

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.

OWNER'S CONSENT TO ANNEXATION OF LAND

Date: _____, 20____

City: City of San Marcos, Texas, a home rule municipal corporation

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

Property: 31.24 acres out of the Barnett O. Kane Survey Abstract Number 281, Hays County, Texas

Owner petitioned the City to initiate proceedings to conditionally annex the Property. Owner acknowledges and agrees that, in connection with annexation of the Property:

1. Owner does not wish to enter into a development agreement with the City under Section 212.172 and has declined the offer by the City of such a development agreement.

2. Unless specifically authorized by a written agreement with Owner approved by the City Council under applicable ordinances, the City has no obligation to extend water, wastewater, or electric utility services, roads, or other infrastructure to the Property at the City's expense, and the City has made no offers, representations or promises that the City will, at the City's expense, extend water, wastewater, or electric utility services, roads, or other infrastructure to the Property. Such extensions to the Property shall be made available in the same manner and on the same basis as available to other areas of the City, whereby it shall be Owner's sole obligation, and at Owner's sole expense, to construct and install all infrastructure necessary to extend such services to the Property under applicable ordinances.

3. Owner waives any and all rights of Owner to assert any claim or demand, or to file suit against, and covenants not to sue, the City on the basis that the annexation of the Property by the City is invalid, void or voidable, in whole or in part.

4. This consent is subject to the annexation ordinance adopted by the City with respect to the Property providing that its effectiveness is conditioned on Jaime J. Russek Martinez conveyance of the Property to Z-Modular Development, LLC on or before October 20, 2022.

5. This instrument is made and shall be construed and interpreted under the laws of the State of Texas. Venue for any legal proceedings concerning this instrument shall lie in State courts having jurisdiction 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.

6. If any word, phrase, clause, sentence, or paragraph of this instrument is held to be unconstitutional or invalid by a court of competent jurisdiction, the other provisions of this instrument will continue in force if they can be given effect without the invalid portion.

7. This instrument may be recorded in the Official Public Records of the County or Counties in which the Property is located and is binding on Owner's successors, heirs and assigns, and any future owners of the Property.

OWNER:

Jaime J. Russek Martinez

By:

My Self.

Name:

Jaime J Russek Martinez

Title:

Owner

ACKNOWLEDGMENT

STATE OF COAHUILA

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COUNTY OF MEXICO

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This instrument was acknowledged before me on SEPTEMBER 21 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.

