



NORTH CAROLINA
Department of Transportation

Right of Way Risk Factors: Pitfalls in the Road ahead!

Heather Fulghum, Manager of Right of Way

October 9, 2024

Connecting people, products and places safely and efficiently with customer focus, accountability and environmental sensitivity to enhance the economy and vitality of North Carolina

ROW Acquisition Poses the Greatest Risk to Transportation Projects

TIME



MONEY



What is Right of Way?

Right of Way is the real property (land and improvements) and rights therein acquired for public use to construct highways for the betterment and safety of the public. Right of Way may be acquired through negotiated settlements or condemnation. It is one of the last major steps before a project is released to bidders for construction

Subject to Government Laws, Statutes, Rules and Regulations (NC General Statute 136 for reference for NCDOT)

Key element is the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (the Uniform Act) 49 CFR Part 24

In the acquisition of right of way, the acquiring agency must treat all property owners with impartiality, fully explain all legal rights, pay **just compensation** in exchange for property rights and furnish relocation assistance, if needed.



Key Right of Way Responsibilities

Appraisal of rights acquired to establish **just compensation** (includes damages to the remainder tract)

Relocation of all residential and commercial owners and tenants and all personal property in the acquired area

Settlement or condemnation of the rights based on a written offer to the property owner

When to use the Uniform Relocation Act for local municipal authorities?

When your federally funded local municipal highway project needs to acquire real estate rights (see 30 Ways to lose your Federal \$\$\$S)

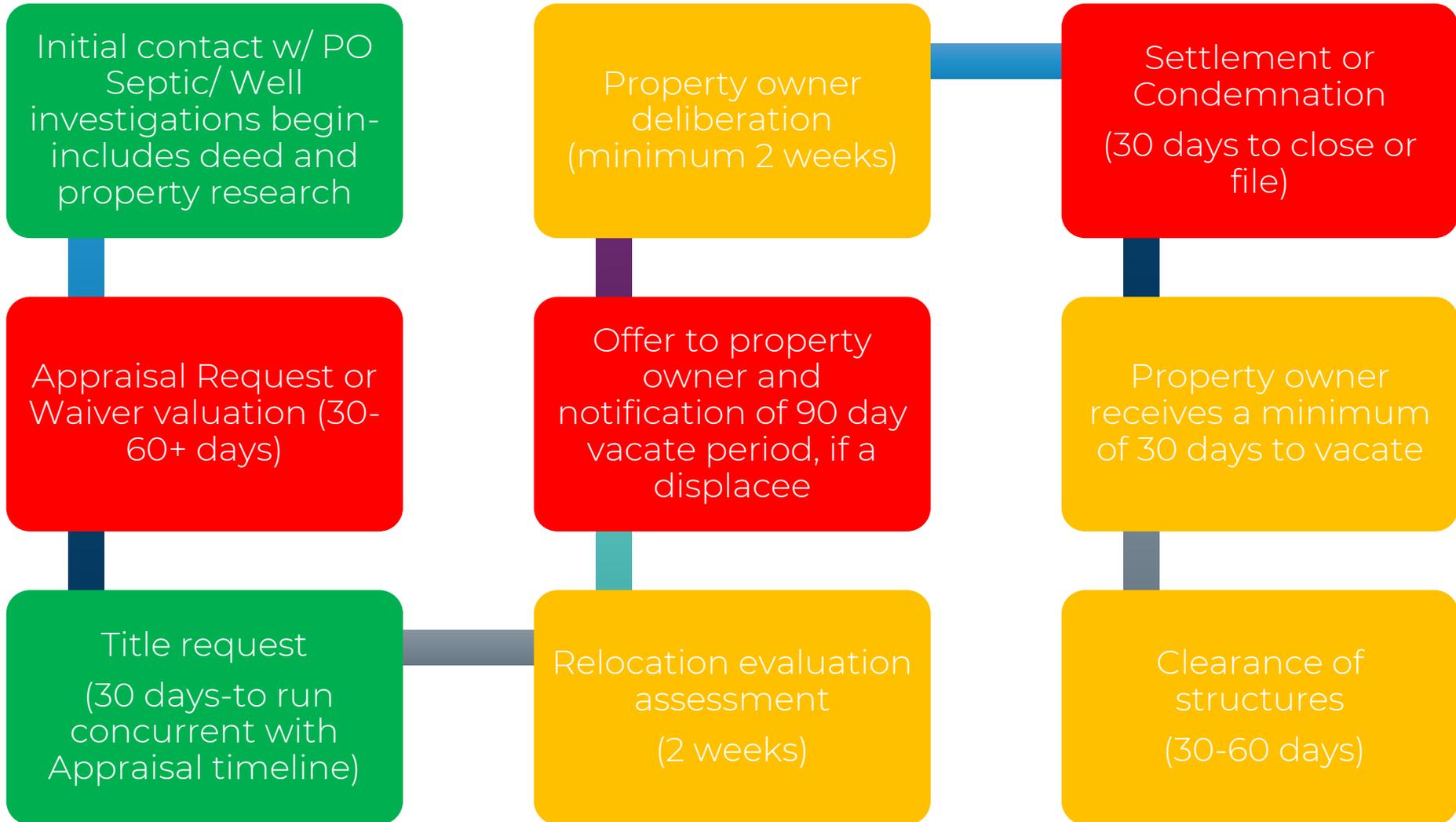
When \$1.00 of federal funds is used on any portion of the project and not just right of way acquisition (federal funding only for construction still federalizes the project)

When you may need to use federal funds for that transportation artery in the future (FEMA, other federal funding for sidewalk improvement, ADA improvement, etc.) even if there is no federal funding now for the project

Risk Factor: Time!



Right of Way Process Timeline



Influences on ROW Acquisition and Project Delivery

Property Owner
Bankruptcy

Contamination of
proposed acquisition
sites (Gas Stations, dry
cleaners, tire stores,
etc.)

Complicated relocation
moves (i.e. businesses,
farms, condos,
apartment buildings,
billboards, etc.)

Complicated appraisal
items (i.e. golf courses,
retention ponds, access
issues, parking lots etc.)

Title issues (multiple
known/ unknown heirs,
deed of trust releases,
etc.)

Septic tanks and wells

Underground Storage
Tanks

Highway devices or
lanes that are in
proximity to private
structures

Utilities in conflict with
the project

Highway or ROW plans
incomplete or delayed

Historic Properties

Appraisals



Most of the TIME scheduled for ROW acquisition can be for the preparation of your appraisal of Fair Market Value

- **NCDOT must set just compensation for local municipalities using federal funds for highway projects**
 - ✓ NCDOT is bound by the Stewardship and Oversight Agreement with FHWA
 - ✓ LAP should hire their own licensed appraisers for highway transportation right of way acquisition – do not need NCDOT approval on your choice of appraiser or review appraiser
 - ✓ NCDOT must agree with and approve the determination of just compensation or send back to LAP for correction
 - ✓ Just compensation must be set prior to the written offer
 - ✓ Contact your local NCDOT ROW Office or Area Appraiser to send appraisals to NCDOT for review
- **Best way to ensure your appraisal has the greatest chance of meeting NCDOT standards: use an appraiser from the approved appraiser list**

Determining Just Compensation

Valuation Methods

- ✓ Claim Report or Waiver Valuation
- ✓ Right of Way Transmittal Summary
- ✓ Narrative Appraisal



***Regardless of project funding type, the LAP and NCDOT must offer just compensation to every property owner affected by a transportation project in accordance with the 5th Amendment of the U.S. Constitution

Determining Just Compensation

Claim Reports or Waiver Valuations



Minor claims only

Cannot be used as evidence in court

Can be prepared by the LAP and...

Must be approved by local NCDOT Right of Way office

Claim Report Value	State Funded	Federal Funded
\$0 - \$10,000 now \$25,000	YES	YES

Determining **Just Compensation**

Claim Reports or Waiver Valuations

When to Use (<i>simple claims</i>)	When <u>NOT</u> to Use (<i>complex claims</i>)
 Easements	Total Acquisitions
Curable Damages	Non-Curable Damages
Vacant Tracts	Commercial Property
Minor Acquisitions	Parcels With Uneconomic Remnants
No impact to improvements	Potential Condemnation Parcels

Determining Just Compensation

Transmittal Summary

Abbreviated appraisal report for simple claims

Federal or State funded

No value limit

Can be used for court or condemnation

Can quantify the cost to cure of small items

Cannot quantify non-curable damages (proximity, control of access, assemblage, loss of parking etc.)

Must be appraised by a certified appraiser

Requires NCDOT approval for federal funded projects

Determining Just Compensation

Narrative Appraisal Report

More Complex Properties

Federal or State funded

No value limit

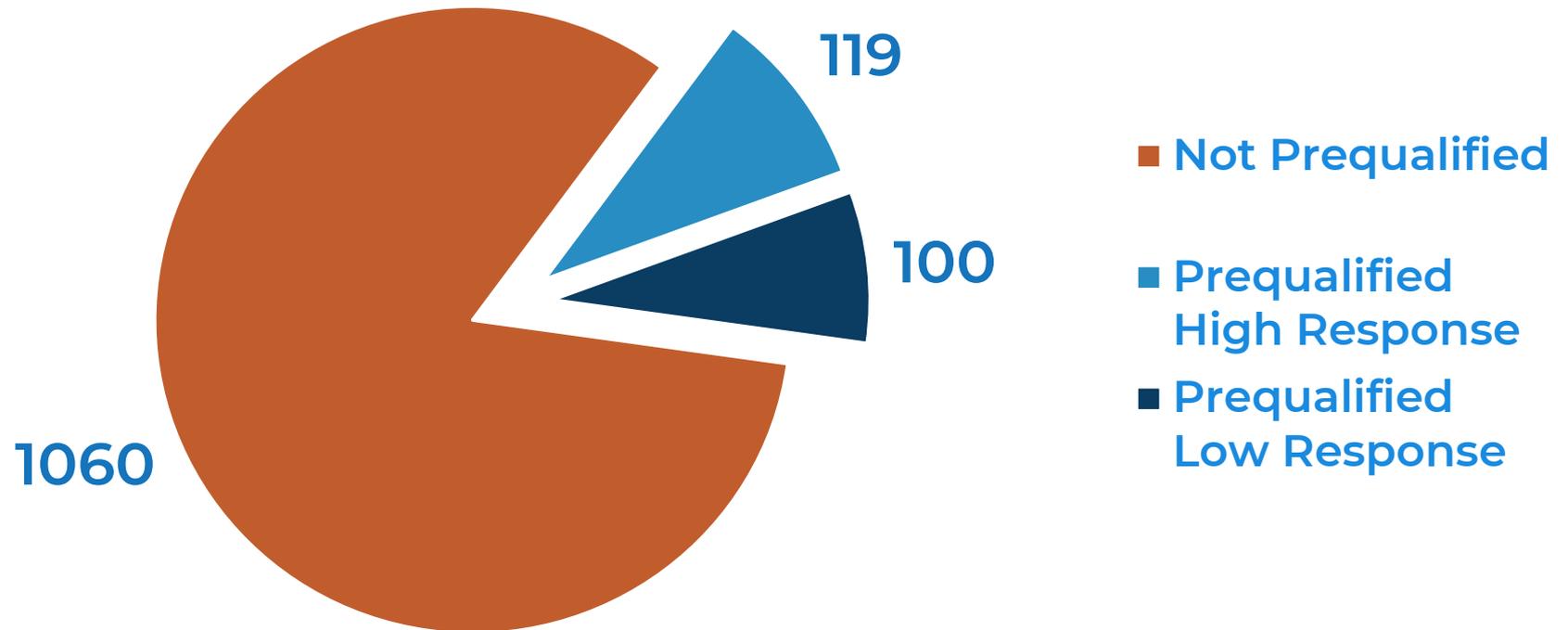
Can be used for court or condemnation

Can quantify non-curable damages (proximity, control of access, assemblage, loss of parking etc.)

Must be appraised by a certified appraiser

Requires NCDOT approval for federal funded projects

NC General Certified Appraisers



Limited pool of appraisers interested in DOT work

NCDOT Approved General Certified Appraiser Roster

	Fee Appraiser	Firm Name	E-Mail	Phone	Address
Adams	Anthony A Adams	Right of Way Consultants, LLC	anthonyadams.row@gmail.com	828-320-8034	1406 3rd Street Court NE Conover, NC 28613
Albertson	Michael R. Albertson	Advanced Real Estate Solutions, LLC	mclm6832@gmail.com	336-475-7777	330 Embler Cemetery Road Thomasville, NC 27360
Alderman	Anthony L. Alderman	Cushman & Wakefield of NC, Inc.	anthony.alderman@cushwake.com	828-228-4673	333 2nd Street NW 28601 Hickory, NC
Alexander	Terry L. Alexander	CBRE, Inc.	terry.alexander@cbre.com	910-508-2024	P.O. Box 281620 Atlanta, GA 30384
Aufrance	Claire M. Aufrance	Aufrance Valuations, LLC	claire.aufrance@gmail.com	336-430-9610	3721-C.W. Market Street Greensboro, NC 27403
Avent	M. Douglas Avent, Jr.	Michael D. Avent & Associates, Inc.	dougavent@triad.rr.com	336-724-3801	514 S. Stratford Rd., Suite 317 Winston-Salem, NC 27103
Ball	Robert H. Ball, Jr.	Underdown, Ball & Associates, LLC	roberthball@gmail.com	336-835-2256	920 N. Bridge Street Elkin, NC 28621
Ball	Robert H. Ball, Sr.	Underdown, Ball & Associates, LLC	bobhball@gmail.com	336-835-2256	920 N. Bridge Street Elkin, NC 28621
Barkley	Fred J. Barkley	Fred J Barkley	fjbcw04@gmail.com	919-880-8192	P.O. Box 18904 Raleigh, NC 27619
Beck	Fred H. Beck, Jr.	Fred H. Beck & Associates, LLC	fbeck@fredbeck.com	704-544-4884	8924 Blakeney Professional Dr. Charlotte, NC 28277
Bell	Christopher Bell	CBRE, Inc.	chris.bell@cbre.com	513-502-9646	P.O. Box 281620 Atlanta, GA 30384
Berkowitz	Michael P. Berkowitz	Curran Reich & Associates Inc. dba T.B. Harris, Jr. & Associates	mpb@tbharrisjr.com	704-334-4686	1125 E. Morehead Street, Ste 202 Charlotte, NC 28204
Bernardo	Donald Bernardo, Jr. (Residential Only)	Realty Valuation Group, Inc.	appraisals@realtvvg.com	704-364-4800	701 Fredricksburg Road Matthews, NC 28105
Bertges	Jeffrey M. Bertges	Integra Realty Resources - Charlotte, LLC	jbertges@irr.com	704-206-8261	214 W. Tremont Ave., Suite 200 Charlotte, NC 28203
Bethel	David R. Bethel	Allen, Williford, & Seale, Inc.	dbethel@appraiser.com	281-493-4444	11999 Katy Freeway, Suite 400 Houston, Texas 77079
Birch	Robert M. Birch	Birch Appraisal Group	rbirch@birchappraisal.com	919-833-2075	1042 Washington St. Raleigh, NC 27605-1258
Birkholz	Charles Richard Birkholz	Oakwood Valuation Group, LLC	richard@oakwoodvaluation.com	919-455-7309	324 S. Wilmington Street, Suite 163 Raleigh, NC 27601
Bosworth	John T. Bosworth	John Bosworth & Associates, LLC dba Valbridge Property	jbosworth@valbridge.com	704-376-5400	5950 Fairview Rd., Suite 405 Charlotte, NC 28210
Bourne	Gregory Bourne	Greg Lee Bourne dba Bourne Appraisal Services	basobx@charter.net	252-441-1221	P.O. Box 1687 Nags Head, NC 27959

53 Double Rd

Risk Factor: Money!

The current Real Estate Market in NC

North Carolina Market Snapshot July 2024



LISTINGS | 51,955

July 2023: 46,991 July 2022: 55,950 July 2021: 55,403

↑ 10.5%
YOY Change



SALES | 12,889

July 2023: 12,913 July 2022: 15,679 July 2021: 18,788

↓ -0.3%
YOY Change



MEDIAN SALES PRICE | 370,000

July 2023: 364k July 2022: 355k July 2021: 302k

↑ 1.6%
YOY Change



INVENTORY | 4.29 MONTHS

6 Months = Balanced Market

↑ 22.6%
YOY Change

Data from
NCRealtors.org

How does the North Carolina real estate market compare to other markets?

The North Carolina real estate market has a median sale price of \$382,900, which is 11.8% lower than the national median sale price of \$427,962. Compare other markets or nearby cities, as they can vary significantly.

	<div style="border: 1px solid blue; padding: 2px;">South Carolina ▼</div> South Carolina	<div style="border: 1px solid gray; padding: 2px;">National ▼</div> National
Median home sale	Median home sale	Median home sale
\$382,900	\$384,000	\$427,962
Days on market	Days on market	Days on market
36	62 	41.0829083128079
Monthly house payment ⓘ	Monthly house payment ⓘ	Monthly house payment ⓘ
\$2,605	\$2,564	\$2,534
Cost to buy a house ⓘ	Cost to buy a house ⓘ	Cost to buy a house ⓘ
\$53,606	\$53,760	\$59,915
Cost to sell a house ⓘ	Cost to sell a house ⓘ	Cost to sell a house ⓘ
\$26,803	\$26,880	\$29,957

***Data from bankrate.com July 2024

How does the North Carolina real estate market compare to other markets?

The North Carolina real estate market has a median sale price of \$382,900, which is 11.8% lower than the national median sale price of \$427,962. Compare other markets or nearby cities, as they can vary significantly.

North Carolina	Kernersville, NC	National
Median home sale	Median home sale	Median home sale
\$382,900	\$290,500	\$427,962
Days on market	Days on market	Days on market
36	34	41.0829083128079
Monthly house payment ⓘ	Monthly house payment ⓘ	Monthly house payment ⓘ
\$2,605	\$1,959	\$2,534
Cost to buy a house ⓘ	Cost to buy a house ⓘ	Cost to buy a house ⓘ
\$53,606	\$40,670	\$59,915
Cost to sell a house ⓘ	Cost to sell a house ⓘ	Cost to sell a house ⓘ
\$26,803	\$20,335	\$29,957

***Data from bankrate.com July 2024

How does the North Carolina real estate market compare to other markets?

The North Carolina real estate market has a median sale price of \$382,900, which is 11.8% lower than the national median sale price of \$427,962. Compare other markets or nearby cities, as they can vary significantly.

	Wilson, NC	National
North Carolina	Wilson, NC	National
Median home sale	Median home sale	Median home sale
\$382,900	\$250,000	\$427,962
Days on market	Days on market	Days on market
36	14 	41.0829083128079
Monthly house payment ⓘ	Monthly house payment ⓘ	Monthly house payment ⓘ
\$2,605	\$1,670	\$2,534
Cost to buy a house ⓘ	Cost to buy a house ⓘ	Cost to buy a house ⓘ
\$53,606	\$35,000	\$59,915
Cost to sell a house ⓘ	Cost to sell a house ⓘ	Cost to sell a house ⓘ
\$26,803	\$17,500	\$29,957

***Data from bankrate.com July 2024

NC Median Home Value over 5 years

Trended Median Home Values



How much do homes in North Carolina cost?

The median home price in North Carolina was \$382,900 in July 2024, up 2.6% from last year.

JULY'S MEDIAN SALE PRICE

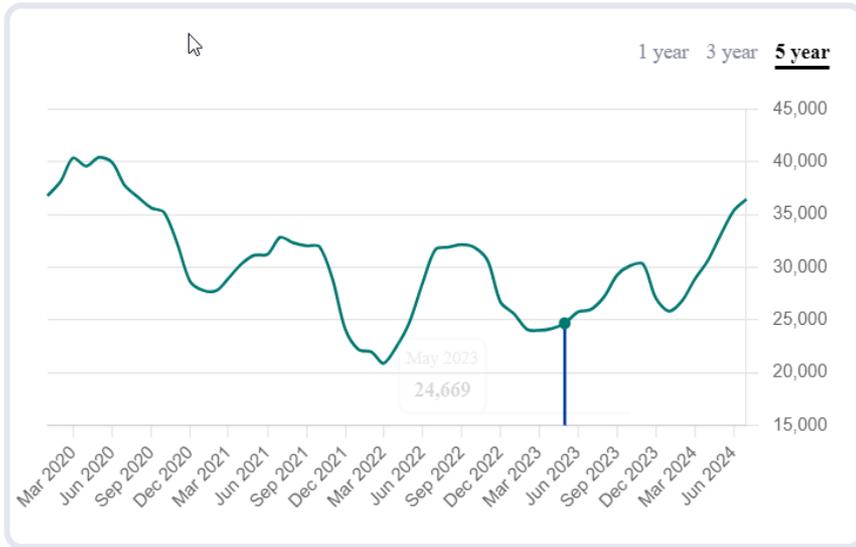
\$383K

▲ Up \$9.7K and 2.6% since Jul 2023

***Data from
bankrate.com July
2024

Availability of homes in NC

Trended Homes Inventory



How many homes are available in North Carolina?

The real estate market in North Carolina had 36,446 homes for sale in July and is up from 35,345 homes for sale the month prior and up from 25,971 homes in July 2023.

HOMES FOR SALE IN JULY

36,446

▲ Up 10475 and 40.3% since Jul 2023

***Data from
bankrate.com July
2024

Average number of homes sold in NC

Trended Homes Sold



How many homes are sold in North Carolina?

There were 13586 homes sold in July 2024, trending up from 12396 homes sold a year ago.

HOMES SOLD IN JULY

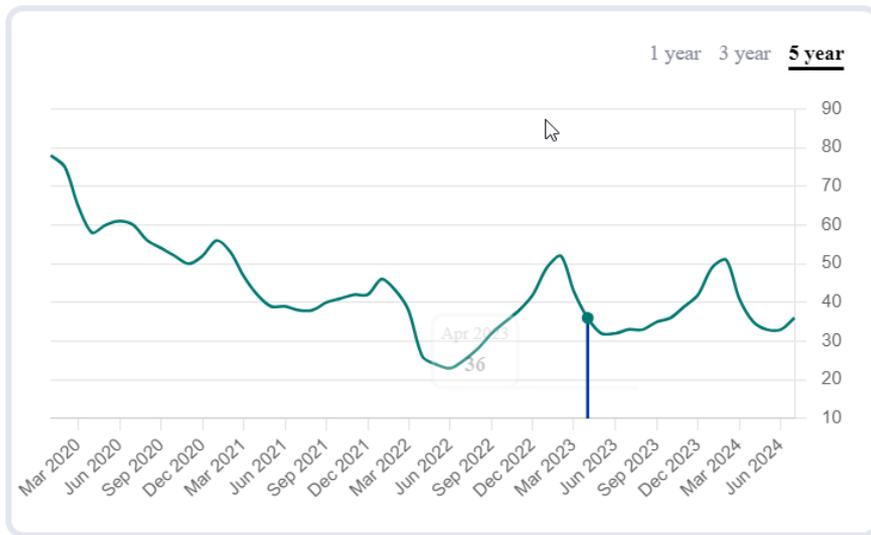
13,586

▲ Up 1190 and 9.6% since Jul 2023

***Data from bankrate.com July 2024

Average number of days on market in NC

Trended Median Days on Market



How long does it take to sell a home in North Carolina?

Homes in North Carolina are staying on the market for 36 days. That's 3 days slower than the median in July 2023, which means that the market is less competitive today.

MEDIAN DAYS ON MARKET IN JULY

36

▲ Up 3 and 9.1% since Jul 2023

Is it a buyer's or seller's market in North Carolina?

It is considered a seller's market right now. Housing inventory is up since last year, which means supply is less constrained. Mortgage rates are 6.9%, making the average house payment \$2,605, which is \$24 lower than a year before.

***Data from bankrate.com July 2024

30 Ways to lose your Federal \$\$\$\$ 30 Ways to fail NCDOT certification

The Uniform Relocation Assistance Act of 1970 (URA)

Appraisal and Acquisition

DON'T



1. Give the Property Owner an opportunity to accompany the Appraiser [section .102(c)]
2. Use just compensation from the approved appraisal as fair market value for the offer [section .102(d)]
3. Offer **just compensation** to the Property Owner [section .102(d)]
4. Give the Property Owner a written offer to purchase [section .102(d)]
5. Give the Property Owner a reasonable opportunity to consider the offer [section .102(f)]
6. Offer to purchase the uneconomic remnant (please consult the appraiser if you have trouble identifying an uneconomic remnant) [section .102(k)]
7. Reimburse Property Owner for incidental closing expenses (buyer's reasonable and customary expenses) [section .106]
8. Offer to purchase buildings, structures, other improvements (wells, septic systems, septic repair area, pools, houses, landscaping, driveways- paved or otherwise) [section .105]
9. Negotiate in good faith with Property Owners [section .102(f)]
10. Provide written justification of administrative settlements [section .102(i)]

Relocation

DON'T



11. Inform Property Owner of the right to **just compensation** based on fair market value if they want to donate [\[section .108\]](#)
12. Make payment to property owner before requiring the surrender of possession of the property [\[section .102 \(j\)\]](#)
13. Give the Displacing person 90-days to move after the offer [\[section .203\(c\)\]](#)
14. Offer advisory services for relocation of families and businesses [\[section .205\(c\)\]](#)
15. Explain relocation eligibility and entitlements [\[section .202\]](#)
16. Provide Relocation information in a timely manner [\[section .203\]](#)
17. Offer comparable replacement housing [\[section .204\]](#)
18. Process claims expeditiously (relocation payments and payments for real property) [\[section .207\]](#)
19. Provide an option for advance payment of claims [\[section .207\(c\)\]](#)
20. Ask the displacing person(s) to waive their relocation entitlements [\[section .302\]](#)

Relocation

DON'T



20. Ask the displacing person(s) to waive their relocation entitlements [\[section .302\]](#)
21. Offer residential displacees a commercial moving option [\[section .301\(b\)\(1\)\]](#)
22. Offer residential displacees affixed moving rate schedule [\[section .302\]](#)
23. Offer residential displacees a self-moving option [\[section .301\(b\)\(2\)\]](#)
24. Offer non-residential reimbursement for the actual, reasonable and necessary costs of moving [\[section .301 \(d\)\]](#)
25. Do inventories and monitor non-residential moves [\[section .301\(d\)\]](#)
26. Document “actual, reasonable, necessary” costs of non-residential moves [\[section .301\(a\)\]](#)
27. Offer re-establishment expenses to eligible business relocations [\[section .304\]](#)
28. Offer fixed payment in lieu of moving expenses to eligible business relocations [\[section .305\]](#)
29. Reimburse for eligible closing costs on a replacement dwelling [\[section .204\]](#)
30. Allow a residential relocating person or family adequate time to purchase or lease a replacement dwelling [\[section .204\]](#)

References and Links

[eCFR :: 49 CFR Part 24 Subpart B -- Real Property Acquisition](#)

(All section 100 statutes)

[eCFR :: 49 CFR Part 24 Subpart C -- General Relocation Requirements](#)

(All section 200 statutes)

[eCFR :: 49 CFR Part 24 Subpart D -- Payments for Moving and Related Expenses](#)

(All section 300 statutes)

Risk Mitigation Efforts



ROW Training



ROW Training for LAP's

Per the Stewardship and Oversight Agreement, NCDOT and LAP's are required to have a trained staff in ROW acquisition and relocation (this includes ROW acquisition and relocation consultants and appraisers you may hire)

- ✓ NCDOT can provide ROW Training
- ✓ Any LAP with an internal ROW staff can request ROW training through NCDOT
- ✓ NCDOT can provide in-house training (DOT led courses) at no cost to the LAP
- ✓ NCDOT can provide IRWA (International Right of Way Association) courses to LAP internal staff at cost
- ✓ Contacts: Florence Green – florence.green@atkinsrealis.com
Huchani Dodd - hdodd@flaa.com

ROW Training for LAP



ROW Training Courses August 2024

All classes are presented as virtual presentations

Consultant Led Courses

IRWA Courses

14th
9am-12pm **Right-of-Way Plan Reading Session 1:** This is an instructor-led 3-hour course and is presented in three sessions. It is designed for right of way practitioners, new personnel and existing personnel whose duties involve the reading and interpretation of highway plans. The objectives of this Plan Reading Course are to present a step-by-step process to teach you how to read, interpret, and relate to a standard set of right of way and construction plans; help identify and interpret symbols used in a standard set of plans and interpret a set of plans in non-technical terms to laymen (property owners and others). The focus of Session 1 is the Title Sheet and Stationing, Plan Views, and Standards and Details.

This course will be offered at this time at no cost.

19-20th
8am-5pm **IRWA Course 200: Principles of Real Estate Negotiation:** This course presents a unique blend of the communication skills associated with successful, real-world right of way negotiations. With an emphasis on the practical as opposed to the theoretical, this course sets the stage for all Communication courses.

This course will be offered at this time at no cost.

20th
9am-12pm **Right-of-Way Plan Reading Session 2:** This is an instructor-led 3-hour course and is presented in three sessions. It is designed for right of way practitioners, new personnel and existing personnel whose duties involve the reading and interpretation of highway plans. The objectives of this Plan Reading Course are to present a step-by-step process to teach you how to read, interpret, and relate to a standard set of right of way and construction plans; help identify and interpret symbols used in a standard set of plans and interpret a set of plans in non-technical terms to laymen (property owners and others). The focus of Session 2 is Plan and Profile Sheets, Cross Sections, and Structures.

This course will be offered at this time at no cost.

27th
9am-12pm **Right-of-Way Plan Reading Session 3:** This is an instructor-led 3-hour course and is presented in three sessions. It is designed for right of way practitioners, new personnel and existing personnel whose duties involve the reading and interpretation of highway plans. The objectives of this Plan Reading Course are to present a step-by-step process to teach you how to read, interpret, and relate to a standard set of right of way and construction plans; help identify and interpret symbols used in a standard set of plans and interpret a set of plans in non-technical terms to laymen (property owners and others). The focus of Session 3 is Practical Applications in Right of Way.

This course will be offered at this time at no cost.



ROW Training Courses September 2024

All classes are presented as virtual presentations

Consultant Led Courses

IRWA Courses

9-10th
8am-5pm **IRWA Course 700 - Introduction to Property Management:** This instructor-led course is designed for the full-time asset manager or generalist who manages an organization's properties and who addresses all major aspects of property management.

This course will be offered at this time at no cost.

16-17th
8am-5pm **IRWA Course 800 - Principles of Real Estate Law:** This instructor-led course is designed to build on the basics of real estate law provided by Course 100 "Principles of Land Acquisition" and to assist right of way agents, property managers and others in collaborating with property owners and attorneys. This introductory level course provides novice employees dealing with real estate issues with basic right of way information and experienced employees with a broader perspective on legal issues and applicable law.

This course will be offered at this time at no cost.

26th
9am-12pm **Land Titles:** This instructor-led 3-hour course offers an explanation and examples referencing the legality of land titles and a guide to the review process involved in securing legal title.

This course will be offered at this time at no cost.

30th
9am-12pm **Introduction to Residential Relocation:** This workshop is designed to introduce residential concepts and compliance measures that explain the fundamentals and practical aspects of the relocation process. The objective of workshop is to familiarize participants with basic relocation principles to allow for more advanced relocation professional development.

This course will be offered at this time at no cost.



ROW Training for LAP



ROW Training Courses October 2024

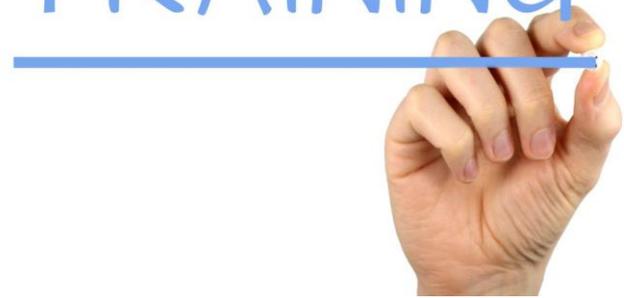
All classes are presented as virtual presentations

Consultant Led Courses

IRWA Courses

- 3rd**
9am-12pm **Right-of-Way Plan Reading Session 1:** This is an instructor-led 3-hour course and is presented in three sessions. It is designed for right of way practitioners, new personnel and existing personnel whose duties involve the reading and interpretation of highway plans. The objectives of this Plan Reading Course are to present a step-by-step process to teach you how to read, interpret, and relate to a standard set of right of way and construction plans; help identify and interpret symbols used in a standard set of plans and interpret a set of plans in non-technical terms to laymen (property owners and others). The focus of Session 1 is the Title Sheet and Stationing, Plan Views, and Standards and Details.
- 7-8th**
8am-5pm **IRWA Course 501: Residential Relocation Assistance:** An overview of processes and procedures involved in providing relocation assistance to residential occupants based upon requirements established by the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and subsequent revisions.
- 10th**
9am-12pm **Right-of-Way Plan Reading Session 2:** This is an instructor-led 3-hour course and is presented in three sessions. It is designed for right of way practitioners, new personnel and existing personnel whose duties involve the reading and interpretation of highway plans. The objectives of this Plan Reading Course are to present a step-by-step process to teach you how to read, interpret, and relate to a standard set of right of way and construction plans; help identify and interpret symbols used in a standard set of plans and interpret a set of plans in non-technical terms to laymen (property owners and others). The focus of Session 2 is Plan and Profile Sheets, Cross Sections, and Structures.
- 14-15th**
8am-5pm **IRWA Course 100 - Principles of Land Acquisition:** This course is an introduction to industry specific disciplines. Infrastructure professionals/right of way agents who typically participate on a project team are from the following disciplines: environment, engineering/survey, appraisal, negotiation/mitigation, and relocation assistance.
- 17th**
9am-12pm **Right-of-Way Plan Reading Session 3:** This is an instructor-led 3-hour course and is presented in three sessions. It is designed for right of way practitioners, new personnel and existing personnel whose duties involve the reading and interpretation of highway plans. The objectives of this Plan Reading Course are to present a step-by-step process to teach you how to read, interpret, and relate to a standard set of right of way and construction plans; help identify and interpret symbols used in a standard set of plans and interpret a set of plans in non-technical terms to laymen (property owners and others). The focus of Session 3 is Practical Applications in Right of Way.
- 29th**
9am-12pm **Right of Way Condemnation Law:** This course is designed to introduce the agent to an in-depth view of the condemnation process.

TRAINING



***** training classes are full
until January 2025**

Early and Ongoing Coordination with Utilities

Utilities



If new R/W and easements will be owned by the municipality

- Make sure the utility companies are aware the project is a LAP
- Ensure the utility companies have reviewed the R/W and easement language
- Utility permitting to be performed in accordance with municipality requirements and agreements (encroachment, franchise, etc.)

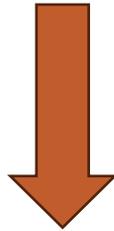
Not having your utility easement language reviewed by the Utility Owner can delay your project because of UO's refusal to relocate

Utilities

If new R/W and easements will be owned by NCDOT

- Make sure the utility companies are aware the project is a LAP
- Utility permitting to be performed in accordance with NCDOT requirements (16.1, 16.2, 16.8 (URA), etc.)

Useful Links



[Utility Relocation Agreement \(ncdot.gov\)](#)

[EA16-1- Two-Party-Utility-PrimarySecondaryHighways-NonCA \(ncdot.gov\)](#)

[EA16-2- Two-Party-Utility-ControlledAccess \(ncdot.gov\)](#)



NCDOT Utility Staff Contacts

State Utilities Manager	Keith T. Garry
Western Region (Div. 7, 9-14)	
Western Utilities Manager	Amy D. York
Regional Utility Coordinator (Western Region)	Dayton C. Martin, III
Senior Utility Coordinator	Mark A. Cole
Utility Coordinator Consultant	Steve C. Trexler
Senior Utility Coordinator	Arlene Harper
Regional Utilities Engineer	Donald E. Hampton
Regional Utilities Engineer	Alireza Kouchehi
Senior Utilities Engineer	Jong T Yoon, PE
Senior Utilities Engineer	Doug Joyner
Utilities Engineer	Ian R. Armstrong
Eastern Region (Div. 1-6 & 8)	
Eastern Utilities Manager	Bo Hemphill, PE
Regional Utility Coordinator (Eastern Region)	Tanga N Sampson
Senior Utility Coordinator	Larry M. James, Jr.
Utility Coordinator	Tyron W. Stallings
Special Projects Coordinator	O'Hara Parker
Regional Utilities Engineer	Nabil Hamdan
Senior Utilities Engineer	Deauntre M Riley
Utilities Engineer	Tevin N. Asamoah

NCDOT Utility Staff Contacts

Division	Title	Name
1	DUC	Daniel Merritt
2	DUC	Chad Mills
3	Sr. DUC	Eric Matuszewski
3	DUC	Roy (Chris) Sutton
3	DUC	Justin Smith
4	Sr. DUC	Jimmy Sharpe
5	DUC	Monroe Brown
6	Sr. DUC	Louis Caniac
6	DUC	Shawn Evans
7	DUC	Cody Lungrin
7	DUC	Tim Powers
8	DUC	Trent Caviness
9	DUC	Lou Porter
10	Sr. DUC	Adam Preslar
10	DUC	Barry Carlton
11	DUC	Vacant
12	DUC	Vacant
13	DUC	John Metcalf
14	DUC	Robert Wilcox

Outreach Efforts to Impacted Citizens and the Public

NCDOT Communications

The revised Right of Way Acquisition Brochure:

- Informs owners of their legal rights during the Right of Way acquisition process
- Explains that property owners have the right to negotiate the offer for just compensation
- Explains the steps of the condemnation process
- Explains the steps of a transportation project
- Informs owners that the Department cannot take possession of any property without payment to landowner during settlement or Clerk of Court through condemnation

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INITIAL CONTACT WITH NCDOT

Once a transportation route is approved and the design is complete, detailed plans are developed which determine the amount of land needed for the construction of the transportation project. If you are identified through a title search as an owner of property needed for the project, a Right of Way agent will contact you to discuss the highway project and its impact on you.

Right of Way agents are trained to explain the project and answer any questions you have.

- The transportation project may require only a portion of your property (partial acquisition) or your entire property
- You will be shown highway right of way plans to see how your property may be affected
- You will be advised of your legal rights during the initial meeting



YOU HAVE THE LEGAL RIGHT TO:

1. Have your property appraised by a licensed appraiser
2. Accompany the appraiser on the inspection of all structures on your property
3. Have your property appraised for value without any appraiser conflict of interest and without undue influence or coercion reflected in the appraised value
4. Receive a written offer for compensation
5. Negotiate with NCDOT on your written offer
6. Be paid the full amount of compensation prior to being required to vacate your property
7. Receive an offer to purchase any small, remaining tracts left over from your acquisition at market value
8. Be informed of your rights and benefits under the Relocation Program if your dwelling or commercial building is in the path of the highway project
9. Be assured of your rights under Title VI, the Civil Rights Act of 1964, N.C. General Statutes, and 49 CFR Code of Federal Regulations
10. Have your compensation determined by a court of law if you cannot reach a settlement with NCDOT

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The revised Right of Way Residential Relocation Brochure:

- Informs owners/ tenants who must relocate that they are eligible to receive reimbursement for moving
- Explains how relocation housing payment supplements are determined
- Informs owners they have the right to appeal the determination of their relocation benefits
- Explains Relocation Advisory Assistance Checklist

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2	RELOCATION ADVISORY ASSISTANCE CHECKLIST
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11	YOUR RIGHT TO APPEAL
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REPLACEMENT HOUSING PAYMENTS

If you are displaced from your residence, you will be given a written eligibility notice at least 90 days prior to being required to move. The notice will describe, in detail, all the relocation benefits you may be eligible to receive. One of these benefits is a Replacement Housing Payment, which depends on if you are a homeowner or tenant, and how long you have lived at the current residence.

Replacement Housing Payments can be better understood by familiarizing yourself with the terms *Comparable Replacement Property* and *Decent, Safe and Sanitary*.

COMPARABLE REPLACEMENT PROPERTY



The asking price or rent of a comparable replacement dwelling will establish the maximum amount you may receive for your replacement housing payment. The comparable replacement dwelling should be functionally similar to your present dwelling.

While it will not be identical, the replacement should have certain attributes such as:

- ✓ Similar number of rooms and living space
- ✓ Located in an area not subject to adverse environmental conditions
- ✓ Generally, not located in an area less desirable than your present location with respect to public utilities and commercial and public facilities
- ✓ Currently available to you
- ✓ Land area that is typical in size for similar dwellings located in the same, or similar, neighborhood or rural area
- ✓ Within the financial means of the displaced person

IN ADDITION TO PERSONAL CONTACTS

Your Right of Way/Relocation Agent is available to assist you during convenient hours, including evening hours when necessary. Your agent has access or can refer you to the appropriate person/agency for a variety of information concerning.

- ✓ Listing of available replacement properties
- ✓ Local housing ordinances
- ✓ Building codes
- ✓ Social services
- ✓ Security deposits
- ✓ Interest rates and terms
- ✓ VA and FHA loan requirements
- ✓ Real property taxes
- ✓ Consumer education literature on housing

SOCIAL SERVICES PROVIDED BY OTHER AGENCIES

Your right of way/relocation agent is familiar with the services provided by other public and private agencies in your community. If you have particular needs, the agent will make every effort to secure assistance from those agencies who have the expertise to help. You should talk to your relocation agent if you would like these kinds of services.

RELOCATION ADVISORY ASSISTANCE CHECKLIST

This checklist summarizes the relocation advisory assistance you will receive if you are displaced. Your right of way/relocation agent will meet with you to:

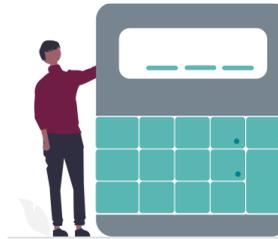
- ✓ Determine any specific needs and/or requirements
- ✓ Explain the relocation process and entitlements
- ✓ Offer relocation advisory assistance
- ✓ Offer transportation, if necessary
- ✓ Ensure the availability of a comparable property ahead of displacement
- ✓ Provide referrals to comparable properties
- ✓ Provide the amount of your maximum replacement housing entitlement in writing, 90 days or more before the required vacate date
- ✓ Inspect replacement homes for decent, safe and sanitary (DSS) standards. This is required on all replacement dwellings.
- ✓ Supply information about other federal, state and local programs offering assistance to displaced persons
- ✓ Help minimize hardships

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The revised Right of Way Non-Residential Relocation Brochure:

- Informs owners/ tenants who must relocate that they are eligible to receive reimbursement for moving
- Explains the process for receiving non-residential relocation reimbursement
- Explains the Department must provide relocation advisory services to non-residential relocation owners/ tenants
- Informs the non-residential relocation owner/ tenants of which items are NOT eligible for reimbursement during the move process

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7	OTHER THAN MOVING EXPENSES, ARE OTHER COSTS ELIGIBLE FOR REIMBURSEMENT?
8	WHAT IS A PAYMENT FOR REESTABLISHING EXPENSES?
9	WILL MY BUSINESS BE REIMBURSED FOR LOSS OF GOODWILL?
9	WHAT IS A FIXED MOVING PAYMENT?
9	MUST I FILE A CLAIM FOR A RELOCATION PAYMENT?
10	WILL I HAVE TO PAY RENT TO THE AGENCY BEFORE I MOVE?
10	DO I HAVE TO PAY FEDERAL INCOME TAXES ON MY RELOCATION PAYMENTS?
11	YOUR RIGHT TO APPEAL
13	APPENDIX



WHAT MOVING EXPENSES ARE ELIGIBLE FOR PAYMENT?

If you choose a payment for actual, reasonable, and necessary moving and related expenses, you may be reimbursed for the following costs:

- ✓ Transportation of your personal property. Transportation costs beyond 50 miles are ineligible, unless the department determines that relocation beyond 50 miles is justified.
- ✓ Packing, crating, unpacking and uncrating personal property.
- ✓ Disconnecting, dismantling, removing, reassembling, and reinstalling relocated personal property including machinery, equipment, substitute personal property and connections to utilities available within the building. This also includes modifications to the personal property mandated by federal, state, or local law, code or ordinance necessary to adapt it to the replacement structure, the replacement site, or the utilities at the replacement site to the personal property.
- ✓ If necessary, upon approval from NCDOT, storage of the personal property for a period not to exceed 12 months.
- ✓ Insurance for the replacement value of the property in connection with the move and any approved storage.

- ✓ The replacement value of property lost, stolen, or damaged in the process of moving where insurance covering such loss, theft, or damage is not reasonably available.
- ✓ Any license, permit or certification required at the replacement location. However, the payment will be based on the remaining useful life of the existing license, permit or certification.
- ✓ Professional services as the Agency determines to be actual, reasonable, and necessary for planning the move of the personal property, moving the personal property, and installing the relocated personal property at the replacement location.
- ✓ Re-lettering signs and replacing stationery on hand at the time of displacement that is made obsolete because of the move.



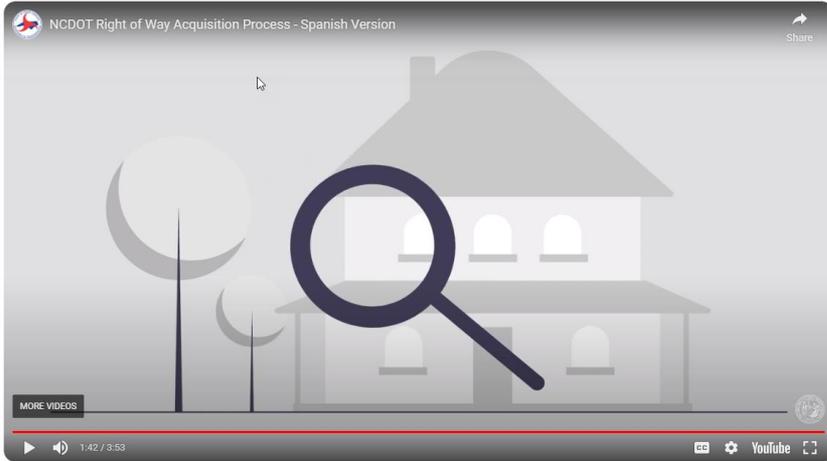
- ✓ Loss of tangible personal property incurred as a result of moving or discontinuing the business or farm operation.
- ✓ The reasonable cost of attempting to sell an item that is not to be relocated.
- ✓ If an item is not moved but is promptly replaced with a substitute item that performs a comparable function at the replacement site, you may be reimbursed the lesser of: the cost of the substitute item, including installation costs at the replacement site, minus any proceeds from the sale or trade-in of the replaced item; or the estimated cost of moving and reinstalling the replaced item but with no allowance for storage.
- ✓ Reimbursement, up to \$2,500, for time spent searching for a replacement location.

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NCDOT Right of Way Acquisition Process - Spanish Version

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Very informative, easy to follow with the animations! 10/10

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I'm praying to my Lord above to look after me

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00:27 Right of Way: Publicly owned land on which...

01:10 Fair Market Value

01:13 Ideally, at least one property owner or legal...

01:58 It is within your rights to negotiate NCDOT's offer.

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Contact Us

Heather Fulghum

hfulghum@ncdot.gov

919-707-4363



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Thank you!

