

OFFICIAL HIDALGO COUNTY RECEIPT
OFFICE OF THE COUNTY TREASURER
NORMA G. GARCIA

Receipt No: 150247

Received From: DD#1 PCT 4

Date 10/05/11

1	000012204	REIMB.2009 CAT 324DL EXCAVATOR	1-1200-132-50-124-001-0-000	185,894.00
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Total: 185,894.00

Check Total 185,894.00

Cash Total .00

Credit Total .00

Other Total .00

NOTICE TO CASHIER: BE SURE WATERMARK IS ON REVERSE SIDE BEFORE CASHING



**HIDALGO COUNTY
DRAINAGE DISTRICT #1**

902 N. DOOLITTLE
EDINBURG, TEXAS 78542

GENERAL FUND

FIRST NATIONAL BANK
MEMBER FDIC
88-2141/1148

No. **014068**

Check Date	Check No.	Amount
09/30/11	000012204	\$185,894.00

VOID AFTER 90 DAYS

was allowed by the Board of Directors of Hidalgo County, Texas at its term meeting indicated above and to be paid out of the General Fund

PAY

****One Hundred Eighty Five Thousand Eight Hundred Ninety Four and 00/100 Dollars

TO THE HIDALGO COUNTY PCT. NO. 4
ORDER C/O JOSEPH PALACIOS
OF 1102 N. DOOLITTLE RD.
EDINBURG, TX 78542

Pay the above stated amount to the order of the payee named.

Norma G. Garcia

COUNTY TREASURER

Tom Brown

FINANCIAL OFFICER

⑈000012204⑈ ⑆114921415⑆ ⑈0014020270⑈

Payee HIDALGO COUNTY PCT. NO. 4

Account #:

000012204
09/30/2011

Invoice	Description	Amount
HCCP04-01	REIMBURSMENT 2009 CAT 324DL EXCAVATOR	\$185,894.00

1-1200-432-50-124-001-0-000

Total : \$185,894.00



Hidalgo County Precinct 4

1051 N. Doolittle Rd.

Edinburg, TX 78542

Ph #: (956) 383-3112

Fax #: (956) 381-5905

REQUEST FOR REIMBURSEMENT

Entity

Name: HIDALGO COUNTY DRAINAGE DISTRICT NO.1

Attention: Godfrey Garza, Jr.

Address: 902 N. Doolittle Road

City: Edinburg

State: TX

ZIP: 78542

Date: 9/29/2011

Invoice: HCCP04-01

Description	Amount
Reimbursement Request pursuant to sale of one 2009 CAT 324DL Excavator, Serial# CAT0324DCJJG01085 on September 20, 2011(attached).	\$ 185,894.00
COPY	
TOTAL	\$ 185,894.00

MAKE CHECK PAYABLE TO: HIDALGO COUNTY PCT. NO. 4

**AI-27456
CC REGULAR**

16. D. 2.

Meeting Date: 09/20/2011

Submitted For: Marty Salazar

Submitted By: Aggie Garcia, PURCHASING DEPT.

Department: PURCHASING DEPT.

Information

CAPTION

- a. Pursuant to Texas Local Government Code, 263.151, discussion and approval to declare as "surplus" a 2009 Caterpillar 324DL Excavator (asset #48422) including establishing a fairmarket value in the amount of \$185,894.00;
- b. Discussion and approval of an "ORDER" by the County of Hidalgo-Commissioner's Court authorizing the sale of certain personal property to the Hidalgo County Drainage District Number One ("Drainage District") for the amount approved by CC in Item one (1) herein;
- c. Approving purchase terms made payable by the Drainage District from available funds of the Drainage District.

BACKGROUND

Fiscal Impact

FISCAL YEAR:
FUNDS AVAILABLE Y/N?:

ACCT. #:
MATCHING FUNDS Y/N?:

BUDGETARY IMPACT:

Fiscal impact to be identified through DBM. However, the result should be revenue.

Attachments

- Excavator Back Up Documentation
- Comparison Table
- E-mail from Budget
- Local Code
- order

Form Review

Inbox	Reviewed By	Date
Purchasing Department	Marty Salazar	09/15/2011 09:11 AM
Budget & Management	Merlen P. Munoz	09/15/2011 09:21 AM
Auditor's Office	Angela Garcia	09/15/2011 01:22 PM
Form Started By: Aggie Garcia		Started On: 07/08/2011 02:49 PM
	Final Approval Date: 09/15/2011	

HIDALGO COUNTY, TEXAS
PURCHASING DEPARTMENT/FIXED ASSET DIVISION
PRECINCT # 4- R&B
DEPRECIATION REPORT

Requested By: Gloria Ann Beltran
Prepared By: Juan M. Alvarado
Date: 5/25/2011

Asset No	Asset Desc	Acq Date	Hist Cost	Residual Value	Depreciable Value	Useful Life	Accum Use	Accum Depreciation	Current Book Value
				10%		Years	Years	\$	
48422	2009 Cat 324DL Excavator	1/20/2009	226,700.00	22,670.00	204,030.00	10	2	40,806.00	185,894.00
	Total		226,700.00	22,670.00	204,030.00	10	2	40,806.00	185,894.00

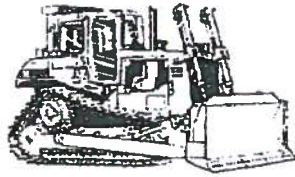
From: Thad
To: jimmy.anthony@co.hidalgo.tx.us
Date: Wednesday, July 06, 2011 8:47:33 AM
Subject: Cat324 Excavator

Jimmy,

In my opinion the retail value of your Cat 324 Long Reach Excavator in today's market is \$185,000 to \$190,000 range taking into consideration the hours, year model and overall appearance. This is not an offer, and is my personal opinion. If I can be of farther assistance, do not hesitate to call.

Thad R. Moore
H & V Equipment, Inc.
P.O. Box 909
5627 E. Hwy 281
Progreso, TX 78579
(956) 565-3788

Per Jorge Guerra
Excavator has
between 800
to 900 hours.
7/7/11
3:30p.m.



FAX TRANSMITTAL

PLEASE ROUTE THE FOLLOWING PAGES:

DATE: 7-5-2011

TO: Gloria

FROM: GERRY DREYER

COMPANY: Hidalgo County Pct 4

HOLT COMPANY OF TEXAS

FAX: 381-5905

FAX: 956-968-1887

Gloria

Per your request for a price on the **2009 324DL** LRF-JJG01085 Excavator, I have Contacted our used equipment department in San Antonio, Texas and they said this Machine's estimated retail sale price is **\$200,000.00**.

Should have any questions, or need any more information, please give me a call @ 956-373-4659.

Thank You,

Gerry Dreyer

TOTAL NUMBER OR PAGES INCLUDING THIS PAGE: 1. IF THERE IS A PROBLEM WITH THE COPIES OR ALL THE PAGES ARE NOT RECEIVED, PLEASE CONTACT ME @ 956-373-4659.

HOME

USED EQUIPMENT

USED CAT PARTS

Home » 2009 CATERPILLAR 324DL TRACK EXCAVATORS

English

Used Equipment

- » By Product Family
- » By Manufacturer
- » Advanced Search
- » Recently Listed

Used CAT Parts

- » Parts Search

Your Local Dealer:

Local Dealer not set.

- » Set Local Dealer

Other Resources from Cat.com

- » Find a Dealer
- » Machine Specs
- » Attachment Specs
- » Engine Specs
- » Power System Specs
- » Financial Services
- » Loan Calculator
- » Build & Quote
- » Cat Auction Services
- » Cat® Classic™ Parts

Used heavy equipment, parts, engines and attachments from your Cat dealer.

SPECIFICATIONS FOR 2009 CATERPILLAR 324DL TRACK EXCAVATORS


[More Photos »](#)

CatUsed.com®

2009 CATERPILLAR 324DL
TRACK EXCAVATORSRetail¹: \$189,000 USD

Location: Fenton, Missouri, United States

Catalog #: CU1202382

Serial #: JJG01119

SMU/Hrs: 926

Condition: Unrated

For availability and purchasing information, contact your local Caterpillar dealer.

Telephone

Email

¹ Contact your local Caterpillar dealer for pricing details as additional charges may apply, including freight, taxes, duties, tariffs, quarantine, etc.

Prices subject to change without notice
Additional charges may apply, including freight, taxes, duties, tariffs, quarantine, etc.

² Currency conversions have been made where indicated.
Equipment prices may vary due to fluctuations in **Current Conversion Rates**

◀ **Back to search results**

◀ Previous

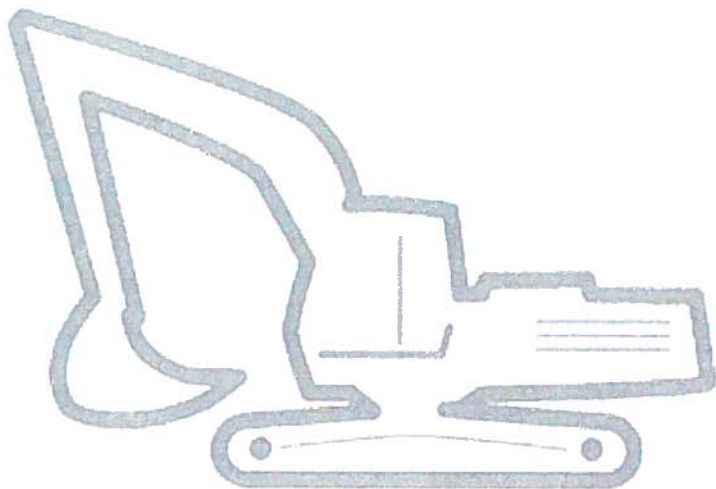
1 .. 6 7 8 9 10 11 12 13 14 15 .. 16

Next ▶

Caterpillar 324DL - United States

Year: 2009, Working hours: 883 h, Price excl. VAT: 217,000 USD

Mascus reference number (ID): 9DE40B89



Seller details




BLANCHARD MACHINERY

USED EQUIPMENT TEAM

+1 (803) 791-7100

[Seller details](#)

 Read our advice how to securely/safely trade used machines / trucks using Mascus

Basic information of this Caterpillar 324DL

Product group name	Crawler excavators
Brand	Caterpillar 324DL
Year	2009
Country	United States

Pricing

Select currency	USD 
Price excl. VAT	\$217,000
Tax	-
Price incl. VAT	-

Details

Internal stock No.	M12801
Number of hours in	883 h

use

Manufacturing / Serial number JJG01181

Attachments CERT EMISSIONS EPA, BENTLEY GUARDS, PIN GROUP SPARE, LINES CONNECTOR, COUPLER HYDRAULIC PIN GRABBER, PARTIAL FLD INST KIT HYD. PGC, 48" BUCKET

Additional Information CERT EMISSIONS EPA, BENTLEY GUARDS, PIN GROUP SPARE, LINES CONNECTOR, COUPLER HYDRAULIC PIN GRABBER, PARTIAL FLD INST KIT HYD. PGC, 48" BUCKET

localization Hardeeville



Print page



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USED EQUIPMENT TEAM

Telephone: +1 (803) 791-7100

Mobile phone:

Fax:

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MASCUS
bdqc23f2_COM

HIDALGO COUNTY PURCHASING DEPARTMENT
FIXED ASSET DIVISION
PCT. 4 EXCAVATOR FAIR MARKET VALUE COMPARISON

2009 Caterpillar 324DL Excavator (Asset No. 48422)
Approximately between 800 to 900 machine hours

County Book Value	Company Quotes		Google Search	
	H & V Equip. Inc.	Holt Comp.	CatUsed.com	Mascus USA
\$ 185,894.00	\$ 185,000.00 to \$ 190,000.00	\$ 200,000.00	\$ 189,000.00	\$ 217,000.00

Comparing the values between each company, we can safely set the fair market value as \$185,894.00. This dollar amount reflects what is the current book value.

Agueda

From: Rey Salazar [rey.salazar@co.hidalgo.tx.us]
Sent: Wednesday, September 14, 2011 11:52 AM
To: 'Agueda'
Subject: RE: Sale of Excavator

I am currently requesting it from bond counsel. The one that was attached on the agenda item was a PDF. Don't worry about it. We'll upload it. Does this answer your question?

Thanks.

Rey Salazar

Director, Strategic Planning Division
Department of Budget and Management
2818 South Business Hwy. 281, Administrative Building
Edinburg, Tx. 78539
(956) 292-7025 Phone
(956) 292-7035 Fax

From: Agueda [mailto:agueda.garcia@co.hidalgo.tx.us]
Sent: Wednesday, September 14, 2011 11:50 AM
To: 'Rey Salazar'
Cc: 'Martha Salazar'; 'Gabriel Navarro'; 'Jaime Salazar'; 'Darlene Betancourt'
Subject: RE: Sale of Excavator

Rey,

Good morning. I already started an agenda item which will surplus the excavator. I will add the wording to the agenda item in regards to the order and attach the order.

May I have via electronic format the copy of the order to be attached.

Thank you in advance for your attention to the above matter.

*Agueda (Aggie) Garcia
Fixed Asset Manager
Hidalgo County Purchasing Department
2812 S. Business Highway 281
Edinburg Texas 78539
(956)318-2626 ext 4873
agueda.garcia@co.hidalgo.tx.us*

From: Rey Salazar [mailto:rey.salazar@co.hidalgo.tx.us]
Sent: Wednesday, September 14, 2011 11:37 AM
To: agueda.garcia@co.hidalgo.tx.us
Cc: 'Jaime Salazar'; 'Darlene Betancourt'
Subject: RE: Sale of Excavator

GM Aggie,

Please note that Commissioners Court took no action regarding the sale of the excavator to the drainage district. Please prepare an agenda item that will look very similar to the one that we presented on Tuesday. Except that this time item number #1 will be requesting approval to surplus and #2 will be approval of the order. Once this is approved by Commissioners Court, we will submit an invoice to the drainage district.

Let me know if you have any questions. Thanks.

Rey Salazar

Director, Strategic Planning Division
Department of Budget and Management
2818 South Business Hwy. 281, Administrative Building
Edinburg, Tx. 78539
(956) 292-7025 Phone
(956) 292-7035 Fax

From: Jaime Salazar [mailto:jaime.salazar@hcdd1.org]
Sent: Wednesday, September 14, 2011 11:15 AM
To: 'Rey Salazar'
Subject: RE: Sale of Excavator

Morning Rey,

What is our next step in this process? Are we going to receive an invoice for the excavator? Please let me know. I am ready to issue the P.O., please advise.

I really appreciate all your help throughout this process. Thank you!

Jaime J. Salazar

From: Rey Salazar [mailto:rey.salazar@co.hidalgo.tx.us]
Sent: Thursday, September 08, 2011 5:15 PM
To: lora.briones@hcdd1.org
Cc: jaime.salazar@hcdd1.org; sergio.cruz@co.hidalgo.tx.us; marcos.lopez@co.hidalgo.tx.us; 'Humberto Garza'
Subject: Sale of Excavator

Hello Lora,

Please note that we have created agenda item number 27822 on behalf of the Drainage District scheduled to go before County Commissioners on 09/13/1. The agenda item is approving an "Order" authorizing the purchase of and acquisition of an Excavator from Precinct #4. Please let me know if you have any concerns regarding this agenda item or if you will need more time to review this agenda item.

Respectfully,

Rey Salazar

Director, Strategic Planning Division
Department of Budget and Management
2818 South Business Hwy. 281, Administrative Building
Edinburg, Tx. 78539

(956) 292-7025 Phone

(956) 292-7035 Fax

SUBCHAPTER D. DISPOSITION OF SALVAGE OR SURPLUS PROPERTY

Sec. 263.151. DEFINITIONS. In this subchapter:

(1) "Salvage property" means personal property, other than items routinely discarded as waste, that because of use, time, accident, or any other cause is so worn, damaged, or obsolete that it has no value for the purpose for which it was originally intended.

(2) "Surplus property" means personal property that:

- (A) is not salvage property or items routinely discarded as waste;
- (B) is not currently needed by its owner;
- (C) is not required for the owner's foreseeable needs; and
- (D) possesses some usefulness for the purpose for which it was intended.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987.

Amended by Acts 1989, 71st Leg., ch. 1, Sec. 61(b), eff. Aug. 28, 1989.

Sec. 263.152. DISPOSITION. (a) The commissioners court of a county may:

(1) periodically sell the county's surplus or salvage property by competitive bid or auction, except that competitive bidding or an auction is not necessary if the purchaser is another county or a political subdivision within the county that is selling the surplus or salvage property;

(2) offer the property as a trade-in for new property of the same general type if the commissioners court considers that action to be in the best interests of the county;

(3) order any of the property to be destroyed or otherwise disposed of as worthless if the commissioners court undertakes to sell that property under Subdivision (1) and is unable to do so because no bids are made;

(4) dispose of the property by donating it to a civic or charitable organization located in the county if the commissioners court determines that:

(A) undertaking to sell the property under Subdivision (1) would likely result in no bids or a bid price that is less than the county's expenses required for the bid process;

(B) the donation serves a public purpose; and

(C) the organization will provide the county with adequate consideration, such as relieving the county of transportation or disposal expenses related to the property;

(5) transfer gambling equipment in the possession of the county following its forfeiture to the state to the Texas Building and Procurement Commission for sale under Section 2175.904, Government Code; or

(6) order any vehicle retired under a program designed to encourage the use of low-emission vehicles to be crushed and recycled, if practicable, without a competitive bid or auction.

(a-1) The commissioners court shall remit money received from the Texas Building and Procurement Commission from the sale of gambling equipment under Section 2175.904(c), Government Code, less administrative expenses incurred by the county in connection with the transfer and sale of the equipment, to the local law enforcement agency that originally seized the equipment.

(b) If the property is earth-moving, material-handling, road maintenance, or construction equipment, the commissioners court may exercise a repurchase option in a contract in disposing of property under Subsection (a) (1) or (a) (2). The repurchase price of equipment contained in a previously accepted purchase contract is considered a bid under Subsection (a) (1) or (a) (2).

(c) Repealed by Acts 2003, 78th Leg., ch. 43, Sec. 2; Acts 2003, 78th Leg., ch. 345, Sec. 3.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987.
Amended by Acts 1989, 71st Leg., ch. 1, Sec. 61(b), eff. Aug.
28, 1989; Acts 1991, 72nd Leg., ch. 416, Sec. 3, eff. Sept. 1,
1991; Acts 1993, 73rd Leg., ch. 237, Sec. 1, eff. Aug. 30,
1993; Acts 1995, 74th Leg., ch. 746, Sec. 5, eff. Aug. 28,
1995; Acts 1999, 76th Leg., ch. 254, Sec. 1, eff. May 28, 1999;
Acts 2003, 78th Leg., ch. 43, Sec. 1, 2, eff. May 15, 2003;
Acts 2003, 78th Leg., ch. 345, Sec. 1, 3, eff. June 18, 2003.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 1233, Sec. 2, eff. June 15,
2007.

Acts 2009, 81st Leg., R.S., Ch. 931, Sec. 1, eff. September
1, 2009.

ORDER NO. _____

AN ORDER OF THE COUNTY OF HIDALGO ADOPTING A SUBSIDIARY AGREEMENT UNDER THE TERMS OF THE MASTER INTERLOCAL AGREEMENT BETWEEN THE COUNTY OF HIDALGO AND THE HIDALGO COUNTY DRAINAGE DISTRICT NO. ONE, DATED DECEMBER 10, 2002 AND AMENDED BY THE FIRST AMENDED INTERLOCAL AGREEMENT, DATED AUGUST 25, 2009; DECLARING CERTAIN PERSONAL PROPERTY AS "SURPLUS PROPERTY" AUTHORIZING THE SALE OF CERTAIN PERSONAL PROPERTY FROM THE COUNTY OF HIDALGO TO HIDALGO COUNTY DRAINAGE DISTRICT NO. 1; AND APPROVING OTHER MATTERS INCIDENT THERETO.

ARTICLE I

FINDINGS AND DETERMINATIONS

1.1. Findings and Determinations. It is hereby officially found and determined as follows:

(a) The County of Hidalgo (the "County") and Hidalgo County Drainage District No. One (the "Drainage District") have entered a Master Interlocal Agreement dated December 10, 2002, and entered into by these governmental units to accomplish the aerial photography, mapping and engineering of certain drainage projects for the cooperative benefit of the County and of the District (the "Master Agreement"); and

(b) The Master Agreement was subsequently amended by that FIRST AMENDED MASTER AGREEMENT FOR JOINT PROJECTS AND SHARING COST OF PLANNING, AERIAL PHOTOGRAPHIC MAPPING, ENGINEERING DESIGNS, ENVIRONMENTAL STUDIES; USE OF PLANS, AERIAL PHOTOGRAPHIC MAPS AND ENGINEERING DESIGNS; ACQUISITION OF RIGHTS-OF-WAY TO BE USED FOR STORM AND FLOOD DRAINAGE PROJECTS AND ACQUISITION OF CONSTRUCTION AND MAINTENANCE EQUIPMENT BY POLITICAL SUBDIVISIONS IN HIDALGO COUNTY, dated August 25, 2009 (the "First Amended Interlocal Agreement"), for the purpose of undertaking the joint improvement of the County's storm drainage facilities (the "Project"). It was the express intention of the parties that the First Amended Interlocal Agreement accomplish the purpose of the further design, financing and construction of additional drainage facilities to benefit both the County and the District, as well as other political subdivisions in Hidalgo County;

(c) The District is authorized by the Public Property Finance Act, Local Government Code, Section 271.001, et seq., Vernon's Texas Civil Statutes, as amended (the "Personal Property Finance Act"), to purchase, acquire or use certain equipment and machinery (the "Equipment") and finance its purchase thereof as necessary for the efficient and economic operation of the District.

(d) The County and the District are further authorized under Local Government Code, Section 561.002(a)(the "Joint Project Act"), to enter into joint project agreements in order to accomplish the joint design, construction and management of a drainage system.

(e) The County and the District, may, under the terms of the Interlocal Government Cooperation Act, enter cooperative agreements.

(f) Texas Local Government Code Section 263.152 (a)(1) authorizes the County to sell the County's surplus or salvage property to another County or to a political subdivision, including the District. The competitive bidding requirements imposed by Texas Local Government Code Section 263.152 will not apply in that instance. Surplus property is defined to exclude "salvage" property under Texas Local Government Code Section 263.151 and the County need not hold surplus property for any time period of possession or use before the County deems the property as "surplus" property.

(g) The District desires to acquire from the County certain equipment to be used for the construction and maintenance of a drainage system (the "Equipment") under the authority of laws of the State of Texas, and in particular, the Joint Project Act, under terms considered appropriate and necessary by the County's and the District's respective governing bodies.

(h) The County is relying on authority for the sale and transfer of the Equipment on any express authority granted by State law, including, but not limited to (i) the Interlocal Government Cooperation Act, (ii) the Personal Property Finance Act, (iii) the Joint Project Act, and, the County is, in addition to the foregoing, declaring the Equipment "surplus property" under the provisions of Texas Government Code §263.152 to accomplish the sales-purchase.

(i) Under the Joint Project Act, the agreement between the County and District may contain any provisions considered necessary by the parties. Further, under the agreement, one or both parties may own the project and maintain the project while one or both contributes to the expenses of maintenance.

ARTICLE II

DEFINITIONS AND INTERPRETATIONS

2.1. Definitions. As used herein, the following terms shall have the meanings specified unless the context clearly indicates otherwise:

Acceptance Date. Unless otherwise agreed to by the prior written consent of the Drainage District, the date on which the Acceptance Certificate is executed and delivered by the Drainage District to the County in connection with this Agreement.

Authorized Officer. In the case of the County, the County Judge or some authorized officer of the County, and when used in reference to an act or document of the Drainage District, means the County Judge or some authorized officer of the Drainage District

expressly designated to accomplish the purpose of acceptance of the Equipment upon its transfer.

Certificate of Acceptance. A Certificate of the Drainage District, in substantially the form set forth in Attachment "A" hereto, by which the Drainage District accepts delivery of the Equipment sold by the County at the Purchase Price and authorizes the disbursement of funds for payment of the purchase of said Equipment.

Commissioners Court. The Commissioners Court of the County of Hidalgo, Texas.

County. The County of Hidalgo, Texas.

Closing. The date of delivery of all executed documents related to an Acceptance Certificate.

Equipment. The property to be acquired by the Drainage District from the County pursuant to an Certificate of Acceptance which shall be described in the form set out in Attachment "A".

Order. This Order and all amendments hereof and supplements hereto.

Purchase Price. The purchase price for Equipment as set out in the Certificate of Acceptance.

Surplus Property. Property of the County as so defined by Texas Government Code §263.152.

Vendor or Vendors. The original vendor or seller of the Equipment.

ARTICLE III

DECLARATION OF A SURPLUS AND APPROVAL OF SALE OF EQUIPMENT; CONDITIONS PRECEDENT

3.1. The County of Hidalgo declares the Equipment "surplus" under the provisions of Texas Government Code §263.152 and approves the sale of the Equipment to the Drainage District. The obligation of the Drainage District to acquire the Equipment and to pay the purchase price shall be subject to the condition that the County declare the Equipment "surplus" property under the provisions of Tex. Loc. Gov. Code §263.152, and to the receipt by the Drainage District of certain documents and the satisfaction of the certain conditions, as follows, all of which shall be satisfactory in form and substance to the Drainage District:

(a) County shall have procured the Equipment in accordance with a competitive procurement procedure as required by state law and shall have completed a Schedule for each Vendor containing all of the information and certifications as set out in Attachment "C-1".

(b) Drainage District shall have accepted the Equipment (or agreed to accept) by delivery to the County of an executed Certificate of Acceptance in the form of Attachment "A", whereupon the item of Equipment shall immediately become property of the Drainage District;

(d) Delivery of certificates of title, if any, and assignment to the Drainage District of all warranties on the Equipment; and

(d) Such other documents, instruments, certifications or other items as may be reasonably required by the Drainage District or by its legal counsel.

3.2. Upon satisfactory tender of all documents and conditions set out in section 3.1, the Drainage District shall release the funds to County and deliver to County the Purchase Price in full for the Equipment..

ARTICLE IV **NO WARRANTIES, EXPRESSED OR IMPLIED**

4.1 Warranties. Except for representations, warranties and service contracts relating to the Equipment made or entered into by the manufacturers or suppliers of the Equipment, all of which are hereby assigned to the Drainage District, the County has made and makes no representation or warranty, express or implied, and assumes no obligation with respect to the title, merchantability, condition, quality or fitness of the Equipment described in Schedule for any particular purpose or the conformity of the Equipment to specifications or purchase order, its design, delivery, installation or operation. All claims or actions on any warranty so assigned to the County shall be made or prosecuted by the Drainage District, at its sole expense. The Equipment is sold "as is".

ARTICLE V

MISCELLANEOUS

5.1. Further Proceedings. The County Judge and other appropriate officials of the Drainage District are hereby authorized and directed to do any and all things necessary and/or convenient to carry out the terms of this Agreement.

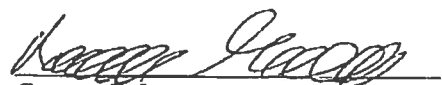
5.2. Severability. If any section, paragraph, clause or provision of this Agreement shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Agreement.

5.3. Open Meeting. It is hereby found, determined and declared that a sufficient written notice of the date, hour, place and subject of the meeting of the Commissioners Court at which this Order was adopted was posted at a place convenient and readily accessible at all times to the general public at the official meeting place of the Commissioners Court for the time required by law preceding this meeting, as required by the Texas Open Meetings Law, Chapter 551, Texas Government Code, as amended, and that this meeting was open to the public as required by law at all times during which this Order and the subject matter thereof were discussed, considered and formally acted upon. The Commissioners Court further ratifies, approves and confirms such written notice and the contents and posting thereof.

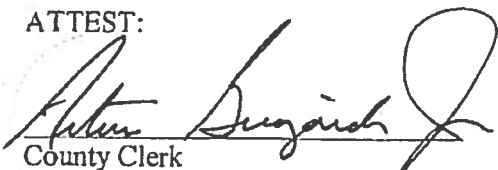
5.4 Repealer. All orders and resolutions or parts thereof, inconsistent herewith are hereby repealed to the extent of such inconsistency.

PASSED AND APPROVED ON 9/20/11

HIDALGO COUNTY
COMMISSIONERS COURT


County Judge

ATTEST:


County Clerk

APPROVED BY
COMMISSIONERS' COURT
ON: 9/20/11

(SEAL)

ATTACHMENT "A"

CERTIFICATE OF ACCEPTANCE

SALE-PURCHASE AGREEMENT (THE "AGREEMENT") BY AND BETWEEN

Hidalgo County Drainage District No. One
and

The County of Hidalgo, Texas

Date _____

1. **ACCEPTANCE:** In accordance with the Agreement, the Drainage District hereby certifies that all of the Equipment described herein (i) has been received by the Drainage District, (ii) has been thoroughly examined and inspected to the complete satisfaction of the Drainage District, and in conformity with the published specifications included in the competitive procurement process undertaken by the County; (iii) has been found by the Drainage District to be in good operating order, repair and condition, (iv) has been found to be of the size, design, quality, type and manufacture specified by County, (v) has been found to be and is wholly suitable for the Drainage District's purposes, (vi) has been assembled or installed consistent with instructions supplied by the Vendor, (vii) has been scheduled under the Drainage District's casualty insurance policy, and (viii) is hereby unconditionally accepted by the Drainage District, in the condition received, for all purposes of this Agreement.

2. **EQUIPMENT** (may incorporate one or more documents)

VENDOR	DESCRIPTION	P.O. #	SERIAL #	PRICE	
	2009 CAT 324DL Exca	612370	CAT0324DCJJG01085	\$185,894.00	
	Total				
	Total				
	Total				
	Total				

CERTIFICATION

Hidalgo County Drainage District No. 1 hereby certifies that the description of the property set forth above constitutes an accurate account of the Equipment described.

Hidalgo County Drainage District No. 1

By: Ramon Garcia
(Authorized Signature)
Ramon Garcia, Chairman
Printed Name and Title

Date: 9/13/11

APPROVED BY HIDALGO
COUNTY DRAINAGE DISTRICT
NO. 1 BOARD OF DIRECTORS
ON: 9/13/11 *mg*