

# 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 12/18/2013, at Kyle City Hall, 100 West Center Street, Kyle, Texas for the purpose of discussing the following agenda.

Posted this 12th day of December, 2013 prior to 7:00 p.m.

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### **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. *(Second 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](#)

2. *(Second Reading)* AN ORDINANCE OF THE CITY OF KYLE, TEXAS ANNEXING APPROXIMATELY 40.267 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](#)

3. *(Second Reading)* AN ORDINANCE OF THE CITY OF KYLE, TEXAS, ANNEXING APPROXIMATELY .89 ACRES OF LAND, LOCATED IN HAYS

COUNTY, TEXAS, WHICH IS GENERALLY LOCATED APPROXIMATELY 200 FEET EAST OF THE E. RR 150 AND CR 152 (ALSO KNOWN AS HEIDENREICH LANE) INTERSECTION; 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](#)

4. (*Second 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](#)

5. (*Second 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](#)

6. (*Second Reading*) AN ORDINANCE OF THE CITY OF KYLE, TEXAS, ANNEXING APPROXIMATELY 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](#)

7. (*Second 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](#)

8. *(Second Reading)* AN ORDINANCE OF THE CITY OF KYLE, TEXAS, ANNEXING APPROXIMATELY 5.626 ACRES OF LAND, LOCATED IN HAYS COUNTY, TEXAS, WHICH IS GENERALLY LOCATED NORTH OF BEBEE ROAD, EAST OF DACY LANE AND WEST OF GOFORTH ROAD 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](#)

9. A RESOLUTION OF THE CITY OF KYLE, TEXAS, AUTHORIZING THE MAYOR TO EXECUTE A DEVELOPMENT AGREEMENT WITH MERLIN FRISENHAHN, ON BEHALF OF ELGIN GROCERY AND PARK PLACE FOOD, FOR VOLUNTARY ANNEXATION OF APPROXIMATELY 12.07 ACRES OF LAND IN HAYS COUNTY, TEXAS GENERALLY LOCATED NORTH OF BEBEE ROAD, EAST OF DACY LANE AND WEST OF GOFORTH ROAD; IN CONFORMANCE WITH THE TEXAS LOCAL GOVERNMENT CODE AND FOR THE PURPOSE OF ESTABLISHING A SCHEDULE AND FOR THE PURPOSE OF ESTABLISHING A SCHEDULE FOR ANNEXATION OF THE PROPERTY; MAKING FINDINGS OF FACT; AND PROVIDING FOR RELATED MATTERS. ~ *Sofia Nelson, Director of Planning*

 [Attachments](#)

10. *(Second 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](#)

11. *(Second 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](#)

12. *(Second 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. Consider a Development Agreement between the City of Kyle and the owners of Mi Rancho, located on Windy Hill Road, regarding a request of delay of annexation  
~ *Lanny Lambert, City Manager*

 [Attachments](#)

14. *(Second 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](#)

#### IV. 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

18.62 acres

**Meeting Date:**  
**12/18/2013**  
**Date time: 7:00 PM**

**Subject/Recommendation:** *(Second 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 attachments

**Budget Information:** N/A

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

Attachments / click to download

 [Ordinance and Exhibit](#)

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**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 17th day of December, 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,

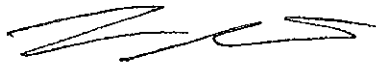
**THENCE**, with the common boundary line of said 18.62 acre tract, said 14.156 acre tract, a 24.863 acre tract conveyed to Rudy Cisneros and a 67.18 acre tract conveyed to Walton Texas, LP in Volume 3913, Page 496 of the O.P.R.H.C.TX, N44°50'03"E, for a distance of 1250.30 feet to a point for the northwestern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

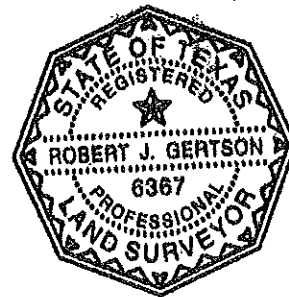
**THENCE**, with a southwestern boundary line of said 696.20 acre tract, common to the northeastern boundary line of said 18.62 acre tract, S45°01'17"E, for a distance of 298.22 feet to a point in the northwestern right-of-way line of said C.R. 152 found for the northeastern corner of the herein described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

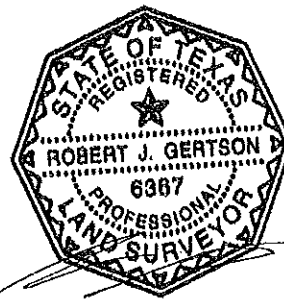
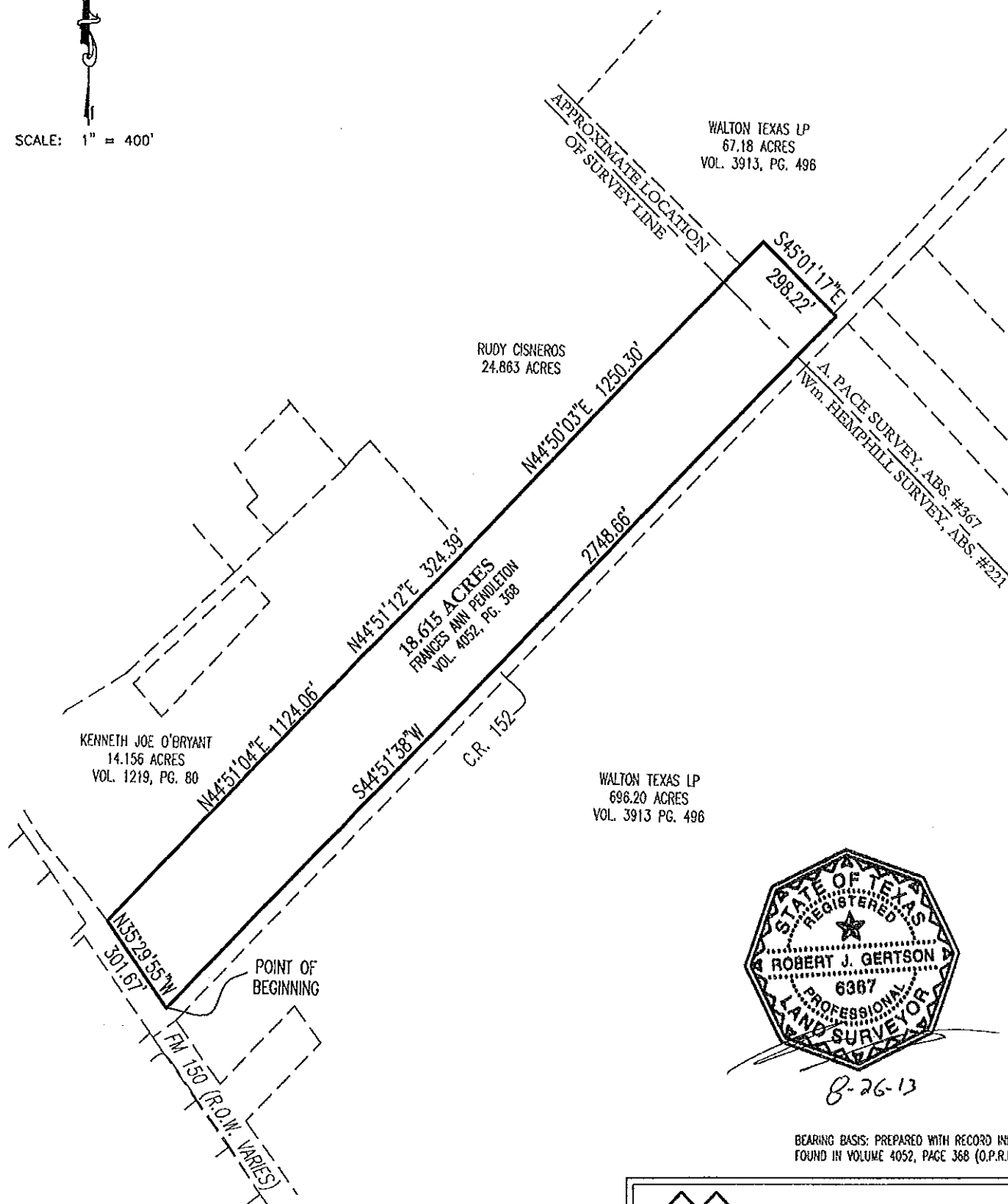
 8-26-13  
 ROBERT J. GERTSON, R.P.L.S. NO. 6367  
 Carlson, Brigance and Doering, Inc.  
 5501 West William Cannon  
 Austin, TX 78749  
 Ph: 512-280-5160 Fax: 512-280-5165  
 rgertson@cbdeng.com



# 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.TX.)



Carlson, Brigrance & Doering, Inc.

Civil Engineering ♦ Surveying  
5501 West William Canyon Drive ♦ Austin, Texas 78749  
Phone No. (512) 260-5169 ♦ Fax No. (512) 260-5165

Item # 1

PATH:- J: 4576-097\SURVEY\FN-R17268 18.615 ACRES ANNEXATION



# CITY OF KYLE, TEXAS

40.267 acres

**Meeting Date:**  
**12/18/2013**  
**Date time: 7:00 PM**

**Subject/Recommendation:** *(Second Reading)* AN ORDINANCE OF THE CITY OF KYLE, TEXAS ANNEXING APPROXIMATELY 40.267 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 attachments

**Budget Information:** N/A

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☐ [Ordinance and Exhibit's](#)

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**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY OF KYLE, TEXAS, ANNEXING APPROXIMATELY 40.267 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 40.267 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 17th day of December, 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".



CITY OF KYLE

SEP 27 2013

Petition for Annexation

PLANNING DEPARTMENT

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.

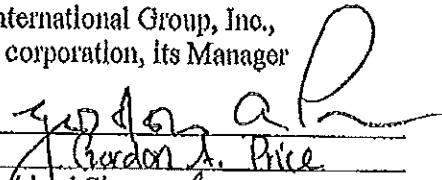
The undersigned parties certify that the above described land is contiguous to the City of Kyle Texas, is not more than one-half (1/2) mile in width, and is vacant and without residents or on which fewer than three qualified voters reside, and that this petition is signed and duly acknowledged by or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

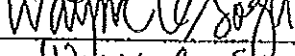
LANDOWNERS:

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. Sebra  
Its: Authorized Signatory

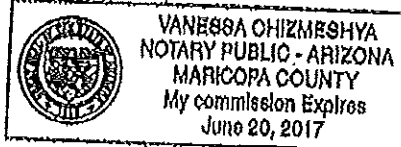
THE STATE OF ARIZONA       §  
    §  
 COUNTY OF MARICOPA       §

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 16<sup>th</sup> day of September, 2013.

Notary Public in and for the State of Arizona

Printed Name:  
 Commission Expires:



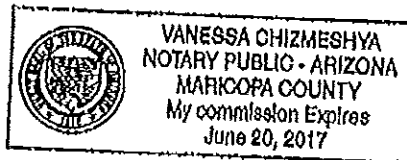
THE STATE OF ARIZONA       §  
    §  
 COUNTY OF MARICOPA       §

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 16<sup>th</sup> 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 B. Souza  
Name: Wayne B. Souza  
Its: Authorized Signatory

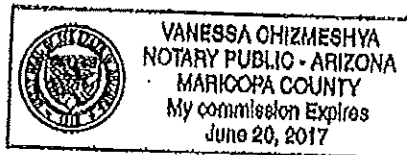
THE STATE OF ARIZONA      §  
   §  
COUNTY OF MARICOPA      §

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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:



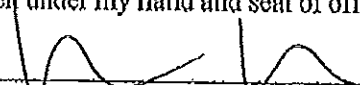
THE STATE OF ARIZONA

§  
§  
§

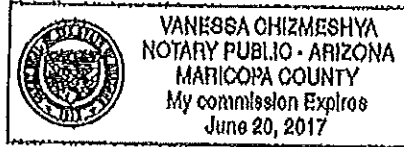
COUNTY OF MARICOPA

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Given under my hand and seal of office, this 16<sup>th</sup> 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

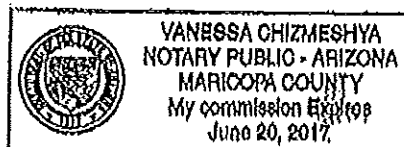
THE STATE OF ARIZONA       §  
   §  
COUNTY OF MARICOPA       §

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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:



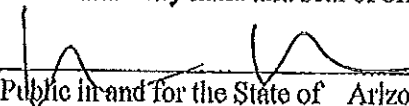
THE STATE OF ARIZONA

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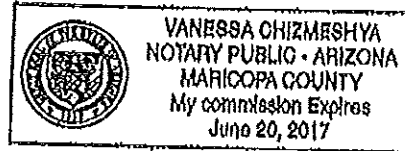
COUNTY OF MARICOPA

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Given under my hand and seal of office, this 16<sup>th</sup> 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 FACE 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 southwesterly corner of said "Tract 1", for the southwesterly 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;

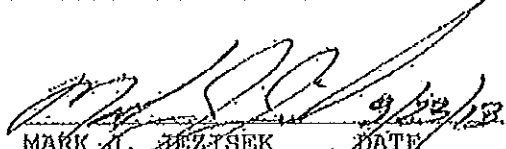
FN 13-425(KWA)  
SEPTEMBER 23, 2013  
PAGE 5 OF 5

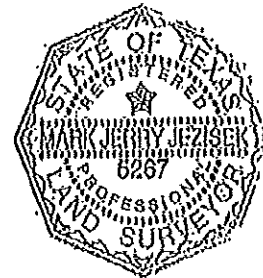
THENCE, S43°47'51"W, along the westerly line of County Road 152, being a portion of the easterly line of said "Tract 2", for the easterly line hereof, a distance of 5.00 feet to the POINT OF BEGINNING, containing an area of 0.108 acre (4,725 sq. ft.) of land, more or less, within these metes and bounds.

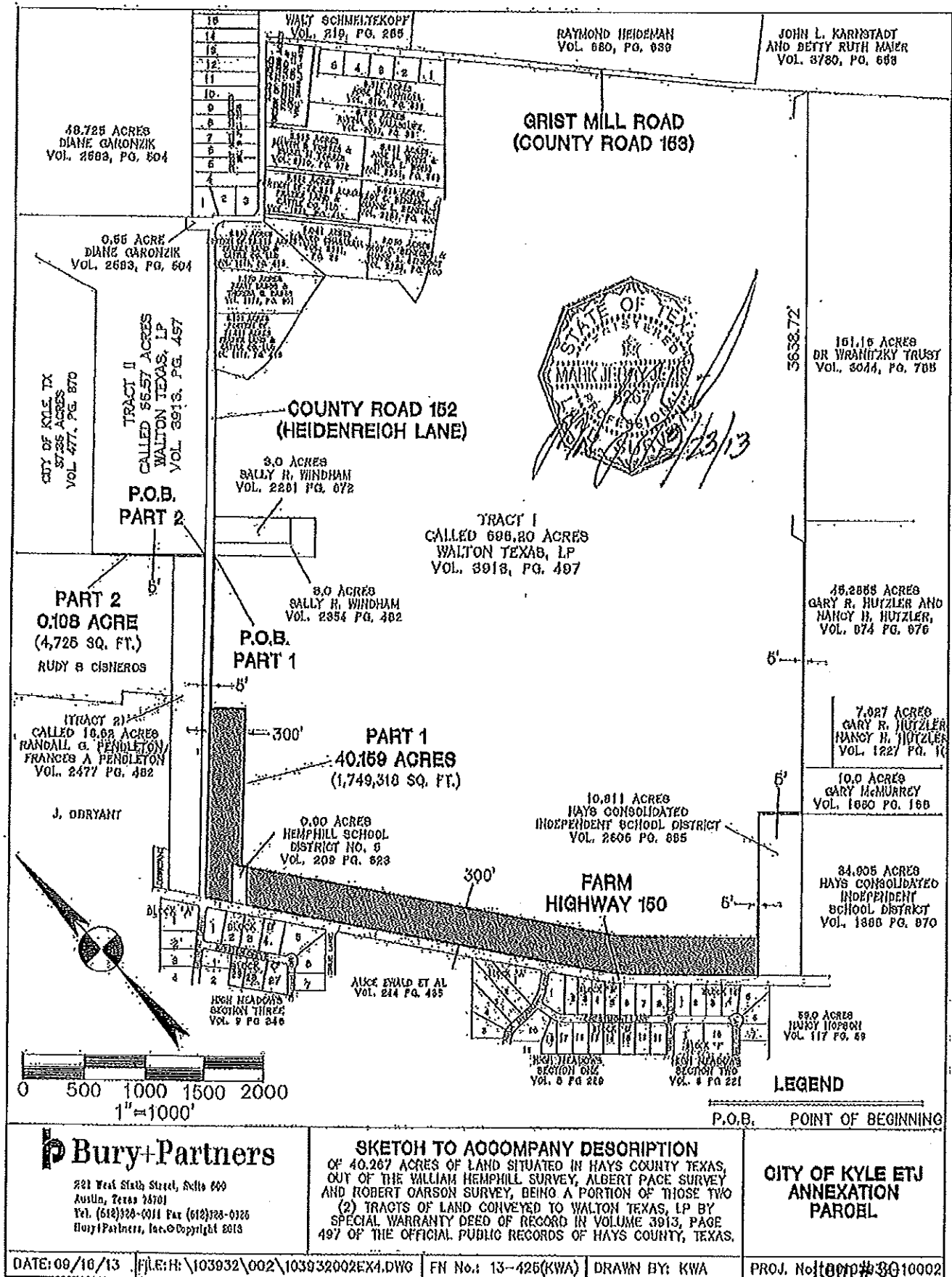
THE BASIS OF BEARING OF THE SURVEY SHOWN HEREON IS TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE (4304), NAD 83(96), UTILIZING WESTERN DATA SYSTEMS CONTINUALLY OPERATING REFERENCE STATION (CORS) NETWORK AND REFERENCED TO LCRA GPS CONTROL MONUMENTS.

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  
R.P.L.S. NO. 5267  
STATE OF TEXAS







# CITY OF KYLE, TEXAS

.89 acres

**Meeting Date:**  
**12/18/2013**  
**Date time: 7:00 PM**

**Subject/Recommendation:** *(Second Reading)* AN ORDINANCE OF THE CITY OF KYLE, TEXAS, ANNEXING APPROXIMATELY .89 ACRES OF LAND, LOCATED IN HAYS COUNTY, TEXAS, WHICH IS GENERALLY LOCATED APPROXIMATELY 200 FEET EAST OF THE E. RR 150 AND CR 152 (ALSO KNOWN AS HEIDENREICH LANE) INTERSECTION; 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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**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY OF KYLE, TEXAS, ANNEXING APPROXIMATELY .89 ACRES, LOCATED IN HAYS COUNTY, TEXAS, WHICH IS GENERALLY LOCATED APPROXIMATELY 200 FEET EAST OF THE E. RR 150 AND CR 152 (ALSO KNOWN AS HEIDENREICH LANE) INTERSECTION 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 .89 acres of Land in Hays County, Texas that is generally located approximately 200 feet east of the CR 152 and E RR150 intersection 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 17th day of December, 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**

0.89 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 THE WILLIAM HEMPHILL SURVEY, ABSTRACT NUMBER 221, SITUATED IN HAYS COUNTY, TEXAS, BEING A 0.89 ACRE TRACT OF LAND, CONVEYED TO HAYS CONSOLIDATED INDEPENDENT SCHOOL DISTRICT IN VOLUME 209, PAGE 623, OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, SAID TRACT BEING MORE FULLY DESCRIBED BY THE METES AND BOUNDS AS FOLLOWS:**

**BEGINNING**, at a point in the northeastern right-of-way line of E FM 150 (R.O.W. varies), at the easternmost corner of said tract, also being a point in the southern line of the 696.2 acres tract conveyed to Walton Texas LP in volume 9313, page 496 of the Official Public Records of Hays County, Texas, and **POINT OF BEGINNING** of the herein described tract,

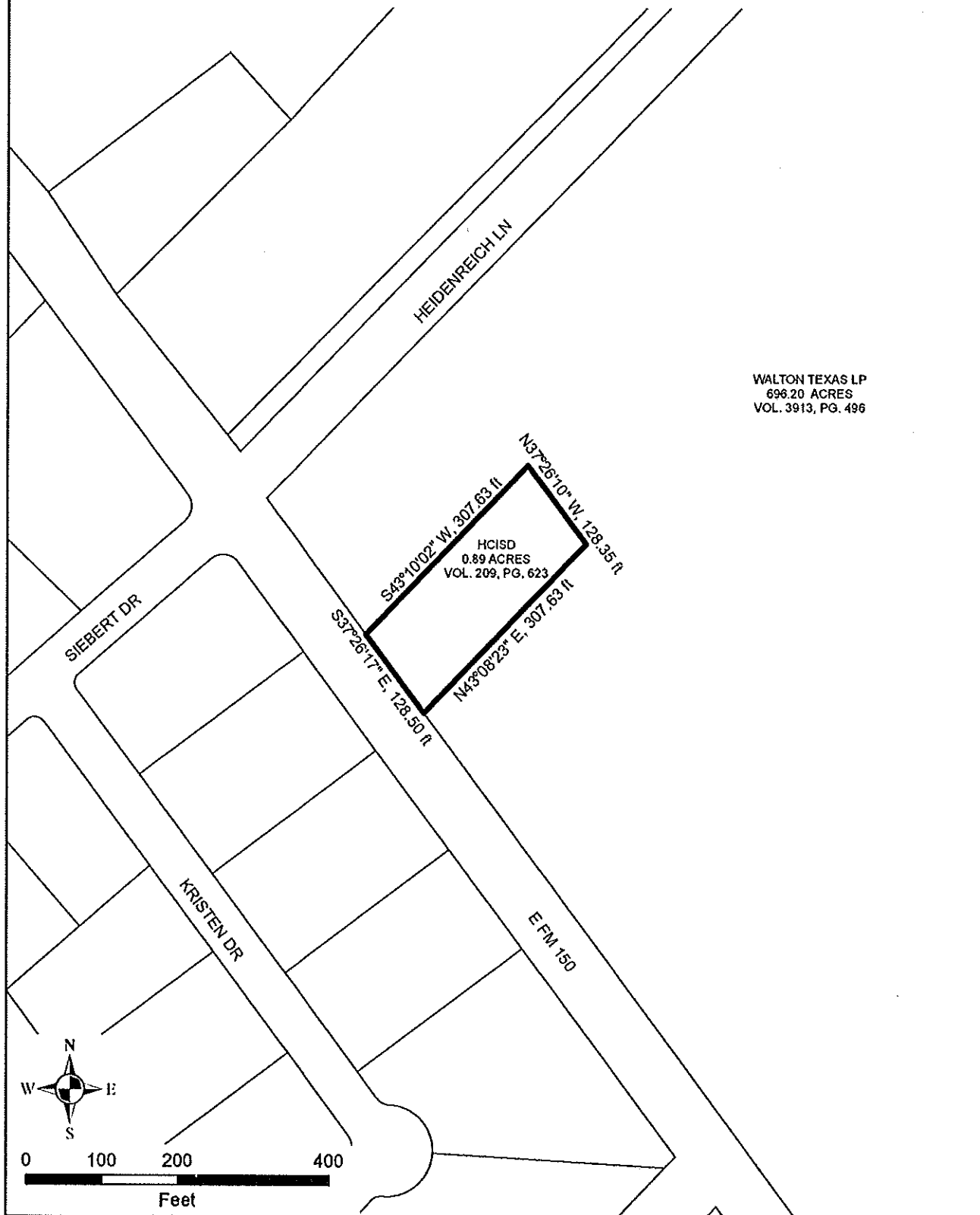
**THENCE**, with the common boundary line of said 696.2 acre tract and said 0.89 acre tract, the following three (3) courses and distances,

1. N43°08'23"E, 307.63 feet
2. N37°26'10"W, 128.35 feet
3. S43°10'02"W, 307.61 feet

**THENCE**, with the common boundary line of said 0.89 acre tract and the northeastern right-of-way line of E FM 150, S37°26'17"E, 128.50 feet to the **POINT OF BEGINNING**, and containing 0.89 acres of land.

This information was prepared from record information. No on-the-ground survey was prepared.

## SKETCH TO ACCOMPANY FIELD NOTES







# CITY OF KYLE, TEXAS

45.716 acres

**Meeting Date:**  
**12/18/2013**  
**Date time: 7:00 PM**

**Subject/Recommendation:** *(Second 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 attachments

**Budget Information:** N/A

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**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 17th day of December, 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**



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,

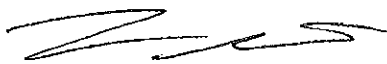
THENCE, with the common boundary line of said 34.905 acre tract and said 10.811 acre tract, N43°26'29"E, for a distance of 1308.28 feet to a point, for the easternmost corner of said 10.811 acre tract, also being a southeastern corner of a 696.20 acre tract conveyed to Walton Texas LP in Vol. 3913, Pg. 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, 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" = 300'

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

GARY McMURREY  
10.00 ACRES  
VOL. 1680, PG. 168

HAYS CISO  
10.811 ACRES  
VOL. 2606, PG. 685

34.905 ACRES

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

N 43°26'29" E 1308.28'

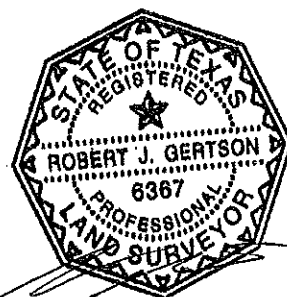
S 46°21'40" E 1159.83'

FM 150 (R.O.W. VARIES) N 46°19'57" W 1164.04'

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, Brilgance & Doering, Inc.

Civil Engineering ♦ Surveying  
5501 West William Canyon Drive ♦ Austin, Texas 78749  
Phone No. (512) 283-5160 ♦ Fax No. (512) 283-5165

PATH:- J: 4576-097\SURVEY\FN-R14961 34.905 ACRES ANNEXATION

Item # 4

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: \_\_\_\_\_

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" = 300'

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

10.811 ACRES

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

GARY McMURREY  
10.00 ACRES  
VOL. 1680, PG. 168

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, Brigrance & Doering, Inc.

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

Item # 4

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



# CITY OF KYLE, TEXAS

98.930 acres

**Meeting Date:**  
**12/18/2013**  
**Date time: 7:00 PM**

**Subject/Recommendation:** *(Second 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 attachments

**Budget Information:** N/A

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Attachments / click to download

☐ [Ordinance and Exhibit's](#)

Cover Memo

Item # 5

**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 17th day of December, 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,

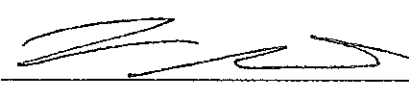
**THENCE**, in a northeasterly direction with the common boundary line of said 45.2855 acre tract and said 100 acre tract, to a point on the southwestern boundary line of a 151.16 acre tract, conveyed to Wranitzky B. R. Bypass Trust in Volume 3044, Page 785 of the O.P.R.H.C.TX., for the easternmost corner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

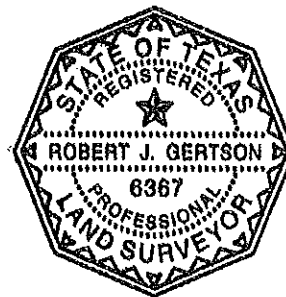
**THENCE**, with the common boundary line of said 151.16 acre tract and said 100 acre tract, S45°00'00"E, for a distance of 1183.33 feet to a point for the northernmost corner of an 84.936 acre tract, conveyed to Mark Sharon & Gene Lynette Hofmann in Volume 443, Page 174 of the O.P.R.H.C.TX., also being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

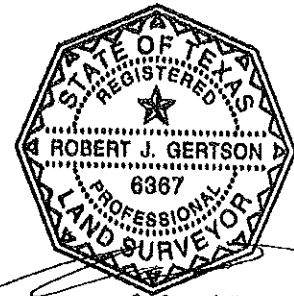
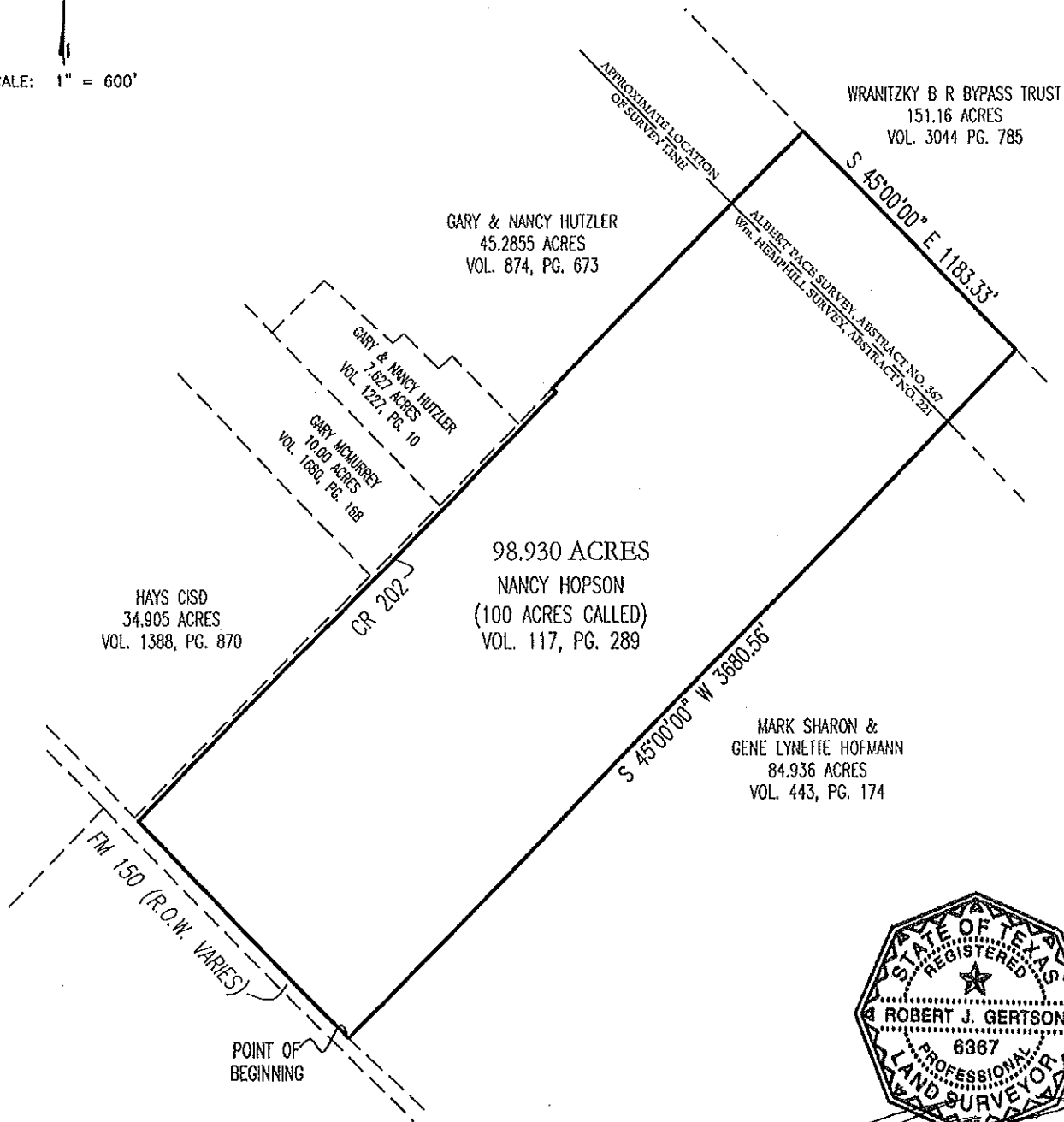
 8-26-13  
 ROBERT J. GERTSON, R.P.L.S. NO. 6367  
 Carlson, Briggance and Doering, Inc.  
 5501 West William Cannon  
 Austin, TX 78749  
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 rgertson@cbdeng.com



# 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  
5591 West William Cannon Drive ♦ Austin, Texas 78749  
Phone No. (512) 280-5169 ♦ Fax No. (512) 280-5165

PATH:- J: 4576-097\SURVEY\FN-R17262 98.930 ACRES ANNEXATION

Item # 5



# CITY OF KYLE, TEXAS

12.254 acres

**Meeting Date:**  
**12/18/2013**  
**Date time: 7:00 PM**

**Subject/Recommendation:** *(Second Reading)* AN ORDINANCE OF THE CITY OF KYLE, TEXAS, ANNEXING APPROXIMATELY 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 attachments

**Budget Information:** N/A

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Attachments / click to download

 [Ordinance and Exhibit's](#)

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**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 17th day of December, 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, Brigrance and Doering, Inc.  
5501 West William Cannon  
Austin, TX 78749  
Ph: 512-280-5160 Fax: 512-280-5165  
rgertson@cbdeng.com



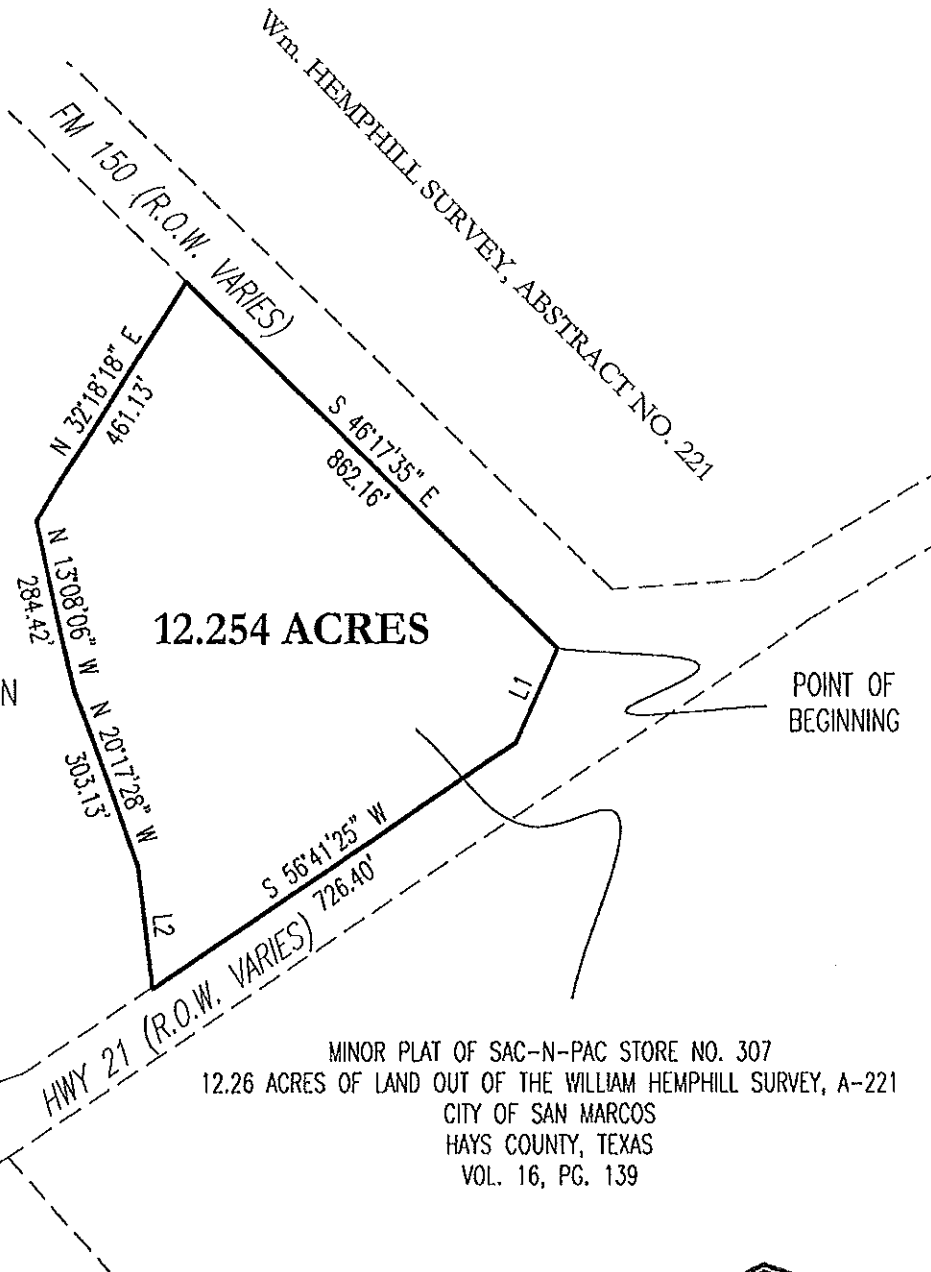


# SKETCH TO ACCOMPANY FIELD NOTES

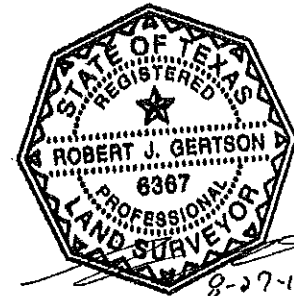


SCALE: 1" = 300'

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.T.X.)

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) 280-5100 • Fax No. (512) 280-5165

PATH:- J: 4576-097\SURVEY\FN-R135865 12.254 ACRES ANNEXATION

Item # 6



# CITY OF KYLE, TEXAS

70 acres

**Meeting Date:**  
**12/18/2013**  
**Date time: 7:00 PM**

**Subject/Recommendation:** *(Second 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 attachments

**Budget Information:** N/A

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

Attachments / click to download

☐ [Ordinance and Exhibit](#)

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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/Bebbee 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 17th day of December, 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**

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 12, SOUTHBEND I, A SUBDIVISION AS RECORDED IN VOLUME 3, PAGE 15 OF THE HAYS COUNTY PLAT RECORDS (H.C.P.R.) CONVEYED TO MIGUEL C. VALLE IN DOCUMENT NUMBER 9912658 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, 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 easternmost corner of Lot 9 of said Southbend I, also being the northernmost corner of said Lot 12, for the **POINT OF BEGINNING** and the northernmost corner of the herein described tract,

**THENCE**, with the southwestern right-of-way line of C.R. 122 (R.O.W. varies), common to the northeastern boundary line of said Lot 12, S45°56'27"E, for a distance of 345.67 feet to a point in the northwestern right-of-way line of C.R. 157 (50' R.O.W.) also being the easternmost corner of said Lot 12,


**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 12, S44°55'30"W, for a distance of 305.70 feet to a point for the southernmost corner of said Lot 12, also being the easternmost corner of Lot 11B of said Southbend I,

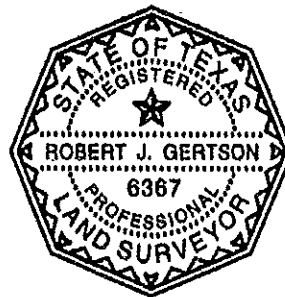
**THENCE**, with the common boundary line of said Lot 12 and said Lot 11B, N45°56'33"W, for a distance of 344.93 feet to a point for the westernmost corner of said Lot 12, also being the southernmost corner of said Lot 9,

**THENCE**, with the common boundary line of said Lot 12 and said Lot 9, N44°47'13"E, for a distance of 305.70 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  
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'

JOSE LUIS AND GREGORIA V. JIMENEZ  
LOT 9  
SOUTHBEND 1  
VOL. 3, PG. 15, FURTHER DESCRIBED IN  
VOL. 829, PG. 101

JOHN STEWART SURVEY, ABSTRACT NO. 14  
CR 122 ROAD (R.O.W. VARIES)

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.)



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



Carlson, Brigrance & Doering, Inc.

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Item # 7

PATH:- J: 4576-097\SURVEY\FN-R42571 2.423 ACRES ANNEXATION

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,

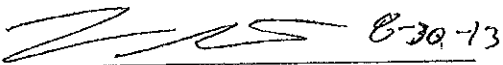
**THENCE**, with the common boundary line of said 1.250 acre tract and said 0.99 acre tract, S40°42'01"W, for a distance of 259.24 feet to a point in the northern boundary line of a 3.147 acre tract of land conveyed to Jose Montoya in Volume 1717 Page 501 (O.P.R.H.C.TX.), said point marking the southernmost 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:

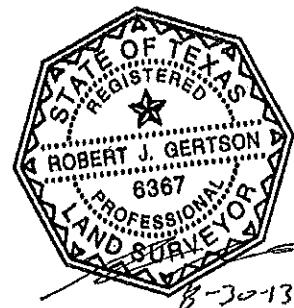
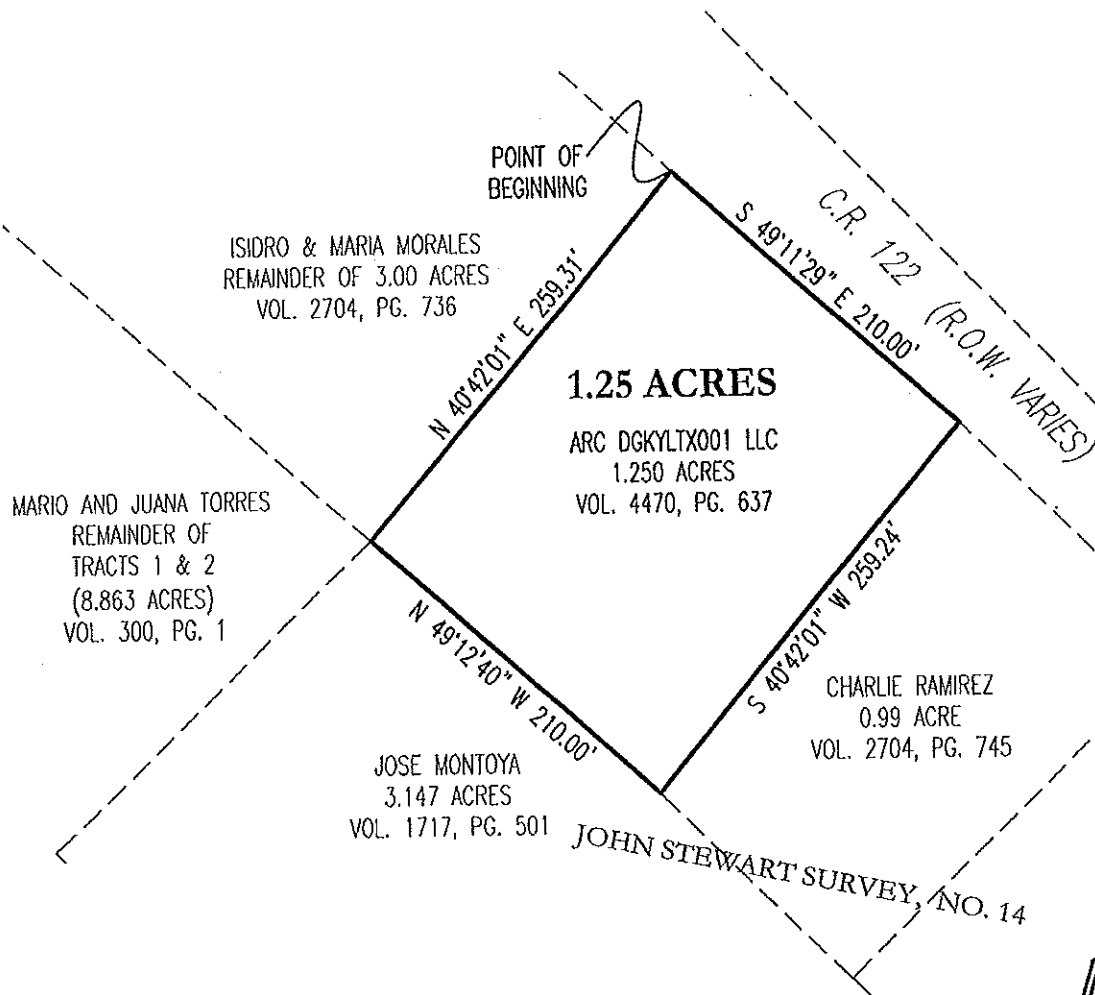
 6-30-13  
ROBERT J. GERTSON, R.P.L.S. NO. 6367  
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# SKETCH TO ACCOMPANY FIELD NOTES



SCALE: 1" = 100'



BEARING BASIS: PREPARED WITH RECORD INFORMATION  
FOUND IN VOLUME 4470, PAGE 637 (O.P.R.H.C.TX.)



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Item # 7

PATH:- J: 4576-097\SURVEY\FN-R136776 1.250 ACRES ANNEXATION

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:

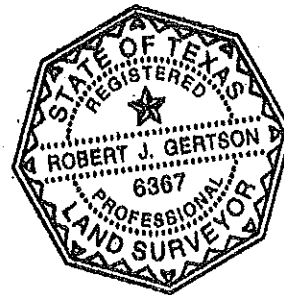
- 1) N46°00'07"W, for a distance of 395.00 feet to a point for an interior ELL corner of said Lot 8, and
- 2) N44°55'34"E, for a distance of 154.29 feet to a point for the westernmost corner of said Lot 11B, also being the northernmost corner of the herein described tract,

**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



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 VOLUME 2052, PAGE 354 (O.P.R.H.C.T.X.)



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Item # 7

PATH:- J: 4576-097\SURVEY\FN-R71900 1.388 ACRES ANNEXATION

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,

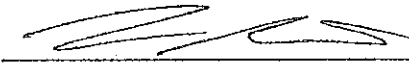
**THENCE**, with the common boundary line of said Lot 9 and said Lot 8, S45°56'33"E, for a distance of 294.83 feet to a point for the northernmost corner of Lot 11B of said Southbend 1, also being the northernmost eastern corner of the herein described tract,

**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  
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# SKETCH TO ACCOMPANY FIELD NOTES



SCALE: 1" = 150'

THOMAS D. AND MARCELLA A. ODELL  
15.946 ACRES  
DOCUMENT NO. 9922800

N44°39'00"E 364.05'

**2.999 ACRES**

ROSEBELLE DORCHESTER  
LOT 8  
SOUTHBEND 1  
VOL. 3, PG. 15, FURTHER DESCRIBED IN  
VOL. 595, PG. 43

JOSE LUIS AND GREGORIA V. JIMENEZ  
LOT 9  
SOUTHBEND 1  
VOL. 3, PG. 15, FURTHER DESCRIBED IN  
VOL. 829, PG. 101

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

DELPHINA URQUIZO  
LOT 7  
SOUTHBEND 1  
VOL. 3, PG. 15

S44°55'34"W 303.81'

ELIAS SANCHEZ  
LOT 11A  
SOUTHBEND 1  
VOL. 3, PG. 15, FURTHER DESCRIBED IN  
VOL. 2052, PG. 354

ELIAS SANCHEZ  
LOT 11B  
SOUTHBEND 1  
VOL. 3, PG. 15, FURTHER DESCRIBED IN  
DOCUMENT NO. 9924838

N46°00'07"W 688.08'

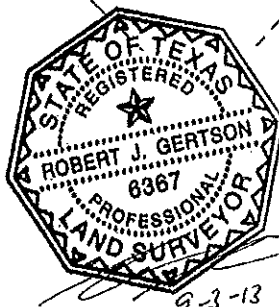
S46°00'07"E 395.00'

POINT OF  
BEGINNING

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 157 (50' R.O.W.)



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.)



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Item # 7

PATH:- J: 4576-097\SURVEY\FN-R42566 2.999 ACRES ANNEXATION

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,

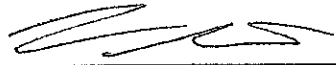
**THENCE**, S44°30'00"W, for a distance of 1549.63 feet to a point in the northern boundary line of Cottonwood Hollow Section 2, a subdivision recorded in Volume 10, Page 177 (O.P.R.H.C.TX.), also being the most southern corner of said 18.211 acre tract, and also the westernmost corner of said 18.298 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 Maurillo & 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 Marlo 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

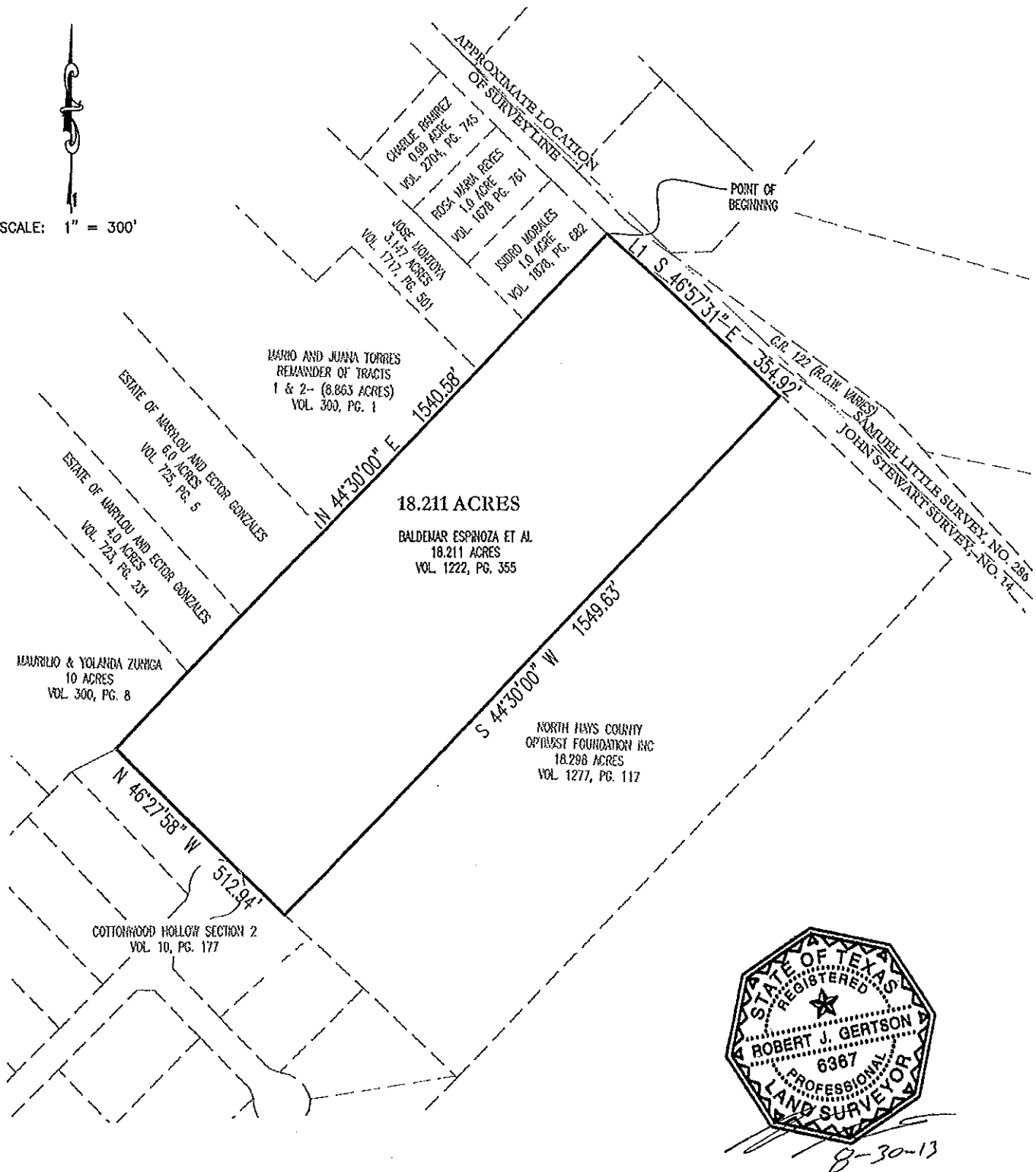
Prepared by:

 8-30-13  
ROBERT J. GERTSON, R.P.L.S. NO. 6367  
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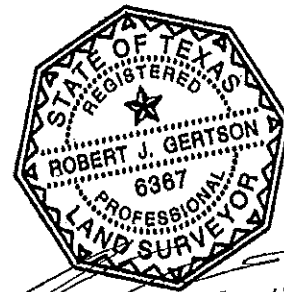


# SKETCH TO ACCOMPANY FIELD NOTES

SCALE: 1" = 300'



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.)



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Item # 7

PATH:- J: 4576-097\SURVEY\FN-R11637 18.211 ACRES ANNEXATION

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,

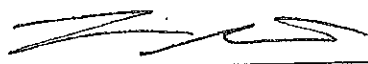
**THENCE**, with the boundary line of said Martinez tract, the following 2 courses and distances numbered 1 through 2:

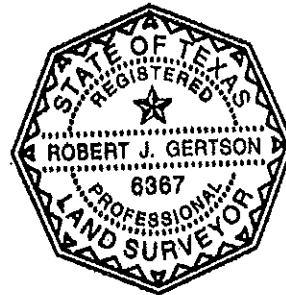
1. S45°01'17"E, for a distance of 322.40 feet to a point for the easternmost corner of the herein described tract,
2. S44°56'00"W, for a distance of 135.14 feet to a point in the common boundary line of said 6.0 acre tract and the remainder of said 10.00 acre tract for the southernmost corner of the 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

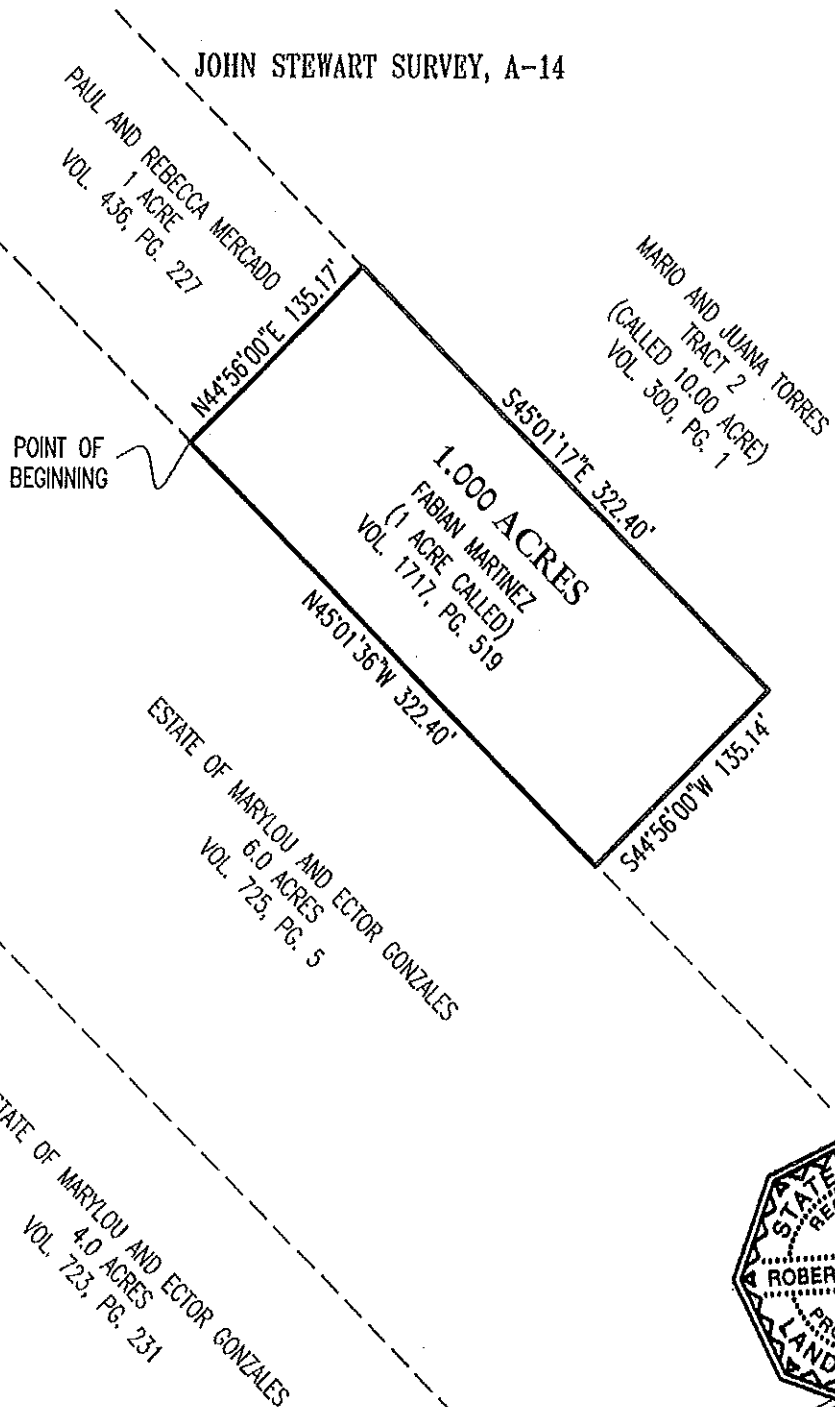
Prepared by:

 8-29-13  
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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.TX.)



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# 7

PATH:- J: 4576-097\SURVEY\FN-R97787 1.000 ACRES ANNEXATION

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,

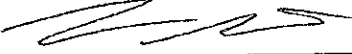
**THENCE**, with the common boundary line of said 6.00 acre tract, said 1.00 acre tract, a 1 acre tract conveyed to Fabian Martinez in Vol. 1717, Pg. 231, (O.P.R.H.C.TX.), and the remainder of Tracts 1 & 2, being an 8.863 acre tract of land conveyed to Mario and Juana Torres in Volume 300 Page 1 (O.P.R.H.C.TX.), 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,

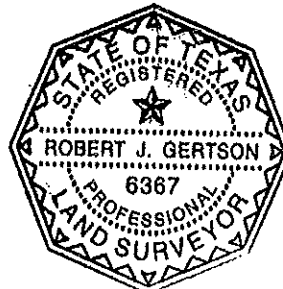
**THENCE**, with the common boundary line of said 6.00 acre tract and said 18.211 acre tract, S44°30'00"W, for a distance of 252.64 feet to a point at the southernmost corner of said 6.00 acre tract, also being the easternmost corner of a 4.00 acre tract of land conveyed to the Estate of Marylou and 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:

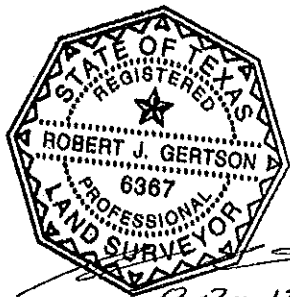
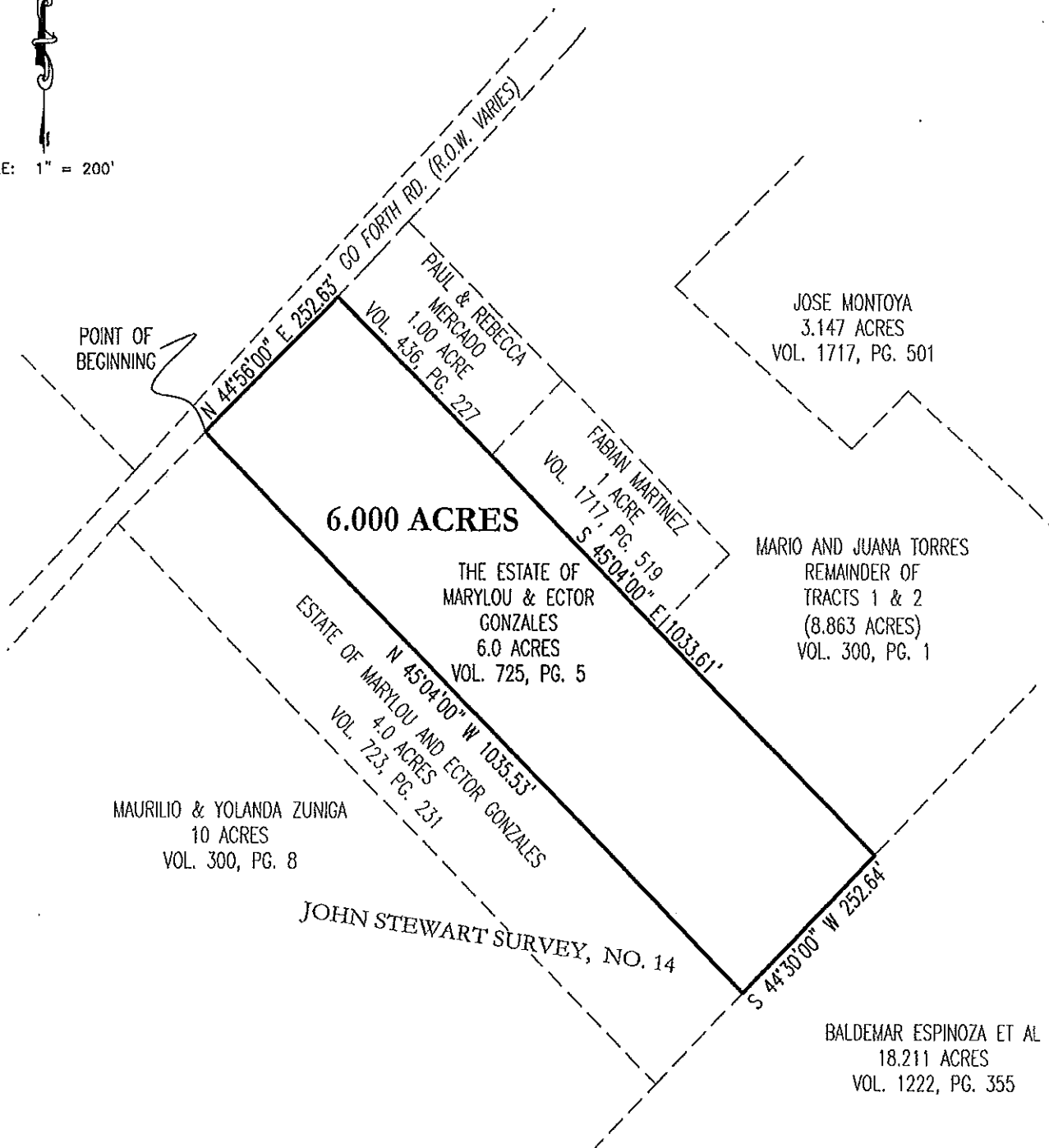
 8-30-13  
ROBERT J. GERTSON, R.P.L.S. NO. 6367  
Carlson, Brigrance and Doering, Inc.  
5501 West William Cannon  
Austin, TX 78749  
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rgertson@cbdeng.com



# SKETCH TO ACCOMPANY FIELD NOTES



SCALE: 1" = 200'



8-30-13

BEARING BASIS: PREPARED WITH RECORD INFORMATION  
FOUND IN VOLUME 725, PAGE 5 (O.P.R.H.C.T.X.)



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Phone No. (512) 230-5160 ♦ Fax No. (512) 230-5161

Item # 7

PATH:- J: 4576-097\SURVEY\FN-R11421 6.0 ACRES ANNEXATION

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,

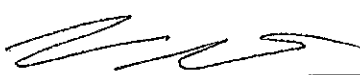
**THENCE**, with the common boundary line of said 6.00 acre tract and said 4.00 acre tract, S45°04'00"E, for a distance of 1035.53 feet to a point in the northwestern boundary line of an 18.211 acre tract of land conveyed to Baldemar Espinoza et al in Volume 1222, Page 355 (O.P.R.H.C.TX.), same being 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  
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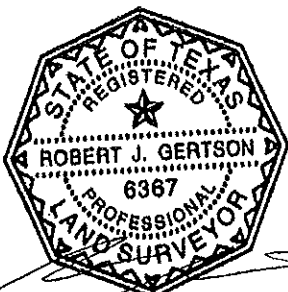
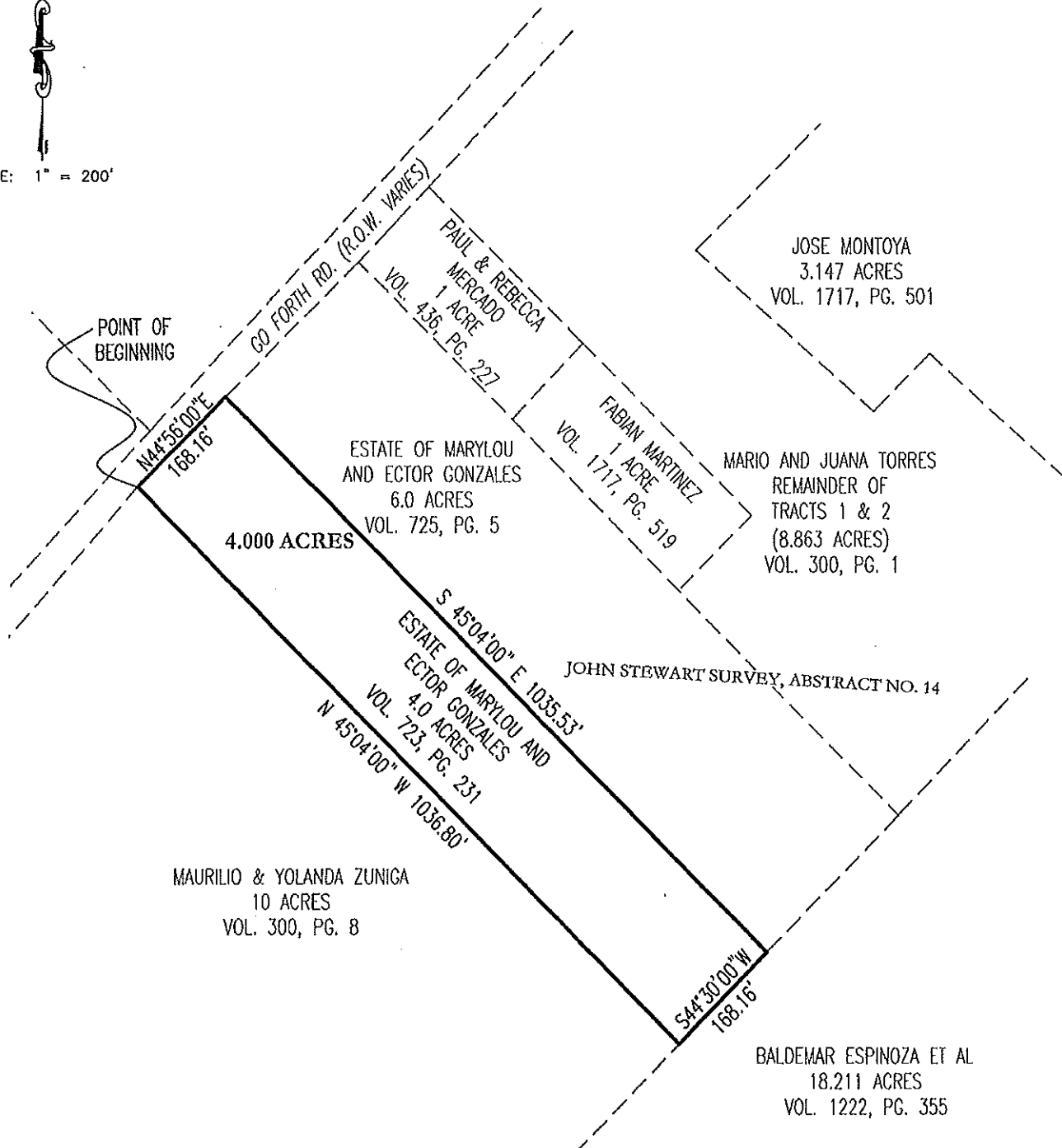




# SKETCH TO ACCOMPANY FIELD NOTES



SCALE: 1" = 200'



8-30-13

BEARING BASIS: PREPARED WITH RECORD INFORMATION  
FOUND IN VOLUME 723, PAGE 231 (O.P.R.H.C.TX.)

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Item # 7

PATH:- J: 4576-097\SURVEY\FN-R11422 4.000 ACRES ANNEXATION

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°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°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,

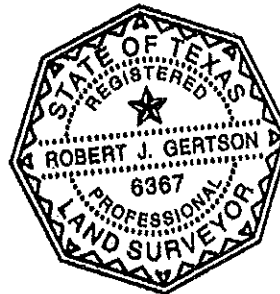
**THENCE**, with the common boundary line of said 15.946 acre tract and said Lot 9, N44°39'00"E, for a distance of 305.70 feet to a point for the easternmost corner of said 15.946 acre tract, also being the northernmost corner of said Lot 9,

**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°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: \_\_\_\_\_

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'

THOMAS D. AND MARCELLA A. ODELL  
15.946 ACRES  
DOCUMENT NO. 9922800

JOHN STEWART SURVEY, NO. 14

CR 122 ROAD (R.O.W. VARIES)  
S45°56'27"E 345.61'

N44°39'00"E 305.70'

**2.423 ACRES**

JOSE LUIS AND GREGORIA V. JIMENEZ  
LOT 9  
SOUTHBEND 1  
VOL. 3, PG. 15, FURTHER DESCRIBED IN  
VOL. 829, PG. 101

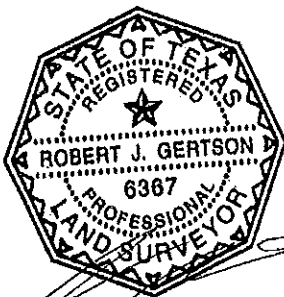
POINT OF  
BEGINNING

N45°56'33"W 344.88'

ROSEBELLE DORCHESTER  
LOT 8  
SOUTHBEND 1  
VOL. 3, PG. 15

S44°47'13"W 305.70'

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  
SUBDIVISION 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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Plan # 7

PATH:- J: 4576-097\SURVEY\FN-R42568 2.423 ACRES ANNEXATION

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,

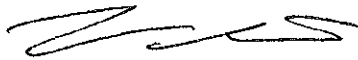
**THENCE**, with the northern boundary line of said Mercado Tract, S45°01'36"E, a distance of 322.67 feet to a point for the northernmost corner of a 1 acre tract conveyed to Fabian Martinez (referred to hereon as the Martinez Tract) in Volume 1717, Page 519 of the O.P.R.H.C.TX., also being the easternmost corner of the herein described tract,

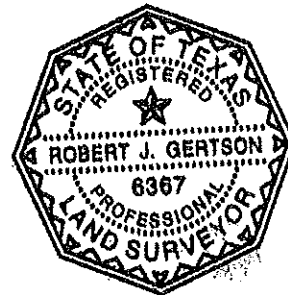
**THENCE**, with the common boundary line of said Mercado Tract and said Martinez Tract, S44°56'00"W, for a distance of 135.00 feet to a point on the common boundary line of said 6.0 acre tract and said Mercado Tract, for the westernmost corner of said Martinez Tract, also being the southernmost corner 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  
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# 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

CO FORTH RD. (R.O.W. VARIES)  
N44°56'00"E 135.00'

POINT OF  
BEGINNING

1.000 ACRES  
PAUL AND REBECCA MERCADO  
(1 ACRE CALLED)  
VOL. 436, PG. 227

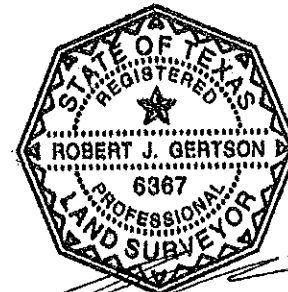
N45°01'36"W 322.67'

S45°01'36"E 322.67'

S44°56'00"W 135.00'

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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# 7

PATH:- J: 4576-097\SURVEY\FN-R11623 1.000 ACRES ANNEXATION

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,

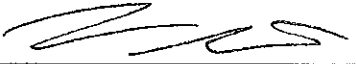
**THENCE**, with the common boundary line of said 3.147 acre tract, and said Torres Tract, the following 4 (four) courses and distances, numbered 1 through 4,

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:

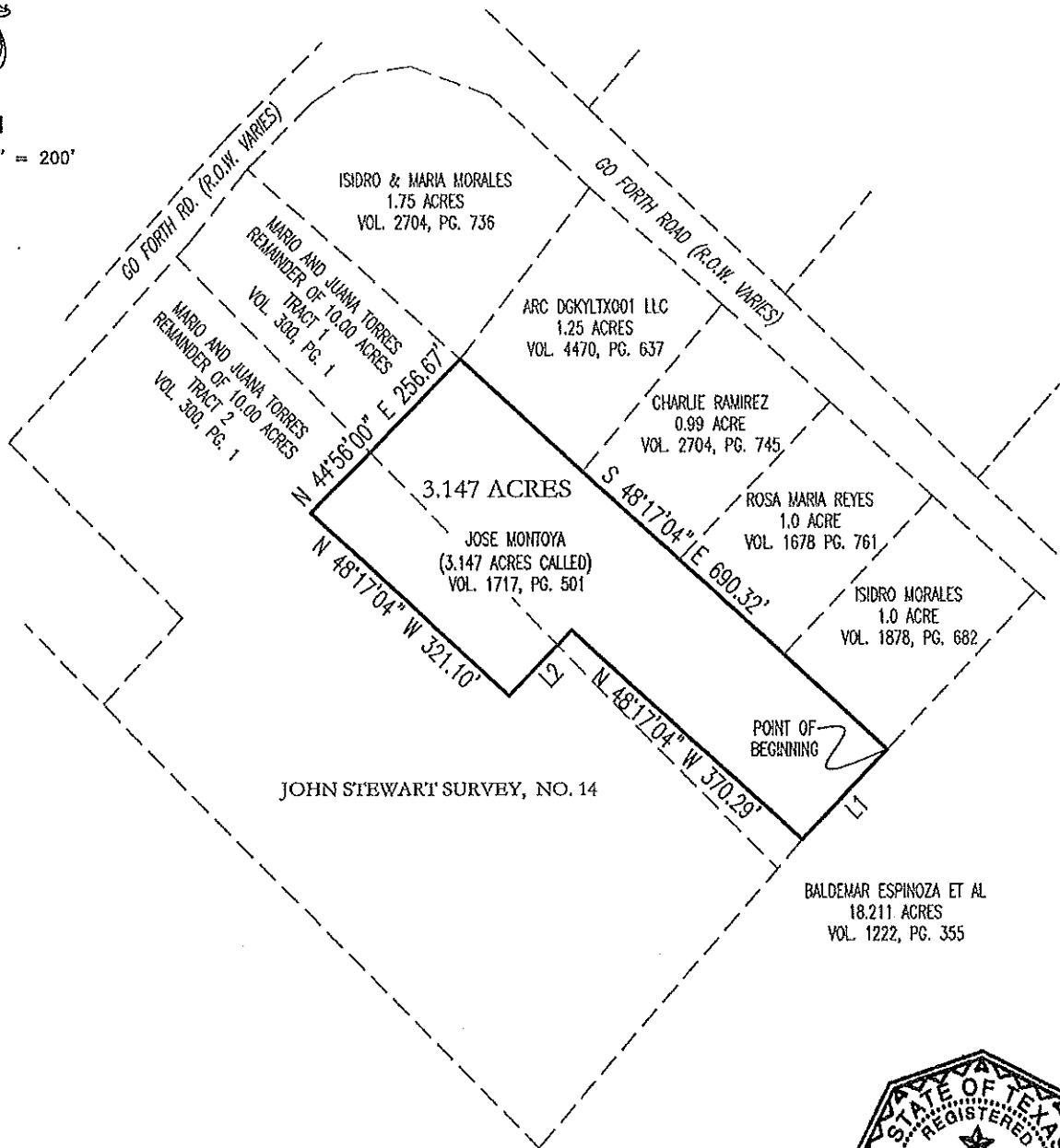
 8-30-13  
ROBERT J. GERTSON, R.P.L.S. NO. 6367  
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# SKETCH TO ACCOMPANY FIELD NOTES



SCALE: 1" = 200'



LINE TABLE		
LINE	LENGTH	BEARING
L1	148.41	S44°31'13\"W
L2	108.20	S44°56'00\"W



BEARING BASIS: PREPARED WITH RECORD INFORMATION  
FOUND IN VOLUME 1717, PAGE 501 (O.P.R.H.C.TX.)



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Item # 7

PATH:- J: 4576-097\SURVEY\FN-R97786 3.147 ACRES ANNEXATION

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 Marla 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  
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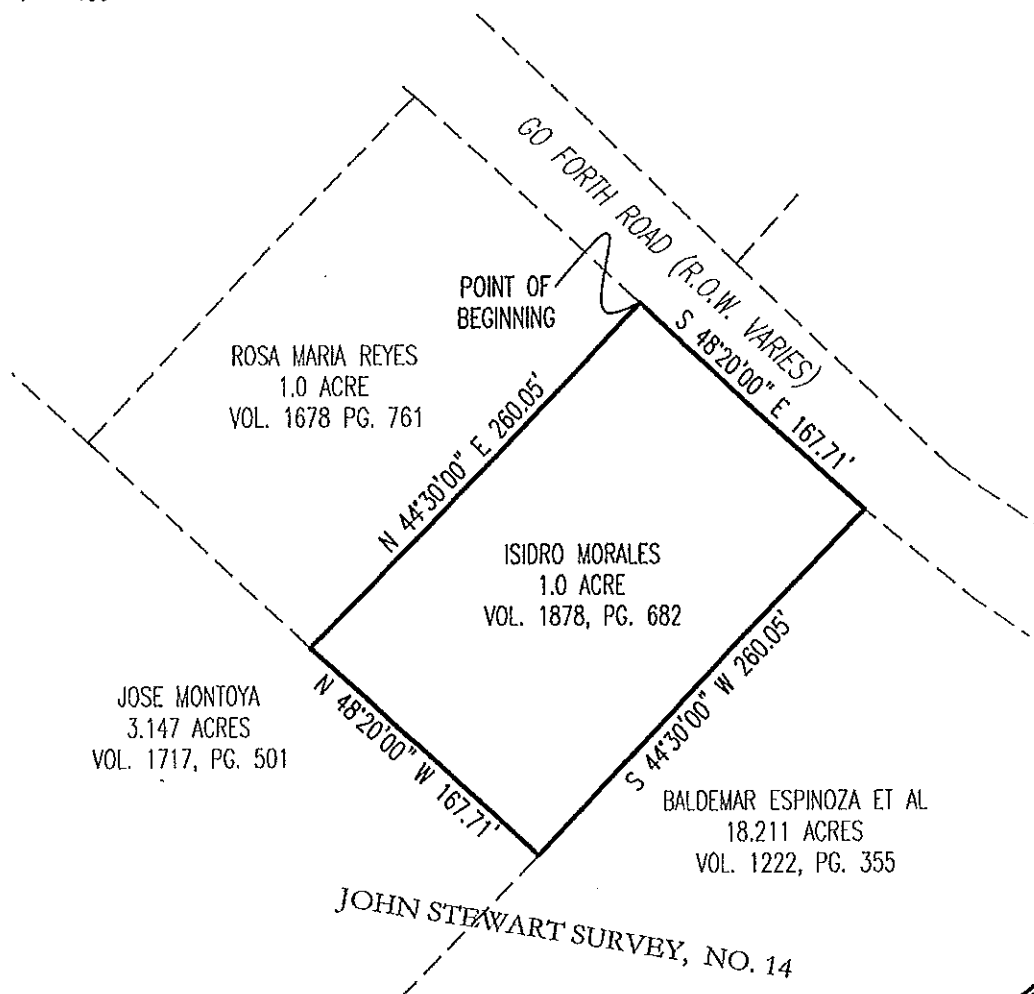




# SKETCH TO ACCOMPANY FIELD NOTES



SCALE: 1" = 100'



BEARING BASIS: PREPARED WITH RECORD INFORMATION  
FOUND IN VOLUME 1878, PAGE 682 (O.P.R.H.C.TX.)



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Item # 7

PATH:- J: 4626\SURVEY\FN-R11559 1.0 ACRE ANNEXATION

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,

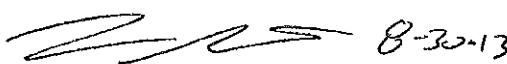
1. N44°34'23"E, for a distance of 110.48 feet to a point,
2. N56°46'34"E, for a distance of 17.15 feet to a point,
3. N56°56'34"E, for a distance of 41.70 feet to a point,
4. N81°42'43"E, for a distance of 69.84 feet to a point, and
5. S70°36'39"E, for a distance of 102.44 feet to a point in the southwesterly 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  
ROBERT J. GERTSON, R.P.L.S. NO. 6367  
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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'

GO FORTH ROAD (R.O.W. VARIES)  
L1 L2 L3 L4 L5

POINT OF  
BEGINNING

**1.75 ACRES**

ISIDRO & MARIA MORALES  
REMAINDER OF 3.00 ACRES  
VOL. 2704, PG. 736

MARIO AND JUANA TORRES  
REMAINDER OF  
TRACTS 1 & 2  
(8.863 ACRES)  
VOL. 300, PG. 1

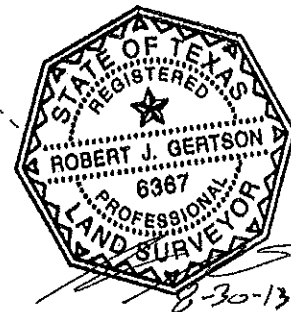
N 48°20'00" W 323.85'

S 41°40'00" W 259.47'

ARC DCKYLTXX001 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 # 7

PATH:- J: 4576-097\SURVEY\FN-R11640 1.75 ACRES ANNEXATION

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,

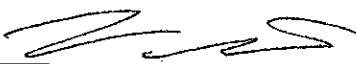
**THENCE**, with the common boundary line of said 15.946 acre tract, and said Southbend 1, S44°39'00"W, for a distance of 1005.33 feet to a point at the southernmost corner of said 15.946 acre tract, also being the westernmost corner of Lot 7 of said Southbend 1, and also being in the northeastern line 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,

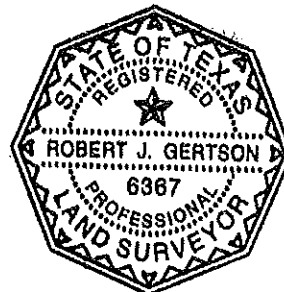
**THENCE**, with the common boundary line of said 15.946 acre tract and the said northern boundary line of the said remainder of a 46.476 acre tract, N46°19'00"W, for a distance of 661.74 feet to a point in the eastern boundary line of said Southlake Section 1, also being the westernmost corner of said 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  
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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

JOHN STEWART SURVEY, ABSTRACT NO. 14

N 46°19'00" W  
661.74'

THOMAS D. AND MARCELLA A. ODELL  
REMAINDER OF 46.476 ACRES  
VOL. 362, PG. 705

S 45°49'48" E  
669.56'

C.R. 122  
(R.O.W. VARIES)

JOSE LUIS &  
GREGORIA V. JIMENEZ  
LOT 9

S 44°39'00" W  
1005.33'

ROSEBELLE DORCHESTER  
LOT 8

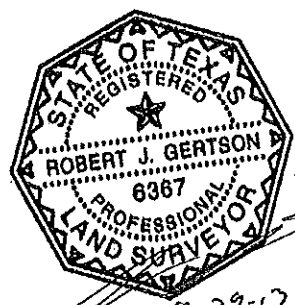
SOUTHBEND 1  
VOL. 3 PG. 15

EDWARD &  
DELPHINA URQUIZO  
LOT 7

ELIAS SANCHEZ  
LOT 11B

DEBBIE A. CASTILLO  
LOT 11A

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.)



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# 7

PATH:- J: 4576-097\SURVEY\FN-R11510 15.946 ACRES ANNEXATION

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, S48°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,

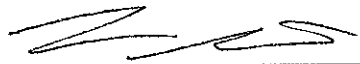
**THENCE**, with the common boundary line of said 0.99 acre tract and said 1.0 acre tract, S44°24'07"W, for a distance of 259.91 feet to a point at the southernmost corner of said 0.99 acre tract, also being the westernmost corner of said 1.0 acre tract, also being a point on the northern boundary line 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°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°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:

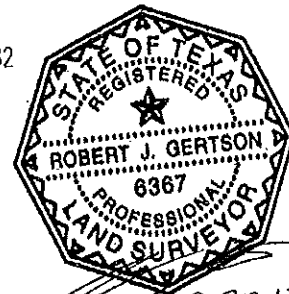
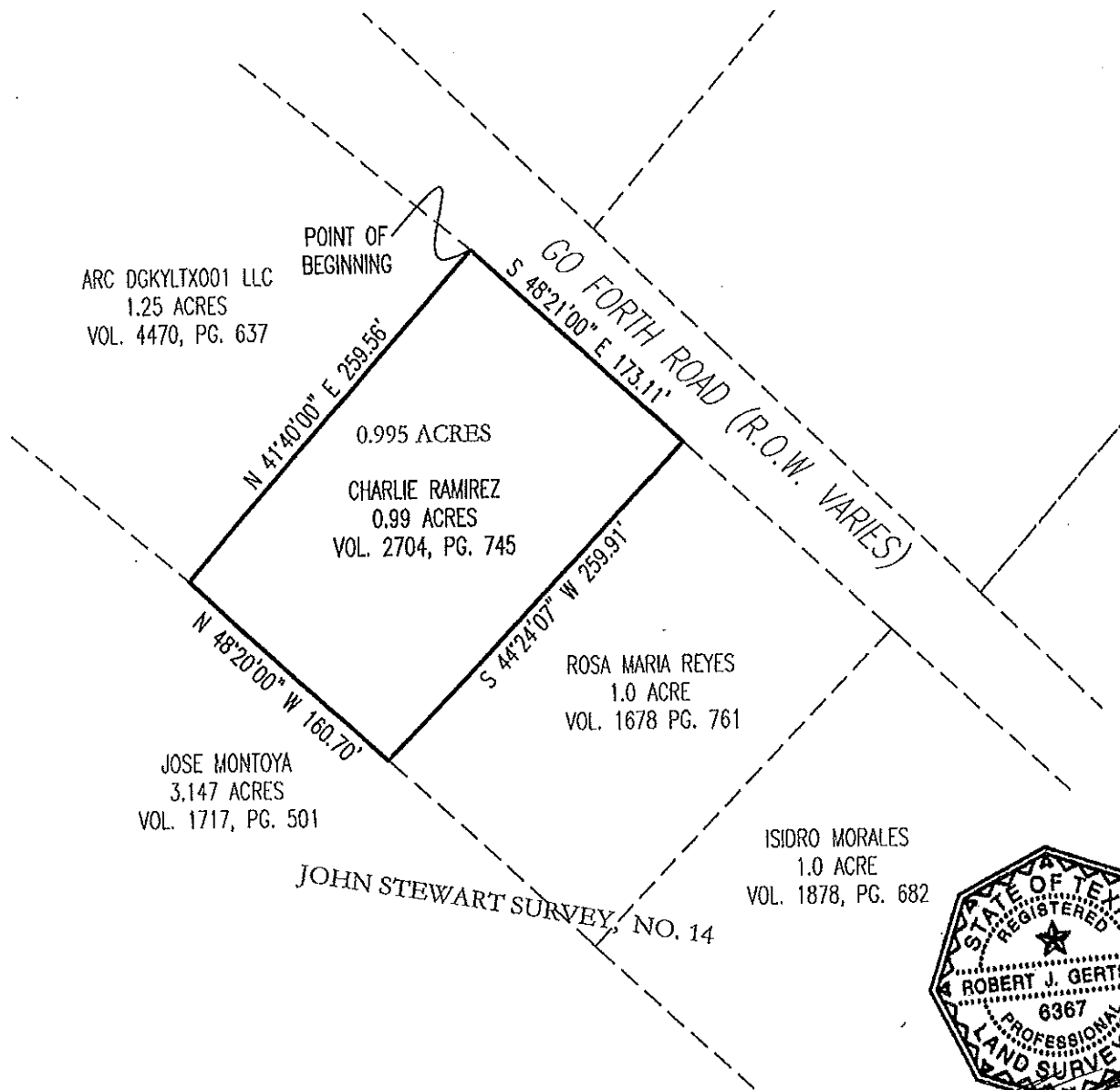
 8-30-13  
ROBERT J. GERTSON, R.P.L.S. NO. 6367  
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# SKETCH TO ACCOMPANY FIELD NOTES



SCALE: 1" = 100'



8-30-13

BEARING BASIS: PREPARED WITH RECORD INFORMATION  
FOUND IN VOLUME 2704, PAGE 745 (O.P.R.H.C.T.X.)

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Item # 7

PATH:- J: 4576-097\SURVEY\FN-R11558 0.995 ACRE ANNEXATION

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,

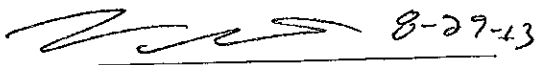
**THENCE**, with the common boundary line of said Reyes Tract and said Morales Tract, S44°33'25"W, for a distance of 259.97 feet to a point on the northern boundary line of a 3.147 acre tract of land conveyed to Jose Montoya in Volume 1717, Page 501 (O.P.R.H.C.TX.), said point being the southernmost corner of said Reyes Tract, also being the western corner of said Morales Tract, for the southern corner of the herein described tract,

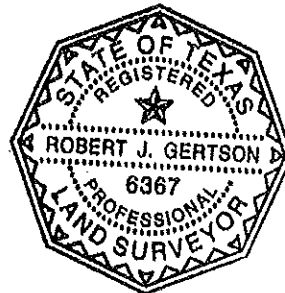
**THENCE**, with the common boundary line of said Reyes Tract, and said 3.147 acre tract, N48°15'13"W, for a distance of 167.49 feet to a point at the westernmost corner of said Reyes Tract, also being the southernmost corner of said 0.99 acre tract, for the western corner of the herein described tract,

**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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# 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

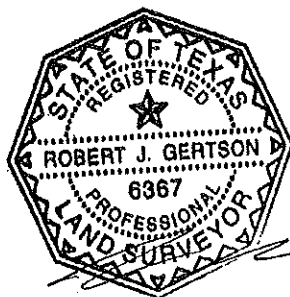
GO FORTH ROAD (R.O.W. VARIES)  
S 48°20'00" E 167.73'

N 44°50'33" E 259.73'

N 48°15'13" W 167.49'

S 44°33'25" W 259.97'

POINT OF  
BEGINNING



8-29-13

BEARING BASIS: PREPARED WITH RECORD INFORMATION  
FOUND IN VOLUME 1678, PAGE 761 (O.P.R.H.C.TX.)



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Item # 7

PATH:- J: 4576-097\SURVEY\FN-R11557 0.999 ACRE ANNEXATION

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,

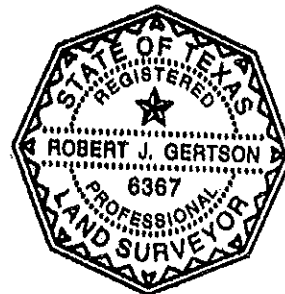
**THENCE**, with the common boundary line of said 2.75 acre tract, and said Lot 7, the following 2 (two) courses and distances, numbered 1 and 2,

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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# 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'  
N 45°57'05" W 395.46'  
S 44°55'30" W 303.40'

2.751 ACRES  
JOSE J. & GRACIELA RIOJAS  
2.75 ACRES  
VOL. 410 PG. 873  
(LOT 10)

ROGELIO NIETO-JAMES  
LOT 6

POINT OF  
BEGINNING

PAUL AND REBECCA  
MERCADO  
1 ACRE

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, Brigrance & Doering, Inc.

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Item # 7

PATH:- J: 4576-097\SURVEY\FN-R42569 2.751 ACRES ANNEXATION

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,

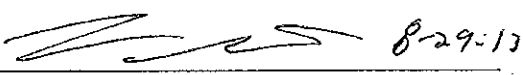
**THENCE**, with the common boundary line of said Lot 11B and said Lot 11A, N45°39'17"W, for a distance of 394.97 feet to a point in the southeastern boundary line of Lot 8 of said Southbend I, for the northernmost corner of said Lot 11A, also being the westernmost corner of said Lot 11B,

**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:

 8-29-13  
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'

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

1.365 ACRES

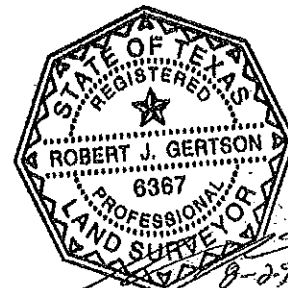
ELIAS SANCHEZ  
LOT 11B  
SOUTHBEND 1  
VOL. 3, PG. 15, FURTHER DESCRIBED IN  
DOCUMENT NO. 9924838

ELIAS SANCHEZ  
LOT 11A  
SOUTHBEND 1  
VOL. 3, PG. 15, FURTHER DESCRIBED IN  
VOL. 2052, PG. 354

POINT OF  
BEGINNING

JOSE AND GRACIE RIOJAS  
LOT 10  
SOUTHBEND 1  
VOL. 3, PG. 15, FURTHER DESCRIBED IN  
VOL. 2997, PG. 290

CR 157 (50' R.O.W.)



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, Brigrance & Doering, Inc.

Civil Engineering ♦ Surveying  
5501 West Wilham Canyon Drive ♦ Austin, Texas 78719  
Phone No. (512) 283-5160 ♦ Fax No. (512) 283-5165

PATH: - J: 4576-097\SURVEY\FN-R71901 1.365 ACRES ANNEXATION Item # 1

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: \_\_\_\_\_

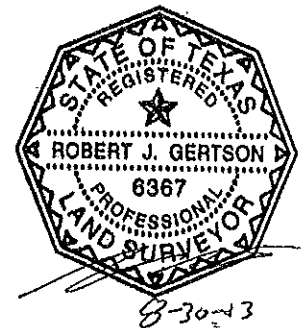
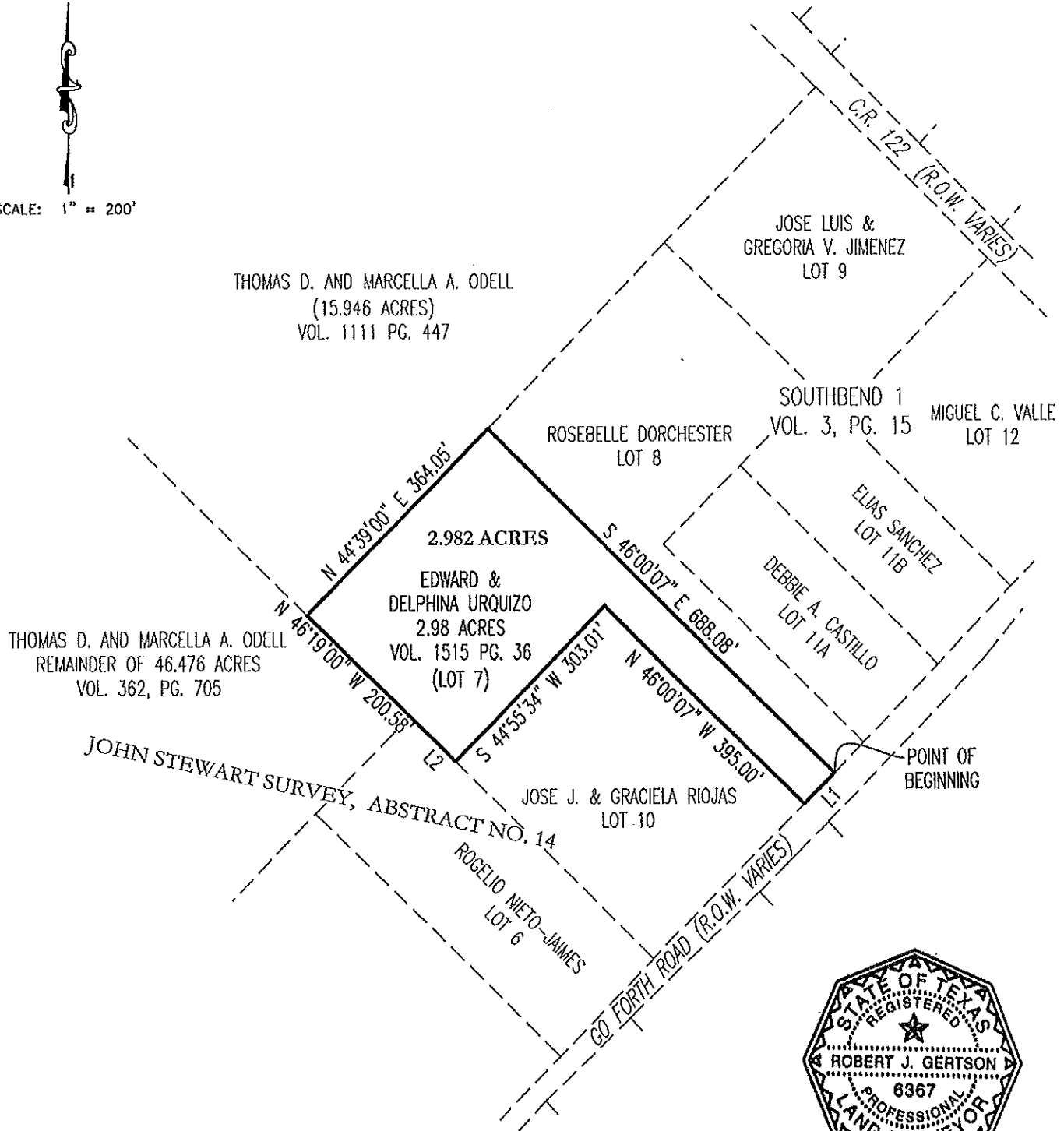
8-30-13  
ROBERT J. GERTSON, R.P.L.S. NO. 6367  
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rgertson@cbdeng.com



# SKETCH TO ACCOMPANY FIELD NOTES



SCALE: 1" = 200'



BEARING BASIS: PREPARED WITH RECORD INFORMATION  
FOUND IN VOLUME 1515, PAGE 36 (O.P.R.H.C.T.X.)

LINE TABLE		
LINE	LENGTH	BEARING
L1	60.04	S44°55'30"W
L2	90.76	N45°57'05"W



Carlson, Brigrance & Doering, Inc.

Civil Engineering • Surveying  
5501 West Walnut Canyon Drive • Austin, Texas 78749  
Phone No. (512) 280-5160 • Fax No. (512) 280-5165

PATH:- J: 4576-097\SURVEY\FN-R42565 2.982 ACRES ANNEXATION

Item # 7



# CITY OF KYLE, TEXAS

5.626 acres

**Meeting Date:**  
**12/18/2013**  
**Date time: 7:00 PM**

**Subject/Recommendation:** *(Second Reading)* AN ORDINANCE OF THE CITY OF KYLE, TEXAS, ANNEXING APPROXIMATELY 5.626 ACRES OF LAND, LOCATED IN HAYS COUNTY, TEXAS, WHICH IS GENERALLY LOCATED NORTH OF BEBEE ROAD, EAST OF DACY LANE AND WEST OF GOFORTH ROAD 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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Viewing Attachments Requires Adobe Acrobat. [Click here](#) to download.

Attachments / click to download

☐ [Ordinance and Exhibit's](#)

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## ORDINANCE NO.

**AN ORDINANCE OF THE CITY OF KYLE, TEXAS, ANNEXING APPROXIMATELY 5.626 ACRES OF LAND LOCATED IN HAYS COUNTY, TEXAS, WHICH IS GENERALLY LOCATED NORTH OF BEBEE ROAD, EAST OF DACY LANE AND WEST OF GOFORTH ROAD AND CONTIGIOUS TO 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:

Approximately 5.625 acre tract of land in Hays County, Texas that is generally located north of Bebee Road, East of Dacy Lane and West of Goforth Road and contiguous to 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 17th day of December, 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 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**

**EXHIBIT "A"**

**METES AND BOUNDS DESCRIPTION  
 PARCEL A1  
 2.847 ACRES  
 OUT OF LOT 21A,  
 SUNRISE ACRES REPLAT OF LOTS 20 & 21  
 HAYS COUNTY, TEXAS**

ALL THAT CERTAIN PARCEL OR TRACT OF LAND BEING 2.847 ACRES OUT OF LOT 21A, 'SUNRISE ACRES REPLAT OF LOTS 20 & 21' A SUBDIVISION IN HAYS COUNTY TEXAS, OF RECORD IN VOLUME 16, PAGE 207 OF THE PLAT RECORDS OF HAYS COUNTY, TEXAS, BEING THAT PORTION OF SAID LOT 21A LYING WITHIN 300 FEET OF THE CENTERLINE OF BEBEE ROAD, SAID 2.847 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a capped iron rod stamped RPLS 3693 previously set by the undersigned in the east ROW line of Bebee Road, an 80' public right-of-way, being also the east line of that certain tract called 1.60 acres and conveyed to Hays County, Texas for street realignment, as described in Volume 1152, Page 14 of the Official Public Records of Hays County, Texas, at the northwest corner of said Lot 21A and a northerly southwest corner of Lot 21B of said Replat, for the northwest corner and POINT OF BEGINNING hereof

THENCE with the northerly line of said Lot 21A and a southerly line of said Lot 21B, N59°00'17"E for a distance of 86.45 feet to a capped iron rod stamped RPLS 3693 and previously set by the undersigned at an angle point in said line

THENCE continuing with said line, S30°59'43"E for a distance of 71.98 feet to a capped iron rod previously set by the undersigned at an angle point in said line



THENCE continuing with said line S60°19'05"E for a distance of 222.80 feet to a calculated point on said line at a point 300.00 feet easterly of the centerline of Bebee Road on a perpendicular to said centerline, for the northeast corner hereof

THENCE with a line lying 300 feet east of and parallel with the centerline of Bebee Road (being also 260 feet east of and parallel with the west line of said Lot 21A), S15°22'55"E for a distance of 31.37 feet to a calculated point at beginning of curve

THENCE continuing with said line along the arc of a curve to the left whose radius is 694.90 feet, chord bears S25°02'12"E for a distance of 231.89 feet to a calculated point in the southerly line of said Lot 21A, being also a northerly line of said Lot 21B, for the southeast corner hereof

THENCE with the southerly line of said Lot 21A and a northerly line of said Lot 21B, S43°59'02"W for a distance of 45.61 feet to a punch hole previously set in concrete by the undersigned at an angle point in said line

THENCE continuing with said line S46°00'58"E for a distance of 10.00 feet to a punch hole previously set in concrete by the undersigned at an angle point

THENCE continuing with said line S43°59'02"W for a distance of 102.29 feet to a punch hole previously set in concrete by the undersigned at an angle point

THENCE continuing with said line S45°08'56"E for a distance of 39.71 feet to a punch hole previously set in concrete by the undersigned at an angle point

THENCE continuing with said line S45°09'32"W for a distance of 31.79 feet to a calculated point at an angle point

THENCE continuing with said line N45°14'20"W for a distance of 43.93 feet to a capped iron rod stamped RPLS 3693 previously set by the undersigned at an angle point


THENCE continuing with said line S42°45'56"W for a distance of 84.83 feet to a capped iron rod stamped RPLS 3693 previously set by the

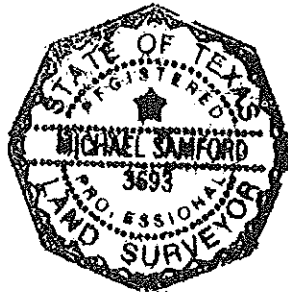
undersigned at the southwest corner of said Lot 21A, in the curving east ROW line of Bebee Road and east line of said Hays County 1.60 acre ROW tract, at a point 40' east of the centerline of Bebee Road and centerline of said 1.60 acre Hays County tract, at the southerly northwest corner of Lot 21B, for the southwest corner hereof

THENCE with the east ROW line of Bebee Road and east line of said 1.60 acre Hays County ROW tract and with the west line of said Lot 21A, along the arc of a curve to the right whose radius is 956.45 feet and whose chord bears N26°50'09"W for a distance of 376.86 feet to a ½" iron rod found at end of curve

THENCE continuing with said line N15°22'55"W for a distance of 235.14 feet to the POINT OF BEGINNING hereof and containing 2.847 acres of land, more or less.

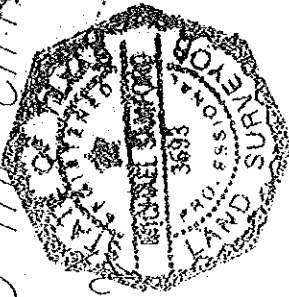
Prepared December 9, 2013 from previous surveys made on the ground by the undersigned.

 12/9/13  
Michael Samford, RPLS 3693



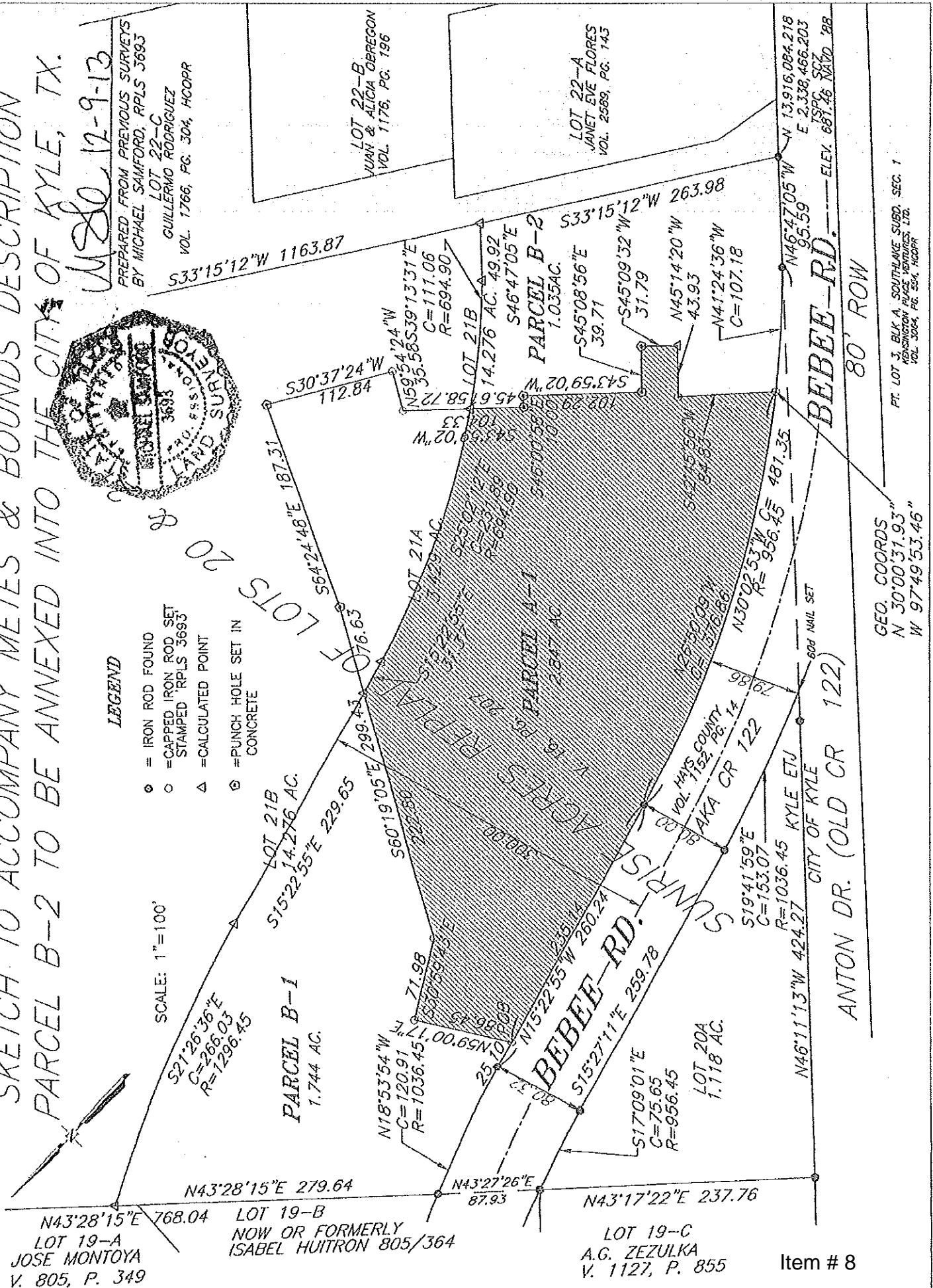
480 12-9-13

53  
PREPARED FROM PREVIOUS SURVEYS  
BY MICHAEL SAMFORD, RPLS 3693  
LOT 22-C  
GUILLERMO RODRIGUEZ  
VOL. 1766, PG. 304, HCOBR



LEGEND

- ⊙ = IRON ROD FOUND
- = CAPPED IRON ROD SET  
STAMPED "RPLS 3693"
- △ = CALCULATED POINT
- ⊙ = PUNCH HOLE SET IN  
CONCRETE

SCALE:  $1'' = 100'$ 

PT. LOT 3, BLK A, SOUTHLAKE SUBD. SEC. 1  
KENSINGTON PLACE VENTURES, LTD.  
VOL. 3064, PG. 504, HCOPR

GEO. COORDS  
N 30°00'31.93"  
W 97°49'53.46"

Item # 8

**EXHIBIT "A"**

**METES AND BOUNDS DESCRIPTION  
PARCEL B1  
1.744 ACRES  
OUT OF LOT 21B,  
SUNRISE ACRES REPLAT OF LOTS 20 & 21  
HAYS COUNTY, TEXAS**

ALL THAT CERTAIN PARCEL OR TRACT OF LAND BEING 1.744 ACRES OUT OF LOT 21B, 'SUNRISE ACRES REPLAT OF LOTS 20 & 21' A SUBDIVISION IN HAYS COUNTY TEXAS, OF RECORD IN VOLUME 16, PAGE 207 OF THE PLAT RECORDS OF HAYS COUNTY, TEXAS, BEING THAT PORTION OF SAID LOT 21B LYING WITHIN 300 FEET OF THE CENTERLINE OF BEBEE ROAD, SAID 1.744 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a capped iron rod stamped RPLS 3693 previously set by the undersigned in the east ROW line of Bebee Road, an 80' public right-of-way, being also the east line of that certain tract called 1.60 acres and conveyed to Hays County, Texas for street realignment, as described in Volume 1152, Page 14 of the Official Public Records of Hays County, Texas, at the northwest corner of Lot 21A and a northerly southwest corner of Lot 21B of said Replat, for the southwest corner and POINT OF BEGINNING hereof

THENCE with the east ROW of Bebee Road and east line of said 1.60 acre Hays County ROW tract, and the west line of said Lot 21B, N15°22'55"W for a distance of 25.10 feet to a ½" iron rod found at beginning of curve

THENCE continuing with said line along the arc of a curve the the left whose radius is 1036.45 feet and whose chord bears N18°53'54"W for a distance of 120.91 feet to a ½" iron rod found in said ROW and lot line at the northeast corner of said Hays County 1.60 acre ROW tract, in the southeast line of Lot 19-B and 19-A of said Sunrise Acres, described in a

deed to Isabel Huitron in Volume 805, Page 364 of the Hays County Official Public Records, and being the northwest corner of said Lot 21B and northwest corner hereof

THENCE with the north line of said Lot 21B and south line of said Lot 19-B, N43°28'15"E for a distance of 279.64 feet to a calculated point in the southeast line of Lot 19-A of said Sunrise Acres, at a point 300 feet east of (on a perpendicular) the centerline of Bebee Road, for the northeast corner hereof

THENCE with a line 300 feet east of and parallel with the centerline of Bebee Road (being also 260.00 feet east of and parallel with the west line of said Lot 21B), along the arc of a curve to the right whose radius is 1296.45 feet and whose chord bears S21°26'36"E for a distance of 266.03 feet to a calculated point at end of curve


THENCE continuing with said line S15°22'55"E for a distance of 229.65 feet to a calculated point in the southwesterly line of Lot 21B and northeasterly line of Lot 21A, for the southeast corner hereof

THENCE with the southerly line of Lot 21B and northerly line of Lot 21A, N60°19'05"W for a distance of 222.80 feet to a capped iron rod stamped RPLS 3693 previously set by the undersigned at an angle point

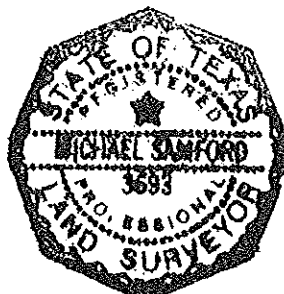
THENCE continuing with said line N30°59'43"W for a distance of 71.98 feet to a capped iron rod stamped RPLS 3693 previously set by the undersigned for an angle point

THENCE continuing with said line S59°00'17"W for a distance of 86.45 feet to the POINT OF BEGINNING hereof and containing 1.744 acres of land, more or less.

Prepared December 9, 2013 from previous surveys made on the ground by the undersigned.

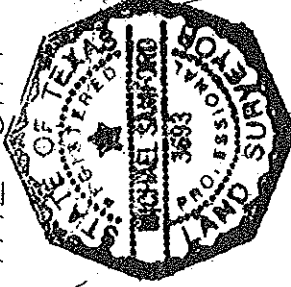


Michael Samford, RPLS 3693



# SKETCH TO ACCOMPANY METES & BOUNDS DESCRIPTION PARCEL B-1 TO BE ANNEXED INTO THE CITY OF KYLE, TX.

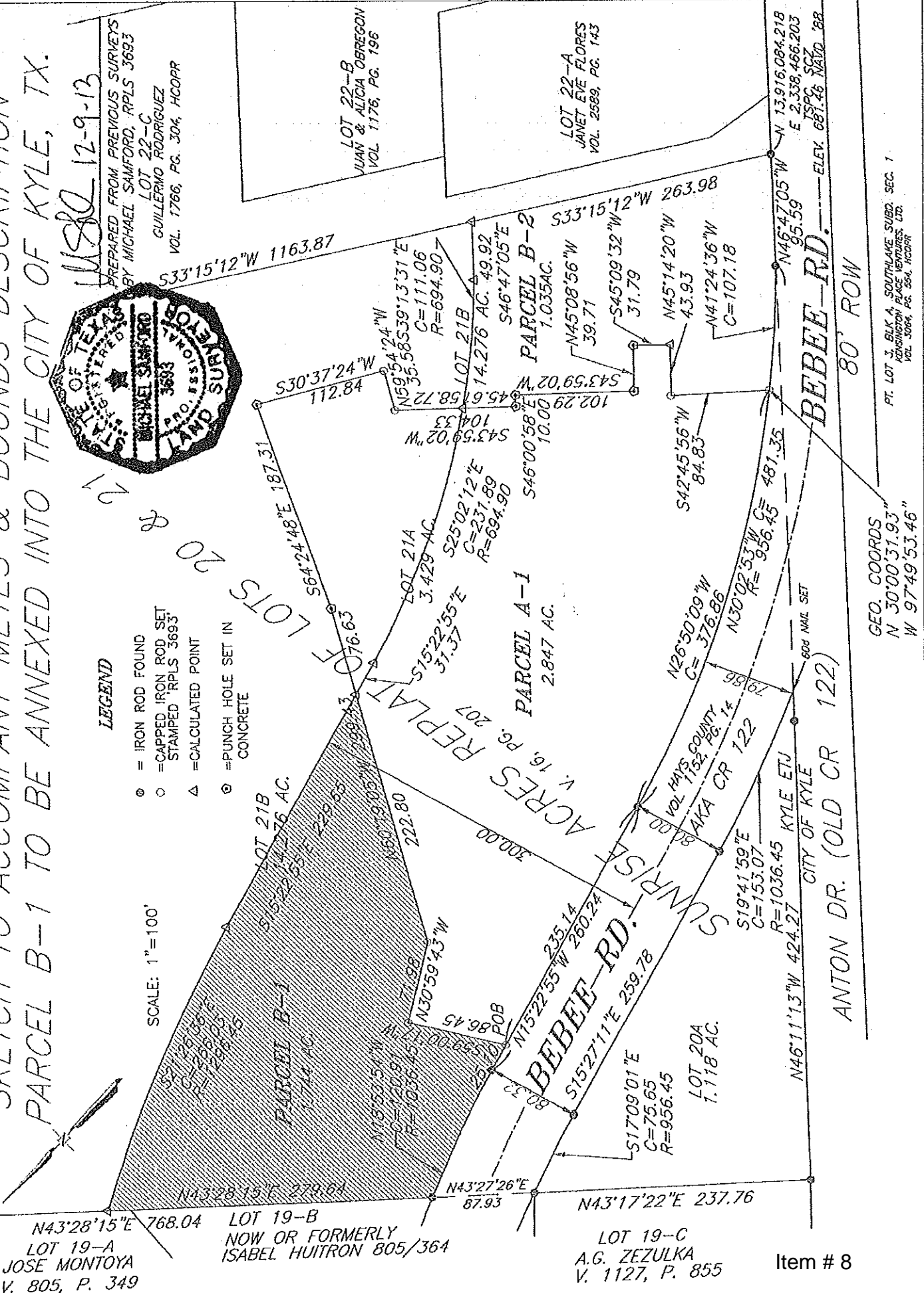
1180-12-9-13



## LEGEND

- = IRON ROD FOUND
- = CAPPED IRON ROD SET STAMPED "RPLS 3693"
- △ = CALCULATED POINT
- ⊙ = PUNCH HOLE SET IN CONCRETE

SCALE: 1"=100'



Item # 8

**EXHIBIT "A"**

**METES AND BOUNDS DESCRIPTION  
 PARCEL B2  
 1.035 ACRES  
 OUT OF LOT 21B,  
 SUNRISE ACRES REPLAT OF LOTS 20 & 21  
 HAYS COUNTY, TEXAS**

ALL THAT CERTAIN PARCEL OR TRACT OF LAND BEING 1.035 ACRES OUT OF LOT 21B, 'SUNRISE ACRES REPLAT OF LOTS 20 & 21' A SUBDIVISION IN HAYS COUNTY TEXAS, OF RECORD IN VOLUME 16, PAGE 207 OF THE PLAT RECORDS OF HAYS COUNTY, TEXAS, BEING A PORTION OF SAID LOT 21B LYING WITHIN 300 FEET OF THE CENTERLINE OF BEBEE ROAD, SAID 1.035 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a capped iron rod stamped RPLS 3693 previously set by the undersigned in the east ROW line of Bebee Road, an 80' public right-of-way, being also the east line of that certain tract called 1.60 acres and conveyed to Hays County, Texas for street realignment, as described in Volume 1152, Page 14 of the Official Public Records of Hays County, Texas, at the southwest corner of Lot 21A and a southerly northwest corner of Lot 21B of said Replat, for the northwest corner and POINT OF BEGINNING hereof

THENCE with the south line of said Lot 21A and a north line of said Lot 21B, N42°45'56"E for a distance of 84.83 feet to a capped iron rod stamped RPLS 3693, previously set by the undersigned at an angle point

THENCE continuing with said line S45°14'20"E for a distance of 43.93 feet to a calculated point at an angle point

THENCE continuing with said line N45°09'32"E for a distance of 31.79 feet to a punch hole in concrete previously set by the undersigned at an angle

point

THENCE continuing with said line N45°08'56"W for a distance of 39.71 feet to a punch hole in concrete previously set by the undersigned at an angle point

THENCE continuing with said line N43°59'02"E for a distance of 102.29 feet to a punch hole in concrete previously set by the undersigned at an angle point

THENCE continuing with said line N46°00'58"W for a distance of 10.00 feet to a punch hole in concrete previously set by the undersigned at an angle point

THENCE continuing with said line N43°59'02"E for a distance of 45.61 feet to a calculated point in a line lying 300 feet east of and parallel with the centerline of Bebee Road and 260.00 feet east of and parallel with the east ROW of Bebee Road and east line of said 1.60 acre Hays County ROW tract, and the west line of said Lot 21B, for the northeast corner hereof

THENCE with a line lying 300 feet east of and parallel with the centerline of Bebee Road, along the arc of a curve to the left whose radius is 694.90 feet and whose chord bears S39°13'31"E for a distance of 111.06 feet to a calculated point at end of curve

THENCE continuing with said line S46°47'05"E for a distance of 49.92 feet to a calculated point in the south line of said Lot 21B and north line of Lot 22-C, Sunrise Acres, as described in Volume 1766, Page 304 of the Hays County Official Public Records, for the southeast corner hereof


THENCE with the south line of said Lot 21B and north line of said Lot 22-C, S33°15'12"W for a distance of 263.98 feet to a ½" iron rod found in the east ROW line of Bebee Road a/k/a County Road 122, at the southwest corner of said Lot 21B and northwest corner of said Lot 22-C, for the southwest corner hereof

THENCE with the east ROW of Bebee Road and CR 122, and the west line of Lot 21B, N46°47'05"W for a distance of 95.59 feet to a ½" iron rod found at beginning of curve, being the south corner of said Hays County 1.60 acre ROW tract



THENCE with the east ROW line of Bebee Road and east line of said 1.60 acre Hays County ROW tract, and the west line of said Lot 21B, along the arc of a curve to the right whose radius is 956.45 feet and whose chord bears N41°24'36"W for a distance of 107.18 feet to the POINT OF BEGINNING hereof and containing 1.035 acre of land, more or less.

Prepared December 9, 2013 from previous surveys made on the ground by the undersigned.

 12-9-13  
Michael Samford, RPLS 3693



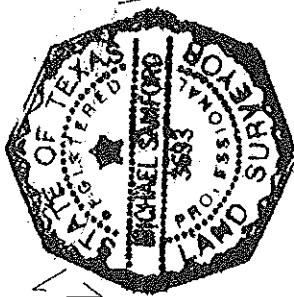
USE 12-9-13

53  
 LOT 22-C  
 GUILLERMO RODRIGUEZ  
 VOL. 1766, PG. 304, HCOPR

LOT 22-B  
JUAN & ALICIA OBREGON  
VOL. 1176, PG. 196

LOT 22-A  
JANET EVE FLORES  
VOL. 2589, PG. 143

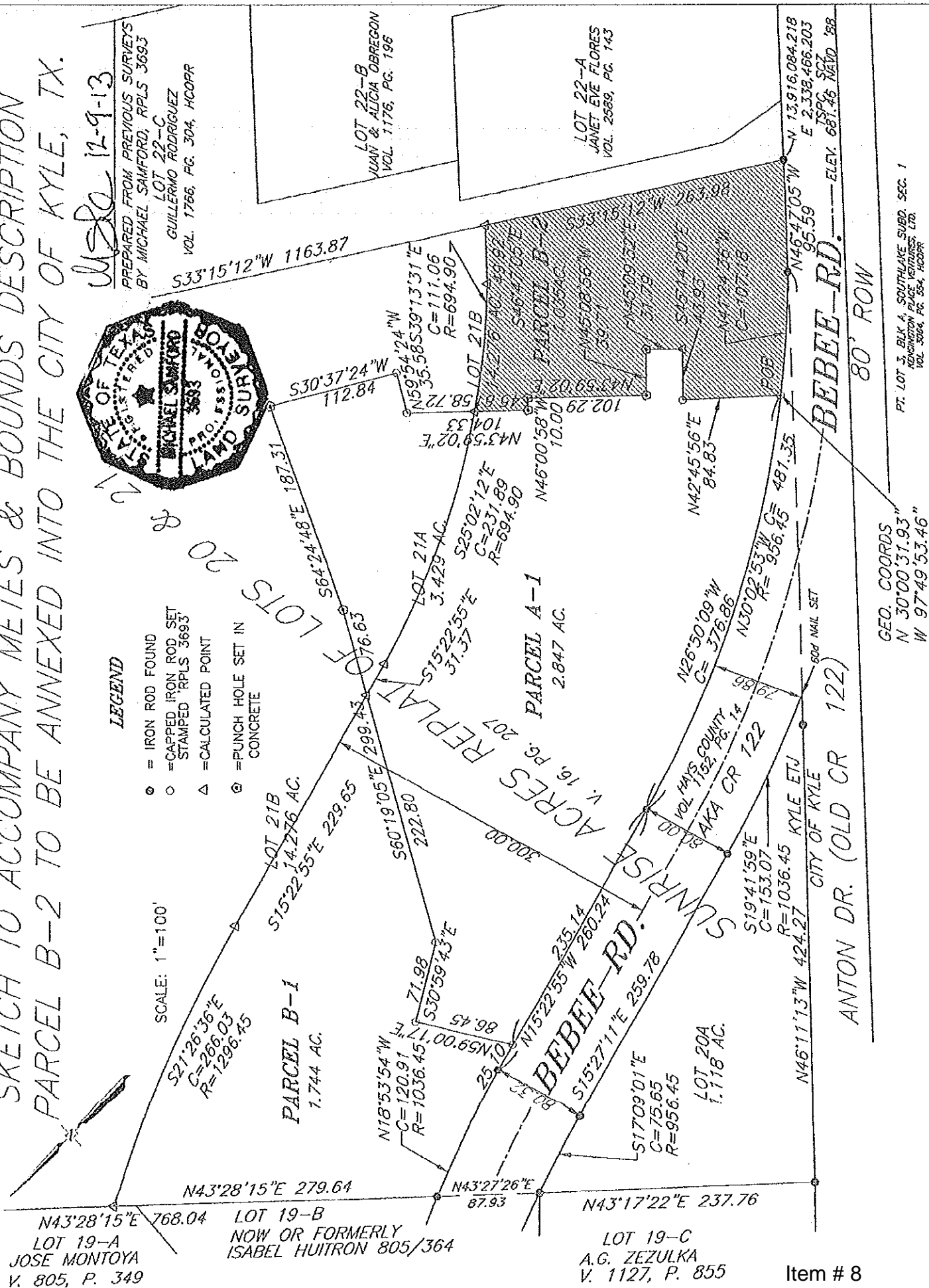
W 13,916,084.218  
E 2,338,466.203  
TSPC SCI  
681.46 NAVO '88



**LEGEND**

- ⊗ = IRON ROD FOUND
- = CAPPED IRON ROD SET STAMPED 'RPLS 3693'
- △ = CALCULATED POINT
- ⊗ = PUNCH HOLE SET IN CONCRETE

SCALE: 1"=100'



GEO. COORDS  
N 30°00'31.93"  
W 97°49'53.46"

PT. LOT 3, BLK A, SOUTHLAKE SUBD. SEC. 1  
KENSINGTON PLACE VENTURES, LTD.  
VOL. 306, PG. 554, HENDER

Item # 8



# CITY OF KYLE, TEXAS

## Development Agreement-Bebbee Road

**Meeting Date:**  
**12/18/2013**  
**Date time: 7:00 PM**

**Subject/Recommendation:** A RESOLUTION OF THE CITY OF KYLE, TEXAS, AUTHORIZING THE MAYOR TO EXECUTE A DEVELOPMENT AGREEMENT WITH MERLIN FRIESENHAHN, ON BEHALF OF ELGIN GROCERY AND PARK PLACE FOOD, FOR VOLUNTARY ANNEXATION OF APPROXIMATELY 12.07 ACRES OF LAND IN HAYS COUNTY, TEXAS GENERALLY LOCATED NORTH OF BEBEE ROAD, EAST OF DACY LANE AND WEST OF GOFORTH ROAD; IN CONFORMANCE WITH THE TEXAS LOCAL GOVERNMENT CODE AND FOR THE PURPOSE OF ESTABLISHING A SCHEDULE AND FOR THE PURPOSE OF ESTABLISHING A SCHEDULE FOR ANNEXATION OF THE PROPERTY; 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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Viewing Attachments Requires Adobe Acrobat. [Click here](#) to download.

### Attachments / click to download

- [resolution](#)
- [development agreement](#)
- [EXHIBIT-LOCATION MAP](#)

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY OF KYLE, TEXAS, AUTHORIZING THE MAYOR TO EXECUTE A DEVELOPMENT AGREEMENT WITH MERLIN FRISENHAHN, ON BEHALF OF ELGIN GROCERY AND PARK PLACE FOODS, FOR VOLUNTARY ANNEXATION OF APPROXIMATELY 12.07 ACRES OF LAND IN HAYS COUNTY, TEXAS GENERALLY LOCATED NORTH OF BEEBEE ROAD, EAST OF DACY LANE AND WEST OF GOFORTH ROAD; IN CONFORMANCE WITH THE TEXAS LOCAL GOVERNMENT CODE AND FOR THE PURPOSE OF ESTABLISHING A SCHEDULE FOR ANNEXATION OF THE PROPERTY; MAKING FINDINGS OF FACT; AND PROVIDING FOR RELATED MATTERS.**

**Whereas**, pursuant to Sections 43.035 and 212.172 of the Texas Local Government Code, the City has offered to enter a development agreement titled "Development Agreement Under Section 43.035, Texas Local Government Code (the "Agreement") attached hereto and incorporated herein as Exhibit A.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF KYLE, HAYS COUNTY, TEXAS, THAT:**

**Section 1.** The following recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

**Section 2.** The City Council hereby approves the Development Agreement for approximately 12.07 acres of Land in Hays County, Texas that is generally located north of Bebee Road, east of Dacy Lane, and west of Goforth Road.

**Section 3.** The City Council hereby approves the Development Agreement under Section 43.035, Texas Local Government Code attached hereto as Exhibit "A", and authorizes the Mayor to execute said Agreement.

**Section 4.** It is hereby officially found and determined that the meeting at which this Resolution 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, Chapter 551, Texas Local Government Code.

**FINALLY PASSED AND APPROVED on this the \_\_\_\_ day of \_\_\_\_\_, 2013.**

**ATTEST:**

**THE CITY OF KYLE, TEXAS**

\_\_\_\_\_  
Amelia Sanchez, City Secretary

\_\_\_\_\_  
Lucy Johnson, Mayor

STATE OF TEXAS       §  
                                      §  
 COUNTY OF HAYS       §

**CHAPTER 43 TEXAS LOCAL GOVERNMENT CODE  
 DEVELOPMENT AGREEMENT**

This Agreement is entered into pursuant to Section 212.172 of the Texas Local Government Code by and between the City of Kyle, Texas (the “City”) and the undersigned property owner(s) (the “Owner”). The term “Owner” includes all owners of the Property.

**WHEREAS**, the Owner owns a parcel of real property (the “Property”) in Hays County, Texas, which is more particularly and separately described in the attached Exhibit “A”; and

**WHEREAS**, the City has begun the process to institute annexation proceedings on parcels of property currently located in the City’s ETJ and has set public hearings on November 21, 2013 and November 26, 2013; and

**WHEREAS**, the City contemplated including the Owner’s property as part of the City’s annexation process, Owner desires to have the Property remain in the City’s extraterritorial jurisdiction, in consideration for which the Owner agrees to enter into this Agreement; and

**WHEREAS**, this Agreement is entered into pursuant to Section 212.172 of the Texas Local Government Code, in order to address the desires of the Owner and the procedures of the City; and

**WHEREAS**, the Owner and the City acknowledge that this Agreement is binding upon the City and the Owner and their respective successors and assigns for the term (defined below) of this Agreement; and

**WHEREAS**, this Development Agreement is to be recorded in the Real Property Records of Hays County, Texas.

**NOW, THEREFORE**, in consideration of the mutual covenants contained herein, the parties hereto agree as follows:

**Section 1.** The City guarantees the continuation of the extraterritorial status for approximately 12.07 acres of land out of lots 20 and 21 of the Sunrise Acres Replat (legal description and as described on the attached location map), its immunity from annexation by the City, and its immunity from City property taxes, for the term of this Agreement, subject to the provisions of this Agreement. Except as provided in this Agreement, the City agrees not to annex the Property, agrees not to involuntarily institute proceedings to annex the Property, and further agrees not to include the Property in a statutory annexation plan for the Term of this Agreement.

**Section 2.** The Owner covenants and agrees not to use the property for any use other than for its existing use, without the property first being annexed into the City and zoned for the proposed use.

The Owner covenants and agrees that the Owner will not file any type of subdivision plat or any development related development document for the Property with Hays County or the City until the Property has been annexed into the City. During the duration of this Agreement, the Owner covenants and agrees not to construct, or allow to be constructed, any buildings on the Property that would require a building permit if the Property were in the City limits, subject to the exceptions set forth herein. The Owner reserves the right to construct, repair, or renovate buildings on the Property.

The Owner acknowledges that each and every owner of the Property must sign this Agreement in order for the Agreement to take full effect, and the Owners who sign this Agreement covenants and agrees, jointly and severably, to indemnify, hold harmless, and defend the City against any and all legal claims, by any person claiming an ownership interest in the Property who has not signed the Agreement, arising in any way from the City's reliance on this Agreement.

**Section 3.** The Owner acknowledges that if any plat or related development document is filed in violation of this Agreement, or if the Owner commences development of the Property in violation of this Agreement, then in addition to the City's other remedies, such act will constitute a petition for voluntary annexation by the Owner, and the Property will be subject to annexation at the discretion of the City Council. The Owner agrees that such annexation shall be voluntary and the Owner hereby consents to such annexation as though a petition for such annexation had been tendered by the Owner.

If annexation proceedings begin pursuant to this Section, the Owner acknowledges that this Agreement serves as an exception to Local Government Code Section 43.052, requiring a municipality to use certain statutory procedures, including notices and hearings under an annexation plan. Furthermore, the Owner hereby waives any and all vested rights and claims that they may have under Section 43.002(a) (2) and chapter 245 of the Texas Local Government Code that would otherwise exist by virtue of any actions Owner has taken in violation of Section 2 herein.

**Section 4.** Pursuant to Sections 43.035(b) (1) (B) of the Texas Local Government Code, the City is authorized to enforce all of the City's regulations and planning authority that do not materially interfere with the regulations that are enforced within the City's boundaries. The City states and specifically reserves its authority pursuant to Chapter 251 of the Texas Local Government Code to exercise eminent domain over property that is subject to a Chapter 43 and/or Chapter 212 development agreement.

**Section 5.** In accordance with Texas Local Government Code 212.172(d), the initial term of this Agreement (the "Initial Term") is **fifteen (15) years** from the date that the City Manager's signature to this Agreement is acknowledged by a public notary. Unless each party agrees to a subsequent term, the City will commence the annexation of the Property at the end of the Initial Term. In connection with annexation pursuant to this section, the Owners hereby waive any

vested rights they may have under Section 43.002(a) (2) and Chapter 245 of the Texas Local Government Code that would otherwise exist by virtue of any plat or construction any of the owners may initiate during the time between the expiration of this Agreement and the institution of annexation proceedings by the City.

**Section 6.** Any person who sells or conveys any portion of the Property shall, prior to such sale or conveyances, give written notice of this Agreement to the prospective purchaser or grantee, and shall give written notice of the sale or conveyance to the City. Furthermore, the Owners and the Owners' heirs, successors, and assigns shall give the City written notice within 14 days of any change in the agricultural exemption status of the Property. A copy of either notice required by this section shall be forwarded to the City at the following address:

City of Kyle  
Attn: City Manager  
2110 4th Street  
Kyle, Texas 78640

**Section 7.** This Agreement shall run with the Property and be recorded in the Real Property Records of Hays County, Texas.

**Section 8.** If a court of competent jurisdiction determines that any covenant of this Agreement is void or unenforceable, including the covenants regarding involuntary annexation, then the remainder of this Agreement shall remain in full force and effect.

**Section 9.** This Agreement may be enforced by any Owner or the City by any proceeding at law or in equity. Failure to do so shall not be deemed a waiver to enforce the provisions of this Agreement thereafter.

**Section 10.** No subsequent change in the law regarding annexation shall affect the enforceability of this Agreement or the City's ability to annex the properties covered herein pursuant to the terms of this Agreement.

**Section 11.** Venue for this Agreement shall be in Hays County, Texas.

**Section 12.** This Agreement may be separately executed in individual counterparts and, upon execution, shall constitute one and same instrument.

**Section 13.** This Agreement shall survive its termination to the extent necessary for the implementation of the provisions of Sections 3, 4, and 5 herein.

In witness whereof, the above and foregoing provisions are hereby agreed to, and accepted and approved by the parties.

**OWNER"**

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

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

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

THE STATE OF TEXAS     §  
                                       §  
 COUNTY OF HAYS         §

This instrument was acknowledged before me on the \_\_\_\_ day of \_\_\_\_\_ 2011, by \_\_\_\_\_, being 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.

\_\_\_\_\_  
 Notary Public, State of Texas

(NOTARY SEAL)



**“CITY”** City of Kyle, Texas

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

Name: Lanny Lambert

Title: City Manager

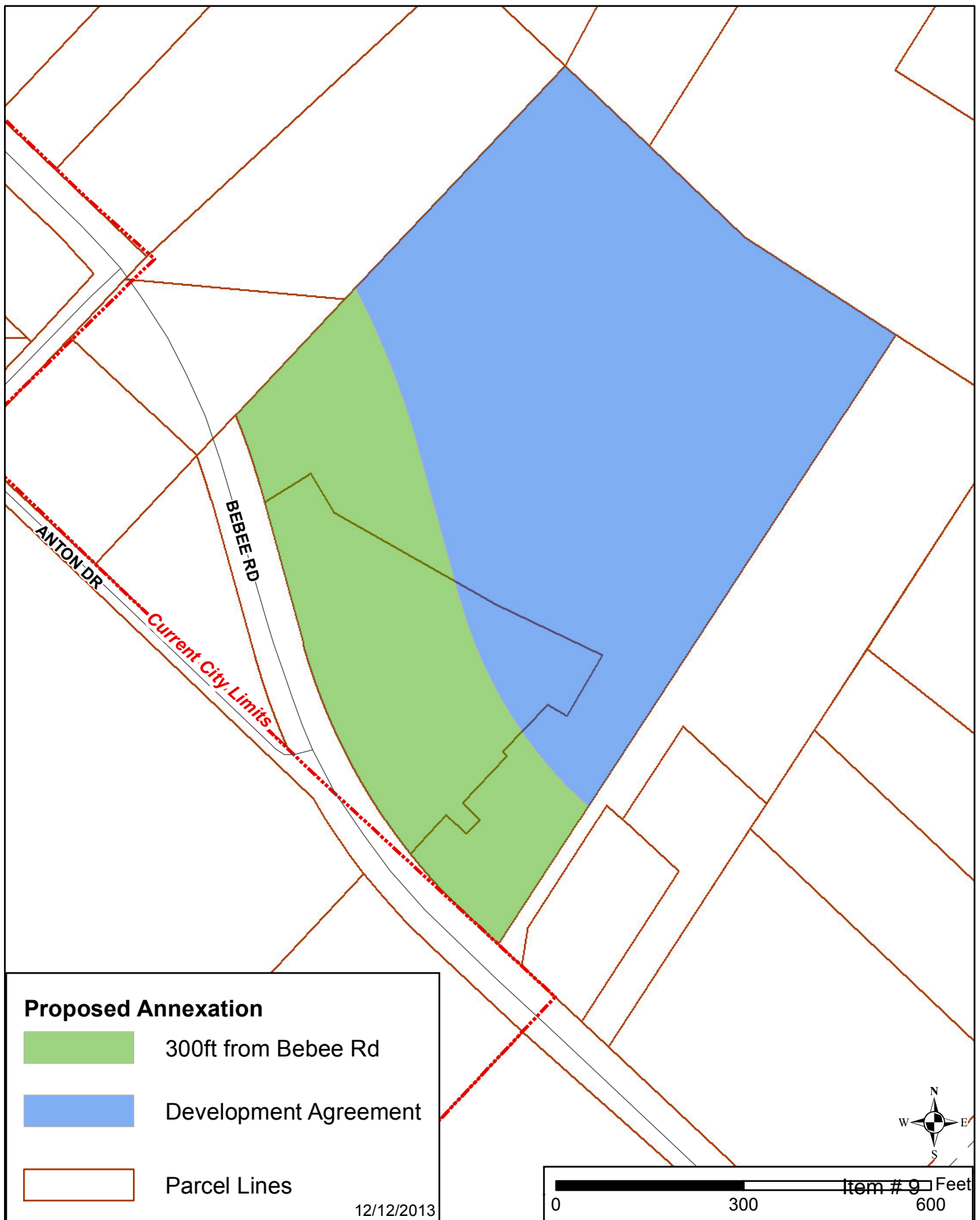
Date: \_\_\_\_\_

THE STATE OF TEXAS     §  
                                       §  
 COUNTY OF HAYS         §

This instrument was acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_, 2013, by Lanny Lambert, as City Manager of the City of Kyle, Texas, 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.

\_\_\_\_\_  
 Notary Public, State of Texas

(NOTARY SEAL)





# CITY OF KYLE, TEXAS

31.8 acres

**Meeting Date:**  
**12/18/2013**  
**Date time: 7:00 PM**

**Subject/Recommendation:** *(Second 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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 [Ordinance and Exhibit's](#)

**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 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 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 17th day of December, 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**



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,

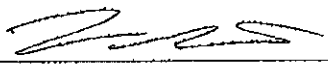
THENCE, with the common boundary line of said 1.119 acre tract, and said Lot 19C, N43°17'22"E, for a distance of 237.76 feet to a point at the northernmost corner of said 1.119 acre tract, also being the easternmost corner of said Lot 19C, and also being the southernmost corner of Lot 19B of said Sunrise 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.

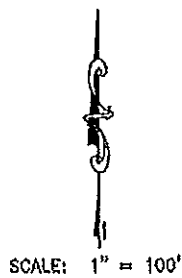
THIS SURVEY WAS PREPARED FROM RECORD INFORMATION FOUND IN VOLUME 16, PAGE 207 (O.P.R.H.C.TX.)  
 NO ON-THE-GROUND SURVEY WAS PERFORMED.

Prepared by:

 8-30-13  
 ROBERT J. GERTSON, R.P.L.S. NO. 6367  
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# SKETCH TO ACCOMPANY FIELD NOTES



HAYS COUNTY  
1.50 ACRES  
LOT 19-B  
SUNRISE ACRES REPLAT  
VOL. 5, PG. 323  
VOL. 1192, PG. 519

ALAN G. AND CYNTHIA E. ZEZULKA  
1.50 ACRES  
LOT 19-C  
SUNRISE ACRES REPLAT  
VOL. 5, PG. 323  
VOL. 1127, PG. 855

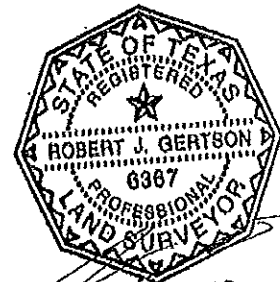
LOT 21-B  
ELGIN GROCERY INCORPORATED  
14.276 ACRES  
SUNRISE ACRES REPLAT  
OF LOTS 20 & 21  
VOL. 16, PG. 207

1.119 ACRES

LOT 20-A  
ELGIN GROCERY INCORPORATED  
1.118 ACRES  
SUNRISE ACRES REPLAT  
OF LOTS 20 & 21  
VOL. 16, PG. 207

LOT 21-A  
PARK PLACE FOODS INC  
3.429 ACRES  
SUNRISE ACRES REPLAT  
OF LOTS 20 & 21  
VOL. 16, PG. 207

POINT OF BEGINNING



8-30-13

BEARING BASES: PREPARED WITH RECORD INFORMATION  
FOUND IN VOLUME 16, PAGE 207 (O.P.R.H.C.T.X.)

CURVE TABLE

CURVE	RADIUS	LENGTH	CHORD	CHORD BEARING	TANGENT
C1	958.45'	76.67'	75.65'	S17°09'01"E	37.85
C2	1036.45'	163.21'	153.07'	S19°41'59"E	76.74



Carlson, Brigrance & Doering, Inc.

Civil Engineering ♦ Surveying  
5901 West Western Express Drive ♦ Austin, Texas 78749  
Phone No. (512) 280-5160 ♦ Fax No. (512) 280-5165

PATH:- J: 4576-097\SURVEY\FN-R136928 1.119 ACRES ANNEXATION

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,

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,

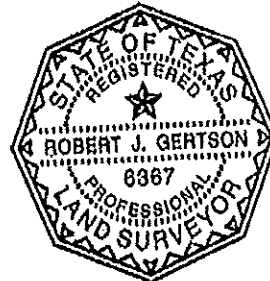
1. N15°22'55"W, for a distance of 25.10 feet to a point of curvature to the left, and
2. With said curve to the left having a radius of 1036.45 feet, an arc length of 120.98 feet, and whose chord bears N18°53'54"W, for a distance of 120.91 feet to a point in the eastern boundary line of Lot 19-B of said 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.

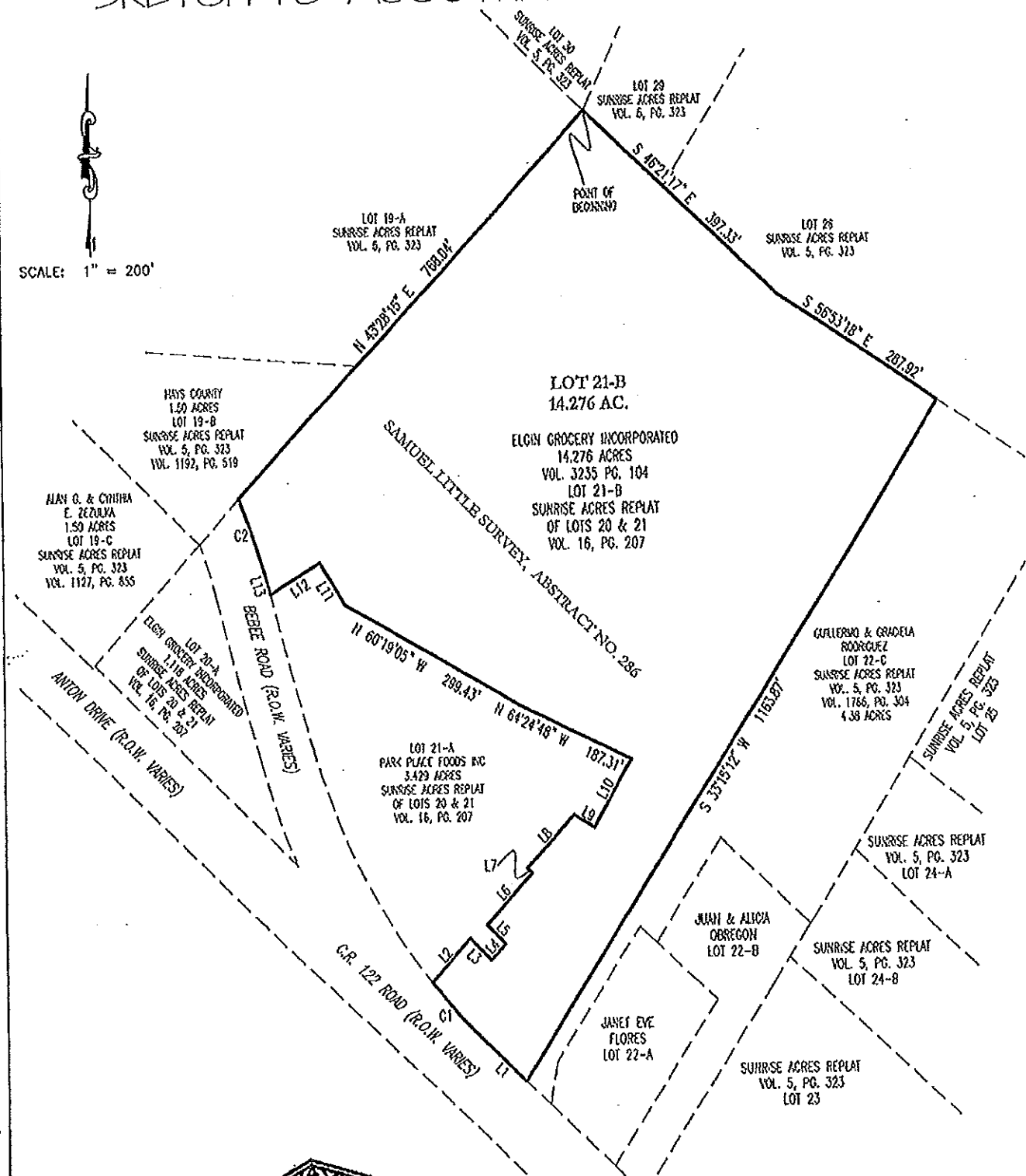
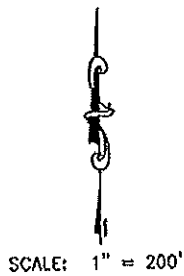
THIS SURVEY WAS PREPARED FROM RECORD INFORMATION FOUND IN VOLUME 16, PAGE 207 (O.P.R.H.C.TX.)  
NO ON-THE-GROUND SURVEY WAS PERFORMED.

Prepared by: \_\_\_\_\_

*8-30-13*  
ROBERT J. GERTSON, R.P.L.S. NO. 6367  
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5501 West William Cannon  
Austin, TX 78749  
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rgertson@cbdeng.com



# SKETCH TO ACCOMPANY FIELD NOTES



SHEET 1 OF 2

BEARING BASIS: PREPARED WITH RECORD INFORMATION  
FOUND IN VOLUME 16, PAGE 207 (O.P.R.N.C.T.X.)



Carlson, Brilgance & Doering, Inc.

Civil Engineering • Surveying  
5801 West Wilshire Canyon Drive • Austin, Texas 78749  
Phone No. (512) 289-5100 • Fax No. (512) 289-5155

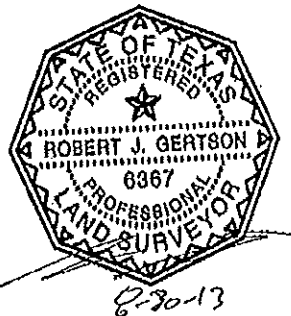
PATH: J: 4576-097\SURVEY\FN-R136930 14.276 ACRES



# SKETCH TO ACCOMPANY FIELD NOTES

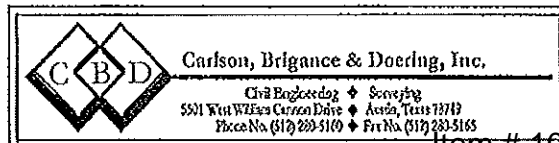
LINE TABLE		
LINE	LENGTH	BEARING
L1	95.59	N46°47'05"W
L2	84.84	N42°45'56"E
L3	43.93	S45°14'20"E
L4	31.79	N45°09'32"E
L5	39.71	N45°08'56"W
L6	102.29	N43°59'02"E
L7	10.00	N46°00'58"W
L8	104.33	N43°59'02"E
L9	35.58	S59°54'24"E
L10	112.84	N30°37'24"E
L11	71.98	N30°59'43"W
L12	86.45	S59°00'17"W
L13	25.10	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 BASE: PREPARED WITH RECORD INFORMATION  
FOUND IN VOLUME 16, PAGE 207 (O.P.R.I.L.C.TX.)



PATH:- J: 4576-097\SURVEY\FN-R136930 14.276 ACRES ANNEXATION

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 MEYES 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,

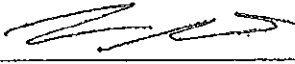
THENCE, with the common boundary line of said 1.00 acre tract, said Lot 22-C, and said lot 22-B the following three (3) courses and distances, numbered 1 through 3,

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.

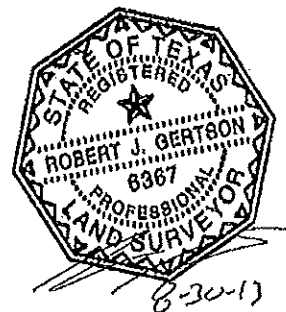
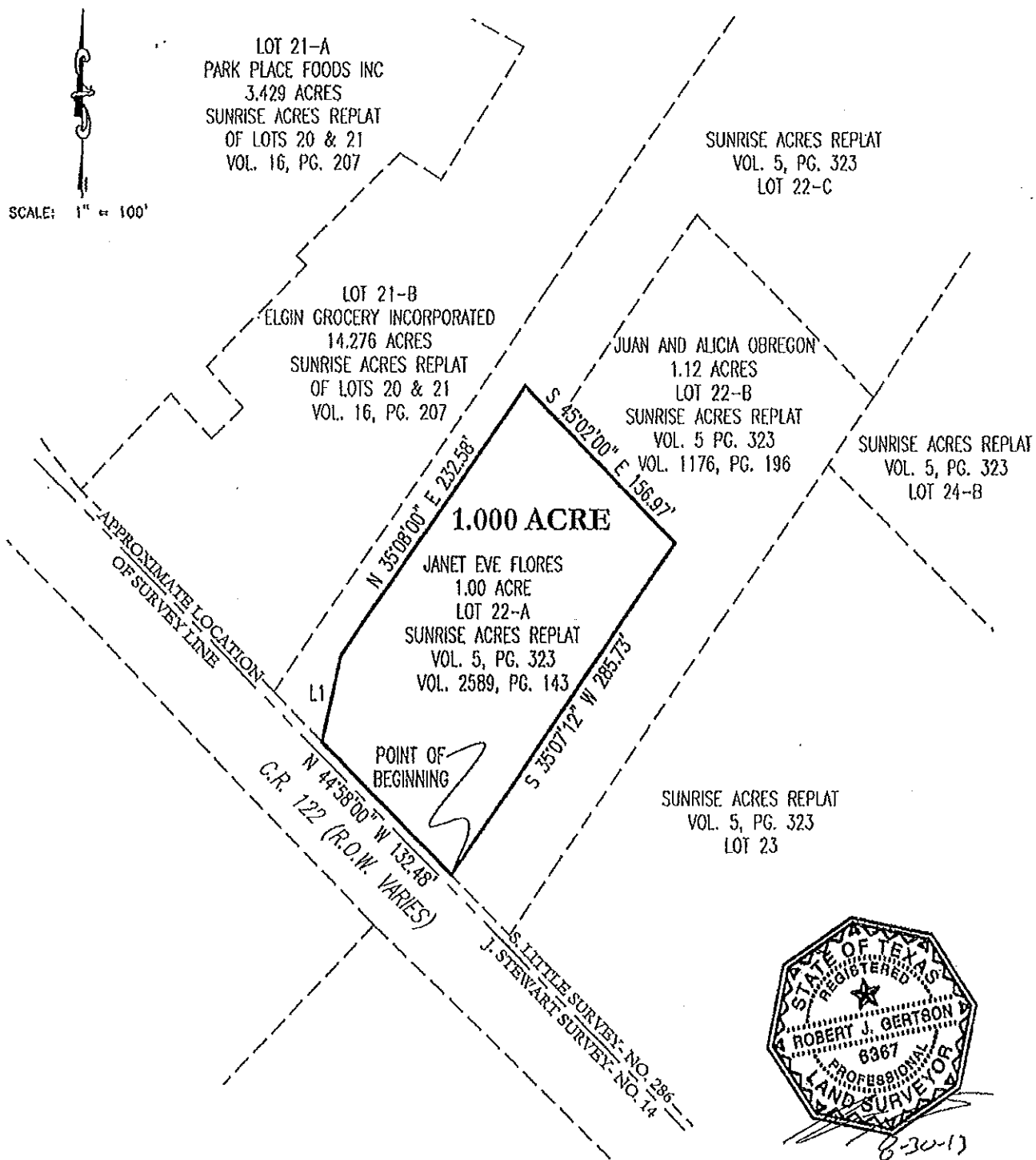
THIS SURVEY WAS PREPARED FROM RECORD INFORMATION FOUND IN SUNRISE ACRES REPLAT-VOLUME 5, PAGE 323 (P.R.H.C.TX.)  
NO ON-THE-GROUND SURVEY WAS PERFORMED.

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



BEARING BASIS: PREPARED WITH RECORD INFORMATION  
FOUND IN VOLUME 5, PAGE 323 (P.R.I.C.T.X.)

LINE TABLE		
LINE	LENGTH	BEARING
L1	62.10	N12°10'30\"E



Carlson, Brigrance & Doerling, Inc.

Civil Engineering ♦ Surveying  
5501 West Wilham Cullen Drive ♦ Austin, Texas 78759  
Phone No. (512) 283-5100 ♦ Fax No. (512) 283-5165

PATH:-- J: 4576-097 \SURVEY\FN-R44091 1.000 ACRE \INTEKAMON

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,

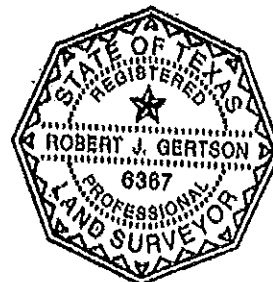
THENCE, with the common boundary line of said 1.50 acre tract, and said Lot 21-B, S45°14'00"W, for a distance of 348.43 feet to a point in the southwesterly right-of-way line of Bebee Road (R.O.W. varies), said point marking the southernmost corner of said 1.50 acre tract, also being the eastern corner 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.

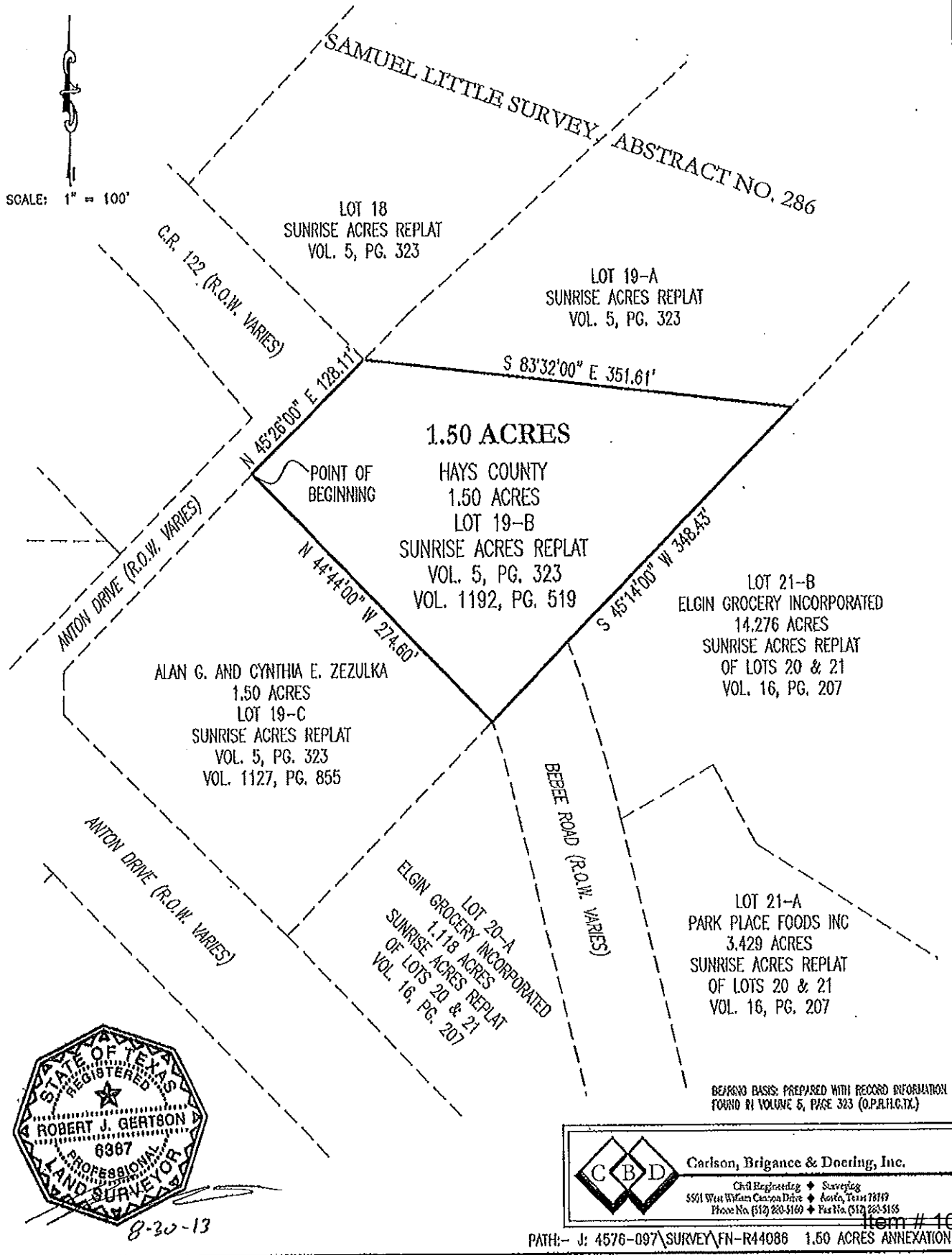
THIS SURVEY WAS PREPARED FROM RECORD INFORMATION FOUND IN VOLUME 5, PAGE 323 (O.P.R.H.C.TX.)  
 NO ON-THE-GROUND SURVEY WAS PERFORMED.

Prepared by:

*[Signature]* 9-30-12  
 ROBERT J. GERTSON, R.P.L.S. NO. 6367  
*Carlson, Brigrance and Doering, Inc.*  
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 rgertson@cbdeng.com



# SKETCH TO ACCOMPANY FIELD NOTES



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,

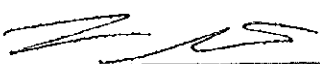
1. N45°26'00"E, for a distance of 50.00 feet to a point, and
2. N49°27'00"E, for a distance of 681.58 feet to the northernmost corner of said Lot 19A, also being the northeastern corner of said Lot 18, also being the southern corner of Lot 31, of said Sunrise Acres subdivision, and also being the southwestern corner of Lot 30, of said Sunrise Acres Replat,

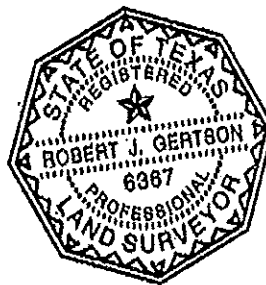
THENCE, with common boundary line of said Lot 19A, and said Lot 30, S44°27'00"E, for a distance of 223.88 feet to the northeastern corner of said Lot 19A, also being the southernmost corner of said Lot 30, and also being the southwestern corner of Lot 29, of said Sunrise Acres Replat,

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:

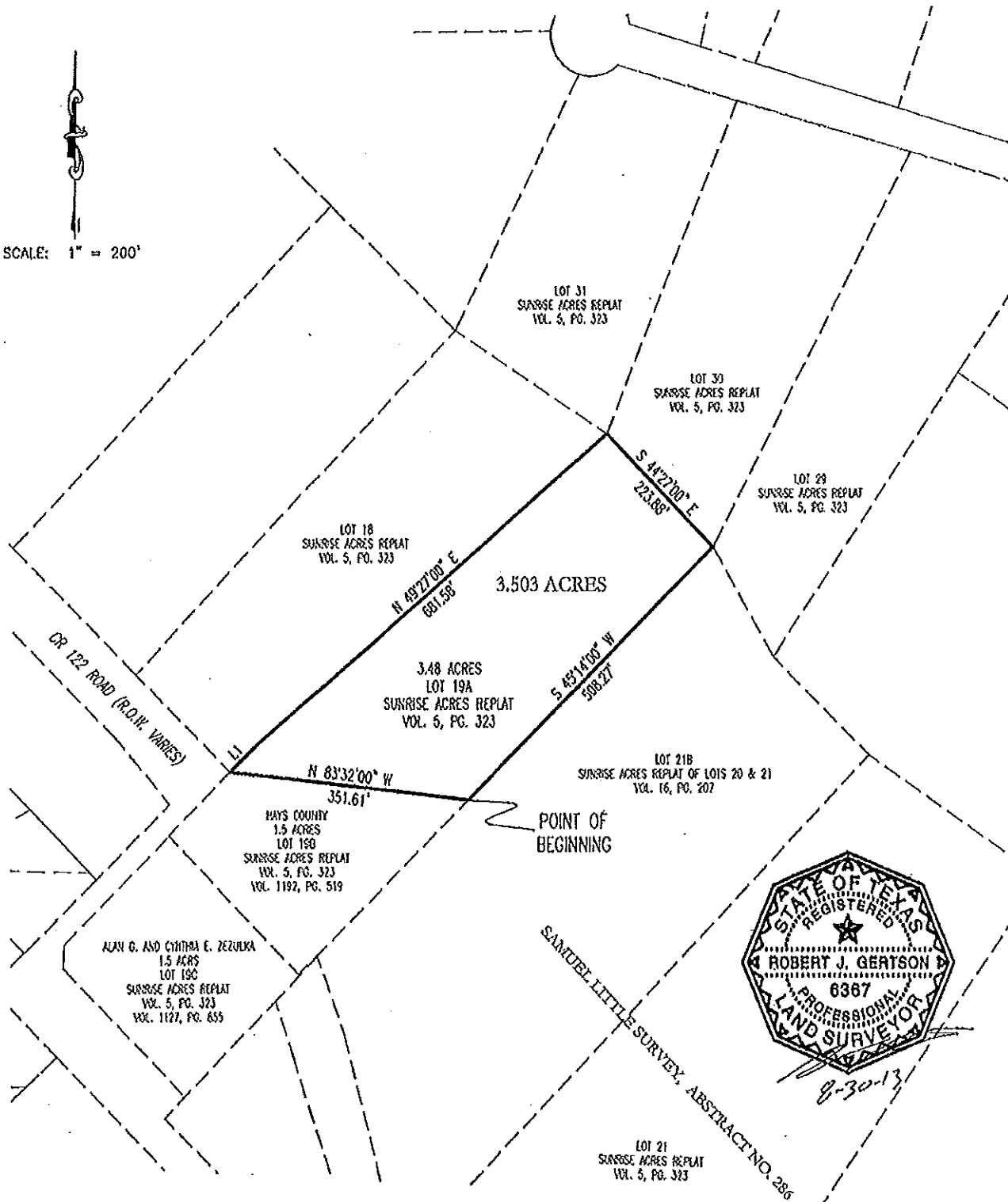
 8-30-13  
ROBERT J. GERTSON, R.P.L.S. NO. 6367  
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5501 West William Cannon  
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# SKETCH TO ACCOMPANY FIELD NOTES



SCALE: 1" = 200'



BEARING BASE: PREPARED WITH RECORD INFORMATION  
FOUND IN VOLUME 2, PAGE 346 (O.P.R.I.C.T.X.)

LINE TABLE		
LINE	LENGTH	BEARING
L1	50.00	N45°26'00"E



Carlson, Brigrance & Doering, Inc.

Civil Engineering ♦ Surveying  
5501 West Wilshire Center Drive ♦ Austin, Texas 78719  
Phone No. (512) 293-5169 ♦ Fax No. (512) 293-5165

PATH: - J: 4576-097\SURVEY\FN-R44085 3.503 ACRES ANNEXATION Item # 10

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:

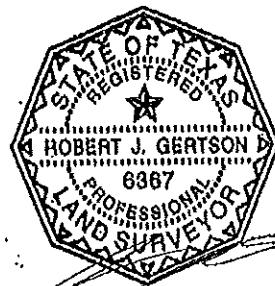
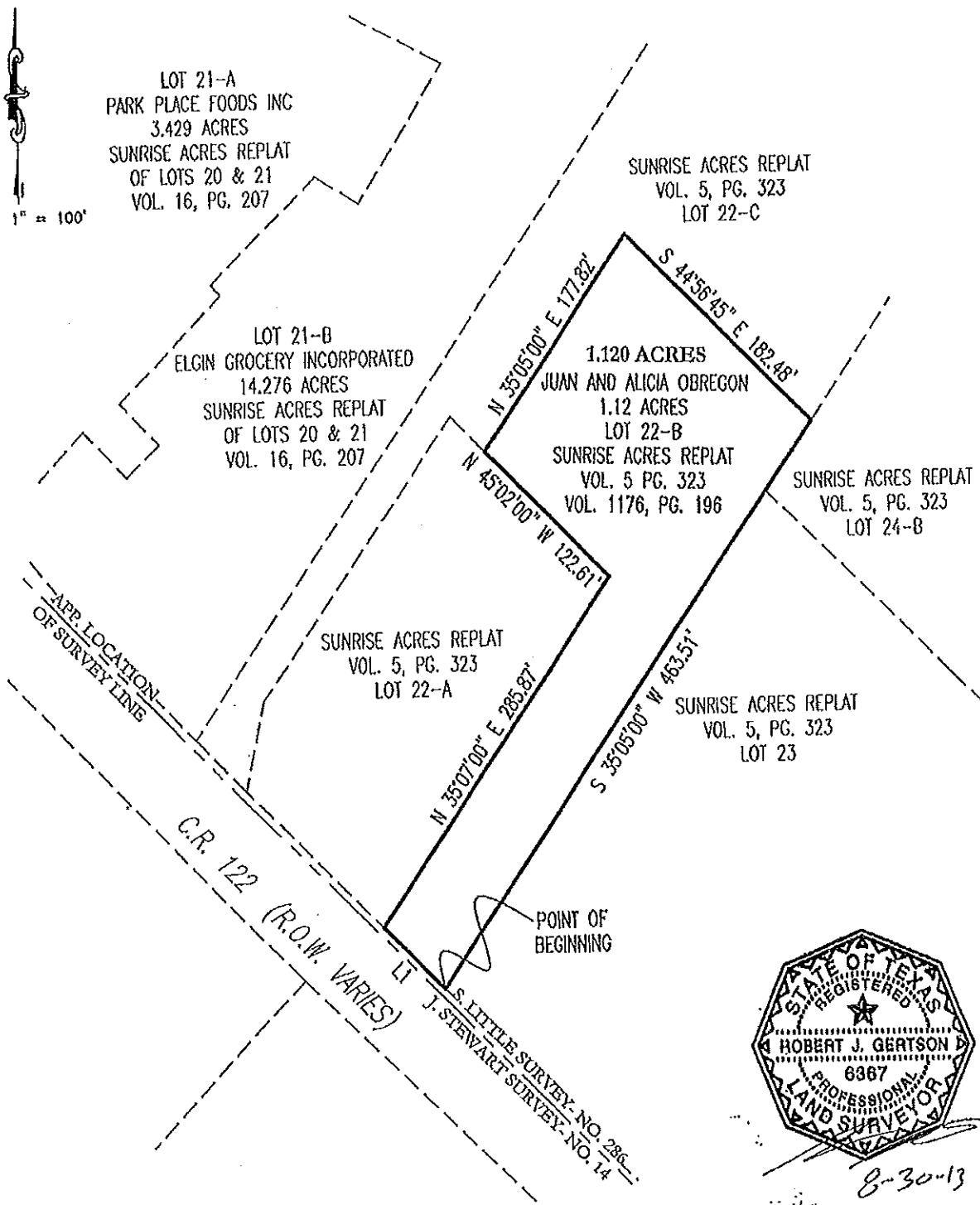
*[Signature]* 8-30-13  
ROBERT J. GERTSON, R.P.L.S. NO. 6367  
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rgertson@cbdeng.com





# SKETCH TO ACCOMPANY FIELD NOTES

SCALE: 1" = 100'



8-30-13

BEARING BASIS: PREPARED WITH RECORD INFORMATION  
FOUND IN VOLUME 5, PAGE 323 (P.R.N.C.T.X.)

LINE TABLE		
LINE	LENGTH	BEARING
L1	60.00	N44°58'00"W

**Carlson, Brillance & Doering, Inc.**

Civil Engineering • Surveying  
5501 West Wilshire Canyon Drive • Austin, Texas 78719  
Phone No. (512) 280-5100 • Fax No. (512) 280-5165

PATH:- J: 4576-097 \SURVEY\FN-R44090 1.120 ACRES ANNEXATION

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. Varles),

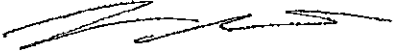
THENCE, with the common boundary line of said 3.429 acre tract, and said northeasterly right-of-way line of Bebee Road, N15°22'55"W, for a distance of 235.14 feet to a point at the westernmost corner of said 3.429 acre tract, for a southwestern corner of said Lot 21B,

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.

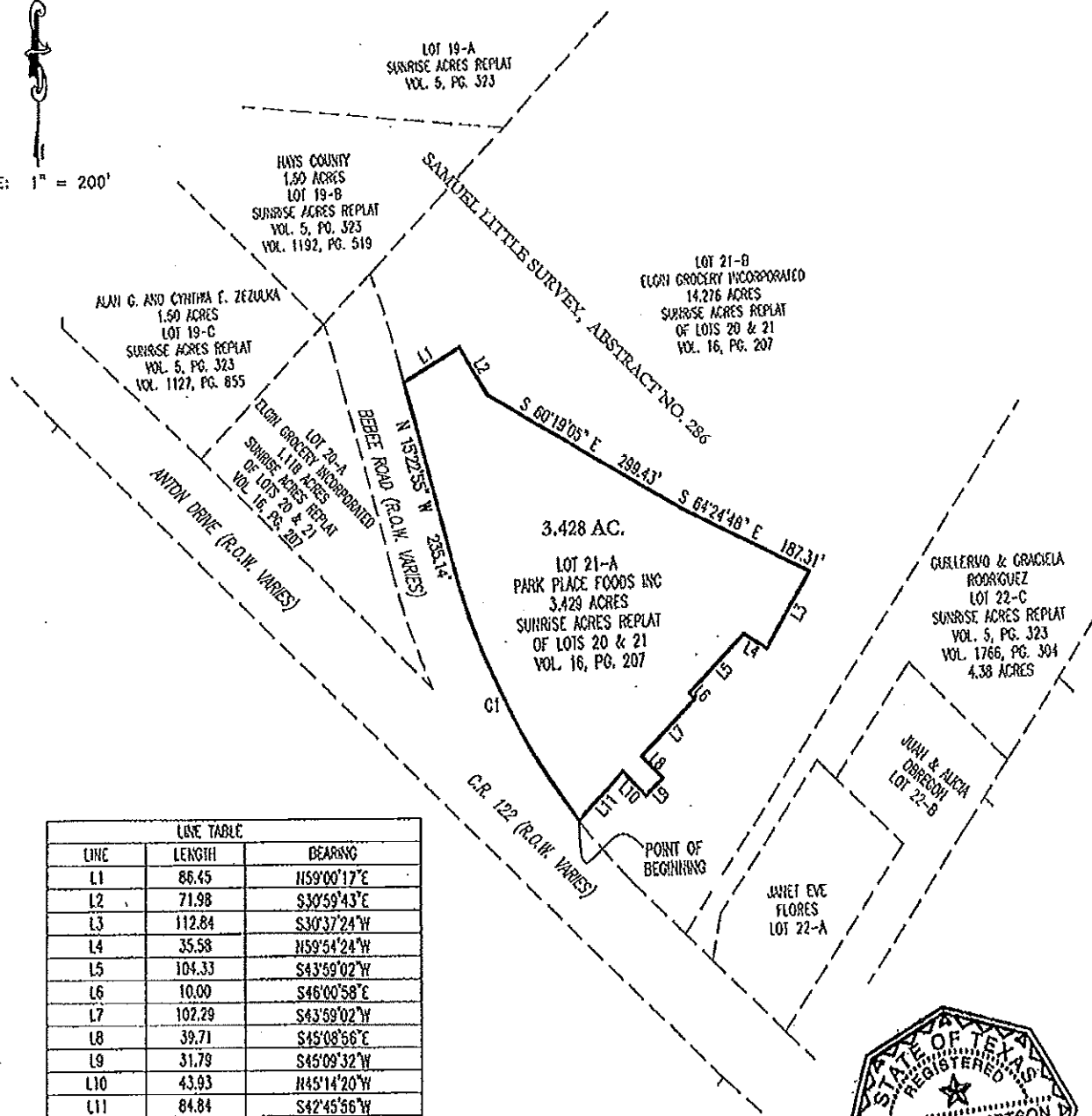
Prepared by:

 8-30-13  
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rgertson@cbdeng.com



# SKETCH TO ACCOMPANY FIELD NOTES

SCALE: 1" = 200'



LINE TABLE		
LINE	LENGTH	BEARING
L1	86.45	N159°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'	376.88'	N26°50'11"W	192.20



BEARING BASIS: PREPARED WITH RECORD INFORMATION FOUND IN VOLUME 16, PAGE 207 (O.P.R.N.C.T.X.)

**Carlson, Brigrance & Doering, Inc.**

Civil Engineering • Surveying

5501 West Wilshire Canyon Drive • Austin, Texas 78747

Phone No. (512) 280-5159 • Fax No. (512) 280-5165

PATH: - J: 4576-097\SURVEY\FN-R136929 3.429 ACRES

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,

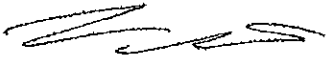
1. N45°02'00"W, for a distance of 34.36 feet to a point at the northern corner of said Lot 22-A,
2. S35°08'00"W, for a distance of 232.58 feet to a point, and
3. S12°10'30"W, for a distance of 62.10 feet to a point in said northeastern right-of-way line of C.R. 122, also being the southernmost corner 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:

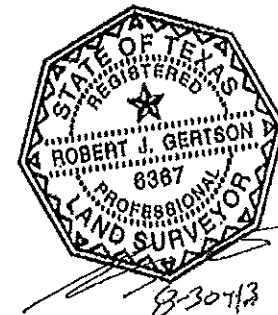
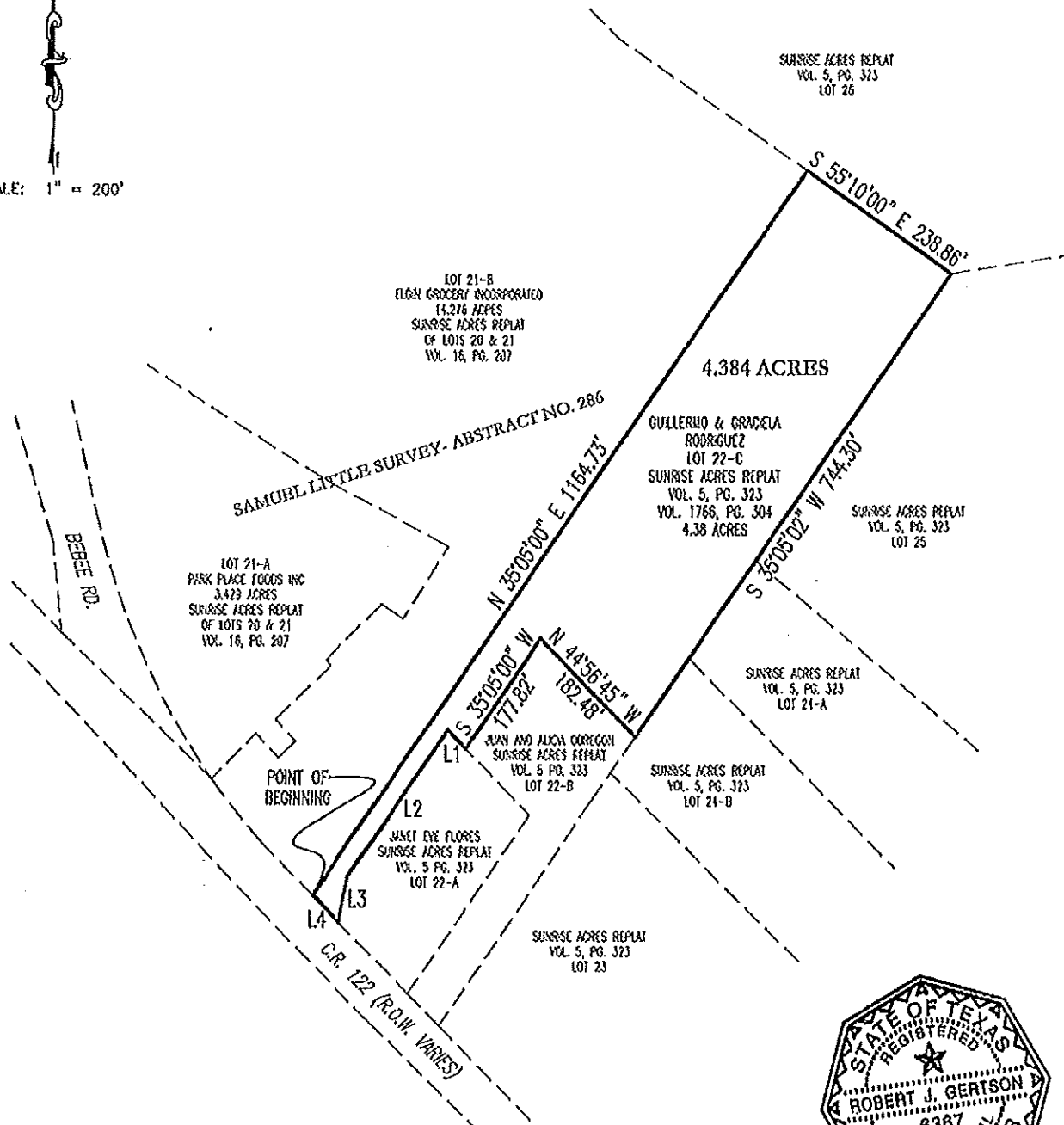
 8-30-13  
ROBERT J. GERTSON, R.P.L.S. NO. 6367  
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rgertson@cbdeng.com



# 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



Carlson, Brigrance & Doering, Inc.

Civil Engineering ♦ Surveying  
5501 West 88th Street ♦ Austin, Texas 78717  
Phone No. (512) 283-5100 ♦ Fax No. (512) 283-5155

PATH:-- J: 4576-097\SURVEY\FN-R44092 4.384 ACRES ANNEXATION

Item # 10

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:

 8-29-13  
 ROBERT J. GERTSON, R.P.L.S. NO. 6367  
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# SKETCH TO ACCOMPANY FIELD NOTES

SCALE: 1" = 100'

LOT 18  
SUNRISE ACRES  
VOL. 2, PG. 346

LOT 19A  
SUNRISE ACRES  
VOL. 2, PG. 346

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 C. AND CYNTHIA E. ZEZULKA  
LOT 19C  
SUNRISE ACRES  
VOL. 2, PG. 346  
VOL. 1127, PG. 855

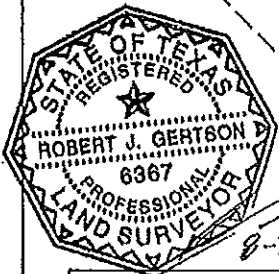
POINT OF  
BEGINNING

BEBEE ROAD (R.O.W. VARIES)

LOT 21A  
PARK PLACE FOODS INC  
3.429 ACRES  
SUNRISE ACRES REPLAT  
OF LOTS 20 & 21  
VOL. 16, PG. 207

LOT 20A  
ELGIN GROCERY INCORPORATED  
SUNRISE ACRES REPLAT  
OF LOTS 20 & 21  
VOL. 16, PG. 207

BEARING BASIS; PREPARED WITH RECORD INFORMATION  
FOUNDED IN VOLUME 2, PAGE 346 (O.P.R.H.C.TX.)



8-79-13

LINE TABLE		
LINE	LENGTH	BEARING
L1	33.83	N00°48'00"E



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Civil Engineering ♦ Surveying  
5501 West Wilshire Cassada Drive ♦ Austin, Texas 78743  
Phone No. (512) 282-5161 ♦ Fax No. (512) 282-5165

PATH:~ J: 4576-097\SURVEY\FN-R44087 1.500 ACRES ANNEXATION

Item # 10





# CITY OF KYLE, TEXAS

32.3 acres

**Meeting Date:**  
**12/18/2013**  
**Date time: 7:00 PM**

**Subject/Recommendation:** *(Second 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 attachments

**Budget Information:** N/A

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

Attachments / click to download

 [Ordinance and Exhibit](#)

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**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 17th day of December, 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.,

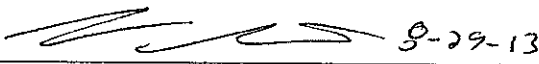
**THENCE**, with the common boundary line of said 32.377 acre tract and said 7.210 acre tract, the following two (2) courses and distances numbered 1 through 2:

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.

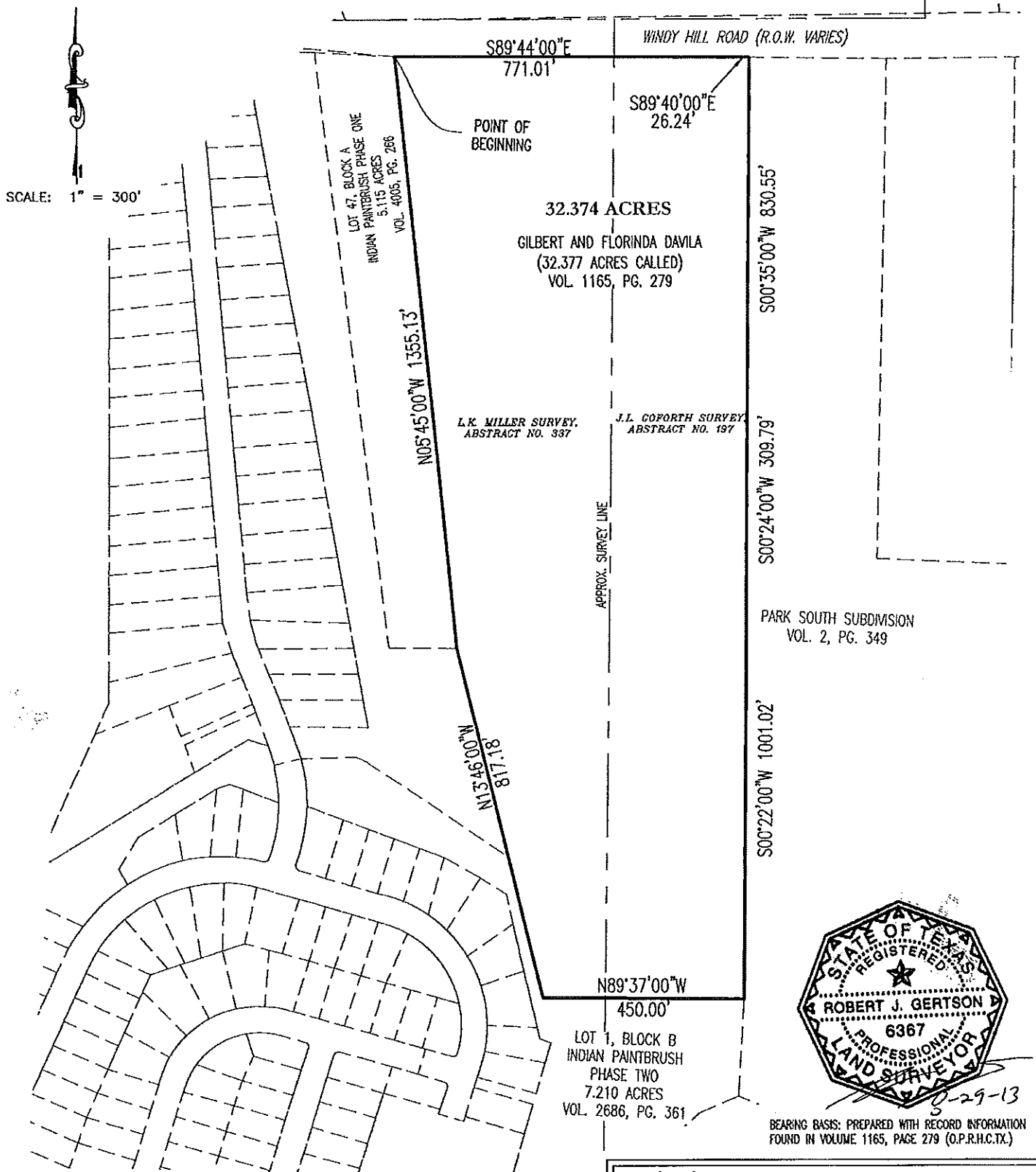
THIS SURVEY WAS PREPARED FROM RECORD INFORMATION FOUND IN VOLUME 1165, PAGE 279 (O.P.R.H.C.TX.), NO ON-THE-GROUND SURVEY WAS PERFORMED

Prepared by:

 8-29-13  
 ROBERT J. GERTSON, R.P.L.S. NO. 6367  
*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



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

PATH:- J: 4576-097\SURVEY\FN-R16748 32.374 ACRES ANNEXATION



# CITY OF KYLE, TEXAS

35 acres

**Meeting Date:**  
**12/18/2013**  
**Date time: 7:00 PM**

**Subject/Recommendation:** *(Second 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 attachments

**Budget Information:** N/A

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

**Attachments / click to download**

 [Ordinance and Exhibit](#)

 [Request from Property Owner](#)

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**ORDINANCE NO. \_\_\_\_\_**

**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.**

**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 17th day of December, 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**

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,

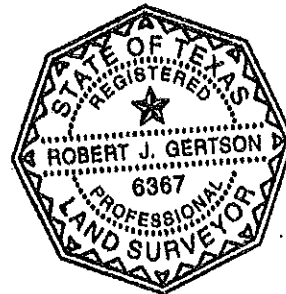
**THENCE**, with the common boundary line of said 1.899 acre tract, and said Lot 4, Block A, N06°48'52"W, for a distance of 125.98 feet to a point, for the northwestern corner of said 1.899 acre tract, also being a point on the western line of Lot 3B, Block A, of said Georgia Lea Subdivision, and also 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, Brigrance and Doering, Inc.*  
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 rgertson@cbdeng.com



# SKETCH TO ACCOMPANY FIELD NOTES

SCALE: 1" = 200'



DICK WHITTON  
LOT 1, BLOCK A  
GEORGIA LEA SUBDIVISION  
VOL. 11, PG. 32

YVONNE TOLER  
LOT 2, BLOCK A  
GEORGIA LEA SUBDIVISION  
VOL. 11, PG. 32  
VOL. 3434, PG. 761

ASIF KARORUKA  
LOT 4, BLOCK A  
GEORGIA LEA SUBDIVISION  
VOL. 11, PG. 32  
VOL. 4318, PG. 145

A. REUSS SURVEY, ABSTRACT NO. 397  
J.L. GOFORTH SURVEY, ABSTRACT NO. 197

OSCAR M. GONZALES  
PART OF LOT 38, BLOCK A  
GEORGIA LEA SUBDIVISION REPLAT  
1.899 ACRES  
VOL. 15, PG. 172  
VOL. 3780, PG. 484

NABH LLC  
LOT 3A, BLOCK A  
GEORGIA LEA SUBDIVISION REPLAT  
VOL. 15, PG. 172

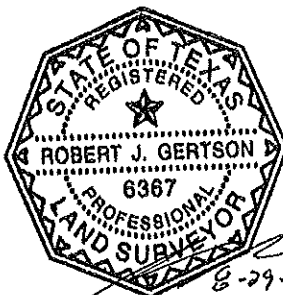
OSCAR M. GONZALES  
PART OF LOT 38, BLOCK A  
GEORGIA LEA SUBDIVISION REPLAT  
2.039 ACRES  
VOL. 15, PG. 172  
VOL. 4033, PG. 430

A. REUSS SURVEY, ABSTRACT NO. 397  
J.B. DAVIS SURVEY, ABSTRACT NO. 146

POINT OF  
BEGINNING

DACY LN.

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.T.X.)



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PATH:- J: 4576-097\SURVEY\FN-R131652 1.905 ACRES ANNEXATION

Item # 12

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,

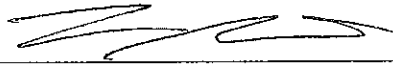
**THENCE**, with the common boundary line of said 2.009 acre tract, and said Lot 4, Block A, N06°48'52"W, for a distance of 125.40 feet to a point, for the northwestern corner of said 2.009 acre tract, also being a point on the southern line of Lot 2, Block A, of said Georgia Lea Subdivision, and also being the northeastern corner of said Lot 4, Block A,

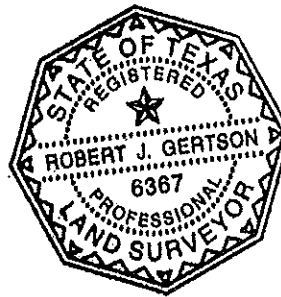
**THENCE**, with the common boundary line of said 2.009 acre tract, and said Lot 2, Block A, N87°40'22"E a distance of 657.95 feet to a point, for the northeastern corner of said 2.009 acre tract, also being the southwestern corner of said Lot 2, Block A, of said Georgia Lea Subdivision, and also being 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

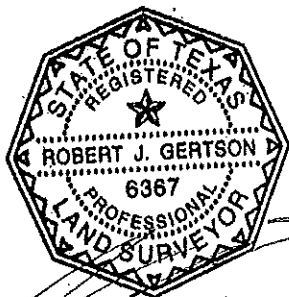
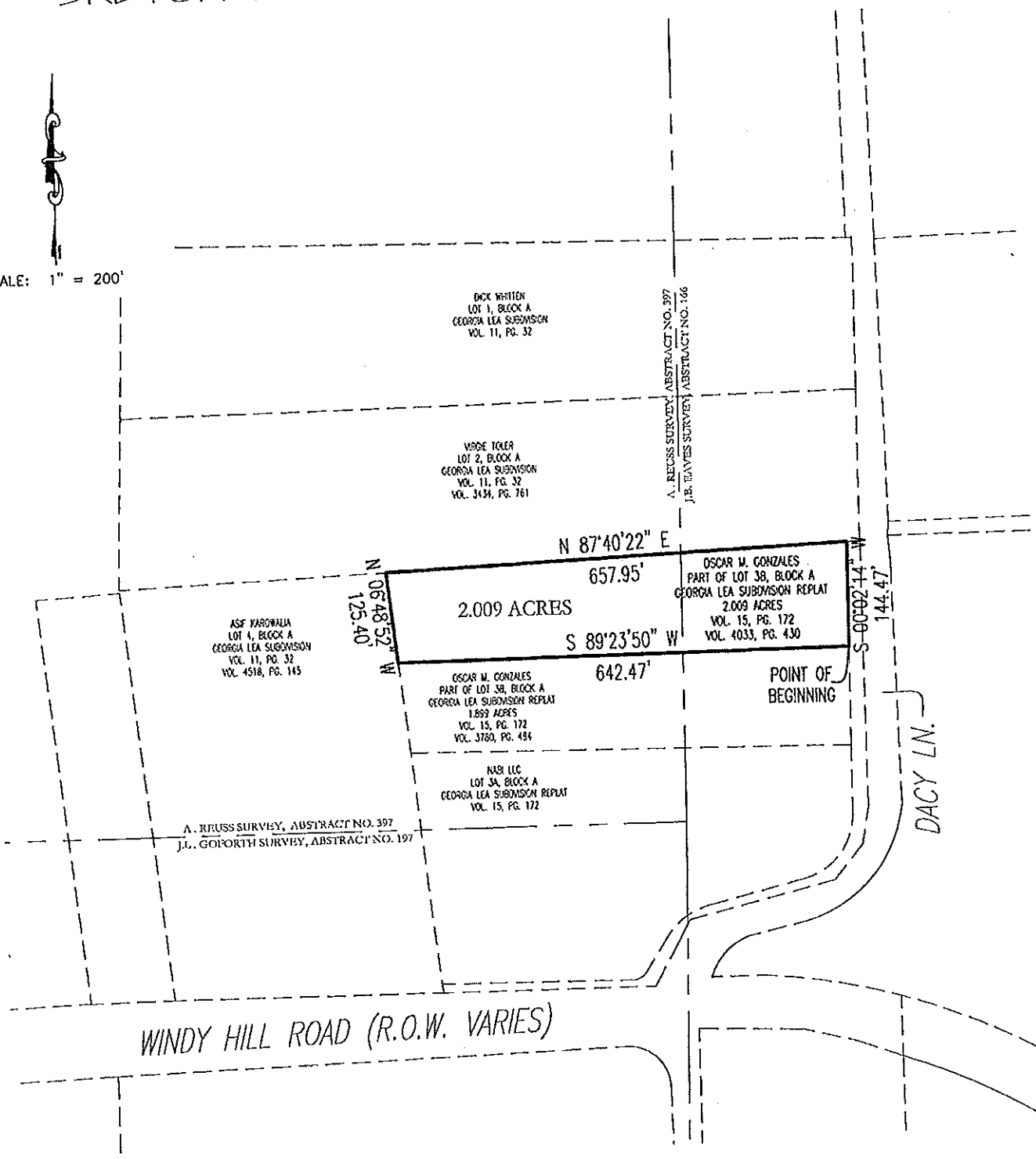
Prepared by:

 9-3-13  
ROBERT J. GERTSON, R.P.L.S. NO. 6367  
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# SKETCH TO ACCOMPANY FIELD NOTES

SCALE: 1" = 200'



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.)



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PATH:- J: 4576-097\SURVEY\FN-R131748 2.009 ACRES ANNEXATION  
Item # 12

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 Karowalla 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,

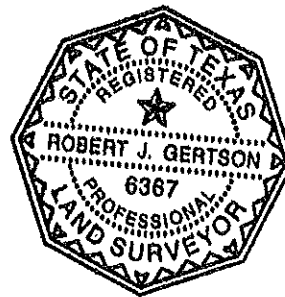
**THENCE**, with the common boundary line of said Lot 4, Block A, said Lot 3B and Lot 3A of said Georgia Lea Subdivision Replat, S06°48'52"E a distance of 588.52 feet to a point for the southeastern corner of said Lot 4, Block A, also being the southwestern corner of said Lot 3A, Block A,

**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  
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# SKETCH TO ACCOMPANY FIELD NOTES



SCALE: 1" = 200'

J.N. FRANKS SURVEY, ABSTRACT NO. 177

DOCK WATSON  
7487 ACRES  
VOL. 345, PG. 629

DOCK WATSON  
LOT 1, BLOCK A  
GEORGIA LEA SUBDIVISION  
VOL. 11, PG. 32

VERGE TOLER  
LOT 2, BLOCK A  
GEORGIA LEA SUBDIVISION  
VOL. 11, PG. 32  
VOL. 3434, PG. 761

ASIF KAROWALIA  
LOT 1, BLOCK A  
ROSE PEACH SUBDIVISION  
VOL. 7, PG. 214  
VOL. 4562, PG. 32

N 87°40'51" E  
380.64'

5.051 Acres

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'

OSCAR M. GONZALES  
PART OF LOT 101 30, BLOCK A  
GEORGIA LEA SUBDIVISION REPLAT  
2.009 ACRES  
VOL. 15, PG. 172  
VOL. 4083, PG. 430

OSCAR M. GONZALES  
PART OF LOT 101 30, BLOCK A  
GEORGIA LEA SUBDIVISION REPLAT  
1.899 ACRES  
VOL. 15, PG. 172  
VOL. 3780, PG. 484

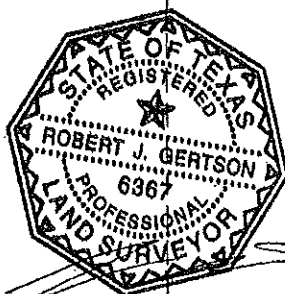
A. REUSS SURVEY,  
ABSTRACT NO. 397  
J.L. GOFORTH SURVEY,  
ABSTRACT NO. 197

W.B. LUC  
LOT 3A, BLOCK A  
GEORGIA LEA SUBDIVISION  
VOL. 11, PG. 32

POINT OF  
BEGINNING

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.TX.)



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Form # 12

PATH:- J: 4576-097\SURVEY\FN-R108168 5.051 ACRES ANNEXATION



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  
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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

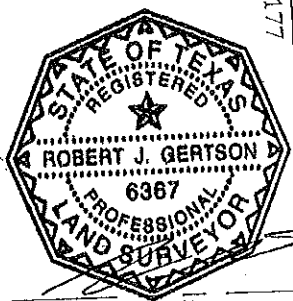
ASIF KAROWALIA  
LOT 1, BLOCK A  
ROSY PEACH SUBDIVISION  
VOL. 7, PG. 214  
VOL. 4562, PG. 32

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

POINT OF  
BEGINNING



8-29-13

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.J.C.TX.)



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Item # 12

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),

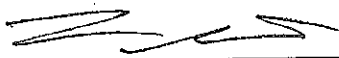
**THENCE**, with the common boundary line of said 3.700 acre tract, and northern right-of-way line of Windy Hill Road, N89°43'38"W, for a distance of 271.85 feet to a point, for the southwestern corner of said 3.700 acre tract, also being the southeastern corner of Lot 4, Block A, of said Georgia Lea 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.

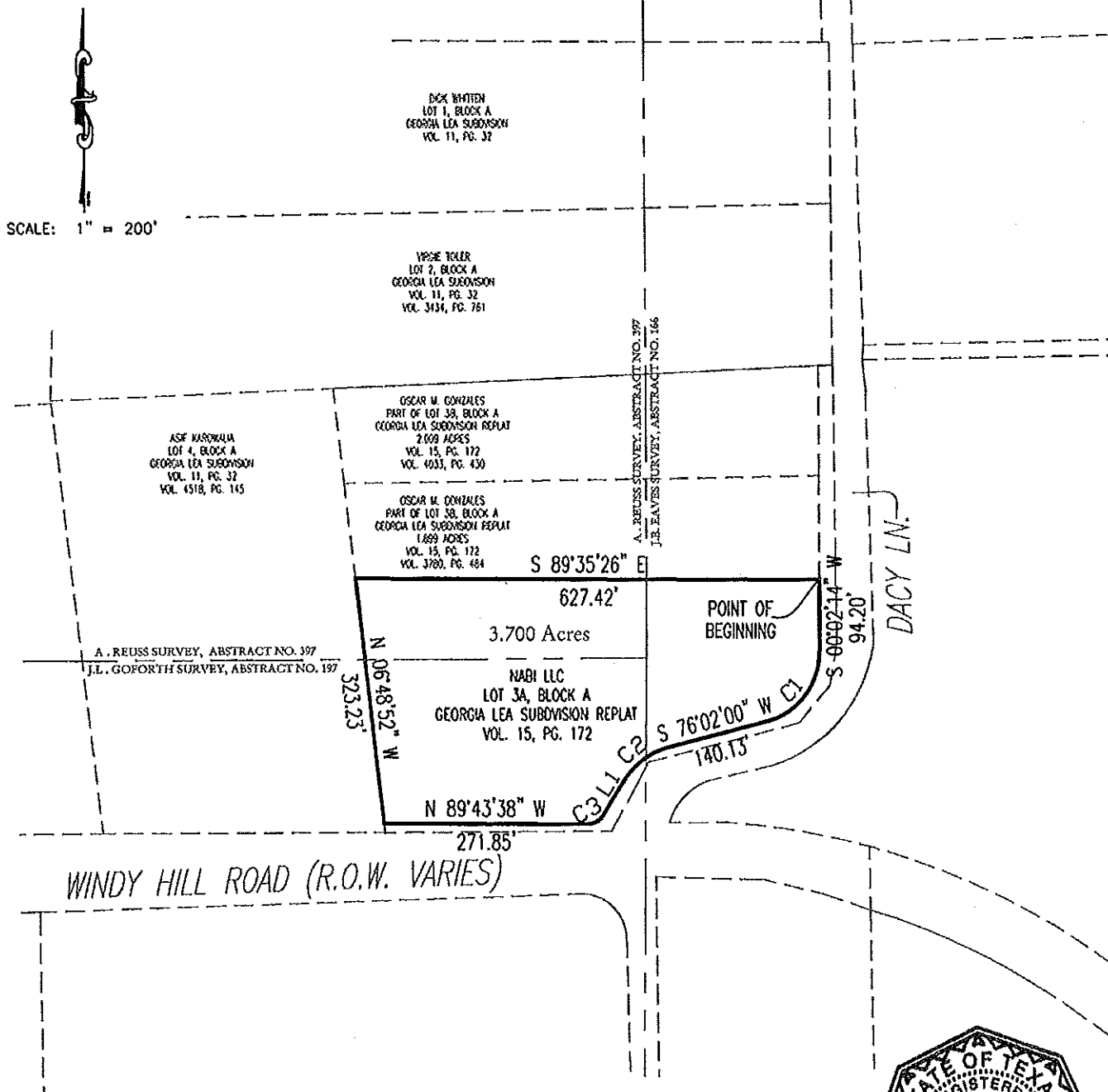
THIS SURVEY WAS PREPARED FROM RECORD INFORMATION FOUND IN VOLUME 15, PAGE 172 (O.P.R.H.C.TX.), NO ON-THE-GROUND SURVEY WAS PERFORMED

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

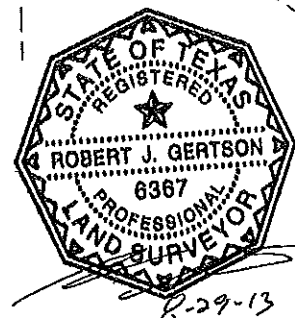


CURVE TABLE

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 TABLE

LINE	LENGTH	BEARING
L1	52.30	S32°24'28\"W



BEARING BASIS: PREPARED WITH RECORD INFORMATION  
FOUND IN VOLUME 15, PAGE 172 (O.P.R.H.C.TX.)



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Item # 12

PATH:- J: 4576-097\SURVEY\FN-R131651 3.700 ACRES ANNEXATION

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,

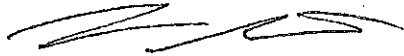
**THENCE**, with the common boundary line of said Lot 2, Block A, and Lot 3B, Block A, and Lot 4, Block A, in said Georgia Lea Subdivision, S87°40'51"E, for a distance of 1056.64 feet to a point for the southwestern corner of said Lot 2, Block A, and the northeastern corner of Lot 1, Block A, in Rosy 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,

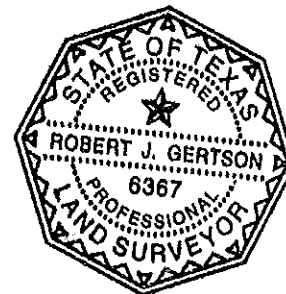
**THENCE**, with the common boundary line of said Lot 2, Block A, and said 7.097 acre tract, N01°30'58"E a distance of 238.40 feet to a point for the northwestern corner of said Lot 2, Block A, also being the southwestern corner of said Lot 1, Block A, in said Georgia Lea Subdivision,

**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:

 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" = 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

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

A. REUSS SURVEY,  
ABSTRACT NO. 397

J.L. GOFORTH SURVEY,  
ABSTRACT NO. 197

OSCAR M. GONZALES  
PART OF LOT LOT 3B, BLOCK A  
GEORGIA LEA SUBDIVISION  
2.009 ACRES  
VOL. 11, PG. 32  
VOL. 4033, PG. 430

POINT OF  
BEGINNING

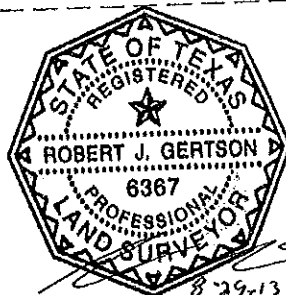
211.22'

S 00°06'30" E

DACY LN.

J.N. FRANKS SURVEY, ABSTRACT NO. 177

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.)



Carlson, Brigrance & Doering, Inc.

Civil Engineering ♦ Surveying  
5501 West William Carson Drive ♦ Austin, Texas 78749  
Phone No. (512) 240-5160 ♦ Fax No. (512) 240-5161

Form # 12

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,

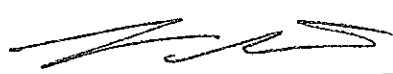
**THENCE**, with the common boundary line of said Lot 1, Block A, and said 7.097 acre tract, N01°30'58"E, for a distance of 238.41 feet to a point for the northwestern corner of Lot 1, Block A, and an angle corner of said 7.097 acre tract,

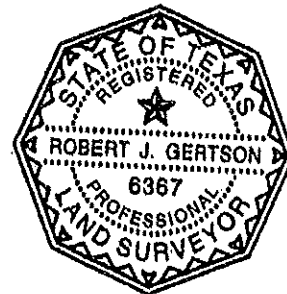
**THENCE**, with the common boundary line of said Lot 1, Block A, and said 7.097 acre tract, S89°22'15"E a distance of 1042.42 feet to a point for the northeastern corner of Lot 1, Block A, also being a southeastern corner of said 7.097 acre tract, also being on the western right-of-way line of Dacy 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  
Carlson, Brigance and Doering, Inc.  
5501 West William Cannon  
Austin, TX 78749  
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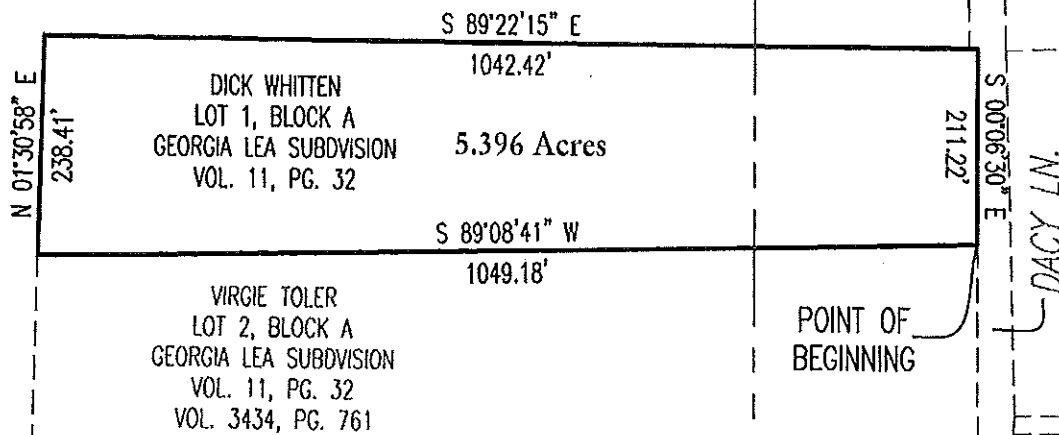
# SKETCH TO ACCOMPANY FIELD NOTES



SCALE: 1" = 200'

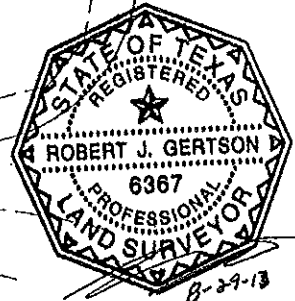
DICK WHITTEN  
7.097 ACRES  
VOL. 345, PG. 629

A. REUSS SURVEY,  
ABSTRACT NO. 397  
J.B. EAVES SURVEY,  
ABSTRACT NO. 166



A. REUSS SURVEY,  
ABSTRACT NO. 397

J.L. GOFORTH SURVEY,  
ABSTRACT NO. 197



BEARING BASIS: PREPARED WITH RECORD INFORMATION  
FOUND IN VOLUME 11, PAGE 32 (O.P.R.H.C.TX.)



Carlson, Brigrance & Doering, Inc.

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

Item # 12

PATH: - J: 4576-097\SURVEY\FN-R108165 5.396 ACRES ANNEXATION



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,

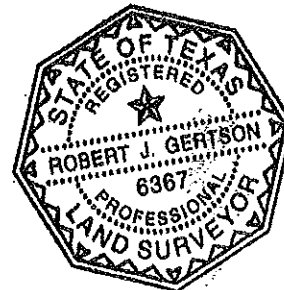
1. S86°46'48"W, for a distance of 120.28 feet to a point, and
2. S06°48'54"E, for a distance of 563.73 feet to a point for the southeastern corner of said remainder of said 195.9 acre tract, also being the southwestern corner of said Lot 1, Block A, Rosy Peach Subdivision, and also being in the northern 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  
*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

DICK WHITTEN  
7.097 ACRES  
VOL. 345, PG. 629

SCALE: 1" = 200'

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

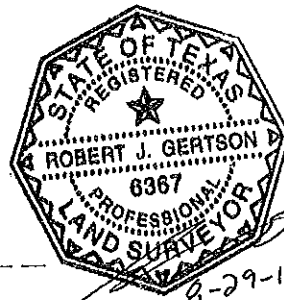
ASIF KAROWALIA  
LOT 4, BLOCK A  
GEORGIA LEA SUBDIVISION  
VOL. 11, PG. 32  
VOL. 4518, PG. 145

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.)



Carlson, Brigrance & Doering, Inc.

Civil Engineering ♦ Surveying  
5901 West William Cannon Drive ♦ Austin, Texas 78749  
Phone No. (512) 280-5160 ♦ Fax No. (512) 280-5165

PATH:- J: 4576-097\SURVEY\FN-R17614 10.193 ACRES ANNEXATION

Item # 12

# LAW OFFICE OF TERENCE L. IRION

1250 S. Capital of Texas Highway  
3 Cielo Center, Suite 601  
Austin, Texas 78746

## Terrence L. Irion

Attorney at Law  
(512) 347-9977  
(512) 306-8903-FAX  
[tirion@tirionlaw.com](mailto:tirion@tirionlaw.com)

November 15, 2013

VIA EMAIL: [planning@cityofkyle.com](mailto:planning@cityofkyle.com)

Ms. Sophia Nelson  
Planning Department  
City of Kyle  
100 W. Center Street  
P.O. Box 40  
Kyle, Texas 787640

RE: Lots 3 and 4, Block A, Georgia Lea Subdivision; and  
Lot 1, Block A, Rosie Peach Subdivision;  
Windy Hill Road Annexation

Dear Ms. Nelson:

I represent, Asif Karowalia and The Nabia, LLC ("Owner") of the above referenced Property. The purpose of this letter is to declare the Owner's support for the proposed annexation, provided the City brings the above described Parcels into the City with original permanent zoning which supports the current use of the Mi Rancho Meat Market on Parcel R131651 and the proposed multi-family development on Parcels R108168 and R71757.

As you know, the Owner originally requested voluntary annexation into the City in order to connect to the City's wastewater system after it had experienced problems with the onsite sewage facility ("OSSF") system serving the Meat Market Tract. Those deficiencies have since been addressed and there is no immediate health and safety need to connect to the collective sewer system, although Owner is still willing to do so. Owner would request clarification of the Municipal Service Plan with respect to wastewater service to clearly commit to providing wastewater service to the annexed property.

What is of immediate concern to the Owner is the impact annexation may have on the development of the multi-family project on the two parcels to the west of the Meat Market. Owner requests that original permanent zoning at time of annexation designate these two parcels for multi-family use. The two Parcels were purchased early fall of last year for the express purpose of developing a multi-family project on the Property. The Owner has already obtained a Hays County Development Permit for multi-family use on these two Parcels. Much planning has already gone into developing the multi-family use on these two Parcels and Owner would request a conforming zoning designation for these Parcels upon annexation.

We look forward to discussing the details of this annexation during the upcoming public hearings. Should you desire any additional specific information regarding Owner's current development plans on the undeveloped portions of the above described property, please feel free to contact me.

Very truly yours,



Terrence L. Irion

TLI:lm

Cc: Asif Karowalia  
The Nabia, LLC



# CITY OF KYLE, TEXAS

## Mi Rancho Development Agreement

**Meeting Date:**  
**12/18/2013**  
**Date time: 7:00 PM**

**Subject/Recommendation:** Consider a Development Agreement between the City of Kyle and the owners of Mi Rancho, located on Windy Hill Road, regarding a request of delay of annexation ~ *Lanny Lambert, City Manager*

**Other Information:**

**Budget Information:**

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

Attachments / click to download

 [Mi Rancho Annexation Agreement](#)

---

STATE OF TEXAS       §  
                                      §  
 COUNTY OF HAYS       §

### **DEVELOPMENT AGREEMENT**

This Agreement is entered into pursuant to Sections 43.035 and 212.172 of the Texas Local Government Code by and between the City of Kyle, Texas (the “City”) and the undersigned property owner(s) (the “Owner”). The term “Owner” includes all owners of the Property.

**WHEREAS**, the Owner owns a parcel of real property (the “Property”) in Hays County, Texas, which is more particularly and separately described in the attached Exhibit “A”; and

**WHEREAS**, the City has begun the process to institute annexation proceedings on parcels of property currently located in the City’s ETJ and has set public hearings on September 10 and September 17, 2013; and

**WHEREAS**, the City contemplated including the Owner’s property as part of the City’s annexation process, Owner desires to have the Property remain in the City’s extraterritorial jurisdiction, in consideration for which the Owner agrees to enter into this Agreement; and

**WHEREAS**, the Owner and the City acknowledge that this Agreement is binding upon the City and the Owner and their respective successors and assigns for the term (defined below) of this Agreement; and

**WHEREAS**, this Development Agreement is to be recorded in the Real Property Records of Hays County, Texas.

**NOW, THEREFORE**, in consideration of the mutual covenants contained herein, the parties hereto agree as follows:

**Section 1.** The City guarantees the continuation of the extraterritorial status of the Owner’s Property, its immunity from annexation by the City, and its immunity from City property taxes, for the term of this Agreement, subject to the provisions of this Agreement. Except as provided in this Agreement, the City agrees not to annex the Property, agrees not to involuntarily institute proceedings to annex the Property, and further agrees not to include the Property in a statutory annexation plan for the Term of this Agreement.

**Section 2.** The Owner covenants and agrees that any buildings constructed on the Property that would require a building permit if the Property were in the City limits, shall be subject to the building codes of the City.

The Owner acknowledges that each and every owner of the Property must sign this Agreement in order for the Agreement to take full effect, and the Owners who sign this Agreement covenants and agrees, jointly and severably, to indemnify, hold harmless, and defend the City against any

and all legal claims, by any person claiming an ownership interest in the Property who has not signed the Agreement, arising in any way from the City's reliance on this Agreement.

**Section 3.** The Owner acknowledges that when Property Owner submits an application for a Certificate of Occupancy, such act will constitute a petition for voluntary annexation by the Owner, and the Property will be subject to annexation at the discretion of the City Council. The Owner agrees that such annexation shall be voluntary and the Owner hereby consents to such annexation as though a petition for such annexation had been tendered by the Owner.

If annexation proceedings begin pursuant to this Section, the Owner acknowledges that this Agreement serves as an exception to Local Government Code Section 43.052, requiring a municipality to use certain statutory procedures, including notices and hearings under an annexation plan. Furthermore, the Owner hereby waives any and all vested rights and claims that they may have under Section 43.002(a) (2) and chapter 245 of the Texas Local Government Code that would otherwise exist by virtue of any actions Owner has taken in violation of Section 2 herein.

**Section 4.** Pursuant to Sections 43.035(b) (1) (B) of the Texas Local Government Code, the City is authorized to enforce all of the City's regulations and planning authority that do not materially interfere with the regulations that are enforced within the City's boundaries. The City states and specifically reserves its authority pursuant to Chapter 251 of the Texas Local Government Code to exercise eminent domain over property that is subject to a Chapter 43 and/or Chapter 212 development agreement.

**Section 5.** The initial term of this Agreement (the "Initial Term") is Twelve (12) months from the date that the City Manager's signature to this Agreement is acknowledged by a public notary. Unless each party agrees to a subsequent term, the City will commence the annexation of the Property at the end of the Initial Term. In connection with annexation pursuant to this section, the Owners hereby waive any vested rights they may have under Section 43.002(a) (2) and Chapter 245 of the Texas Local Government Code that would otherwise exist by virtue of any plat or construction any of the owners may initiate during the time between the expiration of this Agreement and the institution of annexation proceedings by the City.

**Section 6.** Any person who sells or conveys any portion of the Property shall, prior to such sale or conveyances, give written notice of this Agreement to the prospective purchaser or grantee, and shall give written notice of the sale or conveyance to the City. Furthermore, the Owners and the Owners' heirs, successors, and assigns shall give the City written notice within 14 days of any change in the agricultural exemption status of the Property. A copy of either notice required by this section shall be forwarded to the City at the following address:

City of Kyle  
Attn: City Manager  
2110 4th Street  
Kyle, Texas 78640

**Section 7.** This Agreement shall run with the Property and be recorded in the Real Property Records of Hays County, Texas.

**Section 8.** If a court of competent jurisdiction determines that any covenant of this Agreement is void or unenforceable, including the covenants regarding involuntary annexation, then the remainder of this Agreement shall remain in full force and effect.

**Section 9.** This Agreement may be enforced by any Owner or the City by any proceeding at law or in equity. Failure to do so shall not be deemed a waiver to enforce the provisions of this Agreement thereafter.

**Section 10.** No subsequent change in the law regarding annexation shall affect the enforceability of this Agreement or the City's ability to annex the properties covered herein pursuant to the terms of this Agreement.

**Section 11.** Venue for this Agreement shall be in Hays County, Texas.

**Section 12.** This Agreement may be separately executed in individual counterparts and, upon execution, shall constitute one and same instrument.

**Section 13.** This Agreement shall survive its termination to the extent necessary for the implementation of the provisions of Sections 3, 4, and 5 herein.

In witness whereof, the above and foregoing provisions are hereby agreed to, and accepted and approved by the parties.

**OWNER"**

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

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

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

THE STATE OF TEXAS §

§

COUNTY OF HAYS §

This instrument was acknowledged before me on the \_\_\_\_ day of \_\_\_\_\_ 2011, by \_\_\_\_\_, being 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.

\_\_\_\_\_  
Notary Public, State of Texas

(NOTARY SEAL)

**“CITY”** City of Kyle, Texas

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

Name: Lanny Lambert

Title: City Manager

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

THE STATE OF TEXAS     §  
   §  
 COUNTY OF HAYS         §

This instrument was acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_, 2013, by Lanny Lambert, as City Manager of the City of Kyle, Texas, 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.

\_\_\_\_\_  
 Notary Public, State of Texas

(NOTARY SEAL)





# CITY OF KYLE, TEXAS

1.5 acres

**Meeting Date:**  
**12/18/2013**  
**Date time: 7:00 PM**

**Subject/Recommendation:** *(Second 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 attachments

**Budget Information:** N/A

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

Attachments / click to download

☐ [Ordinance and Exhibit](#)

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**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 17th day of December, 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.),

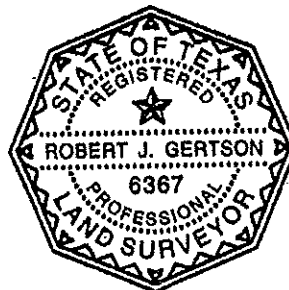
**THENCE**, with the common boundary line of said 1.5 acre tract, and said Lot 1, S32°00'00"W, for a distance of 482.15 feet to a point, for the southeastern corner of said 1.5 acre tract, also being the southwestern corner of said Lot 1, and also being a point in the northern right-of-way line of said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

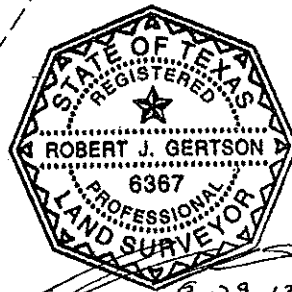
**1.500 Acres**

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.TX.)



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

PATH:- J: 4576-097\SURVEY\FN-R12687 1.500 ACRES ANNEXATION