

AI-8670

4.

**Drainage Easement
DRAINAGE DISTRICT**

Date: 04/07/2008

Submitted By: Jaime Salazar, DRAINAGE DISTRICT

Department: DRAINAGE DISTRICT

Information

CAPTION

Requesting approval of Drainage Easement "A 35' Drainage Easement, and a 50' Temporary Construction Easement all as described on Exhibit A&B" from SDI Weslaco Holdings, LLC to the Hidalgo County Drainage District No.1.

BACKGROUND

Fiscal Impact

Attachments

Link: [Drainage Easement](#)

Form Routing/Status

Route Seq	Inbox	Approved By	Date	Status
1	Budget & Management	Dina Trevino	04/02/2008 02:56 PM	APRV
2	Court Administrator	Monica Badillo	04/03/2008 07:57 AM	APRV

Form Started By: Jaime Salazar

Started On: 04/01/2008 02:49 PM

Final Approval Date: 04/03/2008

STATE OF TEXAS

DRAINAGE EASEMENT

COUNTY OF HIDALGO

That, **SDI Weslaco Holdings, LLC**, of the County of Harris, State of Texas, for and in consideration of the sum of Ten Dollars (\$10.00) to them in hand paid by Hidalgo County Drainage District One, the receipt of which is hereby acknowledged and confessed, have GRANTED, BARGAINED, AND CONVEYED, and by these presents do GRANT, BARGAIN AND CONVEY unto the said Hidalgo County Drainage District No. 1, its successors or assigns, the free and uninterrupted use, liberty and privilege of passage in, along, upon and across that certain tract of land situated in Hidalgo County, Texas described as follows, to-wit:

A 35' Drainage Easement, and a 50' Temporary Construction Easement all as described on Exhibit A attached hereto and shown on Exhibit B attached hereto.

For the purpose of constructing, reconstructing, excavating, digging, maintaining, and operating a storm sewer pipeline, spoil bank, levees, roadways, and structures necessary for the disposal of accumulated and excessive rainfall and/or flood water, together with free ingress and egress at all reasonable times to and from said property described above for the purpose of doing and performing or having performed, any and all acts and functions necessary for the orderly constructing, reconstructing, excavating, digging, maintaining, and operating a storm sewer pipeline, spoil bank, levees, roadways, and structures together with any and all other functions and acts necessary and incident to the constructing, reconstructing, excavating, digging, maintaining, and operating a storm sewer pipeline, spoil bank, levees, roadways, and structures in, along, over and across the property described above. It is expressly understood and agreed by the parties that the 50' Temporary Construction Easement shown on Exhibit B shall expire and terminate 180 days after the recording of this instrument.

Grantor shall have full use and control of the spoil bank dirt but not to include the berm areas to be established by Grantee.

Crops existing in the proposed right of way on the date of execution shall be permitted to be harvested. No compensation will be paid for crops, which are planted after the date of expiration.

TO HAVE AND TO HOLD, all and singular, the easement privilege aforesated, unto Hidalgo County Drainage District One, its successors or assigns; this easement being conditioned, however, that the title in and to all oil, gas, and other minerals in and under said land shall be and remain vest in the present owners, their heirs or assigns, without, however, any right whatever remaining to the owners of such oil, gas, and other minerals of ingress and egress to or from the surface of said land for the purpose of exploring, drilling, developing or mining of the same.

WITNESS my hand this the 28th day of February, 2008.

SDI WESLACO HOLDINGS, LLC



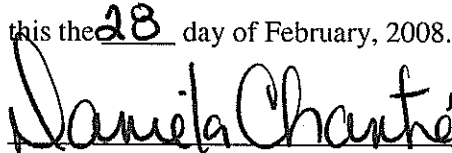
By: _____
Name: CHARLES W. SHEARS
Title: MANAGER

ACKNOWLEDGEMENT

State of Texas
County of Harris

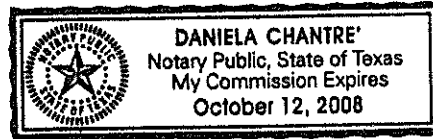
Before me, the undersigned authority, on this day appeared Charles W. Shears, Managing Member, of SDI Weslaco Holdings, LLC, known to me to be the person whose name subscribed to the foregoing instrument and acknowledgement to me that he executed the same for the purpose and consideration therein expressed.

Given under my hand and seal of office, this the 28 day of February, 2008.



Notary Public, State of Texas

After recording return to:
Hidalgo County Drainage District No. 1
902 N. Doolittle
Edinburg, TX 78539



With Copy to:
SDI Weslaco Holdings, LLC
712 Main Street, 29th Floor
Houston, Texas 77002

35' DRAINAGE EASMENT
CITY OF WESLACO
HIDLAGO COUNTY, TEXAS
AVO: 25290

BEING a 1.094 acre tract land situated in the City of Weslaco, Hidalgo County, Texas and out of Farm Tracts 35 and 39, West and Adams Subdivision as recorded in Volume 2, Page 34-37, Hidalgo County, Map Records, (H.C.M.R.) and being out of a 23.97 acres (called 23.948 acre) tract of land described in deed to Scott T. Jenkins, Trustee as recorded in H.C.C.F. No. 784429 and being the same land described in deed to Rudy C. de la Pena Jr. as recorded in Volume 1314, Page 958 and Volume 1318, Page 688, Hidalgo County Deed Records (H.C.D.R.), said 1.094 acre tract being more particularly described by metes and bounds as follows (Basis of Bearing being referenced to the north right-of-way line of U.S 83 Expressway as recorded in Volume 1046, Page 598, H.C.D.R.):

COMMENCING for reference at a PK nail found at the common corner of Farm Tracts 34, 35, 39 and 40 of said West and Adams Subdivision located in the centerline of Bridge Ave.-Mile 4-1/2 North (60 foot wide) as recorded in Volume 115, Page 226 and in Volume 1159, Page 1159, page 211, H.C.D.R.;

THENCE North with the common line of said Farm Tracts 34 and 35 and the centerline of said Bridge Ave., a distance of 55.66 feet to a point;

THENCE West departing from the common line of said Farm Tracts 34 and 35 and with the centerline of said Bridge Ave., a distance of 30.00 feet to the POINT OF BEGINNING and the southeast corner of the herein described tract and being on the west right-of-way line of said Bridge Ave. and the east property line of said 23.97 acres tract (called 23.948 acre);

THENCE West with a line parallel to and 55.66 feet north of the south line of said Farm Tract 35, a distance of 1,203.42 feet to a point for a corner of the herein described tract;

THENCE South $31^{\circ} 45' 35''$ West, a distance of 166.38 feet to a point for the south corner of the herein described tract and being located in the common boundary line of Block 2, Replat of the Wal-Mart Subdivision as recorded in Volume 26, Page 132, H.C.M.R. and said 23.97 acres tract;

THENCE North with the common line of said Block 2 and said 23.97 acres tract, a distance of 66.49 feet to a point for a corner of the herein described tract;


THENCE North $31^{\circ} 45' 35''$ East departing from the common boundary line of said Block 2 and said 23.97 acres tract, a distance of 129.34 feet to a point for the northwest corner of the herein described tract;

THENCE East with a line parallel to and 90.66 feet north of the south line of said Farm Tract 35, a distance of 1,222.92 feet to a point for the northeast corner of the herein described tract and being located in the west right-of-way line of said Bridge Ave. and the east property line of said 23.97 acres tract;

THENCE South with the west right-of-way line of said Bridge Ave. and the east property line of said 23.97 acres tract, a distance of 35.00 feet to the POINT OF BEGINNING and containing 1.094 acres of land.

Notes:

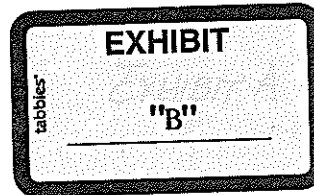
- 1) This easement was not monumented.
- 2) This description has been prepared as a result of a survey completed on July 12th 2007 and is submitted in connection with a survey drawing prepared by Halff and Titled Exhibit 35' Drainage Easement, dated January 24, 2008. AVO No. 25290.


AURELIO D CORTES
REGISTERED PROFESSIONAL LAND SURVEYOR
STATE OF TEXAS No. 5413



HALFF ASSOCIATES, INC.
5000 West Military, Suite 100
McAllen, Texas 78503
Phone 956-664-0286
Fax 956-664-0282
www.halff.com

I:\25000s\25290\Surveying\Does\Ld1.094Ac.doc



50' TEMPORARY
CONSTRUCTION EASMENT
CITY OF WESLACO
HIDLAGO COUNTY, TEXAS
AVO: 25290

BEING a 1.577 acre tract land situated in the City of Weslaco, Hidalgo County, Texas and out of Farm Tracts 35 and 39, West and Adams Subdivision as recorded in Volume 2, Page 34-37, Hidalgo County, Map Records, (H.C.M.R.) and being out of a 23.97 acres (called 23.948 acre) tract of land described in deed to Scott T. Jenkins, Trustee as recorded in H.C.C.F. No. 784429 and being the same land described in deed to Rudy C. de la Pena Jr. as recorded in Volume 1314, Page 958 and Volume 1318, Page 688, Hidalgo County Deed Records (H.C.D.R.), said 1.577 acre tract being more particularly described by metes and bounds as follows (Basis of Bearing being referenced to the north right-of-way line of U.S 83 Expressway as recorded in Volume 1046, Page 598, H.C.D.R.):

COMMENCING for reference at a PK nail found at the common corner of Farm Tracts 34, 35, 39 and 40 of said West and Adams Subdivision located in the centerline of Bridge Ave.-Mile 4-1/2 North (60 foot wide) as recorded in Volume 115, Page 226 and in Volume 1159, Page 1159, page 211, H.C.D.R.;

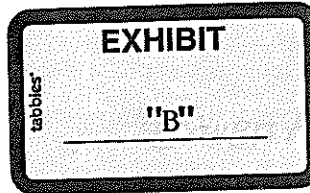
THENCE North with the common line of said Farm Tracts 34 and 35 and the centerline of said Bridge Ave., a distance of 5.66 feet to a point;

THENCE West departing from the common line of said Farm Tracts 34 and 35 and the centerline of said Bridge Ave., a distance of 30.00 feet to the POINT OF BEGINNING and the most easterly southeast corner of the herein described tract and being located in the west right-of-way line of said Bridge Ave. and the east property line of said 23.97 acres tract (called 23.948 acre);

THENCE West with a line parallel to and 5.66 feet north of the south line of said Farm Tract 35, a distance of 1,175.57 feet to a point for corner of the herein described tract;

THENCE South $31^{\circ} 45' 35''$ West, a distance of 176.50 feet to a point for the most westerly southeast corner of the herein described tract and being located in the north right-of-way line of said U.S. 83 Expressway;

THENCE North $87^{\circ} 45' 00''$ West with the north right-of-way line of said U.S. 83 Expressway, a distance of 22.54 feet to a 3/4-inch pipe found for the common southwest corner of the herein described tract and said 23.97 acres tract and for the southeast corner of Block 2, Replat of the Wal-Mart Subdivision as recorded in Volume 26, Page 132, H.C.M.R.;



THENCE North departing from the north right-of-way line of said U.S. 83 Expressway and with the common boundary line of said Block 2 and said 23.97 acres tract, a distance of 57.72 feet to a point for corner of the herein described tract;


THENCE North 31° 45' 35" East departing from the common boundary line of said Block 2 and said 23.97 acres tract, a distance of 166.38 feet to a point for the northwest corner of the herein described tract;

THENCE East with a line parallel to and 55.66 feet north the of south line of said Farm Tract 35, a distance of 1,203.42 feet to a point for the northeast corner of the herein described tract and being located in the west right-of-way line of said Bridge Ave. and the east property line of said 23.97 acres tract;

THENCE South with the west right-of-way line of said Bridge Ave. and the east property line of said 23.97 acres tract, a distance of 50.00 feet to the POINT OF BEGINNING and containing 1.577 acres of land.

Notes:

- 1) This easement was not monumented.
- 2) This description has been prepared as a result of a survey completed on July 12th 2007 and is submitted in connection with a survey drawing prepared by Halff and Titled 50' Temporary Construction Easement, dated January 24, 2008. AVO No. 25290.


AURELIO D CORTES
REGISTERED PROFESSIONAL LAND SURVEYOR
STATE OF TEXAS No. 5413



HALFF ASSOCIATES, INC.
5000 West Military, Suite 100
McAllen, Texas 78503
Phone 956-664-0286
Fax 956-664-0282
www.halff.com