

RESOLUTION NO. 30-86

RIGHT OF WAY ACQUISITION PROCEDURES

OF

MASON COUNTY

PART ONE

POLICY STATEMENT:

Mason County desiring to acquire Real Property in accordance with the State Uniform Relocation Assistance and Real Property Acquisition Act (RCW Ch. 8.26) and State regulations (WAC Ch. 365-24) hereby adopts the following procedures to implement the above statute and Washington Administrative Code.

The Public Works Department of Mason County is responsible for the real property acquisition and relocation activities on projects administered by Mason County Department of Public Works. To fulfill the property acquisition-relocation assistance role in development and implementation, the Public Works Department have the following expertise and personnel capabilities and accomplishes these functions under the following procedures:

A

PERSONNEL AND DUTIES

1. COUNTY ENGINEER
Administers all activities of the Court and Right of Way Section, including support to the Law Department in litigation, environmental law compliance and the property acquisition programs for the Department. Assures compliance with appropriate Mason County Ordinances and Resolutions, State statutes, rules and regulations which pertain to real property acquisition and relocation assistance.
2. COUNTY RIGHT OF WAY AGENT (position to be filled by existing personnel)
Administers all appraisal activities, including estimates of right of way costs and appraisals of fair market value to assure that the Mason County appraisal process complies with appropriate County, City and State statutes, laws, rules and regulations. Coordinates and assigns all appraisal work, hires contract (fee) appraisers, maintains permanent files on all appraisals, prepares appraisals, when appropriate. Reviews all appraisals to determine the adequacy and reliability of supporting data and to approve an adequately supported appraisal report which represents fair market value. Researches market data to assure up-to-date information on the real estate market and provides court testimony on appraisals for condemnation. Advises owners of need for project, of impact upon their property and of their rights under Public Law RCW Ch. 8.26. Reviews project plans, appraisals and instruments for

adequacy as to real property considerations. Actively negotiates with owners to acquire real property in conformance with all laws, rules and regulations. Requests condemnation procedure when necessary. Sets up Escrows and instructions.

3. RELOCATION AGENT (position to be filled by existing personnel)
In compliance with City, County, State law, appropriate rules and regulations, gives notice of relocation assistance at the time of or subsequent to initiation of negotiations according to time limits determined by the funding agency. Prepares letter to property owner explaining entitlements. Prepares appropriate relocation claims. Is knowledgeable in State guidelines for relocation assistance and real property acquisition policies. If the project does not require relocation, prepares letter disclaiming necessity to prepare relocation plan. Prepares Relocation Assistance Program Plan for project requiring relocation assistance. Carries out same. Makes field inspections of available substitute housing to insure decent, safe and sanitary qualifications. Meets with and interviews all displacees as to their needs, offering services and advice on continuing basis.

B.

FEDERAL-AID REQUIREMENT CHECKLIST

REFERENCE

1. REAL PROPERTY MUST BE APPRAISED BEFORE INITIATION OF NEGOTIATIONS WITH THE OWNER.

Property acquired by Mason County for public works projects will be appraised by a qualified staff or fee appraiser with appropriate appraisal review before initiation of negotiations with the owner.

REFERENCE

2. OWNERS MUST BE GIVEN AN OPPORTUNITY TO ACCOMPANY EACH APPRAISER DURING HIS INSPECTION OF THE PROPERTY.

The Mason County Appraiser will contact the owner and extend an invitation for the owner to accompany the appraiser during his inspection of the property. Appointment should be made at the owner's convenience.

REFERENCE

3. THE ACQUIRING AGENCY MUST ESTABLISH JUST COMPENSATION BEFORE INITIATION OF NEGOTIATIONS WITH THE OWNERS.

Mason County will establish just compensation from the Review Appraiser's estimate of value before negotiating with any owner. Any amounts paid over just compensation for the property will be an administrative settlement and will be so documented in the acquisition file as to the justification used in arriving at the amount of the settlement. However, in an administrative or stipulated settlement, payment will not be made by the person who determined the settlement.

REFERENCE

4. NO INCREASE OR DECREASE IN THE FMV DUE TO THE PROJECT EXCEPT PHYSICAL DETERIORATION, IS TO BE CONSIDERED IN THE VALUATION OF THE PROPERTY.

During the appraisal process, Mason County will not consider any factors of the project that would influence the valuation of the property except physical deterioration wherever appropriate.

REFERENCE

5. APPRAISALS ARE NOT TO GIVE CONSIDERATION NOR INCLUDE ANY ALLOWANCE FOR RELOCATION ASSISTANCE BENEFITS.

Mason County will not consider relocation assistance benefits in their appraisal process in establishing fair market value for the property to be acquired.

REFERENCE

6. THE OWNER IS NOT TO BE LEFT WITH AN UNECONOMIC REMNANT THAT THE ACQUIRING AGENCY DID NOT OFFER TO ACQUIRE.

Pursuant to RCW 8.26.180, Paragraph 9, Mason County, during acquisition of a portion of the owner's property, will not leave an uneconomic remnant without offering to acquire the entire property from the owner.

REFERENCE

7. THE OWNER IS TO BE GIVEN A WRITTEN STATEMENT OF THE AMOUNT ESTABLISHED AS JUST COMPENSATION, A SUMMARY OF THE BASIS FOR THE AMOUNT OF JUST COMPENSATION, AND WHERE APPROPRIATE, THE JUST COMPENSATION FOR REAL PROPERTY ACQUIRED, AND DAMAGES ARE TO BE SEPARATELY STATED IN THE WRITTEN STATEMENT.

Mason County will give to the owner at the initiation of negotiation a written statement known as the "fair offer letter". That statement will be the amount of just compensation based on a review and analysis of an appraisal(s) made by a qualified appraiser with a summary thereof, showing the basis for just compensation. Included in the fair offer letter will be identification of the real property to be acquired, including the estate or interest being acquired. There will be, when appropriate, the identification of the improvements and fixtures considered to be part of the real property to be acquired. The fair offer letter will show that portion of the just compensation considered the amount of damages to the remaining property. At the initiation of negotiation with the owner, Mason County will give to the owner an Acquisition Brochure furnished by the Washington State Department of Transportation.

REFERENCE

8. NO OWNER SHALL BE REQUIRED TO SURRENDER POSSESSION BEFORE THE AGREED PURCHASE PRICE HAS BEEN PAID OR THE APPROVED AMOUNT OF COMPENSATION HAS BEEN PAID INTO THE COURT.

Mason County will not require the owner or tenant to surrender possession of the property before 90 days after the agreed purchase price has been paid or the approved amount of compensation has been paid into court. The 90 day notice may be reduced only in the event the property being acquired is unimproved, contains no personal property and is not being utilized by the owner or tenant.

REFERENCE

9. ALL DISPLACED PERSONS MUST BE GIVEN A 90-DAY NOTICE IN ADVANCE OF THE DATE THEY ARE REQUIRED TO MOVE.

Mason County will provide relocation assistance to an owner or tenant or contract with a qualified organization to perform this service.

REFERENCE

10. THE RENTAL AMOUNT CHARGED TO OWNERS AND/OR TENANTS PERMITTED TO OCCUPY THE PROPERTY SUBSEQUENT TO ACQUISITION MUST NOT EXCEED THE FAIR MARKET RENTAL VALUE TO A SHORT-TERM OCCUPANT.

Rental amounts charged to owners and tenants occupying the property subsequent to acquisition will not be excess of the fair rental amount of a short-term occupant.

REFERENCE

11. NO ACTION MUST BE TAKEN TO ADVANCE CONDEMNATION, DEFER NEGOTIATIONS OR CONDEMNATION OR TAKE ANY OTHER ACTION COERCIVE IN NATURE IN ORDER TO COMPEL AN AGREEMENT ON THE PRICE TO BE PAID FOR THE PROPERTY.

Every reasonable effort will be made to acquire expeditiously real property by negotiations without exercising the right of Eminent Domain. No action will be taken to advance condemnation, defer negotiations or condemnation or take any other action coercive in nature in order to compel an agreement on the price to be paid for the property.

REFERENCE

12. MASON COUNTY MUST ACQUIRE AN EQUAL INTEREST IN ALL BUILDINGS, ETC., LOCATED UPON THE REAL PROPERTY ACQUIRED.

When any interest in real property is acquired, at least an equal interest will be acquired in all buildings, structures, or other improvements located upon the real property so acquired and which is required to be removed from such real property or which will be adversely affected by the use to which such real property will be put.

REFERENCE

13. THE ACQUIRING COUNTY MUST PAY RECORDING FEES, TRANSFER TAXES, ETC., PENALTY COSTS FOR PRE-PAYMENT OF A PRE-EXISTING MORTGAGE AND THE PRO-RATA SHARE OF REAL PROPERTY TAXES PAID SUBSEQUENT TO VESTING TITLE IN THE ACQUIRING COUNTY.

Mason County will comply with RCW 8.26.200 and will pay direct or reimburse the owner for expenses necessarily incurred in the acquisition for:

Recording fees, transfer taxes, and similar expenses incidental to conveying such real property to the acquiring Mason County;

Penalty costs for full or partial prepayment of any pre-existing recorded mortgage entered into in good faith encumbering such real property;

The pro-rata portion of real property taxes paid which are allocable to a period subsequent to the date of vesting title in the acquiring Mason County, or the effective date of possession of such real property by the acquiring Mason County, whichever is the earlier.

REFERENCE

14. NO PROPERTY OWNER CAN VOLUNTARILY DONATE HIS PROPERTY PRIOR TO BEING INFORMED OF HIS RIGHT TO RECEIVE JUST COMPENSATION.

A donation or gift of real property will be accepted only after the owner has been fully informed of his right to receive just compensation.

REFERENCE

15. PROVISIONS HAVE BEEN MADE FOR RODENT CONTROL SHOULD IT BE NECESSARY.

If rodent control should become necessary in the project, Mason County will make provisions to maintain control or eradicate the rodents.

REFERENCE

16. NO OWNER WAS INTENTIONALLY REQUIRED TO INSTITUTE LEGAL PROCEEDINGS TO PROVE THE FACT OF THE TAKING OF HIS REAL PROPERTY.

No owner will be intentionally required to institute legal proceedings to prove the fact of the taking of his real property.

Mason County, to promote more convenient administration of Federal-Aid projects, will require that right of way plans, contracts, deeds, appraisals, options, vouchers, correspondence and all other documents and papers to which the Federal Highway Administration needs to refer, will carry the Federal Aid project number for ready identification.

Dated this 11th day of March, 1986.

BOARD OF COUNTY COMMISSIONERS
MASON COUNTY, WASHINGTON

Annette S. McLee
Chairperson

John B. [Signature]
Member

Michael [Signature]
Member

ATTEST:

Rebecca S. Joebke
Clerk of the Board

CERTIFICATE

The above is signed as Mason County policy pursuant to Resolution No. 30-86 dated March 11th, 1986 done at the regular meeting of the Mason County Board of Commissioners.