

In accordance with the Uniform Act and subsequent legislation, you may be entitled to relocation assistance or payments for such things as a housing supplement, moving costs, re-establishment costs, incidental expenses, and closing costs. The Council will review your eligibility for these items and will provide you with information on relocation claims, including details of the relocation process and eligible payments and services.

DONATIONS

You have the right to receive just compensation for the acquisition of your property. You are also entitled to have a formal valuation statement made of the property along with an offer of just compensation.

Property owners also have the option to make a gift or donation of their property, or any part thereof, to the Council. There may be tax benefits to you for donating your property to the Council.

CONDEMNATION

If agreement cannot be reached 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 institutes a formal condemnation proceeding, the Council will notify all parties with an interest in the property.

REIMBURSEMENT OF LITIGATION EXPENSES

If any one of the three following conditions exist, the Council must reimburse you for your reasonable costs, disbursements, and expenses, including reasonable attorney, appraisal, and engineering fees you have actually incurred. Such 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 payment can be made. The Council will provide an approved form (IRS W-9) and you must submit the completed form before payment can be made.

SUMMARY AND CONCLUSION

This document is not a complete guide to property acquisition and is not all-encompassing. You may or may not be eligible for certain benefits or compensation depending on the circumstances. Each property owner's circumstances may be different, and it may be beneficial to consult with a licensed attorney to understand your options.

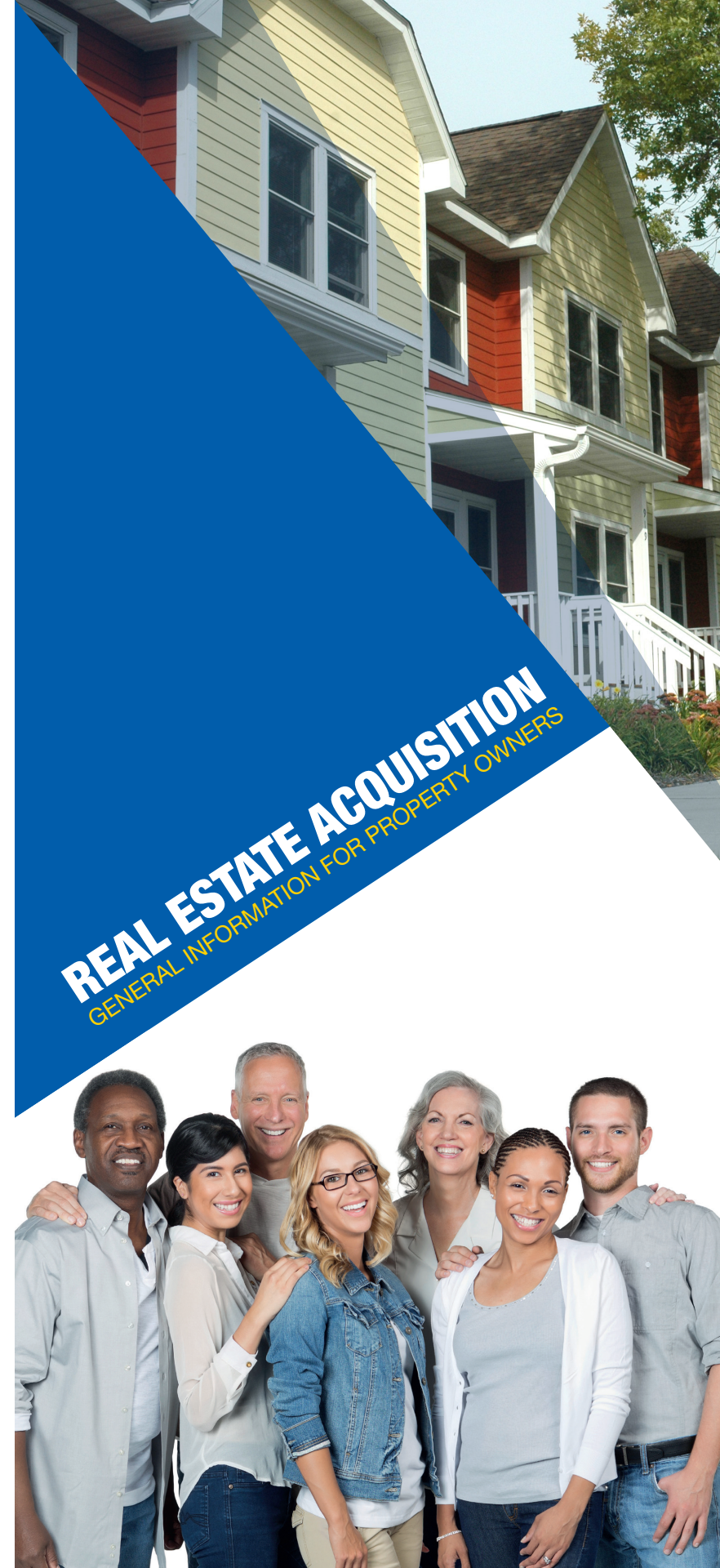
The Council will comply with the current provisions of the Relocation Assistance and Real Property Policies Act of 1970, as amended (the "Uniform Act"). The rules are reprinted each year in the Code of Federal Regulations, Title 49, Part 24. All federal, state, and local government agencies as well as 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.



Metropolitan Council
Real Estate Office
390 N. Robert St.
St. Paul, MN 55101

Phone: 651-602-1546
Fax: 651-602-1083
TTY: 651-291-0904

metro council.org



In carrying out its responsibilities, the Metropolitan Council may occasionally acquire privately owned real property. The purpose of this document is to inform property owners of their legal rights and to provide information about the acquisition process.

ACQUISITION INFORMATION FOR PROPERTY OWNERS

Under Minnesota law, the Council may acquire, condemn, own, hold, use, improve, operate, maintain, lease from or to, exchange, transfer, sell, or otherwise dispose of real property, easements, or other property rights or interests of any kind consistent with applicable governing laws, regulations, and Council policies.

In certain cases, the Council will not need to purchase the actual property but will only need to purchase certain rights from the property owner. These rights may include permanent and/or temporary easements. Easements are rights to use land on, above or below ground for a specific purpose and are most commonly granted for utilities (water, sewer, power, drainage) or may be for bus stops or transitways.

EARLY CONTACT

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

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

The field agent will likely ask you for information about your property to help prepare for the purchase. This might include a request for information about your mortgage or other agreements that may impact your property.

JUST COMPENSATION FOR YOUR PROPERTY

The Council will establish 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 erected, growing upon or affixed to the land.

In most cases, the Council will hire an independent fee appraiser to appraise the value of the 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 may not consider an increase or decrease in the property's value prior to the date of valuation that results from the 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 just compensation to be offered for the property based on the appraisal. If the interest the Council is acquiring has minimal impact on your property, the Council may perform a minimum damage appraisal.

DIRECT PURCHASE

The Council will make a prompt offer to purchase the property for the full amount it has determined to be just compensation. A written offer will be presented to you, which will include the amount offered and in most cases will include a copy of the Council's appraisal. If the acquisition would leave you with 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 aid in your decision, you may wish to secure your own appraisal. If you elect 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.

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 less any encumbrances (mortgage, lien, etc.) owed on the 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.

POSSESSION AND RELOCATION

Many property acquisitions do not require the property owners to relocate. However, if you must move because your home or business is being acquired, or if you must relocate your business or farm operation because of the acquisition of your property, 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, in an amount not less than the Council approved appraisal, or the amount of the award of compensation in a condemnation proceeding. You can withdraw this deposit from the court if no other party named in the condemnation objects to your withdrawal.

To ensure fair and consistent treatment of all displaced persons and businesses, the Council follows the Relocation Assistance and Real Property Policies Act of 1970, as amended (the "Uniform Act").

