INTRODUCTION
The Metropolitan Council provides services to the seven-county metro area that sometimes require it to acquire real property from private owners. This document tells property owners about their legal rights when the Council acquires their property and describes the steps in the process.

Minnesota law gives the Council authority to buy, condemn, own, and sell real property, including easements or other property rights. In some cases, the Council does not need to purchase the land or buildings, but only needs to purchase certain rights from the property owner. These rights may include permanent or temporary easements, which would give the Council the right to use the property for a limited purpose.

EARLY CONTACT
To determine how much property the Council needs, the Council may need to enter onto your land to perform a survey.

In addition, a field title agent may contact you to learn more about your property and your ownership interests in the land.

JUST COMPENSATION FOR YOUR PROPERTY
You have the right to receive just compensation for your property. The Council will set an amount it believes to be just compensation for any real property or interest in real property that it needs to acquire. Real property is defined as the rights and interests possessed in land, and generally includes whatever is built, growing on or affixed to the land.

In most cases, the Council will hire an independent appraiser to provide an estimated value of your real estate interest. The appraiser will want to inspect the property. The Council will attempt to contact you in order to give you the opportunity to accompany the appraiser and point out any unusual or hidden features that may contribute to the value of the property.

The appraiser is not allowed to consider an increase or decrease in the property’s value before the date of the appraiser’s valuation resulting from the Council’s project or the likelihood that your property will be acquired for the project. Any physical deterioration within your reasonable control will be considered in the valuation of your property.

The Council will determine the just compensation based on the appraisal. If the interest that the Council is acquiring has minimal impact on your property, the Council may perform a minimum damage acquisition, which means an interest in property that a qualified person with appraisal knowledge indicates can be acquired for $10,000 or less.

DIRECT PURCHASE
The Council will make a prompt offer to purchase the property for the full amount it has determined to be just compensation. The Council will present a written offer to you, which will include the amount offered and, in most cases, a copy of the Council’s appraisal. Along with the offer, you are entitled to have a formal valuation statement made of the property. If the acquisition would leave you with an uneconomic remnant, the Council may offer to purchase it.

The Council will not take any action to coerce you into accepting its offer. The Council is specifically prohibited from advancing the time of condemnation, deferring negotiations or condemnation, or postponing the deposit of funds in court for your use.

You will have a reasonable length of time to consider the Council’s offer. To help you make a decision, you may want to have your own appraisal done. If you choose to accept the offer, you will be asked to sign instruments granting the Council the right to purchase your property. The Council will, at its own expense, furnish all documents necessary to complete the sale, make the necessary examination of title, and record the instruments of conveyance.

Your payment will be processed after the documents have been recorded. If the Council is acquiring your entire property, you will be paid the full amount, minus any encumbrances (mortgage, lien, etc.) owed on your property; these will be paid directly to the holders of the encumbrances. If all or a major portion of your property is being acquired, all current and delinquent real estate taxes, as well as all special assessments, must be paid in full. The Council will make every reasonable effort to avoid litigation by acquiring your property through direct negotiation.

POSSESSION AND RELOCATION
Many of the Council’s property acquisitions do not require the property owners to relocate. But if you must move because your home is being acquired, or you must relocate your business or farm operation because of the property acquisition, in most cases you will be given at least 90 days written advance notice of the date by which you are required to move. If you have to move from your home, you will not be displaced until a decent, safe and sanitary replacement dwelling is available to you, on a nondiscriminatory basis. You are not required to surrender possession of your property until:

1. You have been paid the agreed purchase price, less any encumbrances owed, or
2. A deposit has been made with the court, for your benefit:
   a. In an amount not less than the Council approved appraisal, or
   b. The amount of the award of compensation in a condemnation proceeding. You are allowed to withdraw this deposit from the court if no other party named in the condemnation objects to your withdrawal.

According to federal law, you may be entitled to relocation assistance or payments, such as a housing supplement and for moving costs, re-establishment costs, incidental...
expenses and closing costs. The Council will review your eligibility for these items and will provide you with a separate relocation guide on relocation claims, including details of the relocation process and eligible payments and services.

DONATIONS
In addition to receiving compensation for your property, you also have the option to make a gift or donation of your property, or any part of it, to the Council. There may be tax benefits to you for donating your property to the Council.

CONDEMNATION
If you and the Council cannot reach an agreement on the purchase of your property, the Council may choose to acquire your property by exercising its power of eminent domain and filing a petition in condemnation with the district court. If the Council starts a formal condemnation proceeding, the Council will notify all parties with an interest in the property.

REIMBURSEMENT OF LITIGATION EXPENSES
In any one of the three situations described below, the Council must reimburse you for your reasonable costs, disbursements, and expenses, including reasonable fees for attorney, appraisal, and engineering you have actually incurred. These litigation expenses are reimbursable only under these conditions:

1. If the Council starts a condemnation action, but the court decides that the Council does not have authority to acquire your property by condemnation; or
2. If the Council starts a condemnation action and abandons it; or
3. If you as owner, successfully maintain an “inverse condemnation” proceeding. Inverse condemnation is a legal process by which an owner brings suit against the Council to prove that they have taken compensable property rights without payment of just compensation.

TAXPAYER IDENTIFICATION NUMBERS
The Internal Revenue Service (IRS) requires a property owner to furnish the Council with a Tax Identification Number before the Council makes the acquisition payment. The Council will provide an approved form (IRS W-9) and you must submit the completed form before payment can be made.

ADDITIONAL INFORMATION
This document is not a complete guide to property acquisition. You may or may not be eligible for certain benefits or compensation depending on the circumstances. For additional information, please consult with the representative from the Council’s Real Estate Office assigned to work with you.

COUNCIL COMPLIANCE
The Council will comply with the provisions of the Relocation Assistance and Real Property Policies Act of 1970, as amended (the “Uniform Act”). Revised rules for the Uniform Act were published in the Federal Register on January 4, 2005. The rules are reprinted each year in the Code of Federal Regulations, Title 49, Part 24. All federal, state and local government agencies as well as others receiving federal financial assistance for public programs and projects that require the acquisition of real property must comply with the policies and provisions set forth in the Uniform Act.