# Local Public Agency (LPA) - Right-of-Way Acquisition Process

| Step | Predecessor  | Responsible Party | Form | Process | FHWA Review | R/W Acquisition File |
| --- | --- | --- | --- | --- | --- | --- |
| Request for Waiver Valuation | NEPA, R/W Plans | Personnel completing acquisition negotiations | Letter | LPA Submits Written Determination to FHWA-WFLHD that appraisal is not necessary because:• Valuation problem is uncomplicated,• Anticipated value estimate is $10,000 or less, and• Seeks to prepare a “waiver valuation” to determine Just Compensation. | FHWA-WFLHD will review and accept or reject | Yes |
| Notice to Landowner | NEPA, R/W Plans | Personnel completing acquisition negotiations  | Letter Include: Property Owners Rights Brochure (Sample State DOT R/W Brochure) | County sends letter notifying landowner of agency’s interest in acquiring property and basic protection provided for by law. |  | Yes |
| Request Appointment for Appraisal Inspection | NEPA, R/W Plans | Personnel completing acquisition negotiations | Letter (can be included in Notice to Landowner) | County sends letter requesting to inspect property with invitation to landowner to accompany appraiser |  | Yes |
| Appraisal | NEPA, R/W Plans, Approval of Waiver Valuation from FHWA | County Assessor OR any qualified person not involved in negotiations | Appraisal Form | If appraisal is under $10,000 and not complicated, complete Waiver Valuation form listing appraised property value | FHWA-WFLHD will accept/reject appraisal review, Just Compensation, Summary Statement, and letter prior to issuance of offer letter | Yes |
| Appraisal/Waiver Valuation Review | Appraisal | Any qualified personnel not involved in negotiations or original appraisal. | Letter | Concurrence with appraisal and recommendations for valuation. | Yes |
| Just Compensation | Appraisal & Appraisal Review | County Commissioner OR any qualified person not involved in the appraisal | Executes Statement of Just Compensation letter. | Statement of concurrence that appraisal is just compensation for property including summary statement. | Yes |
| Offer Letter, Purchase Letter | Statement of Just Compensation | Personnel completing acquisition negotiations | Letter | Include temporary construction easements, permanent easements, R/W commitments and provisions. Provide date or condition for termination of temporary construction easements | Yes |
| Negotiations (Landowners and other relative contacts) | Offer Letter | Personnel completing acquisition negotiations | Diary | Negotiate price and conditions with property owner. Keep negotiation diary identifying all conversations and meetings with property owner. |  | Yes (Diary) |
| Right-of-Way Deed | Offer Letter, Negotiations | Personnel completing acquisition negotiations | Deed to be recorded | Prepare right-of-way deed with R/W plans and purchase letter with all TCE, permanent easements, commitments, and provisions. | FHWA-WFLHD will review prior to deed execution  | Yes |
| Right-of-way Certification | Right-of-way deed | County Commissioner or personnel authorized to sign certification. | Right-of-way Certification (provided by FHWA) | Complete R/W Certification certifying acquisition is complete | FHWA-WFLHD will accept or reject | Yes |

FHWA Real Estate Acquisition Guide for Local Public Agencies:

<http://www.fhwa.dot.gov/realestate/lpaguide/index.htm>

[**http://www.fhwa.dot.gov/real\_estate/practitioners/uniform\_act/acquisition/real\_property.cfm**](http://www.fhwa.dot.gov/real_estate/practitioners/uniform_act/acquisition/real_property.cfm)

**Fed-aid Essential for Local Public Agencies (Specifically: Uniform Act Valuation, Acquisition and Negotiation)**

<http://www.fhwa.dot.gov/federal-aidessentials/catmod.cfm?category=rightofw>

State Right-of-way Manual Links

State Department of Transportation - State Right of Way Manual

[**http://www.fhwa.dot.gov/real\_estate/practitioners/right-of-way/program\_administration/srowm.cfm**](http://www.fhwa.dot.gov/real_estate/practitioners/right-of-way/program_administration/srowm.cfm)