

Tracking Right of Way Requirement Changes

Purpose: To obtain data on the causes for right of way requirements being changed after the approval of 60% (Phase II) Plans for identification of potential needed improvements in the Department's overall critical path process from the identification of right of way requirements to right of way certified clear. The data obtained is expected to better define the coordination efforts required between Design, Surveying & Mapping, Right of Way Administration and Legal Counsel; identify the time frame(s) where required resources need to be aligned; and ultimately to eliminate duplication of work being done by both Design and Surveying & Mapping. *It is critical* that all disciplines work together in educating each other as to what it takes to define right of way requirements, as to what stage (or stages) this is accomplished, and what are the impacts to the overall production schedule when requirements are changed.

Types of Changes to be Tracked:

Area Configuration: Any change to the configuration of the requirement area after 60% (Phase II) Plans approval/comment resolution including the addition or voiding of a parcel.

Real Estate Interest Only (i.e. fee versus easement): If the Department is to acquire any interest less than fee simple, it is imperative that all uses of the land required be identified, accounting for any areas of design development that may not be complete to date. *Both the Design Plans and the Right of Way Map must reflect the appropriate real estate interest being acquired to ensure Construction knows what construction activities are or are not allowed and to ensure Maintenance knows their responsibilities as related to the maintenance and future permitting in the area.*

Uneconomic Remnant: Purchase of remainder properties identified as non-usable to the property owner and considered surplus to the Department. This category does not affect Design.

Reasons for Change (Code number for tracking form):

- 01 Design Change to Scope (i.e. typical section, drainage design)
- 02 Variance or Exception Granted
- 03 Permitting Issue
- 04 Utility Design Issue
- 05 Local Agency (JPA) Delay or Default
- 06 Design Accommodation versus R/W Take (i.e. wall vs. slope easement)
- 07 Design Mistake
- 08 Survey Mistake
- 09 Property Changes Resulting from Complete Title Work (i.e. property split)
- 10 Tweaking of Design Due to Final Geometry Calcs on Property Lines
- 11 Avoid Impacts to Real Estate Improvements
- 12 Reduce Damages to Remainder Property
- 13 Development of the Property
- 14 Real Estate Costs
- 15 Real Estate Interest Change (i.e. fee to easement)
- 16 Property Owner's Request
- 17 Uneconomic Remnant
- 18 Other

Process:

1. Changes to right of way requirements will be tracked from delivery of the final right of way requirements and limits of construction to the R/W Surveyor through right of way certified clear. The Department has developed the “Right of Way Requirement Changes Tracking Form” for this effort. The start of this form will be done during the 60% Mapping Team Meeting (parcel by parcel review) as described below.

2. The Engineer of Record (EOR) is responsible for this activity from the start until the Department accepts 100% Right of Way Map complete. The R/W Surveyor is responsible for assisting the EOR in this activity. FDOT Surveying & Mapping will be responsible for updating the form from 100% Right of Way Map complete until right of way certified clear.

3. All transmittals of the tracking form will be sent electronically as a Word document. A hard copy signed form by EOR will be done only at the initial stage of completion and at the 100% Right of Way Map complete stage (a scanned image submitted in PDF format along with the electronic Word document is acceptable). The form will be emailed directly to the FDOT Project Manager for distribution. **Note: the form will be updated and distributed each time a change is made.**

4. The 60% Mapping Team Meeting (parcel by parcel review) will be scheduled within three (3) weeks or less of delivery of r/w requirements and limits of construction to the R/W Surveyor (this occurs after approval of the 60% Phase II Plans/comment resolution). The R/W Surveyor will provide two sets of the preliminary 60% Right of Way Map containing, at a minimum, the requirements, limits of construction and the topographic improvements. The EOR is responsible for coordinating the scheduling of this meeting with the FDOT Project Manager. At a minimum, the disciplines that will be in attendance are as follows:

FDOT Project Manager, EOR, Consultant R/W Surveyor, FDOT Project Surveyor, FDOT Mapping/Title Specialist, FDOT R/W Design Coordinator, FDOT Legal, FDOT R/W Cost Estimates

5. Parcel number assignment and the first four columns of the tracking form will be completed for all parcels identified as required for the project during the mapping team meeting. At this stage, the tracking form and the minutes of the mapping team meeting as prepared by the EOR, will be submitted within **three working days** of the team meeting (process for delivery as noted in item 3 above).

Tracking Right of Way Requirement Changes

Page 3 of 4

6/7/04, Rev. 12/01/05, Rev. 04/13/07, Rev. 06/05/09, Rev. 04/24/12, Rev. 9/13/16

6. Should there be any issue that cannot be resolved in the parcel by parcel review by the team members, the FDOT Project Manager shall schedule a meeting with the District Surveyor, District R/W Manager, District Design Engineer and District General Counsel for review and determination of what direction to take. Note – the current tracking form must be brought to the meeting so we have the latest information on the parcel status.

(Wednesday afternoon starting at 1:30pm has been dedicated by the Department Managers to address the issue(s). Please provide Gary Roche with the project information and issue to be discussed to be placed on the agenda along with other parties that need to attend. We will schedule approximately 15 minutes per issue on the project. Should you feel this time is not sufficient, please advise Gary accordingly so more time can be scheduled.)

7. Any changes to either the requirement configuration or title interest that occurs after the 60% Mapping Team Meeting through the remainder of the tracking process (right of way certified clear) must be presented to the Department Heads for review and decision on the direction to take.

8. When submitting the 90% Right of Way Map for review to the Department, the R/W Surveyor will submit one set to the EOR for the final comparison review of the right of way map to the design plans (basically: Do the requirements agree and has sufficient right of way been identified to accommodate the construction and future maintenance of the project. The EOR is responsible for reviewing the entire corridor, not just the take areas). The EOR's review is to be completed within the Department's prescribed review time for the right of way map. Any discrepancies noted in the review that affect the requirements need to be addressed with the Department Heads.

9. A certification letter will be required from the EOR documenting the comparison review has been done, that all items are in agreement and sufficient r/w has been identified to accommodate construction and maintenance of the facility prior to the Department accepting 100% Right of Way Map complete.

10. At or before the 100% Right of Way Map complete submittal to the Department, the EOR will submit the tracking form both electronically and signed hard copy as described in Item 3 above.

11. Upon acceptance of the 100% Right of Way Map complete, FDOT Surveying & Mapping Office will assume the responsibility of updating the tracking form when changes are being requested. The same requirements for change requests as noted above apply and must be presented to the Department Heads for review and decision on the direction to take.

Tracking Right of Way Requirement Changes

Page 4 of 4

6/7/04, Rev. 12/01/05, Rev. 04/13/07, Rev. 06/05/09, Rev. 04/24/12, Rev. 9/13/16