

THE STATE OF TEXAS       §  
  §  
COUNTY OF HARRIS       §

The Commissioners Court of Harris County, Texas, met in regular session at its regular term at the Harris County Administration Building in the City of Houston, Texas, on \_\_\_\_\_, with all members present except \_\_\_\_\_.

A quorum was present. Among other business, the following was transacted:

**ORDER AUTHORIZING A RIGHT-OF-ENTRY AGREEMENT BETWEEN  
THE HARRIS COUNTY FLOOD CONTROL DISTRICT  
AND THE U.S. ARMY CORPS OF ENGINEERS  
FOR REAL ESTATE OUTGRANTS HCFCD UNIT NO. U101-18-00**

Commissioner \_\_\_\_\_ introduced an order and made a motion that the same be adopted. Commissioner \_\_\_\_\_ seconded the motion for adoption of the order. The motion, carrying with it the adoption of the order, prevailed by the following vote:

	Yes	No	Abstain
Judge Lina Hidalgo	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comm. Rodney Ellis	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comm. Adrian Garcia	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comm. Tom S. Ramsey, P.E.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comm. Lesley Briones	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The County Judge thereupon announced that the motion had duly and lawfully carried and that the order had been duly and lawfully adopted.

NOW, THEREFORE, BE IT ORDERED BY THE COMMISSIONERS COURT OF HARRIS COUNTY, TEXAS THAT:

1. County Judge Lina Hidalgo is hereby authorized to execute for and on behalf of the Harris County Flood Control District a Right-of-Entry Agreement with the U.S. Army Corps of Engineers for Real Estate Outgrants for access to a channel referred to by Harris County Flood Control as U101-18-00 within the Addicks Reservoir.
2. All Harris County Flood Control District and Harris County officials and employees are authorized to do any and all things necessary or convenient to accomplish the purposes of this order.

**MULTI-PURPOSE APPLICATION**

Real Estate Outgrants & Civil Works Project Alteration (section 408)  
For use of this form, see SWG-RE 701i

**PART I - BUSINESS/COMPANY APPLICANT INFORMATION**

1a. BUSINESS/COMPANY NAME Harris County Flood Control District		1b. CAGE CODE (sam.gov)	
1c. LAST NAME (SIGNATORY FOR APPLICANT) Hidalgo	FIRST NAME Lina		M.I.
1d. TITLE Harris County Judge	1e. E-MAIL tina.petersen@hcfcd.hctx.net	1f. PHONE 346-286-4070	
1g. PHYSICAL ADDRESS 9900 Northwest Freeway	1h. CITY Houston	1i. STATE TX	1j. ZIP CODE 77092
1k. MAILING ADDRESS 9900 Northwest Freeway	1l. CITY Houston	1m. STATE TX	1n. ZIP CODE 77092

**PART II - AGENT INFORMATION (IF APPLICABLE)**

2a. BUSINESS/COMPANY NAME Harris County Flood Control District			
2b. LAST NAME (AGENT) Brock	FIRST NAME Jason		M.I.
2c. TITLE Maintenance Engineering Department Manager	2d. E-MAIL jason.brock@hcfcd.hctx.net	2e. PHONE 346-286-4145	
2f. ADDRESS 7522 Prairie Oak	2g. CITY Houston	2h. STATE TX	2i. ZIP CODE 77086

**PART III - LEGAL OFFICER / CERTIFYING OFFICER INFORMATION**

(For dredging must be an attorney, for all others must be corporate officer)

3a. LAST NAME Kunst	FIRST NAME Emily		M.I.
3b. TITLE Assistant County Attorney	3c. E-MAIL emily.kunst@hcfcd.hctx.net	3d. PHONE 346-286-4003	
3e. ADDRESS 9900 Northwest Freeway	3f. CITY Houston	3g. STATE TX	3h. ZIP CODE 77092

**PART IV - FINANCIAL CONTACT**

4a. LAST NAME Bacarisse	FIRST NAME Anthony		M.I.
4b. TITLE Financial and Technical Services Division Director	4c. E-MAIL anthony.bacarisse@hcfcd.hctx.net	4d. PHONE 346-286-4188	
4e. ADDRESS 9900 Northwest Freway	4f. CITY Houston	4g. STATE TX	4h. ZIP CODE 77092

**PART V - PERMITTING**

5a. Do you hold a current authorizing Regulatory document (i.e., Section 404, Section 10, Nationwide Permit(s) or Letter of Permission) for the requested activity? If "Yes", ATTACH COPIES of all permits and amendments.		Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
5b. Have you applied for a regulatory permit for this action? If "Yes" include permit # in box 5c	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	5c. SWG-_____ - _____

## PART VI - PROJECT DESCRIPTION

6a. TYPE (check all that apply)

Dredging ☐Pipeline ☐Other Construction ☐None of these ☒

6b. DREDGING

New work ☐Maintenance ☐

Estimated c.y. \_\_\_\_\_

6c. PIPELINE

New work ☐Replacement ☐Crossing federal channel? ☐

Yes

No

6d. GIS/GOOGLE EARTH

Include both GIS shape files (.shp) and Google file (.kmz)

6e.

PROPOSED START DATE: March 2025

ESTIMATED END DATE: \_\_\_\_\_

6f. PREVIOUS OUTGRANT NUMBER (if applicable)

DACW64-2 - 75 - 1

6g. SUMMARY OF PROJECT

(Describe the project in its entirety, do not limited the project summary to the area description in the regulatory permit. Include the placement areas that will be used, if applicable. Include ingress, egress and lay down areas.)

The Harris County Flood Control District (HCFCD) desires to establish a new outgrant for providing access to channel U101-18-00 located within existing outgrant DACW64-2-75-1. HCFCD provides periodic maintenance for this channel but access is obtained through a citizens driveway and back yard and a more permanent and appropriate access is needed.

HCFCD desires to establish the new outgrant extending from Barker Cypress Road to the east where it will intersect with the DACW64-2-75-1 outgrant. The outgrant would be 40 feet wide located immediately north of the fence line from the homes on Sundrop Ln. In the initial step, HCFCD will need a right of access to this area to perform environmental evaluations of the outgrant area and determine if the access route is acceptable or needs adjustments, then we will need to survey the area for inclusion in the application for the outgrant. HCFCD is requesting right of access with this application. The right of access area is shown on the attached Google map file (.kmz) and extends north of the anticipated area of the proposed outgrant to allow us to identify areas that may impact the alignment or require we adjust the ultimate alignment of the new outgrant.

This application will be updated with the new outgrant survey, kmz and shp files, and security gate detail at the completion of the preliminary environmental and survey activities. The intent is to update the pending application for renewing outgrant DACW64-2-75-1 with the new access outgrant information upon completion of this background investigation and survey work.

## PART VII REQUIRED DOCUMENTS

When submitting the application include: W9, Articles of Incorporation, GIS Shape file and T-4 form (pipelines) to SWG-RE@USACE.ARMY.MIL

Note: W9 and Articles of Incorporation must match the applicant information listed above.

## PART VIII - CERTIFICATION

I HEREBY CERTIFY that I am of legal age and authorized to do business in the State of Texas and that I have personally examined the information contained in this application and believe that the information submitted is correct to the best of my knowledge.

Lina Hidalgo

NAME

DocuSigned by:



286C1B1FCB5A4DC...

SIGNATURE

April 23, 2024

DATE



# Instructions

## SWG-RE Form 701i

### Part I - Business/Company Applicant Information

1a - The “Applicant” is the entity in whose favor the transactional documents will be issued. Agent information should be entered in Part 2 of the form. The applicant may be as follows:

- An Individual provide the legal name of the individual.
- An Individual Trading as a Firm or Doing Business Under a Firm or Trade Name.
- A Partnership. The name of all the partners or the name of the partnership by one partner who signs as one of the firm.(see notes on Partnerships)
- A Corporation or Association. The name of the corporation and the name of the officer with official capacity signing on its behalf;
- State or local governmental entities. The name of the entity and the name of the officer with official capacity signing on its behalf

1b - DUNS# or CAGE code - All applicants are required to be registered in SAM (System of Award Management) in order to conduct business with the U.S. government. If you are already registered in SAM, we will require your DUNS No. or CAGE code to verify your registration. This section must not be left blank to ensure timely processing of application. If you are not registered in SAM, please go to <http://www.sam.gov> to newly register your entity. Please ensure that your SAM registration and W9 reflect the same information (entity name, address, and tax id number).

**For pipeline applications** the owner should be placed in Part I, if there is no additional agent the operator may be placed in Part II, (please note “operator” after business name in block 2a). In cases where there is an agent and operator; please provide operator information within the Summary of Project section (6f).

### Part II – Agent Information

The agent of an Applicant cannot sign on behalf of the Applicant. A signatory is typically a corporate officer. Funds for payment of administrative fees or consideration will only be accepted from the Applicant. Agents may not make payment on behalf of an Applicant.

### Part III - Legal Officer / Certifying Officer Information

For Legal Officer and Certifying Officer requirements refer to notes which are applicable to your type of entity.

### Notes on Partnerships

The signer will be required to furnish, for filing with the outgrant, extracts from the Partnership agreement, which indicates the names of the general partners. In order to expedite the application, please include this with the initial submission. In lieu of this evidence, the signer may furnish a Partnership Certificate, certifying that the signer has authority to bind the partnership as follows:

I, (Partner X) certify that I am a General Partner in the Partnership named as Grantee the attached outgrant, I certify further that (Partner Y), who signed said outgrant on behalf of the Partnership, is also a General Partner and has the authority to bind the Partnership by virtue of the powers vested in him/her in the Partnership agreement.

## Notes on Corporations or Associations

The corporation seal will be affixed on the final outgrant documents prior to execution by USACE. The signer will furnish, for filing with the outgrant, extracts from the articles of incorporation (also known as Formation documents), the by-laws, or the minutes of the board of directors, duly certified by the custodian of such records, under the corporate seal (if there is one), which properly vest the signer with authority to bind the corporation. In lieu of this evidence the grantee may furnish a certificate signed by an appropriate corporate officer, other than the person executing the outgrant, as follows:

### CORPORATE CERTIFICATE

I (Name) certify that I am the (Secretary) of \_\_\_\_\_, Inc., that who signed the foregoing instrument on behalf of the corporation was then of the corporation. I further certify that the said officer was acting within the scope of powers delegated to this officer by the governing body of the corporation in executing said instrument.

Corporate Secretary or Appropriate Officer

(AFFIX CORPORATE SEAL)

## Notes on State or Local Governmental Entities

The signer will furnish, for filing with the outgrant, an extract from the minutes of the entity indicating that the outgrant was approved by the governing body of the entity and authorizing a named individual to execute the outgrant on its behalf. In lieu of the minutes, the grantee may furnish a certificate signed by an appropriate official, other than the person executing the outgrant, as follows:

### CERTIFICATE OF AUTHORITY

I (Name) certify that I am the \_\_\_\_\_(Clerk) of \_\_\_\_\_ that who signed the foregoing instrument

on behalf of the grantee was then \_\_\_\_ of \_\_\_\_\_. I further certify that the said officer was acting within the scope of powers delegated to this governing body of the grantee in executing said instrument.

## Part IV – Financial Contact

The financial contact is an individual whom works for the same business/company as the applicant that will be handling the payment and financial inquires for the administration fee to process the outgrant. The financial POC should be able to answer questions regarding debtor/vendor information, Tax ID or W9 issues, and address confirmation of return payments.

## Part V - Regulatory Permits

Regulatory Permits control the activities of the Applicant to be performed in the Waters of the United States, including Wetlands, pursuant to applicable laws and regulations, such as Section 10 of the Rivers and Harbor Act of 1899 and Section 404 of the Clean

Water Act. The Real Estate Division cannot issue an outgrant without the applicant first obtaining the proper regulatory permit.

## Part VI- Project Description

The project description is the most critical part of the application, for a multi-faceted project please check all required activities box 5a and complete boxes for corresponding activities. Provide a detailed description of the project and include GIS and/or CADD files with the application (see Cadastral Data and Format Requirements). The following sections detail additional requirements for Dredging and Pipeline activities:

### Dredging

Please provide complete scope of work along with maps showing the area to be dredged, placement areas to be used and location or alignment of temporary dredge pipelines.

- A hydrographic survey showing the area to be dredged must also be submitted.
- List placement areas identified in Regulatory Permit in order of preference.

- If both new and maintenance dredging are required please select new in the form and discuss maintenance portion within the project description.
- Include detailed timelines for as well as completing line 6e of form.

Sediment Testing Requirement: Approval of sediment testing plans and reports prior to issuance of a Real Estate clearance is required for all Applicants. Contact the Operations Division to obtain information on sediment testing requirements.

Email: SWG-NB@usace.army.mil  
Phone: 409-766-3973

### Pipelines

Please provide a complete narrative of the project. The narrative should include the pipeline starting and ending points, route, channel crossings, tie-ins, valve stations, access roads, ingress, egress, ROW needed, etc., for the pipeline.

If available please submit:

- Railroad commission of Texas T-4 form which identifies the pipeline owner.
- Railroad commission of Texas PS - 8000A Form
- Geotechnical study

If a pipeline crosses a Federal Channel, Placement Area(s) or Placement Area Levee, Hurricane Levee, or Tributary waters of the United States, the Applicant must provide cross section diagrams depicting depth and entry and exit points for each crossing. Applicants must also provide any and all standoff distances between the pipeline and any of the features listed above, including other pipelines. Identify diameter of each pipeline, type of fuel or product being transported, and pipeline configuration for each bundle. If there will be ground disturbance (e.g. trenching, excavation) please address the following

- What are the dimensions (i.e., length, width, depth) of each type of ground disturbance (e.g., trench, fence post hole, leveling, etc.)?

- Will more than an acre of ground surface be disturbed? How much?
- What kind of equipment will be used? How will the work be done?
- Will access across Government controlled property in addition to the area identified for the requested activity be required for equipment? If so, where?
- Will there be a staging and/or storage areas required? If so, where are they located and what are their dimensions? Will staging/storage areas be at locations different than the site of the proposed action?

Additionally please address the following:

- Are there any cultural resources known to exist in the area? If so, what?
- Describe other reasonable alternative routes or locations considered and reasons not selected  
Note: Pipelines 24-inches in diameter or larger, which impact fee simple land owned by the United States require Congressional approval. Applicants should anticipate a delay in processing such outgrants.

### Administrative Fees & Consideration

Two types of funds are collected from Applicants, administrative fees and consideration. Administrative fees are paid in advance. Consideration is paid at the time the transactional documents are executed.

Administrative fees. Title 10 U.S.C. 2695 authorizes the collection of the administrative fees to cover the costs to the Government for processing requests for the use of Government controlled property. These costs include but are not limited to payment for work products such as environmental, cultural and historical assessments, contract preparation, determinations of value, and preparation of land surveys, maps, and legal descriptions.

After initial screening, the Realty Specialist assigned to the application performs a scope of work analysis for the purpose of developing an administrative fee cost estimate. Once a cost



estimate is established an administrative fee letter will be sent to the Applicant requesting payment of administrative fees. Payment of administrative fees is required before further work can occur.

If the actual administrative costs for processing the application are greater than the initial request the Applicant will be notified and required to pay the additional amount for processing of the application to continue. If excess funds exist at the time processing of the application is complete, the balance will be refunded to the Applicant.

### **Cadastral Data & Format Requirement**

Applicants must submit their GIS data in either the equivalent or lesser version of the following: AutoCAD 2016 (.dwg) or ESRI ArcMap 10.4.1 (.shp) file to help us in this endeavor. Upon receiving a design CADD or a GIS file we will better determined the location of projects interest and limits. We ask that you please include the Regulatory Permit Tracking Number/Application Number and also indicate the coordinate system and datum that the drawing is currently in. The design data should consist of simple lines and polygons indicating the limits of the completed project.

If a CADD drawing is provided, please ensure that all layers are properly named to describe that specific feature. If the layers are named using acronyms we would need a legend or shoe boxes with leader lines, identifying each feature class within the drawing. All areas must be created in real- world (model space) with an assigned coordinate system. Please do not send drawings with XREFs or reference files, simply insert all needed files or feature layers into one design file. Cut-sheet or plate layouts in CADD are not needed however, PDF's of propose project plans and/or as- built would be greatly appreciated for further review.

If a GIS shape file is provided, again the same applies about assigning a proper name sequence to describe that specific feature or it can also be defined in the spatial data within the shape file.

To help keep file sizes to the minimum imagery

and USGS Quads do not need to be provided.

### **Preferred Projected Coordinate System**

- Datum: North American 1983 (Survey Feet)
- Projection: State Plane
- Zone: Texas South Central

If you have any questions pertaining to Cadastral requirements please contact Carlos Hidalgo at (409) 766-3169.





**DEPARTMENT OF THE ARMY**  
**U.S. ARMY CORPS OF ENGINEERS, GALVESTON DISTRICT**  
**2000 FORT POINT RD**  
**GALVESTON, TEXAS 77550**

**SUBJECT: Buffalo Bayou and Tributaries Flood Control Project, Addicks Dam and Reservoir; Harris County, Texas; REIN 25-004; Right-of-Entry DACW64-9-25-0042**

Honorable Judge Lina Hidalgo  
Harris County Judge  
1001 Preston Road, Suite 911  
Houston, Texas 77002

Dear Judge Hidalgo:

This correspondence is in response to a request received from the Harris County Flood Control District to conduct surveys and wetland delineation for a proposed service road to ditch U101-18-00 located in Harris County, Texas.

The Secretary of the Army, hereinafter referred to as the Secretary, under authority of his general administrative authority, hereby grants an immediate Right-of-Entry (ROE) for the purpose of conducting surveys and wetland delineation across Tract Nos. AR-148 and AR-149 subject to the following conditions:

- a. The ROE will be granted at no cost. The Grantee agrees to accept and be bound by the ROE, including such terms and conditions which the Government may determine to be reasonable and proper to protect its interests and which may be incorporated therein.
- b. It is understood that this ROE is effective only insofar as the rights of the United States in the property involved are concerned; and that the Grantee shall obtain such other permission as necessary; and that the Grantee shall comply with any and all existing rights, laws, ordinances, rules, and regulations as may be applicable to the proposed construction.
- c. The term of this ROE shall not exceed one (1) year from the date of its first execution, or until execution of the license, whichever is sooner, and is revocable at will by the Government.
- d. Prior to commencement of any work, Grantee will coordinate with Mr. Aron Edwards, Operations Land Use Coordinator, 409-766-3028.
- e. Any USACE work or maintenance work will take precedence over the private activities authorized herein.



- f. Local operation of Addicks Dam and Reservoir is managed out of the Addicks Field Office. The site manager may be reached by phone at 281-752-2600.
- g. Throughout these site-specific conditions, the term site manager is used to identify the Corps' on-site individual that has the responsibility for the day-to-day operations and/or management of the project, or his authorized representative.
- h. The grantee shall coordinate all entries to and activities on Corps property associated with this Right of Entry with the site manager. Coordination shall begin with a meeting between the grantee and the site manager to discuss in detail the proposed activities associated with this Right of Entry. Based on this discussion, the site manager may provide the grantee with guidance on how a particular task is to be performed. This guidance may include, but may not be limited to:
  - 1. Request for additional meetings involving the different phases of work,
  - 2. A proposed work schedule for the different phases of work,
  - 3. Access routes for the different phases of work,
  - 4. The type of equipment that can and cannot be used for the different phases of work,
  - 5. The location and/or number of bore holes.
  - 6. The acceptable method for the closure of bore holes.
  - 7. Appropriate site restoration that may be needed following each phase of work.
  - 8. A request for a post-activity meeting to ensure that Corps property has been restored to the satisfaction of the site manager.
  - 9. It shall be noted that regardless of who performs the work and/or who causes any impacts and/or damages, the grantee shall ultimately be responsible for ensuring that all impacts and/or damages are restored to the satisfaction of the site manager.
- i. The grantee shall be responsible for ensuring that all access points associated with this project remain secured to the satisfaction of the site manager throughout the duration of the project so as to deter inappropriate vehicle access to Corps property.
- j. The grantee shall be responsible for the protection of Corps property throughout the duration of this outgrant / project. Any damage to Corps property resulting from this project shall be restored to the satisfaction of the site manager.

If this ROE is acceptable to under these conditions, the acceptance on the enclosed duplicate of this letter should be completed and returned to me. Please have someone other than yourself sign the Certificate of Authority and return it with the signed ROE. If you have any questions, please call Crysta Wooten at 409-766-3032.

**IN WITNESS WHEREOF**, I have hereunto set my hand by authority of the Secretary of the Army, this \_\_\_\_ day of \_\_\_\_\_, 2025.

Sincerely,

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Robert J. Buchalski  
Chief, Management and Disposal Branch  
Real Estate Contracting Officer

The foregoing Right-of-Entry is hereby accepted this \_\_\_\_ day of \_\_\_\_\_, 2025.

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Lina Hidalgo  
Harris County Judge

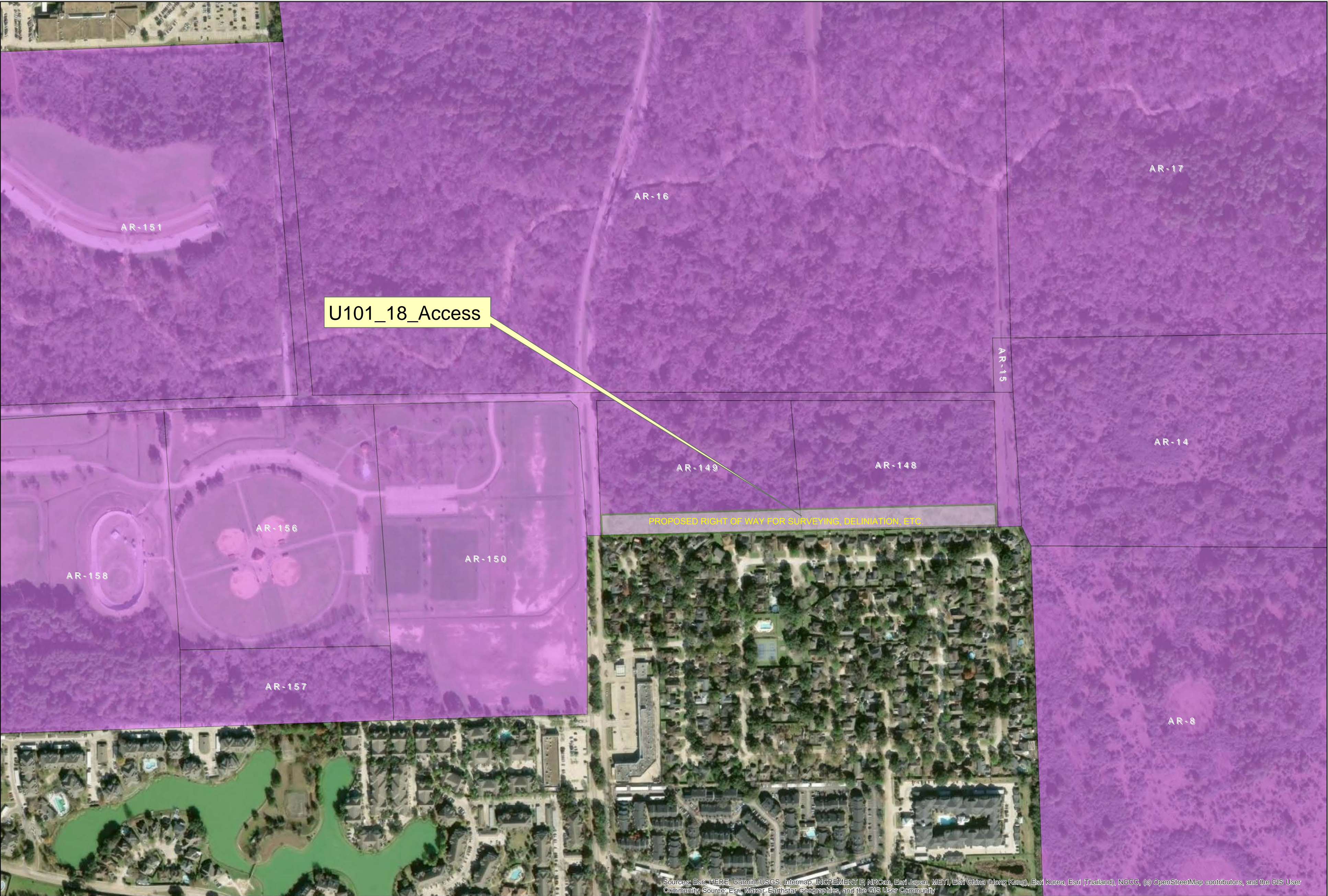
## CERTIFICATE

I, Emily Kunst, certify that I am the Assistant County Attorney of the Harris County Attorney's Office, representing the named grantee herein; that Lina Hidalgo, who signed this Right-of-Entry on behalf of Harris County was then the County Judge, and that said Right-of-Entry was duly signed for and on behalf of the grantee by authority of its governing body and is within the scope of its legal powers.

Date 3/31/25

  
\_\_\_\_\_  
Emily Kunst  
Assistant County Attorney  
Harris County Attorney's Office





Legend

- SymbolID
- Proposed Roadway
  - SWG Tract



DATUM: NORTH AMERICAN 1983 FEET  
PROJECTION: STATE PLANE  
ZONE: SOUTH CENTRAL ZONE

Sheets 1 of 1

HARRIS COUNTY FLOOD CONTROL DISTRICT  
BUFFALO BAYOU AND TRIBUTARIES PROJECT, ADDICKS DAM  
HARRIS COUNTY, TEXAS

0 0.04 0.08 0.16 0.24 0.32 Miles

PREPARED BY:  
REAL ESTATE DIVISION  
DATE: 17 DECEMBER 2024

The data is only a representation of features on the earth compiled by computer program from raw data obtained from different sources and is not necessarily, in whole or in part, based upon any physical recording, study or survey, professional or otherwise, of the covered property. This information is not intended as a substitute for a field survey by a licensed professional or any other use or application that requires legal or engineering accuracy.



US Army Corps  
of Engineers  
Galveston District



