

Davison, Copple, Copple & Cox

199 N. Capitol Blvd., Suite 600, P.O. Box 1583, Boise, Idaho 83701

(208) 342-3658

<http://www.davisoncopples.com>

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Ten Mile Interchange Project

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Fair Offer?

The State has made some offers of just compensation to Ten Mile property owners with an additional 10% enticement to accept within 45 days. After 45 days the 10% goes down and is eventually rescinded completely. This additional offer may seem generous, but if it doesn't represent just compensation for the land being taken, any improvements or access rights being taken, and any damage to the value of your remaining land, it isn't all you are entitled to. Don't let yourself be pressured into selling. The government can still go forward with the project if you don't agree to their offer and a jury can determine what's owed, or you can settle at any time.

Sometimes plans change during construction; your compensation won't if you sign the standard right-of-way contract. If you give possession of your land to the State until the compensation issue can be worked out, know that the law entitles you to 12% interest, not less. This information is generally not given to owners and if you sign a contract to accept less than 12% annual interest you will be held to that.

Legislature Aims to Cap Transportation Spending

Governor Butch Otter has been working to get three bills through the legislature that could potentially raise \$200 million for Idaho transportation projects. This is in response to an estimated \$240 million shortfall. However the House and Senate are at odds over the way to raise the

money, how much to raise, and how to spend it.

Legislative budget writers voted 18-1 for a new \$134 million bond installment for the Connecting Idaho project Friday, but hearings were canceled to consider four bills aimed at how to fund road projects.

East coast development company paid \$5 million to get the Ten Mile IC Project started. Why?

In 2003 Eastbourne Investments, LLC, a development company with offices in Toronto and Williamsville, N.Y., sent a delegation to ask the Idaho Transportation Board to fund a new interchange at Ten Mile. They committed to be responsible for the design, environmental and right-of-way aspects of the project along with \$5 million dollars to start the Preliminary Concept Design Plans.

Ten Mile estimated to cost \$20 million, will cost State over \$60

According to a June 2007 Turnkey Right-of-Way Services document found on the Connecting Idaho Partners website, the Ten Mile IC budget should be allocated as follows:

	\$ in millions
→ Partial ROW 12/07-1/09	\$9.6
→ Environmental 5/06-6/08	\$2.5
→ Final Design 6/08-4/09	\$5.1
→ Complete ROW 7/08-6/09	\$11.4
→ Construction 2009-2011	\$60.9

RELOCATION



If your house is required by the government for a highway project you will receive a brochure from a Right-of-Way agent called RELOCATION SERVICES. This brochure introduces you to The Federal Relocation Assistance and Payment Programs established in 1970, also known as the Relocation Act. This legislation was intended to assist property owners displaced by federally funded projects by compensating them for the additional costs of relocation that are not included in the valuation of just compensation.(i.e. moving costs)

The following are facts we believe you should take note of when reading the Relocation Brochure. We also strongly suggest you do further research of the act and its policies.

MOVING EXPENSES-Residential

- Typically you must front the money for moving expenses and make a claim for reimbursement to the State later, which they may or may not pay in full.
- The Condemning authority is required to identify another home that is appropriate for you, also known as a “Comparable Replacement Dwelling,” before it can force you to move from your existing home. The act sets forth several standards for an adequate replacement that are not covered in the brochure.
- There is a limit on the distance the State will assist you to move; the maximum is generally 50 miles away from your current location.

MOVING EXPENSES – Businesses, Farms, and Non-Profits

- Unlike residential relocation, the government is not required to identify a comparable replacement for your business before forcing you out; instead they may reimburse you up to \$1,000 to look for a replacement for your farm or business yourself.
- Although re-establishing a business can be very difficult and expensive, the assistance for a business, farms or non-profits is capped.

REPLACEMENT HOUSING

- Although there is a maximum for Replacement Housing Assistance, there are certain special situations when the government may offer to assist you with “Housing of Last Resort.”

RIGHT OF WAY AGENTS

A Right of Way Agent is a negotiator, working for the government. In some cases agents can be part of a private firm dedicated to providing right of way acquisition services to government or another condemning entity. When the government or utility company wants to build a new road or building, they typically have to buy private land in order to do so. They employ or outsource the job of acquiring the land to Right of Way agents to acquire the needed property. The following is a recent advertisement for a Right of Way Agent position for a local utility company:

Job Description:

Job Announcement No. 08-086-0502. The Right of Way (ROW) Agent or Senior assists Delivery with all ROW activities, conducts negotiations, involving easement acquisitions and permits for Lines and Stations projects, and represents Idaho Power Company (IPC) with federal, state, city, and county agencies, and with community organizations with respect to ROW activities. High school diploma or equivalent. Senior: Bachelor's degree with emphasis in real estate, land management, social sciences/communications, or a related field, and continuing education in ROW. Three or more years experience related to ROW activities. Senior: Five or more years experience related to ROW activities with two or more years in ROW project management. Valid driver's license also required. Agent: \$49,192-\$61,505; Senior: \$57,096-\$71,364 and the deadline to apply is 3/5/2008.

For the Ten Mile Interchange project the State has retained Gerald and Tonya Johnson of Universal Field Services, a national Right-of-Way Services company. They have rented a local office suite in Boise and can be reached at:



Capital Business Centres
960 W. Broadway St., Ste. 500
Boise, ID. 83702
(208) 955-8000

A Right of Way Agent makes contact with property owners when the route for a project is selected and approved, and the design is nearly complete. Right of Way Agents may handle as many as 40-50 cases at a time. The goal of the first contact is to find out as much information about you and your property as possible, including property history, accuracy of the property lines and buildings, locate any easements that may exist, etc.

You may notice the agent taking notes about what you disclose about yourself and the property, or the agent may do this after you speak. This is known as a Right of Way Agent's Log or Diary, and every contact or conversation you have with the agent is recorded in this log. This log is required as evidence of good faith that the condemning authority has made attempts to negotiate a sale with the property owner. Typically owners don't see the agent's log unless a condemnation occurs.

Once an appraisal has been done on the property, the right of way agent will present you with an offer based on the appraiser's estimation of "just compensation." This value should include the fair market value of your land to be taken, any improvements to be taken, damages to your remaining land caused by the taking, and any access rights being taken. Once the first offer has been made, the right of way agent is required to give you thirty days to consider it, without interference or coercion. You should also receive a form that outlines your rights in condemnation. We worked to pass the law that requires this form to be provided, because if people do not know their rights, they cannot exercise them.

If you disagree with the offer, the agent should make three attempts to find a compromise. Typically they can only increase the offer by 10% unless a second appraisal is done. If you pay for an appraisal your cost may not be reimbursed. After that, if an agreement hasn't been reached, the condemning authority, in this case the Idaho Transportation Board, will start condemnation proceedings using their power of eminent domain and the agent will turn their file in to their employer for evidence.