

<b>OFFICE OF STATE AID ROAD CONSTRUCTION</b> <b>STANDARD OPERATING PROCEDURES</b>			S.O.P. NO. SA II-2-7 Page 1 of 4
Subject: S.O.P. ACQUISITION OF RIGHTS-OF-WAY			Distribution A, B, C, D, E
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**PURPOSE:** To Set Forth The Policy Of State Aid To Ensure Compliance With State Law And/Or Federal Regulation In The Acquisition Of Rights-Of-Way.

1. GENERAL:

The State Aid Enabling Act (Section 65-9-19) provides that all Rights-of-Way for State Aid construction projects will be acquired by the Boards of Supervisors for the respective counties and provided at no cost to State Aid funds.

2. REQUIREMENTS FOR PROJECTS WITHOUT PARTICIPATING FEDERAL FUNDS:

- 2.1. The Attorney for the Board of Supervisors will furnish the State Aid Engineer a certificate wherein he certifies that all lawful requirements have been met in the process of Rights-of-Way acquisition and that all needed Rights-of-Way have been acquired.
- 2.2. It should be noted that documentation of the Right-of-Way Acquisition Process will be required, if in the future, Federal Funds are requested for improvements within the Right-of-Way acquired under this section.

3. REQUIREMENTS FOR PROJECTS WITH PARTICIPATING FEDERAL FUNDS:

- 3.1. Right-of-Way acquisition activities shall not commence prior to approval of the project environmental impact documentation by The Federal Highway Administration. The Office of State Aid Road Construction will notify the County Engineer, in writing, of the date that approval is granted.
- 3.2. Actual Right-of-Way acquisition procedures must follow the requirement set out in Section 43-37-1, Et Seq. of the Mississippi Code of 1972 known as the "Real Property Acquisition Policies Law", and 49 CFR Part 24.
- 3.3. Basic procedural steps and decisions in the acquisition process are outlined in the accompanying flow chart along with required documents to be furnished the State Aid Engineer to show compliance with the major requirements of the "Real Property Acquisition Policies Law", and 49 CFR Part 24.
- 3.4. It is the responsibility of the Board of Supervisors to assure that each property owner, from whom Right-of-Way is to be acquired, be advised of his rights under the Real Property Acquisition Policies Law. Delivery of the brochure entitled "State Aid Roads and Local People" to each property owner will aid in meeting this responsibility.

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- 3.5. A diary or log of all property owner contacts shall be maintained for each project. At a minimum, the diary or log shall contain the name of each county official making contact, date of contact, and a brief recital of the results of contact.
- 3.6. For donated property, State Aid requires that the following language, or its equivalent, be incorporated into whatever type instrument (deed, petition, etc.) used to acquire Rights-of-Way and that said language be prominently displayed in the instrument and that property owners attention be directed thereto:
- "I/We fully understand that we have the right to receive just compensation for the real property herein described based on an appraisal of said property. I/We hereby waive our right to just compensation and donate the real property herein described to  (County) . I/We further understand that we have the right to request that a fair market value appraisal of the property be made and we hereby waive that right".
- 3.7. The property owner or his designated representative must be given an opportunity to accompany the appraiser during his inspection of the property. (Documentation of compliance with this requirement will be provided by a statement contained in the appraisal).
- 3.8. If the acquisition leaves the owner with a remnant of property that has little or no value to the owner, the Board shall offer to acquire this remnant. (The owner may choose to sell the remnant or retain it).
- 3.9. No owner shall be required to surrender possession of real property before the Board pays the agreed purchase price or deposits with the court, for the use of the owner, an amount not less than the approved "just compensation" estimate in the condemnation proceeding for such property.
- 3.10. If the Board encounters the acquisition of a residence, business, nonprofit organization or personal property, where relocation assistance is required by the "Real Property Acquisition Policies Law", the assistance of the Mississippi Department Of Transportation's Right-of-Way Division will be requested.

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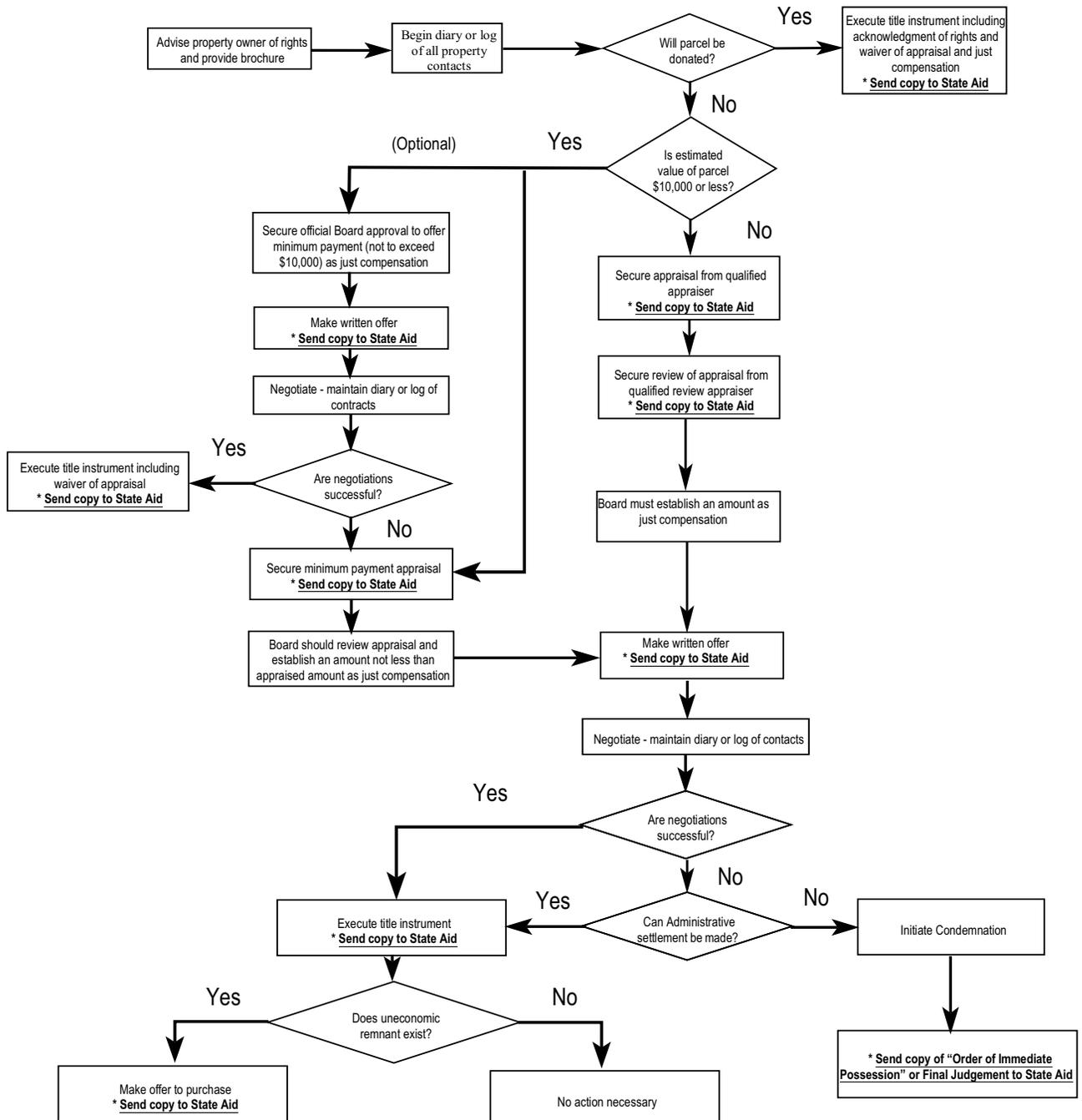
3.11. The Attorney for the Board of Supervisors will furnish the State Aid Engineer a certificate wherein he certifies that the County has acquired all necessary Rights-of-Way for road construction and has met all requirements of the "Real Property Acquisition Policies Laws". Documentation of compliance on projects with participating federal funds is also required as per the accompanying flow chart.

4. RIGHTS-OF-WAY ACQUISITION REVIEW:

4.1. The Office of State Aid Road Construction has developed a continuing program of "In-depth Inspection" on selected projects. A review of Rights-of-Way acquisition procedures will be a part of this program when inspecting projects administered by this Office.

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### FLOW CHART



\*Required documentation to be furnished to the State Aid Engineer.