



BRIGHTON GROUP

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

August 1, 2023

AUG 04 2023

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. 10
Russell Road: FROM Rooth Road TO Mon Mack Road


Dear Commissioner Torres:

Attached herewith is a counter-offer as submitted by Ms. Linda Mahan, owners of Parcel 10. 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 \$70,000.00 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

3-1200-431-00-124-210-0-710
3-1351-431-00-124-210-0-710

Attachments: As Noted
Cc: File



HIDALGO COUNTY ADMINISTRATIVE EVALUATION AND APPROVAL FORM

ROW CSJ: N/A

Highway: Russell Road

Parcel No.: 10

Owner's Name: Linda Mahan

Approved Offer: \$44,761.00

Owner's Counteroffer: \$70,000.00

County: Hidalgo

Project Limits: From Rooth Rd To Mon Mack Rd

Date Offer Sent: 9/9/22

Date Counteroffer Received: 12/20/2023

Factors considered in evaluation:

1. Valuation Issues

- a. Reconciliation of all available appraisals, including Owner's.
b. Other: Property owner feels that their land and improvements were 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: 8/2023
Projected possession date, if settled is: 9/2023
Projected possession date, if condemned is: 04/2023
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 10 is 8,116 sq. ft. or 0.186 of one acre tract of land situated in Hidalgo County, Texas and being in Lot 16, Section 236, Texas-Mexican Railway Company's Survey as recorded in Volume 1, page 12. On September 13, 2022, Brighton Group, Acquisition Provider for the County, made an offer of \$44,761.00 to owner of record, Ms. Linda Mahan, via certified mail. Ms. Mahan submitted a counteroffer stating that their land and improvements were undervalued. Ms. Mahan has requested an additional \$25,239.00. After discussion and review by the evaluation team, it is the recommendation that the administrative settlement be approved. 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 \$70,000.00 is / is not recommended for approval as being reasonable, justified, prudent and in the public interest.

RECOMMENDATION(S):



Project Engineer/ROW Administrator

7/31/2023

Date



RPIC/Authorized Pct. Representative

8/4/23

Date

COUNTY APPROVAL:

County Judge

Date

12/16/2022

County: Hidalgo
Highway: Russell Road

Row CSJ:
Parcel ID: 10
From: Routh Road
To: Mon Madre Road

Re: Acquisition of 0.186 of an acre (8,116 sq ft) parcel of land, being out of Lot 16, Section 236, Texas-Mexican Railway Company Survey, as recorded in Vol. 1 pg 12 of the Map Records, Hidalgo County Texas.

This letter is in response to your offer of \$44,761.00 to buy the property listed above and to reimburse me for all of the property adjustments that would have to be made. I am making a counter offer of \$70,000. This offer is made ~~after~~ receiving recent appraisals on all said changes that will have to be made to my property. This offer is also contingent upon the starting date of the project as all my appraisers can only hold their appraisals for approximately 2 months due to the

Re: Acquisition of 0.186 acre of parcel of land
old of Lot 16, Section 236...

rising costs of materials.

1) Removal of 2 large oak trees.

2) After moving my electric pole to
a new location on the north side of
my driveway, the electrician will
have to bore across my yard, under
the concrete front porch to reach
the electrical connections on the
south side of my house.

3) After my water meter has been
moved to inside my new property
line, the plumber will have to
run new water pipes to connect
to the water lines running to
the house.

4) I have secured a proposal on
moving new paved driveway 8'
further north (this includes a new
pipe under the driveway to drain water)
and to repair any damage done to

Re: Acquisition of parcel of land on
 Lot 16, Section 36...

my existing drive during construction on
 Hoehn Rd.

- 4) replacing front gate on Hoehn Rd as
 it too will have to be moved further
 north.
- 5) The motor for the electric front gate
 will have to be moved further north.
 on Hoehn Rd.
- 6) The chain link fencing located
 all the south east side on Hoehn Rd,
 all along 17 1/2 Rd, the swing gate
 on 17 1/2 Rd and the fence on the south west
 side of my property will all have to
 be replaced on the new property line.
- 7) There will be trees, plants and a
 tree house to be moved.
- 8) Also for the cost of my property
 that you wish to acquire. This is
 quite literally 1/3 of my property,
 and will have to be paid.

Re: Acquisition of parcel of land on
Lot 16, Section 236..

on the amount that we settle on?

Please contact me @ Linda Mahan
956-330-6521

or my email:

lindamaham28@yahoo.com

Thank you.



BRIGHTON GROUP

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

Date: September 9, 2022

County: Hidalgo
Federal Project No.: N/A
Highway: Russell Road

ROW CSJ: N/A
Parcel ID: 10
From: Rooth Road
To: Mon Mack Road

BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED NO. 2259 7020 1290 0001 0527

Linda Mahan
2205 North Hoehn Road
Edinburg, TX 78541

Dear Ms. Mahan,

In acquiring property for 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, Alice Rodriguez, a portion of your property located on Russell 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 \$44,761.00 for your property, which includes \$44,761.00 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>Amount to be Subtracted if Retained</u>
A. Concrete Driveway	\$1.00
B. Chainlink Fencing w/Concrete Base	\$1.00
C. Concrete Columns	\$1.00
D. Chain Link Gate	\$1.00
E. Water Spigot	\$1.00
F. Electric Power Box	\$1.00
G. Backflow Preventor	\$1.00
H. Garden T-Posts	\$1.00
I. Chicken Wire Fencing	\$1.00
J. Large Oak Tree	\$1.00

K. Small Oak Tree	\$1.00
L. Crape Myrtle	\$1.00
M. Multi- Trunk Tree	\$1.00
N. Duranta Plants Cluster	\$1.00
O. Mountain Laurel	\$1.00
P. Strawberry Guava Plants	\$1.00

If you wish to accept the offer based upon this appraisal, please contact Alice Rodriguez as soon as possible, at (956) 379-7970, 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 State'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 to the Department.

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 me 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 Department/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")

Form ROW-N-IOLPT (Rev.11/20) Page 2 of 2

