

THE STATE OF TEXAS

COUNTY OF HIDALGO

ORDER CLOSING, ABANDONING AND VACATING ROAD

WHEREAS, the Commissioners Court of Hidalgo County, on the ___ day of _____ 2018, at a duly called and noticed meeting of the Hidalgo County Commissioners Court at which a quorum was present came to be heard facts and information concerning closing, abandoning and vacating an unopened county road being a 50.0 foot road that runs with and along the East side of the Southern Pacific Transportation Company railroad property and which connects Farm to Market Road (FM) 1017, on the North end, to Floral Road on the South end and is more specifically described by metes and bounds attached hereto as Exhibit A (the "Road");

WHEREAS, the Road has never been opened, used or maintained as a public road as evidenced by one or more of the adjoining property owners, and their predecessors (e.g., Vicky Flores, Felipe Garcia, Rancho Reforma, LLC and Buena Fe, LLC) have enclosed the road with a fence for at least 20 years;

WHEREAS, the Road on the west side of the Southern Pacific Transportation Company area (herein referred to as County Road 4848) has been used by the public as a thoroughfare between FM 1017 and Floral Road, has been maintained by the County and provides access to Lots 29 through 43 Fountain Subdivision which road is highlighted in green on the map of Fountain Subdivision attached as Exhibit B;

WHEREAS, the Southern Pacific Transportation Company, has abandoned the use of its property for railroad purposes, has taken up the railroad tracks and sold the property as follows: (1) the North 22.90 acres is now owned by Felipe Garcia (highlighted as yellow on Exhibit 8), (2) the North 10 acres of the South 14.2 acres is now owned by Vicky I. Flores (unmarked on Exhibit B) and (3) the South 4.0 acres is now owned by Cesar Martinez and Jessica Segovia (highlighted as orange on Exhibit B);

WHEREAS, Lot 16, Fountain Subdivision, has access, on its north side, to FM 1017, or, on the west side, to the roadway to be closed and crossing the railroad property (which is owned by the same person) to County Road 4848;

WHEREAS, Lots 17 and 18, Fountain Subdivision, have access to County road 4848 by crossing the roadway to be closed and the abandoned railroad property (which is owned by the same person);

WHEREAS, Lots 19, 20, 21, 22, and 23, Fountain Subdivision, have access to Highway 281, and do not need or want access to County Road 4848 and have no objection to the proposed closing;

WHEREAS, Lot 24 and the North 15.86 acres of Lot 25, Fountain Subdivision, have access to County Road 4848 by crossing the roadway to be closed and the abandoned railroad property (which is owned by the same person and also to Highway 281;

WHEREAS, the South 14 acres of Lot 25 and all of Lots 26, 27 and 28 have access to Floral Road and do not need or want access to County Road 4848 and have no objection to the proposed closing;

NOW THEREFORE, BE IT ORDERED, ADJUDGED AND DECREED that the Commissioners Court of Hidalgo County based on the facts presented, does hereby unanimously agree to abandon, close and vacate the Road as described in Exhibit "A".

BE IT FURTHER ORDERED that, in accordance with Texas Transportation Code Section 251.058(b) Hidalgo County's title if any, in and to the Road being abandoned, closed and vacated will be vested in the abutting land owners to the Center line of such Road on the date this order is signed by the County Judge;

BE IT FURTHER ORDERED the current owners of the real property adjoining the Road are as follows:

1. Felipe Garcia - owner of Lot 16 and 18, Fountain Subdivision, on the East side of the closed roadway (to whom the East 25 feet of the abutting closed roadway be conveyed) and the North 22.96 acres of the 43.10 acre tract of land being the Southern Pacific Transportation Company station yard as described in the certain deed dated July 19, 1989 as recorded in Volume 2820, pages 74, et seq, of the Deed Records of Hidalgo County, Texas (which total tract will be hereinafter referred to as the "Railroad Property") which abuts the closed roadway on the West (to whom the West 25 feet of the abutting closed roadway be conveyed);
2. Felipe Garcia and Roberto Garcia – owners of Lot 17, Fountain Subdivision, on the East side of the closed roadway (to whom the East 25 feet of the abutting closed roadway be conveyed);
3. Rancho Reforma, LLC and Buena Fe, LLC owners of Lots 19, 20, 21, 22 and 23, Fountain Subdivision to whom the East 25 feet of the abutting closed roadway be conveyed;
4. Vicky I. Flores - owner of the Lot 24 and the North 15.86 acres of Lot 25, Fountain Subdivision to whom the East 25 feet of the abutting roadway be conveyed;

5. Vicky I. Flores - owner of the North 10 acres of the South 14.2 acres of the Railroad Property to whom the West 25 feet of the abutting roadway be conveyed;
6. Nowell Borders – owner of the South 14 acres of Lot 25, and all of Lots 26, 27 and 28 to whom the East 25 feet of the abutting roadway be conveyed;
7. Cesar Martinez and Jessica Segovia – owners of the South 4.0 acres of the Railroad Property to whom the West 25 feet of the abutting roadway be conveyed.

A copy of this Order shall be filed in the deed records of Hidalgo County and serves as the official instrument of conveyance from Hidalgo County to the owner(s) of the abutting properties.

WHEREUPON, Commissioner _____ moved for the adoption of said Order, said Motion being seconded by Commissioner _____ and duly adopted by all members of the Court present voting "aye".

Ramon Garcia, County Judge

ATTEST:

Arturo Guajardo, Jr., County Clerk

David L. Fuentes
Commissioner, Precinct No. 1

Eduardo "Eddie" Cantu
Commissioner, Precinct No. 2

Joe M. Flores
Commissioner, Precinct No. 3

Joseph Palacios
Commissioner, Precinct No. 4

Beginning at the Northernmost corner of Lot 16, Fountain Subdivision, Hidalgo County, Texas as recorded in Volume 9, pages 59 and 60, Map Records of Hidalgo County, Texas, and being on the South right-of-way line of Fm 1017 for the Northeast corner of this tract;

Thence, South 0 degree, 12' West, 2,015.27 feet for an outside corner of this tract;

Thence, North 89 degree, 49' West, a distance of 200.0 feet to a point for an inside corner of this tract;

Thence, South, 0 degree, 12' West, a distance of 8,382.09 feet to a point on the North right-of-way line of Floral Road, for the Southeast corner of this tract;

Thence, North 80 degree, 30' West, along Floral Road, a distance of 50.66 feet to a point for the Southwest corner of this tract;

Thence, North 0 degree, 12' West, a distance of 8,382.09 feet to a point for an outside corner of this tract;

Thence, South 89 degree, 49' East, a distance of 200.0 feet to a point for an inside corner of this tract;

Thence, North 0 degree, 12' West, a distance of 2015.27 feet to a point on the South right-of-way line of FM 1017, for the Northwest corner of this tract;

Thence, South 55 degree, 18' 30" East, along the South right-of-way line of said FM 107, to the place of beginning.

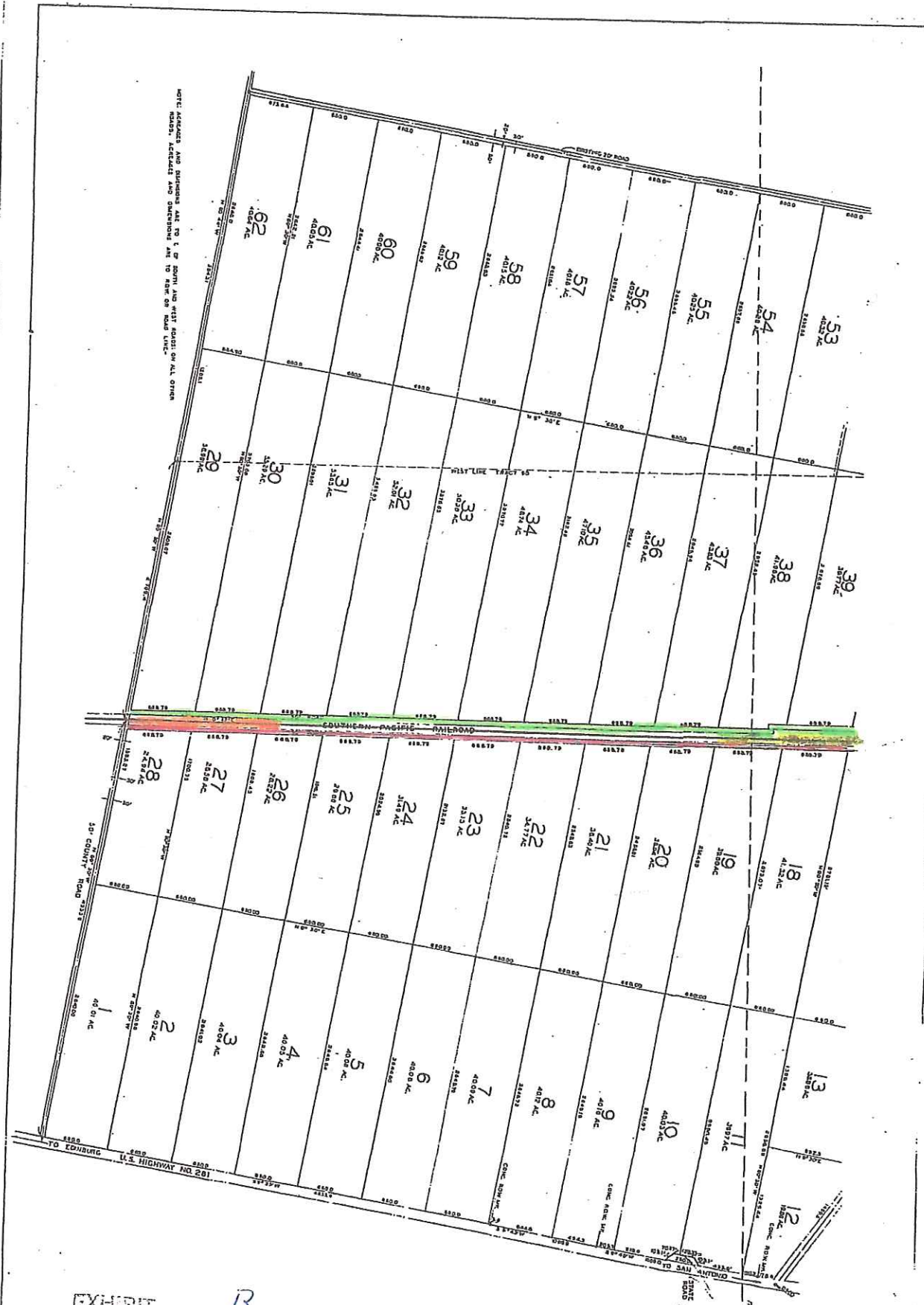
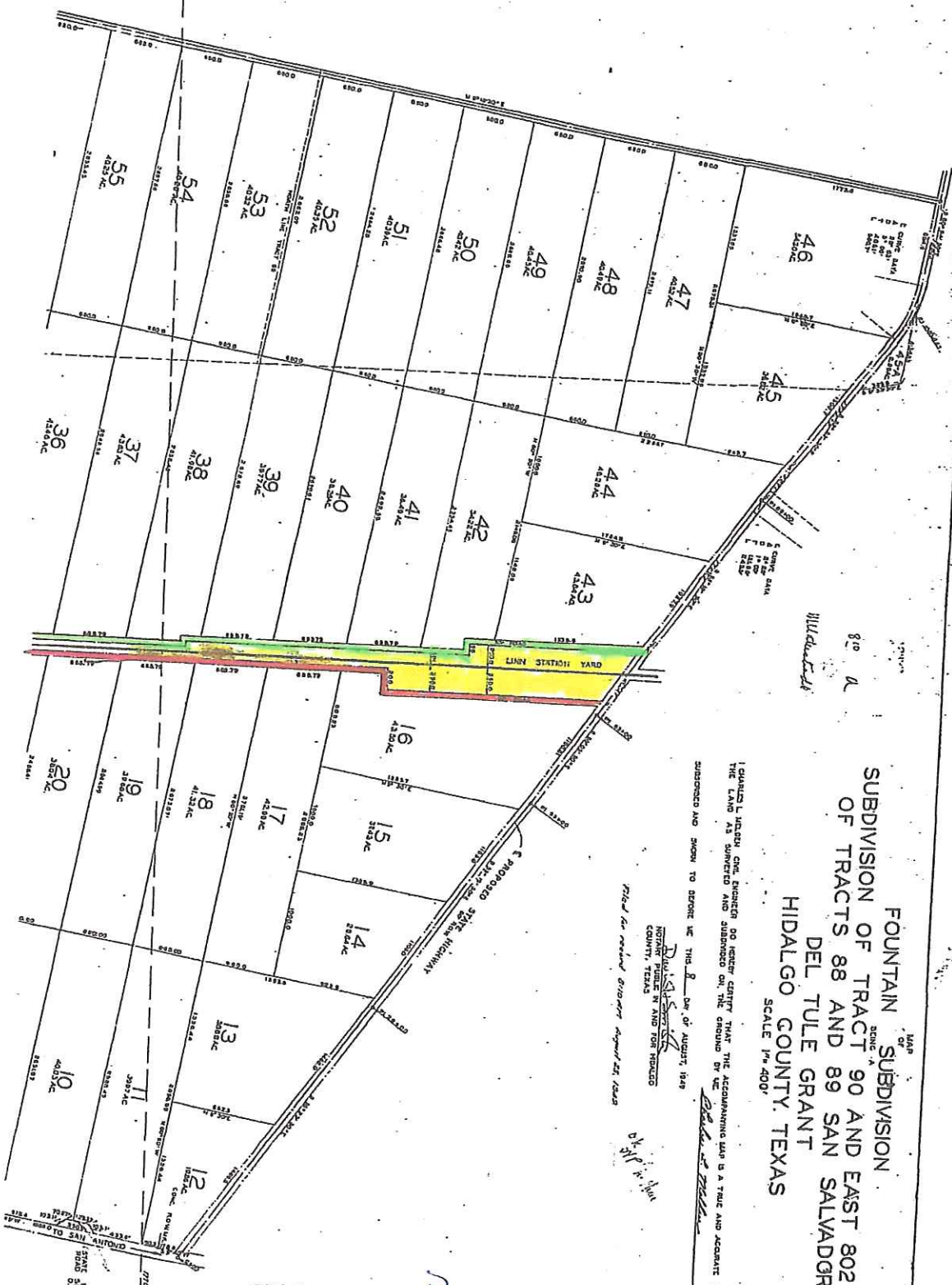


EXHIBIT 13

PAGE 1 OF 2



MAP OF
FOUNTAIN SUBDIVISION
 OF TRACT 90 AND EAST 802 AC.
 OF TRACTS 88 AND 89 SAN SALVADOR
 DEL TULE COUNTY, TEXAS
 SCALE 1/4" = 400'

I, **WALTER L. HUBBY**, CIVIL ENGINEER, DO HEREBY CERTIFY THAT THE ACCOMPANYING MAP IS A TRUE AND ACCURATE PLAN OF THE LAND AS SURVEYED AND SUBMITTED ON, THE CHORDS BY ME, **WALTER L. HUBBY**, CIVIL ENGINEER, AND SHOWN TO BE CORRECT BY THIS SURVEY ON THE 8th DAY OF AUGUST, 1929.

WALTER L. HUBBY
 CIVIL ENGINEER
 COUNTY, TEXAS



EXHIBIT **B**
 PAGE **2** OF **2**