

Voluntary Acquisition Determination Entities With Power of Eminent Domain

Name of Grantee/Sponsor:

Name of Entity with Power of Eminent Domain

Name and Address of all properties:

Brief Description of Project:

Funding Sources: HOME, CDBG, HOPWA, SHP, NSP, CDBG-R, Pub. Housing, Sect 811/202

Issue Being Determined: Are acquisitions exempt from Subpart B of the URA.

Criteria Being Applied: 49 CFR 24.101(b) (1), HUD Handbook 1378 (5-3)

Analyze the answers to the following questions and review supporting documentation:

- a. Is the property is located in the redevelopment area? If yes is the property purchased: 1) located in the neighborhood or street shown in the redevelopment plan or 2) part of an intended, planned or designated project area where all or substantially all of the property within the area is to be acquisition within specific time limits or 3) necessary to the project i.e., the project could not go forward if property not obtained? (If yes to 1 and 2 or 3, the acquisition is not voluntary.
- b. Is there an agency resolution or other document that states that the agency will invoke eminent domain if the owner does not agree to sell,
- c. Was a voluntary letter sent to the property owner? If yes, was it worded and delivery per URA regulations and HUD sample. Does it say the Agency won't use power of eminent domain and won't purchase property if negotiations fail)? Does it give the estimated market value and the offer? If not, acquisition is not voluntary.
- d. Does any correspondence to the owner like a tax exempt letter reference the Agency's power of eminent domain? If yes, acquisition is not voluntary.

Rationale for Determining Acquisition Is Exempt from Subpart B of the URA.

Authorized Official's Signature

AUTHORIZED OFFICIAL'S NAME AND TITLE

Date of Determination

List of Supporting Documents attached to support conclusion: redevelopment plan that describes area, letters to property owner, shows map of area, City/county council reports, summaries, minutes, resolutions, etc., applications for funding