

Yadkin Regional Water Supply Project

Property Acquisition Policy and Procedures

Applicable to Property Acquisition by Stanly County for the Yadkin Regional Water Supply Project

POLICY

All landowners in Stanly County need to be treated fairly, objectively, and equally with respect to the acquisition of property interests, permanent utility easements across their property, and any related temporary construction easements. Therefore, procedures have been developed to ensure that all property owners are informed about projects affecting their property and will be offered reasonable compensation through a uniform process for any necessary interests in property.

COVERAGE

These procedures shall apply to the acquisition of property rights by the Town of Norwood for raw water intake and transmission facilities within Stanly County.

PROCEDURES

1. PROPERTY ACQUISITION AGENT

Norwood shall employ an agent for purposes of negotiating acquisition of property interests for raw water intake and transmission facilities (the "Agent"). The Agent shall follow the procedures set forth in this policy.

2. FIRST MAILED NOTICE

By certified mail, return receipt requested, the Agent shall give all property owners potentially impacted by the project: (i) Notice of the project, including a vicinity map; and (ii) At least thirty (30) days' notice of intent to survey.

3. SECOND MAILED NOTICE

After the conceptual project alignment is identified, by certified mail, return receipt requested the Agent shall give all property owners potentially impacted by the project notice of the project status and plan at least seven (7) days in advance of a public meeting. Further, the Agent shall request that the property owner telephone the Agent to schedule an appointment to meet with the Agent to discuss the project. If the property owner does not telephone the Agent to schedule an appointment, the agent shall attempt to contact the property owner by telephone in order to schedule an appointment.

4. PUBLIC MEETING

The public meeting referenced in paragraph 3 above will be conducted. During such meeting, the Agent will provide information about the project. The Agent shall ensure that records of attendance and questions raised at such meeting are maintained.

5. ACQUISITION OF INTEREST IN PROPERTY IN FEE

If the interest in the property is going to be acquired in fee, the Agent shall obtain an appraisal of the damages to the property affected by the acquisition by a North Carolina Certified Real Estate Appraiser. The appraisal shall determine the basis of the offer of compensation to the property owner.

6. ACQUISITION OF AN EASEMENT

If the interest in property that is going to be acquired is an easement, the Agent shall calculate the initial offer of compensation by use of an Easement Appraisal which values each individual easement based upon its own particular characteristics.

7. MEETING WITH THE PROPERTY OWNER

The Agent shall meet with each property owner impacted by the project, unless he is unable to contact the property owner or the property owner is not willing to meet with the Agent. The Agent will present to the property owner a description of the project concept and design. Property owner concerns will be discussed. In the case of easement acquisition, the Agent will provide a written copy of the Easement Appraisal to the property owner, as well as a sheet showing the offer made by the Town for the needed easement. In the case of acquisition of an interest in property in fee, the Agent will provide a written copy of the property appraisal. The Agent shall not have authority to offer to the property owner any amount of compensation that is different from the amount established by the Easement Appraisal or property appraisal. The Agent will also provide a copy of this Policy and the land acquisition instrument (Deed, Easement, etc.) for execution.

8. THIRD MAILED NOTICE

By certified mail, return receipt requested, the Agent shall give all property owners impacted by the project with whom he has not met: (i) Notice of the project, including an easement map; (ii) an acquisition offer, including a copy of the Easement Appraisal or property appraisal and offer sheet; and (iii) the land acquisition instrument. By first class mail, the agent shall simultaneously give these same property owners notice of this certified mailing.

9. COURTESY CALL

One week after the Third Mailed Notice, the Agent will attempt to contact any property owners with outstanding land acquisition instruments to answer questions and determine status.

10. REFERRAL TO COUNTY ATTORNEY

If the Agent is unable to acquire the easement or other property interest for the offered amount, the Agent shall, within seven (7) days of the Courtesy Call, refer outstanding land acquisition interests to the Town Attorney. The responsibility of the Agent shall terminate upon referral of land acquisition interests to the Town Attorney.

11. NEGOTIATION

The Town Attorney shall provide written notice, either by certified mail with return receipt requested or by private delivery service with signature verification, to the property owner within seven (7) days of the date of referral. The notice shall request the property owner contact the Town Attorney to negotiate settlement of the land acquisition interest and advise that if settlement cannot be reached within fourteen (14) days of the date of notice, condemnation proceedings will be initiated. Any settlement negotiated by the Town Attorney for the land acquisition interest must be within the confines of the budget for land acquisition and consented to by the Union County Attorney.

12. BOARD OF COMMISSIONERS APPROVAL FOR CONDEMNATION

Upon expiration of the negotiation period, the Town Attorney will request authorization from the Town Council of Norwood to proceed with condemnation of the needed property interest.

13. CONDEMNATION ACTION FILED WITH CLERK OF COURT

All approved condemnation actions will be filed with the Clerk of Court. Filing of the condemnation action shall be the responsibility of the Attorney representing Norwood in the condemnation action.