

AGREEMENT FOR THE PROVISION OF SERVICES

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

Date: October 20, 2020

Owner: Jaime J. Russek Martinez, 910 Rio Verde, New Braunfels, TX 78130

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.

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:
Jaime J. Russek Martinez

ACKNOWLEDGMENT

STATE OF _____ §
 §
COUNTY OF _____ §

 This instrument was acknowledged before me on _____, 20__ by
_____, _____ of _____ in such
capacity on behalf of said entity.

Notary Public, State of _____

EXHIBIT B

When the Property is annexed, services will be provided to the Property as follows:

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.

3. Emergency Medical Services

The City of San Marcos contracts for emergency medical services through the San Marcos – Hays County 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 properties on the Effective Date of the annexation. Residents of the Property 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.

5. Operation and Maintenance of Water and Wastewater Facilities

a. Water. The Property is located within an area over which the City of San Marcos holds a Certificate of Convenience and Necessity (CCN) for water service. The City will make water service available to the Property on the Effective Date of the annexation on the same basis as available to other owners of property in the City, i.e., the Owner is solely responsible for the cost to construct and extend all infrastructure, facilities, and lines necessary to serve the Property.

b. Wastewater. The Property is not covered by a CCN for wastewater service, however, the City of San Marcos has wastewater lines near the Property and agrees to make wastewater service available to the Property on the Effective Date of the annexation on the same basis as available to other owners of property in the City, i.e., the Owner is solely responsible for the cost to construct and extend all infrastructure, facilities, and lines necessary to serve the Property. In addition, the City is in the process of adding the Property as an area covered by the City's CCN for wastewater service.

6. Construction, Operation and Maintenance of Roads and Streets

As new development occurs within the Property, the Owner(s) of Property will be required to construct streets at the Owner's sole expense in accordance with applicable ordinances of the City.

7. Electric Service

The Property is located in the Bluebonnet Electric service area. Thus, the City will not provide electric service to the Property.

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

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

EXHIBIT A



Exhibit "A"

7401 B. Highway 71 W, Suite 160
Austin, TX 78735
Office: 512.583.2600
Fax: 800.587.2817
Doucetengineers.com

Picoma Annexation 32.73 Acres
Hays County

D&A Job No. 2161-001
October 5, 2020

TRACT 1 – 32.24 ACRES TOTAL

BEING ALL OF LOT 1 OF THE R & R SUBDIVISION, SECTION 2, A MAP OR PLAT THEREOF RECORDED IN VOLUME 8, PAGE 158 OF THE PLAT RECORDS OF HAYS COUNTY, TEXAS [P.R.H.C.T.]; CONTAINING 1.000 ACRE OF LAND PER SAID PLAT,

BEING 31.24-ACRES TRACT OUT OF THE BARNETT O. KANE SURVEY ABSTRACT NUMBER 281, HAYS COUNTY, TEXAS, BEING A PORTION OF THE REMAINDER OF A CALLED 43.40-ACRE TRACT, CONVEYED TO JAIME J. RUSSEK MARTINEZ IN VOLUME 2221, PAGE 204 AND DESCRIBED IN VOLUME 560, PAGE 396 OF REAL PROPERTY RECORDS OF HAYS COUNTY, TEXAS [P.R.H.C.T.], SAID 31.24-ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2-inch iron rod with plastic cap stamped "Land Dev" found on the existing east Right-of-Way line of SH 123, a variable width Right-of-Way, for the south corner of said 43.40-acre tract, and an angle corner of Lot 1, Block 1 of El Camino Real Section 3, Phase 1, recorded in Volume 12, Page 128 [P.R.H.C.T.], same being the POINT OF BEGINNING, and the south corner the tract described herein;

THENCE N04°21'01"E, with the existing east Right-of-Way line of said SH 123, a distance of 2,071.52 feet to a 1/2-inch iron rod with cap stamped "Doucet", set for the southwest corner of Lot 5, Block 1 Section 2, R and R Subdivision, recorded in Volume 11, Page 26 [P.R.H.C.T.], and for the northwest corner of the tract described herein;

THENCE S85°36'23"E, with the common line to said Lot 5 and said 43.40-acre remainder tract, a distance of 292.83 feet to a 1/2-inch iron rod found for the southeast corner of said Lot 5, on the southwest line of Lot 4, Block 1 of R and R Subdivision Section 2, recorded in Volume 8, Page 158 [P.R.H.C.T.], same being for the northern northeast corner of the tract described herein;

THENCE with the common line of said R and R Subdivision Sec 2 and said 43.40-acre remainder tract the following two (2) courses and distances:

- 1) S41°35'49"E, a distance of 5.99 feet passing a 1/2-inch iron rod found for the south corner of said Lot 4, same being west corner of Lot 3, a distance of 332.59 feet, passing a 1/2-inch iron rod found for the south corner of Lot 2, same being the west corner of Lot 1, for a total distance of 504.73 feet to a 1/2-inch iron rod (bent) found for the south corner of said Lot 1, and being an interior corner of the tract described herein;
- 2) N48°23'17"E, a distance of 262.10 feet to a 1/2-inch iron rod with cap stamped "Doucet", set on the existing south Right-of-Way line of County Road 232 also known as Redwood Road, a variable width Right-of-Way, recorded in Volume 6, Page 227 [P.R.H.C.T.], for the east corner of said Lot 1, same being an exterior corner of the tract described herein;

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COMMITMENT YOU EXPECT.
EXPERIENCE YOU NEED.
PEOPLE YOU TRUST.



THENCE with the existing south Right-of-Way line of said County Road 232, the following two (2) courses and distances:

- 1) S41°38'40"E, a distance of 14.13 feet to a 1/2-inch iron rod with cap stamped "Doucet" set for an angle corner of said 43.40-acre remainder tract and the tract described herein;
- 2) S41°24'40"E, a distance of 45.88 feet to a 1/2-inch iron rod found for the north corner of Lot 4, Block 2 of said R and R Subdivision Section 2, the northeast corner of the tract described herein;

THENCE with the common lines of said 43.40-acre remainder tract and said Block 2 of R and R Sect 2 Subdivision, the following two (2) courses and distances:

- 1) S48°23'17"W, a distance of 261.97 feet to a 1/2-inch iron rod found for the west corner of said Lot 4, Block 2, same being an interior corner of the tract described herein;
- 2) S41°35'49"E, a distance of 333.06 feet, passing a 1/2-inch iron rod found for the south corner of Lot 3, Block 2, same being the west corner of Lot 2, Block 2, a distance of 500.10 feet, passing a 1/2-inch iron rod found for the south corner of said Lot 2, same being the west corner of Lot 1, Block 2 of said Subdivision, continuing for a total distance of 667.03 feet to a 1/2-inch iron rod found on the northwest line of a called 20.00-acre tract conveyed to James E. Braden and Geraldine B., described in Volume 296, Page 175 Deed Records of Hays County, Texas [D.R.H.C.T], for the south corner of Lot 1, same being for the east corner of said 43.40-acre remainder tract and the tract described herein;

THENCE S48°29'16"W, with the line common to said 20.00-acre tract and said 43.40-acre tract, a distance of 1,031.24 feet to a 1/2-inch iron rod found for the west corner of said 20.00-acre tract, same being the north corner of said Lot 1, Block 1 of El Camino Real, and an angle corner of said 43.40-acre tract and the tract described herein;

THENCE, S48°26'41"W, with the line common to said Lot 1, Block 1 of El Camino Real and said 43.40-acre remainder tract, a distance of 661.01 feet to the **POINT OF BEGINNING** of the herein described tract, containing 31.24-acres, more or less.

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TRACT 2 – 0.49 ACRE

BEING A 0.49-ACRE [21,731 SQUARE FEET] RIGHT-OF-WAY ANNEXATION TRACT LOCATED IN THE BARNETT D KANE SURVEY, ABSTRACT 281; SAID ANNEXATION TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2-inch iron rod, found for the common east corner of Lot 1 and Lot 2, Block 1 of the R and R Subdivision, Section 2, a map or plat thereof, recorded in Volume 8, Page 158 of the Plat Records of Hays County, Texas [P.R.H.C.T.], same being in the existing southwest right-of-way line of Redwood Road (C.R. 232), a variable width right-of-way, per plats recorded in Volume 8, Page 277, and Volume 8, Page 158 [P.R.H.C.T.], and per Volume 2759, Page 212 of the Official Public Records of Hays County, Texas [O.P.R.H.C.T.], and same being the west corner of the tract described herein;

THENCE N48°23'17"E, over and across said existing Redwood Road right-of-way, for a distance of 100.00 feet to a calculated point in the northeast right-of-way line of said Redwood Road, same being in the southwest line of Lot 1, Block A of La Vista Foundation Subdivision, a map or plat thereof recorded in Volume 8, Page 277 [P.R.H.C.T.],

THENCE S41°32'19"E, with the southwest line of Lot 1 of La Vista Foundation, same being the northeast right-of-way line of said Redwood Road, for a distance of 148.63 feet to a calculated point for the south corner of said Lot 1, same being in the northwest line of a called 15.512 acre tract described in Document Number 19023898 [O.P.R.H.C.T.];

THENCE with the common line of said 15.512 acre tract and the northeast right-off-way line of Redwood Road, the following two (2) courses and distances:

1. S44°06'34"W, a distance of 10.95 feet to a calculated point, and
2. S41°32'19"E, a distance of 78.71 feet to a calculated point, same being the east corner of the tract described here,

THENCE S48°23'17"W, over and across said existing Redwood Road right-of-way, for a distance of 88.85 feet to a 1/2-inch iron rod, found for the north corner of Lot 4 of said R and R Subdivision, same being in the southwest right-of-way line of said Redwood Road, and same being the east corner of the remainder of a called 43.40 acre tract described in Volume 2221, Page 204 [O.P.R.H.C.T.], and for the south corner of the herein described tract;

THENCE with the common line of said 43.40 acre remainder tract and the southwest right-off-way line of Redwood Road, the following two (2) courses and distances:

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1. N41°24'40"W, a distance of 45.88 feet to a 1/2-inch iron rod with "Doucet" cap, found for an angle point, and
2. N41°38'40"W, a distance of 14.13 feet to 1/2-inch iron rod with "Doucet" cap, found for the common east corner of said remainder tract, and the east corner of said Lot 1 of the R and R Subdivision,

THENCE N41°38'40"W, with the existing southwest right-of-way line of Redwood Road and the northeast line of said Lot 1 of the R and R Subdivision, for a distance of 166.15 feet back to the **POINT OF BEGINNING** of the herein described tract, containing 0.49-acre [21,731 square feet] more or less.

Basis of bearing is the Texas Coordinate System, South Central Zone [4204], NAD 83 (2011), Epoch 2010. all distances shown are surface values and may be converted to grid by using the surface adjustment factor of 1.00013. units: US survey feet.

I, Garrett Cavauiolo, Registered Professional Land Surveyor, hereby certify that portions of this document was prepared under 22 TAC §663.21, and does not reflect the results of an on the ground survey of the entire subject tract, 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.



Garrett Cavauiolo
Registered Professional Land Surveyor
Texas Registration No. 6714
Doucet & Associates
gcavauiolo@doucetengineers.com
TBPELS Firm No. 10105800

10/05/2020
Date

