

L&G Engineering

Transportation Consultants

September 24, 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. 63

Dear Mr. Pena:

Attached herewith is a counter-offer as submitted by Daniel de Leon, owner of Parcel 63 on September 12, 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 **\$57,610.00** 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



HIDALGO COUNTY ADMINISTRATIVE EVALUATION AND APPROVAL FORM

ROW CSJ: 0921-02-356

County: Hidalgo

Highway: Mile 6W

Project Limits: From Mile 9 North to Mile 11

Parcel No.: 63

Owner's Name: Daniel and Norma De leon

Approved Offer: \$20,240.00

Date Offer Sent: 11/30/2017

Owner's Counteroffer: \$57,610.00

Date Counteroffer Received: 09/12/2018

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: 4/2019
Projected possession date, if settled is: 10/2018
Projected possession date, if condemned is: 01/2019
Letting date: 4/2019
- b. Other: _____

5. Other Issues

** The following documents have been considered and are incorporated by reference: appraisals, appraisal review form, owner's counteroffer and supporting documentation, negotiator's log, and _____

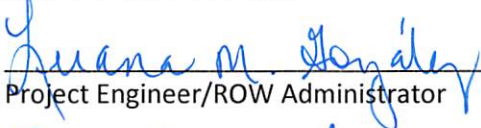
Analysis and Conclusion:

Our approval/ disapproval recommendation is based on the items checked above and has been evaluated as follows: (attach additional sheets as necessary)

Parcel 63 is a partial acquisition containing 4,400 sq.ft. land , more or less, out of Lot 6 Henri Acres Subdivision, Hidalgo County, Texas. On November 30, 2017, Acquisition Provider (L&G Engineering) made offer of \$20,240 to purchase the property to Daniel and Norma De Leon. On September 12, 2018 the property owner submitted a counter offer requesting an additional \$37,370 based on 3 estimates he received to reconstruct his fence on the new right-of-way line. In his initial offer the appraiser's valuation to rebuild the fence was \$7,740. Mr. De Leon obtained 3 estimates ranging from a high of \$51,750 to a low of \$42,811. Mr. De Leon is asking for an additional \$37,370 which is the difference between the middle bid of \$45,110 minus the \$7,740 credit he was given in the original offer. A survey crew was sent out to restake the proposed right-way-line and confirmed the entire length of the masonry fence along the frontage would have to be rebuilt. Based on the information provided within the counter offer and discussion by the acquisition team it is recommended that the Administrative Settlement be approved. We believe that the proposed counter offer is within a reasonable range.

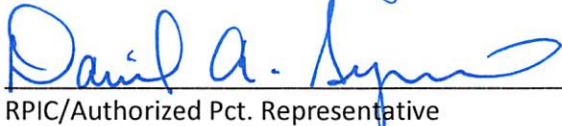
This administrative settlement of \$ 57,610.00 is / is not recommended for approval as being reasonable, justified, prudent and in the public interest.

RECOMMENDATION(S):



Project Engineer/ROW Administrator

9/24/18
Date



RPIC/Authorized Pct. Representative

9/24/18
Date

COUNTY APPROVAL:

County Judge

Date

September 12, 2018

To: Fernando Herrera, Jr.
L&G Engineering
900 S. Stewart Road, Ste. 10
Mission, Texas 78572

RE: Counter Offer for Parcel 63
Mile 6 West Project
Hidalgo County, Texas

Dear Mr. Herrera,

This letter is to inform you that I do not accept your offer of \$ 20,240.00 for the front portion of my property needed for the improvement project to Mile 6 West. I was offered \$ 8,080.00 for my land, \$ 4,000.00 for landscaping, \$ 420.00 for gravel, \$ 2,880.00 for the masonry fence and \$ 4,860.00 for the damages to my fence. The reason I cannot accept this offer is that the \$ 7,740.00 in total for the replacement value of my fence is extremely low. I have a long masonry wrought iron fence with columns and gates built on top of a concrete footing.

Attached are three (3) estimates for the replacement of my fence.

- | | |
|--------------------------------|--------------|
| 1. Torres Espino/The Craftsman | \$ 51,750.00 |
| 2. Garcia Construction | \$ 45,110.00 |
| 3. Tri-Gen Construction | \$ 42,811.00 |

If I use the middle bid of \$ 45,110.00 to rebuild my fence and deduct the \$ 7,740.00 I was given in the appraisal for my fence, I would be short \$ 37,370.00. I built this fence not only for security but also to protect my family from the ongoing traffic passing in front of our home. Now more than ever, with the road expanding and coming closer to my home, I need a comparable strong fence for protection. I am respectfully requesting an additional \$37,370.00 so that I can return my house to its original condition. I will accept an offer of \$ 57,610.00 for my property.

Respectfully Submitted,



Daniel de Leon, Jr.
5305 N. Westgate Drive
Weslaco, Texas 78599

Torres Espino The Craftsman

1120 Stites Rd
 Donna TX 78537
 Office (956) 461-3215
 FAX (956) 461-3456
 Email: Felipe3e.torres@yahoo.com
Work Estimate 05/01/2018

To:

Daniel de Leon
 5305 N. Westgate Rd.
 Weslaco Texas 78599

Material:		
Foundation	240lf 3'd x 2' w	\$4,300
Sliding Gate Foundation	Qty 2: 2d x 25' w	\$1,600
Cement	40 yds	\$5,500
Rebar	Stirups	\$500
Block	8x8x16 -- 1500 blocks @ 1.50	\$2,250
Masonry Rebar	3/8	\$2,500
Stucco	Two tone 240' x 6'	\$5,800
Framing and other		\$300
Metal Rebar Driveway Gates	Qty 2: 16' x 8'	\$7,500
Metal Arch Entrance Gate/Door	Qty 1: 10'x 12'	\$4,700
Metal Window Frames	Qty 6: 2' x 4"	\$2,500
Metal other	Qty 6: 4' x 10'	\$5,600
Sub total		\$43,050
Labor:		
Foundation		\$1,800
Block		\$2,700
Stucco		\$3,200
Metal Mounting		\$1,000
Sub total		\$8,700
Grand Total		
Thank you for your Business!		\$51,750

Sincerely,

Felipe Torres Espino
 Torres Espino The Craftsman

This is an estimate not a contract or bill. The estimate is based on the initial job site inspection.



FW0002

Estimate

Customer				Misc	
Name	Daniel de Leon			Date	5/2/2018
Address	5305 N. Westgate Rd			Order No	FW0002
City	Westlaco	State TX	ZIP 78599	Rep	
Phone				FOB	

Qty	Description	Unit Price	TOTAL
240	Foundation 240 ft. 3 ft deep x 2 ft. wide	\$ 16.00	\$ 3,840.00
2	Sliding Gate Foundation 2 ft. deep x 25 ft. wide	\$ 850.00	\$ 1,700.00
40	cement per yard	\$ 125.00	\$ 5,000.00
95	Redar strups and tie downs	\$ 18.00	\$ 1,710.00
1500	Blocks 8 x 8 x 16	\$ 1.75	\$ 2,625.00
75	Masonry Rebar 3/8	\$ 4.00	\$ 300.00
1440	Stucco two tone 240 ft. x 6 ft. high	\$ 3.75	\$ 5,400.00
1	framing and construction of structure for concrete	\$ 450.00	\$ 450.00
2	Metal 2 x 2 square tubing for gates 16 ft. long by 8 ft. high	\$ 3,900.00	\$ 7,800.00
1	Metal Arch Entranca gate and door 10 ft. x 12 ft.	\$ 35.00	\$ 35.00
4	Metal window frames 2 ft x 4 ft. four of them	\$ 500.00	\$ 2,000.00
6	Metal hard ware for gates and door ways and window	\$ 875.00	\$ 5,250.00
1	Service Charge (includes Labor and fuel charge)	\$ 9,600.00	\$ 9,600.00
		Subtotal	\$ 45,110.00
		Shipping	\$

Payment	Check	0.00%	\$
Comments	Name Efrain S. GARCIA D.B.A Garcia Construc	Office Use Only	TOTAL \$ 45,110.00
	CC #		
	Expires		

ALL PARTS AND LABOR HAVE ONE YEAR WARRANTY. WARRANTY WILL BE VOIDED IF SOMEONE OTHER THAN OUR PERSONNEL ARE FOUND TO BE WORKING ON OUR WARRANTY ITEM.

THANK YOU FOR YOUR BUSINESS

Revised 5/2018

Cost Breakdown

Material

**Amounts For Footing

*Cement	340lf x 12" x 24"	35 yds @ 115	\$ 4,025.00
*Rebar	180 Stirup@1.89		\$ 340.20
Block	8x8x16 qty 1500@1.69		\$ 2,535.00
Masonry Rebar	3/8 rebar 100pc @3.19		\$ 319.00
Stucco Material	240x 6' tall x2 = 2880 x 4 x 60%		\$ 6,912.00
Misc Forming Material			\$ 1,000.00
Gate			\$ 3,000.00
240 lf of 6' fencing			\$ 7,200.00

Labor

*Footing			\$ 1,000.00
Block			\$ 3,000.00
Stucco Labor	240x 6' tall x2 = 2880 x 4 x 50%		\$ 5,760.00

Subtotal	\$ 35,091.20
Mark up/Overhead	\$ 7,720.06
Total Project	\$ 42,811.26

Thank you,
Connie Bearden
Tri-Gen Construction LLC
956-447-1048



TABULATION OF VALUES

Parcel: 63 Highway: Mile 6 West ROW CSJ: 0921-02-356
 Taking Type: Partial Acquisition District: Pharr
 Size of Remainder: 0.748 acre County: Hidalgo
 Type of Property: Residential Federal Project: N/A
 Contract Fencing: N/A
 Appraised by: Matthew C. Whitney, MAI
 Date Appraised: November 16, 2016

Access will be provided or denied to the new facility. If access will be partially provided or denied, explain in comments.

Agency	Participating Percentage	Expense Description
N/A	N/A	N/A

Interest Owner	Acquisition Interest	Land Area	Value	Lease (Y/N)
Daniel De Leon, Jr. and Norma De Leon	Fee Simple	0.101 Ac.	\$8,080.00	No

I. Appraised Values

Land Value	Improvement Value	Sign Value	Damages/Enhancements	Total Value
\$8,080.00	\$7,300.00	\$0.00	\$4,860.00	\$20,240.00

II. Improvements

Item No.	Improvement Type	Type Construction	Improvement Value	Retention Value	Bisection Category
1.	Fencing	Masonry	\$2,880.00	\$1.00	N/A
2.	Paving	Gravel	\$420.00	\$1.00	N/A
3.	Landscaping	Sod and Palm Trees	\$4,000.00	\$1.00	N/A
		Total	\$7,300.00		



TABULATION OF VALUES (continued)

Parcel: 63

Highway: Mile 6 West

ROW CSJ: 0921-02-356

III. Damages and Enhancements

Non-Exempt Damages	Enhancements	Exempt Damages	Net Damages
\$0.00	\$0.00	\$4,860.00	\$4,860.00

IV. Sign Values

Item No.	Sign Owner	Type Construction	Improvement Value	Retention Value	Bisect. Cat.
		Total	\$0.00	\$0.00	

V. Recapitulation

Date	November 16, 2016			Recommended Value
Appraiser's Name:	Matthew C. Whitney, MAI			
Value of Whole Property	\$75,220.00			\$75,220.00
Parcel Area: 0.101 Ac.				
VALUE FOR PARCEL	\$8,080.00			\$8,080.00
Land: per Ac.	\$80,000			\$80,000
Easement	\$0.00			\$0.00
Improvements	\$7,300.00			\$7,300.00
Net Damages or (Enhancements)	\$4,860.00			\$4,860.00
OAS Value(s)	\$0.00			\$0.00
TOTAL COMPENSATION	\$20,240.00			\$20,240.00

Calculations for Net Damages or (Enhancements) consider Direct Access Denial damages.

TABULATION OF VALUES (continued)

Parcel: 63

Highway: Mile 6 West

ROW CSJ: 0921-02-356

VI. Comments and Conclusions on Values in the Appraisal Report

Effective Date of Review:	December 4, 2016
Date of Review Report:	December 4, 2016
Purpose of Review Appraisal:	The purpose of this appraisal review is to verify that the referenced appraisal report is prepared in compliance with the Texas Department of Transportation Appraisal and Review Manual, the Uniform Standards of Professional Appraisal Practice (USPAP), and 49 CFR 24.103.
Client:	Hidalgo County and TXDOT – Pharr District
Intended User:	Hidalgo County, TXDOT – Pharr District, and their assigns
Intended Use:	Provide a recommended compensation for the acquisition
Scope of the Review:	I personally inspected the subject property from the existing road right of way and the comparable sales utilized in the appraisal report. The property owner was not present at the time of my inspection. I have read the report in its entirety and provided comments for the consideration of the appraiser. I did perform additional sales research. I have not personally confirmed the sales price for each of the comparable sales.

This Appraisal Review is of the Appraisal Report dated December 4, 2016 prepared by Matthew C. Whitney, MAI. The property under review is commonly referred to as Parcel 63 on the Mile 6 West Highway Project in Hidalgo County, Texas. The effective date of value is November 16, 2016 which is the date of Mr. Whitney's most recent inspection of the property.

The Parent Tract contains 0.849 acre of land located on the west line of Mile 6 West, north of Mile 10 (5305 N. Westgate Drive). The subject property is not subject to zoning. However, it is deed restricted for single family residential use. The highest and best use of the subject, land only, is determined to be for residential use. The subject property is improved with a single family residence and supporting site improvements that would not be razed for redevelopment. Thus, the highest and best use, as improved, is its existing use.

The land was valued via the Sales Comparison Approach to Value through the utilization of five similar land sales that range in date of sale from March 2015 through July 2016 and have an adjusted sales price range from \$29,145 to \$87,310 per acre. The appraiser concludes a value of \$80,000 per acre for the whole property, or \$67,920.00. Adjustments were applied for market conditions (time), location, size, flood plain, and utilities. All adjustments appear to be reasonable.

The subject property is improved with a single family residence and supporting site improvements that are not believed to be impacted by the acquisition and have not been valued in the appraisal report. Considering the distance of the residence from the proposed right of way, omission of the valuation of the main residence is appropriate and reasonable. Thus, the subject is appraised as effectively vacant land with minor site improvements. Vacant land is not typically purchased based on an anticipated income stream. Thus, the Income Approach and the Sales Comparison Approach, as Improved, were not developed. The Cost Approach indicated a value for the land and improvements acquired to be \$75,220.00. Thus, the appraiser concludes a value for the land and improvements acquired to be \$75,220.00. All valuation appears to comply with typical appraisal practices.

The acquisition consists of a fee simple interest in 0.101 acre (4,400 sq. ft.) of land and site improvements to include fencing, paving, and landscaping. Improvements in the acquisition were valued at \$7,300.00 and the land was valued at \$8,080.00. The land was valued on a pro rata basis of the whole property.

TABULATION OF VALUES (continued)

Parcel: 63

Highway: Mile 6 West

ROW CSJ: 0921-02-356

VI. Comments and Conclusions on Values in the Appraisal Report (Continued)

The remainder after the acquisition contains 0.748 acre of land and will be improved with all the main improvements. There is no denial of access to the remainder. In addition, the appraiser concludes the residence will be located at a sufficient distance from the proposed right of way. Thus, the appraiser concludes there are no permanent damages (Non-Exempt Damages) to the remainder. However, the appraiser concludes there are Exempt Damages (Cost to Cure) to the remainder which includes the cost to replace the fencing and re-install the gate and this amount was determined to be \$4,860.00. The value of the improvements acquired was subtracted from the corresponding replacement cost to avoid double compensation. Total damages were calculated to be \$4,860.00. Damages have been addressed in a manner consistent with TXDOT policy.

The appraisal is prepared on the ROW A-5, TXDOT Long Form, and the format is properly applied and adequately documented to provide a basis for compensation. The appraisal report appears to comply with USPAP. The data contained in the appraisal report is adequate and the adjustments to the sales are adequately supported and reasonable.

Based on my analysis of the appraisal report, I believe the analyses, opinions, and conclusions set forth in the appraisal are appropriate and reasonable. Mr. Whitney's compensation of \$20,240.00 is approved by the contracted review appraiser (Todd L. Bland, MAI; TX-1323490-G), and recommended for approval by Hidalgo County.

VII. Justification and Explanation for Credit if Retained.

Salvage and minimal retention values are applied to the improvements being acquired.

The appraiser has considered access damages in accordance with Section 21.042(d) of the Texas Property Code, as amended by SB18 of the Texas 82nd Regular Legislative Session and finds as follows:

1. Is there a denial of direct access on this parcel? No (yes or no)
2. If so, is the denial of direct access material? Not Applicable (yes, no, or not applicable)
3. The lack of any access denial or the material impairment of direct access on or off the remaining property affects the market value of the remaining property in the sum of \$0.00.

TABULATION OF VALUES (continued)

Parcel: 63

Highway: Mile 6 West

ROW CSJ: 0921-02-356

VIII. Conditions

Values for signs, if any, are applicable only if sign owner has compensable interest.

Fencing is applicable only to actual cost or lump sum fencing on 90-10 Right of Way projects and State cost participation in fences to be in accordance with State's Right of Way Manual.

The values indicated hereon have been approved on the basis that all improvements within the taking will be acquired in the name of the State through negotiation.

IX. Reviewing Appraisers' Statements

Reviewing Appraiser's Statement

It is my opinion that the appraiser's report for this parcel appears adequately supported and in compliance with all appropriate appraisal standards, laws, and regulations, and I recommend this appraisal for use by the appropriate Agency Official and his/her assigns. I have no direct or indirect present or contemplated future personal interest in such property or in any benefit from the acquisition of the parcel. To the best of my knowledge, the value does not include any items that are not compensable under State law.

Reviewing Appraiser

Todd Blair

Contract Reviewing Appraiser (if applicable)

Date

December 4, 2016

Date

Division Reviewing Appraiser (if applicable)

Date

X. Approval of Values

Ramon Garcia

County/City Representative

12/13/16

Date

ROW Staff Representative

Date

APPROVED BY
COMMISSIONERS' COURT
ON: *11/15/16*

CERTIFICATION OF REVIEW APPRAISER

I Certify that to the best of my knowledge and belief:

- the facts and data reported by the review appraiser and used in the review process are true and correct.
- the analyses, opinions, and conclusions expressed in this review report are limited only by the reported assumptions and limiting conditions stated in this review report, and are my personal, impartial, and unbiased professional analysis, opinions, and conclusions;
- I have no present or prospective interest in the property that is the subject of work under review and no personal interest with respect to the parties involved.
- I have no bias with respect to the property that is the subject of the work under review or to the parties involved with this assignment.
- my engagement in this assignment was not contingent upon developing or reporting predetermined results.
- my compensation is not contingent on an action or event resulting from the analyses, opinions, or conclusions in, or the use of, this review.
- my analyses, opinions, and conclusions were developed, and this review was prepared in conformity with the Uniform Standards of Professional Appraisal Practice; the requirements of the Code of Professional Ethics and the Standards of Professional Appraisal Practice of the Appraisal Institute;
- I personally inspect the subject property of the report under review.
- no one provided significant professional assistance to the person signing this Appraisal Review Report;
- the use of this report is subject to the requirements of the Appraisal Institute relating to review by its duly authorized representatives;
- I have performed no appraisal services, as an appraiser or in any other capacity, regarding the property that is the subject of this report within the three-year period immediately preceding acceptance of this assignment.
- as of the date of this report, Todd L. Bland, MAI has completed the requirements of the continuing education program of the Appraisal Institute and the Texas Appraiser Licensing and Certification Board;

As of the date of this review, I am currently certified under the requirements of the State of Texas as a general real estate appraiser.



Todd L. Bland, MAI
State Certified General RE Appraiser
Certificate No. TX-1323490-G

December 4, 2016

Date

ASSUMPTIONS AND LIMITING CONDITIONS

The Appraisal Review Report is subject to the following limiting conditions:

1. Possession of this Appraisal Review Report or copy thereof does not carry with it the right of publication.
2. This Appraisal Review Report is intended solely for the internal use of the Texas Department of Transportation. Neither all nor any part of the contents of this Appraisal Review shall be disseminated to the public through advertising, public relations, news, sales, or other media without the prior written consent and approval of the reviewer.
3. The Review Appraiser, by reason of this Appraisal Review Report, is not required to give further consultation or testimony, or to be in attendance in court with reference to the property that is the subject of this Appraisal Review Report, unless arrangements have been previously made.
4. The Appraisal Review Report constitutes a limited assignment and should not be construed as an appraisal of the subject property.
5. Unless otherwise stated, the analyses, opinions and conclusions in this Appraisal Review Report are based solely on the data, analyses and conclusions contained in the appraisal report under review. It is assumed that these data are representative of existing market conditions.
6. All analyses, opinions and conclusions expressed by the Review Appraiser are limited by the scope of the review process as identified under the section titled "Scope of the Review."

QUALIFICATIONS OF TODD L. BLAND, MAI

Todd L. Bland is a certified general real estate appraiser in the State of Texas. Mr. Bland also holds the MAI designation from the Appraisal Institute. He has been appraising real estate since February 1990. Mr. Bland's responsibilities include appraisal and appraisal review of all types of right of way and commercial properties. He has testified as an expert witness regarding real property value on numerous occasions in various courts of law.

BIOGRAPHICAL DATA

Mr. Bland was born in Austin, Texas in 1966. He graduated from public schools in Austin, Texas prior to attending the University of Texas at Austin.

EDUCATION

Bachelor of Business Administration Degree (Real Estate/Risk Management and Insurance):

University of Texas at Austin (1989)

Appraisal Institute:

Standards of Professional Practice

Uniform Standards of Professional Appraisal Practices

Basic Valuation Procedures

Real Estate Appraisal Principles

Capitalization Theory and Techniques, Part A

Capitalization Theory and Techniques, Part B

Case Studies in Real Estate Valuation

Valuation Analysis and Report Writing

Highest and Best Use and Market Analysis

Analyzing Operating Expenses

Uniform Appraisal Standards for Federal Land Acquisitions

Attacking and Defending Appraisals in Litigation

International Right of Way Association:

Easement Valuation

Ethics and the Right of Way Profession

Reviewing Appraisals in Eminent Domain

PROFESSIONAL AFFILIATIONS

Appraisal Institute (MAI No. 11439)

State Certified General Real Estate Appraiser

Texas Certificate No. TX-1323490-G

International Right of Way Association (Member)

ACTIVITIES

Mr. Bland is active in Austin Chapter of the Appraisal Institute and Gulf Coast Chapter 8 of the International Right of Way Association.



**REAL ESTATE APPRAISAL REPORT
TEXAS DEPARTMENT OF TRANSPORTATION**

Address of Property: WL Mile 6 West Road, north of Mile 10, Hidalgo County, District: Pharr
Weslaco, Texas 78599 (5305 N. Westgate Drive)
Property Owner: Daniel De Leon, Jr. and Norma De Leon Parcel: 63
Address of Property Owner: 5305 N Westgate Drive, Weslaco, TX 78599 ROW CCSJ: 0921-02-168 and RCSJ: 0921-02-356
Occupant's Name: Owner occupied Federal Project No: NA
Whole: Partial: Acquisition Highway: Mile 6 West Road County: Hidalgo

Purpose of the Appraisal

The purpose of this appraisal is to estimate the market value of the fee simple title to the real property to be acquired, encumbered by any easements not to be extinguished, less oil, gas and sulphur. If this acquisition is of less than the whole property, then any special benefits and/or damages to the remainder property must be included in accordance with the laws of Texas.

Market Value

Market value is defined as follows: "Market Value is the price which the property would bring when it is offered for sale by one who desires, but is not obliged to sell, and is bought by one who is under no necessity of buying it, taking into consideration all of the uses to which it is reasonably adaptable and for which it either is or in all reasonable probability will become available within the reasonable future." [City of Austin v. Cannizzo. 267 S.W. 2d 808, 815 (Texas 1954)]

Certificate of Appraiser

I hereby certify:

That it is my opinion the total compensation for the acquisition of the herein described property is **\$20,240** as of November 16, 2016, based upon my independent appraisal and the exercise of my professional judgment;

That on November 16, 2016, and other dates, I personally inspected in the field the property herein appraised; that I afforded the property owner the opportunity to accompany me at the time of the inspection; and

That the comparables relied upon in making said appraisal were as represented by the photographs contained in the appraisal report and were inspected on multiple dates (see comparable data supplement sheets);

That I have not revealed and will not reveal the findings and results of such appraisal to anyone other than the proper officials of the Texas Department of Transportation or officials of the Federal Highway Administration until authorized by State officials to do so, or until I am required to do so by due process of law, or until I am released from this obligation by having publicly testified to such findings;

That my compensation is not contingent upon the reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value estimate, the attainment of a stipulated result, or the occurrence of a subsequent event.

The appraiser has considered access damages in accordance with Section 21.042(d) of the Texas Property Code, as amended by SB18 of the Texas 82nd Regular Legislative Session and finds as follows:

1. Is there a denial of direct access on this parcel? No (yes or no)
2. If so, is the denial of direct access material? N/A (yes, no, or not applicable)
3. The lack of any access denial or the material impairment of direct access on or off the remaining property affects the market value of the remaining property in the sum of \$0.

I certify to the best of my knowledge and belief:

That the statements of fact contained in this report are true and correct;

That the reported analyses, opinions and conclusions are limited only by the reported assumptions and limiting conditions, and are my personal, unbiased professional analyses, opinions, and conclusions;

That I have no present or prospective interest in the property that is the subject of this report, and I have no personal interest or bias with respect to the parties involved;

That my analyses, opinions and conclusions were developed, and this report has been prepared in conformity with the appropriate State laws, regulations, and policies and procedures applicable to the appraisal of right of way for such purposes, and that to the best of my knowledge no portion of the value assigned to such property consists of items which are non-compensable under the established law of said State, and any decrease or increase in the fair market value of subject real property prior to the date of valuation caused by the public improvement for which such property is to be acquired, or by the likelihood that the property would be acquired for such improvement, other than that due to the physical deterioration within the reasonable control of the owner, has been disregarded in estimating the compensation for the property.

Appraiser Signature
Matthew C. Whitney, MAI
TX-1326491-G
Certification Number
December 4, 2016
Date

To the best of my knowledge, the value does not include any items which are not compensable under State law.

Reviewing Appraiser 12/4/16
Date

