

# L&G Engineering

Transportation Consultants

December 13, 2023

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

RE: County: Hidalgo  
RCSJ No. 0921-02-406  
Parcel No. 69  
Cesar Chavez Phase II: From: Business 83 To: Nolana Loop

Dear Commissioner Cantu:

Attached herewith is a counter-offer as submitted by Mr. Jose G. Leyva and Mary Lou Leyva owners of Parcel 69 on December 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 counter offer of **\$14,132.00** 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

P2 ADMIN  
2023 DEC 14 PM 4:34



## HIDALGO COUNTY ADMINISTRATIVE EVALUATION AND APPROVAL FORM

---

ROW CSJ: 0921-02-406

County: Hidalgo

Highway: Cesar Chavez Rd

Project Limits: From Business 83 to Nolana Loop

Parcel No.: 69

Owner's Name: Jose G. Leyva and Mary Lou Leyva

Approved Offer: \$10,132.00

Date Offer Sent: 11/29/2023

Owner's Counteroffer: \$14,132.00

Date Counteroffer Received: 12/8/2023

### Factors considered in evaluation:

1. Valuation Issues

- a.  Reconciliation of all available appraisals, including Owner's.
- b.  Other: Property owner believes that her property was undervalued.

2. Legal Issues

- a.  Analysis of recent court awards on similar properties or projects.
- b.  Analysis of recent court decisions which may affect the outcome of a condemnation action.
- c.  Analysis of previously unlitigated issues.
- d.  Other: \_\_\_\_\_

3. Cost Savings

- a.  Approximate cost to litigate through Special Commissioners' Hearing \$20,000.00
- b.  Approximate additional cost to litigate through jury trial \$40,000.00
- c.  Other: \_\_\_\_\_

4. Timing Issues

- a.  Maintain project schedule: Yes  
Possession of this property is needed by: 01/2024  
Projected possession date, if settled is: 01/2024  
Projected possession date, if condemned is: 6/2024  
Letting date: 6/2025
- b.  Other: \_\_\_\_\_

5. Other Issues

\_\_\_\_\_

\*\* The following documents have been considered and are incorporated by reference: appraisals, appraisal review form, owner's counteroffer and supporting documentation, negotiator's log, and \_\_\_\_\_

**Analysis and Conclusion:**

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

Parcel 69 is a partial acquisition containing 1,979 sq. ft. parcel of land situated in Hidalgo County, Texas and also being a part of a certain 0.96 acre tract out of Lot 4 Block 39, ALAMO LAND AND SUGAR COMPANY'S SUBDIVISION. On November 29, 2023, Acquisition Provider, L & G Engineering, made an offer of \$10,132.00 to property owner Mary Lou Leyva, via certified mail. On December 8, 2023, Ms. Leyva and Mr. Jose G. Leyva submitted a counter offer for \$14,132.00. In his counter offer they state that they feel property had been undervalued. They also state that they are willing to sign all documents needed to finalize the purchase of this parcel. 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 a (difference of \$4,000.00) 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 \$ 14,132.00  is /  is not recommended for approval as being reasonable, justified, prudent and in the public interest.

**RECOMMENDATION(S):**

*A. ...*  
Project Engineer/ROW Administrator

12/13/23  
Date

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

\_\_\_\_\_  
Date

**COUNTY APPROVAL:**

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

\_\_\_\_\_  
Date

12-8-2023

PARCELA:69 PROYECTO CESAR CHAVEZ RD.

SRA. SANCHEZ,

NO ACEPTAMOS SU OFERTA DE 10,132 PORQUE  
NOSOTROS PENSAMOS QUE ES BAJA LA OFERTA

Y EMOS DECIDIDO ENTREGAR ESTA CARTA

OFICIAL DE CONTRA OFERTA DE 14,132

SI CONSIDERAS Y APRUEBAN ESTA CANTIDAD

NOSOTROS FIRAMOS PARA FINALIZAR ESTE

TRAMITE

GRACIAS *Marydel*

Jose G Leyva



Form ROW-A-5  
(Rev. 08/11)

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

Address of Property: 2003 N. Cesar Chavez Road, San Juan, Texas      District: Pharr  
 Property Owner: Mary Lou Leyva      Parcel: 69  
 Address of Property Owner: 2003 Cesar Chavez Road, San Juan, Texas      ROW CSJ: 0921-02-406  
 Occupant's Name: Mary Lou Leyva      Federal Project No: N/A  
 Whole:       Partial:       Acquisition      Highway: Cesar Chavez Road Ph II      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 \$10,132 as of October 2, 2023, based upon my independent appraisal and the exercise of my professional judgment;

That on October 2, 2023, I personally inspected in the field the property herein appraised; that I afforded Mary Lou Leyva, 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 October 1, 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.

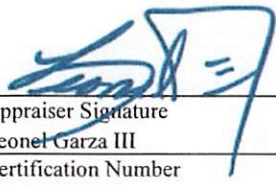
I certify to the best of my knowledge and belief:

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: October 24, 2023

To the best of my knowledge, the value does not include any items which are not compensable under State law.	
Digitally signed by Brian Cade DN: cn=Brian Cade, o=RGV Appraisal Services, ou, email=brian@rgvappraisals.com, c=US Date: 2023.10.27 09:41:09 -05'00'	10/27/2023
Brian Cade	
Reviewing Appraiser	Date



\* A 5 \*

**TABULATION OF VALUES**

Parcel: 69 Highway: Cesar Chavez Road Ph II ROW CSJ: 0921-02-406  
 Taking Type: Partial District: Pharr  
 Size of Remainder: None County: Hidalgo  
 Type of Property: Residential Federal Project: N/A  
 Contract Fencing: N/A  
 Appraised by: Leonel Garza III  
 Date Appraised: 10/24/2023

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	100.00%	ROW Acquisition Expenses

Interest Owner	Acquisition Interest	Land Area	Value	Lease (Y/N)
Mary Lou Leyva	Fee Simple	0.045 of an acre/ 1,979 square feet	\$7,520.00	N

**I. Appraised Values**

Land Value	Improvement Value	Sign Value	Damages/Enhancements	Total Value
\$7,520.00	\$2,612.00	\$0.00	\$0.00	\$10,132.00

**II. Improvements**

Item No.	Improvement Type	Type Construction	Improvement Value	Retention Value	Bsection Category
A.	Fence	Chain Link	\$1,746.00	\$1.00	N/A
B.	Gate	Chain Link	\$650.00	\$1.00	N/A
C.	Driveway	Caliche	\$216.00	\$1.00	N/A

<b>Item No.</b>	<b>Improvement Type</b>	<b>Type Construction</b>	<b>Improvement Value</b>	<b>Retention Value</b>	<b>Bisection Category</b>
		<b>Total</b>	<b>\$2,612.00</b>	<b>\$3.00</b>	

**TABULATION OF VALUES (continued)**

Parcel: 69

Highway: Cesar Chavez Road Ph II

ROW CSJ: 0921-02-406

**III. Damages and Enhancements**

Total Non-Exempt Damages	Enhancements	Exempt Damages	Net Damages
\$0.00	\$0.00	\$0.00	\$0.00

**IV. Sign Values**

Item No.	Sign Owner	Type Construction	Improvement Value	Retention Value	Bisect. Cat.
N/A	N/A	N/A	\$0.00	\$0.00	N/A
<b>Total</b>			\$0.00	\$0.00	

**V. Recapitulation**

Date:	10/24/2023	Recommended Value
Appraiser's Name:	Leonel Garza III	
Value of Whole Property	\$77,836.00	\$77,836.00
Parcel Area: 0.045 ac.		
<b>VALUE FOR PARCEL</b>		
Land: per sf. \$3.80	\$7,520.00	\$7,520.00
Easement	\$0.00	\$0.00
Improvements	\$2,612.00	\$2,612.00
Net Damages or (Enhancements)	\$0.00	\$0.00
OAS Value(s)	\$0.00	\$0.00
<b>TOTAL COMPENSATION</b>	<b>\$10,312.00</b>	<b>\$10,132.00</b>

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

**TABULATION OF VALUES (continued)**

Parcel: 69

Highway: Cesar Chavez Road Ph II

ROW CSJ: 0921-02-406

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

Appraiser: Leonel Garza III  
Effective Date of Valuation: October 2, 2023  
Report Dated: October 24, 2023  
Review Appraiser: Brian Cade  
Effective Date of Review: October 27, 2023  
TxDOT Review Appraiser: N/A  
Report Received at TxDOT:

Parcel 69 appears to be a parcel taking of 0.045 of an acre (1,979) sf. parcel of land being a part or portion of a certain A 0.3857, more or less, out of and forming a part of Lot 4, Block 39, Alamo Land and Sugar Company's Subdivision, Hidalgo County, Texas, as per the map or plat thereof recorded in Volume 01, Pages 24-26, Map Records of Hidalgo County, Texas.

This parcel is located along the West side of Cesar Chavez Road within the City of San Juan, Texas. The whole property is owned by Mary Lou Leyva. The highest and best use is for Interim Residential Use with Future Commercial Use.

Three (3) recent comparable sales are utilized to value the whole property at \$3.80 per sf. The part taken is properly valued as a pro-rata part of the whole property unit value. There are no market damages to the remainder land.

A breakdown of the total compensation is as follows: Land owned by Mary Lou Leyva to be \$7,520.00 and Improvements owned by Mary Lou Leyva to be \$2,612.00, totaling \$10,132.00.

The appraiser has considered access damages in accordance with Section 21.042(d) of the Texas Property Code, as amended by SB18 of the Texas 82nd Regular Legislative Session. The result of the findings is that there is no denial of direct access nor material impairment of direct access on or off the remaining property that affects the market value of the remaining property. Therefore, there are no access damages to the remainder property.

The report prepared by the appraiser Leonel Garza III is an Appraisal Report presented on TxDOT form ROW A-5 and appears to comply with USPAP and the Texas Department of Transportation's Appraisal and Review Manual. The appraisers' opinion and conclusions appear to be well supported by information contained within this appraisal report. It is recommended that the total value of \$10,132.00 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: 69

Highway: Cesar Chavez Road Ph II

ROW CSJ: 0921-02-406

**VIII. Conditions**

Values for signs, if any, are applicable only if sign owner has compensable interest. Fencing is applicable only to actual cost or lump sum fencing on 90-10 Right of Way projects and State cost participation in fences to be in accordance with State's Right of Way Manual. The values indicated hereon have been approved on the basis that all improvements within the taking will be acquired in the name of the State through negotiation.

**IX. Reviewing Appraisers' Statements**

**Reviewing Appraiser's Statement**

It is my opinion that the appraiser's report for this parcel appears adequately supported and in compliance with all appropriate appraisal standards, laws, and regulations, and I recommend this appraisal for use by the appropriate Agency Official and his/her assigns. I have no direct or indirect present or contemplated future personal interest in such property or in any benefit from the acquisition of the parcel. To the best of my knowledge, the value does not include any items that are not compensable under State law.

**Brian Cade**

Digitally signed by Brian Cade  
DN: cn=Brian Cade, o=RGV Appraisal Services,  
ou, email=brian@rgvappraisals.com, c=US  
Date: 2023.10.27 09:41:42 -05'00'

10/27/2023

\_\_\_\_\_  
Reviewing Appraiser

\_\_\_\_\_  
Date

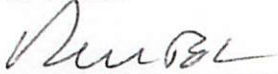
\_\_\_\_\_  
Contract Reviewing Appraiser (if applicable)

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date

**X. Approval of Values**



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

11/6/23

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date

APPROVED BY  
COMMISSIONERS COURT  
ON: 11/17/23 

County: Hidalgo  
C.C.S.J.:0921-02-405  
R.C.S.J.:0921-02-406  
Highway: Cesar Chavez Road

January 27, 2021  
Revised June 28, 2021  
Parcel 69  
Page 1 of 3

EXHIBIT "A"

Property Description  
Parcel 69

DESCRIPTION of a 0.045 of an acre (1,979 square feet) parcel of land situated in Hidalgo County, Texas and also being a part or portion of a certain 0.96 acre tract out of Lot 4, Block 39, ALAMO LAND AND SUGAR COMPANY'S SUBDIVISION, according to the plat or map thereof recorded in volume 1, pages 24-26, of the Map Records of Hidalgo County (M.R.H.C.), described in a deed dated April 3, 1990 from Billie Estes and wife Sylvia Claire Estes to Lawrence J. Shircliff and recorded in volume 2912 page 730 of the Official Records of Hidalgo County (O.R.H.C.), and said 0.045 of an acre parcel (1,979 square feet) being more particularly described by metes and bounds as follows:

Note: All bearings and coordinates are based on the State Plane Coordinate System of Texas, South Zone, North American Datum 1983 (1993 adjustment), English units. All distances and coordinates are surface and may be converted to grid by dividing by a combined scale factor of 1.000040;

**COMMENCING** at a 1/2 inch iron rod found on the southwest corner of said 0.96 of an acre tract, thence as follows;

S 81° 25' 43" E, along the south line said 0.96 of an acre tract, a distance of 323.60 feet to a 5/8 inch iron rod with cap stamped RPLS 4856 set on the proposed west right of way line of Cesar Chavez Road for the southwest corner and **POINT OF BEGINNING** of herein described parcel, having surface coordinates of N=16,602,609.72, E=1,105,268.48, 40.00 feet left to centerline station 258+24.43.

1. **THENCE**, along the proposed west right of way line of Cesar Chavez Road and the arc of a curve to the right having a radius of 6,520.26 feet, an interior angle of 00°58'37", an arc length of 111.18 feet, a tangent of 55.59 feet and a chord that bears N 07°30'30" E, a distance of 111.18 feet to a 5/8 inch iron rod with cap stamped RPLS 4856 set on the north line of said 0.96 of an acre tract for the northwest corner of this parcel, 40.00 feet left to centerline station 259+34.93.

2. **THENCE**, S 81°25'56" E, along the north line of said 0.96 of an acre tract, a distance of 18.68 feet to a 3/4 inch iron pipe found on the existing west right of way line of Cesar Chavez Road for the northeast corner of this parcel.

3. **THENCE**, S 08°34'20" W, along the existing west right of way line of Cesar Chavez Road, a distance of 111.17 feet to a 5/8 inch iron rod with cap stamped RPLS 4856 set on the south line of said 0.96 of an acre tract for the southeast corner of this parcel.

4. **THENCE**, N 81°25'43" W, along the south line of said 0.96 of an acre tract, a distance of 16.61 feet to the **POINT OF BEGINNING**, and containing 0.045 of an acre (1,979 square feet) of land, more or less.

Reference is made to the parcel plat of even date accompanying this metes and bounds description.

I do hereby certify that this metes and bounds description conforms to the current General Rules of Procedures and Practices as promulgated by the Texas Board of Professional Land Surveyors.

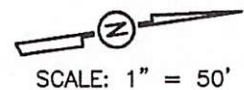
Alfonso Quintanilla, R.P.L.S. # 4856  
Quintanilla, Headley and Associates, Inc.  
124 E. Stubbs Street  
Edinburg, Texas 78539  
Phone (956) 381-6480

Date: January 27, 2021  
Revised: June 28, 2021

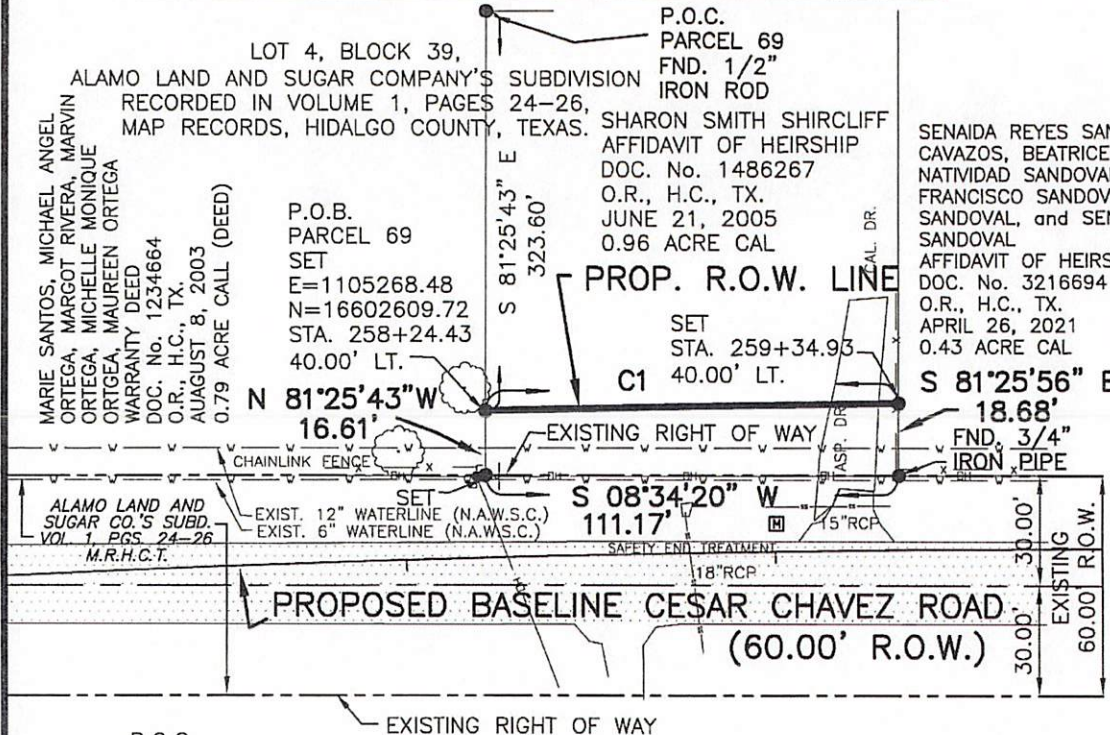


A handwritten signature in blue ink, appearing to read "Alfonso Quintanilla", written over the bottom portion of the professional seal.

PARCEL 69						
CURVE	DELTA	RADIUS	LENGTH	CH. BEARING	CH. LENGTH	TANGENT
C1	00°58'37"	6520.26'	111.18'	N 07°30'30" E	111.18'	55.59'



**RIGHT OF WAY SKETCH**  
 SHOWING PROPERTY OF  
 SHARON SMITH SHIRCLIFF



*Alfonso Quintanilla*

I, Alfonso Quintanilla, Registered Professional Land Surveyor No. 4856, in the State of Texas, do hereby certify that this plat delineates the results of a survey made on the ground under my supervision.

Reference is made to the metes and bounds description of even date accompanying this plat.

**NOTES:**

1. ALL BEARINGS AND DISTANCES ARE BASED ON THE STATE PLANE COORDINATE SYSTEM NAD83, TEXAS SOUTH ZONE (4205)
2. SET: INDICATES A 5/8" IRON ROD WITH A PLASTIC CAP STAMPED RPLS 4856 SET, UNLESS OTHERWISE NOTED.

REVISED: JUNE 28, 2021

STATE	PLAT OF SURVEY	COUNTY
TEXAS	<b>CESAR CHAVEZ RD.</b>	HIDALGO
ACCOUNT	C.C.S.J. No. 0921-02-405 R.C.S.J. No. 0921-02-406	DATE OF SURVEY: JAN. 27, 2021
EXISTING 0.96 AC. (CALL)	TAKING 0.045 AC. 1979 S.F.	REMAINING 0.915 AC.
		PARCEL 69 PAGE 3 OF 3

**QUINTANILLA, HEADLEY AND ASSOCIATES, INC.**  
 CONSULTING ENGINEERS . . . . . LAND SURVEYORS  
 124 E. STUBBS ST. . . . . PHONE 956-381-6480  
 EDINBURG, TEXAS 78539 . . . . . FAX 956-381-0527  
 ENGINEERING REGISTRATION NUMBER F-1513 . . . . . ALFONSOQ@QHA-ENG.COM  
 SURVEYING REGISTRATION NUMBER 100411-00

- EASEMENTS, RIGHTS, RULES, AND REGULATIONS IN FAVOR OF  
 HIDALGO COUNTY IRRIGATION DISTRICT No. 2 (APPLY-BLANKET)
- LEGEND
- = GAS METER
  - = FIRE HYDRANT
  - = PALM TREE
  - = TREE
  - = GUY WIRE
  - = ELECT PED
  - = POWER POLE
  - = MAILBOX
  - = SIGN
  - = WATER METER
  - = SERVICE POLE
  - = TEL PED
  - = TEL MARKER
  - = GATEWELL/STANDPIPE
  - = IRR. VALVE
  - = GAS MARKER
  - = STREET LIGHT
  - = VENT PIPE
  - = LAMP POST
  - = IRR. CONTROL VALVE