

# COUNTY of HIDALGO

Precinct No. 2



*Alfredo Torres*  
County Administrator

Date: July 1, 2013

County: Hidalgo  
Federal Project No.: N/A  
Highway: Thomas Road

Parcel: 4  
From: South McColl Road  
To: Jackson Road

**BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED NO. 7011-1570-0000-3620-8605**

Hutto Land Company LLC, W.D. Moschel  
and The Kathleen S. Wild Family Trust  
P.O. Box 2814  
McAllen, Texas 78502-2814

Dear Hutto Land Co. LLC, W.D Moschel and Kathleen S. Wild Family Trust,

In acquiring property for the highway system of Texas, for the County of Hidalgo (the "County") 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 County's negotiator, Lupe Rodriguez or Jaime Salinas, a portion of your property located at the between McColl and Jackson Roads as described in the enclosed property description Exhibit "A", is to be acquired for the improvement of Thomas Road 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 County on behalf of the State is authorized to offer you \$ 37,740.00 for your property, which includes \$37,740.00 for the property to be purchased and \$0.00 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 County of Hidalgo. In accordance with State law, it is the policy of the County 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>
No improvements to be damaged	\$ 0.00

Administration Office  
400 West Hall Lane, Suite C  
Pharr, TX 78877  
Tel: 356-407-4391 Fax: 356-787-4377

Precinct 2 Shop  
301 E. State St.  
Pharr, TX 78817

If you wish to accept the offer based upon this appraisal, please contact Lupe Rodriguez or Jaime Salinas as soon as possible, at (956) 787-1891, 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 County on behalf of the Cosmmissioners Court 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 Hidalgo County. 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 Mr. Lupe Rodriguez or Mr. Jaime Salinas 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.

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

Sincerely,

  
Mr. Lupe Rodriguez, Right of Way Agent

Zimbra

elizabeth.montes@co.hidalgo.tx.us

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**Hidalgo County Right-of-Way Acquisition @ southwest corner of Thomas Rd. at Jackson Rd.**

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**From :** Walter Irving Phillips Jr. FAIA  
<irving@irvingphillips.com>

Mon, Jul 08, 2013 02:12 PM

**Subject :** Hidalgo County Right-of-Way Acquisition @ southwest corner of Thomas Rd. at Jackson Rd.

**To :** Lupe Rodriguez  
<luperodriguez@cityofsanjuantexas.com>

**Cc :** Leonel Garza Jr. <leonel3@aol.com>, elizabeth montes <elizabeth.montes@co.hidalgo.tx.us>

Elizabeth Montes, appreciate your getting a copy of this to Commissioner Palacios.

RE: Counter Offer

To Whom It May Concern:

This is to acknowledge that after reviewing the Real Estate Appraisal Report for Acquisition of Property at Southwest Corner of S. Jackson Rd. and Thomas Road, Hidalgo County, Texas that Kathleen S. Wild hereby counters the estimated unit value of fee simple area quoted on page 3.2 "Valuation of Part to be Acquired" at \$60,000/per acre be adjusted to \$68,600/acre. The additional amount is in recognition of the fact that the "right-of-way part" is being taken from a parcel that is platted in two tracts: Tract I is 16.39 net acres and Tract II is 1.44 net acres of the southwest corner of Thomas and Jackson Rds.. According to the Appraisal Report the most similar Comp. size to the acquisition parcel is Comp. #3 is 10.57 acres, which is 62% (plus or minus). What is not recognized in the appraisal is the highest and best use of Tract I vs. Tract II. Tract II is a commercial corner with a signalized traffic control and should be valued as a high commercial use and a small 1.44 net acre site. In calculating the appraised value of Tract I should reflect a value of Comp. #3, a sale of \$56,764 per acre X 62% of the acquisition value or \$35,190/acre and Tract II value should be at \$5/sq. ft. or \$217,800 per acre.

Tract I should account for 81.7% of the acquisition price and Tract II 18.3% of the acquisition price resulting in an increase in the estimated value of the fee simple area of \$60,000/acre to \$68,600/acre thereby the estimated value of the acquisition of 0.629 sq. ft. X \$68,600/acre which results in the value of the acquisition being \$43,150 rather than \$37,740.

The above reflects consultation with a Texas licensed appraiser. As the road is currently under construction and there have been considerable multiple delays in getting the appraisal, I hope that the county approves my counter offer for the modest increase as soon as possible. Time is of the utmost importance.

Kathleen S. Wild

Phillips.Wild  
4409 Mt. Vernon  
Houston, TX 77006-5813  
+1 713.521.0112  
irving@irvingphillips.com  
<http://iphillipswild.com>

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

Address of Property: Southwest Corner of S. Jackson Road and Thomas Road, Hidalgo County, Texas. District: Pharr  
 Property Owner: Hutto Land Company LLC ROW CSJ: N/A  
 Address of Property Owner: PO Box 2814, McAllen Texas 78502-2814 Parcel: 4  
 Occupant's Name: Vacant Federal Project No: N/A  
 Whole:  Partial:  Acquisition Highway: Thomas 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 \$37,740 as of February 11, 2013, based upon my independent appraisal and the exercise of my professional judgment; on June 25, 2013, (date)(s), I personally inspected in the field the property herein appraised; I afforded Hutto Land Company LLC, 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 June 25, 2013, 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 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

June 26, 2013  
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 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. The part to be acquired is for the expansion and renovation of Thomas 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 in the name of the County of Hidalgo, Texas. 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. 11/2011. 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**

On behalf of the 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 103 East Park Avenue, Pharr, Texas. The scope of the assignment is to appraise the fee value of the area to be acquired 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 Minnesota Road, Owassa 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 County of Hidalgo. 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 negotiations. 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, Fifth Edition, copyright 2010, page 78, 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." 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**

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 January 25, 2013. A copy of the certified letter is located within the addenda of this report. 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 south of the southern frontage of Thomas 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**

During the analysis of the subject property it was determined that the overall land area of 16.724 acres (As per field notes provided) shall be utilized as the economic unit of the subject property for the analysis of the part to be acquired. This land area is indicative of the market trends within the immediate area and shall be utilized for the direct sales comparison approach to value in order to determine the current market value of the whole. Once the unit rate for the subject is established, a pro-rata part of the whole is applied the determination of the part to be acquired.

**Part To Be Acquired**

The proposed acquisition is comprised of fee land in which the part to be acquired is 1.260 acres of which 0.631 acres is located within existing road right-of-way. The net land area to be acquired is indicated to be 0.629 acres of which has approximately 1,373.77 lineal feet of frontage along the south line of Thomas Road right of way. 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 for light industrial use as indicated by the surrounding market. This use is also based on the local market trends along Thomas Road, McColl Road and Border Road. This highest and best use is further explained on page 3.1 of this report.

<b>To Be Acquired (Net)</b>	<b>0.629 Acres</b>
	<b>27,399 Square Feet</b>

**Legal Description: Part To Be Acquired**

Being a 1.26 acre tract of land out of a 16.724 acre tract out of Lot 3, Block 11, A.J. McColl Subdivision, Hidalgo County Texas, as per map recorded in Volume 21, Page 598, Deed Records of Hidalgo Count, 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**

According to the information provided by the Hidalgo County Appraisal District located at located at 4405 S. Professional Dr., Edinburg, Texas and accessed via internet [www.hidalgoad.org](http://www.hidalgoad.org). The subject property was indicated to be under the ownership of Hutto Land Company LLC. This was found under the tax account 231316.

<b>OWNER OF RECORD</b>	Hutto Land Company LLC
<b>PROPERTY TAX IDENTIFICATION NO.</b>	231316
<b>IMPROVEMENT VALUE</b>	\$0.00
<b>LAND VALUE</b>	\$523,950
<b>ASSESSED VALUE</b>	\$523,950
<b>EXEMPTIONS</b>	NONE

### **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. 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 to be 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 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 limit. Ruben Puente (956) 239-3314 of the City of Hidalgo, indicated the City of Hidalgo utilities end along the southern line of Dicker Road, the southern project limit. 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.

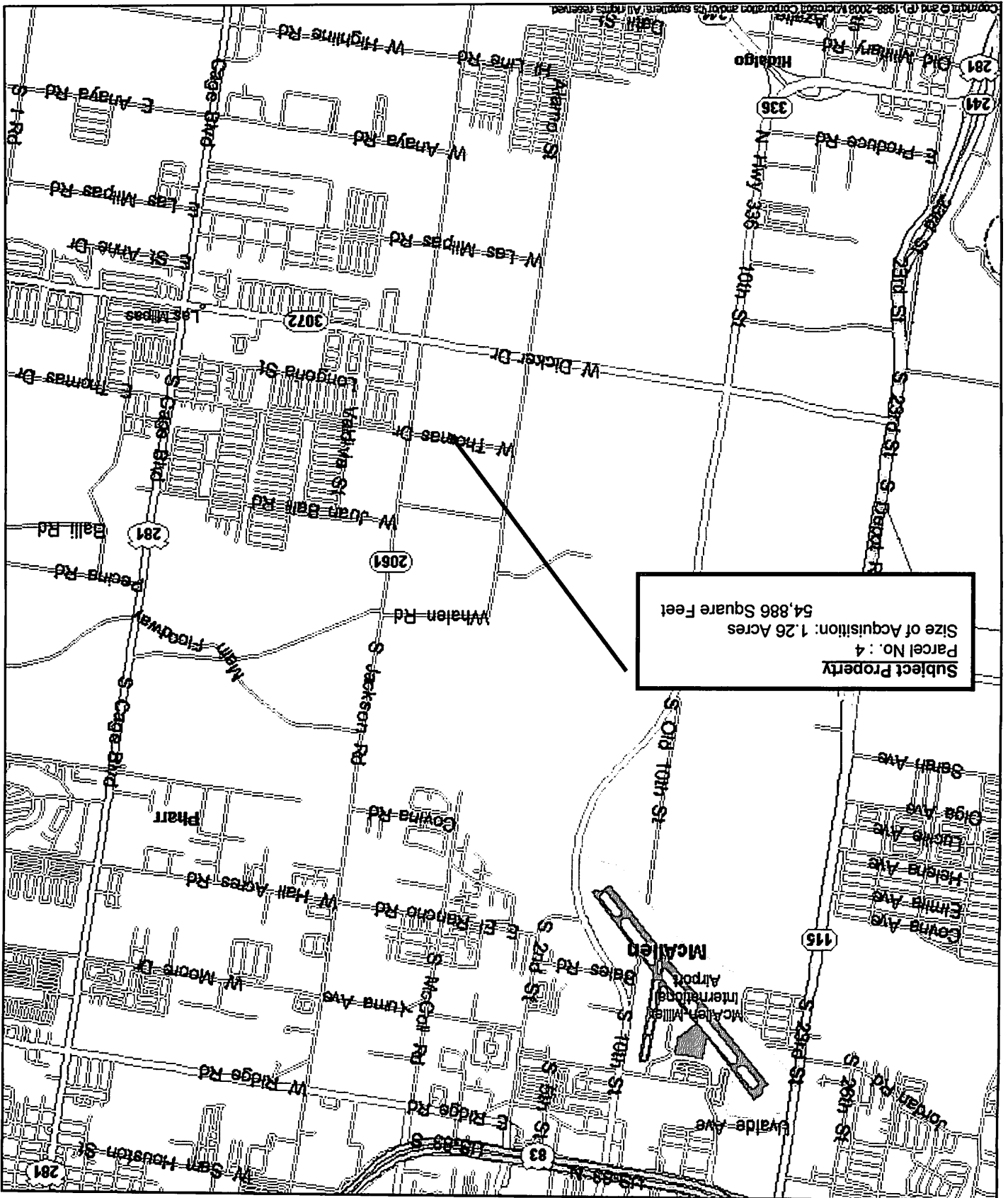
### **Current Listing Status**

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) months 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.

**LOCATION MAP OF SUBJECT PROPERTY**



# AERIAL PHOTOGRAPH OF SUBJECT PROPERTY

Google Earth



**AERIAL PHOTOGRAPH OF PART TO BE ACQUIRED**

Google Earth (Closer View of Subject Property)



**Subject Property**  
Parcel No. : 4  
Size of Acquisition: 1.26 Acres

NOTE: THE PART TO BE ACQUIRED IS ESTIMATED AND DEPICTED BY THE HIGHLIGHTED YELLOW AREA AND RED DASHED LINES. 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.

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

**County: Hidalgo**

**Eng11.109  
January 8, 2013**

**Road: THOMAS ROAD**

**Project Limits: INTERSECTION OF McCOLL ROAD TO THE INTERSECTION OF  
JACKSON ROAD (FM 2061)**

**FIELD NOTES FOR PARCEL -4**

Being a 1.260 acre tract of land out of a 16.724 acre tract out of Lot 3, Block 11, A.J. McColl Subdivision, Hidalgo County, Texas, as per map recorded in Volume 21, Page 598, Deed Records of Hidalgo County, Texas. Said 16.724 acre tract of land is vested to W.D. Moschel, Trustee (1/2 interest) from Thomas H. Benson, Substitute Trustee, by and through his attorney-in-fact, Carl V. Snyder, by virtue of a Substitute Trustee's Deed dated October 7, 1980, recorded in Volume 1691, Page 599, Deed Records of Hidalgo County, Texas, and Kathleen Wild, as trustee of the Kathleen S. Wild Family Trust from Kathleen Wild by virtue of a Warranty Deed dated August 24, 2005, recorded in document No. 1518628, Official Records of Hidalgo County, Texas. Said 1.260 acre tract of land being more particularly described by metes and bounds as follows;

**Beginning** at a cotton picker spindle set at the Northwest corner of Lot 3, Block 11, A.J. McColl Subdivision for the Northwest corner of this tract of land and the **POINT OF BEGINNING**;

**THENCE**, South 81 degrees 27 minutes 10 seconds East, with the North line of said Lot 3, Block 11, a distance of 1373.77 feet to a cotton picker spindle set for the Northeast corner of this tract of land;

**THENCE**, South 08 degrees 32 minutes 50 seconds West, a distance of 20.00 feet to a No. 4 rebar set (with a plastic cap stamped RGEC) at a Right of Way clip of Jackson Road (FM 2061) for an interior corner of this tract of land;

**THENCE**, South 36 degrees 27 minutes 53 seconds East, with a Right of Way clip of said Jackson Road (FM 2061), a distance of 27.57 feet to a No. 4 rebar set (with a plastic cap stamped RGEC) at the West Right of Way line of said Jackson Road (FM 2061) for an exterior corner of this tract of land;

**THENCE**, South 08 degrees 32 minutes 50 seconds West, with the West Right of Way line of said Jackson Road (FM 2061), a distance of 50.51 feet to a No. 4 rebar set (with a plastic cap stamped RGEC) for the Southeast corner of this tract of land;

**THENCE**, North 36 degrees 27 minutes 10 seconds West, with the Proposed Right of Way clip of said Jackson Road (FM 2061), a distance of 70.71 feet to a No. 4 rebar set (with a plastic cap stamped RGEC) for an interior corner of this tract of land;

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

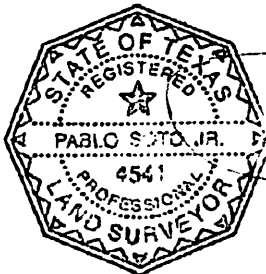
**THENCE**, North 81 degrees 27 minutes 10 seconds West, with the Proposed South Right of Way line of Thomas Road, a distance of 1268.27 feet to a No. 4 rebar set (with a plastic cap stamped RGEC) at the West line of said 16.724 acre tract of land for the most Easterly Southwest corner of this tract of land;

**THENCE**, North 08 degrees 32 minutes 50 seconds East, with the West line of said 16.724 acre tract of land, a distance of 20.00 feet to a No. 4 rebar set (with a plastic cap stamped RGEC) at the Existing South Right of Way line of said Thomas Road for an interior corner of this tract of land;

**THENCE**, North 81 degrees 27 minutes 10 seconds West, with the Existing South Right of Way line of said Thomas Road, a distance of 75.00 feet to a No. 4 rebar set (with a plastic cap stamped RGEC) at the West line of said Lot 3, Block 11, for the most Westerly Southwest corner of this tract of land;

**THENCE**, North 08 degrees 32 minutes 50 seconds East, with the West line of said Lot 3, Block 11, a distance of 20.00 feet to the **POINT OF BEGINNING** and containing 1.260 of an acre of land of which 0.631 of an acre of land lies within the existing Right of Way of said Thomas Road and leaving a **Proposed Net Taking** of 0.629 of an acre of land, more or less.

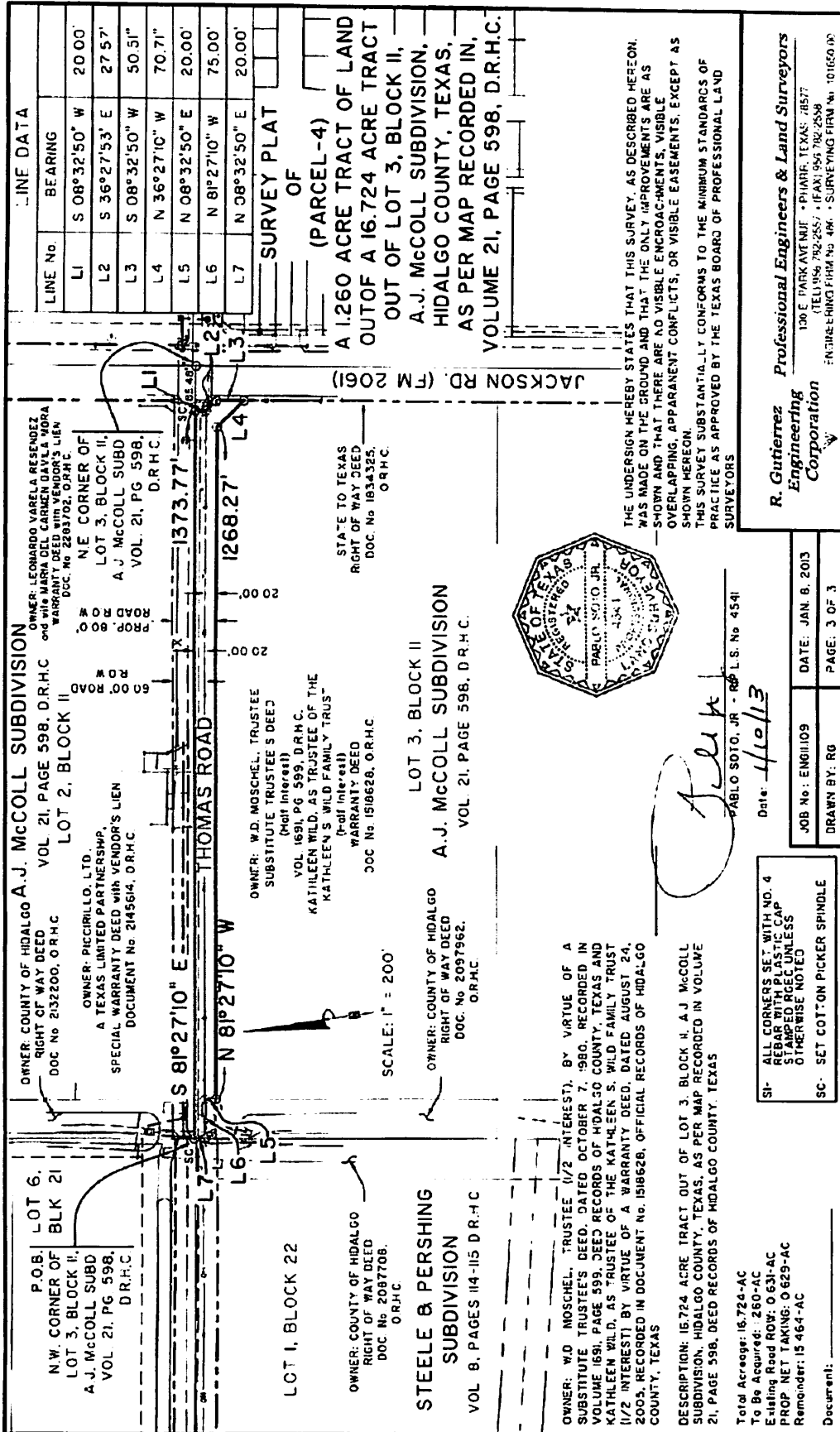
I, Pablo Soto, Jr., a Registered Professional Land Surveyor in the State of Texas, do hereby state that the above metes and bounds are true and are the result of an actual survey performed on the ground under my direction.



*Pablo Soto, Jr.*  
Pablo Soto, Jr. - R.P.L.S. No. 4541

Date: *11/10/13*

**SURVEY OF PART TO BE ACQUIRED (Page 3 of 3)**



**Yellow Highlighted Area = Proposed Right of Way**

**PHOTOGRAPHS OF SUBJECT PROPERTY**

Parcel No.: 4

Date Taken: February 11, 2013

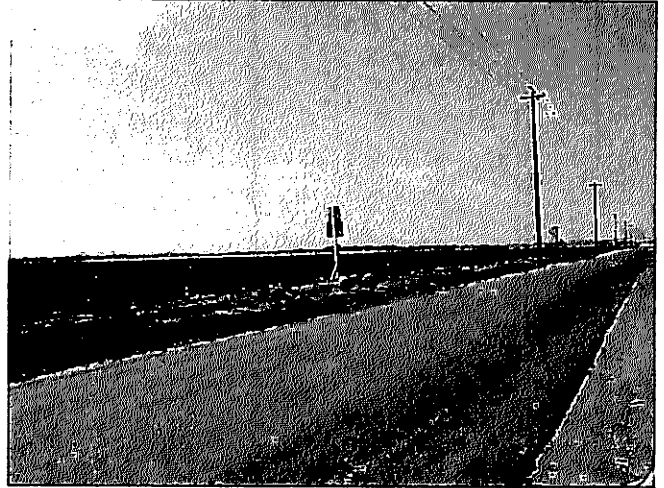
Point which taken: Photo 1: Jackson Road  
Point which taken: Photo 2: Thomas Road



View of the south west corner of South Jackson Road and Thomas Road.

Local Address: Located off the SWC of South Jackson Road and Thomas Road, Hidalgo County, Texas.  
Taken By: Leonel Garza III

Looking: Photo 1: South Western View  
Looking: Photo 2: South Western View



South western view of the proposed acquisition area along Thomas Road.

Point which taken: Photo 3: Thomas Road  
Point which taken: Photo 4: Thomas Road



Eastern view illustrating the proposed acquisition area along Thomas Road.

Looking: Photo 3: Eastern View  
Looking: Photo 4: Eastern View



Another view of the proposed acquisition area along Thomas Road.

**DESCRIPTION OF PROPERTY:**

The subject property, as a whole, is a 16.724 acre tract of land currently being utilized for row crop farming located at the southwest corner of Thomas Road and S. Jackson Road. The part to be acquired extends along the frontage of Thomas Road westward approximately 1,373.77' lineal feet according to the survey provided by R. Gutierrez Engineering Corporation, Dated December 19, 2012. This land area is indicated to be a gross 1.260 acres of which 0.631 acres located within existing road right of way, leaving a net land are to be acquired of 0.629 acres. This land area currently in fee simple, shall be calculated at 100% of the unit value derived from the sales comparison of said tract for the proposed acquisition of said tract in the name of Hidalgo County.

**AREA OR NEIGHBORHOOD ANALYSIS:**

The subject neighborhood along Thomas Road is primarily utilized for agricultural purposes west of South Jackson Road. Located east of the project is South Jackson Road, a major thoroughfare within the City of Pharr to the north and City of Hidalgo to the south of which intersects with Military Highway. The land area east of Jackson Road is a mixture of agricultural, residential, light industrial and general commercial use properties. Several properties along Jackson Road are in a state of development as new subdivisions are being created due to the increase in demand in the area. The Office of Leonel Garza Jr. & Associates LLC has inspected the market area along Thomas Road and the surrounding market area and has found this type of development consistent with the overall market trends in the immedinate market area as well as the nearby City of Pharr and neighboring City of McAllen and Hidalgo.

**SITE ANALYSIS:**

**Five Year Sales History:**

During the course of the appraisal, it was determined via the Hidalgo County Appraisal District that the subject property is being assessed under the ownership of Hutto Land Company LLC. The property was transferred from W.D. Moschel (Grantor) to Hutto Land Company LLC (Grantee) on December 27, 2012. A copy of the Hidalgo County Appraisal District card is located in the Addenda of this report.

**Legal Description: [Whole Property]**

Being a 16.724 acre tract of land out of Lot 3, Block 11, A.J. McColl Subdivision, Hidalgo County Texas, as per map recorded in Volume 21, Page 598, Deed Records of Hidalgo Count, Texas.

**Legal Description: [Part To Be Acquired]**

Being a 1.26 acre tract of land out of a 16.724 acre tract out of Lot 3, Block 11, A.J. McColl Subdivision, Hidalgo County Texas, as per map recorded in Volume 21, Page 598, Deed Records of Hidalgo Count, Texas.

**Improvements:**

The part to be acquired does not contain any site nor building improvements noted as per date of appraisal. In the event structural or site improvements must be re-established within the remainder, a cost to cure shall apply and be added to the compensation of the part to be acquired. All site improvements effected by the part to be acquired shall be itemized on page 5.0 of this report for purposes of determining compensation. In addition, any utilities located within the acquisition area shall be relocated as an item of construction and shall not be included within the compensation of the subject property.

**Highest & Best Use Analysis:**

The subject's highest and best use as vacant and as if improved is indicated for either commercial retail to light industrial development. This type of use is concurrent with the recent trends located along Thomas Road within Hidalgo County, Texas. This highest and best use is based on the determined economic unit of the subject property as whole which is being acquired in the name of the County of Hidalgo. When a property is evaluated, the highest and best use must always be considered. In the current case, the highest and best use of the whole is determined to be for light industrial use based on several factors. Factors taken into consideration are defined by The Dictionary of Real Estate Appraisal, Fourth Edition, copyright 2002, page 135, by the Appraisal Institute as being: "The reasonably probable and legal use of vacant land or an improved property, which is physically possible, appropriately supported, financially feasible, and there results in the highest value. The four criteria the highest and best use must meet are legal permissibility, physical possibility, financial feasibility, and maximum productivity." The scope of the assignment is to evaluate the subject property as a whole, part to be acquired, and the remainder before and after the acquisition, while excluding project influence as required by the Texas Department of Transportation and is reported under the conditions set forth by Standards Rule 1-4(f) under the Jurisdictional Exception provision as defined by the Uniform Standards of Professional Appraisal Practice (USPAP). After a review of the each of these factors, it was determined that the trends in the market place in the foreseeable future is for continued commercial and or light industrial use before and after the acquisition.

**VALUATION OF PART TO BE ACQUIRED**

**LAND VALUATION**

**Representative Comparable Sales**

	<b>Subject</b>	<b>Comp. No. 1</b>	<b>Comp. No. 2</b>	<b>Comp. No. 3</b>
Grantor	W.D. Moschel aka William D. Moschel & W.D. Moschel, Trustee	Kathleen Wild Family Trust	Bill Burns Et Al	Brush Country Investments III
Grantee	Hutto Land Company, LLC	Omar Rodriguez Longoria & Laura Elena Soberon Moreno	Javier Cantu Barragan	Leonardo Varela Resendez and Maria Del Carmen Davila Mora
Date	December 27, 2012	May 22, 2012	April 25, 2011	February 14, 2012
Sales Price	\$ -	\$ 325,000	\$ 900,000	\$ 600,000
Unit Price	\$ - / Acre	\$ 108,333 / Acre	\$ 50,000 / Acre	\$ 56,764 / Acre
Conditions of Sale	Cash To Seller	Similar 0%	Similar 0%	Similar 0%
Relative Location	Average	Similar 0%	Similar 0%	Similar 0%
Lot Location	Cul de Sac Lot	Corner -10%	Interior 0%	Corner -10%
Market Conditions	Average	Similar 0%	Similar 0%	Similar 0%
Physical Characteristics	Typical of Market	Similar 0%	Similar 0%	Similar 0%
Financing	Conventional	Similar 0%	Similar 0%	Similar 0%
Available Utilities	All Municipal Utilities Available	Water / Phone / Elec - Sewer Available in Future 0%	All Municipal Utilities Available -5%	Elec/Phone (Water and Sewer at Dicker Road) 0%
Frontage	Thomas Road and Jackson Road	SEC of McColl Road and Thomas Road 0%	W. Anaya Road 0%	NWC Jackson Road and Thomas Road 0%
Size of Tract (SF)	16.724 Acres	3.00 Ac -30%	18.00 Ac 0%	10.57 Ac 0%
Net Adjustments		-40%	-5%	-10%
Indicated Unit Value		\$ 65,000 / Acre	\$ 47,500 / Acre	\$ 51,088 / Acre
Estimated Unit Value of Fee Simple Area				\$ 60,000 / Acre
Estimated Value by Sales Comparison Approach		(0.629 Sf x \$60,000 / Acre		\$ 37,740

### COMPARABLE DATA SUPPLEMENT

District: NA Parcel No.: 4 Highway: Thomas Road  
County: Hidalgo ROW CSJ: N/A

Land Sale

Improved Sale

Rental Data



Grantor/Lessor: Kathleen S. Wild Family Trust Grantee/Lessee: Omar Rodriguez Longoria & Laura Elena Soberon Moreno

Date: May 22, 2012 Recording Information: Document No. 777673 Key Map: N/A

Address: Southeast Corner of McColl Road and W. Thomas Road, Pharr, Texas. Zip Code:

Legal Description: A 3.00 Acre tract of land out of Lot 1, Block 22, Steele & Pershing Subdivision, Hidalgo County, Texas as per map or plat thereof recorded in Volume 8, Page 115, Deed Records, Hidalgo County, Texas.

Confirmed Price: \$ 325,000 Verified with: HUD Statement Provided by Kathleen S. Wild

Terms and Conditions of Sale: Cash To Seller

Rental Data: N/A

Land Size: 3.00 Acres

Unit Price: \$ 108,333 / Acre

Type Street: Future Expansion of McColl Road

Utilities: Water / Phone / Electricity

Improvement(s) Description: None

Improvement(s) Size: N/A (GBA): N/A (NRA): N/A

Unit Price as Improved \$: N/A

Condition and Functional Design: N/A

Current Use: Vacant

Highest & Best Use: Mixed Use Development

Date of Inspection: May 15, 2013

Zoning: N/A

Flood Plain: Zone C

Attach additional information as necessary:

Appraiser: Leonel Garza III  
(Typed, not signed)

June 26, 2013  
Date

### COMPARABLE DATA SUPPLEMENT

District: Pharr Parcel No.: 4 Highway: Thomas Road  
County: Hidalgo ROW CSJ: N/A

Land Sale

Improved Sale

Rental Data



Grantor/Lessor: Bill Burns Et Al

Grantee/Lessee: Javier Cantu Barragan

Date: May 18, 2011

Recording Information: Document 2207622

Key Map: N/A

Address: W. Anaya Road, ¼ Mile West of S. Cage Boulevard, Pharr, Texas

Zip Code: 78577

Legal Description: The north ½ of 357, Kelly Pharr Subdivision, Hidalgo County, Texas, Save and Except 2.00 acres as per metes and bounds.

Confirmed Price: \$900,000

Verified with: MLS #A146882

Terms and Conditions of Sale: Cash To Seller

Rental Data: N/A

Land Size: 20.00 Acres (Gross) (16.75 Acres Net)

Unit Price: \$53,731.00 per acre

Type Street: Asphalt Paved

Utilities: Water, Electricity & Phone

Improvement(s) Description: None

Improvement(s) Size: N/A (GBA): N/A (NRA): N/A

Unit Price as Improved \$: N/A

Condition and Functional Design: N/A

Current Use: Agricultural Use

Highest & Best Use: Commercial Use

Date of Inspection: December 6, 2011

Zoning: Industrial Zone

Flood Plain: N/A

Attach additional information as necessary.

Property is located just north of the Pharr Industrial Park approximately ½ mile north of the Pharr International Bridge. All utilities available to the site. Original asking price was \$1,044,000 and was on the market for 158 days by Davis Real Estate. Tax ID K2400-00-000-0357-15.

Appraiser: Leonel Garza III  
(Typed, not signed)

June 26, 2013  
Date





**Explanation of Adjustments with Reconciliation:**

During the analysis of the acquisition area, the value for the subject property as a whole or economic unit was determined. This determination of market value is utilized for the valuation of the proposed acquisition which is a pro-rata part of the whole. The local market and extended market was searched for comparable sales of which contained similar frontage along Thomas Road, Jackson Road, McColl Road, Anaya Road and other arterials in the area with similar type of surrounding developments and overall highest and best use. Each of the sales utilized are located within the market area and are the most comparable located in the market place of which all information pertinent to the transaction could be verified. Several sales were located within this parameter of which had occurred within the past three years. Three sales were selected which were the most comparable to the subject property and required the least number of adjustments. These sales were reviewed for location, available utilities, financing, site utility, topography and other factors of which the real estate market shall recognized for the purchase of said tracts. Due to the similarity of the comparable's to the subject property, limited adjustments were required except for the difference in size of Sale No. 1. Based on the existing developments and surrounding land use within the immediate market area, a unit value near the mid range of the adjusted range was selected, \$60,000 per acre. This unit rate shall be applied to the net land area to be acquired by the County of Hidalgo.



## ADDENDUM

1. Certification of Appraisal
2. Assumption & Limiting Conditions
3. Qualification of Appraiser
4. Letter of Inspection Sent To Owner of Record Via Certified Mail
5. Certified Letter Tracking Information
6. Hidalgo County Appraisal District Card
7. Warranty Deed
8. Questionnaire

## Certification of Appraisal

I, Leonel Garza III, certify that, to the best of my knowledge and belief:

- 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, impartial, and unbiased professional analyses, opinions, and conclusions.
- The employment and compensation of this appraiser in completing this appraisal assignment was not based on a requested minimum valuation, a specific valuation, or the approval of a loan.
- I have no present or prospective interest in the property that is the subject of this report and no personal interest with respect to the parties involved.
- I have no bias with respect to the property that is the subject of this report or to the parties involved with this assignment.
- My engagement in this assignment was not contingent upon developing or reporting predetermined results.
- My compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.
- My analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the current *Uniform Standards of Professional Appraisal Practice (USPAP)*.
- I have made a personal on-site and or off-site visit of the property that is the subject of this report based on the permissibility granted at the time of inspection.
- No one other than those mentioned within this certification provided significant real property appraisal assistance to the person(s) signing this certification.
- The reported analyses, opinions and conclusions were developed, and this report has been prepared, in conformity with the requirements of the Code of Professional Ethics and the Standards of Professional Appraisal Practice of the Appraisal Institute;
- I certify that the use of this report is subject to the requirements of the Appraisal Institute relating to review by its duly authorized representatives. I also acknowledge that Leonel Garza III is an associate member of the Appraisal Institute and is not an MAI Designated Appraiser, however is currently seeking designation. Leonel Garza III is designated as a Master Real Estate Appraiser through the National Association of Master Appraisers.
- The employment and compensation of this appraiser in completing this appraisal assignment was not based on a requested minimum valuation, a specific valuation. This report was not prepared under the standards required by financial institutions for purposes of applying for a loan
- This appraisal has been completed with the extraordinary assumption, that any and all access denial issues are clearly stated within the scope of this assignment and have been included within the surveys and field notes provided by client. The Texas Department of Transportation can control access in the future by way of permit at the time of redevelopment or re-subdivision of the subject property and or by way of the Access Management Policy enacted by the State of Texas. This assignment was engaged in accordance with Section 21.042(d) of the Texas Property Code, as amended by SB 18 of the Texas 82<sup>nd</sup> Regular Legislative Session as follows:
- "(d) In estimating injury or benefit under Subsection ©, the special commissioners shall consider an injury or benefit that is peculiar to the property owner and that relates to the property owner's ownership, use, or enjoyment of the particular parcel of real property including a material impairment of direct access on or off the remaining property that affects the market value of the remaining property, but they may not consider an injury or benefit that the property owners experiences in common with the general community, *including circuity of travel and diversion of traffic*. In this subsection, 'direct access' to the remainder after the state's means ingress and egress on or off a public road, street, or highway at a location where the remaining property adjoins that road, street or highway"



Leonel Garza III  
General Certified Real Estate Appraiser  
License No. TX 1328375 – General

## **ASSUMPTIONS AND LIMITING CONDITIONS**

### **This report has been prepared with the following general assumptions:**

1. No responsibility is assumed for the legal description or for matters including legal or title considerations. Title to the property is assumed to be good and marketable unless otherwise stated.
2. The property is appraised free and clear of any or all liens or encumbrances unless otherwise stated.
3. Responsible ownership and competent property management are assumed.
4. The information furnished by others is believed to be reliable, but no warranty is given for its accuracy.
5. All engineering is assumed to be correct. The plot plans and illustrative material in this report are included only to assist the reader in visualizing the property.
6. It is assumed that there are no hidden or un-apparent conditions of the property, subsoil, or structures that render it more or less valuable. No responsibility is assumed for such conditions or for arranging for engineering studies that may be required to discover them.
7. It is assumed that the property is in full compliance with all applicable federal, state, and local environmental regulations and laws unless the lack of compliance is stated, described, and considered in the appraisal report.
8. It is assumed that all required licenses, certificates of occupancy, consents, or other legislative or administrative authority from any local state, or national government or private entity or organization have been or can be obtained or renewed for any use on which the value estimate contained in this report is based.
9. It is assumed that the use of the land and improvements is confined within the boundaries or property line of the property described and that there is no encroachment or trespass unless noted in the report.
11. Unless otherwise stated in this report, the existence of hazardous material, which may or may not be present on the property, was not observed by this appraiser. The appraiser does not have any knowledge of the existence of such material on or in the property. The appraiser, however, is not qualified to detect such substances. The presence of substances such as asbestos, urea-formaldehyde foam insulation, or other potentially hazardous materials may affect the value of the property. The value estimate is predicated on the assumption that there is no such material on or in property that would cause a loss in value. No responsibility is assumed for any such conditions, or for any expertise or engineering knowledge required to discover them. The client is urged to retain an expert in this field, if desired.

### **General Limiting Conditions:**

1. Any allocation of the total value of the total valuation in this report between land and improvements applies only under the stated program of utilization. The separate allocations for land and buildings must not be used in conjunction with any other appraisal and are invalid if so used.
2. Possession of this report, or a copy thereof, does not carry with it the right of publication.
3. The appraiser, by reason of this appraisal, is not required to give further consultation, testimony, or be in attendance in court with reference to the property in question unless arrangements have been previously made.
4. Neither all or any part of the contents of this report (especially any conclusions as to value, the identity of the appraiser, or the firm with which the appraiser is connected) shall be disseminated to the public through advertising, public relations, news, sales, or other media without the prior written consent and approval of the appraiser.
5. If the property rights appraised are the "Leased Fee Estate", then the Final Indicated Market Value Estimate is based on the continued performance under the lease terms.
6. The original and one copy of this report have been signed in blue ink. Any other copy, which is not signed in blue may have been altered, and this appraiser is not responsible for its contents or value indicated.

### **Assumptions and Interpretations Made by Appraiser of the Marketing Period**

1. Indicated Marketing Time: Begins with the date of value estimate and the exposure time indicated.
2. Exposure to the Open Market: Listing the property on the market for sale with a Realtor, member of Multiple Listing Service, or a licensed Real Estate Broker, that will properly expose the property to the Market. This appraiser does not consider a sign placed by a bank on the property as proper marketing. If the property is presently listed for sale on the market, this appraiser must be notified prior to the completion of the appraisal.
3. Exposure Time: 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.

## QUALIFICATIONS OF APPRAISER

The office of Leonel Garza Jr. & Associates LLC is owned and operated by Leonel Garza III. A company founded by Leonel Garza Jr. who was a commercial real estate appraiser for more than 25 years upon his passing in 1998. Leonel Garza III continued the family business to this day, concentrating on general commercial properties and right-of-way acquisition projects for more than 13 years. The office of Leonel Garza Jr. & Associates LLC contains three (3) General Certified Appraisers in total and several supporting staff members all located at 1419 Dove Avenue, Suite #1, McAllen, Texas. The following is a synopsis of the qualifications of Leonel Garza III and the public service organizations involved in with the County of Hidalgo and the City of McAllen.

### Education

Graduate, 1995, Texas A&M University, College Station, Texas (Bachelor of Science in Biomedical Science)  
Graduate, 1991 McAllen Memorial High School, McAllen, Texas

### Licenses

#### **State Certified General Real Estate Appraiser**

Number TX - 1328375-General  
Licensed Since December 31, 1998  
Expires: December 31, 2014 (Active)

#### **State Certified Property Tax Consultant**

Number TX – 00003181  
Licensed Since May 20, 2002  
Expires: June 16, 2014 (Active)

### Public Service Organizations

#### **Associate Member of the Appraisal Institute**

Currently taking courses toward the designation of MAI through the Appraisal Institute.

#### **National Association of Master Appraisers**

Designated as a Master Senior Appraiser in 2006 by the National Association of Master Appraisers. This designation is obtained thru educational requirements and experience.

#### **Associate Member of the International Right of Way Association (IRWA) (Member # 7899430)**

#### **Board Member of the City of McAllen Planning and Zoning Board**

This board is charged with submitting reports, plans, and recommendations to the City Commission for the orderly growth, development, and welfare of the City. They review and make recommendations on zoning change requests, conditional use permits for longer than one year, and variances to Subdivision Ordinance requirements for development.

#### **Former Chairman of the City of McAllen Zoning Board of Adjustments and Appeals**

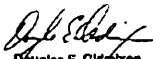
This city board has the duty to hear and decide appeals where it is alleged there is error in any requirement, or determination made administratively in the enforcement of the Zoning Ordinance. The Board hears appeals that grant variances to setback requirements and special exceptions to reconstruction of nonconforming buildings.

#### **Chairman of the Hidalgo County Subdivision Advisory Board**

This county board on subdivision reviews primary goal is to ensure that proper standards, set by Texas Water Development Board and the Texas Subdivision Model Rules and or opinions from the Texas State Attorney Generals Office, are conducted in the development of proposed subdivision within the County of Hidalgo and or Extraterritorial Jurisdiction of municipalities throughout the County of Hidalgo. The boards secondary function is to review applications for variances against the Flood Plain Administrators decisions of the base flood elevations throughout the County of Hidalgo.

#### **Chairman of the Hidalgo County Building Line of Adjustments**

This county board reviews applications of variances to general set-back regulations set forth by the County of Hidalgo. This review includes the review of existing and or proposed encroachments into set-backs, easements, road right-of-way set-back, subdivision plat requirements and or requirements set forth by adjoining municipalities of which the subject is within the extraterritorial jurisdiction.

<b>Texas Appraiser Licensing and Certification Board</b> P.O. Box 12188 Austin, Texas 78711-2188 <b>Certified General Real Estate Appraiser</b>		
Number:	<b>TX 1328375 G</b>	
Issued:	<b>01/03/2013</b>	Expires: <b>12/31/2014</b>
Appraiser:	<b>LEONEL GARZA III</b>	
<small>Having provided satisfactory evidence of the qualifications required by the Texas Appraiser Licensing and Certification Act, Texas Occupations Code, Chapter 1103, is authorized to use this title, Certified General Real Estate Appraiser.</small>		
		 <small>Douglas E. Oldmixon Commissioner</small>

**Vice Chairman of the City of McAllen Traffic Board**

Makes recommendations to the City Commission in order to reduce and eliminate traffic congestion and flow throughout the City . (Elected Vice Chairman 01/26/10)

**Former Executive Board Member of the Lower Rio Grande Valley Boy Scouts Council**

The goal of the council is to maintain membership and the continued progress of the boy scouts within the Lower Rio Grande Valley. The council shall maintain progress reports of financial status of the council and plan for events worldwide which local children may participate as a representative of the council. These events include the World Jamboree and the National Jamboree.

**Former Vice Chairman of the City of McAllen Ambulance Advisory Committee**

Evaluates and reports to the City Commission on the operation of the emergency ambulance service rendered by company or companies rendering such service.

**Former Member of the City of McAllen Building Board of Adjustments and Appeals**

The BBOA reviews the decision of City Staff for the demolition of properties deemed unsafe through the City for a variety of reasons. The board review all facts and concerns and make the decision to secure or proceed with demolition based upon the safety of the neighboring property owners and occupants. The greatest concern for the commission is the safety of the surrounding neighborhood occupants.

**Former Member of the Pharr Municipal Park Charter Committee**

Appointed in 1998-1999, our goal was to establish a 103 acre master planned recreational park to the City of Pharr during our membership with the City of Pharr Leadership Class X.

**Member of The McAllen Palm City Lions Club**

Direct the fund raising for the annual Thanksgiving Drive on behalf of Lion Leonel Garza Jr. who founded the drive more than 20 years ago. In 2005 & 2006, the club raised funds to feed 60 family's throughout the City of McAllen.

**Work Experience**

Employee of Leonel Garza Jr. & Associates since 1990

State Certified General Real Estate Appraiser since December 31, 1998

Owner of G-3 Acquisitions which primary focus is custom commercial and multifamily residential construction and management.

Commercial and residential property manager throughout the City of McAllen & Pharr, Texas.

Licensed Property Tax Consultant Since 2000.

Appraiser Trainee from 1995 thru 1998 under the sponsorship of Leonel Garza Jr. who was a State Certified General Real Estate Appraiser & Board Member of the Texas State Appraisal Review Board from October 23, 1995 Through September 15, 1998. Appointed by Governor George W. Bush for two (2) terms.

**State of Texas**  
**Historically Underutilized Business**  
**Certification and Compliance Program**



The Texas Comptroller of Public Accounts (CPA),  
hereby certifies that

**LEONEL GARZA, JR. & ASSOCIATES, LLC**

has successfully met the established requirements of the  
State of Texas Historically Underutilized Business (HUB) Program  
to be recognized as a HUB.

This certificate, printed 14-AUG-2010, supersedes any registration and certificate previously issued by the HUB Program. If there are any changes regarding the information (i.e., business structure, ownership, day-to-day management, operational control, addresses, phone and fax numbers or authorized signatures) provided in the submission of the business' application for registration/certification as a HUB, you must immediately (within 30 days of such changes) notify the HUB Program in writing. The CPA reserves the right to conduct a compliance review at any time to confirm HUB eligibility. HUB certification may be suspended or revoked upon findings of ineligibility.

*Paul A. Gibson*

Certificate/VID Number: 1742948770900  
File/Vendor Number: 14984  
Approval Date: 09-AUG-2010  
Expiration Date: 09-AUG-2014

Paul A. Gibson  
Statewide HUB Program Manager  
Texas Comptroller of Public Accounts  
Texas Procurement and Support Services Division

Note: In order for State agencies and institutions of higher education (universities) to be credited for utilizing this business as a HUB, they must award payment under the Certificate/VID Number identified above. Agencies and universities are encouraged to validate HUB certification prior to issuing a notice of award by accessing the Internet (<http://www.window.state.tx.us/procurement/cmb/hubonly.html>) or by contacting the HUB Program at (888) 863-5881 or (512) 463-5872.

**CERTIFIED LETTER TRACKING INFORMATION**

**U.S. Postal Service**  
**CERTIFIED MAIL RECEIPT**  
 (Domestic Mail Only - No Insurance Coverage Provided)

For delivery information visit [www.usps.com](http://www.usps.com)

Postage \$	Certified Fee	Return Receipt Fee (Endorsement Required)	Restricted Delivery Fee (Endorsement Required)	Total Postage & Fees \$

Postmark Here  
 JAN 25 2013

Sent to: Hutto Land Company LLC  
 Street, Apt. No. or PO Box No.: P.O. Box 2814  
 City, State, ZIP+4: McAllen, Texas 78502

PS Form 3811, August 2004  
 PSN 7530-01-000-9000

7011 0470 0003 0645 2541

**SENDER: COMPLETE THIS SECTION**

1. Article Addressed to:  
 Hutto Land Company LLC  
 P.O. Box 2814  
 McAllen, Texas 78502  
 Parcel No 4  
 Thomas Road Project

2. Article Number  
 7011 0470 0003 0645 2541  
 (Transfer from service label)

PS Form 3811, February 2004  
 Domestic Return Receipt  
 102585-02-M-1540

3. Service Type  
 Certified Mail  
 Express Mail  
 Registered  
 Insured Mail  
 Registered Mail  
 Return Receipt for Merchandise  
 E.O.D.

4. Restricted Delivery? (Extra Fee)  Yes  No

D. Is delivery address different from item 1?  Yes  No  
 If YES, enter delivery address below

E. Received by (Printed Name)  
 John W. Brooks

C. Date of Delivery  
 JAN 28 2013

A. Signature  
 John W. Brooks

Agent  
 Addressee

**COMPLETE THIS SECTION ON DELIVERY**

1. Article Addressed to:  
 Hutto Land Company LLC  
 P.O. Box 2814  
 McAllen, Texas 78502  
 Parcel No 4  
 Thomas Road Project

2. Article Number  
 7011 0470 0003 0645 2541  
 (Transfer from service label)

PS Form 3811, February 2004  
 Domestic Return Receipt  
 102585-02-M-1540

# HIDALGO COUNTY APPRAISAL DISTRICT CARD

Hidalgo CAD

Property Search Results > 231316 HUTTO LAND COMPANY LLC for Year 2013

**Property**

**Account**

Property ID: 231316      Legal Description: MCCOLL TRACT N573.24' LOT 3 BLK 11 19.19AC GR 14.97AC NET  
 Geographic ID: M2650-00-011-0003-00      Agent Code:  
 Type: Real  
 Property Use Code:  
 Property Use Description:

**Location**

Address: S JACKSON RD      Mapsco:  
 TX  
 Neighborhood:      Map ID:  
 Neighborhood CD:

**Owner**

Name: HUTTO LAND COMPANY LLC      Owner ID: 448638  
 Mailing Address: PO BOX 2814      % Ownership: 100.0000000000%  
 MCALLEN, TX 78502-2814

Exemptions:

**Values**

(+) Improvement Homesite Value:	+	\$0	
(+) Improvement Non-Homesite Value:	+	\$0	
(+) Land Homesite Value:	+	\$0	
(+) Land Non-Homesite Value:	+	\$523,950	Ag / Timber Use Value
(+) Agricultural Market Valuation:	+	\$0	\$0
(+) Timber Market Valuation:	+	\$0	\$0
<hr/>			
(=) Market Value:	=	\$523,950	
(-) Ag or Timber Use Value Reduction:	-	\$0	
<hr/>			
(=) Appraised Value:	=	\$523,950	
(-) HS Cap:	-	\$0	
<hr/>			
(=) Assessed Value:	=	\$523,950	

**Taxing Jurisdiction**

Owner: HUTTO LAND COMPANY LLC  
 % Ownership: 100.0000000000%  
 Total Value: \$523,950

Entity	Description	Tax Rate	Appraised Value	Taxable Value	Estimated Tax
CAD	APPRAISAL DISTRICT	0.000000	\$523,950	\$523,950	\$0.00
DR1	DRAINAGE DISTRICT #1	0.075000	\$523,950	\$523,950	\$392.96
GHD	HIDALGO COUNTY	0.590000	\$523,950	\$523,950	\$3,091.31
HCTR2	COUNTY - TRANSPORTATION REINVESTMENT ZONE #2	0.000000	\$523,950	\$523,950	\$0.00
JCC	SOUTH TEXAS COLLEGE	0.150700	\$523,950	\$523,950	\$789.59
R12	ROAD DIST 12	0.000000	\$523,950	\$523,950	\$0.00
SPA	PSJA ISD	1.359200	\$523,950	\$523,950	\$7,121.53
SST	SOUTH TEXAS SCHOOL	0.049200	\$523,950	\$523,950	\$257.78
<b>Total Tax Rate:</b>		<b>2.224100</b>			
<b>Taxes w/Current Exemptions:</b>					<b>\$11,853.17</b>
<b>Taxes w/o Exemptions:</b>					<b>\$11,853.17</b>

**Improvement / Building**

No improvements exist for this property.

**Land**

#	Type	Description	Acres	Sqft	Eff Front	Eff Depth	Market Value	Prod. Value
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1 AC ACREAGE 14.9700 652093.20 0.00 0.00 \$523,950 \$0

**Roll Value History**

Year	Improvements	Land Market	Ag Valuation	Appraised	HS Cap	Assessed
2013		\$0	\$523,950	0	523,950	\$0 \$523,950
2012		\$0	\$523,950	6,242	6,242	\$0 \$6,242
2011		\$0	\$523,950	6,003	6,003	\$0 \$6,003
2010		\$0	\$523,950	6,048	6,048	\$0 \$6,048
2009		\$0	\$523,950	6,272	6,272	\$0 \$6,272
2008		\$0	\$235,778	6,272	6,272	\$0 \$6,272
2007		\$0	\$244,640	6,101	6,101	\$0 \$6,101
2006		\$0	\$244,640	6,116	6,116	\$0 \$6,116
2005		\$0	\$183,480	6,177	6,177	\$0 \$6,177
2004		\$0	\$183,480	6,116	6,116	\$0 \$6,116
2003		\$0	\$183,480	6,101	6,101	\$0 \$6,101

**Deed History - (Last 3 Deed Transactions)**

#	Deed Date	Type	Description	Grantor	Grantee	Volume	Page	Deed Number
1	12/28/2012 12:00:00 AM	SWD	SPEC. W/D	MOSCHEL W D TR:	HUTTO LAND COM			2370103
2	4/4/1996 12:00:00 AM	CONV	CONVERSION	MOSCHEL W D TRI	MOSCHEL W D TR:			514747
3		CONV	CONVERSION	RODRIGUEZ LINDS	MOSCHEL W D TRI	1691	599	

**Tax Due**

# WARRANTY DEED (Page 1 of 3)

Doc-2370103

**NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.**

## Special Warranty Deed

Date: December 27, 2012

Grantor: (1) W. D. MOSCHEL, ALSO KNOWN AS WILLIAM D. MOSCHEL, not joined herein by my wife, because the property hereby conveyed constitute no part of our homestead  
(2) W. D. MOSCHEL, TRUSTEE

Grantor's Mailing Address: Post Office Box 2814  
McAllen, Texas 78502-2814  
Hidalgo County

Grantee: HUTTO LAND COMPANY, L.L.C., a Texas limited liability company

Grantee's Mailing Address: Post Office Box 2814  
McAllen, Texas 78502-2814  
Hidalgo County

Consideration: TEN AND NO/100THS DOLLARS (\$10.00) and other good and valuable consideration.

Property (including any improvements): The Surface Estate Only In and To:

### Tract I:

Unit 2, Building "D", RAYBURN VILLAGE, a condominium in the City of McAllen, Hidalgo County, Texas, all as fully described in the Declaration of Condominium recorded in Volume 4, Page 39 and Volume 4, Page 48, both in Condominium Records of Hidalgo County, Texas; TOGETHER WITH an undivided 0.9 percent interest in and to the common elements declared in said Declaration of Condominium to be appurtenant to such Unit.

### Tract II:

Units No. 1, 2, 3, 4, 5, Building "A", RAYBURN VILLAGE, a Condominium in the City of McAllen, Hidalgo County, Texas, all as fully described in the Declaration of Condominium recorded in Volume 4, Page 39, and Volume 4, Page 48, both Condominium Records of Hidalgo County, Texas and amendment thereof filed for record in the Office of the County Clerk of Hidalgo County, Texas on June 5, 1997, under Clerk's File No. 602921; TOGETHER WITH the undivided interest in and to the common elements declared in said Declaration of Condominium to be appurtenant to each Unit.

### Tract III:

THE NORTH 423.0 FEET OF LOT 1, RAYBURN ESTATES SUBDIVISION, McALLEN, HIDALGO COUNTY, TEXAS, AS RECORDED IN VOLUME 22, PAGE 99, MAP RECORDS.

BEGINNING at the Northeast corner of Lot 1, for the Northeast corner of the following described tract of land; said point being located on the South line of Trenton Road;

THENCE, with the East line of Lot 1, South 8 Deg. 46 Min. West, 423.0 feet to a point, for the Southeast corner hereof;

THENCE, parallel to the North line of Lot 1, North 81 Deg. 14 Min. West, 320.0 feet to a point on the West

## WARRANTY DEED (Page 2 of 3)

line of Lot 1, corner hereof; said point being located on the East line of 60 foot North Main Street;

THENCE, with the West line of Lot 1, and East line of 60 foot North Main Street, North 8 Deg. 46 Min. East, 423.0 feet to the Northwest corner of Lot 1, for the Northwest corner hereof; said point being the intersection with the South line of Trenton Road;

THENCE, with the North line of Lot 1 and South line of Trenton Road, South 81 Deg. 14 Min. East, 320.0 feet the PLACE OF BEGINNING. Containing 3.107 acres of land, more or less.

### SAVE AND EXCEPT:

A tract of land out of Lot 1, RAYBURN ESTATES SUBDIVISION, Hidalgo County, Texas, according to map thereof recorded in Volume 22, Page 99, Map Records of Hidalgo County, Texas; said tract of land being more particularly described by metes and bounds as follows:

BEGINNING at the Northeast corner of Lot 1, for the Northeast corner of the following described tract of land; said point being located on the South line of Trenton Road;

THENCE, with the East line of Lot 1, South 08 degrees 46 minutes West, 148.5 feet to a point, for the Southeast corner hereof;

THENCE, parallel to the North line of Lot 1, North 81 Degrees 14 minutes West, 132.0 feet to a point, for the Southwest corner hereof;

THENCE, parallel to the West line of Lot 1, North 08 degrees 46 minutes East, 148.5 feet to a point on the North line of Lot 1, for the Northwest corner hereof; said point being located on the South line of Trenton Road;

THENCE, with the North line of Lot 1 and the South line of Trenton Road, South 81 degrees 14 minutes East, 132.0 feet to the PLACE OF BEGINNING, containing 0.450 acre of land, more or less.

### TRACT IV:

Lots 5 and 6, SUNRIDGE SUBDIVISION, an Addition to the City of McAllen, Hidalgo County, Texas, according to map thereof recorded in Volume 47, Page 38, Map Records of Hidalgo County, Texas.

### TRACT V:

All of Grantor's undivided  $\frac{1}{4}$  interest in and to the North 19.19 acres of Lot 3, Block 11, A.J. McColl Subdivision, Hidalgo County, Texas, as per survey plat, less and except road right-of-way in South Jackson Road and Thomas Road, and drainage right-of-way on the west boundary line of the property.

### AS TO ALL TRACTS:

SAVE AND EXCEPT, and there is hereby reserved unto Grantors, their heirs and assigns, all oil, gas, and other minerals not previously reserved in and under and that may be produced from the above Property, together with the right of ingress and egress at all times for the purpose of mining, drilling, exploring, operating and developing said lands for oil, gas, and other minerals and removing the same therefrom.

Reservations from and Exceptions to Conveyance and Warranty:

Subject To:

All oil, gas, and other mineral reservations of record, if any;

All oil, gas leases and drilling agreements of record, if any;

Easements of record, if any;

Easements and conditions as may be contained in plat of said subdivision, if any;

Easements, rights, rules, and regulations in favor of pertaining water district, if any;

All visible easements and restrictions of record, if any.

All ad valorem taxes for the year 2012 and all subsequent years.

WARRANTY DEED (Page 3 of 3)

Doc-2370103

Grantor, for the Consideration and subject to the Reservations from and Exceptions to Conveyance and Warranty, grants, sells, and conveys to Grantee the Property, together with all and singular the rights and appurtenances thereto in any way belonging, to have and to hold it to Grantee and Grantee's heirs, successors, and assigns forever. Grantor binds Grantor and Grantor's heirs and successors to warrant and forever defend all and singular the Property to Grantee and Grantee's heirs, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof when the claim is by, through, or under Grantor but not otherwise, except as to the Reservations from and Exceptions to Conveyance and Warranty.

For the same Consideration, Grantor hereby grants, sells, conveys, assigns and delivers to Grantee, without covenant or warranty express or implied (whether under Section 5.023 of the Texas Property Code or otherwise), all right, title and interest, if any, of Grantor, as owner of the Property but not as owner of any other Property in and to (i) strips or gores, if any, between the Property and abutting properties (except to the extent, if any, that such strips or gores abut or provide access to other properties owned by Grantor), (ii) any land lying in or under the bed of any street, alley, road or right-of-way, opened or proposed, abutting or adjacent to the Property, (iii) any leases and rental agreements (whether written or verbal) that grant a possessory interest in or that otherwise grant rights with regard to the use of all or any portion of the Property, and (iv) any easements, rights of way, rights of ingress and egress or other interests in, on or to, any land, highway, street, road or avenue, open or proposed, in, on, across from, in front of, abutting, adjoining or otherwise appurtenant to the Property, as well as all other rights, privileges and appurtenances owned by Grantor and in any way related to the Property and other rights and interests of Grantor hereunder conveyed, but reserving and retaining unto Grantor, its successors and assigns, the nonexclusive and coextensive right to the use and benefit of the same for the benefit of any other properties owned by Seller to which such rights are appurtenant.

When the context requires, singular nouns and pronouns include the plural.

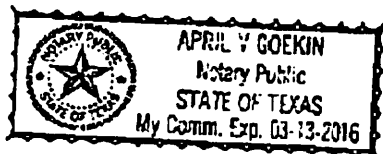
NO TITLE EXAMINATION WAS REQUESTED IN CONNECTION WITH THE PREPARATION OF THIS DOCUMENT NOR WAS ANY MADE. THE PREPARER EXPRESSES NO OPINION AS TO TITLE TO THIS PROPERTY.

*W. D. Moschel*  
W. D. MOSCHEL, INDIVIDUALLY  
AND AS TRUSTEE

(Acknowledgment)

STATE OF TEXAS  
COUNTY OF HIDALGO

This instrument was acknowledged before me on the 28<sup>th</sup> day of December, 2012 by W. D. MOSCHEL, INDIVIDUALLY AND AS TRUSTEE UNDER AN UNDISCLOSED TRUST.



*John Robert King*  
Notary Public, State of Texas

AFTER RECORDING RETURN TO:  
Mr. W. D. Moschel  
Post Office Box 2814  
McAllen, Texas 78502-2814

PREPARED IN THE LAW OFFICE OF:  
JOHN ROBERT KING  
3409 North 10<sup>th</sup> Street  
McAllen, Texas 78501

QUESTIONNAIRE (Page 1 of 2)

Leonel Garza Jr. & Associates LLC  
Appraisal Services Questionnaire – Thomas Road Project

January 24, 2013

The following information is required in order to expedite the completion of appraisal reports requested by the Hidalgo County Precinct No. 2. If there are any questions or concerns, you can contact Leonel Garza III of Leonel Garza Jr. & Associates LLC at (956) 687-7295 or by email at [leonel3@garza-associates.com](mailto:leonel3@garza-associates.com).

1. Parcel No. 4
2. Owner(s) of Record: HUTTO LAND COMPANY LLC (ONE FOURTH) 1/4  
INTEREST
3. Who Is Authorized To Make Decisions For This Property? \_\_\_\_\_  
W.D.MOSCHEL
4. Contact Numbers: 956-6828373
5. Mailing Address: P.O. BOX 2814, McALLEN, TX 78502
6. Date of Purchase: \_\_\_\_\_
7. Original Purchase Price of Property: \_\_\_\_\_
8. Number of Acres (SF) Purchased: \_\_\_\_\_
9. Do You Have A Current Survey of The Subject Property?  
 Yes  No
10. Do You Have An Opinion of Value of Your Property?  
 Yes  No  
Explain \_\_\_\_\_
11. Have There Been Any Recent Changes In Ownership In The Past Five Years?  
 Yes  No  
Explain W.D.MOSCHEL, TRUSTEE DEEDED A 1/4 INTEREST TO HUTTO
12. Are There Any Leases and or Pending Subdivisions?  
(building leases, farming leases, re-platting, proposed subdivision ect.)  
 Yes  No  
Explain FARM LEASE (ANY FARM CROP DAMAGE GOES TO

Leonel Garza Jr. & Associates LLC

1

W.D.MOSCHEL, TRUSTEE

QUESTIONNAIRE (Page 2 of 2)

13. Any Underground Site Improvements Along The Frontage Of The Subject Property?

Yes  No

Explain \_\_\_\_\_

14. Comments, Concerns or Special Request: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

15. Does the Office of Leonel Garza Jr. & Associates LLC have permission to enter your property to photograph and measure any land and improvements which may be affected by the proposed acquisition?

Yes  No

Would you like to be with the Appraiser for an on-site inspection of the subject property?

Yes  No

If NO, do you acknowledge that the Appraiser has afforded you or representative the opportunity to inspect the subject property, but decline?

Yes  No

Note: Leonel Garza Jr. & Associates LLC shall be available during normal working hours to answer any questions or concerns you may have in the future. Please be sure to detach the business card attached which contains the contact information of Leonel Garza Jr. & Associates LLC.

*W.D. Moschel*  
Authorized Signature

1/28/2013  
Date

W.D. MOSCHEL  
Print Name