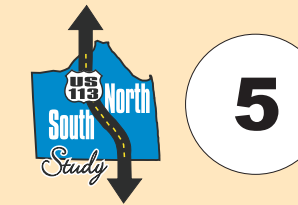


RIGHT OF WAY / PROPERTY ACQUISITION PROCESS



113

US 113 North / South Study

PROPERTY ACQUISITION PROCESS

- Property acquisition does not normally begin until after the Final Environmental Impact Statement (FEIS) and after Federal Highway Administration (FHWA's) issuance of a Record of Decision (ROD), currently anticipated in late 2007. Funding must also be available for property acquisition.

HOW WILL I LEARN WHAT DeIDOT NEEDS?

- A DeIDOT 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?

- DeIDOT 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 DeIDOT 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 DeIDOT'S OFFER?

- If you accept the offer, you will be asked to sign a binding agreement between you and DeIDOT, called a "purchase contract."
- The contract commits you to sell your property for the amount of the offer and commits DeIDOT 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, law allows DeIDOT to acquire the property through a process called "eminent domain."
- This process allows DeIDOT to proceed with the project even though an agreement has not been reached. DeIDOT's offer will still be available through the court.
- Negotiations between you and DeIDOT may continue in an effort to reach a settlement.
- If a settlement still is not reached, a three-member commission will determine the amount of just compensation.
- After hearing testimony and viewing the property, the commission establishes a value binding to you and DeIDOT.
- You or DeIDOT 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 any inconvenience caused by relocation.
- DeIDOT provides compensation as well as many services to assist you in moving.

PROTECTIVE ACQUISITIONS



- DeIDOT 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 May.
- 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. These acquisitions are reactive on DeIDOT's part and NOT proactive.
- Protective and hardship acquisitions are subject to the availability of funds and are treated on a first come, first served basis.
- DeIDOT will not provide Relocation Assistance to property owners when property is being acquired for the purpose of "protective/hardship acquisition".
- DeIDOT knowingly enters into hardship and protective acquisitions assuming all risks. Should DeIDOT not use the land purchased for a transportation need, the land will be disposed of in accordance with State law.
- DeIDOT 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).