



*Infrastructure Enhancement and  
Traffic Mitigation Program*

# Right-of-Way Manual



**CITY OF BATON ROUGE**  
PARISH OF EAST BATON ROUGE

**Department of Transportation and Drainage**

Submitted by  
MOVEBR PROGRAM MANAGEMENT TEAM

Capacity Improvements – CSRS  
Community Enhancements – Stantec

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# 1 Introduction

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## 1.1 Purpose of Right-of-Way Manual

The Right-of-Way (ROW) Manual addresses many issues associated with the public acquisition process established by local, state and federal laws, policies and procedures. Elements included in ROW acquisition are the required title work, appraisal services, negotiations, relocation assistance, improvement control, all associated document management, and any additional services required to complete the acquisition and relocation process.

In addition to these technical activities, the ROW Manual addresses the management and relationship between the City-Parish and the MOVEBR Program Management Team (PMT), as it relates to efficient program planning, quality control and financial feasibility.

## 1.2 Establishment of ROW Committee

A ROW committee was formed whereby the Program Management Team, the Department of Transportation and Drainage, and the Parish Attorney's Office would all be represented. The committee is the venue for public officials to provide guidance, direction, and oversight to the MOVEBR PMT in the ROW acquisition process.

The specific charge of the committee is to develop policies and procedures that serve as a guide for all MOVEBR projects. The committee addresses issues in all areas of ROW, including abstracting, appraisals, acquisition, relocation, administrative settlements, closing, and expropriation. The committee meets on a bi-weekly basis to resolve any issues that may arise as the projects progress.

The program management services provided include the management of land acquisition services to obtain all the required ROW for the MOVEBR.

An agenda is prepared for each meeting of the MOVEBR ROW committee. The agenda covers policy issues, normal acquisitions, early acquisitions and corridor preservation, and any special issues that need to be addressed at the committee level.

The abstracting, appraisal and acquisition process for MOVEBR begins with the selection of Abstractors, Appraisers, and Acquisition/Relocation Agents by the MOVEBR ROW Committee.

Minutes for each meeting are prepared by the MOVEBR PMT and distributed to all attendees. A roster of those in attendance is also kept for tracking purposes.

## 2 Corridor Preservation

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### 2.1 Introduction

As population increases, travel needs are likely to increase, and travel patterns may well change. It is important to plan ahead to provide a reliable, safe transportation network far into the future. The MOVEBR project corridors have been identified but design and construction may be years in the future, during which time properties essential for the transportation improvements may be developed with uses inconsistent with the transportation function, or development may be built within future ROW. This may force delays in the final process, increasing costs for transportation projects or pushing corridors into more environmentally sensitive areas. It is important to MOVEBR to begin preservation of the ROW at early stages in the planning process.

### 2.2 Scope and Methodology

The MOVEBR PMT began by taking inventory of all sites where building permits had been issued along these corridors. Once these sites were identified, contact was made to the developers or their engineers to review their proposed site plans. If there were proposed buildings, parking, driveways, or other structures within the projected taking lines, the MOVEBR PMT made requests to the developer or their architect to modify their plans in order to eliminate any potential conflicts.

Subsequent to this, the MOVEBR PMT will review any building permit requests along the corridors to see if adjustments are necessary, during the early stages of approval and planning processes. The East Baton Rouge Parish Planning Commission informs the MOVEBR PMT of all proposed site plans and preliminary plats along these corridors so that comments can be provided to the developers in a timely manner. This ensures that improvements will not be constructed within the future ROW for the MOVEBR projects and protects developments from unnecessary adjustments in the future.

All routes are inventoried to identify any project signs announcing future development activity. Contacts will be made to the landowner/developer notifying them of the proposed plans to improve the roadway corridor.

To limit potential new construction impacts, the MOVEBR PMT will inventory all properties advertised for sale along the MOVEBR routes. Contacts will be made to the real estate agents notifying them of the proposed roadway plans.

A database is established to track corridor information on a project by project basis including the property address, property owner's name and contact information, and a communication log of any contacts made regarding the property.

## 3 Early Acquisition

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### 3.1 Purpose

The Corridor Preservation Program led to an early awareness of properties that were available for purchase in advance of the delivery date of final engineering drawings and ROW maps for the MOVEBR projects

The priority for early acquisition of property is sites where existing structures will fall within the future ROW of the project. It is most opportunistic to purchase these structures when the home or business is vacant, eliminating the requirement of paying relocation expenses. Therefore, properties with structures that are put on the real estate market should be given the highest priority for early acquisition.

All other properties along the proposed routes that are put on the real estate market become candidates for early acquisition, as a purchase of the required ROW will eliminate the possibility of the property changing hands and the new owner constructing improvements within the future ROW required for the project.

### 3.2 Responsibilities

The MOVEBR PMT is responsible for notifying the MOVEBR ROW Committee of all parcels available for sale along the MOVEBR project corridors. The MOVEBR ROW Committee shall consider and authorize the MOVEBR PMT to proceed with the acquisition of appropriate early acquisition candidates. The committee shall also suggest the format of the purchase agreement offer to be presented to the landowner.

### 3.3 Defining the Purchase Agreement

Three variations of purchase agreements have been established by the MOVEBR ROW Committee, as described below:

Form 1: Acquisition of the entire Parcel

Form 2: Acquisition of a portion of the parcel when the parent tract is listed on the real estate market. The amount offered for the part take n per square foot is equal to the asking price per foot for the entire parcel.

Form 3: Acquisition of a portion of the parcel when the parent tract is not listed on the real estate market. The purchase agreement stipulates the unit cost of the purchase will be established by appraisal.

Under any circumstance, an appraisal must be obtained to confirm that the price paid is consistent with the appraised value.

Once authorized, the MOVEBR PMT will proceed with preparation of a purchase agreement form, submitting the form to the Director of Transportation and Drainage on behalf of the City-Parish of East Baton Rouge for signature, and providing the form to the landowner for consideration.

Upon execution of the purchase agreement by the landowner, the MOVEBR PMT will engage a qualified appraiser to perform an appraisal of the property to be purchased. After the appraisal has been completed, the MOVEBR PMT will communicate to the property owner the result of the appraisal and adjust the offer amount in the purchase agreement if required.

After the owner has accepted the purchase agreement form that is in accordance with the appraised value and other due diligence requirements are satisfactory to the City-Parish, the purchase agreement form can be forwarded to the Parish Attorney's office for closing proceedings which are covered in Section 9.0 of this manual.

The MOVEBR PMT may furnish purchase agreement forms upon request.

## 4 Right-of-Way Maps

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### 4.1 Purpose

The cost and schedule of ROW acquisition is heavily influenced by the total number of parcels that are acquired due to the various professional services required for each acquisition such as abstracts, appraisals, acquisition services and closing. The MOVEBR PMT shall attempt to minimize the cases where narrow strips of ROW are acquired as the soft costs of acquisition for these parcels can be as high as the actual cost of purchasing the property.

The MOVEBR PMT has implemented several steps in the project development process to help reduce or minimize the occurrence of these strips.

### 4.2 Scope

Deed abstracts are obtained on all properties fronting the proposed route prior to the engineering/surveying firms commencing work. The surveying firms shall utilize these deed abstracts to properly and accurately define the existing ROW lines. This phase of the ROW mapping process, the Existing Property Line Survey, is performed very early in the process; it is performed concurrently with the design study and corridor survey.

Once the design study is complete, the engineer is authorized to begin development of the final construction plans. It is important for the design consultant to have full knowledge of the existing ROW lines. As the final alignment is adopted, special attention should be paid to the existing ROW lines such that wherever possible an existing ROW line can be held without creating required parcels that have a narrow width.

When the horizontal and vertical geometry have been established and reviewed, the consultant should begin the ROW mapping preparation. The surveyor should first review the full abstracts that are provided by the MOVEBR PMT to confirm the accuracy of placement of existing property lines as well as depicting any existing easements noted in the abstract or reference maps.

### 4.3 Deliverables

In order to assist and expedite the appraisal process, the consultant shall provide the "Base Set" of ROW maps to the MOVEBR PMT in accordance with the ROW Map Checklists. This set will first be submitted with all required items including the graphical taking lines and excluding the metes and bounds calls for review and checking by the MOVEBR PMT. Once the graphical taking lines have been approved, the surveyor can proceed with completing the ROW "Acquisition Set", which includes the metes and bounds computations.

The "Acquisition Set" contains much more information than is typically included in a set of ROW maps. The purpose of this information is to provide tangible measuring points for the appraisers and agents to use in completing their work. The "Acquisition Set" also includes information from the construction plan regarding the roadway geometry and features for reference purposes while in the field so that the agents and appraisers do not have to carry both maps and construction plans to the field.

At the completion of the ROW mapping process, the surveyor will deliver the “Recordation Set” of ROW maps to the MOVEBR PMT in accordance with the ROW Map Checklists. The purpose of creating the “Recordation Set” is to provide a permanent record in the courthouse that is consistent with the standards followed by other agencies. If the “Acquisition Set” were to be recorded, it may be difficult to read and understand due to the large volume of information it contains.

The MOVEBR PMT may furnish ROW Map Checklists upon request.

# 5 Property Abstracts

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## 5.1 Components

The abstracting function for MOVEBR shall be broken into three different components:

- a.) Deed Abstract – This represents latest conveyance of title recorded in the courthouse along with any recorded map that is referenced in the legal description of the property. Each deed abstract provided to the MOVEBR PMT shall include a title sheet showing the project, temporary parcel number, full names of current owners, and a legal description of the property. The title sheet will be followed by a copy of the latest conveyance and any referenced maps.
- b.) Full Abstract – A full abstract shall be obtained only for the properties from which land will be acquired. The requirements for a full abstract are to run conveyance records back eleven (11) years or three (3) transfers, whichever is less, and then forward to date to confirm the current ownership. Mortgages should also be run and included. Copies of all servitudes that are referenced in any conveyance or shown on any map shall be included, unless the servitude was created on one of the maps that are being included in the abstract. In the event of a full taking, conveyance records should be run for at least thirty-five (35) years.

The full abstracts are provided to the surveyor prior to their beginning work on the Acquisition Set of ROW maps. It is not necessary for the surveyor to have full abstracts to complete the Base ROW maps. The full abstracts shall be used by the surveyor to confirm the location of boundary lines and plot any servitudes that fall within the proposed taking lines.

The Parish Attorney's Office shall review the full abstracts and provide a copy of the review to the MOVEBR PMT to be included in the database files. Any title deficiencies noted in the abstract should be corrected at this time.

- c.) Abstract Update – Updates shall be of the same form as the full abstracts but shall be limited to the time between the full abstract and the closing date. Abstracts that can be updated via computer records shall be updated by the Parish Attorney's Office.

The term "parcel" utilized in this section is defined as one or more tracts or lots owned by the same owner and which are contiguous and acquired in the same act of conveyance.

The MOVEBR PMT may furnish abstract templates upon request.

## 6 Appraisals

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### 6.1 Appraisals

Once an appraisal need is identified, the MOVEBR PMT submits the recommendation of Appraiser(s) along with a fee proposal to the MOVEBR ROW Committee for approval. Once this proposal is accepted, MOVEBR ROW PMT prepares contracts for execution. The Appraiser(s) return one (1) partially executed contract along with a copy of the affidavit to MOVEBR PMT for processing. After the Notice to Proceed has been issued, the appraiser(s) begin working on the project manual. The DOTD fee structure has generally been adopted. This structure can be provided by request of the MOVEBR PMT.

### 6.2 Project Manual

Unless specifically exempted by the City-Parish, a Project Manual shall be submitted either individually or, in the event of two (2) appraisers, in concert. The manual is to include, at a minimum, for the project:

- General market data, status, analysis and values of the project area
- Immediate market/neighborhood data, status, analysis and value-related conclusions
- Relevant zoning regulations and their effects on value
- General project description and physical specifications
- Flood status/FEMA maps
- Comprehensive verified (cite source and contact phone) comparable data, photography, and maps
- Definitions (current) utilized and sources cited
- Current LDOTD reporting formats described
- Relevant General Assumptions and Limiting Conditions to project values
- General Certification of the Appraiser
- Résumé of Appraiser
- General ROW remainder maps
- Vicinity map of project
- Contract with City-Parish

NOTE: Individual parcel appraisal reports are to reference this Project Manual data rather than repeat these generalized topics. When the Project Manual is complete, appraisals begin. Appraisals are conducted in the order shown on the priority list developed by the MOVEBR PMT, based on real estate complexity and the priority of parcels.

### 6.3 Defining Appraisal Issues

Before ordering an appraisal, issues should be defined, such as:

- What is being appraised
- The appraisal techniques and methods used
- Legal and engineering considerations to be followed

- Construction features
- Definition of value and date of value
- Property rights involved and
- Scope of the minimum data search, i.e., physical boundaries, the time parameters, and types and sizes of properties

Defining appraisal issues before assignment avoids:

- Misunderstandings with the appraiser
- Appraisals that do not include all necessary answers, thus delaying progress
- Unacceptable appraisals that address the wrong problems
- Misunderstandings as to what buildings, structures, improvements, machinery, equipment and fixtures must be appraised as real property and which should be relocated

### 6.3.1 Determine Problem Complexity

#### Simple Appraisal

A determination that the value problem is not complex permits the consideration of donations, minimum offers, and appraisal waivers.

#### **A. Donation**

- i. City-Parish will not acknowledge donated values which differ from City-Parish contracted appraisals
- ii. Appraisal may not be needed

#### **B. Minimum Offers**

The MOVEBR ROW Committee has established a minimum offer policy. The minimum offer amount is established for each project. This offer is made to all property owners whose estimated compensation is estimated to be less than the minimum offer. This judgment will be based upon the size and configuration of the parcels and an investigation of the prevailing property values for the area. The following guidelines have been established to ensure fair treatment to all property owners:

- i. The property owner must be advised that the regular acquisition process is available to him/her if requested.
- ii. The property owner will be provided with a ROW map and residual map of their properties.
- iii. The funds paid to the landowner shall be consideration for the land and any improvements acquired, the ease and mutual convenience of acquisition and the reduction in administrative costs and the conveyance shall so state.
- iv. Sufficient written background value references are required to be presented to the MOVEBR ROW Committee for consideration. These references might include the complexity of the appraisal problem, the size and use of the parcel, and an estimated cost of pursuing the parcel through normal acquisition channels, and the estimated value of the parcel based on comparable sales.
- v. All such offers must be approved by the MOVEBR ROW Committee.

### C. Appraisal Waivers

Appraisal Waivers may be considered for properties that are valued equal to or less than \$10,000. The upper limit may be expanded to \$25,000 in unique (to be determined) cases.

- i. The property owner must be advised that the regular acquisition process is available to him/her if requested.
- ii. The property owner will be provided with a ROW map and residual map of their properties.
- iii. The funds paid to the landowner shall be consideration for the land acquired, the ease and mutual convenience of acquisition and the reduction in administrative costs and the conveyance shall so state.
- iv. In the event appraisal waivers are used, sufficient written background value references are required to be presented to the ROW committee for consideration. These references might include the complexity of the appraisal problem, the size and use of the parcel, and an estimated cost of pursuing the parcel through normal acquisition channels, and the estimated value of the parcel based on comparable sales.
- v. All such offers must be approved by the MOVEBR ROW Committee.

#### Appraisal Waivers – Usage

Appraisal waivers may only be used when valuation problems are simple and meet the following requirements:

- Damages are non-existent or so minor that only a brief explanation is necessary
- The acquisition involves only vacant land or land with minor improvements and damages to the remainder which can be easily measured by cost to cure
- Before and after valuations are not required
- Highest and best use is obviously the present use and is not materially affected by the proposed improvement
- Fair market value can adequately be estimated by the sales comparison approach with only minor adjustments, if any, required

Low values alone are insufficient determinants of the complexity of analysis.

#### Appraisal Waivers – Preparation

Appraisal waivers are prepared based upon background information as required by the MOVEBR ROW Committee. It is to be gathered, analyzed, and presented in sufficient quality and quantity for prudent decision making. A State Certified appraiser may be needed for as directed research, at the Committee's discretion.

#### Appraisal Waivers – Format

A request for appraisal waiver status must contain, as a minimum, the following:

- Project and parcel numbers
- Description, location and size of the property to be acquired including photographs of improvements being affected
- Name and address of the owners, and tenant information when applicable

- Value estimated, date of valuation and interest being acquired
- Basis for value of land (or land and improvements) used, and a brief analysis indicating how it supports the value estimate
- The estimate of market value, including a breakdown of the value of land and improvements, and value of taking and damages
- Appraiser's certificate including signature and date of signature, if appraiser used
- Preparer's name if an appraiser is not used.

**Complex Appraisals (Potential for damages, significant values, etc.) defined in Statute RS 48:443**

- A. A single appraiser may be used for simple appraisal problems involving properties with an anticipated value less than \$30,000.
- B. Two appraisers will be used for appraisal problems involving any properties with an anticipated value greater than \$30,000.
- C. All appraisal contract determined policies and procedures are invoked

## 6.4 Appraisal Forms

The LA DOTD appraisal format distinctions have been adopted as follows:

- Form A-used to value property when there are likely to be damages to the remainder
- Form B- used to value total takings
- Form C- used to value uncomplicated parcels with little or no damage to remainders

## 6.5 Appraisal Standards

All Appraisal Services are to be performed in consideration of and in compliance with current editions of:

- The Uniform Standards of Professional Appraisal Practice (USPAP):  
[http://www.appraisalfoundation.org/s\\_appraisal/sec.asp?CID=3&DID=3](http://www.appraisalfoundation.org/s_appraisal/sec.asp?CID=3&DID=3)
- The Louisiana Department of Transportation Guidelines and Handbook:  
[http://www.dotd.louisiana.gov/highways/project\\_devel/realestate/realestate.asp?page=manual](http://www.dotd.louisiana.gov/highways/project_devel/realestate/realestate.asp?page=manual) (See Section 3. Appraisals)
- Federal Appraisal Standards:  
<http://www.usdoj.gov/enrd/land-ack/Standardsreview.html>

## 6.6 Appraisal Policies

These appraisal policies are strictly for the use of appraisers assigned to MOVEBR projects. No warranty whatsoever is made that the policies contained herein will be upheld by any governmental or judicial authority. The statements below are policy decisions that have been made and approved by the MOVEBR ROW Committee. This document is dynamic and subject to continually change and evolve.

The policies contained herein are to serve as a starting point to resolve outstanding issues only and are not intended to provide comprehensive guidance.

- A. The appraisal will always determine and value uneconomic remainder parcels. In each case the MOVEBR ROW Committee should consider an offer to acquire uneconomic remainder. A land bank and resale policy will be developed to standardize the acquisition, management, and disposition of real estate related to the MOVEBR projects.
- B. A retention policy for items included in just compensation but requested as repurchases by owners is in place. Salvage value, as defined by The Dictionary of Real Estate Appraisal, 4<sup>th</sup> Ed. Shall be the basis for all retention values.
- C. The appraisal inspection and immediately communicated visit sheet will base due diligence decisions. Also, the property condition disclosure form is required with accepted purchase agreements on corridor preservation or listed properties.
- D. ROW map controls property descriptions unless significant differences are noted. Significant differences from ROW map must be immediately reported on property inspection form.
- E. Appraiser should estimate, as a portion of just compensation, the contributory value of all minor site improvements in the new ROW only. Major constructions in the ROW (either one) are to be immediately reported on the inspection sheet and will be treated as a case by case basis.
- F. For on-site advertising signs for businesses (owner occupied or not) the DOT recommended value estimate is RCN (Reproductive Cost New) minus DEPR = value. A cost consultant may be needed to estimate RCN. If the sign cannot be replaced, other valuation methods may be involved. A sign cost consultant may be requested immediately after first inspection.

In all instances where sign poles are outside of the required r/w, but the sign itself overhangs the r/w, the appraiser is to assume that the sign will remain. If the sign is to be removed, a written directive from the MOVEBR ROW committee will be provided in advance of NTP to the appraiser

- G. For servitude acquisitions:
  - 1. The value of site improvements **of use to the owner** and which will be affected by the interest acquired is to be considered.
  - 2. Construction servitudes, in terms of time, are to be provided to appraisers by the MOVEBR PMT in writing at inception of contract activity.
- H. When there is no physical taking, property owners will not be compensated for potential damages as a result of a loss/change in access, changed traffic flow, altered controls, noise, dust, or other effects of the operations on the new ROW after road completion.

When a physical taking is necessary, only changes in **access** that cause damages specific to the parcel are compensable. In such an event, the appraiser is to present

industry standard, market tested analysis and verified data to justify the damage estimate.

When a physical taking is necessary, the following issues are **not compensable**:

- Change in traffic flow
- Change in traffic control structure/device
- Change in traffic volume
- Other effects general to the market area

- I. Appraisers are to consider the potential for offsetting special benefits and specific to the appraised parcel when calculated net damages.
- J. Appraisers are to estimate the linear footage of both front and side fencing, as well as gates. All fencing and gates are to be compensated for at depreciated contributing value. Specifically, decorative fencing is to be described in detail and photographed. A fence cost consultant may be requested immediately after first inspection.
- K. Non-Conforming Uses
  1. All occupied "before" permitted uses will definitely be allowed and permitted to continue in "after" status (if prescriptive periods cited in the non-conforming area of the UDC are not invoked or violated.... see for instance vacancy, destruction, expansion, etc. comments in Chapter 7 UDC).
  2. MOVEBR projects will cause some properties, including signs (in "after status") to become (or to increase) UDC designation as a "non-conforming use".
  3. Chapter 7 of the UDC addresses non-conforming uses in detail. Appraisers and negotiators are expected to be familiar with UDC provisions.
  4. Appraisers are to address value effects of future occupancy permits (and sign placements) when estimating highest and best use of remaining property "after" a partial taking. In the event of a change in highest and best use resulting from the taking, UDC requirements must be met.
  5. The Major Street Plan should be ignored in the valuation of real estate. It is simply a plan.
  6. UDC effects on a pending project should be design criterion. A UDC provisional change, affecting the general involved area and vicinity, may be suggested to the City-Parish Council for consideration, provided the general welfare is not materially affected.

Unique UDC related circumstances will be handled on a case by case basis. Please request formal MOVEBR responses immediately.

- L. All parking cures shall be compared on a "safe and practical-before"-to- "safe and practical-after" basis, with safe and practical being defined as follows:
  1. No trespassing shall be allowed onto the property of private adjoining interests.
  2. No penetration of the edge of sidewalk or edge of pavement nearest to the improvement, whichever is closer, shall be allowed.
  3. No inferior or risky maneuvers (substantially varying from the "before" status) shall be allowed.

Dimensions for parking stalls, angles, and aisle widths existing in the before state shall be assumed to be marketable for use in the after state. UDC present day requirements shall NOT be the basis for parking cures on existing lots with continuing highest and best uses.

These parking policies are subject to each appraiser's unique interpretation and application as to value decisions.

- M. Where various interests are found (e.g. Leased fee, leasehold, etc.) the appraiser is to estimate real estate related just compensation to each identified interest by methods which are approved market standard and USPAP compliant, as possible.
- N. Appraiser is expected to verify ownership of each property subsequent to the date of the abstract provided. Any changes are to be reported immediately.
- O. All Just Compensation estimates are to be rounded up to the nearest \$1.
- P. Minor report edits may be corrected via an emailed Correction Letter, modified to your situation. The higher appraiser will be asked to prepare a clean report (hard copy and PDF) for submission to the property owner. Should litigation evolve, clean copies may be required of all.
- Q. Dust-free paving over MOVEBR required utility servitudes may be permitted by the City-Parish. Appraiser shall request specific instructions for any assigned utility servitudes for each project.
- R. The scope of Form A (Commercial) appraisals of owner-occupied businesses deemed to be total takes or adversely impacted (decision to be made by MOVEBR ROW committee) is augmented as follows:
  1. An estimate of the Replacement Cost New (RCN) of the subject as well as the Real Estate Related Just Compensation shall be provided prior to the submission of the bound appraisal report.
  2. The MOVEBR ROW committee shall decide on whether a Business Value (BV) consultant shall be hired. If the business value is expected to be much greater than RCN, then the ROW committee may choose to omit the BV. If there is concern about the viability of the business, then the BV consultant may be retained coincidentally with the appraiser.
  3. If a BV is obtained, then the appraiser is to include the incremental difference between real estate related just compensation and the lesser of RCN or BV as additional compensation in the final appraisal report.

\*The additional compensation listed above is in addition to any relocation benefits for which the property/business owner may be eligible to receive

- S. Appraisers are expected to be familiar with the latest edition of FEMA flood maps for East Baton Rouge Parish. While the previous edition of flood maps overlaid on lot and block maps is good communication, further analysis to include current flood maps is required. Current maps are available on the [www.brla.gov](http://www.brla.gov) website.

### **Policy for Leased Properties** Applicable to Form A, B and C appraisals

1. The owner notification letter that precedes all contact is to include a request for all leases and/or a written reason for failure to provide same.
2. At or before initial inspections, appraisers and agents are to identify non-owner occupancy and determine by what rights the occupant is there.
3. Request formal documentation of occupancy rights. Provide this documentation and related information to the MOVEBR contact.
4. Both negotiators and appraisers are to notice all interests (owners, occupants, and other interests) for standard input meeting, as per established policy.
5. Identify all tenant improvements (part taken and remainder, including movables), Itemize all information on the visit sheet. If you are uncertain as to movable status, specify items and reason on the visit sheet.
6. Appraisers are to always value the fee simple parcel to determine real estate related Just Compensation.
7. Appraisers are to value split fees as possible:
  1. If a lease is obtained:
    - a. Value various interests if supportable.
    - b. Itemize any related assumptions.
    - c. If valuation of split fees is not possible, indicate the reason(s) in the final report.
  2. If a lease is not obtained:
    - a. Indicate lease not obtained in final report.
    - b. Submit fee value of real estate related Just Compensation.
  3. Request legal guidance in writing asap at confused interest.

## **6.7 Transmission of Appraisals**

Once complete, all appraisals (one printed hard copy and one pdf electronic copy) are submitted to the MOVEBR PMT.

## **6.8 Appraisal Review**

Appraisals are reviewed by the staff (non-appraisers) of the MOVEBR PMT to check for conformance to the established standards. The appraisals are checked with regards to style, formatting, and general mathematic consistency. An appraisal review as defined under 49 CFR 24.104 is not conducted.

## **6.9 Standardized Appraisal Formats**

MOVEBR has adopted the LDOTD formal designations. Specifically, three (3) presentations are available based upon the scope of the appraisal problem.

The “Appraisal Handbook for Fee Appraisers” promulgated by the LDOTD, divides acceptable appraisal formats into Forms A, B and C. To quote directly:

Form A: This form is designed for a complete, detailed appraisal of an entire ownership, including all land and improvements, using all applicable approaches. In effect, this is two separate appraisals. The “before the acquisition” and “after the acquisition” appraisals pertain to partial acquisitions only. Each segment, “before and after”, is to be completed in detail and separately. All approaches to value are to be utilized in detail when applicable. Any feasibility study shall be included with the report. This report form is used to support just compensation estimates for parcels which potentially incur damages after the effects of the project area are considered.

Form B: This form is designed as a complete, detailed appraisal of an entire ownership, including all land and improvements, using all applicable approaches, unless instructed to do otherwise by the PMT. This format is utilized most often to value an ownership that will be totally within a required area.

Form C: This form is designed to be used only for simple acquisitions. The form does not require detailed discussions of the items listed, but the determinations made by the appraiser must be conclusive and based upon market support. This report form is used in partial takings involving no damages to the remainder of the parcel.

The MOVEBR PMT may furnish appraisal forms upon request.

## 7 Acquisitions Activities

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### 7.1 Initial Contact/Communication with Property Owner

ROW acquisition activities begin well in advance of the delivery of the offer of just compensation. It is desirable for the negotiator to be the first point of contact to the property owner. This contact is to precede the notification letters sent by the appraisers; therefore, the first step in the acquisition stage of the project is to hand-deliver a notification that the project is being constructed, and that ROW will be acquired. The agent also explains the owner's rights and protections under the law. During this initial contact, the agent shall review the abstract with the property owner to identify any title problems not of record, as well as point out any title problems disclosed in the Parish Attorney's abstract review. The agent assures the owner he/she is available to meet with the owner at any point in the process to answer any questions or to provide requested information. The agent must be knowledgeable about the project so that he may candidly answer any questions that the property owners may have.

### 7.2 Agent Selection

In 2019 the MOVEBR issued a Request for Qualifications from ROW acquisition service providers "Agent". Once the need is identified, the MOVEBR PMT submits the recommendation of ROW Agents to the MOVEBR ROW Committee for approval. Once accepted, MOVEBR ROW PMT prepares contracts for execution. The ROW Agent(s) return one (1) partially executed contract along with a copy of the affidavit to MOVEBR PMT for processing. After the Notice to Proceed has been issued, the Agent(s) begin work.

### 7.3 Agent and MOVEBR PMT Responsibilities

Upon receipt of Notice to Proceed from the MOVEBR PMT, the Agent is to review the most recent ROW and design information with the MOVEBR PMT. The MOVEBR PMT will provide the Agent with a written authorization to begin contacting specific property owners. Any and/or all parcels may be withheld pending further refinement of the roadway design. Additional authorizations will be provided by the MOVEBR PMT as necessary.

The Agent shall attempt to contact the property owner by phone. If after at least five (5) attempts, the Agent is unable to reach the homeowner, a letter shall be sent by mail. The purpose of the contact shall be to set up an introductory meeting.

At the introductory meeting the Agent shall review the project design and anticipated ROW takings with the property owner. Once available, property owners shall be provided with ROW maps and construction plans. The Agent shall also review the abstract with the owner. Any title problems not of record shall be identified at this meeting. Also, any title problems of record shall be indicated to the owner. The Agent shall take reasonable steps to help the owner resolve all title problems.

Upon completion of the initial interview, appraisal reports shall be prepared for the property. Once the reports are complete they will be submitted to the MOVEBR PMT. The offer is generally the higher of the two appraisals; however, the Director of Transportation and Drainage has the ultimate authority to establish Just Compensation. Appraisals as well as other conditions and/or circumstances may be considered. The MOVEBR PMT will email the Agent a copy of the higher appraisal to begin the negotiation process. Both appraisals are available for viewing by Agent's request via the MOVEBR PMT. If an appraisal waiver or minimum offer is to be utilized, it will be done by transmitting the Appraisal Waiver Value Estimate or Minimum Offer Value Estimate. All questions concerning valuation and compensation are to be directed to the MOVEBR PMT.

Within 5 working days of receiving the email containing the higher appraisal, Just Compensation Offer Letters and Just Compensation Offer Summaries are to be prepared by the Agent and submitted electronically in word format to the MOVEBR PMT for approval. Once the offer letter and summary are approved, the Agent is to set up an appointment with the property owner to review the offer and answer questions. If the letter is to be mailed, it shall be postmarked no more than two days after receiving approval.

Negotiations with property owners will last a minimum of 21 calendar days. Any negotiations that have lasted longer than 30 days shall be reported to the MOVEBR PMT. Any counter offers from property owners are to be in a written format, signed by the property owner, and delivered to the MOVEBR PMT electronically in pdf format within two (2) days of receipt. A written response on the counteroffer will be transmitted to the Agent by the MOVEBR PMT.

Upon a property owner's acceptance of an offer, the Agent shall prepare a sale document for approval and submit same electronically in word format to the MOVEBR PMT within three (3) days of the acceptance of the offer. Once the sale document is approved by the MOVEBR PMT the Agent shall hand-deliver when possible, or mail if necessary, the document to the owner. Upon execution of the document, the original is to be transmitted to the MOVEBR PMT. Once the sale document has been recorded and the necessary releases have been obtained, the checks shall be given to the Agent to deliver to the property owner(s).

When the Agent determines that amicable acquisition is not possible, either because of title issues, or rejection of the offer, the Agent will advise the MOVEBR PMT who will decide on the necessity of expropriation. If expropriation is deemed necessary, the Agent shall transmit all documentation in the file to the MOVEBR PMT.

Special Agreements, such as those needed for changing driveway locations, must be well-documented on each parcel. All such agreements must be approved in writing by the MOVEBR PMT. At the conclusion of the ROW acquisition, a memo from the MOVEBR PMT to the Project Manager shall be prepared itemizing all the special agreements made for the project. This memo is to be transmitted to the Project Manager so that the necessary changes can be reflected in the construction documents.

## **7.4 General Information**

All contacts made shall be documented via the standard form provided by the PMT. This documentation is to be made part of the weekly submittal of files.

Personal contact is to be the primary method of communication for all property owners residing within a 30-mile radius of Baton Rouge. Personal contact via telephone is recommended for persons residing outside of the 30-mile radius.

All mailed documents are to be sent return receipt requested. All envelopes must be marked "Do Not Forward. Address Correction Requested."

Status reports are to be submitted weekly on the day specified by the MOVEBR PMT.

A minimum of two (2) letters, three (3) phone calls, and two (2) visits to the property must be attempted prior to requesting expropriation due to the inability of the Agent to locate property owners. The Parish Attorney's Office must concur with this determination.

Agent shall only use forms/letters approved by the MOVEBR PMT.

Agent shall carry or mail acquisition agreement to owner and ensure that same is executed before a notary with two witnesses or act as one of two witnesses and then appear before a notary as a witness to execute an acknowledgement. The Parish Attorney's Office will notarize at no charge either the agreement or the acknowledgement if party appears before them.

Agent shall advise owners that consideration will be paid once title is approved. In some cases, this approval will include getting release/cancellation of mortgage, lien, or judgment of record. Agent shall make no promises as to consideration being delivered by a specific date.

Agent shall advise owners that although the Parish Attorney's Office will try to assist the owner in securing any necessary lien releases and will pay to record necessary releases, it is the responsibility of the owner to secure the release/cancellation.

Agent shall be responsible for all out of pocket/incidental expenses.

Electronic submittals of all documents generated for each file are due weekly to the MOVEBR PMT.

## 7.5 Administrative Settlements

An administrative settlement is any settlement reached prior to filing a parcel for a condemnation proceeding. The settlement is authorized by the ROW committee at a regularly scheduled meeting. All information pertinent to each settlement is distributed prior to the meeting for review and consideration. The settlement factors listed below are considered and weighed against each counteroffer received.

### Possible Settlement Factors (per DOTD Real Estate Operations Manual):

- Information provided by the landowner
- Information contained in appraisal reports
- Substantial differences of opinion regarding valuation issues
- Complexity of severance or other issues leading to uncertainty in value
- Handling of legal issues in appraisals
- Consideration of time
- Recent court awards for eminent domain takings
- Credibility of expert witnesses
- Likelihood of jury sympathy for the owner

Potential cost of litigation  
Potential for project delays  
Other relevant information

Steps in Settlement Process

1. The property owner submits a counteroffer. In most cases involving appraisal issues, the property owner must provide an appraisal of his own.
2. The ROW Committee determines what, if any, adjustments are made to the City-Parish offer.
3. The Agent presents the revised offer to the landowner.
4. If the landowner is still unsatisfied with the agreement, the Parish Attorney's office makes the determination to either further adjust the offer or proceed with condemnation.

\*If an appraisal waiver was used to value the property, an appraisal must be conducted before pursuing an administrative settlement.

The MOVEBR PMT may furnish acquisition forms upon request.

## 8 Closing Activities

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### 8.1 Overview of Closings

Closing activities encompass all actions from the time the sale has been signed by the property owner or the file has been submitted for expropriation through disbursement of funds to property owners.

### 8.2 Sale Packages

Once the sale document has been executed by the property owner(s), the sale package is prepared by the Agent. This package includes the following documentation: executed sale, notarized affidavit, corporate resolution if a business entity, negotiators log, and any additional correspondence. The sale package is transmitted to the MOVEBR PMT, who upon acceptance forwards the package to the Parish Attorney's Office.

Once submitted, the Parish Attorney's office verifies that the file contains the necessary information. The sale is then sent to the Mayor's office for signature and then to the Clerk of Courts for recording. At this point, checks are ordered through DTD.

### 8.3 Expropriation

When the decision is made to expropriate a parcel, the following documentation is to be submitted: negotiator's log, offer letter(s), and any other relevant information. The expropriation package is transmitted to the MOVEBR PMT, who upon acceptance forwards the package to the Parish Attorney's Office.

Once submitted, the Parish Attorney's office verifies that the file contains the necessary information. Once the file has been approved, affidavits are prepared for the appraisers and the Chief Design and Construction Engineer for inclusion in the expropriation suit. Also, at this time, checks are ordered through DTD. Once affidavits and the check are received, the expropriation suit is filed. Once the judge has signed the order of expropriation, the Parish Attorney's Office records the order and provides a copy to the MOVEBR PMT.

### 8.4 Check Delivery

When a parcel is settled amicably, DTD notifies the Parish Attorney's Office once checks have been received. The Parish Attorney's Office will notify the MOVEBR PMT when the checks are ready for pickup and the acquisition agent will be responsible for check delivery. All checks associated with relocations are noted for hand delivery only.

## 9 Relocation Assistance

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### 9.1 Purpose

The purpose of the Relocation Assistance Program is to provide assistance to those persons displaced as a direct result of a MOVEBR Project. The program is designed to minimize the impact to affected persons by providing both advisory services and financial assistance.

The City-Parish Relocation Assistance Program has been developed to generally follow the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (Uniform Act) and 49 CFR 24, which provides the regulations for the implementation of the Uniform Act.

### 9.2 Responsibilities

The MOVEBR PMT is responsible for ensuring that adequate Relocation Assistance is provided to all displaced persons. One important step in this process is to identify the families that will be affected early in the planning process. By doing so, many potential problems may be avoided, resulting in a savings of both time and money to the taxpayers of East Baton Rouge Parish.

Once displaced families are identified, a relocation assistance agent is assigned to their case to ensure that the time of transition is as comfortable as possible, given the circumstances. The relocation assistance agent will be considerate and sensitive to the needs and concerns of all persons being displaced.

### 9.3 Relocation Policy

It is the policy, as established by the MOVEBR ROW Committee, that all persons and businesses displaced as the result of a MOVEBR project receive Relocation Assistance. In addition, all occupants of parcels deemed to be adversely impacted shall be provided Relocation Assistance. The MOVEBR Relocation Assistance Program intends to follow all regulations listed in 49 CFR 24, except for 49 CFR 24.104 as it pertains to review of appraisals. The MOVEBR ROW Committee reserves the right to amend this policy at any time, for any reason. All areas in which discretion is granted to the acquiring agency will be addressed as needed by the MOVEBR ROW Committee.

### 9.4 Required Documentation

It is the responsibility of the relocation assistance agent assigned to each relocation parcel to maintain adequate documentation supporting all areas of the Relocation Assistance claim. Such documentation is to include receipts, invoices, scopes of work, copies of all written communication (both letter and email), copies of all forms used for computing payments, copies of requests for checks, and any other pertinent information received or generated by the relocation assistance agent. All financial assistance packages are to be approved by the MOVEBR PMT prior to being presented to displacees.

## 9.5 Relocation Appeals

All displaced persons disagreeing with the MOVEBRs determination regarding their eligibility and/or benefits under the Relocation Assistance Program have the right of appeal.

### PROCEDURES:

1. Before the formal appeal process is instituted, an attempt should be made to resolve the conflict informally. If the relocation assistance agent handling the relocation is unable to provide resolution of the displaced person's concerns, the relocation assistance agent shall present the facts of the case to the MOVEBR PMT for review. The relocation assistance agent will provide the MOVEBR PMT with all the pertinent facts concerning the area of disagreement, as well as any written statement of dissatisfaction submitted by the displacee. If the MOVEBR PMT finds that the displacee has a valid complaint, he/she may reverse the earlier decision. If, however, he/she finds that the original decision was correct, the displacee be provided written instructions regarding the formal appeal process.
2. An appeal may be filed for any of the several determinations made by the MOVEBR concerning relocation assistance. The claimant must make the appeal in writing, preferably on the Appeal Claim Form, attaching any supporting documentation. The MOVEBR shall consider any written appeal, regardless of form. Appeals must be submitted within 60 days after the person receives written notification of the MOVEBRs determination regarding the person's application or claim for relocation services or benefits.
3. After receiving an appeal from a claimant, the MOVEBR PMT will present the appeal to the MOVEBR ROW Committee. The MOVEBR PMT will prepare a letter to the claimant acknowledging the appeal. This letter will also advise the claimant that he/she may request a personal meeting with MOVEBR ROW Committee.
4. The claimant has the right to be represented by legal counsel or other representative in connection with his appeal, but solely at the claimant's own expense. The claimant shall also have the right to inspect and copy all materials pertinent to his appeal, except those materials that are classified as confidential. However, the MOVEBR PMT must be consulted before any records are disclosed to the claimant. The claimant may supplement the appeal with any material he/she feels is pertinent to his claim.
5. The MOVEBR PMT will present the appeal file, including any supplemental information submitted by the claimant, to the MOVEBR ROW Committee for review.
6. In reviewing an appeal, the MOVEBR ROW Committee shall consider all pertinent records, as well as any other materials submitted by the claimant, to ensure a fair and full review of the appeal.
7. If the MOVEBR ROW Committee approves the total appeal as submitted by the claimant, the reasons for approval must be filed with the appeal claim. The claimant shall be notified of the approval in writing, and the claim processed for payment.
8. If the appeal is wholly or partially disapproved by the MOVEBR ROW Committee, the appeal form, the factual findings and the written recommendations of the MOVEBR ROW Committee against approval will be documented in the file. The claimant shall be notified by letter, giving

the reasons for the denial of the appeal and advising the claimant of the right of judicial review. A copy of the letter will be placed in the appeal file, which is then returned to the MOVEBR PMT.

9. The appeals process from receipt of the appeal from the relocation assistance agent to final determination shall be handled as expeditiously as possible, preferably within three weeks. If a longer time is needed, the file shall be documented to explain the reasons for the delay.

## 9.6 Early Relocation Policy

1. A displacee shall only be eligible for early relocation under the following circumstances:
  - a. The displacee has been notified in writing by the City-Parish that the dwelling will be required for a MOVEBR project. [Notice of Intent to Acquire under 49 CFR 203(d) & 24.2(a)(9)(i)(A)].
  - b. The normal acquisition process is at least six months in the future.
  - c. The displacee desires to be relocated prior to the normal acquisition period.
  - d. The displacee expresses desire for early relocation in writing.
2. The early relocation process shall be strictly voluntary. Eminent Domain cannot be used. The City-Parish shall only obtain one appraisal on each property during early relocation.
3. A relocation assistance agent shall be assigned to each parcel that desires early relocation. Should the relocation offer be presented and rejected by the displacee, the relocation assistance agent shall be entitled to 25% of the relocation fee. If an offer is never presented to a displacee, no portion of the fee shall be earned.
  4. Prior to ordering an appraisal, a purchase agreement shall be fully executed between the property owner and the City-Parish stating the purchase price shall be the appraised value, but that the purchase is contingent on the property owner's approval of that value.
  5. No homeowner shall be eligible for any reimbursement of expenses incurred prior to the Initiation of Negotiations as defined in 49 CFR 24.2(a)(15).
  6. The early relocation offer shall consist of two components: (1) the just compensation for the property being acquired and (2) the Replacement Housing Payment as defined in 49 CFR 24.201. The displacee is also to be notified at this time concerning eligibility for Moving Costs as defined in 49 CFR 24.301 thru 24.305. All components of the early relocation offer shall be presented to the displacee simultaneously.
  7. In the event the early relocation offer is rejected, the relocation assistance agent shall present appropriate documentation stating the same. At that time, the displacee shall be provided a written notice that all eligibility for early relocation has been forfeited, and that the displacee shall be contacted again at the appropriate time during the normal acquisition process.
  8. Section 6.16 of the LA DOTD Real Estate Manual and 49 CFR 24.401(c)(2) shall be the basis for all procedures concerning retention of acquired structures. Retention value for structures shall be determined by the MOVEBR ROW Committee.
  9. The City-Parish shall give displaced persons the option to remain in their home after the City-Parish acquisition. The duration of subsequent occupancy shall be based upon the

construction schedule. All displacees shall receive no less than a 90 Day Notice of Eviction. The displacee shall present proof of hazard insurance at the time of closing.

10. Landscaping may be retained by the owner if that desire is indicated at the time of the appraiser's inspection. All landscaping appraised as real property shall not be retained by the property owner.

The MOVEBR PMT may furnish relocation forms upon request.

# 10 Property Management

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## 10.1 Purpose

The purpose of the Property Management Program is to provide a means for maintenance and disposition of properties acquired by the MOVEBR.

## 10.2 Responsibilities

The Property Management function is a collaborative effort between the Parish Attorney's Office, Department of Transportation and Drainage, and the MOVEBR PMT. Each of the parties is responsible for one or more components of the Property Management function.

The Parish Attorney's office is responsible for all aspects of disposition including marketing, advertisements, and complying with applicable public bid laws.

The Department of Transportation and Drainage is responsible for all testing, inspections and demolitions.

The MOVEBR PMT shall aid as required by either party above.

## 10.3 Surplus Property

All property deemed to be surplus shall be immediately advertised by the Parish Attorney's Office for sale to the public. Any delays in the disposition are likely to result in the loss of value of the property. The advertisement shall be made in all legal forms necessary, as well as through informal marketing of the property through signage on the property and letters distributed to adjacent landowners.

The MOVEBR PMT shall provide a fact sheet on each property to the Parish Attorney handling the disposition. The Program Manager shall also be responsible for obtaining a re-subdivision map of the property through the Survey Support Services Contract. The re-subdivision shall be done along the anticipated ROW line. If engineering has not commenced on which the project the property is located, then the worst-case scenario ROW line shall be used.

## 10.4 Inspections and Maintenance

Department of Transportation and Drainage shall be responsible for all inspections of acquired property. Such are inspections shall include asbestos and lead-based paint. Department of Transportation and Drainage shall also provide for the maintenance of acquired structures and properties. This includes initial securing and boarding, utilities cut-off, grass cutting, and debris removal.

# 11 Rules, Policies, and Laws

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## 11.1 Purpose

This section identifies the ROW acquisition criteria used as references for the MOVEBR program.

## 11.2 References

The following documents were researched by the MOVEBR ROW Committee and will be considered relative to the public acquisition of ROW.

Louisiana DOTD Real Estate Manual

[http://wwwsp.dotd.la.gov/Inside\\_LaDOTD/Divisions/Engineering/Real\\_Estate/Manuals/DOTD%20Real%20Estate%20Operations%20Manual%202018-12-13.pdf](http://wwwsp.dotd.la.gov/Inside_LaDOTD/Divisions/Engineering/Real_Estate/Manuals/DOTD%20Real%20Estate%20Operations%20Manual%202018-12-13.pdf)

Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended

[https://www.fhwa.dot.gov/real\\_estate/publications/act.cfm](https://www.fhwa.dot.gov/real_estate/publications/act.cfm)

Federal Highway Administration-Realty

[https://www.fhwa.dot.gov/real\\_estate/index.cfm](https://www.fhwa.dot.gov/real_estate/index.cfm)

Federal Highway Administration- Federal-Aid Policy Guide, Non-Regulatory Supplement

<http://www.fhwa.dot.gov/legsregs/directives/fapgtoc.htm>

Appraisal Institute, Uniform Appraisal Standards for Federal Land Acquisitions

[http://www.usdoj.gov/enrd/land-ack/Land\\_acquisition.html](http://www.usdoj.gov/enrd/land-ack/Land_acquisition.html) (LINK WON'T OPEN)

Applicable State Laws relative to public land acquisition

<http://www.legis.state.la.us/archive/01rs/citator/title19.htm>

<http://www.legis.state.la.us/archive/01rs/citator/title48.htm>

Recent State Constitutional Amendment (Act 851 of the 2006 Regular Session)

<http://www.legis.la.gov/Legis/ViewDocument.aspx?d=407125>.