



BRIGHTON GROUP

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

December 22, 2023

The Honorable Ellie Torres
Commissioner, Pct. #4
C/O Velinda Reyes
Chief Administrator for External Affairs/RPIC
1051 N Doolittle Rd.
Edinburg, Texas 78542

RE: County: Hidalgo
Parcel No. 25
Russell Road: FROM Rooth Road TO Mon Mack Road

Dear Commissioner Torres:

Attached herewith is a counter-offer as submitted by Texas Cordia Construction, LLP, owner of Parcel 25. Brighton Group has reviewed the aforementioned and hereby recommends that the counter-offer **be approved.** Also attached is the N-9, Administrative Settlement Evaluation and Approval Form.

Brighton Group believes the counter-offer is a valuation, legal and cost savings issue. More importantly due to recent court awards on similar projects and the cost to litigate through the Special Commissioners' Hearing we recommend that the counter-offer of **\$23,600.00** be accepted.

Please review these documents and feel free to contact me at (956)379-7970 if you wish to discuss this matter personally.

Sincerely,

Joseph Palacios
President/CEO

Attachments: As Noted

Cc: File



HIDALGO COUNTY ADMINISTRATIVE EVALUATION AND APPROVAL FORM

ROW CSJ: N/A

Highway: Russell Road

Parcel No.: 25

Owner's Name: Texas Cordia Construction LLC

Approved Offer: \$15,973.00

Owner's Counteroffer: \$23,600.00

County: Hidalgo

Project Limits: From Rooth Rd To Mon Mack Rd

Date Offer Sent: 10/04/23

Date Counteroffer

Received: 12/16/2023

Factors considered in evaluation:

1. Valuation Issues

- a. Reconciliation of all available appraisals, including Owner's.
- b. Other: Property owner has requested additional funds for the relocation of cattle.

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: 12/2023
Projected possession date, if settled is: 01/2024
Projected possession date, if condemned is: 03/2024
Letting date: 2024
- 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 5,187 sq. ft. or 0.119 of one acre tract of land situated in Hidalgo County, Texas and being in Lot 16, Section 235, Texas-Mexican Railway Company's Survey as recorded in Volume 1, page 12. On October 4, 2023, Brighton Group, Acquisition Provider for the County, made an offer of \$15,973.00 to owner of record, Texas Cordia Construction LLC, via certified mail. Ms. Yara Corbitt submitted a counteroffer stating that the additional monies would be used in the relocation of the cattle. Ms. Corbitt has requested an additional \$7,627.00 for at total counteroffer of \$23,600.00. After discussion and review by the evaluation team, it is the recommendation that the administrative settlement be approved. We believe that the proposed counteroffer is within a reasonable range and seek the County's consideration for approval. This amount does not warrant the risk and added expenses associated with standard eminent domain proceedings. Accepting said counter offer will help avoid project time delays, and associated condemnation proceedings, thus resulting in a cost savings to the county.

This administrative settlement of \$23,600.00 is not recommended for approval as being reasonable, is / justified, prudent and in the public interest.

RECOMMENDATION(S):

Joseph Palacios

Project Engineer/ROW Administrator

12/22/2023
Date

RPIC/Authorized Pct. Representative

Date

COUNTY APPROVAL:

County Judge

Date



3149-A Center Pointe Drive
Edinburg, Texas 78539
(956) 627-6181 Office
(956) 386-0289 Fax

December 14, 2023

Mr. Joseph Palacios
President, Managing Principal
Brighton Group
2805 Fountain Plaza Blvd, Suite A-2
Edinburg, Texas 78539

County : Hidalgo
Highway : Russell Road
From : Rooth Road
To : Mon Mack Road
Parcel : 25

Re: Purchase of 0.119 of an acre (5,187 sq. ft) parcel of land situated in Hidalgo County, Texas and being out of Lot 16, Section 235 Texas-Mexican Railway Company's Survey, as recorded in Volume 1, Page 12 of the Map Records of Hidalgo County, Texas

Dear Mr. Palacios,

We are in receipt of the County of Hidalgo's offer of \$15,973 to purchase the above referenced property from Texas Cordia Construction, LLC.

Please accept this letter as our official letter of counter offer in the amount of \$23,600 for the County of Hidalgo to purchase the above reference property from Texas Cordia Construction, LLC.

Please rest assured that Texas Cordia is for the Project, the progress and betterment of our community, looks forward to construction of this most worthwhile project and is for the expansion of Russell Road from Rooth Road to Mon Mack Road. Texas Cordia Construction, LLC is not interested in eminent domain.

In view of the above we have proceeded to relocated our cattle to another location with several still pending to be moved.

Please call on us should you have any questions or need additional information.

Respectfully,

A blue ink signature of Yara M. Corbitt, P.E., CEO, written over a horizontal line.

YARA M. CORBITT, P.E., CEO

A blue ink signature of Isaac Heredia, COO, written over a horizontal line.

ISAAC HEREDIA, COO

CC: Alicia Rodriguez, Brighton Group, Edinburg, Texas 78539



BRIGHTON GROUP

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

Date: October 4, 2023

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

ROW CSJ: N/A
Parcel ID: 25
From: Rooth Road
To: Mon Mack Road

BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, NO. 7019 1120 0001 3896 2475

Texas Cordia Construction LLC
3149 A Center Pointe Drive
Edinburg, TX 78539

Dear Sirs & Madam,

In acquiring property for Hidalgo County (the "County") follows a definite procedure for appraising the land needed and for handling personal negotiations with each owner. As has been or ~~will~~ be explained by the County's negotiator, Alice Rodriguez, is to be acquired for the construction or improvement of the above-referenced highway project. The property is located at Russell Road, as described in the enclosed legal description and survey (the "Property").

The County believes 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 \$15,973.00 for the Property, which includes \$15,973.00 for the Property to be purchased and \$0.00 for damages to your remaining property.

The amount listed above is the total amount of just compensation for all interests in the portion of the property, 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 Property with the understanding that the fee owner(s) will, in turn, negotiate with any lessee or other party who may own any interest in the Property or improvements located within the Property, with the exception of public utility easements, which will be handled separately by the County.

This offer to purchase includes the contributory value(s) of the improvement(s) owned by you as listed below, which are considered to be part of the Property. Since the improvement(s) must be removed, it is the policy of the County to permit the owner(s) who convey voluntarily to the County to thereafter retain the improvement(s), if they wish to do so. The retention value(s) are 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 Property, 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 Property by eminent domain.

	<u>Improvement</u>	<u>Amount to be Subtracted if Retained</u>
a.	Asphalt Drive	\$1.00
b.	Ranch Fencing	\$1.00
c.	Cattle Guard	\$1.00
d.	Ranch Tube Gate	\$1.00
e.	Concrete Water Trough	\$1.00

f. Water Spigot

\$1.00

If you wish to accept the offer based upon this appraisal, please contact Alice Rodriguez, who is an employee of Brighton Group, an affiliate that is providing acquisition services on behalf of the County, as soon as possible, at (956) 603-2005 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 the Property, you will be reimbursed by the County for any fair and reasonable incidental expenses necessarily incurred in transferring title to the Property to the County. Expenses eligible for reimbursement may include (1) recording fees, transfer taxes, and similar expenses incidental to conveying the Property to the County, and (2) penalty costs for prepayment of any preexisting recorded mortgage entered into in good faith encumbering the 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 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 that 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 that are available.

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

Please see the enclosed copy of the proposed instrument that will convey the Property and any improvement owned by you on the Property to the County. Additionally, please see the enclosed copy of the Texas Landowner Bill of Rights.

Also enclosed is a copy of the Department brochure entitled "Right of Way Purchase", which the Department trusts will give you a better understanding of the procedures followed by the Department in purchasing property interests for highway purposes. The County respectfully requests the opportunity to meet with you or to otherwise discuss and answer any questions you may have regarding the details of the type of facility to be built or concerning the County's offer or proposed purchase transaction. Also, please do not hesitate to contact me at the telephone number provided above regarding any question you may have.

Finally, enclosed are copies of all appraisal reports relating to the Property being acquired, which were prepared in the ten (10) years preceding the date of this offer and



REAL ESTATE APPRAISAL REPORT - TEXAS DEPARTMENT OF TRANSPORTATION

Address of Property: 3809 W Mile 17 1/2 Road Edinburg, Texas
Property Owner: Texas Cordia Construction LLC
Address of Property Owner: 3149 A Center Pointe Drive Edinburg,
Texas 78539

District: Pharr
Parcel: 25
ROW CSJ: N/A

Occupant's Name: Texas Cordia Construction LLC
Whole: Partial: Acquisition

Federal Project No: N/A
Highway: Russell 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 \$15,973 as of August 18, 2023, based upon my independent appraisal and the exercise of my professional judgment;

That on August 18, 2023, I personally inspected in the field the property herein appraised; that I afforded Texas Cordia Construction LLC, 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 the Brighton Group, LLC, Hidalgo County Precinct No. 4, 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 82nd 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 4, 2023

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

