



Texas Department of Transportation

PO BOX 1717 • PHARR TEXAS 78577-1717 • (956) 702-6100

December 9, 2011

RECEIVED

DEC 12 2011

COUNTY JUDGE

The Honorable Ramon Garcia
Hidalgo County Judge
P.O. Box 1356
Edinburg, Texas 78540

Re: Right-of-entry
Hazardous Material Site Investigation
FM 681/FM 2221 CSJs: 0669-01-043, 0862-01-047, and 0862-01-037

Dear Judge Garcia:

The Texas Department of Transportation (TxDOT) Pharr District is proposing to widen and reconstruct FM 681/FM 2221 in Hidalgo County, Texas. In order to help protect the general public and the construction team that will build the project in the near future, the TxDOT project team respectfully requests access to your property for the purpose of conducting a hazardous material investigation. The investigation may require collection of soil borings and groundwater samples from your property. The result of these studies on your property and surrounding properties are necessary for successful project planning and permitting efforts. The results will help determine whether further studies or clean up activities are needed. Please sign "Right-of-Entry agreement" to either grant or deny right-of-entry.

Except for information subject to the Open Records Act, all information will be used solely for planning purposes or for coordination with other regulatory agencies. The TxDOT project team will not enter your property without prior permission and coordination with you. It is understood that your property is private and of extreme value to you, and will be left in the state in which it was found, including gates, and vegetation. We understand all activities conducted in your property are done at our own risk and will adhere to any special condition upon your demand.

We appreciate your consideration of this request and welcome any questions, comments, or concerns you may have. If you have any questions regarding this request you may call Maria Cottagoma of my staff at (956) 702-6254. If you have no questions and agree to allow right-of-entry for the activities described above, please sign and return the attached right-of-entry by December 10, 2011.

Sincerely,

Robin Gelston
Environmental Coordinator

Attachments

cc. Don Hill, Environmental Affairs Division
Griselda Saldívar, P.E., Project Manager
Planning File



**TEXAS DEPARTMENT OF TRANSPORTATION
RIGHT OF ENTRY FOR HAZMAT INVESTIGATIONS**

CONTROL No: 0862-01-037
COUNTY: Hidalgo
PROJECT: FM 681/FM 2221

The **Undersigned**, hereinafter called the "**Owner**", hereby grants to the Texas Department of Transportation, hereinafter called the "**State**", a right-of-entry permit upon the following terms and conditions:

- I. The Owner hereby grants to the State the right-of-entry upon the lands hereinafter described within the period of six months from the date of this instrument in order to conduct hazardous materials (hazmat) investigations necessary to complete a site evaluation of said lands by the State as required under state and/or federal laws and regulations.
- II. All hazmat investigations will follow federal and state regulations pertaining to the treatment of hazmat sites and required OSHA safety standards.
- III. An assessment team, consisting of approximately 3 people, will enter upon the land on or about the date of **December 2011- February 2012**. The work will take approximately 2 days to complete.
 - A. The purpose of the work is to determine whether contamination is present at levels presenting a health or safety risk to construction workers or the general public.
 - B. Hazmat investigations will be performed under the direction of trained professionals. Investigations involve collecting soil and/or groundwater samples using push probe technology or conventional drilling equipment.
 - C. The Owner may contact State's representative **Robin Gelston (Dist Env. Coordinator)** regarding the progress of the work at:
(telephone): 956/702-6130
(address): P.O. Box 1717, Pharr, TX 78577-1717
- IV. The hazmat investigations hereunder shall be limited to and confined to the proposed right-of-way, easements, and boundary of the highway project referred to above.
- V. The State, its contractors, and any and all persons entering upon said lands under the right-of-way entry permit herein granted accept the premises in an "as-is" condition, acknowledge that they and each of them recognize that the land and area into which they are entering may be rough brushland, that there may be unevenness, holes, and conditions both open and apparent and concealed in and about the area which may be dangerous to persons in the area, and they do accept said lands in that condition.
- VI. All tools, equipment, and other property taken upon or placed upon the land by the State shall remain the property of the State and may be removed by the State at any time within a reasonable period after the expiration of the right-of-entry permit.
- VII. The lands affected by this right of entry permit are described as follows:

Hidalgo County facilities located on 7 Mi Line (FM 2221), 300 ft east of La Homa Rd (SH 364)
Mission, Texas. The property is part of the acquisition for this project (Parcel No. 13).

- VIII. The State will backfill excavations, close gates used to access the land, and leave the land in approximately the same condition in which it was found.
- IVIII. The State will notify the Owner in person, by letter, or by telephone of the exact date that the land is first entered by the investigation team. The Owners or Owner's representative shall have the right at any time and all times to be present at and inspect the operations and any conditions found under or by reason of the work done in or on the premises.

AGREED:

Hidalgo County

Owner

Robin Gelston

State's Representative, Pharr District

By: _____
Authorized Signature



Authorized Signature

Title

Pharr District Environmental Coordinator

Title

Address: P.O. Box 1356
Edinburg, TX 78540

Date

Date