



## Right of Way Acquisition for Public Sector Projects: A Step-by-Step Process Guide by ORC

Right of Way (ROW) acquisition is a pivotal element in the framework of modern infrastructure projects and land management. This guide, presented by ORC, an industry leader in ROW services, aims to demystify the complex process of acquiring land or property rights for infrastructure development. Our experience spans decades, ensuring a comprehensive understanding of the intricacies involved in ROW acquisition for both the public and utilities sectors.

### **Step 1: Initial Preparations and Federal Funding**

The process begins with meticulous preparations, a hallmark of ORC's commitment to excellence. If the project follows the Uniform Relocation Assistance and Real Property Acquisition Policies Act (aka Uniform Act), due to state or federal funding, then ORC often provides the management, oversight and coordination of the process to ensure all requirements are followed. This can include supporting public outreach efforts and securing survey permission (right of entries), which are essential in determining potential impact on the surrounding environment and communities.

### **Step 2: Title Work and Potential Issues**

During this step, ORC conducts thorough title searches to establish property ownership and uncover any encumbrances or liens. ORC can assist with curing any title issues, including: determining how to cure the title defect; working with landowners or third parties to resolve the defect; and working with the project team on alternatives when the defect is not curable.



### Step 3: Appraisal and Review Process

Under the rules of the Uniform Act, each parcel must be appraised by a licensed appraiser unless the owner is donating, or it is determined that the valuation problem is uncomplicated, and the anticipated value of the proposed acquisition is under the required dollar threshold. When it is determined that an appraisal is not necessary, ORC will prepare a Waiver Valuation as described in the Uniform Act. A review appraiser is required to review every appraisal that is prepared (typically for acquisitions \$10,000 and above) and evaluate the appraisal to recommend a just compensation offer amount for an agency official to approve. ORC will also often manage an external appraiser and review appraiser to ensure compliance with the Uniform Act and/or any state specific requirements.



### Step 4: Acquisition Packages and Initial Notices

Following the completion of appraisals, the preparation of acquisition packages marks the formal initiation of the acquisition. This phase is characterized by clear and empathetic communication with property owners. ORC's expertise in crafting these packages and required notices is evident in our ability to balance legal requirements with respect and understanding for the property owners' perspectives.

### Step 5: Good Faith Negotiations

This is the heart of the ROW acquisition process. ORC's team of skilled negotiators works diligently to reach an agreement that is fair and equitable for all parties involved. This phase often involves detailed discussions, addressing concerns, and sometimes providing relocation services. During this entire process, ORC will maintain an electronic file, separated by parcel, with copies of all pertinent information on that file. It will also contain a Negotiator's Log in which ORC documents all significant correspondence with the property owners. This information is invaluable when needing to review a parcel and is a requirement of the Uniform Act.



### Step 6: Relocation Services

ORC's approach to relocation is characterized by empathy and support, ensuring that affected parties are given the assistance they need for a smooth transition. This phase underscores ORC's commitment to not just successful acquisitions but also to the wellbeing of individuals and communities impacted by the projects. The Uniform Act has a very strict 90-day and 30-day notice requirements at different project stages, and ORC's experiences team will make sure all requirements and notices are accounted for to avoid any unnecessary delay.

## Step 7: Condemnation

In cases where a settlement cannot be reached for acquiring the needed property rights, condemnation may be required where a price agreement cannot be reached with the property owner, but there are circumstances which may cause the need for condemnation. These can include indeterminant ownership where it is not clear what party or parties have the legal right to convey the property, tax, or loan issues, or legal issues involving the land such as contesting estates or divorce situations. Whatever the situation, ORC will provide the condemning attorney with a complete parcel file of information from which the attorney can file the condemnation action.

## Step 8: Closeout and Recording Documents

In this concluding phase, the acquisition is finalized, and ORC will record the transfer (easement or deed) documents with the County. The recordation is the method of public notice that the agency either has a permanent easement on the property or now owns in fee the simple estate the specific property outlined in the deed. ORC will be able to electronically transmit all of ORC's files and documents on the project. If the project is performed with federal funds and thus subject to Uniform Act Audit, ORC will ensure files meet necessary requirement and meet with auditors.

## Conclusion:

The ROW acquisition process, as detailed, highlights ORC's extensive expertise and deep commitment to ethical and effective practices. Our step-by-step approach, rooted in decades of experience, exemplifies our dedication to excellence in ROW services. ORC's methodology is not just about acquiring rights; it's about building trust and ensuring positive outcomes for all stakeholders involved.



## Key Takeaways:

- Detailed understanding of each phase in the ROW acquisition process.
- Insights into ORC's specialized approach and expertise in ROW services.
- Importance of each step in ensuring a successful and compliant acquisition.

## Related Articles:

- [Balancing Public and Private Interests in Right of Way Acquisition](#)
- [Avoid Common Misconceptions in Right of Way Acquisition](#)