

October 10, 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. 25  
MILE 6W: From: SH 107 To: Mile 14.5

Dear Commissioner Fuentes:

Attached herewith is a counter-offer as submitted by Mr. Tereso Ayala of Parcel 25 on October 3, 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 **\$29,502.00** 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.: 25

Owner's Name: Tereso Ayala

Approved Offer: \$20,038.00

Date Offer Sent: 7/14/2023

Owner's Counteroffer: \$29,502.00

Date Counteroffer Received: 10/03/2023

### Factors considered in evaluation:

1. Valuation Issues

- a.  Reconciliation of all available appraisals, including Owner's.
- b.  Other: Property owner feels his land and improvements have been 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 \$15,000.00
- b.  Approximate additional cost to litigate through jury trial \$20,000.00
- c.  Other: \_\_\_\_\_

4. Timing Issues

- a.  Maintain project schedule: 12/2026  
Possession of this property is needed by: 12/2023  
Projected possession date, if settled is: 12/2023  
Projected possession date, if condemned is: 4/2024  
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 \_\_\_\_\_

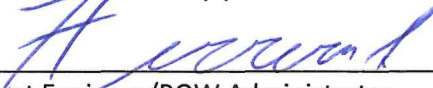
**Analysis and Conclusion:**

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

Parcel 25 is a partial acquisition containing 7,014 sq. ft. parcel of land situated in Hidalgo County, Texas and also being part or portion of Lot 2 , T. AYALA SUBDIVISION , according to the plat or map thereof recorded in Volume 31, Pages 41B, of the Map Records of Hidalgo County (M.R.H.C.). On July 14, 2023, Acquisition Provider (L&G) mailed an offer of \$20,038.00 to purchase the property to Tereso Ayala. L & G ROW Agents met with Mr. Ayala on his property July 31, 2023. Mr. Ayala said he thought the offer was too low and was going to get estimates on replacing electric gate, fencing and walls. On October 3, 2023, the property owner submitted a counter offer in the amount of \$29,502.00. In the counter offer Mr. Ayala provided 3 estimates for replacement of entrance and fence for residential security. 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 \$9,464.00. 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 saving to the county.

This administrative settlement of \$ 29,502.00  is /  is not recommended for approval as being reasonable, justified, prudent and in the public interest.

**RECOMMENDATION(S):**

  
Project Engineer/ROW Administrator

10/11/23  
Date

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

\_\_\_\_\_  
Date

**COUNTY APPROVAL:**

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

\_\_\_\_\_  
Date

October 3, 2023

Counter offer for Parcel No. 25 on Mile 6W Project

Dear Mr. Robert Garcia, Right of Way Agent

My wife and I have reviewed your offer letter in the amount of **\$20,038.00** and the appraisal report by Mr. Leonel Garza, III. We have concluded to reject the county's offer because of the following reasons:

- We feel that our property should be appraised at a higher per acre rate. Comparable No.1 on page 3.2 of the report should be used in calculating our land rate and priced at **\$37,406.00** per acre.
- We herewith provide you with three (3) cost quotes or estimates of the anticipated expenses to re-build or re-construct our replacement entrance and fence for our residential security. These quotes are denoted as attachment "A", "B" and "C" and are for your consideration of our counter offer.
- The computation for the necessary cost of equipment and materials to replace our present property entrance and fencing are as follows:

- Zepol Inc.....\$8,750.00
- Ferro Block.....\$8,757.00
- Armare Castillos.....\$13,800.00
- Total Estimate.....**\$31,307.00**

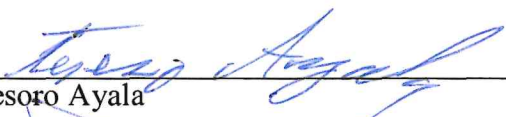
We have considered a 25% cost depreciation to the proposed equipment and materials as the appraiser indicates of page 4.0 of his report.

(25% depreciation)	(Materials and Labor)
\$31,307.00	\$31,307.00
<u>x25%</u>	<u>-\$7,827.00</u>
<b>\$7,827.00</b>	<b>\$23,480.00</b>

Land Value 0.161Ac x \$37,406/Ac.....	\$ 6,022.00
Replacement materials & labor.....	<u>\$23,480.00</u>
Total amount of Counter Offer.....	\$29,502.00

We thank you for your consideration of our quotes and counter offer of **\$29,502.00**. Contact us if additional information is necessary.

Sincerely,

  
 \_\_\_\_\_  
 Tesoro Ayala

Close

Preview



**Zepol Inc. DBA  
Add-A-Gate**

3204 South Sugar Rd.  
Edinburg Texas  
78539  
HUB# 482875  
CMBL# 1454091459601  
(956) 219-4804  
contact@addagate.com  
www.addagate.com



**Estimate**

Estimate No: 3291  
Date: 08/02/2023

For: Griselda Ayala - Slide Gate And  
200' Fenceline  
17952 N Mile 6 W  
Weslaco, TX, 78599  
(956) 457-6379

Description	Quantity	Rate	Amount
Csl24UL by Liftmaster Unit comes with 7 years parts warranty 1 year parts and labor warranty from addagate 2 remotes Photo cell My Q capabilities are available This price includes installation programming and calibration.	1	\$3,400.00	\$3,400.00
40' cement beam w/ 1' stirups on front end	1	\$1,735.00	\$1,735.00
20' electrical drop	1	\$195.00	\$195.00
Operator stand	1	\$120.00	\$120.00
4x4x1/8 - safety and catch post	1	\$195.00	\$195.00
2x2x1/4g - gate frame	3	\$80.00	\$240.00
1-1/4x1-1/4x1/4g - gate middle runner	1	\$65.00	\$65.00
3/4x3/4x1/4g - gate pickets	20	\$30.00	\$600.00
4" wheels and boxes - sealed bearing wheels	1	\$195.00	\$195.00
V groove rail	2	\$45.00	\$90.00
3" rubber rollers	2	\$15.00	\$30.00
Ospho, primer, and industrial paint	1	\$185.00	\$185.00
Hardware and anchors	1	\$125.00	\$125.00
3"x8"xSch20 - galvanized terminal posts	4	\$85.00	\$340.00
2"x8"xSch20 - galvanized line posts	1	\$65.00	\$65.00
1-3/8"x21x.065 - galvanized top rail	1	\$75.00	\$75.00
6'x50' roll of 11g chainlink	4	\$175.00	\$700.00
Labor to fabricate 24'x6' slide gate, basic 2x2 square design with 1-1/4 middle runner	1	\$0.00	\$0.00
<b>Parts Subtotal</b>			<b>\$8,355.00</b>

Description	Quantity	Rate	Amount
Labor to cut 20' of asphalt to allow formation of cement beam	1	\$395.00	\$395.00
<b>Labor Subtotal</b>			<b>\$395.00</b>

Ferro Block II  
 606 West Expressway 83  
 Donna, Tx 78537  
 956-464-5663/Office  
 956-464-5460/Fax

Quote No.: 49043  
 Date: 08/02/23  
 Page: 1

*Attachment "B"*

Quoted To: Eliseo	Customer No: 0
	Phone No:

Salesperson: # 19- Iza

Item Description	Qty	List Price	Disc	Unit Price	Amount	T
Castillo Armado 4x6 20ft	25	26.00	0%	26.00	650.00	T
Varilla 1/2 X 20' 60-G	120	8.60	12.8%	7.50	900.00	T
Block 6x8x16 2 Holes	1500	1.38	4.3%	1.32	1980.00	T
Fine Sand Ton	7	68.00	2.9%	66.00	462.00	T
One Ton Bag	7	15.00	0%	15.00	105.00	T
Ladder #6	50	3.95	1.8%	3.88	194.00	T
Tie Wire Roll 16 GA	10	6.75	9.6%	6.10	61.00	T
12x12 Column Block	250	2.25	2.2%	2.20	550.00	T
Premix 3/4	24	57.00	3.5%	55.00	1320.00	T
Portland Cement Type 1	100	13.00	1.2%	12.85	1285.00	N
Capitol Masonary Cement Type S	30	11.00	1.4%	10.85	325.50	N
6 y la mile 15	0	0.00	-- %	0.00	0.00	

List Price Sub-Total:	8158.50		Sub-Total:	7832.50
Total Discount from List:	326.00	4% Additional Discount:	Shipping:	380.00
			Tax [ 8.25]:	544.67 *
			<b>Quote Total:</b>	<b>8757.17</b>

COME BACK AGAIN!  
 THIS QUOTE IS VALID FOR \_\_\_\_\_

23 muros, 250. 5750

Attachment "C"

dicke 1000

Zapatacorrida 1500

cadena 1200

en jarre 1000

Rellenoblok 800

Blok 1400

---

12.650

Armare

Castillos, 50. 1.150

$\frac{c}{b}$ 

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13.800

OK



# L&G Engineering

Transportation Consultants

July 14, 2023

**Via Certified Mail, Return Receipt Requested**  
**No. 7022 2410 0002 1891 0533**

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

ROW CSJ: 0921-02-355  
Parcel: 25  
From: SH107  
To: Mile 14.5

Tereso Ayala  
17952 N. Mile 6 West  
Weslaco, Texas 78599-0229

Dear Mr. Tereso Ayala:

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 **\$20,038.00** for your property, which includes **\$12,027.00** for the property to be purchased and **\$8,011.00** 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. Fence	Cedar	\$1.00
C. Fence	Chain Link	\$1.00
D. Gate	Chain Link	\$1.00
E. Motor	Gate	\$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.

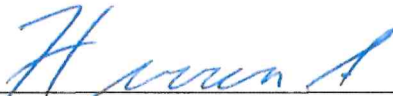
You have the right to discuss with others any offer or agreement regarding the County's acquisition of the subject property, or you may (but are not required to) keep the offer or agreement confidential from others, subject to the provisions of Chapter 552, Government Code (the Public Records Act) as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



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Right of Way Manager or other signatories

ENCLOSURES:

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

**TABULATION OF VALUES**

Parcel: 25 Highway: Mile 6 West Road ROW CSJ: 0921-02-355

Taking Type: Partial District: PHR

Size of Remainder: 1.949 Acres County: Hidalgo

Type of Property: Res-SFR

Contract Fencing: N/A

Appraised by: Leonel Garza III

Effective Date of Appraisal Report 4/18/2023

Date Appraised Report Signed: 5/28/2023

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)
Tereso Ayala	Fee Simple	0.161 ac. 7,014 sf.	\$5,635.00	No

**I. Appraised Values**

Land Value	Improvement Value	Sign Value	Damages/Enhancements	Total Value
\$5,635.00	\$6,392.00	\$0.00	\$8,011.00	\$20,038.00

**II. Improvements**

Item No.	Improvement Type	Type Construction	Improvement Value	Retention Value	Bisection Category
A.	Drive	Asphalt- 324 SF.	\$2,106.00	1.00	N/A
B.	Fence	Cedar -33 LF.	594.00	1.00	N/A
C.	Fence	Chain Link -27 LF...	365.00	1.00	N/A
D.	Gate	Chain Link-1 EA.	900.00	1.00	N/A
E.	Motor	Gate-1 EA.	900.00	1.00	N/A

**TABULATION OF VALUES (continued)**

Parcel: 25

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	\$8,011.00	\$8,011.00

**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:	4/18/2023	Effective Date		Recommended Value	
Appraiser's Name:	Leonel Garza III.				
Value of Whole Property	\$216,994.00			\$216,994.00	
Parcel Area: 0.161 Acres					
<b>VALUE FOR PARCEL</b>					
Land: per ac. \$35,000	\$5,635.00			\$5,635.00	
Easement	\$0.00			\$0.00	
Improvements	\$6,392.00			\$6,392.00	
Net Damages or (Enhancements)	\$8,011.00			\$8,011.00	
OAS Value(s)	\$0.00			\$0.00	
<b>TOTAL COMPENSATION</b>	\$20,038.00			\$20,038.00	

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

**TABULATION OF VALUES (continued)**

Parcel: 25

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: April 18, 2023**  
**Report Dated: June 7, 2023**  
**Review Appraiser: Harvey L. Heerssen**  
**Effective Date of Review: June 7, 2023**

Parcel 25 is a partial taking of 0.161 acres (7,014 sf.) parcel of land situated in Hidalgo County, Texas and also being a part or portion of Lot 2, T. Ayala Subdivision, according to the plat or map thereof recorded in Volume 31, Page 41B, of the Map Records of Hidalgo County, described in a deed dated October 20, 2009 from Sylvia Ayala to Tereso Ayala and recorded in Document Number 2056196 of the Official Records of Hidalgo County, Texas.

The whole property of 2.11 acres is located along the northeast line of Mile 6 West Road just southwest of Mile 15/ ½, road in Weslaco Texas/ Hidalgo County, 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 \$35,000 per acre. T. There are no market damages to the remainder land. Cost to cure is calculated to compensate the site improvements that were depreciated within the 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 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 \$20,038.00 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: 25

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

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


\_\_\_\_\_  
6/9/2023  
\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date

**X. Approval of Values**

  
\_\_\_\_\_  
County/City Representative

  
\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date

APPROVED BY  
COMMISSIONERS COURT  
ON: 

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

Address of Property: 17952 N Mile 6 West, Weslaco, Texas      District: Pharr  
 Property Owner: Tereso Ayala      Parcel: 25  
 Address of Property Owner: 17952 N Mile 6 West      ROW CSJ: 0921-02-355  
 Occupant's Name: Tereso Ayala      Federal Project No: N/A  
 Whole:       Partial:       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 \$20,038 as of April 18, 2023, based upon my independent appraisal and the exercise of my professional judgment;

That on April 18, 2023, I personally inspected in the field the property herein appraised; that I afforded Tereso Ayala, 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:

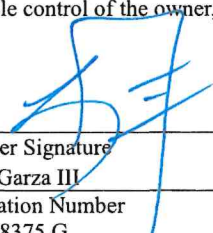
That the statements of fact contained in this report are true and correct;

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 7, 2023



To the best of my knowledge, the value does not include any items which are not compensable under State law.

Harvey L. Heerssen      6/9/2023  
 Reviewing Appraiser      Date

