

General Office

(956) 565-2411  
(956) 565-0521 Fax

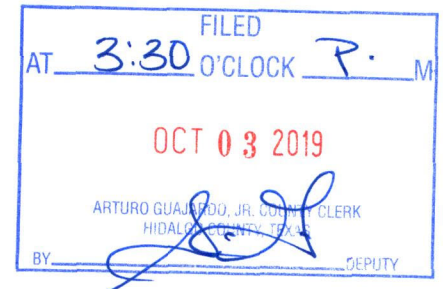
E-Mail  
hccid9general@hccid9.org



P O Box 237 Mercedes, Texas 78570

RANDALL WINSTON P.E.  
General Manager

JUDY BEALL  
Tax Assessor-Collector



Hidalgo County  
Attn: Richard F. Cortez, County Judge  
100 E. Cano  
Second Floor  
Edinburg, TX 78539

RE: Mile 6 W Roadway Project (ROW CSJ: 0921-02-356) Parcels 14 and 21 (the "Parcels"); Hidalgo & Cameron Counties Irrigation District No. 9

Dear Judge Cortez :

The purpose of this letter is to set forth the terms of an agreement between Hidalgo County (the "County") and Hidalgo and Cameron Counties Irrigation District No. 9 (the "District") relating to above referenced roadway project (the "Project").

The District acknowledges that part of the Project is the replacement of the District's existing irrigation siphons that run under Westgate/Mile 6 West (the "Existing Siphons") with new District pre-approved pipelines in the location shown on the plans for the Project (the "New Pipelines").

The County and the District agree that the Existing Siphons shall remain in service until such time as the New Pipelines are installed and operational, at which point (i) the District shall be deemed to have abandoned its rights to the Existing Siphons and (ii) the County shall have no further obligations or responsibilities with respect to the Existing Siphons. The County further agrees that the construction of the Project shall not result in the District being unable to move water from one side of Mile 6 West to the other through either the Existing Siphons or the New Pipelines except for a period of no less than twenty-four (24) hours at the point in time where the New Pipelines are being put into service, and then only on a date mutually agreeable to the County and the District.

To indicate the County's agreement to these terms, please execute as indicated below.

HIDALGO & CAMERON COUNTIES  
IRRIGATION DISTRICT NO. 9

By: \_\_\_\_\_

ACCEPTED:

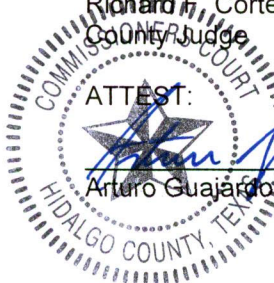
COUNTY OF HIDALGO

Richard F. Cortez  
County Judge

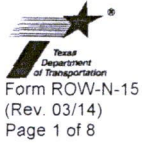
ATTEST:

Arturo Guajardo, Jr. County Clerk

APPROVED BY  
COMMISSIONERS' COURT  
ON: 8/13/19



**Notice of Confidentiality Rights: If you are a natural person, you may remove or strike any of the following information from this instrument before it is filed for record in the public records: your Social Security Number or your Driver's License Number.**



**RIGHT OF WAY EASEMENT**

**STATE OF TEXAS**

§

**ROW CSJ: 0921-02-356**

§

**COUNTY OF HIDALGO**

§

**WHEREAS,** Hidalgo County has been authorized under the Texas Transportation Code Chapters 203 and 224 to purchase land and such other property rights (including requesting that counties and municipalities acquire highway right of way) deemed necessary and convenient to a state highway or toll project to be constructed, reconstructed, maintained, widened, straightened, or extended, or to accomplish any other purpose related to the location, construction, improvement, maintenance, beautification, preservation, or operation of a state highway or toll project, and including the acquisition of such other property rights deemed necessary for the purposes of operating a designated state highway or toll project, with control of access as necessary to facilitate the flow of traffic and promote the public safety and welfare on both non-controlled access facilities, as well as facilitating the construction, maintenance and operation of designated controlled access highways and toll projects;

**NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:**

That, **HIDALGO AND CAMERON COUNTIES IRRIGATION DISTRICT No.9** of the County of HIDALGO, State of Texas, hereinafter referred to as Grantors, whether one or more, for and in consideration of the sum of Seven thousand nine hundred forty-nine and no/100 Dollars (**\$7,949.00**) to Grantors in hand paid by Hidalgo County, acting by and through Hidalgo County Commissioner's Court, receipt of which is hereby acknowledged, and for which no lien is retained, either expressed or implied, have this day Sold and by these presents do Grant, Bargain, Sell and Convey unto the Hidalgo County an easement for highway purposes of laying out, opening, constructing, operating, maintaining and reconstructing a highway facility or toll project highway facility thereon, together with necessary incidentals and appurtenances thereto, in, along, upon and across the tract or parcel of land in HIDALGO County, Texas, more particularly described in Exhibit "A," which is attached hereto and incorporated herein for any and all purposes.

And for the same consideration described above and upon the same conditions, the Grantors have this day granted and conveyed and by these presents do grant and convey unto the Hidalgo County any and all improvements presently existing upon the property described in said Exhibit "A;" SAVE and EXCEPT, HOWEVER, it is expressly understood and agreed that Grantors are retaining title to any and all underground irrigation facilities.

Grantors have no obligation to remove any improvements from said land.

It is hereby understood and by the acceptance of this instrument it is recognized that Grantors retain title to all of the oil, gas and sulphur and other mineral interests in and under said land, but waive any and all



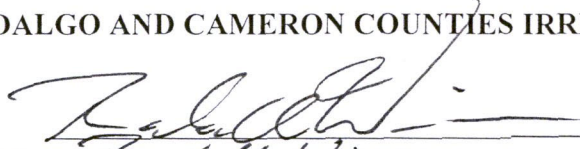
rights of ingress and egress to the surface thereof for the purpose of exploring, developing, mining or drilling for same; provided, however, that operations for exploration or recovery of any such minerals shall be permissible so long as all surface operations in connection therewith are located at a point outside of the property described in said Exhibit "A," and upon the condition that none of such operations shall be conducted so near the surface of said land as to interfere with the intended use thereof or in any way interfere with, jeopardize, or endanger the facilities of the Texas Department of Transportation or create a hazard to the public users thereof; it being intended, however, that nothing herein shall affect the rights of the State to take and use without additional compensation any water, stone, earth, gravel, caliche, iron ore gravel or any other road building materials upon, in and under said land for the construction and maintenance of the Hidalgo County.

Grantors hereby acknowledge that their use of and access to the state highway facilities and/or toll project (hereafter called highway facility) to be constructed in conjunction with the highway facility of which the land included in the easement area and described above and hereby conveyed shall become a part, shall be and forever remain subject to the same regulation by legally constituted authority as applies to the public's use thereof.

**TO HAVE AND TO HOLD** the easement herein described and herein conveyed together with all and singular the rights and appurtenances thereto in any wise belonging unto the State of Texas and its assigns forever; and Grantors do hereby bind ourselves, our heirs, executors, administrators, successors and assigns to Warrant and Forever Defend all and singular the said easement herein conveyed unto the State of Texas and its assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof.

**IN WITNESS WHEREOF**, this instrument is executed on this the \_\_\_\_\_ day of March, 2019.

**HIDALGO AND CAMERON COUNTIES IRRIGATION DISTRICT NO. 9**

By:   
Name: Randall Winston  
Its: General Manager

8/12/2019  
Date

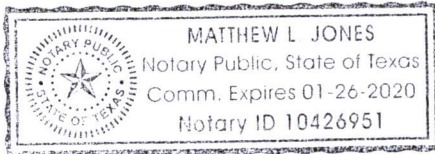
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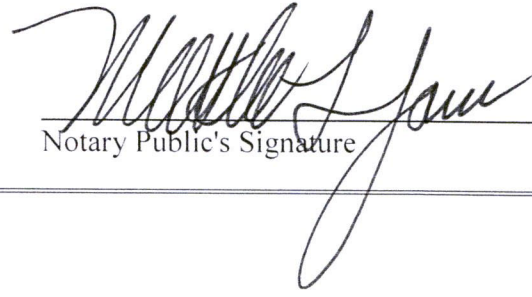
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**Acknowledgement**

State of Texas  
County of Hidalgo

This instrument was acknowledged before me on August 12, 2017  
by Randall Winston acting in his capacity as General Manager of Hidalgo and Cameron Counties  
Irrigation District No. 9.



  
\_\_\_\_\_  
Notary Public's Signature

## EXHIBIT "A"

September 21, 2018  
Parcel 14  
1 of 4 Pages

County: Hidalgo  
CCSJ: 0921-02-168  
RCSJ: 0921-02-356  
HIGHWAY: Mile 6 Road  
LIMITS: TEDSI Revisions

Exhibit: \_\_\_\_\_  
FIELD NOTES FOR PARCEL 14

Being a 12,151 square foot or 0.2789 acre tract of land situated in the City of Weslaco, Hidalgo County, Texas, out of Canal right of way, adjacent to Farm Tract 142 and Farm Tract 143, The West and Adams Tracts Subdivision, as recorded in Volume 2, Page 34, of the Map Records, Hidalgo County, Texas, said canal right of way conveyed by a Warranty Deed, dated December 30, 1929 from American Rio Grande Land and Irrigation Company to Hidalgo and Cameron Counties Water Control and Improvement District No. 9, as recorded in Volume 314, Page 62-134, of the Deed Records, Hidalgo County, Texas, said 12,151 square foot or 0.2789 of an acre tract being more particularly described by metes and bounds as follows:

**Commencing** at a 5/8" iron pin with plastic cap stamped "ROWSS PROP COR" set for an interior corner of said Hidalgo and Cameron Counties Water Control and Improvement District No. 9 Canal right of way and the Northwest corner of Farm Tract 143 of said West and Adams Tract Subdivision;

**Thence**, with the South line of said Hidalgo and Cameron Counties Water Control and Improvement District No. 9 tract of land and the North line of said Farm Tract 143, North 51°27'18" East, a distance of 1351.57 feet to a 5/8" iron pin (N=16,594,245.7029, E=1,145,808.8012) with plastic cap stamped "ROWSS PROP COR" set 52.00 feet left to centerline station 61+12.44, on the proposed West Right of way line of Mile 6 Road (Westgate Drive), for a right of way corner, the Southwest corner, and **Point of Beginning** of this herein described tract of land;

1. **Thence**, with the proposed West Right of way line of Mile 6 Road, across and through said Hidalgo and Cameron Counties Water Control and Improvement District No. 9 Canal right of way, North 01°12'39" West a distance of 270.00 feet to a 5/8" iron pin with plastic cap stamped "ROWSS PROP COR" set on the North line of said Hidalgo and Cameron Counties Water Control and Improvement District No. 9 Canal right of way, and the South line of said Farm Tract 142, for the Northwest corner of this herein described tract of land;
2. **Thence**, with the North line of said Hidalgo and Cameron Counties Water Control and Improvement District No. 9 Canal right of way and the South line of said Farm Tract 142, North 51°27'19" East a distance of 56.60 feet to the existing West Right of way line of Mile 6 Road, for the Northeast corner of this herein described tract of land;
3. **Thence**, with the existing West Right of way line of Mile 6 Road, across and through said Hidalgo and Cameron Counties Water Control and Improvement District No. 9 Canal right of way, South 01°12'39" East a distance of 270.00 feet to the South line of said Hidalgo and Cameron Counties Water Control and Improvement District No. 9 Canal right of way and the North line of said Farm Tract 143, for the Southeast corner of this herein described tract of land;


September 21, 2018  
Parcel 14  
2 of 4 Pages

4. **Thence**, departing the existing West Right of way line of said Mile 6 Road, with the South line of said Hidalgo and Cameron Counties Water Control and Improvement District No. 9 Canal right of way, and the North line of said Farm Tract 143, South  $51^{\circ}27'18''$  West a distance of 56.60 feet to the **Point of Beginning** and being a 12,151 square foot or 0.2789 of an acre tract of land.

Bearings based on the Texas Coordinate System, South Zone, NAD83 (NA2011), adjusted to surface using a grid to surface adjustment factor of 1.00004.

A plat of even survey date herewith accompanies this description.

I, Kurt Schumacher, a Registered Professional Land Surveyor, hereby certify that the legal description hereon and the accompanying plat represent an actual survey made on the ground under my supervision.

 9/21/2018

Kurt Schumacher  
Registered Professional Land Surveyor  
Texas Registration No. 6333



PARENT TRACT INSET  
 PARCEL 14  
 N.T.S.



I DO HEREBY CERTIFY THAT THE PLAT SHOWN HEREON CONFORMS TO THE CURRENT GENERAL RULES OF PROCEDURES AND PRACTICES AS PROMULGATED BY THE TEXAS BOARD OF PROFESSIONAL LAND SURVEYING.

*Kurt Schumacher*  
 KURT SCHUMACHER, R.P.L.S. #6333

EXISTING	REMAINING	
	TAKING	RIGHT
8.56 AC.	0.2789 AC.	8.0961 AC.
12,151 SQ. FT.		

DATE: SEPTEMBER 21, 2018

**RIGHT OF WAY SKETCH**

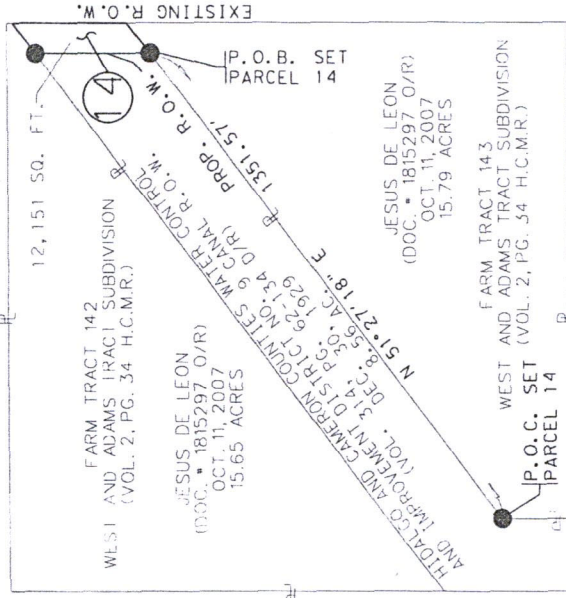
SHOWING PROPERTY OF  
 PARCEL 14  
 MILE 6 ROAD  
 HIDALGO COUNTY, TEXAS



ROW SURVEYING SERVICES, LLC  
 900 WEST 10TH STREET, SUITE 113  
 AUSTIN, TEXAS 78702-1113  
 TEL: 787.224.3152  
 FAX: 787.224.3152  
 TPLS REG. FIRM 10193886  
 CCSJ: 0921-02-168 RCSJ: 0921-02-356

EXHIBIT —  
 PAGE 3 of 4

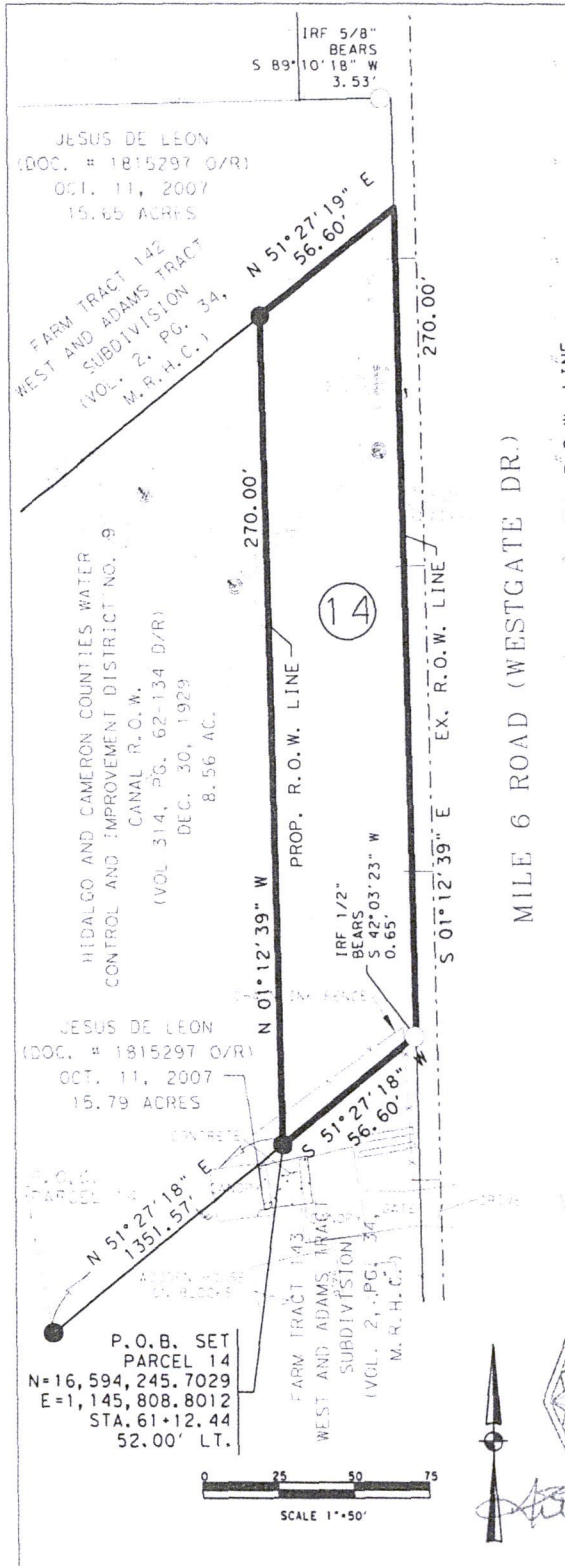
MILE 6 ROAD (WESTGATE DR.)  
 VOL. 1147, PG. 12, D.R.H.C.T.



MILE 9 ROAD

NOTES:

- ALL BEARINGS AND COORDINATES ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH ZONE, NORTH AMERICAN DATUM OF 1983 (NA2011). ALL DISTANCES AND COORDINATES SHOWN ARE SURFACE AND MAY BE CONVERTED TO GRID BY DIVIDING BY AN ADJUSTMENT FACTOR OF 1.00004.
- INDICATES A 5/8 INCH IRON PIN SET WITH A PLASTIC CAP STAMPED "ROWSS PROP COR".
- INDICATES A FOUND 1/2 INCH IRON PIN.
- A METES AND BOUNDS DESCRIPTION ACCOMPANIES THIS PLAT.



NOTES:

1. ALL BEARINGS AND COORDINATES ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH ZONE, NORTH AMERICAN DATUM OF 1983, (NA2011). ALL DISTANCES AND COORDINATES SHOWN ARE SURFACE AND MAY BE CONVERTED TO GRID BY DIVIDING BY AN ADJUSTMENT FACTOR OF 1.00004.
2. A METES AND BOUNDS DESCRIPTION ACCOMPANIES THIS PLAT.
3. SURVEYED ON THE GROUND AUGUST 24, 2018.
4. EASEMENTS AND RESERVATIONS AS MAY APPEAR UPON THE RECORDED MAP OF SAID WEST AND ADAMS TRACT SUBDIVISION OUT OF THE LLANO GRANDE GRANT OF LANDS IN HIDALGO COUNTY, TEXAS, ACCORDING TO THE MAP THEREOF RECORDED IN VOLUME 2, PAGES 34, 35, 36 AND 37 MAP RECORDS, HIDALGO COUNTY, TEXAS.
5. SUBDIVISION REGULATIONS OF THE COUNTY OF HIDALGO AND/OR ORDINANCES OR GOVERNMENTAL REGULATIONS OF THE CITY IN WHICH THE PROPERTY MAY BE LOCATED OR HOLDING EXTRA-TERRITORIAL JURISDICTION OF SAID PROPERTY.
6. STATUTORY RIGHTS, RULES, REGULATIONS, EASEMENTS AND LIENS IN FAVOR OF HIDALGO AND CAMERON COUNTIES WATER CONTROL AND IMPROVEMENT DISTRICT NO. 9, PURSUANT TO APPLICABLE SECTIONS OF THE TEXAS WATER CODE.
9. RIGHT OF WAY EASEMENT DATED NOVEMBER 2, 1937, RECORDED IN THE OFFICE OF THE COUNTY CLERK OF HIDALGO COUNTY, TEXAS, VOLUME 437, PAGE 395, DEED RECORDS, HIDALGO COUNTY, TEXAS. (BLANKET)
10. VISIBLE AND APPARENT EASEMENTS ACROSS SAID PROPERTY.

LEGEND:

PROPERTY LINE	—
PARCEL NUMBER	⊙
RIGHT OF WAY	—R—
POINT OF COMMENCING	P.O.C.
POINT OF BEGINNING	P.O.B.
HIDALGO COUNTY DEED RECORDS	H.C.D.R.
HIDALGO COUNTY MAP RECORDS	H.C.M.R.
HIDALGO COUNTY OFFICIAL RECORDS	H.C.O.R.
SET 5/8 INCH IRON PIN WITH PLASTIC CAP	●
STAMPED "ROWSS PROP COR"	○
FOUND 1/2 INCH IRON ROD UNLESS OTHERWISE NOTED	○
WIRE FENCE	-X-X-
OVERHEAD ELEC.	—O—

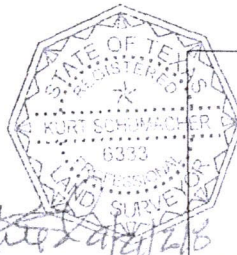
PLAT OF SURVEY  
 PARCEL 14  
 FOR MILE 6 ROAD

A 12,151 SQ. FT. (0.2789 AC.)  
 TRACT OF LAND SITUATED IN  
 HIDALGO AND CAMERON COUNTIES  
 WATER CONTROL AND IMPROVEMENT  
 DISTRICT NO. 9 CANAL R.O.W.  
 OUT OF A 8.56 ACRE TRACT OF LAND,  
 DESCRIBED IN VOLUME 314, PAGES 62-134,  
 OFFICIAL RECORDS, HIDALGO COUNTY, TEXAS

EXHIBIT —

DATE: SEPTEMBER 21, 2018

RIGHT OF WAY SKETCH  
 SHOWING PROPERTY OF  
 PARCEL 14  
 MILE 6 ROAD  
 HIDALGO COUNTY, TEXAS



ROW SURVEYING SERVICES, L.L.C.

900 S. STEWART RD. SUITE 113  
 WESLICO, TEXAS 76792  
 TEL: (817) 424-3732  
 FAX: (817) 424-3732

Parcel 14

Closure Report

=====  
Parcel 14: P1 P8 P9 P2 P1

P1 to P8: N 01 deg. 12 min. 39 sec. W	Dist. 270.00	N: 16594245.7029 and E: 1145808.8012;
P8 to P9: N 51 deg. 27 min. 19 sec. E	Dist. 56.60	N: 16594515.6452 and E: 1145803.0957;
P9 to P2: S 01 deg. 12 min. 39 sec. E	Dist. 270.00	N: 16594550.9128 and E: 1145847.3622;
P2 to P1: S 51 deg. 27 min. 18 sec. W	Dist. 56.60	N: 16594280.9707 and E: 1145853.0677;

Perimeter: 653.20

Area: 12150.6 sq. ft., Acres: 0.27894

Error North: -0.00 Error East: 0.00

Error bearing: N 38 deg. 32 min. 42 sec. W Total Dist. Error: 0.00

Error of Closure: 1:2380427