

**JOHN PAGE KEMP, JR., MAI**  
 300 E. MAIN DRIVE, SUITE 1122  
 EL PASO, TEXAS 79901-1356  
 (915) 532-3496; [kempsoli@sbcglobal.net](mailto:kempsoli@sbcglobal.net)

**PROPOSAL AND AGREEMENT  
 APPRAISAL REVIEW SERVICES**

April 27, 2010

County of El Paso  
 800 E. Overland Avenue  
 El Paso, Texas 79901

Attn: Mr. Piti Vasquez, County Purchasing Agent; [PVasquez@epcounty.com](mailto:PVasquez@epcounty.com)  
 cc: Ms. Cygne Nemir, Office of El Paso County Attorney; [Cygne.nemir@epcounty.com](mailto:Cygne.nemir@epcounty.com)

Re: Proposal and Agreement for the review of an appraisal of real estate; 137.462 acres of land located on the east side of the Tornillo-Guadalupe Road, North of the U. S. – Mexico Border, in Blocks 48 & 65, San Elizario Grant, El Paso County, Texas.

Dear Mr. Vasquez:

I propose to appraise the described property for the following fee and in the following time frame:

At the rate of \$150.00 per hour for the first 30 hours , if such hours are necessary, and \$100.00 per hour thereafter. It is understood that this review is to be done in preparation for a Commissioner's Hearing relative to eminent domain proceedings regarding the property, scheduled for or about May 12, 2010.

I agree to furnish you with 2 copies of my written appraisal report, which would be in my narrative Summary form. You would agree to furnish me, or have furnished to me, all pertinent data that you may have and that I would deem necessary to an informed opinion. **(Please understand that I do not expect you to go to any special effort to obtain these items; I am asking that you furnish them only if they are in your possession or easily obtainable.)** These would include, but not be limited to:

1. All surveys and plans that you may have of the property, including location and rights of easements.
2. Any development or construction plans that you may have.

3. Income and expenses for the past two years and this year to date.
4. Copies of current leases and recent leases.
5. The price and conditions of the latest sale of the property.
6. Any information you may have about the sales or rentals of nearby comparable properties.
7. Any extraordinary assumptions or hypothetical conditions that should be considered in the appraisal. An extraordinary assumption is one which assumes a condition which is believed to be true but is not certain (such as a projected building value as of a certain date) whereas a hypothetical condition assumes a condition contrary to known existing facts (such as valuing the land as if zoned commercial when it is in fact residential).
8. Any other conditions or factors that are not apparent but which you are aware of and which may affect value, such as environmental conditions.

If awarded this assignment, please let me know as soon as possible what specific requirements for the report you may have, such as regulatory language, photographs of comparable sales or other items. Also, please furnish all of the data requested as soon as possible so that I can complete the appraisal in the time frame quoted.

The following are assumed for purposes of this proposal:

- a. *Client and Intended User:* The client is El Paso County and the intended user is El Paso County and related parties, and no other party shall be furnished a copy of the report or any portion of it except for related entities. It is understood that the appraisal is to be reviewed by the client, related entities and no others. I would not be required to discuss or justify the values or anything else in the reports to anyone other than you or related parties unless prior arrangements are made and my fees agreed upon. Nothing in this Agreement shall create a contractual relationship between the Appraiser or Client and any third party, or any cause of action in favor of any third party.
- b. *Cursory Knowledge of Client:* It is assumed that the client has at least cursory knowledge of the appraisal process as generally accepted, the Uniform Principles of Professional Appraisal Practice, the subject property, its functional utility, and the market in which the property is situated.
- c. *Intended Use:* The intended use of this appraisal is for eminent domain proceedings or related uses.

- d. *Subject Property; Type and Location:* The subject property is essentially vacant farmland.
- e. *Property Owner and No Conflict of Interest:* It is understood that the owner of the subject property is Martin Lettunich or related parties. I have no involvement with the owner and I perceive no conflict of interest in rendering this appraisal. It is further assumed that access to the interior of the premises and financial information shall be furnished by the client.
- f. *Type of Value and Interest Valued:* The value to be estimated is the market value of the fee simple of the 100% undivided interest.
- g. *Extraordinary Assumptions and Hypothetical Conditions:* It is understood that there are no extraordinary assumptions or hypothetical conditions to be considered in the appraisal.
- h. *Appraisal and Report Type:* The review shall be a Complete Field Review Appraisal which would conform with the Uniform Standards of Professional Appraisal Practice and ethical requirements of the Appraisal Institute and state licensing and certification requirements.

**However, it should be understood that this review is to be done under unusually tight time constraints and there may not be enough time for a thorough review. The reviewer is to make the best possible effort to do a thorough review under the circumstances.**

The report shall be a Summary in form.

- i. *Appraiser Independence, Fee Payment and Additional Services:* It is understood that the appraisal shall not be done to satisfy a predetermined value and that the value rendered shall be the Appraiser=s and no one else's. The fee would be payable within 30 days of the delivery of the report unless otherwise agreed. It is understood that the party responsible for the payment of the appraisal fee is yourself unless otherwise noted.

It is further agreed that explanations to approved third parties, testimony or any other services that may be required in addition to the appraisal and reporting functions shall be billed at the rates described above (\$150 per hour for the first 30 hours and \$100 per hour thereafter).

- j. *Admissibility and Discoverability of Data:* It is understood that the client will inform the appraiser about any issues regarding admissibility or discoverability of any portion of the appraisal report that might arise for possible litigation, and the method of treating such issues.

If acceptable, please sign below or forward your letter of engagement or agreement . Thank you for the opportunity to be of service. If you have any questions, please call.

Yours truly,

ACCEPTED:



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JOHN P. KEMP, JR., MAI

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For EL PASO COUNTY