



# L&G Consulting Engineers, Inc.

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November 21, 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. 7

Dear Mr. Pena:

Attached herewith is a counter-offer as submitted by Noe Hernandez and wife Dora Hernandez, owners of Parcel 7 on November 17, 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 **\$6,571.00** 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.: 7  
Owner's Name: Noe Hernandez et al  
Approved Offer: \$4,571.00  
Owner's Counteroffer: \$6,571.00

County: Hidalgo  
Project Limits: From Mile 9 north to Mile 11  
Date Offer Sent: 08/02/17  
Date Counteroffer Received: 11/17/17

### 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: 1/2018  
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 7 is a partial acquisition containing 682 sq. ft., parcel of land situated in Lot 1, BLK 1 and the north 1/2 of Lot 2 BLK 1 Sun Country Estates Subdivision, City of Weslaco, Hidalgo County, Texas. On Aug 2, 2017, Acquisition Provider (L&G) made an offer of \$4,571.00 to purchase the property to Noe Hernandez. On Nov. 17, 2017, the property owner submitted a counter offer. The Counteroffer, indicated a value of \$5.00 per sq. ft. plus issues with depreciation and therefore has submitted a counter offer requesting an additional \$2,000.00 for the total of \$6,571.00. 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 of TxDOT's approved value.

This administrative settlement of \$6,571.00  is /  is not recommended for approval as being reasonable, justified, prudent and in the public interest.

Evaluation Date: \_\_\_\_\_

Team Members: \_\_\_\_\_

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L26 Hernandez  
\_\_\_\_\_  
Right of Way Manager  
\_\_\_\_\_  
Region

11/21/17  
\_\_\_\_\_  
Date

11/17/17

Mr. Fernando Herrera  
L&G Engineering  
900 S. Stewart Rd., Ste. 10  
Mission, TX 78572

RE: Purchase of 682 square feet, more or less, out of Lot 1, Block 1, and the north ½ of Lot 2, Blk 1 Sun Country Estates Subdivision, an Addition to the City of Weslaco, being a subdivision out of Farm Tract 141, Block 139, West Tract Subdivision, Hidalgo County, Texas

Hidalgo County  
RE: Mile 6 West Project limits from Mile 9 N to Mile 11 N  
RCSJ: 0921-02-356  
Parcel No. 7

Dear Mr. Herrera,

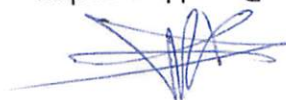
I would like to take this opportunity to thank Hidalgo County, Precinct #1 and TxDOT for continuing with the acquisition of this very important project. With the increasing traffic due to schools and commercial development, it is essential that these improvements be made.

I have received your offer letter dated August 2, 2017 along with the appraisal prepared January 6, 2017 by Mr. Whitney. I have reviewed the offer of **\$4,571.00** and the appraisal provided. After careful consideration I am requesting that you consider my counter offer for an additional \$2,000.00. I believe the land value and the cost of my improvements are low in the appraisal. Please note the following reasons:

1. The impact of the acquisition of the corner clip is considerable. I understand that I will not lose access; however, the proposed right of way line is much closer to the remaining improvements.
2. I have reviewed the comparables used by the appraiser to develop the land value. The highest and best use of this property is commercial; therefore, I feel that the \$5.00 per square foot range is more appropriate for this type of property and location.
3. I also see that the improvements are given 50% depreciation. Nowhere in the appraisal or the offer do I see a cost to place the improvements new again.
4. If I were to reject the offer and Hidalgo County file condemnation proceedings, there would be a loss of time and money for myself and more so, for Hidalgo County.

Therefore, I, Dora Hernandez, will sign a Deed and convey my property to Hidalgo County for \$6,571.00. I request that the County review my request and approve it so we can continue to proceed to closing Parcel 7.

Sincerely,



Dora Hernandez  
Weslaco, Texas 78599