

# L&G Engineering

Transportation Consultants

August 28, 2024

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. 98  
Cesar Chavez Phase II: From: Business 83 To: Nolana Loop

Dear Commissioner Cantu:

Attached herewith is a counteroffer as submitted by Mr. Jesus Perales, owner of Parcel 98 on August 26, 2024. L & G Engineering has reviewed the aforementioned and hereby recommends that the counteroffer **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 **\$65,844.00** 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:** 0921-02-406

**County:** Hidalgo

**Highway:** Cesar Chavez Rd Phase II

**Project Limits:** From Business 83 to Nolana Loop

**Parcel No.:** 98

**Owner's Name:** El Parquete de Pete, Inc., a Texas Corporation

**Approved Offer:** \$53,268.00

**Date Offer Sent:** 12/26/2023

**Owner's Counteroffer:** \$65,844.00

**Date Counteroffer Received:** 8/26/2024

**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: 09/2024  
Projected possession date, if settled is: 10/2023  
Projected possession date, if condemned is: 03/2025  
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 \_\_\_\_\_

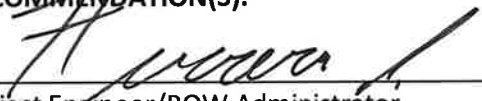
**Analysis and Conclusion:**

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

Parcel 98 is a 0.122 of an acre (5,297 sq. ft.) parcel of land situated in Hidalgo County, Texas and also being a part or portion of a certain 5.0 of an acre tract out of Lot 5, Block 43, ALAMO LAND AND SUGAR COMPANY'S SUBDIVISION. On December 26, 2023, Acquisition Provider, L & G Engineering, made an offer of \$53,268.00 to property owner via certified mail. On August 26, 2024, property owner submitted a counter offer for \$65,844.00. In their counter offer it states they believe their property to be undervalued in comparison to the present costs. They also state that there were certain damages that to their land remainder that were not considered accordingly. 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 \$12,576.00. We believe that the proposed counter offer is not within a reasonable range, thus resulting in a cost saving issue to the County.

This administrative settlement of **\$65,844.00**  is /  is not recommended for approval as being reasonable, justified, prudent and in the public interest.

**RECOMMENDATION(S):**

  
\_\_\_\_\_  
Project Engineer/ROW Administrator

  
\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date

**COUNTY APPROVAL:**

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

\_\_\_\_\_  
Date

El Parquete de Pete, Inc., a Texas Corporation  
P.O. Box 5  
San Juan, Texas 78589  
C/O Jesus and Monica Perales, Owners

Hidalgo County  
Highway: Cesar Chavez Rd. Section II  
Parcel No. 98

RE: Offer Letter Dated November 6, 2023  
Attn: Ms. Novelia Sanchez – ROW Agent  
L&G Engineering Transportation Consultants

Dear Ms. Sanchez,

In your letter dated November 6, 2023, the Texas Department of Transportation and the County of Hidalgo offered us \$53,268.00 for our land and improvements located in Parcel No. 98.

After reviewing your offer letter and the enclosed appraisal report dated September 5, 2023, we have determined that your total offer is unacceptable.

The reason and basis for our rejection is that information obtained by local realtors and builders indicate that the values of our improvements and land are not consistent with today's present costs. Also, certain damages to our land remainder were not considered accordingly. Please note that Mr. Garza's appraisal report was inspected and prepared on September 5, 2023, approximately eight months ago. Our calculated values for land and improvements are as follows:

- Land Only – 5,297 sf x \$4.50 PSF.....\$23,837.00

**Improvements**

- Concrete Driveway – 2770 sf x \$8.00 PSF.....\$22,160.00
- Chain Link Fencing – 119 LF x \$20.00 LF.....\$2,380.00
- Concrete Curbing – 197 LF x \$8.00 LF.....\$1,576.00
- Pole Sign – 1 x \$12,000.00.....\$12,000.00
- Cinder Block Masonry Sign – No Change.....\$5,000.00
- Palm Tree – 2 x \$1,000.00./Tree – No Change.....\$2,000.00
- Total Contributory Value of Improvements.....\$45,116.00

A 25% depreciation was applied to all the improvements. The total value of the improvements is \$45,116.00 x 25% = \$11,279.00  
\$45,116.00 - \$11,279.00 = \$33,837.00

Cost-to-Cure damages as shown on page 6.0 of the appraisal report in the amount of \$4,330.00



**Company Information**

Phone : (956) 787-2847  
Email: petecotransport@gmail.com  
Mailing: P.O Box 5 San Juan TX 78589

It will be ultimately necessary to replace a parking asphalt pad on the land remainder to accommodate clients parking in front of the shop with travel trailers while buying parts and services. The cost for this parking replacement is calculated at a 12'x 40' asphalt pad = 480 SF x \$8.00 PSF at a total of \$3,840.00

Total calculated costs for land, improvements, cost-to-cure damages, and damages to replace the asphalt pad are as follows:

- Land Value .....\$23,837.00
- Improvements less depreciation .....\$33,837.00
- Cost-to-Cure damages.....\$4,330.00
- Replacement Pad damages.....\$3,840.00
- Total Value and Cost.....\$65,844.00

In view of the above information and calculations, our counteroffer is for \$65,844.00. Please review and hopefully approve our counteroffer so we may proceed with this ROW acquisition transaction.

Sincerely,

For           J. P.            
Jesus Perales

          Monica Suby Perales            
Monica Perales

## COST TO CURE

A cost to cure is calculated for the remainder after, as a portion of the site improvements located within the acquisition area must be replaced to maintain site utility and the existing use. Therefore, the cost to cure is based on the total cost of replacement of the improvement required, less the depreciated compensable amount calculated for the improvement within the part to be acquired, as shown below.

<b>Cost To Cure Item</b>	<b>Unit</b>	<b>\$ Per Unit</b>	<b>Replacement Cost New</b>	<b>Depreciated Market Value</b>	<b>Cost To Cure</b>
Chain Link Fencing	105	\$ 18.00	\$ 1,890	\$ 1,071	\$ 819
Concrete Curbing	185	\$ 7.00	\$ 1,295	\$ 1,034	\$ 261
Pole Sign	1	\$ 10,000	\$ 10,000	\$ 7,500	\$ 2,500
Cinder Block Masonry Sign	1	\$ 5,000	\$ 5,000	\$ 4,250	\$ 750
<b>Total</b>					<b>\$ 4,330</b>

### PHOTOGRAPHS OF SUBJECT PROPERTY

Parcel No. 98  
Date Taken: March 21, 2023

Local Address: 2911 N Cesar Chavez Road, San Juan, Texas  
Taken By: Leonel Garza III & Miguel Martinez

Point which taken: Photo 1: Cesar Chavez Road  
Photo 2: Cesar Chavez Road

Looking: Photo 1: West  
Photo 2: South



Photo 1  
Subject property



Photo 2  
Southern view of Cesar Chavez Road

Point which taken: Photo 3: Cesar Chavez Road  
Photo 4: Cesar Chavez Road

Looking: Photo 3: South  
Photo 4: North



Photo 3  
Southern view of acquisition area



Photo 4  
Northern view of acquisition area



# L&G Engineering

Transportation Consultants

November 6, 2023

County: Hidalgo  
CSJ: 0921-02-406  
Highway: Cesar Chavez Section II  
From: Business 83  
To: Nolana Loop  
Parcel: 98

**RE:** The purchase of a 0.122 of an acre (5,297 sf.) parcel of land situated in Hidalgo County, Texas, and also being a part or portion of a certain 5.0-acre tract out of Lot 5, Block 43, 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.

El Parquete de Pete, Inc. a Texas Corporation  
P.O. Box 5  
San Juan, Texas 78589

Dear Sir/Madam:

Enclosed for your review and further processing are the following:

- Initial Offer Letter
- Metes and Bounds and Plat (proposed right of way to be acquired highlighted in yellow, located within appraisal report)
- Appraisal Report prepared by: Leonel Garza, III dated 9/5/2023
- Acknowledgement of Receipt of Appraisal Report
- Land Owner Bill of Rights
- Title Commitment
- Sample Deed
- Brochures ("State Purchase of Right of Way")

Please return the signed Acknowledgement of Receipt to our office at L&G Engineering, 900 S. Stewart Road, Suite 10, Mission, Texas 78572.

Should you have any questions or need additional information, please do not hesitate to contact me at (956) 585-1909.

Sincerely,

  
Fernando Herrera,  
Right of Way Administrator



# L&G Engineering

Transportation Consultants

November 6, 2023

Via Certified Mail, Return Receipt Requested,

No. **7021 2720 0003 5005 3353**

County: Hidalgo

Federal Project No.: N/A

Highway: Cesar Chavez Section II

ROW CSJ: 0921-02-406

Parcel ID: 98

From: Business 83

To: Nolana Loop

El Parquete de Pete, Inc. a Texas Corporation  
P.O. Box 5  
San Juan, Texas 78589

Dear Sir/Madam:

In acquiring property for the highway system of Texas, the Texas Department of Transportation (the "Department") and Hidalgo County (the "County") follow 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, Novelia Sanchez, a portion of your property located on Cesar Chavez Road, 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 **\$53,268.00** for the Property, which includes **\$48,938.00** for the Property to be purchased and **\$4,330.00** for damages to your remaining property. This amount is the total amount of just compensation for all interests in the portion of the property to be acquired, as determined in accordance with State law, less oil, gas, and sulfur, subject to clear title being conveyed to the County. In accordance with State law, it is the policy of the Department/County to negotiate with the fee owner(s) of the 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 Department/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 Department/County to permit owners who convey voluntarily to the State to thereafter retain the improvement(s), if they wish to do so. The retention values shown below 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 right of way, 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>Amount to be Subtracted if Retained</u>
A. Driveway – Concrete	\$1.00
B. Fencing – Chain Link	\$1.00
C. Curbing – Concrete	\$1.00
D. Sign – Pole Sign	\$1.00
E. Sign – Cinder Block Masonry	\$1.00
F. Landscaping – Palm Tree	\$1.00

If you wish to accept the offer based upon this appraisal, please contact Novelia Sanchez, 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 Department/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 for any fair and reasonable incidental expenses necessarily incurred in transferring title to the Property for use by the Texas Department of Transportation/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 Department/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 Department's/County's determination on any claim for reimbursement.

You may be entitled to additional payments and services under the State'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 Department's/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.

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 Department. Additionally, please see the enclosed copy of the Texas Landowner Bill of Rights.

Also enclosed 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 Department 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 Ms. Novelia Sanchez at the telephone number provided above regarding any questions you may have.

Please see the enclosed copy of the Texas Landowners' 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 state/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  
"Right of Way Purchase" Brochure

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 98  
Page 1 of 4

EXHIBIT "A"

Property Description  
Parcel 98

DESCRIPTION of a 0.122 of an acre (5,297 square feet) parcel of land situated in Hidalgo County, Texas and also being a part or portion of a certain 5.0 acre tract out of Lot 5, Block 43, 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 July 29, 2010 from Pedro Salazar Salazar to El Parquet de Pete, Inc. and recorded in documents number 2125765, of the Official Records of Hidalgo County (O.R.H.C.), and said 0.122 of an acre parcel (5,297 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 for the southwest corner of said 5.0 acre tract, thence as follows;

S 81° 26' 01" E, along the south line said 5.0 acre tract, a distance of 775.31 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=16,606,482.11, E=1,105,850.56, 40.00 feet left to centerline station 297+39.81.

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 6,512.68 feet, an interior angle of 00°22'46", an arc length of 43.12 feet, a tangent of 21.56 feet and a chord that bears N 08°22'46" E, a distance of 43.12 feet to a 5/8 inch iron rod with cap stamped RPLS 4856 set for an exterior corner of this parcel, 40.00 feet left to centerline station 297+82.66.

2. **THENCE**, N 08°34'09" E, along the proposed west right of way line of Cesar Chavez Road, a distance of 221.42 feet to a 5/8 inch iron rod with cap stamped RPLS 4856 set on the north line of said 5.0 acre tract for the northwest corner of this parcel, 40.00 feet left to centerline station 300+04.07.

3. **THENCE**, S 81°31'14" E, along the north line of said 5.0 acre tract, a distance of 20.03 feet to a 1/2 inch iron rod found on the existing west right of way line of Cesar Chavez Road for the northeast corner of this parcel.

4. **THENCE**, S 08°34'06" W, along the existing west right of way line of Cesar Chavez Road, a distance of 264.56 feet to a 5/8 inch iron rod with cap stamped RPLS 4856 set on the south line of said 5.0 acre tract for the southeast corner of this parcel.

5. **THENCE**, N 81°26'01" W, along the south line of said 5.0 acre tract, a distance of 19.89 feet to the **POINT OF BEGINNING**, and containing 0.122 of an acre (5,297 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



# RIGHT OF WAY SKETCH

SHOWING PROPERTY OF  
EL PARQUET DE PETE, INC.



SCALE: 1" = 50'

CURVE	DELTA	RADIUS	LENGTH	CH. BEARING	CH. LENGTH	TANGENT
C1	00°22'46"	6512.68'	43.12'	N 8°22'46" E	43.12'	21.56'

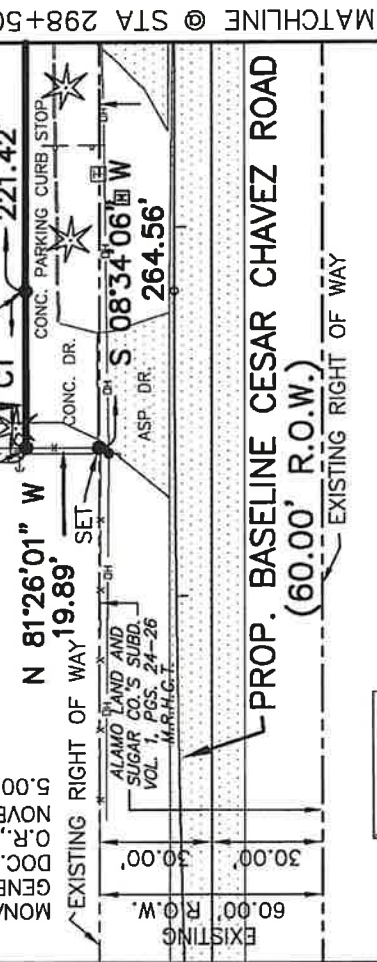
ALAMO LAND AND SUGAR COMPANY'S SUBDIVISION  
RECORDED IN VOLUME 1, PAGES 24-26,  
MAP RECORDS, HIDALGO COUNTY, TEXAS.  
EL PARQUET DE PETE, INC.  
GENERAL WARRANTY DEED  
DOC. No. 2125765  
O.R., H.C., TX.  
JULY 29, 2010  
5.00 ACRE CALL (DEED)

MONARI, LLC  
GENERAL WARRANTY DEED  
DOC. No. 2662628  
O.R., H.C., TX.  
NOVEMBER 10, 2015  
5.00 ACRE CALL (DEED)

P.O.B.  
PARCEL 98  
SET  
E=1105850.56  
N=16606482.11  
STA. 297+39.81  
40.00' LT.

PROPOSED R.O.W. LINE  
CONCRETE AREA  
STA. 297+82.66  
40.00' LT. N 08°34'09" E  
221.42'

30' EASEMENT & R.O.W.  
TO MAGIC VALLEY  
ELECTRIC CORP.  
DOC. No. 452631  
O.R.H.C.T.



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:

- ALL BEARINGS AND DISTANCES ARE BASED ON THE STATE PLANE COORDINATE SYSTEM NAD83, TEXAS SOUTH ZONE (4205)
- 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	CESAR CHAVEZ RD.	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 5.00 AC. (CALL)	TAKING 0.122 AC. 5297 S.F.	REMAINING 4.878 AC. PAGE 3 OF 4
QUINTANILLA, HEADLEY AND ASSOCIATES, INC.		
CONSULTING ENGINEERS 124 E. STUBBS ST. EDINBURG, TEXAS 78539 ENGINEERING REGISTRATION NUMBER F-1513 SURVEYING REGISTRATION NUMBER 100411-00		
LAND SURVEYORS PHONE 956-381-6460 FAX 956-381-0527 ALFONSO@QCHA-ENG.COM		

- 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

PARENT TRACT INSET  
(NOT TO SCALE)

EASEMENTS, RIGHTS, RULES, AND REGULATIONS IN FAVOR OF  
HIDALGO COUNTY IRRIGATION DISTRICT No. 2 (APPLY-BLANKET)  
EASEMENT AND R.O.W. GRANTED TO MAGIC VALLEY ELECTRIC CORP.,  
RECORDED UNDER CLERK'S DOCUMENT NO. 452631. (AS SHOWN HEREON)  
EASEMENT GRANTED TO SOUTHWESTERN BELL TELEPHONE L.P., RECORDED  
UNDER CLERK'S DOCUMENT NO. 1398228. (BLANKET)



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

Address of Property: 2911 N Cesar Chavez Road, San Juan, Texas      District: Pharr  
 Property Owner: El Parquet De Pete Inc      Parcel: 98  
 Address of Property Owner: PO Box 5, San Juan, Texas 78589      ROW CSJ: 0921-02-406  
 Occupant's Name: El Parquet De Pete Inc      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 \$53,268 as of March 21, 2023, based upon my independent appraisal and the exercise of my professional judgment;

That on March 21, 2023, I personally inspected in the field the property herein appraised; that I afforded El Parquet De Pete Inc, 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 12, 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: September 5, 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: 2023.09.07 14:36:22 -0500  
**Brian Cade**      9/7/2023  
 Reviewing Appraiser      Date







**TABULATION OF VALUES (continued)**

Parcel: 98

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**

<b>Date:</b>	9/5/2023			<b>Recommended Value</b>
<b>Appraiser's Name:</b>	Leonel Garza III			
<b>Value of Whole Property</b>	\$816,748.00			\$816,748.00
<b>Parcel Area: 0.122 ac.</b>				
<b>VALUE FOR PARCEL</b>				
<b>Land: per sf. \$3.50</b>	\$18,540.00			\$15,950.00
<b>Easement</b>	\$0.00			\$0.00
<b>Improvements</b>	\$30,398.00			\$22,187.00
<b>Net Damages or (Enhancements)</b>	\$4,330.00			\$4,330.00
<b>OAS Value(s)</b>	\$0.00			\$0.00
<b>TOTAL COMPENSATION</b>	\$53,268.00			\$53,268.00

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

### TABULATION OF VALUES (continued)

Parcel: 98

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: March 21, 2023  
Report Dated: September 5, 2023  
Review Appraiser: Brian Cade  
Effective Date of Review: September 7, 2023  
TxDOT Review Appraiser: N/A  
Report Received at TxDOT:

Parcel 98 appears to be a parcel taking of 0.122 of an acre (5,297) square feet parcel of land being a part or portion of a certain 5.00 acres, more or less, out of the South 26.6 acres of Lot 5; Block 43, Alamo Land and Sugar Company Subdivision, Hidalgo County, Texas, according to the map or plat thereof recorded in Volume 1, Pages 24-26, Map Records of Hidalgo County, Texas.

This parcel is located along the west side of Cesar Chavez Road within the San Juan ETJ Area (outside of City limits). The whole property containing a commercial building is owned by El Parquet De Pete Inc. The highest and best use is for Commercial Use.

For valuation purposes, a larger economic unit of 4.81 acres (net) is established by the appraiser based on current trends along Cesar Chavez Road. All improvements on the economic unit and within the acquisition are owned by El Parquet De Pete Inc.

Three (3) recent comparable sales are utilized to value the whole property at \$3.50 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 El Parquet De Pete Inc to be \$18,540.00, improvements owned by El Parquet De Pete Inc are \$30,398.00 and the cost to cure damages is \$4,330.00 totaling \$53,268.00.

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 \$53,268.00 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: 98

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=ROW Appraisal  
Services, ou, email=brian@rowappraisals.com,  
c=US  
Date: 2023.09.07 14:36:53 -05'00

9/7/2023

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

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date

**X. Approval of Values**



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

9/27/23  
\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date

APPROVED BY  
COMMISSIONERS COURT  
ON: 1/17/23 