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## 7-1 General

- A. Evidence of the ownership or of an interest in the title to real property is found in the records of the county in which the property is located. Public records affecting title are maintained by the county’s assessor, auditor, clerk, registrar, and treasurer. Ownership records are also maintained by all title insurance company offices in each county.
- B. Generally the state requires fee simple title to lands acquired for right of way purposes. Grantor’s retention of reversionary rights is not acceptable in most cases.
- C. Although the “Contracts for Title Evidence” vary somewhat as to fees, delivery schedules, etc., each provides that the state receive Preliminary Commitments for Title Insurance (PC) and any necessary Supplemental (SPC) for its acquisition information needs, and an ALTA owner’s Standard Form Policy of Title Insurance insuring the state of Washington, Department of Transportation’s acquisition. For specific provisions, refer to the appropriate title contract.
- D. Since it is less expensive to obtain insured titles from the local title industry than it is to use staff personnel to conduct title searches, the Washington State Department of Transportation (WSDOT) uses the services of the title insurance companies. One provision of the contracts is that WSDOT may secure sundry title services such as copies of maps, copies of instruments, ownership information, etc., for a specified charge that, along with other charges, will be billed to WSDOT.
- E. In Headquarters title work is performed under the supervision of the Acquisition Program Manager. In the larger regions, title work is performed under the supervision of the Region Real Estate Services Manager (RESM) and when necessary is assisted by the Acquisition Program Manager.

## 7-2 Title Functions – Region

### 7-2.1 General

The following sections describe title functions which are normally performed in the region.

The Region RESM is responsible for the performance of these title functions and may delegate these duties to members of their staff as appropriate.

The Region RESM coordinates with the Acquisition Program Manager, or designee on any special problems.

### 7-2.2 Title Commitments (Reports)

The Region RESM or designee:

- A. Upon receipt of maps or property descriptions from the Region Right of Way Plans Section, places an order for title reports.
  1. The order is placed with a title company insuring in the county in which the project is located.
  2. Title orders are normally placed with the title company on a rotational basis; however, this is balanced against the company's ability to deliver to the department's time requirements and company's ability to deliver accurate work.  
At times of large orders (20 or more parcels), it may be necessary to balance the orders between several title companies.
  3. Upon assurance that the title company is prepared to meet the project's time schedule, places the order as provided in the contract.
- B. Upon receipt of title reports, determines whether all properties within the limits of the proposed project have been covered.
  1. Contacts the title company to correct any duplications, omissions, or discrepancies.
  2. Examines the title reports for access easements and road maintenance agreements. Reviews access easements and/or agreements to determine effect on parcel and identifies the ownership(s) benefitted by the easement. Physically inspects the property(ies) to identify parties in possession, width of easement. On limited access projects, the benefitted parcel(s) shall be identified as a separate parcel. On managed access projects, determines if the benefitted parcel should be identified as a separate parcel. Also coordinates with region access staff and the Acquisition and Title Section Manager, as needed.
  3. When the field survey (by the Region Right of Way Plans Section) does not agree with the descriptions on the title reports, coordinates with the project engineer and contacts the title company and/or the county or city engineer's office to determine the legal status of the questioned property.  
Advises the Region Right of Way Plans Section on problems concerning the legal status of vacated streets or other questioned property.
  4. Acts as liaison between the Region Right of Way Plans Section and the title company.
- C. Confirms that the title company's bill is for the services provided, assures it meets contract requirements, and prepares voucher for payment.
- D. Coordinates with the project manager on real estate matters bearing on interdisciplinary team activities, such as: ownership, contiguous properties, taxing districts, assessing districts, water rights, mineral rights, timber cruises, public recreation sites, and access, etc.

### 7-2.3 *Right of Way Plans – Special Distribution*

The Region RESM or designee:

- A. At the time negotiations are to begin, furnishes informational copies (paper or electronic) of the approved right of way plans to:
  1. The title company or companies that provided the reports.
  2. The county assessor.
- B. Distributes any subsequent map revisions resulting in a change to parcel definition as in 7-2.3A.

### 7-2.4 *Acquisition and Condemnation*

The Region RESM or designee:

- A. Maintains and updates title commitments (reports).
- B. Reviews the title reports with the Acquisition Specialist as required and advises the Acquisition Specialist on techniques for clearing encumbrances.
- C. Orders Supplemental Title Reports (STRs) as specified in [Chapter 6](#).
- D. Drafts acquisition legal descriptions and/or assists the Acquisition Specialist in drafting them.
- E. Reviews or drafts legal documents (deeds, easements, etc.) and/or assists the Acquisition Specialist.
- F. Coordinates with the Acquisition Program Manager or designee on *Right of Way Manual* interpretations as needed.
- G. Conducts examination of all acquisition transmittals and negotiator's reports.
  1. Assures that transmittal package includes all items and is in order as specified in [Chapter 6](#).
  2. Assures that encumbrances are clear in accordance with [Chapter 8](#).
  3. Assures that instruments were prepared and executed in accordance with [Chapter 9](#).
  4. Assures that vouchers were prepared and executed in accordance with [Chapter 10](#).
  5. Conducts final review and processing of acquisition transactions (excluding condemnation).
  6. Assures that required data is entered in the computer database.
- H. Assures that the title company's bills for supplemental fees, recording fees, and full value title policies meet the requirements of the contract and prepares voucher for payment.

As to those acquisitions which are to be closed in escrow, verifies that the correct escrow fee plus sales tax and fees have been added to the acquisition voucher or will be paid by separate voucher.

The bill is verified for correctness and paid as specified in [Chapter 10](#).

### 7-2.5 Assistant Attorney General, Department of Transportation – Liaison

The Region RESM, or designee:

- A. Using the procedures specified in the appropriate contract, obtains title evidence for the use of the Assistant Attorney General, WSDOT, in inverse condemnation proceedings and on damage claims in accordance with [Chapter 6](#).
- B. When (on interstate projects only) condemnation proceedings are to be filed in the federal court, obtains federal form certificates as specified in the contracts.
- C. Compiles data on legal descriptions and parties defendant as requested by the Assistant Attorney General, WSDOT.
- D. Makes specific note of any toxic/hazardous situations that will need to be addressed by the Attorney General’s Office (AGO).
- E. Submits requests for any needed legal opinion to the Headquarters Real Estate Services [Program Administrator](#), for coordination with the Assistant Attorney General, WSDOT, and other regions.

## 7-3 Title Functions – Headquarters

### 7-3.1 Acquisition

The Acquisition [Program](#) Manager or designee:

- A. [Oversight Feedback Review \(OFR\)](#)
  1. Reviews a minimum of 25 percent of a project’s acquisition files for [quality assurance/quality control](#) with state laws and WSDOT policies and procedures including:
    - a. Conveyance documents with emphasis on identification of correct parties, signatures, notaries, and legal descriptions.
    - b. Clearance of title and encumbrances with emphasis on compliance with [Chapter 8](#) and documentation of risk analysis.
    - c. That administrative settlements are justified in compliance with current WSDOT policy, documentation, and justification procedures.
  2. Sends a copy of the [OFR](#) to the appropriate region personnel.
  3. Coordinates corrective action, if necessary, with RESM or designee and documents file accordingly.
  4. Posts documents to the appropriate Real Estate Services ownership maps.
  5. Inputs required data into the computer database.
  6. The acquisition file is retained in the appropriate location pursuant to the records retention schedule.

### 7-3.2 Condemnation

The Acquisition Program Manager or designee:

- A. Using the procedures specified in [Chapter 6](#) prepares the information for the AGO.
- B. Reviews AGO documents and processes payments.
- C. Provides expert advice and testimony when requested.

### 7-3.3 Conveyances of Excess and/or Surplus Property

The Acquisition Program Manager or designee:

- A. **Title Checks** – Performs a preliminary title check to determine what interest WSDOT holds in subject property and those exceptions and/or reservations which must be made in any proposed conveyance.
- B. **Descriptions** – Reviews descriptions submitted by property management or writes and reviews descriptions of property being conveyed.
- C. **Conveyance Documents** – Reviews documents of conveyance for completeness and accuracy prior to final execution.
- D. **Posting** – Posts completed conveyance to Real Estate Services maps.

### 7-3.4 Records

The Acquisition Program Manager or designee:

- A. **Real Estate Services Maps** – Maintains maps including entry of new right of way plans, entry and reposting of plan revisions.
- B. **Real Estate Services Sundry Site Maps** – Maintains pit and stockpile record books and maps.
- C. **Advise Others** – Advises and assists others on matters involving right of way acquisitions and plans including, but not limited to, retrieval of data from archives and interpretation of evidence.
- D. Review and provide records as required under public disclosure.
- E. Maintains all paper and electronic systems.
- F. Assures that records are retained and submitted for retention according to the Real Estate Services Records Retention Schedule.

