



STATE OF NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION

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GOVERNOR

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SECRETARY

MEMO TO: Division Engineers  
District Engineers  
Division R/W Agents  
Surplus R/W Disposal & C/A Review Committee Members

FROM: Deborah M. Barbour, PE *Deborah Barbour*  
Director of Preconstruction

DATE: August 7, 2014

SUBJECT: Revised Surplus Right of Way Disposal and Control of Access Review Committee Operating Procedures

Attached are the revised and approved Surplus Right of Way Disposal and Control of Access Review Committee Operating Procedures. These procedures were last revised and approved in July 2010. Please distribute this information to all applicable personnel within your area. The revisions to the operating procedures will be effective for new requests received in the District Office on or after September 1, 2014. The revisions include the following:

- Further clarification of the items that are reviewed by the Committee was added. Basically, the Committee does not act on or review right of way disposal requests or control of access revision requests on active right of way claims.
- The committee composition was updated to provide the current committee membership and voting process.
- The District Engineer/Division Engineer's review process was expanded to reflect the importance of making a determination of how the land was originally acquired and then advising the property owner of the next steps.
- A metes and bounds survey, prepared and sealed by a professional land surveyor will be required for all surplus right of way disposals to ensure the accuracy of the disposal area and increase the efficiency of the deed creation. The requesting party will be responsible for all costs associated with the metes and bounds surveys.
- The Department will not charge enhancements when disposing of surplus right of way acquired by deed of easement, maintenance, or plat based upon an advisory memorandum issued by the North Carolina Attorney General's Office.
- The Title 23 requirement to charge fair market value was revised to denote that if federal funds were "utilized in the acquisition of the subject right of way or control of access" then there is a requirement that the State charge fair market value for the use or disposal of real property interests, including control of access. In the previous procedures, enhancement value was applied if federal funds "participated in any phase of the project."

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- The process to dispose of fee simple right of way that was acquired through condemnation was added to the procedures.
- The appeal section was expanded to better define the appeal process.

The changes to the operating procedures have been reviewed by the Surplus Right of Way Disposal and Control of Access Review Committee and representatives from the Divisions, Right of Way Unit and Federal Highway Administration. Comments received during the review process have been incorporated in the revised procedures.

Again, the implementation date of the revised procedures will be September 1, 2014 and the requirement to develop a metes and bounds survey will begin with all new requests received by the District Engineers on or after September 1, 2014.

In addition, we have also updated the Checklist, Property History Worksheet, Surplus Right of Way/Easement Area Example Sheet, Residue Area Example Sheet, and Division Engineer's form letters to agree with the revised procedures. These updated forms are attached along with the affidavit that is required for the disposal of surplus right of way acquired by perpetual or permanent easement, maintenance or plat.

If you have any questions regarding the revised procedures or the updated forms, please contact me or Thomas Terry in the Roadway Design Unit at 919-707-6281.

DMB/tct/tp

Attachments

cc/att: Mike Holder, PE  
John Sullivan III, PE  
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Glenn Mumford, PE  
Richard Hancock, PE  
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