

Form 38
Acquisition of Easements and Fee Simple Titles Under the Uniform Relocation Act
and the Rights of the Property Owner

The purpose of this publication is to provide you with written notification of your rights and privileges under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, commonly referred to as the Uniform Act or the URA.

Your city/county, referred to as "the Agency", has been awarded Federal money to construct some type of public improvement project, such as a water, sewer or natural gas system. Before construction can begin on such projects, easements, rights-of-way or property must be obtained for the location of the distribution lines or treatment facilities, etc. Because Federal money is involved, the unit of local government must follow specific guidelines in acquiring the necessary easements or property. This publication outlines the steps which must be followed or explained in the acquisition process.

As a property owner, you are entitled to certain rights. Foremost among these is the right to receive "just compensation" for any easement or property needed to construct the public improvement. In order to determine "just compensation," you are entitled to have the property appraised at no cost to you.

Some property owners are willing to donate the needed easement or property, or some portion of the "just compensation." If you are interested in doing so, you must sign a statement that you waive the right to be compensated for granting an easement or property. This form is called a "Waiver of Rights" form and will be provided to you. If you do not choose to donate the easement/property, you may still waive the right to have the property appraised if the property's fair market value is less than \$2,500.

The Fair Market Value is defined as the amount of money which would probably be paid for a property in a sale between a willing seller, one who does not have to sell, and a willing buyer, one who does not have to buy.

The Fair Market Value is generally accepted to be "just compensation" and does not take into account intangible elements such as sentimental value, good will, business profits, or any special value that your property may have for you or for the Agency.

The Agency must offer you "just compensation" for the easement or property which cannot be less than the Fair Market Value. The Fair Market Value is determined by the results of an appraisal or by the estimation by someone knowledgeable about property values in the area.

If your property is to be appraised, you will be contacted and given the opportunity to accompany the appraiser during the inspection of your property. If you are unable to meet with the appraiser, you may wish to have a person who is familiar with property represent you. However, no one is required to be present when the appraiser visits your property.

After the appraiser completes the written report, the Agency will determine the just compensation and give you a written purchase offer in that amount along with a Summary Statement explaining the basis of the offer. The Summary Statement will minimally include an accurate description of the property

and the interest to be acquired (easement or fee simple), a statement of the amount offered as just compensation, and a list of the improvements covered by the offer, if any.

You are not required to accept the Agency's offer and you are entitled to make a counter-offer. However, if you elect to make a counter-offer, you must present your evidence as to the amount you believe is the Fair Market Value of your property and to make suggestions for changing the terms and conditions of the offer. If you would like, an attorney or anyone else can represent you during negotiations. However, the Agency will not pay the cost of such representation.

If negotiations are successful, any compensation due should be made available within 30-60 days after you have signed the required documents. If you are unable to reach an acceptable agreement with the Agency, the Agency may file a suit in court to acquire your property through eminent domain, often referred to as condemnation. This process is usually undertaken only as a last resort.

If condemnation proceedings are undertaken, you will be officially notified. You will be provided an opportunity in court to present your evidence as to the value of the property. You are encouraged to obtain legal counsel to assist you. In most cases, the cost of any professional services, such as legal representation and an additional appraisal, must be paid by you. If you are not satisfied with the court's determination, you may file an appeal with the appropriate appellate court.

If you have further questions after reading this material, you may contact the agent or the funding agency whose names and addresses are listed below. If you wish to read the Uniform Act regulations, a copy will be provided to you.

Local agency: _____
Address: _____
Office hours: _____ to _____
Telephone no. _____
Contact person: _____

Funding Agency: Arkansas Economic
Development Commission
900 W. Capitol, Suite 400
Little Rock, AR 72201
8:00 a.m. to 5:00 p.m.
501-_____
Grants Manager _____