

A Model for the Development of a Real Property Acquisition Management Plan

Introduction

- Short history of pertinent elements of project
- List control agreements; intergovernmental contracts, pending solicitations, etc
- Outline the legal environment and requirements: Uniform Act, various state laws, local requirements, etc.
- Provide a geographical description of project
- List the physical description of proposed acquisitions; number of parcels, total acquisitions, partial acquisitions, anticipated number of relocations; etc.
- Provide a general outline of process and authority to condemn

Organizational Structure

- Identification of the real estate acquisition and appraisal staff structure and personnel functions. Clearly state and document project sponsor's prior project experience with relevant federally-assisted programs of real property acquisition and the qualifications of all real estate project management staff, appraisal staff and field acquisition and/or relocation agents (both agency and contractor staff).
- Identify contractual functions
- Identify project plan source, the process for plan changes, corrections, or modifications resulting from negotiations, etc.
- Identify the party who can establish offer of just compensation
- Identify the party who can authorize condemnation

Acquisition Schedule

- Set out the timeframe and schedule for acquisition and relocation assistance to include the total length of time needed to complete all property acquisition and relocation activities
- Identify the anticipated date for initiation of negotiations for the project
- Identify potential difficulties that could result in potential delays and an identification of potential mitigation measures
- Identify how progress reporting will be handled and who will receive this information
- Identification of a critical path for right of way acquisition

Real Estate Cost Estimate

- Identify the source and background of the real estate acquisition cost estimate including when it was done and on what basis
- Identify timing and need for cost estimate updates
- Show how cost estimates will be compared to actual costs as the project progresses

Acquisition Process

- Plans – Who prepares? Who can modify? What is process for considering a property owners' request to modify? Etc.
- Ownership and title information – How is this gathered? What are the contractual requirements? Are those contracts in place? What is the process to update and correct errors and omissions? Etc.
- Appraisal – Who will do appraisals? What are the contracting requirements if necessary? What is the estimate duration of this task? How many copies of appraisals will be obtained? Will appraisals be shared with property owners? Etc.

Appraisal Review Process – Who will do this task? What is the scope of the task in general? What is the turnaround time for this work? Will the reviewer handle updates of appraisals? Will reviewer handle modification of appraisals based on owner claims? Will reviewer be used to support administrative settlements?

- Establishment of offer of Just Compensation – Who specifically does this? What is the basis of the offer?
- Negotiations – Who will negotiate and what is their authority? Who must approve administrative settlements and other concessions to property owners? What is the documentation required of the negotiations process, who signs offer letters, will negotiator also handle relocation payments, how is the interface between negotiations and condemnation handled, what documents will negotiator be expected to provide to legal for settlement and condemnation, will negotiator be present at closing?
- Closing / Escrows – Who will provide this service and how will it function? What is the estimated length of time to deposit funds to escrow for closing, what documents will be necessary, how will closings be conducted, what form of deeds will be used, how will property taxes be paid and exempted?
- Condemnation – Who will authorize suits and who will file? What is relationship between grantee and its legal personnel, what authority does attorney have for settlement, what are progress reporting requirements?

Relocation

- Planning – Who is responsible for the development of the relocation plan? What is the plan to minimize the potential negative impacts of displacement? What potential barriers exist to obtaining replacement housing and/or nonresidential replacement sites?

- Staffing and Administration - How will the relocation function be staffed, who is authorized to compute payments, who will approve payments, what is the relocation process to be utilized on the project, what level of advisory services will be needed, who will provide advisory services, what is the claims payment process, what is the time to pay a relocation claim, what authority and controls will be needed for advanced payments and claims, what documentation will be retained in the files, what forms will be used?
- Appeals – What is the legal requirements for administrative appeals, how will the agency establish and staff an appeal function, who is the recipient of appeal requests, what is the appeal process?

Document Control

- How are documents filed and for what length of time will original paper documents be maintained? What is the organization of parcel files, condemnation files, etc.? What are the contents of a typical parcel file?
- Property Management – Who will perform property management and what is included in the scope of work for property management? Who contracts for demolition, what are contracting requirements, what are reporting requirements What is the policy regarding rental property for extended possession by displaced tenants and/or owners?
- Excess property inventory and utilization plan – Who will prepare and track excess parcels, what is the process to evaluate these tracts, who will determine when to sell excess, what is the disposition of proceeds, what are agency, state or local restrictions on the sale of public property?