

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. 20
MILE 6W: From: SH 107 to: Mile 14.5


Dear Commissioner Fuentes:

Attached herewith is a counter-offer as submitted by Mrs. Irma Gomez Rodriguez, owner of Parcel 20 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 **\$8,192.77** 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.: 20

Owner's Name: Irma Gomez Rodriguez

Approved Offer: \$2,033.00

Date Offer Sent: 05/31/2022

Owner's Counteroffer: \$8,192.77

Date Counteroffer Received: 07/18/2022

Factors considered in evaluation:

1. Valuation Issues

- a. Reconciliation of all available appraisals, including Owner's.
b. Other: _____

2. Legal Issues

- a. Analysis of recent court awards on similar properties or projects.
b. Analysis of recent court decisions which may affect the outcome of a condemnation action.
c. Analysis of previously unlitigated issues.
d. Other: _____

3. Cost Savings

- a. Approximate cost to litigate through Special Commissioners' Hearing \$12,000.00
b. Approximate additional cost to litigate through jury trial \$15,000.00
c. Other: _____

4. Timing Issues

- a. Maintain project schedule: 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 _____

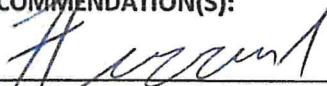
Analysis and Conclusion:

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

Parcel 20 is a partial acquisition containing 450 sq.ft. of land situated in Hidalgo County. On May 31, 2022, Acquisition Provider (L&G Engineering) made offer of \$2,033.00 to purchase the property to Irma Gomez Rodriguez. On July 18, 2022 the parcel owner submitted a counter offer of \$8,192.77. In her counter she states that a major part of the property's septic system will be impacted by the "take" and will need to be relocated. She provided estimates from Dixon Concrete Products for a new septic tank and two other quotes for rerouting sewer lines. 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 \$6,159.77) 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 \$ 8,192.77 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

**Irma Gomez Rodriguez
PO Box 2687
18105 N. Mile 6W
Weslaco, Texas 78599
(936) 414-5580**

July 18, 2022

To: Novelia Sanchez at L&G Engineering Transportation Consultants

Subject: Mile 6W ROW Parcel # 20

Ms. Sanchez,

I have had time to review your organizations offer as it pertains to acquiring the ROW Parcel #20 described in the initial offer dated May 31, 2022. In my initial review, I noticed your organization used 2021 appraisal data from the Hidalgo County Appraisal District, said amount being a \$30, 000 fair market valuation. New appraisal data reflects a total fair market valuation of \$44,319; an amount considered in preparation of this counteroffer. In further review, I notice your organizations proposal reflects my parents, Leon & Petra Gomez as co-owners of the property, my parents are both deceased. Death certificates were presented to, and changes have been by the appropriate county agency. I expect henceforth your organization will recognize myself, Irma Gomez Rodriguez, as the sole owner of the discussed parcel.

Other considerations: The proposed corner parcel to be acquired includes a major part of my property's septic system. The home is currently occupied by my older brother, a disabled person, making any disruption of bathroom facilities a major inconvenience. As previously discussed, I had contacted Dixon Concrete, an authorized septic system installer, for a quote. The quoted price for installation of a new septic system on another part of my property not designated for acquisition, reflects a tentative cost of \$4500. The quote does not include the removal or collapse and backfill of the old system which is recommended and is quoted to cost of around \$300 depending on the amount required and cost of fill dirt at the time. Further, and not part of the provided quote, is the cost for a Hidalgo County required soil sample (\$250). I have paid the total sum of \$250 for required soil sample. I

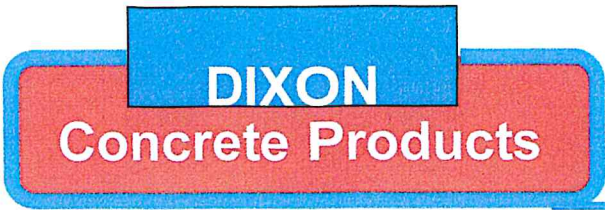
have also obtained two quotes for rerouting my home's sewer lines to the new septic system. The initial quotes include a tentative price of \$613.95 or \$471.58 (average is \$542.77) considering the use of two different diameter sewer lines and are in addition to the required \$600 cost of labor.

In summation my counteroffer includes an increase of \$161 in the amount for the property to be purchased and is based on the most current appraisal data. Also reflected is an increase for damages to the remainder of my property and includes the \$4500 septic system, \$250 for a required soil sample, \$300 for removal and backfill of the old septic system, and a total of \$1142.77 (average of \$542.77 plus \$600) for the rerouted sewer lines. The amount I am willing to accept as outlined in this counteroffer stands at a total of \$8192.77 for my property, which includes \$2000 for the property to be purchased and \$6192.77 for damaged to the remainder of the property.

Thank you,

Irma G. Rodriguez

Irma Gomez Rodriguez



Quote

P.O. 206
322 E. 4th St.
Elsa, TX 78543

Office: 956-262-1181
Cell: 956-343-4699
Email: dixonconcreteproducts@gmail.com
Website: dixonconcreteproducts.com

June 28, 2022

Oraldo Cardoza
Lic. # OS 0031606

FOR:
Irma Rodriguez
18015 N. Mile 6 W
Weslaco, TX 78599

JOB LOCATION:
Mile 6 W & Mile 16 N.

PAYMENT TERMS

Purchase Order accepted

QTY	ITEM DESCRIPTION	UNIT PRICE	TOTAL
1	Septic system installation based on *CL 3 soil for a 3 bdrm house. (2 – 500 gal tanks, 300’- 8” gravel less drain field and backfill existing septic tank). Quote includes soil test and county permit.	\$4500.00	\$4500.00
	*CL 3 soil test taken 06/24/2022		
TOTAL:			\$4500.00

Quote prepared by: _____

To accept this quote, sign here and return: _____

Thank you for supporting a Vietnam Veteran-Owned Business!

031504 000000

ACCOUNT

93-00000016-000

* QUOTE/ ESTIMATE *

ESTIMATE

5:25 AM
7/13/2022 Page 1

***** QUOTE/ESTIMATE *****

Phone #: (606) 200-0000

Selling Shipping Sales
Store 93 Store 93 Person 11504 MAXIBEL C

Our Order 308441-00

Customer P.O.

TRIMM CASH TERMS

Quantity Ordered	Quantity Shipped	UM	Location	Item Number	Description	Unit Est/UM	Unit Price	Disc	Extended Price
10		EA	401100	220612	4X10" SCH40 PVC/DWV CELL PIPE	10/EA			
5		EA	210702	222004	4" DWV COUPLING	5/EA			
3		EA	210902	222021	4" DWV WYE	3/EA			
3		EA	210802	222003	4" FIP DWV CLEANOUT BODY	3/EA			
3		EA	210802	222027	4" MID DWV THRD CLEANOUT FLDG	3/EA			

This ESTIMATE is given as a price quote only for the materials listed. It is not intended as a complete material list for your project.
- Prices are subject to change without notice. -

***** ESTIMATE ** ESTIMATE ** ESTIMATE **

Expires: 7/20/2022	Total Wt: 167	Net Sales	Taxable	Tax \$	Tax	Total
		567.16	567.16	8.25	44.79	613.25

031604 000000
ACCOUNT 93

**** QUOTE

Phone #: (000)000-000

Selling Shipping
Store 93 Store 93

RIBEL C

Customer P.O.

Quantity	Quantity	UM	Loca	Number	Description	Unit Ext/US	Extended Price
Ordered	Shipped						
10		EA	401100	220612	4X10' SCH40 PVC/DWV CELL PIPE	10/EA	
5		EA	210702	222006	4" DWV COUPLING	5/EA	
3		EA	210902	222021	4" DWV WYE	3/EA	
3		EA	210802	222003	4" FIP DWV CLEANOUT BODY	3/EA	
3		EA	210802	222027	4" MIP DWV THRD CLEANOUT PLUG	3/EA	

This ESTIMATE is given as a price quote only for the materials listed. It is not intended as a complete material list for your project.
- Prices are subject to change without notice. -

** ESTIMATE ** ESTIMATE ** ESTIMATE **

Expires: 7/20/2022

Total Wt:	Net Sales	Taxable	Tax %	Tax	Total
167	567.16	567.16	8.25	46.79	613.95

Lervox \$ 650

 * QUOTE/ ESTIMATE *

ESTIMATE

8:23 AM
 7/23/2022 Page 1

53-00000014-000

QUOTE/ESTIMATE *****

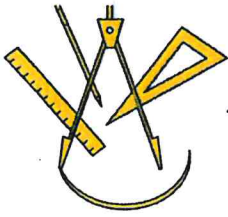
81000-0000

Shipping Sales
 Store 91 Person 31604 MARIBEL C

Our Order 908477-00

Terms CASH TERMS

Quantity	UM	Locatio	Item Number	Description	Unit	Rat/UM	Unit Price	Disc	Extended Price
EA		401100	220700	SDR35 4"x10" SOLID ASTM 3034-D		10/EA			
EA		210901	22203631	SDR35 4" WYE		3/EA			
EA		210901	22203635	SDR35 4" MIP PLOG		3/EA			
EA		211001	222034	SDR35 4X4" FIP ADAPTER		3/EA			
<p>This ESTIMATE is given as a price quote only for the materials listed. It is not intended as a complete material list for your project. ** Prices are subject to change without notice. **</p>									
<p>** ESTIMATE ** ESTIMATE ** ESTIMATE **</p>									
					Net Sales	Taxable	Tax 1	Tax	Total
7/20/2022					Total Wt: 118	476.01	476.01	8.25	35.97
									471.78



L&G Engineering

Transportation Consultants

May 31, 2022

Via Certified Mail, Return Receipt Requested
No. 7021 0350 0002 1531 1742

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

ROW CSJ: 0921-02-355
Parcel: 20
From: SH107
To: Mile 14.5

Irma Gomez and Leon Gomez & wife, Petra Gomez
P.O. Box 2687
Elsa, TX 78543-2687

Dear Ms. & Mr. Gomez:

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 \$ **2,033.00** for your property, which includes \$ **1,839.00** for the property to be purchased and \$ **194.00** 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>Amount to be Subtracted if Retained</u>
A.	Landscaping – Grass Sod Lawn- 450 sf.	\$ 1.00
B.	Fence – Chain Link- 60 LF.	\$ 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.

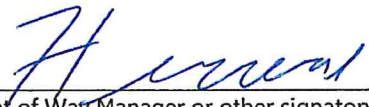
You have the right to discuss with others any offer or agreement regarding the County's acquisition of the subject property, or you may (but are not required to) keep the offer or agreement confidential from others, subject to the provisions of Chapter 552, Government Code (the Public Records Act) as 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: 20 Highway: Mile 6 West Road ROW CSJ: 0921-02-355
 Taking Type: Partial District: PHR
 Size of Remainder: 0.510 Calculated (Sketch is Incorrect) County: Hidalgo
 Type of Property: Res-SFR
 Contract Fencing: N/A
 Appraised by: John H. Malcom, Jr.
 Effective Date of Appraisal Report: 2/21/2022
 Date Appraisal Report Signed: 3/30/2022

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)
Irma Gomez North Alamo Water Supply Corporation	Fee Simple-Unenc. and	450 sf.	\$636.00	No
	Enc. Easement	337 sf.	381.00	No

I. Appraised Values

Land Value	Improvement Value	Sign Value	Damages/Enhancements	Total Value
\$1,017.00	\$1,203.00	\$0.00	\$194.00	\$2,414.00

II. Improvements

Item No.	Improvement Type	Type Construction	Improvement Value	Retention Value	Bisection Category
A.	Landscaping	Grass Sod Lawn - 450 sf.	\$675.00	1.00	N/A
B.	Fence	Chain Link -60 LF.	528.00	1.00	N/A

Item No.	Improvement Type	Type Construction	Improvement Value	Retention Value	Bisection Category
		Totals	\$1,203.00	\$2.00	

TABULATION OF VALUES (continued)

Parcel: 20

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	\$194.00	\$194.00

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 Effective Date			Recommended Value
Appraiser's Name:	John H. Malcom, Jr.			
Value of Whole Property	\$37,322.00			\$37,322.00
Parcel Area: 450 sf.				
VALUE FOR PARCEL				
Land; per sf. 113 sf. Unencumbered @ \$2.26 sf. & 337 sf. Encumbered @ \$1.13 sf.	\$255.00			\$255.00
	\$381.00			\$381.00
Easement 337 sf. @ 1.13 sf.	\$381.00			\$381.00
Improvements	\$1,203.00			\$1,203.00
Net Damages or (Enhancements)	\$194.00			\$194.00
OAS Value(s)	\$0.00			\$0.00
TOTAL COMPENSATION	\$2,414.00			\$2,414.00

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

TABULATION OF VALUES (continued)

Parcel: 20

Highway: Mile 6 West Road

ROW CSJ: 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 30, 2022
Review Appraiser: Harvey L. Heerssen
Effective Date of Review: May 1, 2022

Parcel 20 is a partial taking of 0.010 acres (450 sf.) parcel of land situated in Hidalgo County, Texas and also being a part or portion of a 0.52 of an acre tract of land out of Farm Tract 514, 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 April 12, 1988 from Leon Gomez and wife Petra Gomez to Irma Gomez and recorded in Volume 2581, Page 948, of the Official Records of Hidalgo County, Texas. The proposed acquisition is a corner clip.

The whole property of 0.52 acres is located at the northwest corner of Mile 6 West Road and Mile 16 North Road in the Elsa Extraterritorial Jurisdiction 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 0.367 acres based on similar size residential tracts in this neighborhood and has selected four (4) residential sales to value the unencumbered portion of the whole tract at \$2.26 per sf. Site improvements within the acquisition are appraised accordingly.

The acquisition of 450 sf. has 113 sf of unencumbered land and 337sf. that is encumbered 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 \$1.13 per sf. Thus, the encumbered fee portion is valued at \$1.13 per sf. and the utility easement is also valued at \$1.13 per sf. There are no market damages to the remainder land. Cost to cure is necessary to compensate for the chain link fence that was depreciated withing the acquisition 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 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 \$2,414.00 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: 20

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



Contract Reviewing Appraiser (if applicable)

Date 5/2/2022

Division Reviewing Appraiser (if applicable)

Date

X. Approval of Values



County/City Representative



Date

ROW Staff Representative

Date

APPROVED BY
COMMISSIONERS COURT
ON: 