

Federal Land Acquisition Process Federal Land Transaction Facilitation Act (FLTFA)

Nominations: The agency receiving your nomination will assess the package and inform you of the status of your proposal. Various factors may affect the status of your nomination, including any interest(s) to be retained (water rights, mineral interest, etc.), outstanding third party rights and/or encumbrances on the property that may affect manageability by the acquiring agency; other title conditions or restrictions that may affect acceptability of title by the agency; the estimated value of the property in relation to the amount of funding available in the FLTFA Account for land acquisition; and the total number of nominations received by the agency. The agency may also choose to conduct a physical inspection of your property as part of the initial assessment.

Approval: Nominations accepted by an agency must still receive the approval of the Secretary of Agriculture and the Secretary of the Interior. Once Secretarial approval has been given, an agency representative will contact you and begin the acquisition process. The agency will strive to complete the acquisition within one year from approval. While each agency's acquisition process may vary somewhat, all federal acquisitions will be processed consistent with the requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Uniform Act). The Uniform Act provides for fair and equitable treatment of persons whose property will be acquired or who will be displaced because of programs or projects financed with federal funds.

Inventory of Real Property: The acquiring agency will conduct thorough inventories of the property for purposes of completing an environmental assessment for hazardous materials or substances; confirming the presence of encumbrances and other improvements of record, and identifying any that are not of record; determining if there are any boundary conflicts that will need to be resolved; and concluding whether there are any tenants or occupants that may be entitled to receive relocation benefits under the Uniform Act.

Appraisal: The agency will make arrangements to have the property appraised by a qualified appraiser. The appraiser will be instructed to contact you to arrange for an inspection of your property. You or a representative of your choice may accompany the appraiser when the property is being inspected. This will provide you with an opportunity to point out any unusual or hidden features of the property that the appraiser could potentially overlook.

The completed appraisal will be given to a qualified review appraiser who will review the report and supporting data to ensure that the appraisal meets the applicable appraisal standards for federal land acquisitions. The agency will then utilize the approved appraisal report to determine the amount to be offered to you as compensation for your property. Consistent with the Uniform Act, the amount offered will not be less than the market value established through the appraisal process.

Title Review/Acceptance: The information gathered through inspection of the property and the title evidence will be reviewed by the agency's title attorney, who must approve title before the property can be purchased by the United States. Any title matters, including those not of record, which might defeat or adversely affect the interest of the United States must be eliminated or resolved prior to acquisition. Such title matters may include, but are not limited to, taxes, assessments, and other liens; covenants, conditions or restrictions that would limit the

use or conveyance of the land; and easements or leases that would conflict with the planned use of the property by the acquiring agency.

Offer and Purchase Agreement: The agency will deliver a written offer for the sale/purchase of your real property. The agency's offer will generally consist of a written summary statement that includes the amount of compensation (i.e., purchase price), the description of the property and any buildings or improvements that are considered to be part of the real property, and the property rights to be acquired. You will be provided with a reasonable amount of time to consider the offer and to ask questions or to request clarification of anything you do not fully understand. The appraisal report will be made available for your review, if you desire. If you believe that all relevant material was not considered during the appraisal, you may present such information at this time.

Upon acceptance of the offer, the agency will request that you sign a purchase agreement. Your signature will affirm that you and the agency are in agreement concerning the acquisition of the property, including the terms and conditions of the acquisition. If, within a reasonable time, you and the agency are unable to reach an agreement, the offer will be withdrawn and no further action will be taken to pursue acquisition of your property.

Payment and Closing: The agency will coordinate with you in the preparation of escrow instructions outlining the final procedures and conditions of the transaction, and one final inspection of the property will be made to ensure that the physical conditions have not changed and that no additional improvements have been placed on the property. You will be requested to execute and deliver the grant deed to escrow, and the agency will authorize the transfer of funds to escrow, to be paid to you upon close of escrow.