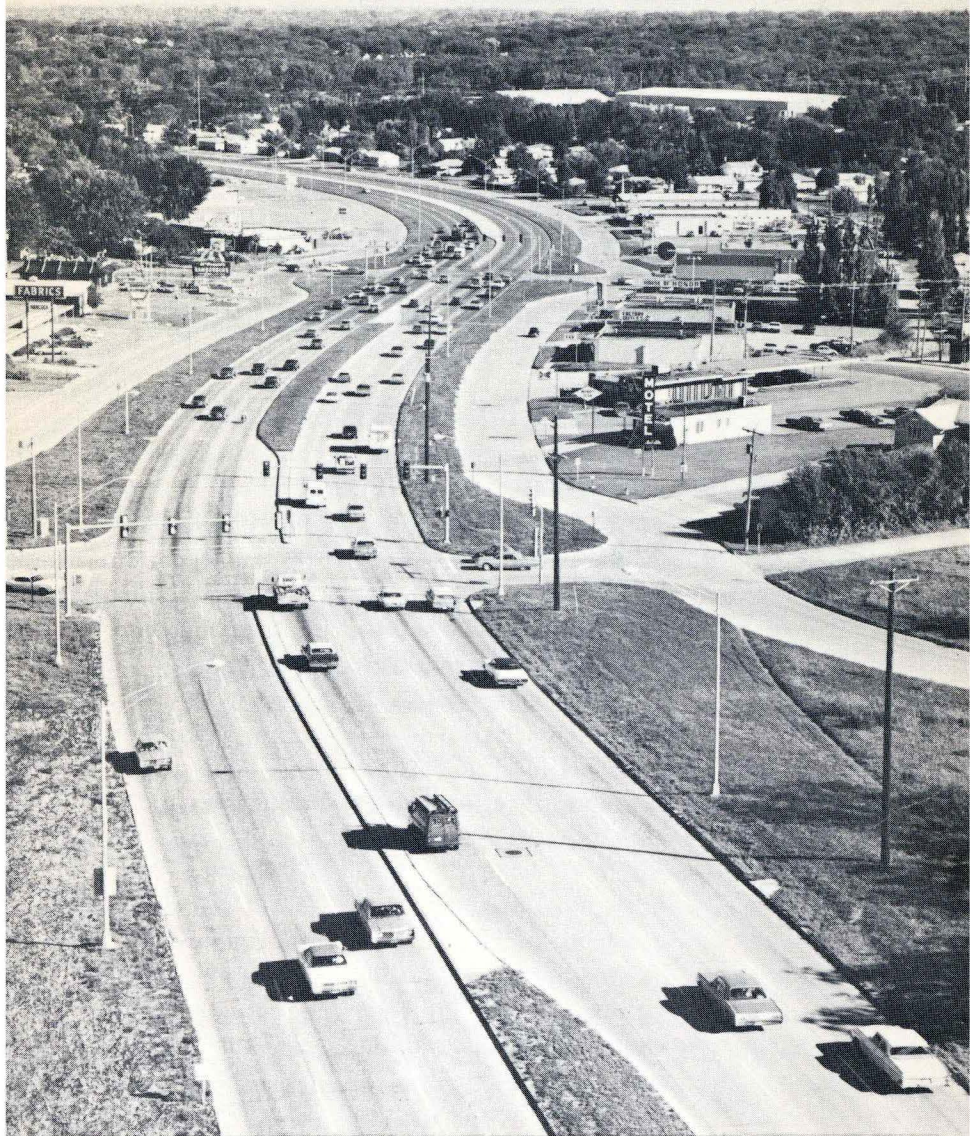


# HIGHWAYS and YOUR LAND



**Iowa State Highway Commission**

Ames, Iowa

## HIGHWAYS AND YOU

Usually highway engineering, design and right-of-way acquisition are not a matter of immediate concern to you. It is only when you own property through which a highway may be constructed that you begin to consider road building and right-of-way acquisition from a different and very personal viewpoint.

The State, because it is acting for the public and in the public interest, must acquire the property at a fair market price. This price is arrived at after a careful appraisal study of the property.

The procedure of right-of-way acquisition is divided into four main categories, each requiring special work by trained personnel. The steps involved are right-of-way design, appraisal, relocation assistance and acquisition. These separate steps will be presented in the following pages.

## COVER

U.S. 218 highway in Waterloo-Cedar Falls. New, well lighted, six lane, signalized facility with adjacent service roads vastly improves traffic flow while providing convenient and safe access to adjoining commercial and residential development.

**STEPS IN PLANNING, DESIGN  
AND ACQUISITION OF LAND  
FOR A HIGHWAY**

1. Traffic Surveys
2. Programming
3. Preliminary Engineering
4. Public Hearings
5. Final Road Design
6. Right-of-Way Process
7. Right-of-Way Design
8. Right-of-Way Appraisal
9. Right-of-way Acquisition
10. Relocation Advisory Assistance
11. Eminent Domain
12. Construction
13. Benefits Available to Persons Transferring Land to the State for a Highway Project
  - A. Transfer Costs
  - B. Mortgage Balances
  - C. Farm Drain Tile Lines or Outlets
  - D. Retention of Buildings and Improvements
  - E. Uneconomic Remnants
  - F. Income Tax

## 1. TRAFFIC SURVEYS

To help decide where highways will be built, information concerning highway travel is gathered by an interviewer along with trip data from thousands of motorists. The starting point and destination are analyzed and become part of an origin - destination survey. Many other studies, including traffic surveys, road user benefit analyses, and traffic corridor locations, are the basis for road improvements. The data is generated by the road user and developed into a highway improvement by the Commission.

## 2. PROGRAMMING

To "program" a proposed highway construction project for the future means that someone must decide where the work is needed, what kind of improvement to build, when it should be started, and if construction funds will be available at the time that work is scheduled. The Division of Planning makes project recommendations to the Highway Commission each year. The Commission then publishes a Five-Year Primary Highway Construction Program, outlining a continuous five-year road program for Iowa.

## 3. PRELIMINARY ENGINEERING

In this phase, the location engineer studies the terrain and determines the most feasible and economical route for the highway consistent with the effects on property, individuals and the environment. He must consider the displacement of people and the availability of replacement housing. He must consider the effects of the highway on institutions, parks, recreational facilities and other resources and what economic, social and environmental effects the highway will have on the community.

Then preliminary surveys are started to measure distances, elevations and topography. They determine location of buildings, rise and fall of the land, drainage and many other topographical features. This information is then turned over to the Design Engineer to prepare final plans.

#### 4. PUBLIC HEARINGS

One or more public hearings, or opportunities for public hearings are offered on all highway projects. These hearings serve as an opportunity to inform the public and interested persons of the nature of the proposed highway project. The purpose of a public hearing is to present to the public all the facts gathered to date about a proposed project, to explain the land acquisition and relocation assistance programs and to hear points of view on the project.

This is an opportunity to speak in favor of or against the project and to ask questions. Everyone is urged to attend and to take part in the meeting.

Public opinion is valuable to the Highway Commission. It provides facts which aid in a final decision on the proposed project.

After the hearing is held, a transcript of the proceedings is reviewed by the engineering staff and submitted to the Highway Commissioners. Their approval is required before the project can move into the next stage. The hearing transcript is submitted to the Federal Highway Administration when their approval is necessary.

## 5. FINAL ROAD DESIGN

After a corridor for the new highway has been selected, presented to the public, and the project approved by the Commissioners and the Federal Highway Administration, final design plans can be started. These plans will set out in detail how the contractor will build the highway and specify materials to be used.

## 6. RIGHT-OF-WAY PROCESS

When project road designs are complete, Right-of-Way Department personnel begin the detailed job of right-of-way design, appraisal, relocation assistance and acquisition.

## 7. RIGHT-OF-WAY DESIGN

Design requirements are reviewed and right-of-way lines are established that are most compatible with present and future land use. The next step in the right-of-way process is known as title search and consists of finding the correct and legal ownership of all properties affected by the project. All of this information is put into a parcel file. Each property has its own file and is kept separate from other properties on the project.

All properties affected by the highway improvement are shown on the plans as well as the area that will be needed for right-of-way. Other details such as drainage structures, farmsteads, roads, buildings, etc., are also shown.

A property plat of each parcel needed is prepared and a certificate of title is requested from a local abstractor.

## 8. RIGHT-OF-WAY APPRAISAL

Three basic appraisal approaches are accepted and used nationwide in determining the value of property. Briefly they are market approach, cost approach and income approach.

Appraisers are specialists in their field. They are not only thoroughly trained but often have extensive experience in farm management, farm sales and various types of urban real estate. It is their job to estimate how much a certain property is worth and what damage the building of a highway may cause to the property.

After a careful study of the property, the appraiser makes a definite estimate of its fair market value. When only a part of the property is taken, he also makes an estimate of the fair market value of the remainder. The difference is the legal measure of damage which a property has suffered. All of the appraisals are then analyzed by qualified review appraisers before acquisition can begin. The purpose of this review is to assure that all elements of damage have been considered.

## 9. RIGHT-OF-WAY ACQUISITION

The amount offered by the acquisition agent will be based upon an appraisal. The offer is an estimate of just compensation as required by the Constitution and interpreted by the courts. Just compensation is defined as the highest price, estimated in terms of money, which a property will bring if exposed for sale in the open market allowing a reasonable time to find a purchaser who buys with knowledge of all the uses to which it is adapted for which it is capable of being used.

When the acquisition agent calls on you, he will answer questions which might arise concerning drainage, tile lines, buildings, crops that may be destroyed before maturity, grade changes, etc. In most cases, right-of-way is acquired by agreement. After agreement is reached, a contract is signed and presented to the Highway Commissioners for their approval. Where title conditions permit, a partial payment of the purchase price is available within 45 days after signing the contract.

Reasonable time will be allowed for you to vacate property acquired. You will not be required to move sooner than 90 days from the date the State makes the first offer to acquire your property. Written notice specifying the date the property must be vacated will be given you at least 30 days prior to the required vacation date. The 30 day written notice will not be issued until you have received payment from the State as agreed, or the money has been deposited by the State as prescribed by law.

The acquisition agent will arrange payment at the earliest possible date. If an abstract of title is required, the owner can expedite the payment by early delivery of the abstract to the State Highway Commission representative. Abstracts are usually delivered to the Right-of-Way Department Fiscal Control Section Supervisor, whose name and address will be furnished.

## 10. RELOCATION ADVISORY ASSISTANCE

The Highway Commission provides a Relocation Advisory Assistance Program for all persons displaced by a highway project. It is the intent of this program to insure that those persons being displaced do not suffer disproportionate injuries as a result of highway programs.



If you are required to vacate your home, a State Relocation Assistance Agent will help you find another. Once relocated, your relocation assistance payment will be available promptly after you submit a claim.

The program assists owners and tenants being displaced by the highway project to find decent, safe and sanitary housing. It offers payments to landowners, tenants, businesses, farm operators and non-profit organizations for various moving expenses. It offers additional payments to owner-occupants of homes and residential tenants where necessary to relocate them into comparable decent, safe and sanitary housing. Owner-occupants of homes and residential tenants are also eligible for certain incidental closing and transfer costs incurred in the purchase of replacement housing.

A business or farm operator is eligible for actual, reasonable moving expenses and actual or direct losses of tangible personal property as a result of moving. He may receive actual, reasonable expenses in search for a replacement location. Non-profit organizations are entitled to receive payment for their actual reasonable moving expenses.

A business or farm operator, under certain conditions, may elect to receive a fixed payment in lieu of actual, reasonable moving expenses based upon his past earnings.

The Highway Commission's Relocation Assistance Program is staffed with full-time field agents to assist with relocation problems.

At the time negotiations begin, a written offer to pay relocation benefits will be made. This amount is in addition to the offer for the purchase of right-of-way.

Any person dissatisfied with a determination as to eligibility or amount of relocation payment may have his application reviewed by the Highway Commission.

## 11. EMINENT DOMAIN

If the State's acquisition offer is rejected, fair market value will be determined in the course of eminent domain proceedings (Commonly referred to as condemnation). Eminent domain is an inherent power, based upon the sovereignty of the State, over all property within its domain and is necessary to assure that the public welfare is best served.

A court appointed compensation commission will determine the amount of money to be paid for the land and improvements being acquired and damages to the remainder. Their award is final unless, within thirty days of the mailing of the notice of the award by the Sheriff, either party appeals to the District Court.

The State will deposit the amount of the compensation commission's award with the Sheriff of the county in which the land is located. With this deposit, the State obtains the right of possession and may proceed with the highway project.

In the event that an owner-occupied property or a "dwelling, outhouse, orchard or garden" is located within the right-of-way, physical possession may not be taken until all damages have been determined and paid, or until 180 days after the date of the filing of the award of the compensation commission with the Sheriff.

## 12. CONSTRUCTION

All right-of-way must be acquired before construction contracts can be advertised for bids. Once the right-of-way is acquired, contractors may bid on the work at public lettings. Results of the lettings are presented to the Highway Commission which awards the construction contract for the work to be done.

Many separate contractors may have agreed to do work on a single project. Building bridges and culverts, grading, paving and erosion control are all specialized segments of a highway construction project. Each requires the special skills and experience of various contractors.

## 13. BENEFITS AVAILABLE TO PERSONS TRANSFERRING LAND TO THE STATE FOR A HIGHWAY PROJECT

**A. TRANSFER COSTS:** The Highway Commission will reimburse landowners for the fair and reasonable expenses necessarily incurred for the transfer of land to the State. These expenses include recording fees, mortgage release payments, transfer taxes, abstract continuation costs and similar expenses necessary and incident to the transfer of the land to the State.

Penalty costs for pre-payment of any pre-existing recorded mortgage entered into in good faith are considered costs incident to your transfer of land to the State. All such costs will be reimbursed or paid by the State.

**B. MORTGAGE BALANCES:** Payment of mortgage balances can be arranged out of the proceeds of the sale if so desired by the owner.

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**DISTRICT OFFICES**

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**District 3  
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Sioux City, Iowa 51100**

**District 4  
East Highway 6  
Atlantic, Iowa 50022**

**District 5  
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**District 6  
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Cedar Rapids, Iowa 52400**

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Iowa State Highway Commission

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