



**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

**Precinct No. 1 Substation**

1900 Joe Stephens Ave. Ste. A  
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: January 5th, 2021

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, Pamela S. Perez (Project Manager)

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:

Same as Applicant



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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:

*Maria T. Hernandez - North 1/2 Lot 22, The Nick Doffing Co. Subdivision No. 3, Hidalgo County, Texas according to the map or plat thereof recorded in Vol.6, Pg 10, Map Records, Hidalgo County, Texas*

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?

*Existing 8" Waterline along East side of N Minnesota Rd.*

11. Where is the destination of the line?

*46 ft from origin to West side of N Minnesota Rd. (Service Connection)*



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**PIPELINE AND UTILITY PERMIT APPLICATION PACKET**

12. Utility Crossing Coordinate X: 1026403.83 Y: 16626327.86  
(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" Waterline
14. Pressure (each line):  
+/- 50 PSI
15. Content (each line):  
Water
16. Estimated date of installation of Pipeline or Utility:  
Upon approval by County Commissioners Court



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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 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 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 Hidalgo County, and in the name of Hidalgo County, any claim or litigation brought against 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 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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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 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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18. This permit constitutes the entire agreement between the parties with regard to the subject matter hereof, and all prior agreements, representations, and negotiations between the parties regarding the subject matter are hereby superseded. This permit shall not be altered or amended except by an agreement in writing executed by the parties hereto.

19. Applicant warrants and represents that its undersigned representative has full authority to bind Applicant to the terms and conditions of the foregoing Application and Agreement for Pipeline or Utility Permit.

DATED this 6<sup>th</sup> day of January, 20 21.

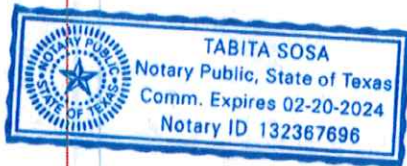
Emigdio Salinas, P.E.  
(Name of Applicant – Printed or Typed)

By:   
Signature

Title: District Engineer

STATE OF TEXAS  
COUNTY OF HIDALGO

SUBSCRIBED AND SWORN TO before me the Applicant,  
Emigdio Salinas, on this 06<sup>th</sup> day of January, 20 21,  
to which witness my hand and seal of office.



  
Notary Public for the State of Texas

My Commission Expires: 02/20/24



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**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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**EXHIBIT A**

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

**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.**

**SPECIAL WARRANTY DEED**

**Date:** January 10, 2012

**Grantor:** EIA PROPERTIES, LTD.

**Grantor's Mailing Address (including county):** P. O. Box 118  
Edinburg, Texas 78540-0118  
Hidalgo County, Texas

**Grantee:** BENITO HERNANDEZ and wife, MARIA T. HERNANDEZ

**Grantee's Mailing Address (including county):** 101 Resplendor  
Mission, Texas 78572  
Hidalgo County, Texas

**Consideration:** Ten and No/100ths Dollars (\$10.00) and other good and valuable consideration to the undersigned paid by the grantee herein named, the receipt of which is hereby acknowledged.

**Property (including any improvements):**

The North ½ of Lot Twenty-two (22), THE NICK DOFFING CO. SUBDIVISION NO. 3, Hidalgo County, Texas, according to the map or plat thereof recorded in Volume 6, Page 10, Map Records, Hidalgo County, Texas.

**Reservations from and Exceptions to Conveyance and Warranty:**

There is expressly Excepted from this deed and Reserved to Grantor, its successors and assigns all right, title and interests of the minerals and mineral estate owned by the Grantor herein, in on or under said land above described, including, but not limited to, all oil, gas, sulphur and all other hydrocarbon substances, whether liquid, gaseous or solid, all fissionable minerals and materials, including, but not limited to, uranium, thorium, vanadium, molybdenum, rhenium, and all coal, lignite and other minerals and ores, whether known or unknown, and irrespective of the depth at which same may be found, and further, without limitation by the foregoing enumeration, all other minerals and ores of every kind and character, whether similar or dissimilar. There is included in the foregoing exception and reservation all minerals which may be produced or recovered by wells, bores, shafts, tunnels, open pits, strip or surface mines, or by any other methods, even though such production may damage or destroy the surface estate, together with the rights of ingress and egress in, on, over and upon said property for the purpose of exploring, producing, mining, saving, storing, treating and marketing said minerals. It is further expressly agreed and understood, that out of the grant hereby made, there is excepted and reserved to the Grantor herein all its interest in and to all rights to underground high temperature waters and other

underground substances providing heat sources such as may now or hereafter be suitable for use in producing geothermal energy. Grantor agrees that any lease of the oil gas or other minerals herein retained shall expressly provide that the lessee thereof shall pay full and adequate compensation for all use by such lessee of the surface of the lease premises and for all damages caused by or resulting from the exploration for and production of such minerals. The provisions of the preceding sentence shall constitute covenants running with the minerals hereby retained, and shall be binding upon the heirs, successors and assigns of the parties hereto.

Mineral and/or royalty grant and/or reservation in instrument dated December 23, 1968, recorded in Volume 1220, Page 936, dated November 15, 1970, recorded in Volume 1271, Page 888, dated November 14, 1977, recorded in Volume 1553, Page 763, dated January 8, 1981, recorded in Volume 1728, Page 159, Deed Records, and dated December 1, 1986, recorded in Volume 2386, Page 913, and dated December 15, 1986, recorded in Volume 2390, Page 167, Official Records, Hidalgo County, Texas, and subsequent transfers thereof.

Mineral and/or royalty grant and/or reservation in instrument dated June 1, 2004, recorded under Clerk's File No. 1355496, Official Records, Hidalgo County, Texas, and subsequent transfers thereof.

Subject to any portion of the property described herein within the limits or boundaries of any public or private roadway and/or highway and the rights of the public thereto.

Subject to any portion of subject property described herein lying within canal right of way.

Easements, rules, regulations and rights in favor of Hidalgo County Irrigation District No. 6.

Easements and reservations as may appear upon the recorded map and dedication of said subdivision.

Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the title that would be disclosed by an accurate and complete land survey of the land.

Rights of tenants in possession, as tenants only, under unrecorded leases and rental agreements.

Taxes for the year 2012 and subsequent years.

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 when the claim is by, through, or under Grantor but not otherwise, except as to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty.

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

EIA PROPERTIES, LTD.

BY: EIA MANAGEMENT, LLC, its General Partner

BY: Cullen R. Looney  
CULLEN R. LOONEY, President

(Acknowledgment)

STATE OF TEXAS  
COUNTY OF HIDALGO

This instrument was acknowledged before me on the 10th of January, 2012, by CULLEN R. LOONEY, PRESIDENT of EIA MANAGEMENT, LLC, a Texas Limited Liability Company, as General Partner, on behalf of EIA PROPERTIES, LTD., a Texas limited Partnership.



Sylvia Garcia  
Notary Public, State of Texas

AFTER RECORDING RETURN TO:  
BENITO HERNANDEZ and wife, MARIA HERNANDEZ  
101 Resplendor  
Mission, Texas 78572

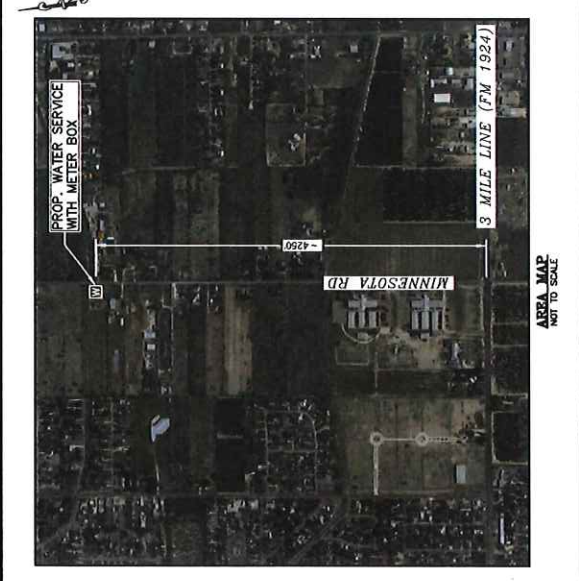
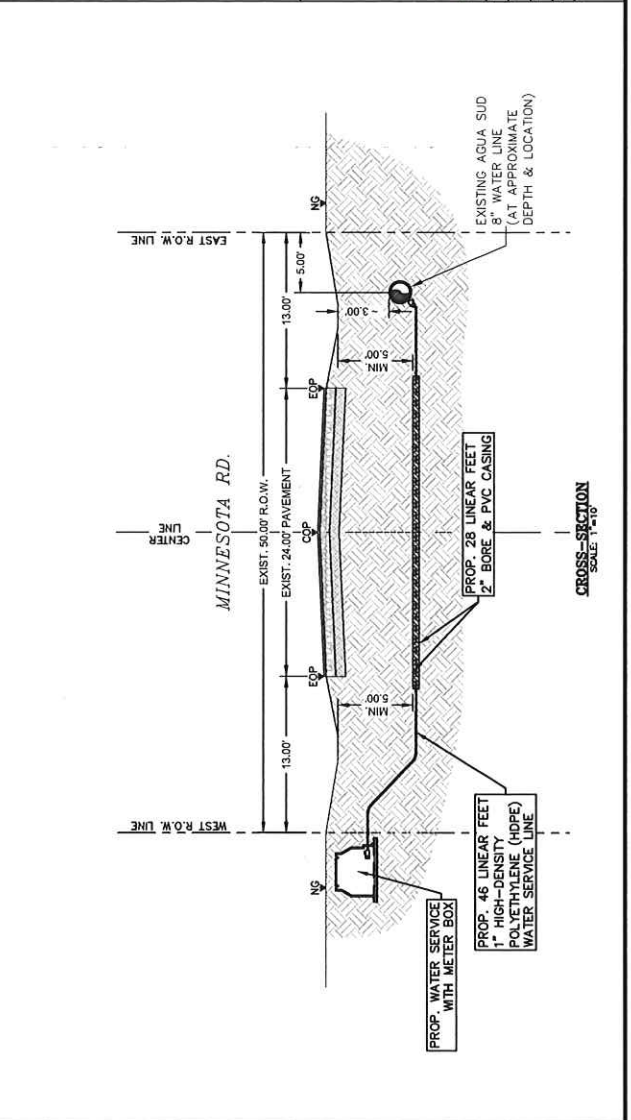
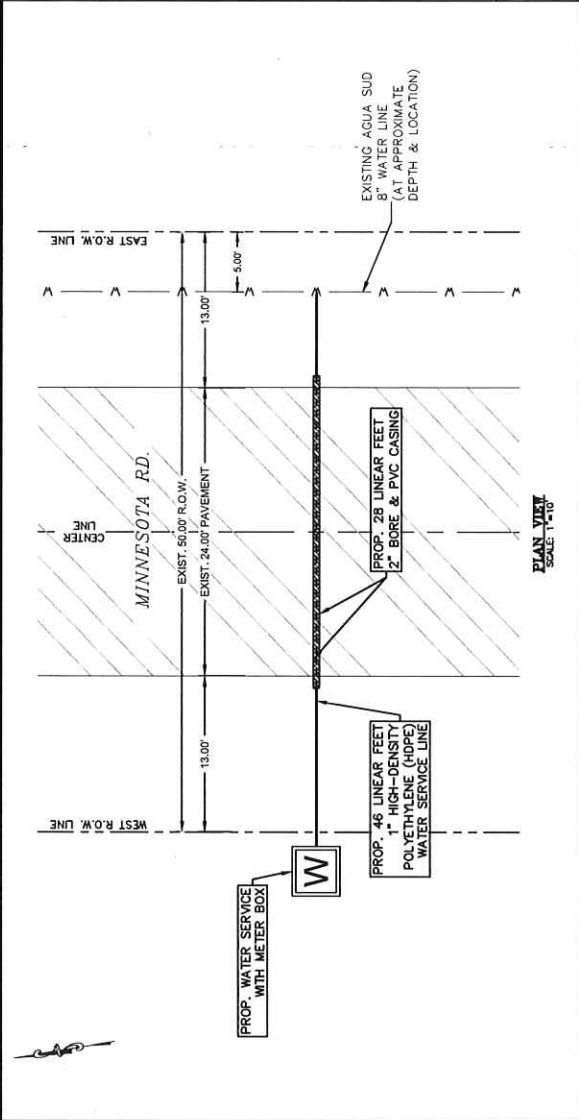
PREPARED BY:  
Lewis, Monroe & Peña  
Attorneys At Law  
3111 W. Freddy Gonzalez Drive  
Edinburg, Texas 78539  
GF#: 774285; MB:lc

Emigdio "Mito" Salinas, P.E.  
 PO BOX 5069  
 MCALLEN TX 78502  
 956.227.5327  
 mito@m2-engineers.com  
 FIRM REGISTRATION # F-19545



AGUA SPECIAL UTILITY DISTRICT  
 LOT 22 NICK DUFFING NO. 3 SUBDIVISION  
 HIDALGO COUNTY, TEXAS  
 WATER SERVICE EXHIBIT

SCALE: 1" = 10'  
 DRAWN BY: DANIEL IZAGUIRRE  
 CHECKED BY: MIGUEL SALINAS  
 DATE: 04/20/24  
 SHEET: EXHIBIT "A"



**Know what's below.  
Call before you dig.**  
(@ least 48 hours prior to digging)

**LEGEND**

- NS --- UNK. GROUND
- EDP --- EDGE OF PAVEMENT
- COP --- CENTER OF PAVEMENT
- PROP. --- PROPOSE
- EXIST. --- EXISTING
- R.O.W. --- RIGHT-OF-WAY
- MIN. --- MINIMUM

**GENERAL NOTES:**

1. THE LOCATION OF UNDERGROUND UTILITIES SHOWN ON THESE PLANS ARE BASED ON OBSERVATION OF ABOVE GROUND STRUCTURES, LINES SPOTTED BY THE OWNER, AND UTILITY RECORDS. ADDITIONAL BURIED UTILITIES MAY BE ENCOUNTERED UPON EXCAVATION.
2. BEFORE BEGINNING CONSTRUCTION, THE CONTRACTOR SHALL CALL FOR UTILITY SPOTTING BY THE APPROPRIATE AGENCY AND VERIFY THE LOCATION OF THESE UTILITIES TO HIS SATISFACTION. (1-800-DIG-1EES)
3. ANY DAMAGE CAUSED TO EXISTING STRUCTURES AND/OR UTILITIES BY THE CONTRACTOR SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO CORRECT AT HIS EXPENSE.
4. ANY DAMAGE TO PROPERTY OUTSIDE THE CONSTRUCTION ZONE, CAUSED BY THE CONTRACTOR, SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO CORRECT AT HIS EXPENSE.

Firm Registration # F-19545  
 M2 Engineering, PLLC  
 956.227.5327  
 MCALEEN TX 78502  
 PO BOX 5069  
 Emigdio "Mito" Salinas, P.E.



TRAFFIC CONTROL PLAN (TCP)

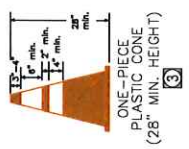
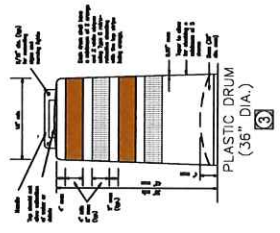
AGUA SPECIAL UTILITY DISTRICT  
 LOT 22 NICK DOFFING NO. 3 SUBDIVISION  
 HIDALGO COUNTY, TEXAS



SCALE: NOT TO SCALE  
 DRAWN BY: DANIEL IZAGUIRRE  
 CHECKED BY: EMIGDIO SALINAS  
 DATE: 01/11/2024  
 PROJECT: EXHIBIT "B"



LEGEND	
②	SIGN NUMBER
I	BARRICADE
⊥	SIGN W/POST
●	PLASTIC DRUM OR CONE
⊕	FLAGGER
↑	TRAFFIC FLOW
▨	WORK AREA



G20-2A  
 (48" x 24")  
 ②



CV20-1D  
 (48" x 48")  
 ①

**GENERAL NOTES:**  
 1. ALL SIGNS, PLASTIC DRUMS, AND BARRICADES SHALL BE IN ACCORDANCE WITH THE TEXAS MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (TMUCD) 2014.  
 2. REFER TO TxDOT "BARRICADE AND CONSTRUCTION CHANNELIZING DEVICES STANDARD PLANS" AND TO "TRAFFIC CONTROL PLAN STANDARD PLANS" FOR ADDITIONAL REQUIREMENTS AND SPECIFICATIONS.

