



City of  
**Santa Ana**  
Warner  
Improvements



# RIGHT OF WAY PROCESS



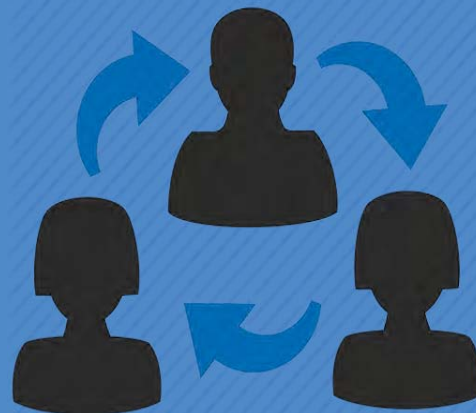
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## The Right of Way Consultants Dual Responsibility

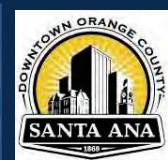
The City of Santa Ana Right of Way Consultant plays a dual role in that he/she must ensure:

Rights of the property owner and tenant are protected and, the taxpayers of the State of California are also fairly represented.





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## Appraisal of Your Property

Once the project alignment has been approved by the City Council and the project moves into the Right-of-Way Acquisition Phase, the City will hire a licensed appraiser to determine the value of all affected properties.

If it is believed that items, which affect the value of a property, have been omitted in the City's valuation, owners are urged to present them to the Right of Way Consultant for review and consideration.

Additionally, upon request, the City will provide each property owner up to \$5,000 to contract their own licensed appraiser.



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## Just Compensation

That payment required by law for the loss sustained by the owner as a result of an acquisition of private property for public purposes.

## The Principle of Fair Market Value

Fair Market Value is the highest price for which the appraised property will sell in a competitive market.





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## The Acquisition Process

Once the appraisal has been submitted, a written offer will be presented to the property owner.



If the owner agrees to the terms of the offer, the City will enter into an agreement, which sets forth the provisions and conditions of the acquisition.



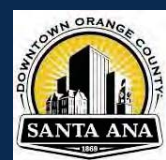
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## The Acquisition Process ~ Payment

The average period of time it takes to receive compensation is typically between 60 and 90 days. In large part, the length of time depends on the council approval time and escrow.





## The Acquisition Process ~ Closing Costs

All non-recurring costs associated with the sale and transfer of property rights are paid by the City.

For example:

- Escrow Fees,
- Title Fees,
- Reconveyance Fees,
- Document Fees,

Exception – any delinquent encumbrances are paid from the proceeds of the acquisition.



## Eminent Domain

Eminent Domain or Condemnation, is the right of public agencies to acquire private property for public purposes.

If the property owner ultimately rejects the City's offer for their property, they are entitled to have the amount of compensation determined by a court of law in accordance with the laws of the State of California.







## Eminent Domain

If it becomes necessary to proceed with an Eminent Domain lawsuit there are four possible means by which your case will be settled:

- reach agreement, settle by right of way contract and dismiss lawsuit,
- stipulated settlement-agreement is reached prior to jury or judge trial, but after lawsuit is filed, or
- trial by jury,
- trial by judge – jury trial waived by both property owner and City of Santa Ana.



## The Relocation Assistance Program – Business

Business, and/or Non-Profit organizations are also entitled to certain relocation benefits, which may include:

- relocation advisory assistance,
- moving cost reimbursement,
- in lieu payments,
- certain reestablishment costs.



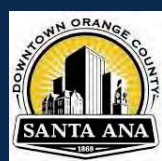


## The Relocation Assistance Program – Residential

If the City's project causes a resident to be displaced, they are entitled to certain additional benefits.

Relocation assistance may include one or more of the following:

- relocation advisory assistance,
- a one time moving cost reimbursement,
- replacement housing payments,
- supplemental rental assistance.
- loss of rents payments



## The Relocation Assistance Program ~ Continued

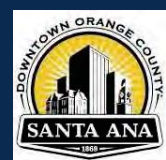
Relocation assistance payments:

- will not adversely affect your social security eligibility, and
- are not subject to income taxation.





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## The Relocation Assistance Program ~ Continued

- The Right of Way Consultant will provide them with a relocation package at the time the written offer to purchase their property is made.



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## Proposition 3 – Property Tax Relief

When a taxpayer purchases a comparable replacement property as a result of his/her original property being taken away by governmental action, under certain conditions, the Assessor transfers the factored base year value of the original property to the replacement property.\*



\*Consult with your tax professional