



Brownsville Independent School District

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

Item Title: Easement Request and Agreement for X Action
Brownsville Public Utility Board (BPUB) Information
Easement at BISD Draper Drive Property Discussion

BACKGROUND:

Brownsville ISD owns the property that is used for Parents to pick up and drop off from Hudson Elementary at Draper Drive. Brownsville Public Utilities Board (BPUB) is requesting to transfer a 12-foot utility easement adjacent to the Havenwood Subdivision Section IV to install a 6-inch raw waterline. The easement is a 0.059 Acre Tract of Land out of Lot 20, Block 7, of Laguna Bonita Subdivision, Section II in the city of Brownsville, Cameron, County, Texas. The water pipeline will go in the easement to transfer raw water from the city park resaca to the resaca east of the subdivision.

- Utility Easement – PID #46765 Year 2023; Draper Drive property

FISCAL IMPLICATIONS:

RECOMMENDATION:

Recommend approval to transfer the utility easement at the northwest side of the Draper Drive property to the Brownsville Public Utility Board (BPUB) as described in the Utility Easement Agreement and Raw Waterline Easement (PID #46765) at no cost, no impact in property size, and no interruption 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. Rene Gutiérrez
Dr. Rene 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 10:17 AM
To: Isela Vieyra
Cc: Miguel Salinas; Lea Ohrstrom; Minerva Almanza
Subject: Re: Easement Request and Agreement for BPUB Easement at BISD Draper Drive 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,

The above referenced Easement is approved as to form.

Sincerely,

Priscilla

From: Isela Vieyra <jivieyra@bisd.us>
Sent: Thursday, February 16, 2023 4:12 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: Easement Request and Agreement for BPUB Easement at BISD Draper Drive Property

Good afternoon Ms. Lozano,

Please see the attached MOU/ Contract for your review and approval.

Thank you.

Respectfully,

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,

Isela Vieyra

From: Isela Vieyra
Sent: Thursday, February 16, 2023 4:13 PM
To: Priscilla Lozano
Cc: Miguel Salinas; Kevin O'Hanlon; Lea Ohrstrom; Minerva Almanza
Subject: Easement Request and Agreement for BPUB Easement at BISD Draper Drive Property
Attachments: Easement Request and Agreement for BPUB Easement at BISD Draper Drive Property.pdf

Good afternoon Ms. Lozano,

Please see the attached MOU/ Contract for your review and approval.

Thank you.

Respectfully,

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.

The Brownsville Independent School District does not discriminate on the basis of race, color, national origin, sex, religion, age, disability or genetic information in employment or provision of services, programs or activities.

+Notice of Confidentiality Rights: If you are a 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.



**UTILITY EASEMENT
&
RAW WATERLINE EASEMENT
(PID# 46765)**

That **BOARD OF TRUSTEES OF THE BROWNSVILLE INDEPENDENT SCHOOL DISTRICT ("Landowners")** 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**"), an exclusive, perpetual easement in, over and through the following described property of Landowner:

Being a **0.059 Acre Tract** of land, more or less, out of Lot 20, Block 7, Laguna Bonita Subdivision Section II in the City of Brownsville, Cameron County, Texas, according to the map thereof recorded in Volume 21, Page 16, Map Records; said **0.059 Acre Tract** being more particularly located and described in **EXHIBIT "A" Metes and Bounds** description and **EXHIBIT "B" Drawing** attached hereto and incorporated herein for all purposes (the "Property" or the "Easement").

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

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

Landowners will not, nor allow others, to install or erect any structure or obstruction or to excavate or fill within the Easement & Raw Waterline Easement. Landowners **WARRANT** and **FOREVER DEFEND** the Easement & Raw Waterline Easement and the rights granted to **BPUB** for the purposes set out above, against every person claiming any right in the Property.

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

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

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

"GRANTOR
THE BOARD OF TRUSTEES OF THE BROWNSVILLE INDEPENDENT SCHOOL DISTRICT
By: _____ Name: Jessica G. Gonzalez Title: President of The Board of Trustees Brownsville Independent School District

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 Jessica G. Gonzalez, in her capacity as President of The Board of Trustees of the Brownsville Independent School District, and acknowledged and executed the same for the purposes and consideration therein expressed on behalf of the Board of Trustees of Brownsville Independent School District, Grantor herein.

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 78520-3270

STATE OF TEXAS §

COUNTY OF CAMERON §

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

Notary Public, State of Texas

After recording, please return to:

Brownsville Public Utilities Board of the
City of Brownsville, Texas
c/o Jesus Alfaro, SR/WA, R/W-NAC
Senior Right-of-Way Agent
P. O. Box 3270
Brownsville, Texas 78520-3270

EXHIBIT “A”
Metes & Bounds Description

Utility Easement - Board of Trustees of the Brownsville Independent School District to BPUB

Mejia & Rose, Incorporated

Engineering Surveying
T.B.P.E. Reg. No. F-2670 T.B.P.L.S. Reg. No. 10023900

EXHIBIT A

0.059 Acre BISD
Easement for Resaca Water Transfer System

Job No. 21897
November 8, 2022

METES AND BOUNDS DESCRIPTION

A 0.059 Acre Tract of land out of Lot 20, Block 7, Laguna Bonita Subdivision Section II in the City of Brownsville in Cameron County, Texas; said subdivision being as recorded in Volume 21, Page 16 of the Map Records of Cameron County, Texas; and said 0.059 Acre Tract being more particularly described by metes and bounds 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 point on the West line of Lot 20, said point being the Northeast corner of Havenwood Subdivision Section IV as recorded in Cabinet 1, Slot 1571-B of the Map Records of Cameron County, Texas; **THENCE**, North 03 Deg. 53 Min. 50 Sec. East, along the West line of Lot 20, a distance of 20.00 feet to a one-half inch iron pin with yellow plastic cap stamped "M & R Inc" set; **THENCE**, South 85 Deg. 53 Min. 58 Sec. East, a distance of 8.00 feet to a point on the East line of an existing 8.00 feet wide utility easement for the Northwest corner and **POINT OF BEGINNING** of the tract herein described;:

THENCE, South 85 Deg. 53 Min. 58 Sec. East, a distance of 12.00 feet for the Northeast corner of this tract;

THENCE, South 03 Deg. 53 Min. 50 Sec. West, parallel and 20.00 feet East of the West line of Lot 20, a distance of 190.39 feet to a point on the Southeast boundary of Lot 20 and Northwest right-of- line of Draper Drive for the Southeast corner of this tract;

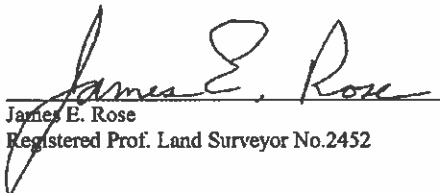
THENCE, in a Southwesterly direction along the Southeast boundary of Lot 20 and Northwest right-of- line of Draper Drive, same being a curve to the left having a radius of 507.84 feet and a chord bearing South 17 Deg. 03 Min. 20 Sec. West a distance of 52.71 feet, an arc distance of 52.54 feet to a point on the East line the above mentioned existing 8 feet wide utility easement for the Southernmost corner of this tract;

THENCE, North 03 Deg. 53 Min. 50 Sec. East, along the East line of said existing 8 feet wide utility easement, a distance of 241.77 feet to the **POINT OF BEGINNING**.

CONTAINING 0.059 acre of land, more or less.

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




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

Date: 11/08/22

EXHIBIT "A"

EXHIBIT "B"

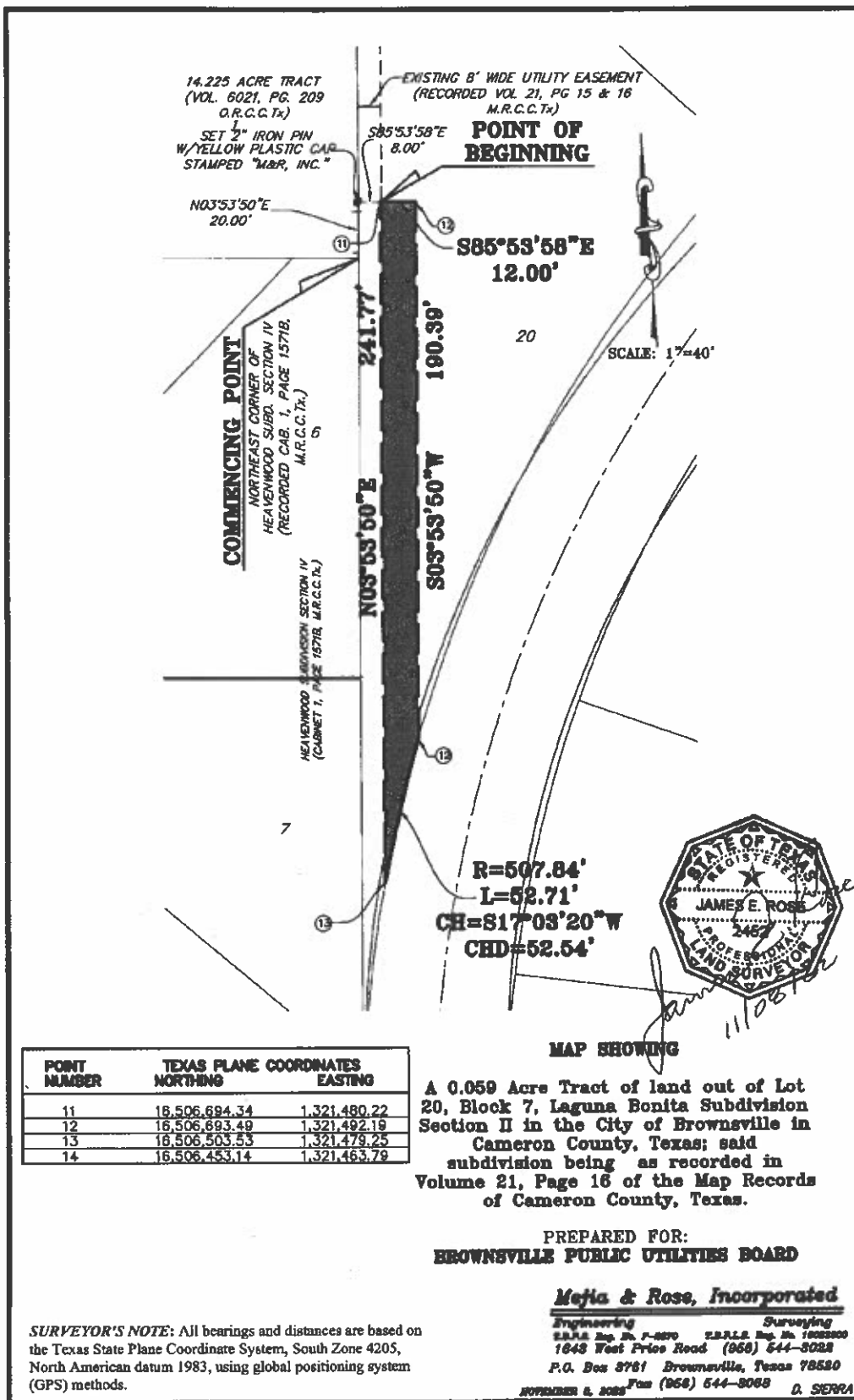
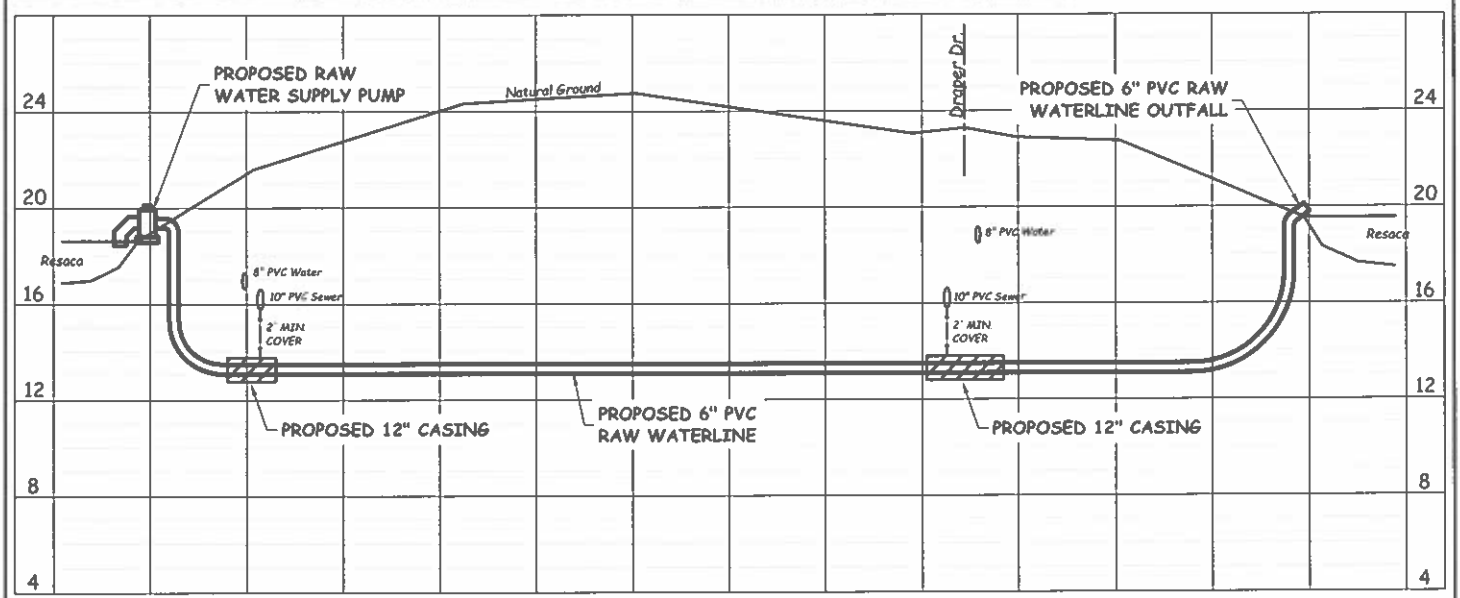


EXHIBIT "B"




Scale: NTS
 Date: May 2022
 Sheet 1 of 1
 Drawn by: Luis Martinez
 Desg./Appd. by: Ricardo Pineda, EIT
 Project No:

Proposed 6" PVC Raw Waterline

Draper Dr.

Public Utilities Board
 1425 Robinhood Drive
 Brownsville, Texas 78521
 1-800-869-2922
 Water and Wastewater
 Engineering Department
 (956) 983-6230
 FAX: (956) 983-6220



**BROWNSVILLE
 PUBLIC UTILITIES BOARD**