

R/W MANUAL CHANGE

RWMC- 180

PROCEDURAL HANDBOOK
 (1984 Edition)

RWPH-____-____-____
 TRANSMITTAL#____

TITLE:
 ACQUISITION

APPROVED BY:

 DONALD E. GREBE

DATE ISSUED:
JAN 29 2008

Page 1 of 1

SUBJECT AREA:
 CHAPTER 8 - ACQUISITION

ISSUING UNIT:
 OFFICE OF RIGHT OF WAY PROJECT DELIVERY

SUMMARY OF CHANGES: Revises Exhibit 8-EX-16 and updates Table of Contents for exhibits.

PURPOSE/BACKGROUND

This manual change revises Exhibit 8-EX-16.

To comply with Assembly Bill (AB) 1322, which became effective January 1, 2008, the Department will now provide a copy of the approved Appraisal Report at the initiation of negotiations (first written offer) in lieu of the Appraisal Summary Statement (ASS).

PROCEDURES

8-EX-16 SUMMARY STATEMENT RELATING TO THE PURCHASE OF REAL PROPERTY OR AN INTEREST THEREIN
 Revised exhibit to comply with AB 1322.

EFFECTIVE DATE

Immediately.

MANUAL IMPACT

- Remove the superseded pages and insert the attached pages in the Manual.
- Record the action on the Revision Record.

REVISION SUMMARY

<u>Chapter</u>	<u>Remove Old Pages</u>	<u>Insert New/Revised Pages</u>
	Remove the following in its entirety:	Replace with the following in its entirety:
8 - Exhibits	Table of Contents REV 2/2007 8-EX-16 (REV 2/2007)	Table of Contents REV 1/2008 8-EX-16 (REV 1/2008)

CHAPTER 8

Acquisition Table of Contents

EXHIBITS

<u>Exhibit No.</u>	<u>Title</u>
8-EX-1	Housing and Community Development Guidelines
8-EX-2	Title III–Uniform Real Property Acquisition Policy (Sections 301 and 302)
8-EX-3	Rental Escrow Instructions
8-EX-4	Rental Agreement
8-EX-5	Request for Confirmation of Market Value
8-EX-6	Hold for Future Use
8-EX-7	Claim for Payment of Expenses Actually Incurred
8-EX-8	Pre-escrow Rent Schedule Instructions
8-EX-9	Withdrawal Letter - Owner in Occupancy
8-EX-10	Withdrawal Letter - Eligible Tenant in Occupancy
8-EX-11	Withdrawal Letter - Tenant No Longer in Occupancy
8-EX-12	Acquisition Management Review Checklist
8-EX-13	Permit to Enter for Underground Tank Testing for Hazardous Waste
8-EX-14	Permit to Enter for Other Testing for Hazardous Waste
8-EX-15A	Appraisal Summary Statement
8-EX-15B	Appraisal Summary Statement-Loss of Goodwill
8-EX-15C	Valuation Summary Statement
-	Summary Statement Relating to the Purchase of Real Property or an Interest Therein
8-EX-17	Hold for Future Use
8-EX-18A	Full Acquisition Offset Statement
8-EX-18B	Partial Acquisition Offset Statement
8-EX-19	Amendment to Right of Way Contract
8-EX-20	Assignment of Lease-To State
8-EX-21	Request for Information - Form UCC3 (Financing Statement)
8-EX-22	Form UCC2
8-EX-23	Right of Entry - Long Form
8-EX-24	Right of Entry - Short Form
8-EX-25	Agreement for Possession and Use
8-EX-26	Construction Permit
8-EX-27	Permit to Enter and Construct
8-EX-28	All-Purpose Acknowledgement
8-EX-29	Hold for Future Use
8-EX-30	Goodwill Information Sheet
8-EX-31	Interagency Agreement
8-EX-32	Transfer of Control and Possession
8-EX-33	Approved as to Form
8-EX-34	Summary of Estimates or Actual Costs-Functional Replacement

Exhibit No.**Title**

8-EX-35	Memorandum of Agreement for Possession and Use
8-EX-36	Escrow Instructions - Sample
8-EX-37	Parcel Progress Record
8-EX-38	Warrant to Escrow Agent
8-EX-39	Warrant to District
8-EX-40	Hold for Future Use
8-EX-41	Certificate of Acceptance
8-EX-42	Notice of Removal of Property from Taxrolls
8-EX-43	Tax Cancellation Letter - Page 2 Total Take City
8-EX-44	Tax Cancellation Letter - Page 2 Total Take County
8-EX-45	Tax Cancellation Letter - Page 2 Partial Take City
8-EX-46	Tax Cancellation Letter - Page 2 Partial Take County
8-EX-47	Tax Cancellation Condemnation Letters - Order for Possession
8-EX-48	Change in Ownership of Real Property Acquired to Replace Property taken by Governmental Action or Eminent Domain Proceedings
8-EX-49	Information Sheet for Owner(s) Regarding Property Tax Relief
8-EX-50	Administrative Settlement/Statutory Offer
8-EX-51	Public School District Lands
8-EX-52	Request for Declaratory Relief Action
8-EX-53	Highway Easement Deed - Perfection of Title (USFS Only)
8-EX-54	Highway Easement Deed - New Construction

**SUMMARY STATEMENT RELATING TO THE PURCHASE OF
REAL PROPERTY OR AN INTEREST THEREIN**

(Form #)

The California Department of Transportation is proposing to _____[brief description of the project]_____.

Your property located at _____[address of the subject]_____ is within the project area, and is also identified by your county assessor as Parcel No. _____[APN of subject]_____.

Title III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and the California Relocation Assistance and Real Property Acquisition Guidelines require that each owner from whom the Department of Transportation purchases real property or an interest therein or each tenant owning improvements on said property be provided with at a minimum, a summary of the appraisal of the real property or interest therein, as well as the following information:

1. You are entitled to receive full payment prior to vacating the real property being purchased unless you have heretofore waived such entitlement. You are not required to pay recording fees, transfer taxes, or the pro rata portion of real property taxes which are allocable to any period subsequent to the passage of title or possession.
2. The State will offer to purchase any remnant(s) considered by the State to be an uneconomic unit(s) which is/are owned by you or, if applicable, occupied by you as a tenant and which is/are contiguous to the land being conveyed.
3. All buildings, structures and other improvements affixed to the land described in the referenced document(s) covering this transaction and owned by the grantor(s) herein or, if applicable, owned by you as a tenant, are being conveyed unless other disposition of these improvements has been made. The interest acquired is _____[describe requirement degree of title]_____. The property being purchased comprises _____[area of the acquisition: ___ acres/square feet]_____ and is described in the attached deed and outlined in color on the attached map.
4. The market value of the property being purchased is based upon a market value valuation which is _____[included in the attached Appraisal OR summarized on the attached Valuation Summary Statement]_____ and such amount:
 - a. Represents the full amount of the _____[appraisal OR valuation]_____ of just compensation for the property to be purchased;
 - b. Is not less than the approved _____[appraisal OR valuation]_____ of the fair market value of the property as improved;
 - c. Disregards any decrease or increase in the fair market value of the real property to be acquired prior to the date of valuation caused by the public improvement for which the property is to be acquired or by the likelihood that the property would be acquired for such public improvement, other than that due to physical deterioration within the reasonable control of the owner or occupant; and
 - d. Does not reflect any consideration of or allowance for any relocation assistance and payments or other benefits which the owner is entitled to receive under an agreement with the Department of Transportation.
5. Pursuant to Code of Civil Procedure Section 1263.025 should you elect to obtain an independent appraisal, the Department will pay for the actual reasonable costs up to five thousand dollars (\$5,000) subject to the following conditions:
 - a. You, not the Department of Transportation (Department), must order the appraisal. Should you enter into a contract with the selected appraiser, the Department will not be a party to the contract;

**SUMMARY STATEMENT RELATING TO THE PURCHASE OF
REAL PROPERTY OR AN INTEREST THEREIN (Cont.)**

(Form #)

EXHIBIT
8-EX-16 (REV 1/2008)
Page 2 of 2

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- b. The selected appraiser is licensed with the Office of Real Estate Appraisers (OREA);
 - c. Appraisal cost reimbursement requests must be made in writing, and submitted to the Department of Transportation at _____[insert appropriate address]_____ within ninety (90) days of the earliest of the following dates: (1) the date the selected appraiser requests payment from you for the appraisal; or, (2) the date upon which you, or someone on your behalf, remitted full payment to the selected appraiser for the appraisal. Copies of the contract (if a contract was made), appraisal report, and the invoice for the completed work by the appraiser must be provided to the Department of Transportation concurrent with submission of the Appraisal Cost Reimbursement Agreement. The costs must be reasonable and justifiable.
6. The owner of a business conducted on a property to be acquired, or conducted on the remaining property which will be affected by the purchase of the required property, may be entitled to compensation for the loss of goodwill. Entitlement is contingent upon the _____[insert appropriate reference]_____ ability to prove such loss in accordance with the provisions of Sections 1263.510 and 1263.520 of the Code of Civil Procedure.
 7. If you ultimately elect to reject the State's offer for your property, you are entitled to have the amount of compensation determined by a court of law in accordance with the laws of the State of California.
 8. You are entitled to receive all benefits that are available through donation to the State of California of all or part of your interest in the real property sought to be acquired by the Department of Transportation as set out in Streets and Highways Code Sections 104.2 and 104.12.
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