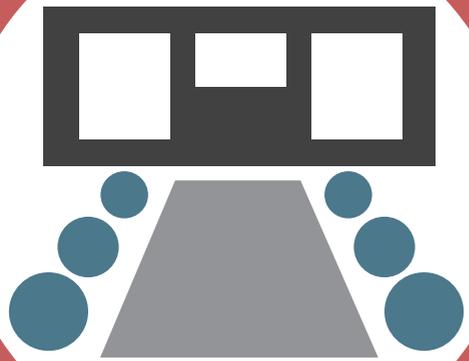


**MaineDOT Projects and Your Property**

*MaineDOT*



## Most major infrastructure construction projects are years in the making.

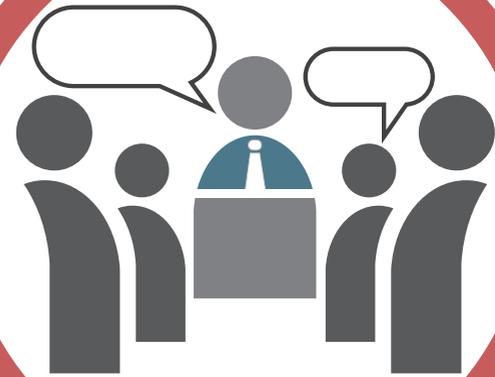
Think of it as a conveyor belt with a variety of MaineDOT work units getting involved along the way. Each project involves funding, design, right-of-way, survey work, traffic plans, environmental and historic concerns, the development of contracts for bidding, etc.

Your municipality works with MaineDOT on prioritizing infrastructure projects. By the time MaineDOT publicizes a “Public Meeting” on its website, your town officials are aware that a project is being planned.

Notices of these meetings are normally placed in the classified section of the local newspaper as well as on [mainedot.gov](http://mainedot.gov). If you own property that abuts or is very near the project, you will also be notified by mail.

If you are interested in learning more about current or future projects, MaineDOT publishes a Work Plan that is searchable by town and lists projects planned for the next three years.

FMI: [mainedot.gov](http://mainedot.gov)



## PLANNING STUDIES

MaineDOT advances a **small percentage** of infrastructure needs for further study to its Bureau of Planning. Though the project is not funded for construction, a planning study vets the project with diverse stakeholders and may include options for the project’s alignments, environmental impacts and costs. Planning studies may take several years and will result in a proposed transportation solution and a decision to fund the solution or not.



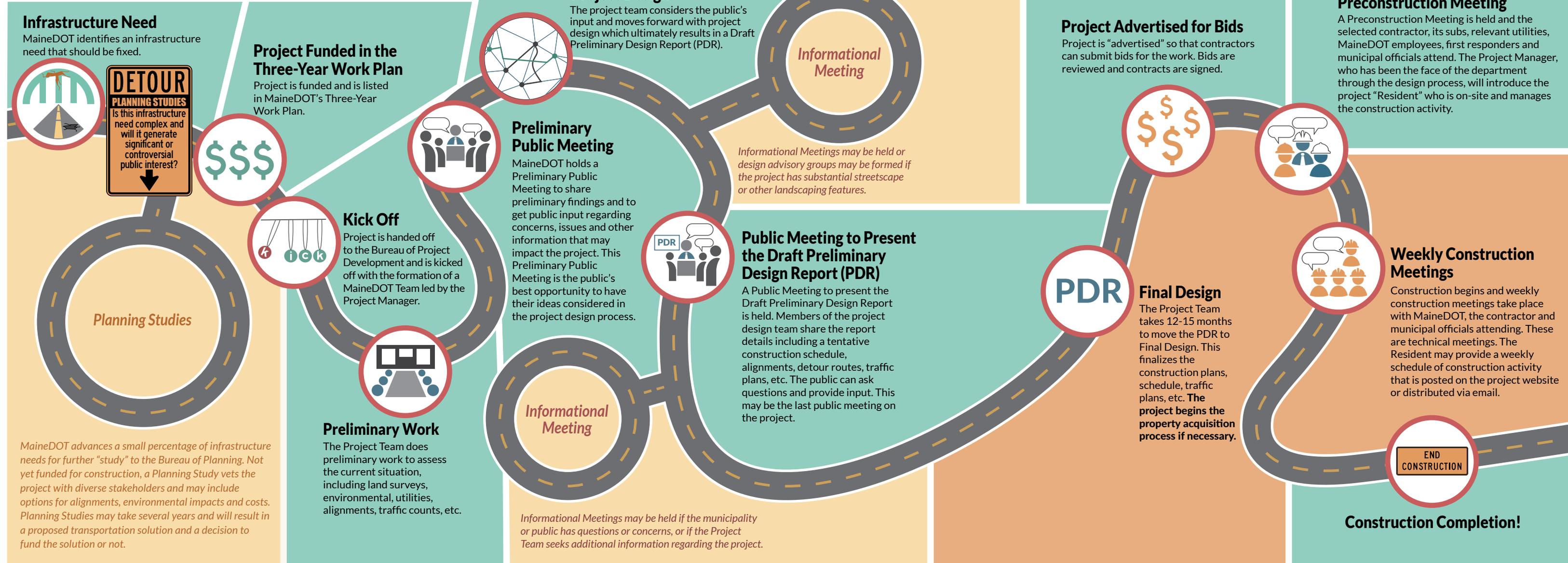
## ONCE A PROJECT IS FUNDED

Though you may have attended meetings during the planning process, once a project has been funded, it is handed off to MaineDOT’s Bureau of Project Development to further develop the design. This may include measuring traffic volumes, studying soils and topography, and determining any social, economic or environmental effects, etc. This is led by a MaineDOT Project Manager who will review all viable infrastructure options such as different alignments or even a “no build” option.

The project development process sparks more public meetings that get specific about engineering and traffic plans, possible right-of-way issues and historic and environmental reviews, etc. This project manager will work with the community up to, and sometimes through, construction.



# MaineDOT Projects From Concept Through Construction



## PUBLIC MEETINGS

MaineDOT holds a **"preliminary public meeting"** to share its findings and to get public input about concerns, issues and any information that may impact the project. This meeting is the public's best opportunity to have their ideas considered in the project design process.

The project team considers the public's input and moves forward with project design. This ultimately results in a **Preliminary Design Report (PDR)**. This process may take several months or longer.

The department then conducts a public meeting to present this PDR, which includes a tentative construction schedule, alignments, detour routes, and traffic plans, etc. The public can ask questions and provide some input, but this can possibly be the last public meeting before a project goes out to bid.

At any time during this process, the department can hold informational meetings if the municipality or the public has questions or concerns. The meetings can be specific about a particular aspect of the project or just address broad questions. Some projects have several informational meetings while others don't have any. However, all significant projects have a preliminary public meeting and a meeting to present the Preliminary Design Report.

## Preconstruction Activities Involving Landowners



### SURVEY

Before construction begins, MaineDOT may contact local property owners regarding the activities that our survey crew or other staff will be conducting on or adjacent to your property. We will also provide you with the name and phone number of a contact person.

The survey crew may set stakes or flagged nails on your property. These stakes and nails do not necessarily indicate construction limits. They may be reference points to measure construction or right-of-way limits. Feel free to ask a MaineDOT representative about the survey marks.



### THE PROPERTY OWNER'S REPORT

Prior to construction, a MaineDOT representative may visit you to get information for a Property Owner's Report (POR). This questionnaire may also be mailed to you.

**A POR is completed for each real estate parcel along the proposed project. The survey asks for:**

- the property owner's source of title;
- the source of water supply;
- the means of sewage disposal;
- the existence of underground pipes, wires and other utilities, and
- the property's boundaries and boundary markers.

The report will include additional questions if the property owner or occupant operates a business.

MaineDOT's staff will use the completed POR to help identify sensitive property features that could lead to consideration of alternate designs to minimize damage to the property. The information gathered on the POR is used by many MaineDOT staff throughout the life of a project.

### WHEN PROPERTY RIGHTS ARE ACQUIRED

Though the term "eminent domain" has negative connotations to some, property rights for MaineDOT projects are typically acquired by eminent domain, in accordance with state and federal laws, and constitutional provisions. When private property rights are acquired by the state, they usually fall within one or more of the following three categories.

**Fee Interest:** The state of Maine acquires all interest in a given parcel.

**Easement:** The owner retains title, but the state acquires the right to use all or a portion of a property for a certain purpose, for example a slope easement or drainage easement.

**Temporary Rights:** The state acquires temporary rights to grade, loam, seed, place fill, clear trees and bushes, or integrate driveways into the construction. These temporary rights will automatically expire at the end of a project.

## OWNER COMPENSATION

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

FIFTH AMENDMENT, U.S. CONSTITUTION

When MaineDOT acquires a private property by eminent domain, the owner must receive just compensation. Just compensation is determined through the appraisal process, using the principle of fair market value. This is the price that would be paid for a property if a knowledgeable and willing buyer and seller reached an agreement after the property was exposed to the open market for a reasonable time. An appraiser will inspect the property. The property owner, or his or her representative, has the right to accompany the appraiser during the inspection.

The amount of compensation payable to an owner varies, depending upon the type of property taken and the project's effect upon the property. If the entire property is taken, the state will pay its entire value. If only a portion is taken, the state will pay the difference between the value immediately before and immediately after the taking.

When a parcel sustains “severance damage” the owner is compensated, not only for the fair market value of the property taken, but for the loss in value resulting from the acquisition and proposed construction. If a partial acquisition leaves the owner with an “uneconomic remnant,” MaineDOT may purchase the remnant parcel, if requested by the owner.

Maine statutes provide for compensation to tenants for any building, structure, or improvement owned by the tenant which is located on land taken for a project. Special rules also apply to public utilities.



## THE NEGOTIATION PROCESS

After MaineDOT reviews and finalizes the offer of compensation, we will schedule a meeting to explain the state's offer. We will bring final right-of-way plans, construction plans, and sometimes aerial photographs of the property to show what will be acquired by the state.

MaineDOT may use an appraisal waiver procedure to determine compensation when the value of the property is below \$15,000 or is not complex. In those instances, we will explain how we determined the compensation and present the offer. At this time, the owner may accept the offer or request an appraisal. If an appraisal is requested, MaineDOT will arrange for that. After the appraisal is reviewed, an offer will be made, and the acquisition will proceed as scheduled.

### The property owner will receive:

- a copy of the Notice of Layout and Taking;
- a statement of just compensation based upon the appraisal;
- a copy of the plan as it relates to the parcel acquired; and
- a check for the compensation which includes prorated taxes.

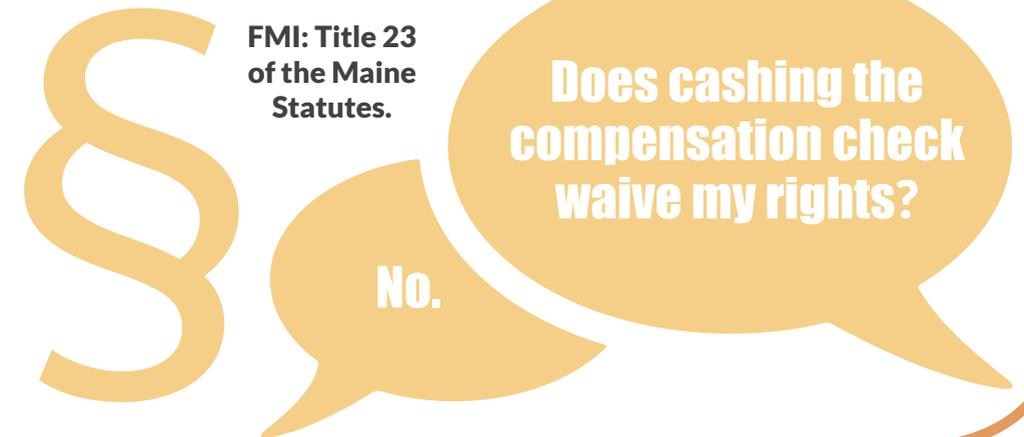
If you are satisfied with this offer and sign an offer and assent form, the transaction between you and the state will be complete.

## YOUR RIGHT TO APPEAL

The department would like to reach an agreement with every affected property owner and will continue to negotiate as long as progress towards a settlement is being made. ***Please note that cashing the compensation check does not waive your right to appeal the amount, nor does it indicate your agreement to a settlement.***

If you are unsatisfied with the department's offer or if you would rather see the project completed prior to signing the “offer-assent form” or settlement agreement, MaineDOT will refer your case to the State Claims Commission. This is required and will happen 60 days after you receive the “Notice of Layout and Taking.” You will be notified in writing when it occurs.

If you and the department reach an agreement after the referral to the State Claims Commission, MaineDOT will advise the commission of our settlement.



FMI: Title 23 of the Maine Statutes.

## STATE CLAIMS COMMISSION HEARING

After 60 days from the date of taking (the date that the Notice of Layout and Taking is recorded in the Registry of Deeds), MaineDOT will refer unsettled claims to the State Claims Commission. The commission will schedule a hearing, usually after the construction project is completed.

Three members of the commission are assigned to hear unsettled compensation matters. One of the commissioners must be an appraiser and one must be an attorney. The third member will be a county commissioner of the county where the property is located.

Fourteen days prior to the hearing, a notice of the time and place will be mailed to you and to the holders of any mortgage, tax lien or other encumbrance on the property. The hearing will take place in the county where the land is situated, and commission members will view the property before holding the hearing. All interested parties will be notified of the time of the property viewing. The viewing will be held whether the interested parties are present or not.

MaineDOT will be at the hearing and may present testimony regarding the title, engineering, plans, data, and its opinion

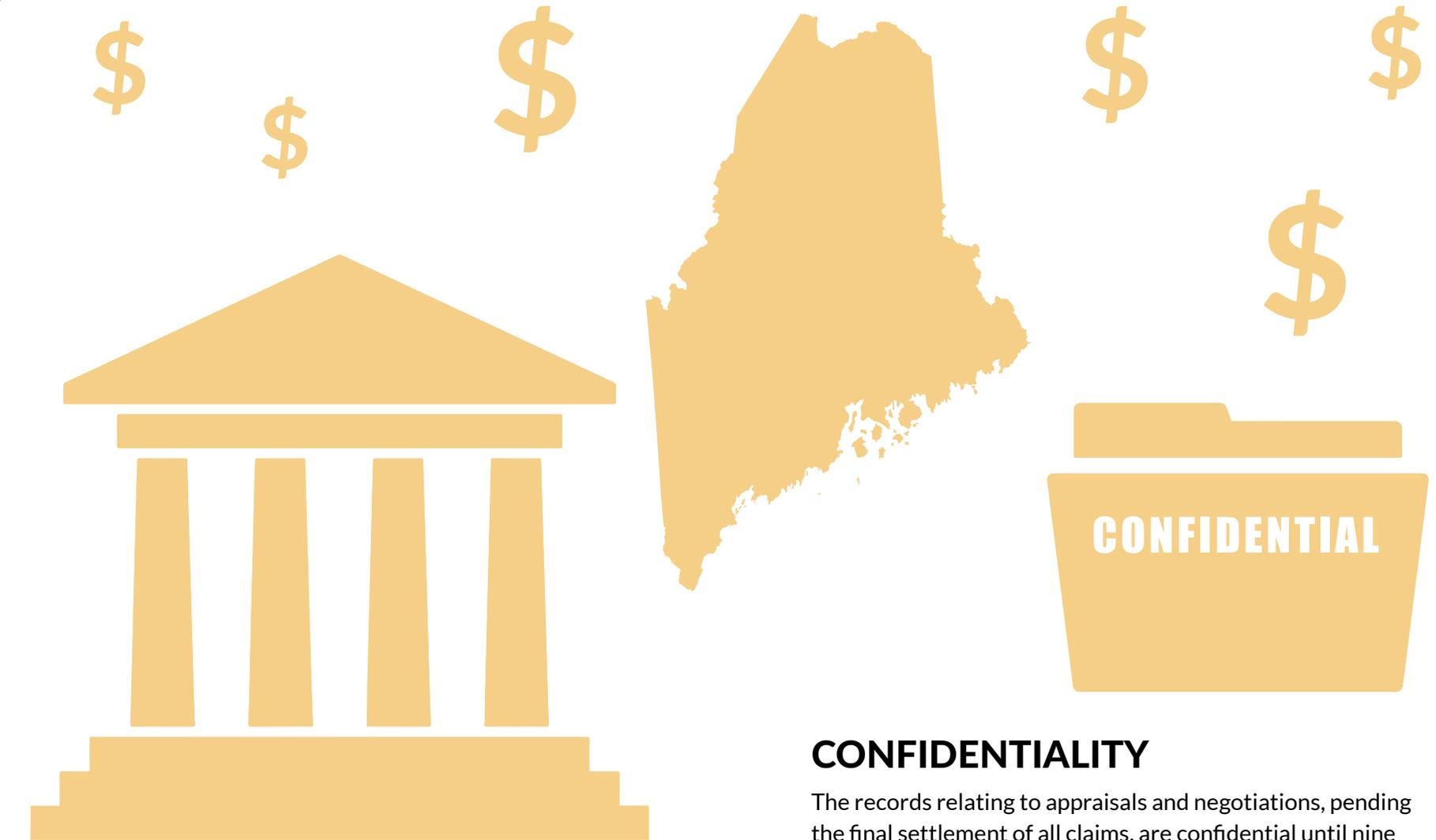
of the property's value. Generally, the department presents the information used to prepare the appraisal which also served as the basis for the state's offer. The procedure fully protects your rights and gives you or your attorney an opportunity to appear and to present your case.

In making its decision, the State Claims Commission isn't limited by the testimony presented, but it may reach its decision based on the property viewing, the testimony, and its own judgment.

All parties have the right to appeal a State Claims Commission decision to the Maine Superior Court. If neither party appeals within 30 days of the decision, the property owner will receive a check in the amount of the award, if this is the decision of the commission.

If MaineDOT or the property owner appeals, the check naming the property owners as payee will be deposited with the Clerk of the Court.

If the case is appealed, it will be tried in Superior Court as a civil case, either by a jury, or if all parties agree, by a judge.



## CONFIDENTIALITY

The records relating to appraisals and negotiations, pending the final settlement of all claims, are confidential until nine months following the completion of the project.

## BUILDING AND IMPROVEMENTS

If a building or improvements are located on land being acquired as a right-of-way, the owner will be offered compensation for the land and buildings. The owner may also be offered the option of retaining the buildings and having their “salvage value” deducted. Salvage value will be determined by the department’s appraiser.

If it is agreed that the owner may retain the building, MaineDOT will indicate the date by which the building must be removed. A performance bond may be required to insure proper removal of the structure and cleanup of the premises.

The owner will be required to pay rent to the state if he/she doesn’t intend to retain the building yet occupies it after it is acquired by the state. This applies to the period from the date of acquisition to the date when the state requires possession. MaineDOT and the owner will negotiate a fair rental value not to exceed the fair rental value of the property based upon “short-term occupancy.” Any tenant occupying the building following the state’s acquisition will pay rent directly to the state.



## MORTGAGES, TAX LIENS and ENCUMBRANCES

If there is a recorded mortgage, tax lien or other encumbrance, the mortgagee, lien holder, or holder of the encumbrance will be included as a payee on the check sent to the property owner.

## PROPERTY TAXES

It is the state’s policy is to pay a prorated share of the property taxes assessed for the tax year when the property is taken. MaineDOT recommends that you consult an accountant or other tax professional for advice about the tax treatment of condemnation awards which involve complex rules, laws and regulations.

## SALE TO A THIRD PARTY

If, after being notified that MaineDOT plans to acquire a property, the property owner decides to sell to a party other than MaineDOT, the potential purchaser must be advised of MaineDOT’s intentions. This is a law that applies to the owner, or the owner’s agent.

## STATE ASSISTANCE IN RELOCATING

If you are displaced by a project, you are entitled to relocation assistance from MaineDOT.

If you have a building or personal property within a project acquisition area, a relocation assistance officer will contact you to explain the relocation assistance benefits.

Some of the benefits you may be eligible for include:

- assistance in finding a replacement dwelling;
- payment for moving costs and expenses related to property transfer;
- replacement housing allowances; and
- adjustments for mortgage interest increases.

Tenants may be eligible for rental assistance payments.

A separate brochure detailing the relocation program is available at the public meeting or from the MaineDOT representative assigned to your project.

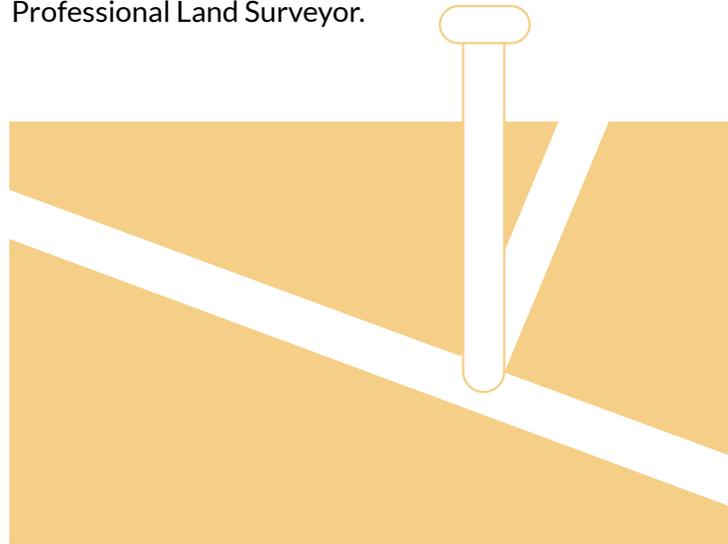
**SOLD!**



## BOUNDARY MARKERS

Please tell MaineDOT about any boundary markers that could be disturbed by the construction project. MaineDOT surveyors will identify the location of the markers and show them on our plans. If an existing marker is removed or destroyed by a project, MaineDOT will re-establish, or pay reasonable costs to re-establish, the former location of the marker.

Under certain conditions, MaineDOT may reimburse a property owner for reasonable survey costs to set a marker on the new right-of-way line if the property owner can provide a recent boundary survey completed by a Licensed Professional Land Surveyor.



## WELL CLAIMS PROGRAM

Under certain circumstances, private wells near a construction project are tested before construction begins. The water is analyzed and the results are sent to the owner of the water supply.

During construction, every effort is made to protect water supplies and plumbing. If a homeowner believes that a private water supply has been damaged because of construction activities, the owner should immediately contact the resident engineer on the project. If the engineer can't resolve the problem, the homeowner may apply in writing to MaineDOT for a determination of the cause and an assessment of the damage. The application must contain the information required by state statute (23§ M.R.S.A. 652 (2)). It must be submitted within 24 months after completion of the project.



## HOW TO CONTACT MaineDOT

MaineDOT encourages you to contact a department representative if you have any questions:

### Maine Department of Transportation

16 State House Station  
Augusta, Maine 04333-0016

Toll Free: 1-888-600-2903  
(207) 624-3000  
TTY Users call Maine Relay 711



### Highway Program

Tel: (207) 624-3480  
Fax: (207) 624-3481

### Bridge Program

Tel: (207) 624-3490  
Fax: (207) 624-3491

### Multimodal Program

Tel: (207) 624-3420  
Fax: (207) 624-3401

### Property Office

Tel: (207) 624-3460  
Fax: (207) 624-3401

