



Brownsville Independent School District

Agenda Category: General Function
Contracts/MOU Board of Education Meeting: 03/23/2023

Item Title:	<u>Union Design Developers LP</u>	<u>X</u>	Action
	<u>(The Heights at Riverbend Subdivision II</u>		Information
	<u>by Veterans ECHS)</u>		
	<u>BISD Easement Request and Agreement</u>		Discussion

BACKGROUND:

Brownsville Independent School District owns the property that is located at the Northern Eastern corner of the Veterans Memorial ECHS, campus being consider for water line improvements. Union Design Developers LP is requesting that the Brownsville ISD transfer a 15-foot utility easement to Riverbend Subdivision II. The construction of the 12" water line will connect to the 17-acre tract on the West Side of the Heights at Riverbend Subdivision II. The new water line will be located along the North Eastern boundary between the detention pond and the BISD property line

- 1) Union Design Developers LP agrees to; not disturb any improvement belonging to BISD within the easement proposal
- 2) Approval from the district architect of the location recommended by BISD of the 15-foot water line easement plans before beginning construction on BISD property.

FISCAL IMPLICATIONS:

RECOMMENDATION:

Recommendation for approval of the BISD Easement Request and Agreement transfer of the Veterans Memorial ECHS easement to the Union Design Developers LP., for the transfer of 15-foot utility easement to Riverbend Subdivision II.

Manuel Hinojosa, FAIA
Submitted by: Principal/Program Adm.

Recommended by: Asst. Supt./CFO

Miguel Salinas
Reviewed by: Staff Attorney

Dr. Nellie Cantu
Approved by: Deputy Superintendent 3/20/2023

Approved for Submission to the Board of Education:

Dr. René Gutiérrez, Superintendent

When Necessary, Additional Background May Follow This.

Minerva Almanza

From: Priscilla Lozano <plozano@808West.com>
Sent: Friday, March 3, 2023 10:31 AM
To: Isela Vieyra
Cc: Miguel Salinas; Lea Ohrstrom; Minerva Almanza; Patricia Perez; Roxanne Eckstein
Subject: Re: Union Design Developers LP

CAUTION: This email originated from outside of Brownsville ISD. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good morning,

Approved as to form.

Sincerely,

Priscilla

**ODC**
O'HANLON, DEMERATH & CASTILLO
Attorneys and Counselors at Law

Priscilla A. Lozano
Partner
808 West Ave
Austin, Texas 78701
Office: 512-494-9949
Facsimile: 512-494-9919
Email: plozano@808west.com
www.808west.com

From: Isela Vieyra <jivieyra@bisd.us>
Sent: Wednesday, March 1, 2023 3:55 PM
To: Priscilla Lozano <plozano@808West.com>
Cc: Miguel Salinas <miguelsalinas@bisd.us>; Lea Ohrstrom <lohrstrom@808West.com>; Minerva Almanza <malmanza1@bisd.us>; Patricia Perez <pperez@bisd.us>; Roxanne Eckstein <reckstein@bisd.us>
Subject: RE: Union Design Developers LP

Ms. Lozano,

Please review and approve the revised agreement based on your recommendations.

Thank you,

Isela Vieyra

From: Isela Vieyra
Sent: Monday, February 20, 2023 3:17 PM
To: Priscilla Lozano
Cc: Miguel Salinas; Kevin O'Hanlon; Lea Ohrstrom; Minerva Almanza; Patricia Perez
Subject: Union Design Developers LP
Attachments: Union Design Developers LP-BISD Easement Request and Agreement.pdf

Good afternoon Ms. Lozano,

I have attached the above-mentioned MOU for your review and approval.

Thank you,

Isela Vieyra Rios | Legal Assistant to Miguel Salinas | Staff Attorney | Phone: 956.698.6379
Brownsville Independent School District | 1900 East Price Road | Brownsville, TX 78521

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STATE OF TEXAS §
 §
COUNTY OF CAMERON §

AGREEMENT BETWEEN UNION DESIGN DEVELOPERS, LP
AND THE BROWNSVILLE INDEPENDENT SCHOOL DISTRICT FOR THE
CONVEYANCE OF A 15 FOOT EASEMENT AT THE ENTRY/EXIT DRIVE
AT VETERANS MEMORIAL ECHS PARKING LOT

This Agreement is made by and between Union Design Developers, LP and the BROWNSVILLE INDEPENDENT SCHOOL DISTRICT, hereinafter referred to as “District or BISD.”

1. **PURPOSE OF AGREEMENT:** The purpose of the agreement is to convey an easement on property owned and maintained by the Brownsville Independent School District at the entry/exit drive at Veterans Memorial Early College High School to Union Design Developers so that Union Design Developers can run a sewer line underneath the entry/exit parking lot at Veterans Memorial ECHS to service a 12.32 acres tract of land along the west side of the Heights at Riverbend Subdivision along U.S. Highway 281. (See Attachment “A” Proposed Utility Easement).
2. Union Design Developers is planning to develop a 12.32-acre subdivision adjacent to Veterans Memorial Early College High School, for the purpose of constructing single family residential lots. (See Attachment “B” proposed site plan). In order to develop the property, it has been determined that the developer will need a 15-foot easement at the entry/exit drive at Veterans Memorial Early College High School in order to run a sewer line under the existing pavement at the school. The sewer line will be constructed by boring underneath the parking lot without disturbing the existing pavement.
3. The Brownsville Independent School District has determined that the conveyance of the Easement would serve a public purpose by allowing the development of much needed affordable single-family homes adjacent to District property. It is anticipated the children who will live in the proposed subdivision will utilize Brownsville Independent School District schools for their educational needs.

TERMS

4. The District agrees to grant a 15-foot easement for the construction of an underground sewer line under the conditions provided for herein.
5. Union Design Developers, LP, will prepare a metes and bounds description, a site plan and architectural and/or engineering plans of the proposed easement at the entry/exit drive at Veterans Memorial Early College High School and present it to the District’s Architect for his review and approval before beginning construction.
6. Union Design Developers agree they will construct the sewer line by boring underneath the existing pavement.

7. After construction of the sewer line, Union Design Developers will repair any incidental damages occurring to BISD property ensuring that BISD property is restored to its condition prior to construction. Union Design Developers agree to maintain the easement and sewer line so that BISD property remains in the condition as it currently exists and BISD property is not damaged by the grant of the easement. In addition, Union Design Developers will ensure the water pressure levels at Veterans Memorial ECHS will not be impacted by the construction. If the water pressure levels at Veterans Memorial ECHS are affected in anyway, Union Design Developers will remedy the situation at no cost to the District.
8. Union Design Developers agrees to minimize the impact on the school by performing the construction work when school is not in session or after school has commenced in the morning and before it lets out in the afternoon.
9. The easement is made subject to any restrictions, covenants, easements, rights-of-way, encumbrances, and mineral or royalty reservations or interest affecting the easement whether or not appearing of record in the Official Public Records of Cameron County, Texas, to the extent that said items and matters are in effect and validly enforceable.
10. Union Design Developers indemnifies and holds harmless BISD, its agents, servants and employees from liability for all claims and causes of action of any kind of character, including those in any matter resulting from, arising out of or caused, in whole or part, by Union Design Developers or its agents, employees, invitees or licensee's activities related to the easement, occurring in, during or after the term of the easement.
11. This Agreement shall have no legal force or effect until such time as the Superintendent and the District Architect approve the plans of the proposed easement. After approval, Union Design Developers will prepare an Easement Deed for the transfer of the easement with the conditions enumerated herein, and in a form approved by the Superintendent for the Superintendent's signature and recordation at the County Clerk's office.

Executed on this ____ day of _____, 2023.

Union Design Developers
Managing Member

Dr. Rene Gutierrez, Superintendent,
Brownsville Independent School District



December 21, 2021

Email: mhinojosa1@bisd.us

Manuel Hinojosa
Brownsville Independent School District
District Architect / Administrator
1900 E. Price Rd
Brownsville Texas 78521

Re: The Heights at Riverbend Subdivision
Total Amount of Lots: 120

Dear Mr. Hinojosa,

Per our meeting last week regarding our request for a 15ft Easement in order to run a sewer line to the East Side of the Subdivision along Military Hwy US 281. This line will go under driveway to 12.32 acres which are owned by Union Design Developers.

I have attached the following documents for your review:

- A. Survey - Meets & Bounds – Military Highway US 281 Veterans High School
- B. Survey – Meets & Bounds – 12.316 acres
- C. The Heights at Riverbend Plat

Should you have any additional questions or wish to discuss this matter further please do not hesitate to contact me.

Sincerely,


Homer Gonzalez

4314 S. Conway Ave. Mission TX. 78572

PH: (956)-668-7031 FAX. (956)-668-7032

A.

R.O.W.

Surveying Services, L.L.C.

900 South Stewart Road, Suite 13
Mission, Texas 78572
TBPLS Firm No. 10193886

Metes and Bounds Description

Being a 0.03 of one acre (1,328 square feet) utility easement for Valley Municipal Utility District No. 2, situated in a 80.29 acre tract of land, out of a 3030.24 acre tract (Volume 941, Page 29, Deed Records) in Shares 1 and 17 of the Espiritu Santo Grant in Cameron County, Texas as described by "Warranty Deed" to Brownsville Independent School District of record in Volume 132028, Page 98, of the Official Records, Cameron County, Texas, said 0.03-acre tract being more particularly described as follows;

Beginning at a found 5/8-inch iron rod with yellow cap stamped "LANDTECH" for a common corner of a called 25.85 acre tract of land conveyed by "Special Warranty Deed with Vendor's Lien" to Palo Alto Homes, Inc, as recorded in Document Number 2021-21915, of the Official Records, Cameron County, Texas and said 80.29 acre tract, also being the North Right-of-way of Military Highway (U.S. 281) as conveyed by "Deed" to Texas Department of Transportation as recorded in Document Number 2016-19189, and also being the North Right-of-way of Military Highway (U.S. 281) as conveyed by "Deed" to Texas Department of Transportation as recorded in Document Number 2016-20798 of the Official Records, Cameron County, Texas, and being the southwest corner of said 0.03 acre tract of land;

Thence, North 07° 05' 14" East 16.19 feet, with the common line of said called 25.85 acre tract and said 80.29 acre tract, to a point for the Northwest corner said 0.03 acre tract of land;

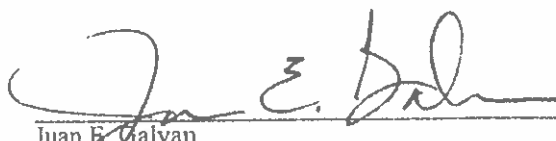
Thence, South 60° 47' 01" East 88.52 feet, over and across said 80.29 acre tract, to point for the common corner of said 80.29 and a called 12.31 acre tract of land conveyed by "Special Warranty Deed with Vendor's Lien" to Union Design Developers, L.P., as recorded in Document Number 2021-40609, of the Official Records, Cameron County, Texas, and being the Northeast corner of said 0.03 acre tract;

Thence, South 07° 05' 43" West 16.19 feet, with the common line of said 80.29 acre tract and said 12.31 acre, to a 5/8-inch iron rod with yellow plastic cap stamped "LANDTECH" found for the common corner of said 12.31 and the North Right-of-way of Military Highway (U.S. 281) conveyed by "Deed" to Texas Department of Transportation as recorded in Document Number 2017-23976, of the Official Records, Cameron County, Texas and being the Southeast corner of said 0.03 acre tract;

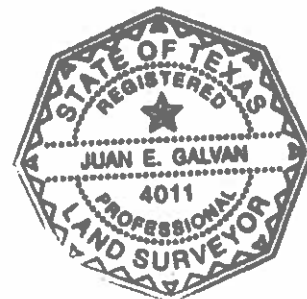
Thence, North 60° 47' 01" West 88.52 feet, with the along the North Right-of-way of Military Highway (U.S. 281) as conveyed by "Deed" to Texas Department of Transportation as recorded in Document Number 2016-19189, of the Official Records, Cameron County, Texas, to the **POINT OF BEGINNING** and containing a computed area of 0.03 of one acre of land (1, 328 square feet);

Bearing Basis, Texas Coordinate System, South Zone, North American Datum of 1983.

A survey plat of even date accompanies this herein metes and bounds description.

 12/22/2021
Date

Registered Professional Land Surveyor No. 4011
Job. No. R17021



LEGEND:

FOUND 5/8" IRON ROD WITH
"ROWSS PROP COR" CAP
UNLESS OTHERWISE NOTED

SET 5/8" IRON ROD WITH
"ROWSS PROP COR" CAP
UNLESS OTHERWISE NOTED

MAP RECORDS CAMERON COUNTY M.R.C.C.

DEED RECORDS CAMERON COUNTY D.R.C.C.

OFFICIAL RECORDS CAMERON COUNTY O.R.C.C.

OFFICIAL PUBLIC RECORDS CAMERON COUNTY O.P.R.C.C.

RIGHT OF WAY R.O.W.

POINT OF BEGINNING P.O.B.

POWER POLE

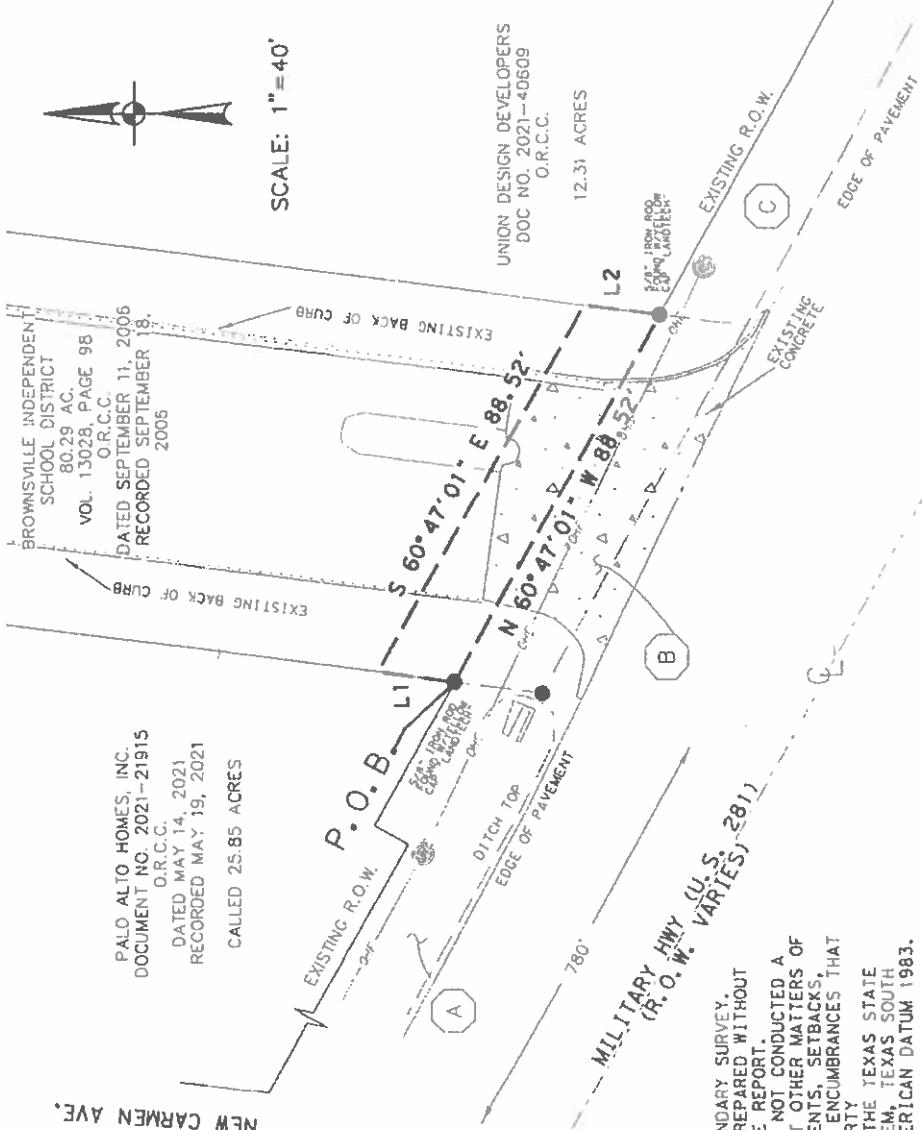
OVERHEAD ELECTRIC POWER —OHE—

(A) THE STATE OF TEXAS
DOC. NO. 2016-20798
O.R.C.C.

(B) THE STATE OF TEXAS
DOC. NO. 2016-19189
O.R.C.C.

(C) THE STATE OF TEXAS
DOC. NO. 2017-23976
O.R.C.C.

LINE	BEARING	DISTANCE (FT)
L1	N 07° 05' 14" E	16.19
L2	S 07° 05' 4.3" W	16.19'



NEW CARMEN AVE.

PALO ALTO HOMES, INC.
DOCUMENT NO. 2021-21915
O.R.C.C.
DATED MAY 14, 2021
RECORDED MAY 19, 2021
CALLED 25.85 ACRES

SCALE: 1"=40'

UNION DESIGN DEVELOPERS
DOC NO. 2021-40609
O.R.C.C.
12.31 ACRES

NOTES:

1. THIS IS NOT A BOUNDARY SURVEY.
2. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT.
3. THIS SURVEYOR HAS NOT CONDUCTED A TITLE SEARCH TO DEPICT OTHER MATTERS OF RECORD, SUCH AS EASEMENTS, SETBACKS, RESTRICTIONS OR OTHER ENCUMBRANCES THAT MAY AFFECT THIS PROPERTY.
4. BEARING BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, TEXAS SOUTH ZONE (4205), NORTH AMERICAN DATUM 1983.

STATE OF TEXAS
COUNTY OF CAMERON

I HEREBY CERTIFY TO THE BEST OF MY KNOWLEDGE AND BELIEF THAT THIS SURVEY IS TRUE AND CORRECT ACCORDING TO AN ACTUAL SURVEY MADE ON THE GROUND UNDER MY SUPERVISION

THIS 22th DAY OF December 2021

Juan E. Galvan
JUAN E. GALVAN
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 4011



ROW

SURVEYING SERVICES, LLC.

500 S. STEWART RD. SUITE 13
DALLAS, TEXAS 75207
TEL: (972) 490-2287
FAX: (972) 493-2116
TXLS 10000000000000000000

UTILITY EASEMENT

BEING A 0.03 AC (1,328 SQ.FT.) UTILITY EASEMENT FOR VALLEY MUNICIPAL UTILITY DISTRICT NO. 2, SITUATED IN A 80.29 ACRE TRACT OF LAND, OUT OF A 3030.24 ACRE TRACT (VOLUME 941, PAGE 29, DEED RECORDS) IN SHARES 1 AND 17 OF THE ESPIRITU SANTO GRANT IN CAMERON COUNTY, TEXAS AS DESCRIBED BY "WARRANTY DEED" TO BROWNSVILLE INDEPENDENT SCHOOL DISTRICT AS RECORDED ON VOLUME 13028, PAGE 98, OF THE OFFICIAL RECORDS, CAMERON COUNTY, TEXAS.

B

Mejia & Rose, Incorporated

Engineering
T.B.P.E. No. F-002670

Surveying
T.B.P.L.S. No. 10023900

UNION DESIGN DEVELOPERS
12.316 ACRE TRACT

AUGUST 26, 2021
JOB NO. 21484

METES AND BOUNDS DESCRIPTION TRACT II

12.316 ACRES OUT OF THE NORTH PORTION OF TRACTS 6A, 10, 11, 12, 13 AND 14, IN SHARES 1 AND SHARE 17, ESPIRITU SANTO GRANT, CAMERON COUNTY, TEXAS, OUT OF A 3,030.24 ACRE TRACT (VOLUME 941, PAGE 29, DEED RECORDS), SAID 12.316 ACRE TRACT BEING MORE PARTICULARLY LOCATED AND DESCRIBED AS FOLLOWS:

BEGINNING, AT THE SOUTHEAST CORNER OF A 0.60 ACRE TRACT (VOL. 15965, PG. 12, OFFICIAL RECORDS), ALSO BEING THE INTERSECTION OF NORTHERN RIGHT-OF-WAY OF U.S. HIGHWAY 281 (100 FT. R.O.W.) AND THE WEST RIGHT-OF-WAY OF CARMEN AVE., FOR THE SOUTHEAST CORNER AND **POINT OF BEGINNING** OF THIS 12.316 ACRE TRACT;

THENCE, ALONG SAID NORTHERN RIGHT-OF-WAY OF U.S. HIGHWAY 281, NORTH 61 DEGREES 11 MINUTES 09 SECONDS WEST, A DISTANCE OF 955.26 FEET TO A ONE-HALF INCH IRON PIN WITH A YELLOW PLASTIC CAP STAMPED "M&R INC" SET, FOR A CORNER OF THIS TRACT;

THENCE, NORTH 28 DEGREES 48 MINUTES 50 SECONDS EAST, A DISTANCE OF 8.00 FEET TO A ONE-HALF INCH IRON PIN WITH A YELLOW PLASTIC CAP STAMPED "M&R INC" SET, FOR A CORNER OF THIS TRACT;

THENCE, CONTINUING ALONG SAID NORTHERN RIGHT-OF-WAY OF U.S. HIGHWAY 281, NORTH 61 DEGREES 11 MINUTES 09 SECONDS WEST, A DISTANCE OF 623.84 FEET TO A ONE-HALF INCH IRON PIN WITH A YELLOW PLASTIC CAP STAMPED "M&R INC" SET AT A CORNER OF A 80.256 ACRE TRACT (VOLUME 13028, PAGE 98, OFFICIAL RECORDS), FOR THE SOUTHWEST CORNER OF THIS TRACT;

THENCE, ALONG THE BOUNDARY LINE OF SAID 80.256 ACRE TRACT, NORTH 06 DEG. 42 MIN. 23 SEC. EAST, A DISTANCE OF 372.62 FEET TO A ONE-HALF INCH IRON PIN WITH A YELLOW PLASTIC CAP STAMPED "M&R INC" SET, FOR THE NORTHWEST CORNER OF THIS TRACT;

THENCE, CONTINUING ALONG THE BOUNDARY LINE OF SAID 80.256 ACRE TRACT, SOUTH 61 DEGREES 10 MINUTES 42 SECONDS EAST, A DISTANCE OF 1,454.52 FEET TO A ONE-HALF INCH IRON PIN WITH A YELLOW PLASTIC CAP STAMPED "M&R INC" SET ON THE WEST RIGHT-OF-WAY LINE OF CARMEN AVE. (120 FT. R.O.W.) AND BEING A CURVE TO THE LEFT WITH A RADIUS OF 345.00 FEET, FOR THE NORTHEAST CORNER OF THIS TRACT;

**METES AND BOUNDS DESCRIPTION
CONTINUED:**

UNION DESIGN DEVELOPERS
12.316 ACRE TRACT

AUGUST 26, 2021
JOB NO. 21484

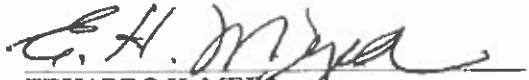
THENCE, ALONG THE WEST RIGHT-OF-WAY LINE OF CARMEN AVENUE, ALONG SAID CURVE TO THE LEFT, AN ARC DISTANCE OF 190.50 FEET (CH: SOUTH 11 DEG. 10 MIN. 11 SEC. EAST, A DISTANCE OF 188.09 FEET) TO A ONE-HALF INCH IRON PIN WITH A YELLOW PLASTIC CAP STAMPED "M&R INC" SET, FOR A CORNER OF THIS TRACT;

THENCE, CONTINUING ALONG THE WEST RIGHT-OF-WAY LINE OF CARMEN AVENUE, SOUTH 26 DEG. 59 MIN. 18 SEC. EAST, A DISTANCE OF 54.33 FEET TO A ONE-HALF INCH IRON PIN WITH A YELLOW PLASTIC CAP STAMPED "M&R INC" SET AT THE POINT OF CURVATURE OF A CURVE TO THE RIGHT WITH A RADIUS OF 226.51 FEET, FOR THE A CORNER OF THIS TRACT;

THENCE, CONTINUING ALONG THE WEST RIGHT-OF-WAY LINE OF CARMEN AVE., ALONG SAID CURVE TO THE RIGHT, AN ARC DISTANCE OF 211.63 FEET, (CH: SOUTH 00 DEG. 13 MIN. 19 SEC. EAST, A DISTANCE OF 204.02 FEET) TO THE **POINT OF BEGINNING**,

CONTAINING, 12.316 ACRE (536,485 SQ. FT.) OF LAND, MORE OR LESS.

THIS METES AND BOUNDS DESCRIPTION IS ACCOMPANIED BY A PLAT OF SURVEY


EDUARDO H. MEJIA
REG. PROF. LAND SURVEYOR NO. 3900

