



# ANNEXATION APPLICATION

Updated: October, 2019

## CONTACT INFORMATION

Applicant's Name	Ed Theriot	Property Owner	Jaime J Russek Martinez
Company	Doucet & Associates, Inc.	Company	
Applicant's Mailing Address	7401B Hwy. 71 W., Ste. 160 Austin, TX 78735	Owner's Mailing Address	910 Rio Verde New Braunfels, TX 78130
Applicant's Phone #	512-618-2865	Owner's Phone #	830-515-5034
Applicant's Email	etheriot@doucetengineers.com	Owner's Email	jr@run.mx

## PROPERTY INFORMATION

Is the property adjacent to city limits ☒ YES ☐ NO

Is the property less than ½ mile in width ☒ YES ☐ NO

Are there less than 3 qualified voters living on the property ☒ YES ☐ NO

Proposed Use: Apartments Proposed Zoning: CD-5

Reason for Annexation / Other Considerations: \_\_\_\_\_  
Development of tract requires annexation to connect to water and wastewater facilities.

## 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 \$1,181      Technology Fee \$13      **TOTAL COST \$1,194**


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, Jaime J Russek Martinez (owner name) on behalf of  
 \_\_\_\_\_ (company, if applicable) acknowledge that I/we  
 am/are the rightful owner of the property located at  
SH 123 (south of Redwood Rd.) and 1850 Redwood Rd. (address).

I hereby authorize Ed Theriot (agent name) on behalf of  
Doucet & Associates, Inc. (agent company) to file this application for  
Annexation (application type), and, if necessary, to work with  
 the Responsible Official / Department on my behalf throughout the process.

Signature of Owner:  Date: 27-Aug-2020  
21320F893407405...

Printed Name, Title: Jaime J Russek Martinez

Signature of Agent:  Date: 8/28/20

Printed Name, Title: Ed Theriot

Form Updated October, 2019



## CHECKLIST FOR ANNEXATION APPLICATION

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 checked="" type="checkbox"/> Pre-development meeting with staff is recommended <ul style="list-style-type: none"> <li>Please visit <a href="http://sanmarcostx.gov/1123/Pre-Development-Meetings">http://sanmarcostx.gov/1123/Pre-Development-Meetings</a> to schedule</li> </ul>	
<input checked="" type="checkbox"/> Completed Application for Annexation	Attached
<input checked="" type="checkbox"/> Metes & Bounds description of the area to be annexed	Provided
<input checked="" type="checkbox"/> CAD file in grid for GIS integration. Projection: NAD 1983 StatePlane Texas South Central FIPS 4204 Feet	Provided
<input checked="" type="checkbox"/> Authorization to represent the property owner, if the applicant is not the owner	Attached
<input checked="" type="checkbox"/> Written request to waive the timing requirements for processing annexation under Chapter 43 of the Texas Local Government Code, if the applicant wishes for concurrent consideration of a Zoning Change	Attached
<input type="checkbox"/> Application Filing Fee     \$1,181 <input type="checkbox"/> Technology Fee               \$13	Will be paid upon fee confirmation by City staff
<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 31.24--ACRES [TRACT 2]:

BEING A 31.24-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 REAL PROPERTY RECORDS OF HAYS COUNTY, TEXAS [R.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;

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. BRAZEN AND GERALDYNE 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.

LEGAL DESCRIPTION:

TRACT 1: LOT 1, BLOCK 1, OF R AND R SUBDIVISION SECTION TWO, A SUBDIVISION IN HAYS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT OF RECORD IN VOLUME 8, PAGE 158, PLAT RECORDS OF HAYS COUNTY, TEXAS.

TRACT 2: BEING THE REMAINDER OF THAT 43.40-ACRES OF LAND, IN THE BARNETT O. KANE SURVEY, ABSTRACT NO. 281, SITUATED IN HAYS COUNTY, TEXAS, BEING THAT SAME TRACT CONVEYED IN VOLUME 560, PAGE 396, REAL PROPERTY RECORDS OF HAYS COUNTY, TEXAS, AND AS SUBSEQUENTLY CONVEYED IN VOLUME 2221, PAGE 204 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, SAME AND EXCEPT THEREFROM, (I) THAT CERTAIN 1.105 ACRE TRACT OF LAND CONVEYED IN VOLUME 1128, PAGE 100, OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, NOW KNOWN AS LOT 1, BLOCK 1, OF R AND R SUBDIVISION SECTION TWO, A SUBDIVISION IN HAYS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT OF RECORD IN VOLUME 8, PAGE 158, PLAT RECORDS OF HAYS COUNTY, TEXAS, (II) THAT CERTAIN 10.0 ACRE TRACT OF LAND CONSISTING ALL OF LOTS OF R AND R SUBDIVISION SECTION TWO, RECORDED IN VOLUME 8, PAGE 158, PLAT RECORDS OF HAYS COUNTY, TEXAS, (III) THAT 2.00 ACRE TRACT OF LAND BEING ALL OF LOTS 5, BLOCK 1, R AND R SUBDIVISION SECTION TWO, RECORDED IN VOLUME 11, PAGE 26, PLAT RECORDS OF HAYS COUNTY, TEXAS.

TITLE COMMITMENT NOTES:

COMMITMENT FOR TITLE INSURANCE PREPARED BY FIRST AMERICAN TITLE GUARANTY COMPANY, GF. NO. 20-1592-C, EFFECTIVE DATE OF JUNE 16, 2020, AND ISSUED ON JUNE 23, 2020.

THE SURVEYOR HAS RELIED SOLELY UPON SAID TITLE COMMITMENT FOR THE DEPICTION OF EASEMENTS, RESTRICTIONS AND OTHER MATTERS AFFECTING THIS PROPERTY. NO ADDITIONAL RESEARCH WAS PERFORMED FOR THE PURPOSE OF THIS SURVEY. ITEMS LISTED ARE WORDED ACCORDING TO SAID TITLE COMMITMENT, FOLLOWED BY SURVEYORS NOTES SHOWN IN BRACKETS [ ].

ITEM 10E, 20' ELECTRIC EASEMENT ON FRONT OF PROPERTY LINE AS SHOWN ON PLAT RECORDED IN VOLUME 8, PAGE 158, PLAT RECORDS OF HAYS COUNTY, TEXAS (TRACT 1) - [AFFECTED AS SHOWN ON EXHIBIT]

ITEM 10F, EASEMENT GRANTED SOUTHWESTERN BELL TELEPHONE COMPANY DATED FEBRUARY 9, 1942, RECORDED IN VOLUME 123, PAGE 611, OF DEED RECORDS, HAYS COUNTY, TEXAS. [MAY AFFECT - NOT VISIBLE ON GROUND]

ITEM 10G, EASEMENT GRANTED TO UNITED GAS PIPELINE COMPANY DATED JUNE 10, 1959, RECORDED IN VOL. 178, PG. 139, DEED RECORDS RECORDS OF HAYS COUNTY, TEXAS AS AFFECTED BY PARTIAL RELEASES IN VOL. 1148, PG. 429, AND VOL. 2705, PG. 875 OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS. (TRACT 1) - [EASEMENT RELEASED]

ITEM 10H, EASEMENT GRANTED TO UNITED GAS PIPELINE COMPANY DATED MAY 9, 1960, RECORDED IN VOL. 182, PG. 209, OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS - [AFFECTS LOT 5, BLOCK 1, R AND R SUBDIVISION SEC. 2 RECORDED IN VOLUME 11, PAGE 26 PLAT RECORDS OF HAYS COUNTY, TEXAS, DOES NOT AFFECT PROPOSED 32-ACRE TRACT]

ITEM 10I, EASEMENT GRANTED TO YORK CREEK IMPROVEMENT DISTRICT, DATED JUNE 28, 1963, RECORDED IN VOL. 197, PG. 19, DEED RECORDS OF HAYS COUNTY, TEXAS. [BLANKET EASEMENT MAY AFFECT - NO PHYSICAL EVIDENCE FOUND]

ITEM 10J, EASEMENT GRANTED TO LO--VACA GATHERING COMPANY DATED APRIL 22, 1969, RECORDED IN VOL. 231, PG. 489, DEED RECORDS OF HAYS COUNTY, TEXAS. [MAY AFFECT - NO PHYSICAL EVIDENCE FOUND]

ITEM 10K, EASEMENT GRANTED TO UNITED STATES OF AMERICA, DATED JUNE 8, 1972, RECORDED IN VOL. 259, PG. 862, DEED RECORDS OF HAYS COUNTY, TEXAS - [DOES NOT AFFECT]

ITEM 10L, EASEMENT GRANTED TO CITY OF SAN MARCOS DATED NOVEMBER 10, 2004, RECORDED IN VOL. 2599, PG. 854, OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS - [AFFECTED AS SHOWN ON EXHIBIT]

ITEM 10M, EASEMENT GRANTED TO CITY OF SAN MARCOS DATED DECEMBER 22, 2006, RECORDED IN VOL. 3217, PG. 487, OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS - [AFFECTED AS SHOWN ON EXHIBIT]

ITEM 10N, EASEMENT GRANTED TO CITY OF SAN MARCOS DATED MAY 26, 2010 RECORDED IN VOL. 3915, PG. 454, OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS - [AFFECTS AS SHOWN ON EXHIBIT]

ITEM 10O, EASEMENT GRANTED TO CITY OF SAN MARCOS DATED JUNE 4, 2010 RECORDED IN VOL. 3915, PG. 454, OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS - [MAY AFFECT AS SHOWN ON EXHIBIT]

FLOODPLAIN NOTE:

THIS PROPERTY IS LOCATED WITHIN UNSHADED ZONE "X" (AREA OF MINIMAL FLOOD HAZARD) AS SHOWN ON THE FLOOD INSURANCE RATE MAPS NO. 48209C0477F AND 48209C0483F EFFECTIVE 09-02-2005 AND ISSUED BY FEMA FOR HAYS COUNTY, TEXAS.

THIS FLOOD STATEMENT DOES NOT IMPLY THAT THE PROPERTY AND/OR THE STRUCTURES THEREON WILL BE FREE FROM FLOODING OR FLOOD DAMAGE. THIS FLOOD STATEMENT SHALL NOT CREATE LIABILITY ON THE PART OF THE SURVEYOR.

CONTROL NOTE:

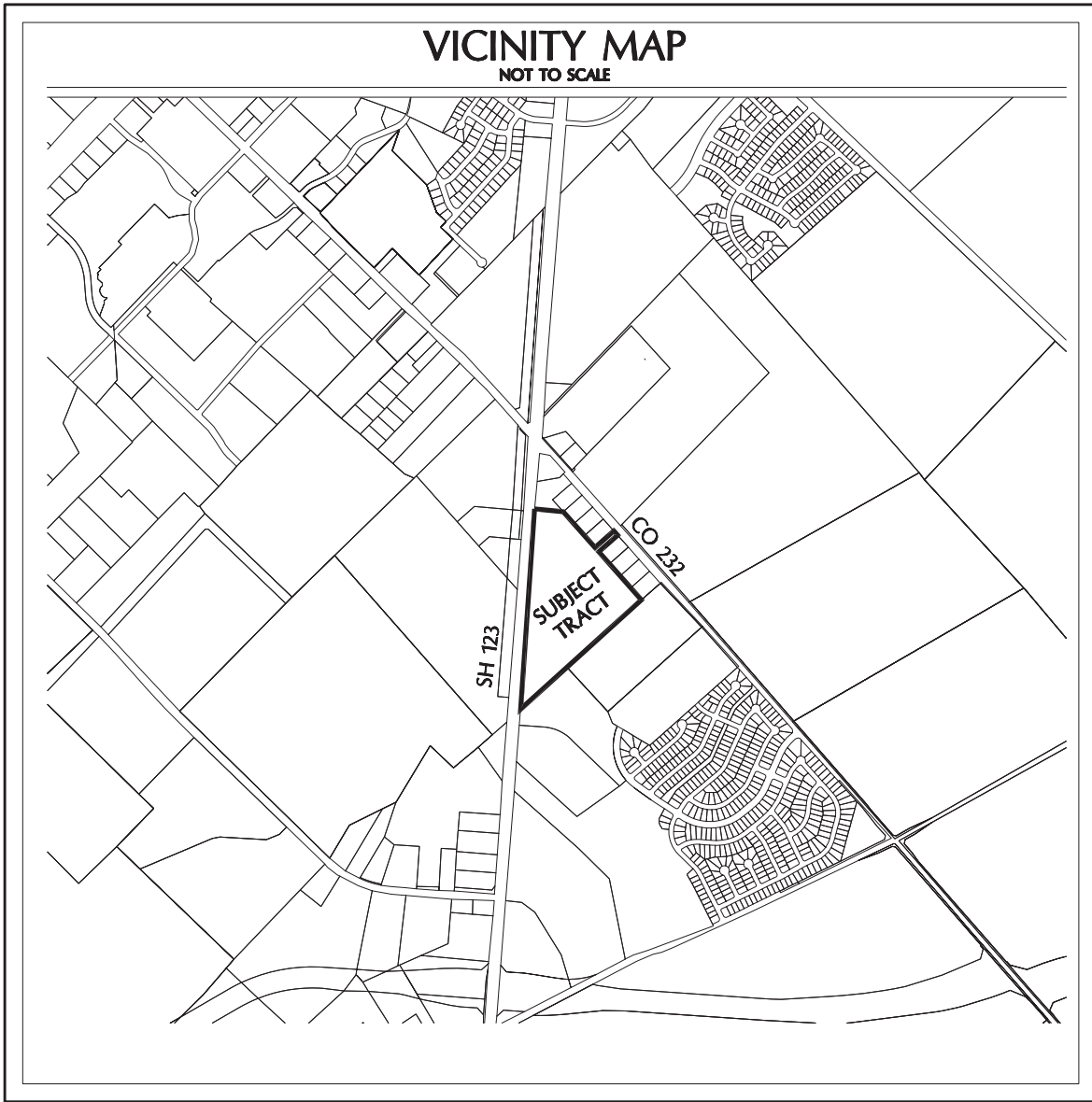
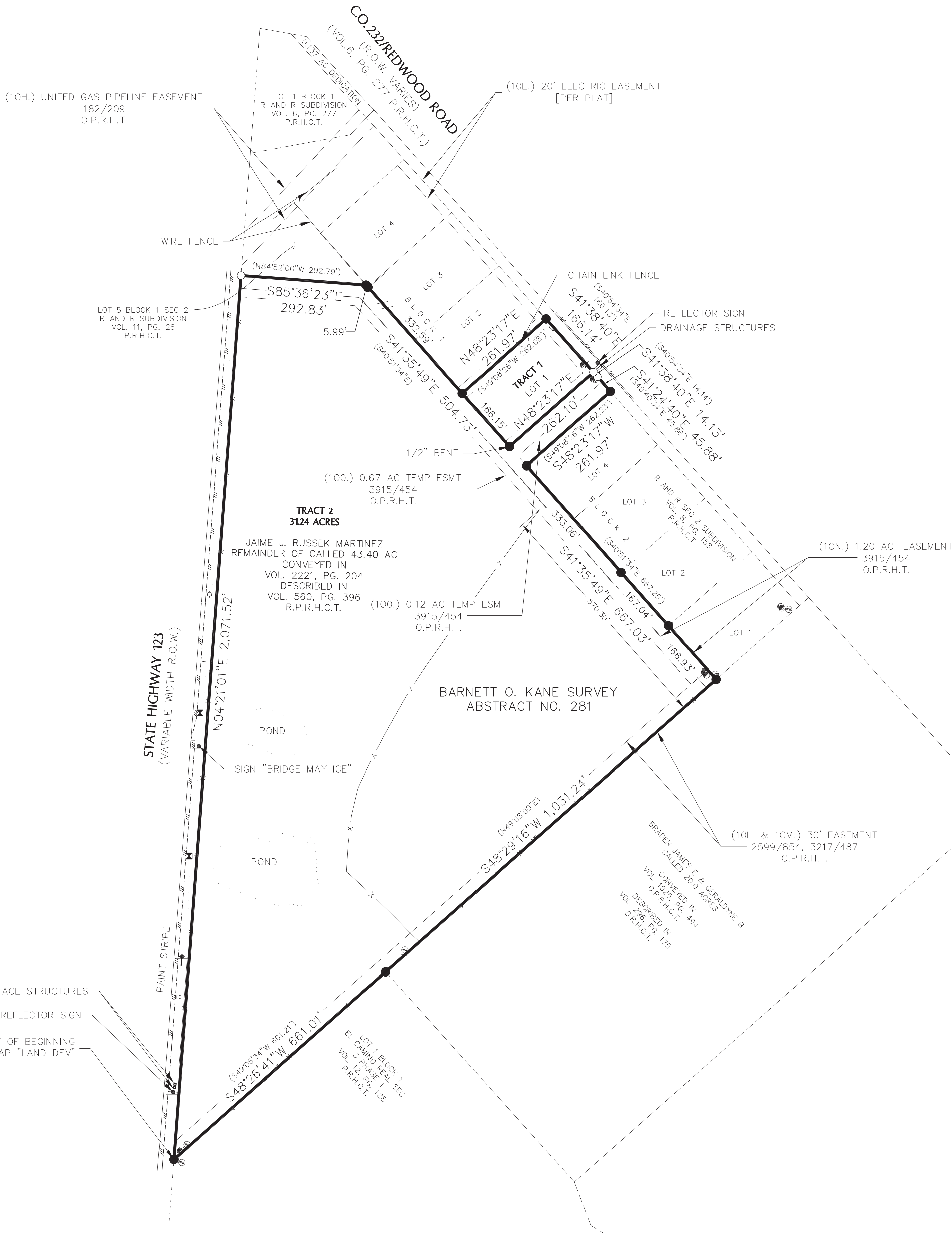
BASIS OF BEARING IS THE TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE [4204] NAD 83 (2011), EPOCH 2010. ALL DISTANCES SHOWN ARE SURFACE VALUES AND MAY BE CONVERTED TO GRID BY USING THE SURFACE ADJUSTMENT FACTOR OF 1.00013. UNITS: US SURVEY FEET.

SURVEYOR'S CERTIFICATE:

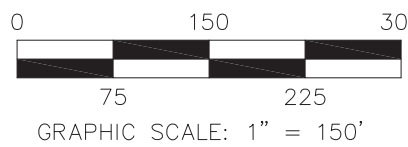
Z-MODULAR DEVELOPMENT LLC AND FIRST AMERICAN TITLE GUARANTY COMPANY

I HEREBY CERTIFY THIS SURVEY WAS MADE ON THE GROUND, AND THAT THIS PLAT CORRECTLY REPRESENTS THE FACTS FOUND AT THE TIME OF SURVEY AND THAT THIS PROFESSIONAL SERVICE CONFORMS TO THE TEXAS SOCIETY OF PROFESSIONAL SURVEYORS STANDARDS AND SPECIFICATIONS FOR A CATEGORY 1A CONDITION II LAND TITLE SURVEY.

8/4/2020  
GARRETT CAVANUOLO  
REGISTERED PROFESSIONAL LAND SURVEYOR  
TEXAS REGISTRATION NO. 6714  
DOUCET & ASSOCIATES  
DCAVANUOLO@DOUCETENGINEERS.COM



LEGEND	
---	PROPOSED TRACT
---	ADJOINER PROPERTY LINE
x	EXISTING WIRE FENCE
---	EXISTING WOOD FENCE
---	EDGE OF PAVEMENT
●	IRON ROD FOUND [UNLESS NOTED]
○	1/2" IRON ROD WITH "DOUCET" CAP SET
⚡	FIRE HYDRANT
⚙	WATER VALVE
⚙	WATER METER
⚙	WASTEWATER MANHOLE
O.P.R.H.C.T.	OFFICIAL PUBLIC RECORDS, HAYS COUNTY, TEXAS
P.R.H.C.T.	PLAT RECORDS, HAYS COUNTY, TEXAS
R.O.W.	RIGHT-OF-WAY
VOL.	VOLUME
PG.	PAGE
☆	LIGHT POLE
⚡	ELECTRIC PULL BOX
↓	DOWN GUY
●	SON [AS NOTED]
(.....)	RECORD INFORMATION
R.P.R.H.C.T.	REAL PROPERTY RECORDS, HAYS COUNTY, TEXAS
D.R.H.C.T.	DEED RECORDS, HAYS COUNTY, TEXAS



LOT 1, BLOCK 1 R & R SUBDIVISION SECTION 2 & 31.24 ACRE TRACT  
TSPS CATEGORY 1A LAND TITLE SURVEY  
HAYS COUNTY, TEXAS

**DA DOUCET & ASSOCIATES**  
Civil Engineering - Planning - Geospatial  
7401 B. Highway 71 W, Suite 160  
Austin, Texas 78735, Phone: (512)-583-2600  
www.doucetengineers.com  
TSPS Firm No.: 10105800  
TSPS Firm No.: F-9397

Date: 08/04/2020  
Scale: 1:150  
Drawn by: PD  
Reviewed by: GC  
Project: 2161-001  
Sheet: 1 OF 1  
Field Book: 531-532  
Party Chief: ADM  
Survey Date: 07/29/20



“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

  
\_\_\_\_\_  
Garrett Cavaiuolo  
Registered Professional Land Surveyor  
Texas Registration No. 6714  
Doucet & Associates  
[gcavaiuolo@doucetengineers.com](mailto:gcavaiuolo@doucetengineers.com)  
TBPELS Firm No. 10105800

10/22/2020  
Date



## GENERAL WARRANTY DEED

**Date:**

**Grantor:** RUSSEK AND ROBBINS JOINT VENTURE, a partnership composed of JAIME RUSSEK MARTINEZ and ROBBY D. ROBBINS

**Grantor's Mailing Address:**

Attn: Robby Robbins  
Post Office Box 246  
San Marcos, Texas 78667-0246

**Grantee:** JAIME J. RUSSEK MARTINEZ

**Grantee's Mailing Address:**

Paseo del Bosque #5  
Col Campestre la Rosita  
Torreon, Coahuila  
27250 Mexico

**Consideration:** TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable consideration.

**Property (including any improvements):**

Being all of Grantor's real property located in Hays County, Texas, including but not limited to the following: Being all of the remainder of that certain 43.40 acre tract of land, more or less, out of the BARNETT O. KANE SURVEY as conveyed by Edward Puls to Russek and Robbins Joint Venture by deed recorded in Volume 560, page 396, Hays County Real Property Records, not previously conveyed by Grantor.

**Reservations from Conveyance:** None

**Exceptions to Conveyance and Warranty:** Liens described as part of the Consideration and any other liens described in this deed as being either assumed or subject to which title is taken; validly existing easements, rights-of-way, and prescriptive rights, whether of record or not; all presently recorded and validly existing instruments, other than conveyances of the surface fee estate, that affect the Property; and taxes for 2003, which Grantee assumes and agrees to pay, and subsequent assessments for that and prior years due to change in land usage, ownership, or both, the payment of which Grantee assumes.


Grantor, for the Consideration and subject to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty, grants, sells, and conveys to Grantee the Property, together with all and singular the rights and appurtenances thereto in any way belonging, to have and to hold it to Grantee and Grantee's heirs, successors, and assigns forever. Grantor binds Grantor and Grantor's heirs and successors to warrant and forever defend all and singular the Property to Grantee and Grantee's heirs, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty.

---

When the context requires, singular nouns and pronouns include the plural.

RUSSEK AND ROBBINS JOINT VENTURE

BY:   
JAIME RUSSEK MARTINEZ, Venturor

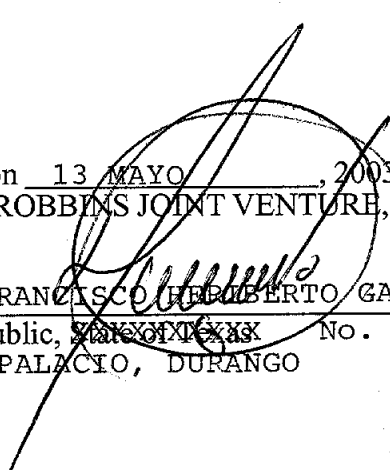
BY:   
ROBBY D. ROBBINS, Venturor

**THIS INSTRUMENT WAS PREPARED FROM INFORMATION FURNISHED BY THE PARTIES AND NO EXAMINATION HAS BEEN MADE AND NO OPINION HAS BEEN GIVEN BY THE LAW FIRM PREPARING THIS INSTRUMENT TO ANY PARTY AS TO THE STATUS OF TITLE TO OR THE LEGAL DESCRIPTION OF THE PROPERTY.**

STATE OF TEXAS )

COUNTY OF HAYS )

This instrument was acknowledged before me on 13 MAYO, 2003, by JAIME RUSSEK MARTINEZ as Venturor of RUSSEK AND ROBBINS JOINT VENTURE, on behalf of said joint venture.


  
LIC. FRANCISCO HERIBERTO GARZA SOTELO  
Notary Public, ~~State of Texas~~ No. 3  
GOMEZ PALACIO, DURANGO

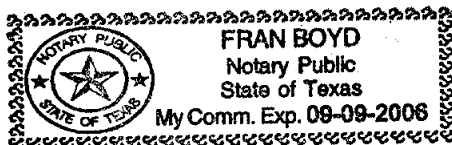


STATE OF TEXAS )

COUNTY OF HAYS )

This instrument was acknowledged before me on May 9, 2003, by ROBBY D. ROBBINS as Venturor of RUSSEK AND ROBBINS JOINT VENTURE, on behalf of said joint venture.

  
Notary Public, State of Texas



FILED AND RECORDED  
OFFICIAL PUBLIC RECORDS  
On: May 19, 2003 at 10:26A

Document Number: 03015136

Amount 11.00

PREPARED IN THE OFFICE OF:

FITZGERALD, MAJORS & STEVENS, L.L.P.  
POST OFFICE BOX 653  
SAN MARCOS, TX 78667-0653  
Tel: (512) 392-1273  
Fax: (512) 396-8539

Lee Carlisle  
County Clerk  
By  
Rose Robinson, Deputy  
Hays County



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

**SUBSTITUTE TRUSTEE'S DEED**

**Date:** August 2, 2016

**Deed of Trust**

**Date:** February 10, 2014

**Grantor:** WILLIAM HORAN and JONI GLOVER

**Beneficiary:** JAMIE J. RUSSEK MARTINEZ

**Trustee:** STEVE D. TAYLOR

**Substitute Trustee:** IRA M. KARP

**Recording Information:** Volume 4854, Page 247-352, Official Property Records of Hays County, Texas

**Property:**

Lot 1, Block 1, Lot 4, Block 2, R AND R SUBDIVISION SECTION TWO, a subdivision in Hays County, Texas, according to the map or plat thereof recorded in Volume 8, page 158, of the Plat Records of Hays County, Texas.

**Note Secured by Deed of Trust**

**Date:** February 10, 2014

**Original Principal Amount:** One Hundred Twenty Thousand and No/100 Dollars (\$120,000.00)

**Holder:** JAIME J. RUSSEK MARTINEZ

**Borrower:** WILLIAM HORAN and JONI GLOVER

**Date of Sale of Property (first Tuesday of Month):** August 2, 2016

**Time Sale or Property Began:** 11:27 A.M.

**Place of Sale of Property:** The sale will be conducted in the area of the courthouse designated by the Commissioner's Court of said county, pursuant to Section 51.002 the Texas Property code as amended; if no area is designated by the Commissioner's Court, the sale will be conducted in the area adjacent (next) to location where this notice was posted.

Buyer: *JAIME RESSEK MARTINEZ*

Buyer's Mailing Address: *</o LAW OFFICES OF IRA M. KARP*

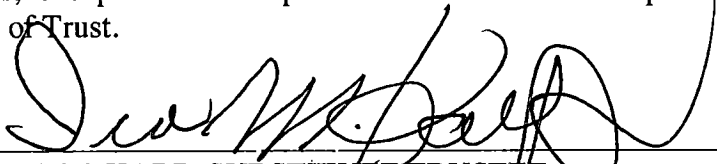
*\$20 LEXINGTON AVE*  
Amount of Sale: *\$131,500.00 SAN ANTONIO, TX 78215*

Grantor conveyed the property to Trustee in trust to secure payment of the note, but Grantor has defaulted in performing the obligations of the Deed of Trust and Beneficiary has directed the duly appointed Substitute Trustee to enforce the trust.

Notices stating the time, place, and terms of sale of the property were posted and filed, as required by § 51.002 of the Texas Property Code, and other requirements of that statute have been met. As required by the statute and by the Deed of Trust, the Substitute Trustee sold the property to the Buyer, who was the highest bidder at the public auction, for the amount of sale. The sale began at the time specified above and was concluded by 4:00 p.m. of the same day.

As shown by the Affidavit attached to this instrument and incorporated in it by this reference, Holder/Beneficiary either personally or by agent served notice of the sale to each debtor required by statute in compliance with § 51.002 of the Texas Property Code.

Substitute Trustee, by the authority conferred by Holder/Beneficiary and by the Deed of Trust, subject to the prior liens and other exceptions to conveyance and warranty in the Deed of Trust and for the amount of sale paid by Buyer as consideration, grants, sells, and conveys the property to Buyer, "AS IS, WHERE IS, AND WITH ALL FAULTS", together with all and singular the rights and appurtenances thereto in any wise belonging, to have and hold it to Buyer, Buyer's heirs, executors, administrators, and successors, or assigns forever. Substitute Trustee binds Grantor and Grantor's heirs, executors, administrators, and successors to warrant and forever defend all and singular the property to Buyer and Buyer's heirs, executors, administrators, successors and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the prior liens and other exceptions to conveyance and warranty in the Deed of Trust.

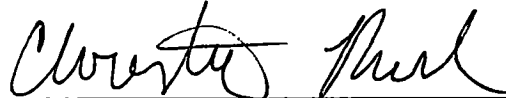
  
\_\_\_\_\_  
IRA M. KARP, SUBSTITUTE TRUSTEE

STATE OF TEXAS

COUNTY OF BEXAR

This instrument was acknowledged before me on the 2nd day of August, 2016, by Ira M. Karp, as Substitute Trustee.



  
\_\_\_\_\_  
Notary Public in and for the State of Texas

**AFFIDAVIT OF GIVING NOTICE TO DEBTOR AND IRS  
AND AFFIDAVIT OF MILITARY STATUS**

**Date:** August 2, 2016

**Affiant:** IRA M. KARP, Substitute Trustee

Affiant on oath swears that the following statements are true:

1. This affidavit is made with respect to the foreclosure of the Deed of Trust that occurred on August 2, 2016.
2. Attached to this Affidavit is a copy of the Notice of Trustee's Sale, file-stamped by the County Clerk's Office. Affiant posted or caused to be posted a copy of the Notice of Trustee's Sale at the place designated in the notice.
3. The Trustee's sale took place on August 2, 2016, at approximately the time and place as reflected in the Substitute Trustee's Deed and at the place at the courthouse designated in the notice as required by law and was performed in strict accord with the terms of the Deed of Trust.
4. To the best of my knowledge and belief, proper notice of default was served prior to acceleration of the indebtedness. All obligations and duties of the mortgagee/holder were performed in the manner required by law and all notices were served by certified mail, return receipt requested, on each debtor at the last known address of each such debtor.
5. After such continued default and at least twenty-one (21) days before the resulting Trustee's sale, Affiant either personally or by agent gave proper notice of the sale to every debtor required by statute, in strict compliance with the provisions of the Deed of Trust and the requirements of § 51.002 of the Texas Property Code.
6. To the best of my knowledge and belief, the mortgagors holding an interest in the property described in the attached Substitute Trustee's Deed were not members of the Armed Forces of the United States of America and had not been members of any such entities for at least twelve (12) months prior to the date of the Substitute Trustee's sale and were alive and not incompetent on the date of such sale.

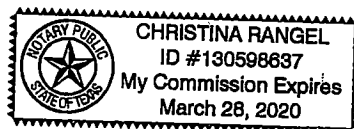
  
\_\_\_\_\_  
IRA M. KARP, SUBSTITUTE TRUSTEE

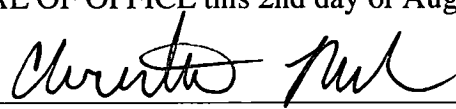
STATE OF TEXAS                   §

COUNTY OF BEXAR               §

SWORN TO AND SUBSCRIBED before me, the undersigned Notary Public, on this day personally appeared IRA M. KARP, Substitute Trustee, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 2nd day of August, 2016.



  
\_\_\_\_\_  
Notary Public in and for the State of Texas.



FILED  
HAYS COUNTY, TEXAS  
at \_\_\_\_\_ o'clock \_\_\_\_\_ M.  
JUL 12 2016  
County Clerk

## NOTICE OF SUBSTITUTE TRUSTEE'S SALE

WHEREAS, on the 10th day of February, 2014, WILLIAM HORAN and GLOVER, executed and delivered a Deed of Trust conveying to STEVE D. TAYLOR, TRUSTEE, the real estate hereinafter described, to secure JAIME J. RUSSEK MARTINEZ, in the payment of a debt therein described, said Deed of Trust being recorded in Volume 4854, Pages 247-352, Real Property Records of Hays County, Texas; and

WHEREAS, the current owner and holder of said debt, JAIME J. RUSSEK MARTINEZ, has requested the undersigned to sell said property to satisfy said indebtedness.

NOW, THEREFORE, NOTICE IS HEREWITH GIVEN that on Tuesday, August 2<sup>nd</sup>, 2016, between ten o'clock A.M. and four o'clock P.M., the undersigned or Stewart J. Alexander as Substitute Trustee will sell said real estate between ten o'clock A.M. and four o'clock P.M., beginning no later than 1 p.m. and no later than three hours thereafter, I will sell said real estate at the County Courthouse in Hays County to the highest bidder for cash. The sale will be conducted in the area of the courthouse designated by the Commissioner's Court of said county, pursuant to Section 51.002 the Texas Property code as amended; if no area is designated by the Commissioners' Court, the sale will be conducted in the area adjacent (next) to location where this notice was posted.

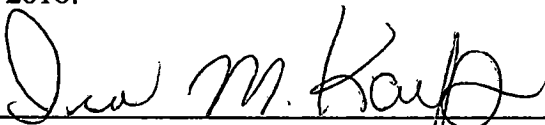
Said real estate is described as follows:

Lot 1, Block 1, Lot 4, Block 2, R AND R SUBDIVISION SECTION TWO, a subdivision in Hays County, Texas, according to the map or plat thereof recorded in Volume 8, page 158, of the Plat Records of Hays County, Texas.

### ACTIVE MILITARY SERVICE NOTICE

Assert and protect your rights as a member of the armed forces of the United States. If you or your spouse is serving on active military duty, including active military duty as a member of the Texas National Guard or the National Guard of another state or as a member of a reserve component of the armed forces of the United States, please send written notice of the active duty military service to the sender of this notice immediately.

Witness my hand this 21<sup>st</sup> day of June, 2016.

  
\_\_\_\_\_  
IRA M. KARP, SUBSTITUTE TRUSTEE