

## **ORDINANCE NO. 2021-01**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS UNDER CASE NO. AN-20-11 ANNEXING INTO THE CITY APPROXIMATELY 73.412 ACRES OF LAND OUT OF THE JOEL MINER SURVEY, ABSTRACT NO. 321, HAYS COUNTY, GENERALLY LOCATED AT 2811 HARRIS HILL ROAD; INCLUDING PROCEDURAL PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.**

### **RECITALS:**

- 1.** The owner of approximately 73.412 acres of land out of the Joel Miner Survey, Abstract No. 321, Hays County, generally located at 2811 Harris Hill Road, as further described by metes and bounds in Exhibit "A," attached hereto and incorporated herein for all purposes (the "Property"), made a request for the City to annex the Property.
- 2.** Said owner and the City have entered into a written agreement for the provision of services to the Property.
- 4.** The Property is contiguous and adjacent to the current boundaries of the City.
- 5.** The City Council held a public hearing regarding the request.
- 6.** The City Council hereby finds and determines that the adoption of the following ordinance is in the interest of the public health, morals, welfare and safety.

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS:**

**SECTION 1.** The recitals of this ordinance are approved and adopted.

**SECTION 2.** The Property is annexed to and is a part of the City of San Marcos, Texas and subject to the acts, ordinances, resolutions and regulations of the City.

**SECTION 3.** Services to the Property will be provided under the terms of the written agreement for the provision of services entered into between the owner of the Property and the City as noted in Recital 3.

**SECTION 4.** The corporate limits of the City are extended to include the Property.

**SECTION 5.** The inhabitants of the Property are entitled to all the rights and privileges of other citizens of the City, and are bound by the acts, ordinances, resolutions and regulations of the City.

**SECTION 6.** If any word, phrase, clause, sentence, or paragraph of this ordinance is held to be unconstitutional or invalid by a court of competent jurisdiction, the other provisions of this

ordinance will continue in force if they can be given effect without the invalid portion.

**SECTION 7.** All ordinances and resolutions or parts of ordinances or resolutions in conflict with this ordinance are repealed.

**SECTION 8.** This ordinance shall be effective upon its adoption on second reading.

**PASSED AND APPROVED** on first reading on January 5, 2021.

**PASSED, APPROVED AND ADOPTED** on second reading on January 19, 2021.

Jane Hughson  
Mayor

Attest:

Approved:

Tammy K. Cook  
Interim City Clerk

Michael Cosentino  
City Attorney

**EXHIBIT A**

**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

