

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

Updated: September, 2020



CONTACT INFORMATION

Applicant's Name	Amanda Brown	Property Owner	John Maberry
Company	Kimley-Horn and Associates	Company	Highlander Real Estate Partners
Applicant's Mailing Address	10814 Jollyville Rd, Bldg 4 Ste 200 Austin, TX 78759	Owner's Mailing Address	2505 Allston Lane, Austin, TX 78746
Applicant's Phone #	737-471-0333	Owner's Phone #	214-505-7854
Applicant's Email	Amanda.brown@kimley-horn.com	Owner's Email	jmaberry@highlanderrep.com

PROPERTY INFORMATION

Subject Property Address(es): 900 Francis Harris Ln San Marcos, TX 78666

Legal Description: Lot _____ Block _____ Subdivision _____

Total Acreage: 136.96 Tax ID #: R 70024

Preferred Scenario Designation: _____ Existing Zoning: N/A

Existing Land Use(s): Undeveloped

DESCRIPTION OF REQUEST

Proposed Zoning District(s): CD-2.5

Proposed Land Uses / Reason for Change: Single-family. Reason for change to allow a single family development

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.*

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

APPLY ONLINE – WWW.MYGOVERNMENTONLINE.ORG/

PROPERTY OWNER AUTHORIZATION

I, John Maberry (owner name) on behalf of
Highlander Real Estate Partners (company, if applicable) acknowledge that I/we
am/are the rightful owner of the property located at
900 Francis Harris Lane, San Marcos, TX 78666 (address).

I hereby authorize Amanda Brown (agent name) on behalf of
Kimley-Horn and Associates, Inc. (agent company) to file this application for
Annexation and Rezoning (application type), and, if necessary, to work with
the Responsible Official / Department on my behalf throughout the process.

Signature of Owner:  Date: 04/13/2022

Printed Name, Title: John Maberry, Owner

Signature of Agent:  Date: 04/13/2022

Printed Name, Title: Amanda Brown

AGREEMENT TO THE PLACEMENT OF NOTIFICATION SIGNS AND ACKNOWLEDGEMENT OF NOTIFICATION REQUIREMENTS

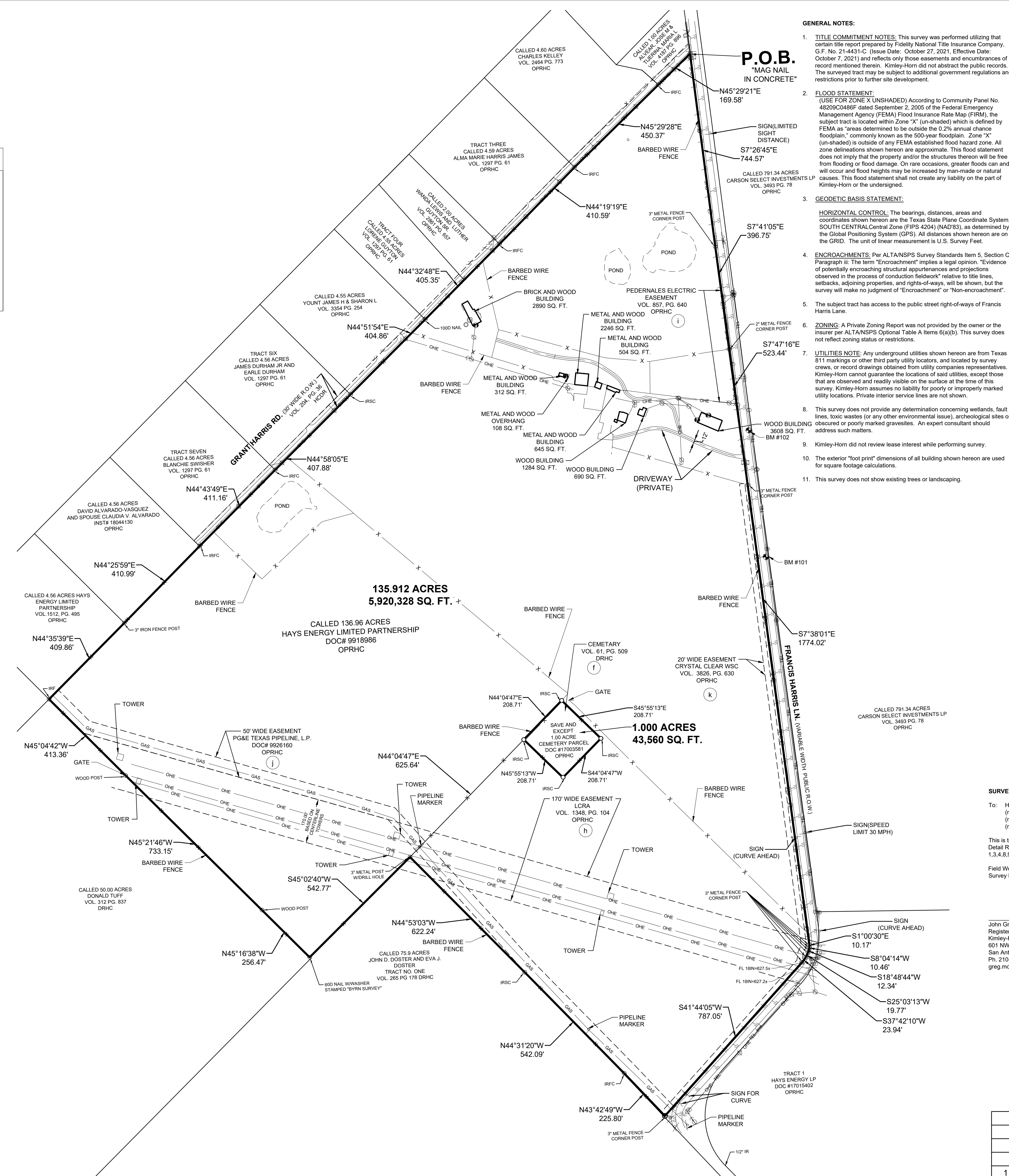
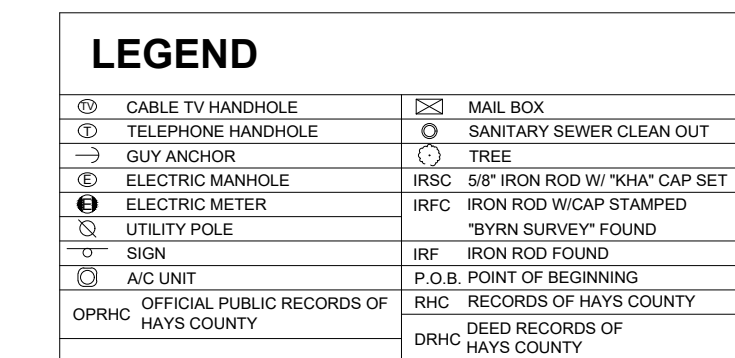
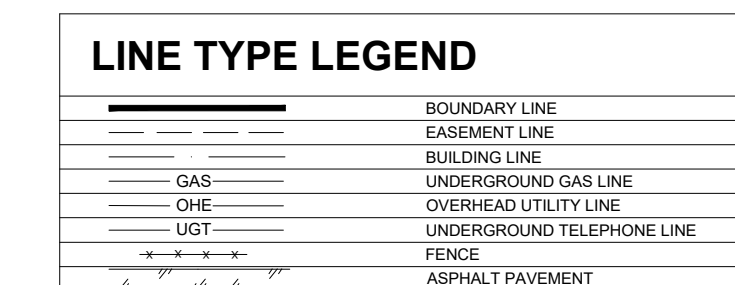
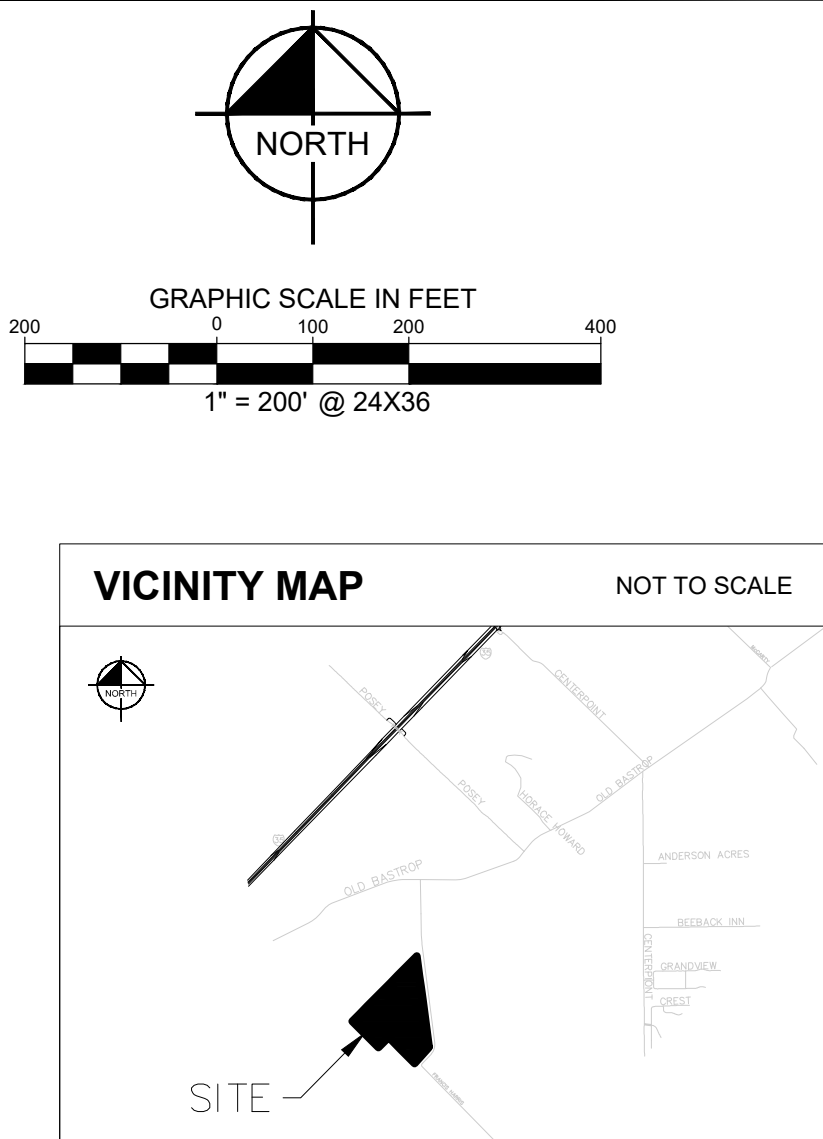
The City of San Marcos Development Code requires public notification in the form of notification signs on the subject property, published notice, and / or personal notice based on the type of application presented to the Planning Commission and / or City Council.

- 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: John Maberry
Print Name: John Maberry

Date: 04/13/2022



GENERAL NOTES

- 1. TITLE COMMITMENT NOTES:** This survey was performed utilizing that certain title report prepared by Fidelity National Title Insurance Company, G.F. No. 21-443-C (Issue Date: October 27, 2021, Effective Date: October 27, 2021) and the title commitment for the same. Circumstances of record mentioned therein. Kimmley-Horn did not abstract the public records. The surveyed tract may be subject to additional governmental regulations and restrictions prior to further site development.
- 2. FLOOD STATEMENT:**
- USE FOR ZONE X (UNSHADED)** According to Community Panel No. 42020000000000000000, dated September 2, 2005, the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM), the subject tract is located within Zone "X" (unshaded) which is defined by FEMA as "areas determined to be outside the 0.2% annual chance floodplain," commonly known as the 500-year floodplain. Zone "X" (unshaded) is outside of any FEMA established flood hazard zone. All zone delineations shown hereon are approximate. This flood statement is not intended to state that the property and/or the structures thereon will be free from flooding or flood damage. On rare occasions, greater floods can and will occur and flood heights may be increased by man-made or natural causes. The purpose of this flood statement is not to create any liability on the part of Kimmley-Horn or the undersigned.
- 3. GEODETIC BASIS STATEMENT:**
- HORIZONTAL CONTROL:** The bearings, distances, areas and coordinates shown hereon are the Texas State Plane Coordinate System 83 (NAD83) datum. The horizontal control is based on the datum of the Global Positioning System (GPS). All distances shown hereon are on the GRID. The unit of linear measurement is U.S. Survey Feet.
- ENCROACHMENTS:** Per ATLASNPS Survey Standards Item 5, Section C Paragraph (i): The term "Encroachment" implies a legal event. Evidence of potentially encroaching structural appearances and projections is observed. The survey process does not include (RPS or NAD83), as determined by the surveyor, the location of the property, and the location of the lines, setbacks, adjoining properties, and rights-of-way, will be shown. This survey will make no judgment of "Encroachment" or "Non-encroachment".
- The subject tract has access to the public street right-of-way of Francis Harris Lane.
- ZONING:** A Private Zoning Report was not provided by the owner or the insurer per ATLASNPS Optional Table A Items 6(a)(b). This survey does not reflect zoning status or restrictions.
- UTILITIES NOTE:** Any underground utilities shown hereon are from Texas 811 markings or other third party utility locators, and located by survey crews, or record drawings obtained from utility companies representatives. Kimmley-Horn cannot guarantee the locations of said utilities, except those that are observed and readily visible on the surface at the time of this survey. Kimmley-Horn assumes no liability for poorly or improperly marked utility locations. Private interior service lines are not shown.
- This survey does not provide any determination concerning wetlands, fault lines, toxic wastes (or any other environmental issue), archeological sites or other or poorly marked gravesites. An expert consultant should address such matters.
- Kimmley-Horn did not review lease interest while performing survey.
- The exterior "foot print" dimensions of all building shown hereon are used for square footage calculations.
- This survey does not show existing trees or landscaping.

NOTES ADDRESSING SCHEDULE B EXCEPTIONS:

(Pursuant to Commitment for Title Insurance listed in General Note 1.)

- The following matters and all terms of the documents creating or offering evidence of the matters (We must insert matters or delete this section).
- a. Rights of parties in possession. (Owner's Policy Only) This exception may be deleted at the option of the insured. It provides for physical inspection of the physical condition by the Title Company and payment of its reasonable and actual costs thereof.
- b. All leases, grants, exceptions or reservations of coal, lignite, oil, gas and other minerals, together with all rights, privileges or immunities relating thereto, appearing in the Public Records (whether listed in Schedule B or not). There may be leases, grants, exceptions or reservations of mineral interest that are not listed.
- c. Any encroachment, encumbrance, violation, violation, or adverse circumstance affecting the title that would be discovered by an accurate and complete land survey of the land. The term "encroachment" includes encroachments on the land, but not encroachments on the land into adjoining land, and encroachments on the Land of existing land improvements located in the event of a conflict between this exception and Covered Risk 1 [c], this exception that applies to Owner's Policy Only.
- d. Rights of tenants in possession under unrecorded leases or rental agreements.
- e. Any portion of the property lying within the boundary of any road or railway.
- f. Subject to any and all rights and/or privileges existing or may later exist by virtue of the portion of the property being used as a cemetery including, but not limited to, the right of sepulchre and interment and the rights of ingress and egress and in any case, as reserved in Decedent's Decree in Volume 611, Page 609, Deeds of Hays County, Texas. (SUBJECT TO AS SHOWN)
- g. Easement granted to Southwestern Bell Telephone Company, recorded in Volume 124, Page 302, Deeds of Hays County, Texas, and being transferred to San Marcos Telephone Company by instrument recorded in Volume 1, Page 509, Bill of Sale Records of Hays County, Texas. (DOES NOT AFFECT)
- h. Easement awarded to Lower Colorado River Authority, by judgment dated October 18, 1892, under Cause No. 9,413, District Court, Hays County, Texas, as recorded in Volume 18, Page 442, Civil Court Records of District Court, Hays County, Texas, and being transferred to instrument recorded in Volume 1349, Page 104, Official Public Records of Hays County, Texas. (SUBJECT TO AS SHOWN)
- i. Easement granted to Pedernales Electric Cooperative, Inc., recorded in Volume 657, Page 640, Official Public Records of Hays County, Texas. (SUBJECT TO AS SHOWN)
- j. Easements, terms, conditions, and stipulations in that certain Easement Agreement, as recorded in Document No. 0000010, of the Office Public Records of Hays County, Texas. (SUBJECT TO AS SHOWN)
- k. Easement granted to Crystal Water C-S-C, recorded in Volume 3626, Page 630, Official Public Records of Hays County, Texas. (SUBJECT TO AS SHOWN)
- l. Terms, conditions, and stipulations in that certain Notice of Land Purchase Right, and by and between Hays Energy, L.L.C., a Delaware limited liability company and successor by conversion to Hays Energy Limited Partnership, a Delaware limited liability company, and Delmar Development, L.L.C., Delaware limited liability company, as recorded in Document No. 17003581, of the Official Public Records of Hays County, Texas.
- m. Right of first refusal as set forth in Notice of Land Purchase Right, dated in January 3, 2017, recorded in Document No. 17003581, of the Official Public Records of Hays County, Texas.
- n. Subject property lies within the boundaries of York Creek Improvement District and may be subject to any special assessment as provided by the District.

METES AND BOUNDS:

BEING a 136.912 acre (5,963,888 square feet) tract of land less and except a one acre tract reserved for cemetery purposes for a total Net Acreage of 135.912 (5,920,320 square feet) of land situated in the A.M. Esmanizer Survey, Abstract No. 6, Hays County, Texas; and being a all of that certain 136.96 acre tract (less and except one acre) in instrument to Hays Energy Limited Partnership in Document No. 9918986 of the Official Public Records of Hays County; and being more particularly described as follows:

BEGINNING at a mag nail found in concrete on the intersection of the westerly line of Francis Harris Lane (variable public width public right-of-way) with the southeasterly line of Grant Harris Road (30 feet wide private drive) marking the northeast corner of the said 136.96 acre tract and the east corner of that certain 1.00 acre tract described in Volume 4187 Page 894 of the Official Public Records of Hays County;

THENCE, along the westerly right-of-way line of Francis Harris Lane the following ten (10) courses and distances:

1. South 07°25'45" East, 744.557 feet to a 3-inch metal fence post found for corner;
2. South 07°41'05" East, 369.75 feet to a 2-inch metal fence post found for corner;
3. South 07°47'16" East, 523.44 feet to a 3-inch metal fence post found for corner;
4. South 07°38'01" East, 1774.02 feet to a 3-inch metal fence post found for corner;
5. South 01°00'30" East, 10.17 feet to a 3-inch metal fence post found for corner;
6. South 08°04'14" West, 10.46 feet to a 3-inch metal fence post found for corner;
7. South 18°48'44" West, 12.34 feet to a 3-inch metal fence post found for corner;
8. South 25°03'13" West, 19.77 feet to a 3-inch metal fence post found for corner;
9. South 37°42'10" West, 23.94 feet to a 3-inch metal fence post found for corner;
10. South 41°44'05" West, 787.05 feet to a 3-inch metal fence post found for corner;

THENCE, departing the westerly right-of-way line of Francis Harris Lane and following along the northeasterly line of that certain 75.9 acre tract described as tract No. One (1) in instrument to John D. Doster and Eva J. Doster In Volume 265 Page 178 Deed Records Hays County the following three (3) courses and distances;

1. North 43°42'49" West, 225.80 feet to a ½-inch capped iron rod found for corner;
2. North 44°31'20" West, 542.09 feet to a ½-inch iron rod with a plastic cap stamped "KHA" set for corner;
3. North 44°53'03" West, 622.24 feet to a 3-inch metal post found for corner;

THENCE, South 45°02'40" West, 542.77 feet along the northwesterly line of said 75.9 acre tract to a 60D nail with washer stamped "BYRN SURVEY" found for corner;

THENCE, departing the aforesaid 75.9 acre tract and following along the northeasterly line of that certain 50.00 acre tract described in instrument to Donald Tuff in Volume 312, Page 837 in the Deed Records of Hays County the following three (3) courses and distances:

1. North 45°16'38" West, 256.47 feet to a wood post found for corner;
2. North 45°21'46" West, 733.15 feet to a wood post found for corner;
3. North 45°04'42" West, 413.36 feet to a 1/2-inch iron rod found for corner;

THENCE, North 44°35'39" East, 409.86 feet to a 3-inch iron fence post found for corner along the southeasterly line of that certain 4.56 acre tract described in instrument to Hays Energy Limited Partnership in Volume. 1512, Page 495 of the Official Public Records of Hays County;

THENCE, North 44°25'59" East, 410.99 feet to a ½-inch capped iron rod found for corner along the southeasterly line of that certain 4.56 acre tract described in instrument to David Alvarado-Vasquez and spouse Claudia V. Alvarado Document. No. 18044130 of the Official Public Records of Hays County;

THENCE, along the southeasterly right-of-way line of the said Grant Harris Road the following seven (7) courses and distances;

1. North 44°43'49" East, 411.16 feet to a ½-inch capped iron rod found for corner;
2. North 44°58'05" East, 407.88 feet to a ½-inch iron rod with a plastic cap stamped "KHA" set for corner;
3. North 44°51'54" East, 404.86 feet to a 100D nail found for corner;
4. North 44°32'48" East, 405.35 feet to a ½-inch capped iron rod found for corner;
5. North 44°19'19" East, 410.59 feet to a ½-inch capped iron rod found for corner;
6. North 45°29'28" East, 450.37 feet to a ½-inch capped iron rod found for corner;

THENCE, North 45°29'21" East, 169.58 feet along southeasterly right-of-way line of Grant Harris Road to the **POINT OF BEGINNING** and containing 136.912 acres in Hays County, Texas Less and Except that certain 1.00 acre tract reserved for cemetery purposes, and being more particularly described as follows:

COMMENCING at a ½-inch drill hole in a 3-inch metal fence post found at a three-way fence corner for an interior corner said 136.96 acre tract;

THENCE, North 44°04'47" East 625.64 feet along a fence line to a ½-inch iron rod with a plastic cap stamped "KHA" to the **POINT OF BEGINNING** of the Save and Except described herein;

Thence the following three (3) courses and distances across the said 136.96 acre tract:

1. North 44°04'47" East, 208.71 feet to a to a ½-inch iron rod with a plastic cap stamped "KHA" set for corner;
2. South 45°55'13" East, 208.71 feet to a to a ½-inch iron rod with a plastic cap stamped "KHA" set fore corner;
3. South 44°04'47" West, 208.71 feet to a to a ½-inch iron rod with a plastic cap stamped "KHA" set for corner;

THENCE, North 45°55'13" West 208.71 feet to the POINT OF BEGINNING, and containing 1.000 acre (43,560 square feet), for a total of 135.912 acres of land in Hays County, Texas.

The basis of bearing for this description is the Texas State Plane Coordinate System Grid South Central Zone (FIPS 4204) (NAD'83). All distances are on the Grid and show in U.S. Survey Feet. This document was prepared in the office of Kimley-Horn and Associates, Inc. in San Antonio, Texas.

SURVEYORS CERTIFICATION:

To: Highlander Real Estate Partners, LLC;
(name of lender, if known);
(name of insurer, if known);
(names of others as negotiated with the client).

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 1,3,4,8,9,13 and 16 of Table A thereof.

Field Work Date: 10/21/2021
Survey Date: 11/09/2021

PRELIMINARY
THIS DOCUMENT SHALL
NOT BE RECORDED FOR
ANY PURPOSE AND
SHALL NOT BE USED OR
VIEWED OR RELIED
UPON AS A FINAL
SURVEY DOCUMENT

John Gregory Mosier
Registered Professional Land Surveyor No. 6330
Kimley-Horn and Associates, Inc.
601 NW Loop 410, Suite 350
San Antonio, Texas 78216
Ph. 210-541-9166
greg.mosier@kimley-horn.com

ALTA/NSPS LAND TITLE SURVEY

136.912 ACRES

A.M. ESNANRIZAR SURVEY, ABSTRACT NO. 6
HAYS COUNTY, TEXAS

Kimley»»Horn

601 NW Loop 410, Suite 350
San Antonio, Texas 78216 FIRM # 10193973 Tel. No. (210) 541-9166
www.kimley-horn.com

DWG NAME: K:\SNA SURVEY\068727800-FRANCIS HARRIS\DWG\FRANCIS HARRIS BASE.DWG	BOUDREAU, BRIAN	11/16/2021 10:17 AM	LAST SAVED	11/16/2021 10:05 AM
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