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The Need For Modernization

The dramatic increase in the number of trucks, buses and cars used for business or pleasure, the increased reliance on mass transit and air travel, together with Ohio's great industrial and agricultural growth, and the needs of our national defense and security—all point to the urgent need to improve our transportation system.

Ohio's special need for an extensive transportation program is emphasized by the fact that it is in the midst of the nation's industrial core. Two-thirds of the country's population live within a 500-mile radius of Ohio. Commercial users, other motorists, and millions of tourists each year drive over 104.3 billion vehicle miles on Ohio's 114,800 miles of roads and streets.

The need for new and better transportation facilities and the continuous maintenance and improvement of those already constructed are necessary features of a responsible transportation program that must now accommodate more travelers than ever before. Some of these improvement projects are major in nature and involve large amounts of land, and possibly even relocation of families and individuals. Others are less significant and involve relatively minor amounts of land acquisition. As the population increases and more people utilize all modes of transportation, the needs for improved transportation facilities will continue to increase.

Ohio Meets The Challenge

It is the aim of the State of Ohio that its transportation system will be second to none in factors of safety, convenience and environmental protection. Fulfilling this goal of providing the people of Ohio with safe, modern means of travel is the constant endeavor of the Department of Transportation.

The accomplishment of this task involves a number of closely coordinated and often time consuming steps from the time a transportation project is first conceived until the new facility is operational and begins to serve the people for whom it is built.

To insure maximum progress in creating a modern transportation system which is essential to the continued growth and prosperity of Ohio and its people, the State is participating with the Federal government and local communities in a comprehensive transportation program.

Essential Steps In The Creation Of A Transportation Facility

1. Need Established
2. Traffic Studies
3. Surveys Begun and Alternate Routes Studied
4. Conferences, Public Hearings, Citizen Input, Environmental Impact Study
5. Location Approved
6. Design Studies
7. Conferences, Public Hearings
8. Design Approved
9. Detailed Plans Prepared
10. Land Title Data Prepared
11. Property Values Analyzed
12. Settlement/Agreements Secured
13. Condemnation If Necessary
14. Payment made, Title Transferred
15. Relocation Assistance provided
16. Right of Way Cleared
17. Utilities Relocated
18. Contractors Submit Bids
19. Construction Of Improvement
20. Improvement Opened To Traffic

Some General Acquisition Requirements

When the final design of the transportation improvement project is approved, detailed plans are developed which determine the amount of land that will be necessary to purchase for the construction of the new project. These are called right-of-way plans, and they show the additional real estate that is needed for the project.

When the right-of-way plans are received in the Real Estate Office, title searches are conducted to confirm ownership of the properties required. Then, the necessary analyses and determination of property values in the area are made.

It is the Department's hope that through discussion and mutual agreement, a satisfactory settlement can be reached regarding the land to be acquired. To this end, certain steps are required to assure that everyone's rights and interests are protected during this process. They are as follows:

- (1) The Department will estimate the fair market value of the property acquired plus damages to the remaining property, if any. The fair market value estimate is completed and reviewed by people experienced with the appraisal process.
- (2) The Department must make every reasonable effort to acquire the property in a timely manner.
- (3) Every reasonable effort must be made to contact each property owner who will be presented with a written offer of the approved valuation for the required property.

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- 4) As a matter of policy, and in compliance with both Federal and State laws, the Department will offer the full fair market value for the property to be acquired.
 - (5) Any occupants of buildings to be acquired will be informed of their rights and benefits under the Relocation Assistance Program. (See the Relocation Assistance section for more details.)
 - (6) All owners must be informed of their rights under the law, and these rights must be fully protected by the Department.

State and Federal laws prohibit discrimination on the grounds of race, color, religion, sex, national origin, age (40 years and over) or disability. If you have any concerns that your rights, under these provisions, might have been violated, please contact the Office of Equal Opportunity, (614) 466-1456, Ohio Department of Transportation, 1980 W. Broad Street, P.O. Box 899, Columbus, Ohio 43223-0899.

The Estimate Of Fair Market Value

The first major step in the acquisition of real estate by the State is the real estate appraisal. In the appraisal, a qualified professional estimates the **fair market value** of your property. The term **fair market value** is defined by Ohio courts as the amount of money a property will bring if offered for sale on the open market. Because the determination of fair market value forms the basis on which a settlement is reached between the property owner and the Department, it is of fundamental importance that this amount be carefully estimated.

To estimate fair market value, an appraiser who is familiar with the value of real estate in your particular location or neighborhood, and who is experienced in appraising your type of property, will estimate fair market value. The appraiser does this by using various appraisal techniques, one of which consists of comparing your property to other similar properties which have been recently sold in your area. The price paid and conditions of each comparable sale are carefully investigated to estimate the fair market value of your property. To insure that the fair market value estimates include all pertinent facts and that the fair market value is sound and realistic, the value estimates are also reviewed by an experienced review appraiser.

You may be afforded the opportunity to accompany the appraiser on the inspection of your property. It is to your benefit to show the appraiser over your property and to tell him about all features that you think may affect its value. For example, show the appraiser all buildings inside and out, all improvements that you have made to the property, utilities,

underground facilities, and all other items which might affect value.

A sound estimated fair market value is the best assurance of a satisfactory settlement. The State and the property owner have a very real interest in assuring that fair market value is obtained.

Agreeing On A Settlement

As in all real estate transactions, communication and exchange of views are essential in reaching an agreement satisfactory to all parties.

The Department's representative in these discussions is the Realty Specialist. The Specialist's primary duty is to advise you, the owner, in every way possible in what may be an unfamiliar process of selling your property to the State.

In order to successfully fulfill these important assignments, the Realty Specialist collects various types of information. This knowledge, plus an understanding of the policies of the Department and the sequence of the proposed construction, enables the Specialist to be most helpful to you.

The Realty Specialist is employed to help you in every way possible. The Specialist can explain the nature of the transportation improvement in detail, and particularly its effect upon your property. They will answer or obtain answers to your questions. The Specialist will make you an offer in writing, the first time he/she discusses value or money with you. The offer is based on the approved fair market value estimate of your property.

If the land needed for the right-of-way would leave you with a small tract of land of low value and doubtful utility, the State

will offer to purchase this residue at its market value if you should desire to sell it.

When agreement is reached, the Realty Specialist will have the necessary papers and documents prepared, assist you in filling them out and take steps necessary to obtain payment of the agreed purchase price. The Department will also help you arrange both the release of your mortgage, and other liens, associated with your property.

If an agreement cannot be reached, the Realty Specialist will explain your legal rights and the procedures involved in having your case tried by a local jury. More details about this procedure are explained in another section of this booklet under the title "Your Legal Rights."

The Realty Specialist's duty is to minimize any confusion and inconvenience which could otherwise result from this process. It is the Department's sincere hope that when this matter is concluded, you will be able to say that you were treated both fairly and courteously.

Relocation Assistance

If you are required to move because the property you occupy is purchased by the State of Ohio for construction of a highway or other transportation improvement, you may be entitled to Relocation Assistance which is designed to aid all displaced persons. Advisory assistance is available to anyone who is displaced and financial assistance is available to those who qualify.

Many types of advisory assistance are available including advice concerning available replacement properties, types of financing, moving information, referral to public and private agencies and other assistance as required for those displaced by transportation programs.

Qualified displaced persons may also be eligible for financial assistance in the form of moving expenses for their personal property, and in the case of a residential displacement, supplement housing payments. Displaced persons eligible for moving expenses may receive payment determined by a fixed rate schedule; or the displaced person may elect to be reimbursed for the actual and reasonable expenses incurred in moving. Certain other costs such as transportation, storage, and insurance on personal property while in transit may be reimbursable.

Residential displacees who meet occupancy requirements may be eligible for a supplemental housing payment to assist them in purchasing or renting a decent, safe and sanitary replacement dwelling. In the case of an owner, the payment is in addition to the amount the State pays for the purchase of the home being acquired. The payment to a residential tenant is an amount determined by the State as needed to make up the difference between the rent now being paid and the rent required to be paid for a comparable unit for the next forty-two months. A down payment supplement may also be available for tenants and short term owners who wish to purchase a replacement dwelling. Each monetary allowance has maximum amounts established by law. Those maximums, as well as the payments applicable to your specific situation, will be explained to you by a qualified Realty Specialist who will be assigned to your case.

Businesses, farms and non-profit organizations which meet occupancy requirements may also be eligible for reimbursement of moving expenses, or for an alternative payment in lieu of moving expenses, as well as other payments provided by law.

No one will be required to move for at least 90 days after a written offer has been made for the purchase of the property they occupy. Furthermore, you will be given specific notice, if necessary, at least 30 days in advance of the exact date that you will be required to move.

Your Legal Rights

If you are required to move, a Realty Specialist will contact you to explain the Relocation program and to answer questions. The Specialist's purpose is to give you professional help by advising you of the requirements for each type of payment to which you may be entitled.

The payments are explained more completely in the Relocation Assistance program brochures "for Families and Individuals" and "for Businesses, Farms and Non-Profit Organizations". These brochures are available at the District or Regional Transportation Office or from a Realty Specialist.

The Ohio Constitution permits the State to acquire your property for a transportation project provided that you are paid just compensation. There is no requirement that you reach a settlement with the Department of Transportation for the sale of your property. To fully protect your rights, the laws of Ohio provide that just compensation (the fair market value of your property) may be determined by a local jury, if you so choose.

In the event that you and the Department do not reach an agreement regarding the value of your property, the Director of Transportation will request that the Attorney General's Office initiate such action as is necessary to acquire the property by appropriation. An action will then be filed in the Court of Common Pleas or the Probate Court of the county in which the property is located. At the same time, the Director shall deposit with the Clerk of Courts the amount of money which the Department has determined to be just compensation for the property taken and damages to the remainder of the property, if any. This figure is based upon the approved fair market value estimate prepared for the Department.

Once the money has been deposited, you may apply to the court for the full amount, subject of course to the interests which others may have (i.e., obligations for taxes, mortgage, assessments, liens, etc.). The fact that you withdraw the money from the Court does not prejudice your rights to have a jury determine the value of the property. The only "restriction" is that once the sum is made available to you, interest will not accrue, even if left on deposit with the Court.

Building Disposition

If you decide to accept the amount placed on deposit as full compensation, you will be required to petition the Court for withdrawal of the deposit. If you wish to contest the valuation of your property, you must file an answer to the Department's Petition for Appropriation. It is important that a timely answer be filed with the Court. The court will then set a date for the appropriation trial where a jury will hear testimony from you and the Department in the proceeding. Negotiations may continue at all times. If agreement is reached prior to trial, a formal settlement may be reached with Court approval.

It is important to note when the Director has placed an amount on deposit with the Court, the Department may enter upon and use your land. However, it may not use or demolish your structures until either a jury has had an opportunity to view them or until a "structure appraisal" is filed with the Court. The "structure appraisal" process causes detailed pictures to be taken of the exterior and interior of all structures affected by the highway improvement. Three appraisers: one of your choice, one appointed by the Court and one selected by the Department will visit and inspect the structure(s) and arrive at an opinion of value for each structure affected. The independent opinions of value will then be filed with the Court. The "structure appraisal" process allows the Director to secure physical possession of the structures as early as 60 days after service of summons for the appropriation case.

Vacant buildings invite vandalism. If there are buildings which need to be acquired for the project and they are not going to be rented, it is desirable to demolish these structures as soon as possible. In order to gain the advantages of early removal, the Department will, where feasible, enter into a contract prior to gaining possession of the structures, for the prompt removal of the structures on an individual basis as the Department acquires possession. Then, as each structure is acquired, it is immediately released to the successful bidder who was contracted to remove it.

Property owners with buildings to be acquired have the option to keep these buildings should they so desire. These details must be discussed and agreed upon with the Realty Specialist at the time the settlement amount is being discussed and agreed upon. It will be your responsibility to remove any buildings you desire to keep, at your own expense and according to State specifications. The salvage value of the buildings you desire to retain will be deducted from the amount to be paid to you by the State.

Frequently Asked Questions

Why Are Public Meetings Held?

A public meeting gives you and local officials the opportunity to have an open discussion regarding the need for the proposed improvement and to discuss the merits of the route location and design. An official transcript is made of these comments, and the Director of Transportation and his staff review the proceedings in order to make a proper determination.

May A Survey Or Soil Testing Crew Enter My Property Without My Permission?

Yes, the law of Ohio permits survey or soil testing crews authorized by the Director of Transportation to enter upon any lands within the State. However, as a matter of policy and law, the survey or soil testing crews are required to provide notice to you before entering your land. The law also provides that compensation be paid for damages or injury to the premises caused by these crews.

Can The Crews Tell Me About The Improvement?

The crews are obtaining information which the engineers will use as a basis for locating and designing the proposed improvement. They are not able to give you information that has any final or official status. As soon as definite information is available, you will be officially notified and contacted by a representative of the Department.

When Will I Know How An Improvement Will Affect My Property?

General information is discussed at the public meetings but not the specific details. When the acquisition process begins, the Realty Specialist will discuss the plans that show exactly how the transportation improvement will affect your property.

May I Keep My Buildings and Move Them?

Yes, if you make arrangements with the Department's Realty Specialist who calls upon you. It will be your responsibility to remove, at your own expense, any buildings that you desire to keep. The salvage value of the buildings you retain will be deducted from the amount to be paid to you by the State (See Building Disposition).

What Will I Get For My Property?

After the fair market value for your property has been determined, a Department Realty Specialist will discuss with you the fair market value of the property to be purchased.

When an agreement is reached between you and the State, purchase billings are prepared and you receive a cash payment for your equity. In addition, the services which you would normally pay for in a private sale, such as title reports, abstracts, recording of instruments and transfer fees are taken care of by the State without cost to you.

