

STATE OF TEXAS §
COUNTY OF HIDALGO §

**SECOND AMENDMENT TO LEASE
C-19-026A-04-23**

This Second Amendment to Lease is entered into by and between Abel Rodriguez (“Lessor”) and the County of Hidalgo, Texas (“Lessee”), effective the ___ day of _____, 2020.

WHEREAS, Maria E. Esparza executed a certain lease dated April 23, 2019, to the County of Hidalgo to facilitate a citizen collection station (the “Lease”); and

WHEREAS, Maria E. Esparza executed a Special Warranty Gift Deed dated May 24, 2019, conveying the property to Abel Rodriguez, recorded under Document No. 3017034 in the Official Records of Hidalgo County, Texas.

WHEREAS, Commissioners’ Court approved the First Amendment to Lease Between Maria E. Esparza and the County of Hidalgo dated July 1, 2019, naming Abel Rodriguez as Lessor and except as modified therein, all terms and conditions of the Lease, as amended, remaining in full force and effect and Lessor and Lessee ratifying and confirming the terms and provisions of the First Amended Lease.

WHEREAS, Maria E. Esparza and Abel Rodriguez executed a Correction Instrument dated November 27, 2019, correcting the legal description from the original conveyance, recorded under Document No. 3068020 in the Official Records of Hidalgo County, Texas. (see Corrected Instrument - Exhibit A).

WHEREAS, the parties desire to amend the Lease with new metes and bounds which incorrectly excluded a portion of the metes and bounds for that parcel of land – i.e., including, “Thence, North 80 degrees 33 minutes 36 seconds West, a distance of 80.00 feet to an iron pipe set for an inside corner of this description.” (see Corrected Instrument - Exhibit A).

WHEREAS, Homero Gutierrez, P.E. R.P.L.S, a Registered Professional Land Surveyor in the State of Texas, surveyed the property and on May 29, 2020 signed, “THIS PLAT REPRESENTS THE FACTS FOUND ON THE GROUND ON APRIL 14, 2020 AND THAT THERE ARE NO DISCREPANCIES CONFLICTS OR SHORTAGES IN THE AREA OR BOUNDARY LINES: OR ANY ENCROACHMENTS, OR OVERLAPPING OF IMPROVEMENTS, OR NO VISIBLE OR APPARENT EASEMENTS EXCEPT AS SHOWN ON THIS PLAT.” (see METES AND BOUNDS - Exhibit B).

WHEREAS, the Lessor and Lessee desire to amend the Lease with new metes and bounds to reflect the latest survey signed by Homero Gutierrez– R.P.L.S. #2791. (see METES AND BOUNDS - Exhibit B).

NOW THEREFORE, for and in consideration of the terms and provisions of this Amendment to the Lease and for good and valuable consideration, the receipt and sufficiency of which are

hereby acknowledged, Abel Rodriguez and the County of Hidalgo, Texas hereby agrees to the following amendment to the Lease:

1. This Lease shall be amended to include the Correction Instrument dated November 27, 2019.
2. This Lease shall be amended to include the Metes and Bounds Instrument to reflect the latest survey signed by Homero Gutierrez – R.P.L.S. #2791. (see corrected metes and bounds Exhibit A).
3. Except as modified herein, all terms and conditions of the Lease, as amended, remain in full force and effect and Lessor and Lessee ratify and confirm the terms and provisions of the Lease as amended.

EXECUTED IN DUPLICATE ORIGINALS and effective as of the day and year first written above:

LESSEE:
HIDALGO COUNTY

LESSOR:

Richard F. Cortez
Hidalgo County Judge

Abel Rodriguez

ATTEST:

Arturo Guajardo, Jr.
Hidalgo County Clerk

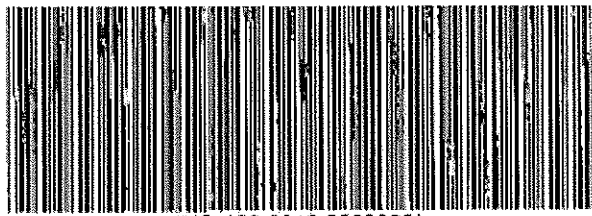
APPROVED AS TO FORM:
Hidalgo County Criminal District Attorney's Office
Ricardo Rodriguez, Jr.

By: 

Amanda D. Austin, Assistant District Attorney

Contract: C-19-026A-04-23
Second Amendment to Lease

EXHIBIT A
Corrected Instrument



VG-120-2019-3068020

Hidalgo County
Arturo Guajardo Jr.
County Clerk
Edinburg, Texas 78540

Document No: 3068020

Billable Pages: 3

Recorded On: November 27, 2019 03:37 PM

Number of Pages: 4

*****Examined and Charged as Follows*****

Total Recording: \$ 44.00

*****THIS PAGE IS PART OF THE DOCUMENT*****

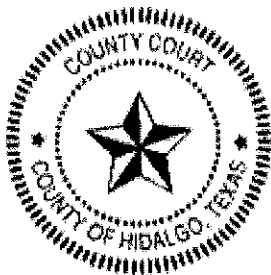
Any provision herein which restricts the Sale, Rental, or use of the described REAL PROPERTY because of color or race is invalid and unenforceable under federal law.

File Information:

Document No: 3068020
Receipt No: 20191127000363
Recorded On: November 27, 2019 03:37 PM
Deputy Clerk: Belya Trevino
Station: McAllen-CC-K22

Record and Return To:

Able Rodriguez
724 Amarillo Dr
original returned to customer
Sullivan City TX 78595



STATE OF TEXAS
COUNTY OF HIDALGO

I hereby certify that this instrument was FILED in the File Number sequence on the date/time printed hereon, and was duly RECORDED in the Official Records of Hidalgo County, Texas.

Arturo Guajardo Jr.
County Clerk
Hidalgo County, Texas

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.

Correction Instrument

Date: November 26, 2019

Person Executing Correction Instrument:

Maria E. Esparza

Abel Rodriguez

Mailing Address of Person Executing Correction Instrument:

Maria E. Esparza
817 Amarillo Dr.
Sullivan City, Texas 78595

Abel Rodriguez
724 Amarillo Dr.
Sullivan City, Texas 78595

Conveyance Being Corrected

Date:	May 24, 2019
Grantor:	Maria E. Esparza, a single person
Grantee:	Abel Rodriguez, a single person
Recording information:	Instrument No. 3017034

Error Being Corrected: When this deed was first recorded, the legal description incorrectly excluded a portion of the metes and bounds for that parcel of land that was excluded from the original conveyance.

Correction: Specifically, the following should have been included: "Thence, North 80 degrees 33 minutes 36 seconds West, a distance of 80.00 feet to an iron pipe set for an inside corner of this description." (see corrected metes and bounds Exhibit A).

Basis for Personal Knowledge of Facts Relevant to the Correction: In attempting to plat the conveyed property, it was discovered that the referenced metes and bounds contained the error being corrected herein.

Person Executing Correction Instrument changes the Conveyance by this Correction

Instrument.

Person Executing Correction Instrument has personal knowledge of the Facts Relevant to the Correction.

I certify that I have given notice of this Correction Instrument to each party to the original instrument in accordance with provisions of section 5.028(d)(2) of the Texas Property Code.

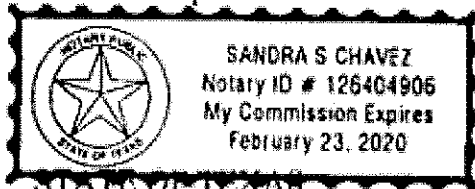
Maria E. Esparza
Maria E. Esparza

Abel Rodriguez
Abel Rodriguez

STATE OF TEXAS)

COUNTY OF HIDALGO)

This instrument was acknowledged before me on Nov 26, 2019, by Maria E. Esparza.



Raul D. Chavez
Notary Public, State of Texas
My commission expires: February 23, 2020

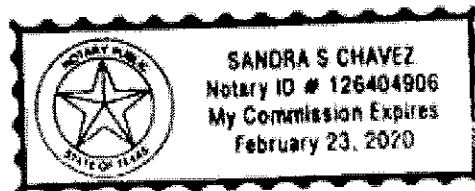
STATE OF TEXAS)

COUNTY OF HIDALGO)

This instrument was acknowledged before me on Nov 26, 2019, by Abel Rodriguez.

Raul D. Chavez
Notary Public, State of Texas
My commission expires: February 23, 2020

PREPARED IN THE OFFICE OF:
ZAMBRANO LAW FIRM
201 S. Shary Rd, Ste. 600
Mission, TX 78572
Tel: (956) 581-0440
Fax: (956) 598-5502



AFTER RECORDING RETURN TO:
Abel Rodriguez
724 Amarillo Dr.
Sullivan City, Texas 78595

Save and Except a 0.93 acre tract of land out above mentioned 5.00 acre tract more particularly described by metes and bounds as follows:

Beginning at the Northwest corner of said 5.00 acre tract, an iron pipe found for the Northwest corner of this description and also being the Northwest corner of said 5.00 acre tract;

Thence, South 80 degrees 27 minutes 00 seconds East, with and along the North line of said 5.00 acre tract a distance of 69.53 feet to an iron pipe for an inside corner hereof;

Thence, South 80 degrees 33 minutes 36 seconds East with and along the North line of said 5.00 acre tract, a distance of 94.47 feet to a pipe set for the northeast corner of this description;

Thence, South 9 degrees 33 minutes 00 seconds West, a distance of 159.47 feet to a pipe set for a corner hereof;

Thence, North 80 degrees 33 minutes 36 seconds West, a distance of 80.00 feet to an iron pipe set for an inside corner of this description;

Thence, South 9 degrees 33 minutes 00 seconds West, a distance of 50.00 feet to an iron pipe set for the Southeast corner of this description;

Thence, North 80 degrees 33 minutes 36 seconds West, 28.0 feet to an iron pipe for an inside corner hereof;

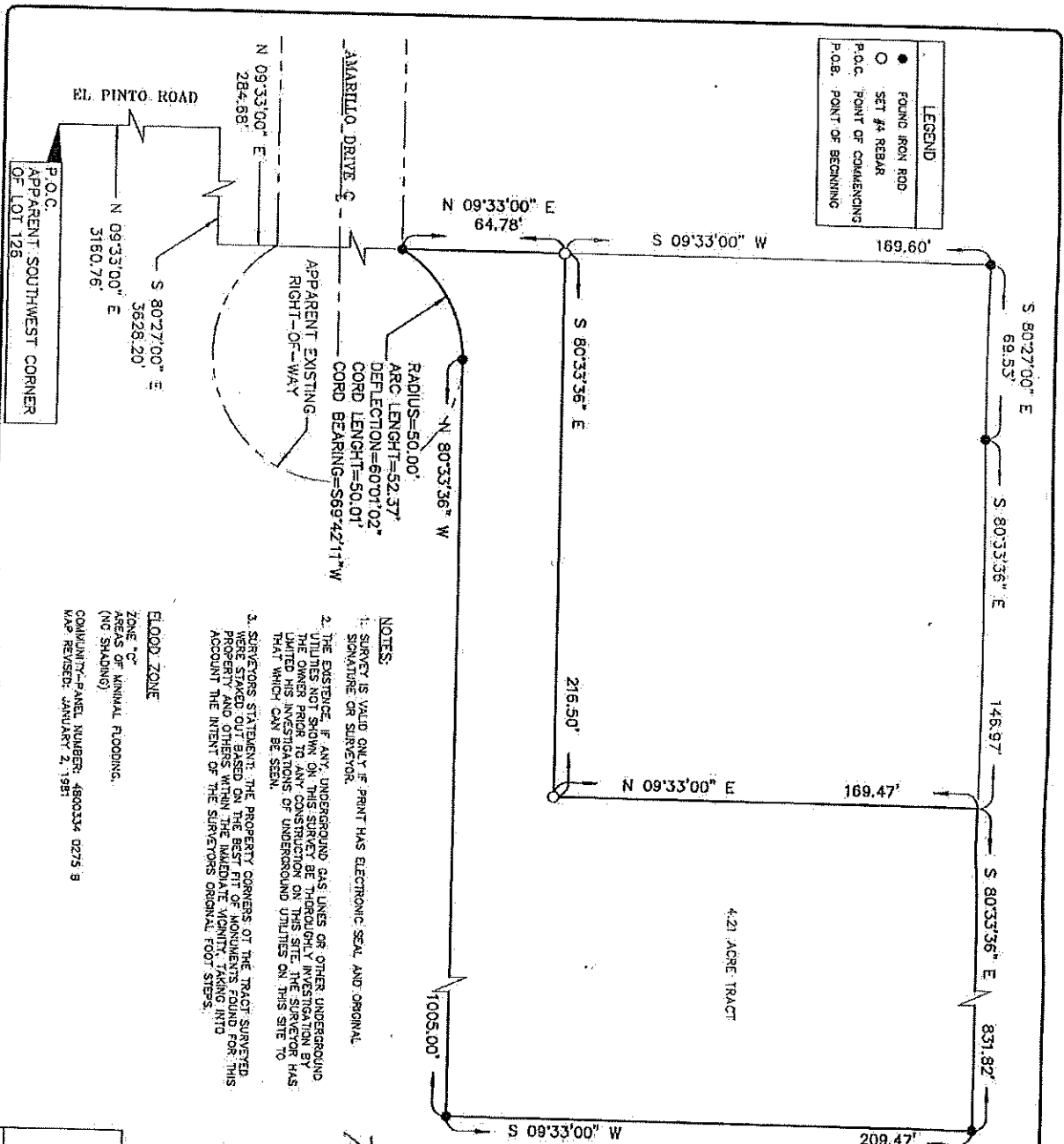
Thence, with a curve concave to the left having a radius of 50.0 feet, an arc length of 52.37 feet, and a central angle of 60 degrees 01 minutes 02 seconds an iron pipe found for the Southwest corner of this description;

Thence, North 9 degrees 33 minutes East a distance of 234.38 feet to the point of beginning of this description and containing 0.93 acres of land.



EXHIBIT B
METES AND BOUNDS

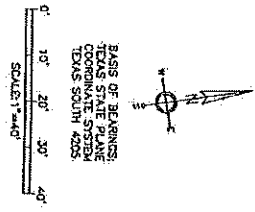
LEGEND	
●	FOUND IRON ROD
○	SET #4 REBAR
P.O.C.	POINT OF BEGINNING
P.O.B.	POINT OF BEGINNING



- NOTES:**
1. SURVEY IS VALID ONLY IF PRINT HAS ELECTRONIC SEAL AND ORIGINAL SIGNATURE OR SURVEYOR.
 2. THE EXISTENCE, IF ANY, OF UNDERGROUND GAS LINES OR OTHER UNDERGROUND UTILITIES NOT SHOWN ON THIS SURVEY BE THOROUGHLY INVESTIGATED BY THE OWNER PRIOR TO ANY CONSTRUCTION ON THIS SITE. THE SURVEYOR HAS LIMITED HIS INVESTIGATIONS OF UNDERGROUND UTILITIES ON THIS SITE TO THAT WHICH CAN BE SEEN.
 3. SURVEYOR'S STATEMENT: THE PROPERTY CORNERS OF THE TRACT SURVEYED WERE STAKED OUT BASED ON THE BEST AVAILABLE INFORMATION. ANY DISCREPANCY BETWEEN THE STAKES AND THE SURVEYOR'S ORIGINAL FIELD NOTES SHALL BE ACCOUNTED TO THE INTENT OF THE SURVEYOR'S ORIGINAL FIELD NOTES.

FLOOD ZONE
 ZONE "C"
 AREAS OF MINIMAL FLOODING.
 (NO SHADING)
 COMMUNITY PANEL NUMBER: 4890334 0275 9
 MAP REVISION: JANUARY 2, 1981

A 4.21-ACRE TRACT OF LAND OUT OF A 4.5 ACRE TRACT BEING OUT OF 32.69 ACRES OF LAND CUT OF SHARE 3, 1924, ON FEBRUARY 11, 1924, JURISDICTION OF REYNOLDS, NOW IN HIDALGO COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 6, PAGES 17 - 19, MAP RECORDS IN HIDALGO COUNTY, TEXAS.
 METES AND BOUNDS: SEE EXHIBIT "A"



SURVEY PLAT
 OF
 4.21 AC-TR

SURVEYORS CERTIFICATION

I, HOMERO LUIS GUTIERREZ, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, STATE THAT THIS PLAT REPRESENTS THE FACTS FOUND ON THE GROUND ON APRIL 14, 2020, AND THAT THERE ARE NO DISCREPANCIES, CONFLICTS OR SHORTAGES OVERLAPPING OR INTERFERING WITH ANY ENCROACHMENTS, OR EASEMENTS EXCEPT AS SHOWN ON THIS PLAT.

Homero Luis Gutierrez
 HOMERO LUIS GUTIERREZ, R.P.L.S. #2791
 DATE: 05/12/2020



HOMERO GUTIERREZ, P.E. R.P.L.S.

P.O. BOX 548
 MCALLEN, TEXAS 78505
 (956) 369-0988

DATE: 04-14-2020 JOB NO: HLC-04-20-014 DRAWN BY: DR

EXHIBIT "A" - METES AND BOUND
4.21-of an ACRE TRACT

A 4.21-Acre Tract of land out of a 5.00-Acre Tract, out of 32.69-Acre Tract of land of Share 3, Porcion 41, Ancient Jurisdiction of Reynosa, now in Hidalgo County Texas, according to the map or plat thereof of recorded in Volume 4, Pages 17 and 19, Map Records, Hidalgo County, Texas, (reference to which is here made for all purpose), and being located East of El Pinto Road at the East end of Amarillo Drive and on the North side adjoining the apparent existing 50-foot radius cul-de-sac right-of-way, is more particularly described by metes and bounds as follows:

The **POINT OF COMMENCEMENT (P.O.C.)** being at the apparent Southwest corner of Tract 126; Thence, N. 09° 33' 00" E., with the apparent West Lot line of said Tract 126, a distance of 3160.76 feet; Thence, S. 80° 27' 00" E., a distance of 3628.20 feet to the apparent Southwest corner of said 32.69-Acre Tract; Thence, N. 09° 33' 00" E., with the apparent West Lot line of said 32.69-Acre Tract, a distance of 284.68 feet to a No. 4 Rebar found for the Southwest corner of said Lot 0.21-of an Acre Tract and being the **POINT OF BEGINNING (P.O.B.)** of said 4.21-Acre Tract herein described;

THENCE, N. 09° 33' 00" E., with the apparent West Lot line of said 5.00-Acre Tract and the apparent westernmost West Lot line of said 4.21-Acre Tract, a distance of 64.78 feet to a set No. 4 Rebar (with plastic cap stamp 2791) for the southernmost Northwest corner of said 4.21-Acre Tract of land herein described;

THENCE, S. 80° 33' 36" E., with the southernmost North Lot line of said 4.21-Acre Tract, a distance of 216.50 feet to a set No. 4 Rebar (with plastic cap stamp 2791) for an inner corner of said 4.21-Acre Tract of land herein described;

THENCE, North 09 33' 00" East, with the easternmost West Lot line of said 4.21-Acre Tract, a distance of 169.47 feet to a one-half (1/2) inch diameter iron rod set for the northernmost Northwest corner of said 4.21-Acre Tract of land herein described;

THENCE, South 80 33' 36" East, with the apparent North Lot line of said 5.00-Acre Tract and the northernmost North Lot line of said 4.21-Acre Tract, a distance of 831.82 feet to a one-half (1/2) inch diameter iron pipe found for the apparent Northeast corner of said 5.00-Acre Tract and 4.21-Acre Tract of land herein described;

THENCE, South 09 33' 00" West, with the apparent East Lot line of said 5.00-Acre Tract and 4.21-Acre Tract, a distance 209.47 feet for the apparent Southeast corner of said 5.00-Acre Tract and 4.21-Acre Tract of land herein described;

THENCE, S. 80° 33' 36" W., with the apparent South Lot line of said 5.00-Acre Tract and 4.21-Acre Tract, a distance of 1,005.00 feet to a found No. 4 Rebar on the said existing North cul-de-sac right-of-way of said Amarillo Drive for the point of the beginning of a 50 feet radius curve to the left and on said South Lot line of 5.00-Acre Tract and 4.21-Acre Tract herein described;

THENCE, with said existing 50-foot cul-de-sac North right-of-way line and a curve curving to the left with a 50-foot radius onto a southwesterly direction having a deflection angle of 60° 01' 02" and with a cord 50.01 feet bearing S. 69° 42' 11" W. and for a curve length of 52.37 feet to a found No. 4 Rebar for the Southwest corner of said 4.21-Acre Tract herein described; also being the **POINT OF BEGINNING**, containing 4.21 acres of land, more or less.

Bearing basis as per the West Lot line of 5.00-Acre Tract, .00-Acre Tract, out of 32.69-Acre Tract of land of Share 3, Porcion 41, Ancient Jurisdiction of Reynosa, now in Hidalgo County Texas, according to the map or plat thereof of recorded in Volume 4, Pages 17 and 19, Map Records, Hidalgo County, Texas,.

THE ABOVE DESCRIPTION WAS SURVEYED ON THE GROUND UNDER MY DIRECTION ON APRIL 14, 2020. SEE ACCOMPANIED SURVEY PLAT OF 0.21 OF AN ACRE TRACT.

METES AND BOUNDS
4.21-Acre Tract
(continue)



Homero Luis Gutierrez

05/29/2020

Homero Luis Gutierrez – R.P.L.S. # 2791

Date