

Kosciusko County Highway Department
Right-of-way Acquisition for Local Funded Projects

Why My Property?

Much time and effort is taken to determine a location that will create the least amount of damage to the individual and the neighborhood while still providing for the greatest public good. Locations are selected on the basis of research, planning, construction cost, need, safety, traffic service, ecology, environment, and minimum disturbance to the land and improvements of all the property owners involved. In urban areas, particular consideration is given to the route that will disturb the least number of people and businesses.

What you can expect during the right-of-way acquisition process?

The property owner may be contacted by an independent Indiana qualified Real Estate Appraiser for the purposes of establishing an estimate of value for their property. For smaller acquisitions, the appraiser may not need to contact the owner. If contacted, the appraiser will discuss the acquisition and the overall impact of the project with the owner. The appraiser will provide a complete appraisal report to the Highway Department.

The offer will include:

1. A cover letter explaining the offer and the acquisition process with all required documents.
2. Copies of the plan sheets of the acquisition.
3. Statement of the Basis of Just Compensation indicating the offer amount for the acquisition and what it is for, based on the appraisal.

To insure the property owner is not receiving conflicting information from the County, the buyer is the single point of contact with the property owner during the buying process. The buyer may be an employee of the Kosciusko County Highway Department or a contract agent of the County.

Statement of the Basis for just Compensation

The Statement of the Basis for just Compensation is a summary of the estimated value established in the complete appraisal report breaking the offer into three (3) categories:

Total land, land improvements, and buildings
Severance damages (i.e. Setback Loss in Value to

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Property Owner's Options

When the appraisal has been completed, the County will make the property owner an offer for the full amount of the appraisal. The offer will be given in writing. By law, the property owner is allowed twenty-five (25) days from the date the County presents the offer to accept or reject the offer. The property owner may elect to act on the offer prior to the end of the twenty-five (25) day period. Specifically, the property owner may do one of the following:

1. Accept the offer as presented.
2. Reject the offer and submit a counteroffer.
3. Reject the offer and proceed to condemnation.

Acceptance

Once an agreement has been reached, the owner can expect the following:

1. Documents to be signed
2. Acceptance Offer
3. Deed and or Temporary Right-of-Way Grant
4. W-9 Tax Form
5. Sales Disclosure Form

A title search will determine if a mortgage release is needed. In most cases, contact will be made with the mortgage company to determine if they wish to receive any of the proceeds.

Once title work is clear, the claim will be processed and the property owner should receive payment within 30 days. If the mortgage company does require some of the proceeds, a single check will be presented with both the property owner's and the mortgage company's names.

Counteroffer

The property owner may elect to submit a counteroffer for the County to review. The counteroffer should be based upon an estimate provided by an Indiana qualified appraiser. **The Standard real estate opinions submitted by Real Estate Brokers are not accepted by Kosciusko County.**

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Condemnation

In the event that negotiations are not successful, the County may have to condemn the property. (I.C. 32-11-1) The following outlines the Condemnation Procedure:

1. The Kosciusko County Board of Commissioners must pass a motion to condemn the property and subsequently file a Condemnation Suit with the Court.
2. The Court will appoint 3 landowners to establish value of the property. The Court Appointed Appraisers will have approximately 30 days to return their estimate of value.
3. Kosciusko County will deposit the Court award with the Kosciusko County Clerk.
4. Once the funds have been deposited with the County Clerk, the County is legally entitled to immediate possession of the property. (Subject to Court approval, the property owner may make withdrawals from the deposited funds. However, if the subsequent Court award is less than the withdrawals, the property owner must pay back difference between the withdrawals and the final award.)
5. Either party may object to the Court appointed award and request a trial by jury to determine the property's value.