

RIGHT OF WAY **NEW** PROCEDURES & MORE

MATT GANGNESS, ETS PROGRAM MANAGER
BRAD FAIMAN, REALTY OFFICER, IRWA R/W-NAC
CHRIS CHASE, CHIEF REVIEW APPRAISER
RAY BARCHENGER, REALTY OFFICER, SR/WA, R/W-RAC IRWA PRESIDENT ELECT
MARY FAHLSING, TITLE OFFICER



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Overview

- Required Preliminary Meetings
 - Preliminary Valuation Review
 - Preliminary Negotiation Review
 - Education & Biographies
- Negotiator Documents
- Title vs. Plats vs. Documents
- Access Modification Agreement (AMA)
- ACH Form
- Reminders

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Preliminary Valuation Review

- Prior to commencing valuation work, a Preliminary Valuation meeting will be held with
 - Project Manager
 - NDDOT Chief Review/Appraiser
 - ROW Coordinator/Lead Negotiator
 - NDDOT Design Tech Support.
- For bigger projects, we suggest: Appraiser and NDDOT ROW Liaison.

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Preliminary Valuation Review

- Why? To reduce unneeded appraisal services, costs, time, and reorders.
- How? Once ready to discuss, call or send email to Chief/Review Appraiser. I will determine what kind of meeting we will need.



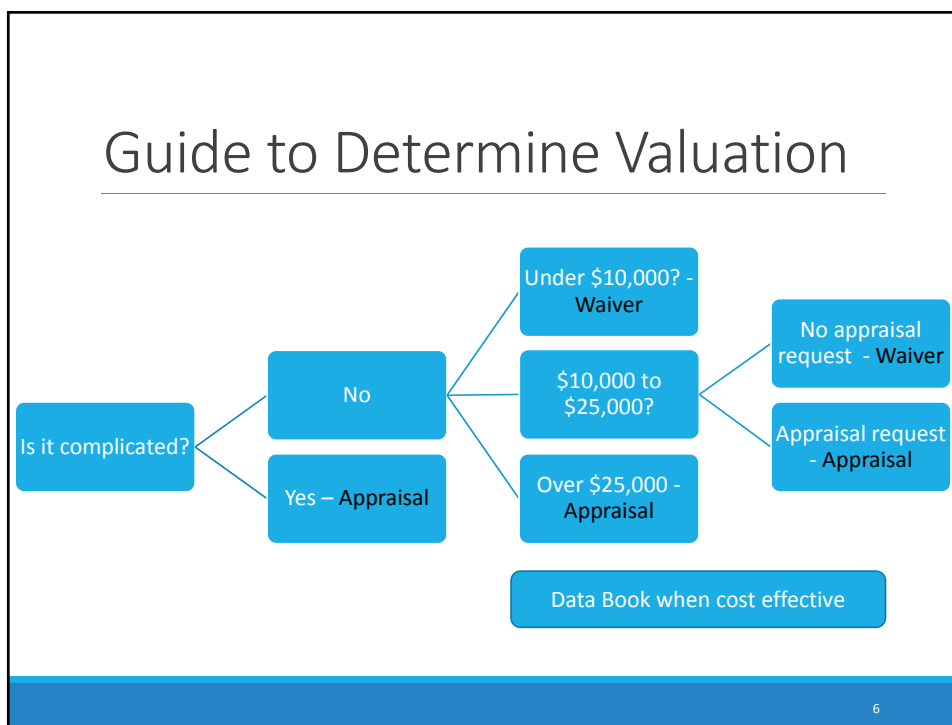
4

PRELIMINARY VALUATION REVIEW
 North Dakota Department of Transportation
 Environmental & Transportation Services
 SFN 61346 (3-2018)

Addendum A

PCN: [][][][][]	Project Number	
	County	
Consultant Project Manager	Firm	
Email Address	Telephone Number(s)	
Meeting Type (In-Person/Phone/Email)	Date	
ROW Coordinator/Lead Negotiator Assigned to Project	Agency/Firm	
Email Address	Telephone Number(s)	
NDDOT Design Tech Support	Email Address	Telephone Number(s)
NDDOT ROW Liaison	Email Address	Telephone Number(s)
Appraiser Assigned to Project (If known/applicable)	Agency/Firm	
Person Completing Waiver Valuations (If known/applicable)	Agency/Firm	
Federal Aid Project <input type="checkbox"/> Yes <input type="checkbox"/> No (If Yes, FHWA Authorization must be acquired before validation are completed)		
Cost estimates must be submitted for every project (ROW Acquisition Costs & Consultant Acquisition Fees)		
Summary of ROW (Approximate)		
# of Parcels	# of Landowners	Type of Acquisitions (FEE/TCE/OTHER)
The Consultant Project Manager has had a preliminary meeting with the NDDOT Chief Review Appraiser, ROW Coordinator/Lead Negotiator and NDDOT Design Tech Support prior to commencing valuation work. Additional suggested participants: Appraiser and NDDOT ROW Liaison.		
Consultant Project Manager Signature	Date	
Return to Chief Review Appraiser within 3 business days of meeting.		
Chief Review Appraiser Recommendation		

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Preliminary Negotiation Review

➤ Why?

- Build team relationship
- Open up communication
- Discuss scope/problem parcels/timing...



➤ What they accomplish

- Learn expectations from DOT and Consultants
- Anticipate potential challenges
- Formulate plan and strategies
- Get better understanding of the project

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Preliminary Negotiation Review

➤ When and Where

- Depends on size of project
 - Larger
 - May want meeting prior to plats
 - In person
 - Follow up via conference call if appropriate
 - Smaller
 - When plats are complete
 - Could be done via conference call

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Preliminary Negotiation Review

Scope of Work

- Prior receiving negotiation documents and commencing initial right of way work, a Preliminary Negotiation meeting will be held with the Consultant Project Manager, ROW Coordinator/Lead Negotiator, NDDOT ROW Liaison, NDDOT Design Tech Support, NDDOT Designer and any additional participants as needed.
- This will include reviewing forms, package submission, process review and reporting requirements.

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PRELIMINARY NEGOTIATION REVIEW

North Dakota Department of Transportation
Environmental & Transportation Services
SFN 61406 (3-2018)

Addendum B

PCN 		Project Number <div style="border: 1px solid black; height: 15px; width: 100%;"></div>	
		County <div style="border: 1px solid black; height: 15px; width: 100%;"></div>	
Consultant Project Manager <div style="border: 1px solid black; height: 15px; width: 100%;"></div>		Firm <div style="border: 1px solid black; height: 15px; width: 100%;"></div>	
Email Address <div style="border: 1px solid black; height: 15px; width: 100%;"></div>		Telephone Number <div style="border: 1px solid black; height: 15px; width: 100%;"></div>	
Meeting Type (In-Person/Phone) <div style="border: 1px solid black; height: 15px; width: 100%;"></div>		Date <div style="border: 1px solid black; height: 15px; width: 100%;"></div>	
NDDOT Design Tech Support <div style="border: 1px solid black; height: 15px; width: 100%;"></div>	Email Address <div style="border: 1px solid black; height: 15px; width: 100%;"></div>	Telephone Number <div style="border: 1px solid black; height: 15px; width: 100%;"></div>	
NDDOT ROW Liaison <div style="border: 1px solid black; height: 15px; width: 100%;"></div>	Email Address <div style="border: 1px solid black; height: 15px; width: 100%;"></div>	Telephone Number <div style="border: 1px solid black; height: 15px; width: 100%;"></div>	
ROW Coordinator/Lead Negotiator Assigned to Project <div style="border: 1px solid black; height: 15px; width: 100%;"></div>		Agency/Firm <div style="border: 1px solid black; height: 15px; width: 100%;"></div>	NDDOT Education Requirements Fulfilled <input type="checkbox"/> Yes <input type="checkbox"/> No (Attach Biography)
Email Address <div style="border: 1px solid black; height: 15px; width: 100%;"></div>		Telephone Number <div style="border: 1px solid black; height: 15px; width: 100%;"></div>	
Additional Negotiators Assigned to Project <div style="border: 1px solid black; height: 15px; width: 100%;"></div>		NDDOT Education Requirements Fulfilled <input type="checkbox"/> Yes <input type="checkbox"/> No (Attach Biography)	
Summary of ROW			
# of Parcels <div style="border: 1px solid black; height: 15px; width: 100%;"></div>	# of Landowners <div style="border: 1px solid black; height: 15px; width: 100%;"></div>	Type of Acquisitions (FEE/TCE/OTHER) <div style="border: 1px solid black; height: 15px; width: 100%;"></div>	Type of Valuations (DB/AVW) <div style="border: 1px solid black; height: 15px; width: 100%;"></div>
Notes/Review All Specialty Acquisitions (RR, Tribal, Federal/State Agencies & Encroachments) <div style="border: 1px solid black; height: 15px; width: 100%;"></div>			
The Consultant Project Manager has had a preliminary meeting with the ROW Coordinator/Lead Negotiator, NDDOT ROW Liaison, NDDOT Design Tech Support, NDDOT Designer and any additional participants as needed prior to receiving negotiation documents.			
Consultant Project Manager Signature <div style="border: 1px solid black; height: 15px; width: 100%;"></div>			Date <div style="border: 1px solid black; height: 15px; width: 100%;"></div>
Submit to NDDOT ROW Liaison immediately following meeting.			
Approved to Receive Negotiation Documents and Commence Negotiations <input type="checkbox"/> Yes <input type="checkbox"/> No		NDDOT ROW Liaison Signature <div style="border: 1px solid black; height: 15px; width: 100%;"></div>	Date <div style="border: 1px solid black; height: 15px; width: 100%;"></div>

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Preliminary Negotiation Review

FHWA – NHI Course # 141045

Real Estate Acquisition under the Uniform Act: An Overview

https://www.nhi.fhwa.dot.gov/training/course_search.aspx?sf=0&course_no=141045

- Knowledgeable of the NDDOT Right of Way Manual
- Knowledgeable about the Uniform Relocation Assistance and Real Properties Acquisitions Policies (Uniform Act)
- REQUIRED for every person negotiating ROW with a landowner

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Preliminary Negotiation Review

Negotiator Biographies

Addendum C

- Submit a copy at Preliminary Negotiation Review Meeting
- Education
- Licenses and Certifications
- Right of Way Transportation work

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Preliminary Negotiation Review

- Negotiator documents will not be released until meeting has occurred and ROW liaison has given the approval/signed off on the form.
- See *Addendum D* for an example of initial meeting agenda.

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ROW Check List

RIGHT OF WAY CHECK LIST

PCH _____ PROJECT _____ COUNTY _____

PARCEL(S) _____

LANDOWNER(S) _____

ACQUISITION DOCUMENTS
(Submit in Order Listed)

Yes	No	N/A	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1. Negotiator Report & Ownership Contact (Typed)
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	2. Memorandum of Offer(s) w/Compensation & Parcel Breakdown(s)
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3. Executed Memorandum Agreement w/Compensation & Parcel Breakdown
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	4. Approved Value Breakdown Page from Statement of Project Review
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	5. Summary Narrative Form (Check One):
			<input type="checkbox"/> Administrative Settlement <input type="checkbox"/> Compensation Narrative
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	6. Executed Notification and Appraisal Waiver
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	7. Agreement for Entry and Construction Without Compensation
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	8. Executed Temporary Construction Easement
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	9. Executed Permanent Maintenance Easement
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	10. Executed Warranty Deed
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	11. Subdivision of Rights (Leased Properties Only)
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	12. Additional Written Communications (Negotiator Field Notes/Emails/Correspondence)
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	13. Title Certificate/Pencil Abstract/Tide Insurance/Plats
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	14. Executed W-9 (Not Required on Donations)
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	15. NODOT Tide VI Public Participation Survey
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16. Corporations/Partnerships - Corporate Resolutions or Other Documentation Authorizing Signer.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17. Meeting Minutes (Schools, Churches, Cooperatives, Cities, Hospitals, etc.)

\$ _____
Total Compensation

Approved By _____

Date _____

NEEDED ONLY

TITLE CURATIVE REMINDERS

Yes	No	N/A	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Joint Tenancy - Copy of the Death Certificate for Any Deceased Joint Tenant, Passes to Surviving Joint Tenant(s)
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Tenants in Common - Ask for a Copy of the Will for Deceased, and Obtain Heirs Signature. If Will Has Not Been Probated, Obtain Copy of Letters Testamentary Appointing Personal Representative, and Obtain Personal Representative's Signature.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Life Estate Interest/Life Tenant - Obtain Copy of Death Certificate & Agreement for Remainderman
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Power of Attorney/Trust Agreement Documents Identifying Trustee(s)
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Validate Outstanding Mortgage on Title Certificates & Provide Mortgage Contact Info
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Validate Judgments/Claims Against the Property for Permanent Acquisitions
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Ownership Information Matches on the Plats, Title Work, and Acquisition Documents

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Negotiator Documents

ALWAYS use forms created by NDDOT which are uploaded to the FTP site

- Forms are updated periodically
- DO NOT save forms for use on later projects due to updates
- DO NOT make revisions without NDDOT consent

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Title vs. Plats vs. Documents

Title is what determines how the **OWNERSHIP** should read on the plat and the documents.

- When creating plat ownership from a Preliminary Certificate of Title (PCT), Permanent Acquisition, it should mirror the front page information, but should also include type of ownership – Joint Tenants, Tenants in Common, etc.
- When creating plat ownership from a Surface Ownership Report (SOR), Temporary Acquisition, it should mirror the last recorded document and the address should come from the most current tax statement.

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Title vs. Plats vs. Documents

Title is what determines how the **LEGAL DESCRIPTIONS** should read on the plats and the documents.

Owns: Lots 1 – 6	Plat should read Lots 1-6
Owns: SE1/4	Plat should read the SE1/4
Owns: NE1/4 SE1/4	Plat should read the NE1/4 of the SE1/4 and not Part of the SE1/4
Owns: NE1/4 Less...	Plat should read the NE1/4 Less ... OR Part of the NE1/4 (this will confirm they do not own the entire NE1/4 and will have to look further for exact location)

Keep in mind - the verbiage used for the plat parcel reference should be duplicated as much as possible to keep a clean chain of title. Think of this as a broad paint stroke and the supplement will be the exact (metes & bounds) description.

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Title Examples

Addendum E

- Life Estate
- Trust
- Contract For Deed
- C/O
- Government Agencies
 - Army Corp of Engineers (USACE), Parks, Game & Fish, Bureau of Land Management (BLM), Fish & Wildlife, Service, Railroad, Tribal, etc.
 - These will have their own forms to use for acquisition
- % of interests
- Corporations (redline deeds)
- Companies
- Partnerships

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Access Modification Agreement (AMA)

- Optional Access Modification
 - Benefit to landowner
 - Owner accepts or declines
- Eliminates need for plats
 - Exhibits for each access point
- Eliminates need for valuations
 - No payments
 - Will not condemn



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ACCESS MODIFICATION AGREEMENT North Dakota Department of Transportation Environmental & Transportation Services (2-2018)

Addendum F

 PCN

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Project
Exhibit(s)
Access Points

Landowner(s)			
Landowner(s) Address	City	State	ZIP Code

This agreement, is between the state of North Dakota, acting by and through its Director of Transportation, hereinafter referred to as NDDOT, whose address is 608 East Boulevard Avenue, Bismarck, North Dakota 58505-0700, and the above-named Landowner.

Access Modification Purpose

WITNESSETH, that the Landowner(s), for and in consideration of the sum of one dollar or other valuable consideration, the receipt of which is hereby acknowledged, does hereby grant to the NDDOT, the right to enter upon the property of the Landowner(s) for the purpose of performing the access modification(s) described above and as shown on the attached exhibit(s). The access point(s) is/are located in:

Location	Section	Township	Range	County
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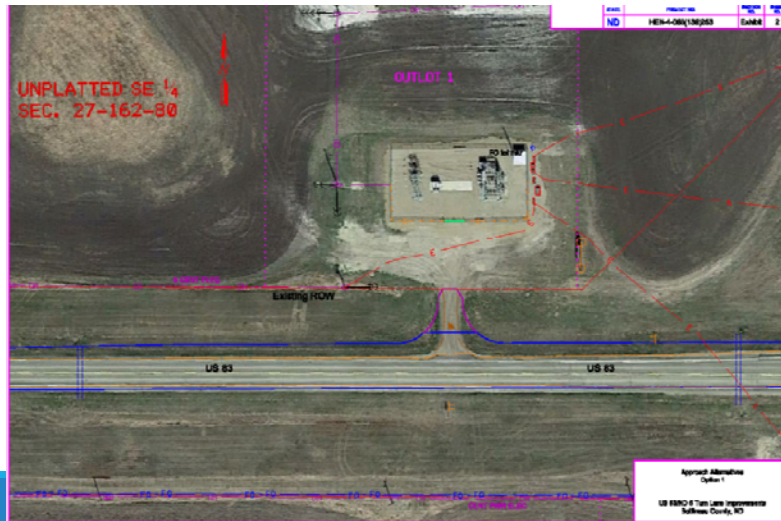
I/we, the undersigned, understand that we have the option to accept or reject the proposed access modification(s).

☐ I/we agree to accept proposed access modification(s).

☐ I/we do not accept proposed access modification(s) & I/we understand the impact of the access point(s) not conforming to current recommended specifications.

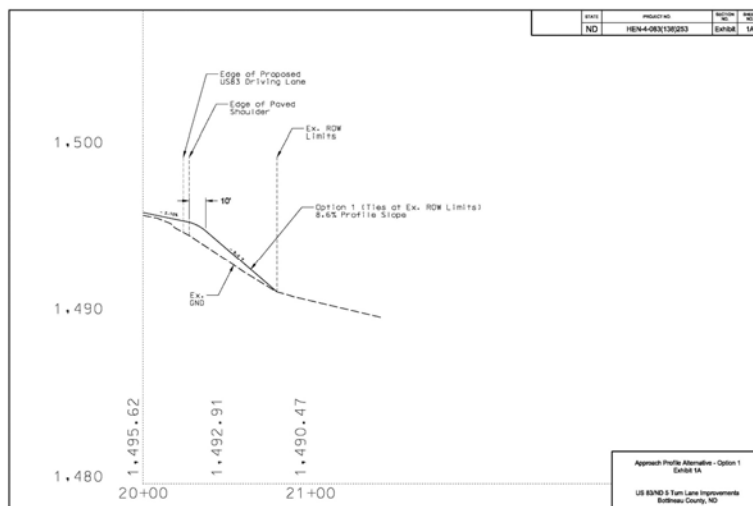
20

Access Modification Agreement (AMA) Exhibit



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Access Modification Agreement (AMA) Exhibit



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ACH Form

➤ Direct deposit

- Must complete W-9
- Must provide a voided check

Addendum G

ACH AUTHORIZATION		VENDOR REGISTRY USE ONLY	
OFFICE OF MANAGEMENT AND BUDGET CENTRAL SERVICES - VENDOR REGISTRY SFN 51625 (3-2012)		Date	Initials
		Vendor Number	
<small>Privacy Act Notice - In compliance with the Federal Privacy Act of 1974, the disclosure of the applicant's social security number on this form is mandatory according to section 6109 of the Internal Revenue Code if it is provided in lieu of a Federal Employer Identification Number (FEIN). When submitted, the social security number will be used for identification purposes only and will not be disclosed to the public.</small>			
COMPLETE, SIGN, AND MAIL OR FAX - *Indicates Required Field			
*Legal Name (As registered with IRS or SSA) Individual or Sole Proprietorship, enter your Last Name, First Name, and Middle Initial			
Trade Name - If Doing Business As (D.B.A.) or business name of Sole Proprietorship			
*Taxpayer Identification Number (TIN) - Provide Only One			
<small>If you are an individual or Sole Proprietor, please enter your Social Security Number (SSN). If you are a partnership or corporation, please enter your Federal Employer Identification Number (FEIN or EIN). This number must belong to the Legal Name listed above. See instructions on next page for Sole Proprietorships.</small>			
Federal Employer Identification Number		Or	Social Security Number
*Remittance Address - Address where payment(s) should be sent.			
Address		City	State ZIP Code
Business Email (notification of direct deposit will be sent here)			
*ACH (Direct Deposit) Account Information - <i>Provide copy of voided check matching ACH information provided.</i>			
<small>Type of Payments Direct Deposited</small> <input type="checkbox"/> All Payments <input type="checkbox"/> Only Payments from the following state agencies:			
Financial Institution Name		<small>Type of Account</small> <input type="checkbox"/> Business Checking <input type="checkbox"/> Personal Checking <input type="checkbox"/> Savings	
Account Number		Bank Routing Number (exactly 9 digits)	
<small>*Does the above information replace account information previously supplied to the State of North Dakota?</small> <input type="checkbox"/> No <input type="checkbox"/> Yes - Please provide the information on the account being replaced below.			
Financial Institution Name		<small>Type of Account</small> <input type="checkbox"/> Business Checking <input type="checkbox"/> Personal Checking <input type="checkbox"/> Savings	
Account Number		Bank Routing Number (exactly 9 digits)	

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Reminders



- Consideration on the Warranty Deed is the appraised value – not the minimum payment or the settlement payment
- Compensation & Parcel Breakdown must have landowner initial and date
- Do not print documents two sided. Any received may be sent back.
- Do not staple documents together
- ALWAYS USE **BLUE** INK
- Make sure you have some type of document giving authorization signatures. (Signing on behalf of Estate/LLP/Corporations....)

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Questions



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Upcoming Meetings

➤ Thursday, April 26th

Ben Kubischta Presents:

The NDDOT- Building the Foundation - 1880 to 1930

12:00-1:30 pm CST

RSVP: www.dot.nd.gov/LunchAndLearn.htm

➤ Thursday, May 24th – FHWA

➤ Thursday, June 28th – FHWA

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ROW Contact Information

Michael Knox, ROW Program Manager
701-328-4228 / mrknox@nd.gov

Negotiators/ROW Liaison:

Ray Barchenger (Relocation/Railroad)
701-328-4437 / rbarchen@nd.gov

Brad Faiman
701-328-3649 / bfaiman@nd.gov

Roxinne A. McPhail
701-328-3648 / rmcphail@nd.gov

Stacy Wilz
701-328-4430 / swilz@nd.gov

Matt Gangness, ETS Program Manager
701-328-2524 / mgangness@nd.gov

Mary Fahlsing, Title/Documents
701-328-2887 / mfahlsing@nd.gov

Jolene Vidal, Payments/Recording
701-328-2610 / jvidal@nd.gov

Chris Chase, Chief Review Appraiser
701-328-4829 / cchase@nd.gov

Amy Fredrickson, Appraisals/Valuations
701-328-4431 / amfredrickson@nd.gov

Greg Gardner, Appraisals/Valuations
701-328-4393 / glgardner@nd.gov

PRELIMINARY VALUATION REVIEW

North Dakota Department of Transportation

Environmental & Transportation Services

SFN 61346 (3-2018)

Addendum A

PCN	<table border="1"><tr><td></td><td></td><td></td><td></td><td></td></tr></table>						Project Number	
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Meeting Type (In-Person/Phone/Email)		Date						
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Email Address		Telephone Number(s)						
NDDOT Design Tech Support	Email Address	Telephone Number(s)						
NDDOT ROW Liaison	Email Address	Telephone Number(s)						
Appraiser Assigned to Project (If known/applicable)		Agency/Firm						
Person Completing Waiver Valuations (If known/applicable)		Agency/Firm						
Federal Aid Project <input type="checkbox"/> Yes <input type="checkbox"/> No (If Yes , FHWA Authorization must be acquired before validation are completed)								
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Summary of ROW (Approximate)								
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The Consultant Project Manager has had a preliminary meeting with the NDDOT Chief Review Appraiser, ROW Coordinator/Lead Negotiator and NDDOT Design Tech Support prior to commencing valuation work. Additional suggested participants: Appraiser and NDDOT ROW Liaison.								
Consultant Project Manager Signature			Date					
<i>Return to Chief Review Appraiser within 3 business days of meeting.</i>								
Chief Review Appraiser Recommendation								
Name		Signature	Date					

PRELIMINARY NEGOTIATION REVIEW

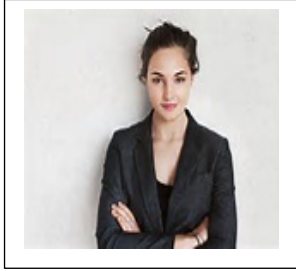
North Dakota Department of Transportation

Environmental & Transportation Services

SFN 61406 (3-2018)

Addendum B

PCN	<table border="1"><tr><td></td><td></td><td></td><td></td><td></td></tr></table>						Project Number	
County								
Consultant Project Manager		Firm						
Email Address		Telephone Number						
Meeting Type (In-Person/Phone)		Date						
NDDOT Design Tech Support	Email Address	Telephone Number						
NDDOT ROW Liaison	Email Address	Telephone Number						
ROW Coordinator/Lead Negotiator Assigned to Project	Agency/Firm	NDDOT Education Requirements Fulfilled <input type="checkbox"/> Yes <input type="checkbox"/> No (Attach Biography)						
Email Address		Telephone Number						
Additional Negotiators Assigned to Project		NDDOT Education Requirements Fulfilled <input type="checkbox"/> Yes <input type="checkbox"/> No (Attach Biography)						
Summary of ROW								
# of Parcels	# of Landowners	Type of Acquisitions (FEE/TCE/OTHER)	Type of Valuations (DB/A/WV)					
Notes/Review All Specialty Acquisitions (RR, Tribal, Federal/State Agencies & Encroachments)								
The Consultant Project Manager has had a preliminary meeting with the ROW Coordinator/Lead Negotiator, NDDOT ROW Liaison, NDDOT Design Tech Support, NDDOT Designer and any additional participants as needed prior to receiving negotiation documents.								
Consultant Project Manager Signature			Date					
Submit to NDDOT ROW Liaison immediately following meeting.								
Approved to Receive Negotiation Documents and Commence Negotiations <input type="checkbox"/> Yes <input type="checkbox"/> No		NDDOT ROW Liaison Signature	Date					



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 Preliminary Negotiation Review Agenda

Have most of the form filled out prior to meeting

Introductions/Roles on the Project

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

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

Verify Requirements 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 liaison)

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
Note in Box 8 if check is being made to someone other than on the memorandum agreement

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)
Consideration amount is the appraised value (Not minimum payment or administrative settlements)

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
Offer check or direct deposit of payment (must complete W-9 & ACH form for direct deposit)
If address on W-9 is different than on the memorandum agreement note where they want the check mailed to in the comments/remarks section of the negotiator report

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.

Addendum E

Life Estate

John M. Doe & Jane M. Doe (Life Estate)

Address

Name(s) who will inherit property (Remainderman)

Address

Trust

The John M. Doe Irrevocable Living Trust, dated 11/05/1996

Name(s) (Trustee)

Address

Contract For Deed

John M. Doe & Jane M. Doe

Address

Subject to Contract for Deed from:

Contract holder(s)

Address

Care Of

John M. Doe & Jane M. Doe

Address

c/o James F. Doe

Address

Percentage of Interest

John M. Doe (1/3 int)

Jane M. Doe (1/3 int)

James F. Doe (1/3 int)

Address

Corporations (Redline deed)

ABC, Inc.

Address

Please Note: Different deed used

Company

ABC, LLC, a North Dakota limited liability company

Address

Please Note: This is a company and not a corporation

For Both: The contact person's name appears on the neg docs only and not on the plats.

Neg packets will need proof of active status, authority of person signing the docs, and their current position.

GOVERNMENT AGENCIES

Other government agencies have their own forms for acquisitions. The negotiating process should be thoroughly discussed with the ROW liaison.

INCLUDE ALL NAMES

Jon D. Doe a/k/a John D. Doe a/k/a Jonathan D. Doe a/k/a Jon David Doe etc.

ACCESS MODIFICATION AGREEMENT

North Dakota Department of Transportation
Environmental & Transportation Services
(2-2018)

PCN

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Project
Exhibit(s)
Access Points

Landowner(s)			
Landowner(s) Address	City	State	ZIP Code

This agreement, is between the state of North Dakota, acting by and through its Director of Transportation, hereinafter referred to as NDDOT, whose address is 608 East Boulevard Avenue, Bismarck, North Dakota 58505- 0700, and the above-named Landowner.

Access Modification Purpose

DRAFT

WITNESSETH, that the Landowner(s), for and in consideration of the sum of one dollar or other valuable consideration, the receipt of which is hereby acknowledged, does hereby grant to the NDDOT, the right to enter upon the property of the Landowner(s) for the purpose of performing the access modification(s) described above and as shown on the attached exhibit(s). The access point(s) is/are located in:

Location	Section	Township	Range	County
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I/we, the undersigned, understand that we have the option to accept or reject the proposed access modification(s).

- ☐ **I/we agree to accept proposed access modification(s).**
- ☐ **I/we do not accept proposed access modifications(s) & I/we understand the impact of the access point(s) not conforming to current recommended specifications.**

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(S):

WITNESS:

Name (Type or Print)		Name (Type or Print)	
Signature	Date	Signature	Date

ROW AGENT

NDDOT APPROVAL

Name (Type or Print)	Agency/Firm	Name (Type or Print)	Title
Signature	Date	Signature	Date

Addendum G

