



WORKING AGAINST THE ODDS

When a business proprietor sabotages the relocation process

BY ANDREW WINKELMANN

My company, DFW Advisors, Ltd., was granted a contract for right of way acquisition services from the Texas Department of Transportation (TxDOT). Through the contract, we had the responsibility of handling the acquisition and relocation of multiple parcels of land for TxDOT projects in the Arlington, Texas area, home of Jerry Jones' Dallas Cowboys, the Texas Rangers and Six Flags over Texas amusement park.

One of TxDOT's large priority projects was the construction of a flyover interchange at IH 30 and S.H. 360 near Six Flags. The original interchange layout is a large loop-around design that was built to accommodate toll booths and a previous turnpike office on the infield of the loop. TxDOT already

owned much of the land needed for a new interchange configuration, but as is usually the case, some additional land was necessary to facilitate the highway additions. Relocations would be inevitable.

Impact on Businesses

The construction schematics hit typical businesses like McDonald's, as well as two gas stations. It also took some frontage and parking from an auto repair shop and a used car dealership. To avoid a small cemetery located off the current service road, TxDOT design engineers strategically designed around it. Unfortunately, a local motel would become one of the most drastically affected businesses.

The new flyover would impact America's Best Inn, a 104-unit exterior corridor motel, as well as the southernmost building of the complex that contained 32 units. This was a key parcel for the project.

During our initial walk through with the appraiser, neither the landowner nor proprietor was present. However, their representative accompanied us and informed us that the motel had few, if any, residents that would be classified as long-term or permanent in the eyes of the Uniform Relocation Act (URA) or TxDOT's Relocation Manual. Being somewhat optimistic and trusting, we took the representative's word on that statement. After all, this was a *motel*, not an apartment complex.

The initial offer letter went out, along with our relocation package that included a 90-Day letter and TxDOT Relocation Handbook. I contacted the proprietor and discussed the relocation and benefits she could be eligible to receive. I inquired into possible permanent residents and was again assured that there were no people staying at the motel that met those residential standards. I then requested a copy of her rent roll or list of occupied rooms and was told that this was not an apartment complex, so they didn't keep such records. At this point, we probably should have been a bit more skeptical, but we were also deep into the acquisition phase and worried that if we pushed too hard, it might upset our landowner and make acquiring the property more difficult.

Regardless of our efforts, the landowner/proprietor turned out to be totally uncooperative at every turn. Not only that, she openly worked against us every step of the way. We were several months into the relocation process and still unable to get a list of occupants from the proprietor. The only logical step was to visually survey the complex to see if there were any outward signs of long-term occupancy. On our initial site visit, the representative only showed us the front of the motel, so we decided to venture toward the back. We were

surprised to find hibachi and barbeque grills, extensive potted plants outside some entry doors, children's toys and a bike chained to the outer railing. Since this was the area that the proposed right of way would bisect, this was not what we had anticipated.

Digging Further

Over the course of the next two months, I visited the site at varying times and began knocking on doors, much like a salesman. Of course, I received the same kind of warm welcome that other solicitors get. I would see a hand pull back the curtain so the resident could quickly glance outside. As one might expect, the door rarely opened.

During the course of these site visits, we were asked to leave several times by the proprietor who claimed we were harassing her guests and trespassing. When we weren't there, she was busy spreading rumors and lies about the nature of our visits. In some versions, she said we were con men trying to steal all of the residents' possessions. In others, we were working for a competing local motel attempting to steal away guests. As our adventures on this parcel continued, the owner spun even more fantastical tales.

Over time and through perseverance, we finally won over two or three residents who then began countering the proprietor's rhetoric. One was particularly excited to move out of the motel and worked diligently with us. Once they had the financial supplement in hand, they moved out quite expeditiously. Their testimonial about our true intentions, the ease of the move and the amount of financial assistance spread like wildfire. Doors began flying open upon hearing our knock. Soon I began receiving calls from people I had never met or seen on the property saying they were residents. We suddenly found ourselves sifting through a few dozen applicants to determine their eligibility as a permanent resident on the property.

Working with TxDOT, we set a hard date of occupancy of one day prior to TxDOT taking possession of the property. To formalize this, we made a deposit with the court, which is what grants the condemnor the right of possession of the parcel in Texas. With this date set and the promise of compensation, we held exceedingly amiable introductions and conversations, as we sought out any and all remaining displacees. At the end of our months long quest, we submitted packages on 24 residential displacees.



Despite the proprietor's insistence that there were no long-term residents at the motel, the toys, bikes, grills and other possessions indicated otherwise.

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Overcoming the Obstacles

This project proved to be a challenging multi-tenant relocation under the URA. It covered a range of occupants, some who had lived in the motel since the 1990s, and others who had moved in just before the cutoff date to be considered permanent residents and eligible for financial assistance under the URA. Several of the displaced residents had disabilities that needed to be taken into account when finding a suitable replacement dwelling. One of the residents only spoke Khmer, which is the national language of Cambodia. We were fortunate to find someone on site that could translate for us.

There were also hardships to be considered. Five of the units were occupied by tenants who did not have the economic means to pay for a Decent Sanitary and Safe replacement dwelling without immediate payment of their supplement. To deal with this particular hurdle, we worked closely with the TxDOT Fort Worth District Office and the State of Texas Comptroller in Austin to accurately document and confirm that the property was indeed vacated prior to handing over the supplement checks.

We approached this quandary in a unique way by using a Direct Payment to Vendor made out to the replacement dwelling's landlord for one week's rent, as well as the remainder of the resident's supplement check. Both of these checks would arrive at our office

simultaneously, and a relocation agent would take the residents to their new hotel and check them in. Thankfully, we were able to find a nearby hotel that was willing to take a third party check. During the next week, a relocation agent would inspect the property and verify that the tenant had indeed vacated, at which point the remaining check was delivered. Once we had this procedure in place, we quickly vacated the remaining hardship tenants.

Valuable Lessons Learned

The most difficult relocation on the property was an elderly tenant who moved into a retirement home that we had thoroughly vetted. He was excited about the new place, as compared to the older hotel room that he had occupied for a decade. The tenant gave me a rent receipt that was exceedingly lower than the rest of the tenants. It was later explained to me that this was due to a 10-year anniversary discount of staying at the hotel!

About two weeks after the tenant had vacated, I received a call from one of his friends who was clearly distressed. Something had come up in the tenant's background check that had slipped through the cracks prior to his moving. Now, the retirement home was evicting him, and he had nowhere to go. Our relocation agents feverishly searched for a replacement dwelling in Arlington that would accept certain blemishes on one's record. As luck (or fate) would have it, we were able to find a place the following day. The

tenant was appreciative but was also quite embarrassed over the event. After that, we learned that a difficult question should be asked in the interview process as to whether the displaced person has any record that might keep them from otherwise qualifying to move into a replacement dwelling.

In the end, we succeeded in relocating all affected parties. This was only possible because of the trust we built with the displaced residents. Through ongoing interaction and complete transparency throughout the entire process, we were able to gain their confidence.

Relocation can be a complex and intimidating process for many displacees. In some cases, it can seem too good to be true, while it may feel scary or distressing to others. Agents have to convince total strangers to move from their homes with the promise of assistance once they have done so. This can be a tall order, and as we experienced on this project, outside forces can break the trust we work so hard to build. As relocation agents, by maintaining our professionalism in the face of such obstacles, we can become a beacon of hope in an otherwise difficult experience. 🙏



Andrew Winkelmann is the Vice President and Relocation Manager for DFW Advisors, Ltd., a real estate brokerage firm in Dallas, Texas. He is a member of the Texas Bar and previously practiced law with Koons Real Estate Law. He is also a member of IRWA North Texas Chapter 36.