ATTACHMENT J

RIGHT OF WAY ACQUISITION PROCEDURES

ACQUISITION PROCEDURES FOR PROJECTS

1) A request is received by the City of Sonora (City) to acquire a property or properties with the appropriate plat maps and legal descriptions for a given project. The City sends the Consultant a notice to proceed with the acquisition request.
2) The appraisal consultant determines the fair market value of the rights to be acquired for each property.
3) The acquisition consultant studies the appraisal and related project information and reviews it with the appraiser, design and right-of-way engineer, etc., if necessary. This ensures that the agent can explain the acquisition in detail to the property owner.
4) The acquisition consultant prepares the necessary documents, which may include a Right-of-Way Contract, Purchase Contract, Quitclaim Deed, Easement Deed, Grant Deed or other documents. The acquisition consultant will submit draft templates to the City for approval prior to presentation offers to owners.
5) The acquisition consultant makes contact with the property owner to acquire the necessary property rights. At the first meeting, the owner is provided with the Your Transportation Project Brochure and Your Rights Under Title VI Brochure covering the rights of the property owner. An appraisal summary also given to the property owner, lists the property and improvements to be acquired, as well as any severance damage resulting from the acquisition. The acquisition consultant works with the owner and the City to resolve any problems identified by the owner.
6) A Memorandum of Settlement for each property is prepared which provides the details of the settlement. It must be approved by the City and Consultant and a written explanation of any difference between the settled value and the appraised value must be noted on the Memorandum.
7) Upon recommendation by the City, all non-City of Sonra acquisitions are submitted for approval to the appropriate representative or governing body of the agency for which the acquisition is made.
8) Upon completion of the acquisition, the Consultant submits the signed documents to the City for approval and processing.
9) Following acceptance of the settlements, an escrow is opened for a majority of the acquisitions. The title company clears all encumbrances affecting title, including deeds of trust as requested, delinquent taxes and liens. At close of escrow, a title insurance policy is issued and the funds disbursed to the property owner. In the case of a minor acquisition, of little or no monetary consideration, no escrow is used and deeds are recorded directly after City Council acceptance.

If acquisition cannot be completed under the procedures outlined above, an eminent domain (condemnation) proceeding may be initiated, as follows:

1) Determine that the property owners have received sufficient information in time for consideration of the offer in order to make the decision to accept or not.
2) Owners are provided written notice of a hearing before the governing body of the City (City Council). Owners are invited to discuss their concerns relating to the proposed Resolution of Necessity.
3) If the City Council adopts the Resolution of Necessity, the City will authorize their City Counsel to institute Eminent Domain Proceedings. The acquisition consultant assists the City Counsel with the condemnation cases and gives recommendations to the City concerning settlements prior to submission to the City Council or the filing of a Final Order in Condemnation by the City.