PROPERTY ACQUISITION PROCESS

- Property acquisition does not normally begin until after the Final Environmental Impact Statement (FEIS) and Federal Highway Administration (FHWA's) issuance of a Record of Decision (ROD), currently anticipated in late 2011 / early 2012. Funding must also be available for property acquisition.

HOW WILL I KNOW IF DELDOT NEEDS TO ACQUIRE ALL OR PART OF MY PROPERTY?

- A DelDOT real estate representative or an appraiser will contact you to explain the project and what property interests are required.

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

- DelDOT must pay fair market value for any of your property or improvements required to build the project.
- This Fair Market Value will be determined based on its estimated value through either a reviewed and approved Valuation Waiver prepared by a DelDOT staff member, or an appraisal prepared by a licensed, independent fee appraiser who will offer you the opportunity to accompany him/her during their inspection of your property.

WHAT IF I ACCEPT DelDOT'S OFFER?

- If you accept the offer, you will be asked to sign a binding agreement between you and DelDOT, called a “purchase contract.”
- The contract commits you to sell your property for the amount of the offer and commits DelDOT to pay you that amount.

WHAT HAPPENS IF I CANNOT ACCEPT THE OFFER?

- Negotiations are a crucial part of the acquisition process.
- If you do not accept the purchase offer, you have the option of hiring your own licensed, qualified and certified appraiser.
- If an agreement cannot be reached, applicable law allows DelDOT to acquire the property through a process called “eminent domain.”
- This process allows DelDOT to proceed with the project even though an agreement has not been reached. DelDOT's offer will still be available through the court.
- Negotiations between you and DelDOT may continue in an effort to reach a settlement.
- If a settlement still is not reached, a three-member commission will, after hearing testimony and viewing the property, establish a value binding on you and DelDOT.
- You or DelDOT may appeal if a legal error has been made or if the award is deemed unacceptable by the judge.

WHAT IF I HAVE TO MOVE BECAUSE OF THE PROJECT?

- Unfortunately, transportation facilities cannot always be routed around homes, businesses, farms or properties of non-profit organizations.
- It may be necessary for you to move, however State and Federal Relocation Assistance Acts try to minimize the inconvenience caused by relocation.
- DelDOT provides compensation as well as many services to assist you in moving.

PROTECTIVE / HARDSHIP ACQUISITIONS

- DelDOT can acquire properties within a corridor under “protective / hardship acquisitions” once a Draft Environmental Impact Statement (DEIS), including a Recommended Preferred Alternative, has been made available to the public and environmental resource and regulatory agencies for comment.
- A Recommended Preferred Alternative will be included in the DEIS, currently scheduled to be available in December.
- Protective Acquisitions occur when development in the recommended corridor is imminent. Hardship acquisitions occur as a result of a documented hardship on the part of a property owner. Hardship acquisitions must be initiated by the property owner.
- Protective and hardship acquisitions are subject to the availability of funds and are treated on a first come, first served basis.
- DelDOT will not provide Relocation Assistance to property owners when property is being acquired for the purpose of "protective/hardship acquisitions.”
- DelDOT knowingly enters into hardship and protective acquisitions assuming all risks. Should DelDOT not use the land purchased for a transportation need, the land will be disposed of in accordance with State law.
- DelDOT ownership of properties within a corridor will not affect the selection of a final preferred alternative. Such consideration is NOT permitted under the National Environmental Policy Act (NEPA).