



BRIGHTON GROUP

2805 Fountain Plaza Blvd., Ste A-2 Edinburg, TX 78539

February 5, 2022

Eduardo "Eddie" Cantu
Hidalgo County Commissioner, PCT #2
300 W. Hall Acres, Ste. G
Pharr, Tx 78577

RE: County: Hidalgo
ROW CSJ No. 0921-02-404
ElDora Road: From Jackson Road To Veterans Blvd. (I Road)
Parcel No. 2

Dear Commissioner Cantu:

Attached herewith is a counter-offer as submitted by Alonza Rivas owner of Parcel 2 on February 4, 2022. Brighton Group has reviewed the aforementioned and recommends that counteroffer be **approved**. Attached also is the N-9, Administrative Settlement Evaluation and Approval Form.

Brighton Group 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 **\$176,091.00** be accepted.

Please review these documents and feel free to contact me at (956)603-2005 if you wish to discuss this matter personally.

Sincerely,

Joseph Palacios
President/CEO

cc: File
Attachments



HIDALGO COUNTY ADMINISTRATIVE EVALUATION AND APPROVAL FORM

ROW CSJ: 0921-02-404

Highway: El Dora Road

Parcel No.: 2

Owner's Name: Alonzo Rivas

Approved Offer: \$170,091.00

Owner's Counteroffer: \$176,091.00

County: Hidalgo

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

Date Offer Sent: 1/03/2022

Date Counteroffer Received: 2/04/2022

Factors considered in evaluation:

1. Valuation Issues

- a. Reconciliation of all available appraisals, including Owner's.
- b. Other: Property owner feels that they will have relocate their existing entrance for added safety.

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: 2/2022
Projected possession date, if settled is: 2/2022
Projected possession date, if condemned is: 05/2022
Letting date: 9/2022
- 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)

Parcel 2 is 61,965 sq. ft. or 1.423 of one acre tract of land situated in Hidalgo County, Texas and being in Lot 120, Kelly-Pharr Subdivision, as recorded in Volume 3, page 133. Parcel 2 acquisition only consists of 36,945 sq. ft. the remainder of 25,020 sq. ft. is existing ROW. On January 3, 2022, Brighton Group, Acquisition Provider for the County, made an offer of \$170,091.00 to owner of record, Mr. Alonzo Rivas, via certified mail. On January 27, 2022 Ms. Sandra Martinez, Attorney for Mr. Rivas notified us a counteroffer would be submitted for the County's consideration. Mr. Rivas has requested an additional \$6,000.00 in order to relocate access into his property. Mr. Rivas feels this is necessary due to the high traffic in that area and will add much needed safety measures. After discussion and review by the evaluation team, it is the recommendation that the administrative settlement be approved. The difference between the approved value of \$170,091.00 versus the property owner's counter offer is \$6,000.00. We believe that the proposed counteroffer is within a reasonable range and seek the County's consideration for approval. This amount 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 savings to the county.

This administrative settlement of \$176,091.00 is / is not recommended for approval as being reasonable, justified, prudent and in the public interest.

RECOMMENDATION(S):



Project Engineer/ROW Administrator

2/04/2022

Date

RPIC/Authorized Pct. Representative

Date

COUNTY APPROVAL:

County Judge

Date



Alice Rodriguez <alice@brightongroup.org>

Fwd: Rivas property counter request

1 message

Joseph Palacios <joseph@brightongroup.org>
To: Alice Rodriguez <alice@brightongroup.org>

Fri, Feb 4, 2022 at 10:44 AM

Joseph Palacios
CEO
Joseph@brightongroup.org

BRIGHTON GROUP

2805 Fountain Plaza Blvd., Suite A
Edinburg, Texas 78539
Office: (956) 603-2005
Cell: (956) 250-7122

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----- Forwarded message -----

From: **sandra slmlaw.net** <sandra@slmlaw.net>
Date: Fri, Feb 4, 2022 at 10:41 AM
Subject: Rivas property counter request
To: joseph@brightongroup.org <joseph@brightongroup.org>

Good morning Jospheh,

I hope this letter finds you well. As you know, I represent Mr. and Mrs. Alonzo Rivas. We have reviewed your offer for reparations to the use of their property to expand the road. In order for them to replace their existing gate and relocate it, the should be made whole with an additional \$6,000.00. Initial offer was approximately \$162,000.00 and your additional offer after re-assessing damage to some property was \$170,000.00. The Rivas respectfully request an additional \$6,000.00 to cover new entrance to their property based upon the need created by the changes made to the road. Traffic backs up and it is nearly impossible to exit their existing gate, as it is almost always blocked. they will move their entrance and the additional funds would allow them to make that change in a timely manner for their safety and privacy.

Should you have any questions, please do not hesitate in contacting me. Thank you for your assistance in this matter.

Sincerely,
Sandra L. Martinez



SANDRA L. MARTINEZ

VERUM REGNAT

ATTORNEY & COUNSELOR AT LAW / MEDIATOR

February 4, 2022

Via email: joseph@brightongroup.org

Joseph Palacios
Brighton Group
2805 Fountain Plaza Blvd. Suite A-2
Edinburg, Texas 78539

Re: *Purchase 61,965 Square Feet or 1.423 of one acre of land, situated in Lot 120 KELLY-PHARR SUBDIVISION, as recorded in Volume 3, Page 133, of the Deed Records of Hidalgo County, Texas.*

Dear Joseph:

This letter is to inform you that I represent Mr. & Mrs. Alonzo Rivas who are the record land owners of the above referenced property. Please add me to any correspondence you may send them. I thank you for your time in addressing their needs and look forward to reaching an amicable agreement for the good of all involved in the expansion of the road abutting their property.

Should you have any questions or require further assistance in this matter, feel free to contact me.

Very truly yours,

Sandra L. Martinez



BRIGHTON GROUP

2805 Fountain Plaza Blvd., Ste A-2 Edinburg, TX 78539

Date: January 3, 2021

County: Hidalgo
Federal Project No.: N/A
Highway: Eldora Road

ROW CSJ: 0921-02-404
Parcel ID: 2
From: Jackson Road
To: Veterans Blvd (I Road)

BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED NO. 7020 1290 0001 2259 0121

Alonzo Rivas
PO Box 1716
Pharr, TX 78577-1631

Dear Mr. Rivas,

In acquiring property for the highway system of Texas, the Texas Department of Transportation (the "Department") and Hidalgo County (the "County") follows 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, Joseph Palacios, a portion of your property located on Eldora 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 \$170,091.00 for your property, which includes \$157,922.00 for the property to be purchased and \$12,169.00 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 Department/County 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 Department/County to acquire the real property by eminent domain.

<u>Improvement</u>	<u>Amount to be Subtracted if Retained</u>
A. Fence-Concrete Block Masonry	\$1.00
B. Fence-Hog Wire w/Cedar Posts	\$1.00
C. Fence-Hog Wire w/Cedar Post & Slats	\$1.00
D. Fence-Cedar	\$1.00
E. Landscaping-Trees(8) & Shrubs(4)	\$1.00
F. Column-Brick	\$1.00

If you wish to accept the offer based upon this appraisal, please contact Joseph Palacios as soon as possible, at (956) 379-7970, 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.

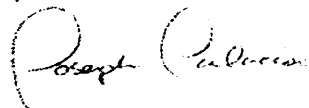
You have the right to discuss with others any offer or agreement regarding the Department's/County's acquisition of the subject property, or you may (but are not required to) keep the offer or agreement confidential from others, subject to the provisions of Chapter 552, Government Code (the Public Records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

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 me 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 Department/County, including the appraisal on which this offer is based.

Sincerely,



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: 3701 N Sugar Road, Pharr, Texas	District: 21
Property Owner: Alonzo Rivas	Parcel: 2
Address of Property Owner: PO Box 1716, Pharr, Texas 78577	ROW CSJ: 0921-02-404
Occupant's Name: Alonzo Rivas	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 \$170,091.00 as of May 26, 2021, based upon my independent appraisal and the exercise of my professional judgment;

That on May 26, 2021 & November 23, 2020, I personally inspected in the field the property herein appraised; that I afforded Alonzo Rivas, 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 23, 2020;

That I have not revealed and will not reveal the findings and results of such appraisal to anyone other than The Brighton Group and the proper officials 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 .

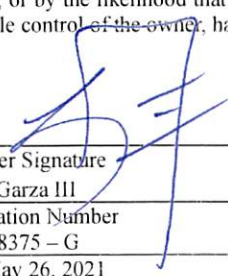
I certify to the best of my knowledge and belief:

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: May 26, 2021

To the best of my knowledge, the value does not include any items which are not compensable under State law.	
<i>Harvey L. Heerssen</i> Reviewing Appraiser	11/9/2021 Date



TABULATION OF VALUES

Parcel: 2 Update Highway: Eldora Road ROW CSJ: 0921-02-404
 Taking Type: Partial District: Pharr
 Size of Remainder: 8.577 Acres County: Hidalgo
 Type of Property: Improved/Residential/Commercial Federal Project: N/A
 Contract Fencing: N/A
 Appraised by Leonel Garza III
 Date Appraised: 5/26/2021 (Update)

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)
Alonzo Rivas	Fee Simple Existing ROW	36,945 sf, Net 25,020 sf.	\$140,023.00 \$0.00	No

I. Appraised Values

Land Value	Improvement Value	Sign Value	Damages/Enhancements	Total Value
\$140,023.00	\$17,899.00	\$0.00	\$12,169.00	\$170,091.00

Improvements

Item No.	Improvement Type	Type Construction	Improvement Value	Retention Value	Bisection Category
A.	Fence	Concrete Block Masonry	\$4,191.00	\$1.00	N/A
B.	Fence	Hog Wire w/Cedar Posts	2,106.00	1.00	N/A
C.	Fence	Hog Wire w/ Cedar Post & Slats	1,122.00	1.00	N/A
D.	Fence	Cedar	2,192.00	1.00	N/A
E.	Landscaping	Trees (12) & Shrubs (4)	7,800.00	1.00	N/A
F.	Column	Brick	488.00	1.00	N/A

TABULATION OF VALUES (continued)

Parcel: 2 Update

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	\$12,169.00	\$12,169.00

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:	5/26/2021 Updated Appraisal	11/23/2020 Original Appraisal	Recommended Value
Appraiser's Name:	Leonel Garza III	Leonel Garza III	
Value of Whole Property Economic Units 1 & 2	\$2,047,154.00	\$1,996,185.00	\$2,047,154.00
Parcel Area: 61,965 sf.-Gross 36,945sf. Net			
VALUE FOR PARCEL			
Land: per_ssf.7,297 @\$7.00	\$51,079.00	\$51,079.00	\$51,079.00
29,648 @\$3.00	88,944.00	88,944.00	88,944.00
25,020 @\$0.00	Ex -ROW \$0.00	Ex -ROW \$0.00	Ex -ROW \$0.00
Easement	\$0.00	\$0.00	\$0.00
Improvements	\$17,899.00	\$16,599.00	\$17,899.00
Net Damages or (Enhancements)	\$12,169.00	\$3,881.00	\$12,169.00
OAS Value(s)	\$0.00	\$0.00	\$0.00
TOTAL COMPENSATION	\$170,091.00	\$160,503.00	\$170,091.00

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

TABULATION OF VALUES (continued)

Parcel: 2 Update

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 Updated Report: May 26, 2021
Updated Report Dated: May 26, 2021
Review Appraiser: Harvey L. Heerssen
Effective Date of Updated Review: November 8, 2021

Parcel 2 has been updated due to overlooked landscaping items within the acquisition and reconsideration of the cost to cure. Two (2) trees were added to the part taken. Additionally, due to construction in this immediate area along Sugar Road, the existing driveway to the subject would be impeded because of vehicle stacking at the road intersection. Therefore, in the cost to cure, the appraiser provides for a secondary driveway to connect to the existing driveway of the property to facilitate access. Thus, the original appraised value was increased from \$160,503.00 to \$170,091.00 in this update

Parcel 2 is a partial taking of 1.423 acres (61,965 gross sf.) situated in Lot 120, Kelly-Pharr Subdivision as recorded in Volume 3, Page 133, of the Deed Records, Hidalgo County, Texas, being out of a 10.00 acre tract of land conveyed to Alonzo Rivas by a Warranty Deed dated October 8, 1969 and recorded on October 20, 1969, as described in Volume 1242, Page 783, of the Deed Records, Hidalgo County, Texas.

The total acquisition of 61,965 sf. includes an amount of 25,020 sf. within the existing right of way having no value. The whole property of 10 acres is located at the northwest corner of Sugar Road and along the north line of Eldora Pharr, Texas. The whole property is improved land containing a single family residence, storage shed, detached carport, animal canopies, and related site improvements. The main buildings are not impacted by the proposed acquisition. The valuation of the whole is divided into two (2) economic units by the appraiser. Economic Unit 1 is located at the northwest corner of Sugar Road consisting of 1.88 acres having highest and best use as commercial. Economic Unit 2 is on the north line of Eldora Road consisting of 7.55 acres having a highest and best use for multi-family residential purposes.

The appraiser Leonel Garza III has selected three (3) recent sales to value each unit at \$7.00 per sf. for Unit No. 1 and \$3.00 per sf. for Unit No. 2. The net parts taken of 36,945 sf. are properly valued as pro-rata parts of the Economic Units 1 and 2. There are no market damages to the remainder land. Cost to cure is necessary to compensate for the improvements that were depreciated within the acquisition to replace these items on the remainder to retain the same utility and existing use.

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 updated 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' updated opinion and conclusions appear to be well supported by information contained within this updated appraisal report. It is recommended that the total updated value of \$170,091.00 be approved for continuing 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: 2 Update

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

Henry L. Johnson
Contract Reviewing Appraiser (if applicable)

11/9/2021
Date

Division Reviewing Appraiser (if applicable)

Date

X. Approval of Values

Richard F. Carter
County/City Representative

11/17/21
Date

ROW Staff Representative

Date

APPROVED BY
COMMISSIONERS COURT
ON: 11/17/21


APPRAISAL REVIEW SUBMISSION
FOR

Parcel No. 2 Update
RCSJ: 0921-02-404
Hwy: Eldora Road
County: Hidalgo

CONSISTING OF:

- *Form ROW-A-10*
- *USPAP Requirements*
- *Fully Signed Appraisal Report*

PREPARED BY:


Harvey L. Keerssen
Tx. State Certified General Appraiser
No. TX-1327190-G

11/8/2021
Effective Date of Review

11/9/2021
Date of Review Report

**USPAP REQUIREMENTS
ELDORA ROAD -RCSJ 0921-02-404
PARCEL NO. 2 UPDATE**

REVIEWER'S CLIENT: Brighton Group, L.L.C.

INTENDED USERS OF APPRAISAL REVIEW: Brighton Group, L.L.C. and possibly Hidalgo County and Others authorized in the acquisition process.

INTENDED USE OF APPRAISAL REVIEW OPINIONS AND CONCLUSIONS: Quality Control, Possibly Audit, Qualification and Confirmation.

PURPOSE OF THE REVIEW ASSIGNMENT: (1) To evaluate compliance with USPAP, (2) To develop and communicate a conclusion of the quality of the fee appraiser's work, (3) To determine if the results of the work under review were credible for the intended user's intended use. To recommend a value for approval.

The review assignment does not include the development of the reviewer's own opinion of value or review opinion related to the work under review. The review assignment does include the reviewer to recommend a value for approval and negotiations. In accordance with the Uniform Appraisal Standards for Federal Land Acquisitions, Latest Edition of December 2016, Section 3.5, "An Opinion of Value Expressed by a Review Appraiser." The review appraiser may recommend, accept, or not accept an appraisal report based upon compliance with these Standards and the appropriateness and analyses employed in the appraisal report. Such actions do not constitute an opinion of value on the part of the review appraiser, nor do they infer that the reviewing appraiser has taken ownership of or is responsible for the value opinion expressed in the appraisal report under review.

JURISDICTIONAL EXCEPTION: An assignment condition established by applicable law or regulation which precludes an appraiser from complying with a part of USPAP." There is no Jurisdictional Exception in this appraisal report nor in this appraisal review.

SCOPE OF THE APPRAISAL REVIEW - The Scope of Work for this appraisal review is to develop an opinion as to the completeness, quality, accuracy, relevance, and reasonableness of the work under review, given law, regulations, or intended user requirements applicable to the work under review. The work under review is the updated appraisal report prepared by Mr. Leonel Garza III that has an effective date of 5/26/2021 and a report date of the same date.. The effective date of the updated appraisal review is 11/8/2021 and the date of the updated appraisal review report is 11/9/2021. The scope of work also includes the following:

- Technical compliance with the local agency standards
- Personal inspect the entire project and each parcel from the road right of way.
- Check and review appraisal report for USPAP Compliance and correcting any non-compliance.
- Check and review appraisal report to determine quality of appraiser's work and correcting any deficiency.
- Check report for mathematical calculations, approaches to value and accuracy of all statements and correcting any errors.
- Check for consistency of value and appraisal methodology from parcel to parcel and correcting any inconsistencies.
- Prepare appraisal review submission for Client that includes recommending a value for negotiations.
- Submit appraisal review report to Client electronically.

CONCLUSION: The updated appraisal report has been prepared based on recognized appraisal principles and standards, and thus conforms to the Uniform Standards of Professional Appraisal Practice (USPAP). The appraiser has presented good comparable sales that support the updated appraised value for this property. The appraiser's work is satisfactory and the analyses, opinions, and conclusions in the updated appraisal report under review are appropriate and reasonable. Based on the updated appraisal report and all supporting data. I approve the updated final value conclusion and recommend that the updated appraisal be released for continuing negotiations and acquisition.

**ASSUMPTIONS, EXTRA ORDINARY ASSUMPTIONS, LIMITING CONDITIONS AND
HYPOTHETICAL CONDITONS**

**Client: Brighton Group, L.L.C.
RCSJ: 0921-02-404
Parcel No. 2 Update**

This appraisal review is made subject to the following:

The legal description as provided by the client is assumed to be correct and the information furnished by others is believed to be reliable, but no warranty is given for its accuracy. The right of way map and all other relevant data furnished by the client are assumed to be correct.

It is assumed that the property reviewed is unencumbered by adverse easements and the property is reviewed as though free and clear from all liens and encumbrances in fee simple interest to the surface rights only.

No personal property including appliances not fixed to the realty, furnishing, vehicles, trade fixtures, or intangible items are included in the appraisal review.

Any allocation of the total value estimated in this review report between the land and improvements applies only to this parcel under review. The separate values allocated to the land and improvements must not be used in conjunction with any other appraisal report of another parcel and are invalid if so used.

The existence of potentially hazardous material and or toxic waste that may or may not be present on the property was not observed by the review appraiser. However, the review appraiser is not an expert on such matters and is not qualified to detect such substances, and no responsibility is assumed for any hazardous conditions, nor for any expertise required to discover them. The value conclusion of the appraisal review is on the assumption that no significant environmental problems exist that would adversely affect the value or marketability of the subject property.

The professional competency of the review appraiser should not be presumed to include the knowledge or experience of a professional surveyor, architect, engineer, title lawyer or other specialist.

An Extraordinary Assumption is defined as "an assignment specific assumption as of the effective date regarding uncertain information used in an analysis which, if found to be false, could alter the appraiser's opinions or conclusions." There are no Extraordinary Assumptions in this appraisal review.

A Hypothetical Condition is defined as a condition, related to a specific assignment, which is contrary to what is known by the appraiser to exist on the effective date of the assignment results but is used for the purpose of analysis." There are no Hypothetical Conditions in this appraisal review.

The client is reminded that market value changes as the market changes with time. Any passage of time may render the value inaccurate and unsuitable.

The submission of the appraisal review does not include the requirement of publication, court testimony or court appearance. Special arrangements will have to be made for this purpose, including fees and time frames.

I do not authorize the out-of-context quoting from or partial reprinting of the appraisal review report. Further, neither all nor any part of the contents of this appraisal review shall be disseminated to the public through advertising media, public relations media, news media, sales media or any public means or communications without the prior written consent and approval of the undersigned.

The liability of the review appraisal is limited to the client and intended users only and does not extend to any third parties or to users not specifically designated or authorized. The total liability of the review appraiser is limited to the amount of the fee received by the review appraiser for the report.

CERTIFICATION

**RCSJ: 0921-02-404 - PARCEL 2 UPDATE
ELDORA ROAD PROJECT**

I certify that to the best of my knowledge and belief:

The statements of fact contained in this review report are true and correct.

The reported analyses, opinions, and conclusions in this review report are limited only by the reported assumptions and limiting conditions and are my personal, impartial, and unbiased professional analyses, opinions, and conclusions.

I have no present or prospective interest in the property that is the subject of the work under review and no personal interest with respect to the parties involved with this assignment.

I have performed no services, as an appraiser or in any other capacity, regarding the property that is the subject of the work under review within the three (3) year period immediately preceding acceptance of this assignment.

I have no bias with respect to the property that is the subject of the work under review or to the parties involved with this assignment.

My engagement in this assignment was not contingent upon developing or reporting predetermined results.

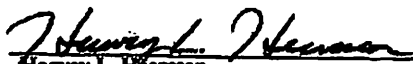
My compensation is not contingent on an action or event resulting from the analyses, opinions, or conclusions in this review or from its use.

My compensation for completing this assignment is not contingent upon the development or reporting of predetermined assignment results or assignment results that favors the cause of the client, the attainment of a stipulated result, or the occurrence of a subsequent event related to the intended use of this appraisal review.

My analysis, opinions and conclusions were developed, and this review report was prepared in conformity with the *Uniform Standards of Professional Appraisal Practice*.

I made a cursory field inspection of the entire Eldora Road Project and subject parcel from the road right of way on October 6, 2020.

No one provided significant appraisal, appraisal review, or appraisal consulting assistance to the person signing this certification.



Harvey L. Heerssen
Texas State Certified General
Real Estate Appraiser, TX-1327190-G

11/9/2021

Date



L&G Engineering
Transportation Consulting Engineers

2100 W. Expressway 83
Mercedes, TX 78570
Phone: (956) 565-9813
Fax: (956) 565-9018
Toll Free: (888) 565-9813
Firm No. F-4105

900 S. Stewart Rd., Ste. 10
Mission, TX 78572
Phone: (956) 585-1909
Fax: (956) 585-1927
Toll Free: (866) 585-1909

Letter of Transmittal

The Honorable Eduardo "Eddie" Cantu
Attn: Erika Zamora
Hidalgo County Precint No. 2
300 W. Hall Acres Ste. G
Pharr, Texas 78577

DATE:

February 7, 2022

RE:RSCJ: 0921-02-404
Eldora Road

TRANSMITTED:

- | | | |
|--|---|--|
| <input checked="" type="checkbox"/> For Your Use | <input type="checkbox"/> Please comment | <input type="checkbox"/> Approved as Noted |
| <input type="checkbox"/> As Requested | <input type="checkbox"/> Reply ASAP | <input type="checkbox"/> As Noted Below |


VIA:

- | | | |
|----------------------------------|---|--|
| <input type="checkbox"/> US Mail | <input type="checkbox"/> Courier | <input checked="" type="checkbox"/> Hand Carry |
| <input type="checkbox"/> E-Mail | <input type="checkbox"/> Lonestar Overnight | <input type="checkbox"/> Pick up |

COPIES	DESCRIPTION
1	Eldora Road – N-9 Counter Offer Recommendation for the following:
	Parcels No. 2 (Brighton Group)

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

Thank you in advance,
Fernando "Fred" Herrera
ROW Administrator



Received By: _____

Date: _____ Time: _____

P2 ADMIN
2022 FEB 7 PM 4:42