Date:

|  |  |
| --- | --- |
| County:       | ROW CSJ:        |
| Federal Project No.:       | Parcel:        |
| Highway:       | From :       |
|  | To:       |

BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED NO.

Dear      ,

In acquiring property for the highway systems of Texas, the Texas Department of Transportation follows a definite procedure for appraising the land needed and for handling personal negotiations with each owner. As has been or will be explained by the State’s negotiator,      , a portion of your leased property located      , as described in the enclosed property description, is to be acquired for the construction or improvement of the above-referenced highway project.

We believe at this stage of the purchase process it is mutually beneficial to confirm that based on an appraisal, the State is authorized to offer you $      for your leasehold interest. This amount is the total amount of just compensation as determined in accordance with State law for all of your right, title and interest to the property, less any interest in oil, gas, and sulfur. In the event the condition of the property should change, for any reason, the State shall have the right to withdraw this offer.

It is understood that       is/are the fee owner(s) of this property and they have executed a disclaimer to your lease and improvements owned by you. The offer of $      to you does not include any value amount for their fee interest. The Department will enter into negotiations and will make a separate offer to the fee owners; however, the offer to you is contingent upon the Department successfully negotiating with the fee owners. In the event either you or the fee owners refuse the State’s offer, then it will be necessary to acquire the parcel through eminent domain proceedings.

This offer to purchase includes the improvements owned by you as listed below which are considered to be part of the real property. Since the improvements must be removed, it is the policy of the Department to permit owners of such to retain them if they wish to do so. The retention values are estimated amounts the improvements would bring if sold on public bids. If you wish to retain title to any of the following improvements and remove them from the property, the above offer will be reduced by the appropriate retention amounts. This option to retain the improvement(s) does NOT apply should it become necessary for the Department to acquire the real property by eminent domain.

| Improvement | Amount to be Subtracted if Retained |
| --- | --- |
|       | $      |
|       | $      |
|       | $      |
|       | $      |
|       | $      |
|       | $      |

If you wish to accept the offer based upon this appraisal, please contact       at (   )    -      as soon as possible so the payment procedure to obtain your payment may be started. If you are not willing to accept this offer, you may submit a written request for administrative settlement/counteroffer, setting forth a counteroffer amount and the basis for such amount, provided such settlement request is received in writing within 30 days from the date of this letter.

Please note that your right to submit an administrative settlement shall be forfeited if such a settlement request is not received within the 30 day time deadline.

After the date of payment of the purchase price, or the date of deposit in court of funds to satisfy the award of compensation as determined through eminent domain proceedings to acquire real property, you will be reimbursed for any fair and reasonable incidental expenses necessarily incurred in transferring title to the property for use by the Texas Department of Transportation. Expenses eligible for reimbursement may include (1) recording fees, transfer taxes and similar expenses incidental to conveying the real property to the Department and (2) penalty costs for prepayment of any preexisting recorded mortgage entered into in good faith encumbering the real property. Voluntary unnecessary expenses or expenses incurred in clearing questionable title will not be eligible for reimbursement. Eligible incidental expenses will be reimbursed upon submission of a claim supported by receipted bills or other evidence of actual expenses incurred. You may file a written request for review if you believe that the Department failed to properly determine the eligibility for, or the amount of, incidental expenses to be reimbursed. There is no standard form on which to request a review of a claim; however, the claim must be filed with this office within six months after you are notified of the Department’s determination on any claim for reimbursement.

You may be entitled to additional payments and services under the State’s Relocation Assistance Program. It is emphasized, however, that any benefits to which you may be entitled under this program will be handled entirely separate from and in addition to this transaction. You will receive a booklet entitled *“Relocation Assistance”* which will inform you of eligibility requirements, payments and services which are available.

You have the right to discuss with others any offer or agreement regarding the Department’s acquisition of the subject property, or you may (but are not required to) keep the offer or agreement confidential from others, subject to the provisions of Chapter 552, Government Code (the Public Records Act) as it may apply to the Department.

Attached is a copy of the Texas Department of Transportation booklet entitled *“Right of Way Purchase*” which we trust will give you a better understanding of the procedures followed by the Department in purchasing property. If you have any questions regarding the details as to the type of facility to be built or concerning the purchase transaction, please do not hesitate to ask       to answer them.

Please see the enclosed copy of the Texas Landowner Bill of Rights.

Finally, we enclose copies of all appraisal reports relating to your property being acquired which were prepared in the ten (10) years preceding the date of this offer and produced or acquired by the Department, including the appraisal on which this offer is based.

Sincerely,

Right of Way Manager or other signatory

ENCLOSURES:

Appraisal Report(s)

Landowner Bill of Rights

Brochure (“Right of Way Purchase”)