

**TITLE 2: NATURAL RESOURCES  
DIVISION 4: LAND RESOURCES**

**§ 4723. Moving and Related Expenses.**

(a) If an agency acquires real property for public use, it shall make fair and reasonable relocation payments to displaced persons and businesses as required by this article for:

(1) Actual reasonable expenses in moving himself, his family, business, farm operation or other personal property;

(2) Actual direct losses of tangible personal property as a result of moving or discontinuing a business or farm operation, but not to exceed an amount equal to the reasonable expenses that would have been required to relocate such property, as determined by the agency; and

(3) Actual reasonable expenses in searching for a replacement business or farm.

(b) Any displaced person eligible for payments under subsection (a) of this section who is displaced from a dwelling and who elects to accept the payments authorized by this subsection in lieu of the payments authorized by subsection (a) of this section may receive a moving expense allowance, determined according to a schedule established by the agency, not to exceed \$300, and a dislocation allowance of \$200.

(c) Any displaced person eligible for payment under subsection (a) of this section, who is displaced from that person's place of business or farm operation and who elects to accept the payment authorized by this subsection in lieu of the payment authorized by subsection (a) of this section, may receive a fixed payment in an amount equal to the average annual net earnings of the business or farm operation, except that such payment shall not be less than \$2,500 nor more than \$10,000. In the case of a business no payment shall be made under this subsection unless the agency is satisfied that the business:

(1) Cannot be relocated without a substantial loss of its existing patronage; and

(2) Is not a part of a commercial enterprise having at least one other establishment not being acquired by the agency, which is engaged in the same or similar business.

For purposes of this subsection, the term "average annual net earnings" means one-half of any net earnings of the business or farm operation before federal, state and local income taxes during the two taxable years immediately preceding the taxable year in which the business or farm operation moves from the real property acquired for such project, or during any other period as the agency determines to be more equitable for establishing such earnings, and includes any compensation paid by the business or farm operation to the owner, a spouse or dependents during this period.

**Source:** 67 TTC § 503.