

PROPERTY ACQUISITION

A primary responsibility of the Washington County Public Works Department is the planning, construction, maintenance, and safety control of the County Road System.

In carrying out this responsibility, the acquisition of privately owned property may be necessary.

In this brochure, you will find:

- Property Owner rights under Minnesota law if your land must be acquired.
- Information about the acquisition process.

Under Minnesota law, the County may acquire property through:

- Direct Purchase
- Eminent Domain Proceedings
- Gift

Relocation Rights:

If your home, business, or farm is being acquired:

- you will be given at least 90 days written advance notice of when you are required to vacate the property;
- you may be entitled to other relocation benefits;
- if displaced from your home, a decent, safe, and sanitary replacement dwelling must be available to you prior to displacement.

You are not required to surrender possession of your property until:

- you have received the agreed purchase price, or
- the County has deposited with the court, for your benefit, an amount not less than the County's approved appraisal, or the amount of the award of compensation in a condemnation proceeding. Court deposited funds are generally accessible to you.

Property Rental:

- After acquisition, the County may decide to rent the property to you or another tenant.
- Rent charged will not exceed fair market rent of the property.

Appeals:

- You may file a written appeal with the County in any case in which you believe that the County has failed to properly determine your payment for those expenses incidental to transfer of title to the County or certain litigation expenses.
- All written appeals shall be considered by the County.

ACQUISITION INFORMATION FOR PROPERTY OWNERS

Washington County Property Acquisition Managers:

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WASHINGTON COUNTY PUBLIC WORKS

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Washington
County

Property Acquisition Process

Determination of Compensation:

- Washington County will hire an independent appraiser to determine the amount that will be offered to you for the necessary acquisition.
- This independent appraiser will contact you prior to inspecting your property and offer to inspect the property with you. This will give you an opportunity to point out any unusual or hidden features on the property.
- The appraiser may not consider an increase/decrease in the value of your property, which results from the highway project. However, any physical deterioration would be considered in the valuation of your property.
- For non-commercial properties, the valuation is based primarily on studies of recent sales of similar property in the vicinity of the property
- The appraiser will send all appraisals to the County when they are complete.
- Washington County representatives will then contact you to set up a time to meet with you. At this time, you will receive a copy of the appraisal.
- For acquisitions of less than \$25,000, the County may make an offer to you based on an informal valuation. This informal valuation is also based on recent sales of comparable property in the area of your property.
- If you would like to obtain a separate appraisal for the acquisition area, you are entitled to reimbursement for the reasonable costs of an appraisal.
- Appraisal reimbursement costs will not exceed \$1,500 for single family, two-family residential, agricultural, or minimum damage acquisitions and \$5,000 for other types of property.
- Appraisal reimbursement costs require that a copy of the appraisal and invoice be provided to the County.

Acquisition by Direct Purchase:

- Washington County will make an offer to purchase the necessary property for the full amount that has been determined as just compensation.
- This offer will include land costs; as well as personal property within the acquisition area (for example, trees, shrubs, fences, signs).
- In cases where only a part of your property is to be acquired, there may also be an additional amount to be paid for damages (if any) to the remainder of your property.
- Along with a copy of the appraisal, a written explanation of these values will be provided to you.
- If the acquisition leaves you with an uneconomic remnant, the County may offer to purchase it.

Washington County will:

- provide you a reasonable length of time to consider the offer (no less than 60 days);
- make every reasonable effort to avoid litigation by acquiring your property through direct negotiation.

Washington County is prohibited from:

- coerce you into accepting an offer;
- advance the time of condemnation or negotiations;
- postpone the deposit of funds in court for your use.

If you accept the offer:

- you will be asked to sign documents conveying the property to the County;
- the County, at its own expense, will record these documents;
- after the documents have been recorded, payment will be processed;
- if there is a mortgage on your property, the mortgage company will need to agree to the

acquisition by signing a "Partial Release of Mortgage" prior to payment;

- since the mortgage company has an interest in the property, they may require that some or all of the compensation amount be put toward your remaining principle balance;
- any prepayment penalty or fee charged to you by the mortgage company will be paid by the County.

Acquisition by Eminent Domain:

- If an agreement cannot be reached by direct purchase, the County will acquire your property by formal eminent domain proceedings.
- Since this is a court procedure, all property owners will be "served" with the eminent domain notice in person.
- The amount of compensation that was originally offered to you will be deposited in court.
- With permission from the judge, you will be able to withdraw the money once the court approves the condemnation.
- Under Minnesota eminent domain procedures, the court appoints three commissioners who will determine the compensation amount.
- If the award is not satisfactory, either party can request a jury or court trial.
- 90 days after you are served with a formal eminent domain notice, Washington County may take title and possession of the acquisition and/or easement area.
- This means that, while the commissioners may not have determined the final compensation amount, work in the acquisition area may begin.

Acquisition by Gift:

- You may make a gift or donation of the property, or any part of it, to the County.
- The County is required to provide you with an appraisal of the property along with an offer of just compensation. You may release the County from either or both of these obligations.