



**Hidalgo County  
Planning  
Department**

**T.J. Arredondo, CFM**  
*Director of Planning*

**Main Office**

1304 S. 25<sup>th</sup> Street  
Edinburg, Texas 78542  
Phone (956) 318-2840  
Fax (956) 318-2844

**Engineering Projects Office**

902 N. Doolittle Road  
Edinburg, Texas 78542  
Phone (956) 292-7080  
Fax (956) 292-7089

**Precinct No. 1 Substation**

1902 Joe Stephens Ave.  
Weslaco, Texas 78596  
Phone (956) 968-4734  
Fax (956) 973-7850

**Precinct No. 3 Substation**

2401 N. Moorefield Road  
Mission, Texas 78572  
Phone (956) 205-7045  
Fax (956) 205-7049

**PIPELINE AND UTILITY PERMIT APPLICATION PACKET**

THE STATE OF TEXAS

COUNTY OF HIDALGO

PRECINCT 3

**APPLICATION AND AGREEMENT FOR PIPELINE OR  
UTILITY PERMIT**

Date: March 28, 2019

Agua Special Utility District (hereinafter referred to as "Applicant") does hereby make application to the Hidalgo County through the Hidalgo County Planning Department (hereinafter referred to as "HCPD") to construct, maintain and repair pipelines or utilities across the easements, right-of-ways, property or property interest as described below.

Information required:

1. Name, Address and Phone number of Applicant:

Agua Special Utility District, Kristina Peña (Customer Service Rep.)

3120 North Abram Road, Palmview, Texas 78572. (956) 585-2459

2. Name, Address and Phone number of company or agency owning Pipeline or Utility (please indicate if same as Applicant):

Same as Applicant

3. Name, Address and Phone number of operator of Pipeline or Utility (please indicate if same as Applicant):

Same as Applicant

4. Name, Address and Phone number of contractor to install Pipeline or Utility:

Agua Special Utility District



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5. Is this a common carrier pipeline or utility? If yes, please submit the Applicant's Texas Railroad Commission Form "T-4" or similar form designating the facility:

No

6. Does Applicant have the Power of Eminent Domain?

No

7. Will the product be carried for hire or by the owner of the goods?

No

8. Name and Legal description of property owner requesting utility services if applicable:

Enrique R. Peña and Rita B. Peña - North 5 acres of Lot 22, Block 1, of Texas Gardens Subdivision, and Addition in Hidalgo County, Texas, according to the Map or Plat recorded in Vol 8, Pg.

9. Type of utility work within county road right-of-way:

Bore Crossing     Line Extension Along R.O.W.     Other \_\_\_\_\_

10. Where is the origin of the line?

Along East side of Abram Road existing 8" Waterline  
inside an existing Exclusive Agua SUD 15-ft Easement

11. Where is the destination of the line?

57.5 Feet to West side of Abram Road. (Service  
Connection)



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**PIPELINE AND UTILITY PERMIT APPLICATION PACKET**

12. Utility Crossing Coordinate X: 1019964.04 Y: 16646260.18  
(NAD 83 Texas South FIPS 4205 feet)
13. Number and size of lines:  
One - 3/4" Service Connection w/ 2" PVC Casing from existing 8" WL
14. Pressure (each line):  
+/-55 PSI
15. Content (each line):  
Water
16. Estimated date of installation of Pipeline or Utility:  
May 1, 2019



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## PIPELINE AND UTILITY PERMIT APPLICATION PACKET

If requested permit is granted by HCPD, Applicant, in consideration thereof, agrees and binds itself as follows:

1. All pipelines or utilities herein will be horizontally placed within the right-of-way as determined by HCPD and at a minimum depth of five (5) feet below natural ground. Depth, horizontal, and vertical location shall be confirmed by HCPD Inspectors.
2. Location map, profile, and plans concerning the proposed pipeline or utility crossing will furnished with this application.
3. HCPD will be notified in writing ten days prior to the beginning date of construction under this permit.
4. Applicant will bear the entire expense of all future relocations of any pipelines or utilities should such relocation, at the sole discretion of the Hidalgo County Commissioners Court, be necessary for improvements, alteration, or maintenance of the Hidalgo County's easement or property of interest.
5. Applicant will notify the HCPD at least 48 hours prior to covering work and or completion of its work and removal of its equipment from the job site to permit HCPD to make an inspection.
6. Upon notification by the HCPD, the Applicant will promptly repair or rectify any deficiency or condition caused by the Applicant's operations or installations under this permit. Applicant will leave easement in as near the same condition or better, in the HCPD's sole judgment, as it existed prior to the commencement of the operations under this permit.
7. Hidalgo County shall not be liable or responsible for, and shall be saved and held harmless by Applicant, and further shall be indemnified by Applicant, from and against any and all suits, actions, losses, damages, claims, or liability of any character, type, or description, including all expenses of litigation, court costs, attorney's fees, and engineering fees for injury or death to any person, or injury to any property, received or sustained by any person or persons or property, arising out of, or occasioned by, directly or indirectly, the performance of Applicant under this agreement, including claims and damages arising in part from the negligence of the Hidalgo County.



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## PIPELINE AND UTILITY PERMIT APPLICATION PACKET

It is the expressed intent of the parties to this agreement that the indemnity provided for in this section is extended by Applicant to indemnify and protect Hidalgo County from the consequences of Hidalgo County's own negligence, whether that negligence is the sole or contributory cause of the resultant injury death, or damage.

Applicant further agrees to defend, at its own expense, with attorneys acceptable to Hidalgo County and on behalf of the Hidalgo County, and in the name of Hidalgo County, any claim or litigation brought against the Hidalgo County in connection with any such injury, death or damage.

Before construction is begun on such pipeline or utility crossings, Applicant will furnish to the HCPD a certificate of insurance (or other security approved by the HCPD) payable to Hidalgo County and protecting Hidalgo County (as an additional named insured) against any claims for personal injuries or damages to property resulting from the operations of Applicant, its agents, servants, employees, and contractors under this permit. Insurance is to be supplied in accordance with the attached Schedule A.

8. Hidalgo County makes no warranties, expressed or implied, in the granting of this permit; nor does Hidalgo County purport to grant any property interest or exclusive privileges whatsoever by granting such permit. It is specifically understood that Hidalgo County is not the agent for, nor does it act for, the fee owners or any persons or entities having any right, or title to possession of the land upon which the Hidalgo County's easement or other property interest is located. Furthermore, in granting this permit Hidalgo County makes no representation or warranty that it has any property interest, including, but not limited to, an easement or right of way, in the land

upon which Applicant constructs, maintains, repairs, or modifies the pipelines or utilities, made the subject of this application, nor does Hidalgo County make any representation or warranty as to the validity, quality or extent of such property interest, if any. Applicant acknowledges its understanding that Hidalgo County in granting this permit, does not convey or grant to Applicant any rights, title or interest for which is has no legal authority to grant or convey.

9. Applicant binds itself to comply with all federal, state, and local laws or regulations and will obtain all necessary permits from all local and federal agencies required by law before installation or construction is begun.



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## PIPELINE AND UTILITY PERMIT APPLICATION PACKET

10. Applicant will install its pipelines and utilities in a manner and location as shown in the plans and specifications filed with HCPD in support of this application for permit. Hidalgo County Planning Department's representative may at any time make such inspection as such engineer or other representation may deem necessary to assure that the construction of the pipeline or utilities is in accordance with the plans and specifications submitted, and said engineer or representative shall have the right to temporarily suspend Applicant's work if necessary, while such inspection is being made. Should Applicant not install the pipelines or utilities in accordance with the terms and conditions of this permit, Applicant agrees that the Hidalgo County shall have the right to require, at Applicant's expense, the removal of the pipelines and utilities and its replacement in conformance to said plans and specifications and conditions of this permit. Hidalgo County may revoke this permit and suspend all work hereunder if it is determined by Hidalgo County that the pipelines or utilities are not being installed in accordance with such plans and specifications and conditions of this permit. The suspension or revocation of this permit shall not be a basis for a claim for damages against Hidalgo County.
11. Except in emergency situations where it is necessary to protect life and property, Applicant will not make any change, modification, or alteration in or to the pipelines or utilities without first securing a new or amended permit from Hidalgo County prior to the making of any such change. Applicant will maintain the pipelines or utilities hereby authorized in good and safe condition, and in accordance with plans, specifications, and this permit.
12. Applicant agrees to pay HCPD a permit fee to cover administrative costs in the amount of **\$500.00**, plus a reimbursement to HCPD for any necessary engineering fees which may be incurred for the study and processing of the Application. This fee will permit a single pipeline or utility to be within County right-of-way. Applicant further agrees to pay an additional fee of **\$500.00** for each additional line included in permit application at the same location; however, more than one location may be included in a single application.

Requests to lay additional line or lines, not included in an initial permit application, must be made by separate application, with new permit fees paid accordingly and support data provided.



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Permit fees may be waived where Applicant is a state, county, municipality, or a special political subdivision.

13. The Applicant is allowed one hundred twenty days (120) from the granting of the permit to start construction of the pipelines or utilities crossings. Once started, the Applicant is allowed ninety (90) days to complete all work under such permit. All construction must be completed within two hundred ten (210) days from the date of issuance of permit. Upon application, extension of the time periods set forth in this paragraph may be granted by the Hidalgo County Commissioners Court. Such applications for extension must be received by HCPD at least thirty days before the expiration of the two hundred ten (210) days period. A new permit fee, in accordance with Paragraph 12 hereof, will be charged for each extension granted.

Construction of any pipeline or utility crossing will not begin until written approval has been given by HCPD.

14. All provisions of the Pipeline and Utility Permit Administration Policy of Hidalgo County, if any, and all amendments thereto, are hereby incorporated herein as part of the terms and conditions of this permit for all purposes.
15. Applicant warrants and represents that it has secured from all fee owners of the involved property an easement or other property rights to construct, repair or modify the pipeline or utility in the manner set forth herein.
16. This Pipeline and Utility Permit if granted by Hidalgo County is subject to any and all other requirements, specifications and conditions listed in Exhibit A attached hereto.
17. Hidalgo County requires all coordinates of all utility crossings. Horizontal datum to be in NAD 83 State Plane Texas South 4205 feet and vertical datum in NAVD 88 Geoid 12a.



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**PIPELINE AND UTILITY PERMIT APPLICATION PACKET**

DATED this 25<sup>th</sup> day of April, 2019.

Emigdio Salinas, P.E.  
(Name of Applicant – Printed or Typed)

By: [Signature]  
Signature

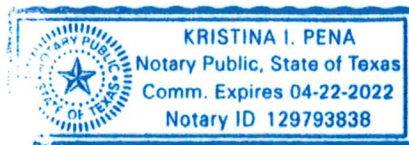
Title: President

STATE OF TEXAS  
COUNTY OF HIDALGO

SUBSCRIBED AND SWORN TO before me the Applicant,  
Emigdio Salinas, on this 25<sup>th</sup> day of April, 2019,  
to which witness my hand and seal of office.

[Signature]  
Notary Public for the State of Texas

My Commission Expires: 4/22/22





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**PIPELINE AND UTILITY PERMIT APPLICATION PACKET**

**APPROVAL OF APPLICATION BY  
HIDALGO COUNTY PLANNING DEPARTMENT**

Came on for consideration this \_\_\_\_\_ day of \_\_\_\_\_,  
20\_\_\_\_. The above and foregoing Application for Pipeline and Utility  
Permit, and after consideration of the same by the Hidalgo County  
Commissioners Court, said Application and Agreement for Pipeline or  
Utility Permit is hereby APPROVED.

HIDALGO COUNTY:

\_\_\_\_\_  
Richard F. Cortez, County Judge



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**PIPELINE AND UTILITY PERMIT APPLICATION PACKET**

**EXHIBIT A**

(Please insert description of project location and supporting documents for proposed utility work)

**CERTIFICATE OF LIABILITY INSURANCE**

DATE (MM/DD/YYYY)

5/1/2019

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER <b>IAM Insurance Agency L.L.C.</b> P.O. Box 657 Edinburg, Texas 78540	CONTACT NAME: <b>Smiley Martinez</b>	FAX (A/C, No): ( ) -
	PHONE (A/C, No, Ext): <b>(956) 207-2789</b>	E-MAIL ADDRESS: <b>iamins@sbcglobal.net</b>
INSURER(S) AFFORDING COVERAGE		NAIC #
INSURED <b>Agua Special Utility District</b>  P.O. Box 4379 Mission, TX 78573	INSURER A: <b>Texas Mutual Insurance Company</b>	
	INSURER B: <b>NAS INSURANCE SERVICE</b>	
	INSURER C: <b>Philadelphia Ins. Company</b>	
	INSURER D:	
	INSURER E:	
	INSURER F:	

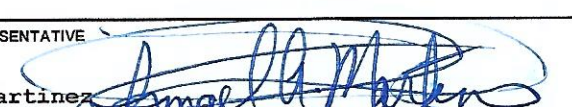
**COVERAGES****CERTIFICATE NUMBER:****REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL. SUBR. INSD. WVD.	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
C	<input checked="" type="checkbox"/> <b>COMMERCIAL GENERAL LIABILITY</b> <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR  GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	1973998-673561	05/01/2019	05/01/2020	EACH OCCURRENCE \$ <b>1,000,000</b> DAMAGE TO RENTED PREMISES (Ea occurrence) \$ <b>100,000</b> MED EXP (Any one person) \$ <b>10,000</b> PERSONAL & ADV INJURY \$ <b>1,000,000</b> GENERAL AGGREGATE \$ <b>3,000,000</b> PRODUCTS - COMP/OP AGG \$ <b>1,000,000</b> \$
C	<b>AUTOMOBILE LIABILITY</b> <input checked="" type="checkbox"/> ANY AUTO <input checked="" type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOS ONLY	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	1973998-673561	05/01/2019	05/01/2020	COMBINED SINGLE LIMIT (Ea accident) \$ <b>500,000</b> BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
C	<input checked="" type="checkbox"/> <b>UMBRELLA LIAB</b> <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> <b>EXCESS LIAB</b> <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	1973998-673561	05/01/2019	05/01/2020	EACH OCCURRENCE \$ <b>4,000,000</b> AGGREGATE \$ <b>4,000,000</b> \$
A	<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b> ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N <input checked="" type="checkbox"/> N/A <input checked="" type="checkbox"/>	0002014134	05/01/2019	05/01/2020	PER STATUTE OTH-ER E.L. EACH ACCIDENT \$ <b>1,000,000</b> E.L. DISEASE - EA EMPLOYEE \$ <b>1,000,000</b> E.L. DISEASE - POLICY LIMIT \$ <b>1,000,000</b>
C	<b>Phys Damage-Covered Symbols</b>	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	1973998-673561	05/01/2019	05/01/2020	<b>ACV</b> 1,000,102
B	<b>02,08</b> <b>Cyber Liability</b>	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	WN154692-1	05/01/2019	05/01/2020	<b>Retention Aggregate</b> 0,000/30,000 <b>Security&amp;Privacy</b> <b>Liab</b> 00,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

**CERTIFICATE HOLDER****CANCELLATION**

	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
	AUTHORIZED REPRESENTATIVE  Ismael A. Martinez 

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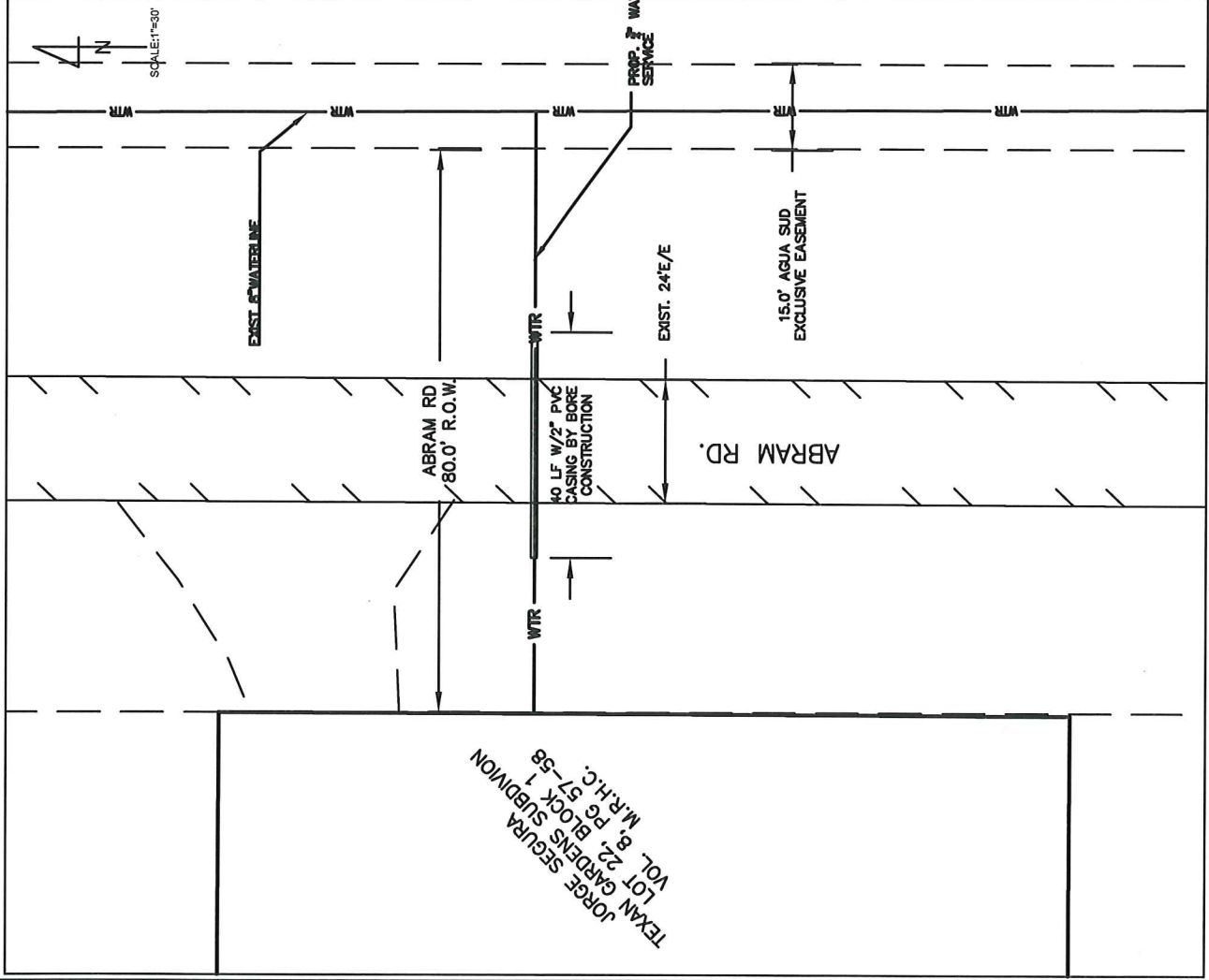
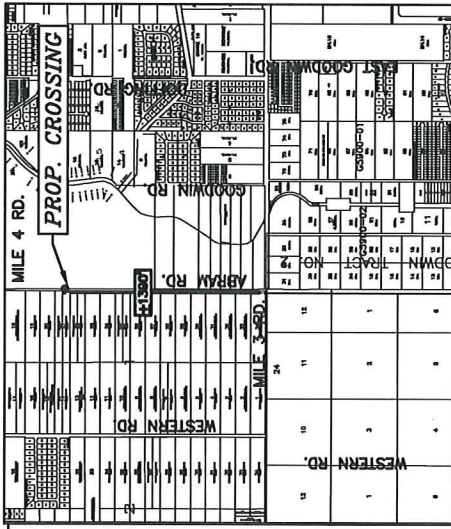
NO.	DATE	REVISION
1		
2		
3		
4		
5		

WATER SERVICE PLAN

HIDALGO COUNTY, TEXAS

AGUA SPECIAL UTILITY DISTRICT  
LOT 2 BLK 1, TEXAN GARDENS SUBDIVISION

SHEET NO.  
**EXH-1**



JORGE SEGURA  
 TEXAN GARDENS SUBDIVISION  
 LOT 22, BLOCK 1  
 VOL. 8, PG. 57-58  
 M.R.H.C.

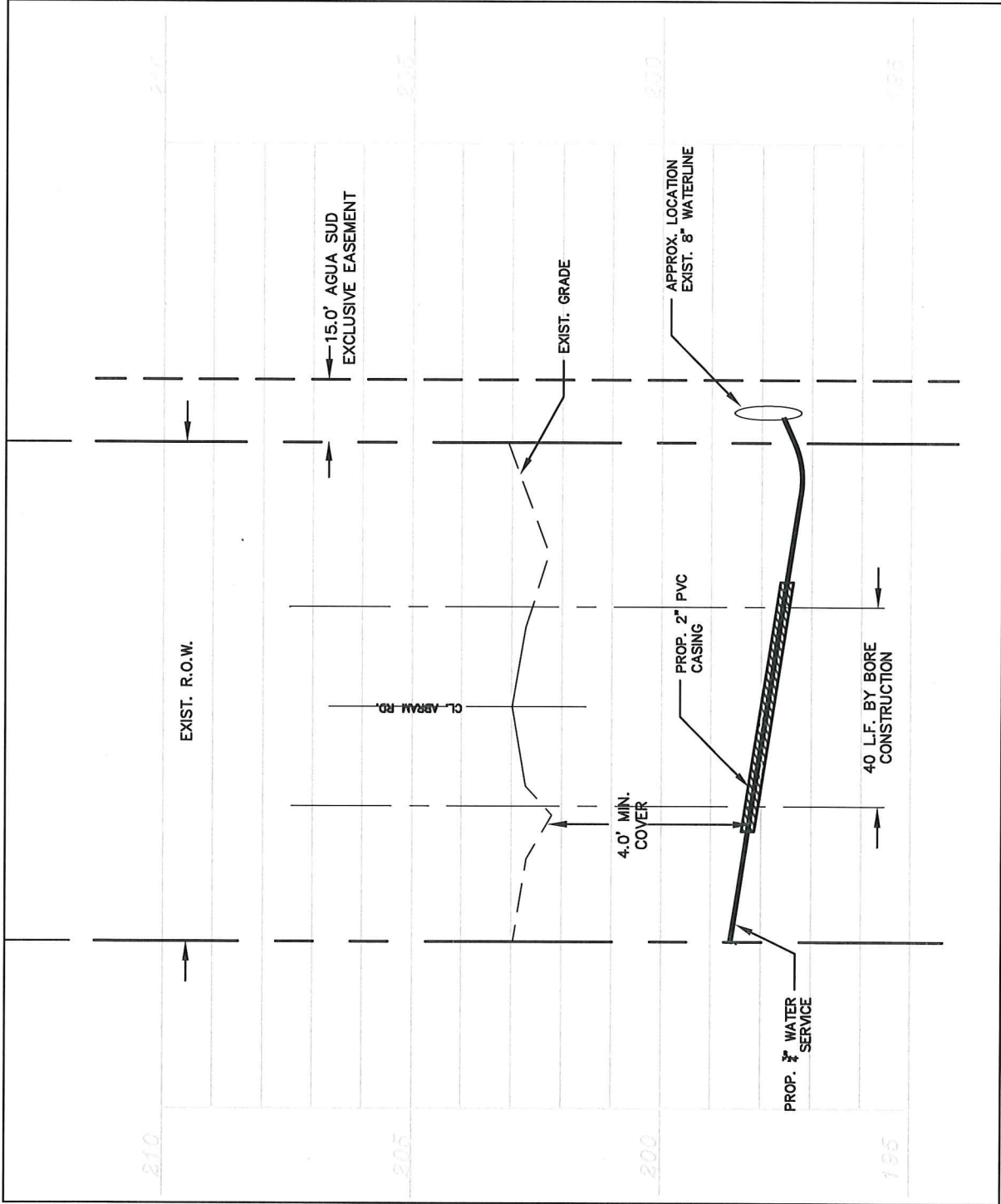
NO.	DATE	REVISION
5		
4		
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2		
1		

# WATER SERVICE PLAN

AGUA SPECIAL UTILITY DISTRICT  
 LOT 2 BLK 1, TEXAN GARDENS SUBDIVISION  
 HIDALGO COUNTY, TEXAS

SHEET NO.

## EXH-2



NO.	DATE	REVISION
5		
4		
3		
2		
1		

# WATER SERVICE PLAN

AGUA SPECIAL UTILITY DISTRICT  
 LOT 2 BLK 1, TEXAN GARDENS SUBDIVISION  
 HIDALGO COUNTY, TEXAS

SHEET NO.

# EXH-1



Capital Title/MIG  
GF# 18-352337-M1

## Warranty Deed with Vendor's Lien

Notice of confidentiality rights: If you are a natural person, you may remove or strike any or all of the following information from any instrument that transfers an interest in real property before it is filed for record in the public records: your Social Security number or your driver's license number.

Date: April 25, 2018

Grantor: Enrique R. Pena and Rita B. Pena, husband and wife

Grantor's Mailing Address: 2008 Tiffany Street, Mission TX 78573

Grantee: Jorge Segura

Grantee's Mailing Address: 5916 Granja Ct. Mission TX 78572

Consideration:

Cash and a note of even date executed by Grantee and payable to the order of Grantor in the principal amount of \$100,000.00. The note is secured by a first and superior vendor's lien and superior title retained in this deed in favor of Grantor and by a first-lien deed of trust of even date from Grantee to William C. Shaddock, trustee.

Property (including any improvements):

The North 5.0 acres of Lot 22, Block 1, of TEXAN GARDENS SUBDIVISION, an Addition in Hidalgo County, Texas, according to the Map or Plat recorded in Volume 8, Pages 57-58, Map Records of Hidalgo County, Texas.

Reservations from Conveyance:

This conveyance, however, is made and accepted subject to any and all restrictions, encumbrances, easements, covenants and conditions, if any, relating to the hereinabove described property as the same are filed for record in the County Clerk's Office of Hidalgo County, Texas.

Exceptions to Conveyance and Warranty:

Grantor, for the Consideration and subject to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty, grants, sells, and conveys to Grantee the Property, together with all and singular the rights and appurtenances thereto in any way belonging, to have and to hold it to Grantee and Grantee's heirs, successors, and assigns forever. Grantor binds Grantor and Grantor's heirs and successors to warrant and forever defend all and singular the Property to Grantee and Grantee's heirs, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty.

The vendor's lien against and superior title to the Property are retained until each note described is fully paid according to its terms, at which time this deed will become absolute.

When the context requires, singular nouns and pronouns include the plural.

EXECUTED this 27 day of April, 2018.

Enrique R. Pena  
Enrique R. Pena

Rita B. Peña  
Rita B. Pena

THE STATE OF TEXAS §  
COUNTY OF Hidalgo §

The foregoing instrument was acknowledged before me on the 27 day of April, 2018 by Enrique R. Pena and Rita B. Pena.



M. Garcia  
NOTARY PUBLIC, STATE OF  
TEXAS

AFTER RECORDING, RETURN TO:

Jorge Segura  
5916 Granja Ct.  
Mission Tx 78572

PREPARED IN THE LAW OFFICE OF  
Shaddock & Associates, P. C.  
2400 N. Dallas Parkway, Ste. 560  
Plano, Texas 75093