

Capital Improvement Project Right-of-Way (ROW) Process

Process Summary

1. Once ROW maps are complete, impacted property owners will be notified via mail
2. Appraisals will be performed by certified appraisers (1 or 2, depending on the type of property taking)
3. An offer will be made to the impacted property owner
4. Property owner has the right to make a counter offer
5. If agreement is reached, property owner will be paid
6. If agreement cannot be reached, property owner may choose to litigate
7. If ROW need is critical, the property can be procured using quick take authority as litigation proceeds

Details on Process are below:

TASK	DURATION (FROM START)
Receive Final ROW Maps at end of Final Engineering Design	Start
Appraisal	+ 3 months
Prepare and Deliver Offer	+ 2 weeks
Sign Sales Document	+ 1.5 – 2 months
Sale Recorded by Parish Attorney	+2 months
Total Duration (Estimate)	5-7 months*

*Total duration assumes expropriation not required.

Property Owners are Protected by Federal Law

The Fifth Amendment to the United States Constitution provides that private property may not be taken for public use without the payment of just compensation. The property acquisition process followed by MOVEBR is the same process dictated by the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, and as amended in 1987. The federal law is commonly referred to as the Uniform Act. Implementing regulations for the Uniform Act are issued by the Department of Transportation and can be found in Part 24 of Title 49 of the Code of Federal Regulations.

Acquisition Process

ROW acquisition agents will make the first contact with the property owner in advance of appraisals to hand-deliver a notification that the project is being constructed, and that ROW will be acquired.

The agent shall explain the owner's rights and protections under the federal Uniform Act. During this initial contact, the agent shall review the property ownership records with the owner and discuss his/her availability to assist the property owner throughout the process.

Appraisals of property value may be initiated once Final ROW Maps have been recorded, which occurs during the end of final design engineering work. Appraisals of property fair-market value establish the "Just Compensation Offer" for the required ROW. An appraiser will contact the property owner to make an appointment to inspect his or her property. The property owner, or a representative designated by the property owner, will be invited to accompany the appraiser when the appraiser inspects the property. By law, the appraiser must disregard the influence of the future public project on the value of the property. The review-appraiser will provide a recommendation that will be the basis for the City-Parish's offer of Just Compensation/Sales to the property owner. The appraisal report will then be reviewed by an independent appraiser – who was not involved in the initial City-Parish appraisal.

The agent will prepare the Offer of Just Compensation approved by the City-Parish and present to the property owner for consideration.

If the property owner feels the just compensation package is not acceptable, he/she may request and pay for another independent appraisal to be considered. This independent appraisal, if completed, would be made part of a counteroffer to the City-Parish ROW Committee for consideration.

Once the offer is agreed to, a sale document is prepared and presented to the property owner(s) for execution, and the sale package is transmitted to the Parish Attorney's Office for final execution and payment.

Provided by

