

Windemere
AN-2009-05

ORDINANCE NO. 2009- 30

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS, ANNEXING TO THE CITY AN AREA CONSISTING OF 22.5 ACRES, MORE OR LESS, T.J CHAMBERS SURVEY A-2. LOCATED 1 MILE NORTHWEST OF POST ROAD AT LIME KILN ROAD; APPROVING A SERVICE PLAN FOR THIS AREA; INCLUDING PROCEDURAL PROVISIONS; AND DECLARING AN EMERGENCY.

RECITALS:

1. The City Council of the City of San Marcos, Texas, provided an opportunity for all interested persons to be heard at a public hearing, held on June 2, 2009, to consider the proposed annexation by the City of 22.5 acres of land, more or less, one mile northwest of Post Rd at Lime Kiln Road in Hays County, Texas (the "Annexation Area"), consisting of all of the following tracts of property:

A. The 22.5 acre, more or less, tract of land described by metes and bounds in the attached Exhibit A.

2. The City has received, within the last thirty days, a petition for annexation from the owner(s) of the tract described in Exhibit A, a copy of which is attached as Exhibit B.

3. The Annexation Area has no permanent residents, consists of a small piece of land that is less than one-half mile in width, and the other requirements of Texas Local Government Code § 43.028 have been met.

4. A notice of the public hearing was published in the San Marcos Daily Record, a newspaper having general circulation in the City and in the Annexation Area, on May 17, 2009, that date being on or after the 20th day and before the 10th day before the date of the respective hearing. A notice of the public hearing was also posted on the City's Internet website on or after the 20th day and before the 10th day before the date of the hearing, and this notice remained posted on the website until the date of the hearing.

5. The proposed service plan (Exhibit C - Service Plan) was made available for inspection and explained to the residents, if any, of the Annexation Area at the public hearings.

6. The Annexation Area is contiguous and adjacent to the current boundaries of the City.

7. Notice of all meetings of, and all deliberations of, the City Council involving the annexation of the Annexation Area, including public hearings and the vote(s) on adoption of this ordinance, were done and performed in accordance with the Texas Open Meetings Law, TEX. GOV'T CODE ANN. Chapter 551, as amended.

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

SECTION 1. The recitals of this ordinance are approved and adopted.

SECTION 2. The Annexation Area is annexed to the City of San Marcos, Texas.


SECTION 3. The Service Plan for the Annexation Area, a copy of which is attached hereto as Exhibit C and incorporated herein for all purposes, is approved.

SECTION 4. The corporate limits of the City are extended to include the Annexation Area.

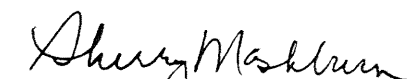
SECTION 5. The Annexation Area is a part of the City of San Marcos, Texas, and residents in it are entitled to all the rights and privileges of all citizens of the City, and are bound by the acts, ordinances, resolutions and regulations of the City.

SECTION 6. The importance of this Ordinance creates an emergency and an imperative public necessity, and the provisions of the Charter requiring that ordinances be presented at three separate meetings, and that ordinances do not take effect until ten days after the date of its final passage are suspended, and this Ordinance will take effect upon publication of notice of its adoption in a newspaper of general circulation within the City.


PASSED, APPROVED AND ADOPTED on June 2, 2009.


Susan Narvaiz
Mayor

Attest:


Sherry Mashburn
City Clerk

Approved:


Michael J. Cosentino
City Attorney

DALE L. OLSON

Registered Professional Land Surveyor

711 Water Street

Bastrop, TX 78602

Phone (512) 321-5476 * Fax (512) 303-5476

FIELD NOTES FOR A 22.500 ACRE TRACT IN THE T.J. CHABERS SURVEY IN HAYS COUNTY, TEXAS.

BEING a 22.500 acre tract or parcel of land out of and being a part of the T.J. Chambers Survey, A-2, in Hays County, Texas, and being a part of that certain 58.57 acre tract described as Second Tract in a deed from J.E. McGuire and wife, Pearl D. McGuire to William M. Colgin and Paul C. Colgin recorded in Volume 111, Page 333, Hays County Deed Records. Herein described tract or parcel of land being more particularly described by metes and bounds as follows:

BEGINNING at a 8 inch cedar fence corner post with 60d nail and washer found in the southwest line of the said 58.59 acre tract of which this is a part, the most easterly corner of that certain 75.11 acre tract described in a deed from Emmett F. McCoy, et al, to Scott D. Crump, et al, dated August 11, 1999, recorded in Document No. 9919374, Hays County Deed Records, an interior corner of that certain 212.556 acre tract described in a deed from J.C. Storts, Jr., et al, to Robert Logan Haug, et al recorded in Volume 3002, Page 23, Hays County Deed Records, for the south or southwest corner of this tract.

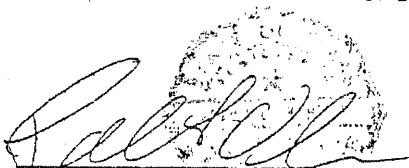
THENCE with the west or southwest line of the 58.57 acre tract common with the east or northeast line of the Crump 75.11 acre tract, N 34 deg. 17 min. 43 sec. W, 579.45 feet to a capped 1/2 inch iron rod found; N 30 deg. 46 min. 43 sec. W, 196.94 feet to a 5/8 inch iron rod set for the west or northwest corner of this tract from which a fence angle post with 60d nail and washer found bears N 30 deg. 46 min. 43 sec. W, 383.16 feet.

THENCE crossing said 58.57 acre tract, N 62 deg. 56 min. 47 sec. E, 1677.75 feet to the east line of same, a 5/8 inch iron rod set in the west line of Lime Kiln Road, for the northeast corner of this tract.

THENCE with the west line of Lime Kiln Road and east line of the 58.57 acre tract, S 06 deg. 02 min. 15 sec. E, 33.70 feet to a 2 inch steel fence post in concrete; S 00 deg. 49 min. 05 sec. E, 89.67 feet to a 2 inch steel fence post; S 04 deg. 33 min. 02 sec. W, 90.40 feet to a 2 inch steel fence post in concrete; S 10 deg. 27 min. 35 sec. W, 89.95 feet to a 2 inch steel fence post in concrete; S 15 deg. 17 min. 30 sec. W, 90.15 feet to a 2 inch steel fence post in concrete; S 21 deg. 13 min. 11 sec. W, 90.03 feet to a 2 inch steel fence post in concrete; S 25 deg. 31 sec. 51 sec. W, 89.94 feet to a 2 inch steel fence post in concrete; S 28 deg. 53 min. 25 sec. W, 439.40 feet to a 2 inch steel fence post in concrete; S 26 deg. 21 min. 11 sec. W, 71.36 feet to a 2 inch steel fence post in concrete; S 23 deg. 43 min. 29 sec. W, 72.51 feet to a 2 inch steel fence post in concrete; S 18 deg. 25 min. 48 sec. W, 71.45 feet to the southeast corner of the before mentioned Haug 212.556 acre tract, a fence corner post found for the most easterly southwest corner of this tract.

THENCE with the most easterly line of the 212.556 acre tract, N 35 deg. 49 min. 41 sec. W, 134.81 feet to a fence corner post found at an angle corner of the 212.556 acre tract for an interior corner of this tract.

THENCE with a lower north line of the 212.556 acre tract, S 56 deg. 26 min. 39 sec. W, 694.13 feet to the POINT OF BEGINNING, containing 22.500 acres of land.



Dale L. Olson
Reg. Pro. Land Surveyor 1753

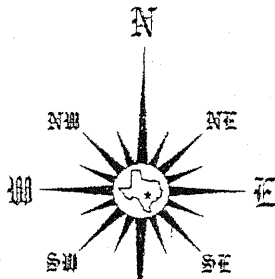
OR Michael D. Olson
Reg. Pro. Land Surveyor 5386

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Order #: 136506-1

Date Created: 10/10/07

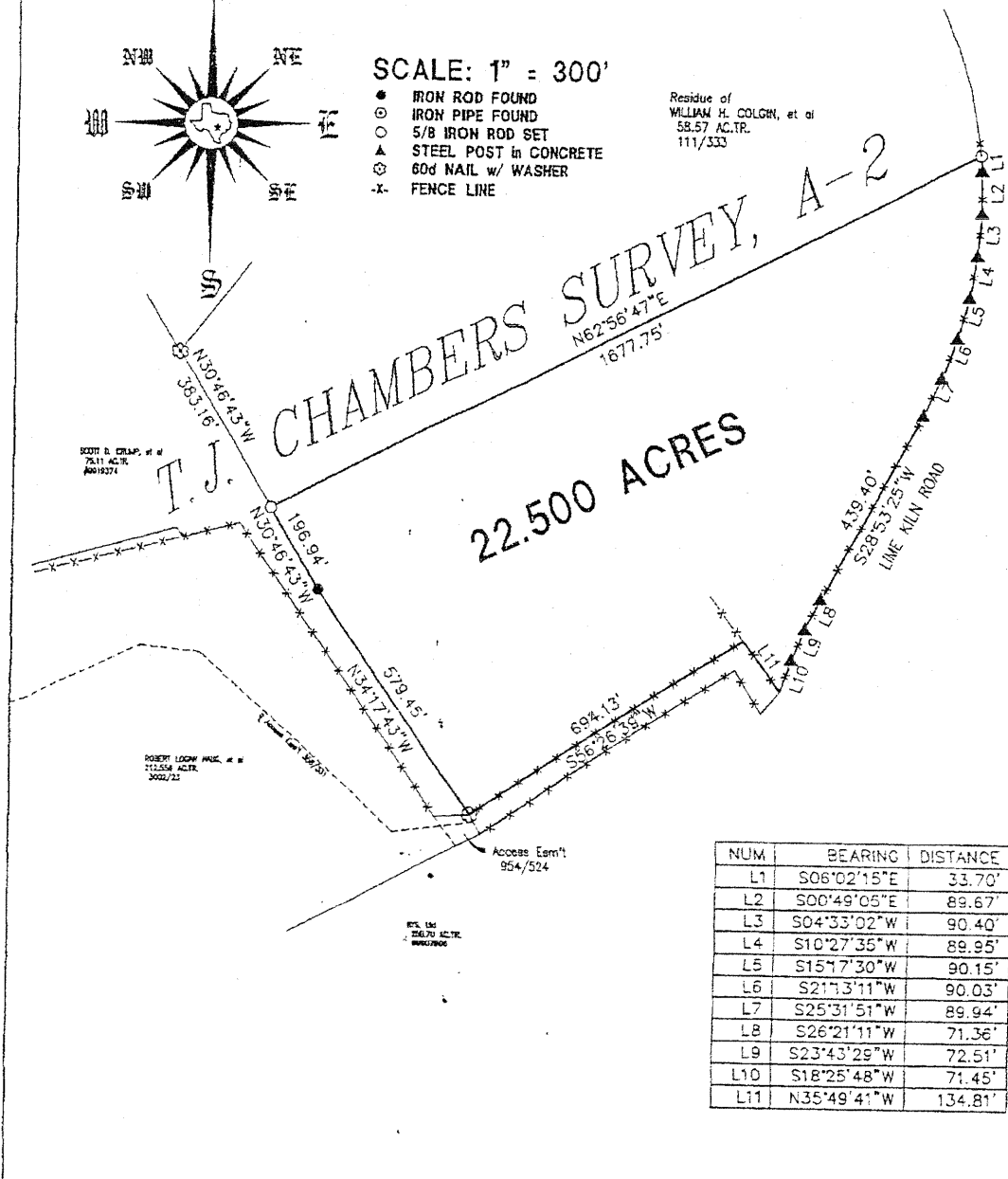
EXHIBIT "A"



SCALE: 1" = 300'

- IRON ROD FOUND
- IRON PIPE FOUND
- 5/8 IRON ROD SET
- ▲ STEEL POST in CONCRETE
- ⊗ 60d NAIL w/ WASHER
- x- FENCE LINE

Residue of
WILLIAM H. COLGON, et al
58.57 AC.TR.
111/333



NUM	BEARING	DISTANCE
L1	S06°02'15\"E	33.70'
L2	S00°49'05\"E	89.67'
L3	S04°33'02\"W	90.40'
L4	S10°27'35\"W	89.95'
L5	S15°17'30\"W	90.15'
L6	S21°13'11\"W	90.03'
L7	S25°31'51\"W	89.94'
L8	S26°21'11\"W	71.36'
L9	S23°43'29\"W	72.51'
L10	S18°25'48\"W	71.45'
L11	N35°49'41\"W	134.81'

FENCES DO NOT REFLECT PROPERTY LINES

The undersigned does hereby certify to: the Title Agency, Underwriter, Lender, Mortgage Co. and/or Purchaser, that this survey was, this day, made on the ground, on the property legally described hereon, and is correct, and there are no discrepancies, conflicts, shortages in area, boundary line conflicts, encroachments, overlapping of improvements, visible utility lines, or roads in place, except as shown hereon, and that said property has frontage on a dedicated road way, except as shown hereon.

[Signature]

DALE L. OLSON
REG. NO. 1753
DALE L. OLSON SURVEYING COMPANY
DATE: 09/22/07

MICHAEL D. OLSON
REG. NO. 5386
DATE: 09/22/07

DALE L. OLSON
REGISTERED PROFESSIONAL LAND SURVEYOR
711 WATER STREET (512) 321-5476 BASTROP, TEXAS

SURVEY PLAT
of a 22.500 ACRE TRACT in the
T.J. CHAMBERS SURVEY, A-2,
HAYS COUNTY, TEXAS.

SCALE: 1" = 300'
DRAFTSMAN: D. BROOKS
DATE: 09/22/07
VINCIE WOOD
DISK-FILE 279-1-1
ORDER # 136506-1
PLAT FILE # -0-

City of San Marcos Petition for Annexation

Name: Vince Wood and Rob Haug Windemere

Date: 5/05/ 2009

Ranch Road 620 North Suite 130

Austin, TX 78734

Phone: (512) 266-0052

FAX: (512) 266-0656

E-mail: vwood8@hotmail.com
robhaug@hotmail.com

Subject Property

Location: Lime Kiln Road at intersection of Sink Creek approximately 1 mile northwest of Post Rd

Development Name & Developer (if applicable): Windemere Ranch / Developers Vince Wood and Rob Haug

Total Acreage: 22.5 acres

~~Plot~~/ Survey Date: 09/22/07

Tax ID Number: R124359 Hays County Texas

Proposed Use: ☒ Residential ☒ Commercial ☐ Industrial ☒ Other: Mixed Use

Water Service Area (CCN): San Marcos

☒ Please attach a map and a "metes and bounds" legal description (from deed or survey) of the property for which service is requested. **Attached**

☐ If the property is not contiguous to the existing city limits, please attach the required requests for annexation along an extension to establish contiguity.

Property is Contiguous to City Limits

See Owners acknowledgement and Consent to Annexation on the next page.

Exhibit 11B

Owner's Acknowledgement and Consent to Annexation

I hereby certify under oath that all of the information presented in this application is accurate and complete. I understand all of the following policies of the City of San Marcos regarding petitions for annexation:

1. All costs for utility connections are to be borne by the owner
2. The City does not provide wastewater service unless City water service is used.
3. The requirement that the owner consent to annexation of the subject property by the City.
4. Owner/applicant/developer waives their option to a development agreement in favor of annexation.
5. Owner/applicant/developer agrees to the extension of utility certificates of convenience and necessity, as permitted under Federal, State and local laws, to the subject property.

I also certify that I am not seeking vesting of development standards for any project by completing this application.

In consideration of the City's approval of this application, I hereby petition the City for annexation of the property, and I certify that I am either the owner of the subject property, or the duly authorized agent of the owner of the subject property. I understand that this consent to annexation will be binding on the current and future owners of the subject property, and that this consent will be recorded in the official county records if this request is approved.

Signature: [Signature]

Signature: [Signature]

Printed Name: Vincent J Wood

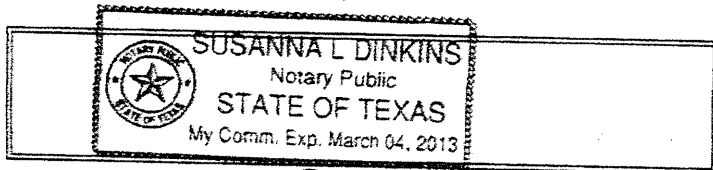
Printed Name: Rob Haug

State of Texas

County of Travis

SWORN TO AND SUBSCRIBED before me on 4/30/09 (date)

by Susanna L. Dinkins, known personally to me, or proved to me by a photo identification, to be the person who executed this instrument.



Susanna L Dinkins

Notary Public, State of Texas

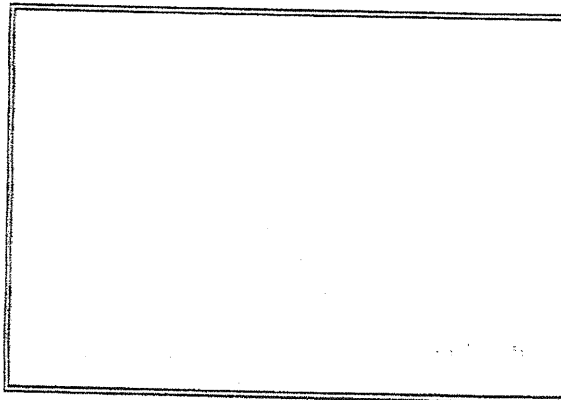


Exhibit "B"



Service Plan for the Annexation of a 22.5 +/- Acres Windemere Ranch (Tract 2)

Pursuant to the provisions of the Texas Local Government Code, Chapter 43, the following service plan is hereby adopted for the annexation of the 22.500 +/- acre area. The property is being annexed at the request of the property owner. A resolution allowing the extension of wastewater mains has been forwarded to City Council for consideration.

The proposed annexation area is located on Lime Kiln Road approximately 4,500 feet north of the intersection of Lime Kiln Road and Post Road, and at of the intersection of Lime Kiln Road and sink Creek. The subject tract is entirely in Hays County. The property is designated for very low density residential development but is proposed by the applicant for use as commercial and townhouse development.

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. The area is adjacent to Fire District Zone 2 but can only be accessed from zone 1. It is located in responder district 2.

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 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 residences on the effective date of the annexation. Residents of the annexed area 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 that are permitted to work inside the city limits of San Marcos.

5. Operation and Maintenance of Water and Wastewater Facilities

The proposed annexation area is partially within the water service area of the City of San Marcos. The remainder is outside of the City's Water CCN. The property is not within the city's current wastewater CCN. As new development occurs within the annexation area, the City will provide water and wastewater service to properties in accordance with the city's development ordinances

and utility extension policies in place at the time of development. Upon completion and dedication of the new facilities to the city, the city shall provide on-going maintenance and operation of those facilities

Water Service:

Water service to undeveloped portions of this tract will be provided in accordance with the city's development ordinances. As land is developed, property owners will be required to extend and connect to the city's water facilities. Upon completion and dedication of the new facilities to the city, the city shall provide on-going maintenance for those facilities. The city's utility extension policy may be summarized as follows:

Extension of city facilities: Where it is necessary, in order to properly serve the subdivision, that extension of existing city utilities be made or that drainage facilities be constructed outside the subdivision, which extensions of such facilities are hereafter referred to as "off-site improvements". The subdivider shall install such off-site improvements of such a size as to adequately serve the area being subdivided at his / her own expense; however, if the city should require the construction of off-site improvements of a size greater than set out above, then the city shall within one year after the date of the final approval of the final construction plans, reimburse the subdivider for any increased cost of such facilities.

Wastewater Service:

Wastewater service to undeveloped portions of this tract will be provided in accordance with the city's development ordinances. As land is developed, property owners will be required to extend and connect to the city's wastewater facilities. Upon completion and dedication of the new facilities to the city, the city shall provide on-going maintenance for those facilities. The city's utility extension policy may be summarized as follows:

Extension of city facilities: Where it is necessary, in order to properly serve the subdivision, that extension of existing city utilities be made or that drainage facilities be constructed outside the subdivision, which extensions of such facilities are hereafter referred to as "off-site improvements". The subdivider shall install such off-site improvements of such a size as to adequately serve the area being subdivided at his / her own expense; however, if the city should require the construction of off-site improvements of a size greater than set out above, then the city shall within one year after the date of the final approval of the final construction plans, reimburse the subdivider for any increased cost of such facilities.

6. Operation and Maintenance of Roads and Streets

As new development occurs within the annexed area, the developers of property will be required to construct streets in accordance with the City's existing subdivision policies. The City shall provide on-going operation and maintenance for dedicated completed facilities. The adjacent portion of Lime Kiln Road is not included in this annexation and shall remain a county roadway

7. Electric Service

The property is located in the Pedernales Electric Utility service area.

8. Operation and Maintenance of Parks, Playgrounds, and/or Swimming Pools

No parks, playgrounds and/or swimming pools exist within the proposed annexation area. 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 annexed area. Upon annexation, the owners and residents of property located within the annexed area 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 exist within the annexed area. 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 annexed area 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.

