




STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

PAT MCCRORY
GOVERNOR

ANTHONY J. TATA
SECRETARY

December 18, 2014

MEMORANDUM TO: Deborah M. Barbour, PE, Director of Preconstruction
Tom Childrey, Right of Way Unit Manager
Ronald B. Wilkins, PE, State Utilities Manager
Glenn Mumford, PE, State Roadway Design Engineer
Calvin Leggett, PE, Manager, Program Development Branch
Majed Al-Ghandour, PhD, PE, Assistant Branch Manager - Program Management

FROM: Michael L. Holder, PE 
Chief Engineer

SUBJECT: Advance Acquisition of Right of Way (R/W) for Complex Relocations

The purpose of this memo is to make you aware of a new procedure resulting from implementation of a recommendation developed by the Project Delivery Team (PDT).

The PDT recommended that the Department identify parcels critical for utility or other complex relocations at the beginning of final R/W plan development and establish a funding mechanism for acquiring those parcels earlier than R/W authorization.

To implement this recommendation, an additional category of advance acquisition has been identified, Advance Acquisitions for Complex Relocations. A complex relocation is defined as any utility, business, or residential relocation likely to take more than the allotted acquisition time to complete due to the complexity or magnitude of the relocation or the number of tenants impacted.

The Right of Way Unit may request advance acquisition of R/W for complex relocations on a specific project up to 12 months before projected R/W authorization provided the following conditions are met:

- The final environmental document has been approved
- The Right of Way Unit, Utilities Unit and Roadway Design Unit agree on the parcels that need to be acquired early
- Potential future plan changes are not likely to affect the identified parcels
- A Funding Request Exception Form for Advance Acquisitions for Complex Relocations is completed and submitted to the Project Management Unit with all parcels listed as critical for complex property and/or improvements, large number of displacees, graves, utility relocations, or other complex relocation issues, and the environmental document is attached
- A Worksheet for Determination of Advance Acquisitions for Complex Relocations is completed and submitted to the Project Management Unit for each individual parcel listing the reason each parcel needs to be acquired in advance
- The initial funding request does not exceed 10 percent of the expected right of way funds listed in the STIP for the project
- Only State funds will be used for the initial funding request

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Program Development will review and approve each request and will pursue authorization from the Board of Transportation for funding advance acquisitions. Approved funding may be used to conduct R/W or utility engineering, obtain appraisals, and negotiate with the property owners subject to the funding limit. Once the authorized funding limit is reached, additional funding will only be available upon subsequent approval by the Board of Transportation.

Please implement this change as soon as possible and let me, Hugh Thompson or Jeff Roerden know if you have any questions regarding this new process.

cc: Division Engineers
Mike Dawson, FHWA - NC Division, Realty Officer
Jeff Roerden, MSOD, Management Engineer
Hugh Thompson, Right of Way Unit, Assistant State Negotiator – East
Melissa Dorman, State Project Funding Unit Manager
