



**BRIGHTON GROUP**

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

August 22, 2022

The Honorable Ellie Torres  
Commissioner, Pct. #4  
C/O Velinda Reyes  
Chief Administrator for External Affairs/RPIC  
1051 N Doolittle Rd.  
Edinburg, Texas 78542

RE: County: Hidalgo  
Parcel No. 3  
Russell Road: FROM Rooth Road TO Mon Mack Road

Dear Commissioner Torres:

Attached herewith is a counter-offer as submitted by Ms. Jane Cross, owner of Parcel 3. Brighton Group has reviewed the aforementioned and hereby recommends that the counter-offer **be approved.** Also attached is the N-9, Administrative Settlement Evaluation and Approval Form.

Brighton Group believes the counter-offer 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 counter-offer of **\$5,000.00** be accepted.

Please review these documents and feel free to contact me at (956)379-7970 if you wish to discuss this matter personally.

Sincerely,

Joseph Palacios  
President/CEO

Attachments: As Noted

Cc: File



## HIDALGO COUNTY ADMINISTRATIVE EVALUATION AND APPROVAL FORM

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**ROW CSJ:** N/A

**County:** Hidalgo

**Highway:** Russell Road

**Project Limits:** From Rooth Rd To Mon Mack Rd

**Parcel No.:** 3

**Owner's Name:** Jane Cross Enterprises, Inc

**Approved Offer:** \$1,690.00

**Date Offer Sent:** 7/30/22

**Owner's Counteroffer:** \$5,000.00

**Date Counteroffer Received:** 8/10/2022

**Factors considered in evaluation:**

1. Valuation Issues

- a.  Reconciliation of all available appraisals, including Owner's.
- b.  Other: Property owner feels that her land 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 \$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: 8/2022  
Projected possession date, if settled is: 9/2022  
Projected possession date, if condemned is: 11/2022  
Letting date: 2023
- 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 1,224 sq. ft. or 0.026 of one acre tract of land situated in Hidalgo County, Texas and being in Lot 3, Section 233, Texas-Mexican Railway Company's Survey as recorded in Volume 1, page 12. On July 30, 2022, Brighton Group, Acquisition Provider for the County, made an offer of \$1,690.00 to owner of record, Ms. Jane Cross, via certified mail. Ms. Cross submitted a counteroffer stating that her land was undervalued. Ms. Cross is not against the project but felt that compensation was low. Ms. Cross has requested an additional \$3,310.00. 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 \$1,690.00 versus the property owner's counter offer is \$3,310.00. 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 \$5,000.00  is /  is not recommended for approval as being reasonable, justified, prudent and in the public interest.

**RECOMMENDATION(S):**

*Joseph Palacios*

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

8/22/2022  
Date

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

\_\_\_\_\_  
Date

**COUNTY APPROVAL:**

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

\_\_\_\_\_  
Date