
ACQUISITION PROCEDURES AND POLICY MANUAL

CITY OF CHARLOTTESVILLE DEPARTMENT OF PUBLIC WORKS

Process

The City of Charlottesville (“City”) staff will identify specific easements required for a project based upon an initial review of preliminary construction plans. City staff will verify that the construction plans show the property lines and proposed right of way and easements. In addition, City staff will identify and review the following: current landowner(s), tax map numbers, and zoning. If easements owned by other utilities are located within the proposed easements, City staff will coordinate with those utilities to obtain permission to utilize them as necessary. When property is owned in whole or in part by a person who is legally incapacitated, or any landowner is unknown or cannot be located, staff will consult with the City Attorney about proper procedure.

Furthermore, this policy is in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, the Real Estate Guide for Local Public Agencies (LPAs) Chapter 16, the Code of Federal Regulations (CFR) and the Virginia Department of Transportation’s Right of Way Manual of Instruction.

Donations

Property owner(s) may donate the needed land rights area after being informed in writing of the right to receive just compensation for the land area(s).

Fee Taking/Easement Options

City staff will decide whether to proceed by contacting property owner(s) in an effort to obtain land rights via donations or whether to follow the remainder of this Policy to obtain land rights. In any case in which landowner(s) does/do not agree to grant an agreement option, the remainder of this Policy will apply, and City staff will consult with the City’s legal counsel to confirm that the requirements of Title 25.1, Eminent Domain, are followed in applying the remaining provisions of this Policy. Additional guidance of the policy will be the VDOT Right of Way Manual and the LAP Manual, specifically Chapter 16.

Determination of Offer

City staff will perform an initial determination of the value for the proposed acquisition based upon the then-current City assessed value of the parcel of land, not including improvements. Staff will determine an assessed acquisition value for the portion of land comprising the proposed fee/easement comparable to the assessed value of the full parcel of land. In addition, the City will utilize the appraisal waiver form for values under \$25,000. If the initially determined assessed easement value is greater than \$25,000¹, the City, at its expense, will obtain a licensed general appraiser to appraise the proposed easement. An appraisal of the proposed land rights will determine the fair market value of the proposed easement.

Offer to Landowner

The City will provide a *bona fide* written offer to the landowner(s) to acquire the proposed land rights, which will include an explanation of the basis for the offer including the public use that provides the basis for the acquisition of the proposed land rights. The written offer will include a copy of the title report, offer letter, mortgage release form, owner affidavit, City evaluation (appraisal, BAR), appraisal review, a proposed plat/exhibit showing the easement area, the City’s deed form, utility deed forms (if needed), contact information for the City, W-9 Form, and a deadline for a response from the property owner(s). Offer package checklist will be completed prior to presenting to landowner.

¹ VA Code §25.1-417(2) specifies a limit of \$25,000 before appraisal is required.

ACQUISITION PROCEDURES AND POLICY MANUAL

CITY OF CHARLOTTESVILLE DEPARTMENT OF PUBLIC WORKS

The written offer will be delivered to the property owner(s) in person, by e-mail and/or by certified, return-receipt mail (or any combination of each delivery method reasonable under the circumstances) followed by reasonable and documented attempts to contact the property owner either in person or by telephone. All negotiations will require landowner negotiation reports, outlining each contact and what was discussed. This report will be available for City staff review.

All counter offers received from the landowner will be submitted as an administrative settlement. Review of the administrative settlement will be reviewed and approved or rejected based on staff recommendations.

In the event this written offer is rejected by the property owner(s), City staff will follow Section regarding quick take. No response by the property owner will be considered a rejection of the written offer by the City.

Settlement

Upon acceptance of the written offer the property owner(s) will complete a W-9 Form. The property owner(s) must return the executed and notarized deed of easement and the completed W-9 Form prior to the release of payment from the City. The City will review/confirm that the executed and notarized deed agreement and the completed W-9 form are complete, City staff will record the legal document and release payment to the property owner(s) in person, if applicable, as outlined below. The completed acceptance package will be submitted for City staff review.

Clearance of Applicable Title Objections/Closings

For all parcels where voluntary agreement is reached, the City will initiate the closing process as soon as the documents are reviewed and approved by the City. Releases from lien holders will be requested, if required. Upon satisfaction of the releases of mortgages and other conditions of the City, Closing will be held with the Landowner, providing payment and execution of all appropriate documents. A Closing Statement will be completed and provided to the Landowner. A title update will be conducted, and all executed deeds will be recorded in the Clerk's Office of the Circuit Court.

Unpaid Taxes and other Liens

Every effort will be made to reach a mutually acceptable agreement between the property owner and the City taxing agency for payment of City delinquent taxes or liens. A partial release should be obtained when possible. The City can permit the amount of this tax to be disbursed from the proceeds due the property owner. If the property owner will not pay delinquent taxes in a negotiated acquisition of a partial taking, or the taxing agency refuses to give a partial release, the governing body will make payment to the property owner without regard to delinquent taxes, provided there is a sufficient remainder that is worth more than the amount of delinquent taxes. If condemnation is necessary, taxing agencies are not included in the eminent domain proceedings, even though delinquent taxes may be involved, if the property remainder affords the taxing agencies adequate security against which their tax liens may be assessed. However, if a significant amount of taxes is delinquent, or tax judgments or suits are present or pending, all taxing authorities must be included in the eminent domain proceeding.

ACQUISITION PROCEDURES AND POLICY MANUAL

CITY OF CHARLOTTESVILLE DEPARTMENT OF PUBLIC WORKS

If the landowner and City are in the mist of disputing the taxes owed, the City will work with the tax department to determine next steps.

Releases of deeds of trust, taxes and judgements will be secured prior to closing on applicable acquisitions, see appendix B.

Refusals

In the event the property owner(s) will not grant an easement in response to an offer, the City Council, as appropriate, shall direct the Department to deliver a final written offer to the property owner(s), or designee, by certified mail, return receipt requested. This final written offer will include a deadline for a response from the property owner(s) or designee.

In the event this final written offer is not accepted by the property owner(s), City staff will follow the Section outlining quick takes. No response by the property owner will be considered a rejection of the final written offer by the City. Completed refusal package will be submitted for City staff review.

Quick Take

In order to limit construction delay, the City is permitted statutorily to benefit itself of the so- called “quick take” procedures pursuant to Title 25.1, Chapter 3, Code of Virginia. City staff must ensure proper adherence to all procedures prior to initiating quick take procedures in accordance with the Code of Virginia.

Additional Considerations

The City may request the property owner(s) allow the Authority the right of entry onto a proposed easement prior to the City initiating an eminent domain proceeding and/or quick take procedures.

Right of entry forms could be utilized by the City on projects where temporary construction easements are needed.

ACQUISITION PROCEDURES AND POLICY MANUAL
CITY OF CHARLOTTESVILLE DEPARTMENT OF PUBLIC WORKS

APPENDIX A
RIGHT OF WAY CHECKLISTS

ACQUISITION PROCEDURES AND POLICY MANUAL
CITY OF CHARLOTTESVILLE DEPARTMENT OF PUBLIC WORKS

OFFER PACKAGE QA/QC CHECKLIST

PARCEL: _____

OWNER: _____

VDOT UPC: _____

- ☐ Does owner listed on Title/Actual Deed (provided in FULL Title) match documents.
 - o Offer Letter
 - o Option/Agreement – 1st paragraph/signature page
 - o Plan sheets
 - o Appraisal/BAR
 - o Mortgage Disclosure Authorization
- ☐ Do title dates look back 60 year?
 - o Is title effective date less than 60 days from offer date: _____
- ☐ Does acreage/SF match on:
 - o Plans
 - o Appraisal/BAR
 - o Offer Letter
 - o Option/Agreement
- ☐ If total take – is offer based on higher value of assessed or appraised value?
- ☐ Documents checked for spelling errors
 - o Landowners name spelled correctly
 - o Is project # correct
 - o Proper RW sheet #'s noted correct
 - o Offer letter grid and \$ matches appraisal/BAR
- ☐ Landowner offer package includes
 - o Offer letter – signed
 - o Option/agreement
 - o Appraisal/BAR
 - o Color plan sheets as appropriate
 - o W9
 - o Landowner guide
 - o Preliminary title report and any updates
 - o Mortgage information sheet if applicable
 - o Affidavit of authority if business

ROW Technician: _____ Date: _____

Reviewed by: _____ Date: _____

Approved by: _____ Date: _____

ACQUISITION PROCEDURES AND POLICY MANUAL
CITY OF CHARLOTTESVILLE DEPARTMENT OF PUBLIC WORKS

ACCEPTANCE PACKAGE CHECKLIST

PARCEL: _____

OWNER: _____

VDOT UPC: _____

- ☐ Signed copy of Negotiation Report
- ☐ Completed negotiation checklist
- ☐ Signed offer letter – by negotiator
- ☐ Copy of appraisal or BAR
- ☐ Copy of full title and any updates
- ☐ Signed W-9 form
- ☐ Signed mortgage disclosure
- ☐ Update Status Report dates and check landowner names in titles match the Status Report
- ☐ Signed option/agreement
- ☐ Signed affidavit of authority if applicable
- ☐ Signed utility easements if applicable
- ☐ Prepared Deed
- ☐ Justification letter for any increase (Administrative Settlement)
- ☐ Any copies of any correspondence referred to in contacts as being included
- ☐ Federal survey form
- ☐ Prepare notice to release parcel to construction
- ☐ Prepare check request draft

Prepared by: _____ Date: _____

Reviewed by: _____ Date: _____

Approved by: _____ Date: _____

ACQUISITION PROCEDURES AND POLICY MANUAL
CITY OF CHARLOTTESVILLE DEPARTMENT OF PUBLIC WORKS

REFUSAL PACKAGE (COT)

PARCEL: _____

OWNER: _____

VDOT UPC: _____

- ☐ 60-year title requested?
- ☐ Signed copy of Negotiation report
- ☐ Completed negotiation checklist
- ☐ Signed offer letter – by negotiator
- ☐ Copy of appraisal
- ☐ Copy of full title and any updates
- ☐ Mortgage disclosure authorization
- ☐ 3 full sets of colored plan sheets including color sheets, profile sheets, and entrance profile sheets – (utilities should be colored in) – 1 complete set of cross-sections all folded separately, not in a set
- ☐ 3 sets of ½ size colored plan sheets including color sheets, profiles, and entrance profiles, plus a complete set for each utility company involved (utilities should be colored in) – no cross sections, folded separately.
- ☐ W-9
- ☐ Prepared certificate
- ☐ Copies of all and any options, agreements, affidavit of authority (if applicable) and utility instruments
- ☐ Any copies of any correspondence referred to in contacts as being included
- ☐ Federal survey form
- ☐ Letter of intent to file certificate sent to landowner(s)/representatives

Prepared by: _____ Date: _____

Reviewed by: _____ Date: _____

Approved by: _____ Date: _____

ACQUISITION PROCEDURES AND POLICY MANUAL
CITY OF CHARLOTTESVILLE DEPARTMENT OF PUBLIC WORKS

APPENDIX B

TITLE RESEARCH AND CLOSINGS

ACQUISITION PROCEDURES AND POLICY MANUAL
CITY OF CHARLOTTESVILLE DEPARTMENT OF PUBLIC WORKS

TITLE RESEARCH AND CLOSINGS

ACQUISITION	TITLE RESEARCH	CLOSING
Temporary Easement	Current owner title examination	<\$20K – close subject to deeds of trust, taxes & judgments >\$20K – Staff Counsel to advise on closing subject to title objections
Permanent Easement	Current owner title (regardless of value)	<\$15K – close subject to deeds of trust, taxes & judgments >\$15K – Obtain release or subordination of deeds of trust. Close subject to judgments and taxes as no land acquired
Utility Easement		
Fee Acquisition – Partial Take	<\$5K – Current owner >\$5K <\$50K - 20 yr. search >\$50K – 60 yr. search	<\$10K – Close subject to deeds of trust, taxes & judgments >\$10K – Obtain partial releases of deeds of trust. Staff Counsel to advise on releases of judgments & taxes
Fee Acquisition - Total Take	60 year search (regardless of value)	Obtain releases of deeds of trust, judgments & taxes regardless of value
Condemnation	60 year search (regardless of value)	