



External Right of Way Manual

1 Introduction

The purpose of this manual is to both serve as a reference guide and to consolidate information and instruction as to the organization, operation, policies and procedures for the Office of Right of Way of the State of Georgia, Department of Transportation. This should serve to ensure uniformity of action and maximum efficiency from all Right of Way staff, consultants, Local Sponsors, or, any person engaged in performing any Right of Way activities on state or federal-aid projects for the Department. Further, this manual is prepared in accordance with [23 CFR 710.201\(c\)](#); and, as such, it is the intent of this manual to ensure that all current Georgia Department of Transportation procedures are in compliance with all current Federal Highway Administration laws, regulations, guidance, Georgia State statutes and current Georgia Department of Transportation approved procedures.

From time to time, it will become necessary to make changes in this manual for the purposes of correction or revision. [Reference 23 CFR 710.201\(c\) \(3\)](#). This manual shall be kept current and updated as procedures, laws and regulations change during the five-year period between certifications. Should a change in any state law occur during this five year period that would cause any Right Of Way procedure to be in conflict with the Uniform Relocation Assistance, and Real Property Acquisition Policies Act of 1970, as amended ([49 CFR 24](#)), such shall be brought to the attention of the appropriate personnel at the Office of Real Estate Services located at the Federal Highway Administration for advice. Insertion and deletion will be coded in accordance with the index system of this manual.

The Right of Way employee, Consultant, or, Local Right of Way Sponsor is cautioned to both read and study the entire manual and not to rely on any one section as being complete for a particular operation. Some operations overlap particular areas and may be covered in one or more chapters of this manual.

2 Organization and Operation

2.1 General

The Right of Way Office of the Georgia Department of Transportation is under the direct supervision and control of the State Right of Way Administrator.

2.2 Purpose

The Office of Right of Way of the Department of Transportation is responsible for the orderly and timely acquisition and clearance of all properties and rights necessary for construction purposes associated with both State-Aid and Federal-Aid transportation systems. This includes the functions of Appraisal, Appraisal Review, Negotiation, General Office Administrative Review, Consultant Management, Relocation Assistance, Condemnation, Property Management, and Plan Review. This also includes, but is not limited to, other support services such as record retention, accounting, surplus right of way inventory, requests for funding, certification of right of way acquisitions, coordination with the Attorney General's Office and other governmental agencies as well as any necessary clerical and filing services.

The Right of Way Office is a centralized organization under the direct supervision and control of the State Right of Way Administrator supported by two Assistant State Right of Way Administrators.

The Office of Right of Way falls under the purview of the Division of Engineering. This Division is managed by the Director of Engineering (Figure 2.1).

The General Office is organized into two separate units, each managed by an Assistant State Right of Way Administrator (Figure 2.2).

The Acquisition Unit consists of the primary functions of Negotiation, Acquisition, Condemnation/Litigation, General Office Administrative Review, Consultant Management, Local Government Assistance, Legal Assistance, Right of Way Funds Authorization, Right of Way Certification, Plan Review and Approval and Condemnation Preparation.

The Valuation Unit consists of the primary functions of Appraisal, Appraisal Review, Relocation Assistance, Property Management, Surplus Property Disposal, Record Retention and Accounting.

The Department of Transportation is divided into seven separate field districts, each with a separate District Office. The Office of Right of Way functions in the field through District Acquisition Teams and manages their assignments on a project-by-project basis.

Right of Way activities are performed by District Acquisition Teams under the supervision and guidance of District Acquisition Managers. The Acquisition Managers are responsible

to the State Right of Way Administrator and staff in the General Office. District coordination for the District Acquisition Managers is under the District Pre-Construction Engineers for each respective District.

The District Acquisition Managers and Team Members are responsible for the acquisition of the necessary right of way. It is the responsibility of the various units of the General Office to provide the supervision, guidance and the support to the District Acquisition Teams so that all assigned projects stay within the scope, schedule and budget identified for each project.

3 Administrative Unit

3.1 General

The Administrative Unit is responsible for processing the checks for payments for all Right of Way activities that are inherent in not only the acquisition process, but in the services that support the Right of Way acquisition process.

3.2 Purpose

The purpose of the Administrative Unit is to provide administrative services to the State Right of Way Administrator and the various other Units of the Right of Way Office. These services include and fall under the respective sections of Accounting and Records and Filing.

3.3 Policy

It is the policy of the Administrative Unit to provide prompt and effective support services to the various other Units and Sections of the Right of Way Office; to maintain and keep records and files in accordance with established policies and procedures of the Georgia Department of Transportation; to maintain and keep accurate financial records and reports in accordance with established accounting policies and procedures; and to assist the State Right of Way Administrator in carrying out the policies and goals of the Office of Right of Way.

4 Information for Appraisers

4.1 General

The material in this manual establishes acceptable standards and guidelines for appraisals and other related reports prepared for the Department of Transportation in compliance with [49 CFR 24.103-24.104](#).

4.2 Function and Purpose

The Right of Way Office of the Georgia Department of Transportation consists of the General Office in Atlanta and seven (7) district offices throughout the State. In each district, office there is a District Engineer directing the entire district. Right of Way Acquisition Teams in each district are supervised by Acquisition Managers. These Managers and Team Members are responsible for acquiring right of way on projects assigned to them by the General Office.

4.3 Policies

Appraisals obtained by the Department of Transportation are usually for estimating the market value of the property to be acquired plus any consequential damages to the remainder, less any special benefits to the remainder.

4.4 Definitions

1. Appraisal or Appraisal Services - Services provided by appraisers who hold a Certified General Real Property Appraiser Certification as issued by the Georgia Real Estate Appraisers Board; "appraisal" means an analysis, opinion, or conclusion prepared by an appraiser relating to the nature, quality, value, or utility of specified interests in, or aspects of, identified real estate. The act or process of: estimating value, an estimate of value, of or pertaining to appraising and related functions.
2. Associates - Two or more appraisers who benefit financially from work done by any one of them or who are employed by or are officers of the same business entity
3. Department - Means the Georgia Department of Transportation
4. District - The respective district as identified by the General Office in which the appraisal assignment or project is located
5. State of Georgia Appraiser Certification - The numbered document issued by the Georgia Real Estate Appraisers Board which permits the holder to perform

- appraisal services within the State of Georgia. There are four types of real property appraisers: registered, licensed, certified residential and certified general. Certified General: may appraise any type property for any purpose. It should be noted that only certified General Appraisers would be allowed to prepare appraisal reports for the Department.
6. Uniform Standards of Professional Appraisal Practice (USPAP) - as set forth by the Federal Government's Appraisal Standards Board. Appraisals are completed in a limited or complete manner using a reporting method, which is restricted, summarized, or narrative. The minimum requirements of any report must include the following (as taken from the updated [USPAP, Standards Rule 2-2](#). (Restricted Appraisal Report)
- State the identity of the client, by name or type, and state a prominent use restriction that limits the use of the report to the client and warns that the appraiser's opinions and conclusions set forth in the report may not be understood properly without additional information in the appraiser's work file.
 - State intended use of the appraisal.
 - State information sufficient to identify the real estate involved in the appraisal.
 - State the real property interest appraised.
 - State the type of value, and cite the source of its definition.
 - State the effective date of the appraisal and the date of the report.
 - State the scope of the work used to develop the appraisal.
 - State the appraisal methods and techniques employed, state the value opinion(s) and conclusion(s) reached, and reference the work file, exclusion of the sales comparison approach, cost approach, or income approach must be explained.
 - Clearly and conspicuously: state all extraordinary assumptions and hypothetical conditions; and state that their use might have affected the assignment results.
 - Must include a signed certification in accordance with [Standards Rule 2-3](#).
7. Market Value or Fair Market Value (these terms are synonymous with regard to the Georgia Department of Transportation's procedures and policies) - The most

probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller each acting prudently and knowledgeably, and assuming the price is not affected by undue stimulus. Implicit in this definition are the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby:

- Buyer and seller are typically motivated.
 - Both parties are well informed or well advised, and acting in what they consider their own best interests.
 - A reasonable time is allowed for exposure in the open market.
 - Payment is made in terms of cash in U.S. Dollars or in terms of financial arrangements comparable thereto.
 - Price - price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions granted by anyone associated with the sale.
8. Just Compensation - An amount of compensation to be received by a party for the taking of the whole or taking of a portion of his or her property under the powers of eminent domain as granted by the Fifth Amendment to the United States Constitution.
 9. Full Compensation - Just Compensation for property, including damages, or offsetting special/specific benefits plus additional costs such as moving expenses, replacement housing payments, and rent supplements.
 10. Larger Parcel - Tract or tracts of land which are under the beneficial control of a single individual or entity and have the same, or an integrated, highest, and best use. The property determined as being the whole subject property prior to acquisition; must pass tests of use, contiguity or proximity, and ownership.
 11. Permanent Easement - A permanent, non-possessory property interest which one entity, (person, partnership or corporation), has in land owned by another entitling the holder of the interest to limited use or enjoyment of the other's land (i.e. easement for construction and maintenance of slopes or permanent drainage easement).
 12. Temporary Easement - A temporary, non-possessory property interest which one entity, (person, partnership, or corporation), has in land owned by another entitling the holder of the interest to limited use or enjoyment of the other's land

for a specified period of time (i.e. temporary construction easement for sediment control for a pond).

13. Driveway Easement - Georgia Department of Transportation often notifies a property owner that they will be creating or reconstructing a driveway into the subject property to align and function with the new roadway section. This is normally a non-compensable item.
14. Negotiate for Services (NFS) – A process of acquiring uncomplicated parcels. The Federal Highway Administration has approved Georgia Department of Transportation and Local Governments to negotiate uncomplicated parcels from a Cost Estimate not to exceed \$10,000. All guidelines will be followed as outlined in [49 CFR 24.102\(c\) \(2\)](#).
15. Data Book – A data book is the compilation of real estate market information related to the project and parcels to be appraised. The objectives of the data book are to present general market information, descriptions and definitions which the appraiser considered in preparing the appraisal reports and present the data and the supporting analyses, opinion and conclusions drawn from the market information.
16. Georgia Department of Transportation Pre-Qualification Appraisers List - List of fee appraisers approved to perform real estate appraisals for Georgia Department of Transportation. All Georgia Department of Transportation pre-qualified appraisers must have an active Certified General Real Property Appraiser Certification from the State of Georgia Real Estate Appraisers Board. Appraisers on the Pre-Qualification List are classified in Levels according to their expertise and ability to perform progressively difficult appraisal assignments. The level is assigned by a Reviewing Committee consisting of the Review Appraiser Manager, Assistant Review Appraiser Manager, and two (2) other Right of Way Unit Managers. Appraisers on the Pre-Qualification List are classified as follows:

Level 1

- a. Minimum of 2 years of eminent domain appraisal experience for Georgia Department of Transportation or Local Government Projects
- b. Approved to bid on and complete:
 - Strip takes only from vacant land (all property types) where no damages are evident
 - Total Acquisitions of single-family residential properties

Level 2

- a. Minimum of 3 years of eminent domain appraisal experience for Georgia Department of Transportation or Local Government Projects
- b. Approved to bid on and complete:
 - Level 1 and 2 appraisal problems
 - Before and after acquisitions of vacant land (all property types)
 - Single-family residential structures with or without damages
 - Surplus property (land only)

Level 3

- a. Minimum of 4 years of eminent domain appraisal experience for Georgia Department of Transportation or Local Government Projects
- b. Approved to bid on and complete:
 - Level 1, 2 and 3 appraisal problems
 - Before and after acquisitions of residential structures with or without potential damages
 - Commercial properties with or without damages
 - Surplus property appraisals which may include recorded easements or access breaks

Level 4

- a. Minimum of 5 plus years of eminent domain appraisal experience for Georgia Department of Transportation or Local Government Projects
- b. Approved to bid on and complete:
 - Level 1, 2, 3 and 4 appraisal problems
 - Appraisals in which a regional data search may be required
 - Before and after acquisitions of improved properties of the most complex levels of difficulty, requiring an extensive and perhaps innovative analysis to determine value and /or potential damages.

Examples of such appraisals may include: Partial acquisitions of non-residential property with partial mitigation of consequential damages, and partial and total acquisitions of complex properties such as regional shopping centers, transportation facilities, communications facilities, automotive dealerships, franchise restaurants, motels, hotels, and multi-family residences, office and industrial parks.

4.5 Personnel & Their Function

- A.** State Right of Way Administrator - Director of the Office of Right of Way for the State of Georgia directs acquisition of property rights for the construction and maintenance of roads by the Department.
- B.** Assistant State Right of Way Administrators - Two Assistant State Right of Way Administrators assist the State Right of Way Administrator in management and direction of work units, formulation of policy, and interaction with Federal Highway Administration and other governmental agencies. One Assistant Administrator's field of concentration relates to appraisal and review activities, relocation assistance, property management, property inventory, surplus property, demolition and removal, records retention, and accounting. The other Assistant Administrator's field of concentration relates to negotiation and acquisition activities, condemnation court coordination, Condemnation petition preparation, plans & engineering, and local government coordination.
- C.** State Right of Way Acquisition Managers (2) - Two State Right of Way Acquisition Managers manage and coordinate activities of the right of way acquisition teams statewide; manage various sections of the General Office staff in support of acquisition activities including: condemnation, administrative appeals/consultant coordination, local government acquisition, and project certifications, wetland mitigation, railroad acquisitions and utility coordination .
- D.** State Relocation Manager - Directs and promulgates rules, procedures, and laws to ensure that the functions of the relocation office are managed in a manner to meet the objectives of the Department; supervises and directs the work assignments and activities of relocation specialists in the development and determination of benefits and financial assistance to be provided to displaced families, businesses, and non-profit organizations; reviews and approves relocation assistance functions on projects acquired by local governments and consultants.
- E.** Appraisal and Review Manager - Directs the work activities of various personnel in the performance of appraisal, right of way cost estimation, appraisal review, administers the operation of the state's approved appraiser/specialty contractor rosters and related contractual procedures, policy implementation, valuation theory, methodology to appraisal and review section staff, acquisition team

managers, team members, other department staff employees, and private sector individuals.

- F.** State Acquisition Support Manager – Directs the work activities of various personnel in the Funds & Certification section, the Plans & Engineering section, and the Condemnation Petition Preparation section.
- G.** State Property Manager - Manages a comprehensive statewide program to ensure that the inventory, management, rental, and disposition of all properties is conducted in accordance with state law and departmental policy; supervises the files and records section and ensures that acquisition, relocation, and deed files from all statewide offices are properly organized and maintained; manages right of way administrative functions including but not limited to preparation of operating budget, equipment, and purchases.
- H.** State Local Government Coordinator - Located in the General Office, this individual manages and coordinates the activities of all District Local Government Right of Way Coordinators statewide. Ensures that daily activities are conducted in a manner conducive to meeting project schedules and that Right of Way acquisition and certifications comply with applicable federal and state laws, policies, procedures, regulations, and codes.
- I.** Staff Review Appraiser - Responsible for review and approval of all appraisals and data books for negotiations and acquisitions as well as other appraisal related activities.
- J.** Relocation Specialist - Researches and prepares replacement housing supplemental appraisals for displaced residential property owners and/or residential tenants for state and local governments; reviews and approves supplemental housing appraisals prepared by state relocation agents, various consultants, and local government agencies in the development and determination of benefits to be provided to displaced families; researches and prepares conceptual and "design stage" relocation assistance studies; prepares and reviews all required documents necessary for relocating a displaced residence or business and provides advisory assistance to each assigned displacee as well as to state acquisition managers, various consultants, and local government coordinators.
- K.** Administrative Review Officer - Represents Georgia Department of Transportation in conducting statewide administrative reviews with property owners who have requested a review of the Georgia Department of Transportation 's acquisition or relocation offer; after completion of the hearing, makes a final decision regarding the settlement proposal or proceeding with condemnation; manages right of way consultant contracts overseeing performance, compliance with contracts, state and federal policies and regulations, and assists with on-site activities.

- L. Condemnation Coordinator - Acts as statewide coordinator for all pending condemnation cases by being the liaison between Georgia Department of Transportation, their attorneys, and the Attorney General's office; represents the Department in all court proceedings related to eminent domain actions and/or negotiates settlement of such claims against the Department.
- M. District Engineer - Responsible for all operations within his geographic area (i.e. district)
- N. Preconstruction Engineers - Responsible for each separate District in all matters pertaining to a roadway prior to its construction including planning, engineering, public information, appraisal, negotiation, acquisition, condemnation, providing clear title to properties for construction; is responsible for all activities which will culminate in the right of way certification that all properties are acquired and ready for construction to begin.
- O. District Right of Way Acquisition Managers - Oversee all functions of right of way including appraisal, negotiation, acquisition, relocation, and pre-condemnation activities at the district level.
- P. Team Members/Right of Way Specialists - Assist District Right of Way Acquisition managers in all functions of acquiring right of way, including cost estimates, owner notification, appraising, negotiation, acquisition, relocation, and preparation for condemnation.
- Q. Road Designers - Responsible for design of the roadway plans
- R. Fee Reviewer Appraiser - Contracted individuals external to Georgia Department of Transportation responsible for appraisal review and recommendation of value for approval by the Review Manager for the Department.
- S. Fee Appraisers - Individuals or firms external to the Department with contractual obligations creating responsibility for appraising property and estimating impact of acquisition.
- T. Specialty Contractors - Contract individuals or firms external to Georgia Department of Transportation who provide cost and design information for right of way questions and/or problems.
- U. Special Assistant Attorneys General - Responsible for representing the Georgia Department of Transportation in any required legal capacity such as litigation, title opinions, and legal counsel.
- V. Procurement Officer - Responsible for soliciting and procuring all right of way services needed in the pre-acquisition and acquisition process.

4.6 Acquisition Procedures/Three Methods of Acquisition

A. Negotiation for Services (NFS) – Cost Estimate

Federal Highway Administration has approved Georgia Department of Transportation and Local Governments to negotiate uncomplicated parcels from a Cost Estimate not to exceed \$10,000. All guidelines will be followed as outlined in [49 CFR 24.102\(c\) \(2\)](#). The determination to negotiate based on this concept will be made by the District Right of Way Acquisition Manager or Local Government Representative in consultation with the Appraisal Review Staff. For all state acquired projects, NFS should be the recommended procedure for all simple acquisition parcels. If determined practical, a combination of both appraising a portion of the project and negotiating from a Cost Estimate on the remaining portion. This decision must be approved by the Review Staff. The value ranges are approved for 60 days (expiration date must be stated). Forms to be used are:

- Cover Letter (Revised August 1, 2010),
- Cost Estimate Summary Sheet (Revised August 1, 2010),
- Parcel Value Documentation (Revised August 1, 2010),
- Comparable Sales Data (Revised August 1, 2010),
- Subject and Sales Analysis for Parcels Under \$10,000 (Revised August 1, 2010), and
- Comparable Photograph Sheet (Revised August 1, 2010).

B. Negotiation for Services - Data Book

Federal Highway Administration has approved Georgia Department of Transportation and Local Governments to negotiate for service up to \$25,000 for acquisition of uncomplicated parcels.

C. Appraisals

Appraisals are required when other methods are not used or are not applicable. The function of Appraisals is to assure that property owner(s) is/are offered fair market value for real property, and to provide support for the expenditure of public funds. Fee appraisers are hired when the workload of the acquisition team requires it or the complexity of the assignment or the potential for condemnation necessitates it. Appraisal reports are used by District Teams and others, after Review Appraiser approval, for negotiation and acquisition of property rights in conjunction with right of way creation or expansion. Appraisers must use one of the following formats:

1. 388C: Simple Strip Acquisition
 - a. Total Acquisition of Land (All Types) with and without minor site improvements; or
 - b. Partial or Strip Acquisition of Land (All Types) with and without minor site improvements and minor cost to cure items; should not be used if there is any impact (damages/benefits) on the remainder
2. 388N: Before and After all other acquisitions, any property with impact on the remainder must be appraised in this format (including limits of access).

4.7 Appraiser Pre-Qualifications and Requirements

A. Fee Appraisers - Approved Pre-Qualification Appraisers Roster

All appraisers must complete the Pre-Qualification Application provided by the Procurement Office in order to be approved to perform Georgia Department of Transportation appraisals. The applicant must complete this pre-qualification application every three years.

1. Minimum Qualifications and Requirements for New Applicants
 - a. Certified General Real Property Appraiser Certification Required. (Registered, licensed, or certified residential designations are not approved classifications). As a condemning agency dealing with federally funded road improvement projects, the Department must have maximum flexibility in hiring fee appraisers who are qualified to perform all levels of work involving all types of property with no limits on value.
 - b. Evidence of a minimum of 2 years of eminent domain appraisal experience or demonstration of ability to perform such work based on past experience: Appraisers must provide evidence of past eminent domain appraisal experience, including actual appraisal reports or lists of projects and level of participation, for review by the Department, specifically by the Review Manager and reviewing committee.
 - c. Eminent Domain Appraisal Course - all new applicants must have successfully completed a recognized eminent domain or condemnation appraising course by an approved education provider by the Georgia Real Estate Appraisers Board.
2. Application

- a. Application to Pre-Qualified Appraisers Roster is Approved or Denied by the Reviewing Committee that consists of the Review Appraiser Manager, the Assistant Review Appraiser Manager and a minimum of two (2) Right of Way Unit Managers. Interviews shall be completed on a quarterly basis.
 - If application is approved, appraisers are notified in writing and their names are included on the Pre-Qualified Roster in the Procurement Office.
 - If application is denied, the appraiser has the right to reapply once the requirement for denial is met.
 - Appraisers requesting reclassification of approved level must follow the protocol as set out by the Appraisal and Review section.
 - Appraisers requesting a reclassification to Level 2 or 3 must make a request in writing to the Appraisal and Review Manager. The Appraisal and Review Manager will direct the appraiser to identify 3 parcels in coordination with the assigned review appraiser on a project that the appraiser's Master Prime is currently working on. These parcels must be of a significant difficulty to fully test the appraiser's ability to complete work at the level for which they wish to qualify. Those reports will be reviewed by the assigned review appraiser and discussed with the Appraisal and Review Manager as to quality and indicated overall ability of the appraiser to competently complete that level of work. The appraiser will be notified in writing of the decision to approve or deny the level reclassification.
 - Appraisers wishing to be reclassified as a Level 4 appraiser must make a request in writing to the Appraisal and Review Manager to be reclassified as a Level 4 appraiser. The appraiser will submit previously completed work samples of the most difficult Level 3 assignments completed. The Appraisal and Review Manager will review these reports and discuss the past performance with both staff and fee review appraisers with which the appraiser has worked. The appraiser will be notified in writing of the decision to approve or deny the level reclassification.
- b. Current Approved Classification or Status (active, suspended) with the Department are also considered at the time of reapplication for inclusion on the pre-qualified appraisers roster.

B. Staff Appraisers Qualifications

1. Certified General Real Property Appraiser Certification required (not registered, licensed, or certified residential)

2. Experience level and appraisal education must be considered in qualifying for appraisal assignments.
3. Acquisition team members with no present Registration, Licensure, or General Residential Certification may assist (data gathering, etc.) but must be acknowledged in writing if a written report is provided.

4.8 Appraisal and Specialty Contract Assignment Process

- A.** General Office assigns a project to a District Right of Way Acquisition Team Manager or a Consultant Right of Way Project Manager.
- B.** Complete Project Detailed Cost Estimate – The District Right of Way Acquisition Team Manager or Consultant Right of Way Project Manager is responsible for estimating the cumulative costs and acquisition schedule of a project before acquisition, including costs of appraisals, specialty reports, negotiation, relocation, condemnation, and incidental items and the anticipated amount of time to perform all the required functions. Team submits cost estimate to the General Office for approval of right of way funding.
- C.** After the Detailed Cost Estimate is completed, the District Right of Way Acquisition Team Manager or Consultant Right of Way Project Manager submits a “Request for Reviewer” form to the Appraisal and Review Manager, who assigns a Review Appraiser to work on the project, if necessary.
- D.** Preliminary Inspection of the Project with the Reviewer
 1. The assigned Review Appraiser or a qualified Review Appraiser Staff member designated by the Appraisal and Review Manager must inspect each project with the District Right of Way Team Manager or a qualified Team Member (preferably a Right of Way Specialist III or IV - General Certified Appraiser) or the Consultant Right of Way Project Manager, in order to accomplish the following tasks:
 2. Review project plans on site in order to discover and recommend corrective solutions to plan problems prior to assignment of appraisals.
 3. Determine the anticipated scope of the appraisal problem for each parcel and the format of the appraisal (388C or 388N). The anticipated Scope of Work for each appraisal assignment will be determined by the assigned review appraiser based upon the Master Prime Valuation Services menu of services. The scope of work must be as detailed as possible in order to ensure that all potential valuation problems and issues are addressed. This scope of work will include both the real estate appraisal requirements and any specialty reports that are deemed necessary. The minimum award for any appraisal is \$500; however, the State

- Right of Way Administrator may waive this minimum award to a value of not less than \$100 on local government projects. Georgia Department of Transportation projects are not eligible for a reduction in this award. Local sponsor projects may be considered for reduction if request is made to the State Right of Way Administrator. The local sponsor must send a letter to the State Right of Way Administrator requesting the reduction and outlining the reason for the request. The State Right of Way Administrator will follow up this request with a disposition letter either granting a waiver and reduction or not granting a waiver. This disposition letter from the State Right of Way Administrator will state the reason for the departure from the standard minimum award and will identify the minimum award. The letter must be secured by the Pre-Acquisition Manager from the State Right of Way Administrator and provided to the assigned Reviewer before the appraisal process begins.
4. Decide on assignment of appraisals - (Staff or Fee) - and the number of reports per parcel. A second opinion appraisal will be obtained for all parcels with a total estimated value of \$250,000 or greater. Only the Right of Way Administrator may waive the requirement for a second opinion appraisal for parcels with an estimated value of \$250,000 or greater. A second opinion appraisal can also be obtained on any parcel which the Review Appraiser and the District Right of Way Acquisition Manager or Consultant Right of Way Project Manager feels is sufficiently complicated to require a second opinion of value.
 5. The Right of Way office will now utilize competitive bid procedures for the procurement of real estate appraisal services only on a limited basis on State projects. Local Sponsors acquiring right of way under the Local Public Agency guidelines will continue to operate under the procedures outlined in Chapter 8.
 6. Master Prime Valuation Services contracts have now been put in place to simplify and streamline the procurement of valuation services for all GDOT managed projects. These Master Prime Valuation Service providers are organized into teams of real estate appraisers and specialty contractors in order to provide the completed real estate appraisal deliverable. There are two Master Prime Valuation Services contractors for each District. Based on the current workload of the District Right of Way Acquisition Team, complexity of the project, potential appraisal problems, and/or potential for condemnation, the Review Appraiser and District Right of Way Acquisition Manager may decide to procure valuation services from either of the two Master Prime Valuation Services contractors for that particular district.
 7. Decide if specialty reports will be required as part of the valuation process. If so, which types are necessary (i.e. signs, costs to cure, trade fixtures, environmental assessments, timber cruises, etc.)?
 8. During the project inspection, the Review Appraiser and District Right of Way Acquisition or Consultant Right of Way Project Manager will identify any parcels

that have buildings located partially in the acquisition and partially on the remainder. These parcels will require an encroachment easement for the demolition of the building. Property Management will identify the area required for building demolition. This will be added to the plans by design. This easement will be paid for as a temporary easement for a determined duration to be specified by the Acquisition Manager.

- E.** The Review Appraiser's Project Inspection Checklist outlining the above information, must be completed and submitted along with the Project Inspection Checklist Transmittal Memo to the District Right of Way Acquisition Manager or Consultant Right of Way Project Manager before the scope of work is completed.
- F.** Development of the Master Prime Valuation Services Task Order
1. Based upon the Project Inspection Checklist, The assigned Review Appraiser and District Right of Way Acquisition Manager or Consultant Right of Way Project Manager jointly develop a preliminary Scope of Work spreadsheet with detailed menu items to address all anticipated valuation problems. The completed preliminary scope of work spreadsheet along with right of way plans will be provided to the selected Master Prime for his/her review and analysis. The Master Prime/Project Lead Appraiser should perform their own complete project inspection in order to verify the proposed scope of work.
 2. A formal scoping meeting will be scheduled to include the review appraiser, District Right of Way Acquisition Manager and/or Consultant Right of Way Project Manager and the Master Prime/Project Lead Appraiser to discuss the proposed scope of work. The Master Prime has the option of including any valuation services team members in this meeting that would benefit from being involved in the process. A complete on-site parcel by parcel project inspection should be completed at this time in order to identify/discuss any differences on the scope of work and required valuation services to be procured.
 - a. It is the absolute prerogative of Georgia Department of Transportation to decide on the content and number of appraisal and specialty contracts as to the level of the assignment, number of parcels to be appraised, combination of appraisal problems on a contract.
 - b. For parcels that have an estimated value of \$250,000 or greater or that the Review Appraiser and District Right of Way Acquisition Manager determine to be of sufficient complexity will require a second opinion appraisal. a The second opinion appraisal will be procured from the other Master Prime Valuation Services contractor at the time of the initial task order. Second opinion specialty reports will also be procured on such parcels.

- c. Master Primes, project lead appraisers and fee appraisers should be aware that certain parcels on a contract might be designated as requiring an estimated economic rent. It will be the appraiser's responsibility to estimate the economic rent per month for the improvements located within the acquisition area and improvements outside the acquisition deemed to be consequential displacements (damaged to the extent that a tenant or owner cannot remain in the improvement). Such an estimate should be supported by reference to comparable data and included in the project data book or attached to the appraisal report. The economic rent estimate is necessary information for Georgia Department of Transportation's Relocation and Property Demolition Sections.
 - d. The Department is interested in receiving a timely, top quality work product with full analyses and information regarding properties being appraised and expects completed appraisal reports to reflect the required effort.
 - e. Due Dates for Submission of Reports – Due dates for submission of appraisal reports must be discussed and stipulated during the scoping meeting and included in the task order scope of work. It is up to the District Right of Way Acquisition Manager or Consultant Right of Way Project Manager to ensure that the proposed due dates enable him/her to deliver the project on time but also allow sufficient time for the appraiser to produce a complete and credible appraisal report.
3. Once the final scope of work is determined, the District Right of Way Acquisition Manager will complete the Master Prime Task Order for submission to the procurement office. The task order will include the Procurement Requisition Form (PRF), the Scope of Work spreadsheet with detailed menu items and the Task Order document. The Procurement Office will then prepare a task order for routing for signatures to the Master Prime and all required GDOT offices. A formal Notice to Proceed (NTP) will be issued by procurement. No valuation services work will commence by any member of the Master Prime Valuation Services Team until the NTP is issued.
- All associated Master Prime Valuation Services team members must be presently listed on the Georgia Department of Transportation Pre-Qualified Roster.
 - Appraisers and specialty contractors must hold the appropriate roster classification for and have experience in appraising/estimating the type of properties to be encountered on the project.
 - Vendors must have the ability to complete the work within the required period and in accordance with Georgia Department of Transportation standards.

- Appraisers and specialty contractors must have the ability to appear as a witness in court.

G. Post Approval of Task Order - Before Work Begins on Project

1. Items to be furnished to the Master Prime by Georgia Department of Transportation: The District Right of Way Acquisition Manager or Consultant Right of Way Project Manager will provide initial material and any necessary revisions, additional data, etc. to ensure proper performance of appraisal and specialty contracts. Delays in providing some of the following information should NOT completely prohibit the production of reports. However, incomplete reports should not be submitted for review, unless approved by the Appraisal and Review Manager. If a contractor has completed a report except for certain information that has not been provided due to delays beyond their control, payment of invoices for work completed may be considered by the Appraisal and Review Manager.
 - a. Right of Way Plans - Most current plan sheets available. These plans provide a direct vertical/aerial view, and include the existing right of way, proposed required right of way, and/or easement areas, as well as other pertinent information.
 - b. Cross Sections/Profile Sheets - Cross sections indicate existing and proposed elevations of parcels in relation to existing and proposed roadbed. If cross sections are not available or not provided to the appraiser, construction features which potentially impact the parcels being appraised must be detailed and specified to the appraiser (i.e. severe slope in the after situation, etc.). Profile plans provide a horizontal representation of the existing and proposed roadbed.
 - c. Pertinent Data Obtained from Informational Meetings - If available, data regarding name, address, and telephone numbers for property owners, and those entities holding other ownership interests (i.e. signage, lessee, etc.)
 - d. Title Reports - Information related to the current owner, previous chain of title, and any encumbrances to the property, including divisions of legal or physical interests, will be provided to the appraiser if provided to Georgia Department of Transportation by the assigned attorney before or during the appraisal process. However, regardless of whether or not a title report is

provided, the appraiser is expected to provide a five-year delineation of title within the appraisal report.

- e. Rights to be Acquired - Specific information outlining the land and physical features and the rights to be acquired by the department including fee simple and easement areas (i.e. limits of access, etc.).
- f. Fencing – As early as possible in the right of way acquisition process, the Acquisition Manager with the consent of the Review Appraiser should determine the disposition of any acquired fencing. It is the responsibility of the Review Appraiser to provide the project appraisers with specific information on how they should treat fencing on each parcel involved and provide cost to cure reports as needed.
 - Farm Fencing: Any fencing that could functionally contain livestock should be replaced by the construction contractor in lieu of monetary compensation to the property owner. If the fencing could no longer functionally contain livestock and does not contribute to the highest and best use of the property, no compensation should be paid. It is the Acquisition Manager's responsibility to write a letter with a marked set of plans to the project designer as early as possible requesting fencing to be added as a contract item. A description of the fencing acquired should be included in the letter in order for the designer to match as closely as possible the fencing acquired with the available specification options.
 - Commercial Fencing: This normally involves security fencing, which is an integral part of a business. Commercial fencing should be handled as a damaged trade fixture with compensation measured by a cost to cure estimate to move or reinstall new fencing whichever is appropriate, while maintaining security. In situations involving easements, it may be necessary for the cost to cure to include provision for a temporary fence at the back of the easement during construction and a permanent replacement fence along the new right of way after completion of the project.
 - Residential Fencing: In most cases fencing on residential property, particularly decorative fencing should be handled as a site improvement and be compensation based on overall contributory value of the fencing. If the fencing provides security for children or animals in an area where traffic could be a hazard or protects the property in an area where security is a concern a Cost to Cure will be obtained. In a situation where a great deal of replacement fencing that matches our construction specifications (for instance chain link or mesh wire) is required, the fencing should be replaced as a contract item and a cost to cure report is not required.

- g. Specialty Reports - Some appraisal assignments may require the preparation of specialty reports outside the expertise of the real estate appraiser. The Master Prime Valuation Services Contractor will obtain and make available to the appraiser any specialty reports necessary for the completion of the appraisal report, such as signs, trade fixtures, costs to cure, environmental assessments, timber cruises, etc. It is the appraiser's responsibility to examine thoroughly these supplemental reports and to make certain judgments regarding their validity and accuracy, and determine how they should be employed in solving the valuation problem.
- Trade Fixtures: Trade Fixtures are items that are not classified as either real estate or moveable personal property by Georgia Department of Transportation but serve a contributing purpose as an integral part of a specific business operation or related to a specific business type.

Georgia Department of Transportation does not normally acquire trade fixtures in fee simple. Compensation is typically based on the estimated impact (damages) resulting from the difference in value in place (cost new minus depreciation) less salvage value. The owner of the trade fixture retains title and is responsible for its removal from an improvement acquired or an improvement that is damaged but not located within the acquisition area. When trade fixtures are impacted by the acquisition, estimates of value in place and salvage value for each trade fixture will be provided to the appraiser by Georgia Department of Transportation. An estimator, with expertise in the type of fixtures being evaluated, will be employed to provide the report in the required Georgia Department of Transportation format. The estimator will indicate the ownership of each trade fixture and should base the estimated salvage value on a 60-day marketing period for the sale of trade fixture.

The appraiser must carefully verify market data, used to value the improvement, to exclude any contributory value for trade fixture(s) to avoid double compensation for these items. In most cases, including instances where the real estate improvements do not contribute to the highest and best use, damage to trade fixtures will be estimated based on value in place less salvage value.

On-premise signs, exterior yard lighting, underground storage tanks, and freestanding canopies will be routinely handled as trade fixtures. On a case-by-case basis, other items might also be classified and treated as trade fixtures. Compensation for these items should be based on damage to the trade fixture as described below.

- **Signs:** When signage is impacted by the acquisition, it is the policy of Georgia Department of Transportation that the sign will be treated as a trade fixture and should not be acquired. The sign report will be prepared by the sign specialist on the Master Prime's valuation services team. This report will include the name of the parcel owner, parcel owner's address and telephone number, sign permit number and a determination of the legal status of the sign. .

The sign estimate must be on the approved Georgia Department of Transportation Sign Valuation Form. All sign reports should be submitted in duplicate and should contain the name of the sign owner, address, telephone number, the sign's permit number, a detailed description of the materials contained in the structure, an itemized cost to construct the sign and a sketch. Sign estimator should check with local zoning ordinances to see if current sign can be relocated on property or if it will or will not conform to any sign ordinances. If it is a non-conforming sign, the estimator should provide a cost to replace the existing sign with a sign that conforms to current sign ordinances.

The expert providing the cost new of the sign should also estimate the physical depreciation of the sign (dollar or percentage amount), and include this in the report. It will be the responsibility of the real estate appraiser to estimate the total depreciation (including economic and functional obsolescence) of the sign. This report should also contain an estimate of the cost to relocate the sign and an estimate of the sign's salvage value. **AN ORIGINAL PHOTOGRAPH OR COLOR PHOTOCOPY OF THE SIGN MUST BE INCLUDED IN ALL COPIES OF THE SPECIALTY REPORT.**

- **On-Premise Signs and Exterior Lighting:** If there were a minor acquisition of land with signs and or lighting located within the required area, the compensation, as damage, would be based on the cost to relocate the item on the remainder. Please note that in certain areas of the State, zoning regulations do not allow the relocation of existing signs, but require signs that conform to such things as size, materials, etc. In these situations, the damage to the sign would be the cost of erecting a conforming sign, less the salvage value of the existing sign. If there is a total acquisition of the property, or a partial acquisition which leaves the remaining improvements incapable of supporting the highest and best use, as estimated in the before situation, the damage to the signs and light fixtures would be the contributory value less the salvage value (if any).
- **Billboards:** If the billboard can be relocated on the remaining property, the damage would be the cost to relocate the billboard. If the billboard

cannot be relocated on the remaining property, the position is taken that the billboard is a part of the inventory of the outdoor advertising company; and the damage to the billboard would be the cost to relocate a reasonable distance up to fifty (50) miles.

- Freestanding Canopies: If a freestanding canopy is located within the required right of way, but can be relocated on the remainder and continue to support the remaining improvements, the damage would be the cost to relocate. If a freestanding canopy is located within the required right of way, but will not continue to support the remaining improvements the damage would be the value in place less salvage value (if any).
- Underground Storage Tanks: Georgia Department of Transportation will not acquire ownership of underground storage tank systems within the required right of way. Underground storage tanks will be considered damaged trade fixtures with ownership remaining with the tank owner. Compensation will be the damage to the tanks based on the value in place less salvage value (if any). When underground storage tanks are located on the remainder and suffer consequential damage, damages will be the value in place, less salvage value, plus closure costs (costs to remove the tanks according to appropriate standards). **IN ANY OF THE ABOVE SITUATIONS, IF THE CONTRIBUTORY VALUE IS LESS THAN THE COST TO RELOCATE, THE DAMAGE WILL BE THE CONTRIBUTORY VALUE LESS THE SALVAGE VALUE.**
- Timber Cruise Reports: Specialty estimators are responsible for assessing the location of timber on a property to be acquired and either estimating the market value of existing timber or including a thorough description of said timber to allow the appraiser to obtain alternative supporting data. In the appraisal of land which has standing timber of commercial value or growing timber not yet ready for harvesting, the estimated market value of the land may be the value of the cutover land plus the value of the timber. This value is estimated by a licensed timber cruiser or forester or by comparable sales with similar timber thereon, which have also had timber cruises prepared on them.
- Landscaping - Large-scale professionally landscaped commercial developments and residential subdivision entrances will not be treated as a component of the real estate and will not be paid as a portion of the part taken. In these instances, the landscaping items are treated as a trade fixture and will be addressed with a Cost to Cure to replace the items impacted. Estimation of contributory value of small scale landscaping such as typical residential landscaping is the responsibility of the appraiser and must follow applicable state law.

3. Building cost estimates or other cost items that can be easily obtained from local sources will not be furnished to the appraiser. This includes the following items:
 - a. Cost for asphalt or concrete
 - b. Landscaping costs – The contributory value of landscaping items (not the replacement cost) must always be the basis of compensation for landscaping to be required.
 - c. Mineral Reports are provided only on large-scale or significant impact problems. The valuation of land containing mineral deposits can usually be established by direct comparison with sales of land containing comparable mineral deposits.
 - d. Crop Allotments as such are treated as personal property. In appraising farmlands subject to crop allotments, the estimated value of the allotment as indicated in the market and evidenced by the sale or rental of such allotments, shall be deducted in arriving at the estimated land value of the comparable sale. This applies only if sales included allotments. If the taking reduces the non-replaceable allotments, then payment must be made accordingly.

4.9 Contractual Obligations

A. Quality of Work/Timely Completion

1. All appraisers, fee and staff, and specialty contractors must follow the guidelines set forth in Chapter 4-Information for Appraisers of the Georgia Department of Transportation Right of Way manual.
2. Quality of work must be acceptable to both the Right of Way Administrator and Appraisal and Review Manager and be sufficient for negotiation, acquisition, and/or condemnation of the property.
3. Timeliness/Scheduling - appraisers and specialty contractors must be prepared to meet deadlines and schedule workload accordingly. However, it is understood that from time to time an extension may be granted at the will of and by the Department, if extenuating circumstances arise and warrant such an extension. Requested extensions of deadlines must be submitted in writing to the Acquisition Manager.
4. If appraisal reports or specialty reports do not meet minimum requirements the Georgia Department of Transportation is under no obligation to pay contract fees.

5. Purchase orders are not assignable in whole or in part and no portion of the work may be sublet or transferred to any other person without prior written approval of Georgia Department of Transportation.

B. Failure to Meet Contractual Obligations

1. If an appraiser or specialty contractor violates above, the contractor will receive a written warning of suspension.
2. If violations continue uncorrected, suspension from the pre-qualified appraisers or specialty contractors roster is possible.

C. Suspension

1. Suspension may not exceed one year.
2. When suspended from Georgia Department of Transportation work, this includes suspension from performing contract work on all Georgia Department of Transportation and Local Government Projects reviewed by Georgia Department of Transportation.
3. At the end of the suspension period (one year or less), it is the responsibility of the suspended appraiser or specialty contractor to reapply for inclusion on the GDOT Valuation Services Prequalified List; however, application does not imply automatic right of approval, i.e. approval for the list is not guaranteed. Upon completion of suspension and approval of inclusion on the pre-qualified valuation services list, the appraiser will be reinstated with a reduction in their classification level.

4.10 Appraisers' Responsibilities and Standards of Report Preparation

- A.** Each appraiser must follow the Instructions set forth in this document.

B. Scope of Assignment

The appraiser should notify the Master Prime/Project Lead, Acquisition Manager and the Review Appraiser if it is discovered before or during the appraisal assignment that the appraisal assignment does not address the specific appraisal problem and/or if the scope of the assignment warrants revision.

- C.** If right of way plans do not agree with information discovered during the appraisal process, the appraiser should notify the Acquisition Manager immediately and request guidance on that particular parcel.

D. Appraisal Reports and General Data Books - Printing and Production Standards

The appraisal reports should be typed or printed on 8½ X 11 papers using the appropriate appraisal format (388C or 388N) and must be legible. Duplicates of each appraisal report must include original photographs or color photocopies, original signature pages, and legible exhibits. Duplicates of each General Data Book must include original photographs or color photocopies. The Acquisition Manager may request extra duplicates of each appraisal report or General Data Book as deemed necessary; the required number of duplicates of both will be noted on the contract. They are to be submitted to the Acquisition Manager who made the assignment. Appraisal reports shall be separately bound for each parcel. A General Data Book may be used to cover one assignment or project and include various items of general information. The following are guidelines for General Data Book production.

1. All sheets to be included in the Data Book must be three-hole punched on the left hand side.
 2. It is required that a three ring binder be used for General Data Books - the size is not to exceed 11"x 12" with a clear plastic pocket on the spine indicating project identification (project, P.I. number, roadway, and county).
 3. The data book should be separated into sections using notebook dividers according to the information within that section (i.e. Identification and Purpose, Scope, Definitions, Neighborhood Data, General Information, Land Sales, etc.). Additions and corrections must have the PI#, Project, Parcel Number, and County in the upper right hand corner of each page with the original page number AND the indication of "A" (for addition) or "C" (for correction) and the date at the bottom center of each page. All addition/correction sheets should be submitted with a temporary clip to secure the sheets during processing.
- E.** Owner Contact is one of the few requirements mandated by State and Federal Law. The offer to provide the owner the opportunity to accompany the appraiser on the inspection of the property is required by the Uniform Relocation Assistance, and Real Property Acquisition Policies Act of 1970, as amended. This requirement is intended to allow the owner input into the acquisition process. It is required that the person indicated on the appraisal agreement as the designated appraiser make every reasonable effort to contact the owner of each parcel he is assigned to appraise and maintain records regarding these efforts. Owner contact by an appraisal associate only is not acceptable; departure from this requirement may result in the designated appraiser being suspended from the Pre-Qualified Appraisers List. The appraiser is usually one of the first representatives of the Department of Transportation to contact the property owner. The impression made by this representative may well decide the success or failure of subsequent negotiations with the property owner. Therefore, the appraiser and his or her associates should conduct themselves in a positive, helpful, cooperative, and informative manner. However, all questions regarding copies of plans/cross

sections, engineering requirements, Georgia Department of Transportation negotiation and/or acquisition procedures, etc. should be directed to the District Right of Way Acquisition Manager or Consultant Right of Way Project manager responsible for the project. The appraiser should follow these owner contact procedures in order of priority:

1. Telephone call
 2. Personal Visit if owner is located on site of the property; and
 3. Notification by letter - standardized Georgia Department of Transportation Owner Contact Letter must be used and must be sent by certified mail. If the owner does not respond, a copy of the letter and a copy of the certified mail receipt must be included in the appraisal report.
- F.** Either the 388C format or 388N format must be used for every appraisal completed for the department.
- G.** All appraisals should contain the data, analyses, and reasoning to explain, and thereby document, the estimate of market value as indicated in this manual.
- H.** Title reports and specialty reports provided to the appraiser by Georgia Department of Transportation are an integral part of the appraisal report and must be included as attachments to the report.
- I.** Frequent reference to and compliance with these instructions and the USPAP by the appraiser should expedite the processing and acceptance of appraisal reports. Reference to actual USPAP documents is highly recommended.
- J.** USPAP - Departure is not permitted from the following two standards:
1. Standard 2: In reporting the results of a real property appraisal, an appraiser must communicate each analysis, opinion, and conclusion in a manner that is not misleading.
 2. Standard 3: In performing an appraisal review assignment, an appraiser acting as a reviewer must develop and report a credible opinion as to the quality of another appraiser's work and must clearly disclose the scope of work performed.
- K. **Influence of Project on Just Compensation per 49 CFR 24.103(b)****

To the extent permitted by law, the appraiser shall disregard any decrease or increase in the fair market value of the real property caused by the project for which the property is to be acquired, or by the likelihood that the property would be

acquired for the project, other than that due to physical deterioration within the reasonable control of the owner.

L. Conflict of Interest per 49 CFR 24.103(e)

No appraiser or review appraiser shall have any interest, direct or indirect in the real property being appraised by Georgia Department of Transportation that would in any way conflict with the preparation or review of the appraisal. Compensation for making an appraisal shall not be based on the amount of the valuation.

M. Scheduling Work

The appraiser is requested to schedule production of appraisals in accordance with the order of priority as indicated by the contact and/or the acquisition manager. The highest priority will normally be given to occupied residential properties to be acquired and commercial or industrial properties requiring relocation assistance. Any deviation from this order of priorities will be discussed with the appraiser at the time the assignment is made.

N. Clarity and Conciseness of Reports

The appraisal report should present a clear, concise depiction of the subject property. All facts, data, and analyses should explain and substantiate the appraiser's conclusion of value. The two approved formats (388C and 388N) must be followed exactly as to order and content. The appraiser may expand any tables or sections of the report format for inclusion of any additional pertinent information. All calculations must be shown. The report or Data Book shall contain all data, analyses, and reasoning to explain each conclusion.

O. Flexibility

The requirements set forth herein are flexible to the extent that certain valuation methods (i.e. Market/Sales Comparison Approach on specialty properties or Income Approach on non-leased or non-rental market buildings) may be omitted from the report. This omission from the report is applicable only when found to be inapplicable to the parcel being appraised, provided the appraiser includes a logical explanation for such omissions in the appraisal report and considers thoroughly all methods of valuation. The appraiser must exercise sound judgment in the application of these requirements to assure that each report meets accepted appraisal standards and uses appropriate techniques for the property being appraised. The appraiser will provide any data and analysis in excess of the requirements if the Appraiser, the Review Appraiser, or the Appraisal and Review Manager deems such data or analyses pertinent to a specific appraisal problem or assignment.

P. Photographs of Subject and Comparable Sales and Rentals

Photographs may be reproduced by normal photographic processes or color copies; however, any reproductions must be of good quality, properly identified, and recognizable as truly representative of the subject or comparable property. Each photograph shall be identified as to project, parcel number, comparable sale, or rental number, date taken, direction taken, identifying landmarks (i.e. street signs, improvements, etc.), and the name of the person taking the photos. All photos of subject parcels should be of sufficient detail to provide an accurate visual representation of the property under appraisal including improvements and their relationship to the right of way being acquired and general size, shape, frontage, access, and topography features. Each appraisal report and data book should contain original photographs or similar reproductions. For comparable properties, photographs should be of sufficient detail to be located and analyzed.

Q. Sketch or Plat of the Subject and Comparable Sales and Rentals

A sketch of the subject's "larger parcel" should be shown in sufficient detail to visually describe the property and allow the Review Appraiser or Acquisition Manager to find the property. When available, areas, boundaries, and dimensions of the subject property should be shown, along with existing roads or other means of access. All buildings and other improvements, which affect value including their approximate location and general size, a north arrow, project and parcel numbers, and other property features pertinent to the appraisal or comparable, should be shown. For comparable property sketches and location maps, a copy of a tax plat, 'as built' survey or right of way plans is a good beginning, but additional information/detail should be added as necessary.

R. Right of Way Plan Sheet

Right of way plans identifying the subject property lines, right of way acquisition lines, and easement areas highlighted for ease of reference must always be included in the appraisal report.

S. Floor Plan

If the subject improvements are being impacted or acquired by the proposed acquisition, a floor plan sketch of the subject property is required. This sketch should show exterior walls and their dimensions and general placement of interior walls; however, specific interior scale is not necessary. Floor plans of the comparables should be included where pertinent to the appraisal problem, but do not need to be to scale if approximate major dimensions are shown.

T. Confidentiality

Appraisals are a confidential communication between the appraiser and appropriate personnel of Georgia Department of Transportation and/or the trial

attorneys of the State. The appraiser should not discuss his reports with anyone other than appropriate personnel of Georgia Department of Transportation or in a court of law, after discussion with Georgia Department of Transportation's legal counsel. Once completed, right of way plans are public information; however, for copies of right of way plans, cross sections, etc., the appraiser should refer the owner or any other interested parties to the Acquisition Manager of the project.

U. Open Records Requests

Appraisals are not subject to open records requests until the project is completed.

V. Proofread Reports

The Master Prime and Project Lead are solely responsible for the appraisal report. The appraisal report should be carefully proofread, and all calculations should be checked by the Project Lead prior to submission of the report to Georgia Department of Transportation.

W. Sign Final Reports and Certificates

The appraiser must include original signatures on all originals and copies of appraisal reports. The appraisal must be submitted under the appraiser's signature and clearly show the date of valuation of the property. If the date of his signature is different from the date of his valuation, he should show both dates. If an associate assisted in preparing the report, this assistance should be noted in the "Certification of Appraiser"; however, the associate should not sign the report.

The dollar amount to be placed on the Certificate is the appraiser's estimate of the value of the part to be acquired, plus any consequential damages less any special benefits.

X. Dates of Submission to Georgia Department of Transportation

All appraisal reports must be submitted within thirty (30) days of the date of the appraisal (typically the most recent date of inspection) or the appraisal will be returned to the appraiser for correction and re-inspection.

Y. Invoice Submissions to Right of Way

Invoices must include date, project, county, P.I. number, parcels, purchase order number and types of activities (i.e. appraisal, update, pretrial conferences, depositions, court testimony, etc.). An original copy of the purchase order must be attached to the invoice for payment processing. Invoices are normally processed within 30-60 days after approval or release of the appraisal or specialty report by Georgia Department of Transportation. Partial or full payment will be made depending on the work record of the appraiser and his or her demonstrated ability

to complete revisions if necessary. Invoice processing is the responsibility of the assigned District Right of Way Acquisition Manager.

4.11 Appraisal Process

A. General Data Book

In lieu of including market data and other supporting information in each individual appraisal report, a General Data Book should be prepared and must be approved by the Review Appraiser. A General Data Book would be routinely required on most projects, whether for the purpose of support for appraisal valuations or for the Negotiation for Services Process. Regardless of the purpose, all General Data Books must include the following information; in the following sequence; and, be clearly identified:

1. Identification and Purpose
 - a. Project Number
 - b. County
 - c. Project Identification (P.I.) Number
 - d. Statement of the purpose of the data book –As support for valuation, analyses contained in the real estate appraisal reports or as support for the Negotiation for Services Procedure
 - e. List of parcels to be appraised or parcels to be acquired by Negotiation for Services - The parcels must be organized according to category of highest and best use, (i.e. commercial, residential lots, etc.) and ranked in ascending order of size. Improved parcels must be categorized as to type of improvement and size. Distances to right of way and roadbed, number of parking spaces, and any other pertinent information, both before and after the acquisition, should be included.
2. Scope of the Assignment - Outline the information, geographic area, sources, extent of verification, etc. which were reviewed in preparing the data and reports
3. Definitions – Provide definitions and source for the following terms:
 - a. Market Value
 - b. Fee Simple
 - c. Easements – Temporary, Permanent, Demolition

- d. Negotiation for Services
- 4. Regional/Neighborhood Data
 - a. Comment on development trends, demographics, etc.
 - b. Describe regional influences
 - c. Describe neighborhood with appraiser-estimated boundaries: north, south, east and west
 - d. Comment on foreclosure activity in the Georgia Department of Transportation project area for the prior 12-month period
- 5. General information, historical aspects of, and potential changes in:
 - a. Zoning/land development ordinances
 - b. Utilities
 - c. Taxation valuation
 - d. Mileage rates
- 6. Market Data –Types of Data included:
 - a. Vacant Land Sale Comparables and Listings
 - b. Improved Sale Comparables
 - c. Rent comparables - actual and asking rental data
- 7. Summarize (List) Parcels to be appraised or Negotiated for Services (NFS)
 - a. Organize parcels according to Highest and Best Use category (i.e. commercial, residential lots, etc.)
 - b. Sort parcel appraisal/NFS list in ascending order by size.
 - c. Indicate estimated Right of Way setback and edge of pavement setback on any parcel on the appraisal/NFS list
 - d. Improved parcels should indicate the number of parking spaces both before and after the acquisition.

- e. Indicate structure type and size for improved parcels.
8. General Requirements for Reporting Market Data
- a. Provide Grantor/Grantee, Deed Reference, Sale Date, Sales Price, and Overall Price per Unit, Highest and Best Use in ascending order by size, smallest to largest.
 - b. Highest and best use is categorized (i.e. commercial, residential lots, etc.) For multiple uses, or uncertainty, estimated use is acceptable, but must be indicated as such.
 - c. For improved sales, provide an additional Consolidated Sales List for improved sales as to type of improvement (i.e. C-store, strip shopping center, SF Residential), size, distances to Right of Way and roadbed, parking spaces, etc.
 - d. Show unadjusted sales price or rental ranges each group
9. Specific Requirements for Market Data Reporting
- a. Use approved Department of Transportation forms/formats for sales/rentals for reporting comparable data and information.
 - b. All sales/rentals used in the report must be verified with either the grantor/lessor or grantee/lessee or the agent handling the transaction. For these comparables, it is not acceptable to verify by public records, exclusively.
 - c. All sales and rentals must be personally inspected by the appraiser. The only exception to this might be in the case of regional or national data not easily inspected due to physical distances. However, in such cases, the reason for not inspecting the data must be explained.
 - d. Describe the exact location of the comparable including street address, county, land district, land lot, and tax plat reference. Be specific about its relationship to intersecting streets and roads or other landmarks (i.e. located 0.5 miles east of the intersection of Jones Street and U.S. Hwy 27 on the north side of U.S. Hwy 27).
 - e. The Appraiser must provide original clear, descriptive photographs of each comparable indicating principal improvements and any unusual features as of the date of inspection. No other sources of photography will be allowed to fulfill this requirement, including downloaded photographs from County Records, public domain websites or other sources of aerial/satellite views. These sources may be used as in a supplemental means to document the

comparable, but are absolutely not acceptable as primary documentation for the comparable condition as of the Appraisers inspection date. Digital photos are acceptable provided the appraiser takes the picture.

- Each primary photograph for each comparable will include the following caption centered underneath the picture or image:
 - ❖ The Name of Photographer
 - ❖ Date Taken
 - ❖ Description (i.e. easterly view along Edge Road).
- Each secondary source of photographs will include the following caption centered underneath the photo or image:
 - ❖ Description
 - ❖ Image/Photo Source
- f. Provide a copy of the recorded Plat from public records for each sale. If a recorded plat does not exist, a supplemental sketch may be substituted from county tax assessor's map or sketches from computer software, provided it contains dimensional characteristics and clearly depicts the subject.
- g. Indicate the general dimensions of the property, and general shape, identification of fronting streets and roads.
- h. Indicate utilities available, private and public.
- i. For improved sales, the following information is required:
 - Type of Construction
 - Square Footage
 - Actual Age
 - Estimated Depreciation
 - Overall condition
- j. When land value is extracted from an improved sale to obtain improvement contribution, the land value must be supported by reference to market

information in that area. The appraiser must provide the basic sale data including price, size, and date of sale, within this analysis.

- k. The total amount paid for the property (sale or lease) should be verified to confirm that it is correct and not a figure which may represent a net amount received by the seller after brokerage or other fees have been deducted.

10. Comparable Location Maps

- a. The appraiser must provide maps indicating exact location for all comparables in sufficient detail for any Review Appraiser, Acquisition Manager, or Team Member to find the comparable in the field. The subject property and/or project should be identified on all general location maps where possible.
- b. Software mapping programs are acceptable: However, maps that greatly reduce the scale of the area to be mapped and do not depict the location of the comparable sale clearly and concisely will be rejected and returned to the Appraiser.
- c. Individual sale location maps are acceptable but may not be substituted in lieu of overall comparable location maps.

11. Verification of Data

- a. All sales/rentals used in the report must be verified with either the grantor/lessor or grantee/lessee or the agent handling the transaction. For these comparables, it is not acceptable to verify by public records exclusively.
- b. The total amount paid for the property (sale or lease) should be verified to confirm that it is correct and not a figure which may represent a net amount received by the seller after brokerage or other fees have been deducted and does not include personal property or purchase of a going business or purchase due to abnormal financing. Conditions surrounding each sale/lease must be determined and considered carefully to assure that the sale represents fair market value. Any deviation from these verification requirements must be with the approval of the Review Appraiser and explained in the report.
- c. Financing - The type and terms of financing should be explained in detail. In addition, the effect of the financing on the sales price should be explained (such as cash equivalency) and pertinent calculations should be shown.
- d. All sales and rentals should be personally inspected by the appraiser. The only exception to this might be in the case of regional or national data not

easily inspected. However, in such cases, the reason for not inspecting the data must be explained.

- e. All required information concerning the comparable sales/rentals must be presented in the General Data Book and briefly referred to in the text of the appraisal report. In some cases, (small assignments), all data may be included in the report.
 - f. If the data book is compiled by staff personnel and is used by several staff appraisers, one staff appraiser verification and inspection will suffice unless litigation is involved in the acquisition of the parcel. In such instances, personal verifications of the data will be necessary for presentation of the evidence.
 - g. After the unadjusted market indicators are established, fee appraisers will be responsible for further refinement of (adjustments to) the market data ranges to indicate values for the various types of properties to be acquired.
12. Discussion of Market Analysis - Analyses of the market area, supply and demand factors, and other features (physical and economic) for which adjustments may be warranted should be included in the data book and/or each actual appraisal report.
13. Impact/Damage Studies - Market Supported
- a. Proximity
 - b. Parking Loss
 - c. Limits or changes in Access
14. Cost Sources for Improvements - fencing, asphalt, etc.
15. Easement Valuation Support Discussion - discuss types of easements being acquired (i.e. temporary, permanent, impact to remainder) and support for the valuation of those various types.
16. Other Pertinent Data - The appraiser may include any additional exhibits as deemed necessary or pertinent to the appraisal assignment.
17. Limiting Conditions and Assumptions
18. Qualifications of Appraisers

B. Formats for Appraisals

For all reports presented to Georgia Department of Transportation, appraisers must follow the appropriate format. These formats comply with the USPAP as set forth by the Appraisal Standards Board. Georgia Department of Transportation's contract for services will designate which format shall be used for each parcel.

1. 388C Simple Strip Acquisition

- a. Total Acquisition of Land (All Types) with and without minor site improvements; or
- b. Partial or Strip Acquisition of Land (All Types) with and without minor site improvements and minor cost to cure items; should not be used if there is any impact (damages/benefits) on the remainder.

2. 388N Before and After

- a. All other acquisitions, any property with impact on the remainder must be appraised in this format, any property with a major improvement either to be acquired or impacted.

3. Attachments to be included.

- a. Certification of Appraiser
- b. Subject Photographs
- c. Tax Plat, Sketch of the Subject, or 'As Built' Survey
- d. Right of Way Plans for subject
- e. Floor Plans, where applicable
- f. Supporting Construction Cost Information (may also refer to General Data Book)
- g. Lease analyses, income, and expense information, using the subject and comparable data
- h. Specialty Reports
- i. Title Certification
- j. Other pertinent data as necessary

C. Preparation of the Appraisal Report

Regardless of the format being used or the amount of money involved, certain steps should be followed in determining the value of the property being appraised. Note: Do not use interim rounding when preparing the appraisal report as it may result in false damages or benefits and may cause problems for the Review Appraiser when he/she itemizes the components of Fair Market Value on the Review Appraiser's Report. The final value estimate may be rounded upwards a reasonable and appropriate amount, but must never be rounded downward.

1. Appraisal of the Property before Acquisition, Larger Parcel

Identify the Property to be appraised including physical inspection, review of county records regarding the property, deed information, type of ownership, complete land and improvement descriptions. Five-year title history should be reviewed including sales, contracts, offers, leases, easement, liens, etc., and their impact on the subject value should be analyzed and discussed for all three identified properties or rights below:

- a. Property as a Whole - Larger parcel as identified by unities of use and ownership as well as contiguity
- b. Part to be acquired - Those physical and legal rights and portions of the property to be acquired
- c. Part to Remain, for partial acquisition - That portion or those portions of the larger parcel remaining after acquisition including physical and legal rights.

2. Contact with the Property Owner(s)

The owner contact process is intended to provide the owner the opportunity for participation in the acquisition process, as well as the opportunity for the appraiser to obtain as much information as possible about the property being appraised. The following information should be obtained from the owner, if possible:

- a. Title information (owner's name(s), address, and phone number; mortgage holder; member of an estate; liens; leases; existing easements; tenants and their addresses; property line verification)
- b. History of the property including prior sales, existing contracts, listings, etc.
- c. Location and description of hidden improvements (i.e. septic systems, underground sprinklers, private utilities, utility vaults etc.)
- d. Areas/sizes of different types of land
- e. Recorded development plans

- f. Zoning change applications
- g. Improvement details
- h. Operating statements
- i. Building plans and specifications
- j. Any other information the owner is aware of which might affect value.
- k. The appraiser should schedule his time to accommodate the property owner.
- l. The appraiser must state the date or dates of his inspections(s) of the subject property and the name of the owner or the owner's representative with whom he inspected the property, and their telephone number and address.
- m. The appraiser must state that the owner or his designated representative was provided the opportunity to accompany the appraiser as well as whether or not the owner did accompany the appraiser.
- n. If the appraiser was unable to contact the owner or his representative by telephone, personal visit, letter, etc., the appraiser must narrate his attempts and include this information in the appraisal report. The appraiser must also include in the appraisal report a copy of the standardized Georgia Department of Transportation Owner Contact Letter sent to the owner and a copy of the certified mail receipt.
- o. Explanations to Owner

The appraiser should provide the owner with the Owner Contact Letter, which will indicate the name and telephone number of the Acquisition Manager for the project, the county and project identification, and their individual parcel number. It may be helpful for the appraiser to explain that although the Department is the fee appraiser's client, the appraiser has a legal and moral obligation to provide a fair, competent, and unbiased analysis of the property in question and the impact, if any, the acquisition has on the property.

- p. Area Information

The appraiser may also want to use the owner contact as a time to ask the owner about the surrounding area, which properties the owner believes are most comparable to his own and if the owner is aware of any similar properties (land or improvements) which have sold or are leased, etc. Additionally, the appraiser may ask about the local economy/real estate

market and the owner's perceptions about the immediate and surrounding areas.

- q. Owners' Opinions/Pertinent Information. The owner should be encouraged to give any pertinent information relating to the property, area, local real estate market, etc. The owner should be informed that the information he gives the appraiser would be given thorough consideration, but the appraiser will arrive at his own independent estimate of value.
 - r. Conduct of the Appraiser - The appraiser is usually one of the first representatives of Georgia Department of Transportation to contact the property owner. The impression made by this representative often decides the success or failure of subsequent negotiations with the property owner.
 - s. Non-resident property owners - The appraiser is responsible for contacting any non-resident owners and making arrangements for inspection of their property. If the appraiser is unable to contact the property owner, a statement outlining his attempts and reasons for failure shall appear in his report under his discussion of the inspection of the property.
 - t. Questions regarding value, engineering, negotiations, relocation, and payment - The appraiser should only answer those questions falling within the area of his expertise and forward all other questions to the Acquisition Manager. He should never discuss the findings of his report on any parcel assigned to him with anyone other than authorized personnel.
 - u. Gather Subject Information - the subject property's various ownership interests and to whom they accrue must be determined
3. Describe the subject property for the:
- a. Property as a Whole - Larger parcel as identified by unities of use, contiguity, and ownership
 - b. Part to be acquired - Those physical and legal rights and portions of the property to be acquired. Include discussions of temporary or permanent easements.
 - c. Part to Remain, for partial acquisition - The appraiser should elaborate on such factors as legal limitation of access, physical accessibility, changes in grade, cuts and fills, change in highest and best use, land locking, severance, proposed right of way and roadbed proximity to residential structures, parking loss and any other factor which, in the opinion of the appraiser, will affect the market value of the subject property as a result of the property acquisition. The appraiser must carefully consider easements as to their

ultimate effect on the market value of the property and reflect this influence in the after value of the remainder.

4. Opinion of Highest and Best Use – The appraiser must follow approved methodology and theory in rendering an opinion as to the highest and best use of the property including the property as a whole and the remainder portion. The appraise should also discuss if the highest and best use is the present use, is similar to or different from surrounding land use patterns, if that use conforms to the current zoning or, if not, why, and if that use is expected to change in the near future.
 - All appraisals submitted to Georgia Department of Transportation must contain a statement that the appraiser has considered the value of the portion taken as standing alone. In the vast majority of situations, the value will be nominal and the appraiser can so state and proceed to define the actual larger parcel. If the appraiser finds that the portion by itself meets all four criteria for highest and best use, then its value should be estimated accordingly. Remember that shape and utility, as well as size, must be analyzed and considered.
 - If parcels are located in an area where demand is such that sales activity indicates that larger tracts are being divided up and sold, this trend (with examples) should be thoroughly covered in the neighborhood description section of the appraisal or data book.

The following statement (not meant to be copied verbatim) expresses the thought process that must be a written part of your appraisal of this type parcel when it is submitted for review:

“The appraiser has considered the area acquired isolated from the remainder and finds that its shallow depth makes it unlikely that the parcel, standing alone, would be marketable due to its very limited utility or, conversely, that the negative effect on the owner’s remaining property makes it unlikely that a prudent person would sell it off. Consequently, the appraiser has considered the part taken to have a greater value if appraised as a part of the larger tract.”

5. The appraiser must then consider the scope of the assignment and decide which market areas and during which time periods to research.
6. Comparable data must then be gathered and verified including photographs and specific location information. It is acceptable for appraisers working on the same project or in the same areas to exchange market data; however, they may exchange only factual data regarding sales/rentals. Analysis of sales/rentals or conclusions should not be exchanged between appraisers. The appraiser should include in his actual report only those sales/rentals, which he considers most

comparable to the property being appraised, whether his is one, two, or several transactions. Additional sales/rentals, which have occurred in the market but were not relied upon, should be included in the Addendum or the General Data Book.

7. The market information must then be discussed and applied to the subject property for comparison and valuation purposes.
8. Three Approaches to Value - All three approaches must be considered in valuation of the subject before acquisition and the valuation of the remainder. However, only the approaches applicable to the property should be presented in the written appraisal report. Should one or more of the approaches not be included in the written report, its omission should be discussed and explained.
 - a. Market/Sales Comparison Approach - Utilized for land as if vacant and property as improved (where applicable). Salient facts to remember include a direct comparison process and adjustment grid wherein appropriate sales are matched to a specific subject parcel and adjustments are provided for elements of dissimilarity. This approach is normally considered by the Georgia Department of Transportation to be the most applicable approach for eminent domain purposes since it is more widely understood by the public as a whole and more acceptable to the court system.
 - Gather sales of similar land and/or improvements (remember, use common sense, it is completely unacceptable to compare a 100-acre sale to one-acre subject tract.)
 - Verify, photograph, and provide location and/or tax plat of each sale
 - Compare market data to subject property - If a sale is improved and land value is extracted from the sale price in order to obtain an improvement only contribution, the land value must be supported by reference to market information in that area.
 - Apply adjustments to comparable sales - Direct comparison of the comparable sales most similar to the subject may be accomplished by the following methods:

If the differences in the sales and the property being appraised are minor, discussion of these differences with no dollar amounts or specific percentages mentioned will be acceptable provided that the adjustments are expressed in a grid, followed by a narrative discussion for each comparable that is sufficient to lead the reviewer to the same conclusion reached by the appraiser; or

If these differences are of a major nature, support of these adjustments by actual market data will be required.

- Form and report an opinion of market value for the subject based on the comparable data. Correlation of adjusted sales comparables must be explained solely, utilizing a mean, median, or mode in estimating final value is unacceptable.
 - Review market sales for gross and net income, to sales price ratios for use in the Income Approach
 - Use Gross Potential or Actual Gross Income from the Income Approach to apply to Gross Income Multiple, discuss thoroughly. Multipliers must be derived from sales of property actually rented, with information furnished, as required on sales used in the Sales Comparison Approach. Do not adjust Gross Annual Multipliers or Gross Monthly Multipliers. Rates should come from properties similar to the subject, especially in lease terms, building age, size, and land to building ratio.
- b. Cost Approach - This approach will not be accepted as the sole basis for valuation of improved properties so long as market data is available for consideration. As the sole approach to value, this approach is only to be utilized for improved properties in appraising special purpose properties or other buildings for which market sale and lease data is not readily available. If the Cost Approach is utilized, the report must contain specific sources of cost data (i.e. local contractors, cost manuals, appraiser's files, etc.) and an explanation of each type of depreciation as well as all pertinent calculations should be included.
- Utilize the Market/Sales Comparison Approach for valuation of the site. The value of the land, as if vacant and available for improvement, should be estimated by the use of sales of similar properties in the same area. It is preferred that land value not be estimated by abstraction from a sale or sales of improved properties. The abstraction method should be done only when all other sources or market data are exhausted and may not be utilized as the sole source and method of valuation for underlying land.
 - Obtain replacement "Cost as New" valuation data from various sources - Under no circumstances will Cost Manual Data be accepted as the only and primary source for cost data. Local sources must be quoted and used as the primary reference.
 - Primary Source should be local Contractors – Indicate to the contractor that the cost information being sought is the same as if they were being asked to construct the improvement under consideration. Secondary

sources include Recognized Cost Manuals; similar, recently constructed properties.

- Consider entrepreneurial profit the difference between the cost of development (including land and improvements) and the value of a property after completion is the entrepreneurial profit (or loss) realized; it is a market-derived figure that reflects the amount an entrepreneur expects to receive for his or her contribution to the property.
 - NOTE: If the property is historical and under federal, state, or local historic regulations, it may be necessary to obtain reproduction cost new versus replacement.
 - Apply Cost New data to the subject improvements
 - Estimate and deduct all forms of depreciation from the Replacement Cost New. When the total depreciation is supported by adequate market data, a lump sum amount of depreciation is acceptable provided each type of depreciation is discussed. In the case of special purpose or other properties, where market data is not available and the Cost Approach is used to support the value estimate, each type of depreciation shall be shown separately, either by dollar amount or percentage, and a detailed explanation of each type of depreciation must be given together with the appraiser's reasoning in sufficient detail to allow a review appraiser to make a sound judgment as to the validity and acceptability of each type of depreciation.
 - Add Underlying Land Value to Depreciated Replacement Cost for the subject and estimate opinion of value
- c. Income Approach - This approach should be employed on all properties, which are purchased primarily for their income producing ability or investment potential. The income produced must be attributable to the real estate itself and not to the owner, manager, or to the business operation on the subject property. Comparable rental data must be verified to the same extent as any other comparable data. Adequate information concerning owner and tenant expense allocation and terms of rental agreement (including gross rent, length of primary term, options to renew, etc.) must be included.
- Gather subject and comparable rental data from the local and similar market areas. The appraiser should, whenever possible, examine and consider the records of the actual income produced by the subject property before preparing the potential gross income estimate. All rental

properties used to estimate economic rent must be verified to the same extent as comparable sales.

- Photograph and verify comparable rental data
 - Apply comparable rental data to the subject to estimate gross potential or gross actual income
 - Gather subject and market expense data (including vacancy estimates) for the subject from the local and similar market areas. The appraiser will usually discount the gross income estimate to an Effective Gross Income estimate to allow for any vacancy and credit loss with occasional exceptions such as properties that normally rent to "Class A" tenants on long-term leases. The percentage of vacancy and credit loss should vary according to the type of neighborhood, type of rental agreements, neighborhood factors, and general business conditions.
 - Review, analyze, and apply expenses. Actual expense history information for the subject should be obtained from the owner. In addition, when verifying rental comparables with other area owners, request similar information in order to verify the subject's expenses as market. Additional support for expenses typically associated with ownership of improvements similar to the subject may be obtained from published data reports for that type or class of property.
 - Deduct expenses from Effective Gross Income to arrive at a Net Operating Income
 - Discuss capitalization techniques and present herein by applying to the Net Operating Income. The capitalization rate must be fully explained giving the data and analysis thereof considered by the appraiser in arriving at the rate, regardless of the method of rate selection employed.
- ❖ Direct Capitalization
 - ❖ Overall Rate - It is always preferable to derive overall rates from the comparable improved sale data as the primary method of establishing an acceptable capitalization rate. The appraiser should derive the rate only from properties, which exhibit a high degree of comparability to the subject property, particularly in the expense ratios, building age, and land to building ratios.
 - ❖ Built-Up Rate
 - ❖ Mortgage Equity Method

❖ Discounted Cash Flow Analysis

- Discuss assumptions
- Provide support for assumptions

9. Review value estimates by each technique and reconcile
10. Verify estimate of value as Market Value of Fee Simple Interest versus Leased Fee Interest
11. Reconciliation of Before Value as a Whole - Where two or more approaches to value for the subject property before acquisition are used, the appraisal shall provide and outline the correlation of the separate indications of value derived by each approach together with a reasonable explanation for the final conclusion of value
12. Discuss each approach and its relationship to the subject
13. Arrive at final value estimate, Before Acquisition
 - a. Value of the rights/portion acquired as a part of the whole –based on the market value of the whole, the value of the parts to be acquired (i.e. fee simple, easement, and other rights) must be calculated. The value of the land to be acquired should normally be based on comparable properties. Any land or improvements to be acquired shall be evaluated based on their contributory value to the entirety, or the "larger parcel", if appropriate, before the acquisition. The value of each improvement located in the area being acquired must be stated separately.
 - b. Value of the Remainder, as part of the whole before acquisition (mathematical) - the market value of the parts to be acquired including fee simple, easement areas, and other rights, must be subtracted from the market value of the whole to arrive at the market value of the remainder as part of the whole.
 - c. Value of the Remainder, After the Acquisition - the subject property must be valued using acceptable market valuation methods as if the acquisition has occurred. The appraiser must estimate the impact (benefit or damage) of the proposed acquisition using acceptable methods. Care must be taken to exclude damages which are not compensable under Georgia Law.
 - d. Effects of the Acquisition - The appraiser should discuss the effects of the acquisition and project construction on the remainder of the subject property. This section of the report shall contain a clear description of any

and all remainders of land and improvements and the effects of the acquisition thereon. If the remainder is essentially the same as before the taking with no consequential damages or special benefits, this should be explained in detail in the report. This may reduce the detail of the remainder description since the appraiser may merely refer to the description made in the before value estimate.

- e. Identify and discuss compensable and non-compensable items and determine ownership of those items acquired and remaining - the appraiser is responsible for correlating their physical inspection with the specialty reports provided, and current statutory and/or case law to determine which items acquired or impacted are compensable or non compensable in Georgia at the time of valuation.

- **Compensable Items**

The only damages to be considered by the appraiser are those that are definite, that is, those that result from the taking and the construction thereon, and which actually lessen the market value of the remaining property and are not included in the following list of non-compensable items of damage.

- The following items are generally considered to be non-compensable under the laws of eminent domain of the State of Georgia:

Air deprivation, Appraiser and witness fees, Attorney fees, Business profits, Circuitry of travel, Court costs, Cul-de-sac, Dust from public improvement, Good will of business lost, Inconveniences during public improvement, Light deprivation, Litigation expenses, Mercantile business damages, Moving expenses, Noise generally from public improvement, Personal property, Remote and speculative items, Removal costs, Sentimental value, Torts of the Contractor and independent agents, Undeveloped projects or schemes of the owner, Value of the property to the condemner, Vibrations from public improvements and View deprivation.

- f. Investigate and Discuss Alternatives for Making a Property Whole - what impact, if any, does the acquisition have on the subject property? Consideration must be given to various alternative uses for the subject property and remainder(s) or cost to cure proposals to recreate the subject's features prior to acquisition (i.e. re-striping a parking area or paving a new area to recreate lost parking).
- g. In supporting an increase or loss in value, the appropriate procedures are to be strictly followed. Proper valuation of a remainder requires an adequate discussion of the anticipated effect of the acquisition on the remainder,

whether damages are assessed or benefits accrue to the remainder. An estimate of the after value of the remainder might be explained by using one or more of the following methods, which are listed in order of desirability:

- Sales or rentals comparable to the remainder property;
 - Sales or rentals of property from which there have been similar acquisitions
 - Development of the Income Approach on properties, which show economic loss or gain because of similar acquisitions
 - Public sales of comparable lands by the State or other Public Agencies to private sector grantees, based on market value appraisals
- h. In the event the data described in the bullet points above in 13(g) are not available, the appraisal shall so state and give the appraiser's reasoning for the value estimate. It is Georgia Department of Transportation's position that sufficient remainder sales or rentals are available from which to obtain an indication of the impact an acquisition will have on a remainder.
- It is entirely possible to have consequential damages and specific or special benefits existing at the same time, arising from different causes. Therefore, occasions may arise where only part of the consequential damages is offset by special benefits and others where special benefits are equal to or greater than the consequential damages. To estimate consequential damages to the remaining property, all compensable factors must be considered, and in doing this, the special benefits must be deducted to give the "net" consequential damage. Both amounts must be shown if they exist, along with any available data, analysis, and reasoning to give a full explanation to support the appraisers estimate. If the consequential damages are shown and there are no special or specific benefits to the property, the statement "No Special Benefits" shall be made. Estimated specific or special benefits may offset damages if those benefits are directly attributable to the remainder, versus the general benefits of the project. However, special benefits may not be used to offset the value of the property to be acquired.
- i. Cost to Cure - A cost to cure the damage may partially or fully mitigate damages. Compensation may be a combination of cost to cure and consequential damage to the remainder.
- j. Leased Properties, other divisions of interest in realty - All physical, legal, and economic divisions of interests in the real estate being appraised and personally being reported by the appraiser should be outlined with specific

information including ownership, contact information for that owner, valuation, and support of that information. Acceptable leased fee, leasehold valuation methods must be followed.

- k. Damages to Specialty Items:
 - l. Compensation for Trade Fixtures – The compensation for trade fixtures should be calculated as detailed in Section 4.7G.2(g).
 - m. Compensation for Signage – Compensation method will be based on instructions detailed in Section 4.7G.2(g).
 - n. Compensation for Fencing – Compensation method will be based on instructions detailed in Section 4.7G.2(f)
 - o. Allocation of Estimated Compensation, Damages, and Benefits, Compensation Summary Forms 388C or 388N - The appraiser is required to allocate the estimated compensation for land and improvements, damages, and special benefits (if applicable). This form must also be signed and dated by the appraiser.

4.12 Appraisal Review Requirements

- A. When a project is assigned to a District Right of Way Acquisition Manager or Consultant Right of Way project manager, it is that person's responsibility to set up, as early as possible, a detailed review of the project with the Review Appraiser assigned to that project. The Project Inspection Checklist will be completed to determine the detailed scope of work for each parcel to be appraised. At this time, decisions should be made regarding the appraisal problem for each parcel. Decision should be made as to if the valuation services will be completed by staff appraisers or assigned to a Master Prime contractor. the number and type of appraisal reports to be prepared on each parcel, the need for specialty reports, the type and number of such reports, the amount of time to be permitted in preparing the reports, design changes to mitigate potential damages, and any other relevant matters.
- B. The Review Appraiser must attend a scoping meeting and post-scoping meeting with the Master Prime Valuation Services contractor and the District Right of Way Acquisition Manager or Consultant Right of Way Project Manager in order to ascertain any problems and plan for solutions prior to commencement of the service agreement, unless this requirement is waived by the Appraisal and Review Manager (i.e. small turn lane or sidewalk projects).
- C. When the project Data Book is submitted for review, the Review Appraiser will review this Data Book and when it is deemed to be satisfactory will so indicate by placing a signed statement in the data book. The Review Appraiser will be given the

option of making a desk review only of this data book, but must indicate, in writing, the reasons why he found a field review unnecessary.

- D.** All appraisals may be checked for math, format, and content by an assistant assigned to work with the Review Appraiser. The Review Appraiser must then analyze the report for a proper estimate of fair market value.
- E.** On any appraisal where the approved fair market value is less than \$15,000, the Review Appraiser has the option of waiving the requirement of a personal inspection of the property unless there are damages (other than minor cost to cure) or residential or business displacements. The reasons for not making the personal inspection should be indicated on the Review Appraiser Report "R/W 532".
- F.** Uneconomic Remnants/Policy Decision - When the partial acquisition of a property leaves a remainder that is, in the appraiser's opinion, significantly unusable in nature, the Review Appraiser will determine whether the remainder constitutes an uneconomic remnant. An uneconomic remnant is a remainder, which has little or no value or utility to the owner. If the remainder is determined to be uneconomic, the owner is given the choice of retaining possession of the remnant or selling it to the acquiring agency for its value after the acquisition.
- G.** Two appraisal reports should be requested for all parcels with a total estimated value of \$250,000 or greater. Only the Right of Way Administrator may waive the requirement for a second opinion appraisal in this situation. It will continue to be the Review Appraiser's discretion or prerogative to request a 2nd opinion appraisal on parcels below \$250,000. The requests for 2nd opinion appraisals should take place at the time of the submission of the project inspection and should be included in the procurement requisition of services.

4.13 General Appraisal Review Process

- A.** Master Prime submits the General Data Book prior to the first set of appraisals.
- B.** Appraisals pre-reviewed by an associate to Review Appraiser (staff at the Department) for math, form, and content, if necessary.
- C.** Review for analysis and approval by Review Appraiser
 - 1. Desk Review - the appraisal is reviewed without physical inspection of the site by the Review Appraiser in conjunction with the appraisal after its completion.
 - 2. Field Review - the appraisal is reviewed including a physical inspection of the site and comparables by the Review Appraiser in conjunction with the appraisal after its completion.

D. If the appraisal is deemed acceptable, it will be approved for negotiations.

E. Minor Deficiencies

1. Discuss with appraiser - If minor deficiencies in the appraisal report are detected in the course of the review, the Review Appraiser will contact the appraiser and discuss potential resolutions.
2. Correct with Review Appraiser Report "R/W 532", Review Appraiser's Report - If report deficiencies are minor and correctable by the Review Appraiser in a manner, which would not be misleading to future readers of the report, the corrections may be made and noted on Review Appraiser Report "R/W 532".

F. Major Deficiencies

1. If the deficiencies are major with regard to valuation analyses etc, the Review Appraiser will send a Correction Letter to the Appraiser explaining the deficiencies in the appraisal report and noting the required period for submitting the corrections. A meeting between the Review Appraiser, Acquisition Manager, and Master Prime contractor may be necessary.
2. The Review Appraiser must send a copy of the Correction Letter to the responsible Acquisition Manager and the Review Appraiser Manager at the same time it is sent to the Appraiser.
3. The Review Appraiser and Acquisition Manager both have the responsibility of following up with the appraiser on requested corrections. However, it is the Review Appraiser's ultimate responsibility to deal directly with the appraiser in obtaining corrections or revisions or in communication of comments regarding the appraisal(s).
4. It is not the Acquisition Manager's responsibility to Review the reports or act as a "middle man" in the review process except in the aforementioned role of following up on corrections and in making requests for plan revisions, specialty reports, etc.
5. Upon completion of the corrections or revisions, the Review Appraiser then reviews those corrections, revisions, and/or updates.

G. If the corrections, updates, or revisions are sufficient, the appraisal is approved and the Review Appraiser Report "R/W 532" is completed. If they are not sufficient or not provided in the time prescribed, the appraisal may be rejected with documentation provided in the appraiser's file as well as the file for that parcel and the project.

NOTE: For corrections requested by the Review Appraiser due to deficiencies in the work that was included in the original scope of the assignment, no fee may be charged to Georgia Department of Transportation. Additionally, if the appraisal report(s) is/are ultimately rejected, the Georgia Department of Transportation is not obligated to pay for any unsatisfactory report.

- H. Upon approval by the Review Appraiser, the appraisal, along with the attached Review Appraiser's Report, is released to the Acquisition Manager for preparation of a negotiation package.

4.14 Appraisal Preparation for Condemnation

If the Acquisition Personnel and Administrative Review Section are unable to arrive at a reasonable settlement with a property owner, then a petition is prepared for condemnation of the parcel.

- A. The Condemnation Petition/Declaration of Taking Preparation
 - 1. The Appraiser must sign an Appraiser's Affidavit for the condemnation petition.
 - 2. The Review Appraiser may be required to sign the Appraiser's Affidavit if significant changes were made to appraisal after submission without agreement/consultation with the appraiser of record.
- B. The Appraiser may meet with Acquisition Manager to review and update appraisal if necessary.
- C. The Condemnation Coordinator may request an updated appraisal as of the date of condemnation.
- D. The updated appraisal should be provided within the time prescribed as noted in the written request from the Condemnation Coordinator
- E. The updated appraisal is reviewed and the updated valuation approved for testimony. Upon approval, a Court Approval Letter will be executed by the Review Appraiser.
- F. The Condemnation Coordinator must follow up with the Appraiser, Review Appraiser, and State's attorney regarding the status of the condemnation proceedings.
- G. The Appraiser, Review Appraiser, etc. must submit updated information
- H. Opposing counsel/attorney(s) for the owner may have the opportunity to obtain a deposition from the Appraiser, Review Appraiser, Acquisition Manager, etc.

- I. If requested and/or subpoenaed, the appraiser must appear and testify at the trial.
- J. Submission of Invoices for Court Preparation, Deposition, and Testimony
- K. The Condemnation Coordinator must approve all invoices.
- L. The State's Attorney must also approve invoice charges for pretrial activities and court testimony by the Appraiser.
- M. All invoices must include the project, P.I. number, county, date, number of hours, type of activity performed (i.e. research, pretrial preparation, deposition, testimony, etc.), and applied specifically
- N. Payment of Invoices - normally processed within 30-60 days of receipt of invoice by Department

4.15 Quality Assurance, Audits and Training

Quality Assurance, Audits and Training are an integral part of compliance with Georgia Department of Transportation, State and Federal Regulations in conjunction with Uniform Standards of Professional Appraisal Practice (USPAP).

A. Quality Assurance

Quality Assurance reviews are conducted regularly with results providing:

1. Participant feedback and recommendations
2. Leadership discussions
3. Staff Review Appraiser training
4. Independent Fee Appraiser and Fee Review Appraiser training

B. Audits

Audits of the valuation process will occur regularly in the following areas:

1. Appraisal and Appraiser
2. Review Appraisal and Review Appraiser

C. Training

Training is accomplished as an ongoing process as changes occur in Georgia Department of Transportation policies and procedures as well as State and Federal Regulations. Ongoing training is the result of our Quality Assurance and Audit procedures.

5 Property Negotiation and Acquisition

5.1 The Acquisition Function

5.2 General

The acquisition function is managed by two separate Right of Way Acquisition Managers located at the General Office. The State is separated into seven (7) District Offices statewide. One Manager is charged with all acquisition related activities in three (3) Districts, inclusive of the greater Atlanta metropolitan area; the second Manager is charged with all acquisition activities in the remaining four (4) District Offices.

5.3 Purpose

The purpose of the acquisition function is to ensure that owners of real property to be acquired are treated fairly, consistently and equitably; and to ensure that displaced persons will not suffer disproportionate injuries as a result of projects designed for the benefit of the public. To ensure timely and orderly acquisition of property rights in a manner that is efficient and cost effective and in accordance with [49 CFR, Part 24](#).

5.4 Policy

It is the policy of the Department of Transportation to acquire all property rights by negotiated settlement, when possible. Every reasonable effort should be made to negotiate amicably for the required property rights before condemnation proceedings are initiated.

5.5 Responsibilities of the Pre-Acquisition Agent

The Pre-Acquisition Agent is responsible for making sure all pre-acquisition related functions are properly conducted in an orderly and timely manner. The Pre-Acquisition Agent is responsible for all acquisition activities leading up to the release of appraisal reports for negotiations.

5.6 Responsibilities of the Acquisition Manager

The Acquisition Manager is responsible for project related assignments and ensuring that all negotiations and acquisition activities are properly conducted in an orderly and timely manner. The Acquisition Manager is responsible for the certification of highway projects and ensuring that the project is acquired in compliance with both federal and state laws.

5.7 Responsibilities of the Negotiator

The responsibility of the negotiator is to acquire the property rights necessary for a State Transportation System. The negotiator should be familiar with the Uniform Relocation

Assistance and Real Property Acquisition procedures for Federal and federally assisted programs ([49 CFR Part 24](#)). The negotiator is responsible for representing the Department in personal contacts with owners and occupants and for making every reasonable effort to negotiate amicably a settlement.

These responsibilities include, but are not limited to the following; the Negotiator:

- a. Should be the most knowledgeable person concerning the combined aspects of the parcel assigned to him. He should fully understand scope of the project and the specific design details of the subject parcel, the reasoning, and conclusion of the appraisers and review appraiser, the parcel's title composition researched by the attorney, the relocation determinations, and property management procedures. He should be able to explain clearly these various components to property owners so that they fully understand the overall aspect of the pending acquisition.
- b. Should be able to speak to the property owner as a fully informed and authoritative representative of the Department of Transportation and contain the knowledge and skill to explain all aspects of the Department's offer.
- c. Should be fully acquainted with the proposed construction details and their effect on the remaining property and surrounding neighborhood. This includes the knowledge and understanding of right of way plans, construction plans, cross sections, and driveway profiles.
- d. Should be fully knowledgeable of and consistently apply policies and procedures of the Department of Transportation relating to Right of Way Acquisition.
- e. Should plan his work so that it can be properly completed within the scheduled period established for the project.
- f. Should always be prepared to answer pertinent questions asked by a property owner and to maintain written legible reports, records, and memorandums necessary to document his actions, answers and comments.
- g. The negotiator should always present a neat, clean, and business like appearance and business should always be conducted in a courteous, considerate manner.
- h. The negotiator can do much to establish common understanding by explaining that it is a part of his duty to be concerned at all times with the protection of the property owner and his rights just as much as it is his duty to protect the interests of the public at large.
- i. If a common understanding is to be reached, the negotiator should be a good listener, both asking questions and patiently answering any questions or concerns that the owner may raise.

- j. Undue haste in attempting to bring about a settlement, superior or patronizing attitudes, unnecessarily protracted interviews, or an authoritative attitude towards the owners should be avoided and is prohibited.

5.8 Project Management and Pre-Acquisition Coordination

A. Assignments

The Acquisition Manager receives the project assignment from the General Office Acquisition Unit. The following procedures represent an outline of the major pre-negotiation activities.

B. Initial Steps

1. Prepare detailed cost estimate. Once cost estimate is completed, make written request to have a reviewer assigned using "Request for Reviewer" form listed in the Appraisal folder.
2. Input parcel numbers in TPro. The General Office will enter attorney and acquisition managers' name. Acquisition manager is responsible for entering Relocation Officer and Review Appraiser's name.
3. Only true parcel numbers are entered into TPro, such as all parcels identified on the Right of Way plans, including acquired uneconomic remnants or Relocation remainders (R parcels), wetland mitigation (W parcels), wetland buffers (WB) and wetland mitigation credits (WC).
4. Partial property interest such as a tenant's interest in parcel, a sign ownership, trade fixtures, etc. are not to be entered as a separate parcel; however a note should be made to parcel comments.
5. The Acquisition Manager is responsible for the initial set up of the displacee records for each project. This is accomplished by going to the initial Maintain ROW Relocation Status screen, highlight the parcel involved, and then click "add" to create a parcel/displacee record. This is later when the displacee chooses the moving method. Note: the Relocation Specialist assigned to each project is entered on the "Edit Project ROW Information" screen.
6. Request Copy of Preliminary Field Plan Review Report from the Design Office
7. Request copy of Conceptual Stage Study from the Relocation Office, if relocation is involved on project.

8. Request copy of Environmental Impact Statement, if applicable, from Environmental Office or depending on the project, the District Preconstruction Office.
9. Create Project General File, Title Report folder, Sign folder and Right of Way Option folder.
10. Meet and discuss the project with designer to become familiar with concept and purpose and request a set of the latest construction plans.
11. Request from General Office Right of Way Plan Unit a set of the right of way plans.
12. Determine who will be responsible for revisions of the right of way plans (Project Manager).
13. Conduct field review project with set of right of way plans, becoming familiar with project and making note of the following:
 - a. Any changes or omissions in topography or new development, which will need to be shown on Plans
 - b. All signs, which are located within the project limits; take pictures of each.
 - c. Any buildings or major structures located within an acquisition area.
 - d. Gas stations and other sites, which have underground storage tanks and potential hazardous waste, such as laundry mats, auto repair sites, landfills, junkyards, etc.
 - e. Security chain link and/or field fencing to be replaced by roadway contractor, including gates.
 - f. Parcels involving Relocation and possible consequential displaces.
 - g. Determine parcels, which need easements for building demolition (partially outside required right of way) and for removal of underground storage tanks & trade fixtures (i.e. billboards, signs, canopies, etc.).
14. Request in writing to the appropriate Project Manager that the project be staked and that all new topography and development that was identified from the field review be shown on plans along with creation of any fence easements for the replacement of security fencing specifying request by parcel number.
15. Obtain a copy of the Underground Storage Tank and Hazardous Waste Site Reports from the District Preconstruction Office for the reporting of any soil

contamination. If contamination is found, meet with Review Appraiser to determine if the contamination is severe enough to warrant the expense of a Phase 2 clean-up report. Obtain “Notification Data for Underground Storage Tank” from Georgia Environmental Protection Division (404) 362-2687 to bring for discussion with reviewer at the project review inspection.

- a. In order to properly to comply, “EPD Form 7530”, Notification for Underground Storage Tanks with instruction sheets, can be located in forms (District Resources) for your use in completing the form.
 - b. Acquisition Managers will be responsible for properly completing the forms on any parcels with underground storage tanks to be acquired by the Department. This form will be used to alert the Property Management Section that underground storage tanks are part of the acquisition. The Property Management Section is to be provided a copy of the form with present owners’ names, immediately after the property has been inventoried and the ownership of the tanks ascertained on the Property Inventory Forms. This action will allow the Property Management Section to better inventory and control the removal of underground storage tanks.
 - c. Once the parcel is closed, the “EPD Form 7530” that indicates that the Department now owns the storage tanks should be forwarded to this office along with the copies of the deed, closing statement and copy of check. The form will be provided to the property management section for use in removing the tanks and to transfer tank ownership to the demolition contractor.
 - d. Please read the instruction sheet carefully to make the proper determination of the type of underground storage tanks that require “EPD Form 7530”.
16. Notify the General Office Local Government Coordinator immediately upon identifying any pending acquisition from a State or Federal Government Agency. NOTE: These properties should be identified at the Preliminary Field Plan Review (PFPR). The form entitled “Preliminary Field Plan Review Checklist” which is found in District Resources should be used when attending a PFPR.
17. If a Local Government or Agency owns a parcel; after funding authorization and appraisal of parcel, contact the Land Division, make offer and request a donation.
18. If the State or Federal Government owns a parcel, after Funding Authorization, contact the General Office Local Government Coordinator to process donation request. Reference [23 CFR 710.601](#).

C. Meet with the Project Attorney

1. Briefly describe concept of the project. Please reference [49 CFR 24.102\(e\)\(2\)](#), & [\(3\)](#); [49 CFR 24.103\(a\)\(2\)](#) for references to title requirements.
2. Set due dates for Ownership Verification Reports and Preliminary Title Reports and identify, if necessary, which parcels have priority over others. Monitor progress of completion based upon the established due dates. The Ownership Verification Reports are completed on all parcels prior to the attorney completing the Preliminary Title Reports.

D. Ownership Verification Form

In an effort to get ownership and property line information corrected on the preliminary plans at the earliest possible date, an Ownership Verification (see forms folder) be completed on each parcel by the assigned attorney prior to beginning work on the Preliminary Title Reports.

The Ownership Verification will be provided and explained to the attorney during the initial assignment meeting with the Acquisition Manager or Consultant. It should be emphasized that a complete copy of the recorded deed and/or survey must be attached to the Ownership Verification. The Acquisition Manager or Consultant will schedule the completion dates for both the Ownership Verifications and Preliminary Title Reports. Title reports will not begin until Owner Verifications have been completed.

Upon receipt of an Ownership Verification, the Acquisition Manager/Consultant will review each verification which the attorney reports as 'not adequately identified' and determine if the discrepancy is justified to warrant a plan correction. If a plan correction is required, a copy of the verification with attachments will be forwarded to the appropriate design office to make the necessary plan change. A copy of all verifications for parcels to be appraised will be forwarded to the assigned appraiser, followed with any plan changes resulting from the review.

Upon completion of all Ownership Verifications, the attorney may then begin preliminary title work, which when completed will be furnished and distributed per current procedures.

This procedure will commence with any new assignments or current assignments, which have not had legal assistance assigned.

It is essential that the Ownership Verification be completed and reviewed as quickly as possible in order to identify and correct the plans of any found discrepancies in a timely manner.

1. The General Office Acquisition Unit may waive Ownership Verification Reports on certain projects with a written request from the Acquisition Manager and approval.

2. Furnish a full set of Right of Way plans to attorney.
3. Ensure that attorney does not have a conflict of interest with any parcel or owner regarding legal assistance. If conflicts exist, contact the General Office Acquisition Unit as soon as possible.
4. Discuss any questions regarding closing procedures or assistance from your team.
5. Send a follow up letter confirming the meeting and establishing the due date(s) for the parcels.
6. Make copies of the Ownership Verification Reports and furnish to assigned parcel appraiser(s).
7. Enter the owners name in TPro by appropriate parcel number.
8. At the Acquisition Manager's discretion, team members may be required to review all titles to the right of way plans to ensure plans accuracy.

E. Signs

1. Review plans and make sure that all signs within the required right of way are shown on plans. Reference [49 CFR 24.105](#) for improvements.
2. Take picture of each sign that is within the project limits and Assign a number to each; "3 S-1", "3 S-2", etc. Prepare a "PM-1" (Property Management and Relocation initial inspection form) for each sign. This form identifies a physical address and should include the picture of the sign.
3. Meet and discuss the signs with the Outdoor Advertising Coordinator to identify permitted signs and illegal signs and to obtain sign ownership, addresses and copy of ground lease which may be on file.
4. Maintain a project Sign Inventory Report listing and describing with station and offsets all signs located on the project, and send a copy of this report to the Property Management Office prior to the preparation of the appraisal contracts. This report is updated and resubmitted to the Property Management Office at time of Project Inspection, Final Field Plan Review (FFPR) and upon certification of project.
5. Prepare sign contract for valuation quote from Sign Company. This procedure is to be coordinated through Procurement Services.

6. Meet and discuss with Sign Company the sign contract and valuation procedures. Furnish a plat showing the location.
7. Submit sign contract quote through the appropriate personnel in Procurement Services.
8. Upon approval, mail a Notice of Assignment to Sign Company emphasizing due dates and monitor schedule.

F. Owner Information Meeting

If a project is small in parcel count and consists of minor acquisition, it may not be practical to conduct this meeting. A request in writing or e-mail to the General Office Acquisition Unit may be submitted for a waiver of this meeting. Reference [49 CFR 24.102\(b\)](#).

1. Secure a location and schedule a date and time for the meeting.
2. Research owner's names and addresses from the tax digest and tax plats.
3. Prepare and mail notification letter with an enclosed questionnaire to each owner (this letter may be found in the District Resources Folder). The completed questionnaire is collected at the meeting; however, if owner cannot attend the meeting, the completed questionnaire should be mailed back to the Department. If a waiver of the Property Owner's meeting is granted a modified notification letter should be sent in lieu of invitation to meeting.
4. Make appropriate copies of Right of Way plans to be used during meeting.
5. Make copy of each questionnaire and furnish to appraiser, original remains at office.

G. Appraisal

Reference [49 CFR 24.103](#) and [49 CFR 24.104](#).

1. Determine the feasibility of using staff to Negotiate from Cost Estimate, Data Book or Appraisal.
2. Once cost estimate is complete request project field review with Review Appraiser.
3. Bring ½-size set of plans and notes regarding any specific parcels or appraisal concerns, which will need to be discussed and reviewed.

4. Determine appraisal assignments (staff, fee, or both). Determine the appropriate format of each assignment and if Negotiation for Services (NFS) will be utilized.
5. Conclude what specialty reports or evaluations may be required, such as signs, trade fixtures, environmental, timber cruise, cost to cure (Septic, Parking, Landscape, etc.)
6. Discuss the need of back up appraisals with the Review Appraiser.
7. During the project review, the Review Appraiser will be making notes of the valuation needs of each parcel on the form entitled 'Project Inspection Checklist'.
8. Prepare appraisal and specialty contracts as discussed with Review Appraiser.

H. Pre-Bid Meeting with Appraisers

1. Contact the Appraisal Review Manager for input to coordinate Scoping Meeting through Procurement Services.
2. The requirements and procedures regarding this meeting are addressed in Chapter 4, Appraisal Policies, and Procedures in this manual.
3. Open sealed bids. This activity is coordinated through Procurement.
 1. Upon approval of contract, the Right of Way Acquisition Manager will send a 'Notice of Assignment Letter' to the appraiser listing each parcel with the appropriate due dates.
 - a. Input in TPro the assigned appraiser and appraisal due dates for each assigned parcel. Also, enter any parcels to be 'Negotiated for Services', or 'negotiated from cost estimate'. Input 'Y' in the "NFS" field and show negotiator's initials.
 - b. Schedule a scoping meeting with the appraiser and furnish a copy of fully approved appraisal contract, copies of Right of Way and Construction plans, specialty reports, preliminary title reports, underground storage tank reports, questionnaires from Owner Information Meeting, and any other document that may be necessary.
 - c. Inform appraiser the names of the specialty contractors and schedule a meeting of all parties, if necessary, to discuss individual problem parcels, Review Appraiser should also attend this meeting.
 - d. Monitor progress of assignments emphasizing due dates.

- e. As completed appraisals are furnished, send one copy of the appraisal to the Review Appraiser.
- f. If relocation is involved on the parcel, submit a separate copy of the appraisal to the Relocation Office.
- g. When data book is furnished (three copies required), send one copy to the Review Appraiser, send one copy to Relocation (if required), and keep one copy in your office.

I. Relocation/Property Management

[Reference 49 CFR Subpart C](#) – General Relocation Requirements; [49 CFR 24.201 through 24.505](#).

1. Identify the Relocation Specialist assigned to the project.
2. Review the Relocation portion of the Conceptual Stage Study furnished from the Relocation office. Make note of the number of displacees, owner residential, tenant residential, commercial, etc., addresses also shown in the study.
3. From previous project field review, identify parcels that involve relocation, including any consequential displacees.
4. Acquisition Manager should enter all relocation information in TPro at the beginning of a project. Keep information updated in TPro throughout life of project. For a parcel that involves the acquisition of an occupied or recently vacated commercial or residential building, which generated income rental, the owner also is to be shown as possibly being eligible to receive benefits for reestablishment cost. Also, list all consequential displacees making note to that effect in the remarks field.
5. Mobile Homes are treated as real estate to be purchased in lieu of cost of moving. Reference [49 CFR 24 Subpart F – Mobile Homes](#).
6. Input in computer a ‘Y’ in the Relocation field for parcels requiring relocation and a ‘Y’ in the Property Management field for parcels involving major structures.
7. If a parcel involves only the relocation of yard storage or is a Non-Resident Owner (NRO), discuss with Relocation Specialist the alternative process of the \$500 or less moving cost procedure.
8. Make assignments for conducting residential and business interviews.

9. If a specialty contractor is employed to furnish the moving cost and/or trade fixtures for a business, inform the displacee the contractor's name and that they will be in contact with them.
10. If an Underground Storage Tank is involved, obtain a copy of the permit entitled 'Notification Data for Underground Storage Tank' (EPD Form 7530) either from the owner or from the Georgia Environmental Protection Division (404) 362-2687 and send it to General Office Property Management Office and the appraiser. You will need the Facility ID #, if not available, the name and address is sufficient.

5.9 Preparation for Negotiation

Prior to negotiation with a property owner, the negotiator should be fully familiar with all pertinent data related to the subject parcel(s) and acquisition. The following procedures represent an outline of the minimum preparation necessary before meeting with an owner. Property negotiations may consist of three separate formats:

- **Negotiation based upon an approved appraisal**
- **Negotiation for Services (NFS) based upon an approved value range**
- **Negotiation based upon an approved project cost estimate**

A. Assignment

Receive from Acquisition Manager the released appraisal(s) and Review Appraiser Report "R/W 532" or if Negotiation for Services, receive assignment to proceed. If the estimation of value for each parcel on a project is \$10,000 or less, negotiation from the approved project cost estimate may be approved and thus receive assignment to proceed. Reference [49 CFR 24.102\(c\)\(2\)](#). If a staff member appraised the released parcel; the individual who appraised the parcel may also be assigned to negotiate it, if the fair market value does not exceed \$10,000.00.

B. Create File

Create parcel file, writing the Project number, P.I. number, and Parcel number at the top of folder. Place within the file all documents pertaining to the parcel, such as Ownership Verification form, Preliminary Title Report, and if appraised, the Appraisal(s) and Review Appraiser Report "R/W 532". If negotiating from a cost estimate, include a copy of the cover sheet of the detailed cost estimate and the page that references the parcel to be negotiated. After preparation, place in the file copies of the Negotiation Package with highlighted Right of Way and construction plan sheets involving the subject parcel.

C. Project Plans and Design

1. Review and understand the overall concept and purpose of the project such as an intersection improvement, bridge replacement, roadway widening, passing lane addition, etc. design features whether it's 4 lane raised concrete median, ditch section, curb and gutter section, beginning and ending of project, median break locations, limited access, noise walls, etc. Be aware of project timetables such as baseline/scheduled let date for construction and length of construction.
2. Be familiar with the proposed design and construction features involving the parcel itself, such as the purpose of the required right of way and/or easements, road elevations, cut section, fill section, steepness and elevation of slopes, water drainage, construction limits, edge of pavement, percentage of driveway profile, property access, median, sediment basin, security fence replacement, etc.
3. Check all construction cross-sections, driveway profiles, construction limits, etc. with right of way plans to ensure they match-up correctly.
4. Make two copies of all plan sheets involving the parcel including Right of Way parcel sheets, construction, cross-sections, driveway profiles, etc. (1st copy for owner; 2nd copy for file) Mark and color the plans for easy understanding Stamp 'Preliminary' on all plan sheets.

D. Use of Temporary Easements

Due to continuing problems with the use of Temporary Easements on projects, Temporary Easements are NOT to be used in the future during initial project design, except for driveways, fences and detours.

- In rural areas, acquisition that typically would be an easement should be designated as Required Right of Way and negotiated to Permanent or Temporary Easements, if necessary.
- In Urban areas, easements should be designated as Permanent and negotiated to Temporary Easements, if necessary.
- The approval of the State Right of Way Acquisition Manager, the appropriate Design Office and the District Utility Office is REQUIRED to convert areas to Temporary Easements.

E. Property Ownership

Read and study both the Ownership Verification form and the Preliminary Title Report of the parcel, becoming familiar with the ownership makeup and any exceptions to the title such as liens, judgments, leases, mineral rights, etc.

F. Preliminary Title Report to District Utility

Acquisition Managers and Consultants performing Pre-acquisition activities shall obtain or reproduce a copy of each preliminary title report for each parcel and send said copy of report directly to the District Utility Engineer's Office responsible for your project area, as soon as possible.

The purpose of this activity is to assist all District Utility Engineer Offices with utility identifications for those recorded utility easements.

It is important to instruct the assigned project attorney to thoroughly identify all recorded utility easements (public and / or private) in their preliminary title.

1. If the date of the Preliminary Title Report is older than six (6) months, request in writing that the attorney update the report.
2. Check the name of the property owner with the name shown on the Right of Way plans, if different, request name change on plans.
3. Compare the Right of Way plans to the legal description of deed, specifically checking the land lot and district, roadway frontage and the total size of property, if different, request correction of the plans. (Note: there may have been sell off tracts from the property since the original deed, which may have changed the roadway frontage and property size from the legal description.)

G. Property Valuation

1. Appraisal Release: Read and review appraisal(s), specialty reports, and Review Appraiser Report "R/W 532" and thoroughly understand the basis of value and effects to the remainder property.
 - a. Confirm that the areas shown on plans agree with the areas as shown on the Review Appraiser Report "R/W 532" (Check math on "R/W 532").
 - b. Make sure that you have all specialty reports if applicable such as cost to cure, signs, trade fixtures, etc.
 - c. Read any appropriate analysis in project data book such as proximity study, neighborhood analysis, etc.
2. Negotiation For Services (using Data Book): Using sound appraisal judgment, determine Estimate of Value, not to exceed \$25,000 from the Review Appraiser's

- pre-approved range of value; consisting of land and improvements. (Damages cannot be part of this value estimation).
3. Negotiation From Cost Estimate: Use the value established in the cost estimate for each individual parcel, not to exceed \$10,000 from the market data of the approved project cost estimate consisting of land and improvements. (Damages cannot be part of this value estimation).
 4. Field review subject parcel and sales/rentals becoming familiar with each.
 - a. Anticipate what questions or concerns the owner may have, such as proximity of roadway or construction, tree or landscaping loss, steep slopes and driveway, drainage, parking loss, affected septic system, property access, median breaks and be prepared to discuss these concerns with the owner.
 - b. Be prepared to walk the site with the owner in order to show on the ground the area(s) of acquisition.
 5. Be sure all additional information is received from the offices of Property Management and Relocation.
 - a. All Relocation Packages will be prepared and provided by the Relocation Office. If you have questions, ask Relocation Specialist.
 - b. Review Appraiser Report "R/W 532" to identify any items of realty that may be retained by owner; if applicable, obtain retention value.
 - c. Buildings and major structures: (Retention Value and Bond will be determined and provided from Property Management Office.)

H. Negotiation Package Preparation and Owner Contact

1. Contact the owner and schedule the appointment. The appointment is to be made as soon as possible, typically no longer than ten business days from date of assignment. The appointment with the owner is to take place prior to any offers presented to other property interests.
 - a. First contacts should be made in person unless circumstances require offer to be mailed, such as an out of state owner. The entire package with plans is sent by certified mail accompanied with an introduction transmittal letter. Be sure to confirm with the owner the correct mailing address.
 - b. Verify after several days to ensure offer package was received.

2. Prepare appropriate Negotiation Package. The standard owner negotiation package includes the following documents ([Reference 49 CFR 24.102\(d\), and \(e\)](#)):
 - a. Offer Letter (Waiver Letter used for Negotiation for Services)
 - b. Statement of Estimated Values
 - c. Letter of Availability of Incidental Payments
 - d. Right of Way Option with attached plats highlighting proposed acquisition
 - e. Brochure entitled 'What Happens When Your Property is Needed for a Transportation Facility'
 - f. Receipt for Brochure
 - g. Acknowledgement of Plan Receipt
 - h. Scalable ½ sized sheet of all applicable plans (ie: right of way plans, cross-sections, driveway profiles, etc.)
3. Variations in the Offer Letter may be necessary if the parcel involves an Uneconomic remnant, Relocation remainder, Leased fee/leasehold interests, or Life Estate/Remainder-man interests.
4. Staple Offer Letter to 'Statement of Estimated Values' (Does not apply to Negotiation for Service Package)
5. The owner is to be given a copy of the drawing supporting the cost to cure. It is acceptable to provide owner with the final line item.
6. Sign and date all forms (date shown should be the same date of the scheduled appointment)
7. Place all copies in file.
8. Be sure to include retention value (and bond, if required), in Statement of Estimated Values and Option.

I. Tenant and Other Parties Receiving Compensation

When a tenant or other interest has a tabulated leasehold, life estate, or similar divided interest in the fee simple value of the property, the property owner must first give written approval for the negotiator to negotiate directly with this party. If the approval is not given, the negotiator will negotiate with the owner for the

combined fee and tenant interest and the owner will be responsible for negotiation with the other party. This does not mean however that the other party should not be contacted and advised of the impending acquisition and that the owner has elected to negotiate his interest.

- Any compensation for improvements or trade fixtures, which are in the sole ownership of the tenant, will be negotiated directly with the tenant.
- Any relocation offers involving the tenant must be made directly to the tenant.

J. Negotiation Packages – Types of Offer Letters (See Next Page)

Figure 5.1
Negotiation Packages* – Offer Letters

<p><u>Standard Owner</u></p> <ul style="list-style-type: none"> • Offer Letter • Statement of Est. Value • Receipt & Brochure • Incidental Payment • Option/Plat • Owner's Acknowledgement • Receipt of Plans** 	<p><u>(2) Uneconomic Remnant Owner</u></p> <p>Offer Letter Statement Est. Receipt/Brochure Incidental Pmt Option/Plat Acknowledgement</p>	<p><u>(3) Under \$10,000 Owner (Cost Est.)</u></p> <p>Offer Letter Statement Est. Receipt/Brochure Incidental Pmt Option/Plat Acknowledgement</p> <p>(Waiver letter not required)</p>	<p><u>(4) Leased Fee Owner</u></p> <p>Offer Letter Statement Est. Receipt/Brochure Incidental Pmt Option/Plat - Total Option/Plat – L. Fee Acknowledgement</p>
<p><u>(5) NFS Owner(Data Book) Under \$25,000</u></p> <p>NFS Offer Letter Waiver/Donation Letter Statement Est. Receipt/Brochure Incidental Pmt Option/Plat Acknowledgement</p>	<p><u>(6) D/W Only Owner</u></p> <p>Negotiation Letter Driveway Easement Receipt/Brochure Acknowledgement</p>	<p><u>(7) Leasehold Tenant</u></p> <p>Offer Letter Statement Est. Receipt/Brochure Incidental Pmt Option/Plat–L. Hold Acknowledgement</p>	<p><u>(8) Imp/T. Fixture Tenant</u></p> <p>Offer Letter Statement Est. Receipt/Brochure Incidental Pmt Option/Plat Acknowledgement</p>
<p><u>(9) Trade Fixture Sign Only</u></p> <p>Offer Letter Sign Release Receipt/Brochure Acknowledgement</p>	<p><u>(10) Advance Acquisition Hardship</u></p> <p>Hardship Offer Letter Statement Est. Receipt/Brochure Incidental Pmt Option/Plat Acknowledgement</p>	<p><u>(11) Advance Acquisition Protective Buy</u></p> <p>Same as #1, Standard Owner</p>	<p><u>(12) Condominium Units</u></p> <p>Condo Offer Letter A Condo Offer Letter B Statement Est. Receipt/Brochure Incidental Pmt Option/Plat Acknowledgement</p>
<p><u>(13) Townhouse Units</u></p> <p>Townhse Offer Letter A Townhse Offer Letter B Statement Est. Receipt/Brochure Incidental Pmt Option/Plat Acknowledgement</p>	<p><u>(14) State Employees or Public Officials</u></p> <p>Offer Letter Statement Est. Receipt/Brochure Incidental Pmt Option/Plat Acknowledgement</p>	<p><u>Acknowledgement of Access Rights</u></p> <p>To be included in all offer packages where limit of access rights are proposed.</p>	<p><u>Condemnation Request</u></p> <p>Condemnation Request Form Condemnation Service Addresses Preliminary Title Report Appraiser Affidavit (properly executed) Any special instruction</p>

*All files are to maintain “negotiation logs”; **Separate file logs for Relocation and for each interest (i.e., signs, tenants)**

- The Negotiation Package involving a Relocation Remainder is the same package used for an Uneconomic Remnant.
- The Negotiation Packages involving Life Estate/Remainder-man interests are the same packages used for Leased Fee/Leasehold interests

**Owners Acknowledgement of Receipt of Plans to be included as part of ALL offer packages

5.10 Negotiation and Acquisition

The negotiator should always keep in mind that owner contacts have two main purposes.

1. To fully inform the owner of the pending acquisition and the acquisition process.
2. To make every reasonable effort to acquire the necessary property interest at the established fair market value.

A. Presentation to Owner

Explain and Discuss with the Owner the Following Topics.

1. Explain the Project Overview

- a. Concept: What will be constructed?
 - Intersection improvement
 - Bridge replacement
 - Roadway widening
 - Passing lane
 - Other
- b. Purpose: Why will it be constructed?
 - Existing and projected traffic congestion
 - Nonfunctional existing design
 - High accident location-safety
 - Condition and age of existing bridge
 - Stacking problem
 - Driving visibility
 - Turning problem

- Other
- c. Timetable: When will it be constructed?
- Baseline/Scheduled Let Date
 - Projected time construction will begin
 - Projected time of construction
- d. Design Features: How will it be constructed?
- Number of lanes
 - Sidewalk
 - Bike lane
 - Limits of project
 - Median and median break locations
 - Curb and gutter for drainage
 - Slopes and ditch for drainage
 - Signalization (traffic lights)
 - Limited access
 - Turn lanes
 - New location
 - Vertical curves
 - Horizontal curves
 - Other

2. Explain Parcel Overview

Review with the owner the project plan sheets:

- a. What is needed to be acquired from the property and why is it needed?
Use visual aids, such as: the right of way plan sheets, cross-sections, driveway profiles, and if necessary, other construction plan sheets regarding staging, profiles, typical sections, drainage, utilities, striping, etc.
- b. Required Right of Way (area, depth and length)
- c. Easements (area, depth and length)
 - Permanent: For construction and maintenance of (state the purpose)
 - Temporary: For construction of (state the purpose)
- d. Purpose of Easements
 - Slope
 - Drainage
 - Driveway
 - Detour
 - Fence
 - Sediment Basin
 - Utility
 - Other
- e. Access Rights
- f. Other
- g. Explain the difference between Required Right of Way and an Easement

3. Explain Design Features and Effect on Parcel

- a. Location of required right of way and easements
- b. Construction Limits – Cut “C” or Fill “F”
- c. Edge of roadway pavement (sidewalk and bike lane)
- d. Access due to median
- e. Driveway location (width and grade)
- f. Access drive if vacant remainder is no longer accessible after construction
- g. Roadway and drainage
 - Curb and gutter
 - Slope and ditch
 - Sediment basin
 - Drainage structure
 - Rip rap
 - Cross pipes
 - Security fence
 - Roadway elevation
 - Cut and fill slopes
 - Steepness in grade of slopes 2:1, 4:1, etc.
 - Guardrail
 - Proximity to remainder improvements
 - What happens to mailbox

- Other
- h. Items, which may be, located within the parcel's acquisition areas:
- Sign
 - Fence
 - Septic line
 - Landscaping
 - Trees
 - Well
 - Yard light
 - Sprinkler
 - Buildings/Structures
 - Parking spaces
 - Curb
 - Pavement
 - Other
- i. Offer owner the opportunity to review the acquisition area(s) on the ground and to walk the property. If staked, explain to owner how the stakes correspond to the right of way plan sheets.

4. Review Preliminary Title Report

- a. Review the Preliminary Title Report with the owner.
- b. Confirm that they still are the owners of the property.

- c. Confirm the stated title exceptions for accuracy and ask if there are any other exceptions, which may exist that, are not listed (Either by being missed by our attorney, documents not recorded or by recent transactions after the title report date).
- d. Obtain addresses and/or telephone numbers of title exceptions in order for our Closing Attorney to contact them for necessary release of interest prior to closing.
- e. Obtain account numbers of any security deeds or loans on the property, also to be used by our Closing Attorney.
- f. Confirm that the property is not under foreclosure.
- g. Confirm that there is not a bankruptcy involved, if so, obtain name address and/or telephone number of the court appointed Bankruptcy Trustee (Note: Property cannot be acquired either by deed or by condemnation until Trustee releases the required acquisition from the bankruptcy proceedings).
- h. If an owner is deceased, ask if a Will has been probated and in what county. Attempt to obtain names of the heirs at law and their relationship and address. (If the title report does not show an estate, notify our attorney after returning to office).
- i. Ask for the names of any tenants on the property.
- j. Ask if there is anything else, regarding the property title, which was not discussed.

5. Present Offer Package

a. Brochure

Explain that the Brochure is an overview of the procedures that we follow in acquiring property as well as addresses the rights of the property owner. It also outlines the Relocation Assistance Program.

b. Receipt for Brochure

It is a requirement that owners be provided a Brochure. Ask if they would sign the Receipt acknowledging that they have received the Brochure.

c. Letter of Incidental Payments

- d. Explain what items at closing will be paid directly by the Department (reference [49 CFR 24.106](#)), such as:
 - Closing cost
 - Recording fee
 - Pre-Payment penalties; pro-Rata share of any pre-paid property taxes
- e. Explain what items will be reimbursed to the owner by the Department.
- f. Property tax for that portion of property actually acquired.
- g. Reset front property pins if there are existing pins.
- h. Reasonable Attorney fees for withdrawing money from court on title condemnations if no appeal is filed by another party.
- i. Appraisal Overview
 - Explain in general the appraisal process and procedures used by the appraiser in arriving at the value, such as the market approach and the use of comparable sales, etc.
 - Explain that all appraisals are reviewed and approved by a Certified Reviewer Appraiser.
- j. 'Offer Letter' with attached 'Statement of Estimated Values'
 - Explain that this is the Department's offer letter and review with the owner the Statement of Estimated Values, addressing any value breakdown, division in property interest, (normally in a lease fee/leasehold situation) and retention value and bond, if any.
 - If a cost to cure is involved, explain and review with the owner any drawings supporting cost to cure.
 - Address all of the owners concerns; if unsure of an answer, inform the owner that you will get the answer and get back in touch with them (Be Sure That You Do This As Soon As Possible)
- k. Option for Right of Way with attached Plat
 - Furnish the owner two copies, one for the owner to keep, and one to be signed and given back to you when the owner is ready to sign.

- Review the Option and explain the various sections of the form, how it applies to them, addressing when applicable the retention of improvements, economic rent, and uneconomic remnants.

l. Accepted Agreement or Settlement

- Owner should execute Option in order to begin the closing Process.
- Acquisition Manager or Consultant Coordinator approve the Option and furnish the owner with a copy of the approved Option.
- Make a second copy of the Option, blocking out the value, and place it in the Project Option Folder, which is later furnished to the Construction Project Engineer.

m. Document file and Negotiation Record

- Follow procedures outlined in 'Closing Procedures and Parcel File Closeout'

n. Counter offers

- Property owner should write in the counter offer amount, and initial. Once the option is approved, the approving authority should also initial change. Owner's initials should match signatures.
- Any requested special conditions of settlement such as design revisions should be clearly stated in the area identified as 'Other Provisions' in the Option or as an attachment to the Option.
- Owner signs and dates the Option
- Counter offers and/or special conditions must be reviewed for acceptance by the Acquisition Manager or Consultant Coordinator
- All Design related agreements must be approved by the Design Manager
- Follow procedures in 'Administrative Settlements' in this Chapter and Chapter Six of this Manual.

B. Negotiation with State Public Officials or Department Employees

Any transaction between a full-time or part-time public official and a state agency involving the sale of real property to the state or a state agency does not constitute a conflict of interest if the sale is through eminent domain ([O.C.G.A. § 45-10-25 \(a\) \[1\]](#)) or if the sale price is less than \$250 ([O.C.G.A. §§ 45-10-22 \[b\] \[2\]](#), [45-10-24 \[b\] \[2\]](#)).

Prior to filing a condemnation action on a piece of property on a federal-aid project, the Department of Transportation is required by federal regulation to attempt to negotiate a purchase. While such a negotiated purchase is under the threat of condemnation, there has been no interpretation of whether the words “through eminent domain,” as used in [O.C.G.A. § 45-10-25 \(1\) \(1\)](#), mean a sale under threat of condemnation or require that a condemnation action be filed. Because the conflict of interest portion of the Code ([O.C.G.A. Title 45, Sec. 2, Part 1](#)) was passed to prevent public office being “used for private gain other than the remuneration provided by law” ([O.C.G.A. § 45-10-21 \[a\]](#); see, ([O.C.G.A. § 45-10-28](#)), the latter meaning would be the accepted one.

It is recommended that public officials or employees decline the offer, which the Department of Transportation is, required to make prior to condemnation and require that the land be condemned. This would clearly fall within the purview of the exception. Of course, if official or employee is satisfied with the amount paid into court as estimated just and adequate compensation at the time the condemnation is filed, they would not be required to file an appeal; however it is recommended.

C. Final Negotiation Contact and Administrative Appeals

1. If the Acquisition Manager is unable to negotiate a settlement, the owner is advised of the opportunity to request an Administrative Appeal prior to the filing of the petition. The owner’s appeal request is directed to and conducted by a representative from the General Office Acquisition Unit. Reference Chapter Six of this Manual.
2. The Acquisition Manager should make every effort to meet with the owner in person for either the Administrative Review or the Final Contact as a last attempt to reach a settlement in lieu of condemnation.
3. If the Acquisition Manager is unable to conclude a settlement under the format of an Administrative Review, the manager will mail a letter informing the owner of the Department’s intent to proceed with condemnation.
4. If the Acquisition Manager is unable to conclude a settlement with a tenant interest under the format of an Administrative Review, the manager will mail a letter informing the tenant of the Department’s intent to proceed with condemnation. NOTE: If the tenant has a leasehold interest, and the owner has elected to negotiate on their behalf, then the tenant will not receive a 10-day letter.

D. Request for Petition Preparation – Information for Condemnation Petitions

In order for the condemnation petitions to be processed in a timely manner, the information outlined below must be furnished. The preparation staff does not have the time to read every negotiation record or each appraisal to determine what information is needed. It is up to the Right of Way Specialist negotiating the parcel to obtain this information at the time of the contact.

The following information must be included in the file when requesting condemnations:

1. Names and address of ALL OWNERS, TENANTS or BUSINESS OWNERS D/B/A, LIEN HOLDERS, SECURITY DEED HOLDERS (if a security deed has been paid off but has not been cancelled of record, the security deed holder must be named), SIGN OWNERS, if the sign is to be condemned, HEIRS OF ESTATES, BENEFICIARIES OF TRUST, and anyone who has filed a Lien or “FIFA” against the owner/owners of the parcel. Addresses should be HOME addresses, not a P.O. Box number (for OUT OF STATE, a P.O. Box is sufficient) or, in the case of a person “doing business as”, the address of the business is sufficient.
2. Registered Agent for Corporations and Insurance Companies. The name and address for service must be the one the Secretary of State’s Office has on file. If the company is not on file, then you must find out who the President or an Executive officer of the Company is, DO NOT list just an address for a company. Someone must be named to receive service. In order to get some of the information you may need to contact the Secretary of State’s Office or visit their web site <http://www.sos.ga.gov/corporations/>.
3. Signs should be shown on the plans if they are to be condemned.

The three items listed herein still seem to be the major items omitted from Condemnation requests.

[O.C.G.A 9-11-4](#) (Commencement of Action and Service), deals with the personal service of petitions. It is suggested that each acquisition person review this information so they may read for themselves how Georgia Code Annotated requires service upon condemnees.

E. Closing Procedures and Parcel File Closeout

1. Owner(s) will be given the attorney’s name and notified that the attorney will contact them to schedule a closing date.

2. If staff is conducting the closing, the owner should be informed of that representative. That representative will contact them to schedule a closing date.
3. Title Exceptions must be cleared by Quit Claim Deed (or other form of release) in order for the Department to receive clear title before a closing can be scheduled. The standard Closing Package consists of the following documents:
 - a. Right of Way Deed, Easement Conveyance, or Conveyance of Access Rights
 - b. Right of Way Remnant Deed (used only when an uneconomic remnant or Relocation Remainder is being acquired), see section referencing 'Uneconomic Remnants and Relocation Remainders'
 - c. Settlement and Disbursement Statement
 - d. Owner's Affidavit
 - e. IRS Reporting Form (used only if the Gross Proceeds are \$600 or more)
 - f. Acknowledgement of Access Rights (used only if access rights are acquired)
 - g. Acknowledgement of Access Rights-Access Control

The purchase of access rights must be explained to each property owner in terms of how acquisition affects their remaining property. Prior to closing, the property owner must sign and "Acknowledgement of Access Control" form to verify their understanding of our acquisition. Acquisition managers must insure that this acknowledgement form is obtained and included in the completed parcel acquisition file.
 - h. Real Estate Transfer Tax Declaration – P.T. 61 (state "Exempt" in Section E, Block 1 regarding value)
 - i. Quit Claim Deed if applicable (provide only for staff closings/attorney's create their own)
4. Partial Take Closings as an expedited method to expeditious closings. Should any expedited manner in which to close parcels be sought, the advice of the Right of Way Acquisition Manager or the Assistant Right of Way Administrator should be sought.

F.. Staff Closing Procedures

In order to increase productivity and speed up the closing process, acquisition managers are authorized to close parcels valued under \$100,000. This authority will be strictly monitored and reviewed by the General Office staff.

The General Office staff will visit each District and conduct training as to the procedures required for team closings. This training will be required for each team member in order for that person to act as the Department's closing official.

The following is an outline of the procedures that must be followed:

1. Title Reports: Team members are not authorized to research titles. The attorney assigned to the project will provide all Preliminary Title Reports at the beginning of the project. The attorney will also provide the Final Title Report after the parcel is closed. Once again, NO team member is authorized to prepare Preliminary Title Report or a Final Title Report. It is the Title Attorney's responsibility to compare the deed description on each parcel with the right of way plans for accuracy. The team member should also review the description of each parcel assigned for negotiations for accuracy. If errors are discovered, the plans should be corrected as soon as possible.
2. Closing Package: The acquisition manager and the team member assigned to monitor the project should meet with the attorney and determine the documents that he will provide to finalize the closings and those documents the team will provide. A determination should be made regarding the responsible party to secure any releases necessary. The following documents should be provided in order to properly complete the closings:
 - a. Right of Way Deed or easement documents with colored plats and descriptions.
 - Have the owners place their initials on each plat.
 - Any access rights acquired will be described in the body of the description attached to the appropriate document. The access right description will reference the linear feet acquired from station to station. The access rights acquired should be colored red. This is necessary in order to more accurately determine the access rights acquired.
 - Documents should be executed exactly as shown on the Title Report by each owner. Any documents executed by corporate officials should have the signature of two corporate officials and the corporate seal affixed. The signatures of each person signing any document must be witnessed and properly notarized. The witness and notary must be present at the time the document is signed. This is a legal requirement.
 - b. Closing Statement
 - c. Pro-rate taxes on total taxes.
 - d. Property Transfer Tax Declaration Form (P.T. 61)

e. Owners Affidavit

Access Control Document (found in the District Resources Folder), if any access rights are to be acquired.

- f. Any releases necessary to properly and completely clear the title prior to closing. Any title exceptions recommended by the acquisition manager or closing attorney must be approved by the General Office in writing prior to closing.

g. I.R.S. Reporting Form

- Report total amount paid to owners including damage payments and cost-to-cure funds.

This form is not necessary for corporations.

- The following procedures are to be followed to insure that the 1099-S forms for real estate transactions are issued correctly:

1) When an attorney acts as the closing official, the attorney is legally responsible for issuing the 1099-S [title 26 CFR section 1.6045-4(e)]. Therefore, it will not be necessary to forward the IRS Reporting Form to the Office of General Accounting. The Department will not issue these 1099-S's.

2) When an acquisition team member serves as the closing official and the check is made payable directly to the owner(s), the check request **must** have an IRS Reporting Form attached.

Corporations are exempt from the reporting requirement. Transactions for less than \$600.00 are exempt from the reporting requirement.

The 1099-S forms will be issued to each payee listed on the IRS Reporting Form for the total amount of the transaction. This is in accordance with the IRS rules and regulations. It then becomes the payee's responsibility to prove the amount he/she actually received.

Prior to closing, the attorney assigned should check the title to date and review the documents. Upon closing, deeds and easements should be recorded as quickly as possible by the team or the attorney. The release documents should also be recorded. The release documents should be delivered to the attorney to include in the final Title Certificate package.

This procedure should greatly decrease the time required to close parcels. This procedure must be completed with the greatest sense of urgency. This is a time

saving procedure and must be treated as such. The accuracy and completeness of the process is critical to receive the rights in the property acquired.

This procedure will be monitored by the General Office and made a part of the District Process Review.

A tenant or other interest cannot be closed prior to an owner closing if the interest is a leasehold, life estate, or similar divided interest in the fee simple value of the parcel. A tenant or other interest can be closed by Quit Claim Deed prior to an owner closing if the interest only consists of tenant improvements and or trade fixtures and does not involve a tabulated leasehold, life estate, or similar divided interest in the fee simple value of the parcel.

After closing, the executed deed and/or other conveyance of property rights are recorded.

- h. "Notice to Vacate". If relocation is involved a "Notice to Vacate" must be issued and should be issued at time of closing. The Department cannot require an Owner to vacate his property any sooner than 90 days following the date of first contact for negotiations; or, any sooner than 60 days following either the date of deed or the filing of a condemnation petition.
- i. Final Title Certificate on all closed parcels, including staff closings, will be prepared and furnished by the project attorney.

G. Title (Friendly) Condemnations

- 1. The condemnation of a parcel after an "amicable settlement" may become necessary to obtain clear title.
- 2. A written notice is to be mailed to the owner to inform them of the necessary condemnation action to clear title. A copy is to be sent to the General Office Acquisition Unit.
- 3. The amount paid into court with the petition is the approved Fair Market Value with the affidavit signed by the appraiser.

H. Condemnation Overview

- 1. Condemnation is used only after all reasonable efforts to reach a settlement have failed.
- 2. The Department acquires the vast majority of the property by deed. Property acquired through condemnation typically represents a low percentage of a project.

3. Condemnation Petitions are filed in the County Superior Court and a check for Fair Market Value is deposited with the clerk's office. Title to the required right of way and/or any required property rights are legally transferred to the Department on the date the petition is filed. The Department receives possession of the parcel either (30) thirty or sixty (60) days from the filing date. (As indicated in petition)

I. Condemnation Petition Filing Procedures

Please utilize the most current transmittal letter when sending petitions to Department attorneys for filing. You may find this letter in the District Resources Forms file. This letter advises the attorneys to file the petition in the appropriate courthouse records. In addition to filing the petition in the Civil Records, it instructs them to record the Order and Judgment (portion of the petition) in the Deed Books.

Opinion of Michael J. Bowers, State Attorney General, 1985:

"In the course of further research I have found a statute which bears directly, albeit apparently unfavorably to DOT, on this question, O.C.G.A. § 9-12-86 (b) provides that "no judgment, decree, or order . . . of any superior court . . . shall in any way affect . . . title to real property until the judgment, decree [or] order . . . is recorded in the office of the clerk of the superior court of the county in which the real property is located and is entered in the indices to the applicable records in the office of the clerk." The applicable records are defined to include deed books, les pendens docket, federal tax lien docket, general execution docket and attachment docket.

Because the order and judgment in your declaration of taking packet states that the property is condemned, a certified copy of this order should be filed and recorded in one of the five applicable records. To do this, however, it will probably be necessary to include a description of the property condemned as a part of the order. My recommendation is that the most applicable record in this situation would be the deed books.

1. After the filing, the owner and other named parties in the styling will be served with the condemnation petition by the Sheriff.
2. If relocation is involved, a 'Notice to Vacate' must also be mailed to displacees after filing the petition. This establishes the sixty (60) day period that the Owner will have to relocate following the filing date of the petition.
3. After the petition has been filed, there should be no further contact between the Owner(s) or their representative and the District Negotiator or the Acquisition Manager. Owners should be asked to have their attorney contact the attorney

assigned to the project or the attorney who has filed the petition for condemnation. Any condemned parcel will be assigned to a Condemnation Coordinator. These Coordinators are assigned to the General Office and are supervised by the Right of Way Acquisition Manager (please reference the Organizational Chart in Chapter Two of this Manual).

4. Condemnation Coordinators are assigned to cover all condemnation parcels statewide. Their function is to assist the project attorney in any condemnation matter and coordinate with them so that all required material is forwarded to them. The Coordinators will send any request for required information or information that the attorney asks for, to the Acquisition Manager or to the Negotiator of the parcel, if needed. As well, they frequently find attendance at legal proceedings is required, such as depositions, Special Masters Hearings, meetings with the Project Attorneys and other Department personnel, and condemnation trials.

Condemnation Valuation Expert Witness Procurement Process

Upon receipt of Notice of Appeal, a litigation team should be assembled that includes the Special Assistant Attorney General, Condemnation Coordinator, Review Appraiser/Review Appraiser Auditor, Appraiser of record, and any Specialty Report providers who supplied a report of significance.

1. Conduct a discussion regarding the level of skill and knowledge of the original appraiser and/or specialty service provider and the sufficiency of the report.
2. Make a determination whether appraiser and/or other service provider possess skills adequate to render service in case.
3. SAAG, Condemnation Coordinator, and Review Appraiser should discuss the Scope of Work to ensure the team is in agreement with Scope of Work and it is consistent with initial Scope.
4. If the determination is **yes** for that specific service provider, SAAG will request updated report(s). Request should include a Scope of Work Agreement (see Forms) and should include an *estimate* for anticipated number of hours for meetings, depositions, trial preparation and testimony, etc., as determined by the SAAG.
5. If the determination is **no** and a different service provider is desired, the SAAG should send a recommendation letter to the Right of Way Administrator outlining the following:
 - Reason(s) why a different or additional appraiser or other specialty service provider is necessary; and
 - List three (3) recommendations for the service provider desired in specific area of expertise.

6. The Right of Way Administrator will prepare a letter of concurrence or provide additional information that could include alternative suggestions. If necessary Right of Way Administrator will contact the SAAG for further discussions.
7. Upon receipt of concurrence or receipt of other possible suggestions from the Right of Way Administrator, SAAG will send request for fee quote for services to the three (3) alternate service providers.
8. Upon receipt of quotes SAAG will submit to Condemnation Coordinator along with their recommendation of which parties to engage for services.
9. After receipt of quotes, Condemnation Coordinator will provide to Right of Way Administrator for authorization for submission to Procurement. If necessary Right of Way Administrator will contact the SAAG for further discussions. The recommended quote and PFR (requisition form) will be submitted by the Condemnation Coordinator to the Office of Procurement for issuance of a Purchase Order (PO). Consultant Condemnation Coordinators will prepare and submit PFR to the State Acquisition Manager that supervises the Court Coordinator's unit.
10. Service Provider will bill for payment of services upon completion and approval by GDOT. The hourly services will then be billed on incremental invoices as incurred. Service providers must be aware that financial commitment is capped and once purchase order has been exhausted a request for new PO must be submitted by Condemnation Coordinator prior to services being authorized.

J. Procedures for Negotiation for Services (NFS)

Parcels acquired with State and/or Federal funds with an estimated fair market value of \$25,000 or less and that do not involve damages may be acquired without a written appraisal provided that the owner elects to negotiate for services and waives the right of an appraisal. This method of negotiation is used as a time saver in property acquisition since a written appraisal is not required. The 'Estimate of Appraisal Calculation' form is used to determine the value to be offered based upon an established Value Range previously approved by the Review Appraiser. This method of negotiation is only used for non-complicated parcels with values estimated less than \$25,000 and that involve no damages.

1. Present the offer based upon the amount concluded on the Estimate of Appraisal Calculation' form.
2. Proceed with the negotiation process, presenting the negotiation package with the exception of an 'Offer Letter', which is not used in this procedure (see 'Negotiation Packages' at Figure 5.1)

3. The owner may stop negotiation at any time and request that an offer be made based upon a written appraisal.
 - a. If a settlement is reached, a copy of the approved Option should be furnished to the owner. Follow the procedures outlined in 'Closing Procedures and Parcel File Closeout'.
 - b. If a settlement is not reached within a certain period, the Department will proceed in having the parcel appraised by a Certified Appraiser.

K. Uneconomic Remnants and Relocation Remainders

The following procedure is ONLY used when the project Review Appraiser designates in the released Review Appraiser Report "R/W 532" that one or more of the parcel's remainders will become either uneconomic remnants or a Relocation Remainder. In general, an Uneconomic Remnant is created when the separate highest and best use of the designated remainder(s) after the acquisition of the parent parcel becomes so limited that the remainder has only nominal value. A Relocation Remainder is created when the acquisition involves the main residence, displaces the owner occupant who is qualified for a Replacement Housing Payment, and the remaining land is 5 acres or less and capable of being developed. (See the Relocation Assistance Chapter 11 in the Manual).

- a. The Right of Way Option must reflect if the uneconomic remnant or Relocation Remainder is to be sold or not sold as part of the settlement.
- b. An 'R' parcel is created to be shown and described on the right of way plans as a separate parcel; it is not to be combined with the parent parcel.
- c. Both deeds will be signed by the owner at closing. (The purpose of a separate 'R' deed is to identify the tract as surplus land not needed for the construction project and to be inventoried for possible future use or resale by the Property Management office).
- d. The Department does not include the uneconomic remnant or Relocation Remainder in the condemnation; thus, title will remain with the owner. Occasional exception is a settlement that includes the sale of the remnant or remainder is unable to close due to title problems. In this case: 1. the owner can request in writing to the Department that the remnant or remainder be included in the condemnation action with the assurance that no appeal greater than the settlement amount will be filed; AND, 2. The Department's upper Right of Way Management must approve the exception.

L. Procedures for Acquisition of Right of way from Cemeteries or Burial Grounds and Relocation of Burials.

In the past it has been Departmental policy for the Office of Right Of Way to handle all elements, legal and otherwise, pertaining to the acquisition of lands from cemeteries and burial grounds and were required, the disinterment and re-interment of individuals, for the sole purpose of providing additional right of way or permanent easements for the Department. State legislation, Official Code of Georgia Annotated ([OCGA 36-72](#)), "Abandoned Cemeteries and Burial Grounds," 1991, as amended, requires that additional information concerning cemeteries, and burial grounds be gathered and taken into consideration and that a permit be issued prior to land use conversion.

[OCGA 36-72](#) should not be inferred to supersede compliance with Section 106 of the National Historic Preservation Act ([NHPA](#)) of 1966, as amended, the Native American Graves and Repatriation Act, 1990, ([P.L. 101-601](#)); [OCGA 12-3-620](#), [OCGA 31-21-6](#), 1992; [OCAG 44-12-260](#), [OCGA 44-12-280](#), or [OCGA 44-12-300](#), 1993.

The Office of Environmental Services (OES) will gather the necessary information required to submit an application for the issuance of a permit by the superior court having jurisdiction except where otherwise noted below. The actual permit application and subsequent submission of the application will be completed by the Office of Right of Way. In the event right of way or permanent easement(s) is to be acquired by any other agency, authority, or political subdivision of the state, it shall be said entities responsibility to obtain such a permit. Office of Environmental Services will provide available project information to such entity as requested.

Applications for a Permit shall include, at a minimum, the following information supplied by Office of Environmental Services except where otherwise noted:

- a. Evidence of ownership of the land on which the cemetery or burial ground is located in the form of a legal opinion based upon a title search. The title search should also document all references to cemeteries or burial grounds including maps or other descriptive reference where abandoned family cemeteries or Native American burial grounds are not separately titled. The title search will be conducted by the Office of Right of Way. One copy of the results of the title search will be provided to Office of Environmental Services for use by the project archaeologist and genealogist.
- b. An archaeological Report of Investigation or Letter of Findings will be prepared by the Departmental Archeologist stating the number of graves believed to be present and their location.
- c. A survey shall be prepared showing the location and legal boundaries of the cemetery or burial ground based on the title search. In the event there is no previously defined cemetery boundary, the Department archaeologist's report of Letter of Findings will include a boundary description based on the results of the archaeological survey. The property survey will be conducted by the District Office of Pre-Construction at the request of Office of Environmental Services.

- d. A plan shall be prepared by a qualified genealogist for identifying and notifying the descendants of those buried or believed to be buried in such cemetery. If those buried or believed to be buried are of aboriginal or American Indian decent, the genealogist will notify the Department archaeologist in order to coordinate notification of the Council on American Indian Concerns and other interested tribal groups and to assure timely compliance with additional state and federal legislation appertaining to Native American interments and associated burial objects. Office of Environmental Services will contract with a qualified genealogist; and,
- e. A proposal for mitigation or avoidance of the effects of the planned activity on the burial ground shall be prepared by Office of Environmental Services and shall specify the method of disinterment, the location and method of disposition of the remains, the approximate cost of the process, and the approximate number of graves affected. The Department archaeologist will coordinate with the Office of Construction and supervise the mitigation plan if it includes disinterment of human burials.

Additional procedures for the application of a permit will be conducted by the Office of Right Way and include the following:

- f. Implement the genealogist plan for identifying and locating descendants provided by Office of Environmental Services no later than the date the application is submitted to the superior court having jurisdiction;
- g. Ensure that all provisions of the permit are fulfilled;
- h. Coordinate all appeals of the permit and ensure that all necessary steps have been completed to rectify permit application deficiencies; and,
- i. Provided Office of Environmental Services with one copy of the permit for project files.

M. Procedures for Making Offers on Townhomes and Condominium Units

CONDOMINIUMS

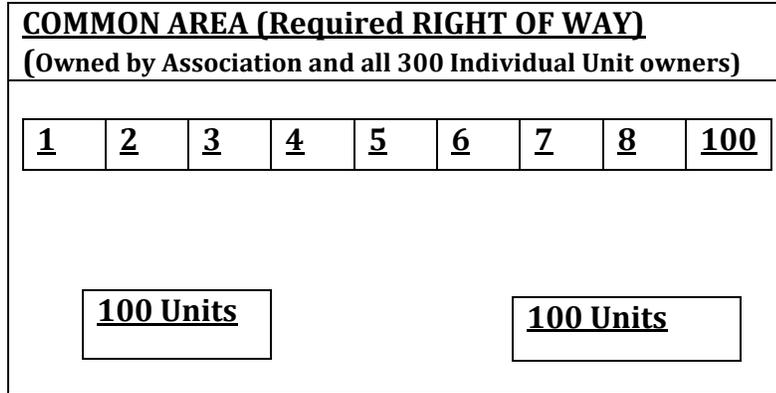


Figure 5.2

1. OFFER

Request meeting with President of Association & all unit owners to present & review offer for common area acquisition.

- a. Association and all individual owners (300) are contacted and provided with Letter “A (posted in District Resources).

This letter states what the Total Value of the Common Area is (take area), and what damages, if any, to the remaining common area.

This letter also states what their pro rata share of the take is (Ex.: 1/300).

Advise that any potential impact to individual units will be addressed with individual unit owners separately.

- b. All individual owners who have potential damages, as a result of the acquisition, (Units 1-100) will receive letter “B” (posted in District Resources).

NOTE: ALL 300 unit owners and Association will have to sign QC or we will have to condemn.

NOTE: Advise the Board that they can act on behalf of all property owners if they obtain a proxy or assignment of the individual unit owner’s interest. Advise that the Department’s attorney will have to review proxy or assignment prior to dissemination to all owners to confirm that it meets all the legal requirements for closing,

2. CONDEMNATION

- a. File fair market value and consequential damages to Common Area only.
- b. No damages will be filed for individual condominium units. In order for condominium unit owners to get damages, they will have to file an Inverse Condemnation.

TOWN HOMES (Reviewed and Approved by Anne Sapp)

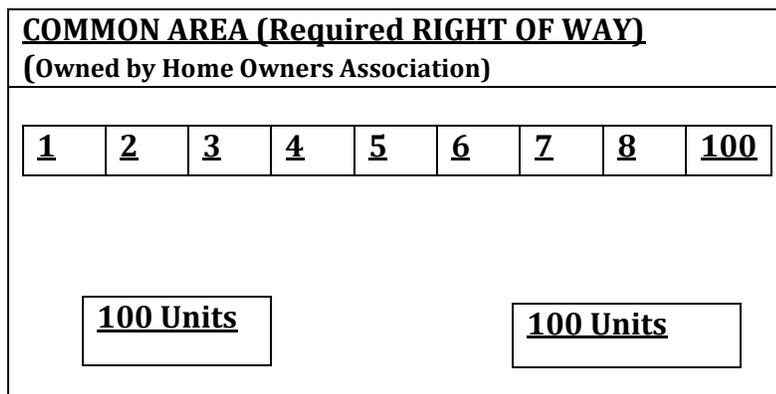


Figure 5.3

3. OFFER

REQUEST MEETING WITH PRESIDENT OF HOME OWNERS ASSOCIATION
*TO PRESENT & REVIEW OFFER FOR COMMON AREA ACQUISITION

- a. Offer Letter “A” is sent to Home Owners Association for common area.

*If Town Home board advises that individual homeowners have an interest in the common area and are a real party in interest, seek a legal opinion from the Department’s attorney before proceeding.

Advise that any impact to individual units will be addressed with individual unit owner separately.

- b. If there is potential damages to units (Units 1-100) as a result of the Department’s acquisition, Provide Letter “B” (to impacted units only). Owners will not sign Quit Claim. They will sign “Release” and Settlement Statement.

Owners in the other 200 units (that have no damages resulting from the Department’s acquisition) will not receive either letter from Georgia Department of Transportation.

4. CONDEMNATION

- a. File fair market value and consequential damages to Common Area only.
- b. No damages to individual units will be filed into court. Owners of Town Homes will have to file Inverse Condemnation to receive damages.

N. Administrative Settlements

An Administrative Settlement is a settlement at an amount other than the tabulated Fair Market Value and/or any other change or alteration in the Option. If a negotiator finds merit in an owner's counter offer, he should receive the offer in writing. Such an offer is submitted to higher management for review and approval. Please reference Chapter Six of this Manual.

O. Notice to Vacate

The Acquisition Agent/Manager will send a copy of all "Notice to Vacate Letters" to Property Management when the Notice is mailed to the owners and tenants.

In the situation where there are not improvements being acquired except for underground storage tanks, the Acquisition Agent/Manager is responsible for preparing a Notice to Vacate letter requesting that the underground storage tanks be pumped and available for removal within 60 days from acquisition.

P. Utility Disconnections

Once the Department has possession of a vacant building, the Acquisition Agent/Manager will request that all service utilities be disconnected. The utility company needs to know specifically that the building is going to be demolished so that they can remove the meters wherever appropriate. Make sure that the electric company removes the meter and drops the line from the building to the street. The gas company should remove the meter and cap the line back to the street. The water company should remove the meter. It is the responsibility of the Negotiator to schedule both the disconnections and the appointment times for which this service will be accomplished. Negotiators are to meet the utility service personnel on site so as to prevent any confusion concerning which structure shall have service disconnected.

Q. Project Certification/Transition Meeting

1. Project Certification

The Acquisition Manager is responsible for certifying the status of each assigned project including a statement of compliance to the General Office Acquisition Unit.

The purpose of the Certification process is to verify the timely and orderly acquisition of property rights necessary for Georgia Department of Transportation projects and to ensure that the acquisition of said property rights was in compliance with both federal and state law, and Department of Transportation policies and procedures.

The Certification of Right of Way projects is regulated by the official Code of Federal Regulations: www.fhwa.dot.gov; [reference 23 CFR 635.309](#) for Physical Construction Authorization.

- a. There must be a Right of Way Certification for all projects prior to baseline/scheduled LET date. In order to submit a Certification, the following conditions must be met: The plans must be approved; a statement is required from the State certifying that all individuals and families have been relocated to decent, safe and sanitary housing or the State has made available to the relocatees adequate replacement housing in accordance with Federal Highway Administration directives; all necessary right of way, including control of access rights when pertinent, have been acquired including legal and physical possession. Trial or appeal of cases may be pending in court but legal possession has been obtained. All occupants have vacated the lands and improvements and the State has physical possession and the right to remove, salvage or demolish these improvements and enter on all land.
- b. Certifications are due in the Right of Way office by the date listed on the Critical Events schedule. A monthly reminder memo is created and distributed with due dates for Certifications to Acquisition Managers, Consultant Coordinators and Local Government Coordinators. If this date cannot be met, the Funding and Certification office should be notified immediately. All Certifications must have the same format and be accompanied by a:
 - (1) Preconstruction Status Report,
 - (2) ROW Project Status Report (TPro)
 - (3) Relocation Advisory Service Certificate
 - (4) TPro Relocation Status Report
 - (5) Right of Way Improvement Status (PM-14)
 - (6) Trade Fixture and Sign Inventory Report (PM-15)
 - (7) Copies of all Right of Entries & Options w/Special Stipulations
 - (8) Copy of cover sheet highlighting outstanding parcels.
 - (9) Consultant Rating Forms

TPro should be updated to include all pertinent information including the property's deed book and page number (includes parcels closed via regular acquisition as well as condemned parcels) after the official filing. If the deed book and page number is not available, then a comment with the status should

be entered. A copy of the certification should be sent to the Funding and Certification office, Property Management and Relocation Offices. Once the Certifications are received, Federal and State Aid Certifications are created based on verified information from each of the offices. Property Management and Relocation Certifications are requested if needed. Property Management Certifications must include all improvements, as well as signs and trade fixtures within the right of way. All improvements must be removed prior to Letting or detailed on the Property Management Certification as clearing and grubbing items (Signs should be removed 31 days after closing and 61 days after closing when relocation is involved). Certifications are then thoroughly reviewed and signed by the State Right of Way Administrator and submitted to Engineering Services with distribution to the Federal Highway Administration, District Offices, Project Manager and the Acquisition Manager.

**NR Certifications should include a verification form signed by the Project Manager to verify no Right of Way is required. The project cannot be certified without it.

2. Project Transition Meeting

After a project is let for construction, the Project Engineer will hold a Transition Meeting. The Acquisition Manager is required to attend this meeting, give the Project Option Folder to the Construction Project Engineer, and provide all pertinent details that will assist the Project Engineer in regards to the project. This folder is to contain a copy of all settlement Options, a list of all parcels condemned and the Acquisition Manager's business card. It will be helpful to inform the Construction Engineer of any concerns expressed by particular Owners during negotiations. If there are any Special Stipulations on the Options – or any agreements that were talked about – the Construction Engineer will need to know about all such matters. It is a common occurrence to receive calls from the Construction Engineer or his staff during the construction phase of a Right of Way project.

R. The Negotiation Record

1. It is required that the negotiator maintain accurate, written legible records of all negotiation contacts ([reference 49 CFR 24.9](#)). A separate Negotiation Record should be maintained for each individual interest when an offer is made.

Records should include:

- a. The date and location of each contact
- b. Persons present at each contact
- c. Questions and/or concerns discussed and addressed

- d. Offers made and discussed
- e. Discussion of the presentation of all required forms for the offer
- f. Discussion that both the Brochure and the Receipt for Brochure were delivered and signed
- g. Discussion of the explanation that the owner was informed of all pertinent construction details about the project and what effect it would have on the roadway in general and the effects it would have on the Owner's property
- h. Discussion of all questions asked by Owner and the explanation given
- i. Discussion of all monetary matters discussed especially concerning any about the value of property referred to by owner
- j. Counter offers made (verbal or written)
- k. Any Special Stipulations or agreements that were discussed with the Owner
- l. Any other information pertinent to the negotiation of the parcel

The Negotiator is to keep in mind that the Negotiation Records need to be as complete, detailed, accurate, and as thorough as possible. Many people may read these records at a later date for any number of reasons. It is the intent of maintaining complete records to display and document what transpired during the negotiation phase of Right of Way. All personnel are to keep in mind that "if it is not documented – it was not talked about".

S. Relocation Responsibility

It is the responsibility of the assigned negotiator to advise, explain, and assist all displaced persons, businesses, farm operations, and non-profit organizations with regard to relocation benefits in which they are eligible. For a more thorough and detailed explanation of Relocation, please reference Chapter 11 of this manual. Reference also [49 CFR 24, Subpart C](#); [49 CFR 24.201 through 24.505](#).

These benefits may be as follows:

- 1. Individuals and Families
 - a. Moving Payment
 - b. Replacement Housing Payment, (owner)

- c. Supplemental Rental Payment/Down Payment, (owner/tenant)
- d. Incidental Payments
- 2. Businesses, Farm Operations, Nonprofit Organizations
 - a. Moving Payment
 - b. Reestablishment Cost
 - c. Search Payment
 - d. In Lieu Payment
 - e. Incidental Payments

If only a moving payment is involved, which is estimated to be \$500 or less, an alternative procedure has been established to offer this amount without going through the Relocation process.

T. Property Management Responsibility

For a more thorough and detailed explanation of Property Management, please refer to Chapter 9 of this Manual. Refer also to [23 CFR 710.403](#).

The State Property Manager establishes a retention value and performance bond for all buildings and major structures located within the proposed area of acquisition. No performance bond is required for retained minor improvements.

At closing, the owner is given a 'Notice to Proceed'. All trade fixtures and improvements not removed within the time period agreed upon will be considered abandoned by the owner. These notices are stipulated in the Settlement and Disbursement Statement.

After verification that the site is satisfactorily cleared, an executed Right of Way Clearance Report (PM-7) and copy of the Closing Statement is submitted to the Property Management Office to request the bond reimbursement to the owner.

At the time possession is surrendered, the negotiator is responsible for conducting an onsite inspection of the premises to ensure that all buildings, improvements and fixtures which were not retained by the owner are still in place. Buildings are posted with notification of State ownership.

5.11 General Responsibilities of the General Office Acquisition Unit

A. Project Assignment

It is the responsibility of the General Office Acquisition Unit to ensure that Right of Way Project schedules are maintained and that Right of Way is acquired and certified to meet effectively the established project let date. This task is accomplished by making an orderly and timely assignment of the project and by monitoring acquisition activities on all assigned projects.

As Preliminary Right of Way plans are submitted for review and approval, the General Office Acquisition Unit requests project legal services from the Attorney General's Office, reviews current and projected Acquisition Team workloads and, with the recommendation of the District Pre-construction Engineer, makes project assignments accordingly. Consultant services may be employed for Pre-Acquisition, Acquisition, and/or Negotiation assignments, if deemed necessary. Project assignments will be made on a statewide basis and not by geographical work areas; therefore, a team may be assigned a project located beyond the limits of operations of the District to which it is stationed. As stated above, project assignments are made when the preliminary right of way plans are received for review and approval. At this time, all pre-negotiation activities take place by the assigned team from the preparation of the project cost estimate to the review and release of appraisals. No offer or negotiation will take place prior to the Authorization of Right of Way funds and the notification of approval by the General Office Acquisition Unit. After environmental or environmental reevaluation approval and approval of the Right of Way plans, the General Office Acquisition Unit requests Authorization of Right of Way funds.

B. Monitoring and Reporting of Right of Way Activities

Once a project assignment is received and pre-negotiation activities commence, the acquiring Acquisition Manager is responsible for maintaining a current parcel-by-parcel status of all activities occurring on the project and for keeping the Right of Way Reporting System current in TPro. The Acquisition Manager is responsible for having the pertinent data updated on all assigned projects and entered into the system along with milestone dates entered into Artemis.

C. Right of Way Hammock in Artemis

Shown below is a chart of Right of Way personnel responsibilities for the Right of Way Acquisition Hammock in Artemis. The Certification and Funding Office will update the right of way estimate authorization field (70200). This includes the date of project assignment and receipt of the cost estimate. The Office of Financial Management will update the right of way authorization field (70400).

The appraisal and review field (71000) will be updated by using the notice to proceed date given to begin appraisals on the project and the final appraisal release date to be updated by the District Project Acquisition Manager.

The right of way negotiation field (73000) will be updated by the District Project Acquisition Manager. The start of acquisitions will be determined by the first contact made with a property owner and the end of acquisition will be the date the project is certified by the district.

The first step will be to make sure you have access to Artemis and if you do not, contact the Solutions Center State Scheduling Engineer for assistance.

HAMMOCK	DESCR	START	RESP	FINISH	RESP
70200	R/W Est. Authorization	Project Assignment	Funding and Cert	Detailed Cost Estimate Recvd	Funding and Cert
70400	R/W Authorization	1625 submit	Office of Financial Management	Work Authorization	Office of Financial Management
71000	Appraisal & Review	1 st Notice to Proceed	Project Acquisition Manager	Final Appraisal Release Date (Last Parcel Released)	Project Acquisition Manager
73000	R/W Negotiations	1st contact	Project Acquisition Manager	District CERT date	Project Acquisition Manager

Figure 5.4

1. The following steps will assist in updating Artemis using TPro:
 - a. Open TPro
 - b. Select – Artemis Project View
 - c. On the Artemis Project View Menu screen choose – Maintain Activities
 - d. On the Select Current Project screen – Type in Project ID
 - e. Click OK
 - f. Select the activity number and then type in the Actual State Date and the Actual Finish Date
 - g. Close

In addition to the above, the Acquisition Manager may be called on to provide reports and studies as deemed necessary by management.

C. Transmittal and Routing of Files

The General Office Acquisition Unit is responsible for properly logging in, routing and keeping track of all negotiation files transmitted to the General Office.

D. Certification of Right of Way Acquired

The General Office Acquisition Unit is responsible for the Right of Way Certification of all projects prior to the baseline/scheduled let date.

5.12 Advanced Acquisition (Two Types)

The purchase of property, as an advanced acquisition, is governed by the Official Code of Georgia Annotated, [Title 32](#); the Uniform Relocation Assistance, and Real Property Acquisition Policies Act of 1970, as amended; and, by federal law through [23 CFR 710.503](#).

A. Advanced Protective Buying

The purpose of an Advanced Protective Buying is to protect the proposed roadway corridor of a programmed project against new development, thereby reducing future right of way, and project cost.

1. The following criteria must be satisfied in order to meet the requirements for a Protective Buying Acquisition:
 - a. A letter to the State Right of Way Administrator outlining the situation and circumstances, which form the basis of protective buying request
 - b. A site plan indicating proposed imminent development of the property and approved by the local approving authority (county or city).
 - c. And/or a building permit approved by the local approving authority (county or city).
2. The only exceptions that may be considered are those requests initiated by management or one of the Department's design offices.
3. In the event the environmental document has been approved for the project, the State Right of Way Administrator can review and approve the acquisition and it does not have to go to the Federal Highway Administration for their review and approval. If the environmental document is not current within six (6) months, it must be reevaluated and brought current within six (6) months at the time of approval and subsequent offer to purchase. Should the project environmental document not be approved, the request for a Protective Buying must be reviewed and approved by the Federal Highway Administration. An environmental document for the specific property must be cleared and within six (6) months current at the time of approval and the subsequent offer to purchase.
4. Upon approval of the acquisition:

- a. An Acquisition Manager will be assigned and the appraisal process can begin.
- b. Legal assistance will be requested from the State Attorney General's Office.
- c. The Department's intent to acquire will be advertised in the newspaper.
- d. The Acquisition Manager will prepare a cost estimate and make a request for funding to the General Office.
- e. Upon authorization of funding, the Acquisition Manager will be authorized to proceed with the offer.
- f. Georgia Department of Transportation will exercise the authority to condemn if a settlement is not reached after an administrative review is conducted.

B. Advanced Hardship Acquisition

The purpose of a Hardship Acquisition is to alleviate a hardship to the owner due to health, safety, or financial reasons.

1. The following criteria must be satisfied in order to meet the requirement for a Hardship Acquisition:
 - a. A letter to the State Right of Way Administrator outlining the situation and circumstances, which form the basis of the Hardship request
 - b. Written justification and documentation, which support the hardship acquisition in the context of health, safety, or financial reasons and sets forth a unique, undue hardship in comparison to others on the project.
 - c. Documentation that the property failed to sell when it was placed on the open market at fair market value, within a time period that is typical for properties not impacted by the project.
2. Upon receipt of adequate written justification and documentation, the approval and acquisition process follows items (a) through (f) (*Protective Buying*) above.
3. The owner will be allowed an administrative review to see if a settlement can be reached prior to the termination of negotiations. The State Right of Way Administrator reserves the right to waive the administrative review process.
4. In the event a negotiated settlement cannot be reached between the Department and the property owner, all negotiations will cease and the property will be acquired within the normal project schedule.

5.13 Property Donations

Pursuant to federal regulations [24.102](#) and [24.108](#) of [49 CFR](#) and following discussions with the Federal Highway Administration, this is to advise that the Department's policy concerning property donations have been modified as addressed below.

- A. If federal or state funds will be used to acquire or reimburse the cost of right of way, the Department and Local Government Agencies may accept donations from a property owner prior to Right of Way Funding Authorization only if the donation is initiated by the property owner and not solicited by the agency. The solicitation of donations by an agency is considered the initiation of property negotiations, which cannot occur prior to Right of Way Funding Authorization. A property donation cannot pre-determine the project's alignment.
- B. If federal or state funds will be used to acquire or reimburse the cost of right of way, the Department and Local Governmental Agencies may solicit and accept donations from a property owner after Right of Way Funding Authorization only if a preliminary project right of way cost estimate is completed and documented in the project file. A written appraisal is not required prior to the solicitation of property donations.
- C. If 100% local funds will be used to acquire right of way with no federal or state reimbursement but Preliminary Engineering and/or Construction costs will be reimbursed by federal and/or state funds, the above conditions still apply. The solicitation of donations may be initiated following the approval of both the environmental document and the right of way plans.

For any of the above situations, the owner must be made aware that they are entitled to receive compensation for the property and must sign the Georgia Department of Transportation "Waiver Letter" waiving their right of compensation should they elect to donate and release the agency from this obligation. If the owner elects to donate but also requests an appraisal for tax purposes, the parcel is to be appraised and submitted for review.

Prior to accepting any donations, the parcel should be tested by the Office of Material & Research (OMR) for soil contamination or hazardous waste if there is evidence of underground storage tanks or other potential sources of contamination. Upon review of the completed contamination report and the level of any found contamination if any, the Design Project Manager will determine if the parcel will still be necessary for project construction (contaminated or not) or if the parcel can be eliminated with a design change. If the Design Project Manager determines that the parcel will still be necessary, the donation to the Department may proceed.

5.14 Condemnation Preparation Policies and Procedures

The purpose of this Section is to assure that condemnation actions, within the control of the Department of Transportation, proceed in a timely and orderly manner within the framework of applicable law and in coordination with the State Law Department of the Attorney General's Office.

The functions of this Section are to prepare proposed Declarations of Taking; to coordinate condemnation liaison with the State Law Department; and, to supply the Acquisition Unit with condemnation papers ready for filing.

This section is supervised by the Condemnation Supervisor who reports directly to the Right of Way Acquisition Support Manager. The staff of this Section reports directly to the Condemnation Supervisor.

The District Acquisition Manager or Consultant formally recommends all condemnation proceedings to the General Office. If condemnation is determined advisable, they are submitted to the Condemnation Preparation Section for action. Actual condemnation proceedings must be formally approved by the Commissioner of the Department of Transportation on the recommendation of the State Right of Way Administrator.

Where condemnations are instituted by another governmental agency, the Right of Way State Administrator recommends such condemnation proceedings except where they are necessary to clear title.

All direct condemnations by the Department are conducted by an Assistant Attorney General on the regular staff of the State Law Department or specially employed Assistant Attorney Generals who are contracted for and under the supervision of the State Law Department

After it is determined that negotiation appears unsuccessful, or that a parcel must be condemned to resolve title issues, the Acquisition Specialist shall submit his recommendation for condemnation to the General Office with the following information:

A. Condemnation Petition Structure

1. A current title certificate made over the signature of the assigned title attorney which determines persons and businesses having an interest in subject property. Then determine who should be named and how they should be named:
 - a. An individual owner - name the owner as his name appears on the deed.
 - b. Trust - name trustee and beneficiaries of trust.
 - c. Estate in which owner died testate - name the Estate and Executor.

- d. Estate in which owner died intestate - name the Estate, Administrator and heirs.
- e. Estate in which owner died intestate but no Administrator has been appointed – name Estate and heirs.
- f. Sole proprietorship - name owner d/b/a then name of business.
- g. Corporation - name corporation as its name is registered with Secretary of State.
- h. General Partnership - list partnership name and all general partners of the firm.
- i. Limited Partnership - list partnership name and all general partners of the firm.
- j. Banks - list complete bank name. Current names of banks can be obtained from one of the following sources:
 - Department of Banking and Finance for state banks
 - Comptroller of Currency for federal banks
- k. Office of Thrift Supervision for savings and loans FDIC for federal bank
- l. An appraiser’s affidavit signed by the appraiser
- m. Service addresses for all individuals with an interest in the property

Examples:

- Serve Individual condemnees where they reside.
- Serve the Corporations registered agent with the Secretary of State's office on all in-state corporations, <http://sos.georgia.gov/>
- Serve the Banks President at the address of bank.
- Serve General Partnership by serving each general partner where they reside.
- Serve Limited Partnership by serving registered agent with Secretary of State's office. If there is not registered agent, serve each general partner where he resides.

- Serve Trustees and Beneficiaries where they reside.
- Serve Administrators and Executors where they reside.
- For minors or incompetents without guardians, serve the Judge of the Probate Court in the county the condemnation is to be filed.

Provide a copy of the most current Review Appraiser Report "R/W 532".

The Condemnation Preparation Section takes the following actions in preparation of the Declaration of Taking:

Fill out pages 1, 5, 7, 9, 10, 12, 14, 15, 18A, 19 and 20A.

B. "Styling the Case" Examples

1. Right of Way Only

DEPARTMENT OF TRANSPORTATION

VS

_____acres of land; and all persons having an interest in subject property, individually.

2. Right of Way and Easement

DEPARTMENT OF TRANSPORTATION

VS

_____acres of land; and certain easement rights; and all persons having an interest in subject property, individually.

3. Easement Only

DEPARTMENT OF TRANSPORTATION

VS

Certain Easement Rights; and All Persons having an interest in Subject Property

4. Access Rights Only

DEPARTMENT OF TRANSPORTATION

VS

linear feet of Access Rights; and Persons having an interest in Subject Property individually.

5. Right of Way and Access Rights

DEPARTMENT OF TRANSPORTATION

VS

_____acres of land; and certain access rights; and all persons having an interest in Subject Property individually.

6. Easement Rights and Access Rights

DEPARTMENT OF TRANSPORTATION

VS

Certain Easement Rights; and Certain Access Rights; and all persons having an interest in Subject Property individually.

Paragraphs 1, 2, 3, 6 and Page 4 of the petition must be completed to make the forms applicable.

Paragraph 1 - A Brief Outline of the petition; if you have a Non-Limited Access Project strike the words Limited Access Highway. The first reference to the project should be listed as Georgia Highway Project.

Paragraph 2 – Relates to easements; if you have right of way and easement, strike the word “not”.

Paragraph 3 - Relates to Access Rights; if access rights are to be acquired, strike the word “not”.

Paragraph 6 - List all condemnees by name and address.

Paragraph 7 - If subject parcel is any part within city limits, list the name of the city. (Also shown on page 17) if not, X out “the city of ___” and “county, and city taxes” and add “and county taxes”.

7. Page 4

One original to be signed by the Attorney handling the case. The remaining copies are to be conformed copies.

8. Fair Market Value of Estimated Just Compensation.

This figure is to be inserted in the appropriate blank on Pages 6, 13, 14 and 20.

9. Page 7

A brief description of the project is inserted in the appropriate space on this page.

C. Legal Description Structure

Pages 9 and 20-A, legal description guidelines.

1. Pull plans and make half size copy of sheet(s) where parcel(s) is/are located.
2. Study half size sheet and locate the following:
 - North Arrow
 - Centerline (Survey/ Construction) - If more than one centerline is used find note depicting from which centerline Station/Offsets are taken
 - Land Lot Numbers, Land District Numbers, G.M.D. Numbers (where applicable)
 - Identification of Mainline/Baseline
 - Identify easements (if applicable)
 - All points on parcel and easement(s).

3. Write Description as follows:

Begin at the point of intersection of the property line between the lands of the condemnee(s) and the lands now or formerly owned by _____ with the _____ existing right of way line of _____, said point being _____ feet left/right of station _____ on the _____ centerline of Georgia Highway Project _____; running thence ____ etc.

4. If on new location, described as follows:

- Begin at a point on the property line between the lands of the condemnee(s) and the lands now or formerly owned by _____, said point being _____feet (left/right) of station ___ on the _____centerline of Georgia Highway Project _____; running thence _____ etc.
5. If the existing right of way and property lines are going in a general direction, combine distance if more than one distance is used. No bearings or radii are used on existing right of way lines or property lines.
 6. On required right of way lines, use bearings/distances and/or arc distances/radius. The only time a distance is combined on required right of way lines is when bearings and/or radii are the same.
 7. When writing description of curve, use thence direction distance feet along the arc of a curve to the right/left (said curve having a radius of _____ feet and a chord distance of ___ feet on a bearing of ___) to a point _____ feet right/left of and opposite station ___ on said _____ centerline.
 8. When the line being described (either existing right of way line of required right of way line) intersects with a property line, describe point and use the following: Said point also being on the property line between the lands of the condemnee(s) and the lands now or formerly owned by ___; thence direction along said latter property line, a distance of ___ feet to a point. If this latter point is intersecting with existing right of way, use following (said point also being on the _____existing right of way line of ___).
 9. After describing the end of parcel, use "back to the Point of Beginning (POB).
 10. After describing entire parcel of required right of way, use this last statement (Said described land being the required right of way and is shown colored yellow on the attached plat (s) marked Annex 1-A).
 11. Write easement description as follows:
 - If more than one of the same type easement to be described, use the following statement: (Also to be acquired by condemnation are no. of easements, type of easements (temporary or permanent) easements for the construction and maintenance of slopes being described as follows:
 - If easement abuts a property line, described as previously mentioned.
 - If easement does not abut a property line, begin by describing point.
 - On easements, no distances are described. After first point is described, run thence direction along a straight line or a curved line parallel to said

centerline to a point. Then describe point, continue in this manner until the return to the Point of Beginning (POB).

- Examples of statements to be used after describing easements: If more than one of the same type easements, word statement in the plural.

D. Examples of Statements to be Used after Describing Easements

1. Temporary Slope Easement

Said described land being a temporary easement for the construction of slopes and is shown colored green on the attached plat(s) marked Annex 1-A.

2. Permanent Slope Easement

Said described land being a permanent easement for the construction and maintenance of a slope and is shown colored green on the attached plat(s) marked Annex 1-A.

3. Driveway Easement

Said described land being a temporary easement for the construction of a driveway and is shown colored orange on the attached plat(s) marked Annex 1-A.

4. Permanent Drainage Easement

Said described land being a permanent easement for the construction and maintenance of a drainage structure and is shown colored blue on the attached plat(s) marked Annex 1-A.

Description of building(s), when being removed or cut off. Use following:

Also condemned in these proceedings is any title estate or interest in the entire building, as well as the right to dismantle or remove the entire building labeled on the above referenced plat as _____ and located approximately opposite station ___ on the ___ centerline of _____. Said building is located partially on the required right of way described above and partially on the remaining lands of the condemnee.

Add the appropriate paragraphs below description so as to acquire the required title, estate, or interest in the subject property. This part is very important. The entire proceeding is dependent on this, as it is the only place specific title and rights required are set out. Below are examples for various types of rights to be acquired.

- a. For all Limited Access Projects except Parcels to be Total Takes.

The title, estate or interest in the above described lands, required by condemnor now taken by condemnor for public use as right of way for a LIMITED ACCESS HIGHWAY as defined under the Official Code of Georgia Annotated sections [32-6-110 thru 32-6-119](#) is as follows: Fee simple title to all the above described lands as shown colored yellow on the attached plat marked Annex 1-A and such access rights as may be required between the condemnees remaining real property and existing roads, streets or highways, intersecting or adjacent to the LIMITED ACCESS HIGHWAY, such access rights and lands being specifically delineated on Department of Transportation plats dated the ___ day of _____, 20___; Last Revised: Sheet No. ___ on _____ and attached hereto as Annex 1-A.

- b. For All Non-Limited Access Projects and All Total Takes.

The title, estate, or interest in the above described lands, required by condemnor and now taken by condemnor for public use is as follows: Fee simple title to the above described lands all as shown colored yellow on the plat dated the ___ day of __, 20___; Last Revised: Sheet No. ___ on ___ and attached hereto

E. Example of Clauses Used for Ending Easement Language

1. Temporary Slope Easement

A temporary easement is condemned for the right to construct a slope to connect the newly constructed road and right of way to the condemnees' remaining lands. Said easement will expire on _____ and is shown colored green on the above-mentioned plat. Upon completion of the project, the condemnee shall have the right to use the slope easement area in accordance with applicable zoning restrictions, and the condemnor will cease maintenance of the slope easement area.

2. Temporary Driveway Easement

A temporary easement is condemned for the right to construct a driveway to connect the newly constructed road and right of way to the condemnees remaining lands for driveway purposes. Said easement will expire on and is shown colored orange on the above-mentioned plat. Upon completion of the project, the driveway will remain in place for use by the condemnees.

3. Temporary Fence Easement

A temporary easement is condemned for the right to construct a fence. Said easement will expire on ___ and is shown colored green on the above-mentioned plat. Upon completion of the project, the condemnee shall have the right to use the easement area in accordance with the applicable zoning restrictions, and the condemnor will cease maintenance of the easement area.

4. Permanent Slope Easement

A permanent easement is condemned for the right to construct and maintain a slope to connect the newly constructed road and right of way to the condemnees remaining lands. Said easement is shown colored green on the above-mentioned plat marked Annex 1-A.

5. Permanent Drainage Easement

A permanent easement is condemned for the right to construct and maintain a drainage structure. Said easement is shown colored blue on the above-mentioned plat marked Annex 1-A.

6. Temporary Easement for Removal of an Encroachment

A temporary easement for removal on an encroachment is condemned for the right to said easement is described as follows:

BEGINNING at a point back to the point of BEGINNING. The easement will begin on the date possession is granted and continue until the _____ is removed or until _____, whichever comes first, at which time said easement will expire. Said _____ being shown on the attached plat marked Annex 1-A and is labeled “_____”. Said easement is shown colored _____ on the attached plat marked Annex 1-A.

F. Plats/Color Code for Acquisition and Easements

- Required Right Of Way - YELLOW
- Temporary Construction Easement And Permanent Easement For Construction And Maintenance Of Slopes –GREEN (If We Have Both On The Same Acquisition Then Differentiate The Color.)
- Temporary Driveway Easement - ORANGE
- Permanent Drainage Easement - BLUE
- Access Rights - RED

G. Plats/Plans

Plats must contain:

- Owner's name
- Area of required right of way
- Parcel remainder
- North arrow
- Centerline of any streets stations and offsets are taken from
- Centerline of project (when applicable)
- Project number
- Name of County
- Date of plans
- Sheet Number
- Date of revision
- Land Lot
- Land District
- Complete stations and offsets

H. Summary

1. Also, if anything in the legal description is taken from the plan sheet, be sure it is shown on the plat (s)
2. Page 13, Appraiser's Affidavit, will be prepared and Executed by the District. Submit three original copies.
3. If the Fair Market Value has been altered by the Review Appraiser, he will sign the Page 13.

4. Page 12 - List all land lots or Georgia Militia District in which total tract lies. X out "Land Lot No. (s)___ of the ___Land District or ___ Georgia Militia District", whichever does not apply.
5. Page 17, Paragraph 5, List names of condemnees who are Georgia residents but who do not live in the county in which the condemnation is to be filed.

5.15 Quality Assurance Quality Control

The acquisition phase of a Right of Way project interfaces with every Chapter in this manual. As such, there is much overlap with all other units involved with the entire Right of Way process. Mention is made here of the Code of Federal Regulations (CFR) requirements that identify how the Department shall remain in compliance during the acquisition phase (reference [23 CFR 710\(c\)\(4\)](#)). Mention is as well made here that in all activities undertaken during the Right of Way phase of a project, any policies, procedures, or regulations that we follow are designed to prevent fraud, waste and mismanagement (reference [49 CFR 24.4\(c\)](#)). This is not meant to be a complete and exhaustive list of compliance requirements for this concern. It is the responsibility of the Negotiator or the person that is acquiring property for the Department to research the applicable portions of Code of Federal Regulations and to understand how and why we are to remain compliant. Should any questions or concerns related to compliance surface and are not understood, then those questions are to be discussed with the successive management levels within the Department. Should upper management need direction or clarification over compliance issues, such will be addressed with the appropriate Federal Highway Administration contact person.

Negotiation records are to be complete, detailed and thorough and much emphasis is placed on records to be such (reference [23 CFR 710\(f\)](#)). Negotiation records are reviewed during the audit phase of the project. This audit may be performed at any time; as such, the complete, detailed and thorough records are to be maintained at all times. Detailed negotiation records and their importance are stressed during training classes conducted by this Office.

The Department is to monitor not only our activities, but also those activities of others, whether Local Sponsor or Consultant, to ensure compliance is followed (reference [23 CFR 710\(h\)](#)). Such activities as random and complete audits of files and any training classes conducted by this office help assure compliance issues are being met.

Acquisition personnel must give the Owner the chance to be present with the appraiser at the time the Owner's property is inspected to discuss any questions or concerns they may have, and also to walk the acquisition area during the appraisal process and again at the time the offer is made to the Owner. This requirement is the same whether the property is appraised or if the Negotiation for Services method is to be followed (reference [49 CFR 24.102\(b\) and \(c\)](#)). These issues are covered at all training classes covering appraisals and negotiations; are policies of the Department; and, are mandated by law.

Following the completed review and release of the appraisal, further discussed in Chapter Four, the Negotiator is to prepare the offer package at the determined Fair Market Value and present this offer to the Owner(s) or their representative(s). All required and necessary forms are presented at the time the offer is made. All offers are required to be made by personal contact. Only after an unproductive, exhaustive search is made to contact the Owner may the offer be mailed with the approval of the supervisor. All information is presented and discussed with the Owner (reference [49 CFR 24.102 \(d\) through \(f\)](#)). These requirements are to be documented in the negotiation records; are discussed at training classes covering these issues, and, are to be highlights of any random or complete project file audit.

Owners are allowed a reasonable amount of time to review any negotiation information. The Department must consider any information from the Owner. The Department may not take any undue action to induce an Owner into an agreement (reference 49 CFR (f) and (h)). Again, these concerns are to be documented in the negotiation records, are discussed at training classes covering these issues, and, are to be highlights of any random or complete project file audit.

Should an acquisition agreement not be reached, the Department has established procedures for handling what in the past has been identified as an Administrative Settlement n/k/a the General Office Administrative Review. Chapter Six of this manual talks about this process (reference [49 CFR 24.102\(i\)](#)).

Payment to the Owner for either the established fair market value, the agreed upon settlement amount; or, the payment into the Clerk of Superior Court for the established fair market value is to occur at the time the deed is signed or at the time the condemnation petition is filed into Court. Such is standard procedure and policy (reference [49 CFR 24.102\(j\)](#)). This information is reviewed during an audit and may also be reviewed by personnel utilizing the electronic tracking currently in place at the Department.

The Department has a formal condemnation process and procedure, much of the information available in this Chapter, which see (reference [49 CFR 24,102\(l\)](#)).. Condemnation information is not only available in the Department on a parcel-by-parcel basis, but certain documents are available to the public at the Clerk of Superior Court office as well.

Reviews, or audits, are an integral part of any acquisition process. Each Local Government project is subject to a complete file audit before any reimbursement is made to the Local Sponsor. File audits, whether for a Local project or a Georgia Department of Transportation project, are a routine procedure. This audit may be performed at random during the acquisition phase, or, may be performed at the end of the project. Any person involved in any way during the acquisition of right of way must understand that audits may be performed at any time by the Department or by the Federal Highway Administration. This activity may be performed even if there are no federal funds being utilized during the Right of Way phase; the auditing of acquisition files may take place if there are federal

funds being utilized in any phase of a project, whether it may be in the Pre-Engineering or in Construction phase. Audits are performed by the appropriate unit for the information being reviewed (i.e.: by the units of Relocation, Property Management; Appraisal and Review; Acquisition and Local Government).

Training is as well an integral part of the acquisition process. The Office of Right of Way conducts training for Local Sponsors, Georgia Department of Transportation Right of Way staff and Right of Way Consultants. Power point presentations are available for review and for training purposes. Training is at times conducted by one unit in particular (i.e.; the unit of Relocation for specialized purposes), or, by combined units conducting comprehensive overviews for an all day training session.

As mentioned earlier, the acquisition phase of Right of Way interfaces with every other Chapter in this Manual. It shall be the responsibility of the acquisition person to become familiar with Code of Federal Regulations and all requirements thereto. The Quality Assurance Quality Control information contained in many of these Chapters reflects that Code of Federal Regulations requirements are documented for not only our use and knowledge, but for the entire general public as well. Hyperlinks have been used throughout this Manual to directly take the reader to the particular Code of Federal Regulations information being talked about. With the use of computers, this same information is readily available to anyone doing a search. Using any widely available search engine (such as Google or Yahoo), simply start entering the information (i.e.: 49 CFR 24...) and the information will become readily available on the screen.

6 General Office Administrative Review Unit

6.1 General

The General Office Administrative Review Unit (f/k/a Administrative Appeals Unit) is under the Acquisition Section as set forth in Chapter 2 and may be supervised by the Assistant State Right of Way Acquisition Manager or the State Right of Way Acquisition Manager. Reference [49 CFR 24.102 \(h\) and \(i\)](#) as support of this process.

6.2 Purpose

The purpose of the General Office Administrative Review Unit is to insure that every effort has been made within the negotiation process to reach amicable settlement agreements with property owners; to avoid costly litigation; to relieve congestion in the courts; to assure consistent treatment of owners; and, to promote public confidence in State and Federal land acquisition practices and policies.

6.3 Policy

It is the policy of the General Office Administrative Review Unit to contact personally each owner throughout the state requesting a review of their offer of Fair Market Value and negotiations; to make every effort to negotiate an amicable property settlement before condemnation proceedings are instituted; to insure that the Department considers every counter-offer received from an owner; and, to ensure that a condemnation petition is filed only when absolutely necessary. (This policy may be waived at the discretion of the State Right of Way Administrator.)

6.4 Procedures

After it has been determined that an agreement cannot be reached with the property owner, the owner is mailed either a 10-day General Office Administrative Review Letter or a 10-Day District Office Administrative Review Letter informing the owner of the impending condemnation and the Review process. The District Right of Way Acquisition Manager will submit the negotiation parcel file to the assigned General Office Administrative Review Officer within 10 (ten) days after the Acquisition Manager's final or last contact. Upon receiving the negotiation parcel file, the Administrative Review Officer will call within 7 (seven) days to schedule a General Office Review. The Administrative Review Officer will assure the Review is completed within 30 (thirty) days of the date the Review is held, unless otherwise approved by the Assistant State Right of Way Acquisition Manager or the State Right of Way Acquisition Manager, and on a case-by-case basis, typically due to complexities.

6.6 Preparation in the Administrative Review

- A. The General Office Administrative Review Unit follows the below listed general procedures in the review of all parcel files and the processing of all Reviews assigned to the unit (providing the preliminary title report reflects good title can be obtained, if a settlement is reached):
1. Upon receipt of a General Office Administrative Review Request to the Assistant State Right of Way Administrator, either a staff Administrative Review Officer or Consultant Administrative Review Officer is assigned to the parcel and project.
 2. The Administrative Review Request is documented in the electronic reporting system for monitoring and reporting purposes by the General Office support staff.
 3. An acknowledgement letter is mailed to the owner confirming receipt of the Administrative Review Request by the General Office support staff.
 4. Upon receipt of the negotiation parcel file, the following areas are scrutinized for possible areas of vulnerability that could be used to reach a negotiated settlement of the parcel:
 - a. The appraisal
 - b. Comparable sales data
 - c. The negotiation record
 - d. Any counter offers previously made by the owner
 - e. Any other areas, which could lead to a settlement (omissions or overlooked items in the determination of value, etc.)
 - f. Right of Way, Construction Plans, Cross-Sections, Driveway Profiles, etc.
 - g. Relocation assistance (if applicable)
 - h. The files are closely checked to ensure that all required forms and reports have been included and accurately documented and dated.

6.9 Settlements and Rejections

A. Acceptance Processes

Should the acceptance of an owner's settlement proposal be in the best interest of the Department and the owner executes an Option:

1. Settlement Acceptance

The Administrative Review Officer accepts the settlement proposal based upon facts and issues concluded from the Administrative Review and approves the Option, but does not sign Options which are subject to any further approval. (Refer to Administrative Review Ranges of Approval & Authority Levels above in 6.5.) The approved authority level person shall need to sign the Option.

2. Complex Issues

For Administrative Reviews that involve complex issues, the Administrative Review Officer may elect to submit the settlement proposal to the Administrative Review Unit for consideration and approval by the Assistant State Right of Way Acquisition Manager, the State Right of Way Acquisition Manager, the Assistant State Right of Way Administrator, or the State Right of Way Administrator prior to the acceptance of the signed option.

3. Approved Option Return

The approved Option with attached plat and documented negotiation parcel file is then returned to the Acquisition Team or Acquisition Consultant for closing. A copy of the approved Option is also provided to the property owner. The Condemnation Preparation Unit is notified of the settlement in order to discontinue the preparation of the condemnation petition.

B. Non-Acceptance Processes

If the acceptance of an owner's settlement proposal is not considered to be in the best interest of the Department, the following processes should be implemented:

1. Owner Notification

The Administrative Review Officer should so notify the owner and attempt to secure an acceptable settlement, if possible. If it is determined that a settlement cannot be reached, the owner is notified in writing (regret letter) that the Department must proceed with condemnation to secure title since all attempts to reach a mutual agreement have failed.

2. Parcel File Returned

The reporting system is documented of all pertinent information resulting from the Review. The parcel file is then forwarded back to the Acquisition Team or Acquisition Consultant.

6.10 Review of Relocation Benefits

See Relocation Chapter 11 for the Relocation Appeal Process.

6.12 Quality Assurance Quality Control

- A.** The General Office Administrative Reviews are an integral part of the negotiation procedure, if there has been no agreement reached between the property owner(s) and the Department for any reason. This procedure ensures that any and all information that may be presented by an Owner can be submitted for consideration in support of any value that exceeds the value of what has been established for that property. A separate party, other than the Negotiator who has represented the Department, reviews and discusses with an owner. Should a settlement be reached, the settlement shall be viewed as reasonable, prudent and in the best interest of the public. A written justification explaining why this settlement is viewed as such becomes a part of the negotiation record. Any agreement that may be reached that is not within the approval parameters of the Administrative Review Officer must be reviewed by and accepted for approval by each successive manager, and contain the appropriate signature authority.
- B.** Audits of these files will occur at several stages. The Administrative Review Officer will typically review the file to ensure all information has been included before any contact and discussion with an owner(s). This shall serve as an indirect audit, but also serves as a first check that all information is in the file and has been processed correctly. Should the Administrative Review Officer be successful or unsuccessful, the file is returned to the Negotiator or Acquisition Manager. In either instance, the file would be closed out in conformance with an in-house checklist that serves to ensure all information that should be included in the file is present. The completed checklist signed by the Negotiator and Right of Way serves as a self-audit. At this point, the file should be complete. Routine and random project audits on files throughout the year are conducted. Those audits often capture parcels handled by the Administrative Review Unit.

7 Right of Way Plans and Engineering Unit

7.1 General

The Right of Way Plans and Engineering Unit is supervised by the Right of Way Acquisition Support Manager and serves the purpose of reviewing all Right of Way plans submitted statewide.

7.2 Purpose

The purpose of the Engineering Unit is to assure that right of way plans are adequate and complete while also providing the General Office with drafting services related to right of way matters. The Section reviews all federal aid primary and interstate project right of way plans for compliance with Federal Highway Administration requirements, and reviews other right of way plans as assigned.

This Section is one of the Main Sources of public information with respect to right of way and other proper plan data for owners, developers, and other interested parties. As such, the personnel of the Engineering Unit assist the above individuals in reviewing plans and by answering related questions, if necessary.

The Section, also, assists in the preparation of plans or exhibits for special purposes when requested by other right of way units in the General Office.

7.3 Policy

It is the policy of the Department of Transportation, that its right of way plans show clearly and accurately the essential information about each parcel of land to be acquired, or from which property rights will be acquired in order to build and maintain a particular section of state highway. These plans also show information of a general nature, useful to the public, the owner, the title attorney, the appraiser, the trial attorneys, surveyors, engineers, negotiators and other appropriate persons interested in some phase of the location, acquisition, and use of the land in the right of way or abutting land before or after the project becomes a completed highway. Right of way plans for federal aid projects should meet current Federal Highway Administration requirements.

7.4 Procedures – Approval Process for Right of Way Plans

A. After the development of the right of way plans, the Design Phase Leaders/Project Managers should forward the plans to the Right of Way Plans Review Section for review and approval.

B. Right of Way Plan Approval

Under the Certification Acceptance procedure, only interstate projects or full over sight plans are submitted to the Federal Highway Administration for approval. Plans on Federally funded projects other than Interstate are reviewed by the Plans Review Section and thereafter stamped with the signature of the State Right of Way Administrator as approved. Upon request, an informational set of these plans shall be sent to Federal Highway Administration (half size copy). All plans for projects in which federal funds participate in right of way cost must meet the full requirements of the Federal aid Highway Program Manual. Plans for federal aid projects where federal funds do not participate in right of way cost must meet the same requirements. Right of way plans cannot be approved without National Environmental Policy Act approval as well as Location and Design Approval and Preliminary Field Plan Review (PFPR) completion. The location and design approval date must be placed on right of way plans cover sheet. This is required for all right of way plan approvals.

Changes in the right of way affecting right of way width on Interstate projects, which have been previously approved, will require prior Federal Highway Administration authorization. Changes to the right of way plans affecting right of way width of projects developed under Certification Acceptance require prior General Office approval

When major changes are made on Interstate projects, which could affect right of way cost, but do not change the area of taking, prior Federal Highway Administration authorization must be secured. The subject changes refer to revisions in the Limit of Access, the addition or revision of medians or median cuts, etc. Such revisions on project developed under Certification Acceptance must have prior General Office approval. If only minor changes are made such as correcting an owner's name, the revised right of way plans should be forwarded to the Right of Way Plans and Engineering Unit for further handling. On Interstate projects, such minor changes will be forwarded to the Federal Highway Administration with the final submission. On Certification Acceptance projects, they will be added to the right of way plans as received but will not be approved until final project certification.

C. Right of Way Plan Requirements – Checklist

SEE EXTERNAL ROADS WEBSITE

<http://www.dot.ga.gov/PS/DesignManuals>

D. Right of Way Research

The right of way research process involves examining plans and records to obtain information on deeds, condemnations, easements, and right of way widths the process is as follows. In order to better serve our customers, both internal and external, this Office has created an electronic request form for you to utilize in your search for this material. Details for this request are located in this Chapter, at 7.10, below, for your information and use.

1. Determine the location of the right of way request, on State/U.S. Route or interstate by:
 - a. Mileage from townships
 - b. Intersections
 - c. Land Lots
 - d. Station Numbers
 - e. County Line
 - f. Mile Post
 - g. Any other identifiable landmarks
2. Look in the Projects filing record book to try to locate the project.
3. Pull the County map from the research files and obtain the project numbers corresponding to the location on the roadway described in the request.
4. Use the reference books (*Black) to check the description of Projects taken from the county maps.
5. In reviewing the reference book, check for correct State Route or Intersection number.
6. Black reference books consist primarily of older projects. Recently acquired or current projects will not be listed in the Black Books.
7. Ensure that the Project Numbers used in researching the files is the last project acquisition within the limits of the research request.
8. Give the Project Number to the attendant in the Plans and Microfilm Files Section (Airport and Roads Design Office) for use in locating the plans or microfilm.

9. The attendant will pull either the plan sheets or microfilm of the project for viewing.
10. If necessary, make copies of the plan sheets or request copies of the microfilmed sheets from the microfilm-processing technician.
11. In reviewing, the projects on microfilm make note of any cross reference project numbers at both the beginning and ending of projects in the area of research.
12. In addition to plans research, the right of way documents are researched to verify the right of way indicated on the plans.
13. Closed Projects

Once a project is closed and placed in an inactive status, the Records and Files Section microfilm the project files and all documents. The microfilm is retained in the Office of Right of Way for future reference and the files and documents are recorded in the Archives reference books and forwarded to the Archives for storage. The process for researching both microfilmed and non-microfilmed projects is as follows:

14. Existing Projects Not On Micro Film

For existing projects not found on microfilm (closed before microfilming), use the Archives Reference Books (Green Books) to request project deed files from the Archives.

- The Archives reference books are in alphabetical order by counties.
- Find the county, project number in the reference books, and get the location number and box number.
- Request the files from the Archives (by phoning or faxing State Records Section) giving:
 - ❖ Project number and county
 - ❖ Location number and box number

Once a project is completed and let to contract, the "original" right of way plans should be submitted to this office for filing and future reference. These projects will eventually be scanned and become a permanent part of our files. Please do not include these plans in the construction plans.

F. Right of Way Plan Research Guide

Right-of-Way Plan Research Guide

In order to serve you, our external and internal customers, in a more efficient manner, we are completing a massive project to convert all of our historical plans into electronic format to provide easier access to plans through the web. This project is nearing completion, so not all plans are available online yet. We appreciate your patience as this process continues. As a result, we now offer two options for acquiring plans; locate the plans on your own from the web or simply submit an electronic request for assistance from our Georgia Department of Transportation staff. You can access all these options from ONE place now!

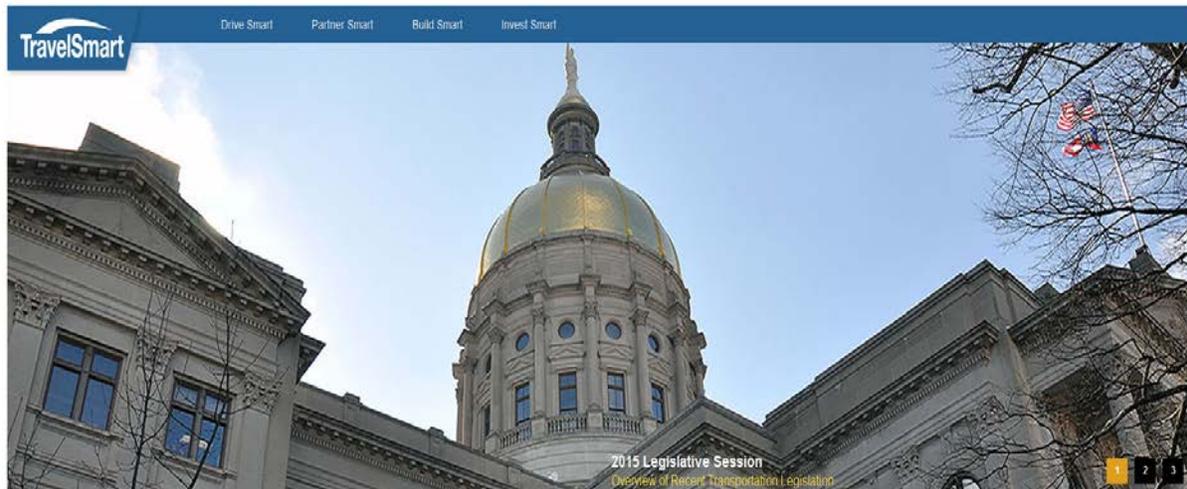
Let us help you!

Internal Right- of-Way Electronic Plans Search

This application provides extended searching capabilities that allow you to enter any information you may know about the desired location. In turn, we will use the information you have provided and do a manual search from our internal database. Our research process can take between **three** to **five** business days to acquire.

Please note: older archived projects will take longer because they have to be internally ordered from our state record center.

First, go to the main Georgia Department of Transportation Homepage at www.dot.ga.gov



Historical Plans Research

In order to serve you in a more efficient manner, we have completed a massive project to convert all of our historical plans into electronic format to provide easier access to plans through the web. This project is basically complete with all construction plans on-line, and all as-built plans coming on-line in the near future. Please be patient with us as this process continues. As a result of this work, we now offer the ability to locate the plans on your own from the web or to submit an electronic request for assistance.

Previously Awarded Letting Plans

If you would like to request printing of plans for a previously advertised Letting, please note the following options.

- For a hard-copy set of plans, please complete the form at the bottom of this page and submit the information. The plans will be printed and shipped to you at a charge of \$1.50 per sheet as listed in the Media drop-down. A Help document for completing the form is available at the link below.
- For a CD to be created and mailed to you, please complete the form at the bottom of this page and submit the information. A CD/DVD containing the plans will be created and shipped to you at a charge of \$12.00 per CD/DVD as listed in the Media drop-down. A Help document for completing the form is available at the link below.

If you would like to download the plans for free, please use the [Transportation Project Information \(TransPI\) Search Utility](#).

Project Search This application provides extended searching capabilities that allow you to enter any pieces of information you may know about the location of the project for which

you are searching and it will return all projects meeting that criteria. From there, you can narrow your search until you find the plans for which you are looking.

[Access TransPI Search](#) | [Help Document](#)

Transportation Explorer (TREX): is no longer available for plans research. A new GIS-based application will soon be online. Please use the TransPI search utility for all plans research at this time.

Plans File Room If you have looked and not been able to locate the plans for which you are searching or if you would like for us to do the research for you, just complete the form below. If you are a **GDOT employee**, please note the checkbox at the top of the form. Also, if you would like more than one plan type, enter the additional types in the Comment field at the bottom of the form. Provide us as much details possible and we will be back in touch with you soon!

If you would like to submit an attachment with your request, the form does not contain that functionality at this time. Therefore, after submitting your request and receiving a confirmation auto-reply message, you will also receive an email from the specific research person assigned to your request. The email will be in the form of a system generated email, but will have the contact information for the specific person in the body of the email. You can simply send an email to the person's email address and attach your information for use by the researcher.

NOTE: There is a 10 sheet maximum limit for plans to be sent by email. If you need more than 10 sheets to complete your request, please specify CD below in the Media field and the CD will be sent to you. Additionally, for all Right-of-Way plans, there will still be a \$1.50 charge per sheet (image) for email.

Scroll down the bottom of the page until the request form is displayed. Enter **all** the information you know about the project in the screen below and then select the **Submit** button at the bottom of the screen (**more information facilitates a speedy and accurate acquisition**).

need more than 10 sheets to complete your request, please specify CD below in the **Media** field and the CD will be sent to you. Additionally, for all Right-of-Way plans, there will still be a \$1.50 charge per sheet (image) for email.

Please note: All **Bold** fields are required.

Contact Information: GDOT Employees Check This Box -> **Internal**

First Name **Company**

Last Name **Address**

Phone **City**

Email Address **State** **Zip**

Project Information:

Date Needed (Document additional requests in Comment field)

County **Type Plans Needed (Plan Sheets, etc.)**

Route # **Media**

Project #

PI Number

Landmark (Intersection, Creek, Railroad, etc.)

Comment

Once the transmission of the data has been received by the Right of Way office, a Drafter will contact you within 48 hours.

If further assistance is need with help on the website please contact

➤ **Oscar Thomas:** othomas@dot.ga.gov.

8 Local Government

8.1 General

The Georgia Department of Transportation Local Government Program is managed by the State Local Government Coordinator located at the General Office in Atlanta. One District Local Government Coordinator located in each of the seven Georgia Department of Transportation District Offices helps to carry out this program statewide.

As an aide to this chapter, the link below has been included for reference. In 2008, an [Acquisition Guide for Local Public Agencies](#) was created by the Department as part of a Department wide program to help facilitate better understanding between the Georgia Department of Transportation and all statewide Local Sponsors. This Acquisition Guide affords a comprehensive written documentation for those duties and activities.

Reference [23 CFR 710.201 \(g\) and \(h\)](#) for the authority of working with Local Sponsors.

8.2 Purpose

The General Office Local Government Section will provide guidance to District Local Government Coordinators and other General Office managers when determining appropriate right of way procedures to be followed by local public agencies as a condition of obtaining funds through the various transportation-funding programs administered by the Department. This Guidance Document also provides direction regarding appropriate right of way requirements for projects on the State Highway System that are not in the Department's work program but are funded and constructed by entities other than the Department.

8.3 Definitions

Federal Project – Any project with federal participation in any project phase. For the purposes of this document, the term federal will include those projects where there is the anticipation or intent to use federal funds in any project phase. Anticipation includes discussion by local and/or state officials regarding the intended or potential use of federal funds in any phase of the project.

1. State Highway System Projects – Any project that is part of or anticipated to become part of the state highway system
2. Right of Way – Any real property interest acquired for construction or support of a transportation facility.

8.4 Policies

As a condition of obtaining funding, either state or federal, through the Department for transportation projects, a local public agency must agree to acquire any necessary right of way in conformity with the requirements contained in the guideline. This guideline applies regardless of whether federal or state monies are used in the acquisition of the right of way.

A. Federal and State Highway System Projects

All right of way acquired for federalized state highway system projects must be acquired in compliance with [Public Law 91-646](#), Uniform Relocation Assistance, and Real Property Acquisition Policies Act of 1970, as amended and all state laws and rules governing right of way acquisition by the Georgia Department of Transportation.

1. Reimbursable Contracts: All Reimbursable Contracts will be processed in the General Office. A Right of Way Contract executed between the Department and the Local Government setting forth payments to be made to local governments as reimbursement for land acquisition expenditures specified in the contract. Additionally, the contracts are signed as a part of the agreement between the Department and the Local Government identifying the duties and activities of the Local Government and the Department. All contracts must have a financial cap amount identified and also must contain a deadline identifying the fiscal year the project must be completed, however, generally, documentation required for reimbursements must consist of the following:
 - a. By Deed or Easement – A properly executed deed or easement, which describes, by distance and bearings, the area acquired and transfers title to the Georgia Department of Transportation.
 - b. A Final Title Certificate and legal closing statement shall accompany the deed. These items should be reviewed and placed in the deed file for permanent record.
 - c. By Court Action – The court order, certified by the Clerk of Superior Court, will be submitted with a claim for reimbursement of any type of court order or certificate of payment. In addition, the trial report is also required.

The Local Government, or its designated representative, will prepare all Condemnation Petitions in the name of the Local Government and will provide all legal counsel and/or litigation associated with acquiring properties through condemnation at Local Government expense.

After receipt of the approved and accepted certification from the Local Government to the DEPARTMENT and after all acquired parcels, whether

acquired by deed or by condemnation, have been executed, and quitclaimed from the Local Government and recorded in the name of the DEPARTMENT, the DEPARTMENT will reimburse the Local Government.

2. **Non-Reimbursable Contracts:** All Non-Reimbursable contracts will be processed in the Districts. A Right of Way contract executed between the Department and the Local Sponsors for let to construction specified projects for which all costs for the acquisition of right of way are incurred solely by the Sponsor. Further, the Sponsor will, without cost to the Department, defend and hold harmless the Department for any and all suits, if any should arise, involving property titles associated with the acquisition of Right of Way, any liability or consequential damages resulting from personal injury, property damages, or inverse condemnation, with few exceptions.

B. State Highway Projects

All right of way acquired for state highway system projects funded by or through the Department must be acquired in compliance with all laws and rules governing right of way acquisition of the Georgia Department of Transportation. See the Georgia Department of Transportation Acquisition Guide for Local Public Agencies hyperlink in Chapter 8 – General.

C. Federal Non-State Highway System Projects

All right of way acquired for projects with federal funds in any phase must be acquired in compliance with [Public Law 91-646](#), Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended. State or Federal Funds can be utilized for State Route or Temporary State Route highway system projects.

D. Non-Federalized Non-State

Where a project is being funded by or through the Department and is not a state highway system project without any federal participation in any phase of the project, the local public agency may utilize its own acquisition policies and procedures.

E. State Aid Projects involved in Acquisition of Property Rights with Compliance Federal Regulations Uniform Relocation Assistance, and Real Property Acquisition Policies Act of 1970, as amended

All right of way acquired on non state highway, with no state or federal funds, Local Public Agency (LPA) may utilize its own acquisition policies procedures; partially state highway projects all right of way acquisition must be acquired in compliance with all laws and rules governing right of way acquisition by the Georgia Department of Transportation if portion is in 3 year State Transportation Improvement Program.

8.5 Procedures

A. Use of Qualified Personnel

Local Government Agencies are required to use qualified personnel for both Pre-Acquisition and Acquisition activities and who are familiar with all State and Federal Guidelines and Uniform Relocation Assistance, and Real Property Acquisition Policies Act of 1970, as amended.

Any consultant contracted for negotiation services for the acquisition of right of way for the Local Government Agency either must hold an active Real Estate License in the State of Georgia or Hold an active real Estate Broker's License in the State of Georgia and must have attended the Georgia Department of Transportation/Federal Highway Administration training class every three (3) years and hold an active certificate of attendance. (Reimbursable/Non-Reimbursable Contracts)

Every acquisition agent must keep a current, detailed written diary for each parcel. The agency must make timely, detailed entries in the diary covering every contact, meeting, telephone call, etc., with any interested party. These entries must be made as soon as possible after each contact to ensure accuracy. Since the diary may be an evidentiary document in a court proceeding, diary entries should be thorough, but limited to a recitation of the facts.

The Local Government Agency will designate a party to be responsible for accepting, reviewing and preparing responses to appeals of Relocation Assistance Benefits. (Reimbursable/Non-Reimbursable Contracts)

B. Pre-Appraisal Field Review

A pre-appraisal field review shall take place to determine the type of appraisal needed and if any specialty reports are required.

This review shall be attended by the District Local Government Coordinator, the Georgia Department of Transportation Review Appraiser, a representative of the right of way consultant firm hired to acquire (if Applicable), and the Georgia Department of Transportation approved appraiser hired to do the appraisals.

Upon completion of the review, the reviewer will complete the checklist and distribute this list to the Local Government Coordinators and a copy to the State Local Government Coordinator.

All offers will be made in accordance with the Georgia Department of Transportation's guidelines and accordance with when Federal funds are utilized in

Preliminary Engineering, Right of Way, or Construction phase of the project. Refer to Chapter 4 of this manual – Appraisal and Review

C. Appraisal Review

Appraisals must be reviewed and released by Georgia Department of Transportation Review Staff. Refer to Chapter 4 of this manual– Appraisal and Review

D. Relocation Package Review

Relocation packages must be reviewed and released by the Georgia Department of Transportation’s Relocation Staff. Refer to Chapter 11 of this manual - Relocation

E. Deed Preparation

Preparation of deeds for projects that are on or off the State Highway System where locals are funding the right of way acquisition, the department will provide the Local Government with legal descriptions and colored plats. It will be up to the Local Government or their attorney to provide the front signature page of the deed.

Preparation of deeds for projects that are on the State Highway System where the Department is funding the right of way acquisition, the Department will provide a complete deed package (deed cover, legal description, and color plat). The Local Government will purchase the right of way in the name of Department.

F. Counter Offer Authorization

Local Government Agencies have the authority to approve counter offers or administrative settlements up to 10% above the fair market value but not to exceed an amount of \$10,000 above the fair market value. (Reimbursable Contracts)

G. Local Government Condemned Parcel Settlement Authority (Reimbursable Projects)

Local Sponsor will submit to the State Local Government ROW Coordinator on Local Government Sponsor Letterhead a **Settlement Authority Request Letter** when Settlement Authority Requests are outside the Local Government Sponsor’s approval authority level range of 20% or \$20,000 (whichever is greater) over the FMV amount paid into court. The Settlement Authority Request Letter will be formatted with Project Number; P.I. Number; Parcel Number; Pay-in Amount; Date of Take; Update Appraisal Date, if one; Update Appraisal Amount, if one; Condemnee’s Demand; Settlement Authority Request Amount; Copy of Original Released Appraisal & 532 Review Appraiser’s Report; Copy of Update Appraisal, if one; Proper Justification written into the letter; sufficient support documentation and attachments for proposed settlement amount attached to the letter; sufficient reasoning in the letter why the Department should approve the recommended Settlement Authority Request (i.e. – risks associated with a jury trial, etc.).

G. Option Executable

The Local Government must use the executable form of option or agreement when purchasing right of way in conjunction with a Georgia Department of Transportation construction project.

A Copy of the executed options for all parcels must be provided to the construction project engineer for their reference during construction should a problem arise.

H. Provide Project Status

The Local Government Agency must provide every Monday the status of the progress of the right of way acquisition.

I. Files, Documents Subjects to Inspection

All files, records, reports, notes, negotiation records, statements, court records, and/or documents in connection with any project acquired by the locals for the Georgia Department of Transportation, are subject to inspection by the Federal Highway Administration/Georgia Department of Transportation's right of way personnel at any time.

J. Review of Closing Documents

All closing documents from Local Government Agencies must be checked by the District Local Government Coordinator verifying that the plats and descriptions for acquired areas correspond with the approved right of way plans. This verification may be performed either on a periodic basis throughout the acquisition process or once all property rights have been acquired prior to right of way certification.

K. Office of State Aid

Certifies City/County contracts and obstruction of clearance reports administered by the office of State-Aid.

L. Local Government Certification to Georgia Department of Transportation

The Local Government Agency will certify to the Department that title to all parcels acquired by deed is vested in the name of the Department for all federal aid projects and that all property management and demolition has been completed.

M. Certification, Parcel is Vacant

The Local Government Agency will certify all parcels are vacant and immediately available for construction purposes.

N. Final Title Certificate

A Final Title certificates must accompany every right of way certification submitted to the General Office. The Final Title certificate must be signed by the county or city attorney. If by chance a parcel has been closed, but the deed has not been returned from being recorded, the attorney must note on the certificate and attach a copy of the executed deed and closing statement. Once the deed has been recorded, the recording information must be provided to the department within 30 days of recording.

8.6 References

[49 CFR, Part 24](#)

[23 CFR, Part 710](#)

[Acquisition Guide for Local Public Agencies and Sponsors](#)

http://www.dot.ga.gov/localgovernment/Documents/AcquisitionGuide_2008_10-23-08.pdf

8.7 Acquisition of Right of Way for Governmental Agencies

A. Purpose

The purpose of this section is to provide procedures for the Georgia Department of Transportation to use when acquiring right of way from governmental agencies

B. Definitions

1. Federal Lands: All lands controlled by the Federal Government of any of its agencies, such as the U.S. Military, Veteran's Administration or the Bureau of Indian Affairs.
2. Functional Replacement: The replacement of real property acquired for a transportation facility or purpose, with lands or facilities, or both, which will provide equivalent utility. The replacement may be accomplished by construction of a new facility or renovation of an existing facility, whichever is cost effective, feasible and agreed to by the parties to the functional replacement agreement.
3. State Lands: Those under the control, use and benefit of State Agencies.

8.8 Acquisition of Right of Way from State Agencies

- A. Notify the General Office State Local Government Coordinator immediately upon identifying any pending acquisition from a State or Federal Government Agency. NOTE: These properties should be identified at the Preliminary Field Plan Review (PFPR). The form entitled "Preliminary Field Plan Review Checklist" which is found in District Resources should be used when attending a PFPR.

(See Chapter 5.17 Acquisition)

1. Once the acquisition has been identified, the District Right of Way Team Manager should send an e-mail to State Local Government Right of Way Coordinator identifying all State and Federal owned parcels in order to allow for early notification of project involvement. A copy of the title report, five copies of the legal description, five colored 8 ½ x 11 plats and location map are to be sent to the State Local Government Coordinator for acquisition. .

2. A request for Transfer of Custody by a Revocable License Agreement and Resolution must be sent to the State Agency and State Properties Commission.

3. After the Revocable License Agreement is executed by the Department and State Properties Commission, the final transfer of custody is made through the State Properties Commission
4. If Legislation Action is required before conveyance, or if House Bill 495 (HB 495) is applicable, the State owned parcels will be still considered an outstanding parcel and comments will be entered into TPRO tracking system the date of Legislation session year and date of conveyance.
5. If Legislation Action is not required before conveyance, or if House Bill 495 (HB 495) is applicable, State owned parcels will be entered in TPRO tracking system as Acquired by Easement ("E") and date the Revocable License Agreement was executed.
6. The final transfer of custody is made through the State Properties Commission.
7. The Department retains the recorded easement and its recording information. The other executed easement is transmitted to the agency with jurisdiction.
8. A copy of the recorded easement and map with the recording evidence is then transmitted.

8.9 Federal Land Transfers

- A. When highways cross lands owned by the United States and administered by Federal Agencies (Controlling Agency), a property interest, generally by highway

easement, can be conveyed to Georgia Department of Transportation or its nominee (i.e. city, county, town, public-private partnership) to grant the rights necessary to construct, operate and maintain the roadway. A property interest for a material site may also be conveyed to a State Department of Transportation or its nominee. Authority is provided through 23 U.S.C. 107(d) and 317 to the Secretary of Transportation, who has further delegated the authority to the Federal Highway Administration to effectuate the transfer. The process is referred to as a Federal land Transfer.

- B.** The Federal Highway Administration, pursuant to the process set forth in [23 CFR 710.601](#), assists Georgia Department of Transportation in obtaining property rights necessary for projects, including necessary material sites, on or eligible for the Federal-aid system. This process is optional as Georgia Department of Transportation can sometimes deal directly with the Controlling Agency under other statutory authorities.
- C.** When project development begins and potential right of way needs over Federal lands are identified, the first step is to identify the Controlling Agency with jurisdiction over those lands. Once the Controlling Agency is identified, it should be notified of the project's potential use of its land and should be invited to be a cooperating agency in the environmental process.
- D.** The Department must file an application for lands or interests in lands needed for highway purposes and owned by the United States. The application shall be filed with the Federal Highway Administration pursuant to 23 CFR. An exception to this directive will be made for lands or interests that are managed or controlled by the Army, Air Force, Navy, Veterans Administration, or Bureau of Indian Affairs. In those cases, the application shall be made as follows:

 1. Army or Air Force: The application should be submitted directly to the Installation commander and the appropriate District Engineer, Corps of Engineers, Department of the Army.
 2. Navy: The application should be submitted directly to the District Public Works Officer of the Naval District involved.
 3. Veterans Administration: The application should be submitted directly to the Director, Veterans Administration, in Washington, D.C.
 4. The Bureau of Indian Affairs: Application should be submitted directly to the Bureau of Indian Affairs, Washington, D.C., for right of way across tribal lands or individually owned lands held in trust by the United States or encumbered by Federal restrictions. All other lands held by the Bureau of Indian Affairs are transferred under 23 U.S.C. 107(d); 23 U.S.C. 317

E. Information Requested

All requests for Federal Land Transfers shall contain the following information:

1. The purpose for which the lands are to be used
2. The estate or interest in the land required by state statute
3. The federal aid project number and PI number
4. The name of the federal agency exercising jurisdiction over the land and identity of the installation or activity in possession of the land
5. The name and phone number of the contact person at the federal agency exercising jurisdiction
6. A commitment to construct the highway on or to remove materials from the lands to be transferred within a period of not more than ten (10) years following the transfer of the lands to the state
7. Ten copies of the right of way plat of the lands to be acquired. The map must correspond with all information in the legal description. Each course and distance in the legal description must appear on the map, or be readily derived from it.
8. Ten copies of a legal description of the land needed. A metes and bounds description is preferred by the Federal Highway Administration and should be used when possible.
9. A statement regarding compliance with the [National Environmental Policy Act of 1969, 42 U.S.C. 4332, et seq.](#), and the [Historical Preservation Act, 16 U.S.C. 470 \(f\)](#) with provisions for [Preservation of Parklands, 49 U.S.C. 1653\(f\)](#), if applicable.
10. After the Federal Highway Administration concurs in the application for the transfer, the Department prepares the deed of conveyance. Before this is done, a list of special conditions for the transfer should be obtained from the agency with jurisdiction. These special conditions are incorporated in the deed of conveyance.
11. After the deed for the conveyance has been prepared, it along with a copy of the Department's approval right of way map is transmitted to the Federal Highway Administration. The Federal Highway Administration's Counsel and Staff review the submitted document and coordinate the resolution or any remaining issues with the Georgia Department of Transportation's Counsel and Staff as appropriate. At the conclusion of this review, the Federal Highway Administration's Counsel determines if the appropriate process has been

followed and if the deed is legally sufficient under federal law and documents such findings.

12. After the Federal Highway Administration concurs in the deed, the Federal Highway Administration Division Staff transmits the deed to the Georgia Department of Transportation for acceptance and signatures by the appropriate state official. The Department transmits the deed to the agency with jurisdiction for concurrence. A letter of concurrence is secured from the agency.
13. A letter of Consent with a right of entry is often used for new location and upgrade projects to grant permission to enter on Federal Lands and construction the project. The scope of the letter generally includes the required terms and conditions identified by the Controlling Agency as necessary to protect its resources and mission from potential adverse impacts from the transportation use. These terms and conditions would be incorporated into the highway easement deed if applicable to the operation and maintenance of the facility. The letter of concurrence and two originals of the approved deed with maps are then transmitted to the Federal Highway Administration. The Federal Highway Administration executes the deeds and transmits them to the Department for recording.
14. One of the deeds is recorded by the Department. The Department retains the recorded deed and its recording information. The other executed deed is transmitted to the agency with jurisdiction.
15. A copy of the recorded deed and map with the recording evidence is then transmitted.

8.10 Quality Assurance Quality Control

All activities concerning the acquisition of Right of Way from Local Governments must adhere to the policies and regulations of the Uniform Relocation Assistance, and Real Property Acquisition Policies Act of 1970, as amended. [Reference 49 CFR 24](#). The checks and balances for these procedures can be found in Chapter Five of the Georgia Department of Transportation Right of Way Manual - Quality Assurance Quality Control.

The explanation is clear that The Local Sponsors are required to comply with the Uniform Relocation Assistance, and Real Property Acquisition Policies Act of 1970, as amended if any part of a project receives Federal-aid funds or federal financial assistance, even if Federal-aid is not used in the right of way portion of the project.

9 Property Management - Demolition

9.1 General

The Property Management Section is responsible for managing improvements acquired for transportation purposes on both State-Aid and Federal-Aid System Projects. This includes conducting an inventory and inspections of all real and personal property acquired by the Department. If the property is not vacant and has improvements on it (i.e. structures, wells, fences, signs or other trade fixtures etc.), Property Management is responsible for ensuring that these items are removed from the property and the land is clear and ready for the construction of the transportation facility.

9.2 Purpose

Structures and improvements will be demolished or rented pending disposition by the demolition manager. These activities will be conducted in a manner so as to serve the best interest of the public, but still meet project schedules.

9.3 Policy for the Demolition of Structures and Improvements

It is the Department's policy to demolish or remove structures and improvements within the required Right of Way as soon as practical after acquisition. Policy is to permit the demolition contractor to take possession immediately after the property becomes vacant in order to discourage vandalism and eliminate property management cost in connection with vacant properties. The following process and procedures should be used in the handling of surplus improvements:

9.4 Procedures

A. Preliminary Data and Inspection

During the initial owner contact, the pre-acquisition agent should obtain all necessary information concerning improvements. This information must be furnished to the State Right of Way Property Demolition Manager in the General Office along with the following:

1. Property Management Initial Inspection Form (PM-1)
2. Photographs of all affected improvements (on Form PM-1) including wells, outbuildings, fences, liquid propane storage tanks and Underground storage tanks (UST's).
3. Improvements shall include any building on the parcel, regardless of its' size, function or age. For example, on a parcel, there may be a house, a well, a detached garage or carport, a barn, a storage shed that are in the required Right of Way and will be demolished.

4. Include floor plan sketches of all improvements complete with dimensions. Include location of wells and affected septic systems.
5. Underground Storage Tanks are to be identified and the form EPD form 7530 must be submitted. If this form is not available, then the pre-acquisition agent shall contact the Georgia Environmental Protection Division at 404-362-2697 for a copy. Ask for the Duty Officer, then provide them with the business name, county and complete street address. City/State/Zip code. They will send you an EPD form 7530 Tank Registration document.

B. Retention Value Appraisals

A retention value is determined from the approved Appraisal and Review Appraiser Report "R/W 532" for the parcel. The Office of Property Management then completes a "Tabulation of Retention Values" (Form PM-3) on each parcel after review and comparison of the improvement with known similar sales. A bond is established to ensure compliance with "Special Provisions" set forth in the option and the above information is then provided to the R/W Agent for inclusion in the offer package.

All retention values are recorded in the Property Management Section of T-Pro Right of Way computer reporting system, and a copy, is maintained as the property inventory until all improvements are removed from the right of way.

No retention and bond will be provided to the ROW agent unless; both the "PM-1" and the approved Review Appraiser Report "R/W 532" have been received by the Property Management Section.

C. Owner Retention of Structure

1. If an owner desires to retain the improvements for the retention value established by the State Right of Way Property Demolition Manager. This method of disposal should be fully explained to the owner. If the owner indicates an interest, he may retain the improvements with the retention value and bond deducted at closing. A bond is not withheld for incidental structures (signs, lights, poles, fences, etc.) retained and the property owner should be advised that the improvements must be removed from the right of way within 30 days after the Department receives physical possession of the property.
2. A Sign Inventory form (PM-15) is sent to the Property Management Section by the ROW agent prior to the preparation of the appraisal contracts. It should be updated and resubmitted upon the Final Field Plan Review and with the right of way certification package.

3. Property owners involved in condemnation cases may retain improvements by execution of a "Retention of Improvements" (Form PM-4) and payment of Retention Bond no later than 15 days after filing of the condemnation. Improvements may be retained at the retention value unless bids have been received for the demolition of improvements.

D. Demolition of Structures by Sealed Bids

1. The demolition of improvements located within the required right of way should be scheduled no less than 120 days prior to the project letting date. Bids will be accepted from Pre-Qualified Demolition and Removal contractors. No sale of improvements located within the right of way will be made to the general public. Parcels involving improvements should receive priority in the appraisal and negotiations process.
2. No bids will be accepted from Georgia Department of Transportation employees or from persons employed in connection with the appraisal and/or acquisition process on any right of way project.
3. Bid proposals are furnished to the approved list of bidders maintained in the Office of Procurement.
4. The Property Management Section prepares the bid proposal, by project, including all buildings within the required right of way. Bid proposals may be offered either as a group sale or on an individual basis with positive or negative bids accepted.
5. Bids are received by the Office of Procurement who has the responsibility of bid openings and tabulation of bids. A recommendation on award of the successful bids is forwarded to the Office of Right of Way.

If required, Deposits of successful bidders are forwarded to the Right of Way Accounting Section for crediting to the appropriate project account. Deposit checks submitted by any unsuccessful bidders are returned to the bidder by mail within five (5) days.

After approval of the bids by the Office of Procurement, successful bidders are notified of awards and requested to furnish the performance bond and insurance certificate to the Office of Right of Way as required in the bid proposal. In the event of a positive bid, the balance of payment will be requested after the vacancy of each building. Upon receipt of the payment, the buildings are released to the successful bidder for removal upon vacancy provided the required performance bond and insurance certificates have been received.

E. Demolition Authorization

The Property Management Section will authorize removal of buildings only after receiving notification from the Acquisition Team that the Department has obtained legal title and legal possession. The "PM-10A" shall be used to report this information. All structures within the required Right of Way must be listed and specified for removal on this form. A sketch should be attached showing the location of outbuildings, wells, underground storage tanks and septic systems to be removed.

F. Inspection of Sites

It is the Acquisition Team's responsibility to keep current visual inspection on all improvements that have been retained by the owner or authorized for removal by demolition contractors. The following process and procedures should be employed in handling site inspection and clearance reporting.

G. Clearance Reporting

The Acquisition agent will forward a completed Clearance Report (Form PM-7) to the Right of Way Property Management Section upon satisfactory clearance of each parcel.

H. Bond Released and Payment to Clear Right of Way

1. If the owner retains an improvement, payment of the cash bond withheld at closing will be made by the Project Closing Attorney after the Clearance Report has been approved by the Property Management Section and returned to the Owner.
2. The Acquisition Team will forward a copy of the executed Option, a copy of the Settlement & Disbursement Statement, a copy of the original check for the Performance Bond and an original of the "PM-7 Clearance Report" to the State Right of Way Property Demolition Manager to request Reimbursement of the Performance Bond to the property Owner.
3. If the improvements are to be removed by a Demolition Contractor, The Property Management Section will request from the Right of Way Accounting Section payment of the contract price or cash bond on receipt of the clearance report.
4. Payments withheld at closing for the demolition or removal of buildings or other improvements within the required right of way by the property owner (normally referred to a Performance Bond) will be approved by the State Right of Way Property Demolition Manager and payment made by the Project Closing Attorney after the Clearance Report has been approved by the Property Management Demolition Section and returned to the Acquisition Manager.

I. Bond Forfeiture and Penalties

Any necessary bond forfeitures and penalties placed upon the Demolition Contractor will be at the discretion of the Department under the guidelines set forth in the bid proposal.

All improvements not receiving either a positive or a negative bid are placed on the construction plans as clearing and grubbing items. (Subject to the approval of the R/W Administrator). Approval is authorized on a project parcel-by-parcel basis by the Office of Engineering Services prior to certification for project letting.

The Department has the option of retaining any improvements that could be used for Departmental purposes. Any improvement that is determined useable by another section of the Department is coordinated with that section for removal through the Office of Maintenance. All retained improvements should be removed prior to project certification except in instances where the structure is to be utilized for project purposes.

9.5 Protection of Improvements

The following procedures should be used in the security and protection of all improvements acquired by the Department.

A. Initial Security Measures

It is the acquiring Team's responsibility to collect all keys and secure all improvements when they become vacant. Any condition considered to be a fire or safety hazard will be corrected immediately by coordination between the Acquisition Team and the Right of Way State Property Manager. The appropriate public protection agencies should be notified and property management signs posted on the structures.

B. Additional Security Measures

In certain instances the use of enforcement personnel will be used to provide security and protection of the improvements until they are released for demolition and removal. The acquiring Acquisition Manager should contact the District Maintenance Engineer to obtain these services if they are deemed necessary.

9.6 Rodent Control Measures

On all Federal-Aid Highway projects, the Property Management Section determines if conditions warrant the use of rodent control measures. Should treatment be required, assistance is received from the State Property Manager and the following procedures will apply:

A. Finding Repeated on PM-9

The Property Management Section will report their finding on Form PM-9. When rodent control is determined to be required, Property Management will obtain two (2) estimates from licensed contractors for the required treatment. These estimates will be forwarded to the Office of Procurement for review and approval, and a Notice To Proceed will be sent to the low bidder. The Acquisition Manager will be notified and will note on the project certification that Rodent Control Measures were taken.

B. Inspection, PM-9 upon Completion

The Property Management Office will complete Form PM-9 when the treatment has been satisfactorily completed. The completed Form PM-9 and invoice for payment will be sent to Property Management for documentation purposes and payment.

C. Treatment completed Prior to Demolition

If rodent control measures are required, treatment must be completed prior to demolition or removal of improvements. Acquired right of way shall be maintained in a manner, which will prevent or correct problems such as illegal dumping or disposal of rubble, debris, high grass/weeds, and garbage until needed for construction.

9.7 Asbestos Inspection

After receiving the Notice of Final Vacancy Inspection Form (PM-10A) and prior to releasing an improvement to the demolition contractor, an asbestos inspection must be made by a certified Asbestos Inspector. If it is determined that an improvement contains asbestos, it must be removed by a certified abatement contractor prior to demolition. The EPD must be notified ten (10) business days prior to any asbestos abatement and ten (10) days before any demolition is performed.

9.8 Underground Storage Tanks

The Department does not acquire title to Underground Storage Tanks. The Department will remove tanks from the required Right of Way as the agent for the owner if the tank owner cannot be identified or refuses to authorize removal. Any tanks within the limits of construction must be removed by a qualified Underground storage tank removal contractor in accordance with Georgia Environmental Protection Division policies and guidelines. The Department assumes no liability for any contamination related to the UST's.

9.9 Rental and Occupancy of Improvements

Under the ordinary servicing of projects, right of way lead-time normally will not permit the rental of improvements. Projects are usually advertised for construction contract promptly upon the completion of right of way clearance. When right of way is acquired under advanced acquisition and on projects where right of way is acquired in stages, the renting of improvements may be considered appropriate. Rental rates are determined as specified under Official Code of Georgia Annotated, [Section 32-7-5](#). The collection and recording of rents are administered by the Property Management Section and such rates will be reviewed periodically and revised as necessary to reflect market conditions.

A. Owner Occupant Rental Procedures

The owner occupant is permitted to occupy the premises for a period of up to sixty (60) days rent free from the date the notice to vacate is transmitted (normally the date payment is made and the deed is executed and delivered to the Department or its agent). If the property is tenant occupied, the tenant is also permitted continued occupancy for a period of up to sixty (60) days before being required to vacate. The owner is not permitted to collect rent from any tenant subsequent to the date the title passes to the Department of Transportation. If the tenant has prepaid one month's rent, the Department does not require the owner to refund the amount to the Department of Transportation. The same policy applies to property acquired by eminent domain proceedings. The Acquisition Team will deliver the notice to vacate upon acquisition of the property and forward a copy to the Property Management Section. The Notice to Vacate will include a rental rate and the termination date of the sixty (60) days free occupancy period. Immediately following vacancy, the Acquisition Team will forward the Notice of Final Vacancy Inspection (PM-10A) to the Property Management Section. If improvements are not vacated prior to the required vacancy date, the Acquisition Team, in coordination with the Property Management, should determine if the project schedule would allow sufficient time for rental. Based upon this determination, the Acquisition Team should proceed with eviction procedures or obtain payment for rental and forward it to the Property Management Section.

*An Extension Request may be requested by an Owner still in occupancy that has for some reason not been able to relocate from the acquired property. [Reference 49 CFR 24.102\(m\)](#). In such an instance, the Owner(s) must request a hardship extension in writing to the Acquisition Manager. The Acquisition Manager will forward the hardship letter along with a copy of the original Notice to Vacate to the Assistant State Right of Way Administrator along with the completed Extension Request form. The Assistant State Right of Way Administrator will ensure the Let Date of the project to make certain the project delivery will not be compromised. This may be done by printing out the electronic TPro Project Status Report to establish the Let Date. The information for the request will be reviewed and a decision made. Rent may be waived for no more than a three-month period at the discretion of the Assistant State Right of Way Administrator or the State Right of Way Administrator. The request letter, Extension Request form, Notice to Vacate and the electronic TPro sheet are signed and any comments made before being sent

to the State Right of Way Administrator for final approval. Once the request has been finalized, the information is forwarded to the State Right of Way Property Demolition Manager who will draft a letter to the Owner. The letter is signed by the State Right of Way Administrator and mailed to the Owner, with copies to the Acquisition Manager and Assistant State Right of Way Administrator.

B. Rental Ledger

The Property Management Section will maintain a ledger indicating project, parcel, rental rate, and amount of rent accrued and collected. If an occupant is delinquent in rent, the Property Management Section will advise the Acquisition Team to attempt to collect the delinquent rent or proceed with eviction proceedings acting through the Special Assistant Attorney General assigned to the project.

C. Long Term Rental

When improvements are not immediately needed for construction purposes, the Department may require the tenant to execute a lease agreement depending upon the circumstances. This may or may not involve a free sixty (60) day occupancy period on the part of the lessee. If the improvement is leased to the owner occupant or tenant, the free occupancy would apply. If leased to a non-interested party, there would be no free occupancy period. In either event, Property Management will coordinate this procedure with the Acquisition Team.

D. Rental Maintenance

Consideration should be given to an expenditure of funds in the maintenance of rental property only when it appears that the time of rental and proceeds will justify the expenditure. The Acquisition Team should assist in making property inspections and repairs as needed.

1. Rental Payment

- a. Rental payments are collected by the Acquisition Team while assigned to a project and forward to Property Management. Upon completion of a project acquisition, tenants should be advised to forward rental payments directly to the Property Management Section.
- b. With concurrence of the property owner, unpaid rent obligations may be satisfied through deduction from relocation payments. This method of collection will be utilized only when prior efforts to obtain payment have failed. The Department shall not make any deduction, which will prevent the displaced person from obtaining comparable replacement housing.
- c. The Property Management Section will review each case involving rentals which are unpaid and determine if waiver of payment is justified. Waiver

of rental payment exceeding thirty (30) days will require approval of the State Right of Way Administrator.

9.10 Temporary Work Easements

The Property Management Section will provide technical assistance to the Acquisition Teams in determining the easement area needed to remove encroachments. The Acquisition Teams shall provide the Property Management Section with 1/2 size plans and any cost to cure reports involving septic tanks and/or wells. Once the easement area has been determined, it will be up to the Acquisition team to get with the designer for any plan revision.

10 Right of Way Consultants

10.1 General

The Right of Way General Office and Right of Way District Offices work with the Office of Procurement in securing Right of Way consultant services. The requested services supplement in house staffing to meet project delivery requirements.

10.2 Administrative Requirements

Occasionally, the project workload may warrant additional staffing to meet various deadlines and a timely let date. Consultants are utilized when additional staffing is required. Right of Way Consultants are firms or individuals meeting the criteria and standards established by the Georgia Department of Transportation's Prequalification process.

The Prequalification Process is described in Addendum 10.2A and adheres to [O.C.G.A. 32-2-61\(d\) \(1\) \(D\)](#), [O.C.G.A 32-2-65](#) and Federal Regulations [23 CFR 710.201 \(g\)](#), and [\(h\)](#).

10.3 Policy

The Right of Way Manager works with the Office of Procurement to secure Right of Way consultant services. These services are solicited by the Office of Procurement on behalf of the Right of Way Office.

A. **Right of Way Consultant Pre-qualifications & Qualifications (Effective December 1, 2009)**

1. As of December 1, 2009, the Office of Procurement solicits and hires Right of Way Consultants on behalf of the Right of Way Office. Consultants are chosen from a list of prequalified service providers. This list is known as the "Prequalification List" and is exclusive to the Department. Interested firms or individuals may be added to this list by completing the "Prequalification Application" distributed by the Office of Procurement on behalf of the Right of Way Office. The completed application package is returned to the Procurement Office and reviewed for general content and supporting documentation. An active Georgia Real Estate Sales License, an active Georgia Real Estate Broker's License, or an active Certified General Real Property Appraisal License may be required for certain types of Right of Way Consultant activities. The application package is then forwarded to the appropriate Office of Right of Way Unit Manager for a more thorough review.
2. The review process is as follows:

- a) The Administrative Ops Coordinator (or Support Assistant, Secretary, etc.) as assigned will be the point of contact for the Office of Right of Way that will receive consultant application packages directly from the Office of Procurement. The Administrative Ops Coordinator (or Support Assistant, Secretary, etc.) assigned will distribute the consultant application packages to the appropriate Unit Managers. The Unit Manager receiving the consultant application package will be responsible for prescreening their respective applicants to assure they meet the minimum established pre-qualification requirements, before further interview and processing actions occur. If the consultant applicant meets the minimum established pre-qualifications, the Unit Manager will then proceed with setting up timely interviews and with the appropriate staff. Consultant applicant interviews are to be conducted and held every quarter, at a minimum.
- b) The Qualifications Committee will meet quarterly and within (10) ten calendar days of the last day of the final day of consultant interviews to review each consultant applicant and documentation provided from the appropriate Unit Manager before making any approval or denial recommendations back to the Unit Manager. An applicant may be called to appear before the Qualifications Committee. The appropriate Unit Manager will transmit an Interdepartmental Letter to the Office of Procurement and CC the Right of Way Administrator and Assistant Right of Way Administrators of the Qualification Committee recommendations.
- c) The Office of Procurement will send out written proper notification to the consultant applicants upon receipt of the Office of Right of Way recommendations from the appropriate Unit Manager. The Office of Procurement will send out Certificates good for (3) three years to those successful candidate applicants providing they stay in good standing with the Department and if licensed in the State of Georgia. The Office of Procurement will update the Master list of pre-qualified and approved consultants.

*The Unit Managers are: State Right of Way Acquisition Manager, State Right of Way Acquisition Support Manager, State Right of Way Relocation Manager, State Right of Way Appraisal & Review Manager, and State Right of Way Property Manager.

B. Consultant Applicant Appeal Processes

1. Office of Right of Way Qualifications Committee

If an applicant is dissatisfied with the Consultant Qualifications Committee recommendations, the consultant may file an Appeal with the Office of Right of Way within thirty (30) days after receiving a notice of denial from the Procurement Office. Within ten (10) days of the date of which the appeal is received by the Department, the appropriate Unit Manager shall coordinate the time and place for an Appeal Review Committee Hearing. The Appeal

Review Committee conducts the hearing and the appropriate Unit Manager gives reasonable notice to the consultant applicant.

2. Office of Right of Way Review Committee

The Appeal Review Committee consisting of no less than three (3) members (preferably the State Right of Way Administrator, the appropriate Assistant State Right of Way Administrator, and the appropriate Unit Manager) shall conduct and attend the appeal hearing. Within ten (10) days of the conclusion of the hearing, the Appeal Review Committee shall issue its written decision to the appropriate Unit Manager. The Unit Manager sends written notice to the consultant applicant by certified mail, return receipt requested, and to the consultant's last known address.

3. Georgia Department of Transportation Agency Review Committee

- a. Should an applicant be dissatisfied with the Appeal Review Committee recommendations, an appeal may be filed with the Office of Right of Way within thirty (30) days after receiving a notice of denial. Within ten (10) days of the date of receipt of appeal, the Office of Right of Way will coordinate the time and place for the Agency Appeal Review Hearing. The Agency Appeal Review Committee conducts the hearing and the Office of Right of Way gives reasonable notice to the applicant.
- b. An Agency Appeal Review Committee consisting of no less than three (3) members (preferably the State Right of Way Administrator, the Division Director, and a designated Manager under the supervision of the Division Director). Within ten (10) days of the conclusion of the hearing, the Agency Appeal Review Committee shall issue its written decision to the State Right of Way Administrator.
- c. The State Right of Way Administrator sends written notice to the consultant applicant by certified mail, return receipt requested, and to the consultant's last known address. There will be no further appeals beyond the Agency Appeal Review Committee level.

C. Maintaining Eligibility

1. Performance Ratings

- Consultant must maintain favorable performance ratings which reflect an average or above average performance.

2. Training

- Consultant must attend all mandatory training sessions provided by the Georgia Department of Transportation.

3. Renewal

- Consultant must re-apply for each discipline every three (3) years.
- If a consultant has received good ratings and has attended all training classes required by GDOT – No interview will be necessary and a new certificate will be issued.
- If a consultant has received poor ratings and/or has not attended all training classes required by GDOT – An interview will be required before a new certificate can be issued.

D. Disciplinary Action

1. Verbal Warning - State Right of Way Unit Manager will call consultant and discuss recommendations to improve performance if any of the following occur:

- GDOT is in receipt of a performance rating with a below average score along with supporting documentation detailing the reasons for rating.
- GDOT has received multiple written complaints regarding consultant performance.

2. Written Warning - State Right of Way Unit Manager to send a written warning to consultant outlining insufficiencies and a recommended plan for correction if any of the following occur:

- GDOT is in receipt of two (2) or more below average ratings along with supporting documentation detailing the reasons for rating; and, GDOT has received multiple written complaints regarding consultant performance.
- Consultant has not corrected insufficiencies discussed in a previous “verbal warning.”

3. Suspension – State Right of Way Unit Manager will send a written notice to the Consultant and the Office of Procurement revoking all Certificates related to right of way activities if any of the following occur:

- GDOT is in receipt of three (3) or more below average ratings along with supporting documentation detailing the reasons for rating.
- Consultant has not corrected insufficiencies discussed in a previous “verbal warning” and/or “written warning.”
- Consultant will be suspended from performing any right of way activities on GDOT related projects for a minimum of one (1) year.

E. Re-instatement

1. Application – Consultant may re-apply for re-instatement after a minimum of one (1) year from date of suspension.

- Submit application to procurement (must re-apply for all disciplines regardless of the problematic discipline).
- Schedule and attend an interview with the State Right of Way Acquisition Manager.

2. Review – The Consultant Review Committee will be comprised of no less than five (5) right of way subject matter experts.

- Review Committee will review re-instatement application and final scores from interview.
- Review Committee will provide final recommendation of reinstatement status.

3. Probation Period - If a consultant is approved for re-instatement following a suspension, the consultant will be on a six (6) month probation period.

- Probation will commence after receipt of first assignment.
- If consultant is performing at or above average after 6 months (or completion of assignment), a new certificate will be issued for each approved discipline.
- If performance is not at or above average after 6 months (or completion of assignment), consultant will be permanently removed from GDOT Right of Way Consultant list.

10.4 Procedures

A. Consultant Oversight

1. The District Right of Way Acquisition Manager will manage the Right of Way Project Manager, Pre-acquisition, Acquisition, Negotiation – Closing, Appraisal, Specialty Report, Relocation, and any other consultants working on their assigned projects. The District Right of Way Acquisition Manager will address their questions and concerns.
2. The District Right of Way Acquisition Manager may rely on the assigned Review Appraiser or others for certain consultant questions and concerns outside the Acquisition Manager’s area of expertise.
3. The Office of Right of Way Unit Managers will manage their consultants and address any questions and concerns from the consultants working within the Unit Manager’s service area.

10.5 Turnkey Projects/Design-Build Projects/Private-Public Partnership Projects

A. Resources

1. For the above-referenced projects, responsibility for right of way activities and proper scopes of service for right of way staff will be specified in the DBF Agreement.
2. An Office of Right of Way Consultant Coordinator or District Right of Way Acquisition Manager may be assigned to address right of way acquisition concerns and questions related to protocol for these projects, and as a subject matter expert for Right of Way processes and procedures.

10.6 Quality Assurance Quality Control

In securing the services of Consultants to perform any or all associated Right of Way acquisition activities, all activities concerning the acquisition of right of way must adhere to the policies and regulations of the Uniform Relocation Assistance, and Real Property Acquisition Policies Act of 1970, as amended ([Reference 49 CFR 24](#)) and all policies and procedures of this Right of Way Manual. The checks and balances for these procedures can be found in Chapter Five of the Right of Way Manual, under Quality Assurance, Quality Control.

11 Relocation Assistance

11.1 Program Overview: Policies and Procedures

A. General Function and History of Program

The Relocation Advisory Assistance and Relocation Payment Program were first initiated by Title 23 of the United States Code, Section 133, and enacted October 23, 1962. The purpose of this initial program was to provide advisory assistance to all individuals, families, businesses, farms, and non-profit organizations dislocated by Federal-aid highway construction and to make limited payments to eligible persons for reasonable and necessary moving expenses.

The Relocation Assistance Advisory Service was mandatory under the law for all Federal-aid projects but the relocation payment phase of the law was optional with the individual states. The Georgia Department of Transportation complied with the relocation advisory assistance phase of the program immediately, but did not enter the relocation payment phase until May 18, 1966, when House Bill 105, Georgia Law became effective. This bill provided payments of reasonable and necessary moving expenses.

The Federal Highway Act of 1968 enlarged the relocation payment program by providing for replacement housing and authorizing the payment of certain incidental expenses. The U.S. Department of Transportation (USDOT) issued [Instructional Memorandum 80-1-68](#) outlining the Interim Operating Policies and Procedures covering the administration of the Highway Relocation Assistance Program as established by the 1968 Highway Act. In 1970, the U.S. Congress passed the "Uniform Relocation Assistance and Real Property Acquisition Policies Act". The USDOT implementing the Relocation Assistance Portion of this act issued IM 80-1-71. The State of Georgia passed enabling legislation effective July 1, 1972. In 1980, the Georgia Legislature amended state law to include "Last Resort Housing" for federal-aid projects. In 1987, the U. S. Congress passed amendments to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended; and in 1988, the Georgia Legislature amended state law to comply with the Federal amendments. These amendments created on the Federal level a "Lead Agency" to provide a uniform set of rules and regulations that all acquiring agencies using federal funds would follow. These proposed rules were published in the Federal Register July 22, 1988. The Georgia State Transportation Board by resolution dated January 17, 1991, brought all Federal and State funded Transportation projects under the Surface Transportation and Uniform Relocation Act of 1987 and Georgia

Code [32-8-4](#), [32-8-5](#) and on September 17, 1992, another resolution was passed that rescinded the Georgia State Transportation Board's present policy of authorizing

Last Resort Housing Funds and adopted a policy to authorize necessary Last Resort Housing beginning with initial project approval and authorization of funds by the State Transportation Board. A determination of need for “Last Resort Housing” will be made during the relocation conceptual stage study. Georgia Department of Transportation now, has at its disposal all provisions of the Uniform Relocation Assistance, and Real Property Acquisition Policies Act of 1970, as amended as well as the amendments of 1987. On January 4, 2005, Federal Highway Administration issued a “Final Rule” revising the regulations pertaining to [49 CFR, Part 24](#) dealing with the government wide requirements for implementing the Uniform Relocation Assistance, and Real Property Acquisition Policies Act of 1970, as amended.

11.2 Purpose for Projects Subject to Instructions & Participation of Costs

A. Eligible and Approved

All projects eligible and approved for Federal-aid or State-aid for funding in Right of Way and /or construction costs.

B. Participation in Cost

Participation of Costs-Federal funds will participate in relocation payments to eligible persons when all the eligibility conditions have been met.

C. Project Authorization

When there has been approval of a State/Federal-aid program or project and authorization to proceed has been issued.

D. Relocation of Owner

When a person (with ownership interest in realty) has been or will be relocated from the right of way approved for such a project

E. Relocation Costs

When relocation costs are incurred in accordance with law

F. Relocation Costs Recognized & Recorded

When relocation costs are recognized and recorded as a liability of the State in accounts of the Georgia Department of Transportation.

G. After project agreement executed

After the project agreement has been executed for the particular project involved. The type of property interest acquired does not affect the eligibility of relocation

costs for reimbursement provided the interest acquired is sufficient to cause displacement. In a like manner, the terms under which a tenant is occupying property does not affect eligibility provided the occupancy is lawful and the tenant is actually displaced by the project.

H. Issue Due to Negligence

Losses due to negligence of the displaced person, his agent, or employees are not eligible for reimbursement.

11.3 Policies for the Statewide Assurance of Adequate Relocation Assistance Program

The Georgia Department of Transportation has assured the Federal Highway Administration that it will comply with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 as amended and [49 CFR Part 24](#).

The rules and regulations required by [49 CFR Part 24](#) pertaining to utilities, would be the responsibility of the Georgia Department of Transportation's Utility office.

11.4 Procedures for the Fair and Equitable Treatment for persons displaced by Projects

The persons handling the relocation assistance program shall be absolutely fair and impartial in their dealings with every person regardless of race, color, religion, sex or national origin. The representative of the Department should try to understand the problems of the person who is being forced to relocate and provide every service that is reasonable within the scope of the program.

The Georgia Department of Transportation is charged to insure that "Fair Housing" is offered to all relocatees. It will be the acquisition agent's responsibility to assist the relocatees if they feel that they are being discriminated against in regards to housing, by assisting them in securing the necessary information and required forms from any local H.U.D. office.

The Department's Right of Way's Brochure (What Happens When Your Property is Needed For A Transportation Facility) goes into great detail in regards to: Title VI and VIII and the Georgia Department of Transportation's representatives are expected to be fully familiar with this information.

11.5 Lands Acquired by Local Governments

Lands acquired and displacements made prior to location of a highway: When land is acquired for a program or project, other than one in which Federal funds are being utilized, prior to the receipt of written advice from the Department concerning the location of a

proposed highway or project or a request for reservation or conveyance for such purposes, the provisions of this manual will not apply, and there will be no participation in relocation costs.

11.6 Preliminary Studies-Housing Needs & Resources

Right of Way investigations are reported at the project's conceptual stage, initially with the Conceptual Stage Study, and then updated for changes in market conditions and/or plan changes. The general requirements are as follows:

11.7 Conceptual Stage Study (General Office Personnel)

Preparation of this study shall proceed within six (6) weeks (assuming proper plans available) of the start of preparation of the environmental assessment. The study will be completed for each of the alternate routes prior to the public hearing and submitted to the Environmental Office for inclusion in the environmental assessment. A determination of the need for "Last Resort Housing" will be made at this time. The information derived from this study can be used to meet the public hearing requirements. Personnel making the study should reach their conclusions from visual inspections and other available sources without disturbing the tenants or owners.

- A. The following information for each of the alternate routes considered will be determined:
1. Estimate of households to be displaced, including displacee type (i.e., residential owner or tenant) and dwelling characteristics (i.e. size, age, value/ rent, etc) in order to determine the relocation solutions anticipated. Other family characteristics and census/demographic data will be gathered within the scope of field inspections and further addressed by the Environmental Office (These include minority, low income, the elderly, and large families).
 2. Divisive or disruptive effect on the community, such as separation of residences from community facilities or separation of neighborhoods (prepared by the Office of Environmental Services).
 3. Impact on the neighborhood and housing where relocation is likely to take place (prepared by OES).
 4. An estimate of the number and type of businesses to be displaced.
 5. The general effect of business dislocation on the economy of the community (prepared by OES).
 6. A description of available replacement housing in the area, and the ability to provide relocation housing for the type of families to be displaced.

7. A description of the action proposed to remedy services that will be necessary for identified unusual conditions.
8. A description of the action proposed to remedy insufficient relocation housing, including, if necessary, housing of last resort.
9. Results of consultation with local official social agencies, and community groups regarding the impacts on the community affected (prepared by OES).
10. Provide analysis and evaluation of data relating to the characteristics of the displacee(s)/households and available housing (correlated as needed). The following should be included in the analysis/evaluation:
11. Outline any relocation problems
12. Provide an analysis of the problem(s) involved and the method of operation to resolve such problems, including relocating to provide maximum assistance; also describe if the problem(s) are expected to affect the typical time frame for the project's relocation.
13. Recommend a relocation cost estimate (Prepared by Right of Way teams or by cost estimate section of Right of Way).
14. Make a determination of "Last Resort Housing" based upon:
 - a. State/Federal Aide project cannot proceed to Right of Way acquisition or construction
 - b. Comparable replacement housing is not available for the displaced person, or
 - c. Comparable replacement is not available within the displaced person's financial means or it is available for the displaced persons within his/her financial means, but
 - d. The computed replacement housing payment exceeds \$31,000 (owner) or
 - e. The computed rent supplement payment exceeds \$7,200 (tenant)
15. An updated Conceptual Stage Study (by Right of Way General Office Personnel), may be necessary during the period between the location approval and prior to acquisition, for changes in market conditions and/or plan changes that impact the relocation plan. The previous section's information will be considered with particular attention to the re-evaluation of the relocation problems and solutions.

11.8 Public Hearings

GDOT, in cooperation with FHWA, has developed procedures for implementing public involvement/public hearing requirements of [Title 23 U.S.C.128](#) and [40 CFR 1500-1506](#), and those procedures are reflected in the manuals for the Office of Environmental Services and the Office of Right of Way at Georgia Department of Transportation. Information is provided to describe how these procedures are carried out and how they conform to both the letter and the spirit of Federal Guidelines for conducting a public hearing. GDOT hearing style is informal and an open-house format is used. Each person attending the public hearing will be given a handout describing the various methods of commenting on the project. This handout will include a right of way and relocation statement, prepared by the General Office as well as the Department's brochure, which describes the Department's Right of Way acquisition and relocation program.

11.9 Relocation Planning and Relocation Assistance Advisory Services

- A. Services to Be Provided: The advisory program shall include such measures, facilities, and services as may be necessary or appropriate in order to:
1. Personally interview each person to be displaced. Determine the person's relocation needs and preference. (Interview Forms: Residential-RA28; and Business-RA29)
 2. At and during the negotiation phase, explain the relocation payments and other assistance for which the person may be eligible; explain the related eligibility requirements and the procedure for obtaining such assistance.
 3. Provide current and continuing information on the availability, purchase price or rental costs of comparable replacement dwellings; and explain that the person will not be required to move until comparable replacement housing is available for sale or rent.
 - a. Each person shall be informed in writing of the specific comparable replacement dwelling and the price or rent used as the basis for establishing the upper limit of the replacement housing payment.
 - b. Each comparable replacement unit will be inspected prior to being made available to the displaced person(s).
 - c. All minority persons will be given reasonable opportunities to relocate to decent, safe and sanitary replacement dwellings, not located in an area of minority concentration, that are within their financial means.
 - d. All displaced persons, especially the elderly and handicapped, shall be offered transportation to inspect housing which they are referred.

4. When available, provide current and continuing information on the availability, purchase prices, and/or rental costs of comparable and suitable commercial and farm properties and locations. Assist any person displaced from a business or farm operation, obtain; and become established in a suitable replacement location.
5. Minimize hardships to persons in adjusting to relocation by providing counseling advice as to other sources of assistance that may be available, and such help as may be appropriate,
6. Supply persons to be displaced, information concerning Federal and State housing programs offering assistance.
7. All relocation activities shall be coordinated with project work and other displacement causing activities to ensure that, when feasible, persons displaced receive consistent treatment, and the duplication of functions is minimized.
8. The amount and extent of the advisory services will be administered on a reasonable basis commensurate with the person's needs.

11.10 Manual Changes and Definitions

The State Right of Way Administrator, acting under the Commissioner of GDOT, may make certain amendments to the guidelines set forth herein if deemed necessary. Note that the Relocation Assistance Chapter of the Right of Way Manual provides guidance, and it may not be able to address every scenario; therefore it may be appropriate to have variance due to case by case facts.

Definitions (unless context clearly indicates another meaning of different intent) are referenced in the "Uniform Act" as basis of GDOT.

11.11 Moving Procedures and Regulations

A. Individuals and Families (Move)

Any individual, family, business, farm operation, nonprofit organization, including occupants of mobile homes or a seasonal residence displaced by a State/Federal-aid highway project is entitled to receive a payment for reasonable moving expenses.

Except for hardship cases, payment will be made only after the move is accomplished.

1. Fixed Rate Schedule A-(Method "A") This method of payment is based on a schedule of costs determined by the number of rooms containing personal property to be moved (not applicable for mobile homes). See Method "A" Move Fixed Rate Schedule approved and posted on the Federal Highway

Administration’s web site (Realty section/Fixed Residential Move Cost Schedule). Below is a sample Fixed Residential Move Cost Schedule).

METHOD A MOVE: FIXED RESIDENTIAL MOVE COST SCHEDULE – **Figure 11.1**

STATE OF GEORGIA										
OCCUPANT OWNS FURNITURE										
NUMBER OF ROOMS										
1 RM	2 RM	3 RM	4 RM	5 RM	6 RM	7 RM	8 RM	Add'l RM	1 RM No furn	Add'l RM No furn
\$600	\$975	\$1300	\$1600	\$1875	\$2125	\$2325	\$2525	\$200	\$375	\$100

Effective JUNE 22, 2012, and is subject to change (check FHWA website for current rates)

2. Reasonable Actual Cost – (Method B”) Payment will be actual charges by a commercial mover. In addition, storage, insurance, removal and re-installation costs may be claimed if reasonable, necessary, and pre-approved by the State Right of Way Administrator. By written arrangement between the Department, the displaced person(s), and the mover, the displacee may present an unpaid moving bill to the Department and the mover will be paid directly. The cost of insurance covering loss and damage of personal property while in transit is eligible for Payment; whereas the coverage of such insurance shall not exceed the reasonable replacement value of the property (See Method “C” below for personal transportation cost).
3. Self-Move- “Method “C” The relocate (also known as a displacee) may move his/her self and be reimbursed for actual reasonable expenses incurred not to exceed the estimate cost of moving commercially. These expenses must be supported by “paid receipted bills or other acceptable evidence of expenses incurred”.

NOTE: If Method “B” or “C” is used, costs of transportation to the new location may be eligible if reasonable and necessary. Such costs may include special services such as the cost of an ambulance to transport invalid relocate(s). The actual reasonable costs of mileage, meal and lodging (when the Department determines that such costs are required because of unforeseen circumstances of practical necessities) may also be eligible. Temporary lodging is to be used only for short periods of time and is not intended for the purpose of expediting a project. This expense must be considered reasonable and necessary and must be pre-approved by the State Right of Way Administrator.

4. Multiple Occupants- If two or more occupants of the displacement dwelling move to separate replacement dwellings, each occupant is entitled to a reasonable pro-rata share, as determined by the Department, of any relocation payments that would have been made if the occupants moved together to a comparable replacement dwelling. However, if the Department determines that they maintained separate households within the same dwelling, such occupants have separate entitlement to relocation payments.

B. Businesses, Farms, & Nonprofit Organizations (Move)

The displaced person may elect a method of payment as follows (Method “A”, “B”, or “C” detailed below):

1. In addition to Method A-Self Move, or Method B- Actual Cost Move, the following Moving Incidentals will be reimbursed, based on paid receipted bills, if pre-approved by GDOT and are considered reasonable and necessary.
 - Licenses (prorate)
 - Permits (prorated)
 - Re-lettering of signs
 - Replacing stationary on hand that is made obsolete by the move
 - Connection to available nearby utilities from the right of way to improvements at the replacement site
 - Professional Services performed prior to the purchase or lease of a business operation including but not limited to, soil testing, feasibility and marketing studies (excluding any fees or commissions directly related to the purchase or lease of such site). At the discretion of the Department, a reasonable pre-approved hourly rate may be established. Note: Professional Services must be pre- approved by the Department.
 - Impact fees or one-time assessments for anticipated heavy utility usage, as determined necessary by the Department.
2. Self-Move (Method A) – The owner or tenant may elect to move his/her self and under this provision, the Department will prepare an estimate by a Department estimator, not to exceed \$10,000.00. The Department’s Relocation Specialist will review estimates over \$10,000 to determine if it is reasonable and in line with similar relocation estimates; then a decision will be made in coordination with the State Relocation Manager to determine if a second estimate is necessary. (For method “A” moves, the estimates will not include insurance because in choosing Method A moves, the displacee assumes all responsibility. If Method “B” move is chosen, then the insurance may be elected by the displacee and included in the estimate.) Typically, the relocatee/displacee will be reimbursed an amount not to exceed the lower of the estimates obtained. The relocation benefits file should document any reasons why a lower estimate was not used (i.e. less detailed, less reliable, etc.). The displaced person may elect to be reimbursed by submitting paid receipted bills, but no payment can exceed what would have been paid to a commercial contractor. If the move will exceed \$10,000.00 and no estimate can be obtained, the displaced person may be

reimbursed based on costs incurred supported by receipted bills or other evidence of costs incurred. In this case, the displacee should submit a good faith estimate of anticipated costs prior to move so the costs can be reviewed by the assigned Relocation Specialist or Relocation Manager.

3. Reasonable Actual Cost (Method "B") - The costs involved, including insurance (based on replacement value), and to remove, re-assemble and re-install (including the modification of equipment) will be determined by soliciting at least two qualified moving firms. In most cases, the moving contract should be awarded to the lowest moving estimator and the firm will be paid directly by the Department after satisfactorily completing the move. Provided that an estimate is less than \$10,000.00, one estimate may be deemed adequate, if it is considered reasonable in comparison with similar moves (must be pre- approved). If there are not two estimates obtained (for over \$10,000 situations), the relocation specialist (in coordination with the State Relocation Mgr.), should document the relocation benefits file with any reasons or justification.

4. Actual Direct Loss of Tangible Personal Property(Alternate Payments in addition to Methods "A" or "B") – Businesses or farms may be eligible for actual direct losses of tangible personal property when they are entitled to relocate such personal property in whole or in part but elect not to do so. Such payments may only be made after a bona fide effort has been made by the owner to sell the item(s) involved. A bona fide effort to sell means by appropriate publicity such as: newspaper advertisement, public auction, radio announcements, written public notices, posted signs or any other sincere effort, and such method used must be documented by the owner and the documentation furnished to the Department. The sales prices, if any and the actual reasonable costs of advertising and conducting the sale must be supported by a copy of the bills of sale or similar documents and by copies of any advertisement, offers to sell, auction records and other documents supporting the bona fide nature of the sale. A bona fide sale as used in this manual means an authentic, sincere sale made in good faith without the intent of fraud or deceit. A sale to a business associate, partner, wife, husband or relative would not normally be considered a bona fide sale unless it was given appropriate publicity and such sale was competitive bidding open to the public. The district is to obtain, prior to the move, be sold and/or not moved by the displaced person. Such inventory may be prepared by the displaced person(s) and a personal inspection and verification of such items is then made by the District.
 - a. If an item of personal property which is used in connection with the business is not moved but promptly replaced with substitute item that performs a comparable function at the new location, the reimbursement shall be the lesser of:
 - 1) The cost of the substitute item including installation costs at the replacement site minus any proceeds from the sale; or

- 2) The estimated costs of moving and installing the replaced item based on the approved low bid or estimate, but not to exceed 50 miles and with no allowance for storage; or
 - 3) In addition, the reasonable cost incurred in attempting to sell the item(s)
- b. If the item is not to be replaced in the re-established or discontinued business, the payment will be the lesser of:
- 1) The fair market value of the item for continued use at its location prior to displacement less the proceeds from its sale. When payment for property loss is claimed for goods held for sale, the fair market value shall be based on the cost of the goods to the business, not the potential selling price; or
 - 2) The estimated costs of moving and installing the item based on the approved low bid or estimate, but not to exceed 50 miles and with no allowance for storage; or
 - 3) Plus reasonable cost incurred in attempting to sell the item(s)
- c. If a bona fide sale is not affected under section (A) or (B) above because no offer is received for the property and the property is abandoned; payment for the actual direct loss of that item(s) may not be more than the fair market value of the item for continued use at its location prior to displacement or the estimated cost of moving the item(s) 50 miles but with no allowance for storage, whichever is less, plus the cost of the attempted sale irrespective the cost to the Department of removing the item(s). The fair market value or the replacement cost of an item of personal property, whichever is applicable, is to be determined by employing the services of a person who specializes in the manufacture, sale, lease erection, installation or maintenance of the item(s) to the extent that he is considered to be an expert on its value or employing the services of a fee appraiser. The fair market value for continued use or replacement cost of the item(s) must be documented in writing giving a complete description and name of each item including, where applicable, information such as manufacturer's name, age of item/ year built, model serial number, nameplate data as to size, H.P....B.T.U, ratings, voltage class, etc.; give new installed cost including cost of item and cost of installation; give depreciation including physical, functional and economic with the reasoning and method by which it was derived; give the present value in the place of the item; set forth all sources of estimate such as cost manuals, and indexes, manufacturer's quotations, used equipment suppliers, tradesman, etc.; be signed by the person making the determination.

5. Actual Reasonable Expenses in Searching for a replacement Business Site (In addition to Method ‘A’ or ‘B’). The owner of a displaced business may be reimbursed for the actual reasonable expenses in searching for a replacement business site, not to exceed \$2,500.00. Such expenses may include transportation expenses, meals, lodging away from home and the reasonable value of time actually spent in search, including the fees of real estate brokers or agents who assist in the location of a replacement site (Note: this does not mean sales commission.)

- Receipted bills – All expenses claimed except value of time actually spent in search must be supported by receipted bills.
- Time Spent in Search – Payment for time actually spent in search shall be based on applicable hourly wage rate for the person(s) conducting the search. A certified statement of the dates and hours spent searching, including the places visited and the person(s) contacted, must accompany the claim.

6. Average Earnings Business or Farm/ In Lieu Of – Method ‘C’

“In Lieu Of” all other relocation payments, a displaced business (including a displaced business, which is discontinued) may elect to receive an amount equal to the average annual net earnings of the business except that such payment will not be less than \$1,000.00 or more than \$40,000.00. The term “average annual net earnings” means one-half of any net earnings of the business before Federal, State and local income taxes, during the two (2) taxable years immediately preceding the taxable year in which the business is displaced. If the business was not in operation for the full two (2) taxable years prior to displacement, net earnings will be based on the actual period of operation at the acquired site during the two (2) taxable years prior to displacement, projected to an annual rate. In addition, if the two (2) taxable years immediately preceding displacement are not representative, an alternate two (2) year period may be used and the average net earnings may then be based upon a different period of time when GDOT determines it to be more equitable. Further, it must be determined that the proposed construction has been the cause resulting in a decline in net income or clientele for the business prior to utilizing alternate tax year’s procedure. Net earnings include any compensation obtained from the business or farm operation by its owner, the owner’s spouse, or dependents. Such earnings and compensation may be established by Federal income tax returns or certified financial statements certified by a Certified Public Accountant, authorized to practice in the state of Georgia, filed by the business its owner, spouse, and dependents during the two (2) year period. In the case of a corporate owner of a business, earnings shall include any compensation paid the spouse or dependents of the owner of majority interest in the corporation. In the

purpose of determining majority ownership, stock held by a husband, his wife, and their dependent children shall be treated as one unit.

1. For the owner of a business to be entitled to this payment, GDOT must determine that:
 - a. The business owns or rents personal property which must be moved in connection with such displacement and for which an expense would be incurred in such a move; and the business vacates or relocates from its displacement site.
 - b. The business cannot be relocated without a substantial loss of its existing patronage (clientele or net earnings). A business is assumed to meet this test unless it is determined that it will NOT suffer a substantial loss of its existing patronage; and
 - c. The business is not part of a commercial enterprise having more than three (3) other entities which are not being acquired by GDOT, and which are under the same ownership and engaged in the same or similar business activities; and
 - d. The business is not operated at a displacement dwelling solely for the purpose of renting the dwelling to others; and
 - e. The business is not operated at the displacement site solely for the purpose of renting the site to others; and
 - f. The business contributed materially (see definitions) to the income of the displaced person during the two (2) taxable years prior to displacement; and
 - g. The “contributed materially” test may be waived by GDOT for documented good cause
2. In determining whether two (2) or more displaced legal entities constitute a single business, which is entitled to only one fixed payment, all pertinent factors will be considered, including to the extent to which:
 - a. The same premises and equipment are shared
 - b. Substantially identical or interrelated Business functions are carried out and business and financial affairs are commingled
 - c. The entities are held out to the public and to those customarily dealing with them as one business

- d. The same person(s) or closely related persons own control or manage the affairs of the entities

B. Farms

“In Lieu Of” all other relocation payments, a displaced farm operator may elect to receive an amount equal to the average annual net earnings of the farm operation except that such payment will not be less than \$1,000.00 or more than \$40,000.00.

The term “average annual net earnings” means one-half of any net earnings of the farm operation before Federal, State and local income taxes, during the two (2) taxable years immediately preceding the taxable year in which the farm operation is displaced.

If the farm was not in operation for the full two (2) taxable years prior to displacement, net earnings will be based on the actual period of operation at acquired site during the two (2) taxable years prior to displacement, projected to an annual rate. Net earnings include any compensation obtained from the farm operation by its owner, the owner’s spouse or dependents. Such earnings and compensation may be established by federal income tax returns or certified financial statements certified by a CPA (certified public accountant) authorized to practice in the state of Georgia filed by the farm operator, its owner, its spouse, and dependents during the two (2) year period. In the case of a corporate owner or a farm operation, earnings shall include any compensation paid to the spouse or dependents of the owner of a majority interest in the corporation. In the purpose of determining majority, stock held by a husband, wife and their dependent children would be treated as one unit. For the owner to be eligible for this payment, GODT must determine prior to the move by documentation that:

1. The farm operation products or commodities in sufficient quantity to be capable of contributing materially (See definitions) to the operator’s support; or
2. The farm operator was required to discontinue his entire farm operation at its present location or was required to relocate the entire farm operation; or
3. In the case of a partial acquisition, the operator will be considered to have been displaced from a farm operation if:
 - a. The acquisition of part of the land caused the operator to be displaced from the farm operation on the remaining land; or
 - b. The partial acquisition caused substantial change in the nature of the farm operation.

C. Nonprofit Organizations

“In Lieu Of” all other relocation payments, displaced nonprofit organizations may elect to receive an amount equal to the average annual net earnings of the farm operation except that such payment will not be less than \$1,000.00 or more than \$40,000.00 if:

1. The nonprofit organization cannot be relocated without a substantial loss of its existing patronage (members or clientele). A nonprofit organization is assumed to meet this test, unless the Georgia Department of Transportation demonstrates otherwise; and
2. Any payment in excess of \$1,000.00 must be supported with financial statements for the two (2) twelve (12)-month periods prior to acquisition. The amount to be used for the payment is the average of two (2) years annual gross revenues less administrative expenses

D. Owner Must Provide Information

For the owner of a business farm or nonprofit organization to be entitled to the “In Lieu of” moving payment, the owner must provide information to support its net earnings. City and/or County, State or Federal tax returns for the tax years in question are the best sources of this information and would be accepted as evidence of earnings. At the Department’s discretion, commonly acceptable methods could be accepted such as certified financial statements or an affidavit from the owner stating his net earnings, provided it grants the Georgia Department of Transportation the right to review the records and accounts of the business. The owner’s statement of his income alone would not be sufficient if the amount exceeds \$1,000.00.

E. Reestablishment Costs (In addition to Method “A” or “B” Move)

In addition to expenses for moving and searching for a replacement site, a small business (see definitions, Uniform Act), farm or nonprofit organization is entitled to receive a payment, not to exceed \$25,000.00 for expenses actually incurred (“arms length”) in relocating and reestablishing such small business, farm or nonprofit organization at a replacement site. Expenses should be pre-approved in writing as eligible, and reasonable and necessary (see also proper documentation of Relocation Expenses). The reestablishment payment eligibility extends to the following entities that are required to relocate:

- An owner of a rental dwelling being rented to others
- An owner of a building being rented for a business
- An owner who owns a multi-tenant commercial/retail building whereby the owner operates a business and leases the remaining building space to others, is eligible to claim two (2) reestablishment payments (One for his/her business as

well as a second payment entitlement for the building being rented to others). In this case, the owner is eligible for up to a maximum of \$25,000.00 each for both establishments and operations

- A tenant who leases the building from others for his/her business operation
- A tenant who subleases a building to others with the owner's consent
- An owner of a mobile home lot being rented to others
- A tenant who subleases a mobile home lot to others with the owner's consent

F. Reestablishment Eligible Expenses

Reestablishment expenses must be reasonable and necessary, as determined by GDOT. A detailed list of the charges were or will be involved in the reestablishment of the business will be reviewed by GDOT, and all eligible costs that were actually incurred and paid will be reimbursed, but not to exceed the maximum amount allowed as stated above (\$25,000.00). They may include, but not limited to the following:

- Repairs or improvements to the replacement real property as required by Federal, State or local law, code or ordinance
- Modifications to the replacement property to accommodate the business operation or make replacement structures suitable for conducting business
- Construction and installation costs for exterior signing to advertise the business
- Redecoration or replacement of soiled or worn surfaces at the replacement site such as paint, paneling and carpeting
- Advertisement of replacement location
- Estimated increased costs of operation during the first two (2) years at the replacement site for such items as:
 - ❖ Lease or rental charges
 - ❖ Personal or real property taxes
 - ❖ Insurance premiums
 - ❖ Utility charges excluding impact fees

- Other items that the Department considers essential to the reestablishment of the business

G. Reestablishment Ineligible Expenses

The following is a nonexclusive listing of reestablishment expenditures NOT considered reasonable, necessary, or otherwise eligible:

- Purchase of capital assets, such as office furniture, filing cabinets, machinery or trade fixtures
- Purchase of manufacturing materials, production supplies, product inventory, or other items used in the normal course of the business operation
- Interest on money borrowed to make the move or purchase the replacement property
- Payment to a part-time business in the home, which does not contribute materially to the household income
- Sites occupied solely by outdoor advertising signs, displays, or devices

H. General Moving Payments

Moving payments may be made when any eligible person, families, business, farm, or nonprofit organization is displaced as the result of the acquisition or clearance of right of way for construction of a highway project. There is no occupancy time limit for eligibility of moving expenses, except a displaced person must be in legal occupancy at the initiation of negotiations or at the time title passes to GDOT. Illegal immigrants (see definitions) are NOT eligible for benefits under the provisions of the Uniform Relocation Act.

I. Surveillance (Business, Farms and Nonprofit Organizations)

It is required by law that all moving expenses be actual and reasonable. To assure this, GDOT's District Right of Way personnel will provide surveillance commensurate with the expected expenditures involved. Emphasis will be directed toward those moves that are of a complicated nature and/or a substantial expenditure. All business, farm, or nonprofit organizations must provide the Department seven (7) days advance notice of the approximate date of the start of the move or disposition of the personal property.

J. Personalty Inventory

The owner of a displaced business, farm or nonprofit organization and GDOT's District Right of Way Specialist must be in agreement regarding the items to be

moved as personalty. The agreed upon inventory of personalty to be moved is determined in the appraisal process (i. e. specialty report such as trade fixture analysis). Upon completion of the move (under Method “A” or “B”), the displaced person must support the bill or his/her claim for payment with a list of actual cost items. If the items moved deviates an appreciable extent from the agreed upon inventory, the amount estimated or agreed to, will be appropriately adjusted before payment is made. Items of personalty, trade fixtures and realty are determined in the appraisal and specialty reporting process.

K. Abandoned Personal Property

When personal property is abandoned with no effort being made by the owner to dispose of such property by sale, the owner will NOT be entitled to moving expenses or losses for the item(s) involved. GDOT in accordance with state law will request the owner to transfer to the Department, in writing, the ownership of any personal property that has been abandoned.

L. Distance of Move

There is no limitation on the distance a relocatee/displacee may move either interstate or intrastate; however, reimbursement for transportation charges is limited to a distance of fifty (50) miles. Exceptions will only be allowed when the relocation cannot be accomplished within the fifty-(50) mile area and then only to the nearest available site.

M. Moving Incidentals: Stationary, Licenses, Permits, Re-lettering of Signs, Replacement of Stationery, Connection to Utilities, Professional Services, and Impact Fees (In addition to Method A or B, Businesses, NPO's, Farms)

Eligible for payment are the re-lettering of signs and replacing stationary on hand at the time of displacement that is made obsolete because of the move. License, permits, or certifications required of the displaced person at the replacement location are also eligible; however, the payment will be based on the remaining useful life of the existing license, permit or certification. Connection to available nearby utilities may be eligible from the Right of Way to the improvements at the replacement site; impact fees or one time assessments for anticipated heavy utility usage; professional services performed prior to the purchase or lease of a replacement site to determine its suitability for the displaced person's business operation, including but not limited to soil testing, feasibility and marketing studies, (excluding any fees or commissions directly related to the purchase or lease of such site. These expenses should be pre-approved as reasonable and necessary by the Department. These expenses are eligible for Businesses, Farms, and Non-Profit Organizations that elect Method A or B Moves only (Move incidentals are not eligible with Method C In Lieu Of).

N. Costs of Securing Moving Estimates

Fees (or expenses) by qualified estimators for securing moving estimates as a part of the pre-acquisition process may be approved for payment by the Georgia Department of Transportation's Project/District Right of Way Acquisition Manager(s) for payment, with proper bills/invoices. Costs for moving estimates that are not a part of the pre-acquisition process, that are greater than \$150.00, must be recommended or pre-approved as reasonable and necessary in writing by the State Right of Way Relocation Manager.

O. Storage

Normally storage will only be approved when Method "B" Move/Actual Cost Move is used. Since this is not a regular relocation benefit extended to all displacees, it must be determined reasonable and necessary by the Right of Way Administrator. It must also be necessary for a relocated person to store his/her personal property for a reasonable time, not to exceed twelve (12) months (costs of such storage shall be eligible for payment as part of the actual cost moving expenses). Storage of personal property on property already owned or leased by the person is NOT eligible for payment.

P. Removal & Re-installation Expenses

Physical changes to real property at the replacement location of a business, farm or nonprofit organization are NOT reimbursements as part of moving costs. However, the expenses of disconnecting, dismantling, removing, re-assembling and re-installing relocated machinery, equipment, and other personal property are eligible. This includes connection to utilities available nearby. Also included are modifications to the personal property necessary to adapt it to the replacement structure, the replacement site to the personal property. (Expenses for providing utilities from the Right of Way to the building or improvements are excluded). Such costs are not applicable to items classified as real property and retained by the owner through the owner retention process. Prior to payment of any expenses for removal and re-installation of such property, the owner and GDOT shall agree in writing that the property is personalty, and state his release from any payment for the property as realty.

Q. Losses in Moving

The reasonable replacement value of personal property lost, stolen or damaged (not caused by the fault or negligence of the displaced person, his agent or employee) in the process of moving, where insurance coverage for such loss, theft, or damage is not available, is reimbursable.

R. Professional Services

Professional services necessary for planning the move, moving, and installing the relocated personal property at the replacement location, is reimbursable. This must be pre-approved by the State Right of Way Relocation Manager prior to payment.

S. Ineligible Moving Costs

A displaced person is not entitled to payment for:

1. Additional operating expenses incurred because of operating or living in a new location except as noted under “Professional Services”.
2. Cost of moving any structures, or other real property improvements in which the displaced person reserved ownership
3. Improvements to the replacement site
4. Interest on loans to cover moving expenses
5. Loss of goodwill
6. Loss of trained employees
7. Loss of business and/or profits
8. Personal injury
9. Cost of preparing the application for moving and related expenses
10. Payment for search cost in connection with locating a replacement dwelling
11. Costs for storage of personal property on real property already owned or leased by the displaced person

T. Notice of Denial of Claim

If GDOT disapproves all or part of a payment claimed or refuses to consider the claim on its merits because of untimely filing or other grounds, the claimant will be promptly notified in writing of this determination and the basis for it.

U. Documentation of Claims for Payment of Reimbursable Relocation Expenses

Any such claim must be supported by copies of invoices, estimates, paid receipts, contracts, and/or proposals, which contain breakdowns of associated cost and must be under a company letterhead accompanied by a company representative's signature. The documentation must be verified and initialed by the Acquisition agent assigned to administer the relocatee/displacee's relocation assistance

benefits. Since these payments are reimbursements, the documentation should be marked paid and the Acquisition agent must verify that the associated expenses have been incurred.

V. Claim Submission

All relocation assistance claims must be submitted for payment (1) within eighteen months of date a tenant moves, or (2) within eighteen months from the owners date of move or date of final payment for the acquired dwelling, whichever is later.

W. Eviction for Cause

Eviction for cause must conform to applicable state law. Any person, who occupies the real property and is not in unlawful occupancy on the date of the initiation of negotiations, is presumed to be entitled to relocation payments and other assistance unless GDOT determines that:

- The person received an eviction notice prior to initiation of negotiations and as a result of that notice is later evicted; or
- The person is evicted after the initiation of negotiations for serious or repeated violation of material terms of the lease or occupancy agreement; and
- In either case, the eviction was not undertaken in the purpose of evading the obligation to make available the payments and other assistance

11.12 Replacement Housing & Rent Supplement Payments (Residential)

A. Payments to Owner Occupants

A displaced owner-occupant (also known as a residential owner displacee) of a dwelling may receive additional payments for cost necessary to purchase replacement housing; to compensate the owner for the loss of favorable financing on his existing mortgage in the financing of replacement housing; to reimburse the owner for closing costs incidental to the purchase of replacement housing when such costs are incurred.

B. Methods of Determining Payments

The payment is the amount which when added to the acquisition payment is the reasonable cost of the decent, safe and sanitary dwelling actually purchased and occupied by the displaced person(s) or the amount determined by the Georgia Department of Transportation as necessary to purchase a comparable dwelling, whichever is less.

The price of a “comparable” dwelling shall be established by the following method:

The three (3) comparable method to determine the probable selling price or rental of a comparable dwelling by analyzing at least three (3) comparable dwellings representative of the dwelling unit to be acquired which are available on the private market and are comparable (see definitions). Less than three (3) comparable dwellings may be used for this determination when additional comparable dwellings are not available, which must be documented. Selection of comparable dwellings and computation of the payment must be made by a qualified Right of Way Department employee other than the Department's acquisition agent, appraiser, or review appraiser on the parcel involved. The subject comparable dwellings must be the most representative of and equal to or better than the subject property.

The replacement housing payment for owner occupied parcels is based on the tabulated fair market value of the parcel for acquisition. A change in the fair market value either through appraisal revision or settlement above the fair market value will affect the "replacement housing payment" (as explained in the Right of Way Brochure-"What Happens When Your Property is Needed for a Transportation Facility"). The replacement housing payment is the difference, if any, between the amount finally paid for the property acquired and the actual cost which the owner paid for a decent, safe and sanitary dwelling or the amount determined by GDOT as necessary to purchase a comparable dwelling, whichever is less. Any approved counter offer may reduce their replacement housing payment as noted in our availability letters. A confirmation of the appropriate replacement housing payment should be determined by the Department's Relocation Section. All replacement housing payment claim forms submitted must be accompanied by a signed copy of the settlement and disbursement statement (S & D) for the acquired parcel or other similar supporting closing document.

1. General Provisions
2. Residential Lots & Basic Dwelling

Residential properties that are located on typical lots and are being totally acquired will normally be compared directly with comparable dwellings disregarding small variances in overall square footage. Additionally to the extent feasible, comparable replacement dwellings will be selected from the neighborhood in which the displacement dwelling was located or, if that is not possible, in nearby or similar neighborhoods where housing costs are generally the same or higher.

3. Carve-outs/Major Exterior Attributes (& items affecting Relocation Fair Market Value (FMV) Base)

When the site of the comparable dwelling lacks a major exterior attribute of The displacement dwelling site (such as outbuildings, swimming pools and

greenhouses), the value of such attribute will be subtracted or “carved out” from the value of the displacement site.

Additional items which affect the Relocation FMV Base for purposes of calculating Replacement Housing Payments for eligible Residential Owner Occupants are:

- Partial Acquisition Involving Economic/Uneconomic Remnants;
- Replacement Housing Payments, Buildable Remainder

If the partial acquisition of a residential property causes the displacement of the owner occupant and the remainder is buildable residential lot, GDOT may elect to offer to purchase the entire property. If an offer is made and the owner refuses to sell the remainder, then the fair market value of the remainder will be added to the acquisition price of the subject parcel for purposes of computing the replacement housing payment.

If an offer is NOT made to purchase the entire property then the payment determination will be based on the acquisition price of the subject property. GDOT has maintained a policy of offering to purchase the “buildable” remainder residential properties when a combination of ALL of the following circumstances occurs:

- An owner occupied residential improvement is located within the required right of right and or easement
- The remaining tract is five (5) acres or less
- The remaining tract of land is determined to be a “buildable residential site”
- The remaining property does NOT include any other residential or commercial units that are occupied

Similar to an “uneconomic remnant” (remaining tract of land that is an unbuildable residential lot due to shape, size, topography and/or local zoning ordinances) the property owner has no obligation to sell the remaining tract; however, unlike the “uneconomic remnant”, the Replacement Housing Payment will only be computed based on the total before value of the whole parcel, regardless of the owner’s decision. The purpose of tabulating the fair market value in this manner is to prevent a windfall profit in the acquisition process from an owner retaining both the ownership of the buildable remainder and maximum replacement housing payment for a replacement site. The Department reserves the option to not purchase buildable remainder under this method if the cost of the buildable remainder is exceedingly high (i.e., based on

a commercial land value) in which cost to acquire does not serve the purpose of preventing a windfall (intended purpose).

When the appraisal does not verify the occupant status, the Relocation Section will assist the Review Appraiser in identifying residential occupied parcels; and the Review Appraiser will verify from the appraisal that the remainder property is buildable (meeting requirements outlined above) and tabulate a value for the required acquisition as a partial acquisition and also a value of the parcel as a total acquisition for relocation purposes (value of total acquisition is known as FMV With Relocation Remainder).

4. Replacement Housing Payments, Uneconomic Remnants

When the Review Appraiser determines that the remainder property is an uneconomic remnant, the replacement housing payment offer will be computed by two methods with both options being offered to the property owner:

- If the owner elects to retain the uneconomic remnant then the replacement housing payment will be the difference between the cost of comparable housing and the acquisition price of the subject parcel.
- If the owner elects to sell the uneconomic remnant, then the value of the remnant will be added to the acquisition price of the parcel to determine the replacement housing payment.

5. Tract Larger Than Normal

Where a dwelling is located on a tract larger than normal for residential use in the area (such as extra land or farm units), the maximum replacement housing payment is the selling price of a comparable replacement dwelling on a tract typical in size for the residential use of the area less the acquisition price of the acquired land which represents a tract typical in size for residential use in the area.

6. Dwelling on Land with Higher & Best Use

The maximum amount payable is the selling price of a comparable replacement dwelling on a tract typical in size for residential use in the areas, less the acquisition price of the acquired dwelling plus the acquisition price of that portion of the acquired land, which represents a typical lot for residential use in the area.

7. Insurance Proceeds

To avoid duplicate compensation, the amount of any insurance proceeds received by a person in connection with a loss to the displacement dwelling due

to a catastrophic occurrence (i.e. fire, flood,...etc.) shall be included in the acquisition cost of the displacement dwelling when computing any replacement housing payment.

8. Multiple Occupancy

If two or more occupants of a displacement dwelling move to separate replacement dwellings, each occupant is entitled to a reasonable pro-rata share, as determined by The Georgia Department of Transportation, of any moving and replacement housing payment that would have been made if the occupants moved together to a comparable replacement dwelling.

9. Joint Residential & Business Use

The owner occupant of a business living in the unit is also eligible and payment will be determined by “carving out” that percentage of the acquisition price based on the living area, he occupies. If the owner of the business is renting, then the same “carving out” procedure mentioned above, will apply, except it will be applied to the total rent paid in order to establish a rent supplement. Comparable housing will be based on the living area occupied or larger.

10. Multiple Family Dwelling- Owner Occupied

- If the acquired dwelling was occupied by the owner, and was part of a property that contained another dwelling unit, only that portion of the Fair market value which actually attributes to the acquired dwelling, shall be considered its acquisition cost when computing any replacement housing payment amount.
- The payment will be determined by “carving out” that percentage of the acquisition price, including land based on the living area he occupies. The replacement housing payment determination is that difference, if any, between the value of the owner’s living unit and the cost of replacement housing.

11. Typical Residential Lot Size (Acquired Dwelling)

Typical lot size if necessary will be determined by GDOT based on comparable lots for residential property in the project area, or the area used as a yard and maintained as residential use.

12. Payment Determination of Person(s) with Partial Ownership

When a dwelling is owned by several persons and occupied by only one or some of the owners, the replacement housing payment will be the difference between total acquisition costs of the acquired dwelling and the amount determined by

GDOT as necessary to purchase a comparable dwelling. If the displaced occupant(s) is unable to purchase because they cannot afford to purchase a dwelling in excess of the full acquisition price, they can still qualify for a payment if the occupant(s) reinvest his/her share of the acquisition proceeds plus the computed supplement payment into a decent, safe and sanitary dwelling, which he/she will occupy.

In addition, a down payment or rent supplement might be used to solve relocation problems of occupants with a partial ownership.

13. Time of Contact

Information shall be furnished to owner occupants simultaneously with the initiation of negotiations for the property. Tenants will be contacted within a reasonable time but not later than two (2) weeks after the initiation of negotiations have begun with the owner. In addition, when possible, families and individuals will be notified in writing of the amount of replacement housing payment.

14. Illegal Immigrant

[Public Law 105-117, III Statute 2384](#), was enacted on November 21, 1997, amending the Relocation Uniform Act to include provisions making an illegal alien “INELIGIBLE” for any type of Relocation Advisory Assistance and/or payment. Effective March 15, 1999, the provisions for [Public Law 105-117](#) were implemented which provides that aliens, not lawfully present in the United States are not eligible to receive relocation assistance payments and/or any other benefits that are commonly provided to displacees. This law requires that persons seeking relocation payments or assistance under the Uniform Act certify, as a condition of eligibility, that they are citizens or are otherwise lawfully present in the United States. If it is discovered that some of the occupants of the household and/or business are illegal aliens, then any payments or benefits the family or business would have received if all were legally present in the United states, would only be made payable to the remaining eligible family occupants or business partners. Under law, the Georgia Department of Transportation may deny eligibility only if:

- A person fails to provide the required certification; or
- The Department determines that a person’s certification is invalid, based on a fair and non-discriminatory review of an alien’s documentation or other information that the agency considers reliable and appropriate; or
- The Department concludes that denial would not result in “exceptional and extremely unusual hardship situations”.

If the Department, based on its review or on other credible evidence, believes that a displaced persons' certification is invalid, it shall obtain further information before making a final determination to deny eligibility.

If the displacing agency believes that a certification by an alien in the United States is invalid, it must obtain verification from the local office of the Immigration and Naturalization Service (INS) before making the determination final.

Therefore, a certification statement has been added to all Relocation claims for payment, as well as any notification and application to receive, benefit forms.

On August 22, 1996, President Clinton signed into law, the "Personal Responsibility and Work Opportunity Reconciliation Act of 1996" (the Welfare Act). This legislation dramatically altered the current welfare system and, in Title IV, restricted the access of legal and illegal immigrants to a wide range of public benefits. The new law has a number of important implications for INS (U. S. Immigration and Naturalization Service), including requiring the service to establish a verification system to determine eligibility for most federal public benefits.

15. Lawful Presence

Several provisions of the welfare and immigration reform laws require that aliens be "lawfully present" in the United States. This includes aliens applying for Title II Social Security benefits (retirement, survivor's and disability insurance payments). The phrase "alien not lawfully present in the United States", include:

- An alien present in the United States who has not been admitted or paroled in the United States pursuant to the Immigration and Nationality Act and whose stay in the United States has not been authorized by the United States Attorney General; and
- An alien who is present in the United States after the expiration of the period of stay authorized by the United States Attorney General or who otherwise violates the terms and conditions of admissions, parole and authorization to stay in the United States.

16. Replacement Housing Payments to Property Owners Where Comparable Replacement Dwelling Is Scarce or Not Readily Available

In certain instances, comparable replacement dwellings may not be available in rural or sparsely settled areas. However, at least one or more comparable dwelling(s) must be made available. In rare cases, it may be necessary to use

last resort housing procedures in order to provide replacement housing. Some of these procedures may be as follows:

- If other housing is available in the area that is comparable, except it is NOT decent, safe and sanitary, the supplemental payment may be determined by estimating the cost to correct the decent, safe and sanitary deficiencies, adding this amount to the asking price of the replacement housing which is not decent, safe and sanitary, and comparing this amount against the acquisition price paid the relocatee/displacée for his/he dwelling. The seller of the non-decent, safe and sanitary dwelling must agree in writing to correct the deficiencies and quote a sales price with the deficiencies corrected. If the displacée elects this dwelling as his replacement residence, he would not be expected to move nor would payment be made until the deficiencies were corrected.
- If the above method is not utilized, the replacement housing payment will be estimated by the amount of established fair market value for a dwelling at the present location (acquisition cost) as compared to the sum of a typical home site in the general area plus a comparable, decent, safe and sanitary dwelling with normal site improvements, including customary landscaping.

11.13 Replacement Housing Payment Eligibility

To receive payment for replacement housing, an eligible owner or tenant occupant must be a United States citizen or lawfully present in the United States and comply with the following:

- A. Must have owned and occupied the dwelling for not less than 90 days immediately prior to the initiation of negotiations or in the case of a tenant, be in occupancy at least 90 days immediately prior to the initiation of negotiations, or be considered eligible as a less than a 90-day subsequent occupant (see definitions)
- B. Must have purchased or rented and occupied a decent, safe and sanitary replacement dwelling within one year from the latest of the following dates (both dates apply to owners while only item "11.15" (the date moved, applies to tenants)):
 1. The date final payment for the property was received through negotiated settlement or condemnation, or
 2. The date moved. If a displaced person initially occupies a replacement dwelling after the date by which occupancy is required, but the delay is caused by reasons beyond the displaced person's control, as determined by the Georgia Department of Transportation, the occupancy requirement shall be considered satisfied.

- C. For purposes of replacement housing payment eligibility, a displaced person purchases or rents dwelling when he/she:
- Purchases a dwelling;
 - Purchases and rehabilitates a sub-standard dwelling, (only allowed in special cases as determined by the Georgia Department of Transportation); or
 - Relocates a dwelling which he/she owns or purchases; or
 - Constructs a dwelling on a site in which he/she owns or purchases (constructs means build by qualified contractor developer, by contract, for turnkey development; since most property owner displacees are not typically qualified to act as builder-developers; exceptions only by written pre-approval by the Department); or
 - Contracts for the purchase or construction of a dwelling on a site provided by a builder or on a site the person owns or purchases (above definition of constructs applies); or
 - Relocates to a previously purchased dwelling and site, valuation of which will be based on current fair market value; or
 - Has rented and occupied a decent, safe and sanitary dwelling within the twelve (12) month period.
- D. A displaced person who initially rents a replacement dwelling and receives a rent supplement payment is eligible to receive down payment assistance. If he/she meets the eligibility criteria for such payments, including purchase and occupancy within the prescribed twelve (12) month period. Any portion of the rent supplement payment that has been disbursed shall be deducted from the down payment.
- E. A replacement housing payment is personal to the displaced person and upon his/her death, the un-disbursed portion of any such payment shall NOT be paid to the heirs or assigns, except for the following:
- The amount attributable to the displaced person's period of actual occupancy of the replacement housing shall be paid;
 - The full payment shall be disbursed in any case in which a member of a displaced family dies and the other family member(s) continue to occupy the replacement dwelling selected.

- Any portion of a replacement housing payment necessary to satisfy the legal obligation of an estate in connection with the selection of a replacement dwelling by or on behalf of a deceased person shall be disbursed to the estate.
- F. Georgia Department of Transportation must inspect the replacement dwelling to determine that it meets the standards for decent, safe and sanitary housing. The determination of Georgia Department of Transportation that a replacement dwelling meets the standards for decent, safe and sanitary housing is made solely for the purposes of determining the eligibility of displaced individuals and families for payments and does not create a liability or representation for any other purpose.
- G. A mobile home may be considered to meet the requirements for a replacement dwelling for a displaced person if it meets the decent, safe and sanitary.
- H. The displaced owner-occupant is not required to purchase a “comparable” replacement dwelling in order to qualify for a replacement housing payment. Comparability is used as a standard in determining the amount to which he/she is entitled for replacement housing; however, the dwelling purchased must be decent, safe, and sanitary.
- I. The three comparable methods will be used to determine the replacement housing payment, but when an owner retains his/her dwelling, moves it from the displacement site, and reoccupies it on a replacement-housing site will be considered the sum of:
- The cost of moving and restoring the dwelling to a condition comparable to that prior to the move, including the retention value of the retained dwelling; and
 - The costs incurred to make the unit, a decent, safe and sanitary replacement dwelling; and any deficiencies must be pre-determined by the Georgia Department of Transportation and agreed upon by the owner and the Department; and
 - The current fair market value for residential use of the Replacement site, unless the claimant rented the displacement site and there is a reasonable basis for the claimant to rent a suitable replacement site. For purposes of the replacement housing computation, the “acquisition cost” of the displacement dwelling will be the total amount determined to be just compensation for real property. The retention cost of the dwelling will not be deducted from the acquisition cost before the replacement housing computation.

11.14 Residential Owner Option - Rent Supplement

Where an owner-occupant is qualified for a replacement housing payment, but elects to rent, a rent supplement payment will be computed and disbursed in accordance with the following section.

- A. A residential tenant or owner of less than 180 days may be eligible for a payment not to exceed the actual cost for him/her to rent a decent, safe and sanitary dwelling, provided they have lawfully occupied the unit acquired, ninety (90) consecutive days immediately prior to the initiation of negotiations. The payment, not to exceed \$7,200.00 at which time of “Last Resort Housing” will be implemented shall be determined by subtracting from the amount which the tenant actually pays (including utilities) for the replacement dwelling or, if lesser, the amount as determined by the Georgia Department of Transportation as necessary to rent (Including utilities) a comparable dwelling for forty two (42) months, the lesser of:
1. Forty two (42) times the average monthly rent and estimated utilities paid by the displaced person during the last three(3) months; or
 2. If such average monthly rent and estimated utilities is not reasonably equal to market rentals for similar dwellings, the fair market rent as established by the Georgia Department of Transportation may be used; or
 3. Thirty percent (30%) of the displaced person’s average gross household income (provided the household income is considered “low income in the applicable HUD survey of low income limit). If interviewee declines to disclose income (information) then this provision is void.
 4. The total of the amounts designated for shelter and utilities if receiving a welfare assistance payment from a program that designates the amounts for shelter and utilities. This program is used under federal guidance and depending on the type of assistance program.
- B. In the event an eligible tenant elects to purchase rather than rent a decent, safe and sanitary dwelling, he/she may receive an amount not to exceed the tabulated maximum rent supplement. This amount may consist of:
1. Down payment applied to the equity of the replacement property
 2. Eligible closing costs not to exceed the approved tabulated rent supplement maximum
- C. The full amount of the down payment must be applied to the purchase price and such down payment and closing costs claimed must be shown on the closing statement. An “RA-58- Instructions for Closing Attorney for a tenant” should be provided to detail the procedure at closing and eligible closing costs if any.
- D. An owner occupant of 90 days or more, prior to the initiation of negotiations for the acquisition of his property by Georgia Department of Transportation is eligible for a rent supplement as determined by market data. In the event the owner elects to purchase, he/she may receive the amount determined by Georgia Department of

Transportation as eligible for a down payment in accordance with the “rent supplement and down payment section”. The displacee does NOT qualify for down payment assistance if he/she was not eligible to receive a rental supplement payment amount.

E. Less than 90 day occupant & Subsequent Occupant

The procedures previously discussed pertained only to those persons who were in occupancy of the dwelling for at least ninety (90) days prior to the initiation of negotiations for its purchase. The following instructions apply to those occupants who are in occupancy at the initiation of negotiations but who were not there for the required ninety (90) days or who move into a dwelling after the initiation of negotiations and remain in occupancy until Georgia Department of Transportation obtains legal title (see definitions) to the property. Payment, if any, will be made under the required provisions of “Last Resorts Housing”:

1. General--Subsequent occupants are entitled to relocation assistance advisory services in assisting them to locate comparable replacement housing.
2. Rent supplement---as per guidance by Federal Highway Administration Final Rule in January 2005, and when comparable replacement housing is available, the rent supplement is calculated as noted above for residential tenants of at least 90 days.

F. In the case of a displaced individual; renting only a “sleeping room” the basic provisions and of comparable housing will apply; and any replacement housing study will be based on the search for a comparable, decent, safe, and sanitary, rental sleeping room.

G. A mobile home may be considered to meet the requirements for a replacement dwelling for a tenant- occupied dwelling if it meets the standards for decent, safe and sanitary housing.

H. Disbursement of rental replacement housing payments---All rental assistance payments will be paid in a lump sum, unless “Last Resort Housing Procedures” apply. The full amount vests immediately, whether or not there is any later change in the person’s income or rent, or in the condition or location of the person’s housing.

11.15 Notice to Lending Agencies

In cases where a displaced person qualifies for a replacement housing payment, except that he/she has not yet purchased or occupied a suitable replacement dwelling, the Georgia Department of Transportation, (after inspecting the proposed replacement dwelling and finding it meets the standards for a decent, safe and sanitary dwelling) shall state through the project’s Right of Way Acquisition Manager (with pre-approval of Relocation), for any

interested party, financial institution or lending agency, that the displaced person will be eligible for the payment of a specific sum provided he/she purchases and occupies the inspected dwelling within the time limits required.

11.16 Hardship Case – DS&S

In cases of extreme hardship or other similar extenuating circumstance, exceptions to the decent, safe and sanitary characteristics of replacement housing may be permitted in particular cases and the displaced individuals or family shall qualify for a payment. As requests for such exceptions must be made in writing to the Project's Right of Way Acquisition Manager and forwarded to the Right of Way Relocation Manager. The Right of Way Relocation Manager will seek any further necessary approvals and respond. Reference [23 CFR 710.503](#).

11.17 Replacement Housing- Not Decent, Safe & Sanitary

It is strongly recommended that the displacees NOT purchase or rent non-decent, safe and sanitary housing since this will jeopardize their supplemental benefits. Owners or tenants who move into replacement housing that is not decent, safe and sanitary will not be eligible for supplementary payments unless they upgrade the housing to meet the state's standards of decent, safe and sanitary housing. The displaced person must be advised in writing what items are necessary to upgrade their replacement dwelling to become eligible for the supplementary payments.

11.18 Impartiality to Assistance Activities

In assembling or issuing information on properties available for purchase or rent, employees shall avoid any action that would favor any one company. If experience indicates that any firm included in the listings, are not giving fair treatment to the relocatee/displacee; such firms will be removed from the listings provided to the displacee by the Georgia Department of Transportation.

11.19 Procedures for Payment of Relocation Benefits

A. Relocation Assistance Payments

Checks for Relocation Assistance payments may be requested at the District level with a limit of up to \$75,000.00. Any checks required over the amount of \$75,000, will be requested through the General Office Right of Way Relocation Section. Policies & Procedures [4605-2](#) governs this section.

Note: Forms ROW-RA-40 (Residential Moving Claim), ROW-RA-41 (Business, Farm, NPO, NRO moving claim form), ROW-RA-49 (Replacement Housing Owner Claim), ROW-RA-50(Replacement Housing Owner Last Resort), ROW-RA-51(Rent Supplement Claim), ROW-RA-52(Rent Supplement Last Resort), allow for the District Acquisition Manager, Administrative Review Officer/Consultant

Coordinator, or Local Government Right of Way Coordinator to authorize these payments and request checks at the District level. These forms must be obtained. Also please notes as per Federal Highway Administration, copies of all documents from the Relocation section for these payments along with a copy of the payment check or voucher must be forwarded to the General Office Relocation Assistance Office for their files.

B. Delivery of Payment Checks

The person(s) who established the acquisition price (fmv) or the estimate/value of replacement housing payment shall NOT negotiate for the parcel nor deliver the payment to the displaced person(s). This is also applicable to situations where such payments and service are being administered by another Federal, State, Local agency under authority of a contract or agreement.

C. Advanced Payments (Owner-Occupant)

A replacement housing payment, including closing costs, will be “advanced” and made available at the closing of the displaced owner(s) replacement dwelling with payment made payable to the displaced owner(s) and closing attorney, or the seller or contractor. Documentation required for this advance will be a sales contract, construction contract, a pre-closing statement, and new and old mortgage information, D S & S report, and appropriate claim form. This can be done only when proper documentation is provided in time for review and approval prior to closing (three weeks minimum recommended).

D. Advance Payments (Tenant-Occupant)

Replacement housing down payments assistance payments, including closing costs, will be “advanced” and made available at the closing of the displaced tenant(s) replacement dwelling and closing attorney with payment made payable to the displaced tenant and the closing attorney. This can be done only when proper documentation is provided in time for review and approval prior to closing (three weeks minimum recommended).

E. Application for Supplemental Payments

Application for replacement housing or rent supplemental payments must be in writing on a form provided by the Georgia Department of Transportation. The application must be filed within eighteen (18) months of the date of move or date of the final payment, whichever is later (as stated in the applicable section of the Uniform Relocation Assistance, and Real Property Acquisition Policies Act of 1970, as amended).

F. No Duplication of Payments

Any person shall receive any payments under the provisions of this manual that would have substantially the same purpose and effect as compensation, which the person receives under the State Law of eminent domain (which is part of the cost of a project).

G. Timely Payments & Relocation Payment Approvals

The Georgia Department of Transportation will review claims in a timely manner. The claimant(s) will be promptly notified as to any additional documentation that is needed to support the claim. Internally, "Relocation Payment Approvals" will be issued by authorized or assigned Relocation Benefits Specialists (under the general supervision of the Relocation Manager at the general office). The resulting Relocation Benefits Payments can be made through District Offices as allowed under GDOT Relocation Payment Approval Policies and Procedures (for GDOT acquired rights of way projects). Note that "Local Government Relocation Approvals" must be obtained from the authorized or assigned GDOT Relocation Benefits Specialist, by the Local Public Agency's approved relocation negotiator (local acquired rights of way projects). The primary purpose for the "Local Government Payment Approval" is to document compliance as the project progresses through the Right of Way phase. The request for a "Local Government Payment Approval" must be made (with submitted support documentation) by the Local Public Agency's designated, approved right of way relocation negotiator in a timely manner, as the project unfolds, for (and upon) each relocation benefits claim. The relocation payment approval policies and procedures are intended to facilitate oversight and compliance by GDOT and to provide for timely relocation benefits payments to affected displacees on GDOT rights of way projects.

H. Advance Payments

If a person demonstrates the need for an advance relocation payment in order to avoid or reduce a hardship, the Georgia Department of Transportation may issue the payment, subject to such safeguards as are appropriate to ensure that the objective of the payment is accomplished.

I. Relocation Payments Not Considered as Income

As noted in the Uniform Act, CFR 24.209, No relocation payment received by a displaced person(s) under this part shall be considered as income for the purpose of the Internal Revenue Code of 1954, which has been re-designated as the Internal Revenue Code of 1986 (Title 26, US Code), or for the purpose of determining the eligibility or the extent of eligibility of any person for assistance under the Social Security Act (42 US Code 301 et seq.) or any other Federal Law, except for any Federal law providing low income housing assistance.

J. Manner of Notices

All notices of availability shall be personally served. If it is not possible to personally serve, it may be sent by certified mail, return receipt requested, and documented in the parcel file. A "Notice to Vacate" will be sent by certified mail, return receipt requested. Person(s) unable to read and understand written material will be provided with appropriate translation and counseling.

K. Rent Security Agreements

The policy concerning the rental of project parcels in order to keep improvements vacant for the purpose of saving Relocation Assistance related costs is described below.

Recommendations must be made by the project's Right of Way Acquisition Manager and submitted to the State Right of Way Relocation Assistance Manager's office prior to any commitment given to an owner to rent their property for the purpose mentioned above. Approvals will be granted by the State Right of Way Administrator for periods of no longer than three (3) months with the Georgia Department of Transportation having the option to renew at the same rate for additional one-month periods at its discretion.

Parcels where there is a security agreement in effect should be given the same top priority regarding acquisition as is given to parcels involving relocation. Generally, no security agreements will be approved for parcels where business relocation is involved. The higher rent required considered against the overall cost associated with a business relocation tends to render these type of security agreements to not be cost effective.

Notations should be made in the "comment section" of the TPro "Maintain ROW Parcel Relocation Status" screens. These notations should consist of the amount paid per month with the beginning and ending dates for each security agreement.

L. Payments for Properties acquired through Condemnation

If an acquisition payment to be made to an owner-occupant for a dwelling cannot be determined due to pending condemnation proceedings, a replacement housing payment can be made prior to settlement of the fmV case, provided there is satisfactory compliance with section 11.28.

11.20 Increased Interest & Closing Cost Payments

11.21 General

Increased mortgage interest payments are provided to compensate a displaced (180 or more owner occupant for the increased interest cost he/she is required to pay for financing a replacement dwelling. This payment will only be paid when the eligible displaced

person(s) occupies a dwelling acquired by the Georgia Department of Transportation, and the dwelling was encumbered by a bona fide mortgage. The mortgage must be a valid lien on the dwelling for not less than one hundred eighty (180) days prior to the initiation of negotiations.

11.22 Interest Rate of Replacement Dwelling Mortgage

The interest rate on the mortgage for the replacement dwelling will be the actual rate but may not exceed the prevailing interest rate currently charged by mortgage lending institutions in the area the replacement dwelling is located.

11.23 Mortgage Financial Fees

Purchaser's points, origination fees and mortgage insurance premiums are sometimes required to be paid by the purchaser. These charges are reimbursable and will be based on the unpaid balance on the acquired dwelling, less the amount determined for the reduction of such mortgage balance.

11.24 Payment Computation

Payment(s) (when applicable) will be computed using the increased interest worksheet (Form ROW-MP-1)

Note: Need copy of mortgage on the acquired dwelling showing the interest rate and the term of the mortgage.

11.25 Amount of Closing Costs Payment

The closing cost payment is the reasonable amount necessary to reimburse the displaced person(s) for the actual costs incurred by his incident to the purchase of a decent, safe and sanitary replacement dwelling, but NOT for pre-paid expenses, such costs may include the following items if normally paid by the buyer:

- A. Legal, closing and related costs including preparing conveyance instruments, title search, notary fees, surveys, and preparing drawings or plats and recording fees.

11.26 Lenders, FHA or VA Appraisal and Application Fees

- A. Certification of structural soundness and termite inspection when required

11.27 Credit Report

- A. Loan origination, discount points, assumption fees and mortgage intangible state tax fee (for an owner occupant, the payment will be prorated and limited to the amount of pay off on the acquired dwelling mortgage by the Georgia Department of Transportation.

- B. Escrow's agent fee
- C. Such other costs that the Georgia Department of Transportation determines to be incidental to the purchase
- D. Charges for state revenue, sales or transfer tax, and intangible tax will be limited to what would have been charged had the displaced person purchased housing for the cost determined by the Georgia Department of Transportation. It will be necessary to compute the percentage annually paid by the displaced person and apply this percentage to the cost of comparable housing determined by the Department.

11.28 Procedures for Advanced Replacement Housing Payment Due to Condemnation

In the event a displaced owner requests an advance payment for replacement housing due to the final outcome of condemnation, the Georgia Department of Transportation's representative must explain the Department's requirements to him/her. The representative must be very careful to avoid any semblance of duress in forcing a displaced owner to sign these papers prior to a payment being made.

Forms ROW-C-1, ROW-C-2, and ROW-C-3 must be executed prior to payment being made. It is suggested that the preparation of these forms to be handled by the Georgia Department of Transportation's closing attorney as well as the filing of the recording fees. The Right of Way Acquisition Manager must advise the General Office, that this is being requested and the General Office will prepare the documents. Then the documents will then be returned to the district for signing and recording. (Send recorded copies back to the General Office). The deed and the promissory note must furnish a recorded deed of his replacement property so that these forms may be properly filled out.

No payment can be made prior to the expiration of the Right of Recession (Form Row-C-3).

- A. Replacement Housing Payment (In Advance of Condemnation) "Agreement or Motion to Protect replacement housing payment" Procedure**
- B. Replacement Housing Payment (In Advance of Condemnation) "Lien Procedure"**

11.29 Computations Involving Condemnation

- A. When final adjudication occurs, new and increased values normally will represent the acquisition price of the property acquired. This necessitates an adjustment in the amount of the replacement housing payment.

11.31 Manufactured Housing as Replacement Dwellings

Manufactured Homes ([Reference 49 CFR 24.501](#)) are generally considered real estate for purposes of the Relocation Assistance Program. In most cases, the review appraiser will establish the fair market value of the manufactured home, which is used to acquire the manufactured home property. Residential occupants (owners and tenants) are reviewed and offered relocation assistance the same as outlined previously for single-family residential displacees.

There are concerns/risks associated with the purchase of manufactured home replacement dwellings (See section 0.1.a. and 0.1.b. below). Right of Way Specialist should attempt to provide relocation advisory assistance to displacees to help reduce risks associated with ownership transfer, and to protect the Georgia Department of Transportation's interest in, and intent for replacement housing payment or replacement down payment benefits.

- A. Will the seller be able to present the appropriate evidence of ownership, title or deed, at closing on the replacement property; and can the seller grant marketable title?
1. The Right of Way Specialist assigned to administer the relocation assistance should follow the below nonexclusive guidelines to help reduce the risks of ownership transfer associated with manufactured homes.
 2. Notify the closing attorney selected to handle the replacement property's closing that there is a manufactured home on the property (which may not be shown on the deed).
 3. Determine if the manufactured home has been converted to Real Estate.
 4. Make all parties aware that the Seller must be able to present the title at closing (and able to grant marketable title).
 5. If the manufactured home has not been converted to Real Estate, and the seller is not able to locate their title, one can check with the tax commissioner in the county where the manufactured home is located for assistance in determining the registered owner with the State Department of Revenue (VIN# associated with the listed owner). The Seller/owner will need to apply for a replacement title prior to any closing if relocation benefits are to be claimed.
- B. If there are any outstanding taxes remaining unpaid at closing

The Right of Way Specialist assigned to administer the relocation assistance should notify both parties regarding property taxes at closing. The following should be addressed:

1. If the manufactured home is not converted to real estate; it is likely taxed as personality in the County Tax Commissioner's Office. In this case, since the taxes are paid for a given tax year (usually begins January 1) a decal is issued to the registered title owner.
 2. If the manufactured home has been converted to real estate, then the property is likely taxed as realty in the County Tax Commissioner Office. The Right of Way Specialist should require the closing attorney to check for any unpaid, back taxes owed on the property. The Right of Way Specialist should also advise the displacee that the seller is usually responsible for any back taxes and the current year tax liability is typically pro-rated by date of closing.
- C. The following section applies when the Georgia Department of Transportation treats the relocation of manufactured homes as personality. The actual cost (Method "B") or receipted bills (Method "C") will include the reasonable cost of disassembling, moving and reassembling any attached appurtenances (such as porches, decks, skirting and awnings) which are not acquired in the transaction. Anchoring of the unit and utility "hook up" charges are also reimbursable.
- D. If the manufactured home is NOT acquired but the owner obtains a replacement housing payment under the circumstances described in the replacement housing section of this Manual entitled Manufactured Homes, the owner is NOT eligible for payment of moving expenses for moving the mobile home.
- E. If a manufactured home requires repairs or modifications to make it decent, safe and sanitary, to enable it to be moved to a G. site, and the Georgia Department of Transportation determines that it is practical to do so; payment shall be limited to the reasonable costs of moving the manufactured home and making such repairs or modifications.
- F. Manufactured Home (Mobile Homes) Park Entrance Fee- Non-returnable entrance fees are reimbursable as part of actual cost (Method "B") or receipted bills (Method "C") expenses unless the Georgia Department of Transportation determines that comparable manufactured homes (mobile homes) park are available which do not require entrance fees.

11.32 Replacement Housing for Manufactured Homes (General)

11.33 Replacement Housing Studies

A. Appraisal Contents

Forms ROW-RA-43 (Supplemental Appraisal Check -Chart- List), ROW-RA-44 (Subject Residential Owner or Tenant Displacee), ROW-RA-45(Comparable Housing Analysis), ROW-RA-46(Determination of Replacement Housing Payment), ROW-RA-47 (Determination of Rent Supplement, ROW-RA-47A (Back up Calculation of Rent

Supplement) will be prepared on the findings of personal interview and field research. The appraisal will be prepared on an individual or family basis. These appraisals must be prepared prior to negotiations for improved residential parcels. It will be the General Office responsibility to prepare the estimates with enough lead-time so they may be processed for release so that the owners and tenants will be contacted in accordance with “Time of Contact” as required by this manual.

Each supplemental appraisal will contain the following forms in the order they are listed:

1. Photograph of subject property
2. House sketch of subject property
3. ROW-RA-43- Supplemental Housing Appraisal Checklist (Chart)
4. ROW-RA-44- Residential Relocation displace form-describing the displacee(s)' family criteria, economic characteristics, and subject property description based on the acquisition team's interview.
5. ROW-RA-45's- Utilizing three (3) selected comparables (when feasible), being original forms with photographs of available units on the market at the time of preparation of estimates. In case of “Cost New” construction of replacement housing, a ROW-RA- 45 is required with a “Contract” or “Bid” proposal for documentation purposes.
6. (Owner Determination of Benefits) or ROW-RA-47/47A (Determination of Tenant Benefits) whichever is applicable
7. Replacement Housing Analysis (narrative analysis)
8. Right of Way Form “R/W 532” – Right of Way Appraisal Reviewer's Analysis of appraisal submitted and determination of fair market value of the parcel
9. Consolidated list of available housing selected and considered to determine the Replacement Housing Payments or Rent Supplemental Payments (depending on which is being prepared)
10. Map showing location of subject displacees and comparables used to determine findings

B. Actual or Economic Rent

Actual rent should be used routinely and fair market rent should be reserved for use in those instances where there has not been an “arms length transaction” in the

establishment of the actual rent. The appraisal reviewer will determine this in his analysis of the fair market value of the parcel.

C. Square Footage

All dwellings, both subjects and comparables will be broken down into square footage by the following definitions

1. Total square footage will be that area of the dwelling including attached garages, or carports, utility rooms, porches,
2. Net square footage will be all the heated area of the house excluding garages, utility rooms, decks and porches.

D. Correspondence

All correspondence to owners or tenants, that cannot be hand delivered, must be mailed certified with return receipt requested. All correspondence that is hand delivered will be certified as to the date delivered.

E. Listing

It is required that a list of available comparable housing be furnished at the initiations of negotiation, and with a "Notice to Vacate if replacement housing has been obtained. All supplemental Appraisals will be updated in cases where the lists of available comparable housing within the range of monies previously offered cannot be attach to the notice. In the event, the Notice to Vacate will be withheld until an updated estimate is prepared, reviewed and re-tabulated. The revised payment will be forwarded in writing with the "Notice to Vacate". (See list attached)

11.34 Last Resort Replacement Housing

A. Replacement Housing of Last Resort Housing for Persons Displaced by State/Federal-Aid Highway Projects.

1. Legal Authority OCGA [32-8-2](#) & [32-8-5](#)

The Georgia Department of Transportation shall have the authority as a "Last Resort", to provide replacement housing when a State/Federal-Aid Highway project financed in whole or part with federal-aid cannot proceed to actual construction because no comparable replacement for sale or for rent housing is available. In carrying out the "Relocation Assistance" activities, the Georgia Department of Transportation shall be authorized to make payments, construct or reconstruct with its own forces, cause to be constructed or re-constructed, and purchase by deed or condemnation any real property for the purpose of providing replacement housing. The Department may exchange, lease or sell to

the displaced person such replacement housing. Whenever any real property has been acquired under the provisions of this subsection and thereafter the Department determines that all or any part of said property or any interest therein is no longer needed for such purposes because of changed conditions, The Department is hereby authorized to dispose of such property or interest therein in accordance with the provisions of Section OCGA [32-7-3](#).

B. General

1. Rights of the Displaced Person

The provisions of this section do not deprive any displaced person of his rights to receive relocation assistance, moving costs or replacement housing payments for which he may be otherwise eligible nor of his freedom of choice in the selection of replacement housing. The Department may not require a displaced person, without his written consent, to accept a dwelling provided by the Department under these procedures in lieu of his acquisition payment, if any, for the real property from which he or she is displaced or the replacement housing or rent supplement payment for which he may be eligible. However, the Georgia Department of Transportation's obligation of providing comparable replacement housing will have been discharged when comparable replacement housing has been made available to the displaced person. If the displacee does not accept the comparable replacement housing provided by the Department but obtains and occupies other decent, safe and sanitary housing, the replacement housing payment shall be the amount necessary to provide comparable replacement housing or the amount actually incurred by the displacee for decent, safe and sanitary housing, whichever is the lesser.

2. Displacee Rights Continued

The provisions of this section do not deprive any displaced person of his rights to receive relocation assistance, moving costs or replacement housing payments for which he may not require a displaced person, without his written consent, to accept a dwelling provided by the Georgia Department of Transportation under these procedures in lieu of his acquisition payment, if any, for the real property from which the is displaced or the replacement housing or rent supplement payment for which he may be eligible.

- The provision is not applicable to an owner- occupant who voluntarily acts to sell his property to the State for last resort housing
- The owner-occupant so certifies in a statement maintained in the Georgia Department of Transportation's files

C. Civil Rights

The selection of prime contractors and subcontractors shall be made by the Georgia Department of Transportation on a nondiscriminatory basis and in accordance with the requirements [Title VI of the Civil Rights Acts of 1964](#), Executive Orders 11246, and 11625

11.35 Applicability of Last Resort Housing

A. Use of Last Resort Housing

Last Resort Housing may be provided when:

1. State/Federal-Aid projects on the State or National Highway system cannot proceed to right of way acquisition or construction, and
2. Comparable replacement housing is not available for the displaced person, or
3. Comparable replacement housing is not available within the displaced person's financial means, or it is available for the displaced persons within his/her financial means but it exceeds the \$22500 owner Last Resort limit or the \$5200 tenant Last Resort Limit
4. Methods of utilizing Last Resort Housing Procedures
 - Utilization of available housing for rent or for sale and making supplementary payments in excess of \$7,200 for residential tenant occupants in 42 monthly payments or making supplementary payments in excess of \$31,000 for residential owner occupants
 - Purchasing existing housing available for sale and renting to the displacees at a rental amount comparable to their existing rent
 - Purchasing existing housing available for sale and deeding it to the displacee
 - Moving the existing structure onto remaining land or other lots in the area
 - Constructing new housing on vacant lots in the area and relocating the displacees into them

B. Direct Payments for Last Resort Housing

No payments will be paid directly to the displacee, except in those instances where the Georgia Department of Transportation, in its judgment, considers a direct payment to be prudent and feasible action and in the public interest, (prior approval of the General Office must be secured). Whenever a direct payment is made to a displacee, the file will be documented with the reasons therefore.

C. Ownership or Tenant Status

It is the responsibility of the Georgia Department of Transportation when using “Last Resort Housing” which is issuing a replacement housing payment for an owner residential occupant for over \$31,000 or issuing a rent supplement either as a down payment or in forty two (42) monthly supplements for a residential tenant occupant for over \$7,200; to provide a replacement dwelling which places the displacee in the same ownership or tenancy status as he/she had prior to the displacement. At the request of the displacee, the Department may provide the displacee a dwelling, which changes the ownership or tenancy status of the dwelling if such a dwelling is available, and can be provided more economically.

D. Eligible Cost for Last Resort Housing

Reasonable costs incurred by the Department in providing Last Resort Housing may include but are not limited to (The items listed below must be pre-approved by the State Right of Way Relocation Manager):

1. Payments in excess of statutory limits (\$31,000 for residential owner’s occupants or \$7,200 for residential tenant occupants) Check the Federal Highway Administration’s web site on an annual basis because these figures could change due to amendments to the Uniform Relocation Assistance and Real Property Acquisition Policies Act
2. The acquisition price of land and/or dwellings and costs incidental thereto
3. Moving houses
4. Site development
5. Architect and engineer’s fees and legal fees and expenses
6. Landscaping
7. Rehabilitation of and/or additions to an existing replacement dwelling
8. Construction of New Replacement Housing
 - Other expenditures necessary to produce dwelling units which are compatible with other dwellings in the neighborhood in which they are constructed and acceptable to the general real estate market
 - Any direct cost of providing Last Resort Housing incurred by the Georgia Department of Transportation

11.36 Relocation Records & Reports

A, General

It will be the Georgia Department of Transportation's responsibility to maintain relocation records showing the following:

1. All correspondence and forms will be dated.
2. All forms will be dated upon being forwarded to the district (as long it is a relocation assistance benefits claim that is under \$75,000- Note: This does not include incidental payments such as prorated property taxes, reestablishing corner pins and survey) or to the General Office if it exceeds \$75,000.
3. Must have Georgia Department of Transportation 's project number, Project inventory number (P.I.#), and parcel number
4. Names and addresses of displaced person(s) and their complete original and new address and telephone numbers (if available after reasonable effort to obtain where displacee moved without assistance)
5. Personal contact made by the assigned acquisition agent made with each relocated person
 - Date of Notification of Availability of Relocation Assistance Payments and services
 - Name of the Department Georgia Department of Transportation's representative making offer to the displacee(s)
 - Whether or not the offer of assistance in locating or obtaining replacement housing was declined or accepted and the name of the individual accepting or declining the offer
 - Dates and substance of follow-up contacts
 - Date on which the displacee/relocatee is required to move from the property acquired for the project
 - Date on which the actual relocation occurred and whether the relocation was accomplished with the assistance of the Department referral to other agencies, or without assistance, If the letter , an approximate date for actual relocation is acceptable,
 - Type of tenure before and after relocation
6. Information Needed from different types of Displacements

7. Residential displacements from a dwelling

- Number in family, age, sex and occupation/ or education status(if under eighteen (18))and relationship
- Type of property (single family dwelling, multi -family/ apartments/condos, mobile home)
- Value or monthly rent. If tenant occupied/ need average monthly utilities.
- Room count occupied and type of rooms(example: 6 rooms /3bedrooms/2baths) If the displaced dwelling has a basement/ need to know if it is finished or unfinished and heated/cooled.

8. Displaced business(es)

- Type of business
- Whether continued or terminated
- If relocated, distance moved (estimate is acceptable)

9. Displaced farm(s)

- Type of farm
- Whether continued or terminated
- If relocated, distance moved (estimate is acceptable)

B. Moving Expense Records

Maintain records containing the following information regarding moving expense payments:

1. The date the removal of personal property was accomplished
2. The location from which and to which the personal property was moved
3. If the personal property was stored temporarily, the location where the property was stored, the duration of such storage, and justification for the storage and the storage expense.
4. Itemized statement of the costs incurred supported by receipted bills or other evidence of expenses such as:

- Amounts paid for truck and/or equipment hired
 - If vehicles are used, a reasonable amount to cover gas and oil, and the cost of insurance and depreciation directly allocable hours and/or days the equipment is used for the move
 - Wages paid for labor based on the actual hours worked not to exceed the hourly rate paid by commercial movers on the locality for each profession or craft involved
 - If a business purposes to use regular employees of the business to provide supervisory services in connection with the move, the amount of their wages covering time spent in actual supervision of the move
5. Amount of reimbursement claimed, amount allowed, and an explanation of any difference
 6. Data supporting any determination that a business cannot be relocated without a substantial loss of its patronage and that it is not part of a commercial enterprise having at least one other establishment not being acquired by the Georgia Department of Transportation
 7. When an “In lieu of” payment/ Method “C” is made to a business or farm operation, data showing how the payment was computed

C. Replacement Housing Records

Maintain records containing the following information regarding replacement-housing payments

1. The date on which each payment was made or the application was rejected
2. Supporting data explaining how the amount of the supplemental payment to which the applicant is entitled, was calculated
3. A copy of the sales contract and closing statement to support the purchase or down payment and closing costs expenses when replacement housing is purchased
4. Data including computations to support the increased payment
5. The individual responsible for determining the amount of the replacement housing payment shall place in the file, a signed and dated statement setting forth:

- The amount of the replacement housing payments
 - His/her understanding that the determined amount is to be used in connection with a State/Federal-Aid project
 - That he/she has no direct or indirect present or contemplated personal interest in this transaction nor will derive any benefit from the replacement housing payment
6. A statement by the Georgia Department of Transportation's representative that, in its opinion the relocated person has been relocated into adequate replacement housing. If a displacee does not relocate into decent, safe and sanitary housing, the file will reflect the circumstances.

D. Federal Highway Administration Reports

1. The Georgia Department of Transportation will submit a report of its real property acquisition and displacement activities. This report will be prepared by the General Office each year and submitted to Federal Highway Administration. The annual period will begin with the report for the period covering from October 1 to September 30 (example: October 1, 2008 till September 30, 2009).
2. Monthly status reports should be prepared by the Acquisition Manager in the Districts and submitted to the General Office for all projects involving relocation assistance.

E. Maintenance of Files

Comprehensive files must be maintained giving the case history of each parcel. These records should reflect dates and numbers of units, whether or not the occupant requested assistance in finding replacement housing, the type and extent of assistance furnished, and if any agency that participated in the assistance and where the occupant was relocated.

F. The Relocation Status/Activities Report

This report will be maintained for each parcel or occupant file with all the dates and the type of assistance given. When improvements are occupied by more than one family unit, this information will be shown for each eligible person as a separate unit.

G. Documentation for Payment of Reimbursable Relocation Expenses

Claims must be supported by copies of invoices, estimates, paid receipts, contacts and/or proposals, which contain detailed breakdowns of associated cost and must

be under a company letterhead accompanied by a company representative's signature. The documentation must be verified and initialed by the Acquisition Agent assigned to administer the subject Relocation Assistance Benefits. These payments are re-imbursements, the documentation should be marked paid and the Acquisition Agent must verify the associated expenses that have been incurred.

11.37 Quality Assurance, Audits & Training

In 2009, the Georgia Department of Transportation committed to quality assurance reviews to assess compliance with State and Federal Regulations. The goal of these reviews is to identify the strengths in our program as well as areas in which improvement should be made to assure compliance.

As a part of quality assurance, reviews or internal audits will be conducted regularly. There will be three (3) areas in which Relocation will participate in audits:

- A. Relocation Negotiation File Audits**
- B. Local Government Relocation Negotiation File Audits**
- C. Relocation Benefits File Audits**

The quality assurance reviews will result with the necessary (1) Participant feedback and recommendations, (2) Leadership discussions, and (3) Relocation training that incorporates feedback.

The overall process for the above quality assurance reviews, audits and training, it is critical that policies and procedures be established that provide checks and balances in the administration of the Relocation Assistance Program. For example, one important policy or procedure provides that the relocation specialist who establishes the relocation benefits be independent from the negotiator of those relocation benefits. Another provides for the separation of the relocation benefits payment approval function from the relocation negotiation function in order to better maintain standards. Organizational structure provides some key safe guards for program integrity. For example, District Right of Way Teams negotiate and administer relocation assistance and benefits to displacees; while Relocation Specialist staff (at General Office) establish relocation benefits, provide relocation benefit payment approvals, and offer guidance support on compliance issues based on the Uniform Relocation Assistance, and Real Property Acquisition Policies Act of 1970, as amended. There are also important business practices within the Relocation Specialist Section (at the General Office) which provide checks and balances for the establishment of benefits under the Program. These include underwriting standards, documentation standards, package review and approval procedures. Finally, Georgia Department of Transportation is committed to maintaining an adequately trained staff to meet the requirements of the Department has federally funded Relocation Assistance Program. It is our goal to provide a

system of quality control assurance that promotes fairness and confidence in the Program as was intended under the Uniform Relocation Assistance, and Real Property Acquisition Policies Act of 1970, as amended.

12 Right of Way Wetland Program

12.1 General

The Right of Way Wetland Program as referenced in the Acquisition Section in Chapter 5 of the Right of Way Manual is under the supervision of the State Right of Way Acquisition Manager. Reference [Title 23 CFR 710.513](#) Environmental Mitigation; [Title 23 CFR 777](#) Mitigation of Impacts to Wetlands and Natural Habitat; [Title 49 CFR 24](#) for acquisition policies. The acquisition policies to be followed will be those same policies found in Chapter 5 of this manual.

12.2 Purpose

The purpose of the Right of Way Wetland Program is to assist the Office of Environmental Services with Wetland, Stream, and Wetland Buffer acquisitions. The assigned Right of Way Specialist prepares and records Restrictive Covenant agreements on properties identified for Wetland Mitigation; optimizes goal attainment by communicating the aspirations of each office in a clear and concise manner to all participants; ensures negotiation procedures are non-coercive and encourages amicable settlements; decreases the likelihood of costly litigation; assures consistent treatment of owners and tenants; and promotes public confidence in State and Federal Land Acquisition practices.

12.3 Policy

Successful mitigation for the disturbance of wetlands or streams attributed to projects initiated by the Department is the policy of the Right of Way and Office of Environmental Services Wetland Program. Mitigation may be accomplished by acquiring individual wetland sites identified by the Department, which meet the approval of the appropriate Federal Agency Department of Natural Resources (DNR), US Army Corps of Engineers (USACE), National Environmental Policy Act (NEPA), and other federally related or state-related agencies. Additionally, mitigation may be accomplished by acquiring wetland sites, stream sites, or wetland or stream credits previously approved by the US Army Corps of Engineers. The acquisition of such sites shall adhere to the policies and procedures established in Chapter 5 of this Manual.

When federal funds are used to acquire property for mitigation purposes, Right of Way and Office of Environmental Services will comply with the applicable Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended provisions, which govern such acquisitions ([Reference 49 CFR 24](#)). Right of Way and Office of Environmental Services will also observe The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended when acquiring property with the intention of mitigating a current or future project's impact on wetlands or streams.

12.4 Procedures

Acquisition of Wetland Sites

A. Identification of Wetland/Stream Disturbance

Once the Department identifies a wetland or stream area disturbance attributed to an identified project, Office of Environmental Services will generate an Interdepartmental Letter to the attention of the State Right of Way Administrator. The request for the acquisition of a wetland site is to mitigate for the disturbance of existing wetlands or streams by an identified project or to create a Department-owned bank that shall be used by Office of Environmental Services to apply credits for identified Department projects. The name of the owner or the owner's representative shall be identified in each interdepartmental letter from Office of Environmental Services. If not, a call to the person in charge of the wetland program at Office of Environmental Services will help identify necessary owner contact information.

B. Use of Negotiator

A decision to use Staff or Consultant negotiators to acquire the site shall be made. A Letter of Notification shall be sent to the Staff or Consultant negotiator emphasizing the project let date in order to meet project delivery for the Department.

C. Parcel Designation

Wetland acquisitions shall be designated as a "W" parcel on the plans and all wetland buffer sites shall be designated as a "WB" parcel on the plans. Such designations ("W" and "WB") are reserved for wetland parcel acquisitions. If the acquired wetland or wetland buffer site is adjacent to a parcel designated with a number and letter (e.g. 8A), show the wetland parcel designation on the plans as 8AW, 8AWB, etc. All wetland acquisitions shall be in accordance with Federal and State guidelines, requirements and policy consideration.

D. Non-Successful Negotiations

1. When negotiations fail or an owner decides not to convey his/her property to the Department, the State Right of Way Acquisition Manager shall be notified. The State Right of Way Acquisition Manager will apprise Office of Environmental Services of the situation. Office of Environmental Services will determine if the property must be condemned.
 - a. Should the Department decide not to acquire the site by condemnation, the Staff or Consultant negotiator shall prepare and send a "pre-approved" letter by the General Office Right of Way to the owner explaining to the owner that at this time the Department no longer will require the property.

- b. Should the Department decide to acquire the site by condemnation, the Staff or Consultant negotiator shall follow established procedures identified in Chapter 5 for handling condemnation proceedings.
- c. Where negotiation procedures are successful and the Option for acquisition is approved, the Staff or Consultant negotiator shall follow closing procedures identified in Chapter 5. Funding must be authorized prior to negotiating with an owner. Funds authorized for Mitigation purposes may be drawn from an identified Right of Way project or from the Office of Environmental Services Mitigation Lump Sum Account. Boundary surveys shall be prepared through a task order request generated by Right of Way or Office of Environmental Services through the Procurement Office.

E. Request for Restrictive Covenants

Office of Environmental Services will initiate request for Restrictive Covenants required for a particular site. The Office of Environmental Services Administrator will submit an Interdepartmental Letter to the State Right of Way Administrator requesting preparation of the document and Office of Environmental Services will supply Right of Way with all pertinent information (surveys, 404 permits, Needs and Purpose Statement, etc).

1. The Restrictive Covenant shall be routed to the Legal Office for review and approval and then forwarded to the USACE or other appropriate Federal agency for final approval prior to filing. Any revisions recommended by the USACE or other appropriate Federal agency will be accomplished. The document shall be executed by the commissioner and filed in the County where the property is located. Copies of the recorded Restrictive Covenant shall be sent to Office of Environmental Services and to the USACE or other appropriate Federal agency. Right of Way maintains the original document in the Right of Way Wetland Mitigation Files.

F. Files to ROW Property Management

Wetland acquisition files including the recorded deed will be forwarded to Property Management Office. The Property Management Office will establish an inventory of properties acquired for Environmental purposes.

G. Documentation of Information

Documentation of all necessary information concerning negotiations, closing, condemnation, and the Restrictive Covenant is recorded in the Department's database "TPRO" and entered on the Right of Way Wetland Information Spreadsheet.

12.5 Quality Assurance Quality Control

All activities concerning the acquisition of right of way for the purposes of Wetlands mitigation must adhere to the policies and regulations of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended. Reference [49 CFR 24](#). The checks and balances for these procedures can be found in Chapter 5 of the Right of Way Manual, under Quality Assurance, Quality Control.

13 Utilities Coordination

13.1 General

District Right of Way Office and the District Utility Office should hold a coordination meeting early in the pre-acquisition phase of a project; preferably before Preliminary Field Plan Review.

All utility relocation and acquisition issues should be defined and coordinated at a District level prior to seeking assistance from the General Office.

The disposition of existing utilities within the project limits should be defined in the pre-acquisition phase of a project. The following guidelines are to be used in identifying the disposition of existing utilities:

1. Public Utilities located within existing right of way are typically there by one of the following means:
 - a. Legally by Encroachment Permit granted to the utility owner from GDOT
 - b. Legally by Right of Way/Easement granted to the utility owner from GDOT
 - c. Illegal encroachment of the utility owner
2. Public Utilities located within required right of way are typically there by one of the following means:
 - a. Legally by Right of Way/Easement granted directly to the utility owner
 - b. Legally as fee simple owner of the parcel
 - c. Illegal encroachment of the utility owner
3. Private Utilities located within existing right of way are typically there by one of the following means:
 - a. Legally by Encroachment Permit granted to the utility owner from GDOT
 - b. Legally Right of Way/Easement granted to the utility owner from GDOT
 - c. Illegal encroachment of the utility owner
4. Private Utilities located within required right of way are typically there by one of the following means:

- a. Legally by Right of Way/Easement granted directly to the utility owner
- b. Legally as fee simple owner of the parcel
- c. Illegal encroachment of the utility owner

13.2 Purpose

- A. The Utilities and Right of Way Coordination Meeting is designed to help each section avoid costly and timely project delays. This meeting becomes most beneficial when held early in the pre-acquisition phase. All utility related issues should be identified and addressed at this time.
- B. The Coordination Meeting should be held prior to riding the project with the Review Appraiser so the following items may be determined before the appraisal and negotiation process begins:
 1. Identification of private and public utilities.
 2. Identify utility relocations (private or public) to be handled through a FORCE ACCOUNT AGREEMENT as set up by the District Utility Office.
 3. Private utility relocations lying within the required right of way are to be handled as a cost-to-cure appraisal item.
 4. Private utilities lying within existing right of way by permit or by illegal encroachment may affect the appraised value.
 5. Utility owners (private or public) claiming Prior Rights.
 6. Utility owners (private or public) desiring replacement Right of Way/Easements for their effected utilities.
 7. Utility owners (private or public) desiring Reserve Rights over required Right of Way.
 8. Identify situations where an Easement Limited Agreement (ELA) may be used by the District Utility Office in lieu of purchasing a replacement easement.

13.3 Policy

The Utilities and Right of Way Coordination Meeting should address utility ownerships, utility relocations and any other matters affecting right of way acquisition in relation to utilities including, but not limited to, the following:

- A. Right of way which the Department is obligated to purchase for the relocation of utilities should be shown on the right of way plans and acquired together with the mainline right of way.
 - 1. If a utility owner desires the Department acquire replacement Right of Way/Easement, the request should be made in writing by the appropriate utility owner to the District Utilities Engineer and submitted to the General Office Right of Way Plans Review Section before right of way plans are approved.
 - 2. Utility owner should provide a valid copy of their existing recorded easement. An affidavit of prescriptive rights may be substituted on a pre-approved case-by-case basis.

- B. Utility information which may affect right of way cost or acquisition should be shown on the right of way plans.
 - 1. All separate easement areas to be acquired for the relocation of utilities, if not included as part of the mainline right of way.
 - 2. All utilities, public or private, on the right of way affecting the proposed construction that have a bearing on the right of way costs are to be shown on the right of way plans with a note such as "Owner to relocate utilities as a cost-to-cure item through the appraisal process."
 - 3. The name of each utility should be shown indicating the type of utility and ownership. Only such utilities which may have a bearing on the right of way cost including those that will be relocated and require additional Right of Way or Easement.

- C. If a utility owner claims Prior Rights, the Right of Way Acquisition Team must verify through the assigned project title attorney that the prior rights claim is legally valid. The prior rights claimed by a utility owner may be within existing right of way, within required right of way, or possibly within both existing and required right of way.

- D. Occasionally, a utility owner will desire to Reserve Rights. This request occurs when a utility owner owns the subject parcel in which right of way is being acquired and wants to maintain the right to use the right of way for existing utilities. Reserved Rights will also assure the utility owner maintains the right

for reimbursement if the Department requires relocation in the future. Proper appraisal and negotiation guidelines should be followed.

- E. An Easement Limited Agreement (ELA) may be utilized by the District Utilities Office to mitigate situations where a utility owner has a confirmed legal Prior Right within the existing or required right of way. The District Utilities Office should advise the appropriate Acquisition Manager assigned to the project when this method will be used. An Easement Limited Agreement (ELA) replaces the need for a “Reserved Rights” Right of Way Deed or the need to purchase a Replacement Easement.

13.4 Procedures

A. Acquisition of Parcels with Prior Rights

1. Prior Rights claims by utility owners should be addressed by identifying them at the coordination meeting held with the District Utilities Office and verifying with the assigned project title attorney.
2. Prior Rights claims can be any of the three scenarios:
 - a. Within existing right of way
 - b. Within required right of way
 - c. Within both existing and required right of way
3. When Prior Rights are confirmed to legally lie within the required right of way or when lying partially within the existing right of way and partially within the required right of way, the Right of Way Acquisition Manager should coordinate with the District Utilities Office to assure the specific prior rights situation is handled appropriately.
 - a. The District Utilities Office may desire to handle the situation by utilizing the Easement Limited Agreement (ELA); or
 - b. May ask the Right of Way Acquisition Manager to acquire a replacement easement(s); or
 - c. May allow the utility company to acquire their own replacement easement(s), only on a case by case basis with pre-approval from both the State Utilities Office and the Office of Right of Way. A detailed cost should be submitted by the utility company and the Department will determine the most cost effective and timely approach to pursue.

B. Acquisition of Parcels with Reserved Rights

1. Some utility providers own their parcels of real estate within a proposed project and may request to Reserve Rights within the required right of way needed from their parcel. This must be pre-approved by the

Department on a case by case basis. The utility provider landowner would then convey a limited title to the Department, subject to the right to relocate their utilities back on to the required right of way taken.

2. The Pre-Acquisition Manager or Negotiator should contact the assigned review appraiser and make the reviewer aware of the reserved rights request, so the appraiser may address these rights in the appraisal report and reviewer may address on the 532 review report.
3. These procedures may be applied to Georgia Power Company, Municipal Electric Authority of Georgia Power and other utility providers on a case by case basis as approved by the General Office of Right of Way.
4. If the Department requires a temporary or permanent easement only, and no fee simple right of way, there will be no need for the utility provider landowner to request to reserve rights. The utility provider landowner would still own the underlying land in fee simple, subject to the easement needed by the Department.

C. Acquisition of Georgia Power Company Owned Parcels

Georgia Power Company (GPC) owns parcels with and without utilities to be relocated back onto the proposed right of way. Because of the lengthy process of determining the need to relocate existing utilities, GPC owned parcels should be appraised with and without “Reserved Rights.” (See Chapter 4 for details regarding valuation process.)

GPC owns multiple parcels of land across the entire state of Georgia. At their request, the Department has agreed to provide one point of contact for parcels owned by GPC. All correspondence with GPC should be made through the Assistant State Right of Way Acquisition Manager. Including, but not limited to, property owner meeting notifications, appraiser first contacts and negotiations for acquisition.

Prior to preparing an offer package for negotiation, the Right of Way Acquisition Manager should review the preliminary title report in order to identify utility ownership.

1. If a parcel is owned by GPC, then the released appraisal should be sent to the Assistant State Right of Way Acquisition Manager for negotiations. Appropriate plan sheets associated with the GPC parcel should also be forwarded to the Assistant State Right of Way Acquisition Manager for use in preparing the offer package.
2. Parcels owned by all other utility companies will be negotiated by the Right of Way Acquisition Team assigned to the project.

Once the appraisal is released for negotiations, a double offer (with “Reserved Rights” and without “Reserved Rights”) should be made on all parcels where required right of way is needed. A double offer is not necessary for parcels where the acquisition is for easement only. Offer packages for GPC “owned” parcels should be addressed to the following:

Georgia Power Company
Land Sales Department
Attention: Mr. Alan Witherow
BIN 10151
241 Ralph McGill Blvd., N.E.
Atlanta, Georgia 30308-3374

In preparing an offer package to purchase fee simple rights, GPC owned parcels should include the following documents:

- a. Offer Letter (*with and without reserved rights*)
- b. Statement of Estimated Values (*with and without reserved rights*)
- c. Option for Right of Way (*with and without reserved rights including Attachment “A” and “B”*)
- d. Availability of Incidental Payments
- e. Right of Way Brochure & Receipt for Brochure
- f. Owner’s Acknowledgement of Plan Receipt
- g. Summary Compensation Page (*from GDOT appraisal*)

In regard to closings, after the option is executed on parcels that require “Reserved Rights,” it is important for the settlement check to be made payable to the GDOT closing attorney’s escrow account. The closing attorney should then be advised to make checks for closing payable to GPC’s land sales fund holder “LAWYERS TITLE INSURANCE CORPORATION” showing GPC’s F.E.I. number on the check. The Right of Way Deed should include the “less and except” clause paragraph attached to the Option for Right of Way.

If the acquisition is for easement only with no fee taking, then GDOT checks should be made payable to “GEORGIA POWER COMPANY”, *not* Lawyers Title Insurance Corporation. The “less and except” clause will not be necessary when easement only is required.

D. Condemnation

If a settlement cannot be reached in a timely manner, then a Right of Entry should be requested from GPC owned parcels. If neither an option nor a right of entry can be obtained, then you must seek approval from the Right of Way Administrator to condemn a parcel owned by GPC.

If GPC has an easement across a parcel owned by a third party; and, condemnation becomes necessary to acquire said parcel, GPC *should not* be named in the condemnation petition. In fact, no public utility companies should be named in a condemnation petition. If questions arise as to the

need to name a utility company, then seek guidance from the State Right of Way Acquisition Manager before doing so.

13.5 Quality Assurance Quality Control

All activities concerning the acquisition of Right of Way from utility companies must adhere to the policies and regulations of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended. Reference 49 CFR 24. The checks and balances for these procedures can be found in Chapter 5 of the Right of Way Manual, under Quality Assurance, Quality Control.

14 Railroad Acquisitions & Property Coordination

14.1 General

The following guidelines are to be used in establishing and acquiring right of way and construction easements for construction of highway projects along, across, and under railroads. Refer to [23 CFR 710.203\(9\)](#) for information regarding the acquisition of railroad property.

14.2 Purpose

All operating and non-operating railroad property acquisitions that are required to be obtained by the Office of Right of Way will be negotiated and acquired by the assigned Acquisition Manager. Please note that if any questions arise concerning the railroad company acquisitions, the Assistant State Right of Way Acquisition Manager, the State Right of Way Acquisition Manager or State Utilities Railroad Liaison should be contacted for assistance and guidance.

14.3 Policy

The Office of Right of Way necessitates that the railroad company be negotiated with and treated like any other property owner. As most negotiations with the railroad companies are lengthy and time consuming, it is advisable that these properties be among the first ones appraised and negotiated.

14.4 Acquiring Right of Way from Railroad Companies

The following guidelines and procedures are to be used in establishing and acquiring right of way and construction easements for construction of highway projects along and across railroads. (Refer to <http://mygdot.dot.ga.gov/info/gdotpubs/Publications/6865-9.pdf> for most current updates.)

A. Case 1 - Highway Crossing a Railroad

Where highways cross railroads at grade or by grade separation structure either over or under the tracks, the Department has the right to use railroad right of way at no cost; therefore, no right of way acquisition is necessary. The State Utilities Office will obtain agreements with the railroad company establishing the terms and conditions under which this work will be accomplished and providing for reimbursement to the railroad company for any work required of them. This agreement will also provide an easement for the construction of the grade crossing or grade separation for the duration of the project and for maintenance. The easement will generally be temporary and encompass the entire area formed by the intersection of the highway and railroad right of way. The plans must show the temporary easement area and be labeled "Easement by Railroad Agreement";

however, the temporary easement should not be set up as a right of way parcel on the right of way plans (i.e. do not assign parcel numbers). (See Figure 14.1 attached.) The railroad company may prepare drawings to support the AGREEMENT or excerpts from project plans may be used.

B. Case 2 - Highway Parallel to Railroad

Where highways are constructed or reconstructed along railroads in such manner as to encroach on the operating right of way of the railroad, easements or right of way must be acquired. The property interest to be acquired will vary but the following guidelines should be applied in preparing right of way plans. (See Figure 14.2) Easements and right of way, with area calculations, should be shown on plans in accordance with the Office of Right of Way's Right of Way Plan Checklist as outlined in Plan Presentation Guide, Chapter 3, Section 60.

1. Easement Only Acquisition

When the encroachment consists of grading and cross drainpipes, only easements will usually be required. These will consist of easements for construction of slopes or easements for construction and maintenance of drainage structures. In most cases, these easements can be obtained from the railroad company at no cost under the Railroad Agreement prepared by the Office of Utilities. The construction limits or easement should not be closer than 15ft. from the centerline of the track. The plans must show the easement area and be labeled "Easement by Railroad Agreement"; however the temporary easement should not be set up as a right of way parcel on the right of way plans (i.e., do not assign parcel numbers). If the railroad company specifically requests payment for the easements during their plan review process, the Office of Utilities will notify the appropriate design office to request a plan change and the Office of Right of Way for easement acquisition. A distance left or right of a point on the line (construction, survey, or a base) used to reference right of way should be shown to the nearest whole railroad milepost. If the nearest whole milepost is outside the project termini, then the milepost should be located by a bearing and distance from a point on the reference line. In either case, coordinates should be given at both the point on the reference line and at the railroad milepost. Roadway stationing should be given for the point on the reference line. Locating the railroad milepost applies to all areas of right of way and easement, which are not contiguous.

2. Right of Way or Permanent Easement Acquisition

Where permanent pavement, walls or curb and gutter fall within the railroad right of way, it will be necessary to acquire right of way, or at the request of the railroad company obtain permanent easement for the construction in

much the same manner as from any other property owner. Typically, the railroad company will notify the Office of Utilities; in turn, the Office of Utilities will send the request to the appropriate Project Manager. In the event the railroad company does not grant right of way or permanent easement, a design variance for temporary easement shall be approved by the Chief Engineer. The required right of way, or at the request of the railroad company, permanent easement should be established at the shoulder point or at the back of any curb and gutter and in no case should be closer than 50 ft. from the centerline of a mainline railroad track. Thus, no pavement, or paved or unpaved shoulder, or curb and gutter, or extensive side drainpipes, or wall or other major structures should be constructed within the 50 ft. distance. Minor walls or other structures may be constructed within the 50 ft. distance in some cases. In cases where the foregoing cannot be adhered to, the Department will have to provide ample justification in an attempt to get the railroad company to approve a project not in compliance with the railroad's policies. A distance left or right of a point on the line (construction, survey, or base) used to reference right of way should be shown to the nearest whole railroad milepost. If the nearest whole milepost is outside the project termini then the milepost should be located by a bearing and distance from a point on the reference line. In either case, coordinates should be given for the point on the reference line. Locating the railroad milepost applies to all areas of right of way and easements, which are not contiguous. In this case, the required right of way and easements should be shown on the right of way plans and parcel numbers assigned so that appraisal and acquisition may proceed. The Office of Right of Way will handle this required right of way and permanent easements the same as other parcels on the project. Procedures for coordination of construction work and any adjustments required for railroad facilities will be covered by Agreement through the Office of Utilities. The Office of Utilities will also assist the Office of Right of Way as necessary in making contacts with the Railroad Company and coordinating any plan changes, which may be requested.

C. Case 3 - Non-Operating Right of Way

In some cases highway projects will cross property owned by Railroad companies which is outside their normal right of way used for train operations. Such property may also have buildings or other improvements attached. Such non-operating right of way may be property over which trains were previously operated but where service has been abandoned (Reference [OCGA 50-16-34.1](#)). In all cases, non-operating right of way or property of railroad companies will be acquired by the Office of Right of Way under the same procedures as for other private property. The Office of Right of Way will notify the State Utilities Office of requirements for contractor insurance coverage or other items that may need to be covered in project

special provisions, when Railroad Company owned parcels would not be closed prior to contract award.

14.5 Acquisition Procedures

It is important to send a copy of the right of way plans to both the Railroad Company's Engineering Department and Real Estate Department during the pre-acquisition phase to insure any changes they may require are captured prior to the appraisal process. The railroad will not move forward with Right of Way Acquisition Procedures until their Engineering Department has approved the final plans.

A. Appraisal

When required right of way or permanent easement is needed from a railroad company, the required area should be labeled on the plans with a parcel number. The parcel will then be appraised, reviewed and released for negotiation similar to other property acquisitions. When temporary easement is needed along with required right of way or permanent easement, the temporary easement area should be excluded from the overall valuation process. The plans should be clearly labeled showing temporary easement area to be acquired by Railroad Agreement.

B. Preparation for Negotiation

Prior to preparing offer package for negotiation, the Acquisition Manager should review the preliminary title report in order to identify railroad ownership.

- (1) If a parcel is owned or operated by Norfolk Southern Corporation or one of its subsidiary companies, then the released appraisal should be sent to the Assistant State Right of Way Acquisition Manager for negotiations. Appropriate plan sheets associated with the railroad parcel should also be forwarded to the Assistant State Right of Way Acquisition Manager for use in preparing the offer package.
- (2) Parcels owned or operated by all other railroad companies will be negotiated by the Acquisition Team assigned to the project.

C. Negotiation Package Preparation and Owner Contact

Contact the railroad company and schedule an appointment. At the request of the railroad company, the offer package may be mailed. Verify the contact person and mailing address and proceed with preparing offer package to be presented by mail.

- (1) Prepare appropriate Negotiation Package. The standard railroad negotiation package includes the following documents:
 - a. Offer Letter
 - b. Statement of Estimated Values
 - c. Letter of Availability of Incidental Payments

- d. Right of Way Option with attached plats highlighting proposed acquisition area
 - e. Brochure entitled “What Happens When Your Property Is Needed For A Transportation Facility”
 - f. Receipt for Brochure
 - g. Acknowledgement of Plan Receipt
 - h. Right of Way Agreement (*Right of Entry*) with attached legal description and plats
- (2) At the time of the offer and first contact, a copy of the original Letter of Offer should be sent to the Assistant State Right of Way Acquisition Manager or State Right of Way Acquisition Manager and the State Utilities Office Railroad Liaison. Should a revised offer become necessary, a copy of the revised Letter of Offer should also be sent to the Assistant State Right of Way Acquisition Manager or State Right of Way Acquisition Manager and the State Utilities Office Railroad Liaison. The Acquisition Manager should keep the Assistant State Right of Way Acquisition Manager or State Right of Way Acquisition Manager up-to-date on all railroad parcels and notify same if there are any questions, concerns, or associated problems.

C. Negotiating Change in the Area to be Acquired

- (1) At the request of the railroad company, the required right of way around drainage structures may be negotiated down and changed to permanent easement, if approved by the lead designer or project manager. The Acquisition Manager should have the plans adjusted accordingly to reflect the change in the disposition of the acquisition and proceed to have the offer re-evaluated accordingly. The railroad company should be sent a second letter reflecting the revised fair market value and the negotiator or acquisition manager should work with the railroad company until title is obtained.
- (2) At the request of the railroad company, the permanent easement for construction of ditches and slopes may be negotiated down and changed to temporary easement, if approved by the lead designer or project manager. The Acquisition Manager should have the plans adjusted accordingly to reflect the change in the disposition of the acquisition and notification should be sent to the State Utilities Office Railroad Liaison to determine if the temporary easement can now be acquired by Railroad Agreement.

14.6 Quality Assurance Quality Control

All activities concerning the acquisition of Right of Way from railroad companies must adhere to the policies and regulations of the Uniform Relocation Assistance, and Real Property Acquisition Policies Act of 1970, as amended. Reference [49 CFR 24](#). The checks

and balances for these procedures can be found in Chapter 5 of the Right of Way Manual, under Quality Assurance, Quality Control.

Figure 14.1

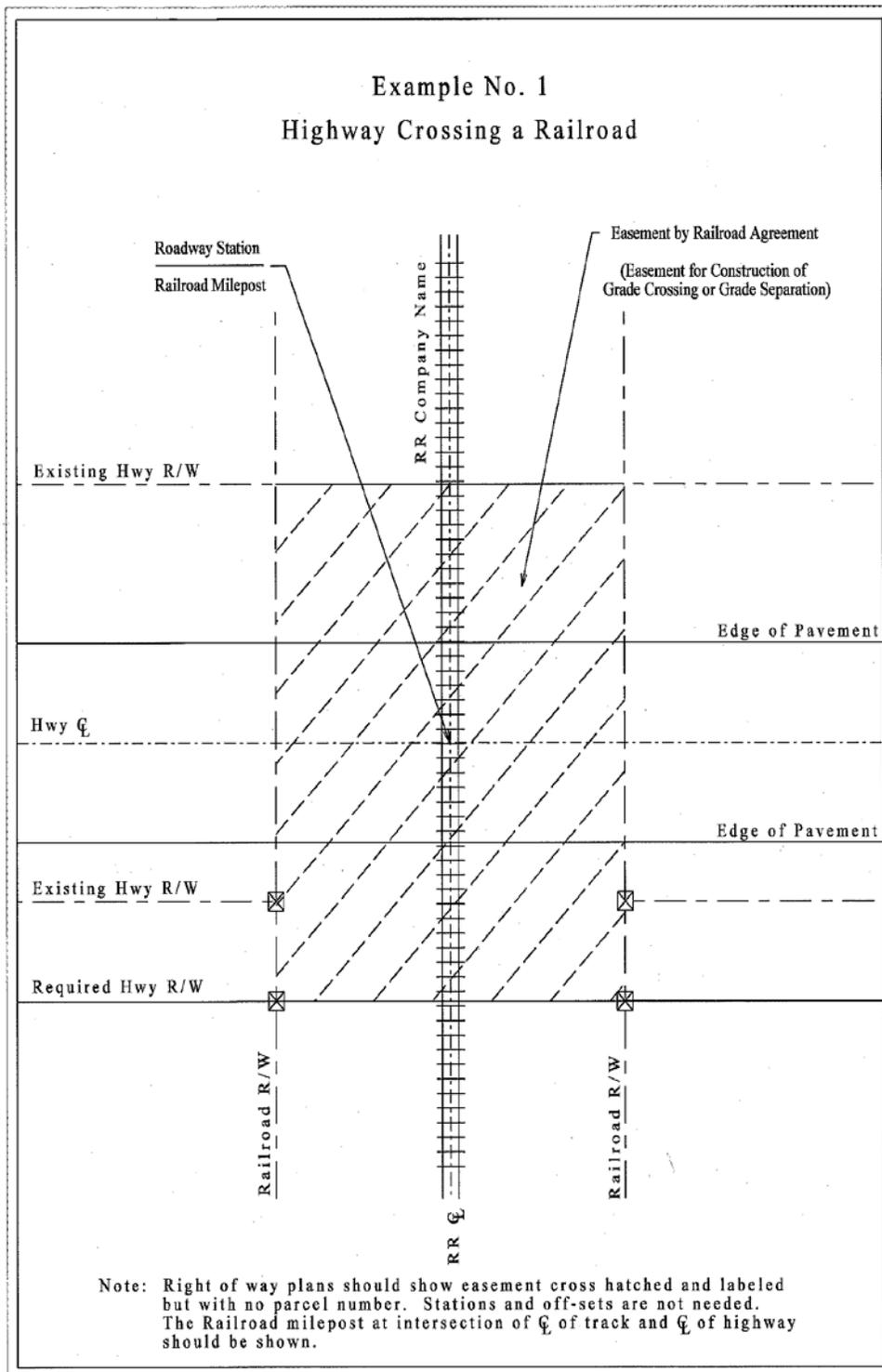
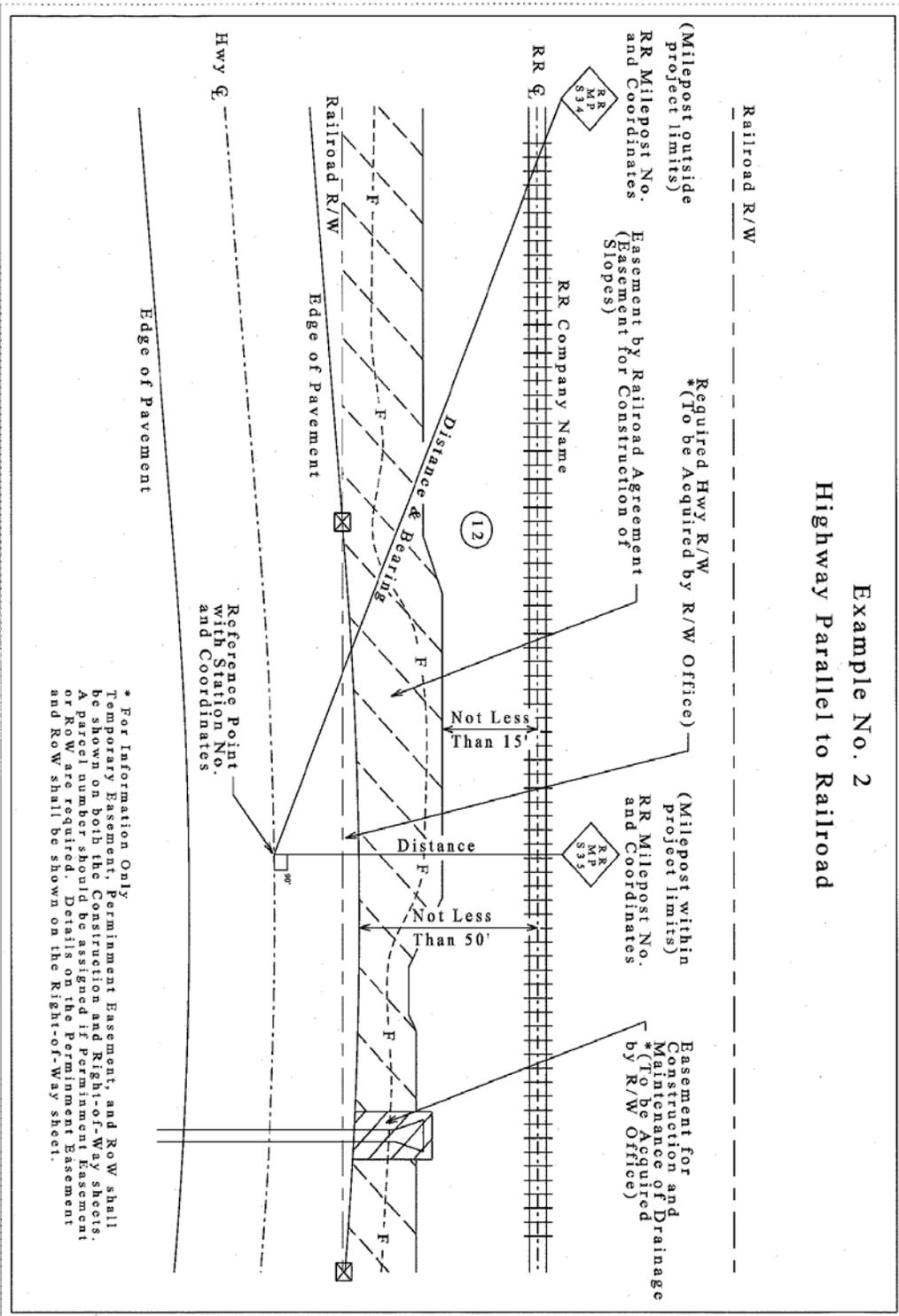


Figure 14.2

Example No. 2 Highway Parallel to Railroad



15 Design-Build and Public Private Partnership (P3) Projects

15.1 General

Design-Build is a concept that combines design engineering and other preconstruction services with construction services into a single contract. The Department may elect to include Right of Way acquisition services within a Design-Build contract. Also, Public Private Partnership (P3) can include these elements of design-build as stated above but also may include financing, operating, and long-term maintenance of the project. The intent of this chapter is to address both the Design-Build and P3, known as Innovative Delivery Projects.

15.2 Purpose

Design-Build projects are created to expedite project delivery and simplify several multi-phase project tasks, resources, and activities into one single-source contract of which the contractor will coordinate and be held responsible for the overall project delivery on time and on budget. This process is recognized and allowed by Federal Highway Administration. Refer to [Title 23 CFR 710.313](#) for information applicable to this procedure.

15.3 Policy

The performance of all Right of Way services will be in full compliance with [Title 49 Code of Federal Regulations, Part 24](#), [Title 23 Code of Federal Regulations, Part 710](#), the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, all State Laws and in accordance with the Georgia Department of Transportation's Right of Way Manual of policies and procedures.

15.4 Procedures

The Department uses a two-phased approach when awarding a Design-Build contract. Phase one includes the Department advertising a Request for Qualifications (RFQ) to which interested Design-Build firms respond with a Letter of Interest (LOI)/Statement of Qualifications (SOQ). Phase two includes the advertising of a Request for Proposals (RFP) to either all qualified candidates or a shortlist of Design-Build firms. In response to the RFP, the Design-Build firms will submit a bid and corresponding technical proposal. The Department will award the project to the Design-Build firm with the lowest responsive and responsible bid.

A. Innovative Program Delivery Roles

1. When Right of Way Acquisition services will be included in the Design-Build or P3 contract, then the Office of Innovative Program Delivery will work closely with the Office of Right of Way, as necessary, to assist with:

- a. The establishment of RFQ evaluation criteria
- b. The review of the Design-Build firms' LOI/SOQ preparations of specific ROW scope of services portion of the RFP Reviews of the Design-Build firms' technical proposal
- c. Reviews and audits of the awarded firm's right of way activities.

B. Design-Build Firm or P3 Roles

1. Right of way services within a Design-Build or P3 contract may include, but are not limited to the following: employing the use of a Right of Way Acquisition Manager, developing Right of Way plans, appraisals, appraisal reviews, negotiations, relocation assistance, property management, and securing all necessary property right interests.
2. All Design-Build firms shall select Right of Way personnel, who will perform right of way acquisition and appraisal services, from the Department's pre-approved Right of Way Consultant list.
3. The Design-Build or P3 firm shall submit procedures for Right of Way acquisitions and relocations for the Department's approval prior to the firm commencing any Right of Way activities. These procedures are to show the firm's methods, including but not limited to, the appropriate steps and workflow required for title examinations, prioritized appraisals, review of appraisals, negotiations, acquisition, property management, relocation strategy, and reasonable periods for orderly relocation of residents and businesses. These procedures shall include, but are not limited to, the Department's review and approval of just compensation, replacement housing payment calculations, replacement housing payment and moving cost claims, appraisals, and administrative settlements.
4. The Design-Build or P3 firm shall establish a project tracking system necessary to manage and track the acquisition process. The Department may allow the Design-Build or P3 firm access to the Department's Right of Way tracking system, which is used for project status reporting. Entries into it shall be made in a timely manner to accurately reflect current project status. The Department's standard forms and documents shall be used. Training in the use of the Department's Right of Way Data Systems and technical assistance may be provided by the Department.
5. The Design-Build or P3 firm shall establish a quality control system.

6. The Design-Build or P3 firm shall be required to execute a certification that it has received the approved applicable portions of the Georgia Department of Transportation's Right of Way Manual and will comply with the procedures.
7. The Design-Build or P3 firm shall determine if any property to be acquired for Right of way contains any hazardous materials that require remedial action or treatment. When there is reason to believe that such materials may be present, the firm shall take steps consistent with customary Department practices to investigate. The Department shall be notified of the presence of such materials before an appraisal is released for negotiations to acquire the property.
8. For a period of five years after final payment is made to the Design-Build or P3 firm for any phase of the work or completion of all condemnation parcel activity, whichever is greater, all project documents and records not previously delivered to the Department, including but not limited to design and engineering costs, construction costs, costs of acquisition of right of way, and all documents and records necessary to determine compliance with all state and federal laws and regulations relating to the acquisition of right of way shall be maintained and made available to the Department and the Federal Highway Administration for inspection or audit. Throughout the design, acquisition and construction phases of the project, copies of all Right of Way activity documentation and correspondence shall be submitted to the Department's Right of Way Office.

C. Department Roles

1. The Department will provide a Right of Way Project Manager for oversight and audit purposes who will serve as the first point of contact for all Right of Way issues.
2. The Department will retain authority for approving just compensation, relocation benefits, and all settlements.
3. The Department is required to issue a Notice to Commence Right of Way Acquisition to the Design-Build or P3 firm prior to the firm providing any offers to acquire the property. The Department will review and approve the firm's Right of Way certification for the property that has been acquired prior to the firm commencing construction on the property. The Right of Way certification will be in compliance with [23 CFR 635.309](#)(p).
4. The Department and the Federal Highway Administration reserves the right to audit the Design-Build or P3 firm's Right of Way acquisition files at anytime during the Right of Way acquisition processes.

15.5 Quality Assurance Quality Control

- A.** In both the Design-Build process and the P3 process, all activities concerning the acquisition of Right of Way must adhere to the policies and regulations of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended. Reference [49 CFR 24](#). The checks and balances for these procedures can be found in Chapter Five of the Right of Way Manual.
- B.** Further, reference is called to [Title 23 CFR 710.313](#) for these type projects. There are certain requirements in these provisions that have been addressed here that help serve as checks and balances which would include: the builder must submit written acquisition and relocation procedures for approval prior to commencing acquisition; a written relocation plan must provide reasonable timeframes for the orderly relocation of residents and businesses; the builder must establish a project tracking system and quality control system; adequate access to and utility connections to all occupied properties shall be provided; the Department of Transportation shall provide a right of way project manager who will serve as the first point of contact with the builder.

Property Management - Surplus Property and Disposal

16.1 General

Surplus Property and Disposal is under the Property Management Unit of the Right of Way Department supervised by the Assistant State Right of Way Administrator.

16.2 Purpose

The purpose of Surplus Property and Disposal is to ensure every effort is made to accommodate the requestors of surplus property applications by coordinating their request with the Department in a manner that conforms to O.C.G.A. § 32-7-4 (2010), 23 C.F.R. 710, Federal Highway Administration Regulations, Department Policy, and other Governing Codes.

16.3 Policy

It is the policy of this unit to represent the Department in a professional and consistent manner that assures the citizenry of the State that their applications are processed in a competent and efficient manner.

16.4 Procedures

A) Application Request for Disposal of Surplus Properties

When the Department declares a parcel surplus or when an Applicant inquires about a parcel via telephone or letter the Right of Way Specialist will mail or email (Applicant decides) a request letter and request form to the Applicant and the Applicant information is to be logged for tracking purposes.

B) Application Request Received

- 1) When the application and supporting documents are received in the Property Inventory and Disposal Department the Specialist will log them in and forward them to the Property Inventory and Disposal Manager.

Disposal actions are as follows:

- a Surplus request by application; or
- b Department declared surplus; or
- c Request to lease/rent; or
- d Request to convey to another agency; or

- e Transfer by Order of Commissioner; or
 - f Request for Exchange of property; or
 - g Request for change in Limited Access Right of Way
- 2) The Property Inventory and Disposal Manager will assign the request to a Specialist.
- 3) The application and supporting documents shall be reviewed by the assigned Specialist. Written correspondence (Applicant Response Letter) shall be sent to the Applicant. Any information deemed required and not furnished with the application should be requested with the response letter. This is to include any plat information or changes.

The application should include:

- a Recorded Deed and plat granting the parcel(s)
- b Copy of property tax data of the parcel(s)
- c Plat or tax map highlighting the parcel(s) requested
- d Copy of pending or approved development plans for the parcel(s) (if available)
- e Copy of map showing nearest intersection to the parcel(s)
- f Recorded deeds of property owned by Applicant adjacent to the requested parcel(s).
- g The Applicant or the District may be asked to prepare a plat with metes/bounds/distances and legal description for the parcel(s) if the Right of Way office deems this as necessary.

C) Internal Office Review

- 1) The appropriate District and General Offices shall review all applications and provide a determination of:
- a Surplus or lease the parcel(s) or;
 - b Surplus or lease the parcel(s) with limitations (this will usually require a new plat) or;
 - c Deny the surplus or lease of parcel(s)

- 2) When required by the Federal Regulations, the Federal Highway Administration shall review the application and approve or deny the sale or lease of the property.

D) Appraisal Process

After the parcel is approved for sale or lease, the Specialist shall obtain an estimated appraised value for the property. The appraisal submitted to an assigned Reviewer. The assigned Reviewer shall review the appraisal and shall submit back to the Specialist a letter of value with the appraisal.

E) Federal Highway Administration Review

Federal Highway Administration review shall be required for Disposal of Land, Leasing of Land, and Disposal of Access Rights if the parcel is located adjacent to an “Interstate Highway System”.

- 1) A National Environmental Policy Act Clearance Report shall be requested from the Office of Environmental Services after the District and Design offices approves the parcel(s) to be surplus.
- 2) When the National Environmental Policy Act Clearance Report is received, a package shall be assembled and forwarded to the Property Inventory and Disposal Manager. The package shall include documents, which would assist Federal Highway Administration with their determination.
- 3) The assigned Specialist shall forward the Federal Highway Administration approval request package to the Federal Highway Administration.

F) Supervisor Review

- 1) The assigned Specialist shall schedule a file review with the Property Inventory and Disposal Manager at various intervals in the process and prior to a letter being sent to the Applicant, Original Owner, Successor in Title or Highest Bidder.
- 2) The Property Inventory and Disposal Manager shall review the file and procedures at each step of the processing.
- 3) The Property Inventory and Disposal Manager shall determine which acquisition requirement applies and approve the assigned Specialist to proceed to the next step.
- 4) The Property Inventory and Disposal Manager shall review and approve all letters to be sent to the Applicant, Original Owner, Successor in Title or Highest Bidder.

G) Applicant Notification

- 1) Disposal of parcel(s) approved:
 - a The Applicant shall be sent an “Applicant Notification Letter”. The “Applicant Notification Letter” shall include the following:
 - (1) “PM File” number
 - (2) An outline of the steps required to complete the sale of surplus parcel(s) if the Applicant is the Original Owner or Successor in Title or an outline of the steps required to complete the sale of surplus parcel(s) if the Applicant is not the Original Owner or Successor in Title.
- 2) Disposal of parcel(s) denied: Applicant shall be sent an “Applicant Denial Letter”. (Note: If the denial of the surplus is being delayed, the Applicant shall be notified as such).
- 3) Lease approved:
 - a The Applicant shall be sent an “Applicant Notification Letter”. The “Applicant Notification Letter” shall include the following:
 - (a) “PM File” number
 - (b) An outline of the steps required to complete the sale of surplus parcel(s)
- 4) Lease of parcel(s) Denied: The Applicant shall be sent an “Applicant Denial Letter”. (Note: If the denial of the lease is being delayed the Applicant shall be notified as such).

H) Original Owner of Successor in Title:

- 1) The assigned Specialist shall notify the Original Owner of the parcel(s) the “Original Owner Offer Letter” if they have not waived their rights to first refusal.
- 2) In the event the tract from which the Department acquired the parcel(s) has been subsequently sold, the assigned Specialist shall notify the owner of abutting land holding title through the Original Owner of the acquired property (Successor in Title) using the “Successor in Title Offer Letter”.
- 3) If the Original Owner’s or Successor in Title’s address is unknown, the assigned Specialist shall conduct a search of the available records, internet information, and acquisition records.
- 4) When the above sources are unsuccessful in locating an address of the Original Owner or Successor in Title a public advertisement in the legal newspaper of

general circulation in the county where the property is located shall be posted by the Specialist.

- 5) When a search has been unsuccessful or the right of acquisition is not exercised within (60) sixty days after due notice, the assigned Specialist shall proceed to the public bid process for sale of the parcel(s).

I) Exchange of Property

- 1) Property may be transferred as an exchange when the land being acquired by the DOT is of equal or greater value than the land being conveyed by the DOT and
- 2) The land being acquired should be of present or future anticipated need of the DOT.
- 3) An exchange should be of land for land with no monetary compensation for differences in value.

J) Sale of Limited Access Modification Process

- 1) The assigned Specialist shall prepare and send an Offer Letter to the approved person(s).
- 2) The Offer will be valid for thirty (30) days.
- 3) Upon receipt of acceptance of the offer, the assigned Specialist shall provide two (2) prepared Quitclaim Deeds with plats for review by the Property Inventory and Disposal Manager.
- 4) The deeds shall be reviewed by the Supervisor and routed to the Legal Department for further review and signatures.
- 5) When the Deeds are returned to the assigned Specialist; that Specialist shall schedule a closing.
- 6) The assigned Specialist shall obtain all funds from the Grantee
- 7) One signed Quitclaim Deed will be turned over to the Grantee; the second will be retained in the file.
- 8) The Grantee will have thirty (30) days to close the transaction and return to the Department a copy of the recorded deed.
- 9) A notification letter to the District shall be sent by the assigned Specialist advising them the parcel has been conveyed and is no longer Department property (A letter

shall also be sent to Transportation Data when an Order of Commissioner is involved).

K) Lease of Property Process

- 1) The assigned Specialist shall prepare and send an Offer Letter to the approved person(s).
- 2) The Offer will be valid for thirty (30) days.
- 3) The Assigned Specialist shall provide to the Property Inventory and Disposal Manager two prepared Lease Agreements with plats. For review by the Supervisor.
- 4) The assigned Specialist will forward the lease agreements to the Applicant requesting execution.
- 5) The Property Inventory and Disposal Manager shall review the executed Lease Agreements and return to the Specialist to forward to the Legal Department for review and internal signatures.
- 6) The assigned Specialist will be responsible for tracking the Lease Agreements until they are returned to the Property Inventory and Disposal Department.
- 7) When the Lease Agreements are returned to the assigned Specialist:
- 8) The assigned Specialist shall obtain all lease funds from the approved Lessee
- 9) One signed Lease Agreement will be provided to the Lessee; the second will be retained in the file.
- 10) The Lessee will be granted specified use of the property per the effective date of the Lease Agreement.
- 11) A notification letter to the District shall be sent by the assigned Specialist advising them the parcel is covered under a Lease Agreement and maintenance will be assumed by the Lessee.
- 12) A notification letter to the District shall be sent by the assigned person advising the parcel has been conveyed.

L) Public Bid Advertisement

- 1) When the Original Owner or Successor in Title declines to purchase a surplus parcel, has relinquished the rights of repurchase or cannot be located, using the steps outlined above, an advertisement to bid a parcel(s) shall be prepared.
- 2) The legal advertisement shall run for two consecutive weeks and include the following:
 - a A description sufficient to enable the public to identify the property
 - b The time and place for submission and opening of sealed bids
 - c The right of the department or the county or municipality to reject any one or all of the bids
 - d All the conditions of sale
 - e The address and contact person to obtain a “Surplus Property Bid Package”
- 3) A public advertisement shall be inserted once a week in the Legal Organ (newspaper) of the County where the property is located.
- 4) The first advertisement shall be at least two weeks prior to the opening of bids.
- 5) The second advertisement shall follow one week after the first publication.
- 6) The Bid Opening date shall be set at least two weeks after the second week of advertisement at 2:00P.M.
- 7) The bids must be received in the Surplus inventory and Disposal Office no later than 12:00 PM (Noon) on the date of the bid opening.

M) Acquisition Requirements

- 1) When an entire parcel acquired by the department is being disposed of, it may be acquired by the Original Owner or Successor in Title at such price as may be agreed upon, but in no event less than the price paid for its acquisition.
- 2) When only remnants or portions of the original acquisition are being disposed of, they may be acquired by the Original Owner or Successor in Title for the market value at the time the Department decides the property is no longer needed.
- 3) Sale by bid shall be made to the bidder submitting the highest of the sealed bids received. If the highest of the sealed bids received is less than but within 15 percent

of the established market value, the Property Inventory and Disposal Manager may accept that bid.

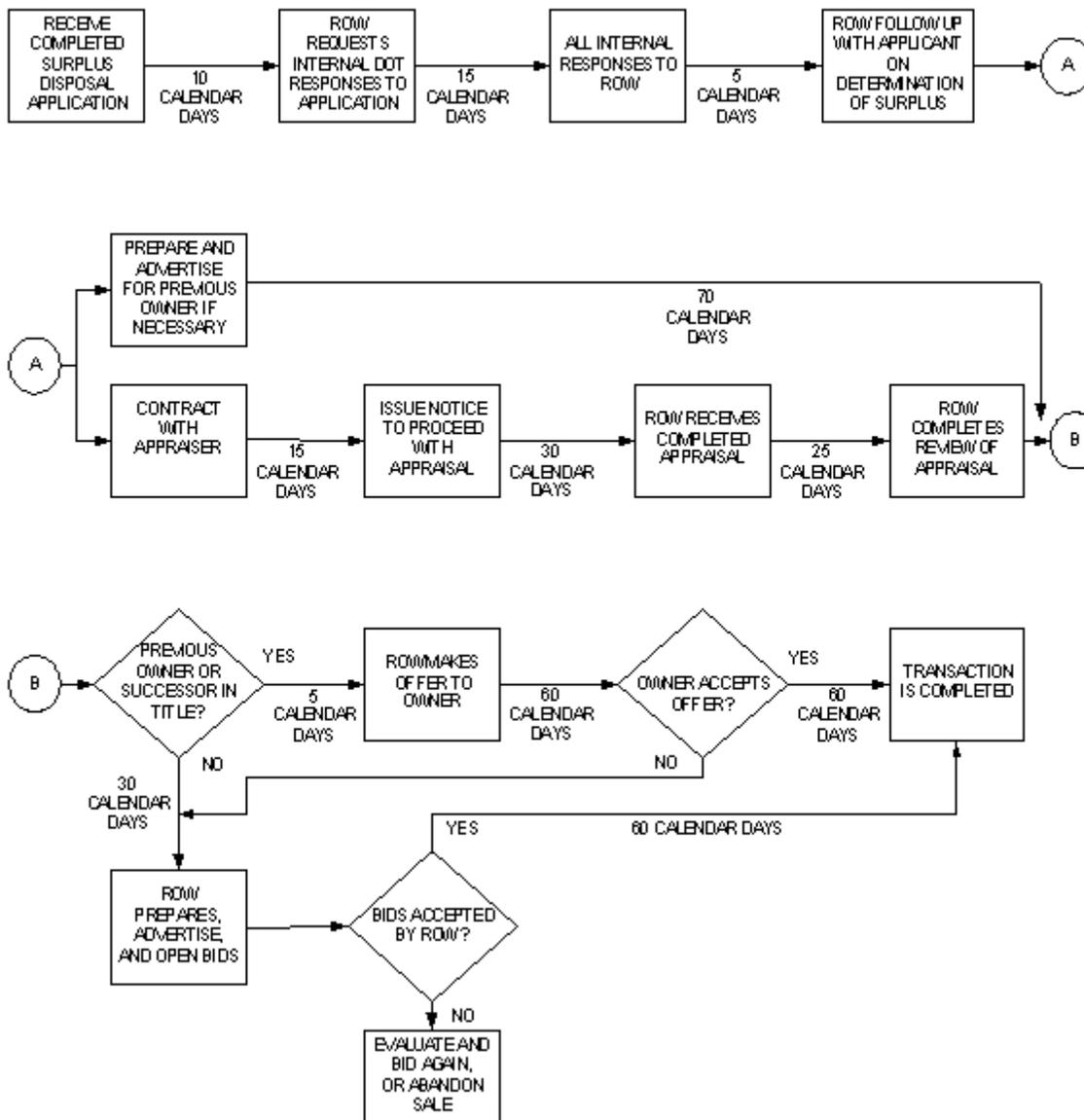
N) Sale of Property Process

- 1) Assigned Specialist shall prepare and send an Offer Letter to the approved person(s).
- 2) The Offer will be valid for thirty (30) days.
- 3) Assigned Specialist shall provide to the UNIT Manager two prepared Quitclaim Deeds with plats.
- 4) The Property Inventory and Disposal Manager shall review the Quitclaim Deeds and return to the Specialist to forward to the Legal Department for review and internal signatures.
- 5) The assigned Specialist will be responsible for tracking the Quitclaim Deeds until they are returned to the Property Inventory and Disposal Department.
- 6) When the Deeds are returned to the assigned Specialist; that person shall schedule a closing.
- 7) The assigned Specialist shall obtain all funds from the approved Grantee.
- 8) One signed Quitclaim Deed will be turned over to the Grantee; the second will be retained in the file.
- 9) The Grantee will have thirty (30) days to close the transaction and return to the Department a copy of the recorded deed.
- 10) A notification letter to the District shall be sent by the assigned Specialist advising them the parcel is no longer Department property and should be removed from the records. (A letter shall also be sent to Transportation Data when an Order of Commissioner is involved).

O) Governing Codes for Disposal

- 1) O.C.G.A. § 32-7-3 Authority of Department to dispose of property no longer needed for public road purposes
- 2) O.C.G.A. § 32-7-4 Procedure for disposition of property
- 3) Title 23 CFR 710.403 Subpart D Real Property Management Sec. 710-403 Management
- 4) Title 23 CFR 710.409 Subpart D Real Property Management Sec. 710-409 Disposal
- 5) Georgia Department of Transportation – Right of Way Procedures

TYPICAL TIMELINE FOR SURPLUS PROPERTY DISPOSAL



17 Funding Authorization & Monitoring

17.1 General

The requesting and monitoring of project Right of Way funding authorizations is regulated by the official Code of Federal Regulations [23 CFR 710.203](#).

17.2 Purpose

To ensure availability of funds for the cost of Right of Way acquisition activities including cost to acquire real property, incidental expenses, appraisals, title work, legal settlements, court awards, and similar Right of Way related work.

17.3 Policy

Projects eligible for the current Fiscal Year funding are identified and listed in a current Construction Work Program and the Statewide Improvement Transportation Program. In addition to being approved in the Statewide Improvement Transportation Program, project qualification for funding authorization are dependent on, approved plans, an environmental clearance document within six months of request, and a completed detailed cost estimate, within one year of request. The entire amount of the detailed cost estimate should be included in the current Statewide Improvement Transportation Program prior to the authorization request.

17.4 Procedures

New project plans are submitted to the plans review office for evaluation and approval. Upon receipt, the funding and certification office is notified of preliminary data of the project. A project assignment panel determines the acquisition manager and attorney for the project; and requests a detailed cost estimate due within thirty business days. The project is researched to validate a current and approved National Environmental Policy Act document that describes the federal action or project. Dependent on the met criterion of plan approval, updated environmental clearance document within 6 months of funding request, completed detailed cost estimate and the detailed estimate amount shown in the STIP, a funding request is submitted using the Project Funds Allotment System (1625). The request is reviewed and approved by the Office of Financial Management, Chief Engineer, Treasurer, Commissioner, and Engineering Services and the Federal Highway Administration for Federal-aid projects. Notification of approval is forwarded to the acquisition manager, appraisal review, Right of Way Accounting, Relocation and Project Manager. Upon receipt of the funding authorization, acquisition personnel may then proceed with negotiations and offers. This office also manages requests related to additional project funding requirements, allotment issues, charges applied to the Right of Way account and the Project Certification process outlined in Chapter 5.

18 Records Retention and Files

18.1 Purpose

The purpose of the Records Retention Section of the Office Of Right Way is to ensure that all required acquisition documents are transmitted and stored in compliance in the Records Retention Section and/or their data storage facilities; to ensure that all bi-parcel negotiation files are complete and that they are filed in an orderly and timely manner; to maintain research and inventory data by use of the microfilming or digital image process or the storage facilities by the Archives; and to assist the general public and other governmental offices in the research and verification of existing Right of Way acquisition documentation.

18.2 Policy

It is the policy of the Records Retention Section to handle all required documents, file, and research document requests in a timely and orderly manner; to keep proper and adequate records necessary to the functions of the section in accordance with the policies, rules, and regulations of the Department of Transportation and state and federal laws

18.3 Active Projects

- A.** Projects are filed in numerical order under the County in which the project is located. In case of multi-county projects they are normally filed under the first county noted (exceptions are when it is more practical to file under the county of which the major portion of the project is located and cross reference made to the first county noted.)

Filing order of project material is as follows:

1. Appraisal (532's)
 2. Deed file
 3. General correspondence
 4. Bi-parcels by numerical order (data books are filed in a separate location by county and in numerical order by project number.)
- B.** Deeds are logged and filed as they are received; general correspondence is filed in chronological order as material is received daily in the file room. Bi-parcel material is filed as received until the parcel is acquired. When the field bi-parcel file (negotiations file) is forwarded to the General Office and received in the File Section, it will be combined with the bi-parcel file in the General Office. Deeds,

easements, etc. will be placed in the appropriate deed file. Duplicated material is purged prior to filing.

18.4 Closed Parcel Files

A. The Records and Files Section is responsible for ensuring that all final acquisition documents have been received, recorded, and stored in proper order as projects are closed out. This may involve contacting the Acquisition Team personnel and/or the closing attorney by letter in an effort to obtain required documents.

1. Any correspondence should reference the following information:

- a. Project Number
- b. Project P.I. Number
- c. Project Description
- d. Documents in Question

B. After all the files and required documents have been secured the process of review, filing and microfilming/digital imaging storage is as follows:

1. Conveyance Documents are reviewed for proper execution and then logged on the record sheet in the front of the deed file. The documents are then placed in the deed file in numerical order by parcel number. The documents included are:

- a. Deeds
- b. Easements (permanent, temporary, driveway, etc.)
- c. Right of Entry
- d. Other miscellaneous documents of conveyance accepted by the Office of Right of Way

2. Condemnation petitions are recorded and filed in the following manner:

- a. The Post Condemnations Section should forward a condemnation status sheet to the Records and Files Section on each parcel acquired through condemnation.
- b. The condemnation status sheet is placed in the Deed File of the actual condemnation petition.

- c. Once the last parcel has been settled and the project is closed, all filed petitions should be forwarded to the Records Section for digital imaging storage and placement in the Deed File.

18.5 Electronic Scanning/Digital Imaging

Once a R/W project has been closed out and placed in an inactive status, it will be scanned for digital imaging storage and catalogued for future reference. Project files will be prepared for scanning as follows:

- a. Bi-parcel files will be purged of duplications and the negotiation file merged with the General Office work file.

Correspondence in each file will be reviewed and placed in chronological order.

- c. All conveyance documents, bi-parcel files and pertinent general correspondence will be scanned.
- d. A reference book will be prepared for use in data retrieval of the project being scanned.
- e. Closed projects will be processed in a timely manner and available for future reference.

18.6 Record Series Description

1. Deed Files – contain Right of Entry documents, settlement & disbursement statements, title certificates, Right of Way Deeds and Plats and Condemnation Petitions.
2. Appraisal File – contain appraisal agreements, data books, comparable sales book, and other related documents.
3. Voucher File – contains accounting statements with related documents.
4. Parcel Files – contains option for Right of Way, Preliminary title Certificates, valuation and specialty reports, negotiation records, relocation documents, property management documents, condemnation documents, closing documents, letter of offer, statement of estimated values, receipt for R/W brochure, availability of incidental payments letter, owner's affidavit.

18.7 File Retention

Close out project parcel files at the end or completion of Right of Way Acquisition and Certification or the Title and Final Disposition of any Condemnation Proceedings.

A. Deed File

1. Hold in current files area in perpetuity; scan in electronic format.
2. Hold scanned copy in electronic data systems storage facility,

B. Voucher File

1. Hold in current files area for 6 months
2. Remove consolidated tabulation sheet and electronically scan with Deed File; consolidated tabulation sheet remains in Deed File;
3. Transfer Remainder of files to State Records Center
4. Hold 10 years and then destroy.

C. Parcel File

1. Scan electronically
2. Destroy original paper files after 7 years
3. Assure original conveyance documents are stored in file room in perpetuity