



HIDALGO COUNTY ADMINISTRATIVE EVALUATION AND APPROVAL FORM

ROW CSJ:0865-01-111

County: Hidalgo

Highway: Veterans Boulevard (SH 495)

Project Limits: Abram Road to La Homa Road

Parcel No.:36

Owner's Name: Oscar G. Ramirez and Zenaida Ramirez

Approved Offer: \$11,360.00

Date Offer Sent: 03/25/2019

Owner's Counteroffer: \$13,360.00

Date Counteroffer Received: 04/18/2019

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: 8/2022
Possession of this property is needed by: 8/19
Projected possession date, if settled is: 5/19
Projected possession date, if condemned is: 10/19
Letting date: 8/2022
- 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 a 500 square foot or 0.0115 of an acre tract of land situated in Hidalgo County, Texas and being out of Lot 5, Akin Development Subdivision being a re-subdivision of Lot 1, Texas Produce Co's Subdivision, Hidalgo County, Texas, as recorded in Volume 9, Page 1 of the Map Records, Hidalgo County, Texas. On March 25, 2019, Acquisition Provider (L&G Engineering) made an offer of \$11,360.00 to purchase the property to Oscar and Zenaida Ramirez. After several contacts, the Ramirez's submitted their counter offer of \$13,360.00 on April 18, 2019. They are an elderly couple and the present fencing provides security for their home. The fence will need to be put up immediately and they feel that compensation for labor costs to erect the fence and to replant their landscaping are not addressed properly in the appraisal report. Since they are both in their late 80's and their daughter lives in Houston, they will need to hire two (2) different contractors to handle each task. They anticipate that \$2,000 is enough to hire these two (2) individuals. 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 \$ 13,360.00 is / is not recommended for approval as being reasonable, justified, prudent and in the public interest.

RECOMMENDATION(S):

Juana M. Lopez
Project Engineer/ROW Administrator

4/25/19
Date

RPIC/Authorized Pct. Representative

Date

COUNTY APPROVAL:

County Judge

Date

April 18, 2019

Oscar Ramirez & Zenaida Ramirez
1103 W. Veterans Blvd.
Palmview, TX 78572

Hidalgo County
Veterans Boulevard (SH 495)
CSJ 0865-01-111
Parcel No. 36

RE: Purchase of 500 square foot or 0.01152 acre tract of land situated in Hidalgo County, Texas, being out of Lot No. 5, Akin Development Subdivision.

L&G Engineering
Attn: Luana Gonzalez
Right of Way Administrator

Dear Ms. Gonzalez:

We are in receipt of your offer letter dated March 25, 2019, in which you are offering us \$11,360.00 for our property referred to as Parcel No. 36.

After reviewing your offer letter and Mr. Leonel Garza's appraisal report, we have determined that the total amount of \$11,360.00 is not acceptable. The reasoning or basis for this rejection is noted as follows:


- Note that my present fencing now provides security for our home. After your Right of Way taking, it will be ultimately necessary that my fencing is all re-erected on our land remainder.
- We understand that the appraiser allows monetary compensation for the value of our present fencing and landscaping. It is evident in the "Contributory Value of Improvements" as shown on page 3.11 of his report. However, what we don't see is any monetary consideration for the time and labor costs in the re-erection of our fencing and the re-planting of our landscaping on our remaining property.
- My wife and I are in our late eighties of age and unable to perform any of these physical tasks. It will be necessary that we hire and pay two different contractors to handle both tasks and pay them out of our pocket. These anticipated costs have been estimated at approximately \$1,350.00 for fencing and \$650.00 for the landscaping. The total estimated at \$2,000.00.


Fencing will consist of 90 linear feet of wrought iron with concrete columns and a wrought iron rolling gate. Landscaping will consist of 1 mature Oak Tree, 1 Pine Tree, 2 Sago Palms and several small plants and flower shrubs.

In consideration of the above noted information, our counter offer has been calculated at \$13,360.00. This amount being \$11,360.00 as per your offer letter and an additional amount of \$2,000.00 for the re-fencing and re-planting, contractor and labor expenses. If this amount is acceptable and approved, we are willing to proceed with the consummation of this transaction.

Please contact us if additional information is necessary or if our counter offer is approved.

Sincerely,


Oscar G. Ramirez
Zenaida Ramirez



TABULATION OF VALUES

Parcel: 36 Highway :Veterans Blvd. (SH 495) ROW CSJ: 0865-01-111
 Taking Type: Partial District: Pharr
 Size of Remainder: 0.2755 Acres County: Hidalgo
 Type of Property: Improved/Residential Federal Project: N/A
 Contract Fencing: N/A
 Appraised by: Leonel Garza III
 Date Appraised: 8-15-18

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 | 80.00 % | ROW Acquisition Expenses |
| Hidalgo County Precinct No. 3 | 20.00 % | ROW Acquisition Expenses |

| Interest Owner | Acquisition Interest | Land Area | Value | Lease (Y/N) |
|---------------------------|----------------------|--------------------------|------------|-------------|
| Oscar G & Zenaida Ramirez | Fee Simple | 0.0115 Acres/ 500 sf. | \$1,625.00 | No |

I. Appraised Values

| Land Value | Improvement Value | Sign Value | Damages/Enhancements | Total Value |
|------------|-------------------|------------|----------------------|-------------|
| \$1,625.00 | \$8,010.00 | \$0.00 | \$1,725.00 | \$11,360.00 |

II. Improvements

| Item No. | Improvement Type | Type Construction | Improvement Value | Retention Value | Bisection Category |
|----------|------------------|--------------------|-------------------|-----------------|--------------------|
| A. | Drive | Concrete | \$585.00 | \$1.00 | N/A |
| B. | Fence | Wrought Iron | 4,050.00 | 1.00 | N/A |
| C. | Rolling Gate | Wrought Iron | 1,125.00 | 1.00 | N/A |
| D. | Landscaping | Trees (4) & Plants | 2,250.00 | 1.00 | N/A |
| | | | | | |
| | | | | | |
| | | | | | |

| Item No. | Improvement Type | Type Construction | Improvement Value | Retention Value | Bisection Category |
|----------|------------------|-------------------|-------------------|-----------------|--------------------|
| | | | | | |
| | | | | | |
| | | Total | \$8,010.00 | | |

TABULATION OF VALUES (continued)

Parcel: 36

Highway: Veterans Blvd. (SH495)

ROW CSJ: : 0865-01-111

III. Damages and Enhancements

| Total Non-Exempt Damages | Enhancements | Exempt Damages | Net Damages |
|--------------------------|--------------|----------------|-------------|
| \$0.00 | \$0.00 | \$1,725.00 | \$1,725.00 |

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: | 8-15-18 | | | Recommended Value |
| Appraiser's Name: | Leonel Garza III | | | |
| Value of Whole Property | \$124,968.00 | | | \$124,968.00 |
| Parcel Area: 500 sf. | | | | |
| VALUE FOR PARCEL | | | | |
| Land: per_sf. . 3.25 | \$1,625.00 | | | \$1,625.00 |
| Easement | \$0.00 | | | \$0.00 |
| Improvements | \$8,010.00 | | | \$8,010.00 |
| Net Damages or (Enhancements) | \$1,725.00 | | | \$1,725.00 |
| OAS Value(s) | \$0.00 | | | \$0.00 |
| TOTAL COMPENSATION | \$11,360.00 | | | \$11,360.00 |

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

TABULATION OF VALUES (continued)

Parcel: 36

Highway: Veterans Blvd. (SH495)

ROW CSJ: : 0865-01-111

VI. Comments and Conclusions on Values in the Appraisal Report

Appraiser: Leonel Garza III
Effective Date of Report: August 15, 2018
Report Dated: October 17, 2018
Review Appraiser: Harvey L. Heerssen
Effective Date of Review: January 11, 2019

Parcel 36 is a partial taking of 0.0115 acres (500 sf.) out of Lot 5, Akin Development Subdivision, as recorded in Volume 20 Page 176 of the Map Records, Hidalgo County, Texas, said Akin Development Subdivision being a re-subdivision of Lot 1, Texas Produce Co' S. Subdivision, Hidalgo County, Texas, as recorded in Volume 9, Page 1, of the Map Records, Hidalgo County, Texas, said Lot 5 conveyed by a Life Estate Gift Deed dated December 13, 2011, from David Juarez and wife, Gloria Juarez to Oscar G. Ramirez and wife Zenaida Ramirez, as recorded in Document No. 2266358 of the Official Records of Hidalgo County, Texas.

This parcel is located along the south line of Veterans Boulevard just west of Goodwin Acres Drive, Palmview Texas. The whole property of 0.287 acres is improved with a single family residence along with related site improvements. The residence is not impacted by the proposed acquisition. The highest and best use is for residential purposes.

Three (3) recent sales are utilized to value the whole property at 3.250 per sf. The part taken is valued as a pro-rata part of the whole property value.. There are no market damages to the remainder land. Cost to cure damages are necessary to compensate for the wrought iron fencing and rolling gate that were depreciated in the acquisition in order to replace these signs on the remainder to retain the same utility.

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 \$11,360.00 be approved for negotiations and acquisition.

VII. Justification and Explanation for Credit if Retained.

Retentions of \$1.00 are applied to the wrought iron fence and rolling gate in order to encourage retention and removal.

TABULATION OF VALUES (continued)

Parcel: 36

Highway: Veterans Blvd. (SH495)

ROW CSJ: 0865-01-111

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

John L. Hansen

Contract Reviewing Appraiser (if applicable)

1-14-19

Date

Division Reviewing Appraiser (if applicable)

Date

X. Approval of Values

Debra F. Linder

County/City Representative

1/25/2019

Date

ROW Staff Representative

Date

APPROVED BY
COMMISSIONERS' COURT
ON: *1/9/19* *ms*

REAL ESTATE APPRAISAL REPORT - TEXAS DEPARTMENT OF TRANSPORTATION

Address of Property: 1103 West Veterans Boulevard, Palmview, Texas District: Pharr
 Property Owner: Oscar G. & Zenaida Ramirez Parcel: 36
 Address of Property Owner: 1103 West Veterans Boulevard, Palmview, Texas ROW CSJ: 0865-01-111
 Occupant's Name: Oscar G. & Zenaida Ramirez Federal Project No: N/A
 Whole: Partial: Acquisition Highway: Veterans Boulevard 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."

Certificate of Appraiser

I hereby certify:

That it is my opinion the total compensation for the acquisition of the herein described property is \$11,360.00 as of August 15, 2018, based upon my independent appraisal and the exercise of my professional judgment;

That on August 15, 2018, I personally inspected in the field the property herein appraised; that I afforded Oscar G. & Zenaida Ramirez, the property owner or the representative of the property owner, the opportunity to accompany me at the time of the inspection;

That the comparables relied upon in making said appraisal were as represented by the photographs contained in the appraisal report and were inspected on July 25, 2018 (date)(s);

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, and/or their representatives, 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 SB 18 of the Texas 82nd Regular Legislative Session and finds as follows:

1. Is there a denial of direct access of the 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 \$ 0.00.

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

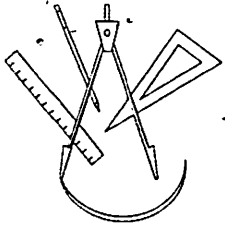
That my analysis, opinions and conclusions were developed, and this report has been prepared in conformity with the appropriate State laws, regulations, and policies and procedures applicable to the appraisal of right-of-way for such purposes, and that to the best of my knowledge no portion of the value 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
 Leonel Garza III
 Certification Number
 TX 1328375 - G

Date: October 17, 2018

| | |
|---|--------------------|
| To the best of my knowledge, the value does not include any items which are not compensable under State law. | |
|  Harvey L. Heerason Reviewing Appraiser | 01/14/2019 Date |





L&G Engineering

Transportation Consultants

March 25, 2019

Pharr District
Hidalgo County
Veterans Boulevard (SH 495): From Abram Road to La Homa Road
RCSJ: 0865-01-111
Parcel No. 36

RE: Purchase of 500 square foot or 0.0115 acre tract of land situated in Hidalgo County, Texas, being out of Lot 5, Akin Development Subdivision.

Oscar G. Ramirez & Zenaida Ramirez
1103 W. Veterans Boulevard
Palmview, Texas 78572

Dear Mr. & Mrs. Ramirez:

Enclosed for your review and further processing are the following:

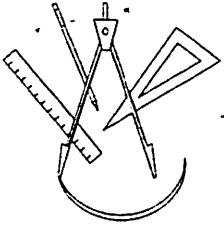
- Initial Offer Letter
- Metes and Bounds and Plat (proposed right of way to be acquired highlighted in yellow, located within appraisal report)
- Appraisal Report prepared by: Leonel Garza, III dated 10/17/2018
- Acknowledgement of Receipt of Appraisal Report
- Land Owner Bill of Rights w/Supplement
- Title Commitment
- Sample Deed
- Brochures ("State Purchase of Right of Way")

Please return the signed Acknowledgement of Receipt to our office at L&G Engineering, 900 S. Stewart Road, Suite 10, Mission, Texas 78572.

Should you have any questions or need additional information, please do not hesitate to contact me at (956) 585-1909.

Sincerely,

Luana M. Gonzalez,
Right of Way Administrator



L&G Engineering

Transportation Consultants

March 25, 2019

**Via Certified Mail, Return Receipt Requested No.
7018 1130 0002 1336 2532**

County: Hidalgo
Federal Project No.: N/A
Highway: Veterans Blvd. (SH 495)

ROW CSJ: 0865-01-111
Parcel: 36
From: Abram Road
To: La Homa Road

Oscar G. Ramirez & Zenaida Ramirez
1103 W. Veterans Boulevard
Palmview, Texas 78572

Dear Mr. & Mrs. Ramirez:

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 Veterans Boulevard (SH 495), 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 \$ 11,360.00 for your property, which includes \$ 9,635.00 for the property to be purchased and \$ 1,725.00 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. Drive - Concrete | \$ 1.00 |
| B. Fence - Wrought Iron | \$ 1.00 |
| C. Rolling Gate - Wrought Iron | \$ 1.00 |
| D. Landscaping - Trees (4) & Plants | \$ 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.

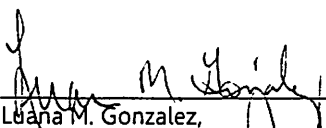
You have the right to discuss with others any offer or agreement regarding the Department's/County's acquisition of the subject property, or you may (but are not required to) keep the offer or agreement confidential from others, subject to the provisions of Chapter 552, Government Code (the Public Records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

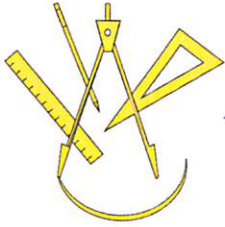
Finally, we enclose copies of all appraisal reports relating to your property being acquired which were prepared in the ten (10) years preceding the date of this offer and produced or acquired by the State/County, including the appraisal on which this offer is based.

Sincerely,



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

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



L&G Engineering

Transportation Consultants

April 25, 2019

The Honorable 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. 0865-01-111
Veterans Boulevard: From Abram Road to La Homa Road
Parcel No. 36

Dear Commissioner Flores:

Attached herewith is a counter-offer as submitted by Oscar and Zenaida Ramirez owners of Parcel 36 on April 18, 2019. 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 **\$13,360.00** 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 M. Gonzalez
Right of Way Administrator

cc: File
Attachments

9-1315-431-00-123-107-0-841