

# ANNEXATION APPLICATION

Updated: September, 2020



## CONTACT INFORMATION

Applicant's Name	Kelley Fowler	Property Owner	Bryan Lee
Company	KFM Engineering	Company	La Cima Commercial LP
Applicant's Mailing Address	8701 W HW 71, Suite 201G Austin, TX 78735	Owner's Mailing Address	303 Colorado St., Suite 2300 Austin, TX 78701
Applicant's Phone #	512 909 0390	Owner's Phone #	512-695-2875
Applicant's Email	kfowler@kfm-llc.com	Owner's Email	ericw@nd-austin.com

## PROPERTY INFORMATION

Is the property adjacent to city limits: ☒ YES ☐ NO

Is the property proposing to connect to City utilities: ☒ YES, WATER ☒ YES, WASTE WATER ☐ NO

Is the property subject to an approved development or other agreement : ☒ YES ☐ NO

Proposed Use: Multi-family Development Proposed Zoning: MF-24

Reason for Annexation / Other Considerations: Required per development agreement

## AUTHORIZATION

*By submitting this digital application, I certify that the information on this application is complete and accurate. I understand the fees and the process for this application. I understand my responsibility, as the applicant, to be present at meetings regarding this request.*

Filing Fee \$1,181      Technology Fee \$13      TOTAL COST \$1,194

Submittal of this digital Application shall constitute as acknowledgement and authorization to process this request.

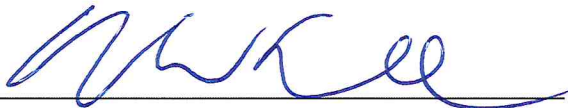
**APPLY ONLINE – [WWW.MYGOVERNMENTONLINE.ORG/](http://WWW.MYGOVERNMENTONLINE.ORG/)**

PROPERTY OWNER AUTHORIZATION

I, Bryan W. Lee (owner name) on behalf of  
La Cima Commercial, LP (company, if applicable) acknowledge that I/we  
am/are the rightful owner of the property located at  
Ranch Road 12 and West Centerpoint Road, San Marcos, TX 78666 (address).

I hereby authorize Kelley Fowler (agent name) on behalf of  
KFM Engineering (agent company) to file this application for  
Annexation (application type), and, if necessary, to work with  
the Responsible Official / Department on my behalf throughout the process.

Signature of Owner:



Date:

07/07/2021

Printed Name, Title:

Bryan Lee, Manager

Signature of Agent:

Date:

Printed Name, Title:

Kelley Fowler, PE

Form Updated October, 2019

## DECLINATION OF OFFER OF DEVELOPMENT AGREEMENT

The attached Development Agreement was offered by the City of San Marcos to the owner of the property subject to the following application/petition (check one):

☐ Out of City Utility Connection of Extension Application

☒ Petition for Annexation (without OCU Request)

By signing below, the owner of the subject property declines the offer to enter into such Development Agreement.

**OWNER (individual):**

\_\_\_\_\_

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

[OR]

**OWNER (Entity):**

*La Cima Commercial, LLC*

**By:** *[Signature]*

**Name:** *Brown-Wick*

**Title:** *Manager*

**Date:** *7-7-2021*

Case No. \_\_\_\_\_ (to be inserted by City Staff)

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.

**OWNER'S CONSENT TO ANNEXATION OF LAND**

**Date:** July 7, 2021

**City:** City of San Marcos, Texas, a home rule municipal corporation

**Owner:** La Cima Commercial, LP

**Property:** Tax ID: R143371  
West Centerpoint Road and Flint Ridge Road, near Ranch  
Road 12

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Owner petitioned the City to initiate proceedings to annex the Property. Owner acknowledges and agrees that, in connection with annexation of the Property:

1. Owner does not wish to enter into a development agreement with the City under Section 212.172 and has declined the offer by the City of such a development agreement.

2. Unless specifically authorized by a written agreement with Owner approved by the City Council under applicable ordinances, the City has no obligation to extend water, wastewater, or electric utility services, roads, or other infrastructure to the Property at the City's expense, and the City has made no offers, representations or promises that the City will, at the City's expense, extend water, wastewater, or electric utility services, roads, or other infrastructure to the Property. Such extensions to the Property shall be made available in the same manner and on the same basis as available to other areas of the City, whereby it shall be Owner's sole obligation, and at Owner's sole expense, to construct and install all infrastructure necessary to extend such services to the Property under applicable ordinances.

3. Owner waives any and all rights of Owner to assert any claim or demand, or to file suit against, and covenants not to sue, the City on the basis that the annexation of the Property by the City is invalid, void or voidable, in whole or in part.

4. This instrument is made, and shall be construed and interpreted under the laws of the State of Texas. Venue for any legal proceedings concerning this instrument shall lie in State courts having jurisdiction 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 instrument is held to be unconstitutional or invalid by a court of competent jurisdiction, the other provisions of this instrument will continue in force if they can be given effect without the invalid portion.

6. This instrument may be recorded in the Official Public Records of the County or Counties in which the Property is located and is binding on Owner's successors, heirs and assigns, and any future owners of the Property.

[SIGNATURE(S) ON NEXT PAGE]

OWNER:

La Lima Commercial, LP

Bryan W. Lee

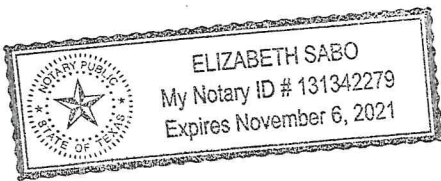
B7: Bryan W. Lee Manager

ACKNOWLEDGMENT

STATE OF Texas §

COUNTY OF Harris §

This instrument was acknowledged before me on July 7, 2021 by Bryan W. Lee.



[Signature]  
Notary Public, State of Texas

OWNER: La Cima Commercial, LP

By: [Signature]

Name: Bryan W. Lee

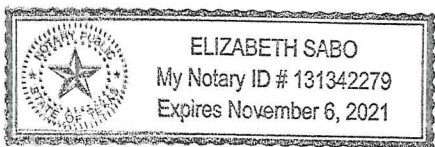
Title: Manager

ACKNOWLEDGMENT

STATE OF Texas §

COUNTY OF Harris §

This instrument was acknowledged before me on July 7, 2021 by Bryan W. Lee, Manager of La Cima Commercial, LP in such capacity on behalf of said entity.



[Signature]  
Notary Public, State of Texas