

AGREEMENT FOR THE PROVISION OF SERVICES

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

Date: November 11, 2020

Owner: Alvin Popham, 1700 Mill Creek Road, Seguin, Texas 78155

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:
ALVIN POPHAM

By: _____

Name: _____

Title: _____

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 the Maxwell Water Supply Corporation Certificate of Convenience and Necessity (CCN) for water service, thus, the City is not providing water service to the Property. 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 Pedernales 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



www.payne-llc.com
TBPLS 10194453

A DESCRIPTION OF 73.412 ACRES, MORE OR LESS, IN THE JOEL MINER SURVEY, ABSTRACT 321, HAYS COUNTY, TEXAS, BEING A PORTION OF A CALLED 72.85 ACRE TRACT OF LAND CONVEYED TO ALVIN POPHAM, A/K/A ALVIN G. POPHAM, AND WIFE, OPAL POPHAM, IN VOLUME 895, PAGE 450 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS (OPRHCT), AND BEING A PORTION OF A CALLED 10.00 ACRE TRACT OF LAND CONVEYED TO ALVIN POPHAM, A/K/A ALVIN G. POPHAM, AND WIFE, OPAL POPHAM, IN VOLUME 1910, PAGE 741 (OPRHCT), AND BEING A PORTION OF HARRIS HILL ROAD, ALSO KNOWN AS COUNTY ROAD 160; SAID 73.412 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 3/8-inch iron rod found at the southwest corner of said 72.85 acre tract, same being an angle point in the north right-of-way-line of County Road 160, also known as Harris Hill Road (right-of-way width varies);

THENCE, with the west line of said 72.85 acre tract, in part being the north right-of-way-line of Harris Hill Road, and in part being the east line of Lot 1A, Amended Plat of Saddle Brook Lots 1 and 2, a subdivision of record in Volume 18, Page 22 of the Plat Records of Hays County, Texas (PRHCT), the following two (2) courses and distances:

- 1) N46°06'14"W, a distance of 1205.40 feet to a 1/2-inch iron rod with "Delta" cap found;
- 2) N46°31'50"W, a distance of 1793.21 feet to a 5/8-inch iron rod found at the northwest corner of said 72.85 acre tract, same being the northeast corner of said Lot 1A, also being in the south line of a called 86.948 acre tract of land conveyed to Whisper Master Community Limited Partnership in Document No. 2016-16000334 (OPRHCT);

THENCE, with the south line of said 86.948 acre tract, same being the north line of said 72.85 acre tract, the following two (2) courses and distances:

- 1) N44°08'13"E, a distance of 551.44 feet to a 1/2-inch iron rod found;
- 2) N43°50'49"E, a distance of 390.26 feet to a 1/2-inch iron rod found at the southeast corner of said 86.948 acre tract, same being the southwest corner of a called 328.824 acre tract of land conveyed to Bobbie Y. Naughton, et al. in Volume 720, Page 152, Real Property Records of Hays County, Texas (RPRHCT);

THENCE, continuing with the north line of said 72.85 acre tract, same being the south line of said 328.824 acre tract, N44°14'27"E, a distance of 116.45 feet to a 1/2-inch iron rod found at the northeast corner of said 72.85 acre tract, same being the northwest corner of said 10.00 acre tract;

THENCE, continuing with the south line of said 328.824 acre tract, same being the north line of said 10.00 acre tract, N43°16'30"E, a distance of 144.51 feet to a 5/8-inch iron rod found at the northeast corner of said 10.00 acre tract, same being the northwest corner of a called 10.00 acre tract of land conveyed to Joshua L. Young in Volume 4091, Page 798 (OPRHCT);

THENCE, with the common line of the two 10.00 acre tracts, S46°20'21"E, a distance of 1492.37 feet to a 1/2-inch iron rod with "Payne 6064" cap set, from which a 1/2-inch iron rod found for the common south corner of the two 10.00 acre tracts bears S46°20'21"E, a distance of 1525.48 feet;

THENCE, crossing said 10.00 acre Popham tract and said 72.85 acre tract, the following two (2) courses and distances:

- 1) S44°50'14"W, a distance of 299.99 feet to a 1/2-inch iron rod with "Payne 6064" cap set;
- 2) S46°20'21"E, a distance of 1524.84 feet to a 1/2-inch iron rod with "Payne 6064" cap set in the south line of said 72.85 acre tract, same being the north right-of-way-line of Harris Hill Road, from which a 1/2-inch iron rod found at the common south corner of said 72.85 acre tract and said 10.00 acre Popham tract bears N44°50'14"E, a distance of 155.59 feet;

THENCE, crossing Harris Hill Road, S46°20'21"E, a distance of 67.51 feet to a calculated point in the north line of Lot 1, Harris Hill Road Sport Vehicle Track, a subdivision of record in Volume 14, Page 42 (PRHCT), same being the north right-of-way line of Harris Hill Road;

THENCE, with the common line of Harris Hill Road and said Lot 1, S45°09'03"W, a distance of 357.16 feet to a calculated point for the northwest corner of said Lot 1, same being in the east line of Lot 24, Northpoint Section 2, a subdivision of record in Volume 3, Page 13 (PRHCT), also being an angle point in said right-of-way line;

THENCE, with the common line of Harris Hill Road and Northpoint Section 2, the following three (3) courses and distances:

- 1) N46°29'52"W, a distance of 21.41 feet to a calculated point for the northeast corner of said Lot 24;
- 2) S44°28'08"W, a distance of 501.24 feet to a 1/2-inch iron rod found at the northwest corner of Lot 53, same being the northeast corner of Lot 51, of said Northpoint Section 2;
- 3) S44°28'08"W, with the north line of Lot 51, a distance of 43.57 feet to a calculated point, from which a 1/2-inch iron rod found bears S44°28'08"W, a distance of 256.73 feet;

THENCE, crossing Harris Hill Road, N46°06'14"W, a distance of 47.64 feet to the **POINT OF BEGINNING** hereof, and containing 73.412 acres, more or less.

Surveyed on the ground July 6, 2020. Bearing Basis: The Texas Coordinate System of 1983 (NAD83), South Central Zone, based on GPS solutions. Attachments: drawing 1988-001-ANX



9/3/20

Eric J. Dannheim, RPLS
State of Texas #6075

