

Advanced Acquisition Approval Process

- (a) Because of significant impacts upon the salability of real property for a proposed corridor alignment for a new highway or the proposed expansion of an existing highway, the Delaware Department of Transportation (DelDOT) is often approached by owners of property directly impacted by a proposed transportation project desirous of having an **Advanced Acquisition Purchase** of their property by DelDOT.
- (b) Also, there are situations that serve the public interest by having DelDOT protect a property lying within a proposed transportation project from being developed. The development would significantly increase the eventual cost to the taxpayer for a property acquisition or severely limit location alternatives for a proposed transportation project. In such a situation DelDOT may pursue an **Advanced Acquisition Purchase** of the property.
- (c) Accordingly and upon the **availability of funding**, DelDOT will consider an **Advanced Acquisition Purchase** request by an affected property owner as described in (a) above.
- (d) Consideration by DelDOT for an **Advanced Acquisition Purchase** can occur under two different scenarios provided funding is available and are as follows:
- **Scenario 1** - The acquisition of property prior to approval of a transportation project by the Secretary of Transportation and inclusion of such project in the current DelDOT Capital Transportation Program (CTP) approved by the Council on Transportation; or
 - **Scenario 2** - The acquisition of property after approval of a transportation project by the Secretary of Transportation and inclusion of such project with right of way funding in the current CTP approved by the Council on Transportation but prior to approved Final Right of Way Plans.
- (e) There are four defined types of **Advanced Acquisition Purchases** and are as follows:
- **“Early Hardship Acquisition”** - Whereby a property owner can establish to DelDOT’s satisfaction that he/she will be detrimentally impacted by a proposed transportation project under **Scenario 1**. And as such that he/she cannot sell their property within a reasonable timeframe, coupled with a need to alleviate some particular medical or financial hardship. A hardship is generally characterized as being beyond the control of the property owner or his/her immediate family and significantly different than other properties potentially affected by the proposed project. If approved for acquisition, DelDOT will not invoke its power of Eminent Domain if an amicable agreement cannot be reached. In most cases the property owner will not be eligible to receive relocation benefits.
 - **“Hardship Acquisition”** - Whereby a property owner can establish to DelDOT’s satisfaction that he/she will be detrimentally impacted by a proposed transportation project under **Scenario 2**. And as such that he/she cannot sell their property within a reasonable timeframe, coupled with a need to alleviate some particular medical or financial hardship. A hardship is generally characterized as being beyond the control of the property owner or his/her immediate family and significantly different than other properties potentially affected by the proposed project. If approved for acquisition, DelDOT will invoke its power of Eminent Domain if necessary.
 - **“Early Protective Acquisitions”** - A determination by DelDOT to acquire a property under **Scenario 1** whereby the public interest is best served by protecting the property from imminent development, which if not acquired, would significantly increase the eventual cost of acquisition of a property once developed or severely limit location alternatives for a proposed transportation project and whereby DelDOT has determined that the development of the property will preclude any reasonable alternative for construction of the proposed

transportation project as well as the consideration must be in response to an actual development proposal being pursued by the property owner proceeding through the governmental approval processes. If pursued for acquisition, DeIDOT will not invoke its power of Eminent Domain if an amicable agreement cannot be reached.

- **“Protective Acquisitions”** A determination by DeIDOT to acquire a property under **Scenario 2** whereby the public interest is best served by protecting the property from imminent development, which if not acquired, would significantly increase the eventual cost of acquisition of a property once developed or severely limit location alternatives for a proposed transportation project and whereby DeIDOT has determined that the development of the property will preclude any reasonable alternative for construction of the proposed transportation project as well as the consideration must be in response to an actual development proposal being pursued by the property owner proceeding through the governmental approval processes. If pursued for acquisition, DeIDOT will invoke its power of Eminent Domain if necessary.
- (f) Approval to proceed with any **Advanced Acquisition Purchase** requests are granted by enacted State statute which established the Advanced Acquisition Committee and is comprised of:
- The Secretary, Delaware Department of Natural Resources and Environmental Control;
 - The Secretary, Department of Transportation;
 - The Secretary, Delaware Department of Agriculture;
 - The Director, Delaware Economic Development Office;
 - The Governor’s Chief of Staff,
 - A member of the Delaware State Senate designated by the President Pro Tempore;
 - A member of the Delaware House of Representatives designated by the Speaker of the House;
 - And two members of the public, one designated by the President Pro Tempore of the Senate and one designated by the Speaker of the House.
- (g) Upon receipt of a written request from the property owner by DeIDOT for an **Advanced Acquisition Purchase** for hardship purposes. DeIDOT will initiate the internal review process to determine whether the property meets the criteria for a hardship acquisition. For proper consideration, an **Advanced Acquisition Purchase** request must include the following documentation:
- The property has been marketed for at least six (6) months; and
 - The realtor, or property owner in the absence of a realtor, must certify and provide evidence that he/she is unable to sell the property because of the stigma of the proposed transportation project; and
 - The property owner must be able to document the compelling reason for him/her moving, whether it is because of a job transfer, retirement plans or medical reasons.
- (h) Once the internal review is completed, DeIDOT will advise the Advanced Acquisition Committee at its next meeting whether or not the request documentation supports the criteria for an **Advanced Acquisition Purchase**.
- (i) An **Advanced Acquisition Purchase** request for property located in New Castle County is to be submitted to the:

North District Real Estate Manager
Delaware Department of Transportation
250 Bear Christiana Road, Bear, DE 19701

(j) An **Advanced Acquisition Purchase** request for property located in Kent County or Sussex County is to be submitted to the:

South District Real Estate Manager
Delaware Department of Transportation
P.O. Box 778
Dover, DE 19903