

FILED  
AT 10:30 O'CLOCK AM

OCT 16 2015

ARTURO GUARDADO, JR., COUNTY CLERK  
HIDALGO COUNTY TEXAS  
DEPUTY

ORDER ACCEPTING ROAD INTO HIDALGO COUNTY ROAD SYSTEM UPON  
FINDING OF PRESCRIPTIVE RIGHT BASED ON PUBLIC USE

STATE OF TEXAS §

COUNTY OF HIDALGO §

WHEREAS, there is located in Hidalgo County Precinct No. 4, a street or road known as Ted Garza Road (the "Road") which street or road is approximately 7520 feet in length,

WHEREAS, the Commissioners Court of Hidalgo County makes the following findings with respect to the Road based on the Affidavits and the Petition attached hereto:

- a) That the Commissioners Court has received a petition signed by residents of Hidalgo County for acceptance of the Road into the Hidalgo County Road System upon finding of prescriptive right based on public use, a copy of such Petition attached hereto as Exhibit A.
- b) That the Road has been openly used by the general traveling public for a continuous and uninterrupted period commencing at least ten years prior to the date of this Order as evidenced by affidavits of persons, a copy of such affidavits attached hereto as Exhibit B.
- c) That such use by the general traveling public during such time has been under a claim of right which is adverse to the owner and not by mere permission, and the owner has acquiesced or failed to limit such use;
- d) That such use by the general traveling public of the Road has established a defined way which has not been substantially changed during the ten previous years, which defined way is considered a public street or road by the general traveling public,
- e) That the Road connects to a street or road currently incorporated within the Hidalgo County Road system; and
- f) A Judgment in Cause No. B-15811 in the 93<sup>rd</sup> District Court in and for Hidalgo County, Texas styled Romulo Garza, et ux v. Pablo Garza Zamora, et al declaring the Road a public road, a copy of such judgment attached hereto as Exhibit C.

WHEREAS, THE COURT FURTHER FINDS that the Road has become a public way by virtue of such use;

NOW, THEREFORE, BE IT ORDERED, ADJUDGED AND DECREED based on the heretofore findings by the Commissioners Court of Hidalgo County, Texas, that the Road known as Ted Garza Road be occupied, used, and hereafter maintained by Hidalgo County, Texas as a public street or road, that the established road line of the Road as heretofore defined by public use be and it is hereby adopted as the legal road line; and that Precinct 4 of Hidalgo County, Texas, be and is hereby directed to place the Road upon the Official Road Map of Hidalgo County, Texas which Official Road Map is hereby amended to include the Road.

On motion of Commissioner A.C. Cuellar, seconded by Commissioner Eddie Cantu.

READ, PASSED, APPROVED, AND ORDERED this the 13<sup>th</sup> day of October, 2015.

Hidalgo County, Texas

By: Ramon Garcia  
Ramon Garcia, County Judge

ATTEST

Arturo Guajardo Jr.  
Arturo Guajardo Jr. County Clerk

APPROVED BY  
COMMISSIONERS' COURT  
ON: 10/13/15

PETITION FOR ACCEPTANCE OF ROAD INTO HIDALGO COUNTY ROAD SYSTEM  
UPON FINDING OF PRESCRIPTIVE RIGHT BASED ON PUBLIC USE

The undersigned individual with knowledge of the streets and roads in Hidalgo County, Texas, Precinct 4, hereby requests the acceptance for maintenance as a county road by Hidalgo County, Texas, a portion of the public street or road in generally known as Ted Garza Road with a distance of 7,520 linear feet. (the "Road").

The undersigned Petitioner hereby represents and acknowledges:

- a) That Petitioner has personal knowledge that the Road has been openly used by the general traveling public for a continuous and uninterrupted period commencing at least ten years prior to the date of this Petition, and that Petitioner has personally used and traveled the Road for all or a portion of such period;
- b) That Petitioner claims the right to travel the Road and does not do so through consent of the owner of the Road, and further than Petitioner has never sought or received the consent or permission of the owner of the Road to travel the Road, and that Petitioner would continue to travel the Road even should the owner attempt to prohibit traffic;
- c) That a defined way of travel has been established along the route of the Road as described above, which way of travel has been established by the general traveling public and which defined way is considered by Petitioner to be a public street or road by virtue of such use; and
- d) That the Road connects to a street or road currently incorporated within the Hidalgo County Road System.

Petitioner further represents that:

(check any applicable provision)

1. The U.S. Postal Service utilizes the Road for mail delivery.
2. School bus traffic utilizes the Road.
3. Emergency fire, ambulance, or law enforcement traffic utilizes the Road.



- 4. Individuals other than property owners or residents regularly travel along the Road.
- 5. The Road has been previously maintained by Hidalgo County, Texas for at least ten (10) years.

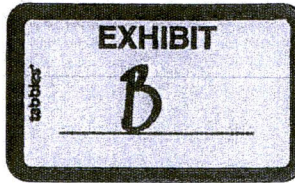
Petitioner acknowledges that acceptance of the Road described above is not required as a matter of law, but is a discretionary act.

Petitioner further acknowledges that Hidalgo County, Texas, neither promises nor represents that it will reconstruct or improve the Road to a standard greater than the condition of the Road at the time of acceptance.

Petitioner: <u>Sofia E. Ramirez</u>	Petitioner: <u>Lucinda S. Cavazos</u>
Printed Name: <u>Sofia E. Ramirez</u>	Printed Name: <u>Lucinda S. Cavazos</u>
Address: <u>2019 Sam Houston Circle</u>	Address: <u>512 W. Vine Ave</u>
<u>Carrollton, TX 75006</u>	<u>McAllen, TX 78501</u>

Telephone No. <u>956-279-3934</u>	Telephone No. <u>956-330-8608</u>
Petitioner: <u>Maria L. Ramirez</u>	Petitioner: <u>Kays K... ..</u>
Printed Name: <u>MARIA L. RAMIREZ</u>	Printed Name: <u>Kays K... ..</u>
Address: <u>2019 SAM HOUSTON CIR</u>	Address: <u>P.O. Box 319</u>
<u>CARROLLTON, TX 75006</u>	<u>LEWIS, TX 78563</u>

Telephone No. <u>972-786-3102</u>	Telephone No. <u>954/369-0048</u>
Petitioner: <u>David A. Garza</u>	Petitioner: _____
Printed Name: <u>David A. Garza</u>	Printed Name: _____
Address: <u>2911 Beanna St.</u>	Address: _____
<u>Austin, TX 78705</u>	_____



September 3, 2015

To Whom It May Concern:

I, Sofia E. Ramirez, own a significant amount of property in the northern portion of Hidalgo County adjacent to a caliche road known as Ted Garza Road. This road is the only way I am able to access my property. It is to my knowledge that Hidalgo County Precinct 4 maintenance crews have been maintaining Ted Garza Road for over 20 plus years and still continue to maintain it today.

Respectfully,

Sofia E. Ramirez  
(Printed Name)

STATE OF TEXAS

COUNTY OF Dallas

This instrument was acknowledged before me on September 3 2015 (date) by Sofia E. Ramirez (name of person or persons acknowledging).

R. Nicole Morgan  
Notary Public

Printed Name:

R. Nicole Morgan

My Commission Expires:

5/11/2019



September 3, 2015

To Whom It May Concern:

I, MARIA L. RAMIREZ, own a significant amount of property in the northern portion of Hidalgo County adjacent to a caliche road known as Ted Garza Road. This road is the only way I am able to access my property. It is to my knowledge that Hidalgo County Precinct 4 maintenance crews have been maintaining Ted Garza Road for over 20 plus years and still continue to maintain it today.

Respectfully,

Maria L. Ramirez  
(Printed Name)

STATE OF TEXAS

COUNTY OF Dallas

This instrument was acknowledged before me on September 3 2015 (date) by MARIA L. RAMIREZ (name of person or persons acknowledging).

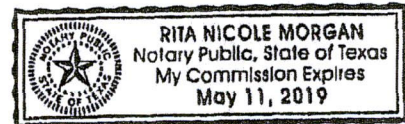
R. Nicole Morgan  
Notary Public

Printed Name:

R. Nicole Morgan

My Commission Expires:

5/11/2019



August 26, 2015

To Whom It May Concern:

I, Arturo Garza, a former Road and Bridge department Heavy Equipment Operator II with Hidalgo County Precinct 4, attest to the maintenance the precinct has been providing to a caliche road situated in the northern portion of Hidalgo County Precinct 4 known as Ted Garza Road for over 25 years. I was employed with Hidalgo County Precinct 4 from April 3, 1985 through December 31, 2014. The length of the County maintained portion of Ted Garza Road is approximately 1.43 miles due north from the north right of way line of Chapa Road up to the first cattle guard on said road.

Respectfully,

8 28 .15



Arturo Garza  
Former Motor Grader O  
Hidalgo County Precinct 4

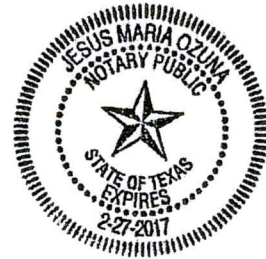
STATE OF TEXAS

COUNTY OF Hidalgo

This instrument was acknowledged before me on August 28 2015 (date) by Arturo Garza (name of person or persons acknowledging).

  
Notary Public

Printed Name: Jesus Maria Ozuna  
My Commission Expires: 2-27-17

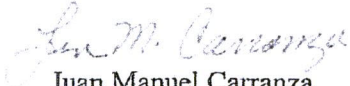


August 26, 2015

To Whom It May Concern:

I, Juan Manuel Carranza, a current Road and Bridge department director with Hidalgo County Precinct 4, attest to the maintenance the precinct has been providing to a caliche road situated in the northern portion of Hidalgo County Precinct 4 known as Ted Garza Road for over 25 years. I have been employed with Hidalgo County Precinct 4 since June 22, 1983. Hidalgo County Precinct 4 maintenance crews continue to maintain this road today. The length of the County maintained portion of Ted Garza Road is approximately 1.43 miles due north from the north right of way line of Chapa Road.

Respectfully,



Juan Manuel Carranza  
Assistant Field Operations Director  
Hidalgo County Precinct 4

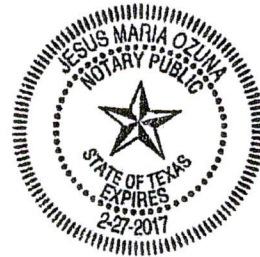
STATE OF TEXAS

COUNTY OF Hidalgo

This instrument was acknowledged before me on August 31 2015 (date) by  
Juan M Carranza (name of person or persons acknowledging).

  
Notary Public

Printed Name: Juan Manuel Carranza  
My Commission Expires: 2-27-17



September 18, 2015

To Whom It May Concern:

I, David A. Garza, own a significant amount of property in the northern portion of Hidalgo County adjacent to a caliche road known as Ted Garza Road. This road is the only way I am able to access my property. It is to my knowledge that Hidalgo County Precinct 4 maintenance crews have been maintaining Ted Garza Road for over 20 plus years and still continue to maintain it today.

Respectfully,

David A. Garza  
(Printed Name)

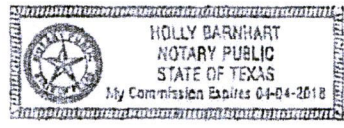
STATE OF TEXAS

COUNTY OF Gonzales

This instrument was acknowledged before me on September 18 2015 (date) by Holly Barnhart (name of person or persons acknowledging).

Holly Barnhart  
Notary Public

Printed Name: Holly Barnhart  
My Commission Expires: 4-4-2018



September 17, 2015

To Whom It May Concern:

I, Kris Kallina, lease the hunting rights to La Nopalosa Ranch in northern Hidalgo County. I have had this lease since 1999. To access this property, I use a caliche road known as Ted Garza Road. It is to my knowledge that Hidalgo County Precinct 4 maintenance crews have been maintaining the road since and before I've been leasing the property.

Respectfully,

Kris Kallina

Kris Kallina  
(Printed Name)

STATE OF TEXAS

COUNTY OF Willacy

This instrument was acknowledged before me on September 17, 2015 (date) by Kris Kallina (name of person or persons acknowledging).

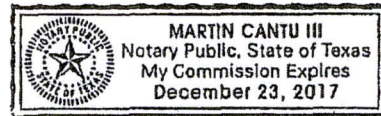
Martin Cantu III  
Notary Public

Printed Name:

Martin Cantu III

My Commission Expires:

Dec, 23 2017



September 03, 2015

To Whom It May Concern:

I, Lucinda S. Cavazos own a significant amount of property in the northern portion of Hidalgo County adjacent to a caliche road known as Ted Garza Road. This road is the only way I am able to access my property. It is to my knowledge that Hidalgo County Precinct 4 maintenance crews have been maintaining Ted Garza Road for over 20 plus years and still continue to maintain it today.

Respectfully,

Lucinda S. Cavazos  
(Printed Name)

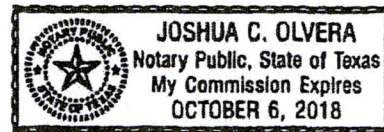
STATE OF TEXAS

COUNTY OF Hidalgo

This instrument was acknowledged before me on September 3 2015 (date) by Lucinda S. Cavazos (name of person or persons acknowledging).

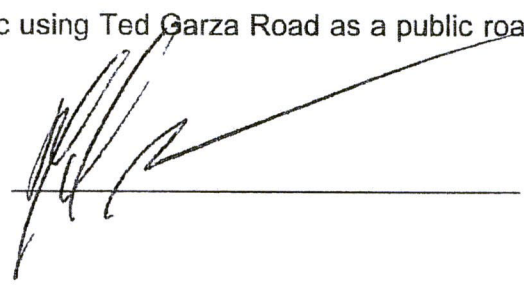
[Signature]  
Notary Public

Printed Name: Joshua Olvera  
My Commission Expires: October 6, 2018



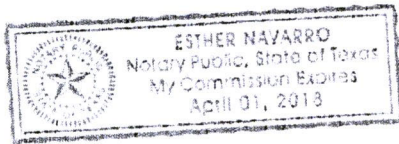
To Whom It May Concern:

I Rafael Guerra am familiar with a caliche road located in Hidalgo County, Texas known as Ted Garza Road. To my knowledge Ted Garza Road is considered by the public a public road and I have seen the public using Ted Garza Road as a public road in excess of ten years.



STATE OF TEXAS  
COUNTY OF HIDALGO

This instrument was acknowledged before me on October 1, 2015 by Rafael Guerra (name of person or persons acknowledging).

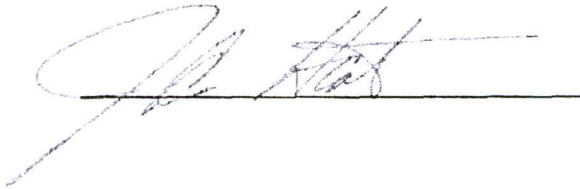


  
Notary Public of State of Texas

Printed Name:  
My Commission Expires: 4/1/2018

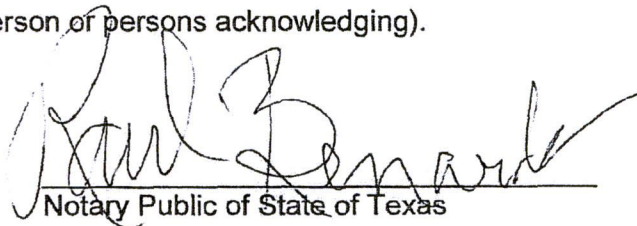
To Whom It May Concern:

I John C. Hart am familiar with a caliche road located in Hidalgo County, Texas known as Ted Garza Road. To my knowledge Ted Garza Road is considered by the public a public road and I have seen the public using Ted Garza Road as a public road in excess of ten years.



STATE OF TEXAS  
COUNTY OF HIDALGO

This instrument was acknowledged before me on Oct. 1, 2015 by \_\_\_\_\_ (name of person or persons acknowledging).

  
Notary Public of State of Texas

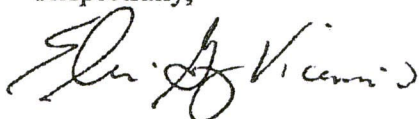
Printed Name:  
My Commission Expires: 4-26-16

September 28, 2015

To Whom It May Concern:

I, Elia Garza Vicencio, was employed by ECISD as a bus driver from Aug 1981 to May 2012. I am familiar with the Ted Garza Road in northern Hidalgo County and can verify that it was used by ECISD busses during my tenure.

Respectfully,

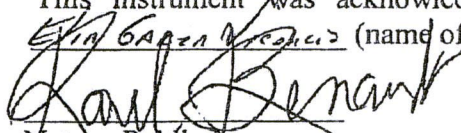


Elia Garza Vicencio  
(Printed Name)

STATE OF TEXAS

COUNTY OF Hidalgo

This instrument was acknowledged before me on Sep. 28 2015 (date) by Elia Garza Vicencio (name of person or persons acknowledging).

  
Notary Public

Printed Name:

My Commission Expires:

Raul Benavides  
4-26-16





NO. B-15611

ROMULO GARZA, ET UX	∅	IN THE 93RD DISTRICT COURT
VS	∅	IN AND FOR
PABLO GARZA ZANCORA, ET AL	∅	HIDALGO COUNTY, TEXAS

BE IT REMEMBERED, that on this the 2nd day of April, A. D. 1947, came on for hearing the above entitled and numbered cause; came the parties by their attorneys and announced to the Court that all parties to this suit had settled their differences, both on the plaintiffs' original suit, and as to the defendants' cross-action, and the parties desire that the Court, enter an agreed judgment.

It is therefore ORDERED, ADJUDGED, and DECREED by the court that the following judgment be, and the same is hereby entered as the agreed judgment between the parties.


There shall be set apart, and is hereby set apart for the public use, a Roadway 30 feet wide along the East side of Tracts 1, 2A, and 2B, beginning at the San Manuel Road, according to a map of Tract 30, recorded in Volume R, page 394, Probate Minutes of Hidalgo County, Texas. There is also set apart, a Roadway for the use of the public, a 30 foot strip along the East side of Tracts 2 and 3A of said map. The defendants have the right, at their option, to place a stock gap across said Roadway on the South side of Tract No. 2, to be placed on Tract 2B at such point as the defendants may think most convenient. The defendants have the right to place a fence along the West side of such 30 foot Roadway beginning at the South line of Tract 3, and connecting with the South line of Tract 2B. This 30 foot Roadway is hereby designated and set apart for the use of all parties to this suit, as well as the public, SAVE AND EXCEPT that the defendants have the right to place a Stock gap or Cattle Guard somewhere on Tract 2B, across said strip, so that cattle coming from a pasture north from Tract 3A can come down the land on the East sides of Tracts 2 and 3A, and go upon 2B.

The plaintiffs are to have an easement across Tracts 3 and 4, and all other lands north of there, belonging to the defendants, to lands north of Tract 4, owned by plaintiffs, for the purpose of going back and forth and hauling farm equipment back and forth between their home on Tract 3, and lands which the own North of Tract 4.

There is to be maintained close to the West side of Tract 2, on the line between Tracts 2 and 2B, a gate so that the children of either party desiring to catch a School Bus across the line from their homes can cross the line to whatever point necessary to catch the School Bus. This Gateway may also be used by any person delivering gasoline or oil or both, to either plaintiffs or defendants in passing from one tract to another, in order to avoid unnecessary travel by the truck delivering gasoline or oil to any of the parties. This gate is to be kept closed, but is never to be locked by either party.


The defendants are to erect a substantial gate out of wood or iron on the West side of the 30 foot strip on the Southeastern corner of Tract 2, so that plaintiffs will have an opening from the fence on the West side of the 30 foot lane to drive to their home. The plaintiffs may, if they desire, install a Cattle Guard at such point, but at their own expense. If such Cattle Guard is established, it will be built and maintained in such manner that defendants' stock or any of the stock cannot cross same. Plaintiffs may place a gate or Cattle Guard at any place they desire on the East side of Tracts 2 or 3A to enter the 30 foot Roadway mentioned.

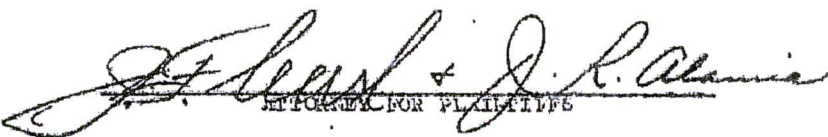
The costs of this suit are to be paid one-half by plaintiffs, and one-half by defendants. Execution or Writ of Possession and all other process necessary to carry out this judgment may be issued at the instance of any party.

  
PRESIDING JUDGE

APPROVE:

OXFORD & RAMBOUR

By:   
Roger A. Oxford,  
Attorneys for Defendants and Cross-plaintiffs

  
ATTORNEYS FOR PLAINTIFFS

**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.**

**RATIFICATION OF EASEMENT**

THE STATE OF TEXAS

COUNTY OF HIDALGO

This Ratification of Easement is made as of the 1st day of April, 2013, by Teodoro R. Garza (herein referred to as the "Owner"), whose address is P.O. Box 51, Linn, Texas 78563.

**RECITALS**

WHEREAS, the Owner owns record title to a 57 acre tract of land described as:

A tract of land containing 57.0 acres out of Shares 2 and 3A of the Partition of Tract No. 60 of the San Salvador del Tule Grant, Cause No. 192, Probate Court, Hidalgo County, Texas, and being more particularly described as follows:

Beginning at the Northeast corner of Share 3A;  
Thence, South 9° 30' West with and along the East line of Share 3A and Share 2, a distance of 2169.3 feet;  
Thence, North 80° 12' West 1144.6 feet;  
Thence, North 9° 30' East 2169.3 feet to a point in the North line of Share 3A;  
Thence, 80° 12' East with and along the North line of Share 3A, a distance of 1144.6 feet to the place of Beginning, the tract containing 57.0 acres, more or less (the "57 Acre Tract"); and

WHEREAS, an agreed Judgment was signed on or about April 2, 1947, in Cause No. B-15611, in the 93<sup>rd</sup> District Court of Hidalgo County, Texas, whereby the parties thereto (Romulo Garza, et ux, and Pablo Garza Zamora, et al.) approved the creation of an easement on the East 30 feet of certain property described therein; and

WHEREAS, a copy of said agreed Judgment is attached hereto as Exhibit A; and

WHEREAS, the agreed Judgment refers to a map recorded in the Probate Minutes of Hidalgo County, Texas, and that a review of the specified Probate Minutes does not reveal the existence of such a map; and

WHEREAS, the Owner now wishes to ratify and confirm that the 57 Acre Tract is included within the description of lands subject to the easement created by the agreed Judgment.

NOW, THEREFORE, the Owner hereby ratifies and confirms that the 57 Acre Tract is a part of property described in the agreed Judgment as being lands owned by Plaintiff Romulo Garza, et ux, and as being subject to the easement on the East 30 feet of Tracts 1, 2A, and 2B as identified and described in said agreed Judgment.

This Ratification is executed, delivered and recorded for the purpose of confirming the rights of the specified landowners to the North of the 57 Acre Tract to have use of the East 30 feet of the said 57 Acre Tract for the full purposes and extent provided in the agreed Judgment.

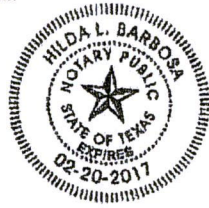
Executed and effective as of the date set out above.

*Teodoro R. Garza*  
TEODORO R. GARZA

STATE OF TEXAS                    §  
COUNTY OF HIDALGO           §

Acknowledgment

This instrument was acknowledged before me on the 3<sup>rd</sup> day of April, 2013, by Teodoro R. Garza.



*Hilda L. Barbosa*  
NOTARY PUBLIC, STATE OF TEXAS