

Right-of-Way Acquisition

Background

One of the most difficult actions CDOT takes for a major project like Central 70 is to purchase properties and relocate residents and businesses impacted by the project. The Central 70 Project required the acquisition of 56 residential units and 17 business/commercial units (including one nonprofit). To make it as easy as possible for residents, a full-time CDOT right-of-way (ROW) specialist and an interpreter are on staff to work with residents throughout this process. In addition, there are important benefits provided to ensure that residents are not unduly impacted by the recent increases in housing costs in the Denver metro area.

Acquisition Process and Benefits

The federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 as Amended (“the Uniform Act”) establishes guidelines that CDOT must follow:

- CDOT negotiates a purchase price with property owners, with CDOT reimbursing property owners for the reasonable cost of obtaining their own appraisal.
- CDOT works with displaced residents to identify a suitable replacement property.
- For displaced owner occupants, consistent with applicable guidelines, if the cost of the replacement home is more than the value of their existing residence, the displaced person(s) receives an acquisition benefit for the value of their home, and a relocation benefit for the difference between the value of their home and the replacement property.
- Renters of impacted residential properties must be relocated to appropriate housing and assisted in moving. If the rent is higher at the new property, CDOT will pay the difference for up to 42 months. This payment may be provided as a lump sum if used for a down payment for a home purchase.
- Residents are not asked to move until a decent, safe and sanitary property has been identified that is available on the market for purchase or rent.

Role of Eminent Domain

CDOT has the legal right of eminent domain (the right to purchase private property for a public purpose with payment of just compensation). However, the need to undergo a condemnation process under eminent domain occurs very rarely in transactions where CDOT and the property owner have not finalized, after good faith negotiations, a mutually acceptable agreement on just compensation.

Successes

- Partnership with Community Resources and Housing Development Corporation on counseling and financing
- 24 renters able to become first-time homeowners
- Section 8 occupants to homeowners

