

ORDINANCE NO. 2023-36

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS ANNEXING INTO THE CITY APPROXIMATELY 3.278 +/-ACRES OF LAND (CALLED 2.699 ACRES), OUT OF THE T.H.W. FORSITH SURVEY, ABSTRACT NO. 173, BEING ALL OF LOT 14, SECTION 2, COUNTRY ESTATES IN HAYS COUNTY, TEXAS, ALONG WITH THE ADJACENT COUNTY RIGHT OF WAY, GENERALLY LOCATED AT 722 PALOMINO LANE IN CASE NO. AN-23-07; INCLUDING PROCEDURAL PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.

RECITALS:

- 1.** In Case No. AN-23-07 the owner of approximately 3.278 +/- acres out of the T. H. W. Forsith Survey, Abstract No. 173, being all of Lot 14, Section 2, Country Estates in Hays County, Texas, along with the adjacent County Right of Way, generally located at 722 Palomino Lane, as further described in Exhibit "A" attached hereto and incorporated herein for all purposes (the "Property"), made a request for the City to annex the Property.
- 2.** Said owner consents to the annexation of the Property.
- 3.** The Owner and the City have entered into a written agreement for the provision of services to the Property.
- 4.** The Property is contiguous and adjacent to the current boundaries of the City.
- 5.** The City Council held a public hearing regarding the request on April 18, 2023.
- 6.** The City Council hereby finds and determines that the adoption of the following ordinance is in the interest of the public health, morals, welfare, and safety.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS:

SECTION 1. The recitals of this ordinance are approved and adopted.

SECTION 2. The Property is annexed to and is a part of the City of San Marcos, Texas and subject to the acts, ordinances, resolutions, and regulations of the City.

SECTION 3. Services to the Property will be provided under the terms of the written agreement for the provision of services entered into by the City as noted in Recital 3.

SECTION 4. The corporate limits of the City are extended to include the Property.

SECTION 5. The inhabitants of the Property are entitled to all the rights and privileges

of other citizens of the City, and are bound by the acts, ordinances, resolutions, and regulations of the City.

SECTION 6. If any word, phrase, clause, sentence, or paragraph of this ordinance is held to be unconstitutional or invalid by a court of competent jurisdiction, the other provisions of this ordinance will continue in force if they can be given effect without the invalid portion.

SECTION 7. All ordinances and resolutions or parts of ordinances or resolutions in conflict with this ordinance are repealed.

SECTION 8. This ordinance shall be effective upon its adoption on second reading.

PASSED AND APPROVED on first reading on April 18, 2023.

PASSED, APPROVED AND ADOPTED on second reading on May 2, 2023.

Jane Hughson
Mayor

Attest:

Approved:

Elizabeth Trevino
City Clerk

Sam Aguirre
City Attorney

METES AND BOUNDS

Being 3.278 acres of land (called 2.699 acres), more or less, out of the T.H.W. Forsith Survey, Abstract No. 173, being all of Lot 14, Section 2, Country Estates, a subdivision in Hays County, Texas, and being that same property described in a Warranty Deed recorded in Volume 2340, Page 212, Official Public Records, Hays County, Texas, said 3.278 acres being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 inch iron rod found for the southwest corner of this 3.278 acres, same being the northwest corner of Martha Millican, 4.331 acres (Volume 1304, Page 653) and on the East Right-of-Way line of Palomino Lane, same also being the **POINT OF BEGINNING**;

THENCE along the East Right-of-Way line of said Palomino Lane the following courses and distances:

North 13 degrees 15 minutes 43 seconds East (called North 13 degrees 48 minutes 20 seconds East), a distance of 123.10 feet to a point for an interior corner of this 3.278 acres;

North 33 degrees 54 minutes 17 seconds West (called North 33 degrees 21 minutes 40 seconds West), a distance of 99.35 feet (called 99.38 feet) to a point for the northwest corner of this 3.278 acres, from which the center of a 7 inch wooden fence post bears South 89 degrees 38 minutes 48 seconds West, a distance of 2.73 feet, same being on the East Right-of-Way line of said Palomino Lane and the southwest corner of Bret R. Lantz et ux, 3.558 acres (Document No. 19006980);

THENCE along the line common to this 3.278 acres and said Lantz 3.558 acres, North 66 degrees 56 minutes 34 seconds East (called North 67 degrees 29 minutes 11 seconds East), a distance of 577.49 feet (called 577.05 feet) to a point for the northeast corner of this 3.278 acres, same being the southeast corner of said Lantz 3.558 acres and on the West line of the City of San Marcos, 248.711 acres (Document No. 18028923);

THENCE along the line common to this 3.278 acres and said City of San Marcos 248.711 acres, South 09 degrees 04 minutes 18 seconds East (called South 08 degrees 31 minutes 41 seconds East), a distance of 320.00 feet to a 1/2 inch iron rod found for the southeast corner of this 3.278 acres, same being an interior corner of said City of San Marcos 248.711 acres and an angle corner of said Millican 4.331 acres;

THENCE along the line common with this 3.278 acres and said Millican 4.331 acres, South 78 degrees 32 minutes 18 seconds West (called South 79 degrees 04 minutes 55 seconds West), a distance of 565.92 feet (called 567.41 feet) to the **POINT OF BEGINNING**, and containing 3.278 acres of land, more or less.

I hereby certify that these field notes were prepared from an actual survey made on the ground under my supervision and are true and correct to the best of my knowledge and belief. A survey plat of the above described tract prepared this day is hereby attached to and made a part hereof. Bearings shown herein are based on actual GPS observations, Texas State Plane Coordinates, South Central Zone, Grid.



Mark J. Ewald
Registered Professional Land Surveyor
Texas Registration No. 5095
October 31, 2019.



