

AGREEMENT FOR THE PROVISION OF SERVICES

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

Date: September 3, 2019

Owner: Smith Co. Redwood LLC., 1400 Post Oak Blvd, Suite 900, Houston, TX and
Three Rivers Development, LLC, 301 Main Plaza Ste 385, New Braunfels TX
78130

City: City of San Marcos, Texas, a home rule municipal corporation, 630, East Hopkins
Street, San Marcos, Texas 78666

Property: As described in A, attached hereto and made a part hereof.

1. The Owner has petitioned the City and the City wishes to annex the Property into the corporate limits of the City. By this agreement the Owner reaffirms its consent to such annexation of the Property by the City and that, in accordance with Tex. Local Gov't Code §43.016, the Owner has rejected the offer of a development agreement from the City.

2. Pursuant to Tex. Local Gov't Code §43.0672, the Owner and the City must enter into a written agreement for the provision of services to the Property if the Property is annexed.

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 agree that services to the Property will be provided as described in Exhibit B.

4. 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.

5. This agreement is subject to adoption by the San Marcos City Council of an ordinance annexing the Property and shall not be recorded unless such an ordinance is adopted.

[SIGNATURES ON NEXT PAGE]

EXECUTED to be effective as of the date first written above.

OWNER: Three Rivers Development LLC CITY:

By: _____

Name: Lee Baker III

Title: Managing Member

By: _____

Name: Bert Lumbreras

Title: City Manager

ACKNOWLEDGMENTS

STATE OF _____

COUNTY OF _____

This instrument was acknowledged before me on _____, 2019, by _____.

Notary Public, State of Texas

STATE OF Texas

COUNTY OF Comal

This instrument was acknowledged before me on October 21, 2019, by Lee E. Baker, III Managing Member of Three Rivers Development LLC in such capacity, on behalf of said entity.

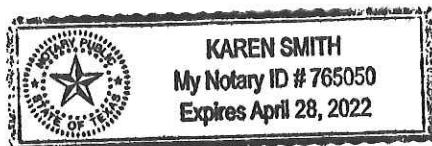


Theresa L. Apostolo
Notary Public, State of Texas

STATE OF TEXAS

COUNTY OF HAYS

This instrument was acknowledged before me on September 9, 2019, by Bert Lumbreras, City Manager of the City of San Marcos, in such capacity, on behalf of said municipality.



Karen Smith
Notary Public, State of Texas

OWNER: Smith Co. Redwood, LLC

By: [Signature]

Name: Jim R. Smith, Jr.

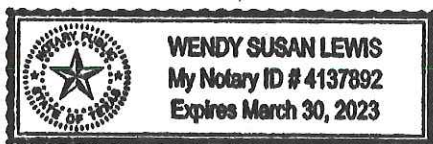
Title: Manager

ACKNOWLEDGMENTS

STATE OF Texas §

COUNTY OF Harris §

This instrument was acknowledged before me on October 22, 2019, by Jim R. Smith, Jr., manager of Smith Co. Redwood, LLC, in such capacity, on behalf of said entity.



Wendy Susan Lewis
Notary Public, State of Texas

EXHIBIT A

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

Emergency medical services, including emergency response calls, will continue at the same level of service after the annexation. 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 expenses in accordance with applicable ordinances of the City.

7. Electric Service

The property is located in the Bluebonnet Electric Cooperative 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.



METES AND BOUNDS DESCRIPTION
FOR A
92.787 ACRE TRACT OF LAND

Being a 92.787 acre tract of land out of the Barnette O. Kane Survey, Abstract No. 281, in Hays County, Texas, and being out of the remaining portion of a called 156.35 acre tract of land, as conveyed to Two Rivers Interests, LP, and recorded in Volume 4514, Page 304, of the Official Public Records of Hays County, Texas, and being a portion of the Right-of-Way of Redwood Road (also known as C.R. 232) (a variable width R.O.W.), and said 92.787 acre tract of land being more particularly described as follows:

BEGINNING at a ½" iron pin with cap stamped "Eagle Surveying" found in the Northeasterly R.O.W. line of said Redwood Road, being the most Westerly corner of a called 99.36 acre tract of land, as conveyed to Two Rivers Interests, LP, and recorded in Document No. 18017502, of the Official Public Records of Hays County, Texas, and being the most Southerly corner of the remaining portion of said 156.35 acre tract of land and this herein described tract of land;

THENCE departing the Northeasterly R.O.W. line of said Redwood Road, and across and through the R.O.W. of said Redwood Road, S 60° 43' 54" W, a distance of 81.79 feet to a point in the Southwesterly R.O.W. line of said Redwood Road, and being the most Southerly corner of this herein described tract of land;

THENCE with the Southwesterly R.O.W. line of said Redwood Road, N 41° 16' 01" W, a distance of 1,047.49 feet to a point in the Southwesterly line of said Redwood Road, and being the most Westerly Southwest corner of this herein described tract of land;

THENCE departing the Southwesterly R.O.W. line of said Redwood Road, and across and through the R.O.W. of said Redwood Road, N 44° 12' 01" E, at a distance of 80.25 feet passing the most Westerly Southwest corner of the remaining portion of said 156.35 acre tract of land, same being the most Southerly corner of Lot 1, Block "A", of La Vista Foundation Subdivision, as recorded in Volume 8, Page 277-278, of the Map and Plat Records of Hays County, Texas, same being in the Northeasterly R.O.W. line of said Redwood Road, and continuing with the common line between the remaining portion of said 156.35 acre tract of land and said Lot 1, for a total distance of 2,269.80 feet to a point for the most Easterly Northeast corner of said Lot 1, and being a Northwesterly interior corner of the remaining portion of said 156.35 acre tract of land and this herein described tract of land;

THENCE continuing with the common line between the remaining portion of said 156.35 acre tract of land and said Lot 1, N 42° 04' 11" W, a distance of 1,391.97 feet to a point for the most Northerly corner of said Lot 1, being in the Southeasterly line of a called 58.94 acre tract of land, as conveyed to Enos Gary, executor of the estate of Eloise Crawford, and recorded in Volume 990, Page 795, of the Official Public Records of Hays County, Texas, and being the most Westerly Northwest corner of the remaining portion of said 156.35 acre tract of land and this herein described tract of land;

THENCE with the common line between said 58.94 acre tract of land and the remaining portion of said 156.35 acre tract of land, N 44° 05' 24" E, a distance of 521.18 feet to a point for the most Easterly corner of said 58.94 acre tract of land, being in the Southwesterly line of Lot 17, Block 6, of the Hills of Hays Subdivision, Phase 2, as recorded in Volume 4, Page 337, of the Map and Plat Records of Hays County, Texas, and being the most Northerly corner of the remaining portion of said 156.35 acre tract of land and this herein described tract of land;

THENCE with the Southwesterly line of the said Hills of Hays Subdivision, Phase 2, same being the Northeasterly line of the remaining portion of said 156.35 acre tract of land, S 40° 59' 56" E, a distance of 591.72 feet to a point for the most Southerly corner of Lots 24 and 25, of said Hills of Hays Subdivision, Phase 2, same being the most Westerly corner of the remaining portion of a called 195.677 acre tract of land, as conveyed to Two Rivers Interests, LP, and recorded in Document No. 12036811, of the Official Public Records of Hays County, Texas, and being a Northerly Northeast corner of the remaining portion of said 156.35 acre tract of land and this herein described tract of land;

THENCE with the common line between the remaining portion of said 156.35 acre tract of land and the remaining portion of said 195.677 acre tract of land, S 41° 06' 18" E, a distance of 2,654.16 feet to a ¼" iron pin found in the Southwesterly line of the remaining portion of said 195.677 acre tract of land, being the most Northerly corner of the aforementioned 99.36 acre tract of land, and being the most Easterly Northeast corner of the remaining portion of said 156.35 acre tract of land and this herein described tract of land;

THENCE with the common line between the remaining portion of said 156.35 acre tract of land and said 99.36 acre tract of land, S 60° 43' 54" W, a distance of 1,870.34 feet to a point in the common line between the remaining portion of said 156.35 acre tract of land and said 99.36 acre tract of land, and being a Southeasterly corner of this herein described tract of land;

THENCE departing the common line between the remaining portion of said 156.35 acre tract of land and said 99.36 acre tract of land, and across and through the remaining portion of said 156.35 acre tract of land, the following courses:

N 41° 40' 53" W, a distance of 1,057.97 feet to a point for a Southwesterly interior corner;

S 60° 38' 29" W, a distance of 145.64 feet to a point for a Southwesterly interior corner, and being at the beginning of a curve to the right;

With said curve to the right, having an arc length of 91.50 feet, a radius of 295.00 feet, a delta angle of 17° 46' 20", a tangent length of 46.12 feet, and a chord bearing and distance of S 69° 31' 39" W, 91.14 feet to a point for a Southwesterly interior corner;

S 78° 24' 49" W, a distance of 95.17 feet to a point for a Southwesterly interior corner, and being at the beginning of a curve to the left;

With said curve to the left, having an arc length of 105.76 feet, a radius of 180.00 feet, a delta angle of $33^{\circ} 39' 56''$, a tangent length of 54.46 feet, and a chord bearing and distance of $S 61^{\circ} 34' 51'' W$, 104.25 feet to a point for a Southwesterly interior corner;

$S 44^{\circ} 44' 53'' W$, a distance of 189.30 feet to a point for a Southwesterly interior corner;

$S 41^{\circ} 40' 53'' E$, a distance of 1,000.04 feet to a point for a Southwesterly corner;

$S 60^{\circ} 38' 29'' W$, a distance of 246.94 feet to a point for a Southwesterly corner;

THENCE continuing across and through the remaining portion of said 156.35 acre tract of land, $S 41^{\circ} 16' 01'' E$, a distance of 49.30 feet to the POINT OF BEGINNING, and containing 92.787 acres of land, more or less.

"This document was prepared under 22 TAC §663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared."

Bearings based on the Texas State Plane Coordinate System, South Central Zone (4204), North American Datum 1983.


Drew A. Mawyer
Registered Professional Land Surveyor No. 5348
TBPLS Firm Registration #10191500
5151 W SH 46, New Braunfels, Texas, 78132
MOE307- REDWOOD- 92.787 AC- 053019

