

STATEMENT OF PROPERTY OWNERS' RIGHTS

It is important that the appraiser be aware of information that is distributed to property owners who may be impacted by highway projects in the State of Iowa. This information is routinely distributed at the various public meetings conducted by the Iowa Department of Transportation prior to the appraiser's first contact with the owner.

Iowa Code, Section 6B.2A, mandates that acquiring agencies provide a statement of rights to owners of record who may have all or part of their property acquired by condemnation. The Iowa Attorney General has adopted the following statement.

Property owners have the right to:

1. Receive just compensation for the taking of property. (Iowa Constitution, Article I, Section 18)
2. An offer to purchase, which may not be less than the lowest appraisal of the fair market value of the property. (*Iowa Code* Sections 6B.45 and 6B.54)
3. 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)
4. An opportunity to accompany at least one appraiser of the acquiring agency who appraises the property when an appraisal is required. (*Iowa Code* Section 6B.54)
5. Participate in good faith negotiations with the acquiring agency before the acquiring agency begins condemnation proceedings. (*Iowa Code* Section 6B.2B)
6. A determination of just compensation by an impartial compensation commission and the right to appeal its award to district court if they cannot agree on a purchase price with the acquiring agency. (*Iowa Code* Sections 6B.4, 6B.7 and 6B.18)
7. A review by the compensation commission of the necessity for the condemnation, if their property is agricultural land being condemned for industry. (*Iowa Code* Section 6B.4A)
8. Payment of the agreed upon purchase price, or if condemned, a deposit of the compensation commission award before they are required to surrender possession of the property. (*Iowa Code* Sections 6B.25, 6B.26 and 6B.54(11))
9. Reimbursement for expenses incidental to transferring title to the acquiring agency. (*Iowa Code* Sections 6B.33 and 6B.54(10))

10. Reimbursement for certain litigation expenses: (1) if the award of the compensation commissioners exceeds 110 percent of the acquiring agency's final offer prior to condemnation; and, (2) if the award on appeal in court is more than the compensation commissioner's award. (*Iowa Code* Section 6B.33)
11. At least 90 days written notice to vacate occupied property. (*Iowa Code* Section 6B.54(4))
12. Relocation services and payments, if they are eligible to receive them, and the right to appeal the eligibility for and the amount of payments. (*Iowa Code* Sections 6B.42 and 316.9)

The rights set out in this statement are not claimed to be a full and complete list or explanation of an owner's rights under law. They are derived from *Iowa Code* Chapters 6A, 6B and 316.

The point of including this statement in the Appraisal Manual is to make the appraiser aware of what the property owner expects from you as a representative of the Iowa Department of Transportation, an eminent domain authority.

We cannot emphasize it enough that you **must** give the property owner or their designated representative every reasonable opportunity to accompany you on the inspection of the property being appraised. (See Page 56, "Inspection of Subject Property")