

# Advanced Acquisition Approval Process

## Introduction

This is a simplified version of the **Advanced Acquisition Approval Process**. It should be considered an outline only. The official process is described in Title 2, Delaware Administrative Code, Section 2406, "Policies and Procedures for Acquisition of Certain Real Property". Additional information is found in 17 Del.C.§ 137 (a)(2).

## Outline of Advanced Acquisition Approval Process

- (a) The Delaware Department of Transportation (DelDOT) is often approached by owners of property possibly impacted directly by a proposed transportation project desirous of having an **Advanced Acquisition Purchase** of their property by DelDOT.
- (b) In addition, DelDOT has requested that certain special property transactions be reviewed and approved by an independent panel prior to going forward with the transaction.
- (c) Accordingly and upon the availability of funding, DelDOT will consider an **Advanced Acquisition Purchase** request by an affected property owner as described in (a) above.
- (d) Consideration by DelDOT for an **Advanced Acquisition Purchase** can occur provided funding is available. The purchase request is considered if an approved environmental document is in place (EIS, NEPA etc.) and the acquisition of property is prior to approved Final Right of Way Plans.
- (e) There are two defined types of **Advanced Acquisition Purchases** and are as follows:
  - **"Hardship Acquisition"** - Whereby a property owner can establish to DelDOT's satisfaction that he/she will be detrimentally impacted by a proposed transportation project. Such an acquisition shall include situations in which an owner must relocate for personal reasons (e.g., job transfer, death in the family, retirement plans, or medical reasons). The reasons must be documented and the owner must have attempted to market the property for sale for at least six (6) months. Documentation that the property cannot be sold at a reasonable price may also be required.
  - **"Protective Acquisitions"** A determination by DelDOT to acquire a property whereby the public interest is best served by protecting the property from imminent development, which if not acquired, would significantly increase the

eventual cost of acquisition of a property once developed and whereby DeIDOT has determined that the development of the property will limit any reasonable alternative for construction of the proposed transportation project.

(f) Approval to proceed with any **Advanced Acquisition Purchase** requests are granted by enacted State statute which established the Advanced Acquisition Committee and is comprised of:

- The Secretary, Delaware Department of Natural Resources and Environmental Control;
- The Secretary, Department of Transportation;
- The Secretary, Delaware Department of Agriculture;
- The Director, Delaware Economic Development Office;
- The Governor's Chief of Staff,
- A member of the Delaware State Senate designated by the President Pro Tempore;
- A member of the Delaware House of Representatives designated by the Speaker of the House;
- And two members of the public, one designated by the President Pro Tempore of the Senate and one designated by the Speaker of the House.

(g) Upon receipt of a written request from the property owner by DeIDOT for an **Advanced Acquisition Purchase** DeIDOT will initiate the internal review process to determine whether the property meets the criteria for a advanced acquisition. For proper consideration, an **Advanced Acquisition Purchase** request must include the following documentation:

- The property has been marketed for at least six (6) months; and
- The realtor, or property owner in the absence of a realtor, must certify and provide evidence that he/she is unable to sell the property because of the stigma of the proposed transportation project; and
- The property owner must be able to document the compelling reason for him/her moving, whether it is because of a job transfer, retirement plans or medical reasons.

(h) Once the internal review is completed, DeIDOT will advise the Advanced Acquisition Committee at its next meeting whether or not the request documentation supports the criteria for an **Advanced Acquisition Purchase**.

(i) An **Advanced Acquisition Purchase** request is to be submitted to the:

Chief of Right of Way  
Delaware Department of Transportation  
P.O. Box 778  
Dover, DE 19903