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**3-1 Abbreviations**

The following standard abbreviations may be used within the Real Estate Services Office (RES) without further explanation. In correspondence outside RES, abbreviations are not used. When using an abbreviation other than those given below, the abbreviation is defined by showing it in parentheses at the first opportunity in the text, e.g., right of way (R/W).

AASHTO	American Association of State Highway and Transportation Officials
AAG	Assistant Attorney General
AG	Attorney General
AGO	Attorney General's Office
AIREA	American Institute of Real Estate Appraisers
ALTA	American Land Title Association
AOS	Administrative Offer Summary
BLM	Bureau of Land Management
CFR	Code of Federal Regulations
CS	Control Section
DNR	Department of Natural Resources
DSS	Decent, Safe, and Sanitary
DV	Determination of Value
EIS	Environmental Impact Statement
FA No.	Federal Aid Project Number
FHA	Federal Housing Administration
FHWA	U.S. Department of Transportation, Federal Highway Administration
HES	Highway Engineer's Station
HQ RESM	Headquarters Real Estate Services Manager
I.C. No.	Inventory Control Number
IRIS	Integrated Realty Information System
IR/WA	International Right of Way Association

J&D	Judgment and Decree of Appropriation
LLC	Limited Liability Company
L No.	Location Job Number. An accounting code number with an “L” prefix used in conjunction with Preliminary Engineering
NEPA	National Environmental Policy Act
OAPU	Order Adjudicating Public Use and Necessity
OIPU	Order of Immediate Possession and Use
PAS	Property Acquisition Specialist
P&U	Possession and Use Agreement
PC	Preliminary Commitment for Title Insurance
PFE	Project Funding Estimate
PRM	Partial Release of Mortgage
QCD	Quitclaim Deed
RA	Regional Administrator
RCW	Revised Code of Washington
RES	Real Estate Services
RESM	Real Estate Services Manager
R/W	Right of Way
RW No.	Right of Way Job Number
R/W Project No.	Right of Way Project Number
SEA	Statutory Evaluation Allowance
SEPA	State Environmental Policy Act
SR	State Route
SREA	Society of Real Estate Appraisers
STIP. P&U	Stipulated Order of Immediate Possession and Use
STR	Supplemental Title Report
UAB	Urban Arterial Board
USC	United States Code
USFS	United States Forest Service
WAC	Washington Administrative Code
WASHTO	Western Association of State Highway and Transportation Officials
WD	Warranty Deed
WLTA	Washington Land Title Association
WPI	Washington Patten Jury Instructions
WSDOT	Washington State Department of Transportation

## 3-2 Glossary

This glossary defines terms that are used in RES activities. Not included are terms that are defined by RCWs, WACs, AASHTO, FHWA, or a standard dictionary. In correspondence outside RES, it may be necessary to explain special expressions.

**Access Control** – The limiting and regulating of public and private access to Washington State’s highways as required by state law.

**Acquired Dwelling Unit** – The portion of the lands acquired for a public works project that includes all improvements of a residential nature serving the displaced person.

**Administrative Offer Summary (AOS)** – The approved form used as a basis for offers on low-value, uncomplicated process. Also referred to as a waiver of an appraisal for such properties.

**Adverse Possession** – A method of acquiring title to the land of another by actual, open, notorious, continuous, hostile, and exclusive holding of the land for a statutory period. An easement acquired by this method is a “prescriptive easement.” Title reports are often silent on adverse possession; therefore, these rights are determined by actual inspection of the property. To be compensable these rights must be perfected by a court action.

**Appraisal** – An opinion of value; the act or process of developing an opinion of value.

**Appurtenance** – Something which is joined or attached to property. When an easement benefits a property, it is an “appurtenance”. In order to be an appurtenance, an easement must be necessary for the enjoyment of the lands benefitted. A warranty deed conveys the appurtenant easement even if the easement is not mentioned in the deed.

**Assigns** – Those who take from the assignor whether by conveyance, devise, descent, or operation of law.

**Attorney in Fact** – A fiduciary (agent, representative) appointed by and empowered to act for a principal (a person or a corporation). The attorney in fact for a person is empowered by the principals having executed a power of attorney. The power of attorney may be either for a general or for a specific purpose. The attorney in fact may act only while the principal is alive and of sound mind, when the power of attorney permits the act, and provided that the power of attorney has not been superseded or revoked. The Attorney(s) in Fact of a corporation are those officers of the corporation who are empowered by the corporation’s articles of incorporation to act for the corporation.

**Call** – A part of a legal description which combines a direction and a distance, e.g., “thence North 0°17’ East 506 feet” or “thence along the said easterly boundary to the county road.” A series of “calls” locate and enclose a tract in a “metes and bounds” description.

**Color of Title** – An instrument or set of facts that give the appearance of title, but do not prove title.

**Condemnation** – The department’s use of eminent domain through court proceedings for lands and/or property rights needed for highway projects.

## Date

**Clear Date** – Discipline specific dates displayed in the parcel summary in IRIS indicating that the parcel is ready to certify as available for construction.

**Closing Order Date** – The date on which the acquisition instrument(s) and appropriate instructions are sent to the title company for processing and recording.

**Initiation of Negotiations, Date of** – The date on which the state makes the first personal contact with the parcel owner (or his designated representative) where price is discussed. This is also the date of the state’s initial Firm Offer Letter. The “date of initiation of negotiations” for a project is the earliest date of initiation of negotiations for any parcel (except advance acquisitions) on the project.

**Payment Available Date** – The estimated date on which the owner receives the state’s warrant, or the date of payment into the court or out of an escrow closing.

**Property Management Certified Clear Date** – The date upon which no one other than the state has a valid interest in any remaining improvements on the parcel.

**Relocation Certified Clear Date** – The date upon which all displaced persons and/or personalty are off the parcel.

## Deed

**Bargain and Sale Deed** – A deed in which the grantor makes no warranty. Any title that the grantor has or later acquires passes under this deed to the grantee.

**Sheriff’s Deed** – A deed given to the holder of the sheriff’s certificate after expiration of the redemption period. The certificate results from the foreclosure of a lien or mortgage.

**Trust Deed** – A deed in which the grantor conveys legal title to property to a trustee and states the authority and conditions binding the trustee in dealing with the property. Similar to a mortgage, this deed secures a debt to real property.

**Egress** – Right to go out or exit.

**Excess Right of Way** – Property acquired as operating right of way (R/W) but no longer needed as such. A plan revision mapping the excess R/W area is necessary prior to disposal.

**Fair Market Value** – The amount in cash which a well-informed buyer, willing but not obligated to buy the property, would pay, and which a well-informed seller, willing but not obligated to sell it, would accept, taking into consideration all uses to which the property is adapted or may be reasonably adaptable. (WPI 150.08)

**Geographic Information System (GIS)** – A system of people, institutions, and information technologies for collection, storage, analysis, transformation, and presentation of geographic information.

**Habitable Floor Space** – That space used for sleeping, living, cooking, or dining purposes. Excludes such enclosed places as closets, pantries, bath or toilet rooms, service rooms, connection corridors, laundries, unfinished attics, foyers, storage spaces, cellars, utility rooms, and similar spaces.

**Highway Engineers Station (HES)** – A precisely located survey point measured in increments of 100 feet. When noted on the map these usually have the station ID plus some distance from that station, for example 63 + 34.21. These are specific to WSDOT.

**Household Income, Gross** – Income from all sources, including amounts paid directly to the family (or individual) through public assistance agencies or programs.

**Ingress** – Right or permission to enter.

**Inner Harbor Line** – A line determined by the State Harbor Line Commission which is located and established in navigable tidal waters between the line of ordinary high tide and the outer harbor line and constituting the inner boundary of the harbor area.

### **Interim Use Improvement Value**

1. The difference, if any, between the value of land under a highest and best use premise if vacant and the value of the property under its present use as improved.

2. The amount of value contributed by a building which is an under-improvement by reason of a change in the highest and best use of the land on which it is located.

**Inventory Control Number (IC No.)** – An identification number assigned to each parcel of real property or real property interest owned or controlled by WSDOT entered into the Real Property Inventory.

**Judgment and Decree of Appropriation (J&D)** – A court order setting over to the state of Washington, for the benefit of the public, the title to personal and/or real property or property rights. The State Constitution requires that just compensation must be paid for the acquisition of the property or property right. There are three forms of J&Ds:

**Stipulated** – Following an out-of-court settlement between the condemning agency and the property owner, the court approves the stipulation and the order is entered in accordance with the terms of the stipulation.

**Court** – The order resulting from a nonjury trial in which the judge decides the just compensation.

**Jury** – The order resulting from a jury trial in which the jury decides the just compensation.

**Life Estate** – A freehold, i.e., a real property estate, the duration of which is measured by the life of the person holding it or by the life of some other person.

**Limited Access Highway** – All highways listed as “Established L/A” on the Master Plan for Limited Access Highways only where the rights of direct access to or from abutting lands have been acquired from the abutting landowners. Levels of limited access include: full, partial, modified.

**Local Improvement District (LID)** – A minor governmental subdivision having the power of taxation established to install a public improvement (e.g., water, sewer) in an area. The improvement is funded by assessments against the parcels real property in the LID’s area. These assessments become encumbrances against the respective parcels.

**Managed Access Highways** – Any highway not listed as “Established L/A” on the Master Plan for Limited Access Highways and any highway or portion of a highway designated on the Master Plan as “Established L/A” until such time as the limited access rights are acquired. Under managed access legislation, the property owner’s access rights are regulated through an access connection permitting process.

**Meander Line** – A “meander line” is a surveyed line made up of straight segments which theoretically approximate the line ordinary high tide or line of ordinary high water to delineate between uplands and tidelands or shorelands.

**Mortgage Balance** – The amount of the principal balance on the date that the mortgage is paid off by the acquiring agency.

**Nonoperating Property (Utility)** – Property held by a public or private utility by fee title, easement, lease, etc., and which is not presently integrated as a part of a public service network.

**Nonoperating Property (Departmental)** – Waste sites, pits, stockpile sites, maintenance sites, drainage and stream easements, and other such lands or easements required or used in the support of the construction and/or operation of a vehicular public way.

**One Buyer-Seller Concept** – An appraisal theory which holds that the total value of the separated remainders of a severed parcel is limited to the amount which one buyer would pay and one seller would accept, under the market value definition, for all of such remainders in a single transaction. This is distinguished from the sum of the amounts which multiple buyers would pay for the remainders if sold individually.

**Operating Property (Utility)** – Property held by a public or private utility by fee title, easement, lease, etc., and which is presently a part of a functioning public service network, e.g., a railroad or power transmission right of way.

**Operating Property (Departmental)** – The space above, at, or below the grade line of all completed highways, as well as the area alongside the traveled way within the right of way lines.

**Order Adjudicating Public Use and Necessity (OAPU)** – A court order establishing that the property and/or property rights sought are necessary for use by and for the benefit of the general public.

**Order of Immediate Possession and Use (OIPU)** – A court order confirming a written agreement between the condemning agency and the property owner which has been entered in the court. The written agreement stipulates that, upon payment of a specific amount of money into the registry of the court, the condemning agency is entitled to take possession of the property and that the just compensation will be decided by a later court action. Subject to the interests of other interested parties, the property owner is entitled to withdraw the funds from the court. (Also see [Possession and Use Agreement](#).)

**Outer Harbor Line** – A line determined by the State Harbor Line Commission which is located and established in navigable tidal waters beyond which the state shall never sell or lease any rights whatsoever.

**Person** – For the purposes of the Relocation Assistance Program, includes a partnership, company, corporation, or association as well as an individual or family.

**Possession and Use Agreement** – A negotiated instrument in which the state and the property owner agree that, upon payment of a certain amount to the property owner, the state is entitled to immediate (or dated) possession and use of the property and that the final settlement will be decided at a later date.

### **Project Number**

**Construction Project Number** – A seven-digit alphanumeric identifier that correlates the construction project with right of way project.

### **Project Title**

**Construction Project Title** – The generic description of the route and termini of a construction project. The specific wording is shown in the title block of the PS&E. Engineering and fiscal considerations often result in a single right of way project being divided into several construction projects. Therefore, it is possible for a parcel to be associated with several construction projects.

**Right of Way Project Title** – The generic description of the route and termini of a right of way project. The specific wording is shown in the title block of the right of way plan and is exactly duplicated whenever used to identify the project.

**Sundry Site Project Title** – Projects involving sundry sites are identified by the name of the county. A materials site for use on a roadway project is identified by two titles: (1) The Sundry Site Plan name and site number; (2) The words “For use on” followed by the official name of the related right of way project, e.g., “Thurston County Sundry Sites, Pit Site No. PS-J-100. For use on SR 5, Lewis County Line to Tumwater.”

**Real Property Inventory** – An itemized list or catalog of all real property or real property interests owned or controlled by WSDOT and located outside the operating right of way limits.

**Redemption** – The right given to a judgment debtor (and to certain others) to redeem the property foreclosed within a time period specified by statute. The property is subject to the right of redemption from the time of the sheriff’s sale until the sheriff’s deed is delivered.

**Reliction** – The uncovering of land formerly covered by water.

**Replacement Housing Payment (RHP)** – Any one or certain combinations of payments authorized to be paid to an eligible displaced persons to enable such displaced persons to obtain replacement housing. There are five types of authorized payments, as follows:

**Incidental Purchase Expense** – The amount necessary to pay or reimburse an eligible displaced persons for certain actual costs incurred incidental to the purchase of an eligible replacement dwelling. These include, but are not limited to, recording fees, escrow fees, title insurance premiums, appraisal fees, credit report fees, home inspection fees, revenue stamps, and transfer taxes. (Does not include prepayment of any expenses.)

**Mortgage Interest Differential Payment (MIDP)** – The amount, as determined by the agency, necessary to compensate an eligible 180-day owner occupant for increased costs required to obtain a replacement mortgage for the purpose of purchasing an eligible replacement dwelling.

**Price Differential** – That amount, in addition to the acquisition cost paid by the acquiring agency, which is necessary to enable an eligible displaced person to purchase an eligible replacement dwelling.

**Rent Supplement** – The amount, determined by the displacing agency, necessary to compensate an eligible displaced person for the increased cost of leasing or renting an eligible replacement dwelling.

**Down Payment Allowance** – The amount, determined by the displacing agency, which is necessary to enable an eligible displaced person to make a down payment (including incidental purchase expenses) on the purchase of an eligible replacement dwelling.

**Satisfaction of Mortgage** – Either an instrument or a marginal notation on the face of the mortgage itself which shows that the mortgage lien has been released.

**Sheriff's Certificate of Sale** – The document given to the purchaser at a sheriff's sale under foreclosure.

**State Highway System** – All roads, streets, and highways designated as state routes in compliance with [Chapter 47.17 RCW](#).

**State Route Mile Post** – A linear referencing system measurement value used to assign a logical number to a given point along a state route.

**Successor** – One who assumes the place of another and fills the role or position.

**Sundry Site** – Any site under the authority of the department which is used (or is intended for use) for pit, quarry, stockpile, common borrow, riprap, maintenance, park and ride, ferry terminals, airports, etc.

**Surplus Property** – Property not acquired as operating right of way (e.g., pit sites, maintenance sites, uneconomic remnants) and is no longer needed. Disposal proceeds without a plan revision, unless part of the surplus area, is to be used as operating right of way.

**Tax Roll** – A record of all taxable property which includes the assessed value, the current milage rate, and the resulting tax.

**Tenancy in Common** – A form of coownership of real or personal property by two or more persons without survivorship and property interests pass by devise and descent to the heirs of a deceased coowner or as directed by the will of the deceased.

**Tenancy, Joint** – A form of coownership of real or personal property by two or more persons permitting the right of survivorship where said property passes to the surviving coowner(s) without probate proceedings.

**Thread of a Stream** – The center of the fastest moving part of the main channel of a stream.

**Tide Lines** – Each day there are two high tides and two low tides. The two low tides are the “short run out” which is called the LOW TIDE, and the “long run out” which is called the LOWER LOW TIDE. By the same token, the two high tides are call HIGH TIDE and the HIGHER HIGH TIDE. The average of all “low” and “lower low” tides is called the MEAN LOW TIDE. The average of all “lower low” tides is called the MEAN LOWER LOW TIDE. The lowest line on the land reached by a receding tide is called the EXTREME LOW TIDE. Likewise, the MEAN HIGH TIDE is the average of all “high” and “higher high” tides; MEAN HIGHER HIGH TIDE is the average of all “higher high” tides; and EXTREME HIGH TIDE is the highest line on the land reached by an incoming tide.

**Trial Attorney’s Certificate** – A statement signed by the Assistant Attorney General who is assigned to the particular case reciting the findings and orders of a court and certifying that the award is due and payable. The certificate is accompanied by a request for a warrant.

**Trial Attorney’s Closing Report** – A statement signed by the Assistant Attorney General who is assigned to a particular case, setting forth the circumstances which resulted in the J&D. If the J&D was stipulated, this statement includes the rationale for entering into the stipulation.

**Turnback** – A general term including certifications and relinquishments used to describe the conveyance of real property to local agencies. Property used during construction phase returned to a party after work is complete.

**Uneconomic Remnant** – A parcel of real property in which the owner is left with an interest after the partial acquisition of the owner's property and which the agency has determined has little or no value or utility to the owner (49 CFR Part 24.2(27)).

**Washington Pattern Jury Instructions (WPI)** – The collection of instructions that are given to a jury by the judge for deliberation during a trial. The instructions are based on case law resulting from civil lawsuits.

**WSDOT Parcel Number** – A number assigned to a parcel geometry. Parcels have a region code (1-6) and then a dash followed by a five digit number.

### 3-3 The Acquisition Process

- A. **Project Scoping.** In the early stages, RES personnel may be involved in interdisciplinary teams to identify ownerships and participate in analyses of various routes.

The first major Region RES involvement is in preparation of the Preliminary Funding Estimate for a project.

- B. **Appraisal/Review.** A separation of functions maintains the integrity of the acquiring agency's transactions. Thus, the appraisal, appraisal review, and negotiations for a parcel are performed by three different persons. If two or more appraisals are required for a parcel, only one appraisal is assigned to a staff appraiser from the region in which the parcel is located. The additional appraisals are made by either a staff appraiser from another region or a fee appraiser. Uncomplicated acquisitions of relatively low value (not greater than \$25,000) are identified during the Project Funding Estimate process. Administrative offers are prepared for these parcels and an appraisal is not required unless requested by the property owner or if condemnation is commenced.

All other parcels are assigned by the Real Estate Services Manager (RESM) for appraisal. The RESM determines the type of appraisal report and whether the appraisal is to be done by staff or fee appraisers. Appraisal data are input to the computer and upon satisfactory completion, the parcel goes to appraisal review.

The Review Appraiser on staff examines the appraisal to ensure its adequacy and accuracy. The Review Appraiser prepares a Determination of Value (DV) that establishes the just compensation to be paid by the state for the needed property and property rights. The just compensation includes amounts for the value of the lands and improvements acquired

for the project, uneconomic remnants, damages, and deductions for special benefits. DV data are input into the computer; thus, enabling the negotiations process. A DV prepared by a fee Review Appraiser may not authorize just compensation, nor may the fee Review Appraiser declare an uneconomic remnant. Only an employee of the agency may do either of these functions.

- C. **Negotiations.** When the approved DV or AOS is available, the RESM assigns the parcel for negotiations. The negotiator works with all parties to achieve a negotiated settlement at just compensation for the needed property and property rights. The negotiator makes the state's offer both orally and in writing to the property owner or his representative. The negotiator keeps a diary of all contacts and events in such detail that he can attest to the facts therein.

Occupants must be given timely written notice of their right to receive relocation assistance. Therefore, the negotiator immediately notifies the RESM of the date of initiation of negotiations on the parcel.

Occasionally, an issue may stand in the way of completing a negotiated settlement. If the appropriate authority gives its prior approval, an administrative settlement may be arranged. The justification for an administrative settlement is documented in the parcel file, computer inputs are made, and the file is transmitted to Headquarters.

Upon conclusion of satisfactory negotiations, the negotiator obtains execution of necessary instruments and vouchers by all interested parties. The parcel file is reviewed in region, computer inputs are made, and the file is transmitted to Headquarters.

- D. **Condemnation.** After at least three unsuccessful attempts to reach an amicable settlement, it may become necessary to condemn the parcel. The region prepares the file including names and addresses of all interested parties, makes computer inputs, and transmits the file to Headquarters.

Upon arrival in Headquarters, the parcel file is subjected to review in the Acquisition and Title Section.

When the region submits a parcel for condemnation, the file is reviewed by the Acquisition and Title Section. If two or more parcels are to be condemned on a project, they may be combined into a single "blanket condemnation" proceeding. The Acquisition and Title Section assembles the condemnation package, makes computer inputs and transmits the files to the Office of the Attorney General (AG). Upon receipt, the AG becomes solely responsible for the eminent domain proceeding; however, the AG

will often call upon both region and Headquarters personnel for assistance, concurrences, etc. The AG makes computer inputs that indicate the status and disposition of the case.

- E. **Closing.** The state's payment becomes available to the property owner by one of the following means:
- Mailing the state's warrant to the property owner.
  - Closure in escrow.
  - Payment to the registry of the court.

Instruments are recorded or filed with the court and title passes when the money changes hands. The Acquisition and Title Section inputs the "Payment Available Date" into the computer. The "Payment Available Date" triggers the RESM to input property management and relocation assistance information into the computer system for the acquired parcel.

- F. **Property Management.** Region property management functions include such activities as rental agreements with occupants, salvage and removal of improvements, and maintenance to avoid the creation of a public nuisance. When no one other than the state has a valid interest in any improvements on the acquired parcel, Region RES inputs the "P/M Certified Clear Date."
- G. **Relocation.** Region relocation activities are those related to moving all displaced persons and their personalty from the acquired parcel. Eligible occupants are given written notices of the maximum amounts of their replacement housing payments. Eligible tenants are given written notice that the acquiring agency has acquired the property. When an eligible occupant moves from the acquired parcel, the RESM inputs the "Vacated Date."
- H. **Certification.** The final step in the process is to certify the project as clear for construction. This must be done prior to the Contract Ad Date. When all parcels on the project have been acquired, the project can be certified to FHWA as clear for construction. This is done by the normal process. Some projects will be certified with exceptions. Certifications with exceptions should be rare and approved in advance. Certifications with exception must be followed by a "clear" certification when all acquisition is complete.

## 3-4 Why We Do What We Do

### 3-4.1 Revised Code of Washington

[Chapters 8.25](#) and [8.26 RCW](#) are the state laws that control the acquisition process. The intent of these laws is: to assure fair and equitable treatment of displaced persons and to encourage and expedite acquisitions by negotiations.

These laws require that Real Estate Services personnel know and do many things:

**A. Appraisal**

1. The real property must be appraised. This includes the land and all improvements on or adversely affected by the acquisition.
2. The property owner must be given an opportunity to accompany at least one of the acquiring agency's appraisers during inspection of the property.
3. Any increase or decrease in value due to the proposed project is ignored in appraising the fair market value of the property.
4. Physical deterioration within the control of the owner is not disregarded.
5. Uneconomic remnants are identified and valued.
6. Since the improvements may belong to a tenant, improvements are valued at both their contribution to the fair market value of the real property and at their fair market value for removal from the real property. This is done because the tenant will be offered the greater of these values for tenant-owned improvements.
7. In the report, the appraiser itemizes the opinion of the fair market value of the land, improvements and uneconomic remnants, and damages and special benefits to the remainder.
8. If the property is improved, the Realty/Personalty Report (RES 217 or RES 218) must be included in the Addenda.
9. If the property is improved, market rent must be included in the report.

**B. Agency Appraisal Review Staff**

1. The acquiring agency establishes the just compensation. The just compensation is not less than the agency's approved appraisal of the fair market value of the property.
2. The written statement of the just compensation itemizes the amounts for the land, improvements, damages, special benefits, and uneconomic remnants. Special benefits are a deduction.
3. The amount shown for tenant-owned improvements is the greater of their contribution to the fair market value of the real property or their fair market value for removal from the real property.

### C. Negotiations

1. The date of initiation of negotiations cannot precede the date of establishing the just compensation. For WSDOT this means that an approved DV or AOS must be available before negotiations can begin.
2. Every reasonable effort is made to acquire real property expeditiously and by negotiations.
3. No coercive action is taken to compel agreement on the price.
4. The acquiring agency promptly offers to acquire the property for the full amount of the just compensation.
5. The acquiring agency provides the property owner with a written statement of the just compensation. This statement itemizes the amounts for the land, improvements and damages, and deductions for special benefits.
6. The acquiring agency offers to purchase any uneconomic remnant.
7. The acquiring agency pays an evaluation allowance (not exceeding \$750 per parcel) to defray the actual and reasonable costs of interested parties' evaluation of the agency's offer.
8. The acquiring agency pays the property owner's fair and reasonable expenses for:
  - a. Recording fees, transfer taxes, and other expenses incidental to conveying real property.
  - b. Penalties for full or partial prepayment of any preexisting mortgage.
  - c. The prorated portion of any prepaid real estate taxes that are allocable to the earlier of the date of vesting title in the acquiring agency or the date of the agency's acquiring possession of the property.
9. The owner is not required to surrender possession of real property before the payment is made available or is deposited with the court in condemnation cases.
10. Construction is scheduled so that no occupant is required to move without at least 90 days written assurance of the earliest date they will be required to vacate. If this requires a certification with exceptions to allow a project to go to ad, it should have prior approval from the appropriate authority and the certification should include all necessary justification.

11. No occupant is required to move from a dwelling until the acquiring agency has determined the rents, prices, and availability of qualified replacement housing.
12. Temporary occupancy after acquisition is by rental agreement at market rent.
13. If it becomes necessary to condemn the property, the acquiring agency files the proceedings. The property owner is not forced to file an inverse condemnation.
14. If the tenant owns the improvements:
  - a. Payment for the improvements may not result in duplicate payments.
  - b. The land owner must disclaim all interest in tenant-owned improvements.
  - c. The tenant is offered the greater of the improvement's contribution to the fair market value of the property or the fair market value of the improvements for removal from the real property.
  - d. In accepting the offer, the tenant must transfer all rights, title, and interest in the improvements to the acquiring agency.
  - e. The tenant is not obligated to accept the acquiring agency's offer.

D. **Property Management.** After payment becomes available to the owner, continued occupancy is through execution of a rental agreement at market rent.

E. **Relocation Assistance**

1. The Relocation Assistance Advisory Program:
  - a. Determines the need for relocation assistance by displaced persons.
  - b. Provides current information on availability, prices, and rentals of DSS housing and commercial properties.
  - c. Assists a displaced resident, business, or farm in obtaining and becoming established in a new location.
  - d. Provides other advisory services to minimize hardships on displaced persons.
  - e. Coordinates relocation activities with other agencies to assure the compatibility of the relocation concepts, aims, objectives, actual relocations, and land use plans.

2. The acquiring agency must assure that:
  - a. Relocation assistance and payments are provided fairly, reasonably, and uniformly.
  - b. Eligible displaced persons are paid promptly, or, in hardship cases, in advance.
  - c. Prior to displacement, there are enough qualified dwellings available to fill the needs of all displaced persons.
  - d. Any aggrieved party may have their case reviewed by the reviewing officer of the acquiring agency once they have followed the correct appeals process.
3. Every eligible displaced person receives a choice of one of the following moving expense payments:
  - a. Actual and reasonable expenses for:
    - (1) Moving the personal property owned by the displaced person, family members, business, farm, or nonprofit organizations.
    - (2) Other related moving costs as described in [Chapter 12](#) of this manual.
  - b. A residential moving expense payment per schedule established by WSDOT of \$200 per eligible room, plus a dislocation allowance of \$400.
  - c. A business or farm may receive a payment equal to its average annual net income over the last two tax years prior to displacement (but not less than \$1,000 nor more than \$20,000). A business cannot receive this payment unless:
    - (1) It cannot be relocated without a substantial loss of patronage.
    - (2) The business does not have more than three other establishments engaged in the same business.
    - (3) The business has personal property that must be moved.
4. The occupant of a dwelling may receive a replacement housing payment as follows:
  - a. If the displaced person has been the owner-occupant for at least 180 days prior to the date of initiation of negotiations and if the displaced person buys and occupies decent, safe, and sanitary (DSS) housing not later than one year from the later of the date

on which final payment is received or the date the displaced person moves from the acquired property, the replacement housing payment may include:

- (1) Purchase price differential as determined by WSDOT standards up to a statutory maximum of \$22,500.
  - (2) Mortgage Interest Differential Payment (MIDP) expense.
  - (3) Title, recording, and certain other closing costs for the replacement housing.
- b. If the displaced person has been the legal occupant for at least 90 days prior to the date of initiation of negotiation and if the displaced person rents and occupies DSS housing not later than one year from the date the displaced person moves from the acquired property, the replacement housing may include:
- (1) Rent supplement as determined by WSDOT standards up to a statutory maximum of \$5,250, or
  - (2) Down payment to purchase a DSS dwelling; however, the down payment cannot exceed the rent supplement as determined by WSDOT.
5. The payments in 3-4.1.E.3 and 4 are not income for tax purposes, social security eligibility, or welfare eligibility—except that the rent supplement payment may be considered in determining the shelter allowance in the welfare program.
6. If sufficient comparable DSS rentals or sale housing is unavailable, the acquiring agency must provide housing under the provisions of Housing of Last Resort described in [Chapter 12](#).

### 3-4.2 Washington Administrative Code

[Chapter 468-100 WAC](#) contains the administrative regulations pertaining to the acquisition process. WSDOT promulgates these regulations to assure implementation of the RCWs. Their principal impact is on the Relocation Assistance Program.

## 3-5 County Designations

The counties of the state of Washington have been given both letter and number designations. Current WSDOT practice uses only number designations. Examples of the use of these identifiers are as follows:

- A. The county number forms the first two digits of the Control Section (CS) number, e.g., CS 0101 identifies: SR 90, Grant Co. Line to Jct. SR 395 S. of Ritzville, SR MP 191.89 to 220.49, Interstate, in Adams County.

- B. The county number identifying the county is used in the Real Property Inventory as a part of the Inventory Control Number, e.g., 5-39-00001 identifies the first item in South Central's real property inventory for Yakima County.
- C. The county number is used in the identification of certain sundry sites, e.g., PS-01-123 identifies a pit site in Adams County. The three numeric digits are a serial number assigned by the department to the site.

### 3-6 The Property Acquisition Specialist as a Notary Public

If the Property Acquisition Specialist's (PAS) duties require the services of a Notary Public, the state will secure the necessary commission and seal. The PAS notifies the supervisor sufficiently in advance of the expiration date to allow the state time to have the seal renewed before it expires.

The jurisdiction of the PAS as a Notary Public extends to all counties of the state of Washington.

The opening statement of each certificate of acknowledgment is "STATE OF WASHINGTON, County of \_\_\_\_\_," which the acknowledgment is taken.

Beneath the signature of the Notary Public is a space provided for entry of the name of the city, town, or rural community having a post office, which is the place of residence of the Notary Public. Should the Notary Public change the place of residence, he/she must immediately notify the:

Department of Licensing  
Notaries Public Unit  
PO Box 9048  
Olympia, WA 98507-908

Attention: Professional Licensing – Notary Public

Licensing will require the notary's name, former address, new address, and seal number.

Note that the Notary's seal is invalid from the time of any change of place of residence until the time a new place of residence is on file. Therefore, the PAS must make the above notification promptly.

Usually, by the time the transaction has proceeded to the point of the execution of any instruments, the PAS will know the persons signing the instruments sufficiently well to avoid perjury by stating ". . . to me known to be the individuals . . ." Should the Notary not know any person signing an instrument, they must require proof of identity. If the PAS is not satisfied with

the identity of a person, he/she must refuse to take the acknowledgment and seek the services of another qualified officer who does know the person in question. In 84 Wn. 2d 360 (1974) the State Supreme Court held that:

*The Notaries were responsible for reasonable care in learning the identity of the persons signing the documents. Although a Notary does not insure the identity of a person signing, when a signature proves forged the Notary has the burden of proof that a proper standard of care was used.*

The Notary must be satisfied that each person signing an instrument is sane and knows the consequences of their act.