

THE STATE OF TEXAS §
COUNTY OF CAMERON §

BE IT REMEMBERED on the 20th day of January 2010, there was conducted a Special Meeting of the Cameron County Regional Mobility Authority, at the Dancy Courthouse, thereof, in Brownsville, Texas, for the purpose of transacting any and all business that may lawfully be brought before the same.

THE BOARD MET AT:

12:00 Noon

PRESENT:

CHAIRPERSON

FRANK PARKER, JR.
DIRECTOR

RUBEN GALLEGOS, JR.
DIRECTOR

VICTOR ALVAREZ
DIRECTOR

YOLANDA VILLALOBOS
DIRECTOR

DAVID N. GARZA
DIRECTOR

DIRECTOR

Secretary

DAVID E. ALLEX
ABSENT

MICHAEL SCAIEF
ABSENT

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The meeting was called to order by Secretary/Treasurer Ruben Gallegos, Jr., at 12:10 P.M. At this time, the Board considered the following matters as posted and filed for Record in the Office of the County Clerk on this January 15, 2010 at 3:41 P.M.:

AGENDA

**Special Meeting of the Board of Directors
of the
Cameron County Regional Mobility Authority**

**Dancy Courthouse
1100 E. Monroe Street
Brownsville, TX 78520**

Wednesday, January 20, 2010

12:00 Noon

ACCEPTED FOR FILING
CAMERON COUNTY
2010 JAN 15 P 3:41
JOE G. RIVERA
COUNTY CLERK

I. Public Comments

CONSENT ITEMS:

- II. Consideration and Approval of the Minutes for January 14, 2010 Regular Meeting**
- III. Consideration and Approval of Right of Entry for Parcel 2, West Rail Project**
- IV. Consideration and Approval of Right of Entry for Parcels 3 and 3E, West Rail Project**
- V. Consideration and Approval of Right of Entry for Parcel 4, West Rail Project**

ITEMS FOR DISCUSSION AND ACTION:

- VI. Consideration and Approval of a Resolution declaring intention to reimburse certain expenditures for the SH 550 Project, Outer Parkway Project, West Rail Relocation Project, North Rail Relocation Project, East Loop Project, US 281 Project, and the US 77 Project**
- VII. Consideration and Approval of Letter of Engagement with Vinson & Elkins**

EXECUTIVE SESSION ITEMS:

VIII. Executive Session:

- A. Consultation with, and advice from Legal Counsel concerning negotiations and related contract issues with the Texas Department of Transportation regarding the Cameron County Regional Mobility Authority's projects, specifically SH 550 Toll Project and other legal issues affecting the authority, Pursuant to V.T.C.A. Government Code, Section 551.071 (2)**

B. Deliberation regarding real property concerning acquisition of Parcel 2, for the West Rail Project, pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072

C. Deliberation regarding real property concerning acquisition of Parcels 3 and 3E, for the West Rail Project, pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072

D. Deliberation regarding real property concerning acquisition of Parcel 4, for the West Rail Project, pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072

IX. Action relative to Executive Session

A. Possible Action


B. Possible Action

C. Possible Action

D. Possible Action

X. Adjournment

Signed this 15th day of January 2010



David E. Allex
Chairman

PUBLIC COMMENTS

I. PUBLIC COMMENTS

None were presented.

CONSENT ITEMS

ALL ITEMS II TO V UNDER THE CONSENT RMA AGENDA ARE HEARD COLLECTIVELY UNLESS OPPOSITION IS PRESENTED, IN WHICH CASE THE CONTESTED ITEM WILL BE CONSIDERED, DISCUSSED AND APPROPRIATE ACTION TAKEN SEPARATELY

Upon motion by Director Alvarez, seconded by Director Villalobos and carried unanimously, Items II to V listed below were approved as presented.

II. CONSIDERATION AND APPROVAL OF THE MINUTES FOR JANUARY 14, 2010, REGULAR MEETING

III. CONSIDERATION AND APPROVAL OF RIGHT OF ENTRY FOR PARCEL 2, WEST RAIL PROJECT

The ROE is as follows:

IV. CONSIDERATION AND APPROVAL OF RIGHT OF ENTRY FOR PARCELS 3 and 3E, WEST RAIL PROJECT

The ROE is as follows:

V. CONSIDERATION AND APPROVAL OF RIGHT OF ENTRY FOR PARCEL 4, WEST RAIL PROJECT

The ROE is as follows:

ACTION ITEMS

VI. CONSIDERATION AND APPROVAL OF A RESOLUTION DECLARING INTENTION TO REIMBURSE CERTAIN EXPENDITURES FOR THE SH 550 PROJECT, OUTER PARKWAY PROJECT, WEST RAIL RELOCATION PROJECT, NORTH RAIL RELOCATION PROJECT, EAST LOOP PROJECT, US 281 PROJECT, AND THE US 77 PROJECT

Mr. Sepulveda, RMA Coordinator explained to the Board the purpose of this Resolution.

Director Parker moved to approve the resolution declaring intention to reimburse certain expenditures for the SH 550 Project, Outer Parkway Project, West Rail Relocation Project, North Rail Relocation Project, East Loop Project, US 281 Project, and the US 77 Project. The motion was seconded by Director Alvarez and carried unanimously.

The Resolution is as follows:

VII. CONSIDERATION AND APPROVAL OF LETTER OF ENGAGEMENT WITH VINSON & ELKINS

Upon motion by Director Villalobos, seconded by Director Garza and carried unanimously, this item was **TABLED.**

EXECUTIVE SESSION

VIII. EXECUTIVE SESSION:

- A. CONSULTATION WITH, AND ADVISE FROM LEGAL COUNSEL CONCERNING NEGOTIATIONS AND RELATED CONTRACT ISSUES WITH THE TEXAS DEPARTMENT OF TRANSPORTATION REGARDING THE CAMERON COUNTY REGIONAL MOBILITY AUTHORITY'S PROJECTS, SPECIFICALLY SH 550 TOLL PROJECT AND OTHER LEGAL ISSUES AFFECTING THE AUTHORITY, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.071(2)**
- B. DELIBERATION REGARDING REAL PROPERTY CONCERNING ACQUISITION OF PARCEL 2, FOR THE WEST RAIL PROJECT, PURSUANT TO VERNON TEXAS CODE ANNOTATED (V.T.C.A), GOVERNMENT CODE, SECTION 551.072**
- C. DELIBERATION REGARDING REAL PROPERTY CONCERNING ACQUISITION OF PARCELS 3 AND 3E, FOR THE WEST RAIL PROJECT, PURSUANT TO VERNON TEXAS CODE ANNOTATED (V.T.C.A), GOVERNMENT CODE, SECTION 551.072**
- D. DELIBERATION REGARDING REAL PROPERTY CONCERNING ACQUISITION OF PARCEL 4, FOR THE WEST RAIL PROJECT, PURSUANT TO VERNON TEXAS CODE ANNOTATED (V.T.C.A), GOVERNMENT CODE, SECTION 551.072**

Upon motion by Director Garza, seconded by Director Villalobos and carried unanimously, these items were

TABLED.

IX. ACTION RELATIVE TO EXECUTIVE SESSION:

- A. CONSULTATION WITH, AND ADVISE FROM LEGAL COUNSEL CONCERNING NEGOTIATIONS AND RELATED CONTRACT ISSUES WITH THE TEXAS DEPARTMENT OF TRANSPORTATION REGARDING THE CAMERON COUNTY REGIONAL MOBILITY AUTHORITY'S PROJECTS, SPECIFICALLY SH 550 TOLL PROJECT AND OTHER LEGAL ISSUES AFFECTING THE AUTHORITY, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.071(2)**
- B. DELIBERATION REGARDING REAL PROPERTY CONCERNING ACQUISITION OF PARCEL 2, FOR THE WEST RAIL PROJECT, PURSUANT TO VERNON TEXAS CODE ANNOTATED (V.T.C.A), GOVERNMENT CODE, SECTION 551.072**
- C. DELIBERATION REGARDING REAL PROPERTY CONCERNING ACQUISITION OF PARCELS 3 AND 3E, FOR THE WEST RAIL PROJECT, PURSUANT TO VERNON TEXAS CODE ANNOTATED (V.T.C.A), GOVERNMENT CODE, SECTION 551.072**
- D. DELIBERATION REGARDING REAL PROPERTY CONCERNING ACQUISITION OF PARCEL 4, FOR THE WEST RAIL PROJECT, PURSUANT TO VERNON TEXAS CODE ANNOTATED (V.T.C.A), GOVERNMENT CODE, SECTION 551.072**

Upon motion by Director Garza, seconded by Director Villalobos and carried unanimously, these items were **TABLED**.

X. ADJOURNMENT

There being no further business to come before the Board and upon motion by Director Alvarez, seconded by Director Garza and carried unanimously the meeting was **ADJOURNED** at 12:27 P.M.

APPROVED this 28th day of January, 2010.



CHAIRMAN DAVID E. ALLEX

ATTESTED:



SECRETARY RUBEN GALLEGOS, JR.

**III. CONSIDERATION ON APPROVAL OF RIGHT OF
ENTRY FOR PARCEL 2, WEST RAIL PROJECT**

RIGHT OF ENTRY AND POSSESSION

West Rail Project Parcel 2
CSJ: 0921-06-073
CSJ: 0921-06-233

STATE OF TEXAS

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COUNTY OF CAMERON

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WHEREAS, _____, of the County of _____, State of _____, is (are) the owner(s), hereinafter referred to as Grantors, whether one or more, of a certain tract or parcel of land, hereinafter referred to as the Parcel, which is more fully described in Exhibit "A," which is attached hereto and incorporated herein for any and all purposes; and,

WHEREAS, the Cameron County Regional Mobility Authority, is going to acquire fee simple title and/or certain interests in said Parcel, (save and except all the oil, gas and sulphur which can be removed from beneath the said Parcel without any right whatsoever remaining to the owners of such oil, gas and sulphur of ingress or egress to or from the surface of said Parcel for the purpose of exploring, developing, drilling or mining of the same), for the purpose of constructing a railroad track and appurtenances thereto; and,

WHEREAS, the Cameron County Regional Mobility Authority, will acquire the Parcel, encumbered with the improvements thereon, if any, by purchase, or upon failure to purchase by means of condemnation proceedings; and,

WHEREAS, the Cameron County Regional Mobility Authority, must have possession of said Parcel for the purpose of beginning construction of said railroad track;

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS, that Grantors for and in consideration of the sum of One Dollar (\$ 1.00) and other good and valuable consideration to them in hand paid by the Cameron County Regional Mobility Authority, the receipt and sufficiency of which is hereby acknowledged and confessed, have Granted, Bargained, Sold and Conveyed and by these presents do Grant, Bargain, Sell and Convey unto the Cameron County Regional Mobility Authority the right of entry upon said parcel to remove improvements, if any, with which the land is encumbered and exclusive possession of the said Parcel described in said Exhibit "A" and the right of entry upon said parcel for the purpose of constructing a railroad track and appurtenances thereto.

This grant of right of entry and possession is conditioned strictly upon the following:

1. The grant herein made shall not prejudice, in any way, Grantors' rights to receive full and just compensation for the interest to be acquired by the Cameron County Regional Mobility Authority in the herein described land, encumbered with the improvements thereon, if any, save and except all oil, gas and sulphur as hereinabove provided, and damages, if any, to the remainder of Grantors' lands.
2. The Cameron County Regional Mobility Authority agrees to acquire the Parcel either by purchase of said land, or in the alternative agrees to initiate condemnation proceedings for the acquisition of said Parcel in a good faith and timely manner.

3. It is expressly provided that in the event the Cameron County Regional Mobility Authority institutes condemnation proceedings under this grant, the Cameron County Regional Mobility Authority will not be liable to Grantors for interest upon any award or judgment as a result of such proceedings for any period of time prior to the date of the award. However, payment of any interest may be deferred by the Cameron County Regional Mobility Authority until entry of judgment.
4. This right of entry and possession shall extend to the Cameron County Regional Mobility Authority, its contractors, assigns and/or owners of any utility involved in the West Rail Relocation Project for the additional purposes of locating utility lines, replacing, repairing, making improvements to and/or maintaining the existing utility lines that lie within the Parcel. Said utility lines include, but are not limited to, those owned by: AEP, TransMontaigne and Rio Grande Valley MUD #2. This right of entry and possession shall extend to the Cameron County Regional Mobility Authority, its contractors, assigns and/or owners for the purpose of constructing the railroad track.
5. Grantors herein warrant that no person or corporation owns an interest in the fee title of the premises described in the said Exhibit "A" other than Grantors herein.

TO HAVE AND TO HOLD the possession of the Parcel described in the said Exhibit "A" for the purposes and subject to the limitations hereinabove set forth.

Executed this, the _____ day of _____, _____.

ATTEST:

By: _____

Acknowledgement

State of Texas
County of Cameron

This instrument was acknowledged before me on _____

by _____.

Notary Public's Signature

Corporate Acknowledgment

State of Texas
County of _____

This instrument was acknowledged before me on _____ by _____

of _____, a _____ corporation, on behalf of said corporation.

Notary Public's Signature

ACCEPTED AND AGREED TO by the Cameron County Regional Mobility Authority this ____ the day of _____, ____.

**CAMERON COUNTY
REGIONAL MOBILITY AUTHORITY**

Executed by and approved for the Cameron County Regional Mobility Authority for the purpose and effect of activating and/or carrying out the orders, established policies or work programs heretofore approved and authorized by the Cameron County Regional Mobility Authority.

By: _____
David E. Alex, Chairman date

Attested By: _____
 Ruben Gallegos, Jr., Secretary date _____

Exhibit A

County: Cameron
Railroad: West Rail
Project Limits: From: Rio Grande River
To: US 77

Highway: West Rail Relocation Project
CCSJ: 0921-06-073
RCSJ: 0921-06-199

ROW CSJ:

**PARCEL NO. 2
PROPERTY DESCRIPTION**

Being a 1.477 acre (64,325 square feet) parcel of land situated in the Jose Salvador de la Garza Survey, Abstract Number 2, Espiritu Santo Grant, Cameron County, Texas, and being out of and a part of the Cameron County Floodway, a called 86.25 acre tract of land as shown on the plat of Barrera Gardens Subdivision Map No. Five, recorded in Volume 8 at Page 65 of the Maps Records of Cameron County (M.R.C.C.), Texas, dated August 6, 1929, said 1.477 acre parcel of land is more particularly described by metes and bounds as follows; All bearings and coordinates are based on the Texas State Plane Coordinate System, South Zone, North American Datum of 1983, 1993 Adjustment. All distances and coordinates shown are surface and may be converted to grid by dividing by a combined scale factor of 0.99996;

BEGINNING at a 1 inch Steel Pipe found in the proposed easterly right of way line of West Rail Bypass (R.O.W. varies), for the northeast corner of a called 72.337 acre tract conveyed to Abel Gonzales, dba G & T Paving from Daisy L. Mcvay, et al, by deed dated June 28, 2002, recorded in Volume 8199 at Page 62 of the Official Records of Cameron County (O.R.C.C.), Texas, for the southwest corner of a called 210.22 acre tract conveyed to Miguel A. Ortiz, et al, from Ricardo Ortiz, et al, by deed dated February 29, 1984 and recorded in Volume 1357 at Page 583 of the Deed Records of Cameron County, Texas and for the northwest corner of a called 257.37 acre tract conveyed to James L. Mayer from Mary Alice Mayer by deed dated April 9, 1964 and recorded in Volume 761 at Page 293 D.R.C.C., and for the most easterly southeast corner of said 86.25 acre tract, having a State Plane Coordinate surface value of X = 1,286,861.52 and Y = 16,521,731.58 and is located 100.00 feet right of and at a right angle to the proposed West Rail baseline station 239+31.28;

1. THENCE North 82 deg. 53 min. 20 sec. West, with the north line of said 72.337 acre tract, and with the southerly line of said 86.25 tract, a distance of 150.21 feet to a 5/8 inch iron rod with RODS Surveying cap set in the proposed westerly right of way line of said West Rail Bypass, for an angle point in said proposed right of way and for the southwest corner of this parcel;

Exhibit A

2. THENCE North 10 deg. 07 min. 58 sec. East, with the westerly line of proposed West Rail Bypass, a distance of 294.14 feet to a 5/8 inch iron rod with RODS Surveying cap set in the southeasterly line of Lot 39, Block 17 of the Barreda Gardens Map No. 4 as shown on the plat thereof, recorded in Volume 8 at Page 67 M.R.C.C., conveyed to Coronado Company, LLC from Betty W. Duncan, et al, by deed dated January 1, 1997 as recorded in Volume 4644 at Page 293 O.R.C.C., for the northwest corner of the herein described parcel;
3. THENCE North 29 deg. 18 min. 56 sec. East, with the southeasterly line of said Lot 39 and an interior line of said 86.25 acre tract, a distance of 358.61 feet to a 5/8 inch iron rod with RODS Surveying cap set in the proposed easterly right of way line of said West Rail Bypass and the common westerly line of said 210.22 acre tract for the southeast corner of said Lot 39 and said Barreda Gardens Map No. 4, for the northeast corner of said Barreda Gardens Map No. 5 and for northeast corner of the herein described parcel;
4. THENCE South 07 deg. 11 min. 10 sec. West, with the proposed easterly right of way line of said West Rail Bypass and the westerly line of aforementioned Barreda Gardens Subdivision Map No. five, a distance of 625.74 feet to the POINT OF BEGINNING and containing within said boundaries 1.477 acres of land.

SURVEYED: October through December, 2004.

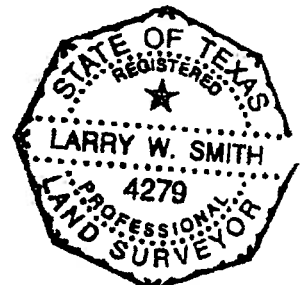
NOTES:

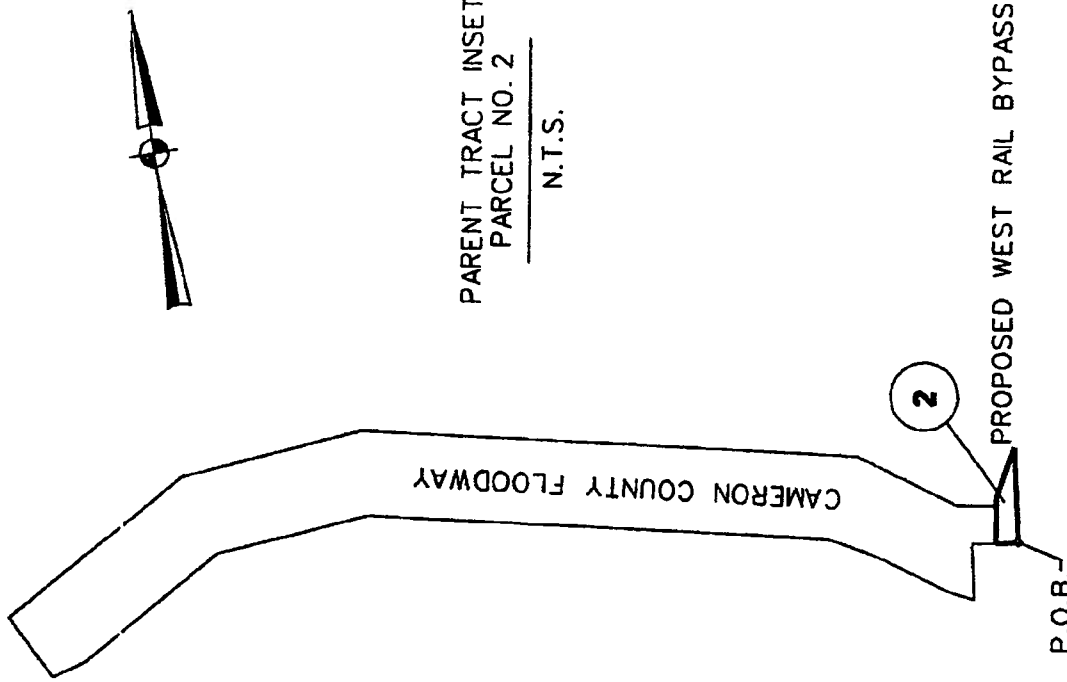
1. A parcel plat of even date was prepared in conjunction with this property description.

I, Larry W. Smith, Registered Professional Land Surveyor, Texas Registration No. 4279, do hereby certify that the foregoing description was prepared from a survey made on the ground under my supervision on the dates shown.

 11-30-2005

RODS Surveying, Inc. 6810 Lee Rd. Spring, Texas 77379 - Ph: 1-888-456-RODS

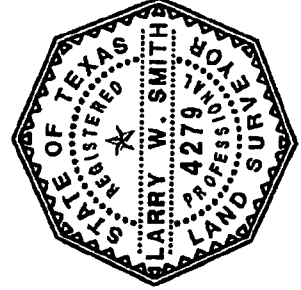




PARENT TRACT INSET
PARCEL NO. 2
N.T.S.

- Notes:
1. All bearings and coordinates are based on the Texas State Plane Coordinate System, South Zone, North American Datum of 1983, 1993 Adjustment. All distances and coordinates shown are surface and may be converted to grid by dividing by a combined adjustment factor of 0.999986.
 2. A metes and bounds description of even date accompanies this plat.

EXISTING	TAKING	REMAINING
86.25 AC.	1.477 AC.	84.773 AC. LT
	64,325 sq. ft.	



I do hereby certify that the plat shown hereon conforms to the current General Rules of Procedures and Practices as promulgated by the Texas Board of Professional Land Surveyors.
[Signature]
 Larry W. Smith, R.P.L.S. #4279 11.30.05

RIGHT OF WAY SKETCH

SHOWING PROPERTY OF

PARCEL 2

WEST RAIL BYPASS CAMERON COUNTY
 RODS SURVEYING, INC. APRIL, 2005
 CCSJ: RCSJ:

JOSE SALVADOR DE LA GARZA ESPIRITU SANTO GRANT SURVEY A-2



MAP NO. 5
BARREDA GARDENS
VOL. 8 PG. 66
M.R.C.C.

GRANTEE: ABEL GONZALES
DBA G & T PAVING
GRANTOR: DAISY L. MC VAY, ET AL
CALLED 72.337 AC.
VOL. 8199, PG. 62
O.R.C.C.
JUNE 28, 2002

CAMERON COUNTY
FLOODWAY
(CALLED 86.25 ACRES)

SOUTH LEVEE
VOL. 10 ACRES
PG. 183
SEPT. 4, 1934
FLOODWAY
VOL. 25.5 ACRES
PG. 183
SEPT. 4, 1934

Set
STA. 239+23.36
50.00' LT.

PROPOSED WEST RAIL BYPASS

(R.O.W. Varies)
2 1.477 ACRES

N 10° 07' 58" E 294.14'

N 10° 07' 58" E 2,627.80'

Set
STA. 242+17.50
50.00' LT.

N 29° 18' 56" E 358.61'

S 07° 11' 10" W
346.90' RT.

Set
STA. 245+56.19
67.83' RT.

P.O.B. PARCEL 2
X- 1,286,861.52
Y- 16,521,731.58
Fnd. 1" Steel Pipe
Sta. 239+31.28
100.00' RT.
SW-COR. 210.22 AC.

GRANTEE: JAMES L. MAYER
GRANTOR: MARY ALICE MAYER
CALLED 257.37 AC.
SAVE & EXCEPT 52.32 AC.
RESIDUE - 205.05 AC.
VOL. 761, PG. 293
D.R.C.C.
APRIL 9, 1964

GRANTEE: MIGUEL A. ORTIZ, ET AL
GRANTOR: RICARDO ORTIZ, ET AL
TRACT 1 - RESIDUE OF
CALLED 210.22 ACRES
VOL. 1357, PG. 583
D.R.C.C.
FEBRUARY 29, 1984

BLOCK 17
LOT 39
(CALLED 19.81 ACRES)

MAP NO. 4
BARREDA GARDENS
VOL. 8 PG. 67
M.R.C.C.

GRANTEE: CORONADO COMPANY, LLC
GRANTOR: BETTY W. DUNCAN, ET AL
VOL. 4644, PG. 293
O.R.C.C.
JANUARY 1, 1997

**IV. CONSIDERATION ON APPROVAL OF RIGHT OF
ENTRY FOR PARCELS 3 AND 3(E), WEST RAIL
PROJECT**

RIGHT OF ENTRY AND POSSESSION

West Rail Project Parcel 3 and 3(E)
CSJ: 0921-06-073
CSJ: 0921-06-233

STATE OF TEXAS

§

COUNTY OF CAMERON

§

§

WHEREAS, _____, of the County of _____, State of _____, is (are) the owner(s), hereinafter referred to as Grantors, whether one or more, of a certain tract or parcel of land, hereinafter referred to as the Parcel, which is more fully described in Exhibit "A," which is attached hereto and incorporated herein for any and all purposes; and,

WHEREAS, the Cameron County Regional Mobility Authority, is going to acquire fee simple title and/or certain interests in said Parcel, (save and except all the oil, gas and sulphur which can be removed from beneath the said Parcel without any right whatsoever remaining to the owners of such oil, gas and sulphur of ingress or egress to or from the surface of said Parcel for the purpose of exploring, developing, drilling or mining of the same), for the purpose of constructing a railroad track and appurtenances thereto; and,

WHEREAS, the Cameron County Regional Mobility Authority, will acquire the Parcel, encumbered with the improvements thereon, if any, by purchase, or upon failure to purchase by means of condemnation proceedings; and,

WHEREAS, the Cameron County Regional Mobility Authority, must have possession of said Parcel for the purpose of beginning construction of said railroad track;

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS, that Grantors for and in consideration of the sum of One Dollar (\$ 1.00) and other good and valuable consideration to them in hand paid by the Cameron County Regional Mobility Authority, the receipt and sufficiency of which is hereby acknowledged and confessed, have Granted, Bargained, Sold and Conveyed and by these presents do Grant, Bargain, Sell and Convey unto the Cameron County Regional Mobility Authority the right of entry upon said parcel to remove improvements, if any, with which the land is encumbered and exclusive possession of the said Parcel described in said Exhibit "A" and the right of entry upon said parcel for the purpose of constructing a railroad track and appurtenances thereto.

This grant of right of entry and possession is conditioned strictly upon the following:

1. The grant herein made shall not prejudice, in any way, Grantors' rights to receive full and just compensation for the interest to be acquired by the Cameron County Regional Mobility Authority in the herein described land, encumbered with the improvements thereon, if any, save and except all oil, gas and sulphur as hereinabove provided, and damages, if any, to the remainder of Grantors' lands.
2. The Cameron County Regional Mobility Authority agrees to acquire the Parcel either by purchase of said land, or in the alternative agrees to initiate condemnation proceedings for the acquisition of said Parcel in a good faith and timely manner.

3. It is expressly provided that in the event the Cameron County Regional Mobility Authority institutes condemnation proceedings under this grant, the Cameron County Regional Mobility Authority will not be liable to Grantors for interest upon any award or judgment as a result of such proceedings for any period of time prior to the date of the award. However, payment of any interest may be deferred by the Cameron County Regional Mobility Authority until entry of judgment.
4. This right of entry and possession shall extend to the Cameron County Regional Mobility Authority, its contractors, assigns and/or owners of any utility involved in the West Rail Relocation Project for the additional purposes of locating utility lines, replacing, repairing, making improvements to and/or maintaining the existing utility lines that lie within the Parcel. Said utility lines include, but are not limited to, those owned by: AEP, TransMontaigne and Rio Grande Valley MUD #2. This right of entry and possession shall extend to the Cameron County Regional Mobility Authority, its contractors, assigns and/or owners for the purpose of constructing the railroad track.
5. Grantors herein warrant that no person or corporation owns an interest in the fee title of the premises described in the said Exhibit "A" other than Grantors herein.

TO HAVE AND TO HOLD the possession of the Parcel described in the said Exhibit "A" for the purposes and subject to the limitations hereinabove set forth.

Executed this, the _____ day of _____, _____.

ATTEST:

By: _____

Acknowledgement

State of Texas
County of Cameron

This instrument was acknowledged before me on _____

by _____.

Notary Public's Signature

Corporate Acknowledgment

State of Texas
County of _____

This instrument was acknowledged before me on _____ by _____

of _____, a _____ corporation, on behalf of said corporation.

Notary Public's Signature

Attested By: _____
Ruben Gallegos, Jr., Secretary date

Exhibit A

County:	Cameron	Highway:	West Rail Relocation Project
Railroad:	West Rail	CCSJ:	0921-06-073
Project Limits:	From: Rio Grande River	RCSJ:	0921-06-199
	To: US 77		
ROW CSJ:			

**PARCEL NO. 3
PROPERTY DESCRIPTION**

Being a 3.554 acre (154,820 square feet) parcel of land situated in the Jose Salvador de la Garza Survey, Abstract Number 2, Espiritu Santo Grant, Cameron County, Texas, and being out of and a part of Lot 39, Lot 26, Lot 61 and Lot 60, Block 17 of the Barreda Gardens Subdivision Map No. Four as shown on the plat thereof, recorded in Volume 8 at Page 67 of the Maps Records of Cameron County (M.R.C.C.), Texas, said Lots being a part of a called 729.50 acre tract conveyed to Coronado Company, LLC from Betty W. Duncan, et al by deed dated January 1, 1997 as recorded in Volume 4644 at Page 293 of the Official Records of Cameron County (O.R.C.C.), Texas, said 3.554 acre parcel of land is more particularly described by metes and bounds as follows; All bearings and coordinates are based on the Texas State Plane Coordinate System, South Zone, North American Datum of 1983, 1993 Adjustment. All distances and coordinates shown are surface and may be converted to grid by dividing by a combined scale factor of 0.999996;

COMMENCING at a 1 inch steel pipe found in the proposed easterly right of way line of West Rail Bypass (R.O.W. varies), for the northeast corner of a called 72.337 acre tract conveyed to Abel Gonzales, dba G & T Paving from Daisy L. Mcvay et al, by deed dated June 28, 2002, as recorded in Volume 8199 at Page 62 O.R.C.C., for the southwest corner of a called 210.22 acre tract conveyed to Miguel Ortiz, et al, from Ricardo Ortiz, et al, by deed dated February 29, 1984 and recorded in Volume 1357 at Page 583 of the Deed Records of Camerson County (D.R.C.C.), Texas, for the northwest corner of a called 257.37 acre tract conveyed to James L. Mayer from Mary Alice Mayer by deed dated April 9, 1964 and recorded in Volume 761 at Page 293 D.R.C.C. and for the most easterly southeast corner the Cameron County Floodway, a called 86.25 acre tract, as shown on the plat of Barreda Gardens Map No. 5, recorded in Volume 8 at Page 65 M.R.C.C.;

North 07 deg. 11 min. 10 sec. East, the with the westerly line of said 210.22 acre tract, the easterly line of said Barreda Gardens Map No. 5 and the proposed easterly right of way line of said West Rail Bypass, a distance of 625.74 feet to a 5/8 inch iron rod with RODS Surveying cap set for the southeast corner and POINT OF BEGINNING of this parcel and for the most northerly southeast corner of said Lot 39, having a State Plane Coordinate surface value of X = 1,286,939.79 and Y = 16,522,352.41 and is located 67.83 feet right of and at a right angle to the proposed West Rail baseline station 245+56.19;

September, 2006

Parcel No. 3

Page 2 of 7

Exhibit A

1. THENCE South 29 deg. 18 min. 56 sec. West, with the southeasterly line of said Lot 39 and an interior line of said 86.25 acre tract, a distance of 358.61 feet to a 5/8 inch iron rod with RODS Surveying cap set in the proposed westerly right of way line of said West Rail Bypass, for the southwest corner of the herein described parcel;
2. THENCE North 10 deg. 07 min. 58 sec. East, with the proposed westerly right of way line of said West Rail Bypass, at a distance of 1,272.33 feet pass the north line of said Lot 39 and the south line of Lot 26, at a distance of 1,774.81 feet pass the north line of said Lot 26 and the south line of Lot 61, a distance of 2,594.12 pass the north line of said Lot 61 and the south line of Lot 60, continuing for a total distance of 2,627.80 feet to a 5/8 inch iron rod with RODS Surveying cap set at intersection of the proposed westerly right of way line of said West Rail Bypass with the easterly line of said Barreda Gardens Subdivision Map No. 4 and the westerly line of said 210.22 acre tract, for the north corner of the herein described parcel;
3. THENCE South 07 deg. 11 min. 10 sec. West, with the easterly line of said Barreda Gardens Map No. four and the west line of said 210.22 acre tract, at distance of 33.65 feet pass the southeast corner of said Lot 60 and the northeast corner of Lot 61, at a distance of 843.74 pass the southeast corner of Lot 61 and the northeast corner of Lot 26, at a distance of 1,353.64 feet pass the southeast corner of Lot 26 and the northeast corner of Lot 39, at a distance of 1945.25 pass the easterly right of way line of proposed West Rail Bypass, continuing for a total distance of 2,292.15 feet to the POINT OF BEGINNING and containing within said boundaries 3.554 acres of land.

SURVEYED: October through December, 2004.

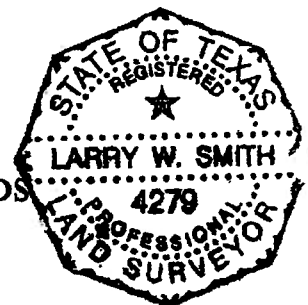
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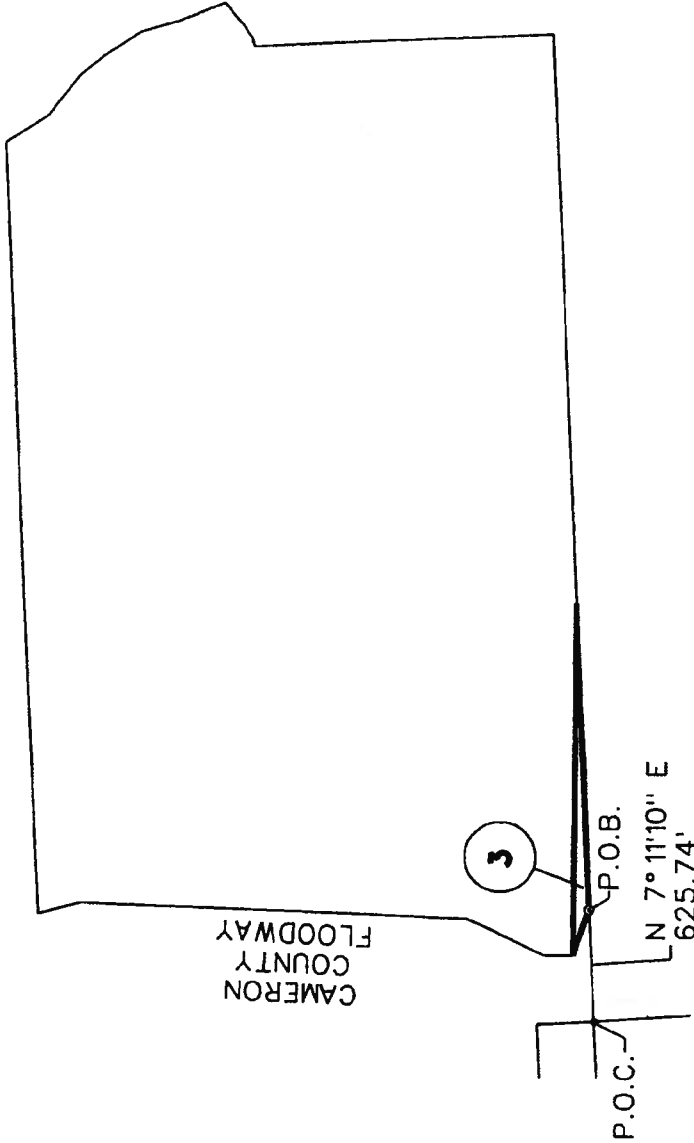
1. A parcel plat of even date was prepared in conjunction with this property description.

I, Larry W. Smith, Registered Professional Land Surveyor, Texas Registration No. 4279, do hereby certify that the foregoing description was prepared from a survey made on the ground under my supervision on the dates shown.

 9/24/2006

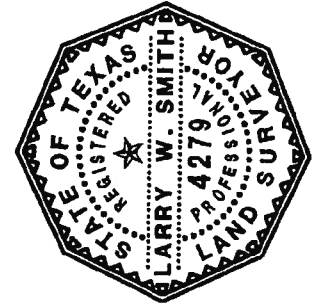
RODS Surveying, Inc. 6810 Lee Rd. Spring, Texas 77379 - Ph: 1-888-456-RODS





PARENT TRACT INSET
PARCELS NO. 3

N.T.S.



I do hereby certify that the plat shown hereon conforms to the current General Rules of Procedures and Practices as promulgated by the Texas Board of Professional Land Surveyors.
Larry W. Smith 9/21/2006
Larry W. Smith, R.P.L.S. #4279

Notes:

1. All bearings and coordinates are based on the Texas State Plane Coordinate System, South Zone, North American Datum of 1983, 1993 Adjustment. All distances and coordinates shown are surface and may be converted to grid by dividing by a combined adjustment factor of 0.99996.
2. A meters and bounds description of even date accompanies this plat.

EXISTING	TAKING	REMAINING
729.50 AC. (Called)	3.554 AC. 154,819 Sq. Ft.	725.946 AC. LT.

RIGHT OF WAY SKETCH
SHOWING PROPERTY OF

PARCEL 3

WEST RAIL BYPASS CAMERON COUNTY
RODS SURVEYING, INC. APRIL, 2005
CCSJ: RCSJ:

JOSE SALVADOR DE LA GARZA ESPIRITU SANTO GRANT

SURVEY A-2

MAP NO. 5
BARREDA GARDENS
VOL. 8 PG. 65
M.R.C.C.

MAP NO. 4
BARREDA GARDENS
VOL. 8 PG. 67
M.R.C.C.

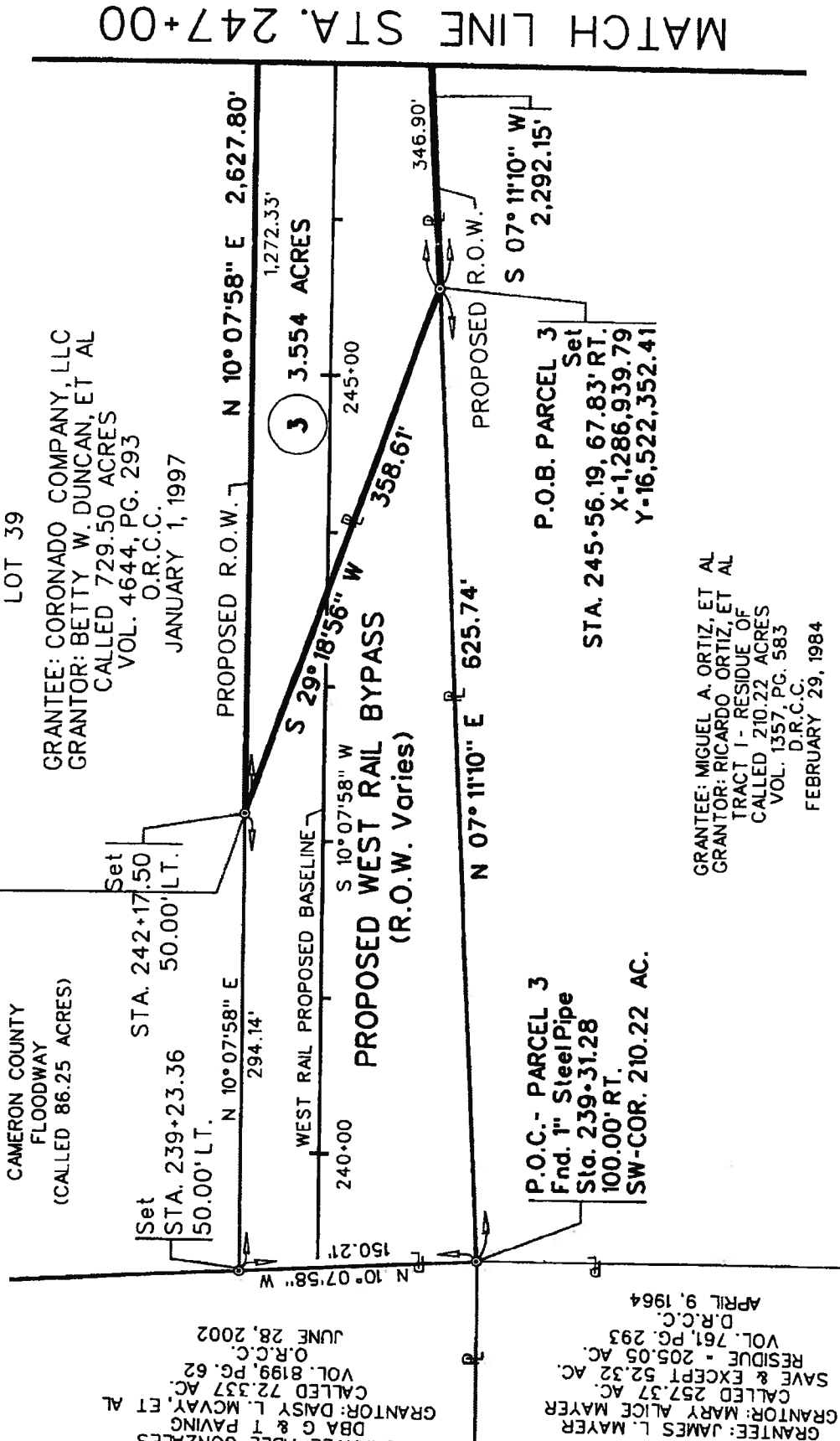
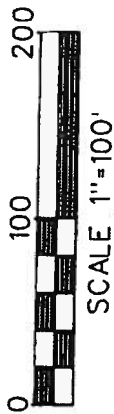
CAMERON COUNTY
FLOODWAY
(CALLED 86.25 ACRES)

GRANTEE: CORONADO COMPANY, LLC
GRANTOR: BETTY W. DUNCAN, ET AL
CALLED 729.50 ACRES
VOL. 4644, PG. 293
O.R.C.C.
JANUARY 1, 1997

BLOCK 17
LOT 39

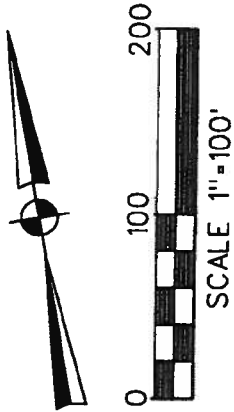
GRANTEE: ABEL GONZALES
GRANTOR: MARY ALICE MAYER
DBA G & T PAVING
CALLED 72.337 AC.
VOL. 8199, PG. 62
O.R.C.C.
JUNE 28, 2002

GRANTEE: JAMES L. MAYER
GRANTOR: MARY ALICE MAYER
CALLED 257.37 AC.
SAVE & EXCEPT 52.32 AC.
RESIDUE - 205.05 AC.
VOL. 761, PG. 293
D.R.C.C.
APRIL 9, 1964



JOSE SALVADOR DE LA GARZA ESPIRITU SANTO GRANT SURVEY A-2

MAP NO. 4
BARREDA GARDENS
VOL. 8 PG. 67
M.R.C.C.



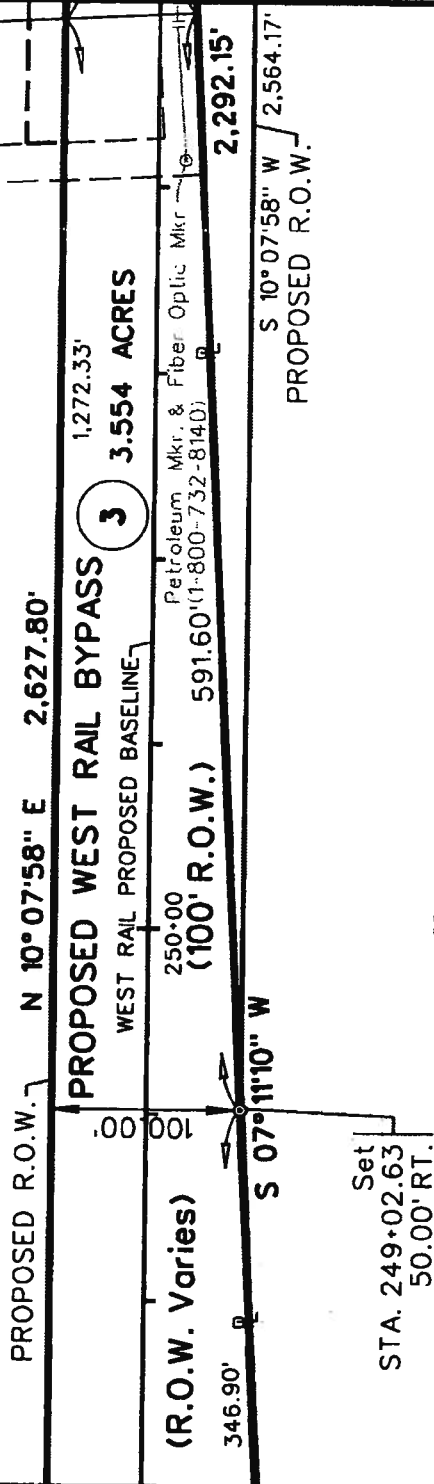
BLOCK 17
LOT 39

GRANTEE: CORONADO COMPANY, LLC
GRANTOR: BETTY W. DUNCAN, ET AL
CALLED 729.50 ACRES
VOL. 4644, PG. 293
O.R.C.C.
JANUARY 1, 1997

20' PIPELINE RIGHT-OF-WAY
& EASEMENT AGREEMENT INC.
VOL. 8529, PG. 27 O.R.C.C.
NOVEMBER 20, 2002

MATCH LINE STA. 247+00

MATCH LINE STA. 255+00



GRANTEE: MIGUEL A. ORTIZ, ET AL
GRANTOR: RICARDO ORTIZ, ET AL
TRACT 1 - RESIDUE OF
CALLED 210.22 ACRES
VOL. 1357, PG. 583
D.R.C.C.
FEBRUARY 29, 1984

JOSE SALVADOR DE LA GARZA ESPIRITU SANTO GRANT

SURVEY A-2

MAP NO. 4

BARREDA GARDENS

VOL. 8 PG. 67

M.R.C.C.

BLOCK 17

LOT 26

GRANTEE: CORONADO COMPANY, LLC

GRANTOR: BETTY W. DUNCAN, ET AL

CALLED 729.50 ACRES

VOL. 4644, PG. 293

O.R.C.C.

JANUARY 1, 1997

3

3.554 ACRES

PROPOSED R.O.W.

502.48' Petroleum Mkr. & Fiber Optic Mkr.

(1-800-732-8140)

509.90'

S 07° 11' 10" W

PROPOSED WEST RAIL BYPASS

PROPOSED R.O.W.

CENTERLINE

INTERSECTION

STA. 258+73.96

S 10° 07' 58" W

2,564.17'

260+00 WEST RAIL PROPOSED BASELINE

2,292.15'

N 10° 07' 58" E

2,627.80'

PROPOSED 20' PIPELINE
RIGHT-OF-WAY & EASEMENT
RELOCATION

819.31'

810.09'

MATCH LINE STA. 255+00

MATCH LINE STA. 263+00



SCALE 1"=100'

BLOCK 17

LOT 61

GRANTEE: MIGUEL A. ORTIZ, ET AL
GRANTOR: RICARDO ORTIZ, ET AL

TRACT 1 - RESIDUE OF

CALLED 210.22 ACRES

VOL. 1357, PG. 583

O.R.C.C.

FEBRUARY 29, 1984

Exhibit A

County:	Cameron	Highway:	West Rail Relocation Project
Railroad:	West Rail	CCSJ:	0921-06-073
Project Limits:	From: Rio Grande River	RCSJ:	0921-06-199
	To: US 77		
ROW CSJ:			

**PARCEL NO. 3E
PROPERTY DESCRIPTION**

Being a 0.5636 acre (24,552 square feet) parcel of land situated in the Jose Salvador de la Garza Survey, Abstract Number 2, Espiritu Santo Grant, Cameron County, Texas, and being out of and a part of Lot 39, Lot 26, Lot 61 and Lot 60, Block 17 of the Barreda Gardens Map No. Four as shown on the plat thereof, recorded in Volume 8 at Page 67 of the Maps Records of Cameron County (M.R.C.C.), Texas, said Lots being a part of a called 729.50 acre tract conveyed to Coronado Company, LLC from Betty W. Duncan, et al by deed dated January 1, 1997 as recorded in Volume 4644 at Page 293 of the Official Records of Cameron County (O.R.C.C.), Texas, said 0.5636 acre parcel of land is more particularly described by metes and bounds as follows; All bearings and coordinates are based on the Texas State Plane Coordinate System, South Zone, North American Datum of 1983, 1993 Adjustment. All distances and coordinates shown are surface and may be converted to grid by dividing by a combined scale factor of 0.999996;

COMMENCING at a 1 inch steel pipe found in the proposed easterly right of way line of West Rail Bypass (R.O.W. varies), for the northeast corner of a called 72.337 acre tract conveyed to Abel Gonzales, dba G & T Paving from Daisy L. Mcvay et al, by deed dated June 28, 2002, as recorded in Volume 8199 at Page 62 O.R.C.C., for the southwest corner of a called 210.22 acre tract conveyed to Miguel Ortiz, et al, from Ricardo Ortiz, et al, by deed dated February 29, 1984 and recorded in Volume 1357 at Page 583 of the Deed Records of Cameron County, Texas, for the northwest corner of a called 257.37 acre tract conveyed to James L. Mayer from Mary Alice Mayer by deed dated April 9, 1964 and recorded in Volume 761 at Page 293 D.R.C.C. and for the most easterly southeast corner the Cameron County Floodway, a called 86.25 acre tract, as shown on the plat of Barreda Gardens Map No. 5, recorded in Volume 8 at Page 65 M.R.C.C.;

North 82 deg. 53 min. 20 sec. West, the with the northerly line of said 72.337 acre tract and the southerly line of said Barreda Gardens Map No. 5, a distance of 150.21 feet to a 5/8 inch iron rod with RODS Surveying cap set in the proposed westerly right of way line of said West Rail Bypass;

Exhibit A

North 10 deg. 07 min. 58 sec. East, the with the proposed westerly right of way line of said West Rail Bypass, at a distance of 294.14 feet pass a 5/8 inch iron rod with RODS Surveying cap set in the northerly line of said Barreda Gardens Map No. 5 and the common southeast line of Lot 39 of said Barreda Gardens Map No. 4, continuing for a total distance of 1,500.07 feet to the north line of a 20 foot wide pipeline right of way and easement agreement granted to PMI Services North America Inc. by deed dated November 20, 2002 and recorded in Volume 8529, Page 27 O.R.C.C., for the southeast corner and POINT OF BEGINNING of this parcel, having a State Plane Coordinate surface value of $X = 1,286,976.37$ and $Y = 16,523,226.85$ and is located 50.00 feet left of and at a right angle to the proposed West Rail baseline station 254+23.43;

1. THENCE North 82 deg. 53 min. 17 sec. West, with the north line of said 20 foot wide pipeline right of way and easement agreement, a distance of 20.03 feet to the southwest corner of the herein described parcel;
2. THENCE North 10 deg. 07 min. 58 sec. East, with the proposed westerly line of this parcel, a distance of 1,422.41 feet to the westerly line of said 20 foot wide pipeline right of way and easement agreement, for the northwesterly corner of the herein described parcel;
3. THENCE South 07 deg. 11 min. 10 sec. West, with the westerly line of said 20 foot wide pipeline right of way and easement agreement, a distance of 389.05 feet to the proposed westerly right of way line of said West Rail Bypass, for the northeasterly corner of the herein described parcel;
4. THENCE South 10 deg. 07 min. 58 sec. West, with the westerly right of way line of said West Rail Bypass, a distance of 1,032.82 feet to the POINT OF BEGINNING and containing within said boundaries 0.5636 acres of land.

SURVEYED: October through December, 2004.

NOTES:

1. A parcel plat of even date was prepared in conjunction with this property description.


September, 2006

Parcel No. 3E

Page 3 of 8

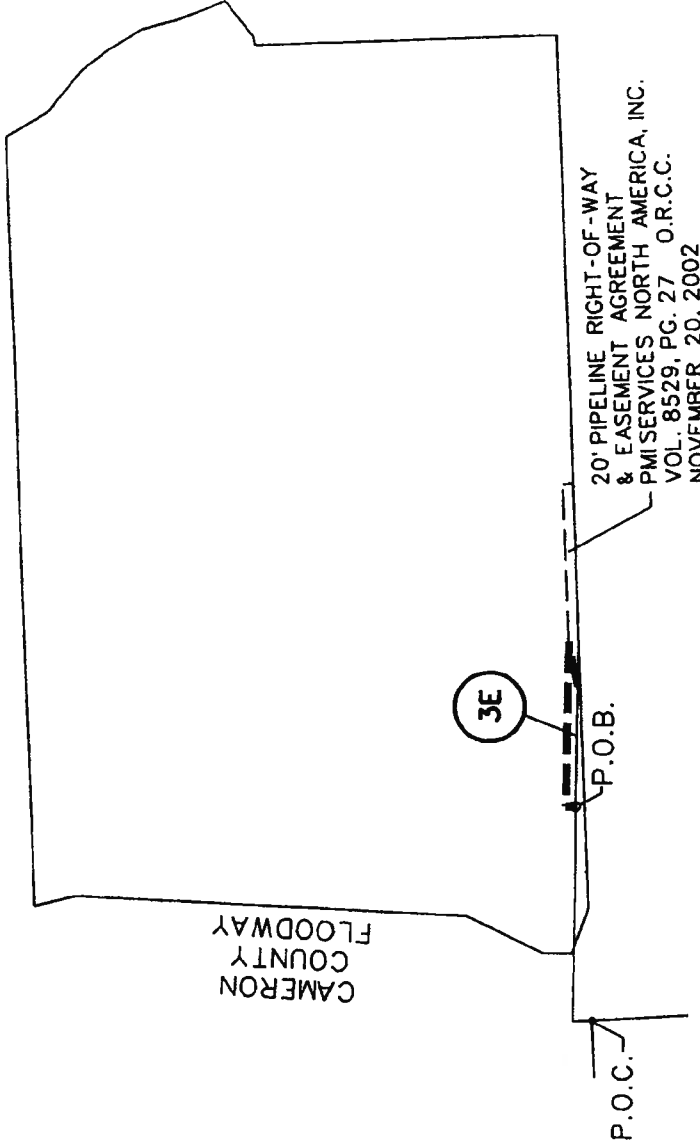
Exhibit A

I, Larry W. Smith, Registered Professional Land Surveyor, Texas Registration No. 4279, do hereby certify that the foregoing description was prepared from a survey made on the ground under my supervision on the dates shown.

 9.21.2006

RODS Surveying, Inc. 6810 Lee Rd. Spring, Texas 77379 - Ph: 1-888-456-RODS





PARENT TRACT INSET
PARCEL NO. 3E

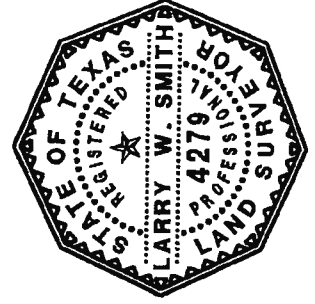
N.T.S.

I do hereby certify that the plat shown hereon conforms to the current General Rules of Procedures and Practices as promulgated by the Texas Board of Professional Land Surveyors.

[Signature] 9.21.2006
Larry W. Smith, R.P.L.S. #4279

Notes:

1. All bearings and coordinates are based on the Texas State Plane Coordinate System, South Zone, North American Datum of 1983, 1993 Adjustment. All distances and coordinates shown are surface and may be converted to grid by dividing by a combined adjustment factor of 0.999996.
2. A metes and bounds description of even date accompanies this plat.



EXISTING	TAKING	REMAINING
729.50 AC.	0.5636 AC.	
	24,552 Sq. Ft.	

RIGHT OF WAY SKETCH

SHOWING PROPERTY OF

PARCEL 3E

WEST RAIL BYPASS CAMERON COUNTY
RODS SURVEYING, INC. APRIL, 2005
CCSJ: RCSJ:

SURVEY A-2

MAP NO. 5
BARREDA GARDENS
VOL. 8 PG. 65
M.R.C.C.

MAP NO. 4
BARREDA GARDENS
VOL. 8 PG. 67
M.R.C.C.

BLOCK 17
LOT 39

CAMERON COUNTY
FLOODWAY
(CALLED 86.25 ACRES)

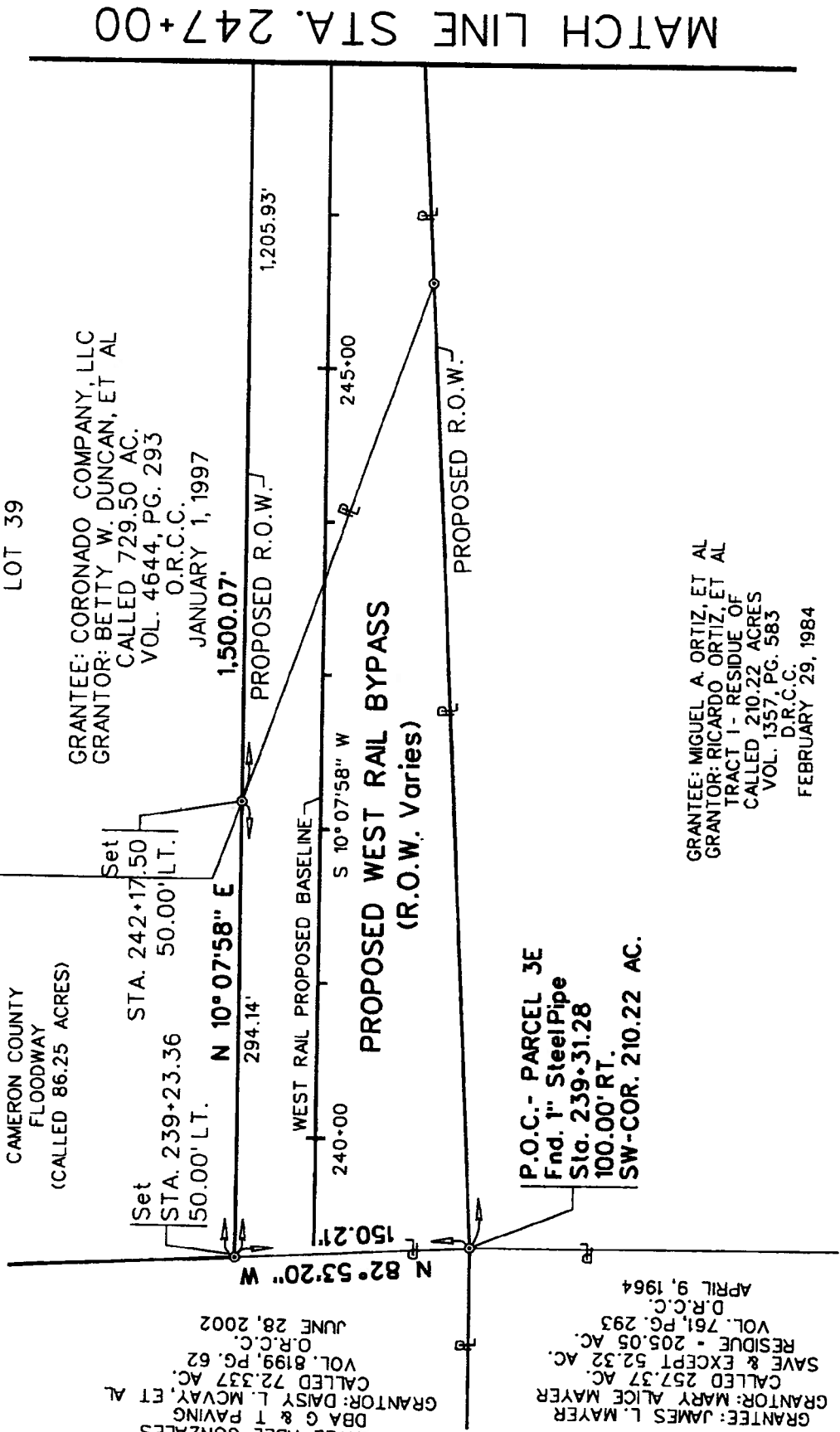
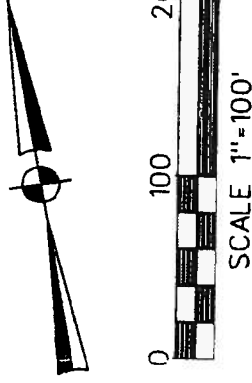
GRANTEE: CORONADO COMPANY, LLC
GRANTOR: BETTY W. DUNCAN, ET AL
CALLED 729.50 AC.
VOL. 4644, PG. 293
O.R.C.C.
JANUARY 1, 1997

GRANTEE: ABEL GONZALES
GRANTOR: DAISY L. MCWAY, ET AL
CALLED 72.337 AC.
VOL. 8199, PG. 62
O.R.C.C.
JUNE 28, 2002

P.O.C.- PARCEL 3E
Fnd. 1" Steel Pipe
Sta. 239+31.28
100.00' RT.
SW-COR. 210.22 AC.

GRANTEE: JAMES L. MAYER
GRANTOR: MARY ALICE MAYER
CALLED 257.37 AC.
SAVE & EXCEPT 52.32 AC.
RESIDUE - 205.05 AC.
VOL. 761, PG. 293
O.R.C.C.
APRIL 9, 1964

GRANTEE: MIGUEL A. ORTIZ, ET AL
GRANTOR: RICARDO ORTIZ, ET AL
TRACT 1 - RESIDUE OF
CALLED 210.22 ACRES
VOL. 1357, PG. 583
D.R.C.C.
FEBRUARY 29, 1984



JOSE SALVADOR DE LA GARZA ESPIRITU SANTO GRANT

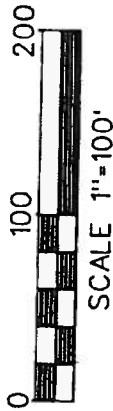
SURVEY A-2

MAP NO. 4
BARREDA GARDENS
 VOL. 8 PG. 67
 M.R.C.C.

BLOCK 17
 LOT 39

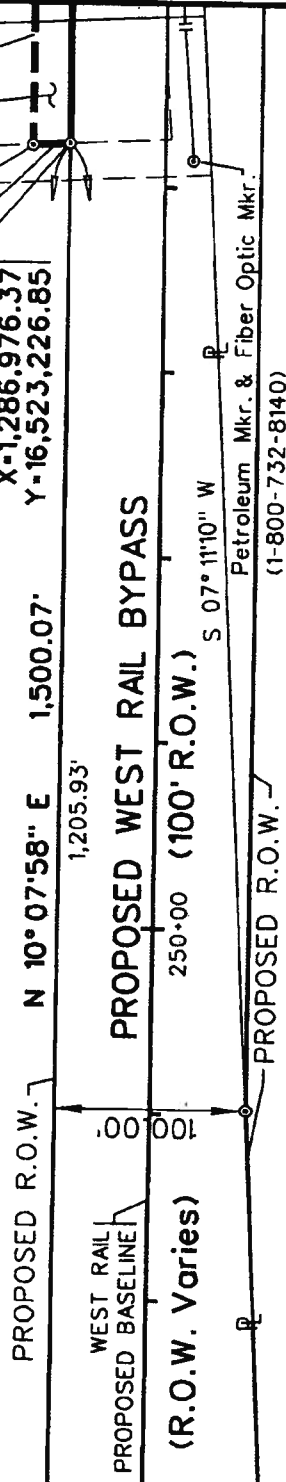
GRANTEE: CORONADO COMPANY, LLC
 GRANTOR: BETTY W. DUNCAN, ET AL
 CALLED 729.50 AC.
 VOL. 4644, PG. 293
 O.R.C.C.
 JANUARY 1, 1997

20' PIPELINE RIGHT-OF-WAY
 & EASEMENT AGREEMENT
 PMI SERVICES NORTH AMERICA, INC.
 VOL. 8529, PG. 27 O.R.C.C.
 NOVEMBER 20, 2002



MATCH LINE STA. 247+00

MATCH LINE STA. 255+00



GRANTEE: MIGUEL A. ORTIZ, ET AL
 GRANTOR: RICARDO ORTIZ, ET AL
 TRACT 1 - RESIDUE OF
 CALLED 210.22 ACRES
 VOL. 1357, PG. 583
 D.R.C.C.
 FEBRUARY 29, 1984

JOSE SALVADOR DE LA GARZA ESPIRITU SANTO GRANT

SURVEY A-2

MAP NO. 4

BARREDA GARDENS

VOL. 8 PG. 67

M.R.C.C.

BLOCK 17

LOT 26

GRANTEE: CORONADO COMPANY, LLC

GRANTOR: BETTY W. DUNCAN, ET AL

CALLED 729.50 AC.

VOL. 4644, PG. 293

O.R.C.C.

JANUARY 1, 1997

PROPOSED PIPELINE
RIGHT-OF-WAY & EASEMENT
RELOCATION

N 10° 07' 58" E 1,422.41'

502.48' Petroleum Mkr. & Fiber Optic Mkr.
(1-800-732-8140)

1,032.82'

S 10° 07' 58" W

260+00 WEST RAIL PROPOSED BASELINE

PROPOSED WEST RAIL BYPASS

CENTERLINE

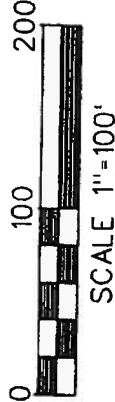
INTERSECTION

STA. 258+73.96

PROPOSED R.O.W.

MATCH LINE STA. 255+00

MATCH LINE STA. 263+00



BLOCK 17

LOT 61

GRANTEE: MIGUEL A. ORTIZ, ET AL
GRANTOR: RICARDO ORTIZ, ET AL
TRACT 1 - RESIDUE OF
CALLED 210.22 ACRES
VOL. 1357, PG. 583
D.R.C.C.
FEBRUARY 29, 1984

JOSE SALVADOR DE LA GARZA ESPIRITU SANTO GRANT SURVEY A-2



MAP NO. 4
BARREDA GARDENS
VOL. 8 PG. 67
M.R.C.C.

BLOCK 17
LOT 61

GRANTEE: CORONADO COMPANY, LLC
GRANTOR: BETTY W. DUNCAN, ET AL
CALLED 729.50 AC.
VOL. 4644, PG. 293
O.R.C.C.
JANUARY 1, 1997

MATCH LINE STA. 263+00

Set
STA. 264+56.25
50.00' LT.

PROPOSED PIPELINE
RIGHT-OF-WAY &
EASEMENT RELOCATION

N 10° 07' 58" E 1,422.41'

PROPOSED R.O.W. S 07° 11' 10" W

S-10° 07' 58" W 1,032.82'

WEST RAIL PROPOSED BASELINE

PROPOSED WEST RAIL BYPASS (100' R.O.W.)

PROPOSED R.O.W.

BLOCK 17
LOT 60

20' PIPELINE RIGHT-OF-WAY
& EASEMENT AGREEMENT
PMI SERVICES
NORTH AMERICA, INC.
VOL. 8529, PG. 27 O.R.C.C.
NOVEMBER 20, 2002

Set
STA. 268+44.79
70.00' LT.

S 07° 11' 10" W

Set
STA. 268+45.30
50.00' LT.

S 07° 11' 10" W 389.05'

N 10° 07' 58" E

S 10° 07' 58" W

270+00

MATCH LINE STA. 271+00

GRANTEE: MIGUEL A. ORTIZ, ET AL
GRANTOR: RICARDO ORTIZ, ET AL
TRACT 1 - RESIDUE OF
CALLED 210.22 ACRES
VOL. 1357, PG. 583
D.R.C.C.
FEBRUARY 29, 1984

**V. CONSIDERATION ON APPROVAL OF RIGHT OF
ENTRY FOR PARCEL 4, WEST RAIL PROJECT**

RIGHT OF ENTRY AND POSSESSION

West Rail Project Parcel 4
CSJ: 0921-06-073
CSJ: 0921-06-233

STATE OF TEXAS

§

COUNTY OF CAMERON

§

§

WHEREAS, _____, of the County of _____, State of _____, is (are) the owner(s), hereinafter referred to as Grantors, whether one or more, of a certain tract or parcel of land, hereinafter referred to as the Parcel, which is more fully described in Exhibit "A," which is attached hereto and incorporated herein for any and all purposes; and,

WHEREAS, the Cameron County Regional Mobility Authority, is going to acquire fee simple title and/or certain interests in said Parcel, (save and except all the oil, gas and sulphur which can be removed from beneath the said Parcel without any right whatsoever remaining to the owners of such oil, gas and sulphur of ingress or egress to or from the surface of said Parcel for the purpose of exploring, developing, drilling or mining of the same), for the purpose of constructing a railroad track and appurtenances thereto; and,

WHEREAS, the Cameron County Regional Mobility Authority, will acquire the Parcel, encumbered with the improvements thereon, if any, by purchase, or upon failure to purchase by means of condemnation proceedings; and,

WHEREAS, the Cameron County Regional Mobility Authority, must have possession of said Parcel for the purpose of beginning construction of said railroad track;

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS, that Grantors for and in consideration of the sum of One Dollar (\$ 1.00) and other good and valuable consideration to them in hand paid by the Cameron County Regional Mobility Authority, the receipt and sufficiency of which is hereby acknowledged and confessed, have Granted, Bargained, Sold and Conveyed and by these presents do Grant, Bargain, Sell and Convey unto the Cameron County Regional Mobility Authority the right of entry upon said parcel to remove improvements, if any, with which the land is encumbered and exclusive possession of the said Parcel described in said Exhibit "A" and the right of entry upon said parcel for the purpose of constructing a railroad track and appurtenances thereto.

This grant of right of entry and possession is conditioned strictly upon the following:

1. The grant herein made shall not prejudice, in any way, Grantors' rights to receive full and just compensation for the interest to be acquired by the Cameron County Regional Mobility Authority in the herein described land, encumbered with the improvements thereon, if any, save and except all oil, gas and sulphur as hereinabove provided, and damages, if any, to the remainder of Grantors' lands.
2. The Cameron County Regional Mobility Authority agrees to acquire the Parcel either by purchase of said land, or in the alternative agrees to initiate condemnation proceedings for the acquisition of said Parcel in a good faith and timely manner.

3. It is expressly provided that in the event the Cameron County Regional Mobility Authority institutes condemnation proceedings under this grant, the Cameron County Regional Mobility Authority will not be liable to Grantors for interest upon any award or judgment as a result of such proceedings for any period of time prior to the date of the award. However, payment of any interest may be deferred by the Cameron County Regional Mobility Authority until entry of judgment.
4. This right of entry and possession shall extend to the Cameron County Regional Mobility Authority, its contractors, assigns and/or owners of any utility involved in the West Rail Relocation Project for the additional purposes of locating utility lines, replacing, repairing, making improvements to and/or maintaining the existing utility lines that lie within the Parcel. Said utility lines include, but are not limited to, those owned by: AEP, TransMontaigne and Rio Grande Valley MUD #2. This right of entry and possession shall extend to the Cameron County Regional Mobility Authority, its contractors, assigns and/or owners for the purpose of constructing the railroad track.
5. Grantors herein warrant that no person or corporation owns an interest in the fee title of the premises described in the said Exhibit "A" other than Grantors herein.

TO HAVE AND TO HOLD the possession of the Parcel described in the said Exhibit "A" for the purposes and subject to the limitations hereinabove set forth.

Executed this, the _____ day of _____, _____.

ATTEST:

By: _____

Acknowledgement

State of Texas
County of Cameron

This instrument was acknowledged before me on _____

by _____.

Notary Public's Signature

Corporate Acknowledgment

State of Texas
County of _____

This instrument was acknowledged before me on _____ by _____

of _____, a _____ corporation, on behalf of said corporation.

Notary Public's Signature

ACCEPTED AND AGREED TO by the Cameron County Regional Mobility Authority this ____ the day of _____, _____.

**CAMERON COUNTY
REGIONAL MOBILITY AUTHORITY**

Executed by and approved for the Cameron County Regional Mobility Authority for the purpose and effect of activating and/or carrying out the orders, established policies or work programs heretofore approved and authorized by the Cameron County Regional Mobility Authority.

By: _____
David E. Allex, Chairman date

Attested By: _____
Ruben Gallegos, Jr., Secretary date

Exhibit A

County:	Cameron	Highway:	West Rail Relocation Project
Railroad:	West Rail	CCSJ:	0921-06-073
Project Limits:	From: Rio Grande River	RCSJ:	0921-06-199
	To: US 77		
ROW CSJ:			

**PARCEL NO. 4
PROPERTY DESCRIPTION**

Being a 9.393 acre parcel of land situated in the Jose Salvador de la Garza Survey, Abstract Number 2, Espiritu Santo Grant, Cameron County, Texas, and being out of the residue of a called 210.22 acre tract conveyed to Miguel A. Ortiz, et al by Ricardo Ortiz, et al as described in that document as recorded in Volume 1357 at Page 583 of the Deed Records of Cameron County, Texas, said 9.393 acre parcel of land is more particularly described by metes and bounds as follows, with all bearings and coordinates are based on the Texas State Plane Coordinate system, south zone, Nad 83 datum, 1993 adjustment. All distances and coordinates shown are surface and may be converted to grid by dividing by a combined scale factor of 0.99996;

COMMENCING at a 1 inch steel pipe found for the southwest corner of aforementioned 210.22 acre tract, in the east line of the Barreda Gardens map number five plat recorded in Volume 8 at Page 65 of the Map Records of Cameron County, and same being the northeast corner of a called 72.337 acre tract conveyed to Abel Gonzales DBA G & T Paving recorded in Volume 8199 at Page 62 of the Deed Records of Cameron County;

THENCE North 07 deg. 11 min. 10 sec. East, with the east line of said Barreda Gardens map number five plat and the common west line of said 210.00 acre tract, at a distance of 625.74 feet pass the northeast corner of said Barreda Gardens map number five plat and the common southeast corner of Barreda Gardens map number four as recorded in Volume 8 at Page 67 of the Map Records of Cameron County, continuing with the east line of said Barreda Gardens map number four plat and the common west line of said 210.00 acre tract, a total distance of 972.64 feet to a 5/8 inch iron rod with RODS Surveying cap set in the proposed east right-of-way line of West Rail for the south corner and POINT OF BEGINNING of this parcel, this corner has a State Plane Coordinate surface value of X = 1,286,983.18 and Y = 16,522,696.58 and is located 50.00 feet right of and at a right angle to the proposed West Rail baseline station 249+02.63;

1. THENCE North 07 deg. 11 min. 10 sec. East, continuing with said common line, a distance of 1945.25 feet to a 5/8 inch iron rod with RODS Surveying cap set in said proposed west right-of-way line of West Rail and being in the common east line of Lot 60 of said Barreda Gardens map number four plat as conveyed from Betty W. Duncan, et al to Coronado Company, LLC in a document recorded in Volume 4644, Page 293 of the Map Records of Cameron County;

Exhibit A

2. **THENCE North 10 deg. 07 min. 58 sec. East with the proposed west right-of-way line of said West Rail, a distance of 621.50 feet to a 5/8 inch iron rod with RODS Surveying cap set for point a curvature of a curve to the right;**
3. **THENCE in a northeasterly direction, along the proposed west right-of-way line of said West Rail and with the arc of said curve to the right, having a central angle of 75 deg. 03 min. 53 sec., a radius 1,965.50 feet, an arc length of 2575.06 feet, a chord bearing of North 47 deg. 39 min. 54 sec. East, and a chord distance of 2,394.80 feet to a 5/8 inch iron rod with RODS Surveying cap set in the existing west right-of-way line of Carmen Avenue (120.00' R.O.W.) and being in the west line of a called 13.164 acre tract conveyed to Cameron County on October 30, 1980 and recorded in Volume 1289 Page 48 of the Deed Records of Cameron County, Texas;**
4. **THENCE South 07 deg. 08 min. 51 sec. West, with the existing west right-of-way line of said Carmen Avenue and the west line of the aforementioned 13.164 acre tract, a distance of 102.34 feet to a 5/8 inch iron rod with RODS Surveying cap set in the aforementioned proposed east right-of-way line of West Rail and in the arc of a curve to the left;**
5. **THENCE in a southwesterly direction, along the proposed east right-of-way line of said West Rail and with the arc of said curve to the left having a central angle of 74 deg. 24 min. 50 sec., a radius of 1,865.50 feet, an arc length of 2422.85 feet, a chord bearing of South 47 deg. 20 min. 23 sec. West, and a chord distance of 2,256.12 feet to a 5/8 inch iron rod with RODS Surveying cap set for the point of tangency of said curve;**
6. **THENCE South 10 deg. 07 min. 58 sec. West, with the proposed east right-of-way line of said West Rail, a distance of 2564.17 feet to the POINT OF BEGINNING and containing within said boundaries 9.393 acres of land.**

SURVEYED: October through December, 2004.

NOTES:

1. **Proposed property corners have not been set due to lack of right of entry. Proposed property corners will be set upon receipt of written permission to access property from Cameron County.**
2. **A parcel plat of even date was prepared in conjunction with this property description.**

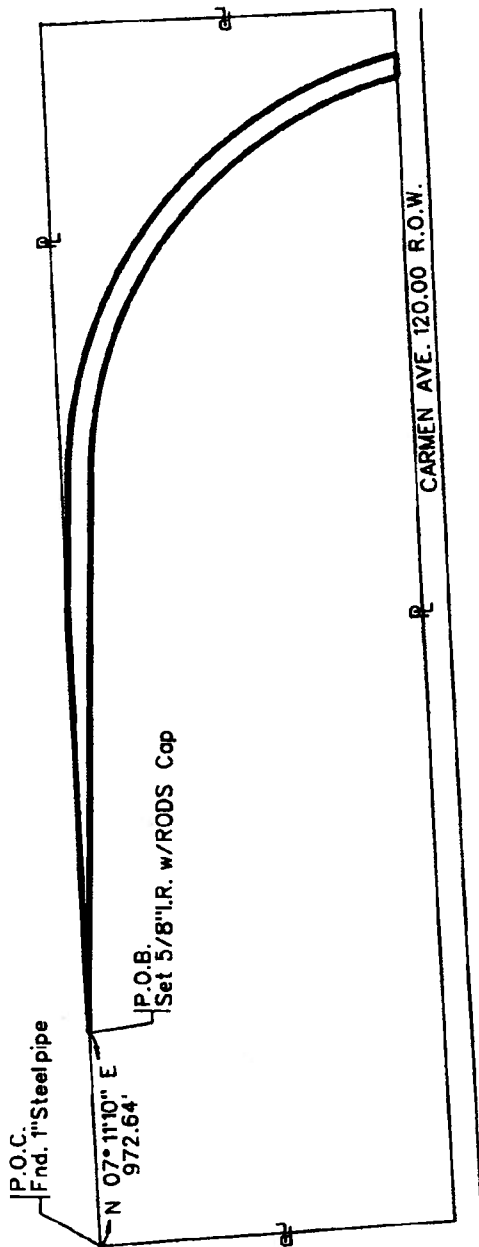
Exhibit A

I, Larry W. Smith, Registered Professional Land Surveyor, Texas Registration No. 4279, do hereby certify that the foregoing description was prepared from a survey made on the ground under my supervision on the dates shown.

Larry W. Smith 3/09/2005-

RODS Surveying, Inc. 6810 Lee Rd. Spring, Texas 77379 - Ph: 1-888-456-RODS





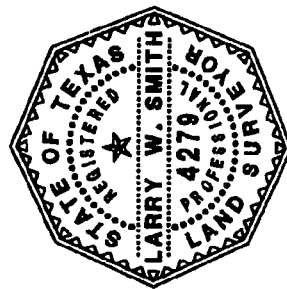
PARENT TRACT INSET
N.T.S.

Notes:

1. All bearings and coordinates are based on the Texas State Plane Coordinate System, South Zone, North American Datum of 1983, 1993 Adjustment. All distances and coordinates shown are surface and may be converted to grid by dividing by a combined adjustment factor of 0.999996.
2. A metes and bounds description of even date accompanies this plat.
3. Proposed property corners have not been set due to lack of right of entry. Proposed property corners will be set upon receipt of written permission to access property from Cameron County.

I do hereby certify that the plat shown hereon conforms to the current General Rules of Procedures and Practices as promulgated by the Texas Board of Professional Land Surveyors.

Larry W. Smith
Larry W. Smith, R.P.L.S. #4279



EXISTING	TAKING	REMAINING
202.008 AC. (Calculated Residue)	9.393 AC.	166.565 AC. RT
		26.050 AC. LT

RIGHT OF WAY SKETCH
SHOWING PROPERTY OF

PARCEL 4

WEST RAIL CAMERON COUNTY
RODS SURVEYING, INC. FEBRUARY, 2005
CCSJ: RCSJ:

Page 4 of 8

JOSE SALVADOR DE LA GARZA ESPIRITU SANTO GRANT SURVEY A-2

CAMERON COUNTY
FLOODWAY

GRANTEE: FELIPE GALVAN, TRUSTEE
GRANTOR: BILLY Y. WALKER
VOL 1285 PG 669
D.R.C.C.
DECEMBER 8, 1981

MAP 5 OF
BARREDA GARDENS
VOL. 8 PG. 65
M.R.C.C.

MAP 4 OF
BARREDA GARDENS
VOL. 8 PG. 67
M.R.C.C.

LOT 39

GRANTEE: CORONADO COMPANY, LLC
GRANTOR: BETTY W. DUNCAN, ET AL
VOL 4644 PG 293
D.R.C.C.
JANUARY 1, 1997



SCALE 1"=200'

MATCHLINE STA. 250+00

S 10° 07' 58" W
2564.17'
PROPOSED R.O.W.
N 07° 11' 10" E
1945.25'

WEST RAIL PROPOSED BASELINE

250+00

245+00

240+00

235+00

972.64'

N 07° 11' 10" E
625.74'

P.O.B.
Set 5/8" I.R. w/RODS Cop
X-1286983.18
Y-16522696.58
Sta. 249+02.63
50.00'

P.O.C.
End. 1" Steel pipe
Sta. 239+31.28
100.00'
SW-COR. 210.22 AC.

GRANTEE: MIGUEL A. ORTIZ, ET AL
GRANTOR: RICARDO ORTIZ, ET AL
TRACT 1 - RESIDUE OF
CALLED 210.22 ACRES
VOL 1357 PG 583
D.R.C.C.
FEBRUARY 29, 1984

GRANTEE: ABEL GONZALES DBA G & T PAVING
GRANTOR: DAISY L. MCVAY, ET AL
CALLED 72.337 AC.
VOL 8199 PG 62
D.R.C.C.
JUNE 28, 2002

GRANTOR: MARY ALICE MAYER
GRANTEE: JAMES L. MAYER
CALLED 257.37 AC.
SAVE & EXCEPT 52.32 AC.
RESIDUE - 205.05 AC.
VOL 761 PG 293
APRIL 9, 1964

SOUTH LEVEE
VOL. 255 PG. 183
SEPT 4, 1934
FLOODWAY
VOL. 255 PG. 183
SEPT 4, 1934
NE-COR.
72.337 AC.

JOSE SALVADOR DE LA GARZA ESPIRITU SANTO GRANT, SURVEY A-2



GRANTEE: CORONADO COMPANY, LLC
GRANTOR: BETTY W. DUNCAN, ET AL
VOL 4644 PG 293
D.R.C.C.
JANUARY 1, 1997

GRANTEE: CORONADO COMPANY, LLC
GRANTOR: BETTY W. DUNCAN, ET AL
VOL 4644 PG 293
D.R.C.C.
JANUARY 1, 1997

GRANTEE: CORONADO COMPANY, LLC
GRANTOR: BETTY W. DUNCAN, ET AL
VOL 4644 PG 293
D.R.C.C.
JANUARY 1, 1997

MAP 4 OF
BARRERA GARDENS
VOL. 8 PG. 67
M.R.C.C.

LOT 39

LOT 26

LOT 61

LOT 60

20' PIPELINE RIGHT-OF-WAY
& EASEMENT AGREEMENT
PMI SERVICES NORTH AMERICA, INC.
VOL 8529 PG 27
D.R.C.C.
NOVEMBER 20, 2002

Set 5/8" I.R. w/RODS Cap
Sta. 268+45.30
50.00'

MATCHLINE STA. 250+00

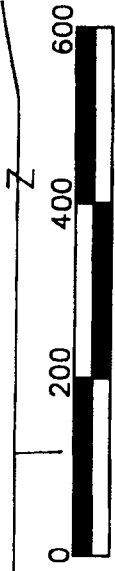
MATCHLINE STA. 269+00

255+00 260+00 265+00
PROPOSED R.O.W. N 10° 07' 11" E 1945.25'
WEST RAIL PROPOSED BASELINE
S 10° 07' 58" W 2564.17'
PROPOSED R.O.W.
CENTERLINE INTERSECTION
STA. 258+73.96

GRANTEE: MIGUEL A. ORTIZ, ET AL
GRANTOR: RICARDO ORTIZ, ET AL
TRACT 1 - RESIDUE OF
RESIDUE OF CALLED 210.22 ACRES
VOL 1357 PG 583
D.R.C.C.
FEBRUARY 29, 1984



SCALE 1"=200'



LOT 60

GRANTEE: CORONADO COMPANY, LLC
GRANTOR: BETTY W. DUNCAN, ET AL
VOL 4644 PG 293
D.R.C.C.
JANUARY 1, 1997

20' PIPELINE RIGHT-OF-WAY
& EASEMENT AGREEMENT
PMI SERVICES NORTH AMERICA, INC.
VOL 8529 PG 27
D.R.C.C.
NOVEMBER 20, 2002

LOT 59

GRANTEE: CORONADO COMPANY, LLC
GRANTOR: BETTY W. DUNCAN, ET AL
VOL 4644 PG 293
D.R.C.C.
JANUARY 1, 1997

Set 5/8" I.R. w/RODS Cap
Sta. 274+66.03
50.62'

N 10° 07' 58" E 621.50'

270+00 TS 273+45.39
WEST RAIL PROPOSED BASELINE 275+00

Set 5/8" I.R. w/RODS Cap
Sta. 274+67.58
49.37'

N 07° 11' 10" E

2639.23'

APPROXIMATE LOCATION OF
PIPELINE RIGHT-OF-WAY
& EASEMENT AGREEMENT
PMI SERVICES NORTH AMERICA, INC.
(EASEMENT BEING IN CONDEMNATION
WITH CURRENT OWNER)

PROPOSED R.O.W.

PROPOSED R.O.W.

GRANTEE: MIGUEL A. ORTIZ, ET AL
GRANTOR: RICARDO ORTIZ, ET AL
TRACT 1 - RESIDUE OF
CALLED 210.22 ACRES
VOL 1357 PG 583
D.R.C.C.
FEBRUARY 29, 1984

(CHORD DEFINITION)
C3 SPIRAL CURVE DATA
PI STA 291+84.16
X= 1.287.794.23
Y= 16.525.897.43
Δ= 87° 00' 18"
R= 1.910.08'
CHB= N 53° 38' 07" E
CHL= 2.442.91'
Ls= 250.00'

MATCHLINE STA. 269+00

MATCHLINE STA. 287+00

JOSE SALVADOR DE LA GARZA ESPIRITU SANTO GRANT, SURVEY A-2

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	1965.50'	2575.06'	2394.80'	N 47° 39' 54" E	75° 03' 53"
C2	1865.50'	2422.85'	2256.12'	S 47° 20' 23" W	74° 24' 50"

JOSE SALVADOR DE LA GARZA ESPIRITU SANTO GRANT, SURVEY A-2

MATCHLINE STA. 287+00

GRANTEE: FIRSTBANK
GRANTOR: RICARDO ORTIZ, ET UX
TRACT 1
VOL 831 PG 188
D.R.C.C.
MAY 31, 1989

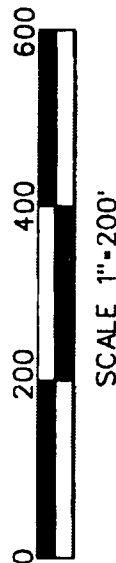
PROPOSED R.O.W.
WEST RAIL PROPOSED BASELINE
290+00
C1
C3
C2
PROPOSED R.O.W.
295+00

APPROXIMATE CENTERLINE
LOCATION OF PIPELINE RIGHT-OF-WAY
& EASEMENT AGREEMENT
PMI SERVICES NORTH AMERICA, INC.
(EASEMENT BEING IN CONDEMNATION
WITH CURRENT OWNER)

GRANTEE: MIGUEL A. ORTIZ, ET AL
GRANTOR: RICARDO ORTIZ, ET AL
TRACT 1 - RESIDUE OF
CALLED 210.22 ACRES
VOL 1357 PG 583
D.R.C.C.
FEBRUARY 29, 1984

(CHORD DEFINITION)

C3 SPIRAL CURVE DATA
PT STA 291+84.16
X= 1.287,794.23
Y= 16,526,897.43
Δ= 87°00'17"
R= 1,910.08'
CHB= N 53°38'07" E
CHL= 2,442.91'
LS= 250.00'



CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	1965.50'	2575.06'	2394.80'	N 47°39'54" E	75°03'53"
C2	1865.50'	2422.85'	2256.12'	S 47°20'23" W	74°24'50"

Exhibit A
Parcel 4
Page 8 of 8

**VI. CONSIDERATION AND APPROVAL OF A
RESOLUTION DECLARING INTENTION TO
REIMBURSE CERTAIN EXPENDITURES FOR THE SH
550 PROJECT, OUTER PARKWAY PROJECT, WEST
RAIL RELOCATION PROJECT, NORTH RAIL
RELOCATION PROJECT, EAST LOOP PROJECT, US 281
PROJECT, AND THE US 77 PROJECT**

**RESOLUTION EXPRESSING INTENT TO
FINANCE EXPENDITURES TO BE INCURRED**

WHEREAS, Cameron County Regional Mobility Authority (the "*Authority*") is a political subdivision of the State of Texas authorized to finance certain transportation costs by issuing obligations pursuant to the laws of the State of Texas, including but not limited to Chapter 370, Texas Transportation Code; and

WHEREAS, the Authority will make, or has made not more than 60 days prior to the date hereof, payments with respect to the acquisition, construction, planning, reconstruction and renovation of transportation projects, including without limitation those listed on Exhibit A attached hereto (the "*Financed Projects*"); and

WHEREAS, the Authority desires to reimburse itself for the costs associated with the Financed Projects from the proceeds of obligations to be issued subsequent to the date hereof; and

WHEREAS, the Authority reasonably expects to issue obligations to reimburse itself for the costs associated with the Financed Projects;

NOW, THEREFORE, be it resolved that:

Section 1. The Authority reasonably expects to reimburse itself for costs that have been or will be paid subsequent to the date that is 60 days prior to the date hereof and that are to be paid in connection with the acquisition, construction, reconstruction or renovation of the Financed Projects from the proceeds of obligations to be issued subsequent to the date hereof.

Section 2. The Authority reasonably expects that the maximum principal amount of obligations issued to reimburse the Authority for the costs associated with the Financed Projects will be \$30,000,000.

ADOPTED THIS 20th DAY OF JANUARY, 2010.

CAMERON COUNTY
REGIONAL MOBILITY AUTHORITY

By: _____

Chairman, Board of Directors

ATTEST:

By: _____

Secretary, Board of Directors

EXHIBIT A

DESCRIPTION OF FINANCED PROJECTS

The Financed Projects will consist of the acquisition, construction, planning, reconstruction and renovation by the Authority of transportation projects, including without limitation, the following: (i) SH 550 at FM1847, (ii) SH 550 Port Spur, (iii) SH 550 Extension to US 77, (iv) Outer Parkway, (v) West Rail Relocation, (vi) North Rail (Olmito Switchyard), (vii) East Loop, (viii) FM 509, (ix) US 281, (x) US 77 / IH 77 improvements and (xi) Port Isabel Road.