

## ORDER RESTRICTING DRILLING AND MINING

WHEREAS, the County of Hidalgo has designated parks dedicated for Public Use in Rural Areas; and

WHEREAS, the County of Hidalgo is in the process of developing a County Park in partnership with the Edinburg Consolidated Independent School District known as Southeast Park consisting of property (12.97 acres) owned by the Edinburg Consolidated School District; and

WHEREAS, the County of Hidalgo and the Edinburg Consolidated Independent School District will enter into a Memorandum of Understanding where the County of Hidalgo will lease the park property for One Dollar (\$1.00) per year for a minimum of forty (40) years; and

WHEREAS, Southeast Park is located within Precinct # 4's rural jurisdiction located at the intersection of Canton Road and Cesar Chavez Road and will serve the communities in the Southeast portion of the precinct; and

WHEREAS, Hidalgo County is submitting a grant application to the Texas Parks and Wildlife Local Grant Program for Southeast Park to obtain assistance for the development of this park; and

WHEREAS, there is as a need of an order restricting drilling and mining activities within the designated park area due to grant requirements.

NOW, THEREFORE, BE IT ORDERED BY THE COMMISSIONERS COURT of HIDALGO COUNTY that:

1. The recitals set forth in this Order are true and correct.
2. The Hidalgo County Commissioners Court hereby restricts drilling/mining activities in the designated park area of Southeast Park including during any applicable lease term.

Approved, this 9<sup>th</sup> day of July, 2024



*Richard F. Cortez*

RICHARD F. CORTEZ  
County Judge

*David L. Fuentes*

DAVID L. FUENTES  
County Commissioner, Pct. 1

*Eduardo "Eddie" Cantu*

EDUARDO "EDDIE" CANTU  
County Commissioner, Pct. 2

*Ellie Torres*

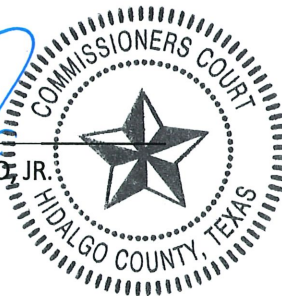
ELLIE TORRES  
County Commissioner, Pct. 4

EVERARDO "EVER" VILLARREAL  
County Commissioner, Pct. 3

ATTEST:

*Arturo Guajardo, Jr.*

ARTURO GUAJARDO, JR.  
County Clerk



APPROVED AS TO FORM:

Office of the Hidalgo County Criminal District Attorney  
Toribio "Terry" Palacios

By: *Robert Viña, III*

Robert Viña, III, Assistant District Attorney

Order Restricting Drilling and Mining

APPROVED BY  
COMMISSIONERS COURT  
ON: 7/9/24 *me*



## Local Park Grant Program Applicant's Certification & Program Assurances

As the duly authorized representative of the sponsor designated in the Resolution Section 3, ***I certify that the Applicant:***

1. Has complied with all pertinent local and state laws, and Local Parks Grants Program requirements regarding public hearings, including floodplain development, if appropriate.
2. Has the required proportionate share of funds available and sufficient for the project as required by Section 13.309 of the Parks and Wildlife Code.
3. Will maintain and operate areas acquired or developed with program assistance at sponsor expense as required by Section 13.309 of the Parks & Wildlife Code.
4. Will permanently dedicate for public park and recreation use all project area(s) which receive program assistance, as required by Chapter 640.1.2 of the *Local Park Grant Program Manual*.
5. Has the legal authority to apply for program assistance and the institutional, managerial and financial capability to ensure proper planning, management and completion of the project described in this application.
6. Will give the State of Texas, hereafter referred to as "State," through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the assistance; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
7. Will not dispose of, modify the use of, or change the terms of the real property title or other interest in the site and facilities without permission and instructions from the Texas Parks & Wildlife Department, and will record any federal interest in the title of real property in accordance with U. S. Department of Interior directives.
8. Will dedicate and permanently maintain any property designated as a natural area, wetland, or open space to meet program guidelines.
9. Will comply with all provisions of the "Summary of Guidelines for Administration of Local Park Grant Acquisition & Development Projects."
10. Will comply with the requirements of the Department with regard to the drafting, review and approval of construction plans and specifications.
11. Will obtain all required state and/or federal permits related to project development.
12. Will provide and maintain competent and adequate engineering supervision at the construction site to ensure that the completed work conforms to the approved plans and specifications.
13. Will furnish quarterly progress reports and such other information as may be required by the Department.
14. Will initiate and complete the work within the applicable time frame after receipt of approval from the Department.
15. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest or personal gain.

**Applicant's Certification & Program Assurances - Continued**

- 16. Will comply with all State and Federal statues relating to non-discrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§ 1681-1686) which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794) which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101-6107) which prohibits discrimination on the basis of age; (e) any other non-discrimination provisions in the specific statute(s) under which application for program assistance is being made, and (f) the requirements of any other non-discrimination statute(s) which may apply to the application.
- 17. Will comply with the flood insurance purchase requirements of Section 4012(a) of the Flood Disaster Protection Act of 1973 which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance in an amount at least equal to its development or project cost.
- 18. Will comply with environmental standards which may be prescribed to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplain in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S. C. §§ 1451 et seq.); (f) conformity of Federal actions to State (Clear Air) Implementation Plans under Section 176(c) of the Clear Air Act of 1955, as amended (42 U.S.C. § 7401 et seq.);(g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, (P.L. 93-523); and (h) protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93-205).
- 19. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§ 1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
- 20. Will assist the Department in assuring compliance with the Texas Antiquities Code.
- 21. Will cause to be performed the required financial and compliance audits in accordance with the state or federal Single Audit requirements.
- 22. Will comply with all applicable requirements of all other State and Federal laws, regulations and policies governing this program.

Southeast Park in Precinct 4

Sponsor/ Project Name

*[Handwritten Signature]*

Signature of Official Authorized in Resolution

Richard F. Cortez, Hidalgo County Judge

Print Name and Title of Official

*7/9/2024*

Date

APPROVED BY  
COMMISSIONERS COURT  
ON: *7/9/24* *[Signature]*



## Local Park Grant Program Resolution Authorizing Application

A resolution of the Hidalgo County Precinct 4 as hereinafter referred to as "Applicant," designating certain officials as being responsible for, acting for, and on behalf of the Applicant in dealing with the Texas Parks & Wildlife Department, hereinafter referred to as "Department," for the purpose of participating in the Local Park Grant Program, hereinafter referred to as the "Program"; certifying that the Applicant is eligible to receive program assistance; certifying that the Applicant matching share is readily available; and dedicating the proposed site for permanent (or for the term of the lease for leased property) public park and recreational uses.

**WHEREAS**, the Applicant is fully eligible to receive assistance under the Program; and

**WHEREAS**, the Applicant is desirous of authorizing an official to represent and act for the Applicant in dealing with the Department concerning the Program;

**BE IT RESOLVED BY THE APPLICANT:**

**SECTION 1:** That the Applicant hereby certifies that they are eligible to receive assistance under the Program, and that notice of the application has been posted according to local public hearing requirements.

**SECTION 2:** That the Applicant hereby certifies that the matching share for this application is readily available at this time.

**SECTION 3:** That the Applicant hereby authorizes and directs the Hidalgo County Judge to act for the Applicant in dealing with the Department for the purposes of the Program, and that Richard F. Cortez is hereby officially designated as the representative in this regard.

**SECTION 4:** The Applicant hereby specifically authorizes the official to make application to the Department concerning the site to be known as Southeast Park in the County of Hidalgo or use as a park site and is hereby dedicated (or will be dedicated upon completion of the proposed acquisition) for public park and recreation purposes in perpetuity (or for the lease term, if legal control is through a lease). Projects with federal monies may have differing requirements.

Introduced, read and passed by an affirmative vote of the "Applicant" on this 9th day of July, 2024.

\_\_\_\_\_  
Signature of Local Government Official

Richard F. Cortez, Hidalgo County Judge

\_\_\_\_\_  
Typed Name and Title

**ATTEST:**

\_\_\_\_\_  
Signature

Arturo Guajardo, Jr., Hidalgo County Clerk

\_\_\_\_\_  
Typed Name and Title



APPROVED BY  
COMMISSIONERS COURT  
ON: 7/9/24