

L&G Engineering

Transportation Consultants

April 10, 2025

The Honorable David L. Fuentes
Commissioner, Pct. 1
Attn.: David Suarez, RPIC
1902 Joe Stevens Avenue, Ste. 101
Weslaco, Texas 78596

RE: County: Hidalgo
Hwy.: Mile 1 East
Limits: From: Business 83 To: Mile 8 North
ROW CSJ No. 0921-02-524
Parcel No.: 1

Dear Commissioner Fuentes:

Attached herewith is a counter-offer as submitted by Juanita Rodriguez (owner) of Parcel 1 on March 25, 2025. L & G Engineering has reviewed the aforementioned and hereby recommends that counter-offer **be approved**. The property owner feels that their land and improvements are undervalued, but did not provide salient information. Also attached is the N-9, Administrative Settlement Evaluation and Approval Form.

L & G Engineering believes the counter offer is within an acceptable range of value. Therefore, we recommend that the counteroffer of \$12,000.00 **be approved**.

Please review these documents and if you have any questions or need more information, please contact me at (956) 585-1909.

Sincerely,

Fernando "Fred" Herrera
Right of Way Administrator

Attachments: As noted.
cc: File



HIDALGO COUNTY ADMINISTRATIVE EVALUATION AND APPROVAL FORM

ROW CSJ: 0921-02-524

County: Hidalgo

Highway: Mile 1 EAST

Project Limits: From: Business 83 To: Mile 8 North

Parcel No.: 1

Owner's Name: Juanita Rodriguez
Avalos

Approved Offer: \$7,688.00

Date Offer Sent: 1/31/2025

Owner's Counteroffer: \$12,000.00

Date Counteroffer Received: 3/25/2025

Factors considered in evaluation:

1. Valuation Issues

- a. Reconciliation of all available appraisals, including Owner's.
- b. Other: Property owner feels that their property and improvements is 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 \$25,000.00
- 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: 5/2025
Projected possession date, if settled is: 5/2025
Projected possession date, if condemned is: 10/2025
Letting date: 9/2027
- 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 1 is a partial acquisition being a 0.0456 of one acre (1,984.5183 sq. ft.) situated in the City of Mercedes, Hidalgo County, Texas, being out of Lot 8, Block 66, Capisallo District Subdivision, according to the plat thereof recorded in Volume "P", Page 227, Hidalgo County Deed Records. On January 31, 2025 Acquisition Provider, L & G Engineering, mailed an initial offer letter package in the amount of \$7,688.00 to Juanita Rodriguez. (property owner), via certified mail. Ms. Rodriguez and I discussed the initial offer and she was not accepting the initial offer because she believes it's worth more, plus she wasn't selling her property, the land and improvements value does not represent today's fair market. During our conversations and meetings on the proposed ROW, the property owner provided a counter offer of \$12,000.00. After discussion and review by the evaluation team, it is the recommendation that the administrative settlement be approved. The difference between the approve value versus the property owner's counter offer is (a difference of \$4,312.00). The property owner did not provide salient information in the counter offer and the proposed consideration is a reasonable range for approval. Furthermore, accepting the counter offer would result in a cost savings to the County. We are recommending the property owners counter offer be approved and not pursue the acquisition by using the power of eminent domain.

This administrative settlement of \$ 12,000.00 is / is not recommended for approval as being reasonable, justified, prudent and in the public interest.

RECOMMENDATION(S):



Project Engineer/ROW Administrator

4/10/25

Date

RPIC/Authorized Pct. Representative

Date

COUNTY APPROVAL:

County Judge

Date

TABULATION OF VALUES (continued)

Parcel 1 Update

Highway: Mile 1 Road East

ROW CSJ: 0921-02-524

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	N/A	N/A	N/A
		Total	\$0.00	\$0.00	

V. Recapitulation

Date:	11/13/2024 Updated Report	5/14/2024 Original Report		Recommended Value
Appraiser's Name:	Leonel Garza III.	Leonel Garza III.		
Value of Whole Property	\$190,297.00	\$190,297.00		\$190,297.00
Parcel Area: 1,984.5183 sf.				
VALUE FOR PARCEL				
Land: per. SF.\$2.50	\$4,961.00	\$4,929.00		\$4,961.00
Easement	\$0.00	\$0.00		\$0.00
Improvements	\$2,727.00	\$2,727.00		\$2,727.00
Net Damages or (Enhancements)	\$0.00	\$0.00		\$0.00
OAS Value(s)	\$0.00	\$0.00		\$0.00
TOTAL COMPENSATION	\$7,688.00	\$7,656.00		\$7,688.00

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

TABULATION OF VALUES (continued)

Parcel: 1 Update

Highway: Mile 1 Road East

ROW CSJ: 0921-02-524

VI. Comments and Conclusions on Values in the Appraisal Report

Appraiser: Leonel Garza III

Effective Date of Updated Report: November 13, 2024

Updated Report Dated: December 4, 2024

Review Appraiser: Harvey L. Heerssen

Effective Date of Updated Review: December 6, 2024

Parcel 1 has been updated to current value due to a change in the field note description of the amount of square foot within the proposed acquisition. The price per square foot remains the same as originally reported. The original report indicated a value of \$7,656 and is increased to \$7,688 in this update. Also, the square footage within the existing right of way has been eliminated in this update.

Updated Parcel 1 is a partial taking of 0.456 acres (1,984.5183 sf.) parcel of land situated in the City of Mercedes, Hidalgo County, Texas and being out of Lot 8 , Block 66, Capisallo District Subdivision, according to the plat thereof recorded in Volume "P," Page 227, Hidalgo County Deed Records, which said 0.190 acre tract is out of a certain tract conveyed to Ezequiel Rodriguez and wife Juanita Rodriguez by virtue of a warranty Deed recorded in Volume 3129, Page 967, , Hidalgo County Official Records, Hidalgo County, Texas.

The whole property is an Improved tract of land on the east Side of Mile 1 East Road and addressed as 8009 Mile 1 East Mercedes, Texas. The whole property contains a single-family residence that is not impacted by the proposed acquisition. There is 6,316.20 square feet of land that is withing the existing right of way of Mile 1 Road and has no value.

Three (3) comparable land sales support the while property value of \$2.50 per sf. 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.

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 updated 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 the information contained within this updated appraisal report. It is recommended that the total updated value of \$7,688 be approved for continuing negotiations and acquisition.

VII. Justification and Explanation for Credit if Retained.

A Retention of \$1.00 was applied to the landscaping to encourage retention and removal.

TABULATION OF VALUES (continued)

Parcel 1 Update

Highway: Mile 1 Road East

ROW CSJ: 0921-02-524

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
[Signature]

Contract Reviewing Appraiser (if applicable)

Date
12/9/2024

Date

Division Reviewing Appraiser (if applicable)

Date

X. Approval of Values

[Signature]

County/City Representative

[Signature]

Date

ROW Staff Representative

Date

APPROVED BY
COMMISSIONERS COURT
ON: *[Signature]*



REAL ESTATE APPRAISAL REPORT - TEXAS DEPARTMENT OF TRANSPORTATION

Address of Property: 8009 Mile 1 East, Mercedes, Texas
Property Owner: Ezequiel Rodriguez and Juanita Rodriguez
Address of Property Owner: PO Box 161, Mercedes, Texas 78570
Occupant's Name: Ezequiel Rodriguez and Juanita Rodriguez
Whole: Partial: Acquisition

District: Pharr
Parcel: 1
ROW CSJ: 0921-02-524
Federal Project No: N/A
Highway: Mile 1 East
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 \$7,688 as of November 13, 2024, based upon my independent appraisal and the exercise of my professional judgment;

That on May 14, 2024, and November 13, 2024, I personally inspected in the field the property herein appraised; that I afforded Ezequiel Rodriguez and Juanita Rodriguez, 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 July 11, 2024;

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 L&G Engineering, Hidalgo County, 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 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.

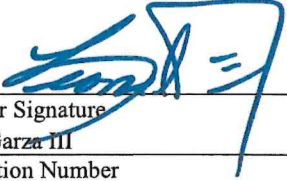
I certify to the best of my knowledge and belief:

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

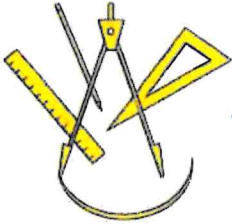
Date: December 4, 2024

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

Harvey L. Heerssen 12/9/2024

Reviewing Appraiser Date





L&G Engineering

Transportation Consultants

January 30, 2025

Via Certified Mail, Return Receipt Requested
No. **7022 2410 0001 7208 7685**

County: Hidalgo
Federal Project No.: N/A
Highway: Mile 1 East

ROW CSJ: 0921-02-524
Parcel: 1
From: Business 83
To: Mile 8

Ezequiel Rodriguez and Juanita Rodriguez
P.O. Box 161
Mercedes, Texas 78570-0161

Dear Mrs. Ezequiel Rodriguez and Juanita Rodriguez:

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 1 East, 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 **\$7,688** for your property, which includes **\$7,688.00** for the property to be purchased and **\$0.00** 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>Amount to be Subtracted if Retained</u>
A. Pavement – Asphalt	\$1.00
B. Landscaping – Trees 3 EA & Bush 1EA	\$1.00

If you wish to accept the offer based upon this appraisal, please contact Project Manager Robert Casarez 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 Casarez or Fernando Herrera Right of Way Manager at the telephone number provided above regarding any question 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 signatory

ENCLOSURES:

Appraisal Report(s)

Landowner Bill of Rights

Brochure ("*Right of Way Purchase*")

March 18, 2025

Juanita Rodriguez
P.O. Box 161
Mercedes, Texas 78570

Ref.: Parcel No. 1

RE: Offer Letter Dated January 30, 2025

Dear Mr. Casarez,

In your offer letter dated January 30, 2025, the County of Hidalgo offered me \$7,688.00 for 1,984 square feet of our land located in Parcel No. 1. I am the owner of the said property.

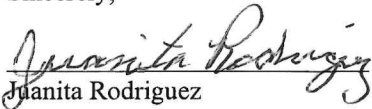
I agree with the future transportation improvement of the Mile 1 East and the anticipated betterment and safety of the traveling public. However, we do not agree with the acquisition offer of \$7,688.00. Please note that the land and improvement values have gone up slightly. Information obtained from local research indicates that the value of my land and improvement is not consistent with today's present costs. Our reasoning and basis for my counteroffer is as follows:

:

- First and foremost, we are not selling. We are being compelled to sell our property for this road improvement project. If we do not, this will go through the eminent domain process.
- The value set for our land and improvements is not representative of today's real estate fair market.
- Due to this acquisition is needed for this roadway improvement, and to move forward with the purchase of said land. I am counter offering in the amount of \$12,000.00.

With respect, please consider my counteroffer of \$12,000.00 so we may proceed with this transaction.

Sincerely,


Juanita Rodriguez

RECEIVED
3-25-25