

**COUNTY of HIDALGO**  
Precinct No. 2



*Hector "Tito" Palacios*  
County Commissioner  
**MEMO**

TO: Commissioner's Court

FROM: Lupe Rodriguez  
Right Of Way A-  
+-gent *Lupe*

DATE: August 13, 2012

RE: South McColl Road Project (Parcel 8)  
Francisco Castro, Juan Contreras, Moises Castro and Jesus A. Contreras

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Attached, please find an appraisal on the above mentioned parcel for the South McColl Road Project. Included is the letter of offer, a Counter Offer letter provided by the property owner and a letter of approval from TXDOT for payment.

Please approve for closing.

Appraised Value: \$ 1,905.00

Counter offer: \$ 2,500.00

Difference: \$ 595.00

Approved: \_\_\_\_\_ *[Signature]* 8/14/12

Not Approved: \_\_\_\_\_

Administration Office  
300 West Hall Acres, Suite G  
Pharr, TX 78577  
Tel: 956-787-1891 Fax: 956-787-4683



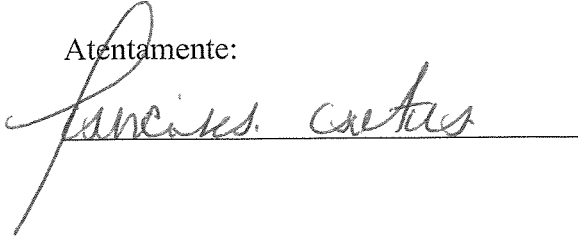
Precinct 2 Shop  
301 E. State St.  
Pharr, TX 78517

14 de mayo de 2012

A Quien Corresponda,

Por medio de lo presente le notificamos que no estamos de acuerdo con lo que sugieren pagar. En lo que estamos de acuerdo es la cantidad de \$2,500.00.

Atentamente:

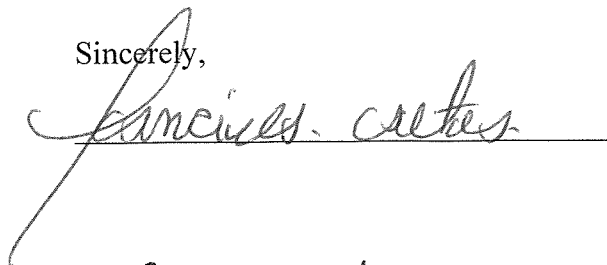
Francisco Cordero

May 14, 2012

To Whom It May Concern:

This notice is to inform you that we are not in agreement with the suggested amount. In what we are in agreement is with the amount of \$2,500.00.

Sincerely,

Francisco Cordero

Approved by TXDOT 6/15/2012



**REAL ESTATE APPRAISAL REPORT**  
**TEXAS DEPARTMENT OF TRANSPORTATION**

Address of Property: Located along the western side of South McColl Road, south of Whalen Road, Hidalgo County, Texas.  
Property Owner: Francisco Castro, Juan Contreras, Pedro Huerta Jr., and Moises Castro  
Address of Property Owner: 157 West Siesta Street, Pharr, Texas 78577  
Occupant's Name: Vacant

District: Pharr  
ROW CSJ: 0921-02-288  
Parcel: 8  
Federal Project No: N/A  
Highway: South McColl Road  
County: Hidalgo

Whole:  Partial:  Acquisition

**Purpose of the Appraisal**

The purpose of this appraisal is to estimate the market value of the fee simple title to the real property to be acquired, encumbered by any easements not to be extinguished, less oil, gas and sulfur. If this acquisition is of less than the whole property, then any special benefits and/or damages to the remainder property must be included in accordance with the laws of Texas.

**Market Value**

Market value is defined as follows: "Market Value is the price which the property would bring when it is offered for sale by one who desires, but is not obliged to sell, and is bought by one who is under no necessity of buying it, taking into consideration all of the uses to which it is reasonably adaptable and for which it either is or in all reasonable probability will become available within the reasonable future."

**Certificate of Appraiser**

I hereby certify that, it is my opinion the total compensation for the acquisition of the herein described property is \$1,905.00 as of September 15, 2011, based upon my independent appraisal and the exercise of my professional judgment; on September 15, 2011, (date)(s), I personally inspected in the field the property herein appraised; I afforded Francisco Castro, Juan Contreras, Pedro Huerta Jr., and Moises Castro, the property owner or the representative (s) of the property owner, the opportunity to accompany me at the time of the inspection. The comparables relied upon in making said appraisal were as represented by the photographs contained in the appraisal report and were inspected on September 15, 2011, I have not revealed and will not reveal the findings and results of such appraisal to anyone other than the proper officials of the, County of Hidalgo, Texas Department of Transportation, or officials of the Federal Highway Administration until authorized by State officials to do so, or until I am required to do so by due process of law or until I am released from this obligation by having publicly testified to such findings; and, my compensation is not contingent upon the reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value estimate, the attainment of a stipulated result or the occurrence of a subsequent event.

The appraiser has considered access damages in accordance with Section 21.042(d) of the Texas Property Code, as amended by SB18 of the Texas 82<sup>nd</sup> Regular Legislative Session and finds as follows:

1. Is there a denial of direct access of the parcel? No (yes or no)
2. If so, is the denial of direct access material? N/A (yes, no, or not applicable)
3. The lack of any access denial or the material impairment of direct access on or off the remaining property affects the market value of the remaining property in the sum of \$0.00.

I certify to the best of my knowledge and belief that the statements of fact contained in this report are true and correct; the reported analyses, opinions and conclusions are limited only by the reported assumptions and limiting conditions, and are my personal, unbiased professional analyses, opinions and conclusions; I have no present or prospective interest in the property that is the subject of this report, and I have no personal interest or bias with respect to the parties involved; and, my analyses, opinions and conclusions were developed, and this report has been prepared in conformity with the appropriate State laws, regulations, and policies and procedures applicable to the appraisal of right of way for such purposes, and that to the best of my knowledge no portion of the value assigned to such property consists of items which are non-compensable under the established law of said State, and any decrease or increase in the fair market value of subject real property prior to the date of valuation caused by the public improvement other than that due to the physical deterioration within the reasonable control of the owner has been disregarded in estimating the compensation for the property.

Leonel Garza III  
Appraiser Signature  
State Certified General Real Estate Appraiser – TX 1328375 – General  
Certification Number  
January 9, 2012  
Date

To the best of my knowledge, the value does not include any items which are not compensable under the State law.  
Henry L. Johnson 1-19-12  
District Reviewing Appraiser Date



### **Certificate of Appraisal**

This appraisal report conforms to the Uniform Standards of Professional Appraisal Practice (USPAP) as adopted by the Appraisal Standards Board of the Appraisal Foundation. The subject property was analyzed utilizing the Cost Approach to value which is a Sales Comparison Approach to the subject as vacant and includes the estimated depreciated market value of real estate improvements and site improvements located within the part to be acquired. This is further explained within each section of the appraisal report.

### **Client & Intended User**

The client for this report is identified as Hidalgo County Right-of-Way under the direction of Precinct No. 2 Honorable Hidalgo County Commissioner Hector "Tito" Palacios and the Texas Department of Transportation, Southern Region. The part to be acquired is for the expansion of the existing road right-of-way of South McColl Road. The intended use of the report is to assist Lupe Rodriguez, Right-of-Way Agent of Hidalgo County, for future negotiations of acquiring a portion of said property as fee simple in the name of the Hidalgo County Precinct No. 2. This report is not intended for any other use, unless specified by the client. The clients have identified that the report shall be a summary appraisal report, which is to conform to the ROW-A-6 Form Rev. 9/2011. The intended user of the report is defined as Hidalgo County Right-of-Way Department, and may include governmental entities which may be participating in the project. Lupe Rodriguez shall be the project manager for this project under the direction of Honorable Hector "Tito" Palacios, County Commissioner of Precinct No. 2. Mr. Rodriguez has a local office located at 301 E. State Street, Pharr, Texas and can be contacted at (956) 283-8134.

### **Scope of the Assignment**

By work order number 662245 dated August 16, 2011 on behalf of the Hidalgo County Right-of-Way Department and Hidalgo County Precinct No. 2, requested for Leonel Garza Jr. & Associates LLC to prepare an appraisal report of the part to be acquired as described by survey and metes and bounds created by R. Gutierrez Engineering Corporation located at 317 East Park Avenue, Pharr, Texas.

Leonel Garza III is the owner of Leonel Garza Jr. & Associates, LLC located at 1419 Dove Avenue Ste 1, McAllen, Texas. The office of Leonel Garza Jr. & Associates has been in operation for over 30 years of which Leonel Garza III, became owner of the family operation after the passing of Leonel Garza Jr. in 1998. Creating Leonel Garza Jr. & Associates LLC, Leonel Garza III specialized in right-of-way acquisition field for over 13 years. Various right-of-way projects have been performed in the following County's: Cameron County, Hidalgo County, Starr County, Zapata County, Webb County, Nueces County and Brooks County.

The scope of the assignment is to appraise the area as fee simple in its present "as is condition" subject to governmental regulation, and in terms of a cash transaction. In addition, the scope is requiring the appraiser to make the extraordinary condition that the subject property is free from contamination of which could affect the overall market value of the subject property as a whole and the part to be acquired. The property owner shall be sent a letter of intent to inspect the subject property and offer any additional inspections on-site and in the presence of the owner(s) and or owner(s) representative (as requested in writing). In the event access is not granted to enter the subject area, the appraiser is to proceed off-site along existing road right-of-way as indicated by survey. The scope of the assignment requires that comparable market sales within the area be identified and analyzed for comparability and for their reliability in determining the estimated market value of the subject property. The sales have been collected, confirmed and analyzed with respect to comparability to the subject property. These comparable sales were gathered through various sources which included the Greater McAllen Multiple Listing Service, local Realtors & Brokers, Real Estate Appraisers, and conversations with various owners along the project. Listings along South McColl Road and the surrounding market area were also reviewed in order to determine the current market asking prices for property along the project. The appraisal report shall indicate the current market value of the subject property as per date of on-site and or off-site inspection without project influence as indicated by scope. The inspection is limited by the permissibility of the subject owner as per date of report. In the event an on-site inspection was not permitted, the appraiser continued the inspection off-site along existing road right of way. The property owner shall always reserve the right for a re-inspection of the subject parcel at a later date if requested in writing.

### **Purpose of the Appraisal Report**

This appraisal is prepared for the purpose of estimating the current market value of the fee simple estate of the subject property in order to determine the value of the proposed right-of-way to be acquired in the name of the Hidalgo County Precinct No. 2. This appraisal does not include any enhancement in value resulting from items of intangible personal property such as marketing and management skill, an assembled work force, working capital, trade names, franchises, patents, trademarks, contracts, leases (mineral and or ground lease), or operating agreements and project influence (if any exist). The area to be acquired may contain personal property items which are not compensable and or may be handled through the Texas Department of Transportation Relocation Program. These items deemed compensable shall be included within the body of the report and itemized for clarity by the appraiser. Any improvements not located within the part to be acquired and outside of the permissibility of inspection as defined by the subject owner, shall be given a stated value based on the assessment established by the corresponding Appraisal District and or by off-site estimation by appraiser as they are not affected by the acquisition.

### **Property Rights Appraised**

The property rights being appraised in this report consist of the fee simple estate of the subject property. Fee Simple Estate is defined by the Dictionary of Real Estate Appraisal, Fourth Edition, copyright 2002, page 113, by the Appraisal Institute as being: "Absolute ownership unencumbered by any other interest or estate, subject only to the limitations imposed by the governmental powers of taxation, eminent domain, police power, and escheat." As per scope of the assignment, this is the manor of which the subject property shall be appraised for purposes of this report. If there are any questions or concerns as to this definition of fee simple estate, please feel free to contact Leonel Garza III at (956) 687-7295 or leonel3@garza-associates.com for further explanation.

### **Accessibility To Subject Property**

As per scope of the assignment, the subject property shall be inspected in order to verify any and all improvements affected by the part to be acquired. In the event the remainder after the acquisition is affected by the proposed acquisition, the remainder shall be inspected in order to determine damages (diminution) to market value if any exist. The property owner of record shall be sent a letter of intent to inspect and offer the opportunity for an on-site inspection in the presence of the appraiser, Leonel Garza III. The owner of record, as per the Hidalgo County Appraisal District was sent a letter of intent to inspect the subject property on the week of January 4, 2012. A copy of the certified letter is located within the addenda of this report. In the event no written or verbal permission was granted to the office of Leonel Garza Jr. & Associates LLC prior to date of inspection, the inspection proceeded off-site along existing road right-of-way as per scope. The property owner shall always reserve the right to contact the office of Leonel Garza Jr. & Associates LLC (956) 687-7295 or leonel3@garza-associates.com, after the date of inspection for an additional on-site inspection in their presence with appraiser, Leonel Garza III.

### **Analysis of Subject As A Whole**

A survey of the property owners entire tract was not performed as the part to be acquired incorporates a portion of land located along the western frontage of South McColl Road, south of Whalen Road. As per scope of the assignment, the subject property shall be analyzed based on the combined information of several sources including, the survey provided, on-site and or off-site inspection, personal interviews, and information gathered from the local appraisal district. The property was analyzed based on the whole property less any existing road right-of-way. Based on the inspection of the subject property and the evaluation of the subject as a whole, the remainder shall not be affected by the part to be acquired and therefore shall not be included within the valuation of this report.

### **Economic Unit Analysis**

The subject property shall be analyzed based on a 7.46 acre tract of land as indicated by survey. The area for the subject property as a whole is indicated as per survey provided by R. Gutierrez Engineering Corporation dated April 13, 2011 and revised April 29, 2011. The comparable sales used for the analysis of the subject property as whole and as the partial acquisition indicated a range of economic units of 35.55 acre to 92.61 acres. These indicated economic unit values are used for the valuation of the proposed acquisition as the part to be acquired does not constitute an economic unit. Therefore, the pro-rata part of the whole is applied as the market valuation of the part to be acquired.

**Part To Be Acquired**

The proposed acquisition is comprised of fee land in which the net land area to be acquired is 0.45 acres. The proposed acquisition has approximately 320.15 lineal feet of frontage along the western side of South McColl Road. The proposed acquisition, which is the subject of this report, shall be evaluated as a whole as determined by the approaches to market value selected. The subject shall be valued based on the highest and best use as an agricultural use tract of land. The highest and best use is based on the local market trends along South McColl, and restrictions set forth by the International Boundary & Water Commission. This highest and best use is further explained on page 3.1 of this report.

<b>To Be Acquired</b>	<b>0.45 Acres</b>
	<b>19,062 Square Feet</b>

**Legal Description: Part To Be Acquired**

Being a 0.45 of an acre of land out of a 7.46-acre tract out of Lot 2, Block 21, Steele & Pershing Subdivision, Hidalgo County Texas, as per map recorded in Volume 8, Pages 114-115, Deed Records of Hidalgo County, Texas

**Remainder Before and After Acquisition**

The remainder, before and after the acquisition, is defined as the partial acquisition subtracted from the whole property which is described as the subject property. It is determined at the time of appraisal whether or not damages to the remainder are caused by the proposed part to be acquired. The highest and best use of the subject property before and after the proposed partial acquisition is analyzed to determine whether or not the use of the subject property will be altered as a result of the proposed part to be acquired.

**Property Tax Data**

The property tax assessment was reviewed online via the Hidalgo County Appraisal District Website, [www.hidalgoad.org](http://www.hidalgoad.org). A review of the information provided on the website indicated various owners of land located within Lot 2, Block 21 of the Steel Pershing Subdivision. However, at the time of the appraisal, a tax account matching the property could not be located. Further review of the Hidalgo County Appraisal District is necessary to verify property tax data.

### **General Site Assessment Statement**

This appraiser has made an off-site inspection of the subject property, and no obvious adverse environmental concerns or potentially hazardous materials were observed. However, the subject is located within a floodway system. This system is activated during times of severe weather conditions of which have occurred in recent years. The development within the floodway is not permitted. Comparables located in similar locations have been selected for the subjects analysis. Based on the off-site visit of the site, this appraiser has made the hypothetical condition and extraordinary assumption that the subject property has not experienced any other adverse environmental issues of which may influence its marketability and or value. This appraiser is not an engineer and cannot certify to the topography or drainage of the subject property.

### **Utility Services Available**

The subject property is located in a region with limited utilities available. This limited availability is due to restrictions set for by the International Boundary and Water Commission Floodway, and due to the relative location of nearby municipal utilities. As per conversation with a City of McAllen Public Utilities Associate the City of McAllen utilities end at Orangewood Drive, which is the northern project line. Ruben Puente (956-239-3314) of the City of Hidalgo, indicated the cities utilities end along the southern line of Dicker Road, the southern project line. The client, as per previous agreement with the public utility provider, informed the appraiser that all private utilities will be relocated, if affected by the part to be acquired and all necessary reconnections will be the responsibility of the utility provider. As such said relocation and reconnection cost shall not be included in the valuation of the part to be acquired.

### **Identification of Personal Property**

As per scope of the assignment, no personal property located within the proposed right-of-way and the remainder before and after the acquisition shall be included for compensation, unless it was determined by the appraiser that these item shall be affected or damaged by the proposed acquisition. In the event the selected items are determined to be compensable, then they shall be included within the cost approach section of this report. A value which shall be either the cost to cure and or the cost of replacement shall be delineated for each item for clarity.

### **Current Listing Status**

Based on the off-site inspection of the subject property no visible "For Sale" signs were located on-site indicated the subject property listed for sale. Additional research was conducted with local Realtor's® Multiple Listing Services and the subject property was not listed.

### **Exposure Time**

Exposure time is defined as the "length of time the property interest being appraised would have been offered on the market prior to the hypothetical consummation of a sale at market value on the effective date of the appraisal." Based on research performed within the market area, an indicated twelve (12) month exposure time is indicated for the subject property. This was estimated based on current and past listings located within the market area which were reviewed during our sales search for comparables similar to the subject property.



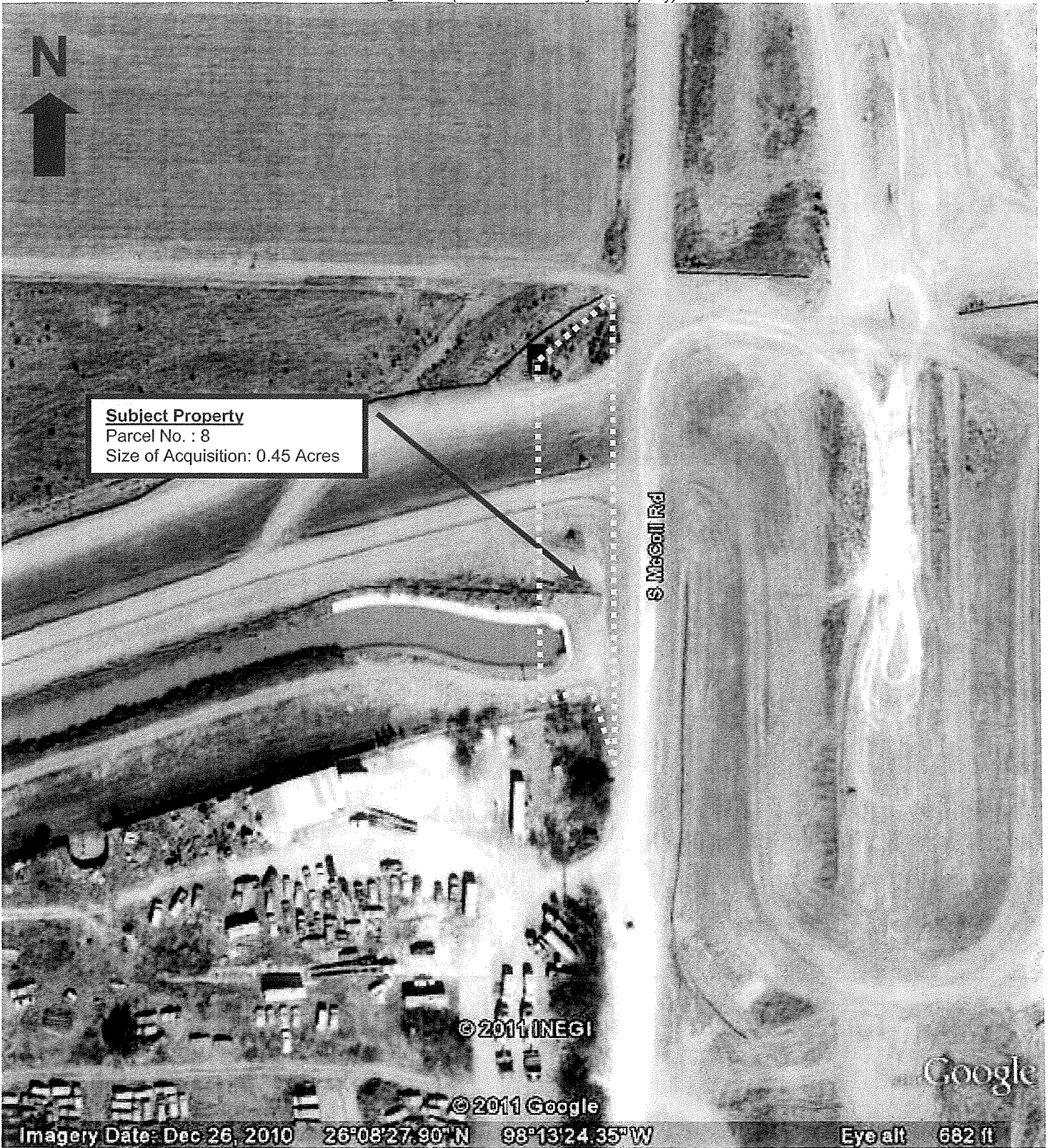
# AERIAL PHOTOGRAPH OF SUBJECT PROPERTY

Google Earth



# AERIAL PHOTOGRAPH OF PART TO BE ACQUIRED

Google Earth (Closer View of Subject Property)



NOTE: THE PART TO BE ACQUIRED IS ESTIMATED AND DEPICTED BY THE YELLOW DASHED LINE. COMPLETE SURVEY OF SUBJECT AS A WHOLE WAS NOT PROVIDED BY R. GUTIERREZ ENGINEERING CORPORATION AND IS ESTIMATED BASED ON INFORMATION GATHERED DURING THE INSPECTION OF THE SUBJECT PROPERTY OR THE HIDALGO COUNTY APPRAISAL DISTRICT.

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FIELD NOTES OF PART TO BE ACQUIRED (Page 1 of 3)

COUNTY: HIDALGO

Eng03.024B  
March 31, 2011

HIGHWAY: South McColl Road

Sheet 1 of 3

PROJECT LIMITS: Dickor Road to Orangewood Drive

RCSJ: 0921-02-288

CCSJ: 0921-02-171

EXHIBIT - A  
FIELD NOTES FOR PARCEL - 8

Being a 0.45 of an acre of land out of a 7.46-acre tract out of of Lot 2, Block 21, Steele & Pershing Subdivision, Hidalgo County, Texas, as recorded in Volume 8, Pages 114-115, Deed Records, Hidalgo County of Texas. Said 7.46-acre tract of land is vested to Daniel Dillard from Carl F. Schuster and wife, Wilma E. Schuster, by virtue of a Warranty Deed with Vendor's Lien dated May 11, 1998, and recorded in Document No. 690590, Official Records of Hidalgo County, Texas. Save and Except: Two tracts of land conveyed to Francisco Castro, Juan Contreras, Pedro Huerta Jr., and Moises Castro, by virtue of a Warranty Deed with Vendor's Lien recorded in Document No. 706603, Official Records Hidalgo County, Texas, a tract of land containing 10.0-acres of land conveyed to Celedonio Luna Jr. and wife, Martha Elva Luna, by virtue of Warranty Deed with Vendor's Lien recorded in Document No. 679177, Official Records of Hidalgo County, Texas, A tract of land containing 5.00-acres of land conveyed to Miguel Angel Gonzalez, by virtue of Warranty Deed with Vendor's Lien recorded in Document No. 683982, Official Records Hidalgo County, Texas. Said 0.45-acre tract of land being more particularly described by metes and bounds as follows;

**Commencing** at a No. 4 rebar set at the Southwest corner of Lot 2, Block 21, Steele and Pershing Subdivision; **Thence**, South 81 degrees 20 minutes 13 seconds East, with the South line of Lot 2, Block 21, a distance of 1320.00 feet to a No. 4 rebar set (with a plastic cap stamped "RGEC"); **Thence** North 08 degrees 39 minutes 47 seconds East, with the East line of Lot 2, Block 21, a distance of 961.92 feet to a No. 4 rebar set (with a plastic cap stamped "RGEC"); **Thence**, North 81 degrees 20 minutes 13 seconds West, a distance of 20.00 feet to a No. 4 rebar set (with a plastic cap stamped "RGEC") at the existing West Right of Way line of South McColl Road for the Southeast corner of this tract of land and **POINT OF BEGINNING**; having surface coordinates of N: 16575909.05 and E: 1074997.01 All bearings and coordinates are based on the State Plane Coordinates System of Texas, South Zone, North American Datum 1983, (1993 adjustment), English units. All distances and coordinates are surface and may be converted to grid by multiplying by a combined scale factor of 0.999960;

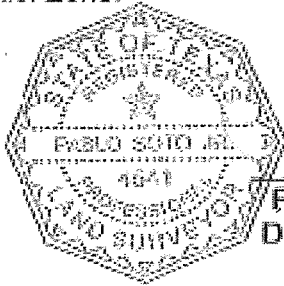
1. **THENCE**, North 19 degrees 25 minutes 50 seconds West, with the Proposed West Right of Way line of said South McColl Road, a distance of 63.70 feet to a No. 4 rebar set for an interior corner of this tract of land;
2. **THENCE**, South 80 degrees 06 minutes 51 seconds West, with the Proposed South Right of Way line of said South McColl Road, a distance of 45.87 feet to a No. 4 rebar set (with a plastic cap stamped "RGEC") for the Southwest corner of this tract of land;

FIELD NOTES OF PART TO BE ACQUIRED (Page 2 of 3)

PARCEL 8  
Sheet 2 of 3

3. THENCE, North 08 degrees 39 minutes 47 seconds East, continuing with the Proposed West Right of Way line of said South McColl Road, a distance of 251.43 feet to a No. 4 rebar set (with plastic cap stamped "RGEC") for the Northwest corner of this tract of land;
4. THENCE, North 78 degrees 24 minutes 38 seconds East, with the Proposed North Right of Way line of said South McColl Road, a distance of 78.33 feet to a No. 4 rebar set (with plastic cap stamped "RGEC") at the existing West Right of Way line of said South McColl Road for the Northeast corner of this tract of land;
5. THENCE, South 08 degrees 39 minutes 47 seconds West, with the existing West Right of Way line of said South McColl Road, a distance of 320.15 feet to the POINT OF BEGINNING and containing 0.45 of an acre of land more or less

A survey exhibit map accompanies this description. Bearings are based on the State Plane Coordinate System NAD 1983, South Zone.



Pablo Soto, Jr.  
PABLO SOTO, JR. - R.P.L.S. No. 4541  
Date: 04-13-2011

Revised: 9/29/11

X

