

PROPERTY OWNER APPRAISALS...

The Rules, The Sad & The Ugly

Presented by

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Land Title and Eminent Domain



The Rules

Department
Policy

Statutes

Procedures



The Rules

- ❖ F.S. 73.015 (1) “...before an eminent domain proceeding is brought under this chapter or chapter 74, the condemning authority must attempt to negotiate in good faith with the fee owner of the parcel to be acquired, must provide the fee owner with a written offer and, if requested, a copy of the appraisal upon which the offer is based...”
- ❖ F.S. 73.015 (4)(c) “...Presuit costs must be presented, calculated, and awarded in the same manner as provided in s. 73.091...”



The Rules

- ❖ F.S. 73.091 (1) “...(1) The petitioner shall pay attorney’s fees as provided in s. 73.092 as well as all reasonable costs incurred in the defense of the proceedings in the circuit court, including, but not limited to, reasonable appraisal fees...”



The Rules

- ❖ Section 7.4 Fees and Costs – Subsection 7.4.1.1
The Department shall reimburse property owner's... reasonable attorney's fees and expert costs incurred as a result of the Department's acquisition of their property...



The Rules



HOLD ON!!! Would FDOT
pay for MY appraisal
even if they weren't going
to condemn it?



The Sad (Perceptions)

- × Property Owners
- × Uninformed Advisors
- × Other Agencies



The Sad (Myths)



- ✘ Requirements of the Owner's Appraiser
- ✘ Department Review of Owner's Report
- ✘ Lack of Value of the Owner's report during negotiations

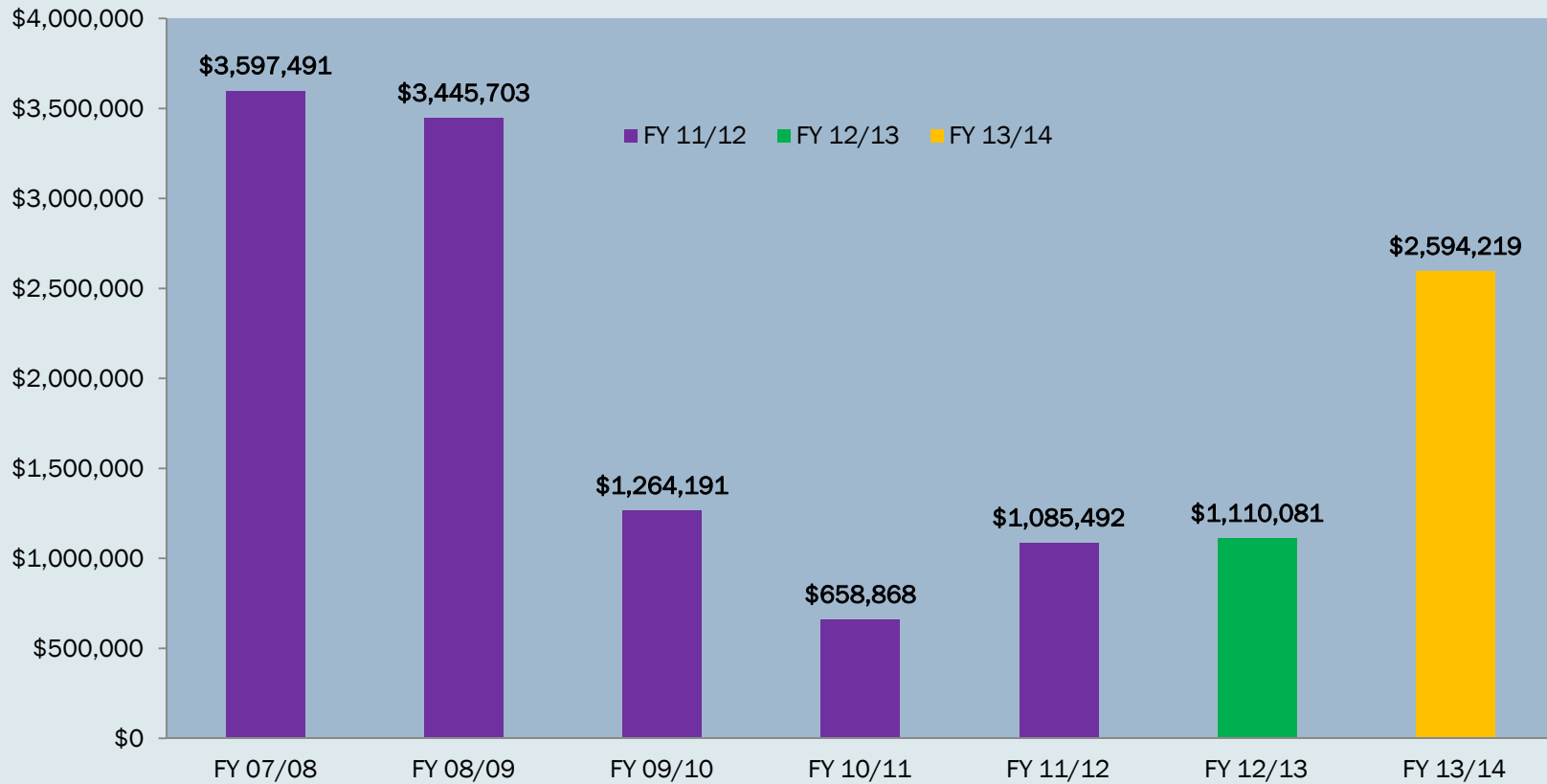


The Ugly

- ❖ Consistently Applied on Projects
- ❖ Predictable Practice by District Offices
- ❖ Facilitates in the Acquisition Process



Appraisals Fees Past, Present & Future



The Ugly

Property Owners' Appraisal Fees Paid as a Percentage of Total R/W Expenditures	
FY07/08	0.96%
FY08/09	0.93%
FY09/10	0.60%
FY10/11	0.44%
FY11/12	0.47%
FY12/13	0.62%
<i>Each Fiscal Year Property Owner Appraisal Fees Counted for Less Than 1%.</i>	



What Was Learned...

- *Supported by Statutes, Procedures & Policy*
- *Owners Still Skeptical*
- *Impact not as Substantial as originally thought*





The End