



April 4, 2018

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. 49 & 50

Dear Mr. Pena:

Attached herewith is a counter-offer as submitted by Francisco Rodriguez, owner of Parcels 49 & 50 on March 16, 2018. 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 **\$19,500.00** 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,

Luana Gonzalez
Right of Way Administrator

Attachments: As noted.

cc: File
Carlos Peralez, PE

ADMINISTRATIVE SETTLEMENT EVALUATION AND APPROVAL FORM

ROW CSJ:
Highway: Mile 6 West (Westgate)
Parcel No.: 49 & 50
Owner's Name: Francisco and Dora Rodriguez
Approved Offer: \$8,646
Owner's Counteroffer: \$19,500

County: Hidalgo
Project Limits: From Mile 9 north to Mile 11
Date Offer Sent: 02/16/2018
Date Counteroffer Received: 03/14/2018

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: 05/2018
Projected possession date, if condemned is: 08/2018
Letting date: 04/2019
 - 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)

On NOV 30, 2017, Acquisition Provider (L&G) made an offer of \$8,646.00 to purchase Parcels 49 and 50 to Francisco and Dora Rodriguez. Parcel 49 contains 0.063ac. The appraiser has valued the land at 20,000/ac therefore the approved value for P49 is \$1,260. Parcel 50 contains 0.116 ac. at 20,000/ac the land is valued at \$2,320, the improvements are valued at \$5,031 and \$35 are added for damages therefore the value of P50 is \$7,386. On March 16, 2018 the property owner submitted a counter offer requesting an additional \$10,854 for a total of \$19,500. Mr. Rodriguez is not in good health and has been in the hospital for several weeks but hopes to be able to return to the home he has lived in for over 40 years. He believes his land has been undervalued at \$20,000/ac and thinks it should be closer to \$30,000. He also feels because of the increased noise a new 5 lane road will generate, he will have to replace the windows to his home with double pane glass and upgrade the outside doors. Based on the information provided within the the counter offer and discussion by the acquisition team that the counter-offer reflects the aquasition of 2 parcels it is recommended that the Administrative Settlement be approved. Also, the cost and length of time associated with 2 condemnations would far surpass the counteroffer. We believe that the proposed counter offer is within a reasonable range.

This administrative settlement of \$19,500.00 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

4/9/18

Date

March 16, 2018

Francisco T. & Dora Rodriguez
4411 N Westgate Dr.
Weslaco, TX 78596

Robert Garcia
L & G Engineering
2100 W. Exp. 83
Mercedes, TX 7856

Mr. Garcia

Thank you for taking the time to work with us to try and come to a mutual agreement. We are proposing the sale of land needed for the highway system at \$19,500.00. We believe that the project in hand will affect our livelihood dramatically. We would like you to consider in view of the situation that the land is worth the price.

Our home was built over 40 years ago and we have seen substantial growth in our surrounding area. However with the increase in homesteads, we have also seen an increase in traffic. At the time, we had not been greatly affected because we have also been 'growing up' in the community as well. Our children grew up in Weslaco and are now living their lives. However, my wife and I have retired and we stay at home mainly due to health issues. We feel that our home will be more susceptible to the noise of a 5-lane road along with the increase in traffic. We will be faced with vehicles using our driveway to make turnaround because we do not have a gate to prevent entrance. We will have to factor in an additional expense to upgrade our windows and doors to help decrease street noise. Our home was built in the 70's and were not required to have double pane windows. I am a retired veteran and suffered a stroke over 20 years ago and now I have slight paralysis on my left side and walk with a cane. I was given approval to move the mailbox closer due to my disability. Now that privilege may not be an option with the loss of land.

We hope that you consider our offer and appreciate your time and effort to reach a mutual agreement.

Sincerely,


Francisco T. Rodriguez