

## Dear Neighbor,

As your County Engineer, I am responsible for the maintenance and construction needs of 262 miles of county roadway and 357 county bridges. In performing these duties it is often necessary to purchase additional right-of-way for the building of wider pavement widths that meet increasing traffic and safety demands, and to replace deficient bridges.

*If you own property or occupy a dwelling near a proposed road or bridge improvement, you should familiarize yourself with the working procedures of the County Engineer's Office, and how you may be affected by the construction work.*

This brochure explains what your rights are as a property owner, and provides answers to some of the questions you may have about the land acquisition process.

### • Acquiring Needed Land

Following the identification of needed property for one of our construction projects, the Real Estate Department is instructed to begin their appraisals and direct negotiations with property owners for the purchase of this land and any buildings required.

*The Engineer's office adheres to a policy of open discussion to reach mutual agreements that provide every property owner with full and just compensation based on the fair market value of the property being purchased, including any loss of value of remaining property.*

### • Appraisal of Fair Market Value

The first step in the acquisition of property is the real estate appraisal conducted by a qualified professional appraiser that estimates the fair market value of the needed land.

The term "fair market value" is defined by Ohio law as the amount of money a property will bring if offered for sale on the open market. Because the determination of fair market value is the very basis of purchase negotiations, it is of fundamental importance that this amount be carefully estimated.

*The professional appraiser will determine fair market value by comparing the needed property to other similar properties that have sold recently in the area, and by conducting property inspections.*

You will have the opportunity to accompany the appraiser on the inspection of your property, and to show all features that may affect its value. The inspector should see the exteriors and interiors of all buildings, utilities, underground facilities, landscaping, and all improvements that have been made to the property.

### • Negotiating an Agreement

As in all real estate transactions, negotiations and the exchange of views are essential in reaching an agreement satisfactory to both parties.

Franklin County's representatives in these discussions are the Right-of-Way Agents. Their primary duty is to assist you through the process of selling land or buildings to the County.

*The Right-of-Way Agents are responsible for explaining the nature of proposed road and bridge construction, its effect on your property, and answering your questions in an efficient manner.*

Based on the highest supportable property appraisal, the Right-of-Way Agents will make you a written offer the first time specific values

or sale prices are discussed, and attempt to negotiate a resolution to opposing opinions.

When an agreement is reached, the Right-of-Way Agents will have the necessary papers and documents prepared, assist you in filling them out, and make arrangements for the payment of the agreed purchase price.

The Right-of-Way Agents will also help you become released from mortgages and other liens, as well as provide for the proper recording of the documents in the deed records.

### • Your Legal Rights

The Ohio Constitution permits the County to acquire your property for a transportation project provided that you are paid just compensation. There is no requirement, however, that you reach a settlement with Franklin County for the sale of your property.

*To fully protect your rights, the laws of Ohio provide that just compensation (the fair market value of your property) can be determined by a local jury, if you should so choose.*

In the event Franklin County does not reach an agreement in purchasing your property, the County Engineer will request the County Prosecutor's Office to initiate such action as is necessary to acquire the land by appropriation. An action will then be filed with the Court of Common Pleas of the Probate Court.

At the same time, the County Engineer will deposit with the Clerk of Courts the amount of money that Franklin County has determined to be just compensation for the property taken and damages to the remainder of the property, if any.

*Once the money is deposited, you may apply to the court for the full amount minus financial obligations such as taxes, mortgages, assessments, and liens.*

The fact that you withdraw the money from the court does not affect your rights to have a jury determine the value of the property. The only restriction is that once the sum is made available to you, interest will not accrue even if left on deposit with the court.

If you decide to accept the deposit amount as full compensation, no further action on your part is required. Title to the property will be automatically transferred to the County by an entry of the court. However, if you wish to contest the case, you must appeal the County's offer by filing the appropriate appeal documents with the court in the statutory time period, which can be as short as 15 days. The court will then set a trial date for a jury to hear testimony from you and the County so that an impartial verdict can be reached.

*Even though a trial date has been set, further negotiation is still possible. If an agreement is reached, formal settlement can be accomplished with approval of the court.*

It is important to note that when the County Engineer has placed the money on deposit with the court, the County may enter upon and use your land. It may not, however, use or demolish any structure until the jury has had an opportunity to view the property or an appraisal has been filed with the court.

The purpose of the structure appraisal is to ensure that the jury will have the adequate information on which to make their findings.

Detailed photos are taken of the exterior and interior of all structures and three appraisers (one of your choice, one appointed by the court and one selected by the County) file

their independent value opinions with the court. Through this process, the County Engineer may secure physical possession of any structure as early as 60-days after the serving of a summons for the appropriation case.

- **Disposal of Buildings**

Vacant buildings must be provided for in a timely manner to deter accidents or criminal activities involving those who trespass on the property.

Such structures, if not rented, are normally disposed of through a public sale or demolition contract.

*If you decide to exercise your right to keep your structure and relocate it from the proposed right-of-way, you must make these arrangements during your negotiations with the County.*

All salvage work is your responsibility, and the value of any saved structure will be deducted from the settlement amount.

### **Thank You!**

We greatly appreciate your understanding of the land acquisition process. Your cooperation will guarantee our success in assisting you to attain the fairest compensation for your property. It is our goal to build transportation improvement projects that benefit everyone in the county.

*For more information, please contact our Real Estate Department during normal business hours at (614) 525-3051.*

**Cornell R. Robertson, P.E., P.S.  
Franklin County Engineer**

# **Franklin County Engineer's Office Land Acquisition Policy**



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[www.franklincountyengineer.org](http://www.franklincountyengineer.org)