

TCEQ Interoffice Memorandum

To: Records Management
From: Water Rights Permitting &
 Availability Section
 Water Availability Division

Date: April 16, 2015
 Certificate of Adjudication No. 23-353C
 Hidalgo County
 Rio Grande River Basin
Water Rights: 50 ac/ft irrigation
 678.84ac/ft Municipal

Subject: Name Change

DELETE: McAllen Trade Zone, Inc., as part owner

Add: McAllen Foreign Trade Zone, Inc., as part owner

The *Amended and Restated Articles of Incorporation* dated December 28, 2005 from the Office of the Secretary of State has been checked and found to cover the water right.

Ownership of Record with Addresses and Remarks:

- | | |
|--|--|
| 1. McAllen Foreign Trade Zone, Inc.
c/o City of McAllen
P.O. Box 220
McAllen, Texas 78501 | 2. City of McAllen
P.O. Box 220
McAllen, Texas 78501 |
|--|--|

The ownership of the water rights under this certificate of adjudication are established as follows:

- | | |
|---|---|
| 1. McAllen
Foreign Trade | 50 ac/ft for irrigation of 20 ac (West 1/2) of Lot 5, Block 5 |
| 2. City of McAllen | 678.84 ac/ft Municipal |
| 50 ac/ft Class B & 678.84 ac/ft Municipal | |

RECEIVED

APR 23 2015

TCEQ
CENTRAL FILE ROOM


 Change Initiated

Data Entry Made

Bryan W. Shaw, Ph.D., *Chairman*
Toby Baker, *Commissioner*
Zak Covar, *Commissioner*
Richard A. Hyde, P.G., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

April 16, 2015

McAllen Foreign Trade Zone, Inc
c/o City of McAllen
P.O. Box 220
McAllen, Texas 78501

CERTIFIED MAIL

RE: Change of Ownership
Certificate of Adjudication No. 23-353C

Dear City of McAllen:

Per the *Amended and Restated Articles of Incorporation* from the Office of the Secretary of State we are changing our records to reflect McAllen Foreign Trade Zone, Inc. as the owner of a portion of these water rights.

Certificate of Adjudication No. 23-353B authorizes the diversion and use of 50 acre-feet of Class B water per year from Rio Grande, Rio Grande River Basin; for agricultural purposes to irrigate 20 acres (West ½) of Lot 5, Block 5, Hidalgo County.

If you have any questions concerning this matter please contact me via email at sara.brown@tceq.texas.gov or by telephone at (512) 239-0047.

Sincerely,

A handwritten signature in cursive script that reads "Sara Brown".

Sara Brown, Administrative Assistant, MC 160
Water Rights Compliance Assurance Team
Water Rights Permitting & Availability Section
Water Availability Division

Enclosure

cc: Rio Grande Watermaster's Office

TEXAS SECRETARY of STATE

CARLOS H. CASCOS

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BUSINESS ORGANIZATIONS INQUIRY - VIEW ENTITY

Filing Number: 21254401 **Entity Type:** Domestic Nonprofit Corporation
Original Date of Filing: April 8, 1965 **Entity Status:** In existence
Formation Date: N/A **Non-Profit Type:** N/A
Tax ID: 17415474554 **FEIN:**
Duration: Perpetual
Name: McAllen Foreign Trade Zone, Inc.
Address: 6401 S 33RD ST
MCALLEN, TX 78503-8804 USA

<u>REGISTERED</u> <u>AGENT</u>	<u>FILING HISTORY</u>	<u>NAMES</u>	<u>MANAGEMENT</u>	<u>ASSUMED NAMES</u>	<u>ASSOCIATED</u> <u>ENTITIES</u>
Name		Name Status	Name Type	Name Inactive Date	Consent Filing #
MCALLEN ECONOMIC DEVELOPMENT CORPORATION		Prior	Legal	December 29, 2005	0
MCALLEN TRADE ZONE, INC.		Prior	Legal	April 13, 1979	
MCALLEN INDUSTRIAL-TRADE ZONE, INC.		Prior	Legal	May 18, 1988	
McAllen Foreign Trade Zone, Inc.		In use	Legal		0

[Order](#)[Return to Search](#)

Instructions:

- To place an order for additional information about a filing press the 'Order' button.

**AMENDED AND RESTATED
ARTICLES OF INCORPORATION**

**OF THE
(FORMER)**

McALLEN ECONOMIC DEVELOPMENT CORPORATION,

(NOW)

McALLEN FOREIGN TRADE ZONE, INC.

FILED
In the Office of the
Secretary of State of Texas

DEC 29 2005

Corporations Section

ARTICLE ONE

McAllen Economic Development Corporation, pursuant to Article 4.06 of the Texas Non-Profit Corporation Act, hereby adopts Amended and Restated Articles of Incorporation which accurately copy the Articles of Incorporation and all amendments thereto that are in effect to date and such Amended and Restated Articles of Incorporation contain all changes in all provisions thereof.

ARTICLE TWO

The Amended and Restated Articles of Incorporation were adopted in the following manner:

The Amended and Restated Articles of Incorporation were adopted at a meeting of the board of directors held on January 20, 2005, and received the vote of a majority of the directors in office, there being no member having voting rights.

ARTICLE THREE

1. The Corporate name has changed from McAllen Economic Development Corporation to McAllen Foreign Trade Zone, Inc.
2. The Corporate purposes in Article IV have been amended.
3. The list of directors in prior Article VII has been amended in new Article VIII.
4. The incorporators previously listed in Article VIII are now listed in Article IX.
5. The phrase "or its successor corporation" in prior Article IX has been deleted.

6. Prior Article XI has been revised as new Article XII.
7. Article XIII have been added.

ARTICLE FOUR

The Articles of Incorporation and all amendments and supplements thereto are hereby superseded by the following Amended and Restated Articles of Incorporation which accurately copy the entire text thereof:

(SEE EXHIBIT "A" ATTACHED HERETO)

Date: Signed December 28, 2005 to be effective December 31, 2005.

McALLEN ECONOMIC DEVELOPMENT
CORPORATION

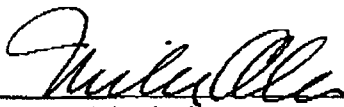
By: 
Name: Michael Allen
Title: President

EXHIBIT "A"

**AMENDED AND RESTATED
ARTICLES OF INCORPORATION
OF THE
(FORMER)**

**McALLEN ECONOMIC DEVELOPMENT CORPORATION,
(NOW)**

McALLEN FOREIGN TRADE ZONE, INC.

We, the undersigned natural persons over the age of 18, acting as incorporators, adopt the following Articles of Incorporation of McAllen Economic Development Corporation.

ARTICLE I

The name of the corporation is McAllen Foreign Trade Zone, Inc.

ARTICLE II

The period of its duration is perpetual.

ARTICLE III

The corporation is a non-profit corporation incorporated under the Texas Non-Profit Corporation Act.

ARTICLE IV

The purpose or purposes for which the corporation is organized are:

- (a) To apply for and accept the grant for a Foreign Trade Zone and Sub-Zones; to organize, establish, operate, maintain and expand a Foreign Trade Zone and SubZones under the Foreign Trade Zone Act, Public Law 397, 73rd Congress as amended by Public Law 566, 81st Congress and as further amended, and all related enterprises (the "Business") and to enter

into contracts and agreements with private and public agencies and persons in the conduct of its Business.

(Partial Description of Corporate Powers)

- (b) To acquire all such merchandise, supplies, materials, vehicles and other articles as shall be necessary or appropriate to the Business; to purchase, acquire, hold, improve, sell, assign, mortgage, lease and convey real and personal property in any part of the world, so far as necessary or appropriate in conducting the Business of the corporation; and to have and hold any and all powers above set forth as fully as any natural persona, whether as principal, agent or otherwise.

ARTICLE V

The street address of the registered office of the Corporation is 6401 S. 33rd Street, McAllen, Texas 78503 and the name of its initial registered agent at such address is MICHAEL ALLEN.

ARTICLE VI

The Corporation will have no members.

ARTICLE VII

The management of the Corporation is vested in its Board of Directors and such committees of the board that the board may, from time-to-time, establish. The bylaws will provide the qualifications, manner of selection, duties, terms, and other matters relating to the Board of Directors.

ARTICLE VIII

There were twelve (12) directors serving when the Amended and Restated Articles of Incorporation were adopted. The names and addresses of each director is as follows:

	<u>Names</u>	<u>Addresses</u>
1.	Howard Pebley	c/o McAllen Construction, Inc. 4916 N. Ware Rd. P.O. Box 3244 McAllen, Texas 78505

- 2. Shelby Longoria
Grupo INLOSA
P.O. Box 937
McAllen, Texas 78505
- 3. Scott Crane
c/o Carwash Carwash
4515 N. 10th Street
McAllen, Texas 78504
- ✓ 4. Willie Aguirre
c/o Broadway Hardware
1010 S. 10th Street
McAllen, Texas 78501
- ✓ 5. Dr. Cayetano Barrera
c/o Family Physician's Clinic
606 S. Broadway
McAllen, Texas 78501
- ✓ 6. Providence Boneta
c/o Frost National Bank
510 E. Ridge Rd.
McAllen, Texas 78501
- ✓ 7. Dora Brown
c/o McAllen Chamber of Commerce
One South Broadway
McAllen, Texas 78503
- ✓ 8. Don King
Am-Mex Products
P.O. Box 6005
McAllen, Texas 78502-5006
9. Aida Ramirez
c/o Hidalgo County Court at Law #4
100 N. Closner 3rd Floor
Edinburg, Texas 78539
- ✓ 10. David Salinas
Inter National Bank
1700 S. 10th St.
McAllen, Texas 78505
11. Ernie Williams
c/o Davis Realty
1528 Dove
McAllen, Texas 78504
12. Craig Lewis
Texas State Bank
3900 N. 10th St., 4th Floor
McAllen, Texas 78501

ARTICLE IX

The names and addresses of the incorporators are:

JOHN R. FREELAND, 502 Nyssa, McAllen, Texas 78501

MORGAN K. TALBOT, 1500 Kerria, McAllen, Texas 78501

PETER G. PAYTE, 809 Quince, McAllen, Texas 78504

ARTICLE X

In the event of dissolution, or upon final liquidation of this Corporation all assets of the Corporation remaining after payment of its debts shall be distributed to the City of McAllen, Hidalgo County, Texas.

ARTICLE XI

Except as these Articles otherwise provide, the Corporation has all of the powers provided in the Texas Non-Profit Corporation Act. Moreover, the Corporation has all implied powers necessary and proper to carry out its express powers.

ARTICLE XII

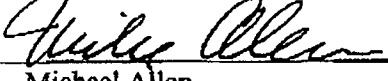
Any margins realized from operations in excess of those needed to defray operating overhead and maintenance expenses, as well as debt service and the establishment of reserves for recognized corporate purposes, shall be devoted exclusively to the furtherance of the corporate purposes set out in Article IV hereof. No dividends shall be paid by this Corporation and no part of the income of the Corporation shall be distributed to its directors or officers. The Corporation may reasonably compensate directors and officers for services rendered to or for the Corporation in furtherance of one or more of its purposes. The Corporation may not take any action prohibited by the Texas Non-Profit Corporation Act. The Corporation may not take any action that would be inconsistent with the requirements for a tax-exemption under Internal Revenue Code 501 (c)(6) and related regulations, rulings, and procedures. Directors and officers are not liable to the Corporation or to other directors and officers for monetary damages for any act of omission in their capacity as director or officer except as otherwise provided by Texas statute.

ARTICLE XIII

Any amendment of Article IV, Article VII or Article X of these Amended and Restated Articles of Incorporation must be approved by the City Commission of the City of McAllen.

I am an officer of the Corporation and I execute these Amended and Restated Articles of Incorporation on the Corporation's behalf on December 28, 2005 to be effective December 31, 2005.

McALLEN FOREIGN TRADE ZONE, INC.

By: 
Name: Michael Allen
Title: President