

ARKANSAS DEPARTMENT OF TRANSPORTATION

STAGE SUBMITTAL OF TAP/RTP/SRTS PLANS for RIGHT OF WAY CERTIFICATION

Plans shall be prepared and submitted to ARDOT according to the following:

Stage 1:

Submit 30% Design Plans with the following information.

- Job name and number, existing right of way with station and offset from the construction centerline or the overall existing right of way width dimensioned.
- The plan scale shall be adequate to clearly show all details, dimensions, bearings, distances and notes at 11"x17" sheet size (Not smaller than 1"=100' unless approved in advance by ARDOT).
- Copies of all documents that establish the existing right of way. City plats are a great resource for this.

Submit Right of Way Plans showing property owners names and property lines. If easements are known to be necessary, please illustrate and dimension those on your plan submittal.

Submit proof of ownership (deeds) for each affected property owner.

Submit a sample of the instrument that will be used to acquire the necessary right of way (ie. contract to sell, permanent easement agreement, etc.)

Stage 2:

Submit 90% level design plans for review with the following information.

- Construction centerline, existing right of way, proposed right of way, proposed easements, limits of construction, property lines, ownership information, Design elements (proposed sidewalks, signals, drives, drainage, etc.).
- Copies of documents for the additional right of way and easements needed for construction and maintenance.
- Current owner title information.

NOTE: Do not begin acquiring any additional Right of Way until the Acquisition Documents to be used have been approved by the ARDOT. Failure to do so could result in loss of Federal Funding for this project as well as future Federal Aid Projects.

Stage 3:

Submit final design plans with corrections requested by ARDOT.

Acquiring Right of Way

The Preamble to the National Realtor's Association Code of Ethics begins with: "Under all is the land". For our purposes it should more specifically state: "Under all is the land... and somebody owns it!" Therefore, the first step to any successful road, or highway, or bridge, or trail or sidewalk program is:

- 1) Determine who owns the land that will be affected by the project. Utilizing county records and the preliminary construction plans for the project, all of the owners who will be affected and even some who may be affected by the project need to be identified (pull the deeds). This information becomes the right of way plans for the project showing the owner's names and each owner's specific property lines/boundaries. Provide copies of these deeds and the right of way plans to the AHTD for review.
- 2) Determine how the needed land will be acquired. Will it be purchased in fee-simple) warranty deed)? Will a permanent easement be purchases to run across the owner's property? Will the permanent easement property be donated? Will temporary construction easements be needed? Provide sample copies of the types of documents to be used to the AHTD for review.
- 3) You will next need to determine a value of the land needed to acquire from each property owner. If the estimated value will exceed \$2,500, then an appraisal will need to be done of the property. If the value of the land will be less than \$2,500, then someone who has sufficient knowledge of the real estate values in your area can produce a written estimate.
- 4) The value derived will need to be offered to the property owner in the form of an official offer letter and they then have to have a reasonable amount of time to consider their offer.
- 5) If the owners agree to the amount offered have them sign a contract (both spouses must sign). If the owner is a business, you will need a corporate resolution, or partnership agreement, or operating agreement, etc. to know who can sign on behalf of the organization. If you have to pay the owners more than the appraised value, an administrative adjustment, this is acceptable but it must be documented as to who authorized the additional payment to the owner(s) and why.
- 6) Pay the owners the agreed upon amount and retain a copy of the payment.
- 7) Prepare a deed conveying the property and have the deed recorded in the local County records.
- 8) Make a copy of all of this information and forward to the AHTD for review.
- 9) When all of the property is acquired and all comments about the construction and right of way plans have been addressed, the sponsor will need to certify the job. This is a letter to the AHTD attesting to the fact that the properties were acquired in accordance with the Uniform Act, as well as answering specific questions about displaced persons or businesses, structures that had to be or will have to be moved, and utilities that were or were not affected by the project.
Provide a copy of this letter to the AHTD.

This is the simple version, but we know every job and every property owner is different. You may have some willing to donate and you may have some that do not agree and will need to be condemned. If you get into these scenarios please know I am here to help.



DAVID STEWARD
Right of Way Coordinator
Right of Way Division • Acquisition Section

Office: 501-569-2584
Fax: 501-569-2018
Cell: 501-454-6165
Toll Free: 1-877-569-0120, ext. 2584
David.Steward@ahtd.ar.gov

Arkansas State Highway and
Transportation Department
10324 I-30 • P.O. Box 2261
Little Rock, Arkansas 72203
www.ArkansasHighways.com