



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

ROY COOPER
GOVERNOR

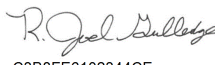
J.R. "JOEY" HOPKINS
SECRETARY

May 6, 2024

To: All L&S Staff

From: R. Joel Gulledge, PE, PLS
State Location & Surveys Engineer

Subject: Proc 2024-1 – Slope Easements on Condemnation Maps

DocuSigned by:

C3B8FE6102344CE...

When a slope (cut/fill) line falls outside of a permanent right-of-way or easement line, Location & Surveys has traditionally shown this area as a slope easement on condemnation mapping (PSD map). After discussions with the Right-of-Way Unit and the Attorney's General's Office, it has been determined that the slope line and the slope areas it created will no longer be shown on the Condemnation Map (PSD). This change will help with several issues that negatively affect the mapping of slope areas such as:

- Minuscule slope areas (some less than 1 square foot).
- Numerous points in small areas require an inset.
- Curves on slope at proposed driveways.
- Variations related to proposed slope versus actual field located slope line.

The elimination of this linework from condemnation mapping does not affect NCDOT's rights to maintain the slope areas. EXHIBIT "B", under the INTEREST OR ESTATE TAKEN section (Figure 1) still refers to the proposed cut and/or fill slopes and protects NCDOT's right to maintain slope areas as long as they exist.

Condemnation maps that are in-process, scoped, or in review can continue to depict slope areas, as per previous standard practices.

This policy takes effect upon receipt.

RJG:jad

CC: Right of Way
Attorney General's Office

Figure 1

INTEREST OR ESTATE TAKEN:

Fee simple title to right of way, and a temporary construction easement to continue until the completion of the project, at which time said temporary construction easement will terminate and, in addition, a slope easement for providing lateral support to the highway, or land adjacent thereto, which easement will terminate at such time as the owners lower or raise the elevation of the land adjacent to said highway to the extent that such lateral support is no longer needed. The underlying fee owners retains the right to continue to use the temporary construction easement area(s) and the slope easement area(s) in any manner and for any purpose, including, but not limited to, access and parking, which is not inconsistent with the reasonable use and enjoyment of the easements by the Department of Transportation, its successors and assigns.

A permanent utility easement in perpetuity for the installation and maintenance of utilities, and for the purposes for which the Department of Transportation is authorized by law to subject the same. The Department of Transportation and its agents or assigns shall have the right to construct and maintain in a proper manner in, upon and through said utility easement area(s) a utility line or lines, with all necessary pipes, poles and appurtenances, together with the right at all times to enter said utility easement area(s) for the purpose of inspecting said utility line or lines and making all necessary repairs and alterations thereon; together with the right to cut away and keep clear of said utility line or lines, all trees and other obstructions that may in any way endanger or interfere with the proper maintenance and operation of utilities located within the permanent utility easement area(s). The Department of Transportation shall also have the right to construct and maintain **the cut and/or fill slopes** in the above-described permanent utility easement area(s), and the right to use the permanent utility easement area(s) for additional working area during the above-described project. The underlying fee owners retain the right to continue to use the permanent utility easement area(s) in any manner and for any purpose, including but not limited to access and parking, provided that such use does not interfere with or disturb the permanent utility easement and/or utility installations. The Department of Transportation's acquisition of the permanent utility easement(s), by itself, does not constitute new control of access (C/A). Upon completion and acceptance by the Department of Transportation of the above-described project, utilities or appurtenances within the permanent utility easement(s) shall not be added or modified to unreasonably interfere with the subject property's access or parking.

INTEREST OR ESTATE TAKEN:

Fee simple title to right of way for all purposes for which the plaintiff is authorized by law to subject the same.

INTEREST OR ESTATE TAKEN:

A temporary construction easement to continue until the completion of the project, at which time said temporary construction easement will terminate. The underlying fee owners retain the right to continue to use the temporary construction easement area(s) in any manner and for any purpose, including, but not limited to, access and parking, which is not inconsistent with the reasonable use and enjoyment of the easements by the Department of Transportation, its successors and assigns.