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3200 Southwest Freeway,
Suite 2600
Houston, TX 77027
(713) 860-6400

Ashley Ramos
Legal Assistant
aramos@abhr.com
(713) 800-8469

June 25, 2024

VIA EMAIL AND OVERNIGHT DELIVERY

Ms. Elizabeth Trevino
City Clerk
City of San Marcos
630 E Hopkins Street
San Marcos, TX 78666

*Re: Proposed Annexation of Land by Guadalupe County Municipal Utility
District No. 9 (the "District")*

Dear Sir or Madam:

The District requests the City of San Marcos's (the "City") consent to the annexation of 74.29 acres of land into the District. Enclosed is the following document:

1. Petition for Consent to Annex Land into the District ("Petition") from the District and RATTLER RIDGE, LP, a Texas limited partnership, including metes and bounds description of the land.

The District has examined the feasibility of the annexation of the referenced land and has concluded that it is in the best interest of all parties to proceed with the annexation. Please call or email me at (713) 800-8469 or aramos@abhr.com when the Petition has been placed on the City Council Agenda for approval. Please advise if you have any questions regarding this request for City consent to the annexation.

Sincerely,

Ashley Ramos
Legal Assistant

1198999

CENTRAL TEXAS
919 Congress Avenue, Suite 1500
Austin, TX 78701
(512) 518-2424

NORTH TEXAS
4514 Cole Avenue, Suite 1450
Dallas, TX 75205
(972) 823-0800

abhr.com

June 25, 2024
Page 2 of 2

Enclosure

cc: Mr. Samuel Aguirre, City Attorney (w/enc.)
Ms. Stephanie Reyes, City Manager (w/enc.)

PETITION FOR CONSENT TO ANNEX LAND INTO
GUADALUPE COUNTY MUNICIPAL UTILITY DISTRICT NO. 9

THE STATE OF TEXAS §
 §
COUNTY OF GUADALUPE §

TO THE HONORABLE MAYOR AND CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS:

The undersigned, RATTLER RIDGE, LP, a Texas limited partnership (the "Petitioner"), and GUADALUPE COUNTY MUNICIPAL UTILITY DISTRICT NO. 9 (the "District"), acting pursuant to the provisions of Chapter 49, Texas Water Code, particularly Section 49.301, together with all amendments and additions thereto, respectfully petition the City Council of the City of San Marcos, Texas (the "City"), for its written consent to the annexation by the District of approximately 74.29 acres of land described by metes and bounds in Exhibit A (the "Land"), which is attached hereto and incorporated herein for all purposes. In support of this petition, the undersigned would show the following:

I.

The District is a municipal utility district duly created under the laws of the State of Texas on May 11, 2023. The District was created and organized under the terms and provisions of Article XVI, Section 59, of the Constitution of Texas, and is governed by the provisions of Chapters 49 and 54, Texas Water Code, as amended.

II.

The Petitioner holds fee simple title to the Land, as indicated by the certificate of ownership provided by the Guadalupe Appraisal District.

III.

The Petitioner represents that there are no lienholders on the Land, except Horizon Bank, SSB.

IV.

The Land is situated wholly within Guadalupe County, Texas. No part of the Land is within the corporate limits of any incorporated city, town or village, and no part of the Land is within the extraterritorial jurisdiction (as such term is defined in Texas Local Government Code, Section 42.021 *et seq.*, as amended) of any city, town or village except the City. All of the Land may properly be annexed into the District.

The general nature of the work to be done within the Land is the construction, acquisition, maintenance and operation of a waterworks and sanitary sewer system, a drainage and storm sewer system, and road facilities.

V.

There is, for the following reasons, a necessity for the above-described work. The Land, which will be developed for commercial and/or residential purposes, is urban in nature, is within the growing environs of the City, is in close proximity to populous and developed sections of Guadalupe County, Texas, and within the immediate future will experience a substantial and sustained residential and commercial growth. There is not now available within the Land an adequate waterworks and sanitary sewer system nor an adequate drainage system, nor road facilities, and it is not presently economically feasible for the Land to provide for such systems and facilities itself. Because the health and welfare of the present and future inhabitants of the Land and of lands adjacent thereto require the construction, acquisition, maintenance and operation of an adequate waterworks and sanitary sewer system and a drainage and storm sewer system, and road facilities, a public necessity exists for the annexation of the Land into the District, to provide for the purchase, construction, extension, improvement, maintenance and operation of such waterworks and sanitary sewer system and such drainage and storm sewer system, and such road facilities, so as to promote the purity and sanitary condition of the State's waters and the public health and welfare of the community.

VI.

The undersigned estimate, from such information as they have at this time, that the cost of extending the District's facilities to serve the Land is \$14,535,000.

VII.


CONTINENTAL HOMES OF TEXAS, L.P., a Texas limited partnership, has entered into an earnest money contract to purchase all or a portion of the Land and desires to be considered a Petitioner for addition of the Land to the District.

WHEREFORE, the undersigned respectfully pray that this petition be heard and granted in all respects and that the City give its written consent to the annexation of the Land into the District.

[EXECUTION PAGES FOLLOW]

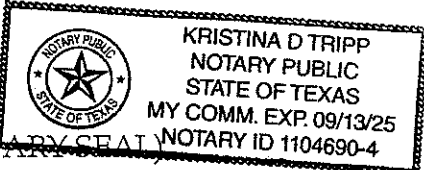
RATTLER RIDGE, LP,
a Texas limited partnership

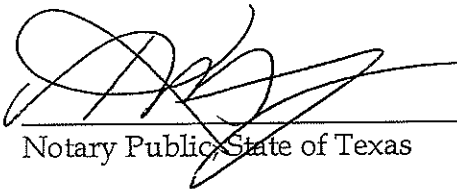
By: Regal, LLC, a Texas limited
liability company, its General
Partner

By: 
Clint Jones, President

THE STATE OF TEXAS §
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COUNTY OF COMAL §

This instrument was acknowledged before me on June 18th, 2024,
by Clint Jones, President of Regal, LLC, a Texas limited liability company, General
Partner of RATTLER RIDGE, LP, a Texas limited partnership, on behalf of said limited
liability company and said limited partnership.

(NOTARY SEAL)  KRISTINA D TRIPP
NOTARY PUBLIC
STATE OF TEXAS
MY COMM. EXP. 09/13/25
NOTARY ID 1104690-4


Notary Public, State of Texas

EARNEST MONEY CONTRACT HOLDER:

CONTINENTAL HOMES OF TEXAS, L.P.,
a Texas limited partnership,

By: CHTEX of Texas, Inc.,
a Delaware corporation,
its general partner

By: 

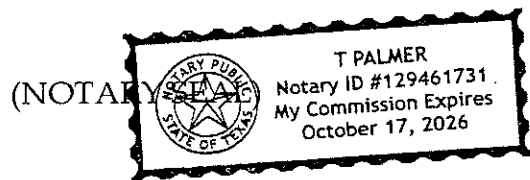
Name: Mike Bohm

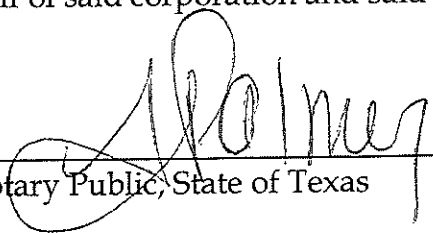
Title: Assistant Secretary

THE STATE OF TEXAS

COUNTY OF Days §
§
§

This instrument was acknowledged before me on June 20, 2024,
by Mike Bohm, as Assistant Secretary of
CHTEX of Texas, Inc., a Delaware corporation, as General Partner of Continental Homes
of Texas L.P., a Texas limited partnership, on behalf of said corporation and said limited
partnership.




Notary Public, State of Texas

Attachment:
Exhibit A: Description of the Land

EXHIBIT A

DESCRIPTION OF 74.29 ACRES, MORE OR LESS, IN THE ANDREW MITCHELL SURVEY, ABSTRACT NO. 220, GUADALUPE COUNTY, TEXAS, AND BEING ALL OF THOSE TRACTS DESCRIBED AS 60 ACRES AND 14 1/3 ACRES IN A DEED FROM LENARD H. GODAIR ET UX TO KEVIN L. MCFADDEN AND NATALIE KIRKPATRICK DATED AUGUST 27, 2010 AND RECORDED IN VOLUME 2907, PAGE 599 OF THE GUADALUPE COUNTY OFFICIAL PUBLIC RECORDS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 9" cedar post for the common occupied north corner of the McFadden and Kirkpatrick 14 1/3 acre tract and the west corner of that tract described as 24.89 acres in a deed from Howard H. Bierstedt to Hilmer O. Bierstedt et ux dated August 15, 1979 and recorded in Volume 585, Page 45 of the Guadalupe County Deed Records, from which the southeast line of that tract described as 51.199 acres in a deed from Katherine Lynette Preece Wisener to Mary Alicia-Kay Wisener Gale et al dated June 25, 2019 and recorded in Guadalupe County Document Number 201999014251 of the Guadalupe County Official Public Records bears N 41° 16' 56" W 0.44 feet;

THENCE leaving the **PLACE OF BEGINNING** as shown on that plat numbered 27908-22-2-d dated April 22, 2022 as prepared for Clint Jones by Byrn & Associates, Inc. of San Marcos, Texas with the common northeast line of the McFadden and Kirkpatrick 14 1/3 acre tract and the southwest line of the Bierstedt tract, as fenced and used upon the ground, S 41° 16' 56" E 869.03 feet to a railroad tie fence post found in the northwest line of that tract described as 65.744 acres in a deed from D & D Ranch Partnership to Daniel B. Lehmann et ux dated September 1995 and recorded in Volume 1167, Page 573 of the Guadalupe County Deed Records and for the northerly east corner of the McFadden and Kirkpatrick 14 1/3 acre tract, from which a 1/2" iron rod found for the south corner of the Bierstedt tract bears S 41° 16' 56" E 0.91 feet;

THENCE leaving the Bierstedt tract with the common northwest line of the Lehmann tract and the southeast line of the McFadden and Kirkpatrick 14 1/3 acre tract, as fenced and used upon the ground, the following six courses:

1. S 49° 32' 52" W 216.57 feet to a t-post,
2. S 48° 33' 15" W 491.25 feet to a 3" cedar post,
3. S 47° 18' 42" W 28.59 feet to a 5" cedar post, pass at 6.10 feet a calculated point for the common south corner of the McFadden and Kirkpatrick 14 1/3 acre tract and the northerly east corner of the McFadden and Kirkpatrick 60 acre tract,
4. S 49° 23' 30" W 64.97 feet to a 4" cedar post,
5. S 48° 33' 17" W 981.02 feet to a 4" cedar post, and
6. S 48° 08' 39" W 170.50 feet to a 12" cedar post for the common west corner of the Lehmann tract and an interior corner of the McFadden and Kirkpatrick 60 acre tract;

THENCE with the common northeast line of the McFadden and Kirkpatrick 60 acre tract and the southwest line of the Lehmann tract, as fenced and used upon the ground, **S 41° 52' 53" E 907.70 feet** to a 6" cedar post in the northwest line of that tract described as 414.23 acres in a deed from James K. Wise et al to Limerock Solar Energy Farm, LLC. dated February 7, 2022 and recorded in Guadalupe County Document Number 202299004111 of the Guadalupe County Official Public Records and for the southerly east corner of the McFadden and Kirkpatrick 60 acre tract, from which a 1/2" iron rod found for the south corner of the Lehmann tract bears **S 41° 52' 23" E 1.25 feet**;

THENCE leaving the Lehmann tract with the common southeast line of the McFadden and Kirkpatrick 60 acre tract and the northwest line of the Limerock Solar Energy Farm, LLC. tract, as fenced and used upon ground, the following two courses:

1. **S 48° 38' 29" W 378.83 feet** to a 4" cedar post and
2. **S 48° 20' 23" W 522.75 feet** to a 1/2" iron rod set in the northeast line of that tract described as 297.81 acres in a deed from David Wilfred Henk, Executor to Rattler Ridge, LLC. dated November 8, 2021 and recorded Guadalupe County Document Number 202199038610 of the Guadalupe County Official Records and for the south corner of the McFadden and Kirkpatrick 60 acre tract, pass at 520.70 feet a 3/8" iron rod found for the west corner of the Limerock Solar Energy Farm, LLC. Tract;

THENCE with the common southwest line of the McFadden and Kirkpatrick 60 acre tract and the northeast line of the Rattler Ridge LLC. 297.81 acre tract **N 40° 57' 37" W 1750.07 feet** to a 1/2" iron rod found in the southeast line of that tract described as 49.824 acres in a deed from Joe Donald Holtermann and Karen Holtermann Stump to Rattler Ridge, LLC. dated November 9, 2021 and recorded in Guadalupe County Document Number 202199038611 of the Guadalupe County Official Public Records and for the common north corner of the Rattler Ridge, LLC. tract and the west corner of McFadden and Kirkpatrick 60 acre tract, from which a 1" iron pipe found for the south corner of the Rattler Ridge, LLC. 49.824 acre tract and an interior corner of the Rattler Ridge, LLC. 297.81 acre tract bears **S 48° 18' 19" W 954.16 feet**

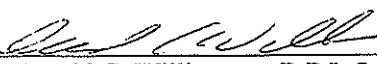
THENCE leaving the Rattler Ridge, LLC. 297.81 acre tract with the common southeast line of the Rattler Ridge, LLC. 49.824 acre tract and the northwest line of the McFadden and Kirkpatrick 60 acre tract, the following two courses:


1. **N 48° 14' 48" E 123.96 feet** to a 1/2" iron rod found with a plastic cap stamped "Aces" and
2. **N 47° 45' 53" E 939.56 feet** to a 6" cedar post for the common east corner of the Rattler Ridge, LLC. 49.824 acre tract and the south corner of the remaining portion of that tract described as 100 acres in deed from Raymond A. Holtermann, Executor to Joe Donald Holtermann and Karen Holtermann Stump dated June 27, 2006 and recorded in Volume 2333, Page 964 of the Guadalupe County Official Public Records;

THENCE leaving the Rattler Ridge, LLC. 49.824 acre tract with the common southeast line of the Holtermann and Stump tract and the northwest line of the McFadden and Kirkpatrick 60 acre tract and the McFadden and Kirkpatrick 14 1/3 acre tract, as fenced and used upon the ground, the following three courses:

1. N 48° 36' 34" E 130.82 feet to a 3" treated post,
2. N 48° 11' 20" E 921.21 feet to a 4" cedar post, and
3. N 48° 03' 04" E 690.52 feet to a 1/2" iron rod found for the common east corner of the Holtermann and Stump tract and the south corner of the Gale tract, pass at 5.47 feet the common north corner of the McFadden and Kirkpatrick 60 acre tract and the west corner of the McFadden and Kirkpatrick 14 1/3 acre tract;

THENCE leaving the Holtermann and Stump 100 acre tract and the Gale tract with the north line of the McFadden and Kirkpatrick 14 1/3 acre tract, as fenced and used upon the ground, N 49° 00' 11" E 29.22 feet to the PLACE OF BEGINNING. There are contained within these metes and bounds 74.29 acres, more or less, as prepared from public records and a survey made on the ground on April 29, 2022 by Byrn & Associates, Inc. of San Marcos, Texas. The Bearing Basis for this description was determined from GPS observations and refers to Grid North of the Texas State Plane Coordinate System, N.A.D. 83, South Central Zone.


David C. Williamson, R.P.L.S. #4190



REV - 2-27-24
REV - 6-14-22
Client: Jones, Clint
Date: April 29, 2022
Survey: Mitchell, A., A-220
County: Guadalupe
Job No: 27908-21-2
FND 74.29 ac

CERTIFICATE

THE STATE OF TEXAS §
 §
COUNTY OF GUADALUPE §

I, the undersigned Secretary of the Board of Directors of GUADALUPE COUNTY MUNICIPAL UTILITY DISTRICT NO. 9, do hereby certify that the attached and foregoing is a true and correct copy of the Petition for Consent to Annex Land into Guadalupe County Municipal Utility District No. 9 that was filed with the Board of Directors of the District on June 20, 2024.

WITNESS MY HAND AND SEAL OF SAID DISTRICT on
June 20, 2024.

GUADALUPE COUNTY MUNICIPAL
UTILITY DISTRICT NO. 9

By: 
Secretary, Board of Directors

(SEAL)

