

Central Office Procedure Division of Right of Way & Utilities-Right of Way Authorization Shall Include (LPA Coordinator responsibilities). All LPA Funding Requests shall be electronically submitted from the LPA Coordinator to the District RW Supervisor for review/approval/denial. The District RW Supervisor shall review then forward or return if not acceptable. The approved packet shall be forwarded to Director of the Division of Right of Way & Utilities the LPA Funding Request which shall include:

1. **Plans (Right of Way\*) Plans should be KYTC Design Standards including signed Layout Sheet**  
**Right-of-way plans shall consist of the following: (HD-1302.1 KYTC HWY DESIGN MANUAL)**
  - 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
2. **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 the 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.
3. **Easement Type and Use (Any Easement must be for a specific purpose)**
  - **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. Permanent easement for (specify use such as drainage, utilities, water line, sewers, electric, etc.) 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.
  - **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. Temporary easement for (specify use such as entrance construction, detour/diversion construction, slope construction, building removal, etc.)
4. **Cost Estimate- (RW Cost Estimate form TC 62-203)**
5. **Project Agreement (Typically MOA) signed and approved by all parties**

*\*Right of Way Plans must have sufficient details such as cuts/fill slopes, required ROW boundaries, required easement boundaries, existing ROW boundaries, existing property line boundaries, site improvements (enough*

*to reveal possible impacts) properly spotted on plans, ROW Summary with required areas and remainders defined, etc.*

*\*\*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).*

Once the standards are met the Division of Right of Way & Utilities will then process the request including the Official Order. The Official Order authorizes acquisition of right of way using eminent domain procedures afforded by the law of the Commonwealth of Kentucky.

**NOTE:** Right of Way Funding is not the same thing as Authorization of Right of Way. No appraising, acquisition or relocation can begin until the Notice to Proceed (NTP) is given by the Director of Right of Way & Utilities. For appraisals, acquisition, or relocation to occur the Official Order and NTP have to be completed.

Authorization of Project-The Division of Right of Way & Utilities receives from the Division of Program Management a completed TC 10-1, Project Authorization, which authorizes the project's funding and describes its:

- Limits
- Condition
- Related Responsibilities

At this point, the project authorization is handled like any other transportation project.

When the Division of Right of Way & Utilities receives the project authorization, and signed and numbered Official Order, and approved right of way plans, the Director of Right of Way & Utilities notifies the District Right of Way Supervisor through a memorandum which is the NTP (Notice to Proceed). The District Right of Way Supervisor shall advise the LPA or Subagent to proceed. The Division of Right of Way & Utilities then forwards to the District Right of Way Supervisor and FHWA (when applicable) the following:

- FHWA letter of authorization (when Applicable)
- Signed Official Order
- Project Authorization form
- NTP (Notice to Proceed)

When the NTP is given, it shall be the responsibility of the LPA Coordinator to make sure the following is submitted for review to the District Right of Way Supervisor and submitted to the Division of Right of Way & Utilities:

1. Acquisition Stage Report for Relocation (Required for all Projects)
2. Right of Way Project Report (Required for all Projects)
3. Any cost estimate associated with the appraisal, acquisition, and relocation of right of way for review and approval by the Division of Right of Way & Utilities

The District Right of Way Supervisor is responsible for:

- Right of way project oversight on LPA or Subagents projects
- Review and approval of work and payment request

**Note:** *All right-of-way activities are to comply with the Uniform Act and proper right-of-way procedures.*

All LPA Coordinators should have a copy of the KYTC RW Guidance Manual which identifies the above noted process and procedures.

Transportation projects involving Local Public Agencies are required to meet the same requirements as KYTC. It shall be the responsibility of the District Local Public Agency Coordinator to insure compliance with 23 CFR Chapter 1 Subchapter H Part 710, Subpart C Project Development §710.305 (d). The District Local Public Agency Coordinator will require the Local Public Agency Project Manager to notify in writing the Description of Acquisition Process to all persons potentially affected by projects or acquisitions advanced under title 23 of the United States Code.

### Notification Process

After the Notice to Proceed (NTP) is given and as soon as feasible, all persons potentially affected by projects or acquisitions shall be given written notice of the acquisition process prior to any right of way activity. The method of notification shall be by first class registered or certified mail, return receipt requested.

If this process fails to notify the person(s), the parcel file shall be properly documented why notification was not successful.

All description of acquisition process notifications shall be placed in the permanent parcel file. A copy of the property owner notification of acquisition letter shall accompany all parcel payment request.

EXHIBIT-LAYOUT SHEET

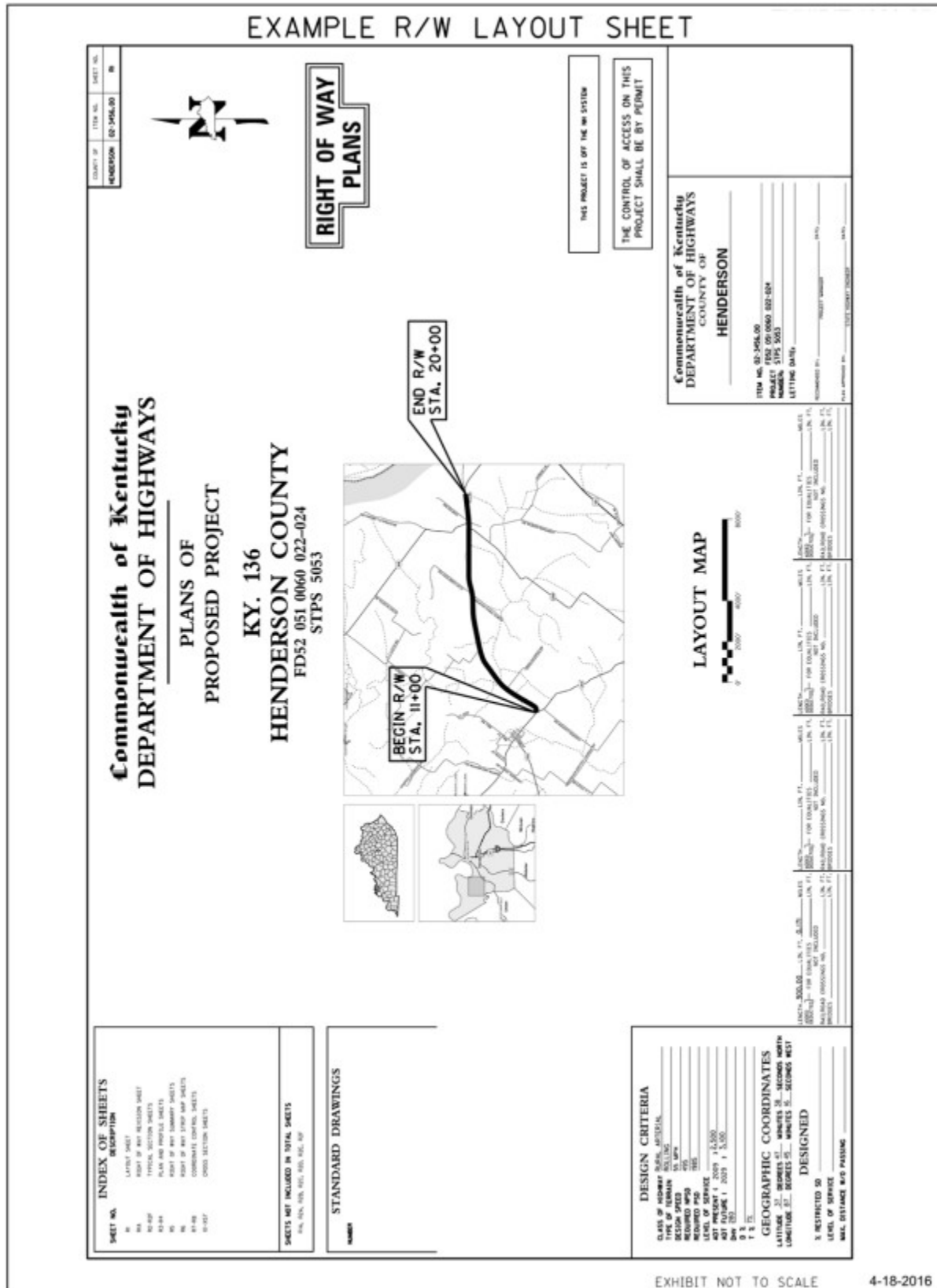


EXHIBIT NOT TO SCALE

4-18-2016

EXHIBIT-RW PLAN SHEET

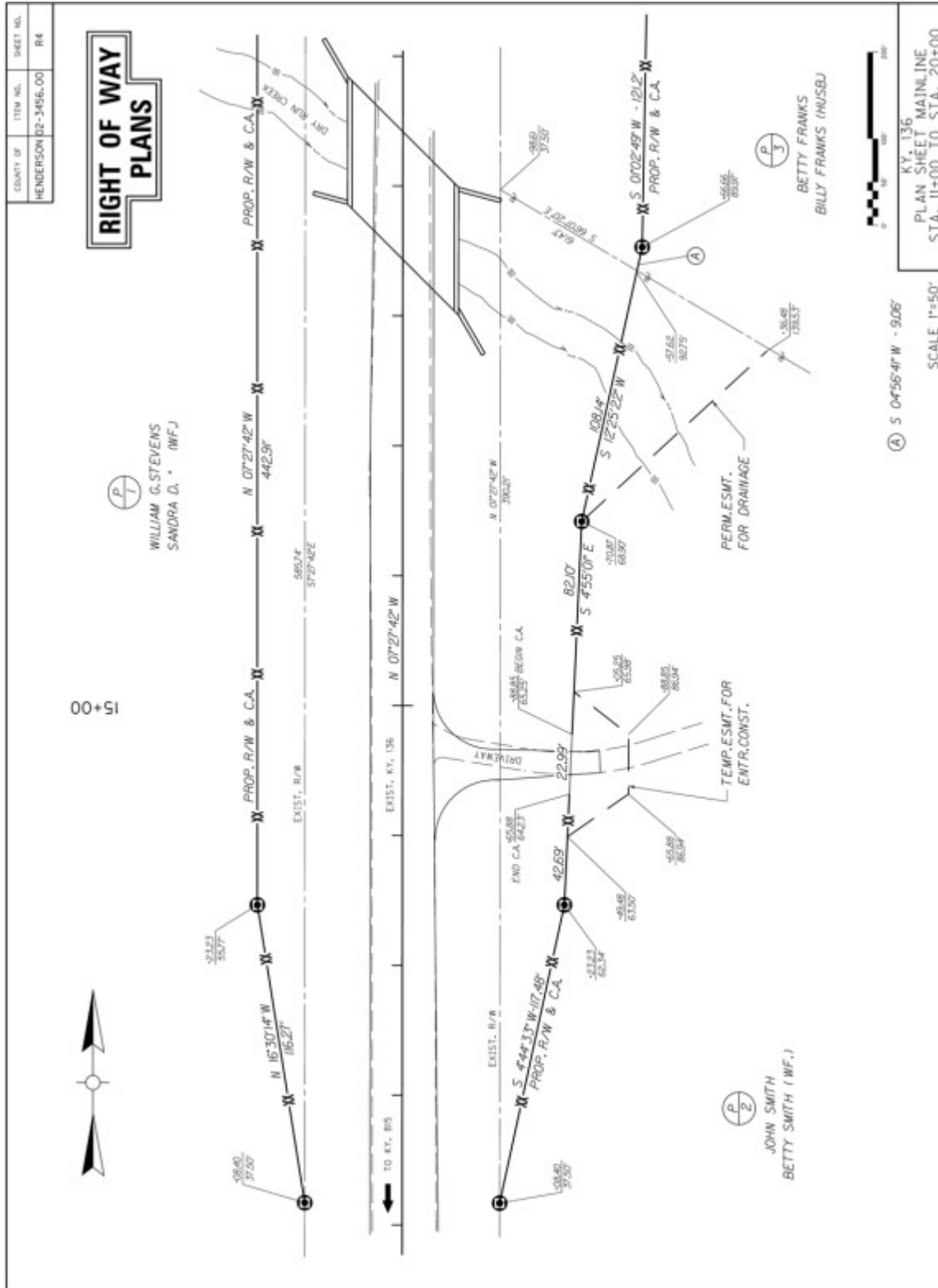


EXHIBIT-RW SUMMARY

EXAMPLE R/W SUMMARY SHEET

PARCEL NO.	OWNER(S)	TOTAL AREA OF TRACT		PERMANENTLY IMPROVED		LEFT		RIGHT		EXCESS PURCHASED		PORTION REMAINING		SHOW STATE OF MARKET		BALDING ACQUIRED		SOURCE OF TITLE	REMARKS*	
		ACRES	SQ. FT.	ACRES	SQ. FT.	ACRES	SQ. FT.	ACRES	SQ. FT.	ACRES	SQ. FT.	ACRES	SQ. FT.	ACRES	SQ. FT.	RES	NO			C
1	LARRY B. STENING	0.040	0.040	0.040	0.040										1				D.A. 5078 P.L. 360	
2	WILLIAM S. WILSON	0.040	0.040	0.040	0.040										1				D.A. 5078 P.L. 360	
3	BENJAMIN C. COOK	0.040	0.040	0.040	0.040										1				D.A. 5078 P.L. 360	
4	WILLIAM S. WILSON	0.040	0.040	0.040	0.040										1				D.A. 5078 P.L. 360	
5	FORESA BAY STANTON GETTY	0.040	0.040	0.040	0.040										1				D.A. 5078 P.L. 360	
6	WILLIAM S. WILSON	0.040	0.040	0.040	0.040										1				D.A. 5078 P.L. 360	
7	WILLIAM S. WILSON	0.040	0.040	0.040	0.040										1				D.A. 5078 P.L. 360	
8	WILLIAM S. WILSON	0.040	0.040	0.040	0.040										1				D.A. 5078 P.L. 360	
9	WILLIAM S. WILSON	0.040	0.040	0.040	0.040										1				D.A. 5078 P.L. 360	
10	WILLIAM S. WILSON	0.040	0.040	0.040	0.040										1				D.A. 5078 P.L. 360	
11	WILLIAM S. WILSON	0.040	0.040	0.040	0.040										1				D.A. 5078 P.L. 360	
12	WILLIAM S. WILSON	0.040	0.040	0.040	0.040										1				D.A. 5078 P.L. 360	
13	WILLIAM S. WILSON	0.040	0.040	0.040	0.040										1				D.A. 5078 P.L. 360	
14	WILLIAM S. WILSON	0.040	0.040	0.040	0.040										1				D.A. 5078 P.L. 360	
15	WILLIAM S. WILSON	0.040	0.040	0.040	0.040										1				D.A. 5078 P.L. 360	
16	WILLIAM S. WILSON	0.040	0.040	0.040	0.040										1				D.A. 5078 P.L. 360	
17	WILLIAM S. WILSON	0.040	0.040	0.040	0.040										1				D.A. 5078 P.L. 360	
18	WILLIAM S. WILSON	0.040	0.040	0.040	0.040										1				D.A. 5078 P.L. 360	
19	WILLIAM S. WILSON	0.040	0.040	0.040	0.040										1				D.A. 5078 P.L. 360	

**RIGHT OF WAY PLANS**

BASED FOR DETERMINATION OF AREA:  
 (A) AREA FROM PLAN  
 (B) AREA BY FIELD  
 (C) CALCULATED  
 (D) OTHER

NOTE: PERMANENT RW ACQUIRED - AREA SURVEY - TOTAL AREA OF TRACT.  
 TYPE: (A) - ACQUIRED  
 (B) - ACQUIRED  
 (C) - ACQUIRED  
 (D) - ACQUIRED

RIGHT OF WAY SUMMARY SHEET

EXHIBIT-RW SUMMARY

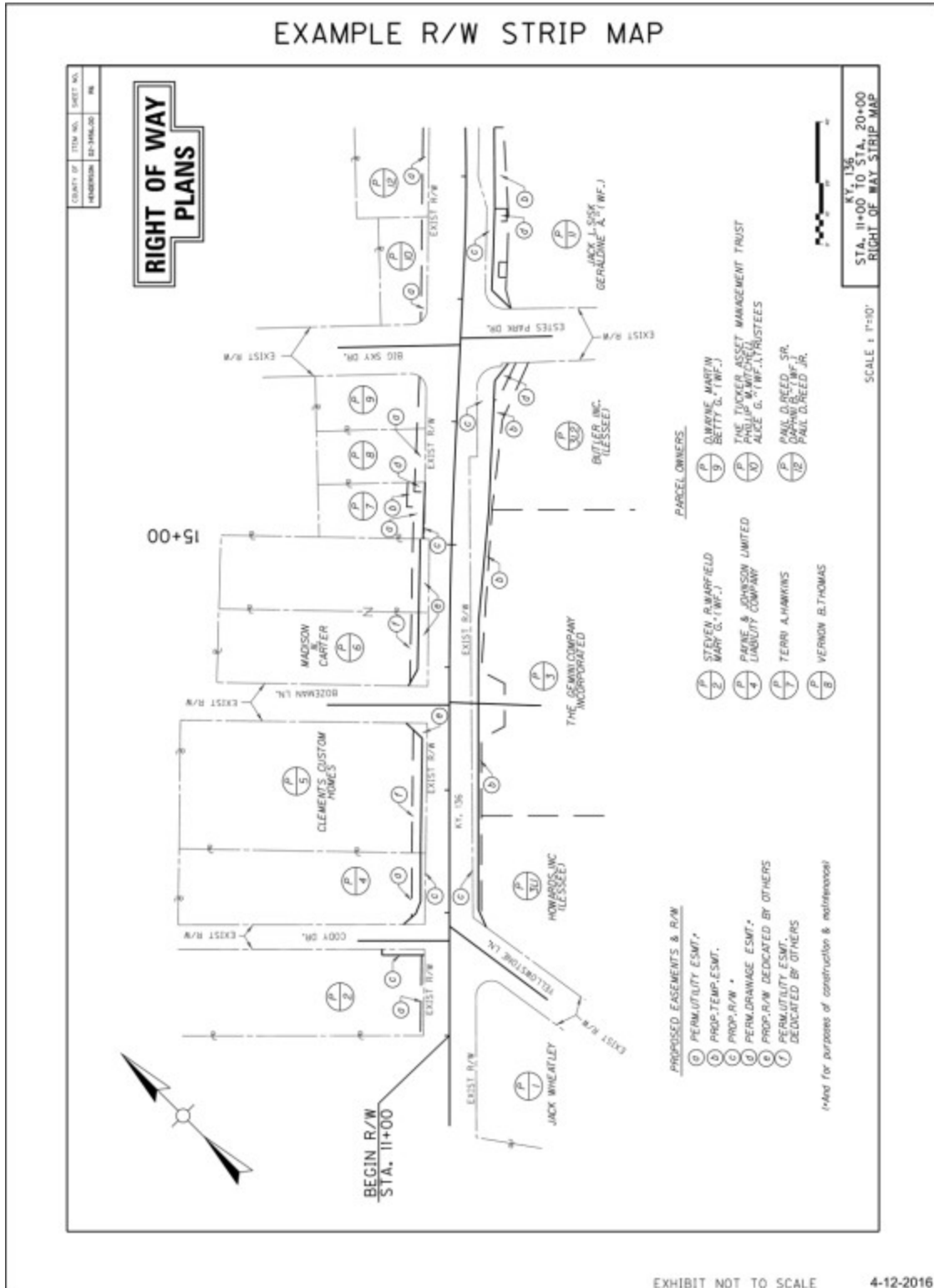


EXHIBIT NOT TO SCALE

EXHIBIT-FEE SIMPLE RIGHT OF WAY

Being a tract of land lying in Hardin County, approximately 0.03 miles South of intersection of KY 251 and KY 434. More particularly described as follows:

Beginning at a point 35.00 feet right of KY 251 at Station 344+58.63; thence along Existing Right of Way an arc 169.41 feet to the right, having a radius of 3465.00 feet, the chord of which is North 01 Degrees 23 Minutes 15 Seconds West for a distance of 169.39 feet, to a point 35.00 feet right of KY 251 at Station 346+29.75; thence along Existing Right of Way North 00 Degrees 00 Minutes 48 Seconds East a distance of 59.08 feet to a point 35.00 feet right of KY 251 at Station 346+88.83; thence along Existing Right of Way South 76 Degrees 45 Minutes 05 Seconds East a distance of 66.88 feet to a point 60.00 feet right of KY 434 at Station 51+16.94; thence along Existing Right of Way North 13 Degrees 08 Minutes 37 Seconds East a distance of 10.00 feet to a point 50.00 feet right of KY 434 at Station 51+16.92; thence along Existing Right of Way South 76 Degrees 45 Minutes 05 Seconds East a distance of 41.50 feet to a point 50.00 feet right of KY 434 at Station 51+58.42; thence along Proposed Right of Way South 56 Degrees 09 Minutes 13 Seconds West a distance of 69.56 feet to a point 85.00 feet right of KY 251 at Station 346+35.00; thence along Proposed Right of Way South 00 Degrees 01 Minutes 26 Seconds East a distance of 185.79 feet to a point 80.35 feet right of KY 251 at Station 344+44.89; thence along Existing Property Line North 76 Degrees 18 Minutes 09 Seconds West a distance of 47.32 feet to the POINT OF BEGINNING.

The above described parcel contains 0.287 acres (12506 sq. ft.)

It is understood between the parties hereto and made a covenant herein that the above described property is conveyed in fee simple.



EXHIBIT-PERMANENT EASEMENT

Being a tract of land lying in Christian County, approximately 0.89 miles north of the intersection of US 41 and KY 115, more particularly described as follows:

Beginning at a point 210.00 feet right of KY 115 at Station 165+35.00; thence along Proposed Permanent Easement North 30 Degrees 36 Minutes 42 Seconds West a distance of 70.76 feet to a point 148.50 feet right of KY 115 at Station 165+70.00; thence along Proposed Right of Way and Control Access Line North 30 Degrees 43 Minutes 05 Seconds East a distance of 135.02 feet to a point 150.80 feet right of KY 115 at Station 167+05.00; thence along Proposed Permanent Easement South 76 Degrees 33 Minutes 31 Seconds East a distance of 35.63 feet to a point 185.00 feet right of KY 115 at Station 167+15.00; thence along Proposed Permanent Easement South 29 Degrees 17 Minutes 39 Seconds East a distance of 116.62 feet to a point 285.00 feet right of KY 115 at Station 166+55.00; thence along Proposed Permanent Easement South 61 Degrees 44 Minutes 51 Seconds West a distance of 141.51 feet to the POINT OF BEGINNING.

The above described parcel contains 0.359 acres (15,644 sq. ft.).

It is the specific intention of the grantor(s) herein to convey a permanent easement to the property described above for the purpose of constructing and perpetually maintaining drainage.

EXHIBIT-TEMPORARY EASEMENT

Being a tract of land lying in Harlan County along US-421 approximately 2.41 miles east of the US-421 and KY-568 intersection, and more particularly described as follows:

Beginning at a point in the existing right-of-way line 28.93 feet left of Mainline at Station 193+82.79; thence with the proposed temporary easement line South 54°00'48" West a distance of 25.32 feet to a point in the proposed temporary easement line 42.56 feet left of Mainline at Station 194+04.13; thence with said line South 0°18'32" West a distance of 45.00 feet to a point in the proposed temporary easement line 87.47 feet left of Mainline at Station 194+07.04; thence with said line South 47°54'24" West a distance of 29.41 feet to a point in the proposed temporary easement line 105.85 feet left of Mainline at Station 194+30.00; thence with said line North 84°05'43" West a distance of 44.94 feet to a point in the existing right-of-way line 98.58 feet left of Mainline at Station 194+74.34; thence with said line North 3°23'52" East a distance of 47.15 feet to a point in the existing right-of-way line 51.77 feet left of Mainline at Station 194+68.76; thence with said line North 71°42'53" East a distance of 88.95 feet to a point in the existing right-of-way line 28.93 feet left of Mainline at Station 193+82.79 and the POINT OF BEGINNING.

The above described parcel contains 0.088 acres (3,816 sq. ft.)

It is the specific intention of the grantor(s) herein to convey a temporary easement to the property described above for the purpose of slope construction; said easement terminates and reverts upon completion of same.