



May 17, 2013  
AVO 29193

**ELECTRONIC MAIL**

Titus County  
Attn: Brian P. Lee, County Judge  
100 W. First Street, Ste. 200  
Mt. Pleasant, Texas 75455

County: Titus  
Federal Project No.: N/A  
Highway: FM 1402

ROW CSJ: 1384-01-026  
Parcel: 7  
Limits: From 1.4 Mi. N. of IH 30  
To 2.1 Mi. N. of IH 30

Dear Judge Lee:

Please find enclosed the counteroffer furnished by Lea Ann Wilson Brown, et al, regarding the partial acquisition of Parcel 7. The counteroffer is provided for submission into the Administrative Settlement Process and consideration by the Titus County ("County"). A valuation summary follows:

**County's Initial Offer: \$1,038.00**  
**Offer date: 4/2/2013**

**Owners' Counteroffer: \$3,362.00**  
**(+ \$2,324.00 or 223.89% increase)**

- \$375.00 for 0.075 of an acre of land (fee) @ \$5,000.00/ac.
- \$663.00 for improvements
- \$0.00 for damages
- \$1,012.00 for 0.1030 of an acre of land (fee) @ \$9,821.00/ac.
- \$2,350.00 for improvements
- \$0.00 for damages

**COMMENTS:**

The County's appraiser's opinion of highest and best use of the property, as vacant, is for residential or residential with acreage uses. The County's appraiser, Robin Beck, uses the Sales Comparison Approach to value the part to be acquired and arrives at a per acre value based on \$5,000. Therefore, the total land value of 0.075 acres comes to \$375.00. Improvements situated on this property include minor fencing items (barbed wire and wood rail), as well as minor landscaping items (two walnut trees). Only the improvements involved in the proposed acquisition area are discussed in Mr. Beck's appraisal report. A pipe gate is situated in the proposed acquisition area, but this item is not attached to existing fencing items and is not valued in Mr. Beck's appraisal report. The total improvement value comes to \$663.00.



One of the owners, Lee Dean Brown, provided a copy of his 2013 Notice of Appraised Value on his one acre residential property located in the vicinity of the subject property. His proposed tax assessment is being increased from \$4,950/ac. in 2012 to \$9,821/ac. in 2013. The property owners said that their land value should then be based on the \$9,821/ac. value. Also, the property owners did not agree that their existing fence (that has been there for decades) encroached into the existing right of way. I met on Tuesday, 5/7/13, with Carroll Dean Brown and Mark Caldwell, RPLS, & Chrissy Melder, both of TxDOT. Mr. Caldwell shot points with GPS equipment. He calculated the area between the encroaching fence and the existing row line to be 0.028 of an acre. Therefore, to help arrive at an agreement with the owners, the 0.028 of an acre area will be added in with the proposed row area of 0.075 of an acre for a total land value of \$1,012.00. Also, the owners were concerned about the removal of the existing fence and growth that will be removed during construction. They said that this will expose the property and leave it unprotected. They added that the total appraised amount of \$463.00 for the existing fencing will not be enough to replace the fencing that will be needed to secure the property. The owners received a bid from Mr. Kurt Heintz of Heintz Power Fence in the amount of \$2,150.00. This includes 5-str. b/w, 16' metal gate, metal t-posts, and pipe corners. TxDOT has agreed to replace the owners' existing driveway with a 16' wide driveway. The owners requested the wider driveway in order to be able to turn in off of the highway and safely bring farming equipment into the property. The total improvement value is \$2,350.00 (\$2,150.00 for fencing plus \$200.00 for landscaping).

RECOMMENDATION:

Since the cost to go through the eminent domain process is approximately \$7,000-\$10,000 along with the added time of litigation, it is my recommendation that this counteroffer be approved since it would cost the County less money and would prevent possible construction delays. After the Administrative Settlement review of the Owners' counteroffer, please inform me of the County's approval or disapproval. Should you have any questions or comments, please call me at 214-346-6299.

Sincerely,

**HALFF ASSOCIATES, INC.**

A handwritten signature in black ink, appearing to read "Gary Leuba".

Gary Leuba, SR/WA  
Right of Way Specialist

Enclosures

**Received**  
 5-16-2013  
 Heintz Associates, Inc.  
 [Signature]

**SUMMARY OF PROPERTY OWNER'S COUNTEROFFER**  
 FM 1402 - ROW CSJ 1384-01-026  
 Parcel 7

**Land:** (Fee) 0.1030 (acreage) @ \$ 9,821.00 /ac. = \$ 1,012.00  
 (Easement) \_\_\_\_\_ (Sq. Ft.) @ \$ \_\_\_\_\_ /sq. ft. = \_\_\_\_\_  
**Total Land:** = \$ 1,012.00

**Improvements**

<u>Description</u>	<u>Value</u>		
A) <u>5 - Str. b/w with 16' metal gate</u>	<u>\$2,150</u>	\$	<u>2,150.00</u>
B) <u>landscaping</u>	<u>\$200</u>	\$	<u>200.00</u>
C) _____	_____	_____	_____
D) _____	_____	_____	_____
E) _____	_____	_____	_____
<b>Total Improvements:</b>		\$	<u>2,350.00</u>

**Damages**

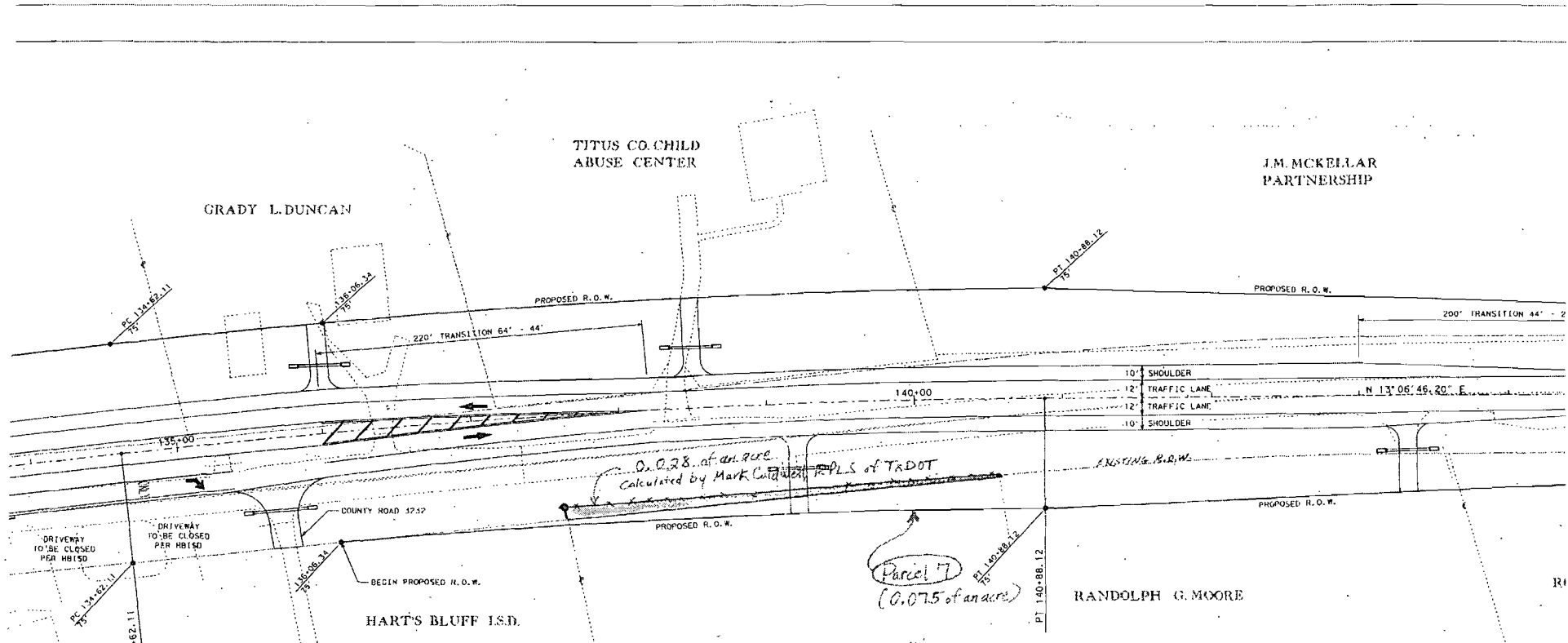
\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
**Total Damages:** \_\_\_\_\_  
**Total Counteroffer:** \$ 3,362.00

Sen Ann Wilson [Signature]  
 Property Owner's Signature or Authorized Agent

**Note:** Attach all supporting documents to this form.

**REMARKS:**

Copy of schematic map with additional acreage of 0.028 of an acre calculated by TxDOT  
(0.075 of an acre, designated as Parcel 7, plus 0.028 of an acre = 0.1030 of an acre total)  
Copy of 2013 Notice of Appraised Value is attached  
Copy of Fencing bid from Heintz Power Fence is attached



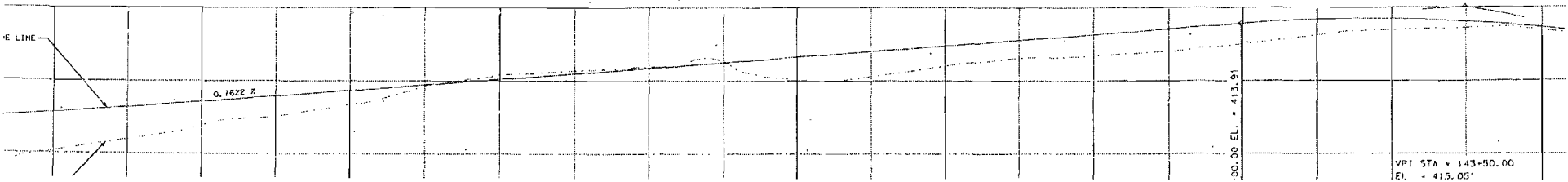
**CURVE 2 FM 1402**

PI STATION	= 137+75.43
DELTA	= 6° 15' 36.26" (RT)
DEGREE OF CURVE	= 1° 00' 00.00"
TANGENT	= 313.32
LENGTH	= 626.01
RADIUS	= 5,729.58
PC STATION	= 134+62.11
PT STATION	= 140+88.12

Parcel 7  
(0.075 of an acre)

0.1030 total

----- existing b/w fence



VPI STA = 143+50.00  
EL. = 415.05'

This is NOT a Tax Statement

# 2013 Notice of Appraised Value

Do Not Pay From This Notice

TITUS COUNTY APPRAISAL DISTRICT  
2404 W. FERGUSON  
PO BOX 528  
MOUNT PLEASANT, TX 75456-0528  
Phone: 903-572-7939 Fax: 903-572-5147

DATE OF NOTICE: April 8, 2013

Property ID: 6931  
Ownership %: 100.00  
Geo ID: 00411-00000-00910  
Legal: AB 411 A NEVILLE SURVEY  
Legal Acres: 1  
Situs: 382 CR 3205 MT PLEASANT, TX  
Owner ID: 4119  
EFile PIN: 18295363

1274 1 AV 0.360 \*\*AUTO\*\*5-DIGIT 75455 2 PT 5



Property ID: 6931 - 00411-00000-00910  
BROWN LEE DEAN  
382 COUNTY ROAD 3205  
MOUNT PLEASANT TX 75455-7717

APPRAISERS WILL BE AVAILABLE TO CONSULT WITH THE PROPERTY OWNER ON AN INFORMAL BASIS ABOUT THIS NOTICE BY PHONE OR IN PERSON

Dear Property Owner,

We have appraised the property listed above for the tax year 2013. As of January 1, our appraisal is outlined below.

Appraisal Information:		Last Year: 2012	Proposed: 2013
Structure & Improvement Market Value		78,725	78,725
Market Value of Non-Ag/Timber Land		4,950	8,821
Market Value of Ag/Timber Land		0	0
Market Value of Personal Property/Minerals		0	0
Total Market Value		83,675	88,546
Productivity Value of Ag/Timber Land		0	0
Appraised Value * (Possible Homestead Limitations, see asterisk below)		83,675	88,546
Homestead Cap Value excluding Non-Homesite Value (i.e. Ag, Commercial)		83,675	88,546
Exemptions (DV - Disabled Vet; DP - Disabled Person; HS - Homestead; OVR5 - Over 65)		HS	HS

2012 Taxable Value	Taxing Unit	2013 Proposed Assessed Value	2013 Exemption Amount	2013 Taxable Value	2012 Tax Rate	2013 Estimated Taxes	2013 Freeze Year and Tax Ceiling**
66,940	Titus County	88,546	17,709	70,837	0.399900	283.27	
66,940	Titus County Hospital	88,546	17,709	70,837	0.144000	102.01	
78,675	MTX Community College	88,546	5,000	83,546	0.100000	83.54	
68,675	Harta Bluff ISD	88,546	15,000	73,546	1.040000	764.88	

Do NOT Pay From This Notice Total Estimated Tax: \$1,233.70

The difference between the 2008 appraised value and the proposed 2013 appraised value is 10.99%. This percentage information is required by Tax Code section 25.19(b-1).

The Texas Legislature does not set the amount of your local taxes. Your property tax burden is decided by your locally elected officials, and all inquiries concerning your taxes should be directed to those officials.

The above tax estimates use last year's tax rates for the taxing units shown. The governing body of each unit (school board, county commissioners, and so forth) decides whether property taxes increase. The appraisal district only determines your property's value. The taxing units will set tax rates later this year. \*Your residence homestead is protected from future appraisal value increase in excess of 10% per year from the date of the last appraisal PLUS the value of any new improvements.

\*\* If you are age 65 or older and received the \$10,000 school tax exemption on your home last year from the school listed above, your school taxes for this year will not be higher than when you first received the exemption on your home. If you are disabled and received the \$10,000 school tax exemption on your home last year from the school listed above, your school taxes for this year will not be higher than the 2003 taxes or the first year you received the exemption, whichever is later. If your county, city, or junior college has approved a limitation on your taxes in the preceding year, your county, city, or junior college taxes will not be higher than the first year your county, city, or junior college approved the limitation or the first year you qualified for the limitation. If you improved your property (by adding rooms or buildings) your school, county, city, or junior college ceiling may increase for these improvements. If you are a surviving spouse age 55 or older, you may retain the school, county, city, or junior college tax ceiling.

Contact the appraisal office if you disagree with this year's proposed value for your property or if you have any problem with the property description or address information. If the problem cannot be resolved, you have the right to appeal to the Appraisal Review Board (ARB).

If you wish to appeal, you must file a WRITTEN protest with the ARB before the deadline date:

Deadline for filing a protest: May 8, 2013  
Location of Hearings: 2404 WEST FERGUSON ROAD MT PLEASANT TX 75456  
ARB will begin hearings: June 10, 2013

**THIS IS NOT A BILL**

A PROTEST FORM to send to the Appraisal District Office is on the back of this notice, if you intend to appear and present evidence before the ARB. A protest is sufficient if it includes the protesting property owner, account number, property address and reason for protesting. The ARB will notify you of the date, time, and place of your scheduled hearing. Enclosed, also, is information to help you in preparing your protest.

If you have any questions or need more information, please contact the appraisal district office at 903-572-7939 or at the address shown above.

Sincerely,

Geraldino Huii, Chief Appraiser

Heintz Power Fence  
708 CR 1670  
Mount Pleasant, TX 75455  
903-573-0965

# INVOICE

C. D. Brown

Invoice # 0000001

Invoice Date 05/08/2013

Due Date

Item	Description	Unit Price	Quantity	Amount
Product	Joints 2 7/8 Pipe	90.24	5.00	451.20
Product	Caps	1.80	8.00	14.40
Product	Sucker Rod	11.40	12.00	136.80
Product	Concrete	5.40	18.00	97.20
Product	6 1/2 ft T Posts	5.51	35.00	192.85
Product	Barb Wire	87.58	1.50	131.37
	Labor	1126.18	1.00	1,126.18
<b>Subtotal</b>				2,150.00
<b>Total</b>				2,150.00
<b>Amount Paid</b>				0.00
<b>Balance Due</b>				\$2,150.00

*ATTENTION*  
*Buy. Leuba*