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TEXAS DEPARTMENT OF TRANSPORTATION

PUBLIC HEARING

SM WRIGHT PROJECT (US 175, SH 310 and I-45)

DALLAS COUNTY

CSJ NOS: 0092-01-052, 0092-14-081, 0197-02-108

THURSDAY, JANUARY 31, 2013

6:30 PM

Park South YMCA

2500 Romine Avenue

Dallas, Texas 75215

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BE IT REMEMBERED THAT on Thursday, the 31st day of  
January, 2013, the above entitled came on for public  
hearing at Park South YMCA, 2500 Romine Avenue, Dallas  
Texas, and the following public hearing was had, to wit:

1 The complete Public Hearing transcript may be found at [www.SMWrightProject.org](http://www.SMWrightProject.org)  
2 under the Presentation Materials for the January 31, 2013 Public Hearing.  
3 Below is the Right of Way portion of that Public Hearing transcript. It was extracted  
4 and is provided below; as it was 1.) referred to in the Public Hearing held on June 27,  
5 2013, and 2.) was available as a handout at that Public Hearing.

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14 At this time, Mr. Cecil Saldana from our  
15 District Right-of-Way Office will provide you an  
16 overview of TxDOT's right-of-way acquisition procedures.

17 MR. SALDANA: Thank you, Mr. Selman. Good  
18 evening, ladies and gentlemen. At this time I would  
19 like to take a few minutes to present some information  
20 about the right-of-way acquisition phase of this  
21 project. This proposed project, as previously  
22 described, will be the object of my remarks. The  
23 proposed project would require approximately 30 acres of  
24 additional right-of-way and would require a joint-use  
25 agreement with the Union Pacific Railroad for

1 approximately 1 acre of aerial easement. The proposed  
2 right-of-way acquisition would involve the displacement  
3 of structures on 15 developed properties. Of the 15  
4 properties, six are residential and nine are commercial.  
5 No places or worship of cemeteries will be displaced.

6 The following describes our right-of-way  
7 procedures. Two booklets are available for you at the  
8 Right-of-Way Table in this cafeteria.

9 One is titled The Purchase of Right-of-Way,  
10 and the other one is titled Relocation Assistance. If  
11 there is a possibility that some of your property may be  
12 acquired and you did not pick up the booklets, you may  
13 secure copies at the right-of-way table during the  
14 break. These booklets contain a significant amount of  
15 information. Rather than trying to cover all of this  
16 material in detail this evening, I would like to  
17 acquaint you with the answers to the most commonly asked  
18 questions.

19 Before the right-of-way acquisition process  
20 may begin, TxDOT has to obtain environmental clearance,  
21 local agency agreements, an approved right-of-way map,  
22 and funding. With the route approved, maps will be  
23 prepared by registered professional land surveyors to  
24 show the exact amount of land to be acquired from each  
25 affected property owner.

1           Standard procedure for many projects is  
2 that the local governments will be responsible for land  
3 acquisition and utility relocation; however, if  
4 requested, it may be done by the State of Texas. Cost  
5 associated with the purchase of real property will be  
6 the responsibility of TxDOT. In some cases the adjacent  
7 cities may be responsible for increased costs due to  
8 more stringent zoning ordinances or building codes than  
9 state law. All acquisitions must be conducted in  
10 accordance with the Uniform Relocation Assistance and  
11 Real Property Acquisition Policies Act of 1970, as  
12 amended.

13           After the release is obtained from the  
14 Austin Right-of-Way Division, TxDOT will order property  
15 title information, five-year sales data, and preliminary  
16 title commitments.

17           The acquiring agency, whether TxDOT or a  
18 local government, in order to establish land values, may  
19 employ independent real estate appraisers to determine  
20 their opinions of the fair market value for the part of  
21 each owner's property to be acquired. This procedure is  
22 explained on Pages 3 and 4 of The Purchase of  
23 Right-of-Way booklet.

24           The appraisers will contact each owner  
25 before proceeding with appraising the properties. Each

1 of you as owners will be given the opportunity to  
2 accompany the real estate appraiser on an inspection of  
3 your property. Once the property is appraised and  
4 submitted to TxDOT for review and approval, a written  
5 offer will be made to you, the property owner.

6 TxDOT's acquisition agent presents the  
7 offer to the property owner. This offer will be based  
8 upon the amount of the approved appraised value with any  
9 compensable damages to the remaining real property.  
10 TxDOT will also provide relocation assistance to those  
11 who are eligible.

12 The decision of whether the offer is  
13 acceptable or not, of course, remains with each owner.  
14 An owner may wish to donate land for the project for  
15 various reasons. In these cases, the appraisal process  
16 will not be necessary provided that the property owner  
17 signs a waiver to waive their right to receive fair  
18 market value and an appraisal of the property. This  
19 does not include donations at less than fair market  
20 value or partial donations which must be appraised.

21 If the property owner chooses to receive  
22 compensation for the needed right-of-way, then the  
23 following are the options available to the property  
24 owner. The owner may accept the offer or submit a  
25 counter offer, if appropriate. Also, as another option

1 the booklet further describes the procedure by which  
2 right-of-way is acquired when the property owner does  
3 not agree with the acquiring agency's determination of  
4 fair market value. This procedure is known as eminent  
5 domain and is described on Page 9.

6 When the owner accepts the approved value,  
7 a deed and Memorandum of Agreement is prepared for the  
8 owner's signature. TxDOT will issue a warrant made out  
9 to the title company for the owner. The owner closes at  
10 the title company and is then compensated for the newly  
11 acquired right-of-way.

12 The owner may submit a counter offer if the  
13 owner believes the offer does not represent fair market  
14 value. TxDOT reviews the counter offer and either  
15 accepts or rejects it. If rejected, the owner may still  
16 accept the original offer or proceed to eminent domain.

17 In eminent domain, the Court appoints three  
18 independent commissioners, who themselves are landowners  
19 in the county, to hear the owner and TxDOT. Based on  
20 the evidence presented, the Commissioners will decide  
21 the award to the owner. TxDOT deposits the award, which  
22 the owner may withdraw, in the registry of the Court,  
23 and at that point, TxDOT will take possession of the  
24 needed right-of-way. If desired, either the owner or  
25 TxDOT shall have the right to appeal the award to a jury

1 trial.

2           The State's relocation program for personal  
3 property, administered solely by the State with no local  
4 government funding required, is available to those of  
5 you who may qualify for certain benefits as the result  
6 of acquisition of properties. Monetary payment for  
7 incidental expenses, which are the owner's out-of-pocket  
8 expenses to convey good title to the State, may be  
9 eligible for reimbursement and are applicable whether or  
10 not a displacement occurs.

11           These benefits are applicable to all  
12 individuals, families, businesses, farmers, ranchers and  
13 nonprofit organizations, without regard to race, color,  
14 religion, sex, or national origin. This information is  
15 contained in the Relocation Assistance booklet.

16           If you believe a move is to be necessitated  
17 by the proposed project, the Department would caution  
18 you not to move before negotiations have begun unless  
19 you first secure a written Notice of Intent to Acquire  
20 from the acquiring agency. This must be done so as to  
21 avoid the possibility of your loss of personal property  
22 relocation benefits to which you may otherwise be  
23 eligible for reimbursement by the Department.

24           Should a displacee be dissatisfied with any  
25 of the amounts offered for relocation reimbursement,

1 appeal procedures are available. These are discussed on  
2 the last page of the Relocation Assistance booklet, Page  
3 39. Additional information is available from TxDOT's  
4 Dallas District Office should you have the need for  
5 relocation assistance.

6 Lastly, regulations governing the  
7 relocation of advertising signs, which are not purchased  
8 by the acquiring agency as real property, are discussed  
9 on Pages 31 and 32 of the Relocation Assistance booklet.

10 This concludes my presentation. Thank you  
11 for your attention. Mr. Selman.

12 MR. SELMAN: Thank you, Mr. Saldana. I  
13 would like to mention that we will not attempt to answer  
14 your questions while you have the floor during the  
15 opportunity for public comment. This procedure is  
16 necessary so that everyone is given an opportunity to  
17 speak and because your comments will be given due  
18 consideration. We would be happy to answer your  
19 questions during the recess or even after the hearing.

20 All substantive comments and questions will  
21 be fully considered and responded to in the project  
22 record made a part of the final environmental document  
23 for this proposed project. This document will then be  
24 made available for public review and copying at the  
25 Dallas District Office located at 4777 East US Highway



1 80 in Mesquite, Texas 75150.

2 For the benefit of you that may have  
3 arrived late, I would ask the members of the Department,  
4 consultant team and local government staff to please  
5 stand at this time. These folks are all available to  
6 answer your questions and discuss your concerns  
7 regarding the project. At this time, we'll take a  
8 20-minute recess and reconvene at 7:45. Thank you.

9 Above extracted from Right of Way portion of the January 31, 2013 Public Hearing  
10 presentation.  
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1 STATE OF TEXAS )

2 COUNTY OF DALLAS )

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4 I, Carmel Martinez, Certified Shorthand Reporter in  
5 and for the State of Texas, do hereby certify that the  
6 facts as stated in the caption hereto are true and that  
7 the foregoing 66 pages are a full, true, and correct and  
8 complete transcript of the public hearing had on the  
9 date and at the place set forth.

10

11

12 GIVEN UNDER MY HAND AND SEAL of office on this

13 the 9<sup>th</sup> day of February, 2013.

14

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16

17

*Carmel Martinez*

Carmel Martinez

18

CSR No. 8128 Expiration: 12/31/14

Steven H. Gentry & Associates, Inc.

19

Firm Registration No. 195

5115 North Galloway, Suite 202

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Mesquite, Texas 75150

214-321-5333

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