



REGION 1 Right-of-Way Office:

7345 Region Lane
Knoxville, TN 37914

Phone: (865) 594.2496 Fax: (865) 594.2495

REGION 2 Right-of-Way Office:

4005 Cromwell Road
P.O. Box 22368
Chattanooga, TN 37422

Phone: (423) 510.1100 Fax: (423) 510.1131

REGION 3 Right-of-Way Office:

6601 Centennial Blvd.
Nashville, TN 37243

Phone: (615) 350.4200 Fax: (615) 350.4410

REGION 4 right-of-Way Office:

300 Benchmark Place
Jackson, TN 38301

Phone: (731) 935.0134 Fax: (731) 935.0135

HEADQUARTERS:

505 Deaderick Street
Suite 600-James K. Polk Bldg.
Nashville, TN 37243

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Tennessee Department of Transportation

Authorization No 401497 (Jan. 2011)
500 copies. This public document was
promulgated at a cost of \$0.15 per copy



**RIGHT OF WAY
DIVISION:
ACQUISITION
PROCESS**



**COMMUNICATION
ACCOUNTABILITY
CONSISTENCY
INTEGRITY**

TDOT RIGHT OF WAY PROCESS

OUR MISSION

The TDOT Right-Of-Way Division is charged with purchasing property needed to construct highway with as little impact as possible to property owners and the communities around them.

YOUR RIGHTS

The acquisition of property is like a private sale transaction. Due to the responsibility of protecting public interest, the state offers fair market value for each property acquisition.

Occasionally, agreements cannot be reached. When these situations develop, property owners, as well as the state, have well-defined rights under the law. These rights safeguard the owner from getting less than fair market value and protect state tax funds from unrealistic demands.

ACQUISITION PROCESS

APPRAISALS

Before property owners are contacted by the state for property purchases, licensed appraisers investigate the market for the type of property to be acquired. They personally check each home, place of business, and/or parcel of land that will be involved. Public records are searched and recent area land

sales are checked to establish a basis for valuing each property. This is based on fair market value; what a willing buyer would pay to a willing seller.

The appraiser then prepares an appraisal report that shows the development of fair market values assigned to the items involved. When only a portion of an entire property is to be acquired, the effect of the proposed acquisition on the remainder of the property is also considered by the appraiser. The appraisal report includes a signed certification that the appraiser has no present or intended future interest in the property appraised.

Often the state employs outside appraisers, especially if the nature of the property and its use is unique and a specialist is needed.

Typically staff appraisers review each appraisal and an amount is determined that the state will offer for the property. Sometimes an appraisal is not required if fair market value can easily be obtained and the valuation process is uncomplicated.

ACQUISITIONS

When acquisition of property begins, buyers for the state call on the property owners at a convenient time and explain the effects of the proposed project on the property. An approved written offer will be made to the owner at this time. Except in very unusual circumstances, the owner will receive payment in the amount of the state's offer prior to vacating his property. If during negotiations it is found that some item of value in the proposed acquisition or element of damage was overlooked, the appraisal, after due process, will be adjusted accordingly.

Payment is made to the property owner within a reasonable time, usually within 60 days after agreement is reached, thereby providing the property owner with funds to purchase new property or make adjustments to his remaining property.

RELOCATION ASSISTANCE

An occupant, either an owner or a tenant, who will be displaced by a highway project, is contacted by an agent for the state. An explanation is given on assistance and payments available under **The Relocation Assistance Program**. Ample notice and time for relocation will be given to the occupant.

EMINENT DOMAIN

When an agreement cannot be reached between a property owner and the state for sale of property, the state acquires property through **Eminent Domain Proceedings**. A jury of citizens hears testimony prepared by both the property owner and the state. After deliberation, the jury arrives at an amount it determines as just compensation to the property owner. The amount set by the court is binding to both parties, unless it can be shown that some part of the proceeding was in error.

When eminent Domain Proceedings are instituted in a case, the state deposits with the Circuit Court Clerk an amount of money equal to the offer made by the state for the property and/or property rights required for the project.

The property owner may withdraw all funds deposited without influencing the amount of the final award to be determined by the court. If the award differs from the amount the owner has withdrawn from the court prior to final court action, necessary adjustments are made between the owner and the state after the court decision is rendered.

RIGHT OF ENTRY

To meet project construction schedules, in some cases, the state may find it necessary to request the owner to allow construction to proceed on the property prior to either an amicable purchase agreement or Eminent Domain Proceedings. A "Right of Entry" given by the owner to the department for benefit of the public at large shall, in no manner, affect the legal rights of either the owner or the state. When such a right is voluntarily granted by the owner, the procedures outlined above would be followed as applicable to the case; however, the state would proceed with construction during the period of negotiations.

RIGHT OF CLEARANCE

The right of way acquired must be cleared of all structures. The property owner, therefore, is offered a fair market price for any and all structures located on the land acquired. Once an agreement is reached a deed executed, the structures, as well as the land, become the property of the state.

The state may dispose of the structures by advertising them for sale and removal, or including them in the roadway contract to be removed by the contractor.

Property owners who wish to retain and remove any pre-existing improvements may do so based on a predetermined

value. This is called a salvage appraisal. The agreement specifies the time allotted to the property owner to clear the improvements from the right of way.

Any structures or items of personal property, located on existing right of way, are considered an encroachment. The appraiser generally does not consider these structures when valuing the property, nor is compensation paid for items of personal property which are located on existing right of way. The state at its discretion may dispose of these items.

CONCLUSION

It is the Department's aim to secure right-of-way required for construction and maintenance of our highway system at a fair price under amicable conditions. Many questions may arise in your mind concerning the acquisition of your property that may not be explained in this pamphlet.

A list of the offices in charge of the Right-of-Way Acquisition for each of the State's Four Regions is shown on the back cover. Please feel free to ask any questions you wish of the Right-of-Way personnel located at these offices.