

ALLOCATION OF LITIGATED VALUES:

Values derived from legal settlements or trials shall be allocated by a Review Appraiser as to land, improvements, damages, benefits, Federal non-participating items, etc., if applicable. The allocation shall be made on a parcel-by-parcel basis.

REPORT OF THE REVIEW APPRAISER

TO:
THROUGH:
FROM:

APPRAISAL REPORT NUMBER:

APPRAISER:

PROJECT:

REPORT VALUATION DATE:

PARCEL:

TAX MAP KEY:

LAND AREA OF TAKING:

AREA OF LARGER PARCEL:

IMPROVEMENTS TAKEN:

DAMAGES/BENEFITS:

COUNTY ZONING:

STATE LAND USE:

OWNER:

PROPERTY INSPECTION:

PURPOSE & INTENDED USE:

PURPOSE OF THE REVIEW:

The purpose of the review is to determine if the appraisal report is essentially in compliance with the most recent versions of the most recent versions of the Uniform Standards of federal land Acquisition (USFLA) and the Uniform Standards of Professional Appraisal Practice (USPAP), Hawaii Department of Transportation Appraisal Policies, as well as applicable government statutes, ordinances and admin. rules.

SCOPE OF THE REVIEW:

This review entailed reading the report, inspecting the subject property and the comparables, and analyzing the valuation in order to form an opinion as to:

- the completeness of the report;
- the adequacy and relevance of the data presented;
- the reasonableness of any of the adjustments made by the appraiser to the comparable data;
- the appropriateness of the appraisal methods and techniques used; and
- the adequacy and reasonableness of the analysis, opinions, and conclusions contained in the appraisal report.

APPRAISER'S VALUE:

REVIEWER'S VALUE:

COMMENTS:

I inspected the subject on . Being an
easement over an existing roadway, Appraiser
valued .

The appraiser's concluded value of \$ is
fair and reasonable

Therefore, effective , the fee simple
market value of is: a

_____, Review Appraiser
Certified General Appraiser, CGA
Expiration Date:

Date:

Review Certification

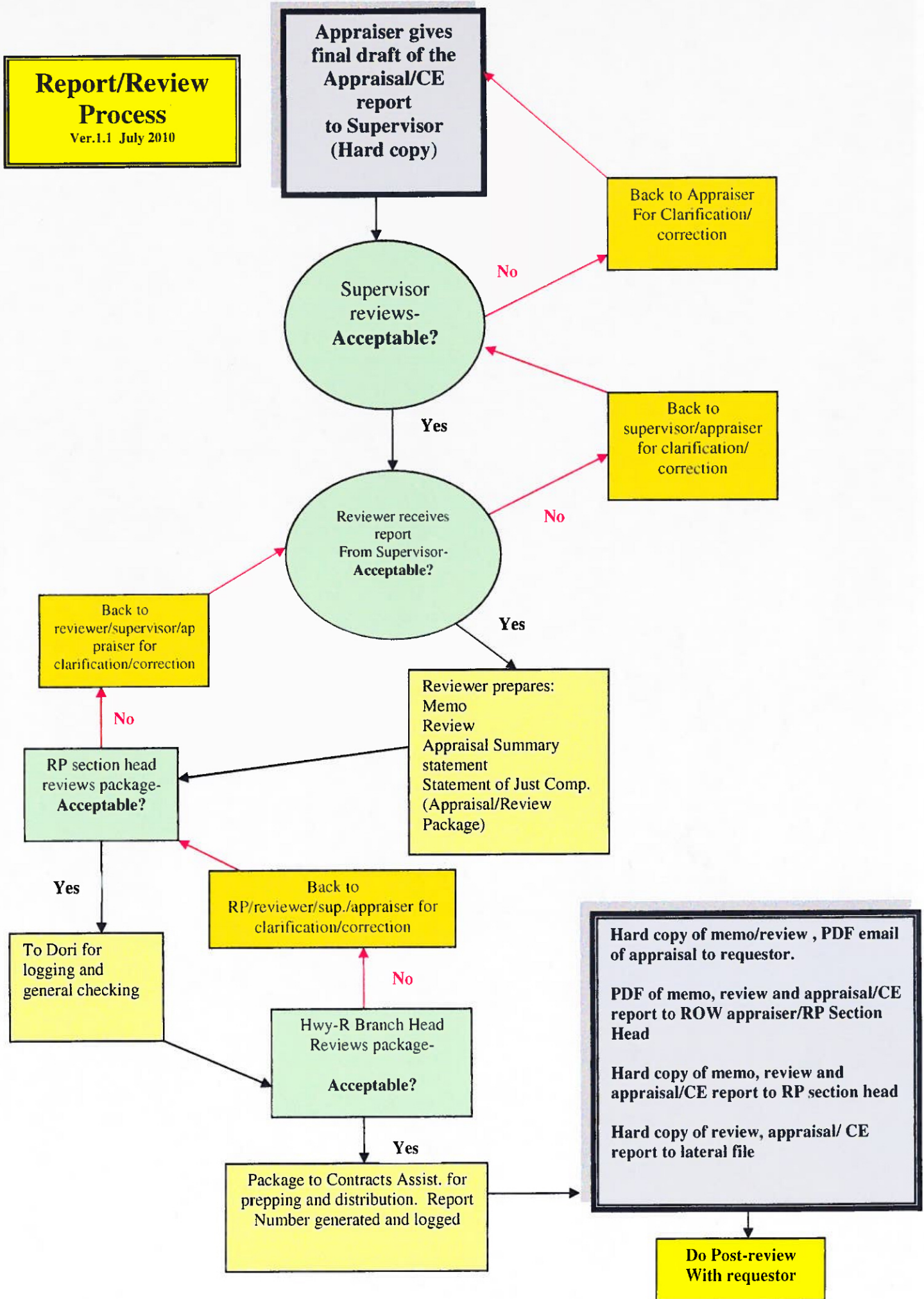
- The statements of fact contained in the review report are true and correct;
- The reported analyses, opinions, and conclusions in the review report are limited only by the assumptions and limiting conditions stated in this review report and are my personal, unbiased professional analyses, opinions and conclusions;
- The review appraiser has no present or prospective interest in the property that is the subject of this review report and no personal interest or bias with respect to the parties involved;
- The compensation received by the review appraiser for the review is not contingent on the analyses, opinions, or conclusions reached or reported;
- The appraisal review was made and the review report prepared in conformity with the **Uniform Appraisal Standards For Federal Land Acquisitions**;
- The appraisal review was made and the review report prepared in conformity with the Appraisal Foundation's **Uniform Standards of Professional Appraisal Practice (USPAP)**, except to the extent that the **Uniform Appraisal Standards For Federal Land Acquisitions** required invocation of USPAP's Jurisdictional Exception Rule, as described in Section D-1 of the **Uniform Appraisal Standards For Federal Land Acquisitions**.
- The review appraiser has made a personal inspection of the property that was the subject of the appraisal report reviewed; has made a personal inspection of the market comparables cited in the appraisal report under review; has verified the factual data presented in the appraisal report reviewed; and
- No one provided significant professional assistance to the review appraiser. (If professional assistance was provided to the review appraiser, the names of the individual (s) providing such assistance must be stated. This requirement includes both professional appraisal review assistance and providers of subsidiary assistance, e.g., planning or permitting consultants, engineers, cost estimators, timber experts, mineral experts.)

Signed,

Name of reviewer
Certified General Appraiser, CGA-
Expires 12/31/

Report/Review Process

Ver.1.1 July 2010



ADVERTISING SIGNS, JUNK YARDS, LANDSCAPING AND SCENIC ENHANCEMENT

- PURPOSE:** This section describes procedures relating to the appraisal of property interests to be acquired for control of outdoor advertising signs, junkyards, landscaping and scenic enhancement, if applicable.
- POLICY:** It is the policy to appraise property interests to be acquired (1) for the removal of nonconforming advertising signs, displays and devices as required to implement Section 131 of Title 23, United States Code, as amended by Title I of the Highway Beautification Act of 1965 and to Public Law 93-643, (2) to screen for the removal and disposal of nonconforming junkyards as required to implement Section 136 of Title 23, United States Code, as amended by Title II of the Highway Beautification Act of 1965; and (3) for landscaping and scenic enhancement as required to implement Section 319(b) of Title 23, United States Code, as revised Highway Beautification Act of 1965, if applicable.
- RESPONSIBILITY:** The Appraisal Section is responsible for providing appraisals of property interests to be acquired by the Land Acquisition Section (HWY-RL) of the Right-of-Way Branch for control of outdoor advertising signs if applicable. Outdoor advertising signs are generally not permitted in Hawaii, as referenced to Hawaii Revised Statutes 445-111, 112 and 264-72.
- SCOPE:** The provisions of the section extend to the Appraisal Section (HWY-RP).
- PROCEDURE:** Procedures for the appraisal or valuation of property interests required for control of outdoor advertising signs, junkyards, landscaping and scenic enhancements shall conform to the procedures outlined in the Federal-Aid Highway Program, as well as the procedures specified within this chapter relating to the appraisal of real property interests required for Federal-Aid highway projects, when applicable.

NON-FEDERAL-AID PROJECTS

- PURPOSE:** This section describes appraisal and appraisal review procedures to be used in non-Federal-Aid projects.
- POLICY:** Appraisals and appraisal reviews for non-Federal-Aid projects shall adhere closely to the procedures established for Federal-Aid projects.
- RESPONSIBILITY:** The Appraisal Section (HWY-RP) is responsible for providing all appraisal and appraisal review services for the Right-of-Way Branch relating to the acquisition of real property for the Hawaii Department of Transportation (DOT).
- SCOPE:** The provisions of this section extend to the Appraisal Section.
- PROCEDURE:** The Right-of-Way (ROW) Manager assigns appraisal work required for non-Federal-Aid projects to the Appraisal Section Head.
- The authority for acquisition of property for all State projects except Federal-Aid Highway projects is vested in the Department of Land and Natural Resources (DLNR). The Department of Land and Natural Resources may delegate the authority to acquire property to DOT for transportation projects, however, DLNR approves all settlements.
- The Department of Transportation maintains an Approved List of Real Estate Appraisers on an annual basis by the Review Committee. The consultant selection process for real estate appraisals shall be in compliance with PMN 7.5091 when independent Fee Appraisers are procured for appraisal assignments.
- For uniformity of operations, procedures relating to appraisers and appraisal review shall be applicable for this section.

ACQUISITION OF GOVERNMENT LANDS

PURPOSE: This section describes appraisal and appraisal review procedures used in the acquisition of Federal, State or County property.

POLICY: Appraisal standards shall be uniform with those used for the acquisition of private property.

RESPONSIBILITY: The Appraisal Section (HWY-RP) is responsible to provide appraisals, reviews, or special appraisal studies to be used in the acquisition of government lands.

SCOPE: The provisions of this section extend to the Appraisal Section.

PROCEDURE: The Right-of-Way (ROW) Manager assigns appraisal work involving government lands, with special instructions, if any, to the Appraisal Section Head.

The Federal Highways Administration (FHWA) will be requested to assist in the acquisition of Federal lands when necessary. Appraisal personnel may assist Acquisition personnel by reviewing the Federal agency's replacement plans and cost breakdown to assure that the proposed replacement facilities are reasonably equivalent to that which is being acquired, and to identify non-compensable betterments, if any. Where military lands are involved, the current Department of Defense criteria manual must be consulted when an obsolete facility will be replaced with a functionally equivalent facility.

The acquisition of State lands under jurisdiction of the Highways Division is non-Federal participating. When City, County or other State lands are involved, the Appraisal Section may be assigned to estimate the just compensation for land or buildings or both.

ADMINISTRATIVE SETTLEMENTS

- PURPOSE:** To describe procedures in the review of the Attorney General's recommendation for legal settlement and Administrative Settlements allowed by law.
- POLICY:** It is the policy to use appraisal personnel to assist the Right-of-Way (ROW) Manager in the approval of legal and Administrative Settlements.
- RESPONSIBILITY:** The Attorney General is responsible for the recommendation of legal settlements. The Appraisal Section (HWY-RP) is responsible to provide their expertise in the review and recommendation of the Attorney General's proposal to the ROW Manager. All other negotiated settlements may be made by the Branch Manager with written detailed staff study support and recommendations.
- SCOPE:** The provisions of this section extend to the Appraisal Section of the Right-of-Way Branch and the Land Transportation Division of the Department of the Attorney General.
- PROCEDURES:** A legal settlement is any settlement in excess of the Review Appraiser's approved estimate made by Deputy Attorney General after responsibility for a parcel acquisition has been transferred to the agent for acquisition by condemnation proceedings. No settlement, however, shall be made by Deputy Attorney General without the prior written approval of the ROW Manager.

Request for Legal Settlement

Recommendation for legal settlement is prepared by the Deputy Attorney General and submitted to the ROW Manager for approval. The ROW Manager shall review the recommendation and take appropriate actions as necessary.

- A. Where recommendation for settlement meets with his approval, the Deputy Attorney General shall be informed in writing.
 - 1. The Appraisal Section's expertise may be solicited for further review and comments prior to final approval.
 - 2. Where a substantial amount is involved, prior Federal Highways Administration (FHWA) concurrence to the recommendation for settlement may be solicited.
- B. Where additional justification is required, the Deputy Attorney General shall be requested to submit same before formal approval or disapproval is made.

Review and Recommendations by Appraisal Section

The Appraisal Section Head may assign a review appraiser for review and recommendation of the Deputy Attorney General's proposal for legal settlement when requested by the ROW Manager. The assignment may be made to the Review Appraiser who established the payment of just compensation for the parcel(s). However, if he is not available for the assignment, other Review Appraisers may be assigned for the review and recommendations. The assigned Review Appraiser may consider the following information in submitting and formulating his recommendations:

- A. The Deputy Attorney General's value conclusions related to the proposed settlement;
- B. Updated appraisal report(s) requested by the Deputy Attorney General;
- C. Data supporting the value conclusion and other pertinent information.

The recommendation of the Review Appraiser shall be limited to matters pertaining to value and forwarded to the ROW Manager by memorandum.

FHWA's Concurrence to Legal Settlement

Where FHWA's prior concurrence to the proposed legal settlement is desired, the Appraisal Section Head shall prepare the transmittal letter over the signature of the Highways Division Administrator. The letter shall include:

- A. The Deputy Attorney General's memorandum which requests and supports the proposed settlement endorsed by the Appraisal Section Head and the ROW Manager;
- B. A copy of the updated appraisal report(s), if applicable;
- C. Other pertinent document(s) and data.

The letter may also summarize and emphasize the prime points or reasons for approval. Non-compensable items, if any, should be noted.

Upon receipt of the concurrence or non-concurrence from the FHWA, the Deputy Attorney General shall be notified by memorandum signed by the ROW Manager with the FHWA letter attached.

Request for Payment (Additional Deposit)

Where legal settlement has been approved, the Request for Payment to Fiscal Staff for additional funds necessary for deposit in court to conclude the settlement is routed through the Appraisal Section. The Request for Payment shall be reviewed as to:

- A. Accuracy of the additional deposit and interest;
- B. Accuracy of coding for payment; and,

- C. Allocation of values on a parcel basis (land, improvements, damages, benefits, etc.).

The Appraisal Section shall make corrections or adjustments to the Request for Payment as necessary and shall be initialed by the Appraisal Section Head, before routing to Fiscal Staff (HWY-SF) for payment.

Allocation of Additional Deposit

The Review Appraiser shall prepare the allocation of all additional deposits made on a parcel basis. The allocation shall be filed in the owner's file.

CONDEMNATIONS

PURPOSE:	To describe the Appraisal Section's (HWY-RP) role and functions in condemnation proceedings.
POLICY:	It is the policy to provide the Deputy Attorney General with appraisal expertise as requested in all condemnation proceedings.
RESPONSIBILITY:	The Deputy Attorney General is responsible for the submittal of requests for appraisal assistance. The Appraisal Section is responsible for providing appraisal assistance as required.
SCOPE:	The provisions of this section extend to the Appraisal Section and the Deputy Attorney General of the Department of the Attorney General.
PROCEDURES:	When necessary, the Deputy Attorney General may request for personnel assistance from the Appraisal Section to assist him in settlement of a civil case and/or through a condemnation trial in court.

Assignment to the Deputy Attorney General

Request for personnel assistance in condemnation proceedings shall be made by the Deputy Attorney General to the Right-of-Way (ROW) Manager. Generally, the Review Appraiser who estimated the just compensation for the condemned parcel(s) is assigned to assist the Deputy Attorney General. The Appraisal Section Head, however, may assign an alternate Review Appraiser, if necessary. Once assigned, the Review Appraiser shall report directly to the Deputy Attorney General until completion of the assignment.

Pre-Trial Conference

The Review Appraiser shall assist the Deputy Attorney General by providing expertise in appraisal matters during pre-trial conferences individually and also together with the Fee Appraiser who is scheduled to testify in court for the State. The Review Appraiser shall review and obtain, where possible, any additional information desired by the Deputy Attorney General in support of the State's case pertaining to valuation for the scheduled trial.

Court Trial

Should all attempts for legal settlement fail, a court trial is held to determine the just compensation due the property owner for the State's acquisition.

A. Preparation for Trial

The Review Appraiser shall assist the Deputy Attorney General in preparing and procuring exhibits required for court trial and any other assignments as required by the Deputy Attorney General.

B. During Trial

The Review Appraiser, upon request of the Deputy Attorney General, shall sit in during court trials. The Review Appraiser shall assist the Deputy Attorney General in the trial by taking notes which may be pertinent to the case and also as a standby to gather additional information for the trial as it progresses. The Review Appraiser may be called to testify.

C. After Trial

If the trial verdict requires an additional deposit in court by the State, the Review Appraiser shall assist the Deputy Attorney General, when requested, to properly allocate and code the payments. The Review Appraiser shall review the final allocation for payments as covered in Procedure No. 8-03-12, Section 5.4 (Request for Payment — Additional Deposit) and also prepare the allocation for the owner's file as covered under Section. 3.12.



ORGANIZATION AND FUNCTIONS

PURPOSE:

To describe the organization and functions of the Property Management Section (HWY-RM) of the Right-of-Way Branch (HWY-R), Highways Division. HWY-RM is directed and guided by, but not limited to, the following: Code of Federal Regulations (CFR), United States Code (USC), Hawaii Revised Statutes (HRS) and other State and Federal property management policies listed below:

23 CFR 635.309
23 CFR 710.401- 409

49 CFR

HRS 171-30 (State Lands),

Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Uniform Act), as amended, Federal-Aid Highway Act of 1987, and other related laws, statutes, directives, opinions, rules and governing agencies.

OBJECTIVE:

The Property Management section is set to provide:

- A. Relocation assistance services for the Division's projects and the Department;
- B. Management of lands and improvements acquired for highway projects;
- C. Property Management Services in general for all of the various branches and sections of the Division.

ADMINISTRATION:

The Property Management section is headed by the Right-of-Way (ROW) Agent VI (Supervising Right-of-Way Agent), who carries the title of Section Head. He is responsible for the functions and activities of his section and operates under the general supervision of the ROW Manager.

ORGANIZATION:

The Property Management section is comprised of one unit. The organizational chart of HWY-RM is shown on page 4.1-A.

FUNCTIONS:

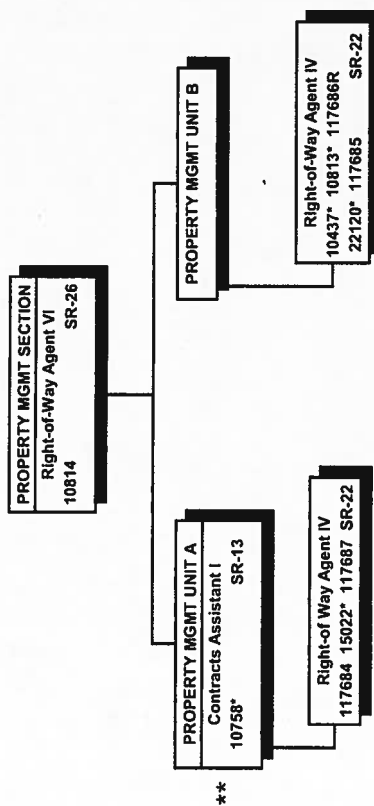
The Section Head is assisted by ROW Agents and administrative support staff in carrying out assignments and/or projects assigned to them. The section:

- A. Prepares Conceptual Relocation Program Plans for route selection proposed during the planning stage of the highway and final relocation plans for Federal Highways Administration (FHWA) review and approval for job authorization for right-of-way acquisition in design stage if required;
- B. Provides relocation advisory assistance services and payments to individuals, families, businesses including farm operations and non-profit organizations displaced by highway projects;
- C. Computes replacement housing payments in accordance with Federal and State laws and updates relocation brochures whenever Federal or State laws governing relocation assistance are amended;
- D. Processes all claims for relocation assistance payments;
- E. Administers the rental of real properties acquired as right-of-way for highway projects when it is determined practicable to do so on an interim basis; administers the rental of airspace under highway viaducts and excess properties acquired in connection with the highway project;
- F. Disposes of improvements in connection with the clearing of right-of-way by public auction sale when County approval can be obtained to relocate buildings or by requesting demolition if approval cannot be obtained or disposal by sale is deemed impractical;
- G. Determines as to whether or not rodent control measures are necessary prior to sale or demolition improvements for each project and makes arrangements for control measures by either the Board of Health or a private firm as required;
- H. Prepares request to the Board of Land and Natural Resources (BLNR) for disposition of remnants that are surplus to highway needs, then with BLNR's approval, disposes of the remnants;
- I. Maintains records as supporting documentation and files reports on relocation activities as required by FHWA;
- J. Maintains inventory of remnants, airspace and rentals;
- K. Prepares annual reports of the Relocation Assistance Program and Property Management activities.

QUALIFICATIONS OF RIGHT-OF-WAY AGENTS:

The minimum qualification requirements of the ROW Agent in the various classifications are as referenced in individual position descriptions files.

STATE OF HAWAII
 DEPARTMENT OF TRANSPORTATION
 HIGHWAYS DIVISION
 RIGHT-OF-WAY BRANCH
 PROPERTY MANAGEMENT SECTION
 POSITION ORGANIZATION CHART



**

"R" indicates restored abolished position.

* Project funded positions; all other positions special funded.

** To redescribed.

GENERAL RELOCATION REQUIREMENTS

- PURPOSE:** To prescribe general requirements governing the provision of relocation payments and other relocation assistance.
- To insure, to the greatest extent possible, the equitable and prompt relocation and reestablishment of persons, businesses, farmers and non-profit organizations displaced as a direct result of Federal-Aid highway projects. The procedures on relocation assistance are intended to establish a means of providing relocation services and of making moving cost payments so that a few individuals do not suffer disproportionate injuries as a result of projects designed for the benefit of the public as a whole and to ensure that implementation of regulations are efficient and cost effective.¹
- POLICY:** To follow the rules, policies and procedures set forth herein so that every individual displaced because of a Federal-Aid highway project will have or will have been offered a comparable, decent, safe and sanitary dwelling to move into upon being required to vacate the dwelling acquired. It requires relocation services be furnished and payments be made to those who are required to relocate to compensate for, in whole or in part, costs incurred for moving, replacement housing and certain other expenses. It also provides for hearing and appeal procedures to encourage amicable resolution of controversies that may arise.
- RESPONSIBILITY:** It is the responsibility of the Property Management Section (HWY-RM) of the Right-of-Way Branch to provide relocation assistance in accordance with Federal and State laws. These requirements apply to the relocation of any displaced person. Any person who qualifies as a displaced person must be fully informed of his rights and entitlements to relocation assistance and payments provided by the Uniform Act and this regulation.²
- SCOPE:** The provisions of this section apply to HWY-RM of the Right-of-Way Branch, of the Highways Division and the Department of Transportation.
- PROCEDURES:** Any individual, family, business, farm operation or nonprofit organization directly affected by a Federal-Aid project is entitled to relocation assistance services as prescribed by the law.

¹ 49 CFR 24.201

² 49 CFR 24.202

DEFINITIONS:

The following terms are defined for the purpose of this procedure:

- A. Person. Any individual, partnership, corporation or association.
- B. Family. Two or more individuals, one of whom is the head of a household, plus all other individuals regardless of blood or legal ties who live with, are considered a part of the family unit. Where two or more individuals occupy the same dwelling with no identifiable head of a household, they shall be treated as one family for replacement housing payment purposes.
- C. Displaced Person (General).³ The term displaced person means, except as provided in paragraph (a) (9) (ii) of this section, any person who moves from the real property or moves his personal property from the real property. (This includes a person who occupies the real property prior to its acquisition, but who does not meet the length of occupancy requirements of the Uniform Act as described at Sec. 24.401(a) and Sec. 24.402(a)):
 - 1. As a direct result of a written notice of intent to acquire (see Sec. 24.203(d)), the initiation of negotiations for, or the acquisition of, such real property in whole or in part for a project;
 - 2. As a direct result of rehabilitation or demolition for a project; or
 - 3. As a direct result of a written notice of intent to acquire, or the acquisition, rehabilitation or demolition of, in whole or in part, other real property on which the person conducts a business or farm operation, for a project. However, eligibility for such person under this paragraph applies only for purposes of obtaining relocation assistance advisory services under Sec. 24.205(c), and moving expenses under Sec. 24.301, Sec. 24.302 or Sec. 24.303.
 - 4. Is in occupancy at the initiation of negotiations for the acquisition of the real property in whole or in part and the property is subsequently acquired.
 - 5. Is in occupancy at the time he is given a written notice by the Highways Division that it intends to acquire the property by a given date and the property is subsequently acquired.

³ 49 CFR 24.2 (9)

6. Moves from the real property or moves his personal property from the real property subsequent to the earliest date established in paragraph C.
 7. Is in occupancy at the time of acquisition of real property and subsequently moves from the real property.
 8. If the move occurs after a written order to vacate is issued, the occupant is eligible even though the property is not acquired.
- D. Persons Not Displaced. The following is a nonexclusive list of persons who do not qualify as displaced persons under this part:
1. A person who moves before the initiation of negotiations (see Sec. 24.403(d)), unless the Agency determines that the person was displaced as a direct result of the program or project;
 2. A person who initially enters into occupancy of the property after the date of its acquisition for the project;
 3. A person who has occupied the property for the purpose of obtaining assistance under the Uniform Act;
 4. A person who is not required to relocate permanently as a direct result of a project. Such determination shall be made by the Agency in accordance with any guidelines established by the Federal Agency funding the project (See appendix A, Sec.24.2 (a) (9) (ii) (D));
 5. An owner-occupant who moves as a result of an acquisition of real property as described in Sec. 24.101(a)(2) or 24.101(b)(1) or (2), or as a result of the rehabilitation or demolition of the real property. (However, the displacement of a tenant as a direct result of any acquisition, rehabilitation or demolition for a Federal or Federally-Assisted project is subject to this part.);
 6. A person whom the Agency determines is not displaced as a direct result of a partial acquisition;