



Request for City Manager Signature

Project or Document Title: AN-24-04 La Cima Substation

Name and Department of Requestor: Kaitlyn Buck, Planning & Development Services

Number of Originals Submitted: 1

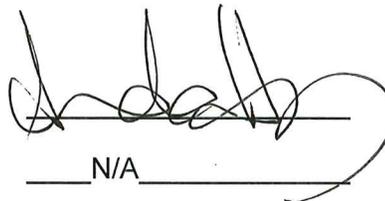
Did City Council Approve? Yes If Yes, Date of Approval: 7/2/2024

After CM Signature, Please Route to: Kaitlyn Buck, Planning & Development Services

Brief Item Summary:

- Attached please find an Annexation Service Agreement associated with the annexation case for the La Cima PEC Substation Annexation (Case ref. AN-24-04). The agreement was approved under Resolution 2024-107R on July 2, 2024, and the annexation will be considered on first reading on August 5, 2024 and second reading on August 20, 2024 under Ordinance 2024-XX.

Director Approval - Required

 Date: 7/19/24

Finance Approval if funding is needed*

N/A Date: _____

Legal Approval for Contracts or Agreements

N/A Date: _____

HR Approval for Personnel or Claims*

N/A Date: _____

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

Date: July 2, 2024

Owner: Bryan Lee, La Cima Commercial, LP, 303 Colorado, Ste. 2300, Austin, TX
78701

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

Property: As described in Exhibit A.

1. The Owner has petitioned the City and the City has elected to annex the Property into the corporate limits of the City. Pursuant to Tex. Local Gov't Code §43.0672, the Owner and the City enter this agreement (the "Agreement") for the provision of services to the Property when annexed.

2. By this Agreement, the Owner affirms its consent to such annexation of the Property by the City and that Owner does not wish to enter into and has declined the offer from the City of a development agreement under Sections 43.016 and 212.172 of the Texas Local Government Code

3. In consideration of the mutual benefits to the Owner and the City arising from the annexation of the Property, and other good and valuable consideration, the receipt of which is hereby acknowledged, the Owner and the City enter into this Agreement and agree that services to the Property will be provided as described in Exhibit B.

4. This Agreement is made, and shall be construed and interpreted under the laws of the State of Texas. Venue for any legal proceedings shall lie in state courts located in Hays County, Texas. Venue for any matters in federal court will be in the United States District Court for the Western District of Texas.

5. If any word, phrase, clause, sentence, or paragraph of this Agreement is held to be unconstitutional or invalid by a court of competent jurisdiction, the other provisions of this Agreement will continue in force if they can be given effect without the invalid portion.

6. This Agreement shall be binding upon Owner, and Owner's heirs, successors and assigns, and all future owners of all or any portion of the Property.

7. This Agreement will become effective as of the date an ordinance annexing the Property is finally passed, approved, and adopted by the City's city council (the Effective Date).

[SIGNATURES ON NEXT PAGE]

CITY:

By: *Joe Pantelion*

Name: *Joe Pantelion*

Title: *Asst. City Manager*

ACKNOWLEDGMENT

STATE OF TEXAS §

§

COUNTY OF HAYS §

This instrument was acknowledged before me on *July 23rd*, 20*24*, by *Joe Pantelion*, *Acting City Manager* of the City of San Marcos, in such capacity, on behalf of said municipality.

Karen Smith
Notary Public, State of Texas



OWNER:

By:

BW Lee

Name:

~~At~~ Bryan W. Lee

Title:

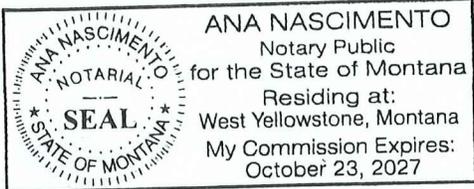
Manager

ACKNOWLEDGMENT

STATE OF Montana §

COUNTY OF Gallatin §

This instrument was acknowledged before me on July 16, 2024 by Bryan Windsor Lee, manager of La Cima Commercial LP in such capacity on behalf of said entity.



Ana Nascimento
Notary Public, State of Montana

EXHIBIT A

LINE	BEARING	DISTANCE	RECORD BEARING	RECORD DISTANCE	RECORD SOURCE
L1	N81°37'38"W	122.24'			
L2	S66°44'02"E	147.44'	S66°44'02"E	147.44'	7"
L3	S23°05'26"W	19.99'			
L4	S23°05'26"W	46.36'			
L5	S40°23'45"E	181.93'	S40°23'45"E		7"
L6	S48°50'54"W	109.33'	S48°50'54"W	109.93'	7"

Pg. 3 of 3

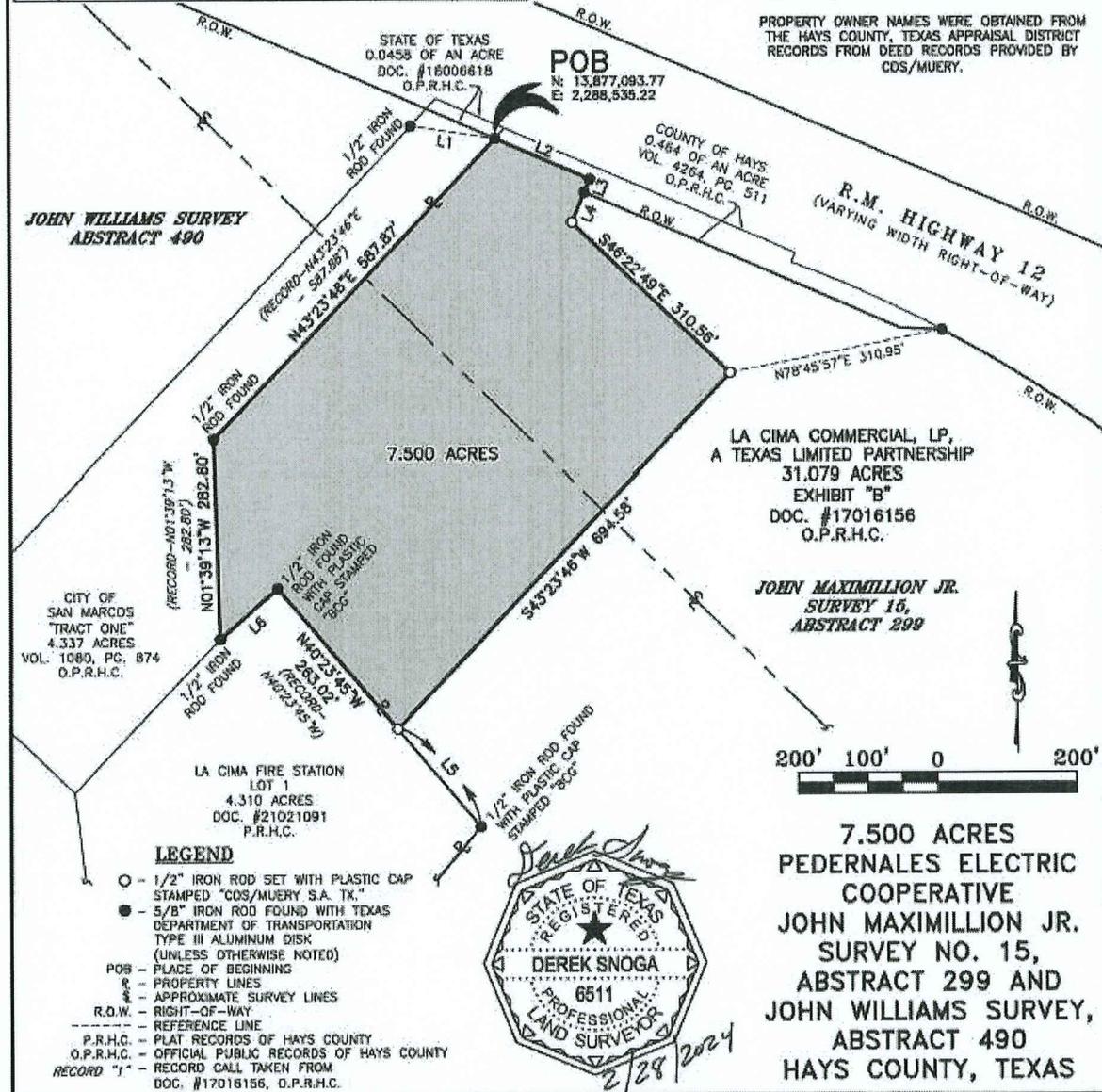
LEGAL DESC. 7.500 ACRES.docx
CDS JOB NO. 124018

BEARING BASIS: GRID NORTH
COORDINATE SYSTEM: TEXAS STATE PLANE,
NAD83(2011), EPOCH:2010
TEXAS SOUTH CENTRAL ZONE (4204)

ALL DISTANCES SHOWN ARE SURFACE.
(GRID X 1.00012 = SURFACE)

THIS EXHIBIT REPRESENTS A BOUNDARY SURVEY
ONLY. EASEMENTS SHOWN HEREON ARE FOR
REFERENCE PURPOSES ONLY. NO ADDITIONAL
EASEMENTS WERE RESEARCHED BY CDS/MUERY.

PROPERTY OWNER NAMES WERE OBTAINED FROM
THE HAYS COUNTY, TEXAS APPRAISAL DISTRICT
RECORDS FROM DEED RECORDS PROVIDED BY
CDS/MUERY.



7.500 ACRES
PEDERNALES ELECTRIC
COOPERATIVE
JOHN MAXIMILLION JR.
SURVEY NO. 15,
ABSTRACT 299 AND
JOHN WILLIAMS SURVEY,
ABSTRACT 490
HAYS COUNTY, TEXAS

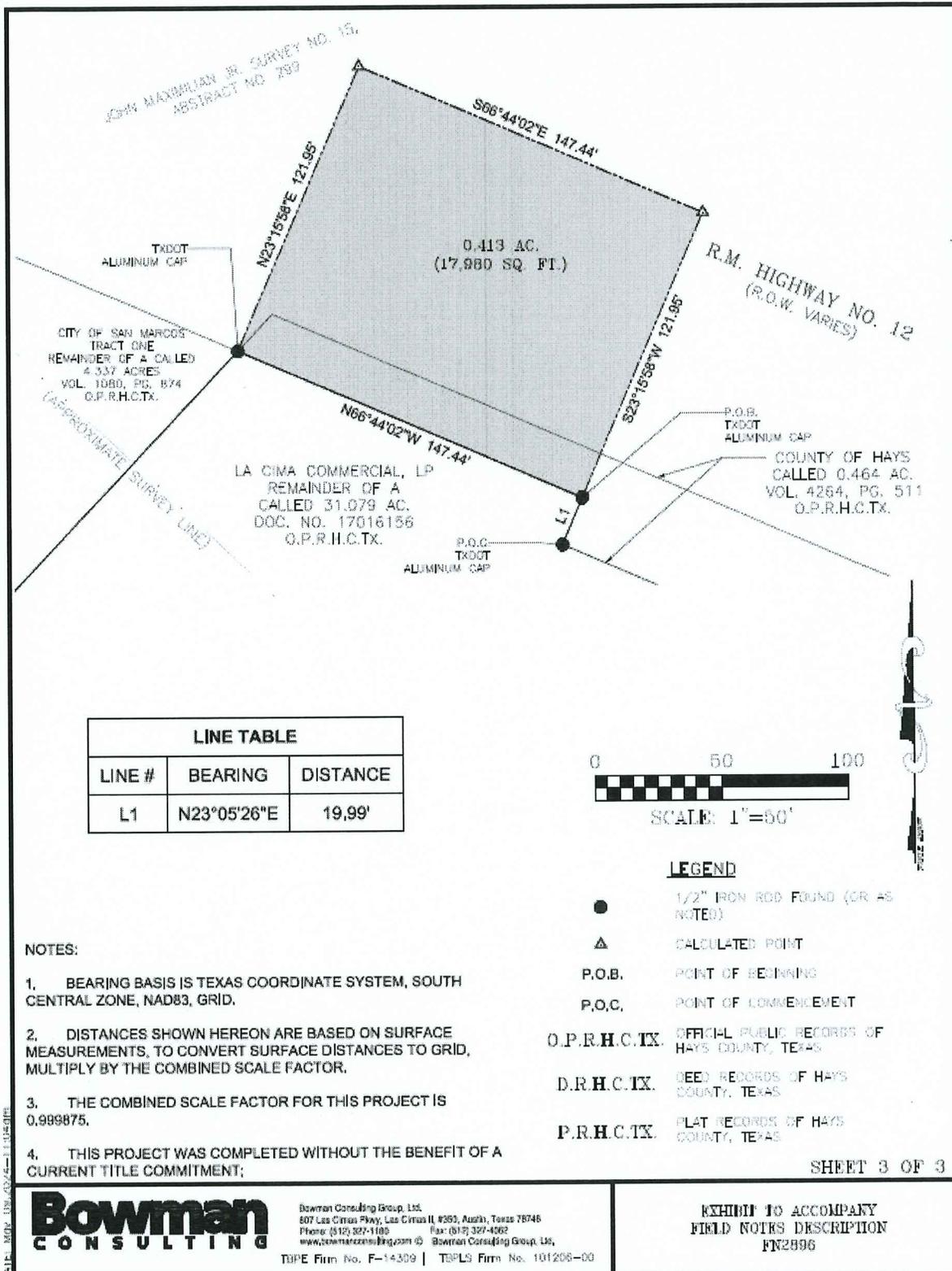
CDS muery
ENGINEERS | SURVEYORS

100 NE Loop 410, Ste. 300 | San Antonio, Texas 78216
(210) 381-1111 | TBPES No. 7-17331 | TBPES No. 100495-03

DRAWN BY: M.C. DATE: 02/28/2024

DRAWING NAME: 7.500 ACRES.DWG





JOHN MAIBERIAN B. SURVEY NO. 15,
ABSTRACT NO. 299

CITY OF SAN MARCOS
TRACT ONE
REMAINDER OF A CALLED
4.537 ACRES
VOL. 1080, PG. 874
O.P.R.H.C.TX.

LA CIMA COMMERCIAL, LP
REMAINDER OF A
CALLED 31.079 AC.
DOC. NO. 17016156
O.P.R.H.C.TX.

R.M. HIGHWAY NO. 12
(R.O.W. VARIES)

COUNTY OF HAYS
CALLED 0.464 AC.
VOL. 4264, PG. 511
O.P.R.H.C.TX.

LINE TABLE		
LINE #	BEARING	DISTANCE
L1	N23°05'26"E	19.99'



LEGEND

- 1/2" IRON ROD FOUND (OR AS NOTED)
- ▲ CALCULATED POINT
- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF COMMENCEMENT
- O.P.R.H.C.TX. OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS
- D.R.H.C.TX. DEED RECORDS OF HAYS COUNTY, TEXAS
- P.R.H.C.TX. PLAT RECORDS OF HAYS COUNTY, TEXAS

NOTES:

1. BEARING BASIS IS TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE, NAD83, GRID.
2. DISTANCES SHOWN HEREON ARE BASED ON SURFACE MEASUREMENTS. TO CONVERT SURFACE DISTANCES TO GRID, MULTIPLY BY THE COMBINED SCALE FACTOR.
3. THE COMBINED SCALE FACTOR FOR THIS PROJECT IS 0.999875.
4. THIS PROJECT WAS COMPLETED WITHOUT THE BENEFIT OF A CURRENT TITLE COMMITMENT;

SHEET 3 OF 3



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807 Lee Cirrus Pkwy, Lee Cirrus II #303, Austin, Texas 78746
Phone: (512) 327-1100 Fax: (512) 327-4002
www.bowmanconsulting.com © Bowman Consulting Group, Ltd.
TYPE Firm No. F-14309 | TEMPL Firm No. 101206-00

EXHIBIT TO ACCOMPANY
FIELD NOTES DESCRIPTION
FN2996

15414-001-100-100-0000-1114309

EXHIBIT B

When the Property is annexed, services will be provided to the Property as follows:

1. Police Protection

Police services, including patrolling, response to calls and other routine services, will begin on the Effective Date of the annexation using existing personnel and equipment.

2. Fire Protection

Fire protection services, including emergency response calls, will begin on the Effective Date of the annexation using existing personnel and equipment and within the limitations of the available water supply.

3. Emergency Medical Services

The City of San Marcos contracts for emergency medical services through the San Marcos – Hays County EMS, which already provides service to the area being annexed.

4. Solid Waste Collection

Solid waste collection services, provided under contract with a private company, will be made available to all properties on the Effective Date of the annexation. Residents of the Property may elect to continue using the services of a private solid waste hauler for a period of two years after the Effective Date of the annexation. Businesses and institutions must make arrangements with private solid waste haulers.

5. Operation and Maintenance of Water and Wastewater Facilities

a. Water. The Property is located within an area over which the City of San Marcos holds a Certificate of Convenience and Necessity (CCN) for water service. The City will make water service available to the Property on the Effective Date of the annexation on the same basis as available to other owners of property in the City, i.e., the Owner is solely responsible for the cost to construct and extend all infrastructure, facilities, and lines necessary to serve the Property.

b. Wastewater. The Property is located within an area over which the City of San Marcos holds a Certificate of Convenience and Necessity (CCN) for wastewater service. The City will make wastewater service available to the Property on the Effective Date of the annexation on the same basis as available to other owners of property in the City, i.e., the Owner is solely responsible for the cost to construct and extend all infrastructure, facilities, and lines necessary to serve the Property.

6. Construction, Operation and Maintenance of Roads and Streets

As new development occurs within the Property, the Owner(s) of Property will be required to construct streets at the Owner's sole expense in accordance with applicable ordinances of the City.

7. Electric Service

The Property is located within the Pedernales Electric Cooperative service area. Thus, the City will not provide electric service to the Property.

8. Operation and Maintenance of Parks, Playgrounds, and/or Swimming Pools

No parks, playgrounds, and/or swimming pools currently exist within the Property. The same standards and policies now established and in force within the city limits will be followed in maintaining and expanding recreational facilities to serve the Property. Upon annexation, the owners and residents of property located within the Property shall be entitled to the use of all municipal parks and recreational facilities, subject to the same restrictions, fees, and availability that pertains to the use of those facilities by other citizens of the city.

9. Operation and Maintenance of Other Public Facilities, Buildings, and Services

No other public facilities, buildings, or services currently exist within the Property. The same standards and policies now established and in force within the city limits will be followed in maintaining and expanding other public facilities, building, and services. Upon annexation, the owners and residents of property located within the Property shall be entitled to the use of all municipal facilities, buildings, and services, subject to the same restrictions, fees, and availability that pertains to the use of those facilities and services by other citizens of the city.