

RESOLUTION NO. 2023-100R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS APPROVING AN AGREEMENT FOR THE PROVISION OF SERVICES IN CONNECTION WITH THE PROPOSED OWNER REQUESTED ANNEXATION IN CASE NO. AN-23-01 (HILL COUNTRY STUDIOS) OF APPROXIMATELY 147.846 ACRES OF LAND OUT OF THE L. GLASSGOW SURVEY NO. 14, ABSTRACT NO. 188 AND THE JOHN WILLIAMS SURVEY, ABSTRACT NO'S. 471 AND 490 (INCLUDING ADJACENT RIGHT-OF-WAY), IN HAYS COUNTY, TEXAS, GENERALLY LOCATED AT THE SOUTHWEST CORNER OF THE W. CENTERPOINT RD AND RANCH RD 12 INTERSECTION; AUTHORIZING THE CITY MANAGER, OR HER DESIGNEE, TO EXECUTE SAID AGREEMENT ON BEHALF OF THE CITY; SETTING A DATE FOR A PUBLIC HEARING CONCERNING THE PROPOSED ANNEXATION OF SAID TRACT OF LAND; AND DECLARING AN EFFECTIVE DATE.

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

PART 1. The attached Agreement for the Provision of Services in connection with the proposed annexation in case number AN-23-01 (Hill Country Studios) of approximately 147.846 acres of land out of the L. Glassgow Survey No. 14, Abstract No. 188 and the John Williams Survey, Abstract No's. 471 and 490 (including adjacent right-of-way, in Hays County, Texas, generally located at the southwest corner of the W. Centerpoint Rd. and Ranch Rd. 12 intersection is hereby approved.

PART 2. The City Manager, or her designee, is authorized to execute said agreement on behalf of the City.

PART 3. The date for the public hearing concerning the proposed annexation of the land described in said agreement shall be July 3, 2023.

PART 4. This resolution shall be in full force and effect immediately from and after its passage.

ADOPTED on June 6, 2023.

Jane Hughson
Mayor

Attest:

Elizabeth Trevino, City Clerk

ATTACHMENT
AGREEMENT FOR THE PROVISION OF SERVICES

AGREEMENT FOR THE PROVISION OF SERVICES

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

Date: June 6, 2023

Owner: Hill Country Real Estate – San Marcos, LLC, 3413 Hunter Road, Ste D PMB 307, San Marcos, TX 78666

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 in accordance with the approved 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:

Zach Price, Hill Country Real Estate – San Marcos, LLC

ACKNOWLEDGMENT

STATE OF _____ §

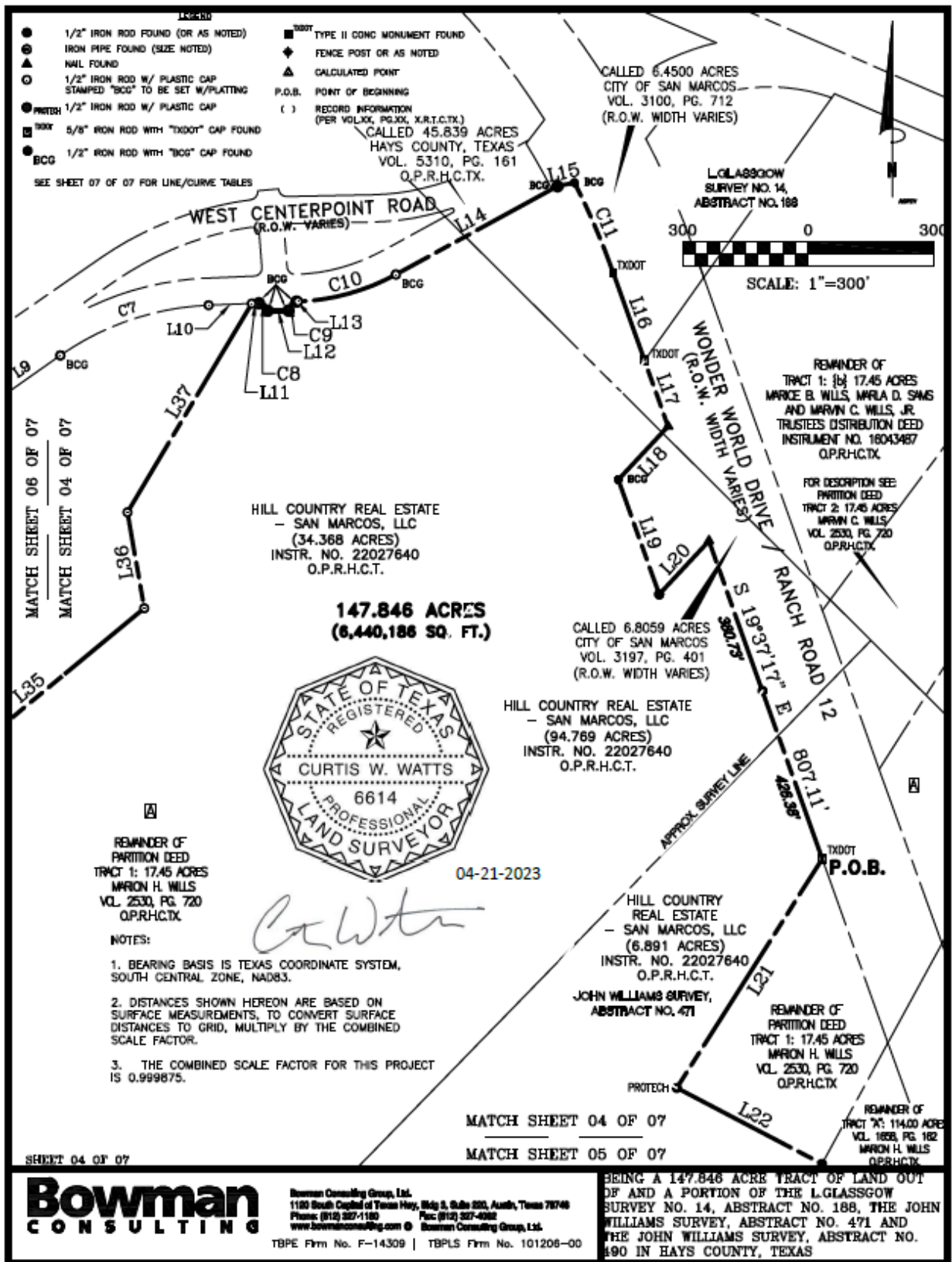
§

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



MATCH SHEET 06 OF 07
MATCH SHEET 05 OF 07

MATCH SHEET 04 OF 07
MATCH SHEET 05 OF 07

HILL COUNTRY
REAL ESTATE
- SAN MARCOS, LLC
(94.769 ACRES)
INSTR. NO. 22027640
O.P.R.H.C.T.

APPROX. SURVEY LINE

JOHN WILLIAMS SURVEY,
ABSTRACT NO. 471

147.846 ACRES
(6,440,186 SQ. FT.)

HILL COUNTRY REAL ESTATE
- SAN MARCOS, LLC
(94.769 ACRES)
INSTR. NO. 22027640
O.P.R.H.C.T.

REMAINDER OF
TRACT "A": 114.00 ACRES
VOL. 1888, PG. 182
MERRILL H. WILLS
O.P.R.H.C.T.

CALLED 151.00 ACRES
THE CITY OF SAN MARCOS, TEXAS
SPECIAL WARRANTY DEED
INSTRUMENT #18037662
O.P.R.H.C.T.



04-21-2023

C. Watts

L27 12" LIVE OAK
L26 DEAD 9.5" CEDAR
L25 10.5" CEDAR
CEDAR POST

L24 L23

CALLED 326.30 ACRES
THE CITY OF SAN MARCOS
WARRANTY DEED
VOL. 1922, PG. 338
O.P.R.H.C.T.

CALLED 3.00 ACRES
OTHERINE WONDERLY AND
CURTIS WONDERLY
VOL. 2108, PG. 388
OFT DEED
O.P.R.H.C.T.

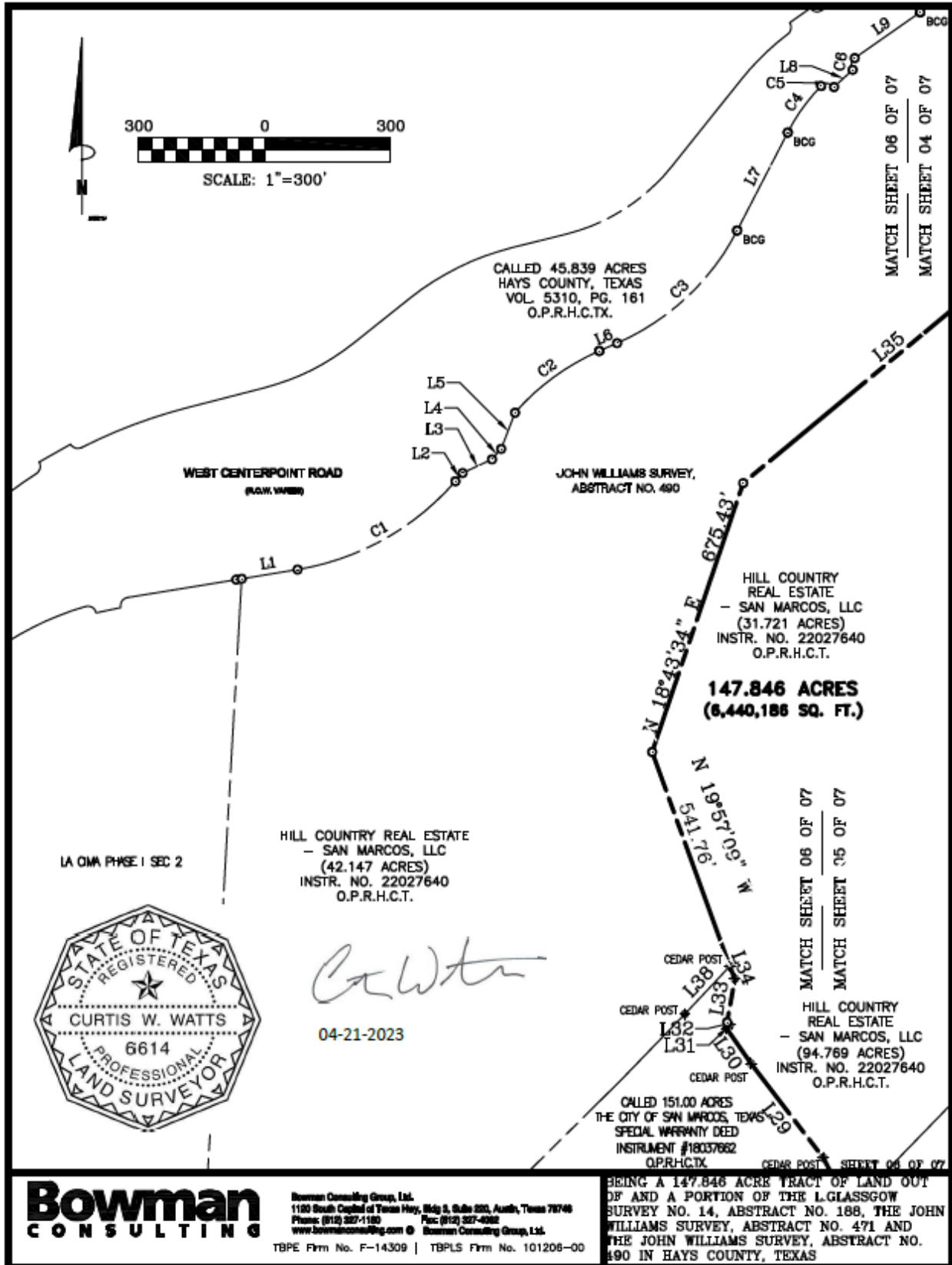
SECT 05 OF 07

Bowman
CONSULTING

Bowman Consulting Group, Ltd.
1120 South Capital of Texas Hwy, Bldg 3, Suite 200, Austin, Texas 78746
Phone: (813) 327-1180 Fax: (813) 327-4082
www.bowmanconsulting.com © Bowman Consulting Group, Ltd.

TBPE Firm No. F-14309 | TBPLS Firm No. 101206-00

BEING A 147.846 ACRE TRACT OF LAND OUT
OF AND A PORTION OF THE L. GLASSGOW
SURVEY NO. 14, ABSTRACT NO. 188, THE JOHN
WILLIAMS SURVEY, ABSTRACT NO. 471 AND
THE JOHN WILLIAMS SURVEY, ABSTRACT NO.
490 IN HAYS COUNTY, TEXAS



FILE: P:\070454 - Hill Country Group\070454-01-001 (SUR) - Dark Monday\Survey\Working\070454-01-001-ANNEX147.846 AC SURFACE.dwg
DATE: Apr 21, 2023-11:05am

LINE TABLE		
LINE #	BEARING	DISTANCE
L1	N 80°38'20" E	135.06'
L2	N 41°02'43" E	25.98'
L3	N 65°11'33" E	77.25'
L4	N 41°02'43" E	33.26'
L5	N 20°59'57" E	92.20'
L6	N 66°27'44" E	46.30'
L7	N 27°17'24" E	262.04'
L8	N 47°11'53" E	60.61'
L9	N 54°59'28" E	190.21'
L10	N 87°39'35" E	103.15'
L11	N 87°39'35" E	17.34'
L12	N 89°31'27" E	50.14'
L13	N 87°39'35" E	3.21'
L14	N 61°22'58" E	440.55'
L15	N 77°54'50" E	41.30'
L16	S 19°38'27" E	222.38'
L17	S 19°37'17" E	167.08'
L18	S 43°01'57" W	174.50'
L19	S 19°37'17" E	291.06'

LINE TABLE		
LINE #	BEARING	DISTANCE
L20	N 43°01'57" E	174.50'
L21	S 32°24'03" W	648.97'
L22	S 62°24'22" E	392.10'
L23	N 88°23'17" W	252.71'
L24	N 86°36'50" W	331.41'
L25	N 03°30'38" E	65.87'
L26	N 07°18'58" W	104.18'
L27	N 19°13'11" W	21.88'
L28	N 27°27'35" W	422.53'
L29	N 37°34'51" W	281.91'
L30	N 34°40'21" W	102.30'
L31	N 47°12'38" E	11.01'
L32	N 44°17'57" W	9.44'
L33	N 10°02'03" E	104.63'
L34	N 21°28'49" W	32.52'
L35	N 50°22'47" E	807.44'
L36	N 09°56'45" W	232.63'
L37	N 30°44'43" E	581.34'
L38	S 43°09'44" W	155.92'

CURVE TABLE				
CURVE #	RADIUS	ARC DISTANCE	CHORD BEARING	CHORD DISTANCE
C1	635.00'	438.81'	N 60°50'32" E	430.13'
C2	565.00'	250.53'	N 53°45'34" E	248.48'
C3	585.00'	399.96'	N 46°52'34" E	392.21'
C4	465.00'	136.70'	N 35°42'42" E	136.21'
C5	20.00'	35.33'	S 85°15'25" E	30.91'
C6	20.00'	31.29'	N 10°10'19" E	28.19'
C7	665.00'	379.17'	N 71°19'32" E	374.05'
C8	20.00'	30.60'	S 46°30'55" E	27.70'
C9	20.00'	32.23'	N 41°29'52" E	28.85'
C10	535.00'	245.36'	N 74°31'16" E	243.22'
C11	1809.86'	235.36'	S 23°21'07" E	235.21'

SHEET 7 OF 7

Bowman
CONSULTING

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TBPE Firm No. F-14309 | TBPLS Firm No. 101206-00

BEING A 147.846 ACRE TRACT OF LAND OUT
OF AND A PORTION OF THE L. GLASSGOW
SURVEY NO. 14, ABSTRACT NO. 188, THE JOHN
WILLIAMS SURVEY, ABSTRACT NO. 471 AND
THE JOHN WILLIAMS SURVEY, ABSTRACT NO.
490 IN HAYS COUNTY, TEXAS

LEGAL DESCRIPTION

BEING A 147.846 ACRE TRACT OF LAND (6,440,186 SQ. FT.) OUT OF AND A PORTION OF THE L.GLASSGOW SURVEY NO. 14, ABSTRACT NO. 188, THE JOHN WILLIAMS SURVEY, ABSTRACT NO. 471 AND THE JOHN WILLIAMS SURVEY, ABSTRACT NO. 490 IN HAYS COUNTY, TEXAS, AND BEING PORTIONS OF THE 34.368 ACRE, 94.769 ACRE, 31.721 ACRE, 42.147 ACRE AND 6.891 ACRE TRACTS OF LAND CONVEYED TO HILL COUNTRY REAL ESTATE - SAN MARCOS, LLC IN INSTR. NO. 22027640 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS (O.P.R.H.C.TX.); SAID 147.846 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 5/8-inch iron rod with "TXDOT" aluminum cap found in the westerly right-of-way line of Wonder World Drive (Ranch Road 12), same described as a varied width right-of-way, being 6.8059 acres, in Volume 3197, Page 401, O.P.R.H.C.TX., for the most easterly corner of the said 6.891 acre tract, being the most northerly corner of the remainder of a 17.45 acre tract of land conveyed to Marion H. Wills in Volume 2530, Page 720, O.P.R.H.C.TX., for the **POINT OF BEGINNING** and an easterly corner of the herein described tract of land;

THENCE South 32°24'03" West, a distance of 648.97 feet to a 1/2-inch iron rod with "Pro-Tech" cap found in a northeasterly line of the said 94.769 acre tract, at the most southerly common corner of the said 6.891 acre tract and the remainder of the said 17.45 acre tract;

THENCE South 62°24'22" East with the common line of the said 94.769 acre tract and the remainder of the said 17.45 acre tract, a distance of 392.10 feet to a 1/2-inch iron rod found at an angle point in west line of the remainder of a 114.00 acre tract of land conveyed to Marion H. Wills in Volume 1658, Page 162, O.P.R.H.C.TX., being the most easterly corner of the said 94.769 acre tract;

THENCE with the east lines of the said 94.769 acre tract, being west lines of the remainder of the said 114.00 acre tract and a called 3.00 acre tract of land conveyed to Catherine Wonderly and Curtis Wonderly in Volume 2109, Page 386, O.P.R.H.C.TX., the following two (2) courses and distances:

1. South 37°37'55" West, a distance of 1340.82 feet to a 1/2-inch iron rod found;
2. South 04°55'35" East, a distance of 1120.49 feet to a 1/2-inch iron rod found in the north line of the called 326.30 acre tract of land conveyed to the City of San Marcos in Volume 1922, Page 338, O.P.R.H.C.TX., at the most southerly common corner of the said 114.00 acre tract and the said 94.769 acre tract, for the southeast corner of the herein described tract of land;

THENCE with common lines of the said 326.30 acre tract and the said 94.769 acre tract, the following two (2) courses and distances:

1. North 88°23'17" West, a distance of 252.71 feet to a 1/2-inch iron rod with "BCG" cap found;
2. North 86°36'50" West, a distance of 331.41 feet to a cedar post found in the east line of a called 151.00 acre tract of land conveyed to the City of San Marcos in Instrument no. 18037662, O.P.R.H.C.TX., at the most westerly common corner of the said 326.30 acre tract and the said 94.769 acre tract, for the southwest corner of the herein described tract of land;

THENCE with the common lines of the said 94.769 acre tract and the said 151.00 acre tract, the following eleven (11) courses and distances:

1. North 03°30'38" East, a distance of 65.87 feet to a 10.5 inch cedar;
2. North 07°18'58" West, a distance of 104.18 feet to a dead 9.5 inch cedar;

3. North 19°13'11" West, a distance of 21.88 feet to a 12" live oak tree;
4. North 33°55'57" West, a distance of 960.43 feet to a 1/2-inch iron rod with "BCG" cap found;
5. North 27°27'35" West, a distance of 422.53 feet to a cedar post found;
6. North 37°34'51" West, a distance of 281.91 feet to a cedar post found;
7. North 34°40'21" West, a distance of 102.30 feet to a cedar post found ;
8. North 47°12'38" East, a distance of 11.01 feet to a cedar post found;
9. North 44°17'57" West, a distance of 9.44 feet to a 1/2-inch iron rod with "BCG" cap to be set with Final Platting;
10. North 10°02'03" East, a distance of 104.63 feet to a cedar post found;
11. North 21°28'49" West, a distance of 32.52 feet to a cedar post found at a common corner of the said 94.769 acre tract and the said 151.00 acre tract;

THENCE leaving said common line, over and across the said 94.769 acre tract, the said 42.147 acre tract, the said 31.721 acre tract and the said 34.368 acre tract, the following five (5) courses and distances:

1. North 19°57'09" West, a distance of 541.76 feet to a 1/2-inch iron rod with "BCG" cap to be set with Final Platting;
2. North 18°43'34" East, a distance of 675.43 feet to a 1/2-inch iron rod with "BCG" cap to be set with Final Platting;
3. North 50°22'47" East, a distance of 807.44 feet to a 1/2-inch iron rod with "BCG" cap to be set with Final Platting;
4. North 09°56'45" West, a distance of 232.63 feet to a 1/2-inch iron rod with "BCG" cap to be set with Final Platting;
5. North 30°44'43" East, a distance of 581.34 feet to a 1/2-inch iron rod with "BCG" cap to be set with Final Platting in the south right-of-way line of West Centerpoint Road, described as a varying width right-of-way, being a called 45.839 acre tract of land conveyed to Hays County, Texas in Volume 5310, Page 161, O.P.R.H.C.TX., being the northwest corner of the herein described tract of land;

THENCE with the south right-of-way line of West Centerpoint Road, being the north line of the said 34.368 acre tract, the following six (6) courses and distances:

1. North 87°39'35" East, a distance of 17.34 feet to a 1/2-inch iron rod with "BCG" cap found for point of curvature;
2. With a curve turning to the right, with a radius of 20.00 feet, an arc length of 30.60 feet, with a chord bearing of south 48°30'55" East, with a chord length of 27.70 feet, to a 1/2-inch iron rod with "BCG" cap found for endpoint of said survey;
3. North 89°31'27" East, a distance of 50.14 feet to a 1/2-inch iron rod with "BCG" cap found;
4. With a curve turning to the right, with a radius of 20.00 feet, an arc length of 32.23 feet, with a chord bearing of north 41°29'52" East, with a chord length of 28.85 feet to a 1/2-inch iron rod with "BCG" cap found;
5. North 87°39'35" East, a distance of 3.21 feet to a 1/2-inch iron rod with "BCG" cap to be set with Final Platting;
6. With a curve turning to the left, with a radius of 535.00 feet, an arc length of 245.36 feet, with a chord bearing of north 74°31'16" East, with a chord length of 243.22 feet to a 1/2-inch iron rod with "BCG" cap found for endpoint of said curve;

THENCE North 61°22'58" East with the south right-of-way lines of West Centerpoint Road and Wonder World Drive/Ranch Road 12, a portion of said Wonder World Drive/Ranch Road 12 being described as a 6.4500 acre

varying width right-of-way, in Volume 3100, Page 712, O.P.R.H.C.TX., being the north line of the said 34.368 acre tract, a distance of 440.55 feet to a 1/2-inch iron rod with "BCG" cap found in the south right-of-way line of Wonder World Drive/Ranch Road 12;

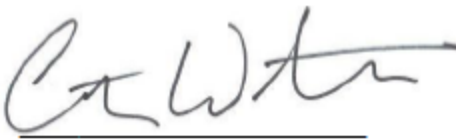
THENCE continuing with the southerly, westerly right-of-way lines of Wonder World Drive/Ranch Road 12 being the easterly lines of the said 34.368 acre, said 94.769 acre and the said 6.891 acre tracts, the following eight (8) courses and distances:

1. North 77°54'50" East, a distance of 41.30 feet to a 1/2-inch iron rod with "BCG" cap found for point of curvature of a curve to the right;
2. With a curve turning to the right, with a radius of 1809.86 feet, an arc length of 235.38 feet, with a chord bearing of South 23°21'07" East, with a chord length of 235.21 feet to a TXDOT type II concrete monument with brass disc found;
3. South 19°38'27" East, a distance of 223.38 feet to a 5/8-inch iron rod with "TXDOT" cap found for angle point;
4. South 19°37'17" East, a distance of 167.08 feet to a 60d nail found for angle point;
5. South 43°01'57" West, a distance of 174.50 feet to a 1/2-inch iron rod with "BCG" cap found for angle point;
6. South 19°37'17" East, a distance of 291.06 feet to a 1/2-inch iron rod found for angle point;
7. North 43°01'57" East, a distance of 174.50 feet to a 60d nail found for angle point;
8. South 19°37'17" East, at a distance of distance of 380.73 feet passing a 1/2-inch iron rod found at the most northerly common corner of the said 94.769 acre tract and said 6.891 acre tract, in all, a distance of 807.11 feet to the **POINT OF BEGINNING** and containing 147.846 acres of land, more or less, within these metes and bounds.

Notes:

1. Bearing basis is Texas Coordinate System, South Central Zone, NAD83.
2. Distances shown hereon are based on surface measurements, to convert surface distances to grid, multiply by the combined scale factor.
3. The combined scale factor for this project is 0.999875.

Witness my hand and seal at Austin, Travis County, Texas, on this 21st day of April 2023 A.D.



Curtis Wayne Watts
Texas Registered Professional Land Surveyor #6614

04-21-2023



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 adjacent to 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 Pedernales 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.