

L&G Engineering

Transportation Consultants

March 4, 2024

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. 73
MILE 6W: From : Mile 14.5 to Mile 11

Dear Commissioner Fuentes:

Attached herewith is a counter-offer as submitted by Luis Lauro Martinez & wife, Amelia Martinez owner of Parcel 73 on February 27, 2024. 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 **\$14,512.00** 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

ROW CSJ: 0921-02-355

County: Hidalgo

Highway: Mile 6W

Project Limits: Mile 14.5 to Mile 11 N

Parcel No.: 73

Owner's Name: Luis Lauro Martinez & wife, Amelia Martinez

Approved Offer: \$10,170.00

Date Offer Sent: 2/15/2024

Owner's Counteroffer: \$14,512.00

Date Counteroffer Received: 2/27/2024

Factors considered in evaluation:

1. Valuation Issues

- a. Reconciliation of all available appraisals, including Owner's.
- b. Other: None

2. Legal Issues

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

3. Cost Savings

- a. Approximate cost to litigate through Special Commissioners' Hearing \$15,000.00
- b. Approximate additional cost to litigate through jury trial \$20,000.00
- c. Other: _____

4. Timing Issues

- a. Maintain project schedule: 3/26
Possession of this property is needed by: 5/2024
Projected possession date, if settled is: 5/2024
Projected possession date, if condemned is: 9/2024
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 73 is a partial acquisition of a 0.048 of an acre 2,103 sq. ft. parcel of land situated in Hidalgo County, Texas and also being part or portion of a 1.547 acre tract of land out of Farm Tract 392, WEST AND ADAMS TRACTS SUBDIVISION, according to the plat or map thereof recorded in Volume 2, Pages 34-37, of the Map Records of Hidalgo County (M.R.H.C.). On February 15, 2024, Acquisition Provider (L&G) mailed an offer of \$10,170.00 to purchase the property to Luis Lauro Martinez & wife Amelia Martinez . On February 29, 2024, the property owner submitted a counter offer in the amount of \$14,512.00. In the counter offer Mr. Martinez stated that the proposed land value should be higher due to the fact that they run a family owned "Feed Store" from the same property. 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 of \$4,342.00 between the approved value versus the property owner's counter offer 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 \$ 14,512.00 is / is not recommended for approval as being reasonable, justified, prudent and in the public interest.

RECOMMENDATION(S):



Project Engineer/ROW Administrator

3/4/24

Date

RPIC/Authorized Pct. Representative

Date

COUNTY APPROVAL:

County Judge

Date

February 27, 2024

Luis L. Martinez and Amelia Martinez
11207 North Mile 6
Weslaco, Texas 78596

County: Hidalgo
Highway: Mile 6 West Road
ROW CSJ: 0921-02-355
Parcel No. 73

RE: Offer Letter Dated February 13, 2024
Attn: Fred Herrera, ROW Supervisor

Dear Mr. Herrera,

Your letter of offer explains the need for part of our property to be acquired for the expansion of the Mile 6 West Road project. A review of the enclosed appraisal report, comparable sales, and value of our improvements results in our rejection of the total offer of \$10,170.00. The basis and reasoning for our rejection are that you have valued our land with the highest and best use of single-family residential as stated on Page 4.0 of the report. I agree that there is a residence on the whole property, but our business establishment is a "Feed Store" to be considered as commercial use in the appraisal report.

Furthermore, the improvements within the proposed ROW Acquisition are valued low and with a high depreciation percentage of which we do not agree.

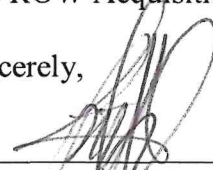
Our counter-offer is calculated and figured as follows by way of present-day values in the real estate market.

- Land Value.....\$4,300.00
- Caliche Pavement, signs 1 and 2.....\$6,400.00
- Cost-to-Cure Damages.....\$3,812.00
- Total.....\$14,512.00

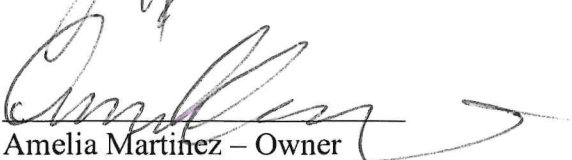
Our counter-offer amount is for \$14,512.00 of which has an increase of only \$4,342.00.

Please consider and approve our counter-offer amount so we may proceed to the consummation of this ROW Acquisition. Thank you and please contact us with your favorable decision.

Sincerely,



Luis L. Martinez – Owner



Amelia Martinez – Owner

TABULATION OF VALUES

Parcel: 73 Highway: Mile 6 West Road ROW CSJ: 0921-02-355

Taking Type: Partial District: PHR

Size of Remainder: 1.499 Acres County: Hidalgo

Type of Property: Res-SFR

Contract Fencing: N/A

Appraised by: Leonel Garza III

Effective Date of Appraisal Report: 12/5/2023

Date Appraised Report Signed: 12/19/2023

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

Interest Owner	Acquisition Interest	Land Area	Value	Lease (Y/N)
Luis L. Martinez & Amelia Martinez	Fee Simple	0.048 Acres 2,103 sf.	\$2,160.00	No

I. Appraised Values

Land Value	Improvement Value	Sign Value	Damages/Enhancements	Total Value
\$2,160.00	\$4,198.00	\$0.00	\$3,812.00	\$10,170.00

II. Improvements

Item No.	Improvement Type	Type Construction	Improvement Value	Retention Value	Bisection Category
A.	Pavement	Caliche-260 SF.	\$260.00	\$1.00	N/A
B.	Signs	Outdoor Advertising-2 EA.	3,938.00	1.00	N/A

TABULATION OF VALUES (continued)

Parcel: 73

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	\$3,812.00	\$3,812.00

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
Total			\$0.00	\$0.00	

V. Recapitulation

Date:	12/5/2023			Recommended Value
Appraiser's Name:	Leonel Garza III.			
Value of Whole Property	\$414,056.00			\$414,056.00
Parcel Area: 0.048 Acres.				
VALUE FOR PARCEL				
Land: per ac: \$45,000	\$2,160.00			\$2,160.00
Easement	\$0.00			\$0.00
Improvements	\$4,198.00			\$4,198.00
Net Damages or (Enhancements)	\$3,812.00			\$3,812.00
OAS Value(s)	\$0.00			\$0.00
TOTAL COMPENSATION	\$10,170.00			\$10,170.00

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

TABULATION OF VALUES (continued)

Parcel: 73

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: December 5, 2023
Report Dated: December 19, 2023
Review Appraiser: Harvey L. Heerssen
Effective Date of Review: January 3, 2024

Parcel 73 is a partial taking of 0.048 acres (2,103.) parcel of land situated in Hidalgo County, Texas and also being a part or portion of a 1.547 acre tract of land out of Farm Tract 392, West and Adams Tracts 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 September 18, 2022 from Oscar Marinez and wife Rosa Martinez to Luis Lauro Martinez and wife Amelia Martinez and recorded in Document Number 2343991 of the official Records of Hidalgo County, Texas .

The whole property is located on the west line of Mile 6 North Road and addressed as 11207 N. Mile 6 West, Weslaco, Texas. The whole tract contains a major improvement consisting of a warehouse, drive-through and residence and related site improvements that are valued accordingly. The major improvement is not impacted by the proposed acquisition.

Three (3) comparable land sales support the whole property value of 45,000 per acre. The part taken is properly valued as a pro-rata part of the whole unit value. There are no market damage to the remainder land. Cost to cure is necessary to compensate for the site improvements that were depreciated within the acquisition to replace the 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 \$10,170 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: 73

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

[Signature]

Contract Reviewing Appraiser (if applicable)

1/8/2024

Date

Division Reviewing Appraiser (if applicable)

Date

X. Approval of Values

[Signature]

County/City Representative

1/16/24

Date

ROW Staff Representative

Date

APPROVED BY
COMMISSIONERS COURT
ON: *5/9/22* *[Signature]*

