

L&G Engineering

Transportation Consultants

June 15, 2021

The Honorable Eduardo "Eddie" Cantu
Commissioner, Pct. 2
c/o Armando Garza Jr.
300 West Hall Acres
Pharr, Texas 78577

RE: County: Hidalgo
TxDOT CSJ No. 0921-02-404
Eldora Rd: FM 3362 (Jackson Rd.) to Veterans Blvd. (I Road)
Parcel No.: 51

Dear Commissioner Cantu:

Attached herewith is a counter-offer as submitted by Ramiro Ramirez owner of Parcel 51 on June 14, 2021. 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 valuation, legal and cost savings issue. 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 **\$7,830.00** 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 "Fred" Hererra
Right of Way Administrator

Attachments: As noted.
cc: File

F2 ADMIN
2021 JUN 18 PM 1:13

June 14, 2021

Ramiro Ramirez
P.O. Box 1463
Pharr, Texas 78577

Hidalgo County
Eldora Road Project
Parcel No. 51

To: L&G Engineering
To Whom It May Concern:

On 5-7-21, I received your Certified Mail package with your letter offering me a total of \$6,437.00 for my land, improvements, and damages to my remaining property. After reviewing Mr. Leonel Garza's appraisal report, I do not accept the County's offer.

I am enclosing a cost estimate for the re-fencing of my property with my cost for its preparation. The total amount of \$1,335.00 is \$298.00 more than the appraisal report allows as "Replacement Cost New". Central Fence & Supply is ready to do the complete job now at today's costs.

The report indicated that 1,825 square feet needed for the proposed right of way is calculated at \$2.00 per square foot. Conversations with other local area owners suggest that my land should be valued at no less than \$3.00 PSF. I will accept \$2.60 PSF as a fair market value.

My counter offer has been calculated as follows:

Land- 1,825 SF @ \$2.60/SF-----	\$4,745.00
Fencing- Chain Link-----	\$1,335.00
Landscaping- As in appraisal-----	\$1,750.00
Total- Final Value-----	\$7,830.00

In view of the above calculations, my counter offer is for \$7,830.00. This amount is a difference of \$1,393.00 from the \$6,437.00 offer.

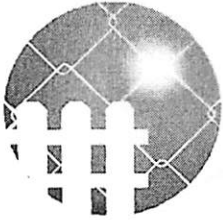
If this offer is acceptable and approved, I am willing to execute the necessary conveyance documents to finalize this ROW acquisition transaction. Thank you for your consideration.

Sincerely,



Ramiro Ramirez

Owner



CENTRAL FENCE & SUPPLY

504 E. Ferguson
P.O. Box 827
Pharr, TX 78577
(956) 783-7959 / 800-491-7923
Fax # (956) 787-4311
www.CentralFenceLtd.com

Estimate

Date	Estimate #
5/14/2021	57263
Estimator	Roly

Name / Address
Ramiro Ramirez 2800 Fortune Ave San Juan, Tx 956-330-8242

Project

Qty	Description
122	L.F. 5'0" Chain Link Fabric 12 1/2 gauge (Returns ONLY on full rolls)
6	Top Rail 1 3/8" x 21'0" .047 (61)
12	Line Post 1 5/8" x 6'6" .047
12	Loop Cap 1 5/8" x 1 3/8" - Aluminum
2	Terminal Post 2 3/8" x 6'0" .065
3	Tension Bar 5'0"
12	Tension Band(s) 2 3/8"
1	One Way
1	Two Way
2	Tie Wire 6 1/2" 12 gauge - Aluminum
122	L.F. Tension Wire 12 gauge
0.5	lbs. Pig Rings 12 gauge
1	Fence Permit
1	Labor to remove 122' of 5' chain link fence
1	Labor to install 122' of 5' chain link fence 12.5ga
1	Insurance estimate call
	Sales Tax

A 50% down payment will be required prior to initiation of project.	Total	\$1,335.00
---------------------------------------------------------------------	--------------	------------

Estimate is not final until a representative has visited the job site & verified project information.

Estimate is good for 15 days, unless noted otherwise.

A 50% down payment as well as a signed agreement is required on all new fence jobs. (If paying with a CC by phone, full payment is required)

ALL REPAIR and TEMPORARY FENCES must be paid in full prior to commencement of project.



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Fax # (956) 787-4311
www.CentralFenceLtd.com

Invoice

Date	Invoice #
5/14/2021	117982

PAID
05/14/2021

Customer: Ramiro Ramirez 2800 Fortune Ave San Juan, Tx 956-330-8242	Project / Deliver to
---------------------------------------------------------------------------------	----------------------

P.O. Number	Terms	Estimator	Notes
		Roly	

Quantity	Description	Price Each	Amount
1	Insurance estimate call	35.00	35.00

Received:	Subtotal	\$35.00
Customer must verify the correctness of all material being loaded. WE ARE NOT RESPONSIBLE FOR ERRORS ONCE THE CUSTOMER LEAVES OUR LOCATION. Return policy: Within 30 days of purchase & with original invoice; a 15% cash, 25% CC, re-stocking fee will apply.	Sales Tax (8.25%)	\$0.00
	Total	\$35.00

Balance Due \$0.00



HIDALGO COUNTY ADMINISTRATIVE EVALUATION AND APPROVAL FORM

ROW CSJ: 0921-02-404

Highway: El Dora Road

Parcel No.: 51

Owner's Name: Ramiro Ramirez

Approved Offer: \$6,437.00

Owner's Counteroffer: \$7,830.00

County: Hidalgo

Project Limits: From FM 3362 (Jackson Rd.)
To Veterans Blvd. (I Road)

Date Offer Sent: 5/4/2021

Date Counteroffer Received: 6/14/2021

Factors considered in evaluation:

1. Valuation Issues

- a. Reconciliation of all available appraisals, including Owner's.
- b. Other: Property owner feels that their property and improvements were undervalued.

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 \$20,000.00
- b. Approximate additional cost to litigate through jury trial \$40,000.00
- c. Other: _____

4. Timing Issues

- a. Maintain project schedule: Yes
Possession of this property is needed by: 7/2021
Projected possession date, if settled is: 7/2021
Projected possession date, if condemned is: 12/2021
Letting date: 12/2021
- 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 _____

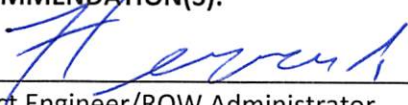
Analysis and Conclusion:

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

Parcel 51 is a partial acquisition containing 1,825 sq. ft. parcel of land situated in Lot 25, R.S.W. INCORPORATED UNIT NO. 1, being out of Lot 7 Block 5 John Closner et al subdivision, Hidalgo, County, Texas. On May 4, 2021, Acquisition Provider, L & G Engineering, made an offer of \$6,437.00 to property owner Mr. Ramiro Ramirez, via certified mail. On June 14, 2021, Mr. Ramirez submitted a counter offer for \$7,830.00. In his counter offer he stated that he feels his land and improvements were undervalued. After consulting with local land owners he is requesting an additional 60 cents per sq.ft. for his land. He is also asking for an additional \$298.00 to replace his chain link fence based on an estimate he provided from Central Fence & Supply. After discussion and review by the evaluation team, it is the recommendation that the administrative settlement be approved. The difference between the approve value versus the property owner's counter offer is (difference of \$1,393.00) does not warrant the risk and added expenses associated with standard eminent domain proceedings. accepting said counter offer will help avoid project time delays, and associated condemnation proceedings, thus resulting in a cost saving to the county.

This administrative settlement of \$ 7,830.00 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

REAL ESTATE APPRAISAL REPORT - TEXAS DEPARTMENT OF TRANSPORTATION

Address of Property: 2800 Fortune Avenue, San Juan, Texas	District: 21	
Property Owner: Ramiro & Aurora Ramirez	Parcel: 51	
Address of Property Owner: PO Box 1463, Pharr, Texas 78577	ROW CSJ: 0921-02-404	
Occupant's Name: Ramiro Ramirez & Aurora Ramirez	Federal Project No: N/A	
Whole: <input type="checkbox"/> Partial: <input checked="" type="checkbox"/> Acquisition	Highway: Eldora 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."

Certificate of Appraiser

I hereby certify:

That it is my opinion the total compensation for the acquisition of the herein described property is \$6,437.00 as of November 24, 2020, based upon my independent appraisal and the exercise of my professional judgment;

That on November 24, 2020, I personally inspected in the field the property herein appraised; that I afforded Ramiro & Aurora 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 November 24, 2020;

That I have not revealed and will not reveal the findings and results of such appraisal to anyone other than L&G Consulting Engineers, Inc. and the proper officials and Hidalgo County 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? No (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 .

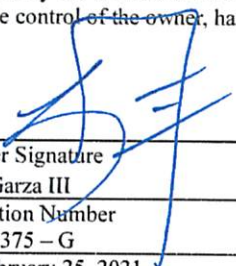
I certify to the best of my knowledge and belief:

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

That the reported 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;

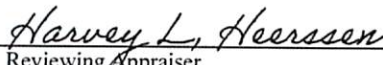
That my analysis, opinions and conclusions were developed, and this report has been prepared in conformity with the appropriate State laws, regulations, and policies and procedures applicable to the appraisal of right-of-way for such purposes, and that to the best of my knowledge no portion of the value 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: February 25, 2021

To the best of my knowledge, the value does not include any items which are not compensable under State law.	
 _____ Reviewing Appraiser	3/6/2021 _____ Date



TABULATION OF VALUES

Parcel: **51** Highway: **Eldora Road** ROW CSJ: **0921-02-404**
 Taking Type: Partial District: Pharr
 Size of Remainder: 0.458 Acres County: Hidalgo
 Type of Property: Improved/Residential Federal Project: N/A
 Contract Fencing: N/A
 Appraised by Leonel Garza III
 Date Appraised: 11/24/2021

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. 2	20%	ROW Acquisition Expenses

Interest Owner	Acquisition Interest	Land Area	Value	Lease (Y/N)
Ramon & Aurora Ramirez	Fee Simple	0.042 Acres/ 1,825 sf.	\$3,650.00	No

I. Appraised Values

Land Value	Improvement Value	Sign Value	Damages/Enhancements	Total Value
\$3,650.00	\$2,553.00	\$0.00	\$234.00	\$6,437.00

II. Improvements

Item No.	Improvement Type	Type Construction	Improvement Value	Retention Value	Bisection Category
A.	Fence	Chain Link	803.00	\$1.00	N/A
B.	Landscaping	Plants & Shrubs	1,750.00	1.00	N/A

TABULATION OF VALUES (continued)

Parcel: 51

Highway: Eldora Road

ROW CSJ: 0921-02-404

III. Damages and Enhancements

Total Non-Exempt Damages	Enhancements	Exempt Damages	Net Damages
\$0.00	\$0.00	\$234.00	\$234.00

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:	11/24/2020			Recommended Value
Appraiser's Name:	Leonel Garza III			
Value of Whole Property	\$122,257.00			\$122,257.00
Parcel Area: 1,825 sf.				
VALUE FOR PARCEL				
Land: per sf. \$2.00	\$3,650.00			\$3,650.00
Easement	\$0.00			\$0.00
Improvements	\$2,553.00			\$2,553.00
Net Damages or (Enhancements)	\$234.00			\$234.00
OAS Value(s)	\$0.00			\$0.00
TOTAL COMPENSATION	\$6,437.00			\$6,437.00

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

TABULATION OF VALUES (continued)

Parcel: 51

Highway: Eldora Road

ROW CSJ: 0921-02-404

VI. Comments and Conclusions on Values in the Appraisal Report

Appraiser: Leonel Garza III
Effective Date of Report: November 24, 2020
Report Dated: February 25, 2021
Review Appraiser: Harvey L. Heerssen
Effective Date of Review: March 2, 2021

Parcel 51 is a partial taking of 0.042 acres (1,825 sf.) situated in Lot 25, R.S.W. Incorporated, Unit No. 1, as recorded in Volume 19, Page 23, of the Map Records, Hidalgo County said R.S.W. Incorporated Unit No. 1 being out of Lot 7, Block 5, John Closner et al Subdivision, as recorded in Volume 0, Page 4, of the Map Records, Hidalgo County, Texas, being out of a 0.50 acre tract conveyed to Ramiro Ramirez by a Warranty Deed dated March 20, 1978 and recorded on March 20, 1978, as described in Document Number 9285 (Volume 1568, Page 734) of the Deed Records of Hidalgo County, Texas.

The whole property of 0.50 acres is located along the north line of Eldora Road approximately 0.13 miles east of Veterans Boulevard, ('I' Road), San Juan, Texas. The property is improved with a single family residence along with related 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 property at \$2.00 per sf. The part taken is properly appraised as pro-rata part of the whole unit value. The highest and best use is for single family purposes. There are no market damages to the remainder land. Cost to cure is necessary to compensate for the chain link fence that was depreciated within the taking to replace the fence 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 \$6,437.00 be approved for negotiations and acquisition.

VII. Justification and Explanation for Credit if Retained.

Retentions of \$1.00 are applied to each site improvement to encourage retention and removal.

TABULATION OF VALUES (continued)

Parcel: 51

Highway: Eldora Road

ROW CSJ: 0921-02-404

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

J. Henry L. Johnson
Contract Reviewing Appraiser (if applicable)

3/6/2021
Date

Division Reviewing Appraiser (if applicable)

Date

X. Approval of Values

Richard J. Lutz
County/City Representative

3/23/21
Date

ROW Staff Representative

Date

APPROVED BY
COMMISSIONERS COURT
ON: *3/9/21* *RL*