

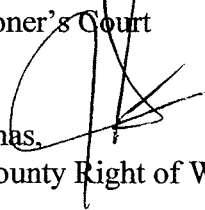
COUNTY of HIDALGO
Precinct No. 2



Hector "Tito" Palacios
County Commissioner

MEMO

TO: Commissioner's Court

FROM: Jaime Salinas, 
Hidalgo County Right of Way Department

TE: September 25, 2012

RE: El Gato Road Project (Parcel # 10)
Macario & Amanda Mireles

Attached please find letter provide by property owner for above-mentioned project.

Appraised Value:	\$ 3,694.00
Settlement Request:	\$ 5,000.00
Difference to Landowner	\$ 1,306.00

Commissioners Court Executive Session October 1, 2012

Approved; _____

Not Approved; _____

Administration Office
300 West Mall Area, Suite G
Pharr, TX 78577
Tel: 361-787-6891 Fax: 361-787-4683

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

September 25, 2012

Mr. Macario & Amanda Mireles
Parcel # 10
El Gato Road Project

To whom it may concern:

I reviewed the offer of \$ 3,694.00 for the property listed above and I am not in agreement with the offer. I'm requesting \$ 5,000.00 which I think is a reasonable settlement which is a difference of \$1,306.00. A couple of years ago the County of Hidalgo paid me 4.25 a square foot for my property on the corner of Tower and El Gato Rd. and this property is just a couple of lots to the west of that property, so I feel that this counter offer is reasonable.

A handwritten signature in cursive script that reads "Macario Mireles". The signature is written in black ink and is positioned above the printed name.

Macario Mireles

REAL ESTATE APPRAISAL REPORT
TEXAS DEPARTMENT OF TRANSPORTATION

Address of Property: North side of El Gato Road, 0.10 miles west of Tower Road, Hidalgo County, Texas. **District:** NA
Property Owner: Macario & Amanda Mireles **ROW CSJ:** NA
Address of Property Owner: 520 El Gato Road Alamo TX 78516 **Parcel:** 10
Occupant's Name: Macario & Amanda Mireles **Federal Project No:** N/A
Whole: **Partial:** **Acquisition** **Highway:** El Gato Road **County:** Hidalgo

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 sulphur. 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 \$3,694.00 as of January 10, 2011, based upon my independent appraisal and the exercise of my professional judgment; on January 10, 2011, (date)(s), I personally inspected in the field the property herein appraised; I afforded Macario & Amanda Mireles, 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 February 17, 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, Hidalgo County, or officials of the Federal Highway Administration until authorized by County 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.

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.

Appraiser Signature
 State Certified General Real Estate Appraiser – TX 1328375 – General
 Certification Number
 June 8, 2011

Date

To the best of my knowledge, the value does not include any items which are not compensable under the State law.	
_____	_____
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 that is a Sales Comparison Approach to the subject as if 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.

Identification of Client & Intended User of Appraisal Report

The client for this report is identified as Hidalgo County Right of Way Department under the direction of Joe E. Pena, Director, Right of Way Department and Hidalgo County. Mr. Pena along with Roy Gonzalez, Right-of-Way Agent will be involved with the acquisition of said proposed right-of-way. The part to be acquired is for the expansion of the existing road right-of-way of El Gato Road with the project limits being from Alamo Road (FM 907) to Tower Road, within the extra territorial jurisdiction of the City of Alamo, Texas.

The intended use of the report is to assist the Hidalgo County Right-of-Way Department and others involved with the project, for future negotiations of acquiring a portion of said property as fee simple, in the name of the County of Hidalgo. This report is not intended for any other use unless specified by the client. The client has identified that the report shall be a summary appraisal report, which is to conform to the ROW-A-6 Form Rev. 7/2004. The intended user of the report is defined as Hidalgo County Right of Way Department and the County of Hidalgo, and may include other governmental entities which may be participating in the project. Roy Gonzales shall be the project manager for this project under the direction of Joe E. Pena. Mr. Gonzales has a local office located at 2401 N Moorefield Road, Mission, Texas and can be contacted at (956) 283-8134.

Scope of the Assignment

By work order 653485 dated February 28, 2011 on behalf of Hidalgo County Right of Way Department, Roy Gonzales, 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. Leonel Garza III is the owner of Leonel Garza Jr. & Associates, LLC located at 1419 Dove Avenue Ste 1, McAllen, Texas. This office 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. Leonel Garza III has specialized in right-of-way acquisition field for over 10 years of which has performed projects in the following County's: Cameron County, Hidalgo County, Starr County, Zapata County, Webb County, Nueces County and Brooks County. Leonel Garza III, shall inspect each property personally along with staff member and General Certified Appraiser Luis C. Garza Lic. No. 1338051 who has worked under the direction of Leonel Garza III for over five (5) years. Luis C. Garza will aid in the preparation of the report, however, all analysis, determination of comparables and the determination of compensable items shall be performed by Leonel Garza III. 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. Each 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 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 comparables 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 El Gato Road were also reviewed in order to determine the current market asking price 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 of El Gato Road.

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 County of Hidalgo, as defined within this report. 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 and or real estate items, which may be compensable for the purpose of right-of-way acquisition only. These items deemed compensable shall be included within the body of the report and itemized for clarity. 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 manner of which the subject property shall be appraised. 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 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 February 9, 2011. 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, 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 El Gato 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 1.00 acre (43,560 square foot) 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 November 15, 2010. 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 2.0 acres to 21.63 acres. These indicated economic unit values are used for the valuation of the proposed acquisition, as the part to be acquired does constitute an economic unit. Therefore, the pro-rata part of the whole is applied as the market valuation of the proposed acquisition.

Part To Be Acquired

The proposed acquisition is comprised of fee land in which the net land area to be acquired is 0.091 acres (3,964 square feet) out of a 1.00 acre parent tract. The proposed acquisition has approximately 132.00' lineal feet of frontage along the northern side of El Gato 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 a residential tract of land, which is based on the local market trends along El Gato Road. This highest and best use is further explained on page 3.2 of this report.

To Be Acquired (Net)	0.091 Acres
	3,964 Square Feet

Legal Description: Part To Be Acquired

A 0.152 acre tract of land out of the west 132 feet of the south 10 acres of Lot 7, Block 29, Alamo Land and Sugar Company's Subdivision, Hidalgo County, Texas. Volume 1, Pages 24-26, M.R.H.C.

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. As for the remainder, it was determined that the highest and best use before and after the acquisition shall remain and not be damaged or changed as a result of the proposed acquisition.

Property Tax Information

The Hidalgo County Appraisal District is located at 4405 S. Professional Dr., Edinburg, Texas and can also be accessed via www.hidalgoad.org. According to the information provided by the website, the subject property was confirmed to be under the ownership of Macario & Amanda Mireles. This was found under the tax account 667930 of which the subject property is current assessed at \$50,015. The land portion of the subject property is assessed at \$28,697 or \$32,611 per acre. The property taxes for the subject appear to be current; however, further research with the Hidalgo tax office shall be required to confirm any outstanding tax liabilities attributable to the subject property.

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. This appraiser is not qualified to make a detailed environmental study and highly recommends that an inspection be made by a qualified environmental engineer if any environmental concerns exist. Leonel Garza Jr. & Associates LLC has performed this appraisal report under the hypothetical condition and extraordinary assumption that the subject property has not experienced any adverse environmental concerns which may influence its marketability and or value. A survey of the remainder of the subject property was not provided or necessary due to the acquisition being a partial taking. The extraordinary assumption is that neither adverse easements nor encroachments are located within the subject property which would affect the value of the whole. The subject property was observed that the property is generally level and typical of the surrounding market area. No severe low lying areas were observed, however, 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 outside of the City of Alamo, in an area with limited utilities available. As per Dalia Zuniga, Planning and Development Department of the City of Alamo, Texas, municipal water lines are located at the Sable Palms Subdivision. Sable Palms Subdivision is located along the northern frontage of El Gato Road, centrally located between Alamo Road and Tower Road.

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 on and or 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.

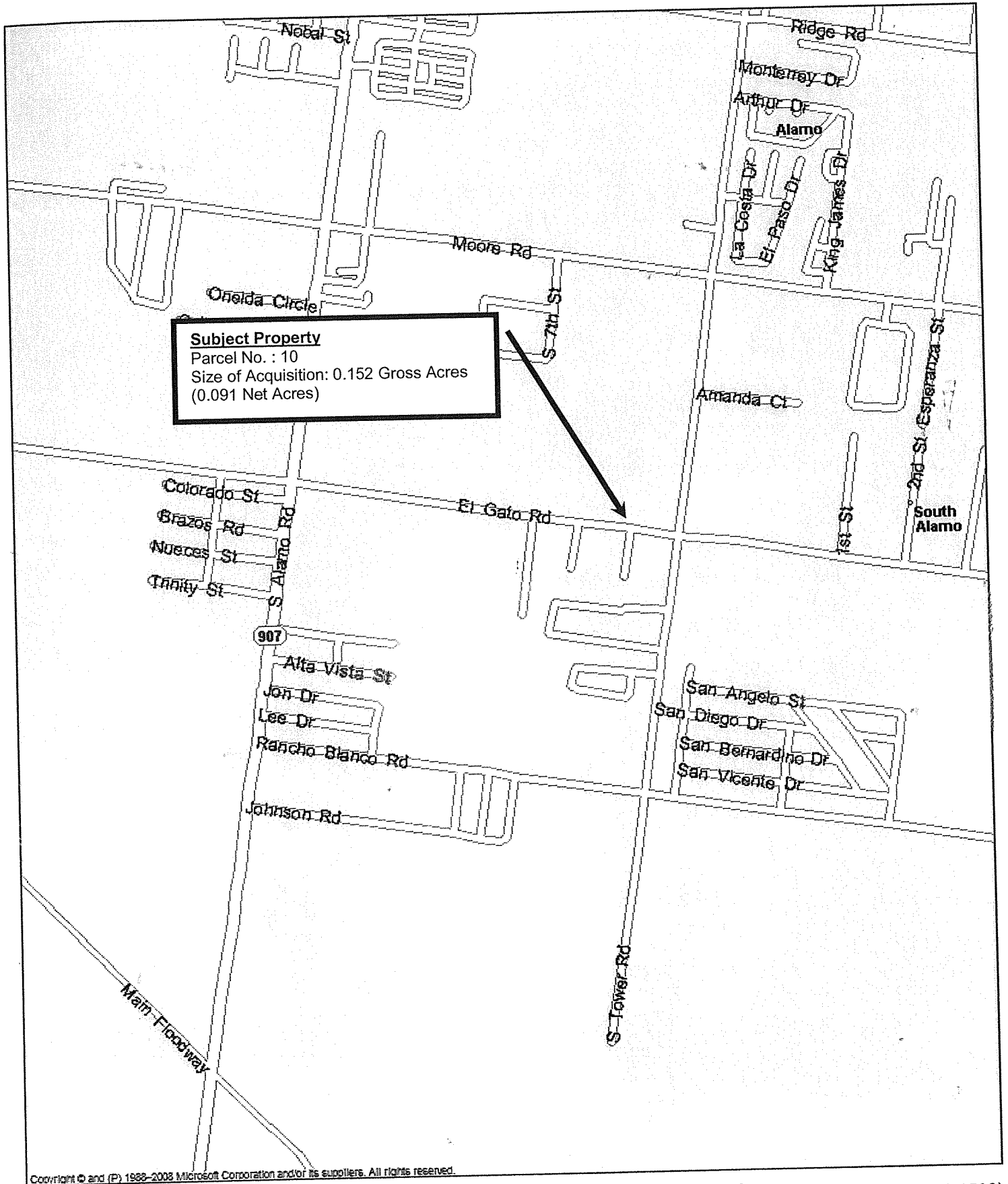
Exposure Time

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) to twenty-four month (24) 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.

Estimated Marketing Time Period

The indicated marketing period is based on the marketing periods of the comparable sales used in the Sales Comparison Approach and the surrounding sales found. Based on the research performed, a twelve (12) to twenty-four month (24) marketing time period appears to be adequate. This time period was selected after a review of multiple land sales within the Hidalgo County markets along El Gato Road and neighboring thoroughfares. The analysis included the indicated "DOM" Days on Market as shown on the several multiple listing service which provides local Realtors® an avenue to advertise properties located in the Rio Grande Valley with the focus within Hidalgo County.

LOCATION MAP OF SUBJECT PROPERTY



Subject Property
Parcel No. : 10
Size of Acquisition: 0.152 Gross Acres
(0.091 Net Acres)

AERIAL PHOTOGRAPH OF SUBJECT PROPERTY

Google Earth



EXHIBIT "A"

COUNTY: HIDALGO

Eng09.022A

October 6, 2010

HIGHWAY: El Gato Road

Parcel 10

PROJECT LIMITS: From Alamo Road (F.M. 907) to Tower Road

Page 1 of 3

FIELD NOTES FOR PARCEL - 10

Being a 0.152-acre tract of land out of the West 132 feet of the East 660 feet of the South Ten (10) acres of Lot 7, Block 29, Alamo Land and Sugar Company's Subdivision, Hidalgo County, Texas, as per map recorded in Volume 1, Pages 24~26, Map Records of Hidalgo County, Texas. Said West 132 feet of the East 660 feet of the South Ten (10) acres of Lot 7, Block 29, is vested to Macario Mireles, and wife, Amanda Mireles from Carolyn Franz, by virtue of a Warranty Deed, dated September 2, 1993, recorded in Document No. 343655, Official Records of Hidalgo County, Texas. Said 0.152-acre tract of land being more particularly described by metes and bounds as follows;

Commencing at a Cotton Picker Spindle set at the Southeast corner of Lot 7, **THENCE**, North 81 degrees 25 minutes 00 seconds West, with the South line of Lot 7, a distance of 528.00 feet to a Cotton Picker Spindle set at the Southeast corner of the West 132 feet of the East 660 feet of the South Ten (10) acres of Lot 7, for the Southeast corner and the **POINT OF BEGINNING** of this tract of land;

1. **THENCE**, continuing North 81 degrees 25 minutes 00 seconds West, with the South line of said Lot 7, a distance of 132.00 feet to a Cotton Picker Spindle set at the Southwest corner of said West 132 feet of the East 660 feet of the South Ten (10) acres of Lot 7, for the Southwest corner of this tract of land;
2. **THENCE**, North 08 degrees 35 minutes 00 seconds East, with the West line of said West 132 feet of the East 660 feet of the South Ten (10) acres of said Lot 7, at a distance of a 20.00 feet pass the Existing North Right of Way line of El Gato Road, and at a total distance of 50.00 feet to a No. 4 rebar set at the Proposed North Right of Way line of said El Gato Road, for the Northwest corner of this tract of land;
3. **THENCE**, South 81 degrees 25 minutes 00 seconds East, with the Proposed North Right of Way line of said El Gato Road, a distance of 132.00 feet to a No. 4 rebar set at the East line of said West 132 feet of the East 660 feet of the South Ten (10) acres of said Lot 7, for the Northeast corner of this tract of land;

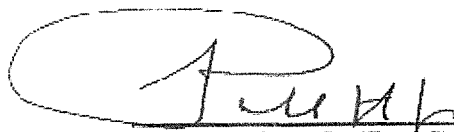
FIELD NOTES OF PART TO BE ACQUIRED (Page 2 of 2)

Eng09.022A
October 6, 2010
Parcel 10
Page 2 of 3

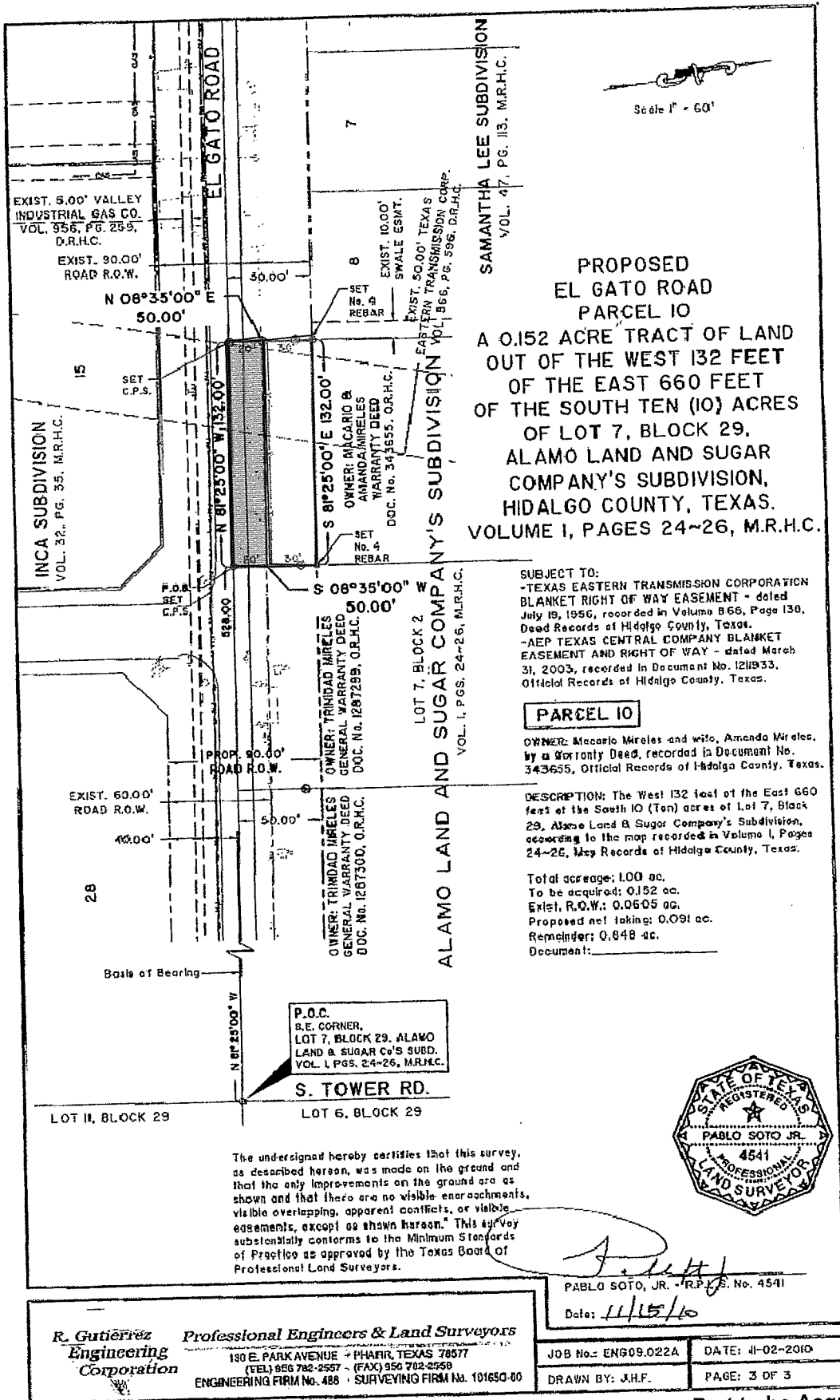
4. **THENCE**, South 08 degrees 35 minutes 00 seconds West, with the East line of said West 132 feet of the East 660 feet of the South Ten (10) acres of Lot 7, at a distance of 30.00 feet pass the Existing North Right of Way line of said El Gato Road, and at a total distance of 50.00 feet to the **POINT OF BEGINNING**, containing 0.152 acres of land, of which 0.0605-acres lies in the Existing Right of Way of El Gato Road, leaving a **Proposed Net Taking** of 0.091-acres of land, more or less.

I, Pablo Soto, Jr., a Registered Professional Land Surveyor in the State of Texas, do hereby certify the above metes and bounds are true and are the result of an actual survey performed on the ground under my direction.




PABLO SOTO JR. - R.P.L.S. No. 4541
Date: 11/15/10

SURVEY OF PART TO BE ACQUIRED (Page 1 of 1)



The undersigned hereby certifies that this survey, as described hereon, was made on the ground and that the only improvements on the ground are as shown and that there are no visible encroachments, visible overlapping, apparent conflicts, or visible encroachments, except as shown hereon. This survey substantially conforms to the Minimum Standards of Practice as approved by the Texas Board of Professional Land Surveyors.

Green Highlighted Area = Existing ROW / Yellow Highlighted Area = Part to be Acquired