



Texas Department of Transportation

PO BOX 1717 • PHARR TEXAS 78577-1717 • (956) 702-6100

February 17, 2010

Request for Additional Funding

County: Hidalgo
ROW CSJ: 0039-02-054
Federal project Number: n/a
Account Number: n/a
Highway and Limits: Bus 83 from Showers Rd to FM 1427

RECEIVED

FEB 18 2010

COUNTY JUDGE

The Honorable Rene Ramirez
Hidalgo County Judge
PO Box 1356
Edinburg, TX 78540

Attention: Ray Eufrazio, County Auditor

Dear Judge Ramirez:

The above captioned project has been reviewed and noted that the present expenditures exceed Hidalgo County advance payment. In accordance with the terms of the agreement (copy attached) negotiated with the State, the Hidalgo County placed a total of \$32,480.03 as advance payment to cover its 3.3% share of the estimated cost associated with the purchase of right of way.

Auditing by this office revealed additional funds are due to the Texas Department of Transportation. Attached is a statement of the cost amounting to \$35,769.98 leaving a deficit of \$3,289.95. Due to the substantial amount expended over the original cost estimate, it has been determined that an additional \$3,289.95 will be needed to complete the acquisition/utility relocation process on this project. Please remit a check made payable to the Texas Department of Transportation in the amount of \$3,289.95 within thirty days from the receipt of this letter.

THE TEXAS PLAN

REDUCE CONGESTION • ENHANCE SAFETY • EXPAND ECONOMIC OPPORTUNITY • IMPROVE AIR QUALITY
PRESERVE THE VALUE OF TRANSPORTATION ASSETS

An Equal Opportunity Employer

Letter to Judge Ramirez
2-17-10
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If you should have any questions concerning this matter, please contact Pete Segundo at (956) 702-6163.

Sincerely,



Nelda R. Eureste
Right of Way Manager, South Region

Cc: Mario R. Jorge, P.E., District Engineer
Jody Ellington, P.E., Director Transportation Planning and Development
Hector Gonzalez, P.E., Pharr Area Office Engineer

Enclosures: Breakdown of Expenditures
Copy of the LPA Agreement

HIGHWAY	Bus 83	PROJECT	0039-02-054	ENTITIY	Hidalgo County	
		RCSJ:				
			PERCENTAGE	3.30%		
PARCEL	DATE	TOTAL LAND	TOTAL UTILITIES	TOTAL LPA	LPA LAND	LPA UTILITIES
1		\$11,232.00		\$ 370.66	\$ 370.66	
2		\$37,810.00		\$ 1,247.73	\$ 1,247.73	
3		\$13,817.00		\$ 455.96	\$ 455.96	
4		\$4,852.00		\$ 160.12	\$ 160.12	
5		\$20,859.00		\$ 688.35	\$ 688.35	
6		\$18,410.00		\$ 607.53	\$ 607.53	
7		\$39,821.00		\$ 1,314.09	\$ 1,314.09	
8		\$16,382.00		\$ 540.61	\$ 540.61	
9		\$18,607.00		\$ 614.03	\$ 614.03	
10		\$15,825.00		\$ 522.23	\$ 522.23	
11		\$226,467.00		\$ 7,473.41	\$ 7,473.41	
12		\$6,223.00		\$ 205.36	\$ 205.36	
13		\$6,000.00		\$ 198.00	\$ 198.00	
14		\$18,807.00		\$ 620.63	\$ 620.63	
15		\$16,507.00		\$ 544.73	\$ 544.73	
16		\$26,169.00		\$ 863.58	\$ 863.58	
17		\$6,678.00		\$ 220.37	\$ 220.37	
18		\$17,689.00		\$ 583.74	\$ 583.74	
19		\$139,467.00		\$ 4,602.41	\$ 4,602.41	
20		\$4,936.00		\$ 162.89	\$ 162.89	
21		\$9,988.00		\$ 329.60	\$ 329.60	
22		\$8,731.00		\$ 288.12	\$ 288.12	
23		\$4,184.00		\$ 138.07	\$ 138.07	
24		\$7,686.00		\$ 253.64	\$ 253.64	
25		\$4,052.00		\$ 133.72	\$ 133.72	
26		\$5,418.00		\$ 178.79	\$ 178.79	
27		\$6,949.00		\$ 229.32	\$ 229.32	
28		\$8,220.00		\$ 271.26	\$ 271.26	
29		\$31,856.00		\$ 1,051.25	\$ 1,051.25	
30		\$20,013.00		\$ 660.43	\$ 660.43	
31		\$65,493.00		\$ 2,161.27	\$ 2,161.27	
32		\$18,930.25		\$ 624.70	\$ 624.70	
33		\$50,947.00		\$ 1,681.25	\$ 1,681.25	
34		\$25,752.00		\$ 849.82	\$ 849.82	
35		\$36,321.00		\$ 1,198.59	\$ 1,198.59	
36		\$7,125.00		\$ 235.13	\$ 235.13	
37		\$1,015.00		\$ 33.50	\$ 33.50	
38		\$5,000.00		\$ 165.00	\$ 165.00	
U10503			\$ 99,700.53			\$0.00
TOTALS		\$ 984,238.25	\$ 99,700.53	\$ 32,479.86	\$ 32,479.86	\$ -
DISTRICT RECORD & ROWIS		\$ 984,238.25	\$ 99,700.53			

HIGHWAY	Bus 83	PROJECT	0039-02-054	ENTITIY	Hidalgo County	
		RCSJ:				
			PERCENTAGE	3.30%		
PARCEL	DATE	TOTAL LAND	TOTAL UTILITIES	TOTAL LPA	LPA LAND	LPA UTILITIES
LPA EXPENDITURES ACCORDING TO FIMS 5801				\$ 35,769.98		
DIFFERENCE (QC/QA COMPARISON)						
DEPOSITS LESS REFUNDS PER FIMS 8501				\$ 32,480.03		
LPA BALANCE				\$ (3,289.95)		



AGREEMENT TO CONTRIBUTE FUNDS – LOCAL GOVERNMENT
(Economically Disadvantaged County)

County: Hidalgo
District: Pharr

Federal Project No: N/A
Highway: US Business 83

ROW CSJ No: 0039-02-054

This Agreement by and between the State of Texas, acting by and through the Texas Department of Transportation, hereinafter called the State, and the County of Hidalgo, Texas, acting by and through its duly authorized officials pursuant to an Ordinance or Order dated the 3rd day of September, 2004, hereinafter called the Local Government, shall be effective on the date of approval and execution by and on behalf of the State.

WHEREAS, the State and the Local Government hereby agree to enter into a contractual agreement to acquire right of way for a highway project on Highway No. US Business 83 with the following project limits:

(Phase II)

From: 0.345 Miles West of Showers Road

To: 0.064 Miles West of FM 1427; and

WHEREAS, the Local Government requests that the State assume responsibility for acquisition of all necessary right of way for said highway project; and

WHEREAS, the Local Government desires to voluntarily contribute to the State funding participation as defined in 43TAC, §15.55 for the cost of acquiring said right of way for the proper improvement of the State Highway System; and

WHEREAS, the Local Government requested and has been granted an Economically Disadvantaged County Adjustment from the Texas Transportation Commission on May 27, 2004 by virtue of Minute Order No. 109669 attached hereto and incorporated into this agreement, approving a Sixty Seven percent (67 %) adjustment to the required Ten percent (10%) local participation for this project, thereby resulting in a Local Government net contribution amount of Three and Three Tenths percent (3.3%) participation;

NOW, THEREFORE, in consideration of the foregoing premises and the mutual benefits to be derived therefrom, the Local Government shall contribute to the State an amount equal to Three and Three Tenths percent (3.3%) of the cost of the right of way to be acquired by the State and shall transmit to the State with the return of this agreement, duly executed by the Local Government, a warrant or check payable to the Texas Department of Transportation in the amount of Thirteen Thousand Two Hundred Dollars (\$13,200), which represents Three and Three Tenths percent (3.3%) of Four Hundred Thousand Dollars (\$ 400,000), the estimated total cost of the right of way. If however, it is found that this amount is insufficient to pay the Local Government's obligation, then the Local Government will within thirty (30) days after receipt of a written request from the State for additional funds, transmit to the State such supplemental amount as is requested. Upon completion of the highway project and in the event the total amount as paid by the Local Government is more than Three and Three Tenths percent (3.3%) of the actual cost of the right of way, any excess amount will be returned to the Local Government by the State.

In the event any existing, future, or proposed Local Government ordinance, commissioners court order, rule, policy, or other directive, including but not limited to those concerning outdoor advertising, are more restrictive than State law, policy, or directive, and thereby result in any increased costs, then the Local Government will pay one hundred percent (100%) of all such increased costs, even if the applicable county qualifies as an economically disadvantaged county. The amount of the increased costs associated with the existing, future, or proposed Local Government ordinance, order, rule, policy, or other directive will be determined by the State at its sole discretion.

Donations of real property may be credited to the Local Government's funding obligation for cost of right of way to be acquired for this project. Credit for all real property, other than property which is already dedicated and/or in use as a public road, donated by the Local Government to the State shall be based on the property's fair market value established as of the effective date of this agreement. The fair market value shall not include increases or decreases in value caused by the project

and should include the value of the land and improvements being conveyed, excluding any damages to the remainder. The Local Government will provide to the State all documentation to support the determined fair market value of the donated property. Such documentation shall include an appraisal of the property by a licensed appraiser approved by the Texas Department of Transportation, Right of Way Division, unless the Local Government determines that an appraisal is unnecessary because the valuation problem is uncomplicated and the fair market value is estimated at no more than \$10,000.00. The cost of appraisal will be the responsibility of the State. The State will review the submitted documentation and make a final determination of value; provided however, the State may perform any additional investigation deemed necessary, including supplemental appraisal work by State employees or employment of fee appraisers. Credit shall be given only for property transferred at no cost to the State after the effective date of this agreement and the State's issuance of a letter of funding authority, and only for property which is necessary to complete this project. Credit shall be in lieu of monetary contributions required to be paid to the State for the Local Government's funding share of the right of way to be acquired for this project. The total credit cannot exceed the Local Government's matching share of the right of way obligation under this agreement, and credits cannot be reimbursed in cash to the Local Government, applied to project phases other than right of way, nor used for other projects. In the event the Local Government's monetary contributions to the State for acquisition of right of way, when added to its donation credits, exceed the Local Government's matching share of the right of way obligation, there will be no refund to the Local Government of any portion of its contributed money.

The cost of providing such right of way acquired by the State shall mean the total value of compensation paid, either through negotiations or eminent domain proceedings, to the owners for their property interests, including but not limited to utility owners involving expenses related to the relocation, removal or adjustment of eligible utilities.

The Local Government shall maintain all books, papers, accounting records and other documentation relating to costs incurred under this agreement and shall make such materials available to the State and, if federally funded, the Federal Highway Administration (FHWA) or their duly authorized representatives for review and inspection at its office during the contract period and for four (4) years from the date of completion of work defined under this agreement or until any pending litigation, or claims are resolved. Additionally, the State and FHWA and their duly authorized representatives shall have access to all the governmental records that are directly applicable to this agreement for the purpose of making audits, examinations, excerpts, and transcriptions. The State auditor may conduct an audit or investigation of any entity receiving funds from the State directly under this agreement or indirectly through a subcontract under this agreement. Acceptance of funds directly under this agreement or indirectly through a subcontract under this agreement acts as acceptance of the authority of the State auditor, under the direction of the legislative audit committee, to conduct an audit or investigation in connection with those funds.

THE LOCAL GOVERNMENT

By: *[Signature]*

Title: County Judge

Date: 9-2-04

APPROVED BY
COMMISSIONERS' COURT
ON: AUG 24 2004

APPROVED AS TO FORM
Atlas & Hall, L, L, P.

By: *[Signature]*
Date: 9-1-04

EXECUTION RECOMMENDED:

[Signature] ^{Pharr} 9/29/04
District Engineer, District

THE STATE OF TEXAS

Executed and approved for the Texas Transportation Commission for the purpose and effect of activating and/or carrying out the orders, established policies or work programs heretofore approved and authorized by the Texas Transportation Commission.

By: *[Signature]*
John P. Campbell, P.E.
Right of Way Division Director

Date: 10-11-04



COUNTY OF HIDALGO

HOUSTON, TEXAS

FIRST NATIONAL BANK
MEMBER FDIC
88-2141/1149

CAPITAL PROJECTS

Check Date	Check No.	Amount
09/28/04	00008736	\$60,753.00

PAY

VOID AFTER 90 DAYS

was allowed by the Commissioners Court of Hidalgo County, Texas, at its term of Court indicated above, and to be paid out of the

SIXTY THOUSAND SEVEN HUNDRED FIFTY THREE DOLLARS AND 00 CENTS

TO THE TEXAS DEPT OF TRANSPORTATION
ORDER P.O. DRAWER 1717
OF PHARR TX 78577-1717

Witness my hand and seal of said court

Norma K Garcia COUNTY TREASURER

J D Se... COUNTY CLERK

Cristina R. Sandoval COUNTY AUDITOR

Pay the above stated amount to the order of the payee named.

⑈00008736⑈ ⑆1149214⑆ ⑈0014009498⑈

VENDOR: TEXAS DEPT OF TRANSPORTATION

DATE	CHECK NO.	VENDOR NO.
09/28/04	00008736	152005

INVOICE	DESCRIPTION	P.O. NUMBER	AMOUNT PAID
3902049 ✓	US 83 W PENITAS/W SHOWERS RD P		21,450.00
3902053 ✓	FM 1427 US 83 E INSPIRATION RD		26,103.00
3902054 ✓	FM 1427 W SHOWERS RD PH II		13,200.00

Accounting: 9/28/04

Please deposit this check into the Business 83 Row Acquisition Project funds US 83 Inspiration Road to US 83 Penitas. The Accts + Amount per acct are shown above.

Joe
Paul B...