

L&G Consulting Engineers, Inc.

October 3, 2017

Hon. David Fuentes
Attn: Jorge Pena, R.P.I.C.
Hidalgo County Commissioner, Pct. #1
1902 Joe Stephens Ave. Suite 1
Weslaco, Texas 78599

RE: County: Hidalgo
TxDOT CSJ No. 0921-02-356
Mile 6 W Rd., (Westgate Ave.)
Parcel No. 6

Dear Mr. Pena:

Attached herewith is a counter-offer as submitted by Melba Ayala and Soledad Rodriguez, owners of Parcel 6 on September 28, 2017. L & G Engineering has reviewed the aforementioned and hereby recommends that counteroffer be **approved**. Attached also is the N-9, Administrative Settlement Evaluation and Approval Form.

L & G Engineering believes the counteroffer is a legal and cost savings issue and a timing issue due to the imminent "let" date. More importantly due to recent court awards on similar projects and the cost to litigate through the Special Commissioners' Hearing we recommend that the counteroffer of **\$7,000.00** be accepted.

Please review these documents and feel free to contact me at (956) 585-1909 if you wish to discuss this matter personally.

Sincerely,

Fernando Herrera Jr.
Right of Way Administrator

Attachments: As noted.
cc: File
Carlos Peralez, PE



ADMINISTRATIVE SETTLEMENT EVALUATION AND APPROVAL FORM

ROW CSJ: 0921-02-356

Highway: Mile 6 West (Westgate)

Parcel No.: 6

Owner's Name: Melba Ayala and Soledad G. Rodriguez

Approved Offer: \$4,455.00

Owner's Counteroffer: \$7,000

County: Hidalgo

Project Limits: From Mile 9 north to Mile 11

Date Offer Sent: 08/02/2017

Date Counteroffer Received: 09/28/17

Factors considered in evaluation:

1. Valuation Issues

- a. Reconciliation of all available appraisals, including Owner's.
- b. Other: none

2. Legal Issues

- a. Analysis of recent court awards on similar properties or projects.
- b. Analysis of recent court decisions which may affect the outcome of a condemnation action.
- c. Analysis of previously unlitigated issues.
- d. Other: _____

3. Cost Savings

- a. Approximate cost to litigate through Special Commissioners' Hearing \$12,000.00
- b. Approximate additional cost to litigate through jury trial \$15,000.00
- c. Other: _____

4. Timing Issues

- a. Maintain project schedule: 8/2018
 Possession of this property is needed by: 5/2018
 Projected possession date, if settled is: 10/2017
 Projected possession date, if condemned is: 5/2018
 Letting date: 8/2018
- b. Other: _____

5. Other Issues

** The following documents have been considered by this team and are incorporated by reference: appraisals, appraisal review form, owner's counteroffer and supporting documentation, negotiator's logs, and _____

Analysis and Conclusion

Our approval / disapproval recommendation is based on the items checked above and has been evaluated as follows: (attach additional sheets as necessary)

Parcel 6 is a partial acquisition containing 487 sq. ft., parcel of land situated in Lot 3, BLK 1 and the South 1/2 of Lot 2, Blk 1, Sun Country Estates , City of Weslaco, Hidalgo County, Texas. On Aug 2, 2017, Acquisition Provider (L&G) made an offer of \$4,455.00 to purchase the property to Melba Ayala and Soledad G. Rodriguez. On Sept 28, 2017, the property owner submitted a counter offer requesting an additional \$2,545.00 for the total of \$7,000.00. The subject property is a duplex. The counteroffer indicated issues due to the new proximity to the ROW and the removal of a large oak tree. Last year a car almost drove into the duplex if not for the oak tree. (photo included) The parcel owner provided a police report of the incident and an estimate for a barrier fence. Based on the information provided within the the counter offer and discussion by the acquisition team it is recommended that the Administrative Settlement be approved. Also, the cost and length of time associated with a condemnation would far surpass the counteroffer. We believe that the proposed counter offer is within a reasonable range.

This administrative settlement of \$7,000.00 is / is not recommended for approval as being reasonable, justified, prudent and in the public interest.

Evaluation Date: _____

Team Members: _____

Right of Way Manager
_____ Region

Date

September 28, 2017

L&G Engineering
Transportation Consulting Engineers
2100 w. Expressway 83
Mercedes, TX 78570

RE: ROW CSJ: 0921-02-356
Parcel: 6
From: Mile 9 N
To: Mile 11 N

Dear Mr. Garcia,

I received your letter dated August 21, 2017. Unfortunately due to an unexpected longer stay in Austin I was unable to respond to your first letter in a timely manner. I have carefully reviewed all the material that I received, and regret that I cannot accept the offer made due to the following reasons.

My biggest concerns are as follow:

The safety of my tenants is my top concern and providing protection to them by way of concrete barriers installed on the property. Attached you will find a police report dated May 27, 2016 along with pictures from that night's accident scene at my property, located at 2610 N. Westgate Dr., Weslaco, Texas. A car traveling north on Westgate Dr. veered to the right and hit and broke the privacy fence and a tree located on the property where my tenants almost got hit while they were outside enjoying their evening with their children and other family members while BBQing. Two tenants were almost hit had it not been for the tree stopping the car from traveling further and possibly injuring someone. The tree will be removed as per proposed plans. I will need to place barriers where the tree and the fence posts will be removed. My plan is to place fence posts with concrete barriers where the fence posts and the tree will be removed.

Attached is an estimate for materials and labor needed for the project. In the amount of \$2,340.00, which brings the total I am asking for to \$7,000.00.

Also I have a concern for my water well located on my property just east of where the project is proposed. I would like the well and its housing protected so that we can continue using it. Attached is a lab report dated December 6, 2016, preformed for the quality of the water, for your review.

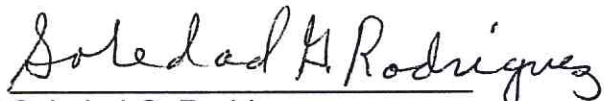
RE: ROW CSJ: 0921-02-356
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I would like for the drive way to be able to accommodate two (2) cars for each apartment. I am asking for a thirty (30) foot wide parking space.

Thank you in advance for your consideration of my requests.



Melba Rodriguez-Ayala



Soledad G. Rodriguez