

REAL ESTATE 101

ACEC/MDOT Design Basic Training

February 26, 2018

The 4 W's

- ① WHY you need to provide info
- ① WHEN you need to prepare
- ① WHO you need to involve
- ① WHAT you need to do

Why you need to provide info

The Bill of Rights

Ratified December 15, 1791

Article I

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

Article II

A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

Article III

No Soldier shall, in time of peace be quartered in any house, without the consent of the Owner, in time of war, but in a manner to be prescribed by law.

Article IV

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Article V

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any Criminal Case to be a witness against himself, nor be

deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

Article VI

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted

deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

shall be preserved, and no fact tried by a jury shall be otherwise reexamined in any Court of the United States, than according to the rules of the common law.

Article VIII

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted.

Article IX

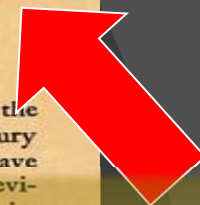
The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

Article X

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

*A reminder to be ever vigilant in the protection of these rights
Presented in loving memory of Cortiss Lamont 1902-1995*

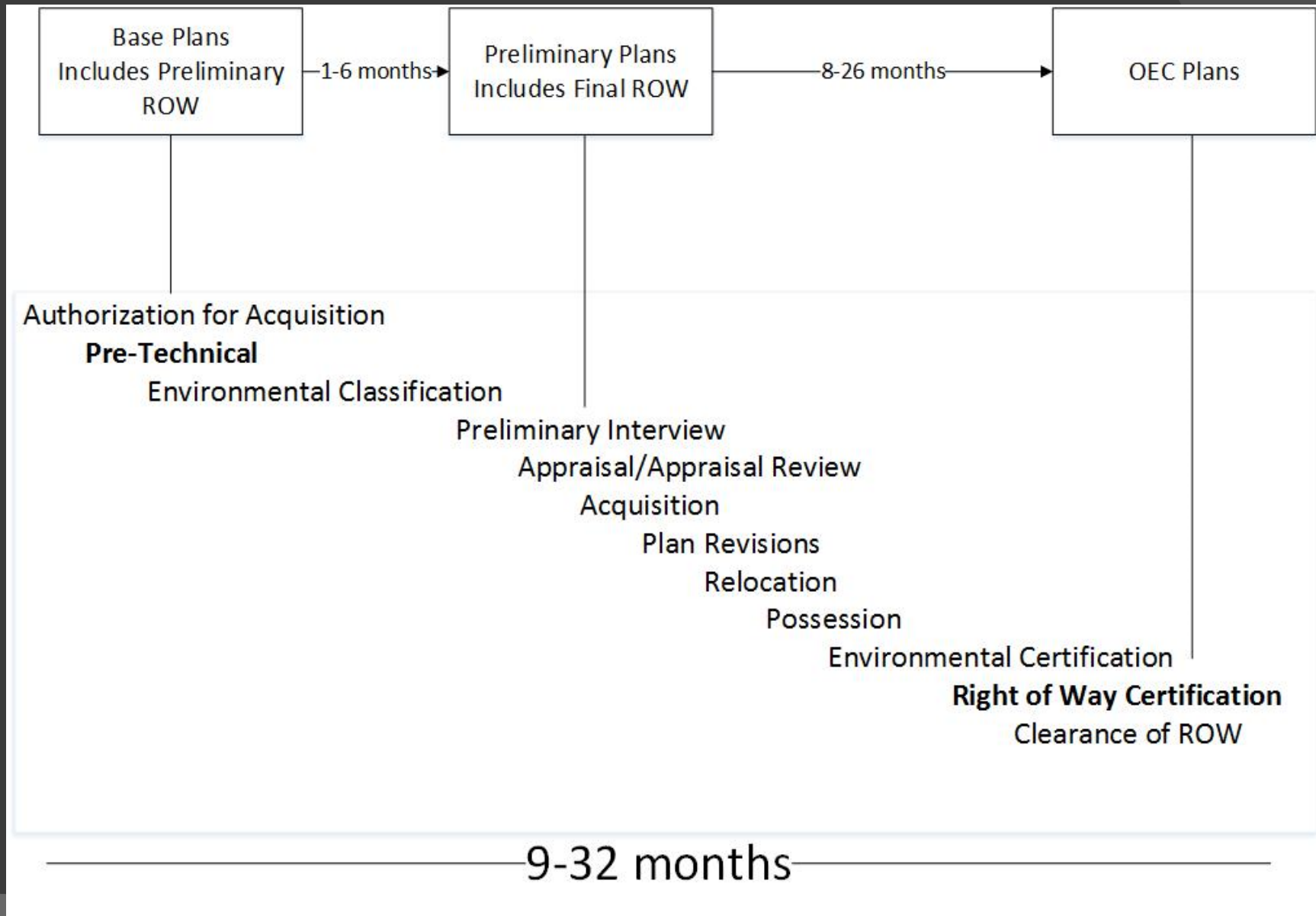
National Emergency Civil Liberties Committee
New York, NY 10010





When you need to prepare

MDOT Real Estate Process



Appraisal

- Cost Estimate
- Preliminary Interview
- Market Study
- Appraisal
- Appraisal Review
- In house vs. contracted out

Appraisal

- ⦿ Total Take
- ⦿ Partial Take
 - Value of Park Taken
 - Before and After (damages)

Acquisition

- ① Written Good Faith Offer to Purchase or Voluntary Offer
- ① MDOT pays acquisition closing costs
- ① Administrative settlements
- ① PLAN REVISIONS.... Start the Appraisal and Acquisition process over!

Acquisition

Possession of ROW

- ⦿ Closing by deed/easement
 - Vacant land – immediate possession
 - Occupied House/Business – 30 – 90 days
 - Consents may not have closings
- ⦿ Possession and Use Agreement
 - With owner cooperation
 - Negotiations continue
- ⦿ Right of Entry
 - With owner cooperation
 - Negotiations continue

Relocation

- ⦿ Residential Owner
 - 125% of fair market value
 - Replacement Housing Supplement – max \$31,000
 - Increased interest differential
 - Incidental closing costs
 - Moving
- ⦿ Residential Tenant
 - Rental Supplement/Purchase Down Payment – max \$7,200
 - Moving
- ⦿ Business/Farm/Non-Profit
 - Reestablishment - max \$25,000
 - Moving
 - Fixed Payment – max \$40,000

Condemnation

Uniform Condemnation Procedures Act 87 of 1980

- ⦿ Each parcel has to be condemned separately
- ⦿ Case filed in County Circuit Court
 - Court ordered possession date
 - GFO deposited for owner
- ⦿ Time Consuming
 - Owner has 21 days to challenge necessity
 - Necessity challenge – delays possession
 - Occupied house or building – delays possession
- ⦿ Costly

Condemnation Costs

- ⦿ Estimated Just Compensation (EJC) paid when case is filed
- ⦿ Attorney fees paid up to 1/3 of difference between EJC and final award/settlement
- ⦿ Expert fees paid
- ⦿ Interest paid (IRS penalty rate) on award difference between EJC and final award

Demolition

- ⦿ Possession/Inspection
- ⦿ Asbestos Testing & Hazardous Material Survey
- ⦿ Utility Disconnects
- ⦿ Contract for Demolition
- ⦿ Permits, DEQ 10-day notice & Authorization to Proceed
- ⦿ Pre-Con Demolition meeting
- ⦿ Demolition & Asbestos Abatement
- ⦿ Inspections

Excess Property

- ⦿ Engineering Review
- ⦿ Market Value
- ⦿ Government Agency
- ⦿ Direct Sales
- ⦿ Auctions
- ⦿ Over-the-Counter Sales
- ⦿ Approvals
- ⦿ Conveyance Instrument

Who you need to involve

Internal Stakeholders

- ⦿ Region Real Estate
- ⦿ Environmental Services
- ⦿ Region Project Development Engineer
- ⦿ Planning
- ⦿ Surveys
- ⦿ Traffic & Safety
- ⦿ Construction

External Stakeholders

- Federal Highway Administration (FHWA)
- US Army Corps of Engineers
- State Historic Preservation Office (SHPO)
- MI Dept. of Environmental Quality (MDEQ)
- Local Public Agency (LPA)
- State Legislature
- Property Owners (Community members impacted by the proposed project)
- Consultants
- Community Advocacy Groups

What you need to do

Clear Form

Michigan Department
Of Transportation
0303 (01/17)

DESIGN PLAN SUBMITTAL

Page 1 of 1

- BASE PLAN
- PRELIMINARY PLAN
- OEC
- FINAL

ROW REQUIRED?
 YES NO

ANTICIPATED ROW CERT. DATE

ROW REVISION No.

PROJECT MANAGER/PHONE NUMBER <input type="text"/>		DESIGN UNIT <input type="text"/>	
CONTROL SECTION(s) <input type="text"/>		PROGRAM NUMBER(s) <input type="text"/>	
SUBMITTAL DATE <input type="text"/>		TSC <input type="text"/>	
PLAN COMP DATE <input type="text"/>	LETTING <input type="text"/>	CONSTRUCTION COST <input type="text"/>	B PHASE ESTIMATE <input type="text"/>

THIS PROJECT WAS ENVIRONMENTALLY CLASSIFIED AS:
 C. Choose an Item D. Choose an Item

MAJOR ACTION: EIS/ROD E/M/FONSI

OVERSIGHT: MDOT PoDI

TYPE OF ROUTE: INTERSTATE NHS NON-NHS

RAILROAD INVOLVEMENT (within 1000' of project) YES NO IF YES, BRIDGE AT GRADE CROSSING

THE PROPOSED ROW CONSISTS OF THE FOLLOWING:

ROW REVISIONS

CITIES and/or VILLAGE(s) <input type="text"/>	COUNTIES <input type="text"/>
TOWNSHIP(s) <input type="text"/>	TRUNKLINE(s) or ROUTE(s) <input type="text"/>
P.O.B. STATION(s) <input type="text"/>	P.O.E. STATION(s) <input type="text"/>

TYPE OF WORK DESCRIPTION (Please include number of miles)

COUNTY, TOWNSHIP, CITY, VILLAGE, RAILROAD OR CONSULTANT INVOLVEMENT
 (Include name, phone, email and type of involvement)

Add Row	NAME	PHONE & EMAIL	TYPE OF INVOLVEMENT	
<input type="checkbox"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	Delete Row

COMMENTS

Design & Real Estate Coordination

- ⦿ Provides more time for right-of-way acquisition
- ⦿ Avoid duplication of work
- ⦿ Increase communication
- ⦿ Reduce the number of Final ROW plan revisions
- ⦿ Reduce ROW exceptions

Planisware Task Codes

- ④ 4100 – Real Estate Pre-Technical Work
- ④ 4150 – Real Estate Technical Work
 - MILESTONE 413M – Approved Marked Final (ROW) plans will be retained
- ④ 4350 – Real Estate Appraisal Work
- ④ 4450 – Real Estate Acquisition Work
 - MILESTONE 442M - ROW Certification

Design Requirements

Base Plans

Form 0303 – Design Plan Submittal

- ProjectWise link
- Plan
- Title Sheet
- Typical Cross Section
- Survey Info. Sheets
- Alignment ROW Sheets
- Alignment Key
- General Outline
- Proposed ROW needs
- Streets, roads and railroad labeled
- Section, Town and Range labeled
- Township/City
- Subdivision
- Lot lines and numbers
- Streets
- Existing Topography
(include trees, buildings and drives)

Design Requirements

Preliminary Plans

- ⦿ Plan Sheets for the entire project
- ⦿ ROW Vicinity
- ⦿ Removal and construction
- ⦿ Profile
- ⦿ Existing ROW widths marked
- ⦿ Existing ROW dimensioned
- ⦿ Proposed ROW items
- ⦿ Limited Access ROW

Design Requirements

Preliminary Plans

- Government Lines and Corners
- Bearings & Distances
- Township, Village, City limits
- Curve Data
- Deflection Data
- Legal and Non-legal alignment(s)
- Any existing and proposed ROW encroachments
- Any existing and proposed drives and side streets
- Existing building and structures

Design Requirements

Preliminary Plans

- ⦿ Potentially contaminated sites
- ⦿ Known locations of underground utilities
- ⦿ Proposed utilities
- ⦿ Existing and proposed bridges
- ⦿ Hazardous or flammable materials
- ⦿ Existing and proposed drainage
- ⦿ Slope stake lines
- ⦿ Proposed Roadways

Wrap Up/Take Aways

- ⦿ Real Estate process is constitutionally and legally mandated
- ⦿ 6-32 month timeline
- ⦿ Must follow the Uniform Act (FHWA)
- ⦿ Designers have a role in the Real Estate process
- ⦿ Revisions start the Real Estate process over
- ⦿ Involve the Region Real Estate staff early and often

QUESTIONS