

# Right of Way Bureau

Rick Skinner

[rick.skinner@iowadot.us](mailto:rick.skinner@iowadot.us)

515-290-3196

2022 Local Systems Spring Meetings

# It Has Been A While....

Today I will  
review a few  
topics

FHWA  
Highlights

Right of Way  
Bureau  
Changes

Offers of Just  
Compensation  
and ROW  
Acquisition

# FHWA Highlights

Remember the Golden Rule of ROW “ If it is not written down, it did not happen”

For Iowa, the Appraisal Waiver Valuation Provision limit is still \$25,000

Be aware that for Waiver Valuations greater than \$10,000, the property owner must be advised that they have the right to ask for an appraisal of their property, at no cost to them.

PDC revision, Line 4c.

# Right of Way Bureau Changes

We will still have three LPA Coordinators, based on Districts.

I will be the primary contact for acquisition and relocation concerns as well as ROW file reviews.

All ROW Local Public Agency file reviews will now be electronically.

Contact Info:

Office:  
515-239-1749

Cell:

515-290-3196  
[rick.skinner@io.wadot.us](mailto:rick.skinner@io.wadot.us)

# Offers of Just Compensation

An Offer of Just Compensation must be made based on one of the two methods of valuation:

1. Appraisal- The Appraiser and Review Appraiser must hold a State of Iowa Appraisers Licenses' and be qualified to complete the assignment.

OR

2. Waiver Valuation Provision- The Acquisition Agent completes the Waiver Valuation, and the Agency Authority provides approval. The acquisition must be uncomplicated. Waiver Valuations may be based on comparable sales, assessed values, scheduled payments or administrative payments. These values are predetermined prior to acquisition. Use the same valuation method for all the similar parcels on the project.

# Can The Waiver Valuation Provision Be Used

In order to determine if an acquisition is **“uncomplicated”**, the following questions should be answered:

- Is the acquisition over \$25,000? (Y/N) Remember, new rules for WV’s over \$10,000.
- Is the acquisition anything more than a strip acquisition? (Y/N)
- Are buildings, wells, signs, etc., affected? (Y/N)
- Is the acquisition severing any buildings from the remainder? (Y/N)
- Are trees, shrubs, or any other landscaping involved? (Y/N)
- Is the proposed right of way line close enough to any building after the acquisition to require analysis of possible proximity damages? (Y/N)
- Is the access to the property changed or limited? (Y/N)
- Is the current highest and best use of the property going to be changed as a result of the acquisition? (Y/N)
- Does the acquisition impact a sewage disposal system or property drainage? (Y/N)

If one of these questions is answered **“yes”** the acquisition could still be considered to be uncomplicated. Multiple **“yes”** answers would indicate that an acquisition cannot be considered to be **“uncomplicated”**. A single **“yes”** answer would need to be further analyzed to decide whether the indicated situation causes the acquisition to become complicated and thus require the acquisition to be appraised.

# OFFER OF JUST COMPENSATION

For Appraisals and Waiver Valuations

DATE:

COUNTY/CITY:

PROJECT NUMBER:

PARCEL NUMBER/NAME:

OWNER:

ADDRESS:

*Pursuant to Federal and State regulations, (name of acquiring agency) presents to you the pamphlet "Highways and Your Land" and submits an offer of \$(amount of offer), which represents just compensation for the right of way needed from your property.*

BY: (Agency Authority)

TITLE:

# The Highways And Your Land Booklet

<https://iowadot.gov/rightofway/acquisition/highwaysandyourland.pdf>

- Then include the Statement of Property Owner's Rights
- And they are:



- **Just as the law grants certain entities the right to acquire private property, you as the owner of the property have certain rights. You have the right to:**
- **Receive just compensation for the taking of property. (Iowa Constitution, Article I, section 18)**
- **An offer to purchase, which may not be less than the lowest appraisal of the fair market value of the property. (Iowa Code section 6B.45; Iowa Code section 6B.54)**
- **Receive a copy of the appraisal, if an appraisal is required, upon which the acquiring agency's determination of just compensation is based not less than 10 days before being contacted by the acquiring agency's acquisition agent. (Iowa Code section 6B.45)**
- **An opportunity to accompany at least one appraiser of the acquiring agency who appraises your property when an appraisal is required. (Iowa Code section 6B.54)**
- **Participate in good faith negotiations with the acquiring agency before the acquiring agency begins condemnation proceedings. (Iowa Code section 6B.2B)**
- **A determination of just compensation by an impartial compensation commission and the right to appeal its award to the district court if you can- not agree on a purchase price with the acquiring agency. (Iowa Code section 6B.4; Iowa Code section 6B.7; Iowa Code section 6B.18)**
- **A review by the compensation commission of the necessity for the condemnation if your property is agricultural land being condemned for industry. (Iowa Code section 6B.4A)**
- **Payment of the agreed upon purchase price or, if condemned, a deposit of the compensation commission award before you are required to surrender possession of the property. (Iowa Code Section 6B.25; Iowa Code section 6B.26; Iowa Code section 6B.54(11))**
- **Reimbursement for expenses incidental to transferring title to the acquiring agency. (Iowa Code section 6B.33; Iowa Code section 6B.54(10))**
- **Reimbursement of certain litigation expenses: (1) if the award of the compensation commissioners exceeds 110 percent of the acquiring agency's final offer before condemnation; and (2) if the award on appeal in court is more than the compensation commissioners' award. (Iowa Code section 6B.33)**
- **At least 90 days written notice to vacate occupied property. (Iowa Code section 6B.54(4))**
- **Relocation services and payments, if you are eligible to receive them, and the right to appeal your eligibility for and amount of the payments. (Iowa Code section 316.9; Iowa Code section 6B.42) 4**

# Then You Start The Acquisition Process

## Negotiation and Acquisition

The Agency will need to comply with the Uniform Act and Iowa State Code requirements.

What if you need to pay more than the Offer of Just Compensation? Then you can make:

- An ***administrative settlement***- a settlement reached prior to filing a condemnation proceeding based on value related evidence, administrative consideration, or other factors approved by an authorized agency official.
- For the definition of Settlement, please see 23 CFR Section 710.105
- To continue.

# Then You Complete The Acquisition Process

## **Complete The Closing Process**

Prepare settlement statement and deed or easement. Pay just compensation as well as the property owner's incidental expenses for the transfer of title.

## **Relocation Assistance**

Determine whether an acquisition causes a displacement and determine what relocation benefits are appropriate.

## **Property Management**

Dispose of improvements, identify potential excess, identify maintenance issues and dispose of any excess property. If you sell excess or unused ROW then you need to follow Iowa Code Section 306.23.

# LINKS

- Local Systems I.M.3600 Right of Way Acquisition
- [https://www.iowadot.gov/local\\_systems/publications/im/3600.pdf](https://www.iowadot.gov/local_systems/publications/im/3600.pdf)
- Right of Way Bureau Home Page
- <https://iowadot.gov/rightofway>
- Right of Way Bureau Brochures and Manuals
- <https://iowadot.gov/rightofway/Brochures-and-Manuals>

# CONTACTS

- Statewide- Rick Skinner [rick.skinner@iowadot.us](mailto:rick.skinner@iowadot.us) 515-290-3196
- Districts 1 & 5- Joe Guckert [joseph.guckert@iowadot.us](mailto:joseph.guckert@iowadot.us) 515-239-1976
- Districts 2 & 6- Sandy Sells [sandy.sells@iowadot.us](mailto:sandy.sells@iowadot.us) 515-239-1731
- Districts 3 & 4- Matt Buttz [matthew.buttz@iowadot.us](mailto:matthew.buttz@iowadot.us) 515-239-1157

Thank you,

QUESTIONS

