




Right of Way

BULLETIN

SUBJECT Offer-Benefit Letter (Rescinding)	FINAL NUMBER RW07-01 (B)	EFFECTIVE DATE 3/12/07	VALIDATION DATE	SUPERSEDES or RESCINDS New
	WEB LINK(S) http://www.oregon.gov/ODOT/HWY/ROW/			
TOPIC/PROGRAM Acquisition	APPROVED SIGNATURE State Right of Way Manager 			

PURPOSE

To establish uniform procedures for ODOT Right of Way staff and it's consultants for writing and tendering a new Offer-Benefit Letter (Rescinding) required by a revision in the area to be acquired or new assumptions which change the appraisal premises causing an increase in the approved estimate of just compensation.

The Right of Way Leadership team has endorsed the implementation of this new Offer-Benefit Letter (Rescinding) for use on all ODOT projects. This procedure has been approved by the State Right of Way Manager.

GUIDANCE

This Right of Way Bulletin outlines the process for utilizing the new Offer-Benefit Letter (Rescinding) and provides updated information and authorization to utilize the form prior to formal FHWA approval of the proposed revision language to Right of Way Manual Section 5.520 (see Exhibit 1).

DEFINITIONS

Offer-Benefit Letter: Right of Way Form #734-1712, and/or any successor versions, including the attached Acquisition Summary Statement and Relocation Benefit Summary (see Exhibit 2).

Offer-Benefit Letter (Rescinding): Right of Way Form #734-2647, including the attached Acquisition Summary Statement and Relocation Benefit Summary (see Exhibit 3).

Appraisal Revision: A change in the approved estimate of just compensation due to a change in the area to be acquired or due to conditions or information which have changed the underlying appraisal premises.

BACKGROUND/REFERENCE

The Oregon Department of Transportation's eminent domain process is regulated by Federal and State laws and regulations. The State of Oregon's statutory authority for the provisions of the eminent domain process is found in Oregon Revised Statutes ("ORS") Chapter 35. Pursuant to the successful passage of Measure 39, effective