

Sound Transit Property Acquisition Process Flow

Written “best guess” by CORE

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** CORE is not made up of lawyers, nor are we experts in the Eminent Domain Process. This document is made up of our best efforts to interpret various documents provided by Sound Transit, mostly through Public Records Requests. This should be viewed as directionally only rather than as fact. To know your rights in full, it is best to talk to a lawyer skilled and experienced in Eminent Domain.*

Step 1: Notification

- Sound Transit will notify the owner in writing of Sound Transit's interest in acquiring your property; the basic protections provided to the owner and the Procedures. This letter is delivered by mail, is property owner required to acknowledge it?
- The Notification informs the property owner of Sound Transit's interest in acquiring the property. The notification letter must include:
 - The name and contact information of Sound Transit representative assigned to the property
 - The description and location of the property and Sound Transit intends to acquire it.
 - Explains Sound Transit will conduct an appraisal of the property and make an offer based on the fair market value
 - Explains the owner has the right to obtain an independent appraisal at their own expense (reimbursable by ST)
 - Explains Sound Transit will provide relocation assistance and payments to eligible displaced persons
 - Explains Sound Transit use eminent domain if voluntary agreement cannot be reached
 - Does not explain anything the Appraisal Process.

Step 2: Hire a lawyer at this point or after the actual Appraisal Offer is received (Step 4)

- Sound Transit does not provide a list of attorneys that specialize in property acquisitions
- Have the lawyer review the Notification Letter to assure it contains all necessary disclosures.

Key Question:

- How can a lawyer help at this point?

Step 3: Sound Transit Informs Property Owner an Appraisal Will Take Place

- (RCW 8.26.180) "Real property shall be appraised before the initiation of negotiations, and the owner or his or her designated representative shall be given an opportunity to accompany at least one appraiser of the acquiring agency during his or her inspection of the property"
- According to Sound Transit's "Real Property Acquisitions and Relocation Procedures and Guidelines" document they will send a letter about the Appraisal. It identifies the appraiser and explains the purpose of the appraisal. It requests the owner's cooperation in providing information about the property, such as income and expense data, leases, surveys, etc. The appraiser will also contact the owner or the owner's representative to arrange a time to inspect the property.
 - The appraisal letter will include:
 - The identity of the appraiser and the purpose of the appraisal
 - The request for the owner's cooperation in providing information about the property, such as income and expense data, leases, surveys, etc.
 - Contact information of the appraiser and the date and time of the inspection
 - The explanation that the owner has the right to accompany the appraiser during the inspection
 - That the owner has the right to obtain an independent appraisal
 - The explanation that Sound Transit will make an offer based on the fair market value of the property as determined by the appraisal
- Sound Transit has the right to conduct the appraisal without the property owner's permission
- Does not require the property owner to acknowledge receipt of the letter before Sound Transit's appraiser can enter the property to make the appraisal.

Time Frame?

Key Questions:

- Does Sound Transit require a notification acknowledgment from Property owner?
- If so, how long can the property take to acknowledge it?

Key Questions:

- Does this letter require the property owner to acknowledge receipt of it? If so, how long can they take to acknowledge it?
- The rules appear to be contradictory. It says the appraiser will contact the owner to arrange a time to inspect the property, but also says it provides the date and time of the inspection.
- Sound Transit does not need the approval of the property owner to do an appraisal. If the property owner wants to be on site for the appraisal, how long realistically could they delay the appraisal?

Step 4: Sound Transit Appraisal Offer Delivered to Property Owner

- Appraisal offer confirmed in writing & delivered to owner or the owner’s representative to purchase real property; an interest in real property for the amount determined just compensation.
- The Appraisal Offer how much Sound Transit is willing to pay for the property; includes a summary statement; an appraisal describing the basis for the amount.
- Handbooks do not specify:
 - Appraisal Offer delivery method
 - If acknowledgement of the appraisal offer is required; time frame to acknowledge it.
 - Offer includes the 4-options property owner has

Step 5: Respond to the Appraisal Offer: 4 Options

- Sound Transit’s Property Acquisition & Residential Relocation Handbook says “owner has a reasonable opportunity to consider and respond
- Handbooks do not specify a fixed time limit; states Sound Transit “will make every effort to reach a voluntary agreement with the owner *within a reasonable time frame*”.
- Which offer is where property owners can review the appraisal and convenience documents?

The property owner pick one of 4 options

1. Accept offer & sign a purchase & sale agreement with Sound Transit
2. Reject offer; negotiate with ST for a higher amount
3. Reject offer and hire an appraiser at their expense to provide a counter-offer
4. Reject the offer, refuse to sell the property; means Sound Transit can eminent domain to acquire the property through court process

Time Frame?

Reject the offer, negotiate with ST for a higher amount

- Owner sends ST written counter-offer; includes the amount requested & basis for the amount
- Owner provides ST with additional information/evidence to support the counter-offer, such as an independent appraisal, market data, or other documentation
- ST reviews counter-offer and supporting information; determines if a revised offer is warranted
- ST communicates decision to owner in writing; explains reasons for accepting or rejecting it.
- If ST accepts counter-offer, “purchase and sale agreement executed”; transaction proceeds to closing
- If ST rejects counter-offer, owner can accept ST’s original offer; continue to negotiate until agreement is reached, or eminent domain initiated

Reject ST offer, hire appraiser at their expense to provide a counter-offer

- Owner must select “experienced and qualified independent fee appraiser” who meets “standards of ST and Uniform Standards of Professional Appraisal Practice (USPAP)
- The owner must inform ST of intention to obtain independent appraisal, provide name and contact information of appraiser
- Owner’s appraiser conducts detailed inspection of the property, prepares written appraisal report that includes fair market value of the property and basis for the value
- Owner must submit the appraisal report to ST with a written counter-offer; includes amount requested and basis for the amount
- ST reviews appraisal & counter-offer to determine if revised offer is warranted
- ST communicates decision to owner in writing; explains reasons for accepting or rejecting it
- If ST accepts the counter-offer, a purchase and sale agreement will be executed, and the transaction will proceed to closing
- If ST rejects counter-offer, the owner can accept ST’s original offer; continue to negotiate until an agreement is reached, or eminent domain is initiated

Key Questions:

- Does ST require a notification acknowledgment from Property owner?
- If so, how long can the property take to acknowledge it?

Key Questions:

- Amount of time owner has to decide which option they will take?
- If owner decides to have the appraisal reviewed where does that fit in?
- Is review required to be completed in certain time frame?

Key Question:

- What is the difference between these two options?
- If Sound Transit provided legal fees cover “attorney review of conveyance documents and appraiser fees a Sound Transit’s appraisal, can they be used here?”