

AGREEMENT FOR THE PROVISION OF SERVICES

(Pursuant to Tex. Local Gov't Code §43.0672)

Date: March 7, 2023

Owner: SM Landholdings, LLC, 4324 Privacy Hedge Ln, Leander, TX 78641

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: _____

Name: _____

Title: _____

ACKNOWLEDGMENT

STATE OF TEXAS §

§

COUNTY OF HAYS §

 This instrument was acknowledged before me on _____, 20____, by
_____, _____ of the City of San Marcos, in such capacity, on
behalf of said municipality.

Notary Public, State of Texas

OWNER:

SM Landholdings, LLC, 4324 Privacy Hedge Ln, Leander, TX 78641

ACKNOWLEDGMENT

STATE OF _____ §

§

COUNTY OF _____ §

This instrument was acknowledged before me on _____, 20__ by
_____, _____ of _____ in such
capacity on behalf of said entity.

Notary Public, State of _____

EXHIBIT A



Exhibit " — "

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

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]

COMMITMENT YOU EXPECT.
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.

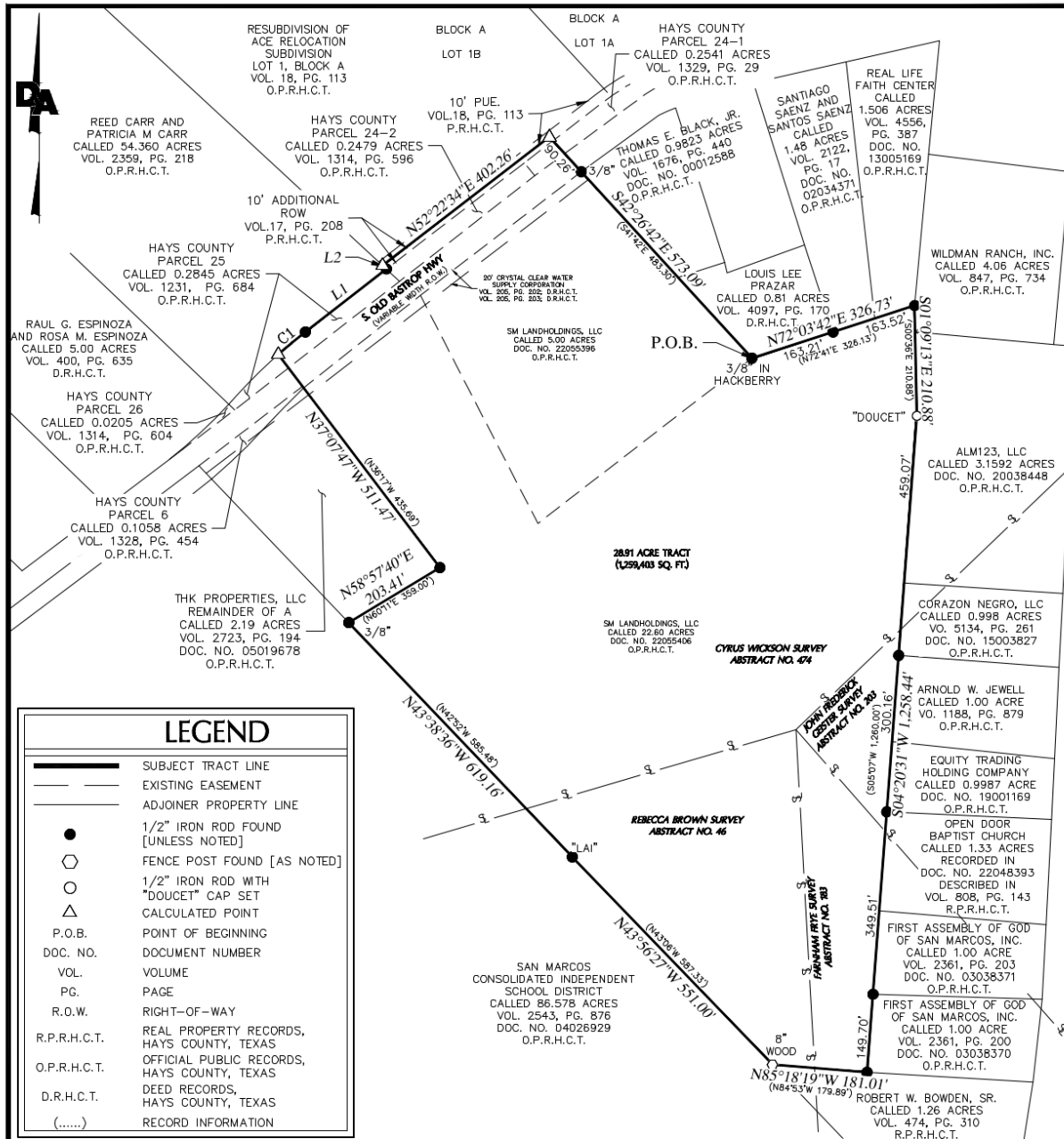
I, Christopher W. Terry, Registered Professional Land Surveyor, hereby certify that this description and accompanying exhibit of even date represent an actual survey performed on the ground.

01/30/2023

Date

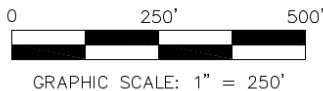
Christopher W. Terry
Registered Professional Land Surveyor
Texas Registration No. 6649
Doucet & Associates
Cterry@DoucetEngineers.com
TBPELS Firm Registration No. 10194551





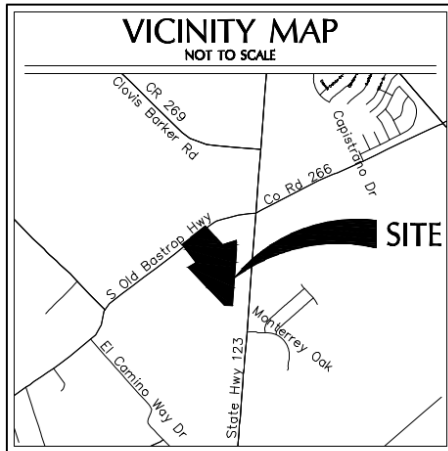
LEGEND	
	SUBJECT TRACT LINE
	EXISTING EASEMENT
	ADJOINER PROPERTY LINE
	1/2" IRON ROD FOUND [UNLESS NOTED]
	FENCE POST FOUND [AS NOTED]
	1/2" IRON ROD WITH "DOUCET" CAP SET
	CALCULATED POINT
P.O.B.	POINT OF BEGINNING
DOC. NO.	DOCUMENT NUMBER
VOL.	VOLUME
PG.	PAGE
R.O.W.	RIGHT-OF-WAY
R.P.R.H.C.T.	REAL 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

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
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



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

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'

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
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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)
EXHIBIT
HAYS COUNTY, TEXAS



DOUCET

Civil Engineering // Entitlements // Geospatial
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TBPELS Firm Number: 3937
TBPELS Firm Number: 10194551

Date:	01/30/2023
Scale:	N/A
Drawn by:	JRT
Reviewer:	CWT
Project:	2448-001
Sheet:	6 OF 6
Field Book:	---
Party Chief:	JB
Survey Date:	01-25-2023

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 not covered by a CCN for wastewater service; however, the City of San Marcos has wastewater lines in the vicinity of the Property and agrees to 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. In addition, the City is in the process of adding the Property as an area covered by the City's CCN for wastewater service.

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 Bluebonnet Electric 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.