MANUAL REVISION DATES

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4-4.8 Administrative Settlements OLD

Any settlement authorized by management that exceeds the appraised value or grants landowners any concessions is an administrative settlement. District Right-of-Way Supervisors and the Manager of the Acquisition Section are authorized to make administrative settlements when it is found to be in the best interest of the Department and the public to do so. District Right-of-Way Supervisors are authorized to approve administrative settlements up to $5,000. The Acquisition Section Manager must approve any proposed settlement in excess of $5,000. At the discretion of their District Right-of-Way Supervisors, acquisition agents may be given authority to enter into administrative settlements not to exceed $1,000 without prior approval. Unusual, controversial or exceptionally large administrative settlements must be brought to the attention of the Right-of-Way Bureau Chief prior to approval.

Administrative settlements should be based on a careful consideration of the factors preventing agreements, consultation with personnel involved in the acquisition, project impacts and project costs. Administrative settlements should be reached for administrative reasons, not because of a reanalysis of the market information by the reviewing appraiser. Administrators should not look to the appraisal function to support an administrative settlement.

In determining an administrative settlement, the designated official considers all pertinent information, including:

- all available appraisals, including the owner's appraisal;
- the approved estimate of just compensation;
- recent court awards for similar properties;
- the acquisition agent's written report and recommendations;
- the range of probable testimony at a condemnation trial;
- the estimated trial cost considered in conjunction with other information; and
- the opinion of legal counsel when appropriate.

Acquisition agents are responsible for documenting administrative settlements in the acquisition files. The extent of explanation necessary for a given settlement depends on the facts involved. Administrative settlements of $5,000 or less are shown on the Adjusted Compensation by Field Supervisor (Form RWN-109A) and submitted with the completed parcel file.

4-4.8 Administrative Settlements NEW

Any settlement authorized by management that exceeds the appraised value or grants landowners any concessions is an administrative settlement. District Administrators and the Right of Way Bureau Chief are authorized to make administrative settlements when it is found to be in the best interest of the Department and the public to do so. District Administrators are authorized to approve administrative settlements up to $5,000.00 or 20% of the appraised value, which ever is greater, not to exceed $25,000.00. The District Administrator may delegate this authority to the District Right of Way Supervisor. The Right of Way Bureau Chief must approve any proposed settlement in excess of $25,000.00. The Right of Way Bureau Chief may delegate this authority to the Operations Manager and or the Acquisition Manager. At the discretion of the District Administrator and District Right of Way Supervisors, acquisition agents may be given authority to enter into administrative settlements not to exceed $2,500.00 without prior approval. Unusual, controversial or exceptionally large administrative settlements must be brought to the attention of the Right of Way Bureau Chief.

Administrative Settlements should be based on a careful consideration of the factors preventing agreement. Appraisals, including the landowners appraisal if one is available, recent court awards, estimated trial costs, valuation problems including the probable range of testimony as to fair market value by both sides, consultation with personnel involved in the acquisition, opinion of legal services as appropriate, project impacts and projected costs are some of the items that can assist in arriving at a decision. Administrative settlements should be reached for administrative reasons, not because of a reanalysis of the market information by the reviewing appraiser.

The District Administrators, Right of Way Bureau Chief, or their designees are responsible for documenting administrative settlements in the acquisition files. The extent of explanation necessary for a given settlement depends on the complexity of the negotiations, the facts involved and the amount of the settlement. Administrative settlements in the amount of $2,500.00 or less are assumed to be a cost effective alternative to litigation and are therefore reasonable and prudent and in the best interest of the department. No further documentation will be necessary. Settlements in excess of $2,500.00 will require written justification consistent with the circumstances and amount of money involved.

Often land values we offer on a project become an issue with several landowners early in the acquisition process. If it becomes obvious, that for one reason or another, we have a strong difference of opinion as to what market value for a particular land use or type is, we have two options. One is to reinvestigate the market to insure our appraised values are appropriate, and two, look at the benefits of administratively increasing our offer for a particular land classification or classifications to insure uniformity of value within the project limits.

To reinvestigate the market speaks for itself, if we find that our values are not reflective of the most recent sales, we will adjust the appraisals in the appropriate manner and

proceed. If we find however that our offers are based on the most accurate and current market values, we may still want to consider raising the amount we are willing to offer per sq. foot or per acre on a project administratively in order to promote fairness and consistency in dealing with landowners. When the District Administrator and or the District Right of Way Supervisor feels this is warranted, the proposal will be made to the Right of Way Bureau with supporting information in the form of a written request. A decision will be reached through discussion with our Appraisal Supervisor, Operations Manager, the District and Legal Services. If the decision is made to uniformly adjust our offers, appropriate justification will be written up and documented in the project files in the same manner as discussed above.

4-6.12 Signature Authority For Closings Held by Title Companies NEW

All closings should be attended by either the Field R/W Supervisor or the Acquisition Manager and said person should review and sign the closing or settlement statement on behalf of the Department. This includes closings arranged by consultant acquisition firms.

In situations where it is inconvenient or impossible for the Field R/W Supervisor or Acquisition Manager to personally attend the closing, he/she should still review and sign the closing or settlement statement prior to the closing, or as a last resort, an MDT employee may be designated to sign on behalf of the Field R/W Supervisor or Acquisition Manager for a particular closing.

6-3.6 Demolition NEW

Improvements not sold for removal due to time constraints, the condition of improvements, utility relocation requirements, or lack of interest for sale and removal should be demolished. The demolition may be either by a private demolition contractor or as a clearing item at the time of construction.

If a private demolition contractor is to be used and the cost of the contract is estimated to exceed $5,000, the Real Estate Services Section must submit a contract requisition package to Purchasing Services. The requisition package must include a "SBAS Requisition" form and an "RFQ" form. The RFQ should state the project identification and control number, designation, parcel number, a description of the improvements to be demolished, any special requirements dealing with the handling or disposal of hazardous materials, and the date removal must be completed. The RFQ should also require a performance bond equal to the amount of the bid. If federal funds are being used to pay for the demolition, the RFQ must inform potential bidders that federal wage requirements must be adhered to. In such a case, Purchasing Services must notify Civil Rights of the start of the contract and Real Estate Services must notify Civil Rights when the contract is completed. When federal funds are involved, payment cannot be issued to the contractor until Civil Rights issues a "Final Labor Certificate". The Real Estate Services Section will notify the District of the demolition contract.

If the cost of demolition is less than $5,000, it can be awarded to a contractor without going through the normal advertisement and bid process. The contractor is required to provide proof of Workers Compensation Insurance valid in the State of Montana and proof of commercial general liability insurance, including automobile insurance, with limits of not less than $50,000 bodily injury and $10,000 property damage, or a combined single limit of $50,000 per occurrence. This certificate must name the Department as an additional insured under the contractors' policy including the contractor's general supervision, products, premises and automobiles used. If federal funds are being used to pay for the demolition and the cost of demolition exceeds $2,000, the contractor must be informed that federal wage requirements must be adhered to. In such a case, Real Estate Services must notify Civil Rights of the start and completion of the contract. When federal funds are involved, payment cannot be issued to the contractor until Civil Rights issues a "Final Labor Certificate".

If the improvement is to be left as a clearing item in the highway construction contract, the Real Estate Services Section will, prior to project letting, complete a Certificate for Building Removal (Form RWL-95) and submit it to Contract Plans Section along with any Environmental Evaluation documents related to the improvements.

6-3.6 Demolition OLD

Improvements not sold for removal due to time constraints, the condition of improvements, utility relocation requirements, or lack of interest for sale and removal should be demolished. The demolition may be either by a private demolition contractor or as a clearing item at the time of construction.

If a separate contract is used, the Real Estate Services Section will prepare the terms and conditions of the contract and establish the date and place of bid opening. A performance bond equaling the amount of the bid will be required. The request for bids should state the project identification and control number, designation, parcel number and a description of the improvements to be demolished, any special requirements dealing with the handling or disposal of hazardous materials, and the date removal must be completed. A contract requisition package will be submitted to the Purchasing Services Section for implementation. The Real Estate Services Section will notify the District of the demolition contract.

If the demolition is less than $5,000, it can be awarded to a contractor without going through the normal advertisement and bid process. The contractor is required to provide proof of Workers Compensation Insurance valid in the State of Montana and proof of commercial general liability insurance, including automobile insurance, with limits of not less than $50,000 bodily injury and $10,000 property damage, or a combined single limit of $50,000 per occurrence. This certificate must name the Department as an additional insured under the contractors' policy including the contractor's general supervision, products, premises and automobiles used. A memo of justification for the contract should be put in the project/parcel permanent file.

Prior to the letting of the project, the Real Estate Services Section will complete a Certificate for Building Removal (Form RWL-95) and submit it to Contract Plans Section along with any Environmental Evaluation documents relating to the removal of the improvements.

4-12.13 <u>Mortgages</u> NEW (An addition to)

4. …….It is the Acquisition Agent's responsibility to supply the Real Estate Services Section with complete copies of all mortgage documents and addresses or phone numbers for all parties involved in the mortgage. This information must be submitted with the acquisition package when it is transmitted.

4-5.15 Land Exchanges **NEW**

Landowners occasionally request that the Department convey excess or unneeded MDT property to them in exchange for the property MDT needs from them. The acquisition agent may enter into an exchange agreement with the landowner by implementing the exchange language found in Standard Clause 301.51. Some of this language may need to be altered or eliminated to fit the circumstances of a given exchange, but it is imperative to reflect on the Right-of-Way Agreement that MDT is receiving fair market value for the excess tract. Any deviation from Standard Clause 301.51 must be approved by the Supervisor of the Real Estate Services Section prior to presenting the exchange agreement to the landowner.

Once the exchange is agreed upon by the landowner and approved by the Field Right-of-Way Supervisor and/or Acquisition Manager, the Real Estate Services Section shall be responsible for completing the exchange and ensuring that all terms of the agreement are followed.

4-5.16 Discharge of Easements NEW

Landowners occasionally request that the Department discharge excess or unneeded highway easement as part of their negotiations. MDT cannot discharge a highway easement to a particular individual or entity. When MDT discharges a highway easement, it is abandoning its interest in the land. Caution should be taken as the adjacent landowner requesting the discharge may not be the underlying fee owner of the easement area. The acquisition agent must implement Standard Clause 301.52 in all agreements involving a discharge. Any deviation from this discharge language must be approved by the Supervisor of the Real Estate Services Section.

Once the agreement is signed by the landowner and approved by the Field Right-of-Way Supervisor and/or Acquisition Manager, the Real Estate Services Section shall be responsible for completing the discharge of easement.

6-4.4.2 Federal Highway Administration (FHWA) and State Approval Requirements
New (An addition to)

1. FHWA Approval……

Note: For disposals, changes in use or access control of properties acquired with Title 23 funds that are off of the Interstate, 23 CFR 771.117(d) (6) & (7) require FHWA approval under NEPA. This requirement can be satisfied through the Environmental Evaluation as referenced in 6-4.4.5 and documented under the existing programmatic agreement with FHWA.

2-2.5 Litigation Guarantee New (An addition to)

Litigation Guarantees will be ordered as early in the acquisition process as it becomes likely that condemnation may be required. When R/W Design/Plans Section receives the Litigation Guarantee, it will forward a copy (marked appropriately “reviewed” or “not reviewed”) to Legal.

4-11.3 Impasse in Negotiation OLD

After reasonable efforts to acquire a parcel have been pursued and have proven unsuccessful, the acquisition agent prepares a parcel for condemnation. Before terminating discussions with the property owner, the acquisition agent will do the following:

1. Explain the process that will follow impasse.

2. Explain that any agreements reached through negotiations will become moot once condemnation begins.

3. Attempt to isolate and clearly identify differences in the property owner's position and MDT's offer.

4. Advise the landowner that he or she will receive a Final Offer Letter prior to turning the parcel in for condemnation

5. Explain that once the parcel is submitted to Legal Services, future contacts will be with MDT attorneys.

6. Attempt to find out which attorney the property owner might retain and inform the owner that once an attorney is hired, future contacts must be through or with the owner's attorney's consent.

7. Explain a Grant of Possession and request the property owner to sign one.

4-11.3 Impasse in Negotiation NEW

When reasonable efforts to acquire a parcel have been pursued and are proving unsuccessful, the acquisition agent must consider preparing a parcel for condemnation. Before terminating discussions with the property owner, the acquisition agent will do the following:

1. Notify the Manager of R/W Plans/Design Section, Helena at the earliest sign of impasse that condemnation is likely and that a Litigation Guarantee should be ordered for the parcel(s) in question. Notification can be electronic and must clearly identify parcels and project numbers.

2. Explain the process that will follow impasse.

3. Explain that any agreements reached through negotiations will become moot once condemnation begins.

4. Attempt to isolate and clearly identify differences in the property owner's position and MDT's offer.

5. Advise the landowner that he or she will receive a Final Offer Letter prior to turning the parcel in for condemnation

6. Explain that once the parcel is submitted to Legal Services, future contacts will be with MDT attorneys.

7. Attempt to find out which attorney the property owner might retain and inform the owner that once an attorney is hired, future contacts must be through or with the owner's attorney's consent.

8. Explain a Grant of Possession and request the property owner to sign one.

4-5.17 Sites Containing Hazardous Materials NEW

A hazardous material is a substance that poses a threat to human health or the environment. Typical hazardous materials are substances that are toxic, corrosive, ignitable, explosive, or chemically reactive.

Occasionally the Department needs to acquire property that contains or may contain hazardous materials. There are a number of types of businesses that use hazardous materials. They include, but are not limited to, the following: service stations, gas stations, oil refineries, automotive repair shops, dry cleaners, railroad fueling facilities, post and pole yards, junk or salvage yards, chemical manufacturers, landfills, mines, farms, etc..

As a general rule, hazardous materials should be dealt with at the earliest possible stage of the project. When the Acquisition Agent becomes aware that an acquisition may affect a property containing hazardous materials, the agent should proceed as follows:

1) Review environmental document to determine if it addressed the situation.
2) Review appraisal to determine if it addressed the situation.
3) Notify the appropriate R/W Supervisor of the situation.
4) Notify the Hazardous Materials Section in the Environmental Services Bureau of the situation. Upon being notified, Environmental Services may visit the site, collect soil and water samples, etc.
5) Prepare the Right-of-Way Agreement with the appropriate language.
6) Have Legal Services and the Hazardous Materials Section review the agreement prior to presenting the agreement to the landowner.

The Acquisition Agent is responsible for preparing the Right-of-Way Agreement to appropriately address how the hazardous materials will be handled. The following guidelines should be followed when preparing the right-of-way agreement.

1) Whenever possible, MDT should acquire the property in fee.
2) MDT should not pay for the cleanup of hazardous materials. The responsible party should be required to clean up the property prior to MDT taking possession. Exceptions to this requirement shall only be made after approval of the Right-of-Way Bureau Chief or his designated representative.

3) If a fee interest that is free of hazardous materials can not be obtained, other options such as only acquiring an easement or revising the plans to avoid the contaminated property should be researched.

4-5.17.1 Underground Storage Tanks in the Proposed Right-of-Way NEW

Underground Storage Tanks (UST's) in the proposed acquisition area are probably the most common hazardous materials situation that MDT will encounter. Standard Clauses 301.53 and 301.54 contain language that should typically be used in the right-of-way agreement to address UST's located within the proposed new right-of-way. However, it should be understood that each case is unique and the clauses may need to be revised on a case-by-case basis. Sound judgment should be exercised in preparing clauses for right-of-way agreements and associated paperwork. When in doubt about the language that should be used, the Acquisition Agent should consult with Environmental Services, Legal Services, and the Acquisition Manager. The following are some facts that should be known prior to preparing the right-of-way agreement:

1) Is the UST system active or inactive?
2) Is the current owner currently operating the system or did they operate the system in the past?
3) Is the system in compliance with applicable rules and statutes? The Acquisition Agent or a representative from the Hazardous Materials Section should consult with DEQ to determine this.

3-3.11 Railroad Properties OLD

Railroad properties are divided into 2 general categories:

1. Operating Right-of-Way. Land occupied by the railroad for its operating track locations and/or support facilities for the operation of the railroad.

2. Non-Operating Right-of-Way. All other railroad-owned property.

These categories also can be divided into land that is classified as follows:

3. Charter Lands. Lands usually granted to a company to build a railroad subject to the charter agreement between the company and the U.S. Government. These lands may be the original location of a primary track that may no longer be in use. Often, the railroad company cannot divest itself of this property except for Federal-aid highway purposes.

4. Non-Charter Lands. Lands not subject to the original charter agreement between the company and the U.S. Government. These lands are disposable by the railroad company.

The Department has established a policy of appraising operating railroad right-of-way based on adjacent land values. For non-operating, non-charter lands owned by a railroad, the appraisal of the subject parcel will follow the same policies and procedures as any other property appraised for right-of-way acquisition.

Generally, the Department acquires operating railroad right-of-way property by easement only. To be able to identify the property interests being acquired and those that will remain with the railroad company, the appraiser should obtain a copy of the easement to be used or a similar easement.

Overhead and underpass structures are constructed to eliminate conflicts between highway traffic and railroad traffic. Because the railroad has nearly the same rights in the after situation as it had in the before situation, payment for the rights associated with an overpass or underpass will not exceed 70% of the current fair market value based on comparable vacant land values. If the appraiser feels that a value other than 70% is appropriate, the appraiser will need to support the alternative value.

3-3.11 Railroad Properties NEW

Railroad properties are divided into 2 general categories:

5. Operating Right-of-Way. Land occupied by the railroad for its operating track locations and/or support facilities for the operation of the railroad.

6. Non-Operating Right-of-Way. All other railroad-owned property.

These categories also can be divided into land that is classified as follows:

7. Charter Lands. Lands usually granted to a company to build a railroad subject to the charter agreement between the company and the U.S. Government. These lands may be the original location of a primary track that may no longer be in use. Often, the railroad company cannot divest itself of this property except for Federal-aid highway purposes.

8. Non-Charter Lands. Lands not subject to the original charter agreement between the company and the U.S. Government. These lands are disposable by the railroad company.

The Department has established a policy of appraising operating railroad right-of-way based on adjacent land values i.e. “across the fence values”. For non-operating, non-charter lands owned by a railroad, the appraisal of the subject parcel will follow the same policies and procedures as any other property appraised for right-of-way acquisition.

Generally, the Department acquires operating railroad right-of-way property by easement only. To be able to identify the property interests being acquired and those that will remain with the railroad company, the appraiser should obtain a copy of the easement to be used or a similar easement. Department policy is to value all easements on railroad property at 70% of fee value using “across the fence values”. If the appraiser feels that a value other than 70% is appropriate, the appraiser will need to support the alternative value.

Occasionally, MDT is only able to obtain a “license agreement” from the railroad because of the proximity of the acquisition to the railroad’s centerline. Because a license does not convey an interest in the property, only the right to occupy, Department policy is to pay 49% of fee value, which is based on 70% of the easement value using “across the fence values”. If the appraiser feels that a value other than 49% is appropriate, the appraiser will need to support the alternative value.

Compensation for construction permits on railroad properties will be based on 10% of fee value using “across the fence values” for a term of two years unless reasoning for a longer term is provided (See 3-2.25.3).

3-2.25.3 Construction Permits on Railroad Properties OLD

Compensation for permits on railroad properties generally will be for a single year unless reasoning for a longer term is provided.

3-2.25.3 Construction Permits on Railroad Properties NEW

Compensation for construction permits on railroad properties will be based on 10% of fee value using “across the fence values” for a term of two years unless reasoning for a longer term is provided (See 3-3.11).

41-3.3 **Lump Sum Agreements** OLD

Lump sum agreements are agreements that the utility company and the Department agree on the amount to be paid at the time the agreement is written. The work is usually well defined and the work or cost will not change.

The Compliance Review Section will be requested by the Helena Utilities Section to perform an up-front audit of the lump sum costs.

Lump sum agreements should not be considered unless the relocation work is well defined and the project design is not subject to change.
If during the course of the project construction design changes do affect the utility relocation, consideration should be given to either changing the agreement to actual unit cost or initiating another utility agreement. In no case can a lump sum agreement be converted to actual unit cost without the approval of the Helena Utilities Section.

Lump sum agreements require less documentation than the actual cost agreements because the review is completed during the agreement stages. The utility companies are not required to keep diaries while working on the relocation.

The utility companies may use contractors to do the relocation work without approval of the Department.

After the work has been completed, the utility agent **MUST** document the date that the utility company completed the relocation work. Enter this date in the UTILITY TRACKING SYSTEM and use on Form CB-7.

The utility agent shall enter the completion date for the 846 account in the **PRECONSTRUCTION MANAGEMENT SYSTEM** as soon as the utility company has completed the relocation work.

The utility agent should request that the utility company submit a bill for payment for the lump-sum amount shown in the agreement as soon as the work is completed. However, the utility company has 365 days from the completion of the relocation work to submit the **FINAL BILL**.

The procedure for processing bills can be found in Section 41-5.

41-3.3 **Lump Sum Agreements** NEW

Lump sum agreements are agreements that the utility company and the Department agree on the amount to be paid at the time the agreement is written. The work is usually well defined and the work or cost will not change.

The Compliance Review Section will be requested by the Helena Utilities Section to perform an up-front audit of the lump sum costs. Unit Cost Lump Sum estimates do not need to be reviewed by Compliance Review.

Lump sum agreements should not be considered unless the relocation work is well defined and the project design is not subject to change.
If during the course of the project construction design changes do affect the utility relocation, consideration should be given to either changing the agreement to actual unit cost or initiating another utility agreement. In no case can a lump sum agreement be converted to actual unit cost without the approval of the Helena Utilities Section.

Lump sum agreements require less documentation than the actual cost agreements because the review is completed during the agreement stages. The utility companies are not required to keep diaries while working on the relocation.

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The procedure for processing bills can be found in Section 41-5.

9-2.9.2 Fees **OLD**

The nonrefundable initial application fee is based on the square footage of the proposed sign space (maximum width times maximum height). If the proposed sign has multiple faces, the initial application fee will be determined by the square footage of the largest single sign face. The fees are as shown in Figure 9-2A:

Sign Size (ft^2)	Fee
32 or less	$20
33 to 64	$25
65 to 128	$30
129 to 256	$35
257 to 512	$40
513 to 672	$45

SIGN APPLICATION FEES
Figure 9-2A

If the application is approved and a permit is issued, a permit fee is assessed and calculated by charging 24/36 of the 3-year renewal fee plus 1/36 of the renewal fee for each full month remaining in the calendar year following application approval. The renewal fees are $10 for signs with a face(s) of 50 ft^2 or less and 20 cents per ft^2 for signs that have face(s) exceeding 51 ft^2. If the sign structure has multiple sign faces, the renewal fee (and initial permit fee) is based on the total square footage of the sign area. The following examples illustrate the calculation of sign fees:

1. An application is received with proposed double-faced signs. One sign face is 10 ft x 12 ft and the other is 10 ft x 6 ft. The nonrefundable application is based on the largest face, which is 120 ft^2, for a fee of $24.

   The sign application is subsequently approved on March 15, and a permit is issued. The initial permit fee would be based on 33/36 of the 3-year period. The total square footage of both faces is 180 ft^2. The initial fee would be $33 (180 ft^2 x $.20 x 33/36 = $33.00).

   Following the initial permit period, the renewal fee would be $36.

2. An application is received with a proposed single-faced sign that is 4 ft x 8 ft or a total of 32 ft^2. The initial nonrefundable application fee is $20.

   The application is then approved, and a permit is issued on June 8. The initial permit fee is based on 30/36 of the minimum $10 renewal fee. The

initial fee would be $9 ($10 minimum fee x 30/36 = $8.40, rounded to the next dollar = $9).

Following the initial permit period, the renewal fee would be $10.

If a sign contains advertising for products and services relating to activities that are conducted on-premise as well as products and services that are not available on-premise, the entire sign structure is subject to permitting requirements. The nonrefundable initial application fee is determined by the size of the largest single sign face, and the renewal fee is based on the total square footage of the sign area.

(***Mont. Admin. R.*** 18.6.211)

9-2.9.2 Fees NEW

A check payable to the Montana Department of Transportation in the amount of the nonrefundable inspection fee must accompany the sign permit application.

A nonrefundable inspection fee in the amount of $100.00 will be assessed for each off premise outdoor advertising sign erected within any area subject to state control by the Department.

The initial permit fee shall be 24/36 of the three-year renewal fee plus 1/36 of said renewal fee for each full month remaining in each calendar year following application approval.

Signs shall be assigned a permit number and given a permanent identification plate that must be attached to the structure and may be renewed every three years thereafter upon payment of the renewal fee as follows:

- 20 cents per square foot for signs 376 feet or more.
- If the sign structure has multiple sign faces, the renewal fee is based on the total square footage of the sign area; or
- $75.00 for signs with a face (s) of 375 square feet or less.

If a sign contains advertising for products and services relating to activities that are conducted on-premise as well as products and services that are not available on-premise, the entire sign structure is subject to permitting requirements.

(***Mont. Admin. R.*** 18.6.211)

9-2.10.1 Fees OLD

A sign permit may be renewed for a 3-year period upon payment of a fee as follows:

1. $10 for signs with a face(s) of 50 ft^2 or less; and

2. 20 cents per ft^2 for signs that have a face(s) exceeding 51 sq ft. If the sign structure has multiple sign faces, the renewal fee is based on the total square footage of the sign area (***Mont. Admin. R.*** 18.6.211(3)).

2-4.12 Parks, Recreational Lands and Historic Sites (4(F)) OLD

2-4.12.1 Guidelines

Section 4(f) of the ***Federal Highway Act*** of 1968 was amended to provide for the preservation of the natural beauty of the countryside, public parks, recreational lands, wildlife and waterfowl refuges and historic sites. The ***Act*** permits the Secretary of Transportation to approve a program or project that requires the use of publicly owned land from a park, recreational area, wildlife and waterfowl refuge or historic site of national, state or local significance, as determined by the Federal, State or local officials having jurisdiction, only if:

- there is no feasible and prudent alternative to the use of this land, and
- the program or project includes all practical planning to minimize harm to the land from its use.

Interpretation of this section may be held to include certain privately owned lands where they are available or are constituted for a public use.

2-4.12 Parks, Recreational Lands and Historic Sites (4(F)) NEW

2-4.12.1 Guidelines

Section 4(f) of the ***Federal Highway Act*** of 1968 was amended to provide for the preservation of the natural beauty of the countryside, public parks, recreational lands, wildlife and waterfowl refuges and historic sites. The ***Act*** permits the Secretary of Transportation to approve a program or project that requires the use of publicly owned land from a park, recreational area, wildlife and waterfowl refuge or historic site of national, state or local significance, as determined by the Federal, State or local officials having jurisdiction, only if:

- there is no feasible and prudent alternative to the use of this land, and

- the program or project includes all practical planning to minimize harm to the land from its use.

Interpretation of this section may be held to include certain privately owned historic sites that are available or are constituted for a public use.

3-2.9 <u>Just Compensation</u> OLD

Under the ***Uniform Act***, the head of the agency or his or her delegate is responsible for establishing "just compensation." In the Department, this responsibility has been delegated to the review appraiser subject to the Appraisal Supervisor's ultimate authority. The appraiser gives an opinion of fair market value or an estimate of just compensation. The review appraiser or the Appraisal Supervisor establishes the offer of just compensation. In condemnation cases, just compensation can be resolved by settlement. Otherwise, the courts make the final determination of just compensation.

It is the intent of "just compensation" to make the owner of an impacted property "whole." In other words, as a result of just compensation, the property owner is no worse off after the acquisition as the property owner was prior to the acquisition. This does not mean that the affected property owner will be in exactly the same situation after the taking as before, but the intent is that the owner will be no richer or poorer by reason of the acquisition.

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3-3.1 Advanced Acquisitions OLD

The Department may determine that it is in the public interest to acquire property in advance of regular project scheduling or before detailed design plans are completed. Advanced acquisition may be used:

- to protect the availability of properties that have a high probability of development,
- when a property owner requests an advanced acquisition because delay imposes a hardship on the owner,
- when the property becomes available on the open market, or
- when the public interest is best served by the Department proceeding with an advanced acquisition.

Normal appraisal procedures apply in advanced acquisition situations. However, these properties typically cannot proceed to condemnation because the Department would be unable to prove necessity without suitable design plans. It is Department policy to seek property owner agreement before initiation of an advanced acquisition. If amicable settlement cannot be reached, the Department will not file condemnation action prior to regular project scheduling.

3-3.1 Advanced Acquisitions NEW

The Department may determine that it is in the public interest to acquire property in advance of regular project scheduling or before detailed design plans are completed. Advanced acquisition may be used:

- to protect the availability of properties that have a high probability of development (Federal-aid Participating)

- when a property owner requests an advanced acquisition because delay imposes a hardship on the owner (Federal-aid Participating)

- when the property becomes available on the open market (Non-federal-aid Participating)

- when the public interest is best served by the Department proceeding with an advanced acquisition (Non-federal-aid Participating)

Note: The Department may eventually be reimbursed even on the Non-federal-aid Participating examples above once the project is authorized by FHWA.

Normal appraisal procedures apply in advanced acquisition situations. However, these properties typically cannot proceed to condemnation because the Department would be unable to prove necessity without suitable design plans. It is Department policy to seek property owner agreement before initiation of an advanced acquisition. If amicable settlement cannot be reached, the Department will not file condemnation action prior to regular project scheduling.

3-3.19.2 Valuation for Sale of Access Control OLD

When an abutting property owner requests an access to a highway facility that the Montana Transportation Commission has designated as a controlled access highway, the Department and the Montana Transportation Commission must grant approval prior to the access being granted and the approach being installed.

If the Department determines that safe access can be provided, the landowner may be required to purchase this access from the Department if access control was purchased from the landowner at the time access control was imposed. In this case, the appraiser must determine the increase in value to the abutting property as a result of the additional access.

The appraiser first must attempt to establish the value of the access control by identifying the difference in market value between comparable sales with and without similar access. With all other factors being equal, any resulting difference will represent the contribution value of the access. The resulting difference may be applied to the subject as a percentage factor or as a dollar amount per unit of measure. The appraisal is similar to a before and after appraisal of the subject property.

If the Department determines that safe access can be provided, and access control was imposed using the State's police powers, no compensation was due at the time of acquisition. Therefore, the landowner is not required to purchase the access from the Department.

Other compensation may be due to the Department for mitigation of the impact the additional access has on the highway in either case.

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If the Department determines that safe access can be provided, the landowner will be required to purchase this access from the Department if access control was purchased from the landowner at the time access control was imposed (unless a written waiver for unusual circumstances is granted). In this case, the appraiser must determine the increase in value to the abutting property as a result of the additional access.

The appraiser first must attempt to establish the value of the access control by identifying the difference in market value between comparable sales with and without similar access. With all other factors being equal, any resulting difference will represent the contribution value of the access. The resulting difference may be applied to the subject as a percentage factor or as a dollar amount per unit of measure. The appraisal is similar to a before and after appraisal of the subject property.

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Other compensation may be due to the Department for mitigation of the impact the additional access has on the highway in either case.

4-2.2 Supervisory Procedures – Authorizations and Assignments **OLD**

After project plans are approved, acquisition activities may proceed. Federal funds will only participate in costs of construction features shown on approved right-of-way plans. Any substantial change in project design and plans after the authorization must be approved before acquisition can proceed.

Acquisition authorizations and assignments are as follows:

2. Assignments. Upon completion, or near completion, of the appraisal review, the District Right-of-Way Supervisor makes the acquisition assignments. Common ownership, common use, location of owners, lessees, correspondence, etc. are considered when making assignments. A meeting of the Supervisor, the project appraisers and the acquisition agents to discuss any unusual or unique situations may be helpful. On complex acquisitions, a field review with appraisal personnel may be appropriate.

   The District Right-of-Way Supervisor provides the following to the assigned acquisition agent:
   - Title Commitments;
   - the approved appraisal and review;
   - right-of-way, construction, cross sections and detail plans;
   - deeds and agreements;
   - summary statement and tax reimbursement brochures; and
   - any other data and documents as necessary.

   An acquisition agent will not be assigned to any parcel that the agent appraised or for which the agent reviewed the appraisal, except as provided for in the “Single Agent Acquisition Procedure.”

   The District Right-of-Way Supervisor and the acquisition agent review each assignment and establish a target date for completion of the work. Written notice of the assignment is sent to the Acquisition Section Manager.

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   The District Right-of-Way Supervisor provides or makes available the following to the assigned acquisition agent:
   - NEPA Document
   - Title Commitments;
   - the approved appraisal and review;
   - right-of-way, construction, cross sections and detail plans;
   - deeds and agreements;
   - summary statement and tax reimbursement brochures; and
   - any other data and documents as necessary.

   An acquisition agent will not be assigned to any parcel that the agent appraised or for which the agent reviewed the appraisal, except as provided for in the “Single Agent Acquisition Procedure.”

The District Right-of-Way Supervisor and the acquisition agent review each assignment and establish a target date for completion of the work. Written notice of the assignment is sent to the Acquisition Section Manager.

4-3.1 General Preparation OLD

The acquisition agent collects information, organizes materials and plans the acquisitions. The agent then can respond to questions, solve problems, react to situations in a positive and assertive manner, create understanding and confidence and develop rapport with the owner. The agent will perform the following tasks:

1. Gather Information. Obtain plans, appraisals, evaluation reports, forms, documents, Title Commitments, drawings, manuals and visual aids. The acquisition agent must know proposed letting dates, traffic volumes, funding, material sources and special procedures. Where historic sites, wetlands, park lands, cemeteries, etc., are involved, the acquisition agent should be aware of laws protecting the environment and cultural resources and be responsive to landowners' questions. Where there is relocation involved on a project, the acquisition agent works closely with the relocation specialist.

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5-4.1.3 Multiple Occupants of a Single Dwelling OLD

Two or more families or 2 or more individuals (not a family) who occupy the same displacement dwelling unit and who move to separate replacement dwellings are entitled to the same total relocation payment amount they would have received if they had moved together to a single replacement dwelling. The Department determines the reasonable proration of the payment amount among the families or individuals. Payments may be either on an actual cost or on a schedule move basis. A schedule move payment is based on the number of rooms that are actually occupied by each family plus common rooms used by each family.

Unfurnished Dwelling (Occupant Owns Furniture)							
1 Room	2 Rooms	3 Rooms	4 Rooms	5 Rooms	6 Rooms	7 Rooms	8 Rooms
$325	$450	$575	$725	$825	$900	$1000	$1100
Each additional room - $100							
Furnished Dwelling and Sleeping Room							
Furnished dwelling and sleeping rooms are computed on the following basis: (1) $250.00 for first room. (2) $50.00 for each additional room.							

The following exceptions and limitations apply to the schedule payments above:

1. The expense and dislocation allowance for a person whose residential move is performed by the Department at no cost to the person is limited to $50.00.
2. An occupant who moves a mobile home from the displacement site is paid on an actual cost basis. The Department, at its discretion, may make an additional reasonable payment to the displaced person for packing and securing personal property.
3. The expense and dislocation allowance to a person with minimal personal possessions who is in occupancy of a dormitory style room shared by 2 or more other unrelated persons is limited to $50.00.
4. An occupant who moves from a mobile home may be paid for the removal of personal property from the mobile home in accordance with the moving and dislocation allowance payment schedule.

MONTANA MOVING PAVEMENT SCHEDULE FOR A SELF-MOVE
Figure 5-4A

5-4.1.3 Multiple Occupants of a Single Dwelling NEW

Two or more families or 2 or more individuals (not a family) who occupy the same displacement dwelling unit and who move to separate replacement dwellings are entitled to the same total relocation payment amount they would have received if they had moved together to a single replacement dwelling. The Department determines the reasonable proration of the payment amount among the families or individuals. Payments may be either on an actual cost or on a schedule move basis. A schedule move payment is based on the number of rooms that are actually occupied by each family plus common rooms used by each family.

Unfurnished Dwelling (Occupant Owns Furniture)							
1 Room	2 Rooms	3 Rooms	4 Rooms	5 Rooms	6 Rooms	7 Rooms	8 Rooms
$500	$700	$750	$875	$1000	$1125	$1250	$1375
Each additional room - $150							
Furnished Dwelling and Sleeping Room							
Furnished dwelling and sleeping rooms are computed on the following basis: (1) $350.00 for first room. (2) $50.00 for each additional room.							

The following exceptions and limitations apply to the schedule payments above:

5. The expense and dislocation allowance for a person whose residential move is performed by the Department at no cost to the person is limited to $50.00.
6. An occupant who moves a mobile home from the displacement site is paid on an actual cost basis. The Department, at its discretion, may make an additional reasonable payment to the displaced person for packing and securing personal property.
7. The expense and dislocation allowance to a person with minimal personal possessions who is in occupancy of a dormitory style room shared by 2 or more other unrelated persons is limited to $50.00.
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MONTANA MOVING PAVEMENT SCHEDULE FOR A SELF-MOVE
Figure 5-4A

6-6 DISCHARGE OF EASEMENTS OLD

6-6.1 Reasons for Discharge

Prior to 1956, MDT acquired most right-of-way by easement. Federal, State and Indian lands required for rights-of-way are still acquired by easement.

An easement may only be discharged under the name of the original grantor. A discharge of rights-of-way easement may be initiated by the following actions:

- a request by the underlying fee interest,
- abandonment of the highway facility, or
- a request of the agency granting the easement.

6-6.2 Easement Obtained from an Individual

When a request is received to release an easement, the Real Estate Services Section will perform the following activities:

1. Submit a plat to the District Administrator and ask if the tract is needed for present or future highway maintenance purposes.

2. Obtain a legal description:

    a. Prepare a plat showing the location of the easement.

    b. Secure a copy of the instrument conveying the easement to the State.

    c. Submit the plat and a copy of the conveyance to the Design/Plans Section. Request preparation of a legal description of the tract. If the complete easement is to be discharged, use the description in the original easement.

    d. The Discharge of Easement must contain recording information.

3. Obtain FHWA approval if the easement is along the Interstate System. Submit a plat, description and reasons for proposed discharge to the FHWA.

4. Prepare an Environmental Evaluation:

    a. If applicable, request a site inspection for hazardous waste through the Environmental Services, Hazardous Waste Bureau.

b. If applicable, request a review for Wetland Mitigation through the Environmental Services, Resources Bureau.

c. Request a Cultural Resource Survey from the Cultural Resources Section.

5. Prepare the Discharge of Easement:

a. Use the legal description prepared by the Design/Plans Section.

b. Transmit the discharge through the Chief Counsel, Legal Services, and the Right-of-Way Bureau Chief for signatures. Note that the Bureau Chief's signature must be notarized.

c. Record the Discharge of Easement and send the original to the party requesting the release.

d. Inform the Design/Plans Section by memo with a copy of the recorded release document. Notify the record technician to log it into the permanent records.

6-6 DISCHARGE OF EASEMENTS NEW

6-6.1 Reasons for Discharge

Prior to 1956, MDT acquired most right-of-way by easement. Federal, State and Indian lands required for rights-of-way are still acquired by easement.

An easement may only be discharged under the name of the original grantor (and NOT to any individual or entity). A discharge of rights-of-way easement may be initiated by the following actions:

- a request by the underlying fee interest,
- if the owner of the fee interest is undeterminable, MDT may consider a request from the adjacent landowner (if they will sign a release-form 186),
- abandonment of the highway facility (which requires Transportation Commission Action), or
- a request of the agency granting the easement.

6-6.2 Easement Obtained from an Individual

When a request is received to release an easement, the Real Estate Services Section will perform the following activities:

1. Submit a plat to the District Administrator and ask if the tract is needed for present or future highway purposes.

2. Perform a field review (or have district r/w staff review) to ensure there are no access issues or potential for landlocking by virtue of the proposed discharge.

3. Obtain a legal description:

    a. Prepare a plat showing the location of the easement.

    b. Secure a copy of the instrument conveying the easement to the State.

3. Obtain FHWA approval if the easement is along the Interstate System. Submit a plat, description and reasons for proposed discharge to the FHWA.

4. Prepare an Environmental Evaluation:

a. If applicable, request a site inspection for hazardous waste through the Environmental Services, Hazardous Waste Bureau.

b. If applicable, request a review for Wetland Mitigation through the Environmental Services, Resources Bureau.

c. Request a Cultural Resource Survey from the Cultural Resources Section.

5. Prepare the Discharge of Easement:

a. The Discharge of Easement must contain recording information.

b. The plat prepared in item 3 above must be attached to the Discharge of Easement (where applicable).

c. Transmit the discharge through the Chief Counsel, Legal Services, and the Right of-Way Bureau Chief for signatures. Note that the Bureau Chief's signature must be notarized.

d. Record the Discharge of Easement and send the original to the party requesting the release.

e. Inform the Design/Plans Section by memo with a copy of the recorded release document. Notify the record technician to log it into the permanent records.

6-4.9.2 Sale OLD

The following requirements apply to the sale:

1. The sale must be held at the county courthouse of the county in which the land is located. If no suitable room can be found at the courthouse, the sale may be transferred to a more convenient place by public announcement made at the courthouse at the time fixed for the beginning of the sale.

2. The Real Estate Services Section Property Manager, or the Property Manager's designees, will conduct the public sale.

3. The sale must be by public auction.

4. No sale will be made for less than 90% of the appraised value of the property.

5. The successful bidder will be required to make a 10% deposit at the time of the sale. The action is complete when the auctioneer announces that the deposit has been paid.

6. The person who conducts the sale should call the Real Estate Services Section at the completion of the sale to advise them of the outcome of the sale.

7. If the person conducting the sale is not in the Real Estate Services Section, that person should follow up with a memorandum to the Real Estate Services Section along with the receipts and sale proceeds, Bid/Deed Information Form, Bid Tabulation and Attendance Record.

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1. The sale must be held at the county courthouse of the county in which the land is located. If no suitable room can be found at the courthouse, the sale may be transferred to a more convenient place by public announcement made at the courthouse at the time fixed for the beginning of the sale.

2. The Real Estate Services Section Property Manager, or the Property Manager's designees, will conduct the public sale.

3. The sale must be by public auction.

4. No sale will be made for less than 90% of the appraised value of the property.

5. Bidders at the public auction can raise their own bid only once.

6. The successful bidder will be required to make a 10% deposit at the time of the sale. The action is complete when the auctioneer announces that the deposit has been paid.

7. The person who conducts the sale should call the Real Estate Services Section at the completion of the sale to advise them of the outcome of the sale.

8. If the person conducting the sale is not in the Real Estate Services Section, that person should follow up with a memorandum to the Real Estate Services Section along with the receipts and sale proceeds, Bid/Deed Information Form, Bid Tabulation and Attendance Record.

6-4.12 Who May Purchase (MCA 77-2-306) NEW

1. State land may be sold to any person who is 18 years of age or older.

2. State land may not be sold to the federal government or to an entity of the federal government, except for the purpose of building federal facilities or structures.

3. A local government that sold or transferred property to the state has the right of first refusal if the state subsequently offers the property for sale. For purposes of this subsection, “right of first refusal” means the right to have the first opportunity to purchase the property for not less than fair market value when the property becomes available or the right to meet any other offer.

6-4.12.1 Right of First Refusal NEW

The following is the procedure for processing an excess land sale after a public auction when another governmental entity has a “right of first refusal”.

a. The governmental entity that originally sold the Department the property will have 3 business days from the date of the public auction to notify the Department, in writing, that they wish to exercise their right of first refusal and to submit their 10% deposit. The Department then notifies the high bidder from the public auction that the governmental entity the Department originally purchased the property from has exercised their right of first refusal, and the Department refunds them their 10% deposit. The remaining 90% balance is due from the governmental entity within 30 days from the date when the public auction was held.

b. If the Department does not hear from the governmental entity within those 3 business days, they forfeit their right of first refusal and the Department shall finalize the sale of the property to the high bidder from the public auction.

3-3.13.2 Navigable Streams OLD

The DNRC has claimed jurisdiction over portions of rivers within the State that it has determined are navigable. In these cases, a separate parcel number is shown within the boundaries of the river. When an adjacent landowner's property description encompasses all or a portion of the riverbed, the riverbed is to be included as part of that parcel. This may create an overlapping claim between the landowner and DNRC to the ownership rights.

For the purposes of appraisal, the Department will not make a distinction between the rights of either party. Appraisals will be completed as if the full fee ownership were vested in the party who is indicated on the right-of-way plans as owner of the parcel. Incorporate applicable assumptions and limiting conditions in the appraisal report.

3-3.13.2 Navigable & Non-Navigable Streams NEW

The DNRC has jurisdiction over portions of rivers within the State that it has determined navigable.

A list of these streams can be found at:
http://www.dnrc.state.mt.us/trust/navigablerivers.htm.

The DNRC has authority to administer ownership from but not limited to:

- **Equal Footing Doctrine (1844)**
- **MCA 70-16-201 Owner of land bounded by water**.
  Except where the grant under which the land is held indicates a different intent, the owner of the land, when it borders upon a navigable lake or stream, takes to the edge of the lake or stream at low-water mark; when it borders upon any other water, the owner takes to the middle of the lake or stream.
- **MCA 70-1-202 Property of the State – what is included.**
  The state is the owner of:
  1.) all land below the water of a navigable lake or stream.

For the purpose of appraisal, department policy is to obtain an easement from DNRC for these lands. The following method will be used to value the easement:

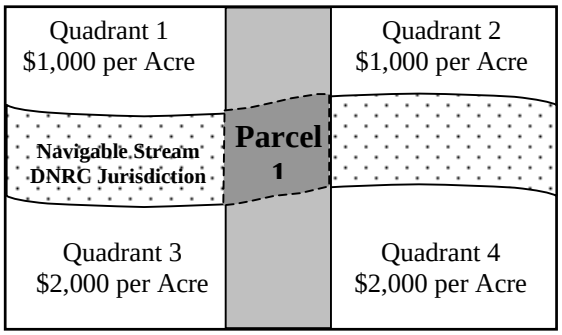
Total easement area (low-water mark to low-water mark)
X unit value of the land adjoining the navigable stream
X 50% (DNRC/MDT Policy)
= Compensation

Unless otherwise noted, the area shown on the plans is the area between the low-water marks. Also, based on the highest and best use, quadrant land values may or may not be the same.

MDT minimum payment policy applies (see 3-2.14).

The following example is for demonstration purposes.
Quadrants 1 & 2
$1,000 per acre
Quadrants 3 & 4
$2,000 per acre
Parcel 1 administered by DNRC and valued at:
1 acre easement area
X $1,500 (Average value of Quadrants 1, 2, 3 & 4)
X 50% (DNRC/MDT Policy)
= $750

Example



Bridge Project

Non-Navigable Streams on State Land

See 3-3.13.1 State-Owned Lands

Non Navigable Stream on Private Land
Department policy is to pay full fee value. If the landowner requests that the department purchase the right of way with an easement, see 3-2.24.1 Purchasing Easements.

Incorporate applicable assumptions and limiting conditions in the appraisal report.

4-13.1 Landowner Payment Process OLD

A review and audit take place in Headquarters before landowners are paid and Right-of-Way Agreements are accepted. Agreements must comply with Title III of the ***Uniform Act*** to ensure Federal-aid funding. Any necessary corrective action must be taken before payment can be made.

Normally, on a "very clean" parcel, landowners will receive payment within 4 weeks after the parcel has been received in Headquarters. On parcels that are encumbered by mortgages, title problems, or estates, or for parcels that have other problems, payment may be delayed for several months.

Once the acquisition agent completes work on the parcel, the District Right-of-Way Supervisor reviews the acquisition package to ensure that the proper documents are included and that the engineering details of the Right-of-Way Agreement are accurate.

District Right-of-Way Supervisors are authorized to approve payments of $10,000 or less. For these parcels, the District Right-of-Way Supervisor reviews the documents for compliance with Title III of the ***Uniform Act*** and for accuracy and completeness. The packages then are sent to the Acquisition Section for processing.

For parcels with payments greater than $10,000, the District Right-of-Way Supervisor forwards the acquisition package to the Acquisition Section, which checks the acquisition package for accuracy and completeness and approves the payment. Estimated time required for processing an average parcel is 5 days. The Acquisition Section sends the completed acquisition package to the Real Estate Services Section for payment and to check for Title III compliance.

4-13.2 Parcel Audit OLD

The Real Estate Services Section reviews all parcels for proper payments, distribution of payments, Federal-aid eligibility, compliance, final check of legal descriptions, administrative settlements and other compliance items. On parcels greater than $10,000, the Section applies for releases of outstanding mortgages from out-of-state lenders, USDA Rural Development and Farm Credit Services. The Section also makes a final check on compliance with Title III.

Once it completes the reviews, the Real Estate Services Section prepares a claim for payment, codes the payment, and enters the claim into the computer. Estimated time on a typical package is 5 days if there are no mortgages.

4-13.1 Landowner Payments-General NEW

A review and audit take place in Headquarters before landowners are paid and Right-of-Way Agreements are accepted. Agreements must comply with Title III of the ***Uniform Act*** to ensure Federal-aid funding. Any necessary corrective action may be required before payment can be made.

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For parcels with payments greater than $10,000, the Acquisition Section checks the acquisition package for accuracy and completeness and approves the payment.

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The Real Estate Services Section reviews all parcels for proper payments, distribution of payments, Federal-aid eligibility, compliance, final check of legal descriptions, administrative settlements and other compliance items. On parcels greater than $10,000, the Section applies for releases of outstanding mortgages from out-of-state lenders, USDA Rural Development and Farm Credit Services. The Section also makes a final check on compliance with Title III.

Once it completes the reviews, the Real Estate Services Section prepares a claim for payment, codes the payment, and enters the claim into the Highway On-line Claims (HOC) system.

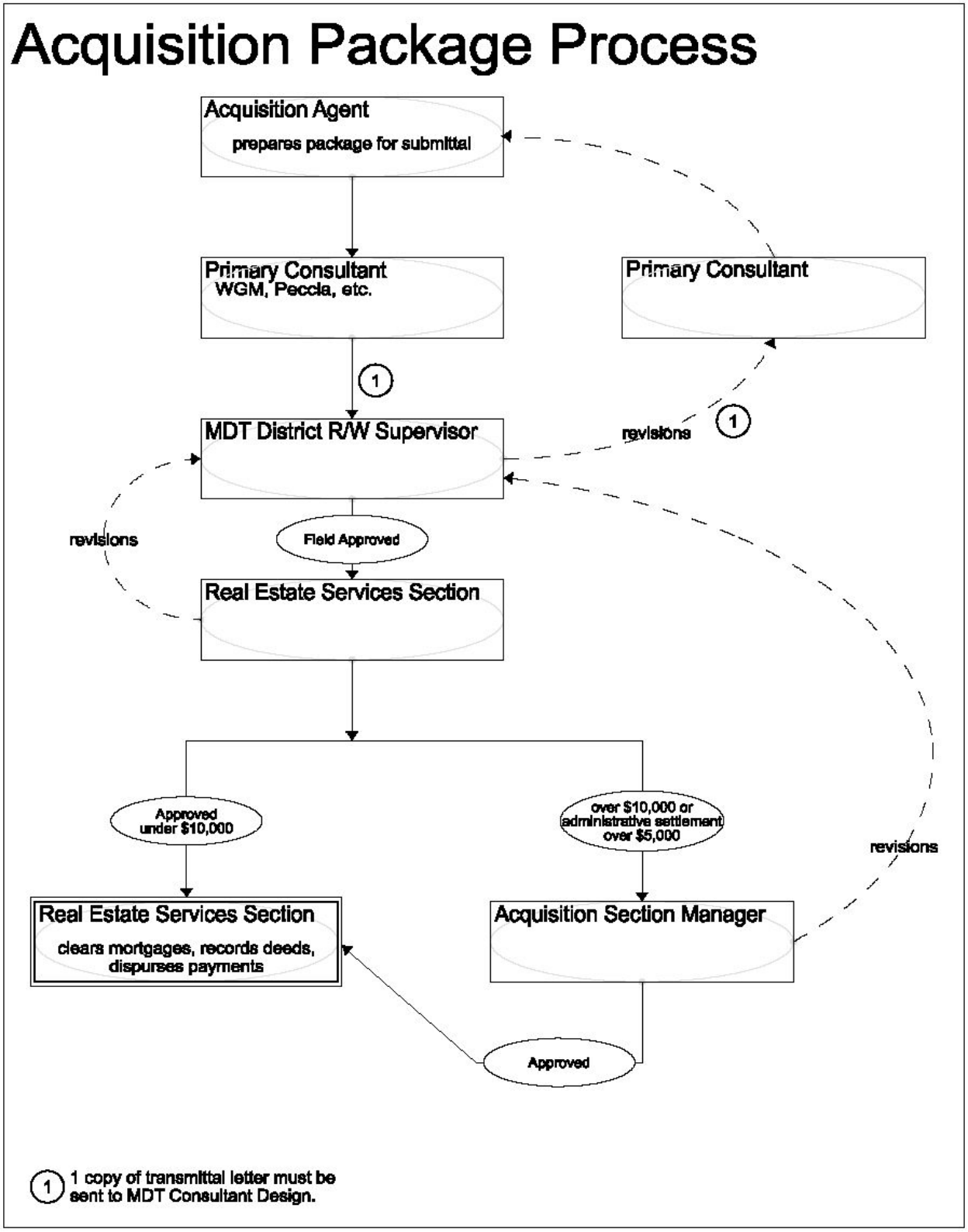
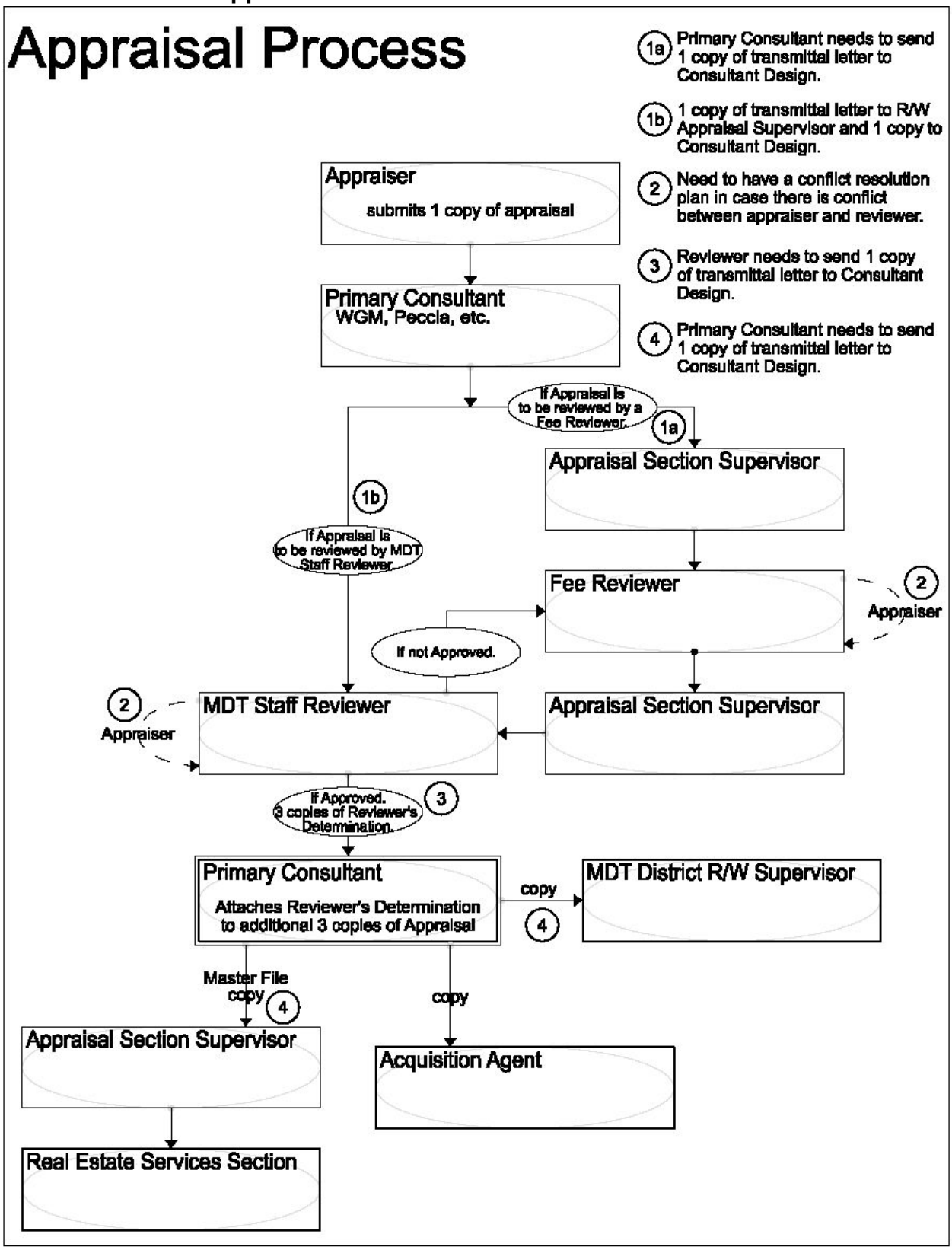
4-13.3 Processing Parcel Packages NEW

All Parcel Packages (R/W Agreement, Parcel Negotiation History etc.) submitted by the Districts are received by Headquarters and processed as follows:

1. The R/W Bureau's front desk will date-stamp the cover memo (form 209) of the parcel package when it is received from Headquarter's mail room. The front desk will then transmit the package to the Real Estate Services Section (RESS).
2. If the parcel package's payment request exceeds $10,000 OR the administrative settlement on the parcel exceeds $5,000.00, RESS shall check out the parcel's Master File in the name of the Acquisition Manager and transmit the package and file to the Acquisition Section.
    a. The Acquisition Section reviews the parcel package for accuracy and completeness. At the discretion of the Acquisition Manager, the package may be returned to the District as incomplete and/or payment approval withheld until encumbrances and all other compliance issues are cleared.
    b. Upon the Acquisition Manager's approval, the parcel package shall be transmitted back to RESS.
    c. RESS shall perform a final audit as referenced in 4-13.2 and request payment through the Highway On-line Claims (HOC) system.
3. If the parcel package's payment request is less than $10,000.00 and does not include an administrative settlement of over $5,000.00, RESS shall audit the package as referenced in 4-13.2 and request payment through the Highway On-line Claims (HOC) system. Payment may be withheld until all compliance issues are cleared.

The District Right-of-Way Supervisor must submit a transmittal memo (form 209) with all parcel packages. Any additional parcel documentation sent to Headquarters after the original parcel package must also be accompanied by a transmittal memo (form 209). DO NOT submit in a deadhead envelope without said transmittal memo.

4-13.4 Acquisition Package Process Flowchart NEW



3-7.6 Consultant Appraisal Process Flowchart NEW