

The Lane County Department of Public Works has the task of acquiring real property for public improvement projects. It is the aim and desire of the County to obtain any necessary real property with fairness and equity.

The County is authorized to acquire private property for public use. Coupled with this duty goes the obligation to protect the rights of individual property owners. The County thus has a dual responsibility and obligation: 1) protection of individual's rights that are affected by acquisition of land, 2) provision of competent and efficient service to the general public.

JUST COMPENSATION

Owners will be offered Just Compensation for the portion of their property needed for a roadway project. Just Compensation includes the estimated value of all the land and improvements within the needed area. In addition, if only a part of a property is to be acquired, Just Compensation will also include any measurable loss in value damages to the remaining property due to the partial acquisition.



County procedures, guided by state and federal regulations, have been established to protect both property owners of needed roadway rights-of-way, as well as other taxpayers. The valuation process will be conducted either by an experienced and qualified employee of the County or by an independent fee appraiser. Considerations in estimating Just Compensation will include comparison of similar properties that have recently sold, analysis of construction costs and depreciation for any improvements to be acquired, and analysis of the property's income potential, if applicable. Any information which the property owner can supply to the appraiser will be beneficial and appreciated.



One of the first steps in preparing a value estimate is an on-site inspection of the property to be acquired. Property owners will be given the opportunity to accompany the appraiser during this inspection. At this time the property owner should point out any special physical attributes of the property that the owner feels may have a bearing on its value.

In preparing the value estimate, the appraiser can not consider an increase or decrease in the value of your property which results from the proposal of the roadway improvement project or the likelihood that your property will be acquired for the project.

The final value estimate is reviewed for completeness and accuracy, and Just Compensation is established by the County. In addition to the estimate of Just Compensation for the land being acquired, the County will make an offer to purchase any remaining property determined to have no remaining economic value to the owner.

ACQUISITION PROCEDURE

The Real Property Officer who calls on you has studied the County's valuation of the needed property and can illustrate with maps and other data how the acquisition will affect your property. The County's offer will be made in writing and will include an Acquisition Summary Statement which provides the basis for that amount. The Real Property Officer is unable, under County procedures gov-

erning acquisitions, to engage in "horse trading"; rather the Real Property Officer is confined to those monetary values indicated by the valuation process. However, the County is ready and willing to reconsider its position in light of any new evidence of value presented by you including a documented professional appraisal report.

You need not accept the County's offer nor enter into an agreement felt to be unfair. A refusal is simply a case of disagreement between the two parties as to the value of the property.

In the event the parties are still unable to agree as to the compensation to be paid, or if you cannot clear the title, a condemnation action will be filed with the Circuit Court of Lane County. Discussions can, of course, continue even after an action is filed. The filing allows the County to proceed with the construction project.

The County cannot take any action which would coerce you into accepting its offer. Prohibited actions include advancing the time of condemnation, deferring negotiations or condemnation, or postponing the deposit of funds in court for your use.

IMPROVEMENTS

When the County acquires all or a portion of your real property, it also acquires any and all improvements. If buildings are required to be removed, the County **may** allow the owner to retain the improvements. If you are interested, this can be discussed with the Real Property Officer.

PAYMENT

When you sign the purchase agreement and deed, then the transfer of title and payment process will begin. As in

a private sale, you are responsible for clearing encumbrances to the title, such as unpaid taxes, assessments, mortgages, outstanding leases, and other liens against your property. The Real Property Officer will assist you in clearing title. No payment can be made until a warranty deed conveying clear title to the County has been recorded in the appropriate County records.

At the time the deed is available for recording, the County will initiate the payment process to compensate you for your property. Normally when there are no liens or encumbrances against the property, you will receive payment about four weeks after you give the County a deed to the property.

If condemnation action has been filed, the amount established by the County as Just Compensation will be deposited with the court for distribution in accordance with the order of the court.

You are entitled to be reimbursed for fair and reasonable costs you incur for expenses incidental to conveying your property to the County. Such expenses could be, but are not necessarily limited to, penalty costs for prepayment of any pre-existing recorded mortgage encumbering your property, mortgage release fees, and the County's portion of prepaid real property taxes.

POSSESSION

You are not required to surrender possession of your property until you have been paid the agreed purchase price, or an amount equal to the County's estimate of Just Compensation has been deposited with the court.

When negotiations begin, you, as well as any tenants occupying your property, will be notified in writing that it is the County's intent to acquire the portion of the property necessary for the improvement project. If you are required to move, it will not be necessary to vacate your property

earlier than 90 days following that notice or less than 30 days after the payment, whichever is later. However, if the purchase does not require you to move, the agreement to purchase your property may require you to surrender possession of your property upon payment.

The County is aware of the need for a reasonable time for relocation. If your property is not needed for several months, your continued occupancy may be permitted on a short-term basis. The amount of rent the County may charge you, or another tenant, may not exceed the fair rental value of the property to a short-term occupier.

RELOCATION BENEFITS

You may also be eligible for benefits under the Relocation Assistance Program if you are required to move as a result of the taking of your real property for a public improvement project. Generally, the available benefits include moving allowance, supplemental payment for replacement housing, and rent supplement, if you are eligible. These benefits are fully explained in a separate brochure which is available.

For additional information, please contact:

**Lane County
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Real Estate Section
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The rules **Lane County** has to follow
when

ACQUIRING REAL ESTATE FOR PUBLIC IMPROVEMENT PROJECTS

A Description of the
Acquisition Program

