**Right of Way Acquisition Scheduling Tool**

**Instructions**

When developing a Right of Way schedule, the LPA is required to complete the schedule as if the property owners will not donate. Further, it is best to start with the “Submit Clearance Certification” step (Step 1 below), and work your way up the scheduling tool. **Please move to the bottom of the schedule to Step 1.**

County/City: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Route: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Job Number: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Letting Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

No. of Parcels: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Step 7:**

**A-Date/Notice to Proceed October 23**

In accordance with the federal law, all parcels that are not donated must be appraised. At this step in the schedule, the LPA must determine the amount of time it will take the appraiser to complete the appraisal reports. To determine this, the LPA needs to consider the number of parcels on the project, the types of impacts the project will have on the various parcels, the number of individual appraisers that will be used to complete the appraisal reports, and the types of appraisal reports that will be required. The Standard Format Appraisal is the most complex valuation document and can take a single appraiser up to 30 days to complete one report. The Value Finding Appraisal Format is a less complex valuation document and can take a single appraiser 2 to 3 weeks to complete one report. The Payment Estimate is the least complex valuation document and can take 5 days for a single appraiser to complete one report. In addition to the actual time it takes to complete the appraisal reports, the LPA needs to consider the amount of time it will take to get the appraiser or appraisers under contract. Typically an appraiser can be under contract within 3 to 4 weeks.

For the purposes of this example, we will consider this project to be a less complex project with 5 parcels where the valuations were completed using the Value Finding Appraisal Format. In this situation, it is reasonable to assume that an appraiser could complete 5 Value Finding Appraisal Formats within 10 weeks. If it takes 3 weeks to get an appraiser under contract, that would mean that the A-Date or Notice to Proceed needs to be received by the LPA at least 90 days prior to the date appraisals are to be completed on January 23, which would be October 23.

**Step 6:**

**Appraisals/Payment Estimates Complete January 23**

In accordance with the federal law, all appraisals must be reviewed by a review appraiser. To determine the date appraisals need to be complete, the LPA must determine how long it will take to complete the appraisal reviews. In most cases, it can take up to 1 week to complete a single appraisal review. Therefore, the LPA needs to consider the number of parcels on the project, as well as the length of time to get a review appraiser under contract. A review appraiser can usually be under contract within 3 to 4 weeks.

For the purposes of this example, we will consider this project to be a less complex project with 5 parcels that can be valued using the Value Finding Appraisal Format. In this case, we will assume that the LPA put the review appraiser under contract at the same time the LPA put the appraiser under contract, which will save about 3 to 4 weeks in this step. With the review appraiser already under contract, it is reasonable that the review appraiser could complete the appraisal reviews within 30 days of receiving the completed appraisal reports. Therefore, in order to keep the project on schedule, the appraisals would need to be completed at least 30 days prior to February 25, which would be January 23 (because January 25 is on a Sunday).

**Step 5:**

**Appraisal Reviews Complete February 25**

To determine when Appraisal Reviews need to be complete, the LPA must determine how long it will take to put the negotiation packets (written offer, brochure, deeds, etc.) together and actually extend the written offers to the property owners. The length of time to complete this step depends on the number of parcels affected by the project, along with the number of individuals who will act on behalf of the LPA as negotiators. For the purposes of this example, we will consider this project to be a less complex project with 5 parcels. In most situations, all negotiation packets and the extension of written offers should be able to be made within 30 days, so the Appraisal Reviews would need to be completed 30 days prior to March 25, which would be February 25.

**Step 4:**

**Written Offers Made March 25**

To be in compliance with both the federal and state law, all property owners must be given a minimum of 30 days to consider the written offer. However, it is highly recommended that the LPA allow enough time for the property owners to consider the written offers without feeling rushed. On more complex projects where there are 5 or more parcels, damages to the remaining properties, structures being acquired, etc., it may be reasonable to allow for 120 days to negotiate before providing the 60-Day Notice. On less complex projects where there are less than 5 parcels, the acquisition is a narrow strip off the frontage, the acquisition is a noninvasive easement, etc., it is likely reasonable that a property owner could comfortably consider the written offer within 60 days.

At this step in the scheduling process, it is important for the LPA to look closely at the types of properties impacted, the general impacts to the properties, and the actual property owners and tenants. For example, if the project affects a government entity, like a Post Office, negotiations could take up to 8 months to complete. If the project affects a corporation like MFA Oil, negotiations could take up to 5 months by the time the paperwork makes it through the corporation’s headquarters. Negotiations with an operating railroad can take 9 months to a year to complete. If the property owners live out-of-state and/or there are multiple owners it could take up to 4 months to complete the paperwork.

On certain projects, it will be necessary to offer relocation benefits to property owners. Some situations where property owners become eligible for relocation benefits include (but are not limited to): a residence being acquired, a structure being acquired that contains personal property, an on-premise sign is located within the acquisition area, and/or personal property is located within the acquisition area. When relocation benefits apply, the negotiation process is typically longer than usual. If you think relocation benefits may apply to your project, it is highly recommended that you contact MoDOT immediately. MoDOT staff will be able to help you with the relocation process and help you determine the amount of time it will likely take for you to complete negotiations.

For the purposes of this example, we will consider this project to be a less complex project with 5 parcels and no relocation. As mentioned above, it is reasonable to assume that negotiations could take up to 60 days to complete. Therefore, all offers need to be made at least 60 days prior to the 60-Day Notices being sent on May 25, which would be March 25.

**Step 3:**

**60-Day Notices Sent May 25**

In accordance with State Law (RSMo. Chapter 523), all property owners of property being condemned must receive a 60-Day Notice at least 60 days prior to the LPA filing a Condemnation Petition. Therefore, all 60-Day Notices must be sent 60 days prior to July 24, which would be May 25.

Keep in mind that you may still continue to negotiate with property owners even though the 60-Day Notices have been sent. Make sure the property owners understand this is a required step by law and is not intended to provide pressure or end negotiations.

**Step 2:**

**File Condemnation Petition or Cancel Project July 24**

In order to determine when the Condemnation Petition needs to be filed in order to keep the project on schedule, it is highly recommended that the LPA discuss this process with the attorney who will be handling the condemnation proceedings on behalf of the LPA. The reason this discussion is recommended is because condemnation proceedings take longer in some counties than in others. Based on MoDOT’s experience, in most counties we can usually get through the condemnation process in 4 months. For the purposes of this example, we will count back 4 months from the Clearance Certification submittal date of November 26, which would mean that the Condemnation Petition needs to be filed no later than July 24 (because July 26 falls on a Sunday).

If the LPA chooses not to initiate condemnation proceedings, then this is the date the LPA must cancel the project and reimburse MoDOT for all previous expenses.

**Step 1:**

**Submit Clearance Certification November 26**

To calculate the date for the Submit Clearance Certification step, you need to first identify the date for Construction Authorization. Between the Clearance Certification submittal and the Construction Authorization, a few steps have to happen. Once the Clearance Certification is submitted, MoDOT will finalize its review of the Clearance Certification and submit the documentation to FHWA within 3 weeks. FHWA will complete Construction Authorization within 2 weeks. Therefore, if the Construction Authorization date for your project is December 31, the Clearance Certification would have to be submitted at least 5 weeks prior to December 31, which would be November 26.