

*not given*

THE PROPERTY OWNER AND HIGHWAY RIGHT OF WAY ACQUISITION

STATE OF NORTH CAROLINA  
DEPARTMENT OF JUSTICE  
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*Sept. 1973*

GENTLEMEN:

I APPRECIATE THIS OPPORTUNITY TO MEET WITH YOU TO SHARE SOME OF MY THOUGHTS UPON MATTERS THAT MAY BE OF INTEREST TO YOU. MY TALK WILL INVOLVE THE VARIOUS ASPECTS OF HIGHWAY RIGHT OF WAY ACQUISITION AND THE PROPERTY OWNER'S RIGHTS IN RELATION THERETO. DURING THE COURSE OF MY OBSERVATIONS, I WILL MAKE REFERENCE TO THE BOARD OF TRANSPORTATION. AS MANY OF YOU KNOW, A HIGHWAY REORGANIZATION BILL PASSED THE LAST SESSION OF THE GENERAL ASSEMBLY, AND EFFECTIVE JULY 1, 1973, THE STATE HIGHWAY COMMISSION BECAME THE BOARD OF TRANSPORTATION.

IT IS MY UNDERSTANDING THAT THE BOARD OF TRANSPORTATION IS CURRENTLY IN THE PROCESS OF CONSTRUCTING A SEGMENT OF INTERSTATE # 85 ON A NEW LOCATION THROUGH DAVIDSON COUNTY. IT MIGHT BE POSSIBLE, THEREFORE, THAT SOME OF MY STATEMENTS OF THIS EVENING CONCERNING EMINENT DOMAIN AND RIGHT OF WAY ACQUISITION MIGHT BE HELPFUL TO YOU DIRECTLY OR CAN BE PASSED ON BY YOU TO YOUR FRIENDS OR RELATIVES.

DEPENDING UPON ONES VIEWPOINT, ROAD CONSTRUCTION CAN BE CONSIDERED EITHER BENIFICIAL OR DETRIMENTAL. TO THE DEVELOPER OR REALTOR OR TO THE TYPICAL BUSINESSMAN IN A COMMUNITY, IMPROVED ROADS COULD VERY SIGNIFICANTLY IMPROVE BUSINESS GROWTH AND PROSPERITY. AT THE SAME TIME, THE PERSON SEEKING SERENITY AWAY FROM THE CONGESTION OF BUSY HIGHWAYS AND THE PERSON DIRECTLY AFFECTED BY THE HIGHWAY CONSTRUCTION MIGHT LOOK AT THE MATTER DIFFERENTLY. ALL TOO OFTEN THE CONSTANT AGITATOR FOR AN IMPROVED ROAD SYSTEM WILL QUICKLY CHANGE HIS MIND WHEN HE DISCOVERS THAT IT IS HIS OWN HOME OR HIS OWN LIVELIHOOD THAT ARE TO BE AFFECTED BY ROAD CONSTRUCTION.

THE SUBJECTS OF MY REMARKS THIS EVENING, THEREFORE, WILL BE THE GENERAL STEPS THAT YOU SHOULD TAKE AS A PROPERTY OWNER UPON LEARNING THAT YOUR LAND IS TO BE APPROPRIATED FOR HIGHWAY CONSTRUCTION AND, ADDITIONALLY, MISCELLANEOUS ATTRIBUTES OF RIGHT OF WAY ACQUISITION THAT WOULD BE RELEVANT THERETO.

I FEEL THAT I SHOULD, BY WAY OF INTRODUCTION, EXPLAIN THE BASIC PROCEDURES EMPLOYED BY THE BOARD OF TRANSPORTATION IN SECURING NEEDED RIGHT OF WAY. FOR ALL NEW ROAD CONSTRUCTION AND EXISTING ROAD IMPROVEMENTS AN UNDERLYING PUBLIC NEED MUST BE ESTABLISHED. WHEN WE CONSIDER THE CONSTRUCTION OF AN INTERSTATE HIGHWAY, THAT NEED IS DETERMINED BY THE FEDERAL GOVERNMENT THROUGH ITS INTERACTION WITH THE VARIOUS STATES AFFECTED. TOGETHER THESE AGENCIES ESTABLISH THROUGH TRAFFIC STUDIES AND THEIR PLANNING DEPARTMENTS, THE MOST FEASIBLE ROUTES TO BE PURSUED. TO DETERMINE THE BEST PRIMARY AND ALTERNATE ROUTES, PRELIMINARY ENGINEERING STUDIES ARE PROCURED AND PUBLIC HEARINGS ARE HELD TO GAUGE THE FEELINGS OF THE COMMUNITY AND THOSE PERSONS DIRECTLY IN THE PATH OF THE CONSTRUCTION. NATURALLY, THIS MUCH DETAIL IS NOT EMPLOYED FOR NORMAL SECONDARY ROAD MAINTENANCE OR IMPROVEMENT. FOR MAJOR STATE ROAD CONSTRUCTIONS AND INTERSTATE CORRIDORS, HOWEVER, SUCH LONG RANGE PLANNING AND DISCUSSION MUST BE UTILIZED. WHEN THESE STUDIES AND HEARINGS ARE CONCLUDED AND THE LOCATION APPROVED, DESIGN AND DETAIL PLANS ARE PREPARED AND OWNERSHIPS ALONG THE ROUTE ARE ESTABLISHED THROUGH TITLE ABSTRACTS PROCURED FROM AND PREPARED BY LOCAL ATTORNEYS. THERE THEN FOLLOWS, IN ORDERLY SEQUENCE, A FIRST CONTACT BY A BOARD OF TRANSPORTATION RIGHT OF WAY AGENT FROM THE DIVISION OFFICE NEAR THE LOCALITY OF THE TAKING WHO PRELIMINARILY EXPLAINS THE ROAD AND SECURES INFORMATION FROM THE PROPERTY OWNER WHICH WOULD BE BENEFICIAL TO THE APPRAISER WHO WILL LATER MAKE HIS INSPECTION. THEREAFTER, BOARD OF TRANSPORTATION STAFF AND PRIVATE FEE APPRAISALS ARE PROCURED TO DETERMINE THE EXTENT THAT INDIVIDUAL PROPERTIES ALONG THE CHOSEN ROUTE WILL BE DAMAGED IN THE OPEN MARKET BY THE APPROPRIATION FROM EACH TRACT. WHEN THE APPRAISALS ARE

RECEIVED, THE BOARD OF TRANSPORTATION COMPREHENSIVELY REVIEWS EACH AND APPROVES THE ONE MOST NEARLY REPRESENTATIVE OF A FAIR MARKET EVALUATION OF DAMAGES. IT IS THIS FIGURE THAT THE DISTRICT BOARD OF TRANSPORTATION RIGHT OF WAY NEGOTIATING PERSONNEL ARE GIVEN TO OFFER DIRECTLY TO THE OWNER. FOR UTMOST FAIRNESS, THE BOARD OF TRANSPORTATION EMPLOYS THE ONE OFFER SYSTEM IN HIS DISCUSSIONS WITH EACH PROPERTY OWNER, WHICH AMOUNT, BASED ON THE APPROVED APPRAISAL, WILL REMAIN FIRM UNLESS CHANGED CONDITIONS OR NEW ELEMENTS OF DAMAGE ARE DISCOVERED. SHOULD THE CONTACTS PROVE SUCCESSFUL, THE PROPERTY OWNER IS PAID THE CONSIDERATION AFTER HE EXECUTES A WARRANTY DEED, (IN THE EVENT OF A TOTAL TAKING), OR A DEED OF EASEMENT WHICH INSTRUMENT WOULD CONVEY A PORTION OF HIS TRACT TO THE STATE. IF THE OWNER DOES NOT WISH TO SETTLE, THE BOARD OF TRANSPORTATION, (IN ORDER TO MAKE THE PROPERTY AVAILABLE TO THE CONTRACTOR AND FACILITATE PAYMENT TO THE OWNER WHOSE PROPERTY IS BEING APPROPRIATED), WILL FOLLOW THE NORTH CAROLINA STATUTORY PROCEDURE OF EMINENT DOMAIN. THIS ACTION CONTEMPLATES THE DEPOSIT IN COURT OF AN AMOUNT EQUAL TO THE APPROVED APPRAISAL OF THE VALUE OF THE PROPERTY TAKEN AND, UPON THIS DEPOSIT AND THE SIMULTANEOUS FILING IN COURT OF THE PLEADINGS NAMING THE PROPERTY OWNERS AND DESCRIBING THE LAND TAKEN, THE TITLE TO THE PROPERTY AFFECTED, BY OPERATION OF LAW, WOULD VEST IN THE BOARD OF TRANSPORTATION. THE PROPERTY OWNER, AT THIS TIME, HAS THE IMMEDIATE RIGHT UPON APPLICATION IN WRITING TO RECEIVE THE ENTIRE AMOUNT ON DEPOSIT IN THE OFFICE OF THE CLERK OF THE SUPERIOR COURT IN THE COUNTY WHERE THE LAND LIES. THIS MONEY STANDS FOR THE PROPERTY THAT WAS TAKEN AND HIS WITHDRAWAL OF IT FROM THE CLERK'S OFFICE CAN BE WITHOUT PREJUDICE TO HIS LATER EFFORTS TO GET MORE MONEY FOR HIS LAND IN COURT. FINALLY, AFTER THE ACQUISITION, THE RIGHT OF WAY IS CLEARED, THE HIGHWAY PROJECT IS ADVERTISED FOR THE CONTRACTORS TO SUBMIT THEIR BIDS, THE BIDS ARE RECEIVED BY THE BOARD OF TRANSPORTATION, THE CONTRACT IS AWARDED, AND THE HIGHWAY IS CONSTRUCTED AND FINALLY OPENED TO THE PUBLIC.

CONSIDERING THIS GENERAL OVERVIEW OF THE ACQUISITION PROCESS--LET US NOW CONSIDER SOME QUESTIONS THAT ARE FREQUENTLY ASKED BY PROPERTY OWNERS:

HOW IS MY PROPERTY APPRAISED AND TO WHAT EXTENT SHOULD I COOPERATE WITH THE APPRAISERS?

PLEASE LET ME SAY AT THE OUTSET THAT THE COOPERATION THAT YOU GIVE THE RIGHT OF WAY AGENT DURING HIS INITIAL CONTACT TO FIND OUT ABOUT YOUR PROPERTY TO ENABLE HIM TO ASSIST THE APPRAISER IN HIS PREPARATORY WORK AND YOUR LATER COOPERATION WITH THE APPRAISER WHEN HE VISITS YOUR PROPERTY ARE ALL IMPORTANT. YOU SHOULD NOT MAINTAIN AN ADVERSARY RELATIONSHIP WITH THE APPRAISER AND WITHHOLD INFORMATION ABOUT YOUR PROPERTY THAT WOULD BE BENEFICIAL TO HIS APPRAISAL. NO ONE KNOWS MORE ABOUT HIS OWN PROPERTY THAN THE OWNER HIMSELF. WITH THIS INTIMATE KNOWLEDGE, HE CAN PROVIDE THE APPRAISER WITH INFORMATION CONCERNING HIS PROPERTY'S ATTRIBUTES THAT COULD BE DAMAGED BY A TAKING THAT MIGHT NOT BE APPARENT TO A PERSON INSPECTING IT FOR APPRAISAL PURPOSES. THIS ADDITIONAL INFORMATION COULD EASILY MAKE THE APPRAISAL REFLECT A HIGHER ESTIMATE OF DAMAGE.

RETURNING NOW TO THE QUESTION OF HOW YOUR PROPERTY WOULD BE APPRAISED AS TO ITS DAMAGE FROM THE ROAD CONSTRUCTION, I WOULD MENTION THAT THE APPRAISER WOULD INVESTIGATE AND ANALYZE THE MOST RECENT SALES OF SIMILAR PROPERTIES IN YOUR AREA AND WOULD ALSO COMPILE INFORMATION REGARDING BUILDING COSTS, RENTAL VALUES, AND ALL NECESSARY INFORMATION TO MAKE AN ACCURATE DETERMINATION OF THE FAIR MARKET VALUE OF YOUR PROPERTY. IT SHOULD BE NOTED THAT THIS FAIR MARKET VALUE DETERMINATION WOULD, BY LAW, IN NO WAY CONTAIN CONSIDERATIONS THAT AN UNWILLING SELLER WOULD BE INVOLVED. IF THE BOARD OF TRANSPORTATION NEEDS ONLY A PART OF YOUR PROPERTY, THE AMOUNT OF DAMAGE AND THE AMOUNT YOU WILL BE OFFERED WILL BE THE DIFFERENCE BETWEEN THE FAIR MARKET VALUE OF YOUR ENTIRE PROPERTY IMMEDIATELY BEFORE THE PROPERTY IS ACQUIRED AND THE NEW HIGHWAY IS BUILT AND THE FAIR MARKET VALUE OF

YOUR REMAINING PROPERTY AFTER THE DATE OF THE APPROPRIATION CONSIDERING THE ROAD IN ITS COMPLETED STATE. IF YOUR PROPERTY IS APPROPRIATED IN ITS ENTIRETY, IT IS THE STATE'S RESPONSIBILITY TO BE ABSOLUTELY SURE THAT YOU RECEIVE THE SAME AMOUNT OF MONEY THAT YOUR ENTIRE PROPERTY WOULD BRING ON THE OPEN MARKET ASSUMING A RELATIONSHIP OF A WILLING BUYER AND A WILLING SELLER.

WHAT HAPPENS TO MY BUILDINGS AND IMPROVEMENTS WITHIN THE RIGHT OF WAY AND CAN I QUALIFY FOR REPLACEMENT HOUSING PAYMENTS?

IF THERE ARE BUILDINGS OR OTHER IMPROVEMENTS LOCATED ON YOUR LAND NEEDED FOR RIGHT OF WAY PURPOSES, YOU WILL BE OFFERED TWO ALTERNATIVES: FIRST, YOU MAY SETTLE WITH THE BOARD OF TRANSPORTATION INDICATING THAT THEY INCLUDE THE VALUE OF THE IMPROVEMENTS TAKEN WITH THE LAND IN A LUMP SUM PAYMENT TO YOU. IN THE ALTERNATIVE, YOU MAY KEEP YOUR BUILDINGS OR IMPROVEMENTS FOR THEIR APPRAISED RETENTION VALUE AND MOVE THEM TO ANOTHER LOCATION OF YOUR CHOICE. IF, HOWEVER, YOU HAVE SUFFICIENT PROPERTY REMAINING OUTSIDE OF THE RIGHT OF WAY LIMITS, YOU MAY CHOOSE TO MOVE THE BUILDING BACK TO THIS PROPERTY. THE FEDERAL HIGHWAY ADMINISTRATION AND THE STATE OF NORTH CAROLINA REQUIRE THAT YOU BE GIVEN A MINIMUM OF A NINETY DAY WRITTEN NOTICE TO VACATE YOUR PROPERTY FROM THE TIME YOUR CLAIM IS CLOSED AND YOU HAVE RECEIVED PAYMENT OR FROM THE TIME YOUR PROPERTY IS CONDEMNED.

WHEN A HOME OR BUSINESS IS INVOLVED, THE OWNER IS ALLOWED THE ACTUAL COST OF MOVING. IN INSTANCES WHERE THE PREMISES ARE IMPROVED BY AN OWNER OCCUPIED DWELLING, THE DWELLING IS APPRAISED FOR ITS FAIR MARKET VALUE AND THE OWNER IS ALLOWED A REPLACEMENT HOUSING PAYMENT EQUAL TO THE DIFFERENCE IN THE FAIR MARKET VALUE OF THE HOUSE AND THE AMOUNT DEEMED NECESSARY FOR THE PURCHASE OF A COMPARABLE HOUSE FITTING THE GOVERNMENT'S DECENT SAFE AND SANITARY STANDARD. THIS PAYMENT MAY NOT EXCEED \$15,000.00 AND MAY INCLUDE INCREASED COST OF FINANCING IF

THE DWELLING ACQUIRED HAD A MORTGAGE ON IT. THE PAYMENT TO DISPLACED TENANTS MAY NOT EXCEED \$4,000.00. THESE DISBURSEMENTS, OF COURSE, ARE FINALLY DETERMINED BY THE STATE, AND, WHEN THE PROPERTY OWNER OR TENANT PROVES THAT HE HAS SPENT THESE ADDITIONAL AMOUNTS IN THE PURCHASE OF REPLACEMENT HOUSING, OR IN MOVING EXPENSES, THE STATE WILL PAY THIS AMOUNT TO HIM. IN INSTANCES INVOLVING AN OWNER OCCUPIED HOME, THE BOARD OF TRANSPORTATION WILL MAKE SUCH REPLACEMENT HOUSING PAYMENTS TO THE OWNER IN ADDITION TO THE FAIR MARKET VALUE OF THE HOUSE AND LOT THAT HE ORIGINALLY OCCUPIED. THERE ARE TWO PITFALLS THAT SHOULD BE AVOIDED INSOFAR AS REPLACEMENT HOUSING IS CONCERNED. THE APPLICANT WILL BE AUTOMATICALLY DISQUALIFIED IF HE PURCHASES ANOTHER DWELLING BEFORE THE FIRST OFFER TO PURCHASE IS MADE ON ANY OF THE PARCELS INVOLVED WITH THAT PARTICULAR HIGHWAY PROJECT. ADDITIONALLY, HE WILL FORFEIT THE REPLACEMENT HOUSING PAYMENT IF HE MOVES FROM HIS HOUSE ON THE SUBJECT PREMISES BEFORE THE FIRST OFFER IS MADE FOR HIS PARTICULAR PARCEL. BECAUSE OF THE COMPLEXITY OF REPLACEMENT HOUSING PAYMENTS AND RELOCATION ASSISTANCE, IT MIGHT BE A GOOD IDEA, AT THIS POINT, TO LET YOU ALL EXAMINE A WRITTEN RELOCATION ASSISTANCE PAMPHLET PREPARED BY THE DEPARTMENT OF TRANSPORTATION WHICH EXPLAINS THE WHOLE PROCEDURE IN MUCH GREATER DETAIL THAN I WOULD HAVE TIME TO DO TONIGHT.

WHAT ARE SOME QUESTIONS THAT YOU THE PROPERTY OWNER SHOULD ASK THE BOARD OF TRANSPORTATION REPRESENTATIVE DURING HIS FIRST CONTACT?

IN MY EARLIER REMARKS, I HAVE EMPHASIZED THE IMPORTANCE OF POINTING OUT TO THE INITIAL CONTACTING RIGHT OF WAY AGENT ALL OF THE ATTRIBUTES OF YOUR PROPERTY THAT WOULD ASSIST IN ITS APPRAISAL. ADDITIONALLY, AT THIS TIME, YOU SHOULD REQUEST THAT THE RIGHT OF WAY LIMITS BE STAKED OUT ON THE GROUND TO DETERMINE ITS EXACT LOCATION AND PROXIMITY TO ANY IMPROVEMENTS YOU MAY HAVE. IN THIS REGARD, YOU MIGHT ALSO ASK THAT THE OUTER LIMITS OF THE TRAVELLED PORTION OF THE ROADBED BE ESTABLISHED ON THE GROUND AS WELL. IT MIGHT, ALSO, BE A GOOD IDEA TO ASK IF THERE WOULD BE ANY CUTS AND FILLS IN FRONT OF YOUR PROPERTY, WHETHER ACCESS WILL BE IN ANY WAY ALTERED, WHETHER

THERE WILL BE ANY CHANGE IN THE FLOW OF WATER ACROSS YOUR PROPERTY OR FROM THE RECONSTRUCTED ROADBED AND WHETHER IT IS ANTICIPATED THAT TRAFFIC WILL SIGNIFICANTLY INCREASE AS A RESULT OF THE ROAD CONSTRUCTION.

WHAT WOULD HAPPEN IF YOU THE PROPERTY OWNER DECIDED NOT TO SETTLE WITH THE BOARD OF TRANSPORTATION?

IN ORDER TO MAKE YOUR PROPERTY AVAILABLE TO THE CONTRACTOR ON A GIVEN DEADLINE, THE BOARD OF TRANSPORTATION WILL FILE A COMPLAINT AND DECLARATION OF TAKING IN THE COUNTY IN WHICH THE LAND LIES AND, AT THE SAME TIME, DEPOSIT WITH THE CLERK OF THE SUPERIOR COURT OF THAT COUNTY THE AMOUNT THAT HAS BEEN ESTIMATED AS THE FAIR MARKET VALUE OF THE PROPERTY ACQUIRED USING THE APPRAISAL METHODS THAT I HAVE PREVIOUSLY OUTLINED. AT THE TIME OF THIS FILING AND DEPOSIT, (AS I HAVE EARLIER DISCUSSED), TITLE TO THE PROPERTY IMMEDIATELY VESTS IN THE BOARD OF TRANSPORTATION. YOU, OF COURSE, WILL BE GIVEN NOTICE OF THIS PROCEEDING WHEN THE SHERIFF SERVES A COPY OF THE PLEADINGS UPON YOU. AS AN ADDITIONAL MATTER, YOU SHOULD, IMMEDIATELY FILE A WRITTEN APPLICATION WITH THE CLERK OF COURT SEEKING THE DISBURSEMENT OF ANY FUNDS DEPOSITED FOR THE APPROPRIATION OF YOUR PROPERTY. IT DOES ABSOLUTELY NO GOOD TO LEAVE THESE AMOUNTS OF MONEY IN THE CLERK'S OFFICE AS YOU CAN MORE QUICKLY INVEST SAME FOR YOUR BENEFIT. YOUR WRITTEN APPLICATION, WHEN DRAWN IN CONFORMITY WITH THE STATUTE ALLOWING SUCH WITHDRAWALS, CAN BE WITHOUT PREJUDICE TO YOUR RIGHT TO LATER HAVE THE DAMAGES TO YOUR PROPERTY DETERMINED IN COURT BEFORE A JURY. IF, AT ANY TIME AFTER THE ACTION IS INSTITUTED, YOU DECIDE THAT YOU WILL ACCEPT THE AMOUNT DEPOSITED AS FULL SETTLEMENT OF YOUR CLAIM, YOU WILL NEED TO NOTIFY THE RIGHT OF WAY AGENT WHO HAS BEEN HANDLING THE CLAIM. HE WILL SEE THAT THE ACTION IS TERMINATED BY YOUR EXECUTION OF A CONSENT JUDGMENT WHICH WILL BE PREPARED BY OUR OFFICE. IF, ON THE OTHER HAND, YOU WISH TO CONTEST THE AMOUNT OFFERED FOR DAMAGES

TO YOUR PROPERTY, YOU WOULD PROBABLY WANT TO SECURE THE SERVICES OF AN ATTORNEY WHO WOULD FILE AN ANSWER ON YOUR BEHALF TO THE PLEADINGS FILED BY THE STATE. IT SHOULD BE NOTED THAT YOUR ATTORNEY HAS THE OPTION TO REQUEST IN HIS ANSWER THAT LOCAL COMMISSIONERS GO OUT ON THE PROPERTY TO DETERMINE THE EXTENT TO WHICH IT HAS BEEN DAMAGED BY THE ROADWAY. EITHER SIDE CAN EXCEPT TO THIS ESTIMATE AND, THEREAFTER, THE MATTER CAN BE TRIED BEFORE A JURY. IF, HOWEVER, NEITHER THE PROPERTY OWNER NOR THE STATE EXCEPTS TO THIS AWARD BY THE COMMISSIONERS, THEY, IN EFFECT, RATIFY THE COMMISSIONERS' AWARD AS THE FINAL SETTLEMENT FIGURE AND ARE BOUND BY IT. THEREAFTER, A JUDGMENT WILL BE PREPARED CONFIRMING THE REPORT OF THE COMMISSIONERS AND THE MATTER THEREBY TERMINATED. IT SHOULD, ALSO, BE NOTED THAT THE PARTIES DO NOT HAVE TO REQUEST COMMISSIONERS AND CAN WAIVE THEM EVEN AFTER A FORMAL REQUEST. IF AN ANSWER TO THE COMPLAINT AND DECLARATION OF TAKING IS NOT FILED ON YOUR BEHALF WITHIN TWELVE MONTHS FROM THE DATE THAT THE SHERIFF SERVES YOU WITH THE WRITTEN CONDEMNATION PLEADINGS, A JUDGMENT BY DEFAULT CAN BE ENTERED. IN THAT EVENT YOU WILL RECEIVE THE AMOUNT OF THE DEPOSIT AND THUS LOSE YOUR RIGHT TO SEEK MORE MONEY IN COURT. ANOTHER ATTRIBUTE OF A CONDEMNATION THAT SHOULD BE MENTIONED CONCERNS THE FACT THAT, AFTER AN ANSWER HAS BEEN FILED, THE STATE HAS NINETY DAYS TO FILE A DETAILED MAP TO BE USED IN THE TRIAL OF THE MATTER WHICH PLAT WILL SHOW YOUR PROPERTY AND THE EFFECT OF THE TAKING UPON IT. THIS MAP WILL CONTAIN MUCH MORE DETAIL THAN THE ILLUSTRATIVE PLAN SHEET FILED WITH THE ORIGINAL PLEADINGS.

I WOULD LIKE TO CONCLUDE MY DISCUSSION BY VERY BRIEFLY BRINGING BEFORE YOU THE ANSWERS TO A NUMBER OF QUESTIONS THAT ARE COMMONLY ASKED RELATING TO HIGHWAY ACQUISITIONS:

- (1) TO WHAT MONETARY EXTENT DOES THE FEDERAL GOVERNMENT PARTICIPATE IN ROAD CONSTRUCTION? ANSWER. AS TO INTERSTATE HIGHWAYS, NINETY PERCENT PLUS AND FOR OTHER STATE PRIMARY ROADS ROUGHLY FIFTY PERCENT. THIS PARTICIPATION NECESSARILY MEANS THAT THE STATE MUST COMPLY VERY CAREFULLY WITH FEDERAL

GOVERNMENT GUIDELINES IN EVERY STEP OF RIGHT OF WAY PROCUREMENT.

- (2) IF I SETTLE WITH THE BOARD OF TRANSPORTATION, HOW SOON WILL I BE PAID FOR MY PROPERTY? -- IF YOU ACCEPT THE OFFER MADE BY THE BOARD OF TRANSPORTATION AND CAN CONVEY CLEAR TITLE, YOU CAN EXPECT PAYMENT WITHIN APPROXIMATELY THIRTY DAYS FROM THE TIME YOU EXECUTE THE DEED OR DEED OF EASEMENT.
  
- (3) WHAT HAPPENS TO THE OUTSTANDING LOAN ON MY PROPERTY? LIENS AND ENCUMBRANCES ARE NORMALLY PAID OFF AT THE TIME THE STATE'S CLOSING ATTORNEY HANDLES THE TRANSACTION WITH YOU. IF THERE IS A PARTIAL APPROPRIATION OF YOUR PROPERTY THE RIGHT OF WAY AGENT HANDLING YOUR CLAIM WILL SECURE A RELEASE FROM THE LIENHOLDER PRIOR TO THE CLOSING OF THE CLAIM WHICH ASSISTANCE WILL EXPEDITE PAYMENT TO YOU.
  
- (4) WHAT ABOUT CITY AND COUNTY REAL PROPERTY TAXES? WHERE THERE IS A PARTIAL TAKING OF PROPERTY LEAVING A REMAINDER OF A SUFFICIENT VALUE TO PROVIDE ADEQUATE SECURITY FOR OUTSTANDING TAXES, IT WILL ORDINARILY BE UNNECESSARY FOR CURRENT OR BACK TAXES TO BE PAID WHEN A CLAIM IS CLOSED. IN INSTANCES WHEN THE REMAINING PROPERTY DOES NOT HAVE A VALUE WHICH WILL FURNISH ADEQUATE SECURITY FOR TAXES OWED UPON THE PREMISES, OR WHERE THERE IS A TOTAL TAKING, TAXES ARE PRO-RATED BETWEEN THE OWNER AND THE BOARD OF TRANSPORTATION. THE OWNER WILL, THEREAFTER, BE REIMBURSED FOR THAT PORTION OF HIS CURRENT REAL PROPERTY TAXES FOR THE PERIOD DURING THE YEAR THAT HE WAS NOT IN OWNERSHIP OF THE PREMISES. OF COURSE, WHERE THERE ARE BACK TAXES OWING UPON AN APPROPRIATED TRACT FROM WHICH THERE IS AN INSUFFICIENT REMAINDER TO STAND AS THEIR SECURITY, SUCH BACK TAXES ARE COLLECTED FROM THE OWNER AND ARE PAID AT CLOSING.
  
- (5) WILL I HAVE TO PAY INCOME TAX ON MY SALE TO THE STATE? THE SALE OF PROPERTY FOR PUBLIC PURPOSES COMES UNDER THE INTERNAL REVENUE BUREAU CLASSIFICATION

"INVOLUNTARY CONVERSION". IT IS SUGGESTED THAT YOU CONTACT THE NEAREST OFFICE OF THE BUREAU OF INTERNAL REVENUE AND FIND OUT WHAT THE REQUIREMENTS ARE IN YOUR CASE.

- (6) CAN I HIRE MY OWN APPRAISER? YES. IF YOU WISH TO SETTLE THE CLAIM OR EVEN AFTER YOUR PROPERTY HAS BEEN CONDEMNED, THE BOARD OF TRANSPORTATION IS ALWAYS WILLING TO CONSIDER ADDITIONAL APPRAISALS IF YOUR APPRAISER IS QUALIFIED AND PROPER APPRAISAL PROCEDURES ARE FOLLOWED. IT WOULD BE POSSIBLE FOR ADDITIONAL APPRAISALS SUPPLIED BY THE PROPERTY OWNER TO REVEAL ELEMENTS OF DAMAGE NOT DISCOVERED WHEN THE ORIGINAL APPRAISAL WAS MADE BY THE STATE.

GENTLEMEN,

I BELIEVE I HAVE HELD YOU HERE LONG ENOUGH -- IT IS MY HOPE THAT I HAVE AT LEAST GIVEN YOU A GENERAL IDEA OF WHAT TO LOOK FOR WHEN PRIVATELY OWNED PROPERTY FALLS WITHIN AREAS NEEDED FOR THE CONSTRUCTION AND IMPROVEMENT OF PUBLIC HIGHWAYS. I CERTAINLY APPRECIATE THE KIND ATTENTION YOU HAVE GIVEN ME.