

# L&G Engineering

Transportation Consultants

March 25, 2023

The Honorable Eduardo "Eddie" Cantu  
Commissioner, Pct. 2  
c/o Armando Garza Jr.  
300 West Hall Acres  
Pharr, Texas 78577

RE: County: Hidalgo  
TxDOT CSJ No. 0921-02-412  
Cesar Chavez Phase I: Business 83 to Ridge Road  
Parcel No.: 12

Dear Commissioner Cantu:

Attached herewith is a counter-offer as submitted by Ms. Ivette Garza, owner of Parcel 12 on March 22, 2023. L & G Engineering has reviewed the aforementioned and hereby recommends that counteroffer be **approved**. Attached also 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 **\$1,000.00** 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" Hererra  
Right of Way Administrator

Attachments: As noted.

cc: File

FZ ADMIN  
2023 MAR 29 PM4:55



## HIDALGO COUNTY ADMINISTRATIVE EVALUATION AND APPROVAL FORM

---

ROW CSJ: 0921-02-412

Highway: Cesar Chavez Rd

Parcel No.: 12

Owner's Name: Ivette Garza

Approved Offer: \$622.00

Owner's Counteroffer: \$3,005.00

County: Hidalgo

Project Limits: From Business 83 to Ridge Rd

Date Offer Sent: 2/16/2023

Date Counteroffer Received: 3/23/2023

### Factors considered in evaluation:

1. Valuation Issues

- a.  Reconciliation of all available appraisals, including Owner's.
- b.  Other: Property owner believes that her offer 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: 06/2023  
Projected possession date, if settled is: 05/2023  
Projected possession date, if condemned is: 9/2023  
Letting date: 6/2025
- 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 12 is a partial acquisition containing 113 sq. ft. parcel of land situated in Hidalgo County, Texas and also being a part of portion of Lot 30, SUN VALLEY ESTATES UNIT #1. On March 16, 2023, Acquisition Provider, L & G Engineering, made an offer of \$622.00 to property owner, vette Garza, via certified mail. On March 22, 2023, Ms. Garza submitted a counter offer for \$1,000.00. Ms. Garza did mention that she feels her property was a bit undervalued and how expensive everything has gotten lately, she is countering in the amount mentioned of \$1,000.00. Based on the information discussed with property owner regarding 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 (difference of \$378.00) 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 \$ 1,000.00  is /  is not recommended for approval as being reasonable, justified, prudent and in the public interest.

**RECOMMENDATION(S):**

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

3/28/2023  
\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date

**COUNTY APPROVAL:**

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

\_\_\_\_\_  
Date

3/22/23

To: Novelia Sanchez

After reviewing the offer letter, I reject the amount of \$622.<sup>00</sup>. I feel the land value is low, the road will be closer and safety ~~is~~ a concern. I would like to counter at \$1,000.<sup>00</sup> if possible.

If accepted, I will sign over documents to finalize this transaction.

Thank You in Advance,

Best,

Juette Garza-Rodriguez

Grantor, for the Consideration and subject to the Reservations from and Exceptions to Conveyance and Warranty, grants, sells, and conveys to Grantee the Property, together with all and singular the rights and appurtenances thereto in any way belonging, to have and to hold it to Grantee and Grantee's heirs, successors, and assigns forever. Grantor binds Grantor and Grantor's heirs and successors to warrant and forever defend all and singular the Property to Grantee and Grantee's heirs, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the Reservations from and Exceptions to Conveyance and Warranty.

When the context requires, singular nouns and pronouns include the plural.

EXECUTED on the date(s) of acknowledgment indicated below.

**GRANTOR:**

Corporate Acknowledgment

State of Texas  
County of

This instrument was acknowledged before me on \_\_\_\_\_

by \_\_\_\_\_,

of \_\_\_\_\_

\_\_\_\_\_, a \_\_\_\_\_,

on behalf of said entity. The acknowledging person personally appeared by:

physically appearing before me.

appearing by an interactive two-way audio and video communication that meets the requirements for online notarization under Texas Government Code, Chapter 406, Subchapter C.

\_\_\_\_\_  
Notary Public's Signature



# Revised Initial Offer Notice to Owner

Project: Cesar Chavez I Parcel: 12

7021 2720 0003 5005 2684

U.S. Postal Service™ *7021 272*  
**CERTIFIED MAIL® RECEIPT**  
Domestic Mail Only *(Cesar Chavez)*

For delivery information, visit our website at [www.usps.com](http://www.usps.com).

**OFFICIAL USE**

Certified Mail Fee	\$
Extra Services & Fees (check box, add fees as appropriate)	\$
<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$
<b>Total Postage and Fees</b>	<b>\$17.45</b>

Postmark Here

MAR 1 2023

MISSION TX 78572-9998

Sent To: *Ivette Garcia*  
Street and Apt. No. or PO Box No.: *401 San Valley St.*  
City, State, ZIP+4®: *San Juan, TX 78584*

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

Here you place the green receipt that you sent out via USPS



# L&G Engineering

Transportation Consultants

March 15, 2023

County: Hidalgo  
CSJ: 0921-02-412  
Highway: Cesar Chavez Section I  
From: Business 83  
To: Ridge Road  
Parcel: 12

RE: Purchase of 0.003 of an acre (113 sf.) parcel of land situated in Hidalgo County, Texas, and also being a part or portion of Lot 30, Sun Valley Estates Unit #1, according to the plat or map thereof recorded in Volume 24, page 3-B, of the Map Records of Hidalgo County.

Ivette Garza  
901 Sun Valley Street  
San Juan, Texas 78589-4324

Dear Ms. Garza:

Enclosed for your review and further processing are the following:

- Initial Offer Letter
- Metes and Bounds and Plat (proposed right of way to be acquired highlighted in yellow, located within appraisal report)
- Appraisal Report prepared by: Leonel Garza, III dated 12/08/2022
- Acknowledgement of Receipt of Appraisal Report
- Land Owner Bill of Rights
- 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 "Fred" Herrera, Jr.  
Right of Way Administrator



# L&G Engineering

Transportation Consultants

February 15, 2023

Via Certified Mail, Return Receipt Requested,  
No. 7021 2720 0003 5005 2684

County: Hidalgo  
Federal Project No.: N/A  
Highway: Cesar Chavez Section I

ROW CSJ: 0921-02-412  
Parcel ID: 12  
From: Business 83  
To: Ridge Road

Ivette Garza  
901 Sun Valley Street  
San Juan, Texas 78589-4324

Dear Ms. Garza:

In acquiring property for the highway system of Texas, the Texas Department of Transportation (the "Department") and 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, Robert "Bob" Garcia, a portion of your property located on Cesar Chavez Road, 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 \$622.00 for the Property, which includes \$622.00 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 the 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 Department/County to negotiate with the fee owner(s) of the 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 Department/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 Department/County to permit owners who convey voluntarily to the State to thereafter retain the improvement(s), if they wish to do so. The retention values shown below are 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 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.	N/A	

If you wish to accept the offer based upon this appraisal, please contact Novelia Sanchez, 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 Department/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 the Property, you will be reimbursed for any fair and reasonable incidental expenses necessarily incurred in transferring title to the Property for use by the Texas Department of Transportation/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 Department/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 Department's/County's determination on any claim for reimbursement.

You may be entitled to additional payments and services under the State's Relocation Assistance Program. It is emphasized, however, that any benefits that 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 that are available.

You have the right to discuss with others any offer or agreement regarding the Department's/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.

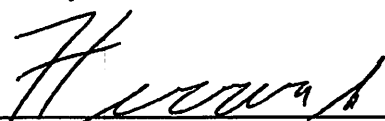
Please see the enclosed copy of the proposed instrument that will convey the Property and any improvement owned by you on the Property to the Department. Additionally, please see the enclosed copy of the Texas Landowner Bill of Rights.

Also enclosed 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 Department in purchasing property. We respectfully requests 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 Ms. Novelia Sanchez at the telephone number provided above regarding any question you may have.

Please see the enclosed copy of the Texas Landowners 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 state/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  
"Right of Way Purchase" Brochure





**TABULATION OF VALUES (continued)**

Parcel: 12

Highway: Cesar Chavez Road

ROW CSJ: 0921-02-412

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

**V. Recapitulation**

Date:	12/8/2022	Recommended Value
Appraiser's Name:	Leonel Garza III	
Value of Whole Property	\$61,599.00	\$61,599.00
Parcel Area: 0,0026 ac.		
<b>VALUE FOR PARCEL</b>		
Land: per sf. \$5.50	\$622.00	\$622.00
Easement	\$0.00	\$0.00
Improvements	\$0.00	\$0.00
Net Damages or (Enhancements)	\$0.00	\$0.00
OAS Value(s)	\$0.00	\$0.00
<b>TOTAL COMPENSATION</b>	\$622.00	\$622.00

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

**TABULATION OF VALUES (continued)**

Parcel: 12

Highway: Cesar Chavez Road

ROW CSJ: 0921-02-412

**VI. Comments and Conclusions on Values in the Appraisal Report**

Appraiser: Leonel Garza III  
Effective Date of Valuation: October 3, 2022  
Report Dated: December 8, 2022  
Review Appraiser: Brian Cade  
Effective Date of Review: December 19, 2022  
TxDOT Review Appraiser: N/A  
Report Received at TxDOT:

Parcel 12 appears to be a parcel taking of 0.0026 of an acre (133) square feet parcel of land out of Lot 30, Sun Valley Estates Unit#1, according to plat or map thereof recorded in Volume 24, Page 3-B, of the Map Records of Hidalgo County (M.R.H.C), described in a deed dated August 30, 2022 from David Garza to Ivette Garza and recorded in document number 1121495, of the Official Records of Hidalgo County, Texas.

This parcel is located on the south side of Sundown Street, west of Cesar Chavez Road, San Juan, Texas. The whole property containing a single family residence is owned by Ivette Garza. The highest and best use is for its continued use as a single family residence.

Three (3) recent comparable sales are utilized to value the whole property at \$5.50 per sf. The part taken is properly valued as a pro-rata part of the whole property unit value. There are no market damages to the remainder land.

A breakdown of the total compensation is as follows: Land owned by Ivette Garza to be \$622.00, totaling \$622.00.

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 Leonel Garza III 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 \$622.00. to be approved for negotiations and acquisition.

**VII. Justification and Explanation for Credit if Retained.**

N/A

**TABULATION OF VALUES (continued)**

Parcel: 12

Highway: Cesar Chavez Road

ROW CSJ: 0924-02-412

**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.

**Brian Cade**  
Digitally signed by Brian Cade  
DN: cn=Brian Cade, o=RGV Appraisal Services,  
ou, email=brian@rgvappraisals.com, c=US  
Date: 2022.12.19 15:22:47 -06'00'

12/19/2022

Reviewing Appraiser

Date

Contract Reviewing Appraiser (if applicable)

Date

Division Reviewing Appraiser (if applicable)

Date

**X. Approval of Values**

*Ricardo F. Cruz*

County/City Representative

1/17/23

Date

ROW Staff Representative

Date

APPROVED BY  
COMMISSIONERS COURT  
ON: 1/17/23 *ms*