



STATE OF ALASKA
DEPARTMENT OF TRANSPORTATION
AND PUBLIC FACILITIES

**REQUEST FOR DETERMINATION OF
ENTITLEMENT FOR PAYMENT
IN LIEU OF MOVING COSTS
(BUSINESS OR FARM)**

PROJECT NAME: _____

STATE PROJECT #: _____

FEDERAL-AID PROJECT #: _____

PARCEL #: _____ UNIT #: _____

Claim must be filed within 18 months after move is complete or claimant receives final payment for acquisition of the property, whichever is later.

PRINT OR TYPE ALL INFORMATION

1. Name and Address of Applicant	2. Name and Address of Business or Farm Operation												
3. Applicant's Phone No.:	4. Occupancy of Property:												
<p>5. Kind of Operation:</p> <p><input type="checkbox"/> Business <input type="checkbox"/> Farm</p> <p><input type="checkbox"/> Retail Marketing <input type="checkbox"/> Service</p> <p><input type="checkbox"/> Manufacturing <input type="checkbox"/> Wholesale Marketing</p> <p><input type="checkbox"/> Other:</p>	<table border="1"> <thead> <tr> <th colspan="2">Dates of Occupancy</th> <th colspan="2">Time Occupied</th> </tr> <tr> <th>From</th> <th>To</th> <th>Years</th> <th>Months</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table> <p>6. If a business, does applicant Yes No</p> <p>(a) Operate under franchise or as a consignee? _____</p> <p>(b) Operate any other similar establishment? _____</p>	Dates of Occupancy		Time Occupied		From	To	Years	Months				
Dates of Occupancy		Time Occupied											
From	To	Years	Months										
7. Principal Product, Commodity or Service	If answer to 6a or 6b is yes, attach explanation (see Rule 3, next page)												

8. I, the undersigned owner or authorized representative of the business or farm operation named above, hereby request that this application be reviewed to determine if I am entitled to receive a payment in lieu of actual moving expense, and to determine the amount to which I may be entitled. I understand that this determination may be used in connection with a Federal-aid transportation project; that this application and all data submitted herewith or included herein shall become a part of any claim for a payment made subsequent to the determinations requested herein and based hereon as if the same were part of such claim; that all financial statements and accounting records of the business or farm operation named above shall be made available for audit by the State during normal business hours. I certify that all information submitted herewith or included herein is true and correct. I understand that falsification of any item in this request may result in forfeiture of any subsequent claim in its entirety, based on this information. I certify that my business or farm is:

Type of Business

Sole Proprietorship or Partnership

NOTE: In a partnership, if any of the owners are illegal aliens, no relocation payment may be made to them. The total relocation payment would be reduced by a percentage based on the proportion of ineligible owners.

Corporation

Name of corporation: _____ I certify that this corporation is established pursuant to State law and is authorized to conduct business in the United States.

Please Indicate the Number of

Owners	Citizens	Aliens Lawfully Present
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9. Attached are signed copies of applicant's IRS returns for last two years.

Date _____ Applicant's Signature _____

Title (Owner, Partner, Corporate Officer) _____

Note to Applicant: If, after its review of this application, the State determines that the business or farm operation is entitled to receive payment based on average annual net earnings in lieu of actual moving expense, you will receive notice of the amount you may claim. If the State finds that the business or farm operation is ineligible for such payment, the State will notify you of the reasons for the ineligibility.

RULES

1. A business or farm operation that moves or discontinues operation may elect to receive a payment in an amount equal to the average annual net earnings of the operation. The minimum payment is \$1,000 and the maximum is \$20,000.

TO COMPLY WITH RULE NO. 1, THE APPLICANT MUST ATTACH CERTIFIED COPIES OF FEDERAL INCOME TAX RETURNS for the two tax years immediately preceding the tax year in which it plans to move from the property. The tax returns must be sufficient to show the net earnings of the business or farm operation. Such earnings may include:

- (a) If individually owned, the compensation paid to the owner, spouse and dependents by the business or farm operation.
- (b) If a partnership, the compensation paid to the partners, their spouses and dependents by the business or farm operation.
- (c) If a corporation, the corporate income tax returns and the income tax returns of the majority stockholder (if there is a majority stockholder), including any compensation paid to the spouse and dependents by the business or farm operation. Stock held by a husband, wife and their dependent children shall be treated as one unit.

SPECIAL NOTE FOR FARM OPERATORS: To be eligible for payment based on income in lieu of actual moving expense, a farm operator must have derived at least one-third of the total net income from the farm; however, in instances where such operation is obviously a farm operation it need not contribute one-third to the operator's income to be eligible for relocation payments. The FARM OPERATOR MUST ATTACH a statement indicating the dollar amount of the income derived from the farm operation affected by the State's acquisition. The applicant may attach a certified financial statement or an affidavit showing the net earnings if the total income cannot be determined from the income tax returns alone.

2. A business shall not be eligible for payment based on income in lieu of actual moving expense unless the department is satisfied that the business cannot be relocated without a loss of the average dollar volume of business, compared with the volume of business transacted during the two taxable years immediately preceding the year in which it plans to move from the property.

If the cost of doing business in the new location is more, then the business will be eligible for payment based on income in lieu of actual moving expense.

TO COMPLY WITH RULE NO. 2, BUSINESS OPERATIONS MUST ATTACH

- (a) A statement indicating the dollar volume of business transacted during the two tax years immediately preceding the year it plans to move from the property if this amount cannot be determined from the income tax returns alone.
- (b) A statement of why it will cost the business more in the new location. (Rent Increase, Higher Taxes, Cost of Labor, etc.).

3. A business shall not be eligible for this payment if it is part of a commercial enterprise having at least three other entities that are not being acquired and that are engaged in the same or similar business.

TO COMPLY WITH RULE NO. 3, a business that operates under franchise, or as consignee, or that operates one or more similar establishments must attach a statement giving the name and address of the franchisor or consignee, and stating the nature of the business relationship. Businesses operating more than one establishment must list the names and addresses of the other establishments and describe the produce, commodity or service of each.

4. If only a portion of the property is acquired by the State, a business or farm operation shall not be eligible for payment in lieu of actual moving expenses if the Department of Transportation and Public Facilities determines that the business or farm operation can continue to operate economically on the remaining property.

5. This application is not a claim for payment. Claims for payment based on income in lieu of actual moving expense shall be accepted only when it has been determined that the applicant herein is eligible for such payment and the amount of such payment is determined by the Department of Transportation and Public Facilities.

6. If claimant elects to receive payment in lieu of actual moving expense, no other compensation for moving shall be paid. Claimant must vacate the property at his or her own expense.

7. No payments in lieu of actual moving expense shall be made until the claimant has vacated the property.

8. The applicant herein does not have to claim payment in lieu of actual moving expense if determined to be eligible; he or she may still claim actual moving expense.

9. Claim for payment must be submitted within 18 months after the date the property is vacated or the claimant received final payment for acquisition of the property, whichever is later.