

L&G Engineering

Transportation Consultants

December 20, 2018

Hon. Joe Flores
Attn: Norma Ceballos, R.P.I.C.
Hidalgo County Commissioner, Pct. #3
724 Breyfogle Rd.
Mission TX. 78574

RE: County: Hidalgo
ROW CSJ No. 0921-02-372
Liberty Rd
Parcel # 20

Dear Mr. Flores:

Attached herewith is a counter-offer as submitted by Juan Salinas & Idolina Salinas, owners of Parcels 20 on November 27, 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 **\$17,000.00** 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,

Fernando Herrera Jr.
Right of Way Administrator

INVOICE RECEIVED BY
_____ ON _____
GOODS/SERVICES RECEIVED BY
_____ ON _____

Attachments: As noted.

cc: File
Robert Macheska, PE



HIDALGO COUNTY ADMINISTRATIVE EVALUATION AND APPROVAL FORM

ROW CSJ: 0921-02-372

Highway: Liberty Rd

Parcel No.: 20

Owner's Name: Juan Salinas & Idolina Salinas

Approved Offer: \$13,962.00

Owner's Counteroffer: \$17,000.00

County: Hidalgo

Project Limits: US 83 to Mile 3

Date Offer Sent: 10/5/18

Date Counteroffer Received: 11/27/2018

Factors considered in evaluation:

1. Valuation Issues

- a. Reconciliation of all available appraisals, including Owner's.
- b. Other: _____

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: 6/19
Possession of this property is needed by: 2/19
Projected possession date, if settled is: 6/19
Projected possession date, if condemned is: 6/19
Letting date: 6/19
- 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)

Being 5,171 square foot or 0.1187 of an acre tract of land situated in the Pedro Flores Survey, Abstract 577, Porcion 77, Hidalgo County, Texas, and being out of Lot 21, NORTH RIDGE ACRES SUBDIVISION. On October 4, 2018, Acquisition Provider (L&G Engineering) made an offer of \$13,962.00 to purchase the property to Juan Salinas & Idolina Salinas. On November 27, 2018 the property owners submitted a counter offer of \$17,000.00. In their counter offer they feel that the market value of their property is more than what is being offered to them. Apparently, the Salinas family have had plenty of offers to buy their property but have denied offers. Mr. Salinas is constructing a new apartment complex in the near future as well and is concerned with the safety of their tenants through what we have discussed from time to time over the phone. They hope that the county can consider their counter offer to avoid condemnation. 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 \$ 17,000.00 is / is not recommended for approval as being reasonable, justified, prudent and in the public interest.

RECOMMENDATION(S):

Project Engineer/ROW Administrator

Date

RPIC/Authorized Pct. Representative

Date

COUNTY APPROVAL:

County Judge

Date

TABULATION OF VALUES

Parcel: 20 Highway: Liberty Road-Section I ROW CSJ: 0921-02-372
 Taking Type: Partial District: Pharr
 Size of Remainder: 0.5671 Acres County: Hidalgo
 Type o Property: Vacant/Residential Federal Project: N/A
 Contract Fencing: N/A
 Appraised by: Leonel Garza III
 Date Appraised: 9-10-18

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
State of Texas	80%	ROW Acquisition Expenses
Hidalgo County Precinct No. 3	20%	ROW Acquisition Expenses

Interest Owner	Acquisition Interest	Land Area	Value	Lease (Y/N)
Juan Alberto Salinas & Idolina A. Salinas	Fee Simple	0.1187 Acres/ 5,171 sf.	\$13,962.00	No

I. Appraised Values

Land Value	Improvement Value	Sign Value	Damages/Enhancements	Total Value
\$13,962.00	\$0.00	\$0.00	\$0.00	\$13,962.00

II. Improvements

Item No.	Improvement Type	Type Construction	Improvement Value	Retention Value	Bisection Category

Item No.	Improvement Type	Type Construction	Improvement Value	Retention Value	Bisection Category
		Total	\$0.00		

TABULATION OF VALUES (continued)

Parcel: 20

Highway: Liberty Road-Section I

ROW CSJ: 0921-02-372

III. Damages and Enhancements

Total Non-Exempt Damages	Enhancements	Exempt Damages	Net Damages
\$0.00	\$0.00	\$0.00	\$0.00

IV. Sign Values

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

V. Recapitulation

Date:	9-10-18			Recommended Value
Appraiser's Name:	Leonel Garza III			
Value of Whole Property	\$80,657.00			\$80,657.00
Parcel Area: 5,171 sf.				
VALUE FOR PARCEL				
Land: per_sf. \$2.70	\$13,962.00			\$13,962.00
Easement	\$0.00			\$0.00
Improvements	\$0.00			\$0.00
Net Damages or (Enhancements)	\$0.00			\$0.00
OAS Value(s)	\$0.00			\$0.00
TOTAL COMPENSATION	\$13,962.00			\$13,962.00

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

TABULATION OF VALUES (continued)

Parcel: 20

Highway: Liberty Road-Section I

ROW CSJ: 0921-02-372

VI. Comments and Conclusions on Values in the Appraisal Report

Appraiser: Leonel Garza III
Effective Date of Report: September 10, 2018
Report Dated: September 13, 2018
Review Appraiser: Harvey L. Heerssen
Effective Date of Review: September 17, 2018

Parcel 20 is a partial taking of 0.1187 acres (5,171 sf.) situated in the Pedro Flores Survey, Abstract 577, Porcion 77, out of Lot 21, North Ridge Acres Subdivision, as recorded in Volume 43, Page 161, of the Map Records, Hidalgo County, Texas, said Lot 21 conveyed by Warranty Deed with Vendor's Lien dated December 31, 2003, to Juan Alberto Salinas and wife Idolina A. Salinas from Jethro Enterprises, LTD., as described in Document No. 1287793 of the Official Records, Hidalgo County, Texas.

The whole property of 0.6858 acres is located at the southeast corner of Liberty Road and Cedar Street, Penitas, Texas and is vacant land. The appraiser Leonel Garza III has selected three (3) recent sales to value the whole tract at \$2.70 per sf. The highest and best use is for residential purposes and the part taken is valued as pro-rata part of the whole. There are no market damages to the remainder land.

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. The result of the findings is that there is no denial of direct access nor material impairment of direct access on or off the remaining property that affects the market value of the remaining property. Therefore, there are no access damages to the remainder property.

The report prepared by the appraiser Leonel Garza III is an Appraisal Report presented on TxDOT form ROW-A-5 and appears to comply with USPAP and the Texas Department of Transportation's Appraisal and Review Manual. The appraisers' opinion and conclusions appear to be well supported by information contained within this appraisal report. It is recommended that the total value of 13,962.00 be approved for negotiations and acquisition.

VII. Justification and Explanation for Credit if Retained.

Retentions are not applicable as subject parcel is vacant land.

TABULATION OF VALUES (continued)

Parcel: 20

Highway: Liberty Road-Section I

ROW CSJ: 0921-02-372

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

Date



Reviewing Appraiser (if applicable)

Date

9-21-18

Contract

Division Reviewing Appraiser (if applicable)

Date

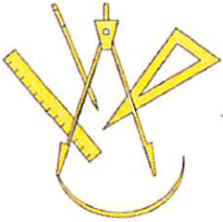
X. Approval of Values

County/City Representative

Date

ROW Staff Representative

Date



L&G Engineering

Transportation Consultants

October 4, 2018

**Via Certified Mail, Return Receipt Requested
No. 7018 1130 0002 1338 5272**

County: Hidalgo
Federal Project No.: N/A
Highway: Liberty Road –Section 1

ROW CSJ: 0921-02-372
Parcel: 20
From: U.S. 83
To: Mile 3 Road

Juan A. Salinas & Idolina A. Salinas
1806 Quartz Street
Pentitas, Texas 78576

Dear Sir/Madam:

In acquiring property for the highway system of Texas, the Texas Department of Transportation (the "Department") and Hidalgo County (the "County") follow a definite procedure for appraising the land needed and for handling personal negotiations with each owner. As has been or will be explained by the County's negotiator, Fernando Herrera, Jr., a portion of your property located on Liberty Road, as described in the enclosed property description, is to be acquired for the construction or improvement of the above-referenced highway project.

We believe at this stage of the purchase process it is mutually beneficial to confirm that, based on an appraisal, the County is authorized to offer you **\$13,962.00** for your property, which includes **\$13,962.00** for the property to be purchased and **\$0.00** for damages to your remaining property. This amount is the total amount of just compensation for all interests in the portion of your property to be acquired, as determined in accordance with State law, less oil, gas and sulphur, subject to clear title being conveyed to the County. In accordance with State law, it is the policy of the Department/County to negotiate with the fee owner(s) of the real property with the understanding that you will, in turn, negotiate with any lessee or other party who may own any interest in the land or improvements, with the exception of public utility easements, which will be handled separately by the Department/County.

This offer to purchase includes the contributory values of the improvement(s) listed below, which are considered to be part of the real property. Since the improvement(s) must be removed, it is the policy of the Department/County to permit owners who convey voluntarily to the State to thereafter retain the improvement(s), if they wish to do so. The retention values shown below are the estimated amounts the improvement(s) would bring if sold on public bids. If you wish to retain title to any of the following improvement(s) and remove it (them) from the right of way, the amount of the above offer must be reduced by the appropriate retention amount(s). This option to retain the improvement(s) does NOT apply should it become necessary for the County to acquire the real property by eminent domain.

<u>Improvement</u>	<u>Amount to be Subtracted if Retained</u>
A. N/A	\$ 1.00

If you wish to accept the offer based upon this appraisal, please contact Fernando Herrera, Jr., as soon as possible at (956) 585-1909, so that the process of issuing your payment may be started. If you are not willing to accept this offer, you may submit a written request for administrative settlement/counteroffer, setting forth a counteroffer amount and the basis for such amount, provided such settlement request is received in writing within 30 days from the date of this letter. Please note that your opportunity to submit an administrative settlement shall be forfeited if such a settlement request is not received by the Department /County within the 30 day time deadline. In the event the condition of the property changes for any reason, the County shall have the right to withdraw or modify this offer.

After the date of payment of the purchase price, or the date of deposit in court of funds to satisfy the award of compensation as determined through eminent domain proceedings to acquire real property, you will be reimbursed for any fair and reasonable incidental expenses necessarily incurred in transferring title to the property for use by the Texas Department of



Transportation/Hidalgo County. Expenses eligible for reimbursement may include (1) recording fees, transfer taxes and similar expenses incidental to conveying the real property to the County and (2) penalty costs for prepayment of any preexisting recorded mortgage entered into in good faith encumbering the real property. Voluntary unnecessary expenses or expenses incurred in clearing questionable title will not be eligible for reimbursement. Eligible incidental expenses will be reimbursed upon submission of a claim supported by receipted bills or other evidence of actual expenses incurred. You may file a written request for review if you believe that the Department/County failed to properly determine the eligibility for, or the amount of, incidental expenses to be reimbursed. There is no standard form on which to request a review of a claim; however, the claim must be filed with this office within six months after you are notified of the Department's/County's determination on any claim for reimbursement.

You may be entitled to additional payments and services under the State's Relocation Assistance Program. It is emphasized, however, that any benefits to which you may be entitled under this program will be handled entirely separate from and in addition to this transaction. You will receive a brochure entitled "*Relocation Assistance*" which will inform you of eligibility requirements, payments and services which are available.

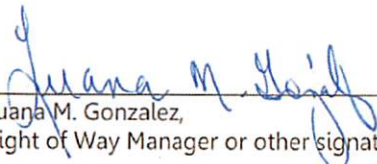
You have the right to discuss with others any offer or agreement regarding the Department's/County's acquisition of the subject property, or you may (but are not required to) keep the offer or agreement confidential from others, subject to the provisions of Chapter 552, Government Code (the Public Records Act) as it may apply.

Attached is a copy of the Texas Department of Transportation brochure entitled "*Right of Way Purchase*" which we trust will give you a better understanding of the procedures followed by the Department/County in purchasing property. We respectfully request the opportunity to meet with you or to otherwise discuss and answer any questions you may have regarding the details of the type of facility to be built, or concerning the County's offer or proposed purchase transaction. Also, please do not hesitate to contact Mr. Herrera at the telephone number provided above regarding any question you may have.

Please see the enclosed copy of the "*Texas Landowner Bill of Rights*."

Finally, we enclose copies of all appraisal reports relating to your property being acquired which were prepared in the ten (10) years preceding the date of this offer and produced or acquired by the State/County, including the appraisal on which this offer is based.

Sincerely,



Luana M. Gonzalez,
Right of Way Manager or other signatory

ENCLOSURES:


Appraisal Report(s)
Landowner Bill of Rights
Brochure ("*Right of Way Purchase*")

Juan Salinas
1806 Quartz Street
Penitas, TX 78576
Parcel 20
ROW CSJ: 0921-02-372
November 27, 2018

Dear Mr. Salinas

After reviewing all documents and discussing the initial offer with my wife we have determined that we will not be able to accept the initial offer of \$13,962.00. Although, I am rejecting the initial offer of \$13,962.00 I am counter offering \$17,000.00 which is an additional increase of \$3,038.00 from the initial offer. We have had several offers in the past to sell our property and have rejected them simply cause of under market value offers that we didn't agree on. We feel as property owners that \$17,000.00 is a fair market counter offer value for our property. I would appreciate you considering this counter offer as for we would like to avoid condemnation and move forward on this negotiation. If you have any questions please feel free to call me at your convenience.

Thank You,
Sincerely,


JUAN SALINAS


IDOLINA SALINAS