**Right-of-Way Letters:**

**Locally Administered Projects**

***Note:*** *The letters in this packet will serve as templates in the event that a municipality must acquire rights-of-way for a federally funded project.*

**RIGHT TO ACCOMPANY**

|  |  |  |  |
| --- | --- | --- | --- |
|  | | | |
| Date: | | |  |
| |  | | --- | | Property Owner (s) | | Address  Municipality, State ZIP | | | |  |  | | --- | --- | | Federal#: |  | | WIN: |  | | Parcel: |  | | Route#: |  | |  |  | | |
| Dear Property Owner(s): | | | |
| The Municipality of       is working on plans for a transportation project located at      . This letter serves to inform you of the proposed project and your involvement as a property owner. The plans indicate the Municipality will acquire a portion of your property and/or rights in land as part of this project.  I am conducting a detailed analysis of the real estate market in the area to be used in estimating the value of the property to be acquired for the project. The objective is to estimate the fair market value to be paid to each owner of property and/or rights in land required for constructing the project. As a part of the valuation process, all the involved properties will be inspected and photographed on      . As an involved property owner, you or your agent/representative have the right to accompany the appraiser during the property inspection. Should you or your agent care to accompany me during this inspection, kindly call me no later than      , so that an appointment can be arranged.  If you decide to sell your property, you must by law inform the potential buyer that the Municipality intends to acquire an interest in this property. Following the completion of the valuation analysis, a representative of the Municipality will contact you to present the State’s offer and explain the details of the valuation process, the acquisition process and the proposed construction. The objective is to reach a settlement based upon the Municipality’s offer of just compensation.  If you have questions pertaining to the procedures, you can contact me by telephone, at      . Our intention is to have you understand what is being done and why it is being done, with the least amount of inconvenience to you as an involved property owner.  Thank you for taking your time to understand our procedures. | | | |
|  | Sincerely, | | |
|  | Right of Way Appraiser | | |

Date:

Re: Project:

Municipality:

WIN:

Parcel No.:

Item No.:

(Property Owner)

(Address)

City, State Zip

Dear Property Owner:

Today, as the Municipality’s representative, I have explained to you the proposed construction and the effect it will have on your property. I have attempted to answer any questions you had. I have also explained the methods used in preparing our appraisal and the basis for our determination of just compensation for the land and rights to be acquired. I have made you an offer in the amount of $     , which represents the just compensation as determined by a qualified appraiser and approved by one of the Municipality’s review appraisers.

The land and/or rights to be acquired from you for this project are as follows:

|  |  |  |  |
| --- | --- | --- | --- |
| **Valuation Type** | **Count** | **Area** | **Unit** |
|  |  |  |  |

The following is a statement by the Municipality regarding the parcel or parcels of land above referenced:

A. The highest and best use of the property at the date of taking:

B. The fair market value of the real property taken as of the date of taking: $     .

C. Offering price: $     .

I have explained your recourse if the Municipality’s offer is not acceptable. I have also explained that the property owner or designated representative is responsible for informing any potential purchaser of the impending acquisition of land and/or rights.

The Municipality has worked to design a safe, attractive project that will cause the least damage to adjoining property. The Municipality also has made every effort to determine by properly made and carefully reviewed appraisals the just compensation due to the owners. I hope that we have accomplished our objective.

Please be advised that if you have a mortgage, the mortgage company holds a recorded interest in your property. Under Maine law, your mortgage company may receive a copy of the condemnation documents and may be named on your just compensation check. If your mortgage company is named on your compensation check, your lender must endorse the check before you can cash it.

Your mortgage document quite likely contains a provision that addresses eminent domain takings. If your lender is named on your check, you should review this language in your mortgage carefully and deal with your lender directly. The holders of tax liens or other recorded encumbrances on your property may also appear on your check. Again, the lender’s endorsement will be required and you will need to deal with them directly.

Under certain conditions the Municipality can reimburse eligible property owners for reasonable cost associated with resetting a property pin on the new right of way line by a Licensed Professional Land Surveyor. If necessary, I will explain the eligibility criteria and application process.

Sincerely,

By:

Date:

Re: Project:

Municipality:

WIN:

Parcel No.:

Item No.:

(Property Owner)

(Address)

City, State Zip

Dear Property Owner:

Today, as the Municipality’s representative, I have explained to you the proposed construction and the effect it will have on your property. I have attempted to answer any questions you had. I have also explained the methods used in preparing the Municipality’s appraisal and the basis for our determination of just compensation for the land and rights to be acquired. I have made you an offer of $     , which represents the just compensation as determined by a qualified appraiser and approved by one of the Municipality’s review appraisers.

The land and/or rights to be acquired from you for this project are as follows:

Land:

Easements:

Grading Rights:

Buildings & Improvements:

Other Interests and/or Rights to be Acquired:

The following is a statement by the Municipality regarding the parcel of land above referenced:

A. The highest and best use of the property at the date of taking:      .

B. The highest and best use of the property remaining after the taking:      .

C. The fair market value of the property before the taking:      .

D. The fair market value of the property after the taking:      .

E. The gross damage because of the taking:      .

1 . Fair Market Value of the part taken:      .

2. Severance Damage, including impairment or destruction of facilities and structure:

Total Gross Damages

F. Value of special benefits accruing to the remaining property by reason of the public improvement. $

G. The net damage allocated as follows:

1 . Fair Market Value of real property taken:      .

2. Amount of Severance Damage in excess of special benefits:      .

3. The offering price:      .

I have explained your recourse if the Municipality’s offer is not acceptable. I have also explained that the property owner or designated representative is responsible for informing any potential purchaser of the impending acquisition of land and/or rights.

The Municipality has worked to design a safe, attractive project that will cause the least damage to adjoining property. The Municipality also has made every effort to determine by properly made and carefully reviewed appraisals the just compensation due to the owners. I hope that we have accomplished our objective.

Please be advised that if you have a mortgage, the mortgage company holds a recorded interest in your property. Under Maine law, your mortgage company may receive a copy of the condemnation documents and may be named on your just compensation check. If your mortgage company is named on your compensation check, your lender must endorse the check before you can cash it.

Your mortgage document quite likely contains a provision that addresses eminent domain takings. If your lender is named on your check, you should review this language in your mortgage carefully and deal with your lender directly. The holders of tax liens or other recorded encumbrances on your property may also appear on your check. Again, the lender’s endorsement will be required and you will need to deal with them directly.

Under certain conditions the Municipality can reimburse eligible property owners for reasonable cost associated with resetting a property pin on the new right of way line by a Licensed Professional Land Surveyor. If necessary, I will explain the eligibility criteria and application process.

.

Sincerely,

By:

**Property Owner(s):** WIN:

      Municipality:

Parcel/Item No.:

**BACKGROUND**

1. It has been determined that public exigency requires the construction or reconstruction by altering, widening, changing the grade of and/or changing the drainage of a portion of       Street/Road in the Municipality of      , County of      , and Municipality through a Locally Administered Federal-aid Project identified by the WIN referenced above (the “Project”).

2. In connection with the Project, the necessary real property rights (the “Property Rights”) to be acquired have been assigned value, surveyed, and identified on a plan known as Right of Way Map,       Street/Road, Project No.      , on file at      .

3. The Property Rights in and to a certain parcel of land identified on the Right of Way Map as Parcel No.      , owned by the above identified Property Owner(s) (the “Property Owner(s)”) in said      , are required for construction of the Project.

4.The Municipality intends to acquire the Property Rights by filing a Notice of Layout and Taking (the “Taking”) in the       County Registry of Deeds on or about      . At the Municipality’s discretion, and with the Property Owner(s)’ consent, the Property Rights may be transferred through the execution of a deed or other transactional instrument.

5.The Municipality has determined just compensation for acquisition of the Property Rights to be $      (the “Payment”), and this amount will be paid to the Property Owner(s) upon filing of the Taking.

5. The Property Owner(s) does/do hereby acknowledge that      , the right-of-way agent representing the Municipality, met with or wrote to the Property Owner(s) and explained the Property Rights to be acquired, the just compensation Payment, and all construction impacts, changes of location, grade, drainage and slopes as they apply to the Property Owner(s)’ land.

**AGREEMENT**

1.The Property owner(s) accept the Payment as just compensation for all Property Rights taken in connection with the Project.

2. The Property Owner(s) release the Municipality from any further claims of just compensation arising from the Property Rights taken in connection with the Project; however, if any changes in design or construction occur after the date of this settlement and negatively impact the Property Owner’s land in an unanticipated manner, the Property Owner(s) shall have the right to request that this settlement be rescinded.

In witness of the above, the parties have executed this Agreement on the date herein indicated.

Dated: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Property Owner(s):

Printed name:

Printed name:

**WIN PROJECT**

**TOWN**

**PARCEL/ITEM NO.**

**OWNER(S)**

**NEGOTIATOR’S STATEMENT**

I hereby certify that:

1. The attached agreement for settlement contains all considerations agreed upon by the owner(s) and the undersigned.
2. The agreement was rendered without coercion, promises other than those shown in the agreement, or threats of any kind whatsoever by or to either party.
3. I understand that the property and/or rights are to be secured for use in connection with a Federal Aid Highway Project.
4. I have no direct or indirect present or contemplated future personal interest in the property or in any benefit from the acquisition of the property.

Signed: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Title: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

PROJECT LOCATION:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

WIN:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

PCL/ITEM NO:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

OWNER(S):\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(I),(We) acknowledge that we have been informed of the right to receive just compensation based upon an approved appraisal. Notwithstanding, we wish to donate the right of way (land and/or rights therein) and release the Municipality of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ from its obligation to provide an appraisal and offer for the real estate needed for the above referenced project. This donation to the Municipality of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ is made without coercive action of any nature.

DATED:

WITNESS SIGNATURE OF OWNER(S)

Printed name: Printed name:

Title: Title:

Printed name:

Title:

Date:

     , Project Manager

Maine Municipality of Transportation

Bureau of Project Development, Multimodal Program

16 State House Station

Augusta, ME 04333-0016

**Subject: Right-of-Way Certification, Federal Project**

MaineDOT WIN

Dear      :

***If right-of-way was acquired, use this statement:***

The Municipality of       hereby certifies that:

1. The Municipality has acquired all rights-of-way necessary for construction and maintenance of [DESCRIPTION AND LOCATION], and the Municipality has legal and physical possession of those rights;
2. The acquisition was performed in accordance with Title III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, “Uniform Real Property Acquisition Policy”; and
3. No acquisition required compliance with Title II of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, “Uniform Relocation Assistance.”

***If NO right of way was required, DELETE the statement above and use this language:***

The Municipality of [NAME] hereby certifies that no right-of-way acquisition was necessary for construction and maintenance of the subject project. All work will occur within the exiting right-of-way, as documented in the final design plans stamped by the Engineer of Record.

All information about the right-of-way process can be made available upon request. If you need additional information, please let me know.

Sincerely,

Highest-Ranking Municipal Official

END OF PACKET