



REAL ESTATE SERVICES OFFICE

TRANSPORTATION PROPERTY NEEDS AND YOU

QUESTIONS AND ANSWERS

APRIL 2022



TRANSPORTATION PROPERTY NEEDS AND YOU

This brochure is being provided to you because your property may be affected by a transportation project. The State of Washington Department of Transportation (WSDOT) Office of Real Estate Services (RES) prepared this brochure. It explains your rights as an owner of property required for construction of a WSDOT project. We hope it will also help to answer your questions about the property acquisition process.

Language Assistance Services

If you have difficulty understanding English, you may, free of charge, request language assistance services by calling (360) 705-7090 or email us at: TitleVI@WSDOT.WA.GOV.

ESPAÑOL - SPANISH

Servicios de traducción

Aviso a personas con dominio limitado del idioma inglés: Si usted tiene alguna dificultad en entender el idioma inglés, puede, sin costo alguno, solicitar asistencia lingüística con respecto a esta información llamando al (360) 705-7090, o envíe un mensaje de correo electrónico a: wsdotada@wsdot.wa.gov

한국어 - KOREAN

번역 서비스

영어로 소통하는 것이 불편하시다면 (360) 705-7090, 으로 전화하시거나 다음 이메일로 연락하셔서 무료 언어 지원 서비스를 요청하실 수 있습니다: wsdotada@wsdot.wa.gov

русский - RUSSIAN

Услуги перевода

Если вам трудно понимать английский язык, вы можете запросить бесплатные языковые

услуги, позвонив по телефону (360) 705-7090, или написав нам на электронную почту: wsdotada@wsdot.wa.gov

tiếng Việt - VIETNAMESE

các dịch vụ dịch thuật

Nếu quý vị không hiểu tiếng Anh, quý vị có thể yêu cầu dịch vụ trợ giúp ngôn ngữ, miễn phí,

bằng cách gọi số (360) 705-7090, hoặc email cho chúng tôi tại: wsdotada@wsdot.wa.gov

TRANSPORTATION PROPERTY NEEDS AND YOU

العربية - ARABIC

خدمات الترجمة

إذا كنت تجد صعوبة في فهم اللغة الإنجليزية، فيمكنك مجاً طلب خدمات المساعدة اللغوية عن

طريق الاتصال بالرقم (360) 705-7090 أو مراسلتنا عبر البريد الإلكتروني : wsdotada@wsdot.wa.gov

中文 - CHINESE

翻译服务

如果您难以理解英文，则请致电：(360) 705-7090，或给我们发送电子邮件：

件：wsdotada@wsdot.wa.gov，请求获取免费语言援助服务。

Af-soomaaliga - SOMALI

Adeegyada Turjumaada

Haddii ay kugu adag tahay inaad fahamtid Ingiriisida, waxaad, bilaash, ku codsan kartaa adeegyada caawimada luuqada adoo wacaaya (360) 705-7090 ama iimayl noogu soo dir: wsdotada@wsdot.wa.gov

Contents

Transportation Projects and Private Property	1
Why are transportation projects needed?	1
Why is private property needed for these projects?	1
How much of my property is needed?	1
Where can I get more information about the project?	2
Can I prevent WSDOT from acquiring my property?	2
The Basic Steps When a Transportation Project Requires Private Property	3
Property Valuation	4
How does WSDOT determine what my property is worth?	4
How do I know the amount determined by WSDOT is fair?	5
Negotiations and Property Purchase	6
How long do I have to consider the offer?	6
What if I feel the offer is too low?	6
Settlement/Closing	8
What happens if I accept WSDOT's offer?	8
Will I have to move?	8
Condemnation and Court Actions	9
What happens if I don't accept WSDOT's offer?	9
What happens if I go to court?	9
Contact Us	11
WSDOT Real Estate Services Offices	11

Transportation Projects and Private Property

Why are transportation projects needed?

- To accommodate Washington's growing population.
- To correct or prevent unsafe conditions on existing highways.
- To promote environmental stewardship.

Why is private property needed for these projects?

Transportation projects require numerous studies and many years of planning. Project engineers take care to consider all options in designing and locating projects and include private property only when necessary. Brand new highways and associated facilities, such as stormwater ponds and retaining walls, almost always require private property. Whenever possible, projects to reconfigure existing highways and associated facilities will be designed without the need for additional property.

How much of my property is needed?

You will receive an offer letter that explains what is needed for the project. Every property and property owner's situation is unique. In general, one or more of the following will apply:

- A temporary right of entry on your property
- A temporary easement on your property
- A permanent easement on your property
- A restriction of access to the highway from your property
- A portion of your property
- All of your property

For the remainder of this brochure, every instance of "your property" refers to whatever amount of property, type of property right, or both, is required for the project.

Where can I get more information about the project?

Information about a project and its impacts may spread quickly but not always accurately. Get the facts about a project from:

- Your region [Real Estate Services office](#).
- Open houses
- Web pages (<https://wsdot.wa.gov/construction-planning/search-projects>)
- Press releases

Can I prevent WSDOT from acquiring my property?

The Washington State Constitution authorizes the government to acquire private property through **eminent domain**.

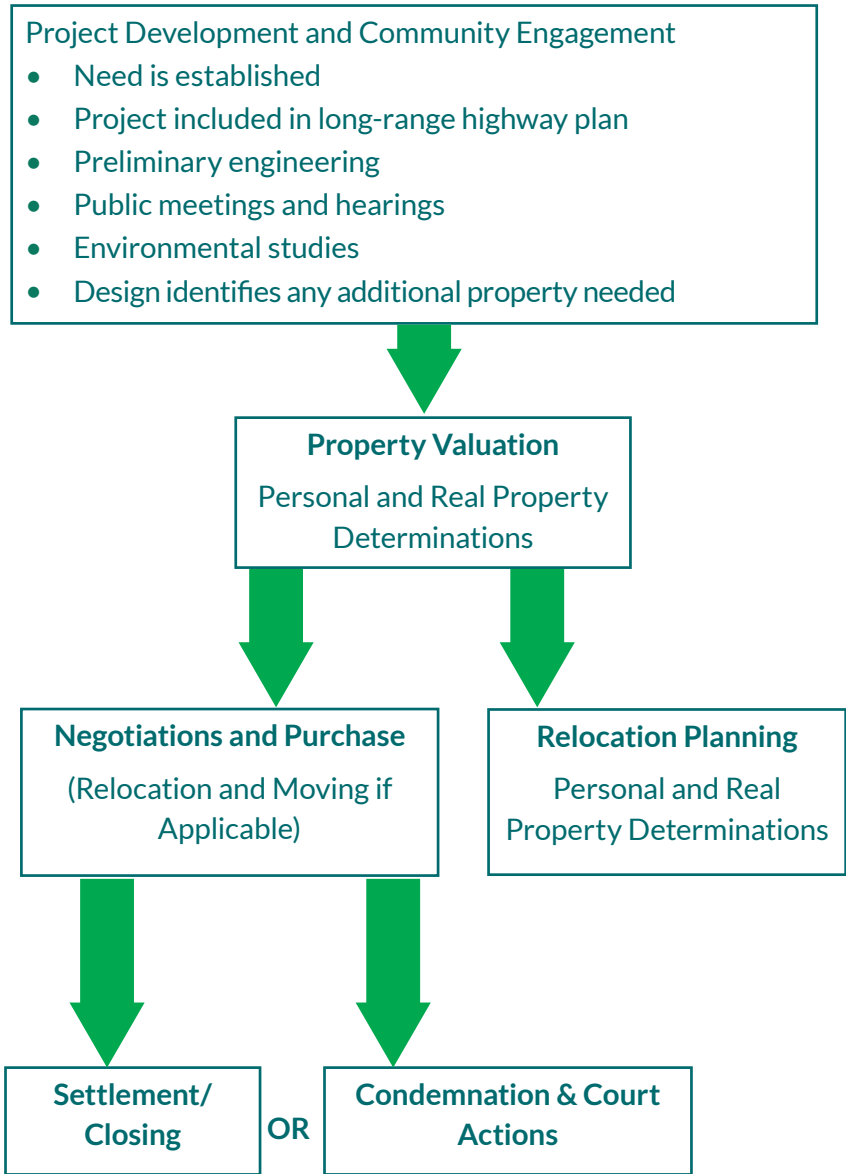
Eminent Domain: The right of a government to acquire private property for public purpose following payment of just compensation to the property owner.

The question of what qualifies as a genuine public purpose is a judicial one. To prevent WSDOT from acquiring your property, you would need to convince a court of law that WSDOT's proposed use of your property is not truly needed for the public interest.

Your rights and the rights of the state are well defined by the state's eminent domain laws. These laws are designed to:

- Safeguard you from receiving less than what you are entitled to be paid for your property.
- Prohibit the state from acquiring private property unnecessarily.
- Ensure proper use of taxpayer funds by preventing excessive payments for property rights needed for highway projects.

The Basic Steps When a Transportation Project Requires Private Property



Property Valuation

How does WSDOT determine what my property is worth?

The Washington State Constitution requires the government to pay **just compensation** before acquiring private property for public use.

Just Compensation: An estimate of the compensation due for the property based on the **fair market value** of the property.

Fair Market Value: The price a well-informed, willing buyer would pay, and a well-informed, willing seller would accept, in an arm's length transaction where neither is under any obligation to buy or sell.

WSDOT will prepare and give you a report that provides an estimate of the fair market value of your property. The report of value you receive is based on either an **administrative offer summary** or an **appraisal**.

Administrative Offer Summary (AOS) /Appraisal Waiver: The valuation process used when the valuation is uncomplicated, and the property interest being acquired is estimated at \$25,000 or less. This simplified valuation of your property is completed by a real estate professional. If the estimated value of the property being acquired is between \$10,000 and \$25,000 and uncomplicated, you will have the option to have WSDOT complete an appraisal.

Appraisal: The valuation process used when the property being acquired is valued at more than \$25,000; an appraisal will also be prepared if the valuation is considered complex, regardless of the estimated fair market value. An appraisal is a detailed analysis prepared by a licensed appraiser.

If an appraisal is prepared, federal regulations give you the right to a joint inspection of your property with the appraiser. The appraiser will ask to personally inspect your property and make an effort to accommodate your schedule for the joint inspection. It is to your benefit to accompany the appraiser on the inspection. During the inspection you will have the opportunity to point out any features of the property that you believe may be relevant to its valuation. Appraisers are trained to know what to look for, but without your input, it is possible to overlook an important item. You may appoint a representative to attend the appraisal inspection in your place if you are unable or do not wish to be present.

How do I know the amount determined by WSDOT is fair?

The report you receive is based on standard valuation principles to ensure that just compensation is arrived at objectively and impartially. Every appraisal is subjected to an intensive review by a Review Appraiser – selected for experience, special training, and ability. The Review Appraiser will review the appraisal report to ensure that all applicable appraisal standards and requirements are met. Only when the reviewer is satisfied that the appraiser's conclusion of value is sound and adequately supported will he or she approve the appraisal. Just compensation is set based on this approved fair market value determination.

Negotiations and Property Purchase

How long do I have to consider the offer?

You will receive a written offer of just compensation from a property acquisition specialist as soon as possible after the valuation is completed.

The specialist will:

- Meet with you in person, when possible, to present and review the offer.

or

- Mail your offer and present and review it with you verbally – typically via phone call or video conference.

The specialist's job is to walk you through the property acquisition process and to answer or find answers to any questions you may have about the process, the project, or both. The specialist will also try to minimize, to the extent possible, any inconveniences associated with WSDOT's acquisition of your property.

You will be given a minimum of 30 days to consider WSDOT's offer. Many real estate transactions, including ones between WSDOT and property owners, are the result of discussions. These discussions are called negotiations and are essential in reaching an agreement satisfactory to both parties. The property acquisition specialist will continue negotiating as long as negotiations are done in good faith and appear to be headed toward an agreement.

Depending on the circumstances, relocation benefits may be available to you. If applicable, these benefits will be offered to you by a relocation specialist, and you will be provided with another brochure explaining relocation benefits in detail.

What if I feel the offer is too low?

You are encouraged to seek professional advice to assist you in evaluating WSDOT's offer from one or more of the following:

- An appraiser
- An attorney
- Other real estate professional as appropriate to the circumstances

The actual cost for obtaining such advice, up to \$750, will be reimbursed by WSDOT upon presentation of a bill or a receipt proving payment.

TRANSPORTATION PROPERTY NEEDS AND YOU

If you conclude the offer is too low or are otherwise not prepared to accept the offer as presented,

The specialist will:

- Listen and attempt to address your concerns.
- Consider any new information you provide.
- Ask you to provide a counteroffer.
- Make every attempt to negotiate a settlement acceptable to both parties.

If negotiations are prolonged, the specialist may request you enter into a negotiated possession and use agreement.

Negotiated Possession and Use Agreement: A negotiated instrument in which WSDOT and the property owner agree that, upon payment of a certain amount to the property owner, WSDOT is entitled to immediate (or dated) possession and use of the property prior to agreement on compensation.

The specialist will not try to coerce you into accepting WSDOT's offer under any circumstances.

Settlement/Closing

What happens if I accept WSDOT's offer?

If you decide to accept the offer – either as presented or as negotiated with the specialist – the state becomes owner of the property once:

- You sign the documents necessary to transfer the property to WSDOT as provided by the specialist and escrow officer, if applicable.

and

- You receive payment for the property.

The specialist will handle all the details of the sale. All closing costs, including escrow fees, if applicable, will be paid by WSDOT. If the transaction closes in escrow, you will receive payment from the escrow company. Otherwise, your payment will be processed by WSDOT. You can expect to receive it approximately four to six weeks after signing documents.

We recommend that you check with a tax professional or the IRS regarding any questions you have about the tax implications on the sale of your property to WSDOT.

Will I have to move?

A relocation specialist will contact you if WSDOT's acquisition of your property requires you to move. The relocation specialist will provide you with detailed information on your rights and any benefits that are available to you.

If you are required to move because of WSDOT's acquisition, you may be able to rent the property back from WSDOT for an agreed-upon time. At your request, the property acquisition and relocation specialists will work with you to determine if circumstances will allow for this.

Condemnation and Court Actions

What happens if I don't accept WSDOT's offer?

WSDOT recognizes that some property owners would prefer not to sell their property but hopes that when negotiations are complete, you can say you have been treated courteously and fairly. If negotiations ultimately fail to reach an agreed upon value, WSDOT will refer the acquisition to the Office of the Attorney General for the State of Washington. Once this happens, WSDOT's original offer and any counteroffers are withdrawn.

An attorney working for the state will file a **condemnation action** in superior court in the county where the property is located.

Condemnation Action: A lawsuit where a government is exercising eminent domain to acquire private property for public use.

What happens if I go to court?

WSDOT recommends you hire a competent attorney to represent you. In addition, you may employ one or more appraisers and any other witnesses your attorney may recommend testify in support of your case. You may be entitled to payment of their associated fees by WSDOT. You should discuss questions of eligibility for recovery of fees with your counsel.

A condemnation action requires WSDOT to demonstrate to the court that your property is needed for a public purpose. After the state's attorney files the action, he or she will ask the court for an **order adjudicating public use and necessity**.

Order Adjudicating Public Use and Necessity: An order from the court establishing that the property sought by the government is necessary for use by and for the benefit of the public.

In addition, the state's attorney will typically request an **order of immediate possession and use** from the court – unless you have already been asked for and agreed to a negotiated possession and use agreement.

Order of Immediate Possession and Use: An order from the court confirming an agreement between the state and the property owner that the state will pay a specific amount of money into the registry of the court for the benefit of the property owner in exchange for possession and use of the property in advance of the determination of compensation.

You are entitled to a trial by jury, but a settlement may be negotiated between attorneys without going to trial.

TRANSPORTATION PROPERTY NEEDS AND YOU

The case is closed when a **Judgment and Decree of Appropriation** is awarded by the court after the judge or jury renders a verdict or when a settlement is reached before trial.

Judgment and Decree of Appropriation: A court order awarding title to the property to WSDOT.

Contact Us

We hope this information has helped give you a better understanding of how private property is acquired for transportation projects. Please contact your property acquisition specialist for answers to any questions you may have after reading this brochure or reach out to the nearest Real Estate Services Office as shown below for more information.

WSDOT Real Estate Services Offices



Northwest Region

(Seattle/Everett/
Bellingham) 15700
Dayton Avenue N Seattle,
WA 98133-9710
Mailing Address:
PO Box 330310
Seattle, WA
98133-9710
206-440-4000

North Central Region

(Wenatchee/Moses Lake/
Okanogan)
2830 Euclid Avenue
Wenatchee, WA
98801-5916
509-667-3000

Olympic Region

(Tacoma/Olympia/Port
Angeles/ Aberdeen)
7407 31st Ave NE Lacey
WA 98516 Mailing
Address PO Box 47440
Olympia, WA
98504-7440
360-357-2600

Southwest Region

(Vancouver/Raymond/
Chehalis/ Goldendale)
11018 NE 51st Circle
Vancouver, WA
98682-6686
360-905-2000

South Central Region

(Yakima/Ellensburg/Tri-
Cities/ Clarkston)
2809 Rudkin Road
Union Gap, WA
98903-1648
509-577-1600

Eastern Region

(Spokane/Colville/
Ritzville/ Pullman/
Republic)
2714 N Mayfair Street
Spokane, WA
99207-2090
509-324-6000

HQ. Headquarters and Mega Projects

7345 Linderson Way SW
Tumwater, WA 98501
Mailing Address:
PO Box 47338
Olympia, WA
98504-7338
360-705-7000

TRANSPORTATION PROPERTY NEEDS AND YOU

ENGLISH

Title VI Notice to Public

It is the Washington State Department of Transportation's (WSDOT) policy to assure that no person shall, on the grounds of race, color, national origin, as provided by Title VI of the Civil Rights Act of 1964, be excluded from participation in, be denied the benefits of, or be otherwise discriminated against under any of its programs and activities. Any person who believes his/her Title VI protection has been violated, may file a complaint with WSDOT's Office of Equity and Civil Rights (OECR). For additional information regarding Title VI complaint procedures and/or information regarding our non-discrimination obligations, please contact OECR's Title VI Coordinator at (360) 705-7090.

Americans with Disabilities Act (ADA) Information

This material can be made available in an alternate format by emailing the Office of Equity and Civil Rights at wsdotada@wsdot.wa.gov or by calling toll free, 855-362-4ADA(4232). Persons who are deaf or hard of hearing may make a request by calling the Washington State Relay at 711.

ESPAÑOL

Notificación de Título VI al Público

La política del Departamento de Transporte del Estado de Washington (Washington State Department of Transportation, WSDOT) es garantizar que ninguna persona, por motivos de raza, color u origen nacional, según lo dispuesto en el Título VI de la Ley de Derechos Civiles de 1964, sea excluida de la participación, se le nieguen los beneficios o se le discrimine de otro modo en cualquiera de sus programas y actividades. Cualquier persona que considere que se ha violado su protección del Título VI puede presentar una queja ante la Oficina de Equidad y Derechos Civiles (Office of Equity and Civil Rights, OECR) del WSDOT. Para obtener más información sobre los procedimientos de queja del Título VI o información sobre nuestras obligaciones contra la discriminación, comuníquese con el coordinador del Título VI de la OECR al (360) 705-7090.

Información de la Ley sobre Estadounidenses con Discapacidades (ADA, por sus siglas en inglés)

Este material puede estar disponible en un formato alternativo al enviar un correo electrónico a la Oficina de Equidad y Derechos Civiles a wsdotada@wsdot.wa.gov o llamando a la línea sin cargo 855-362-4ADA(4232). Personas sordas o con discapacidad auditiva pueden solicitar la misma información llamando al Washington State Relay al 711.

한국어 – KOREAN

제6조 관련 공지사항

워싱턴 주 교통부(WSDOT)는 1964년 민권법 타이틀 VI 규정에 따라, 누구도 인종, 피부색 또는 출신 국가를 근거로 본 부서의 모든 프로그램 및 활동에 대한 참여가 배제되거나 혜택이 거부되거나, 또는 달리 차별받지 않도록 하는 것을 정책으로 하고 있습니다. 타이틀 VI에 따른 그/그녀에 대한 보호 조항이 위반되었다고 생각된다면 누구든지 WSDOT의 평등 및 민권 사무국(OECR)에 민원을 제기할 수 있습니다. 타이틀 VI에 따른 민원 처리 절차에 관한 보다 자세한 정보 및/또는 본 부서의 차별금지 의무에 관한 정보를 원하신다면, (360) 705-7090 으로 OECR의 타이틀 VI 담당자에게 연락해주시십시오.

미국 장애인법(ADA) 정보

본 자료는 또한 평등 및 민권 사무국에 이메일 wsdotada@wsdot.wa.gov 을 보내시거나 무료 전화 855-362-4ADA(4232)로 연락하셔서 대체 형식으로 받아보실 수 있습니다. 청각 장애인은 워싱턴주 중계 711로 전화하여 요청하실 수 있습니다.

русский – RUSSIAN

Раздел VI Общественное заявление

Политика Департамента транспорта штата Вашингтон (WSDOT) заключается в том, чтобы исключить любые случаи дискриминации по признаку расы, цвета кожи или национального происхождения, как это предусмотрено Разделом VI Закона о гражданских правах 1964 года, а также случаи недопущения участия, лишения льгот или другие формы дискриминации в рамках любой из своих программ и мероприятий. Любое лицо, которое считает, что его средства защиты в рамках раздела VI были нарушены, может подать жалобу в Ведомство по вопросам равенства и гражданских прав WSDOT (OECR). Для дополнительной информации о процедуре подачи жалобы на несоблюдение требований раздела VI, а также получения информации о наших обязательствах по борьбе с дискриминацией, пожалуйста, свяжитесь с координатором OECR по разделу VI по телефону (360) 705-7090.

Закон США о защите прав граждан с ограниченными возможностями (ADA)

Эту информацию можно получить в альтернативном формате, отправив электронное письмо в Ведомство по вопросам равенства и гражданских прав по адресу wsdotada@wsdot.wa.gov или позвонив по бесплатному телефону 855-362-4ADA(4232). Глухие и слабослышащие лица могут сделать запрос, позвонив в специальную диспетчерскую службу штата Вашингтон по номеру 711.(4232). Глухие и слабослышащие лица могут сделать запрос, позвонив в специальную диспетчерскую службу штата Вашингтон по номеру 711.

tiếng Việt – VIETNAMESE

Thông báo Khoản VI dành cho công chúng

Chính sách của Sở Giao Thông Vận Tải Tiểu Bang Washington (WSDOT) là bảo đảm không để cho ai bị loại khỏi sự tham gia, bị từ khước quyền lợi, hoặc bị kỳ thị trong bất cứ chương trình hay hoạt động nào vì lý do chủng tộc, màu da, hoặc nguồn gốc quốc gia, theo như quy định trong Mục VI của Đạo Luật Dân Quyền năm 1964. Bất cứ ai tin rằng quyền bảo vệ trong Mục VI của họ bị vi phạm, đều có thể nộp đơn khiếu nại cho Văn Phòng Bảo Vệ Dân Quyền và Bình Đẳng (OECR) của WSDOT. Muốn biết thêm chi tiết liên quan đến thủ tục khiếu nại Mục VI và/hoặc chi tiết liên quan đến trách nhiệm không kỳ thị của chúng tôi, xin liên lạc với Phối Trí Viên Mục VI của OECR số (360) 705-7090.

Thông tin về Đạo luật Người Mỹ tàn tật (Americans with Disabilities Act, ADA)

Tài liệu này có thể thực hiện bằng một hình thức khác bằng cách email cho Văn Phòng Bảo Vệ Dân Quyền và Bình Đẳng wsdotada@wsdot.wa.gov hoặc gọi điện thoại miễn phí số, 855-362-4ADA(4232). Người điếc hoặc khiếm thính có thể yêu cầu bằng cách gọi cho Dịch vụ Tiếp âm Tiểu bang Washington theo số 711.

العربية – ARABIC

العنوان إشعار للجمهور

في ضمان عدم استبعاد أي شخص، على أساس العرق أو اللون أو الأصل (WSDOT) تتمثل سياسة وزارة النقل في ولاية واشنطن القومي من المشاركة في أي من برامجها وأنشطتها أو الحرمان من الفوائد المتاحة بموجبها أو التعرض للتمييز فيها بخلاف ذلك، كما هو منصوص عليه في الباب السادس من قانون الحقوق المدنية لعام 1964.

ويمكن لأي شخص يعتقد أنه تم انتهاك حقوقه التي يكفلها الباب السادس تقديم شكوى إلى مكتب المساواة والحقوق المدنية (OECR)

التابع لوزارة النقل في ولاية واشنطن. للحصول على معلومات إضافية بشأن إجراءات الشكاوى وأو بشأن التزاماتنا بعدم التمييز بموجب الباب السادس، يرجى الاتصال بمنسق الباب. (360) 7090-705 السادس في مكتب المساواة والحقوق المدنية على الرقم

معلومات قانون الأمريكيين ذوي الإعاقة (ADA)

يمكن توفير هذه المواد في تنسيق بديل عن طريق إرسال رسالة بريد إلكتروني إلى مكتب المساواة والحقوق المدنية على 855-362-4ADA (4232) المجاني أو عن طريق الاتصال بالرقم المجاني wsdotada@wsdot.wa.gov

على الرق Washington State Relay الصم أو ضعاف السمع تقديم طلب عن طريق الاتصال بخدمة 711.

中文 – CHINESE

《权利法案》Title VI公告

<華盛頓州交通部(WSDOT)政策規定，按照《1964年民權法案》第六篇規定，確保無人因種族、膚色或國籍而被排除在WSDOT任何計畫和活動之外，被剝奪相關權益或以其他方式遭到歧視。如任何人認為其第六篇保護權益遭到侵犯，則可向WSDOT的公平和民權辦公室(OECR)提交投訴。如需關於第六篇投訴程式的更多資訊和/或關於我們非歧視義務的資訊，請聯絡OECR的第六篇協調員，電話(360) 705-7090。

《美国残疾人法案》(ADA)信息

可向公平和民權辦公室發送電子郵件wsdotada@wsdot.wa.gov或撥打免費電話 855-362-4ADA(4232)，以其他格式獲取此資料。听力丧失或听觉障碍人士可拨打711联系Washington州转接站。

Af-soomaaliga – SOMALI

Ciwaanka VI Ogeysiiska Dadweynaha

Waa siyaasada Waaxda Gaadiidka Gobolka Washington (WSDOT) in la xaqiijiyo in aan qofna, ayadoo la cuskanaayo sababo la xariira isir, midab, ama wadanku kasoo jeedo, sida ku qoran Title VI (Qodobka VI) ee Sharciga Xaquuqda Madaniga ah ah oo soo baxay 1964, laga saarin ka qaybgalka, loo diidin faa'iidooyinka, ama si kale loogu takoorin barnaamijyadeeda iyo shaqooyinkeeda. Qof kasta oo aaminsan in difaaciisa Title VI la jebiyay, ayaa cabasho u gudbin kara Xafiiska Sinaanta iyo Xaquuqda Madaniga ah (OECR) ee WSDOT. Si aad u hesho xog dheeraad ah oo ku saabsan hanaannada cabashada Title VI iyo/ama xogta la xariirta waajibadkeena ka caagan takoorka, fadlan la xariir Iskuduwaha Title VI ee OECR oo aad ka wacayso (360) 705-7090.

Macluumaadka Xeerka Naafada Marykanka (ADA)

Agabkaan ayaad ku heli kartaa qaab kale adoo iimeel u diraaqa Xafiiska Sinaanta iyo Xaquuqda Madaniga ah oo aad ka helayso wsdotada@wsdot.wa.gov ama adoo wacaaya laynka bilaashka ah, 855-362-4ADA(4232). Dadka naafada maqalka ama maqalku ku adag yahay waxay ku codsan karaan wicitaanka Adeega Gudbinta Gobolka Washington 711.