

Land Acquisition General Processes Workshop

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Objectives

- Provide property owners with an introductory explanation of their rights and the federal process and steps to acquire properties
- Generally describe the timing and steps
- Reclamation cannot at this time address specific questions regarding individual properties as these are subject to the private parties at this time.

Overview of Governing Statute

- Reclamation realty and relocation activities, must follow existing law and regulation, most specifically:
- Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 as amended and;
- Code of Federal Regulations (49 CFR 24) dated January 4, 2005 “Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally Assisted Programs”

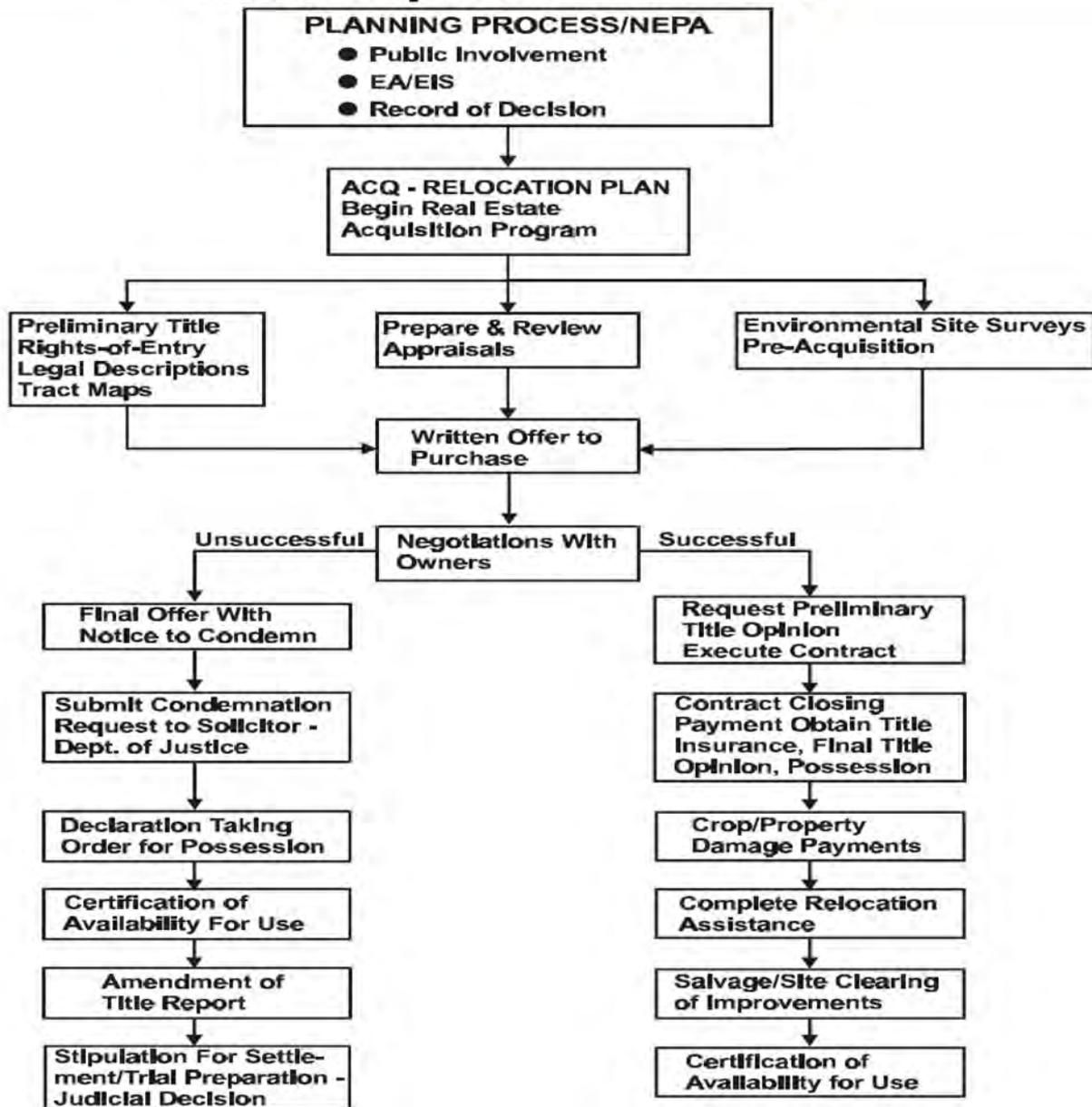
Basic Sequence of Actions

- **Authorization and Planning process has identified an action that requires compensation.**
- **Reclamation would make a determination of properties that would be impacted and may be wholly or partially acquired**
- **Reclamation would notify the owner of said properties and initiate the acquisition process**

The Acquisition Process (In Brief)

- Obtain a Right of Entry
- Perform cultural resource and NHPA review
- Perform environmental site assessment (Phase 1)
- Perform surveys
- Secure proper title evidence
- Prepare draft land purchase contract/warranty deed
- Order and Conduct appraisals
- Solicitor review of contract package
- Prepare and Issue Offer Letter
- Development of a Relocation Plan if necessary
- Final site Assessment and Possession

Land Acquisition Process



General description of possible realty actions

- All actions will be follow Uniform Act of 1970
- Acquisition of real property
 - Willing seller
 - Condemnation
- Residential relocation
- Business relocation

WIIN Act Considerations

If in constructing any new or modified water storage project the Bureau of Reclamation destroys or otherwise adversely affects any existing marina, recreational facility, or other water-dependent business when constructing or operating a new or modified water storage project, the Secretaries of the Interior and Agriculture, acting through the Bureau and the Forest Service shall—

- (1) provide compensation otherwise required by law; and
- (2) provide the owner of the affected marina, recreational facility, or other water-dependent business under mutually agreeable terms and conditions with the right of first refusal to construct and operate a replacement marina, recreational facility, or other water-dependent business, as the case may be, on United States land associated with the new or modified water storage project.

Property Owner Rights

The Uniform Act requires that property owners be provided with:

- Appraisal to determine market value in accordance with UASFLA and USPAP
- Permanent housing that is decent, safe and sanitary
- Temporary housing (if necessary)
- Comparable housing for consideration
- Displaced renter assistance
- Reasonable moving expenses

One question on everyone's mind is the impact of the proposed project on property values.

- **There are specific guidelines Federal agencies must follow when appraising the property, specifically, the appraiser shall disregard any increase or decrease in the market value of the property caused by the project. *49 CFR 24 Subpart B, Section 24.103(b)* states:**

“When the public is aware of the proposed project, project area property values may be affected. Therefore, property owners should not be penalized because of a decrease in value caused by the project nor reap a windfall at public expense because of increased value created by the proposed project”.

Where to find more information:

- Relocation and Acquisition pamphlets
- On the FHWA website for all the technical details at

http://www.fhwa.dot.gov/real_estate/uniform_act/acquisition/real_property.cfm

and at

http://www.fhwa.dot.gov/real_estate/publications/rights/

for the Frequently Asked Questions (FAQs) section

Contact Information

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