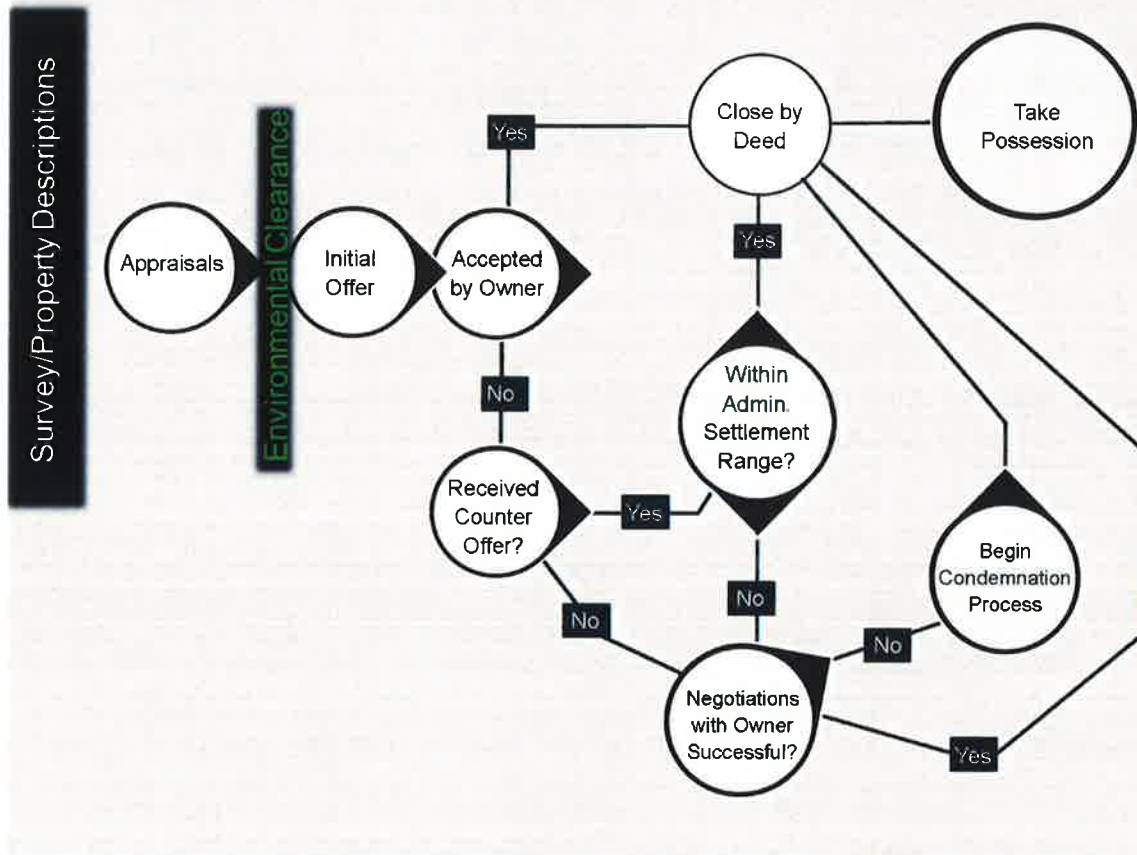


Basic Right of Way Acquisition



EMINENT DOMAIN PROPOSED PROCESS FOR WOODROW ROAD

1. An initial offer, containing the easement being sought, survey, appraisal and landowner bill of rights is provided to landowner.
2. Thirteen (13) days later, the final offer may be provided to the landowner. This final offer must be equal to or greater than the initial offer and contain the same documents.
3. Fourteen (14) days later, if the landowner has not agreed to the terms of the final offer, a petition for condemnation may be filed in a district court or county court at law as those courts have concurrent jurisdiction in eminent domain cases.
4. After filing of suit, Court appoints "Special Commissioners." Hearing held at least twenty (20) days after appointment. Parties must receive 20-day notice. Parties to a condemnation have until the later of ten (10) calendar days after the special commissioners are appointed or twenty (20) days after the date the petition was filed to strike one of the three commissioners.

5. The Special Commissioners are to promptly schedule a hearing for the parties, but not before the twentieth (20th) day after the date the Special Commissioners are appointed. At this hearing, the Special Commissioners are tasked with assessing the damages of the owner of the property being condemned after hearing evidence from the parties. The parties must receive twenty (20) day notice of the hearing.
6. Scheduling of the hearing date is NOT within County's control.
7. Hearing held; award issued. As soon as award is deposited, County takes legal possession of property. Either party can appeal, however possession of the property is granted during the appellate process.

CONSIDERATIONS FOR FINALIZING VALUE OF PROPERTY

- To expedite the purchase of the ROW needed for this project, the County may consider appointing a specific person or persons to have the ability to make decisions on behalf of the County within the limits of the Administrative Settlement Range (ASR).
 - The Commissioners Court appoints two members of court to the ASR Committee to review administrative settlement proposals.
- The difference between the appraised value and any documented damages to the remainder along with the cost to condemn is considered the ASR.
 - Currently, Lubbock TxDOT District is paying a range of \$200 to \$255 per hour, per Commissioner at a Commissioner's Hearing.
 - A new appraisal is required for Condemnation. The approximate cost of an appraisal is \$4,500.
 - An additional cost includes attorney's fees if the County chooses to retain outside services for Condemnation. No value has been placed on this aspect due to the variability of the fee structure. However, there would be a cost to the county.
 - Given the values Lubbock County anticipates seeing on Woodrow Road, the ASR should not exceed \$6,000 maximum.
 - Application of the ASR should be stratified based on the overall value of the appraisal.

Appraised Value less than \$10,000	\$500 to \$2,000 (max 20%)
Appraised Value between \$10,000 to \$20,000	\$500 to \$4,000 (max 20%)
Appraised Value Greater than \$20,001	\$500 to \$6,000

There will have to be some subjectivity for values that fall close to any of the cutoff values.

- If a counter offer is received from the property owner, and it is close to the ASR brackets, the offer would be accepted, and the county would proceed to closing. In the case of a valid estimate for replacement of appraised items the increase shall not count as (or count?) part of the ASR.
- If, however the counter offer is not close to the ASR brackets, the offer would be presented to the ASR Committee for review and a determination if the county will offer additional value, not exceeding the maximum of \$6,000. Ideally, this process would occur within days of receiving the counter offer to ensure timely acquisition of the ROW.

- If an additional offer is provided to the land owner, they will be given 30 days to accept or reject the county's offer. If rejected or the 30 days expires, the ASR Committee would recommend Commissioners Court begin condemnation proceedings at its next available Court date. 14 days from Court approval, a petition for condemnation can be filed.