

XX	R/W MANUAL CHANGE	RWMC- 182
	PROCEDURAL HANDBOOK (1984 Edition)	RWPH-____-____-____ TRANSMITTAL#____

TITLE: ACQUISITION	APPROVED BY:  DONALD E. GREBE	DATE ISSUED: <div style="text-align: center; font-weight: bold; font-size: 1.2em;">JUL 18 2008</div>
		Page 1 of 1
SUBJECT AREA: CHAPTER 8 - ACQUISITION	ISSUING UNIT: OFFICE OF RIGHT OF WAY PROJECT DELIVERY	
SUMMARY OF CHANGES: Revises Exhibits 8-EX-5 and 8-EX-15A and updates its Table of Contents.		

PURPOSE/BACKGROUND

This manual change revises Exhibits 8-EX-5 and 8-EX-15A.

Exhibit 8-EX-5 (Request for Confirmation of Market Value) has been revised to ensure that the Department's appraisal and date of value are current prior to seeking a Resolution of Necessity. This exhibit was revised to reflect an appraisal revision or a memorandum of adjustment, along with the new date of value. Regardless of whether there is a change in the market value, the date of value will always be updated.

Exhibit 8-EX-15A (Appraisal Summary Statement) has been modified and reformatted in an attempt to simplify the exhibit while still complying with all the provisions of Government Code 7267.2(b) and 49 CFR 24.102(e).

PROCEDURES

- | | |
|----------|---|
| 8-EX-5 | Revised exhibit "Request for Confirmation of Market Value." |
| 8-EX-15A | Revised exhibit "Appraisal Summary Statement." |

EFFECTIVE DATE

Immediately.

MANUAL IMPACT

- Remove the superseded pages and insert the attached pages in the Manual.
- Record the action on the Revision Record.

REVISION SUMMARY

<u>Chapter</u>	<u>Remove Old Pages</u>	<u>Insert New/Revised Pages</u>
	Remove the following in its entirety:	Replace with the following in its entirety:
8 - Exhibits	Table of Contents REV 1/2008 8-EX-5 (Rev. 6/95) 8-EX-15A (REV 11/2002)	Table of Contents REV 7/2008 8-EX-5 (REV 7/2008) 8-EX-15A (REV 7/2008)

CHAPTER 8

Acquisition Table of Contents

EXHIBITS

<u>Exhibit No.</u>	<u>Title</u>
8-EX-1	Housing and Community Development Guidelines
8-EX-2	Title III–Uniform Real Property Acquisition Policy (Sections 301 and 302)
8-EX-3	Rental Escrow Instructions
8-EX-4	Rental Agreement
-	Request for Confirmation of Market Value
8-EX-6	Hold for Future Use
8-EX-7	Claim for Payment of Expenses Actually Incurred
8-EX-8	Pre-escrow Rent Schedule Instructions
8-EX-9	Withdrawal Letter - Owner in Occupancy
8-EX-10	Withdrawal Letter - Eligible Tenant in Occupancy
8-EX-11	Withdrawal Letter - Tenant No Longer in Occupancy
8-EX-12	Acquisition Management Review Checklist
8-EX-13	Permit to Enter for Underground Tank Testing for Hazardous Waste
8-EX-14	Permit to Enter for Other Testing for Hazardous Waste
-	Appraisal Summary Statement
8-EX-15B	Appraisal Summary Statement-Loss of Goodwill
8-EX-15C	Valuation Summary Statement
8-EX-16	Summary Statement Relating to the Purchase of Real Property or an Interest Therein
8-EX-17	Hold for Future Use
8-EX-18A	Full Acquisition Offset Statement
8-EX-18B	Partial Acquisition Offset Statement
8-EX-19	Amendment to Right of Way Contract
8-EX-20	Assignment of Lease-To State
8-EX-21	Request for Information - Form UCC3 (Financing Statement)
8-EX-22	Form UCC2
8-EX-23	Right of Entry - Long Form
8-EX-24	Right of Entry - Short Form
8-EX-25	Agreement for Possession and Use
8-EX-26	Construction Permit
8-EX-27	Permit to Enter and Construct
8-EX-28	All-Purpose Acknowledgement
8-EX-29	Hold for Future Use
8-EX-30	Goodwill Information Sheet
8-EX-31	Interagency Agreement
8-EX-32	Transfer of Control and Possession
8-EX-33	Approved as to Form
8-EX-34	Summary of Estimates or Actual Costs-Functional Replacement

Exhibit No.**Title**

8-EX-35	Memorandum of Agreement for Possession and Use
8-EX-36	Escrow Instructions - Sample
8-EX-37	Parcel Progress Record
8-EX-38	Warrant to Escrow Agent
8-EX-39	Warrant to District
8-EX-40	Hold for Future Use
8-EX-41	Certificate of Acceptance
8-EX-42	Notice of Removal of Property from Taxrolls
8-EX-43	Tax Cancellation Letter - Page 2 Total Take City
8-EX-44	Tax Cancellation Letter - Page 2 Total Take County
8-EX-45	Tax Cancellation Letter - Page 2 Partial Take City
8-EX-46	Tax Cancellation Letter - Page 2 Partial Take County
8-EX-47	Tax Cancellation Condemnation Letters - Order for Possession
8-EX-48	Change in Ownership of Real Property Acquired to Replace Property taken by Governmental Action or Eminent Domain Proceedings
8-EX-49	Information Sheet for Owner(s) Regarding Property Tax Relief
8-EX-50	Administrative Settlement/Statutory Offer
8-EX-51	Public School District Lands
8-EX-52	Request for Declaratory Relief Action
8-EX-53	Highway Easement Deed - Perfection of Title (USFS Only)
8-EX-54	Highway Easement Deed - New Construction

REQUEST FOR CONFIRMATION OF MARKET VALUE

(Form #)

1. Appraisal Branch

	Dist.	Co.	Rte.	Exp. Auth.
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2. Acquisition/Condemnation Branch

	Parcel No.	AR No.
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Request for Confirmation of Market Value

People v. _____ (Pending)

Owner _____

To: Appraisal Branch

Acquisition must soon initiate condemnation proceedings in order to protect an impending certification date on the referenced project. The process will commence with the mailing of the Notice of Intent. Prior to taking such action, we must be assured that the approved appraisal represents current market value. We expect to submit a Resolution of Necessity request for Transportation Commission action at the _____, 20__ meeting. The Notice of Intent will be mailed on or about _____. Your response is required by _____.

[] Attached are pertinent, factual data or related information of which the acquisition agent has learned and/or verified which may affect your appraiser's opinion of the current market value of the required property.

Acquisition Agent

Chief, Acquisition/Condemnation Branch

To: Acquisition/Condemnation Branch

STAFF APPRAISAL REVIEW PRIOR TO REQUESTING A RESOLUTION OF NECESSITY

1. [] An analysis and review of current market data, a search and review of data available from other sources, as well as an analysis and review of the data, if any, supplied by the Acquisition Branch, indicate a revision of the current appraisal. The revised appraisal represents current market value in the amount of \$_____ as of _____ (new date of value).

2. [] An analysis and a review of the staff appraisal, current market data, the data, if any, supplied by the Acquisition Branch, as well as data available from recognized real estate data sources have been reviewed and analyzed. Based upon this review, it is my opinion that the value conclusions in the staff appraisal remain valid and the appraisal represents current market value in the amount of \$_____ as of _____ (updated date of value).

Chief, Appraisal Branch

Date

REQUEST FOR CONFIRMATION OF MARKET VALUE (Cont.)

(Form #)

EXHIBIT

8-EX-5 (REV 7/2008)

Page 2 of 2

1. Appraisal Branch

_____ **Dist.** _____ **Co.** _____ **Rte.** _____ **Exp. Auth.**

2. Acquisition/Condemnation Branch

_____ **Parcel No.** _____ **AR No.**

People v. _____

To: Appraisal Branch

Employment of Independent Staff or Fee Appraiser

There is a minimal expectation this ownership will close without an increased offer and we therefore need to arrange for the services of (an) expert witness for the referenced pending litigation:

Is there a staff appraiser available to handle this assignment under the following conditions?

1. Estimated appraisal due date _____
2. Special requirements applicable to witness or appraisal format: _____

See attached sheet for additional requirements, comments, or information. If there is no staff appraiser available, we propose to hire the following fee appraiser(s): _____

Acquisition Agent

Chief, Acquisition/Condemnation Branch

To: Acquisition/Condemnation Branch

Date _____

Staff appraiser available and qualified to meet the need: Yes / No

If "Yes," appraiser's name: _____

If "No," (a) Name(s) of other prequalified appraiser(s): _____

(b) Appraisal Branch's estimate of time required to perform assignment: _____ days.

(See attached page for additional comments.)

Chief, Appraisal Branch

APPRAISAL SUMMARY STATEMENT

(Form #)

CONFIDENTIAL

This document contains personal information and pursuant to Civil Code 1798.21, it shall be kept confidential in order to protect against unauthorized disclosure.

EXHIBIT

8-EX-15A (REV 7/2008)

Page 1 of 7

Dist.	Co.	Rte.	P.M.	Parcel No.	Federal Aid Project No.	Date / Revised Date

Owner:

Date Acquired:

Property Address:

Property to be acquired: Part All

Locale:

Total Property Area:

Including Access Rights Yes No

STATUTORY BASIS OF VALUATION

The market value for the property to be acquired by the State is based upon an appraisal prepared in accordance with accepted appraisal principles and procedures.

Code of Civil Procedure Section 1263.320 defines Fair Market Value as follows:

- a) The fair market value of the property taken is the highest price on the date of valuation that would be agreed to be a seller, being willing to sell but under no particular or urgent necessity for so doing, nor obliged to sell, and a buyer, being ready, willing, and able to buy but under no particular necessity for so doing, each dealing with the other with full knowledge of all the uses and purposes for which the property is reasonably adaptable and available.
- b) The fair market value of property taken for which there is no relevant, comparable market is its value on the date of valuation as determined by any method of valuation that is just and equitable.

Code of Civil Procedure Section 1263.321 defines Fair Market Value as follows:

A just and equitable method of determining the value of nonprofit, special use property for which there is no relevant, comparable market is as set forth in Section 824 of the Evidence Code, but subject to the exceptions set forth in subdivision (c) of Section 824 of Evidence Code.

The market value for the property to be acquired by the State is based upon Code of Civil Procedure Section _____ as defined above.

BASIC PROPERTY DATA

Interest valued:

Date of valuation:

Original Updated

Applicable zoning:

Area to be acquired:

Highest and best use:

Current use:

AREAS WITHIN THE RIGHT OF WAY

Sub-parcel

Area

Total Area =

IMPROVEMENTS WITHIN THE RIGHT OF WAY

Item

Size

Lump Sum Total = \$

APPRAISAL SUMMARY STATEMENT (Cont.)

(Form #)

EXHIBIT
8-EX-15A (REV 7/2008)

Page 3 of 7

Value of the Entire Property \$ _____

Value of the property being acquired
including the following improvements:

Land: \$ _____

Imps: \$ _____

\$ _____

Value of the remainder as part of the
whole before the State's acquisition

\$ _____

Value of the remainder as a separate parcel (cured)

\$ _____

Severance Damages (see page 4):

Cost to Cure Damages: \$ _____

Incurable Damages: \$ _____

Total Damages: \$ _____

Benefits (see page 4): \$ _____

Net Damages: \$ _____

The amount of any other compensation: \$ _____

JUST COMPENSATION FOR ACQUISITION \$ _____

Rounded To \$ _____

Construction Contract Work \$ _____

APPRAISAL SUMMARY STATEMENT (Cont.)

(Form #)

EXHIBIT

8-EX-15A (REV 7/2008)

Page 4 of 7

SEVERANCE DAMAGES

COST TO CURE DAMAGE ITEMS

Item

Size

Lump Sum Total \$ _____

INCURABLE DAMAGES

(Narrative explanation and calculations, if applicable)

Lump Sum Total \$ _____

TOTAL DAMAGES \$ _____

BENEFITS

(Narrative explanation and calculations, if applicable)

Lump Sum Total \$ _____

NET DAMAGES (Total Damages less Benefits) \$ _____

CONSTRUCTION CONTRACT WORK ITEMS

- 1.
 - 2.
 - 3.
 - 4.
 - 5.
 - 6.
 - 7.
 - 8.
 - 9.
 - 10.
-

LIST OF PRINCIPAL TRANSACTIONS - VACANT

ADDRESS:
APN:
SALE DATE:
SALE PRICE:

ADDRESS:
APN:
SALE DATE:
SALE PRICE:

ADDRESS:
APN:
SALE DATE:
SALE PRICE:

LIST OF PRINCIPAL TRANSACTIONS - IMPROVED

ADDRESS:
APN:
SALE DATE:
SALE PRICE:

ADDRESS:
APN:
SALE DATE:
SALE PRICE:

ADDRESS:
APN:
SALE DATE:
SALE PRICE:

**GUIDELINE INSTRUCTIONS
FOR
EXHIBIT 8-EX-15A “APPRAISAL SUMMARY STATEMENT”**

The purpose of this exhibit is to comply with modifications to the State Uniform Act and to fully inform the grantor of pertinent elements to the valuation process. When you place the pointer on one of the gray boxes and click, a line of text should show across the bottom of the screen. The line of text will give direction concerning completion of the form.

Only include lump sum totals in (do not include individual dollar amounts):

- Improvements Within the Right of Way
- Cost to Cure Damage Items
- Construction Contract Work

When listing comparables, list only comparable address, APN, sale date, and sale price. When relying on other market data for analysis of value, you need to indicate the basis of the Appraiser’s analysis. Insert Appraiser’s Summary of the Basis for Just Compensation on the bottom of page 6.

It is **ONLY** allowable to delete options that are not contained in the appraisal, i.e., for the Comparison Approach, you may delete the Cost Approach and Income Approach blocks of information. However, if more than one approach is addressed in the Valuation, you must include the information on all the approaches used.

Attach the appropriate version of the Summary Statement Relating to the Purchase of Real Property (Exhibit 8-EX-16), based on whether you are using a Valuation Summary Statement or an Appraisal. For use with the Valuation Summary Statement, Item 4 should refer to the “Valuation Summary Statement” and the word “valuation” should appear in Items 4.a. and 4.b. For use with an Appraisal, Item 4 should refer to “Appraisal” and the word “appraisal” should appear in Items 4.a. and 4.b.
