

September 8, 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. 07  
MILE 6W: From: SH 107 To: Mile 14.5

Dear Commissioner Fuentes:

Attached herewith is a counter-offer as submitted by Mr. Miguel Parra Acero, Mr. J.G. Parra Acero, Mr. Roberto Parra Gomez owners of Parcel 7 on September 6, 2022. L & G Engineering has reviewed the aforementioned and hereby recommends that counter-offer **be approved**. The property owners feels that his land is undervalued. Also attached is the N-9, Administrative Settlement Evaluation and Approval Form.

L & G Engineering believes the counter offer is a valuation, legal and cost savings issue. Therefore, as noted, we recommend that the counteroffer of **\$43,500.00** 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 6 W

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

Parcel No.: 7

Owner's Name: Miguel Parra Acero, J.G. Parra Acero,  
Roberto Parra Gomez

Approved Offer: \$30,057.00

Date Offer Sent: 05/31/2022

Owner's Counteroffer: \$43,500.00

Date Counteroffer Received: 09/06/22

### 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: 10/2022  
Projected possession date, if settled is: 10/2022  
Projected possession date, if condemned is: 03/2023  
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 \_\_\_\_\_

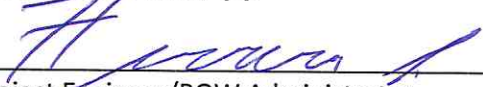
**Analysis and Conclusion:**

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


Parcel 7 is a partial acquisition containing 16,032 sq.ft. of land situated in Hidalgo County and also being a part of portion of a 10.0 acre tract of land out of Farm Tract 515, West Adms Tract Subdivision. On May 31, 2022, Acquisition Provider (L&G Engineering) made offer of \$30,057.00 to purchase the property to Miguel Parra Acero, J.G. Parra Acero and Roberto Parra Gomez. On August 06, 2022 the parcel owners submitted a counter offer of \$43,500.00 stating they believed their property was undervalued. 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 (\$13,443.00) 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 \$ 43,500.00  is /  is not recommended for approval as being reasonable, justified, prudent and in the public interest.

**RECOMMENDATION(S):**

  
\_\_\_\_\_  
Project Engineer/ROW Administrator

9/8/2022  
Date

  
\_\_\_\_\_  
RPIC/Authorized Pct. Representative

9-14-2022  
Date

**COUNTY APPROVAL:**

\_\_\_\_\_  
County Judge

\_\_\_\_\_  
Date

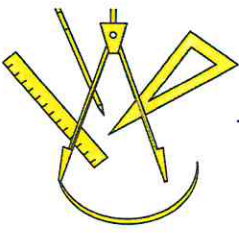
Yo J.G. Parra Acero, Miguel Parra Acero Y  
Roberto Parra Gomez

emos desisido que nuestra propiedad  
tiene un poco mas de valor

Queremos la cantidad de \$3,500.

Ya que nos van a quitar todo el  
frente de nuestra propiedad  
por lo tanto emos desisido que es  
justo, la cantidad que les pedimos

Para cualquier pregunta  
hablarme al número  
(956) 444-7428.



# L&G Engineering

Transportation Consultants

May 31, 2022

**Via Certified Mail, Return Receipt Requested  
No. 7021 0350 0002 1531 1612**

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

ROW CSJ: 0921-02-355  
Parcel: 07  
From: SH107  
To: Mile 14.5

Miguel Parra Acero; J.G. Parra Acero & Roberto Parra Gomez  
4101 Carol Dr.  
Mission, TX 78574-4820

Dear Sirs:

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 **\$ 30,057.00** for your property, which includes **\$ 28,707.00** for the property to be purchased and **\$1,350.00** 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	Caliche – 530 SF.	\$ 1.00
B. Posts	Metal – 4 EA.	\$ 1.00
C. Posts	Wood – 44 EA.	\$ 1.00
D. Hose Bib	Water – 1 EA.	\$ 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 (continued)**

Parcel: 7

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	\$1,350.00	\$1,350.00

**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
<b>Total</b>			\$0.00	\$0.00	

**V. Recapitulation**

Date:	2/22/2022	Recommended Value
Appraiser's Name:	John H. Malcom, Jr.	
Value of Whole Property (Economic Unit-1.381 Acres)	\$122,459.00	\$122,459.00
Parcel Area: 16,032 sf.		
<b>VALUE FOR PARCEL</b>		
Land: per sf. 10,530 sf. Unencumbered @ \$2.00 sf. & 5,502 sf. Encumbered @ \$1.00 sf.	\$21,060.00	\$21,060.00
	\$5,502.00	\$5,502.00
Easement 5,502 sf. @1.00 sf.	\$5,502.00	\$5,502.00
Improvements	\$2,145.00	\$2,145.00
Net Damages or (Enhancements)	\$1,350.00	\$1,350.00
OAS Value(s)	\$0.00	\$0.00
<b>TOTAL COMPENSATION</b>	\$35,559.00	\$35,559.00

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

**TABULATION OF VALUES (continued)**

Parcel: 7

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 22, 2022**  
**Report Dated: March 22, 2022**  
**Review Appraiser: Harvey L. Heerssen**  
**Effective Date of Review: March 27, 2022**

Parcel 7 is a partial taking of 0.368 acres (16,032 sf.) parcel of land situated in Hidalgo County, Texas and also being a part or portion n of a 10.00 acre tract of land out of Farm Tract 515, 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 December 28, 2020 from Olga P. Enriquez to Miguel Parra Acero, et al., and recorded in Document Number 3179590, of the Official Records of Hidalgo County, Texas.

The whole property of 10.00 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 only site improvements. 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 1.381 acre based on market trends in this immediate area. The appraiser has selected four (4) residential sales to value the unencumbered portion of the economic unit at \$2.00 per sf.

The acquisition of 16,023 sf. has 10,530 sf. that is unencumbered land and 5,502 sf. 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 \$1.00 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. Site improvements within the part taken are appraised accordingly. There are no market damages the remainder land. Cost to cure is necessary to compensate for the site items that were depreciated within the proposed acquisition to replace these items on the remainder to retain the same utility,

The appraiser has considered access damages in accordance with Section 21.042(d) of the Texas Property Code, as amended by SB18 of the Texas 82nd Regular Legislative Session. The result of the findings is that there is no denial of direct access nor material impairment of direct access on or off the remaining property that affects the market value of the remaining property. Therefore, there are no access damages to the remainder property.

**The report prepared by the appraiser 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 \$35,559.00 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: 7

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

*John L. Hansen*  
Contract Reviewing Appraiser (if applicable)

\_\_\_\_\_  
3/28/2022

\_\_\_\_\_  
Date

\_\_\_\_\_  
Division Reviewing Appraiser (if applicable)

\_\_\_\_\_  
Date

**X. Approval of Values**

*Richard F. Clark*  
County/City Representative

*5/13/22*  
Date

\_\_\_\_\_  
ROW Staff Representative

\_\_\_\_\_  
Date

APPROVED BY  
COMMISSIONERS COURT  
ON: *5/13/22*