

CHAPTER 5

EARLY AND ADVANCE ACQUISITION; CORRIDOR PRESERVATION; HARDSHIP AND PROTECTION; DONATIONS AND DEDICATIONS

INTERNAL CALTRANS EXHIBITS AND FORMS

| <u>Exhibit No.</u> | <u>Title</u> |
|---------------------------|---|
| 05-EX-01 | Early Acquisition Memo (for internal Caltrans use) |
| 05-EX-02 | Protection Acquisition Savings Estimate (for internal Caltrans use) |
| 05-EX-03 | Resume of Protection Request (for internal Caltrans use) |
| 05-EX-05 | Hardship Letter Response to Applicant (for internal Caltrans use) |
| 05-EX-07 | Protection Request Memo (for internal Caltrans use) |

| <u>Form No.</u> | <u>Title</u> |
|------------------------|---------------------|
| N/A | |

State of California
DEPARTMENT OF TRANSPORTATION

California State Transportation Agency

Memorandum

To: NAME (ALL CAPS)
Division Chief
Division of Right of Way and Land Surveys

Date: Month Day, Year

File: District-County-Route
PM
EA
PN

From: NAME (ALL CAPS)
Office Chief, Acquisition
Right of Way

Subject: REQUEST FOR EARLY ACQUISITION

District ___ requests approval to proceed with Early Acquisition for ___ property interests/parcels on this project in _____ County per the provisions of 23 U.S.C. 108. The requirements for the project described below include both (list all types if acquisitions, i.e., TCE, Easement, Fee, Partial Acquisition, etc.)

This project is located near the town/city of _____ on State/Interstate Route ___ in _____ County. The project will improve _____.

The original project agreement covering the project was executed on or after _____ (date) _____. Approval of this request is critical to project delivery and to the project schedule.

There are currently _____ alternatives for this project. The project scope includes acquisitions of _____ property interests/parcels under each alternative. Early Acquisition is requested only for the _____ core property interest/parcels (see attached list) which are required under all alternatives.

(A paragraph to describe the circumstance that District needs to proceed with early acquisition on the above property interests.)

NAME
Month Day, Year
Page 2

This project is a TIP/STIP/SHOPP project and is fully/partially funded through construction. Currently, the project is programmed for Right of Way Capital of \$_____ and Right of Way Support of \$_____. There is no known opposition to the project.

Current Project Schedule

PA&ED (Date)
RW Cert (Date)
RTL (Date)
Award (Date)
Begin Const. (Date)

The acquisition meets the requirements of 23 CFR 710.501

- 1) The property will be lawfully obtained by the State;
- 2) The property is not land described in 23 U.S.C. 138 [Section 4(f)];
- 3) The property interest will be acquired, and all relocations will be carried out, in accordance with the provisions of the Uniform Act, regulations in 49 CFR part 24;
- 4) The State agency complied with the requirements of Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d-2000d-4).
- 5) The State agency has determined that the early acquisition will not influence the environmental review process for the proposed transportation project, including:
 - i. The decision on need to construct the proposed transportation project;
 - ii. The consideration of any alternatives for the proposed transportation project required by applicable law; and
 - iii. The selection of the design or location for the proposed transportation project.
- 6) The acquisition of the property interest/parcels does not limit the choice of alternatives or mitigation measures.
- 7) The property interest/parcel will be incorporated into the transportation project.

NAME

Month Day, Year

Page 3

- 8) The future use of the property interest/parcel is for transportation purposes and is conditioned on future compliance with California Environmental Quality Act (CEQA) and National Environmental Policy Act (NEPA), except for option of CFR 710.501 (e), which does not apply.
- 9) The parcels will be maintained “as is” until CEQA and NEPA review for the transportation project has been completed. The District acknowledges that the properties may not change from current use unless public health or safety is an issue. For example, change in use includes any activity related to demolition, site preparation, or construction.
- 10) Owners will be notified in writing that acquisition will be under negotiation without the threat of condemnation.
- 11) Utility relocation will not be performed until completion of the CEQA and NEPA review for the entire transportation project.

We request approval within the confines of all regulatory and statutory requirements as a necessary tool to advance efficiency of the project's planning process and delivery based on Ready to List date of (Date).

There will/(will not) be federal dollars used for Right of Way Capital and/or Support expenditures.

_____ Date

_____ Project

_____ (1)
 Project Escalation Rate

_____ (2)
 Year of Normal Acquisition

_____ (3)
 STIP Inflation Rate

Net Cost if Purchased Now: (Current Market Value)

| | | | |
|--------------------|----------|----------------|--------------|
| Land | \$ _____ | Mech. & Equip. | \$ _____ |
| Imps. | _____ | RAP | \$ _____ |
| Out of Pocket Exp. | _____ | | |
| Loss of Goodwill | _____ | Total | \$ _____ (4) |

Estimated Cost in Year of Normal Acquisition:

| | | | |
|-------|--------------|-------------|----------------|
| Land | \$ _____ (5) | x _____ (6) | = \$ _____ (7) |
| Imps. | _____ (8) | x _____ (6) | = _____ (9) |
| M&E | _____ (10) | x _____ (6) | = _____ (11) |
| RAP | | | _____ (12) |

Less Depreciation on:

| | | | |
|-------|------------|--------------------|---------------|
| | | Total Est. Cost | \$ _____ (13) |
| Imps. | _____ (14) | | |
| M&E | _____ (15) | Total Est. Deprec. | \$ _____ (16) |

Estimated Depreciated Cost in Year of Normal Acquisition:

\$ _____ (17)

Amount Net Cost Would Generate if Used for Highway Construction:

(4) above x (18) = \$ _____ (19)

Estimated Savings to State at Time of Normal Acquisition:

(17) - (19) = \$ _____ (20)

Present Worth of Estimated Savings:

(20) above x (21) = \$ _____ (22)

Other Considerations:

Plus Worth of City/County Share of Rental Income:

No. of Yrs. x Monthly Rental \$ _____ (24)
 x 12 x Occupancy Rate _____ (25) x .24 = \$ _____ (26)

Net Savings to the Public: \$ _____ (27)

PROTECTION ACQUISITION SAVINGS ESTIMATE (Cont.)

EXHIBIT 05-EX-02 (12/2017)

INSTRUCTIONS

Page 1 of 2

1. Project escalation rate - obtained from District Estimating Section (see Manual Section 5.04.03.00).
 2. Best estimate of specific year parcel would normally be acquired.
 3. STIP inflation rate - obtained from the STIP (see table in Manual Section 5.04.03.00).
 4. Sum of land, improvements, M&E, RAP, and out-of-pocket expenses.
 5. Current market value of the land.
 6. Future worth factor for applicable project escalation rate shown in (1) above and for number of years required to reach estimated year of normal acquisition shown in (2) above.
 7. Product of (5) x (6).
 8. Current market value of existing improvements plus estimated current value of proposed improvements.
 9. Product of (8) x (6).
 10. Current market value of existing machinery and equipment plus estimated current value of proposed M&E.
 11. Product of (10) x (6).
 12. Estimated RAP cost at time of normal acquisition.
 13. The sum of (7), (9), (11), and (12).
 14. Estimated amount of depreciation which will accrue to all improvements, existing and proposed, by the time estimated year of normal acquisition arrives. Depreciation should be calculated as percentage of (9) above.
 15. Estimated amount of depreciations which will accrue to all M&E, existing and proposed, by the time the normal year of acquisition arrives. Depreciation should be calculated as percentage of (11) above.
 16. The sum of (14) and (15).
 17. Difference between (13) and (16).
 18. "Amount of one" (how \$1 left at compound interest will grow) @ (use STIP inflation rate shown in [3] above), for number of years to reach normal year of acquisition shown in (2) above.
 19. Product of (4) x (18). This is amount the net cost for acquisition would generate if used for highway construction.
 20. (17) less (19) or amount saved at the normal time of acquisition sometime in the future.
-

21. Present worth of one factor at 15% for number of years necessary to reach normal year of acquisition shown in (2) above.
 22. Product of (20) x (21). This represents the present worth of estimated savings. Priority criteria exists depending on amount of savings.
 23. Number of years in future proposed (clearance for rentals) (acquisition for taxes).
 24. Estimated Monthly Rental rate State can expect.
 25. Percentage of time property can be expected to be rented.
 26. Product of (23) above, x (24) above, x 12, x (25) above, x 24 percent.
 27. Net savings to the public (20) + (26).
 28. If proposed acquisition involves rental property, the amount of the rental (24) should be multiplied by 12 x (23) x (25) x 76 percent and deducted from (4) before completing form.
-
-

District-County-Route-PM:

EA:

Project ID No.:

Type of Funding:

Freeway Agreement: Yes No Date _____

Grantor:

Location:

Parcel No.:

Area:

Type of Development Proposed:

Date of Proposed Construction:

Expected Year of R/W Acquisition:

Estimated Present Value:

Estimated Value in Year of Proposed Acquisition:

Estimated Amount Generated if Present Value Were Invested in Highway
Construction at:

(Use Current STIP rate)

Estimated Net Savings to State:

(Print on District Letterhead)

() _____

(Date)

Dear _____:

In response to your letter dated _____, our present studies, which are subject to change, show that your property located at _____ may ultimately be required for construction of Route _____.

Due to budgetary constraints, the State has limited funds available for advance property acquisition for those property owners who are experiencing hardships. Your request will be considered for advance acquisition under the Hardship Program. The investigation by the Right of Way office will determine your eligibility.

To assist us in the evaluation of your situation, please complete the enclosed forms in detail. These forms include (1) an application, (2) a financial statement, and (3) requests for certified copies of your income tax returns. Completing these forms will speed consideration of your request. This information is necessary for our investigation and it will be treated in a confidential manner.

Also, send in any pertinent documentation that will support your hardship claim (medical report, job transfer notification, copies of real estate listings, etc.).

If you have any questions or need assistance regarding the application, please contact the Right of Way Office at _____.

Please be advised that to be eligible for relocation benefits under existing regulations, the claimant must occupy the required property at the time the first offer is made. The first offer, specifically, must include the dollar amount offered for the purchase as distinguished from a more general discussion of the State's need to acquire the property.

Complete information concerning relocation benefits will be given at the time of acquisition; however, should it become apparent that it may be necessary for you to move prior to the time the first offer is made, please contact our Relocation Assistance Branch for further information concerning relocation benefits. They may be reached by telephone at _____.

A self-addressed envelope is enclosed for your convenience in returning the application and any accompanying documents.

Sincerely,

(AGENT'S NAME)
Right of Way Agent

Enclosures

State of California
DEPARTMENT OF TRANSPORTATION

California State Transportation Agency

Memorandum

To: DEPUTY DISTRICT DIRECTOR
Right of Way

Date: Month Day, Year

File: District-County-Route
PM
EA
PN

From: NAME
Title
Department of Transportation

Subject: **PROPOSED PROTECTION ACQUISITION**

RECOMMENDATION:

Permission is requested to acquire _____ located
_____ at the proposed _____
on a protection basis; for an estimated cost of \$_____.

BACKGROUND:

PROTECTION REQUEST MEMO (Cont.)

EXHIBIT
05-EX-07 (12/2017)
Page 2 of 2

DEPUTY DISTRICT DIRECTOR
Month Day, Year
Page 2

HAZARDOUS WASTE:

COST/SAVINGS ESTIMATE:

Chief, Right of Way Acquisition

APPROVED:

Deputy District Director
Right of Way

Date: _____