

AGREEMENT FOR THE PROVISION OF SERVICES

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

Date: July 6, 2021

Owner: Bryan Lee, La Cima Commercial LP, 303 Colorado, Ste. 2300, Austin, TX 78701

City: City of San Marcos, Texas, a home rule municipal corporation, 630, East Hopkins Street, San Marcos, Texas 78666

Property: As described in Exhibit A.

1. The Owner has petitioned the City and the City has elected to annex the Property into the corporate limits of the City. Pursuant to Tex. Local Gov't Code §43.0672, the Owner and the City enter this agreement (the "Agreement") for the provision of services to the Property when annexed.

2. By this Agreement, the Owner affirms its consent to such annexation of the Property by the City and that Owner does not wish to enter into and has declined the offer from the City of a development agreement under Sections 43.016 and 212.172 of the Texas Local Government Code

3. In consideration of the mutual benefits to the Owner and the City arising from the annexation of the Property, and other good and valuable consideration, the receipt of which is hereby acknowledged, the Owner and the City enter into this Agreement and agree that services to the Property will be provided as described in Exhibit B.

4. This Agreement is made, and shall be construed and interpreted under the laws of the State of Texas. Venue for any legal proceedings shall lie in state courts located in Hays County, Texas. Venue for any matters in federal court will be in the United States District Court for the Western District of Texas.

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

6. This Agreement shall be binding upon Owner, and Owner's heirs, successors and assigns, and all future owners of all or any portion of the Property.

7. This Agreement will become effective as of the date an ordinance annexing the Property is finally passed, approved, and adopted by the City's city council (the Effective Date).

[SIGNATURES ON NEXT PAGE]

CITY:

By: _____

Name: _____

Title: _____

ACKNOWLEDGMENT

STATE OF TEXAS §

§

COUNTY OF HAYS §

 This instrument was acknowledged before me on _____, 20____, by
_____, _____ of the City of San Marcos, in such capacity, on
behalf of said municipality.

Notary Public, State of Texas

OWNER:

Bryan Lee, La Cima Commercial LP

ACKNOWLEDGMENT

STATE OF _____ §

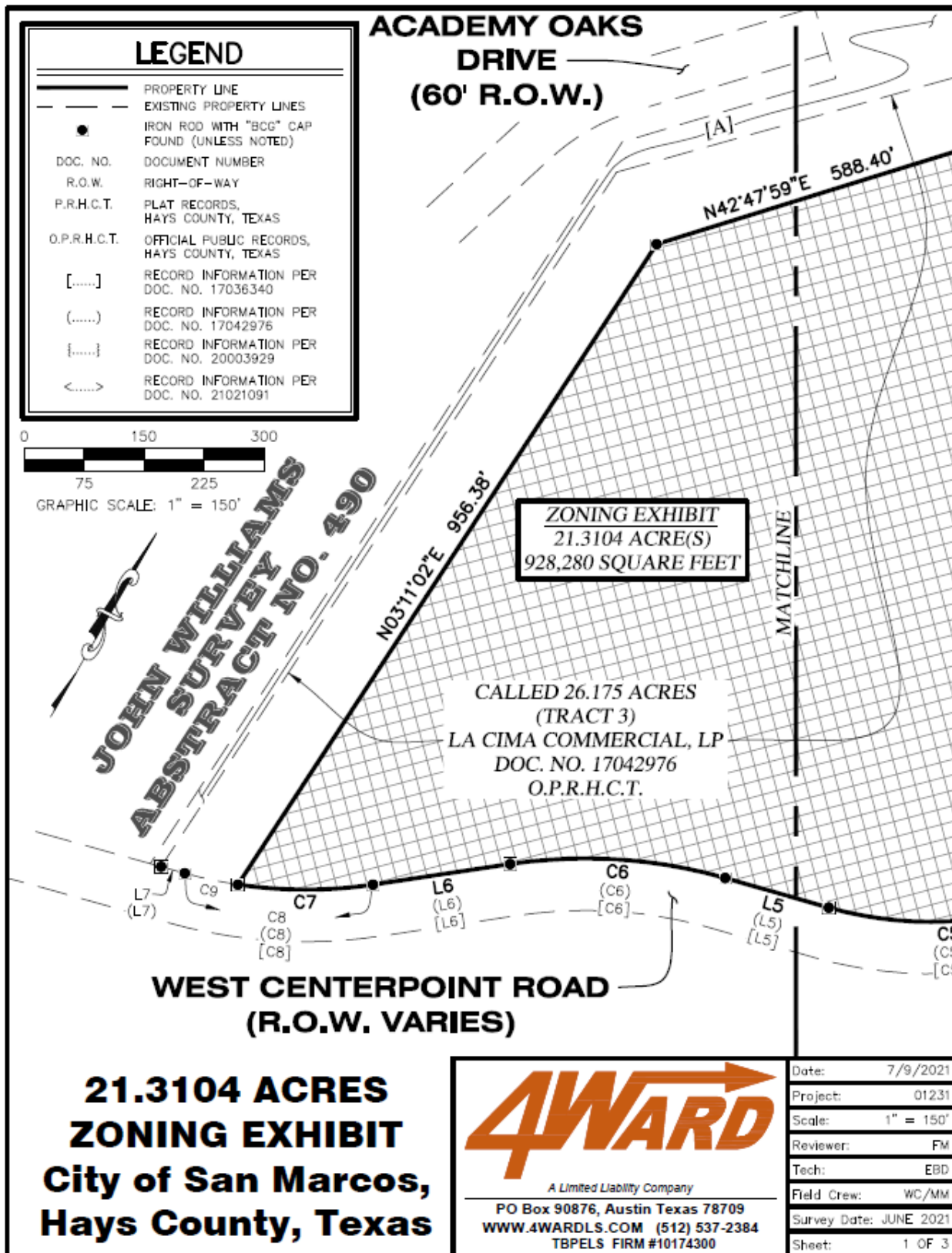
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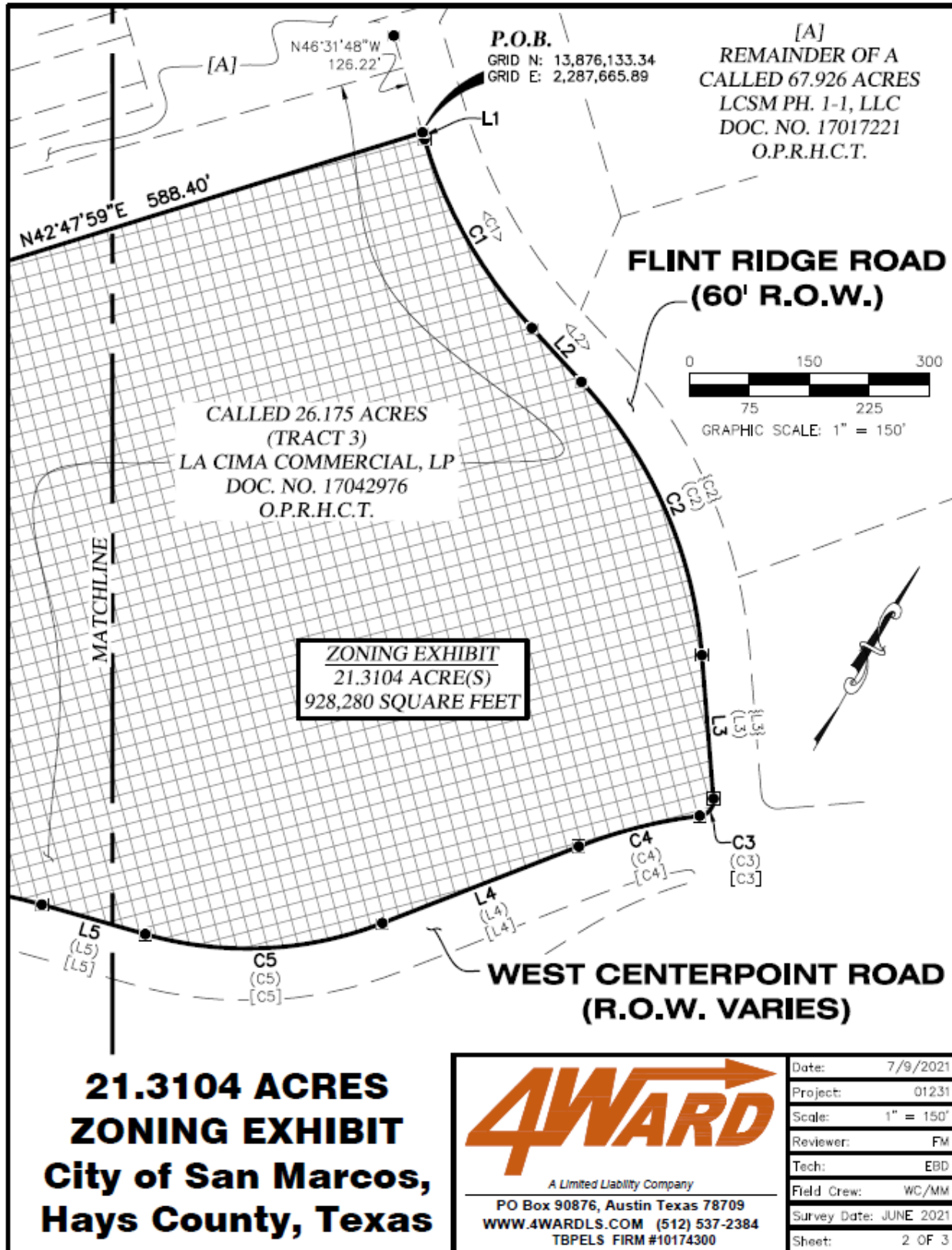
COUNTY OF _____ §

This instrument was acknowledged before me on _____, 20__ by
_____, _____ of _____ in such
capacity on behalf of said entity.

Notary Public, State of _____

EXHIBIT A





LINE TABLE		
LINE #	DIRECTION	LENGTH
L1	S46°31'48"E	8.88'
L2	S72°40'27"E	91.75'
L3	S34°38'17"E	180.05'
L4	S38°40'52"W	263.88'
L5	S75°56'36"W	134.69'
L6	S51°26'58"W	173.43'

RECORD LINE TABLE		
LINE #	DIRECTION	LENGTH
<L2>	S72°40'55"E	91.71'
(L3)	S34°38'50"E	180.02'
{L3}	S34°38'50"E	180.02'
(L4)	S38°41'19"W	263.84'
[L4]	S38°41'19"W	263.84'
(L5)	S75°56'43"W	134.71'
[L5]	S75°56'43"W	134.71'
(L6)	S51°27'05"W	173.40'
[L6]	S51°27'05"W	173.40'
(L7)	S75°31'15"W	30.63'

CURVE TABLE					
CURVE #	RADIUS	LENGTH	DELTA	BEARING	DISTANCE
C1	600.00'	273.98'	26°09'47"	S59°36'17"E	271.61'
C2	570.00'	380.67'	38°15'53"	S53°46'47"E	373.64'
C3	20.00'	30.49'	87°20'14"	S09°04'39"W	27.62'
C4	635.00'	156.21'	14°05'43"	S45°45'11"W	155.82'
C5	465.00'	302.38'	37°15'29"	S57°19'09"W	297.08'
C6	635.00'	271.43'	24°29'29"	S63°41'39"W	269.37'
C7	565.00'	169.45'	17°11'00"	S60°02'49"W	168.81'
C8	565.00'	237.34'	24°04'07"	N63°29'23"E	235.60'
C9	565.00'	67.90'	6°53'07"	S72°04'53"W	67.86'

CURVE TABLE (RECORD)					
CURVE #	RADIUS	LENGTH	DELTA	BEARING	DISTANCE
<C1>	600.00'	273.97'	---	S59°36'02"E	271.60'
(C2)	570.00'	380.73'	---	S53°46'56"E	373.69'
{C2}	570.00'	380.73'	---	S53°46'56"E	373.69'
(C3)	20.00'	30.52'	---	S09°04'12"W	27.64'
[C3]	20.00'	30.52'	---	S09°04'12"W	27.64'
(C4)	635.00'	156.25'	---	S45°44'17"W	155.86'
[C4]	635.00'	156.25'	---	S45°44'17"W	155.86'
(C5)	465.00'	302.37'	---	S57°19'01"W	297.07'
[C5]	465.00'	302.37'	---	S57°19'01"W	297.07'
(C6)	635.00'	271.46'	---	S63°41'54"W	269.40'
[C6]	635.00'	271.46'	---	S63°41'54"W	269.40'
(C8)	565.00'	237.35'	---	S63°29'10"W	235.61'
[C8]	565.00'	237.35'	---	S63°29'10"W	235.61'



Jason Ward
7/9/2021

NOTES:

1) ALL BEARINGS ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, GRID NORTH, SOUTH CENTRAL ZONE, (4204), NAD83, ALL DISTANCES WERE ADJUSTED TO SURFACE USING A COMBINED SCALE FACTOR OF 1.000129781029.

2) SEE ATTACHED METES AND BOUNDS DESCRIPTION.

21.3104 ACRES
ZONING EXHIBIT
City of San Marcos,
Hays County, Texas



A Limited Liability Company

PO Box 90876, Austin Texas 78709
WWW.4WARDLS.COM (512) 537-2384
TBPELS FIRM #10174300

Date:	7/9/2021
Project:	01231
Scale:	N/A
Reviewer:	FM
Tech:	EBD
Field Crew:	WC/MM
Survey Date:	JUNE 2021
Sheet:	3 OF 3

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PO Box 90876
Austin, TX 78709
(512) 537-2384
jward@4wards.com
www.4wards.com

Legal Description

BEING A DESCRIPTION OF A TRACT OF LAND CONTAINING 21.3104 ACRES (928,280 SQUARE FEET) OUT OF THE JOHN WILLIAMS SURVEY, ABSTRACT NO. 490, HAYS COUNTY, TEXAS, BEING A PORTION OF A CALLED 26.175 ACRE TRACT (DESCRIBED AS "TRACT NO. 3") CONVEYED TO LA CIMA COMMERCIAL, LP, RECORDED IN DOCUMENT NO. 17042976 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS (O.P.R.H.C.T.), SAID 21.3104 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, at a 1/2-inch iron rod with "BCG" cap found in the southwest right-of-way line of Flint Ridge Road (60' Right-of-way), and being in the northeast line of said La Cima Commercial tract, for the northerly most corner and POINT OF BEGINNING hereof, from which a 1/2-inch iron rod with "BCG" cap found for a point of curvature in the southwest right-of-way line of said Flint Ridge Road, and being a point of curvature in the easterly line of the remainder of a called 67.926 acre tract conveyed to LCSM Ph. 1-1, LLC in Document No. 17017221 (O.P.R.H.C.T.) bears, N46°31'48"W, a distance of 126.22 feet;

THENCE, with the southwest right-of-way line of said Flint Ridge Road and the northeast line of said La Cima Commercial tract, the following five (5) courses and distances:

- 1) S46°31'48"E, a distance of 8.88 feet to a 1/2-inch iron rod with "BCG" cap found for a point of curvature hereof,
- 2) Along the arc of a curve to the left, whose radius is 600.00 feet, whose arc length is 273.98 feet and whose chord bears S59°36'17"E, a distance of 271.61 feet to a 1/2-inch iron rod with "BCG" cap found for a point of tangency hereof,
- 3) S72°40'27"E, a distance of 91.75 feet to a 1/2-inch iron rod with "BCG" cap found for a point of curvature hereof,
- 4) Along the arc of a curve to the right, whose radius is 570.00 feet, whose arc length is 380.67 feet and whose chord bears S53°46'47"E, a distance of 373.64 feet to a 1/2-inch iron rod with "BCG" cap found for a point of tangency hereof, and
- 5) S34°38'17"E, a distance of 180.05 feet to a 1/2-inch iron rod with "BCG" cap found for a point of curvature hereof, said point being the beginning of a right-of-way transition between the southwest right-of-way line of said Flint Ridge Road and the northwest right-of-way line of West Centerpoint Road (Right-of-way varies);

THENCE, with the right-of-way transition between said Flint Ridge Road and said West Centerpoint Road, and with the easterly line of said La Cima Commercial tract, along the arc of a curve to the right, whose radius is 20.00 feet, whose arc length is 30.49 feet and whose chord bears S09°04'39"W, a distance of 27.62 feet to a 1/2-inch iron rod with "BCG" cap found for a non-tangent point of compound curvature hereof, said point being the end of said right-of-way transition between said Flint Ridge Road and said West Centerpoint Road;

THENCE, with the northwest right-of-way line of said West Centerpoint Road and the southeast line of said La Cima Commercial tract, the following seven (7) courses and distances:

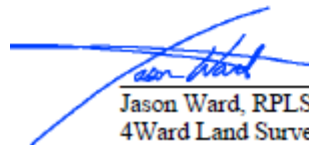
- 1) Along the arc of a curve to the left, whose radius is 635.00 feet, whose arc length is 156.21 feet and whose chord bears S45°45'11"W, a distance of 155.82 feet to a 1/2-inch iron rod with "BCG" cap found for an angle point hereof,
- 2) S38°40'52"W, a distance of 263.88 feet to a 1/2-inch iron rod with "BCG" cap found for a point of curvature hereof,
- 3) Along the arc of a curve to the right, whose radius is 465.00 feet, whose arc length is 302.38 feet and whose chord bears S57°19'09"W, a distance of 297.08 feet to a point of tangency hereof,
- 4) S75°56'36"W, a distance of 134.69 feet to a 1/2-inch iron rod with "BCG" cap found for a point of curvature hereof,
- 5) Along the arc of a curve to the left, whose radius is 635.00 feet, whose arc length is 271.43 feet and whose chord bears S63°41'39"W, a distance of 269.37 feet to a 1/2-inch iron rod with "BCG" cap found for a point of tangency hereof,
- 6) S51°26'58"W, a distance of 173.43 feet to a 1/2-inch iron rod with "BCG" cap found for a point of curvature hereof, and
- 7) Along the arc of a curve to the right, whose radius is 565.00 feet, whose arc length is 169.45 feet and whose chord bears S60°02'49"W, a distance of 168.81 feet to a 1/2-inch iron rod with "BCG" cap found for the southwest corner hereof,

THENCE, leaving the northwest right-of-way line of said West Centerpoint Road and the southeast line of said La Cima Commercial tract, over and across said La Cima Commercial tract, the following two (2) courses and distances:

- 1) N03°11'02"E, a distance of 956.38 feet to a 1/2-inch iron rod with "BCG" cap found for an angle point hereof, and
- 2) N42°47'59"E, a distance of 588.40 feet to the **POINT OF BEGINNING** and containing 21.3104 Acres (928,280 Square Feet) of land, more or less.

NOTE:

All bearings are based on the Texas State Plane Coordinate System, Grid North, South Central Zone (4204), all distances were adjusted to surface using a combined scale factor of 1.000129781029. See attached sketch (reference drawing: 01231_Zoning.dwg)


7/9/2021
Jason Ward, RPLS #5811
4Ward Land Surveying, LLC

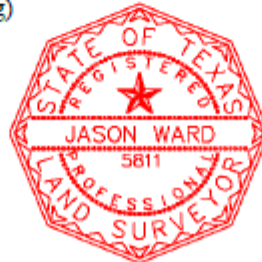


EXHIBIT B

When the Property is annexed, services will be provided to the Property as follows:

1. Police Protection

Police services, including patrolling, response to calls and other routine services, will begin on the Effective Date of the annexation using existing personnel and equipment.

2. Fire Protection

Fire protection services, including emergency response calls, will begin on the Effective Date of the annexation using existing personnel and equipment and within the limitations of the available water supply.

3. Emergency Medical Services

The City of San Marcos contracts for emergency medical services through the San Marcos – Hays County EMS, which already provides service to the area being annexed.

4. Solid Waste Collection

Solid waste collection services, provided under contract with a private company, will be made available to all properties on the Effective Date of the annexation. Residents of the Property may elect to continue using the services of a private solid waste hauler for a period of two years after the Effective Date of the annexation. Businesses and institutions must make arrangements with private solid waste haulers.

5. Operation and Maintenance of Water and Wastewater Facilities

a. Water. The Property is located within an area over which the City of San Marcos holds a Certificate of Convenience and Necessity (CCN) for water service. The City will make water service available to the Property on the Effective Date of the annexation on the same basis as available to other owners of property in the City, i.e., the Owner is solely responsible for the cost to construct and extend all infrastructure, facilities, and lines necessary to serve the Property.

b. Wastewater. The Property is not covered by a CCN for wastewater service, however, the City of San Marcos has wastewater lines adjacent to the Property and agrees to make wastewater service available to the Property on the Effective Date of the annexation on the same basis as available to other owners of property in the City, i.e., the Owner is solely responsible for the cost to construct and extend all infrastructure, facilities, and lines necessary to serve the Property. In addition, the City is in the process of adding the Property as an area covered by the City's CCN for wastewater service.

6. Construction, Operation and Maintenance of Roads and Streets

As new development occurs within the Property, the Owner(s) of Property will be required to construct streets at the Owner's sole expense in accordance with applicable ordinances of the City.

7. Electric Service

The Property is located in the Pedernales Electric Cooperative service area. Thus, the City will not provide electric service to the Property.

8. Operation and Maintenance of Parks, Playgrounds, and/or Swimming Pools

No parks, playgrounds, and/or swimming pools currently exist within the Property. The same standards and policies now established and in force within the city limits will be followed in maintaining and expanding recreational facilities to serve the Property. Upon annexation, the owners and residents of property located within the Property shall be entitled to the use of all municipal parks and recreational facilities, subject to the same restrictions, fees, and availability that pertains to the use of those facilities by other citizens of the city.

9. Operation and Maintenance of Other Public Facilities, Buildings, and Services

No other public facilities, buildings, or services currently exist within the Property. The same standards and policies now established and in force within the city limits will be followed in maintaining and expanding other public facilities, building, and services. Upon annexation, the owners and residents of property located within the Property shall be entitled to the use of all municipal facilities, buildings, and services, subject to the same restrictions, fees, and availability that pertains to the use of those facilities and services by other citizens of the city.