REAL ESTATE SERVICES OFFICE

TRANSPORTATION PROPERTY NEEDS AND YOU

QUESTIONS AND ANSWERS
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.

Aviso a personas con dominio limitado del idioma inglés: Si a usted se le dificulta entender el inglés, puede solicitar servicios de ayuda con el idioma, de forma gratuita, con respecto a ésta información, llamando al (360) 705-7090, o enviando un mensaje de correo electrónico a: TitleVI@wsdot.wa.gov.

어떤 언어로 이해하기 어려운 경우, 교육부 정보 센터에 일반인 대상 언어 지원 서비스를 요청하실 수 있습니다. 이러한 언어 지원 서비스는 무료로 제공됩니다. 통역이나 번역 서비스에 대해 자세한 정보가 필요하신 경우, 전화번호 (360) 705-7090 또는 이메일주소 TitleVI@WSDOT.WA.GOV 으로 연락하시기 바랍니다.

Уведомление для лиц с ограниченным знанием английского языка: Если вы испытываете трудности в понимании английского языка, вы можете попросить, чтобы вам предоставили перевод информации, которую Министерство Образования доводит до всеобщего сведения. Этот перевод предоставляется бесплатно. Если вы хотите получить более подробную информацию об услугах устного и письменного перевода, звоните по телефону (360) 705-7090, или отправьте сообщение по адресу: TitleVI@wsdot.wa.gov.

Thông báo dành cho những người có khả năng Anh ngữ hạn chế: Nếu quý vị gặp khó khăn trong việc hiểu Anh ngữ thì quý vị có thể yêu cầu các dịch vụ hỗ trợ ngôn ngữ cho các tin tức của Bộ dành cho công chúng. Các dịch vụ hỗ trợ ngôn ngữ này đều miễn phí. Nếu quý vị muốn biết thêm chi tiết về các dịch vụ phiên dịch hay thông dịch, xin vui lòng gọi số (360) 705-7090, hoặc email: TitleVI@WSDOT.WA.GOV.

إذا كنت تواجه صعوبة في فهم اللغة الإنجليزية ، يمكنك طلب خدمة المساعدة اللغوية مجانًا عن طريق الاتصال بالرقم 360 (705-7090-7090) أو مرسلتنا عبر البريد الإلكتروني على العنوان: TitleVI@WSDOT.WA.GOV.
TRANSPORTATION PROPERTY NEEDS AND YOU

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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

Project Development and Community Engagement
- Need is established
- Project included in long-range highway plan
- Preliminary engineering
- Public meetings and hearings
- Environmental studies
- Design identifies any additional property needed

Property Valuation
Personal and Real Property Determinations

Negotiations and Purchase
(Relocation and Moving if Applicable)

Relocation Planning
Personal and Real Property Determinations

Settlement/Closing

OR

Condemnation & Court Actions
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.
- 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.
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.
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
Agency Title VI Notice to Public

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 or 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 Equal Opportunity (OEO). For additional information regarding Title VI complaint procedures and/or information regarding our non-discrimination obligations, please contact OEO’s Title VI Coordinator at (360) 705-7090 or file a complaint.

Americans with Disabilities Act (ADA) Information

This material can be made available in an alternate format by emailing the WSDOT Diversity/ADA Affairs team at wsdotada@wsdot.wa.gov or by calling toll free, 855-362-4-ADA(4232). Persons who are deaf or hard of hearing may make a request by calling the Washington State Relay at 711.
Transportation Property Needs and You

한국어-Korean

제6조 관련 공지사항

1964년 민권법 제6조의 규정에 따라, 누구도 인종, 피부색, 출신 국가 이유로 프로그램 및 활동에 대해 참여 배제, 혜택 거부 또는 그 밖의 차별을 받지 않도록 하는 것이 워싱턴주 운수국(WSDOT)의 정책입니다. 제6조에 따른 보호를 위반했다고 판단될 경우 누구든지 WSDOT의 평등 기회 사무국(OEO)에 불만을 제기할 수 있습니다. 제6조에 따른 불만 처리 절차 및/또는 차별금지 의무 내용에 관한 추가 정보는, (360) 705-7090을 통해 OEO의 제6조 조정관에게 문의하십시오.

미국 장애인법(ADA) 정보

해당 자료는 평등 기회 사무국 이메일 wsdotada@wsdot.wa.gov 또는 수신자부담전화 855-362-4ADA(4232)를 통해 요청하시면 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) — в соответствии с разделом VI Закона о гражданских правах 1964 года, обеспечить всем лицам вне зависимости от расы, цвета кожи, национальности право пользоваться всеми муниципальными программами департамента, участвовать в муниципальных мероприятиях, проводимых департаментом, и не подвергаться дискриминации. Любое лицо, считающее, что по отношению к нему не соблюдается раздел VI, может подать жалобу в управление по обеспечению равных возможностей WSDOT (OEO). Для дополнительной информации о процедуре подачи жалобы по поводу несоблюдения раздела VI, а также об информации о наших обязательствах по борьбе с дискриминацией, пожалуйста, свяжитесь с координатором OEO по разделу VI по телефону (360) 705-7090.

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

Данный материал может быть предоставлен в другом формате. Отправьте электронное письмо в управление по обеспечению равных возможностей по адресу wsdotada@wsdot.wa.gov или позвоните на бесплатную горячую линию по номеру 855-362-4ADA(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

Theo Khoản VI Đạo luật Đan quên 1964, Chính sách của Sở Giao thông Tiểu bang Washington (WSDOT) đảm bảo không ai bị loại bỏ, từ chối quyền lợi, hay nói cách khác bị phân biệt đối xử trong mọi hoạt động và chương trình do Liên bang tài trợ dựa trên chủng tộc, màu da, nguồn gốc quốc gia. Bất kỳ ai tin rằng mình không được đảm bảo quyền lợi theo Khoản VI có thể nộp khiếu nại tại Văn phòng Cơ hội Công bằng (Office of Equal Opportunity, OEO) của WSDOT. Để biết thêm thông tin liên quan đến các thủ tục khiếu nại theo Khoản VI và/hoặc thông tin liên quan đến các nghĩa vụ không phân biệt đối xử của chúng tôi, vui lòng liên hệ Điều phối viên Khoản VI của OEO theo số (360) 705-7090.

Thông báo Người Mỹ tàn tật (Americans with Disabilities Act, ADA)

Bạn có thể yêu cầu cung cấp tài liệu này dưới định dạng khác bằng cách gửi email đến Văn phòng Cơ hội Công bằng theo địa chỉ wsdotada@wsdot.wa.gov hoặc gọi đến số điện thoại miền phí 855-362-4ADA(4232). Người điếc hoặc khiếm thính có thể yêu cầu bảng cách gọi cho Dịch vụ Tiếp âm Tiểu bang Washington theo số 711.
TRANSPORTATION PROPERTY NEEDS AND YOU

Arabic -

دايععمسا نم :دبب نابض يف (WSDOT) نأ نيرشع او فيالوب لوؤسلا قرادا خرائيس ليشميروت روهج ليلد راعشلا 6 ناوناقلا قوقحلأا نم 6 ناوناقلا يف هيلع صريناك ام قفظ وأ هجوولا كجرسلا وأ نولالا وأ قرعلأا باسحا يلعد صرع شخ وبا اهجيبلا نم :دبب ييف زيقي بيتل ضرع عشلا وأ دؤي فم نايرجلا وأ نيعشافتبا نم 1964 ماعل قوملنا ناوناقلا نم 6 ناوناقلا هن اهريضاي يختا هتحما بجا ليهتبنا يف دلإ قربت عتخب يلعد خيال نايمور. اهتطشن اوصيل (OEO) عشلا وناوبوا نم :دبب بطتدم طابترلاا لوؤسلا فملاس (WSDOT) فملاس روناقلا نم 6 ناوناغلا قوقحلأاBtnl. قيرفملا ناوبوا نم :دبب قیرفملا قود أعشلاا فملاس روناقلا نم 6 ناوناقلا. 705-22-03-0074. 711. wsdotada@wsdot.wa.gov ونورشتبلإا ديربلا ناوناغلا قود عتخب وناوبوا نايبم بلارلا. ديرب لاسيرأ. ونيرشع او فيالوب لوؤسلا قرادا خرائيس ليشميروت روهج ليلد راعشلا 6 ناوناقلا قوقحلأا نم 6 ناوناقلا قوقحلأا نم 6 ناوناقلا قوقحلأا نم 6 ناوناقلا قوقحلأا نم 6 ناوناقلا قوقحلأا نم 6 ناوناقلا قوقحلأا نم 6 ناوناقلا قوقحلأا نم 6 ناوناقلا قوقحلأا نم 6 ناوناقلا قوقحلأا نم 6 ناوناقلا قوقحلأا نم 6 ناوناقلا قوقحلأا نم 6 ناوناقلا قوقحلأا نم 6 ناوناقلا قوقحلأا نم 6 ناوناقلا قوقحلأا نم 6 ناوناقلا قوقحلأا نم 6 ناوناقلا قوقحلأا