

CITY OF TUCSON, ARIZONA  
DEPARTMENT OF TRANSPORTATION

ENGINEERING DIVISION  
ACTIVE PRACTICES GUIDELINES

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PREPARED BY: Design Section - Mike Holder EFFECTIVE: \_\_\_\_\_

APPROVED BY: *Fancy L. Holder* DATE: 11/23/88

City Engineer

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SUBJECT: RIGHT-OF-WAY ACQUISITION PROCEDURES

1.01 PURPOSE

- A. To establish guidelines for the proper and systematic coordination required between the Engineering and Real Estate Divisions in conjunction with Engineering Division project related right-of-way acquisitions.
- B. To establish guidelines to facilitate the consistent and timely preparation of right-of-way materials by the project engineer to be provided to the Real Estate Division.

1.02 BACKGROUND

- A. In order to provide the Real Estate Division with the information necessary to proceed with the acquisition process, construction drawings, right-of-way plans, legal descriptions and title reports are typically provided. Also, prior to the negotiation phase, Engineering Division staff prepares for Mayor and Council consideration, a communication which requests authority to proceed with acquisition.
- B. In the past, delays in the design phase and the desire to maintain the programmed construction start date have caused the time allotted for right-of-way acquisition to be compromised at times. In an attempt to provide the Real Estate Division more lead time to more effectively schedule their appraisal and negotiation, partial or preliminary submittals should be provided to the Real Estate Division as early as possible during the design phase.

1.03 RECOMMENDED COORDINATION PROCEDURES

- A. Mayor and Council Authority to Acquire:

Although the appraisal process can proceed prior to Mayor and Council authorization to acquire, the acquisition process cannot. In order to secure Mayor and Council authority to acquire, the Engineering

Division must prepare for Mayor and Council consideration, a communication explaining the need for the right-of-way and an "S"-Drawing showing the right-of-way to be acquired. A resolution prepared by the attorney's office is also attached to the Mayor and Council Communication. Project needs may consist of right-of-way to be acquired in fee, temporary, or permanent easements.

Although it is desirable to secure Mayor and Council authority to acquire all right-of-way at one time, it may be necessary at times to break the acquisition process into different phases if the project involves a significant number of acquisitions. This may require that Mayor and Council authority to acquire be requested on more than one separate occasion, and the Mayor and Council Communication should explain the necessity for doing so.

B. Submittals to the Real Estate Division:

In order to properly identify submittals provided to the Real Estate Division, the format of the attached memo should be utilized. The memo should indicate what is being submitted, the design percentage completed, anticipated final submittal date, anticipated construction start date, and whether or not authority to acquire has been secured from Mayor and Council.

If partial submittals are made to the Real Estate Division, the reasoning for this should be provided. For example, a partial submittal could be made strictly to allow the Real Estate Division to more effectively schedule their appraisal and acquisition phases. This would also enable them to identify potential scheduling problems and to alert the Engineering Division for possible corrective actions.

C. Documentation:

Given the number of Engineering Division projects in varied stages of right-of-way acquisition, it is imperative that all submittals to the Real Estate Division be properly documented, and that all submittals include a historically current status of Mayor and Council authorization to acquire. This status should be identified in two separate locations; once on the attached memo and also on the right-of-way plan cover sheet immediately above the title block. The information should include the "S"-Drawing number, the resolution number, and the date Mayor and Council provided authority to acquire. In any event, the "S"-Drawing should be referenced to ensure that authority to acquire was provided for any particular parcel.

MDH:eb1

Attachment



# MEMORANDUM

DATE:

TO: Hector Martinez  
Real Estate Administrator

FROM: Office of City Engineer

SUBJECT: Right-of-Way to be Acquired  
(PROJECT NAME)

The referenced project is currently scheduled to begin construction in \_\_\_\_\_

Attached please find the following items:

Construction Plans	_____	Percent Complete	_____
Right-of-Way Plans	_____	Percent Complete	_____
Legal Descriptions	_____	Percent Complete	_____
Title Reports	_____	Percent Complete	_____

Other: (Describe) \_\_\_\_\_

The balance of the materials are projected to be submitted in \_\_\_\_\_

Comments: \_\_\_\_\_

Mayor and Council Authorization to Acquire Provided on: \_\_\_\_\_

"S"-Drawing No. \_\_\_\_\_ Resolution No. \_\_\_\_\_

If you have any questions, please call \_\_\_\_\_, Project Engineer, at 4146.

Michael D. Holder  
Assistant City Engineer  
Design Section

By: \_\_\_\_\_  
Project Engineer

MDH:eb1:

xc: Michael D. Holder  
Mary Lou Arbaugh