

## AGREEMENT FOR THE PROVISION OF SERVICES

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

**Effective 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.

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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), providing for conditions to effectiveness, including a conveyance of the Property by Jaime J. Russek Martinez to Z-Modular Development LLC on or before October 20, 2022.

OWNER:

Jaime J. Russek Martinez

  
\_\_\_\_\_

ACKNOWLEDGMENT

STATE OF COAHUILA §

COUNTY OF MEXICO §

This instrument was acknowledged before me on SEPTEMBER 22, 2020 by  
JAIME J. RUSSEK MARTINEZ, HIMSELF of ===== in such  
capacity on behalf of said entity.

LIC, CECILIA EUGENIA DEL BOSQUE GARZA  
Notary Public, State of COAHUILA



**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

## **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 “-----”

**31.59 Acre Tract  
Hays County**

**D&A Job No. 2161-001  
August 4, 2020**

**TRACT DESCRIPTION  
31.59 ACRES**

**BEING A 31.59 ACRE 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 THE REAL PROPERTY RECORDS OF HAYS COUNTY, TEXAS [R.P.R.H.C.T.], SAID TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:**

**BEGINNING** at a 1/2-inch iron rod with cap stamped “DOUCET” set at the northwest corner of said remainder tract, same being in the east right-of-way line of State Highway 123 (SH 123), a variable width right-of-way, also being the southwest corner of Lot 5, Block 1, R and R Subdivision, Section 2, recorded in Volume 11, Page 26 of the Plat Records of Hays County, Texas [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 remainder tract, a distance of 292.83 feet to a 1/2-inch iron rod found for the southeast corner of said Lot 5, same being on the southwest line of Lot 4, Block 1, R and R Subdivision, Section 2, recorded in Volume 8, Page 158 [P.R.H.C.T.], for the most northerly northeast corner of the tract described herein;

**THENCE** S41°35’49”E, with the common line of said R and R Subdivision, Section 2 and said remainder tract, passing at a distance of 5.99 feet a 1/2-inch iron rod found for the south corner of said Lot 4, same being the west corner of Lot 3, continuing for a total distance of 338.58 feet to a 1/2-inch iron rod found for the common south corner of Lots 1 and 2 of said R and R Subdivision, Section 2;

**THENCE** N48°23’17”E, with the line common to Lots 1 and 2 of said R and R Subdivision, Section 2, and over and across County Road 232 (CR 232), also known as Redwood Road, a variable width right-of-way, recorded in Volume 8, Page 158 [P.R.H.C.T.], Volume 8, Page 277 [P.R.H.C.T.], and Volume 2759, Page 212 of the Official Public Records of Hays County, Texas [O.P.R.H.C.T.], passing at a distance of 261.96 feet a 1/2-inch iron rod found for the common north corner of said Lots 1 and 2, same being in the southwest right-of-way line of said CR 232, and continuing, over and across said CR 232, for a total distance of 361.97 feet to a calculated point on the northeast right-of-way line of said CR 232, same being the southwest line of Lot 1 of the La Vista Foundation Subdivision, recorded in Volume 8, Page 277 [P.R.H.C.T.];

**THENCE** S41°32’19”E, with the northeast right-of-way line of said CR 232, same being the southwest line of said Lot 1 of the La Vista Foundation Subdivision, a distance of 148.63 feet to a calculated point for the south corner of said Lot 1 of the La Vista Foundation Subdivision, same being on the northwest line of a called 15.512 acre tract, recorded in Document Number 19023898 [O.P.R.H.C.T.];

**THENCE** with the line common to said CR 232 and said 15.512 acre tract, the following two (2) courses and distances:

- 1) S44°06’34”W, a distance of 10.95 feet to a calculated point at the west corner of said 15.512 acre tract, and
- 2) S41°32’19”E, a distance of 76.71 feet to calculated point;

**(CONTINUED ON NEXT PAGE)**

“Exhibit “-----”

**THENCE** S48°23'17"W, over and across said CR 232 and with the line common to said Lot 1, Block 1 of said Rand R Subdivision, and Lot 4, Block 2 of said Rand R Subdivision, recorded in Volume 8, Page 158 [P.R.H.C.T.], passing at a distance of 88.85 feet a 1/2-inch iron rod found at the common north corner of said Lot 1, Block 1 and said Lot 4, Block 2, same being in the northeast right-of-way line of said CR 232, and continuing for a total distance of 350.82 feet to a 1/2-inch iron rod found at the common south corner of said Lot 1, Block 1 and said Lot 4, Block 2, same being on the northeast line of said remainder tract;

**THENCE** S41°35'49"E, with the common lines of said remainder tract and said Block 2 of R and R Subdivision, Section 2, passing at a distance of 333.06 feet a 1/2-inch iron rod found for the common south corner of Lot 3, Block 2 and Lot 2, Block 2, passing at a distance of 500.10 feet a 1/2-inch iron rod found for the common south corner of said Lot 2, Block 2 and Lot 1, Block 2 of said subdivision, continuing for a total distance of 637.03 feet to a calculated point at the intersection of a 30 foot wide easement, to the City of San Marcos, described in Volume 2599, Page 854 and Volume 3217, Page 487 both in the [O.P.R.H.C.T.] , with the southwest line of Lot 1, Block 2 of said R and R Subdivision, from which a 1/2-inch iron rod found on the northwest line of a called 20.00 acre tract, described in Volume 296, Page 175 of the 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 remainder tract bears S41°35'49"E, a distance of 30.00 feet;

**THENCE** S48°29'16"W, with the northwest line of said 30 foot wide easement, over and across said remainder tract, a distance of 1,031.19 feet to a calculated point, from which a 1/2-inch iron rod found for the west corner of said 20.00 acre tract, same being the north corner of Lot 1, Block 1 of the El Camino Real Subdivision, Section 3, Phase 1, and an angle corner of said remainder tract, bears S41°30'44"E, a distance of 30.00 feet;

**THENCE** S48°26'41"W, continuing with the northwest line of said 30 foot wide easement, continuing over and across said remainder tract, a distance of 630.07 feet to a calculated point at the intersection of said 30 foot wide easement and said remainder tract, same being on the east right-of-way line of said SH 123, from which a 1/2-inch iron rod with cap stamped "LAND DEV", found for the south corner of said remainder tract, bears S04°21'01"W, a distance of 43.12 feet;

**THENCE** N04°21'01"E, with the common line to said remainder tract and SH 123, a distance of 2,028.41 feet to the **POINT OF BEGINNING** of the herein described tract, containing 31.59 acres, 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 Cavaiuolo, 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

  
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Garrett Cavaiuolo  
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Texas Registration No. 6714  
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TBPELS Firm No. 10105800

10/22/2020

Date

