



Brownsville Independent School District

Agenda Category: General Function
Contracts/MOU

Board of Education Meeting: 06/11/2024

Item Title: The Heights at Riverbend Subdivision II -
BISD Easement Request and Agreement
With the Brownsville Public Utilities
Board

X Action
Information
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 the Brownsville Public Utilities Board. 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) Brownsville PUB 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 Brownsville Public Utilities Board.

Approved for Submission to the Board of Education:

Alonso Guerrero
Submitted by: Principal/Program Adm.

Alejandro Cespedes
Recommended by: Asst. Supt./CFO

Miguel Salinas
Reviewed by: Staff Attorney

Alejandro Cespedes
Approved by: Chief Officer

Jesus H. Chavez
Dr. Jesus H. Chavez, Superintendent

When Necessary, Additional Background May Follow This.

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

**BROWNSVILLE
PUBLIC UTILITIES BOARD**

UTILITY EASEMENT

That **BROWNSVILLE INDEPENDENT SCHOOL DISTRICT ("Landowner")**, for valuable consideration, the sufficiency of which is acknowledged, **GRANTS** to the **BROWNSVILLE PUBLIC UTILITIES BOARD OF THE CITY OF BROWNSVILLE, TEXAS**, a Texas political subdivision (**"BPUB"**), and exclusive, perpetual utility easement in, under, over, and through the following described of Landowner:

A 15 Feet Wide, 0.267 Acre Utility Easement out of a certain 80.29 Acre Tract of land out of certain 3030.24 Acre Tract out Shares 1 and 17 of the Espiritu Santo Grant in Cameron County, Texas; said 80.29 Acre Tract being as described in Warranty Deed from Rio Properties, Inc. to Brownsville Independent School District recorded in Volume 13028, Page 98 of the Official Record of Cameron County, Texas, Said 0.267 Acre Tract being more particularly located and described as follows: **EXHIBITH "A" Metes and Bounds Description** and **EXHIBIT "B" Drawing** attached hereto and incorporated herein for all proposes (the "Property" of the "Easement").

The Easement may be used for any purpose related to electric, water, wastewater utilities including, but not limited to, constructing, re-aligning, inspecting, patrolling, maintaining, operating, altering, servicing, repairing, adding, removing and replacing electric, water and wastewater utility facilities and appurtenances (the "Facilities") together with:

- (i) The right of ingress and egress over the Easement
- (ii) The right to relocate and update such Facilities within the Easement: and
- (iii) The right to remove from the Easement all trees, shrubs, or other obstructions.

Landowner will not, nor authorize other, to install or erect any structure or obstruction or to excavate or fill within the Easement. Landowner retains the right to use the surface of the property, provided such use does not unreasonably interfere with the rights granted herein. BPUB agrees to restore the surface of the soil and to patch with asphalt or similar, the parking lot and driveway surface, but will otherwise not responsible for repairing or replacing any Landowner improvements located within the Easement.

TO HAVE AND TO HOLD, Landowner hereby binds Landowner, Landowner's heirs, successors, assigns, and legal representatives, to warrant and forever defend the above described easement unto BPUB, its successors, assigns, against every person whomever law fully claiming or to claim the same or any part thereof, by and through Landowner but not otherwise.

This Utility Easement runs with the land described in **Exhibit "A" & Exhibit "B"** and inures to the benefit of and of is binding upon Landowner and BPUB and their respective successors and assigns.

IN WITNESS WHEREOF, Landowner and BPUB have **executed** this Easement on this _____ day of _____, 2024

"LANDOWNER"
BROWNSVILLE INDEPENDENT SCHOOL DISTRICT
BY _____
Name:
Title:

Mailing Address of Landowners:

BROWNSVILLE INDEPENDENT SCHOOL DISTRICT
P.O. BOX 4050
Brownsville, Texas, 78520

STATE OF TEXAS

COUNTY OF CAMERON

This instrument was acknowledged before me on the _____ day of _____ 2024, by _____ in his capacity as Manager Member and authorized representative of **BROWNSVILLE INDEPENDENT SCHOOL DISTRICT** acknowledged and executed the same for the purposes and consideration therein expressed on behalf of said and **BROWNSVILLE INDEPENDENT SCHOOL DISTRICT.**

Notary Public, State of Texas

“BPUB”

**“BROWNSVILLE PUBLIC UTILITIES BOARD
OF THE CITY OF BROWNSVILLE, TEXAS”**

a Texas political subdivision

BY _____

Name: **Marilyn D. Gilbert, MBA**

Title: General Manager and CEO of the Brownsville
Public Utilities Board of the City of Brownsville

STATE OF TEXAS

COUNTY OF CAMERON

This instrument was acknowledged before me on this _____ day of _____, 2024, by **Marilyn D. Gilbert, MBA, General Manager & CEO of the Brownsville Public Utilities Board** of the city Brownsville, Texas.

Notary Public, State of Texas

Printed Name: _____

After recording, please return to:

**The Brownsville Public Utilities Board
of the City of Brownville**

c/o Jesus Alfaro, SR/WA, R/W-NAC
Real Estate Department Manager
P.O. Box 3270
Brownsville, Texas 78520-3270

Mejia & Rose, Incorporated

Engineering

Surveying

T.B.P.E. & L.S. REGISTRATIONS

NO. F-2670

NO. 10023900

EXHIBIT "A"

Brownsville Public Utilities Board
15 Feet Wide Easement for Waterlines

Job No. 22081
February 14, 2023

METES AND BOUNDS DESCRIPTION

A 15 Feet Wide, 0.267 Acre Utility Easement out of a certain 80.29 Acre Tract of land out of a certain 3030.24 Acre Tract out of Shares 1 and 17 of the Espiritu Santo Grant in Cameron County, Texas; said 80.29 Acre Tract being as described in Warranty Deed from Rio Bravo Properties, Inc. to Brownsville Independent School District recorded in Volume 13028, Page 98 of the Official Records of Cameron County, Texas, said 0.267 Acre Tract being more particular described as follows:

SURVEYOR'S NOTE: All bearings and distances are based on the Texas State Plane Coordinate System, South Zone 4205, North American datum 1983, using global positioning system (GPS) methods.

COMMENCING at a one-half inch pin with a plastic cap stamped "M & R Inc." found on the East right of way of Carmen Avenue as recorded in Cabinet 1, slot 127-B of the Cameron County Map Records, said point being the Northeast corner of said 80.29 Acre Tract of Land; **THENCE**, North 82 Deg. 54 Min. 55 Sec. West, along the North line of said 80.29 Acre Tract of Land, a distance of 120.08 feet to a one-half inch iron pin with yellow plastic cap stamped "M & R Inc." found, said point being on the West right of way of Carmen Avenue, for the Northeast corner and **POINT OF BEGINNING** of the tract herein described,;

THENCE, South 05 Deg. 03 Min. 25 Sec. West, a distance of 15.01 feet, along the West right of way line of Carmen Avenue, to a point, for a corner of this tract;

THENCE, North 82 Deg. 54 Min. 55 Sec. West, parallel to and 15.00 feet South of the North line of said 80.29 Acre Tract of Land, a distance of 433.73 feet to a point, for a corner of this tract;

THENCE, South 07 Deg. 06 Min. 52 Sec. West, a distance of 261.47 feet to a point, for a corner of this tract;

THENCE, South 49 Deg. 19 Min. 07 Sec. West, a distance of 71.35 feet to a point on the Northeast line of an existing 15 feet wide easement for waterlines recorded in Volume 15866, Page 138 of the Official Records of Cameron County, Texas, for the Southernmost corner of this tract;

THENCE, North 38 Deg. 21 Min. 09 Sec. West, along the Northeast line of said existing easement, a distance of 15.01 feet to a point, for the Westernmost corner of this tract;

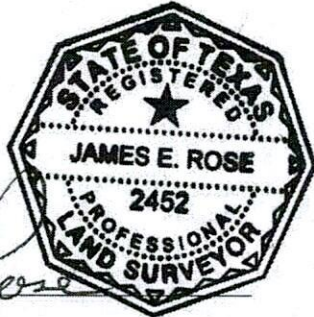
THENCE, North 49 Deg. 19 Min. 07 Sec. East, a distance of 64.95 feet to a point, for a corner of this tract,

THENCE, North 07 Deg. 06 Min. 52 Sec. East, a distance of 270.67 feet to a point on the North line of said 80.29 Acre Tract, for the Northwest corner of this tract,

THENCE, North 82 Deg. 54 Min. 55 Sec. East, along the North line of said 80.29 Acre Tract of land, a distance of 448.19 feet to the **POINT OF BEGINNING**.

CONTAINING 0.267 Acre of land, more or less.

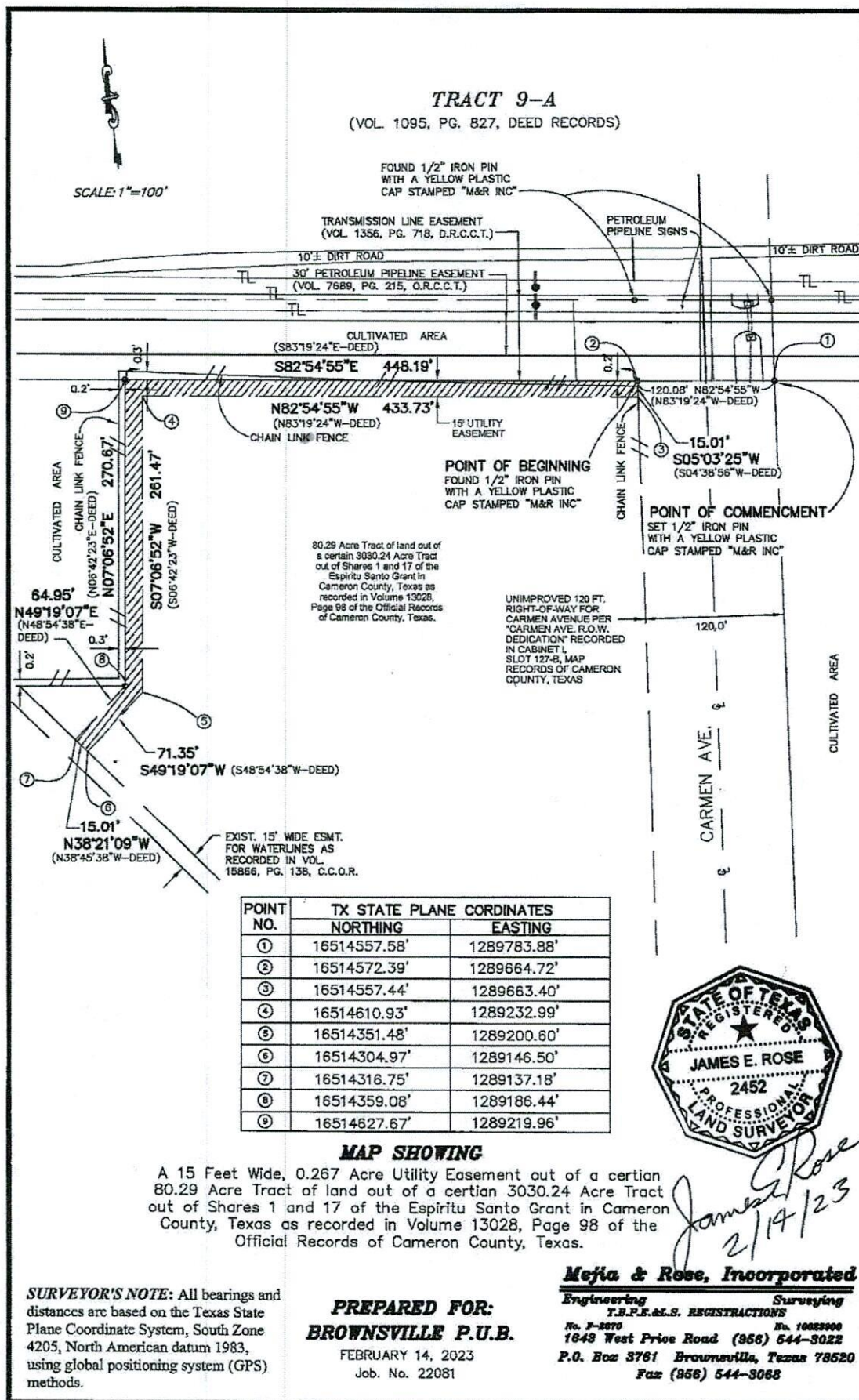
This metes and bounds description is accompanied a map **EXHIBIT B**.



James E. Rose
James E. Rose
Registered Prof. Land Surveyor No.2452

Date: 2/14/23

EXHIBIT "B"





Brownsville Independent School District

Agenda Category: General Function
Contracts/MOU Board of Education Meeting: 05/02/2023

Item Title: Union Design Developers LP X Action
(The Heights at Riverbend Subdivision II) Information
BISD Easement Request and Agreement 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 out of a certain 80.29 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 in BISD property.

FISCAL IMPLICATIONS:

RECOMMENDATION:

Recommendation 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. Supr./CFO

Miguel Salinas

Reviewed by: Staff/Attorney

Dr. Nellie Cantu

Approved by: Deputy Superintendent

Approved for Submission to the Board of Education:

Dr. René Gutiérrez
Dr. René Gutiérrez, Superintendent

When Necessary, Additional Background May Follow This.

Isela Vieyra

From: Priscilla Lozano <plozano@808West.com>
Sent: Thursday, April 20, 2023 6:31 PM
To: Isela Vieyra
Cc: Kevin O'Hanlon; Lea Ohrstrom; Miguel Salinas; Minerva Almanza
Subject: Re: Union Design Developers Agreement

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.

Hello,

Approved as to form.

Sincerely,

Priscilla


From: Isela Vieyra <jivieyra@bisd.us>
Sent: Wednesday, April 19, 2023 3:24 PM
To: Priscilla Lozano <plozano@808West.com>
Cc: Kevin O'Hanlon <kohanlon@808West.com>; Lea Ohrstrom <lohrstrom@808West.com>; Miguel Salinas <miguelsalinas@bisd.us>; Minerva Almanza <malmanza1@bisd.us>
Subject: Union Design Developers Agreement

Good afternoon Ms. Lozano,

Please see the attached agreement for your review and approval.

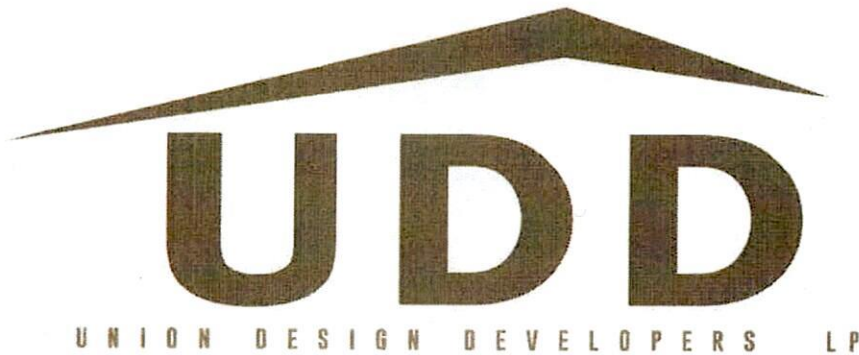
Thank you.

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

 **Go Green! Please do not print unless completely necessary.**

CONFIDENTIALITY STATEMENT: This message and all attachments are confidential and may be protected by the attorney-client and other privileges. Any review, use, dissemination, forwarding, printing, copying, disclosure or distribution by persons other than the intended recipients is prohibited and may be unlawful. You must delete this message and any copy of it (in any form) without disclosing it. Unless expressly stated in this e-mail, nothing in this message should be construed as a digital or electronic signature.

This email and any files transmitted with it are the property of the Brownsville Independent School District, are confidential, and are intended solely for the use of the individual or entity to whom this email is addressed. If you are not one of the named recipient(s) or otherwise have reason to believe that you have received this message in error, please notify the sender and delete this message immediately from your computer. Any other use, retention, dissemination, forwarding, printing, or copying of this email is strictly prohibited.



April 13, 2023

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 II Subdivision Phase I-A
Total Amount of Lots: 74

Dear Mr. Hinojosa,

Please allow this letter to serve as our request for permission to connect waterline located at Veterans Memorial High School.

We are proposing a 15ft Easement in order to connect a 12 inch waterline to your existing 8 inch waterline located between the two detention ponds at the Northside of Veterans Memorial High School.

I have attached the following documents for your review:

- A. Survey Metes & Bounds / Mejia & Rose Incorporated
- B. Map of existing waterline, Waterline Connection and 15ft Easement
- C. The Heights at Riverbend II Subdivision Phase I-A

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

RECEIVED

Mejia & Rose, Incorporated

Engineering

Surveying

T.B.P.E. & L.S. REGISTRATIONS

NO. F-2670

NO. 10023900

EXHIBIT "A"

Brownsville Public Utilities Board
15 Feet Wide Easement for Waterlines

Job No. 22081
February 22, 2023

METES AND BOUNDS DESCRIPTION

A 15 Feet Wide, 0.267 Acre Utility Easement out of a certain 80.29 Acre Tract of land out of a certain 3030.24 Acre Tract out of Shares 1 and 17 of the Espiritu Santo Grant in Cameron County, Texas; said 80.29 Acre Tract being as described in Warranty Deed from Rio Bravo Properties, Inc. to Brownsville Independent School District recorded in Volume 13028, Page 98 of the Official Records of Cameron County, Texas, said 0.267 Acre Tract being more particular described as follows:

SURVEYOR'S NOTE: All bearings and distances are based on the Texas State Plane Coordinate System, South Zone 4205, North American datum 1983, using global positioning system (GPS) methods.

COMMENCING at a one-half inch pin with a plastic cap stamped "M & R Inc." found on the East right of way of Carmen Avenue as recorded in Cabinet 1, slot 127-B of the Cameron County Map Records, said point being the Northeast corner of said 80.29 Acre Tract of Land; **THENCE**, North 82 Deg. 54 Min. 55 Sec. West, along the North line of said 80.29 Acre Tract of Land, a distance of 120.08 feet to a one-half inch iron pin with yellow plastic cap stamped "M & R Inc" set, said point being on the West right of way of Carmen Avenue, for the Northeast corner and **POINT OF BEGINNING** of the tract herein described;

THENCE, South 05 Deg. 03 Min. 25 Sec. West, a distance of 15.01 feet, along the West right of way line of Carmen Avenue, to a point, for a corner of this tract;

THENCE, North 82 Deg. 54 Min. 55 Sec. West, parallel and 15.00 feet South of the North line of said 80.29 Acre Tract of Land, a distance of 433.73 feet to a point, for a corner of this tract;

THENCE, South 07 Deg. 06 Min. 52 Sec. West, a distance of 261.47 feet to a point, for a corner of this tract;

THENCE, South 49 Deg. 19 Min. 07 Sec. West, a distance of 71.35 feet to a point, for a corner of this tract;

THENCE, North 38 Deg. 21 Min. 09 Sec. West, a distance of 15.01 feet to a point, for a corner of this tract;

THENCE, North 49 Deg. 19 Min. 07 Sec. East, a distance of 64.95 feet to a point, for a corner of this tract,

THENCE, North 07 Deg. 06 Min. 52 Sec. East, a distance of 270.67 feet to a point, for a corner of this tract,

THENCE, North 82 Deg. 54 Min. 55 Sec. East, with the North line of said 80.29 Acre Tract of land, a distance of 448.19 feet to the **POINT OF BEGINNING**.

CONTAINING 0.267 Acre of land, more or less.

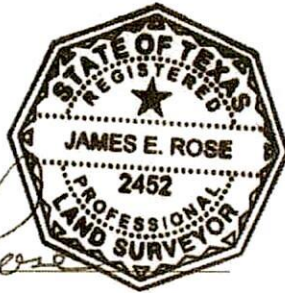
Brownsville Public Utilities Board
15 Feet Wide Easement for Waterlines
CONTINUED

Job No. 22081
February 14, 2023

THENCE, North 82 Deg. 54 Min. 55 Sec. East, along the North line of said 80.29 Acre Tract of land, a distance of 448.19 feet to the **POINT OF BEGINNING**.

CONTAINING 0.267 Acre of land, more or less.

This metes and bounds description is accompanied a map **EXHIBIT B**.



James E. Rose
James E. Rose
Registered Prof. Land Surveyor No.2452

Date:

2/14/23

EXHIBIT "B"

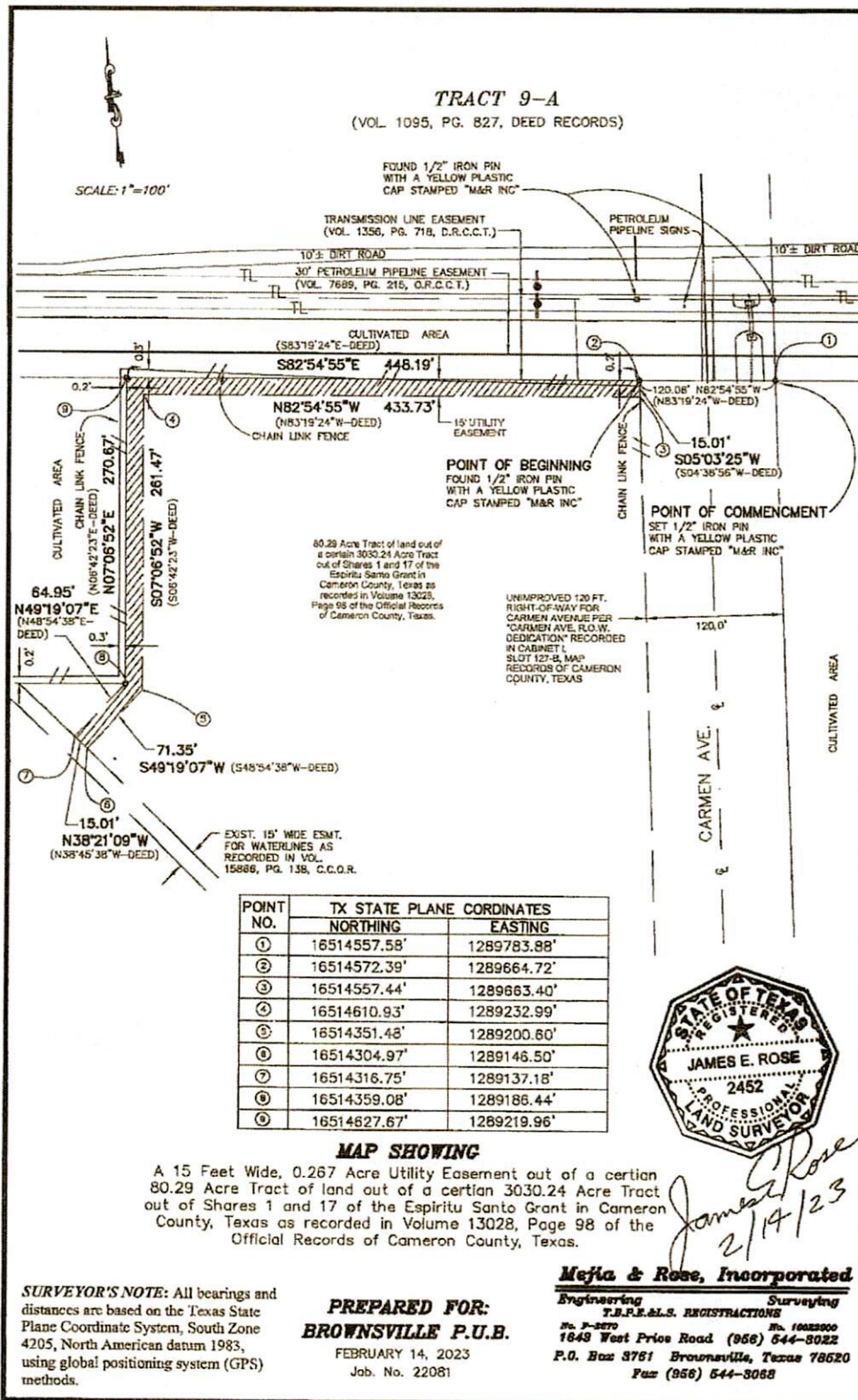


EXHIBIT "B"

**THE HEIGHTS AT RIVER BEND II
SUBDIVISION PHASE I-A**

[illegible]

REMAINDER OF 100.743 ACRES,
UNION DESIGN DEVELOPERS
DOC NO 2021-03030
O R C C
DATED SEPTEMBER 14, 2021
RECORDED SEPTEMBER 20, 2021

MANVILLE INDEPENDENT SCHOOL DISTRICT
VOL. 1 ACTS, PAGE 49
O R C
DATED SEPTEMBER 11, 2003
RECORDED SEPTEMBER 18, 2003

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 — Deletion
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 Veterans Memorial Early College High School to Union Design Developers so that Union Design Developers can run a 12" waterline to connect to the 17-acre tract on the West Side of the Heights at Riverbend Subdivision II. The waterline will be located along the North Eastern boundary between the detention pond and the BISD property line. (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 along the North Eastern boundary as described in Section 1. ~~Urban~~ Design Developers will not disturb any improvement belonging to BISD within the conveyed easement. (replaced with) Union
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

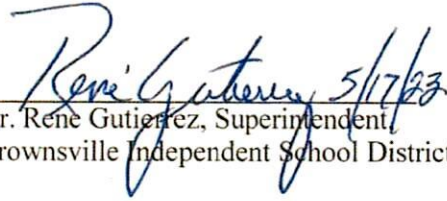
4. The District agrees to grant a 15-foot utility easement for the construction of a 12" water line that will connect to the 17 acre tract on the West Side of the Heights at Riverbend Subdivision II.
5. Union Design Developers, LP, will prepare a metes and bounds description, a site plan and architectural and/or engineering plans of the proposed easement and present it to the District's Architect for his review and approval before beginning construction.
6. After construction of the water 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 water 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 VMECHS will not be impacted by the construction. If the water pressure levels at VMECHS are affected in anyway, Union Design Developers will remedy the situation at no cost to the District.

7. 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.
8. 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.
9. 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.
10. 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 11th day of May, 2023.



Union Design Developers
Managing Member



Dr. Rene Gutierrez, Superintendent
Brownsville Independent School District