



# First Phase

## Flexibility in Right of Way Implementation in the USVI: Local Perspective

Neil Maher  
nmaher@aol.com  
ROW Program Manager, USVI

May 18, 2012



# Acronyms

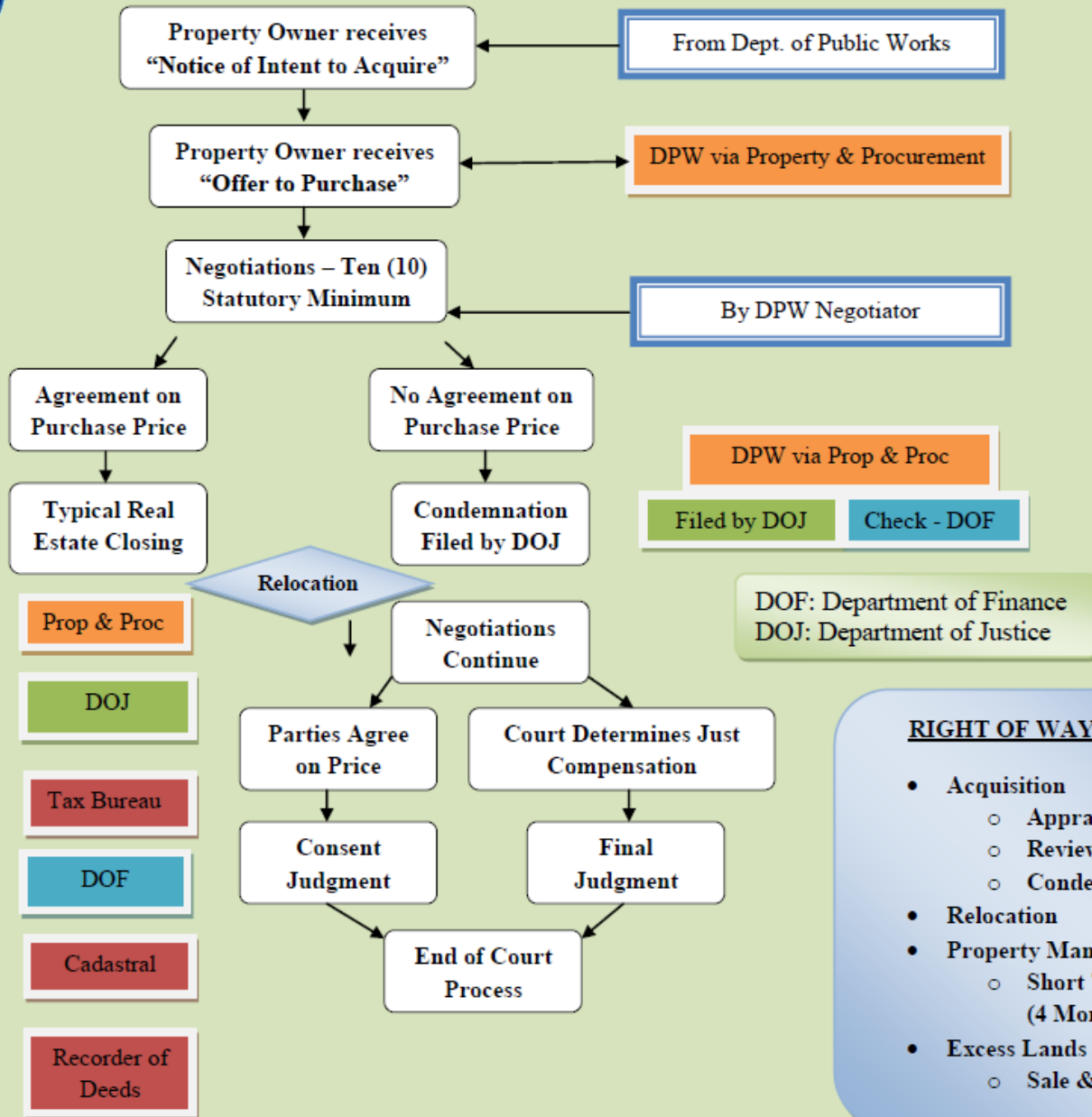
ARRA	American Recovery and Reinvestment Act
DOF	Department of Finance
DOJ	Department of Justice
DPW	Department of Public Works
EDC	Every Day Counts
ROW	Right of Way
USCG	United States Coast Guards
USVI	United States Virgin Islands

# Topics to be covered

- Property Acquisition Process
  - Right of Way Acquisition Process Supporting Documents
- Relationship of Traditional Property Acquisition Process and Every Day Counts Initiatives (EDC)
  - EDC Use Survey Related to Right of Way in USVI
- The Future of Property Acquisition Process with EDC Flexibility in ROW Initiative



# PROPERTY ACQUISITION PROCESS U. S. Virgin Islands

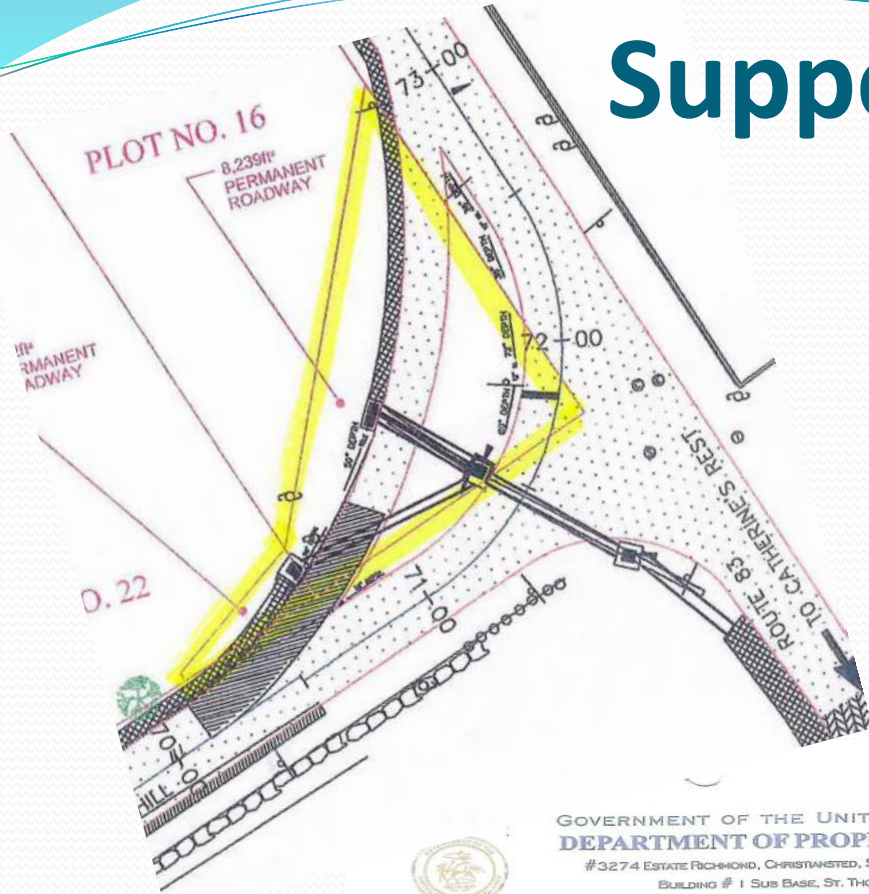


## RIGHT OF WAY FUNCTIONS

- Acquisition
  - Appraisal
  - Review Appraisal
  - Condemnation
- Relocation
- Property Management
  - Short Term Rental (4 Months to 1 Year)
- Excess Lands
  - Sale & Lease

# Right of Way Acquisition Process

## Supporting Documents



**WARRANTY DEED**  
THIS INDENTURE made this \_\_\_ day of \_\_\_\_\_, 2010 Barbara Armstrong Jamieson, Trustee of the Barbara Armstrong Jamieson Family Trust, hereinafter called the "Grantor", and the GOVERNMENT OF THE VIRGIN ISLANDS, acting through the Department of Property and Procurement, of Building No. 1 Sub Base, St. Thomas, Virgin Islands, hereinafter called the "Grantee".

WITNESSETH:

That the Grantor, in consideration of Sixteen Thousand Five Hundred Dollars (\$16,500.00), receipt of which is hereby acknowledged, does hereby grant, sell, convey and release unto the Grantee, its successors and assigns, fee simple absolute in and to real property known as:

Right of Way Taking Plot 16-1, Estate Beeston Hill, Company Quarter, Christiansted, St. Croix, U. S. Virgin Islands and consisting of 8,239 square feet or 0.1891 U.S. acres, more or less as shown on map O.L.G. No. D9-6088-C010 dated September 28, 2009;

together with all improvements, rights, privileges and appurtenances belonging thereto;

Subject, however, to Virgin Islands zoning regulations, to covenants, restrictions and easements of record;

And the Grantor Warrants as follows:

1. That Grantor is seized of the said premises in fee simple absolute and has good right to convey the same;

GOVERNMENT OF THE UNITED STATES VIRGIN ISLANDS  
DEPARTMENT OF PROPERTY & PROCUREMENT

# 3274 ESTATE RICHMOND, CHRISTIANSTED, ST. CROIX, U.S. VIRGIN ISLANDS 00820-4241  
BUILDING # 1 SUB BASE, ST. THOMAS, U.S. VIRGIN ISLANDS 00802  
www.pnpvi.org



August 3, 2010

Barbara Armstrong Jamieson  
Trustee of the Barbara Armstrong Jamieson Family Trust  
c/o Hunter Logan, Esquire  
1131 King Street, Christiansted  
St. Croix, VI 00820

Re: Queen Mary Highway Project – ARRA Project No. CT-70 (11) - A Fee Simple Take of Plot No. 16-1 Estate Beeston from Plot No. 16 Estate Beeston Hill, Company Quarter, St. Croix, USVI:

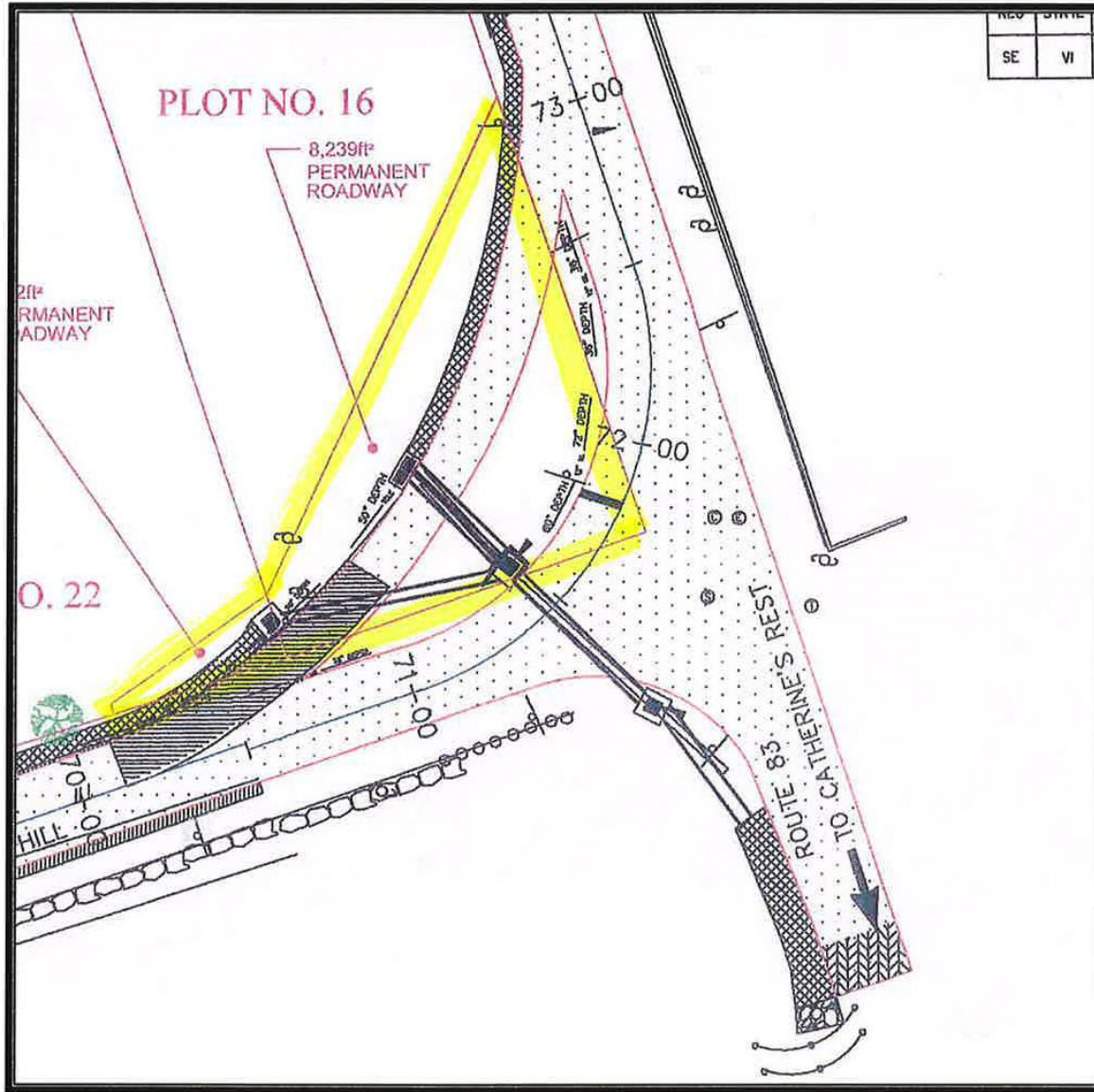
Dear Ms. Jamieson:

The proposed improvement of the Queen Mary Highway, St. Croix, US Virgin Islands necessitates a Fee Simple Take Acquisition of your property by the Government of The United

# Right of Way Acquisition Process in USVI: Supporting Documents

1. Initial ROW Plan
2. Notice of Intent
3. Right of Entry Agreement
4. Offer Letter
5. Acceptance of Offer
6. Real Property Tax Clearance Letter
7. Request for Payment: Acquisition of Land
8. Cadastral Plan
9. Warranty Deed

# 1. Initial ROW Plan



# 2. Notice of Intent



OFFICE OF  
THE COMMISSIONER

GOVERNMENT OF  
THE VIRGIN ISLANDS OF THE UNITED STATES

DEPARTMENT OF PUBLIC WORKS  
8244 SUB BASE  
ST. THOMAS, V.I. 00802-5805

Tel: (340) 774-1301  
Fax: (340) 774-5869

May 18, 2009

Barbara Armstrong Jamieson  
Heron Cove  
PO Box 303  
Orcas, WA 98280

**Re: Acquisition of Drainage & Temporary Easements  
Road Plot 16, Beeston Hill, Christiansted, St. Croix  
AARA Project Funding  
Centerline Road, Christiansted, St. Croix  
Federal Aid Project No. CT-70 (11)**

Dear Ms. Jamieson:

The Government of the Virgin Islands has an opportunity to provide a substantial upgrade to Centerline Road in Christiansted using Federal Funding from President Obama's recently passed American Recovery and Reinvestment Act (AARA) commonly referred to as the Stimulus Package.

In order to obligate this funding it is necessary that this Project obtain all necessary easements for drainage purposes within the next 30 days. In order to complete this work I am asking you to sign the attached "Right of Entry" form to enable the government to obligate this funding and proceed as necessary.

Attached is a plan showing a proposed drainage location on your property. A member of my staff is willing to meet you or your representative at your property to show you the location and construction plans for this drainage location.

I urge you to please call Mr. Neil T. Maher at (340) 774-2619, extension 226 or his cell at (340) 513-3396 as soon as possible using Stimulus Package funds.

Sincerely,

  
Darryl A. Smalls  
Commissioner

Encl: Right of Entry for Road

DAS/NTM *WJS*

cc: Wystan Benjamin, Highway  
John Paul David, Construction  
Neil T. Maher, Right of V

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature  <input checked="" type="checkbox"/> <i>Barbara A. Jamieson</i> <input type="checkbox"/> Agent  <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name)  <i>Barbara A. Jamieson</i></p> <p>C. Date of Delivery  <i>5-29-09</i></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes  <input checked="" type="checkbox"/> No                      If YES, enter delivery address below:</p>
<p>1. Article Addressed to:  <i>BARBARA ARMSTRONG                      JAMIESON                      HERON COVE                      P.O. BOX 303                      ORCAS, WA 98280</i></p>	<p>3. Service Type  <input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail  <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number                      (Transfer from service label)</p>	<p>7003 3110 0000 6353 3753</p>

# 3. Right of Entry Agreement

## RIGHT OF ENTRY AGREEMENT

I/We as legal representative(s) of the **Barbara Armstrong Jamieson, Trustee of the Barbara Armstrong Jamieson Family Trust ("Jamieson Trust")**, owner of record and with full legal authority to transfer ownership rights to the property identified as Road Plot 16-1 Estate Beeston Hill, St. Croix, U.S. Virgin Islands, do hereby give **USVI Department Of Public Works (DPW)** permission to enter upon said property with the right to complete thereon construction required for that portion of the **Queen Mary Highway 3R Improvements (Route 70) Proposed CT-70 (11)**. This agreement limits construction to that area on **Road Plot 16-1 Estate Beeston Hill, Christiansted, St. Croix, VI** as shown on Exhibit A. DPW will repair and replace any site improvements affected by the proposed construction.

This Right of Entry is predicated upon the acquisition of a fee taking containing 8,239 square feet for highway purposes of that area of the parcel as shown on the preliminary Right of Way Plan included in this document.


1. The Accepted Offer to be submitted upon completion the appraisal and other required documents, or;
2. By Condemnation of said parcels by the Government.

Public Works Department will construct in accordance with the current design as shown on said plan, and its respective obligations under the requirements of the Federal Highway Administration as shown on Exhibit A.

Public Works Department agrees to indemnify, defend and hold harmless the Jamieson Trust from and against any and all actions, suits, damages, costs, expenses, claims, demands or other liabilities of whatsoever kind or nature (hereinafter called "claim") that may be made against or incurred by Jamieson Trust or Plot 16-1 arising out of, resulting from or in any way connected with the possession or use of the Plot 16-1, including the construction of improvements or other activities by Public Works Department, its agents, employees, contractors, licensees, and invitees in or about Plot 16-1, including but not limited to any loss or damage to property, personal injury, loss of life.

Public Works Department agrees to use good faith, diligent efforts to conclude the purchase of Plot 16-1 from the Jamieson Trust within six months after the date of this Agreement.

Barbara Armstrong Jamieson, Trustee  
of the Barbara Armstrong Jamieson Family Trust, by:

  
Barbara Armstrong Jamieson, Trustee

June 5, 2009

Date

  
Darryl A. Smalls, Commissioner P.W.D.

  
Date

# 4. USVI Offer Letter



GOVERNMENT OF THE UNITED STATES VIRGIN ISLANDS  
**DEPARTMENT OF PROPERTY & PROCUREMENT**  
 #3274 ESTATE RICHMOND, CHRISTIANSTED, ST. CROIX, U.S. VIRGIN ISLANDS 00820-4241  
 BUILDING # 1 SUB BASE, ST. THOMAS, U.S. VIRGIN ISLANDS 00802  
 www.pprpvi.org



Barbara Armstrong Jamieson  
 Trustee of the Barbara Armstrong Jamieson  
 Family Trust  
 August 3, 2010  
 Page 2

August 3, 2010

Barbara Armstrong Jamieson  
 Trustee of the Barbara Armstrong Jamieson Family Trust  
 c/o Hunter Logan, Esquire  
 1131 King Street, Christiansted  
 St. Croix, VI 00820

Re: **Queen Mary Highway Project – ARRA Project No. CT-70 (11) - A Fee Simple Take of Plot No. 16-1 Estate Beeston from Plot No. 16 Estate Beeston Hill, Company Quarter, St. Croix, USVI:**

Dear Ms. Jamieson:

The proposed improvement of the Queen Mary Highway, St. Croix, US Virgin Islands necessitates a Fee Simple Take Acquisition of your property by the Government of The United States Virgin Islands. A copy of the survey maps showing the real estate to be acquired is enclosed for your information.

A valuation of your property has been done, and an approved offering price of **Sixteen Thousand Five Hundred Dollars (\$16,500.00)**, based on the previously mentioned appraisal, has been established as just compensation for a Fee Simple Take of Plot No. 16-1 Estate Beeston Hill from Plot No. 16 Estate Beeston Hill, Company Quarter, St. Croix, US Virgin Islands, consisting of 8,239 sq. ft., U.S. measure. This offer is the full-approved value of the property based upon Fair Market Value, which is the estimated amount your property would bring if offered in the open market.

This Offer is allocated as follows:

Property acquisition is from Plot No. 16 Estate Beeston Hill, St. Croix, VI

Fee Simple Take:	8,239 sq. ft., U.S. measure	Nominal	\$16,500.00
Damages to the remaining real property:			NONE
Total Amount of Damages:			\$16,500.00

Before initiating these negotiations, careful property inspections were accomplished and reports were prepared by a Certified General Appraiser. Only after considering the total available information was the appraised Fair Market Value estimate established.

If you consent to the offer on the property by the Government of The Virgin Islands at the appraised price, please execute our Consent Agreement and return to Mr. Paul Krigger. If you have any questions concerning this offer please telephone Mr. Paul Krigger at 774-2619 Extension 223 for an appointment to discuss this acquisition further. This offer shall remain open for ten (10) days after you have received it.

We trust that this offer of Just Compensation meets your approval and a mutually amicable agreement will be achieved.

Sincerely,

Lynn A. Millin Maduro  
 Commissioner

LAMM/PMK

Enclosure

xc: Honorable Commissioner of Public Works, Darryl A. Smalls, P.E.  
 Deputy Commissioner of Property and Printing, Halvor Hart, III  
 Highway Program Manager of Public Works, Wystan Benjamin  
 ROW Program Manager of Public Works, Neil Maher

OFFICE OF THE COMMISSIONER STX TEL: (340) 773-1561 FAX: (340) 773-0895	DIVISION OF FISCAL & PERSONNEL STX TEL: (340) 773-1561 FAX: (340) 773-0895	DIVISION OF PROCUREMENT STX TEL: (340) 774-1901 FAX: (340) 719-4451	DIVISION OF PRINTING STX TEL: (340) 774-0828 FAX: (340) 714-1575	DIVISION OF PROPERTY STX TEL: (340) 773-1561 FAX: (340) 773-0895	DIVISION OF TRANSPORTATION STX TEL: (340) 773-1561 FAX: (340) 719-4451	DIVISION OF CENTRAL STORES STX TEL: (340) 692-6720 FAX: (340) 692-6294
STT TEL: (340) 774-0828 FAX: (340) 777-0587	STT TEL: (340) 774-0828 FAX: (340) 777-8443	STT TEL: (340) 774-0828 FAX: (340) 774-6704	STT TEL: (340) 774-0828 FAX: (340) 777-8962	STT TEL: (340) 774-0828 FAX: (340) 774-1183	STT TEL: (340) 774-9084 FAX: (340) 774-9333	

# 5. Acceptance of Offer



GOVERNMENT OF THE UNITED STATES VIRGIN ISLANDS  
DEPARTMENT OF PROPERTY & PROCUREMENT

#3274 ESTATE RICHMOND, CHRISTIANSTED, ST. CROIX, U.S. VIRGIN ISLANDS OOB20-4241

BUILDING # 1 SUB BASE, ST. THOMAS, U.S. VIRGIN ISLANDS OOB02

www.pprvi.org



## ACCEPTANCE OF OFFER

This offer of the Government of the US Virgin Islands dated August 3, 2010, to acquire from the undersigned, a Fee Simple Take of Plot No. 16-1 Estate Beeston Hill from Plot No. 16 Estate Beeston Hill, Company Quarter, St. Croix, U.S. Virgin Islands for the consideration of Sixteen Thousand Five Hundred Dollars (\$16,500.00).

### This Offer is allocated as follows:

Property acquisition is from Plot No. 16 Estate Beeston Hill, St. Croix, VI	
Fee Simple Take: 8,239 sq. ft., U.S. measure	Nominal \$16,500.00
Damages to the remaining real property:	NONE
Total Amount of Damages:	\$16,500.00

The undersigned agrees to execute and deliver Permanent easement documents for the described above real properties and any improvements located thereon to the Government of the US Virgin Islands.

The undersigned further agrees to vacate the premises no later than thirty (30) days after the delivery of such agreement, unless a specific agreement to utilize such property from the Government of the United States Virgin Islands is entered into by the undersigned.

By: Barbara Armstrong Jamieson 579-50-5844  
Barbara Armstrong Jamieson Trustee of the S.S. Number  
Barbara Armstrong Jamieson Family Trust

Sworn and subscribed to before me this 10<sup>th</sup> day of August, 2010



Patti K. Pearson  
Notary Public

5-1-2011  
My Commission Expires

OFFICE OF THE COMMISSIONER	DIVISION OF FISCAL & PERSONNEL	DIVISION OF PROCUREMENT	DIVISION OF PRINTING	DIVISION OF PROPERTY	DIVISION OF TRANSPORTATION	DIVISION OF CENTRAL STORES
STX	STX	STX	STX	STX	STX	STX
TEL: (340) 773-1561	TEL: (340) 773-1561	TEL: (340) 773-1561	TEL: (340) 774-0826	TEL: (340) 773-1561	TEL: (340) 773-1561	TEL: (340) 692-5720
FAX: (340) 773-0586	FAX: (340) 773-0586	FAX: (340) 719-4451	FAX: (340) 714-1376	FAX: (340) 773-0995	FAX: (340) 719-4451	FAX: (340) 692-2564
STT	STT	STT	STT	STT	STT	STT
TEL: (340) 774-0328	TEL: (340) 774-0328	TEL: (340) 774-0328	TEL: (340) 774-0328	TEL: (340) 774-0328	TEL: (340) 774-0328	TEL: (340) 774-0328
FAX: (340) 777-9957	FAX: (340) 777-8443	FAX: (340) 774-0704		FAX: (340) 777-8362	FAX: (340) 774-1163	FAX: (340) 774-9335

# 6. Tax Letter

GOVERNMENT OF  
THE UNITED STATES VIRGIN ISLANDS



**OFFICE OF THE LIEUTENANT GOVERNOR  
DIVISION OF REAL PROPERTY TAX**

1105 King Street • Christiansted, Virgin Islands 00820 • 340.773.5449 • Fax 340.773.0330  
18 Kongens Gade • Charlotte Amalie, Virgin Islands 00802 • 340.774.2991 • Fax 340.774.4953

**REAL PROPERTY TAX CLEARANCE LETTER**

TO: Office of the Recorder of Deeds

FROM: Office of the Tax Collector

In accordance with Title 28, Section 121, as amended, this shall certify that there are no outstanding Real Property Tax obligations for the following:

PARCEL NUMBER	2-04800-0401-00
LEGAL DESCRIPTION	REM BEESTON HILL
OWNER'S NAME	ARMSTRONG JAMIESON, BARBARA

Taxes have been researched up to and including 2006.

CERTIFIED TRUE AND CORRECT BY

Valencio Jackson  
Tax Collector

A handwritten signature in blue ink, appearing to read "Valencio Jackson".

SIGNATURE

March 16, 2011

DATE

# 7. Request for Payment



OFFICE OF  
THE COMMISSIONER

GOVERNMENT OF  
THE VIRGIN ISLANDS OF THE UNITED STATES

DEPARTMENT OF PUBLIC WORKS  
8244 SUB BASE  
ST. THOMAS, V.I. 00802-5805

Tel: (340) 774-1301  
Fax: (340) 774-5869

## MEMORANDUM

To: Keith Webster, Financial Analyst  
From: Neil T. Maher  
Date: August 26, 2010  
Re: Request for Payment – Acquisition of Land  
16-1 Beeston Hill, Christiansted, St. Croix  
Project – Queen Mary Highway CT-70 (11)

Attached is the Invoice for the acquisition of Parcel 16-1 Beeston Hill, Christiansted, St. Croix. The cost should be charged to the Territory wide Right-of-Way Project RW-09 (01)

Please Request Payment in the amount of \$16,500.00 from the Department of Finance payable as follows:

Barbara Armstrong Jamieson, Trustee  
Barbara Armstrong Jamieson Family Trust  
c/o Hunt Logan, Esquire  
1131 King Street  
Christiansted, VI 00820

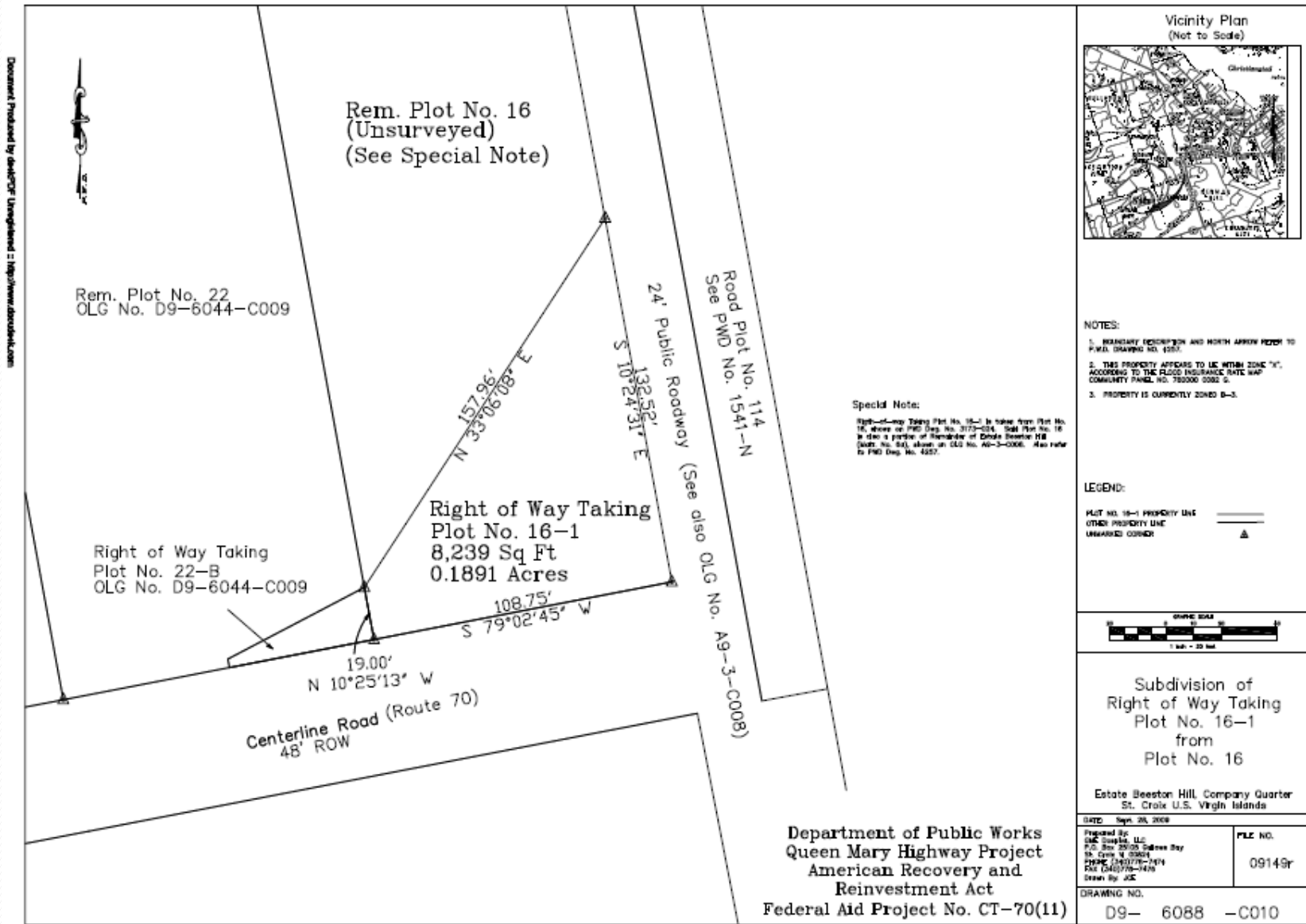
SS#: 549-50-5844

### DO NOT MAIL THIS CHECK

This check should be delivered to Neil Maher, ROW Program Manger at Department of Public Works to be held for closing

cc: Wytan Benjamin, Highway Program Manager  
Neil T. Maher, Right of Way Program Manager

# 8. Cadastral Plan



# 9. Warranty Deed

## WARRANTY DEED

THIS INDENTURE made this \_\_\_ day of \_\_\_\_\_, 2010 Barbara Armstrong Jamieson, Trustee of the Barbara Armstrong Jamieson Family Trust, hereinafter called the "Grantor", and the **GOVERNMENT OF THE VIRGIN ISLANDS**, acting through the Department of Property and Procurement, of Building No. 1 Sub Base, St. Thomas, Virgin Islands, hereinafter called the "Grantee",

WITNESSETH:

That the Grantor, in consideration of **Sixteen Thousand Five Hundred Dollars (\$ 16,500.00)**, receipt of which is hereby acknowledged, does hereby grant, sell, convey and release unto the Grantee, its successors and assigns, fee simple absolute in and to real property known as:

Right of Way Taking Plot 16-1, Estate Beeston Hill, Company Quarter, Christiansted, St. Croix, U. S. Virgin Islands and consisting of 8,239 square feet or 0.1891 U.S. acres, more or less as shown on map O.L.G. No. D9-6088-C010 dated September 28, 2009;

together with all improvements, rights, privileges and appurtenances belonging thereto;

**Subject, however,** to Virgin Islands zoning regulations, to covenants, restrictions and easements of record;

**And the Grantor Warrants** as follows:

1. That Grantor is seized of the said premises in fee simple absolute and has good right to convey the same;
2. That the Grantee shall quietly enjoy said premises;
3. That the said premises are free from encumbrances;
4. That the Grantor will execute or procure any further necessary assurance of the title to said premises;
5. That the Grantor will forever warrant and defend title to the premises; and
6. That the Grantor is not knowledgeable of any adjoining properties which are the subject of court action that may affect said parcel.

# EDC Use Survey Related to Right of Way in USVI

- Incentive Payments for Acquisitions and Relocation
  - Acquisition: 14%
  - Relocation: 10%
  - Right of Entry Federal Land Transfer : 43%
  - Conflict of Interest (Appraiser/Negotiator): 12%
  - Waiver Valuation: 10%
  - Conditional ROW Certification: 12%
  - Functional Replacement: 20%

# Incentive Payments for Acquisitions and Relocation

- EDC Use Survey
  - Acquisition 14%
  - Relocation 10%
- Not utilized to date in USVI
- Will be considered for future projects
- Applicable on Large Projects
  - Many Acquisitions

## Right of Entry Federal Land Transfer (43%)

- No Federal land acquisitions in USVI to date
- Planned for Veterans Drive Project
- Sidewalks in front of Federal Courthouse
- May be used on US Coast Guard Acquisition

## **Conflict of Interest (Appraiser/Negotiator) (12%)**

- Has been in use on all projects in USVI
- Most recently on the Scott Free Road Project where 63 acquisitions were completed in six (6) months
- Used on multiple projects on St Croix

# Waiver Valuation (10%)

- Most recently on the Scott Free Road Project where 63 acquisitions were completed in six (6) months
- Approximately 30 fell below the \$10,000 level. Initial offers were based on a Comparable Sale Book and were submitted upon completion of the ROW Plans
- Utilized on almost all small property acquisitions

# Conditional ROW Certification (12%)

- Queen Mary Highway Project (ARRA Project)
- Melvin Evans Highway Project

# Functional Replacement (20%)

- Currently in use for replacement of the downtown Fire Station for Charlotte Amalie, USVI
- Estimated Cost
  - Total: \$5,500,000
  - Federal Participation: 74%
- Considered in the replacement of two units of public housing on Raphune Hill Road



# The Future of Property Acquisition Process with EDC Flexibility in ROW Initiative

# Thank you for your participation

