

Acquisition Program



**STATE OF RHODE ISLAND
DEPARTMENT OF TRANSPORTATION**



FEDERAL HIGHWAY ADMINISTRATION

PROPERTY ACQUISITION FOR TRANSPORTATION PROJECTS

WHY MUST TRANSPORTATION FACILITIES BE BUILT?

The progress of any State depends largely on the ease and safety with which goods may be transported and people may travel. Whether interstate or from suburbs to city, Rhode Island roads and other transportation infrastructure are planned and constructed to handle an ever-increasing volume of traffic to meet future needs.

WHY MY PROPERTY?

Much time and effort is taken to design a project which does the least damage to the individual while providing for the greatest public good. Particular consideration is given to the project design which will disturb the fewest number of homes and businesses.

Preliminary studies as to where a needed facility or improvement should go and the amount of land it may require are made by professional planners and engineers. The design is selected on the basis of research planning, the need for traffic service, construction costs, safety, environmental concerns, and minimum disturbance to the land and improvements of all property owners involved.

Local officials are also consulted and, after completion of a preliminary design, public hearings are held at which interested citizens are given the opportunity to share their comments and suggestions. All suggestions made are fully considered before the final design is selected.

DOES THE STATE HAVE A RIGHT TO ACQUIRE MY PROPERTY?

Yes, each state has the right of eminent domain which is often called “condemnation” This right gives the state the authority to acquire private property when it is necessary for public purposes and for the best interests of the public. This authority is extended to the Rhode Island Department of Transportation under Title 3, Chapter 6, of the General Laws of Rhode Island, 1956, as amended.

HOW WILL I BE NOTIFIED THAT MY PROPERTY IS TO BE ACQUIRED FOR A TRANSPORTATION PROJECT?

Each property owner affected by a transportation project will receive a letter explaining the proposed property acquisition. Included with this letter will be a plan showing how much of the property will be affected by the project. The letter will also provide the name and phone number of a Real Estate Specialist who may be contacted or additional information and/or a field visit upon request. In some instances, where appropriate, a representative from the Department may reach out to personally deliver and explain this information.

SHOULD I HIRE A REAL ESTATE PROFESSIONAL TO HELP ME?

At your expense, you may hire an appraiser, attorney, land surveyor, or any other real estate professional to assist you. Whether or not to hire a real estate professional to assist you is your decision.

HOW IS THE VALUE OF MY PROPERTY DETERMINED?

The constitution contains a safeguard against the abuse of the governmental power of eminent domain in the Fifth Amendment which states: "...nor shall private property be taken for public use, without just compensation."

Just compensation is usually defined as the payment of the market value of the real estate taken, considering all partial takings, damages, and benefits to the remaining lands. This payment will be determined by means of an appraisal, if warranted, or by an estimate of compensation of the real property to be acquired.

It is RIDOT's responsibility to make sure you receive the same amount of money that any sale of your property would bring in the open market or the Fair Market Value (FMF). If RIDOT only needs a portion of your property, the amount you are offered will be the difference between the Fair Market Value of your property before and after the acquisition. In each case, the just compensation is determined by one or more appraisals or an estimate of compensation (EOC).

WHAT IS AN APPRAISAL?

An appraisal is a written supported opinion of value based upon an analysis of relevant market data. Appraisals are completed by either independent fee appraisers or by staff appraisers employed by RIDOT. All appraisers are licensed by the State of Rhode Island.

One or more appraisers will inspect your property, including any buildings, and will analyze recent sales of similar properties in your area. The appraiser will also obtain information regarding building costs, rental values, and all other information necessary to accurately determine the value of the property to be acquired.

WHO REVIEWS AND APPROVES APPRAISALS?

All appraisals are reviewed by RIDOT review appraisers for conformance to State and Federal Standards and adherence to accepted appraisal techniques.

MAY I ACCOMPANY THE APPRAISER WHEN MY PROPERTY IS INSPECTED?

Property owners will be contacted by the appraiser and afforded an opportunity to accompany the appraiser on the property inspection. Property owners are encouraged to accompany the appraiser and point out any special features that might affect property value.

HOW LONG WILL I BE GIVEN TO CONSIDER THE STATE'S OFFER?

RIDOT is obligated to provide all affected owners with a reasonable time, generally not less than 30 days, to consider its offer for their property. You will not be coerced into accepting RIDOT's offer, and the negotiations process may include several contacts with your Real Estate Specialist. If you disagree with RIDOT's appraisal and wish to submit an appraisal of your own for consideration, we will review its offer in light of the evidence presented in your appraisal.

WHO WILL CONTACT ME ABOUT THE STATE'S OFFER FOR MY PROPERTY?

After the appraisal has been completed for your property, a Real Estate Specialist from RIDOT will contact you for an appointment. They will explain the proposed acquisition and details of the construction project. If your family or business is to be relocated because of the property acquisition, the Real Estate Specialist will also explain relocation assistance and the benefits to which you may be entitled.

RIDOT's offer for your property will be made in writing for you to consider. In the case of a partial acquisition, the written offer will detail the amount of money being offered for the property and improvements actually being acquired, as well as any legally compensatory loss of value to your remaining property.

In some instances RIDOT may provide notice to mortgagees or other third parties having a valid lien or interest in land to be acquired to determine what amount, if any, will be required to obtain a Release to clear title.

IS THERE ANY OPPORTUNITY TO NEGOTIATE A SETTLEMENT AT A PRICE HIGHER THAN THE STATE'S OFFER?

RIDOT is obligated to offer the property owner the full amount of the Fair Market Value determined by the appraisal. Generally the amount of compensation may only be adjusted when supporting data or relevant justification is presented.

WHAT INFORMATION DOES THE STATE PROVIDE ABOUT RELOCATION ASSISTANCE TO INDIVIDUAL AND BUSINESSES DISPLACED BY TRANSPORTATION PROJECTS?

The relocation assistance program provides a variety of entitlements, which will be explained to you by your Real Estate Specialist if you will be displaced by a project. In general, relocation benefits were established by the Federal “Uniform Relocation Assistance and Real Properties Acquisition Act of 1970.” Displaced property owners and tenants will be furnished with a copy of our relocation brochure entitled “Relocation Assistance Program,” which outlines the benefits and services which you may be eligible to receive.

At the initiation of the relocation benefits program, any person, business, or farm being asked to relocate by a Federal or Federally-assisted program shall be advised of the relocation services by the Agency. If you have questions concerning relocation procedures, the Agency can help you to understand the process. Under federal law and regulations, you will be required to exhaust your administrative remedies before you can request mediation from the Agency.

WHAT HAPPENS IF I ACCEPT THE STATE’S OFFER FOR MY PROPERTY?

If you accept RIDOT’s offer for your property, you will be requested to sign a Full Release. Payment will be made when the documents are recorded in the Land Evidence Records at the City or Town Hall and title is turned over to the State.

SHOULD I CONTINUE TO PAY MY MORTGAGE, TAXES, WATER, AND SEWER BILLS DURING THE NEGOTIATION PERIOD?

Yes, until RIDOT acquires title to your property, you should continue to pay all debt service, taxes, water, and sewer bills to avoid penalty interest on these matters. At the closing, RIDOT will make any adjustments necessary on these items and a refund will be paid to the owners, if applicable.

WHAT HAPPENS IF I CANNOT REACH AN AGREEMENT WITH THE STATE FOR MY PROPERTY?

If an agreement as to price cannot be reached, the property will be acquired under RIDOT's power of eminent domain.

The condemnation process involves the following steps:

When it is necessary for the State to acquire land for a transportation project, a State highway plat (map) is prepared showing the amount of land to be acquired from each parcel along with a legal description. Title to the property required for the project is transferred to the State when either a copy of the plat description or deed is filed in the Land Evidence Records of the city or town where the property is located.

Before this plat is filed, a representative of the State will meet with you to thoroughly discuss the acquisition process and how it affects your property.

HOW TO I OBTAIN MY MONEY FROM THE COURT AND HOW DO I APPEAL THE CONDEMNATION?

In the event that money is deposited with the Court for your property, you may make an appropriate application to the Court. The withdrawal of this money does not jeopardize your right to appeal the condemnation.

If you wish to appeal the condemnation award, an appeal must be filed within one year of the date of the filing of the assessment of damages and benefits. If you appeal, the Court will schedule a hearing at which time you will have an opportunity to offer evidence supporting your property value claim. The findings by a Superior Court Judge, is binding on both the owner and RIDOT, subject to further appeal by either party.

ONCE A CONDEMNATION OCCURS, IS THERE ANY FURTHER CHANCE OF A SETTLEMENT AGREEMENT?

RIDOT is always open to the possibility of negotiating a settlement on properties condemned for transportation projects. Prior to your filing an appeal of the condemnation, an Administrative Settlement can be negotiated with RIDOT if appropriate justification can be provided for the settlement.

Once you have filed a condemnation appeal, all settlement negotiations are handled by a RIDOT Legal Counsel. Legal Counsel may recommend a settlement if it is felt that it is in the best interests of RIDOT.

ONCE THE STATE ACQUIRES MY PROPERTY, WILL I HAVE TO PAY RENT IF I REMAIN IN OCCUPANCY?

RIDOT provides that owners of residences acquired by us for transportation projects may receive 30 days free occupancy after we have acquired the property. If an owner chooses to remain in occupancy beyond the 30-day period, they will begin to pay fair market rent based on comparable properties.

The decision to allow a former property owner to remain in occupancy will depend upon the construction schedule of the project for which the property was acquired. In no instance, however, will you be required to move without at least 90 days written notice and no sooner than 30 days after the property is acquired by RIDOT.

COULD I KEEP MY HOUSE AND MOVE IT TO ANOTHER LOT?

Yes. If you decide to keep your house and move it, RIDOT will develop a salvage value for the house and subtract this amount from its offer for your property. This salvage value is usually quite reasonable.

The moving of a house, however, is quite a complex task. Before making this decision, it is recommended that you check with a reputable house mover to determine what is required. You will be required to furnish RIDOT with an acceptable site plan for the relocation of the house.

IN CONCLUSION...

RIDOT realizes that the sale of a home or property to a public agency may be a difficult personal experience. Every effort will be made to reach an amicable settlement.

If you have any questions concerning our procedures, the project, or our proposed acquisition of your property, please give us a call.



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