

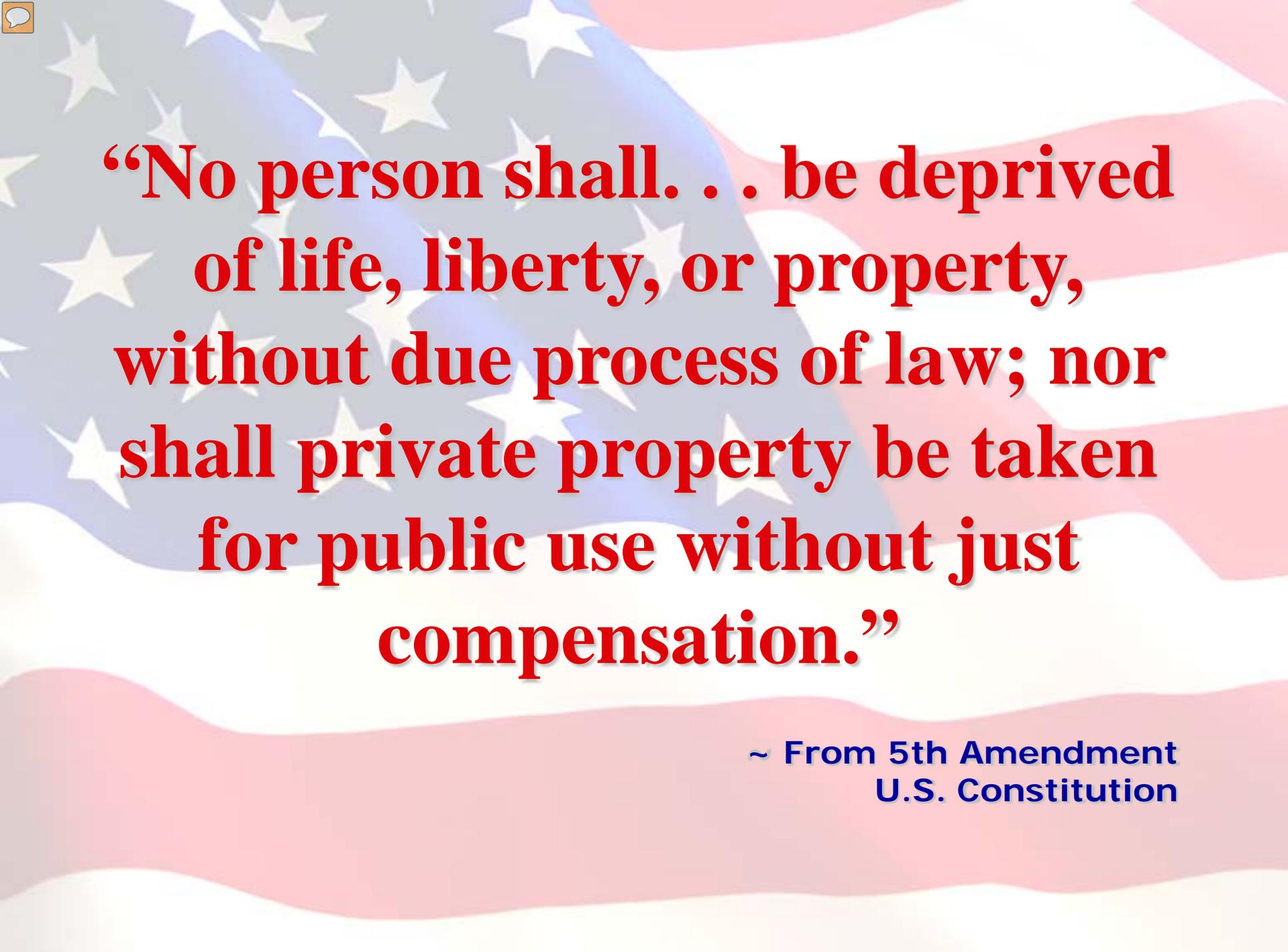
Acquisition and Right-of-Ways





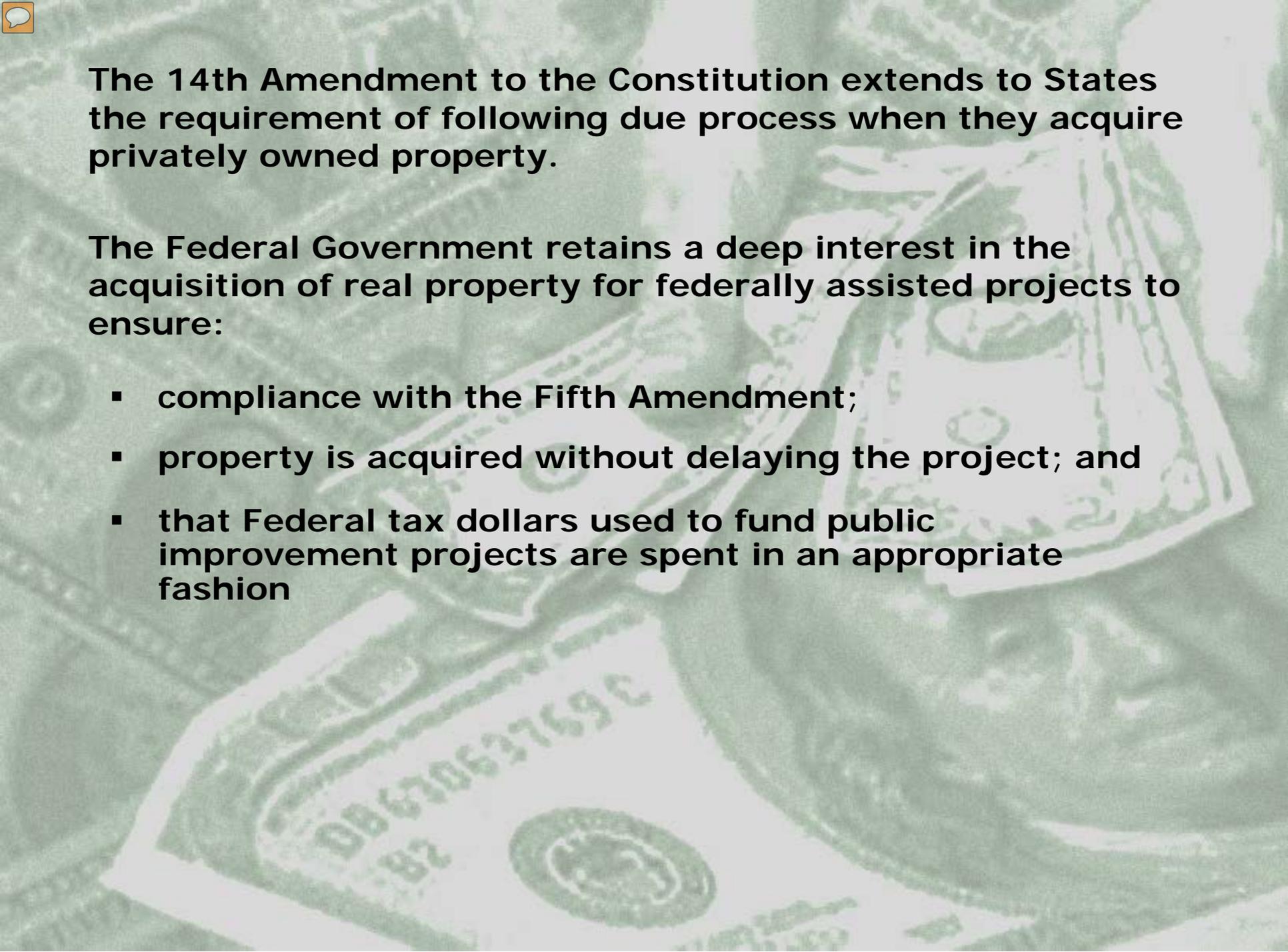
WARNING
Never iron clothes
on body !



The background of the slide is a stylized American flag with red and white stripes and a blue field with white stars. The text is overlaid on this background.

**“No person shall. . . be deprived
of life, liberty, or property,
without due process of law; nor
shall private property be taken
for public use without just
compensation.”**

**~ From 5th Amendment
U.S. Constitution**

The background of the slide is a close-up, slightly blurred image of several US dollar bills, including a \$100 bill and a \$20 bill, with their characteristic green and blue colors. The bills are scattered across the frame, creating a textured, financial backdrop.

The 14th Amendment to the Constitution extends to States the requirement of following due process when they acquire privately owned property.

The Federal Government retains a deep interest in the acquisition of real property for federally assisted projects to ensure:

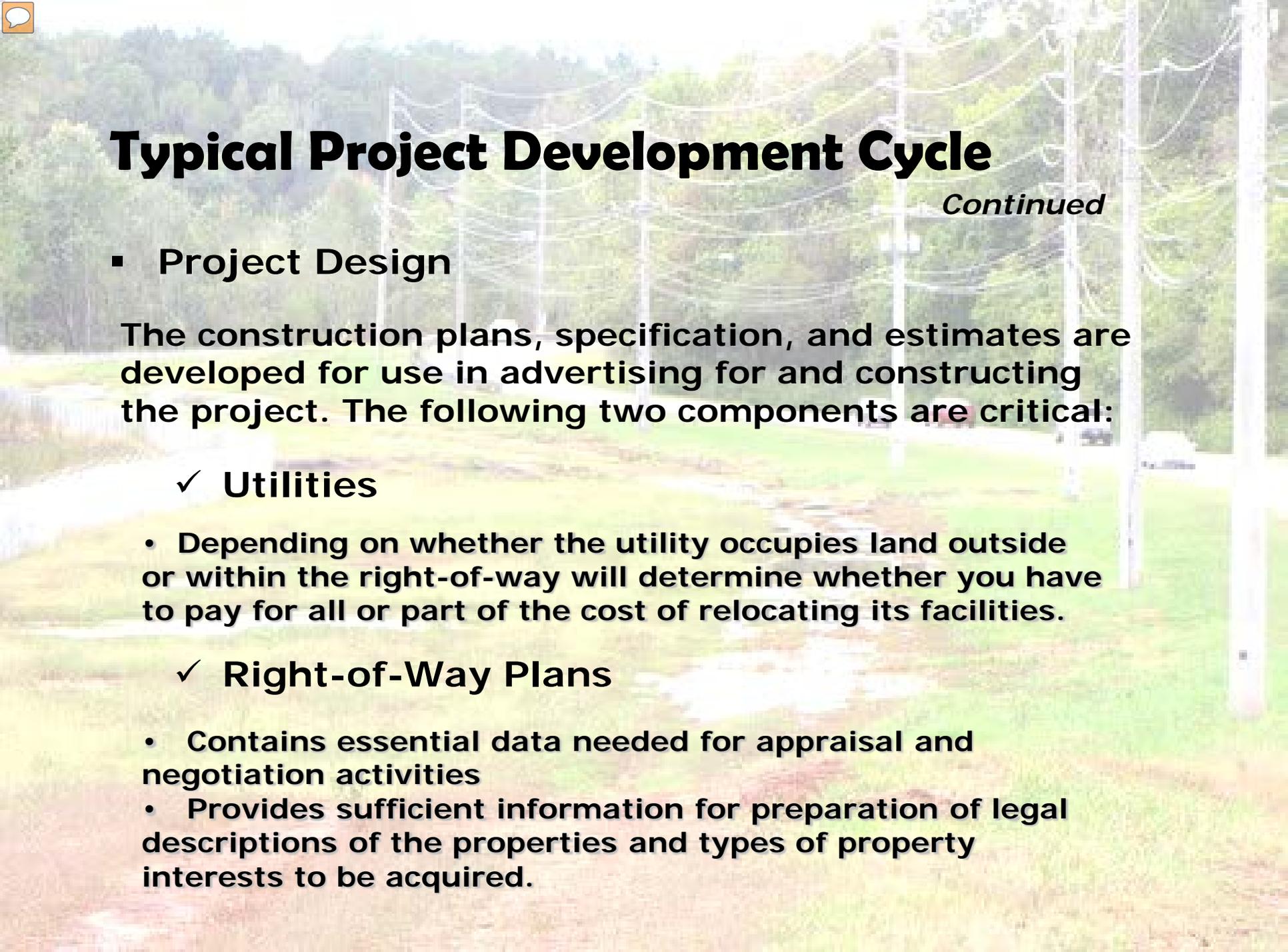
- **compliance with the Fifth Amendment;**
- **property is acquired without delaying the project; and**
- **that Federal tax dollars used to fund public improvement projects are spent in an appropriate fashion**



Typical Project Development Cycle

- Development of Project Alternatives
- Hazardous Materials and Contaminants
- Environmental Assessment
- Public Involvement
- Selection of Alignment
- Project design
- Utilities
- Right-of-Way Plans
- Acquisition
- Right-of-Way Certification





Typical Project Development Cycle

Continued

▪ Project Design

The construction plans, specification, and estimates are developed for use in advertising for and constructing the project. The following two components are critical:

✓ Utilities

- Depending on whether the utility occupies land outside or within the right-of-way will determine whether you have to pay for all or part of the cost of relocating its facilities.

✓ Right-of-Way Plans

- Contains essential data needed for appraisal and negotiation activities
- Provides sufficient information for preparation of legal descriptions of the properties and types of property interests to be acquired.



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Typical Project Development Cycle

Continued

- **Acquisition**

Once the above steps have been completed, including the environmental analysis and development of the right-of-way plans, the project is ready to enter the acquisition phase.

- **Right-of-Way Certification**

Prior to advertising for construction bids for the project, the acquiring agency must prepare a right-of-way certification.





Typical Project Development Cycle

Continued

- **Right-of-Way Certification**

- ✓ states that the properties needed for construction of the project have been obtained
- ✓ project area is clear of any utilities and structures which must be moved
- ✓ persons or businesses displaced by the project have been relocated
- ✓ must include a statement that the agency has complied with Uniform Relocation Act requirements and that the project is ready for construction

Agency then can advertise for bids to construct the project.

Policy on Allowable Administrative Cost

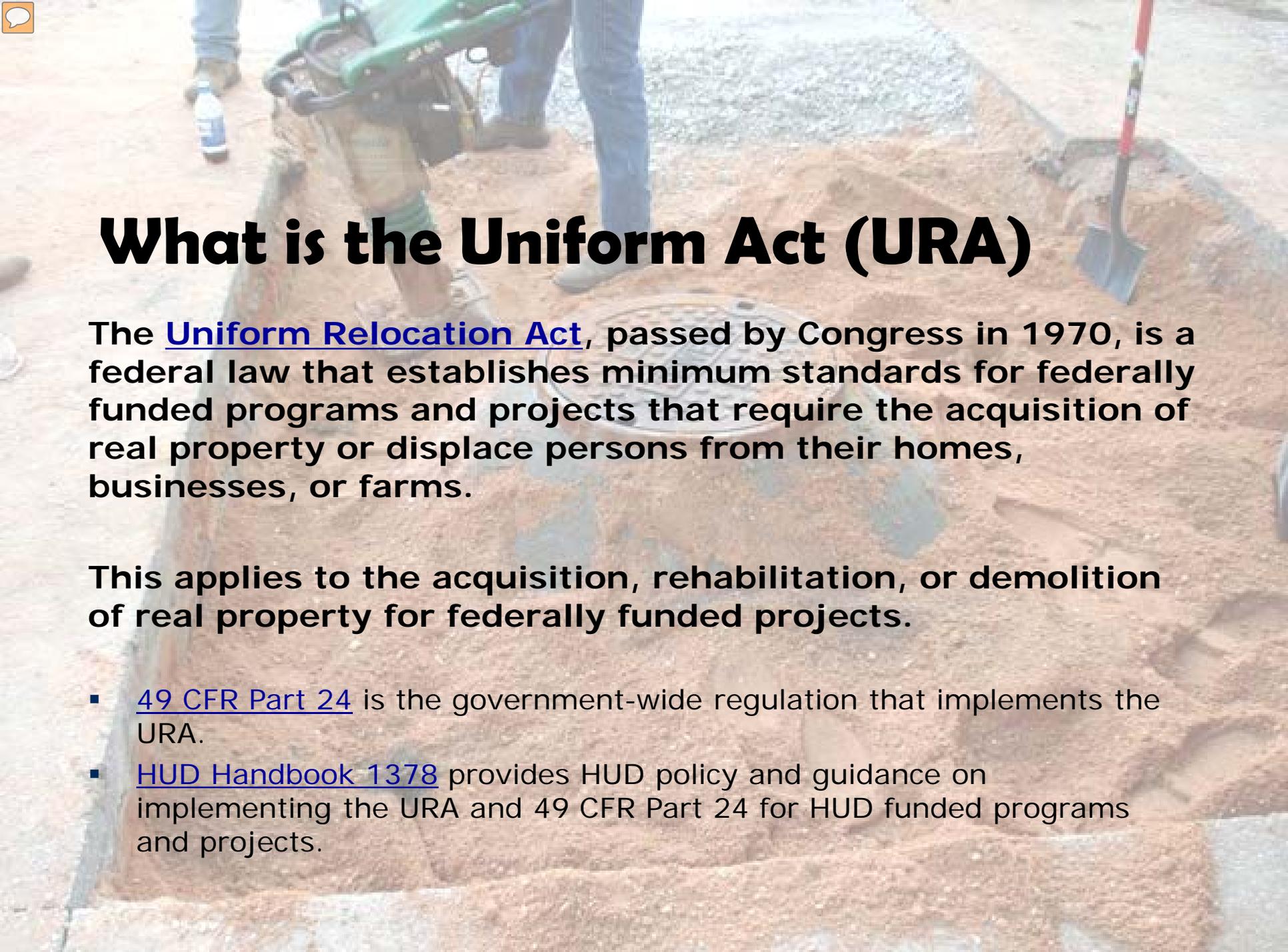
Policy Letter #12(a), Rev 2

October 1, 2008

Costs budgeted for work write-ups and inspections for housing rehabilitation projects should be identified as a separate budget line item, and the amount allocated for this activity must continue to be reasonable and necessary. Also, appraisals, surveys, and legal fees associated with acquisition and/or relocation are considered service delivery costs and should be included in the applicable construction line item.



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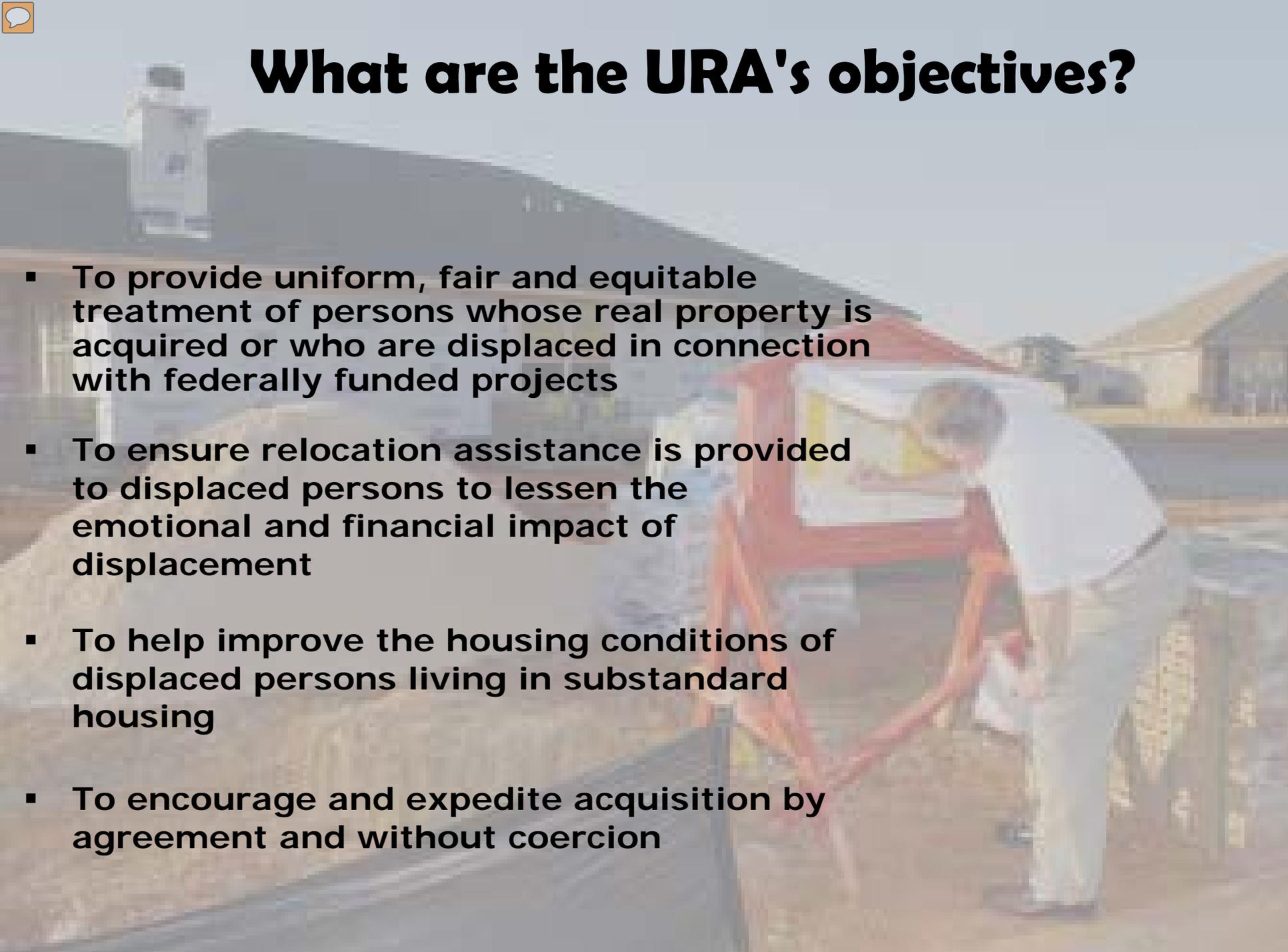
A background image showing a construction site. In the foreground, there is a large pile of reddish-brown soil or sand. A person wearing a green safety vest and a hard hat is visible in the middle ground, working with a piece of machinery. Another person in blue jeans is standing nearby. A shovel is stuck in the ground on the right side. The overall scene is outdoors and appears to be a site of earthmoving or foundation work.

What is the Uniform Act (URA)

The [Uniform Relocation Act](#), passed by Congress in 1970, is a federal law that establishes minimum standards for federally funded programs and projects that require the acquisition of real property or displace persons from their homes, businesses, or farms.

This applies to the acquisition, rehabilitation, or demolition of real property for federally funded projects.

- [49 CFR Part 24](#) is the government-wide regulation that implements the URA.
- [HUD Handbook 1378](#) provides HUD policy and guidance on implementing the URA and 49 CFR Part 24 for HUD funded programs and projects.



What are the URA's objectives?

- To provide uniform, fair and equitable treatment of persons whose real property is acquired or who are displaced in connection with federally funded projects
- To ensure relocation assistance is provided to displaced persons to lessen the emotional and financial impact of displacement
- To help improve the housing conditions of displaced persons living in substandard housing
- To encourage and expedite acquisition by agreement and without coercion



How do URA requirements impact your project?

Agencies conducting a program or project under the URA must carry out their legal responsibilities to affected property owners and displaced persons. Agencies should plan accordingly to ensure that adequate **time, funding and staffing** are available to carry out their responsibilities.



Responsibilities of Acquisition:

- Appraise property before negotiations
- Invite the property owner to accompany the appraiser during the property inspection
- Provide the owner with a written offer of just compensation and a summary of what is being acquired
- Pay for property before possession
- Reimburse expenses resulting from the transfer of title such as recording fees, prepaid real estate taxes, or other expenses.

Please note that agency responsibilities for voluntary acquisitions differ.

The background of the slide is a photograph of a rural landscape. In the foreground, there is a green field with a wire fence. A brown horse is grazing in the field. In the middle ground, there is a house with a green roof. In the background, there are trees and a clear sky. A 'FOR SALE' sign is visible in the field, which is the subject of the text on the slide.

Responsibilities for Replacements:

- Provide relocation advisory services
- Provide a minimum 90 days written notice to vacate prior to requiring possession
- Reimburse for moving and reestablishment expenses

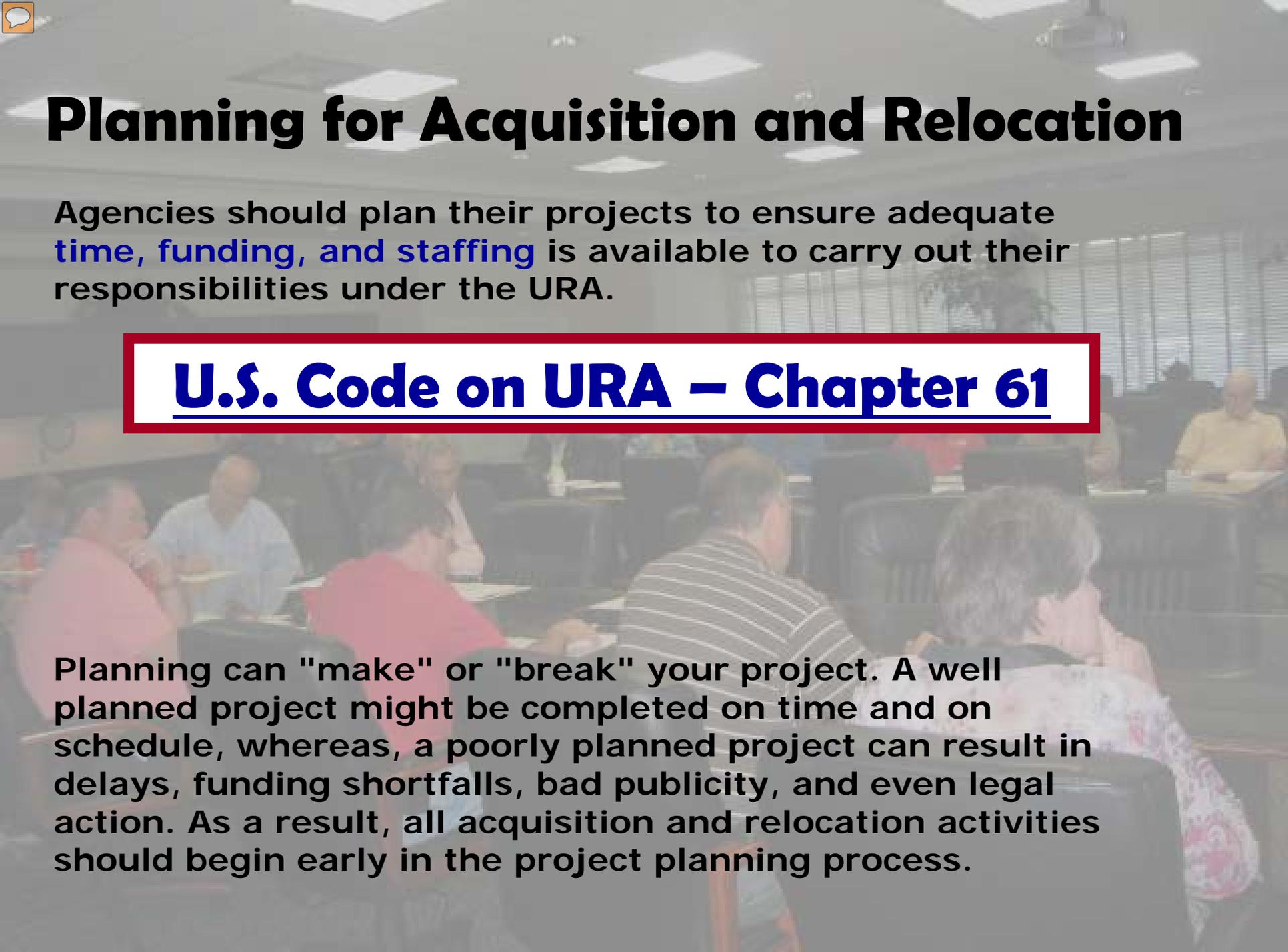
Residential:

Provide payments for the added cost of renting or purchasing comparable replacement housing

Non-Residential

Reimburse reestablishment expenses

Please note that agency responsibilities for voluntary acquisitions differ.



Planning for Acquisition and Relocation

Agencies should plan their projects to ensure adequate **time, funding, and staffing** is available to carry out their responsibilities under the URA.

U.S. Code on URA – Chapter 61

Planning can "make" or "break" your project. A well planned project might be completed on time and on schedule, whereas, a poorly planned project can result in delays, funding shortfalls, bad publicity, and even legal action. As a result, all acquisition and relocation activities should begin early in the project planning process.



Issues to consider when planning for acquisition and relocation

- 
- Minimizing Displacement
 - Budgetary Implications
 - Coordination of the Project
 - Determining Resource Needs
 - Administrative Requirements

Where can you go to find more information about this topic?

- 49 CFR 24.2(a)(22), and Chapter 1 and Chapter 8 of [HUD Handbook 1378](#)
- 49 CFR 24.205 and Chapter 2 of [HUD Handbook 1378](#)

Questions in Negotiating Acquisitions:

PART 24—Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally-assisted Programs

- **Who determines the offer of just compensation for the property to be acquired?**

The agency determines the just compensation amount to be offered the property owner in a two-step process. An appraiser researches the real estate market and presents an appraisal of the fair market value. A review appraiser evaluates that appraisal and recommends an amount for an agency official to approve as the agency's estimate of just compensation. 21. §[24.102\(d\)](#)

- **Is condemnation the only solution when an agency can't reach an agreement on the purchase of property for the project?**

The possibility of an administrative settlement should be explored. If all efforts to negotiate/settle fail then the laws of the agency set forth the legal steps the agency must take when they wish to purchase property that an owner does not want to sell. 23. §[24.102\(i\)](#) and §[24.102\(j\)](#)

- **Who are qualified appraisers?**

Qualified appraisers are those determined by the agency to be capable to perform the appraisal work needed. Only those appraisers and review appraisers who meet those requirements should be hired. The regulation lists several standards the agency shall review when determining an appraiser or review appraiser's qualifications. 34. §[24.103\(d\)](#)

Refer to Federal Highway Administration policies and guidelines at the links above or full link by clicking [here](#).

Handling Possible Acquisitions Issues:



- **Was Acquisition always part of the project?**

Project scope was expected to cross private property but the Town anticipated that easements or acquisition would not be a problem. There were three pieces of private property affected.

- **Could the project be redesigned to avoid property in question?**

Engineers redesigned this project two times in order to resolve the issues and satisfy the landowners. However, no other design was feasible or able to avoid all easements issues.

- **What issues were encountered by the landowners?**

One landowner did not want an open ditch on his property, so the new design included buried pipe. He also did not want it in the middle of his land. The redesign utilized a 50-year-old ALDOT easement.

- **Were these temporary or permanent easements?**

Two of the properties involved permanent easements that were resolved when the ALDOT easement was utilized.

The final acquisition was the purchase of a half acre of property. This non-resident landowner held out for a larger purchase price but finally agreed to sell at fair market value.



Requirements under Section 104(d):

The relocation assistance and payments for eligible persons under Section 104(d) are similar to those required for the URA but there are a number of differences, including the period of time used to calculate a rental assistance payment; also, eligible displaced persons may choose to receive relocation assistance under Section 104(d) or relocation assistance under the URA.

Where to find more information about Section 104(d):

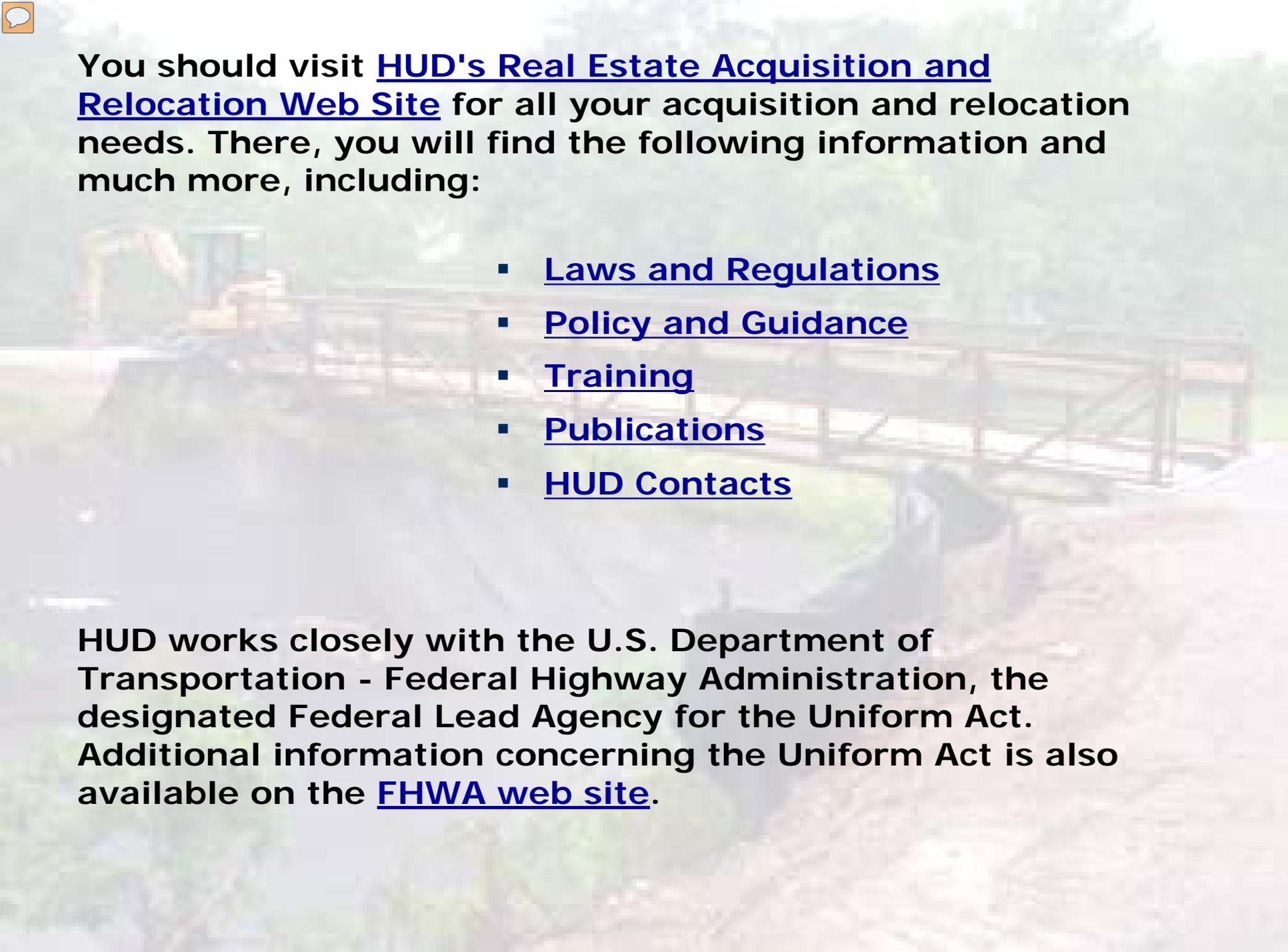
Section 104(d) Regulations: [24 CFR Part 42](#) is the regulation that implements Section 104(d) of the Housing and Community Development Act.

You should consult [24 CFR Part 42](#) and Chapter 7 of [HUD Handbook 1378](#) for more guidance.



Additional Information

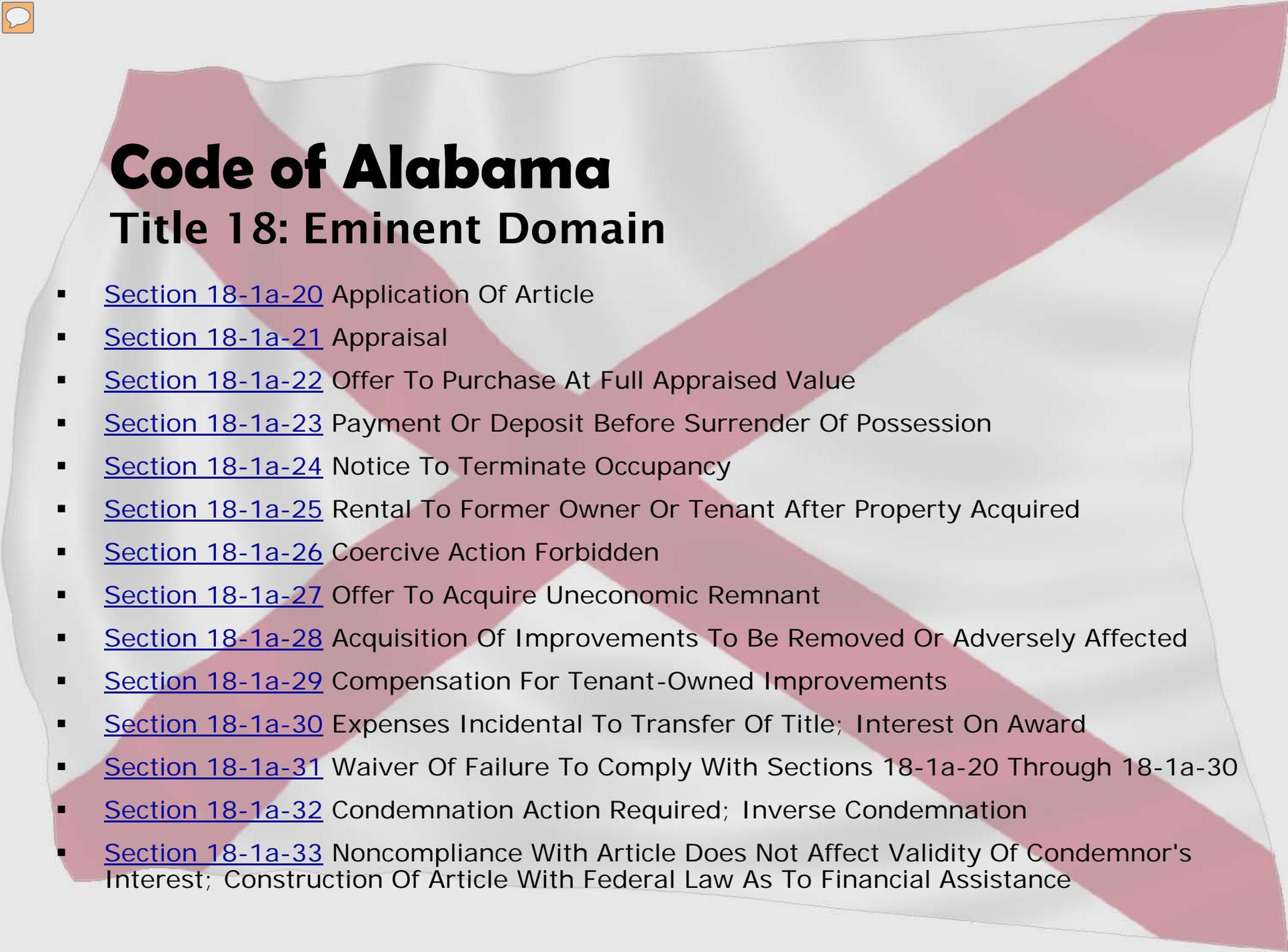
- Voluntary vs. Involuntary Acquisition
- Involuntary Acquisition
- Who is/ Who is Not Displaced?
- Relocation Notices
- Relocation Advisory Services
- Residential Relocation
- Housing of Last Resort
- Temporary Relocation
- Nonresidential Relocation

The background of the slide is a faded image of a construction site. In the foreground, there is a large concrete foundation with a wooden formwork structure. In the background, an excavator is visible, and there are trees and a clear sky. The text is overlaid on this background.

You should visit [HUD's Real Estate Acquisition and Relocation Web Site](#) for all your acquisition and relocation needs. There, you will find the following information and much more, including:

- [Laws and Regulations](#)
- [Policy and Guidance](#)
- [Training](#)
- [Publications](#)
- [HUD Contacts](#)

HUD works closely with the U.S. Department of Transportation - Federal Highway Administration, the designated Federal Lead Agency for the Uniform Act. Additional information concerning the Uniform Act is also available on the [FHWA web site](#).



Code of Alabama

Title 18: Eminent Domain

- [Section 18-1a-20](#) Application Of Article
- [Section 18-1a-21](#) Appraisal
- [Section 18-1a-22](#) Offer To Purchase At Full Appraised Value
- [Section 18-1a-23](#) Payment Or Deposit Before Surrender Of Possession
- [Section 18-1a-24](#) Notice To Terminate Occupancy
- [Section 18-1a-25](#) Rental To Former Owner Or Tenant After Property Acquired
- [Section 18-1a-26](#) Coercive Action Forbidden
- [Section 18-1a-27](#) Offer To Acquire Uneconomic Remnant
- [Section 18-1a-28](#) Acquisition Of Improvements To Be Removed Or Adversely Affected
- [Section 18-1a-29](#) Compensation For Tenant-Owned Improvements
- [Section 18-1a-30](#) Expenses Incidental To Transfer Of Title; Interest On Award
- [Section 18-1a-31](#) Waiver Of Failure To Comply With Sections 18-1a-20 Through 18-1a-30
- [Section 18-1a-32](#) Condemnation Action Required; Inverse Condemnation
- [Section 18-1a-33](#) Noncompliance With Article Does Not Affect Validity Of Condemnor's Interest; Construction Of Article With Federal Law As To Financial Assistance

Monitoring for Acquisitions

Subrecipient Name _____
 Project No. _____
 Preparer _____
 Date Prepared _____
 Follow-up Review Indicated _____

Uniform Act Land Acquisition Compliance Checklist

	Yes	No	N/A
Were Temporary Easements acquired? If yes, see page 3, section VII.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Were properties acquired as part of this project? If yes, then complete this form.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Is all project construction in current right-of-ways or property owned by subrecipient? If yes, then this form is not required.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

I. Records and Reports

	Yes	No	N/A	Notes
A. Number of parcels acquired to date. _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
B. Number of parcels scheduled to be acquired. _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
C. Is there an inventory of parcels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
D. Is there a separate file for each parcel?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

II. Informing Property Owners

A. Were property owners informed in writing of the local government's interest in acquiring their property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
B. _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	





Divisions

ADECA > Divisions > Community Development
Current Forms and Sample Documents

- ▶ [Community Development Programs](#)
- ▶ [Community Development Block Grant](#)
- ▶ [Emergency Solutions Grant](#)
- ▶ [Neighborhood Stabilization Program](#)
- ▶ [State Small Business Credit Initiative](#)
- ▶ [CDBG - Disaster Recovery](#)
- ▶ [Office of Minority Business Enterprise](#)
- ▶ [Enterprise Zone Program](#)
- ▶ [Community Services Block Grant](#)
- ▶ [Recreation and Conservation](#)
- ▶ [Appalachian Regional Commission](#)
- ▶ [Delta Regional Authority](#)
- ▶ [Alabama Advantage](#)



Acquisition, Demolition and Relocation



- [Basically CDBG Chapter 14 Relocation and Acquisition](#)
- [Real Estate Acquisition Guide for Local Public Agencies](#)
- [Section 104\(d\) Certification](#)
- [When a Public Agency Acquires Your Property](#)
- [URA Handbook 1378: Tenant Assistance, Relocation, and Real Property Acquisition](#)
- [HUD URA Training Module](#)
- [Uniform Relocation and Real Property Acquisition for Federal and Federally Assisted Programs; Fixed Payment for Moving Expenses; Residential Moves](#)
- [2010 Cost Schedule for URA Property Acquisition for Federal and Federally Assisted Programs; Fixed Payment for Moving Expenses; Residential Moves](#)

CDBG Current Forms and Sample Documents

Translations of any materials into languages other than English are intended solely as a convenience to the non-English speaking user. We have attempted to provide an accurate translation of the original material in English, however, some differences in cases, please refer to the English document.

Traducciones de cualquier material en otros idiomas aparte del Inglés están destinadas únicamente a servir como una herramienta de referencia para el usuario no-ingles-lectura pública. Hemos intentado proporcionar una traducción exacta del material original en Inglés, sin embargo, algunas diferencias pueden existir. En tales casos, por favor, consulte el documento en Inglés.

CDBG Current Forms and Sample Documents
New Final Administrative Regulation Changes for the State CDBG Program
HUD CDBG Training for Local Officials and Grant Administrators
CDBG Compliance Workshop Presentations
Beason-Hammon Alabama Taxpayer and Citizen Protection Act
Citizen Participation
Letter of Conditional Commitment
Environmental (page)
Fair Housing and Equal Opportunity
Financial Management and Common Rule
Bidding and Contracting
Labor Standards
Housing Rehabilitation
Acquisition, Demolition and Relocation
Compliance Checklists
Close Out
Policy Letters

More info on CDBG Web site



Please send your suggestions!

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