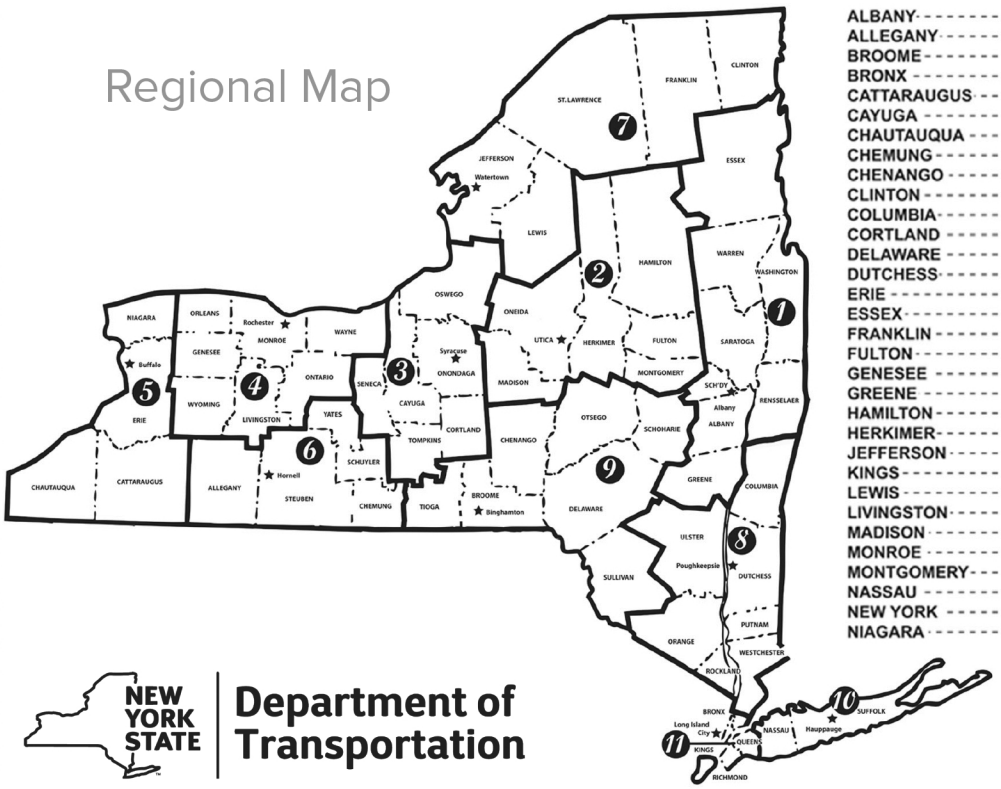
Regional Map



COUNTY	REGION
ALBANY	1
ALLEGANY	6
BROOME	9
BRONX	11
CATTARAUGUS	5
CAYUGA	3
CHAUTAUQUA	5
CHEMUNG	6
CHENANGO	9
CLINTON	7
COLUMBIA	8
CORTLAND	3
DELAWARE	9
DUTCHESS	8
ERIE	5
ESSEX	1
FRANKLIN	7
FULTON	2
GENESEE	4
GREENE	1
HAMILTON	2
HERKIMER	2
JEFFERSON	7
KINGS	11
LEWIS	7
LIVINGSTON	4
MADISON	2
MONROE	4
MONTGOMERY	2
NASSAU	10
NEW YORK	11
NIAGARA	5

COUNTY	REGION
ONEIDA	2
ONONDAGA	3
ONTARIO	4
ORANGE	8
ORLEANS	4
OSWEGO	3
OTSEGO	9
PUTNAM	8
QUEENS	11
RENSSELAER	1
RICHMOND	11
ROCKLAND	8
ST. LAWRENCE	7
SARATOGA	1
SCHENECTADY	1
SCHOHARIE	9
SCHUYLER	6
SENECA	3
STEUBEN	6
SUFFOLK	10
SULLIVAN	9
TIOGA	9
TOMPKINS	3
ULSTER	8
WARREN	1
WASHINGTON	1
WAYNE	4
WESTCHESTER	8
WYOMING	4
YATES	6

NEW YORK STATE | Department of Transportation

PUB 6 (10/15)

How does New York State

ACQUIRE PROPERTY

for Public Purposes?



NEW YORK STATE | Department of Transportation

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Region No. 4: Genesee, Livingston, Monroe, Ontario, Orleans, Wayne and Wyoming Counties.
Address: 1530 Jefferson Road
Rochester, New York 14623
Phone: 585.272.3430

Region No. 5: Cattaraugus, Chautauqua, Erie and Niagara Counties.
Address: 100 Seneca St.
Buffalo, New York 14203
Phone: 716.847.3454

Region No. 6: Allegany, Chemung, Schuyler, Steuben and Yates Counties.
Address: State Office Building, 107 Broadway
Hornell, New York 14843
Phone: 607.324.8493

Region No. 7: Clinton, Franklin, Jefferson, Lewis and St. Lawrence Counties.
Address: State Office Building, 317 Washington St.
Watertown, New York 13601
Phone: 315.785.2407

Region No. 8: Columbia, Dutchess, Orange, Putnam, Rockland, Ulster and Westchester Counties.
Address: 4 Burnett Blvd.
Poughkeepsie, New York 12603
Phone: 845.437.3387

Region No. 9: Broome, Chenango, Delaware, Otsego, Schoharie, Sullivan and Tioga Counties.
Address: State Office Building, 44 Hawley St.
Binghamton, New York 13901
Phone: 607.721.8050

Region No. 10: Nassau and Suffolk Counties.
Address: State Office Building, 250 Veterans Highway, Room 6A10,
Hauppauge, New York 11788
Phone: 631.952.6087

Region No. 11: The Boroughs of Bronx, Manhattan, Brooklyn, Queens and Staten Island within the Counties of Bronx, New York, Kings, Queens and Richmond.
Address: Hunters Point Plaza, Room 303, 47-40 21st St.
Long Island City, New York 11101-5407
Phone: 718.482.4776

Who should I contact about my case before I receive final payment?

Contact the local Office of Right of Way in your area.

If you move before arrangements are completed for settlement of your case, or prior to payment, please advise your local Real Estate Office of your change of address.

For further information:

New York Department of Transportation

Office of Right of Way
50 Wolf Road
Albany, New York 12232

Regional Offices:

Region No. 1: Albany, Essex, Greene, Rensselaer, Saratoga, Schenectady, Warren and Washington Counties.
Address: 50 Wolf Road, 4th Floor, Pod 4-1
Albany, New York 12232
Phone: 518.457.9783

Region No. 2: Fulton, Hamilton, Herkimer, Madison, Montgomery and Oneida Counties.
Address: State Office Building, 207 Genesee St.
Utica, New York 13501
Phone: 315.793.2412

Region No. 3: Cayuga, Cortland, Onondaga, Oswego, Seneca and Tompkins Counties.
Address: 333 E. Washington St.
Syracuse, New York 13202
Phone: 315.448.7315

How does New York State acquire property?

Acquisition of property required for a public improvement occurs after an extensive and thorough engineering process that includes planning and design phases, leading to a determination that the property is necessary. You may have attended a public hearing that is part of the overall process.

When the New York State Department of Transportation (NYSDOT) must acquire private property, a map is prepared that shows in detail the extent of right of way needed. Title to the private property required is vested or transferred to New York State when a copy of the map is filed in the office of the county clerk for the county where the property is located. However, before any transfer of title occurs, you will receive a copy of the map, a thorough explanation of the acquisition and an offer of compensation in writing.

Prior to this, NYSDOT will have had appraisals made to determine the fair market value of the property that must be acquired and the monetary damages, if any, caused to the remaining property that you own. The offer will be based on those appraisals after a thorough review for accuracy and content.

Who will contact me?

Most likely a representative of the local NYSDOT Office of Right of Way will give you preliminary information concerning the proposed acquisition.

An appraiser also will visit the property to assemble valuation data. The appraiser will examine all features of the property that affect its value. Any information you can give regarding your property is welcomed and you are encouraged to accompany the appraiser during the inspection. You will receive adequate notice of the scheduled appraisal inspection. Ask visitors to your property to produce identification cards or letters of authorization to ensure that they are state representatives.

How does New York State determine what I will receive for my property?

New York State is required to pay each property owner fair market value. Generally, this is the same amount of money that the sale of the property would bring under current market conditions. Value is determined as of the date the state acquires the property.

In making its appraisal, New York State examines your property's features and the prices at which properties similar to yours are being sold. You will receive a summary statement showing the basis for the fair market value as developed by the appraisal and listing other benefits to which you will be entitled. Our representatives will explain thoroughly the methods used in evaluating the property.

Who will appraise my property?

New York State employees or consultants, who have been trained and have years of experience in evaluating real

What if I or my tenants use the property after New York State acquires title?

After you are notified that title has vested, NYSDOT must collect a fair and reasonable rent from you or your tenants for continued use and occupancy of the property until it is needed for project purposes.

What about my income taxes on property appropriated by New York State?

Because property values generally have risen, there may be a capital gain from such transactions. However, under both federal and New York State law, the acquisition of property by a governmental agency for public purposes is regarded as an "involuntary conversion." Such gains are not subject to tax, provided the money you receive is used to acquire similar property within a specified time. Contact your legal counsel or the local offices of the U.S. Internal Revenue Service and the New York State Department of Taxation and Finance for more information.

How will this affect my GI loan?

The U.S. Department of Veterans Affairs recognizes that New York State's acquisition of your property is not a transaction you have initiated. Under the circumstances, if you are the original veteran-recipient of a GI loan, you may apply for reinstatement of your entitlement.

What should I do about moving from my home if I do not accept New York State's offer?

After you receive a written offer of settlement, you should proceed with plans to relocate. Even if you disagree with the offer, you can receive an advance payment in the amount of the offer. It is our intent to provide you with sufficient time and guidance in pursuing replacement accommodations.

Keeping the Office of Right of Way informed of your relocation plans will speed processing of your application for moving expense reimbursement and any other potential benefits.

What about the loss of favorable financing on my home?

If you use your property primarily as a residence and there is an existing valid mortgage that you are required to refinance, you will receive an amount of money sufficient to compensate for the difference between the interest rate you are now paying on your mortgage and the prevailing interest rate of New York State lending institutions. This money is calculated on the amount of your balance and the years left on your mortgage at the time of the appropriation.

estate, will appraise the property using research and analysis of the real estate market. They know the property values of the area. The appraisers must determine the value of the property objectively and the legal damages, if any, caused by such appropriation.

What if my remaining property is damaged?

When New York State requires only a portion of your property, it tries to ensure that you will suffer no financial loss from depreciation in value of the remaining property. Acquiring a portion of the property may, for example, leave the remainder in an irregular shape or too small to be used to its best advantage or may isolate it from access to a highway.

New York State's payment to you will reflect loss of value resulting from these conditions and the value of the land actually acquired. If the appraisal shows conclusively that the taking will leave an uneconomic remainder, New York State will offer to purchase that remainder from you at the value assigned to it in the appraisal. You are not obliged to sell the remainder parcel.

Will I have to bear any cost of the property transactions?

No. After you accept the offer, New York State will prepare all documents necessary for payment of the claim at no expense to you. If, however, you prefer to retain your own legal counsel, those fees would be your obligation.

How will New York State arrange a settlement?

New York State uses a “single offer” system. Under this system, the amount offered by the representative of the Office of Right of Way is the full amount of NYSDOT’s approved appraisal.

Appraisers engaged by New York State are qualified for property valuation by training and experience. If you feel there are other aspects of the real property that merit consideration, provide this information and any supporting evidence at the earliest opportunity. Your case will be reviewed with this new data and you will be notified of the results.

If you or your representatives cannot arrive at an agreement in full settlement, you may file a claim in the New York State Court of Claims. There is a time limitation for the filing but you will have at least three years from the date you are personally notified that New York State has acquired your property.

Subsequently, the court will conduct a trial to adjudicate your claim. You and New York State will be required to submit appraisals to the court, which will determine the amounts of compensable damages. The services of an attorney usually are necessary in these cases.

Will I have time to find another home after the state acquires my property?

Yes. Property owners receive advance notice to obtain other accommodations elsewhere. Act promptly to secure replacement property and keep your NYSDOT representative advised of your progress so you will not forfeit any benefits for which you may be eligible.

In no event will you be required to leave your property until the full amount of New York State’s offer has been paid to you or a deposit of the offer made to your credit in a special interest-bearing account.

Will I receive moving costs?

Yes. All displaced occupants of residential or commercial properties will be reimbursed for the costs of moving their personal belongings. Residential owners and tenants may be paid actual

moving costs or may apply for payment under a fixed schedule based on the size or number of rooms in the acquired dwelling. Commercial occupants also can apply for actual moving costs and searching fees; for those who experience problems with becoming re-established, a payment of a separately computed allowance “in lieu of” moving expenses can be obtained.

What about property taxes I have paid in advance?

New York State reimburses the owner the pro-rata portion (calculated share) of real property taxes, sewer rents and similar charges that became a lien on the property prior to the state's appropriation, but which cover a period following the appropriation. For example, if the state acquires the property six months after the beginning of the year for which taxes were paid, the state would return to the owner 50 percent of the tax payment made by the owner for the 12-month period.

Will I receive relocation assistance?

Yes. All displaced occupants will receive help to find comparable replacement properties. A representative will interview you before the acquisitions begin and fully explain our Relocation Assistance Program.

In addition, eligible residential owners and tenants will receive the necessary financial assistance to purchase or to rent a replacement dwelling without incurring increased housing costs. For those who purchase, this payment will include the usual closing costs for buying a replacement dwelling.

The NYSDOT booklet titled "If You Must Move ... We Can Help" provides additional information about our Relocation Assistance Program.

Can I receive any part of the value of my property if I disagree with New York State's offer and wish to go to court?

Yes. When there is no agreement, an offer of advance payment is made whereby an owner receives the full amount of New York State's approved appraisal. Under this arrangement, owners reserve the right to have their claims heard by the court. Accepting such a payment does not prejudice the owner's case before the court.

If I do not sign an agreement, what happens to the money I was offered?

If you refuse or fail to accept the written offer for full settlement of your claim or as an advance payment, New York State may request the State Comptroller to deposit the amount offered in an interest-bearing account until such time as you decide to sign an agreement, or you are paid as directed by the court through a distribution proceeding. There is no suspension of interest while your money is on deposit.

Depositing the amount of the offer does not prejudice your right to receive it, but it is considered the legal equivalent of a payment and allows a state contractor to enter your property for construction even though you do not sign an agreement.

How do I receive deposited money once I finally sign an agreement?

You must sign the agreement and complete the necessary closing papers. The money is automatically withdrawn from deposit with the accumulated interest and a check is mailed to you.

What is a distribution proceeding?

It is a procedure of law that allows the Court of Claims to distribute the amount of New York State's offer and accumulated interest to all the parties certified as having an interest in the property.

While rarely necessary, it is a legal proceeding and you may want assistance from your counsel before a petition is made in your behalf to the Court of Claims.

How soon will I be paid?

The state tries to pay as rapidly as possible after an agreement is signed and before the contractor has to enter your property. However, title difficulties may delay payment. Also, title difficulties may require a request to the State Comptroller to deposit the amount of your agreement in a special interest-bearing account as detailed previously. An Office of Right of Way representative can explain more about this provision.

The sooner a settlement is reached and all necessary documents are executed, the sooner the transaction can be processed and full payment made. The law provides that

all settlements be checked and approved by the Attorney General and the State Comptroller to afford the most protection to the property owner, New York State and all other interested parties.

Will I receive interest on the monies due for the property acquired?

Yes. There is accrual of legal interest from the date New York State enters the property for construction purposes or the date on which the property is legally appropriated through the filing of a map in the county clerk's office - whichever is earlier.

The interest will accrue under certain conditions until the date of payment, whether settled in full by agreement or taken to the Court of Claims for adjudication.

If a property owner accepts the advance payment pending settlement of a claim, interest will be applied under specified conditions to any balance of the claim when final payment is made pursuant to negotiation or court award. The Office of Right of Way will explain these provisions.

What about liens, mortgages or unpaid taxes on my property?

New York State conducts a title search at no expense to the property owner on all properties acquired. Any outstanding liens, mortgages or unpaid taxes must be satisfied out of your settlement. At the time of payment, New York State will draw separate checks for any such obligations and pay the balance to you.