

L&G Engineering

Transportation Consultants

August 10th, 2026

The Honorable David L. Fuentes
Commissioner, Pct. 1
Attn.: Danny Guzman ROW Agent
1902 Joe Stevens Avenue, Ste. 101
Weslaco, Texas 78596

RE: County: Hidalgo
RCSJ No. 0921-02-355
Parcel No. 146
MILE 6W: From : 14.5-11 Mile

Dear Commissioner Fuentes:

Attached herewith is a counter-offer as submitted by Diana Duarte owner of Parcel 146 on July 31st, 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 counter offer is within an acceptable range of value and we recommend that the counteroffer of **\$3,000.00** 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,

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 Road

Project Limits: From 14.5-11 Mile

Parcel No.: 146

Owner's Name: Diana Durate

Approved Offer: \$1,643.00

Date Offer Sent: 11/18/2025

Owner's Counteroffer: \$3,000.00

Date Counteroffer Received: 7/31/2026

Factors considered in evaluation:

1. Valuation Issues

- a. ☐ Reconciliation of all available appraisals, including Owner's.
- b. ☒ Other: Property Owner feels his land was undervalued and does not reflect damages.

2. Legal Issues

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

3. Cost Savings

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

4. Timing Issues

- a. ☒ Maintain project schedule: 12/2027
Possession of this property is needed by: 10/2026
Projected possession date, if settled is: 10/2026
Projected possession date, if condemned is: 12/2026
Letting date: 12/2027
- 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 _____**

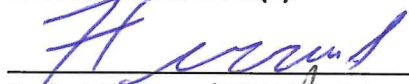
Analysis and Conclusion:

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

Parcel 146 is a partial acquisition containing 855 sq. ft., parcel of land situated in Hidalgo County, Texas and also being a part or portion of a 2.61-acre tract of land out of Lot 2, CASTELLANOS SUBDIVISION. On September 26, 2025, Acquisition Provider (L&G) mailed an offer of \$1,643.00 to purchase the property to Diana Durate. On July 31, 2026, the property owner submitted a counteroffer in the amount of \$3,000.00. In her counter offer she stated that her land was undervalued, damages to remaining property, and relocation on existing items is not considered. Based on the information provided within the counteroffer 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 counteroffer (a difference of \$1,357.00) does not warrant the risk and added expenses associated with standard eminent domain proceedings. Accepting said counteroffer will help avoid project time delays, and associated condemnation proceedings, thus resulting in cost saving to the county.

This administrative settlement of \$3,000.00 ☒ is / ☐ is not recommended for approval as being reasonable, justified, prudent and in the public interest.

RECOMMENDATION(S):



Project Engineer/ROW Administrator

8/10/26

Date



RPIC/Authorized Pct. Representative

8/11/26

Date

COUNTY APPROVAL:

County Judge

Date

Diana Duarte

6550 N Mile 6 W

Weslaco, TX 78599

956-463-1156 or 956-467-3794

Perezjett1969@gmail.com

07/31/2026

Rejection of \$1,643 Offer and Counteroffer for Property Acquisition

Parcel Number: 146

Dear Robert "Bob" Garcia and Adrian Cantu:

We are writing regarding the State's offer of \$1,643 to acquire a portion of our property for the proposed road expansion. After reviewing the offer and considering the direct expense's, inconvenience, and permanent effect this acquisition will have on the remaining property, we respectfully reject the offer.

We understand that the proposed compensation is based on an appraisal that is approximately one year old. Because property values and replacement costs may have changed since that appraisal was completed, we do not believe the current offer fully reflects the value of the property being acquired or the damage and expenses caused by the acquisition.

The offer also provides only approximately \$43 for the gravel driveway area. Gravel generally cannot be purchased and delivered in such a small quantity. Restoring or relocating the affected driveway area would likely require purchasing a minimum truckload of gravel and paying delivery, spreading, grading, labor costs. Therefore, the amount offered does not represent the actual cost we will incur.

The acquisition will also require us to relocate several existing improvements and property features, including:

Our mailbox, which will need to be dug out, removed, and properly installed in a new location.

A small address sign that serves as an important landmark for locating our property, which will also need to be removed and relocated; and

A portion of the gravel driveway and surrounding area that will need to be restored or reconfigured even.

In addition to these direct costs, the loss of this portion of the property will reduce the usable width and overall utility of the remaining land. We had future plans to place a mobile home in this area for rental purposes. The acquisition may leave the property too narrow to accommodate the mobile home, required access, and adequate parking. Even if the mobile home can still be placed there, the reduced space will negatively affect parking and the practical use of the rental area. If the project can no longer proceed because of the reduced dimensions, we will lose a potential source of future rental revenue.

We also regularly use this section of property to hold yard sales. Once the road expansion takes place, the remaining space may no longer be sufficient or safe for displaying items, customer parking, and conducting those sales. This represents another loss of practical and income-producing use of our property.

Considering the age of the appraisal, the actual cost of replacing the gravel, the relocation of the mailbox and address sign, the loss of usable space, the effect on our proposed mobile-home rental project, and the loss of the yard-sale area, we believe that \$3,000 is a fair and reasonable amount of compensation.

It has been determined that in an effort to relocate, set up and create our property whole again, that the following monetary expenses be included in the total purchase price of Parcel No. 146:

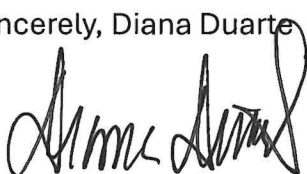
- Gravel, delivery, spreading, grading, and labor costs are estimated at \$975.00 as per local information.
- Expenses anticipated to relocate existing improvements and property features such as our mailbox and a small address sign that was overlooked by the appraisal report are estimated at \$425.00.
- Land- 0.020 ac. 80,000. /ac. = \$1,600.00

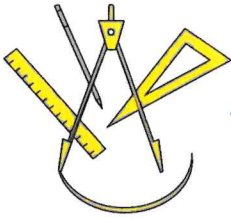
Total land value and the above noted expenses are at a total of \$3,000.00.

We Therefore respectfully submit a counteroffer of \$3,000 for the acquisition and the resulting impact on the remainder of our property. This counteroffer is made in an effort to resolve the matter cooperatively and without unnecessary delay. Our rejection of the current offer should not be interpreted as a waiver of any rights, claims, damages, or remedies available to us.

Please review this counteroffer and provide us with a written response.

Sincerely, Diana Duarte

A handwritten signature in black ink, appearing to read 'Diana Duarte', with a stylized, flowing script.



L&G Engineering

Transportation Consultants

September 26, 2025

***Via Certified Mail, Return Receipt Requested
No. 9589 0710 5270 2984 0006 39***

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

ROW CSJ: 0921-02-355
Parcel: 146
From: Mile 14.5
To: Mile 11 N.

Diana Perez aka Diana Durate
937 Mile 12 ½ N.
Weslaco, Texas 78599

Dear Diana Perez aka Diana Durate:

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 **\$1,643.00** for your property, which includes **\$1,643.00** 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>Type</u>	<u>Amount to be Subtracted if Retained</u>
A. Driveway	Caliche	\$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

Item No.	Improvement Type	Type Construction	Improvement Value	Retention Value	Bisection Category
		Total	\$43.00	\$1.00	N/A

TABULATION OF VALUES (continued)

Parcel: 146

Highway: Mile 6 West Road-Phase II ROW CSJ: 0921-02-355

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:	7/29/2025			Recommended Value
Appraiser's Name:	Leonel Garza III.			
Value of Whole Property	\$338,838.00			\$338,838.00
Parcel Area: 0.020 Acres				
LUE FOR PARCEL				
Land: per ac. \$60,000	\$1,600.00			\$1,600.00
Easement	\$0.00			\$0.00
Improvements	\$43.00			\$43.00
Net Damages or (Enhancements)	\$0.00			\$0.00
OAS Value (s)	\$0.00			\$0.00
Total Compensation	\$1,643.00			\$1,643.00

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

TABULATION OF VALUES (continue)

Parcel: 146

Highway: Mile 6 West Road-Phase II ROW CSJ: 0921-02-355

VI. Comments and Conclusions on Values in the Appraisal Report

Appraiser: Leonel Garza III

Effective Date of Report: July 29, 2025

Report Dated: July 31, 2025

Review Appraiser: Harvey L. Heerssen

Effective Date of Review: August 15, 2025

Parcel 146 is a partial taking of 0.020 acres (855 sf.) parcel of land situated in Hidalgo County, Texas and being a part or a portion of a 2.61-acre tract of land out of Lot 2, Castellanos Subdivision according to the plat or map thereof recorded in Volume 28, Pages 10B of the Map Records of Hidalgo County, according to a deed dated April 28, 1999 from Rafael Salto to Diane Perez aka. Diane Durate recorded in Document 792536 of the Official Records of Hidalgo County, Texas.

The whole property is located on the east side of Mile 6 West Road, and is addressed as 6550 Mile 6 West Road, Weslaco, Texas. The whole tract is improved with a single-family residence that is not impacted by the proposed acquisition.

The appraiser has selected three (3) vacant sales to value the whole property at 80,000 per acre. The part taken is properly valued as a pro-rata part of the whole 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 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 \$1,643 be approved for negotiations and acquisition.

VII. Justification and Explanation for Credit if Retained.

A \$1.00 retention is applied to the caliche drive within the taking to encourage retention and removal.



Form ROW-A-5
(Rev. 08/11)

REAL ESTATE APPRAISAL REPORT - TEXAS DEPARTMENT OF TRANSPORTATION

Address of Property: 6550 Mile 6 W, Weslaco, Texas
 Property Owner: Diana Perez aka Diana Durate
 Address of Property Owner: 937 Mile 12 ½ N, Weslaco, Texas 78599
 Occupant's Name: Diana Perez aka Diana Durate
 Whole: ☐ Partial: ☒ Acquisition

District: Pharr
 Parcel: 146
 ROW CSJ: 0921-02-355
 Federal Project No: N/A
 Highway: Mile 6 West Road Phase III 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 \$1,643 as of July 29, 2025, based upon my independent appraisal and the exercise of my professional judgment;

That on July 29, 2025, I personally inspected in the field the property herein appraised; that I afforded Diana Perez aka Diana Durate, 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 29, 2025;

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. 1 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 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: July 31, 2025

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

 9/2/2025
 Reviewing Appraiser Date

