

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION**

Tract: RGV-RGC-8023

Owners: Artemio Barajas, et al.

Acreage: 0.962

UNITED STATES OF AMERICA, §
Plaintiff, §
v. §
1.044 ACRES OF LAND, MORE §
OR LESS, SITUATE IN §
STARR COUNTY, STATE OF §
TEXAS; AND ARTEMIO §
BARAJAS ET AL., §
Defendants. §

CASE NO. 7:25-CV-00255

NOTICE OF CONDEMNATION

TO:

7:25-CV-00255 Unknown Heirs of Delia Garcia Garza	7:25-CV-00255 Unknown Heirs of Reynaldo Garcia	7:25-CV-00255 Unknown Heirs of Elodia Garcia
7:25-CV-00255 Unknown Heirs of Susana Garcia Bazan	7:25-CV-00255 Unknown Heirs of Jose Garcia Jr.	7:25-CV-00255 Lucinda Garcia Unknown Address

The persons or entities listed above, whose whereabouts cannot be determined or who could not be personally served, their unknown heirs, legatees, successors or assigns, and any unknown owners, **ARE HEREBY NOTIFIED THAT:** a Complaint in Condemnation has been filed in the above-named Court in an action to condemn certain interests or estates in and to the property described in Schedule B, attached hereto, for the public use in connection with the Secure Border Initiative. The authority for the taking is set forth in Schedule A, attached hereto. If you have any defense to the taking of the property in which you claim some interest, you are required to serve your answer upon Plaintiff's attorney within 20 days after the third publication of this Notice. If you answer, please identify your property, state the nature and extent of your interest, and state all your objections and defenses to the taking, if any. A failure to answer shall constitute a consent to the taking and to the authority of the Court to hear the action and to fix just compensation and shall constitute a waiver of all defenses and objections not so presented. If you have no objection or defense to the taking, you may serve upon Plaintiff's attorney, a Notice of Appearance, designating the property in which you claim an interest. Thereafter you will receive notice of all proceedings affecting that property. At the trial of the issue of just compensation, whether or not you have appeared or answered, you may present evidence as to the amount of the compensation to be paid and you may share in the distribution of the award of compensation according to the interest in the property which you possess; however, unless you file an Answer or a Notice of Appearance this case will proceed without further notice to you.

Respectfully,

NICHOLAS J. GANJEI
United States Attorney
Southern District of Texas

By:

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**SCHEDULE "A"
AUTHORITY FOR THE TAKING**

The property is taken under and in accordance with 40 U.S.C. §§ 3113 and 3114, which authorize the condemnation of land and the filing of a Declaration of Taking; the Act of Congress approved September 30, 1996, as Public Law 104-208, Division C, Section 102, 110 Stat. 3009-546, 3009-554-55, as amended and codified at 8 U.S.C. § 1103(b) & note; and the Act of Congress approved, December 27, 2020, as Public Law 116-260, div. F, tit. II, 134 Stat. 1452, which appropriated the funds that shall be used for the taking.

**SCHEDULE "B"
PUBLIC PURPOSE**

The public purpose for which said property is taken is to construct, install, operate, and maintain border barrier, including gates and power to operate such gates as well as roads that will be required to construct, operate, and maintain the border barrier.

For Cause No.: 7:25-CV-00255

**SCHEDULE "C"
LEGAL DESCRIPTION**

Being a 0.962 of one acre (41,924 square feet) parcel of land, more or less, being out of the Antonio de la Rosa Survey, Abstract No. 148, Porción 85, Starr County, Texas, being out of a called 26.71 acre tract conveyed to Francisca Lopez Garcia, Lorenzo Lopez, Alfredo Garcia, Zaragoza Garcia, Antonio Garcia, Clemencia Garza Cantu and Guadalupe Garza by Final Decree of Partition recorded in Volume 227, Page 85, Deed Records of Starr County, Texas (Share 12), being the same tract of land conveyed to Antonio Garcia by Warranty Deed recorded In Volume 364, Page 165, Deed Records of Starr County, Texas and being the same tract of land conveyed to Salvador Barajas and Nora Edna G. Barajas by Warranty Deed recorded in Volume 426, Page 805, Deed Records of Starr County, Texas, said parcel of land being more particularly described by metes and bounds as follows;

Commencing at a set 5/8" rebar with an MDS LAND SURVEYING aluminum disk capped survey marker stamped with the following description: "POC RGV-RGC-8023 8024", said point being at a southeasterly exterior corner of the 26.71 acre tract and a northerly southwest corner of a called 229.84 acre tract described in the Final Decree of Partition recorded in Volume 227, Page 85, Deed Records of Starr County, Texas (Share 23-A) and being the same tract of land conveyed to Al E. Margo, Frederick J. Margo, Richard L. Margo and Virginia Gail Margo by Special Warranty Deed recorded in Volume 1239, Page 499, Official Records of Starr County, Texas, said point being in the south line of a called 0.80 acre tract conveyed to Gilberto Chapa Jr. by Deed of Gift recorded in Volume 943, Page 3, Official Records of Starr County, Texas (Share 7), said point having the coordinates of N=16646265.652, E=900625.875, said point bears S 67°41'06" E, a distance of 1478.74' from United States Army Corps of Engineers Control Point No. SS12-2019;

Thence: S 09°42'38" W (S 09°15'00" W, Record), departing the south line of the 0.80 acre tract, with the west line of the 229.84 acre tract and the east line of the 26.71 acre tract, for a distance of 35.12' to a set 5/8" rebar with an MDS LAND SURVEYING aluminum disk capped survey marker stamped with the following description: "RGV-RGC-8023-1=8024-1" for the **Point of Beginning** and northeast corner of Tract RGV-RGC-8023, said point being in the west line of the 229.84 acre tract and the east line of the 26.71 acre tract, said point having the coordinates of N=16646231.034, E=900619.951;

Thence: S 09°42'38" W (S 09°15'00" W, Record), continuing with the west line of the 229.84 acre tract and the east line of the 26.71 acre tract, for a distance of 227.10' to a set 5/8" rebar with an MDS LAND SURVEYING aluminum disk capped survey marker stamped with the following description: "RGV-RGC-8023-2=8024-9" in the east line of Tract RGV-RGC-8023, said point being in the west line of the 229.84 acre tract and the east line of the 26.71 acre tract;

Thence: S 09°42'38" W (S 09°15'00" W, Record), continuing with the west line of the 229.84 acre tract and the east line of the 26.71 acre tract, for a distance of 88.71' to a point for the southeast corner of Tract RGV-RGC-8023, said point being in the north bank of the Rio Grande;

Thence: with the north bank of the Rio Grande, the following courses and distances:

- S 87°05'05" W, for a distance of 117.01' to a point for angle;
- S 59°56'25" W, for a distance of 35.04' to a point for the southwest corner of Tract RGV-RGC-8023;

Thence: N 09°20'32" E (N 09°15'00" E, Record), departing the north bank of the Rio Grande, with the west line of the 26.71 acre tract and the east line of the east line of Share 10-A as described in the Final Decree of Partition recorded in Volume 227, Page 85, Deed Records of Starr County, Texas, and the east line of a called 1.000 acre tract conveyed to the Texas Water Development Board by Deed of Trust and Security Agreement recorded in Volume 1405, Page 321, Official Records of Starr County, Texas (Tract 1: Old Water Plant), for a distance of 60.59' to a set 5/8" rebar with an MDS LAND SURVEYING aluminum disk capped survey marker stamped with the following description: "RGV-RGC-8023-3" in the west line of Tract RGV-RGC-8023;

Thence: N 09°20'32" E (N 09°15'00" E, Record), continuing with the west line of the 26.71 acre tract and the east line of the 1.000 acre tract, passing at 107.46' the northeast corner of the 1.000 acre tract and the southeast corner of a called 0.808 acre tract conveyed to Oscar Garza by Warranty Deed recorded in Volume 690, Page 10, Official Records of Starr County, Texas, continuing for a total distance of 226.32' to a set 5/8" rebar with an MDS LAND SURVEYING aluminum disk capped survey marker stamped with the following description: "RGV-RGC-8023-4" for the northwest corner of Tract RGV-RGC-8023, said point being in the west line of the 26.71 acre tract and the east line of the 0.808 acre tract;

Thence: N 71°26'09" E, departing the east line of the 0.808 acre tract, over and across the 26.71 acre tract, for a distance of 162.32' to the **Point of Beginning**.

SCHEDULE "C"
LEGAL DESCRIPTION
Tract: RGV-RGC-R8023E

Owners: Artemio Barajas, et al.

Acreage: 0.082

Being a 0.082 acres Access Easement tract (3,589 square feet) parcel of land, more or less, being out of Share 12 of the Antonia De La Rosa Survey, Abstract No. 148 in Porcion 85, Starr County, Texas, conveyed to Alvarado Barajas, The Estate of Nora Edna G. Barajas & Unknown Heirs of Antonio Garcia, Volume 227, Page 85, Volume 364, Page 165, Volume 426, Page 805, Volume 1253, Page 407, and Volume 1268, Page 334. Said parcel of land more particularly described by metes and bounds as follows;

Starting at COE Project control marker, said point being a 3 1/2" aluminum cap stamped SS12-2019, having the following NAD83 (2011) Grid Coordinates: N = 16646827.130, E = 899257.876.

Thence: S66°33'31"E, a distance of 1337.41 feet to a set 5/8" X 36" iron rebar and 3 1/4" aluminum cap stamped RGV-RGC-R8023E-1, being on the East property line of Pedro Hugo and Claudia Lorena Garza, Volume 780, Page 164 and an interior property line of Salvador Barajas, the Estate of Nora Edna G. Barajas & Unknown Heirs of Antonio Garcia, Volume 227, Page 85, Volume 364, Page 165, Volume 426, Page 805, Volume 1253, Page 407, and Volume 1268, Page 334, for the **Point of Commencement** and the **Point of Beginning**, having the following coordinates: N = 16646295.095, E = 900484.906 for angle;

Thence: S71°56'03"E, leaving said property line a distance of 19.49 feet to a set 5/8"X 36" iron rebar and plastic easement cap, designated as RGV-RGC-R8023E-2 for angle;

Thence: S64°40'15"E, a distance of 49.46 feet to a set 5/8" X 36" iron rebar and plastic easement cap, designated as RGV-RGC-R8023E-3 for the beginning of a non tangent curve to the right;

Thence: along a non tangent curve to the right, with a radius of 110.51 feet, a curve length of 67.05 feet, a chord bearing of S47°27'56"E, a chord length of 66.03 feet and a central angle of 34°45'42", to a set 5/8" X 36" iron rebar and 3 1/4" aluminum cap, designated as RGV-RGC-R8023E-4, for the ending of a non tangent curve to the right;

Thence: S71°26'09"W, a distance of 30.86 feet to a set 5/8" X 36" iron rebar and 3 1/4" aluminum cap, designated as RGV-RGC-R8023E-5, for the beginning of a non tangent curve to the left; **Thence:** along a non tangent curve to the left, with a radius of 80.51 feet, a curve length of 42.72 feet, a chord bearing of N49°40'32"W, a chord length of 42.22 feet and a central angle of 30°24'07", to a set 5/8" X 36" iron rebar and 3 1/4" aluminum cap, designated as to a RGV-RGC-R8023E-6, for the ending of a non tangent curve to the left;

Thence: N64°40'15"W, a distance of 47.60 feet to a set 5/8" X 36" iron rebar and plastic easement cap, designated as RGV-RGC-R8023E-7 for angle;

Thence: N71°56'03"W, a distance of 12.93 feet to a set 5/8" X 36" iron rebar and plastic easement cap, being on the East property line of Oscar Garza, Volume 690, Page 10 and an interior property line of Salvador Barajas, the Estate of Nora Edna G. Barajas & Unknown Heirs of Antonio Garcia, Volume 227, Page 85, Volume 364, Page 165, Volume 426, Page 805, Volume 1253, Page 407, and Volume 1268, Page 334, designated as RGV-RGC-R8023E-8 for angle;

Thence: N09°14'26"E, continuing along said property lines, passing through the Southeast corner of Pedro Hugo and Claudia Lorena Garza, Volume 780, Page 164 at a distance of 27.04 feet, for a total distance of 30.36 feet returning to the **Point of Beginning**.

SCHEDULE "E"
ESTATE TAKEN
FEE, EXCLUDING MINERALS
Tract: RGV-RGC-8023

The estate acquired is fee simple, subject to existing easements for public roads and highways, public utilities, railroads, and pipelines; and subject to all interests in minerals and appurtenant rights for exploration, development, production and removal of said minerals.

Reserving to the owners of land described as Share 12 in the Final Decree of Partition recorded in Volume 227, Page 85 of the Deed Records of Starr County, Texas, reasonable access to and from the owners' lands lying between the Rio Grande River and the border barrier through opening(s) or gate(s) in the border barrier between the westernmost mark labeled "Beginning" and easternmost mark labeled "Ending" depicted on the map below;

Excepting and excluding all interests in water rights and water distribution and drainage systems, if any, provided that any surface rights arising from such water rights or systems are subordinated to the United States' construction,

operation, and maintenance of the border barrier.

SCHEDULE "E"
ESTATE TAKEN
PERPETUAL ROAD EASEMENT
Tract: RGV-RGC-R8023E

A non-exclusive, perpetual and assignable easement and right-of-way in, on, over, under and across the land described in Schedule C, for use by the United States, its representatives, agents, and contractors, for the location, construction, operation, maintenance, alteration and replacement of a road and aboveground and/or underground utility lines and appurtenances thereto; together with the right to trim, cut, fell and remove any vegetative or structural obstacles that interfere with the right-of-way; subject to existing easements for public roads and highways, public utilities, railroads and pipelines, if any; reserving however, to the owners, their heirs and assigns, the right to use the surface of such land as access to their adjoining land or for any other use consistent with its use as a road and utility easement.

SCHEDULE "F"
ESTIMATE OF JUST COMPENSATION
Tracts: RGV-RGC-8023,
RGV-RGC-R8023E

The sum estimated as just compensation for the lands being taken is SIX THOUSAND TWO HUNDRED THIRTY-NINE DOLLARS AND NO/100 (\$6,239.00), to be deposited herewith in the Registry of the Court for the use and benefit of the persons entitled thereto.