



## **CITY OF SAN MARCOS**

### **BLANCO RIVERINE FLOOD MITIGATION PROJECT**

January 07, 2021

#### **OFFER LETTER**

**CERTIFIED MAIL RETURN RECEIPT REQUESTED**  
**#70200640000012438834**

John Bugge  
18152 Interstate 10  
Luling, Texas 78648-3702

***Re: 1410/1412 River Road, San Marcos, Texas 78666***

The City of San Marcos (the city) is working on the Blanco Riverine Flood Mitigation Project. The main purpose of this project is to alleviate the persistent local flooding and drainage problems that exist in this area. As part of this project, the City will need to purchase your property to be utilized as a Drainage Right-Of-Way.

By this letter, the City offers you compensation for **\$396,500.00** for the acquisition of 0.791 ac., (34,472 Sq. Ft.), 2.006 ac. (87,393 Sq Ft.) and 0.843 ac. (36,723 Sq Ft.) of Drainage Right-Of-Way as depicted on the surveys meets and bounds descriptions enclosed as Exhibit A, Exhibit B and Exhibit C. The offer is based on an appraisal by an independent state certified real estate appraiser of a similar property located in the immediate neighborhood. If the offer is acceptable, please sign and return the accompanying Purchase Contract, the Acknowledgement of Receipt of Appraisal, and the W-9 form.

You have the right to discuss any offer or agreement regarding the City acquisition of your property with others, or you may keep the offer or agreement confidential, subject to provisions of Chapter 552, Government Code (the Texas Public Information Act), as it may apply to the City.

Please understand that, although the City prefers to acquire land rights by negotiation, it possesses the power of eminent domain. Also enclosed, therefore, is the U.S. Department of Housing and Urban Development (HUD) 1041CPD Handout and the Landowner's Bill of Rights, which further explains your rights regarding the City's proposed land acquisition.

If you have any questions or concerns, please contact me within the next 30 days to further discuss this offer or schedule a date and time to visit. I will be happy to answer any questions and provide any further information. I can be reached at (830) 481-7800 or via e-mail markb@hrmrow.com.

Thank you in advance for your prompt attention to this matter. Your participation is greatly appreciated in assisting the City of San Marcos better serve our current and future citizens.

Sincerely,

Mark Bunde  
Sr. Acquisition Agent  
HRM Land Acquisition Solutions  
Assigned Representative for the City of San Marcos

Enclosures:

- i. Purchase Agreement
- ii. Deed
- iii. Land Appraisal Form A-5
- iv. Exhibit A
- v. Exhibit B
- vi. Exhibit C
- vii. Ackn of Rcpt of Appraisal
- viii. Appraisal Disclosure
- ix. HUD 1041CPD Handout
- x. The State of Texas Landowner's Bill of Rights
- xi. IABS
- xii. Form W-9

## PURCHASE AGREEMENT

In consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, and the mutual covenants herein, **John Bugge** (the "Seller," whether one or more) hereby agrees to grant, bargain, sell and convey to the **City of San Marcos, Texas** (the "City"), or its assignee, and the City agrees to purchase the portion of property 3.640 ac.(158,588 SQFT.) located at 1410/1412 RIVER RD. in the City of San Marcos, Hays County, Texas, as described in Exhibit "A, B & C" attached hereto and made a part hereof for all purposes (the "Property"), subject to the terms and conditions below:

**1. Price:** The total purchase price for the Acquisition of Property to be paid by the City shall be **\$396,500.00.** Payment of the purchase price shall be made upon transfer of title to the City at closing.

**2. Title Company and Title Insurance:** The City will acquire at its own option and expense a policy of title insurance issued by San Marcos Title Company ("The Title Company"). The Title Company shall act as escrow agent.

**3. Closing:** Closing shall occur at the Title Company on or before 30 days after the effective date of this agreement at the election of the City. Notwithstanding the foregoing, if examination of title, or any other source discloses any defects of said title which, in the opinion of the City, cannot be cured in a reasonable time, then the City, in its discretion, reserves the right to extend the date for closing for the period of time necessary to cure such defects or terminate this agreement.

**4. Conveyance:** Upon closing, the Seller shall convey to the City, or its assignee, by General Warranty Deed a good and marketable fee simple title to the Property and all appurtenances, free and clear of all liens, assessments and encumbrances, except as specifically agreed to by the City.

**5. Closing Expenses:** The General Warranty Deed shall be prepared by the City. All expenses for the recording of the deed and incidental closing expenses shall be paid by the City.

**6. Damage to Property:** It is further agreed and understood that the purchase price stated above is based upon the condition of the Property as of the date of this agreement, and if between said date and the date upon which title is conveyed to the City, any loss or damage occurs to the Property by any cause whatsoever, including but not limited to fire, casualty, theft, or vandalism, said loss or damage shall be at the risk of the Seller. In the event the condition of the Property should change, for any reason, prior to the date of delivery of possession to the City, the City shall have the right to terminate this agreement.

**7. Leases:** It is further agreed and understood that if the Property or any portion thereof is currently leased to any individual, family or business concern as tenant or tenants of the Seller, the Seller will terminate the lease and the closing date will be extended until the date all tenants have vacated the Property pursuant to such termination, unless the City agrees to an

assignment of such lease. The Seller, otherwise, agrees not to enter into any leases of the Property or any portion thereof after the date of this agreement.

**8. Taxes and Assessments:** Taxes and assessments against the Property shall be prorated through the date of closing. It is understood and agreed by the Seller that, after closing, the City may forward any tax bills attributable to the Seller's ownership of the Property directly to the Seller and the Seller shall promptly pay such bill. If the City pays such bill, it may forward an invoice to the Seller for reimbursement and the seller shall promptly pay such invoice. The City may pursue any remedies available at law or in equity to enforce the Seller's obligations under this paragraph. The Seller's obligations under this paragraph shall survive closing.

**9. Entire Agreement:** The full agreement of the Seller and the City is set forth in the text of this instrument, and no other representations or obligations other than those set forth herein will be recognized.

**10. Venue:** Venue for any dispute arising under this agreement shall be in the appropriate state court in Hays County, Texas having jurisdiction or, if in federal court, the United States District Court for the Western District of Texas, Austin Division.

**11. Binding on Successors:** This agreement shall be binding upon the Seller and the Seller's heirs, executors, administrators, successors and assigns.

EXECUTED to be effective as of the date of the last signature below.

SELLER:

\_\_\_\_\_  
John Bugge

Date: \_\_\_\_\_

CITY OF SAN MARCOS, TEXAS

By: \_\_\_\_\_ Date: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_



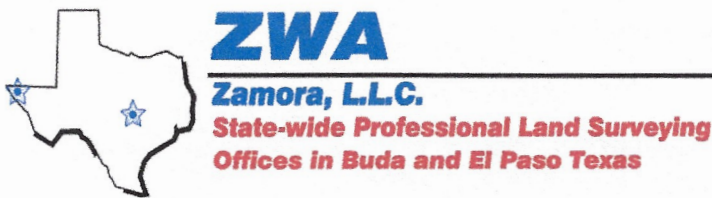


EXHIBIT "A"

John Bugge  
to  
City of San Marcos  
(Parcel #9)

**LEGAL DESCRIPTION**

DESCRIPTION OF 0.791 OF AN ACRE (34,472 SQ. FT.) OF LAND, SITUATED IN THE J. VERAMENDI SURVEY NUMBER 17 IN THE CITY OF SAN MARCOS, HAYS COUNTY, TEXAS, AND BEING OUT OF A CERTAIN 3.6378 ACRE TRACT OF LAND CONVEYED TO JOHN BUGGE, OF RECORD IN VOLUME 3468, PAGE 50, OFFICIAL PUBLIC RECORDS HAYS COUNTY, TEXAS; SAID 0.791 OF AN ACRE (34,472 SQ. FT.) OF LAND, AS SHOWN ON THE ACCOMPANYING SKETCH, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**COMMENCING** at a 1/2-inch iron rod found on the south right-of-way line of River Road, a variable width right-of-way, at the north corner of said 3.6378 acre tract, and being the west corner of Lot 1B, Replat of Lot 1 Tabor Addition, a subdivision of record in Book 10, Page 121, Plat Records, Hays County, Texas;

**THENCE**, S 45°49'37" E, along the north line of said 3.6378 acre tract, being also the south line of said Lot 1B, for a distance of 80.52 feet to a 1/2-inch iron rod with cap stamped "ZWA" set, on the north line of said 3.6378 acre tract, being also the south line of said Lot 1B, having grid coordinates of (N=13,868,605.42, E=2,312,377.05) and being the north corner and **POINT OF BEGINNING** of the herein described tract;

**THENCE**, S 45°49'37" E, continuing with said north line of said 3.6378 acre tract, and said south line of said Lot 1B, passing the south corner of said Lot 1B, being also the west corner of that certain 10.818 acre tract of land conveyed to Wesley Nichols, of record in Volume 11748, Page 745, Official Public Records, Hays County, Texas, for a distance of **75.00** feet to a 1/2-inch iron rod with cap stamped "ZWA" set, on the north line of said 3.6378 acre tract, being also the south line of said 10.818 acre tract, and being the east corner of the herein described tract;

**THENCE**, S 44°10'08" W, departing said north line of said 3.6378 acre tract, and said south line of said 10.818 acre tract, and crossing said 3.6378 acre tract, for a distance of **459.89** feet to a 1/2-inch iron rod with cap stamped "ZWA" set, on the south line of said 3.6378 acre tract, being also the north line of that certain 0.21 acre tract called Tract B, as conveyed to the City of San Marcos in Volume 253, Page 601, Official Public Records, Hays County, Texas, and being the south corner of the herein described tract;

**THENCE**, N 45°25'14" W, with said south line of said 3.6378 acre tract, and said north line of said Tract B, for a distance of **75.00** feet to a 1/2-inch iron rod with cap stamped "ZWA" set, on the south line of said 3.6378 acre tract, being also the north line of said Tract B, and being the west corner of the herein described tract;

**THENCE**, N 44°10'08" E, departing said south line of said 3.6378 acre tract and said north line of said Tract B, and crossing said 3.6378 acre tract, for a distance of **459.36** feet to the **POINT OF BEGINNING** and containing 0.791 of an acre (34,472 sq. ft.) of land.



**BEARING BASIS**

THE BEARINGS SHOWN HEREON ARE BASED ON TEXAS STATE PLANE COORDINATE SYSTEMS (CENTRAL ZONE 4203), NAD83 (93).

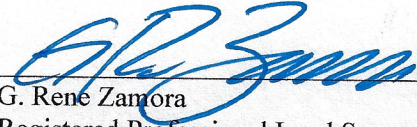
THE STATE OF TEXAS     §  
                                      §  
COUNTY OF HAYS       §

**KNOW ALL MEN BY THESE PRESENTS:**

That I, G. Rene Zamora, a Registered Professional Land Surveyor, do hereby state that the above description is true and correct to the best of my knowledge and belief and that the property described herein was determined by a survey made on the ground under my direction and supervision.

WITNESS MY HAND AND SEAL at Buda, Hays County, Texas this the 6th day of August, 2020,  
A.D.

Zamora, L.L.C.  
1425 South Loop 4  
Buda, Texas 78610  
512-295-6201  
Tx. Firm No. 10062700

  
G. Rene Zamora  
Registered Professional Land Surveyor  
No. 5682 – State of Texas



**REFERENCES**

HCAD PID No. R12015  
Vesting Deed Vol. 3468, Pg. 50



# SKETCH TO ACCOMPANY LEGAL DESCRIPTION

## LEGEND

- 1/2" IRON ROD FOUND
- 1/2" IRON ROD SET W/ZWA CAP
- △ CALCULATED POINT
- ▣ CONCRETE MONUMENT FOUND
- P.R.H.C.T. PLAT RECORDS HAYS COUNTY, TEXAS
- O.P.R.H.C.T. OFFICIAL PUBLIC RECORDS HAYS COUNTY, TEXAS
- ( ) RECORD INFORMATION
- POB POINT OF BEGINNING
- POC POINT OF COMMENCEMENT

### NOTE:

THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE REPORT. RECORD INFORMATION ON THIS DRAWING IS BASED ON A PUBLIC RECORDS SEARCH BY THE SURVEYOR AND MAY NOT INCLUDE ALL EASEMENTS OR INSTRUMENTS PERTAINING TO THIS PROPERTY.

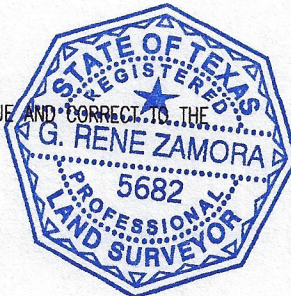
### META DATA:

ALL PROJECT COORDINATES ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE, NAD 83(2011) (EPOCH 2010.00).

I, G. RENE ZAMORA, DO HEREBY CERTIFY THAT THIS SURVEY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

*G. Rene Zamora*

G. RENE ZAMORA  
REGISTERED PROFESSIONAL LAND SURVEYOR  
TEXAS REGISTRATION NO. 5862



SHEET 3 OF 5

### LOCATIONS



# ZWA

**Zamora, L.L.C.**  
**Professional Land Surveyors**

Texas Firm No. 10062700  
1425 South Loop 4 • Buda, Texas 78610  
Tel: (512) 295-6201 • Fax: (512) 295-6091

PROJECT: BLANCO RIVERINE  
DRAINAGE RIGHT-OF-WAY

JOB NUMBER: 1024-09

DATE: AUGUST, 2020

SCALE: 1" = 50'

SURVEYOR: ZAMORA

TECHNICIAN: DMC

DRAWING: 1024-09-ESMT R12015.dwg

FIELDNOTES:

PARTYCHIEF:

FIELDBOOKS:

EXHIBIT TO ACCOMPANY LEGAL  
DESCRIPTION OF 0.791 ACRE  
TRACT OF LAND SITUATED IN THE  
J. VERAMENDI SURVEY, ABSTRACT  
NUMBER 17, HAYS COUNTY, TEXAS.



# SKETCH TO ACCOMPANY LEGAL DESCRIPTION

## RIVER ROAD (R.O.W. VARIES)

CITY OF SAN MARCOS  
0.365 ACRES  
VOLUME 1158, PAGE 735  
O.P.R.H.C.Tx.

CITY OF SAN MARCOS  
0.19 ACRES  
VOLUME 1158, PAGE 738  
O.P.R.H.C.Tx.

S44°02'15"W 458.79'  
(S44°10'09"W 459.74')

JOHN BUGGE  
3.6378 ACRES  
VOLUME 3468, PAGE 50  
O.P.R.H.C.Tx.  
PROPERTY ID: R12015

P.O.C.  
N=13,868,661.53  
E=2,312,319.30  
(GRID)

S45°49'37"E 80.52'

P.O.B.  
N=13,868,605.42  
E=2,312,377.05  
(GRID)

N44°10'08"E 459.36'

S45°49'37"E 75.00'

S44°10'08"W 459.89'

**PARCEL #9**  
**0.791 ACRES**  
**(34,472 S.F.)**

JOHN BUGGE  
3.6378 ACRES  
VOLUME 3468, PAGE 50  
O.P.R.H.C.Tx.  
PROPERTY ID: R12015

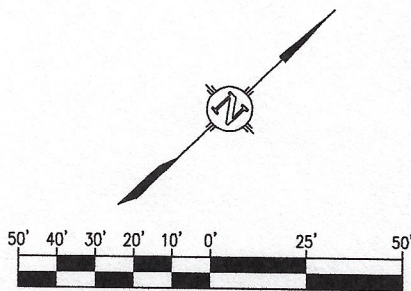
LOT 1B  
REPLAT OF LOT 1  
TABOR ADDITION  
BOOK 10, PAGE 121  
P.R.H.C.Tx.

G&H RENTAL PROPERTIES LLC  
VOLUME 5124, PAGE 511  
O.P.R.H.C.Tx.  
PROPERTY ID: R101038

WESLEY NICHOLS  
10.818 ACRES  
VOLUME 1178, PAGE 745  
O.P.R.H.C.Tx.  
PROPERTY ID: R12072

J. VERAMENDI SURVEY  
ABSTRACT NUMBER 17

ALPHA 80 ASSOCIATES LLC  
57.059 ACRES  
VOLUME 5370, PAGE 256  
O.P.R.H.C.Tx.  
PROPERTY ID: R12116 & R12117



GRAPHIC SCALE

1"=50'

JULY, 2020  
HAYS COUNTY, TEXAS

SHEET 4 OF 5

### LOCATIONS



**ZWA**

**Zamora, L.L.C.**  
**Professional Land Surveyors**

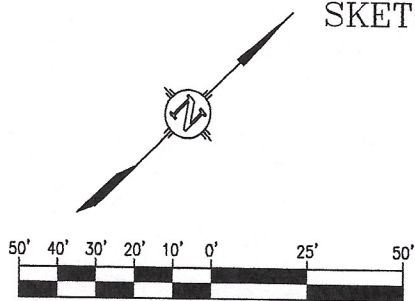
Texas Firm No. 10062700  
1425 South Loop 4 • Buda, Texas 78610  
Tel: (512) 295-6201 • Fax: (512) 295-6091

PROJECT: BLANCO RIVERINE  
DRAINAGE RIGHT-OF-WAY  
JOB NUMBER: 1024-09-ESMT  
DATE: AUGUST, 2020  
SCALE: 1"= 50'  
SURVEYOR: ZAMORA  
TECHNICIAN: DWC  
DRAWING: 1024-09-ESMT R12015.dwg  
FIELDNOTES:  
PARTYCHIEF:  
FIELDBOOKS:

EXHIBIT TO ACCOMPANY LEGAL  
DESCRIPTION OF 0.791 ACRE  
TRACT OF LAND SITUATED IN THE  
J. VERAMENDI SURVEY, ABSTRACT  
NUMBER 17, HAYS COUNTY, TEXAS.



# SKETCH TO ACCOMPANY LEGAL DESCRIPTION



GRAPHIC SCALE

1"=50'

JULY, 2020

HAYS COUNTY, TEXAS

CITY OF SAN MARCOS  
TRACT B  
0.21 ACRES  
VOLUME 253, PAGE 601  
O.P.R.H.C.TX.

CITY OF SAN MARCOS  
TRACT B  
VOLUME 997, PAGE 741  
O.P.R.H.C.TX.

CITY OF SAN MARCOS  
0.365 ACRES  
VOLUME 1158, PAGE 735  
O.P.R.H.C.TX.

S44°02'15"W 458.79'  
(S44°10'09"W 459.74')

JOHN BUGGE  
3.6378 ACRES  
VOLUME 3468, PAGE 50  
O.P.R.H.C.Tx.  
PROPERTY ID: R12015

JOE C. GARZA  
4.557 ACRES  
VOLUME 1170, PAGE 358  
O.P.R.H.C.Tx.  
PROPERTY ID: R12086

J. VERAMENDI SURVEY  
ABSTRACT NUMBER 17

CITY OF SAN MARCOS  
TRACT B  
0.21 ACRES  
VOLUME 253, PAGE 601  
O.P.R.H.C.Tx.

N45°25'14"W 79.47'

N45°25'14"W 75.00'

N44°10'08"E 459.36'

S44°10'08"W 459.89'

**PARCEL #9**  
**0.791 ACRES**  
**(34,472 S.F.)**

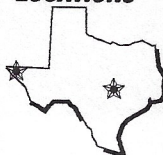
JOHN BUGGE  
3.6378 ACRES  
VOLUME 3468, PAGE 50  
O.P.R.H.C.Tx.  
PROPERTY ID: R12015

ALPHA 80 ASSOCIATES LLC  
57.059 ACRES  
VOLUME 5370, PAGE 256  
O.P.R.H.C.Tx.  
PROPERTY ID: R12116 & R12117

MATCH LINE

SHEET 5 OF 5

LOCATIONS



**ZWA**

**Zamora, LLC.**  
**Professional Land Surveyors**

Texas Firm No. 10062700  
1425 South Loop 4 • Suite, Texas 78610  
Tel: (512) 295-6201 • Fax: (512) 295-6091

PROJECT: BLANCO RIVERINE  
DRAINAGE RIGHT-OF-WAY

JOB NUMBER: 1024-09

DATE: AUGUST, 2020

SCALE: 1"= 50'

SURVEYOR: ZAMORA

TECHNICIAN: DWC

DRAWING: 1024-09-ESMT R12015.dwg

FIELDNOTES:

PARTYCHIEF:

FIELDBOOKS:

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DESCRIPTION OF 0.791 ACRE  
TRACT OF LAND SITUATED IN THE  
J. VERAMENDI SURVEY, ABSTRACT  
NUMBER 17, HAYS COUNTY, TEXAS.

**ZWA****Zamora, L.L.C.****State-wide Professional Land Surveying  
Offices in Buda and El Paso Texas****EXHIBIT " B "****John Bugge  
to  
City of San Marcos  
(Parcel #9-A)****LEGAL DESCRIPTION**

DESCRIPTION OF 2.006 ACRES (87,393 SQ. FT.) OF LAND, SITUATED IN THE J. VERAMENDI SURVEY NUMBER 17 IN THE CITY OF SAN MARCOS, HAYS COUNTY, TEXAS, AND BEING OUT OF A CERTAIN 3.6378 ACRE TRACT OF LAND CONVEYED TO JOHN BUGGE, OF RECORD IN VOLUME 3468, PAGE 50, OFFICIAL PUBLIC RECORDS HAYS COUNTY, TEXAS; SAID 2.006 ACRES (87,393 SQ. FT.) OF LAND, AS SHOWN ON THE ACCOMPANYING SKETCH, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**COMMENCING** at a 1/2-inch iron rod found on the south right-of-way line of River Road, a variable width right-of-way, at the north corner of said 3.6378 acre tract, being also the west corner of Lot 1B, Replat of Lot 1 Tabor Addition, a subdivision of record in Book 10, Page 121, Plat Records, Hays County, Texas;

**THENCE**, S 45°49'37" E, along the north line of said 3.6378 acre tract, being also the south line of said Lot 1B, passing the south corner of said Lot 1B, for a distance of 155.52 feet to a 1/2-inch iron rod with cap stamped "ZWA" set, on said north line of said 3.6378 acre tract, being also the south line of a certain 10.818 acre tract of land conveyed to Wesley Nichols, of record in Volume 11748, Page 745, Official Public Records, Hays County, Texas, having grid coordinates of (N=13,868,553.16, E=2,312,430.84), and being the north corner and **POINT OF BEGINNING** of the herein described tract;

**THENCE**, S 45°49'37" E, continuing with said north line of said 3.6378 acre tract, and said south line of said 10.818 acre tract, for a distance of **159.96** feet to a 1/2-inch iron rod with cap stamped "ZWA" set, at the east corner of said 3.6378 acre tract, being also the south corner of said 10.818 acre tract, being also the north corner of that certain 57.059 acre tract of land conveyed to Alpha 80 Associates, LLC, of record in Volume 5370, Page 256, Official Public Records, Hays County, Texas, and being the east corner of the herein described tract;

**THENCE**, S 36°48'36" W, departing said south line of said 10.818 acre tract, along the west line of said 57.059 acre tract, being also east line of said 3.6378 acre tract, for a distance of **465.28** feet to a 1/2-inch iron rod with cap stamped "ZWA" set, at the south corner of said 3.6378 acre tract, being also said west line of said 57.059 acre tract, and being the south corner of the herein described tract;

**THENCE**, N 45°25'14" W, with the south line of said 3.6378 acre tract, being also the west line of said 57.059 acre tract, for a distance of **219.56** feet to a 1/2-inch iron rod with cap stamped "ZWA" set, on the south line of said 3.6378 acre tract, being also the north line of that certain 0.21 acre tract, Tract B, conveyed to City of San Marcos, of record in Volume 253, Page 601, Official Public Records, Hays County, Texas, and being the west corner of the herein described tract, from which a 1/2-inch iron rod found bears N 45°25'14" W, at a distance of 154.47 feet;

**THENCE**, N 44°10'08" E, departing the common line of said 3.6378 acre tract and said Tract B, crossing said 3.6378 acre tract, for a distance of **459.89** feet to the **POINT OF BEGINNING** and containing 2.006 acres (87,393 sq. ft.) of land.



**BEARING BASIS**

THE BEARINGS SHOWN HEREON ARE BASED ON TEXAS STATE PLANE COORDINATE SYSTEMS (CENTRAL ZONE 4203), NAD83 (93).

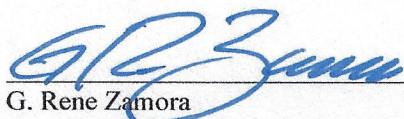
THE STATE OF TEXAS    §  
                                  §  
COUNTY OF HAYS       §

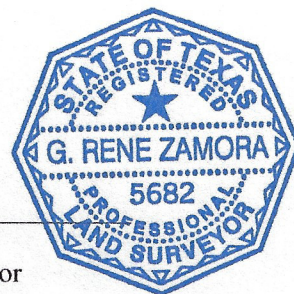
**KNOW ALL MEN BY THESE PRESENTS:**

That I, G. Rene Zamora, a Registered Professional Land Surveyor, do hereby state that the above description is true and correct to the best of my knowledge and belief and that the property described herein was determined by a survey made on the ground under my direction and supervision.

WITNESS MY HAND AND SEAL at Buda, Hays County, Texas this the 6th day of August, 2020,  
A.D.

Zamora, L.L.C.  
1425 South Loop 4  
Buda, Texas 78610  
512-295-6201  
Tx. Firm No. 10062700

  
G. Rene Zamora  
Registered Professional Land Surveyor  
No. 5682 – State of Texas



**REFERENCES**

HCAD PID No. R12015  
Vesting Deed Vol. 3468, Pg. 50

# SKETCH TO ACCOMPANY LEGAL DESCRIPTION

## LEGEND

- 1/2" IRON ROD FOUND
- 1/2" IRON ROD SET W/ZWA CAP
- △ CALCULATED POINT
- ▣ CONCRETE MONUMENT FOUND
- P.R.H.C.T. PLAT RECORDS HAYS COUNTY, TEXAS
- O.P.R.H.C.T. OFFICIAL PUBLIC RECORDS HAYS COUNTY, TEXAS
- ( ) RECORD INFORMATION
- POB POINT OF BEGINNING
- POC POINT OF COMMENCEMENT

### NOTE:

THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE REPORT. RECORD INFORMATION ON THIS DRAWING IS BASED ON A PUBLIC RECORDS SEARCH BY THE SURVEYOR AND MAY NOT INCLUDE ALL EASEMENTS OR INSTRUMENTS PERTAINING TO THIS PROPERTY.

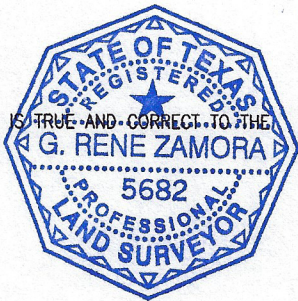
### META DATA:

ALL PROJECT COORDINATES ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE, NAD 83(2011) (EPOCH 2010.00).

I, G. RENE ZAMORA, DO HEREBY CERTIFY THAT THIS SURVEY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.



G. RENE ZAMORA  
REGISTERED PROFESSIONAL LAND SURVEYOR  
TEXAS REGISTRATION NO. 5862



SHEET 3 OF 5

### LOCATIONS



# ZWA

**Zamora, L.L.C.**  
**Professional Land Surveyors**

Texas Firm No. 10062700  
1425 South Loop 4 • Buda, Texas 78610  
Tel (512) 295-8201 • Fax (512) 295-8081

PROJECT: 2.006 ACRE TRACT

REMAINDER TRACT

JOB NUMBER: 1024-09

DATE: AUGUST, 2020

SCALE: 1" = 50'

SURVEYOR: ZAMORA

TECHNICIAN: DWC

DRAWING: 1024-09-ESMT R12015 REMAINDER.dwg

FIELDNOTES:

PARTYCHIEF:

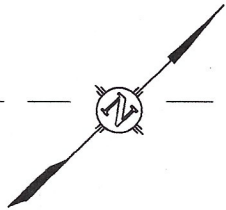
FIELDBOOKS:

EXHIBIT TO ACCOMPANY LEGAL  
DESCRIPTION OF 2.006 ACRE  
TRACT OF LAND SITUATED IN THE  
J. VERAMENDI SURVEY, ABSTRACT  
NUMBER 17, HAYS COUNTY, TEXAS.



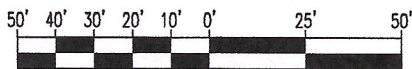
# SKETCH TO ACCOMPANY LEGAL DESCRIPTION

RIVER ROAD  
(R.O.W. VARIES)



CITY OF SAN MARCOS  
0.365 ACRES  
VOLUME 1158, PAGE 735  
O.P.R.H.C.TX.

CITY OF SAN MARCOS  
0.19 ACRES  
VOLUME 1158, PAGE 738  
O.P.R.H.C.TX.



GRAPHIC SCALE

1"=50'

JULY, 2020  
HAYS COUNTY, TEXAS

S44°02'15"W 458.79'  
(S44°10'09"W 459.74')

P.O.C.  
N=13,868,661.53  
E=2,312,319.30  
(GRID)

MATCH LINE

JOHN BUGGE  
3.6378 ACRES  
VOLUME 3468, PAGE 50  
O.P.R.H.C.Tx.  
PROPERTY ID: R12015

S45°49'37"E 155.52'

P.O.B.  
N=13,868,553.16  
E=2,312,430.84  
(GRID)

N44°10'06"E 459.89'

LOT 1B  
REPLAT OF LOT 1  
TABOR ADDITION  
BOOK 10, PAGE 121  
P.R.H.C.Tx.

G&H RENTAL PROPERTIES LLC  
VOLUME 5124, PAGE 511  
O.P.R.H.C.Tx.  
PROPERTY ID: R101038

**PARCEL 10-A**  
**2.006 ACRES**  
**(87,393 S.F.)**

S45°49'37"E 159.96'

WESLEY NICHOLS  
10.818 ACRES  
VOLUME 1178, PAGE 745  
O.P.R.H.C.Tx.  
PROPERTY ID: R12072

S35°48'36"W 465.28'

ALPHA 80 ASSOCIATES LLC  
57.059 ACRES  
VOLUME 5370, PAGE 256  
O.P.R.H.C.Tx.  
PROPERTY ID: R12116 & R12117

SHEET 4 OF 5

LOCATIONS



**ZWA**

**Zamora, L.L.C.**  
**Professional Land Surveyors**

Texas Firm No. 10062700  
1425 South Loop 4 • Buda, Texas 78610  
Tel: (512) 295-6201 • Fax (512) 295-6091

PROJECT:

JOB NUMBER: 1024-09-ESMT

DATE: JULY, 2020

SCALE: 1"= 50'

SURVEYOR: ZAMORA

TECHNICIAN: DWC

DRAWING: 1024-09-ESMT R12015.dwg

FIELDNOTES:

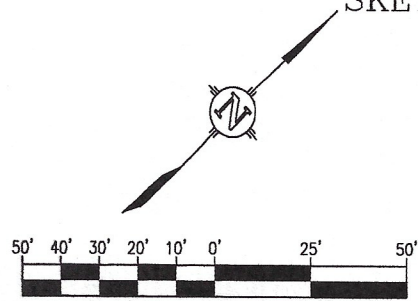
PARTYCHIEF:

FIELDBOOKS:

EXHIBIT TO ACCOMPANY LEGAL  
DESCRIPTION OF 0.791 ACRE  
TRACT OF LAND SITUATED IN THE  
J. VERAMENDI SURVEY, ABSTRACT  
NUMBER 17, HAYS COUNTY, TEXAS.



# SKETCH TO ACCOMPANY LEGAL DESCRIPTION



GRAPHIC SCALE

1"=50'

JULY, 2020

HAYS COUNTY, TEXAS

CITY OF SAN MARCOS  
TRACT B  
0.21 ACRES  
VOLUME 253, PAGE 601  
O.P.R.H.C.TX.

CITY OF SAN MARCOS  
0.365 ACRES  
VOLUME 1158, PAGE 735  
O.P.R.H.C.TX.

S44°02'15"W 458.79'  
(S44°10'09"W 459.74')

CITY OF SAN MARCOS  
TRACT B  
VOLUME 997, PAGE 741  
O.P.R.H.C.TX.

CITY OF SAN MARCOS  
TRACT B  
0.21 ACRES  
VOLUME 253, PAGE 601  
O.P.R.H.C.TX.

JOHN BUGGE  
3.6378 ACRES  
VOLUME 3468, PAGE 50  
O.P.R.H.C.TX.  
PROPERTY ID: R12015

JOE C. GARZA  
4.557 ACRES  
VOLUME 1170, PAGE 358  
O.P.R.H.C.TX.  
PROPERTY ID: R12086

N44°10'08"E 458.80'

N45°25'14"W 219.56'

**PARCEL 10-A**  
**2.006 ACRES**  
**(87,393 S.F.)**

ALPHA 80 ASSOCIATES LLC  
57.059 ACRES  
VOLUME 5370, PAGE 256  
O.P.R.H.C.TX.  
PROPERTY ID: R12116 & R12117

S36°48'36"W 465.28'

MATCH LINE

SHEET 5 OF 5

## LOCATIONS



# ZWA

**Zamora, L.L.C.**  
**Professional Land Surveyors**

Texas Firm No. 10062700  
1425 South Loop 4 • Buda, Texas 78610  
Tel: (512) 295-6201 • Fax: (512) 295-6091

## PROJECT: RIGHT-OF-WAY ESMT

JOB NUMBER: 1024-09-ESMT

DATE: JULY, 2020

SCALE: 1"= 50'

SURVEYOR: ZAMORA

TECHNICIAN: DWC

DRAWING: 1024-09-ESMT R12015.dwg

FIELDNOTES:

PARTYCHIEF:

FIELDBOOKS:

EXHIBIT TO ACCOMPANY LEGAL  
DESCRIPTION OF 0.791 ACRE  
TRACT OF LAND SITUATED IN THE  
J. VERAMENDI SURVEY, ABSTRACT  
NUMBER 17, HAYS COUNTY, TEXAS.



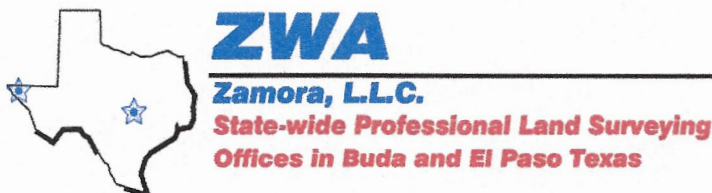


EXHIBIT "C"

John Bugge  
to  
City of San Marcos  
(Parcel #9-B)

**LEGAL DESCRIPTION**

DESCRIPTION OF 0.843 OF AN ACRE (36,723 SQ. FT.) OF LAND, SITUATED IN THE J. VERAMENDI SURVEY NUMBER 17 IN THE CITY OF SAN MARCOS, HAYS COUNTY, TEXAS, AND BEING OUT OF A CERTAIN 3.6378 ACRE TRACT OF LAND CONVEYED TO JOHN BUGGE, OF RECORD IN VOLUME 3468, PAGE 50, OFFICIAL PUBLIC RECORDS HAYS COUNTY, TEXAS; SAID 0.843 OF AN ACRE (36,723 SQ. FT.) OF LAND, AS SHOWN ON THE ACCOMPANYING SKETCH, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING** at a 1/2-inch iron rod found on the south right-of-way line of River Road, a variable width right-of-way, at the north corner of said 3.6378 acre tract, and being the west corner of Lot 1B, Replat of Lot 1 Tabor Addition, a subdivision of record in Book 10, Page 121, Plat Records, Hays County, Texas having grid coordinates of (N=13,868,605.42, E=2,312,377.05) and being the north corner and **POINT OF BEGINNING** of the herein described tract;

**THENCE, S 45°49'37" E**, along the north line of said 3.6378 acre tract, being also the south line of said Lot 1B, for a distance of **80.52** feet to a calculated point, on the north line of said 3.6378 acre tract, being also the south line of said Lot 1B, and being the east corner of the herein described tract;

**THENCE, S 44°10'08" W**, departing said north line of said 3.6378 acre tract, and said south line of said Lot 1B, over and across said 3.6378 acre tract, for a distance of **459.36** feet to a calculated point, on the south line of said 3.6378 acre tract, being also the north line of a certain 0.21 acre tract conveyed to the City of San Marcos, of record in Volume 253, Page 601, Official Public Records, Hays County, Texas, and being the south corner of the herein described tract;

**THENCE, N 45°25'14" W**, with said south line of said 3.6378 acre tract, and said north line of said 0.21 acre tract, for a distance of **79.47** feet to a 1/2-inch iron rod found, at the west corner of said 3.6378 acre tract, being also the north corner of said 0.21 acre tract, and being the west corner of the herein described tract;

**THENCE, N 44°02'15" E**, along the west line of said 3.6378 acre tract and being the south line of said River Road, for a distance of **458.79** feet to the **POINT OF BEGINNING** and containing 0.843 of an acre (36,723 sq. ft.) of land.



**BEARING BASIS**

THE BEARINGS SHOWN HEREON ARE BASED ON TEXAS STATE PLANE COORDINATE SYSTEMS (CENTRAL ZONE 4203), NAD83 (93).

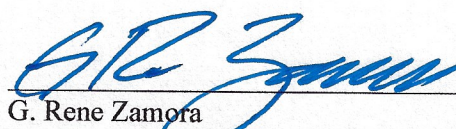
THE STATE OF TEXAS     §  
                                     §  
COUNTY OF HAYS       §

**KNOW ALL MEN BY THESE PRESENTS:**

That I, G. Rene Zamora, a Registered Professional Land Surveyor, do hereby state that the above description is true and correct to the best of my knowledge and belief and that the property described herein was determined by a survey made on the ground under my direction and supervision.

WITNESS MY HAND AND SEAL at Buda, Hays County, Texas this the 24th day of September, 2020, A.D.

Zamora, L.L.C.  
1425 South Loop 4  
Buda, Texas 78610  
512-295-6201  
Tx. Firm No. 10062700



G. Rene Zamora  
Registered Professional Land Surveyor  
No. 5682 – State of Texas



**REFERENCES**

HCAD PID No. R12015  
Vesting Deed Vol. 3468, Pg. 50

# SKETCH TO ACCOMPANY LEGAL DESCRIPTION

## LEGEND

- 1/2" IRON ROD FOUND
- △ CALCULATED POINT
- P.R.H.C.T. PLAT RECORDS HAYS COUNTY, TEXAS
- O.P.R.H.C.T. OFFICIAL PUBLIC RECORDS HAYS COUNTY, TEXAS
- ( ) RECORD INFORMATION
- POB POINT OF BEGINNING
- POC POINT OF COMMENCEMENT

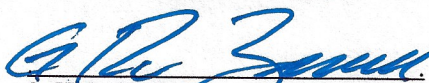
### NOTE:

THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE REPORT. RECORD INFORMATION ON THIS DRAWING IS BASED ON A PUBLIC RECORDS SEARCH BY THE SURVEYOR AND MAY NOT INCLUDE ALL EASEMENTS OR INSTRUMENTS PERTAINING TO THIS PROPERTY.

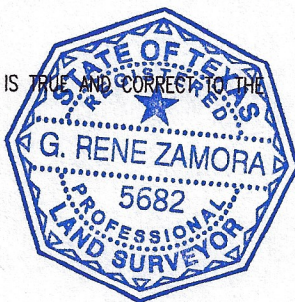
### META DATA:

ALL PROJECT COORDINATES ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, NAD 83(2011) (EPOCH 2010.00).  
THE VERTICAL DATUM UTILIZED IS NAVD88, GEOID MODEL 2012A.

I, G. RENE ZAMORA, DO HEREBY CERTIFY THAT THIS SURVEY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.



G. RENE ZAMORA  
REGISTERED PROFESSIONAL LAND SURVEYOR  
TEXAS REGISTRATION NO. 5862



SHEET 3 OF 5

### LOCATIONS



# ZWA

**Zamora, LLC.**  
**Professional Land Surveyors**

Texas Firm No. 10062700  
1425 South Loop 4 • Buda, Texas 78610  
Tel (512) 295-6201 • Fax (512) 295-6091

### PROJECT: PARCEL 9

JOB NUMBER: 1024-09-  
DATE: SEPTEMBER, 2020  
SCALE: 1" = 50'  
SURVEYOR: ZAMORA  
TECHNICIAN: DWC  
DRAWING: 1024-09-TCE R12015.dwg  
FIELDNOTES:  
PARTYCHIEF:  
FIELDBOOKS:

EXHIBIT TO ACCOMPANY LEGAL  
DESCRIPTION OF 0.843 ACRE  
TRACT OF LAND SITUATED IN THE  
J. VERAMENDI SURVEY, ABSTRACT  
NUMBER 17, HAYS COUNTY, TEXAS.



# SKETCH TO ACCOMPANY LEGAL DESCRIPTION

RIVER ROAD  
(R.O.W. VARIES)

CITY OF SAN MARCOS  
0.365 ACRES  
VOLUME 1158, PAGE 735  
O.P.R.H.C.Tx.

**N44°02'15"E 458.79'**  
(N44°10'09"E 459.74')

CITY OF SAN MARCOS  
0.19 ACRES  
VOLUME 1158, PAGE 738  
O.P.R.H.C.Tx.

**PARCEL 9-B**  
**0.843 ACRES**  
**(36,723 S.F.)**

P.O.B.  
N=13,868,661.53  
E=2,312,319.30  
(GRID)

**S45°49'37"E 80.52'**

**S44°10'08"W 459.36'**

JOHN BUGGE  
3.6378 ACRES  
VOLUME 3468, PAGE 50  
O.P.R.H.C.Tx.  
PROPERTY ID: R12015

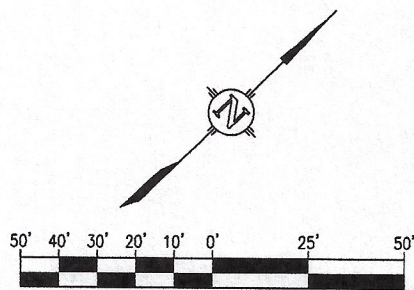
LOT 1B  
REPLAT OF LOT 1  
TABOR ADDITION  
BOOK 10, PAGE 121  
P.R.H.C.Tx.

G&H RENTAL PROPERTIES LLC  
VOLUME 5124, PAGE 511  
O.P.R.H.C.Tx.  
PROPERTY ID: R101038

WESLEY NICHOLS  
10.818 ACRES  
VOLUME 1178, PAGE 745  
O.P.R.H.C.Tx.  
PROPERTY ID: R12072

**J. VERAMENDI SURVEY**  
**ABSTRACT NUMBER 17**

ALPHA 80 ASSOCIATES LLC  
57.059 ACRES  
VOLUME 5370, PAGE 256  
O.P.R.H.C.Tx.  
PROPERTY ID: R12116 & R12117



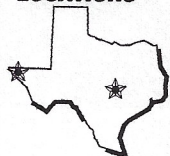
GRAPHIC SCALE

1"=50'

SEPTEMBER, 2020  
HAYS COUNTY, TEXAS

SHEET 4 OF 5

## LOCATIONS



**ZWA**

**Zamora, LLC.**  
**Professional Land Surveyors**

Texas Firm No. 10062700  
1425 South Loop 4 • Buda, Texas 78610  
Tel: (512) 295-6201 • Fax (512) 295-6091

PROJECT: PARCEL 9-B

JOB NUMBER: 1024-09-9-B

DATE: SEPTEMBER, 2020

SCALE: 1" = 50'

SURVEYOR: ZAMORA

TECHNICIAN: DWC

DRAWING: 1024-09-TCE R12015.dwg

FIELDNOTES:

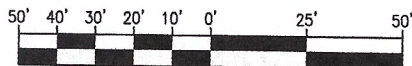
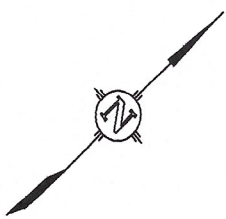
PARTYCHIEF:

FIELDBOOKS:

EXHIBIT TO ACCOMPANY LEGAL  
DESCRIPTION OF 0.843 ACRE  
TRACT OF LAND SITUATED IN THE  
J. VERAMENDI SURVEY, ABSTRACT  
NUMBER 17, HAYS COUNTY, TEXAS.



# SKETCH TO ACCOMPANY LEGAL DESCRIPTION



GRAPHIC SCALE

1"=50'

SEPTEMBER, 2020  
HAYS COUNTY, TEXAS

CITY OF SAN MARCOS  
TRACT B  
0.21 ACRES  
VOLUME 253, PAGE 601  
O.P.R.H.C.TX.

CITY OF SAN MARCOS  
TRACT B  
VOLUME 997, PAGE 741  
O.P.R.H.C.TX.

JOE C. GARZA  
4.557 ACRES  
VOLUME 1170, PAGE 358  
O.P.R.H.C.Tx.  
PROPERTY ID: R12086

CITY OF SAN MARCOS  
TRACT B  
0.21 ACRES  
VOLUME 253, PAGE 601  
O.P.R.H.C.TX.

CITY OF SAN MARCOS  
0.365 ACRES  
VOLUME 1158, PAGE 735  
O.P.R.H.C.TX. **N44°02'15"E 458.79'**  
(N44°10'09"E 459.74')

**PARCEL 9-B**  
**0.843 ACRES**  
**(36,723 S.F.)**

**S44°10'08"W 459.36'**

JOHN BUGGE  
3.6378 ACRES  
VOLUME 3468, PAGE 50  
O.P.R.H.C.Tx.  
PROPERTY ID: R12015

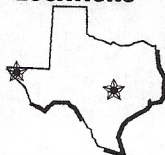
**J. VERAMENDI SURVEY**  
**ABSTRACT NUMBER 17**

ALPHA 80 ASSOCIATES LLC  
57.059 ACRES  
VOLUME 5370, PAGE 256  
O.P.R.H.C.Tx.  
PROPERTY ID: R12116 & R12117

MATCH LINE

SHEET 5 OF 5

## LOCATIONS



**ZWA**

**Zamora, LLC.**  
**Professional Land Surveyors**  
Texas Firm No. 10062700  
1425 South Loop 4 • Buda, Texas 78610  
Tel (512) 295-6201 • Fax (512) 295-6091

## PROJECT: PARCEL 9-B

JOB NUMBER: 1024-09-B  
DATE: SEPTEMBER, 2020  
SCALE: 1"= 50'  
SURVEYOR: ZAMORA  
TECHNICIAN: DWC  
DRAWING: 1024-09-TCE R12015.dwg  
FIELDNOTES:  
PARTYCHIEF:  
FIELDBOOKS:

EXHIBIT TO ACCOMPANY LEGAL  
DESCRIPTION OF 0.843 ACRE  
TRACT OF LAND SITUATED IN THE  
J. VERAMENDI SURVEY, ABSTRACT  
NUMBER 17, HAYS COUNTY, TEXAS.

**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.**



Page 1 of 2

## **GENERAL WARRANTY DEED**

**Date:**

**Grantor(s), whether one or more:**

John Bugge, a single man, owning and occupying other property as homestead.

**Grantor's Mailing Address (including county):**

18152 Interstate 10  
Luling, Caldwell County, Texas 78648-3702

**Grantee:**

The City of San Marcos, Hays County, Texas

**Grantee's Mailing Address (including county):**

The City of San Marcos  
630 East Hopkins Street  
San Marcos, Texas 78666  
Hays County, Texas

**Consideration:**

Ten Dollars (\$10.00) and other good and valuable consideration to Grantor paid, cash in hand, by Grantee herein, the receipt of which is hereby acknowledged.

**Property (Including any Improvements):**

All of those certain tracts or parcels of land in Hays County, Texas, being more particularly described in the attached Exhibits A, B, and C (the "**Property**").

**Reservations from and Exceptions to Conveyance and Warranty:**

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.



Grantor, for the Consideration and subject to the Reservations from and 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 or assigns forever. Grantor binds 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 whomever lawfully claiming or to claim the same or any part thereof, except as to the Reservations from and Exceptions to Conveyance and Warranty.

Grantee assumes no liability for any taxes and assessments due and unpaid through the date of this deed by Grantee and Grantor agrees to indemnify, defend and hold harmless Grantee against and from assessments, claims demands, lawsuits or other losses incurred by Grantee arising from any such unpaid taxes and assessments.

EXECUTED to be effective as of the date first written above.

**GRANTOR:**

\_\_\_\_\_  
JOHN BUGGE

---

---

Acknowledgement

State of Texas  
County of

This instrument was acknowledged before me on \_\_\_\_\_  
by \_\_\_\_\_.

\_\_\_\_\_  
Notary Public's Signature

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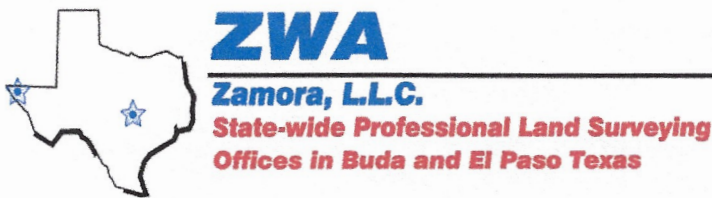


EXHIBIT "A"

John Bugge  
to  
City of San Marcos  
(Parcel #9)

**LEGAL DESCRIPTION**

DESCRIPTION OF 0.791 OF AN ACRE (34,472 SQ. FT.) OF LAND, SITUATED IN THE J. VERAMENDI SURVEY NUMBER 17 IN THE CITY OF SAN MARCOS, HAYS COUNTY, TEXAS, AND BEING OUT OF A CERTAIN 3.6378 ACRE TRACT OF LAND CONVEYED TO JOHN BUGGE, OF RECORD IN VOLUME 3468, PAGE 50, OFFICIAL PUBLIC RECORDS HAYS COUNTY, TEXAS; SAID 0.791 OF AN ACRE (34,472 SQ. FT.) OF LAND, AS SHOWN ON THE ACCOMPANYING SKETCH, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**COMMENCING** at a 1/2-inch iron rod found on the south right-of-way line of River Road, a variable width right-of-way, at the north corner of said 3.6378 acre tract, and being the west corner of Lot 1B, Replat of Lot 1 Tabor Addition, a subdivision of record in Book 10, Page 121, Plat Records, Hays County, Texas;

**THENCE**, S 45°49'37" E, along the north line of said 3.6378 acre tract, being also the south line of said Lot 1B, for a distance of 80.52 feet to a 1/2-inch iron rod with cap stamped "ZWA" set, on the north line of said 3.6378 acre tract, being also the south line of said Lot 1B, having grid coordinates of (N=13,868,605.42, E=2,312,377.05) and being the north corner and **POINT OF BEGINNING** of the herein described tract;

**THENCE**, S 45°49'37" E, continuing with said north line of said 3.6378 acre tract, and said south line of said Lot 1B, passing the south corner of said Lot 1B, being also the west corner of that certain 10.818 acre tract of land conveyed to Wesley Nichols, of record in Volume 11748, Page 745, Official Public Records, Hays County, Texas, for a distance of **75.00** feet to a 1/2-inch iron rod with cap stamped "ZWA" set, on the north line of said 3.6378 acre tract, being also the south line of said 10.818 acre tract, and being the east corner of the herein described tract;

**THENCE**, S 44°10'08" W, departing said north line of said 3.6378 acre tract, and said south line of said 10.818 acre tract, and crossing said 3.6378 acre tract, for a distance of **459.89** feet to a 1/2-inch iron rod with cap stamped "ZWA" set, on the south line of said 3.6378 acre tract, being also the north line of that certain 0.21 acre tract called Tract B, as conveyed to the City of San Marcos in Volume 253, Page 601, Official Public Records, Hays County, Texas, and being the south corner of the herein described tract;

**THENCE**, N 45°25'14" W, with said south line of said 3.6378 acre tract, and said north line of said Tract B, for a distance of **75.00** feet to a 1/2-inch iron rod with cap stamped "ZWA" set, on the south line of said 3.6378 acre tract, being also the north line of said Tract B, and being the west corner of the herein described tract;

**THENCE**, N 44°10'08" E, departing said south line of said 3.6378 acre tract and said north line of said Tract B, and crossing said 3.6378 acre tract, for a distance of **459.36** feet to the **POINT OF BEGINNING** and containing 0.791 of an acre (34,472 sq. ft.) of land.



**BEARING BASIS**

THE BEARINGS SHOWN HEREON ARE BASED ON TEXAS STATE PLANE COORDINATE SYSTEMS (CENTRAL ZONE 4203), NAD83 (93).

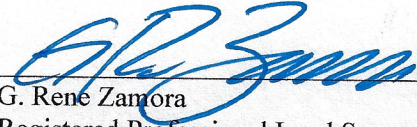
THE STATE OF TEXAS     §  
                                     §  
COUNTY OF HAYS       §

**KNOW ALL MEN BY THESE PRESENTS:**

That I, G. Rene Zamora, a Registered Professional Land Surveyor, do hereby state that the above description is true and correct to the best of my knowledge and belief and that the property described herein was determined by a survey made on the ground under my direction and supervision.

WITNESS MY HAND AND SEAL at Buda, Hays County, Texas this the 6th day of August, 2020,  
A.D.

Zamora, L.L.C.  
1425 South Loop 4  
Buda, Texas 78610  
512-295-6201  
Tx. Firm No. 10062700

  
G. Rene Zamora  
Registered Professional Land Surveyor  
No. 5682 – State of Texas



**REFERENCES**

HCAD PID No. R12015  
Vesting Deed Vol. 3468, Pg. 50



# SKETCH TO ACCOMPANY LEGAL DESCRIPTION

## LEGEND

- 1/2" IRON ROD FOUND
- 1/2" IRON ROD SET W/ZWA CAP
- △ CALCULATED POINT
- ▣ CONCRETE MONUMENT FOUND
- P.R.H.C.T. PLAT RECORDS HAYS COUNTY, TEXAS
- O.P.R.H.C.T. OFFICIAL PUBLIC RECORDS HAYS COUNTY, TEXAS
- ( ) RECORD INFORMATION
- POB POINT OF BEGINNING
- POC POINT OF COMMENCEMENT

### NOTE:

THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE REPORT. RECORD INFORMATION ON THIS DRAWING IS BASED ON A PUBLIC RECORDS SEARCH BY THE SURVEYOR AND MAY NOT INCLUDE ALL EASEMENTS OR INSTRUMENTS PERTAINING TO THIS PROPERTY.

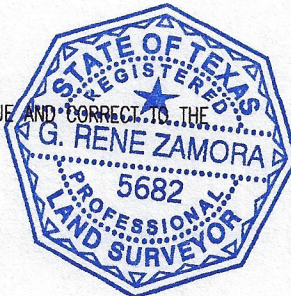
### META DATA:

ALL PROJECT COORDINATES ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE, NAD 83(2011) (EPOCH 2010.00).

I, G. RENE ZAMORA, DO HEREBY CERTIFY THAT THIS SURVEY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

*G. Rene Zamora*

G. RENE ZAMORA  
REGISTERED PROFESSIONAL LAND SURVEYOR  
TEXAS REGISTRATION NO. 5862



SHEET 3 OF 5

### LOCATIONS



# ZWA

**Zamora, L.L.C.**  
**Professional Land Surveyors**

Texas Firm No. 10062700  
1425 South Loop 4 • Buda, Texas 78610  
Tel: (512) 295-6201 • Fax: (512) 295-6091

PROJECT: BLANCO RIVERINE DRAINAGE RIGHT-OF-WAY

JOB NUMBER: 1024-09

DATE: AUGUST, 2020

SCALE: 1" = 50'

SURVEYOR: ZAMORA

TECHNICIAN: DMC

DRAWING: 1024-09-ESMT R12015.dwg

FIELDNOTES:

PARTYCHIEF:

FIELDBOOKS:

EXHIBIT TO ACCOMPANY LEGAL DESCRIPTION OF 0.791 ACRE TRACT OF LAND SITUATED IN THE J. VERAMENDI SURVEY, ABSTRACT NUMBER 17, HAYS COUNTY, TEXAS.



# SKETCH TO ACCOMPANY LEGAL DESCRIPTION

## RIVER ROAD (R.O.W. VARIES)

CITY OF SAN MARCOS  
0.365 ACRES  
VOLUME 1158, PAGE 735  
O.P.R.H.C.Tx.

CITY OF SAN MARCOS  
0.19 ACRES  
VOLUME 1158, PAGE 738  
O.P.R.H.C.Tx.

S44°02'15"W 458.79'  
(S44°10'09"W 459.74')

JOHN BUGGE  
3.6378 ACRES  
VOLUME 3468, PAGE 50  
O.P.R.H.C.Tx.  
PROPERTY ID: R12015

P.O.C.  
N=13,868,661.53  
E=2,312,319.30  
(GRID)

S45°49'37"E 80.52'

P.O.B.  
N=13,868,605.42  
E=2,312,377.05  
(GRID)

N44°10'08"E 459.36'

S45°49'37"E 75.00'

S44°10'08"W 459.89'

**PARCEL #9**  
**0.791 ACRES**  
**(34,472 S.F.)**

JOHN BUGGE  
3.6378 ACRES  
VOLUME 3468, PAGE 50  
O.P.R.H.C.Tx.  
PROPERTY ID: R12015

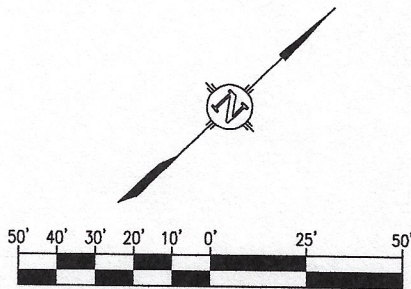
LOT 1B  
REPLAT OF LOT 1  
TABOR ADDITION  
BOOK 10, PAGE 121  
P.R.H.C.Tx.

G&H RENTAL PROPERTIES LLC  
VOLUME 5124, PAGE 511  
O.P.R.H.C.Tx.  
PROPERTY ID: R101038

WESLEY NICHOLS  
10.818 ACRES  
VOLUME 1178, PAGE 745  
O.P.R.H.C.Tx.  
PROPERTY ID: R12072

J. VERAMENDI SURVEY  
ABSTRACT NUMBER 17

ALPHA 80 ASSOCIATES LLC  
57.059 ACRES  
VOLUME 5370, PAGE 256  
O.P.R.H.C.Tx.  
PROPERTY ID: R12116 & R12117



GRAPHIC SCALE

1"=50'

JULY, 2020  
HAYS COUNTY, TEXAS

SHEET 4 OF 5

### LOCATIONS



**ZWA**

**Zamora, L.L.C.**  
**Professional Land Surveyors**

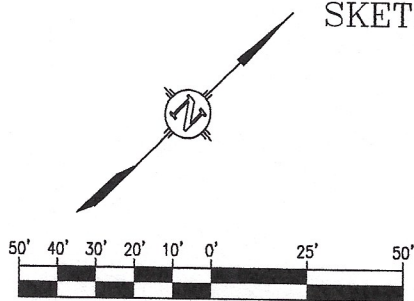
Texas Firm No. 10062700  
1425 South Loop 4 • Buda, Texas 78610  
Tel: (512) 295-6201 • Fax: (512) 295-6091

PROJECT: BLANCO RIVERINE  
DRAINAGE RIGHT-OF-WAY  
JOB NUMBER: 1024-09-ESMT  
DATE: AUGUST, 2020  
SCALE: 1"= 50'  
SURVEYOR: ZAMORA  
TECHNICIAN: DWC  
DRAWING: 1024-09-ESMT R12015.dwg  
FIELDNOTES:  
PARTYCHIEF:  
FIELDBOOKS:

EXHIBIT TO ACCOMPANY LEGAL  
DESCRIPTION OF 0.791 ACRE  
TRACT OF LAND SITUATED IN THE  
J. VERAMENDI SURVEY, ABSTRACT  
NUMBER 17, HAYS COUNTY, TEXAS.



# SKETCH TO ACCOMPANY LEGAL DESCRIPTION



GRAPHIC SCALE

1"=50'

JULY, 2020

HAYS COUNTY, TEXAS

CITY OF SAN MARCOS  
TRACT B  
0.21 ACRES  
VOLUME 253, PAGE 601  
O.P.R.H.C.TX.

CITY OF SAN MARCOS  
TRACT B  
VOLUME 997, PAGE 741  
O.P.R.H.C.TX.

CITY OF SAN MARCOS  
0.365 ACRES  
VOLUME 1158, PAGE 735  
O.P.R.H.C.TX.

S44°02'15"W 458.79'  
(S44°10'09"W 459.74')

JOHN BUGGE  
3.6378 ACRES  
VOLUME 3468, PAGE 50  
O.P.R.H.C.Tx.  
PROPERTY ID: R12015

JOE C. GARZA  
4.557 ACRES  
VOLUME 1170, PAGE 358  
O.P.R.H.C.Tx.  
PROPERTY ID: R12086

J. VERAMENDI SURVEY  
ABSTRACT NUMBER 17

CITY OF SAN MARCOS  
TRACT B  
0.21 ACRES  
VOLUME 253, PAGE 601  
O.P.R.H.C.Tx.

N45°25'14"W 79.47'

N45°25'14"W 75.00'

N44°10'08"E 459.36'

S44°10'08"W 459.89'

**PARCEL #9**  
**0.791 ACRES**  
**(34,472 S.F.)**

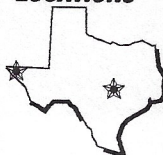
JOHN BUGGE  
3.6378 ACRES  
VOLUME 3468, PAGE 50  
O.P.R.H.C.Tx.  
PROPERTY ID: R12015

ALPHA 80 ASSOCIATES LLC  
57.059 ACRES  
VOLUME 5370, PAGE 256  
O.P.R.H.C.Tx.  
PROPERTY ID: R12116 & R12117

MATCH LINE

SHEET 5 OF 5

LOCATIONS



**ZWA**

**Zamora, LLC.**  
**Professional Land Surveyors**

Texas Firm No. 10062700  
1425 South Loop 4 • Suite, Texas 78610  
Tel: (512) 295-6201 • Fax: (512) 295-6091

PROJECT: BLANCO RIVERINE  
DRAINAGE RIGHT-OF-WAY

JOB NUMBER: 1024-09

DATE: AUGUST, 2020

SCALE: 1"= 50'

SURVEYOR: ZAMORA

TECHNICIAN: DWC

DRAWING: 1024-09-ESMT R12015.dwg

FIELDNOTES:

PARTYCHIEF:

FIELDBOOKS:

EXHIBIT TO ACCOMPANY LEGAL  
DESCRIPTION OF 0.791 ACRE  
TRACT OF LAND SITUATED IN THE  
J. VERAMENDI SURVEY, ABSTRACT  
NUMBER 17, HAYS COUNTY, TEXAS.

**ZWA****Zamora, L.L.C.****State-wide Professional Land Surveying  
Offices in Buda and El Paso Texas****EXHIBIT " B "****John Bugge  
to  
City of San Marcos  
(Parcel #9-A)****LEGAL DESCRIPTION**

DESCRIPTION OF 2.006 ACRES (87,393 SQ. FT.) OF LAND, SITUATED IN THE J. VERAMENDI SURVEY NUMBER 17 IN THE CITY OF SAN MARCOS, HAYS COUNTY, TEXAS, AND BEING OUT OF A CERTAIN 3.6378 ACRE TRACT OF LAND CONVEYED TO JOHN BUGGE, OF RECORD IN VOLUME 3468, PAGE 50, OFFICIAL PUBLIC RECORDS HAYS COUNTY, TEXAS; SAID 2.006 ACRES (87,393 SQ. FT.) OF LAND, AS SHOWN ON THE ACCOMPANYING SKETCH, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**COMMENCING** at a 1/2-inch iron rod found on the south right-of-way line of River Road, a variable width right-of-way, at the north corner of said 3.6378 acre tract, being also the west corner of Lot 1B, Replat of Lot 1 Tabor Addition, a subdivision of record in Book 10, Page 121, Plat Records, Hays County, Texas;

**THENCE**, S 45°49'37" E, along the north line of said 3.6378 acre tract, being also the south line of said Lot 1B, passing the south corner of said Lot 1B, for a distance of 155.52 feet to a 1/2-inch iron rod with cap stamped "ZWA" set, on said north line of said 3.6378 acre tract, being also the south line of a certain 10.818 acre tract of land conveyed to Wesley Nichols, of record in Volume 11748, Page 745, Official Public Records, Hays County, Texas, having grid coordinates of (N=13,868,553.16, E=2,312,430.84), and being the north corner and **POINT OF BEGINNING** of the herein described tract;

**THENCE**, S 45°49'37" E, continuing with said north line of said 3.6378 acre tract, and said south line of said 10.818 acre tract, for a distance of **159.96** feet to a 1/2-inch iron rod with cap stamped "ZWA" set, at the east corner of said 3.6378 acre tract, being also the south corner of said 10.818 acre tract, being also the north corner of that certain 57.059 acre tract of land conveyed to Alpha 80 Associates, LLC, of record in Volume 5370, Page 256, Official Public Records, Hays County, Texas, and being the east corner of the herein described tract;

**THENCE**, S 36°48'36" W, departing said south line of said 10.818 acre tract, along the west line of said 57.059 acre tract, being also east line of said 3.6378 acre tract, for a distance of **465.28** feet to a 1/2-inch iron rod with cap stamped "ZWA" set, at the south corner of said 3.6378 acre tract, being also said west line of said 57.059 acre tract, and being the south corner of the herein described tract;

**THENCE**, N 45°25'14" W, with the south line of said 3.6378 acre tract, being also the west line of said 57.059 acre tract, for a distance of **219.56** feet to a 1/2-inch iron rod with cap stamped "ZWA" set, on the south line of said 3.6378 acre tract, being also the north line of that certain 0.21 acre tract, Tract B, conveyed to City of San Marcos, of record in Volume 253, Page 601, Official Public Records, Hays County, Texas, and being the west corner of the herein described tract, from which a 1/2-inch iron rod found bears N 45°25'14" W, at a distance of 154.47 feet;

**THENCE**, N 44°10'08" E, departing the common line of said 3.6378 acre tract and said Tract B, crossing said 3.6378 acre tract, for a distance of **459.89** feet to the **POINT OF BEGINNING** and containing 2.006 acres (87,393 sq. ft.) of land.



**BEARING BASIS**

THE BEARINGS SHOWN HEREON ARE BASED ON TEXAS STATE PLANE COORDINATE SYSTEMS (CENTRAL ZONE 4203), NAD83 (93).

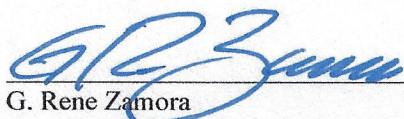
THE STATE OF TEXAS    §  
                                  §  
COUNTY OF HAYS       §

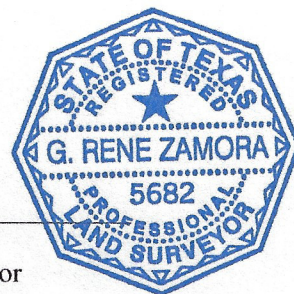
**KNOW ALL MEN BY THESE PRESENTS:**

That I, G. Rene Zamora, a Registered Professional Land Surveyor, do hereby state that the above description is true and correct to the best of my knowledge and belief and that the property described herein was determined by a survey made on the ground under my direction and supervision.

WITNESS MY HAND AND SEAL at Buda, Hays County, Texas this the 6th day of August, 2020,  
A.D.

Zamora, L.L.C.  
1425 South Loop 4  
Buda, Texas 78610  
512-295-6201  
Tx. Firm No. 10062700

  
G. Rene Zamora  
Registered Professional Land Surveyor  
No. 5682 – State of Texas



**REFERENCES**

HCAD PID No. R12015  
Vesting Deed Vol. 3468, Pg. 50



# SKETCH TO ACCOMPANY LEGAL DESCRIPTION

## LEGEND

- 1/2" IRON ROD FOUND
- 1/2" IRON ROD SET W/ZWA CAP
- △ CALCULATED POINT
- ▣ CONCRETE MONUMENT FOUND
- P.R.H.C.T. PLAT RECORDS HAYS COUNTY, TEXAS
- O.P.R.H.C.T. OFFICIAL PUBLIC RECORDS HAYS COUNTY, TEXAS
- ( ) RECORD INFORMATION
- POB POINT OF BEGINNING
- POC POINT OF COMMENCEMENT

### NOTE:

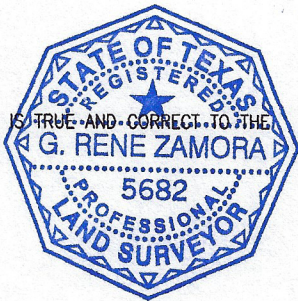
THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE REPORT. RECORD INFORMATION ON THIS DRAWING IS BASED ON A PUBLIC RECORDS SEARCH BY THE SURVEYOR AND MAY NOT INCLUDE ALL EASEMENTS OR INSTRUMENTS PERTAINING TO THIS PROPERTY.

### META DATA:

ALL PROJECT COORDINATES ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE, NAD 83(2011) (EPOCH 2010.00).

I, G. RENE ZAMORA, DO HEREBY CERTIFY THAT THIS SURVEY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

  
G. RENE ZAMORA  
REGISTERED PROFESSIONAL LAND SURVEYOR  
TEXAS REGISTRATION NO. 5862



SHEET 3 OF 5

### LOCATIONS



# ZWA

**Zamora, L.L.C.**  
**Professional Land Surveyors**

Texas Firm No. 10062700  
1425 South Loop 4 • Buda, Texas 78610  
Tel: (512) 295-8201 • Fax: (512) 295-8081

PROJECT: 2.006 ACRE TRACT

REMAINDER TRACT

JOB NUMBER: 1024-09

DATE: AUGUST, 2020

SCALE: 1" = 50'

SURVEYOR: ZAMORA

TECHNICIAN: DWC

DRAWING: 1024-09-ESMT R12015 REMAINDER.dwg

FIELDNOTES:

PARTYCHIEF:

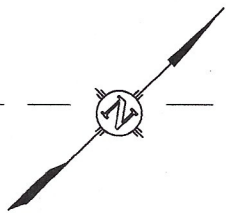
FIELDBOOKS:

EXHIBIT TO ACCOMPANY LEGAL  
DESCRIPTION OF 2.006 ACRE  
TRACT OF LAND SITUATED IN THE  
J. VERAMENDI SURVEY, ABSTRACT  
NUMBER 17, HAYS COUNTY, TEXAS.



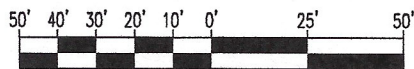
# SKETCH TO ACCOMPANY LEGAL DESCRIPTION

## RIVER ROAD (R.O.W. VARIES)



CITY OF SAN MARCOS  
0.365 ACRES  
VOLUME 1158, PAGE 735  
O.P.R.H.C.TX.

CITY OF SAN MARCOS  
0.19 ACRES  
VOLUME 1158, PAGE 738  
O.P.R.H.C.TX.



GRAPHIC SCALE

1"=50'

JULY, 2020  
HAYS COUNTY, TEXAS

S44°02'15"W 458.79'  
(S44°10'09"W 459.74')

P.O.C.  
N=13,868,661.53  
E=2,312,319.30  
(GRID)

MATCH LINE

JOHN BUGGE  
3.6378 ACRES  
VOLUME 3468, PAGE 50  
O.P.R.H.C.Tx.  
PROPERTY ID: R12015

S45°49'37"E 155.52'

P.O.B.  
N=13,868,553.16  
E=2,312,430.84  
(GRID)

N44°10'06"E 459.89'

LOT 1B  
REPLAT OF LOT 1  
TABOR ADDITION  
BOOK 10, PAGE 121  
P.R.H.C.Tx.

G&H RENTAL PROPERTIES LLC  
VOLUME 5124, PAGE 511  
O.P.R.H.C.Tx.  
PROPERTY ID: R101038

**PARCEL 10-A**  
**2.006 ACRES**  
**(87,393 S.F.)**

S45°49'37"E 159.96'

WESLEY NICHOLS  
10.818 ACRES  
VOLUME 1178, PAGE 745  
O.P.R.H.C.Tx.  
PROPERTY ID: R12072

S35°48'36"W 465.28'

ALPHA 80 ASSOCIATES LLC  
57.059 ACRES  
VOLUME 5370, PAGE 256  
O.P.R.H.C.Tx.  
PROPERTY ID: R12116 & R12117

SHEET 4 OF 5

### LOCATIONS



# ZWA

**Zamora, L.L.C.**  
**Professional Land Surveyors**  
Texas Firm No. 10062700  
1425 South Loop 4 • Buda, Texas 78610  
Tel: (512) 295-6201 • Fax (512) 295-6091

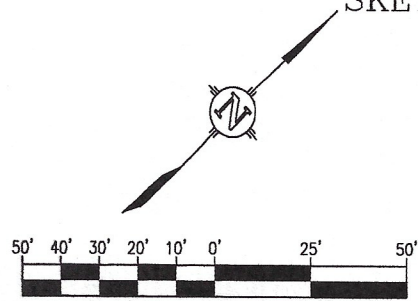
### PROJECT:

RIGHT-OF-WAY ESMT  
JOB NUMBER: 1024-09-ESMT  
DATE: JULY, 2020  
SCALE: 1"= 50'  
SURVEYOR: ZAMORA  
TECHNICIAN: DWC  
DRAWING: 1024-09-ESMT R12015.dwg  
FIELDNOTES:  
PARTYCHIEF:  
FIELDBOOKS:

EXHIBIT TO ACCOMPANY LEGAL  
DESCRIPTION OF 0.791 ACRE  
TRACT OF LAND SITUATED IN THE  
J. VERAMENDI SURVEY, ABSTRACT  
NUMBER 17, HAYS COUNTY, TEXAS.



# SKETCH TO ACCOMPANY LEGAL DESCRIPTION



GRAPHIC SCALE

1"=50'

JULY, 2020

HAYS COUNTY, TEXAS

CITY OF SAN MARCOS  
TRACT B  
0.21 ACRES  
VOLUME 253, PAGE 601  
O.P.R.H.C.TX.

CITY OF SAN MARCOS  
0.365 ACRES  
VOLUME 1158, PAGE 735  
O.P.R.H.C.TX.

S44°02'15"W 458.79'  
(S44°10'09"W 459.74')

CITY OF SAN MARCOS  
TRACT B  
VOLUME 997, PAGE 741  
O.P.R.H.C.TX.

CITY OF SAN MARCOS  
TRACT B  
0.21 ACRES  
VOLUME 253, PAGE 601  
O.P.R.H.C.TX.

N45°25'14"W 154.47'

JOHN BUGGE  
3.6378 ACRES  
VOLUME 3468, PAGE 50  
O.P.R.H.C.TX.  
PROPERTY ID: R12015

JOE C. GARZA  
4.557 ACRES  
VOLUME 1170, PAGE 358  
O.P.R.H.C.TX.  
PROPERTY ID: R12086

N44°10'08"E 458.80'

**PARCEL 10-A**  
**2.006 ACRES**  
**(87,393 S.F.)**

N45°25'14"W 219.56'

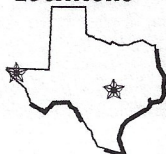
S36°48'36"W 465.28'

ALPHA 80 ASSOCIATES LLC  
57.059 ACRES  
VOLUME 5370, PAGE 256  
O.P.R.H.C.TX.  
PROPERTY ID: R12116 & R12117

MATCH LINE

SHEET 5 OF 5

## LOCATIONS



# ZWA

**Zamora, L.L.C.**  
**Professional Land Surveyors**

Texas Firm No. 10062700  
1425 South Loop 4 • Buda, Texas 78610  
Tel: (512) 295-6201 • Fax: (512) 295-6091

## PROJECT: RIGHT-OF-WAY ESMT

JOB NUMBER: 1024-09-ESMT

DATE: JULY, 2020

SCALE: 1"= 50'

SURVEYOR: ZAMORA

TECHNICIAN: DWC

DRAWING: 1024-09-ESMT R12015.dwg

FIELDNOTES:

PARTYCHIEF:

FIELDBOOKS:

EXHIBIT TO ACCOMPANY LEGAL  
DESCRIPTION OF 0.791 ACRE  
TRACT OF LAND SITUATED IN THE  
J. VERAMENDI SURVEY, ABSTRACT  
NUMBER 17, HAYS COUNTY, TEXAS.



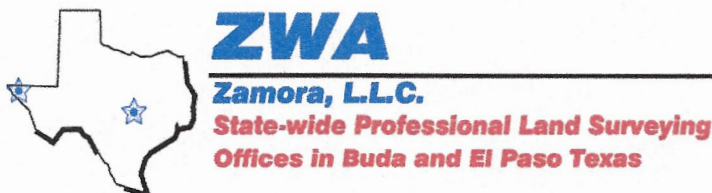


EXHIBIT "C"

John Bugge  
to  
City of San Marcos  
(Parcel #9-B)

**LEGAL DESCRIPTION**

DESCRIPTION OF 0.843 OF AN ACRE (36,723 SQ. FT.) OF LAND, SITUATED IN THE J. VERAMENDI SURVEY NUMBER 17 IN THE CITY OF SAN MARCOS, HAYS COUNTY, TEXAS, AND BEING OUT OF A CERTAIN 3.6378 ACRE TRACT OF LAND CONVEYED TO JOHN BUGGE, OF RECORD IN VOLUME 3468, PAGE 50, OFFICIAL PUBLIC RECORDS HAYS COUNTY, TEXAS; SAID 0.843 OF AN ACRE (36,723 SQ. FT.) OF LAND, AS SHOWN ON THE ACCOMPANYING SKETCH, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING** at a 1/2-inch iron rod found on the south right-of-way line of River Road, a variable width right-of-way, at the north corner of said 3.6378 acre tract, and being the west corner of Lot 1B, Replat of Lot 1 Tabor Addition, a subdivision of record in Book 10, Page 121, Plat Records, Hays County, Texas having grid coordinates of (N=13,868,605.42, E=2,312,377.05) and being the north corner and **POINT OF BEGINNING** of the herein described tract;

**THENCE, S 45°49'37" E**, along the north line of said 3.6378 acre tract, being also the south line of said Lot 1B, for a distance of **80.52** feet to a calculated point, on the north line of said 3.6378 acre tract, being also the south line of said Lot 1B, and being the east corner of the herein described tract;

**THENCE, S 44°10'08" W**, departing said north line of said 3.6378 acre tract, and said south line of said Lot 1B, over and across said 3.6378 acre tract, for a distance of **459.36** feet to a calculated point, on the south line of said 3.6378 acre tract, being also the north line of a certain 0.21 acre tract conveyed to the City of San Marcos, of record in Volume 253, Page 601, Official Public Records, Hays County, Texas, and being the south corner of the herein described tract;

**THENCE, N 45°25'14" W**, with said south line of said 3.6378 acre tract, and said north line of said 0.21 acre tract, for a distance of **79.47** feet to a 1/2-inch iron rod found, at the west corner of said 3.6378 acre tract, being also the north corner of said 0.21 acre tract, and being the west corner of the herein described tract;

**THENCE, N 44°02'15" E**, along the west line of said 3.6378 acre tract and being the south line of said River Road, for a distance of **458.79** feet to the **POINT OF BEGINNING** and containing 0.843 of an acre (36,723 sq. ft.) of land.



**BEARING BASIS**

THE BEARINGS SHOWN HEREON ARE BASED ON TEXAS STATE PLANE COORDINATE SYSTEMS (CENTRAL ZONE 4203), NAD83 (93).

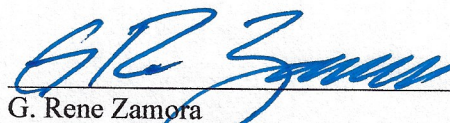
THE STATE OF TEXAS   §  
                                  §  
COUNTY OF HAYS       §

**KNOW ALL MEN BY THESE PRESENTS:**

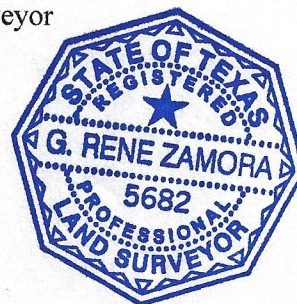
That I, G. Rene Zamora, a Registered Professional Land Surveyor, do hereby state that the above description is true and correct to the best of my knowledge and belief and that the property described herein was determined by a survey made on the ground under my direction and supervision.

WITNESS MY HAND AND SEAL at Buda, Hays County, Texas this the 24th day of September, 2020, A.D.

Zamora, L.L.C.  
1425 South Loop 4  
Buda, Texas 78610  
512-295-6201  
Tx. Firm No. 10062700



G. Rene Zamora  
Registered Professional Land Surveyor  
No. 5682 – State of Texas



**REFERENCES**

HCAD PID No. R12015  
Vesting Deed Vol. 3468, Pg. 50

# SKETCH TO ACCOMPANY LEGAL DESCRIPTION

## LEGEND

- 1/2" IRON ROD FOUND
- △ CALCULATED POINT
- P.R.H.C.T. PLAT RECORDS HAYS COUNTY, TEXAS
- O.P.R.H.C.T. OFFICIAL PUBLIC RECORDS HAYS COUNTY, TEXAS
- ( ) RECORD INFORMATION
- POB POINT OF BEGINNING
- POC POINT OF COMMENCEMENT

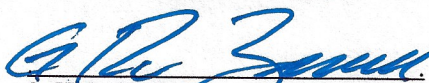
### NOTE:

THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE REPORT. RECORD INFORMATION ON THIS DRAWING IS BASED ON A PUBLIC RECORDS SEARCH BY THE SURVEYOR AND MAY NOT INCLUDE ALL EASEMENTS OR INSTRUMENTS PERTAINING TO THIS PROPERTY.

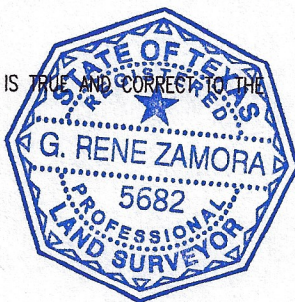
### META DATA:

ALL PROJECT COORDINATES ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, NAD 83(2011) (EPOCH 2010.00).  
THE VERTICAL DATUM UTILIZED IS NAVD88, GEOID MODEL 2012A.

I, G. RENE ZAMORA, DO HEREBY CERTIFY THAT THIS SURVEY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.



G. RENE ZAMORA  
REGISTERED PROFESSIONAL LAND SURVEYOR  
TEXAS REGISTRATION NO. 5862



SHEET 3 OF 5

### LOCATIONS



# ZWA

**Zamora, LLC.**  
**Professional Land Surveyors**

Texas Firm No. 10062700  
1425 South Loop 4 • Buda, Texas 78610  
Tel (512) 295-6201 • Fax (512) 295-6091

### PROJECT: PARCEL 9

JOB NUMBER: 1024-09-  
DATE: SEPTEMBER, 2020  
SCALE: 1" = 50'  
SURVEYOR: ZAMORA  
TECHNICIAN: DWC  
DRAWING: 1024-09-TCE R12015.dwg  
FIELDNOTES:  
PARTYCHIEF:  
FIELDBOOKS:

EXHIBIT TO ACCOMPANY LEGAL  
DESCRIPTION OF 0.843 ACRE  
TRACT OF LAND SITUATED IN THE  
J. VERAMENDI SURVEY, ABSTRACT  
NUMBER 17, HAYS COUNTY, TEXAS.



# SKETCH TO ACCOMPANY LEGAL DESCRIPTION

RIVER ROAD  
(R.O.W. VARIES)

CITY OF SAN MARCOS  
0.365 ACRES  
VOLUME 1158, PAGE 735  
O.P.R.H.C.Tx.

**N44°02'15"E 458.79'**  
(N44°10'09"E 459.74')

CITY OF SAN MARCOS  
0.19 ACRES  
VOLUME 1158, PAGE 738  
O.P.R.H.C.Tx.

**PARCEL 9-B**  
**0.843 ACRES**  
**(36,723 S.F.)**

P.O.B.  
N=13,868,661.53  
E=2,312,319.30  
(GRID)

**S45°49'37"E 80.52'**

**S44°10'08"W 459.36'**

JOHN BUGGE  
3.6378 ACRES  
VOLUME 3468, PAGE 50  
O.P.R.H.C.Tx.  
PROPERTY ID: R12015

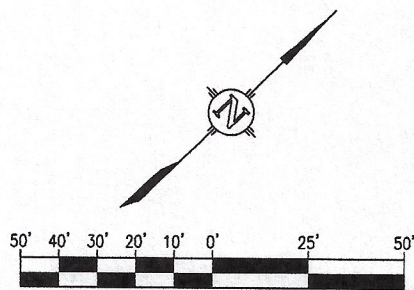
LOT 1B  
REPLAT OF LOT 1  
TABOR ADDITION  
BOOK 10, PAGE 121  
P.R.H.C.Tx.

G&H RENTAL PROPERTIES LLC  
VOLUME 5124, PAGE 511  
O.P.R.H.C.Tx.  
PROPERTY ID: R101038

WESLEY NICHOLS  
10.818 ACRES  
VOLUME 1178, PAGE 745  
O.P.R.H.C.Tx.  
PROPERTY ID: R12072

**J. VERAMENDI SURVEY**  
**ABSTRACT NUMBER 17**

ALPHA 80 ASSOCIATES LLC  
57.059 ACRES  
VOLUME 5370, PAGE 256  
O.P.R.H.C.Tx.  
PROPERTY ID: R12116 & R12117



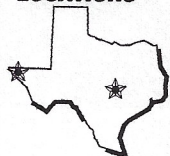
GRAPHIC SCALE

1"=50'

SEPTEMBER, 2020  
HAYS COUNTY, TEXAS

SHEET 4 OF 5

## LOCATIONS



**ZWA**

**Zamora, LLC.**  
**Professional Land Surveyors**

Texas Firm No. 10062700  
1425 South Loop 4 • Buda, Texas 78610  
Tel: (512) 295-6201 • Fax (512) 295-6091

PROJECT: PARCEL 9-B

JOB NUMBER: 1024-09-9-B

DATE: SEPTEMBER, 2020

SCALE: 1" = 50'

SURVEYOR: ZAMORA

TECHNICIAN: DWC

DRAWING: 1024-09-TCE R12015.dwg

FIELDNOTES:

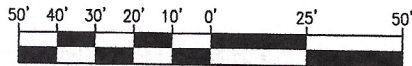
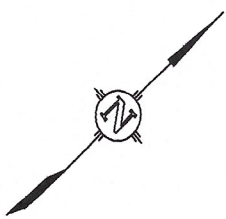
PARTYCHIEF:

FIELDBOOKS:

EXHIBIT TO ACCOMPANY LEGAL  
DESCRIPTION OF 0.843 ACRE  
TRACT OF LAND SITUATED IN THE  
J. VERAMENDI SURVEY, ABSTRACT  
NUMBER 17, HAYS COUNTY, TEXAS.



# SKETCH TO ACCOMPANY LEGAL DESCRIPTION



GRAPHIC SCALE

1"=50'

SEPTEMBER, 2020  
HAYS COUNTY, TEXAS

CITY OF SAN MARCOS  
TRACT B  
0.21 ACRES  
VOLUME 253, PAGE 601  
O.P.R.H.C.TX.

CITY OF SAN MARCOS  
TRACT B  
VOLUME 997, PAGE 741  
O.P.R.H.C.TX.

JOE C. GARZA  
4.557 ACRES  
VOLUME 1170, PAGE 358  
O.P.R.H.C.Tx.  
PROPERTY ID: R12086

CITY OF SAN MARCOS  
TRACT B  
0.21 ACRES  
VOLUME 253, PAGE 601  
O.P.R.H.C.TX.

CITY OF SAN MARCOS  
0.365 ACRES  
VOLUME 1158, PAGE 735  
O.P.R.H.C.TX. **N44°02'15"E 458.79'**  
(N44°10'09"E 459.74')

**PARCEL 9-B**  
**0.843 ACRES**  
**(36,723 S.F.)**

**S44°10'08"W 459.36'**

JOHN BUGGE  
3.6378 ACRES  
VOLUME 3468, PAGE 50  
O.P.R.H.C.Tx.  
PROPERTY ID: R12015

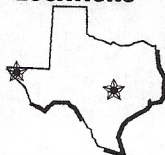
**J. VERAMENDI SURVEY**  
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ALPHA 80 ASSOCIATES LLC  
57.059 ACRES  
VOLUME 5370, PAGE 256  
O.P.R.H.C.Tx.  
PROPERTY ID: R12116 & R12117

MATCH LINE

SHEET 5 OF 5

## LOCATIONS



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**Professional Land Surveyors**  
Texas Firm No. 10062700  
1425 South Loop 4 • Buda, Texas 78610  
Tel (512) 295-6201 • Fax (512) 295-6091

## PROJECT: PARCEL 9-B

JOB NUMBER: 1024-09-B  
DATE: SEPTEMBER, 2020  
SCALE: 1"= 50'  
SURVEYOR: ZAMORA  
TECHNICIAN: DWC  
DRAWING: 1024-09-TCE R12015.dwg  
FIELDNOTES:  
PARTYCHIEF:  
FIELDBOOKS:

EXHIBIT TO ACCOMPANY LEGAL  
DESCRIPTION OF 0.843 ACRE  
TRACT OF LAND SITUATED IN THE  
J. VERAMENDI SURVEY, ABSTRACT  
NUMBER 17, HAYS COUNTY, TEXAS.



# APPRAISAL

**PARCEL 9**  
**Bugge**

Prepared By: Eckmann Groll, Inc.  
Effective Date of Appraisal: Oct. 20, 2020



## ACKNOWLEDGMENT OF RECEIPT OF APPRAISAL REPORT

County: **Hays**

Parcel No.: **9**

Re: **CITY OF SAN MARCOS, BLANCO RIVERINE FLOOD MITIGATION PROJECT**

I, John Bugge, hereby acknowledge receipt on \_\_\_\_\_, 20\_\_\_\_, of a copy of an appraisal report prepared by Eckman Groll, Inc, dated October 20, **2020**, related to the above parcel. I acknowledge that this appraisal report is subject to the copyright laws of the United States and that any republication or redisclosure is prohibited without the express written consent of the City of San Marcos.

EXECUTED this the \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_

\_\_\_\_\_  
John Bugge

\_\_\_\_\_





**INFORMATION DISCLOSURES REQUIRED BY  
TEXAS PROPERTY CODE TITLE 4 CHAPTER 21 SECTION 21.0111**

An entity with eminent domain authority that wants to acquire real property for a public use disclose to the property owner at the time an offer to purchase or lease the property is made any and all appraisal reports produced or acquired by the entity relating specifically to the owner's property and prepared in the 10 years preceding the date of the offer.

A property owner must disclose to the entity seeking to acquire the property any and all current and existing appraisal reports produced or acquired by the property owner relating specifically to the owner's property and used in determining the owner's opinion of value.

**CITY OF SAN MARCOS, BLANCO RIVERINE MITIGATION PROJECT  
PARCEL 9, John Bugge DISCLOSURES**

City of San Marcos has NO appraisal reports produced or acquired by the City of San Marcos relating specifically to the owner's property prepared in the 10 years preceding the date of the offer other than the Appraisal dated October 20, 2020 by Eckmann Groll, Inc., delivered to the landowner with this disclosure.

Landowners: \_\_\_\_\_, \_\_\_\_\_do \_\_\_do not have knowledge or possession of any appraisal reports relating specifically to the owner's property prepared and used in determining the owner's opinion of value. If landowner does have knowledge of or possession of such, please provide to the City's negotiator, HRM Land Acquisition Solutions, LLC as soon as reasonably possible.

I, the landowner, have read, replied and received a copy of this disclosure attested by my signature below.

\_\_\_\_\_  
Owner:

\_\_\_\_\_  
Owner

\_\_\_\_\_  
Date

## **Introduction**

This booklet describes important features of the **Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970**, as amended (URA) and provides general information about public acquisition of real property (real estate) that should be useful to you.

Most acquisitions of real property by a public agency for a Federal project or a project in which Federal funds are used are covered by the URA. If you are notified that your property will be acquired for such a project, it is important that you learn your rights under this important law.

This booklet may not answer all of your questions. If you have more questions about the acquisition of your property, contact the Agency responsible for the project. (Check the back of this booklet for the name of the person to contact at the Agency.) Ask your questions before you sell your property. Afterwards, it may be too late.

## **General Questions**

### **What Right Has Any Public Agency To Acquire My Property?**

The Federal Government and every State government have certain powers which are necessary for them to operate effectively. For example, they have the power to levy taxes and the power to maintain order. Another government power is the power to acquire private property for public purposes. This is known as the power of eminent domain.

The rights of each of us are protected, however, by the Fifth and Fourteenth Amendments of the U.S. Constitution and by State constitutions and eminent domain laws which guarantee that if a public agency takes private property it must pay "just compensation" to the owner. The URA provides additional protections, as explained in this booklet.

### **Who Made The Decision To Buy My Property?**

The decision to acquire a property for a public project usually involves many persons and many determinations. The final determination to proceed with the project is made only after a thorough review which may include public hearings to obtain the views of interested citizens.

If you have any questions about the project or the selection of your property for acquisition, you should ask a representative of the Agency which is responsible for the project.

### **How Will The Agency Determine How Much To Offer Me For My Property?**

Before making you an offer, the Agency will obtain at least one appraisal of your property by a competent real property appraiser who is familiar with local property values. The appraiser will inspect your property and prepare a report that includes his or her professional opinion of its current fair market value. After the appraiser has



completed his work, a review appraiser will examine the appraisal report to assure that the estimate is fair and the work conforms with professional appraisal standards.

The Agency must offer you "just compensation" for your property. This amount cannot be less than the appraised fair market value of the property. "Just compensation" for your property does not take into account your relocation needs. If you are eligible for relocation assistance, it will be additional.

### **What Is Fair Market Value?**

Fair market value is sometimes defined as that amount of money which would probably be paid for a property in a sale between a willing seller, who does not have to sell, and a willing buyer, who does not have to buy. In some areas a different term or definition may be used.

The fair market value of a property is generally considered to be "just compensation." Fair market value does not take into account intangible elements such as sentimental value, good will, business profits, or any special value that your property may have for you or for the Agency.

### **How Does An Appraiser Determine The Fair Market Value Of My Property?**

Each parcel of real property is different and therefore no single formula can be devised to appraise all properties. Among the factors an appraiser typically considers in estimating the value of real property are:

- How it compares with similar properties in the area that have been sold recently.
- How much rental income it could produce.
- How much it would cost to reproduce the buildings and other structures, less any depreciation.

### **Will I Have A Chance To Talk To The Appraiser?**

Yes. You will be contacted and given the opportunity to accompany the appraiser on his or her inspection of your property. You may then inform the appraiser of any special features which you believe may add to the value of your property. It is in your best interest to provide the appraiser with all the useful information you can in order to insure that nothing of allowable value will be overlooked. If you are unable to meet with the appraiser, you may wish to have a person who is familiar with your property represent you.

### **How Soon Will I Receive A Written Purchase Offer?**

Generally, this will depend on the amount of work required to appraise your property. In the case of a typical single-family house, it is usually possible to make a written purchase offer within 45 to 60 days of the date an appraiser is selected to appraise the property.

Promptly after the appraisal has been reviewed (and any necessary corrections

obtained), the Agency will determine just compensation and give you a written purchase offer in that amount along with a "summary statement," explaining the basis for the offer. No negotiations are to take place before you receive the written purchase offer and summary statement.

### **What Is In The Summary Statement Of The Basis For The Offer Of Just Compensation?**

The summary statement of the basis for the offer of just compensation will include:

- An accurate description of the property and the interest in the property to be acquired.
- A statement of the amount offered as just compensation. (If only part of the property is to be acquired, the compensation for the part to be acquired and the compensation for damages, if any, to the remaining part will be separately stated.)
- A list of the buildings and other improvements covered by the offer. (If there is a separately held interest in the property not owned by you and not covered by the offer (e.g., a tenant-owned improvement), it will be so identified.)

### **Must I Accept The Agency's Offer?**

No. You are entitled to present your evidence as to the amount you believe is the fair market value of your property and to make suggestions for changing the terms and conditions of the offer. The Agency will consider your evidence and suggestions. When fully justified by the available evidence of value, the offer price will be increased.

### **May Someone Represent Me During Negotiations?**

Yes. If you would like an attorney or anyone else to represent you during negotiations, please inform the Agency. However, the URA does not require the Agency to pay the costs of such representation.

### **If I Reach Agreement With The Agency, How Soon Will I Be Paid?**

If you reach a satisfactory agreement to sell your property and your ownership (title to the property) is clear, payment will be made at a mutually acceptable time. Generally, this should be possible within 30 to 60 days after you sign a purchase contract. If the title evidence obtained by the Agency indicates that further action is necessary to show that your ownership is clear, you may be able to hasten the payment by helping the Agency obtain the necessary proof. (Title evidence is basically a legal record of the ownership of the property. It identifies the owners of record and lists the restrictive deed covenants and recorded mortgages, liens, and other instruments affecting your ownership of the property.)

### **What Happens If I Don't Agree To The Agency's Purchase Offer?**

If you are unable to reach an agreement through negotiations, the Agency may file a suit in court to acquire your property through an eminent domain proceeding. Eminent



domain proceedings are often called condemnations. If your property is to be acquired by condemnation, the Agency will file the condemnation suit without unreasonable delay.

An Agency may also decide not to buy your property, if it cannot reach agreement on a price, and find another property to buy instead.

### **What Happens After The Agency Condemns My Property?**

You will be notified of the action. Condemnation procedures vary, and the Agency will explain the procedures which apply in your case.

Generally, when an Agency files a condemnation suit, it must deposit with the court (or in an escrow account) an amount not less than its appraisal of the fair market value of the property. You should be able to withdraw this amount, less any amounts necessary to pay off any mortgage or other liens on the property and to resolve any special ownership problems. Withdrawal of your share of the money will not affect your right to seek additional compensation for your property.

During the condemnation proceeding, you will be provided an opportunity to introduce your evidence as to the value of your property. Of course, the Agency will have the same right. After hearing the evidence of all parties, the court will determine the amount of just compensation. If that amount exceeds the amount deposited by the Agency, you will be paid the difference, plus any interest that may be provided by law.

To help you in presenting your case in a condemnation proceeding, you may wish to employ an attorney and an appraiser. However, in most cases the costs of these professional services and other costs which an owner incurs in presenting his or her case to the court must be paid by the owner.

### **What Can I Do If I Am Not Satisfied With The Court's Determination?**

If you are not satisfied with the court judgment, you may file an appeal with the appropriate appellate court for the area in which your property is located. If you are considering an appeal, you should check on the applicable time limit for filing the appeal and consult with your attorney on whether you have a basis for the appeal. The Agency may also file an appeal if it believes the amount of the judgment is too high.

### **Will I Have To Pay Any Closing Costs?**

You will be responsible for the payment of the balance on any mortgage and other liens on your property. Also, if your ownership is not clear, you may have to pay the cost of clearing it. But the Agency is responsible for all reasonable and necessary costs for:

- Typical legal and other services required to complete the sale, recording fees, revenue stamps, transfer taxes and any similar expenses which are incidental to transferring ownership to the Agency.
- Penalty costs and other charges related to prepayment of any recorded mortgage on the property that was entered into in good faith.

- Real property taxes covering the period beginning on the date the Agency acquires your property.

Whenever possible, the Agency will make arrangements to pay these costs directly. If you must incur any of these expenses yourself, you will be repaid--usually at the time of closing. If you later discover other costs for which you should be repaid, you should request repayment from the Agency immediately. The Agency will assist you in filing a claim. Finally, if you believe that you were not properly repaid, you may appeal the decision to the Agency.

### **May I Keep Any Of The Buildings Or Other Improvements On My Property?**

Very often, many or all of the improvements on the property are not required by the Agency. This might include such items as a fireplace mantel, your favorite shrubbery, or even an entire house. If you wish to keep any improvements, please let the Agency know as soon as possible.

If you do arrange to keep any improvement, the Agency will deduct only its salvage value from the purchase price you would otherwise receive. (The salvage value of an item is its probable selling price if offered for sale on the condition that the buyer will remove it at his or her own expense.) Of course, if you arrange to keep any real property improvement, you will not be eligible to receive a relocation payment for the cost of moving it to a new location.

### **Can The Agency Take Only A Part Of My Property?**

Yes. But if the purchase of only a part of your property reduces the value of the remaining part(s), you will be paid for the loss in value. Also, if any remaining part would have little or no utility or value to you, the Agency will offer to buy that remaining part from you.

Occasionally, a public project will increase the value of the part which is not acquired by the Agency. Under some eminent domain laws, the amount of such increase in value is deducted from the purchase payment the owner would otherwise receive.

### **Will I Have To Pay Rent To The Agency After My Property Is Acquired?**

If you remain on the property after the acquisition, you may be required to pay a fair rent to the Agency. Such rent will not exceed that charged for the use of comparable properties in the area.

### **How Soon Must I Move?**

If possible, a mutually agreeable date for the move will be worked out. Unless there is an urgent need for your property (e.g., your occupancy would present a health or safety emergency), you will not be required to move without at least 90 days advance written notice.

If you reach a voluntary agreement to sell your property, you will not be required to



move before you receive the agreed purchase price. If the property is acquired by condemnation, you cannot be required to move before the estimated fair market value of the property has been deposited with the court so that you can withdraw your share.

If you are being displaced from your home, you will not be required to move before a comparable replacement home is available to you.

### **Will I Receive Relocation Assistance?**

Title II of the URA requires that certain relocation payments and other assistance must be provided to families, individuals, businesses, farms, and nonprofit organizations when they are displaced or their personal property must be moved as a result of a project that is covered by the URA.

The Agency will furnish you a full explanation of any relocation assistance to which you may be entitled. If you have any questions about such assistance, please contact the Agency. In order for the Agency to fulfill its relocation obligations to you, you must keep the Agency informed of your plans.

### **My Property Is Worth More Now. Must I Pay Capital Gains Tax On The Increase?**

Internal Revenue Service (IRS) Publication 544 explains how the Federal income tax would apply to a gain or loss resulting from the sale or condemnation of real property, or its sale under the threat of condemnation, for public purposes. If you have any questions about the IRS rules, you should discuss your particular circumstances with your personal tax advisor or your local IRS office.

### **I'm A Veteran. How About My VA Loan?**

After your VA home mortgage loan has been repaid, you will be permitted to obtain another VA loan to purchase another property. Check on such arrangements with your nearest Veterans Administration Office.

### **Is It Possible To Donate Property?**

Yes. You may donate your property or sell it to the Agency for less than its fair market value. The Agency must obtain an appraisal of the property and offer just compensation for it, unless you release the Agency from these obligations.

### **Additional Information**

If you have any questions after reading this booklet, contact the Agency and discuss your concerns with the Agency representative.

Agency: City of San Marcos

Address: 630 East Hopkins

Office Hours:

Telephone Number: 830.481.7800

Person to Contact: Mark Bunde, assigned Representative  
to the City of San Marcos (Agency)





# THE STATE OF TEXAS LANDOWNER'S BILL OF RIGHTS

This Landowner's Bill of Rights applies to any attempt to condemn your property. The contents of this Bill of Rights are set out by the Texas Legislature in Texas Government Code section 402.031 and chapter 21 of the Texas Property Code. Any entity exercising eminent domain authority must provide a copy of this Bill of Rights to you.

1. You are entitled to receive adequate compensation if your property is condemned.
2. Your property can only be condemned for a public use.
3. Your property can only be condemned by a governmental entity or private entity authorized by law to do so.
4. The entity that wants to acquire your property must notify you that it intends to condemn your property.
5. The entity proposing to acquire your property must provide you with a written appraisal from a certified appraiser detailing the adequate compensation you are owed for your property.
6. The condemning entity must make a bona fide offer to buy the property before it files a lawsuit to condemn the property—meaning the condemning entity must make a good faith offer that conforms with chapter 21 of the Texas Property Code.
7. You may hire an appraiser or other professional to determine the value of your property or to assist you in any condemnation proceeding.
8. You may hire an attorney to negotiate with the condemning entity and to represent you in any legal proceedings involving the condemnation.
9. Before your property is condemned, you are entitled to a hearing before a court-appointed panel of three special commissioners. The special commissioners must determine the amount of compensation the condemning entity owes for condemning your property. The commissioners must also determine what compensation, if any, you are entitled to receive for any reduction in value of your remaining property.
10. If you are unsatisfied with the compensation awarded by the special commissioners, or if you question whether the condemnation of your property was proper, you have the right to a trial by a judge or jury. You may also appeal the trial court's judgment if you are unsatisfied with the result.



PREPARED BY THE OFFICE OF THE ATTORNEY GENERAL OF TEXAS



## CONDEMNATION PROCEDURE

Eminent domain is the legal authority certain governmental and private entities have to condemn private property for public use in exchange for adequate compensation. Only entities authorized by law to do so may condemn private property. Private property can include land and certain improvements that are on that property.

### WHO CAN I HIRE TO HELP ME?

You can hire an appraiser or real estate professional to help you determine the value of your property as well as an attorney to negotiate with a condemning entity or to represent you during condemnation proceedings.

### WHAT QUALIFIES AS A PUBLIC PURPOSE OR USE?

Your property may be condemned only for a purpose or use that serves the general public. This could include building or expanding roadways, public utilities, parks, universities, and other infrastructure serving the public. Texas law does not allow condemning authorities to exercise eminent domain for tax revenue or economic development.



### WHAT IS ADEQUATE COMPENSATION?

Adequate compensation typically means the market value of the property being condemned. It could also include certain damages if your remaining property's market value is diminished by the condemnation or the public purpose for which it is being condemned.

### OTHER THAN ADEQUATE COMPENSATION, WHAT OTHER COMPENSATION COULD I BE OWED?

If you are displaced from your residence or place of business, you may be entitled to reimbursement for reasonable expenses incurred while moving to a new site. However, reimbursement costs may not be available if those expenses are recoverable under another law. Also, reimbursement costs are capped at the market value of the property.

### WHAT DOES A CONDEMNOR HAVE TO DO BEFORE CONDEMNING MY PROPERTY?

- ◆ Provide you a copy of this Landowner's Bill of Rights before, or at the same time as, the entity first represents that it possesses eminent domain authority. It is also required to send this Landowner's Bill of Rights to the last known address of the person listed as the property owner on the most recent tax roll.
- ◆ Make a bona fide offer to purchase the property. A bona fide offer includes an initial written offer as well as a final written offer. This process is described more fully in chapter 21 of the Texas Property Code.
- ◆ Disclose any appraisal reports. When making its initial offer, the condemning entity must share its appraisal reports that relate to the property from the past 10 years. You have the right to discuss the offer with others and to either accept or reject the offer made by the condemning entity.
- ◆ Make a final offer 30 or more days after the initial bona fide offer. The offered compensation must equal or exceed the amount listed in a written, certified appraisal provided to you. The final offer must also provide copies of the instrument conveying the property rights sought (such as the deed transferring title or the easement spelling out the easement rights) and the Landowner's Bill of Rights (if not provided previously). The condemnor must give you at least 14 days to consider the final offer before filing a lawsuit to condemn your property.

### WHAT IF I DO NOT ACCEPT AN OFFER BY THE CONDEMNING AUTHORITY?

The condemnor can start the legal condemnation process by filing a lawsuit to acquire your property in the appropriate court of the county where the property is located.

### WHAT DOES THE CONDEMNOR HAVE TO INCLUDE IN THE LAWSUIT FILED WITH THE COURT?

The lawsuit must describe the property being condemned and state the following: the public use; your name; that you and the condemning entity were unable to agree on the value of the property; that the condemning entity gave you the Landowner's Bill of Rights; and that the condemning entity made a bona fide offer to voluntarily purchase the property from you.



## SPECIAL COMMISSIONERS' HEARING AND AWARD

After the condemning entity files a condemnation lawsuit in court, the judge will appoint three local landowners to serve as special commissioners. The special commissioners are required to schedule a condemnation hearing at the earliest practical time and place and to give you written notice of the hearing.

### WHAT DO THE SPECIAL COMMISSIONERS DO?

The special commissioners' role is to determine what is adequate compensation for your property. After hearing evidence from all interested parties, the special commissioners will determine the amount of money that is adequate compensation and file their written decision, known as an "Award," in the court with notice to all parties. Once the Award is filed, the condemning entity may take possession of the property being condemned, even if one or more parties object to the Award of the special commissioners.

### ARE THERE LIMITATIONS ON WHAT THE SPECIAL COMMISSIONERS CAN DO?

Yes. The special commissioners are tasked only with determining monetary compensation for the value of the property condemned and the value of any damages to the remaining property. They do not decide whether the condemnation is necessary or if the public use is proper. Further, the special commissioners do not have the power to alter the terms of an easement, reduce the size of the land acquired, or say what access will be allowed to the property during or after the condemnation. The special commissioners also cannot determine who should receive what portion of the compensation they award. Essentially, the special commissioners are empowered only to say how much money the condemnor should pay for the land or rights being acquired.

### WHO CAN BE A SPECIAL COMMISSIONER? CAN I OBJECT TO THEM?

Special commissioners must be landowners and residents in the county where the condemnation proceeding is filed, and they must take an oath to assess the amount of adequate compensation fairly, impartially, and according to the law. The judge will give you a reasonable period to object to, or strike, one of the special commissioners. If a commissioner is struck, the judge will appoint a replacement.

### WHAT WILL HAPPEN AT THE SPECIAL COMMISSIONERS' HEARING?

The special commissioners will consider any evidence (such as appraisal reports and witness testimony) on the value of your condemned property, the damages or value added to remaining property that is not being condemned, and the condemning entity's proposed use of the property.

### WHAT ARE MY RIGHTS AT THE SPECIAL COMMISSIONERS' HEARING?

You have the right to appear or not appear at the hearing. If you do appear, you can question witnesses or offer your own evidence on the value of the property. If you intend to use appraisal reports to support your claim about adequate compensation, you must provide them to the condemning entity 10 days after you receive them or three business days before the hearing, whichever is earlier.

### DO I HAVE TO PAY FOR THE SPECIAL COMMISSIONERS' HEARING?

If the special commissioners' award is less than or equal to the amount the condemning entity offered to pay before the proceedings began, then you may be financially responsible for the cost of the condemnation proceedings. But, if the award is more than the condemning entity offered to pay before the proceedings began, then the condemning entity will be responsible for the costs.

### WHAT DOES THE CONDEMNOR NEED TO DO TO TAKE POSSESSION OF THE PROPERTY?

Once the condemning entity either pays the amount of the award to you or deposits it into the court's registry, the entity may take possession of the property and put the property to public use. Non-governmental condemning authorities may also be required to post bonds in addition to the award amount. You have the right to withdraw funds that are deposited into the registry of the court, but when you withdraw the money, you can no longer challenge whether the eminent domain action is valid—only whether the amount of compensation is adequate.

## OBJECTING TO THE SPECIAL COMMISSIONERS' AWARD

If you, the condemning entity, or any other party is unsatisfied with the amount of the award, that party can formally object. The objection must be filed in writing with the court and is due by the first Monday following the 20th day after the clerk gives notice that the commissioners have filed their award with the court. If no party timely objects to the special commissioners' award, the court will adopt the award amount as the final compensation due and issue a final judgment in absence of objection.

### WHAT HAPPENS AFTER I OBJECT TO THE SPECIAL COMMISSIONERS' AWARD?

If a party timely objects, the court will hear the case just like other civil lawsuits. Any party who objects to the award has the

right to a trial and can elect whether to have the case decided by a judge or jury.

### WHO PAYS FOR TRIAL?

If the verdict amount at trial is greater than the amount of the special commissioners' award, the condemnor may be ordered to pay costs. If the verdict at trial is equal to or less than the amount the condemnor originally offered, you may be ordered to pay costs.

### IS THE TRIAL VERDICT THE FINAL DECISION?

Not necessarily. After trial any party may appeal the judgment entered by the court.

## DISMISSAL OF THE CONDEMNATION ACTION

A condemnation action may be dismissed by either the condemning authority itself or on a motion by the landowner.

### WHAT HAPPENS IF THE CONDEMNING AUTHORITY NO LONGER WANTS TO CONDEMN MY PROPERTY?

If a condemning entity decides it no longer needs your condemned property, it can file a motion to dismiss the condemnation proceeding. If the court grants the motion to dismiss, the case is over, and you can recover reasonable and necessary fees for attorneys, appraisers, photographers, and for other expenses up to that date.

### WHAT IF I DO NOT THINK THE CONDEMNING ENTITY HAS THE RIGHT TO CONDEMN MY PROPERTY?

You can challenge the right to condemn your property by filing a motion to dismiss the condemnation proceeding. For example, a landowner could challenge the condemning entity's claim that it seeks to condemn the property for a public use. If

the court grants the landowner's motion, the court may award the landowner reasonable and necessary fees and expenses incurred to that date.

### CAN I GET MY PROPERTY BACK IF IT IS CONDEMNED BUT NEVER PUT TO A PUBLIC USE?

You may have the right to repurchase your property if your property is acquired through eminent domain and:

- ◆ the public use for which the property was acquired is canceled before that property is put to that use,
- ◆ no actual progress is made toward the public use within 10 years, or
- ◆ the property becomes unnecessary for public use within 10 years.

The repurchase price is the price you were paid at the time of the condemnation.

## ADDITIONAL RESOURCES

For more information about the procedures, timelines, and requirements outlined in this document, see chapter 21 of the Texas Property Code. The information in this statement is intended to be a summary of the applicable portions of Texas

state law as required by HB 1495, enacted by the 80th Texas Legislature, Regular Session. This statement is not legal advice and is not a substitute for legal counsel.





# Information About Brokerage Services

*Texas law requires all real estate license holders to give the following information about brokerage services to prospective buyers, tenants, sellers and landlords.*

11-2-2015



## TYPES OF REAL ESTATE LICENSE HOLDERS:

- **A BROKER** is responsible for all brokerage activities, including acts performed by sales agents sponsored by the broker.
- **A SALES AGENT** must be sponsored by a broker and works with clients on behalf of the broker.

## A BROKER'S MINIMUM DUTIES REQUIRED BY LAW (A client is the person or party that the broker represents):

- Put the interests of the client above all others, including the broker's own interests;
- Inform the client of any material information about the property or transaction received by the broker;
- Answer the client's questions and present any offer to or counter-offer from the client; and
- Treat all parties to a real estate transaction honestly and fairly.

## A LICENSE HOLDER CAN REPRESENT A PARTY IN A REAL ESTATE TRANSACTION:

**AS AGENT FOR OWNER (SELLER/LANDLORD):** The broker becomes the property owner's agent through an agreement with the owner, usually in a written listing to sell or property management agreement. An owner's agent must perform the broker's minimum duties above and must inform the owner of any material information about the property or transaction known by the agent, including information disclosed to the agent or subagent by the buyer or buyer's agent.

**AS AGENT FOR BUYER/TENANT:** The broker becomes the buyer/tenant's agent by agreeing to represent the buyer, usually through a written representation agreement. A buyer's agent must perform the broker's minimum duties above and must inform the buyer of any material information about the property or transaction known by the agent, including information disclosed to the agent by the seller or seller's agent.

**AS AGENT FOR BOTH - INTERMEDIARY:** To act as an intermediary between the parties the broker must first obtain the written agreement of *each party* to the transaction. The written agreement must state who will pay the broker and, in conspicuous bold or underlined print, set forth the broker's obligations as an intermediary. A broker who acts as an intermediary:

- Must treat all parties to the transaction impartially and fairly;
- May, with the parties' written consent, appoint a different license holder associated with the broker to each party (owner and buyer) to communicate with, provide opinions and advice to, and carry out the instructions of each party to the transaction.
- Must not, unless specifically authorized in writing to do so by the party, disclose:
  - that the owner will accept a price less than the written asking price;
  - that the buyer/tenant will pay a price greater than the price submitted in a written offer; and
  - any confidential information or any other information that a party specifically instructs the broker in writing not to disclose, unless required to do so by law.

**AS SUBAGENT:** A license holder acts as a subagent when aiding a buyer in a transaction without an agreement to represent the buyer. A subagent can assist the buyer but does not represent the buyer and must place the interests of the owner first.

## TO AVOID DISPUTES, ALL AGREEMENTS BETWEEN YOU AND A BROKER SHOULD BE IN WRITING AND CLEARLY ESTABLISH:

- The broker's duties and responsibilities to you, and your obligations under the representation agreement.
- Who will pay the broker for services provided to you, when payment will be made and how the payment will be calculated.

**LICENSE HOLDER CONTACT INFORMATION:** This notice is being provided for information purposes. It does not create an obligation for you to use the broker's services. Please acknowledge receipt of this notice below and retain a copy for your records.

_____ Licensed Broker /Broker Firm Name or Primary Assumed Business Name	_____ License No.	_____ Email	_____ Phone
_____ Designated Broker of Firm	_____ License No.	_____ Email	_____ Phone
_____ Licensed Supervisor of Sales Agent/ Associate	_____ License No.	_____ Email	_____ Phone
_____ Sales Agent/Associate's Name	_____ License No.	_____ Email	_____ Phone

\_\_\_\_\_  
Buyer/Tenant/Seller/Landlord Initials

\_\_\_\_\_  
Date

# Request for Taxpayer Identification Number and Certification

Give Form to the  
requester. Do not  
send to the IRS.

► Go to [www.irs.gov/FormW9](http://www.irs.gov/FormW9) for instructions and the latest information.

Print or type. See Specific Instructions on page 3.	1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank.	
	2 Business name/disregarded entity name, if different from above	
	3 Check appropriate box for federal tax classification of the person whose name is entered on line 1. Check only one of the following seven boxes.  <input type="checkbox"/> Individual/sole proprietor or single-member LLC  <input type="checkbox"/> Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=Partnership) ► _____ <b>Note:</b> Check the appropriate box in the line above for the tax classification of the single-member owner. Do not check LLC if the LLC is classified as a single-member LLC that is disregarded from the owner unless the owner of the LLC is another LLC that is not disregarded from the owner for U.S. federal tax purposes. Otherwise, a single-member LLC that is disregarded from the owner should check the appropriate box for the tax classification of its owner.  <input type="checkbox"/> Other (see instructions) ► _____	4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3):  Exempt payee code (if any) _____  Exemption from FATCA reporting code (if any) _____  <i>(Applies to accounts maintained outside the U.S.)</i>
	5 Address (number, street, and apt. or suite no.) See instructions.	Requester's name and address (optional)
	6 City, state, and ZIP code	
7 List account number(s) here (optional)		

## Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the instructions for Part I, later. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN*, later.

**Note:** If the account is in more than one name, see the instructions for line 1. Also see *What Name and Number To Give the Requester* for guidelines on whose number to enter.

Social security number										
				-				-		
or										
Employer identification number										
				-						

## Part II Certification

Under penalties of perjury, I certify that:

1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
3. I am a U.S. citizen or other U.S. person (defined below); and
4. The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

**Certification instructions.** You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions for Part II, later.

Sign  
Here

Signature of  
U.S. person ►

Date ►

## General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

**Future developments.** For the latest information about developments related to Form W-9 and its instructions, such as legislation enacted after they were published, go to [www.irs.gov/FormW9](http://www.irs.gov/FormW9).

## Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following.

- Form 1099-INT (interest earned or paid)

- Form 1099-DIV (dividends, including those from stocks or mutual funds)
- Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
- Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
- Form 1099-S (proceeds from real estate transactions)
- Form 1099-K (merchant card and third party network transactions)
- Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
- Form 1099-C (canceled debt)
- Form 1099-A (acquisition or abandonment of secured property)

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

*If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See What is backup withholding, later.*