Date:

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

BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED NO. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Dear      ,

In acquiring property for the highway system of Texas, the Texas Department of Transportation (the “Department”) follows a Statutorily prescribed procedure for acquiring property interests and negotiating with property owners. As has been or will be explained by the State’s negotiator,      , private utility facilities located in       County, Texas, as described in the enclosed property description, shall be adjusted or abandoned and removed for the construction or improvement of the above-referenced highway project.

The valuation of private utilities was determined by      .

We believe at this stage of the process it is mutually beneficial to confirm that the State is authorized to offer you $      to adjust the private utility line. This cost is based on the initial cost estimate, and final payment will be adjusted to actual cost of the completed work.

The offer to purchase details are fully explained in the Memorandum of Agreement (MOA) enclosed with this offer letter.

If you wish to accept the offer, please complete the enclosed Notice of Receipt and sign the applicable MOA and/or Possession and Use Agreement to show that you agree and accept this offer letter. If you do not wish to accept this offer, you may submit a written request for administrative settlement and counteroffer. Please provide a counteroffer amount and the basis for such amount, in writing, within 30 days from the date of this letter. *Please note that your opportunity to submit an administrative settlement shall be forfeited if such a settlement request is not received by the Department within the 30-day time deadline.*

In the event the condition of the property changes in any way, the State shall have the right to withdraw or modify this offer.

After the date of payment of the purchase price for the private utility line, you will be reimbursed for any fair and reasonable incidental expenses necessarily incurred in transferring the easement in the property for use by the Texas Department of Transportation. Expenses eligible for reimbursement may include the following: recording fees, transfer taxes and similar expenses incidental to conveying the real property interest to the Department. 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 have the right to discuss with others any offer or agreement regarding the Department’s acquisition of the subject property. Alternatively, 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.

We respectfully request the opportunity to meet with you or to otherwise discuss and answer any questions you may have regarding the type of facility to be built, or concerning the Department’s offer for the proposed purchase transaction. Please do not hesitate to contact       at **(**) **-**, regarding any question you may have.

Enclosed with this offer letter is the Form ROW-N-30, Quitclaim Deed. Upon execution and recording at the County’s Real Property Records, it will eliminate any property interest you may have on the parcel being acquired.

Sincerely,

Right of Way Manager or other signatory

ENCLOSURES:

Notice of Receipt

Legal Description

Determination of Cost (ex. Appraisal, bids, cost estimate, etc.)

Memorandum of Agreement

Quitclaim Deed

AP-152

Appraisal Reports, if applicable