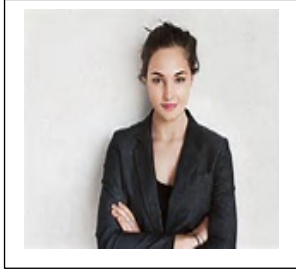


Right of Way Consultant Corporation
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**Sally P. Negotiator****Education**

Big Time State University
BS Business

FHWA-NHI Uniform Act
Course # 141045
Online 9-17-2012

FHWA-NHI Various Courses
Online/live 100+ hours

IRWA
Online/Live 272 hours
2015 Education Conference

Real Estate CE
Online/Live 700 + hours

Licenses & Certifications

North Dakota RE Broker
License # 1111 since 2015
California RE Broker
License # 555111 since 1995

North Dakota Notary Public
Expires 11-2-2018

IRWA RW/NAC

IRWA SR/WA Candidate

Organizations

IRWA Chapter 72
Member since 2013
Transportation Chair
Int'l Transportation
Committee

National Association of
REALTORS®, since 1999

Ms. Negotiator has more than twenty years of Real Estate experience including the last 5 years negotiating Right of Way for transportation projects. She also has experience listing and selling foreclosed properties for various banks in North Dakota and California. Her foreclosure and ROW work call on her ability to negotiate calmly and diplomatically, ensure documents and legal papers are correct, and examine and cure title. Over the past 5 years she has worked on NDDOT projects including:

PCN 21594 Highway 1804 east of Williston
Sally was the NDDOT tech support for the Consultant on this project with more than 30 landowners.

PCN 21288 Downtown ADA work, Grafton ND.
Sally worked with local and national businesses, along with private landowners, to negotiate TCE's for ADA ramps. She explained the scope, timing and funding of the project along with the Federal ADA requirements.

PCN 19755 Bridge widening Hwy 81 rural ND
Sally resolved fencing and animal issues affected by the acquisition.

Additional ROW skills:

Borrow and Waste Options
Presentations to City Council Meetings
Title Curative
Ability to read plats and plan sheets

What else have you done related to ROW

Additional Projects

Texas DOT – Interstate 10 ...
Utah DOT – State Highway from St. George to Lodi
SDG&E – electrical transmission line
Nashville TN – underground utilities project
Rural IL – wind farm project
Main St, NE – what other types of projects

If you don't have much ROW experience list other work experience that would apply to ROW work.

SAMPLE ROW Initial Meeting Agenda

NH-002-56(199)001 - PCN 22256

Date: _____

Attendees: NDDOT _____

NDDOT _____

NDDOT _____

Consultant _____

Consultant _____

Consultant _____

Introductions/Roles on the Project – exchange contact information

Overview of scope, timing, traffic control, etc. (*NDDOT*)

Discussion of specific ROW issues we already know about the project (*NDDOT*)
Consultant input

Requirements/Recommendations for ROW Agent minimum skills/experience (*NDDOT*)
Consultant to verify Agents have taken FHWA-NHI Uniform Act Class #141045
Consultant ROW Agents to provide Biography of their ROW experience

Forms Overview

SIGN in BLUE ink

Make sure all Names and ownership (H/W, JT, TIC) match Title/Plats

Double Check address

No changes to boilerplate text on ANY form

Double check page numbers are correct

ROW Checklist

Everything submitted in the order listed

Fill out every line except the ROW signature box

Negotiator Report

Details – what/when/where/why/who (was anyone absent?)

Detail Mortgages/liens/judgements and Tenant information

All boxes filled out (use n/a where applicable)

Don't cut and paste emails (note time/date and summarize them)

Make sure you include texts (use only for logistics)

Only include pertinent project communications with NDDOT (for example, do not include housekeeping conversations with ROW tech)

Approved Value Breakdown

Summary page from Statement of Project Review or Appraisal Review (not full report)

- Use breakdown page in Waiver Valuation if no Statement of Project Review

Summary Narrative (Administrative Settlement and Condemnation Narrative)

Details what/when/where/why/who - unique situation about this acquisition

Draft as a word document to Mike Knox for editing/preapproval

Memorandum of Offer

Must be presented in writing at first offer meeting

If more than one, number them and note which one is the last one

-Only happens if Valuation changes

Give them the Yellow Pamphlet "Information for Highway and Street Projects

Do not promise anything – every change must be NDDOT approved

Must attach Compensation & Parcel Breakdown Addendum (Add applicable page numbers)

Notification and Appraisal Waiver

Make sure ROW Agents can explain this form (only one option)

Do not need if valuation is over \$25,000 (appraisal automatically completed)

Compensation & Parcel Breakdown

Will have a minimum of two with each packet:

-Addendum to Memorandum of Offer(s) (Add applicable page numbers)

-Addendum to Memorandum Agreement (Add applicable page numbers)

Landowners must initial/date

Memorandum Agreement

Date Executed on page 1 is the last date a Landowner signed

Must attach Compensation & Parcel Breakdown Addendum (Add applicable page numbers)

Anything agreed to in Section 8 must be approved and placed on the plan notes

Any hand written changes must be approved and initialed by all

Last paragraph says "NDDOT director must approve all settlements..."

Refer to Box 7 if there is not a recorded lease

Temporary Easement

Date Executed on page 1 is the last date a Landowner signed

Verify Parcel info and legal descriptions match the plat

Husband/Wife can witness each other's signature but someone else is better (ROW negotiator)

Warranty Deed

Date Executed on page 1 is the last date a Landowner signed

Verify Parcel info and legal descriptions match plat

Double check that Notary section is complete and accurate

Husband/Wife BOTH sign even if only one owner (One to Buy – Two to Sell)

Subordination of Rights

Must be signed by Tenant(s) and notarized

Only used if there is a recorded lease

Agreement for Entry

Explain why we need this form

Emphasize that it only allows entry onto the parcels noted at the top

Additional Written Communication (if used)

Intro Letter

Emails – note them in the Negotiator Report and include them in Additional Comments

Title Certificate... Plats

Read the PCT before drafting docs or meeting with owners

If title is more than 3 months old you may want to check NDRIN

If it has a Life Estate immediately search obituaries

Make sure Names and ownership match (H/W TIC JT)

If address changes make sure Plat and documents match

Highlight Mortgages, Judgements or Liens

Contact Mary if anything is incorrect or you don't understand something

W-9

Required by Finance to cut a check – even when payment is less than \$600
Landowner must fill this out – don't prepopulate with name address etc.
If someone asks a Tax Question refer them to p. 8 of yellow pamphlet
DO NOT GIVE TAX or LEGAL advice/opinion

Corporations

For small businesses the SOS page is sufficient
For large businesses and Corporations need Corp document

Meeting Minutes

Schools, cities, county, park boards and churches etc.
If you attended a public entity meeting, the minutes from that meeting must be included.
- When you are at the meeting get a list of every board member/elected official present.

Condemnation

Discussed in Summary Narrative Form (Condemnation Narrative)

Title Curative

Has anyone died? Search by "Jane Doe Obituary North Dakota"

For Life Estate and Joint Tenancy Interests

Get copy of Death Certificate. (Family, www.ndhealth.gov/vital)

Interests held as Tenants in Common

Get copy of Death Certificate, and copy of a Will, or if probated, check for Personal Representatives Deed. If not probated yet, it is OK to obtain signature from Personal Representative of the Estate, as long as a copy of Letters Testamentary is available.

For Life Estates

Obtain signatures from Life Tenant, and Remainder person. Remainder's spouse has to sign any documents that will be recorded.

Power of Attorney

Make sure they sign correctly. POA must sign with both names (at a minimum).

Preferred signature is:

Judy Smith, by James Arthur Jones, her Power of Attorney

Mortgages, Judgements, Liens

New box on first page of Negotiator Report for this

Ownership Matches

When you finalize the packet do a final online check to see if there has been any change of ownership since the PCT.

MEMORANDUM OF OFFER TO LANDOWNER

North Dakota Department of Transportation
 Environmental & Transportation Services
 SFN 6777 (3-2017)

PCN

3	2	0	1	7
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Project NHU-4-083(152)155
County Ward
Parcel(s) 1-3, 2-1A & 2-1B

Landowner(s) John E. and Jane F. Doe			
Landowner Address 12345 Capitol Avenue	City Bismarck	State ND	ZIP Code 58501
Landowner(s) Ron A. Doe			
Landowner Address 54321 1st Avenue	City Bismarck	State ND	ZIP Code 58501

Valuation Type <input type="checkbox"/> Appraisal <input checked="" type="checkbox"/> Waiver Valuation	Approved Compensation \$4,050.00
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On behalf of the North Dakota Department of Transportation, the right of way agent is hereby authorized to offer the above approved amount as full compensation for the permanent and/or temporary acquisition of the above-identified parcels and all damages incidental thereto.

The attached Compensation and Parcel Breakdown is incorporated with this offer and describes the parcels and/or temporary easement areas that are being acquired for highway purposes.

Notes

ROW AGENT	
Name (Type or Print) Shirley Getta Signature	
Agency Superb Engineering	
Signature	Date

NDDOT MANAGEMENT APPROVAL	
Name (Type or Print)	
Signature	Date

MEMORANDUM AGREEMENT

North Dakota Department of Transportation
 Environmental & Transportation Services
 SFN 6776 (4-2017)

PCN

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Project NHU-4-083(152)155
County Ward
Parcel(s) 1-3, 2-1A & 2-1B

Landowner Name(s) John E. and Jane F. Doe			
Landowner Address 12345 Capitol Avenue	City Bismarck	State ND	ZIP Code 58501
Landowner Name(s) Ron A. Doe			
Landowner Address 54321 1st Avenue	City Bismarck	State ND	ZIP Code 58501

Executed Document(s) (check all applicable): Temporary Construction Easement, Agreement for Entry Without Compensation, Warranty Deed, Subordination of Rights, Permanent Maintenance Easement, Other Easement Type(s)

Date Executed (Date the last landowner signs)	Total Compensation \$4,050.00
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The Landowner(s), listed above, did execute a document on the date listed above, conveying to the state of North Dakota for the use and benefit of the North Dakota Department of Transportation, hereinafter referred to as (NDDOT), the below-identified parcel(s) of property, as shown on the right of way plats.

The attached Compensation and Parcel Breakdown is incorporated with this agreement and describes the parcels and/or temporary easement areas that are being acquired for highway purposes.

This agreement is now made and entered as a memorandum of all of the terms, and the only terms agreed upon in connection with this settlement.

1. The state assumes ownership of all trees within the right of way excepting that the Landowner(s) may remove or use said trees prior to construction.
2. feet of fence to be moved by the owner prior to construction of the highway.
3. The Landowner(s) will be permitted to use any cattle pass or drainage structures installed for a cattle or stock pass at their own risk. The state will provide the necessary maintenance for highway purposes. The Landowner(s) will provide the necessary maintenance for use as a stock pass.
4. NDDOT will not maintain any service road except those shown on the plat attached hereto and made a part thereof.
5. Access control is being acquired and the abutting Landowner(s) shall reserve the right of access at temporary points to be designated by the NDDOT director as shown on the right of way plat.
6. The Landowner(s) agree(s) to joint payment with mortgagee, if requested by the mortgagee.
7. The Landowner(s) shall inform any and all tenant(s) of proposed work.
8. Additionally:
Any additional agreements must be placed here and if necessary placed as a plan note. This will not be read by the project engineer so make sure any promises you make as a negotiator are carried forward.

The NDDOT director, or his/her assigns, must approve all settlements. NDDOT will notify the Landowner(s) in writing **if this settlement is not approved**. Payment by the state must await approval of title and processing of a voucher and warrant through the offices of the state auditor and treasurer. Now, therefore, as a memorandum agreement of the parties, the undersigned do hereby execute and deliver this document. This agreement was reached without coercion, or promises other than those shown in the agreement, or threats of any kind whatsoever by, or to, either party. The right of way agent has no direct or indirect present or contemplated future personal interest in the parcels or in any benefit from the acquisition of such property.

This Agreement may be executed in several counterparts, each of which shall be deemed an original but all of which shall constitute one and the same instrument.

EXECUTED the date last signed below.

LANDOWNER

Name (Type or Print) John E. Doe	
Signature	Date

WITNESS

Name (Type or Print)	
Signature	Date

LANDOWNER

Name (Type or Print) Jane F. Doe	
Signature	Date

WITNESS

Name (Type or Print)	
Signature	Date

LANDOWNER

Name (Type or Print) Ron A. Doe	
Signature	Date

WITNESS

Name (Type or Print)	
Signature	Date

ROW Agent

Name (Type or Print) Shirley Getta Signature	
Agency Superb Engineering	
Signature	Date

NDDOT ROW Agent

Name (Type or Print)	
Signature	Date

NDDOT Management Approval

Name (Type or Print)	
Signature	Date

COMPENSATION & PARCEL BREAKDOWN

North Dakota Department of Transportation
 Environmental & Transportation Services
 SFN 61188 (2-2017)

PCN

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Addendum to:

- Memorandum of Offer Page of
 Memorandum Agreement Page 4 of 4

Project NHU-4-083(152)155
County Ward
Parcel(s) 1-3, 2-1A & 2-1B

Landowner Name(s) (Type or Print) John E. and Jane F. Doe	Initial	Date
Landowner Name(s) (Type or Print) Ron A. Doe	Initial	Date

The following valuation breakdown describes parcels and/or temporary easement areas that are being acquired for highway purposes:

Permanent Acquisition Yes No

Parcel #	Type of Permanent Acquisition	<input checked="" type="checkbox"/> Acres <input type="checkbox"/> Sqft	X	Value (Per Acre/Sqft)	=	Parcel Values
1-3	FEE Simple	1.25	X	\$3,000.00	=	\$3,750.00

Total Permanent Parcel Value	\$3,750.00
Total Permanent Compensation	\$3,750.00

Temporary Acquisition Yes No

Parcel #	Type of Temporary Acquisition	<input checked="" type="checkbox"/> Acres <input type="checkbox"/> Sqft	X	Value (Per Acre/Sqft)	=	Parcel Values
2-1A	Construction Easement	0.5	X	\$80.00	=	\$40.00
2-1B	Construction Easement	1.2	X	\$80.00	=	\$96.00

Total Temporary Parcel Value	\$136.00
Total Temporary Compensation	\$300.00

Compensation Breakdown	
Total Permanent Compensation	\$3,750.00
Total Temporary Compensation	\$300.00
Fencing	
Damages	
Total Compensation Due	\$4,050.00

NEGOTIATOR REPORT & OWNERSHIP CONTACT

North Dakota Department of Transportation
 Environmental & Transportation Services
 SFN 61181 (01-2017)

PCN

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Project NHU-4-083(152)155
Parcel(s) 1-3, 2-1A & 2-1B

Landowner(s) John E. and Jane F. Doe (married)			
Mailing Address 12345 Capitol Avenue	City Bismarck	State ND	ZIP Code 58501
Telephone Number 701-888-8888 (h); John 701-889-8888	Email Address jjdoe@bismarck.com		
Landowner(s) Ron A. Doe (single)			
Mailing Address 54321 1st Avenue	City Bismarck	State ND	ZIP Code 58501
Telephone Number 701-999-9999 (h); 701-889-9999 (c)	Email Address rond@bismarck.com		

Miscellaneous Contact Information

Tenant <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			
Tenant Name Tina Tenant			
Mailing Address PO BOX 100	City Minot	State ND	ZIP Code 58701
Telephone Number 701-720-0000	Email Address tinat@minot.com		

Mortgage <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			
Bank Name ND Best Bank	Contact Person Bonnie Banker		
Mailing Address PO Box 1234	City Fargo	State ND	ZIP Code 55321
Telephone Number 701-952-9658	Email Address bestbank@fargo.com		

Negotiator Name Shirley Getta Signature		Total Compensation \$4,050.00
Parcel(s) Valued by Amy Appraiser	Date of Valuation 04/18/2017	Date Landowner Signed 04/19/2017

Contact Notes and Remarks		
Date 04/05/2017	Time 2:20 p.m.	Contact Type Phone
Notes Called John and informed him about the upcoming project. I informed him this was a preliminary meeting and I would contact him in the future.		
Date 04/13/2017	Time 10:00 a.m.	Contact Type e-mail
Notes John e-mailed me and asked me if the project was going to be this year and how the NDDOT valued the property. (see attached e-mail)		
Date 04/19/2017	Time 1:00 p.m.	Contact Type In person
Notes Met with John, Jane and Ron Doe at John's home. Discussed project, project acquisitions and memorandum of offer. They had no concerns and all agreed to sign the following documents today: Temporary Construction Easement, Agreement for Entry Without Compensation, Warranty Deed, Memorandum of Agreement..... LIST EVERY DOCUMENT . John said he has already let the tenant know about the project and will follow up with them after our meeting today. The tenant does not have a recorded lease.		

Additional Comments/Remarks

Refer to the Memorandum Agreement for final Compensation and Parcel Breakdown.

I certify that I have no current or prospective interest in the property that is subject to the valuation, either direct or indirect, and that my compensation is not based on the amount of the valuation.

ROW Agent

Name (Type or Print) Shirley Getta Signature	
Agency Supurb Engineering	
Signature	Date

NDDOT ROW Agent

Name (Type or Print)	
Signature	Date

NDDOT Management Approval

Name (Type or Print)	
Signature	Date

NOTIFICATION AND APPRAISAL WAIVER

North Dakota Department of Transportation
 Environmental & Transportation Services
 SFN 60794 (4-2017)

PCN

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Project NHU-4-083(152)155
County Burleigh
Parcel(s) 1-3, 2-1A & 2-1B

Landowner(s) John E. and Jane F. Doe			
Landowner(s) Address 12345 Capitol Avenue	City Bismarck	State ND	ZIP Code 58501
Landowner(s) Ron A. Doe			
Landowner(s) Address 54321 1st Avenue	City Bismarck	State ND	ZIP Code 58501

State and federal laws require just compensation be established and that a prompt written offer be made to acquire your property for the full fair market value. In no event will the amount offered be less than the state's approved value. The NDDOT will provide you with a written summary of the value established as just compensation in your offer.

I/we, the undersigned, understand that we are entitled to receive just compensation for our property being acquired by the North Dakota Department of Transportation (NDDOT) to construct the above-named highway project.

- I/we do not wish to receive just compensation, but to donate the area, or a portion thereof, necessary for construction as shown on the plat(s).
- I/we agree to receive the payment based on Waiver Valuation. (NDDOT minimum payment policy is \$300 for temporary acquisition or \$600 for permanent acquisition)

Appraisals are required if the acquisition is estimated to be over \$25,000. In the event the acquisition is estimated to be over \$10,000 but under \$25,000, the property owner may request an appraisal.

- I/we agree to receive the payment based on Waiver Valuation.
- I/we do wish to have my property interest appraised.

In compliance with the Uniform Relocation Assistance and Land Acquisition Policies Act of 1970 (Public Law 91-646), the owner or their designated representative shall be given an opportunity to accompany the appraiser during the inspection of the property.

I/we do do not wish to accompany the appraiser during the inspection of the property.

It is understood that any changes in these plans, adverse to our property, will make this agreement null and void.

This Agreement may be executed in several counterparts, each of which shall be deemed an original but all of which shall constitute one and the same instrument.

LANDOWNER(S)

Name (Type or Print) John E. Doe		Name (Type or Print) Jane F. Doe	
Signature	Date	Signature	Date

LANDOWNER(S)

Name (Type or Print) Ron A. Doe		Name (Type or Print)	
Signature	Date	Signature	Date

ROW AGENT

Name (Type or Print) Shirley Getta Signature	Agency Superb Engineering
Signature	Date