

# **DOWNTOWN CORRIDOR PROJECT EASEMENTS**

## **FREQUENTLY ASKED QUESTIONS**

### ***How will owners be contacted?***

When a MassDOT construction project is proposed for funding, the municipality accepts the responsibility to acquire the necessary rights for the construction and implementation of that project.

A representative from the municipality will contact each affected owner regarding the proposed impacts to their property. This individual will present the owner with ROW plans and discuss the potential impacts to the property. This communication may also, by necessity, take place by certified mail return receipt requested and/or telephone. The ROW plans are subject to change up until the time the plans are voted by the Board of Selectmen. The owner will be notified of any changes or revisions impacting their property.

Following the initial contact described above, the property owner will be contacted by a Licensed Appraiser. The property owner may, and is encouraged to, accompany the Appraiser and provide that individual with relevant information that will assist them in their valuation of the property. The Appraiser must offer the owner the opportunity to accompany them on the property inspection.

### ***How and when will impacted properties be acquired?***

Once all of the appraisals have been completed, and reviewed, and the award(s) of damages determined, the affected owners will be presented with a written offer of the amount of just compensation to be awarded. The written offer must be sent certified mailed return receipt requested or presented to affected owners at least thirty (30) days prior to a scheduled meeting of the Board of Selectmen to vote the property acquisitions and award(s) of damages. Once that meeting has occurred, the Order of Taking, describing the parcels to be acquired and the associated awards to be paid, is recorded, along with any relevant plans and instruments, at the appropriate Registry of Deeds. Owners will be notified that their property has been acquired by a "Notice of Taking", which will be sent to them immediately following the recording of the Order of Taking. The municipality has physical possession of the acquired parcels on the date that payment is tendered.

### ***When can I expect payment?***

Payment of the award(s) of damages must be tendered expeditiously after recording of the impacted parcels at the Registry of Deeds.

### ***How much will payment be?***

The amount of compensation an affected property owner will be paid is determined by the municipality based on the appraisal that was completed by the Appraiser and Review Appraiser that are hired by the municipality.

### ***What if the property owner is not satisfied with the amount of payment?***

A property owner who is not satisfied with the amount of the award of damages may present additional information to be considered by the municipality that could influence the value. If a property owner is still

not satisfied with the amount of payment after the order of taking is filed they may bring suit against the municipality for up to three (3) years from the date of the recording of the Order of Taking.

Matters of compensation should be addressed with the officials in your municipality.

### ***How soon will a project begin?***

After the property owner has received a written offer, a minimum of thirty (30) days later, the Board of Selectmen will meet to vote on the property acquisitions and award(s) of damages. Within thirty (30) days of that meeting the municipality must record the Order of Taking. After the recording at the Registry of Deeds, the municipality must prepare and submit completed ROW acquisition documents to the Community Compliance Officer assigned to the project to be reviewed for consistency and conformity with State and Federal regulations governing the acquisition process.

MassDOT's ROW Bureau will issue a ROW Certificate which certifies that all of the property interests necessary to construct the project have been acquired, and that the acquisition process complies with the Federal Uniform Act. The Federal Uniform Act requirements are critical whenever right-of-way is, or will be, required for a project. The Federal Uniform Act applies when Federal funds are used in any phase of a proposed project. Please see link below:

<http://www.fhwa.dot.gov/hep/legreg.htm#1>

Once the ROW Certificate has been issued, the project is eligible to be advertised for construction.

There are still many steps involved before construction gets started. After a project is advertised, construction will not begin until at least four months thereafter, and work may start substantially later, depending on many factors. The property owner is encouraged to contact their municipal officials with questions or concerns regarding the project and the anticipated schedule of activity. The municipality will have specific, updated information as the process advances.