

25.1 General Discussion

The Real Estate Services website is located at www.wsdot.wa.gov/realestate.

Neither the Uniform Relocation Assistance and Real Property Acquisition Policies Act (URA) nor its implementing regulations at [49 CFR Part 24](#) allow the certification of right of way (R/W) to be sub-delegated to any agency or any agency with Certification Acceptance (CA) status. The Washington State Department of Transportation (WSDOT) has overall responsibility to the Federal Highway Administration (FHWA) for the acquisition of R/W on all FHWA funded transportation projects in the state.

If there is federal funding on ANY phase of the project (P.E., R/W, or construction), R/W must be acquired in accordance with the requirements of this manual, in order for the project to be eligible for federal funding (49 CFR 24.101). R/W acquired prior to July 1, 1971, is exempt. Projects that do not use FHWA funding on any phase may choose not to follow the requirements of this chapter as outlined in [RCW 8.26.010\(2\)](#). In addition the local agency must comply with Title VI requirements identified in [Chapter 28](#).

The acquisition process is regulated by [Chapter 8.26 RCW](#) and [WAC 468-100](#).

WSDOT may, by written agreement, use the services of land acquisition organizations of counties, municipalities, or other state or local governmental agencies for acquiring rights of way for FHWA projects. Any such organization may be used only if it is adequately staffed, equipped, and organized to provide such services, and if its practices and procedures are in substantial conformity with WSDOT accepted procedures.

It is the responsibility of WSDOT to fully inform political subdivisions of their responsibilities in connection with federally-assisted transportation projects and to provide training to the local agencies. It is the local agencies' responsibility to comply with the requirements of this chapter, the URA, and [49 CFR Part 24](#). The local agency will assess their staff's level of expertise with the requirements stated above. If the local agency determines their staff does not fully understand these requirements, it is their responsibility to request assistance and/or training to ensure the acquisition process is followed correctly.

It is essential that local agencies and WSDOT communicate freely and work closely together during the entire acquisition process to expedite projects and to assure that all federal and state requirements are met. Early notification to the Region Local Agency Coordinator is required for projects with right of way acquisition when there are federal funds in any phase of the project (23 CFR 710.201 (h)). It is suggested that the ROW Phase Questionnaire (Form LPA-002) be completed during finalization of design, Guidance is provided in the [Right of Way Manual](#) M 26-01.

.11 Use of WSDOT Property – The Region Local Agency Coordinator (LAC) should be contacted immediately when it is determined that the local agency project requires the use of WSDOT’s property. The LAC will advise the local agency of the process and timeline needed to acquire sufficient legal rights to construct and operate on WSDOT property.

.12 WSDOT Services – WSDOT is committed to an ongoing program which will provide effective assistance and guidance to local acquiring agencies. To this end, WSDOT will designate a LAC for each region to provide information and establish appropriate state staff contacts, provide training and educational opportunities for local agencies through workshops and acquisition course offerings, and provide mutually acceptable technical and advisory services as necessary to accomplish R/W activities which includes appraisal, appraisal review, acquisition/negotiation, relocation, and property management activities (also collectively referred to as acquisition or acquisition process).

WSDOT will consult and advise the local agency concerning real property interests’ R/W activities to ensure that R/W is acquired and cleared in accordance with provisions of state and federal laws and FHWA directives.

At the earliest possible date, the local agency should notify the LAC of upcoming federal-aid projects which have R/W activities. In addition, the local agency should advise the LAC of the need for WSDOT assistance.

.13 Consultant Services – When the local agency does not have adequate staff to perform appraisal, negotiation, or relocation functions, it may contract for these services and obtain federal participation in the costs.

The local agency should contact the Region Local Programs Engineer for assistance in preparing any contract for services to assure FHWA participation in the contract. FHWA has determined that the consultant agreements for R/W services must meet the consultant contracting requirements as described in [Chapter 31](#). See [Chapter 31](#) for information regarding consultant agreements.

25.2 Right of Way Acquisition Procedures

When an agency intends to use federal funds in any phase of a project, the agency must assure their approved R/W procedures (Form LPA-001 & LPA-003) are current prior to initiating R/W activities, and must demonstrate at the time of certification that current staff is qualified and that their procedures meet LAG manual requirements. R/W procedures are normally considered current if they are less than three years old, and there have been no changes to staff approved to perform R/W activities within the agency.

Acquisition procedures are submitted on local agency letterhead to the Region Local Programs Engineer for review prior to final execution by the local agency. Region Local Programs forwards the procedures through the LAC for approval. The local agency will be approved to acquire R/W based upon the submitted procedures.

The responsibilities and expectations for each of the agency R/W positions are defined in the Right of Way Procedures form (LPA-001). The level at which an agency will be approved will depend on the agency’s staff qualifications. Qualifications should be specific to the right of way function for which the staff is listed. An agency with

minimal staff may be approved to acquire a single project with direct supervision by the Region LAC. Local Program's notifies the local agency of the approval with a copy to the Region LAC. Periodic reviews of procedures will be conducted by the LAC for agencies acquiring R/W on federal aid projects. If through these periodic reviews it is determined that the local agency acquisition practices are not in full compliance, or the local agency no longer has staff qualified to perform a particular function, then WSDOT will determine what actions are required to achieve full compliance and the use of qualified staff.

Approved procedures will designate the title of the position. When staff changes or additions occur, the agency will submit the person's right of way experience and qualifications to the LAC.

Procedures shall include the following:

1. Agreement to comply with state and federal laws and FHWA regulations. The agency should agree to follow this manual and the *Right of Way Manual* M 26-01 or the agency's own manual if they have a WSDOT approved R/W manual.
2. A listing of the agency's staff and position(s) performing the separate functions of program administration, appraisal, appraisal review, acquisition, relocation, and property management. All agency staff who perform any of these separate functions should be listed. **Note:** Agency personnel such as administrators and members of the executive branch who might participate in the acquisition of R/W for federal aid projects need to be aware that their actions must conform to the Uniform Act and [49 CFR Part 24](#).
3. A listing of all current staff, including their position(s), who are specified to perform each function, and a brief statement of their qualifications pertaining to the function they are performing. See minimum qualifications for appraisal (Subsection 25.51), appraisal review (Subsection 25.6), and acquisition (Subsection 25.91).
4. Appraisal waiver procedure (see Subsection 25.52, and Form LPA-003).
5. A procedure for handling administrative settlements including the approving authority(s) and process (see [Subsection 25.11](#)).

Local Agencies must have a relocation appeal procedure in place, prior to starting relocation activities for any projects involving relocation assistance, as required by 49 CFR 24.10.

Note: Local Agencies need to submit FHWA Annual ROW Statistical Report for active federal aid projects by October 25 each year. The data provided is for ROW activities from October 1 through September 30.

.21 Determining Whether or Not Right of Way (Acquisition) is Needed – See [Appendix 25.174](#) and [25.175](#)

1. **R/W (acquisition) Needed** is defined as land or property rights necessary for construction, operation and/or maintenance of the proposed project, or any prior (advanced/early) acquisition that was acquired specifically for the current project. This includes temporary rights required to complete the construction as shown on the PS&E (such as placing personnel, materials, equipment and machinery outside of existing R/W). If the agency, either through early acquisition (Section 25.43) or

through transfer of property acquired for another use or purpose not associated with the current project, incorporates this land or property rights into the project, the agency will provide adequate documentation in the NEPA Categorical Exclusion Documentation Form showing when and why the property was purchased. If the property was purchased for use on the project (e.g. advanced/early acquisition), then the R/W must have been acquired in accordance with the requirements of this manual.

Advanced/early acquisition is defined as prior land acquisition that was completed specifically for the current project. This does not include properties within the existing R/W that were purchased as part of a previous project. Regardless of the funding source, advanced/early R/W acquisition parcels must be included in the R/W Certificate. Contact the LAC if you have questions.

- If it is later determined that R/W is required, either a R/W Project Funding Estimate (PFE) or a True Cost Estimate, as applicable, a Right of Way Plan, and a Relocation Plan (if required) must be prepared and submitted to the Region Local Programs Engineer who will notify the Region LAC (who is responsible for review and approval). There are significant differences between the two forms of estimates and care must be used when selecting either the PFE or True Cost Estimate process. The Region LAC should be consulted when this decision is to be made. See Subsection 25.41 for explanations and requirements of the PFE and the True Cost Estimate.

2. **No R/W (acquisition) Needed** means that the proposed project can be built entirely within the existing property rights. Existing R/W is defined as land already incorporated into the roadway facility or land certified under a previous federal aid project. Leases, permits and easements for construction activities, slopes, drainage, etc., whether temporary or permanent, are generally considered R/W acquisition.

If it can be documented that the land or property rights were purchased for a purpose other than the transportation related project being certified, and that the land/property rights are no longer required for the original purpose, then the Uniform Act and 49 CFR Part 24 requirements do not apply. This would be considered existing right of way.

It is the responsibility of the agency to determine that “No ROW” is needed for a project at the time the Design Approval Documentation form is completed (Appendix 43.62) and prior to the obligation of funding. This can be accomplished by applying the Sufficient Property Rights Flowcharts found in Chapter 25 of the LAG (Appendix 25.174 and Appendix 25.175). The agency will complete and sign the Design Approval Documentation form (Appendix 43.62) which acknowledges they have completed reviewing existing property rights. In the case of a non-CA agency, the agency will work with the Local Programs Engineer. The No ROW Needed Verification Checklist (Appendix 25.176) is a tool that can be used during the local agency’s ROW determination process. Once the project has been fully designed and prior to advertising the project for construction, the agency shall verify that No ROW is needed for the project. The agency should retain appropriate documentation to support their No ROW determination in case the project is selected for a review. Local Agency staff must be qualified to sign acknowledging the ROW part of the Design Approval Documentation form and to perform the

Program Administration function under their Approved ROW Procedures. Local Programs will provide training to local agency staff responsible for these functions. The training will focus on the importance of reviewing the PS&E to make sure it is consistent with the no ROW determination. Local Programs will maintain a list of CA agency reviewers who have completed the training. Non-CA agencies will need to work with WSDOT Local Programs staff to complete the verification process.

If ROW needs change, the agency will follow the current process of updating the design approval, project prospectus, and NEPA. It is also recommended that the agency provide an amendment to the Statewide Transportation Improvement Program (STIP).

No ROW Compliance Reviews (NRCR)

In order to be reasonably certain that local agencies are accurate in their statement to WSDOT that “No ROW” is required for their project in accordance with the Local Agency Guidelines; WSDOT will perform spot check reviews on a random sample of selected local agency projects that state they have “No ROW” needs. WSDOT will select projects authorized for construction between two certain dates and will likely focus on those projects involving the construction of street widening, trails, sidewalks, and bridges.

These NRCRs could be performed by any of the following: LPRM; Local and/or Assistant Local Programs Engineers; or the Local Agency Coordinator. NRCR results will be provided to the local agency upon completion of the review. If it is found that the agency did not acquire sufficient property rights to construct, operate, and maintain their project, WSDOT’s response could include one or more of the following:

- Plan for corrective action.
- Limit or withhold the agency’s Approved ROW Procedures to the extent deemed necessary.
 1. Allow certification on future federal aid projects on a project-by-project basis.
 2. Direct WSDOT supervision for all URA compliant ROW projects.
- Loss of federal aid on future ROW projects.
- Loss of federal aid on the project reviewed. If this is the outcome of the review, FHWA will participate in the joint conference.

.22 Acquiring Right of Way – Acquisition of R/W may be performed by the following entities:

- By a local agency that is adequately staffed, equipped, and organized to discharge its R/W responsibilities and has R/W procedures approved by WSDOT. Staff may consist of qualified contract personnel and/or licensed private Real Estate Brokers (see RCW 18.85 in addition to or in lieu of regular employees of the agency).
- By another local agency that meets the requirements above.

.23 Acquiring Sufficient Property Rights – A local agency must acquire real property interests that are adequate for the construction, operation, and maintenance of the project (23 CFR 1.23 and 710.201(e)). The preference is for local agencies to purchase fee rights or temporary and permanent easements. However, there are circumstances when other real property interests can be considered. The details of these circumstances should be discussed with the LAC prior to submitting the Right of Way Plan for approval.

If the local agency is considering acquiring something other than fee or permanent easement real property interests, then they must provide documentation establishing how the real property interests they are purchasing satisfy the requirement for sufficient property rights. FHWA must be assured that their investment in the project is in the public interest and will last for a reasonable amount of time that is commensurate with the level of investment. There are no set guidelines that describe the appropriate term length, but 20 years is the absolute minimum term that should be considered. Longer terms may be required, and the higher the federal investment, the longer the term expected by FHWA. An analysis of the design life of the improvement must be done and the minimum term must equal the design life. Unless leases are with public agencies, leases should be considered only under rare and unusual circumstances since they typically have termination clauses that could require the removal of improvements with little notice, and possibly without cause. Things to consider include:

- Is the term of the real property interest at least as long as the life cycle of the improvement? When will major maintenance be required and does the property interest term extend to when the first major maintenance is expected?
- What is the likelihood for renewal of the term of the real property interest, or invocation of any provision for its termination?
- Can a rational explanation of why the project is a good investment for FHWA under such circumstances be provided?
- If the rights acquired are from a governmental agency, is there anything in their regulations that prevent them from granting the rights requested?

Note: If FHWA does not accept the local agency's justification, they must be prepared for FHWA to either make a finding that they have not acquired sufficient property rights (which would preclude ROW certification) or FHWA may consider a conditional approval that would require the local agency to either repay the project funding or reestablish a replacement improvement in a new location with their own funds (and the right of way for the new location must have been acquired in accordance with the Uniform Act).

The following situations are considered to be sufficient, and do not require the agency to complete a justification to be submitted for FHWA approval:

- DNR aquatic lands – DNR typically grants only term easements for uses of state-owned aquatic lands. The term of an easement will normally not exceed 30 years and is not renewable by policy. A new easement may be applied for one year in advance of the current easement agreement term expiration.
- BPA (Bonneville Power Administration) – BPA typically grants only revocable permits (Land Use Agreement Fee) for uses under their power lines.
- WSDOT – WSDOT typically grants only term leases and/or easements for uses of their property.
- BIA (Bureau of Indian Affairs) – BIA policy may vary by tribe as not all tribes are willing to grant permanent easements. Some tribes may grant only a non-permanent easement.

.24 Determining Acquisition of Property and/or (Sufficient) Property Rights-
See [Appendix 25.175](#)

Fee – Fee title should be acquired when the agency needs the exclusive use and occupancy of the property for itself. Fee simple is the unqualified ownership and power of disposition of property; all rights to control, use and transfer the property at will are acquired.

Easements – An easement is a transfer of an interest in land from one party to another providing a right or privilege to enjoy the property or a part of it for a particular, specific purpose that is not inconsistent with the owner’s use and enjoyment. Easements can be temporary, permanent, or for a specified term.

Permanent Easements – A permanent (perpetual) easement may be acquired when the agency needs a non-exclusive right to enter upon the property of another. A permanent easement for road, street, or highway purposes should include, but not be limited to, the right to occupy, construct, control, operate, maintain, and reconstruct the facility.

Non-Permanent Easements – An easement that has a defined term and expiration date. Some property owners, including state/federal agencies, are unwilling to grant permanent easements. Term easements may be acceptable provided the term equals the design life (see .23 above).

Temporary Easements – A temporary easement is used when the agency requires a property right which is temporary in nature, but are not part of the permanent right-of-way. Temporary rights expire by the terms in each individual temporary easement.

Permits – A permit or right of entry is not an interest in land. It only provides basic permission to enter upon property to a named entity for a specific purpose, usually for a specific period of time. It cannot be transferred and can be terminated or revoked by the owner at will. In most situations, permits are used when no other property rights are to be acquired from the same ownership as part of the same project, and are normally obtained without the payment of compensation (mutual benefit). Permits can be used with other agencies to perform work on their property, such as tying into another roadway. Permits are generally not considered sufficient to construct, operate or maintain proposed projects. When considering the use of permits or other property rights such as leases, rights of entry, land use licenses, etc. consult with the LAC.

All rights acquired for the project, including advanced/early acquisitions (see Appendices [25.174](#) and [25.175](#)), must be shown on the right of way plan (see Section 25.4-.41). See also *Right of Way Manual* M 26-01 Section 6-5.

25.3 Preliminary R/W Activities

There are certain right of way activities that are eligible for preliminary engineering funds if those activities take place prior to NEPA approval or after NEPA approval but prior to the ROW being authorized. Those R/W activities that are eligible are identified in the table below:

Preliminary ROW Acquisition Activities Eligible for Preliminary Engineering Funds 23 CFR 710.203(a)(3)	Pre-NEPA or Post-NEPA & Pre ROW Authorization
Title Searches and Review	X
ROW Planning w/ROW Staff and/or Consultants	X
ROW Plan Preparation	X
ROW Design Development (determining ROW needs)	X
Public Meetings/Hearings (projects w/ROW)	X
ROW Estimates & Schedules (scoping)	X
PFE*/True Cost Estimate	X
Appraisals (including inspections) and AOS*	X
Right of Entry (testing, surveying, etc.)	X
Relocation Plan/Study (includes survey of occupants)*	X
WSDOT Technical Assistance/Review for activities listed above	X
LAC Review of ROW Activities (if required by Approved ROW Procedures)	X

*Completing an appraisal/PFE/Relocation Plan during the PE Phase is an agency risk decision. If a local agency chooses to complete an appraisal, project funding estimate (PFE), or relocation plan too early, it may require a subsequent update or a new one to be completed again. FHWA cannot pay for an activity twice if the need for the second payment was due to a local agency's business decision. However, if the update is needed due to an unexpected delay beyond the local agency's control, the incurrence of expenses for a second time should be eligible expenses.

Agencies cannot start activities that could be considered negotiations with property owners pre-NEPA for the project, unless they are acquiring under 23 CFR 710.501 (LPA funded early acquisition) or Section 710.503 (protective buying and hardship acquisition). Early contact of occupants cannot give the appearance of initiation of negotiations. In addition, if the agency plans to request to use the value of the acquired property as a match, they need to meet the requirements in 23 CFR 710.501 and have completed Appendix F.

Local Programs conducts billing reviews each year for selected construction projects that will address any non-compliance issues.

25.4 Right of Way Acquisition

When there is federal participation in **any** phase of a project (PE, RW and/or CN), federal regulations **must** be followed. A checklist of Federal Aid Requirements is included in [Appendix 25.178](#), with useful reminders and should be used as guidance to ensure compliance.

.41 Acquisition With Federal Funds – Prior to the authorization of federal funds for R/W, the following requirements must be met: compliance with [Chapter 14](#), FHWA approval of environmental (NEPA) documents, and the submittal of the following documents to the Region Local Programs Engineer.

- Local Agency Agreement Supplement.
- Estimate of probable R/W costs and expenses broken down by parcel. There are two types of estimates:
 - **Project Funding Estimate (PFE)** is a detailed parcel-by-parcel estimate of total expected right of way acquisition costs and is used to obtain authorization and funding for the project. A PFE is based on market transactions (sales) that reflect the current real estate market. Ideally, it is completed by an appraiser, an appraisal reviewer, and a relocation expert. Other R/W staff with appropriate experience, including qualified consultants, may also prepare a PFE.
 1. A Project Funding Estimate (PFE) is prepared for every project where right of way will be acquired, unless all properties to be acquired are to be appraised or donated.
 2. As a minimum, the PFE contains the following information.
 - a. A parcel-by-parcel list of right of way costs with project summary totals reported on the Right of Way Project Estimate and Cost Breakdown.
 - b. A project data package including sales, sales map, neighborhood and project description, scope of sales search and, if applicable, damage studies, cost to cure documentation, and Assumptions and Limiting Conditions.

Note: The PFE Parcel Worksheet is included in the data package.

The Agent/appraiser assigned to do the PFE completes the estimate as follows:

1. Inspect the project and becomes familiar with the engineering features of the plan.
2. View individual parcels to determine the effects of acquisition.
3. Prepares a Neighborhood and Project Description which defines existing uses, zoning, trends, transportation and utilities, economic influences, a synopsis of the project and its effect on parcels, and any changes in the aforementioned likely to be caused by the project.

4. Gathers sufficient comparable land sales and listings for the various types of parcels and remainders within the project. All sales shall be inspected, photos taken and written up on Market Data Sheets (Form LPA-210). (If the sales are to be used exclusively on parcels where the Agency has determined to waive the appraisal, the sales must be confirmed. In all other cases, a reasonable effort shall be made to confirm all sales. Unconfirmed sales will contain an explanation of the confirmation effort including the parties' names and phone numbers where attempts to make contact were unsuccessful.)
5. Prepares project and sales vicinity map.
6. Prepares PFE Parcel Worksheet for each parcel on the project.
7. Includes any applicable damage studies.
8. Includes cost-to-cure documentation for estimates and/or bids.
9. Includes applicable Assumptions and Limiting Conditions if data Package will be referred to in the preparation of Abbreviated Appraisals.

See [Appendix 25.172](#) for a sample estimate summary and a sample neighborhood analysis and Form LPA-215 PFE Parcel Worksheet. See also *Right of Way Manual* Section 4-2 for the requirements for a PFE (42.1, paragraphs E, F, and G do not apply to local agencies).

- **True Cost Estimate** can be used only when all parcels are to be appraised or donated. The R/W PFE **must** be used if the agency wishes to make use of the appraisal waiver procedure (see [Subsection 25.52](#)). A True Cost Estimate is a parcel-by-parcel estimate of total expected right of way acquisition costs drawn from the County Assessor's records, from replacement cost schedules for minor site improvements or estimates from local vendors, and is used to obtain authorization and funding for the project; therefore, in many cases the level of expertise required for its preparation may be less stringent than for a PFE. However, if damages to the remainder are severe, particularly in the case of a reduction in the highest and best use of a remainder property, a True Cost Estimate cannot be used as a legitimate measure of the total expected right of way costs. In such a case, a PFE will be necessary. Agencies are advised to contact their LAC when these types of situations arise.

A True Cost Estimate consists of three parts: a worksheet for each parcel to be acquired, a table summarizing all estimated acquisition costs and a project description.

- Approved R/W plan (part of Approved Design Documentation [Appendix 43.62](#)).
- WSDOT approved relocation plan (if relocation is required, contact the LAC for assistance).

A R/W Plan indicating the property required to build and maintain the transportation project is required. A right of way plan is a valuable visual-aid tool for negotiators, appraisers, and attorneys involved in acquisition transactions. It also helps property owners understand why and how their properties are being acquired.

The Agency's R/W plan shall be considered approved upon seal and signature of a registered Professional Engineer or Professional Land Surveyor in accordance with RCW 18.43.070 and RCW 58.09. The R/W plan shall contain essential data needed for appraisal, negotiation, and right of way certification activities, and illustrate the following information:

- Survey line or centerline for the alignment. Please contact the Local Agency Coordinator if other acceptable survey practices are proposed to establish the alignment.
- Sufficient information for preparation of legal descriptions of the affected properties and types of property interests to be acquired.
- Design features, width of the new highway (alignment), grade changes, and other detail of the construction.
- The property lines in their entirety and owner's names for each affected property, along with all contiguous parcels to the property being acquired and owned by the same owner, the parcel identification number; the calculated area(s) of the parcel(s) to be acquired, including any easement areas; the calculated area(s) of the remainder parcel(s).

It is advised that a draft of the R/W plan be submitted to the LAC for review and comment prior to its approval by the Agency.

As a "best practice" it is recommended R/W plans illustrate the following additional information:

- For affected parcels, improvements within 100' feet of the existing R/W, including those improvements that may be damaged by the project (i.e. residences, commercial structures, signs, septic systems including reserve area, wells, driveways, fencing, irrigation systems).
- Vicinity Map showing the project limits.

Once FHWA approval has been obtained for the obligation of funds for the R/W Phase, Local Programs will notify the local agency of authorization to proceed with R/W acquisition. No acquisition costs are eligible prior to this authorization.

.42 R/W Phase With Local Agency Funds Only – If federal funds are to be used in any part of the project, or the property is later incorporated into a federally funded project, federal guidelines for acquisition of the R/W must be followed. The local agency must also follow the local agency's approved procedures, which typically requires the LAC to review all offers and supporting data before they are presented to the property owner. **The R/W Map and funding estimate package requirements in Section 25.41 also apply if federal funds are in PE or Construction phases.**

Note: A PFE is not required unless the local agency intends to use the appraisal waiver process for the preparation of Administrative Offer Summaries (AOSs). **The AOSs must be based on the PFE. A True Cost Estimate cannot substitute for a PFE when preparing appraisal waivers.**

In order to minimize potential problems which may surface during the certification process, the local agency submits a copy of the R/W plan and Relocation Plan (if applicable) for review/approval before starting the acquisition process. A copy of the R/W plan must be made available at the time of certification.

.43 Early Acquisitions – *Early acquisition* is defined in federal regulations, at 23 CFR 710.105, as the “...acquisition of real property by State or local governments in advance of Federal authorization or agreement.” In practical use, early acquisition refers to the acquisition of real property prior to the final NEPA decision on a project: The Record of Decision, or ROD, for projects developed with an Environment Impact Statement (EIS); a Finding of No Significant Impact, or FONSI, for projects developed with an Environmental Assessment (EA); or, a Categorical Exclusion (DCE/ECS).

In each case, federal guidelines must be followed in the acquisition process. The Agency should place copies of any documentation pertaining to early acquisition approval in the parcel acquisition file if it is required as described below. In addition, note the date and actions pertaining to such approval in the parcel acquisition diary.

An agency may use eminent domain, but the agency must be able to prove public use and necessity, which may be difficult when the environmental alternatives have not been evaluated or selected. The use of eminent domain on a locally-funded acquisition in advance of a project NEPA approval is a decision that the local agency should make after undertaking a risk analysis to determine if they want to proceed with the acquisition using eminent domain. The risk analysis should consider if the proposed project has multiple alignments that could be considered to address the transportation issue. If there is only one obvious alignment, the local agency’s ability to prove public use and necessity is good, which makes the risk low. If there are multiple alignments to address the transportation issue, then the local agency should determine the property needs for the multiple alignments. If each alignment requires different parcels to address the transportation issue, then the agency’s ability to prove public use and necessity may be low due to uncertainty of the need for the parcel, and the risk is higher.

For all early acquisitions, the local agency must complete Appendix F in order to show that the early acquisition did not influence the project through the decision on need to construct the project, the consideration of alternatives, or the selection of the design or location of the proposed improvement. Appendix F is submitted with the NEPA Categorical Exclusion Documentation Form (formerly known as an ECS). The timing of the Appendix F submission can create risk for the local agency, since the local agency’s decision to perform early acquisition takes place in advance of Appendix F submission and approval. If Appendix F cannot be approved, then the agency cannot incorporate the parcel into the project. If the project cannot be built with the parcel, then the entire project may be ineligible for federal funding.

An agency may apply market value (or if donated, the current appraised value) toward their share of project costs, as long as they meet the requirements of 23 CFR 710.501(b). The acquisition of advance R/W must not influence the environmental assessment for the project. Properties with a 4(f) Resource may not be purchased if the agency wants to apply the market value toward their share of project costs. The agency can only request match for the Just Compensation plus the administrative settlement, if applicable. The the costs of the appraisal or any other documentation necessary to meet the requirements of 23 CFR 710.501(b) are not eligible to be used as a match.

Early Acquisition Alternatives. There are five alternative methods (item #4 has two methods) of early acquisition provided in federal statutes and regulations. Each alternative has distinct conditions which must be met, as described below. However, there are certain specific conditions that every alternative must meet:

- The property must be lawfully obtained.
 - The acquisition must fully comply with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended.
 - Per 23 CFR 701.501 (b) and 771.113(d)(4) and 40 CFR 1506.1, these early acquisitions cannot have an adverse environmental impact or limit the choice of reasonable alternatives in the NEPA analysis for the project, or have an adverse environmental impact on the parcel. (e.g. If a building that would have been determined to be eligible for the National Register of Historic Places is acquired and demolished, this would be an adverse environmental impact on the parcel).
 - The acquisition must fully comply with title VI of the Civil Rights Act of 1964.
1. **Agency-Funded, No Match or Reimbursement.** The agency may initiate acquisition of real property, using local funds, at any time it has legal authority to do so, based on program or project considerations prior to NEPA clearance. Pre-approval of the use of this option is not required from FHWA, and this option can be useful for corridor preservation, access management, or similar purposes. This option is used when the Agency will not be seeking either reimbursement or matching credit from FHWA. As noted above in the early acquisition alternatives, this alternative must fully comply with the Uniform Act and not have adverse environmental impacts or limits the choice of reasonable alternatives in the NEPA analysis for the project or the parcel.

Refer to the NEPA Categorical Exclusions – A Guidebook for Local Agencies Appendix F for documentation requirements.

The federal reference for this option is 23 CFR 710.501(a).

2. **Agency-Funded with Matching Credit.** In order for the Agency to use the acquisition costs of early acquisition as a credit toward the Agency's matching share of a federal-aid project, the FHWA must concur in a written determination provided by the Agency that the acquisition did not influence the environmental assessment for the project or the parcel, including:
- The decision on the need to construct the project.
 - The consideration of alternatives.
 - The selection of the design or location.
 - A statement that the property will be incorporated into a Federal-aid project.
 - The original project agreement covering the project was executed on or after June 9, 1998.

Refer to the NEPA Categorical Exclusions – A Guidebook for Local Agencies Appendix F for documentation requirements.

In determining the costs to apply to credit for the matching share of the project, the Agency will use the historic cost of the acquisition. This cost is limited to the amount that was paid to acquire the property at the time of its acquisition,

and excludes appraisal fees, relocation costs, and any other costs incurred beyond the acquisition price itself. When the historic acquisition costs cannot be reasonably obtained, or such cost was not typical for the time due to extenuating circumstances, the Agency may use the current fair market value of the property.

The federal reference for this option is 23 CFR 710.501(b).

3. **Federal-Funded Early Acquisition.** If a local agency is interested in pursuing federally funded early acquisition, contact your LAC.
 4. **Hardship Acquisition and Protective Buying.** In addition to the early acquisition options set out in 1 thru 4, federal regulations provide for doing advance acquisition under two options: Hardship and Protective Buying. (Unless otherwise stated elsewhere in this manual, the term “advance acquisition” will be understood to apply specifically to hardship and protective acquisition.) Normally, these two options will apply to a limited number of properties, whereas the early acquisition provisions of 1 thru 4 may apply to some or all properties on a project. Both options must meet these conditions:
 - The project must be included in the currently approved STIP.
 - The state must have complied with the public involvement requirements addressed in federal regulations at 23 CFR parts 450 and 771.
 - If applicable, the Section 4(f) determination must have been made on these properties.
 - If applicable, the Section 106 requirements of the National Historic Preservation Act must have been completed on these properties.
 - All other required NEPA clearances must have been completed on these properties.
 - The conditions set out in Section 6-3.2 above also apply to hardship and protective buying.
 - For federally-funded projects, FHWA approval for doing a hardship or protective acquisition is required.
 - NEPA approval will be secured by following the 2015 Programmatic Categorical Exclusion Agreement.
- A. **Hardship Acquisition.** A hardship acquisition is initiated by a property owner, not the acquiring agency, when the property owner provides a written statement that:
- Supports the hardship on the basis of health, safety, or financial reasons, and that remaining in the property would pose an undue hardship compared to others.
 - Documents the inability to sell the property at fair market value, within a time period that is typical for properties not impacted by the impending project.
- Because hardship acquisitions are initiated by the property owner, this advance acquisition option is not practical as a part of WSDOT’s project schedule. Note, also, that the state is NOT required by federal regulation to agree to a hardship purchase request.

- B. Protective Buying.** In order to do advance acquisition of a property under this option, the state must clearly demonstrate to FHWA (on federally-funded projects) that development of the property is imminent and such development would limit future transportation choices. A significant increase in cost may be considered as an element justifying a protective purchase.

Processing Early and Advance Acquisitions. The decision whether to proceed with one of the early or advance acquisition options will be made by the Agency. In either case, if FHWA approval is required, as discussed in the earlier sections of this chapter, the request for FHWA approval will be processed through the Local Programs ROW section. It is important to remember that the standard acquisition process, as set out in this chapter, applies to early and advance acquisitions. The main difference between standard acquisition and early or advance acquisitions is that the latter often require additional documentation, such as the approval by FHWA of a request to do an advance acquisition.

.44 Voluntary Acquisition – A process called “Voluntary Acquisition,” under 49 CFR 24.101(b)(1), which differs from “Donations and Willing Seller Transactions,” may on rare occasion be appropriate for acquisition of property, but only if all of the following circumstances apply:

- No specific site or property needs to be acquired, although the agency may limit its search for alternative sites to a general geographic area. Where an agency wishes to purchase more than one site within a general geographic area on this basis, all owners are to be treated similarly. (See 49 CFR §24 Appendix A, §24.101(b)(1)(i).)
- The property to be acquired is not part of an intended, planned, or designated project area where all or substantially all of the property within the area is to be acquired within specific time limits.
- The agency will not acquire the property if negotiations fail to result in an amicable agreement, and the owner is so informed in writing.
- The agency will inform the owner in writing of what it believes to be the market value of the property.

Since most acquisitions are for property needed for roadway projects, the only occasion where a voluntary acquisition may normally apply is to mitigation sites, and **only** if it can be shown that there are other viable mitigation sites being considered for acquisition. Trail projects typically do not meet the voluntary acquisition requirements. If local agency would like to treat any acquisitions for trails as voluntary, please contact your LAC for guidance.

If these circumstances appear to apply to a project, the Voluntary Acquisition process may apply, but **must** be approved by the LAC with Headquarters Local Programs before any steps are taken to initiate the acquisition process. If approved, steps to follow for voluntary acquisition are governed by WAC 468-100-101 and shall include:

1. Clearly advise the property owner, in writing, prior to making any offers that the agency will be unable to acquire the property in the event that negotiations fail.
2. Provide the owner with an estimate of the fair market value of the property.
3. Provide relocation assistance to any tenants upon mutual acceptance by the acquiring agency and property owner.

If approved, the local agency must work closely with the LAC on all steps of the voluntary acquisition process.

Note: Real estate transactions using this process are subject to real estate excise tax. Also, the statutory evaluation allowance (RCW 8.25.020) will not be reimbursable, as it is only required for acquisitions made under threat of eminent domain (see Subsection 25.96).

25.5 Appraisal/Appraisal Waiver – Administrative Offer Summary (AOS)

Per 49 CFR 24.102(n)(3), negotiators cannot supervise appraisers, review appraisers, or waiver valuation preparers, unless FHWA approves a waiver of this requirement, and appraisers, review appraisers, or waiver valuation preparers shall not have any interest, direct or indirect, in the property being valued.

.51 Appraisal – The requirements pertaining to the appraisal of property to be acquired are given in *Right of Way Manual* M 26-01 [Chapter 4](#). If desired, a listing of WSDOT approved fee appraisers and appraisal reviewers is available from the Region LAC or via a link on the WSDOT Real Estate Services website at www.wsdot.wa.gov/realestate.

The appraiser shall be an experienced, qualified appraiser. At a minimum, an appraiser should have a college degree or four years of active experience in the real estate field leading to a basic knowledge of real property interest valuation, or any combination of such experience and college study to provide a total of four years beyond high school graduation. An appraiser who is qualified under WSDOT criteria and on WSDOT's approved appraiser list will be considered qualified for FHWA projects.

The appraiser shall prepare an appraisal report which is a written document containing among other elements, the following:

1. The purpose of the appraisal which includes a statement of the estimated value and the rights or interests being appraised.
2. The estimate of just compensation for the acquisition. In the case of a partial acquisition, allocate the estimate of just compensation for the property to be acquired and for damages to remaining property in either the report or a separate statement.
3. The data and analyses (or reference to same) to explain, substantiate, and document the estimate of just compensation.
4. An adequate description of the physical characteristics of the property being appraised, including items identified as personal property (49CFR 24.103(a)(2)(i) and Appendix 24.103(a)(1)). Forms LPA-217 and LPA-218 are available for use but are not required if the agency has a similar form.

A complete explanation of requirements for an acceptable appraisal report can be found in *Right of Way Manual* M 26-01 [Chapter 4](#).

Appraiser/Owner Contact – Property owners have the legal right to inspect the property with the appraiser. Every effort must be made to ensure that the property owner has been extended that opportunity for a joint inspection. The appraiser shall document in the appraisal report his or her attempts to contact the property owner, which shall include an attempt to contact the property owner either by phone or in person.

.52 Appraisal Waiver (commonly referred to as Administrative Offer Summary (AOS)) – In accordance with 49 CFR 24.102(c)(2)(ii), an appraisal and appraisal review can be waived in certain cases. To qualify, the just compensation, based on the R/W Project Funding Estimate, must be no greater than the appraisal waiver limit as defined in the agency’s approved R/W procedures (typically \$25,000), the acquisition **must be uncomplicated**, and the only damages will be minor cost to cure items. The combined estimate of the just compensation plus the cost to cure(s) cannot exceed the agency’s approved waiver limits. The PFE must be based on confirmed comparable sales and must reflect the current market.

For example, if the agency plans to acquire a strip of land that they estimate is worth \$12,000, but the acquisition will change/limit the owner’s ability to develop their property at some point in the future, the appraisal waiver procedure **cannot** be used because it is no longer uncomplicated and an appraisal must be prepared by a qualified appraiser.

In such instances where the appraisal is waived, just compensation should be based on current comparable sales. All data used to arrive at an estimate of just compensation must be included in the project file. When the waiver procedure is used, it is important that the local agency determines that the offer being made is fair and equitable.

In March 2013, WSDOT updated its AOS policy. The local agency must update their Appraisal Waiver Procedure (Form LPA-003), to reflect the new policy. Otherwise, the agency must continue to offer an appraisal for all AOS’s regardless of the amount, as specified in their procedures under the prior policy. Any project where acquisitions were initiated under a prior AOS policy must continue with that prior policy until completion of the project’s right of way phase.

If the LPA has updated their Appraisal Waiver Procedure to reflect the new policy the following applies:

- If the AOS is \$10,000 or less, the offer must state that an administrative offer is being made and an appraisal has not been completed.
- If the AOS is \$10,001 or greater, the offer must state that an administrative offer is being made, that an appraisal has not been completed and an appraisal will be prepared if requested by the property owner.

Appraisal Waiver (AOS) Value Limits	
Condition A: \$10,000 or Less	Condition B: \$10,001 to \$25,000
No requirement to offer to provide property owner with an appraisal.	Offer letter must include provision that the agency will provide an appraisal at the property owner’s request.

Under Condition B, if the owner requests an appraisal, the local agency **is required** to provide and pay for one that meets the standards outlined in [Subsection 25.51](#). See also Form LPA-003 Appraisal Waiver Procedure.

25.6 Appraisal Review

The requirements pertaining to appraisal review of the property to be acquired is provided in *Right of Way Manual* M 26-01 [Chapter 5](#).

The reviewing appraiser should be knowledgeable of the property values in the project area. The depth of review should be in direct relationship to the difficulty of the particular appraisal. The reviewing appraiser must be either a WSDOT review appraiser, on the approved list of review appraisers maintained by WSDOT, or an employee of the acquiring agency, who is authorized by their approved R/W procedures to review appraisals. To qualify as an agency review appraiser, an individual must, at a minimum, be a Certified General Appraiser with the Washington State Department of Licensing and have successfully completed at least one appraisal review training class approved by WSDOT.

The reviewing appraiser should field inspect the property appraised as well as the comparable sales which the appraiser(s) considered in arriving at the fair market value of the whole property and of the remainder(s), if any. If a field inspection is not made, the file shall contain the reason(s) why it was not made.

The reviewing appraiser shall examine the appraisal reports to determine that they:

1. Are complete in accordance with this manual and contain the criteria required by *Right of Way Manual Appendix 4-1* Appraisal Guide.
2. Follow accepted appraisal principles and techniques in the valuation of real property interest in accordance with existing state law.
3. Include consideration of compensable items, damage, and benefits, but do not include compensation for items non-compensable under state law.

The reviewing appraiser shall place in the parcel file a signed and dated statement (Form LPA-214b Local Agency Certification of Value) setting forth:

1. An estimate of just compensation including, where appropriate, the allocation of compensation for the property acquired and for damages to remaining property.
2. A listing of the buildings, structures, fixtures, and other improvements on the land which were considered part of the property to be acquired.
3. If applicable, a statement that there is an uneconomic remnant/remainder, and the value of the remainder.
4. A statement that the reviewing appraiser has no direct or indirect present or future interest in such property or in any monetary benefit from its acquisition.
5. A statement that the estimate has been reached independently, without collaboration or direction, and is based on appraisals and other factual data.

.61 Uneconomic Remainders – An uneconomic remainder is defined as a parcel of real property in which the owner is left with an interest after the partial acquisition of the owner's property and which the agency has determined has little or no value or utility to the owner (49 CFR Part 24.2(27)).

For partial acquisitions, the review appraiser determines (if staff) or recommends (if fee) whether the remainder is uneconomic. If the remainder will no longer have utility to the owner, and the **local agency determines** that it is uneconomic, the agency must offer to purchase the remainder from the property owner.

See *Right of Way Manual* Section 5-5.2 for detailed instructions regarding the review appraiser's responsibilities for reporting and documenting uneconomic remainders.

25.7 Agency Concurrence for Setting Just Compensation

In conformance with 49 CFR 24.102(d), it is the responsibility of the **agency** to set just compensation. This can be done by adding a line to the bottom of the review appraiser's certificate as shown on Form LPA-214b Local Agency Certificate of Value, to the bottom of the Administrative Offer Summary (AOS), or by stating the same information in a separate memo. In either case, the statement must be signed and dated by an employee of the agency who has approving authority **prior** to the time the offer is made. When a right of way plan revision occurs, a new AOS, appraisal and/or Certificate of Value may be required.

Before initiating negotiations for the acquisition of real property interests, the **agency** shall establish the just compensation which **shall not** be less than the approved appraisal of the property and shall make a written offer to acquire in that amount. Appraisals are not required if an AOS has been prepared or if the owner has indicated a willingness to donate the R/W after being informed of their right to receive just compensation. If an appraisal waiver was used to set just compensation, the negotiator must notify the property owner that they can request an appraisal be prepared in accordance with the agency's approved Appraisal Waiver Procedure. (The threshold for offering an appraisal depends on the Agency's approved Appraisal Waiver Procedure in place at the time of the offer). The local agency is responsible for providing and paying for this appraisal.

25.8 Title

The agency will acquire evidence of the condition of title for all properties from which real property interest rights are to be acquired. It is suggested that a title report be ordered from a title company and the title to the property acquired cleared so that a policy of title insurance can be issued showing title vested in the agency subject only to those exceptions which can reasonably be accepted. If a title company is not used to provide this information, the acquisition file must include sufficient documentation to validate the signatories on the instruments and show that the interest acquired is free from unreasonable encumbrances.

Special care should be taken to insure that the parties shown as the vested owners by the title evidence are named correctly in the conveyance instruments, and that the parties signing are the same or have authority to sign. The notary acknowledgement form (jurat) should be appropriate for the status of the granting party. See [Chapter 8](#) of the [ROW Manual](#) for guidance.

In general, the elements necessary to acquire the needed real property interest(s) are:

1. Acquisition instruments signed by all parties with an interest in the fee title.
2. Releases from mortgages and deeds of trust. If the local agency determines that it wants to accept title subject to a monetary lien, the local agency should look to [Chapter 8](#) of the [ROW Manual](#) for guidance as to informing the owner of their potential risks.
3. Releases of encumbrances, such as easements, which adversely impact the rights being acquired.
4. Releases of priority liens, such as materialman's liens, judgments, state tax liens, and federal tax liens.

25.9 Negotiations

Various requirements in negotiating an acquisition of property are found in [Right of Way Manual](#) Section 3-4.1C.

.91 Qualifications – For local agency staff to be approved to acquire property without direct supervision by the LAC, they must have either an Associate Degree in real estate or a Bachelor Degree or equivalent experience. In addition, they must have two years full-time experience in real estate acquisition, sales leasing, appraisal, title, escrow, or property management. One year of experience must be in eminent domain acquisition performed according to the provisions of the Uniform Act. Additional experience in eminent domain acquisition can replace education on a year-for-year basis.

Local agencies using staff to negotiate who do not have the necessary qualifications must work closely with the LAC as explained in the Procedures Approval letter.

If a local agency uses a consultant fee negotiator, the consultant must meet the applicable state licensing requirements. At a minimum, this must be a current, valid real estate salesperson's license issued by the State of Washington. Consultant fee negotiators must also have qualifications and experience generally equivalent to those for local agency staff negotiators.

.92 Separation of Functions – A separation of functions maintains the integrity of the acquiring agency's transactions. Thus, the appraisal, appraisal review, and negotiations for a parcel are performed by three different persons. It is recognized that the use of two separate individuals as appraiser and negotiator on a low-value acquisition can be both difficult and expensive. The use of a single qualified individual to both, appraise (or prepare an AOS) and negotiate a parcel is permitted where the value of the acquisition is \$10,000 or less if stated in the local agency's Approved Procedures. It should be noted that the appraisal shall be reviewed prior to negotiations, and the review appraiser shall be neither the appraiser nor the negotiator.

.93 Offer/Summary Statement – Upon initiation of negotiations, the agency shall provide the owner of real property and/or property rights to be acquired with a summary of the appraisal (they can provide the appraisal to fulfill this requirement), or if an Administrative Offer Summary (AOS) a copy of the comparable sales data, a written offer letter, including a summary of the basis for the amount it has established

as just compensation for the proposed acquisition. At a minimum the offer letter shall include the following:

1. The amount established as just compensation.
2. A statement explaining that the offer is based either on an appraisal made by a qualified appraiser and reviewed by a qualified Review Appraiser, or an Administrative Offer Summary (AOS) under the Appraisal Waiver Procedure). The LPA's current approved Appraisal Waiver Procedure will determine the agency's obligations for offering an appraisal if one was not performed.
3. Identification of the real property to be acquired, including the estate or interest being acquired.
4. Identification of improvements and fixtures considered to be part of the real property to be acquired.
5. The amount of just compensation for the real property to be acquired and any amount included for damages to remaining real property shall be separately stated. If the agency does not provide a copy of the AOS/Appraisal then items addressed in the valuation that will be handled during construction shall be explained in the offer and a construction memo signed. 49 CFR §24.102(e) provides description of what must be included in the summary statement.

When a right of way plan revision occurs, a new AOS, appraisal and/or Certificate of Value may be required, especially if the acquisition area or the property interests to be acquired changes.

For an AOS offer letter template, see LPA-350. The local agency should review their current approved Appraisal Waiver Procedure to confirm that the correct language is being used in the offer letter.

.94 Donation (see Also Section 25.10 Donated Property) – A donation may be accepted only after the owner has waived, in writing, their right to just compensation and has released the local agency from its obligation to have the property appraised (see sample donation letter in [Appendix 25.177](#)). This applies to individuals, businesses, corporations, and other private entities. Donations from government agencies are exempt from these requirements. If a donation is accepted in advance of NEPA clearance, additional documentation will be needed in the NEPA Categorical Exclusion Documentation Form.

.95 Dedication – R/W obtained through normal zoning, subdivision, or building permit procedures may be incorporated into a federal aid project without jeopardizing participation in other project costs, provided such dedication does not constitute an unconstitutional taking. Dedicated land incorporated into the roadway facility is considered part of the existing ROW (as defined in Subsection 25.22 item 2.). As such, dedicated land is not required to be included in a right of way certification.

.96 Statutory Evaluation Allowance (SEA) – The agency must notify the property owner of the availability of a statutory evaluation allowance not to exceed \$750 to help defray the owner's expenses actually incurred in evaluating the agency's offer ([RCW 8.25.020](#)). This statutory requirement only applies to offers made under the threat of eminent domain. Therefore, when an agency's offer is NOT under threat of eminent domain, either by choice or regulation (such as early/advance or voluntary

acquisitions), the agency does NOT have to notify the owner of the \$750 SEA. An agency is not prohibited from offering the \$750 SEA on non- eminent domain offers; however, FHWA will not participate in the cost. Agencies must be consistent in their policy to offer (or not offer) the \$750 SEA to property owners, and apply it uniformly.

.97 Documentation – A diary or negotiator’s log must be maintained for each parcel wherein each individual involved in a negotiation, a relocation, or a property management function shall enter and initial a suitable description of each contact and other information concerning that function. See Section 25.15 for additional direction on preparing diaries. Upon request, the Region LAC will provide explanations and examples of adequate records.

When negotiations are complete, the negotiator shall keep in the project file a signed statement for each parcel that:

1. The written agreement embodies all considerations agreed to by the negotiator and the property owner.
2. The negotiator understands that the acquired property is for use in connection with a federal aid transportation project.
3. The negotiator has no direct or indirect interest in the property or in any monetary benefit from its acquisition, at present or in the future.
4. The agreement has been reached without any type of coercion.

.98 Negotiations by Mail – If no relocation is involved, the local agency may conduct R/W negotiations as follows:

1. Mail to the owner the fair-offer letter, a summary statement (explains nature of acquisition, conditions affecting remainder after construction, and other pertinent details which would have been explained in a face-to-face meeting with owner), the document of acquisition (deed, easement, or other document required for signature), property plat or sketch showing acquisition limits and effects on any remainder, and a copy of an acquisition brochure. For an AOS offer letter sample, see LPA-350.
2. Within a reasonable period of time, typically about two weeks, make a follow-up phone call (documented in the diary). Answer questions or, if owner requests it, make an appointment for personal contact.
3. Follow normal procedures for further negotiations.

.99 Acquisition of Contaminated Properties – The agency should take reasonable care to determine if properties needed for a project are contaminated. In the case where properties being acquired by the agency will become part of a state highway, the agency must involve WSDOT in the acquisition process as early as possible to ensure that the property will be in an acceptable condition for WSDOT to accept the transfer of ownership. The local agency should contact the LAC if they are considering acquisition of contaminated properties.

.100 Global Settlements – A global settlement is the combining of just compensation and relocation benefits into a lump sum settlement.

Because global settlements could compromise the entire project’s federal aid eligibility, FHWA will not accept a project R/W certification if it includes a global settlement. The local agency should contact the LAC if they are considering global settlements.

.101 Functional Replacements – When publicly-owned real property, including land and/or facilities, is to be acquired for a federal aid highway project, in lieu of paying the fair market value for the real property interest, the local agency may provide compensation by replacing the publicly-owned real property with another facility which will provide equivalent utility.

The local agency must contact the LAC if they are considering a functional replacement. **FHWA will be involved in this process and will have final approval.**

25.10 Donated Property

Donations of right of way can be accepted only after the owner has been fully informed by the local agency of their rights to receive just compensation and has released the local agency from its obligation to have the property appraised (49CFR 24B, Sec. 24.108). A copy of the notice issued to the property owner informing them of their rights available and the donation statement signed by the owner must be included in each parcel file ([Appendix 25.177](#)). The donation statement from the owner might also be accomplished by having language similar to that found in [Appendix 25.177](#) included in the conveyance instrument or agreement, or in an email to the property owner to which the property owner has replied affirming their understanding of their right and releasing the local agency of its obligation. Section 323 of 23 USC provides for using the value of donated lands as part of the match against an agency’s contribution to the project. Certain conditions need be met:

- The credit may only be applied to a federal aid project if federal financial assistance was not used in any form to acquire the land. Credit to the matching share may not exceed the matching share of costs for that project and excess costs may not be utilized on other projects.
- The donation must be related to the project requiring the donated land.
- Donations of privately-owned real estate made after April 2, 1987, and subsequent to NEPA clearance, are eligible for credit purposes. If a donation is accepted in advance of NEPA clearance, additional documentation will be needed in the NEPA Categorical Exclusion Documentation Form and Appendix F. The value of publicly-owned real estate donated after June 8, 1998, is eligible for match credit.

For donation letter examples, see [Appendix 25.177](#).

25.11 Administrative Settlements

The Uniform Act requires that “The head of a federal agency shall make every reasonable effort to expeditiously acquire real property interests by negotiation.” Negotiation implies an honest effort by the acquiring agency to resolve differences with property owners. Additionally, the legislative history of the Uniform Act indicates that offers can be flexible, and there is no requirement that they reflect a “take it or leave it position.” Negotiations should recognize the inexact nature of the process by which

just compensation is determined. Further, the law requires an attempt by agencies to expedite the acquisition of real property interests by agreements with owners and to avoid litigation and relieve congestion in the courts.

In addition to the mandates of the Uniform Act, there are significant cost savings which can be realized through an increased use of administrative and legal settlements. Cost savings are in the areas of salaries, witness fees, travel, per diem, court costs, etc.

FHWA and WSDOT encourage local agencies to carefully consider and maximize use of administrative settlements in appropriate situations.

An administrative settlement or stipulated settlement is a negotiated settlement of a R/W acquisition case in which the agency has administratively approved payment in excess of fair market value as shown on the agency's approved just compensation. Since relocation benefits by regulation cannot be waived, care should be taken not to include "relocation" in a blanket settlement as the agency may still be required to pay additional benefits as part of the relocation program. This is sometimes called a global settlement (see Subsection 25.100).

1. **Any administrative settlement which exceeds the fair market value must be documented, thoroughly justified, and the rationale set forth in writing in order to be eligible for federal aid funds.** The extent of written explanation is a matter of judgment and should be consistent with the circumstances and the amount of money involved. If the local agency has any doubt as to eligibility, it should obtain prior approval from WSDOT through the Region LAC.
2. The local agency shall document the following and make it available for review by WSDOT if it is not already part of the agency's approved procedures:
 - a. Identify the responsible official who has the authority to approve administrative settlements.
 - b. Describe the procedure for handling administrative settlements.
3. The designated local agency representative may approve an administrative settlement when it is determined that such action is in the public interest. In arriving at a determination to approve an administrative settlement, the designated official must give full consideration to all pertinent information. The settlement justification must include an analysis of the circumstances of each individual parcel that convince the agency that an administrative settlement is in the agency's and public's best interest. This documentation shall be completed and approved by the designated local agency official prior to payment(s) being made. The list below is a sample of items to be considered for an administrative settlement, and should not be used as a template.
 - The negotiator's recorded information, including parcel details, estimates, bids, research information, all available appraisals, including the owner's and the owner's rationale for increased compensation. This is the most important part of the justification.
 - Recent trends in court awards in cases involving similar acquisition and appraisal problems and the length of time it takes to get on the court's schedule.

- A statement can be made that condemnation will take additional time and money, but do not attach a dollar amount to the statement since it would be speculative. You should include items such as updating the appraisal for trial, pretrial, conference, staking of right of way, attorney's expenses, and witness fees (appraisers, consultants, etc.) will be additional incurred costs. You should not speculate about increased project costs resulting from a delay. You could try to quantify your administrative costs resulting from condemnation proceedings such as additional staff time.
- Describe the trial risks based on experience in the particular jurisdiction (e.g., county, city).

Note: Specific information about the parcel, including copies of appraisals, estimates, bids, research information, etc., **must** carry the most weight in the justification.

For additional guidance, reference Appendix 25.173 and the *Right of Way Manual* Section 6-12. Agency staff responsible for writing and approving Administrative Settlements should take the web based training on how to write an effective administrative settlement. The course can be accessed by clicking from our Local Programs ROW Services Webpage using the following link: www.wsdot.wa.gov/LocalPrograms/ROWServices/Training.htm

The course is estimated to take 1 to 2 hours to complete.

25.12 Relocation

The regulations governing relocation assistance are covered in [49 CFR Part 24](#).

Those agencies that have trained staff and are approved by WSDOT through the procedures process to provide relocation services may do so. All other agencies should contact their Region LAC for advice on contracting with private consultants. WSDOT does not maintain a list of qualified relocation consultants.

If a project includes relocation, the local agency must submit a relocation plan to WSDOT for approval **prior** to starting R/W activities. If there are federal funds in the R/W Phase, the relocation plan must be approved before R/W funding can be authorized.

To maintain a project's federal aid eligibility, a relocation plan needs to be submitted and approved prior to starting R/W activities, even if there are no federal funds in a R/W Phase. **This is also true in the case of advanced acquisition** (see [Subsection 25.43](#)).

You may contact WSDOT for sample relocation plans or refer to [Right of Way Manual Chapter 12](#) for guidance. Contact the Region LAC for assistance in preparing relocation plans and carrying out relocation activities.

25.13 Right of Way Certification

Prior to R/W certification, the local agency must ensure that the R/W plans were reviewed and approved as part of the design approval, and are consistent with the PS&E (see [Appendix 43.62](#)).

After R/W acquisition has been completed and about one month before the federal aid project is to be advertised for contract, the R/W certification on agency letterhead must be submitted to the Region Local Programs Engineer. FHWA does not formally approve Certificates 1, 2, and time-based Certificate 3s. For these types of Certificates, the actual certification date for federal aid projects is the date on the WSDOT Certification Concurrence Letter sent to FHWA. WSDOT Concurrence is required prior to advertisement. For Excepted Parcel Certificate 3s, the actual certification date is the FHWA approval letter date. ROW certification is a requirement for construction authorization. Since local agencies are expected to go to ad within six weeks of construction authorization (See [Chapter 22, Section 22.1](#)), ROW certification should not occur too far in advance of the anticipated ad date.

The certification provides the following information and assurances.

1. Sufficient property rights to construct, operate, and maintain the facility as shown on PS&E has been acquired.
2. Right of way has been acquired in accordance with Uniform Act requirements.
3. Relocation assistance has been completed in accordance with the Uniform Act and meets the requirements of [Right of Way Manual Chapter 12](#).
4. Properties acquired in advance of NEPA Clearance (including donations) shall be identified by parcel number. (This information could take the form of an address or a county tax ID if parcel numbers are not assigned.)

For specifics on certification types, definition, procedures, requirements, and examples, see [Right of Way Manual Chapter 17](#).

25.14 ROW Certification vs URA Compliance Letter

The provisions of Section 25.2 Right of Way Acquisition Procedures apply to all federal aid projects regardless of whether or not the project is to be certified. For example, if the condition of the agency’s R/W Procedures requires the LAC to review parcel files prior to making first offers, your agency must comply.

Based on changes to federal requirements, specifically the implementation of 2 CFR 200, in order for local agencies to maintain federal eligibility of federal funds utilized in a project prior to construction, certain federal requirements must be met even though the project is being constructed using local funds. Compliance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (URA) is mandatory. See [Appendix 25.171](#) for case studies.

RW Documentation Requirements Based on Funding Source When a Project has RW Acquisition	ROW Certificate	URA Compliance Letter
FHWA Funds in PE Phase		X
FHWA Funds in RW Phase	X	
FWHA Funds in CN Phase	X	
100% Local Funds Only – Federalized by NEPA		X
100% Local Funds Only – Project involves Interstate		X

ROW Certificate – Construction Authorization (prior to advertising for construction bids)

Per 23CFR 635.309(b) and (c) the ROW certification procedure for federally-assisted highway projects identifies the acquisition status of necessary ROW for the purpose of advancing a project to construction. This regulation is specific to construction authorization only and is the only time that a ROW certification is issued by WSDOT/FHWA.

Title 23 requires that acquiring agencies comply with 49CFR Part 24. The requirements of 49CFR 24.101 apply to any acquisition of real property for programs or projects where there is Federal financial assistance in any part of project costs. The phase program or project means any activity or series of activities undertaken by a Federal Agency or with Federal financial assistance received or anticipated in any phase of an undertaking in accordance with the Federal funding Agency guidelines. The certification process outlined in [Chapter 17](#) of the [ROW Manual](#) must be followed if federal funds are planned in the Construction or ROW Phase of the project.

URA Compliance – Non-Construction Authorization

If federal funds are used in the Preliminary Engineering (PE) phase the project is required to follow the URA. This is true even if there is only \$1 of federal funding. This also applies to projects which have been federalized by NEPA or involve Interstate when local funds are used. For example, a project that has been split into two or more separate projects, but is covered by one NEPA document is required to follow the URA when any portion of the overall project involves federal funding.

Title 23 requires that acquiring agencies comply with 49CFR Part 24. The requirements of 49CFR 24.101 apply to any acquisition of real property for programs or projects where there is Federal financial assistance in any part of project costs. The phase program or project means any activity or series of activities undertaken by a Federal Agency or with Federal financial assistance received or anticipated in any phase of an undertaking in accordance with the Federal funding Agency guidelines.

In addition to the URA, the local agency must adhere to additional R/W requirements listed in 23 CFR 710, environmental requirements, Buy America, and Title VI requirements.

WSDOT Oversight – Criteria and Process:

Criteria to be eligible for a URA Compliance Letter:

- Federal funds in the PE Phase only
- Locally funded but federalized by NEPA
- Locally funded but involves interstate

Process:

- Region Local Programs confirms:
 - The agency will not seek federal funds in ROW or CN phases of the proposed project and federal funds will be in PE phase only
 - The agency does not have any federal funds in the project and it has been federalized due to NEPA
 - There are no federal funds in the project but the project involves interstate

- Local Programs Program Management authorize/obligate funds
- Local Programs send a URA Compliance Letter to the local agency
 - Cc of letter should go to the local agency's ROW section
 - **LAC to send a clarifying email to the R/W section with additional right of way information**
- A copy of the URA Compliance Letter will be included in the agency file
- Local Programs ROW enters the letter into a tracking sheet
- Local Programs ROW will perform annual ROW URA Compliance Reviews similar to the PMRs for the purpose of reviewing projects that have been issued a URA Compliance Letter

Oversight Requirements:

- Tracking of URA Compliance Letters
- URA ROW Compliance Reviews. A compliance review will be done for all projects involving interstate with 100% local funds. For all other projects eligible for a URA letter, a 25% random sample of projects will be selected for compliance reviews.

ROW Project Compliance Reviews (CR):

In order to be reasonably certain that local agencies are administering FHWA funds in accordance with the Local Agency Guidelines; WSDOT will perform reviews on selected local agency projects that are locally funded but involve interstate, locally funded but federalized by NEPA, or federal funds are only in the PE phase. WSDOT will perform a CR on a random sample (not less than 25%) of the projects receiving URA Compliance Letters once the project has been advertised for construction. A 100% of the local agency led interstate projects will be reviewed by WSDOT.

These CRs will be:

- Performed by LPRM and will use the same oversight checklists as the certification reviews described in Chapter 15-17 of the ROW Manual.

CR Preparation – LPRM through the Region Local Programs Engineer will schedule a CR with the Agency and will request that the LAC and the agency staff person responsible for the Program Administration function under their Approved ROW Procedures participate in the review. The local agency should have all pertinent documentation ready for the scheduled review. All deficiencies will be identified for the agency at the time of the CR. Copies of documentation not available at the time of the review shall be submitted to Local Programs within 30 calendar days. After the 30-day period, the final CR letter will be sent to the agency.

CR Deficiencies – If no major deficiencies are found in the local agency's ROW management methods, the local agency will be informed in writing of the review team's findings and recommendations. If major deficiencies exist, the local agency will be asked to take corrective action with 60 days. If the deficiencies include issues that cannot be fixed, WSDOT will issue a letter advising what action will be taken and next steps.

If deficiencies exist in the agency's ROW procedures, management practices, or if specific project errors are found, WSDOT's administrative response might be one or more of the following:

- No action against the agency if WSDOT determines the deficiencies to be minor.
- Joint conference with the Local Agency, Region Local Programs Engineer, and the Director, Local Programs or the director's designee.
- Limit or withhold the agency's Approved ROW Procedures to the extent deemed necessary.
 1. Allow certification on future federal aid projects on a project-by-project basis.
 2. Direct WSDOT supervision for all URA compliance ROW projects.
- Loss of federal aid on future ROW projects.
- Loss of federal aid on the project reviewed. If this is the outcome of the review, FHWA will participate in the joint conference.

Note: If a local agency later seeks federal funding in the ROW or CN phase a ROW certification will be required.

25.15 Property Management

If using FHWA funding, the acquiring agency shall establish property management policies and procedures that will assure control and administration of R/W, excess lands, and improvements acquired. These procedures shall establish:

1. Property records showing:
 - a. An inventory of all improvements acquired as a part of the R/W.
 - b. An accounting of excess properties acquired with FHWA funding.
 - c. An accounting of the property management expenses and the rental payments received.
 - d. An accounting of the disposition of improvements and the recovery payments received.
2. Methods for accomplishing the clearing of R/W when such clearance is performed separately from the control for the physical construction of the project.
3. The methods for managing the rodent control program.
4. The methods for employing private firms or public agencies for the management of real property interests.
5. The methods for accomplishing the disposition of improvements through resale, salvage, owner retention, or other means.

If the agency permits an owner or tenant to occupy the real property acquired on a rental basis for a short term or for a period subject to termination by the agency on short notice, the amount of rent required shall not exceed the fair rental value of the property to a short-term occupier.

Property management activities shall be handled in a manner consistent with the public interest and designed to reflect the maximum long-range public benefit.

The agency is responsible for the preservation of the improvements and for reasonable safety measures when it has acquired ownership and possession of the property.

Should rights of way, including uneconomic remnants, acquired with FHWA funds become excess, they may be disposed of only with the approval of WSDOT. To request approval, the agency must complete and submit form LPA-407. Once approved, the agency will receive a written notification from the Local Programs Right of Way Manager that they can move forward with their disposal process.

If the disposal is to a private party, the agency must determine fair market value (either through the appraisal process or by public sale). FHWA will either be credited for its share of the net proceeds of the sale or lease payment, or the agency may use the federal share of the net proceeds for activities eligible for funding under Title 23 of the United States Code for transportation purposes. A disposal may be made to a governmental agency for a continued public highway use without charge, and no credit to FHWA is required; however, a reversionary clause is required in the deed per 23 CFR 710.403

FHWA approval is required for disposal of any rights of way or uneconomic remnants sold at less than fair market value.

Federal regulations provide for the use of airspace for non-highway purposes above, at, or below the highway's established gradeline, lying within the approved R/W limits. Allowing an airspace lease for recreational activities could result in the parcel becoming a protected 4(f) resource, costs associated with mitigating impacts to these resources will not be eligible for federal aid participation. The airspace may be put to various public and private uses, such as parks, play areas, parking, trails, etc., as long as it does not interfere with the roadway operations and does not create a safety hazard to the traveling public. Any such lease will need to describe what activities are allowed on the land.

Where an acquiring agency has acquired sufficient legal right, title, and interest in the R/W of a highway on a federal aid system to permit the use of certain airspace, the right to temporary or permanent occupancy or use of such airspace may be granted by the state subject to prior FHWA approval. If the use of airspace is contemplated, the Region LAC should be contacted for more detailed policies and procedures that must be considered.

Upon disposal of R/W by deed, license, lease, permit, easement or similar instrument, the local agency shall include the required Title VI lease/deed provisions, as outlined in [Chapter 28](#) (Exhibit 2C).

25.16 Diaries

.151 General – The diary (also can be referred to as a negotiator's log) is one of the most important elements of an acquisition or relocation file. It is crucial that it be accurate and complete, for it is frequently the only document in a file that explains how a difficult or complex real property interest transaction proceeded. Diaries are also often the only written documentation that is available to show that R/W transactions were done in compliance with the Uniform Act and [49 CFR Part 24](#). Therefore, diaries

need to provide a complete record of the transaction. They need to be well organized and factual, and they should be written to be understandable by someone unfamiliar with the transaction. Also, they should reference any appropriate documents in the file such as brochures provided to property owners or estimates obtained to support an administrative record.

Each diary entry shall clearly show the month, day, and year of the contact; the name of the individual who made such a contact; how the contact was made (i.e., in person or by phone) and the name(s) of the individual(s) contacted. Each diary entry shall provide a summary of the contact. It is not sufficient to enter a simple posting of events as they occurred. For example, merely recording that the agent presented an offer or that “discussions were held” on a given date is not sufficient. The entry should indicate, at the least, where the event took place, what questions the owner asked and what answers the agent supplied. These elements are at the very heart of the negotiation process, and when an acquisition becomes difficult or negotiations break down, a well written diary may be the most important document protecting the acquiring agency’s interests.

Multiple contacts should not be combined into one diary entry. These entries need to be made as soon as possible to ensure accuracy. Upon completion of activity entry, the specialist should initial each entry. Electronic diaries are recommended. Once a diary is complete, it must be dated and signed at the end.

Diary entries need to be limited to a recitation of the facts because the diary is subject to the rights of discovery by all parties in any court proceeding or appeal case. **All persons** who participate in negotiations with a property owner to acquire real property interests, whether a staff or consultant agent/negotiator, a member of an agency’s administrative or executive branch, or an agency’s attorney, shall maintain an appropriate diary or log of such activities and discussions with the property owner.

A collection of emails pertaining to the acquisition of a parcel does not constitute a diary. Information taken directly from email correspondence often contributes to a good diary, but care should be taken to exclude extraneous information.

Diaries are further discussed in *Right of Way Manual* Chapters [3](#), [6](#), [8](#), [9](#), [12](#) and [15](#).

25.17 Oversight of Consultants Hired to Perform ROW Activities

The Local Agency (typically the person approved to perform the “Program Administration” function on the Approved R/W Procedures) is responsible for overseeing the delivery of the ROW Program on federal aid roadway projects for their agency. The agency must ensure R/W activities are carried out in compliance with federal and state laws, regulations, policies and procedures. Oversight of ROW consultants includes, but may not be limited to:

- use of consultant contract approved by WSDOT (not yet required);
- management of R/W contracts;
- management of deliverables (ROW plans, PFEs, relocation plans, administrative settlement justifications, recommendations/requests for payment, files, etc.);
- reviews and approves actions and decisions recommended by consultants; and
- overall responsibility for decisions that are outside the purview of consultant functions.

25.18 Document Retention

The acquiring agency shall maintain all records of its R/W activities for at least three years after payment of the final voucher for the project, not per parcel, to demonstrate compliance with 23 CFR 710.201(f).

25.19 Appendices

Cautionary Note: Please contact your LAC prior to changing any templates in the appendices.

- 25.171 ROW Certification vs URA Compliance Letter Case Studies
- 25.172 Sample Neighborhood Description
- 25.173 Sample Administrative Settlement
- 25.174 Determining Whether or Not Land or Property Rights or Interest are Needed
- 25.175 Determining the Type of Property Rights Necessary
- 25.176 No ROW Needed Verification Checklist
- 25.177 Donation Statements – Sample
- 25.178 Federal Aid Requirement Checklist
- 25.179 Acquisition Process Flowchart

25.20 Local Programs Right of Way Services Website

- Right of Way Services Home
 - Laws & Regulations
 - Manuals & Resources
 - Clarification & Guidance
 - ROW Training & Education
 - LPA Forms & Brochures

**URA COMPLIANCE LETTER
CASE STUDIES**

Case Study #1

=====NEPA=====

<p>Project Federal Funds in PE Local Funds in ROW & CN</p>

Background information: This local agency has federal funds in the preliminary engineering (PE) phase and local funds support the rest of the project. The agency will not seek federal participation in ROW or Construction (CN) of the project.

Guidance: Since Local Programs is not administering funds for construction of this project, it would not require a Construction Authorization ROW Certificate. The acquisition of ROW on this project would however, need to follow the requirements set forth in the URA. It would be the expectation of the acquiring agency to make sure the requirements of the URA were followed on all real property interests acquired for the project. WSDOT Local Programs would issue a URA Compliance Letter. If the agency comes back later and seeks federal funds in ROW or CN phases, a ROW Certification will be required.

Note: Federal funds for the project are from a source other than FHWA and the federal funding is in ROW or Construction, the local agency would follow the normal Construction Authorization ROW Certificate process.

Case Study #2

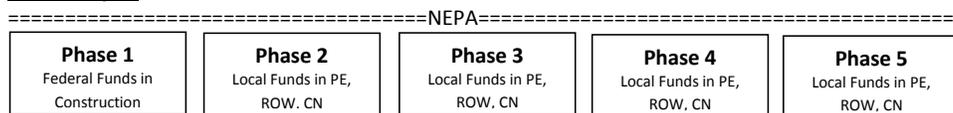
=====NEPA=====

<p>Project 1 (Phase 1) Federal Funds in CN</p>	<p>Project 2 (Phase 2) Federal Funds in ROW & CN</p>	<p>Project 3 (Phase 3) Federal Funds in CN</p>
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Background information: A project that has been split into three separate projects, but is covered by one NEPA document. NEPA covers each of the 3 separate projects, all projects (aka phases, stages, segments) have ROW acquisition, project 1 has federal funds in construction, project 2 has federal funds in ROW, and project 3 has federal funds in construction.

Guidance: Each of the 3 projects would require a ROW Certification when they are ready to have construction authorized. The process outlined in Chapter 17 of the ROW Manual – Construction Authorization ROW Certificate should be followed.

Case Study #3

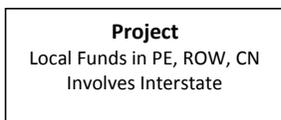


Background information: NEPA covers all 5 phases of the project, all phases have ROW acquisition, phase 1 is the only phase with federal financial assistance – the rest is being done with local funds.

Guidance: Since there is a \$1 of federal funding in this project the URA applies to all phases. In addition, the local agency must adhere to environmental requirements, Buy America, and Title VI requirements. The first phase has federal funds in construction so it will need to be certified using a Construction Authorization ROW Certificate. Phases 2 through 5 have only local funds so while they are required to follow the URA they do not require a Construction Authorization ROW Certificate. Since the entire project is covered by one NEPA document and one of the phases had federal funds, the entire project is considered to be federalized. Since Local Programs is not administering any federal funds for phases 2 through 5 of this project, it would not require a Construction Authorization ROW Certificate. The acquisition of ROW on this project would however, need to follow the requirements set forth in the URA. It would be the expectation of the acquiring agency to make sure the requirements of the URA were followed on all real property interests acquired for the project. WSDOT Local Programs would issue a URA Compliance Letter. Note: Local Programs has no direct involvement in locally funded projects. However, because the project has been federalized, Phase 1 of the project could be at risk if the agency fails to comply with the URA on phases 2 – 5.

Case Study #4

=====SEPA=====



Background information: The local agency is using local funds for the entire project, PE, ROW, and CN. A portion of the project involves changes to interstate right of way, including limited access.

Guidance: Since changes to interstate limited access require approval of FHWA, NEPA will be required which creates a federal nexus (federalized) requiring the agency to comply with the URA. In addition, the local agency must adhere to environmental requirements, Buy America, and Title VI requirements. A URA Compliance Letter will be issued.

Right of Way Project Funding Estimate Summary

1	2	3	4	5	6	7	8	9	10	11
Parcel Number	Just Compen (Offer)	Appraisal Fee Costs	Appraisal Review Fee Costs	Negotiation Fee Costs	Title, Escrow Costs	Prop. Mgmt. Service Costs	Relocation Service Costs	Relocation Payments	Condemn. and Incid. Costs	Total Parcel Costs
Total RW Costs										

Project: [Click here to enter text.](#)

Date: [Click here to enter text.](#)

FA #: [Click here to enter text.](#)

**SAMPLE
NEIGHBORHOOD DESCRIPTION
FOR PROJECT: YAKIMA COUNTY: SUNSET HILL ROAD WIDENING No. 311**

Date: October 21, 1986

The project vicinity is rural Yakima County lying about 25 miles (40 km) westerly of Yakima city limits in an area commonly called Sunset Hill. The county road connecting the area to the city of Yakima is the Sunset Hill Road, which is currently a two-lane arterial. The area is primarily devoted to agricultural uses, such as cattle raising and forest products, but also is developing with single family lot subdivisions and ranchette residential uses. This part of the county is becoming a bedroom area for commuters to Yakima and several commercial uses have developed along the Sunset Hill Road. Zoning here is Agricultural (AG) minimum 20 acres (8 ha), with areas bordering the Sunset Hill Road zoned Single Family Residential (SR 13), minimum 13,000 square feet (1210 square meters) per site, and a strip along said arterial between Henderson Road and White Bluff Boulevard being zoned for commercial and/or office uses (CPD), with a minimum area required of 15,000 square feet (1 395 square meters) per site. Utilities available along Sunset Hill Road are Puget Power, West Yakima Water (Community System), PNB telephone, and sewers are by individual septic systems (soils percolate adequately). There appears to be minimal demand for new commercial development along Sunset Hill Road.

Traffic along the Sunset Hill Road is heavy during the rush hour. Hence, the proposed project is to widen this arterial to four traffic lanes with a dual-left turn lane in the center. A traffic light is planned at the intersection of Henderson Road. The project will be at present grade and will include curbing. Access points will be controlled at existing locations. The right of way needed is a 20-foot (6-meter) strip of fee land from each side of Sunset Hill Road between Henderson Road and White Bluff Boulevard.

Eleven parcels will be affected: seven homes, a tree farm (2,000 acres (810 ha) in size), one convenience store, a small wholesale lumber mill, and a new professional (medical) office complex. One of the residences is partially in the take and possibly will require relocating the owner-occupant family. A machine shed on the lumber mill site is partially in the take and it contains tenant-owned equipment. The convenience store's gasoline dispensers and canopy are partially in the take. About 10 of the 40 parking stalls for the medical office are in the taking, possibly resulting in loss of one tenant. The project should generally benefit the neighborhood by improving traffic flow during the rush hour. The neighborhood should continue to moderately change from agricultural to single family uses, with no major zoning changes immediately foreseeable, since neighborhood commercial services should remain adequate for the next five or more years.



True Cost Parcel Worksheet

Project: Click here to enter text.

Parcel # Click here to enter text.

Notes: Click here to enter text.

Assessor's Tax Parcel Number(s): Click here to enter text.

Zone Size Min. = Click here to enter text.

Assessed Value Land = Click here to enter text.

A.V. Bldg.#1 = Click here to enter text. Bldg.#2 = Click here to enter text. Bldg.#3 = Click here to enter text.

Bldg.#4 = Click here to enter text.

Total Property Assessed Value = Click here to enter text.

R/W Map Info

Before Area = Click here to enter text. Fee Take = Click here to enter text. After Area = Click here to enter text.

Permanent Esmt Take = Click here to enter text.

Temporary Esmt Take = Click here to enter text.

Property Costs:

Total Take = Click here to enter text. (total property A.V. x 1.20) = \$ Click here to enter text.

Or

Partial Take:

Fee Land = Click here to enter text. @ \$Click here to enter text. (A.V. land per unit) x 1.20 = \$ Click here to enter text.

Yard/Site Improvements in Take @ Administrative Lump Sum = \$ Click here to enter text.

Major Building in Take @ (A.V. of Bldg. # Click here to enter text.) x 1.20 = \$ Click here to enter text.

Perm. Esmt. = Click here to enter text. @ \$ Click here to enter text. (A.V. land per unit) = \$ Click here to enter text.

Temp. Esmt. = Click here to enter text. @ \$ Click here to enter text.(A.V. land per unit) x 10% = \$ Click here to enter text.

TOTAL PROPERTY COSTS (put in column 2 of True Cost) = \$ Click here to enter text.

Administrative Costs (put in respective columns of True Cost):

- 1. Appraisal Fee = Click here to enter text.
- 2. Appraisal Review Fee = Click here to enter text.
- 3. Negotiation Fee = Click here to enter text.
- 4. Title and Escrow Fee = Click here to enter text.
- 5. Prop. Mgmt. Services = Click here to enter text.
- 6. Relocation Services = Click here to enter text.
- 7. Relocation Payments = Click here to enter text.
- 8. Condemn & Incidentals = Click here to enter text.

True Cost Estimate

Project: [Click here to enter text.](#) **Date:** [Click here to enter text.](#) **FA #:** [Click here to enter text.](#)

1 Parcel Number	2 Just Compen (Offer)	3 Appraisal Fee Costs	4 Appraisal Review Fee Costs	5 Negotiation Fee Costs	6 Title, Escrow Costs	7 Prop. Mgmt. Service Costs	8 Relocation Service Costs	9 Relocation Payments	10 Condemn. and Incid. Costs	11 Total Parcel Costs
Total RW Costs										

S A M P L E
NEIGHBORHOOD DESCRIPTION
FOR PROJECT: YAKIMA COUNTY: SUNSET HILL ROAD WIDENING No. 311

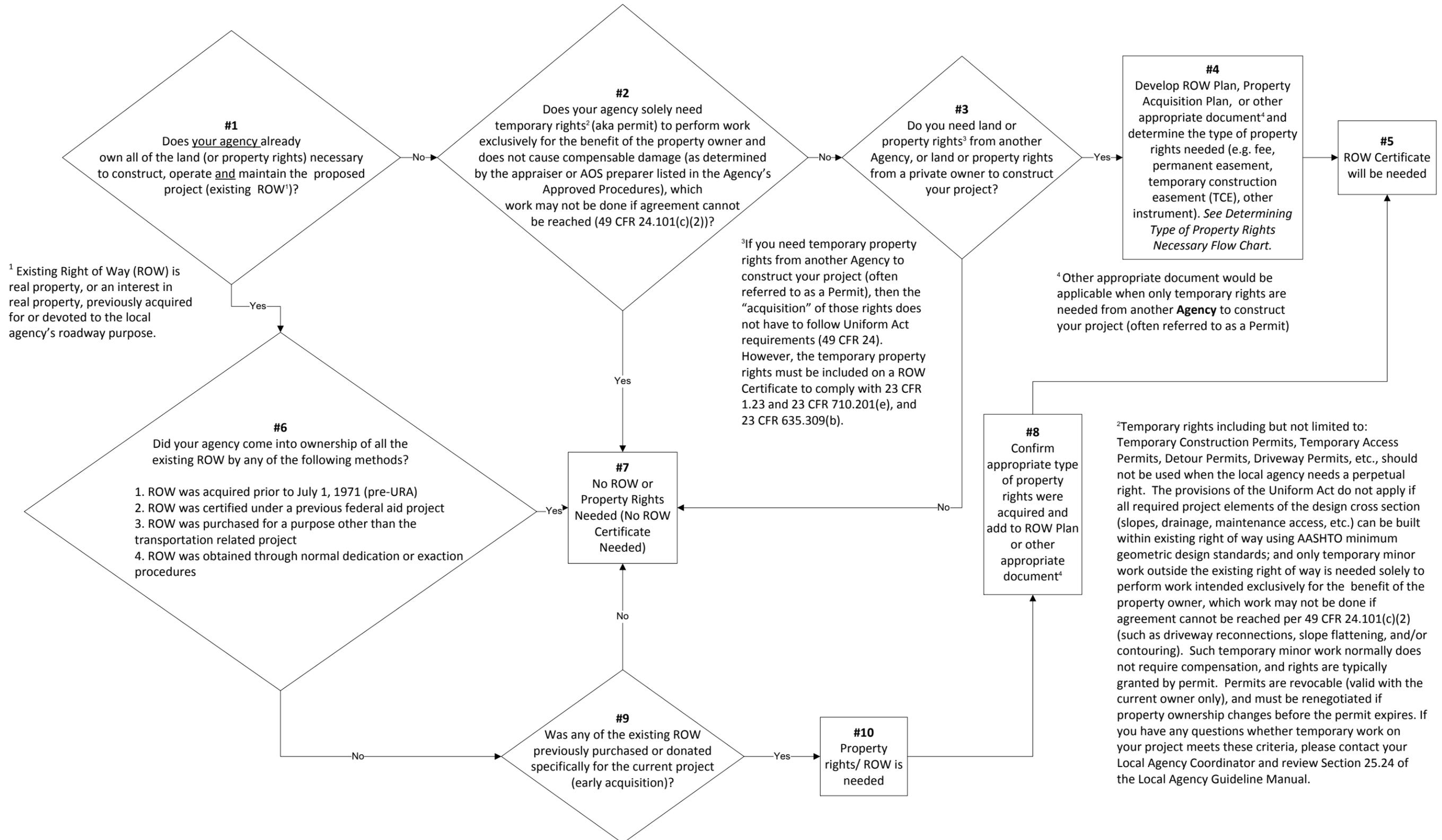
Date: October 21, 1986

The project vicinity is rural Yakima County lying about 40 km (25 miles) westerly of Yakima city limits in an area commonly called Sunset Hill. The county road connecting the area to the city of Yakima is the Sunset Hill Road, which is currently a two-lane arterial. The area is primarily devoted to agricultural uses, such as cattle raising and forest products, but also is developing with single family lot subdivisions and ranchette residential uses. This part of the county is becoming a bedroom area for commuters to Yakima and several commercial uses have developed along the Sunset Hill Road. Zoning here is Agricultural (AG) minimum 8 ha (20 acres), with areas bordering the Sunset Hill Road zoned Single Family Residential (SR 13), minimum 1 210 square meters (13,000 square feet) per site, and a strip along said arterial between Henderson Road and White Bluff Boulevard being zoned for commercial and/or office uses (CPD), with a minimum area required of 1 395 square meters (15,000 square feet) per site. Utilities available along Sunset Hill Road are Puget Power, West Yakima Water (Community System), PNB telephone, and sewers are by individual septic systems (soils percolate adequately). There appears to be minimal demand for new commercial development along Sunset Hill Road.

Traffic along the Sunset Hill Road is heavy during the rush hour. Hence, the proposed project is to widen this arterial to four traffic lanes with a dual-left turn lane in the center. A traffic light is planned at the intersection of Henderson Road. The project will be at present grade and will include curbing. Access points will be controlled at existing locations. The right of way needed is a 6-meter (20-foot) strip of fee land from each side of Sunset Hill Road between Henderson Road and White Bluff Boulevard.

Eleven parcels will be affected: seven homes, a tree farm (810 ha (2,000 acres) in size), one convenience store, a small wholesale lumber mill, and a new professional (medical) office complex. One of the residences is partially in the take and possibly will require relocating the owner-occupant family. A machine shed on the lumber mill site is partially in the take and it contains tenant-owned equipment. The convenience store's gasoline dispensers and canopy are partially in the take. About 10 of the 40 parking stalls for the medical office are in the taking, possibly resulting in loss of one tenant. The project should generally benefit the neighborhood by improving traffic flow during the rush hour. The neighborhood should continue to moderately change from agricultural to single family uses, with no major zoning changes immediately foreseeable, since neighborhood commercial services should remain adequate for the next five or more years.

3/23/15



¹ Existing Right of Way (ROW) is real property, or an interest in real property, previously acquired for or devoted to the local agency's roadway purpose.

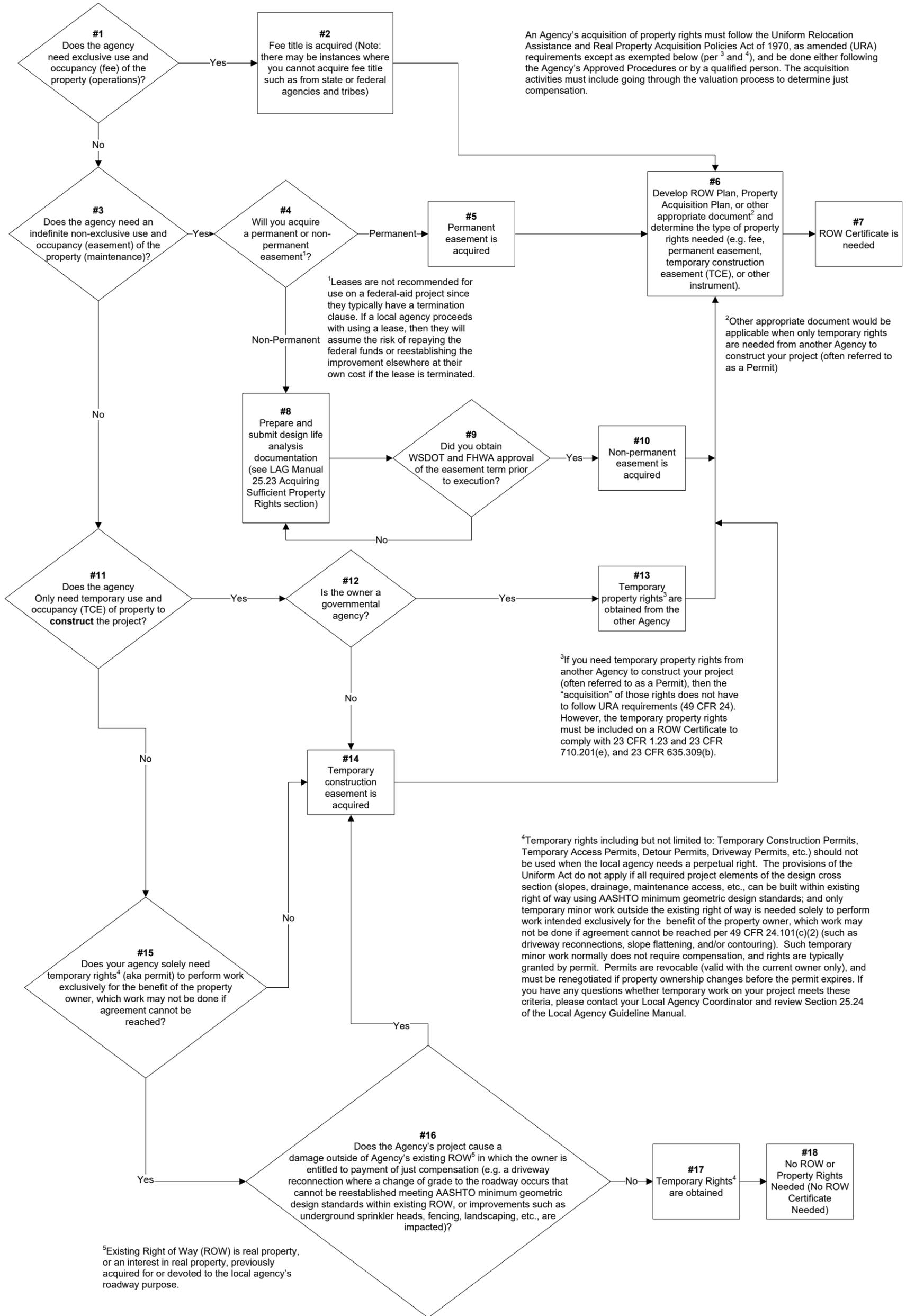
³If you need temporary property rights from another Agency to construct your project (often referred to as a Permit), then the "acquisition" of those rights does not have to follow Uniform Act requirements (49 CFR 24). However, the temporary property rights must be included on a ROW Certificate to comply with 23 CFR 1.23 and 23 CFR 710.201(e), and 23 CFR 635.309(b).

⁴Other appropriate document would be applicable when only temporary rights are needed from another Agency to construct your project (often referred to as a Permit)

²Temporary rights including but not limited to: Temporary Construction Permits, Temporary Access Permits, Detour Permits, Driveway Permits, etc., should not be used when the local agency needs a perpetual right. The provisions of the Uniform Act do not apply if all required project elements of the design cross section (slopes, drainage, maintenance access, etc.) can be built within existing right of way using AASHTO minimum geometric design standards; and only temporary minor work outside the existing right of way is needed solely to perform work intended exclusively for the benefit of the property owner, which work may not be done if agreement cannot be reached per 49 CFR 24.101(c)(2) (such as driveway reconnections, slope flattening, and/or contouring). Such temporary minor work normally does not require compensation, and rights are typically granted by permit. Permits are revocable (valid with the current owner only), and must be renegotiated if property ownership changes before the permit expires. If you have any questions whether temporary work on your project meets these criteria, please contact your Local Agency Coordinator and review Section 25.24 of the Local Agency Guideline Manual.

3/23/15

You may have a parcel or multiple parcels that fits more than one of these situations.



Appendix 25.176 No ROW Needed Verification Checklist

This verification checklist is a tool to be used during the completion of the Design Approval Documentation process ([Chapter 43](#)) to aid in determining if **ROW/PR** is needed for your project. Please complete both Sections A and B to determine if your project has ROW/PR needs. Refer to Sufficient Property Rights Flowcharts [Appendix 25.174](#) and [Appendix 25.175](#) for additional guidance.

Section A: Existing ROW/PR	YES	NO
Does your agency already own ALL of the land and/or property rights necessary to construct, operate and maintain the proposed project? If the answer is "Yes", move to the next question below. If the answer is "No", move to Section B.		
Did your agency come into ownership of the existing ROW by any of the following methods?		
1. ROW acquisition occurred prior to July 1, 1971/the Uniform Act ;		
2. ROW was certified under a previous federal aid project ;		
3. ROW was purchased for a purpose other than this project , and is no longer needed for its original purpose; and/or		
4. ROW was obtained through normal dedication or exaction procedures (there was no unconstitutional taking).		
<p>If you checked "Yes" to the initial question and "Yes" to any of the four subsequent questions above in Section A you have confirmed your agency owns the existing ROW and your project will not need to be certified. Continue to Final ROW Determination.</p> <p>If you checked "Yes" to the initial question and "No" to all of the four subsequent questions above you do have ROW/PR needs and a ROW certificate is needed.</p> <p>Continue to Sections B and C.</p>		
Section B: Temporary Rights (aka Mutual Benefit Permits)	YES	NO
Does your agency solely need temporary rights to perform work exclusively for the benefit of the property owner and does not cause compensable damage , which work may not be done if agreement cannot be reached?		
<p>If you checked "Yes" to the question above in Section B you have confirmed your agency solely needs temporary rights to perform work exclusively for the benefit of the property owner so those property rights will not need to be certified. If you checked "No" then your agency will need to acquire temporary easement and a ROW certificate is needed. Continue to Section C.</p>		
Section C: Other ROW/PR Considerations	YES	NO
Early acquisition – Did your agency purchase land and/or property rights early - prior to NEPA approval - specifically for this project after July 1, 1971 (post-URA)?		
Does your agency plan to purchase land and/or property rights early – prior to NEPA approval - specifically for this project ?		
Environmental Mitigation – Will the project use land your agency previously purchased for wetland banking, natural habitat, or other environmental related purposes?		
Are there any environmental mitigation commitments required for your project that involves property the agency doesn't currently own?		

Section C: Other ROW/PR Considerations	YES	NO
Donation – Did a property owner donate land and/or property rights specifically for this project ?		
Do you anticipate a property owner donating land and/or property rights specifically for this project ?		
Rights from Private Property Owners – Does your agency need to obtain any interest in, or possession of, real property (including temporary uses: easements, access rights, air rights and/or airspace) to construct, operate, and maintain the proposed project ?		
Rights from Another Agency – Does your agency need land and/or property rights, including access and temporary permits from another Agency to construct, operate, or maintain your project ?		
Encroachments – Are real property improvements encroaching into the existing ROW and/or airspace ?		
If you checked “Yes” to any of the above questions/situations in Section C, the property rights will need a ROW certificate. Please consult with your LPE and/or LAC for guidance. If you checked “No” to ALL of the above, you do not have ROW/PR needs for your project for the situations addressed in this section. Continue to Final ROW Determination.		
Final ROW Determination: If the answer in Sections A “No”, your agency does not own the existing ROW, and the answers to Sections B is “Yes”, and Section C are all “No”, you have confirmed your project has no ROW/PR needs and does not require ROW certification; otherwise, please consult with your LPE and/or LAC for guidance. Please keep a copy of this checklist in your project file.		

Right of Way and Property Rights Definitions:

Access rights mean the right of ingress to and egress from a property that abuts a street or highway.

Acquiring agency means a State agency, other entity, or person acquiring real property for title 23 of the United States Code purposes.

Acquisition means activities to obtain an interest in, and possession of, real property.

Air rights mean real property interests defined by agreement, and conveyed by deed, lease, or permit for the use of airspace.

Airspace means that space located above and/or below a highway or other transportation facility’s established grade line, lying within the horizontal limits of the approved right-of-way or project boundaries.

Damages means the loss in value attributable to remainder property due to severance or consequential damages, as limited by State law, that arise when only part of an owner’s property is acquired.

Donation means the voluntary transfer of privately owned real property for the benefit of a public transportation project without compensation or with compensation at less than fair market value.

Early acquisition means acquisition of real property by State or local governments in advance of Federal authorization or agreement.

Easement means an interest in real property that conveys a right to use a portion of an owner's property or a portion of an owner's rights in the property.

Environmental Mitigation means work required as part of an agency's project to take care of environmental impacts caused by the project.

Program or project means any activity or series of activities undertaken by a Federal Agency or with Federal financial assistance received or anticipated in any phase of an undertaking in accordance with the Federal Funding Agency guidelines.

Property Right means possession of or an interest in land of another, whether temporary or permanent.

Real property means land and any improvements thereto, including but not limited to, fee interests, easements, air or access rights, and the rights to control use, leasehold, and leased fee interests.

Right-of-way means real property and rights therein used for the construction, operation, or maintenance of a transportation or related facility funded under title 23 of the United States Code.

Uniform Act means the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (Public Law 91-646, 84 Stat. 1894), and the implementing regulations at 49 CFR part 24

Date

Subject: Project Title
Parcel Number

Sirs:

(My/Our) donation of (parcel number or property description) to the (name of local agency) for highway/transportation purposes is made voluntary and with full knowledge of (my/our) entitlement to receive just compensation therefore. (I/We) hereby release the (name of local agency) from obtaining an appraisal of the acquired property.

Sincerely,

Proposed Donation Letter (Through Local Agency)

Date

Regional Administrator/Chief Right of Way Agent
Washington State Department of Transportation
Transportation Building
Olympia, WA 98504

Subject: (Project Title)
(Federal Aid Number)
Parcel Number _____

Sirs:

The attached instrument for donation of right of way to the agency is in compliance with the provisions of * _____.

Sincerely,

Concur and Approve

Accept and Approval

Title

State of Washington
Department of Transportation

(Local Agency)

*(Typical language)
City/County Commission Resolution No. 111
City/County Ordinance No. 111
City/County Conditional Use Permit No. 111
City/County Building Permit No. 111

(For use when a local agency project is adjacent to WSDOT right of way and WSDOT does not have an active project at this location.)



Federal Aid Requirement Checklist

Informational Only

Agency: [Click here to enter text.](#) Region: [Click here to enter text.](#) Date: [Click here to enter text.](#)

Project Federal Aid Number: [Click here to enter text.](#)

Project Name: [Click here to enter text.](#)

Federal Funds Will Be Used For:

PE: [Click here to enter text.](#) R/W: [Click here to enter text.](#) CONST.: [Click here to enter text.](#)

Persons Will Be Displaced: Yes No

Right of Way Acquired for This Project: Yes No

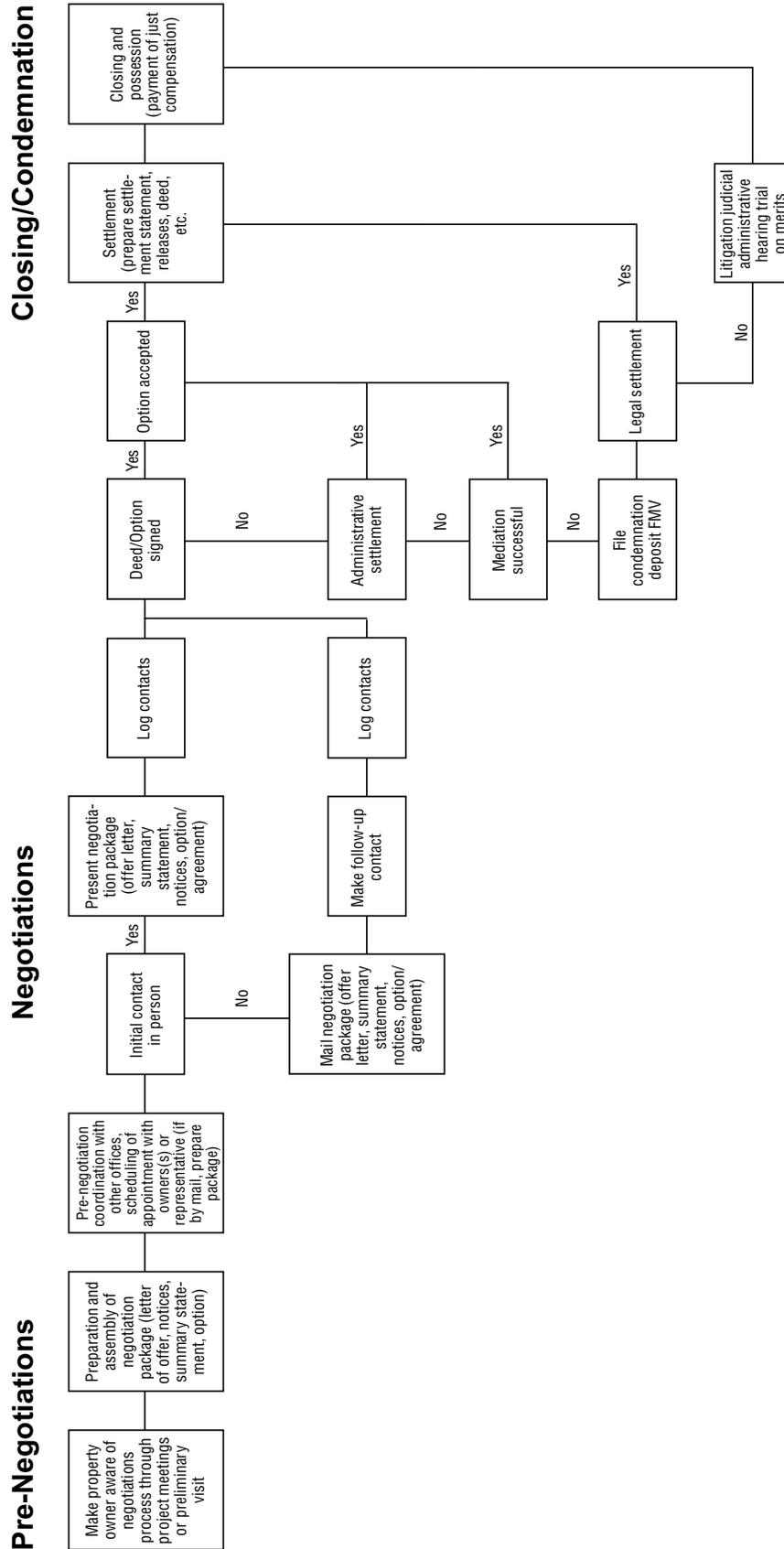
Reminders	Comments
1. Real property must be appraised before initiation of negotiations with the owner, per 49 CFR 24.102(c) and 24.108.	Click here to enter text.
2. Owners must be given an opportunity to accompany each appraiser during his inspection of the property, per 49 CFR 24.102(c).	Click here to enter text.
3. The acquiring agency must establish just compensation before initiation of negotiations with the owners, per 49 CFR 24.102(d).	Click here to enter text.
4. No increase or decrease in the FMV due to the project except physical deterioration, is to be considered in the valuation of the property, per 49 CFR 24.103(d).	Click here to enter text.
5. Appraisals are not to give consideration nor include any allowance for relocation assistance benefits.	Click here to enter text.
6. The owner is not to be left with an uneconomic remnant that the acquiring agency did not offer to acquire, per 49 CFR 24.102(k).	Click here to enter text.
7. The owner is to be given a written statement of the amount offered as just compensation, and where appropriate, the compensation for real property to be acquired and the compensation for damages, if any, to the remaining real property shall be separately stated in the written statement, per 49 CFR 24.102(e).	Click here to enter text.

8. No owner shall be required to surrender possession before the agreed purchase price has been paid or the approved amount of compensation has been paid into the court, per 49 CFR 24.102(j).	Click here to enter text.
9. No lawful occupant shall be required to move unless the occupant has been given at least 90 days advance written notice of the earliest date by which the occupant may be required to move, per 49 CFR 24.203(c).	Click here to enter text.
10. The rental amount charged to owners and/or tenants permitted to occupy the property subsequent to acquisition must not exceed the fair rental value for such occupancy, per 49 CFR 24.102(m).	Click here to enter text.
11. No action must be taken to advance condemnation, defer negotiations or condemnation or taken any other action coercive in nature in order to compel an agreement on the price to be paid for the property, per 49 CFR 24.102(h).	Click here to enter text.
12. The acquiring agency must acquire an equal interest in all buildings, etc., located upon the real property acquired, per 49 CFR 24.105.	Click here to enter text.
13. The acquiring agency must pay recording fees, transfer taxes, etc.; penalty costs for pre-payment of a pre-existing mortgage and the pro rata share of real property taxes paid subsequent to vesting title in the acquiring agency, per 49 CFR 24.106.	Click here to enter text.
14. No property owner can voluntarily donate his property prior to being informed of his right to receive just compensation.	Click here to enter text.
15. Provisions have been made for rodent control should it be necessary.	Click here to enter text.
16. No owner was intentionally required to institute legal proceedings to prove the fact of the taking of his real property.	Click here to enter text.

Prepared by: Click here to enter text.

Title: Click here to enter text.

Acquisition Process



LPA Brochures

Transportation Property Needs LPA Generic
Non-Residential Relocation LPA Generic
Personal Property Only Relocation LPA Generic
Residential Relocation LPA Generic

LPA General Forms

LPA-001 Right of Way Procedures
LPA-002 Initial ROW Questionnaire
LPA-003 Waiver of Appraisal Procedure

LPA Appraisal Forms

LPA-205 Certificate of Appraisal
LPA-210 Market Data Sheet
LPA-214b Certificate of Value
LPA-215 PFE Parcel Worksheet
LPA-215b True Cost Estimate Parcel Worksheet
LPA-216 Administrative Offer Summary (AOS)

LPA Acquisition Forms

LPA-300 Recording Cover Sheet
LPA-301 Diary
LPA-302 Warranty Deed
LPA-303 Special Warranty Deed
LPA-305 Warranty Deed (Access Rights Only)
LPA-306 Quitclaim Deed
LPA-307 Quitclaim Deed (Access Rights Only)
LPA-308 Partial Release of Mortgage
LPA-309 Partial Release of Mortgage (Access Rights Only)
LPA-310 Request for Partial Reconveyance
LPA-311 Partial Reconveyance
LPA-312 Partial Release of Lease
LPA-313 Release of Lease
LPA-316 Partial Release of Judgment
LPA-317 Possession and Use Agreement
LPA-321 Real Property Voucher (Excel)
LPA-323 Consent to Change of Grade
LPA-324 Easement
LPA-325 Temporary Easement
LPA-326 Permit
LPA-330 Bill of Sale
LPA-333 Request to Accept Mortgage (deed of trust) Encumbrance
LPA-333a Letter to Owner-Agree to Pay Mortgage (deed of trust) Encumbrance
LPA-350 Offer Letter
LPA-351 Revised Offer Letter
LPA-355 Quitclaim Deed (Release Easement)

- LPA-356 Quitclaim Deed (Access Use for Easement)
- LPA-362 Agency Payment Letter
- LPA-365 Individual Notary
- LPA-366 Corporate Notary
- LPA-367 Attorney in Fact Notary
- LPA-368 Self and Attorney in Fact Notary
- LPA-369 Guardian, Executor, Administrator Notary
- LPA-370 Mayor City Commissioners Notary
- LPA-371 County Commissioners Notary
- LPA-372 School District Notary
- LPA-373 Signature by Mark Notary
- LPA-374 Partnership Notary
- LPA-375 Trustee Notary
- LPA 376 Limited Liability Company Notary
- LPA-377 Director RES Notary
- LPA-382 Relocation Eligibility Report

LPA Certification Forms

- LPA-383 No Right of Way Certificate
- LPA-384 Certificate 1, No Relocation
- LPA-385 Certificate 1, Residential Relocation
- LPA-386 Certificate 1, Non-Residential Relocation
- LPA-387 Certificate 1, Combination of Relocation Types
- LPA-388 Certificate 2, No Relocation
- LPA-389 Certificate 2, Residential Relocation
- LPA-390 Certificate 2, Non-Residential Relocation
- LPA-391 Certificate 2, Combination of Relocation Types
- LPA-392 Certificate 3, No Relocation
- LPA-393 Certificate 3, Residential Relocation
- LPA-394 Certificate 3, Non-Residential Relocation
- LPA-395 Certificate 3, Combination of Relocation Types
- LPA-396 Certificate 3, Design Build Phased – Under Construction
- LPA-397 Certification Worksheet
- LPA-398 Certification Worksheet – Design Build
- LPA-399 WSDOT Local Agency Certification Concurrence Letter
(WSDOT Use Only)

LPA Property Management Forms

- LPA-407 Disposal Approval Request

LPA Relocation Forms

- LPA-501 General Notice of Relocation Rights (Non-Residential)
- LPA-502 General Notice of Relocation Rights (Landlord)
- LPA-503 General Notice of Relocation Rights (Personal Property)
- LPA-504 General Notice of Relocation Rights (Residential)
- LPA-505 Notice of Eligibility, Entitlements, and 90-Day Assurance (Non-Residential)
- LPA-505a Notice of Eligibility, Entitlements, and 90-Day Assurance (Non-Residential Fixed Payment)
- LPA-507 Notice of Eligibility, Entitlements, and 90-Day Assurance (Residential Owner)
- LPA-507a Notice of Revised Price Differential (Residential Owner)
- LPA-507b Notice of Eligibility – Non DSS (Residential Owner)
- LPA-507c Notice of Eligibility w/Carve Out Language (Residential Owner)
- LPA-508 Notice of Eligibility, Entitlements, and 90-Day Assurance (Residential Tenant)
- LPA-508a Notice of Eligibility – Non DSS (Residential Tenant)
- LPA-509 Notice of Eligibility, Entitlements, and 90-Day Assurance (Landlord)
- LPA-510 Notice of Eligibility, Entitlements, and 90-Day Assurance (Personal Property)
- LPA-511a Notice of Eligibility, Entitlements, and 90-/Day Assurance (Mobile Homes – Own Mobile Home, Rent Site)
- LPA-511b Notice of Eligibility, Entitlements, and 90-/Day Assurance (Mobile Homes – Own Mobile Home, Own Site)
- LPA-511c Notice of Eligibility, Entitlements, and 90-/Day Assurance (Mobile Homes – Rent Mobile Home, Rent Site)
- LPA-512 Notice of Intent to Acquire
- LPA-513 Mortgage Interest Differential Payment (MIDP)
- LPA-514 Incidental Purchase Expense Work Sheet
- LPA-515 Documentation of Living Expenses
- LPA-516 Price Differential Entitlement Instructions
- LPA-516a Down Payment Assistance Entitlement Instructions
- LPA-517 Vacate Inspection
- LPA-518 Agreement for Provisional Replacement Housing Payment
- LPA-519 Fixed Payment (In-Lieu) Work Sheet – Non-Residential
- LPA-520 Request for Moving Bid Cover Letter
- LPA-521 Request for Proposal and Moving Specification Format
- LPA-522 Replacement Site Search Log
- LPA-523 Application for Reestablishment Expenses – Non-Residential
- LPA-524 Eligibility Report
- LPA-525 (DSS) Replacement Dwelling Inspection Report
- LPA-526 Loss of Tangibles/Substitute Personal Property Bid Form
- LPA-527 Loss of Tangibles Computation
- LPA-528 Substitute Personal Property Computation
- LPA-529 Residential Checklist
- LPA-530 Non-Residential Checklist
- LPA-531 Personal Property Checklist
- LPA-532 Residential Occupancy Survey

- LPA-533 Non-Residential Occupancy Survey
- LPA-533a Non-Residential (Landlord) Occupancy Survey
- LPA-534 Personal Property Only Occupancy Survey
- LPA-535 Pre Move Inventory – Non-Residential
- LPA-536 Final Claim Letter – Non-Residential
- LPA-536a Final Claim Letter – Residential
- LPA-537 Relocation Assistance Voucher
- LPA-538 Application for Fixed Payment – Non-Residential
- LPA-539 Monthly Income Verification
- LPA-540 Move Expense Agreement – Residential
- LPA-540a Move Expense Agreement – Non-Residential
- LPA-541 Housing Comparison Work Sheet
- LPA-542 Price Differential Report
- LPA-543 Rent Supplement Report
- LPA-544 Notice of Relocation Non-eligibility
- LPA-545 Non-Residential Obsolete Printed Items
- LPA-546 Mobile Home Move Cost – Personal Property
- LPA-547 Lawfully Present in the United States Certification
- LPA-548 Transfer of Ownership – Non-Residential
- LPA-549 Claim Determination Letter

