



**TRANSPORTATION CABINET**

Frankfort, Kentucky 40622  
www.transportation.ky.gov/

**Steven L. Beshear**  
Governor

**Michael W. Hancock, P.E.**  
Secretary

November 30, 2011

CALL NO. 301  
CONTRACT ID NO. 111056  
ADDENDUM # 1

Subject: Morgan County, JL04 088 0172 010-013  
Letting December 9, 2011

- (1) Revised - Table of Contents - Page 2 of 133
- (2) Added - Right-of-Way Certification Form - Pages 16(a)-16(c) of 133

Proposal revisions are available at <http://transportation.ky.gov/contract/>.

If you have any questions, please contact us at 502-564-3500.

Sincerely,

A handwritten signature in blue ink that reads "Ryan Griffith".

Ryan Griffith  
Director  
Division of Construction Procurement

RG:ks  
Enclosures



An Equal Opportunity Employer M/F/D

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## Right-of-Way Certification Form

Revised 2/22/11

Federal Funded

Original

State Funded

Re-Certification

This form must be completed and submitted to FHWA with the PS&E package for federal-aid funded Interstate, Appalachia, and Major projects. This form shall also be submitted to FHWA for all federal-aid projects that fall under Conditions No. 2 or 3 outlined elsewhere in this form. When Condition No. 2 or 3 apply, KYTC shall resubmit this ROW Certification prior to construction contract Award. For all other federal-aid projects, this form shall be completed and retained in the KYTC project file.

Date: 23 November 2K11

Project Name: West Liberty - Staffordsville Rd (KY 172)

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

Project #: FD04.CO88.6907901R

County: Morgan

Item #: 10-8003.00

Federal #: None

Description of Project: Spot improvement/realignment of KY 172 in Morgan County.

### Projects that require **NO** new or additional right-of-way acquisitions and/or relocations

- The proposed transportation improvement will be built within the existing rights-of-way and there are no properties to be acquired, individuals, families, and businesses ("relocatees") to be relocated, or improvements to be removed as a part of this project.

### Projects that require new or additional right-of-way acquisitions and/or relocations

- Per 23 CFR 635.309, the KYTC hereby certify that all relocatees have been relocated to decent, safe, and sanitary housing or that KYTC has made available to relocatees adequate replacement housing in accordance with the provisions of the current FHWA directive(s) covering the administration of the Highway Relocation Assistance Program and that at least one of the following three conditions has been met. (Check those that apply.)

- Condition 1.** All necessary rights-of-way, including control of access rights when applicable, have been acquired including legal and physical possession. Trial or appeal of cases may be pending in court but legal possession has been obtained. There may be some improvements remaining on the right-of-way, but all occupants have vacated the lands and improvements, and KYTC has physical possession and the rights to remove, salvage, or demolish all improvements and enter on all land. Fair market value has been paid or deposited with the court.

- Condition 2.** Although all necessary rights-of-way have not been fully acquired, the right to occupy and to use all rights-of-way required for the proper execution of the project has been acquired. Trial or appeal of some parcels may be pending in court and on other parcels full legal possession has not been obtained, but right of entry has been obtained, the occupants of all lands and improvements have vacated, and KYTC has physical possession and right to remove, salvage, or demolish all improvements. Fair market value has been paid or deposited with the court for most parcels. Fair market value for all pending parcels will be paid or deposited with the court prior to AWARD of construction contract. (See note 1 below.)

**Note 1:** The KYTC shall re-submit a right-of-way certification form for this project prior to AWARD of all Federal-Aid construction contracts. Award must not to be made until after KYTC has obtained full legal possession and fair market value for all parcels has been paid or deposited with the court and FHWA has concurred in the re-submitted right-of-way certification.

## Right-of-Way Certification Form

*Revised 2/22/11*

Date: 23 November 2K11

Project Name: West Liberty - Staffordsville Rd (KY 172)  
 Project #: FD04.CO88.6907901R County: Morgan  
 Item #: 10-8003.00 Federal #: None  
 Letting Date: \_\_\_\_\_

This project has 23 total number of parcels to be acquired, and 5 total number of individuals or families to be relocated, as well as 0 total number of businesses to be relocated.

- 17 Parcels where acquired by a signed fee simple deed and fair market value has been paid
- \_\_\_\_\_ Parcels have been acquired by IOJ through condemnation and fair market value has been deposited with the court
- \_\_\_\_\_ Parcels have not been acquired at this time (*explain below for each parcel*)
- 3 Parcels have been acquired or have a "right of entry" but fair market value has not been paid or has not been deposited with the court (*explain below for each parcel*)
- X Relocatees have not been relocated from parcels 11, 21, 26, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, and \_\_\_\_\_ (*explain below for each parcel*)

Parcel #	Name/Station	Explanation for delayed acquisition, delayed relocation, or delayed payment of fair market value	Proposed date of payment or of relocation
11	Ferguson	Condemnation	15.01.2K12
18	Wheeler	Condemnation	15.01.2K12
26	Hutchison	R.H.P. issues	15.02.2K12
14	Leonard	Signed; payment pending	15.12.2K11
21	Wright	Signed; payment pending	15.12.2K11
22	Wheeler	Signed; payment pending	15.12.2K11

There are \_\_\_\_\_ billboards and/or \_\_\_\_\_ cemeteries involved on this project.

There are \_\_\_\_\_ water or monitoring wells on parcels \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, and \_\_\_\_\_. All have been acquired and are the responsibility of the project contractor to close/cap.

**Form Effective Date: April 1, 2006**  
**Last Revised: February 22, 2011**

# Right-of-Way Certification Form

Revised 2/22/11

\*  **Condition 3.** The acquisition or right of occupancy and use of a few remaining parcels are not complete and/or some parcels still have occupants. However, all remaining occupants have had replacement housing made available to them in accordance with 49 CFR 24.204. The KYTC is hereby requesting authorization to advertise this project for bids and to proceed with bid letting even though the necessary rights-of-way will not be fully acquired, and/or some occupants will not be relocated, and/or the fair market value will not be paid or deposited with the court for some parcels until after bid letting. KYTC will fully meet all the requirements outlined in 23 CFR 635.309(c)(3) and 49 CFR 24.102(j) and will expedite completion of all acquisitions, relocations, and full payments after bid letting and prior to AWARD of the construction contract or force account construction. A full explanation and reason for this request, including identification of each such parcel and dates on which acquisitions, payments, and relocations will be completed, is attached to this certification form for FHWA concurrence. (See note 2.)

**Note 2:** The KYTC may request authorization on this basis only in unique and unusual circumstances. Proceeding to bid letting shall be the exception and never become the rule. In all cases, the KYTC shall make extraordinary efforts to expedite completion of the acquisition, payment for all affected parcels, and the relocation of all relocatees prior to AWARD of all Federal-Aid construction contracts or force account construction.

\* 1 remaining Replacement Housing Offer to be made (Parcel #26)

Approved: Bruce K. Napier  
Printed Name

  
Signature Right-of-Way Supervisor

Approved: DAVID L. ORR  
Printed Name

  
Signature KYTC, Director of ROW & Utilities

Approved: \_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Signature FHWA, ROW Officer (when applicable)