

L&G Engineering

Transportation Consultants

March 19, 2024

The Honorable David Fuentes
Commissioner, Pct. 1
c/o David Suarez RPIC
1902 Joe Stephens Avenue
Weslaco, Texas 78599

RE: County: Hidalgo
RCSJ No. 0921-02-355
Parcel No. 84
MILE 6W: From :SH 107 To: Mile 14.5

Dear Commissioner Fuentes:

Attached herewith is a counter-offer as submitted by Zulema and Juan A. Deleon owners of Parcel 84 on February 3, 2026. 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 **\$10,270.00** 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 6 West

Project Limits: From MILE 14.5 to Mile 11N

Parcel No.: 84

Owner's Name: Zulema V. & Juan A. Deleon

Approved Offer: \$5,789.00

Date Offer Sent: 04/18/2024

Owner's Counteroffer: \$10,270.00

Date Counteroffer Received: 2/3/2026

Factors considered in evaluation:

1. Valuation Issues

- a. Reconciliation of all available appraisals, including Owner's.
- b. Other: Property Owner believes her land and improvements were under valued.

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: 3/27
Possession of this property is needed by: 3/26
Projected possession date, if settled is: 3/26
Projected possession date, if condemned is: 6/26
Letting date: 3/27
- b. Other: _____

5. Other Issues

- It appears that the property owner's counteroffer is within an acceptable value. Subjecting this parcel through the process of Condemnation using the State's sovereign power of Eniment Domain would be time consuming and a costly approach.

** 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)

Being a 0.032 of an acre (1,416 square foot) parcel of land or 0.032 of land situated in Hidalgo County, Texas and a 1.015 acre tract of land out of Farm Tract 395, WEST AND ADAMS TRACTS SUBDIVISION, according to the plat or map thereof. On April 04, 2024, Acquisition Provider (L&G Engineering) made an offer of \$5,789.00 to purchase the property from Zulema V. & Juan A. Deleon. Property owners submitted a counter offer in the amount of \$10,270.00. In their counteroffer they state an improvement was omitted from the appraisal, they missed a second tree, and they also feel the fence was undervalued hence the reason they have included estimate to support the additional amount they are asking for. The difference between the approved value versus the property owner's counter offer is a difference of \$4,481.00. After the discussion and review by the evaluation team it is the recommendation that the administrative settlement be approved and it does not warrant the risk and added expenses with standard eminent domain proceedings. Accepting the said counter offer will help avoid project time delays, and condemnation proceedings, thus resulting in a cost saving to the county.

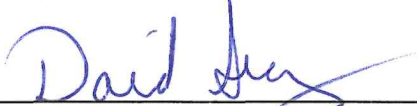
This administrative settlement of \$ 10,270.00 is / is not recommended for approval as being reasonable, justified, prudent and in the public interest.

RECOMMENDATION(S):



Project Engineer/ROW Administrator

2/13/25
Date



RPIC/Authorized Pct. Representative

2/9/26
Date

COUNTY APPROVAL:

County Judge

Date



April 18, 2024

Hidalgo County
Mile 6 West
Limits: (Mile 14.5 to Mile 11 N.)
RCSJ: 0921-02-355
Parcel No. 84

RE: The purchase of a 0.032 of an acre (1,416 square feet) parcel of land situated in Hidalgo County, Texas and also being a part or portion of a 1.015 acre tract of land out of Farm Tract 395, **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.)

Zulema L De Leon & Juan Antonio De Leon
1090 N. Mile 6 West
Weslaco, Texas 78599

Dear Mrs. Zulema L De Leon & Mr. Juan Antonio De Leon:

Enclosed for your review and further processing are the following:

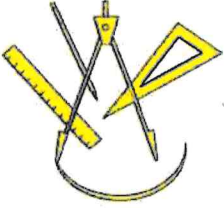
- Initial Offer Letter
- Metes and Bounds and Plat
- Appraisal Report prepared by: Leonel Garza, III dated 12/19/2023
- Acknowledgement of Receipt of Appraisal Report
- Land Owner Bill of Rights w/Supplement
- Title Commitment
- Sample Deed
- Brochures ("State Purchase of Right of Way")

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

April 18, 2024

**Via Certified Mail, Return Receipt Requested
No. 7020 0090 0001 6880 2184**

County: Hidalgo
Federal Project No.: N/A
Highway: Mile 6 West

ROW CSJ: 0921-02-355
Parcel: 84
From: Mile 14.5
To: Mile 11 N.

Zulema L De Leon & Juan Antonio De Leon
1090 N. Mile 6 West
Weslaco, Texas 78599

Dear Mrs. Zulema L De Leon & Mr. Juan Antonio De Leon:

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 6 West, 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 **\$5,789.00** for your property, which includes **\$5,302.00** for the property to be purchased and **\$487.00** 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>Type</u>	<u>Amount to be Subtracted if Retained</u>
A. Fencing	Chain Link	\$ 1.00
B. Driveway	Concrete	\$ 1.00
C. Gate	Chain Link	\$1.00
D. Landscaping	Tree – 1 ea.	\$1.00

If you wish to accept the offer based upon this appraisal, please contact Project Manager Robert "Bob" Garcia 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.

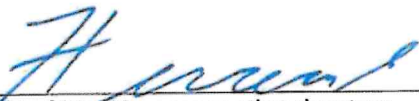
You have the right to discuss with others any offer or agreement regarding the County's acquisition of the subject property, or you may (but are not required to) keep the offer or agreement confidential from others, subject to the provisions of Chapter 552, Government Code (the Public Records Act) as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

TABULATION OF VALUES

Parcel: **84** Highway: **Mile 6 West Road** ROW CSJ: **0921-02-355**
 Taking Type: **Partial** District: **PHR**
 Size of Remainder: **0.983 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: **12/19/2024**
 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	80%	ROW Acquisition Expenses
Hidalgo County Precinct No. 1	20%	ROW Acquisition Expenses

Interest Owner	Acquisition Interest	Land Area	Value	Lease (Y/N)
Zulema L. De Leon & Juan Antonio De Leon	Fee Simple	0.032 Acres 1,416 sf.	\$1,440.00	No

I. Appraised Values

Land Value	Improvement Value	Sign Value	Damages/Enhancements	Total Value
\$1,440.00	\$3,862.00	\$0.00	\$487.00	\$5,789.00

II. Improvements

Item No.	Improvement Type	Type Construction	Improvement Value	Retention Value	Bisection Category
A.	Fencing	Chain Link 78 LF.	\$702.00	\$1.00	N/A
B.	Driveway	Concrete-378 SF.	1,985.00	1.00	N/A
C.	Gate	Chain Link 1 EA.	325.00	1.00	N/A
D.	Landscaping	Tree- 1EA.	850.00	1.00	N/A

TABULATION OF VALUES (continued)

Parcel: 84

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	\$487.00	\$487.00

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 Effective Date			Recommended Value
Appraiser's Name:	Leonel Garza III.			
Value of Whole Property	\$226,164.00			\$226,164.00
Parcel Area: 0.032 Acres.				
VALUE FOR PARCEL				
Land: per ac: \$45,000	\$1,440.00			\$1,440.00
Easement	\$0.00			\$0.00
Improvements	\$3,862.00			\$3,862.00
Net Damages or (Enhancements)	\$487.00			\$487.00
OAS Value(s)	\$0.00			\$0.00
TOTAL COMPENSATION	\$5,789.00			\$5,789.00

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

TABULATION OF VALUES (continued)

Parcel: 84

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 9, 2024

Parcel 84 is a partial taking of 0.032 acres (1,416 sf.) parcel of land situated in Hidalgo County, Texas and also being a part or portion of a 1.015 acre tract of land out of Farm Tract 395, 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 November 14, 1996 from Irma L. Gonzalez and Armando Gonzalez to Zulema L. De Leon and husband Juan A. Leon and recorded in Document Number 564181 of the official Records of Hidalgo County, Texas .

The whole property is located on the west line of Mile 6 North Road and addressed 10901 North Mile 6 West, Weslaco, Texas. The whole tract contains a single family residence that is not impacted by the proposed acquisition.. Site improvements are valued accordingly.

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 fencing and gate that were depreciated within the acquisition to replace the fencing and gate 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 \$5,789 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: 84

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

John L. Johnson

Contract Reviewing Appraiser (if applicable)

1/17/2024

Date

Division Reviewing Appraiser (if applicable)

Date

X. Approval of Values

Ann R. Z

County/City Representative

4/2/24

Date

ROW Staff Representative

Date

APPROVED BY
COMMISSIONERS COURT
ON: *5/3/22 gnd*

Novelia Sanchez,

Regarding Parcel 84 on mile 6 Rd. We appreciate the recent offer on our property that is located at 10901 North Mile 6 West Weslaco, Tx 78599. At this time (2/2/2026) we are rejecting the offer proposed, while we appreciated the initial offer, we believe there are several factors that were undervalued and justify a higher valuation. We have included what you are proposing and what we will accept below.

Landscaping:

The offer only includes one tree and did not include the pine. Our concern is that when the machinery starts breaking the ground, they will cut a lot of the roots going towards the street and it will cause damage and the pine will die.

County proposal	We will accept
Landscaping-...\$850.00	\$1,700.00
One Tree	Two Trees

Fence:

The proposed offer for the fence was undervalued as it does not cover the full cost of replacing the fence. I have attached a quote for replacing the fence which includes all material and labor. It is important to consider the additional cost in the evaluation of the property as prices and material may fluctuate over time.

County proposal	We will accept
Fence Link -...\$702.00	\$3,085.00
Gate -..... \$325.00	
Cost to cure... \$487.00	
Total..... \$1,514.00	

Land:

The proposed offer for the land was undervalued. It does not reflect the, present or future, market value or that we have the mineral rights to the land. Another thing that will change the market value of the land is the road being completed, which may take years to complete. We have attached several photos of properties for sale in our area that you can review. We will not sell our mineral rights of the land.

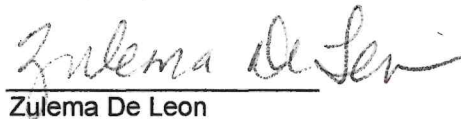
County proposal	We will accept
L a n d \$1,440.00	\$3,500.00

Driveway:

County proposal	We will accept
D r i v e w a y - \$1,985.00	\$1,985.00

We appreciate you all coming and answering all the questions we had. We feel we are asking for a fair offer and that you will consider everything above. If accept our counteroffer of \$10,270.00 we would be willing to execute the necessary conveyance documents for the right of way acquisition of Parcel 84.


Juan Antonio De Leon


Zulema De Leon

