



STATE OF MICHIGAN
DEPARTMENT OF TRANSPORTATION
LANSING

JENNIFER M. GRANHOLM
GOVERNOR

KIRK T. STEUDLE
DIRECTOR

November 8, 2007

Mr. John Niemela
Director
County Road Association of Michigan
P.O. Box 12067
Lansing, Michigan 48901-2067

Mr. David Worthams
Assistant Director – State Affairs
Michigan Municipal League
320 N. Washington Square, Suite 110
Lansing, Michigan 48933-1288

Dear Mr. Niemela and Mr. Worthams:

Updated Right of Way Certification Forms – Program Application

Enclosed for distribution to your members are revised Attachments A and B, from the Michigan Department of Transportation's (MDOT) three program applications. These sheets were revised as the result of input and comments received from staff of the Federal Highway Administration, MDOT Real Estate, and MDOT Local Agency Programs, as well as CRAM's ad-hoc committee.

Revisions to these enclosures include reducing the amount and type of information requested, deleting requests for information required elsewhere in the program application, and deleting much of the record keeping and reporting requirements. Also, we determined that a significant portion of the information requested on page 7, "ROW Application Form", of each of the program applications was redundant. As a result, page 7 of each program application is not required, and will be deleted in the upcoming revisions to each program application.

MDOT expects that these documents will be placed online in the respective program applications area in the next several weeks. Until the forms are available online, local agencies should use copies of these forms. Copies are also available from the appropriate MDOT Local Agency Programs unit manager.

Again, MDOT appreciates the cooperation of representatives of the various organizations and agencies that assisted in this revision process. If you have any question, please contact Bruce Kadzban at 517-335-2229.

Sincerely,

Mark A. Van Port Fleet, P.E.
Engineer of Design

Enclosure

ATTACHMENT "A"
RIGHT-OF-WAY AGREEMENT
1 of 2

Attachment A should be submitted as part of the Program Application and will be forwarded to the MDOT Real Estate Division, Local Agency Coordinator, for review and evaluation.

Local Public Agency: _____ Date: _____

Project: _____ County: _____

Crossing, from: _____ to: _____

Project Criteria and Information:

Number of parcels of additional right-of-way (ROW) anticipated for this project, by type:

Fee (Total Take): _____

Fee (Partial Take): _____

Easement (Permanent): _____

Grading Permit (Temporary): _____

1. Do you understand that, if the acquisition of any additional ROW is required (including fee takes, permanent easements and/or temporary grading permits), then a fair market value must be calculated (via an appraisal, market study or value analysis) and the fair market value offer must be made to the property owner?

Yes _____ No _____

If no, contact the MDOT Real Estate Local Agency Coordinator at (517) 373-4135.

2. Do you understand that all ROW activities must be performed by staff that are qualified to comply with all applicable State and Federal laws and regulations, including:

- a. the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended;
- b. the provisions of 23 USC, 23 CFR and 49 CFR; and
- c. the provisions of P.A. 1980, No. 87, as amended.

Yes _____ No _____

If no, contact the MDOT Real Estate Local Agency Coordinator at (517) 373-4135.

3. Will a real estate Consultant /Contractor be acquiring the additional ROW for this project? Yes _____ No _____

If yes, list the Consultant/Contractor: _____

Contact person: _____

Telephone: _____

e-mail address: _____

ATTACHMENT "A"
RIGHT-OF-WAY AGREEMENT
2 of 2

4. Do you anticipate the acquisition or relocation of any improvements with this project (houses, businesses, other structures or business signs)?

Yes _____ No _____

If yes, please describe: _____

5. Would you like to have a copy of the Federal Highway Administration booklet "Real Estate Acquisition Guide for Local Public Agencies" sent to you?

Yes _____ No _____

If yes, please include your address: _____

Project Compliance Certification:

The _____ agrees to comply with all applicable
(County, City, Township or Village)

State and Federal laws and regulations when acquiring right-of-way (ROW) for this project, including:

- a. the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended;
- b. the provisions of 23 USC, 23 CFR and 49 CFR; and
- c. the provisions of P.A. 1980, No. 87, as amended.

NOTE: Failure to comply with these regulations could jeopardize the ability to receive funding for any and all phases of this project.

By: _____ Date: _____
(Signature of Authorized Person Employed by the County, City, Township or Village)

Typed Name and Title: _____

Address: _____ E-Mail Address: _____

Phone #: _____ Alternate Phone #: _____

ATTACHMENT "B"
RIGHT-OF-WAY CERTIFICATION
1 of 2

Attachment B cannot be submitted to Local Agency Programs until all the additional right-of-way (ROW) has been acquired, which must be done a minimum of 4 weeks prior to the expected advertisement date.

Local Public Agency: _____ Date: _____

Project: _____ County: _____

Crossing, from: _____ to: _____

Right-of-Way Certification:

_____ The project **did not** require the acquisition of additional right-of-way (including fee takes, permanent easements and/or temporary grading permits). ***If this item is checked, go to Project Certification Section on the following page.***

_____ The project **did** require the acquisition of additional right-of-way (including fee takes, permanent easements and/or temporary grading permits). The requirements of the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended; the provisions of 23 USC, 23 CFR and 49 CFR; and the provisions of P.A. 1980, No. 87, as amended, have been met with respect to this project.

- **Number of parcels of additional right-of-way (ROW) acquired for this project, by type:**

Fee (Total Take): _____

Fee (Partial Take): _____

Easement (Permanent): _____

Grading Permit (Temporary): _____

- **The following documentation must be included in each parcel file:**

_____ Title Evidence (i.e. Title Commitment, Tax Search Documentation)

_____ Appraisal, Market Study and/or Valuation Analysis

_____ Valuation Statement and/or other documentation showing fair market value offer (just compensation) was made to the property owners

_____ Executed and recorded DEEDS, EASEMENTS, and/or executed GRADING PERMITS

_____ Memos of Negotiation (Buyer's Communication Log)

- **The following Relocation documentation must be included in each parcel file (if applicable):**

_____ Relocation Eligibility Notice

_____ Replacement Housing Determination or Replacement Rental Determination

_____ Relocation Claims and Payment Documentation

ATTACHMENT "B"
RIGHT-OF-WAY CERTIFICATION
2 of 2

Project Certification:

Certification is required regardless of whether or not the project required acquisition of additional right-of-way (including fee takes, permanent easements and/or temporary grading permits).

The _____ has legal and physical possession
(County, City, Township or Village)
of **all** the right-of-way (ROW) necessary for the construction, operation and maintenance of this project.

NOTE: Failure to obtain legal and physical possession of all additional ROW (executed and recorded deeds/easements, executed grading permits, or court-ordered possession agreements on condemnation parcels) will jeopardize the ability to get this project obligated, advertised and let.

By: _____ Date: _____
(Signature of Authorized Person Employed by the County, City Township or Village)

Typed Name and Title: _____

Address: _____ E-Mail Address: _____

Phone #: _____ Alternate Phone #: _____