



# NORTH CAROLINA

Department of Transportation



# Right of Way Overview

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Presentation Date: June 6, 2019

# 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
- 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, NCDOT 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

# Eminent Domain

The power of government to take private property without the consent of the owner

United States Constitutional Limitations of Power of Eminent Domain

## **5<sup>th</sup> Amendment**

*“nor shall private property be taken without just compensation.”*

## **14<sup>th</sup> Amendment**

*“nor shall any State deprive any person of life, liberty or property, without due process of law...”*

# Who is involved in Right of Way?

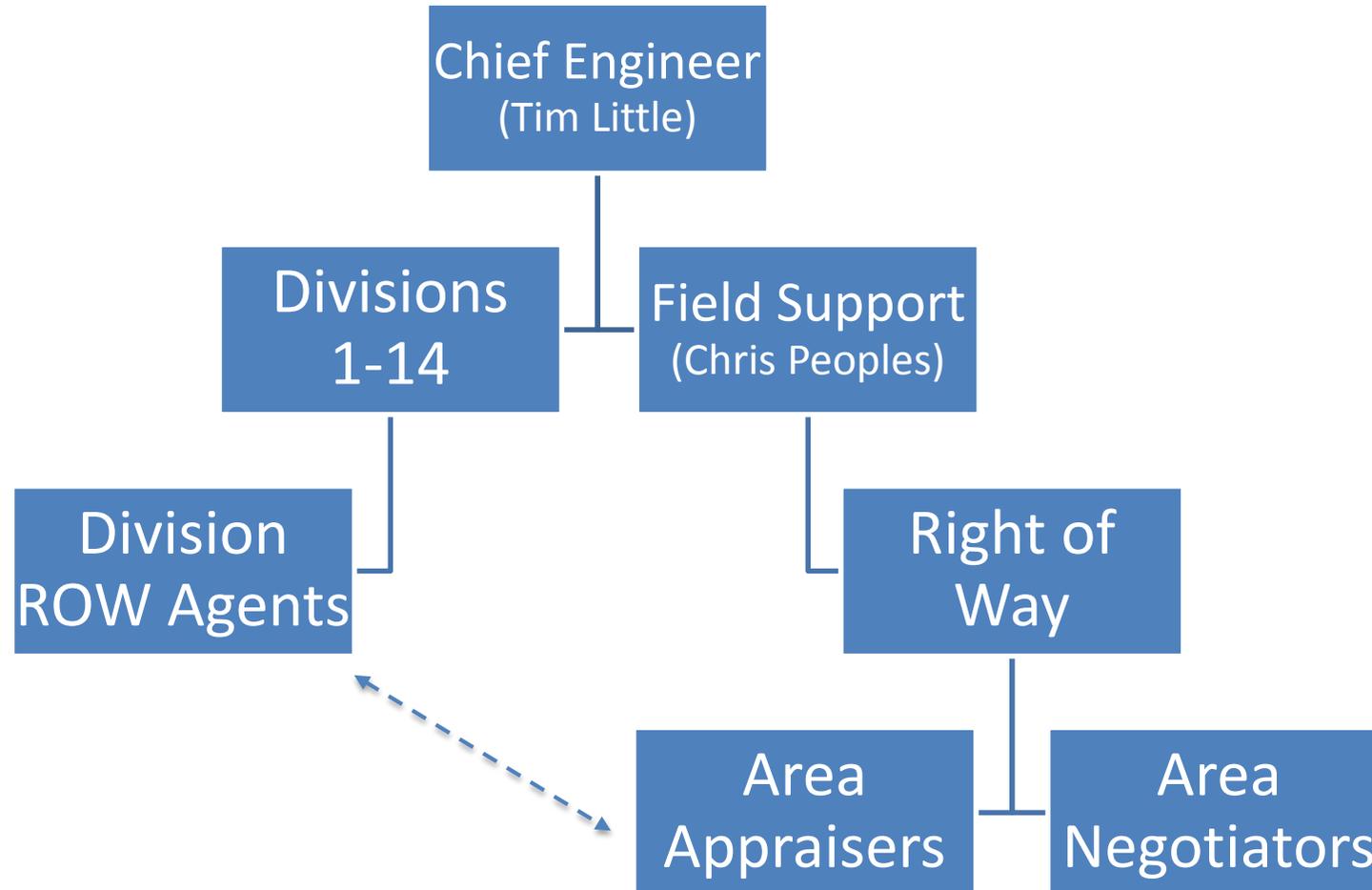
- Planners, Design Engineers, Utility Coordinators, Construction staff and Right of Way staff coordinate efforts to establish the location and design of transportation projects that will minimize impact and be of the greatest benefit to the public.
- The final design takes into consideration feasible engineering, safety, economics, public well-being, and convenience to the public.

# Working with Right of Way

- Division Construction Engineers, Division Project Delivery Engineer & staff, Division Bridge Program Manager, or Roadway Design Project Managers inform Right of Way of plan design and field inspections.
- Representative(s) from Right of Way (Negotiation, Appraisal, Relocation) attend FDFI or CFI meetings with Design Engineers and provide feedback on Right of Way issues. The goal is to minimize impacts to property owners as much as possible.
- Locations and Surveys Engineers provide status updates on the Right of Way staking process to Right of Way.
- Attorney General's Office initiates legal action (condemnation) when a settlement cannot be reached.

# Division of Highways Organizational Chart

(as it relates to Right of Way)



# Right of Way Responsibilities

- Contact property owners to explain plans and impacts, present offers and answer questions about the project & the ROW process
- Appraise proposed rights of way and easements to be acquired including any damages and costs to cure to remainder property
- Settle or condemn proposed property rights to allow NCDOT access to the property
- Provide relocation assistance, including financial assistance, to persons and businesses displaced by right of way acquisitions.
- Inspect for asbestos and demolish structures on acquired rights of way not included in the Roadway Contract

# Right of Way Responsibilities

- Dispose of any surplus & residue properties acquired by NCDOT
- Manage assets acquired by NCDOT prior to construction
- Acquire secondary road rights of way
- Monitor & certify Local Municipal Projects requiring Federal or State funding
- Provide Environmental Impact Studies for Environmental documents as needed

# Basic Acquisition

- Expeditious Acquisition of Real Property by Negotiations
- Written notice of intent to acquire Real Property – Must be in written form
- Owner's right to have property appraised and accompany appraiser on inspection
- Waiver Valuation (also known as claim report) is used when appraised value is estimated to be less than \$25,000 (\$10,000.00 and less than for LPA projects) and not consider to be a complicated acquisition
- The Department shall establish just compensation. Offer shall not be less than fair market value. Written notice of just compensation (amount of offer) to include damages, structures, land, etc.
- Payment must be rendered before surrender of real property by owner.
- If settlement cannot be reached, the Department can file condemnation to take access to the property and deposit the just compensation in the Clerk of Court Superior Court. Mediations and other efforts to resolve the case prior to trial are encouraged.

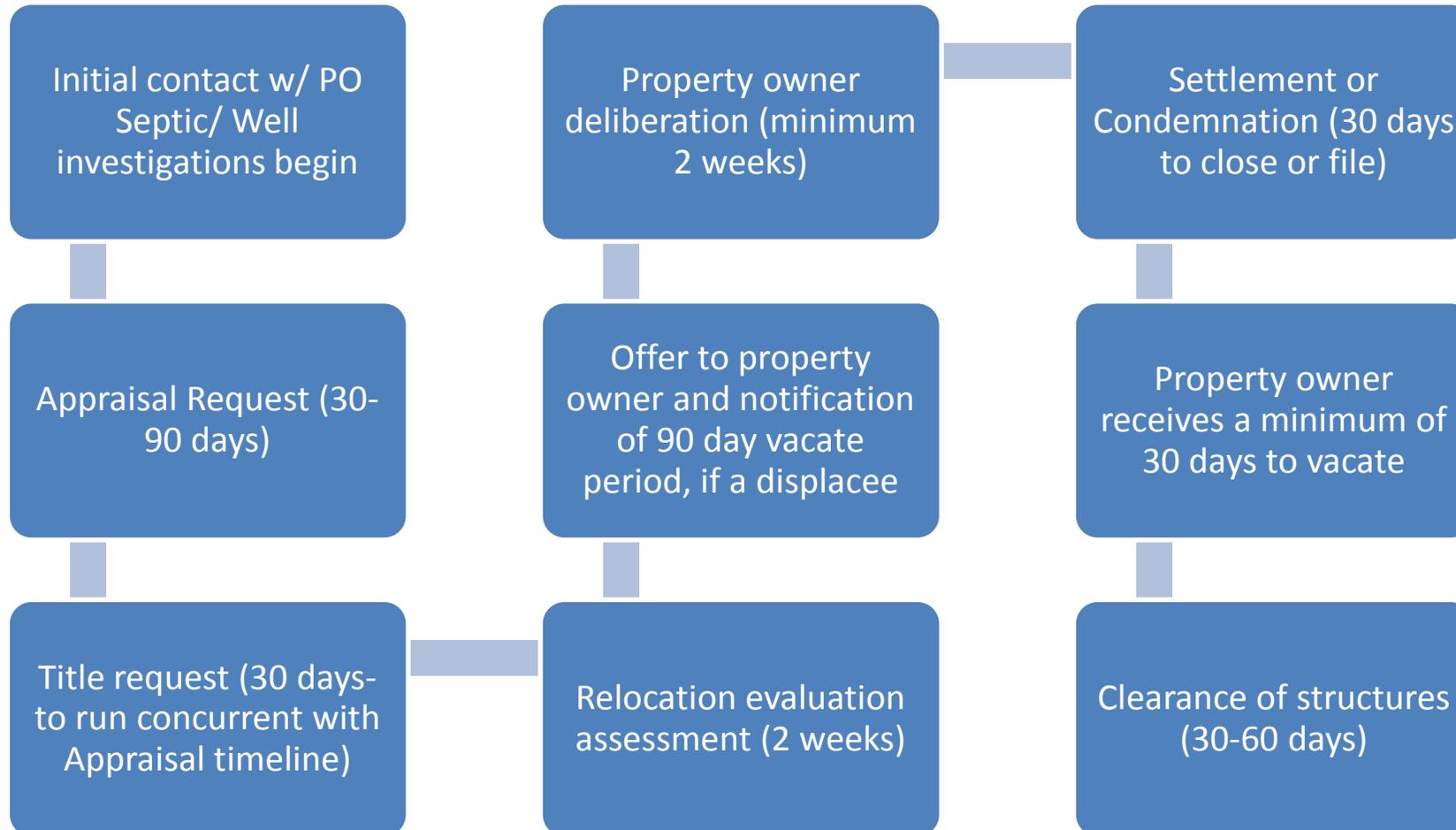
# Basic Appraisal

- Appraisals are opinions of value by a NC General certified Appraiser
- The Department sets just compensation (see 5<sup>th</sup> Amendment of the US Constitution)
- Area Appraisal office reviews and approves all appraisals for NCDOT projects and Local Municipal projects- including Division Managed Project and Design Build Projects
- Types of appraisals: Narrative, Right of Way Transmittal Summary and Waiver Valuations (or claim reports)
- Waiver Valuations (or claim reports) can be used in lieu of a Narrative or Transmittal Summary appraisal if the claim is uncomplicated and minor, and just compensation is less than \$25,000 (\$10,000.00 or less for LPA projects). Damages to the remainder cannot be assessed on a Waiver Valuation. Waiver Valuations cannot be used for condemnation claims.
- Cost approach, Sales Comparison approach and Income approach are used to determine the market value of a property or just compensation of a property
- Two appraisals are needed for just compensation amounts over \$1M and/or an appraisal with over \$250,000 allocated in damages

# Basic Relocation

- Provide relocation advisory services to persons required to move from property needed for NCDOT
- Provide payments including moving payments, replacement housing payments, reimbursements for eligible closing costs, re-establishment expenses, and mortgage interest differential payments to displacees
- Provide assistance in finding decent, safe, and sanitary replacement housing for residential displacees
- Provide moving payments for billboards and other signs located within the proposed right of way
- Provide payments to assist businesses in relocating from the acquired right of way to a suitable replacement site
- All displacees must have a minimum of 90 days after the offer is made to relocate

# Right of Way Process Timeline



# Types of Right of Way Acquisition

- Fee Simple – NCDOT acquires all real estate rights from the property owner including the right to convey the real estate at a later date.
- Easement - NCDOT acquires a permanent or temporary right to access and utilize the land owned by another. An easement is a non-possessing interest

# Typical Right of Way Easements

- Construction or Slope (usually temporary)
- Drainage (permanent and/or temporary)
- Utility (usually permanent)

# Right of Way Project Trouble Spots

- Bankruptcy
- Contamination of proposed acquisition sites (Gas Stations, dry cleaners, tire stores, etc.)
- Complicated relocation moves (i.e. businesses, farms, condos, apartment buildings, billboards, mobile home parks, cemeteries, etc.)
- Complicated appraisal items (i.e. golf courses, retention ponds, access issues, parking lots etc.)
- Title issues
- Septic tanks and wells
- Underground Storage Tanks
- NCDOT structures or lanes that are in close proximity to private structures

# Additional Resources

## Right of Way on Connect NCDOT

<https://connect.ncdot.gov/business/ROW/Pages/default.aspx>

The screenshot displays the 'Connect NCDOT BUSINESS PARTNER RESOURCES' website. The navigation menu includes 'Doing Business', 'Bidding & Letting', 'Projects', 'Resources', and 'Local Governments'. A search bar is located to the right of the menu. Below the menu, a secondary navigation bar highlights 'ROW' (Right of Way) among other categories like 'Prequalify', 'Small Business', 'Consultants', 'Directory of Firms', 'Trucking', 'Fleet & Material Mgmt', 'DMV', 'Public Trans', 'Purchasing', and 'Turnpike'. The main content area is titled 'Right of Way' and provides a brief description: 'Right of Way is responsible for acquisition of all necessary lands and improvements of all roads and highways.' Below this, a breadcrumb trail shows 'Connect NCDOT > Doing Business > ROW'. The page features four main resource sections on the left, each with a 'Read More' link: 'Right of Way Support', 'Right of Way Appraisal Process', 'Right of Way Negotiation and Relocation Process', and 'Right of Way Manuals and Publications'. On the right side, there are two additional resource boxes: 'Employee Directory' (Staff contacts for Right of Way) and 'Right of Way Remnant Property' (Current Available Property for Disposal - Interactive Map and List).

Connect NCDOT  
BUSINESS PARTNER RESOURCES

Home Help Site Map

Doing Business Bidding & Letting Projects Resources Local Governments

Search...

Prequalify Small Business Consultants Directory of Firms Trucking Fleet & Material Mgmt DMV Public Trans Purchasing **ROW** Turnpike

### Right of Way

Right of Way is responsible for acquisition of all necessary lands and improvements of all roads and highways.

Connect NCDOT > Doing Business > ROW

#### Right of Way Support

The purpose of this page is to provide support tools to property owners, developers and the general public during the right of way acquisition process.

[Read More →](#)

#### Right of Way Appraisal Process

The purpose of this page is to provide information on how to become an NCDOT contract appraiser as well as appraisal processes links.

[Read More →](#)

#### Right of Way Negotiation and Relocation Process

The purpose of this page is to provide information on how to become an NCDOT contract negotiation and/or relocation agent as well as links to these processes.

[Read More →](#)

#### Right of Way Manuals and Publications

Right of Way Manuals and Publications (Real Estate Acquisition Process Brochure)

[Read More →](#)

#### Employee Directory

Staff contacts for *Right of Way*.

#### Right of Way Remnant Property

Current Available Property for Disposal - Interactive Map and List

# Right of Way Unit

Virgil Pridemore – Manager of Right of Way

919-707-4371 [vrpridemore@ncdot.gov](mailto:vrpridemore@ncdot.gov)

Heather Fulghum – State Negotiator

919-707-4363 [hfulghum@ncdot.gov](mailto:hfulghum@ncdot.gov)

Jim McGowan – State Appraiser

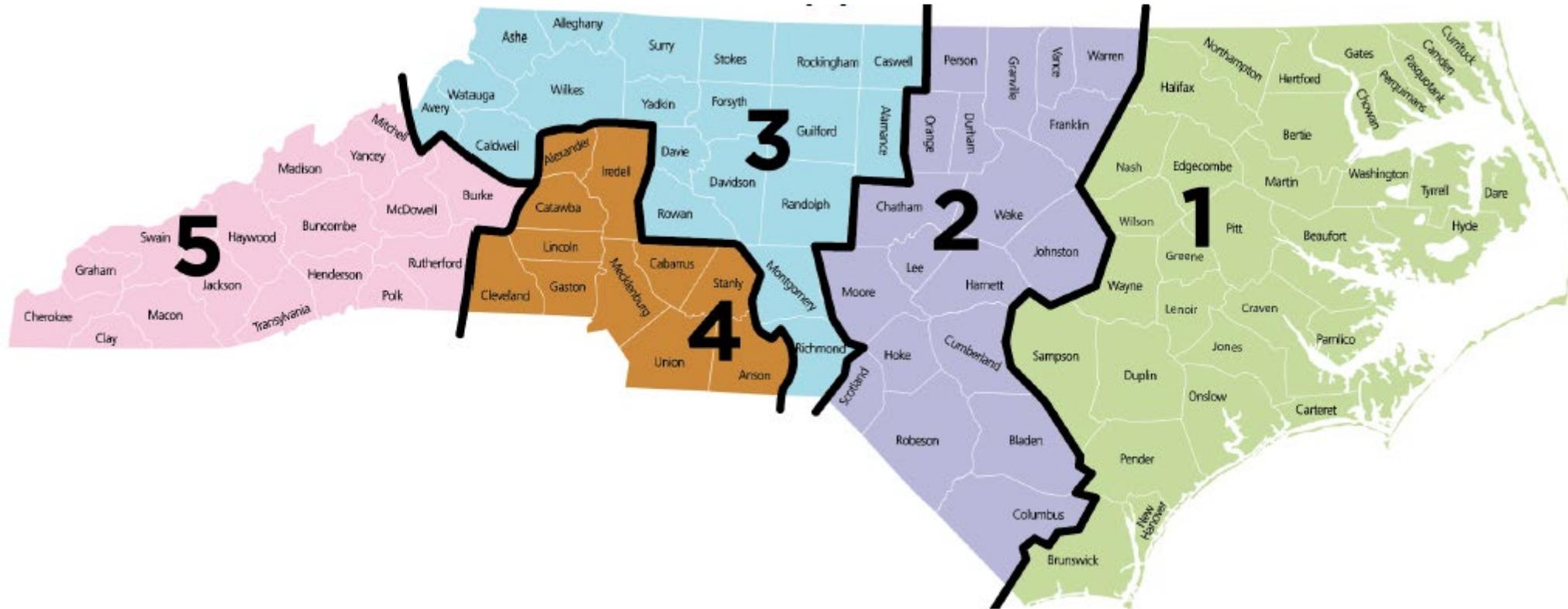
919-707-4388 [jmcgowan@ncdot.gov](mailto:jmcgowan@ncdot.gov)

Robert Woodard – State Relocation Director

919-707-4392 [rwoodard@ncdot.gov](mailto:rwoodard@ncdot.gov)



# Area Appraisal Offices



**Area 1 Appraisal Office**  
 1430 E. Arlington Blvd.  
 Greenville, NC 27858  
[rhiessup@ncdot.gov](mailto:rhiessup@ncdot.gov)  
 (Divisions 1, 2, 3, 4)

**Area 2 Appraisal Office**  
 3509 Haworth Drive  
 Suite 400  
 Raleigh, NC 27609  
[blopp@ncdot.gov](mailto:blopp@ncdot.gov)  
 (Divisions 5, 6, 8)

**Area 3 Appraisal Office**  
 1605 Westbrook Plaza Dr. Suite  
 202  
 Winston-Salem, NC 27103  
[rpegg@ncdot.gov](mailto:rpegg@ncdot.gov)  
 (Divisions 7, 9, 11)

**Area 4 Appraisal Office**  
 8305 University Executive Park  
 Dr., Suite 320  
 Charlotte, NC 28262  
[hbabbb@ncdot.gov](mailto:hbabbb@ncdot.gov)  
 (Divisions 10, 12)

**Area 5 Appraisal Office**  
 6 Roberts Rd., Suite 102  
 Asheville, NC 28803  
[nmedford@ncdot.gov](mailto:nmedford@ncdot.gov)  
 (Divisions 13, 14)

# Questions?

