



BROCHURE

PREFACE

To accomplish the goal of providing the safest and most efficient transportation system for our citizens, it sometimes is necessary to acquire private property for the general benefit of the traveling public. When this is required we want to assure all affected persons that they will receive full compensation and all benefits to which they are entitled.

This information was prepared to provide a general outline of how property is acquired for federally funded transportation projects. It sets forth the questions which are most frequently asked along with a brief answer to each. Since we have covered only the acquisition procedure in general terms, more detailed information can be obtained upon request by writing to or calling the address listed in this brochure.

We sincerely hope the following information will provide a better understanding of our acquisition procedures. Our project personnel will make every effort to respond to any problem so that the property acquisition is accomplished with the least possible disruption and with a minimum of inconvenience. We can assure you that each representative is prepared to assist in every way possible if your property is affected by a public improvement.

HOW IS PROPERTY ACQUIRED?

The acquisition of property required for a transportation project, occurs only after an extensive and thorough engineering process that includes a series of planning and design phases which lead to determination that the property is necessary in order to construct the project. You may have attended (or will attend) one or more of the public meetings that form a part of the overall process.

When it is necessary to acquire private property, a map is prepared which shows in detail the extent of right of way needed from each property. An appraisal is prepared which forms the basis for an offer of settlement. Then, when a settlement is reached, an agreement is signed and a closing occurs. However, if you do not accept the offer to purchase the property, then a copy of the map is filed in the Office of the County Clerk pursuant to a Court Order at which time title will transfer.

HOW DO YOU DETERMINE WHAT I WILL RECEIVE FOR MY PROPERTY?

The law requires that each property owner receive compensation based on the Fair Market Value of the property acquired. Fair market value is defined as "the amount of money which, as of the date of valuation, an informed and knowledgeable purchaser willing, but not obligated to buy property, would pay to an informed and knowledgeable owner willing, but not obligated, to sell it".



Before the offer is prepared, an appraisal will be made to determine the fair market value of the property that must be acquired and the monetary damage, if any, that is caused to the remaining property which you own. The appraiser examines the various features of your property and the prices at which properties similar to yours are being sold. The N.Y.S. Eminent Domain Procedure law requires that a written offer be made to the property owner for 100% of the valuation as established by the highest approved appraisal of the property. This amount is determined by the agency after careful review of the appraisal.

WHO WILL APPRAISE MY PROPERTY?

Analysis is performed by experienced appraisers. All consultant appraisers are required to be New York State Certified Real Estate Appraisers. Appraisers, through their experience in research and analysis of the real estate market, become familiar with property values of the area. Their task is to objectively determine the value of the property to be acquired and the legal damages, if any, caused by the acquisition.

SUPPOSE MY REMAINING PROPERTY IS DAMAGED?

When only a portion of your property is required, every attempt is made to assure that any loss in value of the remainder of the property caused by the acquisition will be considered in appraiser's valuation.

The acquisition of a portion of the property may, for example, leave the remainder in an irregular shape or too small to be used to its best advantage, or perhaps it may be isolated by the loss of access to a highway. The payment to you will reflect loss of value resulting from these conditions ("indirect damages") as well as the value of the land actually required ("direct damages"). Further, should it be determined that your remainder property is "uneconomic" (i.e., of little or no economic utility to you), we will offer to purchase it.

WILL I HAVE TO BEAR ANY OF THE COSTS OF THE PROPERTY TRANSACTIONS?

No! Following your acceptance of the offer, we will prepare all of the usual documents necessary for payment of the claim at no expense to you. You may, on the other hand, prefer to retain your own legal counsel or find it necessary to do so due to title or other difficulties. The fee for this service would be your obligation.

HOW WILL YOU ARRANGE A SETTLEMENT WITH ME?

Our policy is to employ a "single-offer" system. Under this system the amount offered by the representative of the acquiring agency is the full amount of the approved appraisal. Appraisers engaged by the agency are qualified for property valuation by training and experience.



If, however, you feel there are aspects of the real property omitted in the offer which merit consideration you should make this information available before signing the offer, together with any evidence which supports your view, at the earliest opportunity. Your case will be reviewed in the light of the newly furnished data and the offer will be amended in appropriate cases.

If you or your representative are unable to arrive at an agreement in full settlement and your property is condemned, you will have the right to contest the amount of damages in the appropriate Court.

CAN I RECEIVE ANY PART OF THE VALUE OF MY PROPERTY IF I DISAGREE WITH THE OFFER AND WISH TO GO TO COURT?

Yes. If you cannot come to an agreement as to the amount of compensation, you may accept the offer as an advance payment. In this case, you will receive the amount of the offer at the time you transfer title. You may thereafter file a claim in the appropriate Court for additional compensation.

HOW SOON WILL I BE PAID?

Every effort will be made to complete payment as soon as possible after an agreement is signed. The sooner a settlement is reached and all the necessary documents executed, the sooner the transaction can be processed and payment made. Settlements must be reviewed and approved by appropriate officials, title must be examined and the necessary transfer documents prepared and executed. While this process takes time, it is necessary to afford the fullest protection to all interested parties.

WHAT ABOUT LIENS, MORTGAGES OR UNPAID TAXES ON MY PROPERTY?

A title search at no expense to the property owner is made on all properties acquired. Any outstanding liens will have to be satisfied out of your settlement. A release of the mortgage on the portion of the property to be conveyed may have to be obtained from the party holding a mortgage. At the time of payment, separate checks for any such obligations may be drawn and the balance paid to you.

WHOM SHOULD I CONTACT IF I WANT TO LEARN SOMETHING ABOUT MY CASE AT ANY TIME BEFORE I RECEIVE FINAL PAYMENT?

If you wish to discuss any part of your case feel free to communicate with:

_____ (Name) _____ (Title) _____ Telephone No,

If you move or convey your property before arrangements are completed for settlement of your case, or prior to payment, it is important that you advise us of the name of the new owner and your change of address. Or if the name(s) on the Option and Right of Entry form is incorrect, please change it to reflect the name of the party or parties exactly as written on your deed.