

Rule No.: 941 - 8401 - 03000

Agency: Mississippi Department of Transportation

Agency Effective Date: May 15, 2005

Agency Issued Date: March 8, 2005

Secretary of State Authority Date: May 15, 2005

Supercedes Rule:

Division: Right of Way

Rule Title: Acquisition

The person to be contacted regarding the proposed rule is: Facility and Records Management Director

Name of person originating the proposed rule: Charles Anderson

Name of supervisor or person who approved the proposed rule: Daniel B. Smith

Purpose:

Designate rules for acquisition agents

Summary:

Rules for acquisition

The full text of the proposed rule is:

All cites herein refer to the most current version of the cited document.

1.0 MDOT shall conduct its acquisition functions in compliance with Section 43-37-1, et seq., of the Mississippi Code of 1972, as amended, and with 49CFR Part 24, as amended.

1.1 Conflict of Interest

Acquisition agents shall not have any interest, direct or indirect, in the real property being acquired that would in any way conflict with the acquisition. The Miss Dept of Transportation shall comply with 49CFR Part 24, as amended, and with 49-37-1, et seq., of the Mississippi Code of 1972, in the acquisition of property.

1.2 Initial Contact and Offer

MDOT shall make reasonable efforts to contact the property owner(s) or the authorized representative(s) to discuss: (1) MDOT's Fair Market Value Offer (FMVO) to purchase the property, including the basis for the amount of just compensation; and (2) MDOT's acquisition policies and procedures.

1.3 Value Determination Acquisitions

MDOT may determine that an appraisal is unnecessary because the valuation problem is uncomplicated and the fair market value is estimated at low value, based on a review of available data. Low value is defined as not exceeding \$10,000. A Value Determination acts as the offer of just compensation. When the acquisition agent provides a Value Determination offer of just compensation, the property owner is advised of their right to an appraisal.

1.4 An offer to buy an uneconomic remnant property shall expire in ninety (90) days, unless extended by MDOT.

All cites to the Mississippi Code are available at www.state.ms.us and all cites to the CFR are available at www.gpoaccess.gov.