



July 19, 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. 19

Dear Mr. Pena:

Attached herewith is a counter-offer as submitted by Spencer Bell, Partner of GBB Rentals, Ltd. owner of Parcel 19 on July 18, 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 **\$8,950.00** 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.:** 19

**Owner's Name:** GBB Rentals, LTD

**Approved Offer:** \$5,986.00

**Owner's Counteroffer:** \$8,950.00

**County:** Hidalgo

**Project Limits:** From Mile 9 north to Mile 11

**Date Offer Sent:** 04/05/18

**Date Counteroffer Received:** 7/18/18

### 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: 4/2019  
Possession of this property is needed by: 4/2019  
Projected possession date, if settled is: XX/XXX  
Projected possession date, if condemned is: XX  
Letting date: XXXX  
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 19 is a partial acquisition containing 1482 sq. ft., parcel of land situated in Lot 1, Quail Hollow North Subdivision, City of Weslaco, Hidalgo County, Texas. On April 15, 2018, Acquisition Provider (L&G) made an offer of \$5,986.00 to purchase the property to Spencer Bell Partner. On July 18, 2018, the property owner submitted a counter offer. The Counteroffer, indicated a value of \$5.00 per sq. ft. and therefore has submitted a counter offer requesting an additional \$2,964.00 for the total of \$8,950.00. 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 likelihood the property owner would receive his counteroffer from a hearing 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.

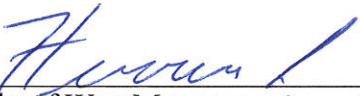
This administrative settlement of \$8,950.00  is /  is not recommended for approval as being reasonable, justified, prudent and in the public interest.

Evaluation Date: 7/19/18

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\*\*\*\*\*

  
Right of Way Manager L+G ENGINEERING  
\_\_\_\_\_  
Region

7/19/18  
Date

**GBB Rentals, Ltd  
5310 Garrett Road  
Harlingen, TX 78552**

To: Fred Herrera  
L&G Engineering

RE: Ref# Parcel 19, Mile 6 West Project


Mr. Herrera,

GBB Rentals, Ltd is rejecting the original offer for Right of Way Purchase for the reference parcel above, Parcel 19, Mile 6 West Project.

In lieu of the offered purchase price, GBB Rentals, Ltd is offering the property at an acquisition price of \$5.00 per square foot, plus the cost of repairs to paving and landscaping at the rate of \$1,540.00. The total purchase price for the parcel would be \$8,950.00.

Please let me know at your earliest convenience if this sum is agreeable to L&G Engineering for the acquisition of this property. Your consideration is greatly appreciated.

Cordially,

  
Spencer Bell, Partner  
GBB Rentals, Ltd.