

Sample Offer Letter - Improvements - County Acquisition (Page 1 of 2)

Date:

County:

Parcel No.:

Highway:

RE: Purchase of your property at _____
_____ being
_____, more or less, out of and a part
of that certain _____ acre tract of
land out of the _____ Survey
No. _____, Abstract No. _____,
in _____ County, Texas.

Mr. and Mrs. John Doe
123 Blank Street
Some Town, Texas 12345

Dear Mr. and Mrs. Doe:

The Commissioners' Court of _____ County in cooperation with the Texas Department of Transportation is presently proceeding with the acquisition of right of way for the improvement of Highway _____ from _____ to _____.

Based on an appraisal made by qualified appraisers, the County is authorized to offer you \$ _____ for _____ acre(s) of your property required for right of way. *This amount represents \$ _____ as payment for the property to be purchased and \$ _____ for damages to your remaining property. This amount is based on market value and any increase or decrease in value of the property within the right of way caused by the construction of the project has been disregarded. _____ County is prepared to negotiate with you to acquire this parcel of land at its full appraised value.

The offer to purchase includes the improvements as listed below which are considered to be part of the real property. You will be afforded the opportunity to retain any or all of these improvements. The retention values are the estimated amounts the improvements would bring if sold on public bid. Should you wish to retain title to any of the following improvements and remove them from the right of way, the above offer will be reduced by the appropriate retention amounts.

<u>Improvements</u>	<u>Amount to be subtracted if retained</u>
House (example)	\$800.00
Garage (example)	\$ 50.00

The above offer is contingent on there being no existing leasehold interest in the property. Should there be a leasehold interest, please notify this office of the terms and conditions.

We are enclosing a booklet, "*Right of Way Purchase by Counties and Cities*," which is designed to explain right of way acquisition procedures and the rights of affected property owners. Please note that this booklet provides information regarding your entitlement to reimbursement for eligible incidental expenses which you may incur in transferring title to the property required for the project. For more - information concerning incidental expenses, please contact TxDOT Right of Way Personnel. Your early response will be greatly appreciated.

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Also enclosed is a copy of the appraisal report, as well as an *Acknowledgment of Receipt of Appraisal Report*. Please sign and return the Acknowledgment in the enclosed self-addressed, stamped envelope at your earliest convenience.

Sincerely,

(County Official Signature)

Enclosures

cc: Texas Department of Transportation

*Damages to be shown as actual amount or \$0.00, whichever is applicable.

[Note: Where underground petroleum storage tanks and/or related flow lines & facilities are known to be present, the paragraph below should be added to the first offer letter that is sent. Do not include any wording about optional retaining of improvements in this situation.]

The total offer of \$ _____ represents \$ _____ as value for the property to be purchased and \$ _____ as payment for damages, with this offer being contingent upon your execution of an agreement titled "*Petroleum Storage Tank Removal Agreement*", a copy of which is attached to this letter. As you know, the presence of one or more underground petroleum storage tanks and/or the related flow lines and facilities upon your property, creates the possibility of contamination due to past or present leaks and/or spills. Because it is impossible to determine the extent of possible contamination, if any, until such facilities as may be within the right of way being acquired are removed, and/or due to construction work various layers of the soil are removed, the total amount being offered for your property is based upon a "clean" appraisal. This means the values stated are assuming there is absolutely no contamination. In order for the acquiring agency to pay you this full amount, should you accept this offer, the acquiring agency requires that you execute the attached *Petroleum Storage Tank Removal Agreement*, as both State and Federal laws and regulations require that any contamination actually found to exist must be taken care of by the property owner and operator, in accordance with such laws and regulations. If you desire to accept the dollar amount of this offer, but are not willing to execute the tank removal agreement, the acquiring agency must consider the offer rejected.

[Note: Be sure to attach two copies of the Petroleum Storage Tank Removal Agreement, with landowner's name, etc. filled in, with a copy of the parcel property description attached to it, and an instruction note to sign one copy and return it if the landowner wants to accept the offer.]