



DEPARTMENT OF TRANSPORTATION

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MEMORANDUM

MEETING DATE January 24, 2012
TAB NO. 6 ITEM NO. 5
Under Separate Cover

TO: Candace Ellison
County Clerk

FROM: Faye DiMassimo
Director, DOT

DATE: January 24, 2012

SUBJECT: Agenda Item - Regular Tab 6, Item 5

Attached is the Revision No. 3 to the Land Acquisition Policy, Procedure, and Rule Manual to be approved at the January 24, 2012 BOC meeting – Tab 6, Item 5 Consent.

Attachment

ncr

COBB COUNTY DEPARTMENT OF TRANSPORTATION

Land Acquisition Policy, Procedure, and Rule Manual

Approved By
Cobb County Board of Commissioners
January 12, 1993

~~Revised~~ Revision No. 1 By
Cobb County Board of Commissioners
May 27, 2008

~~Proposed~~ Revision No. 2 By
Cobb County Board of Commissioners
May 25, 2010

Proposed Revision No. 3 By
Cobb County Board of Commissioners
January 24, 2012



Cobb County... Expect the Best!

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SECTION I

Introduction

A. General

The policies and procedures included in this Manual deal with the Acquisition of Right-of-Way for the Cobb County Department of Transportation (CCDOT) for projects within the Transportation Improvement Program (TIP) as well as other capital improvement projects.

Land Acquisition personnel are the primary representatives of Cobb County and the Department of Transportation (CCDOT). Personnel involved with the acquisition of right-of-way shall have a thorough understanding of how a property is being impacted with the ability to explain those impacts to the property owner. All property owners should be treated with respect and empathy in the right-of-way negotiations.

B. Purpose

The purpose of this Manual is to establish the policies and procedures necessary for the acquisition of right-of-way and easements associated with Department of Transportation projects. The intent of these policies and procedures is to ensure accountability and consistency in the acquisition of right-of-way for Cobb County. These policies and procedures shall be adhered to along with applicable laws and professional ethics, to ensure fair and equitable treatment to the general public, and all affected property owners.

The Development Services Manager or his or her designee will provide the necessary overview and supervision for compliance with the policies and procedures contained herein.

C. Scope

This Manual contains policy directives that provide management objectives, as well as procedures for implementing these policy directives. Procedures are to be implemented to the extent provided, with any working variances approved by the Development Services Manager. Any clarifications that may be necessary or any discrepancies that may result from the combined use of the above are to be brought to the attention of the Development Services Manager. Where specific directions or procedures are contained in contract documents for an individual contract, the contract documents take precedence over this Manual.

These procedures relate to the complete process for obtaining rights-of-way and/or easements for a project(s) from the procurement of appraisers and titles, through the recording of deeds for title. It is understood that some sections of this Manual are not applicable when the acquisition services are provided by private Acquisition Contractors. The Development Services Manager shall apply the appropriate procedures when necessary in these cases.

D. Revisions

Any revisions to this Manual shall be approved by the Board of Commissioners.

SECTION II

Organization

A. Authorities

The Board of Commissioners grants the Cobb County Department of Transportation (CCDOT) the authority to acquire rights-of-way as required for the purpose of transportation projects.

B. Roles and Responsibilities

1. Director - Department of Transportation

The Director of the Cobb County Department of Transportation has responsibility for the overall administration and management of the County's Land Acquisition.

2. Development Services Manager

The Development Services Manager, or designee, is responsible for the day-to-day operations of the Right-of-Way Section.

3. Land Acquisition Coordinator

The role of the Land Acquisition Coordinator is to administer and oversee Cobb County's Land Acquisition Section, including the coordination of right-of-way acquisition within the design and construction phases of each project.

The responsibilities of the Land Acquisition Coordinator include:

- a. Planning, organizing, managing and supervising all right-of-way functions, including appraisals, negotiations, condemnations, relocation assistance, property management, including the review of project right-of-way plans
- b. Negotiating and managing contracts with Right-of-Way Consulting Firms
- c. Reviewing progress schedules and reports on all projects to ensure their timely completion
- d. Providing necessary coordination with the Cobb County Attorney's Office
- e. Providing recommendations as to plan revisions to eliminate or reduce right-of-way costs. On SLOST Projects, this function is performed by the Right-of-Way Coordinator
- f. Responding to public inquiries regarding projects or policies and procedures
- g. Responsible for the training of Land Acquisition Agents
- h. Maintaining communication with the Georgia Department of Transportation (GDOT) regarding right-of-way, and condemnation. Serving as the Cobb County Department of Transportation (CCDOT) representative in condemnation proceedings
- i. Coordinating with attorneys, other governmental agencies, and the general public on policy, and procedural matters regarding the acquisition of right-of-way

- j. Making final contact to effect an amicable settlement when complicated negotiations arise between property owner and land acquisition agent
- k. Attending public meetings to inform the public of right-of-way acquisition and relocation policy procedures
- l. Ensuring that related data is entered into the Cobb County Program Management Information Systems (CCPMIS) for the monitoring of progress and related costs for all projects
- m. Other duties which may be assigned by the Development Services Manager or Director

4. Right-of-Way ~~Program~~ Manager (SPLOST Projects)

The Right-of-Way ~~Program~~ Manager will have the same responsibilities and duties as the Land Acquisition Coordinator.

5. Land Acquisition Agent

All Land Acquisition Agents report to and support the Land Acquisition Coordinator in providing acquisition services for the County. The role each Agent will assume shall be as directed by the Land Acquisition Coordinator or the Development Services Manager .

6. Pre-Construction Right-of-Way Coordinator (SPLOST Projects)

The Pre-Construction Right-of-Way Coordinator shall act as liaison between the Right-of-Way ~~Program~~ Manager and the Liaison Engineer to provide quality control on rights-of-way to be acquired.

The responsibilities of the Pre-Construction Right-of-Way Coordinator include:

- a. Coordinating the review of right-of-way plans received from the Liaison Engineer for completeness and accuracy; and transmitting copies of reviewed plans to the Right-of-Way ~~Program~~ Manager
- b. Noting errors discovered on right-of-way plans and returning to the Liaison Engineer for correction
- c. Reviewing with the Right-of-Way ~~Program~~ Manager major design changes requested by property owners for technical and economic feasibility and transmitting these changes to the ~~Liaison Engineer~~ Project Manager.
- d. Ensuring the coordination of plans and schedules from engineering design, through land acquisition, and construction plans

7. Right-of-Way Consulting Firms

All Right-of-Way Consultants will report to the Development Services Manager ~~Land Acquisition Coordinator~~ and shall abide by the policies and procedure detailed in this Manual as it applies to their particular scope of services.

SECTION III

Policy and Procedure

A. Parcel Files

The Land Acquisition Coordinator shall be responsible for the initial establishment of each parcel file. The parcel file should be a complete and accurate record of all negotiations on the subject parcel.

1. Procedure

Upon receipt of the final right-of-way plans from the Development Services Manager the Land Acquisition Coordinator shall establish files for each parcel reflecting the:

- a. Project name
- b. Project number
- c. Parcel number
- d. Name of the property owner
- e. Right-of-Way plans showing the property to be acquired
- f. Copy of preliminary title report
- g. Approved appraisal report or approved estimate of value
- h. Any notes, correspondence or additional information
- i. Copies of conveyance documents
- j. Correspondence, plats or legal documents relating to the parcel acquisition
- k. Settlement statement, Owner's Affidavit, check stub, and copy of check
- l. Negotiation Record (a log recording all meetings, discussions, telephone, conversations and etc. relating to the acquisition)
- m. Right-of-Way plan revisions and copies of all offers, acquisition agreements and settlement agreements

2. Condemnation Files

Complete parcel acquisition files shall be submitted to the County's attorney for Eminent Domain processing.

3. File Completion

Each parcel file shall remain active until the acquisition is complete, indicated by receipt of the recorded closing or condemnation documents. The recorded documents shall be placed in the parcel file and the file is closed.

B. Cost Estimates

Estimated costs for the acquisition of right-of-way shall be required for each project.

1. Initial Concept Right-of-Way Cost Estimate

During the planning for any project, a reasonable estimate shall be prepared, which includes all potential right-of-way costs associated with the project. This estimate shall rely on several factors, including experience on similar projects, the cost for land, appraisals, title research, acquisition and relocation costs, as well as potential legal fees and settlements. The estimate shall be as accurate as possible, but shall also include reasonable contingencies for possible escalating land values, fees and plan revisions.

2. Updated Estimates

The Land Acquisition Coordinator shall continually review all cost estimates. These reviews shall be performed whenever additional information or design details become available. Updated estimates shall be performed at the following times.

a. Preliminary Plans

When preliminary design plans are submitted for review, the Land Acquisition Coordinator is responsible for reviewing the plans to determine if the existing budget is sufficient. From the preliminary plans, it shall be determined whether unusually complex or extraordinary impacts have been identified which may have a significant effect on the existing budget/estimate.

b. Appraisals

Appraisals shall be reviewed to determine if the values are within the existing budget and the budget adjusted accordingly.

c. Settlements

When parcels are closed, the Land Acquisition Coordinator shall review settlements where funds beyond appraised amounts are to be paid to determine the overall right-of-way budget. For those parcels recommended for condemnation, the acquisition team shall evaluate the existing budget to ensure that it is sufficient to include litigation and potential court awards and the budget adjusted accordingly.

d. Budget Adjustments

All adjustments to existing budgets shall follow Departmental procedures for approval.

C. Agent Assignment

After preliminary plans have been received, cost estimates have been completed, and the parcel files have been established, the Land Acquisition Coordinator will assign the parcel files to the agent responsible for negotiating the acquisition. The Land Acquisition Coordinator may elect to assign parcels to the County's Land Acquisition Staff or, if appropriate, contract with an outside right-of-way acquisition firm.

1. Right-of-Way Consultants

If an outside right-of-way acquisition firm is to be utilized, this shall be accomplished in accordance with the Cobb County's "Policy for Procurement of Professional Services." The Right-of-Way Consultant will be responsible for coordinating and reporting all right-of-way activities to the County's Land Acquisition Section. The timing and manner in which these activities are reported will be outlined at the beginning of all projects.

2. County Land Acquisition Agent

For each project, one agent will be designated as the person responsible for the coordination of all activities pertaining to the acquisition of right-of-way for that project. Specifically, the duties include:

- a. Tracking the progress of parcel acquisition
- b. All reporting on the project required by the Land Acquisition Coordinator
- c. Coordinating with the Utility Coordinator to identify any parcels which may require acquisition of easements or right-of-way for the construction required to relocate existing easements, so that such acquisitions are included in the appraisals and negotiations with the property owner by the assigned CCDOT Agent to avoid duplication of effort
- d. Coordinating with the Land Acquisition Coordinator and/or the Pre-Construction Right-of-Way Coordinator concerning requests for design revisions
- e. Entering relevant data into the Cobb County Program Management Information Systems (CCPMIS) for the proper monitoring of progress and related costs for all parcels for the project
- f. Other duties necessary to manage the assigned project

D. Title Reports

The Land Acquisition Coordinator is responsible for obtaining title reports on all right-of-way being acquired for CCDOT. At the time the parcel files are assigned, the Land Acquisition Coordinator will immediately coordinate the selection of a title attorney to provide the necessary reports. When selecting an attorney, a copy of the right-of-way plans will be provided, as well as a realistic schedule for completing the assignment. When making the selection, several items should be considered including cost, schedule and past success in completing assignments on time.

When the completed preliminary title report is received, the Land Acquisition Coordinator should review the report, and in the absence of any significant errors or omissions, forward the preliminary title report to the assigned agent for tracking and inclusion in the parcel file.

E. Appraisal Services

Immediately upon securing preliminary right-of-way plans, the Land Acquisition Coordinator will begin the selection and assignment process for obtaining appraisal services. During this process, a determination by the Land Acquisition Coordinator or the ~~Division Manager~~ Development Services Manager will be made on a case by case basis as to the type of appraisal required, those parcels requiring a full narrative report and or those which may be negotiated utilizing a data book with range of values or cost estimate.

The property owner is to be given the opportunity to accompany the appraiser during the appraiser's inspection of the property. Notwithstanding the above, however, the initial appraisal shall be waived in cases involving the acquisition of real property with an estimated fair market value of less than not more than \$50,000-\$25,000.00.

In order to be considered for selection, an appraiser must be pre-qualified to perform these services with either Cobb County or the Georgia Departments of Transportation. All appraisal services will be provided under the guidelines of the Uniform Standards of Professional Appraisal Practices (USPAP), as well as all applicable state and federal laws and regulations.

When making the selection of an appraisal firm, several items should be considered including cost, proposed schedule as well as past performance of other appraisal assignments for the Cobb County. In addition, appraisal contracts should include provisions for additional appraisals, updates to existing appraisals and court testimony when applicable.

The Appraiser's role is to provide a professional, impartial estimate of the fair market value of real property being acquired by the Cobb County. The Appraiser should be knowledgeable of the local market and have extensive experience in eminent domain appraisals. The appraisal personnel being utilized must be familiar with all existing applicable laws and regulations and shall act in accordance with this policy by representing the County in a positive and professional manner when dealing with property owners.

Schedules will be set at the time of assignment. Once the schedule has been determined, the Land Acquisition Coordinator will notify the assigned Land Acquisition Agent of the Appraiser assigned and the anticipated scheduled for the receipt of the completed appraisals.

F. Appraisal Review

The Land Acquisition Coordinator will be responsible for determining if an appraisal's complexity warrants a review by a qualified review appraiser. Any appraisal containing errors and omission will be returned to the appraiser for corrections. The process used in the selection of a review appraisal should follow a similar format used when selecting an appraiser.

G. Confidentiality of Appraisals

The appraisal report should not be given to anyone other than authorized representatives of the Georgia Department of Transportation, the Cobb County Department of Transportation or the Cobb County Attorney's office. The appraisal report is for use of the Land Acquisition Section in determining fair market value and as a basis for an offer to a property owner for all necessary right-of-way. However, it is both permissible and recommended that the information contained within the report be explained and discussed with the property owner. The actual written appraisal report is confidential and shall not be given to the property owner or their representative without approval of the Development Services Manager .

H. Negotiation

The Land Acquisition Agents are the Cobb County's primary representative to the property owner, and their actions can influence public confidence and the Cobb County's image in the acquisition of private property. With this in mind, the Land Acquisition Agents are expected to conduct themselves with professionalism and integrity at all times. All negotiations shall be conducted in good faith, and every reasonable effort will be made to arrive at an equitable settlement.

1. Plan Review

Upon receipt of the assigned parcel files, the Land Acquisition Agent shall conduct a thorough review of the right-of-way plans to ensure that all pertinent information required to conduct the negotiation is reflected thereon. In the event that an obvious error is discovered, the plan sheet covering the subject parcel will be referred to the Right-of-Way Coordinator for correction.

2. Owner Contact

As soon as the preliminary title report and final right-of-way plans are received, the Land Acquisition Agent shall be prepared to contact the property owner. The initial contact is very crucial in establishing respect between the negotiator and the property owner.

The initial and subsequent contacts with property owners shall be in person. When personal contact is not practical or possible, the property owner shall be contacted by letter. If a letter is necessary, it shall describe the project and its impact to the property owner's land.

3. Offer Letter

With the approved appraisal and preliminary title report on file, the Land Acquisition Agent shall prepare the offer letter and make an appointment to meet with the property owner. It is preferable to conduct this meeting at the property that is being acquired. The Land Acquisition Agent shall bring the offer letter, right-of-way plans, appraisal, as well as all appropriate document(s) to this meeting. Prior to making the offer, the Land Acquisition Agent shall have a thorough understanding of the project, the appraisal and how the project

affects the property owner's land. Under most circumstances, the offer should be made at the first meeting with the property owner. The offer letter shall include a summary of the basis for the determination of the amount of just compensation.

If the right-of-way plans call for right-of-way and/or easements, it is appropriate to give a breakdown of the value of each. In addition, there will also be a breakdown for land, improvements and damages, if any.

4. Preliminary Title Report

During the initial meeting with the property owner, the Land Acquisition Agent shall review the title report with the property owner to determine if the information contained in the report is accurate and complete. Any corrections or additions shall be noted and reviewed with the title attorney.

If the land value and any damages exceeds \$20,000.00, the Agent shall be responsible for securing releases or agreements or otherwise taking appropriate actions to ensure that all mortgages and encumbrances are satisfied prior to or at closing.

5. Field Inspection

During the initial meeting with the property owner, the Land Acquisition Agent and the property owner shall make a visual inspection of the property to ensure that there is a clear understanding of the rights being acquired, as well as the impacts to the remainder of the property. During this inspection, questions raised by the property owner shall be answered honestly, accurately, and as completely as possible. If the Agent feels unqualified to answer a particular question, they should inform the property owner that they will consult with other Department personnel and provide the answer at a later date.

6. Design Changes

Plan revisions to ~~should either~~ reduce or mitigate the overall damages to a parcel or the costs of right-of-way acquisition can be recommended to the Pre-Construction Right-of-Way Coordination.~~or provide the key to a successful negotiation and acquisition.~~

All plan revisions shall be approved by the Engineering Section prior to ~~before~~ the property owner ~~has been being~~ notified.

Once the Engineering Section has approved ~~a the~~ plan revision request, the plans are revised and distributed to the Land Acquisition Agent ~~to~~ shall make all appropriate changes to the parcel file, coordinate any appraisal changes and notify the property owner.

If the Engineering Section denies approval of the request for revision, the request may be forwarded to the Development Services Manager for consideration.

I. Acceptance of Offer

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Once ~~an amicable settlement has been negotiated, the offer has been accepted,~~ the Land Acquisition Agent will proceed with scheduling the closing of the transaction, the procedures necessary to secure Title (Deed) for the property rights being acquired. ~~Before requesting a check,~~ The parcel file must contain the following completed documents:

- ~~Right of Way Deed/Easement—Upon settlement, the Land Acquisition Agent shall have executed the appropriate deed/easement to include all property rights being acquired. In the event the property owner refuses to execute the deed/easement, the Land Acquisition Agent should include a Right of Way Agreement or Option. The Deed/Easement will then be secured at closing.~~
- Executed Option
- A completed Form 1099 - (Social Security Form)
- Property Owner's Affidavit
- Receipt of Brochure (Federally Funded Project)
- Statement of Estimated Values
- Negotiation Record
- Appraisal and Review, if applicable
- Title Report with Update
- All material relating to Administrative Settlements
- All correspondence or information relating to Parcel

J. Check Request/Closing

Once a settlement is reached ~~and the parcel file is complete,~~ the Land Acquisition Agent shall submit/prepare the a request for payment to the Cobb County Finance Department in accordance with departmental procedures. A copy of the appropriate documents reflecting the final settlement should be attached, ~~reflecting the final negotiated price.~~ Upon receipt of the check, the designated Land Acquisition Agent shall schedule a closing at the earliest possible date. ~~Closings on parcels involving a total take, a permanent structure, or at a value over \$100,000.00, should be handled by the closing Attorney.~~

Following the closing, the fully executed deed shall be recorded in the Real Property Records of Cobb County at the courthouse. Upon receipt of the recorded deed, the Land Acquisition Agent shall include the document in the final closed parcel file.

K. Non-Acceptance of Offer

If the property owner does not agree with the terms or compensation offered by the County, of the offer, the property owner may submit a counter offer to the County for its consideration. ~~If the property owner refuses the County's offer, the Land Acquisition Agent may recommend to the owner to submit a counter offer. All counter offers shall have some basis in fact to be considered.~~

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If the property owner submits a counter offer, either written or verbal, the Land Acquisition Agent shall make present ~~note of~~ this offer for ~~and~~ review ~~to the counter offer~~ with the Land Acquisition Coordinator. The Land Acquisition Coordinator shall submit the counter offer to the Land Acquisition Review Committee for consideration and action. :

L. Land Acquisition Review Committee (LARC)

The Land Acquisition Review Committee (LARC) shall evaluate counter offers from property owners and determine if the offer is to be accepted, respond with an offer less than the counter offer, or to decide to either continue negotiations or begin condemnation proceedings. The LARC shall meet as often as necessary to maintain continual progress in the acquisition of properties for the program.

The LARC shall have a thorough understanding of the right-of-way and construction schedules and shall proceed in a manner to avoid delays of the schedules where possible. LARC will be considered convened when five or more voting members or their County employee designees are in attendance.

The LARC consists of the following members:

Voting
Deputy Director
Development Services Manager
Land Acquisition Coordinator
Pre-Construction Engineer
Construction Engineer
District Engineer
Pre-Construction Right-of-Way Coordinator
Operations Engineer
~~Land Acquisition Coordinator~~

Technical Advisors (non-Voting)
Right-of-Way ~~Program~~ Manager (SPLOST projects)
Pre-Construction Right-of-Way Coordinator (SPLOST projects)
Representative from the County Attorney's Office
~~Pre-Construction Engineer~~
~~Construction Engineer~~

The LARC's decision shall be provided to the Land Acquisition Coordinator for action as approved by the LARC.

M. Acquisition by Condemnation

In the event that the Land Acquisition Agent is unable to negotiate the acquisition of the property, ~~acquire the right of way through negotiated settlement~~, the LARC is responsible for recommending to the Board of Commissioners that the ~~right-of-way~~ property be acquired through condemnation. ~~The usual condemnation procedures include the power of eminent domain, which may take place through one of several methods: the Three A-assessor Mmethod, Sspecial Mmaster Mmethod, trial before superior court judge (Title 22), or Ddeclaration of Ttaking (title 32, available only for public road or~~ transportation purposes and water and sewer lines). The Land Acquisition Agent shall be knowledgeable of the ~~eseis~~ methods of acquisition and capable of explaining condemnation procedures to the property owner. Once the LARC recommends acquisition through condemnation, ~~the power of eminent domain~~, the Land Acquisition Coordinator or the Development Services Manager shall send a letter to the property owner informing them of this recommendation and requesting that they reconsider settlement.

1. File Preparation and Transmittal

Upon receipt of written authorization from the LARC, the Land Acquisition Coordinator shall prepare an agenda item for authorization from the Cobb County Board of Commissioners to initiate eminent domain proceedings.

a. Condemnation by Special Master Method (under Title 22)

~~If desire is to proceed with a method authorized under Title 22 of the Official Code of Georgia Annotated, the following additional steps shall be followed:~~

~~i. At least 15 days prior to the meeting at which the Board of Commissioners will consider condemnation, a sign must be posted if possible in the right of way adjacent to the property starting the time, date, and place of the meeting.~~

~~ii. At least 15 days prior to the meeting at which the Board of Commissioners will consider condemnation, an attempt must be made to personally serve notice of the meeting upon the condemnee, unless the condemnee acknowledges or waives service. If personal service is unsuccessful, notice may be sent by certified mail or statutory overnight delivery, return receipt requested, to the property owner at the address of record, and, if different from the owner, to the parties in possession of the property. The notice must include a Department of Community Affairs approved statement of rights.~~

~~iii. Publish notice of the meeting in the Marietta Daily Journal in a place other than the legal advertisements.~~

~~iv. Any such meeting of the Board of Commissioners considering the condemnation must commence after 6:00 p.m.~~

~~After Board of Commissioner approval, the Land Acquisition Coordinator shall also take steps to assemble all the pertinent documents in the parcel files, and transmit these documents to the County Attorney. Files should be delivered to the County Attorney to meet project schedule.~~

b. Condemnation by Declaration of Taking (Title 32)

c. Condemnation by Three Assessor Method

The Statutory requirements of each method of condemnation are strictly construed by the Laws of Georgia and must be followed precisely by the County. If T—the Board of Commissioners and the County's attorney determines which tmethod of condemnation to be utilized to that the County's best interest, is served by utilizing the Declaration of Taking process under Title 32 of the Official Code of Georgia Annotated for the acquisition of a parcel, the Land Acquisition Coordinator shall forward the parcel file to the County Attorney who shall prepare the documentation for the filing in accordance with State law. The check to be deposited with the filing shall be requested by the Land Acquisition Coordinator.

1. File Preparation and Transmittal

Upon Board of Commissioner approval, the Land Acquisition Coordinator shall assemble all the pertinent documents of the parcel files, and transmit these documents to the County Attorney to meet project schedule.

The County Attorney shall notify the Land Acquisition Coordinator of the actual date of filing. The Land Acquisition Coordinator will then inform the Construction Section of the date of possession in accordance with State law, and record the information in the parcel file.

2. 30-Day “Cooling Off” Period

Regardless of the method of condemnation chosen, no court proceedings shall be filed for at least 30 days following Board of Commissioner approval of the condemnation unless emergency conditions exist as found, declared, and defined by the Board of Commissioners.

N. Right-of-Entry

During negotiations and prior to securing title by negotiated settlement or condemnation, it may be possible and appropriate to secure a right-of-entry on a particular parcel to allow construction to be expedited. However, if a right-of-entry is secured, the Land Acquisition Coordinator is responsible to periodically follow up to ensure that final disposition of the parcel is completed in a reasonable time frame.

O. Relocation Assistance

Whenever a program or project to be undertaken by Cobb County will result in the displacement of any person, that person shall be entitled to relocation assistance as set forth below. The Department will provide to any person scheduled to be displaced general written information regarding the Department's relocation program. This information shall include, among other things, a notice to the displaced person that he or she will be given at least 90 days advance written notice of the date by which he or she will be required to move.

1. Persons Eligible for Moving Expenses

To be eligible for moving expenses the property must be acquired by Cobb County and the person must have been:

- a. In legal occupancy at the time the owner is given a written offer for the property to be acquired; or
- b. In legal occupancy at the time the property is acquired by the County.

2. Moving Payments - Individuals and Families/Households

Eligible individuals or families may be reimbursed for their reasonable and necessary moving expenses by one of the following methods:

- a. Fixed Moving Cost – An eligible individual or family/household may choose to be reimbursed a fixed amount as determined by the County (payment shall be calculated using the federal schedule sheet for the state of Georgia). Determination of this amount is based upon the number of rooms having personal property (bathrooms and closets are not included in the count). This amount includes a dislocation allowance to assist in utility reconnection charges.
- b. Contractor move - An eligible individual or family/household may elect to be reimbursed by the Moving Contractor Method. At least two (2) estimates from licensed moving contractors for packing and unpacking, including insurance for a distance not to exceed 50 miles, must be provided to Cobb County. Cobb County will approve the lesser of the two. Upon completion of the removal of all personal property, the County will

make payment directly to the contractor. The displaced person may be reimbursed for utility reconnection charges by submitting receipts to Cobb County. It should be noted that deposits are not reimbursable by Cobb County.

In hardship cases arrangements may be made for payment of moving expenses in advance, but only after the property in which occupant resides has been acquired by the County.

3. Replacement Housing Payment Eligibility

To be eligible for replacement housing payments, the displacee must have owned and occupied the dwelling for not less than 180 consecutive days immediately prior to the first formal contact to acquire the property (initiation of negotiations).

In addition, owner-occupants must purchase and occupy a decent, safe and sanitary (i.e. structurally sound, in good repair, safe electrical wiring, heating system capable of sustaining a healthful temperature, unobstructed egress to a safe, open space at ground level, or on units above ground level, and access directly from or through a common corridor. For a disabled displaced person, it should be free of any barriers which would preclude reasonable ingress, egress or use of the dwelling) replacement dwelling within one year of the date the owner occupant moves, receives final payment for the displacement dwelling, or the date the required amount is deposited in court, whichever is later. Application for the replacement housing payment should be made as soon as possible, but in any event, an application for payment must be filed within 12 months after date of displacement or date of final payment whichever is later. The application must be on a form furnished by the County.

Replacement dwellings must be decent, safe, and sanitary and must be inspected by a representative from the County to confirm that these standards are met prior to payment. The inspection should be made prior to any agreement to purchase or rent replacement housing is made.

If a displacee elects to construct a new replacement dwelling, the payment will be based on the costs of comparable housing as determined by the County or the cost of construction, whichever is less.

Upon the request of a displacee, the County will verify to any interested party the eligibility of that displacee for Replacement Housing Payments and the amount of such payment. In addition, the replacement housing payment, closing costs and increased interest costs may be paid at the closing of the replacement dwelling.

4. Replacement Housing -- Payments to Owners

Displaced owner-occupants of a dwelling may receive payments for the additional costs necessary to purchase comparable replacement housing, compensation for the loss of favorable financing of the existing mortgage in the financing of replacement housing, and reimbursement for certain closing costs incidental to the purchase of replacement housing.

A “comparable dwelling” is one which, when compared with the dwelling being acquired, is (a) decent, safe and sanitary (i.e. structurally sound, in good repair, safe electrical wiring, heating system capable of sustaining a healthful temperature, unobstructed egress to a safe, open space at ground level, or on units above ground level, and access directly from or through a common corridor. For a disabled displaced person, it should be free of any barriers which would preclude reasonable ingress, egress or use of the dwelling); (b) functionally equivalent with respect to square footage and room count; (c) in an area not subjected to unreasonable adverse environmental conditions; (d) not generally less desirable than the dwelling being acquired in regard to public utilities and public and commercial facilities; (e) reasonably accessible to the displacee’s place of employment; (f) on a site that is typical in size for residential development with normal site improvements; (g) available on the market at the time a replacement housing study is conducted.

5. Replacement Housing Payment – Freedom of Choice

The replacement housing payment is the difference, if any, between the amount finally paid for the dwelling acquired by the County and (a) the actual cost which the owner paid for a comparable decent, safe and sanitary dwelling, or (b) the amount determined by the County as necessary to purchase a comparable dwelling, whichever is less. In the event of condemnation to secure title, it may be necessary for the County to recompute the above payment.

All eligible displaced persons have a freedom of choice in the selection of replacement housing, and the County will not require any displaced person, without his/her written consent, to accept a replacement dwelling identified by the County at the time of the replacement housing study. The displaced person may secure a replacement dwelling of his/her choice, provided it meets DSS housing standards.

In the event comparable replacement housing is not purchased by a displaced owner within the time period the displaced owner must vacate his or her dwelling (i.e., 90 days from notice of eligibility), the replacement housing payment may be used in whole or in part to pay for the rental of a decent, safe and sanitary replacement dwelling. If a replacement dwelling is purchased later and within one year of the date the owner moves, receives final payment

for the displacement dwelling, or the date the required amount is deposited in court, whichever is later (See Paragraph 0.3.), then all funds not used by the displaced owner for rental payments will be available for the purchase of the replacement dwelling.

Replacement housing payments ordinarily will be made payable to the displaced owner, but in some instances, they will be payable to the displaced owner and a third party, or directly to a third party.

6. Increased Mortgage Interest Cost

Owner-occupants may be reimbursed for increased interest costs if the interest rate on the new mortgage exceeds that of the present mortgage. The interest rate on the new mortgage used in determining the amount of the payment shall not exceed the prevailing fixed interest rate for conventional mortgages currently charged by mortgage lending institutions in the area in which the replacement dwelling is located. To be eligible, the acquired dwelling must have been encumbered by a bona fide mortgage and the mortgage was for the purchase of or improvements to the dwelling. Owners may also be eligible for reimbursement of purchaser points and/or loan origination fees, when such fees are normal to real estate transactions in the area (payment will be based on the remaining balance of the mortgage on the acquired property).

7. Closing Costs

Owner-occupants may also be reimbursed for other expenses such as reasonable costs incurred for title search, recording fees and certain other closing costs, but not including prepaid expenses such as real estate taxes and property insurance. Closing cost reimbursement is limited to the costs associated with the cost of comparable housing or the purchase price of the replacement dwelling, whichever is less.

8. Rental Assistance Payments – Owners and Tenants

Tenants or owners who occupied their dwelling for less than 180 consecutive days prior to the initiation of negotiations may be entitled to a supplemental payment to assist them in renting a replacement dwelling if they occupied the dwelling for at least 90 consecutive days prior to the initiation of negotiations.

The rental assistance payment will equal the difference, if any, as determined by the County, between the cost of renting a comparable, decent, safe and sanitary dwelling and the actual or economic rent of the acquired dwelling. The amount of rental payment is determined by subtracting 42 times the average rent being paid during the last three months or the economic rent from the rental cost over 42 months at the comparable property. Utilities will be included in the rental for the acquired dwelling and the comparable

replacement dwelling when making this calculation. The rental payment will normally be paid in a lump sum unless the County determines otherwise. To qualify for the payment, you must rent and occupy a decent, safe and sanitary dwelling within 12 months of the date you move, and claim for payment must be filed within 12 months of the date you move. Any person eligible for payment under this section may elect to apply such payment to a down payment on the purchase of a decent, safe, and sanitary replacement dwelling.

A “comparable dwelling” is one which, when compared with the dwelling being acquired, is (a) decent, safe and sanitary (i.e. structurally sound, in good repair, safe electrical wiring, heating system capable of sustaining a healthful temperature, unobstructed egress to a safe, open space at ground level, or on units above ground level, and access directly from or through a common corridor, for disabled displaced person it should be free of any barriers which would preclude reasonable ingress, egress or use of the dwelling.); (b) functionally equivalent with respect to square footage and room count; (c) in an area not subjected to unreasonable adverse environmental conditions; (d) not generally less desirable than the dwelling being acquired in regard to public utilities and public and commercial facilities; (e) reasonably accessible to the displacee’s place of employment; (f) on a site that is typical in size for residential development with normal site improvements; (g) available on the market at the time a replacement housing study is conducted.

Rental payments shall be paid to the renter of record (the person named as lessee on the rental agreement) or in the case of owner-occupants, the person or persons listed on the deed.

Persons in occupancy when the property is acquired by the County, but who do not qualify as either a 180 day or 90 day occupant prior to the initiation of negotiations, are eligible for reimbursement of moving expenses.

A tenant must be in good legal standing with landlord in order to receive relocation funds.

9. Mobile Homes

Relocation Assistance to Owners and occupants of mobile homes shall be calculated using the same method as for conventional dwellings.

10. 180 day Mobile Home Owners

To be eligible for replacement housing payments, the displacee must have owned and occupied the dwelling for not less than 180 consecutive days immediately prior to the first formal contact to acquire the property (initiation of negotiations). A 180 day mobile home owner who rents a lot may also be eligible for lot rental assistance.

In addition, owner-occupants must purchase and occupy a decent, safe and sanitary replacement dwelling within one year of the date the owner occupant moves, receive final payment for the acquired dwelling, or the date the required amount is deposited in court, whichever is later. Application for the replacement housing payment should be made as soon as possible but in any event an application for payment must be filed within 12 months after date of displacement or date of final payment from the County for the acquired dwelling, whichever is later. The application must be on a form furnished by the County.

Replacement dwellings must be decent, safe, sanitary, and must be inspected by a representative from the County to confirm that these standards are met prior to payment. The inspection should be made prior to any agreement to purchase or rent replacement housing is made.

Upon the request of a displacee, the County will verify to any interested party the eligibility of that displacee for Replacement Housing Payments and the amount of such payment. In addition, the replacement housing payment, closing costs and increased interest costs may be paid at the closing of the replacement dwelling.

Displaced owner-occupants of a mobile home may receive payments for the additional costs necessary to purchase comparable replacement housing, compensation for the loss of favorable financing of the existing mortgage in the financing of replacement housing (see Paragraph O.6), and reimbursement for certain closing costs incidental to the purchase of replacement housing (see Paragraph O.7).

A “comparable dwelling” is one which, when compared with the dwelling being acquired, is (a) decent, safe and sanitary (i.e. structurally sound, in good repair, safe electrical wiring, heating system capable of sustaining a healthful temperature, unobstructed egress to a safe, open space at ground level, or on units above ground level, and access directly from or through a common corridor. For a disabled displaced person, it should be free of any barriers which would preclude reasonable ingress, egress or use of the dwelling); (b) functionally equivalent with respect to square footage and room count; (c) in an area not subjected to unreasonable adverse environmental conditions; (d) not generally less desirable than the dwelling being acquired in regard to public utilities and public and commercial facilities; (e) reasonably accessible to the displacee’s place of employment; (f) on a site that is typical in size for residential development with normal site improvements; (g) available on the market at the time a replacement housing study is conducted.

The replacement housing payment is the difference, if any, between the amount finally paid for the property acquired and (a) the actual cost which the

owner paid for a comparable, decent, safe and sanitary dwelling, or (b) the amount determined by the County as necessary to purchase a comparable dwelling, whichever is less. In the event of condemnation to secure title, it may be necessary for the County to recomputed the above payment.

All eligible displaced persons have a freedom of choice in the selection of replacement housing, and the County will not require any displaced person, without his/her written consent to accept a replacement dwelling identified by the County at the time of the replacement housing study. The displaced person may secure a replacement dwelling of his/her choice, provided it meets DSS housing standards

11. 90-179 day Mobile Home Owners

Mobile Home owners who have occupied their lot for at least 90 consecutive days prior to the initiation of negotiations but less than 180 days may be entitled to a supplemental payment to assist them in renting a replacement lot.

The payment will equal the difference, as determined by the County between the cost of renting a comparable, decent, safe and sanitary lot and the actual or economic rent of the acquired property. The amount of rental payment is determined by subtracting 42 times the average rent being paid during the last three months or the economic rent from the rental cost over 42 months at the comparable property. Utilities will be included in the rental for the acquired property and the comparable replacement property when making this calculation. The rental payment will normally be paid in a lump sum unless the County determines otherwise. To qualify for the payment you must rent and occupy a decent, safe and sanitary dwelling within 12 months of the date you move, and claim for payment must be filed within 12 months of the date you move.

Lot Rental payments shall be paid to the renter of record (the person named as lessee on the rental agreement) or in the case of owner-occupants, the person or persons listed on the deed/title.

12. Less than 90 day Mobile Home Owners

Persons in occupancy when the property is acquired by the County, but do not qualify as either a 180 day or 90 day occupant prior to the initiation of negotiations, are eligible for reimbursement of moving expenses.

13. Rental Assistance Payments for Mobile Home Tenants

Mobile Home Tenants may be entitled to a supplemental payment to assist them in renting a replacement dwelling if they occupied the property for at least 90 days prior to the initiation of negotiations.

The payment will equal the difference, as determined by the County, between the cost of renting a comparable, decent, safe and sanitary dwelling and the actual or economic rent of the acquired property.

The amount of rental payment is determined by subtracting 42 times the average rent being paid during the last three months or the economic rent from the rental cost over 42 months at the comparable property. Utilities will be included in the rental for the acquired property and the comparable replacement property when making this calculation. The rental payment will normally be paid in a lump sum unless the County determines otherwise. To qualify for the payment, you must rent and occupy a decent, safe and sanitary dwelling within 12 months of the date you move, and claim for payment must be filed within 12 months of the date you move. Any person eligible for payment under this section may elect to apply such payment to a down payment on the purchase of a decent, safe, and sanitary replacement dwelling.

A “comparable dwelling” is one which, when compared with the dwelling being acquired, is (a) decent, safe and sanitary (i.e. structurally sound, in good repair, safe electrical wiring, heating system capable of sustaining a healthful temperature, unobstructed egress to a safe, open space at ground level or on units above ground level access directly from or through a common corridor. For a disabled displaced person it should be free of any barriers which would preclude reasonable ingress, egress or use of the dwelling.); (b) functionally equivalent with respect to square footage and room count; (c) in an area not subjected to unreasonable adverse environmental conditions; (d) is not generally less desirable than the dwelling being acquired in regard to public utilities and public and commercial facilities; (e) reasonably accessible to the displacee’s place of employment; (f) in the event mobile homes are not available for rent on the market, as determined by Cobb County, comparable dwellings may include apartment homes and single family dwellings; (g) available on the market at the time a replacement housing study is conducted. Rental payments shall be paid to the renter of record (the person named as lessee on the rental agreement) or in the case of owner-occupants, the person or persons listed on the deed.

Persons in occupancy when the property is acquired by the County, but who do not qualify as either a 180-day or 90-day occupant prior to the initiation of negotiations, are eligible for reimbursement of moving expenses.

14. Moving Expenses

Mobile Home Owners and Tenants, regardless of the time they have occupied a mobile home, are eligible for reimbursement of moving expenses by the County if they are in legal occupancy at the time the Owner is given a written offer for the property or at the time the property is acquired.

15. Residential Non-Occupant Owners (Mobile Homes & Conventional Dwellings)

Those owners who hold title to the acquired property, but do not occupy the dwelling, may be entitled to be reimbursed for their reasonable and necessary moving costs for relocation of their personal property located on the acquired property by one of the following methods:

- a. Fixed Moving Cost - An eligible non-occupant owner may choose to be reimbursed a fixed amount as determined by the County (payment shall be calculated using the federal schedule sheet for the state of Georgia). Determination of this amount is based upon the number of rooms having personal property (bathrooms and closets are not included in the count). This amount includes a dislocation allowance to assist in utility reconnection charges.
- b. Contractor move - An eligible non-occupant owner may elect to be reimbursed by the Moving Contractor Method. At least two estimates from licensed moving contractors for packing and unpacking, including insurance for a distance not to exceed 50 miles, must be provided to Cobb County. Cobb County will approve the lesser of the two. Upon completion of the removal of all personal property, the County will make payment directly to the contractor. The displaced person may be reimbursed for utility reconnection charges by submitting receipts to Cobb County. It should be noted that deposits are not reimbursable by Cobb County.

16. Replacement Housing Payments in the Event of Condemnation

Replacement housing payments are determined partially from the amount paid by the County for the property acquired. A final determination of payment cannot be made in the event of condemnation until the condemnation has been settled. The replacement housing payment will be recomputed based on the verdict by the court compared to the actual price paid for the replacement property, or the amount determined by the County necessary to acquire a comparable decent, safe and sanitary dwelling, whichever is less.

17. Aliens not lawfully present in the United States are not Eligible for Relocation Assistance Payments & Benefits

Public Law 105-117 (42 U.S.C. 4605) provides that aliens not lawfully present in the United States, except in exceptional and extremely unusual hardship cases, are not eligible to receive relocation assistance payments and/or any other benefits that are commonly provided to displacees. This law requires that persons seeking relocation payments or assistance under the Uniform Act

certify, as a condition of eligibility, that they are citizens of or are otherwise lawfully present in the United States. Cobb County has adopted this law as a part of its relocation assistance policies & procedures.

Further, all displacees must provide to Cobb County a copy of a photo ID and a copy of a social security card and/or other acceptable legal residency documentation in order to apply for relocation assistance.

18. The Americans with Disabilities Act of 1992

The Americans with Disabilities Act of 1992 requires non-discrimination on the basis of disability in State and Local Government Services. Therefore, no individual with disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the service or activities of a public entity, or be subjected to discrimination by any such entity

19. Appeals; Hardship/Unique Circumstances

(Relocation Assistance & Incidental Expenses)

Any disagreement on eligibility for, or the amounts of, relocation payments and expenses to transfer title to the County, may be appealed. An appeal must be filed no later than 60 days from the date of written notification of the County's determination of eligibility or amounts of payments. Appeals shall be presented to the Land Acquisition Coordinator who shall attempt to resolve the appeal. In the event the appeal cannot be resolved, the Land Acquisition Coordinator shall present the appeal to the LARC. The LARC shall rule on the appeal and the committee's decision shall be final.

Likewise, a displaced person who has a unique circumstance or hardship that he or she believes necessitates treatment different from the provisions of this Policy may present such circumstances and/or hardship in a request for different treatment to the Land Acquisition Coordinator. The Land Acquisition Coordinator shall to the maximum extent feasible take into account such unique circumstances and/or hardship and respond to the displaced person's request. If the displaced person is not satisfied with the response of the Land Acquisition Coordinator, the Land Acquisition Coordinator shall forward the displaced person's request to the LARC. The LARC shall make the final decision.

20. Moving Payments-Business, Farm Operations, and Non-Profit Organizations

Eligible businesses, farms, and non-profit organizations may be reimbursed for their reasonable and necessary costs of removal, or by moving a reinstallation of personal property by selecting one of the three methods explained below. In hardship cases, arrangements may be made for payment

of moving expenses in advance of moving; however, this will only be made after the occupied property has been acquired by Cobb County. The displaced business, farm or non-profit organization must provide Cobb County with seven days' advance notice of the approximate date of the start of the move or disposition of the personal property.

The expense of removal, reinstallation, reestablishment and modification of machinery, equipment, appliances and other items which have been considered as personal property, including reconnection of utilities to such items which do not constitute an improvement to the replacement site, are eligible for reimbursement.

Prior to payment of any expenses for removal and reinstallation of such property, the owner and Cobb County shall agree in writing that the property is personal property and Cobb County is released from any payment for the property as realty. The owners or operators must (County personnel will assist if needed) prepare and execute a certified inventory of the items to be actually removed and reinstalled.

This certified inventory must be prepared and attested to for all moves. If the items listed on the certified inventory deviate to a significant extent from the items actually removed and reinstalled, the amount previously agreed will be revised accordingly.

In addition to Method A-Self Move or Method B-Actual Cost (see below), the following moving incidentals will be reimbursed, based on receipted bills, if pre-approved by Cobb County and are considered reasonable and necessary:

- licenses
- permits
- relettering of signs
- replacing stationery on hand that is made obsolete may be reimbursed
- connection to available nearby utilities from the right-of-way to improvements at the replacement site
- professional services performed prior to the purchase or lease of a replacement site to determine its suitability for the displaced person's business operation including but not limited to, soil testing, feasibility and marketing studies (excluding any fees or commissions directly related to the purchase or lease of such site.) At the discretion of Cobb County, a reasonable pre-approved hourly rate may be established
- impact fees or one time assessments for anticipated heavy utility usage, as determined necessary by Cobb County.

The method desired must be selected prior to moving by executing a County form entitled "Application for Moving Costs Benefits." Relocates will be advised of the amount of estimate prior to signing. Cobb County's representative must be permitted to make reasonable and timely inspections of

the personal property at both the acquired site and the replacement site and to monitor the move. Claims must be filed with Cobb County within eighteen 18 months of the date of move or date of final payment for the property, whichever is later.

a. Method A –Self Move

If the relocatees want to take full responsibility for the entire move, they may choose to be reimbursed by Method A, known as the Self-Move Method. The amount will be based on estimates prepared by Cobb County and/or qualified moving contractors. The relocatee may elect to submit to Cobb County paid receipted bills or other evidence of costs incurred to support the costs of the move. In no event will a payment be made in excess of what would have been paid for a move by a commercial mover.

b. Method B –Actual Cost

An eligible relocatee may elect to be reimbursed by the Moving Contractor Method. Cobb County will secure at least two estimates from licensed moving contractors and will establish payment based on these estimates. Upon completion of the removal and reinstallation, Cobb County will make payment directly to the contractor.

c. Alternate Payments in Addition to Method “A” or “B”

Payment for loss of tangible personal property may be made when it is decided not to move such property. A payment of this type requires a bona fide effort to sell the item(s). Reimbursement will also be made for the reasonable expenses incurred to affect the sale.

A business owner/operator must consult Cobb County’s representative if they have personal property which may not be moved or which may be replaced at a new location.

d. Reestablishment Costs

The owner of a displaced small business, farm or non-profit organization is entitled to receive a payment for actual and reasonable expenses to reestablish at a new site.

This payment is limited to \$10,000.00 and will only be paid under methods “A”, “B” or actual direct losses of tangible personal property payments.

Small Business is a business having not more than 500 employees working at the site being acquired or displaced by a program or project, site being

the location of economic activity. The income generated from the business must have been reported and filed with the IRS and the Georgia Revenue Department in order to be eligible to receive reimbursement of eligible expenses associated with the reestablishment of the business.

When claiming this expense, the claimant will be required to submit certified copies of their current individual and business income tax returns to Cobb County for verification and documentation.

Sites occupied solely by outdoor advertising signs, displays or devices do not qualify as a business and are not eligible for the reestablishment expense.

Economic Activity is when the site is producing or is capable of producing an ongoing legal financial activity currently in operation or where there has been some kind of economic development produced at or by the residence or building within the last 24 months prior to the initiation of negotiations for the parcel. A detailed list of charges that were or will be involved in the reestablishment of the business will be reviewed by Cobb County and all eligible costs that were actually incurred and paid will be reimbursed, but not to exceed the maximum amount allowed as stated above.

These expenses include the following:

- i. Repairs or improvements to the replacement real property as required by Federal, State or local law, code or ordinance,
- ii. Modifications to the replacement property to accommodate the business operation or make replacement structures suitable for conducting the business,
- iii. Construction and installation costs for exterior signing to advertise the business,
- iv. Redecoration or replacement of soiled or worn surfaces at the replacement site, such as paint, paneling or carpeting,
- v. Advertisement of replacement location,
- vi. Estimated increased costs of operation during the first two years at the replacement site for such items as: (a) lease or rental charges, (b) personal or real property taxes, (c) insurance premiums, and (d) utility charges, excluding impact fees,
- vii. Other items that Cobb County considers essential to the reestablishment of the business.

The following is a non-exclusive listing of reestablishment expenditures not considered to be reasonable, necessary or otherwise eligible.

- i. Purchase or construction of capital assets, such as office furniture, filing cabinets, machinery, or trade fixtures.

- ii. Purchase of manufacturing materials, production supplies, product inventory, or other items used in the normal course of the business operation.
 - iii. Interest on money borrowed to make the move or purchase the replacement property.
 - iv. Payment to a part-time business in the home which does not contribute materially to the household income.
 - v. Site occupied solely by outdoor advertising signs, displays or devices.
- e. Actual Reasonable Expenses in Searching for a Replacement Location

The owner of a displaced business, farm, or non-profit organization may be reimbursed for the actual reasonable expenses in searching for a replacement location, not to exceed Two Thousand Five Hundred and No/100 dollars **(\$2,500.00)**. Such expenses may include transportation expenses, meals, lodging away from home and the reasonable value of time actually spent in search, including the fees of real estate agents or real estate brokers.

- i. Receipted Bills – All expenses claimed, except the value of time actually spent in search, must be supported by receipted bills.
 - ii. Time spent in search – Payment for a person(s)' time actually spent in search must be documented and the hourly wage rate must be reasonable. Also, a certified statement of dates and hours spent searching, including the places visited and the persons contacted, must accompany this claim.
- f. Method C – In Lieu Of “A” or “B”

In lieu of payment under Methods “A” or “B” and if actual direct losses of tangible personal property are not desired, an owner of a discontinued or relocated business, farm or non-profit organization may be eligible to receive a payment equal to the past two tax years average annual net earnings. Such payment shall not be less than One Thousand and No/100 dollars (\$1,000.00) nor more than Twenty Thousand and No/100 dollars (\$20,000.00). A person whose sole business at the displacement site (single or multi-family units) is the rental of such property will not be eligible for this payment.

For the owner of a business to be entitled to this payment, Cobb County must determine that:

- i. The business owns or rents personal property which must be moved in connection with such displacement and for which an expense would be incurred in such move; and the business vacates or relocates from its displacement site.

- ii. The business cannot be relocated without a substantial loss of its existing patronage (clientele or net earnings).
- iii. The business is not part of a commercial enterprise having more than three other establishments which are not being acquired by Cobb County, and which are under the same ownership and are engaged in the same or similar business activity.
- iv. The business is not operated as a displacement dwelling solely for the purpose of renting such dwelling to others.
- v. The business is not operated as a displacement site solely for the purpose of renting the site to others.
- vi. The business contributed materially to the operator's income during the two taxable years prior to the taxable year displacement occurs as follows:
 - 1. average annual gross receipts of at least \$5,000.00, or
 - 2. average annual net earnings of at least \$1,000.00, or
 - 3. contributed at least 33-1/3 percent to the operator's average annual gross income from all sources.

For the owner of a displaced farm operation to be entitled to his/her payment, Cobb County must determine that:

- i. The farm operation produces products or commodities in sufficient quantity to be capable of contributing materially (as defined in (6) above) to the operator's support.
- ii. The farm operator was required by the acquisition to discontinue his entire farm operation at the present location or required to relocate the entire farm operation.
- iii. In the case of a partial acquisition; the payment may be made if it is determined that:
 - 1. the acquisition of part of the land caused the operator to be displaced from the farm operation on the remaining land, or
 - 2. the partial acquisition caused a substantial change in the nature of the farm operation.

For a non-profit organization to be eligible for this payment, Cobb County must determine that the non-profit organization cannot be relocated without a substantial loss of existing membership or clientele.

Any payment in excess of \$1,000.00 must be supported with financial statements for the two 12-month periods prior to displacement. The amount to be used for any payment by Cobb County is the average of the two years' annual gross revenues, less administrative expenses.

g. Payment Determination – Business and Farms

The term “average annual net earnings” means one-half of any net earnings of the business or farm before Federal, State and Local income

taxes, during the two taxable years immediately preceding the taxable year in which the business is relocated. "Average annual net earnings" include any compensation paid by the business or farm to the owner, his spouse, or his dependents during the two-year period. Such earnings and compensation may be established by Federal income tax returns filed by the business or farm and its owner, his/her spouse, and their dependents during the two-year period. In the case of a corporate owner of a business or farm, earnings shall include any compensation paid to the spouse or dependent of the owner of a majority interest in the corporation. For the purpose of determining majority ownership, stock held by a husband, his wife and their dependent children shall be treated as one unit.

h. A Business or Farm Less than Two Years

If the business or farm was not in operation for the full two taxable years prior to the displacement, net earnings shall be based on the actual period of operation at the displacement site during the two taxable years prior to displacement, projected to an annual rate.

i. Owner Must Provide Information

For the owner of a business, farm or non-profit organization to be entitled to this payment, the owner must provide information to support the net earnings. City, County, State, or Federal Tax Returns or a certified financial statement prepared by a Certified Public Accountant (CPA.) for the tax years in question are the best source of this information and would be accepted, as evidence of earnings.

P. Certification

The Right-of-Way Section shall certify to the Construction Section that the acquisition of the right-of-way shown on the project plans has been completed. This certification assures the County and its contractor(s) have the right to enter the properties to construct the project.

On Federally Funded Projects, the Land Acquisition Coordinator shall transmit a ~~Letter of~~ Certification to the County Attorney's Office, with a copy to the Development Services Manager, to certify that right-of-way required for the project has been acquired. The Development Services Manager shall then forward the Certification to the appropriate personnel within the Georgia Department of Transportation.

The acquisition shall be identified as being "complete" as long as the County has legal rights to possession of the property, whether obtained through title, a right-of-entry, or by completed filing of an Eminent Domain action.

When applicable, the Letter of Certification shall identify any parcels for which title and possession have not yet been obtained as well as a date at which this possession is anticipated.

1. Conditional Certification

On County funded projects, the Department may wish to begin construction on a project before the acquisition of all parcels has been completed. In such cases, it is acceptable for the Land Acquisition Coordinator to issue a Conditional Letter of Certification which identifies each parcel for which the acquisition or right of possession has not been obtained. This allows the Development Services Manager to issue a conditional Notice to Proceed to the contractor(s) to work in all areas of the project except those identified in the Conditional Letter of Certification.

2. Relocation and Removal of Improvements

In addition to the Letter of Certification, the Land Acquisition Coordinator will provide the Development Services Manager with an obstruction and clearance report. When these improvements involve either residential or business relocations, an anticipated vacate date will be provided to ensure accurate scheduling. When Federal Funding is involved, it is essential that all business and residential relocations be provided based on the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act (Uniform Act).

Q. County Surplus Property

Each Land Acquisition Agent shall document every parcel of a project where property was acquired in excess of the right-of-way defined for the use of the project.

The Land Acquisition Coordinator is responsible to keep an up-to-date inventory of all Cobb County Department of Transportation Surplus and shall recommend the disposition of that land to the Development Services Manager. Responsibility for maintenance of the property shall remain with the Cobb County Department of Transportation until such time as it is dedicated elsewhere or declared surplus and sold in conformance with County and State Laws and Policies and with the approval of the Board of Commissioners.



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