

TITLE 2: NATURAL RESOURCES
DIVISION 4: LAND RESOURCES

§ 4712. Procedures Generally.

(a) In acquiring real property the government will, to the greatest extent practicable:

(1) Make every reasonable effort to acquire real property expeditiously through negotiation;

(2) Before the initiation of negotiations, have the real property appraised and give the owner or his or her representative an opportunity to accompany the appraiser during the inspection of the property;

(3) Before the initiation of negotiations, establish an amount which is believed to be just compensation for the real property, and make a prompt written offer to acquire the property for that amount:

(A) In no event will the just compensation offered be less than the government's approved appraisal of the fair market value of such property. At the time the government makes an offer to purchase real property, the owner of that property will be provided with a written statement of the basis for the amount estimated to be just compensation.

(B) In determining just compensation for the property any increase or decrease of the fair market value caused by the public improvement for which the property is acquired prior to the date of valuation will be disregarded (other than that caused by physical deterioration).

(4) Before requiring any owner to surrender possession of any real property, the government will:

(A) Pay the agreed purchase price; or

(B) Deposit with the court, for the benefit of the owner, an amount not less than the government's approved appraisal of the fair market value of the property; or

(C) Pay the amount of the award of compensation in condemnation proceedings for the property.

(5) If interest in the real property is to be acquired by exercise of the power of eminent domain, institute formal condemnation proceedings pursuant to 1 CMC § 9211 et seq. and not intentionally make it necessary for the owner to institute legal proceedings to prove the fact of the taking of this real property; and

(6) If the acquisition of only part of the property will leave its owner with an uneconomic remnant, offer to acquire that remnant.

(b) In acquiring real property, to the greatest extent practicable the government will not:

(1) Schedule a construction or development of the public improvement that will require any person lawfully occupying real property to move from a dwelling, or move his business or farm operation, without giving that person at least 90 days written notice of the date the person is required to move;

(2) If acquired property is rented to the former owner or tenant for a short term or subject to termination by the government on short notice, charge a rent that is more than the fair rental value of the property to a short term occupant;

(3) Advance the time of condemnation;

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(4) Defer negotiations, condemnation or deposit of funds in court for use of the owner; or

(5) Take any course of action to compel an owner to agree to a price for the property.

(c) Should a court determine condemnation was unauthorized or should the property owner obtain a judgment in the nature of inverse condemnation, then the owner shall be reimbursed for reasonable expenses of litigation, in line with Section 304 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. § 4654).

(d) Nothing in this section should be construed to preclude a donation by an owner after the property has been appraised and the full amount of the estimated just compensation has been tendered to the owner.

Source: 67 TTC § 452.