



PROCESS FOR NEW AIR RIGHTS LEASE

Applicants shall submit the following documentation to the KYTC District office to apply for an Air Rights Lease:

- TC 99-1(A), Application for Encroachment Permit
- Vicinity Map with proposed air rights area shown
- TC 99-28, Categorical Exclusion Checklist (if on the National Highway System)
- TC 99-27, Ownership Disclosure Statement
- Survey (plat) and legal description of the property
- Highway plans with the encroachment shown
- Deeds (Highway)
- Appraisal from a KYTC pre-qualified appraiser
 - Contact Eric Monhollon (Central Office Right-of-Way Branch Manager) for assignment of a KYTC review appraiser to discuss appraisal requirements prior to completing appraisal
 - Eric.Monhollon@ky.gov or (502) 782-4947
- Proof of Adequate Liability Insurance (with KYTC listed as an Additional Insured & a Certificate Holder)
- IRS Form W-9, Request for Taxpayer Identification Number and Certification

Note: Liability Insurance and Form W-9 to be submitted prior to signing lease.

District Office Staff:

- Review submitted documentation to verify all required information is provided and completed correctly.
- Review location to determine if the property is not surplus to the needs of the Department and that the use is not critical to the operation of the applicant's facility.
- Verify that property was originally acquired by KYTC in fee simple.
- If District is in favor of allowing the air rights lease, route all information in KEPT to Central Office Coordinator (Angela Mitchell) and the Central Office Permits Liaison for review. Include any special notes or terms and conditions to be included in the lease language.

Central Office Staff:

- CO Liaison will review all documentation and coordinate any necessary review with other CO Divisions.
- If needed, CO Coordinator will send appraisal to Central Office ROW for review.
- When required documentation has been provided and complete, CO Liaison will add comment in KEPT.
- CO Coordinator will start Approval Workflow.
- Once recommended by District CDE and CO Liaison, CO Coordinator will send memo with all documentation to CO ROW requesting lease language be drafted and sent for all KYTC, applicant, and Finance Cabinet signatures.
- ROW will inform CO Permits when meeting is scheduled for applicant to sign.
- After applicant signs, CO ROW will send lease to Finance Cabinet for signature.
- CO ROW will send a copy of the executed lease to CO Permits after Finance Cabinet signature.
- CO Coordinator will send executed lease and W-9 to CO Accounts to send invoice to applicant.
- CO ROW will have executed lease recorded at the County Clerk's office at the expense of the applicant.
- CO ROW will send a copy of the final recorded lease to CO Permits.
- CO Coordinator will confirm payment received, and then complete Workflow and issue Approved permit to permittee and include a copy of the final recorded lease.

All KYTC TC 99 forms are available at <https://transportation.ky.gov/Permits/Pages/Application-Forms.aspx>.

