

# L&G Engineering

Transportation Consultants

August 28, 2023

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. 40  
MILE 6W: From :SH 107 To: Mile 14.5

Dear Commissioner Fuentes:

Attached herewith is a counter-offer as submitted by Mr. Ruperto Jr. Hinojosa owner of Parcel 40 on August 24, 2023. 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 **\$11,067.00** 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

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ROW CSJ: 0921-02-355

County: Hidalgo

Highway: Mile 6W

Project Limits: From SH 1077 to Mile 14.5

Parcel No.: 40

Owner's Name: Ruperto Hinojosa Jr

Approved Offer: \$10,176.00

Date Offer Sent: 7/17/2023

Owner's Counteroffer: \$11,067.00

Date Counteroffer Received: 8/23/2023

### 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: 11/2022  
Projected possession date, if settled is: 10/2023  
Projected possession date, if condemned is: 2/2024  
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 40 is a partial acquisition containing 2,437 sq. ft. parcel of land situated in Hidalgo County, Texas and also being part or portion of a 1.20 acre tract of land of Lot 13, Block 155, WEST TRACT SUBDIVISION, according to the plat or map thereof recoded in Volume 2, Pages 34-37, of the Map Records of Hidalgo County (M.R.H.C.). On July 17, 2023, Acquisition Provider (L&G) mailed an offer of \$10,176.00 to purchase the property to Ruperto Hinojosa Jr. & Graciela. L & G ROW Agent Rolando Gonzalez went and visited the property owner on site on August 11, 2023, to discuss the offer and answer any questions he might have. On August 23, 2023, the property owner submitted a counter offer in the amount of \$11,067.00. In the counter offer Mr. Hinojosa stated that the proposed land value should be at \$ 3.15. The asphalt driveway was also slightly lower so he estimated it at \$6.75 per square foot. Based on the information provided within 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 (\$891.00) 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 \$ 11,067.00  is /  is not recommended for approval as being reasonable, justified, prudent and in the public interest.

**RECOMMENDATION(S):**

  
Project Engineer/ROW Administrator

8/28/23  
Date

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

\_\_\_\_\_  
Date

**COUNTY APPROVAL:**

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

\_\_\_\_\_  
Date

August 23, 2023

Ruperto Jr and wife,  
Graciela Hinojosa  
17018 N Mile 6 W.  
Weslaco, Texas 78596

Hidalgo County  
Mile 6 W Road  
Parcel No. 40

RE: Offer Letter package dated July 17, 2023

L&G Engineering  
Attn: Mr. Gonzalez  
Right of Way Agent

Dear Mr. Gonzalez:

We have reviewed the contents of the offer package and have determined that the total offer amount of \$10,176.00 is not acceptable.

The reasoning and basis for the total amount of my counter offer are figured and noted as follows

Land- 2,437 SF at \$3.15/psf -----	\$ 7,677.00
Ash Tree 1x \$1,500 As in Appraisal report No change-----	\$1,500.00
Asphalt Driveway @ 280 SF x \$6.75 SF-----	<u>\$ 1,890.00</u>
Total Amount -----	\$11,067.00

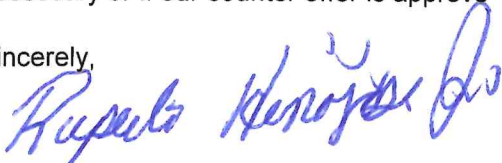
Counter Offer Amount -----	\$11,067.00
Appraisal Report- Total Valued -----	<u>\$10,176.00</u>
Difference -----	\$ 891.00

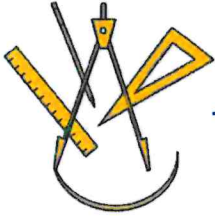
Information obtained from other local comparable properties indicate that my land and driveway values are slightly lower and have been adjusted to present market value

We are willing to consummate this acquisition transaction if our counter offer is reviewed and approved accordingly.

Thank you for your consideration towards this matter and please contact us if additional information is necessary or if our counter offer is approve

Sincerely,





# L&G Engineering

Transportation Consultants

July 14, 2023

Hidalgo County  
Mile 6 West  
Limits: (SH107 to Mile 14.5)  
RCSJ: 0921-02-355  
Parcel No. 40

RE: Description of a 0.056 of an acre (2,437 square feet) parcel of land situated in Hidalgo County, Texas and also being a part or portion of a 1.20 acre tract of land out of Lot 13, Block 155, WEST TRACT SUBDIVISION, according to the plat or map thereof recorded in Volume 2, Pages 34-37, of the Map Records of Hidalgo County Texas.

Ruperto Jr. & Graciela Hinojosa  
17018 N. Mile 6 West.  
Weslaco, Texas 78599-2135

Dear Sir/Madam:

Enclosed for your review and further processing are the following:

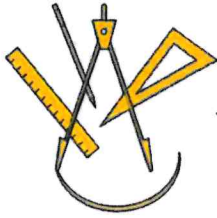
- Initial Offer Letter
- Metes and Bounds and Plat
- Appraisal Report prepared by: Leonel Garza III dated 06/21/2023
- Acknowledgement of Receipt of Appraisal Report
- Land Owner Bill of Rights w/Supplement
- Title Commitment
- Sample Deed
- Brochures ("State Purchase of Right of Way")

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

July 14, 2023

**Via Certified Mail, Return Receipt Requested  
No. 7022 2410 0002 1891 0564**

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

ROW CSJ: 0921-02-355  
Parcel: 40  
From: SH107  
To: Mile 14.5

Ruperto Jr. & Graciela Hinojosa  
17018 N. Mile 6 West  
Weslaco, Texas 78599-2135

Dear Mr. Ruperto Jr. & Graciela Hinojosa:

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 **\$ 10,176.00** for your property, which includes **\$10,176.00** 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. Drive	Asphalt	\$1.00
B. Landscaping	Ash Tree	\$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. 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.

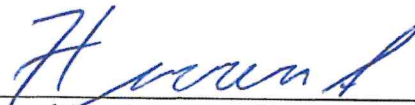
You have the right to discuss with others any offer or agreement regarding the County's acquisition of the subject property, or you may (but are not required to) keep the offer or agreement confidential from others, subject to the provisions of Chapter 552, Government Code (the Public Records Act) as 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 questions 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 signatories

ENCLOSURES:

Appraisal Report(s)  
Landowner Bill of Rights  
Brochure ("*Right of Way Purchase*")



**REAL ESTATE APPRAISAL REPORT - TEXAS DEPARTMENT OF TRANSPORTATION**

Address of Property: 17018 N Mile 6 West, Weslaco, Texas	District: Pharr
Property Owner: Ruperto Hinojosa, Jr. & Graciela Hinojosa	Parcel: 40
Address of Property Owner: 17018 N Mile 6 West, Weslaco, Texas	ROW CSJ: 0921-02-355
Occupant's Name: Ruperto Hinojosa, Jr. & Graciela Hinojosa	Federal Project No: N/A
Whole: <input type="checkbox"/> Partial: <input checked="" type="checkbox"/> Acquisition	Highway: Mile 6 West Road
	County: Hidalgo

**Purpose of the Appraisal**

The purpose of this appraisal is to estimate the market value of the fee simple title to the real property to be acquired, encumbered by any easements not to be extinguished, less oil, gas and Sulphur. If this acquisition is of less than the whole property, then any special benefits and /or damages to the remainder property must be included in accordance with the laws of Texas.

**Market Value**

Market value is defined as follows: "Market Value is the price which the property would bring when it is offered for sale by one who desires, but is not obliged to sell, and is bought by one who is under no necessity of buying it, taking into consideration all of the uses to which it is reasonably adaptable and for which it either is or in all reasonable probability will become available within the reasonable future."

**Certificate of Appraiser**

I hereby certify:

That it is my opinion the total compensation for the acquisition of the herein described property is \$10,176 as of May 3, 2023, based upon my independent appraisal and the exercise of my professional judgment;

That on May 3, 2023, I personally inspected in the field the property herein appraised; that I afforded Ruperto Hinojosa, Jr. & Graciela Hinojosa, the property owner or the representative of the property owner, the opportunity to accompany me at the time of the inspection;

That the comparables relied upon in making said appraisal were as represented by the photographs contained in the appraisal report and were inspected on September 20, 2022;

That I have not revealed and will not reveal the findings and results of such appraisal to anyone other than the proper officials of L&G Engineering Transportation Consultants Inc., Hidalgo County Precinct No. 2 and or the Texas Department of Transportation, and/or their representatives, or officials of the Federal Highway Administration until authorized by State officials to do so, or until I am required to do so by due process of law, or until I am released from this obligation by having publicly testified to such findings;

That my compensation is not contingent upon the reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value estimate, the attainment of a stipulated result, or the occurrence of a subsequent event.

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 82<sup>nd</sup> Regular Legislative Session and finds as follows:

1. Is there a denial of direct access of the parcel? No
2. If so, is the denial of direct access material? Not Applicable
3. The lack of any access denial or the material impairment of direct access on or off the remaining property affects the market value of the remaining property in the sum of \$ 0.00.

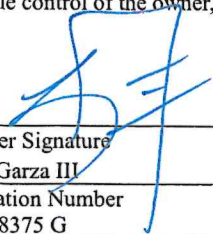
I certify to the best of my knowledge and belief:

That the statements of fact contained in this report are true and correct;

That the reported analysis, opinions and conclusions are limited only by the reported assumptions and limiting conditions, and are my personal, unbiased professional analysis, opinions, and conclusions;

That I have no present or prospective interest in the property that is the subject of this report, and I have no personal interest or bias with respect to the parties involved;

That my analysis, opinions and conclusions were developed, and this report has been prepared in conformity with the appropriate State laws, regulations, and policies and procedures applicable to the appraisal of right-of-way for such purposes, and that to the best of my knowledge no portion of the value assigned to such property consists of items which are non-compensable under the established law of said State, and any decrease or increase in the fair market value of subject real property prior to the date of valuation caused by the public improvement for which such property is to be acquired, or by the likelihood that the property would be acquired for such improvement, other than that due to the physical deterioration within the reasonable control of the owner, has been disregarded in estimating the compensation for the property.

  
 \_\_\_\_\_  
 Appraiser Signature  
 Leonel Garza III  
 \_\_\_\_\_  
 Certification Number  
 TX-1328375 G  
 \_\_\_\_\_  
 Date: June 21, 2023

To the best of my knowledge, the value does not include any items which are not compensable under State law.	
<u>Harvey L. Heerssen</u> Reviewing Appraiser	<u>6/25/2023</u> Date



**TABULATION OF VALUES**

Parcel: 40 Highway: Mile 6 West Road ROW CSJ: 0921-02-355  
 Taking Type: Partial District: PHR  
 Size of Remainder: 1.144 Acres County: Hidalgo  
 Type of Property: Res-SFR  
 Contract Fencing: N/A  
 Appraised by: Leonel Garza III  
 Effective Date of Appraisal Report 5/3/2023  
 Date Appraised Report Signed: 6/21/2023

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
State of Texas	80%	ROW Acquisition Expenses
Hidalgo County Precinct No. 1	20%	ROW Acquisition Expenses

Interest Owner	Acquisition Interest	Land Area	Value	Lease (Y/N)
Ruperto Hinojosa Jr., & Graciela Hinojosa	Fee Simple	0.056 ac. 2,437 sf.	\$7,311.00	No

**I. Appraised Values**

Land Value	Improvement Value	Sign Value	Damages/Enhancements	Total Value
\$7,311.00	\$2,865.00	\$0.00	\$0 00	\$10,176.00

**II. Improvements**

Item No.	Improvement Type	Type Construction	Improvement Value	Retention Value	Bisection Category
A.	Drive	Asphalt- 280 SF.	\$1,365.00	\$1.00	N/A
B.	Landscaping	Ash Tree- 1EA.	1,500.00	1.00	N/A



**TABULATION OF VALUES (continued)**

Parcel: 40

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

**V. Recapitulation**

Date:	5/3/2023	Effective Date		Recommended Value	
Appraiser's Name:	Leonel Garza III.				
Value of Whole Property	\$286,522.00			\$286,522.00	
Parcel Area: 2,437 sf.					
<b>VALUE FOR PARCEL</b>					
Land: per sf. \$3.00	\$7,311.00			\$7,311.00	
Easement	\$0.00			\$0.00	
Improvements	\$2,865.00			\$2,865.00	
Net Damages or (Enhancements)	\$0.00			\$0.00	
OAS Value(s)	\$0.00			\$0.00	
<b>TOTAL COMPENSATION</b>	\$10,176.00			\$10,176.00	

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

**TABULATION OF VALUES (continued)**

Parcel: 40

Highway: Mile 6 West Road

ROW CSJ: 0921-02-355

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

**Appraiser: Leonel Garza III**  
**Effective Date of Report: May 3, 2023**  
**Report Dated: June 21, 2023**  
**Review Appraiser: Harvey L. Heerssen**  
**Effective Date of Review: June 23, 2023**

Parcel 40 is a partial taking of 0.056 acres (2,437 sf.) parcel of land situated in Hidalgo County, Texas and also being a part or portion of a 1.20 acre tract out of Lot 13, Block 155, West 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 January 2, 1980 from Ruperto Hinojosa, Sr. and wife Odilia F. Hinojosa to Ruperto Hinojosa, Jr. and wife, Graciela Hinojosa and recorded in Volume 1653, page 515 of the Official Records of Hidalgo County, Texas.

The whole property of 1.20 acres is located along the east line of Mile 15 Road and addressed as 17018 N. Mile 6 West Road, Weslaco, Texas. The whole tract is improved with a single-family residence and related site improvements. The residence is not impacted by the proposed right of way. Site improvements within the proposed acquisition are appraised accordingly. Three (3) comparable land sales support the land value of \$3.00 per sf. T. There are no market damages to the remainder land.

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 \$10,176.00 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.