

NCDOT RIGHT OF WAY CERTIFICATION ON LOCALLY ADMINISTERED PROJECTS (NCDOT Division 6)

This guide is to assist Municipalities in obtaining right of way certification from NCDOT on locally administered projects. The following is not a comprehensive list of requirements, but general outline of items to be considered when right of way certification is needed. Complete requirements can be found at the following websites:

<http://www.fhwa.dot.gov/realestate/realprop/index.html>

<http://www.fhwa.dot.gov/realestate/ua.htm>

<http://www.ncdot.org/planning/development/Enhancement>

Right of Way Certification is the assurance from NCDOT to FHWA that Federal policies/regulations have been adhered to regarding the right of way acquisition phase of the project. The Certification is typically submitted by the NCDOT Division Right of Way Agent for the county where the project is located, after receiving a request from the Municipality accompanied by needed documentation.

Projects are examined to determine whether new easements/property were acquired and/or whether the project is to be constructed within existing public right of way/property owned by the Municipality prior to the project.

Obtaining Right of Way Certification - Steps

If a project can be constructed within existing public right of way/property owned by the Municipality prior to the project, the Municipality should provide the following to the Division Right of Way Agent:

Plan sheets showing the improvements along with the existing public right of way limits. **Existing Public right of way should be verified prior to plan development.** Existing public right of way limits should not be assumed to be a certain width. County Tax maps are not necessarily an accurate indicator of existing public right of way limits.

The NCDOT recognizes four basic ways of proving existing right of way limits: (1) recorded right of way/deed/easement (2) recognition of right of way limits within a recorded deed/map of the subject property - the deed/map is specific to each property. That is, a right of way width on one property cannot be assumed by virtue of a deed/map on another. (3) a survey which locates the property corners of the subject property – preferably by RLS (4) existing maintenance limits – if this is used on non-NCDOT roads, the Municipality should furnish a letter on their letterhead, stating the r/w width claimed by them.

On NCDOT roads, the NCDOT may be able to provide information to assist the Municipality in determining the existing right of way limits. However, it is ultimately the responsibility of the Municipality to locate/plot to the existing public right of way along its proposed project.

The project may also utilize property owned by the Municipality prior to the project concept. Copies of recorded deeds or dates of deeds may suffice.

**SHOULD NEW EASEMENTS/RIGHT OF WAY/PROPERTY
BE NEEDED FOR THE PROJECT:**

Acquisition guidelines listed at <http://www.fhwa.dot.gov/realestate/ua.htm> , specifically [49 CFR Part 24 - Regulations](#) should be followed.

Highlights of this section are:

- (1) The property owner must be informed that he/she is entitled to receive fair market value for the portion of their property needed for the project.
- (2) The property owner shall also be informed of his/her right to an appraisal **unless** the valuation problem is uncomplicated and the fair market value is estimated to be no more than \$ 10,000. If the value of the property needed is estimated to be \$ 10,000 or less the Municipality may determine the value based on a review of available data. Evidence to support the estimated value should be submitted to the NCDOT with the certification request.
- (3) After being notified in accordance with (1) and (2) above, an owner may donate the property that is needed for the project.
- (4) If an appraisal is required, the owner shall be given the opportunity to accompany the appraiser during the inspection of the property.
- (5) The appraisal must be reviewed and approved by a qualified reviewing appraiser to assure that it meets applicable appraisal requirements. The reviewing appraiser may approve the appraisal as written or develop appraisal documentation, either independently or by reference to acceptable relevant information developed by others, to support an approved or recommended value.
- (6) The owner shall be given a written offer that reflects an amount not less than the approved appraisal.

If additional easements/right of way needed for the project, upon its request for r/w certification, the Municipality should forward plans sheets showing existing public right of way, and new easements/property needed for the project, copies of recorded easements, valuation evidence or copy of approved appraisal, copies of written offer communication; if donation, evidence that owner was informed of (1) and (2) (attached forms may be used).

It is important that the Municipality contact NCDOT if there are questions regarding the right of way acquisition/certification process.

The NCDOT Acting Division Right of Way Agent for your area is Tracy Clark, 225 Green Street-Suite 503, Fayetteville, NC 28301 Telephone: 910-486-1554 Facsimile: 910-486-1077 Email: tclark@ncdot.gov

3/23/2011 9:01 AM

PROJECT DESCRIPTION:

TEA Project Number _____

Name of Applicant _____

Description/Location of Project _____

This is to certify that in connection with the above project, I (we) have been advised that:

1. At no expense to us, we may elect to have our property appraised by a qualified appraiser to determine the *fair market value* of the property needed for the project.
2. The appraisal will be reviewed by a Review Appraiser approved by NCDOT.
3. Based on said appraisal, we will be offered *just compensation* for all property needed.

We further certify that any decision on our part to donate or convey the property needed at less than fair market value is made with full knowledge of the above.

_____ (Seal) _____ (Seal)

_____ (Seal) _____ (Seal)

(Official Seal)	North Carolina, _____ County
	I, _____, a Notary Public for _____ County, North Carolina, do hereby certify that
	personally appeared before me this day and acknowledged the due execution of the foregoing instrument. Witness my hand and official seal this the _____ day of _____, 20 ____ .
	_____ Notary Public
	My commission expires: _____

(Official Seal)	North Carolina, _____ County
	I, _____, a Notary Public for _____ County, North Carolina, do hereby certify that
	personally appeared before me this day and acknowledged the due execution of the foregoing instrument. Witness my hand and official seal this the _____ day of _____, 20 ____ .
	_____ Notary Public
	My commission expires: _____

PROJECT DESCRIPTION:

TEA Project Number _____
Name of Applicant _____
Description/Location of Project _____

Below is a list of properties acquired as a part of this project:

Owner Name Owner Paid (Yes/No) Amount Paid How Value Determined

This is to certify that in connection with the above project, all of the above owners have been advised that:

1. At no expense to them, they may elect to have their property appraised by a qualified appraiser to determine the *fair market value* of the property needed for the project.
2. The appraisal will be reviewed by a Review Appraiser approved by NCDOT.
3. Based on said appraisal, they will be offered *just compensation* for all property needed.

Corporate Name

By: _____ Attest: _____

Corporate Seal

(Official Seal)	North Carolina, _____ County
	I, _____, a Notary Public for _____ County, North Carolina, certify that
	_____ personally came before me this day and acknowledged that he/she is the CLERK of the CITY OF _____, and that by authority duly given, the foregoing instrument was signed in its name by its MAYOR of the CITY OF _____
	_____, sealed with its corporate seal, and attested by _____ as its CITY CLERK.
	Witness my hand and official seal this the _____ day of _____, 20 ____.
	_____ Notary Public
	My commission expires: _____