

# L&G Engineering

Transportation Consultants

November 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.46  
MILE 6W: From :SH 107 To: Mile 14.5

Dear Commissioner Fuentes:

Attached herewith is a counter-offer as submitted by Ms. Silvia Silva owner of Parcel 46 on August 8, 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 **\$21,777.00** 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.: 46

Owner's Name: Silvia Silva and Tomas Silva Jr.

Approved Offer: \$15,573.00

Date Offer Sent: 07/14/23

Owner's Counteroffer: \$21,777.00

Date Counteroffer Received: 08/08/2023

### Factors considered in evaluation:

1. Valuation Issues

- a.  Reconciliation of all available appraisals, including Owner's.
- b.  Other: Property owners believe 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 \$12,000.00
- b.  Approximate additional cost to litigate through jury trial \$15,000.00
- c.  Other: \_\_\_\_\_

4. Timing Issues

- a.  Maintain project schedule: 3/2026  
Possession of this property is needed by: 1/2024  
Projected possession date, if settled is: 1/2024  
Projected possession date, if condemned is: 4/2024  
Letting date: 3/2026
- b.  Other: \_\_\_\_\_

5. Other Issues

- None.

\*\* 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 46 is a partial acquisition containing 1,462 sq. ft., parcel of land situated in Hidalgo County, Texas and also being part or portion of a 0.72 acre tract of land out of Lot 4, Block 398, West Tract Subdivision. On July 14, 2023 Acquisition Provider (L&G) mailed an offer via certified mail of \$15,573.00 to purchase the property to Ms. Silvia Silva. On August 8, 2023, the property owner submitted a counter offer in the amount of \$21,777.00. In her counter offer Ms. Silva stated that she has safety concerns for her residence and loved ones with the road coming closer. For more protection she obtained some estimates from fence contractors and suppliers to rebuild her fence. 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 county's approved value versus the property ownercounter offer does not warrant the risk of added expenses associated with the 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. We believe that the proposed counter offer is within a reasonable range.

This administrative settlement of \$ 21,777.00  is /  is not recommended for approval as being reasonable, justified, prudent and in the public interest.

**RECOMMENDATION(S):**

*H. ...*  
Project Engineer/ROW Administrator

11/28/2023  
Date

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

\_\_\_\_\_  
Date

**COUNTY APPROVAL:**

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

\_\_\_\_\_  
Date

August 8, 2023

Silvia Silva  
1539 W. Mil 15 N  
Weslaco, TX 78599

L % G Engineering  
900 S. Stewart Rd, Suite 10  
Mission, TX 78572

To whom it may Concern:

I am writing to address the county's interest in purchasing a section of my property- As addressed in the offer letter as Description-of a 0.034 of an acre (1462 square feet) parcel of land situated in Hidalgo for County Texas and also being a part of portion of a 0.72 of an acre tract.

Thank you for the offer letter but I believe this offer is not mutually beneficial for me so I reject the offer of \$15, 573.00 for my property which includes purchase of the property and damages to my remaining property. My main concern with this sell is the safety issue it will incur to my residence for being too close to the expansion of the street. With safety being my main issue, I feel the need to protect my residence and love ones and by doing so I want to replace the fence. But as noted on the property Valuation summary in the offer paperwork, you are reimbursing me for the chain Link Fencing and addressed @ 25% depreciation to it and put a value of \$1, 877.00. However with the increase cost of living, the incurred expense would be higher, I have attached a current quote invoice of the material and labor and how much it would cost me to replace the fence at current cost. I have also added the mail box that was not included in the Valuation summary total which was made by my late father. I believe a fair offer is \$21,777.00 due the increase of expense I will incur.

I ask that you please take my offer into consideration to avoid any further delays.

Sincerely,

A handwritten signature in black ink, appearing to read 'Silvia Silva', written in a cursive style.

**ALL STAR FENCE SUPPLY & MFG**

P O BOX 463 / 10941 HWY 107

ELSA, TX 78543

956-262-9900 PHONE

956-262-9590 FAX

**Bill To:**

CASH SALE

**Order Status: Open**

Item #	Description 1	Attribute	Size	Order	Sold	Due	Price	Ext Price	Tax
284	CHAINLINK GAW	6'	12.5 GAUC	200	0	200	\$2.74	\$548.00	T
201	TUBING 1 3/8"	21'	047	10	0	10	\$32.34	\$323.40	T
239	TUBING 2 3/8"	8'	065	7	0	7	\$25.75	\$180.25	T
286	TUBING 1 7/8"	8'	047	20	0	20	\$16.18	\$323.60	T
1	1-WAY		2 3/8"	4	0	4	\$4.20	\$16.80	T
2	2-WAY		2 3/8"	1	0	1	\$4.25	\$4.25	T
21	LOOP CAP	1 7/8" X 1 1/8"	1 7/8" X 1 1/8"	20	0	20	\$2.31	\$46.20	T
27	POST CAP		2 3/8"	2	0	2	\$1.50	\$3.00	T
94	TENSION BAR		6'	6	0	6	\$4.75	\$28.50	T
36	TENSION BAND		2 3/8"	30	0	30	\$0.65	\$19.50	T
14	CARRIAGE BOLTS	5/16"	1 1/4"	30	0	30	\$0.17	\$5.10	T
54	PIG RINGS		12.5 GAUC	1	0	1	\$3.85	\$3.85	T
135	BAG TIE WIRE	12 GA	6 1/2"	2	0	2	\$6.50	\$13.00	T
134	TENSION WIRE		13 GA	200	0	200	\$0.08	\$16.00	T
200	6X16 OPENING ROLLING			1	0	1	\$440.00	\$440.00	T
461	TUBING 1 5/8"	21'	065	2	0	2	\$47.25	\$94.50	T
70	ROLLING GATE KIT	RESIDENT		1	0	1	\$175.18	\$175.18	T
<b>Total Qty Ordered:</b>				<b>537</b>	<b>0</b>	<b>537</b>			

Percent Unfilled: 100

Subtotal: \$2,241.13  
 Local Sales Tax 6.25 % Tax: + \$140.07  
**TOTAL: \$2,381.20**  
 Deposit Balance: \$0.00  
 Balance Due: \$2,381.20

Quote is only good for 10 days! This is an estimate only, based on the information provided. Please review for accuracy, as we are not responsible for good faith errors.



# Customer Quote

8/04/2023, 4:38 PM CDT

Sales Person NXS612

Store Phone # (956) 447-2645

Store # 6577

Location 1500 W EXPRESSWAY 83, WESLACO, TX 78599

## Customer Information

**RICK CONTRERAS**  
(956) 457-4667  
RICKCONTRERS59@YAHOO.COM

**RICK AND CO**  
420 ALEX HARLY DR  
LAREDO, TX 78043



Quote # H6577-248342


PO / Job Name quickret

## Delivery

**Delivery Address**  
1535 mile 15  
WESLACO, TX 78599

**Delivery Options**  
Outside Delivery

**Delivery Date**  
Delivery to be scheduled at the time of purchase

Item Description	Model #	SKU #	Unit Price	Qty	Subtotal
PALLET DEPOSIT-REFUNDABLE ON RETURN		999835	\$25.00 / each	1	\$25.00
 Quikrete 80 lb. Concrete Mix DISCOUNT \$0.56 OFF EACH	110180	169765	<del>\$5.64 / each</del> \$5.08 / each	43	\$218.44
Outside Delivery		515663	\$79.00 / each	1	\$79.00

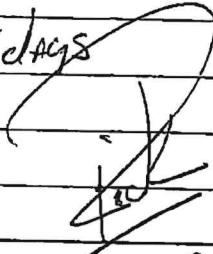
**Prices Valid Through: 08/11/2023**  
at The Home Depot #6577

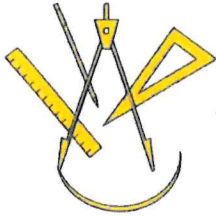
<b>Subtotal</b>	\$346.52
<b>Discounts</b>	-\$24.08
<b>Sales Tax</b>	\$26.60
<b>Quote Total</b>	\$349.04

037645

Job Quote

INVOICE

SOLD TO Silvia Silva		SHIPPED TO: R.C. FENCENY (956) 457-4667	
ADDRESS 1535 W. Mile 15 North		ADDRESS P.O. box 2007	
CITY, STATE, ZIP WASTACO, TEXAS 78596		CITY, STATE, ZIP EL PASO, TX. 79543	
CUSTOMER'S ORDER 23106	SALESPERSON 01	TERMS	DATE 08/04/23
Scope of work AS follows INSTALL 193 LF of HURRICANE fence WITH A 16' Rolling Gate Complete WITH dig 27 Holes 2' deep 8" diameter fill with 1 1/2 bags of Cement each one according to property line provided by Homeowner. Projected timeline 3 to 4 days. All materials AND Labor ARE AT Final payable by Homeowner. WARRANTY 1 year After Installation on Labor Will be responsible for all permits if needed.			
- Labor 193 LF x \$18.00			3474.00
- Home Depot Cement Mix			349.04
- Fence Supply			2381.20
Total			\$ 6204.24
See Attachments:			
Quote Good for 45 days			
			



# L&G Engineering

Transportation Consultants

July 14, 2023

**Via Certified Mail, Return Receipt Requested  
No. 7022 2410 0002 7168 4280**

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

ROW CSJ: 0921-02-355  
Parcel: 46  
From: SH107  
To: Mile 14.5

Silvia Silva & Tomas Silva, Jr. and Tomas Silva & Natividad S. Silva  
1535 W. Mile 15 North  
Weslaco, Texas 78596

Dear Sirs & Madams:

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 **\$ 15,573.00** for your property, which includes **\$14,489.00** for the property to be purchased and **\$1,084.00** 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	Concrete	\$1.00
B. Fencing	Chain Link	\$1.00
C. Spigot	Water	\$1.00
D. Landscaping	Trees	\$1.00
E. Gates	Chain Link	\$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.

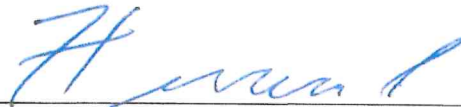
You have the right to discuss with others any offer or agreement regarding the County's acquisition of the subject property, or you may (but are not required to) keep the offer or agreement confidential from others, subject to the provisions of Chapter 552, Government Code (the Public Records Act) as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



Right of Way Manager or other signatories

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

### TABULATION OF VALUES

Parcel: 46 Highway: Mile 6 West Road ROW CSJ: 0921-02-355

Taking Type: Partial District: PHR

Size of Remainder: 0.686 Acres County: Hidalgo

Type of Property: Res-SFR

Contract Fencing: N/A

Appraised by: Leonel Garza III

Effective Date of Appraisal Report 5/19/2023

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)
Silvia Silva & Tomas Silva, Jr.	Fee Simple	0.034 ac. 1,462 sf.	\$4,386.00	No

#### I. Appraised Values

Land Value	Improvement Value	Sign Value	Damages/Enhancements	Total Value
\$4,386.00	\$10,103.00	\$0.00	\$1,084.00	\$15,573.00

#### II. Improvements

Item No.	Improvement Type	Type Construction	Improvement Value	Retention Value	Bisection Category
A.	Drive	Concrete- 162 SF.	\$851.00	\$1.00	N/A
B.	Fencing	Chain Link -139 LF.	1,877.00	1.00	N/A
C.	Spigot	Water-IEA.	150.00	1.00	N/A
D.	Landscaping	Trees -5 EA. & Small Plants	6,550.00	1.00	N/A
E.	Gates	Chain Link -2 EA.	675.00	1.00	N/A



**TABULATION OF VALUES (continued)**

Parcel: 46

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	\$1,084.00	\$1,084.00

**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**

<b>Date:</b>	5/19/2023			<b>Recommended Value</b>
<b>Appraiser's Name:</b>	Leonel Garza III.			
<b>Value of Whole Property</b>	\$201,454.00			\$201,454.00
<b>Parcel Area: 1,462 sf.</b>				
<b>VALUE FOR PARCEL</b>				
<b>Land: per sf. \$3.00</b>	\$4,386.00			\$4,386.00
<b>Easement</b>	\$0.00			\$0.00
<b>Improvements</b>	\$10,103.00			\$10,103.00
<b>Net Damages or (Enhancements)</b>	\$1,084.00			\$1,084.00
<b>OAS Value(s)</b>	\$0.00			\$0.00
<b>TOTAL COMPENSATION</b>	\$15,573.00			\$15,573.00

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

**TABULATION OF VALUES (continued)**

Parcel: 46

Highway: Mile 6 West Road

ROW CSI: 0921-02-355

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

**Appraiser: Leonel Garza III**  
**Effective Date of Report: May 19, 2023**  
**Report Dated: June 21, 2023**  
**Review Appraiser: Harvey L. Heerssen**  
**Effective Date of Review: June 24, 2023**

Parcel 46 is a partial taking of 0.034 acres (1,462 sf.) parcel of land situated in Hidalgo County, Texas and also being a part or portion of a 0.72 acre tract out of Farm Tract 398, 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 October 20, 2015 from Tomas Silva and wife Natividad S. Silva to Silvia Silva and Tomas Silva, Jr. and recorded in Document Number 2686674, of the Official Records of Hidalgo County, Texas.

The whole property of 0.72 acres is located along the southwest line of Mile 15 Road and addressed as 1535 W. Mile 15 North 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. The site improvements within the proposed acquisition are appraised accordingly. Three (3) comparable land sales support the land value of \$3.00 per sf. There are no market damage to the remainder land. Cost to cure is calculated to compensate for 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 \$15,573.00 be approved for negotiations and acquisition.**

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

Retentions of \$1.00 is applied to each site improvement to encourage retention and removal.

**TABULATION OF VALUES (continued)**

Parcel: 46

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

*[Handwritten Signature]*  
\_\_\_\_\_  
Controlling Appraiser (if applicable)

6/26/2023  
\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date

**X. Approval of Values**

*[Handwritten Signature]*  
\_\_\_\_\_  
County/City Representative

*[Handwritten Date]*  
\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date

APPROVED BY  
COMMISSIONERS COURT  
ON: *[Handwritten Date]*



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

Address of Property: 1535 W Mile 15 North, Weslaco, Texas	District: Pharr
Property Owner: Silvia Silva & Tomas Silva, Jr.	Parcel: 46
Address of Property Owner: 1535 W Mile 15 North, Weslaco, Texas	ROW CSJ: 0921-02-355
Occupant's Name: Silvia Silva & Tomas Silva, Jr.	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 \$15,573 as of May 19, 2023, based upon my independent appraisal and the exercise of my professional judgment;

That on May 19, 2023, I personally inspected in the field the property herein appraised; that I afforded Silvia Silva & Tomas Silva, Jr., 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 May 18, 2023;

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.	
<i>Harvey L. Heerssen</i>	6/26/2023
Reviewing Appraiser	Date

