

3. Title and Plans

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3.1. Introduction

This chapter covers procedures for titles and plans. DOT&PF must have accurate and current title information on each project to ensure accurate ROW plans and successful appraisals, negotiations, and relocations.

The regional ROW Section develops the required project title information, beginning this work during the early stages of a proposed project. Based upon workload, available resources, and time limits for the project, the Regional ROW Chief must determine whether to use a ROW title specialist (ROW Agent) or a commercial title insurance company to secure necessary title information.

Due to differences in the requirements of local platting authorities, many platting procedures and monumentation requirements are region-specific and may be documented in supplements separate from the ROW manual.

3.2. Title Search Report

Unless otherwise specified, all instructions in this section refer to the ROW Agent designated to do this work or to the commercial title insurance company retained for a specific project.

For all acquisitions of fee, permanent easements and long term lease interests (excluding temporary construction easements) review and reference all instruments of record (use a [Title Search Report, Form 25A-R305](#)), including plats and surveys, for each parcel. List them in chronological order by recording date.

A title insurance policy should be obtained for all fee acquisitions. The Regional ROW Chief determines if title insurance is necessary and the amount on parcels.

3.2.1. Mandatory Standards for Title Search

Prepare reports and maintain records in accordance with this section. The Title Unit may approve an exception on parcels with an estimated acquisition cost of \$2,500 or less, where a search of the last owner of record may suffice unless there appears to be some irregularity in title. A search of the last owner of record may suffice if only a temporary construction easement is being acquired.

Most title searches begin with the divestment of the land from the sovereign, by patent, treaty, or grant, etc. To assist in clearing the title and acquiring the parcel, title search files must contain all recorded instruments purporting to evidence the transfer of the fee simple title. Examples of such documents include the following:

- security for debt;
- direct deeds of conveyance;
- deeds by trustees, referees, guardians, executors, administrators, or masters;
- wills, decrees of descent, or orders determining heirs;
- decrees, judgments, or court orders purporting to quiet, confirm, or establish title in fee simple;
- mineral or other reservations or conveyances; and
- easements, rights of way, and other rights or interests affecting the title, (liens, exceptions, reservations, covenants, conditions, restrictions, limitations, etc.).

The ROW Engineering Section orders all title reports and updates. Maintain title reports, including all amendments, as part of the acquisition file.

If a title report is older than 6 months or information becomes available of any changes in ownership or interests, the report should be updated.

3.3. Highway Right-of-Way Plans

Unless otherwise specified, all instructions in the remainder of this chapter refer to each person in the ROW Engineering Section with responsibility for a particular project.

DOT&PF's Design Section provides the project's preliminary design plans to the regional ROW Engineering Section. The Title Unit provides a copy of the final title report.

Based on the design plans, title research, and survey data, the Engineering Section prepares the ROW plans as specified in this section.

The ROW plans must be accurate and contain sufficient engineering and survey information to locate the new and existing ROW limits and adjacent property boundaries on all properties along the project.

Prepare the plans in accordance with local platting and subdivision requirements. Except as otherwise directed by the ROW Engineering Supervisor, include a title sheet, a standard legend sheet, a tract map, the property plan sheets, and a monument summary sheet. Include the project title, Federal aid, and the State project number as appropriate on each sheet

3.3.1. Types of Title to be Acquired

Determine whether to acquire ROW in fee simple or a permanent easement, if a temporary construction easement will not be sufficient. The title must be adequate for the construction, operation, and maintenance of the facility.

DOT&PF's policy is to acquire all ROW in fee simple title when feasible. DOT&PF will acquire temporary construction easement when property is needed only for the duration of the actual construction of the facility, but is not needed to protect the facility.

DOT&PF may acquire permanent easements for several reasons, such as, if sight clearance is needed or when a fee taking would leave the owner with less than a legally conforming lot.

If it is not feasible to obtain fee simple or a permanent easement, such as when a Federal agency owns the land, a long-term easement or lease is acceptable with funding agency concurrence.

3.3.2. Title Sheet

On the title sheet (Exhibit 3-1) show the project information, scale, a location sketch, and sufficient identifying information, as directed by the ROW Engineering Supervisor, so that the project may be easily located on a map. Include signature spaces in the lower right-hand corner, providing for the date and signature of the Regional ROW Chief.

3.3.3. Symbols

Identify all symbols used, or shown them in the legend or on a standard legend sheet (Exhibit 3-2) attached to each set of ROW plans.

3.3.4. Tract Map

On the tract map (Exhibit 3-3), show as much of the entire ownerships as possible, the road systems, and major cultural details in a broad band for the length of the project. Show the centerline, ROW lines of the highway, and the boundary lines to give a general picture of the entire project and its possible effect on the properties. In urban areas, this map may be unnecessary if the plans show entire ownerships or if the project is small and the title sheet can show entire ownerships.

3.3.5. Right-of-Way Plan Sheets

The basic purpose of ROW plan sheets (Exhibits 3-4A and 3-4B) is to show as much information as possible for the Appraiser, Review Appraiser, ROW Agent, and property owner. An important function is to show the ROW lines in relation to the property lines and improvements and to provide a reference for the instrument of conveyance.

Right-of-Way Plan Sheets Scale

Use the same scale on the ROW plan sheets as used on the design plans, if possible. This provides for ease in correlation and simplification of drafting. If there is too much detail on the plans to clearly demonstrate this, use a larger scale. To provide the required clarity, use the following scales, or another scale as directed by the ROW Engineering Supervisor:

- on rural projects through large land ownerships: 1" = 100' or 1" = 200';
- on suburban projects through small acreage tracts where required construction details are minimal: 1" = 50' or 1" = 100'; or
- on urban projects or projects where construction or topographic detail is such that a larger scale is necessary for complete clarity: 1" = 50'.

Draw each property plan sheet to scale and show a north arrow.

Right-of-Way Plan Sheets General Information

Draft all ROW plan sheets so that all parcels, easements, permits, etc., can be readily identified. The plan sheets contain the following details:

- all existing property lines. All found corners must be tied to the project centerline. Add supplemental sheets showing detail as necessary;
- all rectangular surveys including aliquot parts, U.S. Surveys, subdivisions (by name or plat number), etc., that are used to identify ownership;
- all pertinent data that may affect the cost of the ROW, such as structures (culverts, etc.), land service or access roads, improvements (all owner buildings) and fences. Show centerline ties and dimensions of improvements and structures within local setback requirements of the new ROW line;
- all existing ROW;
- all existing utility facilities and all utility easements with the type and ownership labeled;
- new ROW line and all pertinent distances and bearings. Show centerline offset distances to all breaks in the ROW or, if constant width, the offset distance should be shown on each plan sheet. All distances should be surface distances instead of State plane grid distances;
- parcel information block located, in most cases, at the bottom of each sheet must show areas of each acquisition, existing rights of way, larger parcel, and remainders; show the type of each acquisition, and include recording information;
- access control lines and points of approved access; and
- easement lines.

Forward the appropriate exhibits to the Acquisition and Negotiation Unit for inclusion in the appraisal assignments, and for the information of the Acquisition Agents.

Right-of-Way Plan Sheets Project Control and Construction Information

The ROW plans show the following:

- each main centerline and stationing (show auxiliary centerlines of subordinate roadways if

pertinent to acquisition or deed description. Show the beginning and end of the project's limits);

- limits of construction or slope limits; and
- drainage structures and other construction components that may affect valuation.

Right-of-Way Plan Sheet Certification

The supervising professional land surveyor must stamp and certify the ROW plan sheets.

3.3.6. Monument Summary Sheets

The monument summary sheet (Exhibit 3-5) shows the following:

- horizontal control statement;
- recovered corners table;
- project centerline monuments table;
- work item table;
- ROW surveyor and location surveyor seal; and
- other notes as directed by the ROW Engineering Supervisor.

3.3.7. Materials Source Plans

Show all listed sources, maintenance, and stockpile sites with haul roads on a separate materials source sheet (pit sheet) prepared by the Design Section, rather than on the ROW plans.

3.4. Airport Property Plans

FAA [Advisory Circular 150/5100-17](#) contains the approved process for airport land acquisition and plan development. See the latest Change Order (Change Order 7 is the most current as of the publication date of this manual). FAA has authorized replacing "Exhibit A" mentioned in the circular with the airport property plan (Exhibit 3-6).

3.5. Parcel Plats

If possible, parcel plats (Exhibit 3-7) must be printed on 8½" x 11" or 8½" x 14" paper. The plats must be neat, legible, accurately dimensioned, and exhibit enough contrast so that copies made by the recording office leave no question as to the location of the property being transferred. Make the parcel conspicuous (heavily outlined, shaded, stippled, etc.) so as not to obscure dimension figures. If necessary,

use more than one page to show the entire ownership and details of the acquisition.

The following information is shown on the plats:

- location data to accurately locate property (lot, block, subdivision, survey or plat number, section or portion thereof, etc. If unsurveyed, tie property to the project centerline);
- north arrow;
- owner's acknowledgment;
- identification number for parcel, permit, easement, etc.;
- project ROW lines, parcel lines, and access control lines, properly labeled. Show the entire ownership and label the property lines;
- major improvements on the parcel;
- any existing ROW in proximity to the parcel properly labeled. Show existing ROW as hatched;
- pertinent centerline and associated data, stationing, equations, curve data, dimensions, and bearings, properly labeled; and
- project identification (name and numbers) and area acquired.

3.6. Procedure for Plans Submittals

3.6.1. Submittal to Request Authority to Proceed with Appraisal and Acquisition from FHWA

On Federally-funded projects, when the ROW plans reflect the findings of the plans-in-hand review team, DOT&PF considers them to be "final plans." ROW will submit the final plans to FHWA.

3.6.2. Plan Revisions

If any changes are made in the ROW plans after receiving the ATP with appraisal and acquisition, show the changes on the original ROW plans. Also itemize the changes in a revision block on the original ROW plans, as shown on Exhibit 3-4.

3.6.3. Recording

Check the ROW plans to ensure that the following are accomplished before recording the plans in the recording district:

- affected monuments were protected through construction. Monuments to be set were set and verified to be correctly placed;
- all appropriate certifications are on the plans; and
- original ROW plans prepared according to a local government platting ordinance were sent to the appropriate local government officials (otherwise, the Regional ROW Chief sent them directly to the recorder's office for filing).

3.7. Plan Changes

3.7.1. Design Changes

As design plans are modified, change the parcel plat and the ROW plans; update the title information if needed; and advise the Regional ROW Chief, who must then advise the Appraisal and Acquisition Units of the changes.

3.7.2. Changes Found During Appraisal or Acquisition

The Regional ROW Chief must take appropriate action to correct omissions or changes noted during the appraisal or acquisition processes.

3.7.3. Disposal of Excess Land

The Regional Property Management Unit designates parcels subject to disposal. The regional director approves them (and FAA when obligated to FAA by Federal grant agreement).

When DOT&PF intends to dispose of, relinquish, or abandon excess ROW, the Engineering Section prepares a legal description or plat, revises the ROW plans, and determines the type of ownership. The conveyance document is prepared by the Property Management Unit. After the conveyance document is recorded, the Engineering Section must revise the ROW plans to reflect the disposal. See Sec. 9.10.

3.7.4. Condemnations

When a parcel is approved for condemnation, the Engineering Section prepares appropriate court exhibits. Place this material in the parcel file and provide it to the Acquisition Unit and the Department of Law.

3.8. Parcelization and Numbering

All parcels on a ROW project are numbered in sequence as they appear on the ROW plans. The Engineering Section assigns the numbers (except for materials sources) when the ROW plans are developed. If a parcel is split or added, add an alphabet letter to the original assigned parcel number (for example, a split or addition to Parcel 1 would be designated 1A).

3.8.1. Easement Parcelization

Prefix all easements by the letter “E” followed by the number assigned to the ROW parcel for that particular larger parcel, or the next consecutive number. The parcel identification block must designate the type of easement and its purpose. Show and identify existing easements on the ROW plan sheet (Exhibit 3-4 A&B).

3.8.2. Temporary Construction Permit/Temporary Construction Easement Parcelization

Prefix all areas acquired for the duration of the project only (construction permits, waste areas, etc.) through the use of a temporary construction permit (TCP) or a temporary construction easement (TCE), by the letters “TCP” or “TCE” followed by the number assigned to the ROW parcel for that particular larger parcel.

3.8.3. Numbering of Areas Not Part of a Right-of-Way Parcel

For all easements or permit areas not associated with a parcel, assign a number in numerical sequence with the parcel numbers. When no numbers are available for the easements or permits, use the closest parcel number followed by a letter designation.

3.8.4. Numbering Material Sources

Number a material source in accordance with the number assigned by the Materials Section, preceded by “MS”.

On Federal-aid primary routes, the “MS” number must contain three dashes to separate the route number, the route section number, the location, and the region number (MS 21-1-243-1, MS 37-1-004-2, etc.).

On secondary routes, the “MS” number must contain two dashes to separate the route number, the location number, and the region number (MS 680-009-2, MS 937-101-3, etc.).

3.8.5. Numbering Maintenance and Stockpile Sites

Designate all maintenance and stockpile sites by name rather than by number.

3.8.6. Numbering Excess Parcels, Relinquishments, Vacations

Number ROW excess parcels, relinquishments, and vacations in accordance with the property management numbering system (See Sec. 9.10).

3.9. Restricted Native Allotments

When surveying and platting restricted Native allotments, be aware that Alaska Native lands have unique requirements.

Under no circumstance should entry be made upon restricted Native allotments without written permission from the landowner and the Bureau of Indian Affairs (BIA).

Many important records are found only at the Bureau of Indian Affairs offices. Special procedures have often been used for surveys on Native lands. Surveyors working with Native lands must be aware of cultural, jurisdictional, and permitting considerations. It is essential, that prior to the surveying or platting of restricted Native lands, the Regional BLM Indian Lands Surveyor (BILS) be contacted in order to determine the most current procedures necessary to accomplish the desired action.

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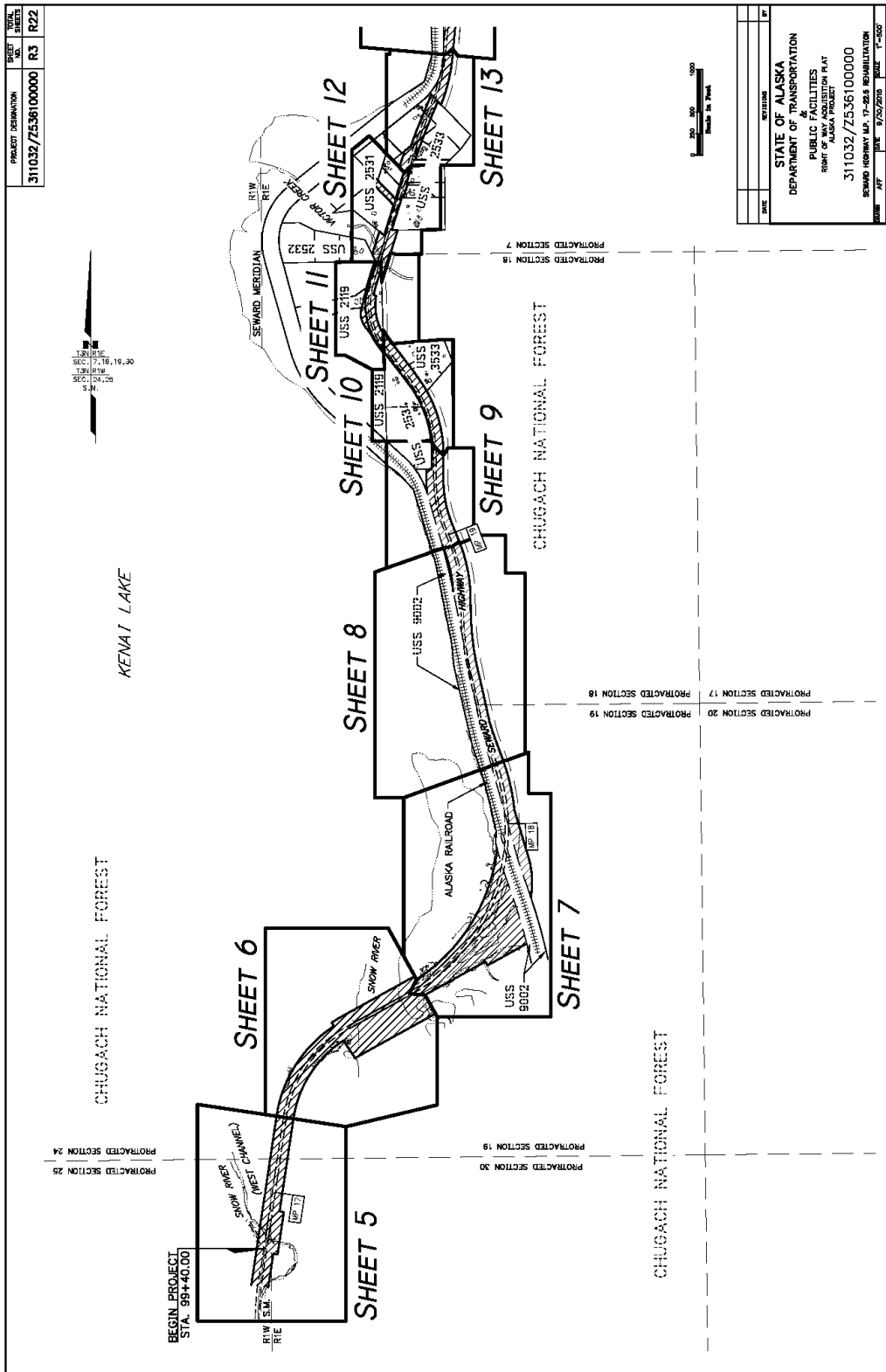


Exhibit 3-3
Tract Map

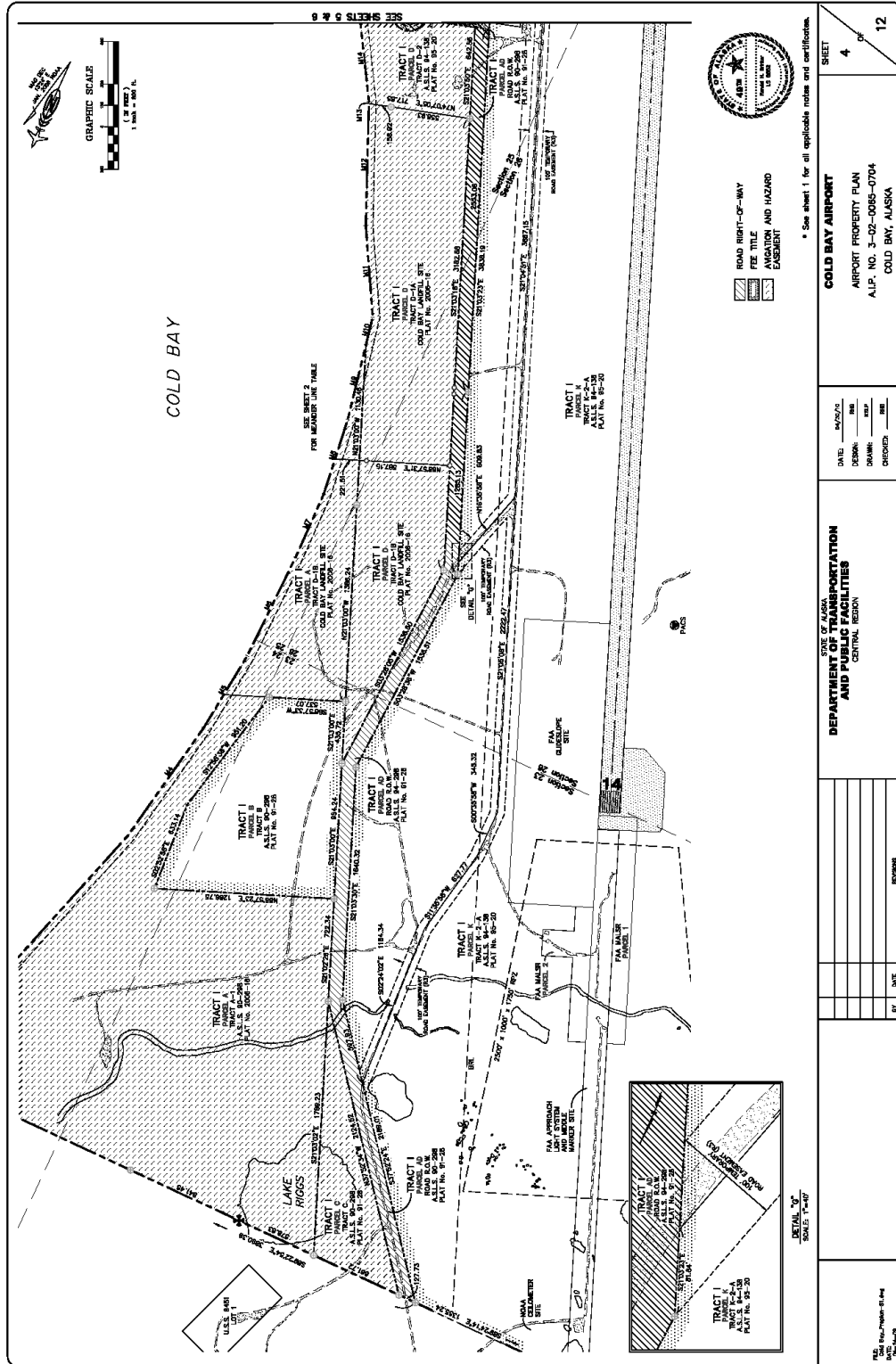
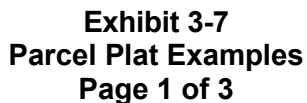


Exhibit 3-6
 Airport Property Plan Example
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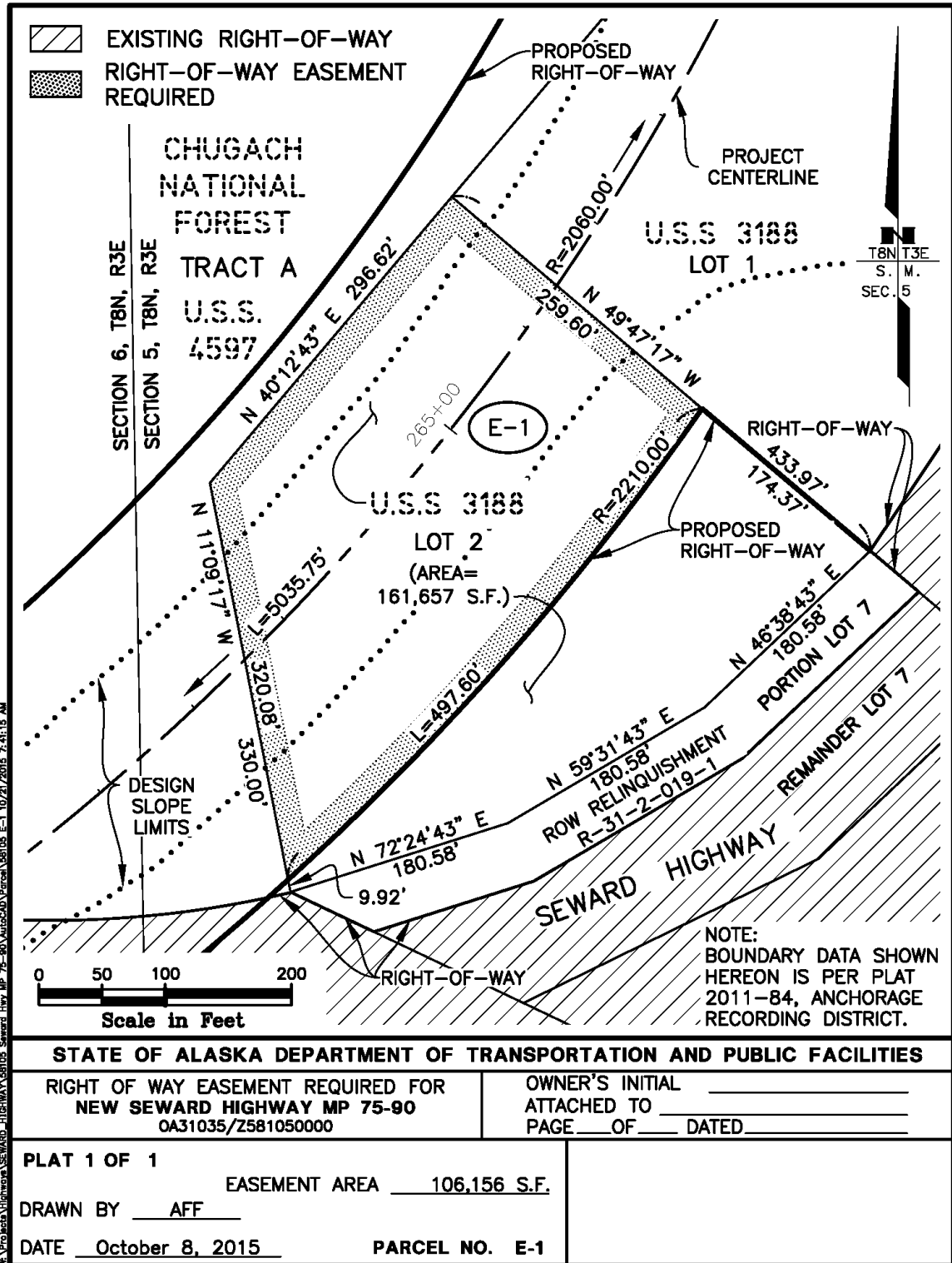
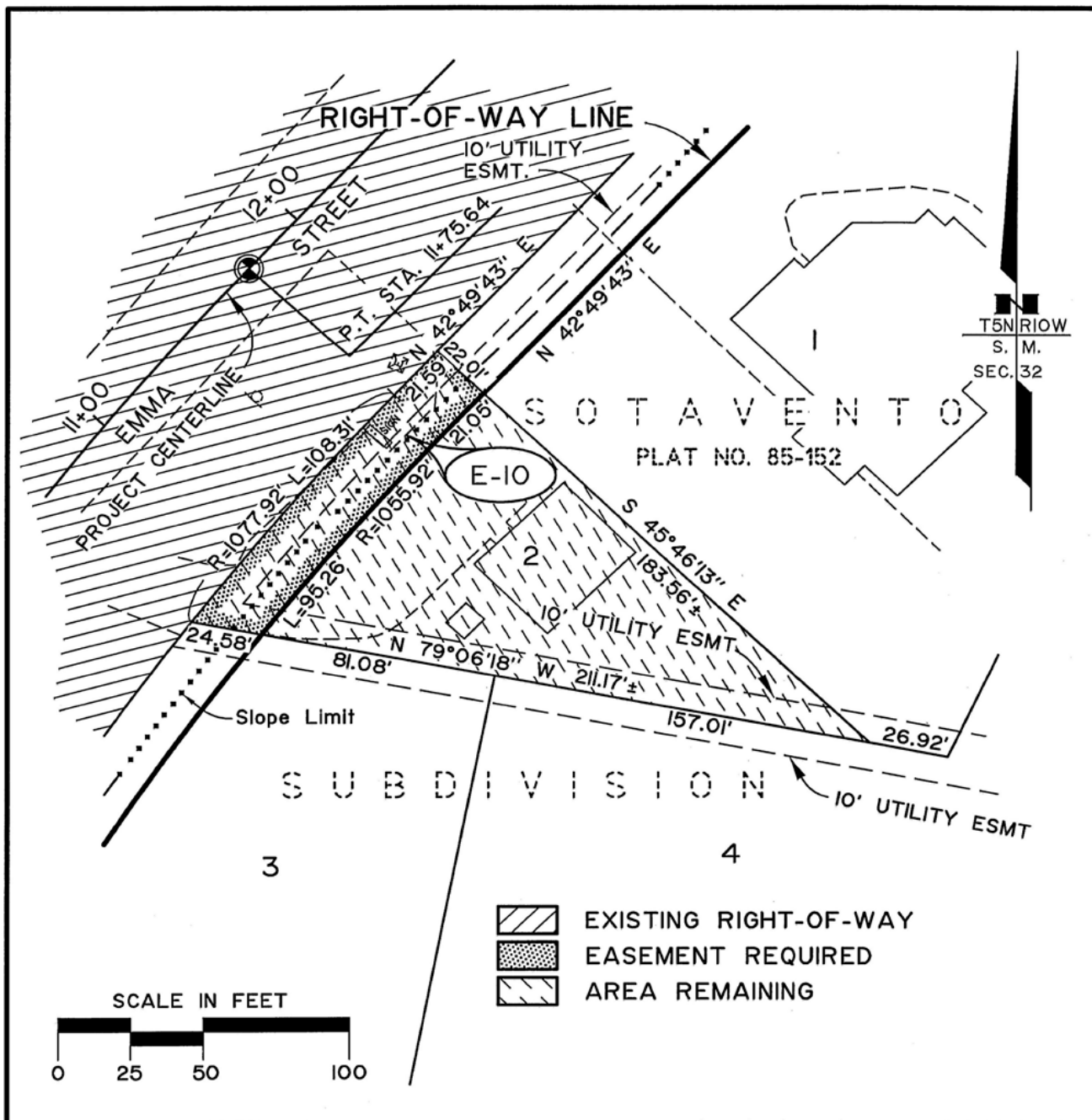


Exhibit 3-7
Parcel Plat Examples
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| STATE OF ALASKA DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES | |
|---|---|
| RIGHT OF WAY REQUIRED FOR PROJECT NAME FEDERAL NO. / STATE NO. | OWNER'S INITIAL _____ ATTACHED TO _____ PAGE ____ OF ____ DATED _____ |
| GROSS TAKE _____ 3,572 S.F. NET TAKE _____ 3,572 S.F. REMAIN _____ 14,331 S.F. | |
| DRAWN BY <u> RK </u> CHECKED BY <u> JC </u> DATE <u> 1/10/03 </u> PARCEL NO. <u> E-10 </u> | |

Exhibit 3-7
Parcel Plat Examples
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