# Offer Letter – Fee Owner

***with directions to writer and paragraph options for different situations***

## USE DISTRICT LETTERHEAD

(Date)

(Name and Address of Fee Owner)

Dear :

(Copy to all fee owners of record for each parcel. For owners who provide a statement indicating that they are represented by an attorney address letter to the attorney only with list of owners he represents.)

I. (Use the following paragraphs in ALL letters to owners. In letters to an 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 Route .”)

The Missouri Highways and Transportation Commission has approved a project to improve Route along your property. In order to complete this improvement, it is necessary that we acquire (insert “a portion of” for partial takes) your property. The property that is needed for the project is described in the enclosed deed and presented to you on the engineering plans.

We encourage you to read the enclosed brochure, Pathways for Progress, and welcome your input regarding our offer below. Should you have knowledge of additional factual data that affects the value of your property, we would be glad to take it into consideration.

We are authorized to offer you $ in settlement for all of the property and property rights that we need. This amount has been estimated to be full and just compensation. The attached appraisal report / payment estimate reflects how this amount of compensation was determined and allocated to your property. (Attach a copy of the appraisal report or payment estimate.)

II. (Use ONE – A or B or C – in ALL letters.)

A. (Use the following paragraph to provide a short list of fixtures, equipment, machinery and/or appurtenances that are included in the lump sum figure for land and other improvements. Do not include a dollar breakdown for these items.)

This estimate of just compensation reflects the value of your property, including (Example: the house, detached garage and small shed), as determined in (insert a real estate appraisal or payment estimate). In estimating the amount by which structures contribute to the overall value of the property, consideration was given to the age, condition and utility of the structures. In arriving at this offer, we have also taken into consideration the sales prices of properties similar to yours in your area.

This offer to purchase is tendered with the understanding that any structures located on the property to be acquired shall be delivered, in the present condition (with the exception of normal wear and tear), to the Highways and Transportation Commission upon receipt of payment. If you wish to remove any or all of the structures located within the right of way limits indicated on the deed, please refer to the attached sheet regarding salvaged items.

B. (Use the following paragraph when several fixtures, equipment, machinery and/or appurtenances are included in the lump sum figure or land and other improvements. Do not include a dollar breakdown for these items. The attached breakdown should not include tenant-owned structures, signs, LP tanks, etc., if tenant has right or obligation to remove structures.)

This estimate of just compensation reflects the value of your property as determined in (insert a real estate appraisal or payment estimate). The items included in this (insert appraisal or estimate) are listed on the attached page. In estimating the amount by which structures contribute to the overall value of the property, consideration was given to the age, condition and utility of the structures. In arriving at this offer, we have also taken into consideration the sales prices of properties similar to yours in your area.

This offer to purchase is tendered with the understanding that structures located on the property to be acquired shall be delivered, in the present condition (with the exception of normal wear and tear), to the Highways and Transportation Commission upon receipt of payment. If you wish to remove any or all of the structures located within the right of way limits indicated on the deed, please refer to the attached sheet regarding salvaged items.

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

In arriving at this offer, we have taken into consideration the sales prices of properties similar to yours in your area.

III. (Special situations. Use only as needed.)

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

In addition to the above offer, the Highways and Transportation Commission offers to purchase the remaining portion of this property for $(remnant value), should you elect to sell it simultaneously along with the required realty rights needed.

B. (Use the following two paragraphs when relocation of service lines is the responsibility of the property owner.)

We would like to call your attention to the fact that your property is served by (name of utility company). The regulations of this company require you to maintain your service line, including the portion located on state right of way between the main and your property line. We wish to inform you that you may have a responsibility for certain costs for adjustment of your service line within the existing Commission owned property.

Though we are unable, at this time, to advise you of the costs or extent of your responsibility, additional information will be provided when the company releases a plan for their adjustment. The cost of any adjustment required within the area of the new right of way or easement being acquired from you will be paid by the Missouri Highways and Transportation Commission.

IV. (The following two paragraphs should be included in ALL letters when appropriate)

Access to your remaining property will be (Example: across two 60-foot-wide asphalt entrances) located as specified in the attached deed and shown on the engineering plans. (Example: Both entrances will be constructed at a 3 percent grade to the new highway).

When you are prepared to accept or reject this offer, please call your Highways and Transportation Commission representative.

V. (Use the following paragraphs when it is a requirement that the owner provide a TIN to MHTC.)

Federal law requires that you provide the Missouri Highways and Transportation Commission with your correct taxpayer identification number (TIN), which is usually your social security number.  We have attached a form for this purpose.  Please complete the form and return to your Commission representative or mail to:  District Engineer

Should you decline to provide the requested information, the department is required to file Form 1099S with the Internal Revenue Service based on available information.  Failure to provide us with your correct TIN may subject you to civil or criminal penalties imposed by federal law.

V. (Use the following paragraphs when it is a requirement that the owner provide a TIN to an Escrow Agent.)

Federal law requires that you provide your correct taxpayer identification number (TIN), which is usually your social security number.

Should you decline to provide the requested information, the escrow agent is required to file Form 1099S with the Internal Revenue Service based on available information.  Failure to provide your correct TIN may subject you to civil or criminal penalties imposed by federal law.

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

As explained in the enclosed Pathways for Progress brochure, you may be entitled to reimbursement for a portion of the current year’s realty taxes. To claim reimbursement, you must submit to this office the attached Prorata Real Estate Tax Claim form, properly completed, along with copies of paid tax receipts.

VII. (Use the following in ALL letters.)

We greatly appreciate your cooperation in this matter. If you have any questions regarding the information in this letter or how to proceed, please contact (name of negotiator) at .

VIII. (Use only for properties with structures.)

SALVAGED ITEMS

If you wish, you may remove all or any of the structures that are located on your property within the right of way limits for this project with the understanding that our offer will be decreased an amount equal to the salvage value assigned to each structure as follows:

(Example:

House $5,000

Garage $500

Shed $0)

(This breakdown should not include tenant-owned structures – if tenant has right or obligation to remove structure.)

We wish to remind you that there are several rules and regulation that must be complied with when moving oversized objects on or over state highways, county roads or city streets. We suggest that you make yourself fully aware of such rules and regulations prior to retaining oversized structure(s). Should you elect to retain and remove any structure(s) listed above, you should notify the Highways and Transportation Commission’s right of way representative.

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

Information currently available to us indicates that other parties own and have the right to remove the following structures located on the property to be acquired:

(Identify each structure – do not include value.)

Based on this information, our offer does not include compensation for these structures. If our offer is acceptable to you, then upon the transfer of ownership of the property, we shall negotiate directly with the owner(s) of these structures to acquire them.

If the amount of this offer is not acceptable to you, then you and other interested parties should issue a disclaimer, which will be furnished to you, to disclaim your interest in the structures. This will allow us to negotiate directly with the owner of the structures. If you claim an interest in any of the above-listed structures, you should not issue a disclaimer. If you believe our understanding of the ownership of the structures to be incorrect, please inform us of this information.

Sincerely,

Right of Way Manager

(County, Route, Job Number, Federal Project Number, Parcel Number)