

ORDINANCE NO. 2020-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS ANNEXING INTO THE CITY APPROXIMATELY 59.89 ACRES OF LAND LOCATED AT 4087 STATE HIGHWAY 21; INCLUDING PROCEDURAL PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.

RECITALS:

1. The owner of approximately 59.89 acres of land located at 4087 State Highway 21, 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. A location map of the Property is also shown in Exhibit "A."
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 All ordinances and resolutions or parts of ordinances or resolutions in conflict with this ordinance are repealed.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 be effective upon its adoption on second reading.

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



**Metes & Bonds description of property to be
Annexed into The City of San Marcos**

STATE OF TEXAS - CITY OF SAN MARCOS

Palaceway Partners LLC presents a tract of land situated in the Thomas G. McGehee survey, A-11, Hays County, Texas, conveyed in volume 723 page 39, Plat record 7042-19-2-c; Hays County, TX. Same being a tract of land described to Palace Way Partners as conveyed in Instrument number 9927062, official public records, Hays County, Texas. Being more particularly described as 59.89 acres by the following metes and bounds as follows: Grid north of the Texas state plane coordinate system, NAD 83, South central zone.

Beginning at 1/2" Iron rod with plastic cap found at the southeast corner said POB-R same being southeast of Mrs. Millie Gary Et Vir to the State of Texas recorded in the public records Volume 117, Page 493. Hays County, Texas. And lying on the north Right of Way of the State Highway Number 21.

THENCE, South 45 degrees, 26 minutes and 48.34 seconds East, being said West Right-of-Way of State Highway Number 21. Drive a distance of 112.33 feet towards East Right-of-Way of State Highway Number 21.

THENCE, North 50 degrees, 04 minutes and 54.11 seconds East, being said East Right-of-Way of State Highway Number 21. Drive a distance of 118.08 feet, same being the Right-of-Way limit of State Highway Number 21.

THENCE, North 45 degrees, 26 minutes and 48.34 seconds West, being said East Right-of-Way of State Highway Number 21. Drive a distance of 111.50 feet towards 1/2" Iron rod of said Palace way Property Line, same being West side of said Right-of-Way of State Highway Number 21.

THENCE, North 45 degrees, 25 minutes and 53.13 seconds West, parallel with the adjacent gravel road said Cow Trail, drive a distance of 1,530.10 feet towards 1/2" " Iron rod with a plastic cap.

THENCE, North 46 degrees, 12 minutes and 8.40 seconds East, towards the adjacent gravel road said Cow Trail, drive a distance of 175.99 feet towards 1/2" " Iron rod. Same lying on the lefthand right of way of Cow Trial.

THENCE, North 0 degrees, 48 minutes and 43.60 seconds East, with the west right of way of said Cow Trial. Drive a distance of 886.52 feet. Same being the southwest corner of the Industrial lot.

THENCE, North 0 degrees, 48 minutes and 43.60 seconds East, of the East side of the property and limiting with Right of way of Cow Trail. Drive a distance of 670.34 feet towards 1/2" Iron rod with plastic cap stamped "Byrn Associates", same being the Northeast corner of the Parcel.

THENCE, North 46 degrees, 39 minutes and 26.79 seconds West, of the northeast corner of the property Drive a distance of 1,088.94 feet towards 1/2" Iron rod with plastic cap located on the West side of the property and limiting with Right of way of Proposed FM110.

THENCE, South 32 degrees, 35 minutes and 25.70 seconds West, of 1/2" Iron rod with plastic cap located on the northwest side of the property. Drive a distance of 25.54 feet towards 1/2" Iron rod with a plastic cap.

THENCE, South 39 degrees, 38 minutes and 23.78 seconds West, of 1/2" Iron rod with plastic cap located on the northwest side of the property. Drive a distance of 199.92 feet towards 1/2" Iron rod with a plastic cap.

THENCE, South 45 degrees, 21 minutes and 22.62 seconds West, Drive a distance of 251.79 feet towards 1/2" Iron rod with a plastic cap.

THENCE, South 38 degrees, 05 minutes and 05.46 seconds West, drive a distance of 483.82 feet to 1/2" Iron rod with plastic cap stamped "Byrn Associates". lying on the east right of way of the Proposed FM 110 Thoroughfare.

THENCE, South 34 degrees, 57 minutes and 58.46 seconds West, drive a distance of 483.82 feet to 1/2" Iron rod with a plastic cap. Same being southwest of Abundant Life Christian Church to Hays County recorded in the public records Volume 5158, Page 87. Public records, Hays County, Texas, and the southwest corner of the proposed property.

THENCE, South 46 degrees, 29 minutes and 03.48 seconds East, being southwest of Abundant Life Christian Church to Hays County recorded in the public records; Volume 5158, Page 87. Public records, Hays County, Texas, and the southwest corner of the proposed property. Drive a distance of 2104.26 feet to 1/2" Iron rod with plastic cap stamped "Byrn Associates".

THENCE, South 45 degrees, 26 minutes and 48.34 seconds East, being part of the edge of road of Dukes road (proposed). Drive a distance of 1,420.16' towards POB-R, same being the west Right of Way of State Highway Number 21.

TRINITY GROUP

A Real Estate Development Service Company

PAGE 2 OF 3

838 Meyer Rd., NB, TX 78638-1503 • Ph. 830.303.3283
In Austin 512.807.7310 • Eagle Ford 830.303.3283
Houston 713.574.1949 • San Antonio 210.209.9976
www.trinitycompanies.biz

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That Trinity Group, an agent for Palaceway partners, does hereby present this Proposed Annexation description of the above-described property as PALACEWAY DEVELOPMENT, an addition to the City of San Marcos, Texas.

Dr. David L. Joyner, P.E
TX Firm 12656

TRINITY GROUP

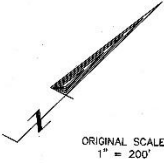
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SURVEYOR'S NOTES

1. FENCES MEANDER.
2. BEARINGS, DISTANCES AND AREAS IN PARENTHESES ARE FROM RECORD INFORMATION.
3. ACCORDING TO SCALING FROM THE CURRENT F.E.M.A. FLOOD INSURANCE RATE MAP NO. 482090410F, DATED 9/26/2005, THIS TRACT LIES WITHIN ZONE X, (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN).
4. THIS SURVEY WAS DONE WITHOUT THE BENEFIT OF A CURRENT TITLE REPORT AND THIS SURVEYOR DID NOT RESEARCH THE DEED RECORDS FOR PREVIOUS CONFLICTS IN TITLE OR EASEMENT, THEREFORE, CERTAIN EASEMENTS MAY HAVE BEEN GRANTED WHICH ARE NOT REFLECTED HEREON.
5. THIS SURVEY PLAT WAS PREPARED IN CONJUNCTION WITH A LAND DESCRIPTION DATED JULY 15, 2019 PREPARED BY BYRN & ASSOCIATES, INC. OF SAN MARCOS, TEXAS.
6. THE BEARING BASIS FOR THIS SURVEY PLAT WAS DETERMINED FROM GPS OBSERVATIONS AND REFERS TO GRID NORTH OF THE TEXAS STATE PLANE COORDINATE SYSTEM, NAD 83, SOUTH CENTRAL ZONE.



HCON 18008150
WILLIAM OHREN HOPSON & LAURA ELIZABETH WEATHERFORD, TRUSTEES, TO
WILLIAM OHREN HOPSON ET AL
3/13/2018 (1/2 INTEREST: SECOND TRACT-97.04 AC.)

LEGEND

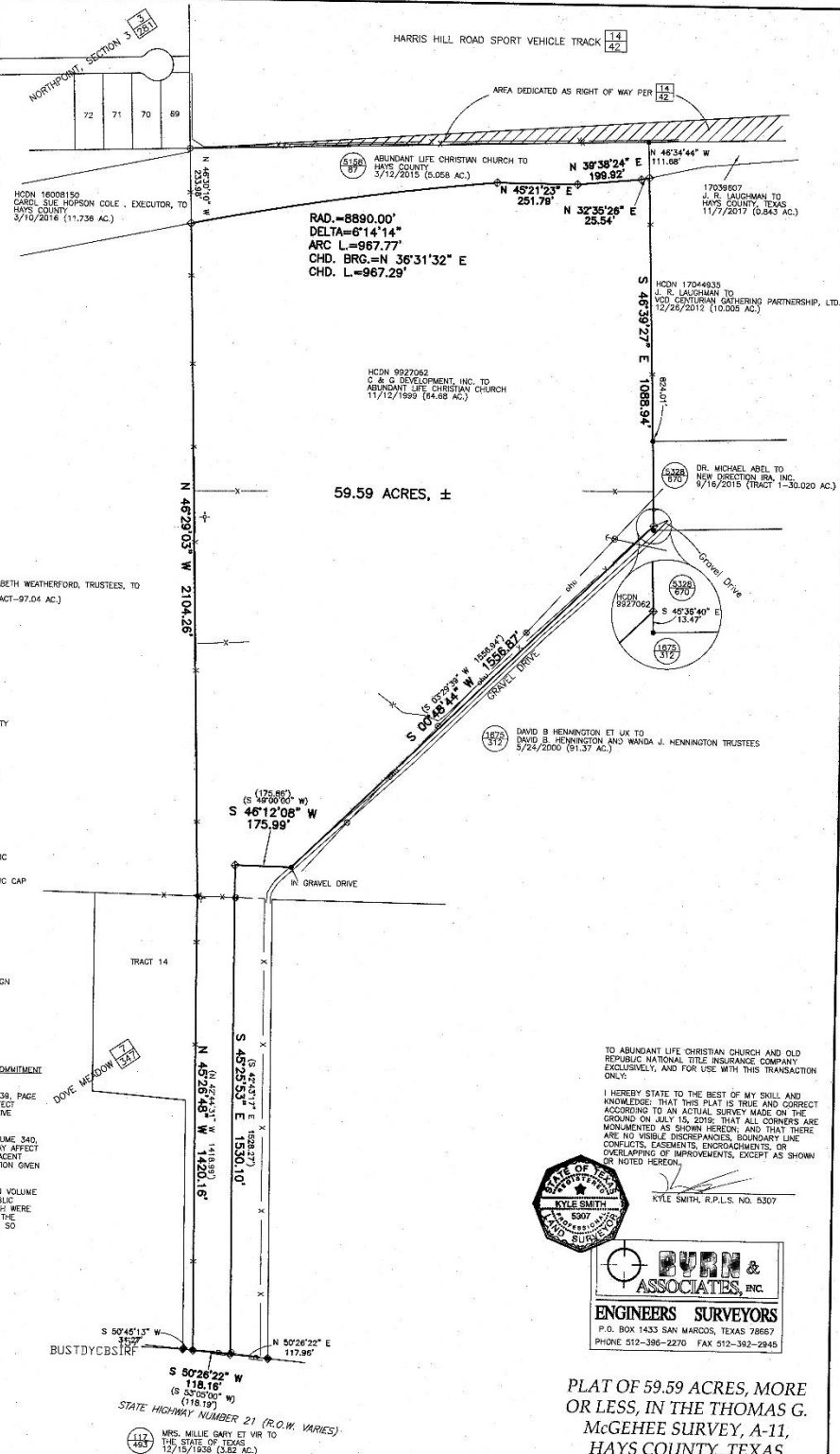
- (VOL. 100, PG. 12) HAYS COUNTY DEED, REAL PROPERTY OR OFFICIAL PUBLIC RECORDS
- (VOL. 102, PG. 12) HAYS COUNTY PLAT RECORDS
- HCON HAYS COUNTY DOCUMENT NUMBER
- 1/2" IRON ROD FOUND OR DIAMETER NOTED
- 3/4" IRON PIPE FOUND OR DIAMETER NOTED
- 1/2" IRON ROD SET WITH PLASTIC CAP STAMPED "BYRN SURVEY"
- 1/2" IRON ROD FOUND WITH PLASTIC CAP STAMPED "BYRN SURVEY"
- 1/2" IRON ROD FOUND WITH PLASTIC CAP
- X- WIRE FENCE
- OH- UTILITY LINE, POLE AND CUY
- WATER METER
- WATER VALVE
- △ UTILITY PEDESTAL
- CLEANOUT
- △ 6" CEDAR FENCE POST
- U- UNDERGROUND UTILITY WARNING SIGN
- X WATER SPOUT

NOTES CORRESPONDING TO SCHEDULE B OF TITLE COMMITMENT REF. NO. 20190411 DATED MAY 24, 2019

- 10(c) WATERLINE EASEMENT RECORDED IN VOLUME 239, PAGE 222 OF THE HAYS COUNTY DEED RECORDS, MAY AFFECT SUBJECT TRACT ALTHOUGH THERE IS NOT ANY LOCATIVE INFORMATION PROVIDED IN DEED.
- 10(d) INGRESS EGRESS EASEMENT RECORDED IN VOLUME 340, PAGE 668 OF THE HAYS COUNTY DEED RECORDS, MAY AFFECT SUBJECT PROPERTY. THE GRAVEL DRIVE ON THE ADJACENT PROPERTY TO THE EAST FITS THE GENERAL DESCRIPTION GIVEN IN THE DEED.
- 10(e) STREET MAINTENANCE AGREEMENT RECORDED IN VOLUME 1301, PAGE 165 OF THE HAYS COUNTY OFFICIAL PUBLIC RECORDS. THIS AGREEMENT IS FOR PROPERTIES WHICH WERE GRANTED EASEMENT RIGHTS TO USE COWFALL LANE. THE SUBJECT TRACT WAS NOT GRANTED EASEMENT RIGHTS SO THEREFORE IS NOT SUBJECT TO THIS AGREEMENT.

CLIENT: ABUNDANT LIFE CHRISTIAN CHURCH
DATE: 7/15/2019
OFFICE: BRYANT
CREW: C. SMITH
FB/PG: 753/59
PLAT NO. 27042-19-2-c

STATE HIGHWAY NUMBER 21 (R.O.W. VARIES)
MRS. MILLIE GARY ET VIR TO THE STATE OF TEXAS 12/15/1938 (3.82 AC.)



PLAT OF 59.59 ACRES, MORE OR LESS, IN THE THOMAS G. McGEHEE SURVEY, A-11, HAYS COUNTY, TEXAS