

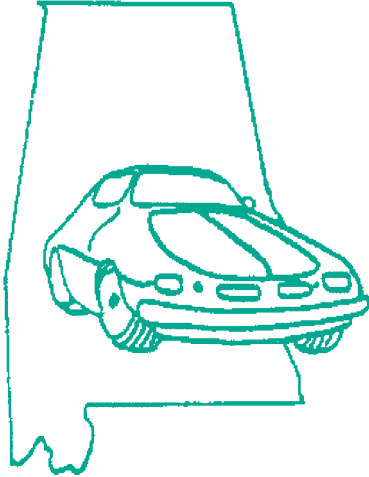
HIGHWAY RIGHT OF WAY



**ALABAMA DEPARTMENT
OF TRANSPORTATION**

**INFORMATION ON
YOUR RIGHTS & PRIVILEGES**

INTRODUCTION



Increased transportation on our highways today calls for a continual modernization of the highway system. The job of building Alabama's urgently needed highway system has been assigned to your State Department of Transportation.

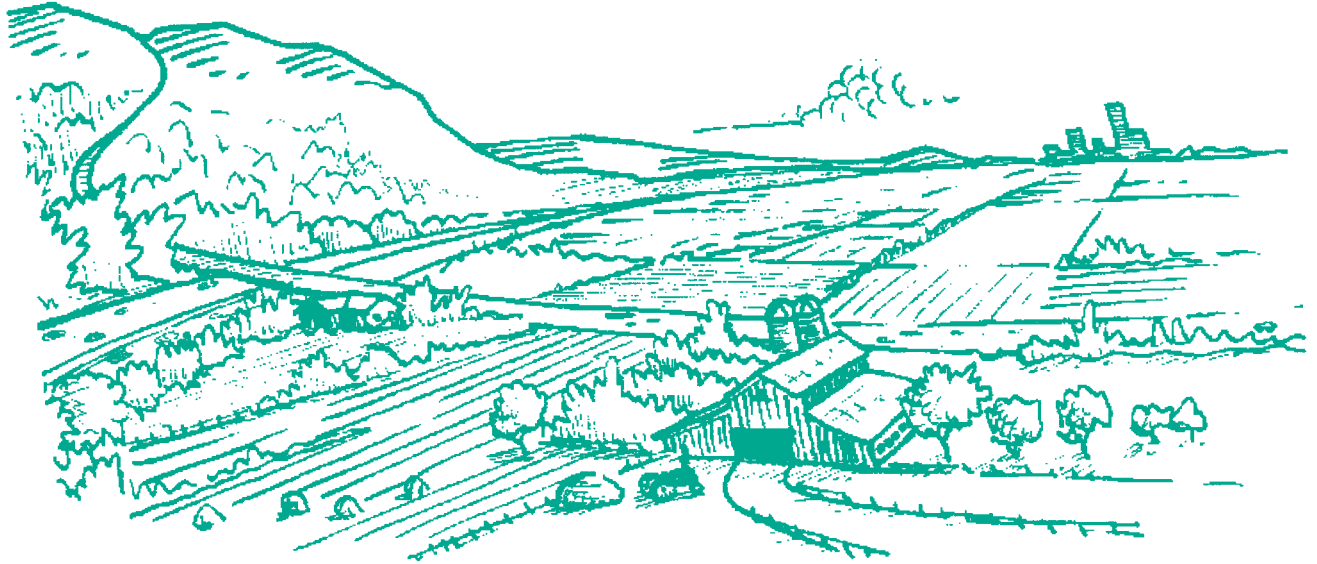
In order to meet the demands of the motoring public, thousands of acres of land will be needed, and many persons and businesses will be displaced as a result of this large program.

The purpose of this booklet is to inform the citizens of Alabama of the acquisition procedure and their rights and privileges before and after their property is acquired for highway purposes.

WHAT BENEFITS DO BETTER HIGHWAYS BRING?

Better highways bring a feeling of greater security and safety to the motoring public. Modern highways are designed to eliminate sources of accidents such as sharp curves, steep grades, intersecting grade crossings, obstacles at the roadside, and dangerous shoulders. Longer sight distances, easier grades, and wider driving lanes mean a savings in life and property. Safety is a matter of great concern to those who travel our highways, not only Alabamians, but tourists throughout the country. Better and modern highways permit faster traveling, thereby reducing the time limit between the point of origin and the point of destination.

The existence of Alabama's and the nation's enterprises is dependent up a modern system of highways. Modern highways play an important role in today's economy.



BY WHAT AUTHORITY CAN THE STATE ACQUIRE YOUR PROPERTY?

Title 23, Section 25, Code of Alabama, provides that the Director of the Alabama Department of Transportation shall have the authority to acquire the rights deemed necessary by the Department of Transportation for the construction of a State road, either by purchase or by the exercise of the right of eminent domain as provided under laws of this State.

Section 23, Constitution of Alabama of 1901, provides that “private property shall not be taken for or applied to public use unless just compensation be first made therefor.”





WHAT HAPPENS BEFORE HIGHWAY CONSTRUCTION BEGINS?

The location of the highway must first be determined. Department of Transportation engineers spend many hours planning, designing, and researching before this is accomplished. As a part of this process, ideas and opinions are solicited from municipal, county, and regional officials and from individuals and groups in the area. In many instances more than one route will be studied, and the final selection may or may not require your property.

An opportunity for all interested persons to express their views on all proposals is afforded at public hearings.

PUBLIC HEARINGS

1. Corridor Hearing

The Corridor public hearing is held for the purpose of giving you, as a private citizen, a chance to express your opinion regarding the route location. Notice of the hearing is published in local newspapers. At the Public Hearing the Department of Transportation will make available all known facts which have been received from other agencies, together with the views and comments received relating to the social, environmental, and economic effects and the alternate courses of action available to minimize adverse effects. The meeting is then opened to questions and comments by those present.





Each person is given the opportunity to express his or her opinion. After considering all data and facts, the final route location is selected by the Department of Transportation and approved by the Federal Highway Administration in the interest of the greatest public need.

2. Design Hearing

After the location of a route has been approved, the Department of Transportation engineers begin designing and developing the construction plans for the proposed improvement.

The Design public hearing will be held at a location and time that will be convenient to a large segment of the people that will be affected by the project. The hearing will be advertised in the local

newspapers. This hearing represents a second opportunity during the preliminary design phase for the involvement of interested agencies and the public. The Department of Transportation presents data at the hearing to acquaint the public with specific design features of the project. Information about the proposed project, including maps, exhibits, charts and other graphic material are available for inspection and discussion. The hearing will be conducted in a similar manner to the Corridor hearing. When the design is approved, the Department of Transportation engineers will proceed to the final design stage of the project.

WHY IS YOUR PROPERTY NEEDED?

In selecting the final location and design of the proposed highway, many factors are taken into consideration. If your property falls within the selected area, consideration will be given to all beneficial and adverse economic, social, and environmental effects relating to the proposed route and the need for fast, safe, and efficient transportation, public services, and the costs of eliminating or minimizing adverse effects. Engineering, right-of-way, construction, maintenance, and operating costs are also considered.



WHO CONTACTS YOU ABOUT BUYING YOUR PROPERTY?

The acquisition of property for highway purposes is the responsibility of the Bureau of Right of Way of the Alabama Department of Transportation. Representatives from this Bureau who are assigned to one of the Nine Division offices, and who make the personal contacts with the property owner are known as right-of-way negotiators. The right-of-way negotiator will be prepared to discuss the effects of the highway with you and explain the procedures which will be followed in the acquisition of your property. He or she will also be prepared to share with you information concerning relocation assistance,



property management, and related matters. You will not be required to make a hasty decision, and it will not be necessary for negotiations to be completed during the first contact. Some property owners prefer another party to represent them during negotiations. If this is the situation in your case, it is requested that you so advise the right-of-way negotiator.

It will be to your advantage to share your comments with the negotiator and ask any questions which you may have regarding the acquisition procedure. Should the negotiator discover during negotiations that some element of value has been overlooked, he or she will recommend to his supervisor that the amount of the offer be recalculated.

HOW DOES THE STATE ESTABLISH THE AMOUNT OF THE OFFER?

Article 1, Section 23, Constitution of Alabama, 1901, requires payment for the taking of private property for public use, and the case law handed down by our Supreme Court indicates that this payment should be on the basis of market value. There are many definitions of market value. One which is generally acceptable under our law is “the highest price estimated in terms of money that a property will bring if exposed for sale on the open market by a seller who is willing, but not obligated to sell, allowing a reasonable time to find a purchaser who is willing, but not obligated to buy, both parties hav-



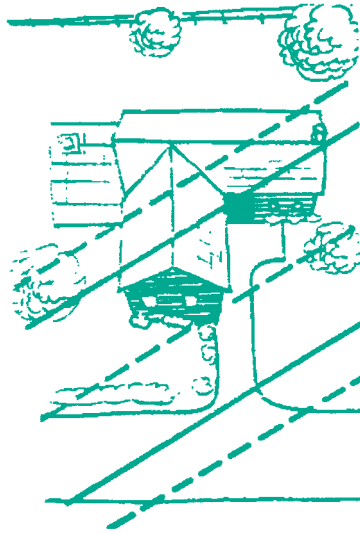


ing full knowledge of all the uses to which the property is adapted and for which it is capable of being used.”

In order to establish the market value of your property, an appraisal is obtained by the Department of Transportation prepared by either an independent real estate appraiser or a staff appraiser, both of whom are experienced and well-qualified in their field. The appraiser is instructed to report with utmost accuracy the fair market value of the property under consideration. It is required of the appraiser, in every case, where possible, to inspect the property with the owner or his or her representative so that the owner will have the opportunity to

point out any items which he or she thinks may add value to the property. The appraiser inspects your land and building, takes pictures and measurements, compares similar property sales and listings in the area and considers the replacement cost of any building involved and rental income when applicable. The zoning is also investigated. The appraiser then prepares a detailed report for the Department of Transportation. Upon receipt of the report, a thorough review is made of it by experienced, well-qualified reviewing appraisers to ascertain whether it is complete and accurate.

The reviewing appraiser, using the appraisal or appraisals as a guide, determines the amount to be offered to the property owner.



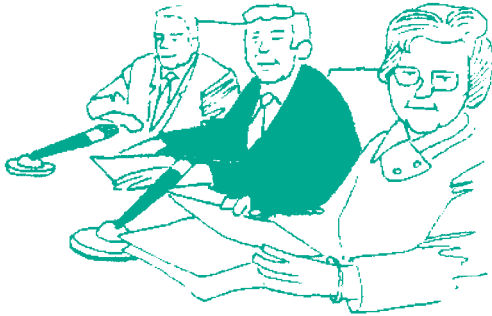
WHAT HAPPENS IF ONLY PART OF YOUR PROPERTY IS REQUIRED?

Some of the things that are of importance to the property owner are the features of the highway construction that affect the valuation and/or usage of his or her remaining property when only a portion of the property is required for highway purposes. These features will be explained by the Right-of-Way Negotiator when he or she makes his or her first contact with you.

In the preparation of his or her appraisal of a partial property acquisition, the appraiser takes into consideration any damages or benefits from the highway project to the owner's remaining property.

In arriving at the amount of compensation for the part required, he or she will place a value on the property before the acquisition and a value on that portion remaining after the acquisition. The difference between the before value and the after value will determine the amount of compensation to be paid the owner for that portion required and damages to the remainder due to the acquisition, should there be any.

MUST YOU ACCEPT THE STATE'S OFFER?



While the State's offer is based on an appraisal prepared by an experienced, well-qualified appraiser, there is no requirement that you must accept it. If you are not satisfied with the offer, after explanation by the negotiator, you should refuse to accept it. In most cases, an agreement between the property owner and the Department of Transportation is reached on a voluntary basis. However, honest difference of opinion may occur in some cases. When there is a difference of opinion regarding the value of the

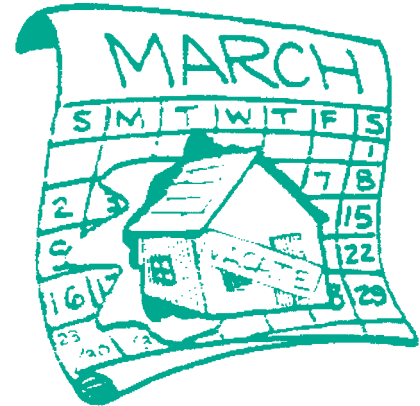
property being purchased for highway construction and the offer is refused, it will be necessary to acquire your property by exercising the right of Eminent Domain as set out by Alabama law. In such proceeding, a petition of condemnation is filed in the Probate Court of the County in which your property is located. The Probate Court appoints a three-member commission to determine the price to be paid by the Department of Transportation. These commission members generally then view the property, hear testimony from both sides, and then arrive at their estimate of value. Should you or the Department of Transportation be dissatisfied with the value set

by the commission, either party may request a trial in the Circuit Court. This action must be taken promptly as the courts specify a time limit for taking such appeals. The valuation set by the Circuit Court is binding on both parties unless it can be established that some part of the court proceedings was irregular, in which case an appeal by either you or the Department of Transportation may result in a second trial.

HOW LONG MAY YOU OCCUPY THE PROPERTY ACQUIRED?

When the Department of Transportation obtains title to your property, you will be expected to vacate the property within (30) days after the date of the transfer of title, except that in no case will you be required to vacate the property without at least 90 days' written notice from the Department of Transportation of the date by which such move is required.

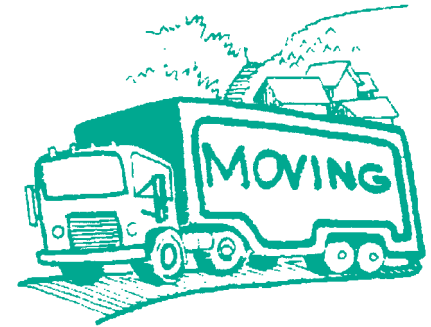
If your property is acquired by condemnation, you will be expected to vacate the property within 30 days after the award is paid into Probate Court or 90 days from the date set forth in your written notice, whichever time is greater and as set out below.



Where the highway construction schedule will permit and where you have entered into a lease with the Department of Transportation, you may continue to occupy the property beyond the number of days just mentioned until such time as the lease is cancelled. When necessary, this feature should be discussed with the Right of Way Negotiator.

WILL THE DEPARTMENT OF TRANSPORTATION HELP YOU TO RELOCATE?

At the time of negotiations for the purchase of your property, the Department's right-of-way negotiator and/or relocation agent will ask you if you desire relocation assistance. If you do, he or she will get certain information from you and will explain in detail the assistance available and how it can be obtained. All relocatees, whether businesses or families, are eligible for moving costs of personal property whether or not they desire assistance in relocating. He or she will also furnish you current information on availability, location, prices and rentals of similar properties which can be bought or rented. These will be suitable in price, size and condition and will meet decent,

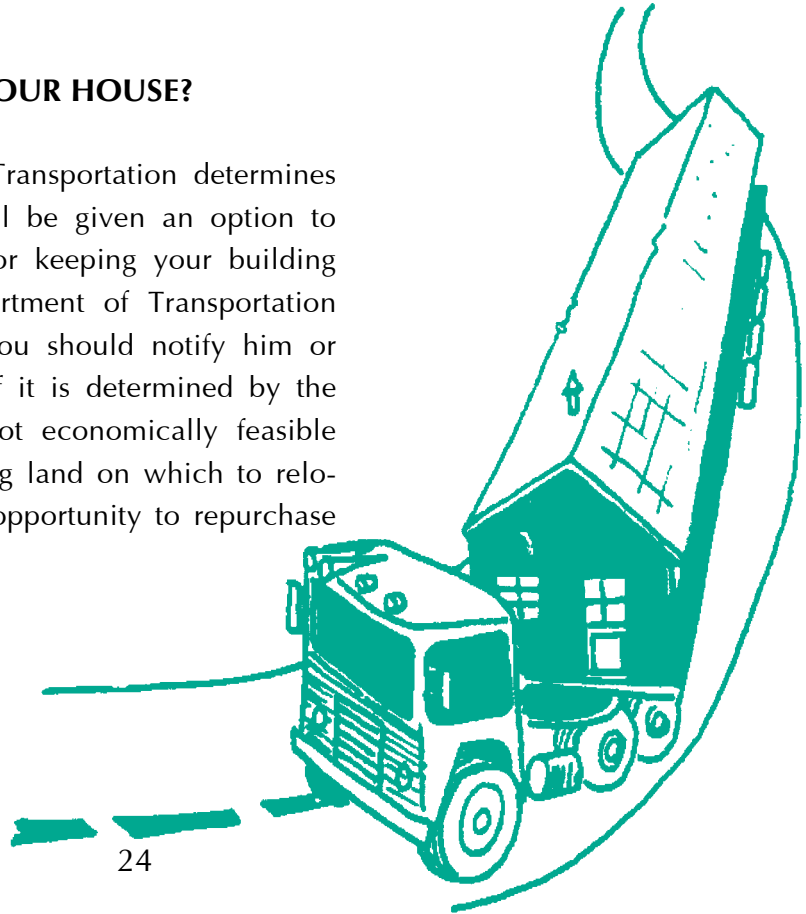


safe and sanitary standards. He or she will also explain the relocation payments and assist you in completing any application required and subsequent claim forms.

The negotiator and/or relocation agent will also furnish you with a copy of the Department's Relocation Assistance Brochure which sets forth in detail eligibility requirements for moving costs and the various types of replacement housing payments available.

CAN YOU KEEP AND MOVE YOUR HOUSE?

In those cases where the Department of Transportation determines it is feasible to move a building, you will be given an option to keep and relocate your building. Terms for keeping your building will be discussed with you by the Department of Transportation negotiator. During the negotiating stage you should notify him or her of your desire to keep the building. If it is determined by the Department of Transportation that it is not economically feasible and/or you do not have sufficient remaining land on which to relocate your building, you will be given the opportunity to repurchase your building if you so desire.



CONCLUSION

We hope that this booklet has helped you to a better understanding of problems which confront you as owner of property which may be required for highway improvements. We realize that there are many questions which this booklet has not answered. Those questions left unanswered should be asked by you at the time the acquisition procedure is in progress. The Department of Transportation employees are always ready to help and advise. The Right-of-Way Bureau of the Alabama Department of Transportation is the official body authorized to act on behalf of the Department of Transportation in the appraisal and purchase of property required for highway construction purposes.

Property owners should heed no other notice than direct communication from an authorized right-of-way representative of the Department of Transportation. These people carry and will be glad to show you their identification cards.

FOR FURTHER INFORMATION PLEASE CONTACT

**ALABAMA DEPARTMENT OF TRANSPORTATION
BUREAU OF RIGHT OF WAY
1409 COLISEUM BOULEVARD
MONTGOMERY, ALABAMA 36130-3050**

TELEPHONE: (334) 242-6184

