

## AGREEMENT FOR THE PROVISION OF SERVICES

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

**Date:** March 3, 2020

**Owner:** Mohnke Poor Farm LLC, 540 Mission Valley Road, New Braunfels, TX 78132

**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.

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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 and that Owner does not wish to enter into and has declined the offer from the City of a 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:**  
**Mohnke Poor Farm LLC**

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

**ACKNOWLEDGMENT**

STATE OF \_\_\_\_\_ §

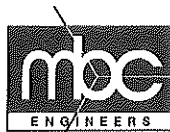
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COUNTY OF \_\_\_\_\_ §

This instrument was acknowledged before me on \_\_\_\_\_, 20\_\_ by  
\_\_\_\_\_, \_\_\_\_\_ of Mohnke Poor Farm, LLC, in such capacity  
on behalf of said entity.

\_\_\_\_\_  
Notary Public, State of \_\_\_\_\_

**EXHIBIT A-PROPERTY DESCRIPTION**  
**[FOLLOWING PAGES]**



MACINA • BOSE • COPELAND and ASSOCIATES, INC  
CONSULTING ENGINEERS AND LAND SURVEYORS

1035 Central Parkway North, San Antonio, Texas 78232  
(210) 545-1122 FAX (210) 545-9302  
TDEC Firm Registration #704 1 TDRS Firm Registration #10011780 1 SBE Certified #214016163  
www.mbcengineers.com

**METES AND BOUNDS DESCRIPTION  
TO ACCOMPANY ZONING AND ANNEXATION EXHIBIT**

BEING 12.43 ACRES (541,632 SQUARE FEET +/-) TRACT OF LAND SITUATED IN THE J.F. GEISTER SURVEY NO. 6 AND IN THE J.F. GEISTER SURVEY NO. 7, IN THE CITY OF SAN MARCOS, HAYS COUNTY, TEXAS, SAID 12.43 ACRE TRACT ALSO BEING OUT OF A CALLED 30.9 ACRE TRACT (TRACT 2) AS DESCRIBED IN DOCUMENT NO. 18028048, DEED RECORDS OF HAYS COUNTY, TEXAS; AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOW:

**COMMENCING** at a 1/2-inch Iron Rod found on the East Right-of-Way line of State Highway 123 and the Southeast Right-of-Way line of Old-Bastrop Highway and marking the Westernmost corner of a called 225.25 Acre Tract as described in deed recorded in Document number 18004464, of the Deed records of Hays County, Texas;

**THENCE** S 04° 22' 13" W a distance of 288.89 feet, along and with the East Right-of-Way line of said State highway 123 to a 1/2-Inch Iron Rod Found marking the Northernmost corner of said 30.9 Acre Tract;

**THENCE** S 04° 24' 31" W a distance of 1506.69 feet, along and with the East Right-of-Way line of said State highway 123 to a 1/2-Inch Iron Rod Found at the **POINT OF BEGINNING**;

**THENCE** S 85° 35' 29" E a distance of 127.50 feet departing the East Right-of-Way line of said State Highway 123, into and across said 30.9 Acre Tract to a 1/2-Inch Iron Rod with cap "MBC" Set at the point of curvature of a curve to the left;

**THENCE** along and with said curve to the left having the following parameters: Radius = 545.00 feet, Arc length = 435.83 feet, Chord Bearing = N 71° 29' 57" E and Chord Distance = 424.31 feet to a 1/2-Inch Iron Rod with cap "MBC" Set;

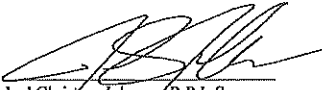
**THENCE** N 48° 35' 24" E a distance of 607.78 feet to a 1/2-Inch Iron Rod with cap "MBC" on the West line of a called 100 Acre tract as described in deed recorded in Document number 18028048 of the Deed records of Hays County, Texas;

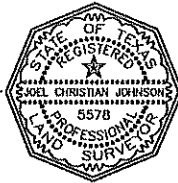
**THENCE** S 42° 05' 52" E a distance of 310.02 feet along and with the West line of said 100 Acre tract, to a fence post Found and marking the Northernmost corner of Lot 1, Block F, Cottonwood Creek Phase I, Section 1-B, according the plat thereof recorded in Volume 14, Page 294 of the Map and Plat records of Hays County, Texas;

**THENCE** S 48° 35' 24" W a distance of 1674.24 feet along and with the Northwest line of said Cottonwood Creek Phase I, Section 1-B Subdivision, to a Fence Post Found on the East Right-of-Way of said State Highway 123 and marking the Southernmost corner of this tract;

THENCE N 04° 24' 31" E a distance of 813.01 feet along and with the East Right-of-Way line of said State Highway 123, to the **POINT OF BEGINNING** and containing 12.43 acres, more or less as surveyed by Macina, Bose, Copeland, and Associates, Inc.

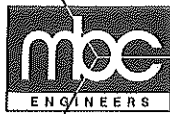
Note: A Survey Sketch that is made a part hereof and shall accompany this instrument.

  
Joel Christian Johnson, R.P.L.S.  
TBPLS Firm Registration 10011700



Date: December 04, 2019  
Job No: 32486-HAYS





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**METES AND BOUNDS DESCRIPTION  
TO ACCOMPANY ZONING AND ANNEXATION EXHIBIT**

BEING 18.58 ACRES (809,506 SQUARE FEET +/-) TRACT OF LAND SITUATED IN THE J.F. GEISTER SURVEY NO. 6 AND IN THE J.F. GEISTER SURVEY NO. 7, IN THE CITY OF SAN MARCOS, HAYS COUNTY, TEXAS, SAID 18.58 ACRE TRACT ALSO BEING OUT OF A CALLED 30.9 ACRE TRACT (TRACT 2) AS DESCRIBED IN DOCUMENT NO. 18028048, DEED RECORDS OF HAYS COUNTY, TEXAS; AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOW:

**COMMENCING** at a 1/2-inch Iron Rod found on the East Right-of-Way line of State Highway 123 and the Southeast Right-of-Way line of Old-Bastrop Highway and marking the Westernmost corner of a called 225.25 Acre Tract as described in deed recorded in Document number 18004464, of the Deed records of Hays County, Texas;

**THENCE** S 04° 22' 13" W a distance of 288.89 feet, along and with the East Right-of-Way line of said State highway 123 to a 1/2-Inch Iron Rod Found at the **POINT OF BEGINNING**;

**THENCE** S 41° 37' 44" E a distance of 811.88 feet, along and with the West line of said 225.25 Acre Tract and with the East line of this tract to a Fence Post Found;

**THENCE** S 41° 49' 45" E a distance of 440.41 feet, continuing along and with said 225.55 Acre Tract to a 1/2-Inch Iron Rod with cap "BYRN" Found and marking the Westernmost corner of a called 100 Acre Tract as described in deed recorded in Document number 18028048 of the Deed records of Hays County, Texas;

**THENCE** S 42° 05' 52" E a distance of 54.41 feet along and with the West line of said 100 Acre tract, to a 1/2-Inch Iron Rod with cap "MBC" Set;

**THENCE** S 48° 35' 24" W a distance of 607.78 feet departing the West line of said 100 Acre tract, into and across said 30.9 Acre tract to a 1/2-Inch Iron Rod with cap "MBC" Set at the point of curvature of a curve to the right;

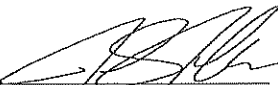
**THENCE** along and with said curve to the right having the following parameters: Radius = 545.00 feet, Arc length = 435.83 feet, Chord Bearing = S 71° 29' 57" W and Chord Distance = 424.31 feet to a 1/2-Inch Iron Rod with cap "MBC" Set;

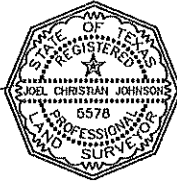
**THENCE** N 85° 35' 29" W a distance of 127.50 feet to a 1/2-Inch Iron Rod with cap "MBC" Set on the East Right-of-Way line of said State Highway 123;



THENCE N 04° 24' 31" E a distance of 1506.69 feet along and with the East Right-of-Way line of said State Highway 123 to the **POINT OF BEGINNING** and containing 18.58 acres, more or less as surveyed by Macina, Bose, Copeland, and Associates, Inc.

Note: A Survey Sketch that is made a part hereof and shall accompany this instrument.

  
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