

July 26, 2022

The Honorable David Fuentes
Commissioner, Pct. 1
c/o Jorge Pena RPIC
1902 Joe Stephens Avenue
Weslaco, Texas 78599

RE: County: Hidalgo
RCSJ No. 0921-02-355
Parcel No. 11
MILE 6W: From: SH 107 to: Mile 14.5

Dear Commissioner Fuentes:

Attached herewith is a counter-offer as submitted by Mr. & Mrs. Rodriguez, owners of Parcel 11 on July 18, 2022. L & G Engineering has reviewed the aforementioned and hereby recommends that counter-offer **be approved**. Also attached is the N-9, Administrative Settlement Evaluation and Approval Form.

L & G Engineering believes the counter offer is within an acceptable range of value and we recommend that the counteroffer of **\$4,143.00** 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,


Fred Herrera
Right of Way Administrator

Attachments: As noted.
cc: File



HIDALGO COUNTY ADMINISTRATIVE EVALUATION AND APPROVAL FORM

ROW CSJ: 0921-02-355

County: Hidalgo

Highway: Mile 6 W

Project Limits: From Mile 14 1/2 North to SH 107

Parcel No.: 11

Owner's Name: Reynaldo and Irma Rodriguez

Approved Offer: \$3,165.00

Date Offer Sent: 05/31/2022

Owner's Counteroffer: \$4,143.00

Date Counteroffer Received: 07/18/2022

Factors considered in evaluation:

1. Valuation Issues

- a. Reconciliation of all available appraisals, including Owner's.
- b. Other: Parcel Owner believes property was 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: 12/2022
Possession of this property is needed by: 09/2022
Projected possession date, if settled is: 09/2022
Projected possession date, if condemned is: 01/2023
Letting date: 01/2026
- 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 _____

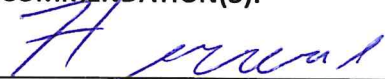
Analysis and Conclusion:

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

Parcel 11 is a partial acquisition containing 978 sq.ft. of land situated in Hidalgo County and also being a part of portion of a 5.0 acre tract of land out of Farm Tract 521. On May 31, 2022, Acquisition Provider (L&G Engineering) made offer of \$3,165.00 to purchase the property to Reynaldo and Irma Rodriguez. On July 18, 2022 the parcel owners submitted a counter offer of \$4,143.00 stating they believed their property was undervalued. Based on the information provided within the counter offer and discussion by the acquisition team it is recommended that the Administrative Settlement be approved. The difference between the county approved value of versus the property owner's counter offer (difference of \$978.00) 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.

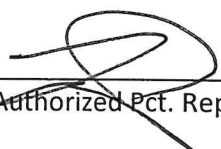
This administrative settlement of \$ 4,143.00 is / is not recommended for approval as being reasonable, justified, prudent and in the public interest.

RECOMMENDATION(S):



Project Engineer/ROW Administrator

7/26/22
Date



RPIC/Authorized Pct. Representative

8-9-22
Date

COUNTY APPROVAL:

County Judge

Date

Reynaldo & Irma Rodriguez
PO Box 2687
18204 N. Mile 6W
Elsa, Texas
(936) 414-5570
(936) 414-5580

July 18, 2022

To: *Novelia Sanchez at L&G Engineering Transportation Consultants*

Subject: Mile 6W ROW Parcel #11

Ms. Sanchez,

I have had time to review your organizations offer as it pertains to acquiring the ROW parcel described in the initial offer dated May 31, 2022. I find the amount reflected for any damaged to the property listed as \$2,187 to be both fair and adequate. However, the amount of \$978 for the purchase of the property to be is less than fair market value should the property be sold as a separate parcel to an interested third party and further that I/we be willing to sell the property. The valuation placed on the property by the Hidalgo County Appraisal district and used to reflect the price in your organizations initial offer considers only the interest of the County with bias. Researching properties currently for sale in and around my/our property I find a valuation several times higher would be acceptable to an interested buyer. I believe the numbers of the "For Sale" properties researched extremely overpriced just as I find the County valuation somewhat underpriced. Considering both appraisal numbers I/we are willing to accept \$1956, a valuation of twice your initial offer for the property. Therefore, the total amount I/we are willing to accept is \$4143 for my/our property, which includes \$1956 for the property to be purchased and \$2187 for damages to the remainder of my/our property.

Provided that all interested parties are willing to agree with the valuation of \$4143 as a purchase price, my counteroffer also includes the need to recognize my secondary dirt driveway, located at the Norwest corner of my/our property, as a contributing improvement and, therefore must be included as an improvement to be honored during all phases of construction of the Mile 6W Project. Projected plans to finish my/our second driveway have been used in construction of the existing circular drive and put on

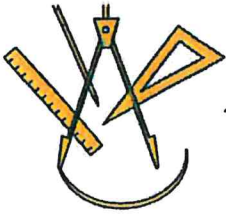
hold with recognition of the initial start of the Mile 6W Project. Failure to recognize said plans will cause a rise in cost to reroute said driveway and consequently would require an increased property purchase price; a price to be determined through a third-party contractor. Both existing driveways on the present ROW and my/our property are, in approximate dimensions, 18 feet wide and includes a 2-foot flare at both sides of its width bringing such access to 22 linear feet. In recognizing both drives as contributing improvements, it is further required they be constructed in said dimensions without deviation of such.

These are the terms of my/our counteroffer with little exception. Should further communication be required I am available by telephone at any time, as well as, at our scheduled appointment on Friday July 22, 2022, at my/our residence.

Thank you,

Reynaldo & Irma Rodriguez

A handwritten signature in black ink that reads "Irma Rodriguez". The signature is written in a cursive style and is positioned to the right of the typed name "Reynaldo & Irma Rodriguez".



L&G Engineering

Transportation Consultants

May 31, 2022

Via Certified Mail, Return Receipt Requested
No. 7021 0350 0002 1531 1650

County: Hidalgo
Federal Project No.: N/A
Highway: Mile 6 West

ROW CSJ: 0921-02-355
Parcel: 11
From: SH107
To: Mile 14.5

Reynaldo & Irma Rodriguez
PO Box 2687
Elsa, TX 78543-2687

Dear Mr. & Mrs. Rodriguez:

In acquiring property for the highway system of 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, Fernando Herrera Right of way Manager, a portion of your property located on Mile 6 West, 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 \$ 3,165.00 for your property, which includes \$ 978.00 for the property to be purchased and \$2,187.00 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 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 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 County to permit owners who convey voluntarily to the 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 County to acquire the real property by eminent domain.

<u>Improvement</u>	<u>Type</u>	<u>Amount to be Subtracted if Retained</u>
A. Driveway	Concrete	\$ 1.00
B. Lawn	Grass Sod	\$ 1.00

If you wish to accept the offer based upon this appraisal, please contact Project Manager Robert "Bob" Garcia or Fernando Herrera Right of Way Manager, 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 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 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 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 County's determination on any claim for reimbursement.

You may be entitled to additional payments and services under the County'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 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 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 Project Manager Robert "Bob" Garcia or Fernando Herrera Right of Way Manager 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 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")



TABULATION OF VALUES

Parcel: **11** Highway: **Mile 6 West Road** ROW CSJ: **0921-02-355**
 Taking Type: **Partial** District: **Pharr**
 Size of Remainder: **4.978 Acres** County: **Hidalgo**
 Type of Property: **Res-SFR**
 Contract Fencing: **N/A**
 Appraised by: **John H. Malcom, Jr.**
 Date Appraised: **2/21/2022**

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
Hidalgo County Precinct No. 1	20%	ROW Acquisition Expenses

Interest Owner	Acquisition Interest	Land Area	Value	Lease (Y/N)
Reynaldo Rodriguez North Alamo Water Supply Corporation	Fee Simple Easement	978 sf.-Encumbered	\$978.00	No
		978 sf.	978.00	No

I. Appraised Values

Land Value	Improvement Value	Sign Value	Damages/Enhancements	Total Value
\$1,956.00	\$2,187.00	\$0.00	\$0.00	\$4,143.00

II. Improvements

Item No.	Improvement Type	Type Construction	Improvement Value	Retention Value	Bisection Category
A.	Driveway	Concrete	\$972.00	\$1.00	N/A
B.	Lawn	Grass-Sod	1,215.00	1.00	N/A

Item No.	Improvement Type	Type Construction	Improvement Value	Retention Value	Bisection Category
		Total	\$2,187.00		

TABULATION OF VALUES (continued)

Parcel: 11

Highway: Mile 6 West Road

ROW CSJ: 0921-02-355

III. Damages and Enhancements

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

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:	2/21/2022	Recommended Value
Appraiser's Name:	John H. Malcom, Jr.	
Value of Whole Property (Economic Unit-1.00 Acre)	\$89,307.00	\$89,307.00
Parcel Area: 978 sf.		
VALUE FOR PARCEL		
Land: per sf. 978 sf. sf. Encumbered @ \$1.00 sf.	\$978.00	\$978.00
Easement 978 sf. @1.00 sf.	\$978.00	\$978.00
Improvements	\$2,187.00	\$2,187.00
Net Damages or (Enhancements)	\$0.00	\$0.00
OAS Value(s)	\$0.00	\$0.00
TOTAL COMPENSATION	\$4,143.00	\$4,143.00

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

TABULATION OF VALUES (continued)

Parcel: 11

Highway: Mile 6 West Road

ROW CSI: 0921-02-355

VI. Comments and Conclusions on Values in the Appraisal Report

Appraiser: John H. Malcom, Jr.
Effective Date of Report: February 21, 2022
Report Dated: March 21, 2022
Review Appraiser: Harvey L. Heerssen
Effective Date of Review: March 23, 2022

Parcel 11 is a partial taking of 0.022 acres (978 sf.) parcel of land situated in Hidalgo County, Texas and also being a part or portion of a 5.00 acre tract of land out of Farm Tract 521, West and Adams Tract Subdivision, according to the plat or map thereof recorded in Volume 2, Pages 34-37, of the Map Records of Hidalgo County, described in a deed dated August 10, 2011 from Reynaldo Rodríguez to Reynaldo Rodríguez and wife Irma Rodríguez recorded in Document Number 2231004 of the Official Records of Hidalgo County, Texas.

The whole property of 5.00 acres is located along the west line of Mile 6 West Road in the Elsa Extraterritorial Jurisdiction zoning area of Hidalgo County, Texas. The whole tract is improved with a single family residence and related site improvements. The residence is not impacted by the proposed acquisition. The whole property is encumbered by a utility easement owned by North Alamo Water Supply Corporation.

For valuation purposes, the appraiser has established an economic unit of 1.00 acre based on market trends in this immediate area. The appraiser has selected four (4) residential sales to value the unencumbered portion of the whole tract at \$2.00 per sf. Site improvements within the acquisition are appraised accordingly.

The acquisition of 978 sf. is totally encumbered land with the easement. Since the fee owner does not enjoy the full bundle of rights within the easement area, the appraiser estimates that the amount of rights taken amount to 50% of the fee value or \$1.00 per sf. Thus, the encumbered fee portion is valued at \$1.00 per sf, and the utility easement is also valued at \$1.00 per sf. There are no market damages the remainder land.

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 John H. Malcom, Jr. 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 \$4,143.00 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: 11

Highway: Mile 6 West Road

ROW CSJ: 0921-02-355

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)

4/2/2022
Date

Division Reviewing Appraiser (if applicable)

Date

X. Approval of Values

Richard J. Curran
County/City Representative

5/13/22
Date

ROW Staff Representative

Date

APPROVED BY
COMMISSIONERS COURT
ON: 5/13/22