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Turnpike commission begins property acquisition for expressway section

By Steve Ferris , Herald-Standard

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The Pennsylvania Turnpike Commission's purchase of property needed to build the 15-mile Uniontown-to-Brownsville section of the Mon/Fayette Expressway will start with the 61 parcels that will be used entirely for the project.

The 61 "total takes" include 47 homes, 12 vacant parcels and two businesses, while parts or "partial takes" of 200 other properties, including three businesses, will be acquired in the second phase of right-of-way purchases.

Turnpike commission spokesman Joe Agnello said letters sent in January to owners of property in the construction corridor were the first official notification that the commission intends to purchase their land for the toll highway.

August 2005 is the commission's projected deadline to complete the right-of-way acquisition and the final design for this section of the expressway, which is estimated to cost \$360 million to build.

Agnello said the \$85 million committed to the project is expected to carry the commission through right-of-way acquisition and final design processes.

Right-of-way purchases for the Uniontown-to-Brownsville section are estimated at \$26 million, he said.

While none of the properties has been bought yet, the two firms hired by the commission to negotiate the purchases already have met with some of the landowners whose properties will be taken completely and some offers have been made, Agnello said.

"We are required to pay a fair market value," he said. "We are also required to relocate homeowners and renters. The turnpike commission makes an offer and the owner can appeal. It's largely a negotiating process."

The commission will not reduce its original offer, even if the property owner takes his or her appeal all the way to county court.

"Under no circumstances will they get less," he said.

The two firms hired to negotiate the "total takes" are Right of Way Services Inc., which has an office in Brownsville, and Orion, which has an office in Uniontown. Agnello said it has not yet been determined who will negotiate the partial-take purchases.

The process starts with an appraisal, and the commission will reimburse property owners up to \$500 to hire their own appraiser, engineer or attorney to conduct another evaluation, according to the commission's Web site, www.paturnpike.com.

If only part of a parcel is needed, the commission's offer will be the difference between the fair market value of the entire property and the value of the part not needed for the expressway. The formula takes into consideration the loss or depreciation in value of the unneeded portion.

Representatives from one of the firms will then visit the property owners and make offers. Owners are given time to consider the offers. If they accept, they will be asked to sign a binding agreement, and the commission will arrange the closing within 90 days of the signing. At the closing, a property owner will be expected to sign the sales agreements, and the commission will issue him or her a check for the agreed-upon amount.

If its offer is not accepted, the commission is required by the state Eminent Domain Code to file a "declaration of taking" in Common Pleas Court and offer its compensation to the owner. The owner can accept the offer without jeopardizing his or her right to petition the court to appoint a board of review to determine the amount of damages to which the owner later may be entitled.

If the owner refuses the compensation, the commission pays the money to the court, which then holds the money without interest until the owner asks for its release.

Mortgage or lien holders are entitled to a prorated payment from the compensation.

If the court approves an owner's request for a board of review, the appointed viewers visit the property in question and conduct a hearing to give the owner and witnesses a chance to testify about the amount of damages they believe is appropriate.

The viewers determine an award and the commission is then required to pay the difference between the compensation it offered and the award.

If the award is appealed, either party can demand that the case be tried before a judge or jury. That decision is considered final and can be appealed only if a legal error occurred, according to the commission.

Agnello said 90 percent of all purchases the commission has made for other sections of the expressway are settled through negotiations, but the rest end up in court.

He said costs for custom features in houses for residents with medical conditions are added into the commission's offers.

"Each case is unique. We will deal with any circumstance," Agnello said. "We have provisions for everything."

When a deal is settled, the commission is required to give the owners 90 days to vacate their properties, but they usually are given a year, he said.

The commission also covers relocation expenses, like fees for professional movers and storage.

Of the \$4.3 million the commission paid for right-of-way acquisition for the 8-mile Mason-Dixon link, it spent \$3.7 million on buying property and the remaining \$600,000 on relocation costs. That portion of the expressway, which opened in March 2000, displaced 42 homes and two businesses, Agnello said.

Acquisition and relocation costs for the 17-mile Interstate 70-to-Route 51 section totaled \$36 million for the 94 homes and 14 businesses affected by that project, he said.

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