

**RIGHT-OF-WAY REVIEW
(CONSULTANT COPY)
POLICY AND PROCEDURES MANUAL
FOR CONDEMNATION PROJECTS
ENGINEERING DIVISION, PUBLIC WORKS**

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GENERAL REQUIREMENTS FOR CONDEMNATION MAPS

If Property and Relocation Services is unable to acquire right-of-way by reasonable means, then condemnation procedures must begin.

A black & white mylar for microfilming and filing needs to be provided to Right-of-Way Services.

1. Sheet Size and Scale
 - A. The plans should be drawn on 24" x 36" sheets (the drawing area can be 22" x 34"). This is the requirement of the City. The State if (applicable) has required drawings on 11" x 17". Whichever size is used, the plans will have to be microfilmed to become part of the City's permanent records. The drawing must be clear and legible. Full size drawings will be reduced to half size and the half size drawings will be microfilmed at full size. The information will be of no use if not legible.
 - B. Scale shall be the same as the construction plans or any legible scale.
2. Cover Sheet
 - A. Project Title, City Project Number, City File Number, city, county, and state designation and Federal Aid Project Number (if applicable).
 - B. Location Map.
 - C. Sheet index, general notes, legend, etc.
 - D. Condemnation block for condemnation ordinance title, certification language and signatures of the assistant City Engineer, City Engineer and Director of Public Works, or Parks Director, if necessary.
3. Ownership Sheet(s) (24" X 36" sheets. May be incorporated in the cover sheet if space allows.)
 - A. Show boundaries of property to be condemned and sufficient information to follow the property descriptions, such as but not limited to, the POB, dimensions (measured and platted / recorded if different), bearings, and curved data used to define the size and shape of the property. However, a metes and bounds description is only required when it is the only way to adequately describe the given property within a particular tract. The intent of this requirement is to insure that there is no ambiguity in the location of the said property.
 - B. Provide tract numbers, e.g. 1, 2, 3, 4... and ownership names.
 - C. Show ownership boundaries and sufficient information to follow the ownership descriptions, such as but not limited to, the POB, lot numbers, block numbers, dimensions (measured and platted / recorded if different), bearings, and curved data used to define the size and shape of the easement.
 - D. Hatch easements/property in a manner that easily differentiates one easement/property from another and allows text to be easily read and reproduced.
 - E. Show easement legend.
 - F. Provide an ownership legend showing tract numbers, property owner names, easements (minus any existing storm, sanitary, utility, or standard sewer easements), total ownership area, and remaining area (minus proposed permanent easements), and plan and profile sheet number.
 - G. Show "General Notes", etc., if not shown on cover sheet.
4. Supply an electronic copy of all easements in the City's current word processing format. (As of 03-28-2003 right of Way Services is using Micro Soft Word.)

SAMPLE CONDEMNATION CERTIFICATION AND SIGNATURE BLOCK

The following is to be used on the cover sheet of condemnation maps. Those sections underlined are all that may need to be changed to reflect the particular specifics of the condemnation.

ORDINANCE NUMBER: 000001
DATE PASSED July 4th, 1776

Condemning and taking private property in fee simple for public purpose of removing liens which exceed the value of the property and making the blighted and substandard property available for redevelopment; providing for just compensation; and authorizing negotiations by the Director of City Development. All in Kansas City, Jackson County, Missouri.

(This is where the first / introductory paragraph of the condemnation ordinance goes...leave space here.)

I hereby certify that this statement by map or plat contains correct descriptions of the lots, tracts, or parcels of private property together with the names of the owners thereof, so far as known at the time of taking effect of the above ordinance, which will be taken (for right-of-way, utilities, and temporary construction) (for _____, _____, _____, and _____ easements) (in fee simple) etc., for public purpose of (give reason for taking), all under the aforesaid Ordinance Number 000001, passed on July 4th, 1776.

_____ Date: _____
City Engineer

_____ Date: _____
Director of Public Works

DOCUMENTS NEEDED TO ACCOMPANY DEED TO LANDS BEING DEDICATED FOR STREET PURPOSES

1. Record Information Certificate or Commitment for Title Insurance showing Ownership, any encumbrances, and a Tax Report - Also, to show any easements or right-of- ways and any existing Deeds of Trusts.
2. If any Deed of Trusts exists, a partial release of the Deed of Trusts must be submitted for that part of the property that is to be taken for right-of-way purposes. After the ordinance accepting deed taking the right-of-way passes - the Partial Release of the Deed of Trusts accompanied by the original Deed of Trust must be provided to the City Clerk's Office before the ordinance can be recorded with the County.
3. If any private utility company, individual or corporation has an easement or right-of-way over any portion of the property being deeded - a Subordination Agreement or Disclaimer must be submitted.
4. State, County and City Real Estate Taxes must be paid for current and prior years. If any Special Assessment Tax exists, it must be paid current, apportioned and paid for all property being dedicated for street purposes and all of the above must be reflected in the Report described in Paragraph 1or, as an alternative, Certified Tax Receipts can be submitted.
5. On the Deed, after the Legal Description of the property being dedicated, the following clause is-to be inserted:

For street purposes as a part of (street name) together with easements in remaining lands on the abutting property along and adjacent, to said street, where required for the location, construction, and maintenance of an embankment or for sloping the sides of cuts back to construct and maintain said street at the established grade; also, said parties of the first part are hereby waiving damages, if any, by reason of the grading of said street. * Note: Confer with the Law department to clarify whether we would take this property in fee.