

SAMPLE NOTICE TO OWNER REQUEST FOR DONATION

Grantee or Agency Letterhead

(DATE)

Dear _____:

The (GRANTEE), identified herein as the Agency, issued you a letter expressing its interest in acquiring your property at (ADDRESS) for a project that might receive federal funding. The letter and the information that accompanied the letter advised you of your rights under the Uniform Relocation Assistance and Real Property Acquisition Policies Act (URA).

This information informed you that in order to determine just compensation for your property that an appraisal of your property will be required unless the value is less than \$15,000 and the valuation is believed to be uncomplicated. (Just compensation for properties whose values are estimated to be less than \$15,000 can be established under the waiver valuation guidance found at 49 CFR 24.102(c)(2)(ii).) If your property is selected for acquisition, you are to be offered just compensation for your property. While you have the right to be offered and to receive just compensation for your property, the Agency can request that you consider donating your property for the proposed project. This request is in compliance with the regulations at 49 CFR 24.108 Donations:

“An owner whose real property is being acquired may, after being fully informed by the Agency of the right to receive just compensation for such property, donate such property or any part thereof, any interest therein, or any compensation paid therefore, to the Agency as such owner shall determine. The Agency is responsible for ensuring that an appraisal of the real property is obtained unless the owner releases the Agency from such obligation, except as provided in Sec. 24.102(c)(2).”

With respect to the Agency’s request that you donate your property for the project, we ask that you consider selecting one of the two options listed on the attached Property Donation Agreement. Please keep in mind that you are not required to set aside any of your rights, and that the attached Property Donation Agreement does not need to be returned unless you voluntarily decide to select one of the Donation choices listed.

If you have any questions about this letter and the referenced Property Donation Agreement, please contact (NAME), (TITLE), (ADDRESS), and (PHONE).

Sincerely,

(NAME and TITLE)

ENCLOSURE:

NOTES FOR GRANTEE

1. There is no requirement for an Agency to issue a donation letter to a property owner.
2. This donation letter is a guideform. It should be revised to reflect the circumstances.
3. This donation letter does not set aside the requirement that a notice to the owner, as required under 49 CFR 24.102(b) for acquisitions subject to 49 CFR Part 24, Subpart B, be issued as soon as possible to notify the owner in writing of the Agency's interest in acquiring the real property and of the basic protections that are provided to the owner by law and Subpart B.

SAMPLE PROPERTY DONATION AGREEMENT

Grantee or Agency Letterhead

(DATE)

To (GRANTEE):

I/We have read and understand the information regarding my/our rights under the federal law known as the Uniform Relocation Assistance and Real Property Acquisition Policies Act (URA). I/We understand that under the URA, an appraisal of my/our property is required, unless the value is less than \$15,000 and the valuation is believed to be uncomplicated, to determine the just compensation of my/our property. I/We further understand that if my/our property is selected for acquisition, that it is also a requirement under the URA that I/we be offered just compensation for my/our property.

While I/we have the right to have the just compensation of my/our property determined, and to be offered and to receive just compensation for my/our property, I/we have considered the (GRANTEE's) request that I/we donate my/our property for use in the proposed project in accordance with the regulations at 49 CFR 24.108 and that states:

“An owner whose real property is being acquired may, after being fully informed by the Agency of the right to receive just compensation for such property, donate such property or any part thereof, any interest therein, or any compensation paid therefore, to the Agency as such owner shall determine. The Agency is responsible for ensuring that an appraisal of the real property is obtained unless the owner releases the Agency from such obligation, except as provided in Sec. 24.102(c)(2).”

I/We understand that I/we are not required to waive any of my/our rights. Even so, I/we have decided to select the option marked below and am returning this document to acknowledge and record my/our decision.

☐ OPTION ONE: I/We wish to release the Agency from its obligation to determine just compensation for my/our property, to offer to me/us that amount for my/our property which is needed for the proposed project, and to donate the property for the project without receiving any offer of just compensation.

☐ OPTION TWO: At this time, I/we do not release the Agency from its obligation to determine just compensation for my/our property and to offer to me/us that amount for my/our property that is needed for the proposed project. However, once that amount is determined and has been offered to me/us, I/we might consider donating part or all of the just compensation due to me/us for my/our property.

Signature of Property Owner

Signature of Property Owner