

Document Release Notice

Document #:	See Below	Title:	See Below	
Current Revision #:	See Below	Type of Change:	<input type="checkbox"/> ORIG RELEASE <input checked="" type="checkbox"/> REVISION <input type="checkbox"/> ARCHIVE <input type="checkbox"/> OBSOLETE	
New Revision #:	See Below	DRN Number:	10362	<input type="checkbox"/> MAJOR <input type="checkbox"/> MINOR <input checked="" type="checkbox"/> ADMIN
Date Submitted:	9/16/2011	Document Type:	QMS Document - ROW	Choose from Drop Down Menu - left

Summary of Proposed Changes:

- Include paragraph numbers or other references & attach a copy of the new or revised documents)
- For new documents, indicate "Original Release"

Revise the below ROW procedures and form to update position/team title.

- ~~ROW-03 ROW Acquisition, Rev 3 to 4~~
- ROW-04 ROW Eminent Domain, Rev 3 to 4
- ROW-05 Relocation Services, Rev 0 to 1
- ROW-07-A3 Cost Estimate vs. Actual Report, Rev 0 to 1

Reason for New Release / Revision / Obsolescence:

Revision needed to update position/team/dept title in the above procedures and form.

Required Signatures:

Title	Printed Name	Signature	Date
Originator	Dave Clarke		9/16/11
Subject Matter Expert	Dave Clarke		9/16/11
NTTA Manager	Kelly Johnson		9/19/11
Quality Manager	Troy Federspiel		9/23/11
PD Contracts Manager	Ijay Nkele		9/23/11
Director of Project Delivery	Elizabeth Mow	Not required for ADMIN changes.	
Document Control	Md Omar Faruk		

NTTA Projects	Original Issue Date: 06/05/2008	ROW-04
Resource: ROW	Revision 3 Issue Date: 04/30/2010	Page 1 of 7
Title: ROW Eminent Domain		

1.0 PURPOSE:

The purpose of this procedure is to define the process by which eminent domain shall be utilized to acquire properties on behalf of the NTTA. This process is needed when parcel settlement negotiations fail due to the owner(s) being either non-responsive or refuse to accept the NTTA's final offer letter for sale of the property.

2.0 RESPONSIBILITIES:

- 2.1 NTTA Board of Directors (Board) - The Board shall be responsible for authorizing the ROW Acquisition Team specialist to proceed with condemnation. NTTA Board shall be responsible for reviewing and approving the eminent domain resolutions to proceed with parcel condemnation. Should the Board reject the resolution(s), the package is returned to the ROW Acquisition team for revision and later returned to the Board for approval.
- 2.2 ROW Acquisition Team - Shall be responsible for preparing the list of parcels considered for Eminent Domain and submission checklist for the eminent domain packages. The specialist shall also request appraisals on properties if the most recent appraisal is more than six months old and shall update title commitments if the most recent title commitment is more than 90 days old. The ROW Acquisition Team prepares and submits the eminent domain packages and checklists to legal counsel for review.
- 2.3 Legal Counsel - The legal representative shall be responsible for reviewing the list of parcels and eminent domain documents for accuracy, makes recommendations to the NTTA Board to proceed with the eminent domain process, shall file the condemnation suit, and shall ensure that all parties named in the suit receive proper notice of a condemnation hearing. After the condemnation hearing, the legal representative shall verify that no objections were filed after the prescribed waiting period. If no objections have been filed, the legal representative shall then file a check in the amount of the special commissioners' award with the court, and acquire possession of the property.
- 2.4 Corridor Manager (CM)/Project Manager – The CM or Project Manager shall be responsible for coordinating the development of the project schedule in accordance with PC-06, Schedule Management including ROW acquisition timelines.
- 2.5 Consulting Engineer - The Consulting Engineer shall be responsible for adhering to requirements described in Section 406 of the amended and restated Trust Agreement to prepare a statement certifying that in their opinion the acquisition of such property is necessary in connection with the construction or operation of the project.

3.0 SCOPE/APPLICABILITY:

This procedure shall apply to all NTTA projects and corridors.

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4.0 REFERENCES:

- ROW-05 Relocation Services Procedure
- PC-06 Schedule Management Procedure

5.0 DEFINITIONS & ACRONYMS**6.0 PROCEDURES:**

The eminent domain process includes several activities which the ROW Acquisition Team must perform and assist the legal representative with, in order for a parcel to be correctly acquired.

6.1 Authorization to Proceed – Parcels proposed for condemnation shall be prepared by the BAT and submitted to the NTTA Legal team with the completed submission checklist (ROW-04-F1) for their review. The Legal team reviews the listing of eminent domain parcels and their respective packages for accuracy and makes recommendation to the NTTA Board to proceed with the eminent domain process and file the condemnation suit. The Board shall review each parcel on the eminent domain list with input from the Legal team and RAT team and authorize the Legal team and RAT to proceed with parcel condemnation. Upon receipt of authorization to proceed with condemnation, the Corridor Manager shall work directly with the BAT to prepare the parcel condemnation schedule in accordance with PC-06, Schedule Management Procedure.

6.2 Title – Upon Board approval, the ROW Acquisition Team shall obtain updated title commitments for all parcels prior to completing and submitting an eminent domain package to the legal representative. The title commitment shall be used in preparation for filing, and shall be no older than 90 days, and shall also be brought the day after the lawsuit has been filed. The title commitment shall list ownership, liens, and any other encumbrances to the property.

6.3 Appraisal – RAT Team shall request an updated appraisal if the latest appraisal is more than 6 months old. The updated appraisal is used for preparation of the eminent domain package.

6.4 Eminent Domain Package – The eminent domain specialist shall join all parties in a condemnation action utilizing the latest title commitment and appraisal obtained. It shall be inclusive of all parties that have any interest in the property to ensure that no outstanding claims can be made after the condemnation hearing has been held. In addition, the package shall contain a completed eminent domain package submission checklist, correspondence concerning the interested parties, vested documents, current appraisal and title commitment. The complete package shall be submitted to the legal representative.

6.5 Documentation – The NTTA Legal Counsel Representative shall review the package for accuracy and then shall prepare the proper legal papers to initiate the suit. The NTTA legal representative shall file the papers in the court, shall set the hearing date, verify with the court the selection of Special Commissioners

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and shall ensure all parties named in the suit are served a Notice of Hearing, no less than 11 days prior to the hearing, not counting the day of the hearing.

- 6.6 Right of Entry and Possession Agreement (ROEP)** – At any time prior to a Special Commissioners Hearing, a right of entry and possession agreement may be offered to a property owner for consideration. The legal representative is responsible for the preparation and execution of a ROEP agreement will allow for utility and/or roadway construction activities to commence within the described parcel area. The ROEP is typically used prior to holding formal condemnation proceedings, but does not waive any of the owner’s rights to just compensation.
- 6.7 Hearing Date Set-** The NTTA legal representative will work with the respective County Judge to achieve selection of the Special Commissioners for the hearing. The County Judge will then set the hearing date and NTTA legal will notify all named parties in the suit of the hearing date by sending them the “Notice of Hearing” letter.
- 6.8 Attend Hearing & Award of Special Commissioners** – The hearing is attended by Expert Witnesses, Appraisers, Design Representatives, NTTA legal and others as requested by the court. Upon completion of the condemnation hearing, the Award of Special Commissioners shall be completed and signed by the Special Commissioners. This document shall be reviewed and signed by the presiding judge and shall be filed. At this time, the NTTA legal counsel representative shall request a check in the amount set by the Special Commissioners. A Notice of Deposit shall be filed by the NTTA legal representative in order to acquire possession of property. Once the Notice of Deposit is filed, the Consulting Engineer shall prepare and submit a statement certifying that the condemned ROW purchase is necessary for construction of the project for review of conformance to Section 406 of the NTTA Trust Agreement.
- 6.9 Relocation of Residents** – Should relocation of residents be necessary to take possession of the property, continue to QMS document ROW-05 for further processing.
- 6.10 Objections** – Immediately following the close of business on the first Monday, 20 days after the award of commissioners has been filed with the Court; the legal representative shall verify that no objections have been filed. If no objections have been filed, the legal representative shall receive the warrant and prepare the Judgment in Absence of Objections. The legal representative shall then arrange for the Judge to sign the Judgment to be delivered to the title company for filing in the real property records and shall seek the issuance of the title policy. If objections are filed, the legal representative shall continue to handle the condemnation proceeding until a settlement is reached or a jury trial is held.
- 6.11 Notice of Deposit** – When the check is deposited in the court, the legal representative shall file the Notice of Deposit and notify all parties to the lawsuit that it has been filed. The legal representative obtains the parcel title policy and notifies the NTTA that they are entitled to acquire possession of the property.
-



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6.12 **Administrative Closeout** – Upon completion of the process, the ^{ROW} ~~RAT~~ Manager shall be responsible for completing the close-out checklist form for eminent domain (ROW-04-F1) and that all parcel records are properly archived into the EPDS system.

7.0 REGULATORY REQUIREMENTS:

- Uniform Relocation and Real Property Acquisition Policies Act of 1970 as amended (see link to ROW-05)
- State and Local statutes as applicable.
- NTTA Amended and Restated Trust Agreement, Section 406, Payments from Construction Fund for Condemnation of Property.

8.0 RELATED BOARD POLICY:

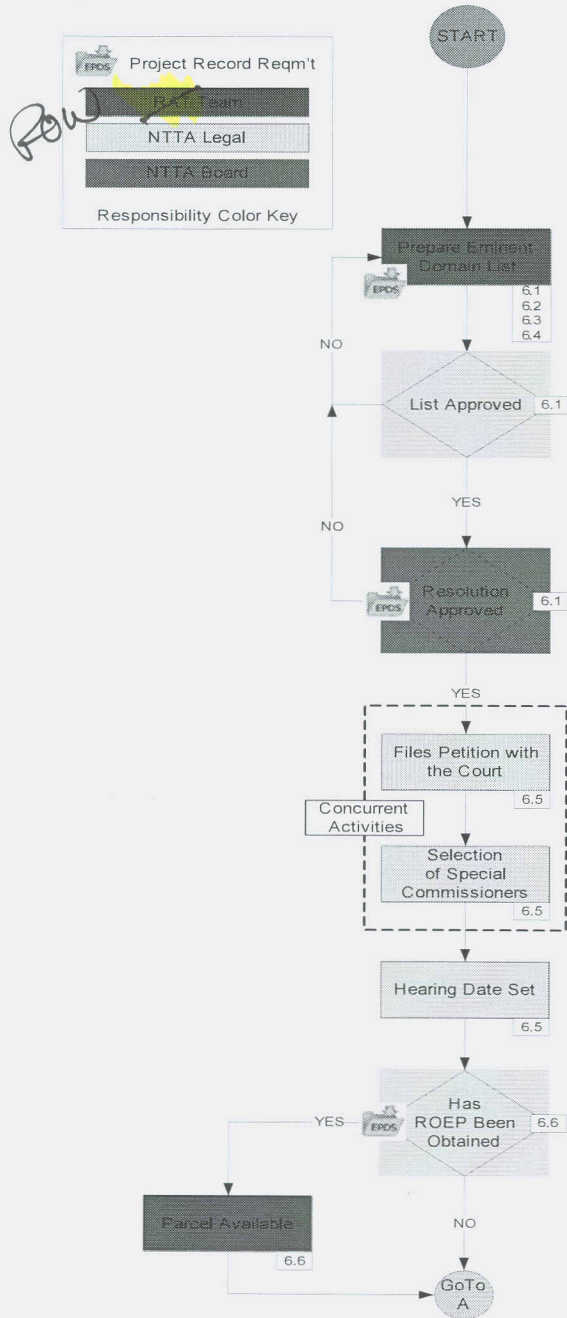
N/A

9.0 COMPONENT DOCUMENTS:

ROW-04-F1 Eminent Domain Closeout Checklist

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10.0 FLOWCHART:



Process Inputs :

- Negotiations fail (reference ROW-03)
- Final offer letter not agreed to by owner
- Non-response from owner
- Conflict of interest circumstances
- Owner requested

RAT Team:

- Prepares and submits listing of parcels to be considered for Eminent Domain
- Orders new property titles
- Obtains updated property appraisals and title
- Submit eminent domain package with submission checklist (ROW-04-F1) to NTTA legal for review
- Coordinates with CM to prepare ROW Project Schedule

NTTA Legal:

- Legal team reviews listing of parcels and eminent domain package for accuracy and makes recommendation to the NTTA Board to proceed with eminent domain process and file the condemnation suit
- If rejected, send list back to RAT Team for updates/revisions
- If approved, then list is sent to NTTA Board for approval and preparation of legal papers to initiate the suit

NTTA Board:

- Reviews Eminent Domain resolution to proceed with condemnation
- If rejected, sends list back to RAT Team for updates
- If approved, then proceed to next step

NTTA Legal:

- Submits Petition to the Court

NTTA Legal:

- Selection of Special Commissioners by Judge

NTTA Legal:

- Hearing date is set, notifies all parties named in the suite of the hearing date by sending them the "Notice of Hearing" letter
- Prepares "Right of Entry and Possession Agreement" when determined necessary to proceed with utility or roadway construction

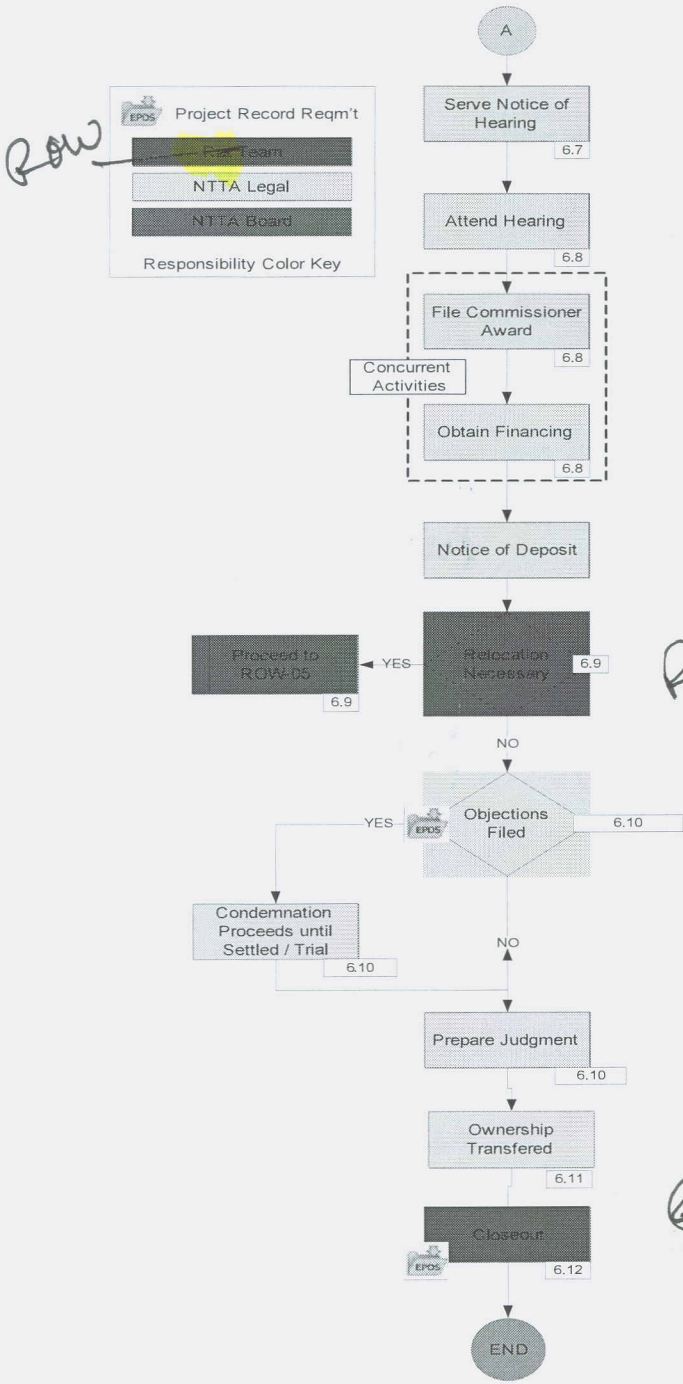
NTTA Legal:

- If "Right of Entry and Possession Agreement" has been obtained, partial funds are ordered and deposited with the court
- If no, proceed to next step

RAT Team:

- Parcel available for roadway and utility construction

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NTTA Legal & NTTA:
 - Confirm receipt of "Service Notification" of hearing date to property owners and all involved in suit

NTTA Legal & NTTA:
 - Hearing attended by Expert Witnesses , Appraisers , Design Representatives and others as requested by the court

NTTA Legal:
 - Award of Special Commissioners is completed and signed by the Commissioners
 - Reviewed and signed by the judge

NTTA Legal:
 - Funds requested to the NTTA in the amount set by the Special Commissioners

NTTA Legal:

- Funds deposited with the court
- Notice of Deposit is filed to acquire possession of property
- Notification sent to property owners
- NTTA takes possession of property upon deposit

Consulting Engineer:

- Prepares and submits statement in accordance with Trust Agreement Section 406

RAT Team:

- If relocation is necessary , proceed to Relocation Process (ROW-05)
- If no, proceed to next step

NTTA Legal:

- Verify that no objections have been filed
- If objections have been filed with the court by the property owners or the NTTA, proceed to Condemnation proceedings until settlement is reached or jury trial is held
- If no, proceed to next step

NTTA Legal:
 - Legal representative continues to handle the condemnation proceedings until a settlement is reached or a jury trial is held

NTTA Legal:

- Receive warrant and prepare the Judgment in Absence of Objections
- Judge to sign Judgment
- Judgment delivered to title company
- Seek issuance of the title policy
- File the "Notice of Deposit" and notify all parties to the lawsuit that it has been filed

NTTA Legal:

- Seek issuance of the title policy
- NTTA takes ownership of property

RAT Team:

- Responsible for archiving all records in the EPDS system



NORTH TEXAS TOLLWAY AUTHORITY

QMS MANUAL
Procedure Definition

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11.0 REVISION HISTORY:

Revision	Revised by:	Date Issued	DRN	Reason for Revision
0	Dave Clarke	06/05/2008		Original Issue
1	Gary Reinhardt	09/08/2008		Minor clarifications throughout document
2	Dave Clarke	03/25/2010	10099	Added flowchart, clarified procedure and added reference to checklist
3	Dave Clarke	04/30/2010	10137	Combined 2.1 and 2.4. Added Corridor Manager to 2.4. Edited 2.5

NTTA Projects	Original Issue Date: 03/29/2010	ROW-05
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Title: Relocation Services		

1. PURPOSE:

The purpose of this document is to define the procedure for providing residential and business relocation assistance for persons and businesses displaced by construction of the Project.

2. RESPONSIBILITIES:

2.1 Assistant Executive Director (AED) – The AED shall be responsible for reviewing and signing replacement housing supplements, letters of eligibility and notices to vacate. The AED is also responsible for approving all relocation payment requests and authorizes the ~~Relocation~~ ^{ROW} Team to deliver relocation payment checks to all displaced residents and businesses.

2.2 The NTTA legal counsel and representatives of the Authority are responsible for reviewing all relocation appeals and determining eligibility or compensation due to individual, family or business.

2.3 The ~~Relocation Manager and Relocation Team~~ ^{ROW Team} shall be responsible for coordinating with NTTA legal counsel and the Authority regarding procedures to contact and provide relocation assistance to residential and business property owners and tenants and outdoor advertising sign owners displaced by the Project. The ~~Relocation~~ ^{ROW} Team shall provide informational brochures, prepare and issue letters of eligibility to displaced residents and businesses. The Team is also responsible for determining eligibility for moving/relocation expenses, notifying the affected displaces and delivering the 30 day "Notice to Vacate" upon receipt of acquisition letters and delivery of all relocation payment claims.

2.4 Relocation Manager shall be responsible for reviewing and approving all relocation replacement housing supplements and relocation claims submitted by the ~~ROW Relocation~~ ^{ROW} Team. In addition, the Relocation Manager shall be responsible for coordinating with ~~ROW Acquisition~~ ^{ROW} Team to determine priority of parcels to advance construction.

3. SCOPE/APPLICABILITY:

This procedure shall apply to all NTTA projects and corridors for which relocation services are required to support project construction.

4. REFERENCES:

- Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended
<http://www.fhwa.dot.gov/realestate/ua/>
- TxDOT Relocation Assistance Manual
<http://onlinemanuals.txdot.gov/txdotmanuals/rel/index.htm>

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5. DEFINITIONS & ACRONYMS

- RHP – Replacement Housing Payment
- DS&S – Decent, Safe and Sanitary

6. PROCEDURES:

The ROW ~~Relocation~~ Team shall perform the following:

6.1 Notification of eligibility

- Notify all property owners and potential displacees of eligibility for relocation assistance and provide them with a Relocation Assistance Brochure at time of initial contact
- Conduct Interviews with displacees
- Issue letters of eligibility to all displacees

6.2 Residential Comparable Housing

- Locate, evaluate, and maintain files on comparable available housing
- Calculate Replacement Housing supplements
- Obtain approval of RHP calculation from Relocation Manager
- Prepare 90-day letter and submit RHP calculation to AED for approval
- Deliver 90-day letter of replacement housing benefits to displacee
- Comply with all rules and regulations regarding inspection and provision of decent, safe, and sanitary replacement housing
- Obtain a minimum of two move bids for each business or residence that requires relocation and review them with displacees, reach consensus on the selected mover and amount.

6.3 Non-residential

- Issue 90-day letter of eligible relocation benefits
- Prepare moving plan
- Determine if two phase move is necessary and if temporary storage is required
- Obtain a minimum of two move bids and personal property inventory, review with property owner(s) and reach agreement on the settlement amount

6.4 Appeals

- Submit appeals that are received to NTTA Legal for review to determine if eligibility can be approved
 - Notify displacee of the appeal decision by the Authority; if appeal is denied, then the process ends
-

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6.5 Notification to Vacate

- Issue 30-day notice to vacate letters
- Take a photograph of the subject property on the date of take for relocation verification
- Inspect move and verify personal property inventory

6.6 Claims

- Assist displacee with the preparation of relocation claims upon completion of personal property move
- Prepare and deliver to the Authority all relocation payment claim submissions for all displacees
- Deliver relocation payment checks to displacees

6.7 File management

- Maintain relocation contact logs and keep the Authority informed of all communications received from displacees
- Maintain relocation files and relocation status reports
- Upon processing all associated relocation claims, prepare Relocation Parcel Closeout Checklist, ROW-05-F1, and upload the displacees relocation file containing personal and confidential information to NTTA's file retention and storage location

7. REGULATORY REQUIREMENTS:

All Relocation Services provided by the ^{ROW} Right of Way Acquisition Team shall conform to all applicable laws, rules, and regulations governing the right-of-way acquisition and/or condemnation by the Authority.

8. RELATED BOARD POLICY:

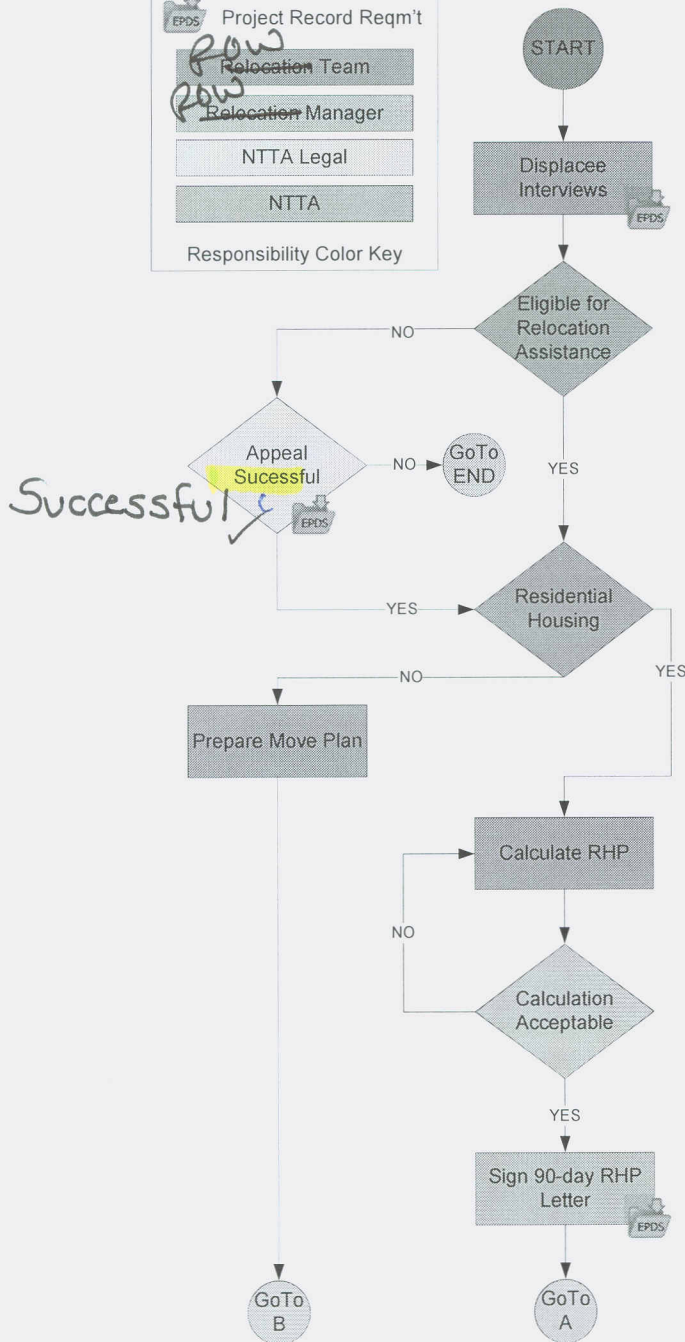
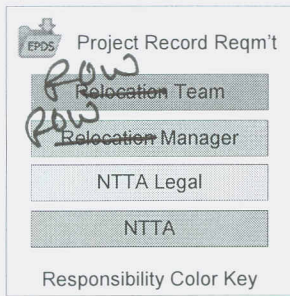
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9. COMPONENT DOCUMENTS:

ROW-05-F1 Relocation Parcel Closeout Checklist

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10. FLOWCHART:



ROW

Relocation Team:

- Notify property owners and Displacees of potential eligibility for relocation assistance
- Provide "Relocation Assistance Brochure"
- Issue letters of eligibility

ROW

Relocation Team:

- Team determines eligibility based on comparable available housing data

NTTA Legal:

- Reviews Displacees appeal and determines if eligibility can be approved
- If no, then process ends
- If yes, then proceed to next step

ROW

Relocation Team:

- Team determines if Displacee is a residential or business

ROW

Relocation Team:

- Team prepares move plan(s) (one or two phase)
- Temporary storage
- Obtains at least two move bids

ROW

Relocation Team:

- Team calculates replacement housing supplements based on comparable available housing data

ROW

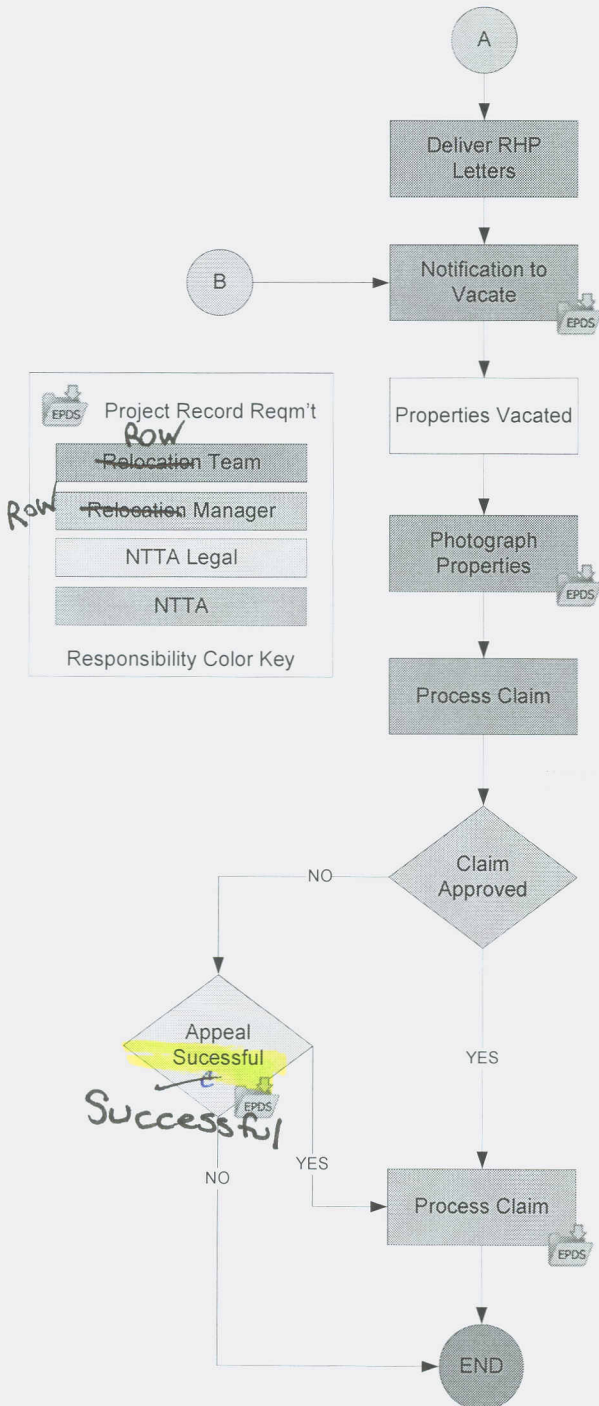
Relocation Manager:

- Reviews RHP calculation
- If calculation needs revision, returns calculation package to Relocation Team for updates
- If calculation is acceptable, proceed to next step

NTTA:

- NTTA reviews and signs RHP letters

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ROW Relocation Team:
- Team delivers letter via certified mail to tenant/owners

ROW Relocation Team:
- Team delivers 30-day "Notice to Vacate" upon acquisition letters

Proper Owners/Tenants:
- Property owners/tenants vacate premises
-

ROW Relocation Team:
- Team photographs properties on the date of take for relocation verification

ROW Relocation Team:
- Team prepares and delivers to the Authority all relocation payment claims

ROW Relocation Manager:
- Reviews Claim for eligibility
- If Claim needs revision, return package to Relocation Team for updates
- If Claim is acceptable, proceed to next step

NTTA Legal:
- Reviews Displacees appeal and determines if payment can be approved
- If no, then process ends
- If yes, then proceed to next step

NTTA:
- Claims are processed for payment
- Deliver relocation payment checks to Displacees



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11. REVISION HISTORY:

Revision	Revised by:	Date Issued	DRN	Reason for Revision
0	Dave Clarke	03/29/2010	10100	Original Issue

Cost Estim. 'S Actual Report

PGBT EE
ROW UTILITY
CASHFLOW

	Original Estimate	Committed	Actual Spent	Projected (instead of Expense)	1-Nov-09	1-Dec-09	1-Jan-10	1-Feb-10	1-Mar-10	1-Apr-10	1-May-10	1-Jun-10	1-Jul-10
PGBT EE Sec 28 Right of Way	\$5,096,850	\$0	\$2,826,826	\$819,417	\$0	\$0	\$819,417	\$0	\$0	\$0	\$0	\$0	\$0
PGBT EE Sec 29 Right of Way	\$14,806,990	\$0	\$9,917,071	\$3,228,208	\$0	\$0	\$800,000	\$2,082,600	\$345,608	\$0	\$0	\$0	\$0
PGBT EE Sec 30 Right of Way	\$24,361,200	\$0	\$15,419,040	\$8,939,098	\$37,560		\$55,000	\$1,550,000	\$6,999,993	\$0	\$200,000	\$0	\$96,545
PGBT EE Sec 31 Right of Way	\$8,097,650	\$0	\$4,794,393	\$355,000	\$215,000	\$0	\$40,000	\$0	\$0	\$0	\$100,000	\$0	\$0
PGBT EE Sec 32 Right of Way	\$81,201,120	\$0	\$43,957,995	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
ROW Total	\$133,563,810	\$0	\$76,915,325	\$13,341,723	\$252,560	\$0	\$1,714,417	\$3,632,600	\$7,345,601	\$0	\$300,000	\$0	\$96,545
					1-Nov-09	1-Dec-09	1-Jan-10	1-Feb-10	1-Mar-10	1-Apr-10	1-May-10	1-Jun-10	1-Jul-10
PGBT EE Sec 28 Utilities	\$1,600,000	\$1,585,707		\$1,585,707		\$340,219	\$1,245,488	\$0	\$0	\$0	\$0	\$0	\$0
PGBT EE Sec 29 Utilities	\$2,788,000	\$1,694,453	\$606,527	\$1,694,453		\$1,665,527	\$28,926	\$0	\$0	\$0	\$0	\$0	\$0
PGBT EE Sec 30 Utilities	\$8,803,375	\$5,308,506	\$1,729,368	\$5,308,506	\$173,266	\$1,455,158	\$1,799,307	\$1,880,775	\$0	\$0	\$0	\$0	\$0
PGBT EE Sec 31 Utilities	\$5,010,250	\$2,507,417	\$1,044,376	\$2,507,417	\$0	\$427,528	\$2,079,889	\$0	\$0	\$0	\$0	\$0	\$0
PGBT EE Sec 32 Utilities	\$8,503,000	\$5,870,983	\$1,852,610	\$3,190,391	\$64,181	\$2,405,380	\$720,830	\$0	\$0	\$0	\$2,680,592	\$0	\$0
PGBT EE Utilities	\$26,704,625	\$16,967,066	\$5,232,881	\$16,967,066	\$237,447	\$6,293,812	\$5,874,440	\$1,880,775	\$0	\$0	\$2,680,592	\$0	\$0
REMAINING MONEY TO BE SPENT				\$30,308,789	\$490,007	\$6,293,812	\$7,588,857	\$5,513,375	\$7,345,601	\$0	\$2,980,592	\$0	\$96,545
Total Committed (Utilities)*		\$16,967,066											
Total Money Spent			\$82,148,206										
TOTAL MONEY SPENT AND TO BE SPENT				\$112,456,995									
TOTAL PROJECTED SURPLUS				\$47,813,005									
TOTAL TOLL EQUITY GRANT AMOUNT				\$160,270,000									

* Based on estimate, pending execution of agreements

Questions?
 UTILITY 1st Chad McClellan @ 972-930-8982;
 2nd David Dillmann @ 214-564-8962
 ROW Gary Reinhardt @ 512-904-0209

← Jon King @ 214 562 9944
 David Smith @ 817-891-7515

Are these still current?
 Should they positions rather than individual's names?



NTTA Projects	Original Issue Date: 06/05/2008	ROW-03
Resource: ROW	Revision 3 Issue Date: 04/23/2010	Page 1 of 9
Title: ROW Acquisition		

1.0 PURPOSE:

The purpose of this document is to define the procedure for obtaining ROW acquisition.

2.0 RESPONSIBILITIES:

2.1 NTTA Board of Directors – The NTTA Board is responsible for approving a Notice of Intent, reviewing and approving a ROW Offer Package and reviewing and approving a Counter-Offer Package if presented.

2.2 ROW Acquisition Team - The ROW Acquisition Team shall be responsible for preparing the Notice of Intent letters to property owners, prioritizing the parcels identified, ordering title commitments and a five-year sales history on all parcels, working with title companies to obtain clear title, and coordinating with the property owner and title company during the closing process. The ROW Acquisition Team shall also be responsible for generating the preliminary offer list, preparing the ROW Offer Package, preparing the Acquisition Package; distributing Offer Packages to agents, ensuring all Counter Offers that are ≥\$300,000.00 are presented to the Board, and for managing closing activities.

requesting and reviewing the property appraisal from the selected appraisal firms

2.3 The Consulting Engineer shall adhere to the requirements described in Section 409 of the Amended and Restated Trust Agreement which requires that the Consulting Engineer certify that, in their opinion the acquisition of the property is necessary in connection with the construction or operation of the project.

2.4 Corridor Manager (CM)/Project Manager – The CM or Project Manager shall be responsible for coordinating the development of the project schedule in accordance with *PC-06, Schedule Management* procedure, with the production manager, including ROW acquisition timelines.

2.5 ROW Acquisition Team Appraiser – The appraiser shall be responsible for establishing the value of the property taken and any diminution of value to the remaining property, and obtaining the appraisals for each parcel within the right of way authorized by the Notice of Intent.

2.6 ROW Team Acquisition Team Appraisal Reviewer – The appraisal reviewer shall be responsible for checking the appraisal for accuracy and omissions.

2.7 NTTA Legal Counsel – The NTTA Legal Counsel shall be responsible for ~~requesting and reviewing the property appraisal from the selected appraisal firm~~, reviewing the Offer Packages prepared by the ROW Acquisition Team, preparing the offer letter, reviewing counter offers if presented, and, preparing final acceptance letters in support of the real property negotiations. Upon acceptance of NTTA's offer or upon approval of a counter offer, the NTTA legal counsel shall prepare all conveyance instruments, and request the appropriate funds, prior to closing. The NTTA Legal Counsel shall adhere to the requirements set forth in Section 409 of the Amended and Restated Trust Agreement.



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3.0 SCOPE/APPLICABILITY:

This procedure shall apply to right of way acquisitions in support of NTTA corridors and projects.

4.0 REFERENCES:

- Federal Highway Administration Uniform Act – Federal Register Part V, 49 CFR, Part 24 – (<http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&sid=4b130c71709cf33dd27a942ac4e391be&rgn=div5&view=text&node=49:1.0.1.1.17&idno=49>)
- Texas Property Code Chapter 21 (<http://law.justia.com/texas/codes/pr/004.00.000021.00.html>)
- Procedures further defined in TxDOT Right of Way Manual – Vol. 2 Right of Way Acquisition (<http://onlinemanuals.txdot.gov/txdotmanuals/acq/index.htm>)
- PC-06 *Schedule Management* procedure
- AG-02 *ILA/MOU Process* procedure
- ROW-04 *Eminent Domain* procedure
- ROW-05 *Relocation Services* procedure

5.0 DEFINITIONS & ACRONYMS

- **USPAP** - The Uniform Standards of Professional Appraisal Practice are the generally accepted standards for professional appraisal practice in North America.
- **Eminent Domain** – A governmental right to acquire private property for public use by condemnation, and the payment of just compensation.

6.0 PROCEDURES:

- 6.1 The Corridor Manager or Project Manager shall coordinate the development of the project schedule, inclusive of the required ROW completion milestones. A detailed ROW schedule shall be developed comprised of all property owners and tasks necessary to complete acquisition within project schedule deadlines. All activities, such as the appraisal preparation, real property negotiations, relocation assistance, eminent domain, and the property management process, shall be included in the ROW schedule.
- 6.2 Upon identification of the right of way to be acquired in accordance with the project schedule, the ROW Acquisition Team shall be responsible for preparing the Notice of Intent letters to impacted property owners, prioritizing the parcels identified and submitting the list of parcels to be acquired in priority order to the Board. NTTA Board shall issue a Notice of Intent approving the acquisition of right of way.

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- 6.3 Upon issuance of the Notice of Intent, the ROW Acquisition Team shall prioritize the parcels to be acquired and ensure Right of Entry letters exist for each prior to entering the property.
- 6.4 Appraisal - The appraisal is requested by ~~NTTA legal counsel~~ ^{ROW Acquisition Team} and performed by a licensed appraisal firm in accordance with USPAP guidelines and shall be made for all project parcels to determine just compensation to be paid to the owner. The appraiser shall be licensed and certified according to State. The appraiser shall afford the property owner the opportunity to accompany the appraiser for the site inspection. The appraiser shall value the part taken and any diminution of value attributed to the remainder property due to the acquisition.
- 6.5 Appraisal Review - The appraisal shall be reviewed by an independent licensed and certified review appraiser to ensure that all USPAP appraisal standards have been met and the appraisal is free from any errors and defects.
- 6.6 Title commitments and 5 year sales history for all parcels shall be ordered by the ROW Acquisition Team from a reputable title company with experience in the ROW acquisition process. The ROW Acquisition Team shall deliver copies of signed and sealed property descriptions to the title company for their use. The title commitment shall list ownership, liens, and any other encumbrances to the property.
- 6.7 The Survey and Mapping provider shall conduct these activities in accordance with ROW-01, Survey and Mapping.
- 6.8 The ROW Acquisition Team shall perform a preliminary review of all appraisals, titles, surveys and maps for accuracy and completeness. If any errors are found, they shall be returned to the responsible party and addressed.
- 6.9 The ROW Acquisition Team shall then generate a preliminary Offer List which shall be submitted to NTTA Legal Counsel along with all titles, appraisals, surveys and maps for review. Should NTTA Legal find any errors or issues, the documents shall be returned to the ROW Acquisition Team for correction and re-submittal.
- 6.10 Once approved by NTTA Legal Counsel, the ROW Acquisition Team shall prepare ROW Offer Packages and present them to the NTTA Board for approval. Any issues identified by the Board shall be addressed by the ROW Acquisition Team.
-



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6.11 Once Board approval has been obtained, the ROW Acquisition Team shall prepare the Acquisition Packages for the property owners including:

- 6.11.1 Appraisals
- 6.11.2 Plan Sheets
- 6.11.3 Relocation Brochure
- 6.11.4 Acquisition Brochure
- 6.11.5 Appraisal Acknowledgement Letter
- 6.11.6 Offer List

6.12 **Negotiation** – The ROW Acquisition Team shall obtain an offer letter from NTTA’s Legal Counsel and shall initiate negotiations with the owners and other interested parties on all parcel acquisitions. This shall include meeting personally with the property owner (or designated representative), if possible, and delivering a copy of the appraisal and the offer letter. The property owner shall be given ample time (30 days) for consideration of the offer and accept the offer, or may submit a justifiable counteroffer. The ROW Acquisition Team shall continue to work with the property owner in an attempt to close the transaction until an impasse is reached or as the project schedule dictates, if an impasse is reached, see step 6.17, Eminent Domain. Should negotiations extend such that the parcel delivery date would be delayed, the Corridor Manager and ROW Manager shall be notified by legal counsel at least 60 days prior to the parcel delivery date. If relocation is necessary, then reference QMS *ROW-05, Relocation Process*.

6.13 Any counter letters offered by the owner shall be reviewed and either approved or rejected by NTTA Legal Counsel. If the counter offer is rejected, then NTTA Legal Counsel shall prepare a Final Rejection Letter to be issued to the owner and the Eminent Domain process shall be followed.

6.14 The ROW Acquisition Team shall make a recommendation to approve or reject any and all counteroffers to NTTA’s Assistant Executive Director of Project Delivery and/or the Executive Director the Authority depending upon the dollar value of the counter-offer. If the counter offer exceeds \$100,000.00, then the ROW Acquisition Team shall obtain approval of both the AED and the ED. If less than \$100,000.00 only the approval of the AED is required. If acceptance of a justifiable counteroffer will result in the total compensation exceeding \$300,000, then the ROW Acquisition Team shall assist with the preparation of a draft resolution to obtain the required NTTA Board approval prior to execution. Upon acceptance by the owner of the original offer or acceptance by NTTA of a justified counter offer, NTTA Legal Counsel shall prepare a Final Acceptance Letter to be provided to the owner.

6.15 **Transfer of Title** - Upon successful negotiations and approval, the ROW Acquisition Team shall request a sales contract from NTTA’s Legal Counsel and the designated title company to ensure that clear title is obtained. This shall include coordinating the execution of final curative documents with the property owner, lien holders, easement holders or any adverse claimants.



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6.16 **Closing** – The ROW Acquisition Team and NTTA's Legal Counsel shall prepare requisitions for payment in accordance with the trust agreement, which requires that "a statement be signed by the Consulting Engineers, ROW-03-F2, certifying that in their opinion the acquisition of such property is necessary or advisable in connection with the construction or operations of the project". The ROW Acquisition Team shall also work with NTTA's Legal Counsel and the designated title company to ensure that the closing is coordinated between the property owner and title company closing agent.

6.17 **Eminent Domain** – When negotiations are unsuccessful and eminent domain proceedings become necessary to acquire the parcel, the ROW acquisition team shall request that the NTTA Board authorize eminent domain activities. Thereafter, the eminent domain package shall be prepared and eminent domain proceedings shall commence in accordance with *ROW-04, Eminent Domain* procedure.

6.18 **Parcel File** – The ROW Acquisition Team shall maintain a parcel file which includes copies of all correspondence, appraisal reports, title commitments, offer letters, counteroffers, and negotiator reports, etc. Upon closing of the parcel acquisition and upon receipt of the recorded conveyance documents and final title policy, the ROW Acquisition Team shall prepare the Right-of-Way File Close-Out Checklist for Acquisition, ROW-03-F1 and review the completed parcel acquisition file in accordance with *ROW-07, ROW Project Closeout* procedure.

7.0 REGULATORY REQUIREMENTS:

7.1 FHWA Uniform Relocation Assistance and Real Property Acquisition Policies Act Of 1970 as amended. (Uniform Act) – ([HTTP://WWW.FHWA.DOT.GOV/REALESTATE/UA/URAGUIDE3805.PDF](http://www.fhwa.dot.gov/realestate/ua/uraguide3805.pdf))

7.2 NTTA Amended and Restated Trust Agreement, Section 409, Requisitions for Payment for Real Property.- (<http://www.ntta.org/NR/rdonlyres/2DAD389A-289A-4FA3-8D45-11FEE11287E2/0/NTTAAmdRestdTrustagtwithFirstSupplement.pdf>)

8.0 RELATED BOARD POLICY:

N/A

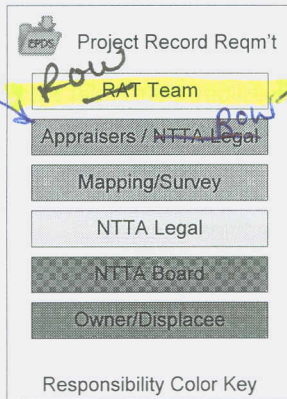
9.0 COMPONENT DOCUMENTS:

ROW-03-F1 ROW File Closeout Checklist for Acquisition

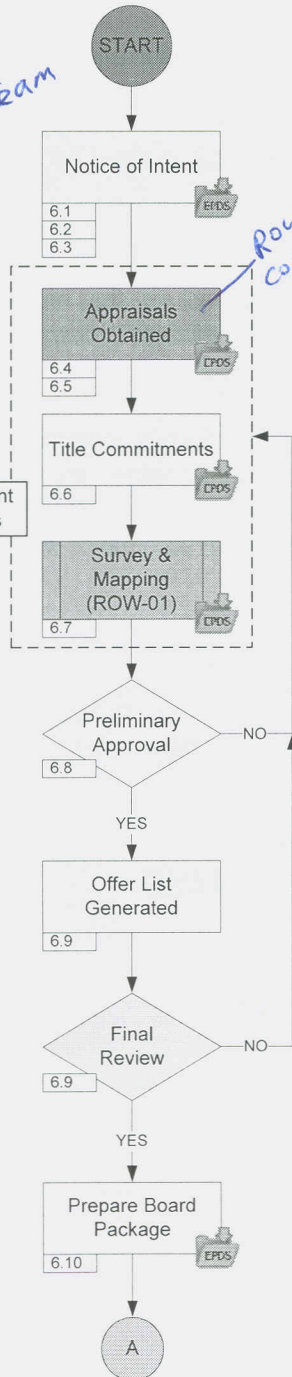
ROW-03-F2 Consulting Engineers Statement: Right-of-Way

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10.0 FLOWCHART:



Change color to ROW TEAM



ROW

RAT Team: (Process Inputs)
 - Right-of-Way team receives Notice of Intent from NTTA Board approving process to begin
 - Priority parcels identified
 - Right-of-Entry letter approved prior to entering property
 - Coordinate with CM to develop ROW Project Schedule

Appraisers/NTTA Legal:
 - Appraisals obtained for each parcel within right-of-way authorized by the "Notice of Intent" letter

RAT Team:
 - Titles obtained for each parcel within right-of-way authorized by the "Notice of Intent" letter

Mapping Provider:
 - Reference QMS procedure ROW-01 for details of Survey & Mapping process

RAT Team/NTTA Legal:
 - Preliminary review for accuracy and completeness of appraisals, surveys, titles and maps

RAT Team:
 - Preliminary Offer List generated

NTTA Legal:
 - Reviews preliminary Offer Package, inclusive of appraisals, surveys, titles, maps and offer list for accuracy and completeness

RAT Team:
 - Prepare ROW Offer Package
 * Offer List

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Project Record Req'm't

Row RAT Team

Appraisers / NTTA Legal

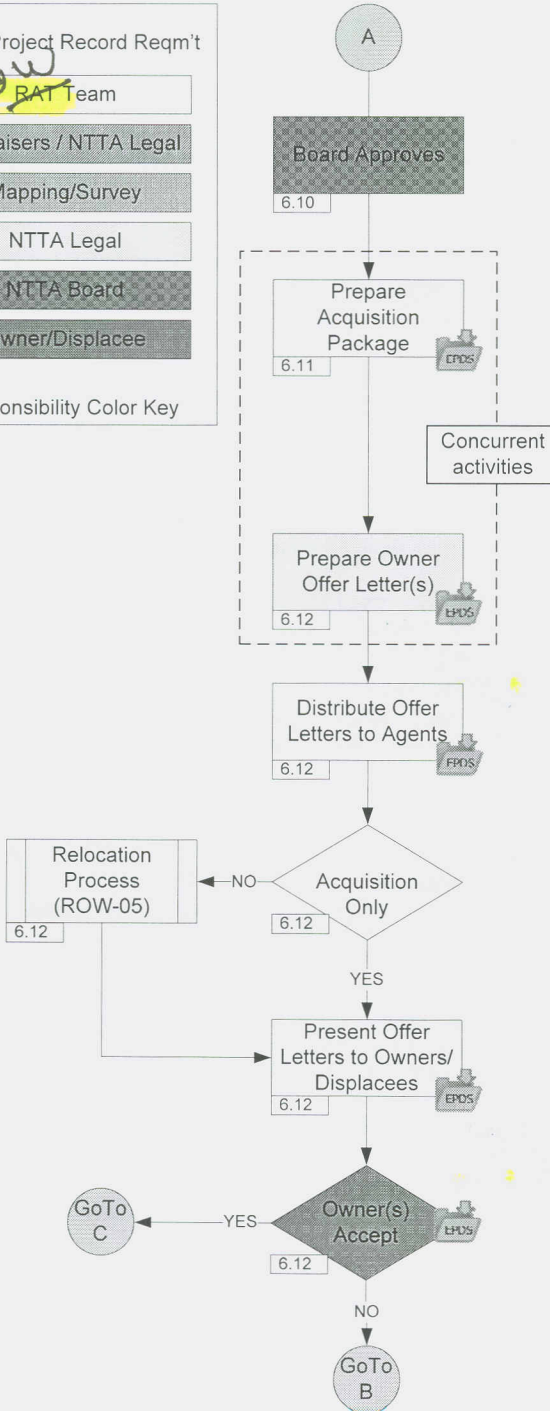
Mapping/Survey

NTTA Legal

NTTA Board

Owner/Displacee

Responsibility Color Key



NTTA Board:

- Board reviews and approves ROW Offer Package
- If requested by the Board, additional parcel information maybe be requested prior to approval

Row
RAT Team/NTTA Legal:

- Prepares Acquisition Package for Owners
 - * Appraisals
 - * Plan Sheets
 - * Relocation Brochure
 - * Acquisition Brochure
 - * Appraisal Acknowledgement Letter
 - * Offer List

NTTA Legal:

- Prepares owner offer letters for distribution to agents

Row
RAT Team:

- Sends Acquisition Package and Offer Letters to Agents for distribution to Owners
- Receipt of acknowledgement must be documented

Row
RAT Team:

- If relocation is necessary, proceed with Relocation Process (reference QMS document ROW-05)
- If acquisition only, continue with next step

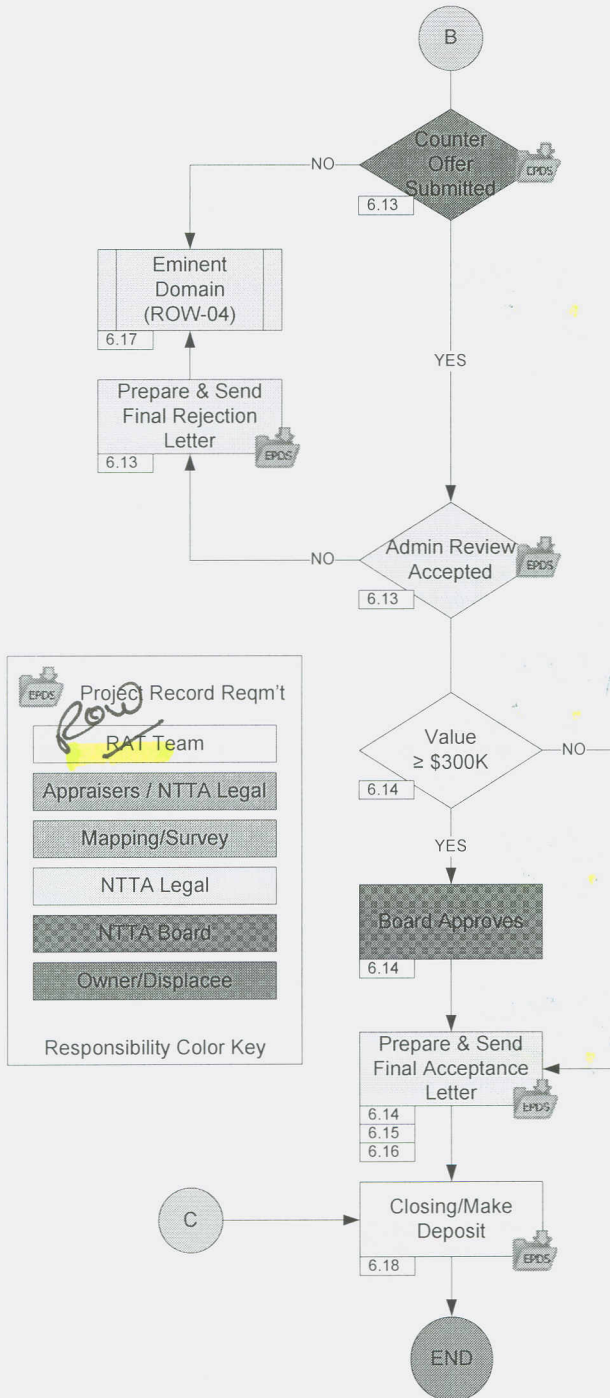
Row
RAT Team:

- Offer Letters presented to Owners
- Receipt of acknowledgement must be documented

Owners / Displacees:

- Offer Letters signed, if accepted

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Owners / Displacees:

- Has counter offer been submitted by the Owner/Displacee

NTTA Legal:

- Proceed with Eminent Domain Process (reference QMS document ROW-04)

NTTA Legal:

- Prepares Final Rejection Letter
 - Presents Final Rejection Letter to Owner/Displacee
 - Proceed with Eminent Domain Process

NTTA Legal:

- Determines to accept counter offer letter

RAT Team:

- All counter offers greater than or equal to \$300,000.00 must have NTTA Board approval
 - Coordinate with Consulting Engineer to prepare Engineer's Statement for each parcel being acquired

NTTA Board:

- Board reviews and approves counter offer package
 - If requested by the Board, additional information maybe be requested prior to approval

NTTA Legal:

- Prepares Final Acceptance Letter
 - Presents Final Acceptance Letter to Owner/Displacee

RAT Team/NTTA Legal:

- Proceed with closing utilizing Checklist ROW-03-F1



NORTH TEXAS TOLLWAY AUTHORITY

QMS MANUAL
Procedure Definition

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11.0 REVISION HISTORY:

Revision	Revised by:	Date Issued	DRN	Reason for Revision
0	Dave Clarke	06/05/2008		Original Issue
1	Gary Reinhardt	09/12/2008		Specified ROW Acquisition Team
2	Dave Clarke	03/22/2009	10098	Added reference to NTTA Amended and Restated Trust Agreement, Section 409. Added definitions and Acronyms. Revised overall content. Added offer package process. Added addition content and reference to required NTTA Board approval on Negotiation process. Added Parcel File process to include reference to ROW Project Closeout Procedure
3	Dave Clarke	04/23/2010	10136	Edited 2.2 to remove last sentence from ROW Acquisition Team's responsibility. Added Consulting Engineers responsibility. Added ROW-03-F2, Consulting Engineer Statement: Right-of-Way to component documents.