

CITY OF KYLE



Notice of Regular City Council Meeting

KYLE CITY HALL
100 W. Center Street

Notice is hereby given that the governing body of the City of Kyle, Texas will meet at 7:00 PM on 10/8/2013, at Kyle City Hall, 100 West Center Street, Kyle, Texas for the purpose of discussing the following agenda.

Posted this 4th day of October, 2013 prior to 7:00 p.m.

I. Call Meeting To Order

II. Citizen Comment Period With City Council

The City Council welcomes comments from Citizens early in the agenda of regular meetings. Those wishing to speak must sign in before the meeting begins at the Kyle City Hall. Speakers may be provided with an opportunity to speak during this time period, and they must observe the three-minute time limit.

III. Consider and Possible Action

1. (*First Reading*) AN ORDINANCE OF THE CITY OF KYLE, TEXAS, ANNEXING A PORTION OF 2 TRACTS OF LAND CONSISTING OF APPROXIMATELY 1.2 ACRES OF LAND (OUT OF 3.5 ACRES), LOCATED IN HAYS COUNTY, TEXAS; WHICH IS GENERALLY LOCATED EAST OF SCOTT STREET, WEST OF SLEDGE, AND NORTH OF PARK PLACE AND CONTIGUOUS TO THE CITY LIMITS; AS SHOWN IN THE ATTACHED EXHIBIT; MAKING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR OPEN MEETINGS AND OTHER RELATED MATTERS. ~ *Sofia Nelson, Director of Planning*

 [Attachments](#)

2. (*First Reading*) AN ORDINANCE OF THE CITY OF KYLE, TEXAS, ANNEXING APPROXIMATELY 1.5 ACRES OF LAND, LOCATED IN HAYS COUNTY, TEXAS, WHICH IS GENERALLY LOCATED NORTH OF BEBEE ROAD, WEST OF DACY LANE, AND SOUTH WEST OF SUNFLOWER CIRCLE AND CONTIGUOUS TO THE CITY LIMITS ON FOUR SIDES AS SHOWN IN THE ATTACHED EXHIBIT; MAKING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR OPEN MEETINGS AND OTHER RELATED MATTERS. ~ *Sofia Nelson, Director of Planning*

 [Attachments](#)

3. RESOLUTION OF THE CITY OF KYLE, TEXAS AUTHORIZING THE CITY

MANAGER TO EXECUTE A MEMORANDUM OF UNDERSTANDING WITH THE GENERAL LAND OFFICE OF THE STATE OF TEXAS ALLOWING FOR AND SUPPORTING A PLAN FOR ANNEXATION, SALES TAX REVENUES, WATER AND WASTEWATER UTILITY MATTERS AND A DEVELOPMENT AGREEMENT; MAKING FINDINGS OF FACT; AND PROVIDING FOR RELATED MATTERS. ~ *Sofia Nelson, Director of Planning*

 [Attachments](#)

4. (*First Reading*) AN ORDINANCE OF THE CITY OF KYLE, TEXAS, ANNEXING 2166.442 ACRES OF LAND, LOCATED IN HAYS COUNTY, TEXAS, WHICH IS GENERALLY LOCATED WEST OF N. OLD STAGECOACH ROAD, NORTH OF CYPRESS ROAD, AND ADJACENT AND CONTIGUOUS TO THE CITY LIMITS; AS SHOWN IN THE ATTACHED EXHIBIT; MAKING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR OPEN MEETINGS AND OTHER RELATED MATTERS.

~ *Sofia Nelson, Director of Planning*

 [Attachments](#)

5. (*First Reading*) AN ORDINANCE OF THE CITY OF KYLE, TEXAS, ANNEXING APPROXIMATELY 18.62 ACRES OF LAND LOCATED IN HAYS COUNTY, TEXAS, WHICH IS GENERALLY LOCATED AT THE NORTHWEST CORNER OF E. RR 150 AND CR 152 (ALSO KNOWN AS HEIDENREICH LANE); AS SHOWN IN THE ATTACHED EXHIBIT; MAKING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR OPEN MEETINGS AND OTHER RELATED MATTERS. ~ *Sofia Nelson, Director of Planning*

 [Attachments](#)

6. A RESOLUTION OF THE CITY OF KYLE, TEXAS, ACCEPTING THE PETITION FOR ANNEXATION FROM WALTON DEVELOPMENT; SETTING A SCHEDULE FOR ANNEXATION; PROVIDING OPEN MEETINGS AND OTHER RELATED MATTERS PURSUANT TO TEXAS LOCAL GOVERNMENT CODE SEC. 43.028. ~ *Sofia Nelson, Director of Planning*

 [Attachments](#)

7. (*First Reading*) AN ORDINANCE OF THE CITY OF KYLE, ANNEXING APPROXIMATELY 375 ACRES OF LAND (OUT OF THE APPROXIMATELY 696 ACRE TRACT), LOCATED IN HAYS COUNTY, TEXAS, WHICH IS GENERALLY LOCATED AT THE NORTHEAST CORNER OF E. RR 150 AND CR 152 (ALSO KNOWN AS HEIDENREICH LANE); AS SHOWN IN THE ATTACHED EXHIBIT; MAKING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR OPEN MEETINGS AND OTHER RELATED MATTERS.

~ *Sofia Nelson, Director of Planning*

 [Attachments](#)

8. (*First Reading*) AN ORDINANCE OF THE CITY OF KYLE, TEXAS, ANNEXING 45.716 ACRES OF LAND, LOCATED IN HAYS COUNTY, TEXAS WHICH IS GENERALLY LOCATED NORTH OF E. RR 150, EAST OF HEINDENRICH LANE AND WEST OF STATE HIGHWAY 21; AS SHOWN IN THE ATTACHED EXHIBIT; MAKING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR OPEN MEETINGS AND OTHER RELATED MATTERS.

~ *Sofia Nelson, Director of Planning*

 [Attachments](#)

9. (*First Reading*) AN ORDINANCE OF THE CITY OF KYLE, TEXAS, ANNEXING APPROXIMATELY 10 ACRES OF LAND LOCATED IN HAYS COUNTY, TEXAS, WHICH IS GENERALLY LOCATED NORTH OF E. RR 150, EAST OF CR 152 (ALSO KNOWN AS HEIDENREICH LANE), WEST OF STATE HIGHWAY 21, AND FRONTS ON CR 202; AS SHOWN IN THE ATTACHED EXHIBIT; MAKING FINDING OF FACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR OPEN MEETINGS AND OTHER RELATED MATTERS.

~ *Sofia Nelson, Director of Planning*

 [Attachments](#)

10. (*First Reading*) AN ORDINANCE OF THE CITY OF KYLE, TEXAS, ANNEXING APPROXIMATELY 98.930 ACRES OF LAND LOCATED IN HAYS COUNTY, TEXAS, WHICH IS GENERALLY LOCATED NORTH OF E. RR 150, EAST OF CR 152 (ALSO KNOWN AS HEIDENREICH LANE), WEST OF STATE HIGHWAY 21, AND ADJACENT TO CR 202; AS SHOWN IN THE ATTACHED EXHIBIT; MAKING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR OPEN MEETINGS AND OTHER RELATED MATTERS.

~ *Sofia Nelson, Director of Planning*

 [Attachments](#)

11. (*First Reading*) AN ORDINANCE OF THE CITY OF KYLE, TEXAS, ANNEXING 12.254 ACRES OF LAND, LOCATED IN HAYS COUNTY, TEXAS, WHICH IS GENERALLY LOCATED AT THE SOUTHWEST CORNER OF E. RR 150 AND STATE HIGHWAY 21; AS SHOWN IN THE ATTACHED EXHIBIT; MAKING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR OPEN MEETINGS AND OTHER RELATED MATTERS.

~ *Sofia Nelson, Director of Planning*

 [Attachments](#)

12. (*First Reading*) AN ORDINANCE OF THE CITY OF KYLE, TEXAS, ANNEXING APPROXIMATELY 35 ACRES OF LAND, LOCATED IN HAYS COUNTY, TEXAS, WHICH IS GENERALLY LOCATED NORTH OF WINDY

HILL ROAD, WEST OF DACY LANE AND CONTIGUOUS TO THE CITY LIMITS; AS SHOWN IN THE ATTACHED EXHIBIT; MAKING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR OPEN MEETINGS AND OTHER RELATED MATTERS. ~ *Sofia Nelson, Director of Planning*

 [Attachments](#)

13. (*First Reading*) AN ORDINANCE OF THE CITY OF KYLE, TEXAS, ANNEXING APPROXIMATELY 32.3 ACRES OF LAND, LOCATED IN HAYS COUNTY, TEXAS, WHICH IS GENERALLY LOCATED SOUTH OF WINDY HILL ROAD, WEST OF PARK SOUTH DRIVE AND CONTIGUOUS TO THE CITY LIMITS ON TWO SIDES; AS SHOWN IN THE ATTACHED EXHIBIT; MAKING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR OPEN MEETINGS AND OTHER RELATED MATTERS. ~ *Sofia Nelson, Director of Planning*

 [Attachments](#)

14. (*First Reading*) AN ORDINANCE OF THE CITY OF KYLE, TEXAS ANNEXING 9 TRACTS OF LAND CONSISTING OF APPROXIMATELY 31.8 ACRES OF LAND, LOCATED IN HAYS COUNTY, TEXAS, WHICH IS GENERALLY LOCATED ALONG ANTON DRIVE AND BOTH NORTH AND SOUTH OF BEBEE ROAD, WEST OF SUNRISE DRIVE, AND EAST OF KENSINGTON BLVD. AND CONTIGUOUS TO THE CITY LIMITS; AS SHOWN IN THE ATTACHED EXHIBIT; MAKING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR OPEN MEETINGS AND OTHER RELATED MATTERS. ~ *Sofia Nelson, Director of Planning*

 [Attachments](#)

15. (*First Reading*) AN ORDINANCE OF THE CITY OF KYLE, TEXAS, ANNEXING 19 TRACTS OF LAND CONSISTING OF APPROXIMATELY 70 ACRES OF LAND, LOCATED IN HAYS COUNTY, TEXAS, WHICH IS GENERALLY LOCATED SOUTH OF GOFORTH RD/BEBEE RD AND BOTH EAST AND WEST SIDES OF GOFORTH AND CONTIGUOUS TO THE CITY LIMITS; AS SHOWN IN THE ATTACHED EXHIBIT; MAKING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR OPEN MEETINGS AND OTHER RELATED MATTERS. ~ *Sofia Nelson, Director of Planning*

 [Attachments](#)

16. Consideration and Possible Action as may be required in regards to the Joint Resolution of the City of Kyle, Texas and Hays County Emergency Services District No. 5 for the Allocation of Sales Tax Revenue. ~ *Lanny Lambert, City Manager*

 [Attachments](#)

IV. Executive Session

17. Convene into Executive Session pursuant to Tex. Gov't. Code, § 551.087, Deliberation regarding Economic Development Negotiations.

 [Attachments](#)

18. Reconvene into Open Session to take action as deemed appropriate in the City Council's discretion regarding Economic Development Negotiations.

 [Attachments](#)

V. ADJOURN

At any time during the Regular City Council Meeting, the City Council may adjourn into an Executive Session, as needed, on any item listed on the agenda for which state law authorizes Executive Session to be held

*Per Texas Attorney General Opinion No. JC-0169; Open Meeting & Agenda Requirements, Dated January 24, 2000: The permissible responses to a general member communication at the meeting are limited by 551.042, as follows: "SEC.551.042. Inquiry Made at Meeting. (a) If, at a meeting of a government body, a member of the public or of the governmental body inquires about a subject for which notice has not been given as required by the subchapter, the notice provisions of this subchapter, do not apply to:(1) a statement of specific factual information given in response to the inquiry; or (2) a recitation of existing policy in response to the inquiry. (b) Any deliberation of or decision about the subject of the inquiry shall be limited to a proposal to place the subject on the agenda for a subsequent meeting.



CITY OF KYLE, TEXAS

Executive Session-Convvene-GLO Land Annexation

Meeting Date: 10/8/2013
Date time: 7:00 PM

Subject/Recommendation: Convene into Executive Session pursuant to Tex. Gov't. Code, § 551.087, Deliberation regarding Economic Development Negotiations.

Other Information:

Budget Information:

Viewing Attachments Requires Adobe Acrobat. [Click here](#) to download.

Attachments / click to download



CITY OF KYLE, TEXAS

Executive Session-Reconvene-GLO Land Annexation

Meeting Date: 10/8/2013
Date time: 7:00 PM

Subject/Recommendation: Reconvene into Open Session to take action as deemed appropriate in the City Council's discretion regarding Economic Development Negotiations.

Other Information:

Budget Information:

Viewing Attachments Requires Adobe Acrobat. [Click here](#) to download.

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CITY OF KYLE, TEXAS

1.2 acres E. of Scott Street West of
Sledge

Meeting Date: 10/8/2013
Date time: 7:00 PM

Subject/Recommendation: *(First Reading)* AN ORDINANCE OF THE CITY OF KYLE, TEXAS, ANNEXING A PORTION OF 2 TRACTS OF LAND CONSISTING OF APPROXIMATELY 1.2 ACRES OF LAND (OUT OF 3.5 ACRES), LOCATED IN HAYS COUNTY, TEXAS; WHICH IS GENERALLY LOCATED EAST OF SCOTT STREET, WEST OF SLEDGE, AND NORTH OF PARK PLACE AND CONTIGUOUS TO THE CITY LIMITS; AS SHOWN IN THE ATTACHED EXHIBIT; MAKING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR OPEN MEETINGS AND OTHER RELATED MATTERS. ~ *Sofia Nelson, Director of Planning*

Other Information: Please see attachment

Budget Information: N/A

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Attachments / click to download

[Ordinance and Backup Material](#)

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF KYLE, TEXAS, ANNEXING A PORTION OF 2 TRACTS OF LAND CONSISTING OF APPROXIMATELY 1.2 ACRES OF LAND (OUT OF 3.5 ACRES), LOCATED IN HAYS COUNTY, TEXAS; WHICH IS GENERALLY LOCATED EAST OF SCOTT STREET, WEST OF SLEDGE, AND NORTH OF PARK PLACE AND CONTIGUOUS TO THE CITY LIMITS; AS SHOWN IN THE ATTACHED EXHIBIT; MAKING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR OPEN MEETINGS AND OTHER RELATED MATTERS.

WHEREAS, the City of Kyle, Texas (the "City"), is a home rule municipality authorized by State law and the City's Charter to annex territory lying adjacent and contiguous to the City;

WHEREAS, the City Council, in compliance with §43.021, *Tex. Local Gov't Code*, instituted proceedings for the annexation of certain property more particularly described herein (the "subject property");

WHEREAS, the subject property hereby annexed is adjacent and contiguous to the present City limits;

WHEREAS, the boundaries of the City are contiguous to the subject property on at least two sides;

WHEREAS, citizens were given the opportunity to provide public input at two separate public hearings which were conducted prior to consideration of this Ordinance in accordance with § 43.063, *Tex. Loc. Gov't. Code*;

WHEREAS, the hearings were conducted and held not more than forty (40) nor less than twenty (20) days prior to the institution of annexation proceedings;

WHEREAS, notice of the public hearings was published in a newspaper of general circulation in the City and the territory proposed to be annexed not more than twenty (20) nor less than ten (10) days prior to the public hearings;

WHEREAS, the City intends to provide services to the subject property to be annexed according to the Service Plan attached hereto as Exhibit "A".

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KYLE, TEXAS:

SECTION 1. That all of the above premises and findings of fact are found to be true and correct and are incorporated into the body of this Ordinance as if copied in their entirety.

SECTION 2. That the following described property (hereinafter referred to as the "Annexed

Property”) is hereby annexed into the corporate limits of the City of Kyle:

A portion of two tracts of land consisting of approximately 1.2 acres of land (out of 3.5 acres), located in Hays County, Texas, which is generally located east of Scott Street, west of Sledge, and north of Park Place and contiguous to the city limits and being more particularly described in Exhibit “B” attached hereto and incorporated herein for all purposes (the “Property”), as shown in the map portion of Exhibit “B”.

SECTION 3. That the Service Plan submitted herewith is hereby approved as part of this Ordinance, made a part hereof and attached hereto as Exhibit “A”.

SECTION 4. That the future owners and inhabitants of the Annexed Property shall be entitled to all of the rights and privileges of the City as set forth in the Service Plan attached hereto as Exhibit “A”, and are further bound by all acts, ordinances, and all other legal action now in full force and effect and all those which may be hereafter adopted.

SECTION 5. That the official map and boundaries of the City, heretofore adopted and amended be and hereby are amended so as to include the Annexed Property as part of the City of Kyle.

SECTION 6. That the Annexed Property shall be assigned to Council District No. 2.

SECTION 7. That the Annexed Property shall be temporarily zoned Agricultural District “A” as provided in the City Zoning Ordinance, as amended, until permanent zoning is established therefore.

SECTION 8. That if any provision of this Ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

SECTION 9. That this Ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the *Tex. Loc. Gov't. Code*.

SECTION 10. That it is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, *Chapt. 551, Tex. Gov't. Code*.

PASSED AND APPROVED on First Reading this 8th day of October, 2013.

FINALLY PASSED AND APPROVED on this ____ day of _____, 2013.

ATTEST:

CITY OF KYLE, TEXAS

Amelia Sanchez, City Secretary

Lucy Johnson, Mayor

EXHIBIT "A"**MUNICIPAL SERVICES PLAN**

WHEREAS, the City of Kyle, Texas (the "City") instituted and completed annexation proceedings for tracts of land described more fully hereinafter (referred to herein as the "subject properties");

WHEREAS, *Section 43.056, Loc. Gov't. Code*, requires a service plan be adopted with the annexation ordinance;

WHEREAS, the subject properties are not included in the municipal annexation plan and are exempt from the requirements thereof having fewer than one hundred (100) houses on separate tracts;

WHEREAS, the subject property will be provided municipal services on the same terms and conditions as other similarly situated properties currently within the City limits and capital improvements necessary to offer such municipal services on the same terms and conditions as other similarly situated properties within the City and in accordance with City policies, regulations, and ordinances; and

WHEREAS, it is found that all statutory requirements have been satisfied and the City is authorized by *Chapt. 43, Loc. Gov't. Code*, to annex the subject properties into the City.

NOW, THEREFORE, the City agrees to provide the following services for the subject properties on the effective date of annexation:

(1) **General Municipal Services.** The subject properties are located within the City's extraterritorial jurisdiction and are more particularly described in the Ordinance to which this service plan is attached. Pursuant to this Plan, the following services shall be provided immediately from the effective date of the annexation:

A. Police protection as follows:

Routine patrols of areas, radio response to calls for police service and all other police services now being offered to the citizens of the City.

B. Fire protection and Emergency Medical Services as follows:

Fire protection by the Emergency Service District's (ESD) and volunteer fire fighting force's present personnel and equipment with the limitations of water available. Radio response for Emergency Medical Services with the present personnel and equipment of the ESD.

C. Solid waste collection services as follows:

Solid waste collection and services as now being offered to the citizens of the City.

D. Animal control as follows:

Service by present personnel, equipment and facilities or by contract with a third party, as provided within the City.

E. Maintenance of parks and playgrounds within the City.

F. Inspection services in conjunction with building permits and routine City code enforcement services by present personnel, equipment and facilities.

G. Maintenance of other City facilities, buildings and service.

H. Land use regulation as follows:

On the effective date of annexation, the regulatory jurisdiction of the City shall be extended to include the annexed area, and all property therein shall be subject to the City's police power regulations as set forth in duly adopted ordinances; provided that the use of all property therein shall be grandfathered to the extent provided by state law. The subject properties shall be temporarily zoned "A" with the intent to rezone the properties upon request of the landowner or staff. The Planning & Zoning Commission and the City Council will consider rezoning the subject properties at future times in response to requests submitted by the landowners or authorized city staff.

(2) **Scheduled Municipal Services.** Depending on the plans for development or redevelopment of the subject properties, the following municipal services will be provided on a schedule and at increasing levels of service as requested in compliance with applicable City ordinances, rules and regulations for providing such services:

A. Water service and maintenance of water facilities as follows:

(i) The subject property is located within the City of Kyle Water CCN as a result inspection of water distribution lines will be provided by the statutes of the State of Texas.

(ii) In accordance with the applicable rules and regulations for the provision of water service, water service will be provided to the subjects properties, or applicable portions thereof, by the utility holding a water certificate of convenience and necessity ("CCN") for the subject properties, or portions thereof as applicable, or absent a water CCN, by the utility in whose jurisdiction the subject properties, or portions thereof as applicable, are located, in accordance with all the ordinances, regulations, and policies of the City in effect from time to time for the extension of water service. If connected to the water utility system, the subject properties' owner shall construct the internal water lines and pay the costs of line extension and construction of such facilities necessary to provide water service to the subject properties as required in City ordinances. Upon acceptance of the water lines within the subject properties and any off-site improvements, water service will be provided by the

water service provider on the same terms, conditions and requirements as are applied to all similarly situated areas and customers; subject to all the ordinances, regulations and policies in effect from time to time. The system will be accepted and maintained by the water provider in accordance with its usual acceptance and maintenance policies. New water line extensions will be installed and extended upon request under the same costs and terms as with other similarly situated customers. The continued use of a water well that is in use on the effective date of the annexation and is in compliance with applicable rules and regulations shall be permitted and such use may continue until the subject property owner requests and is able to connect to the City's water utility system.

B. Wastewater service and maintenance of wastewater service as follows:

(i) Inspection of sewer lines as provided by statutes of the State of Texas.

(ii) In accordance with the applicable rules and regulations for the provision of wastewater service, wastewater service will be provided to the subjects properties, or applicable portions thereof, by the utility holding a wastewater CCN for the subject properties, or portions thereof as applicable, or absent a wastewater CCN, by the utility in whose jurisdiction the subject properties, or portions thereof as applicable, are located, in accordance with all the ordinances, regulations, and policies of the City in effect from time to time for the extension of wastewater service. If connected to the City's wastewater utility system, the subject properties' owner shall construct the internal wastewater lines and pay the costs of line extension and construction of facilities necessary to provide wastewater service to the subject properties as required in City ordinances. Upon acceptance of the wastewater lines within the subject properties and any off-site improvements, wastewater service will be provided by the City utility department on the same terms, conditions and requirements as are applied to all similarly situated areas and customers of the City, subject to all the ordinances, regulations and policies of the City in effect from time to time. The wastewater system will be accepted and maintained by the City in accordance with its usual policies. Requests for new wastewater line extensions will be installed and extended upon request under the same costs and terms as with other similarly situated customers of the City. The ordinances in effect at the time a request for service is submitted shall govern the costs and request for service. The continued use of a septic system that is in use on the effective date of the annexation and is in compliance with all applicable rules and regulations shall be permitted and such use may continue until the subject property owner requests and is able to connect to the City's wastewater utility system.

C. Maintenance, as appropriate, of existing public streets and rights-of-way that are within the maintenance jurisdiction of the City and other streets that are hereafter constructed and finally accepted by the City within the maintenance jurisdiction of the City as follows:

(i) Emergency maintenance of streets, repair of hazardous potholes, measures necessary for traffic flow, etc.;

(ii) Routine maintenance as presently performed by the City;

(iii) Reconstruction and resurfacing of streets, installation of drainage facilities, construction of curbs, gutters and other such major improvements as the need therefore is determined by the governing body under City policies;

(iv) Installation and maintenance of traffic signals, traffic signs, street markings and other traffic control devices as the need therefore is established by appropriate study and traffic standards; and

(v) Installation and maintenance of street lighting in accordance with established policies of the City.

(3) **Capital Improvements.** Construction of the following capital improvements shall be initiated after the effective date of the annexation: Water and wastewater facilities that are identified in the Capital Improvement Plan, as and when funded pursuant to such Plan. Upon development of the subject properties or redevelopment, the landowners will be responsible for the development costs the same as a developer in a similarly situated area under the ordinances in effect at the time of development or redevelopment. No additional capital improvements are necessary at this time to service the subject properties the same as similarly situated properties.




(4) **Term.** If not previously expired, this service plan expires at the end of ten (10) years.

(5) **Property Description.** The legal descriptions of the subject properties are as set forth in Exhibit "B" attached to the Annexation Ordinance to which this Service Plan is attached as Exhibit "A".


EXHIBIT "B"
Property Description




Legend

-  Proposed Annexations
-  Parcel Lines
-  Kyle City Limits


Area to be Annexed
1.2 Acres on
Scott St





Item # 3

0 250 500 1,000



Feet

1.088 Acres
 Z. HINTON SURVEY NO. 12, ABSTRACT NO. 220
 HAYS COUNTY, TEXAS
 ANNEXATION

FIELD NOTES

BEING ALL OF THAT CERTAIN TRACT OR PARCEL OF LAND OUT OF AND A PART OF THE Z. HINTON SURVEY NO. 12, ABSTRACT NUMBER 220, SITUATED IN HAYS COUNTY, TEXAS, BEING MORE FULLY DESCRIBED AS BEING ALL OF THAT CERTAIN 1.07 ACRE TRACT OF LAND, CONVEYED TO GENEVIEVE VAUGHN IN VOLUME 1978, PAGE 183 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS (O.P.R.H.C.TX.), SAID 1.088 ACRE TRACT BEING MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, at a point on the southeastern right-of-way line of Scott Street (R.O.W. varies), for the westernmost northwestern corner of an 11.08 acre tract conveyed to LD ENTERPRISES LLC, in Volume 3255, Page 457 of the O.P.R.H.C.TX., for the **POINT OF BEGINNING** and the northernmost corner of the herein described tract,

THENCE, with the common boundary line of said 1.07 acre tract and said 11.08 acre tract, the following two courses and distances, numbered 1 through 2:

1. S45°25'00"E, for a distance of 216.00 feet to a point for the easternmost corner of the herein described tract, and
2. S43°59'44"W, for a distance of 193.48 feet to a point in the northeastern boundary line of Four Oaks Subdivision, a subdivision as recorded in Volume 1, Page 91-92 of the Hays County Plat Records (H.C.P.R.), for the southernmost southwestern corner of said 11.08 acre tract, also being the southernmost corner of the herein described tract,

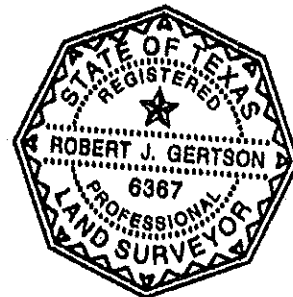
THENCE, with the common boundary line of said Four Oaks Subdivision and said 1.07 acre tract, N45°38'33"W, for a distance of 272.76 feet to a point in the southeastern right-of-way of said Scott Street (R.O.W. varies), for the northernmost corner of said Four Oaks Subdivision, also being the westernmost corner of the herein described tract,

THENCE, in a northeasterly direction with the southeastern right-of-way line of said Scott Street (R.O.W. varies), common to the northwestern boundary line of said 1.07 acre tract, to the **POINT OF BEGINNING**, and containing 1.088 acres of land

THIS SURVEY WAS PREPARED FROM RECORD INFORMATION FOUND IN VOLUME 3255, PAGE 457 (O.P.R.H.C.TX.), NO ON-THE-GROUND SURVEY WAS PERFORMED

Prepared by: _____

8-29-13
 ROBERT J. GERTSON, R.P.L.S. NO. 6367
 Carlson, Brigrance and Doering, Inc.
 5501 West William Cannon
 Austin, TX 78749
 Ph: 512-280-5160 Fax: 512-280-5165
 rgertson@cbdeng.com



SKETCH TO ACCOMPANY FIELD NOTES



SCALE: 1" = 100'

Z. HINTON SURVEY, ABSTRACT NO. 220

SCOTT STREET

POINT OF BEGINNING

LD ENTERPRISES LLC
11.08 ACRES
VOL. 3255, PG. 457

1.088 ACRES
GENEVIEVE VAUGHN
(1.07 ACRES CALLED)
VOL. 1978, PG. 183

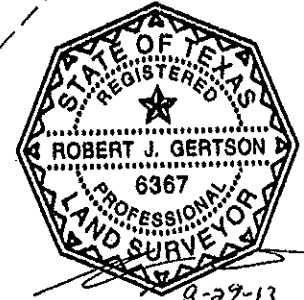
LD ENTERPRISES LLC
11.08 ACRES
VOL. 3255, PG. 457

N45°38'33"W 272.76'

FOUR OAKS SUBDIVISION
VOL. 1, PG. 91-92

S45°25'00"E 216.00'

S43°59'44"W 193.48'



BEARING BASIS: PREPARED WITH RECORD INFORMATION
FOUND IN VOLUME 3255, PAGE 457 (O.P.R.H.C.T.X.)



Carlson, Brigance & Doering, Inc.
 Civil Engineering ♦ Surveying
 5501 West William Cannon Drive ♦ Austin, Texas 78749
 Phone No. (512) 280-5160 ♦ Fax No. (512) 280-5165

2.535 Acres
 Z. HINTON SURVEY NO. 12, ABSTRACT NO. 220
 HAYS COUNTY, TEXAS
 ANNEXATION

FIELD NOTES

BEING ALL OF THAT CERTAIN TRACT OR PARCEL OF LAND OUT OF AND A PART OF THE Z. HINTON SURVEY NO. 12, ABSTRACT NUMBER 220, SITUATED IN HAYS COUNTY, TEXAS, BEING MORE FULLY DESCRIBED AS BEING A PART OF THAT CERTAIN 11.08 ACRE TRACT OF LAND, CONVEYED TO L.D ENTERPRISES LLC IN VOLUME 3255, PAGE 457 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS (O.P.R.H.C.TX.), SAID 2.535 ACRE TRACT BEING MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, at a point on the southeastern right-of-way line of Scott Street (R.O.W. varies), for the northernmost corner of a 1.07 acre tract conveyed to Genevieve Vaughn in Volume 1978, Page 183 of the O.P.R.H.C.TX., also being the westernmost corner of said 11.08 acre tract for the **POINT OF BEGINNING** and the westernmost corner of the herein described tract,

THENCE, with the southeastern right-of-way line of said Scott Street (R.O.W varies), common to the northwestern boundary line of said 11.08 acre tract, N44°07'00"E, for a distance of 139.00 feet to a point,

THENCE, crossing said 11.08 acre tract the following two courses and distances, numbered 1 through 2:

1. S45°25'24"E, for a distance of 457.70 feet to a point for the easternmost corner of the herein described tract, and
2. S43°55'24"W, for a distance of 331.59 feet to a point for the northernmost corner of Bradford Meadows, a subdivision recorded in Volume 9, Page 362 of the Hays County Plat Records (H.C.P.R.), also being the easternmost corner of Four Oaks Subdivision, a subdivision as recorded in Volume 1, Page 91-92 of the H.C.P.R., and the southernmost corner of the herein described tract,


THENCE, with the common boundary line of said Four Oaks Subdivision and said 11.08 acre tract, N45°38'33"W, for a distance of 242.40 feet to a point for the southernmost corner of said 1.07 acre tract, also being the westernmost southwestern corner of the herein described tract,

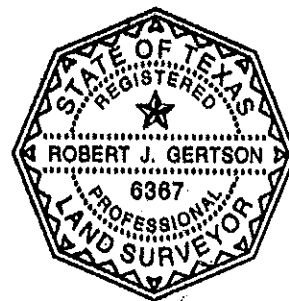
THENCE, with the common boundary line of said 1.07 acre tract and said 11.08 acre tract, the following 2 courses and distances, numbered 1 through 2:

1. N43°59'44"E, for a distance of 193.48 feet to a point for an interior ELL corner of the herein described tract, and
2. N45°25'00"W, for a distance of 216.00 feet to the **POINT OF BEGINNING**, and containing 2.535 acres of land.

THIS SURVEY WAS PREPARED FROM RECORD INFORMATION FOUND IN VOLUME 3255, PAGE 457 (O.P.R.H.C.TX.), NO ON-THE-GROUND SURVEY WAS PERFORMED

Prepared by:

 8-29-13
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SKETCH TO ACCOMPANY FIELD NOTES



SCALE: 1" = 100'

Z. HINTON SURVEY,
ABSTRACT NO. 220

LD ENTERPRISES LLC
11.08 ACRES
VOL. 3255, PG. 457

SCOTT STREET

N44°07'00"E 139.00'

POINT OF BEGINNING

N45°25'00"W 216.00'

GENEVIEVE VAUGHN
1.07 ACRES
VOL. 1978, PG. 183

S45°25'24"E 457.70'

2.535 ACRES

LD ENTERPRISES LLC
11.08 ACRES
VOL. 3255, PG. 457

FOUR OAKS SUBDIVISION
VOL. 1, PG. 91-92

N43°59'44"E 193.48'

N45°38'33"W 242.40'

FOUR OAKS SUBDIVISION
VOL. 1, PG. 91-92


S43°55'24"W 331.59'

FINAL PLAT OF
BRADFORD MEADOWS
VOL. 9, PG. 362



8-29-13

BEARING BASIS: PREPARED WITH RECORD INFORMATION
FOUND IN VOLUME 3255, PAGE 457 (O.P.R.M.C.TX.)



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Phone No. (512) 280-5160 ♦ Fax No. (512) 280-5165



CITY OF KYLE, TEXAS

1.5 acres N of Bebee W. of Dacy and
SW of Sunflower Circle

Meeting Date: 10/8/2013
Date time: 7:00 PM

Subject/Recommendation: *(First Reading)* AN ORDINANCE OF THE CITY OF KYLE, TEXAS, ANNEXING APPROXIMATELY 1.5 ACRES OF LAND, LOCATED IN HAYS COUNTY, TEXAS, WHICH IS GENERALLY LOCATED NORTH OF BEBEE ROAD, WEST OF DACY LANE, AND SOUTH WEST OF SUNFLOWER CIRCLE AND CONTIGUOUS TO THE CITY LIMITS ON FOUR SIDES AS SHOWN IN THE ATTACHED EXHIBIT; MAKING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR OPEN MEETINGS AND OTHER RELATED MATTERS. ~ *Sofia Nelson, Director of Planning*

Other Information: Please see attachment

Budget Information: N/A

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Attachments / click to download

[Ordinance and Backup Material](#)

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF KYLE, TEXAS, ANNEXING APPROXIMATELY 1.5 ACRES OF LAND, LOCATED IN HAYS COUNTY, TEXAS, WHICH IS GENERALLY LOCATED NORTH OF BEBEE ROAD, WEST OF DACY LANE, AND SOUTH WEST OF SUNFLOWER CIRCLE AND CONTIGUOUS TO THE CITY LIMITS ON FOUR SIDES AS SHOWN IN THE ATTACHED EXHIBIT; MAKING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR OPEN MEETINGS AND OTHER RELATED MATTERS.

WHEREAS, the City of Kyle, Texas (the "City"), is a home rule municipality authorized by State law and the City's Charter to annex territory lying adjacent and contiguous to the City;

WHEREAS, the City Council, in compliance with §43.021, *Tex. Local Gov't Code*, instituted proceedings for the annexation of certain property more particularly described herein (the "subject property");

WHEREAS, the subject property hereby annexed is adjacent and contiguous to the present City limits;

WHEREAS, the boundaries of the City are contiguous to the subject property on at least two sides;

WHEREAS, citizens were given the opportunity to provide public input at two separate public hearings which were conducted prior to consideration of this Ordinance in accordance with § 43.063, *Tex. Loc. Gov't. Code*;

WHEREAS, the hearings were conducted and held not more than forty (40) nor less than twenty (20) days prior to the institution of annexation proceedings;

WHEREAS, notice of the public hearings was published in a newspaper of general circulation in the City and the territory proposed to be annexed not more than twenty (20) nor less than ten (10) days prior to the public hearings;

WHEREAS, the City intends to provide services to the subject property to be annexed according to the Service Plan attached hereto as Exhibit "A".

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KYLE, TEXAS:

SECTION 1. That all of the above premises and findings of fact are found to be true and correct and are incorporated into the body of this Ordinance as if copied in their entirety.

SECTION 2. That the following described property (hereinafter referred to as the "Annexed

Property”) is hereby annexed into the corporate limits of the City of Kyle:

The approximately 1.5 acres of Land in Hays County, Texas that is generally north of Bebee Road, west of Dacy Lane, and south west of Sunflower Circle and contiguous to the City Limits on four sides and being more particularly described in Exhibit “B”

SECTION 3. That the Service Plan submitted herewith is hereby approved as part of this Ordinance, made a part hereof and attached hereto as Exhibit “A”.

SECTION 4. That the future owners and inhabitants of the Annexed Property shall be entitled to all of the rights and privileges of the City as set forth in the Service Plan attached hereto as Exhibit “A”, and are further bound by all acts, ordinances, and all other legal action now in full force and effect and all those which may be hereafter adopted.

SECTION 5. That the official map and boundaries of the City, heretofore adopted and amended be and hereby are amended so as to include the Annexed Property as part of the City of Kyle.

SECTION 6. That the Annexed Property shall be assigned to Council District No. 6.

SECTION 7. That the Annexed Property shall be temporarily zoned Agricultural District “A” as provided in the City Zoning Ordinance, as amended, until permanent zoning is established therefore.

SECTION 8. That if any provision of this Ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

SECTION 9. That this Ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the *Tex. Loc. Gov't. Code*.

SECTION 10. That it is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, *Chapt. 551, Tex. Gov't. Code*.

PASSED AND APPROVED on First Reading this 8th day of October, 2013.

FINALLY PASSED AND APPROVED on this ____ day of _____, 2013.

ATTEST:

CITY OF KYLE, TEXAS

Amelia Sanchez, City Secretary

Lucy Johnson, Mayor

EXHIBIT "A"**MUNICIPAL SERVICES PLAN**

WHEREAS, the City of Kyle, Texas (the "City") instituted and completed annexation proceedings for tracts of land described more fully hereinafter (referred to herein as the "subject properties");

WHEREAS, *Section 43.056, Loc. Gov't. Code*, requires a service plan be adopted with the annexation ordinance;

WHEREAS, the subject properties are not included in the municipal annexation plan and are exempt from the requirements thereof having fewer than one hundred (100) houses on separate tracts;

WHEREAS, the subject property will be provided municipal services on the same terms and conditions as other similarly situated properties currently within the City limits and capital improvements necessary to offer such municipal services on the same terms and conditions as other similarly situated properties within the City and in accordance with City policies, regulations, and ordinances; and

WHEREAS, it is found that all statutory requirements have been satisfied and the City is authorized by *Chapt. 43, Loc. Gov't. Code*, to annex the subject properties into the City.

NOW, THEREFORE, the City agrees to provide the following services for the subject properties on the effective date of annexation:

(1) **General Municipal Services.** The subject properties are located within the City's extraterritorial jurisdiction and are more particularly described in the Ordinance to which this service plan is attached. Pursuant to this Plan, the following services shall be provided immediately from the effective date of the annexation:

A. Police protection as follows:

Routine patrols of areas, radio response to calls for police service and all other police services now being offered to the citizens of the City.

B. Fire protection and Emergency Medical Services as follows:

Fire protection by the Emergency Service District's (ESD) and volunteer fire fighting force's present personnel and equipment with the limitations of water available. Radio response for Emergency Medical Services with the present personnel and equipment of the ESD.

C. Solid waste collection services as follows:

Solid waste collection and services as now being offered to the citizens of the City.

D. Animal control as follows:

Service by present personnel, equipment and facilities or by contract with a third party, as provided within the City.

E. Maintenance of parks and playgrounds within the City.

F. Inspection services in conjunction with building permits and routine City code enforcement services by present personnel, equipment and facilities.

G. Maintenance of other City facilities, buildings and service.

H. Land use regulation as follows:

On the effective date of annexation, the regulatory jurisdiction of the City shall be extended to include the annexed area, and all property therein shall be subject to the City's police power regulations as set forth in duly adopted ordinances; provided that the use of all property therein shall be grandfathered to the extent provided by state law. The subject properties shall be temporarily zoned "A" with the intent to rezone the properties upon request of the landowner or staff. The Planning & Zoning Commission and the City Council will consider rezoning the subject properties at future times in response to requests submitted by the landowners or authorized city staff.

(2) **Scheduled Municipal Services.** Depending on the plans for development or redevelopment of the subject properties, the following municipal services will be provided on a schedule and at increasing levels of service as requested in compliance with applicable City ordinances, rules and regulations for providing such services:

A. Water service and maintenance of water facilities as follows:

(i) The subject property is located within the Monarch Water CCN, as a result, inspection of water distribution lines will be provided by in accordance with the statutes of the State of Texas.

(ii) In accordance with the applicable rules and regulations for the provision of water service, water service will be provided to the subjects properties, or applicable portions thereof, by the utility holding a water certificate of convenience and necessity ("CCN") for the subject properties, or portions thereof as applicable, or absent a water CCN, by the utility in whose jurisdiction the subject properties, or portions thereof as applicable, are located, in accordance with all the ordinances, regulations, and policies of the City in effect from time to time for the extension of water service. If connected to the water utility system, the subject properties' owner shall construct the internal water lines and pay the costs of line extension and construction of such facilities necessary to provide water service to the subject properties as required in City ordinances. Upon acceptance of the water lines within the

subject properties and any off-site improvements, water service will be provided by the water service provider -on the same terms, conditions and requirements as are applied to all similarly situated areas and customers; subject to all the ordinances, regulations and policies in effect from time to time. The system will be accepted and maintained by the water provider in accordance with its usual acceptance and maintenance policies. New water line extensions will be installed and extended upon request under the same costs and terms as with other similarly situated customers. The continued use of a water well that is in use on the effective date of the annexation and is in compliance with applicable rules and regulations shall be permitted and such use may continue until the subject property owner requests and is able to connect to the City's water utility system.

B. Wastewater service and maintenance of wastewater service as follows:

(i) Inspection of sewer lines as provided by statutes of the State of Texas.

(ii) In accordance with the applicable rules and regulations for the provision of wastewater service, wastewater service will be provided to the subjects properties, or applicable portions thereof, by the utility holding a wastewater CCN for the subject properties, or portions thereof as applicable, or absent a wastewater CCN, by the utility in whose jurisdiction the subject properties, or portions thereof as applicable, are located, in accordance with all the ordinances, regulations, and policies of the City in effect from time to time for the extension of wastewater service. If connected to the City's wastewater utility system, the subject properties' owner shall construct the internal wastewater lines and pay the costs of line extension and construction of facilities necessary to provide wastewater service to the subject properties as required in City ordinances. Upon acceptance of the wastewater lines within the subject properties and any off-site improvements, wastewater service will be provided by the City utility department on the same terms, conditions and requirements as are applied to all similarly situated areas and customers of the City, subject to all the ordinances, regulations and policies of the City in effect from time to time. The wastewater system will be accepted and maintained by the City in accordance with its usual policies. Requests for new wastewater line extensions will be installed and extended upon request under the same costs and terms as with other similarly situated customers of the City. The ordinances in effect at the time a request for service is submitted shall govern the costs and request for service. The continued use of a septic system that is in use on the effective date of the annexation and is in compliance with all applicable rules and regulations shall be permitted and such use may continue until the subject property owner requests and is able to connect to the City's wastewater utility system.

C. Maintenance, as appropriate, of existing public streets and rights-of-way that are within the maintenance jurisdiction of the City and other streets that are hereafter constructed and finally accepted by the City within the maintenance jurisdiction of the City as follows:

(i) Emergency maintenance of streets, repair of hazardous potholes, measures necessary for traffic flow, etc.;

- (ii) Routine maintenance as presently performed by the City;
 - (iii) Reconstruction and resurfacing of streets, installation of drainage facilities, construction of curbs, gutters and other such major improvements as the need therefore is determined by the governing body under City policies;
 - (iv) Installation and maintenance of traffic signals, traffic signs, street markings and other traffic control devices as the need therefore is established by appropriate study and traffic standards; and
 - (v) Installation and maintenance of street lighting in accordance with established policies of the City.
- (3) **Capital Improvements.** Construction of the following capital improvements shall be initiated after the effective date of the annexation: Water and wastewater facilities that are identified in the Capital Improvement Plan, as and when funded pursuant to such Plan. Upon development of the subject properties or redevelopment, the landowners will be responsible for the development costs the same as a developer in a similarly situated area under the ordinances in effect at the time of development or redevelopment. No additional capital improvements are necessary at this time to service the subject properties the same as similarly situated properties.
- (4) **Term.** If not previously expired, this service plan expires at the end of ten (10) years.
- (5) **Property Description.** The legal descriptions of the subject properties are as set forth in Exhibit "B" attached to the Annexation Ordinance to which this Service Plan is attached as Exhibit "A".

EXHIBIT "B"
Property Description

1.500 Acres
E. Pruett Survey, A-376
HAYS COUNTY, TEXAS
ANNEXATION

FIELD NOTES

BEING ALL OF THAT CERTAIN TRACT OR PARCEL OF LAND OUT OF AND A PART OF THE ELISHA PRUETT SURVEY, A-376, SITUATED IN HAYS COUNTY, TEXAS, BEING MORE FULLY DESCRIBED AS BEING ALL OF THAT CERTAIN 1.5 ACRE TRACT OF LAND CONVEYED TO ALFONSO & HOPE MARTINEZ, IN VOLUME 262, PAGE 597, OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, (O.P.R.H.C.TX.), SAID 1.500 ACRES BEING MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, at a point on the northern right-of-way line of CR 122 (R.O.W. varies), for the southwestern corner of said 1.5 acre tract, and the southeastern corner of a 13.22 acre tract of land conveyed to the City of Kyle, in Vol. 3344, Pg. 684, of the Official Public Records of Hays County, Texas, (O.P.R.H.C.TX.), for the **POINT OF BEGINNING** of the herein described tract,

THENCE, with the common boundary line of said 1.5 acre tract, and said 13.22 acre tract, the following two (2) courses and distances, numbered 1 through 2,

1. N32°00'00"E, for a distance of 482.15 feet to a point, and
2. S62°49'00"E, for a distance of 136.00 feet to a point for the northeastern corner of said 1.5 acre tract, also being an eastern corner of said 13.22 acre tract, and also being a point on the western boundary line of Lot 1, Silver Mills, a subdivision as recorded in Vol. 4, Pg. 45, of the Hays County Plat Records (H.C.P.R.),

THENCE, with the common boundary line of said 1.5 acre tract, and said Lot 1, S32°00'00"W, for a distance of 482.15 feet to a point, for the southeastern corner of said 1.5 acre tract, also being the southwestern corner of said Lot 1, and also being a point in the northern right-of-way line of said CR 122,

THENCE, with the common boundary line of said 1.5 acre tract, and CR 122, N62°49'00"W a distance of 136.00 feet to the **POINT OF BEGINNING**, and containing 1.500 acres of land.

THIS SURVEY WAS PREPARED FROM RECORD INFORMATION FOUND IN VOLUME 262, PAGE 597 (O.P.R.H.C.TX.) NO ON-THE-GROUND SURVEY WAS PERFORMED

Prepared by: _____

8-29-13
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SKETCH TO ACCOMPANY FIELD NOTES



SCALE: 1" = 100'

THE E. PRUETT SURVEY, A-376

CITY OF KYLE
13.22 ACRES
VOL. 3344, PG. 684

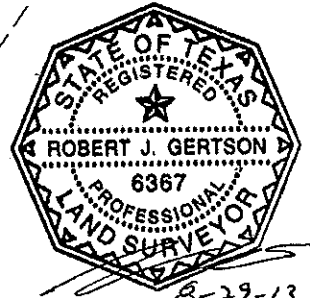
1.500 Acres

ALFONSO & HOPE MARTINEZ
(1.5 ACRES CALLED)
VOL. 262, PG. 597

POINT OF BEGINNING

LOT 1
SILVER MILLS
VOL. 4, PG. 45

CR 122 (R.O.W. VARIES)



8-29-13

BEARING BASIS: PREPARED WITH RECORD INFORMATION
FOUND IN VOLUME 262, PAGE 597 (O.P.R.H.C.T.X.)



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CITY OF KYLE, TEXAS

GLO

Meeting Date: 10/8/2013
Date time: 7:00 PM

Subject/Recommendation: RESOLUTION OF THE CITY OF KYLE, TEXAS AUTHORIZING THE CITY MANAGER TO EXECUTE A MEMORANDUM OF UNDERSTANDING WITH THE GENERAL LAND OFFICE OF THE STATE OF TEXAS ALLOWING FOR AND SUPPORTING A PLAN FOR ANNEXATION, SALES TAX REVENUES, WATER AND WASTEWATER UTILITY MATTERS AND A DEVELOPMENT AGREEMENT; MAKING FINDINGS OF FACT; AND PROVIDING FOR RELATED MATTERS. ~ *Sofia Nelson, Director of Planning*

Other Information: Please see attachments

Budget Information: N/A

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Attachments / click to download

[Back up Material](#)

Draft: 10-01-2013

**Memorandum of Understanding
Between the General Land Office of the State of Texas and
the City of Kyle, Texas Relating to the Blanco River Ranch Project**

1. Background and Purpose:

- a. The State of Texas, for the use and benefit of the Permanent School Fund of the Texas ("PSF"), owns that certain tract of land encompassing approximately 2166.43 acres commonly referred to as the "Blanco River Ranch" (the "Property"). The General Land Office of the State of Texas ("GLO") manages the lands on behalf of the PSF.
- b. The GLO, in collaboration with Forestar and the Blake Magee Co., is interested in developing the Property as a master-planned community primarily consisting of residential development, but including limited commercial development.
- c. The Property is located in the extraterritorial jurisdiction of the City of Kyle, Texas (the "City").
- d. The City has commenced the statutory proceedings for annexation of certain tracts of real property into the corporate boundaries of the City, including the Property.
- e. The annexation of the Property may have certain unintended consequences on the feasibility of development of the Property, and the GLO has requested that the City not proceed with annexation of the Property at this time. The City requires certain assurances relating to the future development of the Property as a condition of not proceeding with annexation of the Property at this time.
- f. The GLO and City desire to enter into this Memorandum of Understanding ("MOU") to provide the Parties with sufficient time to work cooperatively towards memorializing certain agreements concerning future development of the Property.

2. Annexation

- a. By execution of this MOU, the City agrees to discontinue all current proceedings relating to annexation of the Property.
- b. The GLO agrees that except as otherwise agreed upon by the Parties by written agreement, the City may unilaterally initiate future proceedings in its sole discretion.

3. Sales Tax Revenues

- a. By not proceeding with annexation of the Property at this time, the City may

Draft: 10-01-2013

lose its entitlement to certain sales tax revenues generated by future commercial development of the Property due to the potential levy and collection of a local sales tax by Hays County Emergency Services District No. 5 (“ESD No. 5”).

- b. The GLO acknowledges that the City may require payment in the amount of any sales tax payments that are lost to ESD No. 5 and would otherwise have been received by the City. The payment of any lost sales tax may be specified in the “Consent Agreement” to be negotiated by the parties for creation of a special district for financing the extraordinary utility infrastructure costs required for development of the Property (the “District”). The Parties agree that the negotiated Consent Agreement may include, among other things, a provision that provides that payment of the foregone sales tax revenues shall be made out of the proceeds of bonds to be issued by the District.
- c. The Parties agree to enter into good faith negotiations to establish the terms and conditions of the Consent Agreement that will grant the City’s required consent to creation of the District.
- d. In the alternative and at the City’s option, the GLO agrees that the City and District may enter into a “Strategic Partnership Agreement” under Section 43.0751 of the Texas Local Govt. Code pursuant to which the City may annex all commercial lands within the Property for limited purposes and thereby collect a portion of the sales taxes thereon. The Parties agree that any such election by the City shall be set forth in the Consent Agreement to be negotiated by the Parties for creation of the District.

4. Annexation of Commercial and School Lands

- a. In lieu of the remittance of lost sales tax revenues under Section 3 above, upon request by the City prior to creation of the District, the GLO will petition for voluntary annexation of the lands within the Property designated to be developed for commercial purposes, along with the proposed school site.

5. Water and Wastewater Utility Matters

- a. The GLO acknowledges the significant investment and planning undertaken by the City in connection with securing a water supply for future demands.
- b. Accordingly, the parties hereby acknowledge their mutual intent and desire for the City to supply potable water to the Property, provided the supply of water from the City is adequate to meet demands for service in the Property.
- c. The parties further acknowledge their mutual intent for the City to provide sewer service to the initial phases of development within the Property by extension of the City’s existing wastewater system.
- d. To the extent the Property may not be served by extension of the City’s

Draft: 10-01-2013

existing wastewater system, the District would be responsible for construction of a new wastewater treatment plant.

- e. The Parties agree that all water, wastewater and drainage infrastructure shall meet City design criteria.

6. Development Agreement

In exchange for the City's agreement to discontinue all current proceedings relating to annexation of the Property, the GLO agrees that it will not proceed with development of the Property in collaboration with Forestar and the Blake Magee Co. until such time as the GLO and City enter into a Development Agreement specifying the details of the Property's development. It is currently contemplated that the negotiated Development Agreement would include, among other things, the following key terms:

i. Utility Matters:

- a. At the City's request, the Development Agreement may provide for the City to own and operate all water and wastewater infrastructure constructed for service to the Property (and financed by the District), and the City shall be entitled to all water, wastewater and drainage system revenues arising from such service. Under this alternative, the District would retain a capacity interest in the facilities conveyed to the City.
- b. The Development Agreement may also provide for the City to utilize water and wastewater infrastructure constructed for the Property for service to other customers of the City provided capacity remains available to meet customer demands within the Property as development progresses.
- c. The Development Agreement may provide for oversizing of infrastructure for service by the City to other City customers. The Development Agreement would specify the details for the City's cost participation in any such oversized facilities.
- d. The GLO shall cooperate in good faith with the City in connection with the City's Capital Improvement Plan for service to the Property. In the event the District finances CIP facilities, the Development Agreement may provide for impact fee credits to be granted by the City.

ii. Parkland Designation and/or Dedication:

- a. The GLO acknowledges the City's desire for the dedication

Draft: 10-01-2013

of parkland within the Property for park purposes. Accordingly, the Development Agreement would provide for the dedication and/or designation of parkland within the Property for public use, including property adjacent to the Blanco River.

iii. Environmental Protection:

- a. The Development Agreement may include terms and conditions agreed upon by the Parties for protection of the Blanco River and other environmentally sensitive features.
- b. In addition to any additional provisions set forth in the Development Agreement, the Property would be developed in accordance with the strict water quality, impervious cover and environmental setbacks required by the rules of the Texas Commission on Environmental Quality.

iv. City Standards:

- a. It is contemplated that the Development Agreement would provide for development of the Property in accordance with standards at least as restrictive to development of real property within the City's corporate boundaries; provided, however, that due to the unique nature of the Property, the Parties may negotiate special terms and conditions relating to development matters.

v. Road Improvements:

- a. The Development Agreement may include terms and conditions that provide for the construction of on-site road improvements and upgrades to Old Stagecoach Road from FM 150 to the entrance to the Property.
- b. The Development Agreement would allocate responsibilities of the appropriate parties for construction of Kyle Loop.
- c. The Parties agree that all roads will be constructed to meet or exceed City standards.
- d. It is contemplated that the District would be created with road district powers in order to provide reimbursement for eligible costs related to the road improvements.

7. City Police Protection

Draft: 10-01-2013

- a. The District and City may enter into an interlocal agreement providing for the City to provide police protection within the Property, with costs related thereto to be funded by the District.
- b. The terms for such an interlocal agreement would be set forth in the Consent Agreement to be negotiated and executed by the parties as a condition of consent to creation of the District.

8. Miscellaneous Provisions

- a. If the City elects to proceed with annexation of the Property (other than the commercial lands and school site upon petition by the GLO) without a Development Agreement in place between the Parties, then the terms of this MOU will terminate for all purposes.
- b. Except as specifically provided herein, this MOU shall not constitute a binding agreement and shall not bind any party to enter into any other agreement or transaction. The Parties specifically acknowledge and agree that, except as specifically provided in this MOU, neither Party shall be committed to the other Party in any way unless and until the proper agreements are duly executed and delivered; and that neither Party is obligated in any way to enter into any such agreement.
- c. GLO's obligations and performance under this MOU, or any consent agreement, strategic partnership agreement, interlocal agreement and/or development agreement contemplated under this MOU are contingent on approval by the School Land Board. If the School Land Board does not approve this MOU, or a consent agreement, strategic partnership agreement, interlocal agreement or development agreement contemplated under this MOU, then this MOU, and any agreements contemplated under this MOU, shall be void.
- d. This MOU shall not be construed as creating any debt on behalf of the State of Texas, the City and/or the GLO in violation of the Texas Constitution. It is understood that all obligations hereunder are subject to the availability of funds.
- e. Nothing in this MOU shall be construed as a waiver of sovereign immunity by the GLO or the City.

This MEMORANDUM OF UNDERSTANDING is executed and dated as of the _____ day of _____, 2013.

CITY OF KYLE, TEXAS

Draft: 10-01-2013

By: _____
Name: _____
Title: _____
Date: _____

GENERAL LAND OFFICE OF THE STATE OF TEXAS

By: _____
Name: _____
Title: _____
Date: _____



CITY OF KYLE, TEXAS

2166.442 acres Stagecoach and
Cypress

Meeting Date: 10/8/2013
Date time: 7:00 PM

Subject/Recommendation: *(First Reading)* AN ORDINANCE OF THE CITY OF KYLE, TEXAS, ANNEXING 2166.442 ACRES OF LAND, LOCATED IN HAYS COUNTY, TEXAS, WHICH IS GENERALLY LOCATED WEST OF N. OLD STAGECOACH ROAD, NORTH OF CYPRESS ROAD, AND ADJACENT AND CONTIGUOUS TO THE CITY LIMITS; AS SHOWN IN THE ATTACHED EXHIBIT; MAKING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR OPEN MEETINGS AND OTHER RELATED MATTERS.
~ Sofia Nelson, Director of Planning

Other Information: Please see attachment

Budget Information: N/A

Viewing Attachments Requires Adobe Acrobat. [Click here](#) to download.

Attachments / click to download

 [Ordinance and Backup Material](#)

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF KYLE, TEXAS, ANNEXING 2166.442 ACRES OF LAND, LOCATED IN HAYS COUNTY, TEXAS, WHICH IS GENERALLY LOCATED WEST OF N. OLD STAGECOACH ROAD, NORTH OF CYPRESS ROAD, AND ADJACENT AND CONTIGUOUS TO THE CITY LIMITS; AS SHOWN IN THE ATTACHED EXHIBIT; MAKING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR OPEN MEETINGS AND OTHER RELATED MATTERS.

WHEREAS, the City of Kyle, Texas (the "City"), is a home rule municipality authorized by State law and the City's Charter to annex territory lying adjacent and contiguous to the City;

WHEREAS, the City Council, in compliance with §43.021, *Tex. Local Gov't Code*, instituted proceedings for the annexation of certain property more particularly described herein (the "subject property");

WHEREAS, the subject property hereby annexed is adjacent and contiguous to the present City limits;

WHEREAS, the boundaries of the City are contiguous to the subject property on at least two sides;

WHEREAS, citizens were given the opportunity to provide public input at two separate public hearings which were conducted prior to consideration of this Ordinance in accordance with § 43.063, *Tex. Loc. Gov't. Code*;

WHEREAS, the hearings were conducted and held not more than forty (40) nor less than twenty (20) days prior to the institution of annexation proceedings;

WHEREAS, notice of the public hearings was published in a newspaper of general circulation in the City and the territory proposed to be annexed not more than twenty (20) nor less than ten (10) days prior to the public hearings;

WHEREAS, the City intends to provide services to the subject property to be annexed according to the Service Plan attached hereto as Exhibit "A".

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KYLE, TEXAS:

SECTION 1. That all of the above premises and findings of fact are found to be true and correct and are incorporated into the body of this Ordinance as if copied in their entirety.

SECTION 2. That the following described property (hereinafter referred to as the "Annexed Property") is hereby annexed into the corporate limits of the City of Kyle:

2166.442 acres of land, more or less, located in Hays County, Texas, which is generally located west of N. Old Stagecoach Road and north of Cypress Road and adjacent and contiguous to the city limits and being more particularly described in Exhibit "B" attached hereto and incorporated herein for all purposes (the "Property"), as shown in the map portion of Exhibit "B".

SECTION 3. That the Service Plan submitted herewith is hereby approved as part of this Ordinance, made a part hereof and attached hereto as Exhibit "A".

SECTION 4. That the future owners and inhabitants of the Annexed Property shall be entitled to all of the rights and privileges of the City as set forth in the Service Plan attached hereto as Exhibit "A", and are further bound by all acts, ordinances, and all other legal action now in full force and effect and all those which may be hereafter adopted.

SECTION 5. That the official map and boundaries of the City, heretofore adopted and amended be and hereby are amended so as to include the Annexed Property as part of the City of Kyle.

SECTION 6. That the Annexed Property shall be assigned to Council District No. 4.

SECTION 7. That the Annexed Property shall be temporarily zoned Agricultural District "A" as provided in the City Zoning Ordinance, as amended, until permanent zoning is established therefore.

SECTION 8. That if any provision of this Ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

SECTION 9. That this Ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the *Tex. Loc. Gov't. Code*.

SECTION 10. That it is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, *Chapt. 551, Tex. Gov't. Code*.

PASSED AND APPROVED on First Reading this 8th day of October, 2013.

FINALLY PASSED AND APPROVED on this ____ day of _____, 2013.

ATTEST:

CITY OF KYLE, TEXAS

Amelia Sanchez, City Secretary

Lucy Johnson, Mayor

EXHIBIT "A"**MUNICIPAL SERVICES PLAN**

WHEREAS, the City of Kyle, Texas (the "City") instituted and completed annexation proceedings for tracts of land described more fully hereinafter (referred to herein as the "subject properties");

WHEREAS, *Section 43.056, Loc. Gov't. Code*, requires a service plan be adopted with the annexation ordinance;

WHEREAS, the subject properties are not included in the municipal annexation plan and are exempt from the requirements thereof having fewer than one hundred (100) houses on separate tracts;

WHEREAS, the subject property will be provided municipal services on the same terms and conditions as other similarly situated properties currently within the City limits and capital improvements necessary to offer such municipal services on the same terms and conditions as other similarly situated properties within the City and in accordance with City policies, regulations, and ordinances; and

WHEREAS, it is found that all statutory requirements have been satisfied and the City is authorized by *Chapt. 43, Loc. Gov't. Code*, to annex the subject properties into the City.

NOW, THEREFORE, the City agrees to provide the following services for the subject properties on the effective date of annexation:

(1) **General Municipal Services.** The subject properties are located within the City's extraterritorial jurisdiction and are more particularly described in the Ordinance to which this service plan is attached. Pursuant to this Plan, the following services shall be provided immediately from the effective date of the annexation:

A. Police protection as follows:

Routine patrols of areas, radio response to calls for police service and all other police services now being offered to the citizens of the City.

B. Fire protection and Emergency Medical Services as follows:

Fire protection by the Emergency Service District's (ESD) and volunteer fire fighting force's present personnel and equipment with the limitations of water available. Radio response for Emergency Medical Services with the present personnel and equipment of the ESD.

C. Solid waste collection services as follows:

Solid waste collection and services as now being offered to the citizens of the City.

D. Animal control as follows:

Service by present personnel, equipment and facilities or by contract with a third party, as provided within the City.

E. Maintenance of parks and playgrounds within the City.

F. Inspection services in conjunction with building permits and routine City code enforcement services by present personnel, equipment and facilities.

G. Maintenance of other City facilities, buildings and service.

H. Land use regulation as follows:

On the effective date of annexation, the regulatory jurisdiction of the City shall be extended to include the annexed area, and all property therein shall be subject to the City's police power regulations as set forth in duly adopted ordinances; provided that the use of all property therein shall be grandfathered to the extent provided by state law. The subject properties shall be temporarily zoned Agriculture "A" with the intent to rezone the properties upon request of the landowner or staff. The Planning & Zoning Commission and the City Council will consider rezoning the subject properties at future times in response to requests submitted by the landowners or initiated by the City.

(2) **Scheduled Municipal Services.** Depending on the plans for development or redevelopment of the subject properties, the following municipal services will be provided on a schedule and at increasing levels of service as requested in compliance with applicable City ordinances, rules and regulations for providing such services:

A. Water service and maintenance of water facilities as follows:

(i) The subject property is located within the City of Kyle CCN as a result inspection of water distribution lines will be provided by the statutes of the State of Texas.

(ii) In accordance with the applicable rules and regulations for the provision of water service, water service will be provided to the subjects properties, or applicable portions thereof, by the utility holding a water certificate of convenience and necessity ("CCN") for the subject properties, or portions thereof as applicable, or absent a water CCN, by the utility in whose jurisdiction the subject properties, or portions thereof as applicable, are located, in accordance with all the ordinances, regulations, and policies of the City in effect from time to time for the extension of water service. If connected to the water utility system, the subject properties' owner shall construct the internal water lines and pay the costs of line extension and construction of such facilities necessary to provide water service to the subject properties as required in City ordinances. Upon acceptance of the water lines within the subject properties and any off-site improvements, water service will be provided by the

water service provider -on the same terms, conditions and requirements as are applied to all similarly situated areas and customers; subject to all the ordinances, regulations and policies in effect from time to time. The system will be accepted and maintained by the water provider in accordance with its usual acceptance and maintenance policies. New water line extensions will be installed and extended upon request under the same costs and terms as with other similarly situated customers. The continued use of a water well that is in use on the effective date of the annexation and is in compliance with applicable rules and regulations shall be permitted and such use may continue until the subject property owner requests and is able to connect to the City's water utility system.

B. Wastewater service and maintenance of wastewater service as follows:

(i) Inspection of sewer lines as provided by statutes of the State of Texas.

(ii) In accordance with the applicable rules and regulations for the provision of wastewater service, wastewater service will be provided to the subjects properties, or applicable portions thereof, by the utility holding a wastewater CCN for the subject properties, or portions thereof as applicable, or absent a wastewater CCN, by the utility in whose jurisdiction the subject properties, or portions thereof as applicable, are located, in accordance with all the ordinances, regulations, and policies of the City in effect from time to time for the extension of wastewater service. If connected to the City's wastewater utility system, the subject properties' owner shall construct the internal wastewater lines and pay the costs of line extension and construction of facilities necessary to provide wastewater service to the subject properties as required in City ordinances. Upon acceptance of the wastewater lines within the subject properties and any off-site improvements, wastewater service will be provided by the City utility department on the same terms, conditions and requirements as are applied to all similarly situated areas and customers of the City, subject to all the ordinances, regulations and policies of the City in effect from time to time. The wastewater system will be accepted and maintained by the City in accordance with its usual policies. Requests for new wastewater line extensions will be installed and extended upon request under the same costs and terms as with other similarly situated customers of the City. The ordinances in effect at the time a request for service is submitted shall govern the costs and request for service. The continued use of a septic system that is in use on the effective date of the annexation and is in compliance with all applicable rules and regulations shall be permitted and such use may continue until the subject property owner requests and is able to connect to the City's wastewater utility system.

C. Maintenance, as appropriate, of existing public streets and rights-of-way that are within the maintenance jurisdiction of the City and other streets that are hereafter constructed and finally accepted by the City within the maintenance jurisdiction of the City as follows:

(i) Emergency maintenance of streets, repair of hazardous potholes, measures necessary for traffic flow, etc.;

(ii) Routine maintenance as presently performed by the City;

(iii) Reconstruction and resurfacing of streets, installation of drainage facilities, construction of curbs, gutters and other such major improvements as the need therefore is determined by the governing body under City policies;

(iv) Installation and maintenance of traffic signals, traffic signs, street markings and other traffic control devices as the need therefore is established by appropriate study and traffic standards; and

(v) Installation and maintenance of street lighting in accordance with established policies of the City.

(3) **Capital Improvements.** Construction of the following capital improvements shall be initiated after the effective date of the annexation: Water and wastewater facilities that are identified in the Capital Improvement Plan, as and when funded pursuant to such Plan. Upon development of the subject properties or redevelopment, the landowners will be responsible for the development costs the same as a developer in a similarly situated area under the ordinances in effect at the time of development or redevelopment. No additional capital improvements are necessary at this time to service the subject properties the same as similarly situated properties.

(4) **Term.** If not previously expired, this service plan expires at the end of ten (10) years.

(5) **Property Description.** The legal descriptions of the subject properties are as set forth in Exhibit "B" attached to the Annexation Ordinance to which this Service Plan is attached as Exhibit "A".

EXHIBIT "B"
Property Description

1971.293 ACRES
 SAMUEL PHARASS SURVEY, ABSTRACT NO. 360
 CALEB W. BAKER SURVEY, ABSTRACT NO. 31
 THOMAS C. SNAILM SURVEY, ABSTRACT NO. 409
 SEABORN BERRY SURVEY, ABSTRACT NO. 32
 JOHN COOPER SURVEY, ABSTRACT NO. 99
 RICHARD MILLS SURVEY, ABSTRACT NO. 313
 WILLIAM DUNBAR SURVEY, ABSTRACT NO. 156
 HAYS COUNTY, TEXAS
 ANNEXATION

FIELD NOTES

BEING ALL OF THAT CERTAIN TRACT OR PARCEL OF LAND OUT OF AND A PART OF THE CALEB W. BAKER SURVEY, ABSTRACT NUMBER 31, THE SEABORN BERRY SURVEY, ABSTRACT NUMBER 32, THE JOHN COOPER SURVEY, ABSTRACT NUMBER 99, THE WILLIAM DUNBAR SURVEY, ABSTRACT NUMBER 156, THE THOMAS C. SNAILUM SURVEY, ABSTRACT NUMBER 409, THE RICHARD MILLS SURVEY, ABSTRACT NUMBER 313, AND THE SAMUEL PHARASS SURVEY, ABSTRACT NUMBER 360, SITUATED IN HAYS COUNTY, TEXAS, BEING MORE FULLY DESCRIBED AS BEING ALL OF THAT CERTAIN 1971.29 ACRE TRACT OF LAND, CONVEYED TO THE STATE OF TEXAS, FOR THE USE AND BENEFIT OF THE PERMANENT SCHOOL FUND, IN VOLUME 2755, PAGE 820 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, (O.P.R.H.C.TX.), SAID 1971.293 ACRE TRACT BEING MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, at a point found in the western right-of-way line of North Old Stagecoach Road (R.O.W. Varies), said point also marking the easternmost corner of said 1971.29 acre tract, also being a northeastern corner of a 195.14 acre tract of land conveyed to The State of Texas, for the Use and Benefit of the Permanent School Fund in Volume 2965 Page 484 (O.P.R.H.C.TX.) for the **POINT OF BEGINNING** of the herein described tract,

THENCE, with the common boundary line of said 195.14 acre tract, and said 1971.29 acre tract, the following seven (7) courses and distances, numbered 1 through 7,

1. N69°28'11"W, for a distance of 542.50 feet to a point,
2. S46°06'24"W, for a distance of 356.81 feet to a point,
3. N45°28'44"W, for a distance of 460.09 feet to a point,
4. N77°38'18"W, for a distance of 177.53 feet to a point,
5. N57°17'14"W, for a distance of 251.72 feet to a point,
6. N78°30'33"W, for a distance of 468.22 feet to a point, and
7. S44°07'43"W, for a distance of 2614.19 feet to a point at the westernmost corner of said 195.14 acre tract,

THENCE, with the southeastern boundary line of said 1971.29 acre tract, S44°00'02"W, for a distance of 2165.22 feet to a point at the easternmost corner of a 32.432 acre tract of land conveyed to Thomas H. Nance, Jr. & Flora Mae Roberts in Volume 651, Page 702 (O.P.R.H.C.TX.), also being a southern corner of said 1971.29 acre tract,

THENCE, with the common boundary line of said 1971.29 acre tract, and said 32.432 acre tract, the following six (6) courses and distances, numbered 1 through 6,

1. N42°31'45"W, for a distance of 835.00 feet to a point,
2. N48°11'44"W, for a distance of 591.59 feet to a point,
3. N54°28'06"W, for a distance of 455.05 feet to a point,
4. N53°21'39"W, for a distance of 292.80 feet to a point,
5. N64°39'18"W, for a distance of 34.87 feet to a point at the northernmost corner of said 32.432 acre tract, and
6. S61°37'51"W, for a distance of 426.48 feet to a point at the westernmost corner of said 32.432 acre tract, also being the most northern corner of a 22.421 acre tract of land conveyed to Martha Nance Picton in Volume 651, Page 702 (O.P.R.H.C.TX.)

THENCE, with the common boundary line of said 1971.29 acre tract, and said 22.421 acre tract, the following two (2) courses and distances, numbered 1 and 2,

1. S53°30'25"W, for a distance of 842.81 feet to a point at the westernmost corner of said 22.421 acre tract, and
2. S41°21'25"E, for a distance of 491.62 feet to a point at a southwestern corner of said 22.421 acre tract, also being the northernmost corner of a 17.313 acre tract of land conveyed to David Laverne Allen & Grace Crumley in Volume 651, Page 702 (O.P.R.H.C.TX.)

1971.293 ACRES
 SAMUEL PHARASS SURVEY, ABSTRACT NO. 360
 CALEB W. BAKER SURVEY, ABSTRACT NO. 31
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 SEABORN BERRY SURVEY, ABSTRACT NO. 32
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 WILLIAM DUNBAR SURVEY, ABSTRACT NO. 156
 HAYS COUNTY, TEXAS
 ANNEXATION

THENCE, with the common boundary line of said 1971.29 acre tract said 17.313 acre tract and a 29.882 acre tract conveyed to David Laverne Allen & Grace Crumley in Volume 651, Page 702 (O.P.R.H.C.TX.), the following six (6) courses and distances, numbered 1 through 6,

1. S38°21'19"W, for a distance of 489.14 feet to a point,
2. S43°54'19"W, for a distance of 409.24 feet to a point, and
3. S30°15'19"W, for a distance of 133.80 feet to a point,
4. S36°02'19"W, for a distance of 81.45 feet to a point at a southern corner of said 1971.29 acre tract, also being a northern interior corner of said 29.882 acre tract,
5. N36°45'13"W, for a distance of 753.61 feet to a point at the northernmost corner of said 29.882 acre tract, and
6. S52°58'30"W, for a distance of 1661.02 feet to a point in the northeastern boundary line of a 1498.00 acre tract of land conveyed to the Estate of Robert G. Nance, in Volume 4459, Page 137 (O.P.R.H.C.TX.), said point marking a southwestern corner of said 1971.29 acre tract, also being the westernmost corner of said 29.882 acre tract, and also being a southwestern corner of the herein described tract,

THENCE, with the common boundary line of said 1971.29 acre tract, and said 1498.00 acre tract, the following twenty-seven (27) courses and distances, numbered 1 through 27,

1. N31°07'28"W, for a distance of 247.37 feet to a point,
2. N25°35'32"W, for a distance of 406.01 feet to a point,
3. N05°41'30"W, for a distance of 123.00 feet to a point,
4. N52°23'30"E, for a distance of 72.00 feet to a point,
5. N11°45'34"W, for a distance of 203.32 feet to a point,
6. N13°24'25"W, for a distance of 303.61 feet to a point,
7. N18°49'22"W, for a distance of 265.24 feet to a point,
8. N75°14'22"W, for a distance of 486.70 feet to a point,
9. S53°35'58"W, for a distance of 119.76 feet to a point,
10. N24°02'16"W, for a distance of 1344.85 feet to a point,
11. N26°15'21"W, for a distance of 1341.47 feet to a point,
12. N24°19'33"W, for a distance of 1253.62 feet to a point,
13. N26°26'21"W, for a distance of 445.60 feet to a point,
14. N22°07'09"W, for a distance of 388.02 feet to a point,
15. N20°08'10"W, for a distance of 228.62 feet to a point,
16. N35°50'03"W, for a distance of 95.94 feet to a point,
17. N20°34'03"W, for a distance of 91.79 feet to a point,
18. N14°59'48"W, for a distance of 185.29 feet to a point,
19. N00°02'25"E, for a distance of 92.60 feet to a point,
20. N12°09'25"E, for a distance of 32.16 feet to a point,
21. N29°03'12"E, for a distance of 72.03 feet to a point,
22. N19°26'32"E, for a distance of 118.15 feet to a point,
23. N11°55'55"E, for a distance of 32.54 feet to a point,
24. N65°36'10"E, for a distance of 98.62 feet to a point,
25. N24°23'50"W, for a distance of 99.11 feet to a point,
26. N19°12'41"W, for a distance of 178.40 feet to a point, and
27. N24°39'30"W, for a distance of 220.03 feet to a point at a northeastern corner of said 1498.00 acre tract, also being a southern corner of a 1934.08 acre tract of land conveyed to HR & FR LLC in Volume 3797, Page 387 (O.P.R.H.C.TX.),

THENCE, with the common boundary line of said 1971.29 acre tract, and said 1934.08 acre tract, the following seventeen (17) courses and distances, numbered 1 through 17,

1. N25°27'37"W, for a distance of 206.51 feet to a point at the westernmost corner of said 1971.29 acre tract,
2. N43°08'11"E, for a distance of 441.09 feet to a point,

1971.293 ACRES
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 SEABORN BERRY SURVEY, ABSTRACT NO. 32
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 WILLIAM DUNBAR SURVEY, ABSTRACT NO. 156
 HAYS COUNTY, TEXAS
 ANNEXATION

3. N42°38'11"E, for a distance of 496.12 feet to a point,
4. N59°34'50"E, for a distance of 665.61 feet to a point,
5. N59°27'50"E, for a distance of 379.99 feet to a point,
6. N58°50'50"E, for a distance of 298.07 feet to a point,
7. N59°24'50"E, for a distance of 439.02 feet to a point,
8. N59°39'50"E, for a distance of 595.25 feet to a point,
9. N59°56'50"E, for a distance of 68.18 feet to a point,
10. N59°59'50"E, for a distance of 273.44 feet to a point,
11. N59°37'50"E, for a distance of 267.94 feet to a point,
12. N56°33'50"E, for a distance of 13.30 feet to a point,
13. N52°04'50"E, for a distance of 417.87 feet to a point,
14. N51°01'50"E, for a distance of 471.83 feet to a point,
15. N50°59'50"E, for a distance of 409.28 feet to a point,
16. N56°27'50"E, for a distance of 25.80 feet to a point, and
17. N56°24'56"E, for a distance of 392.99 feet to a point at the northernmost corner of said 1971.29 acre tract, also being a southern interior corner of a 21.897 acre tract of land conveyed to Darrell T. & Sharon Swirczynski in Volume 2350, Page 467 (O.P.R.H.C.TX.)

THENCE, with the common boundary line of said 1971.29 acre tract, said 21.897 acre tract, and a 113.00 acre tract conveyed to Auburn E. & Shara B. Dennis in Volume 1057, Page 225 (O.P.R.H.C.TX.), S29°04'44"E, for a distance of 2802.93 feet to a point at a northern interior corner of said 1971.29 acre tract, also being a southern corner of said 113.00 acre tract,

THENCE, with the common boundary line of said 1971.29 acre tract, said 113.00 acre tract, and Arroyo Ranch Section 2, a subdivision recorded in Volume 10, Page 218 of the Hays County Plat Records (H.C.P.R.), N43°17'57"E, for a distance of 1730.83 feet to a point, for a western corner of Arroyo Ranch Section 1, a subdivision recorded in Volume 10, Page 179 (H.C.P.R.), also being a northwestern corner of the herein described tract,

THENCE, with the common boundary line of said 1971.29 acre tract, said Arroyo Ranch Section 1, and a 20.30 acre tract of land conveyed to Javier Perez, Jr. et al in Volume 2813, Page 959 (O.P.R.H.C.TX.), the following three (3) courses and distances, numbered 1 through 3,

1. S82°42'45"E, for a distance of 1115.45 feet to a point,
2. N43°55'32"E, for a distance of 1271.78 feet to a point at a northern corner of said 1971.29 acre tract, also being the southeastern corner of Lot 13, Block D, of said Arroyo Ranch Section 1, and
3. S46°21'03"E, for a distance of 887.35 feet to a point in the southern boundary line of said 20.30 acre tract,

THENCE, with the common boundary line of said 1971.29 acre tract, said 20.30 acre tract and a 21.15 acre tract conveyed to Randall Smith and Nancy Russell in Volume 4385, Page 135 (O.P.R.H.C.TX.), S46°29'25"E, for a distance of 578.70 feet to a point in the southwestern boundary line of Quail Meadows, a subdivision recorded in Volume 7, Page 47 (H.C.P.R.),

THENCE, with the common boundary line of said 1971.29 acre tract, and said Quail Meadows, the following five (5) courses and distances, numbered 1 through 5,

1. S46°13'10"E, for a distance of 408.76 feet to a point,
2. S47°03'10"E, for a distance of 405.20 feet to a point,
3. S47°52'44"E, for a distance of 296.23 feet to a point,
4. S47°19'33"E, for a distance of 499.63 feet to a point, and
5. S46°53'37"E, for a distance of 359.95 feet to a point in the southwestern boundary line of a 57.26 acre tract of land conveyed to Kyle Mortgage Investors, LLC in Volume 3416, Page 789 (O.P.R.H.C.TX.),

THENCE, with the common boundary line of said 1971.29 acre tract, and said 57.26 acre tract, the following two (2) courses and distances, numbered 1 and 2,

1971.293 ACRES
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 WILLIAM DUNBAR SURVEY, ABSTRACT NO. 156
 HAYS COUNTY, TEXAS
 ANNEXATION

1. S45°49'07"E, for a distance of 436.01 feet to a point, and
2. S46°25'31"E, for a distance of 1445.81 feet to a point in the southwestern boundary line of a 2.62 acre tract of land conveyed to Alton Franke, for an eastern corner of the herein described tract,

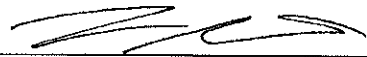
THENCE, with the northeastern boundary of said 1971.29 acre tract, the following seven (7) courses and distances, numbered 1 through 7,

1. S40°21'31"W, for a distance of 1018.19 feet to a point for an interior ELL corner of the herein described tract,
2. S50°23'48"E, for a distance of 255.73 feet to a point for an interior ELL corner of the herein described tract,
3. N40°43'43"E, for a distance of 42.90 feet to a point,
4. S52°52'44"E, for a distance of 85.65 feet to a point,
5. S51°46'28"E, for a distance of 159.01 feet to a point, for an interior ELL corner of the herein described tract,
6. N43°53'50"E, for a distance of 92.20 feet to a point, and
7. S78°26'49"E, for a distance of 101.31 feet to a point in the westerly right-of-way line of said North Old Stagecoach Road, also being a northeastern corner of the herein described tract,

THENCE, with the common boundary line of said right-of-way line and said 1971.29 acre tract, S16°19'59"E, for a distance of 1931.92 feet to the POINT OF BEGINNING and containing 1971.293 acres of land.

THIS SURVEY WAS PREPARED FROM RECORD INFORMATION FOUND IN VOLUME 2755, PAGE 820 (O.P.R.H.C.TX.), NO ON-THE-GROUND SURVEY WAS PERFORMED

Prepared by:

 8-29-13

ROBERT J. GERTSON, R.P.L.S. NO. 6367
 Carlson, Brigrance and Doering, Inc.
 5501 West William Cannon
 Austin, TX 78749
 Ph: 512-280-5160 Fax: 512-280-5165
 rgertson@cbdeng.com



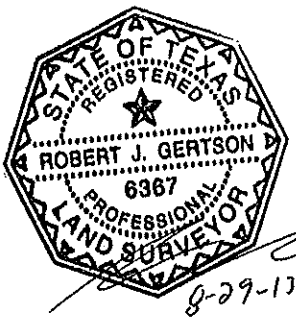
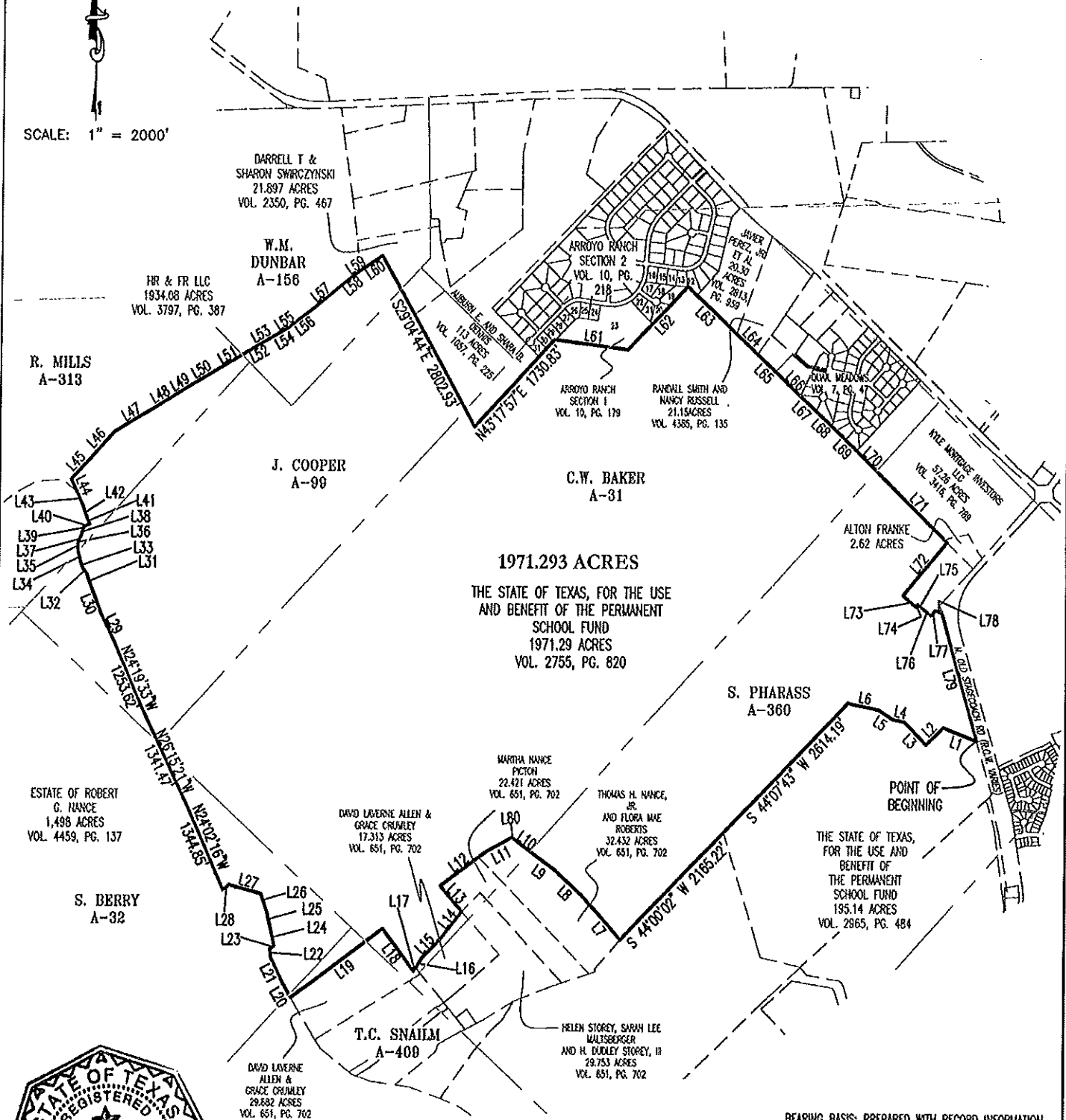
SKETCH TO ACCOMPANY FIELD NOTES

LEGEND

APPROXIMATE SURVEY LINES



SCALE: 1" = 2000'



SHEET 1 OF 2

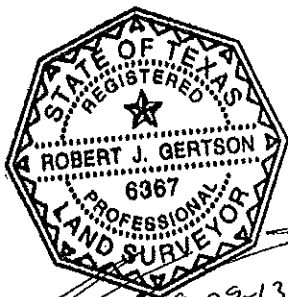
BEARING BASIS: PREPARED WITH RECORD INFORMATION FOUND IN VOLUME 2755, PAGE 820 (O.P.R.H.C.T.X.)

Carlson, Brigance & Doering, Inc.
 Civil Engineering ♦ Surveying
 5501 West William Cassosa Drive ♦ Austin, Texas 78749
 Phone No. (512) 280-5160 ♦ Fax No. (512) 280-5165

SKETCH TO ACCOMPANY FIELD NOTES

LINE TABLE		
LINE	LENGTH	BEARING
L1	542.50	N69°28'11"W
L2	356.81	S46°06'24"W
L3	460.09	N45°28'44"W
L4	177.53	N77°38'18"W
L5	251.72	N57°17'14"W
L6	468.22	N78°30'33"W
L7	835.00	N42°31'45"W
L8	591.59	N48°11'44"W
L9	455.05	N54°28'06"W
L10	292.80	N53°21'39"W
L11	426.48	S61°37'51"W
L12	842.81	S53°30'25"W
L13	491.62	S41°21'25"E
L14	489.14	S38°21'19"W
L15	409.24	S43°54'19"W
L16	133.80	S30°15'19"W
L17	81.45	S36°02'19"W
L18	753.61	N36°45'13"W
L19	1661.02	S52°58'30"W
L20	247.37	N31°07'28"W
L21	406.01	N25°35'32"W
L22	123.00	N05°41'30"W
L23	72.00	N52°23'30"E
L24	203.32	N11°45'34"W
L25	303.61	N13°24'25"W
L26	265.24	N18°49'22"W
L27	486.70	N75°14'22"W
L28	119.76	S53°35'58"W
L29	445.60	N26°26'21"W
L30	388.02	N22°07'09"W
L31	228.62	N20°08'10"W
L32	95.94	N35°50'03"W
L33	91.79	N20°34'03"W
L34	185.29	N14°59'48"W
L35	92.60	N00°02'25"E
L36	32.16	N12°09'25"E
L37	72.03	N29°03'12"E
L38	118.15	N19°26'32"E
L39	32.54	N11°55'55"E
L40	98.62	N65°36'10"E

LINE TABLE		
LINE	LENGTH	BEARING
L41	99.11	N24°23'50"W
L42	178.40	N19°12'41"W
L43	220.03	N24°39'30"W
L44	206.51	N25°27'37"W
L45	441.09	N43°08'11"E
L46	496.12	N42°38'11"E
L47	665.61	N59°34'50"E
L48	379.99	N59°27'50"E
L49	298.07	N58°50'50"E
L50	439.02	N59°24'50"E
L51	595.25	N59°39'50"E
L52	68.18	N59°56'50"E
L53	273.44	N59°59'50"E
L54	267.94	N59°37'50"E
L55	13.30	N56°33'50"E
L56	417.87	N52°04'50"E
L57	471.83	N51°01'50"E
L58	409.28	N50°59'50"E
L59	25.80	N56°27'50"E
L60	392.99	N56°24'56"E
L61	1115.45	S82°42'45"E
L62	1271.78	N43°55'32"E
L63	887.35	S46°21'03"E
L64	578.70	S46°29'25"E
L65	408.76	S46°13'10"E
L66	405.20	S47°03'10"E
L67	296.23	S47°52'44"E
L68	499.63	S47°19'33"E
L69	359.95	S46°53'37"E
L70	436.01	S45°49'07"E
L71	1445.81	S46°25'31"E
L72	1018.19	S40°21'31"W
L73	255.73	S50°23'48"E
L74	42.90	N40°43'43"E
L75	85.65	S52°52'44"E
L76	159.01	S51°46'28"E
L77	92.20	N43°53'50"E
L78	101.31	S78°26'49"E
L79	1931.92	S16°19'59"E
L80	34.87	N64°39'18"W



SHEET 2 OF 2

BEARING BASIS: PREPARED WITH RECORD INFORMATION
FOUND IN VOLUME 2755, PAGE 820 (O.P.R.H.C.T.X.)

Item # 6

PATH: - J: 4576-097\SURVEY\FN-R12734 1971.293 ACRES ANNEXATION

195.149 ACRES
 SAMUEL PHARASS ¼ LEAGUE SURVEY NO. 14,
 ABSTRACT NO. 360
 HAYS COUNTY, TEXAS
 ANNEXATION

FIELD NOTES

BEING ALL OF THAT CERTAIN TRACT OR PARCEL OF LAND, SITUATED IN THE SAMUEL PHARASS ¼ LEAGUE SURVEY NO. 14, ABSTRACT NUMBER 360, SITUATED IN HAYS COUNTY, TEXAS, BEING MORE FULLY DESCRIBED AS BEING ALL OF THAT CERTAIN 195.14 ACRE TRACT OF LAND, CONVEYED TO THE STATE OF TEXAS IN VOLUME 2965, PAGE 484 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS (O.P.R.H.C.TX.), SAID 195.149 ACRE TRACT BEING MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, at a point on the southwestern right-of-way line of Old Stagecoach Road (R.O.W. varies), for an eastern corner of said 195.14 acre tract, also being a southeastern corner of a 1971.29 acre tract, conveyed to The State of Texas in Volume 2755, Page 820 of the O.P.R.H.C.TX., for the **POINT OF BEGINNING** of the herein described tract,

THENCE, with the southwestern right-of-way line of said Old Stagecoach Road (R.O.W. varies), S16°51'08"E, for a distance of 799.85 feet to a point, for the northernmost corner of a 125.427 acre tract, conveyed to KY-TEX PROPERTIES in Volume 254, Page 848 of the O.P.R.H.C.TX.,

THENCE, with the common boundary line of said 125.427 acre tract and said 195.14 acre tract, the following five (5) courses and distances, numbered 1 through 5:

1. S36°00'34"W, for a distance of 42.37 feet to a point,
2. S48°34'19"W, for a distance of 1583.69 feet to a point,
3. N49°27'05"W, for a distance of 34.23 feet to a point for an interior ELL corner of said 195.14 acre tract,
4. S25°39'52"W, for a distance of 39.42 feet to a point, and
5. S48°28'51"W, for a distance of 2127.99 feet to a point in the northern right-of-way line of C.R. 225 also known as Cypress Road, for the southernmost corner of the herein described tract,

THENCE, with the northern right-of-way line of said C.R. 225, common to the southern boundary line of said 195.14 acre tract, N77°17'21"W, for a distance of 599.98 feet to a point for the southernmost southwestern corner of the herein described tract,

THENCE, with the southwestern boundary line of said 195.14 acre tract, the following two (2) courses and distances, numbered 1 through 2,

1. N16°49'08"W, for a distance of 270.68 feet to a point, and
2. N17°14'33"W, for a distance of 1608.14 feet to a point in the southeastern boundary line of said 1971.29 acre tract, for the westernmost corner of the herein described tract,

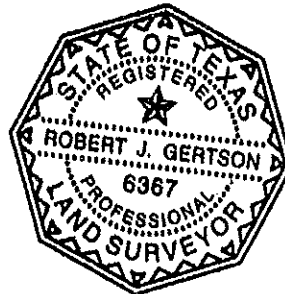
THENCE, with the common boundary line of said 1971.29 acre tract and said 195.14 acre tract, the following seven (7) courses and distances, numbered 1 through 7,

1. N44°06'52"E, for a distance of 2614.19 feet to a point,
2. S78°31'24"E, for a distance of 468.22 feet to a point,
3. S57°18'05"E, for a distance of 251.72 feet to a point,
4. S77°39'09"E, for a distance of 177.53 feet to a point,
5. S45°29'35"E, for a distance of 460.09 feet to a point for an interior ELL corner of said 195.14 acre tract,
6. N46°05'33"E, for a distance of 356.81 feet to a point, and
7. S69°29'02"E, for a distance of 542.51 feet to the **POINT OF BEGINNING**, and containing 195.149 acres of land.

THIS SURVEY WAS PREPARED FROM RECORD INFORMATION FOUND IN VOLUME 2965, PAGE 484 (O.P.R.H.C.TX.), NO ON-THE-GROUND SURVEY WAS PERFORMED

Prepared by: _____

8-29-13
 ROBERT J. GERTSON, R.P.L.S. NO. 6367
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 5501 West William Cannon
 Austin, TX 78749
 Ph: 512-280-5160 Fax: 512-280-5165
 rgertson@cbdeng.com



SKETCH TO ACCOMPANY FIELD NOTES



SCALE: 1" = 750'

THE STATE OF TEXAS, FOR THE
USE AND BENEFIT OF THE
PERMANENT SCHOOL FUND
1971.29 ACRES
VOL. 2755, PG. 820

S78°31'24"E
468.22'

S57°18'05"E
251.72'

S77°39'09"E
177.53'

N46°05'33"E
356.81'

S45°29'35"E
460.09'

S69°29'02"E
542.51'

S16°51'08"E
799.85'

SAMUEL PHARASS SURVEY,
ABSTRACT NO. 360

POINT OF
BEGINNING

195.149 ACRES

THE STATE OF TEXAS,
FOR THE USE AND BENEFIT OF
THE PERMANENT SCHOOL FUND
(195.14 ACRES CALLED)
VOL. 2965, PG. 484

N44°06'52"E 2614.19'

N17°14'33"W 1608.14'

N16°49'08"W
270.68'

N77°17'21"W
599.98'

S48°28'51"W 2127.99'

S25°39'52"W
39.42'

N49°27'05"W
34.23'

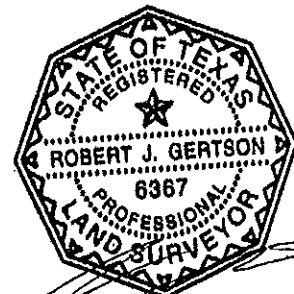
S48°34'19"W 1583.69'

S36°00'34"W
42.37'

KY-TEX PROPERTIES
125.427 ACRES
VOL. 254, PG. 848

CR 225 CYPRESS RD (R.O.W. VARIES)

N. OLD STAGECOACH RD (R.O.W. VARIES)



B-29-13

BEARING BASIS: PREPARED WITH RECORD INFORMATION
FOUND IN VOLUME 2965, PAGE 484 (O.P.R.H.C.T.X.)



Carlson, Brigrance & Doering, Inc.

Civil Engineering ♦ Surveying
5501 West William Cannon Drive ♦ Austin, Texas 78749
Phone No. (512) 280-5160 ♦ Fax No. (512) 280-5166

Sheet # 6



CITY OF KYLE, TEXAS

18.62 acres NW Corner of RR 150 &
CR 152

Meeting Date: 10/8/2013
Date time: 7:00 PM

Subject/Recommendation: *(First Reading)* AN ORDINANCE OF THE CITY OF KYLE, TEXAS, ANNEXING APPROXIMATELY 18.62 ACRES OF LAND LOCATED IN HAYS COUNTY, TEXAS, WHICH IS GENERALLY LOCATED AT THE NORTHWEST CORNER OF E. RR 150 AND CR 152 (ALSO KNOWN AS HEIDENREICH LANE); AS SHOWN IN THE ATTACHED EXHIBIT; MAKING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR OPEN MEETINGS AND OTHER RELATED MATTERS. ~ *Sofia Nelson, Director of Planning*

Other Information: Please see attachment

Budget Information: N/A

Viewing Attachments Requires Adobe Acrobat. [Click here](#) to download.

Attachments / click to download

 [Ordinance and Backup Material](#)

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF KYLE, TEXAS, ANNEXING APPROXIMATELY 18.62 ACRES OF LAND LOCATED IN HAYS COUNTY, TEXAS, WHICH IS GENERALLY LOCATED AT THE NORTHWEST CORNER OF E. RR 150 AND CR 152 (ALSO KNOWN AS HEIDENREICH LANE); AS SHOWN IN THE ATTACHED EXHIBIT; MAKING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR OPEN MEETINGS AND OTHER RELATED MATTERS.

WHEREAS, the City of Kyle, Texas (the "City"), is a home rule municipality authorized by State law and the City's Charter to annex territory lying adjacent and contiguous to the City;

WHEREAS, the City Council, in compliance with §43.021, *Tex. Local Gov't Code*, instituted proceedings for the annexation of certain property more particularly described herein (the "subject property");

WHEREAS, the subject property hereby annexed is adjacent and contiguous to the present City limits;

WHEREAS, the boundaries of the City are contiguous to the subject property on at least two sides;

WHEREAS, citizens were given the opportunity to provide public input at two separate public hearings which were conducted prior to consideration of this Ordinance in accordance with § 43.063, *Tex. Loc. Gov't. Code*;

WHEREAS, the hearings were conducted and held not more than forty (40) nor less than twenty (20) days prior to the institution of annexation proceedings;

WHEREAS, notice of the public hearings was published in a newspaper of general circulation in the City and the territory proposed to be annexed not more than twenty (20) nor less than ten (10) days prior to the public hearings;

WHEREAS, the City intends to provide services to the subject property to be annexed according to the Service Plan attached hereto as Exhibit "A".

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KYLE, TEXAS:

SECTION 1. That all of the above premises and findings of fact are found to be true and correct and are incorporated into the body of this Ordinance as if copied in their entirety.

SECTION 2. That the following described property (hereinafter referred to as the "Annexed Property") is hereby annexed into the corporate limits of the City of Kyle:

Approximately 18.615 acre tract of land in Hays County, Texas that is generally located at the northwest corner of E. RR150 and CR 152 (Heidenreich Lane) and being more particularly described in exhibit "B".

SECTION 3. That the Service Plan submitted herewith is hereby approved as part of this Ordinance, made a part hereof and attached hereto as Exhibit "A".

SECTION 4. That the future owners and inhabitants of the Annexed Property shall be entitled to all of the rights and privileges of the City as set forth in the Service Plan attached hereto as Exhibit "A", and are further bound by all acts, ordinances, and all other legal action now in full force and effect and all those which may be hereafter adopted.

SECTION 5. That the official map and boundaries of the City, heretofore adopted and amended be and hereby are amended so as to include the Annexed Property as part of the City of Kyle.

SECTION 6. That the Annexed Property shall be assigned to Council District No. 2.

SECTION 7. That the Annexed Property shall be temporarily zoned Agricultural District "A" as provided in the City Zoning Ordinance, as amended, until permanent zoning is established therefore.

SECTION 8. That if any provision of this Ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

SECTION 9. That this Ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the *Tex. Loc. Gov't. Code*.

SECTION 10. That it is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, *Chapt. 551, Tex. Gov't. Code*.

PASSED AND APPROVED on First Reading this 8th day of October, 2013.

FINALLY PASSED AND APPROVED on this ____ day of _____, 2013.

ATTEST:

CITY OF KYLE, TEXAS

Amelia Sanchez, City Secretary

Lucy Johnson, Mayor

EXHIBIT "A"**MUNICIPAL SERVICES PLAN**

WHEREAS, the City of Kyle, Texas (the "City") instituted and completed annexation proceedings for tracts of land described more fully hereinafter (referred to herein as the "subject properties");

WHEREAS, *Section 43.056, Loc. Gov't. Code*, requires a service plan be adopted with the annexation ordinance;

WHEREAS, the subject properties are not included in the municipal annexation plan and are exempt from the requirements thereof having fewer than one hundred (100) houses on separate tracts;

WHEREAS, the subject property will be provided municipal services on the same terms and conditions as other similarly situated properties currently within the City limits and capital improvements necessary to offer such municipal services on the same terms and conditions as other similarly situated properties within the City and in accordance with City policies, regulations, and ordinances; and

WHEREAS, it is found that all statutory requirements have been satisfied and the City is authorized by *Chapt. 43, Loc. Gov't. Code*, to annex the subject properties into the City.

NOW, THEREFORE, the City agrees to provide the following services for the subject properties on the effective date of annexation:

(1) **General Municipal Services.** The subject properties are located within the City's extraterritorial jurisdiction and are more particularly described in the Ordinance to which this service plan is attached. Pursuant to this Plan, the following services shall be provided immediately from the effective date of the annexation:

A. Police protection as follows:

Routine patrols of areas, radio response to calls for police service and all other police services now being offered to the citizens of the City.

B. Fire protection and Emergency Medical Services as follows:

Fire protection by the Emergency Service District's (ESD) and volunteer fire fighting force's present personnel and equipment with the limitations of water available. Radio response for Emergency Medical Services with the present personnel and equipment of the ESD.

C. Solid waste collection services as follows:

Solid waste collection and services as now being offered to the citizens of the City.

D. Animal control as follows:

Service by present personnel, equipment and facilities or by contract with a third party, as provided within the City.

E. Maintenance of parks and playgrounds within the City.

F. Inspection services in conjunction with building permits and routine City code enforcement services by present personnel, equipment and facilities.

G. Maintenance of other City facilities, buildings and service.

H. Land use regulation as follows:

On the effective date of annexation, the regulatory jurisdiction of the City shall be extended to include the annexed area, and all property therein shall be subject to the City's police power regulations as set forth in duly adopted ordinances; provided that the use of all property therein shall be grandfathered to the extent provided by state law. The subject properties shall be temporarily zoned Agriculture "A" with the intent to rezone the properties upon request of the landowner or staff. The Planning & Zoning Commission and the City Council will consider rezoning the subject properties at future times in response to requests submitted by the landowners or authorized city staff.

(2) **Scheduled Municipal Services.** Depending on the plans for development or redevelopment of the subject properties, the following municipal services will be provided on a schedule and at increasing levels of service as requested in compliance with applicable City ordinances, rules and regulations for providing such services:

A. Water service and maintenance of water facilities as follows:

(i) The subject property is located within the County Line Water CCN, as a result, inspection of water distribution lines will be provided by in accordance with the statutes of the State of Texas.

(ii) In accordance with the applicable rules and regulations for the provision of water service, water service will be provided to the subjects properties, or applicable portions thereof, by the utility holding a water certificate of convenience and necessity ("CCN") for the subject properties, or portions thereof as applicable, or absent a water CCN, by the utility in whose jurisdiction the subject properties, or portions thereof as applicable, are located, in accordance with all the ordinances, regulations, and policies of the City in effect from time to time for the extension of water service. If connected to the water utility system, the subject properties' owner shall construct the internal water lines and pay the costs of line extension and construction of such facilities necessary to provide water service to the subject properties as required in City ordinances. Upon acceptance of the water lines within the

subject properties and any off-site improvements, water service will be provided by the water service provider -on the same terms, conditions and requirements as are applied to all similarly situated areas and customers; subject to all the ordinances, regulations and policies in effect from time to time. The system will be accepted and maintained by the water provider in accordance with its usual acceptance and maintenance policies. New water line extensions will be installed and extended upon request under the same costs and terms as with other similarly situated customers. The continued use of a water well that is in use on the effective date of the annexation and is in compliance with applicable rules and regulations shall be permitted and such use may continue until the subject property owner requests and is able to connect to the City's water utility system.

B. Wastewater service and maintenance of wastewater service as follows:

(i) Inspection of sewer lines as provided by statutes of the State of Texas.

(ii) In accordance with the applicable rules and regulations for the provision of wastewater service, wastewater service will be provided to the subjects properties, or applicable portions thereof, by the utility holding a wastewater CCN for the subject properties, or portions thereof as applicable, or absent a wastewater CCN, by the utility in whose jurisdiction the subject properties, or portions thereof as applicable, are located, in accordance with all the ordinances, regulations, and policies of the City in effect from time to time for the extension of wastewater service. If connected to the City's wastewater utility system, the subject properties' owner shall construct the internal wastewater lines and pay the costs of line extension and construction of facilities necessary to provide wastewater service to the subject properties as required in City ordinances. Upon acceptance of the wastewater lines within the subject properties and any off-site improvements, wastewater service will be provided by the City utility department on the same terms, conditions and requirements as are applied to all similarly situated areas and customers of the City, subject to all the ordinances, regulations and policies of the City in effect from time to time. The wastewater system will be accepted and maintained by the City in accordance with its usual policies. Requests for new wastewater line extensions will be installed and extended upon request under the same costs and terms as with other similarly situated customers of the City. The ordinances in effect at the time a request for service is submitted shall govern the costs and request for service. The continued use of a septic system that is in use on the effective date of the annexation and is in compliance with all applicable rules and regulations shall be permitted and such use may continue until the subject property owner requests and is able to connect to the City's wastewater utility system.

C. Maintenance, as appropriate, of existing public streets and rights-of-way that are within the maintenance jurisdiction of the City and other streets that are hereafter constructed and finally accepted by the City within the maintenance jurisdiction of the City as follows:

(i) Emergency maintenance of streets, repair of hazardous potholes, measures necessary for traffic flow, etc.;

- (ii) Routine maintenance as presently performed by the City;
- (iii) Reconstruction and resurfacing of streets, installation of drainage facilities, construction of curbs, gutters and other such major improvements as the need therefore is determined by the governing body under City policies;
- (iv) Installation and maintenance of traffic signals, traffic signs, street markings and other traffic control devices as the need therefore is established by appropriate study and traffic standards; and
- (v) Installation and maintenance of street lighting in accordance with established policies of the City.

(3) **Capital Improvements.** Construction of the following capital improvements shall be initiated after the effective date of the annexation: Water and wastewater facilities that are identified in the Capital Improvement Plan, as and when funded pursuant to such Plan. Upon development of the subject properties or redevelopment, the landowners will be responsible for the development costs the same as a developer in a similarly situated area under the ordinances in effect at the time of development or redevelopment. No additional capital improvements are necessary at this time to service the subject properties the same as similarly situated properties.

(4) **Term.** If not previously expired, this service plan expires at the end of ten (10) years.

(5) **Property Description.** The legal descriptions of the subject properties are as set forth in Exhibit "B" attached to the Annexation Ordinance to which this Service Plan is attached as Exhibit "A".

EXHIBIT "B"
Property Description

18.615 ACRES
 WILLIAM HEMPHILL SURVEY, ABSTRACT NO. 221
 ALBERT PACE SURVEY, ABSTRACT NO. 367
 HAYS COUNTY, TEXAS
 ANNEXATION

FIELD NOTES

BEING ALL OF THAT CERTAIN TRACT OR PARCEL OF LAND OUT OF AND A PART OF THE WILLIAM HEMPHILL SURVEY, ABSTRACT NUMBER 221 AND THE ALBERT PACE SURVEY, ABSTRACT 367 SITUATED IN HAYS COUNTY, TEXAS, BEING MORE FULLY DESCRIBED AS BEING ALL OF THAT CERTAIN 18.62 ACRE TRACT OF LAND CONVEYED TO FRANCES ANN PENDLETON IN VOLUME 4052, PAGE 368, OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, (O.P.R.H.C.TX.), SAID 18.615 ACRE TRACT BEING MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, at a point for the southernmost corner of said 18.62 acre tract, in the northeastern right-of-way line of F.M. 150 and the northwestern right-of-way line of C.R 152, for the southernmost corner and **POINT OF BEGINNING** of the herein described tract,

THENCE, with the northeastern right-of-way line of said F.M. 150, common to the southwestern line of said 18.62 acre tract, N35°29'55"W, for a distance of 301.67 feet to a point found for the southwestern corner of the herein described tract also being the southeastern corner of a 14.156 acre (called) tract conveyed to Kenneth Joe O'Bryant in Volume 1219, Page 80 of the (O.P.R.H.C.TX),

THENCE, with the southeastern boundary line of said 14.156 acre tract, common to the northeastern boundary line of said 18.62 acre tract, the following two (2) courses and distances, numbered 1 through 2,

1. N44°51'04"E, for a distance of 1124.06 feet to a point,
2. N44°51'12"E, for a distance of 324.39 feet to a point for the northeastern corner of said 14.156 acre tract,

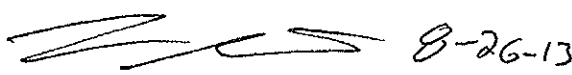
THENCE, with the common boundary line of said 18.62 acre tract, said 14.156 acre tract, a 24.863 acre tract conveyed to Rudy Cisneros and a 67.18 acre tract conveyed to Walton Texas, LP in Volume 3913, Page 496 of the O.P.R.H.C.TX, N44°50'03"E, for a distance of 1250.30 feet to a point for the northwestern corner of the herein described tract, also being a southern corner of said 67.18 acre tract,

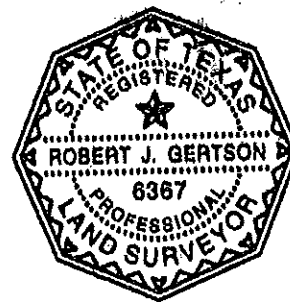
THENCE, with a southwestern boundary line of said 696.20 acre tract, common to the northeastern boundary line of said 18.62 acre tract, S45°01'17"E, for a distance of 298.22 feet to a point in the northwestern right-of-way line of said C.R. 152 found for the northeastern corner of the herein described tract

THENCE, with the northwestern right-of-way line of C.R. 152, common to the southeastern boundary line of said 18.62 acre tract, S44°51'38"W, for a distance of 2748.66 feet to the **POINT OF BEGINNING**, and containing 18.615 acres of land.

THIS SURVEY WAS PREPARED FROM RECORD INFORMATION FOUND IN VOLUME 4052, PAGE 368 (O.P.R.H.C.TX.), NO ON-THE-GROUND SURVEY WAS PERFORMED.

Surveyed by: _____

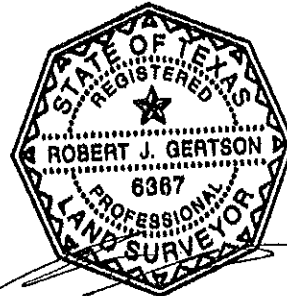
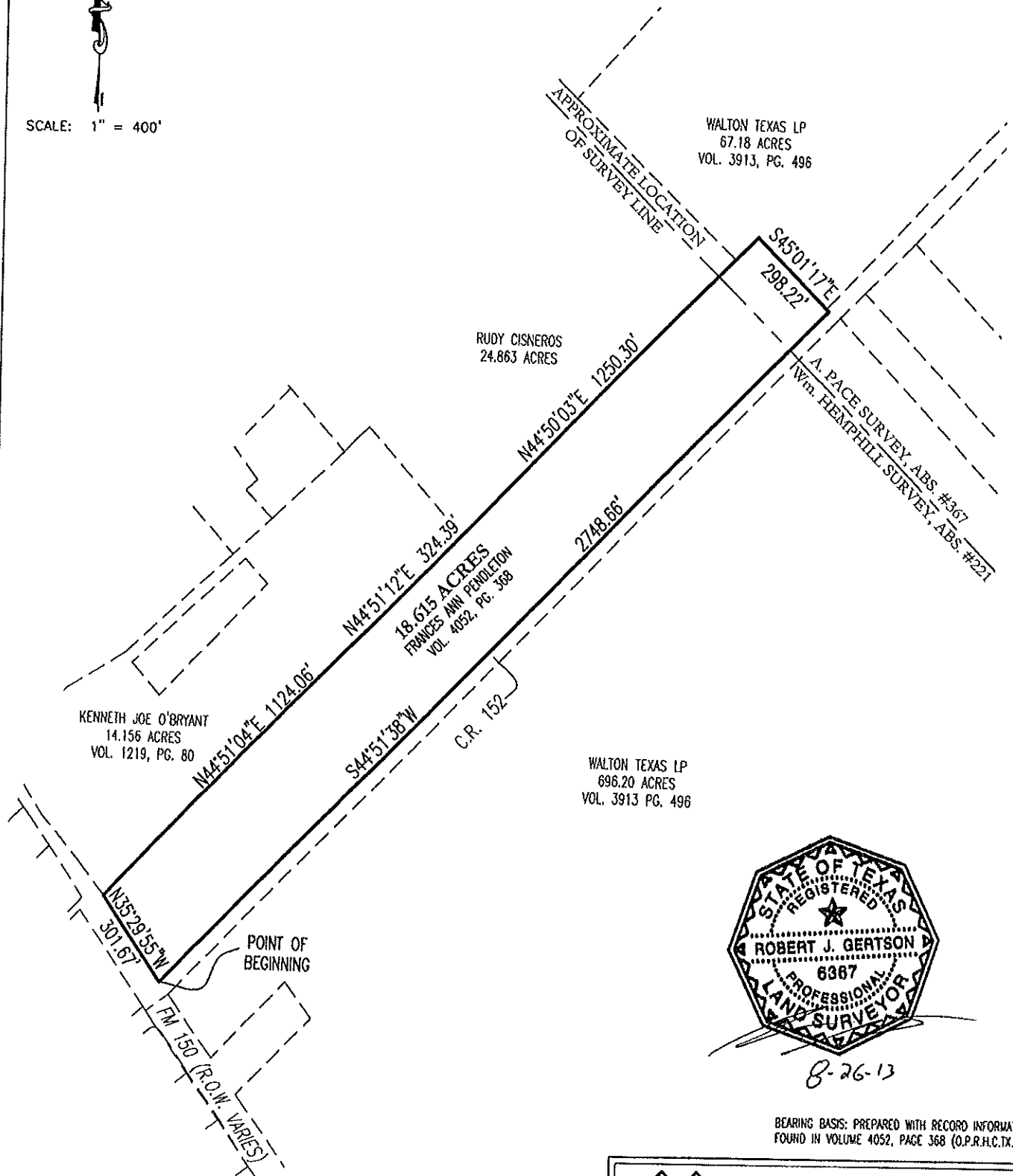
 8-26-13
 ROBERT J. GERTSON, R.P.L.S. NO. 6367
 Carlson, Brigance and Doering, Inc.
 5501 West William Cannon
 Austin, TX 78749
 Ph: 512-280-5160 Fax: 512-280-5165
 rgertson@cbdeng.com



SKETCH TO ACCOMPANY FIELD NOTES



SCALE: 1" = 400'



8-26-13

BEARING BASIS: PREPARED WITH RECORD INFORMATION FOUND IN VOLUME 4052, PAGE 368 (O.P.R.H.C.T.X.)

CBD Carlson, Brigance & Doering, Inc.

Civil Engineering • Surveying
5501 West Wilken Carson Drive • Austin, Texas 78749
Phone No. (512) 280-5160 • Fax No. (512) 280-9163

18.615 ACRES # 7



CITY OF KYLE, TEXAS

Pecan Woods/Walton Dev

Meeting Date: 10/8/2013
Date time: 7:00 PM

Subject/Recommendation: A RESOLUTION OF THE CITY OF KYLE, TEXAS, ACCEPTING THE PETITION FOR ANNEXATION FROM WALTON DEVELOPMENT; SETTING A SCHEDULE FOR ANNEXATION; PROVIDING OPEN MEETINGS AND OTHER RELATED MATTERS PURSUANT TO TEXAS LOCAL GOVERNMENT CODE SEC. 43.028. ~ *Sofia Nelson, Director of Planning*

Other Information: Please see attachments

Budget Information: N/A

Viewing Attachments Requires Adobe Acrobat. [Click here](#) to download.

Attachments / click to download

[Petition for Annexation](#)



METCALFE WOLFF
STUART & WILLIAMS, LLP
Attorneys at Law

September 27, 2013

Via Email, and
and Hand Delivery
City of Kyle Planning Department
Attn: Sofia Nelson
100 W. Center Street
PO Box 40
Kyle, Texas 78640

CITY OF KYLE

SEP 27 2013

PLANNING DEPARTMENT

Re: Approximately 762.77 acres of land in Hays County, Texas owned by
Walton Texas LP ("Property")

Dear Ms. Nelson:

This firm represents Walton Texas LP in connection with the captioned matter. We are sending this letter in regard to the City's pending annexation of a portion of the Property as referenced in the letter dated August 9, 2013. Enclosed herewith please find a petition for voluntary annexation of a different portion of the Property. We propose that the City annex the portion of the Property described in the attached petition in lieu of the portion described in the August 9, 2013 letter. We believe that the land described in the petition meets the City's goals as it: (i) includes all the land within the Property (including all of the frontage along RR 150) that could reasonably be expected to be developed as commercial sales tax producing land and (ii) it provides connectivity to the adjoining tract to the east so the city can annex out to Hwy 21.

We respectfully request that the petition for voluntary annexation be placed on the City Council's agenda not later than October 15, 2013. Please contact me with any questions you have on our request.

Yours very truly,

Steven C. Metcalfe

cc: Alexa Knight
Becky Collins
Adam Moore

Item # 8

Petition for Annexation

TO THE MAYOR AND GOVERNING BODY OF THE CITY OF KYLE TEXAS, A TEXAS MUNICIPAL CORPORATION:

The undersigned parties, who together own the hereinafter described tracts of land, hereby petition the governing body to extend the present city limits so as to include and annex as part of the City of Kyle, Texas (pursuant to Texas Local Government Code §43.028) the following described territory, to wit:

As described by metes and bounds in Exhibits "A" and "B" attached hereto and incorporated herein for all purposes.

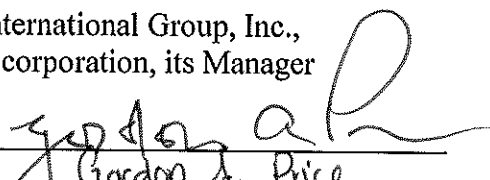
The undersigned parties certify that the above described land is contiguous to the City of Kyle Texas, is not more than one-half (1/2) mile in width, and is vacant and without residents or on which fewer than three qualified voters reside, and that this petition is signed and duly acknowledged by or on behalf of each and every person, corporation, or other entity having an interest in said land.

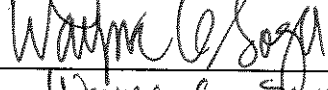
LANDOWNERS:

WALTON TEXAS, LP,
a Texas limited partnership,

By: Walton Texas GP, LLC,
a Texas limited liability company,
its General Partner

By: Walton International Group, Inc.,
a Nevada corporation, its Manager

By: 
Name: Gordon A. Price
Its: Authorized Signatory

By: 
Name: Wayne G. Saura
Its: Authorized Signatory

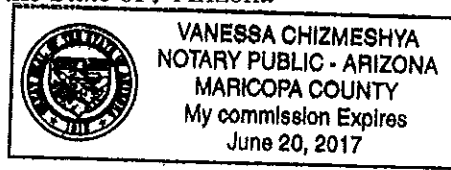
THE STATE OF ARIZONA §
§
COUNTY OF MARICOPA §

Before me, the undersigned authority, on this day personally appeared Gordon A. Price, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office, this 16th day of September, 2013.

Notary Public in and for the State of Arizona

Printed Name:
Commission Expires:



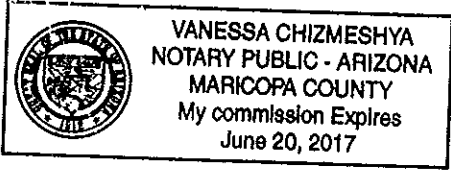
THE STATE OF ARIZONA §
§
COUNTY OF MARICOPA §

Before me, the undersigned authority, on this day personally appeared Wayne G. Souza, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office, this 16th day of September, 2013.

Notary Public in and for the State of Arizona

Printed Name:
Commission Expires:



WALTON PECAN WOODS, LP
a Delaware limited partnership

By: WPW GP, LLC,
a Delaware limited liability company, its General Partner

By: Walton Land Management (USA), Inc.,
a Delaware corporation, its Manager

By: Gordon A. Price
Name: Gordon A. Price
Its: Authorized Signatory

By: Wayne G. Souza
Name: Wayne G. Souza
Its: Authorized Signatory

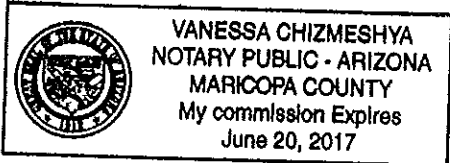
THE STATE OF ARIZONA §
 §
COUNTY OF MARICOPA §

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Given under my hand and seal of office, this 16th day of September, 2013.

[Signature]
Notary Public in and for the State of Arizona

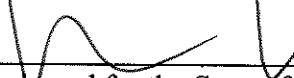
Printed Name:
Commission Expires:



THE STATE OF ARIZONA §
 §
COUNTY OF MARICOPA §

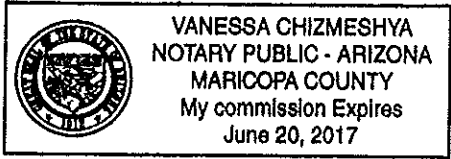
Before me, the undersigned authority, on this day personally appeared Wayne G. Souza, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office, this 16th day of September, 2013.



Notary Public in and for the State of Arizona

Printed Name:
Commission Expires:



WPW DEVELOPMENT SUB, LP,
a Delaware limited partnership

By: WPW Development GP, LLC,
a Delaware limited liability company,
its General Partner

By: Walton Pecan Development Woods, LP
a Delaware limited partnership

By: WPW GP, LLC,
a Delaware limited liability company,
its General Partner

By: Walton Land Management (USA), Inc.,
a Delaware corporation, its Manager

By: [Signature]
Name: Gordon A. Price
Its: Authorized Signatory

By: [Signature]
Name: Wayne G Souza
Its: Authorized Signatory

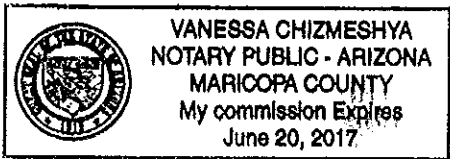
THE STATE OF ARIZONA §
 §
 §
COUNTY OF MARICOPA §

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Given under my hand and seal of office, this 16th day of September, 2013.

[Signature]
Notary Public in and for the State of Arizona

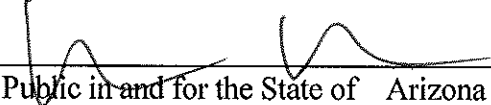
Printed Name:
Commission Expires:



THE STATE OF ARIZONA §
 §
COUNTY OF MARICOPA §

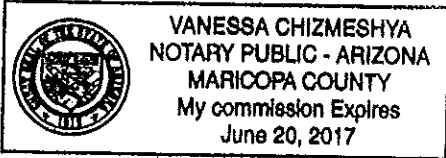
Before me, the undersigned authority, on this day personally appeared Wayne G. Souza, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office, this 16th day of September, 2013.



Notary Public in and for the State of Arizona

Printed Name:
Commission Expires:



40.267 ACRES
CITY OF KYLE ETJ
ANNEXATION PARCEL

FN. NO. 13-425 (KWA)
SEPTEMBER 23, 2013
BPI JOB NO. R0103932-10002

DESCRIPTION

OF 40.267 ACRES OF LAND OUT OF THE WILLIAM HEMPHILL SURVEY, THE ALBERT PACE SURVEY AND THE ROBERT CARSON SURVEY SITUATED IN THE HAYS COUNTY, TEXAS; BEING A PORTION OF THOSE CERTAIN TRACTS OF LAND CALLED "TRACT I" (696.20 ACRES) AND "TRACT II" (66.57 ACRES) HAVING BEEN CONVEYED TO WALTON TEXAS, LP BY DEED OF RECORD IN VOLUME 3913, PAGE 497 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS; SAID 40.267 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED IN TWO (2) PARTS BY METES AND BOUNDS AS FOLLOWS:

PART 1 - 40.159 ACRES

BEGINNING, at a 1/2 inch iron rod with cap stamped "UDG2433" found in the easterly right-of-way line of County Road 152 (Heidenreich Lane - R.O.W. varies), being an angle point in the westerly line of said "Tract 1" and the southwesterly corner of that certain 3.0 acre tract of land conveyed to Sally R. Windham by deed of record in Volume 2354, Page 482 of said Official Public Records, for the northwesterly corner hereof;

THENCE, S46°16'36"E, leaving the easterly right-of-way line of County Road 152, along the common line of said "Tract 1" and said 3.0 acre tract of land, for the most northerly line hereof, a distance of 5.00 feet to an angle point hereof;

THENCE, leaving the southerly line of said 3.0 acre tract of land, over and across said "Tract 1", for the northerly lines hereof, the following twelve (12) courses and distances:

- 1) S44°07'18"W, a distance of 1235.94 feet to an angle point;
- 2) S45°52'42"E, a distance of 295.00 feet to an angle point;
- 3) S44°07'18"W, a distance of 1259.49 feet to an angle point;
- 4) S36°43'08"E, a distance of 50.79 feet to an angle point;
- 5) S43°51'25"W, a distance of 8.59 feet to an angle point;
- 6) S36°42'39"E, a distance of 2962.65 feet to the point of curvature of a curve to the left;
- 7) Along said curve to the left having a radius of 1954.28 feet, a central angle of 9°37'31", an arc length of 328.30 feet and a chord which bears, S41°31'25"E, a distance of 327.92 feet to the end of said curve;

FN 13-425(KWA)
 SEPTEMBER 23, 2013
 PAGE 2 OF 5

- 8) S46°20'10"E, a distance of 983.59 feet to an angle point;
- 9) N43°26'37"E, a distance of 1012.75 feet to an angle point;
- 10) S46°21'49"E, a distance of 359.96 feet to an angle point;
- 11) N43°26'33"E, a distance of 2183.19 feet to an angle point;
- 12) S46°33'27"E, a distance of 5.00 feet to a point in the westerly line of that certain 45.2855 acre tract of land conveyed to Gary R. and Nancy H. Hutzler by deed of record in Volume 874, Page 676 of said Official Public Records, being the easterly line of said "Tract 1", for the northeasterly corner hereof;

THENCE, S43°26'33"W, along a portion of the westerly line of said 45.2855 acre tract of land and along the westerly line of that certain 10.0 acre tract of land conveyed to Gary McMurrey by deed of record in Volume 1680, Page 168 of said Official Public Records, being a portion of the easterly line of said "Tract 1", for a portion of the easterly line hereof, a distance of 2188.21 feet to a 1/2 inch iron rod with aluminum cap stamped "4341" found at the southwesterly corner of said 10.0 acre tract of land, being the northwesterly corner of that certain 34.905 acre tract of land conveyed to Hays Consolidated Independent School District by deed of record in Volume 1388, Page 870 of said Official Public Records and the northeasterly corner of that certain 10.811 acre tract of land conveyed to Hays Consolidated Independent School District by deed of record in Volume 2606, Page 885 of said Official Public Records, for an angle point hereof;

THENCE, along the northerly and westerly lines of said 10.811 acre tract of land, being a portion of the easterly line of said "Tract 1", for a portion of the easterly line hereof, three (3) courses and distances:

- 1) N46°21'49"W, a distance of 359.96 feet to a 1/2 inch iron rod with aluminum cap stamped "4341" found at the northwesterly corner of said 10.811 acre tract of land, for an angle point hereof;
- 2) S43°26'37"W, a distance of 1287.79 feet to a 1/2 inch iron rod with aluminum cap stamped "4341" found for an angle point;
- 3) S43°22'48"W, a distance of 19.96 feet to a 1/2 inch iron rod with aluminum cap stamped "4341" found in the northerly right-of-way line of Farm Highway 150 (80' R.O.W), being the southwesterly corner of said 10.811 acre tract of land and the southeasterly corner of said "Tract 1", for the southeasterly corner hereof;

FN 13-425(KWA)
 SEPTEMBER 23, 2013
 PAGE 3 OF 5

THENCE, along the northerly right-of-way line of Farm Highway 150, being a portion of the southerly line of said "Tract 1", for a portion of the southerly line hereof, the following three (3) courses and distances:

- 1) N46°20'10"W, a distance of 985.43 feet to a 1/2 inch iron rod with aluminum cap stamped "4341" found for the point of curvature of a curve to the right;
- 2) Along said curve to the right having a radius of 2254.28 feet, a central angle of 9°38'52", an arc length of 379.59 feet and a chord which bears, N41°37'19"W, a distance of 379.14 feet to a 1/2 inch iron rod with cap stamped "UDG2433" found for the end of said curve;
- 3) N36°42'39"W, a distance of 2921.33 feet to a 1/2 inch iron rod with cap stamped "Pro Tech" found at the southeasterly corner of that certain 0.90 acre tract of land conveyed to Hemphill Scholl District No. 5 by deed of record in Volume 209, Page 623 of said Official Public Records, for an angle point hereof;

THENCE, leaving the northerly right-of-way line of said Farm Highway 150, along the easterly, northerly and westerly lines of said 0.90 acre tract of land, being a portion of the southerly line of said "Tract 1", for a portion of the southerly line hereof, the following three (3) courses and distances:

- 1) N43°51'25"E, a distance of 307.63 feet to a 1/2 inch iron rod with cap stamped "Pro Tech" found at the northeasterly corner of that certain 0.90 acre tract of land, for an angle point hereof;
- 2) N36°43'08"W, a distance of 128.35 feet to a 1/2 inch iron rod with cap stamped "Pro Tech" found at the northwesterly corner of that certain 0.90 acre tract of land, for an angle point hereof;
- 3) S43°52'45"W, a distance of 307.55 feet to a 1/2 inch iron rod with cap stamped "UDG2433" found in the northerly right-of-way line of Farm Highway 150, being the southwest corner of said 0.90 acre tract of land, for an angle point hereof;

THENCE, N36°42'39"W, a distance of 222.59 feet to a 1/2 inch iron rod with cap stamped "BURY" set at the intersection of the easterly right-of-way line of County Road 152 and the northerly right-of-way line of Farm Highway 150, being the southwest corner of said "Tract 1", for the southwest corner hereof;

FN 13-425 (KWA)
SEPTEMBER 23, 2013
PAGE 4 OF 5

THENCE, N44°07'18"E, leaving the northerly right-of-way line of Farm Highway 150, along the easterly right-of-way line of County Road 152, being a portion of the westerly line of said "Tract 1", for the westerly line hereof, a distance of 2759.40 feet to the **POINT OF BEGINNING**, containing an area of 40.159 acres (1,749,318 sq. ft.) of land, more or less, within these metes and bounds.

PART 2 - 0.108 ACRE

BEGINNING, at a 1/2 inch iron rod with cap stamped "UDG2433" found in the westerly right-of-way line of County Road 152, being the northeasterly corner of that certain 18.62 acre tract of land conveyed to Randall G. and Frances A. Pendleton by deed of record in Volume 2477, Page 482 of said Official Public Records, being the southeasterly corner of said "Tract 2", for the southwesterly corner hereof;

THENCE, N46°11'12"W, leaving the westerly right-of-way line of County Road 152, along the northerly line of said 18.62 acre tract of land, being a portion of the southerly line of said "Tract 2", for a portion of the southerly line hereof, a distance of 273.35 feet to a 1/2 inch iron rod with cap stamped "UDG2433" found at the northeasterly corner of that certain tract of land conveyed to Rudy S. Cisneros, no recording information found, being the northwesterly corner of said 18.62 acre tract of land, for an angle point hereof;

THENCE, N46°27'51"W, along a portion of the northerly line of said Rudy S. Cisneros tract, being a portion of the southerly line of said "Tract 2", for a portion of the southerly line hereof, a distance of 671.66 feet to a 1/2 inch iron rod with cap stamped "UDG2433" found at the southeasterly corner of that certain 87.36 acre tract of land conveyed to City of Kyle, Tx by deed of record in Volume 477, Page 870 of said Official Public Records, being the southwesterly corner of said "Tract 2", for the southwesterly corner hereof;

THENCE, N43°38'31"E, along the common line of said 87.36 acre tract of land and said "Tract 2", for the westerly line hereof, a distance of 5.00 feet to the northwesterly corner hereof;

THENCE, leaving the easterly line of said 87.36 acre tract of land, over and across said "Tract 2", for the northerly line hereof, the following two (2) courses and distances:

- 1) S46°27'51"E, a distance of 671.67 feet to an angle point;
- 2) S46°11'12"E, a distance of 273.36 feet to a point in the westerly right-of-way line of County Road 152, being the easterly line of said "Tract 2", for the northeasterly corner hereof;

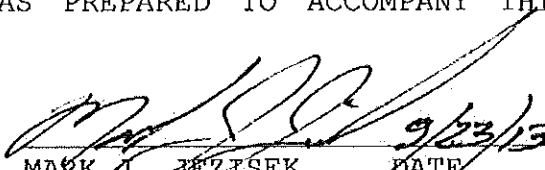
FN 13-425(KWA)
SEPTEMBER 23, 2013
PAGE 5 OF 5

THENCE, S43°47'51"W, along the westerly line of County Road 152, being a portion of the easterly line of said "Tract 2", for the easterly line hereof, a distance of 5.00 feet to the **POINT OF BEGINNING**, containing an area of 0.108 acre (4,725 sq. ft.) of land, more or less, within these metes and bounds.

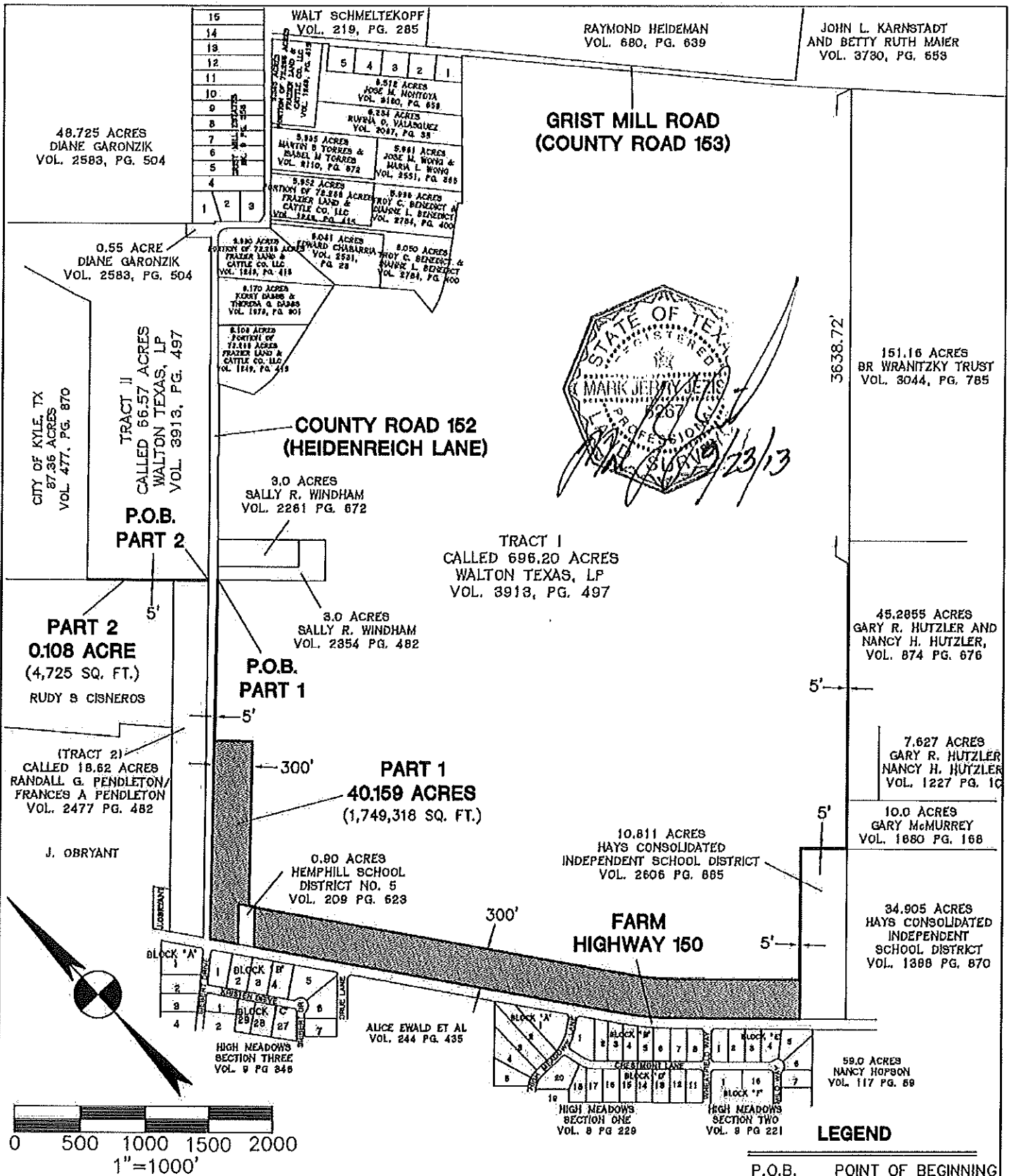
THE BASIS OF BEARING OF THE SURVEY SHOWN HEREON IS TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE (4304), NAD 83(96), UTILIZING WESTERN DATA SYSTEMS CONTINUALLY OPERATING REFERENCE STATION (CORS) NETWORK AND REFERENCED TO LCRA GPS CONTROL MONUMENTS.

I, MARK J. JEZISEK, A REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THE PROPERTY DESCRIBED HEREIN WAS DETERMINED BY A SURVEY MADE ON THE GROUND UNDER MY DIRECTION AND SUPERVISION. A SURVEY EXHIBIT WAS PREPARED TO ACCOMPANY THIS FIELDNOTE DESCRIPTION.

BURY & PARTNERS, INC.
221 WEST SIXTH STREET
SUITE 600
AUSTIN, TEXAS 78701


MARK J. JEZISEK DATE 9/23/13
R.P.L.S. NO. 5267
STATE OF TEXAS





<p>Bury+Partners 221 West Sixth Street, Suite 600 Austin, Texas 78701 Tel. (512)328-0011 Fax (512)328-0326 Bury+Partners, Inc. © Copyright 2013</p>	<p>SKETCH TO ACCOMPANY DESCRIPTION OF 40.267 ACRES OF LAND SITUATED IN HAYS COUNTY TEXAS, OUT OF THE WILLIAM HEMPHILL SURVEY, ALBERT PACE SURVEY AND ROBERT CARSON SURVEY, BEING A PORTION OF THOSE TWO (2) TRACTS OF LAND CONVEYED TO WALTON TEXAS, LP BY SPECIAL WARRANTY DEED OF RECORD IN VOLUME 3913, PAGE 497 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS.</p>	<p>CITY OF KYLE ETJ ANNEXATION PARCEL</p>
<p>DATE: 09/16/13 FILE: H:\103932\002\103932002EX4.DWG FN No.: 13-425(KWA) DRAWN BY: KWA PROJ. No: 103932-10002</p>		

EXHIBIT B

(Intentionally Deleted)



CITY OF KYLE, TEXAS

375 acres NE Corner of RR 150 / CR
152

Meeting Date: 10/8/2013
Date time: 7:00 PM

Subject/Recommendation: *(First Reading)* AN ORDINANCE OF THE CITY OF KYLE, ANNEXING APPROXIMATELY 375 ACRES OF LAND (OUT OF THE APPROXIMATELY 696 ACRE TRACT), LOCATED IN HAYS COUNTY, TEXAS, WHICH IS GENERALLY LOCATED AT THE NORTHEAST CORNER OF E. RR 150 AND CR 152 (ALSO KNOWN AS HEIDENREICH LANE); AS SHOWN IN THE ATTACHED EXHIBIT; MAKING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR OPEN MEETINGS AND OTHER RELATED MATTERS.
~ Sofia Nelson, Director of Planning

Other Information: Please see attachment

Budget Information: N/A

Viewing Attachments Requires Adobe Acrobat. [Click here](#) to download.

Attachments / click to download

[Ordinance and Backup Material](#)

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF KYLE, TEXAS, ANNEXING APPROXIMATELY 375 ACRES OF LAND (OUT OF THE APPROXIMATELY 696 ACRE TRACT), LOCATED IN HAYS COUNTY, TEXAS, WHICH IS GENERALLY LOCATED AT THE NORTHEAST CORNER OF E. RR 150 AND CR 152 (ALSO KNOWN AS HEIDENREICH LANE); AS SHOWN IN THE ATTACHED EXHIBIT; MAKING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR OPEN MEETINGS AND OTHER RELATED MATTERS.

WHEREAS, the City of Kyle, Texas (the "City"), is a home rule municipality authorized by State law and the City's Charter to annex territory lying adjacent and contiguous to the City;

WHEREAS, the City Council, in compliance with §43.021, *Tex. Local Gov't Code*, instituted proceedings for the annexation of certain property more particularly described herein (the "subject property");

WHEREAS, the subject property hereby annexed is adjacent and contiguous to the present City limits;

WHEREAS, the boundaries of the City are contiguous to the subject property on at least two sides;

WHEREAS, citizens were given the opportunity to provide public input at two separate public hearings which were conducted prior to consideration of this Ordinance in accordance with § 43.063, *Tex. Loc. Gov't. Code*;

WHEREAS, the hearings were conducted and held not more than forty (40) nor less than twenty (20) days prior to the institution of annexation proceedings;

WHEREAS, notice of the public hearings was published in a newspaper of general circulation in the City and the territory proposed to be annexed not more than twenty (20) nor less than ten (10) days prior to the public hearings;

WHEREAS, the City intends to provide services to the subject property to be annexed according to the Service Plan attached hereto as Exhibit "A".

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KYLE, TEXAS:

SECTION 1. That all of the above premises and findings of fact are found to be true and correct and are incorporated into the body of this Ordinance as if copied in their entirety.

SECTION 2. That the following described property (hereinafter referred to as the "Annexed

Property”) is hereby annexed into the corporate limits of the City of Kyle:

Approximately 375 acres out of the 696 acre tract of Land in Hays County, Texas that is generally located at the northeast corner of E. RR150 and CR 152 (Heidenreich Lane) and being more particularly described in exhibit “B”.

SECTION 3. That the Service Plan submitted herewith is hereby approved as part of this Ordinance, made a part hereof and attached hereto as Exhibit “A”.

SECTION 4. That the future owners and inhabitants of the Annexed Property shall be entitled to all of the rights and privileges of the City as set forth in the Service Plan attached hereto as Exhibit “A”, and are further bound by all acts, ordinances, and all other legal action now in full force and effect and all those which may be hereafter adopted.

SECTION 5. That the official map and boundaries of the City, heretofore adopted and amended be and hereby are amended so as to include the Annexed Property as part of the City of Kyle.

SECTION 6. That the Annexed Property shall be assigned to Council District No. 2.

SECTION 7. That the Annexed Property shall be temporarily zoned Agricultural District “A” as provided in the City Zoning Ordinance, as amended, until permanent zoning is established therefore.

SECTION 8. That if any provision of this Ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

SECTION 9. That this Ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the *Tex. Loc. Gov't. Code*.

SECTION 10. That it is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, *Chapt. 551, Tex. Gov't. Code*.

PASSED AND APPROVED on First Reading this 8th day of October, 2013.

FINALLY PASSED AND APPROVED on this ____ day of _____, 2013.

ATTEST:

CITY OF KYLE, TEXAS

Amelia Sanchez, City Secretary

Lucy Johnson, Mayor

EXHIBIT "A"**MUNICIPAL SERVICES PLAN**

WHEREAS, the City of Kyle, Texas (the "City") instituted and completed annexation proceedings for tracts of land described more fully hereinafter (referred to herein as the "subject properties");

WHEREAS, *Section 43.056, Loc. Gov't. Code*, requires a service plan be adopted with the annexation ordinance;

WHEREAS, the subject properties are not included in the municipal annexation plan and are exempt from the requirements thereof having fewer than one hundred (100) houses on separate tracts;

WHEREAS, the subject property will be provided municipal services on the same terms and conditions as other similarly situated properties currently within the City limits and capital improvements necessary to offer such municipal services on the same terms and conditions as other similarly situated properties within the City and in accordance with City policies, regulations, and ordinances; and

WHEREAS, it is found that all statutory requirements have been satisfied and the City is authorized by *Chapt. 43, Loc. Gov't. Code*, to annex the subject properties into the City.

NOW, THEREFORE, the City agrees to provide the following services for the subject properties on the effective date of annexation:

(1) **General Municipal Services.** The subject properties are located within the City's extraterritorial jurisdiction and are more particularly described in the Ordinance to which this service plan is attached. Pursuant to this Plan, the following services shall be provided immediately from the effective date of the annexation:

A. Police protection as follows:

Routine patrols of areas, radio response to calls for police service and all other police services now being offered to the citizens of the City.

B. Fire protection and Emergency Medical Services as follows:

Fire protection by the Emergency Service District's (ESD) and volunteer fire fighting force's present personnel and equipment with the limitations of water available. Radio response for Emergency Medical Services with the present personnel and equipment of the ESD.

C. Solid waste collection services as follows:

Solid waste collection and services as now being offered to the citizens of the City.

D. Animal control as follows:

Service by present personnel, equipment and facilities or by contract with a third party, as provided within the City.

E. Maintenance of parks and playgrounds within the City.

F. Inspection services in conjunction with building permits and routine City code enforcement services by present personnel, equipment and facilities.

G. Maintenance of other City facilities, buildings and service.

H. Land use regulation as follows:

On the effective date of annexation, the regulatory jurisdiction of the City shall be extended to include the annexed area, and all property therein shall be subject to the City's police power regulations as set forth in duly adopted ordinances; provided that the use of all property therein shall be grandfathered to the extent provided by state law. The subject properties shall be temporarily zoned Agriculture "A" with the intent to rezone the properties upon request of the landowner or staff. The Planning & Zoning Commission and the City Council will consider rezoning the subject properties at future times in response to requests submitted by the landowners or authorized city staff.

(2) **Scheduled Municipal Services.** Depending on the plans for development or redevelopment of the subject properties, the following municipal services will be provided on a schedule and at increasing levels of service as requested in compliance with applicable City ordinances, rules and regulations for providing such services:

A. Water service and maintenance of water facilities as follows:

(i) The subject property is located within the County Line Water CCN, as a result, inspection of water distribution lines will be provided by in accordance with the statutes of the State of Texas.

(ii) In accordance with the applicable rules and regulations for the provision of water service, water service will be provided to the subjects properties, or applicable portions thereof, by the utility holding a water certificate of convenience and necessity ("CCN") for the subject properties, or portions thereof as applicable, or absent a water CCN, by the utility in whose jurisdiction the subject properties, or portions thereof as applicable, are located, in accordance with all the ordinances, regulations, and policies of the City in effect from time to time for the extension of water service. If connected to the water utility system, the subject properties' owner shall construct the internal water lines and pay the costs of line extension and construction of such facilities necessary to provide water service to the subject properties as required in City ordinances. Upon acceptance of the water lines within the

subject properties and any off-site improvements, water service will be provided by the water service provider -on the same terms, conditions and requirements as are applied to all similarly situated areas and customers; subject to all the ordinances, regulations and policies in effect from time to time. The system will be accepted and maintained by the water provider in accordance with its usual acceptance and maintenance policies. New water line extensions will be installed and extended upon request under the same costs and terms as with other similarly situated customers. The continued use of a water well that is in use on the effective date of the annexation and is in compliance with applicable rules and regulations shall be permitted and such use may continue until the subject property owner requests and is able to connect to the City's water utility system.

B. Wastewater service and maintenance of wastewater service as follows:

(i) Inspection of sewer lines as provided by statutes of the State of Texas.

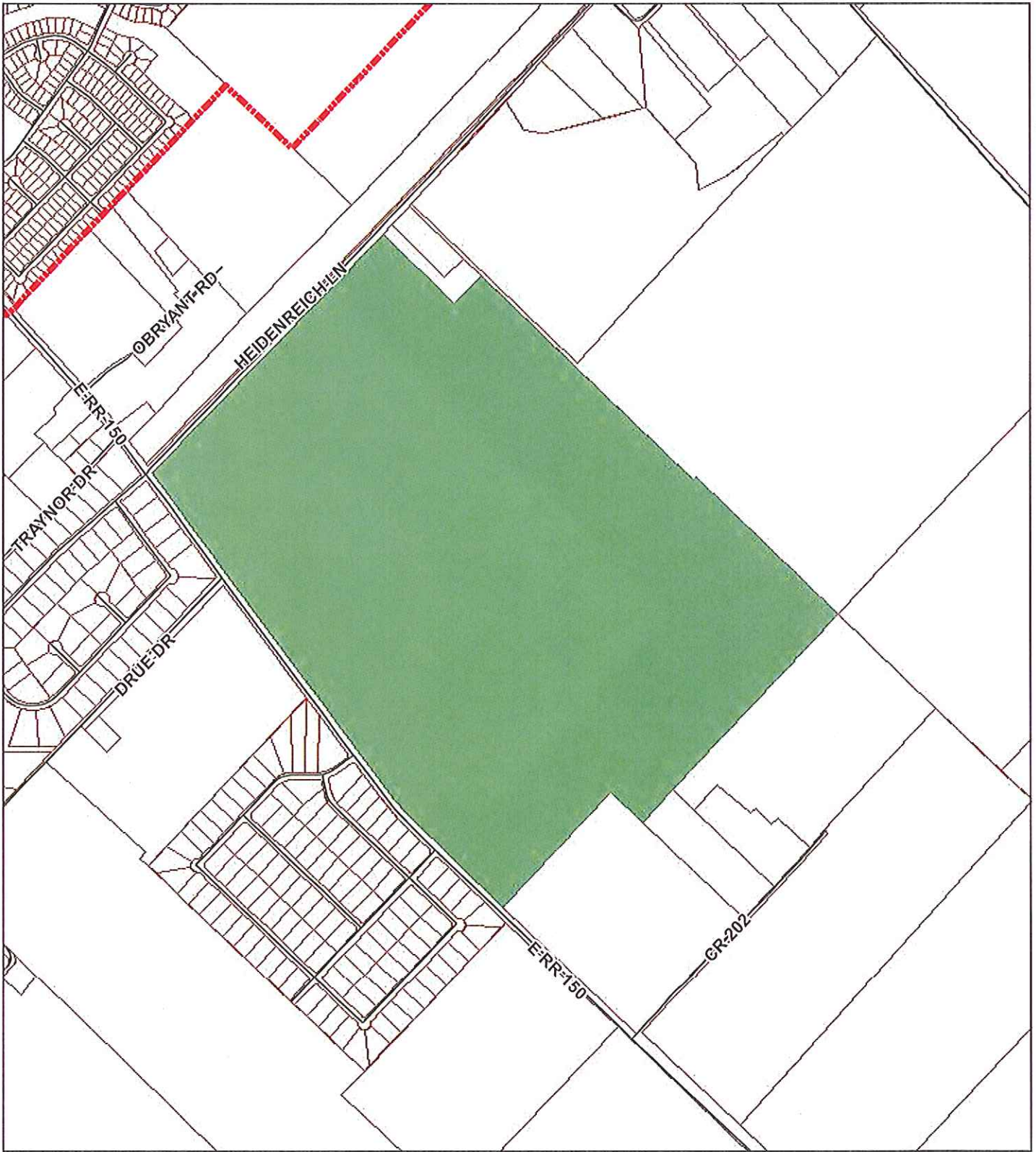
(ii) In accordance with the applicable rules and regulations for the provision of wastewater service, wastewater service will be provided to the subjects properties, or applicable portions thereof, by the utility holding a wastewater CCN for the subject properties, or portions thereof as applicable, or absent a wastewater CCN, by the utility in whose jurisdiction the subject properties, or portions thereof as applicable, are located, in accordance with all the ordinances, regulations, and policies of the City in effect from time to time for the extension of wastewater service. If connected to the City's wastewater utility system, the subject properties' owner shall construct the internal wastewater lines and pay the costs of line extension and construction of facilities necessary to provide wastewater service to the subject properties as required in City ordinances. Upon acceptance of the wastewater lines within the subject properties and any off-site improvements, wastewater service will be provided by the City utility department on the same terms, conditions and requirements as are applied to all similarly situated areas and customers of the City, subject to all the ordinances, regulations and policies of the City in effect from time to time. The wastewater system will be accepted and maintained by the City in accordance with its usual policies. Requests for new wastewater line extensions will be installed and extended upon request under the same costs and terms as with other similarly situated customers of the City. The ordinances in effect at the time a request for service is submitted shall govern the costs and request for service. The continued use of a septic system that is in use on the effective date of the annexation and is in compliance with all applicable rules and regulations shall be permitted and such use may continue until the subject property owner requests and is able to connect to the City's wastewater utility system.





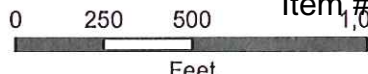

C. Maintenance, as appropriate, of existing public streets and rights-of-way that are within the maintenance jurisdiction of the City and other streets that are hereafter constructed and finally accepted by the City within the maintenance jurisdiction of the City as follows:

(i) Emergency maintenance of streets, repair of hazardous potholes, measures necessary for traffic flow, etc.;

- (ii) Routine maintenance as presently performed by the City;
 - (iii) Reconstruction and resurfacing of streets, installation of drainage facilities, construction of curbs, gutters and other such major improvements as the need therefore is determined by the governing body under City policies;
 - (iv) Installation and maintenance of traffic signals, traffic signs, street markings and other traffic control devices as the need therefore is established by appropriate study and traffic standards; and
 - (v) Installation and maintenance of street lighting in accordance with established policies of the City.
- (3) **Capital Improvements.** Construction of the following capital improvements shall be initiated after the effective date of the annexation: Water and wastewater facilities that are identified in the Capital Improvement Plan, as and when funded pursuant to such Plan. Upon development of the subject properties or redevelopment, the landowners will be responsible for the development costs the same as a developer in a similarly situated area under the ordinances in effect at the time of development or redevelopment. No additional capital improvements are necessary at this time to service the subject properties the same as similarly situated properties.
- (4) **Term.** If not previously expired, this service plan expires at the end of ten (10) years.
- (5) **Property Description.** The legal descriptions of the subject properties are as set forth in Exhibit "B" attached to the Annexation Ordinance to which this Service Plan is attached as Exhibit "A".

EXHIBIT "B"
Property Description



<ul style="list-style-type: none"> Proposed Annexation Parcel Lines Kyle City Limits	<p><u>Area to be Annexed</u></p> <p>Approximately 375 Acres</p>	   <p>Item # 9</p>
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696.196 ACRES
 WILLIAM HEMPHILL SURVEY, ABSTRACT NO. 221
 ALBERT PACE SURVEY, ABSTRACT NUMBER 367
 HAYS COUNTY, TEXAS
 ANNEXATION

FIELD NOTES

BEING ALL OF THAT CERTAIN TRACT OR PARCEL OF LAND OUT OF AND A PART OF THE WILLIAM HEMPHILL SURVEY, ABSTRACT NUMBER 221, AND THE ALBERT PACE SURVEY ABSTRACT NUMBER 367, SITUATED IN HAYS COUNTY, TEXAS, BEING MORE FULLY DESCRIBED AS BEING A PORTION OF THAT CERTAIN 696.20 ACRE TRACT OF LAND, CONVEYED WALTON TEXAS LP IN VOLUME 3913, PAGE 496, OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, (O.P.R.H.C.TX.), SAID 696.196 ACRE TRACT BEING MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, at a point found on the northeastern right-of-way line of FM 150 (R.O.W. varies), at the westernmost corner of a 10.811 acre tract conveyed to Hays CISD in Vol. 2606, Pg. 885, O.P.R.H.C.TX., also being the southernmost corner of said 696.20 acre tract, for the southernmost corner and **POINT OF BEGINNING** of the herein described tract,

THENCE, with the common boundary line of said 696.20 acre tract and said northeastern right-of-way line of FM 150, the following three (3) courses and distances, numbered 1 through 3,

1. N47°03'16"W, for a distance of 985.58 feet to a point, at a point of curvature to the right,
2. With said curve to the right having a radius of 2254.28 feet, an arc length of 379.68 feet, and whose chord bears N42°14'17"W, a distance of 379.23 feet to a point, and
3. N37°26'17"W, for a distance of 2921.85 feet to a point, for the southeastern corner of a 0.9 acre tract of land conveyed to Hemphill School District No. 5 in Vol. 209, Pg. 623, Deed Records of Hays County, Texas,

THENCE, with the common boundary line of said 696.20 acre tract and said 0.9 acre tract, the following three (3) courses and distances, numbered 1 through 3,

1. N43°08'23"E, for a distance of 307.63 feet to a point,
2. N37°26'10"W, for a distance of 128.35 feet to a point, and
3. S43°10'02"W, for a distance of 307.61 feet to a point, for the southwestern corner of said 0.9 acre tract, also being in the northwestern right-of-way line of said county road 150,

THENCE, with the common boundary line of said 696.20 acre tract and said northeastern right-of-way line of FM 150, N37°26'17"W, for a distance of 221.73 feet to a point, in the northeastern right-of-way line of said County Road 150, also being in the eastern right-of-way line of County Road 152, and also being the westernmost corner of said 696.20 acre tract,

THENCE, with the common boundary line of said 696.20 acre tract and said eastern right-of-way line of County Road 152, N43°23'22"E, for a distance of 2760.21 feet to a point, for the westernmost corner of Lot 1, La Moraia Estates, also being a western corner of said 696.20 acre tract,

THENCE, with the common boundary line of said 696.20 acre tract and said Lot 1, La Moraia Estates, the following three (3) courses and distances, numbered 1 through 3,

1. S46°59'17"E, for a distance of 835.19 feet to a point,
2. N43°23'49"E, for a distance of 313.18 feet to a point, and
3. N47°00'31"W, for a distance of 835.23 feet to a point, for the northernmost corner of said Lot 1, La Moraia Estates, also being a western corner of said 696.20 acre tract, and also being in the eastern right-of-way line of said CR 152,

THENCE, with the common boundary line of said 696.20 acre tract and said eastern right-of-way line of County Road 152, the following four (4) courses and distances, numbered 1 through 4,

1. N44°16'07"E, for a distance of 29.14 feet to a point,
2. N41°47'21"E, for a distance of 609.01 feet to a point,
3. S47°24'04"E, for a distance of 10.14 feet to a point, and
4. N42°36'29"E, for a distance of 550.00 feet to a point, for a western corner of said 696.20 acre tract, also being the westernmost corner of a 6.078 acre tract conveyed to Frazier Land & Cattle Company LLC in Vol. 1249, Pg. 415, Deed Records of Hays County, Texas,

696.196 ACRES
 WILLIAM HEMPHILL SURVEY, ABSTRACT NO. 221
 ALBERT PACE SURVEY, ABSTRACT NUMBER 367
 HAYS COUNTY, TEXAS
 ANNEXATION

THENCE, with the common boundary line of said 696.20 acre tract and said 6.078 acre tract, the following six (6) courses and distances, numbered 1 through 6,

1. S30°56'20"E, for a distance of 279.59 feet to a point,
2. S84°47'08"E, for a distance of 150.70 feet to a point,
3. N88°18'39"E, for a distance of 36.37 feet to a point,
4. N80°40'50"E, for a distance of 92.75 feet to a point,
5. N77°28'48"E, for a distance of 54.84 feet to a point, and
6. N75°07'22"E, for a distance of 356.15 feet to a point, for a western corner of said 696.20 acre tract, also being the easternmost corner of said 6.078 acre tract, and also being the southernmost corner of a 6.17 acre tract conveyed to Kerry and Theresa Dabbs in Vol. 1979, Pg. 301, O.P.R.H.C.TX.,

THENCE, with the common boundary line of said 696.20 acre tract and said 6.17 acre tract, N74°58'05"E, for a distance of 348.74 feet to a point, for the easternmost corner of said 6.17 acre tract, also being a western corner of said 696.20 acre tract, and also being the southernmost southeastern corner of a 5.98 acre tract conveyed to Frazier Land & Cattle Company LLC in Vol. 1249, Pg. 415, Deed Records of Hays County, Texas,

THENCE, with the common boundary line of said 696.20 acre tract and said 5.98 acre tract, N89°54'28"E, for a distance of 16.78 feet to a point, for a northern corner of said 696.20 acre tract, also being the easternmost southeastern corner of said 5.98 acre tract, and also being the southwestern corner of a 6.041 acre tract conveyed to Edward Chabarría in Vol. 2531, Pg. 23, O.P.R.H.C.TX.,

THENCE, with the common boundary line of said 696.20 acre tract and said 6.041 acre tract, S43°24'06"E, for a distance of 346.43 feet to a point, for the southernmost corner of said 6.041 acre tract, also being a southwestern corner of a 6.05 acre tract conveyed to Troy and Dianne Benedict in Vol. 2784, Pg. 400, O.P.R.H.C.TX., and also being a northern corner of said 696.20 acre tract,

THENCE, with the common boundary line of said 696.20 acre tract, said 6.05 acre tract and a 5.961 acre tract conveyed to Jose and Maria Wong in Vol. 2551, Pg. 366, O.P.R.H.C.TX., the following twelve (12) courses and distances, numbered 1 through 12,

1. S42°59'00"E, for a distance of 265.64 feet to a point,
2. S02°40'16"W, for a distance of 220.30 feet to a point,
3. N69°43'25"E, for a distance of 117.08 feet to a point,
4. N60°49'02"E, for a distance of 106.76 feet to a point,
5. N53°56'58"E, for a distance of 20.55 feet to a point,
6. N56°40'00"E, for a distance of 135.58 feet to a point,
7. N54°11'17"E, for a distance of 57.03 feet to a point,
8. N50°52'19"E, for a distance of 86.40 feet to a point,
9. N51°10'41"E, for a distance of 72.23 feet to a point,
10. N51°19'44"E, for a distance of 271.46 feet to a point,
11. S43°10'36"E, for a distance of 33.96 feet to a point, and
12. N42°00'36"E, for a distance of 438.39 feet to a point, for a northwestern corner of said 696.20 acre tract, also being the northeastern corner of a 5.961 acre tract conveyed to Jose and Maria Wong in Vol. 2551, Pg. 366, O.P.R.H.C.TX., and also being the southeastern corner of a 6.234 acre tract conveyed to Rufina O. Velazquez in Vol. 2067, Pg. 38, O.P.R.H.C.TX.,

THENCE, with the common boundary line of said 696.20 acre tract, said 6.234 acre tract, a 6.512 acre tract conveyed to Jose and Maria Montoya in Vol. 3160, Pg. 656, O.P.R.H.C.TX., and a 0.93 acre tract conveyed to Cadelaria Guzman in Vol. 3025, Pg. 452, O.P.R.H.C.TX., N42°04'27"E, for a distance of 695.58 feet to a point, for the northeastern corner of said 0.93 acre tract, also being the northernmost corner of said 696.20 acre tract, and also being in the southwestern right-of-way line of Grist Mill Road,

THENCE, with the common boundary line of said 696.20 acre tract, and said Grist Mill Road, the following three (3) courses and distances, numbered 1 through 3,

696.196 ACRES
 WILLIAM HEMPHILL SURVEY, ABSTRACT NO. 221
 ALBERT PACE SURVEY, ABSTRACT NUMBER 367
 HAYS COUNTY, TEXAS
 ANNEXATION

1. S42°17'53"E, for a distance of 2444.46 feet to a point,
2. S43°37'05"E, for a distance of 249.56 feet to a point, and
3. S44°38'27"E, for a distance of 357.69 feet to a point, for the northeastern corner of said 696.20 acre tract, also being the northernmost corner of a 151.16 acre tract conveyed to Wranitzky B R Bypass Trust in Vol. 3044, Pg. 785, O.P.R.H.C.TX.,

THENCE, with the common boundary line of said 696.20 acre tract, and said 151.16 acre tract, S42°35'05"W, for a distance of 3459.64 feet to a point, in the southeastern line of said 696.20 acre tract, also being the westernmost corner of said 151.16 acre tract, and also being the northernmost corner of a 45.2855 acre tract conveyed to Gary and Nancy Hutzler in Vol. 874, Pg. 673, O.P.R.H.C.TX.,


THENCE, with the common boundary line of said 696.20 acre tract, said 45.2855 acre tract, and a 10.000 acre tract conveyed to Gary McMurrey in Vol. 1680, Pg. 168, O.P.R.H.C.TX., S42°43'32"W, for a distance of 2368.37 feet to a point, for the southwestern corner of said 10.000 acre tract, also being the northernmost corner of a 34.905 acre tract conveyed to Hays CISD in Vol. 1388, Pg. 870, O.P.R.H.C.TX., and also being the easternmost corner of said 10.811 acre tract,

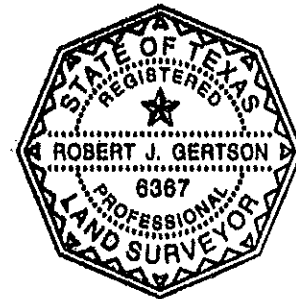
THENCE, with the common boundary line of said 696.20 acre tract and said 10.811 acre tract, the following two (2) courses and distances, numbered 1 and 2,

1. N47°05'05"W, for a distance of 360.13 feet to a point, and
2. S42°43'31"W, for a distance of 1308.06 feet to the POINT OF BEGINNING, and containing 696.196 acres of land.

THIS SURVEY WAS PREPARED FROM RECORD INFORMATION FOUND IN VOLUME 3913, PAGE 496 (O.P.R.H.C.TX.), NO ON-THE-GROUND SURVEY WAS PERFORMED.

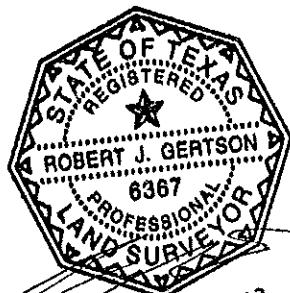
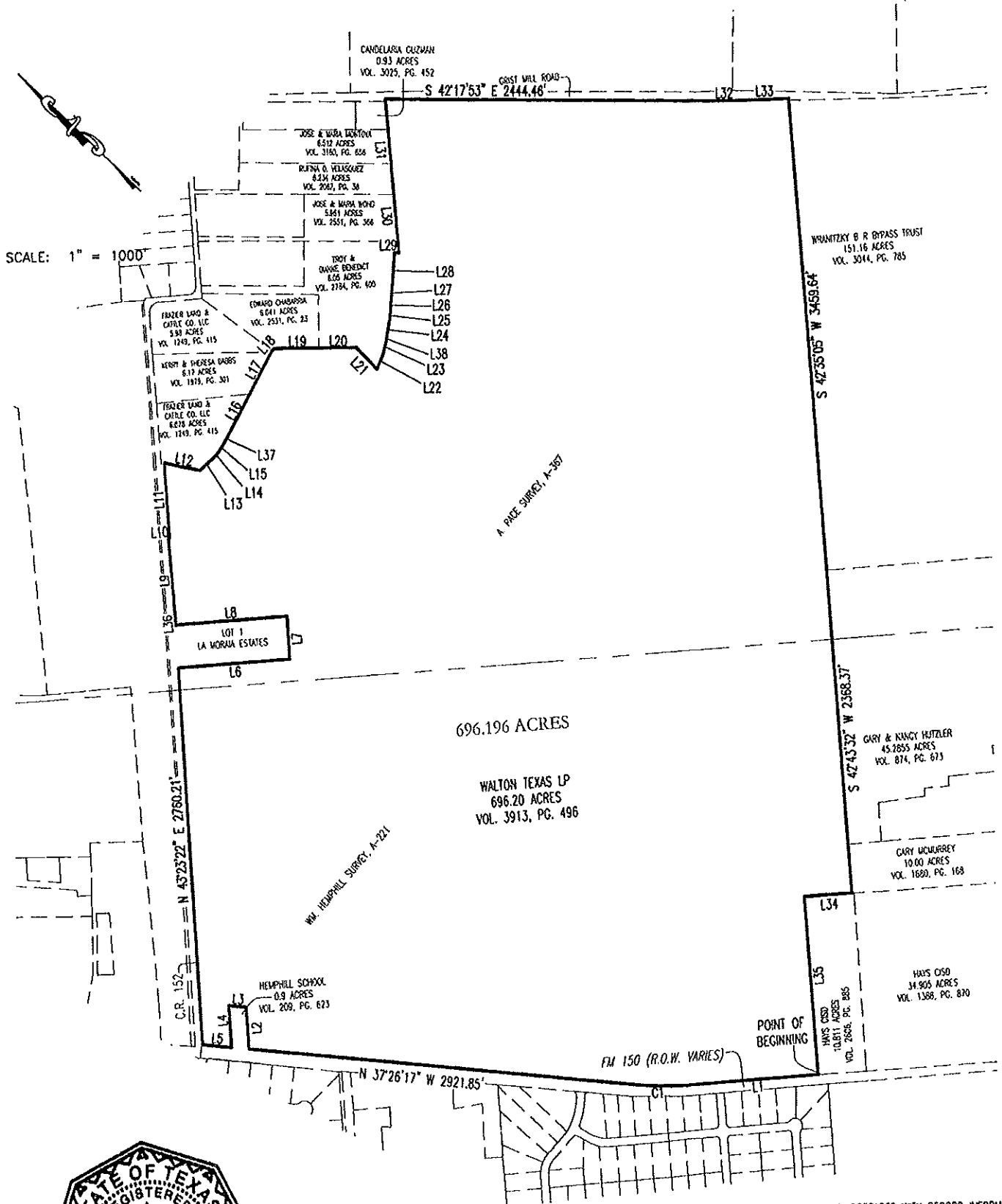
Surveyed by: _____

 8-27-13
 ROBERT J. GERTSON, R.P.L.S. NO. 6367
 Carlson, Brigance and Doering, Inc.
 5501 West William Cannon
 Austin, TX 78749
 Ph: 512-280-5160 Fax: 512-280-5165
 rgertson@cbdeng.com



SKETCH TO ACCOMPANY FIELD NOTES

SCALE: 1" = 1000'



8-27-13

SHEET 1 OF 2 BEARING BASIS: PREPARED WITH RECORD INFORMATION FOUND IN VOLUME 3913, PAGE 496 (O.P.R.H.C.T.X.)

CBD Carlsson, Brigance & Doering, Inc.

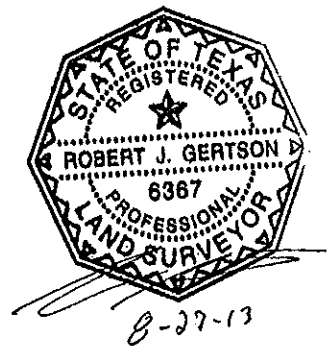
Civil Engineering ♦ Surveying
 5501 West Wilham Cannon Drive ♦ Austin, Texas 78749
 Phone No. (512) 280-5160 ♦ Fax No. (512) 280-5165

PATH:- J: 4576-097\SURVEY\FN-R14895 696.196 ACRES ANNEXATION Item # 9

SKETCH TO ACCOMPANY FIELD NOTES

CURVE TABLE					
CURVE	RADIUS	LENGTH	CHORD	CHORD BEARING	TANGENT
C1	2254.28'	379.68'	379.23'	N42°14'17"W	190.29

LINE TABLE		
LINE	LENGTH	BEARING
L1	985.58	N47°03'16"W
L2	307.63	N43°08'23"E
L3	128.35	N37°26'10"W
L4	307.61	S43°10'02"W
L5	221.73	N37°26'17"W
L6	835.19	S46°59'17"E
L7	313.18	N43°23'49"E
L8	835.23	N47°00'31"W
L9	609.01	N41°47'21"E
L10	10.14	S47°24'04"E
L11	550.00	N42°36'29"E
L12	279.59	S30°56'20"E
L13	150.70	S84°47'08"E
L14	36.37	N88°18'39"E
L15	92.75	N80°40'50"E
L16	356.15	N75°07'22"E
L17	348.74	N74°58'05"E
L18	16.78	N89°54'28"E
L19	346.43	S43°24'06"E
L20	265.64	S42°59'00"E
L21	220.30	S02°40'16"W
L22	117.08	N69°43'25"E
L23	106.76	N60°49'02"E
L24	135.58	N56°40'00"E
L25	57.03	N54°11'17"E
L26	86.40	N50°52'19"E
L27	72.23	N51°10'41"E
L28	271.46	N51°19'44"E
L29	33.96	S43°10'36"E
L30	438.39	N42°00'36"E
L31	695.58	N42°04'27"E
L32	249.56	S43°37'05"E
L33	357.69	S44°38'27"E
L34	360.13	N47°05'05"W
L35	1308.06	S42°43'31"W
L36	29.14	N44°16'07"E
L37	54.84	N77°28'48"E
L38	20.55	N53°56'58"E



SHEET 2 OF 2 BEARING BASIS: PREPARED WITH RECORD INFORMATION FOUND IN VOLUME 3913, PAGE 496 (O.P.R.H.C.TX.)

	Carlson, Brigance & Doering, Inc.
	<small> Civil Engineering ♦ Surveying 5501 West William Cannon Drive ♦ Austin, Texas 78749 Phone No. (512) 280-5160 ♦ Fax No. (512) 280-5165 </small>

Item # 9

PATH:- J: 4576-097\SURVEY\FN-R14895 696.196 ACRES ANNEXATION



CITY OF KYLE, TEXAS

45.716 acres E RR 150 / Heindenrich
Lane

Meeting Date: 10/8/2013
Date time: 7:00 PM

Subject/Recommendation: *(First Reading)* AN ORDINANCE OF THE CITY OF KYLE, TEXAS, ANNEXING 45.716 ACRES OF LAND, LOCATED IN HAYS COUNTY, TEXAS WHICH IS GENERALLY LOCATED NORTH OF E. RR 150, EAST OF HEINDENRICH LANE AND WEST OF STATE HIGHWAY 21; AS SHOWN IN THE ATTACHED EXHIBIT; MAKING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR OPEN MEETINGS AND OTHER RELATED MATTERS.
~ Sofia Nelson, Director of Planning

Other Information: Please see attachment

Budget Information: N/A

Viewing Attachments Requires Adobe Acrobat. [Click here](#) to download.

Attachments / click to download

 [Ordinance and Backup Material](#)

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF KYLE, TEXAS, ANNEXING 45.716 ACRES OF LAND, LOCATED IN HAYS COUNTY, TEXAS, WHICH IS GENERALLY LOCATED NORTH OF E. RR 150, EAST OF HEINDENRICH LANE AND WEST OF STATE HIGHWAY 21; AS SHOWN IN THE ATTACHED EXHIBIT; MAKING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR OPEN MEETINGS AND OTHER RELATED MATTERS.

WHEREAS, the City of Kyle, Texas (the "City"), is a home rule municipality authorized by State law and the City's Charter to annex territory lying adjacent and contiguous to the City;

WHEREAS, the City Council, in compliance with §43.021, *Tex. Local Gov't Code*, instituted proceedings for the annexation of certain property more particularly described herein (the "subject property");

WHEREAS, the subject property hereby annexed is adjacent and contiguous to the present City limits;

WHEREAS, the boundaries of the City are contiguous to the subject property on at least two sides;

WHEREAS, citizens were given the opportunity to provide public input at two separate public hearings which were conducted prior to consideration of this Ordinance in accordance with § 43.063, *Tex. Loc. Gov't. Code*;

WHEREAS, the hearings were conducted and held not more than forty (40) nor less than twenty (20) days prior to the institution of annexation proceedings;

WHEREAS, notice of the public hearings was published in a newspaper of general circulation in the City and the territory proposed to be annexed not more than twenty (20) nor less than ten (10) days prior to the public hearings;

WHEREAS, the City intends to provide services to the subject property to be annexed according to the Service Plan attached hereto as Exhibit "A".

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KYLE, TEXAS:

SECTION 1. That all of the above premises and findings of fact are found to be true and correct and are incorporated into the body of this Ordinance as if copied in their entirety.

SECTION 2. That the following described property (hereinafter referred to as the "Annexed Property") is hereby annexed into the corporate limits of the City of Kyle:

The approximately 45.716 acres of Land in Hays County, Texas that is generally located north of E. RR 150, east of Heidenrich Lane and west of Highway 21 and being more particularly described in Exhibit "B"

SECTION 3. That the Service Plan submitted herewith is hereby approved as part of this Ordinance, made a part hereof and attached hereto as Exhibit "A".

SECTION 4. That the future owners and inhabitants of the Annexed Property shall be entitled to all of the rights and privileges of the City as set forth in the Service Plan attached hereto as Exhibit "A", and are further bound by all acts, ordinances, and all other legal action now in full force and effect and all those which may be hereafter adopted.

SECTION 5. That the official map and boundaries of the City, heretofore adopted and amended be and hereby are amended so as to include the Annexed Property as part of the City of Kyle.

SECTION 6. That the Annexed Property shall be assigned to Council District No. 2.

SECTION 7. That the Annexed Property shall be temporarily zoned Agricultural District "A" as provided in the City Zoning Ordinance, as amended, until permanent zoning is established therefore.

SECTION 8. That if any provision of this Ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

SECTION 9. That this Ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the *Tex. Loc. Gov't. Code*.

SECTION 10. That it is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, *Chapt. 551, Tex. Gov't. Code*.

PASSED AND APPROVED on First Reading this 8th day of October, 2013.

FINALLY PASSED AND APPROVED on this ____ day of _____, 2013.

ATTEST:

CITY OF KYLE, TEXAS

Amelia Sanchez, City Secretary

Lucy Johnson, Mayor

EXHIBIT "A"**MUNICIPAL SERVICES PLAN**

WHEREAS, the City of Kyle, Texas (the "City") instituted and completed annexation proceedings for tracts of land described more fully hereinafter (referred to herein as the "subject properties");

WHEREAS, *Section 43.056, Loc. Gov't. Code*, requires a service plan be adopted with the annexation ordinance;

WHEREAS, the subject properties are not included in the municipal annexation plan and are exempt from the requirements thereof having fewer than one hundred (100) houses on separate tracts;

WHEREAS, the subject property will be provided municipal services on the same terms and conditions as other similarly situated properties currently within the City limits and capital improvements necessary to offer such municipal services on the same terms and conditions as other similarly situated properties within the City and in accordance with City policies, regulations, and ordinances; and

WHEREAS, it is found that all statutory requirements have been satisfied and the City is authorized by *Chapt. 43, Loc. Gov't. Code*, to annex the subject properties into the City.

NOW, THEREFORE, the City agrees to provide the following services for the subject properties on the effective date of annexation:

(1) **General Municipal Services.** The subject properties are located within the City's extraterritorial jurisdiction and are more particularly described in the Ordinance to which this service plan is attached. Pursuant to this Plan, the following services shall be provided immediately from the effective date of the annexation:

A. Police protection as follows:

Routine patrols of areas, radio response to calls for police service and all other police services now being offered to the citizens of the City.

B. Fire protection and Emergency Medical Services as follows:

Fire protection by the Emergency Service District's (ESD) and volunteer fire fighting force's present personnel and equipment with the limitations of water available. Radio response for Emergency Medical Services with the present personnel and equipment of the ESD.

C. Solid waste collection services as follows:

Solid waste collection and services as now being offered to the citizens of the City.

D. Animal control as follows:

Service by present personnel, equipment and facilities or by contract with a third party, as provided within the City.

E. Maintenance of parks and playgrounds within the City.

F. Inspection services in conjunction with building permits and routine City code enforcement services by present personnel, equipment and facilities.

G. Maintenance of other City facilities, buildings and service.

H. Land use regulation as follows:

On the effective date of annexation, the regulatory jurisdiction of the City shall be extended to include the annexed area, and all property therein shall be subject to the City's police power regulations as set forth in duly adopted ordinances; provided that the use of all property therein shall be grandfathered to the extent provided by state law. The subject properties shall be temporarily zoned Agriculture "A" with the intent to rezone the properties upon request of the landowner or staff. The Planning & Zoning Commission and the City Council will consider rezoning the subject properties at future times in response to requests submitted by the landowners or authorized city staff.

(2) **Scheduled Municipal Services.** Depending on the plans for development or redevelopment of the subject properties, the following municipal services will be provided on a schedule and at increasing levels of service as requested in compliance with applicable City ordinances, rules and regulations for providing such services:

A. Water service and maintenance of water facilities as follows:

(i) The subject property is located within the County Line Water CCN, as a result, inspection of water distribution lines will be provided by in accordance with the statutes of the State of Texas.

(ii) In accordance with the applicable rules and regulations for the provision of water service, water service will be provided to the subjects properties, or applicable portions thereof, by the utility holding a water certificate of convenience and necessity ("CCN") for the subject properties, or portions thereof as applicable, or absent a water CCN, by the utility in whose jurisdiction the subject properties, or portions thereof as applicable, are located, in accordance with all the ordinances, regulations, and policies of the City in effect from time to time for the extension of water service. If connected to the water utility system, the subject properties' owner shall construct the internal water lines and pay the costs of line extension and construction of such facilities necessary to provide water service to the subject properties as required in City ordinances. Upon acceptance of the water lines within the

subject properties and any off-site improvements, water service will be provided by the water service provider -on the same terms, conditions and requirements as are applied to all similarly situated areas and customers; subject to all the ordinances, regulations and policies in effect from time to time. The system will be accepted and maintained by the water provider in accordance with its usual acceptance and maintenance policies. New water line extensions will be installed and extended upon request under the same costs and terms as with other similarly situated customers. The continued use of a water well that is in use on the effective date of the annexation and is in compliance with applicable rules and regulations shall be permitted and such use may continue until the subject property owner requests and is able to connect to the City's water utility system.

B. Wastewater service and maintenance of wastewater service as follows:

(i) Inspection of sewer lines as provided by statutes of the State of Texas.

(ii) In accordance with the applicable rules and regulations for the provision of wastewater service, wastewater service will be provided to the subjects properties, or applicable portions thereof, by the utility holding a wastewater CCN for the subject properties, or portions thereof as applicable, or absent a wastewater CCN, by the utility in whose jurisdiction the subject properties, or portions thereof as applicable, are located, in accordance with all the ordinances, regulations, and policies of the City in effect from time to time for the extension of wastewater service. If connected to the City's wastewater utility system, the subject properties' owner shall construct the internal wastewater lines and pay the costs of line extension and construction of facilities necessary to provide wastewater service to the subject properties as required in City ordinances. Upon acceptance of the wastewater lines within the subject properties and any off-site improvements, wastewater service will be provided by the City utility department on the same terms, conditions and requirements as are applied to all similarly situated areas and customers of the City, subject to all the ordinances, regulations and policies of the City in effect from time to time. The wastewater system will be accepted and maintained by the City in accordance with its usual policies. Requests for new wastewater line extensions will be installed and extended upon request under the same costs and terms as with other similarly situated customers of the City. The ordinances in effect at the time a request for service is submitted shall govern the costs and request for service. The continued use of a septic system that is in use on the effective date of the annexation and is in compliance with all applicable rules and regulations shall be permitted and such use may continue until the subject property owner requests and is able to connect to the City's wastewater utility system.

(iii). Upon the annexation of this property the city will work with the property owner to transition the required ownership assignments of the onsite lift station and associated easements.

C. Maintenance, as appropriate, of existing public streets and rights-of-way that are within the maintenance jurisdiction of the City and other streets that are hereafter constructed and finally accepted by the City within the maintenance jurisdiction of the City as follows:

- (i) Emergency maintenance of streets, repair of hazardous potholes, measures necessary for traffic flow, etc.;
 - (ii) Routine maintenance as presently performed by the City;
 - (iii) Reconstruction and resurfacing of streets, installation of drainage facilities, construction of curbs, gutters and other such major improvements as the need therefore is determined by the governing body under City policies;
 - (iv) Installation and maintenance of traffic signals, traffic signs, street markings and other traffic control devices as the need therefore is established by appropriate study and traffic standards; and
 - (v) Installation and maintenance of street lighting in accordance with established policies of the City.
- (3) **Capital Improvements.** Construction of the following capital improvements shall be initiated after the effective date of the annexation: Water and wastewater facilities that are identified in the Capital Improvement Plan, as and when funded pursuant to such Plan. Upon development of the subject properties or redevelopment, the landowners will be responsible for the development costs the same as a developer in a similarly situated area under the ordinances in effect at the time of development or redevelopment. No additional capital improvements are necessary at this time to service the subject properties the same as similarly situated properties.
- (4) **Term.** If not previously expired, this service plan expires at the end of ten (10) years.
- (5) **Property Description.** The legal descriptions of the subject properties are as set forth in Exhibit "B" attached to the Annexation Ordinance to which this Service Plan is attached as Exhibit "A".

EXHIBIT "B"
Property Description

10.811 ACRES
 WILLIAM HEMPHILL SURVEY, ABSTRACT NO. 221
 HAYS COUNTY, TEXAS
 ANNEXATION

FIELD NOTES

BEING ALL OF THAT CERTAIN TRACT OR PARCEL OF LAND OUT OF AND A PART OF THE WILLIAM HEMPHILL SURVEY, ABSTRACT NUMBER 221, SITUATED IN HAYS COUNTY, TEXAS, BEING MORE FULLY DESCRIBED AS BEING ALL OF THAT CERTAIN 10.811 ACRE TRACT OF LAND, CONVEYED TO HAYS CISD IN VOLUME 2606, PAGE 885, OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, (O.P.R.H.C.TX.), SAID 10.811 ACRE TRACT BEING MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, at a point found on the northeastern right-of-way line of FM 150 (R.O.W. varies), at the most southern corner of said 10.811 acre tract, also being the western corner of a 34.905 acre tract of land conveyed to Hays CISD in Volume 1388, Page 870 (O.P.R.H.C.TX.) for the southern corner and **POINT OF BEGINNING** of the herein described tract,

THENCE, with the common boundary line of said 10.811 acre tract and said northeastern right-of-way line of FM 150, N46°19'54"W, for a distance of 360.00 feet to a point for the west corner of said 10.811 acre tract, also being the southernmost corner of a 696.20 acre tract of land conveyed to Walton Texas, LP in Vol. 3913, Pg. 496, Official Public Records of Hays County, Texas, for the western corner of the herein described tract,

THENCE, with the common boundary line of said 10.811 acre tract and said 696.20 acre tract, the following two (2) courses and distances, numbered 1 and 2,

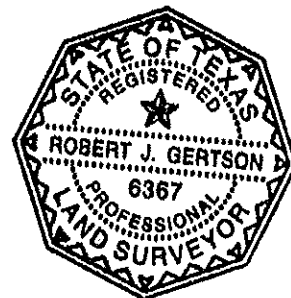
1. N43°26'31"E, for a distance of 1308.07 feet to a point, for the north corner of said 10.811 acre tract, also being an interior southern corner of said 696.20 acre tract, for the northern corner of the herein described tract,
2. S46°21'39"E a distance of 360.01 feet to a point, for the eastern corner of said 10.811 acre tract, also being the western corner of a 10.00 acre tract of land conveyed to Gary McMurrey in Volume 1680, Page 168 (O.P.R.H.C.TX.), for the eastern corner of the herein described tract,

THENCE, with the common boundary line of said 10.811 acre tract and said 34.905 acre tract, S43°26'33"W, for a distance of 1308.26 feet to the **POINT OF BEGINNING**, and containing 10.811 acres of land.

THIS SURVEY WAS PREPARED FROM RECORD INFORMATION FOUND IN VOLUME 2606, PAGE 885 (O.P.R.H.C.TX.), NO ON-THE-GROUND SURVEY WAS PERFORMED

Surveyed by: _____

8-27-13
 ROBERT J. GERTSON, R.P.L.S. NO. 6367
 Carlson, Brigance and Doering, Inc.
 5501 West William Cannon
 Austin, TX 78749
 Ph: 512-280-5160 Fax: 512-280-5165
 rgertson@cbdeng.com



SKETCH TO ACCOMPANY FIELD NOTES



SCALE: 1" = 300'

WALTON TEXAS LP
696.20 ACRES
VOL. 3913, PG. 496

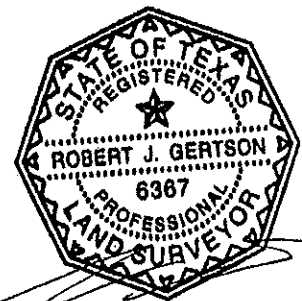
GARY McMURREY
10.00 ACRES
VOL. 1680, PG. 168

10.811 ACRES

HAYS CISD
(10.811 ACRES)
VOL. 2606, PG. 885

HAYS CISD
34.905 ACRES
VOL. 1388, PG. 870

POINT OF BEGINNING



8-27-13

BEARING BASIS: PREPARED WITH RECORD INFORMATION
FOUND IN VOLUME 2606, PAGE 885 (O.P.R.H.C.TX.)

Carlson, Brigance & Doering, Inc.

Civil Engineering ♦ Surveying
5501 West William Cannon Drive ♦ Austin, Texas 78749
Phone No. (512) 280-5160 ♦ Fax No. (512) 280-5165

Item # 10
PATH:- J: 4576-097\SURVEY\FN-R114148 10.811 ACRES ANNEXATION

34.905 ACRES
 WILLIAM HEMPHILL SURVEY, ABSTRACT NO. 221
 HAYS COUNTY, TEXAS
 ANNEXATION

FIELD NOTES

BEING ALL OF THAT CERTAIN TRACT OR PARCEL OF LAND OUT OF AND A PART OF THE WILLIAM HEMPHILL SURVEY, ABSTRACT NUMBER 221, SITUATED IN HAYS COUNTY, TEXAS, BEING MORE FULLY DESCRIBED AS BEING ALL OF THAT CERTAIN 34.905 ACRE TRACT OF LAND, CONVEYED TO HAYS CISD IN VOLUME 1388, PAGE 870, OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, (O.P.R.H.C.TX.), SAID 34.905 ACRE TRACT BEING MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, at a point found on the northeastern right-of-way line of FM 150 (R.O.W. varies), at the most southern corner of said 34.905 acre tract, also being in the northwestern right-of-way line of County Road 202, for the most southern corner and **POINT OF BEGINNING** of the herein described tract,

THENCE, with the common boundary line of said 34.905 acre tract and said northeastern right-of-way line of FM 150, N46°19'57"W, for a distance of 1164.04 feet to a point for the westernmost corner of said 34.905 acre tract, also being the southernmost corner of a 10.811 acre tract conveyed to Hays CISD in Vol. 2606, Pg. 885, Official Public Records of Hays County, Texas,

THENCE, with the common boundary line of said 34.905 acre tract and said 10.811 acre tract, N43°26'29"E, for a distance of 1308.28 feet to a point, for the easternmost corner of said 10.811 acre tract, also being a southeastern corner of a 696.20 acre tract conveyed to Walton Texas LP in Vol. 3913, Pg. 496, Official Public Records of Hays County, Texas, and also being the westernmost corner of a 10.00 acre tract conveyed to Gary McMurrey in Vol. 1680, Pg. 168, Official Public Records of Hays County, Texas, and also being the northernmost corner of said 34.905 acre tract,

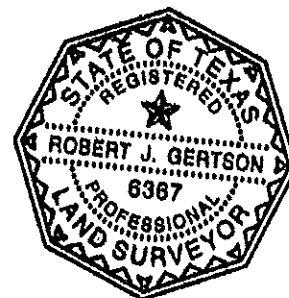
THENCE, with the common boundary line of said 34.905 acre tract and said 10.00 acre tract, S46°21'40"E a distance of 1159.83 feet to a point, for the easternmost corner of said 34.905 acre tract, also being the southernmost corner of said 10.00 acre tract, and also being in the northwestern right-of-way line of said County Road 202,

THENCE, with the common boundary line of said 34.905 acre tract and said County Road 202, S43°15'26"W, for a distance of 1308.88 feet to the **POINT OF BEGINNING**, and containing 34.905 acres of land.

THIS SURVEY WAS PREPARED FROM RECORD INFORMATION FOUND IN VOLUME 1388, PAGE 870 (O.P.R.H.C.TX.), NO ON-THE-GROUND SURVEY WAS PERFORMED

Surveyed by: _____

8-27-13
 ROBERT J. GERTSON, R.P.L.S. NO. 6367
Carlson, Briggance and Doering, Inc.
 5501 West William Cannon
 Austin, TX 78749
 Ph: 512-280-5160 Fax: 512-280-5165
 rgertson@cbdeng.com



SKETCH TO ACCOMPANY FIELD NOTES



SCALE: 1" = 300'

WALTON TEXAS LP
696.20 ACRES
VOL. 3913, PG. 496

GARY McMURREY
10.00 ACRES
VOL. 1680, PG. 168

HAYS CISD
10.811 ACRES
VOL. 2606, PG. 885

34.905 ACRES

HAYS CISD
(34.905 ACRES)
VOL. 1388, PG. 870

FM 150 (R.O.W. VARIES)

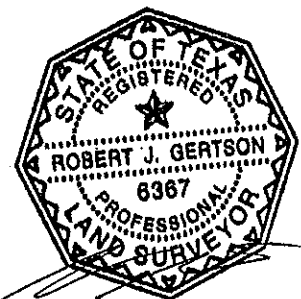
N 46°19'57" W 1164.04'

N 43°26'29" E 1308.28'

POINT OF BEGINNING

S 43°15'26" W 1308.88'

C.R. 202



8-27-13

BEARING BASIS: PREPARED WITH RECORD INFORMATION
FOUND IN VOLUME 1388, PAGE 870 (O.P.R.H.C.TX.)



Carlson, Brigance & Doering, Inc.

Civil Engineering • Surveying
5501 West William Cannon Drive • Austin, Texas 78749
Phone No. (512) 280-5167 • Fax No. (512) 280-5165



CITY OF KYLE, TEXAS

10 acres N of E150 / E. of CR 152 W.
of hwy 21

Meeting Date: 10/8/2013
Date time: 7:00 PM

Subject/Recommendation: *(First Reading)* AN ORDINANCE OF THE CITY OF KYLE, TEXAS, ANNEXING APPROXIMATELY 10 ACRES OF LAND LOCATED IN HAYS COUNTY, TEXAS, WHICH IS GENERALLY LOCATED NORTH OF E. RR 150, EAST OF CR 152 (ALSO KNOWN AS HEIDENREICH LANE), WEST OF STATE HIGHWAY 21, AND FRONTS ON CR 202; AS SHOWN IN THE ATTACHED EXHIBIT; MAKING FINDING OF FACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR OPEN MEETINGS AND OTHER RELATED MATTERS.
~ *Sofia Nelson, Director of Planning*

Other Information: Please see attachment

Budget Information: N/A

Viewing Attachments Requires Adobe Acrobat. [Click here](#) to download.

Attachments / click to download

[Ordinance and Backup Material](#)

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF KYLE, TEXAS, ANNEXING APPROXIMATELY 10 ACRES OF LAND LOCATED IN HAYS COUNTY, TEXAS, WHICH IS GENERALLY LOCATED NORTH OF E. RR 150, EAST OF CR 152 (ALSO KNOWN AS HEIDENREICH LANE), WEST OF STATE HIGHWAY 21, AND FRONTS ON CR 202; AS SHOWN IN THE ATTACHED EXHIBIT; MAKING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR OPEN MEETINGS AND OTHER RELATED MATTERS.

WHEREAS, the City of Kyle, Texas (the "City"), is a home rule municipality authorized by State law and the City's Charter to annex territory lying adjacent and contiguous to the City;

WHEREAS, the City Council, in compliance with §43.021, *Tex. Local Gov't Code*, instituted proceedings for the annexation of certain property more particularly described herein (the "subject property");

WHEREAS, the subject property hereby annexed is adjacent and contiguous to the present City limits;

WHEREAS, the boundaries of the City are contiguous to the subject property on at least two sides;

WHEREAS, citizens were given the opportunity to provide public input at two separate public hearings which were conducted prior to consideration of this Ordinance in accordance with § 43.063, *Tex. Loc. Gov't. Code*;

WHEREAS, the hearings were conducted and held not more than forty (40) nor less than twenty (20) days prior to the institution of annexation proceedings;

WHEREAS, notice of the public hearings was published in a newspaper of general circulation in the City and the territory proposed to be annexed not more than twenty (20) nor less than ten (10) days prior to the public hearings;

WHEREAS, the City intends to provide services to the subject property to be annexed according to the Service Plan attached hereto as Exhibit "A".

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KYLE, TEXAS:

SECTION 1. That all of the above premises and findings of fact are found to be true and correct and are incorporated into the body of this Ordinance as if copied in their entirety.

SECTION 2. That the following described property (hereinafter referred to as the "Annexed Property") is hereby annexed into the corporate limits of the City of Kyle:

An approximately 10 acre tract of land in Hays County, Texas that is generally located north of E. RR 150, east of CR 152 (also known as Heidenreich Lane), west of State Highway 21, and fronts on CR 202; and being more particularly described in exhibit "B".

SECTION 3. That the Service Plan submitted herewith is hereby approved as part of this Ordinance, made a part hereof and attached hereto as Exhibit "A".

SECTION 4. That the future owners and inhabitants of the Annexed Property shall be entitled to all of the rights and privileges of the City as set forth in the Service Plan attached hereto as Exhibit "A", and are further bound by all acts, ordinances, and all other legal action now in full force and effect and all those which may be hereafter adopted.

SECTION 5. That the official map and boundaries of the City, heretofore adopted and amended be and hereby are amended so as to include the Annexed Property as part of the City of Kyle.

SECTION 6. That the Annexed Property shall be assigned to Council District No. 2.

SECTION 7. That the Annexed Property shall be temporarily zoned Agricultural District "A" as provided in the City Zoning Ordinance, as amended, until permanent zoning is established therefore.

SECTION 8. That if any provision of this Ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

SECTION 9. That this Ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the *Tex. Loc. Gov't. Code*.

SECTION 10. That it is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, *Chapt. 551, Tex. Gov't. Code*.

PASSED AND APPROVED on First Reading this 8th day of October, 2013.

FINALLY PASSED AND APPROVED on this ____ day of _____, 2013.

ATTEST:

CITY OF KYLE, TEXAS

Amelia Sanchez, City Secretary

Lucy Johnson, Mayor

EXHIBIT "A"**MUNICIPAL SERVICES PLAN**

WHEREAS, the City of Kyle, Texas (the "City") instituted and completed annexation proceedings for tracts of land described more fully hereinafter (referred to herein as the "subject properties");

WHEREAS, *Section 43.056, Loc. Gov't. Code*, requires a service plan be adopted with the annexation ordinance;

WHEREAS, the subject properties are not included in the municipal annexation plan and are exempt from the requirements thereof having fewer than one hundred (100) houses on separate tracts;

WHEREAS, the subject property will be provided municipal services on the same terms and conditions as other similarly situated properties currently within the City limits and capital improvements necessary to offer such municipal services on the same terms and conditions as other similarly situated properties within the City and in accordance with City policies, regulations, and ordinances; and

WHEREAS, it is found that all statutory requirements have been satisfied and the City is authorized by *Chapt. 43, Loc. Gov't. Code*, to annex the subject properties into the City.

NOW, THEREFORE, the City agrees to provide the following services for the subject properties on the effective date of annexation:

(1) **General Municipal Services.** The subject properties are located within the City's extraterritorial jurisdiction and are more particularly described in the Ordinance to which this service plan is attached. Pursuant to this Plan, the following services shall be provided immediately from the effective date of the annexation:

A. Police protection as follows:

Routine patrols of areas, radio response to calls for police service and all other police services now being offered to the citizens of the City.

B. Fire protection and Emergency Medical Services as follows:

Fire protection by the Emergency Service District's (ESD) and volunteer fire fighting force's present personnel and equipment with the limitations of water available. Radio response for Emergency Medical Services with the present personnel and equipment of the ESD.

C. Solid waste collection services as follows:

Solid waste collection and services as now being offered to the citizens of the City.

D. Animal control as follows:

Service by present personnel, equipment and facilities or by contract with a third party, as provided within the City.

E. Maintenance of parks and playgrounds within the City.

F. Inspection services in conjunction with building permits and routine City code enforcement services by present personnel, equipment and facilities.

G. Maintenance of other City facilities, buildings and service.

H. Land use regulation as follows:

On the effective date of annexation, the regulatory jurisdiction of the City shall be extended to include the annexed area, and all property therein shall be subject to the City's police power regulations as set forth in duly adopted ordinances; provided that the use of all property therein shall be grandfathered to the extent provided by state law. The subject properties shall be temporarily zoned Agriculture "A" with the intent to rezone the properties upon request of the landowner or staff. The Planning & Zoning Commission and the City Council will consider rezoning the subject properties at future times in response to requests submitted by the landowners or authorized city staff.

(2) **Scheduled Municipal Services.** Depending on the plans for development or redevelopment of the subject properties, the following municipal services will be provided on a schedule and at increasing levels of service as requested in compliance with applicable City ordinances, rules and regulations for providing such services:

A. Water service and maintenance of water facilities as follows:

(i) The subject property is located within the County Line Water CCN, as a result, inspection of water distribution lines will be provided by in accordance with the statutes of the State of Texas.

(ii) In accordance with the applicable rules and regulations for the provision of water service, water service will be provided to the subjects properties, or applicable portions thereof, by the utility holding a water certificate of convenience and necessity ("CCN") for the subject properties, or portions thereof as applicable, or absent a water CCN, by the utility in whose jurisdiction the subject properties, or portions thereof as applicable, are located, in accordance with all the ordinances, regulations, and policies of the City in effect from time to time for the extension of water service. If connected to the water utility system, the subject properties' owner shall construct the internal water lines and pay the costs of line extension and construction of such facilities necessary to provide water service to the subject properties as required in City ordinances. Upon acceptance of the water lines within the

subject properties and any off-site improvements, water service will be provided by the water service provider -on the same terms, conditions and requirements as are applied to all similarly situated areas and customers; subject to all the ordinances, regulations and policies in effect from time to time. The system will be accepted and maintained by the water provider in accordance with its usual acceptance and maintenance policies. New water line extensions will be installed and extended upon request under the same costs and terms as with other similarly situated customers. The continued use of a water well that is in use on the effective date of the annexation and is in compliance with applicable rules and regulations shall be permitted and such use may continue until the subject property owner requests and is able to connect to the City's water utility system.

B. Wastewater service and maintenance of wastewater service as follows:

(i) Inspection of sewer lines as provided by statutes of the State of Texas.

(ii) In accordance with the applicable rules and regulations for the provision of wastewater service, wastewater service will be provided to the subjects properties, or applicable portions thereof, by the utility holding a wastewater CCN for the subject properties, or portions thereof as applicable, or absent a wastewater CCN, by the utility in whose jurisdiction the subject properties, or portions thereof as applicable, are located, in accordance with all the ordinances, regulations, and policies of the City in effect from time to time for the extension of wastewater service. If connected to the City's wastewater utility system, the subject properties' owner shall construct the internal wastewater lines and pay the costs of line extension and construction of facilities necessary to provide wastewater service to the subject properties as required in City ordinances. Upon acceptance of the wastewater lines within the subject properties and any off-site improvements, wastewater service will be provided by the City utility department on the same terms, conditions and requirements as are applied to all similarly situated areas and customers of the City, subject to all the ordinances, regulations and policies of the City in effect from time to time. The wastewater system will be accepted and maintained by the City in accordance with its usual policies. Requests for new wastewater line extensions will be installed and extended upon request under the same costs and terms as with other similarly situated customers of the City. The ordinances in effect at the time a request for service is submitted shall govern the costs and request for service. The continued use of a septic system that is in use on the effective date of the annexation and is in compliance with all applicable rules and regulations shall be permitted and such use may continue until the subject property owner requests and is able to connect to the City's wastewater utility system.

C. Maintenance, as appropriate, of existing public streets and rights-of-way that are within the maintenance jurisdiction of the City and other streets that are hereafter constructed and finally accepted by the City within the maintenance jurisdiction of the City as follows:

(i) Emergency maintenance of streets, repair of hazardous potholes, measures necessary for traffic flow, etc.;

- (ii) Routine maintenance as presently performed by the City;
- (iii) Reconstruction and resurfacing of streets, installation of drainage facilities, construction of curbs, gutters and other such major improvements as the need therefore is determined by the governing body under City policies;
- (iv) Installation and maintenance of traffic signals, traffic signs, street markings and other traffic control devices as the need therefore is established by appropriate study and traffic standards; and
- (v) Installation and maintenance of street lighting in accordance with established policies of the City.

(3) **Capital Improvements.** Construction of the following capital improvements shall be initiated after the effective date of the annexation: Water and wastewater facilities that are identified in the Capital Improvement Plan, as and when funded pursuant to such Plan. Upon development of the subject properties or redevelopment, the landowners will be responsible for the development costs the same as a developer in a similarly situated area under the ordinances in effect at the time of development or redevelopment. No additional capital improvements are necessary at this time to service the subject properties the same as similarly situated properties.

(4) **Term.** If not previously expired, this service plan expires at the end of ten (10) years.

(5) **Property Description.** The legal descriptions of the subject properties are as set forth in Exhibit "B" attached to the Annexation Ordinance to which this Service Plan is attached as Exhibit "A".

EXHIBIT "B"
Property Description

10.000 ACRES
 WILLIAM HEMPHILL SURVEY, ABSTRACT NO. 221
 HAYS COUNTY, TEXAS
 ANNEXATION

FIELD NOTES

BEING ALL OF THAT CERTAIN TRACT OR PARCEL OF LAND OUT OF AND A PART OF THE WILLIAM HEMPHILL SURVEY, ABSTRACT NUMBER 221, SITUATED IN HAYS COUNTY, TEXAS, BEING MORE FULLY DESCRIBED AS BEING ALL OF THAT CERTAIN 10.00 ACRE TRACT OF LAND, CONVEYED TO GARY MCMURREY IN VOLUME 1680, PAGE 168, OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, (O.P.R.H.C.TX.), SAID 10.000 ACRE TRACT BEING MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, at a point found on the northern right-of-way line of C.R. 202, at the most southern corner of a 7.627 acre tract of land conveyed to Gary & Nancy Hutzler in Volume 1227, Page 10 (O.P.R.H.C.TX.), also being the eastern corner of said 10.00 acre tract, for the eastern corner and **POINT OF BEGINNING** of the herein described tract,

THENCE, with the common boundary line of said 10.00 acre tract and said northern right-of-way line of C.R. 202, S43°52'37"W, for a distance of 374.40 feet to a point for the southern corner of said 10.00 acre tract, also being the eastern corner of a 34.905 acre tract of land conveyed to Hays CISD in Volume 1388, Page 870 (O.P.R.H.C.TX.), for the southern corner of the herein described tract,

THENCE, with the common boundary line of said 10.00 acre tract and said 34.905 acre tract, N45°46'36"W, for a distance of 1163.94 feet to a point for the eastern corner of a 10.811 acre tract of land conveyed to Hays CISD in Volume 2606, Page 885 (O.P.R.H.C.TX.), also being a southern corner of a 696.20 acre tract of land conveyed to Walton Texas, LP in Volume 3913, Page 496 (O.P.R.H.C.TX.), also being the western corner of said 10.00 acre tract, for the western corner of the herein described tract,

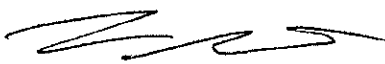
THENCE, with the common boundary line of said 10.00 acre tract and said 696.20 acre tract, N44°01'08"E, for a distance of 374.40 feet to a point at the northern corner of said 10.00 acre tract, also being the most western corner of a 45.2855 acre tract of land conveyed to Gary & Nancy Hutzler in Volume 874, Page 673 (O.P.R.H.C.TX.), for the northern corner of the herein described tract,

THENCE, with the common boundary line of said 45.2855 acre tract, and said 10.00 acre tract, the following 2 (two) courses and distances, numbered 1 and 2,

1. S45°46'36"E, for a distance of 244.72 feet to a point at the western corner of said 7.627 acre tract, and
2. S45°46'36"E, for a distance of 918.29 feet to the **POINT OF BEGINNING**, and containing 10.000 acres of land.

THIS SURVEY WAS PREPARED FROM RECORD INFORMATION FOUND IN VOLUME 1680, PAGE 168 (O.P.R.H.C.TX.), NO ON-THE-GROUND SURVEY WAS PERFORMED

Surveyed by: _____

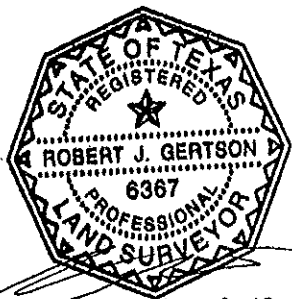
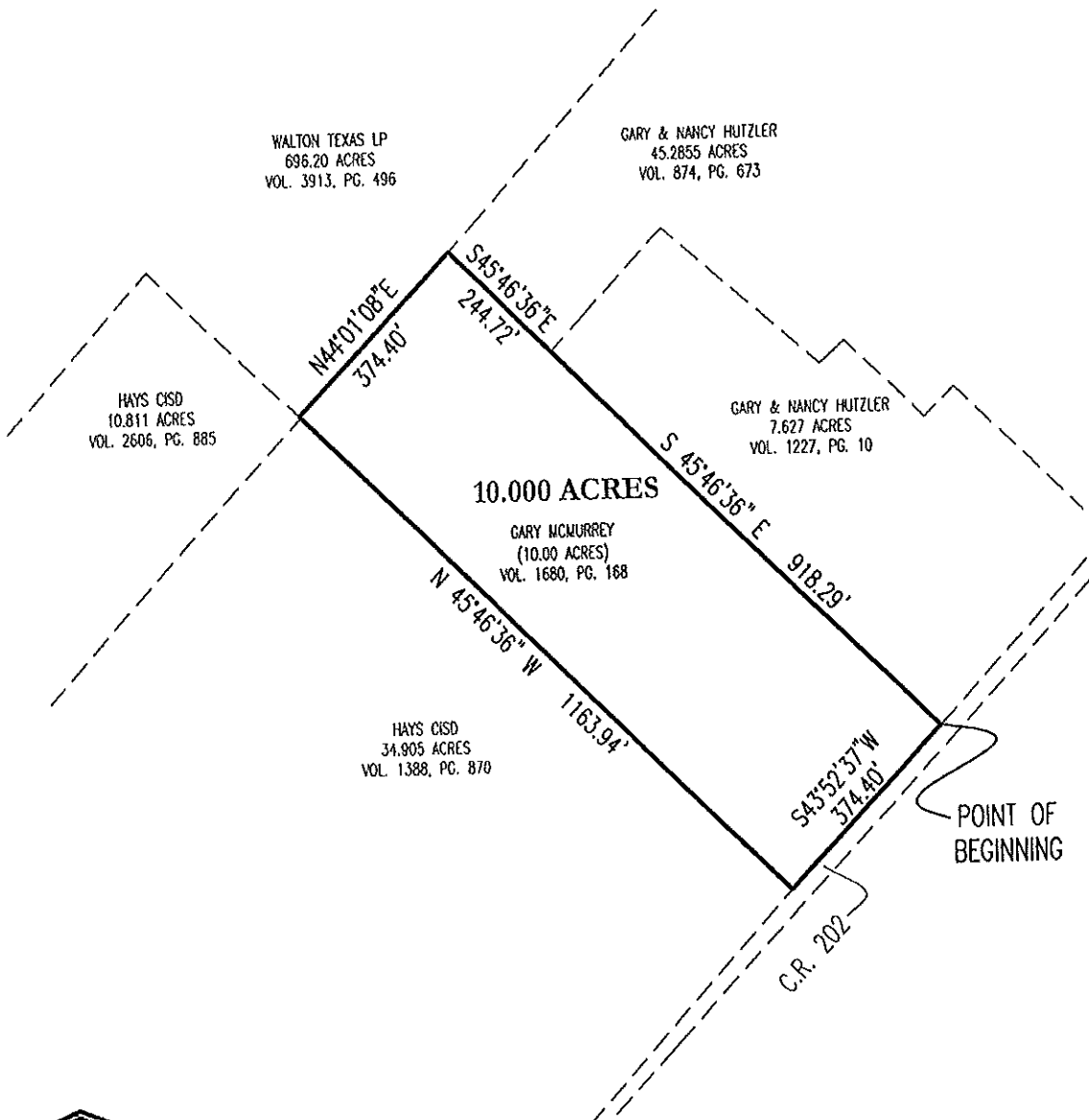
 8-27-13
 ROBERT J. GERTSON, R.P.L.S. NO. 6367
 Carlson, Brigance and Doering, Inc.
 5501 West William Cannon
 Austin, TX 78749
 Ph: 512-280-5160 Fax: 512-280-5165
 rgertson@cbdeng.com



SKETCH TO ACCOMPANY FIELD NOTES



SCALE: 1" = 300'



8-27-13

BEARING BASIS: PREPARED WITH RECORD INFORMATION
FOUND IN VOLUME 1680, PAGE 168 (O.P.R.H.C.TX.)

C B D Carlson, Brigance & Doering, Inc.

Civil Engineering ♦ Surveying
 5501 West William Canoon Drive ♦ Austin, Texas 78749
 Phone No. (512) 280-5160 ♦ Fax No. (512) 280-5165

PATH: - J: 4576-097\SURVEY\FN-R70254 10.00 ACRES ANNEXATION
Item # 11



CITY OF KYLE, TEXAS

Meeting Date: 10/8/2013
Date time: 7:00 PM

98.930 acres N. of RR150 E of CR152

Subject/Recommendation: *(First Reading)* AN ORDINANCE OF THE CITY OF KYLE, TEXAS, ANNEXING APPROXIMATELY 98.930 ACRES OF LAND LOCATED IN HAYS COUNTY, TEXAS, WHICH IS GENERALLY LOCATED NORTH OF E. RR 150, EAST OF CR 152 (ALSO KNOWN AS HEIDENREICH LANE), WEST OF STATE HIGHWAY 21, AND ADJACENT TO CR 202; AS SHOWN IN THE ATTACHED EXHIBIT; MAKING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR OPEN MEETINGS AND OTHER RELATED MATTERS.
~ Sofia Nelson, Director of Planning

Other Information: Please see attachment

Budget Information: N/A

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Attachments / click to download

[Ordinance and Backup Material](#)

Cover Memo

Item # 12

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF KYLE, TEXAS, ANNEXING APPROXIMATELY 98.930 ACRES OF LAND LOCATED IN HAYS COUNTY, TEXAS, WHICH IS GENERALLY LOCATED NORTH OF E. RR 150, EAST OF CR 152 (ALSO KNOWN AS HEIDENREICH LANE), WEST OF STATE HIGHWAY 21, AND ADJACENT TO CR 202; AS SHOWN IN THE ATTACHED EXHIBIT; MAKING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR OPEN MEETINGS AND OTHER RELATED MATTERS.

WHEREAS, the City of Kyle, Texas (the "City"), is a home rule municipality authorized by State law and the City's Charter to annex territory lying adjacent and contiguous to the City;

WHEREAS, the City Council, in compliance with §43.021, *Tex. Local Gov't Code*, instituted proceedings for the annexation of certain property more particularly described herein (the "subject property");

WHEREAS, the subject property hereby annexed is adjacent and contiguous to the present City limits;

WHEREAS, the boundaries of the City are contiguous to the subject property on at least two sides;

WHEREAS, citizens were given the opportunity to provide public input at two separate public hearings which were conducted prior to consideration of this Ordinance in accordance with § 43.063, *Tex. Loc. Gov't. Code*;

WHEREAS, the hearings were conducted and held not more than forty (40) nor less than twenty (20) days prior to the institution of annexation proceedings;

WHEREAS, notice of the public hearings was published in a newspaper of general circulation in the City and the territory proposed to be annexed not more than twenty (20) nor less than ten (10) days prior to the public hearings;

WHEREAS, the City intends to provide services to the subject property to be annexed according to the Service Plan attached hereto as Exhibit "A".

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KYLE, TEXAS:

SECTION 1. That all of the above premises and findings of fact are found to be true and correct and are incorporated into the body of this Ordinance as if copied in their entirety.

SECTION 2. That the following described property (hereinafter referred to as the "Annexed Property") is hereby annexed into the corporate limits of the City of Kyle:

An approximately 98.930 acre tract of land in Hays County, Texas that is generally located north of E. RR 150, east of CR 152 (also known as Heidenreich Lane), west of State Highway 21, and adjacent to CR 202; and being more particularly described in exhibit "B".

SECTION 3. That the Service Plan submitted herewith is hereby approved as part of this Ordinance, made a part hereof and attached hereto as Exhibit "A".

SECTION 4. That the future owners and inhabitants of the Annexed Property shall be entitled to all of the rights and privileges of the City as set forth in the Service Plan attached hereto as Exhibit "A", and are further bound by all acts, ordinances, and all other legal action now in full force and effect and all those which may be hereafter adopted.

SECTION 5. That the official map and boundaries of the City, heretofore adopted and amended be and hereby are amended so as to include the Annexed Property as part of the City of Kyle.

SECTION 6. That the Annexed Property shall be assigned to Council District No. 2.

SECTION 7. That the Annexed Property shall be temporarily zoned Agricultural District "A" as provided in the City Zoning Ordinance, as amended, until permanent zoning is established therefore.

SECTION 8. That if any provision of this Ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

SECTION 9. That this Ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the *Tex. Loc. Gov't. Code*.

SECTION 10. That it is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, *Chapt. 551, Tex. Gov't. Code*.

PASSED AND APPROVED on First Reading this 8th day of October, 2013.

FINALLY PASSED AND APPROVED on this ____ day of _____, 2013.

ATTEST:

CITY OF KYLE, TEXAS

Amelia Sanchez, City Secretary

Lucy Johnson, Mayor

EXHIBIT "A"**MUNICIPAL SERVICES PLAN**

WHEREAS, the City of Kyle, Texas (the "City") instituted and completed annexation proceedings for tracts of land described more fully hereinafter (referred to herein as the "subject properties");

WHEREAS, *Section 43.056, Loc. Gov't. Code*, requires a service plan be adopted with the annexation ordinance;

WHEREAS, the subject properties are not included in the municipal annexation plan and are exempt from the requirements thereof having fewer than one hundred (100) houses on separate tracts;

WHEREAS, the subject property will be provided municipal services on the same terms and conditions as other similarly situated properties currently within the City limits and capital improvements necessary to offer such municipal services on the same terms and conditions as other similarly situated properties within the City and in accordance with City policies, regulations, and ordinances; and

WHEREAS, it is found that all statutory requirements have been satisfied and the City is authorized by *Chapt. 43, Loc. Gov't. Code*, to annex the subject properties into the City.

NOW, THEREFORE, the City agrees to provide the following services for the subject properties on the effective date of annexation:

(1) **General Municipal Services.** The subject properties are located within the City's extraterritorial jurisdiction and are more particularly described in the Ordinance to which this service plan is attached. Pursuant to this Plan, the following services shall be provided immediately from the effective date of the annexation:

A. Police protection as follows:

Routine patrols of areas, radio response to calls for police service and all other police services now being offered to the citizens of the City.

B. Fire protection and Emergency Medical Services as follows:

Fire protection by the Emergency Service District's (ESD) and volunteer fire fighting force's present personnel and equipment with the limitations of water available. Radio response for Emergency Medical Services with the present personnel and equipment of the ESD.

C. Solid waste collection services as follows:

Solid waste collection and services as now being offered to the citizens of the City.

D. Animal control as follows:

Service by present personnel, equipment and facilities or by contract with a third party, as provided within the City.

E. Maintenance of parks and playgrounds within the City.

F. Inspection services in conjunction with building permits and routine City code enforcement services by present personnel, equipment and facilities.

G. Maintenance of other City facilities, buildings and service.

H. Land use regulation as follows:

On the effective date of annexation, the regulatory jurisdiction of the City shall be extended to include the annexed area, and all property therein shall be subject to the City's police power regulations as set forth in duly adopted ordinances; provided that the use of all property therein shall be grandfathered to the extent provided by state law. The subject properties shall be temporarily zoned Agriculture "A" with the intent to rezone the properties upon request of the landowner or staff. The Planning & Zoning Commission and the City Council will consider rezoning the subject properties at future times in response to requests submitted by the landowners or authorized city staff.

(2) **Scheduled Municipal Services.** Depending on the plans for development or redevelopment of the subject properties, the following municipal services will be provided on a schedule and at increasing levels of service as requested in compliance with applicable City ordinances, rules and regulations for providing such services:

A. Water service and maintenance of water facilities as follows:

(i) The subject property is located within the County Line Water CCN, as a result, inspection of water distribution lines will be provided by in accordance with the statutes of the State of Texas.

(ii) In accordance with the applicable rules and regulations for the provision of water service, water service will be provided to the subjects properties, or applicable portions thereof, by the utility holding a water certificate of convenience and necessity ("CCN") for the subject properties, or portions thereof as applicable, or absent a water CCN, by the utility in whose jurisdiction the subject properties, or portions thereof as applicable, are located, in accordance with all the ordinances, regulations, and policies of the City in effect from time to time for the extension of water service. If connected to the water utility system, the subject properties' owner shall construct the internal water lines and pay the costs of line extension and construction of such facilities necessary to provide water service to the subject properties as required in City ordinances. Upon acceptance of the water lines within the

subject properties and any off-site improvements, water service will be provided by the water service provider -on the same terms, conditions and requirements as are applied to all similarly situated areas and customers; subject to all the ordinances, regulations and policies in effect from time to time. The system will be accepted and maintained by the water provider in accordance with its usual acceptance and maintenance policies. New water line extensions will be installed and extended upon request under the same costs and terms as with other similarly situated customers. The continued use of a water well that is in use on the effective date of the annexation and is in compliance with applicable rules and regulations shall be permitted and such use may continue until the subject property owner requests and is able to connect to the City's water utility system.

B. Wastewater service and maintenance of wastewater service as follows:

(i) Inspection of sewer lines as provided by statutes of the State of Texas.

(ii) In accordance with the applicable rules and regulations for the provision of wastewater service, wastewater service will be provided to the subjects properties, or applicable portions thereof, by the utility holding a wastewater CCN for the subject properties, or portions thereof as applicable, or absent a wastewater CCN, by the utility in whose jurisdiction the subject properties, or portions thereof as applicable, are located, in accordance with all the ordinances, regulations, and policies of the City in effect from time to time for the extension of wastewater service. If connected to the City's wastewater utility system, the subject properties' owner shall construct the internal wastewater lines and pay the costs of line extension and construction of facilities necessary to provide wastewater service to the subject properties as required in City ordinances. Upon acceptance of the wastewater lines within the subject properties and any off-site improvements, wastewater service will be provided by the City utility department on the same terms, conditions and requirements as are applied to all similarly situated areas and customers of the City, subject to all the ordinances, regulations and policies of the City in effect from time to time. The wastewater system will be accepted and maintained by the City in accordance with its usual policies. Requests for new wastewater line extensions will be installed and extended upon request under the same costs and terms as with other similarly situated customers of the City. The ordinances in effect at the time a request for service is submitted shall govern the costs and request for service. The continued use of a septic system that is in use on the effective date of the annexation and is in compliance with all applicable rules and regulations shall be permitted and such use may continue until the subject property owner requests and is able to connect to the City's wastewater utility system.

C. Maintenance, as appropriate, of existing public streets and rights-of-way that are within the maintenance jurisdiction of the City and other streets that are hereafter constructed and finally accepted by the City within the maintenance jurisdiction of the City as follows:

(i) Emergency maintenance of streets, repair of hazardous potholes, measures necessary for traffic flow, etc.;

- (ii) Routine maintenance as presently performed by the City;
- (iii) Reconstruction and resurfacing of streets, installation of drainage facilities, construction of curbs, gutters and other such major improvements as the need therefore is determined by the governing body under City policies;
- (iv) Installation and maintenance of traffic signals, traffic signs, street markings and other traffic control devices as the need therefore is established by appropriate study and traffic standards; and
- (v) Installation and maintenance of street lighting in accordance with established policies of the City.

(3) **Capital Improvements.** Construction of the following capital improvements shall be initiated after the effective date of the annexation: Water and wastewater facilities that are identified in the Capital Improvement Plan, as and when funded pursuant to such Plan. Upon development of the subject properties or redevelopment, the landowners will be responsible for the development costs the same as a developer in a similarly situated area under the ordinances in effect at the time of development or redevelopment. No additional capital improvements are necessary at this time to service the subject properties the same as similarly situated properties.

(4) **Term.** If not previously expired, this service plan expires at the end of ten (10) years.

(5) **Property Description.** The legal descriptions of the subject properties are as set forth in Exhibit "B" attached to the Annexation Ordinance to which this Service Plan is attached as Exhibit "A".

EXHIBIT "B"
Property Description

98.930 ACRES
 WILLIAM HEMPHILL SURVEY, ABSTRACT NO. 221
 ALBERT PACT SURVEY, ABSTRACT NO. 367
 HAYS COUNTY, TEXAS
 ANNEXATION

FIELD NOTES

BEING ALL OF THAT CERTAIN TRACT OR PARCEL OF LAND OUT OF AND A PART OF THE WILLIAM HEMPHILL SURVEY, ABSTRACT NUMBER 221, AND THE ALBERT PACE SURVEY, ABSTRACT NUMBER 367, SITUATED IN HAYS COUNTY, TEXAS, BEING MORE FULLY DESCRIBED AS BEING A PORTION OF THAT CERTAIN 100 ACRE TRACT OF LAND, CONVEYED TO NANCY HOPSON IN VOLUME 117, PAGE 289 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS (O.P.R.H.C.TX.), SAID 98.930 ACRE TRACT BEING MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, at a point on the northeastern right-of-way line of F.M. 150 (R.O.W varies), for the westernmost corner of an 84.936 acre tract conveyed to Mark Sharon & Gene Lynette Hofmann in Volume 443, Page 174 of the O.P.R.H.C.TX., also being the southernmost corner of said 100 acre tract for the **POINT OF BEGINNING** and the southernmost corner of the herein described tract,

THENCE, in a northwesterly direction with the northeastern right-of-way line of said F.M. 150, common to the southwestern boundary line of said 100 acre tract, to a point on the southeastern right-of-way line of C.R. 202 for the westernmost corner of the herein described tract,

THENCE, in a northeasterly direction with the southeastern right-of-way line of C.R 202 to a point,

THENCE, in a northwesterly direction with the northeastern right-of-way line of said C.R. 202, to a point on the southeastern boundary line of a 45.2855 acre tract, conveyed to Gary & Nancy Hutzler in Volume 874, Page 673 of the O.P.R.H.C.TX., common to the northwestern boundary line of said 100 acre tract,

THENCE, in a northeasterly direction with the common boundary line of said 45.2855 acre tract and said 100 acre tract, to a point on the southwestern boundary line of a 151.16 acre tract, conveyed to Wranitzky B. R. Bypass Trust in Volume 3044, Page 785 of the O.P.R.H.C.TX., for the easternmost corner of said 45.2855 acre tract, also being the northernmost corner of the herein described tract,

THENCE, with the common boundary line of said 151.16 acre tract and said 100 acre tract, S45°00'00"E, for a distance of 1183.33 feet to a point for the northernmost corner of an 84.936 acre tract, conveyed to Mark Sharon & Gene Lynette Hofmann in Volume 443, Page 174 of the O.P.R.H.C.TX., also being the easternmost corner of the herein described tract,

THENCE, with the common boundary line of said 84.936 acre tract and said 100 acre tract, S45°00'00"W, for a distance of 3680.56 feet to the **POINT OF BEGINNING** and containing 98.930 acres of land.

THIS SURVEY WAS PREPARED FROM RECORD INFORMATION FOUND IN VOLUME 117, PAGE 289 (O.P.R.H.C.TX.), NO ON-THE-GROUND SURVEY WAS PERFORMED

Surveyed by:  8-26-13

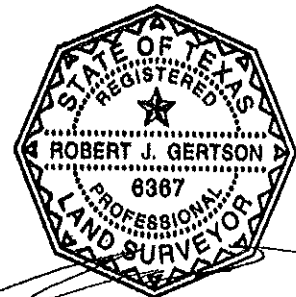
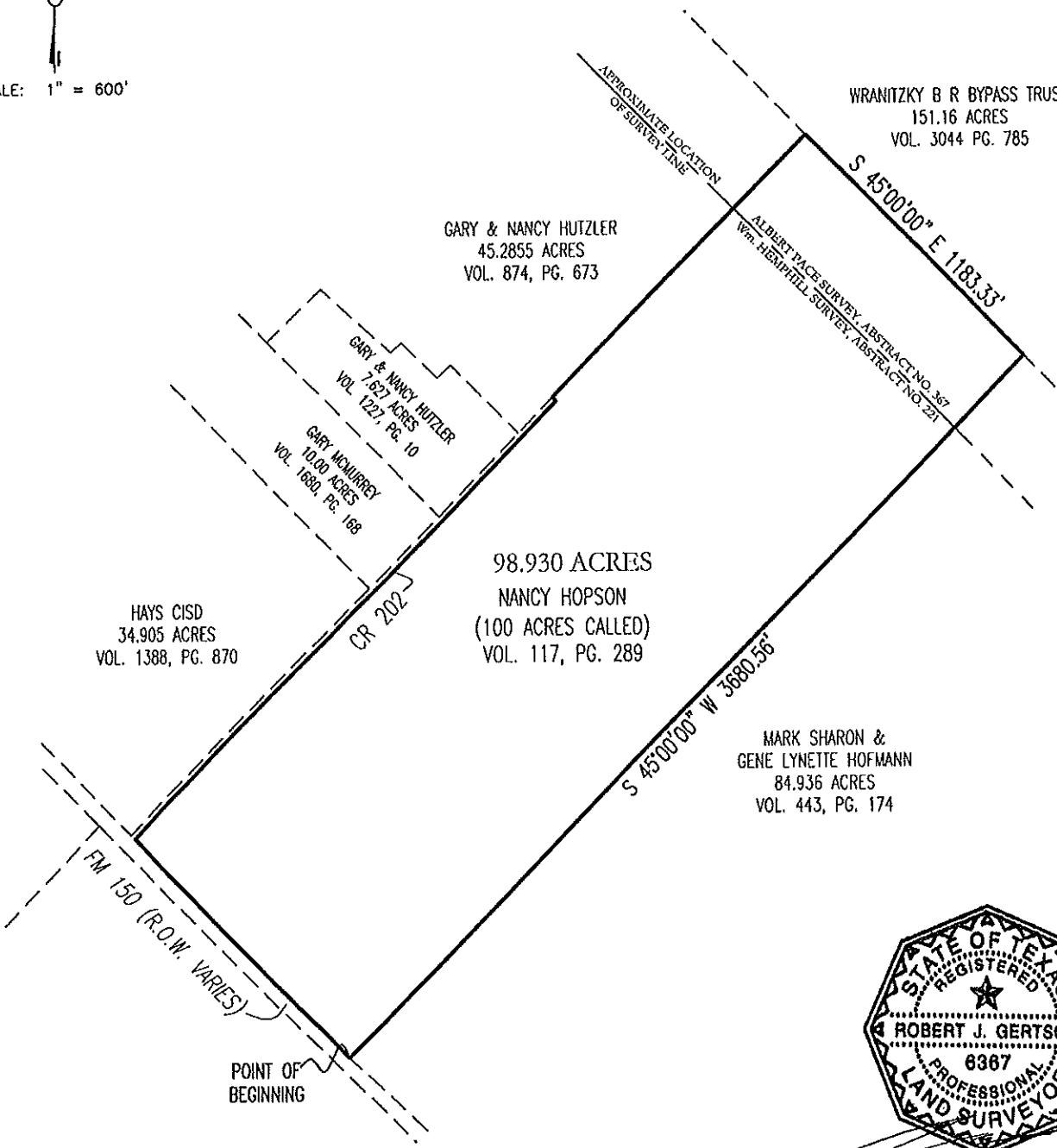
ROBERT J. GERTSON, R.P.L.S. NO. 6367
 Carlson, Brigance and Doering, Inc.
 5501 West William Cannon
 Austin, TX 78749
 Ph: 512-280-5160 Fax: 512-280-5165
 rgertson@cbdeng.com



SKETCH TO ACCOMPANY FIELD NOTES



SCALE: 1" = 600'



8-26-13

BEARING BASIS: PREPARED WITH RECORD INFORMATION FOUND IN VOLUME 117, PAGE 289 (O.P.R.H.C.TX.)

Carlson, Brigance & Doering, Inc.

Civil Engineering ♦ Surveying
 5501 West William Cannon Drive ♦ Austin, Texas 78749
 Phone No. (512) 280-5160 ♦ Fax No. (512) 280-5165



CITY OF KYLE, TEXAS

12.254 acres sw corner of RR 150 /
Hwy 21

Meeting Date: 10/8/2013
Date time: 7:00 PM

Subject/Recommendation: *(First Reading)* AN ORDINANCE OF THE CITY OF KYLE, TEXAS, ANNEXING 12.254 ACRES OF LAND, LOCATED IN HAYS COUNTY, TEXAS, WHICH IS GENERALLY LOCATED AT THE SOUTHWEST CORNER OF E. RR 150 AND STATE HIGHWAY 21; AS SHOWN IN THE ATTACHED EXHIBIT; MAKING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR OPEN MEETINGS AND OTHER RELATED MATTERS.
~ Sofia Nelson, Director of Planning

Other Information: Please see attachment

Budget Information: N/A

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Attachments / click to download

 [Ordinance and Backup Material](#)

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF KYLE, TEXAS, ANNEXING 12.254 ACRES OF LAND, LOCATED IN HAYS COUNTY, TEXAS, WHICH IS GENERALLY LOCATED AT THE SOUTHWEST CORNER OF E. RR 150 AND STATE HIGHWAY 21; AS SHOWN IN THE ATTACHED EXHIBIT; MAKING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR OPEN MEETINGS AND OTHER RELATED MATTERS.

WHEREAS, the City of Kyle, Texas (the "City"), is a home rule municipality authorized by State law and the City's Charter to annex territory lying adjacent and contiguous to the City;

WHEREAS, the City Council, in compliance with §43.021, *Tex. Local Gov't Code*, instituted proceedings for the annexation of certain property more particularly described herein (the "subject property");

WHEREAS, the subject property hereby annexed is adjacent and contiguous to the present City limits;

WHEREAS, the boundaries of the City are contiguous to the subject property on at least two sides;

WHEREAS, citizens were given the opportunity to provide public input at two separate public hearings which were conducted prior to consideration of this Ordinance in accordance with § 43.063, *Tex. Loc. Gov't. Code*;

WHEREAS, the hearings were conducted and held not more than forty (40) nor less than twenty (20) days prior to the institution of annexation proceedings;

WHEREAS, notice of the public hearings was published in a newspaper of general circulation in the City and the territory proposed to be annexed not more than twenty (20) nor less than ten (10) days prior to the public hearings;

WHEREAS, the City intends to provide services to the subject property to be annexed according to the Service Plan attached hereto as Exhibit "A".

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KYLE, TEXAS:

SECTION 1. That all of the above premises and findings of fact are found to be true and correct and are incorporated into the body of this Ordinance as if copied in their entirety.

SECTION 2. That the following described property (hereinafter referred to as the "Annexed Property") is hereby annexed into the corporate limits of the City of Kyle:

The approximately 12.254 acres of Land in Hays County, Texas that is generally located at the southwest corner of E.RR 150 and State Highway 21 and being more particularly described in exhibit "B".

SECTION 3. That the Service Plan submitted herewith is hereby approved as part of this Ordinance, made a part hereof and attached hereto as Exhibit "A".

SECTION 4. That the future owners and inhabitants of the Annexed Property shall be entitled to all of the rights and privileges of the City as set forth in the Service Plan attached hereto as Exhibit "A", and are further bound by all acts, ordinances, and all other legal action now in full force and effect and all those which may be hereafter adopted.

SECTION 5. That the official map and boundaries of the City, heretofore adopted and amended be and hereby are amended so as to include the Annexed Property as part of the City of Kyle.

SECTION 6. That the Annexed Property shall be assigned to Council District No. 2.

SECTION 7. That the Annexed Property shall be temporarily zoned Agricultural District "A" as provided in the City Zoning Ordinance, as amended, until permanent zoning is established therefore.

SECTION 8. That if any provision of this Ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

SECTION 9. That this Ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the *Tex. Loc. Gov't. Code*.

SECTION 10. That it is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, *Chapt. 551, Tex. Gov't. Code*.

PASSED AND APPROVED on First Reading this 8th day of October, 2013.

FINALLY PASSED AND APPROVED on this ____ day of _____, 2013.

ATTEST:

CITY OF KYLE, TEXAS

Amelia Sanchez, City Secretary

Lucy Johnson, Mayor

EXHIBIT "A"**MUNICIPAL SERVICES PLAN**

WHEREAS, the City of Kyle, Texas (the "City") instituted and completed annexation proceedings for tracts of land described more fully hereinafter (referred to herein as the "subject properties");

WHEREAS, *Section 43.056, Loc. Gov't. Code*, requires a service plan be adopted with the annexation ordinance;

WHEREAS, the subject properties are not included in the municipal annexation plan and are exempt from the requirements thereof having fewer than one hundred (100) houses on separate tracts;

WHEREAS, the subject property will be provided municipal services on the same terms and conditions as other similarly situated properties currently within the City limits and capital improvements necessary to offer such municipal services on the same terms and conditions as other similarly situated properties within the City and in accordance with City policies, regulations, and ordinances; and

WHEREAS, it is found that all statutory requirements have been satisfied and the City is authorized by *Chapt. 43, Loc. Gov't. Code*, to annex the subject properties into the City.

NOW, THEREFORE, the City agrees to provide the following services for the subject properties on the effective date of annexation:

(1) **General Municipal Services.** The subject properties are located within the City's extraterritorial jurisdiction and are more particularly described in the Ordinance to which this service plan is attached. Pursuant to this Plan, the following services shall be provided immediately from the effective date of the annexation:

A. Police protection as follows:

Routine patrols of areas, radio response to calls for police service and all other police services now being offered to the citizens of the City.

B. Fire protection and Emergency Medical Services as follows:

Fire protection by the Emergency Service District's (ESD) and volunteer fire fighting force's present personnel and equipment with the limitations of water available. Radio response for Emergency Medical Services with the present personnel and equipment of the ESD.

C. Solid waste collection services as follows:

Solid waste collection and services as now being offered to the citizens of the City.

D. Animal control as follows:

Service by present personnel, equipment and facilities or by contract with a third party, as provided within the City.

E. Maintenance of parks and playgrounds within the City.

F. Inspection services in conjunction with building permits and routine City code enforcement services by present personnel, equipment and facilities.

G. Maintenance of other City facilities, buildings and service.

H. Land use regulation as follows:

On the effective date of annexation, the regulatory jurisdiction of the City shall be extended to include the annexed area, and all property therein shall be subject to the City's police power regulations as set forth in duly adopted ordinances; provided that the use of all property therein shall be grandfathered to the extent provided by state law. The subject properties shall be temporarily zoned Agriculture "A" with the intent to rezone the properties upon request of the landowner or staff. The Planning & Zoning Commission and the City Council will consider rezoning the subject properties at future times in response to requests submitted by the landowners or authorized city staff.

(2) **Scheduled Municipal Services.** Depending on the plans for development or redevelopment of the subject properties, the following municipal services will be provided on a schedule and at increasing levels of service as requested in compliance with applicable City ordinances, rules and regulations for providing such services:

A. Water service and maintenance of water facilities as follows:

(i) The subject property is located within the County Line Water CCN, as a result, inspection of water distribution lines will be provided by in accordance with the statutes of the State of Texas.

(ii) In accordance with the applicable rules and regulations for the provision of water service, water service will be provided to the subjects properties, or applicable portions thereof, by the utility holding a water certificate of convenience and necessity ("CCN") for the subject properties, or portions thereof as applicable, or absent a water CCN, by the utility in whose jurisdiction the subject properties, or portions thereof as applicable, are located, in accordance with all the ordinances, regulations, and policies of the City in effect from time to time for the extension of water service. If connected to the water utility system, the subject properties' owner shall construct the internal water lines and pay the costs of line extension and construction of such facilities necessary to provide water service to the subject properties as required in City ordinances. Upon acceptance of the water lines within the

subject properties and any off-site improvements, water service will be provided by the water service provider -on the same terms, conditions and requirements as are applied to all similarly situated areas and customers; subject to all the ordinances, regulations and policies in effect from time to time. The system will be accepted and maintained by the water provider in accordance with its usual acceptance and maintenance policies. New water line extensions will be installed and extended upon request under the same costs and terms as with other similarly situated customers. The continued use of a water well that is in use on the effective date of the annexation and is in compliance with applicable rules and regulations shall be permitted and such use may continue until the subject property owner requests and is able to connect to the City's water utility system.

B. Wastewater service and maintenance of wastewater service as follows:

(i) Inspection of sewer lines as provided by statutes of the State of Texas.

(ii) In accordance with the applicable rules and regulations for the provision of wastewater service, wastewater service will be provided to the subjects properties, or applicable portions thereof, by the utility holding a wastewater CCN for the subject properties, or portions thereof as applicable, or absent a wastewater CCN, by the utility in whose jurisdiction the subject properties, or portions thereof as applicable, are located, in accordance with all the ordinances, regulations, and policies of the City in effect from time to time for the extension of wastewater service. If connected to the City's wastewater utility system, the subject properties' owner shall construct the internal wastewater lines and pay the costs of line extension and construction of facilities necessary to provide wastewater service to the subject properties as required in City ordinances. Upon acceptance of the wastewater lines within the subject properties and any off-site improvements, wastewater service will be provided by the City utility department on the same terms, conditions and requirements as are applied to all similarly situated areas and customers of the City, subject to all the ordinances, regulations and policies of the City in effect from time to time. The wastewater system will be accepted and maintained by the City in accordance with its usual policies. Requests for new wastewater line extensions will be installed and extended upon request under the same costs and terms as with other similarly situated customers of the City. The ordinances in effect at the time a request for service is submitted shall govern the costs and request for service. The continued use of a septic system that is in use on the effective date of the annexation and is in compliance with all applicable rules and regulations shall be permitted and such use may continue until the subject property owner requests and is able to connect to the City's wastewater utility system.

C. Maintenance, as appropriate, of existing public streets and rights-of-way that are within the maintenance jurisdiction of the City and other streets that are hereafter constructed and finally accepted by the City within the maintenance jurisdiction of the City as follows:

(i) Emergency maintenance of streets, repair of hazardous potholes, measures necessary for traffic flow, etc.;

- (ii) Routine maintenance as presently performed by the City;
- (iii) Reconstruction and resurfacing of streets, installation of drainage facilities, construction of curbs, gutters and other such major improvements as the need therefore is determined by the governing body under City policies;
- (iv) Installation and maintenance of traffic signals, traffic signs, street markings and other traffic control devices as the need therefore is established by appropriate study and traffic standards; and
- (v) Installation and maintenance of street lighting in accordance with established policies of the City.

(3) **Capital Improvements.** Construction of the following capital improvements shall be initiated after the effective date of the annexation: Water and wastewater facilities that are identified in the Capital Improvement Plan, as and when funded pursuant to such Plan. Upon development of the subject properties or redevelopment, the landowners will be responsible for the development costs the same as a developer in a similarly situated area under the ordinances in effect at the time of development or redevelopment. No additional capital improvements are necessary at this time to service the subject properties the same as similarly situated properties.

(4) **Term.** If not previously expired, this service plan expires at the end of ten (10) years.

(5) **Property Description.** The legal descriptions of the subject properties are as set forth in Exhibit "B" attached to the Annexation Ordinance to which this Service Plan is attached as Exhibit "A".

EXHIBIT "B"
Property Description

12.254 Acres
 Wm. HEMPHILL SURVEY, ABSTRACT NO. 221
 HAYS COUNTY, TEXAS
 ANNEXATION

FIELD NOTES

BEING ALL OF THAT CERTAIN TRACT OR PARCEL OF LAND OUT OF AND A PART OF THE WM. HEMPHILL SURVEY, ABSTRACT NO. 221, SITUATED IN HAYS COUNTY, TEXAS, BEING MORE FULLY DESCRIBED AS BEING ALL OF THAT CERTAIN 12.26 ACRE TRACT, BEING THE MINOR PLAT OF SAC-N-PAC STORE NO. 307, 12.26 ACRES OF LAND OUT OF THE WILLIAM HEMPHILL SURVEY, A-221, CITY OF SAN MARCOS, HAYS COUNTY, TEXAS, VOL. 16, PG. 139, OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, (O.P.R.H.C.TX.), SAID 12.254 ACRES BEING MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, at a point found on the southwestern right-of-way line of FM 150 (R.O.W. varies), and the easternmost corner of said 12.26 acre tract, for the POINT OF BEGINNING of the herein described tract,

THENCE, with the common boundary line of said 12.26 acre tract, and the southwestern right-of-way line of FM 150, S23°58'54"W, for a distance of 169.47 feet to an eastern corner of said 12.26 acre tract, and also being a corner on the northwestern right-of-way line of HWY 21 (R.O.W. varies),

THENCE, with the common boundary line of said 12.26 acre tract, and the northern right-of-way line of said HWY 21, S56°41'25"W, for a distance of 726.40 feet to the southernmost corner of said 12.26 acre tract, also being an eastern corner of an 84.39 acre tract, conveyed to Ernestine White Hofmann in Vol. 188, Pg. 499 of the O.P.R.H.C.TX., also being a corner on the northern right-of-way line of said HWY 21,


THENCE, with the common boundary line of said 12.26 acre tract, and said 84.39 acre tract, the following four (4) courses and distances, numbered 1 through 4,

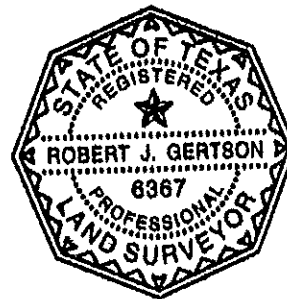
1. N06°53'33"W, for a distance of 199.87 feet to a point, and
2. N20°17'28"W, for a distance of 303.13 feet to a point, and
3. N13°08'06"W, for a distance of 284.42 feet to a point, and
4. N32°18'18"E, for a distance of 461.13 feet to a point for the northernmost corner of said 12.26 acre tract, and being an eastern corner of said 84.39 acre tract, and also being a point on the southwestern right-of-way line of said FM 150,

THENCE, with the common boundary line of said 12.26 acre tract, and the southwestern right-of-way line of said FM 150, S46°17'35"E, for a distance of 862.16 feet to the POINT OF BEGINNING, and containing 12.254 acres of land.

THIS SURVEY WAS PREPARED FROM RECORD INFORMATION FOUND IN VOLUME 16, PAGE 139 (O.P.R.H.C.TX.), NO ON-THE-GROUND SURVEY WAS PERFORMED

Surveyed by: _____

 8-27-13
 ROBERT J. GERTSON, R.P.L.S. NO. 6367
Carlson, Brigance and Doering, Inc.
 5501 West William Cannon
 Austin, TX 78749
 Ph: 512-280-5160 Fax: 512-280-5165
 rgertson@cbdeng.com

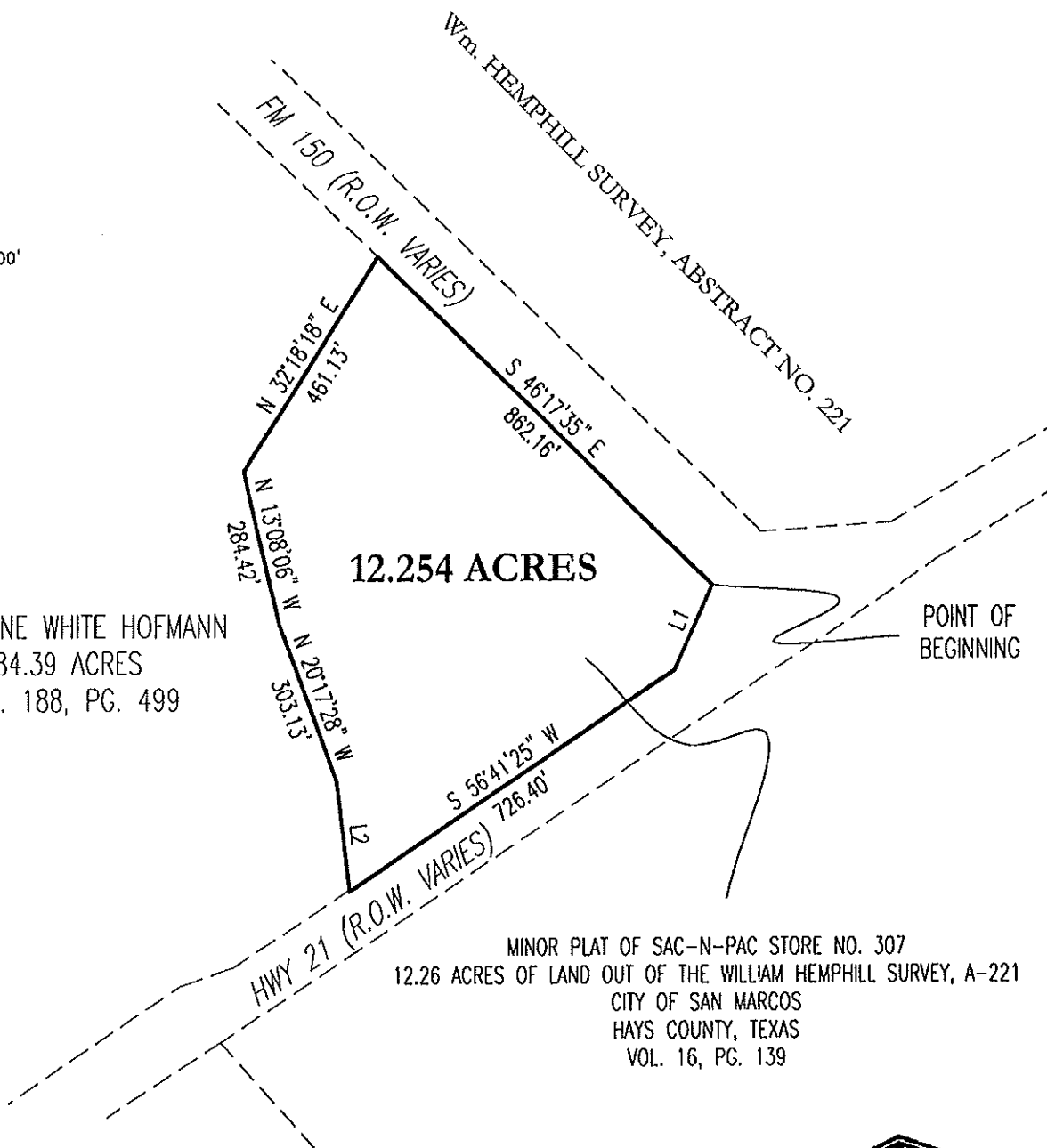


SKETCH TO ACCOMPANY FIELD NOTES

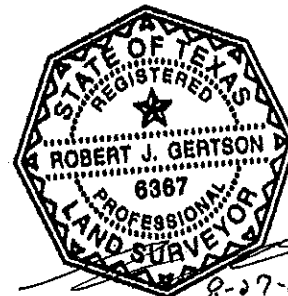


SCALE: 1" = 300'

ERNESTINE WHITE HOFMANN
84.39 ACRES
VOL. 188, PG. 499




MINOR PLAT OF SAC-N-PAC STORE NO. 307
12.26 ACRES OF LAND OUT OF THE WILLIAM HEMPHILL SURVEY, A-221
CITY OF SAN MARCOS
HAYS COUNTY, TEXAS
VOL. 16, PG. 139



BEARING BASIS: PREPARED WITH RECORD INFORMATION
FOUND IN VOLUME 16, PAGE 139 (O.P.R.H.C.TX.)

LINE TABLE		
LINE	LENGTH	BEARING
L1	169.47	S23°58'54"W
L2	199.87	N06°53'33"W



Carlson, Brigrance & Doering, Inc.
Civil Engineering ♦ Surveying
5501 West William Cannon Drive ♦ Austin, Texas 78749
Phone No. (512) 280-5160 ♦ Fax No. (512) 280-5165



CITY OF KYLE, TEXAS

35 acres North of Windy Hill West of
Dacy Lane

Meeting Date: 10/8/2013
Date time: 7:00 PM

Subject/Recommendation: *(First Reading)* AN ORDINANCE OF THE CITY OF KYLE, TEXAS, ANNEXING APPROXIMATELY 35 ACRES OF LAND, LOCATED IN HAYS COUNTY, TEXAS, WHICH IS GENERALLY LOCATED NORTH OF WINDY HILL ROAD, WEST OF DACY LANE AND CONTIGUOUS TO THE CITY LIMITS; AS SHOWN IN THE ATTACHED EXHIBIT; MAKING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR OPEN MEETINGS AND OTHER RELATED MATTERS. ~ *Sofia Nelson, Director of Planning*

Other Information: Please see attachment

Budget Information: N/A

Viewing Attachments Requires Adobe Acrobat. [Click here](#) to download.

Attachments / click to download

 [Ordinance and Backup Material](#)

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF KYLE, TEXAS, ANNEXING 35 ACRES OF LAND, LOCATED IN HAYS COUNTY, TEXAS, WHICH IS GENERALLY LOCATED NORTH OF WINDY HILL ROAD, WEST OF DACY LANE AND CONTIGUOUS TO THE CITY LIMITS; AS SHOWN IN THE ATTACHED EXHIBIT; MAKING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR OPEN MEETINGS AND OTHER RELATED MATTERS.

WHEREAS, the City of Kyle, Texas (the "City"), is a home rule municipality authorized by State law and the City's Charter to annex territory lying adjacent and contiguous to the City;

WHEREAS, the City Council, in compliance with §43.021, *Tex. Local Gov't Code*, instituted proceedings for the annexation of certain property more particularly described herein (the "subject property");

WHEREAS, the subject property hereby annexed is adjacent and contiguous to the present City limits;

WHEREAS, the boundaries of the City are contiguous to the subject property on at least two sides;

WHEREAS, citizens were given the opportunity to provide public input at two separate public hearings which were conducted prior to consideration of this Ordinance in accordance with § 43.063, *Tex. Loc. Gov't. Code*;

WHEREAS, the hearings were conducted and held not more than forty (40) nor less than twenty (20) days prior to the institution of annexation proceedings;

WHEREAS, notice of the public hearings was published in a newspaper of general circulation in the City and the territory proposed to be annexed not more than twenty (20) nor less than ten (10) days prior to the public hearings;

WHEREAS, the City intends to provide services to the subject property to be annexed according to the Service Plan attached hereto as Exhibit "A".

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KYLE, TEXAS:

SECTION 1. That all of the above premises and findings of fact are found to be true and correct and are incorporated into the body of this Ordinance as if copied in their entirety.

SECTION 2. That the following described property (hereinafter referred to as the "Annexed Property") is hereby annexed into the corporate limits of the City of Kyle:

The eight tracts of land comprise of approximately 35 acres of land in Hays County, Texas that is generally located north of Windy Hill Road, west of Dacy Lane and contiguous to the City limits and being more particularly described in Exhibit "B"

SECTION 3. That the Service Plan submitted herewith is hereby approved as part of this Ordinance, made a part hereof and attached hereto as Exhibit "A".

SECTION 4. That the future owners and inhabitants of the Annexed Property shall be entitled to all of the rights and privileges of the City as set forth in the Service Plan attached hereto as Exhibit "A", and are further bound by all acts, ordinances, and all other legal action now in full force and effect and all those which may be hereafter adopted.

SECTION 5. That the official map and boundaries of the City, heretofore adopted and amended be and hereby are amended so as to include the Annexed Property as part of the City of Kyle.

SECTION 6. That the Annexed Property shall be assigned to Council District No. 6.

SECTION 7. That the Annexed Property shall be temporarily zoned Agricultural District "A" as provided in the City Zoning Ordinance, as amended, until permanent zoning is established therefore.

SECTION 8. That if any provision of this Ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

SECTION 9. That this Ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the *Tex. Loc. Gov't. Code*.

SECTION 10. That it is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, *Chapt. 551, Tex. Gov't. Code*.

PASSED AND APPROVED on First Reading this 8th day of October, 2013.

FINALLY PASSED AND APPROVED on this ____ day of _____, 2013.

ATTEST:

CITY OF KYLE, TEXAS

Amelia Sanchez, City Secretary

Lucy Johnson, Mayor

EXHIBIT "A"**MUNICIPAL SERVICES PLAN**

WHEREAS, the City of Kyle, Texas (the "City") instituted and completed annexation proceedings for tracts of land described more fully hereinafter (referred to herein as the "subject properties");

WHEREAS, *Section 43.056, Loc. Gov't. Code*, requires a service plan be adopted with the annexation ordinance;

WHEREAS, the subject properties are not included in the municipal annexation plan and are exempt from the requirements thereof having fewer than one hundred (100) houses on separate tracts;

WHEREAS, the subject property will be provided municipal services on the same terms and conditions as other similarly situated properties currently within the City limits and capital improvements necessary to offer such municipal services on the same terms and conditions as other similarly situated properties within the City and in accordance with City policies, regulations, and ordinances; and

WHEREAS, it is found that all statutory requirements have been satisfied and the City is authorized by *Chapt. 43, Loc. Gov't. Code*, to annex the subject properties into the City.

NOW, THEREFORE, the City agrees to provide the following services for the subject properties on the effective date of annexation:

(1) **General Municipal Services.** The subject properties are located within the City's extraterritorial jurisdiction and are more particularly described in the Ordinance to which this service plan is attached. Pursuant to this Plan, the following services shall be provided immediately from the effective date of the annexation:

A. Police protection as follows:

Routine patrols of areas, radio response to calls for police service and all other police services now being offered to the citizens of the City.

B. Fire protection and Emergency Medical Services as follows:

Fire protection by the Emergency Service District's (ESD) and volunteer fire fighting force's present personnel and equipment with the limitations of water available. Radio response for Emergency Medical Services with the present personnel and equipment of the ESD.

C. Solid waste collection services as follows:

Solid waste collection and services as now being offered to the citizens of the City.

D. Animal control as follows:

Service by present personnel, equipment and facilities or by contract with a third party, as provided within the City.

E. Maintenance of parks and playgrounds within the City.

F. Inspection services in conjunction with building permits and routine City code enforcement services by present personnel, equipment and facilities.

G. Maintenance of other City facilities, buildings and service.

H. Land use regulation as follows:

On the effective date of annexation, the regulatory jurisdiction of the City shall be extended to include the annexed area, and all property therein shall be subject to the City's police power regulations as set forth in duly adopted ordinances; provided that the use of all property therein shall be grandfathered to the extent provided by state law. The subject properties shall be temporarily zoned "A" with the intent to rezone the properties upon request of the landowner or staff. The Planning & Zoning Commission and the City Council will consider rezoning the subject properties at future times in response to requests submitted by the landowners or authorized city staff.

(2) **Scheduled Municipal Services.** Depending on the plans for development or redevelopment of the subject properties, the following municipal services will be provided on a schedule and at increasing levels of service as requested in compliance with applicable City ordinances, rules and regulations for providing such services:

A. Water service and maintenance of water facilities as follows:

(i) The subject property is located within the Monarch Water CCN, as a result, inspection of water distribution lines will be provided by in accordance with the statutes of the State of Texas.

(ii) In accordance with the applicable rules and regulations for the provision of water service, water service will be provided to the subjects properties, or applicable portions thereof, by the utility holding a water certificate of convenience and necessity ("CCN") for the subject properties, or portions thereof as applicable, or absent a water CCN, by the utility in whose jurisdiction the subject properties, or portions thereof as applicable, are located, in accordance with all the ordinances, regulations, and policies of the City in effect from time to time for the extension of water service. If connected to the water utility system, the subject properties' owner shall construct the internal water lines and pay the costs of line extension and construction of such facilities necessary to provide water service to the subject properties as required in City ordinances. Upon acceptance of the water lines within the

subject properties and any off-site improvements, water service will be provided by the water service provider -on the same terms, conditions and requirements as are applied to all similarly situated areas and customers; subject to all the ordinances, regulations and policies in effect from time to time. The system will be accepted and maintained by the water provider in accordance with its usual acceptance and maintenance policies. New water line extensions will be installed and extended upon request under the same costs and terms as with other similarly situated customers. The continued use of a water well that is in use on the effective date of the annexation and is in compliance with applicable rules and regulations shall be permitted and such use may continue until the subject property owner requests and is able to connect to the City's water utility system.

B. Wastewater service and maintenance of wastewater service as follows:

(i) Inspection of sewer lines as provided by statutes of the State of Texas.

(ii) In accordance with the applicable rules and regulations for the provision of wastewater service, wastewater service will be provided to the subjects properties, or applicable portions thereof, by the utility holding a wastewater CCN for the subject properties, or portions thereof as applicable, or absent a wastewater CCN, by the utility in whose jurisdiction the subject properties, or portions thereof as applicable, are located, in accordance with all the ordinances, regulations, and policies of the City in effect from time to time for the extension of wastewater service. If connected to the City's wastewater utility system, the subject properties' owner shall construct the internal wastewater lines and pay the costs of line extension and construction of facilities necessary to provide wastewater service to the subject properties as required in City ordinances. Upon acceptance of the wastewater lines within the subject properties and any off-site improvements, wastewater service will be provided by the City utility department on the same terms, conditions and requirements as are applied to all similarly situated areas and customers of the City, subject to all the ordinances, regulations and policies of the City in effect from time to time. The wastewater system will be accepted and maintained by the City in accordance with its usual policies. Requests for new wastewater line extensions will be installed and extended upon request under the same costs and terms as with other similarly situated customers of the City. The ordinances in effect at the time a request for service is submitted shall govern the costs and request for service. The continued use of a septic system that is in use on the effective date of the annexation and is in compliance with all applicable rules and regulations shall be permitted and such use may continue until the subject property owner requests and is able to connect to the City's wastewater utility system.

C. Maintenance, as appropriate, of existing public streets and rights-of-way that are within the maintenance jurisdiction of the City and other streets that are hereafter constructed and finally accepted by the City within the maintenance jurisdiction of the City as follows:

(i) Emergency maintenance of streets, repair of hazardous potholes, measures necessary for traffic flow, etc.;

- (ii) Routine maintenance as presently performed by the City;
- (iii) Reconstruction and resurfacing of streets, installation of drainage facilities, construction of curbs, gutters and other such major improvements as the need therefore is determined by the governing body under City policies;
- (iv) Installation and maintenance of traffic signals, traffic signs, street markings and other traffic control devices as the need therefore is established by appropriate study and traffic standards; and
- (v) Installation and maintenance of street lighting in accordance with established policies of the City.

(3) **Capital Improvements.** Construction of the following capital improvements shall be initiated after the effective date of the annexation: Water and wastewater facilities that are identified in the Capital Improvement Plan, as and when funded pursuant to such Plan. Upon development of the subject properties or redevelopment, the landowners will be responsible for the development costs the same as a developer in a similarly situated area under the ordinances in effect at the time of development or redevelopment. No additional capital improvements are necessary at this time to service the subject properties the same as similarly situated properties.

(4) **Term.** If not previously expired, this service plan expires at the end of ten (10) years.

(5) **Property Description.** The legal descriptions of the subject properties are as set forth in Exhibit "B" attached to the Annexation Ordinance to which this Service Plan is attached as Exhibit "A".

EXHIBIT "B"
Property Description

1.905 Acres
 A. REUSS SURVEY, ABSTRACT NO. 397 &
 J.B. EAVES SURVEY, ABSTRACT NO. 166
 HAYS COUNTY, TEXAS
 ANNEXATION

FIELD NOTES

BEING ALL OF THAT CERTAIN TRACT OR PARCEL OF LAND OUT OF AND A PART OF THE A.REUSS SURVEY, ABSTRACT NO. 397 AND J.B. EAVES SURVEY, ABSTRACT NO. 166, SITUATED IN HAYS COUNTY, TEXAS, BEING MORE FULLY DESCRIBED AS BEING A PORTION OF THAT CERTAIN LOT 3B, BLOCK A, IN THE GEORGIA LEA SUBDIVISION REPLAT A SUBDIVISION RECORDED IN VOLUME 15, PAGE 172, AND CONVEYED AS A 1.899 ACRE TRACT TO OSCAR M. GONZALES IN VOLUME 3780, PAGE 484, OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, (O.P.R.H.C.TX.), SAID 1.899 ACRES BEING MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, at a point found on the western right-of-way line of Dacy Lane (R.O.W. varies), and on the eastern line of said Lot 3B, Block A, for the **POINT OF BEGINNING** of the herein described tract, also being the southeastern corner of a 2.009 acre tract conveyed to Oscar M. Gonzales in Vol. 4033, Pg. 430, and also being the northeastern corner of said 1.899 acre tract,

THENCE, with common boundary line of said 1.899 acre tract, and the western right-of-way line of Dacy Lane, S00°02'14"W, for a distance of 136.33 feet to the southwest corner of said 1.899 acre tract, and also being the northeastern corner of Lot 3A, Block A, of said Georgia Lea Subdivision Replat,

THENCE, with common boundary line of said 1.899 acre tract, and Lot 3A, Block A, N89°35'26"W, for a distance of 627.42 feet to the southwestern corner of said Lot 3B, Block A, also being the eastern line Lot 4, Block A, in said Georgia Lea Subdivision,

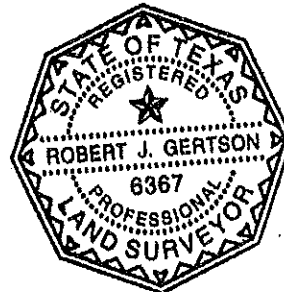
THENCE, with the common boundary line of said 1.899 acre tract, and said Lot 4, Block A, N06°48'52"W, for a distance of 125.98 feet to a point, for the northwestern corner of said 1.899 acre tract, also being a point on the western line of Lot 3B, Block A, of said Georgia Lea Subdivision, and also being a point on the eastern line of said Lot 4, Block A,

THENCE, crossing said Lot 3B, Block A, with common boundary line of said 1.899 acre tract and said 2.009 acre tract, N89°23'50"E a distance of 642.47 feet to the **POINT OF BEGINNING**, and containing 1.905 acres of land.

THIS SURVEY WAS PREPARED FROM RECORD INFORMATION FOUND IN VOLUME 15, PAGE 172 AND VOLUME 3780, PAGE 484 (O.P.R.H.C.TX.), NO ON-THE-GROUND SURVEY WAS PERFORMED

Prepared by: _____

8-29-13
 ROBERT J. GERTSON, R.P.L.S. NO. 6367
 Carlson, Brigance and Daering, Inc.
 5501 West William Cannon
 Austin, TX 78749
 Ph: 512-280-5160 Fax: 512-280-5165
 rgertson@cbdeng.com



SKETCH TO ACCOMPANY FIELD NOTES



SCALE: 1" = 200'

DICK WHITTON
LOT 1, BLOCK A
GEORGIA LEA SUBDIVISION
VOL. 11, PG. 32

YRDE TOLER
LOT 2, BLOCK A
GEORGIA LEA SUBDIVISION
VOL. 11, PG. 32
VOL. 3434, PG. 781

ASF KARONIA
LOT 4, BLOCK A
GEORGIA LEA SUBDIVISION
VOL. 11, PG. 32
VOL. 4518, PG. 145

A. REUSS SURVEY, ABSTRACT NO. 397
J.B. EAVES SURVEY, ABSTRACT NO. 196

OSCAR M. GONZALES
PART OF LOT 38, BLOCK A
GEORGIA LEA SUBDIVISION REPLAT
2.029 ACRES
VOL. 15, PG. 172
VOL. 4033, PG. 430

OSCAR M. GONZALES
PART OF LOT 38, BLOCK A
GEORGIA LEA SUBDIVISION REPLAT
1.899 ACRES
VOL. 15, PG. 172
VOL. 3780, PG. 484

POINT OF BEGINNING

N 89°23'50" E

N 89°35'26" W

N 06°48'52" W
125.98'

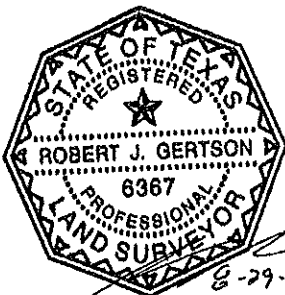
S 00°02'14" W
136.33'

DACY LN.

A. REUSS SURVEY, ABSTRACT NO. 397
J.T. GOFORTH SURVEY, ABSTRACT NO. 197

N&B LLC
LOT 3A, BLOCK A
GEORGIA LEA SUBDIVISION REPLAT
VOL. 15, PG. 172

WINDY HILL ROAD (R.O.W. VARIES)



8-29-13

BEARING BASIS: PREPARED WITH RECORD INFORMATION
FOUND IN VOLUME 15, PAGE 172 &
VOLUME 3780, PAGE 484 (O.P.R.H.C.TX.)



Carlson, Brigance & Doering, Inc.

Civil Engineering • Surveying
5501 West Wilham Canosa Drive • Austin, Texas 78747
Phone No. (512) 280-5160 • Fax No. (512) 280-5166

FORM # 14

PATH:- J: 4576-097\SURVEY\FN-R131652 1.905 ACRES ANNEXATION

2.009 Acres
 A. REUSS SURVEY, ABSTRACT NO. 397 &
 J.B. EAVES SURVEY, ABSTRACT NO. 166
 HAYS COUNTY, TEXAS
 ANNEXATION

FIELD NOTES

BEING ALL OF THAT CERTAIN TRACT OR PARCEL OF LAND OUT OF AND A PART OF THE A.REUSS SURVEY, ABSTRACT NO. 397 AND J.B. EAVES SURVEY, ABSTRACT NO. 166, SITUATED IN HAYS COUNTY, TEXAS, BEING MORE FULLY DESCRIBED AS BEING A PORTION OF THAT CERTAIN LOT 3B, BLOCK A, IN THE GEORGIA LEA SUBDIVISION REPLAT A SUBDIVISION RECORDED IN VOLUME 15, PAGE 172, AND CONVEYED AS A 2.009 ACRE TRACT TO OSCAR M. GONZALES IN VOLUME 4033, PAGE 430, OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, (O.P.R.H.C.TX.), SAID 2.009 ACRES BEING MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, at a point on the western right-of-way line of Dacy Lane (R.O.W. varies), and on the eastern line of said Lot 3B, Block A, for the **POINT OF BEGINNING** of the herein described tract, also being the southeastern corner of said 2.009 acre tract and also being the northeastern corner of a 1.899 acre tract conveyed to Oscar M. Gonzales in Vol, 3780, Pg. 484,

THENCE, crossing said Lot 3B, Block A, with common boundary line of said 2.009 acre tract and said 1.899 acre tract, S89°23'50"W, for a distance of 642.47 feet to a point on the western line of said Lot 3B, Block A, also being the eastern line Lot 4, Block A, in Georgia Lea Subdivision, recorded in Vol. 11, Pg. 32, Official Public Records of Hays County, Texas,

THENCE, with the common boundary line of said 2.009 acre tract, and said Lot 4, Block A, N06°48'52"W, for a distance of 125.40 feet to a point, for the northwestern corner of said 2.009 acre tract, also being a point on the southern line of Lot 2, Block A, of said Georgia Lea Subdivision, and also being the northeastern corner of said Lot 4, Block A,

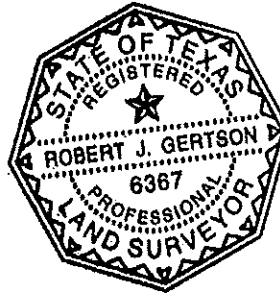
THENCE, with the common boundary line of said 2.009 acre tract, and said Lot 2, Block A, N87°40'22"E a distance of 657.95 feet to a point, for the northeastern corner of said 2.009 acre tract, also being the southwestern corner of said Lot 2, Block A, of said Georgia Lea Subdivision, and also being the western right-of-way line of Dacy Lane,

THENCE, with the common boundary line of said 2.009 acre tract, and the western right-of-way line of Dacy Lane, S00°02'14"W, for a distance of 144.47 feet to the **POINT OF BEGINNING**, and containing 2.009 acres of land.

THIS SURVEY WAS PREPARED FROM RECORD INFORMATION FOUND IN VOLUME 15, PAGE 172 AND VOLUME 4033, PAGE 430 (O.P.R.H.C.TX.), NO ON-THE-GROUND SURVEY WAS PERFORMED

Prepared by: _____

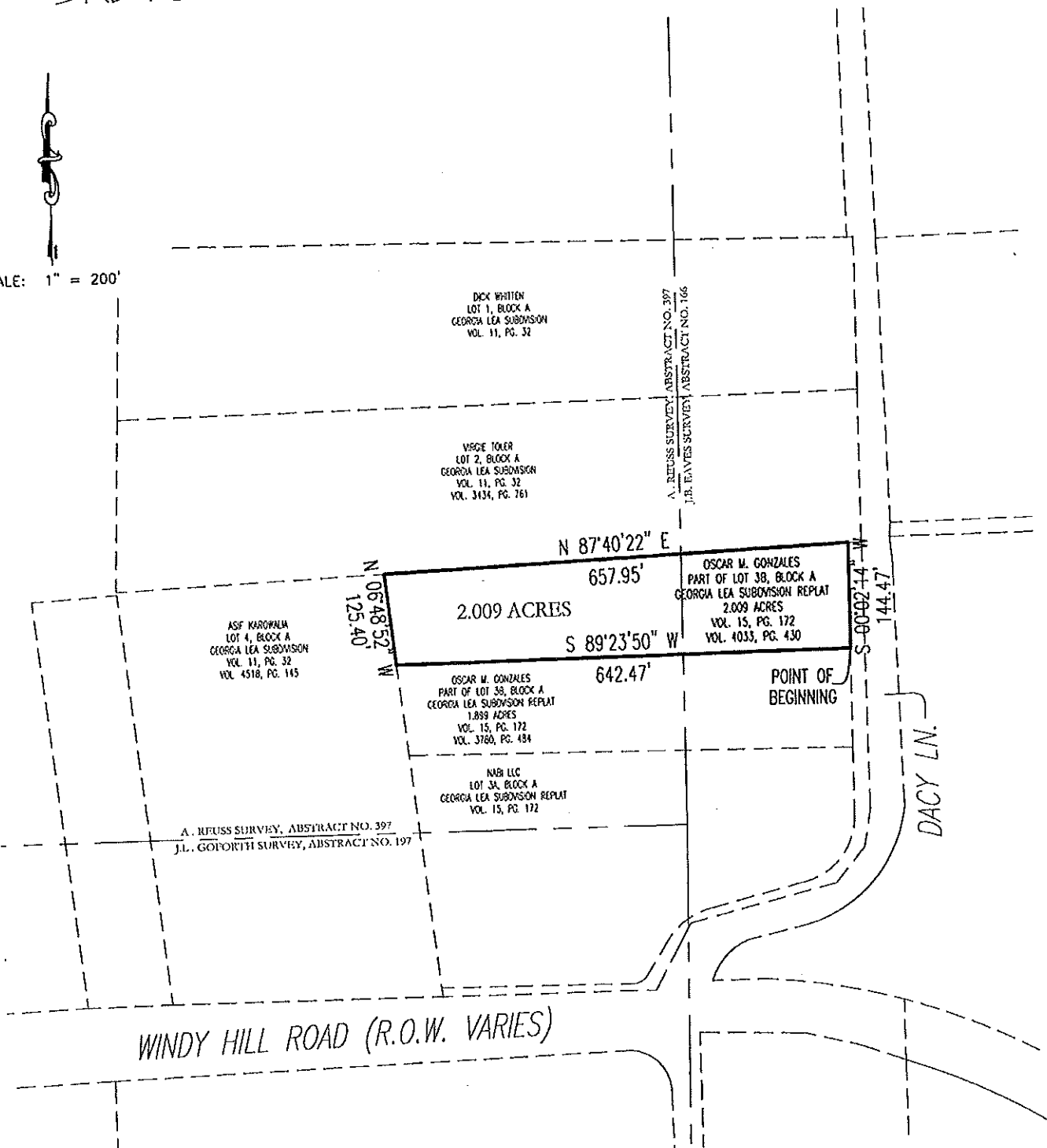
9-3-13
 ROBERT J. GERTSON, R.P.L.S. NO. 6367
 Carlson, Brigance and Doering, Inc.
 5501 West William Cannon
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 rgertson@cbdeng.com



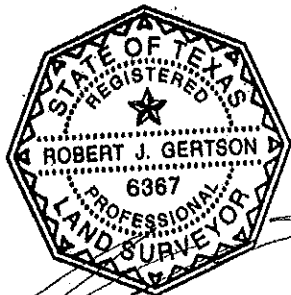
SKETCH TO ACCOMPANY FIELD NOTES



SCALE: 1" = 200'



A. REUSS SURVEY, ABSTRACT NO. 397
J.L. GORFORTH SURVEY, ABSTRACT NO. 197



9-3-13

BEARING BASIS: PREPARED WITH RECORD INFORMATION
FOUND IN VOLUME 15, PAGE 172 &
VOLUME 4033, PAGE 430 (O.P.R.H.C.TX.)

Carlson, Brigrance & Doering, Inc.

Civil Engineering ♦ Surveying
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Phone No. (512) 280-5160 ♦ Fax No. (512) 280-5165

PATH:-- J: 4576-097\SURVEY\FN-R131748 2.009 ACRES ANNEXATION Item # 14

5.051 Acres
 A. REUSS SURVEY, ABSTRACT NO. 397 &
 J.L. GOFORTH SURVEY, ABSTRACT NO. 197
 HAYS COUNTY, TEXAS
 ANNEXATION

FIELD NOTES

BEING ALL OF THAT CERTAIN TRACT OR PARCEL OF LAND OUT OF AND A PART OF THE A. REUSS SURVEY, ABSTRACT NO. 397, AND J.L. GOFORTH SURVEY, ABSTRACT NO. 197, SITUATED IN HAYS COUNTY, TEXAS, BEING MORE FULLY DESCRIBED AS BEING ALL OF THAT CERTAIN LOT 4, BLOCK A, IN THE GEORGIA LEA SUBDIVISION A SUBDIVISION RECORDED IN VOLUME 11, PAGE 32, AND CONVEYED TO ASIF KAROWALIA IN VOLUME 4518, PAGE 145, OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, (O.P.R.H.C.TX.), SAID 5.051 ACRE TRACT BEING MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, at a point on the northern right-of-way line of Windy Hill Road (R.O.W. varies), at the southwestern corner of said Lot 4, Block A, also being the southeastern corner of Lot 1, Block A, in Rosy Peach Subdivision a subdivision recorded in Vol. 7, Pg. 214, and conveyed to Asif Karowalia in Vol. 4562, Pg. 32, of the Official Public Records of Hays County, Texas, for the southwestern corner and **POINT OF BEGINNING** of the herein described tract,

THENCE, with the common boundary line of said Lot 4, Block A, and said Lot 1, Block A, N06°48'52"W, for a distance of 571.14 feet to a point for the northwestern corner of Lot 4, Block A, also being the northeastern corner of said Lot 1 Block A, also being the an eastern corner of a 7.097 acre tract conveyed to Dick Whitten in Vol. 345, Pg. 629, also being the southwestern corner of Lot 2, Block A, in Georgia Lea Subdivision as described in Vol. 11, Pg. 32, of the Official Public Records of Hays County, Texas,

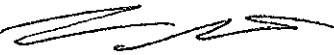
THENCE, with the common boundary line of said Lot 4, Block A, and said Lot 2, Block A, N87°40'51"E, for a distance of 380.64 feet to a point for the northeastern corner of said Lot4, Block A, and the northeastern corner of Lot 3B, Block A, in Georgia Lea Subdivision Replat as described in Vol. 15, Pg. 172,

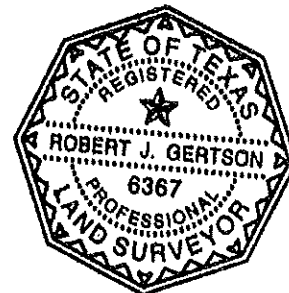
THENCE, with the common boundary line of said Lot 4, Block A, said Lot 3B and Lot 3A of said Georgia Lea Subdivision Replat, S06°48'52"E a distance of 588.52 feet to a point for the southeastern corner of said Lot 4, Block A, also being the southwestern corner of said Lot 3A, Block A,

THENCE, with the boundary line of said Lot 4, Block A, and the northern right-of-way line of Windy Hill Road, N89°43'20"W a distance of 382.39 feet to the **POINT OF BEGINNING**, and containing 5.051 acres of land.

THIS SURVEY WAS PREPARED FROM RECORD INFORMATION FOUND IN VOLUME 11, PAGE 32 (O.P.R.H.C.TX.), NO ON-THE-GROUND SURVEY WAS PERFORMED

Prepared by: _____

 8-29-13
 ROBERT J. GERTSON, R.P.L.S. NO. 6367
 Carlson, Brigance and Doering, Inc.
 5501 West William Cannon
 Austin, TX 78749
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 rgertson@cbdeng.com



SKETCH TO ACCOMPANY FIELD NOTES



SCALE: 1" = 200'

J.N. FRANKS SURVEY, ABSTRACT NO. 377

DICK WHITTEN
7.097 ACRES
VOL. 315, PG. 629

DICK WHITTEN
LOT 1, BLOCK A
GEORGIA LEA SUBDIVISION
VOL. 11, PG. 32

VERDE TOLER
LOT 2, BLOCK A
GEORGIA LEA SUBDIVISION
VOL. 11, PG. 32
VOL. 3434, PG. 761

ASIF KAROWALIA
LOT 1, BLOCK A
ROSY PEACH SUBDIVISION
VOL. 7, PG. 214
VOL. 4562, PG. 32

N 87°40'51" E
380.64'

OSCAR M. GONZALES
PART OF LOT 39, BLOCK A
GEORGIA LEA SUBDIVISION REPLAT
2.099 ACRES
VOL. 15, PG. 172
VOL. 4033, PG. 430

5.051 Acres

OSCAR M. GONZALES
PART OF LOT 39, BLOCK A
GEORGIA LEA SUBDIVISION REPLAT
1.899 ACRES
VOL. 15, PG. 172
VOL. 3780, PG. 484

ASIF KAROWALIA
LOT 4, BLOCK A
GEORGIA LEA SUBDIVISION
VOL. 11, PG. 32
VOL. 4518, PG. 145

N 06°48'52" W
571.14'

S 06°48'52" E
588.52'

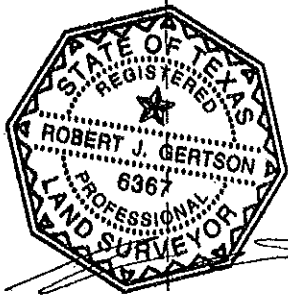
A. REUSS SURVEY,
ABSTRACT NO. 397
J.L. GOFORTH SURVEY,
ABSTRACT NO. 197

POINT OF BEGINNING

K&D LLC
LOT 3A, BLOCK A
GEORGIA LEA SUBDIVISION
VOL. 11, PG. 32

N 89°43'20" W
382.39'

WINDY HILL ROAD (R.O.W. VARIES)



8-29-13

BEARING BASIS: PREPARED WITH RECORD INFORMATION
FOUND IN VOLUME 1388, PAGE 870 (O.P.R.H.C.T.X.)

CB&D Carlson, Brigance & Doering, Inc.

Civil Engineering ♦ Surveying
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Phone No. (512) 280-5160 ♦ Fax No. (512) 280-5160

Item # 14

1.564 Acres
 A. REUSS SURVEY, ABSTRACT NO. 397 &
 J.L. GOFORTH SURVEY, ABSTRACT NO. 197
 HAYS COUNTY, TEXAS
 ANNEXATION

FIELD NOTES

BEING ALL OF THAT CERTAIN TRACT OR PARCEL OF LAND OUT OF AND A PART OF THE A.REUSS SURVEY, ABSTRACT NO. 397 AND J.L. GOFORTH SURVEY, ABSTRACT NO. 197, SITUATED IN HAYS COUNTY, TEXAS, BEING MORE FULLY DESCRIBED AS BEING ALL OF THAT CERTAIN LOT 1, BLOCK A, IN THE ROSY PEACH SUBDIVISION A SUBDIVISION RECORDED IN VOLUME 7, PAGE 214, AND CONVEYED TO ASIF KAROWALIA IN VOLUME 4562, PAGE 32, OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, (O.P.R.H.C.TX.), SAID 1.564 ACRES BEING MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, at a point found on the northern right-of-way line of Windy Hill Road (R.O.W. varies), at the southeastern corner of said Lot 1, Block A, also being the southwestern corner of Lot 4, Block A, in the Georgia Lea Subdivision as described in Vol. 11, Pg. 32, of Official Public Records of Hays County, Texas, for the southeastern corner and **POINT OF BEGINNING** of the herein described tract,

THENCE, with the common boundary line of said Lot 1, Block A, and northern right-of-way line of Windy Hill Road, N89°36'58"W, for a distance of 120.96 feet to a point for the southwestern corner of said Lot 1, Block A, also being the southeastern corner of a 7.097 acre tract conveyed to Dick Whitten in Vol. 345, Pg. 629, of the Official Public Records of Hays County, Texas,

THENCE, with the common boundary line of said Lot 1, Block A, and said 7.097 acre tract, N06°41'56"W, for a distance of 563.73 feet to a point, for the northwestern corner of said Lot 1, Block A, also being a southern corner of said 7.097 acre tract,

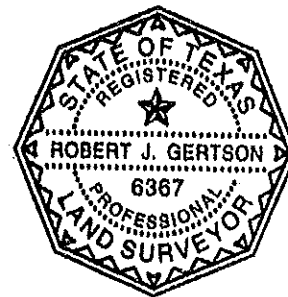
THENCE, with the common boundary line of said Lot 1, Block A, and said 7.097 acre tract, N86°53'44"E a distance of 120.28 feet to a point, for the northeastern corner of said Lot 1, Block A, also being the southwestern corner of Lot 2, Block A, of said Georgia Lea Subdivision, and the northwestern corner of said Lot 4, Block A,

THENCE, with the common boundary line of said Lot 1, Block A, and said Lot 4, Block A, S06°41'56"E, for a distance of 571.10 feet to the **POINT OF BEGINNING**, and containing 1.564 acres of land.

THIS SURVEY WAS PREPARED FROM RECORD INFORMATION FOUND IN VOLUME 7, PAGE 214 AND VOLUME 4562, PAGE 32 (O.P.R.H.C.TX.), NO ON-THE-GROUND SURVEY WAS PERFORMED

Prepared by: _____

8-29-13
 ROBERT J. GERTSON, R.P.L.S. NO. 6367
 Carlson, Brigance and Doering, Inc.
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 Austin, TX 78749
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 rgertson@cbdeng.com



SKETCH TO ACCOMPANY FIELD NOTES



SCALE: 1" = 100'

DICK WHITTEN
7.097 ACRES
VOL. 345, PG. 629

VIRGIE TOLER
LOT 2, BLOCK A
GEORGIA LEA SUBDIVISION
VOL. 11, PG. 32
VOL. 3434, PG. 761

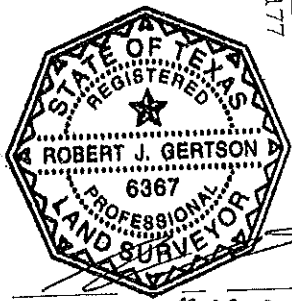
ASIF KAROWALIA
LOT 1, BLOCK A
ROSY PEACH SUBDIVISION
VOL. 7, PG. 214
VOL. 4562, PG. 32

ASIF KAROWALIA
LOT 4, BLOCK A
GEORGIA LEA SUBDIVISION
VOL. 11, PG. 32
VOL. 4518, PG. 145

A. REUSS SURVEY,
ABSTRACT NO. 397

J.L. GOFORTH SURVEY,
ABSTRACT NO. 197

J.N. FRANKS SURVEY, ABSTRACT NO. 177



8-29-13

N 86°53'44" E
120.28'

1.564 Acres

N 06°41'56" W
563.73'

S 06°41'56" E
571.10'

N 89°36'58" W

120.96'

POINT OF
BEGINNING

WINDY HILL ROAD (R.O.W. VARIES)

BEARING BASIS: PREPARED WITH RECORD INFORMATION
FOUND IN VOLUME 7, PAGE 214 AND
VOLUME 4562, PAGE 32 (O.P.R.H.C.TX.)



Carlson, Brigance & Doering, Inc.
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PATH:- J: 4576-097\SURVEY\FN-R71757 1.564 ACRES#ANNEXATION

3.700 Acres
 A. REUSS SURVEY, ABSTRACT NO. 397 &
 J.B. EAVES SURVEY, ABSTRACT NO. 166 &
 J.L. GOFORTH SURVEY, ABSTRACT NO. 197
 HAYS COUNTY, TEXAS
 ANNEXATION

FIELD NOTES

BEING ALL OF THAT CERTAIN TRACT OR PARCEL OF LAND OUT OF AND A PART OF THE A.REUSS SURVEY, ABSTRACT NO. 397 AND J.B. EAVES SURVEY, ABSTRACT NO. 166, AND J.L. GOFORTH SURVEY, ABSTRACT NO. 197, SITUATED IN HAYS COUNTY, TEXAS, BEING MORE FULLY DESCRIBED AS BEING ALL OF THAT CERTAIN LOT 3A, BLOCK A, IN THE GEORGIA LEA SUBDIVISION REPLAT A SUBDIVISION RECORDED IN VOLUME 15, PAGE 172, OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, (O.P.R.H.C.TX.), SAID 3.700 ACRES BEING MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, at a point found on the western right-of-way line of Dacy Lane (R.O.W. varies), and the northeastern corner of said 3.700 acre tract, and the southeastern corner of Lot 3B, Block A, of said Georgia Lea Subdivision Replat for the **POINT OF BEGINNING** of the herein described tract,

THENCE, with the western and northwestern right-of-way line of Dacy Lane and said 3.700 acre tract, the following six (6) courses and distances, numbered 1 through 6,

1. S00°02'14"W, for a distance of 94.20 feet to a point of curvature to the right,
2. With said curve to the right having a radius of 92.00 feet, an arc length of 122.03 feet, and whose chord bears S38°02'07"W, a distance of 113.28 feet to a point, and
3. S76°02'00"W, for a distance of 140.13 feet to a point, at a point of curvature to the left,
4. With said curve to the left having a radius of 103.00 feet, an arc length of 78.43 feet, and whose chord bears S54°13'13"W, a distance of 76.55 feet to a point, and
5. S32°24'28"W, for a distance of 52.30 feet to a point, at a point of curvature to the right, and
6. With said curve to the right having a radius of 25.00 feet, an arc length of 25.25 feet, and whose chord bears S61°20'14"W, a distance of 24.19 feet to a point, for a southeastern corner of said 3.700 acre tract, and northern right-of-way line of Windy Hill Road (R.O.W. varies),

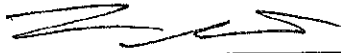
THENCE, with the common boundary line of said 3.700 acre tract, and northern right-of-way line of Windy Hill Road, N89°43'38"W, for a distance of 271.85 feet to a point, for the southwestern corner of said 3.700 acre tract, also being the southeastern corner of Lot 4, Block A, of said Georgia Lea Subdivision, recorded in Vol. 11, Pg. 32, Official Public Records of Hays County, Texas,

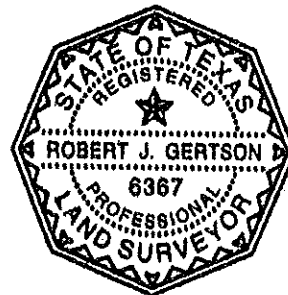
THENCE, with the common boundary line of said 3.700 acre tract, and said Lot 4, Block A, N06°48'52"W a distance of 323.23 feet to a point, for the northwestern corner of said 3.700 acre tract, also being on the western line of said Lot 4, Block A, and also being the southwestern corner of Lot 3B, Block A, of said Georgia Lea Subdivision Replat,

THENCE, with the common boundary line of said 3.700 acre tract, and said Lot 3B, Block A, S89°35'26"E, for a distance of 627.42 feet to the **POINT OF BEGINNING**, and containing 3.700 acres of land.

THIS SURVEY WAS PREPARED FROM RECORD INFORMATION FOUND IN VOLUME 15, PAGE 172 (O.P.R.H.C.TX.), NO ON-THE-GROUND SURVEY WAS PERFORMED

Prepared by: _____

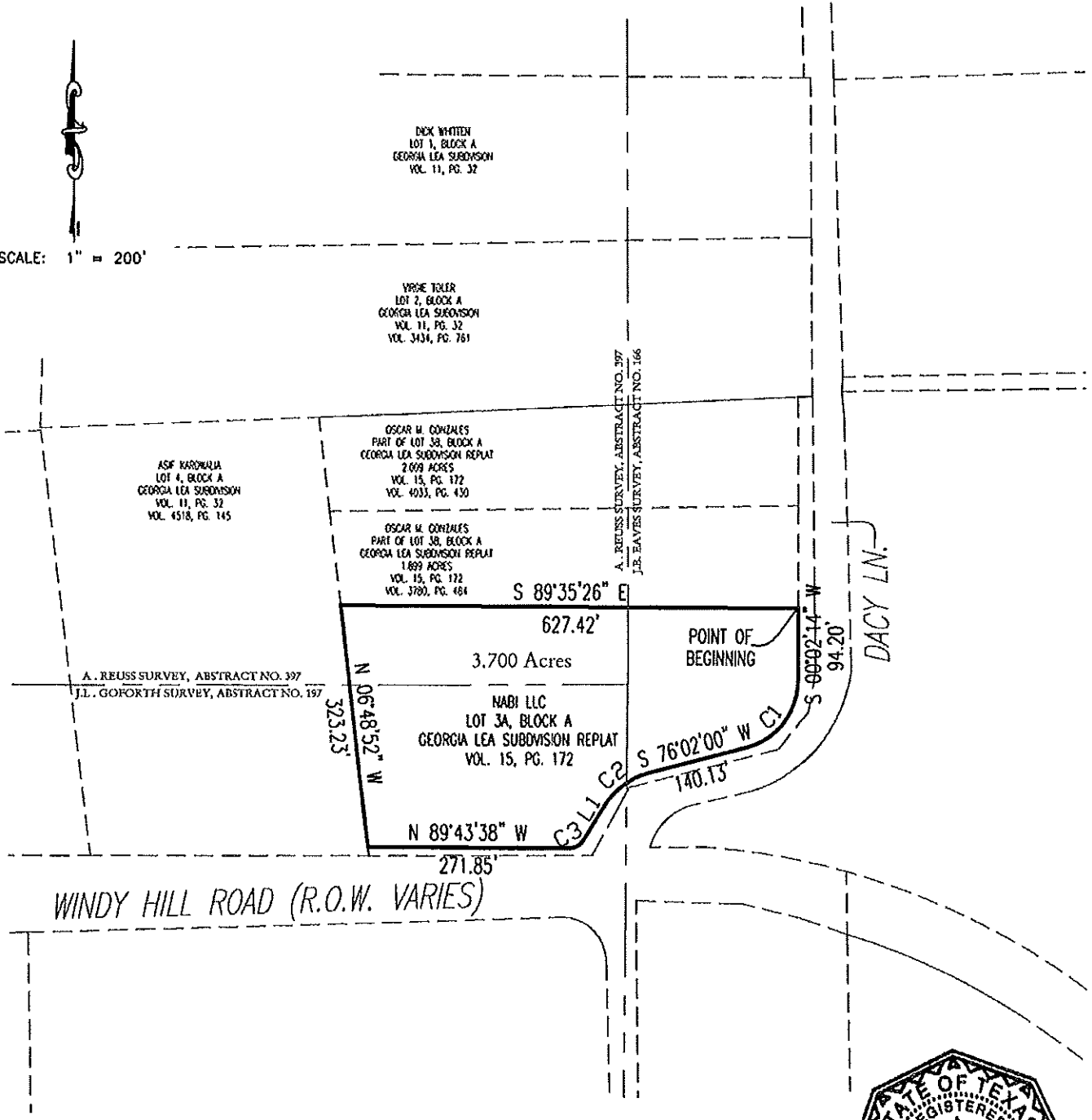
 8-29-13
 ROBERT J. GERTSON, R.P.L.S. NO. 6367
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 Austin, TX 78749
 Ph: 512-280-5160 Fax: 512-280-5165
 rgertson@cbdeng.com



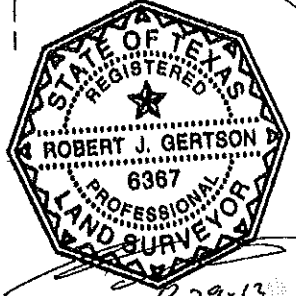
SKETCH TO ACCOMPANY FIELD NOTES



SCALE: 1" = 200'



WINDY HILL ROAD (R.O.W. VARIES)



BEARING BASIS: PREPARED WITH RECORD INFORMATION FOUND IN VOLUME 15, PAGE 172 (O.P.R.H.C.T.X.)

CURVE	RADIUS	LENGTH	CHORD	CHORD BEARING	TANGENT
C1	92.00'	122.03'	113.28'	S38°02'07"W	71.88
C2	103.00'	78.43'	76.55'	S54°13'13"W	41.23
C3	25.00'	25.25'	24.19'	S61°20'24"W	13.82

LINE	LENGTH	BEARING
L1	52.30	S32°24'28"W

Carlson, Brigrance & Doering, Inc.
 Civil Engineering ♦ Surveying
 5501 West William Cannon Drive ♦ Austin, Texas 78749
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5.428 Acres
 A. REUSS SURVEY, ABSTRACT NO. 397 &
 J.B. EAVES SURVEY, ABSTRACT NO. 166
 HAYS COUNTY, TEXAS
 ANNEXATION

FIELD NOTES

BEING ALL OF THAT CERTAIN TRACT OR PARCEL OF LAND OUT OF AND A PART OF THE A. REUSS SURVEY, ABSTRACT NO. 397, AND J.B. EAVES SURVEY, ABSTRACT NO. 166, SITUATED IN HAYS COUNTY, TEXAS, BEING MORE FULLY DESCRIBED AS BEING ALL OF THAT CERTAIN LOT 2, BLOCK A, IN THE GEORGIA LEA SUBDIVISION A SUBDIVISION RECORDED IN VOLUME 11, PAGE 32, AND CONVEYED TO VIRGIE TOLER IN VOLUME 3434, PAGE 761, OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, (O.P.R.H.C.TX.), SAID 5.428 ACRE TRACT BEING MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, at a point found on the western right-of-way line of Dacy Lane (R.O.W. varies), at the northeastern corner of said Lot 2, Block A, also being the southeastern corner of Lot 1, Block A, in said Georgia Lea Subdivision for the northeastern corner and **POINT OF BEGINNING** of the herein described tract,

THENCE, with the boundary line of said Lot 2, Block A, and the western right-of-way line of Dacy Lane, S00°06'30"E, for a distance of 211.22 feet to a point for the southeastern corner of Lot 2, Block A, also being the northeastern corner of lot 3B, Block A of Georgia Lea Subdivision Replat recorded in Vol. 15, Pg. 72, Official Public Records of Hays County, Texas,

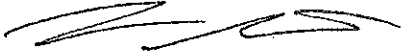
THENCE, with the common boundary line of said Lot 2, Block A, and Lot 3B, Block A, and Lot 4, Block A, in said Georgia Lea Subdivision, S87°40'51"E, for a distance of 1056.64 feet to a point for the southwestern corner of said Lot 2, Block A, and the northeastern corner of Lot 1, Block A, in Rosy Peach Subdivision as described in Vol. 7, Pg. 214, Official Public Records of Hays County, Texas, and a southern corner of a 7.097 acre tract, conveyed to Dick Whitten In Vol. 345, Pg. 629, Official Public Records of Hays County, Texas,

THENCE, with the common boundary line of said Lot 2, Block A, and said 7.097 acre tract, N01°30'58"E a distance of 238.40 feet to a point for the northwestern corner of said Lot 2, Block A, also being the southwestern corner of said Lot 1, Block A, in said Georgia Lea Subdivision,

THENCE, with the common boundary line of said Lot 2, Block A, and said Lot 1, Block A, in Georgia Lea Subdivision, N89°08'41"E a distance of 1049.18 feet to the **POINT OF BEGINNING**, and containing 5.428 acres of land.

THIS SURVEY WAS PREPARED FROM RECORD INFORMATION FOUND IN VOLUME 11, PAGE 32 (O.P.R.H.C.TX.), NO ON-THE-GROUND SURVEY WAS PERFORMED

Prepared by:

 B-29-13
 ROBERT J. GERTSON, R.P.L.S. NO. 6367
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 Austin, TX 78749
 Ph: 512-280-5160 Fax: 512-280-5165
 rgertson@cbdeng.com



SKETCH TO ACCOMPANY FIELD NOTES



SCALE: 1" = 300'

DICK WHITTEN
7.097 ACRES
VOL. 345, PG. 629

A. REUSS SURVEY,
ABSTRACT NO. 397

J.B. EAVES SURVEY,
ABSTRACT NO. 166

ASIF KAROWALIA
LOT 1, BLOCK A
ROSY PEACH SUBDIVISION
VOL. 7, PG. 214
VOL. 4562, PG. 32

DICK WHITTEN
LOT 1, BLOCK A
GEORGIA LEA SUBDIVISION
VOL. 11, PG. 32

VIRGIE TOLER
LOT 2, BLOCK A
GEORGIA LEA SUBDIVISION
VOL. 11, PG. 32
VOL. 3434, PG. 761

POINT OF
BEGINNING

J.N. FRANKS SURVEY, ABSTRACT NO. 177

N 01°30'58" E
238.40'

N 89°08'41" E

1049.18'

5.428 Acres

S 87°40'51" W

1056.64'

ASIF KAROWALIA
LOT 4, BLOCK A
GEORGIA LEA SUBDIVISION
VOL. 11, PG. 32
VOL. 4518, PG. 145

OSCAR M. GONZALES
PART OF LOT LOT 3B, BLOCK A
GEORGIA LEA SUBDIVISION
2.009 ACRES
VOL. 11, PG. 32
VOL. 4033, PG. 430

A. REUSS SURVEY,
ABSTRACT NO. 397

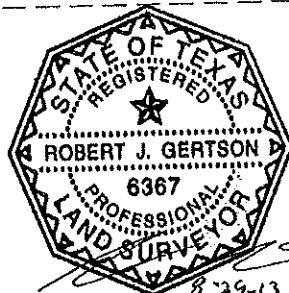
J.L. GOFORTH SURVEY,
ABSTRACT NO. 197

DACY LN.

S 00°06'30" E
211.22'

WINDY HILL ROAD (R.O.W. VARIES)

BEARING BASIS: PREPARED WITH RECORD INFORMATION
FOUND IN VOLUME 11, PAGE 2 &
VOLUME 3434, PAGE 761 (O.P.R.H.C.TX.)



Carlisle, Brigrance & Doering, Inc.

Civil Engineering • Surveying
5501 West William Casson Drive • Austin, Texas 78749
Phone No. (512) 289-5160 • Fax No. (512) 289-5165

Item # 14

8-29-13 PATH:- J: 4576-097\SURVEY\FN-R108166 5.428 ACRES ANNEXATION

5.396 Acres
 A. REUSS SURVEY, ABSTRACT NO. 397 &
 J.B. EAVES SURVEY, ABSTRACT NO. 166
 HAYS COUNTY, TEXAS
 ANNEXATION

FIELD NOTES

BEING ALL OF THAT CERTAIN TRACT OR PARCEL OF LAND OUT OF AND A PART OF THE A. REUSS SURVEY, ABSTRACT NO. 397, AND J.B. EAVES SURVEY, ABSTRACT NO. 166, SITUATED IN HAYS COUNTY, TEXAS, BEING MORE FULLY DESCRIBED AS BEING ALL OF THAT CERTAIN LOT 1, BLOCK A, IN THE GEORGIA LEA SUBDIVISION VOLUME 11, PAGE 32, OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, (O.P.R.H.C.TX.), AND CONVEYED TO DICK WHITTEN, SAID 5.396 ACRE TRACT BEING MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, at a point found on the western right-of-way line of Dacy Lane (R.O.W. varies), at the southeastern corner of said Lot 1, Block A, also being the northeastern corner of Lot 2, Block A, in the said Georgia Lea Subdivision for the southeastern corner and **POINT OF BEGINNING** of the herein described tract,

THENCE, with the common boundary line of said Lot 1, Block A, and said Lot 2, Block A, S89°08'41"W, for a distance of 1049.18 feet to a point for the southwestern corner of Lot 1, Block A, also being the northwestern corner of said Lot 2, Block A, and on the eastern boundary line of a 7.097 acre tract of land conveyed to Dick Whitten as described in Vol. 345, Pg. 629, Official Public Records of Hays County, Texas,

THENCE, with the common boundary line of said Lot 1, Block A, and said 7.097 acre tract, N01°30'58"E, for a distance of 238.41 feet to a point for the northwestern corner of Lot 1, Block A, and an angle corner of said 7.097 acre tract,

THENCE, with the common boundary line of said Lot 1, Block A, and said 7.097 acre tract, S89°22'15"E a distance of 1042.42 feet to a point for the northeastern corner of Lot 1, Block A, also being a southeastern corner of said 7.097 acre tract, also being on the western right-of-way line of Dacy Lane,

THENCE, with the boundary line of said Lot 1, Block A, and the western right-of-way line of Dacy Lane, S00°06'30"E a distance of 211.22 feet to the **POINT OF BEGINNING**, and containing 5.396 acres of land.

THIS SURVEY WAS PREPARED FROM RECORD INFORMATION FOUND IN VOLUME 11, PAGE 32 (O.P.R.H.C.TX.), NO ON-THE-GROUND SURVEY WAS PERFORMED

Prepared by: _____

8-29-13
 ROBERT J. GERTSON, R.P.L.S. NO. 6367
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 5501 West William Cannon
 Austin, TX 78749
 Ph: 512-280-5160 Fax: 512-280-5165
 rgertson@cbdeng.com



SKETCH TO ACCOMPANY FIELD NOTES



SCALE: 1" = 200'

DICK WHITTEN
7.097 ACRES
VOL. 345, PG. 629

A. REUSS SURVEY,
ABSTRACT NO. 397
J.B. EAVES SURVEY,
ABSTRACT NO. 166

N 01°30'58" E

238.41'

DICK WHITTEN
LOT 1, BLOCK A
GEORGIA LEA SUBDIVISION
VOL. 11, PG. 32

S 89°22'15" E

1042.42'

5.396 Acres

211.22'

S 89°08'41" W

1049.18'

VIRGIE TOLER
LOT 2, BLOCK A
GEORGIA LEA SUBDIVISION
VOL. 11, PG. 32
VOL. 3434, PG. 761

POINT OF
BEGINNING

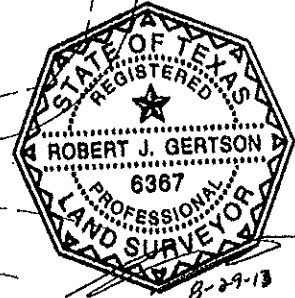
S 00°06'30" E

DACY LN.

A. REUSS SURVEY,
ABSTRACT NO. 397

J.L. GOFORTH SURVEY,
ABSTRACT NO. 197

WINDY HILL ROAD (R.O.W. VARIES)



BEARING BASIS: PREPARED WITH RECORD INFORMATION
FOUND IN VOLUME 11, PAGE 32 (O.P.R.H.C.TX.)



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10.193 Acres
 A. REUSS SURVEY, ABSTRACT NO. 397 &
 J.N. FRANKS SURVEY, ABSTRACT NO. 177 &
 J.L. GOFORTH SURVEY, ABSTRACT NO. 197
 HAYS COUNTY, TEXAS
 ANNEXATION

FIELD NOTES

BEING ALL OF THAT CERTAIN TRACT OR PARCEL OF LAND OUT OF AND A PART OF THE A. REUSS SURVEY, ABSTRACT NO. 397, THE J.N. FRANKS SURVEY, ABSTRACT NO. 177, AND THE J.L. GOFORTH SURVEY, ABSTRACT NO. 197, SITUATED IN HAYS COUNTY, TEXAS, BEING MORE FULLY DESCRIBED AS BEING THE REMAINDER OF A 195.9 ACRE TRACT, CONVEYED TO DICK WHITTEN IN VOLUME 345, PAGE 629, OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, (O.P.R.H.C.TX.), SAID 10.193 ACRE TRACT BEING MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, at a point found on the northern right-of-way line of Windy Hill Road (R.O.W. varies), and the southwestern corner of said remainder of said 195.9 acre tract, and the southeastern corner of a 14.96 acre tract, conveyed to Continental Homes of Texas in Vol. 4436, Pg. 231, for the **POINT OF BEGINNING** of the herein described tract,

THENCE, with the common boundary line of said remainder of 195.9 acre tract and said 14.96 acre tract, the following two (2) courses and distances, numbered 1 through 2,

1. N00°03'37"E, for a distance of 730.64 feet to a point, and
2. S84°48'40"E, for a distance of 703.19 feet to a point in the western boundary line of Lot 2, Block A, Georgia Lea Subdivision, a subdivision as recorded in Volume 11, Page 32 of the Hays County Plat Records (H.C.P.R.), also being the northeastern corner of said remainder of said 195.9 acre tract,

THENCE, with the common boundary line of said remainder of said 195.9 acre tract, and said Lot 2, Block A, Georgia Lea Subdivision, S01°30'58"W, for a distance of 114.10 feet to a point, for an eastern corner of the remainder of said 195.9 acre tract, also being the southwestern corner of said Lot 2, Block A, Georgia Lea Subdivision, also being the northwestern corner of Lot 4, Block A, of said Georgia Lea Subdivision, and also being the northeastern corner of Lot 1, Block A, Rosy Peach Subdivision, a subdivision as recorded in Vol. 7, Pg. 214, H.C.P.R.,

THENCE, with the common boundary line of said remainder of said 195.9 acre tract, and said Lot 1, Block A, Rosy Peach Subdivision, the following two (2) courses and distances, numbered 1 through 2,

1. S86°46'48"W, for a distance of 120.28 feet to a point, and
2. S06°48'54"E, for a distance of 563.73 feet to a point for the southeastern corner of said remainder of said 195.9 acre tract, also being the southwestern corner of said Lot 1, Block A, Rosy Peach Subdivision, and also being in the northern right-of-way line of Windy Hill Road,

THENCE, with the common boundary line of said remainder of said 195.9 acre tract, and said northern right-of-way line of Windy Hill Road, to the **POINT OF BEGINNING**, and containing 10.193 acres of land.

THIS SURVEY WAS PREPARED FROM RECORD INFORMATION FOUND IN VOLUME 345, PAGE 629 (O.P.R.H.C.TX.), NO ON-THE-GROUND SURVEY WAS PERFORMED

Prepared by: _____

8-29-13
 ROBERT J. GERTSON, R.P.L.S. NO. 6367
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SKETCH TO ACCOMPANY FIELD NOTES



SCALE: 1" = 200'

DICK WHITTEN
7.097 ACRES
VOL. 345, PG. 629

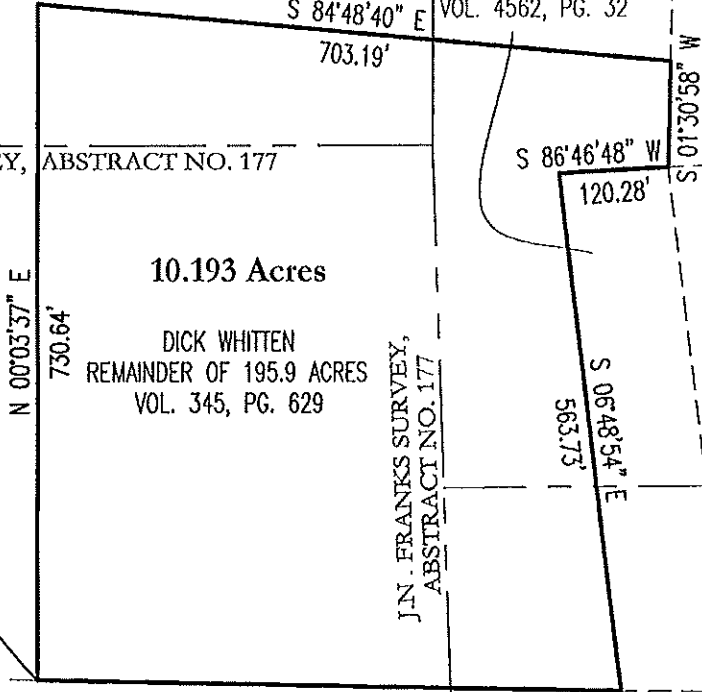
CONTINENTAL HOMES OF TEXAS
14.96 ACRES
VOL. 4436, PG. 231

DICK WHITTEN
LOT 1, BLOCK A
GEORGIA LEA SUBDIVISION
VOL. 11, PG. 32

ASIF KAROWALIA
LOT 1, BLOCK A
ROSY PEACH SUBDIVISION
VOL. 7, PG. 214
VOL. 4562, PG. 32

VIRGIE TOLER
LOT 2, BLOCK A
GEORGIA LEA SUBDIVISION
VOL. 11, PG. 32
VOL. 3434, PG. 761

J.N. FRANKS SURVEY, ABSTRACT NO. 177



10.193 Acres

DICK WHITTEN
REMAINDER OF 195.9 ACRES
VOL. 345, PG. 629

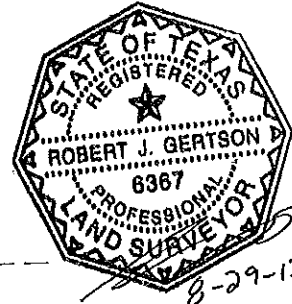
J.N. FRANKS SURVEY,
ABSTRACT NO. 177

ASIF KAROWALIA
LOT 4, BLOCK A
GEORGIA LEA SUBDIVISION
VOL. 11, PG. 32
VOL. 4518, PG. 145

A. REUSS SURVEY,
ABSTRACT NO. 397
J.L. GOFORTH SURVEY,
ABSTRACT NO. 197

POINT OF BEGINNING

WINDY HILL ROAD (R.O.W. VARIES)



BEARING BASIS: PREPARED WITH RECORD INFORMATION
FOUND IN VOLUME 345, PAGE 629 (O.P.R.H.C.TX.)

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Civil Engineering ♦ Surveying
5501 West William Cannon Drive ♦ Austin, Texas 78749
Phone No. (512) 280-5160 ♦ Fax No. (512) 280-5165



CITY OF KYLE, TEXAS

32.3 acres S of Windy Hill West of
Park South

Meeting Date: 10/8/2013
Date time: 7:00 PM

Subject/Recommendation: *(First Reading)* AN ORDINANCE OF THE CITY OF KYLE, TEXAS, ANNEXING APPROXIMATELY 32.3 ACRES OF LAND, LOCATED IN HAYS COUNTY, TEXAS, WHICH IS GENERALLY LOCATED SOUTH OF WINDY HILL ROAD, WEST OF PARK SOUTH DRIVE AND CONTIGUOUS TO THE CITY LIMITS ON TWO SIDES; AS SHOWN IN THE ATTACHED EXHIBIT; MAKING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR OPEN MEETINGS AND OTHER RELATED MATTERS. ~
Sofia Nelson, Director of Planning

Other Information: Please see attachment

Budget Information: N/A

Viewing Attachments Requires Adobe Acrobat. [Click here](#) to download.

Attachments / click to download

 [Ordinance and Backup Material](#)

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF KYLE, TEXAS, ANNEXING APPROXIMATELY 32.3 ACRES OF LAND, LOCATED IN HAYS COUNTY, TEXAS, WHICH IS GENERALLY LOCATED SOUTH OF WINDY HILL ROAD, WEST OF PARK SOUTH DRIVE AND CONTIGUOUS TO THE CITY LIMITS ON TWO SIDES; AS SHOWN IN THE ATTACHED EXHIBIT; MAKING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR OPEN MEETINGS AND OTHER RELATED MATTERS.

WHEREAS, the City of Kyle, Texas (the "City"), is a home rule municipality authorized by State law and the City's Charter to annex territory lying adjacent and contiguous to the City;

WHEREAS, the City Council, in compliance with §43.021, *Tex. Local Gov't Code*, instituted proceedings for the annexation of certain property more particularly described herein (the "subject property");

WHEREAS, the subject property hereby annexed is adjacent and contiguous to the present City limits;

WHEREAS, the boundaries of the City are contiguous to the subject property on at least two sides;

WHEREAS, citizens were given the opportunity to provide public input at two separate public hearings which were conducted prior to consideration of this Ordinance in accordance with § 43.063, *Tex. Loc. Gov't. Code*;

WHEREAS, the hearings were conducted and held not more than forty (40) nor less than twenty (20) days prior to the institution of annexation proceedings;

WHEREAS, notice of the public hearings was published in a newspaper of general circulation in the City and the territory proposed to be annexed not more than twenty (20) nor less than ten (10) days prior to the public hearings;

WHEREAS, the City intends to provide services to the subject property to be annexed according to the Service Plan attached hereto as Exhibit "A".

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KYLE, TEXAS:

SECTION 1. That all of the above premises and findings of fact are found to be true and correct and are incorporated into the body of this Ordinance as if copied in their entirety.

SECTION 2. That the following described property (hereinafter referred to as the "Annexed Property") is hereby annexed into the corporate limits of the City of Kyle:

The tract of land comprises of approximately 32.3 acres of land in Hays County, Texas that is generally located south of Windy Hill Road, west of Park South Drive and contiguous to the City limits on two sides and being more particularly described in Exhibit "B"

SECTION 3. That the Service Plan submitted herewith is hereby approved as part of this Ordinance, made a part hereof and attached hereto as Exhibit "A".

SECTION 4. That the future owners and inhabitants of the Annexed Property shall be entitled to all of the rights and privileges of the City as set forth in the Service Plan attached hereto as Exhibit "A", and are further bound by all acts, ordinances, and all other legal action now in full force and effect and all those which may be hereafter adopted.

SECTION 5. That the official map and boundaries of the City, heretofore adopted and amended be and hereby are amended so as to include the Annexed Property as part of the City of Kyle.

SECTION 6. That the Annexed Property shall be assigned to Council District No. 6.

SECTION 7. That the Annexed Property shall be temporarily zoned Agricultural District "A" as provided in the City Zoning Ordinance, as amended, until permanent zoning is established therefore.

SECTION 8. That if any provision of this Ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

SECTION 9. That this Ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the *Tex. Loc. Gov't. Code*.

SECTION 10. That it is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, *Chapt. 551, Tex. Gov't. Code*.

PASSED AND APPROVED on First Reading this 8th day of October, 2013.

FINALLY PASSED AND APPROVED on this ____ day of _____, 2013.

ATTEST:

CITY OF KYLE, TEXAS

Amelia Sanchez, City Secretary

Lucy Johnson, Mayor

EXHIBIT "A"

MUNICIPAL SERVICES PLAN

WHEREAS, the City of Kyle, Texas (the "City") instituted and completed annexation proceedings for tracts of land described more fully hereinafter (referred to herein as the "subject properties");

WHEREAS, *Section 43.056, Loc. Gov't. Code*, requires a service plan be adopted with the annexation ordinance;

WHEREAS, the subject properties are not included in the municipal annexation plan and are exempt from the requirements thereof having fewer than one hundred (100) houses on separate tracts;

WHEREAS, the subject property will be provided municipal services on the same terms and conditions as other similarly situated properties currently within the City limits and capital improvements necessary to offer such municipal services on the same terms and conditions as other similarly situated properties within the City and in accordance with City policies, regulations, and ordinances; and

WHEREAS, it is found that all statutory requirements have been satisfied and the City is authorized by *Chapt. 43, Loc. Gov't. Code*, to annex the subject properties into the City.

NOW, THEREFORE, the City agrees to provide the following services for the subject properties on the effective date of annexation:

(1) **General Municipal Services.** The subject properties are located within the City's extraterritorial jurisdiction and are more particularly described in the Ordinance to which this service plan is attached. Pursuant to this Plan, the following services shall be provided immediately from the effective date of the annexation:

A. Police protection as follows:

Routine patrols of areas, radio response to calls for police service and all other police services now being offered to the citizens of the City.

B. Fire protection and Emergency Medical Services as follows:

Fire protection by the Emergency Service District's (ESD) and volunteer fire fighting force's present personnel and equipment with the limitations of water available. Radio response for Emergency Medical Services with the present personnel and equipment of the ESD.

C. Solid waste collection services as follows:

Solid waste collection and services as now being offered to the citizens of the City.

D. Animal control as follows:

Service by present personnel, equipment and facilities or by contract with a third party, as provided within the City.

E. Maintenance of parks and playgrounds within the City.

F. Inspection services in conjunction with building permits and routine City code enforcement services by present personnel, equipment and facilities.

G. Maintenance of other City facilities, buildings and service.

H. Land use regulation as follows:

On the effective date of annexation, the regulatory jurisdiction of the City shall be extended to include the annexed area, and all property therein shall be subject to the City's police power regulations as set forth in duly adopted ordinances; provided that the use of all property therein shall be grandfathered to the extent provided by state law. The subject properties shall be temporarily zoned "A" with the intent to rezone the properties upon request of the landowner or staff. The Planning & Zoning Commission and the City Council will consider rezoning the subject properties at future times in response to requests submitted by the landowners or authorized city staff.

(2) **Scheduled Municipal Services.** Depending on the plans for development or redevelopment of the subject properties, the following municipal services will be provided on a schedule and at increasing levels of service as requested in compliance with applicable City ordinances, rules and regulations for providing such services:

A. Water service and maintenance of water facilities as follows:

(i) The subject property is located within the Monarch Water CCN, as a result, inspection of water distribution lines will be provided by in accordance with the statutes of the State of Texas.

(ii) In accordance with the applicable rules and regulations for the provision of water service, water service will be provided to the subjects properties, or applicable portions thereof, by the utility holding a water certificate of convenience and necessity ("CCN") for the subject properties, or portions thereof as applicable, or absent a water CCN, by the utility in whose jurisdiction the subject properties, or portions thereof as applicable, are located, in accordance with all the ordinances, regulations, and policies of the City in effect from time to time for the extension of water service. If connected to the water utility system, the subject properties' owner shall construct the internal water lines and pay the costs of line extension and construction of such facilities necessary to provide water service to the subject properties as required in City ordinances. Upon acceptance of the water lines within the

subject properties and any off-site improvements, water service will be provided by the water service provider -on the same terms, conditions and requirements as are applied to all similarly situated areas and customers; subject to all the ordinances, regulations and policies in effect from time to time. The system will be accepted and maintained by the water provider in accordance with its usual acceptance and maintenance policies. New water line extensions will be installed and extended upon request under the same costs and terms as with other similarly situated customers. The continued use of a water well that is in use on the effective date of the annexation and is in compliance with applicable rules and regulations shall be permitted and such use may continue until the subject property owner requests and is able to connect to the City's water utility system.

B. Wastewater service and maintenance of wastewater service as follows:

(i) Inspection of sewer lines as provided by statutes of the State of Texas.

(ii) In accordance with the applicable rules and regulations for the provision of wastewater service, wastewater service will be provided to the subjects properties, or applicable portions thereof, by the utility holding a wastewater CCN for the subject properties, or portions thereof as applicable, or absent a wastewater CCN, by the utility in whose jurisdiction the subject properties, or portions thereof as applicable, are located, in accordance with all the ordinances, regulations, and policies of the City in effect from time to time for the extension of wastewater service. If connected to the City's wastewater utility system, the subject properties' owner shall construct the internal wastewater lines and pay the costs of line extension and construction of facilities necessary to provide wastewater service to the subject properties as required in City ordinances. Upon acceptance of the wastewater lines within the subject properties and any off-site improvements, wastewater service will be provided by the City utility department on the same terms, conditions and requirements as are applied to all similarly situated areas and customers of the City, subject to all the ordinances, regulations and policies of the City in effect from time to time. The wastewater system will be accepted and maintained by the City in accordance with its usual policies. Requests for new wastewater line extensions will be installed and extended upon request under the same costs and terms as with other similarly situated customers of the City. The ordinances in effect at the time a request for service is submitted shall govern the costs and request for service. The continued use of a septic system that is in use on the effective date of the annexation and is in compliance with all applicable rules and regulations shall be permitted and such use may continue until the subject property owner requests and is able to connect to the City's wastewater utility system.

C. Maintenance, as appropriate, of existing public streets and rights-of-way that are within the maintenance jurisdiction of the City and other streets that are hereafter constructed and finally accepted by the City within the maintenance jurisdiction of the City as follows:

(i) Emergency maintenance of streets, repair of hazardous potholes, measures necessary for traffic flow, etc.;

- (ii) Routine maintenance as presently performed by the City;
- (iii) Reconstruction and resurfacing of streets, installation of drainage facilities, construction of curbs, gutters and other such major improvements as the need therefore is determined by the governing body under City policies;
- (iv) Installation and maintenance of traffic signals, traffic signs, street markings and other traffic control devices as the need therefore is established by appropriate study and traffic standards; and
- (v) Installation and maintenance of street lighting in accordance with established policies of the City.

(3) **Capital Improvements.** Construction of the following capital improvements shall be initiated after the effective date of the annexation: Water and wastewater facilities that are identified in the Capital Improvement Plan, as and when funded pursuant to such Plan. Upon development of the subject properties or redevelopment, the landowners will be responsible for the development costs the same as a developer in a similarly situated area under the ordinances in effect at the time of development or redevelopment. No additional capital improvements are necessary at this time to service the subject properties the same as similarly situated properties.

(4) **Term.** If not previously expired, this service plan expires at the end of ten (10) years.

(5) **Property Description.** The legal descriptions of the subject properties are as set forth in Exhibit "B" attached to the Annexation Ordinance to which this Service Plan is attached as Exhibit "A".

EXHIBIT "B"
Property Description

32.374 ACRES
 L.K. MILLER SURVEY, ABSTRACT NO. 337
 J.L. GOFORTH SURVEY, ABSTRACT NO. 197
 HAYS COUNTY, TEXAS
 ANNEXATION

FIELD NOTES

BEING ALL OF THAT CERTAIN TRACT OR PARCEL OF LAND OUT OF AND A PART OF THE L.K. MILLER SURVEY, ABSTRACT NUMBER 337, AND THE J.L. GOFORTH SURVEY, ABSTRACT NUMBER 197, SITUATED IN HAYS COUNTY, TEXAS, BEING MORE FULLY DESCRIBED AS BEING ALL OF THAT CERTAIN 32.377 ACRE TRACT OF LAND, CONVEYED TO GILBERT AND FLORINDA DAVILA IN VOLUME 1165, PAGE 279, OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, (O.P.R.H.C.TX.), SAID 32.374 ACRE TRACT BEING MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, at a point on the southern right-of-way line of Windy Hill Road (R.O.W. varies), at the northwestern corner of said 32.377 acre tract, also being the northeastern corner of Lot 47, Block A, a 5.115 acre tract in Indian Paintbrush Phase One as described in Vol. 4005, Pg. 266, Official Public Records of Hays County, Texas, (O.P.R.H.C.TX.), for the northwestern corner and **POINT OF BEGINNING** of the herein described tract,

THENCE, with the common boundary line of said 32.377 acre tract and said southern right-of-way line of Windy Hill Road (R.O.W. varies), the following two (2) courses and distances numbered 1 through 2:

1. S89°44'00"E, for a distance of 771.01 feet to a point,
2. S89°40'00"E, for a distance of 26.24 feet to a point for the northeastern corner of said 32.377 acre tract, also being the northwestern corner of Park South Subdivision as described in Vol. 2, Pg. 349, of the Hays County Plat Records (H.C.P.R.),

THENCE, with the common boundary line of said 32.377 acre tract and said Park South Subdivision, the following three (3) courses and distances, numbered 1 through 3,

1. S00°35'00"W, for a distance of 830.55 feet to a point,
2. S00°24'00"W, for a distance of 309.79 feet to a point,
3. S00°22'00"W, for a distance of 1001.02 feet to a point for the southeastern corner of said 32.377 acre tract, also being the northeastern corner of Lot 1, Block B, a 7.210 acre tract in Indian Paintbrush Phase Two as described in Vol. 2686, Pg. 361 O.P.R.H.C.TX.,

THENCE, with the common boundary line of said 32.377 acre tract and said 7.210 acre tract, the following two (2) courses and distances numbered 1 through 2:

1. N89°37'00"W a distance of 450.00 feet to a point, for the southwestern corner of said 32.377 acre tract, also being an angle corner of said 7.210 acre tract,
2. N13°46'00"W, for a distance of 817.18 feet to a western corner of said 32.377 acre tract and the southeastern corner of said 5.115 acre tract,

THENCE, with the common boundary line of said 32.377 acre tract and said 5.115 acre tract, N05°45'00"W, for a distance of 1355.13 feet to the **POINT OF BEGINNING**, and containing 32.374 acres of land.

THIS SURVEY WAS PREPARED FROM RECORD INFORMATION FOUND IN VOLUME 1165, PAGE 279 (O.P.R.H.C.TX.), NO ON-THE-GROUND SURVEY WAS PERFORMED

Prepared by: _____

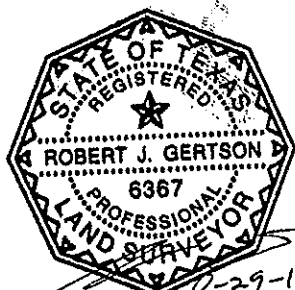
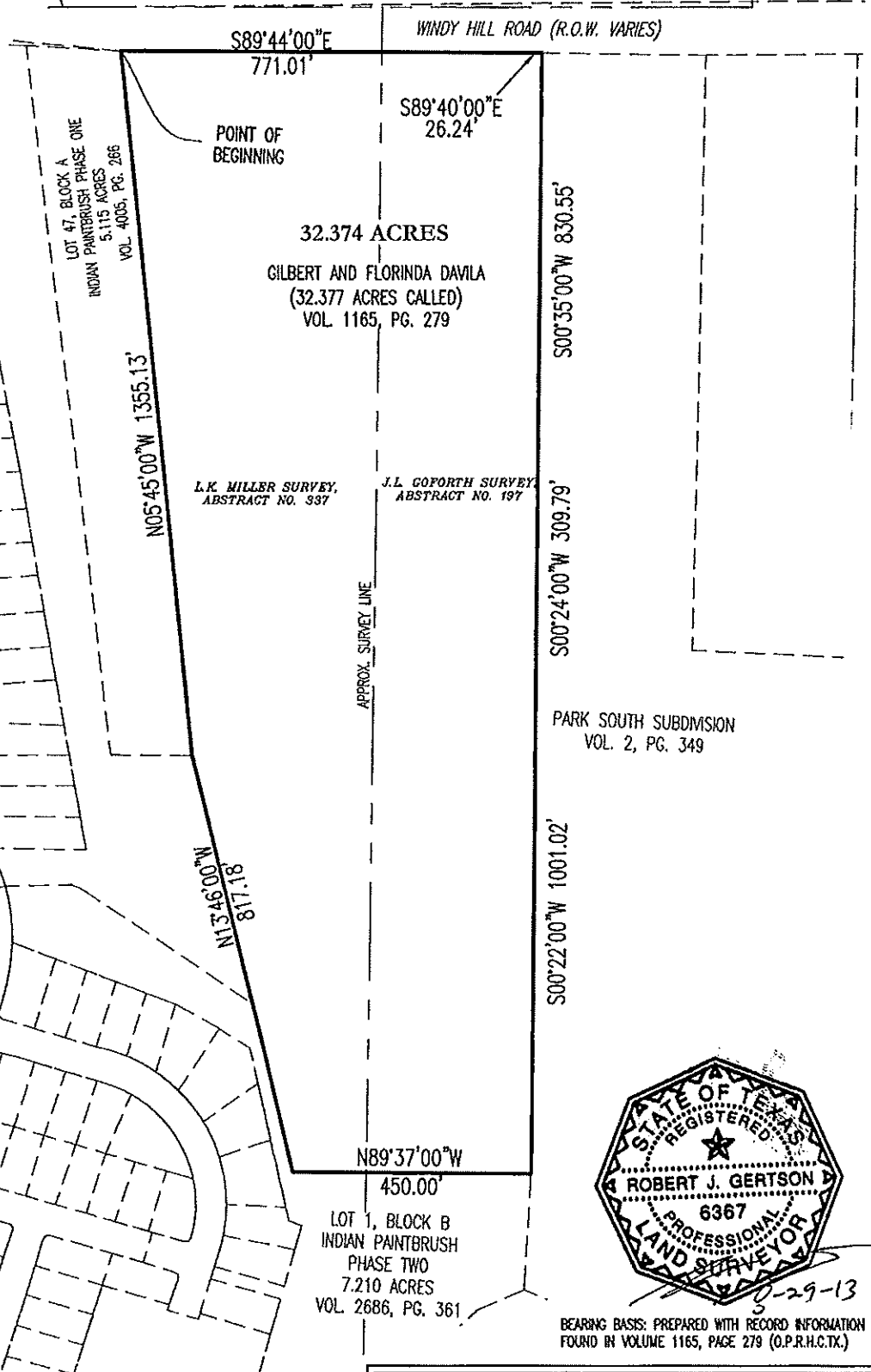
8-29-13
 ROBERT J. GERTSON, R.P.L.S. NO. 6367
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 5501 West William Cannon
 Austin, TX 78749
 Ph: 512-280-5160 Fax: 512-280-5165
 rgertson@cbdeng.com



SKETCH TO ACCOMPANY FIELD NOTES



SCALE: 1" = 300'



5-29-13

BEARING BASIS: PREPARED WITH RECORD INFORMATION FOUND IN VOLUME 1165, PAGE 279 (O.P.R.H.C.TX.)

Carlson, Brigrance & Doering, Inc.
Civil Engineering ♦ Surveying
5501 West William Cannon Drive ♦ Austin, Texas 78749
Phone No. (512) 280-5160 ♦ Fax No. (512) 280-5165



CITY OF KYLE, TEXAS

31.8 acres S. Bebee / West of
Sunrise / E of Kensington

Meeting Date: 10/8/2013
Date time: 7:00 PM

Subject/Recommendation: *(First Reading)* AN ORDINANCE OF THE CITY OF KYLE, TEXAS ANNEXING 9 TRACTS OF LAND CONSISTING OF APPROXIMATELY 31.8 ACRES OF LAND, LOCATED IN HAYS COUNTY, TEXAS, WHICH IS GENERALLY LOCATED ALONG ANTON DRIVE AND BOTH NORTH AND SOUTH OF BEBEE ROAD, WEST OF SUNRISE DRIVE, AND EAST OF KENSINGTON BLVD. AND CONTIGUOUS TO THE CITY LIMITS; AS SHOWN IN THE ATTACHED EXHIBIT; MAKING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR OPEN MEETINGS AND OTHER RELATED MATTERS. ~ *Sofia Nelson, Director of Planning*

Other Information: Please see attachments

Budget Information: N/A

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Attachments / click to download

[Ordinance and Backup Material](#)

Cover Memo

Item # 16

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF KYLE, TEXAS, ANNEXING 9 TRACTS OF LAND CONSISTING OF APPROXIMATELY 31.8 ACRES OF LAND, LOCATED IN HAYS COUNTY, TEXAS, WHICH IS GENERALLY LOCATED ALONG ANTON DRIVE AND BOTH NORTH AND SOUTH OF BEBEE ROAD, WEST OF SUNRISE DRIVE, AND EAST OF KENSINGTON BLVD. AND CONTIGIOUS TO THE CITY LIMITS; AS SHOWN IN THE ATTACHED EXHIBIT; MAKING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR OPEN MEETINGS AND OTHER RELATED MATTERS.

WHEREAS, the City of Kyle, Texas (the "City"), is a home rule municipality authorized by State law and the City's Charter to annex territory lying adjacent and contiguous to the City;

WHEREAS, the City Council, in compliance with §43.021, *Tex. Local Gov't Code*, instituted proceedings for the annexation of certain property more particularly described herein (the "subject property");

WHEREAS, the subject property hereby annexed is adjacent and contiguous to the present City limits;

WHEREAS, the boundaries of the City are contiguous to the subject property on at least two sides;

WHEREAS, citizens were given the opportunity to provide public input at two separate public hearings which were conducted prior to consideration of this Ordinance in accordance with § 43.063, *Tex. Loc. Gov't. Code*;

WHEREAS, the hearings were conducted and held not more than forty (40) nor less than twenty (20) days prior to the institution of annexation proceedings;

WHEREAS, notice of the public hearings was published in a newspaper of general circulation in the City and the territory proposed to be annexed not more than twenty (20) nor less than ten (10) days prior to the public hearings;

WHEREAS, the City intends to provide services to the subject property to be annexed according to the Service Plan attached hereto as Exhibit "A".

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KYLE, TEXAS:

SECTION 1. That all of the above premises and findings of fact are found to be true and correct and are incorporated into the body of this Ordinance as if copied in their entirety.

SECTION 2. That the following described property (hereinafter referred to as the "Annexed

Property”) is hereby annexed into the corporate limits of the City of Kyle:

The tracts of land comprise of approximately 31.8 acres of Land in Hays County, Texas that is generally located along Anton Drive and both north and south of Bebee Road, west of Sunrise drive, east of Kensington Blvd. and contiguous to the City Limits and being more particularly described in Exhibit “B”

SECTION 3. That the Service Plan submitted herewith is hereby approved as part of this Ordinance, made a part hereof and attached hereto as Exhibit “A”.

SECTION 4. That the future owners and inhabitants of the Annexed Property shall be entitled to all of the rights and privileges of the City as set forth in the Service Plan attached hereto as Exhibit “A”, and are further bound by all acts, ordinances, and all other legal action now in full force and effect and all those which may be hereafter adopted.

SECTION 5. That the official map and boundaries of the City, heretofore adopted and amended be and hereby are amended so as to include the Annexed Property as part of the City of Kyle.

SECTION 6. That the Annexed Property shall be assigned to Council District No. 6.

SECTION 7. That the Annexed Property shall be temporarily zoned Agricultural District “A” as provided in the City Zoning Ordinance, as amended, until permanent zoning is established therefore.

SECTION 8. That if any provision of this Ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

SECTION 9. That this Ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the *Tex. Loc. Gov't. Code*.

SECTION 10. That it is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, *Chapt. 551, Tex. Gov't. Code*.

PASSED AND APPROVED on First Reading this 8th day of October, 2013.

FINALLY PASSED AND APPROVED on this ____ day of _____, 2013.

ATTEST:

CITY OF KYLE, TEXAS

Amelia Sanchez, City Secretary

Lucy Johnson, Mayor

EXHIBIT "A"**MUNICIPAL SERVICES PLAN**

WHEREAS, the City of Kyle, Texas (the "City") instituted and completed annexation proceedings for tracts of land described more fully hereinafter (referred to herein as the "subject properties");

WHEREAS, *Section 43.056, Loc. Gov't. Code*, requires a service plan be adopted with the annexation ordinance;

WHEREAS, the subject properties are not included in the municipal annexation plan and are exempt from the requirements thereof having fewer than one hundred (100) houses on separate tracts;

WHEREAS, the subject property will be provided municipal services on the same terms and conditions as other similarly situated properties currently within the City limits and capital improvements necessary to offer such municipal services on the same terms and conditions as other similarly situated properties within the City and in accordance with City policies, regulations, and ordinances; and

WHEREAS, it is found that all statutory requirements have been satisfied and the City is authorized by *Chapt. 43, Loc. Gov't. Code*, to annex the subject properties into the City.

NOW, THEREFORE, the City agrees to provide the following services for the subject properties on the effective date of annexation:

(1) **General Municipal Services.** The subject properties are located within the City's extraterritorial jurisdiction and are more particularly described in the Ordinance to which this service plan is attached. Pursuant to this Plan, the following services shall be provided immediately from the effective date of the annexation:

A. Police protection as follows:

Routine patrols of areas, radio response to calls for police service and all other police services now being offered to the citizens of the City.

B. Fire protection and Emergency Medical Services as follows:

Fire protection by the Emergency Service District's (ESD) and volunteer fire fighting force's present personnel and equipment with the limitations of water available. Radio response for Emergency Medical Services with the present personnel and equipment of the ESD.

C. Solid waste collection services as follows:

Solid waste collection and services as now being offered to the citizens of the City.

D. Animal control as follows:

Service by present personnel, equipment and facilities or by contract with a third party, as provided within the City.

E. Maintenance of parks and playgrounds within the City.

F. Inspection services in conjunction with building permits and routine City code enforcement services by present personnel, equipment and facilities.

G. Maintenance of other City facilities, buildings and service.

H. Land use regulation as follows:

On the effective date of annexation, the regulatory jurisdiction of the City shall be extended to include the annexed area, and all property therein shall be subject to the City's police power regulations as set forth in duly adopted ordinances; provided that the use of all property therein shall be grandfathered to the extent provided by state law. The subject properties shall be temporarily zoned "A" with the intent to rezone the properties upon request of the landowner or staff. The Planning & Zoning Commission and the City Council will consider rezoning the subject properties at future times in response to requests submitted by the landowners or authorized city staff.

(2) **Scheduled Municipal Services.** Depending on the plans for development or redevelopment of the subject properties, the following municipal services will be provided on a schedule and at increasing levels of service as requested in compliance with applicable City ordinances, rules and regulations for providing such services:

A. Water service and maintenance of water facilities as follows:

(i) The subject property is located within the Goforth Water CCN, as a result, inspection of water distribution lines will be provided by in accordance with the statutes of the State of Texas.

(ii) In accordance with the applicable rules and regulations for the provision of water service, water service will be provided to the subjects properties, or applicable portions thereof, by the utility holding a water certificate of convenience and necessity ("CCN") for the subject properties, or portions thereof as applicable, or absent a water CCN, by the utility in whose jurisdiction the subject properties, or portions thereof as applicable, are located, in accordance with all the ordinances, regulations, and policies of the City in effect from time to time for the extension of water service. If connected to the water utility system, the subject properties' owner shall construct the internal water lines and pay the costs of line extension and construction of such facilities necessary to provide water service to the subject properties as required in City ordinances. Upon acceptance of the water lines within the

subject properties and any off-site improvements, water service will be provided by the water service provider -on the same terms, conditions and requirements as are applied to all similarly situated areas and customers; subject to all the ordinances, regulations and policies in effect from time to time. The system will be accepted and maintained by the water provider in accordance with its usual acceptance and maintenance policies. New water line extensions will be installed and extended upon request under the same costs and terms as with other similarly situated customers. The continued use of a water well that is in use on the effective date of the annexation and is in compliance with applicable rules and regulations shall be permitted and such use may continue until the subject property owner requests and is able to connect to the City's water utility system.

B. Wastewater service and maintenance of wastewater service as follows:

(i) Inspection of sewer lines as provided by statutes of the State of Texas.

(ii) In accordance with the applicable rules and regulations for the provision of wastewater service, wastewater service will be provided to the subjects properties, or applicable portions thereof, by the utility holding a wastewater CCN for the subject properties, or portions thereof as applicable, or absent a wastewater CCN, by the utility in whose jurisdiction the subject properties, or portions thereof as applicable, are located, in accordance with all the ordinances, regulations, and policies of the City in effect from time to time for the extension of wastewater service. If connected to the City's wastewater utility system, the subject properties' owner shall construct the internal wastewater lines and pay the costs of line extension and construction of facilities necessary to provide wastewater service to the subject properties as required in City ordinances. Upon acceptance of the wastewater lines within the subject properties and any off-site improvements, wastewater service will be provided by the City utility department on the same terms, conditions and requirements as are applied to all similarly situated areas and customers of the City, subject to all the ordinances, regulations and policies of the City in effect from time to time. The wastewater system will be accepted and maintained by the City in accordance with its usual policies. Requests for new wastewater line extensions will be installed and extended upon request under the same costs and terms as with other similarly situated customers of the City. The ordinances in effect at the time a request for service is submitted shall govern the costs and request for service. The continued use of a septic system that is in use on the effective date of the annexation and is in compliance with all applicable rules and regulations shall be permitted and such use may continue until the subject property owner requests and is able to connect to the City's wastewater utility system.

C. Maintenance, as appropriate, of existing public streets and rights-of-way that are within the maintenance jurisdiction of the City and other streets that are hereafter constructed and finally accepted by the City within the maintenance jurisdiction of the City as follows:

(i) Emergency maintenance of streets, repair of hazardous potholes, measures necessary for traffic flow, etc.;

- (ii) Routine maintenance as presently performed by the City;
- (iii) Reconstruction and resurfacing of streets, installation of drainage facilities, construction of curbs, gutters and other such major improvements as the need therefore is determined by the governing body under City policies;
- (iv) Installation and maintenance of traffic signals, traffic signs, street markings and other traffic control devices as the need therefore is established by appropriate study and traffic standards; and
- (v) Installation and maintenance of street lighting in accordance with established policies of the City.

(3) **Capital Improvements.** Construction of the following capital improvements shall be initiated after the effective date of the annexation: Water and wastewater facilities that are identified in the Capital Improvement Plan, as and when funded pursuant to such Plan. Upon development of the subject properties or redevelopment, the landowners will be responsible for the development costs the same as a developer in a similarly situated area under the ordinances in effect at the time of development or redevelopment. No additional capital improvements are necessary at this time to service the subject properties the same as similarly situated properties.




(4) **Term.** If not previously expired, this service plan expires at the end of ten (10) years.

(5) **Property Description.** The legal descriptions of the subject properties are as set forth in Exhibit "B" attached to the Annexation Ordinance to which this Service Plan is attached as Exhibit "A".


EXHIBIT "B"
Property Description

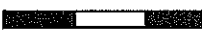



Legend

-  Proposed Annexations
-  Parcel Lines
-  Kyle City Limits

Area to be Annexed
33.0 Acres
 at Bebee Rd and Anton Dr



0 125 250
 Feet



Item #16
 5016

1.500 Acres
 SAMUEL LITTLE SURVEY, ABSTRACT NO. 286
 HAYS COUNTY, TEXAS
 ANNEXATION

FIELD NOTES

BEING ALL OF THAT CERTAIN TRACT OR PARCEL OF LAND OUT OF AND A PART OF THE SAMUEL LITTLE SURVEY, ABSTRACT NO. 286, SITUATED IN HAYS COUNTY, TEXAS, BEING ALL OF LOT 19C, SUNRISE ACRES, A SUBDIVISION AS RECORDED IN VOL. 2, PG. 346 OF THE HAYS COUNTY PLAT RECORDS (H.C.P.R.), AND CONVEYED TO ALAN G. AND CYNTHIA E. ZUZULKA IN VOL. 1127, PG. 855, OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, (O.P.R.H.C.TX.), SAID 1.500 ACRES BEING MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, at a point for the easternmost corner of said Lot 19C, also being the southernmost corner of Lot 19B, of said Sunrise Acres, also being in the western right-of-way line of Bebee Road (R.O.W. varies), for the **POINT OF BEGINNING** of the herein described tract,

THENCE, with the common boundary line of said Lot 19C, and Lot 20A, Sunrise Acres Replat, a subdivision as recorded in Vol. 16, Pg. 207, of the H.C.P.R., S45°14'00"W, for a distance of 238.65 feet to the southernmost corner of said Lot 19C, also being the westernmost corner of Lot 20A, and also being a point on the northern right-of-way line of Anton Road (R.O.W. varies),

THENCE, with the common boundary line of said Lot 19C, and said northern right-of-way Anton Road, the following three (3) courses and distances, numbered 1 through 3,

1. N44°44'00"W, for a distance of 251.81 feet to a point, and
2. N00°48'00"E, for a distance of 33.63 feet to a point, and
3. N45°26'00"E, for a distance of 214.65 feet to a point, for the northernmost corner of said Lot 19C, also being a western corner of said Lot 19B, and also being a point on the eastern right-of-way line of Anton Road,

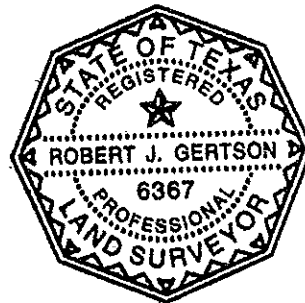
THENCE, with the common boundary line of said Lot 19C, and said Lot 19B, S44°44'00"E, for a distance of 274.60 feet to the **POINT OF BEGINNING**, and containing 1.500 acres of land.

THIS SURVEY WAS PREPARED FROM RECORD INFORMATION FOUND IN VOLUME 2, PAGE 346 (O.P.R.H.C.TX.), NO ON-THE-GROUND SURVEY WAS PERFORMED

Prepared by: _____

[Signature] 8-29-13

ROBERT J. GERTSON, R.P.L.S. NO. 6367
 Carlson, Brigance and Doering, Inc.
 5501 West William Cannon
 Austin, TX 78749
 Ph: 512-280-5160 Fax: 512-280-5165
 rgertson@cbdeng.com



SKETCH TO ACCOMPANY FIELD NOTES



SCALE: 1" = 100'

LOT 18
SUNRISE ACRES
VOL. 2, PG. 346

LOT 19A
SUNRISE ACRES
VOL. 2, PG. 346

CR 122
(R.O.W. VARIES)

HAYS COUNTY
LOT 19B
SUNRISE ACRES
VOL. 2, PG. 346
VOL. 1192, PG. 519

LOT 21B
ELGIN GROCERY INCORPORATED
SUNRISE ACRES REPLAT
OF LOTS 20 & 21
VOL. 16, PG. 207

1.500 ACRES

ALAN G. AND CYNTHIA E. ZEZULKA
LOT 19C
SUNRISE ACRES
VOL. 2, PG. 346
VOL. 1127, PG. 855

POINT OF BEGINNING

SAMUEL LITTLE SURVEY, ABSTRACT NO. 286

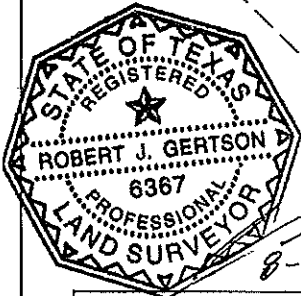
ANTON DRIVE

BEBEE ROAD (R.O.W. VARIES)

LOT 20A
ELGIN GROCERY INCORPORATED
SUNRISE ACRES REPLAT
OF LOTS 20 & 21
VOL. 16, PG. 207


LOT 21A
PARK PLACE FOODS INC
3.429 ACRES
SUNRISE ACRES REPLAT
OF LOTS 20 & 21
VOL. 16, PG. 207

BEARING BASIS: PREPARED WITH RECORD INFORMATION
FOUND IN VOLUME 2, PAGE 346 (O.P.R.H.C.TX.)



8-29-13

LINE TABLE		
LINE	LENGTH	BEARING
L1	33.63	N00°48'00"E



Carlson, Brigance & Doering, Inc.
 Civil Engineering ♦ Surveying
 5501 West William Cannon Drive ♦ Houston, Texas 77041
 Phone No. (512) 280-5160 ♦ Fax No. (512) 280-5165

4.384 ACRES
SAMUEL LITTLE SURVEY, ABSTRACT NO. 286
HAYS COUNTY, TEXAS
ANNEXATION

FIELD NOTES

BEING ALL OF THAT CERTAIN TRACT OR PARCEL OF LAND OUT OF AND A PART OF THE SAMUEL LITTLE SURVEY, ABSTRACT NUMBER 286, SITUATED IN HAYS COUNTY, TEXAS, BEING MORE FULLY DESCRIBED AS BEING ALL OF THAT CERTAIN 4.38 ACRE TRACT OF LAND CONVEYED TO GUILLERMO & GRACIELA RODRIGUEZ IN VOLUME 1766 PAGE 304, OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, (O.P.R.H.C.TX.), SAID 4.38 ACRE TRACT ALSO KNOWN AS LOT 22-C, SUNRISE ACRES REPLAT, A SUBDIVISION RECORDED IN VOLUME 5, PAGE 323 (O.P.R.H.C.TX.), SAID 4.384 ACRE TRACT BEING MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, at a point found on the northeastern right-of-way line of C.R. 122, said point marking the most southern corner of Lot 21-B of Sunrise Acres Replat of Lots 20 & 21, a subdivision recorded in Volume 16, Page 207 (O.P.R.H.C.TX.), also being the westernmost corner of said 4.38 acre tract, for the westernmost corner and **POINT OF BEGINNING** of the herein described tract,

THENCE, with the common boundary line of said 4.38 acre tract, and said Lot 21-B, N35°05'00"E, for a distance of 1164.73 feet to a point on the southern boundary line of Lot 26 of said Sunrise Acres Replat, also being the most easternmost corner of said Lot 21-B, also being the northernmost corner of said 4.38 acre tract,

THENCE, with the common boundary line of said 4.38 acre tract, and said Lot 26, S55°10'00"E, for a distance of 238.86 feet to a point at the southernmost corner of said Lot 26, also being the easternmost corner of said 4.38 acre tract, also being the northwestern corner of Lot 25 of said Sunrise Acres Replat, for the easternmost corner of the herein described tract,

THENCE, with the common boundary line of said 4.38 acre tract, said Lot 25, and Lots 22-B, 24-A and 24-B of said Sunrise Acres Replat, S35°05'02"W, for a distance of 744.30 feet to a point on the western boundary line of Lot 24-B of said Sunrise Acres Replat, also being the most easterly southeastern corner of said 4.38 acre tract, also being the easternmost corner of said Lot 22-B, for the most easterly southeastern corner of the herein described tract,

THENCE, with the common boundary line of said 4.38 acre tract, and said Lot 22-B, the following 2 (two) courses, numbered 1 and 2,

1. N44°56'45"W, for a distance of 182.48 feet to a point at a southern interior corner of the said 4.38 acre tract, also being the northern corner of said Lot 22-B, and
2. S35°05'00"W, for a distance of 177.82 feet to a point in the northern boundary line of Lot 22-A of said Sunrise Acres Replat,

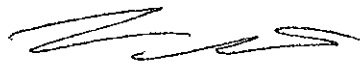
THENCE, with the common boundary line of said 4.38 acre tract, and said Lot 22-A, the following 3 (three) courses and distances, numbered 1 through 3,

1. N45°02'00"W, for a distance of 34.36 feet to a point at the northern corner of said Lot 22-A,
2. S35°08'00"W, for a distance of 232.58 feet to a point, and
3. S12°10'30"W, for a distance of 62.10 feet to a point in said northeastern right-of-way line of C.R. 122, also being the southernmost corner of said 4.38 acre tract, also being a southwestern corner of said Lot 22-A, for the southernmost corner of the herein described tract,

4.384 ACRES
SAMUEL LITTLE SURVEY, ABSTRACT NO. 286
HAYS COUNTY, TEXAS
ANNEXATION

THENCE, with the common boundary line of said northeastern right-of-way line of C.R. 122, and said 4.38 acre tract, N44°58'00"W, for a distance of 50.00 feet to the **POINT OF BEGINNING** and containing 4.38 acres of land.

THIS SURVEY WAS PREPARED FROM RECORD INFORMATION FOUND IN SUNRISE ACRES REPLAT-VOLUME 5, PAGE 323 (P.R.H.C.TX.)
NO ON-THE-GROUND SURVEY WAS PERFORMED.

Prepared by:  8-30-13

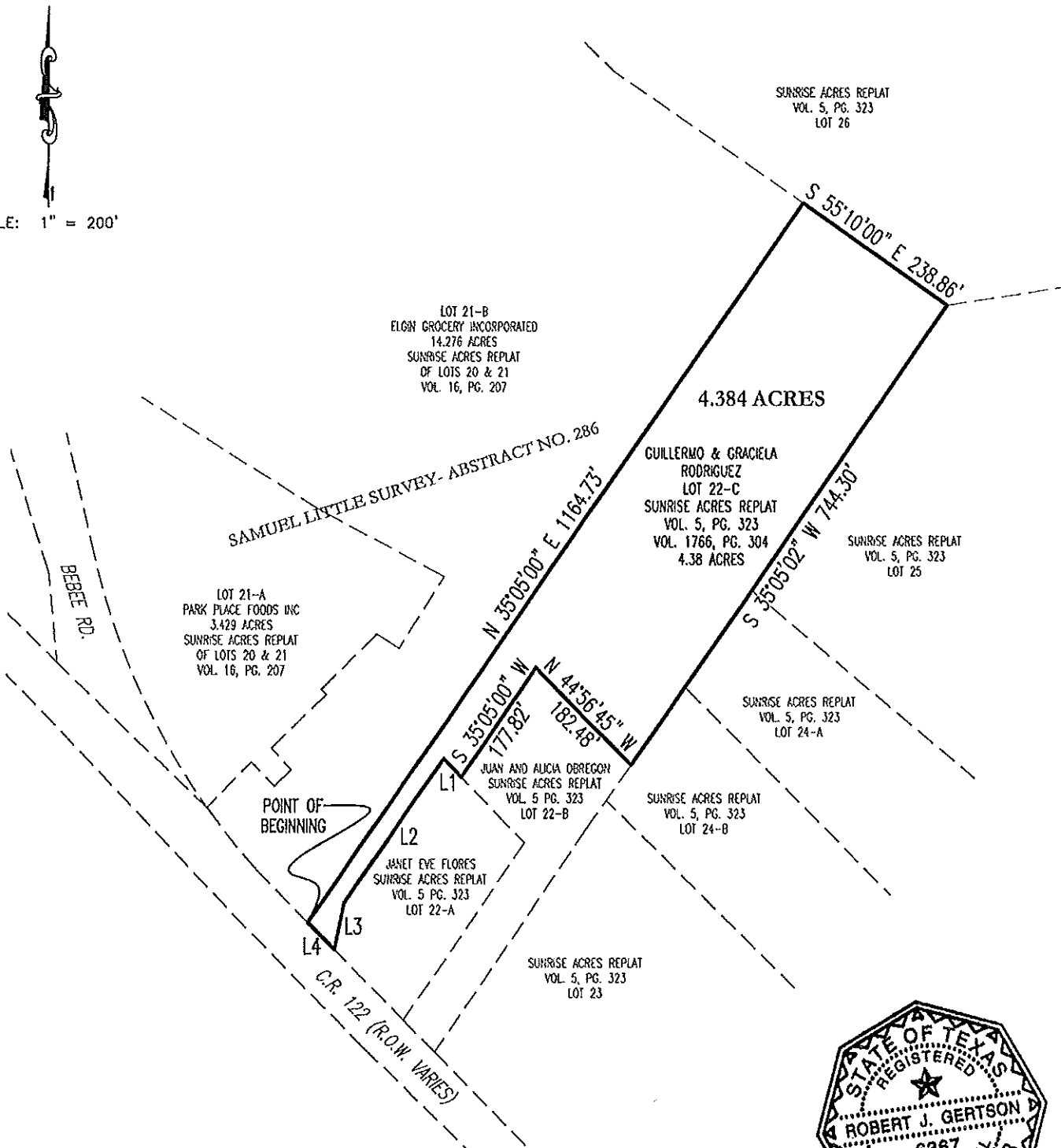
ROBERT J. GERTSON, R.P.L.S. NO. 6367
Carlson, Brigance and Doering, Inc.
5501 West Willam Cannon
Austin, TX 78749
Ph: 512-280-5160 Fax: 512-280-5165
rgertson@cbdeng.com



SKETCH TO ACCOMPANY FIELD NOTES



SCALE: 1" = 200'



BEARING BASIS: PREPARED WITH RECORD INFORMATION FOUND IN VOLUME 5, PAGE 323 (P.R.H.C.T.X.)

LINE TABLE		
LINE	LENGTH	BEARING
L1	34.36	N45°02'00\"W
L2	232.58	S35°08'00\"W
L3	62.10	S12°10'30\"W
L4	50.00	N44°58'00\"W



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Item # 16

3.428 ACRES
 SAMUEL LITTLE SURVEY, ABSTRACT NO. 286
 HAYS COUNTY, TEXAS
 ANNEXATION

FIELD NOTES

BEING ALL OF THAT CERTAIN TRACT OR PARCEL OF LAND OUT OF AND A PART OF THE SAMUEL LITTLE SURVEY, ABSTRACT NO. 286, SITUATED IN HAYS COUNTY, TEXAS, BEING MORE FULLY DESCRIBED AS ALL OF THAT CERTAIN 3.429 ACRE TRACT OF LAND CONVEYED TO PARK PLACE FOODS, INC. IN VOLUME 4411, PAGE 409 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, (O.P.R.H.C.TX.), ALSO BEING LOT 21A OF SUNRISE ACRES REPLAT OF LOTS 20 & 21, RECORDED IN VOLUME 16, PAGE 207 (O.P.R.H.C.TX.), SAID 3.428 ACRES BEING MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, at a point of curvature to the right, in the northern right-of-way line of C.R. 122 at the southernmost corner of said 3.429 acre tract, also being a southwestern corner of Lot 21B of said Sunrise Acres Replat of Lots 20 & 21, for the southernmost corner and **POINT OF BEGINNING** of the herein described tract,

THENCE, with the common boundary line of said northern right-of-way line of C.R. 122, and said 3.429 acre tract, and with said curve to the right having a radius of 956.45 feet, an arc length of 379.36 feet, and whose chord bears N26°50'11"W, for a distance of 376.88 feet to a point in the northeasterly right-of-way line of Bebee Road (R.O.W. Varies),

THENCE, with the common boundary line of said 3.429 acre tract, and said northeasterly right-of-way line of Bebee Road, N15°22'55"W, for a distance of 235.14 feet to a point at the westernmost corner of said 3.429 acre tract, for a southwestern corner of said Lot 21B,

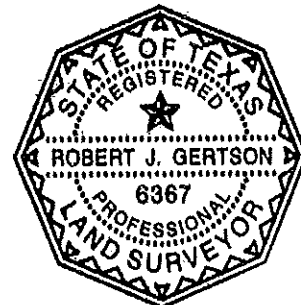
THENCE, with the common boundary line of said 3.429 acre tract, and said Lot 21B, the following thirteen (13) courses and distances, numbered 1 through 13,

1. N59°00'17"E, for a distance of 86.45 feet to a point at the northernmost corner of said 3.429 acre tract, also being an interior ELL corner of said Lot 21B, for the northernmost corner of the herein described tract,
2. S30°59'43"E, for a distance of 71.98 feet to a point,
3. S60°19'05"E, for a distance of 299.43 feet to a point,
4. S64°24'48"E, for a distance of 187.31 feet to a point at the easternmost northeastern corner of said 3.429 acre tract, also being an interior ELL corner of said Lot 21B, for the easternmost northeastern corner of the herein described tract,
5. S30°37'24"W, for a distance of 112.84 feet to a point,
6. N59°54'24"W, for a distance of 35.58 feet to a point,
7. S43°59'02"W, for a distance of 104.33 feet to a point,
8. S46°00'58"E, for a distance of 10.00 feet to a point,
9. S43°59'02"W, for a distance of 102.29 feet to a point,
10. S45°08'56"E, for a distance of 39.71 feet to a point,
11. S45°09'32"W, for a distance of 31.79 feet to a point,
12. N45°14'20"W, for a distance of 43.93 feet to a point, and
13. S42°45'56"W, for a distance of 84.84 feet to the **POINT OF BEGINNING** and containing 3.428 acres of land.

THIS SURVEY WAS PREPARED FROM RECORD INFORMATION FOUND IN VOLUME 16, PAGE 207 (O.P.R.H.C.TX.)
 NO ON-THE-GROUND SURVEY WAS PERFORMED.

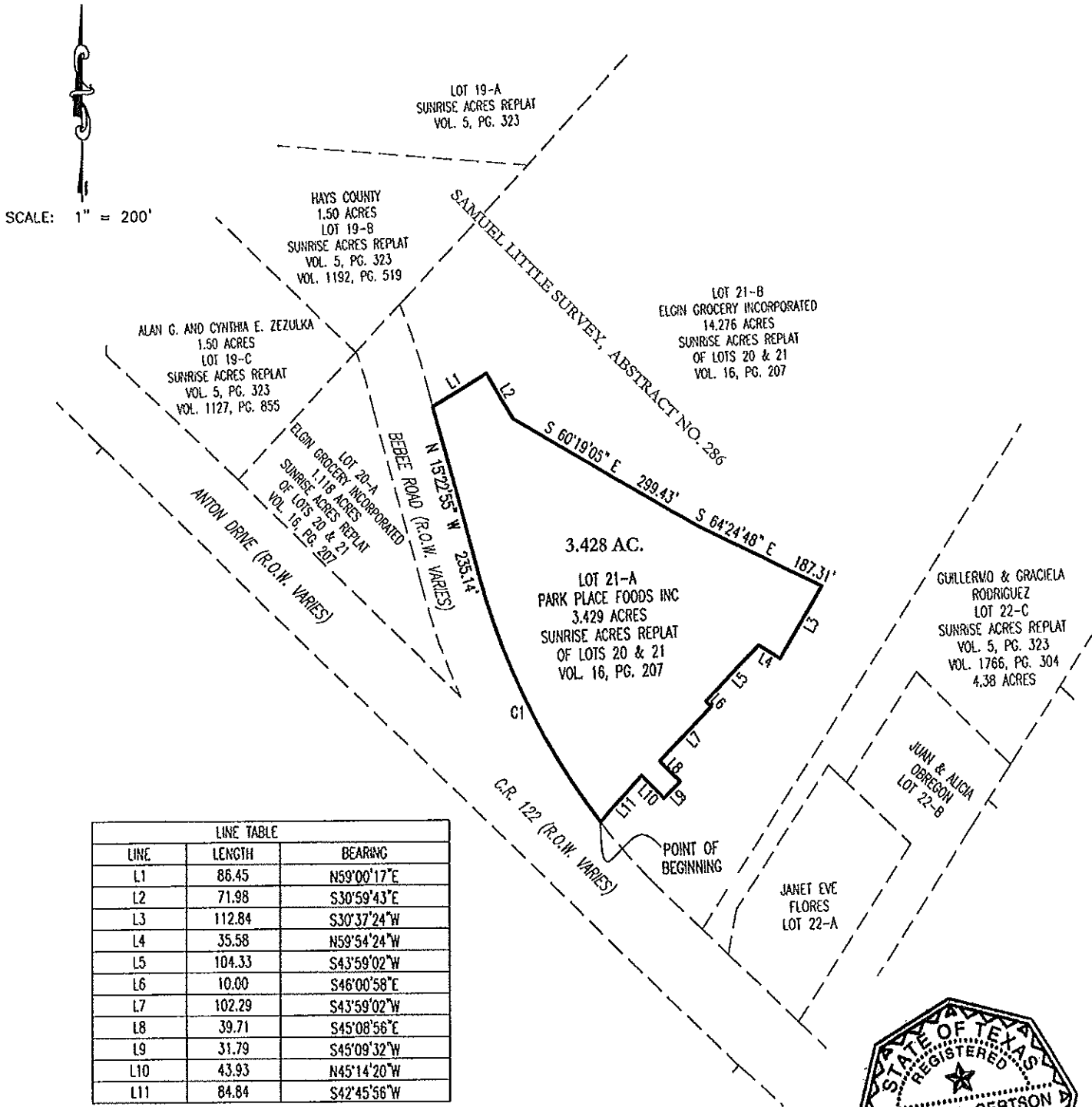
Prepared by: _____

ROBERT J. GERTSON, R.P.L.S. NO. 6367
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Item # 16

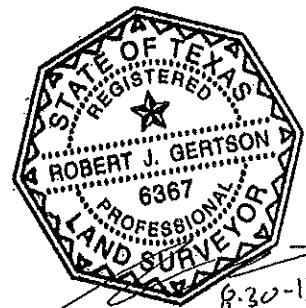
SKETCH TO ACCOMPANY FIELD NOTES



SCALE: 1" = 200'

LINE TABLE		
LINE	LENGTH	BEARING
L1	86.45	N59°00'17"E
L2	71.98	S30°59'43"E
L3	112.84	S30°37'24"W
L4	35.58	N59°54'24"W
L5	104.33	S43°59'02"W
L6	10.00	S46°00'58"E
L7	102.29	S43°59'02"W
L8	39.71	S45°08'56"E
L9	31.79	S45°09'32"W
L10	43.93	N45°14'20"W
L11	84.84	S42°45'56"W

CURVE TABLE					
CURVE	RADIUS	LENGTH	CHORD	CHORD BEARING	TANGENT
C1	956.45'	379.36'	376.86'	N26°50'11"W	192.20



8-30-13

BEARING BASIS: PREPARED WITH RECORD INFORMATION FOUND IN VOLUME 16, PAGE 207 (O.P.R.H.C.T.X.)

Carlson, Brigance & Doering, Inc.

Civil Engineering • Surveying
 5501 West William Cannon Drive • Austin, TX 78747
 Phone No. (512) 289-5169 • Fax No. (512) 289-5165

Item # 16

3.503 Acres
 SAMUEL LITTLE SURVEY, ABSTRACT NO. 286
 HAYS COUNTY, TEXAS
 ANNEXATION

FIELD NOTES

BEING ALL OF THAT CERTAIN TRACT OR PARCEL OF LAND OUT OF THE SAMUEL LITTLE SURVEY, ABSTRACT NO. 286, SITUATED IN HAYS COUNTY, TEXAS, BEING A 3.48 ACRE TRACT MORE FULLY DESCRIBED AS BEING ALL OF THAT CERTAIN LOT 19A, OF SUNRISE ACRES REPLAT, RECORDED IN VOL. 5, PG. 323, OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, (O.P.R.H.C.TX.), SAID 3.503 ACRES BEING MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, at a point on southeastern corner of said Lot 19A, and the western line of Lot 21B, of Sunrise Acres Replat of Lots 20 & 21 recorded in Vol. 16, Pg. 207, also being the northeastern corner of Lot 19B, of said Sunrise Acres Replat, for the **POINT OF BEGINNING** of the herein described tract,

THENCE, with common boundary line of said Lot 19A, and said Lot 19B, N83°32'00"W, for a distance of 351.61 feet to the western corner of said Lot 19A, also being the northwestern corner of said Lot 19B, and also being on the eastern right-of-way of CR 122 (R.O.W. varies), and also being the southernmost corner of Lot 18, of said Sunrise Acres Replat,

THENCE, with common boundary line of said Lot 19A, and said Lot 18, the following two (2) courses and distances, numbered 1 through 2,

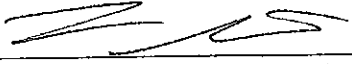
1. N45°26'00"E, for a distance of 50.00 feet to a point, and
2. N49°27'00"E, for a distance of 681.58 feet to the northernmost corner of said Lot 19A, also being the northeastern corner of said Lot 18, also being the southern corner of Lot 31, of said Sunrise Acres subdivision, and also being the southwestern corner of Lot 30, of said Sunrise Acres Replat,

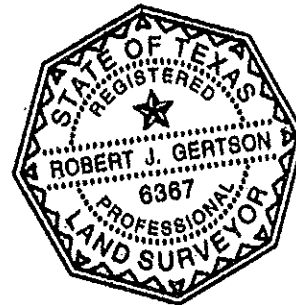
THENCE, with common boundary line of said Lot 19A, and said Lot 30, S44°27'00"E, for a distance of 223.88 feet to the northeastern corner of said Lot 19A, also being the southernmost corner of said Lot 30, and also being the southwestern corner of Lot 29, of said Sunrise Acres Replat,

THENCE, with common boundary line of said Lot 19A, and said Lot 21B, S45°14'00"W, for a distance of 508.27 feet to the **POINT OF BEGINNING**, and containing 3.503 acres of land.

THIS SURVEY WAS PREPARED FROM RECORD INFORMATION FOUND IN VOLUME 2, PAGE 346 (O.P.R.H.C.TX.), NO ON-THE-GROUND SURVEY WAS PERFORMED

Prepared by: _____

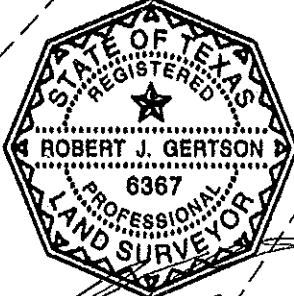
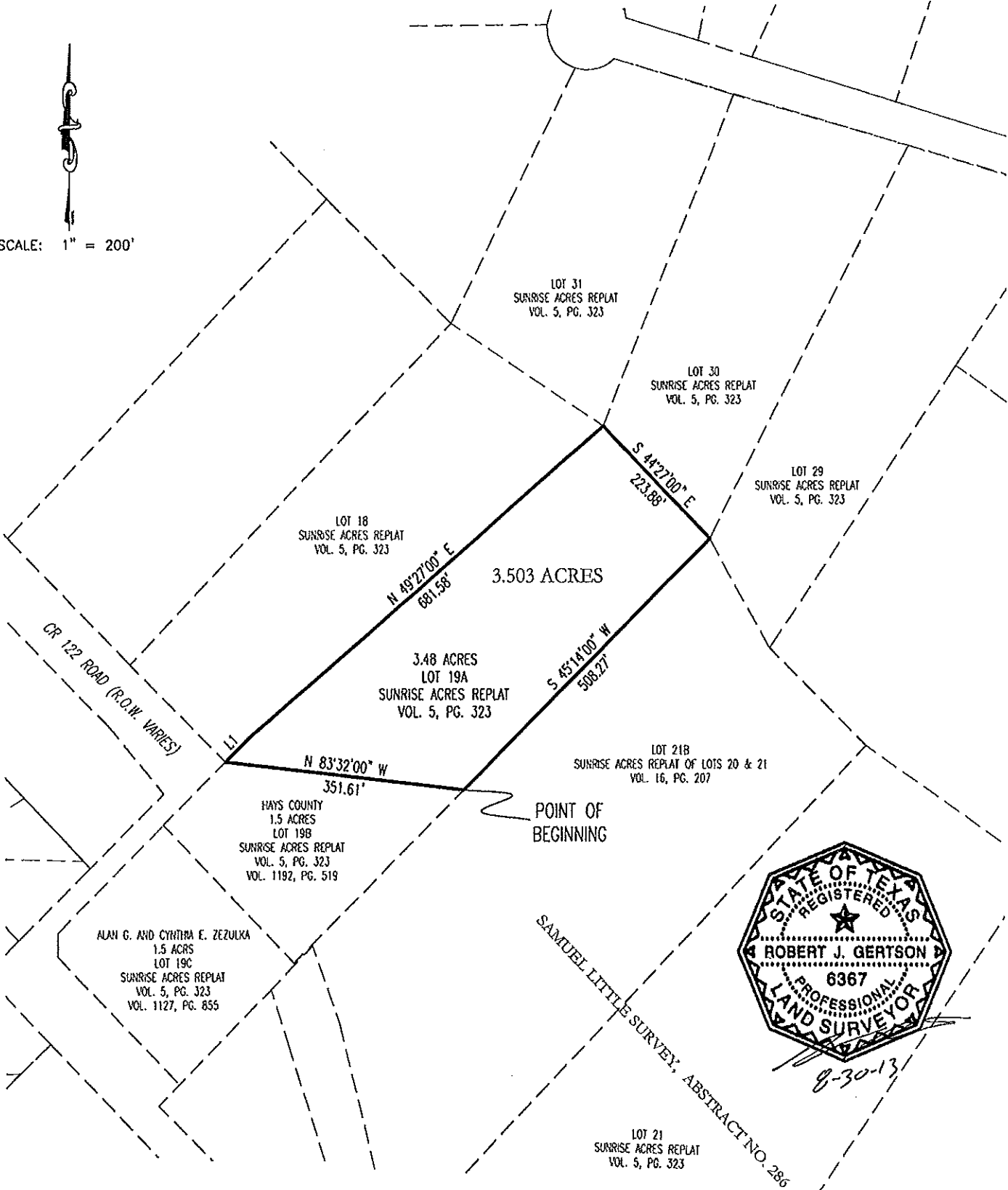
 8-30-13
 ROBERT J. GERTSON, R.P.L.S. NO. 6367
 Carlson, Briggance and Doering, Inc.
 5501 West William Cannon
 Austin, TX 78749
 Ph: 512-280-5160 Fax: 512-280-5165
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SKETCH TO ACCOMPANY FIELD NOTES



SCALE: 1" = 200'



8-30-13

BEARING BASIS: PREPARED WITH RECORD INFORMATION FOUND IN VOLUME 2, PAGE 346 (O.P.R.H.C.TX.)

LINE TABLE		
LINE	LENGTH	BEARING
L1	50.00	N45°26'00"E

Carlson, Brigance & Doering, Inc.

Civil Engineering ♦ Surveying
 5501 West William Cannon Drive ♦ Austin, Texas 78748
 Phone No. (512) 280-5160 ♦ Fax No. (512) 280-5165

Item # 16

1.500 ACRES
 SAMUEL LITTLE SURVEY, ABSTRACT NO. 286
 HAYS COUNTY, TEXAS
 ANNEXATION

FIELD NOTES

BEING ALL OF THAT CERTAIN TRACT OR PARCEL OF LAND OUT OF AND A PART OF THE SAMUEL LITTLE SURVEY, ABSTRACT NUMBER 286, SITUATED IN HAYS COUNTY, TEXAS, BEING MORE FULLY DESCRIBED AS BEING ALL OF THAT CERTAIN 1.50 ACRE TRACT OF LAND, CONVEYED TO HAYS COUNTY IN VOLUME 1192, PAGE 519 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, (O.P.R.H.C.TX.), ALSO BEING LOT 19B OF SUNRISE ACRES REPLAT, A SUBDIVISION RECORDED IN VOLUME 5, PAGE 323 (O.P.R.H.C.TX.), SAID 1.500 ACRE TRACT BEING MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, at a point in the southeasterly right-of-way line of Anton Drive (R.O.W. varies), said point marking the northernmost corner of Lot 19-C of said Sunrise Acres Replat, also being the westernmost corner of said 1.50 acre tract, for the westernmost corner and **POINT OF BEGINNING** of the herein described tract,

THENCE, with the common boundary line of said 1.50 acre tract, and said southeasterly right-of-way line of Anton Drive, N45°26'00"E, for a distance of 128.11 feet to a point in the northeasterly right-of-way line of C.R. 122 (R.O.W. varies), said point marking the northernmost corner of said 1.50 acre tract, also being the westernmost corner of Lot 19-A of said Sunrise Acres Replat, and also being the southernmost corner of Lot 18 of said Sunrise Acres Replat, for the northernmost corner of the herein described tract,

THENCE, with the common boundary line of said Lot 19-A, and said 1.50 acre tract, S83°32'00"E, for a distance of 351.61 feet to a point in the western boundary line of Lot 21-B of Sunrise Acres Replat of lots 20 & 21, a subdivision recorded in Vol. 16, Pg. 207, O.P.R.T.C.TX., said point marking the easternmost corner of said 1.50 acre tract, also being the southeast corner of said Lot 19-A, for the easternmost corner of the herein described tract,

THENCE, with the common boundary line of said 1.50 acre tract, and said Lot 21-B, S45°14'00"W, for a distance of 348.43 feet to a point in the southwesterly right-of-way line of Bebee Road (R.O.W. varies), said point marking the southernmost corner of said 1.50 acre tract, also being the eastern corner of said Lot 19-C, and also being the northernmost corner of Lot 20-A of said Sunrise Acres Replat of Lots 20 & 21, for the southernmost corner of the herein described tract,

THENCE, with the common boundary line of said 1.50 acre tract, and said Lot 19-C, N44°44'00"W, for a distance of 274.60 feet back to the **POINT OF BEGINNING** and containing 1.500 acres of land.

THIS SURVEY WAS PREPARED FROM RECORD INFORMATION FOUND IN VOLUME 5, PAGE 323 (O.P.R.H.C.TX.)
 NO ON-THE-GROUND SURVEY WAS PERFORMED.

Prepared by: _____

9-30-13
 ROBERT J. GERTSON, R.P.L.S. NO. 6367
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 Austin, TX 78749
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 rgertson@cbdeng.com



SKETCH TO ACCOMPANY FIELD NOTES



SCALE: 1" = 100'

SAMUEL LITTLE SURVEY ABSTRACT NO. 286

LOT 18
SUNRISE ACRES REPLAT
VOL. 5, PG. 323

LOT 19-A
SUNRISE ACRES REPLAT
VOL. 5, PG. 323

C.R. 122 (R.O.W. VARIES)

S 83°32'00" E 351.61'

1.50 ACRES

POINT OF BEGINNING

HAYS COUNTY
1.50 ACRES
LOT 19-B
SUNRISE ACRES REPLAT
VOL. 5, PG. 323
VOL. 1192, PG. 519

LOT 21-B
ELGIN GROCERY INCORPORATED
14.276 ACRES
SUNRISE ACRES REPLAT
OF LOTS 20 & 21
VOL. 16, PG. 207

ALAN G. AND CYNTHIA E. ZEZULKA
1.50 ACRES
LOT 19-C
SUNRISE ACRES REPLAT
VOL. 5, PG. 323
VOL. 1127, PG. 855

ANTON DRIVE (R.O.W. VARIES)

N 45°26'00" E 128.11'

S 45°14'00" W 348.43'

N 44°44'00" W 274.60'

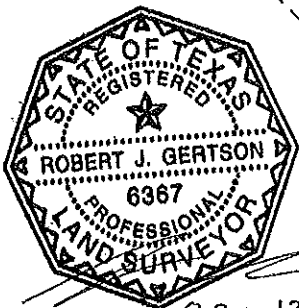
BEBEE ROAD (R.O.W. VARIES)

LOT 21-A
PARK PLACE FOODS INC
3.429 ACRES
SUNRISE ACRES REPLAT
OF LOTS 20 & 21
VOL. 16, PG. 207

ANTON DRIVE (R.O.W. VARIES)

ELGIN GROCERY INCORPORATED
LOT 20-A
1.118 ACRES
SUNRISE ACRES REPLAT
OF LOTS 20 & 21
VOL. 16, PG. 207

BEARING BASIS: PREPARED WITH RECORD INFORMATION
FOUND IN VOLUME 5, PAGE 323 (O.P.R.H.C.TX.)



8-30-13



Carlson, Brigance & Doering, Inc.

Civil Engineering ♦ Surveying ♦ Item # 16
5501 West William Cannon Drive ♦ Austin, Texas 78719
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1.000 ACRE
 SAMUEL LITTLE SURVEY, ABSTRACT NO. 286
 HAYS COUNTY, TEXAS
 ANNEXATION

FIELD NOTES

BEING ALL OF THAT CERTAIN TRACT OR PARCEL OF LAND OUT OF AND A PART OF THE SAMUEL LITTLE SURVEY, ABSTRACT NUMBER 286, SITUATED IN HAYS COUNTY, TEXAS, BEING MORE FULLY DESCRIBED AS BEING ALL OF THAT CERTAIN 1.00 ACRE TRACT OF LAND CONVEYED TO JANET EVE FLORES IN VOLUME 2589 PAGE 143, OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, (O.P.R.H.C.TX.), SAME BEING RECORDED AGAIN IN VOLUME 2691 PAGE 85 (O.P.R.H.C.TX.), SAID 1.00 ACRE TRACT ALSO KNOWN AS LOT 22-A, SUNRISE ACRES REPLAT, A SUBDIVISION RECORDED IN VOLUME 5, PAGE 323 (O.P.R.H.C.TX.), SAID 1.000 ACRE TRACT BEING MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, at a point found on the northeasterly right-of-way line of C.R. 122, said point marking the southernmost corner of said 1.00 acre tract, also being the southernmost southwestern corner of Lot 22-B of said Sunrise Acres Replat, for the southernmost corner and **POINT OF BEGINNING** of the herein described tract,

THENCE, with the common boundary line of said 1.00 acre tract, and said northeasterly right-of-way line of C.R. 122, N44°58'00"W, for a distance of 132.48 feet to a point at the southernmost southwestern corner of said 1.00 acre tract, also being the southernmost corner of Lot 22-C of said Sunrise Acres Replat, for the southernmost corner of the herein described tract,

THENCE, with the common boundary line of said 1.00 acre tract, said Lot 22-C, and said lot 22-B the following three (3) courses and distances, numbered 1 through 3,

1. N12°10'30"E, for a distance of 62.10 feet to a point,
2. N35°08'00"E, for a distance of 232.58 feet to a point at the northernmost corner of said 1.00 acre tract, also being an interior ELL corner of said Lot 22-C, and
3. S45°02'00"E, for a distance of 156.97 feet to a point at the easternmost corner of said 1.00 acre tract, also being an interior ELL corner of Lot 22-B of said Sunrise Acres Replat,

THENCE, with the common boundary line of said 1.00 acre tract, and said Lot 22-B, S35°07'12"W, for a distance of 285.73 feet back to the **POINT OF BEGINNING** and containing 1.000 acre of land.

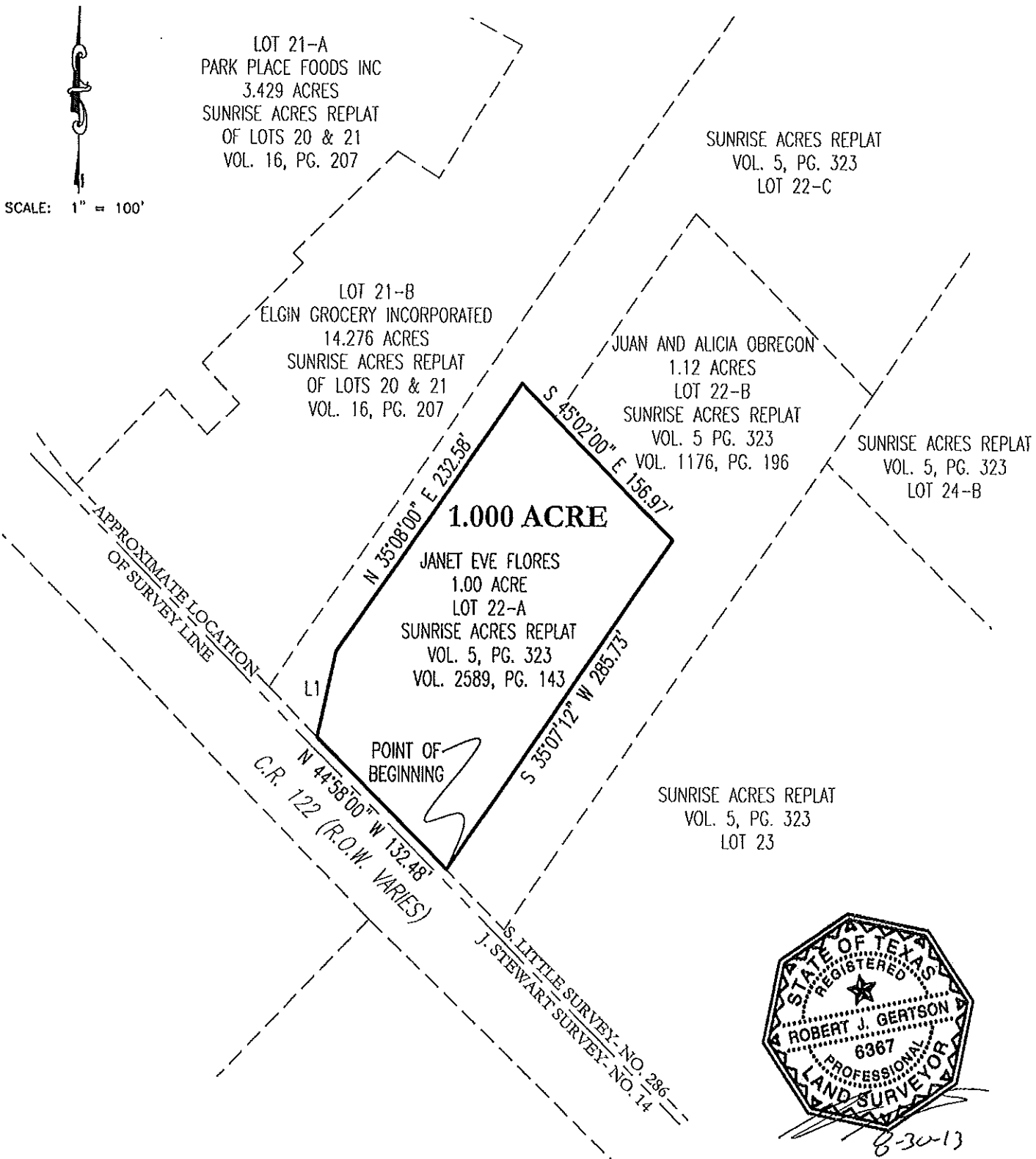
THIS SURVEY WAS PREPARED FROM RECORD INFORMATION FOUND IN SUNRISE ACRES REPLAT-VOLUME 5, PAGE 323 (P.R.H.C.TX.) NO ON-THE-GROUND SURVEY WAS PERFORMED.

Prepared by: _____

8-30-13
 ROBERT J. GERTSON, R.P.L.S. NO. 6367
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 rgertson@cbdeng.com



SKETCH TO ACCOMPANY FIELD NOTES



SCALE: 1" = 100'

LOT 21-A
PARK PLACE FOODS INC
3.429 ACRES
SUNRISE ACRES REPLAT
OF LOTS 20 & 21
VOL. 16, PG. 207

SUNRISE ACRES REPLAT
VOL. 5, PG. 323
LOT 22-C

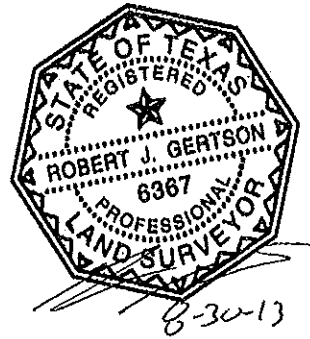
LOT 21-B
ELGIN GROCERY INCORPORATED
14.276 ACRES
SUNRISE ACRES REPLAT
OF LOTS 20 & 21
VOL. 16, PG. 207

JUAN AND ALICIA OBREGON
1.12 ACRES
LOT 22-B
SUNRISE ACRES REPLAT
VOL. 5 PG. 323
VOL. 1176, PG. 196

SUNRISE ACRES REPLAT
VOL. 5, PG. 323
LOT 24-B

1.000 ACRE
JANET EVE FLORES
1.00 ACRE
LOT 22-A
SUNRISE ACRES REPLAT
VOL. 5, PG. 323
VOL. 2589, PG. 143

SUNRISE ACRES REPLAT
VOL. 5, PG. 323
LOT 23



LINE TABLE		
LINE	LENGTH	BEARING
L1	62.10	N12°10'30"E

BEARING BASIS: PREPARED WITH RECORD INFORMATION
FOUND IN VOLUME 5, PAGE 323 (P.R.H.C.TX.)

Carlson, Brigance & Doering, Inc.
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Item # 16

14.276 ACRES
 SAMUEL LITTLE SURVEY, ABSTRACT NO. 286
 HAYS COUNTY, TEXAS
 ANNEXATION

FIELD NOTES

BEING ALL OF THAT CERTAIN TRACT OR PARCEL OF LAND OUT OF AND A PART OF THE SAMUEL LITTLE SURVEY, ABSTRACT NUMBER 286, SITUATED IN HAYS COUNTY, TEXAS, BEING MORE FULLY DESCRIBED AS BEING ALL OF THAT CERTAIN 14.276 ACRE TRACT OF LAND, CONVEYED TO ELGIN GROCERY INCORPORATED IN VOLUME 3235, PAGE 104 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, (O.P.R.H.C.TX.), ALSO BEING LOT 21-B OF SUNRISE ACRES REPLAT OF LOTS 20 & 21, A SUBDIVISION RECORDED IN VOLUME 16, PAGE 207 (O.P.R.H.C.TX.), SAID 14.276 ACRE TRACT BEING MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, at a point at the southernmost corner of Lot 30, of Sunrise Acres Replat, a subdivision recorded in Volume 5, Page 323 (O.P.R.H.C.TX.), said point also being the northernmost corner of said 14.276 acre tract, also being the southwestern corner of Lot 29, of said Sunrise Acres Replat, for the northernmost corner of the herein described tract,

THENCE, with the common boundary line of said 14.276 acre tract, said Lot 29, and Lot 26 of said Sunrise Acres Replat, S46°21'17"E, for a distance of 397.33 feet to a point at a southern corner of said Lot 26,

THENCE, with the common boundary line of said Lot 26, and said 14.276 acre tract, S56°53'18"E, for a distance of 287.92 feet to a point at the easternmost northeast corner of said 14.276 acre tract, also being the northernmost corner of Lot 22-C, of said Sunrise Acres Replat,

THENCE, with the common boundary line of said 14.276 acre tract, and said Lot 22-C, S33°15'12"W, for a distance of 1163.87 feet to a point in the northeasterly right-of-way line of C.R. 122 (R.O.W. varies), said point marking the southernmost corner of said 14.276 acre tract, also being the southwesternmost corner of Lot 22-C, of said Sunrise Acres Replat, for the southernmost corner of the herein described tract,

THENCE, with the common boundary line of said 14.276 acre tract, and said northeasterly right-of-way line of C.R. 122, the following two (2) courses and distances, numbered 1 and 2,

1. N46°47'05"W, for a distance of 95.59 feet to a point at a point of curvature to the right, and
2. With said curve to the right having a radius of 956.45 feet, an arc length of 107.22 feet, and whose chord bears N41°24'38"W, for a distance of 107.17 feet to a point at the southernmost southwestern corner of said 14.276 acre tract, also being the southernmost corner of Lot 21-A, of said Sunrise Acres Replat of Lots 20 & 21, for the southernmost southwestern corner of the herein described tract,

THENCE, with the common boundary line of said 14.276 acre tract, and said Lot 21-A, , the following thirteen (13) courses and distances, numbered 1 through 13,

1. N42°45'56"E, for a distance of 84.84 feet to a point,
2. S45°14'20"E, for a distance of 43.93 feet to a point,
3. N45°09'32"E, for a distance of 31.79 feet to a point,
4. N45°08'56"W, for a distance of 39.71 feet to a point,
5. N43°59'02"E, for a distance of 102.29 feet to a point,
6. N46°00'58"W, for a distance of 10.00 feet to a point,
7. N43°59'02"E, for a distance of 104.33 feet to a point,
8. S59°54'24"E, for a distance of 35.58 feet to a point,
9. N30°37'24"E, for a distance of 112.84 feet to a point at an interior ELL corner of said 14.276 acre tract, also being the easternmost corner of said Lot 21-A,
10. N64°24'48"W, for a distance of 187.31 feet to a point,
11. N60°19'05"W, for a distance of 299.43 feet to a point,
12. N30°59'43"W, for a distance of 71.98 feet to a point, and
13. S59°00'17"W, for a distance of 86.45 feet to a point in the northeasterly right-of-way line of Bebee Road (R.O.W. varies), said point marking a southern corner of said 14.276 acre tract, also being the westernmost northwestern corner of said Lot 21-A, for the westernmost northwestern corner of the herein described tract,

Item # 16

14.276 ACRES
 SAMUEL LITTLE SURVEY, ABSTRACT NO. 286
 HAYS COUNTY, TEXAS
 ANNEXATION

THENCE, with the common boundary line of said 14.276 acre tract, and said northeasterly right-of-way line of Bebee Road, the following two (2) courses and distances, numbered 1 and 2,

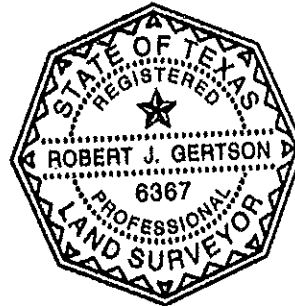
1. N15°22'55"W, for a distance of 25.10 feet to a point of curvature to the left, and
2. With said curve to the left having a radius of 1036.45 feet, an arc length of 120.98 feet, and whose chord bears N18°53'54"W, for a distance of 120.91 feet to a point in the eastern boundary line of Lot 19-B of said Sunrise Acres Replat, said point also marking the westernmost corner of said 14.276 acre tract,

THENCE, with the common boundary line of said 14.276 acre tract, said Lot 19-B, and said Lot 19-A, N43°28'15"E, for a distance of 768.04 feet back to the **POINT OF BEGINNING** and containing 14.276 acres of land.

THIS SURVEY WAS PREPARED FROM RECORD INFORMATION FOUND IN VOLUME 16, PAGE 207 (O.P.R.H.C.TX.)
 NO ON-THE-GROUND SURVEY WAS PERFORMED.

Prepared by: _____

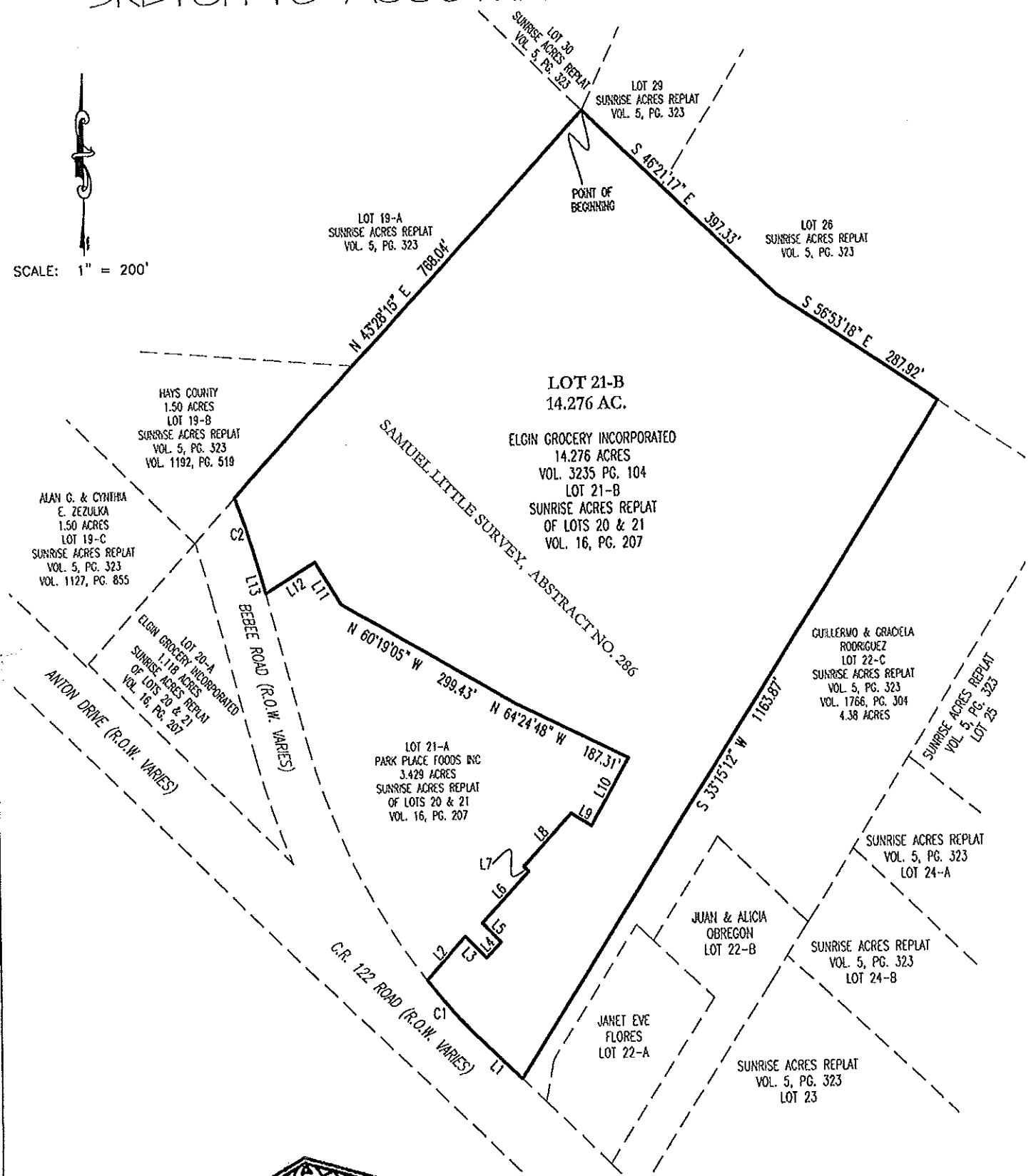
8-30-13
 ROBERT J. GERTSON, R.P.L.S. NO. 6367
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 Austin, TX 78749
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SKETCH TO ACCOMPANY FIELD NOTES



SCALE: 1" = 200'



8-30-13

SHEET 1 OF 2

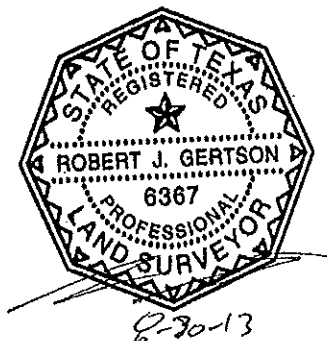
BEARING BASIS: PREPARED WITH RECORD INFORMATION FOUND IN VOLUME 16, PAGE 207 (O.P.R.H.C.TX.)

CBD Carlson, Brigance & Doering, Inc.
 Civil Engineering ♦ Surveying
 5501 West William Cannon Drive ♦ Austin, Texas 78748
 Phone No. (512) 280-5160 ♦ FAX (512) 280-5160

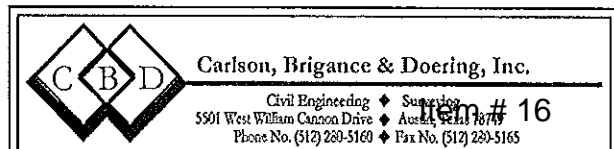
SKETCH TO ACCOMPANY FIELD NOTES

LINE TABLE		
LINE	LENGTH	BEARING
L1	95.59	N46°47'05"W
L2	84.84	N42°45'56"E
L3	43.93	S45°14'20"E
L4	31.79	N45°09'32"E
L5	39.71	N45°08'56"W
L6	102.29	N43°59'02"E
L7	10.00	N46°00'58"W
L8	104.33	N43°59'02"E
L9	35.58	S59°54'24"E
L10	112.84	N30°37'24"E
L11	71.98	N30°59'43"W
L12	86.45	S59°00'17"W
L13	25.10	N15°22'55"W

CURVE TABLE					
CURVE	RADIUS	LENGTH	CHORD	CHORD BEARING	TANGENT
C1	956.45'	107.22'	107.17'	N41°24'38"W	53.67
C2	1036.45'	120.98'	120.91'	N18°53'54"W	60.56



SHEET 2 OF 2

BEARING BASIS: PREPARED WITH RECORD INFORMATION
FOUND IN VOLUME 16, PAGE 207 (O.P.R.H.C.TX.)

Item # 16

PATH:- J: 4576-097\SURVEY\FN-R136930 14.276 ACRES ANNEXATION

1.119 Acres
 SAMUEL LITTLE SURVEY, ABSTRACT NO. 286
 HAYS COUNTY, TEXAS
 ANNEXATION

FIELD NOTES

BEING ALL OF THAT CERTAIN TRACT OR PARCEL OF LAND OUT OF THE SAMUEL LITTLE SURVEY, ABSTRACT NO. 286, SITUATED IN HAYS COUNTY, TEXAS, BEING ALL OF THAT CERTAIN LOT 20A, OF SUNRISE ACRES REPLAT OF LOTS 20 & 21 RECORDED IN VOL. 16, PG. 207, OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, (O.P.R.H.C.TX.), SAID 1.119 ACRES BEING MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, at a point marking the intersection of the southeastern right-of-way line of Bebee Road (R.O.W. Varies), and the northeastern right-of-way line of Anton Drive (R.O.W. Varies), said point also marking the southernmost corner of said 1.119 acre tract, for the southernmost corner and **POINT OF BEGINNING** of the herein described tract,

THENCE, with common boundary line of said 1.119 acre tract, and said northeastern right-of-way line of Anton Road, N46°11'13"W, for a distance of 424.27 feet to a point at the westernmost corner of said 1.119 acre tract, also being the southernmost corner of Lot 19C, Sunrise Acres Replat, a subdivision recorded in Volume 5, Page 323 (O.P.R.H.C.TX.), for the westernmost corner of the herein described tract,

THENCE, with the common boundary line of said 1.119 acre tract, and said Lot 19C, N43°17'22"E, for a distance of 237.76 feet to a point at the northernmost corner of said 1.119 acre tract, also being the easternmost corner of said Lot 19C, and also being the southernmost corner of Lot 19B of said Sunrise Acres Replat, at a point of curvature to the right,

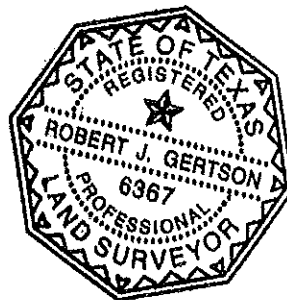
THENCE, with the common boundary line of said 1.119 acre tract, and said southwestern right-of-way line of Bebee Road, the following three (3) courses and distances, numbered 1 through 3,

1. With said curve to the right having a radius of 956.45, an arc length of 75.67 feet, and whose chord bears S17°09'01"E, for a distance of 75.65 feet to a point,
2. S15°27'11"E, for a distance of 259.78 feet to a point of curvature to the left,
3. With said curve to the left having a radius of 1036.45, an arc length of 153.21 feet, and whose chord bears S19°41'59"E, a distance of 153.07 feet back to the **POINT OF BEGINNING**, and containing 1.119 acres of land.

THIS SURVEY WAS PREPARED FROM RECORD INFORMATION FOUND IN VOLUME 16, PAGE 207 (O.P.R.H.C.TX.)
 NO ON-THE-GROUND SURVEY WAS PERFORMED.

Prepared by: _____

8-30-13
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 Austin, TX 78749
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 rgertson@cbdeng.com



SKETCH TO ACCOMPANY FIELD NOTES



SCALE: 1" = 100'

HAYS COUNTY
1.50 ACRES
LOT 19-B
SUNRISE ACRES REPLAT
VOL. 5, PG. 323
VOL. 1192, PG. 519

SAMUEL LITTLE SURVEY, ABSTRACT NO. 286

LOT 21-B
ELGIN GROCERY INCORPORATED
14.276 ACRES
SUNRISE ACRES REPLAT
OF LOTS 20 & 21
VOL. 16, PG. 207

ALAN G. AND CYNTHIA E. ZEZULKA
1.50 ACRES
LOT 19-C
SUNRISE ACRES REPLAT
VOL. 5, PG. 323
VOL. 1127, PG. 855

1.119 ACRES

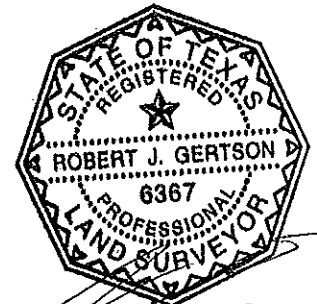
BEBEE ROAD (R.O.W. VARIES)

LOT 21-A
PARK PLACE FOODS INC
3.429 ACRES
SUNRISE ACRES REPLAT
OF LOTS 20 & 21
VOL. 16, PG. 207

LOT 20-A
ELGIN GROCERY INCORPORATED
1.118 ACRES
SUNRISE ACRES REPLAT
OF LOTS 20 & 21
VOL. 16, PG. 207

ANTON DRIVE (R.O.W. VARIES)

POINT OF BEGINNING



8-30-13

BEARING BASIS: PREPARED WITH RECORD INFORMATION
FOUND IN VOLUME 16, PAGE 207 (O.P.R.H.C.TX.)

CURVE TABLE

CURVE	RADIUS	LENGTH	CHORD	CHORD BEARING	TANGENT
C1	956.45'	75.67'	75.65'	S17°09'01"E	37.85
C2	1036.45'	153.21'	153.07'	S19°41'59"E	76.74



Carlson, Brigrance & Doering, Inc.

Civil Engineering ♦ Surveying
5501 West William Cannon Drive ♦ Austin, TX 78749
Phone No. (512) 280-5160 ♦ Fax No. (512) 280-5165

160-#16

1.120 ACRES
 SAMUEL LITTLE SURVEY, ABSTRACT NO. 286
 HAYS COUNTY, TEXAS
 ANNEXATION

FIELD NOTES

BEING ALL OF THAT CERTAIN TRACT OR PARCEL OF LAND OUT OF AND A PART OF THE SAMUEL LITTLE SURVEY, ABSTRACT NUMBER 286, SITUATED IN HAYS COUNTY, TEXAS, BEING MORE FULLY DESCRIBED AS BEING ALL OF THAT CERTAIN 1.12 ACRE TRACT OF LAND, CONVEYED TO JUAN AND ALICIA OBREGON IN VOLUME 1176 PAGE 196, OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, (O.P.R.H.C.TX.), SAID 1.12 ACRE TRACT ALSO KNOWN AS LOT 22-B, SUNRISE ACRES REPLAT, A SUBDIVISION RECORDED IN VOLUME 5, PAGE 323 OF THE PLAT RECORDS OF HAYS COUNTY, TEXAS (P.R.H.C.TX.), SAID 1.120 ACRE TRACT BEING MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, at a point found in the northeasterly right-of-way line of C.R. 122 (R.O.W. varies), said point marking the westernmost corner of Lot 23 of said Sunrise Acres Replat, also being the southernmost corner of said 1.12 acre tract, for the southernmost corner and **POINT OF BEGINNING** of the herein described tract,

THENCE, with the common boundary line of said 1.12 acre tract, and said northeasterly right-of-way line of C.R. 122, N44°58'00"W, for a distance of 60.00 feet to a point at the southernmost corner of Lot 22-A of said Sunrise Acres Replat, also being a southwestern corner of said 1.12 acre tract,

THENCE, with the common boundary line of said 1.12 acre tract, and said Lot 22-A, the following two (2) courses and distances, numbered 1 and 2,

1. N35°07'00"E, for a distance of 285.87 feet to a point at an interior ELL corner of said 1.12 acre tract, also being the easternmost corner of said Lot 22-A, and
2. N45°02'00"W, for a distance of 122.61 feet to a point at a western corner of said 1.12 acre tract, also being a southern corner of Lot 22-C of said Sunrise Acres Replat, and also being in the northeastern boundary line of said lot 22-A,

THENCE, with the common boundary line of said 1.12 acre tract, and said Lot 22-C, the following two (2) courses and distances, numbered 1 and 2,

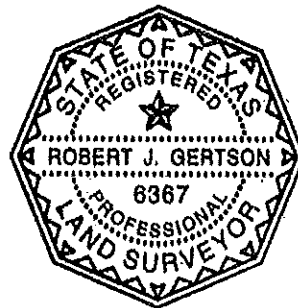
1. N35°05'00"E, for a distance of 177.82 feet to a point at the northernmost corner of said 1.12 acre tract, also being an interior ELL corner of said Lot 22-C, and
2. S44°56'45"E, for a distance of 182.48 feet to a point in the western boundary line of Lot 24-B of said Sunrise Acres Replat, said point also marking the easternmost southeastern corner of said Lot 22-C, also being the easternmost corner of said 1.12 acre tract,

THENCE, with the common boundary line of said Lot 24-B, said 1.12 acre tract, and said Lot 23, S35°05'00"W, for a distance of 463.51 feet back to the **POINT OF BEGINNING** and containing 1.120 acres of land.

THIS SURVEY WAS PREPARED FROM RECORD INFORMATION FOUND IN THE SUNRISE ACRES REPLAT, VOLUME 5, PAGE 323 (O.P.R.H.C.TX.) NO ON-THE-GROUND SURVEY WAS PERFORMED.

Prepared by: _____

8-30-13
 ROBERT J. GERTSON, R.P.L.S. NO. 6367
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SKETCH TO ACCOMPANY FIELD NOTES



SCALE: 1" = 100'

LOT 21-A
PARK PLACE FOODS INC
3.429 ACRES
SUNRISE ACRES REPLAT
OF LOTS 20 & 21
VOL. 16, PG. 207

LOT 21-B
ELGIN GROCERY INCORPORATED
14.276 ACRES
SUNRISE ACRES REPLAT
OF LOTS 20 & 21
VOL. 16, PG. 207

SUNRISE ACRES REPLAT
VOL. 5, PG. 323
LOT 22-C

1.120 ACRES
JUAN AND ALICIA OBREGON
1.12 ACRES
LOT 22-B
SUNRISE ACRES REPLAT
VOL. 5 PG. 323
VOL. 1176, PG. 196

SUNRISE ACRES REPLAT
VOL. 5, PG. 323
LOT 24-B

SUNRISE ACRES REPLAT
VOL. 5, PG. 323
LOT 22-A

SUNRISE ACRES REPLAT
VOL. 5, PG. 323
LOT 23

APP. LOCATION
OF SURVEY LINE

C.R. 122 (R.O.W. VARIES)

POINT OF BEGINNING
S. LITTLE SURVEY- NO. 286-
J. STEWART SURVEY- NO. 14

N 35°05'00" E 177.82'
N 45°02'00" W 122.61'

S 44°56'45" E 182.48'

N 35°07'00" E 285.87'

S 35°05'00" W 463.51'



8-30-13

BEARING BASIS: PREPARED WITH RECORD INFORMATION
FOUND IN VOLUME 5, PAGE 323 (P.R.H.C.T.X.)

LINE TABLE		
LINE	LENGTH	BEARING
L1	60.00	N44°58'00"W

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5501 West Wilham Carzon Drive ♦ Austin, Texas 78749
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CITY OF KYLE, TEXAS

70 acres south of Goforth / Bebee / E
& W sides of Goforth

Meeting Date: 10/8/2013
Date time: 7:00 PM

Subject/Recommendation: *(First Reading)* AN ORDINANCE OF THE CITY OF KYLE, TEXAS, ANNEXING 19 TRACTS OF LAND CONSISTING OF APPROXIMATELY 70 ACRES OF LAND, LOCATED IN HAYS COUNTY, TEXAS, WHICH IS GENERALLY LOCATED SOUTH OF GOFORTH RD/BEBEE RD AND BOTH EAST AND WEST SIDES OF GOFORTH AND CONTIGUOUS TO THE CITY LIMITS; AS SHOWN IN THE ATTACHED EXHIBIT; MAKING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR OPEN MEETINGS AND OTHER RELATED MATTERS. ~ *Sofia Nelson, Director of Planning*

Other Information: Please see attachment

Budget Information: N/A

Viewing Attachments Requires Adobe Acrobat. [Click here](#) to download.

Attachments / click to download

[Ordinance and Backup Material](#)

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF KYLE, TEXAS, ANNEXING 19 TRACTS OF LAND CONSISTING OF APPROXIMATELY 70 ACRES OF LAND, LOCATED IN HAYS COUNTY, TEXAS, WHICH IS GENERALLY LOCATED SOUTH OF GOFORTH RD/BEBEE RD AND BOTH EAST AND WEST SIDES OF GOFORTH AND CONTIGUOUS TO THE CITY LIMITS; AS SHOWN IN THE ATTACHED EXHIBIT; MAKING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR OPEN MEETINGS AND OTHER RELATED MATTERS.

WHEREAS, the City of Kyle, Texas (the "City"), is a home rule municipality authorized by State law and the City's Charter to annex territory lying adjacent and contiguous to the City;

WHEREAS, the City Council, in compliance with §43.021, *Tex. Local Gov't Code*, instituted proceedings for the annexation of certain property more particularly described herein (the "subject property");

WHEREAS, the subject property hereby annexed is adjacent and contiguous to the present City limits;

WHEREAS, the boundaries of the City are contiguous to the subject property on at least two sides;

WHEREAS, citizens were given the opportunity to provide public input at two separate public hearings which were conducted prior to consideration of this Ordinance in accordance with § 43.063, *Tex. Loc. Gov't. Code*;

WHEREAS, the hearings were conducted and held not more than forty (40) nor less than twenty (20) days prior to the institution of annexation proceedings;

WHEREAS, notice of the public hearings was published in a newspaper of general circulation in the City and the territory proposed to be annexed not more than twenty (20) nor less than ten (10) days prior to the public hearings;

WHEREAS, the City intends to provide services to the subject property to be annexed according to the Service Plan attached hereto as Exhibit "A".

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KYLE, TEXAS:

SECTION 1. That all of the above premises and findings of fact are found to be true and correct and are incorporated into the body of this Ordinance as if copied in their entirety.

SECTION 2. That the following described property (hereinafter referred to as the "Annexed

Property”) is hereby annexed into the corporate limits of the City of Kyle:

The 19 tracts of land comprise of approximately 70 acres of land in Hays County, Texas that is generally located south of Goforth Rd/Bebee Rd and both east and west sides of Goforth Rd and contiguous to the City Limits and being more particularly described in Exhibit “B”

SECTION 3. That the Service Plan submitted herewith is hereby approved as part of this Ordinance, made a part hereof and attached hereto as Exhibit “A”.

SECTION 4. That the future owners and inhabitants of the Annexed Property shall be entitled to all of the rights and privileges of the City as set forth in the Service Plan attached hereto as Exhibit “A”, and are further bound by all acts, ordinances, and all other legal action now in full force and effect and all those which may be hereafter adopted.

SECTION 5. That the official map and boundaries of the City, heretofore adopted and amended be and hereby are amended so as to include the Annexed Property as part of the City of Kyle.

SECTION 6. That the Annexed Property shall be assigned to Council District No. 2.

SECTION 7. That the Annexed Property shall be temporarily zoned Agricultural District “A” as provided in the City Zoning Ordinance, as amended, until permanent zoning is established therefore.

SECTION 8. That if any provision of this Ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

SECTION 9. That this Ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the *Tex. Loc. Gov't. Code*.

SECTION 10. That it is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, *Chapt. 551, Tex. Gov't. Code*.

PASSED AND APPROVED on First Reading this 8th day of October, 2013.

FINALLY PASSED AND APPROVED on this ____ day of _____, 2013.

ATTEST:

CITY OF KYLE, TEXAS

Amelia Sanchez, City Secretary

Lucy Johnson, Mayor

EXHIBIT "A"**MUNICIPAL SERVICES PLAN**

WHEREAS, the City of Kyle, Texas (the "City") instituted and completed annexation proceedings for tracts of land described more fully hereinafter (referred to herein as the "subject properties");

WHEREAS, *Section 43.056, Loc. Gov't. Code*, requires a service plan be adopted with the annexation ordinance;

WHEREAS, the subject properties are not included in the municipal annexation plan and are exempt from the requirements thereof having fewer than one hundred (100) houses on separate tracts;

WHEREAS, the subject property will be provided municipal services on the same terms and conditions as other similarly situated properties currently within the City limits and capital improvements necessary to offer such municipal services on the same terms and conditions as other similarly situated properties within the City and in accordance with City policies, regulations, and ordinances; and

WHEREAS, it is found that all statutory requirements have been satisfied and the City is authorized by *Chapt. 43, Loc. Gov't. Code*, to annex the subject properties into the City.

NOW, THEREFORE, the City agrees to provide the following services for the subject properties on the effective date of annexation:

(1) **General Municipal Services.** The subject properties are located within the City's extraterritorial jurisdiction and are more particularly described in the Ordinance to which this service plan is attached. Pursuant to this Plan, the following services shall be provided immediately from the effective date of the annexation:

A. Police protection as follows:

Routine patrols of areas, radio response to calls for police service and all other police services now being offered to the citizens of the City.

B. Fire protection and Emergency Medical Services as follows:

Fire protection by the Emergency Service District's (ESD) and volunteer fire fighting force's present personnel and equipment with the limitations of water available. Radio response for Emergency Medical Services with the present personnel and equipment of the ESD.

C. Solid waste collection services as follows:

Solid waste collection and services as now being offered to the citizens of the City.

D. Animal control as follows:

Service by present personnel, equipment and facilities or by contract with a third party, as provided within the City.

E. Maintenance of parks and playgrounds within the City.

F. Inspection services in conjunction with building permits and routine City code enforcement services by present personnel, equipment and facilities.

G. Maintenance of other City facilities, buildings and service.

H. Land use regulation as follows:

On the effective date of annexation, the regulatory jurisdiction of the City shall be extended to include the annexed area, and all property therein shall be subject to the City's police power regulations as set forth in duly adopted ordinances; provided that the use of all property therein shall be grandfathered to the extent provided by state law. The subject properties shall be temporarily zoned "A" with the intent to rezone the properties upon request of the landowner or staff. The Planning & Zoning Commission and the City Council will consider rezoning the subject properties at future times in response to requests submitted by the landowners or authorized city staff.

(2) **Scheduled Municipal Services.** Depending on the plans for development or redevelopment of the subject properties, the following municipal services will be provided on a schedule and at increasing levels of service as requested in compliance with applicable City ordinances, rules and regulations for providing such services:

A. Water service and maintenance of water facilities as follows:

(i) The subject property is located within the Goforth Water CCN, as a result, inspection of water distribution lines will be provided by in accordance with the statutes of the State of Texas.

(ii) In accordance with the applicable rules and regulations for the provision of water service, water service will be provided to the subjects properties, or applicable portions thereof, by the utility holding a water certificate of convenience and necessity ("CCN") for the subject properties, or portions thereof as applicable, or absent a water CCN, by the utility in whose jurisdiction the subject properties, or portions thereof as applicable, are located, in accordance with all the ordinances, regulations, and policies of the City in effect from time to time for the extension of water service. If connected to the water utility system, the subject properties' owner shall construct the internal water lines and pay the costs of line extension and construction of such facilities necessary to provide water service to the subject properties as required in City ordinances. Upon acceptance of the water lines within the

subject properties and any off-site improvements, water service will be provided by the water service provider -on the same terms, conditions and requirements as are applied to all similarly situated areas and customers; subject to all the ordinances, regulations and policies in effect from time to time. The system will be accepted and maintained by the water provider in accordance with its usual acceptance and maintenance policies. New water line extensions will be installed and extended upon request under the same costs and terms as with other similarly situated customers. The continued use of a water well that is in use on the effective date of the annexation and is in compliance with applicable rules and regulations shall be permitted and such use may continue until the subject property owner requests and is able to connect to the City's water utility system.

B. Wastewater service and maintenance of wastewater service as follows:

(i) Inspection of sewer lines as provided by statutes of the State of Texas.

(ii) In accordance with the applicable rules and regulations for the provision of wastewater service, wastewater service will be provided to the subjects properties, or applicable portions thereof, by the utility holding a wastewater CCN for the subject properties, or portions thereof as applicable, or absent a wastewater CCN, by the utility in whose jurisdiction the subject properties, or portions thereof as applicable, are located, in accordance with all the ordinances, regulations, and policies of the City in effect from time to time for the extension of wastewater service. If connected to the City's wastewater utility system, the subject properties' owner shall construct the internal wastewater lines and pay the costs of line extension and construction of facilities necessary to provide wastewater service to the subject properties as required in City ordinances. Upon acceptance of the wastewater lines within the subject properties and any off-site improvements, wastewater service will be provided by the City utility department on the same terms, conditions and requirements as are applied to all similarly situated areas and customers of the City, subject to all the ordinances, regulations and policies of the City in effect from time to time. The wastewater system will be accepted and maintained by the City in accordance with its usual policies. Requests for new wastewater line extensions will be installed and extended upon request under the same costs and terms as with other similarly situated customers of the City. The ordinances in effect at the time a request for service is submitted shall govern the costs and request for service. The continued use of a septic system that is in use on the effective date of the annexation and is in compliance with all applicable rules and regulations shall be permitted and such use may continue until the subject property owner requests and is able to connect to the City's wastewater utility system.

C. Maintenance, as appropriate, of existing public streets and rights-of-way that are within the maintenance jurisdiction of the City and other streets that are hereafter constructed and finally accepted by the City within the maintenance jurisdiction of the City as follows:

(i) Emergency maintenance of streets, repair of hazardous potholes, measures necessary for traffic flow, etc.;

- (ii) Routine maintenance as presently performed by the City;
- (iii) Reconstruction and resurfacing of streets, installation of drainage facilities, construction of curbs, gutters and other such major improvements as the need therefore is determined by the governing body under City policies;
- (iv) Installation and maintenance of traffic signals, traffic signs, street markings and other traffic control devices as the need therefore is established by appropriate study and traffic standards; and
- (v) Installation and maintenance of street lighting in accordance with established policies of the City.

(3) **Capital Improvements.** Construction of the following capital improvements shall be initiated after the effective date of the annexation: Water and wastewater facilities that are identified in the Capital Improvement Plan, as and when funded pursuant to such Plan. Upon development of the subject properties or redevelopment, the landowners will be responsible for the development costs the same as a developer in a similarly situated area under the ordinances in effect at the time of development or redevelopment. No additional capital improvements are necessary at this time to service the subject properties the same as similarly situated properties.

(4) **Term.** If not previously expired, this service plan expires at the end of ten (10) years.

(5) **Property Description.** The legal descriptions of the subject properties are as set forth in Exhibit "B" attached to the Annexation Ordinance to which this Service Plan is attached as Exhibit "A".

EXHIBIT "B"
Property Description





Legend

- Proposed Annexations
- Parcel Lines
- Kyle City Limits

Area to be Annexed

Goforth Rd and Bebee Rd





0 250 500 **Item #017**
Feet

Tract 1

1.250 ACRES
JOHN STEWART SURVEY, ABSTRACT NO. 14
HAYS COUNTY, TEXAS
ANNEXATION

FIELD NOTES

BEING ALL OF THAT CERTAIN TRACT OR PARCEL OF LAND OUT OF AND A PART OF THE JOHN STEWART SURVEY, ABSTRACT NUMBER 14, SITUATED IN HAYS COUNTY, TEXAS, BEING MORE FULLY DESCRIBED AS BEING ALL OF THAT CERTAIN 1.250 ACRE TRACT OF LAND, CONVEYED TO ARC DGKYLTX001 LLC IN VOLUME 4470 PAGE 637, OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, (O.P.R.H.C.TX.), SAID 1.250 ACRE TRACT BEING MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, at a point found on the southern right-of-way line of C.R. 122 (R.O.W. varies), at the northern corner of said 1.250 acre tract of land, also being the most northeastern corner of the remainder of a 3.00 acre tract of land (1.75 acres) conveyed to Isidro and Maria Morales in Volume 2704 Page 736 (O.P.R.H.C.TX.), for the northern corner and **POINT OF BEGINNING** of the herein described tract,

THENCE, with the common boundary line of said southerly right-of-way line of C.R. 122, and said 1.250 acre tract, S49°11'29"E, for a distance of 210.00 feet to a point at the easternmost corner of said 1.250 acre tract, also being the northernmost corner of a 0.99 acre tract of land conveyed to Charlie Ramirez in Volume 2704 Page 745 (O.P.R.H.C.TX.), for the easternmost corner of the herein described tract,


THENCE, with the common boundary line of said 1.250 acre tract and said 0.99 acre tract, S40°42'01"W, for a distance of 259.24 feet to a point in the northern boundary line of a 3.147 acre tract of land conveyed to Jose Montoya in Volume 1717 Page 501 (O.P.R.H.C.TX.), said point marking the southernmost corner of said 1.250 acre tract, also being the westernmost corner of said 0.99 acre tract, for the southernmost corner of the herein described tract,

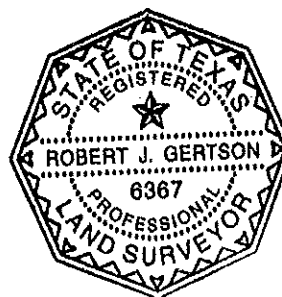
THENCE, with the common boundary line of said 1.250 acre tract, and said 3.147 acre tract, N49°12'40"W, for a distance of 210.00 feet to a point at the western corner of said 1.250 acre tract, also being an eastern corner of the remainder of Tracts 1 & 2, conveyed to Mario & Juana Torres in Volume 300, Page 1 (O.P.R.H.C.TX.), for the westernmost corner of the herein described tract,

THENCE, with the common boundary line of said 1.250 acre tract, and said remainder of 3.00 acre tract, N40°42'01"E, for a distance of 259.31 feet to the **POINT OF BEGINNING** and containing 1.250 acres of land.

THIS SURVEY WAS PREPARED FROM RECORD INFORMATION FOUND IN VOLUME 4470, PAGE 637 (O.P.R.H.C.TX.), NO ON-THE-GROUND SURVEY WAS PERFORMED

Prepared by:

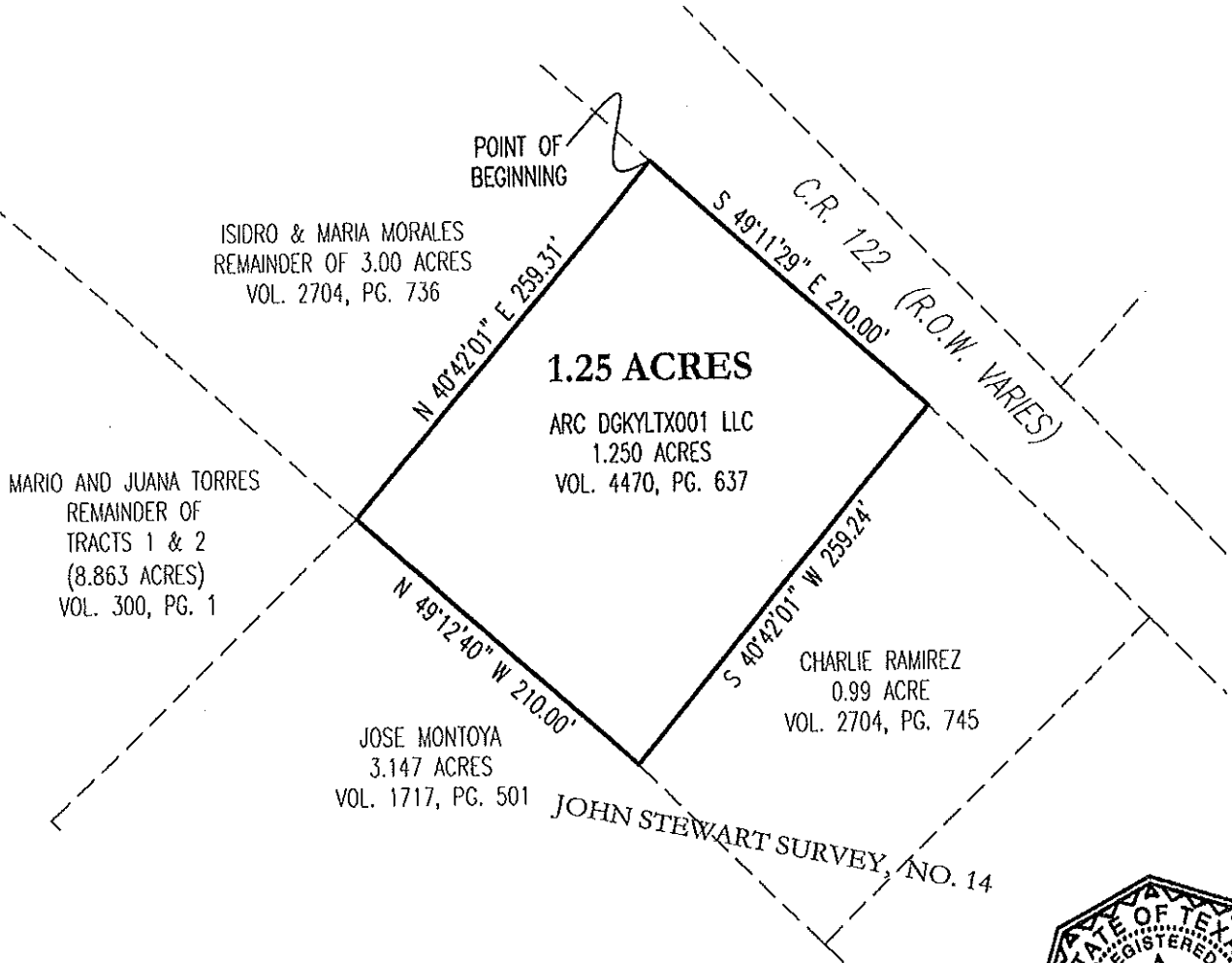
 6-30-13
ROBERT J. GERTSON, R.P.L.S. NO. 6367
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5501 West William Cannon
Austin, TX 78749
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rgertson@cbdeng.com




SKETCH TO ACCOMPANY FIELD NOTES



SCALE: 1" = 100'



BEARING BASIS: PREPARED WITH RECORD INFORMATION FOUND IN VOLUME 4470, PAGE 637 (O.P.R.H.C.TX.)



Carlson, Brigance & Doering, Inc.

Civil Engineering ♦ Surveying
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 Phone No. (512) 280-5160 ♦ Fax No. (512) 280-5165

1.388 Acres
JOHN STEWART SURVEY, ABSTRACT NO. 14
HAYS COUNTY, TEXAS
ANNEXATION

FIELD NOTES

BEING ALL OF THAT CERTAIN TRACT OR PARCEL OF LAND OUT OF AND A PART OF THE JOHN STEWART SURVEY, ABSTRACT NUMBER 14, SITUATED IN HAYS COUNTY, TEXAS, BEING MORE FULLY DESCRIBED AS BEING ALL OF LOT 11A, SOUTHBEND I, A SUBDIVISION AS RECORDED IN VOLUME 3, PAGE 15 OF THE HAYS COUNTY PLAT RECORDS (H.C.P.R.) CONVEYED TO ELIAS SANCHEZ, IN VOLUME 2052, PAGE 354 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY TEXAS (O.P.R.H.C.TX.), SAID 1.388 ACRE TRACT BEING MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, at a point on the northwestern right-of-way line of C.R. 157 (50' R.O.W), for the southernmost corner of Lot 11B of said Southbend I, also being the easternmost corner of said Lot 11A, for the **POINT OF BEGINNING** and the easternmost corner of the herein described tract,

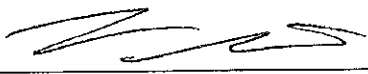
THENCE, with the northwestern right-of-way line of said C.R. 157 (50' R.O.W), common to the southeastern boundary line of said Lot 11A, S44°55'30"W, for a distance of 151.90 feet to a point for the southernmost corner of said Lot 11A, also being the easternmost corner of Lot 8 of said Southbend I,

THENCE, with the common boundary line of said Lot 11A and said Lot 8 the following two (2) courses and distances, numbered 1 through 2:

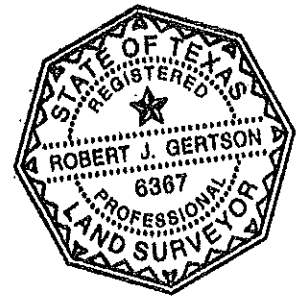
- 1) N46°00'07"W, for a distance of 395.00 feet to a point for an interior ELL corner of said Lot 8, and
- 2) N44°55'34"E, for a distance of 154.29 feet to a point for the westernmost corner of said Lot 11B, also being the northernmost corner of the herein described tract,

THENCE, with the common boundary line of said Lot 11A and said Lot 11B, S45°39'17"E, for a distance of 394.97 feet to the **POINT OF BEGINNING**, and containing 1.388 acres of land.

THIS SURVEY WAS PREPARED FROM RECORD INFORMATION, SOUTHBEND I, A SUBDIVISION AS RECORDED IN VOLUME 3, PAGE 15 (H.C.P.R), NO ON-THE-GROUND SURVEY WAS PERFORMED

Prepared by:  8-29-13

ROBERT J. GERTSON, R.P.L.S. NO. 6367
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 rgertson@cbdeng.com



SKETCH TO ACCOMPANY FIELD NOTES



SCALE: 1" = 100'

JOSE LUIS AND GREGORIA V. JIMENEZ
SOUTHBEND 1
VOL. 3, PG. 15, FURTHER DESCRIBED IN
VOL. 829, PG. 101

JOHN STEWART SURVEY, ABSTRACT NO. 14

ROSEBELLE DORCHESTER
LOT 8
SOUTHBEND 1
VOL. 3, PG. 15,
FURTHER DESCRIBED IN
VOL. 595, PG. 43

MIGUEL C. VALLE
LOT 12
SOUTHBEND 1
VOL. 3, PG. 15, FURTHER DESCRIBED IN
DOCUMENT NO. 9912658

ELIAS SANCHEZ
LOT 11B
SOUTHBEND 1
VOL. 3, PG. 15, FURTHER DESCRIBED IN
DOCUMENT NO. 9924838

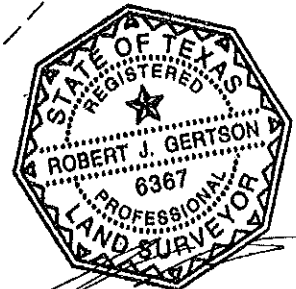
1.388 ACRES

ELIAS SANCHEZ
LOT 11A
SOUTHBEND 1
VOL. 3, PG. 15, FURTHER DESCRIBED IN
VOL. 2052, PG. 354

POINT OF BEGINNING

CR 157 (50' R.O.W.)

JOSE AND GRACIE RIOJAS
LOT 10
SOUTHBEND 1
VOL. 3, PG. 15, FURTHER DESCRIBED IN
VOL. 2997, PG. 290



BEARING BASIS: PREPARED WITH RECORD INFORMATION, SOUTHBEND 1, A
SUBMISSION AS RECORDED IN VOLUME 3, PAGE 15 (H.C.P.R.) FURTHER
DESCRIBED IN VOLUME 2052, PAGE 354 (D.P.R.H.C.TX.)



Carlson, Brigance & Doering, Inc.

Civil Engineering ♦ Surveying
5501 West William Cannon Drive ♦ Austin, Texas 78749
Phone No. (512) 280-5169 ♦ Fax No. (512) 280-5165

Tract 3

2.999 Acres
 JOHN STEWART SURVEY, ABSTRACT NO. 14
 HAYS COUNTY, TEXAS
 ANNEXATION

FIELD NOTES

BEING ALL OF THAT CERTAIN TRACT OR PARCEL OF LAND OUT OF AND A PART OF THE JOHN STEWART SURVEY, ABSTRACT NUMBER 14, SITUATED IN HAYS COUNTY, TEXAS, BEING MORE FULLY DESCRIBED AS BEING ALL OF LOT 8, SOUTHBEND I, A SUBDIVISION AS RECORDED IN VOLUME 3, PAGE 15 OF THE HAYS COUNTY PLAT RECORDS (H.C.P.R.) CONVEYED TO ROSEBELLE DORCHESTER, IN VOLUME 595, PAGE 43 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY TEXAS (O.P.R.H.C.TX.), SAID 2.999 ACRE TRACT BEING MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, at a point on the northwestern right-of-way line of C.R. 157 (50' R.O.W), for the southernmost corner of Lot 11A of said Southbend I, also being the easternmost corner of said Lot 8, for the **POINT OF BEGINNING** and the easternmost corner of the herein described tract,

THENCE, with the northwestern right-of-way line of said C.R. 157 (50' R.O.W), common to the southeastern boundary line of said Lot 8, S44°55'30"W, for a distance of 59.96 feet to a point for the southernmost corner of said Lot 8, also being the easternmost corner of Lot 7 of said Southbend I,

THENCE, with the common boundary line of said Lot 7 and said Lot 8, N46°00'07"W, for a distance of 688.08 feet to a point in the southeastern boundary line of a 15.946 acre tract conveyed to Thomas D. & Marcella A. Odell, in document # 9922800 of the O.P.R.H.C.TX., for the northernmost corner of said Lot 7, also being the westernmost corner of the herein described tract,

THENCE, with the common boundary line of said 15.946 acre tract and said Lot 8, N44°39'00"E, for a distance of 364.05 feet to a point for the westernmost corner of Lot 9 of said Southbend 1, also being the northernmost corner of said Lot 8,


THENCE, with the common boundary line of said Lot 9 and said Lot 8, S45°56'33"E, for a distance of 294.83 feet to a point for the northernmost corner of Lot 11B of said Southbend 1, also being the northernmost eastern corner of the herein described tract,

THENCE, with the common boundary line of said Lot 11B, said Lot 11A and said Lot 8, S44°55'34"W, for a distance of 303.81 feet to a point for the westernmost corner of said Lot 11A, also being an interior ELL corner of said Lot 8,

THENCE, with the common boundary line of said Lot 11A and said Lot 8, S46°00'07"E, for a distance of 395.00 feet to the **POINT OF BEGINNING**, and containing 2.999 acres of land.

THIS SURVEY WAS PREPARED FROM RECORD INFORMATION, SOUTHBEND I, A SUBDIVISION AS RECORDED IN VOLUME 3, PAGE 15 (H.C.P.R), NO ON-THE-GROUND SURVEY WAS PERFORMED

Prepared by:

 9-3-13
 ROBERT J. GERTSON, R.P.L.S. NO. 6367
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 5501 West William Cannon
 Austin, TX 78749
 Ph: 512-280-5160 Fax: 512-280-5165
 rgertson@cbdeng.com



SKETCH TO ACCOMPANY FIELD NOTES



SCALE: 1" = 150'

THOMAS D. AND MARCELLA A. ODELL
15.946 ACRES
DOCUMENT NO. 9922800

JOSE LUIS AND GREGORIA V. JIMENEZ
LOT 9
SOUTHBEND 1
VOL. 3, PG. 15, FURTHER DESCRIBED IN
VOL. 829, PG. 101

MIGUEL C. VALLE
LOT 12
SOUTHBEND 1
VOL. 3, PG. 15, FURTHER DESCRIBED IN
DOCUMENT NO. 9912658

2.999 ACRES
ROSEBELLE DORCHESTER
LOT 8
SOUTHBEND 1
VOL. 3, PG. 15,
FURTHER DESCRIBED IN
VOL. 595, PG. 43

DELPHINA URQUIZO
LOT 7
SOUTHBEND 1
VOL. 3, PG. 15

ELIAS SANCHEZ
LOT 11B
SOUTHBEND 1
VOL. 3, PG. 15, FURTHER DESCRIBED IN
DOCUMENT NO. 9324838

ELIAS SANCHEZ
LOT 11A
SOUTHBEND 1
VOL. 3, PG. 15, FURTHER DESCRIBED IN
VOL. 2052, PG. 354

JOSE AND GRACIE RIOJAS
LOT 10
SOUTHBEND 1
VOL. 3, PG. 15, FURTHER DESCRIBED IN
VOL. 2997, PG. 290

ROGELIO NIETO-JAMES
LOT 6
SOUTHBEND 1
VOL. 3, PG. 15, FURTHER DESCRIBED IN
VOL. 757, PG. 299

CR 122 ROAD (R.O.W. VARIES)
JOHN STEWART SURVEY, ABSTRACT NO. 14

CR 157 (50' R.O.W.)

POINT OF BEGINNING



9-3-13

BEARING BASIS: PREPARED WITH RECORD INFORMATION, SOUTHBEND 1, A SUBDIVISION AS RECORDED IN VOLUME 3, PAGE 15 (H.C.P.R.) FURTHER DESCRIBED IN VOLUME 595, PAGE 43 (O.P.R.H.C.TX.)

CB&D Carlson, Brigance & Doering, Inc.

Civil Engineering ♦ Surveying
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Phone No. (512) 280-5160 ♦ Fax No. (512) 280-5165

Tract 4

18.210 ACRES
JOHN STEWART SURVEY, ABSTRACT NO. 14
HAYS COUNTY, TEXAS
ANNEXATION

FIELD NOTES

BEING ALL OF THAT CERTAIN TRACT OR PARCEL OF LAND OUT OF AND A PART OF THE JOHN STEWART SURVEY, ABSTRACT NUMBER 14, SITUATED IN HAYS COUNTY, TEXAS, BEING MORE FULLY DESCRIBED AS BEING ALL OF THAT CERTAIN 18.211 ACRE TRACT OF LAND, CONVEYED TO BALDEMAR ESPINOZA ET AL IN VOLUME 1222, PAGE 355, OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, (O.P.R.H.C.TX.), SAID 18.210 ACRE TRACT BEING MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, at a point found on the southern right-of-way line of C.R. 122 (R.O.W. varies), at the eastern corner of a 1.00 acre tract of land conveyed to Isidro Morales in Volume 1878, Page 682 (O.P.R.H.C.TX.), also being the northernmost corner of said 18.211 acre tract for the northernmost corner and **POINT OF BEGINNING** of the herein described tract,

THENCE, with the common boundary line of said 18.211 acre tract and said southern right-of-way line of C.R. 122, the following 2 (two) courses and distances, numbered 1 and 2,

1. S48°38'00"E, for a distance of 158.29 feet to a point, and
2. S46°57'31"E, for a distance of 354.92 feet to a point at the easternmost corner of said 18.211 acre tract, also being the northernmost corner of an 18.298 acre tract of land conveyed to North Hays County Optimist Foundation, Inc. in Volume 1277, Page 117 (O.P.R.H.C.TX.), for the easternmost corner of the herein described tract of land,

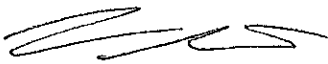
THENCE, S44°30'00"W, for a distance of 1549.63 feet to a point in the northern boundary line of Cottonwood Hollow Section 2, a subdivision recorded in Volume 10, Page 177 (O.P.R.H.C.TX.), also being the most southern corner of said 18.211 acre tract, and also the westernmost corner of said 18.298 acre tract,

THENCE, with the common boundary line of said Cottonwood Hollow Section 2, and said 18.211 acre tract, N46°27'58"W, for a distance of 512.94 feet to a point at the westernmost corner of said 18.211 acre tract, also being a southeastern corner of a 10.00 acre tract of land conveyed to Maurilio & Yolanda Zuniga in Volume 300, Page 8 (O.P.R.H.C.TX.), for the western corner of the herein described tract,

THENCE, with the common boundary line of said 18.211 acre tract, said 10.00 acre tract, a 4.0 acre tract conveyed to the Estate of Marylou and Ector Gonzales in Vol. 723, Pg. 231, (O.P.R.H.C.TX.), a 6.0 acre tract conveyed to the Estate of Marylou and Ector Gonzales in Vol. 723, Pg. 5, (O.P.R.H.C.TX.), the remainder of a tract conveyed to Mario and Juana Torres in Vol. 300, Pg. 1, (O.P.R.H.C.TX.), a 3.147 acre tract conveyed to Jose Montoya in Vol. 1717, Pg. 501, (O.P.R.H.C.TX.), and said 1.0 acre Morales tract, N44°30'00"E, for a distance of 1540.58 feet to the **POINT OF BEGINNING** and containing 18.210 acres of land.

THIS SURVEY WAS PREPARED FROM RECORD INFORMATION FOUND IN VOLUME 1222, PAGE 355 (O.P.R.H.C.TX.), NO ON-THE-GROUND SURVEY WAS PERFORMED

Prepared by:

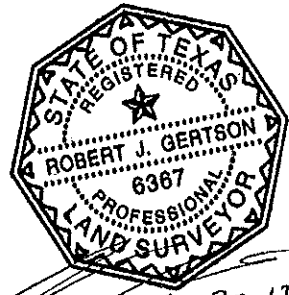
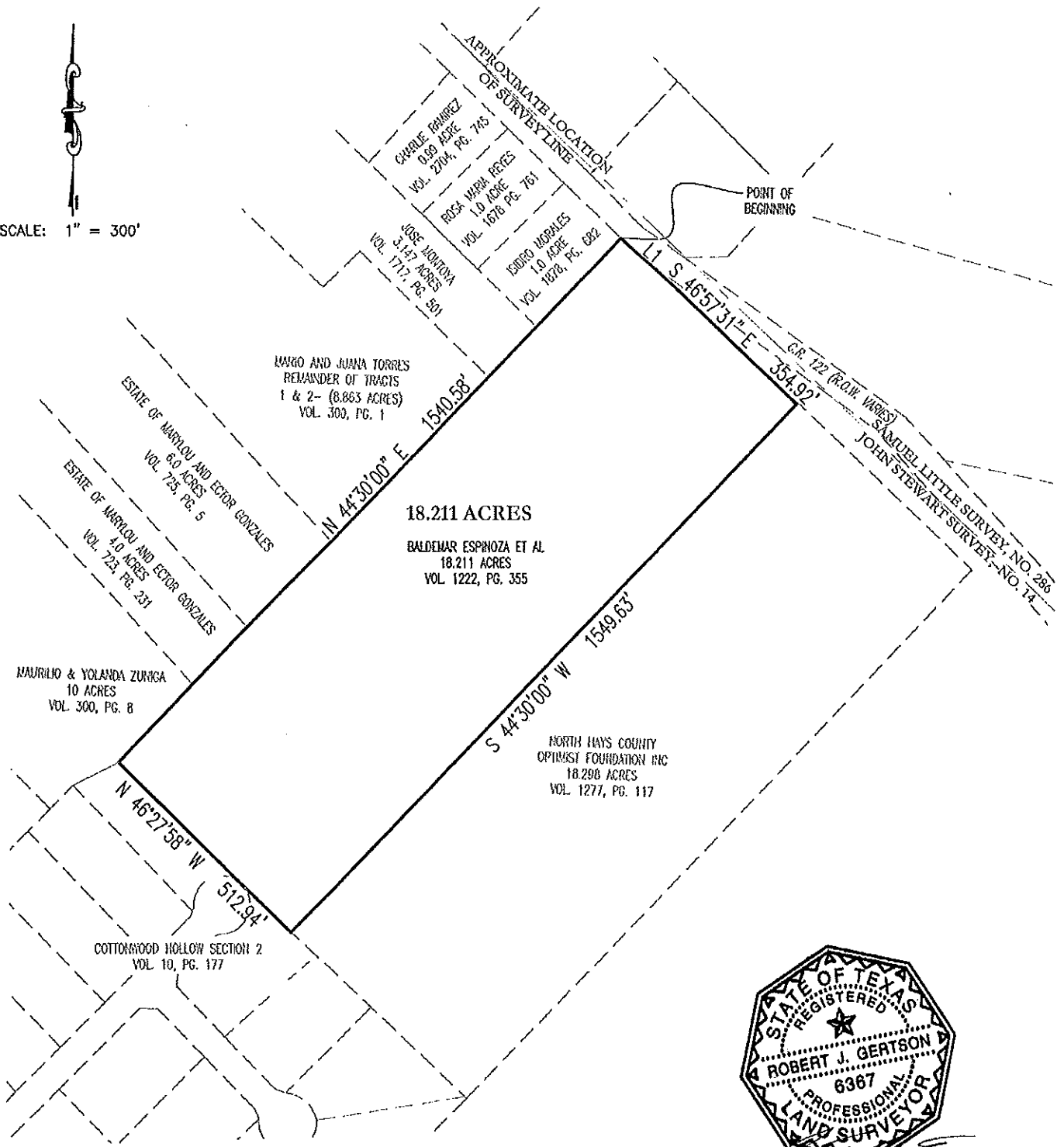
 8-30-13
ROBERT J. GERTSON, R.P.L.S. NO. 6367
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5501 West William Cannon
Austin, TX 78749
Ph: 512-280-5160 Fax: 512-280-5165
rgertson@cbdeng.com



SKETCH TO ACCOMPANY FIELD NOTES



SCALE: 1" = 300'



8-30-13

LINE TABLE		
LINE	LENGTH	BEARING
L1	158.29	S48°38'00"E

BEARING BASIS: PREPARED WITH RECORD INFORMATION FOUND IN VOLUME 1222, PAGE 355 (O.P.R.H.C.TX.)

Carlson, Brigance & Doering, Inc.

Civil Engineering ♦ Surveying
 5501 West William Cannon Drive ♦ Austin, Texas 78749
 Phone No. (512) 280-5160 ♦ Fax No. (512) 280-1664

Item # 17

Tract 5

1.000 ACRES
 JOHN STEWART SURVEY, ABSTRACT NO. 14
 HAYS COUNTY, TEXAS
 ANNEXATION

FIELD NOTES

BEING ALL OF THAT CERTAIN TRACT OR PARCEL OF LAND OUT OF AND A PART OF THE JOHN STEWART SURVEY, ABSTRACT NUMBER 14, SITUATED IN HAYS COUNTY, TEXAS, BEING MORE FULLY DESCRIBED AS BEING ALL OF THAT CERTAIN 1 ACRE TRACT, CONVEYED TO FABIAN MARTINEZ (REFERRED TO HEREON AS THE MARTINEZ TRACT) IN VOLUME 1717, PAGE 519 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, (O.P.R.H.C.TX.), SAID 1.000 ACRE TRACT BEING MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, at a point on the northeastern boundary line of a 6.0 acre tract, conveyed to the Estate of Marylou and Ector Gonzales in Volume 725, Page 5 of the O.P.R.H.C.TX., for the southernmost corner of a 1 acre tract, conveyed to Paul and Rebecca Mercado (referred to hereon as the Mercado Tract) in Volume 436, Page 227 of the O.P.R.H.C.TX., also being the westernmost corner of said Martinez tract, for the **POINT OF BEGINNING** and the westernmost corner of the herein described tract,

THENCE, with the common boundary line of said Martinez Tract and said Mercado Tract, N44°56'00"E, for a distance of 135.17 feet to a point on the southwestern boundary line of the remainder of a 10.00 acre tract conveyed to Mario and Juana Torres in Volume 300, Page 1 of the O.P.R.H.C.TX., for the easternmost corner of said Mercado Tract, also being the northernmost corner of the herein described tract,


THENCE, with the boundary line of said Martinez tract, the following 2 courses and distances numbered 1 through 2:

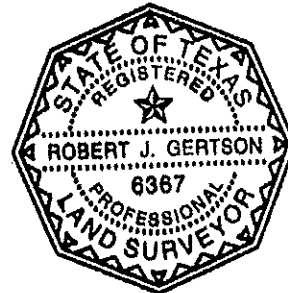
1. S45°01'17"E, for a distance of 322.40 feet to a point for the easternmost corner of the herein described tract,
2. S44°56'00"W, for a distance of 135.14 feet to a point in the common boundary line of said 6.0 acre tract and the remainder of said 10.00 acre tract for the southernmost corner of the herein described tract, also being the southernmost corner of said Martinez Tract,

THENCE, with the common boundary line of said 6.0 acre tract and the remainder of said Martinez tract, N45°01'36"W, for a distance of 322.40 feet to the **POINT OF BEGINNING**, and containing 1.000 acres of land.

THIS SURVEY WAS PREPARED FROM RECORD INFORMATION FOUND IN VOLUME 1717, PAGE 519 (O.P.R.H.C.TX.), NO ON THE GROUND SURVEY WAS PERFORMED

Prepared by:

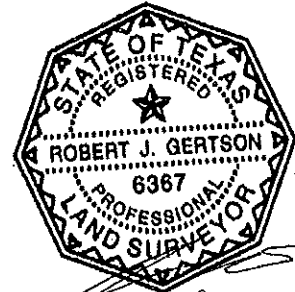
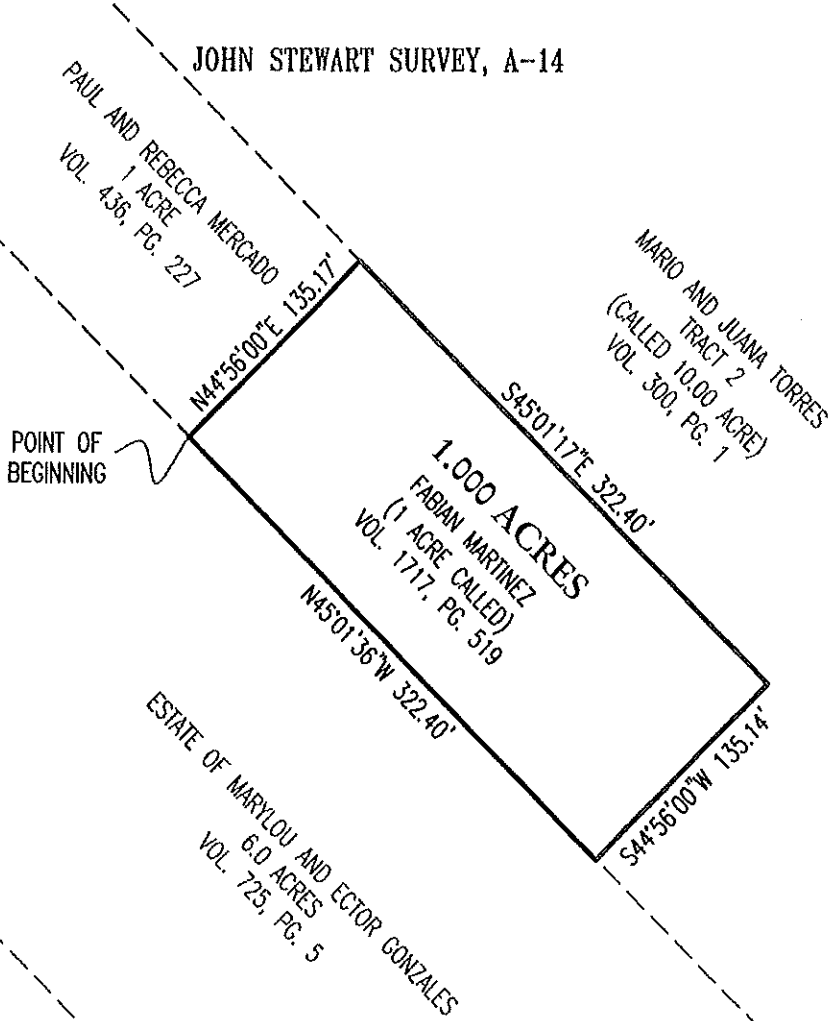
 8-29-13
 ROBERT J. GERTSON, R.P.L.S. NO. 6367
 Carlson, Briggance and Doering, Inc.
 5501 West William Cannon
 Austin, TX 78749
 Ph: 512-280-5160 Fax: 512-280-5165
 rgertson@cbdeng.com



SKETCH TO ACCOMPANY FIELD NOTES



SCALE: 1" = 100'



8-29-13

BEARING BASIS: PREPARED WITH RECORD INFORMATION FOUND IN VOLUME 1717, PAGE 519 (O.P.R.H.C.T.X.)

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 3501 West William Cannon Drive ♦ Austin, Texas 78749
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Tract 6

6.000 ACRES
 JOHN STEWART SURVEY, ABSTRACT NO. 14
 HAYS COUNTY, TEXAS
 ANNEXATION

FIELD NOTES

BEING ALL OF THAT CERTAIN TRACT OR PARCEL OF LAND OUT OF AND A PART OF THE JOHN STEWART SURVEY, ABSTRACT NUMBER 14, SITUATED IN HAYS COUNTY, TEXAS; BEING MORE FULLY DESCRIBED AS BEING ALL OF THAT CERTAIN 6.00 ACRE TRACT OF LAND, CONVEYED TO THE ESTATE OF MARYLOU AND ECTOR GONZALES IN VOLUME 725, PAGE 5, OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, (O.P.R.H.C.TX.), SAID 6.000 ACRE TRACT BEING MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, at a point found on the southeastern right-of-way line of Go Forth Road (R.O.W. varies), at the northernmost corner of a 4.00 acre tract of land conveyed to the Estate of Marylou and Ector Gonzales in Volume 723, Page 231 (O.P.R.H.C.TX.), also being the westernmost corner of said 6.00 acre tract, for the western corner and **POINT OF BEGINNING** of the herein described tract,

THENCE, with the common boundary line of said 6.00 acre tract and said southeastern right-of-way line of Go Forth Road, N44°56'00"E, for a distance of 252.63 feet to a point at the northern corner of said 6.00 acre tract, also being the western corner of a 1.00 acre tract of land conveyed to Paul and Rebecca Mercado in Volume 436 Page 227 (O.P.R.H.C.TX.), for the northern corner of the herein described tract,

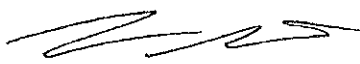
THENCE, with the common boundary line of said 6.00 acre tract, said 1.00 acre tract, a 1 acre tract conveyed to Fabian Martinez in Vol. 1717, Pg. 231, (O.P.R.H.C.TX.), and the remainder of Tracts 1 & 2, being an 8.863 acre tract of land conveyed to Mario and Juana Torres in Volume 300 Page 1 (O.P.R.H.C.TX.), S45°04'00"E, for a distance of 1033.61 feet to a point in the northwestern boundary line of an 18.211 acre tract of land conveyed to Baldemar Espinoza Et Al in Volume 1222 Page 355, at the easternmost corner of said 6.00 acre tract, also being the most southern corner of said Torres tract for the easternmost corner of the herein described tract,

THENCE, with the common boundary line of said 6.00 acre tract and said 18.211 acre tract, S44°30'00"W, for a distance of 252.64 feet to a point at the southernmost corner of said 6.00 acre tract, also being the easternmost corner of a 4.00 acre tract of land conveyed to the Estate of Marylou and Ector Gonzales, for the southernmost corner of the herein described tract,

THENCE, N45°04'00"W, for a distance of 1035.53 feet back to the **POINT OF BEGINNING** and containing 6.000 acres of land.

THIS SURVEY WAS PREPARED FROM RECORD INFORMATION FOUND IN VOLUME 725, PAGE 5 (O.P.R.H.C.TX.), NO ON-THE-GROUND SURVEY WAS PERFORMED

Prepared by:

 8-30-13
 ROBERT J. GERTSON, R.P.L.S. NO. 6367
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 rgertson@cbdeng.com



SKETCH TO ACCOMPANY FIELD NOTES



SCALE: 1" = 200'

POINT OF BEGINNING

N 44°56'00" E 252.63' 60 FORTH RD. (R.O.W. VARIES)

PAUL & REBECCA MERCADO
1.00 ACRE
VOL. 436, PG. 227

JOSE MONTOYA
3.147 ACRES
VOL. 1717, PG. 501

6.000 ACRES

THE ESTATE OF
MARYLOU & ECTOR
GONZALES
6.0 ACRES
VOL. 725, PG. 5

FABIAN MARTINEZ
1 ACRE
VOL. 1717, PG. 519

MARIO AND JUANA TORRES
REMAINDER OF
TRACTS 1 & 2
(8.863 ACRES)
VOL. 300, PG. 1

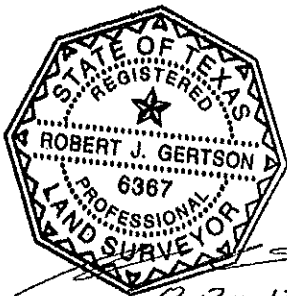
N 45°04'00" W 1035.53'
ESTATE OF MARYLOU AND ECTOR GONZALES
4.0 ACRES
VOL. 723, PG. 231

MAURILIO & YOLANDA ZUNIGA
10 ACRES
VOL. 300, PG. 8

JOHN STEWART SURVEY, NO. 14

S 44°30'00" W 252.64'

BALDEMAR ESPINOZA ET AL
18.211 ACRES
VOL. 1222, PG. 355



8-30-13

BEARING BASIS: PREPARED WITH RECORD INFORMATION
FOUND IN VOLUME 725, PAGE 5 (O.P.R.H.C.TX.)



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Item # 17

4.000 ACRES
JOHN STEWART SURVEY, ABSTRACT NO. 14
HAYS COUNTY, TEXAS
ANNEXATION

FIELD NOTES

BEING ALL OF THAT CERTAIN TRACT OR PARCEL OF LAND OUT OF AND A PART OF THE JOHN STEWART SURVEY, ABSTRACT NUMBER 14, SITUATED IN HAYS COUNTY, TEXAS, BEING MORE FULLY DESCRIBED AS BEING ALL OF THAT CERTAIN 4.00 ACRE TRACT OF LAND, CONVEYED TO THE ESTATE OF MARYLOU AND ECTOR GONZALES IN VOLUME 723, PAGE 231, OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, (O.P.R.H.C.TX.), SAID 4.000 ACRE TRACT BEING MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, at a point found on the southeastern right-of-way line of Go Forth Road (R.O.W. varies), at the westernmost corner of said 4.00 acre tract of land, also being the northernmost corner of a 10.00 acre tract of land conveyed to Maurilio & Yolanda Zuniga in Volume 300 Page 8 (O.P.R.H.C.TX.), for the westernmost corner and **POINT OF BEGINNING** of the herein described tract,

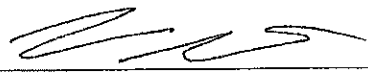
THENCE, with the common boundary line of said 4.00 acre tract and the southeasterly right-of-way line of said Go Forth Road, N44°56'00"E, for a distance of 168.16 feet to a point at the northernmost corner of said 4.00 acre tract, also being the westernmost corner of a 6.00 acre tract of land conveyed to the Estate of Marylou and Ector Gonzales in Volume 725 Page 5 (O.P.R.H.C.TX.), for the northern corner of the herein described tract,

THENCE, with the common boundary line of said 6.00 acre tract and said 4.00 acre tract, S45°04'00"E, for a distance of 1035.53 feet to a point in the northwestern boundary line of an 18.211 acre tract of land conveyed to Baldemar Espinoza et al in Volume 1222, Page 355 (O.P.R.H.C.TX.), same being the easternmost corner of said 4.00 acre tract, also being the southernmost corner of said 6.00 acre tract, for the easternmost corner of the herein described tract,

THENCE, with the common boundary line of said 4.00 acre tract and said 18.211 acre tract, S44°30'00"W, for a distance of 168.16 feet to a point at the southernmost corner of said 4.00 acre tract, also being the easternmost corner of said 10.00 acre tract, for the southernmost corner of the herein described tract,

THENCE, with the common boundary line of said 4.00 acre tract and said 10.00 acre tract, N45°04'00"W, for a distance of 1036.80 feet to the **POINT OF BEGINNING** and containing 4.000 acres of land.

THIS SURVEY WAS PREPARED FROM RECORD INFORMATION FOUND IN VOLUME 723, PAGE 231 (O.P.R.H.C.TX.), NO ON-THE-GROUND SURVEY WAS PERFORMED

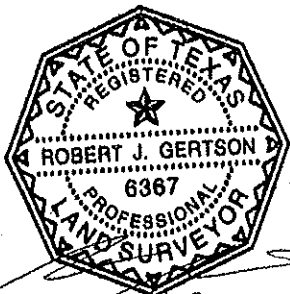
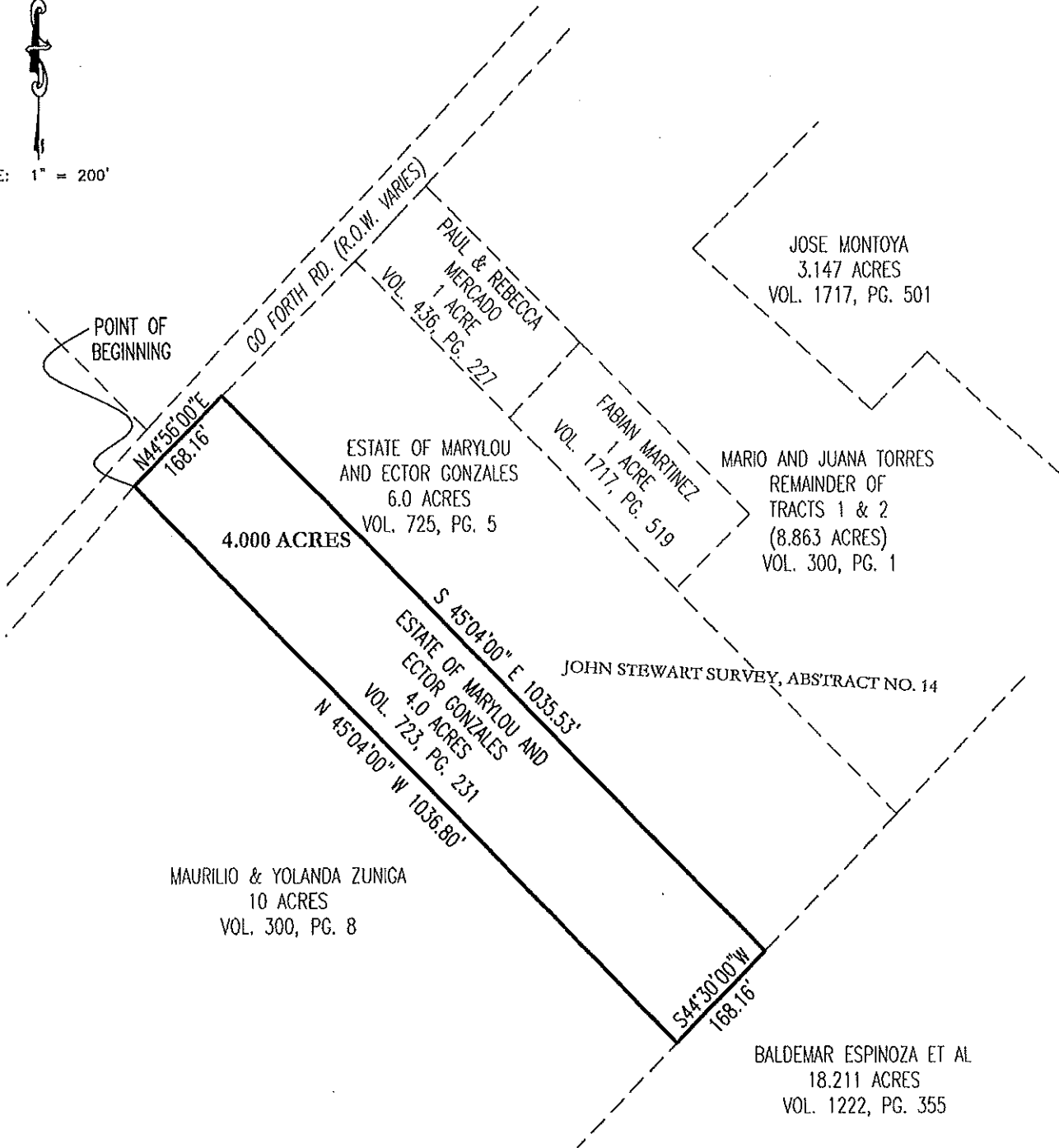
Prepared by:  8-30-13
ROBERT J. GERTSON, R.P.L.S. NO. 6367
Carlson, Brigrance and Doering, Inc.
5501 West William Cannon
Austin, TX 78749
Ph: 512-280-5160 Fax: 512-280-5165
rgertson@cbdeng.com



SKETCH TO ACCOMPANY FIELD NOTES



SCALE: 1" = 200'



8-30-13

BEARING BASIS: PREPARED WITH RECORD INFORMATION
FOUND IN VOLUME 723, PAGE 231 (O.P.R.H.C.TX.)

Carlson, Brigance & Doering, Inc.
 Civil Engineering ♦ Surveying
 5501 West Wilshire Canyon Drive ♦ Austin, Texas 78749
 Phone No. (512) 280-5160 ♦ Fax No. (512) 280-5165

Tract 8

2.423 Acres
 JOHN STEWART SURVEY, ABSTRACT NO. 14
 HAYS COUNTY, TEXAS
 ANNEXATION

FIELD NOTES

BEING ALL OF THAT CERTAIN TRACT OR PARCEL OF LAND OUT OF AND A PART OF THE JOHN STEWART SURVEY, ABSTRACT NUMBER 14, SITUATED IN HAYS COUNTY, TEXAS, BEING MORE FULLY DESCRIBED AS BEING ALL OF LOT 9, SOUTHBEND I, A SUBDIVISION AS RECORDED IN VOLUME 3, PAGE 15 OF THE HAYS COUNTY PLAT RECORDS (H.C.P.R.) CONVEYED TO JOSE LUIS & GREGORIA V. JIMENEZ, IN VOLUME 829, PAGE 101 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY TEXAS (O.P.R.H.C.TX.), SAID 2.423 ACRE TRACT BEING MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, at a point on the southwestern right-of-way line of C.R. 122 (R.O.W. varies), for the northernmost corner of Lot 12 of said Southbend I, also being the easternmost corner of said Lot 9, for the **POINT OF BEGINNING** and the easternmost corner of the herein described tract,

THENCE, with the common boundary line of said Lot 9 and said Lot 12, $S44^{\circ}47'13''W$, for a distance of 305.70 feet to a point in the northeastern boundary line of Lot 11B of said Southbend I, for the westernmost corner of said lot 12 also being the southernmost corner of the herein described tract,

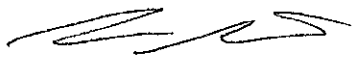
THENCE, with the common boundary line of said Lot 9, said Lot 11B and Lot 8 of said Southbend I, $N45^{\circ}56'33''W$, for a distance of 344.88 feet to a point in the southeastern boundary line of a 15.946 acre tract conveyed to Thomas D. & Marcella A. Odell in document # 9922800 of the O.P.R.H.C.TX., for the northernmost corner of said Lot 8, also being the westernmost corner of said Lot 9,

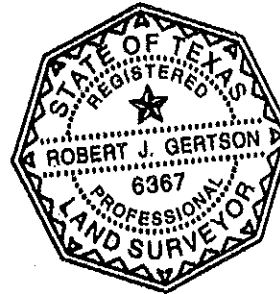
THENCE, with the common boundary line of said 15.946 acre tract and said Lot 9, $N44^{\circ}39'00''E$, for a distance of 305.70 feet to a point for the easternmost corner of said 15.946 acre tract, also being the northernmost corner of said Lot 9,

THENCE, with the southwestern right-of-way line of said C.R. 122 (R.O.W. varies), common to the northeastern boundary line of said Lot 9, $S45^{\circ}56'27''E$, for a distance of 345.61 feet to the **POINT OF BEGINNING**, and containing 2.423 acres of land.

THIS SURVEY WAS PREPARED FROM RECORD INFORMATION, SOUTHBEND I, A SUBDIVISION AS RECORDED IN VOLUME 3, PAGE 15 (H.C.P.R.), NO ON-THE-GROUND SURVEY WAS PERFORMED

Prepared by:

 8-30-13
 ROBERT J. GERTSON, R.P.L.S. NO. 6367
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 Austin, TX 78749
 Ph: 512-280-5160 Fax: 512-280-5165
 rgertson@cbdeng.com



SKETCH TO ACCOMPANY FIELD NOTES



SCALE: 1" = 100'

JOHN STEWART SURVEY, NO. 14

CR 122 ROAD (R.O.W. VARIES)

THOMAS D. AND MARCELLA A. ODELL
15.946 ACRES
DOCUMENT NO. 9922800

N44°39'00"E 305.70'

S45°56'27"E 345.61'

2.423 ACRES

JOSE LUIS AND GREGORIA V. JIMENEZ
LOT 9
SOUTHBEND 1
VOL. 3, PG. 15, FURTHER DESCRIBED IN
VOL. 829, PG. 101

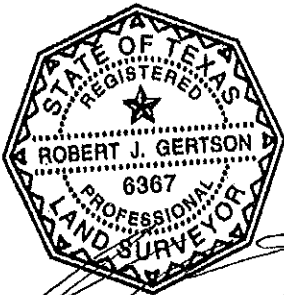
POINT OF
BEGINNING

N45°56'33"W 344.88'

S44°47'13"W 305.70'

ROSEBELLE DORCHESTER
LOT 8
SOUTHBEND 1
VOL. 3, PG. 15

MIGUEL C. VALLE
LOT 12
SOUTHBEND 1
VOL. 3, PG. 15, FURTHER DESCRIBED IN
DOCUMENT NO. 9912658




8-30-13

ELIAS SANCHEZ
LOT 11B
SOUTHBEND 1
VOL. 3, PG. 15, FURTHER DESCRIBED IN
DOCUMENT NO. 9924838

ELIAS SANCHEZ
LOT 11A
SOUTHBEND 1
VOL. 3, PG. 15, FURTHER DESCRIBED IN
VOL. 2052, PG. 354

BEARING BASIS: PREPARED WITH RECORD INFORMATION, SOUTHBEND 1, A
SUBMISSION AS RECORDED IN VOLUME 3, PAGE 15 (H.C.P.R.) FURTHER
DESCRIBED IN VOLUME 829, PAGE 101 (O.P.R.H.C.)



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Item # 17

Tract 9

1.000 ACRES
 JOHN STEWART SURVEY, ABSTRACT NO. 14
 HAYS COUNTY, TEXAS
 ANNEXATION

FIELD NOTES

BEING ALL OF THAT CERTAIN TRACT OR PARCEL OF LAND OUT OF AND A PART OF THE JOHN STEWART SURVEY, ABSTRACT NUMBER 14, SITUATED IN HAYS COUNTY, TEXAS, BEING MORE FULLY DESCRIBED AS BEING ALL OF THAT CERTAIN 1 ACRE TRACT, CONVEYED TO PAUL AND REBECCA MERCADO (REFERRED TO HEREON AS THE MERCADO TRACT) IN VOLUME 436, PAGE 227 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, (O.P.R.H.C.TX.), SAID 1.000 ACRE TRACT BEING MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, at a point on the southeastern right-of-way line of Go Forth Road (R.O.W varies) for the northernmost corner of a 6.0 acre tract, conveyed to the Estate of Marylou and Ector Gonzales in Volume 725, Page 5 of the O.P.R.H.C.TX., also being the westernmost corner of said Mercado tract, for the **POINT OF BEGINNING** and the westernmost corner of the herein described tract,

THENCE, with the common boundary line of the southeastern right-of-way of said Go Forth Road (R.O.W. varies), said Mercado Tract, N44°56'00"E, a distance of 135.00 feet to a point on the northwestern boundary line of the remainder of a 10.00 acre tract, conveyed to Mario and Juana Torres in Volume 300, Page 1 of the O.P.R.H.C.TX., for the northernmost corner of said Mercado Tract, also being the northernmost corner of the herein described tract,

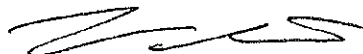
THENCE, with the northern boundary line of said Mercado Tract, S45°01'36"E, a distance of 322.67 feet to a point for the northernmost corner of a 1 acre tract conveyed to Fabian Martinez (referred to hereon as the Martinez Tract) in Volume 1717, Page 519 of the O.P.R.H.C.TX., also being the easternmost corner of the herein described tract,

THENCE, with the common boundary line of said Mercado Tract and said Martinez Tract, S44°56'00"W, for a distance of 135.00 feet to a point on the common boundary line of said 6.0 acre tract and said Mercado Tract, for the westernmost corner of said Martinez Tract, also being the southernmost corner of the herein described tract,

THENCE, with the common boundary line of said 6.0 acre tract and said Mercado Tract, N45°01'36"W, for a distance of 322.67 feet to the **POINT OF BEGINNING**, and containing 1.000 acres of land.

THIS SURVEY WAS PREPARED FROM RECORD INFORMATION FOUND IN VOLUME 436, PAGE 227 (O.P.R.H.C.TX.), NO ON-THE-GROUND SURVEY WAS PERFORMED

Prepared by:

 8-29-13

ROBERT J. GERTSON, R.P.L.S. NO. 6367
 Carlson, Brigance and Doering, Inc.
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 Austin, TX 78749
 Ph: 512-280-5160 Fax: 512-280-5165
 rgertson@cbdeng.com



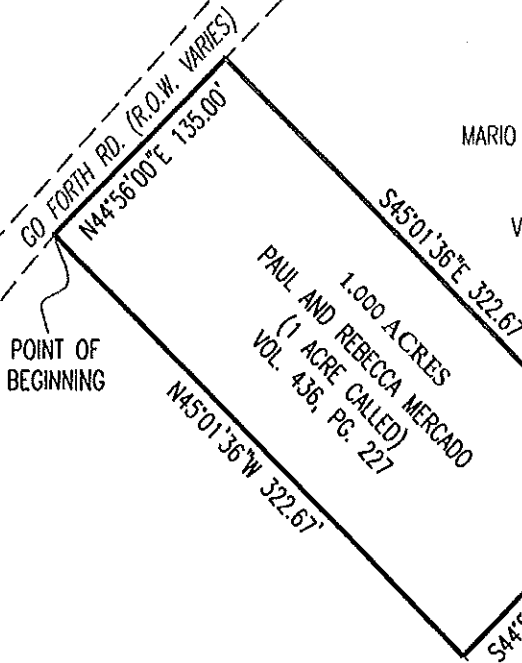
SKETCH TO ACCOMPANY FIELD NOTES



SCALE: 1" = 100'

JOHN STEWART SURVEY, NO. 14

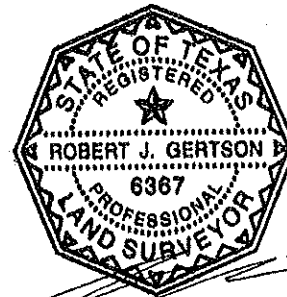
MARIO AND JUANA TORRES
TRACT 2
10.00 ACRES
VOL. 300, PG. 1



1.000 ACRES
PAUL AND REBECCA MERCADO
(1 ACRE CALLED)
VOL. 436, PG. 227

ESTATE OF MARYLOU AND ECTOR GONZALES
6.0 ACRES
VOL. 725, PG. 5

FABIAN MARTINEZ
1 ACRE
VOL. 1717, PG. 519



8-29-13

BEARING BASIS: PREPARED WITH RECORD INFORMATION
FOUND IN VOLUME 436, PAGE 227 (O.P.R.H.C.TX.)

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Phone No. (512) 289-3189 ♦ Fax No. (512) 289-5165

Tract 10

3.147 ACRES
JOHN STEWART SURVEY, ABSTRACT NO. 14
HAYS COUNTY, TEXAS
ANNEXATION

FIELD NOTES

BEING ALL OF THAT CERTAIN TRACT OR PARCEL OF LAND OUT OF AND A PART OF THE JOHN STEWART SURVEY, ABSTRACT NUMBER 14, SITUATED IN HAYS COUNTY, TEXAS, BEING MORE FULLY DESCRIBED AS BEING ALL OF THAT CERTAIN 3.147 ACRE TRACT OF LAND, CONVEYED TO JOSE MONTOYA IN VOLUME 1717 PAGE 501 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, (O.P.R.H.C.TX.), SAID 3.147 ACRE TRACT BEING MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, at a point in the northwestern boundary line of an 18.211 acre tract of land conveyed to Baldemar Espinoza et al in Volume 1222 Page 355 (O.P.R.H.C.TX.), said point marking the southernmost corner of a 1.0 acre tract of land conveyed to Isidro Morales, referred to hereon as the Morales Tract, in Volume 1878 Page 682 (O.P.R.H.C.TX.), also being the easternmost corner of said 3.147 acre tract, for the easternmost corner and **POINT OF BEGINNING** of the herein described tract,

THENCE, with the common boundary line of said 3.147 acre tract and said 18.211 acre tract, S44°31'13"W, for a distance of 148.41 feet to a point at the southernmost corner of said 3.147 acre tract, also being the easternmost corner of a tract of land conveyed to Mario and Juana Torres, the remainder of Tract 1 & Tract 2 in Volume 300, Page 1 (O.P.R.H.C.TX.) referred to hereon as the Torres Tract, for the southernmost corner of the herein described tract,

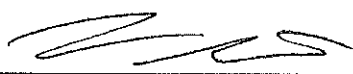
THENCE, with the common boundary line of said 3.147 acre tract, and said Torres Tract, the following 4 (four) courses and distances, numbered 1 through 4,

1. N48°17'04"W, for a distance of 370.29 feet to a point,
2. S44°56'00"W, for a distance of 108.20 feet to a point,
3. N48°17'04"W, for a distance of 321.10 feet to a point, for the westernmost corner of said 3.147 acre tract, also being the westernmost corner of the herein described tract, and
4. N44°56'00"E, for a distance of 256.67 feet to a point marking the southernmost corner of a 1.75 acre tract conveyed to Isidro and Maria Morales in Volume 2704, Page 736 (O.P.R.H.C.TX.), also being the westernmost corner of a 1.25 acre tract of land conveyed to ARC DGKYLTX001 LLC in Volume 4470 Page 637 (O.P.R.H.C.TX.), for the northernmost corner of the herein described tract,

THENCE, with the common boundary line of said 1.25 acre tract, a 0.99 acre tract conveyed to Charlie Ramirez in Volume 2704, Page 745 (O.P.R.H.C.TX.), a 1.0 acre tract conveyed to Rosa Maria Reyes in Volume 1678, Page 761 (O.P.R.H.C.TX.), and said 1.0 acre Morales Tract, S48°17'04"E, for a distance of 690.32 feet to the **POINT OF BEGINNING** and containing 3.147 acres of land.

THIS SURVEY WAS PREPARED FROM RECORD INFORMATION FOUND IN VOLUME 1717, PAGE 501 (O.P.R.H.C.TX.)
NO ON-THE-GROUND SURVEY WAS PERFORMED.

Prepared by:



8-30-13

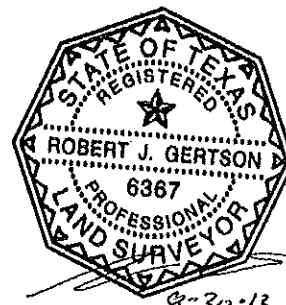
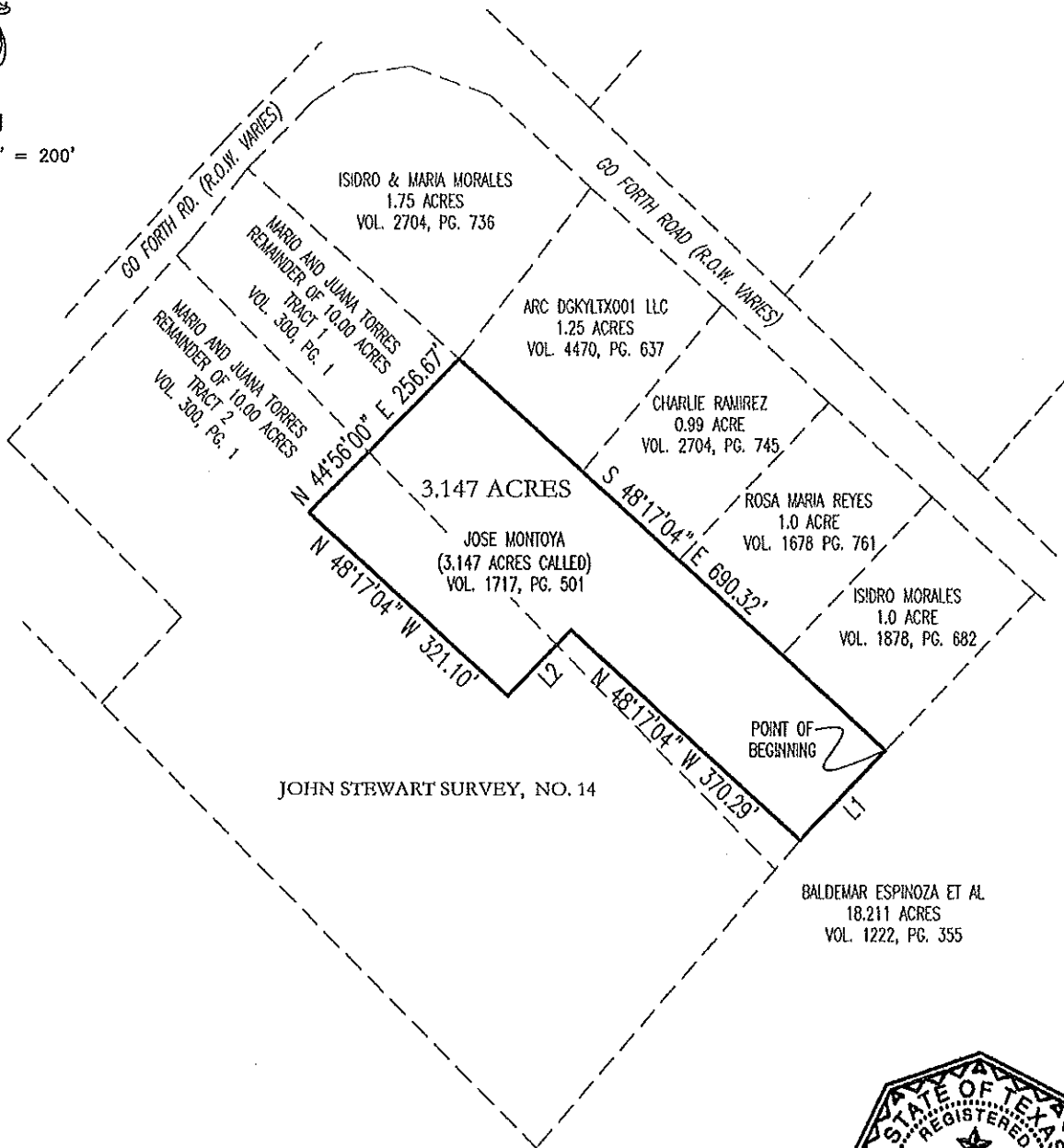
ROBERT J. GERTSON, R.P.L.S. NO. 6367
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Austin, TX 78749
Ph: 512-280-5160 Fax: 512-280-5165
rgertson@cbdeng.com



SKETCH TO ACCOMPANY FIELD NOTES



SCALE: 1" = 200'



BEARING BASIS: PREPARED WITH RECORD INFORMATION FOUND IN VOLUME 1717, PAGE 501 (O.P.R.H.C.TX.)

LINE TABLE		
LINE	LENGTH	BEARING
L1	148.41	S44°31'13"W
L2	108.20	S44°56'00"W

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17

Tract 11

1.000 ACRE
JOHN STEWART SURVEY, ABSTRACT NO. 14
HAYS COUNTY, TEXAS
ANNEXATION

FIELD NOTES

BEING ALL OF THAT CERTAIN TRACT OR PARCEL OF LAND OUT OF AND A PART OF THE JOHN STEWART SURVEY, ABSTRACT NUMBER 14, SITUATED IN HAYS COUNTY, TEXAS, BEING MORE FULLY DESCRIBED AS BEING ALL OF THAT CERTAIN 1.0 ACRE TRACT OF LAND CONVEYED TO ISIDRO MORALES IN VOLUME 1878 PAGE 682, OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, (O.P.R.H.C.TX.), SAID 1.000 ACRE TRACT BEING MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, at a point found on the southern right-of-way line of Go Forth Road (R.O.W. varies), at the northernmost corner of said Morales Tract, also being the easternmost corner of a 1.0 acre tract of land conveyed to Rosa Maria Reyes in Volume 1678 Page 761 (O.P.R.H.C.TX.), for the northernmost corner and **POINT OF BEGINNING** of the herein described tract,

THENCE, with the common boundary line of said southerly right-of-way line and said Morales Tract, S48°20'00"E, for a distance of 167.71 feet to a point at the easternmost corner of said Morales Tract, also being the most northern corner of an 18.211 acre tract of land conveyed to Baldemar Espinoza Et Al in Volume 1222, Page 355 (O.P.R.H.C.TX.), for the easternmost corner of the herein described tract,

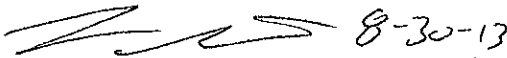
THENCE, with the common boundary line of said Morales Tract and said 18.211 acre tract, S44°30'00"W, for a distance of 260.05 feet to a point at the southern corner of said Morales Tract, also being the most eastern corner of a 3.147 acre tract of land conveyed to Jose Montoya in Volume 1717 Page 501 (O.P.R.H.C.TX.), for the southernmost corner of the herein described tract,

THENCE, with the common boundary line of said Morales Tract and said 3.147 acre tract, N48°20'00"W, for a distance of 167.71 feet to a point at the westernmost corner of said Morales Tract, also being the southernmost corner of said Reyes Tract, for the westernmost corner of the herein described tract,

THENCE, with the common boundary line of said Morales Tract and said Reyes Tract, N44°30'00"E, for a distance of 260.05 feet back to the **POINT OF BEGINNING** and containing 1.000 acre of land.

THIS SURVEY WAS PREPARED FROM RECORD INFORMATION FOUND IN VOLUME 1878, PAGE 682 (O.P.R.H.C.TX.), NO ON-THE-GROUND SURVEY WAS PERFORMED

Prepared by:

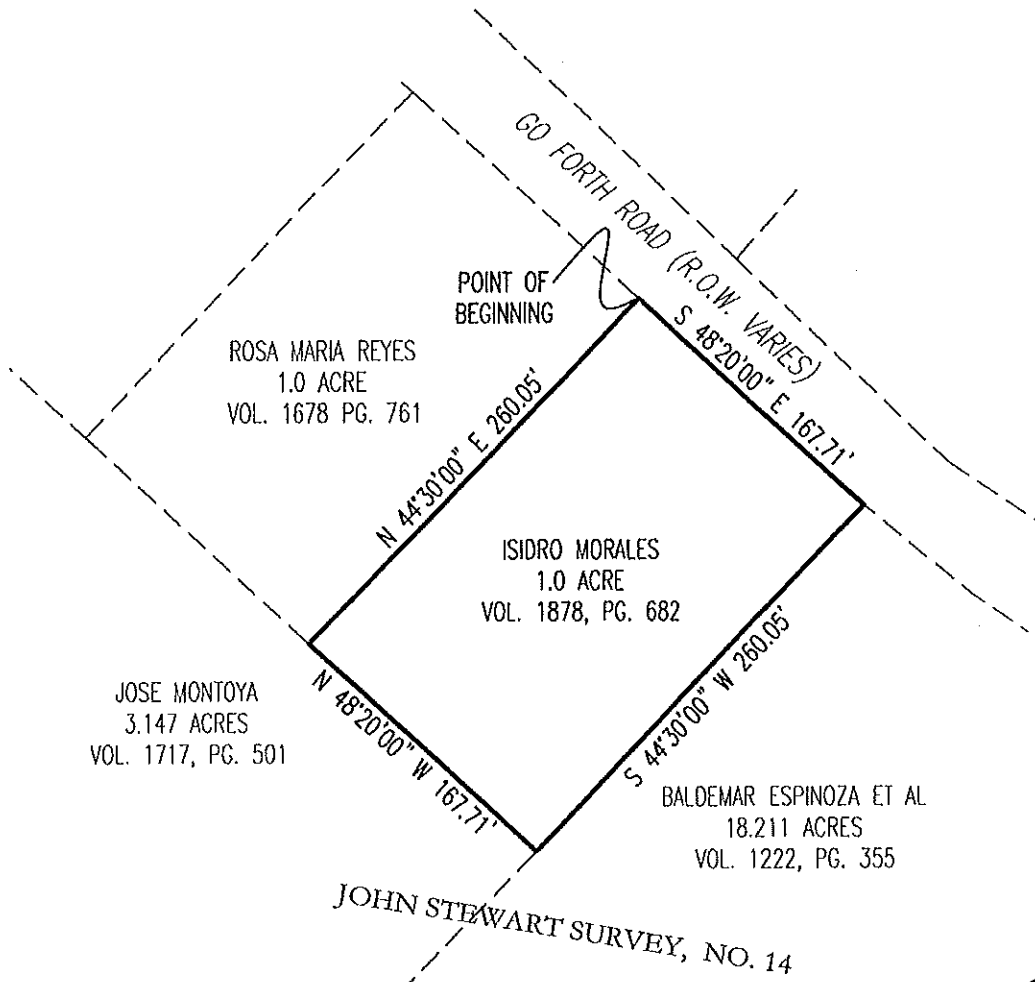
 8-30-13
ROBERT J. GERTSON, R.P.L.S. NO. 6367
Carlson, Brigance and Doering, Inc.
5501 West William Cannon
Austin, TX 78749
Ph: 512-280-5160 Fax: 512-280-5165
aaron@cbdeng.com



SKETCH TO ACCOMPANY FIELD NOTES



SCALE: 1" = 100'



8-20-13

BEARING BASIS: PREPARED WITH RECORD INFORMATION FOUND IN VOLUME 1878, PAGE 682 (O.P.R.H.C.T.X.)

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 5501 West William Cannon Drive ♦ Austin, Texas 78749
 Phone No. (512) 280-5160 ♦ Fax No. (512) 280-5165

Item # 17

PATH:- J: 4626\SURVEY\FN-R11559 1.0 ACRE ANNEXATION

Tract 12

1.75 ACRES
JOHN STEWART SURVEY, ABSTRACT NO. 14
HAYS COUNTY, TEXAS
ANNEXATION

FIELD NOTES

BEING ALL OF THAT CERTAIN TRACT OR PARCEL OF LAND OUT OF AND A PART OF THE JOHN STEWART SURVEY, ABSTRACT NUMBER 14, SITUATED IN HAYS COUNTY, TEXAS, BEING MORE FULLY DESCRIBED AS BEING A PORTION OF THAT CERTAIN 3.00 ACRE TRACT OF LAND, CONVEYED TO ISIDRO & MARIA MORALES IN VOLUME 2704 PAGE 736 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, (O.P.R.H.C.TX.), SAID 1.75 ACRE TRACT BEING MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, at a point found on the southeasterly right-of-way line of Go Forth Road (R.O.W. varies), at the northern corner of the remainder of Tracts 1 & 2, (8.863 acres) conveyed to Mario & Juana Torres in Volume 300, Page 1 (O.P.R.H.C.TX.), also being the most western corner of said remainder of 3.00 acre tract, for the westernmost corner and **POINT OF BEGINNING** of the herein described tract,

THENCE, with the common boundary line of said southeasterly right-of-way line of Go Forth Road and said remainder of 3.00 acre tract, the following 5 (five) courses and distances, numbered 1 through 5,

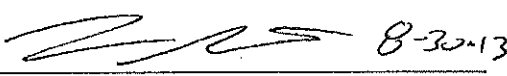
1. N44°34'23"E, for a distance of 110.48 feet to a point,
2. N56°46'34"E, for a distance of 17.15 feet to a point,
3. N56°56'34"E, for a distance of 41.70 feet to a point,
4. N81°42'43"E, for a distance of 69.84 feet to a point, and
5. S70°36'39"E, for a distance of 102.44 feet to a point in the southwesterly right-of-way line of C.R. 122 (R.O.W. Varies), for a northern corner of said remainder of 3.00 acre tract,

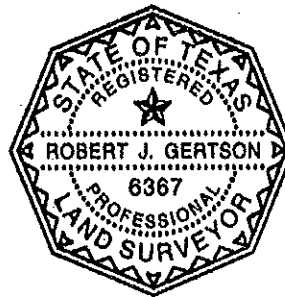
THENCE, with the common boundary line of said remainder of 3.00 acre tract, and said southwesterly right-of-way line of C.R. 122, S48°21'00"E, for a distance of 163.06 feet to a point at the northernmost corner of a 1.25 acre tract of land conveyed to ARC DGKYLTX001 LLC in Volume 4470 Page 637 (O.P.R.H.C.TX.), for the easternmost corner of the herein described tract,

THENCE, with the boundary line of said 1.25 acre tract, S41°40'00"W, for a distance of 259.47 feet to a point on the southern boundary line of said 3.00 acre tract, said point marking the westernmost corner of said 1.25 acre tract, also being an eastern corner of said 6.551 acre tract, for the southern corner of the herein described tract,

THENCE, with the common boundary line of said remainder of 3.00 acre tract, and said 6.551 acre tract, N48°20'00"W, for a distance of 323.85 feet to the **POINT OF BEGINNING** and containing 1.75 acres of land.

Prepared by:

 8-30-13
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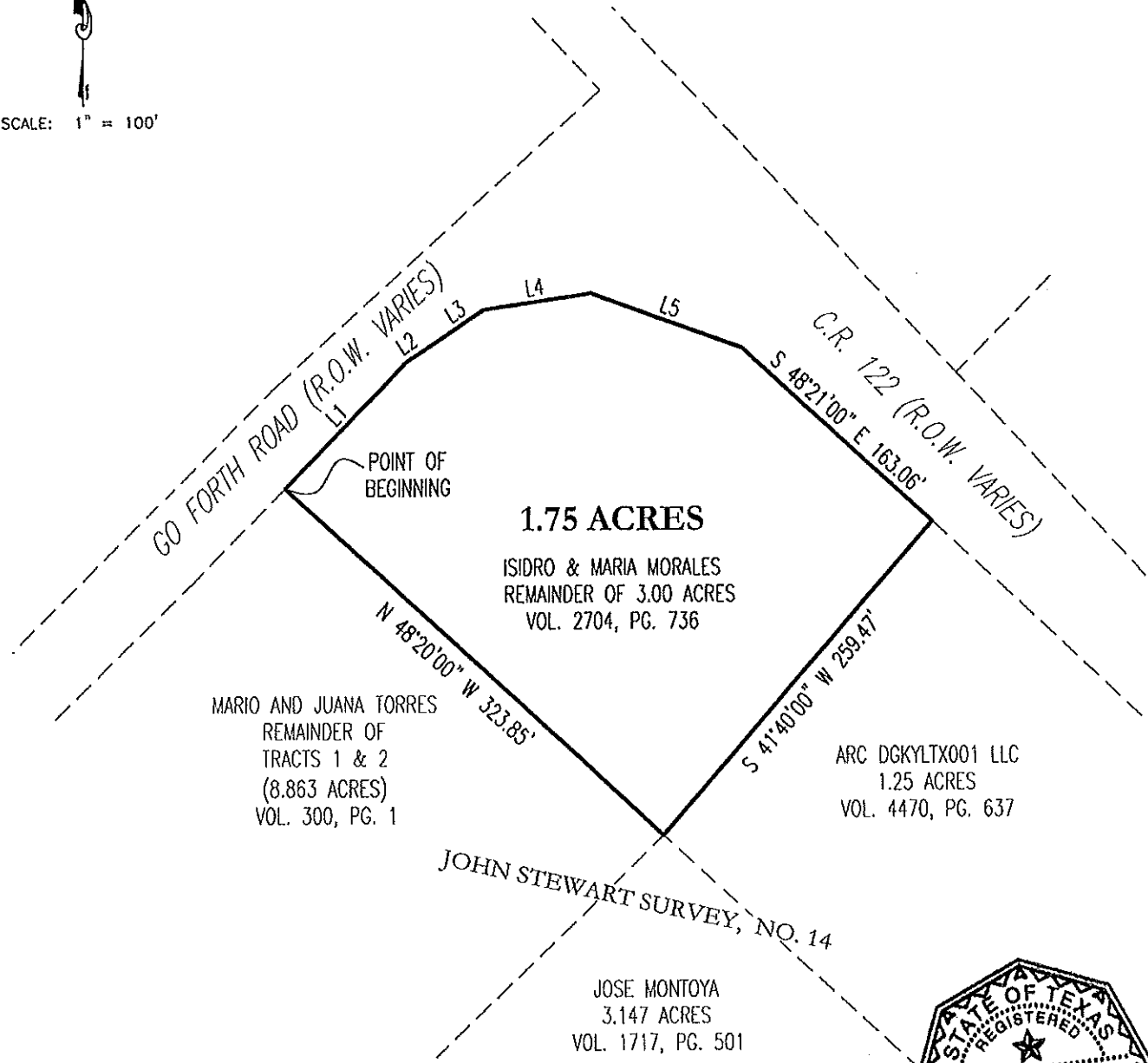


BEARING BASIS: PREPARED FROM RECORD INFORMATION FOUND IN VOLUME 2704, PAGE 736 (O.P.R.H.C.TX.)
NO ON-THE-GROUND SURVEY WAS PERFORMED.

SKETCH TO ACCOMPANY FIELD NOTES



SCALE: 1" = 100'

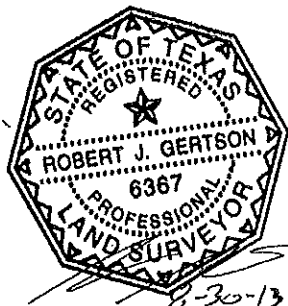


MARIO AND JUANA TORRES
REMAINDER OF
TRACTS 1 & 2
(8.863 ACRES)
VOL. 300, PG. 1

ARC DGKYLTX001 LLC
1.25 ACRES
VOL. 4470, PG. 637

JOHN STEWART SURVEY, NO. 14

JOSE MONTOYA
3.147 ACRES
VOL. 1717, PG. 501



BEARING BASIS: PREPARED WITH RECORD INFORMATION
FOUND IN VOLUME 2704, PAGE 736 (O.P.R.H.C.TX.)

LINE TABLE		
LINE	LENGTH	BEARING
L1	110.48	N44°34'23"E
L2	17.15	N56°46'34"E
L3	41.70	N56°56'34"E
L4	69.84	N81°42'43"E
L5	102.44	S70°36'39"E



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Item # 17

Tract 13

15.404 ACRES
JOHN STEWART SURVEY, ABSTRACT NO. 14
HAYS COUNTY, TEXAS
ANNEXATION

FIELD NOTES

BEING ALL OF THAT CERTAIN TRACT OR PARCEL OF LAND OUT OF AND A PART OF THE JOHN STEWART SURVEY, ABSTRACT NUMBER 14, SITUATED IN HAYS COUNTY, TEXAS, BEING MORE FULLY DESCRIBED AS BEING A PORTION OF THAT CERTAIN 15.946 ACRE TRACT OF LAND, CONVEYED TO THOMAS D. AND MARCELLA A. ODELL IN VOLUME 1111 PAGE 447, OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, (O.P.R.H.C.TX.), SAID 15.404 ACRE TRACT BEING MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, at a point found on the southwestern right-of-way line of C.R. 122 (R.O.W. varies), also being on the northwestern line of said 15.946 acre tract, also being the southeastern line of Southlake Section 1, a subdivision recorded in Volume 3064 Page 554 (O.P.R.H.C.TX.),

THENCE, with the said southwestern right-of-way line of C.R. 122, S45°49'48"E, for a distance of 669.56 feet to a point in the southeastern line of said 15.946 acre tract, also being in the northwestern line of Lot 9, Southbend 1, a subdivision recorded in Volume 3 Page 15 (O.P.R.H.C.TX.), for the easternmost corner of the herein described tract,

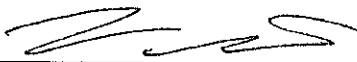
THENCE, with the common boundary line of said 15.946 acre tract, and said Southbend 1, S44°39'00"W, for a distance of 1005.33 feet to a point at the southernmost corner of said 15.946 acre tract, also being the westernmost corner of Lot 7 of said Southbend 1, and also being in the northeastern line of a remainder of 46.476 acre tract conveyed to Thomas D. & Marcella A. Odell in Volume 362 Page 705 (O.P.R.H.C.TX.), for the southernmost corner of the herein described tract,

THENCE, with the common boundary line of said 15.946 acre tract and the said northern boundary line of the said remainder of a 46.476 acre tract, N46°19'00"W, for a distance of 661.74 feet to a point in the eastern boundary line of said Southlake Section 1, also being the westernmost corner of said 15.946 acre tract, for the westernmost corner of the herein described tract,

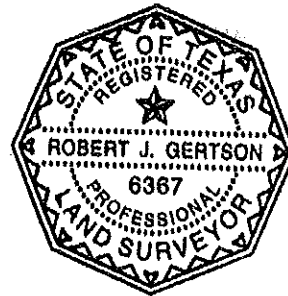
THENCE, with the common boundary line of said 15.946 acre tract and said Southlake Section 1, N44°12'11"E, for a distance of 1010.91 feet to the POINT OF BEGINNING and containing 15.404 acres of land.

THIS SURVEY WAS PREPARED FROM RECORD INFORMATION FOUND IN VOLUME 1111, PAGE 447 (O.P.R.H.C.TX.), NO ON-THE-GROUND SURVEY WAS PERFORMED

Prepared by:

 8-29-13

ROBERT J. GERTSON, R.P.L.S. NO. 6367
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SKETCH TO ACCOMPANY FIELD NOTES



SCALE: 1" = 200'

SOUTHLAKE SECTION 1
VOL. 3064, PG. 554

POINT OF BEGINNING

N 44°12'11" E
1010.91'

15.404 ACRES

THOMAS D. AND MARCELLA A. ODELL
(15.946 ACRES)
VOL. 1111 PG. 447

S 45°49'48" E
669.56'

C.R. 122
(R.O.W. VARIES)

JOHN STEWART SURVEY, ABSTRACT NO. 14

JOSE LUIS &
GREGORIA V. JIMENEZ
LOT 9

S 44°39'00" W
1005.33'

ROSEBELLE DORCHESTER
LOT 8

N 46°19'00" W
661.74'

ELIAS SANCHEZ
LOT 11B

THOMAS D. AND MARCELLA A. ODELL
REMAINDER OF 46.476 ACRES
VOL. 362, PG. 705

SOUTHBEND 1
VOL. 3 PG. 15

DEBBIE A. CASTILLO
LOT 11A

EDWARD &
DELPHINA URQUIZO
LOT 7

JOSE J. & GRACIELA RIOJAS
LOT 10



8-29-17

BEARING BASIS: PREPARED WITH RECORD INFORMATION
FOUND IN VOLUME 2221, PAGE 828 (O.P.R.H.C.T.X.)

C B D Carlson, Brigrance & Doering, Inc.

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Tract 14

0.995 ACRES
 JOHN STEWART SURVEY, ABSTRACT NO. 14
 HAYS COUNTY, TEXAS
 ANNEXATION

FIELD NOTES

BEING ALL OF THAT CERTAIN TRACT OR PARCEL OF LAND OUT OF AND A PART OF THE JOHN STEWART SURVEY, ABSTRACT NUMBER 14, SITUATED IN HAYS COUNTY, TEXAS, BEING MORE FULLY DESCRIBED AS BEING ALL OF THAT CERTAIN 0.99 ACRE TRACT OF LAND, CONVEYED TO CHARLIE RAMIREZ IN VOLUME 2704, PAGE 745, OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, (O.P.R.H.C.TX.), SAID 0.995 ACRE TRACT BEING MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, at a point found on the southern right-of-way line of Go Forth Road (R.O.W. varies), at the northern corner of said 0.99 acre tract of land, also being the easternmost corner of a 1.25 acre tract of land conveyed to ARC DGKYLTX001, LLC in Volume 4470 Page 637 (O.P.R.H.C.TX.), for the northernmost corner and **POINT OF BEGINNING** of the herein described tract,

THENCE, with the common boundary line of said 0.99 acre tract and said southerly right-of-way line of Go Forth Road, $548^{\circ}21'00''E$, for a distance of 173.11 feet to a point at the easternmost corner of said 0.99 acre tract, also being the northernmost corner of a 1.0 acre tract of land conveyed to Rosa Maria Reyes in Volume 1678 Page 761 (O.P.R.H.C.TX.), for the easternmost corner of the herein described tract,

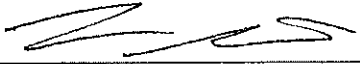
THENCE, with the common boundary line of said 0.99 acre tract and said 1.0 acre tract, $544^{\circ}24'07''W$, for a distance of 259.91 feet to a point at the southernmost corner of said 0.99 acre tract, also being the westernmost corner of said 1.0 acre tract, also being a point on the northern boundary line of a 3.147 acre tract of land conveyed to Jose Montoya in Volume 1717 Page 501 (O.P.R.H.C.TX.), for the southernmost corner of the herein described tract,

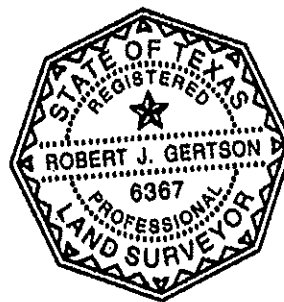
THENCE, with the common boundary line of said 0.99 acre tract and said 3.147 acre tract, $N48^{\circ}20'00''W$, for a distance of 160.70 feet to a point at the westernmost corner of said 0.99 acre tract, also being the southernmost corner of said 1.25 acre tract, for the westernmost corner of the herein described tract,

THENCE, with the common boundary line of said 0.99 acre tract and said 1.25 acre tract, $N41^{\circ}40'00''E$, for a distance of 259.56 feet to the **POINT OF BEGINNING** and containing 0.995 acres of land.

THIS SURVEY WAS PREPARED FROM RECORD INFORMATION FOUND IN VOLUME 2704, PAGE 745 (O.P.R.H.C.TX.), NO ON-THE-GROUND SURVEY WAS PERFORMED

Prepared by:

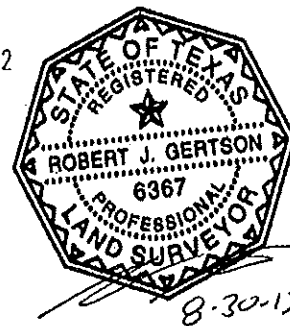
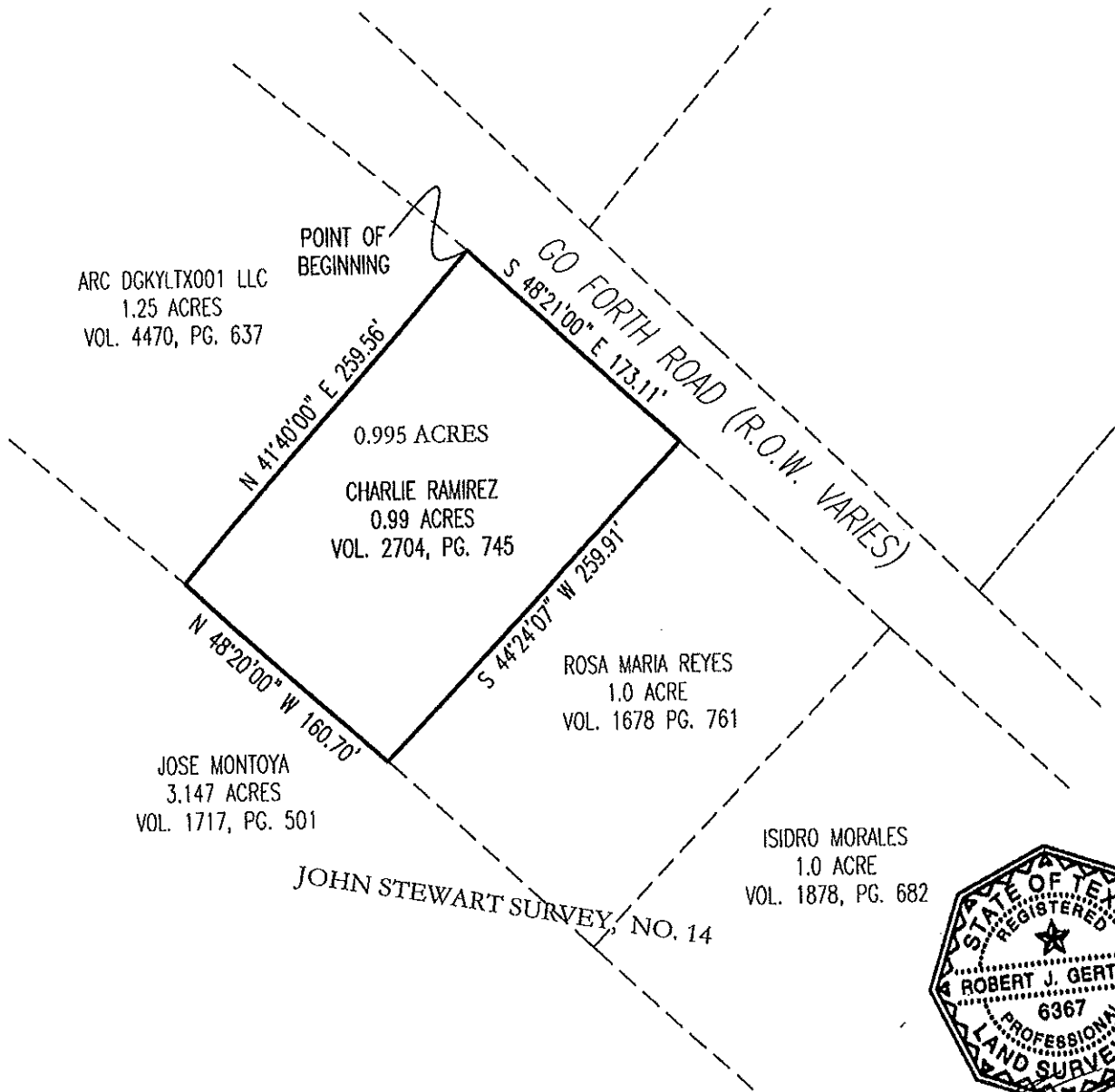
 8-30-13
 ROBERT J. GERTSON, R.P.L.S. NO. 6367
 Carlson, Brigance and Doering, Inc.
 5501 West William Cannon
 Austin, TX 78749
 Ph: 512-280-5160 Fax: 512-280-5165
 rgertson@cbdeng.com



SKETCH TO ACCOMPANY FIELD NOTES



SCALE: 1" = 100'



BEARING BASIS: PREPARED WITH RECORD INFORMATION FOUND IN VOLUME 2704, PAGE 745 (O.P.R.H.C.TX.)

Carlson, Brigrance & Doering, Inc.

Civil Engineering • Surveying
5501 West William Cannon Drive • Austin, Texas 78749
Phone No. (512) 280-5100 • Fax No. (512) 280-5162

Item # 17

Tract 15

0.999 ACRE
43,500 SQ. FT.
JOHN STEWART SURVEY, ABSTRACT NO. 14
HAYS COUNTY, TEXAS
ANNEXATION

FIELD NOTES

BEING ALL OF THAT CERTAIN TRACT OR PARCEL OF LAND OUT OF AND A PART OF THE JOHN STEWART SURVEY, ABSTRACT NUMBER 14, SITUATED IN HAYS COUNTY, TEXAS, BEING MORE FULLY DESCRIBED AS BEING ALL OF THAT CERTAIN 1.0 ACRE TRACT OF LAND, CONVEYED TO ROSA MARIA REYES IN VOLUME 1678 PAGE 761, OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, (O.P.R.H.C.TX.), SAID 0.999 (43,500 SQUARE FEET) ACRE TRACT BEING MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, at a point found on the southern right-of-way line of Go Forth Road (R.O.W. varies), at the northern corner of said Reyes Tract, also being the eastern corner of a 0.99 acre tract of land conveyed to Charlie Ramirez in Volume 2704 Page 745 (O.P.R.H.C.TX.), for the northern corner and **POINT OF BEGINNING** of the herein described tract,

THENCE, with the common boundary line of said southerly right-of-way line and said Reyes Tract, S48°20'00"E, for a distance of 167.73 feet to a point at the eastern corner of said Reyes Tract, also being the northernmost corner of a 1.0 acre tract of land conveyed to Isidro Morales in Volume 1878 Page 682 (O.P.R.H.C.TX.), for the easternmost corner of the herein described tract,

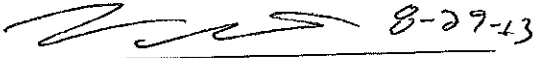
THENCE, with the common boundary line of said Reyes Tract and said Morales Tract, S44°33'25"W, for a distance of 259.97 feet to a point on the northern boundary line of a 3.147 acre tract of land conveyed to Jose Montoya in Volume 1717, Page 501 (O.P.R.H.C.TX.), said point being the southernmost corner of said Reyes Tract, also being the western corner of said Morales Tract, for the southern corner of the herein described tract,

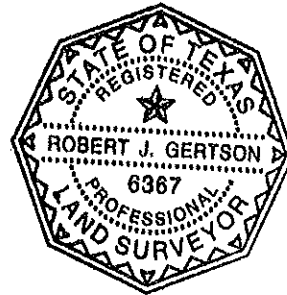
THENCE, with the common boundary line of said Reyes Tract, and said 3.147 acre tract, N48°15'13"W, for a distance of 167.49 feet to a point at the westernmost corner of said Reyes Tract, also being the southernmost corner of said 0.99 acre tract, for the western corner of the herein described tract,

THENCE, with the common boundary line of said Reyes Tract, and said 0.99 acre tract, N44°30'33"E, for a distance of 259.73 feet back to the **POINT OF BEGINNING** and containing 0.999 acre (43,500 Sq. Ft.) of land.

THIS SURVEY WAS PREPARED FROM RECORD INFORMATION FOUND IN VOLUME 1678, PAGE 761 (O.P.R.H.C.TX.), NO ON-THE-GROUND SURVEY WAS PERFORMED

Prepared by:

 8-29-13
ROBERT J. GERTSON, R.P.L.S. NO. 6367
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aaron@cbdeng.com



SKETCH TO ACCOMPANY FIELD NOTES



SCALE: 1" = 100'

ARC DGKYLTX001 LLC
1.25 ACRES
VOL. 4470, PG. 637

CHARLIE RAMIREZ
0.99 ACRE
VOL. 2704, PG. 745

0.999 ACRE
(43,500 SQ. FT.)
ROSA MARIA REYES
(1.0 ACRE)
VOL. 1678 PG. 761

JOSE MONTOYA
3.147 ACRES
VOL. 1717, PG. 501

ISIDRO MORALES
1.0 ACRE
VOL. 1878, PG. 682

JOHN STEWART SURVEY, NO. 14

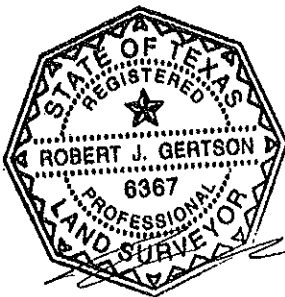
GO FORTH ROAD (R.O.W. VARIES)
S 48°20'00" E 167.73'

N 44°30'33" E 259.73'

N 48°15'13" W 167.49'


S 44°33'25" W 259.97'

POINT OF BEGINNING



3-29-13

BEARING BASIS: PREPARED WITH RECORD INFORMATION
FOUND IN VOLUME 1678, PAGE 761 (O.P.R.H.C.TX.)



Carlson, Brigance & Doering, Inc.
 Civil Engineering ♦ Surveying
 5501 West William Cannon Drive ♦ Austin, Texas 78749
 Phone No. (512) 280-5100 ♦ Fax No. (512) 280-5105

PATH:- J: 4576-097\SURVEY\FN-R11557 0.999 ACRE ANNEXATION

Tract 16

2.751 ACRES
 JOHN STEWART SURVEY, ABSTRACT NO. 14
 HAYS COUNTY, TEXAS
 ANNEXATION

FIELD NOTES

BEING ALL OF THAT CERTAIN TRACT OR PARCEL OF LAND OUT OF AND A PART OF THE JOHN STEWART SURVEY, ABSTRACT NUMBER 14, SITUATED IN HAYS COUNTY, TEXAS, BEING MORE FULLY DESCRIBED AS BEING ALL OF THAT CERTAIN 2.75 ACRE TRACT OF LAND, CONVEYED TO JOSE J. & GRACIELA RIOJAS IN VOLUME 410 PAGE 873, OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, (O.P.R.H.C.TX.), SAME BEING LOT 10 OF SOUTHBEND 1, A SUBDIVISION RECORDED IN VOLUME 3 PAGE 15 (O.P.R.H.C.TX.), SAID 2.751 ACRE TRACT BEING MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, at a point found on the northwestern right-of-way line of Go Forth Road (R.O.W. varies), also being the easternmost corner of said 2.75 acre tract, also being the southernmost corner of Lot 7 of said Southbend 1, said point also being the easternmost corner and **POINT OF BEGINNING** of the herein described tract,

THENCE, with the common boundary line of said 2.75 acre tract, and said northwestern right-of-way line of Go Forth Road, S44°55'30"W, for a distance of 303.40 feet to a point at the southern corner of said 2.75 acre tract, also being the eastern corner of Lot 6 of said Southbend 1, for the southernmost corner of the herein described tract,

THENCE, with the common boundary line of said 2.75 acre tract, and said Lot 6, N45°57'05"W, for a distance of 395.46 feet to a point at the westernmost corner of said 2.75 acre tract, also being a southern corner of said Lot 7, for the westernmost corner of the herein described tract,

THENCE, with the common boundary line of said 2.75 acre tract, and said Lot 7, the following 2 (two) courses and distances, numbered 1 and 2,

1. N44°55'34"E, for a distance of 303.01 feet to a point at the northernmost corner of said 2.75 acre tract, also being an interior corner of said Lot 7, for the northernmost corner of the herein described tract,
2. S46°00'07"E, for a distance of 395.00 feet to the **POINT OF BEGINNING** and containing 2.751 acres of land.

SURVEY WAS PERFORMED FROM RECORD INFORMATION FOUND IN VOLUME 410, PAGE 873 (O.P.R.H.C.TX.), NO ON-THE-GROUND SURVEY WAS PERFORMED

Prepared by: _____

ROBERT J. GERTSON, R.P.L.S. NO. 6367
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 Austin, TX 78749
 Ph: 512-280-5160 Fax: 512-280-5165
 rgertson@cbdeng.com



SKETCH TO ACCOMPANY FIELD NOTES



SCALE: 1" = 200'

THOMAS D. AND MARCELLA A. ODELL
15.946 ACRES
VOL. 2221 PG. 828

JOSE LUIS &
GREGORIA V. JIMENEZ
LOT 9

SOUTHBEND 1
VOL. 3, PG. 15

MIGUEL C. VALLE
LOT 12

JOHN STEWART SURVEY, ABSTRACT NO. 14

ROSEBELLE DORCHESTER
LOT 8

EDWARD &
DELPHINA URQUIZO
LOT 7

ELIAS SANCHEZ
LOT 11B

DEBBIE A. CASTILLO
LOT 11A

THOMAS D. AND MARCELLA A. ODELL
REMAINDER OF 46.476 ACRES
VOL. 362, PG. 705

N 44°55'34" E 303.01'
S 46°00'07" E 395.00'

2.751 ACRES

JOSE J. & GRACIELA RIOJAS
2.75 ACRES
VOL. 410 PG. 873
(LOT 10)

N 45°57'05" W 395.46'
ROGELIO NIETO-JAMES
LOT 6

GO FORTH ROAD (R.O.W. VARIES)

POINT OF BEGINNING

PAUL AND REBECCA
MERCADO
1 ACRE

S 44°55'30" W 303.40'
ESTATE OF MARYLOU
AND ECTOR
GONZALES
6.0 ACRES
VOL. 725, PG. 5

ESTATE OF MARYLOU
AND ECTOR
GONZALES
4.0 ACRES
VOL. 723, PG. 231



8-29-13

BEARING BASIS: PREPARED WITH RECORD INFORMATION
FOUND IN VOLUME 410, PAGE 873 (O.P.R.H.C.TX.)



Carlson, Brigance & Doering, Inc.

Civil Engineering ♦ Surveying
5501 West Wilton Caroon Drive ♦ Austin, Texas 78749
Phone No. (512) 280-5160 ♦ Fax No. (512) 299-5169

Item # 17

Tract 17

1.365 Acres
 JOHN STEWART SURVEY, ABSTRACT NO. 14
 HAYS COUNTY, TEXAS
 ANNEXATION

FIELD NOTES

BEING ALL OF THAT CERTAIN TRACT OR PARCEL OF LAND OUT OF AND A PART OF THE JOHN STEWART SURVEY, ABSTRACT NUMBER 14, SITUATED IN HAYS COUNTY, TEXAS, BEING MORE FULLY DESCRIBED AS BEING ALL OF LOT 11B, SOUTHBEND I, A SUBDIVISION AS RECORDED IN VOLUME 3, PAGE 15 OF THE HAYS COUNTY PLAT RECORDS (H.C.P.R.) CONVEYED TO ELIAS SANCHEZ, IN DOCUMENT NUMBER 9924838 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY TEXAS (O.P.R.H.C.TX.), SAID 1.365 ACRE TRACT BEING MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, at a point on the northwestern right-of-way line of C.R. 157 (50' R.O.W), for the southernmost corner of Lot 12 of said Southbend I, also being the easternmost corner of said Lot 11B, for the **POINT OF BEGINNING** and the easternmost corner of the herein described tract,

THENCE, with the northwestern right-of-way line of said C.R. 157 (50' R.O.W), common to the southeastern boundary line of said Lot 11B, S44°55'30"W, for a distance of 151.50 feet to a point for the southernmost corner of said Lot 11B, also being the easternmost corner of Lot 11A of said Southbend I,

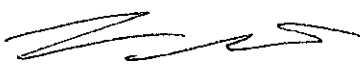
THENCE, with the common boundary line of said Lot 11B and said Lot 11A, N45°39'17"W, for a distance of 394.97 feet to a point in the southeastern boundary line of Lot 8 of said Southbend I, for the northernmost corner of said Lot 11A, also being the westernmost corner of said Lot 11B,

THENCE, with the common boundary line of said Lot 8 and said Lot 11B, N44°55'34"E, for a distance of 149.52 feet to a point in the southwestern boundary line of Lot 9 of said Southbend I, for the easternmost corner of said Lot 8, also being the northernmost corner of said Lot 11B,

THENCE, with the common boundary line of said Lot 9, said Lot 12 and said Lot 11B, S45°56'33"E, for a distance of 394.99 feet to the **POINT OF BEGINNING**, and containing 1.365 acres of land.

THIS SURVEY WAS PREPARED FROM RECORD INFORMATION, SOUTHBEND I, A SUBDIVISION AS RECORDED IN VOLUME 3, PAGE 15 (H.C.P.R.), NO ON-THE-GROUND SURVEY WAS PERFORMED

Prepared by:

 8-29-17
 ROBERT J. GERTSON, R.P.L.S. NO. 6367
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 Austin, TX 78749
 Ph: 512-280-5160 Fax: 512-280-5165
 rgertson@cbdeng.com



SKETCH TO ACCOMPANY FIELD NOTES



SCALE: 1" = 100'

JOSE LUIS AND GREGORIA V. JIMENEZ
LOT 9
SOUTHBEND 1
VOL. 3, PG. 15, FURTHER DESCRIBED IN
VOL. 829, PG. 101

ROSEBELLE DORCHESTER
LOT 8
SOUTHBEND 1
VOL. 3, PG. 15,
FURTHER DESCRIBED IN
VOL. 595, PG. 43

CR 122 ROAD (R.O.W. VARIES)
JOHN STEWART SURVEY, ABSTRACT NO. 14

MIGUEL C. VALLE
LOT 12
SOUTHBEND 1
VOL. 3, PG. 15, FURTHER DESCRIBED IN
DOCUMENT NO. 9912658

N44°55'34"E 149.52'
1.365 ACRES
S44°56'33"E 394.99'

ELIAS SANCHEZ
LOT 11B
SOUTHBEND 1
VOL. 3, PG. 15, FURTHER DESCRIBED IN
DOCUMENT NO. 9924838

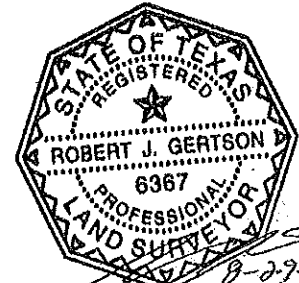
ELIAS SANCHEZ
LOT 11A
SOUTHBEND 1
VOL. 3, PG. 15, FURTHER DESCRIBED IN
VOL. 2052, PG. 354

POINT OF BEGINNING

N45°39'17"W 394.97'
S44°55'30"W 151.50'

CR 157 (50' R.O.W.)

JOSE AND GRACIE RIOJAS
LOT 10
SOUTHBEND 1
VOL. 3, PG. 15, FURTHER DESCRIBED IN
VOL. 2997, PG. 290



BEARING BASIS: PREPARED WITH RECORD INFORMATION, SOUTHBEND 1, A SUBDIVISION AS RECORDED IN VOLUME 3, PAGE 15 (H.C.P.R.) FURTHER DESCRIBED IN DOCUMENT NO. 9924838

	Carlson, Brigance & Doering, Inc.
	Civil Engineering ♦ Surveying 5501 West William Cannon Drive ♦ Austin, Texas 78749 Phone No. (512) 280-5160 ♦ Fax No. (512) 280-5165

FORM # 17

Tract 18

2.982 ACRES
JOHN STEWART SURVEY, ABSTRACT NO. 14
HAYS COUNTY, TEXAS
ANNEXATION

FIELD NOTES

BEING ALL OF THAT CERTAIN TRACT OR PARCEL OF LAND OUT OF AND A PART OF THE JOHN STEWART SURVEY, ABSTRACT NUMBER 14, SITUATED IN HAYS COUNTY, TEXAS, BEING MORE FULLY DESCRIBED AS BEING ALL OF THAT CERTAIN 2.98 ACRE TRACT OF LAND, CONVEYED TO EDWARD & DELPHINA UEQUIZO IN VOLUME 1515 PAGE 36, OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, (O.P.R.H.C.TX.), SAME BEING LOT 7 OF SOUTHBEND 1, A SUBDIVISION RECORDED IN VOLUME 3 PAGE 15 (O.P.R.H.C.TX.), SAID 2.982 ACRE TRACT BEING MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, at a point found on the northwestern right-of-way line of Go Forth Road (R.O.W. varies), also being the most eastern corner of said 2.98 acre tract, also being the most southern corner of Lot 8 of said Southbend 1, said point also being the easternmost corner and **POINT OF BEGINNING** of the herein described tract,

THENCE, with the common boundary line of said 2.98 acre tract and said northwestern right-of-way line of Go Forth Road, S44°55'30"W, for a distance of 60.04 feet to a point at the most southern corner of said 2.98 acre tract, also being the eastern corner of Lot 10 of said Southbend 1, for the southernmost corner of the herein described tract,

THENCE, with the common boundary line of said 2.98 acre tract, and said Lot 10, the following 2 (two) courses and distances, numbered 1 and 2,

1. N46°00'07"W, for a distance of 395.00 feet to a point at an interior corner of said 2.98 acre tract, also being the northern corner of said Lot 10, and
2. S44°55'34"W, for a distance of 303.01 feet to a point in the northeastern boundary line of Lot 6 of said Southbend 1, same being a southern corner of said 2.98 acre tract, also being the westernmost corner of said Lot 10,

THENCE, with the common boundary line of said Lot 6, and said 2.98 acre tract, N45°57'05"W, for a distance of 90.76 feet to a point at the northern corner of said Lot 6, same being the eastern corner of the remainder of a 46.476 acre tract of land conveyed to Thomas D. and Marcella A. Odell in Volume 362 Page 705 (O.P.R.H.C.TX.),

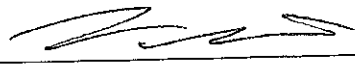
THENCE, N46°19'00"W, for a distance of 200.58 feet to a point at the southernmost corner of a 15.946 acre tract of land conveyed to Thomas D. and Marcella A. Odell in Volume 1111 Page 447 (O.P.R.H.C.TX.), same being the westernmost corner of said 2.98 acre tract, for the westernmost corner of the herein described tract,

THENCE, with the common boundary line of said 15.946 acre tract, and said 2.98 acre tract, N44°39'00"E, for a distance of 364.05 feet to a point at the northern corner of said 2.98 acre tract, same being the most western corner of said Lot 8, for the northern corner of the herein described tract,

THENCE, with the common boundary line of said 2.98 acre tract, and said Lot 8, S46°00'07"E, for a distance of 688.08 feet to the **POINT OF BEGINNING** and containing 2.982 acres of land.

THIS SURVEY WAS PREPARED FROM RECORD INFORMATION FOUND IN VOLUME 1515, PAGE 36 (O.P.R.H.C.TX.), NO ON-THE-GROUND SURVEY WAS PERFORMED

Prepared by:

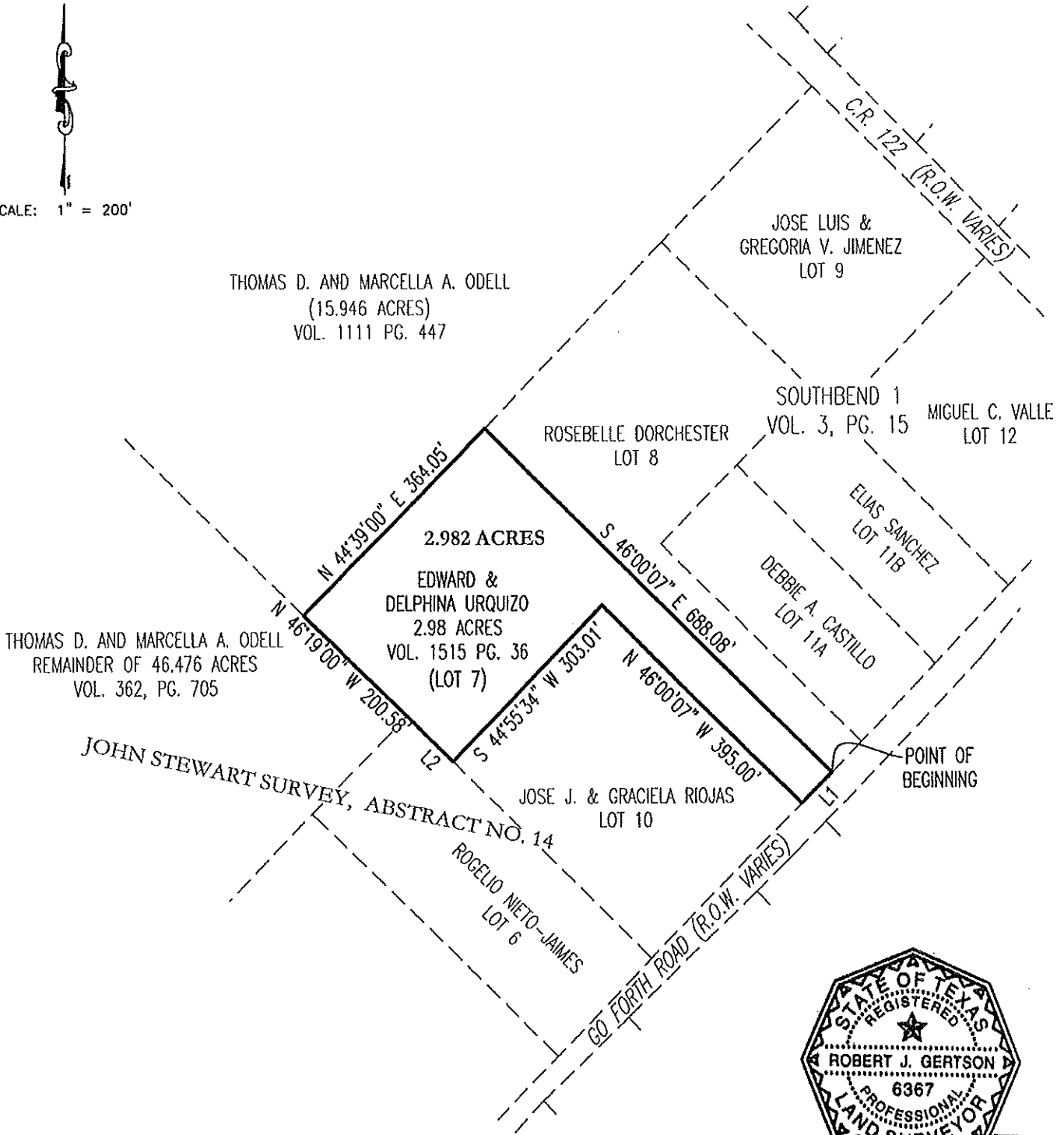
 8-30-13
ROBERT J. GERTSON, R.P.L.S. NO. 6367
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Austin, TX 78749
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rgertson@cbdeng.com



SKETCH TO ACCOMPANY FIELD NOTES



SCALE: 1" = 200'



8-30-43

BEARING BASIS: PREPARED WITH RECORD INFORMATION FOUND IN VOLUME 1515, PAGE 36 (O.P.R.H.C.TX.)

LINE TABLE		
LINE	LENGTH	BEARING
L1	60.04	S44°55'30"W
L2	90.76	N45°57'05"W

Carlson, Brigance & Doering, Inc.

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 5501 West William Caceon Drive • Austin, Texas 78749
 Phone No. (512) 280-5160 • Fax No. (512) 280-5165

SKETCH TO ACCOMPANY FIELD NOTES



SCALE: 1" = 100'

JOHN STEWART SURVEY, ABSTRACT NO. 14
CR 122 ROAD (R.O.W. VARIES)

JOSE LUIS AND GREGORIA V. JIMENEZ
LOT 9
SOUTHBEND 1
VOL. 3, PG. 15, FURTHER DESCRIBED IN
VOL. 829, PG. 101

POINT OF BEGINNING

2.423 ACRES

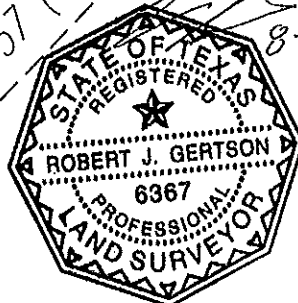
MIGUEL C. VALLE
LOT 12
SOUTHBEND 1
VOL. 3, PG. 15, FURTHER DESCRIBED IN
DOCUMENT NO. 9912658

ELIAS SANCHEZ
LOT 11B
SOUTHBEND 1
VOL. 3, PG. 15, FURTHER DESCRIBED IN
DOCUMENT NO. 9924838

ELIAS SANCHEZ
LOT 11A
SOUTHBEND 1
VOL. 3, PG. 15, FURTHER DESCRIBED IN
VOL. 2052, PG. 354

ISIDRO & MARIA MORALES
VOL. 2704, PG. 736

CR 157 (50' R.O.W.)



8-30-13

BEARING BASIS: PREPARED WITH RECORD INFORMATION,
SOUTHBEND 1, A SUBDIVISION AS RECORDED IN VOLUME 3,
Page 15 (H.C.P.R.) FURTHER DESCRIBED IN DOCUMENT NO.
9912658



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Phone No. (512) 280-5160 • Fax No. (512) 280-5145

Form # 17

PATH:- J: 4576-097\SURVEY\FN-R42571 2.423 ACRES ANNEXATION



CITY OF KYLE, TEXAS

ESD #5 Joint Resolution

Meeting Date: 10/8/2013
Date time: 7:00 PM

Subject/Recommendation: Consideration and Possible Action as may be required in regards to the Joint Resolution of the City of Kyle, Texas and Hays County Emergency Services District No. 5 for the Allocation of Sales Tax Revenue. ~ *Lanny Lambert, City Manager*

Other Information:

Budget Information:

Viewing Attachments Requires Adobe Acrobat. [Click here](#) to download.

Attachments / click to download

[ESD #5 Joint Resolution](#)

**CITY OF KYLE RESOLUTION NO. ____ - ____ - ____ - ____
HAYS COUNTY EMERGENCY SERVICES DISTRICT NO. 5 RESOLUTION
NO. 10-03-13-01**

**STATE OF TEXAS §
 §
COUNTY OF HAYS §**

**JOINT RESOLUTION OF THE CITY OF KYLE, TEXAS AND HAYS COUNTY
EMERGENCY SERVICES DISTRICT NO. 5**

WHEREAS, a portion of the City of Kyle, Texas and extraterritorial jurisdiction (“City”) is within the territorial limits of Hays County Emergency Services District No. 5 (“District”); and,

WHEREAS, the District provides fire and other related emergency services to both the citizens of the District and the City; and,

WHEREAS, both the District and City are political subdivisions of the State of Texas, each with their own respective rights, duties, and obligations; and,

WHEREAS, both the District and City may adopt and implement a sales and use tax within their respective territorial boundaries, subject to the application of certain laws, rules, and regulations; and,

WHEREAS, the City currently implements a one and one half percent sales and use tax, in conjunction with Hays County’s one-half of one percent sales and use tax thereby reaching the maximum local two percent sales and use tax within the territorial boundaries of the City; and,

WHEREAS, subject to applicable law, the District may implement, outside of the territorial boundaries of the District its own sales and use tax not to exceed 2 percent in any area of the District that has not been excluded from an election and the implementation of a sales and use tax pursuant to the provisions of Section 775.0751, Texas Health & Safety Code, and other applicable law; and,

WHEREAS, the District has ordered any election within its territorial boundaries, excluding any areas from the election and applicability of its sales and use tax where the sales and use tax is then at two percent; and,

WHEREAS, the City understands that as it changes its territorial boundaries within the District, said District sales and use tax, if adopted by the voters of the District, excluding areas where the sales and use tax is then at two percent, will be allocated to the District pursuant to applicable law, including, but not limited to the Texas Tax Code; and,

WHEREAS, both the City and District understand the other's needs for such sales and use tax and desire to allow for the implementation of a sales and use tax, as allowed by law, in the District where the then sales and use tax is not at two percent; and,

WHEREAS, both the City and District desire for the highest obtainable emergency services be available to the citizens of both entities;

~~WHEREAS, upon the City annexing any part of the Future Annexed Area ("Annexed Property") after the passage of the November, 2013 election for the District's sales and use tax, the implementation and collection of said sales and use tax by the Texas Comptroller, and the Effective Date of this Agreement/Resolution, the District agrees to allocate to the City on a monthly basis the District's local sales and use tax revenue actually received in hand by the District from the Texas Comptroller for the Future Annexed Area and Annexed Property, excluding any deductions or re-allocations by the Texas Comptroller, and derived from Annexed Property in the Future Annexed Area. It is the intent of the parties hereto that Hays County, the District shall receive one-half of one percent of the maximum allowed two percent of the local sales and use tax for the Future Annexed Area and Annexed Property, and the City shall receive one and one-half percent of the maximum allowed two percent of the local sales and use tax for the Future Annexed Area and Annexed Property.~~

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NOW, THEREFORE, BE IT JOINTLY RESOLVED BY THE CITY COUNCIL OF THE CITY OF KYLE, TEXAS AND THE BOARD OF EMERGENCY SERVICES COMMISSIONERS OF HAYS COUNTY EMERGENCY SERVICES DISTRICT NO. 5:

Section 1.

The foregoing recitals are hereby jointly found to be true and correct and are hereby adopted by the City Council of the City of Kyle, Texas and the Board of Emergency Services Commissioners of Hays County Emergency Services District No. 5 as findings of fact and conclusions of law and made part hereof for all purposes.

Section 2.

The City Council of the City of Kyle, Texas, to the extent permitted by law, supports the reasons for the proposed adoption, if approved by the relevant voters of the District, of a local sales and use tax by Hays County Emergency Services District No. 5, as allowed by applicable law.

Section 3.

If any provision of this Joint Resolution shall be found by a court of competent jurisdiction to be illegal, unenforceable, or otherwise without effect, then the remaining portions of this Joint Resolution shall remain in full force and effect.

Section 4.

This Joint Resolution shall become effective immediately upon its adoption by the City Council of the City of Kyle, Texas and the Board of Emergency Services Commissioners of Hays County Emergency Services District No. 5.

JOINTLY RESOLVED by the City Council of the City of Kyle and the Board of Emergency Services Commissioners of Hays County Emergency Services District No. 5 on this the 3rd day of October, 2013.

CITY OF KYLE, TEXAS

HAYS COUNTY EMERGENCY SERVICES DISTRICT NO. 5

By: _____
Lucy Johnson,
Mayor

By: _____
Beth Smith,
President

ATTEST:

Amelia Sanchez, City Secretary

Susan Meckel, Secretary

DRAFT