



June 14, 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. 48

Dear Mr. Pena:

Attached herewith is a counter-offer as submitted by Dora Guerra/Caballero, owner of Parcel 48 on June 13, 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 **\$10,000.00** 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,

Luana Gonzalez
Right of Way Administrator

Attachments: As noted.

cc: File
Carlos Peralez, PE

June 13, 2018

Dear Mr. Herrera,

I do not believe my property was appraised fairly. The comparables used in your appraisal are vacant tracts of land and farmland. My home is in a heavily developed residential area with many large beautiful homesteads in the area. I do not agree with the land values stated and do not accept your offer of \$5,384.00. I think if the comparables included improved properties the appraised value would increase. After discussing this matter with my family we have decided that \$10,000.00 is a fair amount and an offer we would accept. Thank you for your consideration.

A handwritten signature in blue ink that reads "Dora Guerra". The signature is written in a cursive style with a large initial "D" and a long, sweeping underline.

Dora Guerra

ADMINISTRATIVE SETTLEMENT EVALUATION AND APPROVAL FORM

ROW CSJ:

Highway: Mile 6 West (Westgate)

Parcel No.: 48

Owner's Name: Dora Guerra/Caballero

Approved Offer: \$5,384.00

Owner's Counteroffer: \$10,000.00

County: Hidalgo

Project Limits: From Mile 9 north to Mile 11

Date Offer Sent: 02/15/2018

Date Counteroffer Received: 06/13/2018

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: 04/2019
Possession of this property is needed by: 04/2019
Projected possession date, if settled is: 07/2018
Projected possession date, if condemned is: 10/2018
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 \$5,384.00 to purchase Parcel 48 to Dora Guerra. Parcel 48 contains 0.137ac of land out of 3.82 acres of Farm Tract 197, West Tract Subdivision, Hidalgo County. On JUN 13, 2018 the property owner submitted a counter offer of \$10,00. Ms. Guerra believes her land has been undervalued. The comparables used in the appraisal were of vacant farm land. She thinks if the appraiser had used comparables with improved properties more like her own the values would have been higher. 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 condemnation would far surpass the counteroffer. We believe that the proposed counter offer is within a reasonable range.

This administrative settlement of \$10,000.00 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