

STATE OF VERMONT
AGENCY OF TRANSPORTATION

June 16, 2021

Re: Williston NH 5500(18)
Parcel # 2 – HPT IHG – 2 Properties Trust
14d208

JUSTIFICATION OF ADMINISTRATIVE SETTLEMENT

In reviewing negotiations on this parcel, a settlement was affected, subject to the Agency's approval, in the amount of \$15,000.00. This exceeds by \$5,453.00 the Right of Way Acquisition Chief's determination of Fair Market Value of \$9,547.00.

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

The fair market value offer of \$9,547.00 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 property owner's representatives (legal, engineering, and asset management) reviewed the offer and the project plans and had concerns regarding the land value used to calculate Just Compensation, the proposed new location of their business sign, as well as drainage impacts to their property. Negotiations continued and a counteroffer of \$20,560.00 was received. The State considered this and chose to make its own counteroffer of \$13,000.00, which was declined. After further discussions, another counteroffer of \$17,000.00 was received. The State then increased its counteroffer to \$15,000.00, which was accepted. The acceptance by both parties of compensation in the amount of \$15,000 concludes negotiations.

This settlement eliminates further negotiations and incidental costs and the need for the eminent domain process. The 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