

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.



FILED AT 2:15 O'CLOCK P. M. AUG 15 2019 ARTURO GUAJARDO COUNTY CLERK HIDALGO COUNTY TEXAS BY [Signature] DEPUTY

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 DIESTRICT 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 Eight thousand six hundred sixty-four and no/100 Dollars (\$8,664.00) 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



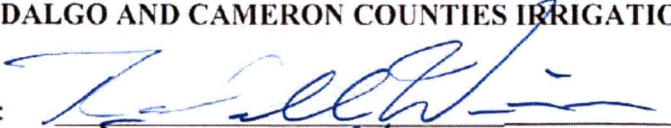
rights of ingress and egress to the surface thereof for the purpose of exploring, developing, mining or drilling for same; provided, however, that operations for exploration or recovery of any such minerals shall be permissible so long as all surface operations in connection therewith are located at 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

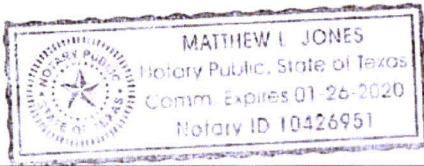
8/12/2019  
Date


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**Acknowledgement**

State of Texas  
County of Hidalgo

This instrument was acknowledged before me on August 12, 2019  
by Randall Winton acting in his capacity as General Manager of Hidalgo and Cameron Counties  
Irrigation District No. 9.



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

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

E-Mail  
hccid9general@hccid9.org



RANDALL WINSTON P.E.  
General Manager

JUDY BEALL  
Tax Assessor-Collector

P O Box 237 Mercedes, Texas 78570

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.

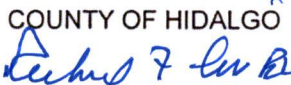
To indicate the County's agreement to these terms, please execute as indicated below.

HIDALGO & CAMERON COUNTIES  
IRRIGATION DISTRICT NO. 9

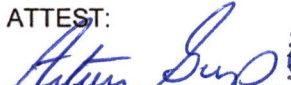
By: 

ACCEPTED:

COUNTY OF HIDALGO

  
Richard F. Cortez  
County Judge

ATTEST:

  
Arturo Guajardo, Jr. County Clerk



APPROVED BY  
COMMISSIONERS COURT  
ON: 8/13/19 

## EXHIBIT "A"

Page 1 of 3  
Parcel 21

COUNTY: HIDALGO

RCSI: 0921-02-356

CCSI: 0921-02-168

HIGHWAY: MILE 6 WEST ROAD

PROJECT LIMITS: Mile 9 North to Mile 11 North

GRANTORS: HIDALGO & CAMERON COUNTIES  
WATER CONTROL AND IMPROVEMENT DISTRICT NO 9

### FIELD NOTES FOR PARCEL – 21

Being a 0.304 Acres of land, more or less, out of 4.24 acres of Farm Tract 207, Block 180, West Tract Subdivision, Volume 2, Pages 34-37 Map Records, Hidalgo County, Texas. Said Tract is vested to Hidalgo and Cameron Counties Water Control and Improvement District No 9, by virtue of Warranty Deed dated December 20, 1929, recorded in Volume 314, Pages 62-134 Deed Records, Hidalgo County, Texas. Said 0.304 acres of land being more particularly described by metes and bounds as follows;

COMMENCING at a point for the Southwest corner of Farm Tract 143, Block 180, out of West Tract Subdivision, Hidalgo County, Texas, as recorded in Vol.2 Pg. 34 thru 37 Map Records, Hidalgo County, Texas, said point with Surface coordinates of X=1,145,904.4905 and Y=16,593,267.7769. All bearings and coordinates are based on the State Plane Coordinate System of Texas, South Zone, North American Datum 1983 (1993 adjustment), English Units.

THENCE, N 1° 12' 39" W, for a distance of 1902.66 feet, along the east property line of Farm Tract 143, Farm Tract 142 and Farm Tract 210 to a point;

THENCE, S 88° 47' 21" W, for a distance of 30.00 feet, to an existing rebar set for the southeast corner of tract and **The Point Of Beginning** herein described:



THENCE, N 43° 50' 40" W, for a distance of 66.44' feet, to a No. 4 with plastic cap set for the southwest of said tract herein described;

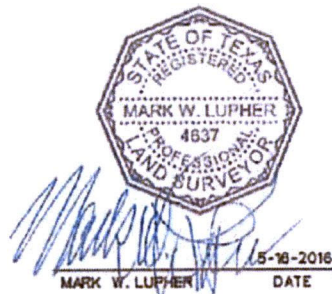
THENCE, N 1° 12' 39" W, for a distance of 185.06' along the proposed right of way of Mile 6 West to a No. 4 with plastic cap set for a interior corner of said tract herein described;

THENCE, in a Northwesterly direction with the Proposed East Right of Way of said Mile 6 West with a curve to the right having a Delta angle 0° 47' 25" , a Radius 7922' feet, a Tangent of 54.64' feet, an Arc length 109.28' feet, a Chord length of 109.28' feet, and a Chord bearing N 0° 48' 56" W to a No 4 rebar with cap set for a northwest corner along the Proposed East Right of Way of Mile 6 West tract herein described;

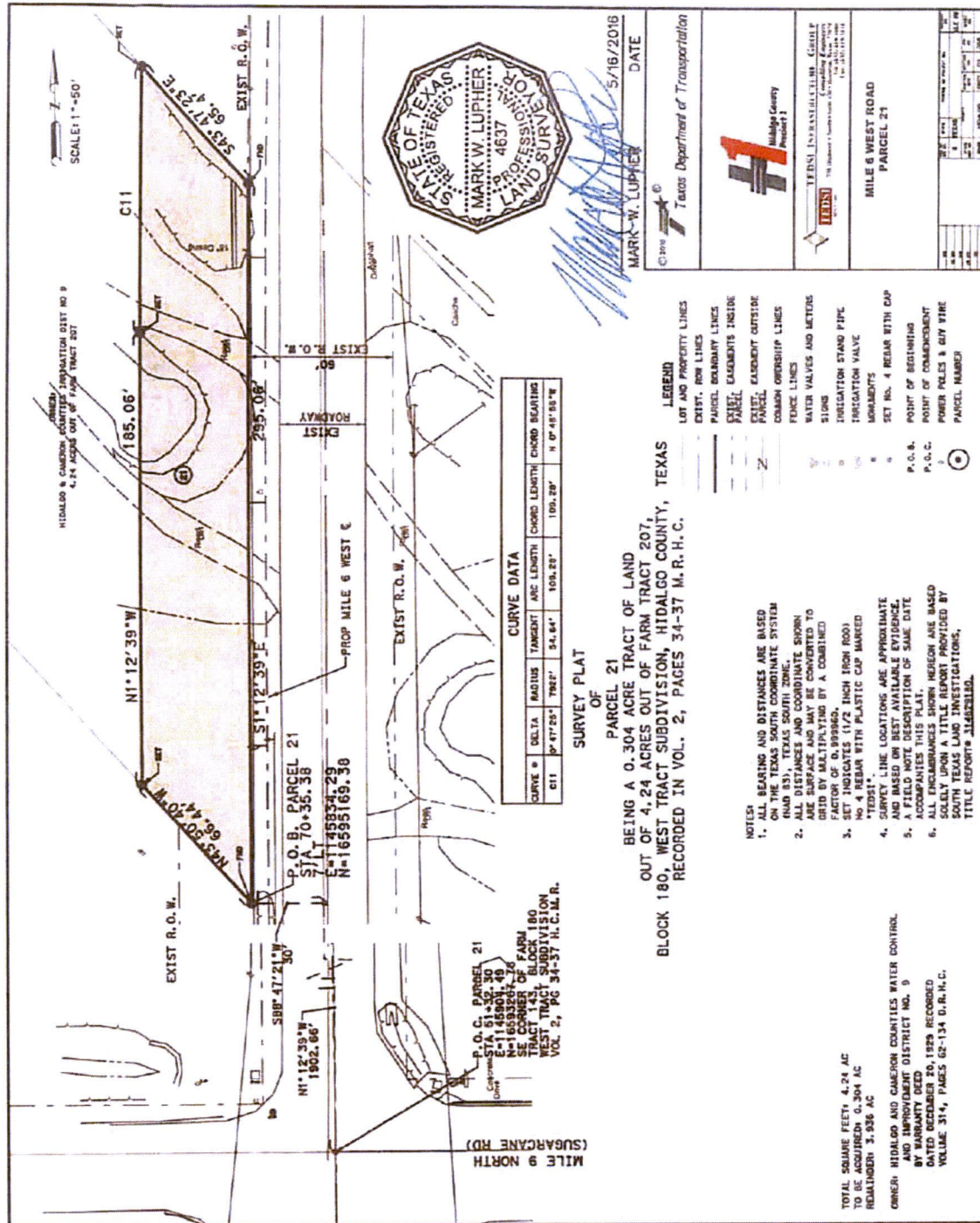
THENCE, S 43° 47' 23" E, for a distance of 65.40' to an existing rebar found for the northeast corner of said tract herein described;

THENCE, S 1° 12' 39" E, for a distance of 295.06' feet along the existing Mile 6 West right of way to the southeast corner and POINT OF BEGINNING and containing 0.304 acres of land, of PROPOSED NET TAKING of land, more or less.

A plat of same date accompanies this Field Note Description



MARK W. LUPHER      5-16-2016  
DATE



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**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 DIESTRICT 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



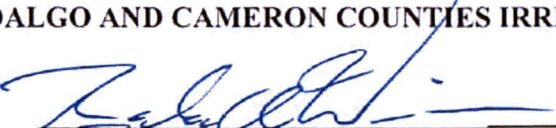
rights of ingress and egress to the surface thereof for the purpose of exploring, developing, mining or drilling for same; provided, however, that operations for exploration or recovery of any such minerals shall be permissible so long as all surface operations in connection therewith are located at 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

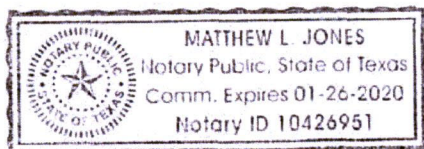
8/12/2019  
Date

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**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.



*Matthew L. Jones*  
Notary Public's Signature

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## 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.

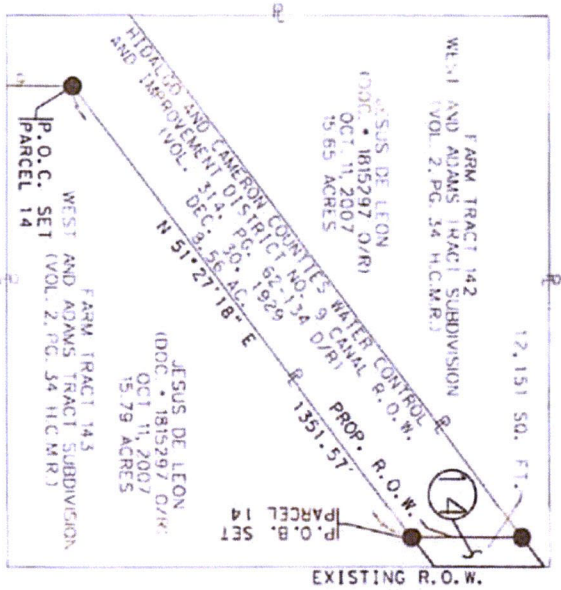
Bearings based on the Texas Coordinate System, South Zone, NAD83 (NA2011), adjusted to surface using a grid to surface adjustment factor of 1.00004.

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



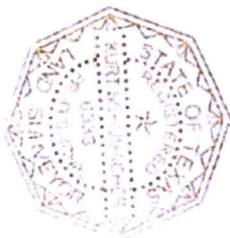


NOTES:

- ALL BEARINGS AND COORDINATES ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH ZONE, NORTH AMERICAN DATUM OF 1983, (NAD2011). 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.

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

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, R.P.L.S. #8333

EXISTING	TAKING	REMAINING	
		LEFT	RIGHT
8.56 AC.	0.2789 AC.	8.0961 AC.	
	12.151 SO. FT.		

DATE: SEPTEMBER 21, 2018

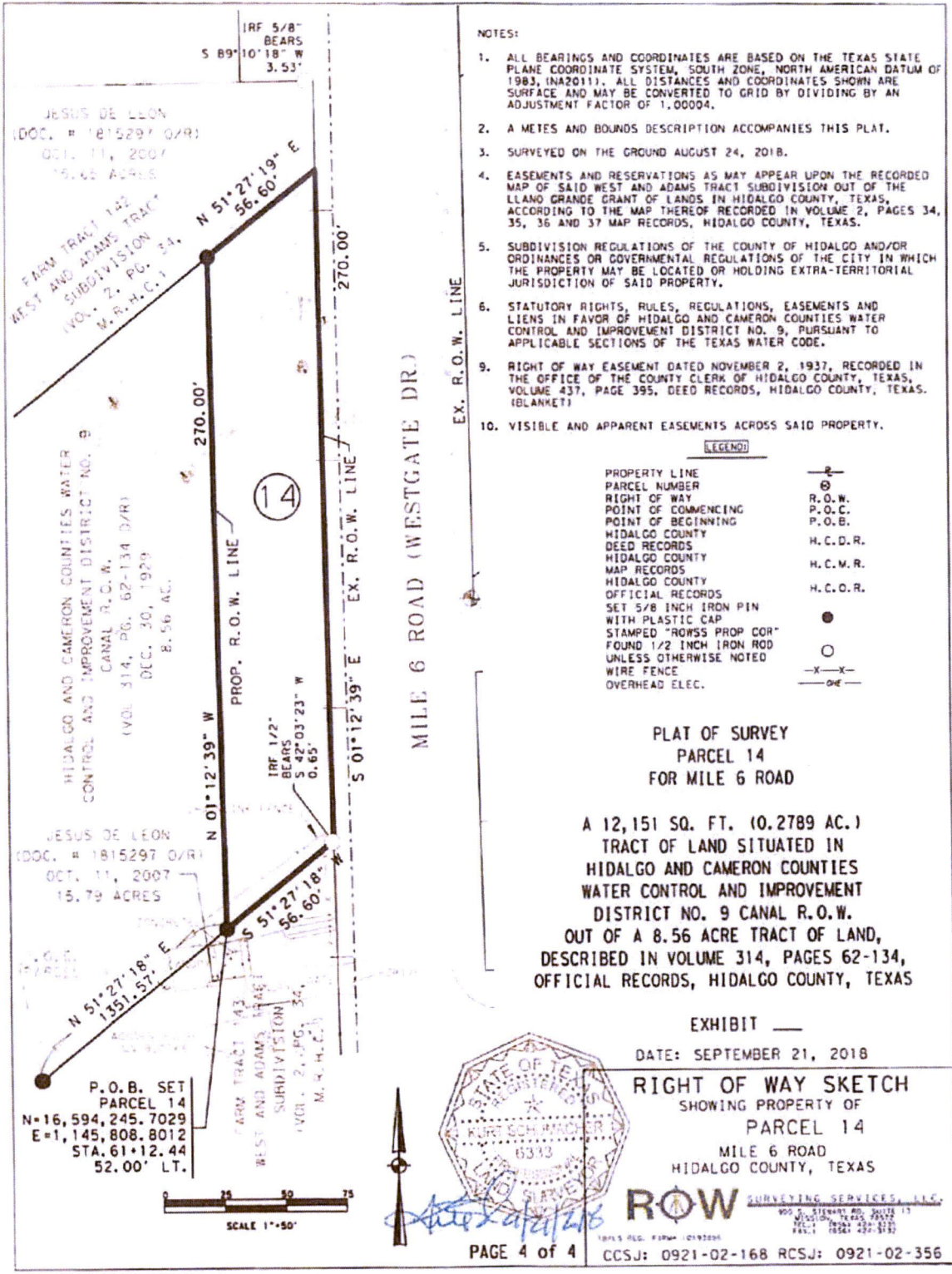
RIGHT OF WAY SKETCH  
SHOWING PROPERTY OF  
PARCEL 14

MILE 6 ROAD  
HIDALGO COUNTY, TEXAS



EXHIBIT —  
PAGE 3 of 4

ROW SURVEYING SERVICES, L.L.C.  
1111 S. W. 10th St., Suite 100  
Cedar Rapids, IA 52403  
TEL: 562-222-1111 FAX: 562-222-1111  
CCSJ: 0921-02-168 RCSJ: 0921-02-356



Parcel 14

Closure Report

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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