

## **ORDINANCE NO. 2023-34**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS ANNEXING INTO THE CITY APPROXIMATELY 28.91 +/-ACRES OF LAND MORE OR LESS, OUT OF THE CYRUS WICKSON SURVEY, ABSTRACT NO. 474, THE JOHN FREDERICK GEISTER SURVEY, ABSTRACT NO. 203, THE FARNHAM FRYE SURVEY, ABSTRACT NO. 183, AND THE REBECCA BROWN SURVEY, ABSTRACT NO. 46, HAYS COUNTY, TEXAS, GENERALLY LOCATED AT 2409 OLD BASTROP HIGHWAY, CASE NO. AN-23-05 OAK CREEK CD-5; INCLUDING PROCEDURAL PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.**

### **RECITALS:**

- 1.** In Case No. AN-23-05 Oak Creek CD-5, the owner of approximately 28.91 +/- acres out of the Cyrus Wickson Survey, Abstract No. 474, the John Frederick Geister Survey, Abstract No. 203, the Farnham Frye Survey, Abstract No. 183, and the Rebecca Brown Survey, Abstract No. 46, in Hays County, Texas, generally located at 2409 Old Bastrop Highway, 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

## **EXHIBIT A**



Exhibit " — "

7401B Highway 71 West, Suite 160  
Austin, TX 78735  
Office: 512.583.2600  
Fax: 512.583.2601

[Doucetengineers.com](http://Doucetengineers.com)

**28.91-Acre Tract  
Hays County, Texas**

**D&A Job No. 2448-001  
January 30, 2023**

**DESCRIPTION  
For a 28.91-Acre Tract**

**BEING A 28.91-ACRE TRACT OUT OF THE CYRUS WICKSON SURVEY, ABSTRACT NUMBER 474, THE JOHN FREDERICK GEISTER SURVEY, ABSTRACT NUMBER 203, THE FARNHAM FRYE SURVEY, ABSTRACT NUMBER 183, AND THE REBECCA BROWN SURVEY, ABSTRACT NUMBER 46, HAYS COUNTY, TEXAS, SAID 28.91-ACRE TRACT BEING A PORTION OF SEVEN (7) TRACTS OF LAND DESCRIBED AS FOLLOWS: 1) A CALLED 5.00-ACRE TRACT, CONVEYED TO SM LANDHOLDINGS, LLC, RECORDED IN DOCUMENT NUMBER 22055396 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS [O.P.R.H.C.T.], 2) A CALLED 22.60-ACRE TRACT, CONVEYED TO SM LANDHOLDINGS, LLC, RECORDED IN DOCUMENT NUMBER 22055406, [O.P.R.H.C.T.], 3) A CALLED 0.2845-ACRE TRACT, DESCRIBED AS PARCEL 25, CONVEYED TO HAYS COUNTY, RECORDED IN VOLUME 1231, PAGE 684, O.P.R.H.C.T., 4) A CALLED 0.2479-ACRE TRACT, DESCRIBED AS PARCEL 24-2, CONVEYED TO HAYS COUNTY, RECORDED IN VOLUME 1314, PAGE 596, O.P.R.H.C.T., 5) A CALLED 0.2541-ACRE TRACT, DESCRIBED AS PARCEL 24-1, CONVEYED TO HAYS COUNTY, RECORDED IN VOLUME 1329, PAGE 29, O.P.R.H.C.T., 6) A 10-FOOT WIDE ADDITIONAL RIGHT-OF-WAY DEDICATION, AS RECORDED IN VOLUME 17, PAGE 208 OF THE PLAT RECORDS OF HAYS COUNTY, TEXAS [P.R.H.C.T.], AND 7) A VARIABLE WIDTH STRIP OF RIGHT-OF-WAY WITHIN S. OLD BASTROP HIGHWAY, NO RECORD INFORMATION FOUND, SAID 28.91-ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:**

**BEGINNING** at a 3/8-inch iron rod found in a hackberry tree for the southeast corner of said 5.00-acre tract, for a corner along the north line of said 22.60-acre tract, for the south corner of a called 0.81-acre tract conveyed to Louis Lee Prazar, recorded in Volume 4097, Page 170 of the Deed Records of Hays County, Texas [D.R.H.C.T.] and for an angle corner of the tract described herein;

**THENCE** N72°03'42"E, with the north line of said 22.60-acre tract, passing a 1/2-inch iron rod found at a distance of 163.21 feet, continuing for a total distance of 326.73 feet to a 1/2-inch iron rod found for the southeast corner of a called 1.506-acre tract, recorded in Volume 4556, Page 387 (Document Number 13005169) [O.P.R.H.C.T.], for a corner in the west line of a called 4.06-acre tract, recorded in Volume 847, Page 734 [O.P.R.H.C.T.] and for the northeast corner of the tract described herein;

**THENCE** with the east line of said 22.60-acre tract, the following two (2) courses:

- 1) S01°09'13"E, for a distance of 210.88 feet to a 1/2-inch iron rod with cap stamped "DOUCET" set for a corner on the east line of said 22.60-acre tract, for a corner in the west line of a called 3.1592-acre tract, recorded in Document Number 20038448 [O.P.R.H.C.T.] and for a corner of the tract described herein, and

**[CONTINUED ON NEXT PAGE]**

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EXPERIENCE YOU NEED.  
PEOPLE YOU TRUST.



- 2) S04°20'31"W, passing a 1/2-inch iron rod found at a distance of 459.07 feet, for the southwest corner of a called 0.998-acre tract, recorded in Volume 5134, Page 261 (Document Number 15003827) [O.P.R.H.C.T.], same point being the northwest corner of a called 1.00-acre tract, recorded in Volume 1188, Page 879 [O.P.R.H.C.T.], passing a 1/2-inch iron rod found at a distance of 759.23 feet, for the southwest corner of a called 0.9987-acre tract, recorded in Document Number 19001169 [O.P.R.H.C.T.] and for the northwest corner of a called 1.33-acre tract, recorded in Volume 808, Page 143 of the Real Property Records of Hays County, Texas [R.P.R.H.C.T.], passing a 1/2-inch iron rod found at a distance of 1,108.74 feet, for the southwest corner of a called 1.00-acre tract, recorded in Volume 2361, Page 203 (Document Number 03038371) [O.P.R.H.C.T.] and for the northwest corner of a called 1.00-acre tract, recorded in Volume 2361, Page 200 (Document Number 03038370) [O.P.R.H.C.T.], continuing for a total distance of 1,258.44 feet to a 1/2-inch iron rod found for the southeast corner of said 22.60-acre tract, for the southwest corner of said 1.00-acre tract, same being in the north line of a called 1.26-acre tract, recorded in Volume 474, Page 310 [R.P.R.H.C.T.] and for the southeast corner of the tract described herein;

**THENCE** N85°18'19"W, with the south line of said 22.60-acre tract and with the north line of said 1.26-acre tract, a distance of 181.01 feet to a 8-inch wood corner fence post found for the southwest corner of said 22.60-acre tract, for the northwest corner of said 1.26-acre tract, same point being in the northeast line of a called 86.578-acre tract, recorded in Volume 2543, Page 876 (Document Number 04026929) [O.P.R.H.C.T.] and for the southwest corner of the tract described herein;

**THENCE** with the southwest line of said 22.60-acre tract and the northeast line of said 86.578-acre tract, the following two (2) courses:

- 1) N43°56'27"W, for a distance of 551.00 feet to a 1/2-inch iron rod with cap stamped "LAI" found, and
- 2) N43°38'36"W, for a distance of 619.16 feet to a 3/8-inch iron rod found for the west corner of said 22.60-acre tract, for the southwest corner of the remainder of a called 2.19-acre tract, recorded in Volume 2723, Page 194 (Document Number 05019678) [O.P.R.H.C.T.] and for the west corner of the tract described herein;

**THENCE** N58°57'40"E, with the common line of said 22.60-acre tract and said remainder of a called 2.19-acre tract, a distance of 203.41 feet to a 1/2-inch iron rod found for a corner of said 22.60-acre tract, for the southeast corner of said remainder of a called 2.19-acre tract, and for a corner of the tract described herein;

**THENCE** N37°07'47"W, partially with the common line of said 22.60-acre tract and said remainder of a called 2.19-acre tract, continuing across said variable width right-of-way of S. Old Bastrop Highway and continuing across said Parcel 25, for a total distance of 511.47 feet to a calculated point at the beginning of a curve to the right, same point being in the southeast line of a called 54.360-acre tract conveyed to Reed Carr and Patricia M. Carr, recorded in Volume 2359, Page 218 [O.P.R.H.C.T.] and for a corner of the tract described herein;

**[CONTINUED ON NEXT PAGE]**



**THENCE** with the common line of said S. Old Bastrop Highway and said 54.360-acre tract and with the northwest line of said Parcel 25, the following two (2) courses:

- 1) With said curve to the right, having an arc length of 67.29 feet, a radius of 1,040.00 feet, a delta angle of  $03^{\circ}42'25''$ , and a chord which bears  $N50^{\circ}21'36''E$ , for a distance of 67.28 feet to a 1/2-inch iron rod found for a corner of said Parcel 25 and a corner of the tract described herein, and
- 2)  $N52^{\circ}11'14''E$ , a distance of 196.02 feet to a 1/2-inch iron rod found in the northeast line of said 54.360-acre tract, for the northernmost northeast corner of said Parcel 25, for the westernmost southwest corner of said Parcel 24-2 and for a corner of the tract described herein;

**THENCE**  $N46^{\circ}21'13''W$ , with the common line of said 54.360-acre tract and said 10-foot additional right-of-way dedication as recorded in Volume 17 [P.R.H.C.T.], for a distance of 10.12 feet to a calculated point for the southwest corner of Lot 1, Block A, Resubdivision of Ace Relocation Subdivision, as recorded in Volume 18, Page 113 [O.P.R.H.C.T.] and for a corner of the tract described herein;

**THENCE**  $N52^{\circ}22'34''E$ , with the common line of said Lot 1 and said 10-foot additional right-of-way dedication, for a distance of 402.26 feet to a calculated point for the northeast corner of the tract described herein;

**THENCE**  $S42^{\circ}26'42''E$ , across said 10-foot additional right-of-way dedication, said Parcel 24-1 and said S. Old Bastrop Highway, passing a 3/8-inch iron rod found for the northeast corner of said 5.00-acre tract at a distance of 90.26 feet, continuing with the northeast line of said 5.00-acre tract, for a total distance of 573.09 feet to the **POINT OF BEGINNING** of the tract described herein and containing 28.91-acres more or less.

[CONTINUED ON NEXT PAGE]



Notes:

Basis of bearings is the Texas Coordinate System, South Central Zone [4204], NAD83 (2011), Epoch 2010. All distances are surface values and may be converted to grid by dividing by the surface adjustment factor of 1.00013 using CP1 as a point of origin. Units: U.S. Survey Feet.

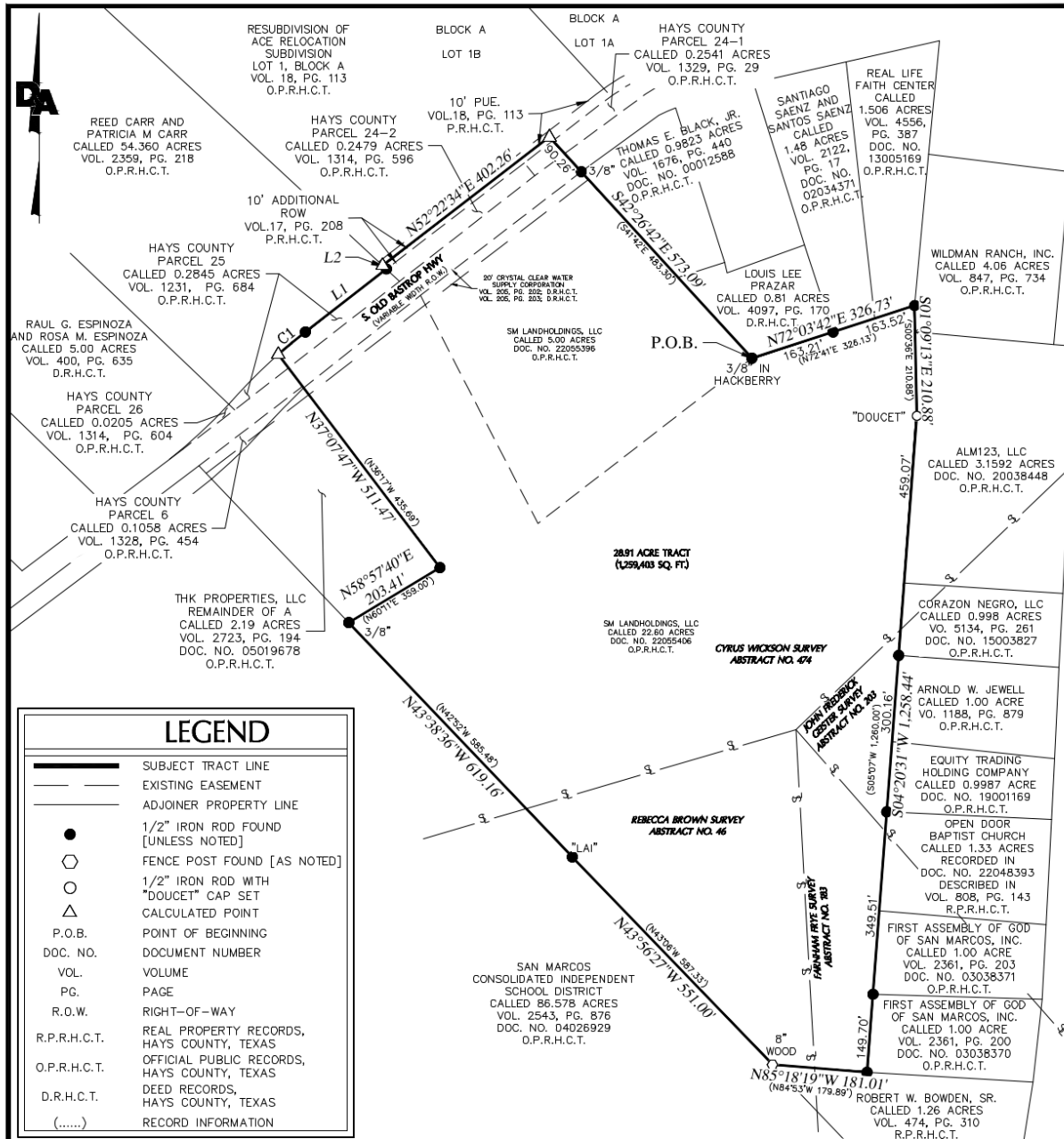
I, Christopher W. Terry, Registered Professional Land Surveyor, hereby certify that this description and accompanying exhibit of even date represent an actual survey performed on the ground.

01/30/2023

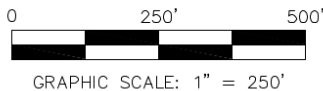
Date

Christopher W. Terry  
Registered Professional Land Surveyor  
Texas Registration No. 6649  
Doucet & Associates  
Cterry@DoucetEngineers.com  
TBPELS Firm Registration No. 10194551





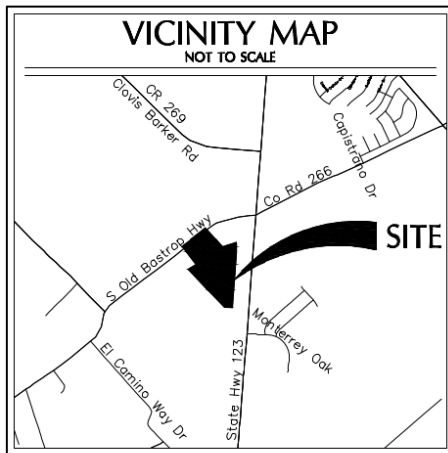
**28.91 ACRE TRACT**  
**(1,259,403 SQUARE FEET)**  
**EXHIBIT**  
**HAYS COUNTY, TEXAS**



**DOUCET**  
 Civil Engineering // Entitlements // Geospatial  
 7401 B. Highway 71 W, Ste. 160  
 Austin, TX 78735, Tel: (512)-583-2600  
[www.doucetengineers.com](http://www.doucetengineers.com)  
 TBPELS Firm Number: 3937  
 TBPELS Firm Number: 10194551

Date:	01/30/2023
Scale:	1" = 250'
Drawn by:	JRT
Reviewer:	CWT
Project:	2448-001
Sheet:	5 OF 6
Field Book:	555
Party Chief:	LG
Survey Date:	01-25-2023





LINE TABLE		
LINE	BEARING	DISTANCE
L1	N52°11'14"E	196.02'
L2	N46°21'13"W	10.12'

CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD LENGTH
C1	67.29'	1,040.00'	3°42'25"	N50°21'36"E	67.28'

**SITE ADDRESS:**  
**2411 S. OLD BASTROP HWY**  
**SAN MARCOS, TX 78666**

LEGEND	
	SUBJECT TRACT LINE
	EXISTING EASEMENT
	ADJOINER PROPERTY LINE
	1/2" IRON ROD FOUND [UNLESS NOTED]
	FENCE POST FOUND [AS NOTED]
	1/2" IRON ROD WITH "DOUCET" CAP SET
	CALCULATED POINT
P.O.B.	POINT OF BEGINNING
DOC. NO.	DOCUMENT NUMBER
VOL.	VOLUME
PG.	PAGE
R.O.W.	RIGHT-OF-WAY
R.P.R.H.C.T.	REAL PROPERTY RECORDS, HAYS COUNTY, TEXAS
O.P.R.H.C.T.	OFFICIAL PUBLIC RECORDS, HAYS COUNTY, TEXAS
D.R.H.C.T.	DEED RECORDS, HAYS COUNTY, TEXAS
(.....)	RECORD INFORMATION

**CONTROL NOTE:**  
BASIS OF BEARING IS THE TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE (4204), NORTH AMERICAN DATUM 1983 (NAD83), 2011 ADJUSTMENT (EPOCH 2010). ALL COORDINATE VALUES AND DISTANCES SHOWN ARE GRID VALUES.  
UNITS: US SURVEY FEET

THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE COMMITMENT. EASEMENTS OR OTHER MATTERS OF RECORD MAY EXIST WHERE NONE ARE SHOWN.



I, CHRISTOPHER W. TERRY, REGISTERED PROFESSIONAL LAND SURVEYOR, HEREBY CERTIFY THAT THIS PLAT AND ACCOMPANYING LEGAL DESCRIPTION OF EVEN DATE REPRESENT AN ACTUAL SURVEY PERFORMED ON THE GROUND UNDER MY SUPERVISION.

*Christopher W. Terry*

01/30/2023

CHRISTOPHER W. TERRY  
REGISTERED PROFESSIONAL LAND SURVEYOR  
TEXAS REGISTRATION NO. 6649  
DOUCET & ASSOCIATES, INC.  
CTERRY@DOUCETENGINEERS.COM

**28.91 ACRE TRACT**  
**(1,259,403 SQUARE FEET)**  
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