

Right of Way has been presented with the question on how to address proposed dedication/proffers and donations in Right of Way Cost Estimates. After discussion with the Right of Way Director, our approach is as follows:

Question:

What is Right of Way's position on possible/proposed/anticipated donations, proffers and dedications in relation to preparing Right of Way Cost Estimates.

Response:

There are potentially several different scenarios that may need to be addressed slightly different.

1. Private Landowners:

Right of way is NOT to consider donations from private landowners as they are entitled to compensation. Additionally, they may request an appraisal to determine their donation for tax purposes, which is a cost to the project. Unless the donated rights of way are already recorded, we are going to include the cost of acquisition from these parcels in our Right of Way Estimate.

2. Localities/County/City owned Properties:

Regarding donations from Localities/Municipalities/County/City owned properties. Unless we have a signed letter from someone of authority from said Locality/Municipality/County or City agreeing to donate the needed rights of way at no expense to the Commonwealth, we are NOT going to consider those as donations and the costs of acquisition will be included in the Right of Way Estimate. If that letter is not on file at the time of the estimate request, Right of Way WILL include the cost of acquiring the rights of way needed from those properties.

3. Developers:

Regarding potential proffers/dedications from a developer; unless there is already a dedication recorded in the land records OR there is an absolute enforceable document requiring their proffer/dedication at our request, at no expense to the Commonwealth, we will include the cost of acquiring right of way from their property.

In summary, there are limited situations, when donations/dedications, at no expense to the Commonwealth for the acquisition of right of way, will be considered and the cost of acquiring right of way will be excluded.