

RESOLUTION 2011-50

RESOLUTION DETERMINING NEED

A RESOLUTION OF THE CITY OF LA FERIA, TEXAS, DETERMINING A PUBLIC NECESSITY TO ACQUIRE CERTAIN PROPERTY, INCLUDING, IF NECESSARY, THE USE OF EMINENT DOMAIN TO CONDEMN PROPERTY; GIVING NOTICE OF AN OFFICIAL DETERMINATION TO ACQUIRE PROPERTY FOR THE WATER SYSTEM IMPROVEMENTS IN CONNECTION WITH ANTICIPATED IMPROVEMENTS TO THE WATER SYSTEM IN THE VICINITY OF KUBISKI, BIXBY AND SOLIS ROADS BETWEEN U.S. EXPRESSWAY 83 ON THE NORTH AND U.S. BUSINESS HIGHWAY 83 ON THE SOUTH; ESTABLISHING PROCEDURES FOR THE ACQUISITION OF PROPERTY; 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 the anticipated improvements to the water system (hereinafter referred to as the "Project"); and

WHEREAS, the Project will improve the quality of life of and be to the benefit general welfare of the citizens of the City of La Feria, Texas (hereinafter referred to as the "City");

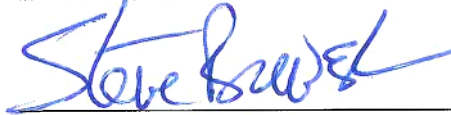
NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF LA FERIA, TEXAS, THAT:

- 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 easement or in the form of fee simple title as determined by the City Manager 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 water system 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, as determined necessary by the City Manager, 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.

- 6) The City Manager be and is hereby authorized to execute all documents necessary to acquire the Property needed for the Projects on behalf of the City of La Feria, including, if determined appropriate by the City Manager, accepting the voluntary conveyance of such Property to the City without further compensation other than the improvement of the indicated utility system of the City.
- 7) The amount of Seven Thousand Dollars (\$7,000.00) be and hereby is appropriated from the City's Water/Wastewater Capital Improvement Funds 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 6th day of December 2011.

APPROVED:



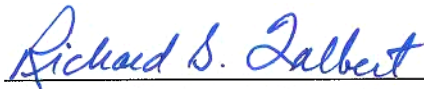
Steve Brewer, Mayor

ATTEST:



Olga Oberwetter, City Secretary

APPROVED:



Richard S. Talbert, City Attorney

EXHIBIT "A"
OF RESOLUTION 2011-50

LEGAL DESCRIPTIONS

THE STATE OF TEXAS §
§
COUNTY OF CAMERON §

KNOWN ALL MEN BY
THESE PRESENTS:

UTILITY EASEMENT

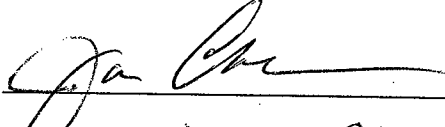
THAT, La Feria BP Properties, LLC, hereinafter referred to as Grantor, acting by and through its duly authorized officer, for and in consideration of the benefits to the Grantor resulting from the public improvements made possible by this easement on and in the vicinity of Grantor's property in the City of La Feria, Cameron County, Texas, has this day GRANTED AND CONVEYED, and by these presents does hereby grant and convey to the City of La Feria, a municipal corporation situated in Cameron County, Texas, hereinafter referred to as Grantee, an easement to construct, reconstruct and perpetually maintain public utilities, including water and wastewater lines, together with all incidental improvements, necessary laterals, connections and appurtenances, upon and across the land located in Cameron County, Texas, and described as follows:

A tract of land for a twenty-foot wide utility easement, being 0.3037 of an acre, situated in and a part of Blocks 12 and 49, Solis Subdivision, said subdivision being recorded in Volume 5, Page 20, Cameron County Map Records, and more particularly described in the attached Metes and Bounds Description and survey.

TO HAVE AND TO HOLD the same, by the City of La Feria, and its successors and assigns, together with the right and privilege at all times to enter said property, or any part thereof, for the purpose of constructing, reconstructing and maintaining said utilities and all incidental improvements and for making connections therewith. The grantee shall have the right to construct, reconstruct and perpetually maintain additional utility facilities at all times in the future, within the above-described easement.

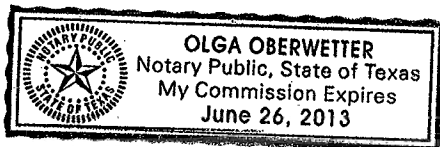
The caption, titles and headings used in this document are for convenience only and shall not be deemed to construe or limit the meaning of the language of the easement.


EXECUTED this 26th day of March, 2012.


BY: JAIME Closer
(please print name)

TITLE: President

SWORN TO AND SUBSCRIBED before me on this 26th day of March, 2012.




NOTARY PUBLIC, State of Texas

Revised: October 31, 2011
October 20, 2011

**METES AND BOUNDS DESCRIPTION
0.3037 OF ONE ACRE OUT OF BLOCKS 12 & 49
SOLIS SUBDIVISION
CAMERON COUNTY, TEXAS**

EASEMENT

GRANTOR: La Feria BP Properties

A tract of land containing 0.3037 of one acre [13,229.49 square feet] situated in the City of La Feria, Cameron County, Texas, being part or portion of a certain tract out of BLOCKS 12 & 49, SOLIS SUBDIVISION, according to the plat thereof recorded in Volume 5, Page 20, Cameron County Map Records, said certain tract having been conveyed to La Feria BP Properties by virtue of Special Warranty Deed recorded in Volume 11237, Page 52, Cameron County Official Records, said 0.3037 of one acre [13,229.49 square feet] also being more particularly described as follows:

COMMENCING at the Northernmost corner of Lot 1, Block 1, Bixby Canal Estates, according to the plat thereof recorded in Cabinet 1, Slot 1736B, Cameron County Map Records;

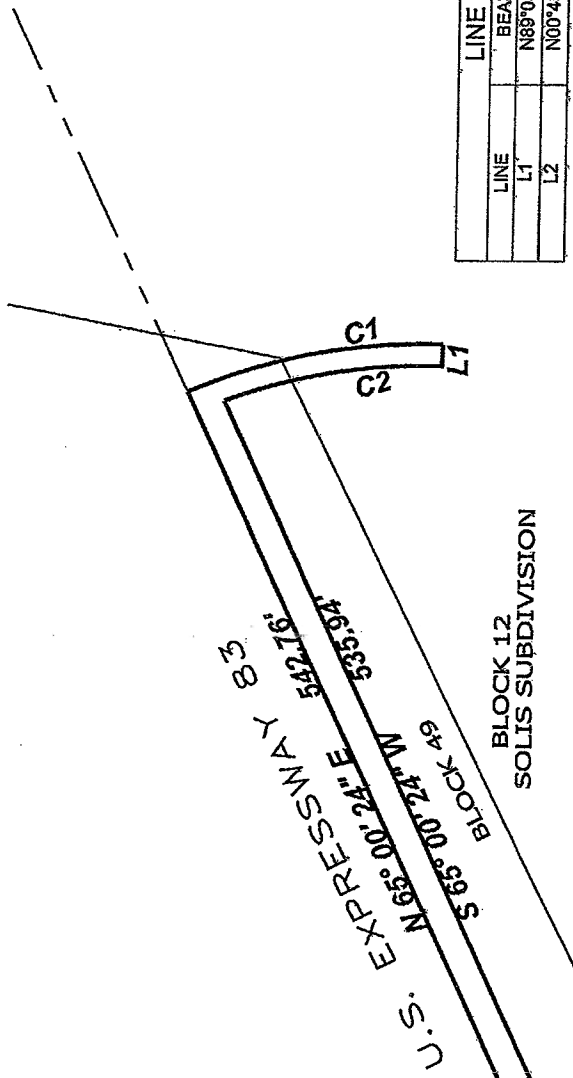
THENCE, N 65° 00' 24" E along the South right-of-way line of U.S. Expressway 83, a distance of 614.65 feet to a point on the West line of Block 49 for the POINT OF BEGINNING and Northwest corner of this tract;

1. THENCE, N 65° 00' 24" E along the South right-of-way line of U.S. Expressway 83, a distance of 542.76 feet to the Northernmost corner of this tract;
2. THENCE, in a Southeasterly direction along a curve to the right, with a central angle of 25° 56' 21", a radius of 388.89 feet, an arc length of 176.06 feet, a tangent of 89.56 feet, and a chord that bears S 11° 17' 39" E a distance of 174.56 feet to the Southeast corner of this tract;
3. THENCE, N 89° 05' 59" W a distance of 15.01 feet to the Easternmost Southwest corner of this tract;
4. THENCE, in a Northwesterly direction along a curve to the left, with a central angle of 22° 52' 23", a radius of 373.89 feet, an arc length of 149.26 feet, a tangent of 75.64 feet, and a chord that bears N 09° 43' 37" W a distance of 148.27 feet to an inside corner of this tract;
5. THENCE, S 65° 00' 24" W a distance of 535.94 feet to a point on the West line of said Block 49 for the Westernmost Southwest corner of this tract;
6. THENCE, N 00° 49' 17" W along the West line of said Block 49, a distance of 21.92 feet to the POINT OF BEGINNING and containing 0.3037 of one acre [13,229.49 square feet] of land, more or less.

Prepared by:
MELDEN & HUNT, INC.
Consultants, Engineers, Surveyors
115 West McIntyre
Edinburg, Texas 78541
(956) 381-0981

BEARING BASIS AS PER TEXAS STATE
PLANE GRID COORDINATE SYSTEM M4D 83
TEXAS SOUTH 4283

SCALE: 1"=100'



LINE DATA		
LINE	BEARING	DISTANCE
L1	N89°06'59"W	15.01'
L2	N00°49'17"W	21.92'

CURVE DATA					
CURVE	DELTA	RADIUS	LENGTH	TANGENT	CHORD
C1	25°56'21"R	388.89'	176.06'	89.56'	174.56'
C2	22°52'28"L	373.89'	149.26'	75.64'	148.27'

PREPARED BY
GRANTOR: LA FERIA BP PROPERTIES

MELDEN & HUNT INC.
CONSULTANTS • ENGINEERS • SURVEYORS

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ESTABLISHED 1947
www.meldendandhunt.com

REVISED: 10/31/2011
DATE: 10/20/2011
JOB No. 10088
FILE NAME: 10088.08 20-FOOT ESMIT
DRAWN BY: S.H.

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**PLAT SHOWING
EASEMENT BEING
0.3037 OF ONE ACRE [13,229.49 SQUARE FEET]
OUT OF BLOCKS 12 AND 49
SOLIS SUBDIVISION
VOLUME 5, PAGE 20
CAMERON COUNTY MAP RECORDS
CITY OF LA FERIA, CAMERON COUNTY, TEXAS**

POINT OF BEGINNING

POINT OF COMMENCING
NORTHERNMOST
CORNER
LOT 1, BLOCK 1

LOT 10
BLOCK 4
AMERICAN RIO
GRANDE LAND
IRR. CO. SUB.
VOLUME 5
PAGE 55
CAMERON
COUNTY
MAP
RECORDS

LOT 1
BLOCK 1
BIDEX CABAL
CABINET 1
LOT 1736B
CAMERON
COUNTY MAP
RECORDS

U.S. EXPRESSWAY 83

N 65° 00' 24" E 542.16'

S 63° 00' 24" W 335.92'

N 89° 06' 59" W 15.01'

N 00° 49' 17" W 21.92'

BLOCK 12
SOLIS SUBDIVISION

THE STATE OF TEXAS §
§
COUNTY OF CAMERON §

KNOWN ALL MEN BY
THESE PRESENTS:

UTILITY EASEMENT

THAT, Royce Kelly Norman, hereinafter referred to as Grantor, for and in consideration of the benefits to the Grantor resulting from the public improvements made possible by this easement on and in the vicinity of Grantor's property in the City of La Feria, Cameron County, Texas, has this day GRANTED AND CONVEYED, and by these presents does hereby grant and convey to the City of La Feria, a municipal corporation situated in Cameron County, Texas, hereinafter referred to as Grantee, an easement to construct, reconstruct and perpetually maintain public utilities, including water and wastewater lines, together with all incidental improvements, necessary laterals, connections and appurtenances, upon and across the land located in Cameron County, Texas, and described as follows:

A tract of land for a twenty-foot wide utility easement, being 0.0585 of an acre, situated in and a part of Lot 1, Block 8, Bixby Canal Estates Subdivision, said subdivision being recorded in Cab. 1, Slot 1736B, Cameron County Map Records, and more particularly described in the attached Metes and Bounds Description and survey.

TO HAVE AND TO HOLD the same, by the City of La Feria, and its successors and assigns, together with the right and privilege at all times to enter said property, or any part thereof, for the purpose of constructing, reconstructing and maintaining said utilities and all incidental improvements and for making connections therewith. The grantee shall have the right to construct, reconstruct and perpetually maintain additional utility facilities at all times in the future, within the above-described easement.

The caption, titles and headings used in this document are for convenience only and shall not be deemed to construe or limit the meaning of the language of the easement.

EXECUTED this 5th day of January, ~~2011~~ ²⁰¹².

Royce Kelly Norman

BY: Royce Kelly Norman
(please print name)

SWORN TO AND SUBSCRIBED before me on this 5th day of January, ~~2011~~ ²⁰¹².

Martha N. Gonzales
NOTARY PUBLIC, State of Texas



October 20, 2011
METES AND BOUNDS DESCRIPTION
0.0585 OF ONE ACRE OUT OF LOT 1, BLOCK 1
BIXBY CANAL ESTATES
CAMERON COUNTY, TEXAS

20-FOOT EASEMENT
GRANTOR: Norman Royce Kelly

A tract of land containing 0.0585 of one acre [2550.39 square feet], situated in the City of La Feria, Cameron County, Texas, being part or portion of LOT 1, BLOCK 1, BIXBY CANAL ESTATES, according to the plat thereof recorded in Cabinet 1, Slot 1736B, Cameron County Map Records, said Lot 1, Block 1 having been conveyed to Norman Royce Kelly by virtue of Warranty Deed with Vendor's Lien recorded in Volume 5754, Page 180, Cameron County Official Records and by virtue of Divorce Decree recorded in Volume 17432, Page 150, Cameron County Official Records, said 0.0585 of one acre [2550.39 square feet] also being more particularly described as follows:

BEGINNING at the Northernmost corner of said Lot 1, Block 1 for the Northernmost corner of this tract;

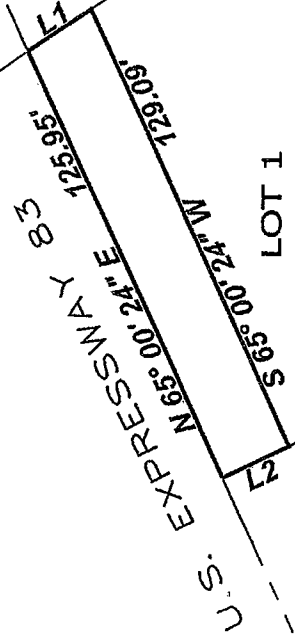
1. THENCE, S 33° 57' 37" E a distance of 20.25 feet to the Easternmost corner of this tract;
2. THENCE, S 65° 00' 24" W a distance of 129.09 feet to a point on the Westerly boundary line of said Lot 1, Block 1 for the Southernmost corner of this tract;
3. THENCE, N 25° 02' 27" W along the Westerly boundary line of said Lot 1, Block 1, a distance of 20.00 feet to Westernmost corner of said Lot 1, Block 1 for the Westernmost corner of this tract;
4. THENCE, N 65° 00' 24" E along the Northerly line of said Lot 1, Block 1 and the Southerly right-of-way line of U.S. Expressway 83, a distance of 125.95 feet to the POINT OF BEGINNING and containing 0.0585 of one acre [2550.39 square feet] of land, more or less.

Prepared by:
MELDEN & HUNT, INC.
Consultants, Engineers, Surveyors
115 West McIntyre
Edinburg, Texas 78541
(956) 381-0981

BEARING BASIS AS PER TEXAS STATE
 PLANE GRID COORDINATE SYSTEM NAD 83
 TEXAS SOUTH 4205

SCALE: 1"=40'

POINT OF BEGINNING
 NORTHERNMOST
 CORNER
 LOT 1, BLOCK 1



LOT 10, BLOCK 4
 AMERICAN RIO
 GRANDE LAND &
 IRRIGATION CO.
 SUBDIVISION
 VOLUME 5
 PAGE 55
 CAMERON CO.
 MAP RECORDS

PLAT SHOWING
 20-FOOT EASEMENT BEING
 0.0585 OF ONE ACRE [2550.39 SQUARE FEET]
 OUT OF LOT 1, BLOCK 1
 BIXBY CANAL ESTATES
 CABINET 1, SLOT I736B
 CAMERON COUNTY MAP RECORDS
 CITY OF LA FERIA, CAMERON COUNTY, TEXAS

LOT 2
 BLOCK 1
 BIXBY CANAL ESTATES

PREPARED BY
 GRANTOR: NORMAN ROYCE KELLY

MELDEN & HUNT INC.
 CONSULTANTS • ENGINEERS • SURVEYORS

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 EDINBURG, TX 78541
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 ESTABLISHED 1947
 www.meldenandhunt.com

LINE DATA		
LINE	BEARING	DISTANCE
L1	S33°57'37"E	20.25'
L2	N25°02'27"W	20.00'

DATE: 10/20/2011
 JOB No. 10089
 FILE NAME: 10089.08 20-FOOT ESM'T
 DRAWN BY: S.H.

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THE STATE OF TEXAS §
§
COUNTY OF CAMERON §

KNOWN ALL MEN BY
THESE PRESENTS:

UTILITY EASEMENT

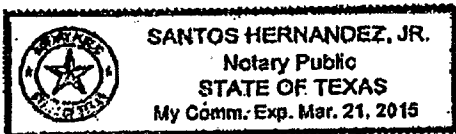
THAT, Jose L. Palacios, hereinafter referred to as Grantor, for and in consideration of the benefits to the Grantor resulting from the public improvements made possible by this easement on and in the vicinity of Grantor's property in the City of La Feria, Cameron County, Texas, has this day GRANTED AND CONVEYED, and by these presents does hereby grant and convey to the City of La Feria, a municipal corporation situated in Cameron County, Texas, hereinafter referred to as Grantee, an easement to construct, reconstruct and perpetually maintain public utilities, including water and wastewater lines, together with all incidental improvements, necessary laterals, connections and appurtenances, upon and across the land located in Cameron County, Texas, and described as follows:

A tract of land for a ten-foot wide utility easement, being 0.053 of an acre, situated in and a part of Lot 2, Block 1, Bixby Canal Estates Subdivision, said subdivision being recorded in Cabinet 1, Slot 1736B, Cameron County Map Records, and more particularly described in the attached Metes and Bounds Description and survey prepared by Melden and Hunt, Inc., dated October 20, 2011 and revised February 12, 2012.

TO HAVE AND TO HOLD the same, by the City of La Feria, and its successors and assigns, together with the right and privilege at all times to enter said property, or any part thereof, for the purpose of constructing, reconstructing and maintaining said utilities and all incidental improvements and for making connections therewith. The grantee shall have the right to construct, reconstruct and perpetually maintain additional utility facilities at all times in the future, within the above-described easement.

The caption, titles and headings used in this document are for convenience only and shall not be deemed to construe or limit the meaning of the language of the easement.

EXECUTED this 16 day of MARCH, 2012.



BY: [Signature]
Jose L. Palacios
(please print name)

SWORN TO AND SUBSCRIBED before me on this 16 day of March, 2012.

[Signature]
NOTARY PUBLIC, State of Texas

Revised: February 17, 2012
October 20, 2011

METES AND BOUNDS DESCRIPTION
0.053 OF ONE ACRE OUT OF LOT 2, BLOCK 1
BIXBY CANAL ESTATES
CAMERON COUNTY, TEXAS

10-FOOT EASEMENT
GRANTOR: Jose L. Palacios

A tract of land containing 0.053 of one acre [2291.4 square feet], situated in the City of La Feria, Cameron County, Texas, being part or portion of LOT 2, BLOCK 1, BIXBY CANAL ESTATES, according to the plat thereof recorded in Cabinet 1, Slot 1736B, Cameron County Map Records, which said Lot 2, Block 1 was conveyed to Jose L. Palacios by virtue of Warranty Deed recorded in Volume 6059, Page 79, Cameron County Official Records, said 0.053 of one acre [2291.4 square feet] also being more particularly described as follows:

BEGINNING at the Northernmost corner of Lot 2, Block 1 for the Northernmost corner of this tract;

1. THENCE, S 25° 02' 27" E a distance of 10.00 feet to the Easternmost corner of this tract;
2. THENCE, S 65° 00' 24" W a distance of 124.33 feet to an inside corner of this tract;
3. THENCE, S 31° 47' 02" W a distance of 32.08 feet to an inside corner of this tract;
4. THENCE, S 01° 18' 56" E a distance of 66.77 feet to the Southeast corner of this tract;
5. THENCE, S 88° 39' 30" W a distance of 10.00 feet to a point on the West line of said Lot 2, Block 1 and the East right-of-way line of Bixby Road for the Southwest corner of this tract;
6. THENCE, N 01° 18' 56" W along the West line of said Lot 2, Block 1 and the East right-of-way line of Bixby Road, a distance of 69.75 feet to an outside corner of said Lot 2, Block 1 for an outside corner of this tract;
7. THENCE, N 31° 47' 02" E along the boundary line of said Lot 2, Block 1 and a corner clip line, a distance of 38.03 feet to an outside corner of said Lot 2, Block 1 for an outside corner of this tract;
8. THENCE, N 65° 00' 24" E along the North line of said Lot 2, Block 1 and the South right-of-way line of U.S. Expressway 83, a distance of 127.31 feet to the POINT OF BEGINNING and containing 0.053 of one acre [2291.4 square feet] of land, more or less.

Prepared by:
MELDEN & HUNT, INC.
Consultants, Engineers, Surveyors
115 West McIntyre
Edinburg, Texas 78541
(956) 381-0981

POINT OF BEGINNING
NORTHERNMOST
CORNER
LOT 2, BLOCK 1

1271.31'
1274.33'

LOT 1

EXPRESSWAY 83
N 65° 00' 24" E

LOT 2

S 01° 18' 56" E
66.77'

S 01° 18' 56" W
69.75'

BLOCK 1
BIXBY CANAL ESTATES

L2

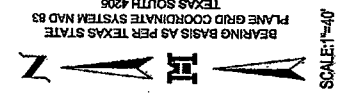
L3

L4

BIXBY ROAD N 01° 18' 56" W

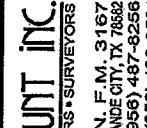
LINE DATA		
LINE	BEARING	DISTANCE
L1	S25°02'27"E	10.00'
L2	S31°47'02"W	32.08'
L3	S88°39'30"W	10.00'
L4	N31°47'02"E	38.03'

PLAT SHOWING
A 10-FOOT EASEMENT BEING
0.053 OF ONE ACRE [2291.4 SQUARE FEET]
OUT OF LOT 2, BLOCK 1
BIXBY CANAL ESTATES
CABINET 1, SLOT 1736B
CAMERON COUNTY MAP RECORDS
CITY OF LA FERIA, CAMERON COUNTY, TEXAS



BEARING BASIS AS PER TEXAS STATE
PLANE GRID COORDINATE SYSTEM MAD 83
TEXAS SOUTH 4205

PREPARED BY
GRANTOR: JOSE L. PALACIOS



MELDEN & HUNT INC.
CONSULTANTS • ENGINEERS • SURVEYORS

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ESTABLISHED 1947
www.meldenandhunt.com

REVISED: 02/17/2012 - M.T.C.
DATE: 10/20/2011
JOB No. 10089
FILE NAME: 10089.08 20-FOOT ESMT
DRAWN BY: S.H.

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