



Brownsville Independent School District

Agenda Category: General Function
Contracts/MOU Board of Education Meeting: 03/04/2026

Item Title: Right-of-Entry Agreement for surveying/ X **Action**
Improvements- Dredge Resaca de la Guerra Information
Restoration Project- (Ortiz Elementary) Discussion

BACKGROUND:

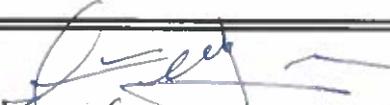
Brownsville Public Utilities Board and Halff and Associates were recently awarded a grant to restore Resaca de la Guerra from W. Alton Gloor Blvd to the intersection of W Ruben M Torres Sr. Blvd and Laredo Road. This is along the property line of U.S Congressman Solomon P. Ortiz Elementary. The purpose of the project is to dredge Resaca de la Guerra to increase storage capacity, implement bank stabilization, landscaping enhancements, a 5-foot-wide sidewalk along the property line, and installation of stormwater treatment units. In order for these enhancements to be done, Brownsville PUB and Halff and Associates are requesting the right of entry to the property for a period of 12 months for the preliminary investigative work to be completed.

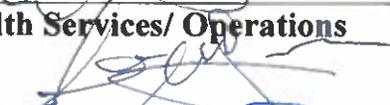
FISCAL IMPLICATIONS:

None

RECOMMENDATION:

Recommend approval to authorize administration to grant Brownsville Public Utilities Board and Halff & Associates right of entry to the property for a period of 12 months to perform preliminary investigative work to complete the Resaca de la Guerra restoration project. This right of entry is for the property line along U.S. Congressman Solomon P. Ortiz Elementary.

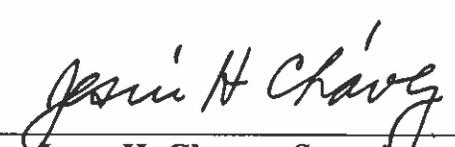
Alonso Guerrero/ 
Submitted by: **Health Services/ Operations**

Alonso Guerrero/ 
Recommended by: **Health Services/Operations**

Miguel Salinas/ 
Reviewed by: **Staff Attorney**

Rosario Pena/ 
Approved by: **Chief Financial Officer**

Approved for Submission to Board of Education:


Dr. Jesus H. Chavez, Superintendent

Roxanne Eckstein

From: Priscilla Lozano <plozano@808West.com>
Sent: Monday, February 9, 2026 1:49 PM
To: Roxanne Eckstein; Kevin O'Hanlon; Lea Ohrstrom
Cc: Miguel Salinas; Minerva Almanza
Subject: Re: MOU Right of Entry - Ortiz Elementary
Attachments: BISD_ROE - Rev2.pdf

Follow Up Flag: Follow up
Flag Status: Completed

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Good afternoon,

The agreement is approved as to form. Please Exhibit B with contact information and add the language in the comment box on the attached.

Sincerely,

Priscilla

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

Priscilla A. Lozano
Partner
808 West Ave
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From: Roxanne Eckstein <reckstein@bisd.us>
Sent: Monday, February 9, 2026 1:20 PM
To: Priscilla Lozano <plozano@808West.com>; Kevin O'Hanlon <kohanlon@808West.com>; Lea Ohrstrom <lohrstrom@808West.com>
Cc: Miguel Salinas <miguelsalinas@bisd.us>; Minerva Almanza <malmanza1@bisd.us>
Subject: RE: MOU Right of Entry - Ortiz Elementary

Ms. Lozano,

Please see the revised agreement for your review and final approval.

Thank you! Should you have any questions or comments, please contact me at (956) 698-6379.

Sincerely,

Roxanne Eckstein



AN EARLY COLLEGE DISTRICT
BROWNSVILLE
INDEPENDENT SCHOOL DISTRICT

Roxanne Eckstein
Paralegal
Staff Attorney Office

1900 E. Price Rd. Suite 302 • Brownsville, Texas 78521
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Roxanne Eckstein | Paralegal to Miguel Salinas | Office of the Staff Attorney | Phone: 956.698.6379 | Fax: 956.714.6400
Brownsville Independent School District | 1900 East Price Road, Suite 302 | Brownsville, TX 78521

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From: Priscilla Lozano <plozano@808West.com>
Sent: Tuesday, February 3, 2026 3:16 PM
To: Roxanne Eckstein <reckstein@bisd.us>; Kevin O'Hanlon <kohanlon@808West.com>; Lea Ohrstrom <lohrstrom@808West.com>
Cc: Miguel Salinas <miguelsalinas@bisd.us>; Minerva Almanza <malmanza1@bisd.us>
Subject: Re: MOU Right of Entry - Ortiz Elementary

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Hello Ms. Eckstein,

The whole parcel of land is identified in Exhibit A. I recommend that the PUB identify the number of feet they will need along the side of the property bordering the resaca and that the map in Exhibit A be redone to reflect that.

Also, I recommend including the following in Exhibit B in the Additional Rules section:

Government will provide reasonable advance notice to and will coordinate with the principal of Ortiz Elementary prior to entry to avoid disruption of educational activities and contact with students.

Government shall require its contractors to maintain customary commercial coverages for their activities on BISD property.

Government is responsible for the acts and omissions of its personnel and contractors while on BISD property, consistent with applicable law and without waiver of immunity.

Government will comply with applicable utility-locate requirements before any probing or drilling.

Subject to the above, and the completion of Exhibit B, the agreement is approved as to form.

Sincerely,

Priscilla

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

Priscilla A. Lozano

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From: Roxanne Eckstein <reckstein@bisd.us>
Sent: Tuesday, February 3, 2026 11:49 AM
To: Kevin O'Hanlon <kohanlon@808West.com>; Lea Ohrstrom <lohrstrom@808West.com>; Priscilla Lozano <plozano@808West.com>
Cc: Miguel Salinas <miguelsalinas@bisd.us>; Minerva Almanza <malmanza1@bisd.us>
Subject: MOU Right of Entry - Ortiz Elementary

Ms. Lozano,

Please see the attached for your review and approval for the March board meeting.

Thank you! Should you have any questions or comments, please contact me at (956) 698-6379.

Sincerely,

Roxy Eckstein



AN EARLY COLLEGE DISTRICT
BROWNSVILLE
INDEPENDENT SCHOOL DISTRICT

Roxanne Eckstein
Paralegal
Staff Attorney Office

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February 5, 2026

SUBJECT: Request for Right-of-Entry for the purpose of making boundary, topographic, environmental, archeological, and geotechnical surveys in connection with Resaca de la Guerra Phase 1 Restoration Project.

Brownsville Public Utilities Board
c/o Marie Leal, Brian Aranda

Dear Sir or Madam:

The Brownsville Public Utilities Board will be conducting research to assist with the design on the Resaca de la Guerra Restoration project. The project stretches along the resaca starting from the intersection of W Alton Gloor Blvd and the Los Fresnos Canal to the intersection of W Ruben M Torres Sr. Blvd and Laredo Road. We are requesting a real estate right-of-entry be granted to Brownsville Public Utilities Board and its contractors to enter on the subject property. This right-of-entry is needed to conduct survey and various field investigations, as detailed in the enclosure, to further the engineering design.

The right-of-entry form and a contact information form entitled "Exhibit B" is attached to this email. Please review, complete required information on Exhibit "B", sign, and return to the e-mail address provided below. The right of entry form does not need to be notarized. One copy of the right-of-entry will be returned to you once it has been executed on behalf of the Brownsville Public Utilities Board. We kindly request that you return the documents within two weeks of receipt.

Thank you for your cooperation in this matter. If you have questions on any of the above information, please contact Anne Whitko, CFM, ENV SP, at (956) 303-7105, (email awhitko@halff.com) or Marie Leal, P.E. at (956) 983-6352 (email MLeal@brownsville-pub.com).

Sincerely,

Anne Whitko, CFM, ENV SP
Water Resources Team Leader
Halff Associates, Inc.

Enclosure

**BROWNSVILLE PUBLIC UTILITIES BOARD
RIGHT OF ENTRY FOR SURVEY AND EXPLORATION**

Resaca de la Guerra Phase 1
Restoration Project, Cameron
County, TX

BROWNSVILLE ISD
ABST 2-UNSUBDIVIDED TRACTS F-G-H
SHARE 12, 36.555 OUT OF 36.888 ACRES
(Legal Description)

The undersigned, hereinafter called the "Owner," hereby grants to the **Brownsville Public Utilities Board**, hereinafter called the "Government," a right-of-entry upon the following terms and conditions:

1. The Owner hereby grants to the Government an irrevocable right to enter upon the lands hereinafter described at any time within a period of twelve (12) months from the date of this instrument, in order to survey, make test borings, and carry out such other exploratory work as may be necessary to complete the investigation being made of said lands by the Government.

2. This right-of-entry includes the right of ingress and egress on other lands of the Owner not described below, provided such ingress and egress is necessary and not otherwise conveniently available to the Government.

3. All tools, equipment, and other property taken upon or placed upon the land by the Government shall remain the property of the Government and may be removed by the Government at any time within a reasonable period after the expiration of this right-of-entry.

4. If any action of the Government's employees or agents in the exercise of this right-of-way results in damage to the real property, the Government will, at its option, either repair such damage or make an appropriate settlement with the owner. In no event shall such repair or settlement exceed the fair market value of the fee interest of the real property at the time immediately preceding such damage. The Government's liability under this clause may not exceed appropriations available for such payment and nothing contained in this agreement may be considered as implying that Congress will at a later date appropriate funds sufficient to meet deficiencies. The provisions of this clause are without prejudice to any rights the Owner may have to make a claim under applicable laws for any other damages than provided herein.

5. Government shall require its contractors to maintain customary commercial coverages for their activities on BISD property.

6. Government is responsible for the acts and omissions of its personnel and contractors while on BISD property, consistent with applicable law and without waiver of immunity.

7. Government will comply with applicable utility-locate requirements before any probing or drilling.

5. The land affected by this right-of-entry is located in the State of Texas County of Cameron and is shown in Exhibit "A".

6. All persons entering the land on behalf of the Government shall comply with the terms of Exhibit "B" attached hereto and incorporated herein for all purposes. Subject to the above, and the completion of Exhibit "B," the agreement is approved as to form.

Print Owner Name:

BY _____

Marie Leal, P.E.
Director of Special Projects/Water & Wastewater
Engineering & Planning
Brownsville Public Utilities Board

Signature Owner Name:

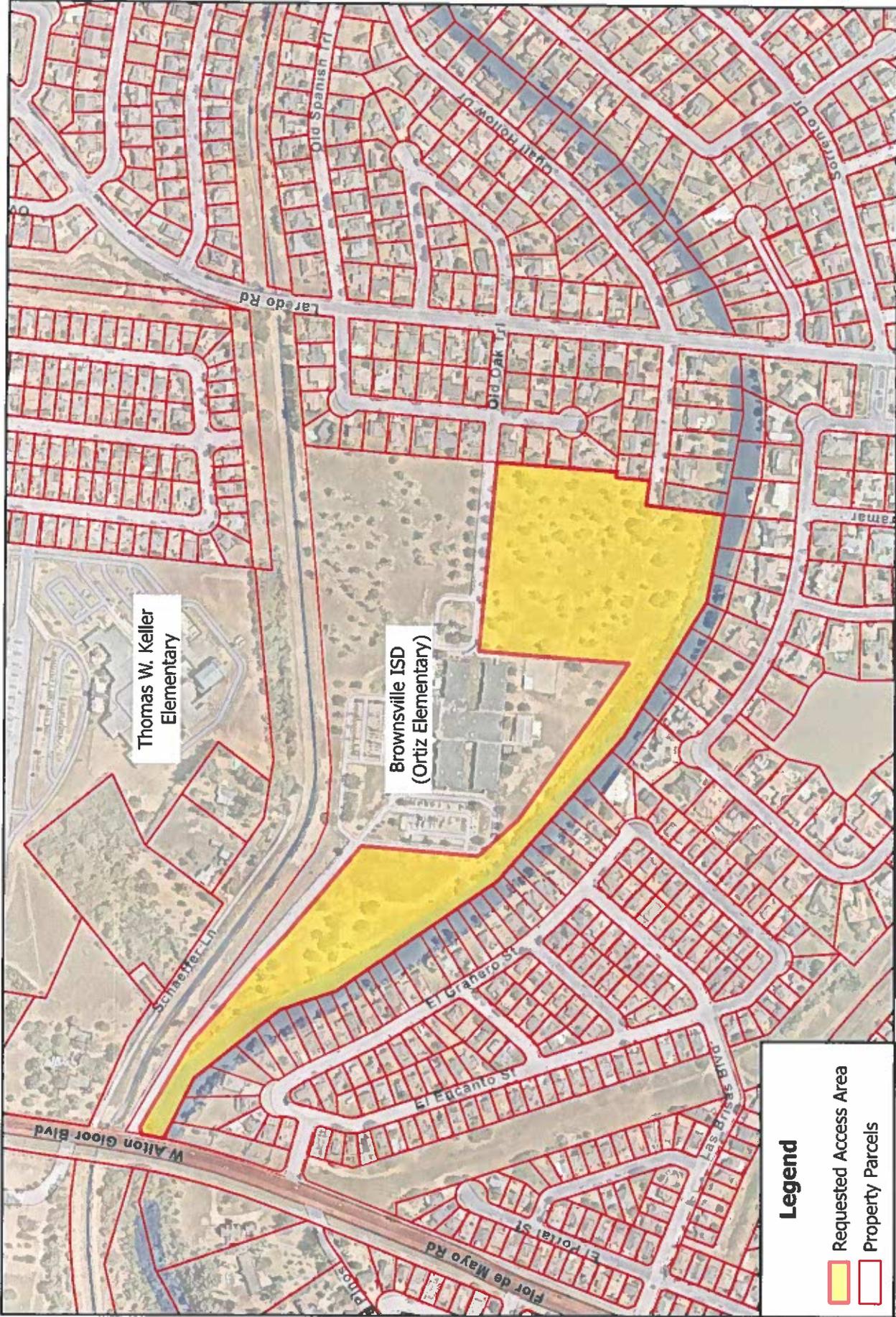


Exhibit A

PID: 160974
Owner: Brownsville ISD
16.7 Acres of Requested Access

Legend

- Requested Access Area
- Property Parcels

N 0 0.05 0.1 Miles

EXHIBIT "B"

Contact Information for Owner

Name: Brownsville ISD Dr Jesus H Chavez

Best Contact Phone Number: (956)698-2400

Alternate Phone Number (if applicable): Alonso Guerrero (956)698-0143

E-mail Address: aguerrero@bisd.us

Preferred Mailing Address (if different than property address):

1900 E Price Road

City: Brownsville State: Texas Zip: 78521-2417

Additional rules for all persons entering the Land or Adjacent Land on behalf of Government:

Government will take reasonable measures to avoid disruption to educational and avoid contact with students
