



HIDALGO COUNTY ADMINISTRATIVE EVALUATION AND APPROVAL FORM

ROW CSJ: 0921-02-364

Highway: Liberty Rd. Phase II

Parcel No.: 29

Owner's Name: Alma A. Juarez

Approved Offer: \$26,142.00

Owner's Counteroffer: \$30,689.00

County: Hidalgo

Project Limits: Mile 3 to SH 107

Date Offer Sent: 6/24/20

Date Counteroffer Received: 8/27/20

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: 6/21
Possession of this property is needed by: 6/21
Projected possession date, if settled is: 9/20
Projected possession date, if condemned is: 12/20
Letting date: 6/21
- 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 10,105 square foot or 0.2320 of an acre tract of land situated in the Lazero Flores Survey, Abstract 576, Porcion 76, Hidalgo County, Texas, out of Lot 51, Las Codornices Subdivision. On June 30, 2020, Acquisition Provider (L&G Engineering) made an offer of \$26,142.00 to purchase the property located on 1837 Quail Avenue, Penitas, Texas. On August 27, 2020 the property owner (Ms. Alma A. Juarez) submitted a counter offer of \$30,689.00. Ms. Juarez feels that her counteroffer is justifiable due to her property is a corner lot. This is a difference of \$4,547.00. Ms. Juarez hopes that the county considers her counteroffer 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 and will avoid litigation and costly fees going through the eminent domain process.

This administrative settlement of \$ 30,689.00 is / is not recommended for approval as being reasonable, justified, prudent and in the public interest.

RECOMMENDATION(S):

A. Crowl
Project Engineer/ROW Administrator

9/17/20
Date

RPIC/Authorized Pct. Representative

Date

COUNTY APPROVAL:

County Judge

Date

August 27, 2020

Alma A. Juarez
1829 Blue Bird Ave.
Penitas, Texas 78576

Hidalgo County
Liberty Road- Phase II
Parcel No. 29

RE: Offer Letter dated June 18, 2020

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

Dear Ms. Gonzalez:

I received your offer letter on 6-18-2020 in which The Texas Department of Transportation and L & G Engineering is offering me \$26,142.00 for my 10,105 square feet of land and improvements. My property is located on the northwest corner of Quail Drive and Liberty Road.

I have reviewed Mr. Garza's appraisal report and your offer letter and have concluded that the total amount of \$26,142.00 is not acceptable. The basis or reason for this rejection is noted as follows:

Appraiser Garza had calculated that the square foot unit rate of my land within the right of way taking is at \$2.30. After checking on other comparable properties in the area, it has been determined that my corner property should be valued at no less than \$3.00 per square foot. I will conservatively accept \$2.75 PSF.

Calculating the acquisition value of .02320 acres or 10,105 SF of land area at \$2.75 sums at \$27,789.00.

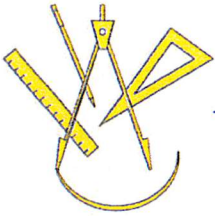
Land -----	\$27,789.00
Caliche Drive -----	\$1,050.00
Mesquite Tree -----	\$800.00
Damages- Cost-to-cure -----	<u>\$1,050.00</u>
Total Value -----	\$30,689.00

In consideration of the above noted information, my counter offer has been calculated at \$30,689.00. This amount should compensate me accordingly for my land value, landscaping, and the cost-to-cure for my caliche drive. If this amount is acceptable and approved, I am willing to execute the necessary conveyance documents for the acquisition of Parcel No. 29.

Please contact me as soon as my counter offer is reviewed and approved so we can move forward to the closing process.

Sincerely,


Alma A. Juarez



L&G Engineering

Transportation Consultants

June 18, 2020

**Via Certified Mail, Return Receipt Requested No.
7018 1130 0002 1336 4062**

County: Hidalgo
Federal Project No.: N/A
Highway: Liberty Road –Section 2

ROW CSJ: 0921-02-364
Parcel: 29
From: Mile 3
To: FM 2221 (Mile 7)

Alma A. Juarez
1829 Blue Bird Ave.
Penitas, Texas 78576

Dear Ms. Juarez:

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 \$ 26,142.00 for your property, which includes \$ 25,092.00 for the property to be purchased and \$ 1,050.00 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 – Caliche	\$ 1.00
B. Landscaping – Mesquite Tree	\$ 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.

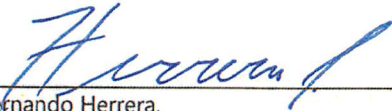
You have the right to discuss with others any offer or agreement regarding the Department's/County's acquisition of the subject property, or you may (but are not required to) keep the offer or agreement confidential from others, subject to the provisions of Chapter 552, Government Code (the Public Records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



Fernando Herrera,
Right of Way Manager or other signatory

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

Item No.	Improvement Type	Type Construction	Improvement Value	Retention Value	Bisection Category
		Total	\$1,850.00		

TABULATION OF VALUES (continued)

Parcel: 29

Highway: Liberty Road-Phase II

ROW CSJ: 0921-02-364

III. Damages and Enhancements

Total Non-Exempt Damages	Enhancements	Exempt Damages	Net Damages
\$2,500.00	\$0.00	\$1,050.00	\$1,050.00

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:	5/5/2020			Recommended Value
Appraiser's Name:	Leonel Garza III			
Value of Whole Property	\$98,350.00			\$98,350.00
Parcel Area: sf.10,105				
VALUE FOR PARCEL				
Land: per.sf. 2.30	\$23,242.00			\$23,242.00
Easement	\$0.00			\$0.00
Improvements	\$1,850.00			\$1,850.00
Net Damages or (Enhancements)	\$1,050.00			\$1,050.00
OAS Value(s)	\$0.00			\$0.00
TOTAL COMPENSATION	\$26,142.00			\$26,142.00

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

TABULATION OF VALUES (continued)

Parcel: 29

Highway: Liberty Road-Phase II

ROW CSJ: 0921-02-364

VI. Comments and Conclusions on Values in the Appraisal Report

Appraiser: Leonel Garza III
Effective Date of Report: May 5, 2020
Report Dated: May 15, 2020
Review Appraiser: Harvey L. Heerssen
Effective Date of Review: June 3, 2020

Parcel 29 is a partial taking of 0.2320 acres (10,105 sf.) situated in the Lazero Flores Survey, Abstract 576, Porcion 76, out of Lot 51, Las Codornices Subdivision as recorded in Volume 36, Page 159, of the Map Records, Hidalgo County, Texas, and out of 0.623 acre tract of land, conveyed by Special Warranty Deed with Vendor's Lien dated January 11, 2013, to Alma A. Juarez as described in Document No. 2376597, Official Records of Hidalgo County, Texas.

The whole property of 0.623 acres is located at the northwest corner of Liberty Road and Quail Drive, Penitas, Texas. The whole property is improved land with a single family residence along with supporting site improvements. The residence is not impacted by the proposed acquisition.

The appraiser Leonel Garza III has selected three (3) recent sales to value the whole tract at \$2.30 per sf. The highest and best use is for single family residential use. The part taken is properly appraised as a pro-rata part of the whole unit value. There are no market damages to the remaining land. Cost to cure is calculated to compensate for the caliche drive that was depreciated within the acquisition to replace the drive 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 \$26,142.00 be approved for negotiations and acquisition.

VII. Justification and Explanation for Credit if Retained.

A retention of \$1.00 is applied to each of the caliche drive and landscaping to encourage retention and removal.

TABULATION OF VALUES (continued)

Parcel: 29

Highway: Liberty Road-Phase II

ROW CSJ: 0921-02-364

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

Henry L. Johnson
Contract Reviewing Appraiser (if applicable)

6/3/2020
Date

Division Reviewing Appraiser (if applicable)

Date

X. Approval of Values

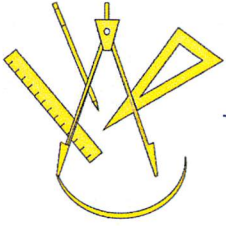
County/City Representative

Date

ROW Staff Representative

Date

APPROVED BY
COMMISSIONERS' COURT
ON: 6/9/20



L&G Engineering

Transportation Consultants

September 17, 2020

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. 0921-02-364
Liberty Rd. Phase II
Parcel 29

Dear Mr. Flores:

Attached herewith is a counter-offer as submitted by Alma A. Juarez, property owner of parcel 29 on August 29, 2020. 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 **\$30,689.00** 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
Luana Gonzalez, L & G Engineering