

City of Minot

Voluntary Acquisition Offer Price Appeals Process for the City of Minot's CDBG Disaster Recovery Program

The City will make every attempt to accurately estimate the pre-flood market value of the property. If, after the presentation of the offer, the seller believes the purchase price is incorrect, the seller can present additional information directly relating to the pre-flood market value. This is a two stage appeal process.

1. **First Stage of Appeal:** The seller may appeal the estimate of pre-flood value after presentation of the City's offer to purchase and before the expiration date of the offer to purchase. If a factual error is found or the owner submitted information is found to be reasonable and well supported, the acquisition staff, upon approval of the City Assessor, will authorize a corrected offer.
2. **Second Stage of Appeal:** The seller must complete the first stage of appeals. If the seller is not satisfied, the seller may make a second stage appeal within fourteen (14) days after the first stage of appeals' written decision is presented to the seller. The seller can request that a time be scheduled to present the information in person.

The second stage appeals panel will be composed of two members of the Minot City Council and two residents of the City of Minot knowledgeable of real estate values. All members of the panel shall be appointed by the Mayor. All information submitted for the first stage of appeals shall be considered by the second stage panel.

Stage 1: Appeal of Offer Price

The property owner will have the right to appeal the determination of the property's pre-flood market value as set forth in the City's offer. In order to appeal the seller must present written Statement of Appeal notice to the City's acquisition agent within thirty (30) days of the City's offer to purchase

The written Statement of Appeal must include the basis for the appeal and shall include factual information, appraisals and any other data to support the reason for the appeal to increase the offer price. The property owner will have an additional thirty (30) days from the date the City receives the Statement of Appeal to provide

required information, including appraisal reports, to be considered during the appeal. This information must be provided within thirty (30) days of the date of filing the written Statement of Appeal. The seller may submit a written request to the City for an additional fourteen (14) day extension necessary to secure an appraisal.

The seller will have a written decision within thirty (30) days of receipt of all necessary support documentation. At the time the Stage 1 Determination is sent to the seller, instructions for filing the Stage 2 Appeal will be included with the determination letter.

Stage 2: Appeal of Stage One Determination

If the seller is not satisfied with the Stage One Appeal Determination, the seller may make a second stage appeal within fourteen (14) days after the first stage of appeal's written decision is received by the seller. The seller can request that a time be scheduled to present the information in person at the time the second stage appeal is submitted to the City.

The board will provide a written determination that identifies the basis of the decision including relevant factors that support its determination. Notice of a decision by the appeal board will be mailed to the seller and provided to the designated acquisition agent within thirty (30) days of the board hearing.

If the offer is rejected and no further negotiation is anticipated, the acquisition staff will close the property's file and "de-obligate" the funds reserved for the property's acquisition and relocation payments.

The property owner may discontinue negotiations at any time prior to the execution of an acquisition agreement.

The seller may contact the City of Minot if they wish to discuss filing an appeal.

Contact person: Cindy Hemphill, Finance Director
Address PO Box 5006
Minot, ND 58702-5006
Telephone No. 701-857-4784

Written appeals shall be considered regardless of form. A written appeal must be submitted to:

Contact person: Same as above