

L&G Engineering

August 4, 2022

Transportation Consultants

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. 3
MILE 6W: From :SH 107 To: Mile 14.5


Dear Commissioner Fuentes:

Attached herewith is a counter-offer as submitted by Ms. Monica Liza Reynero owner of Parcel 3 on August 4, 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 counteroffer is a valuation, legal and cost savings issue. More importantly due to recent court awards on similar projects and the cost to litigate through the Special Commissioners' Hearing we recommend that the counteroffer of **\$3,000.00** be accepted.

Please review these documents and feel free to contact me at (956) 585-1909 if you wish to discuss this matter personally.

Sincerely,


Fernando "Fred" 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 6W

Project Limits: From SH 1077 to Mile 14.5

Parcel No.: 3

Owner's Name: Monica Liza Reynero

Approved Offer: \$1,625.00

Date Offer Sent: 6/29/2022

Owner's Counteroffer: \$3,000.00

Date Counteroffer Received: 8/4/2022

Factors considered in evaluation:

1. Valuation Issues

- a. Reconciliation of all available appraisals, including Owner's.
- b. Other: None

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 \$15,000.00
- b. Approximate additional cost to litigate through jury trial \$20,000.00
- c. Other: _____

4. Timing Issues

- a. Maintain project schedule: 12/2022
Possession of this property is needed by: 8/2022
Projected possession date, if settled is: 9/2022
Projected possession date, if condemned is: 1/2023
Letting date: 3/2026
- 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 _____

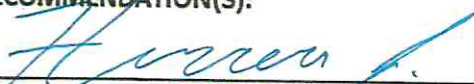
Analysis and Conclusion:

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

Parcel 3 is a partial acquisition containing 200 sq. ft., parcel of land situated in Hidalgo County, Texas and also being part or portion of Lot 54, Block No. 5, FIRST SECTION OF FARMER'S HOME SUBDIVISION No. 1. On June 29, 2022, Acquisition Provider (L&G) mailed an offer of \$1,625.00 to purchase the property to Ms. Monica Liza Reynero. L & G ROW Agents Robert Garcia and Novelia Sanchez went and visited the property owner on site on June 27, 2022, to discuss the offer and answer any questions she had. On August 4, 2022, the property owner submitted a counter offer in the amount of \$3,000.00. In her counter offer Ms. Reynero stated that she believes the road will be getting closer to her home and that she will need to build a fence for safety and protection. Property owner stated there had recently been an accident where the driver wrecked into her tree at the front of the property, and this has caused her concern. Based on the information provided within the the counter offer and discussion by the acquisition team it is recommended that the Administrative Settlement be approved. The difference between the approved value versus the property owner's counter offer is a difference of (\$1,375.00) does not warrant the risk and added expenses associated with standard eminent domain proceedings. Accepting said counter offer will help avoid project time delays, and associated condemnation proceedings, thus resulting in a cost saving to the county.


This administrative settlement of \$ 3,000.00 is / is not recommended for approval as being reasonable, justified, prudent and in the public interest.

RECOMMENDATION(S):



Project Engineer/ROW Administrator

8/4/2022
Date



RPIC/Authorized Pct. Representative

8/29/22
Date

COUNTY APPROVAL:

County Judge

Date

8-4-2022

To whom it may concern,

I monica L. Reynero do not accept the offer of 1,625.00. I would like to ask for 3,000.00. as to the reason that on May 29, 2021 there was an accident my home on my yard. A car ran into my tree. Since the road is getting closer to my home I am afraid of more accidents. I am asking for that amount as well since prices of material have gotten really expensive a fence company quoted me a price of 5,000.00

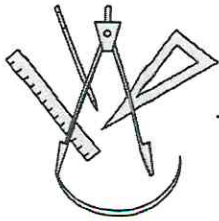
monica

8-4-2022

To whom it may concern,

I Monica L. Reynero do not accept the offer of 1,625.00. I would like to ask for 3,000.00. as to the reason that on May 29, 2021 there was an accident my home on my yard. A car ran into my tree. Since the road is getting closer to my home I am afraid of more accidents. I am asking for that amount as well since prices of material have gotten really expensive a fence company quoted me a price of 5,000.00

Monica



L&G Engineering

Transportation Consultants

June 29, 2022

Hidalgo County
Mile 6 West
Limits: (SH107 to Mile 14.5)
RCSJ: 0921-02-355
Parcel No. 3

RE: The purchase of a 0.005 of an acre (200 square feet) parcel of land situated in Hidalgo County, Texas and also being a part or portion of Lot 46 Block No.1, First Section Farmer's Home Subdivision, No.1 according to the plat or map thereof recorded in Volume 18 Page 19, of the Map Records of Hidalgo County, Texas.

Juan F. & Maria Concepcion Reynero and Monica Liza Reynero
101 Zapata Street
Elsa, TX 78543

Dear Mr. & Mrs. Reynero and Ms. Reynero:

Enclosed for your review and further processing are the following:

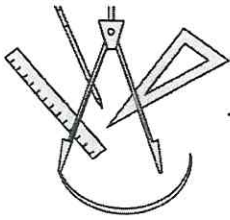
- Initial Offer Letter
- Metes and Bounds and Plat
- Appraisal Report prepared by: John Malcom, Jr. dated 03/30/2022
- Acknowledgement of Receipt of Appraisal Report
- Land Owner Bill of Rights w/Supplement
- Title Commitment
- Sample Deed
- Brochures ("State Purchase of Right of Way")

Please return the signed Acknowledgement of Receipt to our office at L&G Engineering, 900 S. Stewart Road, Suite 10, Mission, Texas 78572.

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

Sincerely,


Fernando Herrera,
Right of Way Administrator



L&G Engineering

Transportation Consultants

June 29, 2022

**Via Certified Mail, Return Receipt Requested
No. 7021 0350 0002 1531 1575**

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

ROW CSJ: 0921-02-355
Parcel: 3
From: SH107
To: Mile 14.5

Juan F. & Maria Concepcion Reynero and Monica Liza Reynero
101 Zapata Street
Elsa, TX 78543

Dear Mr. & Mrs. Reynero and Ms. Reynero:

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 **\$1,625.00** for your property, which includes **\$1,625.00** for the property to be purchased and **\$0.00** 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. Landscaping	Crepe Myrtle Tree – 1 EA.	\$ 1.00
B. Landscaping	Grass Sod Lawn – 200 SF.	\$ 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.

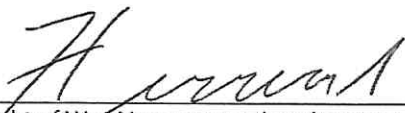
You have the right to discuss with others any offer or agreement regarding the County's acquisition of the subject property, or you may (but are not required to) keep the offer or agreement confidential from others, subject to the provisions of Chapter 552, Government Code (the Public Records Act) as 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: 3 Highway: Mile 6 West Road ROW CSJ: 0921-02-355
 Taking Type: Partial District: PHR
 Size of Remainder: 0.245 Acres County: Hidalgo
 Type of Property: Com-Other
 Contract Fencing: N/A
 Appraised by: John H. Malcom, Jr.
 Effective Date of Appraisal Report 2/21/2022
 Date Appraised 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)
Monica Liza Reynero	Fee Simple	0.005 Acres 200 sf.	\$1,100.00	No

I. Appraised Values

Land Value	Improvement Value	Sign Value	Damages/Enhancements	Total Value
\$1,100.00	\$525.00	\$0.00	\$0.00	\$1,625.00

II. Improvements

Item No.	Improvement Type	Type Construction	Improvement Value	Retention Value	Bisection Category
A.	Landscaping	Crepe Myrtle Tree -1 EA.	\$225.00	\$1.00	N/A
B.	Landscaping	Grass Sod Lawn-200 SF.	300.00	1.00	N/A

TABULATION OF VALUES (continued)

Parcel: 3

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 Effective Date			Recommended Value
Appraiser's Name:	John H. Malcom, Jr.			
Value of Whole Property (Economic Unit-0.207 Net Acres)	\$50,025.00			\$50,025.00
Parcel Area: 200 sf.				
VALUE FOR PARCEL				
Land: per sf. \$5.50	\$1,100.00			\$1,100.00
Easement	\$0.00			\$0.00
Improvements	\$525.00			\$525.00
Net Damages or (Enhancements)	\$0.00			\$0.00
OAS Value(s)	\$0.00			\$0.00
TOTAL COMPENSATION	\$1,625.00			\$1,625.00

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

TABULATION OF VALUES (continued)

Parcel: 3 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 26, 2022

Parcel 3 is a partial taking of 0.005 acres (200 sf.) parcel of land situated in Hidalgo County, Texas and also being a part or portion of Lot 46, Block No. 1, First Section Farmer's Home Subdivision No. 1, according to the plat or map thereof recorded in Volume 18, Pages 19, of the Map Records of Hidalgo County, described in a deed dated June 4, 2020 from Maria Concepcion Reynero to Monica Liza Reynero and recorded in Document Number 3139700, of the Official Records of Hidalgo County, Texas.

The whole property of 0.248 acres is located at the northeast corner of Mile 6 West Road and Zapata Street within the Elsa city limits. The whole tract includes a 20-foot alley easement along the north portion of the lot. As such the whole property economic unit for market comparison is 9,000 sf. or 0.207 acres. The lot is improved with a single family residence with supporting site improvements. The residence is not impacted by the proposed acquisition. The highest and best use is for commercial purposes.

The appraiser has selected four (4) commercial sales to value the economic unit at \$5.50 per sf. The part taken is properly valued as a pro-rata part of the economic unit value. Landscaping items are within the taking and appraised according.

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 \$1,625.00 be approved for negotiations and acquisition.

VII. Justification and Explanation for Credit if Retained.

A retention of \$1.00 is applied to each landscaping item.

TABULATION OF VALUES (continued)

Parcel: 3

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

Henry L. Hansen
Contract Reviewing Appraiser (if applicable)

5/27/2022

Date

Division Reviewing Appraiser (if applicable)

Date

X. Approval of Values

Richard T. Lugo
County/City Representative

6/16/22

Date

ROW Staff Representative

Date

APPROVED BY
COMMISSIONERS COURT
ON: 5/3/22 ml