**SAMPLE LETTER OFFER**

Use when Just Compensation has been determined from a Value Finding or Standard Format Appraisal

**(Use Agency Letterhead)**

(Date)

(Name and Address to Fee Owner)

Dear \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_:

**(Copy to all fee owners of record for each parcel, except those represented by an attorney by statement from owners, then letter to attorney only with list of owners he represents.)**

**(Use the following paragraph in letter to owners--in letter to attorney, change first sentence to read, "We understand that you represent the above owners of property to be acquired for the construction and improvement of the above-mentioned route and project.")**

The (Agency) has approved a program for the construction and improvement of the above-mentioned route and project. We have enclosed a leaflet, *Right of Way Acquisition,* which will explain the procedures for land acquisition. It will be necessary to acquire certain real property and rights to accomplish the proposed highway improvement as indicated on the engineering plans and more particularly described in the attached deed presented to you for consideration.

**(Use the following paragraph in all instances.)**

I am authorized by the (Agency) to offer on its behalf to all interest parties who may have an interest in the real estate to be acquired the sum of $\_\_\_\_\_\_\_\_\_\_\_\_, which has been estimated to be just compensation for such property and rights based upon the fair market value of the property. A summary of the amount set out above as just compensation is as follows.

**(Total Take: Omit summary sentence and enter sum of approved compensation. When all structures are taken and remainder is a remnant, list (1) land and improvements = lump sum (2) damages to remainder.)**

**(Partial Take: (1) Lump sum land, all structures and improvements, permanent easements, fencing in taking, wells, ponds, etc. (2) Damages to remainder - lump sum for temporary easements, severance, encroachment, cost-to-cure items including septic system, fencing not in taking, etc. (3) List each fixture classified as realty. State "Fixtures included in land and other improvements." When several fixtures are taken, list on separate sheet and attach. (4) Lump sum for equipment, machinery and appurtenances, when applicable.**

**(The above breakdown should not include tenant-owned structures, signs, LP tanks, etc., if tenant has right or obligation to remove structure.)**

**(Use the following paragraph when no structures are taken.)**

This estimate of just compensation has been arrived at after giving consideration to the sales prices of other properties in the area which are similar to your property, in accordance with the procedures.

**(Use the following paragraph when fee-owned structures are taken.)**

This estimate of just compensation has been arrived at after giving consideration to the sales prices of other properties in the area which are similar to your property. In estimating the amount by which structures contribute to the overall value of the property, consideration may have also been given to the cost of replacing the structures along with any observed depreciation. This offer to purchase is tendered with the understanding that structures, if any, located on the property to be acquired shall be delivered to the (Agency) upon payment of the just compensation in the present condition, except for normal depreciation.

**(Use the following paragraph when uneconomic remnant is approved for purchase.)**

In addition to the above offer, the (Agency) offers to purchase the severed area from your parent property for the sum of $\_\_\_\_\_\_\_\_\_\_\_, should you elect to sell such area simultaneously with the above-required right of way.

**(Use the following paragraph when structures are taken even if salvage value is nil.)**

If you wish, you may remove all or any of the structures, which are located with the right of way limits, provided your settlement is discounted an amount equal to the salvage value assigned to each structure as listed below. We wish to call to your attention that several rules and regulations must be complied with when moving over-width and over-height objects on or over State highways, county roads or city streets. It is suggested that you make yourself fully aware of such rules and regulations prior to retaining over-width and over-height structures if such items are to be transported on or over public streets or highways. Should you elect to retain and remove any structure listed below, you should notify the (Agency's) right of way representative or the undersigned.

**(Structures) (Assigned Salvage Value)**

**(Breakdown should not include tenant-owned structures--if tenant has right or obligation to remove structure.)**

**(Use the following paragraph in case of tenant-owned structures and tenant has right or obligation to remove structure.)**

Information presently available to us indicates that the following structures located upon the property to be acquired are owned by others, and that the owner of the structures has the right to remove them.

**(Identify each structure--do not include value. If fee owner requests value, so advise.)**

Based upon this information, the amount set out above does not include compensation for these structures. If the amount of this offer is acceptable to you, then upon the execution of the necessary conveyances, we shall negotiate directly with the owner of the structures to acquire them. If the amount of this offer is not acceptable to you, then if you and other interested parties will execute a disclaimer in form which will be furnished to you, disclaiming any interest in the structures, we will be in a position to negotiate directly with the owner of the structures. If you do not agree with our understanding as to the ownership of the structures, we would appreciate your so advising us. If you claim an interest in any of the above-listed structures, you should not execute a disclaimer.

**(Use the following paragraph in all instances.)**

It is requested that you, within a reasonable time, advise the (Agency's) representative or the undersigned of your acceptance or rejection of this offer.

**(Use the following paragraph when it is a requirement that the owner provide a TIN.)**

You are required by law to provide (Agency) with your correct taxpayer identification number, which is normally your social security number. We have attached a form for your use in providing your taxpayer identification number. Please complete this form and return to (Agency) representative. Should you decline to provide the requested information, the department is still required to file Form 1099-S with the Internal Revenue Service based on information available. Failure to provide the department with your correct TIN may subject you to civil or criminal penalties imposed by law.

**(Use the following paragraph in letter of initial offer to fee owner or designated representative.)**

As explained in the leaflet, *Right of Way Acquisition,* you may be entitled to reimbursement for a pro rata portion of current realty taxes paid. It is your responsibility to submit the attached Form 7-2.22C property executed with copies of paid tax receipts to this office to claim reimbursement.

Sincerely yours,

(Agency)