

# Your Land and New Hampshire's Highways

## Why are new projects needed?

As times and society change, people's transportation needs change too. Some of those needs are met through mass transit or alternative transportation methods while others require the improvement of our highway system through the construction of new roads or the upgrading of existing roads and bridges.

These improvements typically are included in the State's overall Ten Year Transportation Plan. From the Ten Year Plan the New Hampshire Department of Transportation (NHDOT) works closely with local, State and Federal officials in developing individual projects. Public hearings and meetings are held to gather information and input from local residents and other concerned citizens.

The impacts on the community and the environment are fully considered before a final location and design are selected. Every effort is made to minimize any negative impacts on local residents, businesses and the environment.

Transportation projects follow a process that includes public interaction to gain input to the project. Relative to property owners along a project, the process includes title work to determine property ownership and property lines, survey and soil investigation to ascertain specifics both above and below ground.



# The ROW Process Begins

## Valuations

Once plans of appropriate detail are developed, the NHDOT will have the property appraised by a qualified real estate appraiser. The appraiser will notify you before he or she inspects the property. You will be asked if you would like to accompany them during the inspection. You may wish to do so in order to point out any important features or impacts on the property that deserve consideration. It is very important that the appraiser be allowed to see both the interior and the exterior of any buildings that may be affected. We ask that the appointment be arranged at your earliest convenience.

When an appraisal is completed, it is then reviewed by an independent appraiser. The review appraisers are responsible for ensuring the accuracy and completeness of the appraisals on a project. Only after they are satisfied that the appraiser has reached a fair and reasonable conclusion will they propose the compensation to be offered. The compensation is intended to represent the fair market value of the property considering the impacts. The value indicates the compensation for property actually acquired plus any decrease in the value to the remaining property not to be purchased. This figure is then given to a Right-of-Way (ROW) agent as the basis for negotiating the purchase price of the necessary property rights. Under certain, limited circumstances, a full appraisal may be substituted with a waiver valuation. In these cases, local market data is evaluated and a market value determined.



## Negotiations

The ROW agent will contact you to set up an appointment to discuss the acquisition and the offer. This appointment will be made at your convenience at your home, place of business or other mutually agreeable location. If there are co-owners to the property, they should also be present when the agent visits to discuss the offer. Please notify the ROW agent if you retain the services of an attorney or other third party. The negotiations can then be carried out with your representative. Under certain circumstances, such as if you are an owner living outside the State of New Hampshire, the negotiations may be carried out by mail or other means.

This stage of the process is very important. The State makes every effort to acquire the property it needs through negotiations. As citizens themselves, the negotiating agents are both sympathetic and empathetic to your concerns. Any questions you have regarding the acquisition will be addressed to the best of our ability. In addition, any new information affecting the value of your property that you may provide will be given full consideration.

After the acquisition and the offer are explained and there is agreement on the settlement, an Offer/Agreement will be prepared by the NHDOT. This contract is used to secure the funds and the deed needed to complete the transaction. The ROW agent will remain in contact with you to answer any questions or concerns that may arise.

Once an Offer/Agreement is signed by you, it is processed for acceptance by the NHDOT. The acceptance sets aside the funds for your payment. When the deed for the needed area has been prepared and the payment check is available, you will be contacted to arrange an appointment for the property closing. This closing is very similar to the one you went through when you purchased your property. The payment check is exchanged for the fully executed deed. The main difference in this closing is that the State pays for the preparation of the deed and any other expenses associated with the recording of the deed.

Once the transaction is completed, a Form 1099 may be issued in compliance with the IRS regulations. It is important that you provide the Federal tax identification numbers for anyone receiving a portion of the proceeds in order to prevent any potential IRS penalties. Please consult your income tax handler, or the IRS, on how to declare these funds on your income tax forms.

The NHDOT realizes that this legal process is complex and unfamiliar to most people. The ROW agent will explain the process and your rights in detail.

It is the NHDOT's sincerest hope that all property acquisitions be accomplished in a friendly manner with as little disruption as possible to the affected property owners. If a settlement cannot be reached and legal proceedings go forward, there is nothing in these procedures that prevents the parties involved from reaching a mutually agreeable settlement out of court. An agreement can be reached at any time in the process and eliminate the need for further legal action.

However, if an impasse in negotiations is reached, the NHDOT may acquire the needed property by exercising its power of eminent domain. It can do this by instituting the formal condemnation proceedings with the New Hampshire Board of Tax & Land Appeals (NHBTLA).

The NHBTLA is an independent three member board that is appointed by the Supreme Court to hear and determine all matters relating to the condemnation of property for public purposes and to determine the assessment of just compensation to be provided.

When property is acquired by eminent domain, the amount of compensation offered by NHDOT, as determined by the appraisal, is deposited with the NHBTLA. These funds can be withdrawn without prejudice toward the outcome of any future hearings regarding just compensation. The Board will then schedule a hearing to evaluate both the owner's and the NHDOT's basis for just compensation and will make its own determination. Either party can

appeal the Board's decision to the Superior Court if they are unsatisfied.



## Entry Agreement

Under certain circumstances you may be requested to grant the State a right of entry by signing an Entry Agreement. This Agreement allows the State to enter onto your property to perform the necessary work. These Agreements are most often used on streetscape projects and to perform maintenance activities.

If a portion of your property needs to be acquired, this Agreement would not abridge or limit your right to compensation. It would only allow the State to perform the needed work while negotiations on the compensation continue.

## Relocation Assistance

If your home or business is within the area to be acquired, you may be eligible for benefits under New Hampshire's Relocation Assistance Program.

These benefits can include moving costs, replacement housing payments, or certain reestablishment costs. The NHDOT's Right-of-Way Agent will explain available benefits and how we can help you through the relocation process.

Your benefits under this program are discussed in greater detail in a separate booklet entitled "Public Projects and Your Property". Copies may be obtained from the NHDOT Bureau of Right-of-Way.

If you have been notified that buildings on your property are to be acquired and you have not received a copy of this booklet, please contact the NHDOT Bureau of ROW at 271-3222.

## The Fine Print

While the NHDOT has every intention of appraising and negotiating in a manner that is truly fair and in good faith, legally the NHDOT does not represent the rights of owners impacted by transportation projects. Owners may wish to obtain independent advice or counsel regarding property acquisitions and relocation benefits. In addition, the property owner can obtain their own independent appraisal with the State participating up to \$1,000.00 in the cost, again in an effort to assure complete fairness.

All projects are administered according to the requirements of Title VI of the Civil Rights Act of 1964 and related statutes to ensure nondiscrimination.