

# ZONING CHANGE, OVERLAY OR ESTABLISHMENT OF A HISTORIC DISTRICT/LANDMARK APPLICATION

Updated: October, 2019



## CONTACT INFORMATION

Applicant's Name		Property Owner	
Company		Company	
Applicant's Mailing Address		Owner's Mailing Address	
Applicant's Phone #		Owner's Phone #	
Applicant's Email		Owner's Email	

## PROPERTY INFORMATION

Subject Property Address(es): \_\_\_\_\_

Legal Description: Lot \_\_\_\_\_ Block \_\_\_\_\_ Subdivision \_\_\_\_\_

Total Acreage: \_\_\_\_\_ Tax ID #: R\_\_\_\_\_

Preferred Scenario Designation: \_\_\_\_\_ Existing Zoning: \_\_\_\_\_

Existing Land Use(s): \_\_\_\_\_

## DESCRIPTION OF REQUEST

Proposed Zoning District(s): \_\_\_\_\_

Proposed Land Uses / Reason for Change: \_\_\_\_\_

## AUTHORIZATION

*I certify that the information on this application is complete and accurate. I understand the fees and the process for this application. I understand my responsibility, as the applicant, to be present at meetings regarding this request.*

Filing Fee\* \$1,057 plus \$100 per acre    Technology Fee \$13    MAXIMUM COST \$3,013

*\*Existing Neighborhood Regulating Plan Included.*

Submittal of this digital Application shall constitute as acknowledgement and authorization to process this request.

**APPLY ONLINE – [WWW.MYGOVERNMENTONLINE.ORG/](http://WWW.MYGOVERNMENTONLINE.ORG/)**

PROPERTY OWNER AUTHORIZATION

I, Jim Smith (owner name) on behalf of  
SmithCo Redwood LLC (company, if applicable) acknowledge that I/we  
am/are the rightful owner of the property located at  
Redwood Rd, San Marcos TX 78666 (address).

I hereby authorize James Ingalls, P.E. (agent name) on behalf of  
Moeller & Associates (agent company) to file this application for  
Zoning (application type), and, if necessary, to work with  
the Responsible Official / Department on my behalf throughout the process.

Signature of Owner:  Date: 4/21/20

Printed Name, Title: Jim Smith / Manager

Signature of Agent:  Date: 4-27-20

Printed Name, Title: James Ingalls, P.E.

Form Updated October, 2019

## AGREEMENT TO THE PLACEMENT OF NOTIFICATION SIGNS AND ACKNOWLEDGEMENT OF NOTIFICATION REQUIREMENTS

The City of San Marcos Development Code requires public notification in the form of notification signs on the subject property, published notice, and / or personal notice based on the type of application presented to the Planning Commission and / or City Council.

- Notification Signs: if required by code, staff shall place notification signs on each street adjacent to the subject property and must be placed in a visible, unobstructed location near the property line. It is unlawful for a person to alter any notification sign, or to remove it while the request is pending. However, any removal or alteration that is beyond the control of the applicant shall not constitute a failure to meet notification requirements. ***It shall be the responsibility of the applicant to periodically check sign locations to verify that the signs remain in place had have not been vandalized or removed. The applicant shall immediately notify the responsible official of any missing or defective signs. It is unlawful for a person to alter any notification sign, or to remove it while the case is pending; however, any removal or alteration that is beyond the control of the applicant shall not constitute a failure to meet notification requirements.***
- Published Notice: if required by code, staff shall publish a notice in a newspaper of general circulation in accordance with City Codes and the Texas Local Government Code. ***If, for any reason, more than one notice is required to be published it may be at the expense of the applicant. The renotification fee shall be \$91 plus a \$13 technology fee.***
- Personal Notice: if required by code, staff shall mail personal notice in accordance with City Codes and the Texas Local Government Code. ***If, for any reason, more than one notice is required to be mailed it may be at the expense of the applicant. The renotification fee shall be \$91 plus a \$13 technology fee.***

*I have read the above statements and agree to the required public notification, as required, based on the attached application. The City's Planning and Development Services Department staff has my permission to place signs, as required, on the property and I will notify City staff if the sign(s) is/are damaged, moved or removed. I understand the process of notification and public hearing and hereby submit the attached application for review by the City.*

Signature: \_\_\_\_\_

Date: 4-27-20

Print Name: James Ingalls, P.E.

Form Updated October, 2019



## CHECKLIST FOR ZONING CHANGE, ZONING OVERLAY OR HISTORIC DISTRICT

The following items are requested for consideration of this application. These and additional items may be required at the request of the Department		Comments
<input type="checkbox"/> n/a	Pre-application conference with staff is recommended Please call 512-393-8230 to schedule	
<input checked="" type="checkbox"/>	Completed Application for Zoning Change, Overlay, or Establishment of Historic District/Landmark	
<input checked="" type="checkbox"/>	Copy of Subdivision Plat or Metes & Bounds	
<input checked="" type="checkbox"/>	CAD file in grid for GIS integration. Projection: NAD 1983 StatePlane Texas South Central FIPS 4204 Feet	
<input checked="" type="checkbox"/>	Certificate of no tax delinquency	
<input checked="" type="checkbox"/>	Proof of Ownership	
<input type="checkbox"/> n/a	Lien Holder(s) Name and Mailing Address(es)	
<input checked="" type="checkbox"/>	Agreement to the placement of notification signs and acknowledgement of notification requirements	
<input checked="" type="checkbox"/>	Authorization to represent the property owner, if the applicant is not the owner	
<input checked="" type="checkbox"/>	Filing Fee \$1,057 + \$100 per acre (\$3,000 max) Technology Fee \$13	
<b>**San Marcos Development Code Section 2.3.1.1(C): "Every application accepted by the responsible official for filing shall be subject to a determination of completeness...the responsible official is not required to review an application unless it is complete..."</b>		





METES AND BOUNDS DESCRIPTION  
FOR A  
79.926 ACRE TRACT OF LAND  
“ZONING”

Being a 79.926 acre tract of land out of the Barnette O. Kane Survey, Abstract No. 281, in Hays County, Texas, being a portion of the remaining portion a called 99.56 acre tract of land, as conveyed to Smithco Redwood, LLC, and recorded in Document No. 19023899, of the Official Public Records of Hays County, Texas, and said 79.926 acre tract of land being more particularly described by metes and bounds as follows:

BEGINNING at a point in the Northeasterly Right-of-Way line of Redwood Road (a variable width R.O.W.), being in the Southeasterly line of a called 99.36 acre tract of land, as conveyed to Three Rivers Development, LLC, and recorded in Document No. 18042251, of the Official Public Records of Hays County, Texas, and being the most Westerly corner of the remaining portion of said 99.56 acre tract of land and this herein described tract of land;

THENCE departing the Northeasterly R.O.W. line of said Redwood Road, and with the common line between the remaining portion of said 99.56 acre tract of land and said 99.36 acre tract of land, N 60° 24' 29" E, a distance of 1,319.01 feet to a point for a Southeasterly corner of said 99.36 acre tract of land, and being a Northwesterly corner of the remaining portion of said 99.56 acre tract of land and this herein described tract of land;

THENCE continuing with the common line between said 99.36 acre tract of land and the remaining portion of said 99.56 acre tract of land, N 60° 18' 52" E, a distance of 1,395.93 feet to a point for the most Easterly corner of said 99.36 acre tract of land, being in the Southwesterly line of a called 125.0 acre tract of land, as conveyed to James S. Lane and Billye Jo Sherrill Lane, recorded in Volume 878, Page 325, of the Official Public Records of Hays County, Texas, and being the most Northerly corner of the remaining portion of said 99.56 acre tract of land and this herein described tract of land;

THENCE with the common line between said 125.0 acre tract of land and the remaining portion of said 99.56 acre tract of land, S 41° 06' 43" E, a distance of 270.93 feet to a point in the common line between said 125.0 acre tract of land and the remaining portion of said 99.56 acre tract of land, and being a Northeasterly corner of this herein described tract of land;

THENCE continuing with the common line between said 125.0 acre tract of land and the remaining portion of said 99.56 acre tract of land, S 40° 30' 11" E, a distance of 1,363.82 feet to a point in the Northwesterly R.O.W. line of Old Bastrop Highway (a variable width R.O.W.), being the most Southerly corner of said 125.0 acre tract of land, and being the most Easterly corner of the remaining portion of said 99.56 acre tract of land and this herein described tract of land;

THENCE with the Northwesterly R.O.W. line of said Old Bastrop Highway, and with the Southeasterly line of the remaining portion of said 99.56 acre tract of land, S 60° 53' 13" W, a distance of 1,447.46 feet to a point in the Northwesterly R.O.W. line of said Old Bastrop Highway, and being a Southeasterly corner of the remaining portion of said 99.56 acre tract of land and this herein described tract of land;

THENCE continuing with the Northwesterly R.O.W. line of said Old Bastrop Highway, and with the Southeasterly line of the remaining portion of said 99.56 acre tract of land, S 60° 44' 41" W, a distance of 561.47 feet to a point in the Northwesterly R.O.W. line of said Old Bastrop Highway, being in the Southeasterly line of the remaining portion of said 99.56 acre tract of land, and being the most Southerly corner of this herein described tract of land;

THENCE departing the Northwesterly R.O.W. line of said Old Bastrop Highway, same being the Southeasterly line of the remaining portion of said 99.56 acre tract of land, and across and through the remaining portion of said 99.56 acre tract of land, the following courses:

N 29° 47' 20" W, a distance of 89.26 feet to a point for a Southerly corner;

N 29° 21' 38" W, a distance of 120.00 feet to a point for a Southerly corner, and being at the beginning of a curve to the right;

With said curve to the right, having an arc length of 181.89 feet, a radius of 50.00 feet, a delta angle of 208° 26' 05", a tangent length of 197.35, and a chord bearing and distance of N 76° 15' 42" W, 96.94 feet to a point for a Southerly corner;

N 29° 21' 38" W, a distance of 815.77 feet to a point for a Southwesterly interior corner;

S 60° 38' 22" W, a distance of 251.21 feet to a point for a Southwesterly corner;

S 60° 38' 22" W, a distance of 275.65 feet to a point for a Southwesterly corner, and being at the beginning of a curve to the right;

With said curve to the right, having an arc length of 103.78 feet, a radius of 227.00 feet, a delta angle of 26° 11' 40", a tangent length of 52.81 feet, and a chord bearing and distance of S 73° 44' 12" W, 102.88 feet to a point for a Westerly corner;

S 86° 52' 31" W, a distance of 97.35 feet to a point for a Westerly corner, and being at the beginning of a curve to the left;

With said curve to the left, having an arc length of 114.77 feet, a radius of 173.00 feet, a delta angle of 38° 00' 36", a tangent length of 59.59 feet, and a chord bearing and distance of S 67° 48' 58" W, 112.68 feet to a point for a Westerly corner;

THENCE continuing across and through the remaining portion of said 99.56 acre tract of land, S 48° 48' 40" W, a distance of 40.23 feet to a point in the Northeasterly R.O.W. line of aforementioned Redwood Road, being in the Southwesterly line of the remaining portion of said 99.56 acre tract of land, and being a Southwesterly corner of this herein described tract of land;

THENCE with the Northeasterly R.O.W. line of said Redwood Road, and with the Southwesterly line of the remaining portion of said 99.56 acre tract of land, N 41° 10' 31" W, a distance of 428.48 feet to the POINT OF BEGINNING, and containing 79.926 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

MOE394- REDWOOD- 79.926 AC- 042720 *REV 5/16/20*

**SPECIAL WARRANTY DEED**

**NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.**

STATE OF TEXAS

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COUNTY OF HAYS

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KNOW ALL MEN BY THESE PRESENTS:

THAT, Two Rivers Interests, LP, a Texas limited partnership (hereinafter referred to as "Grantor"), for the sum of Ten and No/100 (\$10.00) Dollars and other good and valuable cash consideration in hand paid by Smithco Redwood, LLC, a Texas limited liability company (hereinafter referred to as "Grantee"), whose mailing address is 1400 Post Oak Blvd., Suite 900, Houston, Texas 77056, the receipt and sufficiency of which are hereby acknowledged, has granted, sold and conveyed, and by these presents does grant, sell and convey, unto Grantee those certain tracts or parcels of land, together with all improvements thereon, more particularly described on Exhibit A attached hereto and made a part hereof for all purposes (the "Property").

This conveyance is made and accepted subject to any and all restrictions, conditions, covenants, easements and reservations, if any, affecting the use of the Property now of record in the Office of the County Clerk of the County in which the Property is situated, and to all zoning laws, regulations and ordinances of municipal and/or other governmental authorities, if any, affecting the use of the Property (the "Permitted Exceptions"). Taxes for the current year are hereby assumed by Grantee.

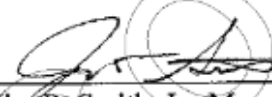
TO HAVE AND TO HOLD the Property, together with all and singular the rights and appurtenances thereto in anywise belonging, unto Grantee and Grantee's heirs, executors, administrators and assigns, and subject to the Permitted Exceptions, Grantor does hereby bind Grantor, and Grantor's successors and assigns, to Warrant and Forever Defend all and singular the Property unto Grantee and Grantee's heirs, executors, administrators and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.



EXECUTED effective as of the 16<sup>th</sup> day of July, 2019.

TWO RIVERS INTERESTS, LP,  
a Texas limited partnership

By: Two Rivers Interests GP, LLC,  
a Texas limited liability company,  
its general partner

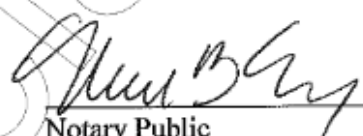
By:   
Jim R. Smith, Jr., Manager

STATE OF TEXAS

COUNTY OF HARRIS

This instrument was acknowledged before me on the 16 day of July, 2019, by Jim R. Smith, Jr., Manager of Two Rivers Interests GP, LLC, a Texas limited liability company, General Partner of Two Rivers Interests, LP, a Texas limited partnership, on behalf of said limited liability company and limited partnership.



  
Notary Public

# **EXHIBIT A** **LEGAL DESCRIPTION OF THE PROPERTY**

Description of a 99.56 acre tract of land, Hays County, Texas.

Being a 99.56 acre tract of land out of the Barnett O. Kane Survey, Hays County, Texas, and being all of that certain called 100 acre tract conveyed to Willie Henk by Partition Deed dated January 14, 1942 and recorded in Volume 123 on pages 403-410 of the Deed Records of Hays County, Texas, and described more particularly by metes and bounds as follows:

BEGINNING at a 1 inch diameter iron pipe found at a corner post in the Southwest line of a 125 acre tract conveyed by Billye Jo Sherrill Lane and James S. Lane to James S. Lane and Billie Jo Sherrill Lane "Trustees of the Sherrill-Lane Trust" by deed dated June 17, 1991 and recorded in Volume 878 on pages 325-328 of the Real Property Records of Hays County, Texas, for the East corner of a 100 acre tract conveyed by Alma Bauerschlag Meyer to George Edward Meyer and wife, Angela Zipp Meyer and Elsie Meyer Wray and husband, Milton E. Wray by deed dated January 22, 1958 and recorded in Volume 173 on pages 44-45 of the Deed Records of Hays County, Texas, for the North corner of the above cited Willie Henk 100 acre tract, for the North corner of the herein described 99.56 acre tract; from said iron pipe, a 1" diameter iron pipe found, the North corner of the said Meyer 100 acre tract bears N. 40° 36' 10" W. 1,616.61 feet;

THENCE with the fence, the Southwest line of the Sherrill-Lane Trust 125 acre tract, the Northeast line of the Willie Henk 100 acre tract, S. 40° 28' 36" E. 270.93 feet to a 1" iron pipe found and S. 39° 56' 22" E. 1,363.97 feet to a 1/2" re-bar rod set at a corner post in the Northwest line of County Road 266, Old San Antonio Road, for the South corner of the Sherrill-Lane Trust 125 acre tract, for the East corner of the Willie Henk 100 acre tract, for the East corner of this 99.56 acre tract;

THENCE with the Northwest line of Old San Antonio Road, the Southeast line of the Willie Henk 100 acre tract, with an unfenced line, S. 61° 31' 31" W. 1,447.81 feet to a 1/2" re-bar rod set at a corner post and with a partially fenced line, S. 61° 20' 00" W. 1,270.63 feet to a 1/2" re-bar rod set at the point of intersection of the Northwest line of Old San Antonio Road with the Northeast line of County Road 232, Redwood Road, for the South corner of the Willie Henk 100 acre tract, for the South corner of this 99.56 acre tract;

THENCE with the unfenced Northeast line of Redwood Road, the Southwest line of the Willie Henk 100 acre tract, N. 40° 34' 17" W. 1,616.67 feet to a 1/2" re-bar rod set for the South corner of the aforesaid Meyer 100 acre tract, for the West corner of the Willie Henk 100 acre tract, for the West corner of this 99.56 acre tract; from said rod, a 1" iron pipe, the West corner of the Meyer 100 acre tract bears N. 41° 06' 30" W. 1,638.04 feet;

THENCE with the Southeast line of the Meyer 100 acre tract, the Northwest line of the Willie Henk 100 acre tract, with an unfenced line, N. 61° 01' 22" E. 1,334.45 feet to a 1/2" re-bar rod set at a fence corner post, and with a fence, N. 61° 03' 44" E. 664.52 feet to a 1/2" re-bar rod set at a post and N. 60° 53' 02" E. 730.92 feet to the Place of Beginning.

**THE STATE OF TEXAS  
COUNTY OF HAYS**

I hereby certify that this instrument was FILED on the  
date and the time stamped hereon by me and was duly  
RECORDED in the Records of Hays County, Texas.

19023899 DEED  
07/16/2019 09:31:00 AM Total Fees: \$34.00

Elaine H. Cárdenas, MBA, PhD, County Clerk  
Hays County, Texas

*Elaine H. Cárdenas*

