

BASIS FOR THE DETERMINATION OF JUST COMPENSATION

Project: _____ Date: _____

Property (legal description):

Just Compensation: \$ _____

This determination is not less than its approved appraisal of the “Fair Market Value” of the property.

Fair Market Value is defined as:

“The highest price estimated in terms of money which a property will bring if exposed for sale in the open market allowing a reasonable time to find a purchaser who buys with knowledge of all the uses to which it is adapted and for which it is capable of being used. That price at which a willing seller would sell and a willing buyer would buy, neither being under abnormal pressure. It is the price expectable if a reasonable time is allowed to find a purchaser and if both seller and prospective buyers are fully informed.”

If you wish to retain buildings that are located within the property limits, you should advise the negotiating agent, and a retention value will be assigned to each building. The amount determined as the retention value will be deducted from the amount shown as the “TOTAL COMPENSATION AND MEASURE OF DAMAGES”.

Basis for Offer:

The amount of just compensation includes the following items:

- (a) Real Property to be acquired: _____ (sq. ft. acres)
- (b) Easements, if any: Permanent _____(sq. ft. acres)
- (c) Inventory of building, structures, fixtures and other improvements which are considered to be of the real property:

(d) Replaceable damages: _____

Establishing an Offer:

This offer was established by an appraiser specially trained in real estate appraisal techniques. The original appraisal was reviewed by a reviewing appraiser who also made a visual inspection of your property.

The appraisers did not consider any decrease or increase in the “Fair Market Value” of the real property prior to the date of valuation caused by the proposed project of the city/county. However, the 15 items set forth in K.S.A. 26-513 (listed below), if applicable to your property, were considered in ascertaining the amount of compensation and damages. Other factors may also have been considered. They were not considered as separate items of damages, but were considered only as they affect the total compensation and damages established by the professional appraisers.

- (1) The most advantageous use to which the property is reasonably adaptable.
- (2) Access to the property remaining.
- (3) Appearance of the property remaining, if appearance is an element of value in connection with any use for which the property is reasonably adaptable.
- (4) Productivity, convenience, use to be made of the property taken or use of the property remaining.
- (5) View, ventilation, and light, to the extent they are beneficial attributes to the use of which the remaining property is devoted or to which is reasonably adaptable.
- (6) Severance of division of a tract, whether the severance is initial or is in aggravation of the previous severance; changes of grade and loss or impairment of access by means of underpass or overpass incidental to changing the character or design of an existing improvement being considered as an aggravation of a previous severance, if in connection with the taking of additional land and needed to make the change in the improvement.
- (7) Loss of trees and shrubbery to the extent they affect the value of the land taken, and to the extent such loss affects the value of the property remaining.
- (8) Cost of new fences or loss of fences and the cost of replacing them with fences of like quality, to the extent such loss affects the value of the property remaining.
- (9) Destruction of a legal nonconforming use.
- (10) Damage to property abutting on a right of way due to change of grade where accompanied by a taking of land.
- (11) Proximity of new improvement to improvements remaining on condemnee’s land.
- (12) Loss of or damage to growing crops.
- (13) That the property could be or had been adapted to a use which was profitably carried on.
- (14) Cost of new drains and loss of drains and the cost of replacing them with drains of like quality, to the extent such loss affects the value of the property remaining.
- (15) Cost of new private streets, roads or passageways or loss of private streets or passageways and the cost of replacing them with private streets, roads or passageways of like quality, to the extent such loss affects the value of the property remaining.

Offer Price Does Not Include Relocation Benefits:

The appraisals of the “Fair Market Value” concerning your real property did not in any way consider the relocation benefits which are available to you.

The amount determined as just compensation for the purchase of your property DOES NOT INCLUDE any of the relocation benefits to which you may be entitled. As the owner of real property which is acquired by the city/county of _____, Kansas, you may be entitled to certain relocation benefits under Title II of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, and certain settlement costs under the city’s determination of just compensation.

If relocation assistance is applicable, you will be fully informed of such assistance by a representative of the city/county.

Negotiations Procedure:

The above offer will not be altered unless additional value information and evidence is presented or otherwise becomes known to the city. In such case, it will then be necessary to have an administrative review to determine if the offer should be changed. Should the offer not be acceptable to you, our only alternative under established procedure is to proceed under the laws of eminent domain (sometimes known as “condemnation” procedure).

In the event of either negotiation or condemnation, you as landowner will be paid the full amount of the negotiated settlement, or the amount of just compensation allowed by the court appraisers, prior to the time the city will require the acquired property to be vacated.