



HIDALGO COUNTY ADMINISTRATIVE EVALUATION AND APPROVAL FORM

ROW CSJ: 0921-02-364

County: Hidalgo

Highway: Liberty Rd. Seg II

Project Limits: Mile 3 to SH 107

Parcel No.: 9

Owner's Name: Isaac & Maria J. Ramirez

Approved Offer: \$11,853.00

Date Offer Sent: 6/19/2020

Owner's Counteroffer: \$15,838.00

Date Counteroffer Received: 10/7/2020

Factors considered in evaluation:

1. Valuation Issues

- a. Reconciliation of all available appraisals, including Owner's.
- b. Other: Property Owner feels land 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 \$12,000.00
- b. Approximate additional cost to litigate through jury trial \$15,000.00
- c. Other: _____

4. Timing Issues

- a. Maintain project schedule: 9/22
Possession of this property is needed by: 11/21
Projected possession date, if settled is: 11/21
Projected possession date, if condemned is: 5/22
Letting date: 9/22
- 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 _____

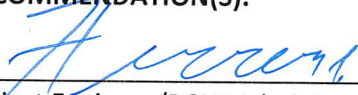
Analysis and Conclusion:

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

Being a 2,578 square foot or 0.0592 of an acre tract of land situated in the Lazero Flores Survey, Abstract 576, Porcion 76, and being out of Lot 1, Block 9, Homeville Association Subdivision "D" in Hidalgo County, Texas. On June 19, 2020, Acquisition Provider (L&G Engineering) made an offer of \$11,853.00 to purchase the property to Mr. and Mrs. Isaac and Maria J. Ramirez. On October 7, 2020 the property owner submitted a counter offer of \$15,838.00. Mr. & Mrs. Ramirez feel that their property and improvements were undervalued. They are asking that the price per sq.ft be raised from \$2.30 to \$3.00, a difference of 0.70 cents. They are also asking for modest increases in value for their fence, gate, caliche drive as well as addition of missed landscaping improvements . After discussion by the acquisition team, it is the recommendation that the administrative settlement be approved. The difference between the county approved value versus the property owner's counter offer (difference of \$3,985.00) 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. We believe that the proposed counter offer is within a reasonable range.

This administrative settlement of \$ 15,838.00 is / is not recommended for approval as being reasonable, justified, prudent and in the public interest.

RECOMMENDATION(S):



Project Engineer/ROW Administrator

10/4/21

Date

RPIC/Authorized Pct. Representative

Date

COUNTY APPROVAL:

County Judge

Date

October 7, 2020

Isaac & Maria J. Ramirez
15380 Tom Gill Rd.
Penitas, Texas 78576

Hidalgo County
Liberty Road – Phase II
Parcel No. 9

RE: Offer Letter package dated June 19, 2020

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

Dear Ms. Gonzalez,

We have received your offer letter package on 6-19-2020 in which the Texas Department of Transportation and L&G Engineering is offering us \$11,853.00 for our 2,578 SF of land, improvements and cost to cure damages. Our residential property is located on the southwest corner of Liberty Rd. and Rodriguez St. in Penitas, Texas.

As per our telephone conversation on August 20, 2020 with you and our review of the appraisal report for our Parcel No. 9, we have decided that the total amount of \$11,853.00 is not acceptable. The basis and reasoning for our rejection are noted as follows:

We make reference to the attached appraisal report Pages 4.0 and 5.7. The valuation on our land and improvements on the report are low and not representative of the actual market value. We do not fully understand the appraisal process, but we anticipate that \$11,853.00 will not replace the present worth of our real property and all our personal time loss and labor in the replacement process.

We have prepared our own similar calculation sheet showing our proposed and acceptable values for land and improvements. These values have been obtained from discussions and information from local realtors and area builders.

Land – 2578 SF @ \$3.00/SF -----	\$7,734.00
Ranch Fence – 256 LF x \$5.50 No Dep. -----	\$1,408.00
Ranch Tube Gate – 2x \$300.00/Gate No Dep. -----	\$ 600.00
Caliche Drive – 1975 SF x \$1.50/SF No Dep. -----	\$ 296.00

Spanish Olive – 2 x \$500.00/Tree -----	\$1,000.00
Cluster of Maquez Cactus -----	\$1,000.00
Cluster of Prickly Fruit Cactus -----	\$ 500.00
Yucca Plant – 4 X \$150/plant -----	\$ 600.00
Mesquite Tree – 3 x \$900.00/Tree -----	<u>\$2,700.00</u>
Calculated Expenses -----	\$15,838.00

We claim no cost to cure damages separately as shown on Page 5.7 because we did not depreciate none to the value of the improvement. These improvements are in good and serviceable conditions and are presently serving their specific purposes.

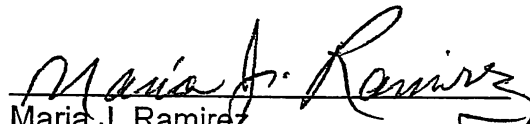
Our calculated counteroffer amount -----	\$15,838.00
Appraisal and First Offer Amount -----	<u>\$11,853.00</u>
Difference -----	\$ 3,985.00

Our calculated counteroffer amount of \$15,838.00 should compensate us accordingly for our land and improvements. We are willing to execute the necessary conveyance documents and consummate this transaction as soon as possible.

Please contact us as soon as our counteroffer is reviewed and approved so we can move forward with this right of way acquisition.

Sincerely,


Isaac Ramirez


Maria J. Ramirez

Attachments: Enclosed

PROPERTY VALUATION SUMMARY

Whole: Part to be Acquired: Remainder After:

HIGHEST AND BEST USE ANALYSIS:

The subject property highest and best use was determined to be for single family residential use.

VALUATION APPROACHES

Cost Approach \$ 11,204
 Sales Comparison Approach (Land Only) \$ 5,929
 Income Approach \$

RECONCILIATION OF APPROACHES TO VALUE

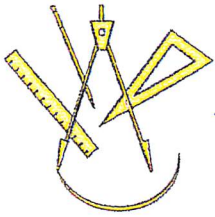
Contributory Value of Improvements	
Ranch Fence (256 LF x \$4.50 / LF @ 50% Depreciation)	\$ 576
Ranch Tube Gate (2 x \$200 / Gate @ 25% Depreciation)	\$ 300
Caliche Drive (197 SF x \$1.00 / SF @ 50% Depreciation)	\$ 99
Spanish Olive (2 x \$350 / Tree)	\$ 700
Cluster of Maguey Cactus	\$ 600
Cluster of Prickly Fruit Cactus	\$ 350
Yucca Plant (4 x \$100 / Plant)	\$ 400
Mesquite Tree (3 x \$750 / Tree)	\$ 2,250
Total Contributory Value of Improvements	\$ 5,275

Land Value 2,578 SF @ \$ 2.30 / SF \$ 5,929
 Total Land Value \$ 5,929
 Reconciled Final Value \$ 11,204

Cost To Cure

A cost to cure is calculated for the remainder after, as a portion of the site improvements located within the acquisition area must be replaced to maintain site utility and the existing use. Therefore, the cost to cure is based on the total cost of replacement of the improvement required, less the depreciated compensable amount calculated for the improvement within the part to be acquired, as shown below.

Replacement / Cost To Cure Item	Units	\$ Per Unit	Replacement Cost New	Depreciated Market Value	Cost To Cure
Replace Ranch Fence	250	\$ 4.50	\$ 1,125	\$ 576	\$ 549
Replace Ranch Tube Gate	2	\$ 200	\$ 400	\$ 300	\$ 100
Total Cost To Cure					\$ 649



L&G Engineering

Transportation Consultants

June 19, 2020

Via Certified Mail, Return Receipt Requested No.
7018 1130 0002 1336 4178

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

ROW CSJ: 0921-02-364
Parcel: 09
From: Mile 3
To: FM 2221 (Mile 7)

Isaac & Maria J. Ramirez
15380 Tom Gill Rd.
Penitas, Texas 78576

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 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 \$ 11,853.00 for your property, which includes \$ 11,204.00 for the property to be purchased and \$ 649.00 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.	Fence - Ranch	\$ 1.00
B.	Gate – Ranch Tube	\$ 1.00
C.	Drive – Caliche	\$ 1.00
D.	Landscaping – Trees (5) Cactus & Yucca 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



* N I O L P T *

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.

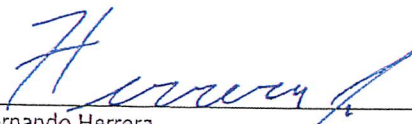
You have the right to discuss with others any offer or agreement regarding the Department's/County's acquisition of the subject property, or you may (but are not required to) keep the offer or agreement confidential from others, subject to the provisions of Chapter 552, Government Code (the Public Records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



REAL ESTATE APPRAISAL REPORT - TEXAS DEPARTMENT OF TRANSPORTATION

Address of Property: 1826 Rodriguez Street, Penitas, Texas 78576 District: 21
 Property Owner: Isaac Ramirez & Maria J Ramirez Parcel: 9
 Address of Property Owner: 15380 Tom Gill Rd Penitas, Texas 78576 ROW CSJ: 0921-02-364
 Occupant's Name: Isaac Ramirez & Maria J Ramirez Federal Project No: N/A
 Whole: Partial: Acquisition Highway: Mile 3 to FM 2221 (Mile 7) 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 \$11,853 as of May 5, 2020, based upon my independent appraisal and the exercise of my professional judgment;

That on May 5, 2020, I personally inspected in the field the property herein appraised; that I afforded Isaac Ramirez & Maria J 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 May 3, 2020;

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 L & G Engineering, 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 SB18 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 \$ 0.00 .

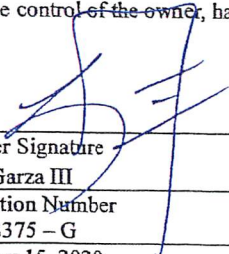
I certify to the best of my knowledge and belief:

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

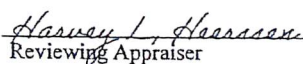
That the reported analysis, opinions and conclusions are limited only by the reported assumptions and limiting conditions, and are my personal, unbiased professional analysis, opinions, and conclusions;

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: May 15, 2020

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

 5/30/2020
 Reviewing Appraiser Date



TABULATION OF VALUES (continued)

Parcel: 9

Highway: Liberty Road-Phase II

ROW CSJ: 0921-02-364

III. Damages and Enhancements

Total Non-Exempt Damages	Enhancements	Exempt Damages	Net Damages
\$0.00	\$0.00	\$649.00	\$649.00

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	\$90,071.00			\$90,071.00
Parcel Area: 2,578 sf.				
VALUE FOR PARCEL				
Land: per sf. \$2.30	\$5,929.00			\$5,929.00
Easement	\$0.00			\$0.00
Improvements	\$5,275.00			\$5,275.00
Net Damages or (Enhancements)	\$649.00			\$649.00
OAS Value(s)	\$0.00			\$0.00
TOTAL COMPENSATION	\$11,853.00			\$11,853.00

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

TABULATION OF VALUES (continued)

Parcel: 9

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: May 26, 2020

Parcel 9 is a partial taking of 0.0592 acres (2,578 sf.) situated in the Lazero Flores Survey, Abstract 576, Porcion 76, out of Lot 1, Block 9, Homeville Association Subdivision "D," City of Penitas, as recorded in Volume 6, Page 36, of the Map Records, Hidalgo County, Texas, and being out of a called 0.4899 of an acre tract of land, conveyed by Warranty Deed dated December 27, 1977, to Isaac Ramirez and wife, Maria J. Ramirez, as described in Volume 1558, Page 231 of the Deed Records, Hidalgo County, Texas.

The whole property of 0.4898 acres is located on the southwest corner of Liberty Road and Rodriguez Street, Penitas, Texas. The whole property is improved with a single family residence 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 residential purposes. The part taken is properly appraised as a pro-rata part of the whole unit value. There are no market damages to the remainder land. Cost to cure is indicated to compensate for the improvements that were depreciated within the acquisition to replace these items 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 \$11,853.00 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: 9

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. Henderson
Contract Reviewing Appraiser (if applicable)

5/30/2020

Date

Division Reviewing Appraiser (if applicable)

Date

X. Approval of Values

Richard F. Curran
County/City Representative

6/9/20
Date

ROW Staff Representative

Date

APPROVED BY
COMMISSIONER'S COURT
ON: 6/9/20 *[Signature]*