



## *Property Acquisition for Transportation Projects in Cecil County: Your Rights and Benefits Guide*



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### **INTRODUCTION:**

When Cecil County decides to construct new roads and facilities, or maintain its existing infrastructure, there are instances where it's necessary to acquire land from private property owners in order to accomplish the necessary improvements. Cecil County recognizes and understands that your home is considered one of your most valued possessions, which is why we try to avoid the need to acquire property. If the need to acquire private property arises, Cecil County ensures that the affected properties are acquired at fair market prices and the owners receive just compensation for the required area.

Cecil County has prepared this handout as your guide to the acquisition process. You will find information about your rights as a private property owner, as well as an explanation of the procedures used by the County to purchase land and improvements for a transportation project. You will find information on public hearings, the appraisal process, negotiations, and what happens if you refuse Cecil County's offer to purchase. The information in this handout is general in nature as there are many rules and regulations mandated by State and Federal laws which are too detailed to include. You should direct any specific questions that you may have to your Right of Way Negotiator.

We hope you find this handout useful and informative.

### **THE NEED FOR TRANSPORTATION PROJECTS:**

As the population rises across the County so does the use of the existing roads and facilities. Any increase in the traffic on our roads or the usage of our facilities creates a growing need for the County to repair, maintain, and preserve our infrastructure to ensure its longevity. There are instances when the existing roads and facilities no longer serve their purpose, become inefficient, or enter a state of disrepair. This is when the need to construct new improvements arises.

When the County decides to construct new roads and facilities or preserve the existing infrastructure, it may become necessary to impact established residences and businesses. The County strives to keep its activities within its own property limits; however it can become difficult "to try and fit all the eggs into one basket". When the County determines the need to expand its activities onto adjacent private property, whether it be temporary or permanent, our promise to you - the property owner - is that we will make every effort to assure that those who are affected by an acquisition are compensated fairly, experience as little distress as possible, and receive the utmost amount of understanding and assistance with the process.

### **THE ACQUISITION PROCESS:**

The County acquires property similar to how you bought your property - through making a reasonable offer usually backed by an approved appraisal, negotiations, and purchase. In the event your property is affected by the improvement, you will receive a notification letter from the County detailing the project, its potential impacts to your property, and our intention to acquire your land. Once you receive notification, information on your property will be obtained and used while appraising your property. The earliest steps in the acquisition process involve determining the amount of land that may be needed for the new improvement and its impacts on the adjacent properties. During this period, surveys are made to determine and set the property lines. You will be notified in advance of anyone coming onto your property to perform the necessary surveys or studies. Title information is also gathered within the County's public land records to determine all the parties with an interest in the property.

After an appraisal is prepared for the area required for the project, it will go through an independent review to ensure the derived value has merit and is fair and reasonable. Once the review has been completed an offer package will be prepared and the assigned Negotiator will contact you to set up a meeting to discuss the project, walk your property, and present you with the approved offer. If the appraised value is acceptable, then a contract will be prepared in which both you and the County agree to the price and the impacts to your property. If the property owner does not agree with the appraisal they can submit additional information to the County for consideration/ If an agreement cannot be reached, in accordance with County law, then the County may apply to the Court to acquire the property through eminent domain (condemnation) proceedings.

### **PARTIAL ACQUISITION:**

If an acquisition is required, the County will use its best efforts to minimize the impacts to your property. Our goal is to use as much of the County's own land as possible to complete the necessary improvements. Most acquisitions come in the form of a partial acquisition or a "strip take". In the event a partial acquisition of your property is necessary, the County will:

- Obtain a title report to determine all individuals with an interest in the property and whether any liens or mortgages exist.
- Contract and hire an independent appraiser to value the property and the acquisition area.

- Contract and hire an independent review appraiser to determine if the appraised value is fair and represents just compensation for the acquisition area.
- Contact the affected property owner to initiate negotiations to acquire the area required for the project.

If the County’s offer is acceptable to the owner, he or she will be asked to review and sign an option contract agreeing to the purchase price and granting the County the right to enter the acquisition area to begin construction. The County will then schedule settlement at a convenient time for the owner, where a deed and/or easement agreement will be executed by the owner and payment is made by the County.

**ENTRY AGREEMENTS:**

Under certain circumstances you may be requested to grant the County a right of entry by executing an Entry Agreement. This agreement will allow the County to enter the acquisition area to perform the necessary work. These agreements are most often used to perform maintenance activities and emergency repairs.

If a portion of your property is needed for acquisition, this agreement does not prejudice or limit your right to receive just compensation. It would only allow the County to perform the required construction while negotiations for the acquisition continue.

**FREQUENTLY ASKED QUESTIONS:**



*\* How will I be informed of an upcoming construction project that may affect my property?\**

Cecil County will typically hold public hearings for major improvement projects to discuss the upcoming project, its impacts to adjacent properties, and to provide information and plans on the proposed construction. There will be a chance for you to express your opinions about the construction and to present possible alternatives. Even after the meeting, the County will accept written correspondence about the project. All information received will be reviewed and considered. The County will exercise its best efforts to inform you of the upcoming public hearings by virtue of a mailing, newspaper ad, and/or posting on the County’s website. There are times when public hearings are not needed, and if this happens and your property is proposed to be impacted, the County’s representative will contact you to discuss.

*\*How does the County determine the value of my property?\**

The County will hire an outside independent and licensed appraiser. The appraisal reports are based on the fair market value of the property. As the owner, you always have the right to accompany the appraiser during the inspection of the property. After the report has been completed, it will be sent for review by a qualified independent review appraiser.

*\*What is the “fair market value” of a property?\**

“Fair market value” is the price that an interested buyer would be willing to pay and an interested seller would be willing to accept on the open market assuming a reasonable period of time for an agreement to arise. The “fair market value” is determined in the same manner as is the market value of any other commodity – by determining what other similar and comparable properties have sold for on the recent open market.

*\*How can I be sure the offer made is in the amount of the approved appraisal?\**

The County is required to provide the owner with a written statement and summary of the basis for the amount established as the fair market value by the approved appraisal. The owner reserves the right to request a copy of the appraisal for their review and records.

*\*If the offer is acceptable, what must I do?\**

Notify the County’s representative of your acceptance. An option contract will be drafted in which the County and the owner commit to the purchase.

*\*If I feel the offer is too low, what rights do I have to make a counter offer?\**

You have the right to present documentation/information that details your counter offer and provides evidence to support your value. Typically, an appraisal obtained at the owner’s sole expense can be used as justification. Another option is to present comparable properties that have recently sold in your area and support a higher value. The County will have the documentation you provide reviewed for validity and make a determination to accept your counter demand.

*\*What if the County and I can’t agree to a price?\**

If an agreement cannot be reached, or if clear title to the property cannot be conveyed, then in accordance with County law, the County may apply to the Court to acquire the property through eminent domain (condemnation) proceedings.

*\*What are my rights under the law of eminent domain?\**

Eminent domain is a formal, civil action and is tried before the Circuit Court, which will impanel a jury of six people. The judge will review the material and arrange for the jury to view the property. Following the review of the property, witnesses would be called by both the County and the property owners to testify as to the value of the property. Following presentation of the case, the jury makes a decision on the award. This amount becomes the payment to be made by the County for the property.