



# PROJECT NEON

## Right-of-way Frequently Asked Questions

### Who is eligible for relocation assistance?

If you legally occupy any type of residential premises as either owner or tenant or if you legally occupy a business, farm or nonprofit organization property as either owner or tenant, and these premises are required for the construction of a Federal-aid highway, you are eligible for relocation assistance advisory services.

### How do I get assistance?

NDOT has contracted with Atkins and O. R. Colan Associates, 2207 Corporate Circle, Suite 100, Henderson, Nevada 89074-7755 for right-of-way services. If your property is being impacted by the project, a right-of-way agent from their offices will contact you. If you have questions concerning the project and right-of-way activities, please contact their offices at (702) 263-7275.

### When will people be notified?

Notification will take place through the following process:

- Impacted parcel owners receive letters following the right-of-way setting.
- Property owners are contacted by an appraiser.
- Appraisal property inspection takes place; the property owner is invited to attend.
- Agents are assigned to work with individual owners and occupants for acquisition and relocation.
- Owner receives written offer and copy of the appraisals.
- Process from initial notification letter to purchase by the Nevada Department of Transportation (NDOT) will take approximately 4-6 months.

### How will tenants be contacted?

Through an assigned right-of-way agent, NDOT will ask the property owner for a list of tenants, and we will provide advisory services by informing the tenants of the relocation benefits and assistance for which each may be eligible.

### How does NDOT determine the value of our properties?

Independent license appraisers using approved appraisal methods will establish fair market values as defined by Nevada state law. Property owners will be invited to accompany the appraiser during the inspection of the property. The appraisal report will be reviewed by an independent licensed appraiser. Based on the recommendation supported by the information in the Appraisal Report and Review Appraisal Report, the Department will set Just Compensation for the acquisition of the property being acquired.

### What if the property owner does not agree with the amount offered by NDOT?

If the property owner does not agree with the appraised value, he may reject the State's offer, in writing, and provide a supported counter-offer. If the property owner wishes, he may contract with an appraiser to value his property. Such reports will add support to the owner's counter offer.



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## **Can we get our own appraisal?**

Yes, and any additional appraisals will be considered. The right-of-way process is governed by federal laws with very specific requirements that must be met. As such the process is very thorough and every effort will be made to insure that a fair offer is presented for each property being acquired.

## **Would NDOT look at helping those with diminished or reduced property values?**

NDOT is required to value the property at its current market value. However, NDOT has a mechanism in place that allows it, on a case-by-case basis for residential properties, to authorize an administrative settlement in an amount above the current fair market value of the property, to pay off existing mortgage debts.

## **How long do we have to review our offers and make a decision?**

You are guaranteed a minimum of 30 days to review the written offer. We will negotiate with property owners and property owners may get their own appraisals or provide documentation in support of the amount they believe the property may be worth.

## **Is there income tax on the difference between what is owed on a home, and what the state purchases it for?**

Please see your tax attorney or CPA for tax related questions.

## **How long do property owners have to move once they accept a written offer?**

Each property owner or occupant will have a minimum of 90 days to relocate, from a residence or business, upon receiving written notice. Written notice cannot be given until such time as an offer to purchase has been presented, or in the case of a residence, until comparable replacement property has been made available. In addition to a 90-day notice each property owner or tenant will be provided a 30-day notice.



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## **Is there a guarantee that we will be able to go somewhere comparable?**

For residential displacees, the relocation program provides replacement housing benefits to eligible residential homeowners and tenants so that the replacement dwelling is at least equal to the displacement dwelling and that the new dwelling meets a pre-determined standard measured in terms of it being a decent, safe and sanitary (DSS)/HUD standard.

For all displacees, the right-of-way agent may assist locating and providing other sources of assistance (counseling, Federal and State housing programs, Small Business Administration and utility payment counseling/assistance, etc.), locating possible suitable replacement properties for businesses and advising the business of the location of such, providing current and continuing information on the availability of properties, purchase prices, rental costs, inspecting housing units to determine if they are decent, safe and sanitary before the displacees commit to purchasing or renting the property, offering transportation to the displacees to inspect housing to which they are referred or are contemplating buying or renting, technical help in applying for assistance from various social agencies including assistance in completing the appropriate required R/W forms. Right-of-way agents may also provide assistance by obtaining estimates/bids for the move, hiring and contracting with the moving company, monitor the move, assist the displacee with the paperwork necessary for relocation reimbursement, coordinate utility disconnect and reconnect services.

Actual relocation is up to the property owner and available property. NDOT and its contractors will help with relocation assistance and moving costs, as well as research into available locations. The property owner may move any distance desired; however, the Department of Transportation will not reimburse you for those moving expenses in excess of 50 miles.

## **What kind of moving costs and expenses are eligible for reimbursement?**

Eligible residential relocatees are entitled to actual moving and related expenses (including transportation costs up to 50 miles) and, in some cases, rental assistance or replacement housing payments. Commercial relocatees are also entitled to actual moving and related expenses (including transportation costs up to 50 miles), and reestablishment costs or, alternatively, a fixed move payment of up to \$20,000 in lieu of moving related and reestablishment expenses, based on the business net income.

Homeowners or business owners may elect to move their property themselves, or hire a professional moving company to do so. If property owners elect to self-move, NDOT has a fixed rate schedule of reimbursement.

If a licensed moving company is contracted out, the displaced persons will be reimbursed for the cost of the move upon presentation of paid, receipted bills; or the Department of Transportation may contract with a licensed mover and pay him direct; or the displacee may move himself and be reimbursed for the actual reasonable expenses supported by itemized receipted bills or other documentation.



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## **When will I be paid?**

It normally takes approximately four weeks to process a payment, after a claim is submitted for reimbursement. However, should a financial hardship exist, it may be possible to expedite the payment.

## **Suppose I believe that a relocation payment was incorrect, inadequate, or that a payment was not offered for which I believe I am eligible?**

You may file a letter of appeal setting forth the reasons for your dissatisfaction, as well as what you believe to be the correct determination relative to your eligibility of relocation payments. This may be done either in letter form, or you may use a printed form which you may obtain from the right-of-way agent who is assisting you, or from the nearest right-of-way office.

## **How much time do we have to relocate once we accept the offer and decide to move?**

The date for moving is determined by NDOT's need for the property, however, at least 90 days will be allowed for you to vacate the property. Also, no person shall be displaced from his dwelling until at least one comparable dwelling has been made available.

## **Who will take action on my appeal?**

The Director of the Nevada Department of Transportation will review your appeal, and you will be informed in writing of the decision.

### ***Business-Specific Questions***

## **Do I have a requirement to tell my tenants that my property is being acquired?**

No. NDOT is required to provide relocation advisory notices to all tenants and property owners.

## **What if tenants decide to move out – how will I recover lost rent on the property?**

In that case, NDOT may provide what is called a lease-to-hold vacant agreement. NDOT can pay the rent through the negotiation process.

## **Do the "lease-to-hold" rental payments negate any other offers?**

No.

## **Will the properties on Western Avenue lose access to the fire department when Wall Street is closed?**

No, the fire trucks and ambulances will maintain access in two ways: Using Oakey/Wyoming or Desert Lane to Charleston.