



STATE OF ALASKA  
DEPARTMENT OF TRANSPORTATION  
AND PUBLIC FACILITIES

**PRE-TRIAL SETTLEMENT  
REPORT AND RECOMMENDATION**  
(23 CFR 710.203(b)(iv), 23 CFR 710.305(a),  
49 CFR 24.102(i) and Appendix)

PROJECT NAME: \_\_\_\_\_  
STATE PROJECT #: \_\_\_\_\_  
FEDERAL-AID PROJECT #: \_\_\_\_\_  
PARCEL #: \_\_\_\_\_ UNIT #: \_\_\_\_\_

Region: \_\_\_\_\_

\_\_\_\_\_ JUDICIAL DISTRICT

STATE OF ALASKA  
DEPARTMENT OF TRANSPORTATION  
AND PUBLIC FACILITIES  
vs.

\_\_\_\_\_  
\_\_\_\_\_  
C.A. No.: \_\_\_\_\_

Condemnation File Date \_\_\_\_\_ Amount of Deposit \$ \_\_\_\_\_

General Description of Property Taken: (If a partial acquisition is involved, include a brief and general description of the area acquired and of the property and improvements remaining after the acquisition):

\_\_\_\_\_  
\_\_\_\_\_

Type of Acquisition:  Total  Partial

General Description of legal and settlement issues:

\_\_\_\_\_  
\_\_\_\_\_

Appraisal Data:	Appraiser	Before Value	Acquisition	Damages	Total
DOT&PF:	_____	\$ _____	\$ _____	\$ _____	\$ _____
	_____	\$ _____	\$ _____	\$ _____	\$ _____
	_____	\$ _____	\$ _____	\$ _____	\$ _____
Owner:	_____	\$ _____	\$ _____	\$ _____	\$ _____
	_____	\$ _____	\$ _____	\$ _____	\$ _____

Owner's demand for settlement: \$ \_\_\_\_\_

Owner's counsel: \_\_\_\_\_

Master's Award: \$ \_\_\_\_\_ Appealed? \_\_\_\_\_

**SETTLEMENT CHECKLIST**

Check the following items below that apply to this particular case:

- Deficiencies in approved appraisal that could not be resolved by the Right-of-Way Review Appraiser.
- Improper application of legal principles to the appraisal process used in the approved appraisal.
- Inadequate or conflicting data upon which the approved appraisal was based.
- The competency and effectiveness of an appraiser as a witness for the Department.
- Consideration of issues that are not readily quantifiable.
- Additional available appraisals, including those of the owner.
- Interest payments to which an owner may be entitled under State law.
- Reasonable uncertainty as to the highest and best use of the property before or after the acquisition.
- Complex severance damages or other valuation problems that produce uncertainties as to value.
- Uncertainty of State law concerning the measure or compensability of particular elements of value or damages, or concerning the admissibility of evidence necessary to prove facts at issue.
- Recent Court or Jury awards for eminent domain acquisitions in the area.
- Recent sales or development in the area, not related to the project, that seriously weaken valuations.
- If this case is over two years old, costs to the agency and counsel in preparing and presenting for trial.
- If this case is over two years old, the costs to the public in impaneling a jury, maintaining the court, and other similar expenses.
- Other factors that reasonably justify a settlement in excess of the Right-of-Way Review Appraiser's Recommendation of Just Compensation. List these factors here:

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I hereby recommend settlement of this case in the total amount of \$ \_\_\_\_\_

Date: \_\_\_\_\_  
Assistant Attorney General

As the attorney in charge, I concur in the foregoing report and recommendations.

Date: \_\_\_\_\_  
Transportation Section, Department of Law

APPROVED:

Date: \_\_\_\_\_  
Regional Pre-Construction Engineer, DOT&PF