tax classification and any charges associated therewith, or otherwise. Nothing herein waives any of Grantee's protections under Section 23.55(f) of the Texas Tax Code or other applicable law.

Grantor makes no covenant, representation or warranty as to the suitability of the Property for any purpose whatsoever or as to the physical condition of the Property or relating to its economic, legal, environmental, use or other condition or status or regarding any other matter or thing relating to the Property. ALL IMPLIED WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE ARE HEREBY DISCLAIMED. Grantee hereby acknowledges and agrees that the Property is being conveyed and accepted in its condition as of the Effective Date, "AS-IS", "WHERE-IS" and "WITH ALL FAULTS".

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

[SIGNATURE ON NEXT PAGE]

GRANTOR:

Urban Mining Development, LLC

By: _____

Name: _____

Title: _____

ACKNOWLEDGMENT

STATE OF Texas

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§

COUNTY OF Travis

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This instrument was acknowledged before me on April 22, 2020 by SCOTT DUNN, Manager of Urban Mining Development, LLC, in such capacity, on behalf of said limited liability company.

Catalina Tudor
Notary Public, State of Texas

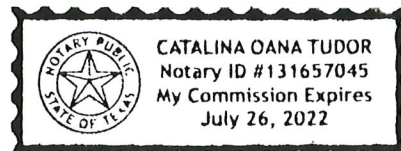


EXHIBIT A

DESCRIPTION OF 3.43 ACRES, MORE OR LESS, OF LAND AREA IN THE CYRUS WICKSON SURVEY ABSTRACT NO. 474, CITY OF SAN MARCOS, HAYS COUNTY, TEXAS, BEING A PORTION OF THAT 85.93 ACRE TRACT DESCRIBED IN A DEED FROM EDMUND JASTER HAYS COUNTY PARTNERSHIP TO URBAN MINING DEVELOPMENT, LLC. DATED MAY 5, 2017 AND RECORDED AS HAYS COUNTY DOCUMENT NUMBER 17015848 OF THE HAYS COUNTY OFFICIAL PUBLIC RECORDS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2" iron rod found for the south corner of this tract, being an interior ell corner of the Urban Mining 85.93 acre tract and being the west corner of that 2.39 acre tract dedicated for right-of-way purposes and shown on the plat of Lot 2, Clovis Barker Road Industrial Park as recorded in Volume 14, Page 310 of the Hays County Plat Records;

THENCE leaving the **PLACE OF BEGINNING** as shown on that plat numbered 27648-19-c dated April 12, 2019 as prepared for the City of San Marcos by Byrn & Associates, Inc. of San Marcos, Texas, and entering the Urban Mining tract **N 46° 12' 28" W 366.60 feet** to a 1/2" iron rod set for the west corner of this tract, being in the southeast line of an access easement portion of Lot 1 UMC Subdivision, as recorded as Hays County Document Number 18007035 of the Hays County Official Public Records, (said Lot 1 being a portion of the Urban Mining 85.93 acre tract), from which the record south corner of Lot 1 bears **S 44° 26' 41" 762.66 feet**;

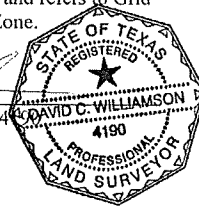
THENCE with the southeast line of Lot 1 **N 44° 26' 41" E 408.28 feet** to a 1/2" iron rod set for the north corner of this tract;

THENCE leaving Lot 1 **S 45° 16' 48" E 371.50 feet** to a 1/2" iron rod set for the east corner of this tract in the common southeast line of the Urban Mining tract and the northwest line of the aforereferenced 2.39 acre right-of-way tract;

THENCE with said common line **S 45° 08' 41" W 402.35 feet** to the **PLACE OF BEGINNING**. There are contained within these metes and bounds 3.43 acres, more or less, as prepared from public records and a survey made on the ground during April, 2019 by Byrn & Associates, Inc. of San Marcos, Texas. All 1/2" iron rods set are capped with a plastic cap stamped "Byrn Survey". The BEARING BASIS for this description was determined from GPS observations and refers to Grid North of the Texas State Plane Coordinate System, N.A.D. 83, South Central Zone.

Client: City of San Marcos
Date: April 11, 2019
Survey: Wickson, Cyrus, Abstract No. 474
County: Hays
Job No: 27648-19
FND 3.43 ac

David C. Williamson, R.P.L.S. #4190

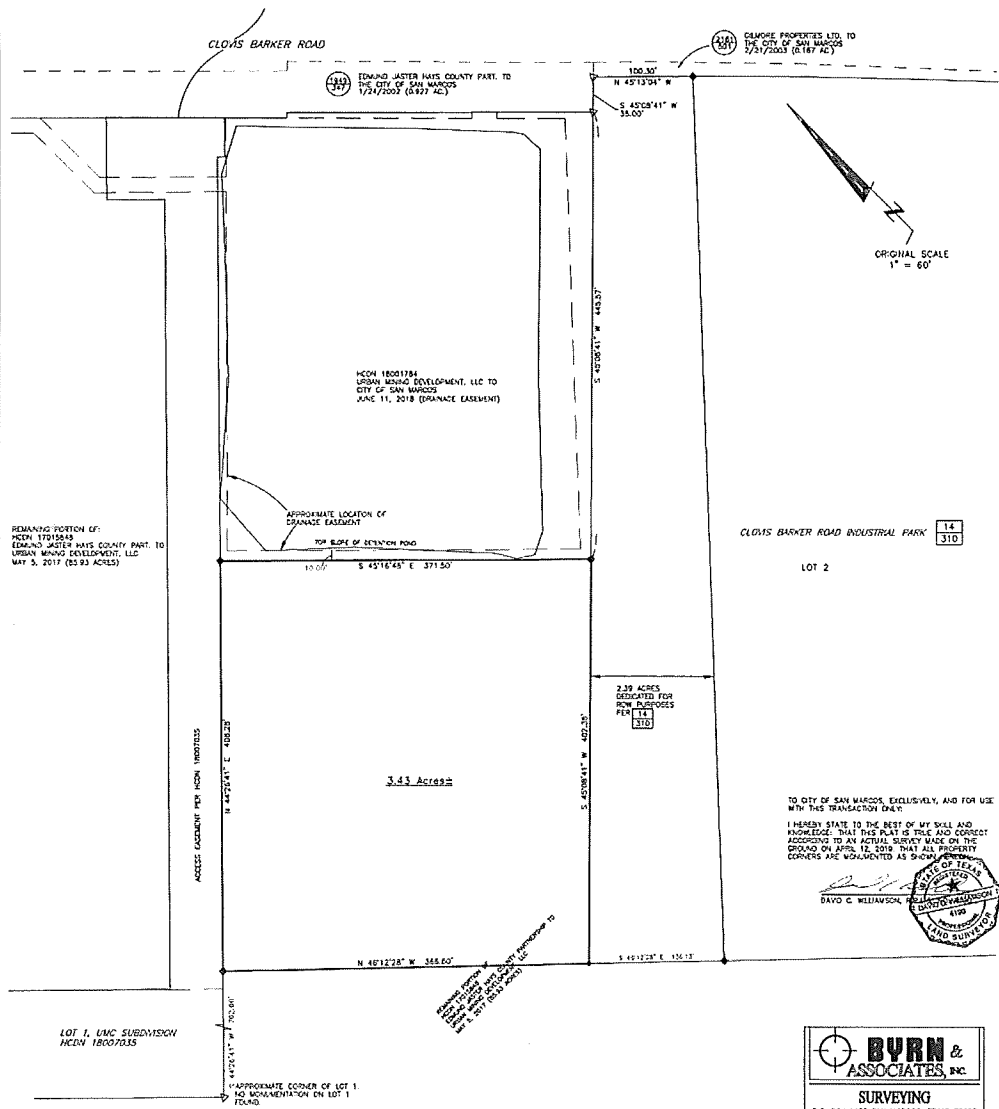


SURVEYOR'S NOTES

1. FENCES MEASURED.
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. 48020Z01M, DATED SEPTEMBER 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 THE SURVEYOR DID NOT RESEARCH THE DEED RECORDS FOR PREVIOUS CONFLICTS IN TITLE OR EASEMENTS. 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 APRIL 12, 2019 PREPARED BY BYRN AND ASSOCIATES, INC. OF SAN MARCOS, TEXAS.

LEGEND

- HAYS COUNTY DEED, REAL PROPERTY OR OFFICIAL PUBLIC RECORDS
- HAYS COUNTY PLAT RECORDS
- 1/2" IRON ROD SET WITH PLASTIC CAP STAMPED "BYRN SURVEY" OR DIAMETER NOTED
- 1/2" IRON ROD FOUND WITH PLASTIC CAP STAMPED "BYRN SURVEY"
- CALCULATED POINT



CLIENT: CITY OF SAN MARCOS
DATE: APRIL 12, 2019
OFFICE: HAYES
CITY: C. DATH
FIRM: 018/37
PLAT NO. 27648-19-c

PLAT OF 3.43 ACRES, MORE OR LESS, BEING A PORTION OF 85.93 ACRES, IN THE CYRUS WICKSON SURVEY, ABSTRACT NO. 474, CITY OF SAN MARCOS, HAYS COUNTY, TEXAS

LIENHOLDER CONSENT

RUMCKD Inc. whose address is c/o Raven Capital Management LLC, 501 Santa Monica Blvd., Suite 510, Santa Monica, CA 90401, being the sole beneficiary of (i) a deed of trust lien and other liens, assignments and security interests encumbering all or a portion of the Property defined in the Special Warranty Deed, created pursuant to that certain Deed of Trust, Security Agreement, and Financing Statement recorded in the Official Public Records of Hays County, Texas under Document No. 19031920 (the "First Lien Documents"), and (ii) a deed of trust lien and other liens, assignments and security interests encumbering all or a portion of the Property defined in the Special Warranty Deed, created pursuant to that certain Deed of Trust, Security Agreement, and Financing Statement recorded in the Official Public Records of Hays County, Texas under Document No. 20008531 (the "Second Lien Documents" and, together with the First Lien Documents, collectively, the "Lien Documents"), hereby consents to the terms and provisions of the foregoing Special Warranty Deed and acknowledges that the execution thereof does not constitute a default under the Lien Documents or any other document executed in connection with or as security for the indebtedness above described, and hereby releases and discharges the Property, as defined in the foregoing Special Warranty Deed and, from the liens of the Lien Documents and any other liens and/or security instruments securing said indebtedness, and acknowledges and agrees that a foreclosure of said liens and/or security interests shall not include the Property. No warranties of title are hereby made by lienholder, lienholder's joinder herein being solely limited to such consent and release.

RUMCKD Inc.

By: James Masciello, Director

THE STATE OF New York §
COUNTY OF New York §

This instrument was acknowledged before me on this 6th day of April, 2020, by James Masciello, Director, on behalf of RUMCKD Inc..

M. Erin Endersby
Notary Public,

M ERIN ENDERSBY
NOTARY PUBLIC-STATE OF NEW YORK
No. 01EN6380295
Qualified in Queens County
My Commission Expires 09-04-2022