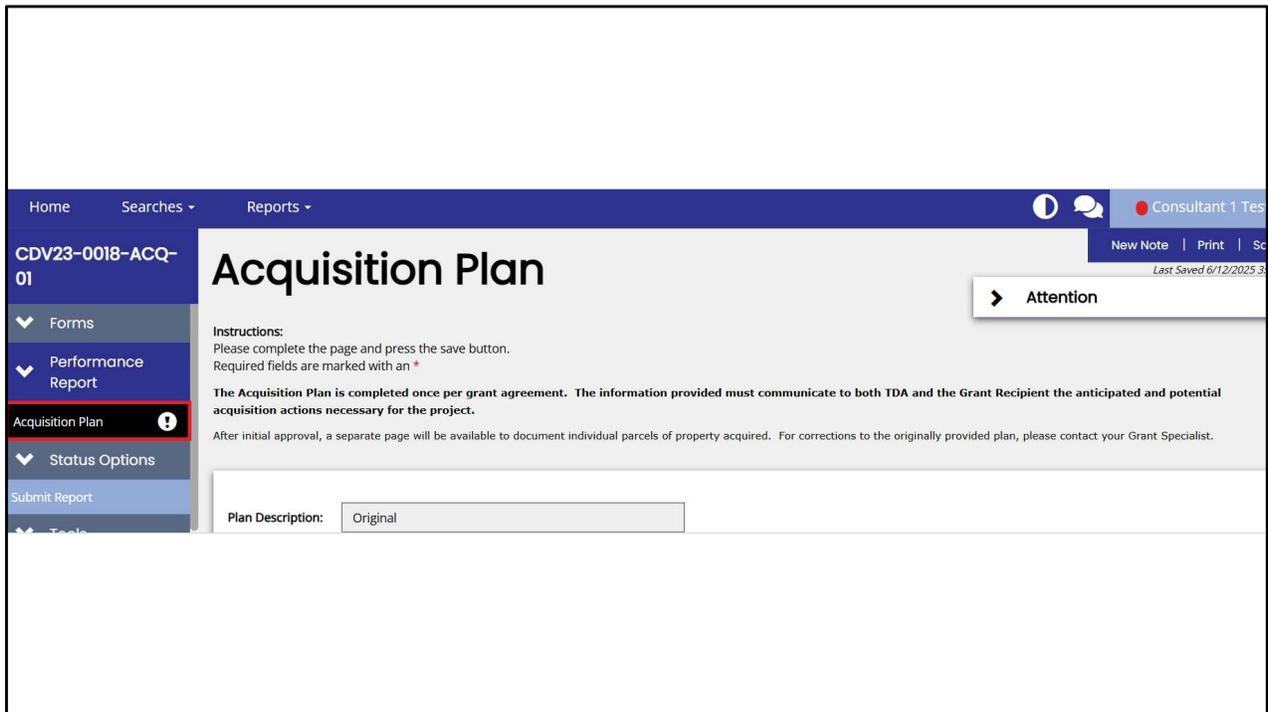


▼ My Tasks

Name	Document Type	Organization	Status	Status Date	Due Date
CDM2021070	CDBG - Downtown Revitalization Program - 2021	Delane Testing Organization	Application Adjustments Needed	9/20/2021 9:19:23 AM	5/10/2021 11:59:00 PM
CDV23-0018	CDBG - Community Development Fund - 2023	Beegeeville	Amendment Request in Process (CDBG)	4/9/2025 4:48:19 PM	
CDV23-0018-ACQ-01	Performance Report	Beegeeville	Performance Report In Process	6/12/2025 9:49:12 AM	
CDV23-0018-FMS-01	Performance Report	Beegeeville	Performance Report In Process	5/28/2025 10:58:24 AM	
CDV23-0018-GPA-01	Performance Report	Beegeeville	Performance Report In Process	3/20/2025 8:30:34 AM	

The Performance Report for Acquisition has been in my Task list for awhile. I know this report will be completed once to document **any anticipated or potential acquisition** needs for the project regardless of who will perform the duties or pay for them– this could be permanent or temporary easements or right of way on private property.

Even though this is a required Group B document, but I consulted with the ENG and he stated there is no acquisition, so I'm going to click on the report name to clear this task off my list.



When the ACQ landing page opens, I will click on ACQ Plan to complete it for Beegeeville.

Home | Searches | Reports | Consultant 1 Test

CDV23-0018-ACQ-01

## Acquisition Plan

Instructions:  
Please complete the page and press the save button.  
Required fields are marked with an \*

The Acquisition Plan is completed once per grant agreement. The information provided must communicate to both TDA and the Grant Recipient the anticipated and potential acquisition actions necessary for the project.

After initial approval, a separate page will be available to document individual parcels of property acquired. For corrections to the originally provided plan, please contact your Grant Specialist.

Plan Description:

1. Identify the acquisition necessary for this project \*

No acquisition activity is required for this project.

Acquisition is required and subject to the Uniform Relocation Act (URA).

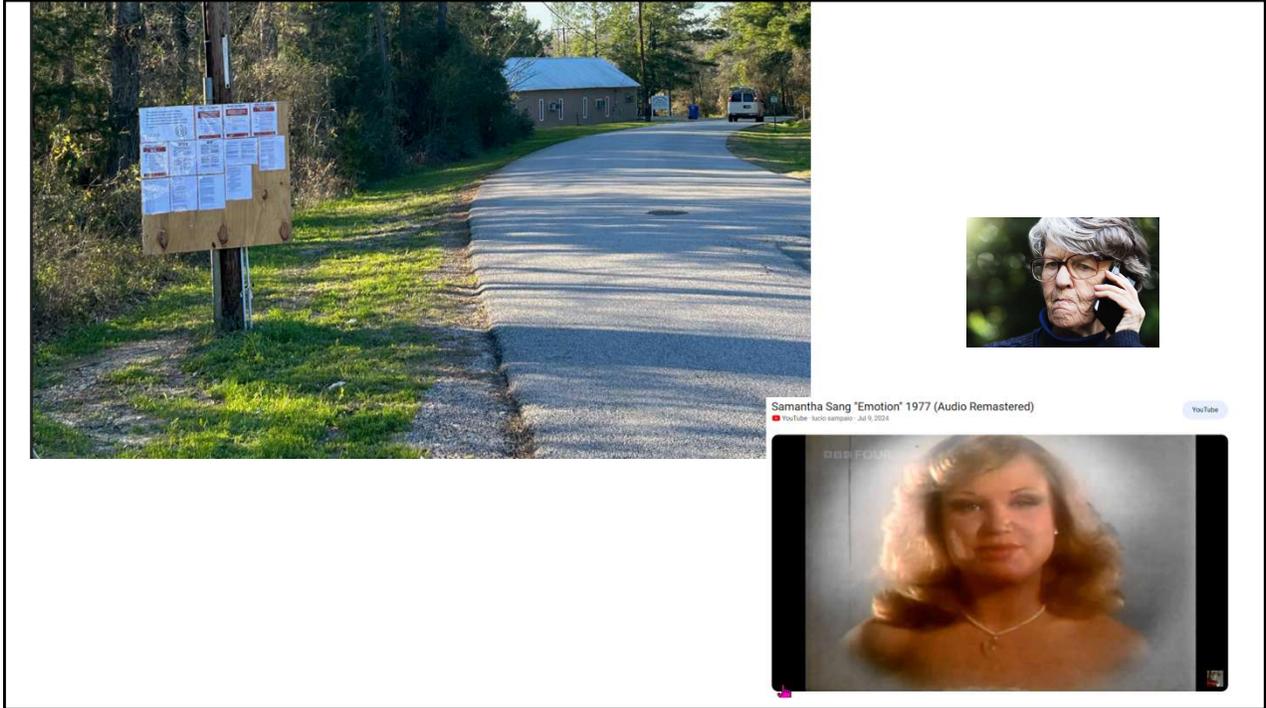
- The Grant Recipient will NOT acquire the property if negotiations fail to result in an amicable agreement, and the owner will be informed in writing of the just compensation value of the property.

Non-URA Acquisition is required for this project.

Submit Report | Tools | Landing Page | Add/Edit People | Status History | Attachment Repository | Modification Summary

Attention | Last Saved 6/12/2025 3:14 PM

**I know that even if** no acquisition is needed for a TxCDBG funded project, the *Acquisition Performance Report* must be completed for federal reporting purposes. I'm going to mark No and then Save and Submit.



I got a voice message from Mayor Barry. He let me know that Ms. Samantha Sang called his office and expressed her “emotions” after the temporary signage for the project was placed at the corner of Shorewood Drive and Lake Shore Lane, She told him the Sang family has owned the corner lots for 50 years and was not aware work was going to be done on/near their property. I let the Mayor know that he should consult the city attorney and the engineer to investigate.



The engineer sent an email to the city and me letting us know there was no permanent easement in place for a corner lot, so ACQ would be needed for this project after all. Because I already submitted the Plan as No and it was approved by TDA, I need to email the Grant Specialist with the details about what has happened and the need to change the plan. Because I'm an amazing admin, I copy Beth Karwoski, as she is the ACQ SME.

Beth let me know that I need to be sure that both the grant recipient & I understand the differences between Voluntary and Involuntary acquisition and what the consequences are with each type.

## Understanding the Differences

Characteristics	
Voluntary	Involuntary
Consent of owner	Threat of Eminent Domain
Negotiated agreement	Compensation based on formal appraisals
If negotiations fail, cannot use Eminent Domain	Requires Subpart B criteria and processes

Beth explained these differences to me. Voluntary acquisition allows for consent by the property owner which can foster a cooperative relationship and can keep the peace in a community. With involuntary, the owner’s private property may be potentially seized through the local government’s eminent domain authority without their consent.

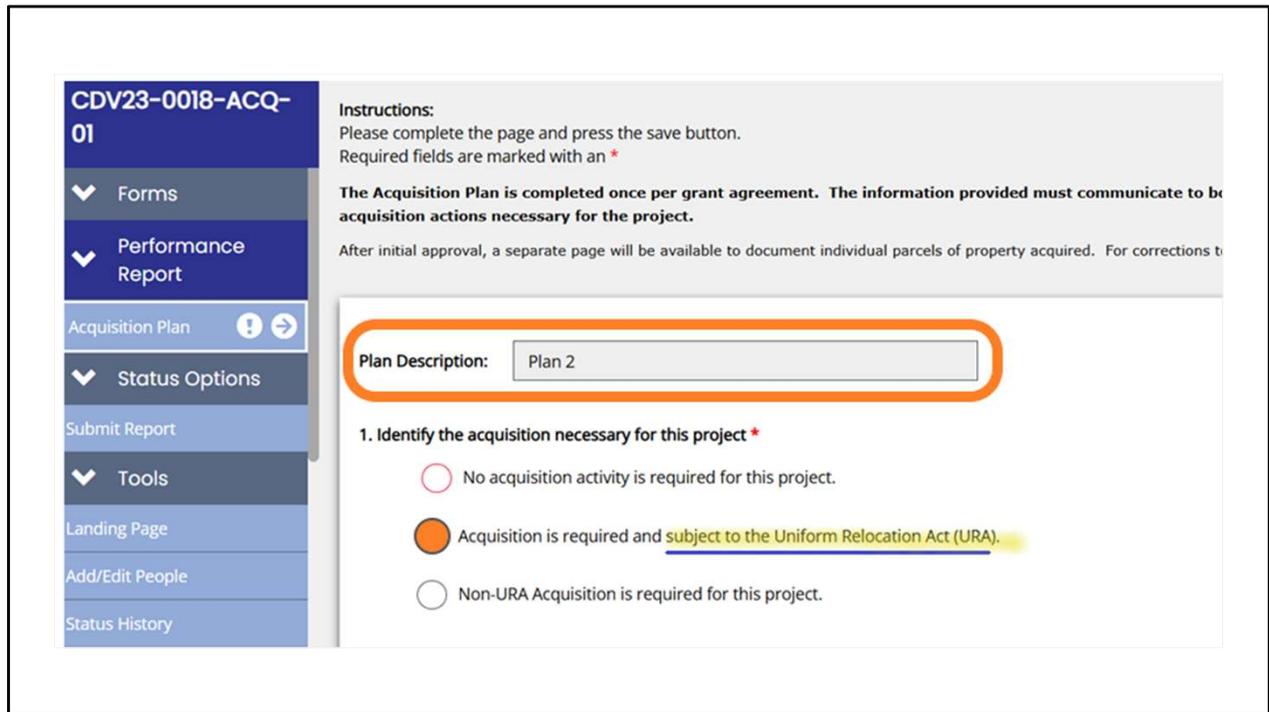
Voluntary acquisition requires a negotiated agreement using current values of similar size/type of properties; as well as market trends are used and allows for discussions about pricing. Both parties can work together to reach an acceptable outcome for all. With involuntary acquisition, compensation is typically dictated by government assessments which can lead to dissatisfaction of property owner – as an example, the government would not consider a long family history of owning the land, but that that could be considered priceless to the owner.

If Voluntary acquisition negotiations fail, the city **cannot** then turnaround and use the power of Eminent Domain. The city will need to consider alternate plans that should have been documented in the ACQ Plan. With Involuntary acquisition, Subpart B criteria and processes must be completed. This includes obtaining a formal appraisal and then having it reviewed by a separate peer organization. If a price cannot be

negotiated, in most cases the CDBG program would not approve condemnation as it takes longer than the 2-year grant period.

In short; If an acquiring entity does not have eminent domain authority, then the acquisition is automatically Voluntary. Involuntary Acquisition procedures are required only when there is a potential for the acquiring entity to obtain property through condemnation by invoking their eminent domain authority.

Mayor Barry called me and let me know that based on a brief discussion with Ms. Sang at church, she expressed that she is willing to donate the land. The city has decided to use voluntary acquisition with their Eminent Domain authority.



After some email exchanges with Beth about the plan, she generated Plan 2 for completion.

I know that **Non-URA Acquisitions** include projects receiving financial assistance from the Tennessee Valley Authority or the USDA Rural Utilities Service. None of those conditions exist with Beegeeville, so ACQ is **subject to URA**, and I will mark that field.

**CDV23-0018-ACQ-01**

- Forms
- Performance Report
- Acquisition Plan
- Status Options
- Submit Report
- Tools
- Landing Page
- Add/Edit People
- Status History
- Attachment Repository
- Modification Summary
- Document Validation
- Notes
- Print Document
- Document Messages

Yes, the Grant Recipient DOES have the authority to exercise Eminent Domain for this project, and the project meets all three of the following conditions for voluntary acquisition:

- the Grant Recipient will inform the property owner in writing of the estimated market value of the property, and that the Grant Recipient will NOT use the power of eminent domain if negotiations fail to result in an amiable agreement;
- the Grant Recipient will treat all owners similarly, where more than one property within a general geographic area may be acquired; and
- the property to be acquired is NOT part of an intended, planned or designated project area where all or substantially all of the property within the area is to be acquired within specific time limits.

Yes, the Grant Recipient DOES have the authority to exercise Eminent Domain for this project, claims no exceptions under 49 CFR §24.101(b) and the acquisition for this project is considered involuntary.

Non-URA Acquisition is required for this project.

**2. General description of real property to be acquired**

Approximately .25 acres at the corner of McShore and Shorewood Drive, on the east side of Shorewood Drive.

106 of 2000

Map of project location showing property to be acquired, including any alternate parcels

Browse Done

Map for ACQ Plan 2.pdf  
File(s) uploaded successfully.

×

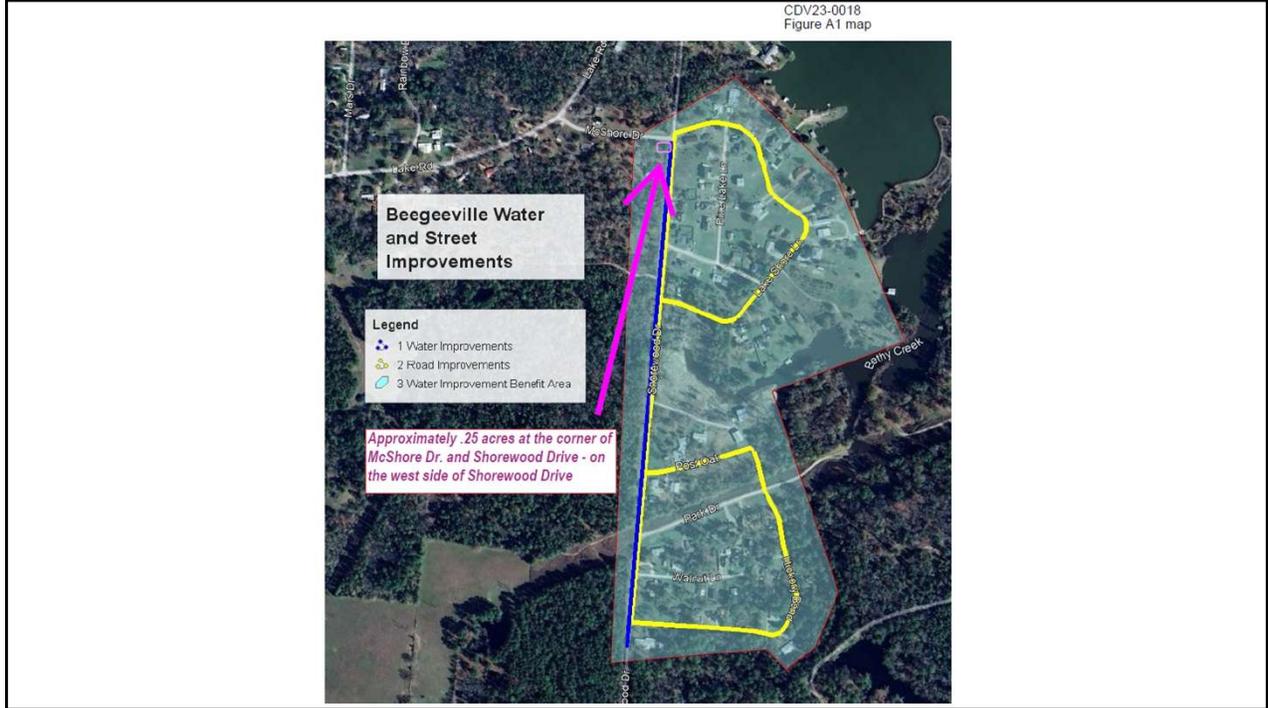
Because the city said they have the authority of Eminent Domain they will have to meet the 3 conditions stated for it to be a Voluntary ACQ. I send an email to the city and engineer reminding them that:

- the Grant Recipient will need to inform the property owner in writing of the estimated market value of the property, and that the Grant Recipient will NOT use the power of eminent domain if negotiations fail to result in an amiable agreement;
- the Grant Recipient will treat all owners similarly, where more than one property within a general geographic area may be acquired; and
- the property to be acquired is NOT part of an intended, planned or designated project area where all or substantially all of the property within the area is to be acquired within specific time limits.

To complete the description of the property to be acquired, I may not know specific parcel detail, - even if I do, I should NOT use it or lot numbers. I need to describe all of the property(ies) to be acquired using road names, intersections, directions (N,S, E or W) of a key road, as needed distance in LF to the designated area, and always the required amount of acreage. **Note: Prezi zoom in to the description field.**

Because this is just the *plan* – no contracts can be executed prior to the release of the

AUGF by TDA. Just because a potential acquisition is noted in the plan, does **not** mean it **MUST** happen. For the Plan map, I'll need to use a copy of the the Figure A1 map or a Google map.



Since the Figure A1 shows the bene area & work to be completed, I added a mark to show where acquisition could take place and included text about the acreage & location of the property to be acquired. Being the amazing admin, I am, I will not use a parcel map or include any specific parcel or lot details.

With all the required uploads made, I submitted the Plan and TDA approved it.

Last month, I received notification that the AUGF was released. I made sure the city is working on the ACQ process. I reminded them that acquisition must be completed, and each parcel documented in TDA-GO **before** construction can begin and added the 3 conditions that must be met for the Vol ACQ with EM Dom.

Today I received an email with ACQ documents. I need to document the Parcels in TDA- GO.

The screenshot shows a web application interface for 'Acquired Parcels'. The page title is 'Acquired Parcels' and the ID is 'CDV23-0018-ACQ-01'. The interface includes a sidebar with navigation options: Forms, Performance Report, Acquisition Plan, Acquired Parcels (selected), Acquired Parcels Summary, Status Options, Tools, Landing Page, Add/Edit People, and Status History. The main content area contains instructions: 'Please complete this page and press the save button. Required fields are marked with an \*'. A form is displayed with the following fields: 'All parcels have been reported on the Acquisition Performance Report:' (Yes), 'Address of Property' (14 McShore Drive), 'City, State, Zip Code' (Beegeeville, Texas, 78701), 'Previous Owner' (Ms. Samantha Sang), 'New Owner' (City of Beegeeville), 'Type of Transaction' (Permanent Easemen), and 'Type of Acquisition' (Voluntary). The form is part of a list of 30 parcels, with the current one being 16 of 30. Navigation buttons for '< Previous Form' and 'Next Form >' are visible at the bottom.

Beegeeville only has 1 parcel, so I added the parcel address, previous and new owner details - it is critical that details for the type of ACQ, the method of ACQ, and URA status, match what was stated and approved in the **plan**.

If there was more than 1 parcel, I'd click the **ADD** button to generate a new page for each parcel to report.

As an awesome administrator, I am going to review the **ACQ Parcels Summary** to make sure I have entered the correct number of parcels and the total for price/cost amounts are accurate.

If I have questions, I'll email Beth Karwoski directly because I know misreporting can result in compliance issues.

Now, let's check our knowledge.

**Questions – Chance – whatever.**

If the grantee is not acquiring property for the project, but equipment & materials will be stored on a private property during the project - does the grantee still need to follow the URA acquisition process. **YES**

My project includes two easements, but I have already been told by the owners that they would like to donate the easements. Since they are voluntarily donating, can I simply follow the Voluntary Acquisition process?

- Sure, this just got easier
- No – if Beegeeville needs the easements to complete the project, I can't accept donations.
- No – the city must 1<sup>st</sup> decide which type of acquisition they will use and if the power of Eminent Domain will be used.
- **Yes – but the City must still carefully follow all voluntary procedure steps, including presenting the owner with the estimated market value of the property. Once this is done, the owner's consent to donate the easement must be obtained in writing. The City would also need to obtain interest in the property through an appropriate legal instrument which must be recorded with the County Clerk's office.**

I have followed the involuntary process through negotiations and was unable to finalize the sale with the owner. What is the best option:

- Condemnation
- **Walk away and if possible, consider an alternative site. Contact TDA immediately. CDBG grants are for 2-year and condemnation is unlikely to be completed in this timeframe. Also, once the decision was made to use Voluntary ACQ, I cannot now change to Involuntary ACQ.**