

ACQUISITION INFORMATION FOR PROPERTY OWNERS

The primary responsibility of the Dakota County Transportation Department is the administration, planning, construction, maintenance, and safety control of the County highway systems.

In carrying out this responsibility, the acquisition of privately owned property interests is sometimes necessary. The purpose of this brochure is to inform those individuals, whose property must be acquired, of their rights under Minnesota law and to provide information about the acquisition process.

Under Minnesota law, the County may acquire property by gift, direct purchase, or eminent domain proceedings.

EARLY CONTACT:

Before the County is in a position to acquire your property, the County will notify you by mail that a survey crew will enter your land to obtain information for the development of the proposed improvement.

DETERMINATION OF JUST COMPENSATION:

A Certified Appraiser will make an appraisal of your property rights before negotiations are started. (Real property is defined as the rights and interests possessed in land and generally whatever is erected, or growing upon, or affixed to, land.) You, or a representative whom you designate, will be given an opportunity to accompany the appraiser on his/her inspection. This provides you an opportunity to point out any unusual or hidden features your property may possess.

In preparing the appraisal, the appraiser may not consider an increase or decrease in the value of your property prior to the date of valuation that results from the highway project or the likelihood that your property will be acquired for the project. However, any physical deterioration within your reasonable control will be considered in the valuation of your property.

The appraisal is based primarily on studies of recent sales of property in the vicinity of your property. The County will review the completed appraisal(s). Based on a review of the appraisal(s), the County will establish the amount it believes to be just compensation to be offered for the property interest to be acquired.

DIRECT PURCHASE:

The County will make an offer to purchase the property for the full amount it has determined to be just compensation. A written statement will be provided to you that will include the amount offered and an explanation of the basis for determining this amount. In cases where only a part of the property is to be acquired, the statement will separate the amount of compensation to be paid for the property being acquired and the amount (if any) for damages to the remainder. If any acquisition leaves you with an uneconomic remnant, the County must offer to purchase it.

The County will not take any action that would coerce you into accepting its offer. Prohibited actions include advancing the time of condemnation, deferring negotiations or condemnation, or postponing the deposit of funds in court for your use.

You will have a reasonable length of time to consider the offer. To aid in your decision, you may wish to secure your own appraisal. Minnesota law provides for reimbursement by the County in an amount not to exceed \$1,500 for the actual cost of an appraisal for single and two family residential properties and acquisitions that a qualified appraiser indicates is appraised for \$10,000 or less, a "minimum damage acquisition". Appraisals for other types of property may be reimbursed up to \$5,000. The acquiring authority must pay the reimbursement to the owner within 30 days after receiving a copy of the appraisal and the reimbursement information. **The appraisal must be completed by a Minnesota licensed real estate appraiser and meet the requirements of "The Uniform Standards of Appraisal Practice" (USPAP) in order to be considered by the County.**

If you elect to accept the offer, you will be asked to sign documents granting the County the required interest in your property. The County will, at its own expense, furnish all documents necessary to complete the conveyance, make the necessary examination of title, and record the documents at the County Recorders Office.

Payment will be processed within a reasonable time after all the required documents have been signed by you and others who may have a legal interest in the fee title. If there is a mortgage, contract for deed, or other recorded lien on the property being acquired, the holder of that lien will be named on the check. The check can be made payable to you if the lien holder provides the County a written statement allowing the check to be made payable to you only. Any fee charged by the lien holder for this service must be borne by you.

If all of your property interest is being acquired, it will be necessary that all current and delinquent real estate taxes, as well as all special assessments, be paid in full. The County will advise you on payment of taxes due.

The County will make every reasonable effort to avoid litigation by acquiring your required property interest through direct negotiation.

POSSESSION:

If you must move because your home has been acquired, or if you must relocate your business or farm operation because of the acquisition of your property, you will be given at least 90 days written advance notice of the date by which you are required to move. If you have to move from your home, a decent, safe, and sanitary replacement dwelling must be available to you, on a nondiscriminatory basis, prior to your displacement.

You are not required to surrender possession of your property until:

1. You have been paid the agreed purchase price, or
2. A deposit has been made with the court, for your benefit, in an amount not less than the County approved appraisal or the amount of the award of compensation in a condemnation proceeding.

Once the County has acquired your property, it may decide to rent it, subject to termination on short notice. The amount of rent charged you, or another tenant, will not exceed the fair rental price value of the property to a short-term occupier.

DONATIONS:

You may make a gift or donation of the property, or any part of it, or of any of the compensation paid for it, to the County.

You have the right to receive just compensation for the acquisition of the property if it is desired. You are also entitled to have an appraisal made of the property along with an offer of just compensation.

However, you may release the County from either or both of the obligations. It is your option.

CONDEMNATION:

If agreement cannot be reached on the purchase of your property, the County will acquire the required property interest by the exercise of the power of eminent domain. If a situation such as this does occur, the County will institute formal condemnation proceedings.

Under eminent domain procedures, the court appointed commissioners may, in their discretion, allow reasonable owner appraisal costs not to exceed \$5,000, if not previously compensated. Reimbursement for appraisal fees must not be duplicated.

BUILDINGS, STRUCTURES, AND IMPROVEMENTS – SINGLE OWNERSHIP:

When the County obtains an interest in your land, it must acquire at least an equal interest in any buildings, structures or improvements located on the acquired land, if they are required to be removed or if the highway project will adversely affect them.

TENANT-OWNED BUILDINGS, STRUCTURES, AND IMPROVEMENTS:

The County is required to pay for property as if it were in a single ownership, and the contributory value of a tenant's improvements will be paid. In other words, if you are a tenant who owns a building, structure, or improvement on land required for public purposes, the offer made by the County to the landowner will include either the fair market value which your building, structure, or improvement contributes to the real property or the fair market value of the building, structure, or improvement for the removal from the real property, whichever is greater. As a tenant owning any buildings, structures, or improvements on real property, you must reach agreement with the landowner as to your share of the settlement.

REIMBURSEMENT OF LITIGATION EXPENSE:

If one of the following conditions occur, the County must reimburse you for your reasonable costs, disbursements, and expenses, including reasonable attorney, appraisal, and engineering fees which you have actually incurred. Such litigation expenses are reimbursable only under these conditions:

1. If the County starts a condemnation action, but the court decides that the County does not have the authority to acquire your property by condemnation, or
2. If the County starts a condemnation action and abandons it, or
3. If you, as owner, successfully maintain an inverse condemnation proceeding. (Inverse condemnation is a legal proceeding in which a landowner obtains a court order finding the County has taken compensable property rights without payment of just compensation.)

REIMBURSEMENT OF INCIDENTAL EXPENSES:

You are entitled to be reimbursed for fair and reasonable expenses you necessarily incurred for:

1. Recording fees, transfer taxes, and similar expenses incidental to conveying your real property to the acquiring agency.
2. The pro-rata portion of prepaid real property taxes that can be reimbursed in accordance with the state law.

APPEALS:

You may file a written appeal with the County in any case in which you believe that we have failed to properly determine your eligibility for, or the amount of a payment required for those expenses incidental to transfer of title to us or certain litigation expenses as mentioned above. The County shall consider all written appeals, regardless of form.

In filing an appeal, you have the right to be represented by legal counsel or other representative in connection with the appeal, but solely at your own expense. In making an appeal, you shall be permitted to inspect and copy all materials pertinent to the appeal, except materials that are classified as confidential by the County. Reasonable conditions may be imposed upon right to inspect, consistent with applicable laws.

SUMMARY AND CONCLUSION:

What is stated here is brief and general. If you desire more information, you may request assistance from the Dakota County right of way specialist.

Right of Way Specialist: Gary Peppard Telephone: (952) 891-7126 Email: gary.peppard@co.dakota.mn.us

Right of Way Specialist: Wendy Schmidt Telephone: (952) 891-7116 Email: wendy.schmidt@co.dakota.mn.us

Address: Dakota County Transportation Dept.
14955 Galaxie Avenue, 3rd floor
Apple Valley, MN 55124

For further information, please visit us at: www.co.dakota.mn.us

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