

## **AGREEMENT FOR THE PROVISION OF SERVICES**

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

**Date:** February 2, 2021

**Owner:** Sharon Eitel and Ian Olsen, RATTLER ROAD STORAGE LLC, 4705 Mont Blanc, Bee Cave, Texas 78738

**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 has entered into a development agreement with the City concerning the Property 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:**

**RATTLER ROAD STORAGE LLC, a Texas limited liability company**

**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 \_\_\_\_\_

**OWNER:**

**RATTLER ROAD STORAGE LLC, a Texas limited liability company**

**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 A

STATE OF TEXAS  
COUNTY OF HAYS

REBECCA BROWN SURVEY, A-46  
R13872 MARTIN 3.620 ACRES

BEING A 3.620 ACRE PARCEL OF LAND OUT OF THE REBECCA BROWN SURVEY, ABSTRACT NO. 46, HAYS COUNTY, TEXAS, SAME BEING A PORTION OF THAT CALLED 8.00 ACRE TRACT OF LAND CONVEYED TO EAY H. MARTIN, III AND IRMADEAN S. MARTIN, BY DEED DATED DECEMBER 23, 1998 AND RECORDED IN VOLUME 1488, PAGE 321, DEED RECORDS OF HAYS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at a 1/2" Iron rod found at the west corner of said Martin called 8.00 acre tract, same being at a common corner of that certain called 7.025 acre tract conveyed to the Pedro T. & Josefa C. Islas Revocable Living Trust by deed recorded in Volume 4661, Page 549, Official Public Records of Hays County, Texas, and being in the northeast line of El Camino Way, a variable width public right-of-way;

THENCE North 48°20'44" East, along the northwest line of said Martin called 8.00 acre tract and the meanders of a wire fence, at a distance of 326.14 feet passing a 1/2" Iron rod found at the east corner of said Islas Revocable Living Trust tract and the common corner of that certain called 8.971 acre tract of land conveyed to Host Perkins Stokes Limited Partnership by deed recorded in Volume 3181, Page 459, Official Public Records of Hays County Texas, and continuing on for a total distance of 530.46 feet to a 1/2" Iron rod with "Byrn" cap found at the south corner of Rattler Road, a 90 foot wide public right-of-way as shown by map of the San Marcos High School Subdivision, recorded in Volume 16, Page 62 of the Plat Records of Hays County, Texas;

THENCE continuing along the northwest line of said Martin called 8.00 acre tract, and the southwest line of said Rattler Road, 90 foot wide public right-of-way, North 48°21'43" East, at a distance of 2.78 feet passing a 1/2" Iron rod with cap marked "ASH5687" set at the west corner of that called 0.607 acre tract of land conveyed to the City of San Marcos by Eay H. Martin, III and IrmaDean S. Martin by deed recorded in Volume 4585, Page 305, Official Public Records of Hays County, Texas, a corner of said Rattler Road, 80 foot public right-of-way, crossing said Rattler Road and continuing on for a total distance of 84.14 feet to a 1/2" Iron rod with cap marked "ASH5687" set at the north corner of said City of San Marcos called 0.607 acre tract, a corner of said Rattler Road, 80 foot public right-of-way, for the POINT OF BEGINNING and the west corner of the herein described tract of land;

THENCE continuing along the northwest line of said Martin called 8.00 acre tract, and continuing along the northeast line of said Rattler Road, North 48°21'43" East, a distance of 7.27 feet to a 1/2" Iron rod with "Byrn" cap found at the east corner of said Rattler Road, 90 foot wide public right-of-way, and a common south corner of Lot 1 of said San Marcos High School Subdivision, recorded in Volume 16, Page 62, Hays County Plat Records, for a corner of the herein described tract of land;

THENCE continuing along the northwest line of said Martin called 8.00 acre tract and a common southeast line of said Lot 1 - San Marcos High School Subdivision and the meanders of a wire fence, North 48°19'48" East, a distance of 448.23 feet to a 3/8" Iron rod found at an interior corner of said Lot 1 and the common north corner of said Martin called 8.00 acre tract, for the north corner of the herein described tract of land;

## EXHIBIT A

**THENCE** South  $41^{\circ}32'07''$  East (S  $40^{\circ}58'$  B Record), along a southwest line of said Lot 1 and the meanders of a wire fence, a distance of 324.54 feet (325.4' Record) to a 1/2" Iron rod found at the east corner of said Martin called 8.00 acre tract, for the east corner of the herein described tract of land, same being at the common north corner of that certain called 1.0 acre tract of land conveyed to William Johnson by deed recorded in Volume 2957, Page 873, Official Records of Hays County, Texas;

**THENCE** South  $48^{\circ}11'05''$  West, along the southeast line of said Martin called 8.00 acre tract and the meanders of a wire fence, a distance of 238.29 feet to a 1/2" Iron rod found at the west corner of said Johnson called 1.0 acre tract, same being at a common north corner of that certain called 1.00 acre tract of land (Tract I) and the north corner of a 30 foot access easement conveyed to William Johnson by deed recorded in Volume 4485, Page 495, Official Public Records of Hays County, Texas, for a corner of the herein described tract of land;

**THENCE** South  $48^{\circ}17'23''$  West, continuing along the southeast line of said Martin called 8.00 acre tract, the northwest line of said 30 foot access easement conveyed to William Johnson, and the meanders of a wire fence, a distance of 202.70 feet to a 1/2" Iron rod found at the west corner of said William Johnson 1.00 acre (Tract I) and the common north corner of that certain called 1.00 acre tract of land (Tract II) conveyed to William Johnson by deed recorded in Volume 4485, Page 495, Official Public Records of Hays County, Texas, for a corner of the herein described tract of land;

**THENCE** South  $48^{\circ}19'07''$  West, continuing along the southeast line of said Martin called 8.00 acre tract, the northwest line of said 30 foot access easement conveyed to William Johnson, and the meanders of a wire fence, a distance of 71.87 feet to a 1/2" Iron rod with cap marked "ASH5687" set at the east corner of the aforesaid called 0.607 acre tract of land conveyed to the City of San Marcos, same being in the arc of a curve in the northeast line of aforesaid Rattler Road, 80 foot public right-of-way, for the south corner of the herein described tract of land;

**THENCE** through and overlying said Martin called 8.00 acre tract, along the northeast line of said Rattler Road, the following courses and distances numbered (1) and (2):

1) Northwest a distance of 93.89 feet along the arc of said curve to the right, having a radius of 2000.00 feet, a delta angle of  $02^{\circ}41'23''$  and a chord which bears North  $32^{\circ}29'28''$  West, a distance of 93.88 feet to a 1/2" Iron rod with cap marked "ASH5687" set for corner;

2) North  $31^{\circ}09'45''$  West, a distance of 236.59 feet to the POINT OF BEGINNING and CONTAINING 3.620 ACRES OF LAND.

## EXHIBIT A

BEING A 0.607 ACRE PARCEL OF LAND OUT OF THE REBECCA BROWN SURVEY, ABSTRACT NO. 46, HAYS COUNTY, TEXAS, SAME BEING A PORTION OF THAT CALLED 8.00 ACRE TRACT OF LAND CONVEYED TO FAY H. MARTIN, III AND IRMADEAN MARTIN, BY DEED DATED DECEMBER 23, 1998 AND RECORDED IN VOLUME 1488, PAGE 321, DEED RECORDS OF HAYS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at a 1/2" iron rod found at the west corner of said Martin called 8.00 acre tract, same being in the northeast line of El Camino Way, a variable width public right-of-way;

THENCE departing said El Camino Way, North 48° 20' 44" East (N 49° 02' E Record), along the northwest line of said Martin called 8.00 acre tract, at a distance of 326.14 feet passing a 1/2" iron rod found at a south corner of that certain called 8.971 acre tract of land conveyed to the Bost Perkins Stokes Limited Partnership by deed recorded in Volume 3181, Page 459 of the Official Public Records of Hays County, Texas, and continuing along the common southeast line of said Bost Perkins Stokes Limited Partnership tract, a total distance of 530.46 feet to a 1/2" iron rod found at a corner of McCarty Lane (Rattler Road), an existing 90 foot public right-of-way as shown by map of San Marcos High School Subdivision, as recorded in Volume 16, Page 63 of the Plat Records of Hays County, Texas;

THENCE North 48° 21' 43" East, with a line of said McCarty Lane, a distance 2.78 feet to a 1/2" iron rod set for the POINT OF BEGINNING and the west corner of the herein described tract of land;

THENCE North 48° 21' 43" East, and continuing with the line of said McCarty Lane, a distance 81.36 feet to a 1/2" iron rod set for the north corner of the herein described tract of land, and from which a 1/2" iron rod found at a corner of said McCarty Lane (Rattler Road) 90 foot public right-of-way and the common south corner of Lot 1 of said San Marcos High School Subdivision, bears North 48° 21' 43" East, a distance of 7.27 feet;

THENCE departing said McCarty Lane (Rattler Road) 90 foot public right-of way, through said Martin Called 8.00 acre tract, the following courses and distances numbered (1) and (2):

(1) South 31° 09' 45" East, a distance of 236.59 feet to a 1/2" iron rod set for corner and the beginning of the arc of a curve to the left;

(2) Southeasterly a distance of 93.89 feet along the arc of said curve to the left, having a radius of 2000.00 feet, a delta angle of 02° 41' 23", and a chord which bears South 32° 29' 28" East, a distance of 93.88 feet to a 1/2" iron rod set in the southeast line of said Martin called 8.00 acre tract, same being in the common northwest line of that certain called 2.00 acre tract of land conveyed to Rene Flippen as Tract II by deed recorded in Volume 1940, Page 721 of the Deed Records of Hays County, Texas, for the east corner of the herein tract of land;

THENCE South 48° 19' 07" West, along said common line, a distance of 80.73 feet to a 1/2" iron rod set for the south corner of the herein described tract of land and the beginning of the arc of a curve to the right, and from which a 1/2" iron rod found at the south corner of said Martin called 8.00 acre tract bears South 48° 19' 07" West, 50.34 feet and South 48° 20' 26" West, 425.53 feet;

THENCE departing said Flippen called 2.00 acre Tract II, and continuing through said Martin called 8.00 acre tract, the following courses and distances numbered (1) and (2)

(1) Northwesterly a distance of 107.49 feet along the arc of said curve to the right, having a radius of 2080.00 feet, a delta angle of 02° 57' 39", and a chord which bears North 32° 39' 33" West, a distance of 107.47 feet to a 1/2" iron rod set for corner;

(2) North 31° 09' 45" West, a distance of 222.96 feet to the POINT OF BEGINNING and CONTAINING 0.607 ACRES OF LAND.

## **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 Crystal Clear Special Utility District 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 adjacent to 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 Cooperative 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.