

RESOLUTION NO. 2011- 34

RESOLUTION DETERMINING NEED

A RESOLUTION OF THE CITY OF LA FERIA, TEXAS, DETERMINING A PUBLIC NECESSITY TO ACQUIRE CERTAIN PROPERTIES FOR THE WEST SIDE STORM WATER DRAINAGE SYSTEMS IMPROVEMENT PROJECT AND RELATED UTILITY NEEDS; GIVING NOTICE OF AN OFFICIAL DETERMINATION TO ACQUIRE CERTAIN PROPERTIES FOR THE WEST SIDE STORM WATER DRAINAGE SYSTEMS IMPROVEMENT PROJECT AND RELATED UTILITY NEEDS; ESTABLISHING PROCEDURES FOR THE ACQUISITION OF SUCH PROPERTIES; AND APPROPRIATING FUNDS.

WHEREAS, it is necessary to establish procedures for determining the establishment and approval of just compensation for all of the real property to be acquired for the purpose of making improvements to the West Side Storm Drainage Systems (the "Project") in connection with the Economic Development Project Agreement (the "Agreement") between the City of La FERIA (the "City") and BFI Waste Services of Texas, LP, a Delaware limited partnership authorized to do business in Texas, d/b/a Allied Waste Services of the Rio Grande Valley, which Agreement was entered into in connection with the Texas Capital Fund Contract dated November 19, 2009, between the CITY and the Texas Department of Agriculture; and

WHEREAS, the Project will improve the quality of life of and be to the benefit general welfare of the citizens of the City;

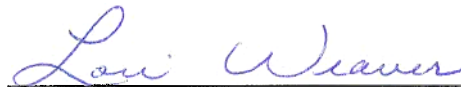
NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF LA FERIA, TEXAS, THAT:

- 1) The City Commission of the City hereby officially determines that there is a public necessity for, and the public welfare and convenience will be served by, the acquisition of the real property described in Exhibit "A" attached hereto and made a part hereof for all purposes, either in the form of an appropriate right-of-way, easement or in the form of fee simple title as determined by the City Manager, in consultation with the City engineers, attorneys and financial advisors, to be in the best interests of the City (hereinafter referred to as the "Property"), and it is the City's intention to acquire the Property for all purposes as part of the Project in the City for the purposes of improvement of the drainage and other utility systems of the City.
- 2) The City Manager is hereby authorized to contract on behalf of the City with professional appraisers for appraisal services, with title companies for preparation of title reports and issuance of title policies and with the City attorney for required legal services needed by the City from time to time in connection with acquisition of the Property for the Project.
- 3) The City Manager is hereby authorized and directed to examine the independent appraisal reports as they are submitted to the City to determine whether said appraisal reports are supported by sufficient data.
- 4) Based upon such examination of said appraisal reports, the City Manager shall establish and approve the amount of the just compensation for the acquisition of the Property.

- 5) Upon establishment and approval by the City Manager of the amount of just compensation for the acquisition, the City Manager is authorized to communicate a written offer to the owner(s) of the Property for acquisition of the Property at the full amount determined and established to be just compensation therefore and to negotiate with said owner(s) on behalf of the City. The City Manager is also authorized to accept all or any portion of such acquisitions in the form of a gift or donation to the City as the City Manager deems to be in the best interest of the City.
- 6) The City Manager be and is hereby authorized to execute all documents and, subject to the limitations set forth below, expend all funds necessary to acquire the Property needed for the Projects on behalf of the City of La Feria.
- 7) The amount of THIRTY THOUSAND DOLLARS (\$30,000.00) be and hereby is appropriated from the City's Texas Capital Fund as funding for acquiring the Property for the Project together with such additional funds to pay all reasonable and necessary expenses related with the acquisition of the Property.
- 8) This resolution shall take effect immediately from and after its passage.

PASSED AND APPROVED this 13th day of September 2011.

APPROVED:



LORI WEAVER, Mayor Pro Tem

ATTEST:


OLGA OBERWETTER, City Secretary

APPROVED:


RICHARD S. TALBERT, City Attorney

EXHIBIT "A"
OF RESOLUTION 2011-34

LEGAL DESCRIPTIONS OF RIGHTS-OF-WAY, EASEMENTS
AND/OR FEE SIMPLE PARCELS TO BE ACQUIRED

RANDY WINSTON, P.E.
PRESIDENT
CHAS A. GREENWOOD, P.E.
SPECIAL CONSULTANT

SIGLER, WINSTON, GREENWOOD
& ASSOCIATES

SWG ENGINEERING, LLC
611 BILL SUMMERS INTL BLVD
WEBLACO, TEXAS 75396
PH: 955-988-2194 FX: 955-988-8300

JOE B. WINSTON, P.E.
EXECUTIVE VICE PRESIDENT
WILLIAM R. SHEA, P.E.
CHAIRMAN OF THE BOARD

SEPTEMBER 12, 2011

STATE OF TEXAS
COUNTY OF CAMERON

09-115A

RE: 50 FT. OUT OF THE NORTH 10 AC. BLOCK 25, SOLIS SUBDIVISION

FIELD NOTE DESCRIPTION FOR A 50.00 FOOT DRAIN DITCH RIGHT OF WAY FOR THE CITY OF LA FERIA, CAMERON COUNTY, TEXAS, BEING A 0.977 ACRE TRACT OF LAND, MORE OR LESS, OUT OF BLOCK 25, SOLIS SUBDIVISION, LA FERIA, TEXAS AS RECORDED IN VOLUME 5, PAGE 20 OF THE MAP & PLAT RECORDS OF CAMERON COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS TO WIT:

COMMENCING AT A FOUND 1/2 INCH STEEL REBAR FOR THE NORTHWEST CORNER OF BLOCK 25 SOLIS SUBDIVISION, VOLUME 5, PAGE 20;

THENCE, SOUTH 00°25'00" EAST A DISTANCE OF 449.92 FEET ALONG THE CENTERLINE OF EAST SOLIS ROAD TO A SET C.P.S. THENCE, NORTH 89°21'00" EAST A DISTANCE OF 20.00 FEET TO A SET 1/2 INCH STEEL REBAR ON THE EAST RIGHT OF WAY OF EAST SOLIS ROAD FOR THE NORTHWEST CORNER OF THIS TRACT OF LAND HEREIN DESCRIBED, SAID CORNER ALSO BEING THE POINT OF BEGINNING OF THIS TRACT HEREIN DESCRIBED;

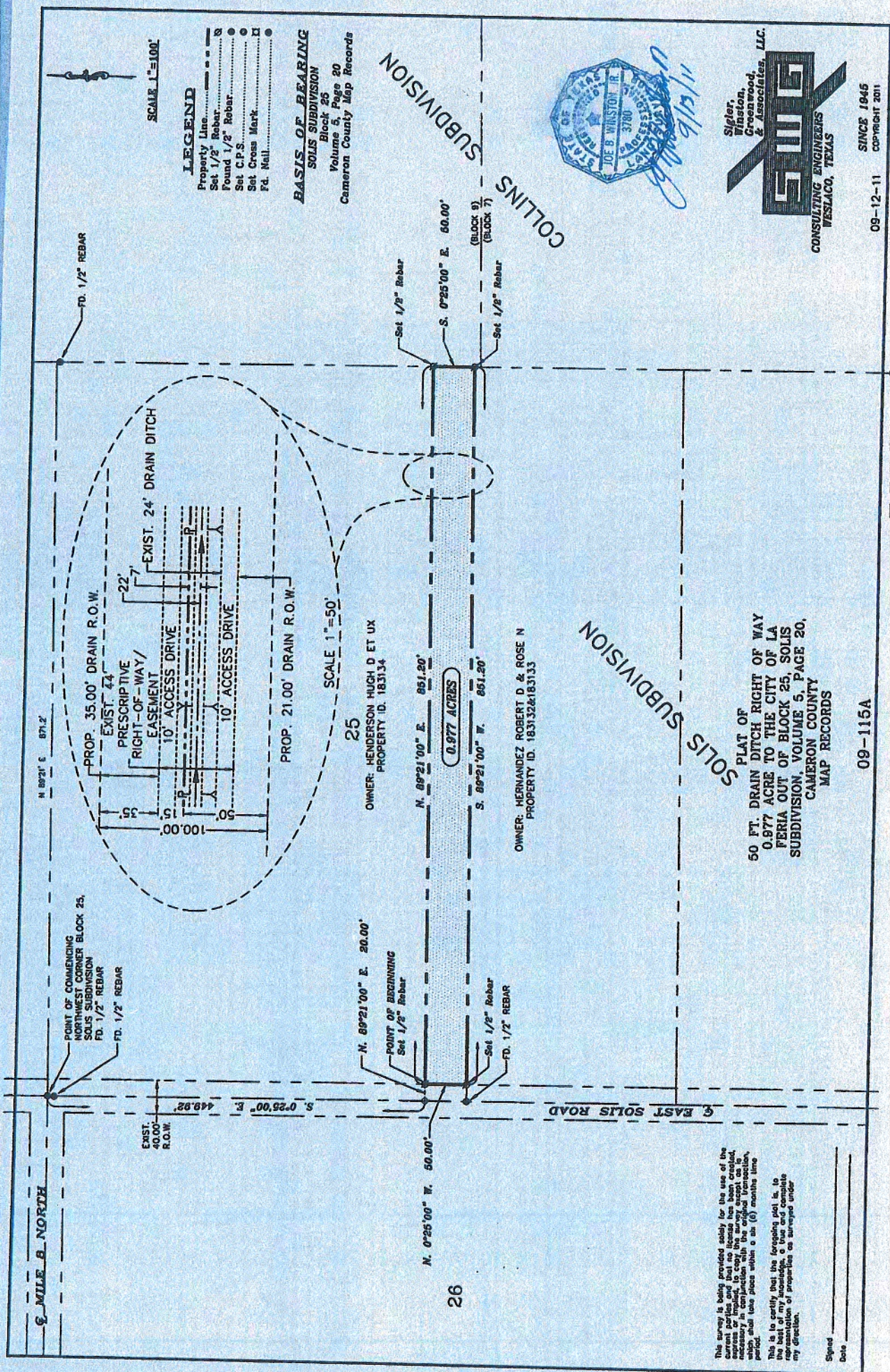
THENCE, NORTH 89°21'00" EAST A DISTANCE OF 851.20 FEET TO A SET 1/2 INCH STEEL REBAR FOR THE NORTHEAST CORNER OF THIS TRACT OF LAND HEREIN DESCRIBED;

THENCE, SOUTH 00°25'00" EAST A DISTANCE OF 50.00 FEET TO A SET 1/2 INCH STEEL REBAR FOR THE SOUTHEAST CORNER OF THIS TRACT LAND HEREIN DESCRIBED;

THENCE, SOUTH 89°21'00" WEST A DISTANCE OF 851.20 FEET TO A SET 1/2 INCH STEEL REBAR ON THE EAST RIGHT-OF-WAY LINE OF EAST SOLIS ROAD FOR THE SOUTHWEST CORNER OF THIS TRACT OF LAND HEREIN DESCRIBED;

THENCE, NORTH 00°25'00" WEST ALONG THE EAST RIGHT-OF-WAY LINE OF EAST SOLIS ROAD A DISTANCE 50.00 FEET TO A SET 1/2 INCH STEEL REBAR FOR THE POINT OF BEGINNING OF THIS TRACT OF LAND HEREIN DESCRIBED, AND CONTAINING WITHIN THESE METES AND BOUNDS A 0.977 NET ACRE TRACT OF LAND, MORE OR LESS.





SCALE 1"=100'

LEGEND

- Property Line
- Set 1/2" Rebar
- Found 1/2" Rebar
- Set C.P.S.
- Set Cross Mark
- Set Nail

BASIS OF BEARING

SOLIS SUBDIVISION
Block 25
Volume 5, Page 20
Cameron County Map Records

SOLIS SUBDIVISION
COLLINS SUBDIVISION



Sigler,
Winston,
Greenwood
& Associates, LLC.



SINCE 1945
CORP-10-11
09-12-11

SCALE 1"=50'

25
OWNER: HENDERSON HUGH D ET UX
PROPERTY ID. 183134

0.977 ACRES
N. 89°21'00" E. 851.20'
S. 89°21'00" W. 851.20'

OWNER: HERNANDEZ ROBERT D & ROSE N
PROPERTY ID. 183132&183133

SOLIS SUBDIVISION
PLAT OF
50 FT. DRAIN DITCH RIGHT OF WAY
0.977 ACRE TO THE CITY OF LA
PERIA OUT OF BLOCK 25, SOLIS
SUBDIVISION, VOLUME 5, PAGE 20,
CAMERON COUNTY
MAP RECORDS

09-115A

This survey is being provided solely for the use of the
current parties and is not to be used for any other
purpose or in any way that may be construed as an
admission of liability or as a representation of the
accuracy of the survey. The survey is provided as is
and without warranty of any kind, express or implied,
which shall survive the termination of the surveying
contract.

This is to certify that the foregoing plat is, to
the best of my knowledge, a true and complete
representation of properties as surveyed under
my direction.

Signed _____
Date _____

RANDY WINSTON, P.E.
PRESIDENT
CHAS A. GREENWOOD, P.E.
SPECIAL CONSULTANT

SIGLER, WINSTON, GREENWOOD
& ASSOCIATES
SWG ENGINEERING, LLC

911 BILL SUMMERS INTL BLVD
WESLACO, TEXAS 75596
PH: 956-988-2194 FX: 956-988-4300

JOE B. WINSTON, P.E.
EXECUTIVE VICE PRESIDENT
WILLIAM R. SHEA, P.E.
CHAIRMAN OF THE BOARD

SEPTEMBER 12, 2011

STATE OF TEXAS
COUNTY OF CAMERON

09-115B

RE: 50 FT. OUT OF THE SOUTH 10 AC. BLOCK 25, SOLIS SUBDIVISION

FIELD NOTE DESCRIPTION FOR A 50.00 FOOT DRAIN DITCH RIGHT OF WAY FOR THE CITY OF LA FERIA, CAMERON COUNTY, TEXAS, BEING A 0.977 ACRE TRACT OF LAND, MORE OR LESS, OUT OF BLOCK 25, SOLIS SUBDIVISION, LA FERIA, TEXAS AS RECORDED IN VOLUME 5, PAGE 20 OF THE MAP & PLAT RECORDS OF CAMERON COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS TO WIT:

COMMENCING AT A FOUND 1/2 INCH STEEL REBAR FOR THE NORTHWEST CORNER OF BLOCK 25 SOLIS SUBDIVISION, VOLUME 5, PAGE 20;

THENCE, SOUTH 00°25'00" EAST A DISTANCE OF 528.93 FEET ALONG THE CENTERLINE OF EAST SOLIS ROAD TO A SET C.P.S. THENCE, NORTH 89°21'00" EAST A DISTANCE OF 20.00 FEET TO A SET 1/2 INCH STEEL REBAR ON THE EAST RIGHT OF WAY OF EAST SOLIS ROAD FOR THE NORTHWEST CORNER OF THIS TRACT OF LAND HEREIN DESCRIBED, SAID CORNER ALSO BEING THE POINT OF BEGINNING OF THIS TRACT HEREIN DESCRIBED;

THENCE, NORTH 89°21'00" EAST A DISTANCE OF 851.20 FEET TO A SET 1/2 INCH STEEL REBAR FOR THE NORTHEAST CORNER OF THIS TRACT OF LAND HEREIN DESCRIBED;

THENCE, SOUTH 00°25'00" EAST A DISTANCE OF 50.00 FEET TO A SET 1/2 INCH STEEL REBAR FOR THE SOUTHEAST CORNER OF THIS TRACT LAND HEREIN DESCRIBED;

THENCE, SOUTH 89°21'00" WEST A DISTANCE OF 851.20 FEET TO A SET 1/2 INCH STEEL REBAR ON THE EAST RIGHT-OF-WAY LINE OF EAST SOLIS ROAD FOR THE SOUTHWEST CORNER OF THIS TRACT OF LAND HEREIN DESCRIBED;

THENCE, NORTH 00°25'00" WEST ALONG THE EAST RIGHT-OF-WAY LINE OF EAST SOLIS ROAD A DISTANCE OF 50.00 FEET TO A SET 1/2 INCH STEEL REBAR FOR THE POINT OF BEGINNING OF THIS TRACT OF LAND HEREIN DESCRIBED, AND CONTAINING WITHIN THESE METES AND BOUNDS A 0.977 NET ACRE TRACT OF LAND, MORE OR LESS.



9 MILE B NORTH

POINT OF COMMENCING
NORTHWEST CORNER BLOCK 25,
SOLIS SUBDIVISION
FD. 1/2" REBAR

EXIST.
40.00'
R.O.W.

S. 0°25'00" E. 528.93'

FD. 1/2" REBAR
N. 89°21'00" E. 20.00'
POINT OF BEGINNING
Set 1/2" Rebar

N. 0°25'00" W. 50.00'

Set 1/2" Rebar

26

OWNER: HENDERSON HUGH D ET UX
PROPERTY ID. 183134

25

N. 89°21'00" E. 851.20'

0.977 ACRES

S. 89°21'00" W. 851.20'

OWNER: HERNANDEZ ROBERT D & ROSE N
PROPERTY ID. 183132&183133

6 EAST SOLIS ROAD

This survey is being provided solely for the use of the
contractor and is not to be used for any other
purpose or intended to be a part of the record.
necessary in conjunction with the original transaction,
period, shall take place within a six (6) month time
period.

This is to certify that the foregoing and is, to
the best of my knowledge and belief, a true and
correct representation of properties as surveyed under
my direction.

Signed _____
Date _____

N. 89°21' E. 871.2'

PROP. 35.00' DRAIN R.O.W.

EXIST. 44'

PRESCRIPTIVE
RIGHT-OF-WAY/
EASEMENT

10' ACCESS DRIVE

10' ACCESS DRIVE

PROP. 21.00' DRAIN R.O.W.

SCALE 1"=50'

FD. 1/2" REBAR

Set 1/2" Rebar

(BLOCK 9)
(BLOCK 7)

S. 0°25'00" E. 50.00'

Set 1/2" Rebar

SUBDIVISION

COLLINS



Sigler,
Winston,
Grawford
& Associates, LLC.



SINCE 1945
09-12-11 COPYRIGHT 2011

PLAT OF
PROPOSED 50 FT. DRAIN DITCH RIGHT OF
WAY, 0.977 ACRE, TO THE CITY OF LA
FERIA OUT OF BLOCK 25, SOLIS
SUBDIVISION, VOLUME 5, PAGE 20,
CAMERON COUNTY
MAP RECORDS

09-115B

RANDY WINSTON, P.E.
PRESIDENT
CHAS A. GREENWOOD, P.E.
SPECIAL CONSULTANT

SIGLER, WINSTON, GREENWOOD
& ASSOCIATES
SWG ENGINEERING, LLC
611 BILL SUMMERS INTL BLVD
WESLACO, TEXAS 78596
PH: 956-968-2184 FX: 956-968-4300

JOE B. WINSTON, P.E.
EXECUTIVE VICE PRESIDENT
WILLIAM R. SHEA, P.E.
CHAIRMAN OF THE BOARD

SEPTEMBER 12, 2011

STATE OF TEXAS
COUNTY OF CAMERON

09-115C

RE: 160 FT. OUT OF BLOCK 7 & BLOCK 9, COLLINS SUBDIVISION

FIELD NOTE DESCRIPTION FOR A 100.00 FOOT DRAIN DITCH RIGHT OF WAY FOR THE CITY OF LA PERIA, CAMERON COUNTY, TEXAS, BEING A 3.203 ACRE TRACT OF LAND, MORE OR LESS, OUT OF BLOCK 7 & BLOCK 9, COLLINS SUBDIVISION, LA PERIA, TEXAS AS RECORDED IN VOLUME 3, PAGE 19 OF THE MAP & PLAT RECORDS OF CAMERON COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS TO WIT:

COMMENCING AT A FOUND CROSS MARK ON THE CENTERLINE OF RABB ROAD FOR THE SOUTHEAST CORNER OF BLOCK 9 COLLINS SUBDIVISION, VOLUME 3, PAGE 19;

THENCE, SOUTH 00°25'00" EAST A DISTANCE OF 50.00 FEET TO A POINT ON THE CENTERLINE OF RABB ROAD, THENCE SOUTH 88°43'00" WEST TO A POINT ON THE WEST RIGHT OF WAY OF RABB ROAD A DISTANCE OF 30.00 FEET TO A SET 1/2 INCH STEEL REBAR ON THE WEST RIGHT OF WAY OF RABB ROAD, FOR THE SOUTHEAST CORNER OF THIS TRACT OF LAND HEREIN, SAID CORNER ALSO BEING THE POINT OF BEGINNING OF THIS DESCRIPTION;

THENCE, SOUTH 88°43'00" WEST A DISTANCE OF 1395.30 FEET TO A SET 1/2 INCH STEEL REBAR FOR THE SOUTHWEST CORNER OF THIS TRACT LAND HEREIN DESCRIBED;

THENCE, NORTH 00°25'00" WEST A DISTANCE OF 100.00 FEET TO A SET 1/2 STEEL REBAR FOR THE NORTHWEST CORNER OF THIS TRACT OF LAND HEREIN DESCRIBED;

THENCE, NORTH 88°43'00" EAST A DISTANCE OF 1395.30 FEET TO A SET 1/2 STEEL REBAR FOR THE NORTHEAST CORNER OF THIS TRACT OF LAND HEREIN DESCRIBED;

THENCE, SOUTH 00°25'00" EAST A DISTANCE OF 100.00 FEET TO A SET 1/2 INCH STEEL REBAR FOR THE POINT OF BEGINNING OF THIS TRACT OF LAND HEREIN DESCRIBED, AND CONTAINING WITHIN THESE METES AND BOUNDS A 3.203 NET ACRE TRACT OF LAND, MORE OR LESS.



LEGEND

- Property Line.....
Set 1/2" Rebar.....
Found 1/2" Rebar.....
Set C.P.S.....
Ed. Cross Mark.....
Ed. Nail.....
Deed Call.....

BASIS OF BEARING

COLLINS SUBDIVISION
Block 7 & Block 8
Volume 3, Page 19
Cameron County Map Records



**Sigler,
Winston,
Greenwood,
& Associates, LLC.**



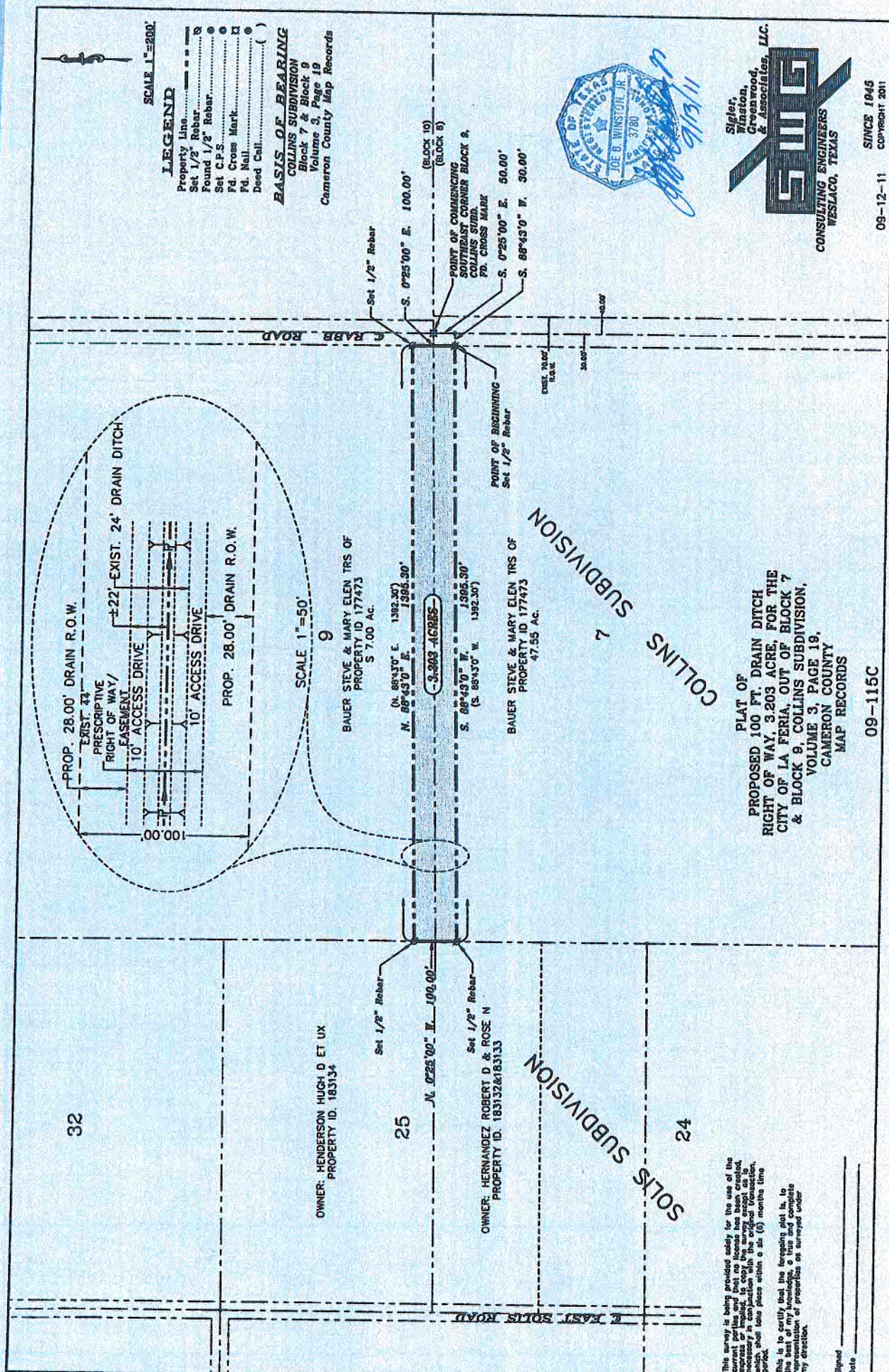
09-12-11
SINCE 1945
COPYRIGHT 2011

09-115C

This survey is being provided solely for the use of the current parties and that no license has been created, express or implied, to copy the survey except as is necessary in conjunction with the original transaction, which shall take place within a six (6) months time period.

This is to certify that the foregoing plot is, to the best of my knowledge, a true and complete representation of properties so surveyed under my direction.

Signed _____ Date _____



RANDY WINSTON, P.E.
PRESIDENT
CHAS A. GREENWOOD, P.E.
SPECIAL CONSULTANT

SIGLER, WINSTON, GREENWOOD
& ASSOCIATES
SWG ENGINEERING, LLC
611 BILL SUMMERS INTL BLVD
WESSEL, TEXAS 77886
PH: 956-988-2184 FX: 956-988-4300

JOE B. WINSTON, P.E.
EXECUTIVE VICE PRESIDENT
WILLIAM R. SHEA, P.E.
CHAIRMAN OF THE BOARD

SEPTEMBER 12, 2011

STATE OF TEXAS
COUNTY OF CAMERON

09-1115D

RE: 50 FT. OUT OF BLOCK 10, COLLINS SUBDIVISION

FIELD NOTE DESCRIPTION FOR A 50.00 FOOT DRAIN DITCH RIGHT OF WAY FOR THE CITY OF LA FERIA, CAMERON COUNTY, TEXAS, BEING A 1.365 ACRE TRACT OF LAND, MORE OR LESS, OUT OF BLOCK 10, COLLINS SUBDIVISION, LA FERIA, TEXAS AS RECORDED IN VOLUME 3, PAGE 19 OF THE MAP & PLAT RECORDS OF CAMERON COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS TO WIT:

COMMENCING AT A FOUND CROSS MARK ON THE CENTERLINE OF RABB ROAD FOR THE SOUTHWEST CORNER OF BLOCK 10 COLLINS SUBDIVISION, VOLUME 3, PAGE 19;

THENCE, NORTH 88°43'00" EAST A DISTANCE OF 30.00 FEET TO A POINT ON THE EAST RIGHT OF WAY OF RABB ROAD, FOR THE SOUTHWEST CORNER OF THIS TRACT OF LAND HEREIN DESCRIBED, SAID CORNER ALSO BEING THE POINT OF BEGINNING OF THIS DESCRIPTION;

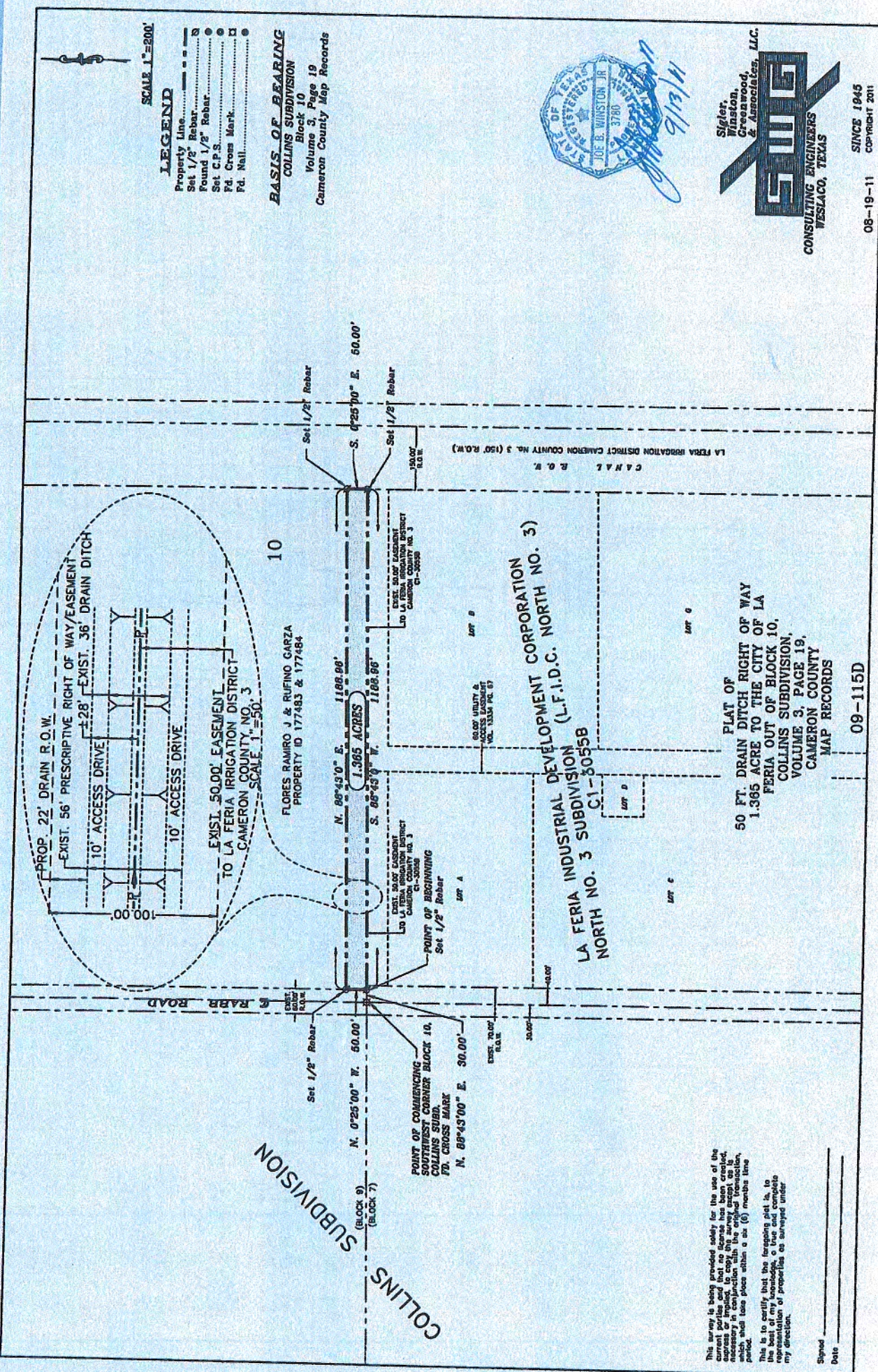
THENCE, NORTH 00°25'00" WEST A DISTANCE OF 50.00 FEET TO A SET 1/2 INCH STEEL REBAR FOR THE NORTHWEST CORNER OF THIS TRACT OF LAND HEREIN DESCRIBED;

THENCE, NORTH 88°43'00" EAST A DISTANCE OF 1188.96 FEET TO A SET 1/2 INCH STEEL REBAR ON AN EXISTING 150.00 FOOT WEST CANAL RIGHT OF WAY, SAID CORNER ALSO BEING THE NORTHEAST CORNER OF THIS TRACT LAND HEREIN DESCRIBED;

THENCE, SOUTH 00°25'00" EAST A DISTANCE OF 50.00 FEET TO A SET 1/2 INCH STEEL REBAR ON THE WEST RIGHT-OF-WAY LINE OF A 150.00 FOOT WEST CANAL FOR THE SOUTHEAST CORNER OF THIS TRACT OF LAND HEREIN DESCRIBED;

THENCE, SOUTH 88°43'00" WEST A DISTANCE OF 1188.96 FEET TO A SET 1/2 INCH STEEL REBAR FOR THE POINT OF BEGINNING OF THIS TRACT OF LAND HEREIN DESCRIBED, AND CONTAINING WITHIN THESE METES AND BOUNDS A 1.365 NET ACRE TRACT OF LAND, MORE OR LESS.





SCALE 1"=200'

LEGEND

- Property Line.....
- Set 1/2" Rebar.....
- Found 1/2" Rebar.....
- Set C.P.S.....
- Found C.P.S.....
- Found Cross Mark.....
- Found Nail.....

BASIS OF BEARING

COLLINS SUBDIVISION
Block 10
Volume 3, Page 19
Cameron County Map Records



**Sigler,
Winston,
Greenwood,
& Associates, LLC.**
ENGINEERS
WESLACO, TEXAS

SINCE 1945
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08-19-11

This survey is being provided solely for the use of the client and no warranty is made by the engineer as to the accuracy or impact of the survey. The engineer shall not be responsible for any errors or omissions in the survey. The engineer shall not be responsible for any errors or omissions in the survey. The engineer shall not be responsible for any errors or omissions in the survey.

Signed _____
Date _____