

L&G Engineering

Transportation Consultants

June 2, 2025

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. 41
Cesar Chavez Phase II: From: Business 83 To: Nolana Loop

Dear Commissioner Cantu:

Attached herewith is a counteroffer as submitted by MMC Properties, Inc., of Parcel 41 on May 7, 2025. 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 **\$99,000.00 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

F2 ADMIN
2025 JUN 9 AM 11:23 ED



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.: 41

Owner's Name: MMC Properties, Inc.

Approved Offer: \$69,693.00

Date Offer Sent: 3/31/2023

Owner's Counteroffer: \$99,000.00

Date Counteroffer Received: 5/7/2025

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: 06/2025
Projected possession date, if settled is: 06/2025
Projected possession date, if condemned is: 12/2025
Letting date: 5/2026
- 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 41 is a partial acquisition containing 2,103 sq. ft. parcel of land situated in Hidalgo County, Texas and also being a part of Lot 1, El Tigere Food Store No. 10 Subdivision. On November 17, 2023, Acquisition Provider, L & G Engineering, made an offer of \$69,693.00 to property owner Ricardo MMC Properties, Inc., via certified mail. On May 7, 2025, Attorney Pete Diaz submitted a counter offer on behalf of MMC Properties in the amount of \$99,000.00. In his counter offer he states that his property had been undervalued. He also states his client is willing to sign all documents to close this transaction without going to court. 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 \$29,307.00) 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 \$ 99,000.00 is / is not recommended for approval as being reasonable, justified, prudent and in the public interest.

RECOMMENDATION(S):

H. Everett
Project Engineer/ROW Administrator

6/4/25
Date

RPIC/Authorized Pct. Representative

Date

COUNTY APPROVAL:

County Judge

Date

Novelia Sanchez

From: Novelia Sanchez
Sent: Monday, April 28, 2025 2:44 PM
To: pete@pd4law.com
Subject: RE: MMC Properties INC; CSJ 0921-02-406

Good afternoon Mr. Diaz,

I hope this email find you well. I a m just following up on the last conversation we had regarding the counter offer.

Respectfully,

Novelia "Novie" Sanchez

Right-of-Way Agent/ROW Project Manager



900 S. Stewart Road Ste. 10
Mission, Texas 78572
Nsanchez@lgengineers.com
Phone (956) 585-1909 Ext. 309
Fax (866)605-1331

From: pete@pd4law.com <pete@pd4law.com>
Sent: Friday, January 24, 2025 10:23 AM
To: Novelia Sanchez <nsanchez@lgengineers.com>
Subject: RE: MMC Properties INC; CSJ 0921-02-406

Good afternoon Mrs. Sanchez,

I wanted to follow up on this file. I know my clients are looking forward to getting it resolved without the necessity of litigation.

Pete Diaz, IV

Law office of Pete Diaz IV
Location: 1305 E. Nolana Avenue, Ste. F
McAllen, Texas 78504
Tel: (956)507-0268
Email: pete@pd4law.com

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LAW OFFICE OF
PETE DIAZ IV

1305 E. NOLANA AVE. SUITE F
MCALLEN, TEXAS 78504

TELEPHONE: 956-507-0268
PETE@PD4LAW.COM

May 7, 2025

L&G Engineering
c/o Novelia Sanchez
Right of Way Agent
Via email: NSanchez@lgengineers.com

RE: MMC Properties, Inc; 501 N. Cesar Chavez Rd., San Juan, Texas
CSJ: 0921-02-406
District: Pharr
Parcel: 105

Dear Mrs. Sanchez,

As you are aware, my firm represents MMC Properties, Inc. regarding the above referenced matter. The purpose of this correspondence is to provide a counter-offer to the states initial condemnation offer. As a background, this particular piece of property is a corner property for a gas station along a high traffic area in Pharr, Texas. The current appraisal being relied on by the State of Texas is the appraisal which dates back to September of 2023. With that, in an effort to attempt to come to an amicable resolution on this matter with the State, we hereby propose the following counteroffer.

With respect to the part to be acquired, we have placed values on the property as described below. Be advised, that while the costs below indicate the part to be acquired, it also includes the cost to cure (subject to next section) for those items.

- Land (2,103 SF @ \$33/SF)
 - \$69,399.00
 - Concrete Pavement (938 SF @ \$8.00 per SF)
 - \$ 7,504.00
 - Concrete Curb (\$132 SF @ \$15 per SF)
 - \$1,980.00
 - Light Poles (2 light poles)
 - \$20,000.00
 - Landscaping (Grass plus 2 trees)
 - \$3,000.00
 - Air Compressor Machine
 - \$3,750.00
- TOTAL AMOUNT FOR PART TO BE ACQUIRED (AND TO CURE) FOR ABOVE ITEMS: **\$105,633.00**

Despite my clients valuation of the taking at \$105,633.00, my client hereby makes a counteroffer in the amount of \$99,000.00 to resolve this matter. Please respond to this correspondence within ten (10) days of receipt of the same. If you have any questions or concerns, do not hesitate to contact me.

Sincerely,

LAW OFFICE OF PETE DIAZ, IV

/s/ Pete Diaz IV
PEDRO "PETE" DIAZ, IV



L&G Engineering

Transportation Consultants

November 17, 2023

County: Hidalgo
CSJ: 0921-02-406
Highway: Cesar Chavez Section II
From: Business 83
To: Nolana Loop
Parcel: 41

RE: The purchase of a 0.048 of an acre (2,103 square feet) parcel of land situated in Hidalgo County, Texas, and also being a part or portion of Lot 1, EL TIGRE FOOD STORE No. 10 SUBDIVISION, according to the plat or map thereof recorded in Volume 34, Page 117 of the Map Records of Hidalgo County.

MMC Properties, Inc., a Texas Corporation
2105 Remington Ave.
Edinburg, Texas 78539

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 10/24/2023
- 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 17, 2023

Via Certified Mail, Return Receipt Requested,

No. 7021 2720 0003 5005 3483

County: Hidalgo

Federal Project No.: N/A

Highway: Cesar Chavez Section II

ROW CSJ: 0921-02-406

Parcel ID: 41

From: Business 83

To: Nolana Loop

MMC Properties, Inc., a Texas Corporation
2105 Remington Ave.
Edinburg, Texas 78539

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 \$69,693.00 for the Property, which includes \$67,193.00 for the Property to be purchased and \$2,500.00 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. Pavement – Concrete	\$1.00
B. Curb – Concrete	\$1.00
C. Light Pole – Light Pole with Concrete Base	\$1.00
D. Landscaping – Olive 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



L&G Engineering
Transportation Consulting Engineers

2100 W. Expressway 83
Mercedes, TX 78570
Phone: (956) 565-9813
Fax: (956) 565-9018
Toll Free: (888) 565-9813
Firm No. F-4105

900 S. Stewart Rd., Ste. 10
Mission, TX 78572
Phone: (956) 585-1909
Fax: (956) 585-1927
Toll Free: (866) 585-1909

Letter of Transmittal

The Honorable Eduardo "Eddie" Cantu
Attn: Erika Zamora
Hidalgo County Precint No. 2
300 W. Hall Acres Ste. G
Pharr, Texas 78577

DATE:

October 31, 2023

RE:RSCJ: 0921-02-406
Cesar Chavez Section II

TRANSMITTED:

For Your Use Please comment Approved as Noted
 As Requested Reply ASAP As Noted Below

VIA:

US Mail Courier Hand Carry
 E-Mail Lonestar Overnight Pick up

COPIES

DESCRIPTION

1	Cesar Chavez II – ROW A-10, Appraisal Review Submission & Appraisal Report for: following: Parcel No.: 41

REMARKS:

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

Thank you in advance,
Fernando "Fred" Herrera
ROW Administrator

Received By: Damian D. Deason

Date: 11/1/23 Time: 4:27pm

FILE COPY

TABULATION OF VALUES

Parcel: 41 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: Commercial (Gas Station) 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)
MMC Properties, Inc.	Fee Simple	0.0483 of an acre/ 2,103 square feet	\$52,575.00	N

I. Appraised Values

Land Value	Improvement Value	Sign Value	Damages/Enhancements	Total Value
\$52,575.00	\$14,618.00	\$0.00	\$2,500.00	\$69,693.00

II. Improvements

Item No.	Improvement Type	Type Construction	Improvement Value	Retention Value	Bisection Category
A.	Pavement	Concrete	\$5,276.00	\$1.00	N/A
B.	Curb	Concrete	\$842.00	\$1.00	N/A
C.	Light Pole	Light Pole with Concrete Base	\$7,500.00	\$1.00	N/A
D.	Landscaping	Olive Trees	\$1,000.00	\$1.00	N/A

TABULATION OF VALUES (continued)

Parcel: 41

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
		Total	\$0.00	\$0.00	

V. Recapitulation

Date:	10/24/2023	Recommended Value
Appraiser's Name:	Leonel Garza III	
Value of Whole Property	\$1,959,451.00	\$1,959,451.00
Parcel Area: 0.0483 ac.		
VALUE FOR PARCEL		
Land: per_sf. \$25.00	\$52,575.00	\$52,575.00
Easement	\$0.00	\$0.00
Improvements	\$14,618.00	\$14,618.00
Net Damages or (Enhancements)	\$2,500.00	\$2,500.00
OAS Value(s)	\$0.00	\$0.00
TOTAL COMPENSATION	\$69,693.00	\$69,693.00

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

TABULATION OF VALUES (continued)

Parcel: 41

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: September 27, 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 41 appears to be a parcel taking of 0.0483 of an acre (2,103) sf. parcel of land being a part or portion of Lot 1, El Tigre Food Store No. 10, an addition to the City of San Juan, Hidalgo County, Texas.

This parcel is located at the Northwest corner of Interstate Highway 2 and Cesar Chavez Road within the City of San Juan, Texas. The whole property containing commercial improvements is owned by MMC Properties, Inc.. The highest and best use is for commercial use.

Three (3) recent comparable sales are utilized to value the whole property at \$25.00 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 MMC Properties, Inc. to be \$52,575.00, Improvements owned by MMC Properties, Inc. to be \$14,618.00 and Cost to cure to be \$2,500.00 totaling \$69,693.00.

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 \$69,693.00 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: 41

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=FGV Appraisal Services,
ou=email-bintand@fgvappraisals.com, c=US
Date: 2023.10.27 09:06:23 -05'00'

10/27/2023

Reviewing Appraiser

Date

Contract Reviewing Appraiser (if applicable)

Date

Division Reviewing Appraiser (if applicable)

Date

X. Approval of Values

Brian Cade

11/6/23

County/City Representative

Date

ROW Staff Representative

Date

APPROVED BY
COMMISSIONERS COURT
ON: 11/7/23 *gms*

