# 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	

### 

### **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

\*Existing Neighborhood Regulating Plan Included.

\*MAXIMUM COST \$3,013

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

### **APPLY ONLINE - WWW.MYGOVERNMENTONLINE.ORG/**

## PROPERTY OWNER AUTHORIZATION 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. Printed Name, Title: John Maberry, Owner Date: <u>04/13/2022</u> Printed Name, Title: Amanda Brown Form Updated October, 2019

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

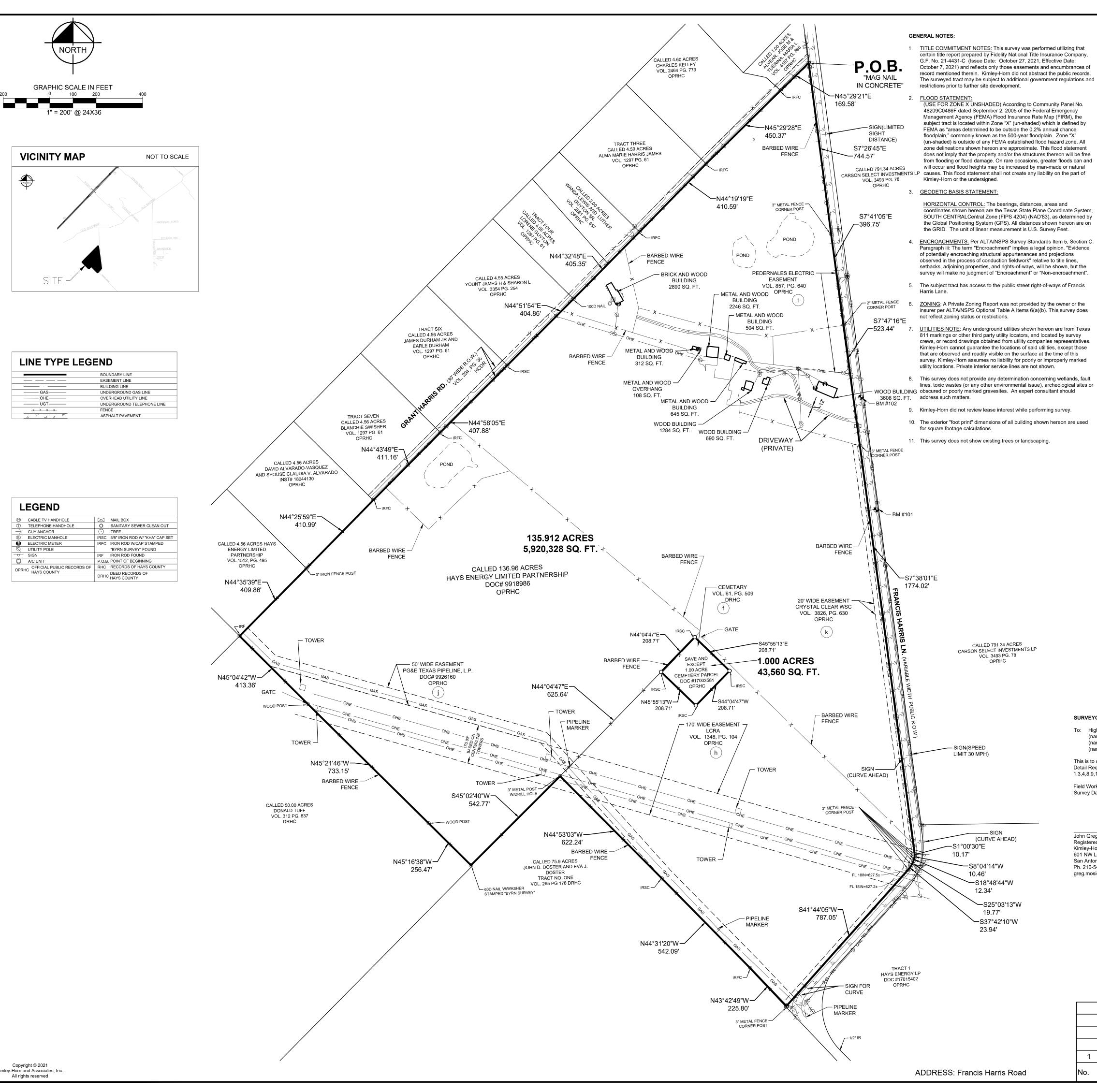
The City of San Marcos Development Code requires public notification in the form of notification signs on the subject property, published notice, and / or personal notice based on the type of application presented to the Planning Commission and / or City Council.

- 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		04/13/2022		
	John Maberry				

Form Updated October, 2019



### NOTES ADDRESSING SCHEDULE B EXCEPTIONS

insert matters or delete this exception.)

- (Pursuant to Commitment for Title Insurance listed in General Note 1.)
- 10. The following matters and all terms of the documents creating or offering evidence of the matters (We must
- Rights of parties in possession. (Owner's Policy Only) This exception may a. be deleted at the request of the proposed insured, upon a physical inspection 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 and 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.
- Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the title that would be disclosed by an accurate and complete land survey of the land. The term "encroachment" includes encroachment of existing improvements located on the Land onto

adjoining land, and encroachments on the Land of existing improvements located on adjoining

In the event of a conflict between this exception and Covered Risk '1.(c)', this exception

- shall control. (Applies to Owner's Policy only) 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 roadway.
- Subject to any and all rights and/or privileges existing or which may later exist by virtue of that portion of the subject property being used as a cemetery including, but not limited to, the rights of sepulcher and internment and the rights of ingress and egress in and to said cemetery, as reserved in Deed recorded in Volume 61, Page 509, Deed Records of Hays County, Texas.
- Easement granted to Southwestern Bell Telephone Company, recorded in Volume 124, Page 302, Deed Records of Hays County, Texas, and being transferred to San Marcos Telephone Company by instrument recorded in Volume F, Page 509, Bill of Sale Records of Hays County, Texas.
- Easement awarded to Lower Colorado River Authority, by Judgment dated October 18, 1972, under Cause No. 9.413. District Court Records. Havs County. Texas, as recorded in Volume R Page 462, Civil Minute Records of District Court of Hays County, Texas, and amended by instrument recorded in Volume 1348, Page 104, Official Public Records of Hays County, Texas. (SUBJECT TO AS SHOWN)
- Easement granted to Pedernales Electric Cooperative, Inc., recorded in Volume 857, Page 640, Official Public Records of Hays County, Texas. (SUBJECT TO AS SHOWN)
- Easements, terms, conditions, and stipulations in that certain Easement Agreement, as recorded in Document No. 9926160, of the Official Public Records of Hays County, Texas. (SUBJECT TO AS SHOWN)
- Easement granted to Crystal Clear W.S.C., recorded in Volume 3826, Page 630, Official Public Records of Hays County, Texas. (SUBJECT TO AS SHOWN
- Terms, conditions, and stipulations in that certain Notice of Land Purchase Right, by and between Hays Energy, LLC, a Delaware limited liability company and successor by conversion to Hays Energy Limited Partnership, a Delaware limited partnership, and ENGIE Development, LLC 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 m. January 3, 2017. recorded in Document No. 17003581, of the Official Public Records of Hays County, Texas.
- Subject property lies within the boundaries of York Creek Improvement District and may be subject to taxes or special assessments as provided by law.

### LEGAL DESCRIPTION:

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

DESCRIPTION OF 135.96 ACRES MORE OR LESS OF LAND AREA BEING A 136.96 ACRE TRACT LESS AND EXCEPT A ONE ACRE TRACT RESERVED FOR CEMETERY PURPOSES BEING A PORTION OF LOTS 148 149 AND 167 OF THE DIVISION OF THE AM ESNAURRIZAR SURVEY HAYS COUNTY TEXAS AS SHOWN ON THE PLAT OF SUBDIVISION DATED MARCH 1848 AND RECORDED IN VOLUME 84 PAGE 471 OF THE HAYS COUNTY DEED RECORDS AND BEING ALL OF THAT TRACT DESCRIBED AS 136.96 ACRES IN A DEED JAMES W RAGSDALE TO HAYS ENERGY LIMITED PARTNERSHIP DATED AUGUST 9.1999 AND RECORDED IN HAYS COUNTY DOCUMENT NO 9918986 OF THE HAYS COUNTY OFFICIAL PUBLIC RECORDS (BEING RESERVED IN PREVIOUS DEED A ONE ACRE TRACT OF LAND FOR A CEMETERY PURPOSES)

#### 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. Esnanrizar 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

**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

**THENCE**, along the westerly right-of-way line of Francis Harris Lane the following ten

Volume 4187 Page 894 of the Official Public Records of Hays County;

1. South 07°26'45" East, 744.57 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;

FHENCE, 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
- **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
- 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;

acre tract to a 60D nail with washer stamped "BYRN SURVEY" found for corner;

- 3. North 45°04'42" West, 413.36 feet to a ½-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 Havs 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 Havs 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 1/2-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

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 plant
- stamped "KHA" set fore corner; 3. South 44°04'47" West, 208.71 feet to a to a  $\frac{1}{2}$ -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

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 shown in U.S. Survey Feet. This document was prepared in the office of Kimley-Horn and Associates, Inc. in San Antonio, Texas.

### SURVEYORS CERTIFICATION:

- 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

THIS DOCUMENT SHAL NOT BE RECORDED FOR ANY PURPOSE AND SHALL NOT BE USED OR

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

VIEWED OR RELIED UPON AS A FINAL SURVEY DOCUMENT

### **ALTA/NSPS LAND TITLE SURVEY**

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

Kimley»								<b>Horn</b>	
			601 NW Loop 410, Suite 350 San Antonio, Texas 78216 FIRM # 10193973				Tel. No. (210) 541-9166 www.kimley-horn.com		
1	DATE	DEVIOLON DESCRIPTION	<u>Scale</u>	<u>Drawn by</u>	Checked by	<u>Date</u>	Project No.	Sheet No.	
No.	DATE	REVISION DESCRIPTION	1" = 200'	TIA	JGM	11/10/2021	068727800	1 OF 1	