

When the County Acquires Your Property



The Right-of-Way Acquisition Process

Acquiring public right-of-way doesn't have to be a tough road to travel. . .

To keep pace with our growing population, Thurston County Public Works is tasked with improving and upgrading the county road system.

Sometimes roads can be improved within the existing county right-of-way. In other cases, the County needs to purchase land from people who live along an existing or proposed road.

While we prefer to improve the road system with no impact or inconvenience to any of our citizens, that isn't always possible. When we must acquire more property, we will work closely with you, the property owner, to assist you through the process.

We hope this brochure will help you understand how road projects are developed and what happens when the County needs to acquire property from you. We will work together with you to ensure we provide the information you need to help you in the decision-making process.

Getting Started

What is right-of-way?

Right-of-way is publicly-owned land for transportation purposes. The public owns right-of-way along much of the county's road system. However, in places where there is no right-of-way or not enough room for the improvement, we purchase additional land.

Why do you need my property?

As our population continues to grow, the number of vehicles using county roads increases. Traffic volumes dictate that we make improvements to increase the capacity of existing county roads in order to relieve congestion. Additionally, many of our older roads were built to different standards than today's roads, following the existing contours of the land. The sags, dips, and curves in these roads are hazardous and inconvenient to the growing number of drivers and pedestrians using them.

Other road elements we try to improve include:

- ◆ Sidewalks and shoulders for emergency use and pedestrian or bicycle traffic.
- ◆ Steep ditches with no shoulders for vehicles.
- ◆ Obstacles such as vegetation, utility poles, and signs too close to traffic lanes.
- ◆ Narrow underpasses.
- ◆ Old or narrow bridges.
- ◆ Inadequate drainage systems and flooding.
- ◆ Busy intersections without signals or turn lanes.

In addition, we have an obligation to care for our environment. As a result of constructing roads, we may need additional property to take care of stormwater and environmental impacts such as wetland mitigation.

How much right-of-way will you need?

The County begins a road improvement project by carefully examining the proposed site: studying traffic trends and accident patterns, testing the soil, surveying the surrounding area, talking to potentially affected property owners, identifying potential environmental impacts, and weighing the costs of different design alternatives. After considering these factors, we develop a right-of-way plan and acquire only what is needed for the project.

Will I have a chance to comment on the preliminary right-of-way plan?

Yes. We generally display our preliminary plans at a public open house. We notify potentially affected property owners and encourage them to attend and comment on the preliminary plans. Information provided by the public is valuable in finalizing the right-of-way plans.

Valuing Your Property

How will you determine my property's worth?

The County will have your property appraised to find its “fair market value”—that is, the amount of money that would be paid for the property under normal circumstances. The appraisal is based largely on the sales of similar nearby properties.

If the acquisition is uncomplicated and under \$25,000.00, we may determine that an appraisal is unnecessary. The value of the acquisition is estimated in a Project Funding Estimate. An appraiser or qualified agent from the County will complete the estimate based on current sales of similar parcels in the area. You have the right to request that we appraise your property at any time prior to accepting our offer.

Who does the appraisal?

Your property will be appraised by an independent state-certified appraiser hired by the County. The appraiser is a professional with considerable training, experience, and knowledge of property sales in your area.

Can I talk to the appraiser?

Yes. The appraiser will contact you to make an appointment to inspect your property, and you will be invited to accompany the appraiser during the inspection. It is to your advantage to give the appraiser all of the information you can which has a bearing on the property's worth.

Appraisers are trained to know what to look for, but without your help and cooperation, it is possible to overlook an important item.

What will the County pay for?

Compensation may include the fair market value for land, buildings and other improvements to the property. It also may include any loss in fair market value (damages) on any portion of the property that remains. If the remaining portion of property is of such a size or shape that it has little or no value or use to you, it is called an “uneconomic remnant.” The County will offer to buy this remnant from you.

The Purchase

How will the County make its offer?

A County Right-of-Way Agent will present or mail a written offer for your property. The agent will then work with you to answer any questions you may have about the offer.

What happens if I accept the County's offer?

The agent will handle all the details of the sale—preparing the deed and real property voucher, and clearing title to the property. You may meet with the agent several times to prepare and sign all the necessary documents.

Please call the agent whenever you have questions about the sale. As with any property sale, this process can be lengthy and confusing. The agent's job is to address your concerns and facilitate the purchase.

Who pays the selling costs?

When the County buys your property, we pay all the costs of the sale including: recording and escrow fees, title insurance premiums, and other normal expenses. There is no real estate commission.

In private real estate sales, the closing costs and commission lower the profit on the sale of your property.

When will I receive the money?

Payment is usually made within 30 days after the title is cleared. We will either send you a check or deposit a check into an escrow account. If an escrow account is needed, you will receive a check from the escrow company once the title is cleared. The County cannot become the legal property owner until payment is made.

Will I have to pay capital gains tax on the profits?

You will be required to provide information to the County so that we can complete IRS Form 1099-S. Because tax laws change frequently, we recommend that you check with the Internal Revenue Service, a tax consultant, or your attorney about current capital gains tax laws.

Your Rights

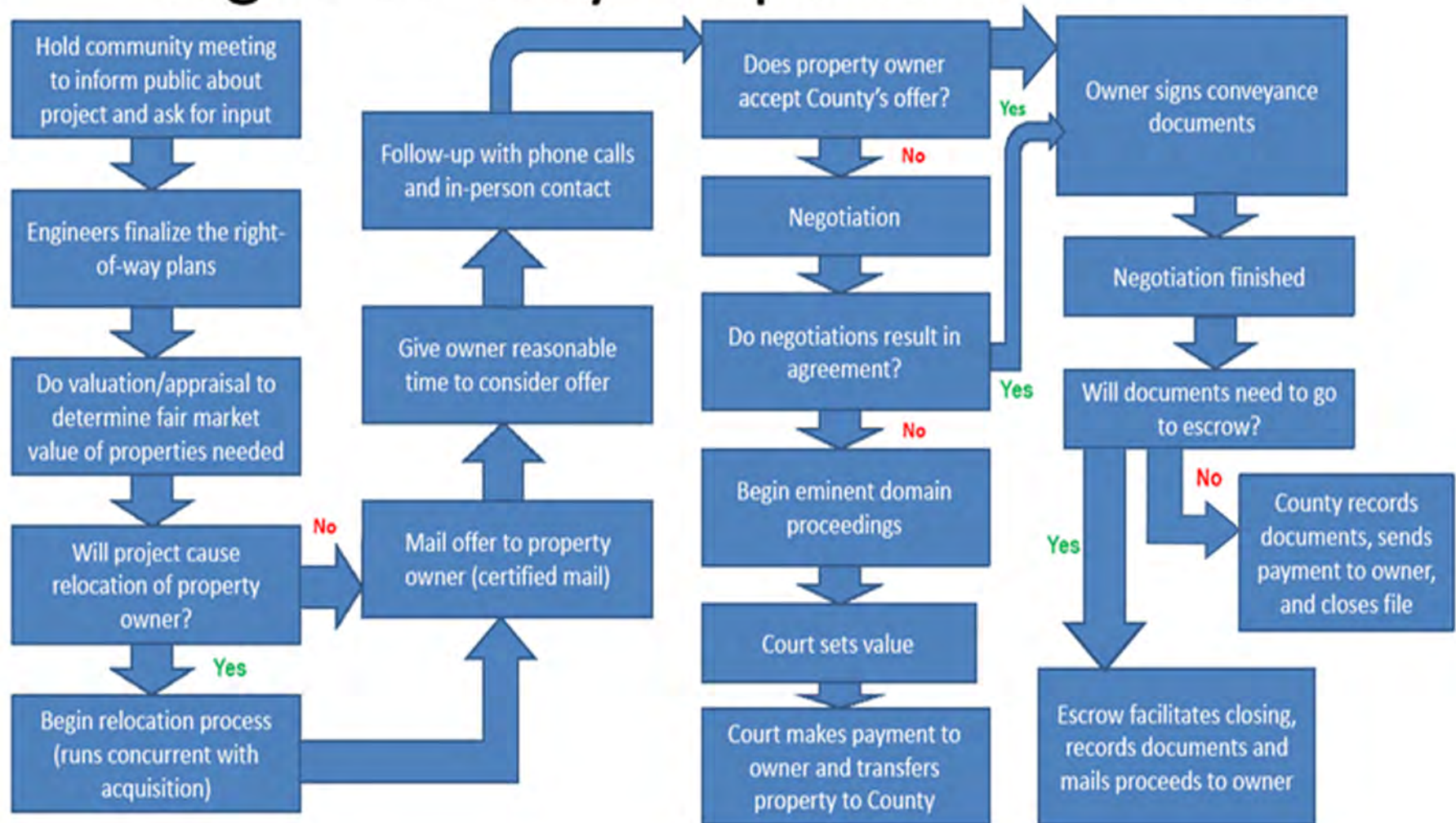
What if I have to move?

In the few cases where a county road project requires someone to move, Thurston County follows the state and federal guidelines for relocation assistance. If relocation is necessary, the agent will provide advisory services throughout the process.

What if I feel the County's offer is too low?

If you believe the County's offer is too low, explain to the agent why you believe you should receive a higher settlement. You may point out any items of value that you think the appraiser overlooked, recent sales of comparable properties, and other data you believe support a higher offer. The agent will take this into consideration in working with you.

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Thurston County Public Works

You also have the right to seek an evaluation of the County's offer to assist you in your settlement. As per RCW 8.25.020, the County will reimburse you at the time of final settlement for up to \$750.00 of your evaluation cost, upon presentation of the bill or paid receipt.

After reviewing the evaluation and the information that supports it, the right-of-way agent will work with you to reach a fair and equitable settlement.

Can I prevent my property from being acquired?

Our state constitution grants counties the right of "eminent domain," or the right to acquire property for public use upon payment of just compensation. Without this right, the County could not meet public needs for roads and other public facilities.

However, the County must prove to a court why your property is needed for a public purpose, and the County must fairly compensate you for the property that you give up.

What if we can't agree on a price?

The law safeguards you from receiving less than the fair market value for your property. But it also prevents the County from making payments that would be unfair to the taxpayers funding the project.

When there are indications that agreement on the purchase of your property cannot be reached, a legal action to acquire the property by eminent domain is filed.

What happens if I go to court?

We recommend you hire an attorney familiar with eminent domain to represent you. You may also hire expert witnesses to support your position. The Thurston County Prosecuting Attorney's Office will represent the County.

Trials are normally held in Thurston County Superior Court and are tried before a jury, unless you waive the right to a jury trial. The verdict is binding on both parties unless there is a valid basis for an appeal.

Can I recover any of the trial costs?

Under certain conditions, the court may set an amount that the County must pay to reimburse a property owner for attorney and witness fees. Generally, to receive such an award, the owner must:

- ◆ Grant immediate possession and use of the property
and
- ◆ Receive a verdict at least 10 percent over the highest offer made by the County 30 days before the trial.

You should consult with your attorney before the trial about recovering attorney and witness fees.

The End of the Road

This brochure gives an overview of the right-of-way acquisition process. It can be a long and complicated journey. We encourage you to ask questions and get more details about how this process applies to you and your property. For more information, please contact:

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