

Weber County Local Transportation Funds

Property Acquisition Process & Payment Submittal Policy

PRIOR TO APPRAISAL & ACQUISITION:

- ✓ Local Transportation Funding Agreement has been approved by Weber County.
- ✓ Entity has met with UDOT's R.O.W Division and Weber County Transportation Liaison to discuss project, property acquisition procedures, and obtain information regarding UDOT's consultant services.
 - *Certified acquisition agents, and UDOT approved appraisers are required for use of Local Corridor Preservation funds.*
- ✓ Entity has attended a Federal Highways Administration property acquisition seminar within the last three years.

Acquisition Notes:

- Appraisal requirement may be waived if value estimate based on relevant market data indicates an anticipated appraised value in excess of \$10,000, but less than \$25,000.
 - An Administrative Cost Estimate (ACE) may be used when a value estimate based on relevant market data indicates an anticipated appraised value less than \$10,000.
 - The acquisition price cannot exceed the appraised value of the property.
 - Acquiring entity is required to pay roll-back taxes – if applicable.
 - Owner must also provide the acquiring entity with an Owner's Policy of Title Insurance.
 - Property purchases made in excess of \$10,000 must be closed using a title company listed on the current UDOT pool.
1. Entity representative, and/or approved acquisition agent presents a written offer to the property owner. Such offer shall include the following:
 - Offer to Purchase & Statement of Just Compensation (sample attached)
 - Advanced Acquisition Right-of-Way Contract (sample attached)
 - Copy of the property appraisal and review appraisal (ACE if applicable)
 2. Acquisition information prepared by the title company should be approved by a representative from the acquiring entity prior to closing. This review should include, but not be limited to; looking for liens or extraordinary exceptions such as a clouded title. Title policy should be reviewed by entity attorney or designee.
 3. Once the property owner signs the acquisition paperwork, a Payment Request Package is submitted, electronically to:
 - Elizabeth Olschewski: UDOT Comptroller's office: lizolschewski@utah.gov.
 - Dian McGuire: UDOT R.O.W Division: dmcguire@utah.gov
 - Douglas Larsen: Weber County: dslarsen@co.wber.ut.us

Payment Request Submittal Package Contents:

- Offer to Purchase & Statement of Just Compensation (sample attached)
 - Advanced Acquisition Right-of-Way Contract (sample attached)
 - Copy of the property appraisal and review appraisal (ACE if applicable)
 - Settlement Statement or HUD-1 prepared by the Title Company, or Entity Attorney if no title company is used.
 - Copies of appropriate invoices.
 - Official letter from Weber County requesting release of funds. (sample attached)
 - Copy of completed Project File Contents Check List (sample attached)
4. After review by the UDOT ROW department, funds are released to the title company or the Acquiring Entity if no title company is used (from the Local Corridor Preservation Fund). Once the acquisition process has been completed, the title company or entity prepares and completes recording information.

Supplemental Information

1. Homes purchased with Corridor Preservation fund resources will be held in ownership by the Acquiring Entity and may be leased until such time as the property is needed for the corridor. *(Maintenance costs are limited to no more than 5% of the purchase price of the property)*
2. All local government acquisitions should be made in adherence to FHWA policies and procedures. These policies are presented in the FHWA Real Estate Acquisition Guide for Local Public Agencies. (www.fhwa.dot.gov/realestate/lpaguide/index.htm).
3. The acquisition agent must maintain a log of all the negotiations with the property owner.
4. Partial releases should be obtained from the mortgage company if there is a lien on the property.
5. Entities are strongly encouraged to engage consultants contractually.
6. UDOT: Reference Guide for Appraisals and Acquisitions: UDOT Operations Manual: <http://www.udot.utah.gov/main/uconowner.gf?n=200601261554381>
7. R.O.W Contacts:

Name	Entity	Phone One	Phone Two	Email
Bill Lovelace	UDOT R.O.W	801.965.4238	801.556.4468	blovelace@utah.gov
Dian McGuire	UDOT R.O.W	801.633.6370		dmcguire@utah.gov
Liz Olschewski	UDOT Finance	801.965.4034	801.514.7867	lizolschewski@utah.gov
Douglas Larsen	Weber County	801.399.8414	801.726.9048	dslarsen@co.weber.ut.us

**Offer to Purchase
&
Statement of Just Compensation**

Project Name:

Tax ID(s):

Project Location:

Owner/Grantor Name:

Property Address:

Owner Phone:

The (Name of Organization) hereby makes you an offer of \$ _____ as Just Compensation for your property and/or easement(s) on your property.

The (Name of Organization) declares that this offer is the amount that has been established by the (Name of Organization) as just compensation and is in accordance with applicable state laws and requirements. Just compensation is defined as the fair market value of the property taken plus damages, if any, to the remaining property, less any benefit which may accrue to said property by reason of the construction of the highway. This amount is based on the land, improvements and any fixtures considered to be real property.

The public use for which the property or property right is being acquired herein, may include but is not limited to the following possible uses: the construction and improvement of a highway, which may include interchanges, entry and exit ramps, frontage roads, bridges, overpasses, rest areas, buildings, signs and traffic control devices, placement of utilities, clear zones, maintenance facilities, detention or retention ponds, environmental mitigation, maintenance stations, material storage, bio fuel production, slope projections, drainage appurtenance, noise abatement, landscaping, and other related transportation uses.

Date: _____ By: _____

Signature of Grantor/Owner

Date: _____ By: _____

Signature of Grantor/Owner

Date: _____ By: _____

Acquisition Agent / Firm

Approved:: _____ Date: _____

Acquiring Entity

(NAME of ORGANIZATION)
Right of Way Contract
Advanced Acquisition – Local Corridor Preservation Funds

Project Name:

Tax ID(s):

Project Location:

Owner/Grantor Name:

Property Address:

Owner Phone:

IN CONSIDERATION of the foregoing and other considerations hereinafter set forth, it is mutually agreed by the parties as follows: The Grantor hereby agrees to convey and sell by Warranty Deed a parcel(s) of land known as parcel number(s) _____ for transportation purposes. This contract is to be returned to: (Name and Contact Information).

1. Grantor will transfer property free of all liens and encumbrances except recorded easements
2. Grantor agrees to transfer property free of all debris and any hazardous materials (including paint or other household products.)
3. Grantor shall leave the property in the same condition as it was when this contract was signed. No work, improvement, or alteration will be done to the property other than what is provided for in this agreement. Grantor agrees to maintain the property until the (Name of Organization) takes possession.
4. If this acquisition is a total purchase, a key deposit will be retained in the amount of (X%) of the acquisition price until the keys are delivered to the (Name of Organization). If delivered to the (Name of Organization) in an unacceptable condition, the amount to correct the condition shall be used from the deposit to cover the cost of clean up or necessary repairs.
5. All fixtures are to remain with the property including lighting, plumbing, heating, and air conditioning.
6. Grantor agrees to pay any and all taxes assessed against this property to the date of closing.
7. This is a voluntary sale to the (Name of Organization). It is not subject to condemnation.
8. As this is a voluntary sale, the Grantors waive any right they have to a “first right of refusal” on any surplus property not used for the proposed highway or other transportation projects.
9. The (Name of Organization) shall pay in full to the Grantor for the real property in the deed or easement referenced above.
10. Grantor shall indemnify and hold harmless Grantee from and against any and all claims, demands and actions, including costs, from lien holders or lessees of the property.

Additional Terms:

Total Selling Price: \$ _____

Acquiring Entity or Acquisition Agent

Grantor understands this agreement is an option until approved by the Director of Right of Way	
<i>Grantor's Initials</i> _____	
_____	_____
Grantor	Date
_____	_____
Grantor	Date
_____	_____
Grantor	Date

Liz Olschewski
UDOT Comptroller's Office
PO BOX 141510
SLC, UT 84114-1510

Date

RE:

Dear Ms. Olschewski,

Please find included herein an application package requesting funds from the Weber County Local Transportation Corridor Preservation Fund on behalf of XXXXXXXXXX City.

The Weber Area Council of Governments approved funding for this project on XXXXXXXXXXXX and subsequently, the Weber County Commission approved a Local Transportation Funding Agreement in favor of this project on XXXXXXXXXX. Total Corridor Preservation Funds approved for this project may not exceed XXXXXX.

The subject property is located at XXXXXXXXXXXXXXXXXXXXXXXXXXXX, and is XXXXX acres in size.

Weber County is requesting the State release funds for acquisition and related costs as represented within the enclosed invoices/documents.

Please make check(s) payable as follows:

- XXXXXXXX in the amount of XXXXXX

Should you have any questions, or need additional information, please do not hesitate to contact Douglas Larsen at 801.399.8414, or by email: dslarsen@co.weber.ut.us

Sincerely,

Kerry Gibson
Weber County Commission - Chair

REQUEST for PAYMENT

From: Lyle McMillan
Director of Right-of-Way

To: Becky Bradshaw
UDOT Comptroller

Date: XXXXXXXXXX

Subject: Request for Payment of funds from the Weber County Local Transportation Corridor Preservation Fund. Project ID:

I have reviewed the requested payment by Weber County for XXXXXX pursuant to Utah Code Ann. § 72-2-117.5. The request is for the purchase of property located at; XXXXXXXXXXXXXXXX with the XXXXXX corridor.

The documents contained in the City's request appear to fulfill the statutory requirements, including:

1. The money will be used to preserve transportation corridors, promote long-term statewide transportation planning, save on acquisition costs, and promote the best interests of the state in a manner that minimizes impact on prime agricultural land.
2. The money is not being used for a transportation corridor that is primarily a recreational trail.
3. The application for the payment is made by a highway authority.
4. The application is endorsed by the applicable council of governments.
5. The highway authority either has a transportation corridor property acquisition policy or ordinance in effect that meets federal requirements for the acquisition of real property or any interests in real property or the highway authority has a written agreement with the department for the acquisition of real property or any interests in real property.
6. The highway authority has an access management policy or ordinance in effect that meets the requirements of Subsection 72-2-117.

The Acquiring Entity has provided necessary documentation showing it is entitled to disbursement, provided that the county's allotment in the Fund is sufficient to cover the request.

Request made by: .

Check to be written to: (City or Title Company)

Project Description: