REAL ESTATE ACQUISITION

US 301 project development 4

US 301 Project Development

4A

Property Acquisition Process

DelDOT property acquisitions involve an open process of information sharing and time to facilitate informed decisions.

HOW WILL I LEARN WHAT DelDOT NEEDS?

- **A DelDOT Real Estate Representative will be assigned to work with you. The Real Estate Representative will explain how the project affects your property and what property interests are required. They will also explain your rights when private property is purchased for public use. Depending on the type of acquisition, multiple Real Estate Representatives may be assigned to work with you.**

IF ANY PART OF MY PROPERTY IS TO BE PURCHASED, HOW WILL THE VALUE BE DETERMINED?

- **You will receive Fair Market Value for your real property interests that are required for the project.**
- **Depending on the complexity and type of realty interest that is required, either a DelDOT Real Estate Representative or a licensed real estate appraiser will be assigned to prepare a report that estimates value.**
- **You will be offered the opportunity to accompany the Real Estate Representative or appraiser during an inspection of your property at which time you are encouraged to share information that you think affects the value.**
- **When undertaking a partial acquisition, the potential for a loss in value to the remainder of the property is considered.**
- **The report that is used as the basis for making offers to purchase will be reviewed under the direction of DelDOT's Chief Review Appraiser as a check against errors and to insure that all real property interests are correctly assessed.**
- **You will be given a copy of the approved report and a written summary of DelDOT's offer to purchase.**

IF I HAVE TO MOVE BECAUSE OF THE PROJECT WHAT HAPPENS?

- **State and federal laws and regulations insure your right to Relocation Assistance. Relocation Assistance is a comprehensive program that is meant to minimize the effect of relocating. If you must relocate a Relocation Counselor will be assigned to work with you and determine your relocation benefits eligibility.**

IF I ACCEPT DelDOT'S OFFER WHAT HAPPENS?

- **You will be asked to sign a binding agreement with DelDOT. The agreement may be in the form of a purchase contract or an easement, depending on the project need.**
- **Under normal circumstances settlement will occur within 90-days from the date of approval. There may be some circumstances which would delay settlement including, but not limited to: obtaining releases for mortgages or liens, or if relocation is involved.**

IF I DO NOT ACCEPT THE OFFER WHAT HAPPENS?

- **You have the right to make a counter offer. Generally it is recommended that counter offers be in the same format as that which was presented to you in order to make an "apples to apples" comparison.**
- **If you and DelDOT cannot come to mutual agreement, state and federal law allows DelDOT to acquire your property through eminent domain.**
- **Eminent domain allows a public project to continue without undue delay and protects your rights.**
- **Eminent domain does not eliminate your right to seek additional compensation.**
- **The eminent domain process has no detrimental effect on your Relocation Assistance eligibility.**
- **Continued negotiations between you and DelDOT are encouraged in an effort to reach a settlement.**
- **If mutual agreement cannot be reached, Superior Court will schedule an order of possession hearing. After hearing the facts, Superior Court will determine if an Order of Possession should be granted to DelDOT. If an Order of Possession is granted, the amount of DelDOT's offer will be made available to you through the Court.**
- **A second hearing will then be scheduled at which time facts related to value will be presented by you and DelDOT. After hearing the facts, the Commissioners appointed by the Superior Court will establish the amount to be paid to you.**
- **You or DelDOT may appeal if a legal error has been made or if the award is deemed unacceptable by the judge.**

4B

4C

Right-of-Way Needs

US 301 Project

208 Properties
18 Relocations

Needs involve:

- Properties required for roadway construction, drainage / stormwater management, earth berms;
- Portions of properties no longer accessible to the property owner (land-locked / remnant)
- The land-locked / remnant parcels are proposed for:
  - Environmental mitigation sites, including wetland preservation and creation and reforestation;
  - Borrow sites (to provide on-site material to reduce project costs); and
  - Areas for staging / stockpiling of materials (temporary use).

1960's – 1990's (Early Protective Acquisitions):

Protective acquisitions of 6 parcels occurred for the previous US 301 Mainline alignment, south of Armstrong Corner Road to Summit Bridge. These protective acquisitions are now required for the US 301 Spur Road.

2008:

Following Federal approval of the final alignment, the General Assembly authorized and Federal Highway Administration approved a portion of funding for final design and right-of-way acquisition (2008 – 2010).

29 parcels acquired
8 relocations completed

2010 (December 7):

Acquisitions halted, pending presentation to Advanced Acquisition Committee, but preparation / review of appraisals continued.

2011 (May 26):

DelDOT presented the acquisition of right-of-way for the US 301 project corridor to the Advanced Acquisition Committee and subsequently received a determination that the acquisition is consistent with the states overall goals for land use planning.

2011 / 2012:

Complete US 301 Mainline right-of-way activities:
112 parcels remaining to be acquired
10 relocations to be completed

2012 / 2013:

Complete US 301 Spur Road right-of-way activities:
61 parcels remaining to be acquired
0 relocations to be completed

4D

Advanced Acquisition Committee

Committee Review

Delaware Law states:

§ 137. Acquisition and sale of real property.

(2) The acquisition of real property by the Department after approval of the preferred alternative for new corridors or expansion of existing corridors by the Council on Transportation, or as a part of the Department's Corridor Capacity Preservation Program, shall be reviewed by a committee consisting of the Secretary of the Department of Natural Resources and Environmental Control, the Secretary of the Department of Transportation, the Secretary of the Department of Agriculture, the Director of the Delaware Economic Development Office, the Governor's Chief of Staff, a member of the Senate designated by the President Pro Tempore of the Senate, a member of the House of Representatives designated by the Speaker of the House of Representatives, a member of the public designated by the President Pro Tempore of the Senate and a member of the public designated by the Speaker of the House of Representatives to determine the consistency of such action with the State's overall goals for land use planning. If it determines that the acquisition will be inconsistent with State planning goals, the committee may disapprove the acquisition.

Note: Council on Transportation approval: May 15, 2007

Pursuant to the requirements of section 17 Del.C. §137(a)(2), Delaware Code, DelDOT presented the acquisition of right-of-way for the US 301 project corridor, to the Advanced Acquisition Committee on May 26, 2011 and subsequently received a determination that the acquisition is consistent with the state's overall goals for land use planning.

DelDOT has coordinated the US 301 project with the Office of State Planning Coordination, since the initiation of Project Development effort in 2004.

DelDOT has developed the US 301 project to be consistent with Strategies for State Policies and Spending. Examples of this consistency include:

- Proposed U.S. 301 interchanges located adjacent to Level 1 or 2 Areas (Middletown and Southern New Castle County Core Sewer District), and
- No access provided to Level 3 or 4 areas from the US 301 Spur Road.

DelDOT has been a part of the Southern New Castle County Master Plan effort since the September 2006 Memorandum of Agreement (MOA) between:

- Delaware Office of State Planning Coordination
- The Appoquinimink, Colonial, and Smyrna School Districts
- The Towns of Middletown, Odessa, and Townsend
- The Wilmington Area Planning Council
- The Delaware Department of Transportation

US 301 project is a major component of the Master Plan.