

The Alliance Gets to the Bottom of the Matter!

Recently, property owners along Atlantic Avenue have received advertisements from law firms offering representation for their properties, properties that might be included in a land acquisition. The Alliance of Delray requested information from the Department of Transportation (DOT) and this is the response. Right now, the project is in the design stage and we can expect another public meeting regarding the design of the project within 4-6 months.

From: Thuc Le, PE of the DOT, Project Manager for the Atlantic Avenue Expansion

Good afternoon Dr. Vinikoor,

Please see below the response from our Right of Way Office on this recent letter received.

It is common practice for Eminent Domain Attorneys to conduct mass marketing campaigns prior to projects conducted by the Florida Department of Transportation (FDOT). They will send form letters stating that there are or may be impacts to their real estate on an upcoming project. This can be beneficial for property owners who wish to be represented by legal counsel should their property actually be affected by the project. Other's may choose to deal directly with the FDOT's professional real estate team to understand their full impacts before retaining counsel. Either scenario is acceptable and leaves the choice up to the owner.

Unfortunately, these letters can unintentionally be misleading in making people believe their property will be taken by the FDOT. While it is not the intention of these letters to mislead, any letter stating a property is within projects limits causes real and logical concern for owners. Until such a time the final real estate acquisition needs are determined, owners may question if their property will be one of them. If I had to guess, attorneys send these letters to all owners adjacent to existing right-of-way in the event a final design impacts their property. This allows the owner easy access to legal counsel to be fully informed of their rights.

In my option, the best option is for any owner concerned with an upcoming project would be to ask the source directly, the FDOT. Any owner can reach out to the FDOT's Design Team to find out what the proposed acquisition areas are, if any. Since they are the ones making the design, they always have the most up to date information. Owners will often find there are no acquisitions from their property or they may be minor. In the event there are proposed substantial impacts, the Design Team will make them aware.

The Right of Way Office will reach out to each owner effected when the acquisitions needs are determined. From there, owners can decide to work with the Right of Way professionals, an attorney, or both.

Thanks,