



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. 56

Dear Mr. Pena:

Attached herewith is a counter-offer as submitted by Juan Tamez, owner of Parcel 56 on March 23, 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 **\$27,858.26** 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:** 0921-02-356  
**Highway:** Mile 6 West (Westgate)  
**Parcel No.:** 56  
**Owner's Name:** Juan Tamez  
**Approved Offer:** \$12,856.00  
**Owner's Counteroffer:** \$27,858.26

**County:** Hidalgo  
**Project Limits:** From Mile 9 north to Mile 11  
**Date Offer Sent:** 11/30/17  
**Date Counteroffer Received:** 03/23/18

### 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: 07/2018  
Letting date: 4/2019
- 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)

Parcel 56 is a partial acquisition being 0.073 Acres of land more or less, out of 7.0 acres of Farm Tract 198, West Tract Subdivision, City of Weslaco, Hidalgo County, Texas. On NOV 30, 2017, Acquisition Provider (L&G) made an offer of \$12,856.00 to purchase the property to property owner Mr. Juan Tamez. On March 23, 2018, the PO submitted a counter offer of \$28,308.26 based on estimates obtained for the reconstruction of a masonry/wrought Iron fence and the relocation of a power pole. Mr. Tamez received 3 bids to reconstruct his fence. He is asking that the difference between the midde bid of \$20,960 from Hugo Home Repair and what was offered to him in the appraisal which was \$7,907 be added to the initial offer. The difference being \$13,053. He also has an anchor line that will need to be relocated once the permitted electrical lines are adjusted to the new ROW. Magic Valley Electric Coop concurred that the pole would need to be relocated at the cost of \$1,949.26. 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 \$27,858.26  is /  is not recommended for approval as being reasonable, justified, prudent and in the public interest.

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

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

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*Luzana M. Soyaly*  
Right of Way Manager  
\_\_\_\_\_ Region

4/9/18  
Date

March 23, 2018

Dear Mr. Herrera,

After reviewing your offer of \$12,856 I felt the amount offered to replace my masonry wrought iron fence was too low so I got 3 estimates from Local contractors. The estimates came in as such:

Garcia construction \$25,000

Hugo Home Repair \$20,960

Rivera Construction \$17,000

Throwing the high and low bids out I used the middle bid to calculate my counter offer. I was offered \$7,907 for the replacement cost of my fence and the middle bid came in at \$20,960. I am requesting the difference of 13,053 be added to the initial offer. Also, Magic Valley Electric coop came out to my property and gave me an estimate to move an anchor pole which is going to be impacted by the acquisition of my property.

Initial Offer	\$12,856
Difference for fence	\$13,053
Cost to move electric pole	<u>\$1,949.26</u>
Total	\$27,858.26

I will accept \$27,858.26 for my property needed for the road.

Respectfully,

Juan Tamez

