

PARCEL FILE SET-UP

**FOR FEDERALLY
FUNDED PROJECTS**

LEFT SIDE OF FOLDER

Steps in the acquisition Process for all Local Public Agents

This is the process for all Local Public Agencies (LPAs) to follow when there is a need for “new right of way”. This is a general overview and not an exact account of what takes place and the timing. If you need an exact account of what transpires, please ask your ADOT Right of Way Liaison.

1. First and most important step is to have an **Environmental Clearance** and the **“Authorization to Proceed”** for the right of way process that is received from FHWA.

a) During the Preliminary Engineering stage some approved right of way procedures may begin. Title reports may be ordered and appraisal bids may be requested from State Certified General appraisers. They may not be hired until “Authorization to Proceed” (AP) has been issued by FHWA.

2. When the AP is completed, the LPA may develop the right of way action plan and start putting together an acquisition timeline.

3. LPA may now hire a State Certified General appraiser. LPA should give a copy of title reports to the appraiser along with a scope of work (definition of the appraisal problem).

4. Once the appraisal is completed it is given back to the LPA, they need to have it reviewed by a State Certified General Appraiser (cannot be the same as the appraiser). The reviewer is the one who recommends the value of the “Just Compensation” for the property.

5. The LPA (must be an agency official, not a consultant) concurs by issuing a memo stating the just compensation amount, the name and title of person writing the memo and he places it in the general project file. This is a good time to update the timeline.

6. The LPA can now develop the offer letter and summary statement. In addition to the offer letter and, they may fill out the conveyance documents Deeds, Easements and Temporary Construction Easements if necessary. They will need approved set of r/w plans and then they can package all of this together and make the offer. This should be done in person unless out of town, then send by Certified Mail with return receipt

7. Once the property owner receives and reviews the offer (Federal Regulations say 30 days minimum). If the offer is accepted, the LPA opens escrow. If the owner declines the offer, the LPA may negotiate or initiate Eminent Domain.

If the owner feels the offer is to negotiate they can do an administrative settlement. all settlements must well documented, justified done in memo form, who made the decision, the amount of the settlement, signed by person that made the decision and placed into the individual project parcel file. If the property owner accepts the settlement, the LPA opens escrow on this parcel.

If the owner declines the offer and negotiations, the LPA can start the Eminent Domain process.

8. when all parcels are acquired, the LPA needs to send the filled out Right of Way Certification form along with copies of all supporting documents to the Right of Way Liaison of ADOT. the appraisal, review appraisal, memo of "Just Compensation", offer letter with summary statement administrative settlement statement, escrow settlement documents and, if there was one. Upon satisfactory review, the Right of way Liaison will issue a Right of Way Clearance letter.

Basic Requirements of the Acquisition Process:

1. Personal contact must be made with property owner.
2. Provide the owner with a written offer of what is believed to be "Just Compensation".
3. Must give owner time to consider offer (Federal Regulations state minimum 30 days).
4. Conduct activities in a non-coercive manner.
5. Provide at least a 90 days notice to vacate property
6. Pay the agreed upon price.

Please ask your ADOT Right of Way Liaison if you need more information.

Items that need to be in a parcel file for review

Checklist:

If new Right of Way is needed:

First Items Needed

- _____ Proof of Environmental Clearance (**date only**)
- _____ Authorization to Proceed (Form PR2X from FHWA) (**date only**)
- _____ Certification of Right of Way form completed and signed (original) (name of person authorized to sign)
- _____ Copy of appraisal and re-appraisal if applicable
- _____ Copy of appraisal review, comments and conclusion of value
- _____ Copy of the "JUST COMPENSATION" memo and the amount (signed by authorized person)
- _____ Copy of offer letters (signed)
- _____ Copy of summary statements
- _____ Copy of 100% design plans with new R/W highlighted
- _____ Copy of agents' contact log/diary (signed by agent/s)
- _____ Copy of E-mails sent and received
- _____ Copy of all correspondence from property owners
- _____ Copy of Waiver of Compensation **if used** and justification for them
- _____ Copy of any administrative settlements and justification/documentation in a written memo to the acquisition file
- _____ Copy of all conveying instruments/easements of any kind
- _____ Copy of any condemnation proceedings and all correspondence to property owner in conjunction with condemnation, copies of the "Order to Show Cause" and "Order of Immediate Possession" and the "Judgement

If relocation is involved:

- _____ Copy of all letters and e-mails to property owner and any correspondence to them
- _____ Copy of the "Eligibility Determination" worksheet
- _____ Copy of the moving estimate and /or self move paperwork
- _____ Copy of all final paperwork concerning move
- _____ Property Vacate date

If there was no New Right of Way:

- _____ Proof of Environmental Clearance (**date only**)
- _____ Certification of Right of Way form completed and signed (original)
- _____ Copy of 95% design plans or newer
- _____ Date of any Right of Way previously acquired and by what means (i.e. donations, dedications or by purchase)
- _____ Copy of Right of Way Clearance Letter and memo of Right of Way Clearance

Miscellaneous
Reference Materials

- ADOT Manual (3 Pages)
- Laws
- Process Elements
- "Some ways to lose your Federal money"
- Amendment to the Local Governments Right of Way Section (Manual)
- Waiver of Compensation
- Low value Waiver Valuation form