



Brownsville Independent School District

Agenda Category: General Function
Contracts/MOU Board of Education Meeting: 03/07/2023

Item Title: Request for Temporary Construction Easement X Action
for Brownsville Public Utility Board (BPUB) Information
Easement at BISD Cromack Elementary Property Discussion

BACKGROUND:

During January 25, 2023, Facilities Committee Meeting, Brownsville Public Utilities Board (BPUB) presented a request for a Temporary Construction Easement at the Cromack Elementary School teachers/staff parking lot. The temporary easement request is located at the entry/exit of the teachers/staff parking lot adjacent to Southmost Road. Aside from teachers/staff use of the entryway, the parking lot entry/exit is also used for parents' pick up and drop off during the school's peak hours. BPUB requests to temporarily use a 60 x 60 square feet (3600 sq. ft.) area to install a water pipeline to improve the utility services to the community.

- Temporary Construction Easement – PID #29795 Year 2023; Cromack Elementary School

FISCAL IMPLICATIONS:

RECOMMENDATION:

Recommend approval to provide a temporary construction easement at the Cromack Elementary School Entry/Exit Parking Lot adjacent to Southmost Road to the Brownsville Public Utility Board (BPUB) as described in the Temporary Construction Easement Agreement (PID #29795) at no cost, and no impact in property size to BISD operations.

Manuel Hinojosa
Submitted by: Principal / Program Director

Approved for Submission to the Board of Education:

Dr. Nellie Cantu 2/27/23
Recommended by: Asst. Supt. / CFO

Dr. René Gutiérrez
Dr. René Gutiérrez, Superintendent

Miguel Salinas
Reviewed by: Staff Attorney

Dr. Nellie Cantu
Approved by: Deputy Superintendent

2/21/2023

When Necessary, Additional Background May Follow This.

Isela Vieyra

From: Priscilla Lozano <plozano@808West.com>
Sent: Monday, February 20, 2023 10:40 AM
To: Isela Vieyra
Cc: Miguel Salinas; Lea Ohrstrom; Minerva Almanza
Subject: Re: Request for Temporary Construction Easement for BPUB Easement at BISS Cromack Elementary Property

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,

I have reviewed the above referenced temporary construction easement and it is approved as to form.

Sincerely,

Priscilla

From: Isela Vieyra <jvievra@bisd.us>
Sent: Thursday, February 16, 2023 4:09 PM
To: Priscilla Lozano <plozano@808West.com>
Cc: Miguel Salinas <miguelsalinas@bisd.us>; Kevin O'Hanlon <kohanlon@808West.com>; Lea Ohrstrom <lohrstrom@808West.com>; Minerva Almanza <malmanza1@bisd.us>
Subject: RE: Request for Temporary Construction Easement for BPUB Easement at BISS Cromack Elementary Property

Ms. Lozano,

I apologize it is not a revised MOU.

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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Sent: Thursday, February 16, 2023 4:09 PM
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From: Isela Vieyra
Sent: Thursday, February 16, 2023 4:06 PM
To: 'Priscilla Lozano' <plozano@808West.com>
Cc: Miguel Salinas <miguelsalinas@bisd.us>; Kevin O'Hanlon <kohanlon@808West.com>; 'Lea Ohrstrom' <lohrstrom@808West.com>; Minerva Almanza <malmazan1@bisd.us>
Subject: Request for Temporary Construction Easement for BPUB Easement at BISD Cromack Elementary Property

Good afternoon Ms. Lozano,

Attached you will find the revised MOU regarding the above-mentioned.

Thank you,



TEMPORARY CONSTRUCTION EASEMENT
PID # 29795
(CROMACK ELEMENTARY SCHOOL)

KNOW ALL MEN BY THESE PRESENTS, that **THE BROWNSVILLE INDEPENDENT SCHOOL DISTRICT** (hereinafter called "Grantor"), in consideration of One Dollar (\$1.00) and other good and valuable consideration and paid by **BROWNSVILLE PUBLIC UTILITIES BOARD OF THE CITY OF BROWNSVILLE, TEXAS**, a Texas municipal utility (hereinafter called "Grantee"), the receipt and sufficiency of which is hereby acknowledged and confessed.

Grantor does hereby **GRANT, BARGAIN, SELL, TRANSFER AND CONVEY** to said Grantee, its successors and assigns, a **Temporary Construction Easement** being a **3.600 Sq.Ft. located on Block 35, of the Acacia Lake Gardens Subdivision**, City of Brownsville, Cameron County, Texas, according to the map thereof recorded in Volume 6, Page 75, Map Records, Cameron County, Texas; the approximate location and dimensions of said temporary construction easement is depicted in the sketch (outlined in red sketch lines) attached as **EXHIBIT "A"** and incorporated herein for all purposes (the "Easement").

Grantor authorizes Grantee and Contractor to construct a 12 Ft. deep pit temporary in the Temporary Construction Easement as described in **EXHIBIT "B"** (the "Work"). Grantee shall have the right to take and use without additional compensation any and excavated water, stone, earth, gravel, caliche, iron ore gravel or any other building materials generated by the Work and located upon, in, and under the Easement for use in Grantee's maintenance and operation of drainage and other municipal facilities in Brownsville, Texas.

Grantor authorizes Grantee, and Grantee's employees, contractors, subcontractors, consultants, and agents ("Contractor") to temporarily or permanently remove asphalt paving; curb and gutter; signage; gates; irrigation; lighting (lamps, poles and fixtures); fences; landscaping; tree limbs, branches; and other improvements located in the Easement. Contractor will repair and/or restore such improvements that may be damaged and/or removed during Grantee's use of the Easement to as close to their pre-construction condition as possible.

The Easement includes the temporary right of ingress and egress over Grantor's property abutting the Easement to allow equipment, materials, and personnel to access the Easement ("Temporary Access Easement").

The construction work will start during Spring Break, Saturday March 11, 2023 through Wednesday March 29, 2023, or sooner from 8:00 am to 5:00 pm and occasionally afterhours and weekends to speed up the project if necessary.

IN WITNESS WHEREOF the said Grantor has executed this instrument this _____ day of _____, 2023 ("Effective Date").

GRANTOR:

BROWNSVILLE INDEPENDENT SCHOOL DISTRICT

By: _____

Printed Name: Dr. Rene Gutierrez

Title: BISD Superintendent of Schools

Mailing Address of Landowners:

Brownsville Independent School District
1900 E. Price Road
Brownsville, Texas 78521

STATE OF TEXAS §
 §
COUNTY OF CAMERON §

This instrument was acknowledged before me on the ____ day of _____, 2023 by Dr. Rene Gutierrez, in his/her capacity as BISD Superintendent of Schools of The Brownsville Independent School District, and acknowledged and executed the same for the purposes and consideration therein expressed.

Notary Public, State of Texas

“BPUB”

BROWNSVILLE PUBLIC UTILITIES BOARD OF THE CITY OF BROWNSVILLE, TEXAS, a Texas political subdivision

By: _____
Marilyn D. Gilbert, Interim General Manager & CEO

Mailing address of BPUB:

Brownsville Public Utilities Board of the
City of Brownsville, Texas
P. O. Box 3270, Brownsville, Texas 78521-3270
c/o Jesus Alfaro, SR/WA, R/W-NAC
Senior Right-of-Way Agent

STATE OF TEXAS §

COUNTY OF CAMERON §

This instrument was acknowledged before me on this ___ day of _____,
2023, by Marilyn D. Gilbert, Interim General Manager & CEO of the Brownsville Public Utilities
Board of the City of Brownsville, Texas.

Notary Public, State of Texas

AFTER RECORDING RETURN TO:

Brownsville Public Utilities Board
Of the City of Brownsville, Texas
P.O. Box 3270
Brownsville, Texas 78521-3270
c/o Jesus Alfaro, SR/WA, R/W-NAC
Senior Right-of-Way Professional Agent

EXHIBIT "A"

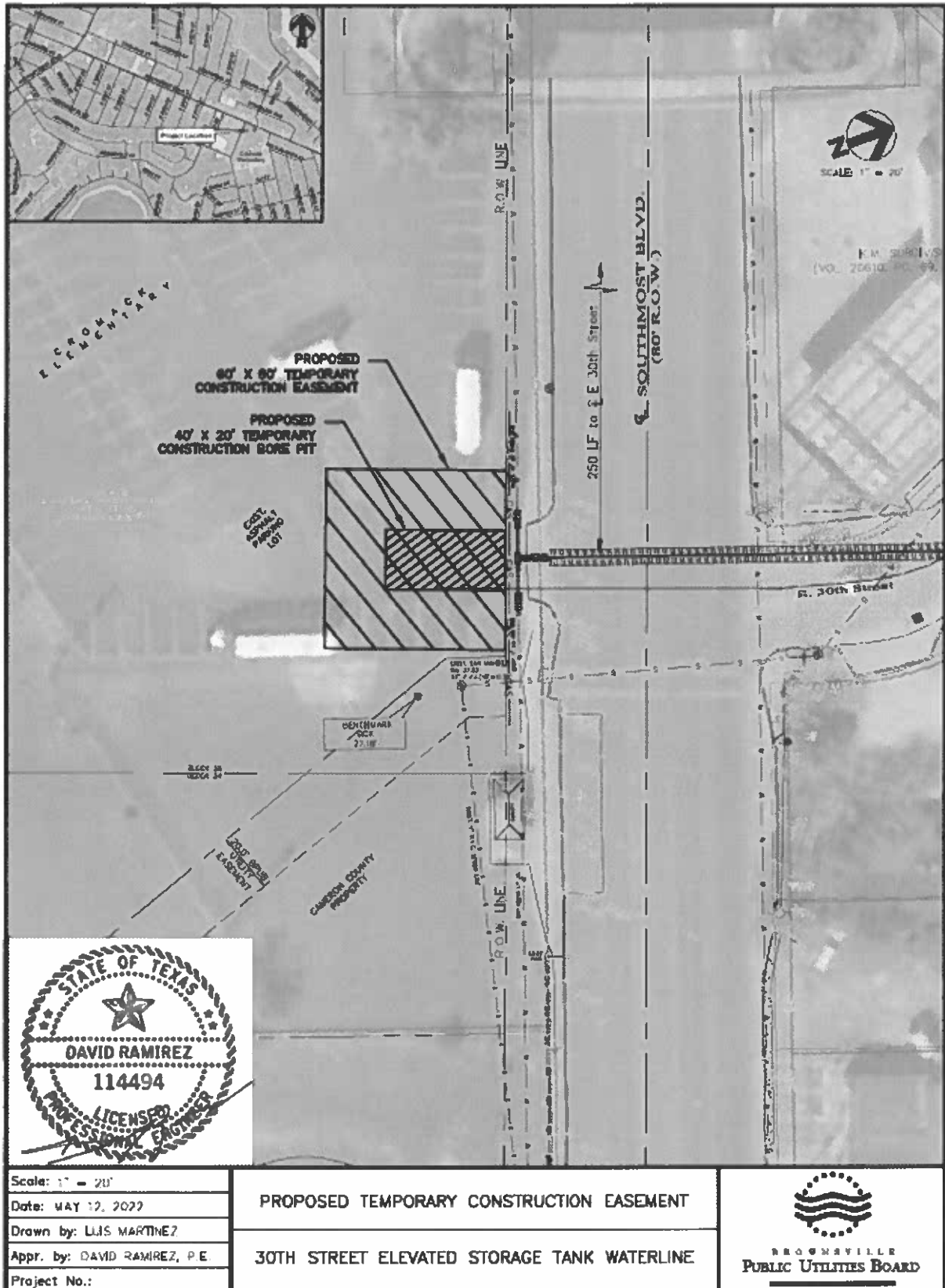


EXHIBIT “B”
Description of Work

Grantee’s work includes the construction of a 16-inch and 20-inch diameter waterline between Southmost Blvd. and the location of BPUB’s new elevated water storage tank on E. 30th St. in order to tie the new tank to the existing water distribution system on Southmost Blvd. This project will provide water pressure reliability in the Southmost community. In order to connect the new waterline to the existing waterline running along Southmost Blvd. a temporary bore pit in the proposed temporary construction easement area has to be constructed.

Grantee’s work will include constructing a temporary 12-ft deep pit to place material and equipment necessary to bore the new waterline under Southmost Blvd. and cross it to E. 30 St.

Grantee’s work will include the careful removal of a 40’x 20’ approximate area of existing parking lot asphalt, by saw-cutting, within the proposed 60’ x 60’ temporary construction easement for the temporary bore pit. No digging, excavation, material stockpiling, or other work will be done on the Grantor’s property outside of the temporary construction easement.

Grantee’s work will include securing the perimeter of the temporary construction easement with a temporary chain-link fence. Easement access will be through the existing chain-link gate located on the northeast side of the property.

Work will start during Spring Break, Saturday March 11, 2023 through Wednesday March 29, 2023, or sooner from 8:00 am to 5:00 pm and occasionally afterhours and weekends to speed up the project if necessary.

EXHIBIT “B”