

STATE OF VERMONT
AGENCY OF TRANSPORTATION

May 3, 2021

Re: New Haven HES 032-1(8), Parcel 1
Parcel # 1 – Mayer, Rael & Beverly
04b210

JUSTIFICATION OF ADMINISTRATIVE SETTLEMENT

In reviewing negotiations on this parcel, a settlement was affected, subject to the Agency's approval, in the amount of \$10,850.00. This exceeds by \$2,500.00 the Right of Way Acquisition Chief's determination of Fair Market Value of \$8,350.00.

Justification for the settlement is based on consideration to the following:

The fair market value offer of \$8,350.00 was made to the owner. The offer included an explanation of the construction and the rights needed from their property to complete this work. The acquisitions included a right for removing and resetting fencing. Because this property is an operating farm, this needed to be closely coordinated with the property owners to ensure the safety and security of their livestock. The Mayers thought that this was best accomplished by taking on the responsibilities for moving the fence themselves. In coordination with the project manager, the project costs associated with moving the fence was estimated to be \$2,500.00. This number was relayed to the Mayers. Negotiations continued and a counteroffer of \$10,850.00 was received (the original offer amount of \$8,350.00 plus \$2,500.00 to take on responsibility for the fence moving portion of the work). The State considered this and accepted. The acceptance by both parties of compensation in the amount of \$10,850.00 concludes negotiations.

This settlement eliminates further negotiations and incidental costs and the need for the eminent domain process. The modest settlement would also eliminate a potential costly condemnation and compensation appeal. Therefore, this settlement is deemed reasonable, prudent, and in the public interest under the provisions of 49CFR, Part 24, 24.102(I).

Trey Polk, Right of Way Acquisitions and Utilities Manager

Orig - ROW Property Owner File
Patrick Kirby, FHWA