

**ORDINANCE NO. 2020-**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS ANNEXING INTO THE CITY APPROXIMATELY 9.61 ACRES OF LAND, GENERALLY LOCATED IN THE 400 BLOCK OF CENTERPOINT ROAD; INCLUDING PROCEDURAL PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.**

**RECITALS:**

1. The owner of approximately 9.61 acres of land generally located in the 400 Block of Centerpoint Road, as further described by metes and bounds in Exhibit "A," attached hereto and incorporated herein for all purposes (the "Property"), made a request for the City to annex the Property.
2. Said owner of the Property has declined the offer of a development agreement from the City concerning the Property.
3. Said owner and the City have entered into a written agreement for the provision of services to the Property.
4. The Property is contiguous and adjacent to the current boundaries of the City.
5. The City Council held a public hearing regarding the request.
6. The City Council hereby finds and determines that the adoption of the following ordinance is in the interest of the public health, morals, welfare and safety.

**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 Property is annexed to and is a part of the City of San Marcos, Texas and subject to the acts, ordinances, resolutions and regulations of the City.

**SECTION 3.** Services to the Property will be provided under the terms of the written agreement for the provision of services entered into between the owner of the Property and the City as noted in Recital 3.

**SECTION 4.** The corporate limits of the City are extended to include the Property.

**SECTION 5.** The inhabitants of the Property are entitled to all the rights and privileges of other citizens of the City, and are bound by the acts, ordinances, resolutions and regulations of the City.

**SECTION 6.** If any word, phrase, clause, sentence, or paragraph of this ordinance is held to be unconstitutional or invalid by a court of competent jurisdiction, the other provisions of this ordinance will continue in force if they can be given effect without the invalid portion.

**SECTION 7.** All ordinances and resolutions or parts of ordinances or resolutions in conflict with this ordinance are repealed.

**SECTION 8.** This ordinance shall not be effective unless and until the date (the "Effective Date") that all of the following conditions (the "Conditions") have been satisfied: (i) this ordinance is finally passed, approved and adopted on second reading, and (ii) Outlet West Investors, Ltd. has conveyed fee title to the Property to CBTX Capital, LLC, or its permitted assigns, pursuant to that certain Commercial Contract – Unimproved Property between Outlet West Investors, Ltd. and CBTX Capital, LLC with an effective date of November 22, 2019, as such contract may be amended. In the event that all the Conditions have not been fully satisfied by April 2, 2021, then this ordinance shall be null and void and of no further force or effect.

**PASSED AND APPROVED** on first reading on May 19, 2020.

**PASSED, APPROVED AND ADOPTED** on second reading on June 2, 2020.

Jane Hughson  
Mayor

Attest:

Approved:

Tammy K. Cook  
Interim City Clerk

Michael Cosentino  
City Attorney

**EXHIBIT "A"**  
**Property Description**



**STATE OF TEXAS**  
**COUNTY OF HAYS**

**9.610 ACRES**  
**EDWARD BURLESON SURVEY**  
**NO. 18 - ABSTRACT # 63**

**BEING 9.610 ACRES OF LAND SITUATED IN THE EDWARD BURLESON SURVEY NO. 18, ABSTRACT NO. 63, HAYS COUNTY, TEXAS, SAME BEING A 7.959 ACRE PORTION OF THAT CALLED 109.22 ACRE TRACT OF LAND CONVEYED TO OUTLET WEST INVESTORS, LTD., A TEXAS LIMITED PARTNERSHIP, BY DEED DATED DECEMBER 21, 1998 AND RECORDED IN VOLUME 1486, PAGE 887, OFFICIAL PUBLIC RECORDS, HAYS COUNTY, TEXAS, AND BEING A 1.153 ACRE PORTION OF CENTERPOINT ROAD, A VARIABLE WIDTH PUBLIC RIGHT-OF-WAY, AND ALSO BEING ALL THAT 0.498 ACRE PORTION OF TRANSPORTATION WAY, A DEDICATED 76 FOOT PUBLIC RIGHT-OF-WAY AS SHOWN BY PLAT OF LOT 2, LOWMAN RANCH SUBDIVISION, SECTION TWO, AN ADDITION TO HAYS COUNTY, TEXAS ACCORDING TO THE MAP THEREOF RECORDED IN VOLUME 18, PAGE 17, HAYS COUNTY PLAT RECORDS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:**

**BEGINNING** at a 1/2" iron rod found with cap marked "BYRN" at the intersection of the southwest line of Centerpoint Road, a variable width public right-of-way, as widened and described in Exhibit 'A' in Lis Pendens Notice recorded in Volume 2571, Page 69, Official Public Records, Hays County, Texas, with the southeast line of said Transportation Way, for the east corner of the 9.611 acre herein described tract of land;

**THENCE South 43°34'30" West** (S 45°34'23" W Record), at a distance of 10.30 feet passing the north corner of said Lot 2, Lowman Ranch Section Two, and a common corner of the right-of-way of said Centerpoint Road, and continuing on for a total distance of **285.43 feet** (285.35' Record) to a 1/2" iron rod found with cap marked "BYRN" at the west corner of said Lot 2 and a common south corner of said Transportation Way, for a south corner of the herein described tract of land;

**THENCE North 46°26'02" West** (N 46°25'37" W Record), a distance of **75.99 feet** (76.00' Record) to a 1/2" iron rod found with cap marked "BYRN" at the west corner of said Transportation Way, for an interior corner of the herein described tract of land;

**THENCE South 43°34'33" West** (S 43°34'23" W Record), with the projection of the northwest line of said proposed Transportation Way, at a distance of 250.54 feet passing a 1/2" iron rod set with cap marked "RPLS 5687" set at the intersection of said proposed Transportation Way with the northeast line of a drainage easement described in Exhibit 'A' of the Instrument recorded in Volume 4389, Page 592 of the Hays County Real Property Records, and continuing on in all a total distance of **330.51 feet** to the approximate centerline of said drainage easement, for the south corner of the herein described tract of land;

**THENCE North 46°29'00" West** (N 45°58'03" W Record), with the approximate centerline of said drainage easement, a distance of **577.62 feet** to the northwest line of said Outlet West Investors, Ltd. called 109.22 acre tract and the common southeast line of the MK&T Railroad, for the west corner of the herein described tract of land, and from which a 1/2" iron rod found with cap marked "BYRN" at a west corner of said drainage easement bears South 46°38'05" West (S 47°09'14" W Record), a distance of 80.09 feet (80.12' Record);

**THENCE** with the northwest line of said Outlet West Investors, Ltd. called 109.22 acre tract and the common southeast line of the MK&T Railroad, the following courses and distances numbered (1) and (2):

**1) North 46°38'05" East** (N 47°09'14" E Record), a distance of **80.09 feet** (80.12' Record) to a 1/2" iron rod found with cap marked "BYRN" at a north corner of said drainage easement;

**2) North 46°39'10" East** (N 47°08'53" E Record), a distance of **540.99 feet** to a 1/2" iron rod set with cap marked "RPLS 5687" set at the intersection of the northwest line of said Outlet West Investors, Ltd. called 109.22 acre tract with the southwest line of aforesaid Centerpoint Road, as widened, and from which the north corner of said Outlet West Investors, Ltd. called 109.22 acre tract bears North 46°39'10" East (N 47°08'53" E Record), a distance of 27.30 feet;

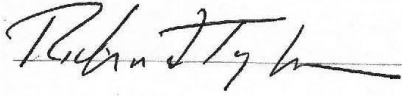
**THENCE North 46°39'10" East** (N 47°08'53" E Record), with the projection of the northwest line of said Outlet West Investors, Ltd. called 109.22 acre tract and the common southeast line of the MK&T Railroad, at a distance of 27.30 feet passing the record north corner of said Outlet West Investors, Ltd. called 109.22 acre tract, crossing said Centerpoint Road, and continuing on for a total distance of **82.22 feet** to a wire fence in the northeast line of said roadway, for the north corner of the herein described tract of land, same being in the southwest line of that certain called 63.133 acre tract of land conveyed as "Tract 1" in a deed to San Marcos Land Associates recorded in Volume 1060, Page 848 of the Deed Records of Hays County, Texas, and from which a steel corner fence post at the west corner of said San Marcos Land Associates called 63.133 acre tract bears, North 45°52'41" West, a distance of 0.43 feet;

**THENCE South 45°52'41" East** (S 44°21'26" E Record), with the northeast line of said Centerpoint Road and the common southwest line of said San Marcos Land Associates called 63.133 acre tract, along the meanders of a wire fence, a distance of **615.92 feet** to the intersection of said common line with the projection of the southeast line of the aforementioned Transportation Way, dedicated 76 foot public right-of-way, for the east corner of the herein described tract of land;

**THENCE South 43°34'33" West**, along the projection of the of the northwest line of said Transportation Way, crossing said Centerpoint Road, at a distance of 53.16 feet passing the record northeast line of aforesaid Outlet West Investors, Ltd. called 109.22 acre tract, and continuing on for a total distance of **79.86 feet** to the **POINT OF BEGINNING** and **CONTAINING 9.610 ACRES OF LAND.**

BEARING BASIS HEREIN DERIVED BY GPS MEASUREMENTS ADJUSTED BY HARN (HIGH ACCURACY REFERENCE NETWORK) & PROJECTED TO TEXAS STATE PLANE COORDINATES (TEXAS SOUTH CENTRAL ZONE) & NAD83.

I, Richard H. Taylor, do certify that this description and associated exhibit were prepared this date from a boundary survey performed under my direction during December 2019, and is true and correct to the best of my knowledge and belief.



Richard H. Taylor  
Registered Professional Land Surveyor  
No. 3986 State of Texas  
Attachment: Drawing of 9.610 Acre Annexation Tract  
Job: 19-7284

04/02/2020

Date

