

AI-36993

Precinct #1 6. A.

CC REGULAR

Meeting Date: 02/15/2013

Submitted By: Monica Badillo, EXECUTIVE  
OFFICE

Department: EXECUTIVE OFFICE

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**Information**

**CAPTION**

Discussion and action of Economically Disadvantaged County (EDC) Program Application Mile 2 West from Mile 12 North to US 83 TXDOT Project - CSJ: 0921-02-170, etc.

**BACKGROUND**

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**Fiscal Impact**

**FISCAL YEAR:**

**ACCT. #:**

**FUNDS AVAILABLE Y/N?:**

**MATCHING FUNDS Y/N?:**

**BUDGETARY IMPACT:**

Please refer to attached expenditure report as of 2/12/2013. Available balances are reflected in year 2012, pending roll over.

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**Attachments**

backup

app

**Form Review**

**Inbox**  
Purchasing Department  
Form Started By: Monica Badillo

**Reviewed By**  
Angela Garcia

Final Approval Date: 02/12/2013

**Date**  
02/12/2013 10:31 AM  
Started On: 02/12/2013 10:04 AM



# Texas Department of Transportation

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

February 7, 2013

The Honorable Ramon Garcia  
County Judge, Hidalgo County  
P.O. Box 1356  
Edinburg, Texas 78540

RECEIVED

FEB 08 2013

COUNTY JUDGE

**RE: Economically Disadvantaged County Program Application  
Mile 2 West from Mile 12 North to US 83  
CSJ: 0921-02-170, etc.**

Dear Judge Garcia:

Attached for your review and consideration is a partially completed Economically Disadvantaged County Program (EDC) Application and Affidavit for the subject project. If the County is interested in pursuing this project and would like to apply for the EDC, please verify the information on the application, complete the affidavit and return both forms by February 11, 2013 to the attention of Mr. Homer Bazan, Jr., our Director of Transportation Planning and Development, at the above address for further processing.

Should you have any questions or need additional information please contact Mr. Bazan or me at (956) 702-6100.

Sincerely,

Mario R. Jorge, P.E.  
Pharr District Engineer

Attachments

cc: Jody Ellington, P.E., Deputy District Engineer  
Homer Bazan, Jr., P.E., Director of Transportation Planning and Development  
Valente Olivarez, P.E, Pharr Area Engineer  
Griselda Saldivar, P.E., Project Manager  
Project File

THE TEXAS PLAN

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

An Equal Opportunity Employer

cc  
2/15/13

**FY 2013 ECONOMICALLY DISADVANTAGED COUNTIES PROGRAM  
INFORMATION SHEET**

COUNTY Hidalgo APPLICANT Hidalgo County

**District Contact Information**

Name: Maricela Salinas Telephone: 956.702.6352

If the project is an "OFF-SYSTEM" project, is the project in the Unified Transportation Program (UTP) and have a local funding agreement in place, or in a District Bank Balance Program?

(Circle as appropriate)  YES or NO

If the applicant is a CITY within an eligible county, please answer the two following questions:

# 1 Economic Development Sales Tax? (Circle as appropriate) YES or NO

# 2 Population ( 2010 Census)? \_\_\_\_\_

**PROJECT INFORMATION**

UTP PRIORITY STATUS:	PLAN
CSJ:	0921-02-170, etc.
ESTIMATED LETTING DATE	April-13

On-System? ( Circle as appropriate) YES or  NO

**LOCATION AND LIMITS - Give highway number with limits from and to**

Mile 2 West, From Mile 12 North to US 83

**PROJECT SCOPE- Give type of work**

Reconstruct and widen to 2 lane roadway with shoulders

**ADJUSTMENT RATIONAL- Give reason why the adjustment is needed**

Hidalgo County is marked with high unemployment & proverty rates, the highest in the state of Texas. Meeting the basic needs of the County along with addressing the infrastructure demands place a heavy burden on the County budget. We therefore are requesting a reduction in the required match for this project.

**ANTICIPATED PROJECT COST BREAKDOWN OF ELIGIBLE COMPONENTS**

			Total Adjustment -	83	
1. Project Component	2. Est. Total Cost (\$)	3. Local Participation (%)		4. Est. Required Local Match (\$)	5. Local Participation After Adjustment (\$)
Construction	\$6,629,255	20%		\$1,325,851	\$225,395
				\$0	\$0
				\$0	\$0
				\$0	\$0
<b>TOTAL</b>	<b>\$6,629,255</b>			<b>\$1,325,851</b>	<b>\$225,395</b>

Approved by \_\_\_\_\_ Date \_\_\_\_\_



# AFFIDAVIT

The State of Texas,  
County of \_\_\_\_\_

Before me, \_\_\_\_\_, a notary public in and for the State of Texas, on this day personally appeared \_\_\_\_\_, who being by me duly sworn, upon oath says:

I, \_\_\_\_\_, representing the city / county of \_\_\_\_\_, having been duly elected on \_\_\_\_\_ and having served continuously since that time, certify in my official capacity that, to the best of my knowledge, the information contained in this application is true and correct.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

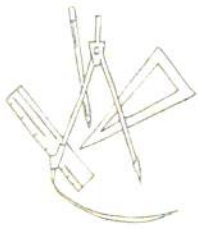
Subscribed and sworn to before me, by the said \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, to certify which witness my hand and seal of office.

My commission expires \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Official Signature

\_\_\_\_\_  
Printed or stamped name of Notary





# L&G Engineering

Transportation Consultants

Date: January 28, 2013

County: Hidalgo  
Federal Project No.: STP1102(024)MM  
Highway: FM 681/2221

ROW CSJ: 0669-01-052  
Parcel: 31  
From: FM 681 N @ FM 2221  
To: SH 107

Hidalgo County, ROW Department  
Attn: Joe Pena  
2808 S. Business Highway 281  
Edinburg, TX 78539

BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED NO. 70112970000436104173

Dear Mr. Pena,

In acquiring property for the highway system of Texas, the Texas Department of Transportation (the "Department") follows a definite procedure for appraising the land needed and for handling personal negotiations with each owner. As has been or will be explained by the State's negotiator, Joe A. Califa, a portion of your property located on FM 681, as described in the enclosed property description, is to be acquired for the construction or improvement of the above-referenced highway project.

We believe at this stage of the purchase process it is mutually beneficial to confirm that, based on an appraisal, the State is authorized to offer you \$20,971.00 for your property, which includes \$20,259.00 for the property to be purchased and \$712.00 for damages to your remaining property. This amount is the total amount of just compensation for all interests in the portion of your property to be acquired, as determined in accordance with State law, less oil, gas and sulphur, subject to clear title being conveyed to the State. In accordance with State law, it is the policy of the Department to negotiate with the fee owner(s) of the real property with the understanding that you will, in turn, negotiate with any lessee or other party who may own any interest in the land or improvements, with the exception of public utility easements, which will be handled separately by the Department.

This offer to purchase includes the contributory values of the improvement(s) listed below, which are considered to be part of the real property. Since the improvement(s) must be removed, it is the policy of the Department to permit owners who convey voluntarily to the Department to thereafter retain the improvement(s), if they wish to do so. The retention values shown below are the estimated amounts the improvement(s) would bring if sold on public bids. If you wish to retain title to any of the following improvement(s) and remove it (them) from the right of way, the amount of the above offer must be reduced by the appropriate retention amount(s). This option to retain the improvement(s) does NOT apply should it become necessary for the Department to acquire the real property by eminent domain.

	<u>Improvement</u>	<u>Amount to be Subtracted if Retained</u>
A.	Fencing - Ranch Style	\$1.00
B.	Line - Private Irrigation	\$1.00
C.	Pavement - Concrete	\$0.00



If you wish to accept the offer based upon this appraisal, please contact Joe A. Califa as soon as possible, at (956) 585-1909, so that the process of issuing your payment may be started. If you are not willing to accept this offer, you may submit a written request for administrative settlement/counteroffer, setting forth a counteroffer amount and the basis for such amount, provided such settlement request is received in writing within 30 days from the date of this letter. Please note that your opportunity to submit an administrative settlement shall be forfeited if such a settlement request is not received by the Department within the 30 day time deadline.

In the event the condition of the property changes for any reason, the State shall have the right to withdraw or modify this offer.

After the date of payment of the purchase price, or the date of deposit in court of funds to satisfy the award of compensation as determined through eminent domain proceedings to acquire real property, you will be reimbursed for any fair and reasonable incidental expenses necessarily incurred in transferring title to the property for use by the Texas Department of Transportation. Expenses eligible for reimbursement may include (1) recording fees, transfer taxes and similar expenses incidental to conveying the real property to the Department and (2) penalty costs for prepayment of any preexisting recorded mortgage entered into in good faith encumbering the real property. Voluntary unnecessary expenses or expenses incurred in clearing questionable title will not be eligible for reimbursement. Eligible incidental expenses will be reimbursed upon submission of a claim supported by receipted bills or other evidence of actual expenses incurred. You may file a written request for review if you believe that the Department failed to properly determine the eligibility for, or the amount of, incidental expenses to be reimbursed. There is no standard form on which to request a review of a claim; however, the claim must be filed with this office within six months after you are notified of the Department's determination on any claim for reimbursement.

You may be entitled to additional payments and services under the State's Relocation Assistance Program. It is emphasized, however, that any benefits to which you may be entitled under this program will be handled entirely separate from and in addition to this transaction. You will receive a brochure entitled "Relocation Assistance" which will inform you of eligibility requirements, payments and services which are available.

You have the right to discuss with others any offer or agreement regarding the Department's acquisition of the subject property, or you may (but are not required to) keep the offer or agreement confidential from others, subject to the provisions of Chapter 552, Government Code (the Public Records Act) as it may apply to the Department.

Attached is a copy of the Texas Department of Transportation brochure entitled "Right of Way Purchase" which we trust will give you a better understanding of the procedures followed by the Department in purchasing property. We respectfully request the opportunity to meet with you or to otherwise discuss and answer any questions you may have regarding the details of the type of facility to be built, or concerning the Department's offer or proposed purchase transaction. Also, please do not hesitate to contact me at the telephone number provided above regarding any question you may have.

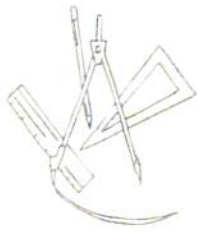
Please see the enclosed copy of the Texas Landowner Bill of Rights.

Finally, we enclose copies of all appraisal reports relating to your property being acquired which were prepared in the ten (10) years preceding the date of this offer and produced or acquired by the Department, including the appraisal on which this offer is based.

Sincerely,

  
\_\_\_\_\_  
Right of Way Manager or other signatory

ENCLOSURES:  
Appraisal Report(s)  
Landowner Bill of Rights  
Brochure ("Right of Way Purchase")



January 28, 2013

Pharr District  
Hidalgo County  
FM 681: Fr: FM 681 N @ FM 2221 To: SH 107  
RCSJ: 0669-01-052  
Parcel No. 31

RE: Purchase of a 0.168 of an acre (7,329 sf.) of land, situated in Hidalgo County, Texas and also being part or portion of Lot 78, Block 4, La Homa Ranch Citrus Groves Unit 1.

Hidalgo County  
2808 S. Business Highway 281  
Edinburg, TX 78539

Dear Sirs,

Enclosed for your review and further processing are the following:

- Initial Offer Letter
- Metes and Bounds and Plat (proposed right of way to be acquired highlighted in yellow, located within appraisal report)
- Appraisal Report prepared by: Leonel Garza III dated 1-10-2013
- Acknowledgement of Receipt of Appraisal Report
- Land Owner Bill of Rights w/Supplement
- Title Commitment
- Sample Deed
- Brochures ("Purchase of Right of Way by Counties and Cities")

Please return signed Acknowledgement of Receipt to our office at L&G Engineering 900 S. Stewart Road, Suite 10 Mission, TX 78572.

If you have any questions, please contact me at (956) 585-1909 or toll free at 1-866-585-1909.

Sincerely,

Joe A. Califa  
Right of Way Agent

AI-36994

Closed Session 8. C.

CC REGULAR

Meeting Date: 02/15/2013

Submitted By: Monica Badillo, EXECUTIVE  
OFFICE

Department: EXECUTIVE OFFICE

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**Information**

**CAPTION**

C-0479-13-G; Candida Rodriguez v. Saida Ochoa and Lazaro Gallardo, Constable Pct. 3, Hidalgo County, Texas

**BACKGROUND**

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**Form Review**

<b>Inbox</b>	<b>Reviewed By</b>	<b>Date</b>
Budget & Management	Obdett Calzada	02/12/2013 10:56 AM
Budget & Management	Obdett Calzada	02/12/2013 10:56 AM
Auditor's Office		
Purchasing Department		

Form Started By: Monica Badillo

Started On: 02/12/2013 10:36 AM

AI-36995

Open Session 9. C.

CC REGULAR

Meeting Date: 02/15/2013

Submitted By: Monica Badillo, EXECUTIVE  
OFFICE

Department: EXECUTIVE OFFICE

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**Information**

**CAPTION**

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Budget & Management	Obdett Calzada	02/12/2013 10:56 AM
Auditor's Office		
Purchasing Department		
Form Started By: Monica Badillo		Started On: 02/12/2013 10:37 AM