# Offer Letter – Combined Fee and Tenant Owners – Use Prior to Condemnation

***(To all owners of record – unless represented by an attorney during negotiations, with copy to tenant owners. If any fee owners have retained an attorney since negotiations, address letter to fee owners and make personal delivery of letter to attorney and explain contents and taking.)***

***(The owner will have been provided with the basis for just compensation with the initial offer letter; therefore, it is not necessary to provide a copy with this letter.)***

## USE DISTRICT LETTERHEAD

**(Date)**

**(Name and Address of Fee And Tenant Owners, as appropriate)**

Dear                      :

I. (Use either paragraph A or B in all letters.)

A. (Use the following when the fee owners have not disclaimed their interest in the tenant owned structures.)

Please refer to our previous letter to you in which you were offered $           in settlement for certain property rights needed for the improvement of Route         . That offer was made under the assumption that certain structures located upon the property to be acquired were owned by others who had the right to remove them. We have not received any indication from you that you are willing to disclaim your interest in these structures. As a result, it is necessary for us to adjust our previous offer to include our estimate of compensation for the structures.

B. (Use the following when we have been unable to negotiate an agreement with the owner of the structures.)

Please refer to our previous letter to you in which you were offered $           in settlement for certain property and rights needed for the improvement of Route           That offer was made under the assumption that certain structures located upon the property to be acquired were owned by others who had the right to remove them and we would be able to negotiate separately for the acquisition of these structures. Since we have been unable to negotiate an agreement with the owner of the structures, it is necessary for us to adjust our previous offer to include our estimate of compensation for the structures.

II. (Use the remaining paragraphs in all letters.)

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

We are authorized to offer all parties who may have an interest in the real estate and structures to be acquired the sum of $                 in settlement. This amount had been estimated to be full and just compensation for such structures, property and rights.

In estimating the value of the structures, consideration was given to the cost of reproducing the structures based on their age, condition and utility. 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 upon payment of the just compensation, structures located on the property to be acquired shall be delivered, in the present condition(except for normal wear and tear), to the Highways and Transportation Commission.

(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 your parent property for $                  , should you elect to sell the area simultaneously with the required right of way.

If you wish to remove all or any of the structures located within the right of way limits indicated on the deed, you may do so with the understanding that our offer will be decreased by an amount equal to the salvage value of each structure as follows:

(Structures) (Assigned salvage values)

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

(List all fee and tenant-owned structures within right of way taking.)

Please contact the Highways and Transportation commission’s representative, (name) at (phone #), to accept or reject this offer at your earliest convenience.

Sincerely,

Right of Way Manager

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