



# **City of Tempe Workshop 2012**



# **Arizona Department of Transportation Right of Way for Local Governments**

**Presents:**

**The Local Public Agents  
Acquisition/Relocation, and The Uniform Act**

# **ADOT Right of Way Liaison**

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Please refer to the **ADOT Right of Way Manual**

It can be found at:

**[www.azdot.gov/highways/row/project.asp](http://www.azdot.gov/highways/row/project.asp)**

**<http://www.fhwa.dot.gov/realestate>**

# **Tempe Workshop: The results of Workshops and Audits of LPAs over the past Years:**

This workshop is the culmination of 27 workshops and 13 audits of the LPAs. Over the years we have seen a great number and variety of non-compliance in the Right of Way Federally Funded projects. These anomalies cover a vast assortment in the Right of Way process; everything from the starting to soon with acquisition to the correct procedures for relocation.

We have designed this workshop to be helpful in preventing non-compliance issues that can result in denial Federal Funds.

While pointing out non-compliance issues we will not mention the LPAs names involved.

**Please feel free to ask questions during and after this workshop.**

## **There are Five Basic Phases to a Project**

### **1. Planning Phase:**

Surveying and initial property descriptions.

General right-of-way cost estimates.

Analysis of impacts and solutions for Relocation issues, if any for landowners or tenants. (Socio-economic data will be used in environmental assessment process and for cost estimates).

### **2. Environmental Phase:**

Conduct environmental studies

Obtain approval of the NEPA document (National Environmental Policy Act of 1969).

Public involvement

Obtain "Authorization to Proceed" from FHWA for Preliminary Engineering (PE)

### **3. Design Phase:**

Survey and complete property descriptions and delineations.

Finalize right-of-way requirements.

Finalize right-of-way cost estimates.

Address whether project construction features will be considered in lieu of payment of appraised damages to remaining property.

Suggested DCR (section coordination meeting to value R/W requirements and their possible conflicts)

If context sensitive design is an objective on the project, ensure that it is communicated to those doing the valuation and acquisition on the project so that the benefits thereof can be communicated to the property owners.

Perform advance acquisition of hardship cases and protective purchases of properties that could potentially be developed and compromise the project location. (This could be done during the Planning Phase also if necessary).

### **4. Right-of-way Acquisition Phase:**

LPA obtains an “Authorization to Proceed” (AZPR2X) from FHWA through ADOT. Appraise, negotiate, and acquire all needed properties (if design is sufficiently complete).

Relocate all landowners and/or tenants.

Manage acquired properties to achieve the greatest net return to the project until construction begins.

## **5. Construction Phase and Project Management:**

Coordinate completion of acquisition and/or control of any exceptions that were listed in the earlier Right-of-way Certification.

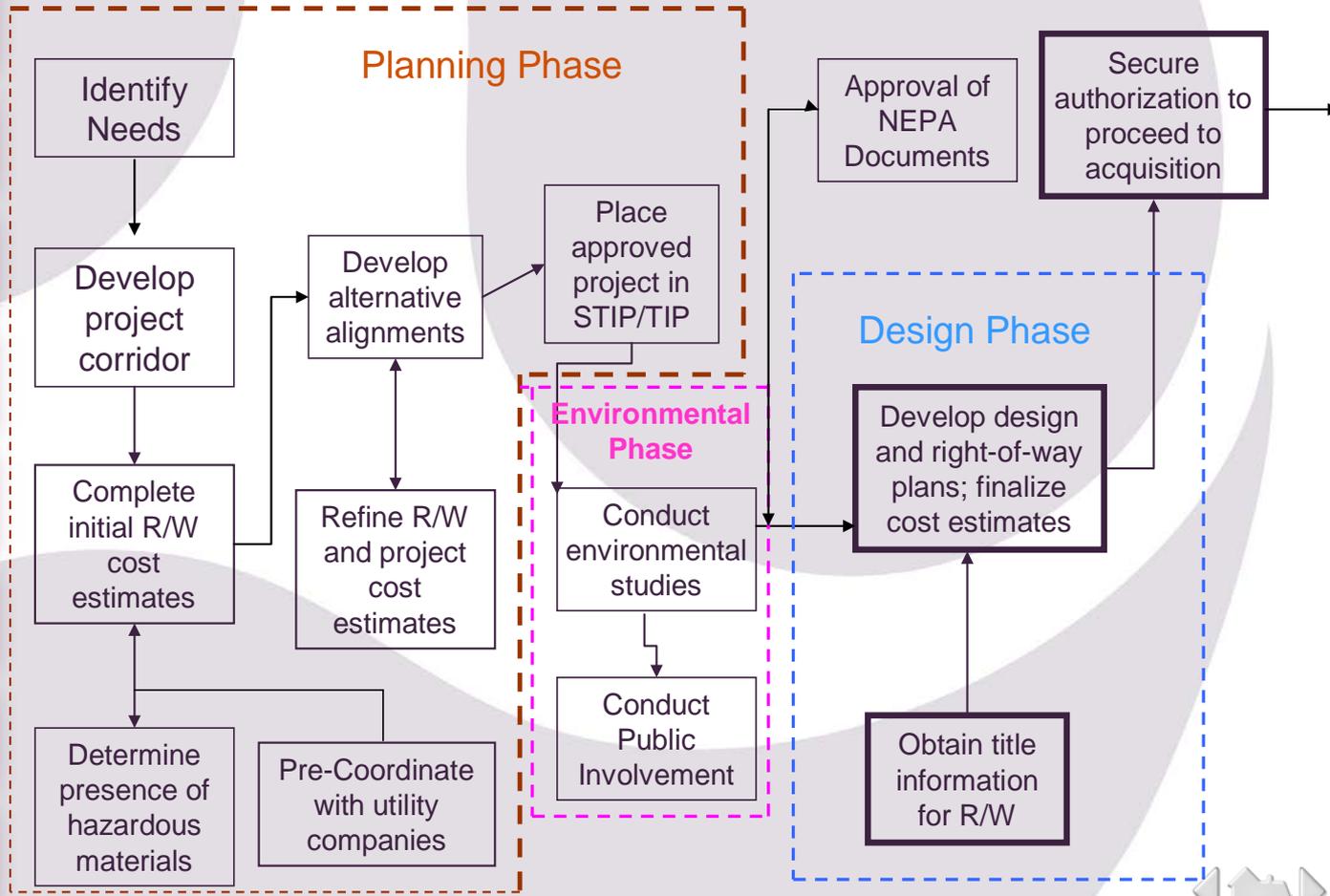
Address any construction related issues with landowners adjoining the project.

Ensure that any construction features that were agreed to in any right-of-way settlement or environmental commitment are accomplished.

Manage any excess land owned, including remnants acquired, that is not being used temporarily by the contractor.

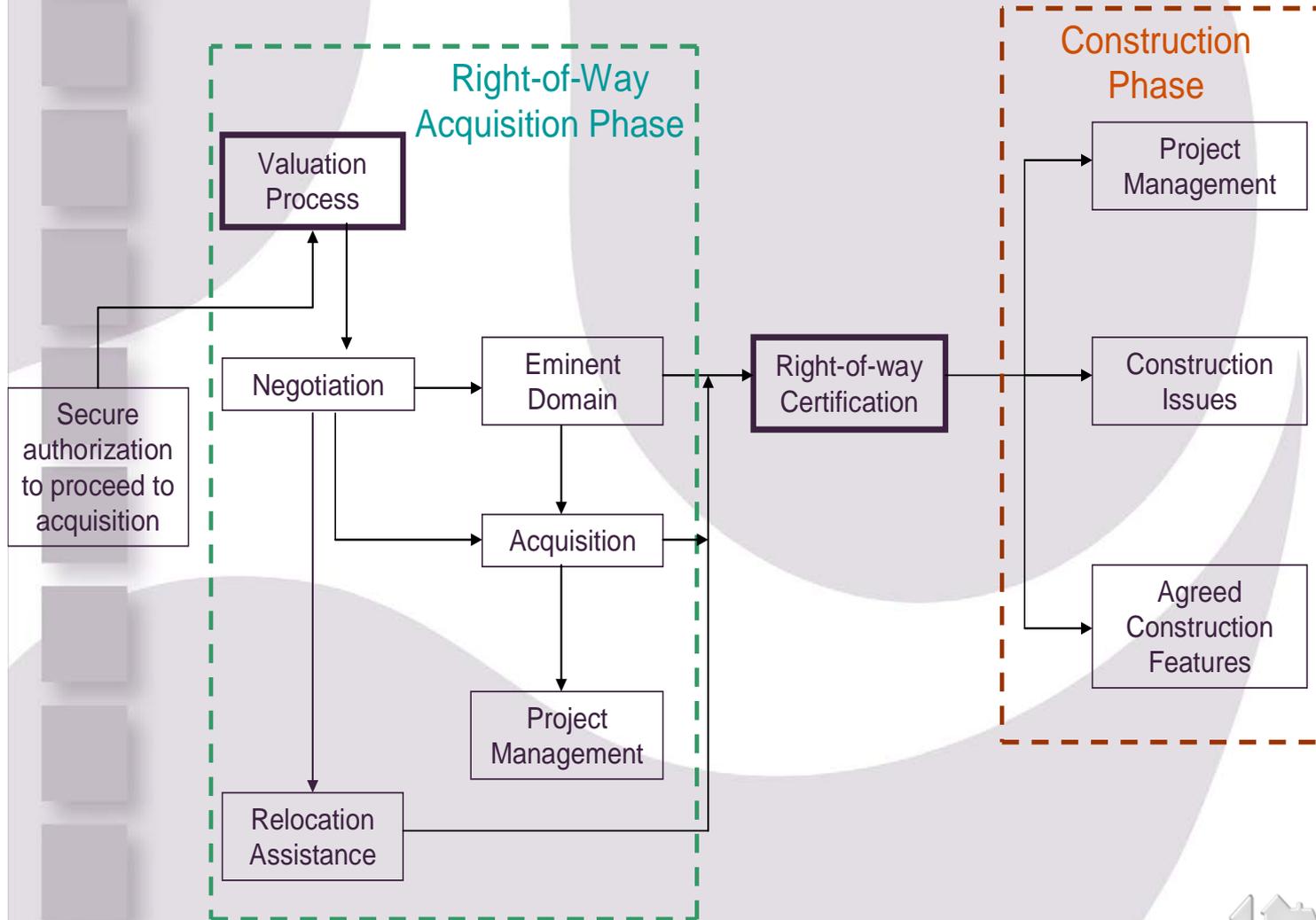


# Project Development Activities





## Project Development Activities (Cont'd)



# Steps in the acquisition Process for all Local Public Agents:

This is the process for all Local Public Agencies (LPAs) to follow when there is a need for “new right of way”. This is a general overview and not an exact account of what takes place and the timing. If you need an exact account of what transpires, please ask your ADOT Right of Way Liaison (me).

**1. First and most important step is to have an Environmental Clearance and the “AUTHORIZATION TO PROCEED” FOR THE RIGHT OF WAY (ATP) THAT IS RECEIVED FROM FHWA. YOU WILL NOT BE ABLE TO RECEIVE THE “AUTHORIZATION TO PROCEED” FOR ROW UNTIL YOU HAVE THE FULL ENVIRONMENTAL CLEARANCE.**

a) During the Preliminary Engineering stage some approved right of way procedures may begin. Title reports may be ordered and appraisal bids may be requested from State Certified General appraisers. They may not be hired until “Authorization to Proceed” for right of way has been issued by FHWA.

2. Before the ATP is given by FHWA, the LPA may develop the right of way action plan and start putting together an acquisition timeline.
3. Once the ATP is given LPA may now hire a State Certified General appraiser. LPA should give a copy of title reports to the appraiser along with a **Scope of Work**.
4. Once the appraisal is completed it is given back to the LPA, they need to have it reviewed by a State Certified General Appraiser (cannot be the same appraiser or appraisal firm). The reviewer is the one who **recommends** the value of the “Just Compensation” for the property.
5. The LPA (must be an agency official, not a consultant) concurs by issuing a memo stating the just compensation amount, the name and title of person writing the memo and he places it in the general project file. This is a good time to update the timeline.
6. The LPA can now develop the offer letter and summary statement. In addition to the offer letter and, they may fill out the conveyance documents Deeds, Easements and Temporary Construction Easements if necessary. They will need approved set of R/W plans and then they can package all of this together and make the offer. This should be done in person unless out of town, then send by Certified Mail with return receipt. If you do not know what a summary statement should look like, ask your ADOT Right of Way Liaison (me). **Please do not forget to keep your agent log/diary up to date.**

7. Once the property owner receives and reviews the offer (Federal Regulations say they have 30 days minimum to consider). If the offer is accepted, the LPA opens escrow. If the owner declines the offer, the LPA may negotiate. They may initiate Eminent Domain right away if the owner declines offer.

If the owner feels the offer is too low, they may negotiate and they can do an administrative settlement. All settlements must well documented, justified, done in memo form, who made the decision, the amount of the settlement, signed by person that made the decision and placed into the individual project parcel file.

**ADOT prefers to review all settlements.** If the property owner accepts the settlement, the LPA opens escrow on this parcel.

8. When all parcels are acquired, the LPA needs to send the filled out Right of Way Certification form along with copies of all supporting documents: A copy of the Environmental Clearance, copy of the “Authorization to Proceed”, the appraisal, review appraisal, memo of “Just Compensation”, offer letter with summary statement administrative settlement statement, escrow settlement documents and, if there was one. The C.A. LPA may now issue a Right of Way Clearance letter. If not a “Certified Agency” then the LPA **MUST** send all ROW documents to the ADOT Liaison; upon review and if all is in order, he will clear the ROW.

# **Right of Way Process**

**All projects that have \$1 or more of Federal funds in any phase of the project are considered to be federalized and all federal rules and regulations must be followed, especially the Uniform Act.**

**Here are the steps that a federalized project will follow through the right of way process.**

- 1. Submittal of project at the DCR stage to Right of Way (this is done by the Local Governments section).**
- 2. Determination of new right of way needed or not.**
  - A. No new right of way = to LPA, right of way will be cleared at 95% Plans stage.**
  - B. New right of way = to LPA, full package and pamphlets are sent explaining the process.**
    - a. Cover letter with the process outlined**
    - b. Pamphlet labeled “Pamphlet for Federal Funding.”**  
**This is the full “how to do” source that includes examples, forms, instructions, citations of law, and glossary of terms used.**
    - c. Right of Way Certification form**

**d. Booklets; (3) “Your Property-Your Highways”, Acquisition, and Relocation (upon request from the LPA).**

**3. Right of Way Clearance; For “no new R/W” at 95% plans the Right of Way Certification form is filled out by local agency, signed and submitted to ADOT R/W for clearance; ADOT sends R/W clearance letter to project managers and to ADOT Contracts and Specifications section.**

**4. Right of Way Clearance for “New Right of Way” needed at 100% plans; send Certification of Right of Way form completed and signed, Copy of appraisal and review of appraisal slip, Copy of offer letters, Copy of summary statements, Copy of 100% plans with new R/W highlighted, Copy of agent’s contact log/diary, Copy of all correspondence from property owners, Copy of memo on who set “JUST COMPENSATION” and the \$\$\$ amount.**

## **Right of Way Clearance for “New Right of Way” Continued:**

**Copy of any administrative settlements and their justification in a written memo to file, copy of any condemnation proceedings and all letters to property owner in conjunction with condemnation.**

**If relocation is involved: need copy of the LPA’s relocation plan, need all letters to property owner and any correspondence. Copy of moving estimates and /or self move paperwork; Copy of all final paperwork concerning move. There is a lot more needed if it is a Business Relocation.**

**NOTE: ALL TRANSPORTATION AND NON-TRANSPORTATION PROJECTS RECEIVE A RIGHT OF WAY CLEARANCE.**

# Basic Requirements of the Acquisition:

1. LPA **MUST** have the Environmental Clearance.
2. LPA **MUST** have the FHWA “Authorization to Proceed” for Right of Way.
3. LPA **MUST** have the property appraised and appraisal reviewed.
4. LPA **MUST** set what they believe to be “Just Compensation”.
5. Personal contact **MUST** be made with property owner.
6. Provide the owner with a written offer of what is believed to be “Just Compensation”, derived from the **appraisal review**; the **Summary Statement MUST** be attached or incorporated in the offer letter.
7. **Must** give owner time to consider offer (Federal Regulations state minimum 30 days).
8. All activities **MUST** be Conducted in a non-coercive manner.

9. LPA **MUST** provide at least a 90 days notice to vacate property simultaneously replacement housing package must be presented (90 days prior to moving).

10. **Pay** the agreed upon price.

**Please ask your ADOT Right of Way Liaison if you need more information.**



# Steps in Land Acquisition

Identify  
Parcels and  
Properties

Appraisal

Appraisal  
Review

Offer of Just  
Compensation

Negotiation

Settlement

Administrative  
Settlement

Condemnation  
(Judicial venue)

Complete  
Acquisition



## **ACQUISITION PROCESS**

The private property acquisition process can be divided into five categories or work activities. The following outline shows, in general, the process that takes place during a right-of-way project for the acquisition of private properties for public purposes.

### **Planning:**

Environmental, including flora and fauna, and archaeological impacts and public involvement (flora=plants fauna=wildlife)

Right-of-way plan requirements and Relocation Plan

Ownership and title data

Lead time

Certification Requirements

## **Appraisals:**

- Appraisal requirements (Scope of Work)
- Appraisal report formats
- Owner accompaniment
- Appraiser qualifications
- Appraiser certification
- Review appraiser's responsibilities (Scope of work)
- Review appraiser considerations
- Review appraiser qualifications
- Agency approval of appraisal
- Agency official sets "Just Compensation" (Actually what he believes to be "Just Compensation") Need memo in file (Only an agency official)

## **Acquisition:**

- Agency official must set "Just Compensation"
- Written offer and summary statement of "Just Compensation"
- Negotiations & Agent's log/diary
- Payment before possession (when negotiated or required)
- Administrative settlements (fully documented)
- Legal settlements
- Condemnation

## **Relocation Process:**

Planning (**49 CFR 24.205** says you **MUST** have a written relocation plan)

- Advisory assistance
- Notices, including 90-day notice to vacate (residential, comparable housing must be available at time of notice)
- Payments

### Residential:

Owner occupied

Tenant occupied

Housing of last resort

### Business:

Reconnect fees for utilities

Professional services

Impact fees

Reestablishment fees

Moving costs (actual or fixed)

## **Property Management:**

Pre-construction

Post-construction

The ROW agent should be asked to take part during the project planning stage. They can add to the cost estimate and see where any new ROW is needed. The agent can add input to the design by seeing where new ROW might be needed and if it is feasible to design around it.

When the project manager requests a “Preliminary Engineering” authorization from FHWA, the LPA may order title reports on the needed property and put out requests for appraisers.

Once the environmental is done, the project manager **MUST** order the **“Authorization to Proceed”** for the ROW from FHWA. Now that the LPA has the “authorization to Proceed” with ROW, they may start the acquisition/relocation process. They can hire an appraiser and review appraiser.

# The Appraisal Process



## Definition of an Appraisal

**“A written statement, independently and impartially prepared by a qualified appraiser setting forth an opinion of defined value of an adequately described property as of a specific date, supported by the presentation and analysis of relevant market information.” [Title 49 CFR 24.2(a)(3)]**



Why do we need an appraisal? It goes back all the way to the 5th Amendment to the U.S. Constitution: “No person shall...be deprived of life, liberty or property, without due process of law; nor shall private property be taken for public use without just compensation.”

The U.S. Congress passed the “Uniform....Act of 1970” to provide for Just Compensation, fair and equal treatment for all citizens having private property that was needed for public purposes. Then 49CFR was the regulation written to implement the Uniform Act.

The regulations in 49CFR discuss Just Compensation, and one of the requirements to determine Just Compensation is an appraisal of the property involved.

So, if any of the Cities, Counties or ADOT or even any of the Indian Nations wants ***federal money*** for a project that involves taking private property for public use, *federal laws* and regulations must be followed. So let's look at the appraisal/Just Compensation and Market Value issues.

## **Definition of Market Value for Local Public Agents:**

The definition that the Local Public agents use comes from the Arizona revised Statutes (ARS).

ARS 12-1122, subsection C. The State of Arizona Definition of Market Value for Local Public Agencies required when using FHWA funds.

“Value shall be determined by ascertaining the most probable price estimated in terms of cash in United States dollars or comparable market financial arrangements that the property would bring if exposed for sale in the open market, with reasonable time allowed in which to find a purchaser, buying with knowledge of all of the uses and purposes to which it was adapted and for which it was capable”.

## Appraisal/Just Compensation Issues:

Before ordering an appraisal the agency must have the Environmental Clearance and the FHWA's "Authorization to Proceed" documents. Be sure the appraiser is State Certified General in the state the project is located. Also does the appraiser have Eminent Domain experience? The appraiser gives an opinion of (Fair) Market Value, but **not** "Just Compensation".

The acquiring agency must develop a "**Scope of Work**" (Statement of Work) as a contract document with the appraiser. The Scope of Work is a written set of expectations that form an agreement or contract between the appraiser and the agency as to the specific requirements of the appraisal.

Either the appraiser or the agency may recommend modifications to the initial Scope of Work, but both parties must approve changes.

The following items are minimum Scope requirements for the appraiser by FHWA.

The appraiser must, at a minimum:

- \_\_\_\_\_ Provide an appraisal meeting the agencies definition of an appraisal as in the ADOT manual or for fed work in 49 CFR 24.2(a) (3)
- \_\_\_\_\_ The owner of the property (or representative) must be afforded the opportunity to accompany the appraiser on the inspection of the property. (See ADOT manual)
- \_\_\_\_\_ Describe the extent of inspection of the subject property, including: inspection of the neighborhood and proposed project area; inspection of subject property, including interior and exterior areas; the level of detail of description of the physical characteristics of the property being appraised (and in the case of a partial acquisition, the remaining property), per Manual.
- \_\_\_\_\_ Include a sketch of the property and provide the location and dimensions of any improvements. Also include adequate photographs of the subject property and comparable sales and a location map showing the subject and sales, per Manual.

\_\_\_\_\_ Below are items usually required by the acquiring agency; these items are required by ADOT's Manual and Yellow Book (Uniform Appraisal Standards for Federal Land Acquisitions) as well:

Property rights to be acquired, e.g., fee simple, easement, etc.

Value being appraised (usually market value) and its definition

Appraised as if free and clear of contamination (or as specified)

The date of the appraisal report and the date of valuation

A realty/personality report is required per **CFR 24.103(a)(2)(i)**

The known and observed encumbrances, if any Title information, Location, Zoning, Present use, and at least a **5-year sales** history of the property (10-year for Yellow Book)

\_\_\_\_\_ In the appraisal report, identify the **Highest and Best Use**. If Highest and Best Use is in question or different from the existing use, provide an appropriate analysis identifying the market-based Highest and Best Use.

\_\_\_\_\_ Present and analyze relevant market information, this would include, but not be limited to: research and analysis of, inspection of and verification of comparable sales used. See ADOT Manual or Yellow Book.

\_\_\_\_\_ Address **Project Influence** and disregard any decrease or increase in the market value of the real property caused by the project for which the property is to be acquired, or by the likelihood that the property would be acquired for the project.\* This will be a Jurisdictional Exception in regard to USPAP, as it is requirement of the FHWA.

\_\_\_\_\_ The appraiser will report his or her analysis, opinions and conclusions in the appraisal report.

\_\_\_\_\_ Appraiser must state the **intended use** of the appraisal report. This is usually market value of the property, as of the specified date of valuation, for the proposed acquisition of the property rights specified (i.e., fee simple, easement, etc.) for a Federally assisted project.

\_\_\_\_\_ Appraiser must state the **intended user** of the appraisal report. This is primarily the acquiring agency, but its funding partners may review the appraisal as part of their program oversight activities.

\_\_\_\_\_ Cite the applicable definition of (fair) market value.. For cases that would go to state court in Arizona, ARS #12-1122 applies. While they are very similar, definitions for financial institutions such as: FIRREA, Freddie Mac, etc **are not** acceptable.

**The appraiser shall include a certification; per the ADOT manual for cases that could go to state court. In addition, appraisers may also include a USPAP certification.**

\_\_\_\_\_ The appraiser shall state all *relevant* assumptions and limiting conditions. In addition, the acquiring agency may provide other assumptions and conditions that may be required for the particular appraisal assignment.

All appraisals require a review appraisal process – either by LPA staff, a contract review appraiser, or the Arizona Department of Transportation. The appraisal review is to assure that the appraisal meets the applicable appraisal requirements, then if so, recommend a value for acquisition. The reviewer **does not** set “Just Compensation”.

A review appraiser is a thoroughly qualified appraiser who is completely familiar with the type of appraisal problem being reviewed and the techniques required to address that problem. The review appraiser will be completely familiar with the agency's appraisal and other relevant requirements. It is very difficult for an individual who does not meet both of these qualifications to provide an appropriately through appraisal review for an acquiring agency.

After the appraisal and the appraisal review, **an agency official internally MUST approve an amount he/she believes to be “just compensation”**. This process should be documented in the file. The approval of a **“just compensation”** amount is an agency responsibility and **cannot be delegated** to a private sector contractor. The amount for Just Compensation cannot be less than the appraised value.

Then the Agency **MUST** deliver an offer letter with the amount of “Just Compensation”, a summary statement of that amount and how they arrived at the amount (appraisal) the letter must be non-coercive and should be hand-delivered, in person from the LPA's agent.

## Take A Ways:

**Don't** order appraisals prior to having Environmental Clearance and FHWA's Authorization to Proceed.

**Scope of Work** (Statement of Work") for fee appraiser and fee reviewer (**Pizza**)

Every parcel on the project that needs new right of way to be acquired **must** have 49CFR compliant appraisal and appraisal review (get all the pizza toppings)

The property owner or their designated representative **must** be afforded the opportunity to accompany the appraiser on the property inspection.

**Only** the Local Public Agency can set what is believed to be "Just Compensation" and must be in a memo form and filed

The agency **must** deliver an **offer letter** with the amount of "Just Compensation", a **summary statement** of that amount, how they arrived at the amount (appraisal) the letter must be **non-coercive** and should be **hand-delivered**, in person from the LPA's agent

The agency **must** allow the property owner enough time to consider the offer (30 days minimum).

Every parcel file must have a completed and signed agent's log/diary in it.

# Questions?

Now that you have the appraisal and appraisal review, an agency official and only the agency official may set what they believe to be “Just Compensation”. The “Just Compensation” **MUST** be put in writing (see Memo of Compensation form) and kept in the general project file. This compensation is based on what the review appraiser has recommended. Once you have set what you believe to be just compensation, the next step is making the offer.

The offer **MUST** be in writing and incorporated into or attached to it **MUST** be the summary statement. The summary statement **SHALL** include a statement of the just compensation amount. It **MUST** have a complete breakdown of the offer; total square footage of property, square footage of the remainder of property, square footage being acquired, price per square foot. It **WILL INCLUDE** a description and location of said property. It **MUST** identify all buildings, structures, other improvements including removable building equipment, and any personal property being acquired.

The offer should be made in person, however, if it is too far to go to or property owner is out of State, a certified letter receipt return can be used.

The agency **must** allow the property owner time to consider the offer (minimum 30 days) (49 CFR 24.102(f) Basic Negotiation Procedures). Some items that might be negotiable include price, terms, closing date, possession date, retention of salvage (of structures acquired which **must** be removed) and project specifications /construction modifications. The LPA's negotiation with the property owner **must** not include any implication of coercing the owner into reaching a settlement. Examples of inappropriate coercive statements might include:

*“If you go to trial, we’ll have to reduce our offer...”*

*“If you don’t accept our offer, we will let you sit here and rot until...”*

*“You have 24 hours to think about this and then we are preparing the condemnation papers”*

*“If you don’t settle, we may need to have a code inspector come through here and check this property more closely....”*

*“I noticed there is an unlicensed car in your driveway – maybe the police should be notified about that....”*

*“If the project gets too expensive, the county may have to look at tax assessments here....”*

If the property owner says no immediately or any time during the 30 days, the LPA may start condemnation proceedings. If by the 21st day the LPA has not heard from the property owner the LPA may turn over parcel file to their attorney and he may start the preliminary condemnation proceedings. He **CANNOT** notify the property owner until 31st day.

**Note:**

*If the LPA sends out agent (s) to solicit donations from individual property owners is considered coercion and definitely is against the Federal Law.*

If, after fair, non-coercive negotiations, an agreement cannot be reached between the agent and the property owner, there are two alternatives that may be pursued.

## 1. Administrative Settlements

Administrative settlements are attempted before invoking an agency's condemnation authority. It is typical for an amount more than the approved offer of just compensation, still supportable, may involve other adjustments to the offer (salvage issues, construction features to be done by the project contractor, etc). **Memo to parcel file with value determination and all supporting documentation.**

Seeking an administrative settlement should be considered when reasonable efforts to negotiate an acquisition have failed, but there appears to be a potential for agreement.

The increased costs attached to an administrative settlement may be less than the cost of a condemnation process. But the use of this reason is not to be used in multiple parcels on a project.

Some of the better reasons are: Is time an Issue; Would litigation delay construction; or what is the opinion of agency's counsel. Will the property owner be effective in pleading their case, What is the quality of property owner's witnesses. Does the owner have any information not available at the time the appraisal was done. All settlements **should** be reviewed by the ADOT Liaison.

## **2. Eminent Domain / Condemnation:**

When amicable agreement cannot be reached through negotiations, the governmental power of eminent domain (condemnation) may be utilized to acquire real property.

Condemnation shifts the acquisition process from an administrative setting to a judicial venue.

When eminent domain is utilized, the judicial system becomes the forum for establishing just compensation.

In Arizona a mediation hearing is typically initiated by the courts prior to actual condemnation proceedings. If either party before the panel rejects the award, the matter will move through the courts for trial.

The court will determine just compensation in the context of State Eminent Domain statutes and relevant case law. Consequently, what is compensable varies among the States. Each State has its own standards for the condemnation process, and also for which items may (or may not) be compensated by the acquiring agency.

LPA's should consult with ADOT for advice as to what is or is not compensable under Local State law. LPAs condemn in State court – intertwining of State and Federal law.

Condemnation is the final resolution, and the court actions settle issues of title, just compensation, etc. The disadvantage of condemnation is the cost in time and resources to pursue a condemnation case through the courts, subject to appeals.

## **Alternative Means to Acquire Property:**

1. Donations\*
2. Donations in exchange for construction features
3. Dedications\*
4. Incorporation of LPA owned land\*
5. Project credits

NOTE: \* Items # 1, 3 and 4 may be eligible for total or partial credit towards the non-federal match.

1. **Donations:** Donations are gifts of real property, for whatever reason, by a private property owner. The donor must be provided with full disclosure of all the rights and benefits available to them, and the donor must waive these rights.

A non-governmental owner who has real property that is required for a Federal-Aid project may donate the property to the acquiring governmental agency. Before accepting the donation, the LPA must notify the property owner of his/her rights to receive just compensation for the property. The LPA **must** also inform the owner of their right to an appraisal of the property by a qualified appraiser. There are some exceptions to this rule that are identified in 23 CFR 710. The property owner **must** sign a **“Waiver of Compensation for (name of) Project”** and it must be notarized and placed into the project file. LPA must still keep diary of donated property and the signed and notarized waiver.

2. **Donations in exchange for construction features:** These donations are made in exchange for services or facilities that will benefit the owner. For instance, a street widening project may take a narrow strip from a property owner, and for the donation of that strip, the acquiring agency will provide a new driveway, or a second entrance, to the remainder.

3. **Dedication:** Dedication is the process of reserving a parcel of land for future public use. Usually, it is part of a subdivision plan or commercial development. It is often tied to a rezoning of the remainder that is advantageous to the owner. The LPA **must** have an ordinance that identifies the procedures for requiring the dedication and it must be applied consistently.

4. **Incorporation of LPA owned land:** Existing LPA owned land can also be included for use as right of way unless it is currently part of a transportation facility or a park (4(f) issues). Other situations may also apply.

5. **Project credits:** In certain circumstances, land acquired in advance of a project may be eligible for consideration for a credit to the LPA's Local matching share requirement (non-federal match), thus reducing project cost.

## **Negotiator/Agent's Log**

The LPA on every parcel in federally funded projects **MUST** have a comprehensive record (log/diary) of all conversations (telephone or person to person) and interactions with the property owners. It needs to include date, who the participants were, what was said or asked and the outcome.

If the agent communicates by E-Mail, then all E-Mails **MUST** be in the parcel file and noted in the log/diary. E-Mails should be kept in order of the mentioning in the log/diary.

The log/diary does several things. It provides an accurate time line of the acquisition and documents the acquisition was done in an appropriate manner. The log/diary documents the paper trail of work completed on individual parcels by many of the LPA staff.

The log/diary should be in such a manner that if some one else picks up the file they will know what has happened and will not have to start at the beginning again. If the LPA has to go to court, the log will provide credence to the testimony.

The log/diary **MUST** be signed at the bottom of each page by the agent making the entries. If two or more agents are on the same page of the log/diary, they **must** initial their entries and all must sign the bottom of each page.

## **Valuable Miscellaneous Information:**

1. It is very important to train new personnel or staff changes. Learning and knowing the federal laws in acquisition and relocation is very difficult to learn. Therefore if you have a person who knows the procedures and leaves, you need to have some one just as knowledgeable to take their place. ADOT ROW can help provide the necessary training.

2. All complaints **MUST** be answered and documented. It is against Federal and State Law not to address a complaint and/or keep a record of it.

### **3. Functional Replacement:**

If the acquiring agency takes a publicly owned facility in public use (public school, fire station, post office, etc.) it may be required to pay for a new replacement facility.

The rationale for functional replacement is that such facilities are not usually available on the market; the facilities benefit the general public; and their loss may have a general detrimental effect on the community.

#### **4. Voluntary Transactions**

Transactions that are voluntary in nature when the acquiring agency does not have the authority to acquire property through condemnation and meets all the criteria established in 49 CFR 24.101(b) (1-5).

#### **5. Inverse Condemnation**

A property owner may sue for damages to his property attributable to a project which, for whatever reason, was not properly taken as part of the project's right of way program. For instance, a property owner who loses access to his property because of new construction may sue for damages, if the agency fails to properly acquire the property or provide a means for the owner to have access to their remaining property.

#### **6. There are two types of Advance Acquisition:**

a. Hardship: A request from a property owner alleging an undue hardship caused by the impending project due to his or her inability to sell the property at fair market value within a time period typical for similar properties not affected by the project. Undue hardship, in such cases, means a hardship particular to the owners/parcels in question and not shared in general by all the owners of property to be acquired for the project.

b. Protective Buying: Corridor preservation for transportation projects is often sought by governmental agencies. While various activities can occur in support of corridor preservation, a number of difficulties remain to be resolved before widespread use of this concept may be available. A Local government may ask FHWA for an agreement to provide reimbursement for advance acquisition of a particular parcel or a limited number of parcels, to prevent imminent development and increased costs on the preferred location.

This procedure is to be used only in unusual circumstances, and additional requirements must be met for it to be used:

The project is included in a currently approved statewide transportation improvement program (STIP),

The agency has complied with applicable planning and environmental public involvement requirements in 23 CFR parts 450 and 771,

A determination has been made for any property subject to 23 U.S.C. 138, preservation of parkland, and Procedures are completed for historic properties.

## **PROCESS ELEMENTS:**

This section emphasizes the key elements, which comprise the process as well as references to applicable Federal law and regulations. It is important to note, however, that all of the information that may comprise a specific acquisition process may not be included.

Please refer to the **ADOT Right of Way Manual:**  
It can be found at:

**[www.azdot.gov/highways/row/project.asp](http://www.azdot.gov/highways/row/project.asp)**

**A copy of this PowerPoint is also there.**

The following list follows the preferred acquisition process and is documented with the appropriate CFR reference or State ARS.

## **Timing of Acquisition:**

Right-of-way appraisal and acquisition can commence only after environmental and public hearing requirements have been satisfied, ADOT/FHWA approvals (Authority to Proceed) (ADOT form AZPR2X) received, and a design decision made by the LPA.

(23 USC 128; Federal Aid Policy Guide, Parts 710-777; ADOT Action Plan)

However, if field investigations are required to be conducted on private property in order to obtain the data necessary for completion of the environmental document, **the LPA may obtain temporary Rights-of-Entry (RE) to carry out the required field investigations (LPAs must run all REs by ADOT)**.

## **Public Information Brochure:**

The LPA is required to give the property owner an explanation of the acquisition procedures. The explanation can be accomplished through the presentation of a brochure that adequately describes the acquisition policy under Federal and State law (ADOT has examples).

The brochure must also define the property owner's rights, privileges, and obligations under these same laws.

(49 CFR 24.102(b); 23 CFR 712.203(c)).

## **Right-of-Way Plans:**

Plans need to indicate existing and new right-of-way lines, easements, and major structures within 50 feet of the new right-of-way line, slope limits, significant land features, and property lines. A parcel inventory, listing ownership and the area of the acquisition take, is also to be included.

(23 CFR)

## **Donations:**

The LPA **shall** inform the property owner of the right to receive just compensation and/or receive an appraisal for the property acquisition/donation. If the property owner desires to donate the property, a written waiver of these rights must be obtained and signed. The property does have the right to an appraisal.

(49 CFR 24.108)

## **Coercion:**

The LPA **shall not** advance the time of condemnation, defer negotiation condemnation, delay the deposit of funds with the court, or take any other action that could be deemed coercive in an attempt to induce an agreement on the price to be paid for the property.

(49 CFR 24.102(h))

## Appraisal:

Each parcel to be acquired **shall** be appraised unless the valuation is **uncomplicated and the market value is less than \$2500.00.**

(49 CFR 24.102 C (2)).

The Appraiser **must** be an Arizona Certified General Appraiser and have a working knowledge of the Uniform Act, and all applicable State and Federal rules and regulations. The property owner **must** be given the opportunity to accompany the appraiser on an inspection of the property. The notice of this opportunity is to be provided by the appraiser who would sign the “Appraiser’s Certificate” and is to be documented in the appraisal.

(49 CFR 24.102 (c)).

The LPA may contact the Right of Way Liaison of ADOT’s Right of Way Group to obtain information on selecting Appraisers and Review Appraisers, as well as appraisal formats and specifications. The appraisal process **should** include information on floodplain, floodways, erosion hazard, and/or development restrictions that may impact the property. All appraisals **shall** be dated, signed, and certified by the individual conducting the appraisal. The appraisal report **shall** indicate the date of valuation and the date of the report.

## **Review Appraisal:**

The Review Appraiser **is required** to sign a certificate that specifically recommends or approves market values, identifies the property reviewed and states that he, the reviewer has no interest in the property reviewed. The Review Appraiser thoroughly reviews the appraisal (s) and makes a written statement of their findings.

(49 CFR 24.104)

Following the appraisal review, the Review Appraiser **must** place a copy of the appraisal report/review into the parcel file maintained at the LPA and **must** be maintained for a minimum amount of time as specified in the Uniform Act.

(23 CFR 710.201 (f) (1))

## **Title Report:**

A Title Report **shall** be issued by a Title Insurance Company as the basis for a title policy.

The title report **must** show the condition of title as of a specific date. A title report must include a chain of title of not less than five (5) years. It must state all adverse matters that affect the property, who the vested owner (s) are and their status, any separately held ownership and the legal description of the property.

## **Compensation:**

A supervisory Official of the LPA responsible for property acquisitions, or their in house designated Review Appraiser, **shall** approve “Just Compensation” amount for the appraised property. This is a formal action which **must** be done in writing and placed in the parcel file. This establishment of “Just Compensation” **cannot** be passed on to an outside contractor/consultant.

(49 CFR 24.102 (d))

## **Offer:**

Once the property is identified as necessary for a public works project, Property is appraised, the appraisal is then reviewed and a determination of “just compensation” has been made. The Right of Way Agent then puts an offer letter together along with a summary statement of that offer (specific language content is in 49 CFR 24 102 (d) and (e)). The initial offer may not be less than the reviewed appraisal amount; however, it can be more if the LPA determines that a greater amount reflects “Just Compensation” for that property. A summary statement **must** be incorporated in the offer letter or made part of the letter as an attachment.

## **Negotiator's Log/Diary or Agents Contact Report:**

The agent/negotiator **shall** maintain a written account of each and every contact relating to the parcel in such detail that if another agent/negotiator had to take the file over, they could just pick it up and continue as he had worked on the parcel file all along. The log/diary **shall** show the date of contact, person contacted and the matters discussed and any and all outcomes. It **must** also provide an accurate record of communications and the log/diary **must** show that the acquisition was done in an appropriate manner. The log/diary **must** be signed/initialed at the bottom of each page by the agent and if more than one agent all must sign and designate who made the entry.

(49 CFR 24.9 (a))

## **Administrative Settlements:**

The purchase price for the property may exceed the amount offered as Just Compensation when reasonable efforts to negotiate an agreement have failed. Only a LPA official can approve such administrative settlement; the settlement must be reasonable, prudent and in the public interest. The LPA **must** justify the settlement with written documentation which includes but not limited to, the new amount, any additional information brought forth by the property owner, appraisals, recent court awards, estimated trial costs or valuation problems.

A copy of the settlement and all documentation **must** be placed in the affected parcel file. A copy of all documentation and the memo of Administration Settlement must be sent to the ADOT R/W Liaison. (49 CFR 24.102 (i)) ADOT Liaison **should** review all settlements.

### **Summary Statement:**

The summary **shall** include; a statement of the amount offered as “Just Compensation”. It will include a description and location of said property. It **must** identify all buildings, structures, and other improvements (which include removable building equipment and trade fixtures) which are included as part of the “Just Compensation”. It must state if there are any “costs to Cure” and/or severance damage. The offer must be presented promptly.

(49 CFR 24.102(d)).

The LPA **must** allow the property owner time to consider the offer (minimum thirty (30) days). (49 CFR 24.102 (f))

## **Counter Offer:**

Counter offers **must** be reviewed by the LPA's Real Estate manager and a recommendation be prepared for consideration/action by the LPA's board/council, if applicable. The recommendation **must** include justification (s) of any proposed counter offer. The property owner **shall** be advised that any action taken by the LPA's board/council regarding the counter offer is advisory only, and only the board/council can approve, accept, or amend the counter offer.

(49 CFR 24.102 (f))

## **Right-of-Way Certification:**

A Right-of-Way Certification is prepared upon completion of the acquisition of all of the parcels required for the project. The completed certification is transmitted to the Project Manager. The Project Manager then sends it to ADOT R/W Liaison. The ADOT R/W Liaison then writes a Right of Way Clearance letter and sends it to the ADOT PM, in return he sends it to all who should receive a copy. When a project does not have any new right of way needed, the Right of Way Certification and Clearance letter may be generated at the ninety to ninety-five percent (90-95%) design stages.

(23 CFR 635.309 (c))

### **Negotiated Items Affecting Construction:**

The Project Manager **shall** be provided a copy of all agreements that may require the inclusion of work into the construction plans and/or specifications. (i.e. construction features in return for R/W). This **must** be approved by the ADOT Liaison. (ADOT Right of Way Manual)

### **Property Management:**

All LPA's **must** have a good plan for property management. It shall have provisions for maintenance, protection and illegal occupancy. The plan **shall** incorporate rental and leasing of acquired property if it is not needed immediately. All income produced **must** be applied to Title 23 Eligible Projects. The plan **shall** contain strategies for disposal of property that is no longer needed; excess parcels, old right of way, and structures for salvage. Revenue generated **must** be applied to Title 23 Eligible Projects. (23 CFR 710.401)

### **Post Acquisition Property Management:**

Record keeping and inventory of the lands, buildings, fixtures, and any other conveyed assets. Sale or lease of excess land. Real property maintenance, including but not limited to, landscaping, clearing, demolition, security, and pest control. (23 CFR 710.403)

## **Payment Prior to Possession:**

Prior to the LPA requiring the property owner to vacate the premises, the LPA must pay the agreed purchase price. However, in the case of condemnation, the LPA **shall** deposit with the court an amount that is not less than the LPA's approved appraisal market value of the property, or the court award of Just Compensation. The LPA may, in certain cases, get a "Right of Entry" for construction purposes prior to making the payment. All Right of Entry **MUST** be approved by ADOT.

(49 CFR 24.102. (j))

## **Relocation Assistance:**

Relocation plan and assistance is required if acquisition necessitates the removal of persons or personal property. When a LPA plans for relocation, everyone occupying the property is presumed to be eligible for relocation services and benefits. The LPA **must** pay to move personal property located within the newly acquired right of way (or improvements). Relocation advisory assistance **must** be offered to displaced individuals, families, businesses, farms, and non-profit organizations. (49 CFR 24. 201-209) and (Public Law (P.L.) 91-646, Title II)

## **Possession:**

The LPA is prohibited from requiring a property owner to give up possession until the purchase price has been paid or the estimated compensation has been deposited with the court for the sole benefit of the owner.

(49 CFR 24.102 (j))

## **Notices for Relocation:**

The LPA shall give all lawful occupants a “Notice of Relocation Eligibility” promptly in writing, at the initiation of the acquisition. This notice informs the occupants of their right to relocation assistance. The LPA **shall** not require any lawful occupant to move unless they have received at least a ninety (90) day written notice of the earliest date they may be required to move. The LPA **must** have comparable replacement housing available at the 90 day notice. If comparable housing is not available at the time of the 90 day notice, the notice **must** clearly state that the occupant will not have to move any earlier than 90 days from which a comparable replacement is available.

(49 CFR 24.203(c))

## **Rental of Acquired Property:**

Rentals charged by the acquiring LPA **shall** not exceed the fair rental value for a short-term occupier.

(49 CFR 24.102(m))

## **Inverse Action:**

A property owner **shall** not be forced to institute a legal proceeding to prove the taking of his/her property.

(49 CFR 24.102 (1))

## **Uneconomic Remnant:**

The LPA **shall** offer to acquire uneconomic remnants) created by a partial property acquisition. (49 CFR 24.102 (k))

## **Buildings, Structures, Improvements:**

The LPA **must** acquire (or offer to acquire) the same interest in an existing improvement as is acquired in the property if the improvement is to be removed or is adversely affected by the acquisition.

## **Tenant-Owned Improvements:**

Tenant rights **shall** be considered in the appraisal. This may require a separate offer to the tenant based on a review of the tenant's lease agreement. LPA projects will base compensation on a unified fee valuation. The property owner **shall** be responsible for determining any leasehold. Refer to regulations found in (49 CFR 24.105 (c)(5)(a-d) (Sub Part B).

## **Incidental Costs of Title Transfer:**

The LPA **shall** reimburse the property owner for all reasonable expenses incurred for: Recording fees, escrow fees, prepayment penalties, pro-rata portion of property taxes, and similar expenses in conveying the property to the acquiring LPA.  
(49 CFR 24.106)

## **Litigation Expense:**

The LPA **shall** pay certain owner's costs in a condemnation proceeding if: The final judgment is that the LPA cannot acquire the real property by condemnation; or the proceeding is abandoned by the acquiring LPA. The LPA **shall** be required to pay similar costs if an inverse action is decided in favor of the plaintiff owner.  
(49 CFR 24.107)

## **Civil Rights:**

All acquisition activities in connection with a Federal-aid highway project **must** be accomplished in accordance with Title VI of the Civil Rights Act of 1964 and 23 U.S.C. 324 and (23 CFR 710.401 et seq.)

## **General Procedures:**

The above sections have been designed as a guide for the LPAs to follow in acquiring property while using Federal Aid, not all laws, rules and regulations have been covered in this section. ADOT recommends that all LPAs familiarize themselves with the Uniform Act and all applicable State and Federal rules and regulations. The LPAs can always refer any questions, problems and/or matters to the ADOT Liaison for help and/or clarification.

ADOT has an FHWA approved “Right of Way Manual”, the LPAs by following it, can be assured of conducting the right of way process properly. The LPAs **must** set up a general right of way file for each Federal Aid project. They **must** have an individual parcel file for each separate property owner, unless the same owner owns property that is not contiguous to each other; in that case each property **must** have its own parcel number and file. Each parcel file **must** have a completed, signed detailed negotiator’s log/diary. It **must** be set up in chronological order from oldest to the newest on top (see example). The parcel file documents **must** be set up in the same order. If e-mail notes are to be used as documentation, they are also to be in the same chronological order; however, they **should** be an attachment to the negotiator’s log/diary.

For further information:

[www.azdot.gov/highways/row/project.asp](http://www.azdot.gov/highways/row/project.asp)

<http://www.fhwa.dot.gov/realestate>

## Relocation:



# A Good Relocation Program Has A Logical Balance of Payments and Services

**The Current Balance Between Payments and Services**



**Both Payments and Services are Required by Law and Regulation.**



## Overview of the Process

- LPAs must provide relocation advisory assistance and services.
- Residential occupants cannot be forced to vacate until comparable housing is made available.
- Relocation programs consist of four key steps:
  - ◆ Planning relocations.
  - ◆ Issuing notices.
  - ◆ Providing advisory services.
  - ◆ Making benefit payments.



# **RELOCATION:**

49 CFR 24.201

This subpart ( C ) prescribes general requirements governing the provision of relocation payments and other relocation assistance.

These requirements apply to the relocation of any displaced person as defined at §24.2(a)(9). Any person who qualifies as a displaced person **must** be fully informed of his or her rights and entitlements to relocation assistance and payments provided by the Uniform Act and this regulation.

Every LPA that will have relocation **must** during the early stages of project development, put together a **relocation plan** in such a manner that it recognizes any problems that may arise from displacement. (49 CFR 24.205 (a))

There are five (5) basic planning issues a relocation plan should include:

1. An estimate of the number of displaced household.
  - A. Owner/tenant status
  - B. Estimated value
  - C. Family characteristics

## 24.205 - Relocation planning, advisory services, and coordination.

(a) Relocation planning. During the early stages of development, an Agency shall plan Federal and federally-assisted programs or projects in such a manner that recognizes the problems associated with the displacement of individuals, families, businesses, farms, and nonprofit organizations and develop solutions to minimize the adverse impacts of displacement. Such planning, where appropriate, **shall** precede any action by an Agency which will cause displacement, and should be scoped to the complexity and nature of the anticipated displacing activity including an evaluation of program resources available to carry out timely and orderly relocations. Planning may involve a relocation survey or study, which may include the following:

D. Impact to minorities, elderly, and large families

E. Impact to those with disabilities

2. An estimate of comparable housing.

A. "Housing of last resort" if no comparables are available

3. An estimate of the number, type, and size of:

A. Businesses

B. Farms

C. Non-profit organizations

D. Number of affected employees

4. An estimate of the availability of replacement business sites

A. Impacts to business

B. Complex or lengthy moving process

C. Limited financial resources

D. Moving problems

5. Consideration of any necessary special relocation advisory services.

## **Relocation Notices:**

There are three (3) relocation notices necessary under the Uniform Act.

1. General information notice
  - A. Notice of pending displacement and benefits
  - B. Reasonable relocation advisory services
  - C. 90 day notice before moving. One comparable must be ready
  - D. Unlawful person or alien not eligible for relocation benefits
  - E. Right to appeal relocation decision
2. Notice of eligibility
3. Ninety (90) day notice

## Summary of Relocation:

A “Relocation Plan” **is required** by the Uniform Act.

**Relocation costs** are not negotiable. They cannot be used in computing the acquisition amount. They cannot be used in Condemnation.

**There are three different notices** received by displaced persons or entities (General Information Notice; Notice of Eligibility; 90 Day Notice).

**Know the differences** between the residential and non-residential relocation processes.

**Know how to differentiate** between the business and residential relocation advisory services that LPAs provide to property owners.

**You must pay to move** personal property located within the newly acquired right-of-way (or improvements) as part of a Federal-Aid Project. Personal property located within improvements acquired as part of a Transportation Enhancement Activity project is typically eligible for move expenses.

**Replacement housing must** be available at least 90 days prior to requiring a residential occupant to vacate and it must be D S & S.

**Everyone (even adjacent occupants)** is entitled to relocation advisory assistance.

**Pay the RELOCATION COSTS.**

# **Real Property Management:**

(49 CFR 23.710.401 & 403)

The purpose of this code is to ensure the prudent use of Federal Funds in acquisition, property management, and disposal of real property.

**Definition: Property management is the administration of acquired lands and improvements, including:**

Maintenance and protection, such as the repair of dangerous conditions and preventing illegal occupancy.

Rental and leasing of acquired property; if property is not needed immediately, it can be used to produce income. Income must be applied to Title 23 Eligible Projects.

Disposal of property no longer needed for the project, such as excess parcels, remnants, old right-of-way and structures for salvage. Revenue **must** be applied to Title 23 Eligible Projects.

This section introduces participants to property management activities the LPA may conduct after acquiring Real Property.

A Property Management Plan **must** be prepared that outlines provisions for Maintenance, Protection, and Preventing Illegal Occupancy.

The Plan also needs to address the Disposal of unneeded property, old Right of Way, and Structures to be salvaged, if appropriate.

The LPA **must** assure that all real property within the boundaries of a Federally Funded facility is devoted exclusively to the purpose of that facility and is preserved free of all other public or private uses; unless such uses are permitted by Federal regulation or the FHWA.

LPAs **shall** charge current market value or rent for the use or disposal of real property interests, including access control.

Any monies derived from the sale, rent or lease of excess real property or of any real property acquired with Federal Funds, the monies **must** be put into the project or another Title 23 project.

Project Property Management begins before and continues throughout the property acquisition process and continues after the project is constructed.

Activities include:

- Record keeping and inventory of the lands, buildings, fixtures, and other assets that are conveyed with the real property in the purchase agreement.
- Real property maintenance, including landscaping, clearing, demolition, security, pest control, etc.
- Post-acquisition property management continues after the LPA has purchased and taken title to the property. Activities include:
  - Leasing or sale of surplus real property for short or long-term usage.
  - Sale or lease of excess land.
  - Occupant retention or carryovers of a tenant.
  - Real property maintenance, including landscaping, clearing, demolition, security, pest control, etc.
  - The sale of improvements is common when the improvement is not needed for the road project. The improvements can be “sold back” to their original owner or sold to a third party. The improvements are typically either moved or salvaged for materials.

- Post-construction property management includes such activities as:  
Controlling and removing encroachments on the right-of-way.  
Approval of lease/ sale of highway airspace (joint use agreements)  
Access management.

The ROW sections of the ADOT/LPA manuals do have procedures for determining when a real property interest is no longer needed.

**The LPA should be reminded to coordinate with the State Department of Transportation's Right of Way Liaison, as the State Department of Transportation's approval may be required for joint use and access management agreements.**

## **When in doubt, always (please) contact:**

**Arizona Department of Transportation  
Louis J. Malloque,  
Right of Way Agent III,  
Liaison to Local Public Agents  
205 South 17th Avenue,  
MD 612E Room 349  
Phoenix, Arizona 85007**

**(602) 712-8755**

**[Imalloque@azdot.gov](mailto:Imalloque@azdot.gov)**

**ADOT ROW Manual can be found at:**

**[www.azdot.gov/highways/row/project.asp](http://www.azdot.gov/highways/row/project.asp)**

**Copy of this entire PowerPoint is also there.**

## **ADOT ROW Workshop Quiz**

1. Are Temporary Construction Easements considered new right of way? Why/why not?
2. How many days must you give the property owner to consider the offer (minimum)?
3. When can you begin right of way acquisition?
4. “If you do not accept our offer in 20 days, we will file condemnation proceedings” is this, an example of coercion?
5. If you have a small portion of land and it is simple and non-complex, what kind of valuation may you use? What dollar (\$) amount?
6. While you wait for your environmental clearance what, if any, right of way function (s) may you start?
7. What should you give the Appraiser when you hire them? Can you think of several items? Review Appraiser
8. An appraisal is an \_\_\_\_\_?\_\_\_\_\_ of the market value of the property and not the market value?
9. How many days notice must you give a property owner before you make him move? What must you have at the same time as the notice?
10. Must an appraiser ask if the property owner wants to accompany him on the appraisal?

11. What kind of an appraiser must you use? Review appraiser?
12. Who sets what they believe to be “Just Compensation”?
13. What are the six (6) MAIN requirements in acquisition?
14. What two (2) things MUST you have prior to the start of the acquisition process?
15. Can you add the relocation amount into the acquisition settlement amount? Condemnation?
16. Name the three (3) kinds of relocation notices you must give the property owner?
17. What are to two (2) types of advance acquisition?
18. Must you use a contact log/diary on all acquisition?
19. Does the contact log/diary need to be concise? If not then what must it be?
20. Is personal contact necessary on making an offer to acquire? If not possible what must you do?
21. Do you need to have a relocation plan?
22. What should a relocation plan have?
23. What two (2) things must you provide in relocating property owners?
24. What are the four (4) key steps in the relocation program?
25. What must an offer letter have with it?
26. How many years must the appraisal go back with ownership? Title reports?

27. What must a comparable house be that the relocated person moves into?
28. What are the five (5) phases to a project?
29. At what point does a project become federalized?
30. How long must you keep Federally Funded files?

**Who should you call/ask when you have a question?**