

**1300 RIGHT OF WAY**

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Highway Design Manual	<i>Chapter</i>	EXHIBITS
	<i>Subject</i>	Table of Exhibits

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<b>HIGHWAY DESIGN</b>	<i>Chapter</i>  RIGHT OF WAY
	<i>Subject</i>  General Information

**HD-1301.1 GENERAL**

The procurement of right of way that accommodate construction, adequate drainage, and maintenance of a highway is an integral part of the overall project. Traffic requirements, topography, environmental issues, utilities, land use, costs, intersection design, and extent of ultimate expansion influence the width of right of way for the complete development of a roadway.

**HD-1301.2 RIGHT-OF-WAY**

Right of way should be sufficient to accommodate construction and the continued maintenance and operation of the facility. Avoiding right-angle breaks in the right-of-way line, as well as irregularities in widths, optimizes land use and facilitates maintenance operations and fencing.

In urbanized areas, consider the use of curb-and-gutter sections for the reduction of right of way and compatibility with adjacent development. The use of right of way, permanent easements, and temporary easements should be determined on a site-specific basis in order to facilitate the construction, operation, and maintenance of the facility and adjacent land use. Typically, permanent right of way should be acquired to the back edge of the berm on curb-and-gutter projects with easements used for that portion beyond the right of way for construction, operation, and maintenance of drainage structures.

**HD-1301.3 EASEMENTS**

It is common practice to use two types of easements on proposed highway projects: temporary and permanent.

**HD-1301.3.1 Temporary Easement**

A temporary easement is the use of a tract of land for a specified duration (typically the duration of construction), with the land reverting to the owner's

exclusive use at the end of the period. The plans and the deed descriptions require a stated purpose for the easement.

Use the following example in designations for temporary easements:

"Temporary easement for (specify use such as entrance construction, detour/diversion construction, slope construction, building removal, etc.)" See **Exhibit 1300-01**. When utilizing temporary easements for the removal of buildings, a minimum of 15 feet should be secured around the entire structure unless constrained by the limits of the property boundary or by other nearby features designated to remain in place (**Exhibit 1300-02**). Temporary easements can be used for drainage structures, such as yard drains, if they have little impact on roadway drainage.

#### **HD-1301.3.2 Permanent Easement**

A permanent easement is designated for a specific, ongoing, and continuous purpose. The plans and the deed descriptions require a stated purpose for the easement.

Use the following example in designations for permanent easements:

"Permanent easement for (specify use such as drainage, utilities, water line, sewers, electric, etc.)" See **Exhibit 1300-01**. It is not necessary to segment the descriptions for permanent easements for differing utility uses. The permanent easement should list all uses on the plans and deed descriptions. Permanent easements for utility relocation should include the types of utilities included in the easement. Metes and bounds descriptions are required for permanent easements.

#### **HD-1301.4 PARCEL NUMBERS**

Assign a parcel number to each individual parcel, starting with the number 1 at the beginning of the project and numbering consecutively to the end of the project (**Exhibit 1300-01**). If a project's magnitude warrants breaking it into sections, the numbering system would continue; however, a gap should be included to allow for additional parcels that may arise as the project plans are developed.

For example:

Section #1—parcels might be numbered 1 through 40

Section #2—parcels might be numbered 50 through 110

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Section #3—parcels might be numbered 120 through 170

**Note:** Once a parcel number has been used, it should never be reused on the same project. Unused parcel numbers should be noted on the summary sheet as “not used” (**Exhibit 1300-03**).

Numbers may occupy up to a maximum of four spaces. Do not use dashes and periods to separate characters. Letters should not be used in parcel numbers except for explicit reasons such as in the case of leased parcels. Leased parcels or leased portions of parcels shall have parcel numbers followed by the letter L (i.e., 4L, 4L1, 4L2, etc., where L1 means first lease, L2 means second lease, etc.) See **Exhibit 1300-04**.

#### HD-1301.5 RIGHT-OF-WAY MONUMENTATION

The right-of-way boundaries for the entire project shall be established and monumented for all projects according to guidance provided in **HD-300**.



<b>HIGHWAY DESIGN</b>	<i>Chapter</i> RIGHT OF WAY
	<i>Subject</i> Right-of-Way Plans

**HD-1302.1 RIGHT-OF-WAY PLANS**

Procedures for dealing with right-of-way plan submittals and revisions are given in this chapter and in **HD-1305** and **HD-1306**. Preliminary right-of-way plans are not required unless specifically requested. Right-of-way plans shall consist of the following:

- Layout sheet
- Right-of-way revision sheet (if required)
- Typical sections
- Plans and profiles
- Right-of-way summaries
- Right-of-way strip maps
- Any detail sheets that affect right of way (i.e., detours, maintenance of traffic, access control sheets, railroad detail sheets)
- Coordinate control sheets

**HD-1302.2 LAYOUT SHEET**

The layout sheet for right-of-way plans should contain the project location, description, and identification features. Provide a location map with enough information to easily locate the project. This layout sheet shall bear a signature block for the project manager and the state highway engineer. The type of access control proposed for the project and highways on the National Highway System

shall also be noted on the layout sheet. See **HD-1100** for different types of access control.

The following note shall be used on partial-access-control projects: "Access shall be provided only where specifically shown on the plans." The layout sheet shall be designated "Right-of-Way Plans" and include an index of sheets. Refer to **Exhibit 1300-05** for details.

### **HD-1302.3 RIGHT-OF-WAY REVISION SHEET**

When a revision occurs, a right-of-way revision sheet is added to the right-of-way plans. This sheet is labeled "Right of Way Revision Sheet" and inserted directly after the layout sheet. This sheet shall be numbered as sheet number "R1a." (**Exhibit 1300-06**)

### **HD-1302.4 TYPICAL SECTIONS**

The typical sections sheets included in the right-of-way plans shall depict the typical cross-section of the mainline roadway. If applicable, a normal crown and a superelevated section should be shown, along with a bridge typical section. Typical sections of approach roads and entrances should also be included.

### **HD-1302.5 PLAN AND PROFILE**

The right-of-way plan and profile sheets typically are generated from grade and drain plans. These sheets should typically depict the following:

- Existing planimetrics
- Proposed right of way
- Existing right of way
- Existing and proposed easements
- Right-of-way monumentation
- Property lines
- Existing utilities
- Construction limits (disturbed limits)
- Entrances
- Access control lines (if applicable)
- Locations of wells, cisterns, and septic systems
- Signs (both on and off existing right of way)
- Any other pertinent features
- Parcel numbers and names of the owners (including marital status) for each affected parcel

When deemed appropriate, right-of-way information may be depicted on separate detail sheets.

Ownership of all utilities affected by the project should be listed in tabular form on the first plan sheet, along with the address and phone number of the company plus the name of the appropriate contact person (if available). Existing utility locations should be shown on the plan sheet. Existing overhead utilities should be referenced by type and be shown connected to the respective poles that carry them. Existing underground utilities are to be shown and referenced by type, size, material, and location. For more information, see **HD-300**.

Label all lines that describe permanent takings with bearings and distances. Label existing right-of-way lines with bearings and distances.

Right-of-way monumentation shall be shown on the plan sheets. The monuments shall be flagged on the plan sheets with station and offset.

The profile view should show the location of utilities where they cross the centerline. For more information, see **HD-300**.

#### **HD-1302.6 RIGHT-OF-WAY SUMMARY SHEETS**

The right-of-way summary sheets (**Exhibit 1300-03**) shall show all parcel numbers, the names of the owners, and total areas either in acres or square feet. Parcels with total areas greater than one acre shall be shown on the summary sheet in acres, while parcels with areas less than one acre shall be shown in square feet. When a parcel is severed more than once (e.g. mainline and approach might leave property in three or more pieces), each area remaining should be shown. Regardless of parcel size, easements shall be shown in square feet.

- The “Basis of Determination” should be indicated on the total area of the tract.
- “Portion Remaining” is intended to document the remaining areas of affected properties
- The “Portion Remaining” is the “Total Area of Tract” minus the “Permanent Right of Way Acquired”
- The “Source of Title” column shall indicate the deed book and page number or other title source.



- The “Remarks” column should show any other information that may be useful to the right-of-way agents during the acquisition process. For example, when a parcel is severed more than once, then each remaining area can be noted.

#### **HD-1302.7 RIGHT-OF-WAY STRIP MAPS**

At a minimum, the right-of-way strip maps (**Exhibit 1300-04**) shall show the centerlines, existing and proposed right-of-way lines, permanent easement lines, control-of-access lines, property lines, property owners, and parcel numbers. On limited control-of-access projects, breaks in access shall be shown. The right-of-way strip map should be drawn to a scale that best depicts the boundaries of the parcels. This may not be practical in all cases due to excessively large parcels. The right-of-way strip map should be included in the right-of-way plans unless the requirement is waived by the district right-of-way supervisor. Using aerial photos, GIS systems, and other imagery with right-of-way strip maps is encouraged.

#### **HD-1302.8 DETAIL SHEETS**

Detail sheets necessary for clarity and understanding should be included in the right-of-way plans. Some examples might be maintenance of traffic, erosion control, pipe sheets, and environmental mitigation plans. Detail sheets that are specifically related to railroad involvement should be developed according to guidance provided in **HD-1400**. Mineral ownership detail sheets may be desirable on isolated projects. See **HD-1303** for more details on mineral plans.

#### **HD-1302.9 COORDINATE CONTROL SHEETS**

The coordinate control sheets document the control information that facilitates the field survey process. Right-of-way monuments and witness monuments are documented on the coordinate control sheets with northing, easting, station, and offset. Coordinate control sheets shall be included in the right-of-way plans so that monumentation can be established during the project’s right-of-way phase (**HD-300**).

#### **HD-1302.10 CROSS-SECTION SHEETS**

Typically, cross-sections are not included in right-of-way plans, but they should be furnished when requested by the Division of Right of Way and Utilities. It must be noted that the cross-sections are typically not complete when right-of-way plans are prepared/published. When cross-sections are requested, they will be provided reflecting their current stage of completion.



<h1>HIGHWAY DESIGN</h1>	<i>Chapter</i> RIGHT OF WAY
	<i>Subject</i> Other Right-of-Way Considerations

**HD-1303.1 CEMETERIES**

A separate survey must be conducted when a proposed roadway requires right-of-way acquisition from a cemetery (**HD-305**).

Include a separate sheet showing:

- Accurate boundary of the entire cemetery, labeled with distance and bearing
- Segment to be acquired
- Graves that will be relocated
- Locations of the graves adjacent to those being relocated
- Grave numbers
- Name of the remains in each grave, when known (otherwise labeled "Unknown")

The Division of Right of Way and Utilities submits this information to the Vital Statistics Branch of the Division of Epidemiology and Health Planning in the Cabinet for Health and Family Services as outlined in the ***Right of Way Guidance Manual***.

**HD-1303.2 OIL, WATER, AND GAS WELLS**

All oil or gas wells and appurtenant lines, tanks, and pumps within the proximity of the project are to be shown on the right-of-way plans with the company name and well number. If ownership is different than the surrounding property, a separate parcel number shall be used and recorded on the right-of-way summary sheet.

Water well locations should be shown on the plans with accompanying lines, etc. For all water wells within the construction limits of the project, a note should be added as to their disposition (filling and capping, etc.).

**HD-1303.3 ENCROACHMENTS ON RIGHT OF WAY**

Encroachments should be identified, precisely located, and shown on the plans. Encroachments should be identified as early in the design process as possible so that necessary legal actions can be taken to clear the property and to avoid delays. The project manager, through the project development manager (PDM), should inform the chief district engineer of any encroachments. The project manager should also coordinate with the Division of Right of Way and Utilities.

**HD-1303.4 MINERAL PLANS**

Mineral plans are detail sheets showing subsurface mineral ownership boundaries that may be required on some projects. Property owners for surface and subsurface rights often vary and overlap. Separate sheets and summaries should be prepared to facilitate acquisition of mineral rights. Mineral ownerships shall be designated with an "M" before the parcel number (for example, M9). Overlapping mineral owners are designated with a hyphenated number after the previously cited nomenclature (for example, M9-1 and M9-2). The project manager shall consult with the Division of Right of Way and Utilities to determine the need for mineral plans.

**HD-1303.5 FEDERAL LANDS**

Special care should be taken when impacting federal lands. Early coordination with the appropriate federal agency is essential.

**HD-1303.6 UTILITY RELOCATION**

It is imperative that communication with the utility companies begin as early as possible in the plan development process. During these communications, the companies should be encouraged to identify methodologies that will expedite the relocations or allow the relocation plans to be included with the roadway plans. Early coordination may be appropriate to aid in the acquisition of parcels that are critical to utility locations.

**HD-1303.7 EXISTING RIGHT OF WAY**

Existing right of way as defined by the Kentucky legislature (**KRS 178.025**) is as follows:

1. Any road, street, highway or parcel of ground dedicated and laid off as a public way and used without restrictions by the general public for fifteen (15)

consecutive years, shall conclusively be presumed to be a public road.

2. In the absence of any record, the width of a public road right of way shall be presumed to extend to and include that area lying outside the shoulders and ditch lines and within any landmarks such as fences, fence posts, corner stones or other similar monuments indicating the boundary line.
3. In the absence of both record and landmark, the right of way of a public road shall be deemed to extend to and include the shoulders and ditch lines adjacent to said road, and to the top of cuts or toe of fills where such exist.

For county road right-of-way widths, see **KRS 178.040**.

#### **HD-1303.8 RETURN OF RECONSTRUCTED FACILITIES TO COUNTY JURISDICTION**

For more information on the return of reconstructed facilities to county jurisdiction, refer to **HD 212.10**.

<h1>HIGHWAY DESIGN</h1>	<i>Chapter</i> RIGHT OF WAY
	<i>Subject</i> Right-of-Way Deed Descriptions

**HD-1304.1 GENERAL**

In addition to the information required on the plan sheets, submit deed descriptions of the property to be acquired and a copy of the property’s existing deed of record when submitting the right-of-way plans for the project. Designers are not responsible for the preparation of deeds of conveyance but are responsible for the preparation of the metes and bounds deed descriptions. The Division of Right of Way and Utilities has designated the district right-of-way supervisor as the responsible party for the deed of conveyance.

**HD-1304.2 DEED DESCRIPTIONS**

Deed descriptions shall contain an opening statement. This statement will provide a general location of the property including a tie to a major landmark whenever practical. Each description shall also contain a closing statement. This statement should indicate the area contained in the tract and the type of acquisition (for example, fee simple, permanent easement, or temporary easement). Consider the following when preparing the metes and bounds deed descriptions:

- The description for property acquired in fee simple shall be by metes and bounds, referenced to the highway centerline by station and offset distance, and should be written in a clockwise direction.
- When a property is a lot described on a recorded plat on file in the county clerk's office, the metes and bounds description will include reference to the lot number and subdivision name, plus plat book and page number.
- If the project includes an existing roadway right of way and there is an absence of information otherwise, it should be assumed that the Commonwealth of Kentucky holds title to the existing right of way and that those areas should not be included in the descriptions.

- The Division of Right of Way and Utilities may request additional property descriptions, land areas, etc., to facilitate the acquisition process.
- The controlled access lines shall be specifically described in deed descriptions for “limited access highways.” When providing openings in the controlled access line, state the beginning and ending of access control in the appropriate deed descriptions.

During completion of the construction plans, review of deeds, and acquisition of rights of way, it may be necessary to amend the deed descriptions.

### **HD-1304.3 PARCEL NUMBERING**

Assign each individual parcel a number starting with number 1 and number consecutively to the end of the project. Consider this parcel number the identifier of the existing property. Assign a tract letter (right of way or easement) to each portion of acquired land. Append the letter to the parcel number. For example, Parcel 4, Tract A, may be the right of way to be acquired from Parcel 4; Parcel 4, Tract B, may be the permanent easement to be acquired from Parcel 4. Therefore, each subsequent description would receive a tract letter.

Descriptions should be in the following order:

1. Fee-simple right of way descriptions
2. Permanent easement descriptions
3. Temporary easement descriptions

### **HD-1304.4 EXCESS PROPERTY**

The designer will not identify excess property at the time of submittal of right-of-way plans. A later modification to the plans will be required when the district right-of-way supervisor advises that an excess parcel will be acquired. Descriptions for excess property are to be provided when requested.



<h1>HIGHWAY DESIGN</h1>	<i>Chapter</i> RIGHT OF WAY
	<i>Subject</i> Submission of Right-of-Way Plans

**HD-1305.1 SUBMISSION OF PLANS**

The project manager shall submit right-of-way plans to the Director of the Division of Right of Way and Utilities along with a memo stating the plans are submitted and can be found in the appropriate Projectwise folder as per [KYTC CADD Standards Policy for Highway Plans](#).

The project manager should include the following with the submission of right-of-way plans:

- Memo including the Item Number, Description, Program Number, County, and Route, with the following individuals copied:
  - ◆ Project development branch manager (PDM)
  - ◆ District utility supervisor
  - ◆ Location engineer
  - ◆ Environmental project manager (EPM)
  - ◆ District environmental coordinator (EC)
- Right-of-way plans in .pdf format signed by the project manager
- Deed descriptions of the acquiring property

**Note:** All deed descriptions shall be prepared in Microsoft Word or equivalent and shall be located electronically in **ProjectWise** at \\KYTC\Documents\Projects\District#\Item No.\Milestones & Submittals\Right of Way\ (Current) Deed Descriptions. Any revisions should be merged into the original document and updated in ProjectWise as a combined document.

- Source deeds

**Note:** Copies of source deeds and plats shall be in .pdf format and located



electronically in **ProjectWise** at \\KYTC\Documents\Projects\District#\Item No.\Milestones & Submittals\Right of Way\Source Deeds (PDF only).

See **HD-1306** if right of way revisions become necessary.



<b>HIGHWAY DESIGN</b>	<i>Chapter</i> RIGHT OF WAY
	<i>Subject</i> Revision of Right-of-Way Plans

**HD-1306.1 REVISION PROCEDURE**

When a revision to right-of-way plans is necessary, a revision sheet shall be added to the plans. This sheet shall be labeled “Right-of-Way Revision Sheet,” inserted directly after the layout sheet, and numbered “R1a.”

Each time a right-of-way revision is processed on the project, a block shall be added to the new sheet showing right-of-way revision number, plan revision date, sheets revised, parcels involved, and any relevant remarks (**Exhibit 1300-06**). If desired, the right-of-way revision sheet may be updated electronically, reprinted, and inserted into the plans each time a revision is processed.

In addition to the right-of-way revision sheet, each revised sheet shall show the revised plan date in the upper-right corner, below the “County of,” “Item No.,” and “Sheet No.” blocks. (See example below.)

**Note:** Only the last revised plan date should be shown on the revised plan sheets.

COUNTY OF	ITEM NO.	SHEET NO.
MUHLENBERG	2-0014	R11

REVISED PLAN DATE: JANUARY 31, 2003

The project manager shall:

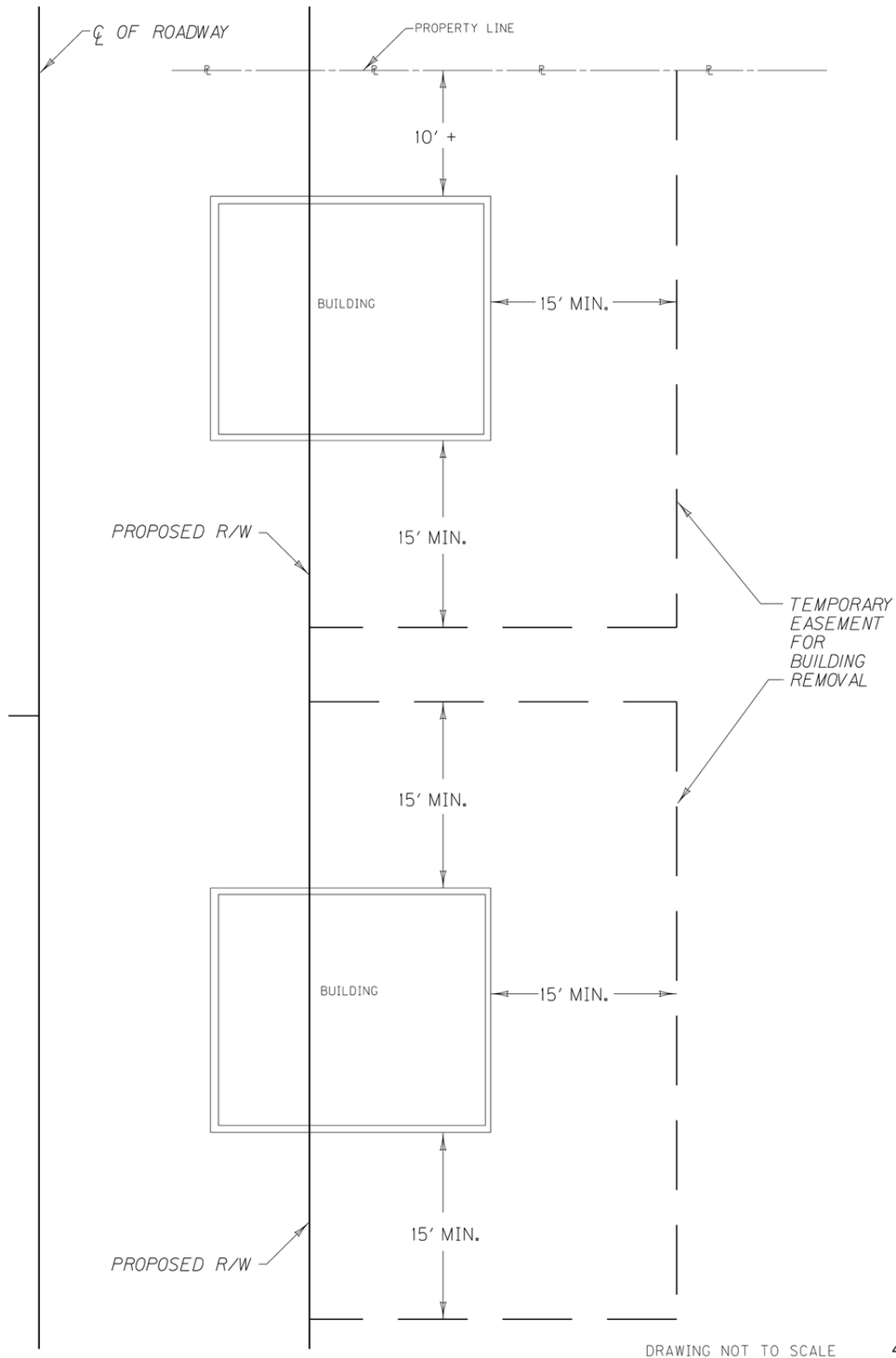
- Notify the Director of the Division of Right of Way and Utilities when revisions are complete and the plans and deeds have been updated to reflect the revision

- Include a brief description detailing the need for the changes
- The updated plans and deed descriptions shall be placed electronically in the appropriate Projectwise folder under \\KYTC\Documents\Projects\District#\Item No.\Milestones & Submittals\Right of Way
- Copy the PDM, district utility supervisor, location engineer, environmental project manager (EPM), and the district environmental coordinator (EC) on all correspondence

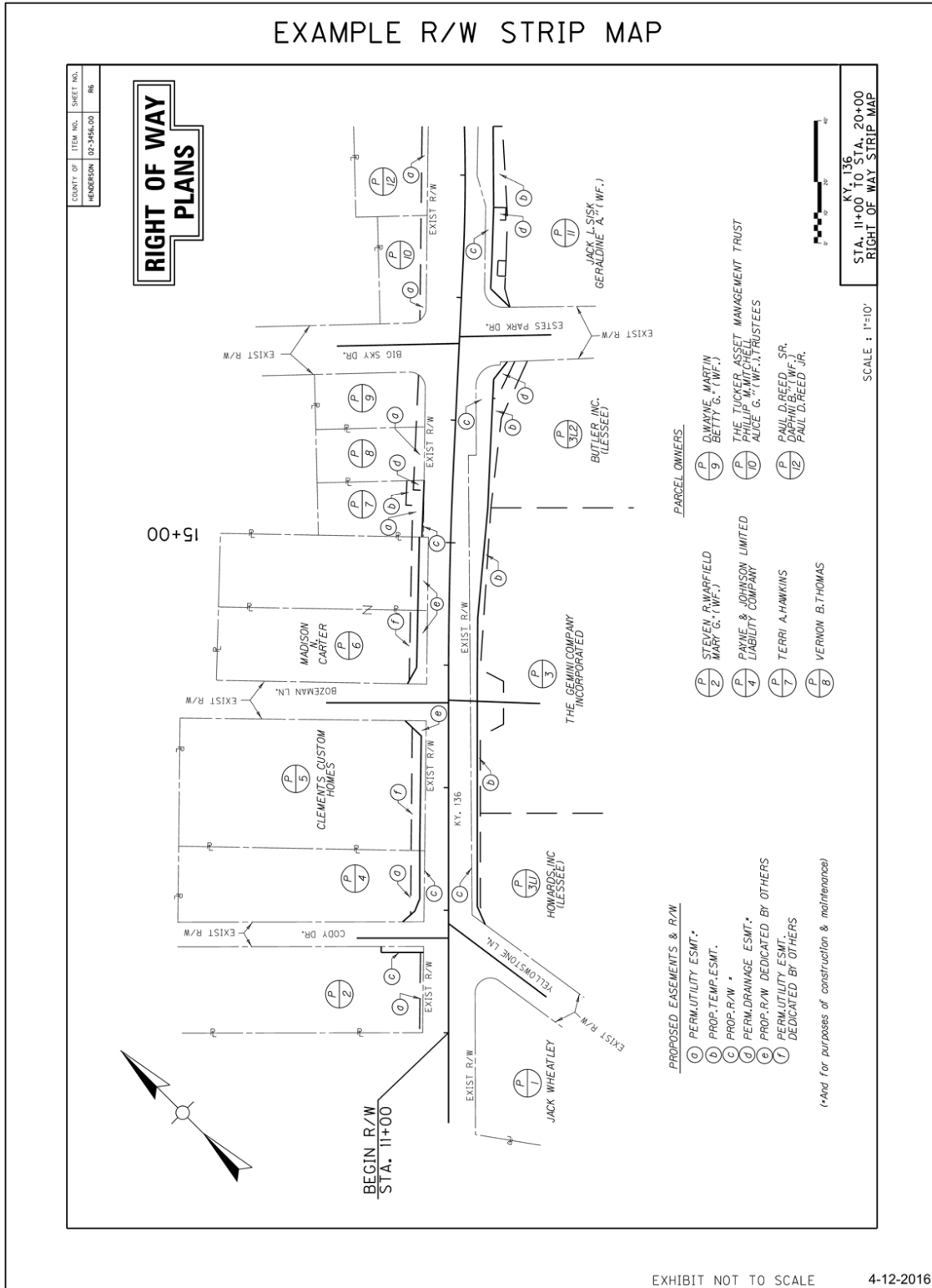




EXAMPLE TEMPORARY EASEMENT FOR BUILDING REMOVAL







## EXAMPLE R/W LAYOUT SHEET

COUNT OF SHEETS	ITEM NO.	SHEET NO.
1	02-3456.00	R1

### RIGHT OF WAY PLANS

THIS PROJECT IS OFF THE IN SYSTEM

THE CONTROL OF ACCESS ON THIS PROJECT SHALL BE BY PERMIT

**Commonwealth of Kentucky**  
DEPARTMENT OF HIGHWAYS

PLANS OF  
PROPOSED PROJECT

KY. 136  
HENDERSON COUNTY  
FD52 051 0060 022-024  
STPS 5053

BEGIN R/W STA. 11+00

END R/W STA. 20+00

LAYOUT MAP

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SHEET NO. DESCRIPTION	
R1 LAYOUT SHEET	
R2A RIGHT OF WAY REVISION SHEET	
R2B TYPICAL SECTION SHEETS	
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R199 CROSS SECTION SHEETS	
R200 CROSS SECTION SHEETS	

<b>DESIGN CRITERIA</b>	
CLASS OF HIGHWAY	_____
TYPE OF TERRAIN	_____
DESIGN SPEED	_____ MPH
REQUIRED PSD	_____
LEVEL OF SERVICE	_____
ADDITIONAL DESIGN CRITERIA	_____
D 1	_____
D 2	_____
D 3	_____
D 4	_____
D 5	_____
D 6	_____
D 7	_____
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D 93	_____
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D 95	_____
D 96	_____
D 97	_____
D 98	_____
D 99	_____
D 100	_____

<b>DESIGNED</b>	
LATITUDE	_____ DEGREES _____ MINUTES _____ SECONDS NORTH
LONGITUDE	_____ DEGREES _____ MINUTES _____ SECONDS WEST
Z RESTRICTED SO	_____
LEVEL OF SERVICE	_____
MAX. DISTANCE W/O PASSING	_____

<b>STANDARD DRAWINGS</b>	
NUMBER	_____

<b>DESIGN CRITERIA</b>	
CLASS OF HIGHWAY	_____
TYPE OF TERRAIN	_____
DESIGN SPEED	_____ MPH
REQUIRED PSD	_____
LEVEL OF SERVICE	_____
ADDITIONAL DESIGN CRITERIA	_____
D 1	_____
D 2	_____
D 3	_____
D 4	_____
D 5	_____
D 6	_____
D 7	_____
D 8	_____
D 9	_____
D 10	_____
D 11	_____
D 12	_____
D 13	_____
D 14	_____
D 15	_____
D 16	



EXAMPLE R/W REVISION SHEET

COUNTY OF HENDERSON	ITEM NO. 02-3456.00	SHEET NO. R1A	REVISED PLANS DATE: JUNE 03, 2015
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**RIGHT OF WAY REVISION NO.1**

REVISED PLANS DATE: APRIL 29, 2015

SHEETS REVISED: R4 thru R8

PARCELS INVOLVED: P4, P5, P6

REMARKS: CUT BACK FILL SLOPES FOR SIGHT DISTANCE

**RIGHT-OF-WAY REVISION NO.2**

REVISED PLANS DATE: MAY 15, 2015

SHEETS REVISED: R1, R13

PARCELS INVOLVED: P1

REMARKS: CHANGED PROPOSED ENTRANCE WIDTH

**RIGHT-OF-WAY REVISION NO.3**

REVISED PLANS DATE: JUNE 03, 2015

SHEETS REVISED: R3, R6

PARCELS INVOLVED: P7, P8

REMARKS: P7-CHANGE AREA OF TOTAL TRACT AND TAKING P8-CHANGE PROPERTY OWNERSHIP

**RIGHT OF WAY  
PLANS**

RIGHT OF WAY REVISION SHEET

EXHIBIT NOT TO SCALE

4-06-2016