

Also, mediation or arbitration are available as an alternative to a condemnation action, when parties are unable to agree on the amount of compensation.

Improvements

When the Department acquires an interest in your land, it must acquire an equal interest in your house or any other improvements located on the land acquired. If buildings must be removed, the Department may allow the owner the first option to move the buildings. This can be discussed with the right-of-way agent.

Payment

If you sign the deed, and the Washington County Board of Commissioners approves it, then the transfer of title and payment for the property may proceed. As in a private sale, you are responsible for clearing expenses to the title, such as unpaid taxes, assessments, mortgages, outstanding leases and other liens against the property. The right-of-way agent will assist you in clearing title. No payment can be made until a deed conveying clear title to the Department has been recorded in the county records.

When the deed is available for recording, a check for your property can be prepared. Normally, when nothing obscures the title, you will receive payment for your property about four weeks after you give the Department a deed to the property.

If a condemnation action has been filed, the amount established by the Department as just compensation will be deposited with the court for distribution in accordance with the order of the court.

You are entitled to be reimbursed for fair and reasonable expenses associated with turning your property over to the Department. Such expenses might include, but are not limited to, penalties for prepayment of any pre-existing recorded mortgage on your property, mortgage release fees, or the county's portion of real property taxes.

Possession

You are not required to surrender possession of your property until either you have been paid the agreed upon purchase price, or an amount equal to the Department's established estimate of just compensation has been deposited with the court for your benefit.

When the acquisition process begins, you and any tenants occupying your property will be notified in writing of the Department's intent to acquire the property. You will not be required to move from your home, farm, or business location earlier than 90 days following that notice or within 30 days after payment, whichever is later. However, if the purchase does not require you to move, the agreement to purchase your property may require you to surrender possession of your property immediately upon payment.

The Department recognizes that a reasonable time for relocation should be provided. If your property is not needed for several months, continued occupancy might be permitted on a short-term basis. The amount of rent the Department may charge you or another tenant may not exceed the fair rental value of the property to a short-term occupier.

If you have questions or need additional information, please call the Washington County Right-of-Way Section at 503-846-7870. The Right-of-Way Section of the Department of Land Use and Transportation is located in the Walnut Street Center at 1400 SW Walnut Street, Hillsboro, Oregon, 97123-5625. You can find information on our website at www.co.washington.or.us

Acquiring Land for Highways and Other Public Projects

*A description of the
Washington County
Department of Land Use
and Transportation land
acquisition program*

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Washington County

Department of Land Use & Transportation
Right-of-Way Section
1400 SW Walnut Street, MS 18
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Washington County Department of
Land Use & Transportation

Before improvements can be made to most county transportation facilities, the Department of Land Use and Transportation must acquire right-of-way. Right-of-way is the term given to the land right that the county purchases, either by easement or by ownership, to place a public road. It is the aim and desire of the Department to be fair and equitable in the acquisition of right-of-way.

The county has the authority by law to acquire private property for public use. With this authority comes the obligation to protect the rights of individual property owners. The Department thus has a dual responsibility—to recognize and protect the individuals affected by acquisition of land and to manage public resources competently and efficiently while providing essential transportation services.

Public Hearings

Public hearings may be held between the alternatives analysis stage and the final design stage of a project. Such hearings provide opportunities for public participation and ensure that highway locations and designs are consistent with federal, state, and local goals and objectives.

After all data and testimony have been studied, the Washington County Board of Commissioners adopts a final alignment and the acquisition of right-of-way is authorized.

Just Compensation and the County's Property Valuation Process

Owners of property needed for a road project will be offered just (fair and equitable) compensation for the required right-of-way. Just compensation includes the estimated value of all the land and improvements within the needed area. In addition, if only part of a property is to be acquired, just compensation will also include any measurable loss in value to the remaining property due to this acquisition.

Just compensation is based on the Department's valuation of the needed property and estimate of any damages to the remaining property. Department procedures, guided by federal and state regulations, have been designed to protect owners of properties needed for road right-of-way as well as other county taxpayers. The valuation process will be conducted either by an experienced and qualified employee of the Department or by an independent fee appraiser under contract to the Department. The value will be arrived at by comparing the prices of similar properties that have recently been sold, by considering costs and depreciation for any improvements to be acquired, and, when applicable, by estimating the property's income potential. The final value determination will be based on information from the local real estate market.

The property to be acquired is inspected by a qualified appraiser during the first part of the valuation process. With complex acquisitions involving large portions of the property, major buildings or improvements on the property, displacement of residents, and/or damages to the remaining part of the property not being acquired, property owners will be given a 15-day notice of the appraisal inspection. Property owners may accompany the appraiser during the inspection.

Any increase or decrease in the value of needed property brought about by public knowledge of the upcoming road project is disregarded in the valuation process.

The final value estimate is reviewed for completeness and accuracy, and the Department's review appraiser establishes just compensation. In addition to this estimate of just compensation, the Department will make an offer to purchase any remaining property determined to have no remaining economic value to the owner.

Acquisition Procedures

The right-of-way agent who calls on you has studied the Department's valuation of the needed property and can illustrate with maps and other data how the acquisition will affect your property. The Department's offer will be confirmed in writing and accompanied by an acquisition summary statement, which describes how the amount of the offer was determined. The agent is authorized to obtain a deed from you to purchase your property, subject to the approval of the Board of County Commissioners. Under Department procedures governing acquisitions, the agent is not permitted to negotiate. The agent is confined to those monetary values indicated by the appraisal process.

However, the Department is ready and willing to reconsider its offer in light of any new evidence of value presented by you, including a documented professional appraisal.

The Department may not, in any way, coerce you into accepting its offer. Prohibited actions include advancing the time of condemnation, deferring acquisition or condemnation procedures, or postponing the deposit of funds in court for your use.

You need not accept the county's offer or enter an agreement you feel to be unfair. Owners have a minimum 40-day period to accept or reject the offer, unless an emergency has been declared. Rejection of an offer is simply a case of disagreement between the two parties on the value of the property.

In the event the parties are unable to agree on the amount of compensation, or when the property owner cannot clear the title, the county will file a condemnation action. Discussions can, of course, continue even after such an action is filed. The filing simply allows the county to proceed with the construction project.