

# **RIGHT OF WAY ACQUISITION PROCEDURES**

## **POLICY NO. 19-02**

**PURPOSE** To ensure uniformity in dealing with right of way acquisitions on all future acquisitions of road rights of way for county projects.

**POLICY:** In future, the following procedure will be utilized for right of way acquisitions.

### **PROCEDURES:**

1. For right of way acquisitions for new road development, and road improvement, the Office of the County Engineer will bring up all plats, plans and engineering data for the right of way necessary.
2. The Office of the County Engineer or the consulting engineer would prepare a parcel by parcel plat (right of way parcel locator map) identifying parcel ownership.
3. Once the information listed in 1, 2 and 3 above is received from the Office of the County Engineer or the consulting engineer, the Office of the County Engineer will obtain an Ownership Encumbrance Report from a title company.
4. The County Attorney will take the information from Steps 1, 2 and 3 and prepare all deeds for acquisition.
5. The materials listed above will then be turned over to the County Administrator, or his representative, for the acquisition of the property.
6. Eminent domain procedures would be necessary to acquire needed property from owners who were in opposition.

The basic problem that exists in the obtaining of the property from some owners of free title while others demand other settlements. Once these decisions become a problem for the County Commission, they would have to be made on a one-by-one basis for those in opposition.

The establishment of a set value for each parcel will be entered into wherein the legal value will be established during that process.

A limit to obtain the parcel through gift or donation would be ninety (90) days. Thereafter, eminent domain proceedings will be started.

Replaces: Policy 17-03  
Reference: June 30, 1981