

OVERVIEW

If the Fredericksburg Relief Route moves forward, the City of Fredericksburg and Gillespie County will be responsible for acquiring any property needed for highway right-of-way (ROW). When acquiring the needed ROW, the city and/or county would follow the Texas Department of Transportation (TxDOT) ROW acquisition process and comply with TxDOT requirements.

The booklets “State Purchase of Right of Way,” “Landowner’s Bill of Rights” can be found online at: <http://www.txdot.gov/government/processes-procedures/row.html>.

FREQUENTLY ASKED QUESTIONS

1. What property can be purchased?

Generally, only the property “necessary or convenient for specific highway purposes” can be acquired. One exception to that rule allows that an owner’s remaining property may be acquired voluntarily under certain limited circumstances, but only if the landowner requests or agrees to sell the remaining property on mutually agreeable terms.

2. What is the general process for ROW acquisition?

After land surveys are conducted and the boundaries (metes-and-bounds) of the needed property are established, market value appraisals are obtained from independent real estate appraisers, offers are made to property owners, and negotiations are initiated. Negotiations either produce a purchase agreement or result in eminent domain if no agreement can be reached.

3. What is an administrative settlement? How does that benefit property owners?

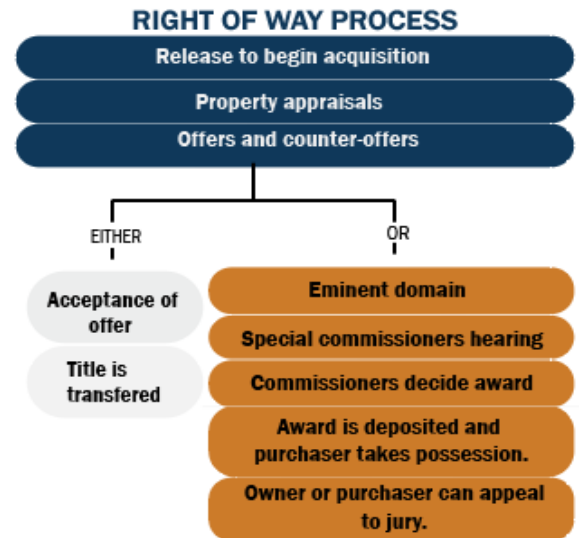
An administrative settlement is essentially the potential for a property owner to make a counter offer to the original offer. It improves the process for most property owners by replacing the “one offer” negotiation process. Administrative settlements are generally limited to only one such counter offer, and if the offer is not accepted, the eminent domain process will begin.

4. Under what circumstances will TxDOT use eminent domain?

The city, county and TxDOT are committed to conducting negotiations in a manner that is comprehensive in its respect for the private property and rights of land owners. The goal is to come to an agreement with each landowner. Acquisition of ROW through the eminent domain process is a last resort.

5. What assistance is provided once my property is acquired?

Residents and tenants may be eligible for relocation assistance. This assistance includes locating another home or business, and financial assistance in the form of moving and related expenses. Such benefits, if any, are in addition to the offer for your property and are handled separately from the purchase of real property. Additional information about relocation assistance can be found at <http://www.txdot.gov/government/processes-procedures/row.html>.



SOURCE: Texas Department of Transportation (modified)

http://ftp.dot.state.tx.us/pub/txdot-info/library/pubs/cit/conspro/landowners_bill_of_rights.pdf