

PETITION TO CLOSE ROAD

TO THE HONORABLE COMMISSIONERS COURT OF HIDALGO COUNTY, TEXAS

We, the undersigned freeholders having property in Commissioners Precinct No. 4, Hidalgo County, Texas, respectfully petition the Court to close, cancel and discontinue a dedicated 50.00 foot road which appears on the map of Fountain Subdivision, which is recorded in Volume 9, pages 59 and 60, in the Map Records of Hidalgo County, Texas.

The road is further described as that un-named 50.0 foot road that runs with and along the East side of the Southern Pacific Transportation Company railroad and which connects Farm to Market Road (FM) 1017, on the North end, to Floral Road, on the South end. This road is described by metes and bounds on Exhibit A attached. The road is highlighted in red on the map of Fountain Subdivision attached as Exhibit B.

The subject road has never been opened, used or maintained as a public road. Evidence of its abandonment is that 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. The owners of the lands adjacent to the road have access to their lands by other public ways and thus, there is no public need for the subject road.

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. This road is highlighted in green on the map of Fountain Subdivision attached as Exhibit B.

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 B), (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 wife, Jessica Segovia (highlighted as orange on Exhibit B).

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.

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).

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.

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

The South 14 acres of Lot 25 and all of Lot 26, 27 and 28, Fountain Subdivision, have access, by virtue of common ownership, to Floral Road.

Attached hereto, as Exhibit C, is an Ownership Report, prepared by LandtitleUSA, which sets out the ownership of the tracts involved.

Attached hereto, as Exhibit D, is an Affidavit with respect to the "Posting of Notices" with respect to this application.



Felipe Garcia
201 E. University Dr.
Edinburg, Texas 78539-3547



Roberto Garcia
P.O. Box 1624
Edinburg, Texas 78540-1624

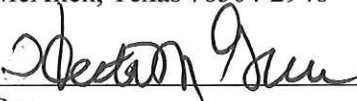


Vicky I. Flores
36080 N. Expressway 281
Edinburg, Texas 78542



Nowell Borders
601 W. Monte Cristo Rd
Edinburg, Texas 78541-6873

Rancho Reforma, LLC
4608 N. 5th St.
McAllen, Texas 78504-2946



By:

Buena Fe, LLC
P.O. Box 123
Linn, Texas 78563-0038



By:

La Muneca Ranches, LLC
P. O. Box 81
Linn, Texas, 78563



By: Carlos X. Guerra, Jr. Member



Rolando Zamora

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;

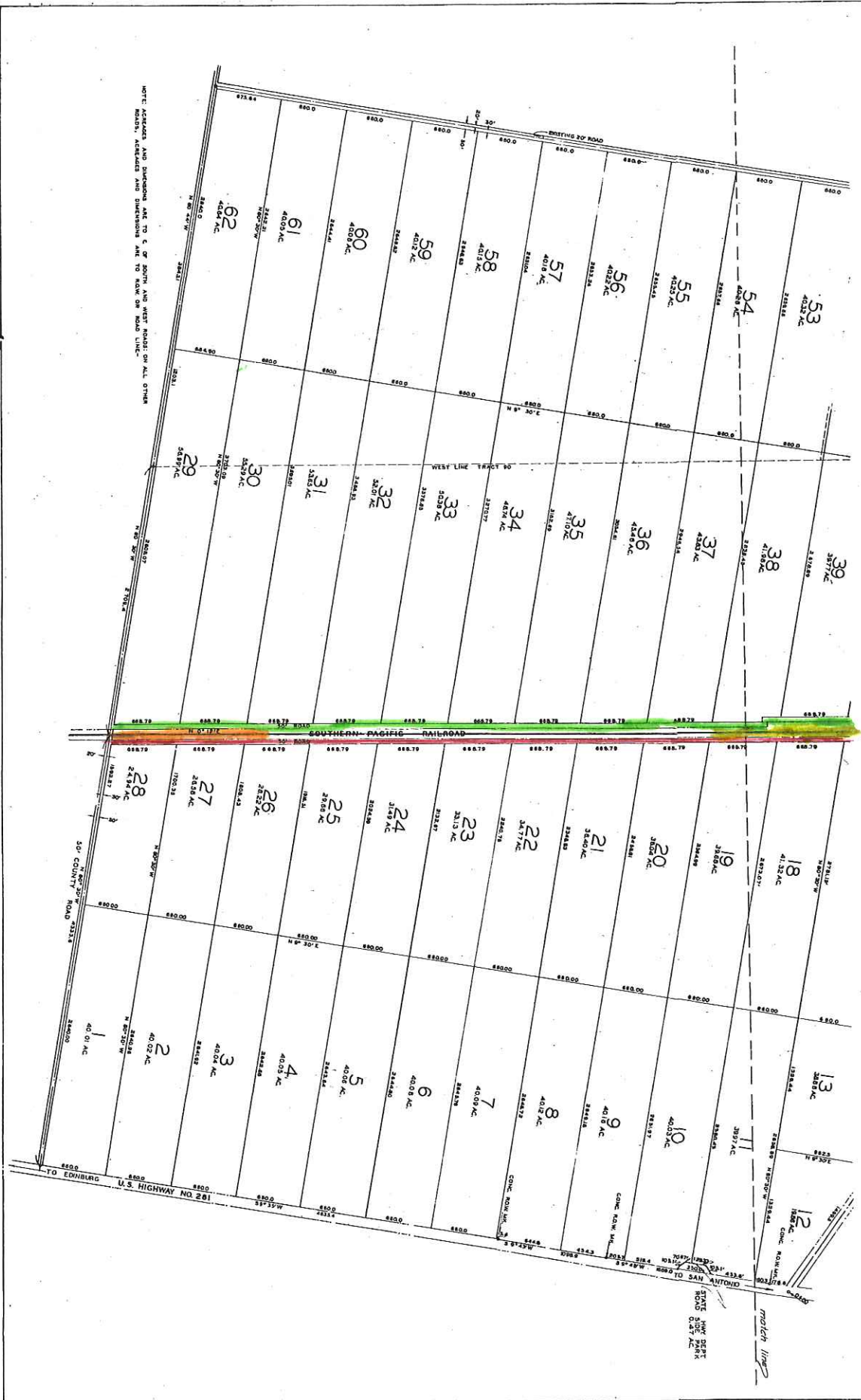
Thence, North 80 degree, 30' West, along Floral Road, a distance of 50.66 feet to a point for the Southwest corner of this tract;

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.



NOTE: ACRES AND DIMENSIONS ARE TO C. OF NORTH AND WEST CORNER OF ALL OTHER SECTIONS, EXCEPT THIS SECTION, AND TO CORNER OF ROAD 2112.

AFFIDAVIT

THE STATE OF TEXAS
COUNTY OF HIDALGO

BEFORE ME, the undersigned authority, on this day appeared Dennis E. Hendrix, a person well known to me who, after being first duly sworn, upon oath stated:

I, Dennis E. Hendrix, am a person over the age of eighteen (18) years, have never been convicted of a felony or crime of moral turpitude, and have personal knowledge of the facts herein set out:

At the request of Vicky I. Flores, I, on this date, caused to be posted, signed copies of a Petition to Close Road, a true and correct copy which is attached hereto and incorporated herein by reference for all purposes, at the following places:

1. The Bulletin board as maintained in the lobby of the Hidalgo County Courthouse, Edinburg, Texas;
2. The Bulletin board as maintained in the Office of the Hidalgo County Water Control and Improvement District No. 1, 1904 N. Expwy, Edinburg, Texas;
3. The Bulletin board as maintained in the Office of the City Secretary, City Hall, Edinburg, Texas; and
4. The Bulletin board as maintained in the Hidalgo County Annex 3 Building located at 100 E. Cano, Edinburg, Texas.

Executed this 12 day of October, 2018.

Dennis E. Hendrix
Dennis E. Hendrix

SUBSCRIBED AND SWORN TO before me on October 12, 2018, by
Dennis E. Hendrix.



Liz Rios
Notary Public, State of Texas

OWNERSHIP REPORT

WARNING: This report contains information, which has been obtained, derived, indexed and collated from records and information (collectively, "Title Information") owned by LANDTITLEUSA. The Title Information contained herein is protected by federal copyright law and Texas common law on trade secrets and contract.

CONDITION: This report is for limited use and distribution only. Specifically, the addressee is allowed to use this information for its use ONLY and CANNOT deliver, exhibit or furnish it to any one else. The terms "deliver, exhibit or furnish" includes, without limitation, copying (by means of a photocopier, facsimile machine, electronic scanning device, or any other method of reproduction) or providing such information to any third party. The term "any one else" would include, without limitation, attorneys, lenders, surveyors, real estate brokers or agents, loan brokers, mortgage brokers, abstractors, title companies, title agents or title evidence providers..

VIOLATION: As an express condition of us providing you with the following report, you specifically agree to limit its uses to those set forth herein. A violation of this agreement will subject you to actions available to LANDTITLEUSA under the federal copyright laws or under the Texas common law on trade secrets and contract. In the event you are unable or unwilling to comply with these conditions, immediately return this report to our company, without reviewing, copying or otherwise utilizing in any way the information contained therein.

GF No: 059765

Prepared for (Addressee): Dennis E. Hendrix Attorney At Law

Property description:

Tract 1:

Lot Sixteen (16), FOUNTAIN SUBDIVISION, Hidalgo County, Texas, as per map thereof recorded in Volume 9, Pages 59 thru 60, Map Records of Hidalgo County, reference to which is here made for all purposes.

Tract 2:

Lot Seventeen (17), FOUNTAIN SUBDIVISION, Hidalgo County, Texas, as per map thereof recorded in Volume 9, Pages 59 thru 60, Map Records of Hidalgo County, reference to which is here made for all purposes.

Tract 3:

Lot Eighteen (18), FOUNTAIN SUBDIVISION, Hidalgo County, Texas, as per map thereof recorded in Volume 9, Pages 59 thru 60, Map Records of Hidalgo County, reference to which is here made for all purposes.

Tract 4:

Lots Nineteen (19), Twenty (20), Twenty-One (21), Twenty-Two (22) and Twenty-Three (23), FOUNTAIN SUBDIVISION, Hidalgo County, Texas, as per map thereof recorded in Volume 9, Pages 59 thru 60, Map Records of Hidalgo County, reference to which is here made for all purposes.

Tract 5:

GFNO. 059765

Lot Twenty-Four (24) and the North 15.86 acres of Lot Twenty-Five (25), FOUNTAIN SUBDIVISION, Hidalgo County, Texas, as per map thereof recorded in Volume 9, Pages 59 thru 60, Map Records of Hidalgo County, reference to which is here made for all purposes.

Tract 6:

The South 14.0 acres of Lot Twenty-Five (25), and all of Lots Twenty-Six (26), Twenty-Seven (27) and Twenty-Eight (28), FOUNTAIN SUBDIVISION, Hidalgo County, Texas, as per map thereof recorded in Volume 9, Pages 59 thru 60, Map Records of Hidalgo County, reference to which is here made for all purposes.

Tract 7:

A 43.10 acre tract of land out of the former railroad right of way more particularly described in deed filed December 12, 1989, recorded in Volume 2820, Page 74, Official Records, Hidalgo County, Texas.

Pursuant to your request, we have checked the records and files at the offices of the County Clerk of Hidalgo County, Texas and **LandtitleUSA, Inc.**, for documents affecting the property herein described, and find the following:

APPARENT RECORD TITLE at the plant date is vested in:

Tract 1:

Felipe Garcia Jr. by virtue of deed recorded under Volume 2936 Page 151 and corrected by Volume 3062, Page 398, Official Records of Hidalgo County, Texas.

Tract 2:

Felipe Garcia, Jr. and Roberto Garcia by virtue of deed recorded under Volume 3046, Page 625, Official Records of Hidalgo County, Texas.

Tract 3:

Felipe Garcia by virtue of deed recorded under Document No. 574778, Official Records of Hidalgo County, Texas.

Tract 4:

Rancho Reforma, L.L.C., a Texas limited liability company and Buena Fe, L.L.C., a Texas limited liability company by virtue of deeds recorded under Document No. 2921777, 2923937 and 2923938, Official Records of Hidalgo County, Texas.

Tract 5:

Vicky Rutledge Flores by virtue of deed recorded under Document No. 2926287, Official Records of Hidalgo County, Texas.

Tract 6:

Nowell W. Borders by virtue of deed recorded under Document No. 2548187, Official Records of Hidalgo County, Texas.

GFNO. 059765

Tract 7:

Felipe Garcia a/k/a Felipe Garcia Jr. by deed recorded in Volume 2820, Page 74, Volume 3273, Page 623 and under Document No. 2070895, Official Records, Hidalgo County, Texas. (43.10 acres save and except the South 14.20 acres)

Cesar Martinez and Jessica Segiovia by deed recorded under Document No. 2260732, Official Records, Hidalgo County, Texas. (South 4 acres)

Vicky I. Flores by deed recorded under Document No. 2924606, Official Records, Hidalgo County, Texas. (North 10.2 acres out of the South 14.20 acres)

This search does not cover and therefore excludes any examination or statement as to taxes (which can be provided by our Tax Service), restrictive covenants, liens and encumbrances, discrepancies as to boundaries, shortages in area, overlapping of improvements, encroachments, protrusions, legal access (which can be provided upon our being furnished with a current survey meeting our specifications), mineral and/or royalty interests, rights of parties in possession, adverse possession, unrecorded easements which may be visible and apparent and all other matters not of record. We do not show any necessary or corrective actions, which can be provided in the event that a title policy is desired.

The undersigned certifies that this Report has been prepared, for the confidential use of the addressee, with the same standard of care as would be used for the preparation and issuance of a Commitment of Title Insurance for property. This report is delivered with the understanding evidenced by the acceptance hereof that it is neither a guarantee, warranty nor opinion of title and any liability arising hereunder shall be limited to the cost of this Report. The purchase of title insurance for purchase of property and for real estate secured loans is recommended.

Plant date: July 18, 2018

Issue date: July 23, 2018

LandtitleUSA, Inc.

315 E. McIntyre

Edinburg, TX, 78541

Phone: (800) 442-7067

(956)-383-1656

Fax: (956)-380-0428

Examiner