



Carson Properties

(512) 392-3322 info@carsonproperties.net 407 South Stagecoach Trail, Ste 203, San Marcos, Texas 78666

August 12, 2019

Bert Lumbreras, City Manager
City of San Marcos
630 E Hopkins St
San Marcos, TX 78666

RE: Assignment Approval request for the Development Agreement Regarding the Buie Tract

City Manager Lumbreras:

I am writing on behalf of Carson Diversified Land, LP ("Carson") in reference to the *Development Agreement Regarding the Buie Tract Property* dated November 24, 2009 and recorded in its correct form as Document 2012-12032246 in Volume 4480, Page 449 et. seq. of the Official Public Records of Hays County (the "Development Agreement") as modified by that certain *Development Agreement Partial Assignment, Assumption and City Consent Agreement* recorded as Document 2013-13028582 in Volume 4728, Page 652 et. seq. of the Official Public Records of Hays County (the "First Assignment and Modification").

We are under contract with Craddock Ave Partners, LLC ("Craddock") to purchase Craddock's remaining property under the Development Agreement, being 10.168 acres shown as Tract 1 and Tract 2 in the attached Exhibit A (the "Subject Property"). Specifically, this letter is intended to serve as a request for the City of San Marcos to provide its written approval as to the assignment of Craddock's right, title, and interest under the Development Agreement to Carson on or before September 17, 2019, subject to the following two modifications:

- A. Removal of the clause, "and contain ground floor retail or office" from Paragraph B1 of the Development Agreement
- B. Modification of Paragraph D8 of the Development Agreement to allow for automatic assignment of the Development Agreement to future successors-in-interest under the condition that (a) no modifications to the Development Agreement are being made and (b) notice is provided to the City.

Regarding Item A: the Development Agreement presently allows for seventy-one (71) residences to be developed on the Subject Property, but also requires ground floor retail or office to be a part of any building constructed. Assuming an average retail/office size of 1,000 SF and taken together with the other development standards of the base zoning category (MU), this provision of the Development Agreement could effectively require over 70,000 SF of commercial to be placed upon the Subject Property just to construct the allowable housing on the Subject Property. While some level of neighborhood office/retail may be beneficial to this area, we feel that the provision demanding this amount of commercial development is neither consistent with current market nor public demands.

Regarding Item B: the Development Agreement states that it "shall be binding on Developer, its successors and assigns," yet also requires City approval of all assignments, including those where no changes are being made to the Development Agreement. For Council to take up this matter each time a



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land sale takes place is an unnecessary burden on both parties that serves only to expend Council and Staff time and places an obstruction to the transferability of the property irrespective of any development.

At this time, we do not have any definitive development plans for the Subject Property. This is solely a land acquisition not accompanied by any development application. The Subject Property will remain limited by, among other things, the restrictions against rent-by-the-bedroom and units in excess of three bedrooms. We have no intention of requesting modification to those provisions. We further acknowledge that should any entitlement changes or development applications be proposed in the future, that those will remain subject to the applicable processes of the Land Development Code.

Based on conversations with Planning and Development Services and Legal Staff, we understand this matter must be placed on the agenda of the City Council for its action. Given our contract timeline, which we are adjusting to accommodate this process, we respectfully request this matter be heard on or before September 17, 2019.

Carson and Craddock are both adjoined below in confirmation of this request. I thank you for your time and look forward to your response.

Sincerely,


John David Carson

CC:

Planning and Development Services (Ms. Shannon Mattingly, Mr. Will Parrish, Ms. Alison Brake)
City Attorney (Mr. Sam Aguirre)

REQUESTED THIS 13 DAY OF AUGUST, 2019

CRADDOCK AVE PARTNERS, LLC


BY: Edward R. Coleman, Managing Member

REQUESTED THIS 13th DAY OF AUGUST, 2019

CARSON DIVERSIFIED LAND, LP

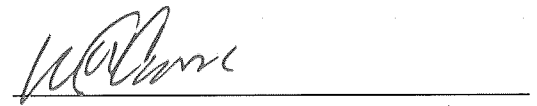
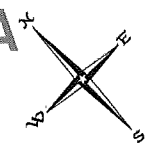
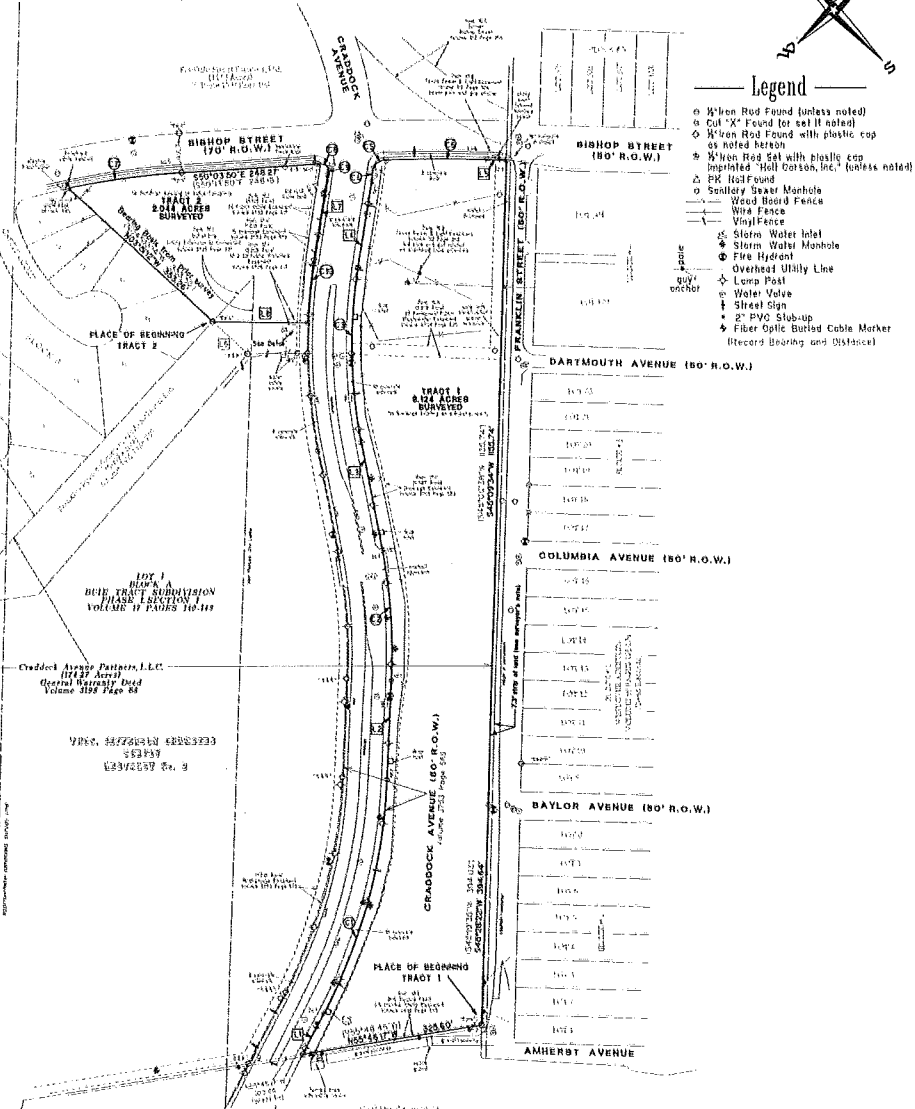
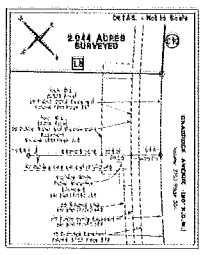
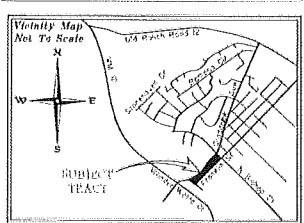

BY: Carson Diversified GP, LLC, Its General Partner
BY: W.C. Carson, Its Manager

EXHIBIT A

SCALE: 1" = 100'



SURVEYOR'S NOTE
There exists a 7.3' strip of land NOT identified as right-of-way depicted on plat of Waterford Addition recorded in Volume 62, Page 183 of the Deed Records of Hays County, Texas some being a portion of that certain 180.23 acre tract of land as conveyed to C.L. Hopkins by deed recorded in Volume 62, Page 232 of the Deed Records of Hays County, Texas and the balance conveyed to Georgia L. Clark by deed recorded in Volume 62, Page 75 of the Deed Records of Hays County, Texas.
No later conveyance of said 7.3' strip was discovered during the process of conducting this survey.



2003年12月 第 10 卷第 12 期 总第 120 期
《中国农村经济》 2003 年第 12 期

SINGLE-STEP NOTES

[illegible]

NUMBERED COURSES			RECORD COURSES		
4th	43.11.02	E 03.69	18	70.14.26	E 03.46.1
2nd	40.11.01	E 17.30	18	45.34.33	E 12.40.4
1st	40.10.30	E 16.4	18	41.59.33	E 11.58.1
4	35.12.24	E 15.58	19	41.44.30	E 16.00.58
6	24.54.24	E 13.04	19	45.10.39	E 15.04.1
3	30.09.29	E 05.76			
7	32.27.50	E 15.55	19	41.06.30	E 15.55.56
10	45.42.46	E 17.10	144	13.04.10	E 17.16.3

cc: Re 1/035741 Effect, a Page 27 of 27

19. Asustatakse kella kätteliseid ja teisi
mis pühkida kättelise jõe kättelise kättelise
Kättelise jõe kättelise

SURVEY PLAT OF 1088 ACRES OF LAND BEING COMPRISED OF
TRACT 12011 ACRES OF LAND OUT OF THE THOS JEFFERSON CHAMBERS SURVEY ABSTRACT NO 2
IN HAYS COUNTY, TEXAS, BEING A PORTION OF THAT CERTAIN 11037 ACRED TRACT OF LAND AS
CONVEYED TO CROADHEAD AVENUE PARTNERS, L.L.C BY GENERAL WARRANTY DEED RECORDED
IN VOLUME 398, PAGE 88 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS

TRACT 2.0124 ACRES OF LAND OUT OF THE THIS JEFFERSON CHAMBERS SURVEY ABSTRACT NO. 2 IN HAYS COUNTY, TEXAS BEING A PORTION OF THAT CERTAIN 170.37 ACRE) TRACT OF LAND AS CONVEYED TO CRADDOCK AVENUE PARTNERS, L.L.C. BY GENERAL WARRANTY DEED RECORDED UNDER 214 NAME AS OF THE ORIGINAL FILED HEREIN AT HAYS, TEXAS RECORD

406 Antelope Valley field hole description

Reference: 81330 dqn and 800090 dqn [REDACTED] 2017 1 R 813302