

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.