

# Property Acquisition

A guide to the process



## ADA COUNTY HIGHWAY DISTRICT



*The Ada County Highway District*

(ACHD) may need to acquire some of your property for a road or community project.

ACHD right-of-way agents will help you with this process to ensure a fair and efficient purchase of your property.

This brochure is intended to provide you with an overview of the ACHD property acquisition process and to help answer questions you may have.

ACHD will work closely with you in an effort to reach an amicable solution to any impacts that a project may have on your property.

## THE FOLLOWING STEPS

outline the

### ACQUISITION PROCESS:

1

An ACHD right-of-way agent will contact you, the property owner, regarding the need to purchase your property. ACHD will hire an independent certified appraiser to determine the market value of your property or an Estimate of Value will be prepared. The appraiser or estimator will compile this information into an appraisal or estimate report.

2

Appraisal or Estimate reports are completed and returned to ACHD. The appraisal or estimate is reviewed for accuracy.

3

Formal offer packets are mailed to all property owners affected by the project. The offer packet will include a copy of the appraisal or estimate report, a Property Owner Summary of Rights Statement, conveyance documents and plan sheets that show the property necessary for the project.

4

The property owner is given 30 days to review the offer. An ACHD representative will follow up with the property owner during that time to address any issues or concerns.

5

When an agreement is reached, the owner and ACHD will sign the necessary documents, and the property owner will be paid within a few weeks. In some cases a title company will handle the closing of the acquisition. If there is a Deed of Trust, a partial release will be needed.

...

In more than 95 percent of our acquisitions, negotiations succeed. If an impasse occurs, the matter will be referred to the ACHD Legal Department to initiate an eminent domain proceeding, which allows ACHD to acquire property for public use through court action referred to as condemnation.

A condemnation proceeding will authorize ACHD to take possession of the property and also determine the just compensation that should be paid to the property owner for the portion of the land necessary for the project.

Depending on the amount of property affected by the project, an owner may be entitled to relocation benefits.

# COMMON TERMS

**COMPENSATION SUMMARY** – Outlines and summarizes the land area, land value and the value of any other items subject to monetary compensation to be paid to the property owner. The summary may also include other miscellaneous items that may have been discussed and agreed upon between parties during negotiations.

**EMINENT DOMAIN** – A public agency’s Constitutional authority to acquire private property for a needed public use upon the payment of just compensation.

**CONDEMNATION** – The legal process through which a public agency may acquire private property. The Constitution requires the public agency to pay the property owner just compensation. A condemnation action facilitates a court determination of the amount of just compensation when negotiations with the property owner are unsuccessful.

**EASEMENT** – The right of a public agency to use a part of another person’s property for a specific purpose, including construction. Easements may be permanent or temporary.

**MARKET VALUE** – The value of a property is typically based on comparable sale and valuation data located in the same area.

**IMPROVEMENTS** – Landscaping, sprinklers, buildings or other permanent structures located on, or attached to the property. May also be called “site improvements.”

**JUST COMPENSATION** – The total payment a public agency makes to a property owner to acquire the necessary land for a project. The payment includes the value of the real estate and any affected improvements, and any damages to the remaining property.

**PROPERTY AGREEMENT** – Permission given to ACHD and its contractors from the property owner to enter the property for the purposes such as a driveway approach repair during construction.

**RELOCATION BENEFITS** – The amount paid by a public agency to reimburse qualifying individuals, families and businesses for reasonable moving costs and other expenses resulting from displacement by a project.

**RIGHT-OF-ENTRY** – A legal agreement executed between the property owner and the public agency that authorizes the public agency and / or its contractors to enter the property to begin construction.

**SALE AND PURCHASE AGREEMENT** – The document that provides the basic terms and conditions of the transaction between the property owner and ACHD.

## FAQ FREQUENTLY ASKED QUESTION

**Q: When does right-of-way acquisition happen during an ACHD project?**

**A:** Right-of-way acquisition typically occurs once a project design is 99 percent complete, generally one year prior to construction.

**Q: What is prescriptive easement for right-of-way?**

**A:** The public obtains an easement for public use after it has used and maintained the property for the period of five years. The easement is established by operation of law and there is no conveyance documentation necessary to establish the easement.

**Q: Will I have to pay closing costs?**

**A:** All closing costs associated with the acquisition will be paid by ACHD.

**Q: What happens to the loan on my property?**

**A:** In the event you reach an agreement with ACHD for the purchase of your property, the transaction will be assigned to a title company to complete the closing process. The company will contact all parties having an interest in the property. The payment of any outstanding loans or liens will be made through a title company escrow, which is the same process for any real estate transaction.

**Q: How long does the acquisition process take?**

**A:** Once the appraisal is complete, ACHD will make a formal written offer to you. You will then have 30 days to consider and respond to the offer. An ACHD representative will contact you to explain and clarify any concerns.

**Q: What will happen to my fence, trees and sprinklers?**

**A:** ACHD will compensate you for any of your improvements that need to be removed within the acquisition area such as bushes, fencing, sprinklers, buildings, etc.

**Q: How will ACHD determine the value of my property?**

**A:** ACHD hires independent certified appraisers to determine the market value of your property, which is based on comparable sale and valuation data located in the same area.

The Right-of-Way Division is responsible for processing exchanges of rights-of-way, license agreements and applications for vacations where an individual asks ACHD to relinquish its claim to public property.



3775 Adams St., Garden City, ID  
83714 [www.achdidaho.org](http://www.achdidaho.org)  
208.387.6100

To arrange for a translator or other accommodation, contact ACHD at 208.387.6100. Se les recomienda a las personas que necesiten un intérprete o arreglos especiales que llamen a la coordinadora de participación pública, al 208.387.6100.