

Eminent Domain: An overview of process

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Presentation Overview

- Review Benefits Provided by Sound Transit
- Site Selection
 - Property Rights to be Acquired
 - Fee Take
 - Easements
 - Temporary Easements
- Pre Litigation Negotiations
- Eminent Domain



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Review Benefits provided by Sound Transit

- \$7,500 in legal costs
- \$5,000 in appraisal costs
- \$2,500 in accounting fees
- Relocation Benefits if person or business is “displaced”.

Note: These are “up to” reimbursement amounts, not additional cash.

Site Selection

- The “Site Selection” is determined by numerous studies and final selection is made at a legislative level.
- In other words, the decision to build or not to build is ultimately a political decision.
- At this point the decision to take has been made based on engineering cost analysis.
- Take is based on engineering and city design standards, including ADA and safety standards.

Property Rights to be Acquired

- Three Basic Types of Property Rights Acquired
 - Fee Take – property transferred to agency.
 - Easement – defined uses of property transferred to agency with property owner retaining title and underlying use. Typically used for utilities.
 - Temporary Easements – allows the agency to temporarily use the property for construction purposes and full use returned to property owner in same or similar condition upon completion of the project.

Note: You do not get paid for currently owned right of way that you may be using. Public property cannot be adversely possessed.

Understanding the Process

- Chapter 8.26 RCW and Chapter 468-100 WAC, Uniform Relocation Assistance and Real Property Acquisition
- All Acquisitions start out as voluntary
- “Fair Market Value” must be determined
- “Fair Market Value” must be paid

Things to Remember

- You have the right to accompany the appraiser while they appraise your property
- You have the right to Legal Counsel (\$7,500 – ST Allowance)
- You have the right to obtain your own Appraisal (\$5,000 – ST Allowance)

*What happens if we
can't settle?*

The Eminent Domain Process

- Summons and Petition
- Public Use and Necessity Hearing
- Possession and Use
- Just Compensation Trial

Contact



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thank you.

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