Right of Way Acquisition Training

Course 101

Introduction to

Right of Way Acquisition
Plan Reading & Overview of PDP

Consultant Right of Way Training
Introduction – ROW Plan Reading

➢ Plans: Primary Information Source for....

➢ Visual Depiction
  ➢ picture is worth a thousand words
  ➢ but it sometimes takes more than one..

➢ Source of legal descriptions and exhibits for....
Information Source – Convey with sufficient detail (ROW Manual)

➢ Owners, tenants, other interested parties
➢ Appraisers
➢ Specialty Valuators
  ➢ Signs
  ➢ Septic systems/ wells
  ➢ Water Vaults
  ➢ Parking & Circulation
  ➢ Others
➢ Negotiators
➢ Attorneys, Judges, Witnesses
Visual Depiction

➢ Shapes, Types, Areas and relative locations of right of way & easements.

➢ Improvements or property features
  ➢ Buildings, other improvements (fences, driveways, etc.)
Visual Depiction

➢ Construction Features
  ➢ Medians & Median Breaks
  ➢ Curbs & Gutters, shoulders
  ➢ Driveways
  ➢ Ditches, culvers, drainage features (ponds, infiltration areas, etc.)

➢ Proximities
  ➢ Edge of Pavement
  ➢ Property Lines
  ➢ Construction limits
Legal Descriptions

➢ Plans become Plats
➢ Tables become legal descriptions
➢ Both get recorded at the Court House
➢ Property Lines – PL
➢ Existing ROW – also a PL
➢ Req’d ROW
➢ Req’d Easements
➢ Driveway Easements
➢ Fence Easement
➢ Parcel 5
➢ **Yellow** Fee Simple Right of Way
➢ **Orange** Permanent Easement
➢ **Pink** Temporary Driveway Easement
➢ **Green** Temporary Easement
➢ **Construction**
➢ **Demolition**
➢ **Fence**
Class Exercise – Parcel 7
(Classroom Activity)

PL lines in blue
Existing structures in blue
RW in yellow
DWE in pink
PCE in Orange
TCE in Green

What construction features affect this parcel?
Parcel 7
Proximity to Improvements (Closeness)

➢ Distance from a reference point to improvements
  ➢ Measured
  ➢ From New RW Line
  ➢ Or From New PCE
  ➢ Or from EOP (Edge of Pavement)

➢ For Parcel 7:
  ➢ Distance to new RW Line?
  ➢ Distance to new road location?
  ➢ Distance to old road?
Cross-Sections

➢ STA #
➢ Elevations
➢ Current Ground
➢ Improvements
➢ Slope Changes
➢ 2:1 Slope
➢ 4:1 Slope
➢ Scales $$$
➢ Cut
➢ Fill
Class Exercise - Parcel 8
(Classroom Activity)

Property Lines
Existing Improvements
Right of Way
Easements
Construction Features
SR 66 0000304 P 7&8 Match Line

Gap for illustration purposes - can be removed for presentation to owner
SR 66 0000304 P 7&8 Match Line

Gap for illustration purposes - can be removed for presentation to owner
5.4.1 Description and Function of Structure

Infiltration trenches are excavations typically filled with washed aggregate or media that create an underground reservoir to capture, hold, and infiltrate stormwater runoff. The captured runoff volume gradually exfiltrates into the underlying water table through the bottom and sides of the trench into the subsoil over a 2- to 3-day period. By diverting runoff into the soil, an infiltration trench treats the water quality volume and helps to preserve the natural water balance on a site and can recharge groundwater and preserve base flows in receiving streams.


An infiltration trench with a filter strip acting as pretreatment is shown on Figure 5.4-1.

Figure 5.4-1  Typical Infiltration Trench Configuration and Components
GDOT’s Approved Post-Construction BMPs

- Filter Strip
- Grass Channel
- Enhanced Swale
- Infiltration Trench
- Bioslope
- Sand Filter
- Bioretention Basin
- Dry Detention Pond
- Wet Detention Pond
- Stormwater Wetland
- Open Graded Friction Course (OGFC)

Included in the designer’s “tool box” to meet MS4 and other stormwater requirements.

MS 4 Pond – approx. 100’ x 200’
➢ Road Location
➢ Stream Buffers/ESA
➢ Note PL 10, 11, 12
➢ Old Bridge Notes
➢ Old Road Info
➢ Obliteration
➢ Drainage Structures
Class Exercise – Parcel 11
(For In-Person Classroom)

1. Outline property lines
2. RW in yellow
3. PCE in orange
4. DWE in yellow
5. Impact on Property?
Parcel 11 - Total Acquisition - SFR

What is colored?

What color?

What is the impact?
Driveway Profile – Parcel 12 – 35+12RT

- Dotted Line – existing ground
- Solid Line – new driveway
- VC – Vertical Curve
- % slope – not ratio
- Note the scale
Parcel 15 Class Exercise
(For In-Person Classroom)

 Parcel 15

➢ Highlighted Areas
➢ Construction Features
➢ Impacts to Land
➢ Impacts to Improvements
Driveway Profiles
Parcel 15 Impacts

- ROW Area
- Easement Area
  - Trees
  - Slopes
- Cuts or Fills
- Drainage
- Ditches/Swales
- Flumes
- Culverts
- Driveway Location
- Road Location
Parcel 15 Impacts

Improvements

- Proximity?
  195 to old road
  125 to new road
  To new RW line
  To existing RW line
  To Swale/ditch

- Driveway
- Location
- Circulation
- Mailbox
- Drainage/Rip Rap
Parcel 15 Impacts
15 Aerial
15 View from Existing Road
Tangent

Chord

Radius

Arc 951

1522
Uneconomic Remnants

Always the option of the owner – not required Right of Way
R Parcel

No Demo Easement; other easements (if applicable remain). GDOT purchases both parcels – R parcel could become surplus property.
Cross-sections: Axis Scale Differences
Visual Impact of Scale Differences

Horizontal Scale: 1 = 20’

Vertical Scale 1=5’
Signing & Marking
➢ Signs
➢ Stop Bars
➢ Turn Arrows
➢ Cross-Walks
➢ Traffic Control Devices
Box Culvert
Culvert – wing wall

Triple Box Culvert

Bridge – Wing Wall – Guard Rail

Check Dams
Clearing & Grubbing

Slope Drain w/rip rap
Drop Inlet/Silt Fence

Metal Inlet
Anchored Wall (tendons-nails)  
Mechanically Stabilized Wall
Sound Wall

Guard Rail - Slope

Section 515: Handrail—Ferrous Metal and Pipe

Figure 5.3-1  Examples of a Dry (left) and a Wet Swale (right) (source: Georgia Stormwater Management Manual [GSMM], Volume 2)
Temporary Sediment Basin

Underground Storage Tank (UST) Removal
Construction Features

Concrete Flume

Depressed, Grassed Median

Raised Grassed Median
Construction Features

Pedestrian Facilities
Construction Features

Drainage – Rip Rap
Construction Features

A Proximity Problem
State of Georgia
Department of Transportation

Drainage Design for Highways


Drainage Design for Highways
5/9/2018
Revision 3.3
Atlanta, Georgia 30308

Georgia Department of Transportation
Basic Highway Plan Reading

Conventional Symbols

- State or County Line
- City Limit Line
- Property Line
- Survey or Base Line
- Right of Way Line
- Existing Limit of Access
- Required Limit of Access
- RW Marker
- Fence
- Railroads
- Power Line
- Telephone Line
- Power Poles
- Telephone or Telegraph Poles

Right of Way (ROW) Symbols

- Begin Limit of Access
- End Limit of Access
- Limit of Access
- RW and Limit of Access
- Property and Existing RW Line
- Required RW Line
- Construction Limits
- Easement For Constr & Maintenance Of Slopes (Permanent)
- Easement For Constr Of Slopes (Temporary)
- Easement For Const Of Drives (Temporary)

Figure 6C: Conventional and Right of Way (ROW) Symbols

Chapter 6: Stationing, Symbols and Abbreviations
Law & Regulations
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Laws & Regulations

➢ 23 CFR Part 710 Right of Way Program Administration
➢ 49 CFR Part 24 The Uniform Relocation Assistance & Real Property Acquisition Act of 1970
➢ OCGA Title 32 Highway, Bridges & Ferries
➢ OCGA Title 22 Eminent Domain
➢ Right of Way Manual
Purpose of the Uniform Act

To encourage and expedite the acquisition of real property by agreement with owners, to avoid litigation and relieve congestion in the courts to assure consistent and fair treatment of owners in the many Federal Programs, and to promote confidence in Federal Land Acquisition Practices.
Purpose of the Uniform Act

Decent Safe & Sanitary Housing
To ensure that no one family is displaced unless Decent, Safe and Sanitary (DS &S) housing is available

Avoid Delays
To encourage and expedite acquisition by agreement
Minimize litigation

Promote Confidence
Public Confidence in Federal Aid Acquisition Programs
Basic Requirements of 49 CFR Part 24

- Appraise FMV of property to be acquired
- Review Appraisals
- Offer no less than FMV
- Offer must be in writing
- Relocate residences, businesses and others
- Provide Relocation Advisory Services
- Payment before possession
GDOT Organization
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GDOT Organization

General Office
Senior Management & Roles

Districts
Acquisition Managers

Program Delivery
Project Managers
Pre-Acquisition
The Appraisal Process

Cost Estimate
Data Book
Appraisals
Pre-Acquisition
The Appraisal Process
Cost Estimates

➢ No consequential Damages are anticipated
➢ Value is $15,000 or less
➢ Cost Estimate Values are approved for 60 days
➢ The offer that is made must be the value listed on the Cost Estimate
Pre-Acquisition
The Appraisal Process
Data Book

➢ No consequential Damages are anticipated
➢ Value is $25,000 or less
➢ Range of Values are approved for 60 days
➢ This method is seldom used
Pre-Acquisition
The Appraisal Process
Appraisals

➢ Consequential Damages are anticipated
➢ The estimated value is over $25,000
➢ The Property Owner elects to have an appraisal prepared
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Pre-Acquisition

The Appraisal Process

- Non Compensable Items
- Donations
- Donations must be unsolicited
Appraisal Process
The Five Step Process

(1) Determine the fair market value of the entire tract of property before any part is taken;

(2) The value of the partial portion taken considered as a part of the whole tract;

(3) the value of the remaining tract but just before the taking; i.e., the value of the remainder as a part of the whole by subtracting the value of a part taken from the value of the entire property;

(4) the market value of the remainder just after the taking, considering the negative impact of the separation of the part from the whole; and

(5) The positive impact of the taking of the part upon the value of the remainder just after the taking. Obviously steps 4 and 5 dealing with consequential damages must be determined separately from steps 1, 2, and 3 in as much as actual value is determined separately from consequential damages which may be added to but cannot be deducted from the value of the part taken.
Appraisal Process
The Five Step Process

(2) The value of the partial portion taken considered as a part of the whole tract;
Appraisal Process
Types of Appraisals

388-C Summary Report (Strip Take)

388-N Before & After (Narrative)
Appraisal Process

532 Review Appraisers Report

The Official Fair Market Offer
Right of Way Acquisition

Bundle of Rights
Right of Way (Fee Simple)

Easements
Permanent Easements
Temporary Easements
Performance Management

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Performance Management

14 days to make 1\textsuperscript{st} Contact with Property Owner
7 days to make Contact with other interest
30 to 60 days to complete negotiations

GDOT is like a big ship when it gets to you, you have to be ready to go.
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➢ Read the Appraisal & 532 Reviewer Report
➢ Be familiar with the Property
➢ Negotiations Records
➢ Be mindful of the schedule
➢ Elevate when necessary
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➢ Offer must be made in writing (Offer Letter)
➢ Summary Statement Basis for Just and Adequate Compensation
➢ Receipt for Brochure
➢ Availability of Incidental Payment Letter
➢ Option for Right of Way
➢ Owner’s Acknowledgement of Plans & Explanation
Right of Way Acquisition
Methods of Making Offers

1. In Person
2. Certified Mail
3. Do not make offer over the phone
4. Technology?
Right of Way Acquisition
Sharing Appraisal Information

➢ Do not give the property owner a copy of the Appraisal

➢ Items you can share with the property owner
1. Comparable Sales
2. Cost to Cure Information
Right of Way Acquisition
Negotiator Responsibility

➢ Explain the basis of the offer to property owner
➢ Procedures including its payment of incidental expenses
➢ Owner must be given reasonable opportunity to consider the offer
No Coercive Action in order to induce an agreement

Remember that the owner knows more about his property than you do

Listen to the property owner
Right of Way Acquisition Complex Negotiations

➢ Leasehold Estate
➢ Life Estates
➢ Corporation
➢ Churches
➢ Multiple Interests
Right of Way Acquisition Negotiation Records

If it is not written in the negotiation records, it did not happen.

➢ Dated
➢ Legible
➢ Detailed (not a novel)
➢ Signed
MOCK NEGOTIATIONS

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Classroom Activity
Right of Way Acquisition

Closings

- Closings will be conducted by GDOT Attorney (SAAG)
- Lien Release for Property Acquisitions less than $15,000
- Examine title certificate and discuss potential issues with property owner
- Ensure all interests have been acquired
Right of Way Acquisition Closings

- Right of Way Deeds
- R-Parcels
- Settlement and Disbursement Statement
- IRS 1099-S Form
- Owner’s Affidavit
- Final Title Certificate
- Quit-Claim Deed
Property Management

Mission

Responsible for the timely demolition and removal of structures, signs, billboards, fences and underground storage tanks and other trade fixtures from the GDOT right of way.
Property Management begins and ends with the cooperation between the acquisition team/consultants and the property management team. Once the parcels are acquired the property management begins.
Property Management

Notice to Vacate

Property Management

PM-14 R/W Improvement Status

PM-15 Trade Fixtures & Sign Inventory
If there are structures located within the required Right of Way the Right of Way shall be cleared prior to Certifying the Project.

Underground Storage Tanks (UST’s) & Monitoring Wells (Please contact GDT Property Management Office)
Negotiations

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 Negotiations

➢ Breakdown in Negotiations
➢ Irate Property Owners
➢ Condemnation
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Condemnation

➢ Title Certificates should be within 6 months of current date
➢ Appraisal Reports should be within 12 months of current date
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(1) Preconstruction Status Report
(2) ROW Project Status Report
(3) Relocation Advisory Service Certificate
(4) Relocation Status Report
Certification

(5) Right of Way Improvement Status
(6) Trade Fixture and Sign Inventory Report
(7) Copies of all Right of Entries & Options w/Special Stipulations
(8) Copy of cover sheet highlighting outstanding parcels
Consultant Right of Way Training Certification

Certifications are due in the Right of Way office by the date listed on the Critical Events schedule.
Wrap UP

Questions