

Sample “Subject To” Letter

Acquisition of a Permanent Easement, Temporary Construction Easement or Real Property with no Relocation Initial Notice to Owner

Dear _____:

[Name of city or county] is participating in a [water / wastewater] improvement project using federal funds from the Oregon Community Development Block Grant program. The [name of city or county] needs to acquire the following [easement / real property] from you for the project.

[Insert a description or reference an attachment that describes of the specific easement or real property to be acquired. A legal description should be used, if one is available.]

[Insert reason why the permanent easement or real property is needed for the project and how it will be used.]

The [name of city or county] is required to inform you of your rights under federal law. You are entitled to “just compensation” for the permanent easement or real property the city needs. The definition of “just compensation” and a description of your other rights are contained in the enclosed brochure “When a Public Agency Acquires Your Property.” Please read it carefully. The [name of city or county] may exercise its right of eminent domain to acquire the easement or property if negotiations should fail.

Insert the appropriate paragraph from the following two selections:

1. For easements or real property valued at more than \$10,000:

The [name of city or county] will send you a separate offer of just compensation after it has obtained an independent appraisal of the fair market value. You have the right to accompany the appraiser when he or she conducts the appraisal of your property. Please let us know within _____ days or not later than [insert deadline] if you desire to accompany the appraiser.

2. For easements or real property valued at \$10,000 or less:

We believe the value of the easement or real property the city needs from you does not exceed \$10,000. Our determination is based on (insert description of the process used that meets the requirements in paragraph 5-2.c.(1)(b) on page 5-3 of Handbook 1378). Federal law does not require an independent appraisal for easements or real property valued at less than \$10,000 unless the owner requests an appraisal.

You have the right to donate the easement or real property. To donate, you must sign a written statement that says you have been informed of your rights under federal law. It is very important to understand that the city/county cannot offer you any special benefits in connection with a donation. If you want to donate the easement or real property, please let us know within _____ days or no later than [insert deadline]. The city/county will include the donation language in an acquisition document specific for your property.

This notice is to inform you that, if assistance is provided and the easement/property is acquired you will not be displaced. Therefore we urge you not to move anywhere at this time. If you elect to move for reasons of your choice, you will not be provided with relocation assistance.

We will very much appreciate your cooperation in this matter because the project will benefit all residents of the community. These steps are essential for the [city or county] to receive the federal grant funds necessary to complete the project.

Please feel free to call [insert name] at [insert telephone number] if you have any questions or specific requests to make regarding the appraisal or a donation of your property.

Sincerely,

Enc: Subject To Donation
When a Public Agency Acquires Your Property Brochure