

Pathways for Progress

A Property Owners Guide on
Land Acquisition for
Transportation Improvements

The Path of Progress

Improving our transportation system often requires us to ask neighboring property owners for help. Sometimes we need a small piece of your property to improve safety for you and others using the transportation system. Other times we need large pieces of property to add to or change the transportation system's path. In any event, we have prepared this brochure because we are committed to being fair, honest, and open in our work with you. Inside you will find information related to the acquisition process.

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WHAT'S IT WORTH?

The first step in the process of acquiring property is deciding what it's worth. The following are some answers to commonly asked questions about the valuation process.



Who will determine the value of my property?

A qualified individual will inspect and prepare a valuation document. This may be one of our staff or a contract appraiser. The completed valuation document will be reviewed by a qualified person and just compensation will be approved by a department official.

Will I know when my property will be inspected?

Yes. A staff or contract appraiser will contact you by phone or letter.

Can I be present during the inspection?

Yes. In fact, we encourage your involvement or your representative's involvement in the valuation process. Any information you are willing to share about your property, including information about buildings, wells, septic tanks, cisterns, private utility lines, etc., would be greatly appreciated.

Are there any special papers I should have on hand?

While no special papers are required, there are some that would be helpful in the valuation process. These may include building blueprints and property surveys. If you are unable to be present during the inspection or live outside Missouri, feel free to forward information about your property to us at any time. A list of addresses is in the back of this brochure for your convenience.

Will the individual preparing the valuation document give me a dollar figure?

No. The on-site inspection is only the first step. The purpose of the on-site inspection is to gather facts about your property. After all the facts are gathered, the completed valuation document is reviewed to check for accuracy and consistency.

How will the value of my property be determined?

The value of your property will be determined by an accepted valuation process. This valuation will be reviewed by a qualified person and just compensation approved by a department official. In no case shall the approved compensation be less than the value determined during the valuation review process.

What if my entire property is needed?

If your entire property is needed, the value will be based on your entire property's current fair market value. This is the amount of money the entire property would bring if it were for sale on the open market being sold by a willing seller and purchased by a willing buyer.

What if only part of my property is needed?

A determination is first made of the value of your entire property before it is changed in any way by the transportation improvement. This is commonly referred to as the "before value." Then the value of your entire remaining property is determined as if the transportation improvement was complete. This is commonly referred to as the "after value." This value will include any physical changes, benefits or damages that might be created. You will be offered the difference between the "before" and "after" value of your property.

How long will it be before I receive an offer?

The time will vary based on the complexity of the valuation data needed to determine the value. An offer will be made to you or your representative as promptly as possible following the approval of just compensation by a department official.

REACHING AN AGREEMENT



Who will be my contact for the purchase of my property?

A representative from the department office in your area will work with you throughout the acquisition process. When an offer for your property has been determined, a department representative will contact you to schedule a meeting. During this meeting, the representative will explain how the department acquires land and realty rights and how the particular project will affect your property. If you receive your offer by mail, the representative's contact information will be included in the packet.

Can I designate someone else to work with the department representative?

Yes. The department representative will discuss the details of the transaction for your property with you or your authorized representative.

What if I disagree with the amount offered for my property?

You may make a counteroffer and engage in negotiations with the department.

Can I remove items from the property?

The department may authorize owners to retain certain items located on the property being purchased. However, the salvage value of those items will be deducted from the offer.

Will I be responsible for filing any special documents?

No. Your department representative will take care of the details and paperwork. However, it will be necessary for you to provide certain information, such as your social security or tax identification number.

Is there help in finding a replacement property?

Yes. If the department determines that you are displaced from your dwelling, business or farm operation, the department will first inform you of any relocation assistance for which you are eligible. Our staff will then provide assistance throughout the relocation process.

WHO PAYS FOR WHAT?

Settlements and closings can be confusing with a flurry of paperwork. Here is some information that may simplify the process and help you be prepared.

Will I pay for a part of the closing costs?

No. The department will pay all closing costs and recording fees.

What do I need to bring to the closing?

All necessary paperwork will be provided by the department representative or the closing agent. All paperwork will be held by the department's local office or a closing agent until distribution of the money is made to you or other parties entitled to receive payment. Appropriate documents will then be recorded in the appropriate Office of Recorder of Deeds.

How soon will I get my money?

Payment for your property or property rights will be made to you or placed in an escrow account for distribution. You can expect payment to be delivered approximately 15 working days after the department's local office receives the executed deed of conveyance and all documents required for a clear title.

How long will I be given to move?

After payment is made and if it is determined by the department that you are required to move, you will be given a minimum of

90 days in advance of the date required to relinquish possession of your property to the department. If it is determined by the department that you are displaced from your primary place of residence, you will be given 100 days in advance of the date required to relinquish possession of your property to the department.

Who is responsible for real estate taxes?

The department will reimburse you on a pro rata portion of the state, county and city real estate taxes paid for the current tax year on property purchased by the department. The pro rata portion of the taxes will cover the full number of months remaining in the calendar year after payment for real property has been made. Delinquent tax payments are not reimbursable. You will be provided with a reimbursement claim form and instructions on how to properly submit a claim.

WHAT IF WE DON'T AGREE?

If the property owner and the department cannot agree on the amount of money to be paid for the property to be acquired, the department may suggest mediation.

Yes? No!

What is mediation?

Mediation is a process in which a neutral and impartial third party helps people reach an acceptable settlement. Mediation is voluntary, informal and non-binding. Mediation may be stopped at any time by either party. The mediator does not act as a judge and will not render a judgment or ruling as to the merit of the parties' positions. Nor will the person conducting the mediation advise the parties of their rights under the law.

What will happen during mediation?

The mediator will ask each party to present his or her position regarding the value of the property being acquired. The mediator

will make suggestions regarding a settlement through structured discussion in a joint session with both parties or separate conversations with each party. The mediator will discuss each party's issues or concerns with the other party in an attempt to bring about an agreement that is considered fair by both parties.

Will I need a lawyer for mediation?

No, you do not need to be represented by an attorney during mediation. MoDOT will not have an attorney present unless you choose to have one. However, keep in mind the mediator will not offer legal advice to either party. You may have anyone present during mediation that you choose and may also talk with anyone by telephone. It is necessary that you have total authority to agree to a settlement during mediation.

Do I have to agree to a settlement during mediation?

No. If an agreement cannot be reached during mediation, the department will continue to work with you to resolve the matter. However, when necessary, the department will proceed with eminent domain, in which the court sets the compensation amount.

How will I be notified as to when mediation will take place?

If you agree to mediation, the department will contact the mediator. The mediator will schedule the mediation session on a date and at a time and location agreeable to both parties.

How long will the mediation session last?

Mediation usually lasts about 2 to 3 hours; however, as previously mentioned, either party may stop the mediation at any time. If progress is being made toward reaching an agreement, the mediation can continue for a period acceptable to both parties.

EMINENT DOMAIN

When it is not possible for us to agree on a fair amount for your property, the department will use another process to determine the price to be paid. Eminent Domain brings in the judicial system to set the fair market value of the property. Eminent Domain is a right provided for under the law.



Who starts the process?

The Missouri Highways and Transportation Commission will file a condemnation petition in the circuit court of the county where the property is located. This petition will set out the land and/or rights to be acquired and all parties who own an interest in it.

How will I be notified?

After the circuit judge sets the date for hearing the petition, you will receive a summons to attend the hearing.

What will happen at the hearing?

The judge will review the department's condemnation petition. If the judge finds the petition to be proper, he or she will appoint three commissioners. The commissioners must own land and reside in the same county where your property is located and cannot have any special interest in the property being condemned or the transportation project. The commissioners will view the property and establish fair market value.

Does the department have to pay the amount established by the commissioners?

Yes. After the commissioners file their report with the court, the Missouri Highways and Transportation Commission must deposit that amount with the circuit clerk before obtaining

possession of the property. However, within a 30 day period, either side may file exceptions to the commissioners' award and request a jury trial to determine the matter. Legal and physical possession of the property will transfer to the MHTC even when exceptions are filed. Trials can either increase or decrease the amount determined by the commissioners.

When can the money be withdrawn from the court?

Subject to the requirements of the circuit court, you may withdraw money at any time, regardless of whether or not exceptions are filed.

What if the jury trial results in a lower price?

If exceptions are filed and the jury trial establishes a smaller amount than the Commissioner's report, you must refund the difference plus interest on the refunded amount.

What if the jury trial results in a higher price?

The department will pay you the difference plus interest on the increased amount.

Do I need a lawyer?

You are not required to have an attorney represent you at the hearing for the appointment of commissioners. However, you may if you so desire. If exceptions are filed by either you or the department, you may want to contact an attorney.

HOW CAN I GET MORE INFORMATION?

We hope we have answered some of your questions in this brochure. If you would like more details on our land acquisition process, we are here to help. Our staff of courteous professionals is eager to work with you.

For more information about the Missouri Department of Transportation, visit www.modot.org.

Central Office

P.O. Box 270
105 W. Capitol Avenue
Jefferson City, Missouri 65102
(573) 751-2876 or 1-888-ASK-MODOT

Northwest District

3602 North Belt Highway
St. Joseph, Missouri 64506-1399
(816) 387-2350 or 1-888-ASK-MODOT
Andrew, Atchison, Buchanan, Caldwell, Carroll, Chariton, Clinton, Daviess, Dekalb, Gentry, Grundy, Harrison, Holt, Linn, Livingston, Mercer, Nodaway, Putnam, Sullivan, Worth

Northeast District

1711 South Highway 61
Hannibal, Missouri 63401
(573) 248-2490 or 1-888 ASK-MODOT
Adair, Audrain, Clark, Knox, Lewis, Lincoln, Macon, Marion, Monroe, Montgomery, Pike, Ralls, Randolph, Schuyler, Scotland, Shelby, Warren

Kansas City District

600 NE Colbern Road
Lee's Summit, Missouri 64086
(816) 622-6500 or 1-888-ASK-MODOT
Cass, Clay, Jackson, Johnson, Lafayette, Pettis, Platte, Ray, Saline

Central District

P.O. Box 718

1511 Missouri Boulevard

Jefferson City, Missouri 65102

(573) 751-3322 or 1-888-ASK-MODOT

*Boone, Callaway, Camden, Cole, Cooper, Crawford, Dent,
Gasconade, Howard, Laclede, Maries, Moniteau, Morgan,
Miller, Osage, Phelps, Pulaski, Washington*

St. Louis District

1590 Woodlake Drive

Chesterfield, Missouri 63017-5712

(314) 275-1500 or 1-888-ASK-MODOT

Franklin, Jefferson, St. Charles, St. Louis, St. Louis City

Southwest District

P.O. Box 868

3025 East Kearney Street

Springfield, Missouri 65801

(417) 895-7600 or 1-888-ASK-MODOT

*Barry, Barton, Bates, Benton, Cedar, Christian, Dade, Dallas,
Greene, Henry, Hickory, Jasper, Lawrence, McDonald, Newton,
Polk, St. Clair, Stone, Taney, Vernon, Webster*

Southeast District

P.O. Box 160

2675 North Main Street

Sikeston, Missouri 63801

(573) 472-5333 or 1-888-ASK-MODOT

*Bollinger, Butler, Cape Girardeau, Carter, Douglas, Dunklin,
Howell, Iron, Madison, Mississippi, New Madrid, Oregon,
Ozark, Pemiscot, Perry, Reynolds, Ripley, Scott, Shannon, Ste.
Genevieve, St. Francois, Stoddard, Texas, Wayne, Wright*



Missouri Department of
Transportation
105 W. Capitol Avenue
Jefferson City, MO 65102