



Appendix B. ODOT Acquisition and Relocation Brochures

▪ Possession

You are not required to surrender possession of your property until you have been paid the agreed purchase price or an amount equal to the Department's established estimate of just compensation has been deposited with the court for your benefit.

When negotiations begin, you, as well as any tenants occupying your property, will be notified in writing that it is the Department's intent to acquire the property. You will not be required to move from your home, farm, or business location earlier than 90 days following that notice or within 30 days after payment, whichever is later. However, if the purchase does not require you to move, the agreement to purchase your property may require you to surrender possession of your property upon payment.

The Department is aware of the need for a reasonable time for relocation. If your property is not needed for several months, your continued occupancy may be permitted on a short-term basis. The amount of rent the Department may charge you, or another tenant, may not exceed the fair rental value of the property to a short-term occupant.

▪ Right of Way Offices

For your convenience the Department maintains Regional Right of Way Offices in the following locations:

Region 1 – Portland

123 NW Flanders
Portland, OR 97209
Voice: 503-731-8200
Fax: 503-731-8458
Toll Free: 888-769-7341

Region 2 – Salem

455 Airport Road SE Bldg. A
Salem, OR 97301-5397
Voice: 503-986-2601
Fax: 503-986-2622
Toll Free: 888-769-7342

Region 3 – Roseburg

3500 Stewart Parkway Suite 164
Roseburg, OR 97470
Voice: 541-957-3559
Fax: 541-957-3563
Toll Free: 888-769-7343

Region 4 – Bend

63085 N Highway 97 Suite 102
Bend, OR 97701-9901
Voice: 541-388-6196
Fax: 541-388-6381
Toll Free: 888-769-7344

Region 5 – LaGrande

3012 Island Avenue
LaGrande, OR 97850
Voice: 541-963-7552
Fax: 541-962-9819
Toll Free: 877-851-9097



Oregon Department of Transportation

Acquiring Land for Highways & Public Projects

A description of the
Department of Transportation
Land Acquisition Program



When improving highway facilities, the Department of Transportation has the task of acquiring right of way. It is the aim and desire of the Department to obtain right of way with fairness and equity.

The State is empowered to acquire private property for public use. With this power goes the obligation to protect the rights of the individual property owner. The Department thus has a dual responsibility. It is to recognize and protect the individuals who are affected by acquisition of land, as well as competent and efficient service to the public.

▪ Public Hearings

Public hearings, when required, are held during the location and design stages of a project. Such hearings provide opportunities for public participation to ensure that highway locations and designs are consistent with Federal, State and Local goals and objectives.

The corridor hearing is held after preliminary studies have been made on several possible routes. During the course of this hearing, testimony is recorded for study by Department personnel and the Transportation Commission.

Upon selection of a corridor, a detailed survey within that corridor is made and a preliminary design plan developed for presentation at a "Design Hearing".

The "Design Hearing" provides an opportunity to present testimony about the final highway design.

In an instance where a choice of corridors is not involved, such as the case of an improvement to an existing highway, a single "Combination Corridor-Design Hearing" may be held.

After all data and testimony has been studied, a final design is adopted by the Transportation Commission and the acquisition of rights of way is authorized.

▪ **Just Compensation**

Owners of property needed for a highway project will be offered Just Compensation for the required rights of way. Just Compensation includes the estimated value of all the land and improvements within the needed area. In addition, if only a part of a property is to be acquired, Just Compensation will also include any measurable loss in value to the remaining property due to the partial acquisition.

Just Compensation is based on the Department's valuation of the needed property and its estimation of any damages to the remaining property. Department procedures, guided by Federal Regulations, have been designed to protect both owners of properties needed for highway rights of way as well as other taxpayers. The valuation process will be conducted either by an experienced and qualified employee of the Department or by an independent fee appraiser under a contract with the Department. The value arrived at will be by comparison of similar properties in the market that have recently sold, by knowledge and consideration of costs and depreciation for any improvement(s) to be acquired, and when applicable, by the property's income potential. The final value determination will be based on this type of information from the local real estate market.

The property to be acquired is inspected by a qualified appraiser during the first part of the valuation process. With complex acquisitions involving large portions of the property, major buildings or improvements on the property, displacement of residents, and/or damages to the remaining part of the property not being acquired, property owners will be given 15 days to prepare the property, and will be given the opportunity to

accompany the appraiser during a detailed inspection of their property.

Any increase or decrease in the value of needed property brought about by public knowledge of the upcoming highway project, is disregarded in the valuation process.

The final value estimate is reviewed for completeness and accuracy, and Just Compensation is established by the Department's Review Appraiser. In addition to this estimate of Just Compensation, the Department will make an offer to purchase any remaining property determined to have no remaining economic value to the owner.

▪ **Acquisition Procedure**

The Right of Way Agent who calls on you has studied the Department's valuation of the needed property and can illustrate with maps and other data how the acquisition will affect your property. The Department's offer will be confirmed in writing, together with an acquisition summary statement, and an appraisal, or evaluation sheet, which provides the basis for that amount. The Agent is authorized to obtain a deed from you to purchase your property, subject to the approval of the Transportation Commission. The Agent is unable, under Department procedures governing acquisitions, to engage in "horse trading"; rather the Agent is confined to those monetary values indicated by the appraisal process.

However, the Department is ready and willing to reconsider its position in light of any new evidence of value presented by you including a documented professional appraisal.

The Department may not take any action which would coerce you into accepting its offer. Prohibited actions include advancing the time of condemnation, deferring negotiations or condemnation or

postponing the deposit of funds in court for your use.

You need not accept the State's offer or enter an agreement felt to be unfair. Owner's have a minimum 40-day period to accept or reject the offer, unless an emergency has been declared. A refusal is simply a case of disagreement between the two parties on the value of the property.

In the event the parties are still unable to agree as to the compensation to be paid, or you cannot clear the title, mediation of differences between parties, conducted by an independent mediator, can be arranged by the Department in order to reach settlement prior to filing any condemnation action. Mediation is a non-binding process where all parties reach agreement.

In the event parties are still unable to agree as to compensation to be paid, or if title cannot be cleared, a condemnation action will be filed. Once condemnation is filed, a trial date will be determined. However, an owner can elect binding arbitration prior to trial, through the Court, for amounts of \$20,000 or less, and non-binding arbitration for amounts between \$20,000 and \$50,000. Arbitration is not available above \$50,000.

Discussions and mediation can, of course, continue even after a condemnation action is filed in an effort to resolve differences. The filing allows the State to proceed with the construction project.

▪ **Improvements**

When the Department acquires an interest in your land, it must acquire an equal interest in your house or any other improvements located on the land acquired. If buildings are required to be removed, the Department may allow the owner to retain the improvements. If you are interested, this can be discussed with the Right of Way Agent.

▪ **Payment**

If you sign a deed and any accompanying agreements, and the Transportation Commission approves it, then the transfer of title and payment may proceed. As in a private sale, you are responsible for clearing encumbrances to the title such as unpaid taxes, assessments, mortgages, outstanding leases and other liens against your property. The Right of Way Agent will assist you in clearing title. No payment can be made until a warranty deed conveying clear title to the Department has been recorded in the appropriate county records.

At the time the deed is available for recording, authorization is given to prepare a check for your property. Normally, when no cloud obscures the title, you will receive payment for your property about four weeks after you give the Department a deed to the property.

If the condemnation action has been filed, the amount established by the Department as Just Compensation will be deposited with the court for distribution in accordance with the order of the court.

You are entitled to be reimbursed for fair and reasonable costs you incur for expenses incidental to conveying your property to the Department. Such expenses could be, but are not necessarily limited to, penalty costs for prepayment of any pre-existing recorded mortgage encumbering your property, mortgage release fees, and the State's portion of real property taxes.

General Summary of Relocation Benefits			
Residential		Business, Farm, Non-Profit	
Owner-occupant of 90 days or more prior to initiation of negotiations for the parcel		Owner-occupants and tenant-occupants entitled to the same benefits	
May be eligible for:		May be eligible for:	
Replacement Housing Differential Payment	\$31,000	Actual reasonable moving costs	Actual
Including Costs incidental to purchase or replacement dwelling		Or Negotiated moving costs payment not to exceed lower of two estimates secured by agency	No more than lowest estimate
And including: Increased interest cost on replacement dwelling		Plus Tangible personal property loss due to relocation	Actual value or estimated costs to move, whichever is lower
Or Rent Supplement	\$7,200	Plus Reasonable cost of search for new site	\$2,500 max.
All displacees may be eligible for:		Plus Storage of personal property for up to twelve months with prior approval	Actual
Actual reasonable moving costs	Actual	Plus Reestablishment expenses at the replacement site	\$25,000 max.
And Storage of personal property up to twelve months with prior approval	Actual	Or Fixed payment in lieu of all other benefits; requires approval of agency	Average of annual net earnings for two years prior to year of relocation of \$1,000 min., \$40,000 max.
Or Moving costs based upon schedule			



Moving Because of Highway or Public Projects?

A description of the Oregon Department of Transportation Relocation Assistance Program

Department of Transportation policy requires that no family or individual will be required to vacate any dwelling until such displacee has found or has been offered comparable replacement housing.

All replacement housing offered will be fair housing open to all persons regardless of race, color, religion, sex, or national origin.

Relocation payments and relocation advisory services, pursuant to State and Federal law, may not be provided to an alien unless the alien is lawfully present in the United States, except in cases of exceptional or extreme hardship. Displacees will be asked to sign a "Certification of Legal Residency in the United States."

Relocation legislation, because of its wide scope, is somewhat complicated and difficult to read and interpret. For the benefit of those who are affected by the Department of Transportation property acquisitions, this brochure summarizes the principal provisions of relocation services and benefits. However, persons reading this brochure are urged not to form advance opinions as to the benefits and amounts to which they may be entitled. The Right of Way Agent assigned to purchase property will have detailed information for displaced persons.

No relocation payment received by a displaced person under this part shall be considered as income for the purpose of the Internal Revenue code of 1954, which has been redesignated as the Internal Revenue Code of 1986 or for the purpose of determining the eligibility or the extent of eligibility of any person for assistance under the Social Security Act or any other Federal law, except for any Federal law providing low-income housing assistance.

■ Relocation Services

The Department of Transportation maintains Regional Right of Way offices in the following locations:

Region 1 123 N.W. Flanders St. Portland, OR 97209 (503) 731-8200 (888) 769-7344	(888) 769-7343	Region 4 63055 N. Hwy 97, Bldg. M Bend, OR 97701 (541) 388-6196 (888) 769-7344
Region 2 455 Airport Rd SE, Bldg. A Salem, OR 97301 (503) 986-2601 (888) 769-7342		Region 5 3012 Island Ave. La Grande, OR 97850 (541) 963-7552 (877) 851-9091
Region 3 3500 Stewart Pkwy., Ste. 164 Roseburg, OR 97470 (541) 957-3559		

These offices maintain current lists of replacement dwellings, businesses, and farms for displaced persons, as well as current data regarding required deposits for utilities, closing costs, typical down payments, interest rates, and FHWA and VA requirements and information. The offices also have maps showing the location of schools, parks, playgrounds, and shopping areas. Public transportation routes are shown, and schedules and fare information are available. Experienced Right of Way Agents are available to aid displaced persons to the fullest extent. Right of Way Agents do not expect and will not accept any fee for any service rendered.

■ Eligibility

It is important to note that eligibility for any of the following benefits is not established until you have received a written notice of eligibility from the State.

■ General Moving Expenses

Service charges for reconnecting utilities are reimbursable except under schedule move procedures.

■ Individual and Family Moving Expenses

Any individual or family displaced by a Department of Transportation project is entitled to receive a payment for actual and reasonable expenses for moving personal property a distance not to exceed a 50-mile radius or to the nearest available and adequate site.

In order to obtain a moving expense payment, a displaced person must file, within 18 months after displacement, a written claim with the Department of Transportation on a form provided for that purpose. In some cases, a written arrangement with the Department of Transportation will allow the displaced person to present an unpaid commercial moving bill, and the Department of Transportation will make payment directly to the mover. If the residential displacee chooses, costs may be reimbursed according to set schedule based upon the number of rooms of furniture to be moved.

■ Residential Moving Schedule

Unfurnished (Relocatee owns furniture)

\$600 (1 room) **\$800** (2 rooms)

\$1,000 (3 rooms) **\$1,200** (4 rooms)

\$1,400 (5 rms) **\$1,600** (6 rms) **\$1,800** (7 rms) **\$2,000** (8 rms)

Plus **\$200** for each additional room

Furnished (Relocatee does not own furniture)

\$350 for first room plus \$100 for each added room

■ Re-establishment Payment (Businesses, farms, non-profit organizations only)

Displaced small businesses, farm operations, and non-profit organizations may receive a payment not to exceed \$25,000 for expenses actually incurred to relocate and re-establish themselves at a replacement site. Eligible expenses can include repairs and improvements required by law, replacement of soiled and worn surfaces at the replacement site and other modifications, exterior signing, advertisement of the replacement location, and estimated increased cost of operation of the first two years.

■ Business, Farm and Non-Profit Organization Moving Expenses

Displaced businesses, farm operations, and non profit organizations are entitled to receive actual reasonable moving expenses for moving personal property a distance not to exceed a 50-mile radius or to the nearest available and adequate site. The actual and reasonable cost of searching for a replacement location may be claimed in an amount up to \$2,500 for a farm, non-profit organization, or business. Such payments must be supported by receipted bills or other evidence of expenses incurred.

As an alternate moving expense procedure, in the case of a self-move, the business, farm operation, or non-profit organization may be paid an amount not to exceed the lower of two estimates secured by the Department of Transportation from qualified moving companies.

Under certain conditions, businesses, farms, and non-profit organizations may receive payments for direct loses of tangible personal property resulting from the necessity to relocate.

A displaced or discontinued business, non profit organization or farm operation, except advertising sign owners, may, under certain conditions, elect to receive a fixed payment in an amount equal to the average annual net earnings of the business or farm preceding the year in which such business or farm operation during the two tax years immediately preceding the year in which such business or farm operation is displaced. The payment cannot exceed \$40,000 and will not be less than \$1,000. Those who choose the fixed payment are not eligible for any other relocation benefit payment.

■ Storage of Personal Property

Storage of personal property requires the written approval of the Department of Transportation and may not exceed twelve (12) months except in unusual circumstances. It should be clearly understood that those dislocatees who accept the scheduled move or fixed payment are not eligible to receive the storage expense benefit.

■ Replacement Housing

A displaced owner-occupant of a dwelling owned and occupied for 90 days or more immediately prior to the initiation of negotiations for such property may be eligible for additional payments, the combined total of which may not exceed \$31,000. The replacement housing payment is the amount, if any, which when

added to the amount for which the State acquired his or her dwelling, equals the actual cost which the owner is required to pay for a decent, safe, and sanitary replacement dwelling or the amount determined by the State as necessary to purchase a comparable dwelling, whichever is less. This payment includes compensation for increased interest costs for financing the replacement dwelling and actual closing costs incidental to the purchase of replacement housing.

The rent payment is the increase in rent necessary to rent a comparable dwelling for 42 months or the amount determined by the State as necessary to rent a comparable dwelling for 42 months, whichever is less. To be eligible for these benefits, the displaced occupant must purchase or rent and occupy a decent, safe, and sanitary replacement dwelling within one year after the required date of displacement or within one year after the actual date of displacement, whichever is later.

Claims for replacement housing differential payment and rent supplements must be made in writing on a Department of Transportation form supplied for this purpose and must be filed with the Department of Transportation no later than 18 months after the date of displacement.

Before payments for any replacement dwelling benefits can be made, the replacement dwelling must be checked by Department of Transportation personnel to ascertain that it meets the decent, safe, and sanitary standards established by the Federal Department of Transportation. It is recommended that this determination be made prior to a commitment to rent or buy. The decent, safe, and sanitary inspection of the replacement dwelling by agency personnel is for the sole purpose of determining a relocatee's eligibility for a relocation payment.

■ Possession

No person lawfully occupying real property shall be required to move from his home, farm, or business location without at least 90 days' written notice. A displaced residential occupant will not be required to move earlier than 90 days after the date comparable replacement housing is made available.

The displacee will again be notified 30 or more days prior to the date the property must be vacated. The 30-day notice will not be given until the property owner has been paid for his or her property. However, if a purchase does not require the person to move, the agreement to purchase the property may require the person to surrender possession of his or her property upon payment.

■ Appeals

Any person who is dissatisfied with a determination of his or her eligibility or claim for any relocation benefit payment shall have the right of appeal. Any person making such an appeal will be given a choice of appealing for an optional reconsideration conference or for an administrative hearing. A reconsideration conference is an optional process to afford a displacee an opportunity to present additional relevant information that may not have been considered by the department or to correct factual errors and for the Department to reconsider the claim with the new or corrected information. An administrative hearing is a formal hearing process conducted by the Office of Administrative Hearings according to the Administrative Procedures Act, ORS 183.310 to 183.550. Either type of **appeal must be filed within 60 days of relocation benefit or claim determination**, and must be submitted on Form 734-3623 which is available from the Right of Way Agent assigned to the file.

■ Right of Way Agent

Relocatees will be given information regarding their eligibility and possible benefits by the Right of Way Agent assigned to acquire the property.