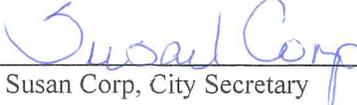


CITY OF DEL RIO
PLANNING & ZONING COMMISSION
COUNCIL CHAMBERS - CITY HALL
109 WEST BROADWAY ST.
WEDNESDAY, SEPTEMBER 10, 2014 @ 5:30 P.M.

AGENDA

1. CALL TO ORDER
2. ROLL CALL
3. APPROVAL OF MINUTES
 - a. Approval of August 20, 2014 Meeting Minutes
4. OPEN PUBLIC HEARING
 - a. Conduct a Public Hearing and Consider a Request for Appeal #14-02 by Heber S. Lacerda, President, Representing Val Verde Nursing and Rehabilitation is Requesting to Abandon a Portion of Street Right-of-Way off of Herman Drive Lot 1, of the Springview Addition.
5. ADJOURNMENT

I, Susan Corp, City Secretary, hereby certify that the above agenda was posted on the bulletin board in the Municipal Building and on the bulletin board immediately outside the Municipal Building on or before 5:30 p.m. on the 5th day of September 2014.


Susan Corp, City Secretary

Planning & Zoning Commission

3. a.

Meeting Date: 09/10/2014

Submitted By: Janice Pokrant, Engineering Department

Information

SUBJECT:

Approval of August 20, 2014 Meeting Minutes

BACKGROUND:

NA

DISCUSSION:

NA

PROS:

NA

CONS:

NA

RECOMMENDATION:

NA

Attachments

August 20, 2014 Minutes

CITY OF DEL RIO
PLANNING & ZONING COMMISSION
COUNCIL CHAMBERS - CITY HALL
109 WEST BROADWAY ST.
AUGUST 20, 2014
5:30 P.M.

MINUTES

1. CALL TO ORDER

The meeting was called to order at 5:41p.m.

2. ROLL CALL

Present: Chairperson Diana Salgado
Boardmember James Wilde
Boardmember Raul Padilla
Boardmember Adrian Falcon

Absent: Boardmember J.P. Sanchez

3. APPROVAL OF MINUTES –

a. Approval of July 9, 2014 Meeting Minutes

Motioned by Boardmember Raul Padilla, Seconded by Boardmember Adrian Falcon *to approve the July 9, 2014 meeting minutes*

AYE: Chairperson Diana Salgado
Boardmember James Wilde
Boardmember Raul Padilla
Boardmember Adrian Falcon

Other: Boardmember J.P. Sanchez (ABSENT)

MOTION PASSED

4. OPEN PUBLIC HEARING

- a. **Plat 14-05** Abner Martinez, P.E., Representing Anabelia Lopez is requesting to Replat Establishing Lots 1A & 1B, Block E, Chaparral Hills out of Lot 1, Block E, Chaparral Hills. *Mrs. Pokrant presented the staff report and recommendation from both City and County staff. She stated that one of the lots within the plat does not meet the minimum lot size requirements and recommends approval of the plat with the change that both lots meet the minimum lot size requirements. She stated that there is not a proven hardship to justify the variance to the lot size requirements. Roger Cerny, Val Verde County, stated that the county concurs with the report from Mrs. Pokrant. He further discussed that this property is located within the county that does not have zoning and could not classify this property as Commercial. Abner Martinez was present with the property owners to speak in favor of the request. He stated that the hardship is that the individual wanting to purchase the land can't afford the additional land to meet the minimum lot size requirements. He stated that they are only short 575 square feet to meet the minimum requirements and that Planning and Zoning has already approved smaller lots than this for residential use. He asked that the Commission to approve the plat as it is shown.*

Mrs. Lopez spoke in favor of the request and stated that the owner of the meat market only has so much money and that his how they came up with the square footages for the properties.

Commissioner Salgado asked how much more money would it cost for the owner of the meat market to purchase the small amount of land

Mrs. Lopez stated that she was unsure.

Commissioner Wilde stated that the minimum lot size is 5500 square feet so the plat is only off a little over 75 feet

Mrs. Pokrant asked Mr. Martinez to clarify because by her calculations she also showed that the plat was off by 74.46 square feet.

Mr. Martinez stated that he was mistaken and the property line would only be moved over 18 inches.

The owner then stated that would be agreeable to making this change

Mr. Martinez also mentioned that in Lot 1A the frontage sits on Cienegas Road and according to City Code the front yard setback is required to be 25 feet.

Mrs. Pokrant informed the commission on the requirement and that placing this requirement on the plat would not mean that anything would need to be changed with the existing building.

Commissioner Salgado asked if this request for the variance from the setback requirement would need to go before the variance board first because they hadn't seen anything on this request in the packet.

Mrs. Pokrant apologized that this information was not included in the packet as this omission of the setback on the plat was only identified by staff after the agenda packet had been distributed. She further explained that the request for the setback variance can be voted on by this commission within the platting process. She stated that the variance committee is specifically for the properties located within the City limits and this property is located within the ETJ.

Mr. Martinez stated that they would like the variance for the front yard setback from 25 feet to 15 feet. There was further discussion on what was being requested.

Commissioner Salgado asked if the properties meet all of the other required setbacks

Mrs. Pokrant stated that the city code only requires a front yard setback for the properties located outside of the city limits.

Commissioner Falcone asked what the reason why the applicant is asking for the 15 foot setback instead of the 25 foot setback

Mr. Martinez explained that if they complied with the 25 foot setback then the setback line would be in the middle of the existing building.

Commissioner Salgado asked if the existing parking for the laundry mat for the site is located within an easement.

Mrs. Pokrant explained that she wasn't sure if the parking was located inside an easement as the property is located outside of the city limits and is not required to obtain a building permit for the construction of the building or the parking lot. She further mentioned that she didn't believe that the County issued a building permit in this area either.

Mr. Cerny addressed the commission that there is no provision outside of the Amistad Zoning Authority for the County to be able to issue building permit to construct anything. He stated that the setbacks in the County are governed by the restrictions there. That the setbacks in an instance like this would concur with the city's regulations.

Commissioner Salgado stated that she just wanted to make sure that if any encroachments on easement are occurring that they are addressed now. She asked if the Fire Department representative knew if there would be any issues with the encroachment on a utility easement.

Mrs. Pokrant explained that if there is an utility easement on the property then the utility company or the private property owner would need to address the encroachment.

Commissioner Padilla asked for clarification on the request for the plat so that they can consider the item properly.

- b. **Plat 14-06** Abner Martinez, P.E., Representing Angelina M. Reyna is requesting to Replat Establishing a Substandard Lot being Lots 7-A & 7-B, Block 3, Fairview out of Lot 7, Block 3, Fairview Addition.

Mrs. Pokrant presented the staff report and the staff recommendation

Mr. Martinez spoke in favor of the requested plat

Commissioner Salgado asked the Fire Department representative if the surface on the alley is sufficient

to support fire vehicles should an emergency arise.

Lt. Daniel Young, Fire Department Inspector, stated that that fire department access road would need to have a weight limit for 75000 lbs and 20 foot width and other requirements. He stated that if there was a fire on this property they could access the rear lot through Hill Street.

- c. **Plat 14-07** Abner Martinez, P.E., Representing Agustin J. Saavedra is requesting to Replat Establishing Lots 1, 2 and 3, Matthews Addition out of Tract I of Matthews Addition.
Mrs. Pokrant presented the staff report and recommendation. She explained that the City and County have met on this plat and concluded that one of the lots within the plat shows only 18 feet for the entrance and would not meet the minimum 55 feet for the lot frontage. She stated that staff had a discussion with the owner prior to the meeting who agreed to move the property line over for Lot 1 to give enough room for the other lot to meet the minimum lot frontage requirements. Commissioner Salgado asked if Lot 1 would still meet the minimum lot size requirements with this change.
Mrs. Pokrant verified that it would. She mentioned that the owner was present in case the commission has any questions. Mrs. Pokrant then stated that the other concern raised was that there are three existing mobile homes located on the lot which is not permitted through the Local Government Code but that there are plans to remove two of the mobile homes.
Commissioner Salgado mentioned that there are electrical poles on the Hwy 90 side and asked if there would be easements granted for the poles or are they moving them.
Mr. Martinez showed that the utility poles are located outside property. That the other poles on the lots are serving the individual mobile homes.
Commissioner Salgado asked for clarification that the other mobile homes would be moved on the lot leaving only one mobile home on the lot and not placed on each of the other lots.
Mrs. Pokrant confirmed that the owner has informed staff that the other mobile homes will be moved off of the lot and that they do intend to request a permit form the Joint Airport Zoning Board to place a mobile home on one of the new lots.
Commissioner Salgado asked Mr. Cerny if the County will allow the mobile homes without a problem. Mr. Cerny clarified that the county will allow for one mobile home on each lot in compliance with the Model Subdivision Rules. He further explained that the County is in agreement with the City on the recommendation.
Commissioner Salgado asked if the City Fire Department gets involved as the plat is outside the city limits
Lt. Daniel Young, City Fire Inspector, stated that there is an agreement that they will aide if needed. He said that normally they require a 20 feet access road for residential a lot.
Commissioner Salgado asked again what the County would require.
Mr. Cerny stated that the ROW for access needed to be 55 feet and the paved area would need to be 22 feet.
Commissioner Salgado asked Mrs. Pokrant what the minimum access would be needed for the City requirements.
Mrs. Pokrant clarified that the City would require a 55 foot frontage for the lot as opposed to an access road from Cora.

5.

OTHER BUSINESS
(ACTION MAY BE TAKEN ON THESE MATTERS)

- a. **Plat 14-05** Abner Martinez, P.E., Representing Anabelia Lopez is requesting to Replat Establishing Lots 1A & 1B, Block E , Chaparral Hills out of Lot 1, Block E, Chaparral Hills.

Motioned by Boardmember James Wilde, Seconded by Boardmember Adrian Falcon to approve the request with the exception that the applicant needs to meet the minim lot size and approve the 15 foot setback.

AYE: Chairperson Diana Salgado
Boardmember James Wilde

Boardmember Raul Padilla
Boardmember Adrian Falcon
Other: Boardmember J.P. Sanchez (ABSENT)
MOTION PASSED

- b. **Plat 14-06** Abner Martinez, P.E., Representing Angelina M. Reyna is requesting to Replat Establishing a Substandard Lot being Lots 7-A & 7-B, Block 3, Fairview out of Lot 7, Block 3, Fairview Addition.

Motioned by Boardmember James Wilde, Seconded by Boardmember Raul Padilla to approve the requested replat

AYE: Chairperson Diana Salgado
Boardmember James Wilde
Boardmember Raul Padilla
Boardmember Adrian Falcon
Other: Boardmember J.P. Sanchez (ABSENT)
MOTION PASSED

- c. **Plat 14-07** Abner Martinez, P.E., Representing Agustin J. Saavedra is requesting to Replat Establishing Lots 1, 2 and 3, Matthews Addition out of Tract I of Matthews Addition.

Motioned by Boardmember Raul Padilla, Seconded by Boardmember Adrian Falcon to approve the requested replat with the requirement that the lot meet the minimum 55 foot access.

AYE: Chairperson Diana Salgado
Boardmember James Wilde
Boardmember Raul Padilla
Boardmember Adrian Falcon
Other: Boardmember J.P. Sanchez (ABSENT)
MOTION PASSED

6. ADJOURNMENT
The meeting was adjourned at 6:21 p.m.

Planning & Zoning Commission

4. a.

Meeting Date: 09/10/2014

Submitted By: Janice Pokrant, Engineering Department

Information

SUBJECT:

Conduct a Public Hearing and Consider a Request for Appeal #14-02 by Heber S. Lacerda, President, Representing Val Verde Nursing and Rehabilitation is Requesting to Abandon a Portion of Street Right-of-Way off of Herman Drive Lot 1, of the Springview Addition.

BACKGROUND:

NOTIFICATIONS:

Advertised Commission Hearing Date: September 10, 2014

Advertised City Council Hearing Date: September 23, 2014

Property Owner Notices Mailed: 34

Letters in Support: None submitted to date

Letters in Opposition: None submitted to date

Letters with No Comment: None submitted to date

Inquiry Contacts: 0

Applicant: Heber S. Lacerda, President, Representing Val Verde Nursing and Rehabilitation

Location: The portion of the right-of-way is located off of the paved area of Hermann Drive in front of the existing nursing home, just prior to getting to the driveway for the house the Hislops sold to the nursing home.

Utilities: There are no utilities located within this right-of-way.

DISCUSSION:

The owner of the adjacent property, Val Verde Nursing and Rehabilitation is requesting the abandonment of this right-of-way so that they might be able to construct some stairs from the new building addition to the new parking lot that is planned for construction.

Department/Utility Review:

Engineering - Approval

Public Works - Approval

Police - Approval

Fire - Approval

Water - Approval

Sewer - Approval

Gas - Approval

AEP - Approval

Verizon - Approval

The Val Verde Appraisal District values the property within the Val Verde Nursing and Rehabilitation Center at \$100.00 a front foot square foot. With this valuation in mind, the 40 sq. ft. of frontage for the right-of-way would be valued at \$4,000.00. The estimated taxes collected by the City a year off of this valuation would be \$23.15.

PROS:

Approving this request will allow for the developer to utilize this property to connect the proposed off street parking with the existing and expanded nursing and rehabilitation center.

CONS:

Approving this request would mean that the city would lose additional right-of-way.

RECOMMENDATION:

Staff recommends support of the requested abandonment. As this abandonment is being requested for redevelopment, staff recommends that the developer pay one year's worth of taxes based on the land value of the alley instead of the value of the property estimated at \$4,000.00. This would mean that the property owners would be responsible to pay the city \$23.15 for the property.

Attachments

Abandonment 14-02 Exhibit

Abandonment 14-02 App Packet

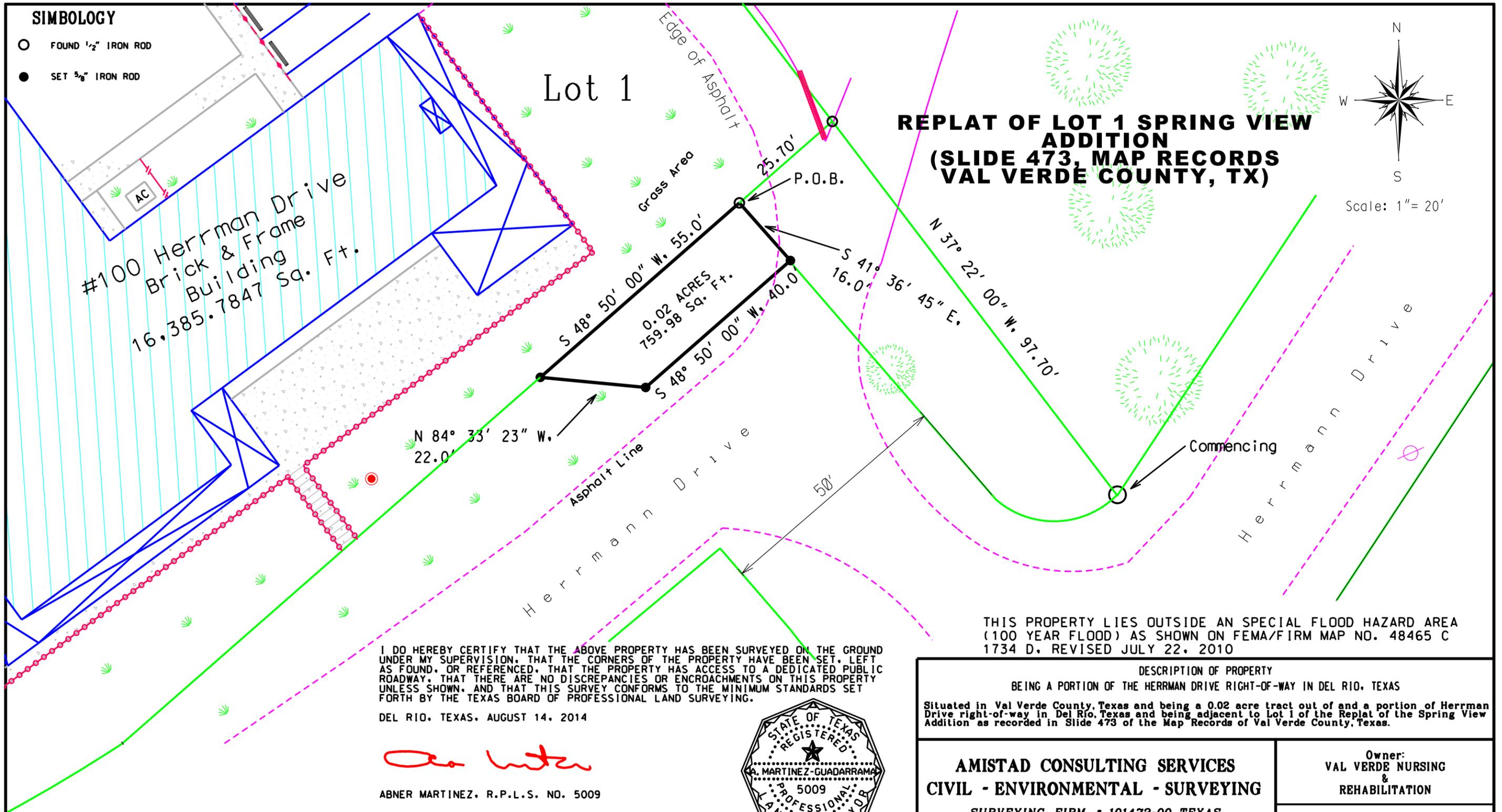
Abandonment 14-02 Exhibit with Proposed Improvements

SIMBOLOGY

- FOUND 1/2" IRON ROD
- SET 5/8" IRON ROD



Scale: 1" = 20'



I DO HEREBY CERTIFY THAT THE ABOVE PROPERTY HAS BEEN SURVEYED ON THE GROUND UNDER MY SUPERVISION, THAT THE CORNERS OF THE PROPERTY HAVE BEEN SET, LEFT AS FOUND, OR REFERENCED, THAT THE PROPERTY HAS ACCESS TO A DEDICATED PUBLIC ROADWAY, THAT THERE ARE NO DISCREPANCIES OR ENCROACHMENTS ON THIS PROPERTY UNLESS SHOWN, AND THAT THIS SURVEY CONFORMS TO THE MINIMUM STANDARDS SET FORTH BY THE TEXAS BOARD OF PROFESSIONAL LAND SURVEYING.

DEL RIO, TEXAS, AUGUST 14, 2014

Abner Martinez

ABNER MARTINEZ, R.P.L.S. NO. 5009



THIS PROPERTY LIES OUTSIDE AN SPECIAL FLOOD HAZARD AREA (100 YEAR FLOOD) AS SHOWN ON FEMA/FIRM MAP NO. 48465 C 1734 D, REVISED JULY 22, 2010

DESCRIPTION OF PROPERTY
BEING A PORTION OF THE HERRMAN DRIVE RIGHT-OF-WAY IN DEL RIO, TEXAS
Situating in Val Verde County, Texas and being a 0.02 acre tract out of and a portion of Herrman Drive right-of-way in Del Rio, Texas and being adjacent to Lot 1 of the Replat of the Spring View Addition as recorded in Slide 473 of the Map Records of Val Verde County, Texas.

AMISTAD CONSULTING SERVICES
CIVIL - ENVIRONMENTAL - SURVEYING
SURVEYING FIRM • 101472-00, TEXAS
501 E. Garfield
Del Rio, Texas 78840
Phone: (830) 775-4579, Fax: (888) 383-6704

Owner:
VAL VERDE NURSING & REHABILITATION

Address:
Herrman Drive,
Del Rio Tx 78840

Copyright 2014 ACS, Inc. This survey is being provided solely for the use of the current parties and no license has been created, express or implied, to copy the survey except as is necessary in conjunction with the original transaction, which shall take place within 6 months after the survey was provided, except as authorized by ACS, Inc.



APPLICATION FOR ABANDONMENT OF PUBLIC PROPERTY City of Del Rio

Official Use Only
Application No.: 14-01
Date Received: 5-21-14
City Planning and Zoning Commission Hearing Date: 6-24-14
City Planning and Zoning Commission Recommendation: Approved
Fee Paid: \$ 200.00

To be completed by applicant

Applicant: Big Red Dog Engineering (Contact Stephen S. Lin P.E.)
Address: 5710 Hausman Road, Suite 115
City & State: San Antonio, Texas 78249
Telephone: (210) 860-9224
Signature: [Signature] 05/15/2014

Type of Property to be Abandoned:
[X] Street Right-of-Way
[X] Alley
[X] Easement

Location: 401 Veterans Blvd., 411 Veterans Blvd.

This request must be accompanied by an application fee of \$200.00. A petition signed by each adjoining property owner within the block is required. Items to be submitted with the application include the following:

- a) A survey and field-note description by a Registered Professional Land Surveyor showing the extent of the area to be abandoned, and location of all utilities (i.e. water, sewer, electric, gas telephone, cable, etc.)
b) The completed application attached
c) Additional exhibits and field-note descriptions by the surveyor will be required to be submitted of the abandonment is granted and quitclaim deeds issued to multiple property owners.

Please state the reason for the abandonment request: Developer desires to subdivide all existing 12 lots into a singular lot, which includes, the existing alley ROW, and utility easement.



PETITION FOR ABANDONMENT OF PUBLIC PROPERTY

I. REQUEST

The undersigned owner or owners of the real property actually abutting the above described street or alley or portion thereof hereby respectfully petition and request that the City Council of the City of Del Rio, Texas formally vacate, abandon, and close said street or alley or portion thereof.

II. RELEASE

The undersigned owner or owners of the aforesaid real property hereby expressly RELEASE and FOREVER DISCHARGE the City of Del Rio, a Municipal Corporation, its City Council and members thereof, officers, agents, employees, and servants, in both their official and individual capacities, from any and all damages or claims for damages, causes of action, demands, or whatever nature and character, whether the same presently exist or may exist in the future, and that result from, or arise out of or in connection with the action, if any, of the City Council of the City of Del Rio in vacating, abandoning, and closing the above described City street or alley or portion thereof. It is the express intention of the undersigned owner or owners to effectuate a full and complete extinguishment of any and all of the claims, causes of action, and demands hereinabove enumerated, including, but not limited to, each of the following:

1. Any Claim for damages resulting from the vacating, abandonment, and closing of the above described City street or alley or portion thereof;
2. Any right to submit an application, file, or otherwise seek an injunction against the City of Del Rio to prevent the vacating, abandonment, and closing of said street or alley or portion thereof;
3. Any claims for damages resulting from the loss or impairment, if any, of the right to access over said street or alley or portion thereof; and
4. Any claim from damages for the loss or impairment of the rights to ingress and egress over said city street or alley or portion thereof.

III. INDEMNIFICATION

The undersigned owner or owners of said property shall indemnify and hold the City of Del Rio harmless from any and all injuries, including injuries to persons or property, damages, claims for damages, causes of actions and demands or whatever character and nature, which may result from, arise out of or in connection with the action of the City of Del Rio, if any, in vacating, abandoning and closing said street or alley or portion thereof. This indemnification and hold harmless clause shall extend to and apply to any such injuries or claims that arise from the failure of the City of Del Rio to maintain and operate said street or alley or portion thereof after the same has been formally vacated, abandoned, and closed. This clause shall further inure to the benefit of any and all city officials, employees, agents, servants, individually and in their official capacities. The payment of any and all reasonable attorneys fees expended in the defense of any such claim or action as well as any court costs, litigation costs, and judgments.



PETITION FOR ABANDONMENT OF PUBLIC PROPERTY

I, the undersigned owner of the property set forth by my name hereby join in and request the City of Del Rio to abandon the public property described (see attached survey and filed-note description). I also understand that the signing of this petition releases any and all rights to property ingress/egress access.

Name: Aaron L Trevino
Address: 29 Meadow Lane
Del Rio, TX 78840
Legal Description: Block 77 Lots
3,4,8,9,10 & Block 21 Lots 1,2,3,4,5
Phone No.: _____
Signature: _____

Name: _____
Address: _____

Legal Description: _____

Phone No.: _____
Signature: _____

Name: Westex Capital LTD
Address: 307 E 10th St.
Del Rio, TX 78840
Legal Description: Block 77 Lots 1,2

Phone No.: _____
Signature: _____

Name: _____
Address: _____

Legal Description: _____

Phone No.: _____
Signature: _____

Name: _____
Address: _____

Legal Description: _____

Phone No.: _____
Signature: _____

Name: _____
Address: _____

Legal Description: _____

Phone No.: _____
Signature: _____

Name: _____
Address: _____

Legal Description: _____

Phone No.: _____
Signature: _____

Name: _____
Address: _____

Legal Description: _____

Phone No.: _____
Signature: _____

May 19, 2014

**METES AND BOUNDS DESCRIPTION
0.13 OF ONE ACRE
OUT OF BLOCK 21 AND 77
FIRST RAILROAD ADDITION TO THE CITY OF DEL RIO
VAL VERDE, TEXAS**

A tract of land containing 0.13 of one acre [5,800.00 square feet.] situated in Val Verde County, Texas, being a part or portion of BLOCK 21 and 77, First Railroad Addition to the City of Del Rio, according to the plat thereof recorded in Volume 15, Page 85, Val Verde County Map Records, which said 0.13 of one acre [5,800.00 square feet.] also commonly known as a 20.0-Foot Alley, said 0.13 of one acre [5,800.00 square feet.] also being more particularly described as follows:

COMMENCING the Southwest corner of Lot 10, Block 77, First Railroad Addition to the City of Del Rio, and being on the North right-of-way of line said existing 20.0-foot Alley;

THENCE, N 69°26'19" E along the South line of said Lot 10, Block 77, a distance of 10.00 feet to a No. 4 rebar set for the Point-of-Beginning and the Northwest corner of this herein described tract;

1. THENCE, N 69°26'19" E along the South lines of Lots 8, 9 and 10, Block 77, Lots 3, 4, and 5, Block 21 First Railroad Addition to the City of Del Rio, a distance of 290.00 feet to a No. 4 rebar found on the Southeast corner of said Lot 3, Block 21, for the Northeast corner of this tract;
2. THENCE, S 20°33'41" E, a distance of 20.00 feet to a No. 4 rebar found on the Northeast corner of Lot 2, Block 21, First Railroad Addition to the City of Del Rio, for Southeast corner of this tract;
3. THENCE, S 69°26'19" W along the North lines of Lots 1, and 2, Block 21, Lots 1, 2, 3, and 4, Block 77, First Railroad Addition to the City of Del Rio, a distance of 290.00 feet to a "X" mark on concrete set for the Southwest corner of this tract;
4. THENCE, N 20°33'41" W, a distance of 20.00 feet to the POINT OF BEGINNING and containing 0.13 of one acre [5,800.00 square feet.] of land, more or less.

Prepared by:
MELDEN & HUNT, INC.
Consultants, Engineers, Surveyors
115 West McIntyre
Edinburg, Texas 78541
(956) 381-0981

Commitment

COMMITMENT FOR TITLE INSURANCE (T-7)

Issued By:

Commitment Number:



Fidelity National Title Insurance Company

FAH14001138B

THE FOLLOWING COMMITMENT FOR TITLE INSURANCE IS NOT VALID UNLESS YOUR NAME AND THE POLICY AMOUNT ARE SHOWN IN SCHEDULE A, AND OUR AUTHORIZED REPRESENTATIVE HAS COUNTERSIGNED BELOW.

We (Fidelity National Title Insurance Company, a California corporation) will issue our title insurance policy or policies (the Policy) to You (the proposed insured) upon payment of the premium and other charges due, and compliance with the requirements in Schedule B and Schedule C. Our Policy will be in the form approved by the Texas Department of Insurance at the date of issuance, and will insure your interest in the land described in Schedule A. The estimated premium for our Policy and applicable endorsements is shown on Schedule D. There may be additional charges such as recording fees, and expedited delivery expenses.

This Commitment ends ninety (90) days from the effective date, unless the Policy is issued sooner, or failure to issue the Policy is our fault. Our liability and obligations to you are under the express terms of this Commitment and end when this Commitment expires.

Fidelity National Title Insurance Company

By:

President

Attest:

Secretary

Authorized Signatory

4-14-14



CONDITIONS AND STIPULATIONS

1. If you have actual knowledge of any matter which may affect the title or mortgage covered by this Commitment that is not shown in Schedule B you must notify us in writing. If you do not notify us in writing, our liability to you is ended or reduced to the extent that your failure to notify us affects our liability. If you do notify us, or we learn of such matter, we may amend Schedule B, but we will not be relieved of liability already incurred.
2. Our liability is only to you, and others who are included in the definition of Insured in the Policy to be issued. Our liability is only for actual loss incurred in your reliance on this Commitment to comply with its requirements, or to acquire the interest in the land. Our liability is limited to the amount shown in Schedule A of this Commitment and will be subject to the following terms of the Policy: Insuring Provisions, Conditions and Stipulations, and Exclusions.

SCHEDULE A

Effective Date: April 2, 2014 at 8:00 AM
Commitment No.: FAH14001138B-Commitment for Title Insurance
(T-7)

GF No.: FTH-18-FAH14001138BDB
Issued: April 14, 2014 at 8:00 AM

1. The policy or policies to be issued are:

- (a) OWNER'S POLICY OF TITLE INSURANCE (Form T-1)
(Not applicable for improved one-to-four family residential real estate)

Policy Amount: \$1,200,000.00
Proposed Insured: First Hartford Realty Corporation

- (b) TEXAS RESIDENTIAL OWNER'S POLICY OF TITLE INSURANCE
-- ONE-TO-FOUR FAMILY RESIDENCES (Form T-1R)

Policy Amount:
Proposed Insured:

- (c) LOAN POLICY OF TITLE INSURANCE (Form T-2)

Policy Amount:
Proposed Insured:
Proposed Borrower:

- (d) TEXAS SHORT FORM RESIDENTIAL LOAN POLICY OF TITLE INSURANCE (Form T-2R)

Policy Amount:
Proposed Insured:
Proposed Borrower:

- (e) LOAN TITLE POLICY BINDER ON INTERIM CONSTRUCTION LOAN (Form T-13)

Policy Amount:
Proposed Insured:
Proposed Borrower:

- (f) OTHER

Policy Amount:
Proposed Insured:

2. The interest in the land covered by this Commitment is:

Fee Simple

3. Record title to the land on the Effective Date appears to be vested in:

Tract I: Aaron Lozano Trevino

Tracts II & III: Aaron Lozano and Maria Luisa Chavarria

Tract IV: Aaron Lozano and Maria Luisa Chavarria

SCHEDULE A
(continued)

4. Legal description of land:

Tract I:

Situated in Val Verde County, Texas, and being all of Lots Eight (8), Nine (9), and Ten (10), Block Seventy-seven (77), First Railroad Addition to the City of Del Rio, Texas according to the plat of record in Volume 1, Page 49, Map Records, Val Verde County, Texas and all of Lots Three (3), Four (4), and Five (5), Block Twenty-one (21), Fifth Railroad Addition to the City of Del Rio, Texas, according to the plat of record in Volume 15, Page 85, Deed Records, Val Verde County, Texas;

SAVE AND EXCEPT the a 10 foot strip off the West side of Lot 10, Block 77, as described in Deed dated May 19, 1937 filed for record Volume 92, Page 546, Deed Records, Val Verde County, Texas, executed by I.F. Burditt and wife, Helen Burditt to the State of Texas.

Tract II:

Situated in Val Verde County, Texas, and being Lot Two (2), Block Twenty-one (21), Fifth Railroad Addition to the City of Del Rio, Texas, according to the plat of record in Volume 15, Page 85, Deed Records, Val Verde County, Texas, as described in Deed recorded in Volume 589, Pages 54-56, Official Public Records, Val Verde County, Texas.

Tract III:

Situated in Val Verde County, Texas, and being Part of Lot One (1), Block Twenty-One (21), Fifth Railroad Addition to the City of Del Rio, Texas, according to the plat of record in Volume 15, Page 85, Map Records, Val Verde County, Texas and Part of Lot Four (4), Block Seventy-seven (77), First Railroad Addition to the City of Del Rio, Texas, according to the plat of record in Volume 11, Page 185, Map Records, Val Verde County, Texas, as described in Deed from Richard Neal Beauchamp to Florentino Almada and wife, Juanita Almada recorded in Volume 1050, Pages 128-132, Official Public Records, Val Verde County, Texas, and being more fully described by metes and bounds as follows:

BEGINNING at a 1/2 inch iron stake set in the Northwest line of 2nd Street for the East corner of Lot No. 1, the South corner of Lot No. 2 and for the East corner of this tract;

THENCE S. 68°24'W. 46.0 ft., with the Northwest line of E. 2nd Street at 16.2 ft. cross line between said Lots No. 1 and 4 to 1/2 inch iron stake set for the South corner of this tract;

THENCE N. 21°36'W. 140.0 ft., to a 1/2 inch iron stake set in the Southeast line of Alley for the West corner of the tract;

THENCE N. 68°24'E. 46.0 ft., at 41.7 ft. set a 1/2 inch iron stake (off-set S. 68°24'W. 4.3 ft.) for the Northwest corner of this tract;

THENCE S. 21°36'E. 140 ft., with line between Lots No. 1 and 2 to the place of BEGINNING, subject, however, to easements, restrictions and mineral interests of record.

Tract IV:

Situated in Val Verde County, Texas, and being Lot Three (3) and part of Lot (4), Block Seventy-seven (77), First Railroad Addition to the City of Del Rio, Texas, according to the plat of record in Volume 11, Page 15, Deed Records, Val Verde County, Texas and part of Lot One (1), Block Twenty-one (21), Fifth Railroad Addition to the City of Del Rio, Texas, according to the plat of record in Volume 15, Page 85,

SCHEDULE A
(continued)

Deed Records, Val Verde County, Texas, more fully described as follows:

Beginning at a fence post found in the Northwest line of 2nd St, for the South corner Lot Three (3), the East corner Lot 2, same being the South corner this Tract.

Thence, N 21°36' W with the common line between Lots 2 and 3, a distance of 140.0 ft. to a fence post found in the Southeasterly line of 20' Alley for the west corner Lot 3 and this tract.

Thence, N 68°24' E with the Southeasterly line of Alley passing the North corner of Lot 3, Block 77, the West corner of Lot 1, Block 21 at 64.0' ft. and continuing for a total distance of 74.0' ft. to a 1/2" iron rod found for the North corner this Tract.

Thence, S 21°36' E a distance of 140.00' ft. to a 1/2" iron rod found in the Northwesterly line of 2nd. St for the East corner this Tract.

Thence, S 68°24' W with the Northwesterly line of 2nd. St. a distance of 74.0' ft. to the Place of Beginning.

END OF SCHEDULE A

Commitment

COMMITMENT FOR TITLE INSURANCE (T-7)

Issued By:

Commitment Number:



Fidelity National Title Insurance Company

FAH14001138A

THE FOLLOWING COMMITMENT FOR TITLE INSURANCE IS NOT VALID UNLESS YOUR NAME AND THE POLICY AMOUNT ARE SHOWN IN SCHEDULE A, AND OUR AUTHORIZED REPRESENTATIVE HAS COUNTERSIGNED BELOW.

We (Fidelity National Title Insurance Company, a California corporation) will issue our title insurance policy or policies (the Policy) to You (the proposed insured) upon payment of the premium and other charges due, and compliance with the requirements in Schedule B and Schedule C. Our Policy will be in the form approved by the Texas Department of Insurance at the date of issuance, and will insure your interest in the land described in Schedule A. The estimated premium for our Policy and applicable endorsements is shown on Schedule D. There may be additional charges such as recording fees, and expedited delivery expenses.

This Commitment ends ninety (90) days from the effective date, unless the Policy is issued sooner, or failure to issue the Policy is our fault. Our liability and obligations to you are under the express terms of this Commitment and end when this Commitment expires.

Fidelity National Title Insurance Company

By:

President

Fidelity National Title Agency, Inc.

Authorized Signatory

2/27/14



Attest:

Secretary

CONDITIONS AND STIPULATIONS

1. If you have actual knowledge of any matter which may affect the title or mortgage covered by this Commitment that is not shown in Schedule B you must notify us in writing. If you do not notify us in writing, our liability to you is ended or reduced to the extent that your failure to notify us affects our liability. If you do notify us, or we learn of such matter, we may amend Schedule B, but we will not be relieved of liability already incurred.
2. Our liability is only to you, and others who are included in the definition of Insured in the Policy to be issued. Our liability is only for actual loss incurred in your reliance on this Commitment to comply with its requirements, or to acquire the interest in the land. Our liability is limited to the amount shown in Schedule A of this Commitment and will be subject to the following terms of the Policy: Insuring Provisions, Conditions and Stipulations, and Exclusions.

SCHEDULE A

Effective Date of Commitment: February 12, 2014 at 8:00 a.m.

Issued: February 18, 2014 at 8:00 a.m.

1. The policy or policies to be issued are:

(a) OWNER'S POLICY OF TITLE INSURANCE (Form T-1)
(Not applicable for improved one-to-four family residential real estate)
Policy Amount: \$325,000.00
PROPOSED INSURED: First Hartford Realty Corporation

(b) TEXAS RESIDENTIAL OWNER'S POLICY OF TITLE INSURANCE
--ONE-TO-FOUR FAMILY RESIDENCES (Form T-1 R)
Policy Amount:
PROPOSED INSURED:

(c) LOAN POLICY OF TITLE INSURANCE (Form T-2)
Policy Amount: To Be Determined
PROPOSED INSURED: To Be Determined
Proposed Borrower: First Hartford Realty Corporation

(d) TEXAS SHORT FORM RESIDENTIAL LOAN POLICY OF TITLE INSURANCE (Form T-2R)
Policy Amount:
PROPOSED INSURED:
Proposed Borrower:

(e) LOAN TITLE POLICY BINDER ON INTERIM CONSTRUCTION LOAN (Form T-13)
Binder Amount:
PROPOSED INSURED:
Proposed Borrower:

(f) OTHER
Policy Amount:
PROPOSED INSURED:
Proposed Borrower:

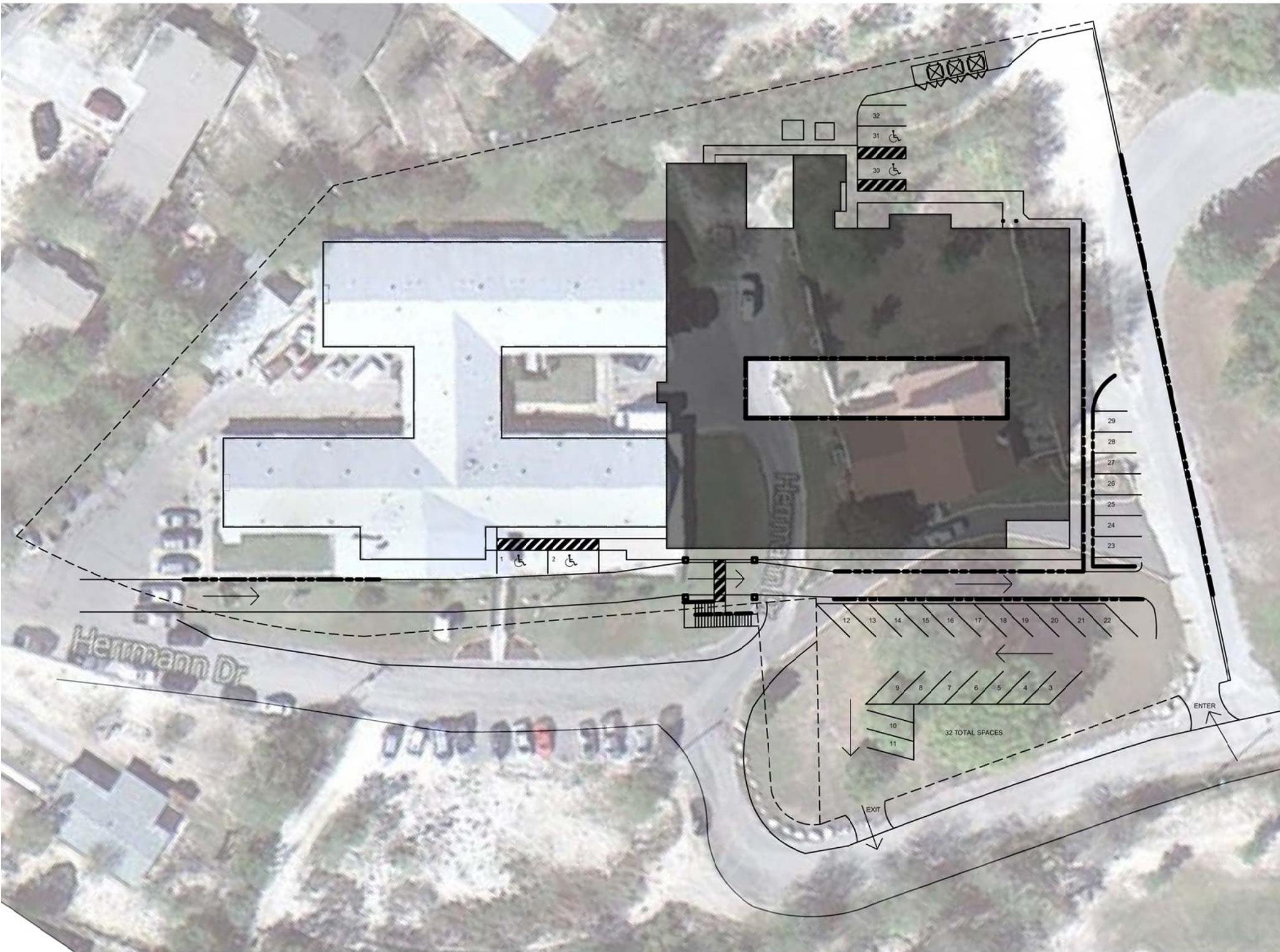
2. The interest in the land covered by this Commitment is:
Fee Simple

3. Record title to the land on the Effective Date appears to be vested in:
Westex Capital, Ltd.

4. Legal description of land:

Situated in Val Verde County, Texas, and being Lots One (1) and Two (2), Block Seventy-seven (77), First Railroad Addition to the City of Del Rio, Texas, according to the plat of record in Volume 228, Page 54-60, Deed Records, Val Verde County, Texas;

EXCEPT a strip 10.0 ft. wide off of the West side of Lot One (1), described in Right-of-Way Deed dated May 21, 1937 from Mrs. Mattie Burts and husband Jim Burts to the State of Texas, recorded in Volume 92, Pages 557-558, Deed Records, Val Verde County, Texas.



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31 ♿
33 ♿

1 ♿ 2 ♿

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23

12 13 14 15 16 17 18 19 20 21 22
9 8 7 6 5 4 3
10
11
32 TOTAL SPACES

EXIT

ENTER

Herrmann Dr