

# **RIGHT OF WAY ENGINEERING MANUAL**

**PREPARATION OF RIGHT OF WAY DOCUMENTS**



**2012**

**Prepared by Right of Way Engineering**

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## 1.0 Introduction

These procedures have been developed to establish uniformity in the preparation of ROW Maps and Descriptions.

Scoping procedures outlined in the Capital Project Procedures, balanced among many other factors, impact the proposed design along with the ROW impacts. This limits, but does not preclude, the designer from adjusting the proposed ROW acquisitions to minimize their size and impact upon the remaining property. The designer should also be aware that the ROW design does not have to follow the precise contours of the roadway (e.g.: slopes). Where it appears that it may be beneficial, the ROW line and easement lines may be reasonably expanded to enhance the ease of construction of the project. The designer may also reduce the ROW width of the normal typical section in order to eliminate small acquisitions, small easements and to avoid sensitive areas or structures, etc. The designer, therefore, shall prepare the ROW design, balancing the impact upon the property and the cost of acquisition while maintaining the safety, constructability, cost of construction and staying within the basic scope of the project.

This manual is to be used on NJDOT projects, as well as Public Transportation projects, Local Aid projects and Developer projects. Every instance that a designer may encounter is not covered in this manual. More information can be found in the ROW Acquisition Manual and the ROW Design Guidelines. When used in conjunction with sound engineering, surveying knowledge and good judgment, this manual and the other publications mentioned should enable the designer to prepare accurate ROW documents efficiently.

## 2.0 Definitions and Abbreviations Used

**Agricultural Development Area (ADA) (with 8 year deed restrictions):** Property that cannot be used for other than agriculture for 8 years. The property owner enters into an agreement with the County Agriculture Board resulting in a restrictive covenant being attached to the property.

**Agreement:** Contract between the owner of the subject property and the Department of Transportation for conveyance of fee or lesser interest of lands set forth in the description; conveys equitable title as compared to legal title.

**Block:** A square or portion of an incorporated municipality as shown on the official municipal tax map; a grouping of lots assigned the same number on the official tax map.

**Bureau of Landscape Architecture and Environmental Solutions (BLAES):** The Office of Landscape Architecture prepares the landscape architecture, reforestation, and wetland mitigation plans for projects. The Office of Environmental Solutions (i.e., E-Teams) is responsible for, amongst other tasks, permits/wetland delineations and applications, Green Acres coordination, contaminated soil/hazardous waste identification and wetland mitigation plans. Prepares appropriate documentation (CED, EA, EIS, EO 215) to obtain formal environmental approvals from FHWA and or DEP.

**Condemnation:** The act of filing of a complaint seeking entry of a final judgment confirming the proper exercise of the Power of Eminent Domain and the recording of a Declaration of Taking in the Book of Deeds with the County recording officer.

**Course:** A boundary of a property that can be described by distance, bearing and/or arc length.

**Declaration of Taking (DT):** The means by which title to a property is acquired after a condemnation complaint is filed.

**Deed:** Conveyance of legal title; a document signed by the owner of the property conveying real property to another.

**Description:** The legal description of the property identifying the location, including, but not limited to county, municipality, street, street number block and lot, metes and bounds of the property, as well as description of the easement rights, if any.

**Dominant Estate Parcel (DE):** A parcel containing an existing private (access, parking or other similar type) easement owned by another entity encumbering a fee parcel being acquired.

**Easement:** A right to use land of another for a specific or particular purpose consistent with the grant under which it was made. Easements can be for utility rights, access rights, construction rights or non physical use such as conservation.

**Eminent Domain:** The power of government to acquire real property, including improvements, subject to the provisions of the Eminent Domain Law of 1971.

**Encumbrance:** A lien upon real property.

**Entire Tract Map (ETM):** A plan used to show the location of all parcels to be acquired and their remaining area. This map shall be signed and sealed by a New Jersey licensed surveyor and filed by NJDOT's Engineering Documents Unit in the County courthouse where the deed was obtained.

**Et Al:** And others, and another.

**Et Seq:** And following.

**Et Ux:** And wife.

**Et Vir:** And husband, also ET CON.

**General Property Parcel Map (GPPM):** A plan used to show the property to be acquired. This map shall be signed and sealed by a New Jersey licensed surveyor and filed by NJDOT's Engineering Documents Unit in the County courthouse where the deed was obtained.

**Grant:** An instrument that conveys some estate or interest in the lands that it embraces.

**Grantee:** The person to whom a grant is made; the one who acquires the property.

**Grantor:** The person by whom a grant is made; the one who transfers the property.

**Individual Parcel Map (IPM):** A plan that depicts a parcel and related parcels, having unity of ownership and associated easements. It is used for appraising and negotiating acquisition; it is also used as the map attached as an exhibit to a condemnation complaint and declaration of taking where and when condemnation is pursued. It must be based upon and totally consistent with the GPPM.

**Key Sheet:** The first ETM sheet. It identifies the area to be acquired for the ROW of a specific section of a highway.

**Lot:** A fractional part or subdivision of a block, according to a survey.

**Lot Owner Access Concurrence (LOAC):** A concurrence form sent to the lot owner by OAD for acceptance of access alterations.

**Lot Owner Lease Agreement (LOLA):** A form sent to the lot owner with the LOAC by OAD offering a nominal amount or administratively determined amount of compensation for use of the property in order to construct the access alterations. This form is not used if the access alterations are within the ROW or OAD determines the alterations to be complex.

**Mean High Water Line (MHWL):** The line formed by the intersection of the tidal plane of mean high tide with the shore.

**Metes and Bounds:** A description of real property which begins at a specified starting point (point of beginning or P.O.B.) and proceeds, clockwise or counter clockwise, around the parcel or easement utilizing directions, distances (metes) and monuments (bounds) as descriptive elements of the property lines and property corners. An area is also generally given in the deed. This type of land description is usually based on an actual land survey.

**Mitigation:** Actions taken to reduce impacts from acquisitions or access changes.

1. Temporary Site Mitigation Work permits NJDOT to enter property to offset damages to the property caused by acquisition and/or access changes, adjustments, modifications or revocations.
2. Acquisition of fee parcels or permanent easements from another owner to satisfy environmental and regulatory permit obligations or reduce damages on an owner's property.
3. Use of existing NJDOT lands in fee or easement to satisfy environmental and regulatory permit obligations or reduce damages on an owner's property.
4. The proposed action within a specialist "NRE" report which provides owner with a plan to lessen or correct acquisition damages and an estimate of the compensation needed for the mitigation.

**Monuments:** Tangible landmarks indicating boundaries.

**New Jersey Department of Transportation (NJDOT):** The Department of the State of New Jersey responsible for the State highway system.

**North American Datum 1983 (NAD 83):** The official plane coordinate system for the NJDOT.

**Office of Access Design (OAD):** Office with the responsibility for all access issues relating to State highway projects. They review and set the driveway design within the limits of the project.

**Parcel:** Property to be acquired for highway or mitigation purposes, described by metes and bounds.

**Parcel Clearance:** Lands owned by NJDOT which are to be sold off or used for mitigation purposes including access mitigation must be cleared to determine if they are available for use and that no other overriding public use exists. Projects which propose the use of NJDOT land should begin the Parcel Clearance process early to

avoid delays due to unavailability of the proposed excess parcel. Land acquired as part of a project for a specific mitigation does not normally require a Parcel Clearance.

**Project Manager (PM):** Representative of the Division of Project Management who oversees the project from the Final Design phase through construction.

**Remaining Area (RA):** Property retained by the owner of the fee after a portion of the fee parcel is acquired, including areas of any associated easements.

**Right Of Entry (ROE):** A right to enter the property of another for a temporary purpose given by the owner of the property to the NJDOT. This is to be obtained by a representative of the NJDOT. This can also include the right to enter prior to commencement of condemnation or tender of a deed for a permanent easement or parcel. It is always to be in writing, signed by the owner of the property or authorized corporate officer where a corporation is involved. Where the entry will be of a longer duration, or of a more complicated nature, an agreement may be needed. A right of entry cannot be used as a substitute for bona fide negotiations.

**Right Of Way Technical Support Bureau:** Unit responsible for activities before and after negotiations including ROW funding, condemnation coordination, ROW consultant contracts, selling excess land, plan distribution and technical guidance on ROW related issues.

**Riparian Grant:** The grant by the State Tidelands Resource Council of its right to areas within the flow of the mean high tide or areas of land which were historically flowed by the mean high tide and artificially filled in without the appropriate consent or permission of the State, as reflected upon the tidal claims map maintained by the N. J. Department of Environmental Protection, Bureau of Tidelands Management.

**Riparian Rights:** The rights of the owner of land on the bank of a watercourse relating to the water, its use and ownership of soil under the watercourse. In this manual, the term is used only to describe those rights of landowners abutting tidal waters.

**Right:** A real estate interest in a property (e.g. access, drainage, slope, etc.)

**Right Of Way (ROW):** Land owned or to be acquired by NJDOT for highway purposes.

**Right Of Way Engineering (ROWE):** The unit that is responsible for the review of the in-house or consultant designer's right of way documents.

**Servient Estate Parcel (SP):** A parcel to be acquired that is encumbered by an existing private (access, parking or other similar type) easement owned by another entity.

**Slope Rights:** An easement over the lands of others abutting the ROW line, upon which cuts and fills may be constructed and maintained subject to the terms thereof.

**Tab Sheet:** The last GPPM sheet. It contains a tabulation or listing of owners.

**Tidal Waters:** Any watercourse affected by tides.

**Tidelands Claim Line:** The line that defines the lands that were formerly tidally flowed and have now been filled. These lands are claimed by the State of New Jersey.

**Title:** Ownership. Shown on ETMs, GPPMs and IPMs adjacent to the parcel bubble.

**Underground Storage Tanks (UST):** Subsurface containers which (1) store motor fuel for noncommercial purposes (more than 1100 Gal.), (2) store heating oil (more than 200 Gal.) or (3) store any quantity of fuel/oil for commercial purposes. Sites that have such containers are subject to the NJDEP regulations.

### 3.0 ROW Documents Preparation Process

In order to prepare the ROW documents and at the same time minimize acquisition delays, the following process is established for ROW document submissions. All days are calendar days. See Attachment N for submission requirements.

1. A **ROW Kickoff Meeting** shall be held after the ROW Report has been completed and after the Designer begins the ROW Impact plan. The Project Manager will schedule the meeting and invite the attendees listed in Section 3.1 of the ROW Design Guidelines. ROW Engineering will run the meeting. The designer will present the ROW Report. The ROW and access design for the project will then be customized. Also, ROW Engineering will give the Designer sample documents if requested, map quotes and potential parcel numbers. See sections 2.0 and 3.1 of the ROW Guidelines for further instructions.
2. A **ROW Impact Plan Submission** shall be sent to the Division of ROW, Technical Support Bureau, ATTN: Project Coordination & Funding in accordance with the schedule established by the DPD Lead Engineer. It shall contain two sets of prints of the GPPMs (without the Alignment Schematic Plan and Tab Sheet); each sheet shall be stamped with "ROW IMPACT PLAN". These submission requirements are also listed in attachment N. This submission is to be used by the Division of ROW to develop the initial ROW estimate.
3. A **ROW Plans and Documents Submission** shall be submitted after completion on the Title Search as described in ATTACHMENT N and in accordance with the schedule established by the Division of Project Management Project Manager (PM). ROWE will perform a quality assurance review and review of the documents to assure conformance to current standards. Comments will be returned to the designer approximately 3 to 4 weeks after the submission has been received. The Designer will then prepare a ROW Plans and Documents Submission Comment Resolution Summary (CRS)\* to address comments from ROWE, the District or other SMEs. See section 3.2 of the ROW guidelines for further instructions.
4. A **Pre-Final ROW Submission** shall be submitted directly to ROWE **only**, approximately two to four weeks before the Final Submission date as established by the PM. The submission requirements are listed in ATTACHMENT N. This review will insure that all ROW Plans and Documents Submission comments have been addressed, allow ROWE to review any new or changed parcels/descriptions and to insure the accuracy of all ROW documents before the extensive printing required for the Final Submission.
5. A **ROW Acquisition Kickoff Meeting** will be held at the ROW District office shortly after the Pre-Final ROW submission. The meeting shall be requested by the PM and the ROW District will be the lead for inviting the appropriate SMEs and the meeting will usually be held at the District office. This meeting will allow the ROW acquisition team to become familiarized with each parcel. The Designer will then complete the Pre-Final CRS\* and submit the CRS for review by ROWE. See section 3.3 of the ROW Guidelines for further instructions.
6. A **Final ROW Submission** shall be submitted after approval of the Pre-Final CRS and as described in ATTACHMENT N and in accordance with the schedule established by the PM. The letter of transmittal shall state the number of parcels to be acquired for the contract and list all parcels that were changed since the ROW

Plans and Documents Submission. OAD will provide the Technical Support Bureau with the status of all access cases, the access cutouts, final or access conclusion letters and a list, in the form of a spreadsheet, of signed Lot Owner Access Concurrence forms and Lot Owner Lease Agreement forms or required SA parcels.

**Notes:** Any change in these schedules must be requested through the Division of Project Management PM during Final Design.

\*See section 5.0 of the ROW Guidelines for further instructions on ROW submissions and Comment Resolution Summaries (CRSs).

#### **4.0 Documents Required**

Documents required in the preparation of ROW maps include, but are not limited to:

- Metes and bounds survey of the property to be acquired in accordance with N.J.S.A. 46:23-9.9 et seq. & N.J.A.C. 13:40-5.1, (f), (g), (h), (I) and (j) (minimum survey detail requirements as promulgated by the State Board of Professional Engineers and Land Surveyors), whether an entire or a partial acquisition.
- Latest deeds, wills, all easements, leases and other property rights documents on each property involved.
- Current development maps, tax maps, zoning maps, county maps or master plans.
- Road return books, where applicable.
- Filed maps establishing public rights of way.
- Vacations for streets that have been abandoned.
- Dedications and acceptance.
- Subdivision Plans and Site Plans (Preliminary and/or final).
- Municipal Resolutions.
- Status of Paper Streets.
- Sealed land surveys will be required for properties to be conveyed to or restricted for NJDEP mitigations (replacement wetlands, Green Acres, Tidelands, etc.). They may also be required for Farmland restricted acquisitions. Surveys for regulated properties such as those identified above will comply with the standards set by the applicable agency (Green Acres, State Agriculture Development Committee, and Tidelands Resource Counsel).

These documents will be helpful in laying out the existing properties and showing existing public ROW in all affected areas where ROW maps are needed.

#### **5.0 Material Specifications**

Plan sheets for final ETMs and GPPMs shall be of synthetic film, such as Mylar, and shall be 4 mils thick and matted on both sides. Mylars to be submitted must use ink that does not come off with handling. Erasures and changes shall be made in accordance with instructions given for the material used so as not to harm the permanent original tracing.

IPMs shall be submitted on print paper and are limited to a maximum (as measured from the cutting edge) of 30" x 42". Parcels may be submitted on 8 ½" x 13", 11" x



17", 15" x 17", 15" x 21", 18" x 24", 22" x 36" and 24" x 36" size paper. For large parcels where match lines are necessary, plan sheets are limited to 22" x 36". The designer should use the smallest legible map size that shows the parcel and conforms to the requirements of Section 9.3.

Parcel descriptions shall be prepared on 8 ½" x 11" paper. Descriptions for the Final ROW submission are also submitted on CDs or other formats approved by ROWE.

ETM and GPPM plans shall be prepared on 22" x 36" sheets.

Riparian Grant applications shall be prepared on 8 ½" x 11" paper.

## **6.0 ROW Fee Parcels**

Property and underlying rights to be acquired by the State of New Jersey for highway, mitigation or other public purposes is accomplished by "fee" parcels. Fee parcels may be acquired subject to utility rights. These parcels appear on ETMs, GPPMs, IPMs, and in descriptions. Guidance for the preparation of "fee" parcels is contained in each of those sections.

The types of "fee" parcels are as follows:

- Entire acquisition - Whole property is acquired with no remaining area (RA).
- Partial acquisition - An unencumbered portion of the property is acquired and the owner has RA.
- Riparian - A parcel to be acquired within actual flowing tidal waters. Use "T" with the parcel number.
- Utility - A parcel to be acquired to provide replacement for the utility company's land interest lost under the terms of an "Order" or "Agreement" issued by the NJDOT. Use "U" with the parcel number.
- Servient Estate - A parcel to be acquired containing an existing private easement (access, parking or other similar type) encumbering the subject property. Use "SP" with the same parcel number as that of the unencumbered fee. (See Attachments A and B)
- Dominant Estate - A parcel to be acquired consisting of an existing private easement (access, parking or other similar type) encumbering a neighboring fee parcel. Use "DE" with a parcel number designated for the owner of the easement (a different number than that of the servient estate parcel number). (See Attachments A and B)
- Remainder Acquisitions - Parcels acquired that are beyond the Proposed ROW Line of the approved Typical Section that may be used for temporary construction, future mitigation or acquired due to economic reasons (uneconomic remainder, landlocked parcels), etc. These parcels may be considered for private sale at a future date. Use the next available letter with the parent parcel number ("X" is no longer to be used).
- Mitigation Fee Parcels - Parcels beyond the Proposed ROW Line of the approved Typical Section that are needed for mitigation purposes. (See also Mitigation Easements). Fee mitigation parcels should be identified as "M" and the next available parcel number as determined by ROWE. The "M" parcel may be outside of the project limits. If the "M" is being acquired from an owner that we are already

acquiring a parcel, designate the parcel with an "M" the original parcel number followed by an "A" or the next available letter. In certain situations we can acquire an "M" parcel for access to an owner's property if his property was landlocked by the project. Note in the final version of the GPPM Tab Sheet the specific reason for the purchase of Mitigation parcels, and include the applicable Green Acres or other regulatory permit number(s) related to the mitigation purchase.

The designer can also consider utilizing existing NJDOT owned lands for mitigation purposes. Land purchased as part of an earlier project has become part of the State's inventory of land. In order to dispose of it for any reason, including mitigation, the land must go through a review process where information about the parcel is circulated to the appropriate units within the Department to determine if the land is in fact no longer required for some other use. Any potential alternative use of NJDOT owned land must be addressed early within the process to insure that the land is in fact available to avoid project delays and revisions to the plans.

## **7.0 Common ROW Easements Parcels**

The acquisition of property rights less than a fee interest, for a particular use by the State for highway, mitigation or other public purposes, is accomplished by easement parcels. These parcels appear on ETMs, GPPMs, IPMs, and in descriptions. Guidance for the preparation of "easement" parcels is contained in each of those sections.

The most common types of easement parcels are as follows:

- Slope - E parcels
- Grading - E parcels
- Drainage - E parcels
- Temporary Diversionary Road - E parcels
- Utility - UE and AE parcels
- Bridge - E parcels
- Construction and Maintenance - E parcels
- Temporary Construction - E parcels
- Private - PE and PAE parcels
- Sight Triangle - E parcels
- Temporary Site Mitigation Work - S parcels
- Temporary Site Mitigation Work (Access) - SA Parcels \*
- Mitigation Easement - ME parcels
- Easement For Access - EFA parcels. Temporary use of NJDOT land to make access reasonable.

\* "SA" Parcel designation is given only to that work specifically related to mitigation for the alteration of access. It is distinct from any other mitigation or easement and is used to allow the appraiser to differentiate between access required mitigation and any other mitigation caused by an acquisition.

An "E" or "S" Parcel designation is given only if no other right other than an Easement(s) or Temporary Site Mitigation Work is acquired from a property. All others listed above, including "SA", are designated separately regardless if there is another acquisition involved.

## **8.0 Denial of Access Parcels**

A Denial of access parcel is a separate category from those in Sections 6.0 and 7.0. They are parcels set up for limiting direct access only and are designated as "DA" parcels. This is a separate process from the access revocation under the Highway Access Management Act. Use the following procedure:

- A. Delineate "NO ACCESS".
- B. Delineate every point at which access is denied by acquisition by a vertical leader line and arrows.
- C. Show no area.

## **9.0 ROW Documents Preparation-General Information**

The preparation of all ROW maps shall comply with N.J.S.A. 46:23-9.9 et seq. and N.J.A.C. 13:40-5.1, (f), (g), (h), (I) and (j) (minimum survey detail requirements as promulgated by the State Board of Professional Engineers and Land Surveyors). The Engineering Document Unit or other designated unit within the NJDOT will file each sheet of the ETMs with the appropriate County recording officer when all parcels contained within an individual ETM have been acquired. Also, place a combined Map Filing Statement on the Key Sheet in the lower left corner of the Key Sheet (see CHECKLIST below).

**Note:** In placing labels and notes on any map or plan sheet, it is important to arrange the labels and notes so that the topography remains clear and understandable. Topography details must remain visible so that the impacts to the property can be fully understood by appraisers, property owners and the courts.

### **9.1 Entire Tract Map:**

#### **9.1.1 Key Sheet**

- A. Checklist
  - Scale
  - Title Block/Surveyor's Title Block
  - Construction project reference
  - Map showing location of the project
  - Corporate lines
  - North Arrow
  - The term KEY MAP
  - Limits of ROW section
  - Adjacent ROW section(s)
  - Designer's name
  - Project location
  - Map Filing Statement
- B. Procedures

1. The Key Sheet shall be the first sheet, covering the entire ROW section. It should indicate the project area, showing partial coverage of adjoining sections, including mileposts and stations at the beginning and end of the ROW project.
2. The Key Sheet shall be prepared at a convenient scale to show the entire ROW section plus partial coverage of the adjacent ROW section(s). The New Jersey licensed Land Surveyor's Title Block is required on all ETMs, shall comply with N.J.A.C. 13:40-1.1, 1.2, and 1.3, et seq. (including signature and original seal on final mylar) and shall be placed above the NJDOT Title Block or in the lower left corner as an alternate location. ROWE will supply a sample of the licensed Land Surveyor's Title Block at the Initial Meeting.
3. Place the Title Block in the lower right hand corner. Use the standard NJDOT Title Block, 3.5" x 6". A sample Title Block is provided at the end of Section 9.0, ATTACHMENT C. Obtain the Title Block information from the ROWE Unit. See Attachment C; substitute "ENTIRE TRACT MAP" for "GENERAL PROPERTY PARCEL MAP". See 3. b. under PROCEDURES FOR ETM PREPARATION for information on the Licensed Land Surveyor's Title Block.
4. Place the name of the construction project to the left of the Title Block as a reference for this ROW project.
5. Center the map on the sheet. It shall show corporate lines, names of counties, municipalities, major highways, streets, any geographical and manmade features (lakes, rivers, railroads, etc.)
6. Show the North Arrow from the ROW Standard Legend that depicts the basis for the northing orientation.
7. Center the term KEY MAP below the map showing the project location with a bar scale also centered below.
8. Show the limits of the ROW section outside of the KEY MAP by lines extending into the map to the locations on the subject route that are the beginning and end of that section.
9. Show a portion of the adjacent ROW sections in the same manner as in 8) above. The portion shown should be enough to readily identify the adjacent ROW sections and can be determined at the Initial Meeting when the designer is unsure of the limits.
10. Show the designer's name on the outside of the left longitudinal border starting at the lower left hand corner of the border.
11. Show the ROW project location by highlighting the subject route on the KEY MAP and designating the limits of the ROW project in a similar method to the NJDOT Sample Plans for construction projects, available from the Bureau of Quality Management Services, Engineering Documents Unit.
12. Show the Map Filing Statement in the lower left corner of the sheet. It should state the total number of sheets and break out the number of ETMs and GPPMs. For example, 10 SHEETS FILED IN THE OFFICE OF THE MERCER COUNTY CLERK, 3 ETMS AND 7 GPPMS. Leave one line of space below the

above statement and add DATE. Add FILE NO on the next line below. This statement is not required on any other sheet.

### **9.1.2 Checklist For Remaining ETMS**

- Scale
- Title Block/Surveyor's Title Block
- North Arrow
- Revision Block
- Designer's name
- Baselines (Existing & Proposed)
- Block and lot for each property
- Existing deed course information when not shown on the GPPMs
- Proposed parcel lines
- Parcel numbers
- Entire Property shown
- Adjacent owners
- Building and structures
- Municipal and county lines
- GPPM layout

### **9.1.3 Procedures For ETM Preparation**

- A. Scale: 1" = 100' throughout (Other scales may be used if approved by the ROWE Unit). Inserts at other scales are permissible, if necessary for clarification. Show the entire areas of the properties involved. Map coverage shall be complete and continuous end to end of the project. Either Match Lines or the overlap method is acceptable.
- B. Use the standard NJDOT Title Block, 3.5" x 6". A sample Title Block is provided at the end of Section 9.0, Attachment C. The New Jersey licensed Land Surveyor's Title Block is required on all ETMs, shall comply with N.J.A.C. 13:40-1.1, 1.2, and 1.3, et seq. (including signature and original seal) and shall be placed above the NJDOT Title Block or in the lower left corner as an alternate location. ROWE will supply a sample of the licensed Land Surveyor's Title Block at the Initial Meeting.
- C. Show the North Arrow from the ROW Standard Legend. Other coordinate systems may be used with the permission of the ROWE Unit.
- D. Place a revision block in upper left longitudinal margin.
- E. Show the designer's name and the surveyor's name on the outside of the left longitudinal border starting at the lower left hand corner of the border.
- F. Show existing baseline stationing, if possible. Show the proposed baseline in the same manner.
- G. Show the current tax map block and lot numbers for each property to be acquired.
- H. Show all courses - deed bearing and distance noted by the line representing it, when not shown on the GPPMs. Show deed book and page or any instrument conveying property rights, when not shown on the GPPM. Show the complete outline of the entire property for each owner.
- I. Show the proposed parcel by completely outlining the property to be acquired with a heavy solid line.

- J. Show the parcel number (inside parcel if possible).
- K. Show entire remaining property adjoining the parcel (required for fee and easement parcels).
- L. Show current names of all adjacent owners, when not shown on the GPPMs.
- M. Show all buildings, structures, driveways, parking lots, internal roads and other important features within the area to be acquired and within the area of the remainder, that exist as of the time frame the maps are turned over to the NJDOT for acquisition. Current aerial photo location verified in the field by visual observation at the time maps are submitted to the NJDOT for acquisition of included parcels and associated easements may be used, except when these features are within 100' of the parcel. Locate all items noted above accurately in the field by survey when within 100', and properly draw on the ETM in accordance with in-field survey notes and in accordance with generally accepted standards. Show the type of land (wooded, swamp, farm, etc. as per legend or note on ETM sheet). In-field verification shall occur prior to the time the ETM is submitted to the NJDOT for acquisition of parcels and associated easements depicted on the ETM. Update the ETM with any changes that have occurred since the time the ETM was originally prepared in accordance with the requirement stated above.
- N. Show all municipal and county lines.
- O. Index the layout of the GPPM sheets on the ETM, showing just the corners of the GPPMs with the sheet numbers.

## **9.2 General Property Parcel Map**

### **9.2.1 General**

The preparation of the GPPM shall comply with N.J.S.A. 46:23-9.9 et seq. and N.J.A.C. 13:40-5.1, (f), (g), (h), (I) and (j) (minimum survey detail requirements as promulgated by the State Board of Professional Engineers and Land Surveyors). The Engineering Document Unit or other designated unit within the NJDOT will file each sheet of the GPPMs with the appropriate County recording officer when all parcels contained within an individual GPPM have been acquired.

There shall be a research reference noted for each parcel. All pertinent documents, such as development maps, tax maps, deeds, vacations, abandonments, dedications and other county, municipal or corporate resolutions shall be shown as notes on the GPPM. The researcher should verify the owner's of all the parcels immediately before the Pre-Final ROW plans are submitted and note that date on the tab sheet.

**Note:** Place the following statement, as part of the Standard Legend (See Attachments D and E), on the first GPPM sheet. "The proposed parcel courses and the north arrow depicted may differ from the system utilized to plot the deed distances and courses". Also, place the Map Filing Statement on the Key Sheet, see 9.1.1 B, 12).

### **9.2.2 Checklist (Except For Tab Sheet)**

- Title Block/Surveyor's Title Block
- Legend
- Scale
- Layout

- North Arrow
- Revision Block
- County
- Municipality
- Designer
- Reference
- Baselines
- Topography
- Field ties
- Research references/Properties plotted
- Existing and proposed ROW Lines
- Existing easements
- Wetland Delineation
- Parcels to be acquired
- Proposed easements
- Riparian grant applications
- NJ Plane Coordinate grid marks
- Environmentally sensitive parcel

### 9.2.3 Procedures

#### A. General Information

1. Obtain ROW Title Block information from the ROWE Unit. The lower right hand corner of all sheets shall have an area of 3.5" vertical by 6" horizontal for the Title Block (See Attachment C). The licensed Land Surveyor's Title Block is required on all GPPMs, shall comply with N.J.A.C. 13:40-1.1, 1.2, and 1.3, et seq. (including signature and original seal) and shall be placed above the NJDOT Title Block or in the lower left corner as an alternate location. ROWE will supply a sample of the licensed Land Surveyor's Title Block at the Initial Meeting.
2. Show the standard legend (See Attachments D and E) on the first GPPM. A combination legend and tabulation sheet may be used on the last GPPM, if approved by the ROWE Unit. The ROWE Unit can furnish this sheet. Line weights shall comply with those shown on the standard legend.
3. Use the same scale as the construction plans, normally 1" = 30'.
4. Use of either Match Lines or overlapping images on successive GPPM sheets by a **minimum of 1"** is acceptable. Number the sheet; place a 0.5" diameter circle in lower right corner of the 3.5" by 6" space reserved for the Title Block. Number the ETMs, including the Key Sheet, separately from GPPMs, which includes the Tab sheet.
5. Show the North Arrow from the ROW Standard Legend. Other coordinate systems may be used with the permission of the ROWE Unit.
6. Place a revision block in upper left longitudinal margin.
7. Show the county and municipality designated in upper right corner of each sheet (except for Key Map and Tab sheet).

8. Show the name of the prime consultant; sub-consultant or in-house unit that prepared the ROW plans in the lower left longitudinal margin.
9. Show the construction project reference (Route and Section) to the left of the Title Block. Provide all references used to determine the existing ROW.

B. Baselines:

1. Mark all control lines, existing and proposed, on the GPPMs (baselines, centerlines, survey lines, etc.).
2. When there is more than one new baseline, use the controlling base line as Baseline "A", others as Baseline "B", Baseline "C", Baseline Ramp "D", etc. W.B. (Westbound) and E.B. (Eastbound) baselines may be used on dual highways.
3. Show existing and new baselines/centerlines accurately. Indicate their relationship by providing actual ties, that is, stations and offsets. Provide ties to every P.C., P.C.C., P.T. and P.I. between the existing and the new baseline.
4. Calculate stations and coordinates of P.C., P.C.C., P.T., P.I., equation stations, and record to the nearest 0.01' from traverses calculated, adjusted and tied into NAD 83, or other approved coordinate systems, to a minimum closure accuracy of 1/10,000 by field survey methods.
5. For each page identify at least two NJ Plane Coordinate grid locations with a small grid mark that includes the northing and easting to accommodate inclusion into a GIS system. Do not obscure topography when placing coordinates.
6. Tie baselines of side streets into the NJDOT Baseline by field survey methods with sufficient information and tangible monuments given for complete layout.
7. Include complete layout information for proposed realignment of intersecting streets.
8. Coordinate the establishment of county and municipal baselines, along with the existing ROW width, with the county and municipal engineers.
9. Identify curves with numbers and tabulate curve data elsewhere on the same GPPM sheet.
10. Show existing monuments designating or controlling existing baselines. Provide station, offset and coordinates to all existing NJDOT, county and municipal monuments.
11. Show proposed monuments for baselines or ROW lines (please note Section r (12) of the Map Filing Law for setting monuments). Locate ROW monuments on and along the State's proposed ROW lines at the following locations (**Note:** Monuments are to be set by the contractor's surveyor):
  - a. At most angle points along straight/tangent proposed ROW lines and P.C., P.T., P.R.C. locations along curved proposed ROW lines. Do not place a monument where the proposed ROW meets existing ROW lines or property lines. Generally, no monument shall be within 100 feet of another monument. No monuments shall be placed on lines less than 25 feet long.



- b. At points not greater than 1320' apart where the ROW is straight or on a continuous horizontal curve of constant radius.
  - c. At an offset where a physical obstruction impedes the exact location.
  - d. At the crest of a sharp hill or the shoulders of a large/rounded hill.
  - e. As directed by ROWE.
- C. Topography (Refer to IPM Procedures, Section 9.3.3, F for standards).
1. Show existing buildings, bridges and other permanent structures.
    - a. Type; use (e.g. 2-1/2 sty. Brick Dwelling, 1 sty. Masonry Dwelling, Commercial, etc.) and house number.
    - b. Offsets to structures on the RA within 10' of the proposed ROW line or from the proposed slope line shall be measured and shown from the proposed ROW line to the nearest 0.10'.
    - c. All overhangs of structures within 10' of proposed ROW line shall be shown and labeled to nearest 0.10'.
  2. Show above and below ground physical features in detail within 100' from the proposed ROW or proposed slope line, including, but not limited to:
    - transmission lines
    - railroads
    - inlets
    - manholes
    - drainage pipes
    - headwalls
    - retention and detention basins
    - sewage systems - municipal, corporate or individual septic system. Obtain as-built location plans from municipality, if possible, or field investigate, as necessary, to ascertain location – both existing and proposed
    - wells
    - driveways, parking lots and paved areas - type: concrete, gravel, blacktop, etc.
    - trees, shrubbery and outlined wooded areas
    - fences, signs and light standards
    - retaining walls
    - all water lines, all gas lines and underground storage tanks
    - concrete pads, islands, pumps, and appurtenances - show offset distance to the nearest 0.10' within 10'
    - other utility lines and facilities - for example, valve boxes, hydrants, traffic control boxes, etc.

- existing floodway, floodplain, wetlands limits, wetland and riparian buffers (show these limits for the entire property using an inset)
- guide rail

Aerial photography maps may be used for the area beyond the 100' survey limit and label all significant items (buildings, wells, etc.)

- D. Field Ties To Found Property Corner Markers shall be obtained by surveys within the limits of the project. Only show property corners found in the field and identify what the markers are (iron pipes, monuments, etc.). Provide station and offset from the proposed baseline to the nearest 0.01'. If property corners cannot be found, other means such as deeds, filed maps, etc., will be used to establish the sidelines.
- E. Research References/Properties Plotted – Show research references. List all references including deeds, filed maps, surveys, site plans, NJDOT maps, etc. Show the following information for properties plotted:
1. Deed dimensions (Plotting).
    - a. Label courses as per deed description.
    - b. Show Latin abbreviations et ux, et vir, or et al on GPPMs and ETMs, if necessary.
  2. Deed book and page or will book and page (show this information within the property, if possible).
  3. Tract number and tract lines.
  4. Exceptions outlined and noted.
  5. Easements outlined and identified as follows: width; purpose; location of street or utility within easement; deed book and page.
  6. Current names of adjacent owners. Use n/f (now or formerly) in front of the adjacent owner's name.
  7. Private ROW outlined and identified as follows: width, purpose; location of road or path, etc.; Deed book and page.
  8. Public ROW (may need to check jurisdictional control).
    - a. Streets with official width, name and source of information (provide road return book and page, where applicable).
    - b. Municipal resolution, filed development map, tax map, deed calls, etc. (show name, date and index references).
    - c. Vacations or abandonments, including date and location of information (provide road return book and page, name, date and index references).
    - d. Map references and file number, if available.
  9. Development name and owner's name (from filed maps, if available).
  10. Block and lot numbers using the most current tax map (including its date in the research reference); house number, if available: land use and/or zoning.

11. All land previously acquired by NJDOT shall indicate the route, section, parcel number and date of acquisition.

#### F. Locations Of Existing And Proposed Row Lines

1. Designate lines enclosing an intersection with direct traffic connection to and from the main route as proposed ROW for the main route. For those intersections with an overpass or underpass only, designate lines set as proposed for the cross street as proposed line of said cross street and in descriptions as northerly or westerly lines of said cross street. When questions arise in applying these rules, contact the ROWE Unit.
2. Set points, stations, offsets, angles and/or bearings shown accurately and clearly. Provide sufficient information to enable the laying out of the ROW lines from the GPPM.
  - a. Show set points to proposed ROW lines to the nearest 0.01' and easement lines to the nearest 0.1' from the proposed base line by stations and offsets.
3. Use solid heavy line weight to designate proposed ROW lines with small circles accurately defining each angle or direction change in the line.
4. Label all existing and proposed ROW lines, including existing access easements, to indicate where access is denied by acquisition.
5. Mark proposed and existing ROW lines "Proposed ROW Line", "Existing ROW Line", "Proposed Line" or "Existing Line".
6. The designer shall establish the existing NJDOT baselines and ROW lines from existing NJDOT baseline and ROW line monuments.
7. A ROW Alignment Schematic Plan shall be provided as a GPPM. The term **Alignment Schematic Plan** shall be placed at the top center of the sheet. This sheet shall be placed in front of the Tab Sheet, after all other GPPM sheets and shall be at the same scale as the Tie Sheet in the construction plans or at a scale approved by ROWE. The proposed ROW line shall be tied to the proposed baseline (or existing baseline if it is being utilized in the project). The existing monuments shall be tied to the project baseline. A summary of the existing monuments that have been found shall be provided indicating station, offset and/or coordinates.

#### G. Parcels To Be Acquired In Fee

Parcels to be acquired in fee will typically encompass only the property that is required for the ROW (in fee or grant). The designer shall review plan impacts early on in the ROW plan preparation in order to identify remainders that are too small for use and/or severely damaged by the acquisition (for example, landlocked because access is being denied). The designer should discuss these impacted remainders with the Division of ROW and the Project Manager to determine if the property should be an entire acquisition. If this determination occurs later in the ROW plan preparation, the acquisition shall be designated as a separate parcel using the "parent" parcel number with the next available letter as the prefix (For example, the RA to be acquired for parcel 15 would become 15B).

**At no time** should a RA, which is not to become part of the physical and permanent part of the ROW, be acquired without the authorization of ROW Technical Support Bureau.

Where the fee parcel is physically inaccessible from the roadway, a permanent right of access may be needed. See Private Easements for Physical Access.

1. Delineate the fee parcel with heavy lines (see standard ROW legend). Show a bearing and distance for each course and number each course. Describe each numbered course of the proposed parcel with a metes and bounds description (bearing and distance).
2. Parcel number (inside parcel if possible).
  - a. Begin with lowest number (obtained from the ROWE Unit) and increase in direction of stationing.
  - b. Where more than one right is required (e.g. a fee parcel plus an easement) from an owner for various construction needs, set up only one parcel and identify each additional right (except utility parcels and temporary site mitigation (access) parcels). **This procedure only applies where the rights are contiguous to the subject parcel. Set up separate parcels when the rights are not contiguous.**
  - c. Parcels required from contiguous properties in the same ownership, each having a separate tax lot designation, the designer should consult with ROWE and ROW Technical Support. The designer shall determine if the lots shall be treated as an assemblage with one parcel and one remaining area or as individual properties with each having its own parcel and remaining area designated. Different treatment may be required due to the presence of separate and distinct "highest and best uses" for each property. This consultation shall take place prior to the development of the Preliminary ROW Submission.
  - d. On the GPPM the "SP" and "DE" designation shall be used to identify the area to be acquired that includes a fee parcel and an existing private easement. Two different parcel numbers should be used to identify the component parts of the acquisition on the GPPM; one for "SP" parcel (owner of the acquisition parcel) and one for the "DE" parcel (under the name of the holder of the easement). (See Attachments A and B)
3. Parcel area
  - a. Show areas to the nearest 0.001 acres for areas greater than or equal to 0.20 acres and to the nearest 10 square feet when they are less than 0.20 acres. Use square feet in metropolitan areas, subdivisions and very small areas.
  - b. Show the easement area where delineated (ditch, drainage easement, diversionary road, slope, etc.).
4. Show the remaining area and label it R.A. Where areas remain on both sides the highway, show them as: R.A. North and R.A. South, or R.A. East and R.A. West. The designer, if possible, should avoid leaving a R.A. without access to the general system of streets and highways.

- a. For example: *R.A. = 6.543 Ac or R.A. = 1,043 SF*. RA - Calculate by subtracting the parcel area from the deed area, or filed map area, except for areas subject to public ROW (e.g. roadways). Also if there is no deed or file map area calculate the remaining area by a C.A.D.D. program or other accepted program or method. Place a note on each GPPM that contains an RA indicating the method of calculation.
  - b. Total area should equal the deed area or filed map area if applicable.
  - c. Whenever an easement is required, include the area of the easement as part of the remaining area.
5. Subdivision of parcel - Parcel 21 becomes Parcel 21A and Parcel 21B, and Parcel 21A becomes Parcel 21A1 and Parcel 21A2, if again divided. The original parcel number should remain and, if necessary, arrows should be added to show extent of parcel before subdivision.
  6. Types of Parcels to be acquired in fee. - Add a letter before the parcel numbers as noted in Section 6.0. The types of parcels are as follows:
    - Entire acquisition
    - Partial acquisition
    - Remainder acquisition
    - Servient Estate
    - Riparian (could also be an easement)
    - Utility (ex. if utility company needs a new corridor)
    - Mitigation Parcel (could also be an easement)
  7. Structures - The area under bridges (to the outer extent of the wing walls, abutments and footings), culverts (crossing under highway and ramp sections), and other permanent structures (e.g., sign structures), including their footings, shall be acquired in fee, when practical (See Bridge Easements under EASEMENTS AND RIGHTS TO BE ACQUIRED) (See Attachments F and G) and other areas as directed by the "scoping team" (see Bridge Easements, Drainage Easements and Construction and Maintenance Easements for the additional area required for construction of the structure.). For structures over water, the designer shall obtain a letter from the N. J. Department of Environmental Protection, Division of Coastal Resources, Bureau of Tidelands Management, confirming any existing riparian rights or the lack thereof.
- H. Easements And Rights To Be Acquired - All easements, both permanent and temporary, shall be tied to the proposed baseline by stations and offsets, except for mitigation easements acquired outside of the project and off the highway baseline, which are normally based on a sealed property survey. However, easements which constitute a substantial use of a property (easements that are so intrusive that they allow no other use for the area of the easement, for example, slopes formed with rock backfill) should be treated like acquisitions in fee, that is each course of this type of easement should be described by metes and bounds. Easement areas, including easements that constitute a substantial use of a property, are not deducted from the RA. A letter prefix designates any easement

that is not included in a property acquisition, for example: *parcel E1, UE8, AE9* and so on. For easements to be acquired from property designated as riparian lands by NJDEP that are actually tidally flowed, use the procedure for the type of easement that the parcel would have been if it had not been over tidelands and add the letters TE in front of the parcel number. See RIPARIAN GRANT APPLICATIONS, Section q. below. Use the method for calculating easement areas as described in 9.2.3, G, 3) (Parcel area). All easements, except for Slope, Temporary Site Mitigation Work (Access) and Temporary Site Mitigation Work (Slope Easement lines do not represent the same line as the "construction top and toe of slope" and site mitigation lines do not represent the edge of paving or grading), shall be placed on the construction plans. Show temporary easement durations (except for site mitigation) in a chart on the Tab Sheet. Where easements are physically inaccessible from the roadway, a permanent access right may be needed (see 9.4, D, 1). See Private Easements for Physical Access. See also section 6.8 of the Row guidelines for information on easement overlaps.

## 1. Slope Easements

Show proposed slope line, if outside of proposed ROW line. See the standard ROW legend.

**Note:** This proposed slope line is not the same as the slope line shown on the construction plans. This slope includes wash and spread. See Attachment H for the sketch showing Slope E. In areas where the Department has acquired slope rights the easement parcel will be the computed area between the previously acquired slope line and the new Slope E Line. If the owner has filled or cut his property to the grade of the highway and no deed of release was issued by the Department, any new slope which falls within this previously acquired slope area will not require an easement parcel, however, if a deed of release for the slope easement was issued, a new slope easement parcel is required.

- a. Dimension slope offsets at the beginning and ending stations and at 50' intervals from the ROW line. Slope offsets shall be shown to the nearest foot.
- b. Show slopes previously acquired (reference to Route, Section and date of acquisition).
- c. Show proposed slope easement area for each parcel, excluding existing slope areas previously acquired. Show multiple slope areas individually and totaled.
- d. Label the slope ratio for all slopes on the GPPM. It is important that this be done so that the effect, if any, on the remaining lands can accurately be determined. Label the slope as: Slope "E" (4:1), Slope "E" (2:1), Slope "E" (1:1½), etc (See Attachment H).

## 2. Grading Rights

- a. Delineates a temporary right to grade the remaining lands in accordance with any change of grade along the road improvement and with b) below. A detailed explanation of the work should be included within the description.

b. Slopes 6:1 or flatter are considered "Limit of Grading" areas and slopes steeper are slope easement areas. Grading related to driveways shall not be labeled "Limit of Grading." See 3) below.

c) Show an area on the GPPMs and IPMs.

### 3. Temporary Site Mitigation Work Easements

#### a. Temporary Site Mitigation Work Area

- 1) Label areas where the State's contractor is working on mitigating damages to private property as "Temporary Site Mitigation Work Area." Examples of this work include construction of a drainage system to collect water from a parking lot, modification of a part of a building, removal of a private sign and relocation of a utility service line. See b) below for access related work.
- 2) Show a short dashed line indicating the limits of the work if the work is outside the ROW line. A 5 foot distance between the physical limits of work and the dashed line is generally used. However a shorter or longer distance can be used dependent on field conditions and ROW impacts. Label the line "Temporary Site Mitigation Work Line." Stations and offsets are not required on the line.
- 3) Show an area on the plans.
- 4) Use the appropriate clause in the description.

#### b. Temporary Site Mitigation Work Area (Access)

- 1) Label areas where the State's contractor is performing access related work as "Temporary Site Mitigation Work Area (Access)." This work may or may not be due to implementation of the State's Access Code. Access related work includes moving or closing driveways, paving and grading driveways and striping the parking lot or reconstructing islands on the parking lot to mitigate circulation problems.
- 2) Show a short dashed line showing the limits of the work if the driveway related work is outside the ROW Line. A 5 foot distance between the physical limits of work and the dashed line is generally used. However a shorter or longer distance can be used dependent on field conditions and ROW impacts. Label the line "Temporary Site Mitigation Work Line (Access)." Stations and offsets are not required on the line.
- 3) Use a separate "SA" parcel designation.
- 4) Show an area on the plans.
- 5) Use the appropriate clause in the description.

**NOTE:** Site mitigation easements and limit of grading can have areas on the same parcel.

#### c. Lot Owner Access Concurrence (LOAC) and Lot Owner Lease Agreement (LOLA)

OAD will send a LOAC and a LOLA form to property owners on State Highway projects where access related work is outside the ROW line. Place

the following note on the GPPM when the owner signs both forms: **“The Owner has signed a LOLA for construction of the driveway(s) and associated site improvements identified on this plan.”** This note should be used even if other ROW is being acquired on the affected property. Also, before putting the note on the GPPM, check the plan showing what is to be constructed against the plan attached to the LOAC to be certain that they agree and the proposed construction has not changed. If the LOLA is not executed, the designer must prepare ROW documents for a “Temporary Site Mitigation Work (Access)” easement. The easement will be an individual parcel designated by “SA” followed by the appropriated number. This applies even if other ROW is being acquired on the affected property. **NOTE:** LOACs and LOLAs are sent out if the access related work is or is not a result of implementation of the access code. also, on state highway projects, LOACs and LOLAs are generally sent to owners with driveways exclusively on county or local roads. also, if the work is entirely within the row, only a LOAC is sent to the owner and no parcel or signature note will be required.

- d. Do not consider slopes along graded driveways as part of the roadway toe or top of slope (this is the limit Temporary Site Mitigation Work (Access)). Carry roadway slopes across each driveway as though the driveway did not exist. This slope line across the driveway represents the toe or top of slope for support of the highway. Use the appropriate slope clause.

#### 4. Right of Entry

The ROW Division, at their discretion during the ROW process, may request that property owners execute a right of entry (ROE) letter in order to allow the State’s contractor to perform minimal work on private property. This may substitute for the full ROW process on a very limited basis. No assumption is to be made that this will eliminate the need for the entire ROW process because all owners are entitled to an official offer and compensation.

#### 5. Drainage Easements

- a. Show pipes, headwalls and other drainage appurtenances. Do not dimension these items.
- b. Proposed drainage system shall indicate direction of flow. Do not label the pipe size.
- c. Easement areas shall encompass proposed headwalls and other drainage structures.
- d. Determine the width of the easement by approximate pipe size, structure size, depth of excavation and other factors. A minimum width of 10’ from the outside of the pipe or structure on each side is recommended. However, provide enough area to enable the proper construction, including access to the work area.
- e. Special situations, such as large or extremely deep drainage easements, where a larger area is required for the initial construction, include a Temporary Construction Easement with the Drainage Easement to minimize the permanent easement area.



- f. The designer shall adjust the easement area appropriately for site conditions (a smaller construction area may be necessary to avoid wetlands or structures).
  - g. Show areas individually and, in the case of multiple drainage easement areas, provide a total area.
6. Temporary Diversionary Road Easements
- a. Show the traveled way, berms, slopes, and drainage system affecting the RA.
  - b. The limits of the temporary diversionary road shall include slopes and be marked "Temporary Diversionary Road". Dimension the temporary diversionary road from the existing ROW line or set from baseline. Show an area.
7. Utility Easements
- a. Show the width of easement.
  - b. Show the easement area.
  - c. Show the type of utility within the easement.
  - d. Utility easements for guy wire may be used when the need and location is definitive (i.e., highway crossing) and a direct result of impacts from the project. However, the acquisition of guy wire easements is not recommended in cases where their locations are subject to change in construction.
  - e. Within currently flowed and formally flowed tidelands, the designer must identify each and every utility which is proposed to be relocated which will require a license from the DEP Bureau of Tidelands Management.
  - f. The designer must identify each and every new or relocated utility crossing at a rail road (active or inactive) which will be outside of the fee ownership of the road. Under certain circumstances, a utility permit issued by the railroad may be needed in place of a utility easement.
8. Bridge Easements
- To be used only when a fee acquisition is not practical.
- a. Delineate the proposed easement for the area required to construct and maintain the structure, including access to the site.
  - b. Set bridge easement lines a minimum of 15 feet from the structure
  - c. The designer shall include a clause in the description (see Section 9.4, D, 10 and 11) specifically prohibiting the storage of any combustible, hazardous and/or toxic material within the easement area, that could cause a fire, corrosive damage to the structure, or that would be a potential health hazard to any personnel performing their duties around or on the structure.
  - d. Show the easement area.
9. Construction and Maintenance Easements
- Used for retaining walls, culverts, cofferdams and other structures not included in 7 above.
- a. Delineate and label any footings "Limit of Footing".

- b. Show the construction and maintenance easement. In the case of retaining walls where ROW was not acquired in fee to the back face of the footing, set the proposed ROW line on the back face of the proposed wall. See Attachments F and G.
  - c. Set the easement width sufficient to construct, inspect and maintain the structure (including the footing). The easement shall include a means of access to the site.
  - d. Show easement area.
10. Temporary Construction Easements
- a. Delineate and dimension limits of easement.
  - b. Label easement "Temporary Construction Easements".
  - c. Show easement area.
  - d. List duration on the table on tab sheet.
11. Private Easements
- a. Delineate and dimension limits of easement.
  - b. Label easement "Private Easement".
  - c. Show easement area.
  - d. The same procedures used in a) - c) above also apply to Private Access Easements (PAE).
12. Aerial Easements (For utility pole cross arms and wire overhangs only.)
- a. Delineate and dimension width of easement.
  - b. Label easement "Aerial Easement"
  - c. Show easement area.
13. Sight Triangle Easements
- a. Delineate and dimension limits of easement.
  - b. Label easement "Sight Triangle Easement".
  - c. Show easement area.
14. Clear Zone Easements
- 5. Delineate and dimension limits of easement.
  - 6. Label easement "Clear Zone Easement".
  - 7. Show easement area.
15. Existing Easements (Dominant Estate)
- 5. A separate parcel shall be assigned to the existing easement (usually a cross access easement) that is affected by any acquisition.
  - 6. Existing easements shall be shown as a parcel with the property for which it serves (not as a part of the property which it crosses or upon which it is physically located). (See Attachments A and B)

7. Delineate the dimension and limits of the easement.
8. Label the existing easement as DE (Dominant Estate). Label the underlying fee within the existing easement as a SP (Servient Estate) parcel. Note: See Section 9.4, D, 23 and 24).
9. Show Dominant Estate easement area.

#### 16. Roadway Easements

A Roadway Easement is set up in the same manner as a fee parcel since it grants effectively the same rights as the fee parcel in allowing the road and related improvements. Railroads and utilities often request road easements be used instead of fee takes.

- a. Delineate and dimension limits of easement.
- b. Label easement "Roadway Easement".
- c. Show easement area.

#### 17. Mitigation Easements

An easement used to mitigate damages by acquiring specific rights or deed restrictions when a Mitigation Fee parcel cannot be used.

- a. Delineate and dimension limits of easement.
- b. Label easement "Mitigation Easement".
- c. Show easement area.

#### I. Interim License, Permanent Licenses/Riparian Grant Applications

1. Identify any parcels located along or adjacent to tidally flowed water bodies which may have riparian issues. The Tidelands Resource Council (TRC) has jurisdiction for lands below the current tidal Mean High Water Line (MHWL) and also claims lands which were formerly flowed by the tide but which are now filled in due to manmade causes. The NJDEP Bureau of Tidelands Management (Tidelands Bureau) serves as the staff for the TRC and reviews applications and makes recommendations to the TRC. The NJ-Geoweb at the NJDEP website can assist in determining if a project falls within an area of potential tidelands.
2. Contact the Tidelands Bureau to verify any riparian involvement for acquisitions either below the MHWL or on uplands which the Tidelands Bureau has identified as "Formerly Flowed" claimed areas. In general, the Tidelands Bureau assumes that any filled areas are the result of human influence, and are thus subject to a claim by the TRC. The Designer should consult with ROWE where a claimed area can be proven to exist entirely due to natural tidal action.
3. If there is riparian involvement, schedule a meeting with the Tidelands Bureau to gather and confirm data required on the ROW documents. The Designer shall define the existing mean high water line and provide a current NAVD88 elevation for the MHWL for parcels bordering on or inclusive of a tidal watercourse. This line must be accurately established in the field and confirmed with NJDEP. The designer shall utilize the NJDEP Tidelands claims maps to define any lands formerly flowed by the mean high tide located in or near right of way acquisition areas. The Tidelands claims maps are filed in each county

and municipality where tidelands are located. Copies may be purchased from the Bureau of Tidelands Management, NJ Dept. of Environmental Protection in Trenton, NJ. All tidelands claims lines are also in digital format, on the CD ROM entitled "GIS Resource Data - NJ Dept. of Environmental Protection Series 1, Volume 4" and can be purchased from NJ Dept. of Environmental Protection's Map and Publications.

4. Lands below MHWL: Label tidelands parcels on lands beneath the MHWL that create filled land (a bridge abutment for example) with the "T" designation. Tidelands parcels over the MHWL (easement areas needed to construct a bridge and footings for example) shall be labeled with the "TE" designation. Show and label the same as other fee areas or easements. Tidelands refers to these areas as "grants". Lands above the MHWL with claimed areas: The TRC treats filled lands as if they belong to the upland owner, subject to a Tidelands claim. Parcels subject to "formerly flowed claims lines" are treated as part of the upland owner's land. The designer shall list only the upland owner of any property with "formerly flowed claims lines" in the Title Bubble (not NJDEP) and shall not use "T" or "TE" (riparian) designations for formerly flowed lands above the MHWL. The total of each fee area to be acquired shall be listed under the parcel bubble for the upland owner. However, the area of the "formerly flowed claims" encumbrance within each acquisition area shall be calculated and shown both at the claimed area and also listed under the parcel bubble. This area is to be labeled "formerly flowed claim area =". The RA shall be the deed area minus the fee parcel area. The parcel area is the sum of both the encumbered and unencumbered areas. The plan shall show the total parcel area and the area of the encumbrance (formerly flowed claims line). The Designer should check with ROWE to determine if a separate formerly flowed area calculation is needed for easement areas that fall within formerly flowed claimed areas.
5. In preparing maps for Tidelands Bureau use, the Designer should simplify the line work as much as possible so that the Mean High Water Line(s), Claim Lines, edges of roads, footings and property lines are very clear and readily identifiable. The Tidelands Bureau prefers the use of colors on their maps and the Designer may vary from the normal color scheme for Tidelands maps only. Maps for submission to the Tidelands Bureau must indicate the owners' names for all adjoining properties, with the respective lots and blocks. The maps also need to identify any easements or right of ways on adjoining lands which are needed to permit the placement of utilities or drainage through tidelands because the TRC will not grant any utility or drainage rights unless they are assured there is a legal right to use the adjoining upland areas. These tideland rights are granted as licenses. Grants will require survey data in the New Jersey Plan Coordinate System and maps for Tidelands will need to be sealed and signed (typically 4 copies).
6. The link to application forms for tidelands grants and/or licenses, together with tideland description instructions are found in Section 10.0 of this manual.

#### J. Environmentally Sensitive Parcels

1. Define environmentally sensitive parcels as early as possible in the design process. These parcels will be identified by BLAES during the preparation of the documents for the Categorical Exclusion (CE), Environmental Assessment (EA),

Environmental Impact Statement (EIS) or EO 215 (state funded projects). The Division shall notify the ROW designer of all environmentally sensitive parcels as soon as they are identified.

2. Acquisition from any of the following example properties (but not limited to) will qualify them as environmentally sensitive parcels:
  - Section 4(f) properties
  - Green Acre properties
  - Historic Properties (Section 106 Involvement)
  - Landfills
  - Tidelands
  - Formally Flowed Tidelands
  - Areas subject to wetlands or riparian controls
  - Agricultural or conservation restriction easements
3. Identify environmentally sensitive parcels on the Parcel Information Excel Spreadsheet (see 3. C. below). Wetlands and their buffers, tidelands, conservation and agricultural restriction easements and forested areas should be drawn on the GPPMs and IPMs.

#### **9.2.4 Tab Sheet**

Provide a tabulation sheet and number it as the last GPPM, with the parcel numbers, parcel areas, owner's names, addresses, etc.

##### **A. Checklist**

- Title Block
- Plan sheet number
- Parcel numbers
- Parcel areas
- Easements
- Location
- Ownership (show names exactly as indicated in the deed)
- Owner's address
- Remarks including Mitigation Parcel notation and purpose including permit number where applicable for environmental mitigations.
- Revision block
- Designer's name
- Standard ROW legend (if not on previous GPPM)
- Temporary Easement Chart

##### **B. Procedures**

Sample Tab Sheets are available from ROWE and can be included in the material distributed at the initial meeting. The "STANDARD ROW LEGEND" may be placed on the TAB SHEET for projects that have a small number of parcels to save room on the first GPPM sheet. Get approval from the ROWE Unit to use this combined sheet.

A Temporary Easement Chart shall be shown on the Tab Sheet as a separate item. It shall contain the Parcel Number, GPPM Sheet Number(s), Type and Duration (*For Example*).

<b>Temporary Easements</b>			
<b>Parcel No.</b>	<b>GPPM Sheet Number(s)</b>	<b>Easement Type</b>	<b>Duration</b>
8	3	Erosion Control	2 Months
10	4	Construction	4 Months

### C. Parcel Information Excel Spreadsheet

As a separate item, the Designer will provide owner's names, addresses, environmental issues (Green Acres, contamination, landfill, wetlands, etc.) and additional information as noted in an excel spreadsheet format provided by the NJDOT. These items are to be updated as new information is available. This spreadsheet is subject to revision, the latest version is Form RE10 provided at <http://www.state.nj.us/transportation/eng/forms/> in the Right of Way section.

## 9.3 IPM Preparation

### 9.3.1 General

Prepare an IPM for each parcel to be acquired (see Section 5.0 for IPM sizes). IPMs should be as clear and concise as possible since they are used for appraisals, negotiations and court hearings/cases. When there are multiple parcels under the same ownership, contiguous to the same remainder, show all the parcels on one IPM. Show the ROW and pertinent construction information for about 50' on each side of the parcel. Generally, the scale of the IPM should be the same as the scale of the GPPM. Smaller scales (e.g. 1' = 50') may be used with the permission of ROWE and inserts at a larger scale may be used for clarification. Show the owner's entire property. An entire tract insert is permitted for large properties, generally at the same scale as the ETM (see samples of IPMs). However, IPMs that show the entire property without the use of an entire tract insert are preferred. Match lines and additional sheets may be used in the preparation of the IPM. Show a note describing the calculation method used for the RA, e.g. calculated by subtracting the parcel area from the deed area, except for areas subject to public ROW (e.g. roadways).

When providing additional IPMs for condemnation cases, fold all sheets to 8½" x 11" with the Title Block showing (See Attachments J and K). Provide a border, approximately 1/2" around all IPMs (except that the top border shall be 1½"). Along the upper left margin, place the name of the designer (consultant or ROWE). Signing and sealing of the IPMs is not required. Also, on the upper left margin, list the date and brief description of any revisions or plan changes.

See chapter 10 for additional information on IPM preparation for tidelands parcels.

### 9.3.2 Checklist

- GPPM reference

- Sets
- Access
- Baselines
- Slopes
- Topography
- Existing easements
- Existing street widths
- Proposed easements
- Deed Information
- Wetland Delineation
- Scaled distances
- Block & lot
- North Arrow
- Bar scale
- Parcel bubble
- Title Block
- Parcel identification
- Inserts
- Contiguous fee parcels
- Servient and Dominant Estate Parcels
- Color code
- IPM reviewer Checklist
- IPM description

### 9.3.3 Procedures

- A. **GPPM reference** – Base the IPM on the GPPM and reference the GPPM that the parcel is derived from. Show Route, ROW Section, date and “GPPM, Sheet \_\_\_\_ of \_\_\_\_.”
- B. **Sets** - Show sets from the proposed baseline to the proposed ROW lines by stations and offsets along with references to the GPPM and the Construction Plan. Set all parcel lines that are proposed ROW lines or proposed street lines from the baseline. In addition, designate proposed easements by baseline stations and offsets.
- C. **Access** - Label all existing and proposed ROW lines to indicate where access is denied by acquisition.
- D. **Baselines** - Show and label all baselines used to set the parcel or to locate the parcel in the description. Show baseline bearings, radii, central angles, P.T., P.C., P.C.C. and

P.I. stations affecting the setting of the ROW line. When two intersecting base lines are used for setting the ROW, show the equation.

- E. **Slopes** - Show and label slopes within the remaining area of the subject parcel with offsets. When there are two or more separate slope easements, show the area of each and a total slope area. Show and label slope rights acquired previously, "Slope Rights Previously Acquired" (Route & Section, with date from the Map Quote).
- F. **Topography** - Show all structures, guide rail, trees, sidewalks, underground and aboveground utilities, etc., within the subject property and adjoining streets and highways. Also show any feature that could affect the value of the property (e.g. *wetlands and wetland buffers*). Do not show topography in adjoining properties, except where it affects the subject property (e.g. *shared driveways, row houses, wetlands that are continuous from those located on the subject property or within the areas of the parcel, landfills, etc.*). To further clarify and delineate the property impacts, add the following additional information on each IPM: the distance, to the nearest 0.1', from the proposed ROW line to any building or appurtenance, including overhangs, commercial signs, pump islands, canopies, oil tanks, wells, detention/retention basins, parking spaces and septic locations within 100' of the proposed ROW line. Existing improvements must be clear and concise on the map. Base the IPM on the same topographic survey as the GPPM, so that they shall be consistent with each other.
- G. **Existing Easements** - Show all existing easements (e.g. *utility, private, drainage, bridge, access, agricultural and conservation restrictions, etc.*) within the subject property; dimension and identify the holder of the easement (deed book & page.). When there is an acquisition of a existing private easement, a separate parcel shall be set up under the name of the owner of the easement and show (DE parcel) only on the IPM associated with that owner).
- H. **Existing Curb and Traveled Way** - Show existing edge of pavement and/or the existing curb line.
- I. **Existing Street ROW Widths** - Show the existing ROW width of the highway or street. Show and name all streets that affect the subject property.
- J. **Proposed Easements** - Show and label all proposed easements within the remaining area with dimensions or offsets. When there are two or more easements of the same kind, each shall have its individual area labeled. Inserts at enlarged scales may be used for clarification in the case of multiple and/or overlapping easements. Where **permanent** easements overlap, label the area of overlap of the smaller easement within the larger one. See also section 6.8 and exhibit 3 in the ROW Engineering Guidelines.
- K. **Deed Information** - Show deed bearings, distances, radii and arc lengths along property lines of the parcel (or file map or survey map information). Also show the deed book(s)/page and block/lot number) and remaining area. Mixing deed and other map information is not preferred.
- L. **Scaled Distances** - Use scaled distances under the following conditions\*:
  - 1. When the subject property is made up of more than one lot and it appears that the information comes from different deeds and there is no total deed distance.



2. When the deed line runs to the center of the roadway, in addition to the deed bearing.
  3. When the parcel intersects the property line, in addition to the deed bearing.
  - \* Identify scaled distances as (s) on plans. Show scaled distances to the nearest foot, on each course inside the fee parcel area and on the adjoining remaining property lines. Also, show a scaled perpendicular distance from the existing ROW line to the proposed ROW line.
- M. **Block & lot** - Show block and lot numbers of the properties adjacent to the parcel.
- N. **North Arrow** - Show a north arrow with the basis for its northing orientation.
- O. **Bar Scale** - Show above Title Block. If an entire tract insert is used, show bar scale for the insert.
- P. **Parcel Bubble** - Show the parcel bubble (title area) in the form as depicted in Attachment L.
- Q. **Title Block (See Attachment M)** - Show the ROW route and section, section limits, parcel number(s), municipality, county and the date the IPM was prepared.
- R. **Parcel Identification** - Indicate by a line and arrow from the title circle to the parcel or by a smaller circle within or adjacent to the parcel. Indicate parcels on the entire tract insert with a small circle. When two or more fee parcels are contiguous, indicate each by a small parcel circle showing the area, and the main title shall have the circles connected either horizontally or vertically and show the total area.
- S. **Contiguous parcels** - Describe together only the outer boundary of those parcels joined in the title (parcel bubble area). Easement or utility parcels, even when they adjoin a fee parcel, require a separate title listing.
- S. **Servient and Dominant Estate Parcels** - Acquire Dominant Estate (DE) parcels under the name of the owner of the easement as a separate parcel and depict on a separate IPM from that used to show the acquisition of the underlying fee parcel (SP) which shall be established under the name of the owner of the fee. Also the "SP" parcel shall be shown in red with dimensions and area and the "DE" parcel shall be shown in pink with dimensions and area. (See Attachments A and B).
- T. **Color Code** - Highlight the parcel and all proposed easements in the following colors (no line is ever double colored). The color code box shall be placed on the lower left corner of the IPM and shall only contain the colors used on each particular map:
1. **Red** – Fee Parcel Line (Including Servient Estate & Fee Mitigation Line).
  2. **Yellow** - Slope Easement Line
  3. **Purple** - Bridge Easement Line.
  4. **Blue** - Utility Easement Line.
  5. **Orange** – Private Easement Line and Denial of Access Line when it extends beyond the parcel limits.

6. **Green** - Drainage Easement Line, Ditch Easement Line, Channel Easement Line Riprap Easement Line and Mitigation Easement Line.
7. **Brown** - Limit of Grading, Temporary Site Mitigation (Access) Work Line, Temporary Site Mitigation Work Line, Construction and Maintenance Easement Line, all Temporary Easements Lines and any other easement lines not otherwise covered above.
8. **Pink** - Dominant Estate Line.

### 9.3.4 IPM Reviewer Checklist

<b>IPM Reviewer Checklist</b>		
<b>OK</b>	<b>Error</b>	<b>Information</b>
		GPPM Reference
		Set Information - Proposed ROW Lines, Proposed Street Lines
		Access Denied, Where Applicable
		All Baseline Data Shown
		Baseline Properly Labeled
		Slope and Slope Offsets
		Topography and Note Data Based on GPPM
		Utilities and Utility Easements
		Existing Curb and Traveled Way
		Existing Street ROW Widths, road vacations and township ordinances
		Proposed and Existing Easements
		Deed Information
		Wetland Delineation
		Scaled Distances
		Block & Lot Numbers
		North Arrow
		Bar Scale
		Bar Scale - Insert
		Title - Parcel Number(s), Name, Area, Easement Areas, Remaining Area
		Title Block - Route and Section, Limits, Parcel Number, Municipality and County, Date
		Color Code
		Reference to GPPM and Construction Project
		Designer and Revision or Change Listed
		Area Correct
		RA Correct
		Folded Properly (for condemnation cases only)
		Other Comments:

## 9.4 Descriptions

A. Descriptions are to be attached to agreements prepared by ROW Negotiators and may be attached to condemnation complaints and Declarations of Taking, where agreements are not consummated.

- Checklist
- Date, initials of writer and typist
- *All that certain land and premises* clause
- Title block quotation
- Parcel description
- Block and lot clause
- Easement clauses
- *Subject However* clause
- Color code

B. Procedures

1. Place the date, initials of the writer and typist in the upper left corner.
2. Insert clause: "All that certain land and premises, situate, lying and being in the \_\_\_\_\_ of \_\_\_\_\_, in the County of \_\_\_\_\_ and the State of New Jersey and more particularly described as follows:" For easements, with no fee parcel, start with: "An easement in certain lands etc."
3. Insert GPPM Title Block and IPM Title Block map quote clause. Add a reference to the construction project after citing the map quote (For example: "and also being construction project ROUTE US 46 (1953), SECTION 11M;").
4. Describe the parcel boundaries.
5. Insert clause: "Being also known as Lot \_\_\_\_\_ in Block \_\_\_\_\_ on the tax map of the \_\_\_\_\_ of \_\_\_\_\_." Use "Being also known as part of Lot \_\_\_\_\_ in Block \_\_\_\_\_ etc." for partial fee takes. For easement with no fee parcel use "Being also known as an easement in Lot \_\_\_\_\_ in Block \_\_\_\_\_ etc."
6. Insert other clauses: See Typical Clauses.
7. Include the IPM color code clause as the last clause in description: "*The above described premises are color-coded "Exhibit B" in the following manner: Red – Fee Parcel Line, Blue – Utility Easement Line, etc. (List only codes involved with the parcel)*".

C. Writing Procedures:

1. If possible, begin at a control point (angle point, pc, pt, pcc or prc) on the proposed ROW line for the parcel being described. Give the station and offset to that point.
2. If there is no control point on the proposed ROW line of the parcel, begin at the intersection of the proposed ROW line and the property line between the parcel and the adjacent property. Give an approximate station only. Do not add a set point or monument for a point of beginning on a single line or single radius.
3. Proceed in a **clockwise** direction.

4. Use the correct bearing in the appropriate direction as you proceed around the parcel. It may become necessary to rotate a source bearing by 180 degrees (For example: S \_\_\_° \_\_\_' \_\_\_" W would have to be changed to N \_\_\_° \_\_\_' \_\_\_" E to maintain the clockwise direction to describe the parcel).
5. Quote the source of the bearing on all property lines, including existing ROW lines (For example: Deed, subdivision plans, etc.).
6. Cite courses as "to a point in the division line between lots \_\_\_ & \_\_\_, block \_\_\_" or "along said division line" where appropriate, in addition to the bearing and distance call out.
7. Areas shall be in square feet. Use acres where appropriate (See Section 9.23, G, 3).
8. Parcel (course) lines shall be numbered and data may be shown in table form when necessary.
9. Scaled distances shall be shown to the nearest foot.

#### D. Description Clauses:

Work to be constructed on an owner's property requires the acquisition of a corresponding right to do that construction. Examples can include roadway widening, realignment, footings that extend past the existing ROW, a temporary right to enter to repair a driveway, etc. The following are standard clauses for typical situations and **are for example only**. Where additional rights are required that are not covered by the standard clauses, the nature of the work, including maintenance, must be included in the clause. The Designer should take maintenance into account with all clauses. When a right is acquired for transportation purposes, the clause shall provide space to enter and maintain and reconstruct as appropriate. When a right is acquired for the benefit of the property owner, use the Temporary Site Mitigation Work or Temporary Site Mitigation Work (Access) easement for repairing driveways, private drainage, parking lots, etc. No maintenance right is required. Specialized description clauses may be required to ensure that appropriate rights are acquired and that the full impact of the fee acquisition and/or easement is understood. Again, it is important that the designer take into account that, unless stated otherwise, the responsibility of maintenance of the property, unrelated to the State's improvements, is to be assumed by the owner of the fee interest and not by the NJDOT, unless specifically spelled out within the terms of the description. If the designer concludes that greater rights are needed, they must be specifically set forth in very certain terms. Descriptions for all temporary easements shall contain language identifying when the easement starts and its duration (except on Temporary Site Mitigation Work, Temporary Site Mitigation Work (Access) and Limits of Grading).

CLAUSE PREPARATION: The first clause after the parcel description begins with *TOGETHER WITH* and each subsequent clause begins with *AND ALSO* (except for existing utility easement clause which begins with *SUBJECT, HOWEVER, TO*). The normal closing clause is the "All Right, Title and Interest, etc." clause except when there is a *SUBJECT, HOWEVER, TO* clause. The typical clauses that follow begin with lower case letters as they come after one of the word sequences mentioned above (*TOGETHER WITH*, etc.). The color code statement follows these clauses and

is the last entry on the description. The typical clauses cite the name of the right to be acquired, the reason or purpose for the clause followed by the clause itself in quotes. Use the following typical clauses as models in preparing descriptions:

#### 1. Denial of Access

The ROW designer, OAD and a representative from the Division of ROW must meet early in the ROW plan preparation to determine if there are situations where a denial of access needs to be addressed.

All denial of access lines regardless of clause utilizes a double slash line symbol thus: //

When a new or reconstructed roadway, ramp (at grade or elevated) or some other road structure is built along a property that requires permanent removal of access and the removal is not dictated by the Access Code and the owner is to have no access, use the following clause:

"The owner and its successors and assigns shall not have any direct access to and from the new roadway (ramp, bridge, etc.), (EXCEPT that the owner shall have direct access as far as the line marked "ACCESS PERMITTED") and/or (Except that the owner shall have direct access to and from \_\_\_\_\_ Street), as shown on the aforesaid maps;"

Note: Again, the ROW designer must consult with OAD to determine the owner's ability to apply for access (e.g. In the case of a wall, guide rail, severe grade change, etc. where the access is physically restricted, a determination must be made as to whether the owner will be allowed to "fix" the physical obstruction and apply for access. If he would be allowed to apply for access, no denial is needed. This is most common where the grade change makes the present access unworkable.).

#### **Or**

Where a denial of access is required for an existing roadway or ramp that the owner would otherwise have access to and said denial cannot be accomplished through the access process and must be acquired:

"any direct access, which the owner may have to and from the highway and/or ramp; (EXCEPT that the owner shall have direct access to and from Smith Street;) (EXCEPT that the owner shall have direct access as far as the line marked "ACCESS PERMITTED"), as shown on the aforesaid maps."

#### **Or**

New denial of access line along new ROW where existing ROW had denial of access.

It is hereby noted that the access rights along the frontage of (Proposed Ramp U or insert name of road here) were previously acquired under Route 55 Freeway, Section 7, October 1963 (map date); the previously established denial of access line is hereby transferred to the new boundary line of the proposed R.O.W. line.

#### 2. Slope

The following clause is to be used to acquire slope rights outside the Proposed ROW Line for support of the roadway:

"the permanent right to form and maintain slopes for grading the said State roadway as far as the line marked "Slope E", as shown on the aforesaid maps, including the right to topsoil; seed, plant trees, vines and shrubs, in such a manner, so as not to interfere with points of access and to maintain the same so as to support the adjoining roadway; stabilize the soil, prevent erosion and/or to improve the aesthetic aspects of the roadway; areas of existing or proposed driveways, parking lots or other paved areas that are to remain in accordance with the construction plans and specifications for the project, may be replaced with equal or better paving or impervious or semi-impervious materials. The owner shall retain the right to use the area within said slope easement consistent with the purposes and rights described above, however, the owner shall not have the right to remove vegetative material, add or remove material from the slope to be constructed, construct walls or other structures, or in any manner modify said slope easement rights, without first applying for permission to the New Jersey Department of Transportation (NJDOT). The permission to modify or release said slope may be obtained from the NJDOT, Office of ROW, where it is demonstrated by the owner, to the satisfaction of the NJDOT in its sole discretion, that the slope is no longer needed to support the roadway or that the proposed modification will not interfere with or adversely affect the integrity of the slope; the NJDOT, however, reserves the right to impose such terms and conditions on the release of any slope rights that are necessary to ensure the stability of the adjacent roadway".

**NOTE:** See Section 9.23, H, 1), for establishing the size of the easement.

### 3. Drainage

The following clause is to be used for subsurface drains and outfalls.

"the permanent right to access, construct, reconstruct and maintain subsurface drains, headwalls (also list rip rap or any other items constructed) and appurtenances as far as the line marked "Drainage Easement Line", as shown on the aforesaid maps. The drainage improvements shown are for illustration purposes only. The State reserves the right to place all drainage improvements as far as the line marked "Drainage Easement Line", as shown on the aforesaid maps."

**or**

The following clause is to be used for subsurface drains that are shared with the adjoining owner's drainage system

"And also the permanent right to access, construct, reconstruct and maintain subsurface drains, inlets, appurtenances as well as connections to the owner's existing drainage system at the location shown on the aforesaid map. The depiction of the drainage improvements are for illustration purposes only. The State reserves the right to place all drainage improvements anywhere within the confines of the easement.

Reserving to the owner, its heirs, and assigns a non exclusive cross easement permitting the right to allow runoff water into the drainage system within the State's drainage easement.

Provided however, that the owner may not obstruct the drainage from the highway system or do any other act to the shared drainage which leads directly or indirectly to ponding or flooding of the highway.

No future connection or reconnection to the State's drainage system will be permitted without the written approval of the State upon an application supported by a plan and specifications certified by a NJ Licensed Professional Engineer.

The maintenance obligation of the grantee shall be limited to the pipe system located on the grantee property outside of the State drainage easement. Only runoff water is permitted into the system."

The following clause is to be used on surface ditches and swales (insert swale instead of ditch where necessary).

"the permanent right to construct, reconstruct and maintain an open ditch as far as the line marked "Ditch Easement Line", as shown on the aforesaid maps. The ditch improvements shown are for illustration purposes only. The State reserves the right to place all ditch improvements as far as the line marked "Ditch Easement Line", as shown on the aforesaid maps"

**or**

The following clause is to be used for access to natural drainage areas (stream, creek, etc.) for restoration purposes.

"the permanent right to clean and remove debris, silt or other such material which has the potential of impacting the ability of the depicted waterway to drain the adjoining highway and carry out other improvements to such banks or other structures in order to stabilize the adjoining banks of the existing waterway and prevent water from coming in contact with and damaging a state highway or construct such drain or drains as may be necessary to accomplish the preservation of the highway within the existing boundaries of said waterway; together with the right to enter the easement area for the purpose of accessing such waterway with personnel, materials and equipment to perform the above stated or related work as far as the line marked "Drainage Restoration Easement Line", as shown on the aforesaid maps."

**NOTE:** See Section 9.23, H, 5), for instructions on establishing the easement size.

#### 4. Temporary Diversionary Road

The following clause is to be used to acquire rights for a temporary roadway:

"the temporary right to construct and maintain a temporary diversionary road, utility facilities, and appurtenances as far as the line marked "Temporary Diversionary Road Line", as shown on the aforesaid maps. This right shall begin from the date of notice from the State's Resident Engineer for use during the construction of the bridge and/or roadway improvements and shall terminate at the completion of the work, which shall be for a duration of \_\_\_\_ months. When



the bridge and/or roadway improvements are completed and prior to opening to traffic, the land will be graded and seeded. All other items, including trees, shrubs, etc. will not be restored. If the State, within its sole discretion, determines that the temporary easement or right needs to be extended in order to complete the Work, such right may be extended simply by written notice from the Resident Engineer to the owner or its assigns. In such event that this temporary right is extended, payment will be made semi-annually during the extended term of the temporary right, based upon the 'per-monthly' rate set forth in the State's offer letter."

5. Temporary Mucking Area

The following clause is to be used to acquire temporary rights to remove and replace unsuitable material:

"the temporary right to remove unsuitable material and replace with suitable material as far as the line marked "Limit of Unsuitable Material Line", as shown on the aforesaid maps. This right shall begin from the date of notice from the State's Resident Engineer and shall terminate upon the completion of this work, which shall be for a duration of \_\_\_ months. If the State, within its sole discretion, determines that the temporary easement or right needs to be extended in order to complete the Work, such right may be extended simply by written notice from the Resident Engineer to the owner or its assigns. In such event that this temporary right is extended, payment will be made semi-annually during the extended term of the temporary right, based upon the 'per-monthly' rate set forth in the State's offer letter."

6. Public Utility

The following clause is to be used in connection with a highway construction project when the parcel to be acquired is subject to a specific public utility easement. The second variation (after "or") is to be used when no specific public utility easement is present but utilities are present on the construction project. This clause should be inserted into most descriptions.

*"SUBJECT, HOWEVER, to the easement of (name of Public Utility Company) and all other public utility easements, recorded or unrecorded, affecting the herein described premises."*

or

"SUBJECT, HOWEVER, to all public utility easements, recorded or unrecorded, affecting the herein described premises;"

7. Private Utility

The following clause is to be used when the parcel to be acquired is subject to a specific privately owned utility, such as Transco, Algonquin, etc.

"SUBJECT, HOWEVER, to all right, title and interest that the (name of Utility Company, e.g. Algonquin Transmission Company) may have in and to the above described premises."

8. Permanent Easement Add On Clause

The following clause is to be placed directly before the "Right, Title & Interest" clause when any permanent easement is cited in the description.

"The location of all permanent easements and improvements constructed therein shall not be changed or modified in any manner without the specific written permission of the Division of ROW, New Jersey Department of Transportation within its sole discretion and upon such terms and conditions as it determines."

#### 9. Right, Title And Interest Clause

The following clause is to be used when the property adjoins a dedicated roadway, whether existing, an historic ancient roadway or a paper street. This clause should not be used where the roadway has been impliedly dedicated and for which there appears no formal dedication or deed transferring title or making a dedication to a public entity. In such case, the Division of Law should be consulted. Either the right should be acquired as a separate parcel as a fee simple subject to condition subsequent as a public roadway or "all right, title and interest to (the ramp, access road, etc.)" should be inserted.

"any ownership, reversionary or associated right, title and interest that the owner may have in the right of way of (insert name of roadway), as shown on the aforesaid maps."

#### 10. Bridge Easement

The following easement shall only be used with the approval of ROWE; in most cases, a fee interest should be acquired for the construction of a bridge or viaduct subject to an access easement where necessary [See 11) below]. A similar form of this clause may be used where only a wing wall or footing is being constructed or where bridge is small in size and does not allow one to traverse or store underneath; in such instances, 19) or 21) below should be used and modified to reflect exact purpose and intent. The number of hours that a car can park within the easement area needs to be calculated by an engineer based on safety criteria. Where parking is not to be allowed, the clause should be modified accordingly.

"a right, in perpetuity, to enter with equipment, personnel and materials to construct, reconstruct, enlarge, inspect, repair and maintain a bridge (viaduct) and/or associated approaches and roadways as far as the line marked "Bridge Easement Line", as shown on the aforesaid maps. This easement right shall also include, by way of example and not limitation, the right to construct, reconstruct, enlarge and maintain footings, abutments, piers, wing walls, retaining walls, decks, parapets and all related elements, appurtenances and structures associated with or needed for the construction and maintenance of a bridge or viaduct as far as the line marked "Bridge Easement Line", as shown on the aforesaid maps. The owner, or its assigns, as well as business invitees, tenants lessees and guests (to the extent permitted by the owner) shall retain the right to use the area of the easement, as depicted on the aforesaid maps, so long as such use does not interfere with the rights set forth herein and does not adversely affect the physical integrity of the structures constructed or to be constructed or that may be reconstructed, enlarged or improved in the future within the area of the easement as far as the line marked "Bridge Easement

Line”, as shown on the aforesaid maps. However, the owner or its assigns as well as invitees, tenants and guests (to the extent permitted by the owner) shall not have the right to a) erect or construct any building or structures (exclusive of parking lots) within the area as depicted on the aforesaid maps, b) park or store vehicles on a continuous long term basis (such continuous period shall not extend more than \_\_\_ hours); c) store material or carry out or permit any activity which in any manner involves or includes combustible, hazardous or toxic material that has the reasonable potential of causing, directly or indirectly, a fire, explosion, implosion, or corrosive damage; or d) store material in such a manner or carry out or permit any activity that could have the potential of causing, directly or indirectly, a detrimental effect upon the physical integrity of the structure constructed or to be constructed, or that may be reconstructed, enlarged or improved in the future within the area of the easement as far as the line marked “Bridge Easement Line”, as shown on the aforesaid maps. The owner, or its assigns, also, shall not use the easement area in any manner which could reasonably cause, directly or indirectly, a potential health hazard, safety hazard to the traveling public or any personnel of the State or the contractor performing work, maintenance or inspection services on or around the structure. Similarly, the owner, or its assigns, shall not do anything which shall unreasonably prevent or interfere with entry or re-entry by personnel of the State or a contractor, or their material or equipment to the area of the easement as depicted on the aforesaid maps when carrying out or implementing the rights created under this easement. If the bridge easement is insufficient to permit access, a specific right of entry should be provided as a separate easement. See Private Easement PAE). Any permitted improvement removed by the State within the area of the easement during entry, which is not within or near the footprint of a structure, will be reasonably replaced in kind by the State. Upon ten calendar days written notice from the State, the owner or its assigns shall vacate the area of the easement as depicted on the aforesaid maps and remove all property which may interfere with the construction, reconstruction, enlargement, improvement, maintenance, repair, inspection or operation within the reasonable discretion of the State until written notice is provided by the State that the construction or operation has been completed, except in the event of an emergency which threatens the safety of the traveling public, the owner, or its assigns, shall immediately vacate the area of the easement upon receipt of oral or written notice.”

11. Owner’s Access Easement (Under Viaduct Or Bridge Where Fee Interest Has Been Acquired)

The following clause is to be used in conjunction with fee acquisitions only where there is a need to provide access to a remainder, such as where the remainder will be landlocked or will not retain reasonable access but for an access way beneath bridge or viaduct and is to be used only where conditions so permit. Thus, it is necessary to tailor this clause to the specific property conditions for which access is being provided, so as to minimize any damages to the remainder and to properly accommodate planned structures or future reconstruction. The intended areas of the access way need to be identified and situated so as to accommodate construction, future reconstruction, maintenance, inspection and other activities. Terms may have to be changed

depending upon the purpose of the access way and the use or potential highest and best use of the remainder. If the access way will not accommodate all types of vehicles that could conceivably be using the access way, such clause needs to be amended accordingly. Similarly, if the access way is to be used by vehicles in the other adjacent property, further amendments need to be made. The engineer shall determine the width of access and in doing so shall take into account the needs of the user of the property for current and future uses.

“EXCEPT however, reserving to the owner, or its assigns, as well as business invitees, tenants lessees and guests (to the extent permitted by the owner) a nonexclusive right of ingress and egress under the bridge or viaduct, across the acquired right of way, as far as the line marked “Owner’s Access Easement Line”, as shown on the aforesaid maps or at such other location which may be re-established by the State, from time to time at its discretion, and at its expense, on a permanent or temporary basis, within the area of the State’s right-of-way. Such access way shall, however, be feet in width, shall permit two way traffic and shall be constructed or relocated so as to accommodate vehicles from the point of ingress or egress along the border of the remainder(s) as far as the line marked “Owner’s Access Easement Line”, as shown on the aforesaid maps; after the access way is constructed or relocated in the future, all maintenance of the improved access way, short and long term, shall be the responsibility of the owner or its assigns, exclusive of highway drainage except that drainage which serves only the remainder(s) and/or the access road, shall also remain the responsibility of the owner or its assigns. The access way shall not be used for storage of any personal property of the owner or its assigns or of anyone else and parking or storage of vehicles shall not be permitted for any reason, except on a temporary basis in conjunction with maintenance of the access way or drainage system only and not to exceed a 12 hour period without the written consent of the State, which consent may be denied within its discretion. The access way within the area of the ROW may be used for access by the State and its contractor(s) without notice and at the State’s discretion, but shall not be open to the public.”

#### 12. Temporary Grading On Owner's Land

The following clause is to be used for small temporary areas of grading, 6:1 or flatter, in lieu of a permanent slope easement. This clause is not intended for any driveway grading work.

“the temporary right to enter upon the remaining lands of the owner for the purpose of grading, top soiling and seeding as far as the line marked “Limit of Grading”, as shown on the aforesaid maps. This temporary right shall begin from the date of notice from the State’s Resident Engineer, and shall terminate upon the completion of the work.”

**NOTE:** See Section 9.23, H, 2) for instructions.

#### 13. Building Encroachment

The following clause is to be used to acquire the rights to allow the owner use of specific portions of a building within the proposed ROW:

“it is further agreed that the owner shall have the right to use that portion of the \_\_\_\_ story building (or describe nature of other encroachment permitted to remain temporarily such as septic fields, signs or other structures), which is within the proposed ROW (or existing right of way where applicable as determined by the commissioner pursuant to N.J.S.A. 27:7), during its natural period of usefulness without the right of extending same or causing same to become longer lasting and that upon the termination of the useful life of the structure, the owner will be required to demolish said portion of building and all rights of the parties hereto will be extinguished.”

#### 14. Flood Fringe Area Easement

The following clause is to be used to acquire the rights to restrict the owner from placing any embankment or erect any permanent buildings in the Flood Fringe Area:

“a permanent easement fill for flood control purposes at about Station\_\_\_\_\_ (Baseline Stationing), specifically the acquisition of the owner's right to place embankment, or to erect any permanent buildings or structures as far as the line marked “Flood Fringe Area Line”, as shown on the aforesaid maps; but to allow its use for recreational, landscaping or for other passive use which does not decrease the storage capacity of the Flood Fringe Area as shown on the aforesaid maps.”

#### 15. Placing Fill Against Structure

The following clause shall only be used with approval of the ROWE Unit; an inset shall be prepared and shown on the IPM, which shall identify limits and height of fill, as well as the angle of the slope and other relevant dimensions and characteristics, including landscaping or paving type as required by the Division of ROW.

“the permanent right to enter upon the remaining lands of the owner to place fill against the existing (type of structure) structure as shown on the aforesaid maps. The owner or its assigns shall not have the right to remove said fill without the written consent of the State and said right can only be annulled where the owner or its assigns has provided and agrees to maintain adequate alternate support or protection for the highway and only after reasonable notice (at least 60 days notice to the NJDOT ROW Division) has been provided to the State. The fill will not exceed a height of \_\_\_\_ feet; the fill shall be top soiled and seeded or paved.”

The following clause is substituted for a standard Construction and Maintenance Clause where a proposed retaining wall is not self supporting and requires fill support within the Construction and Maintenance area.

“the permanent right to enter upon the remaining lands of the owner or its assigns with personnel, equipment and materials for the purpose of constructing and maintaining a retaining wall and appurtenances within the State's right of way, including the permanent right to access and perform maintenance and repairs upon the retaining wall and appurtenances, and its supporting slope, as far as the line marked “Construction and Maintenance Easement”, as shown on the aforesaid maps. Within the Construction and

Maintenance Easement and behind the retaining wall, the State will maintain or re-establish existing ground elevations. The owner or its assigns shall not have the right to excavate, add fill, or alter the grades or ground elevations within the Construction and Maintenance Easement, unless they submit and receive approval from the NJDOT a plan that provides adequate support for the foundation of the retaining wall and preserves all rights granted to the State under this agreement to the State's satisfaction."

16. Temporary Erosion Control

The following clause is to be used to acquire the temporary right to enter the remaining lands of the owner to construct temporary erosion control devices:

"the temporary right to enter upon the remaining lands of the owner for the purpose of constructing and maintaining erosion control facilities and appurtenances including the right to construct and maintain temporary fencing as far as the line marked "Temporary Erosion Control Line", as shown on the aforesaid maps, for use during the construction of the (name what is being constructed, i.e. channel, culvert, and highway), as shown on the aforesaid maps. This right shall begin from the date of notice from the State's Resident Engineer, and shall terminate when the new construction is completed, which shall be for a duration of \_\_\_ months, and prior to opening to traffic, the land will be graded and seeded; all other items, including trees, shrubs, etc., will not be restored. If the State, within its sole discretion, determines that the temporary easement or right needs to be extended in order to complete the work, such right may be extended simply by written notice from the Resident Engineer to the owner or its assigns. In such event that this temporary right is extended, payment will be made semi-annually during the extended term of the temporary right, based upon the 'per-monthly' rate set forth in the State's offer letter."

17. Temporary Site Mitigation Work

The following clause is to be used when there is a need to acquire a right of entry to perform work for the benefit of the remaining lands to mitigate damages to the owner and this work is not related to revocations, modifications, adjustments or changes in access. Also, it is not intended to serve or function as part of or facilitate construction or maintenance of the ROW or transportation project. Label as "Parcel S\_\_\_, at about Station \_\_\_, (Baseline \_\_\_ Stationing) consisting of "to the beginning of the clause". When accompanied by the taking of a fee or lesser permanent right, the clause will be a rider to the main parcel and will not have a separate designation. In all cases, label the line "Temporary Site Mitigation Work Line".

"the temporary right to enter upon the remaining lands of the owner with personnel, material and equipment for the purpose of implementing mitigation work in kind, consisting of (add specific items of work to be carried out for this particular property such as paving, constructing curb and grading of paved areas, parking lot expansion relocation, installing drainage structures and related work etc.), which may otherwise emanate from the proposed acquisition of parcel(s) \_\_\_ and or other lesser rights for a proposed transportation project, as far as the line marked "Temporary Site Mitigation Work Line", as shown on

the aforesaid maps. This right shall begin from the date of notice from the State's Resident Engineer, and shall terminate upon the completion of the work, after which the improvements constructed shall become the property and responsibility of the owner, its successors and assigns."

When there is a temporary site mitigation parcel for work on the owner's drainage system and private drainage could be discharged into the State's drainage system and the capacity of the State drainage system has the capacity to permit the extra drainage the following clause could be added:

"Except however, reserving to the owner, or its assigns, the right to discharge storm water from the remaining lands of the owner into the State's storm drainage system installed along Route ..... The property owner will be responsible for meeting all prevailing State rules and regulations pertaining to water quality and storm water management of surface runoff for the remaining lands should the impervious area be increased or if the existing drainage system upon the remaining lands is modified in any way. The property owner shall be responsible for providing all necessary measures to prevent soil erosion or sedimentation in runoff toward the State's drainage system during any construction activities on the remaining lands, regardless of the need for certification of such measures by the local soil conservation district. The property owner will be responsible for the maintenance of the drainage system on the remaining lands up to the Proposed Right of Way Line."

#### 18. Temporary Site Mitigation Work (Access)

The following clause is to be used when work is needed to be performed to mitigate damages from a revocation, modification, adjustment or change of access. Label as Parcel SA\_\_, at about Station \_\_\_\_\_, (Baseline \_\_\_\_\_ Stationing) consisting of "to the beginning of the clause". A separate parcel will still used when accompanied by the taking of a fee or lesser right. **Note:** This clause is not used when a Lot Owner Access Concurrence (LOAC) and a Lot Owner Lease Agreement (LOLA) are signed. In all cases, even when the LOAC and LOLA are signed and the clause is not required in the description, show and label the line as a "Temporary Site Mitigation Work Line (Access)".

"the temporary right to enter upon the remaining lands of the owner with personnel, material and equipment for the purpose of implementing the mandates of N.J.S.A. 27:7-94 (d) pursuant to an access proceeding by the Commissioner of Transportation. The access proceeding involved a(n) (change, adjustment, modification or revocation) of access and requires providing all necessary assistance to the property owner in establishing reasonable access to the general system of streets and highways (or reasonable alternative access in the case of a revocation). The assistance includes providing improvements constructed in kind, consisting of (add specific items of work to be carried out for this particular property such as paving, constructing curb and grading of paved areas, parking lot expansion relocation, installing drainage structures and related work or other form of construction specified under the aforesaid administrative proceeding). This temporary right shall extend as far as the line marked "Temporary Site Mitigation Work (Access)", as shown on the aforesaid maps. This right shall begin from the date of notice from the State's Resident Engineer, and shall terminate upon the completion of the work, after which the

improvements constructed shall become the property and responsibility of the owner, its successors and assigns.”

#### 19. Construction And Maintenance Easement

The following clause to be used when part or all of the permanent sections of the structure are within the proposed easement limits.

“the permanent right to enter upon the remaining lands of the owner or its assigns with personnel, equipment and materials for the purpose of constructing or reconstructing a (insert what is to be constructed. e.g. retaining wall, noise wall) and appurtenances as far as the line marked “Construction and Maintenance Easement Line”, as shown on the aforesaid maps; along with the permanent right to access and perform maintenance and repairs upon the (repeat what is being constructed) and appurtenances; the permanent sections of the structures will be limited to the locations as far as the line marked “Construction and Maintenance Easement Line”, as shown on the aforesaid maps.”

**or**

The following clause is to be used when the permanent sections of the structure are entirely within the right of way where the construction equipment is within the easement outside of the ROW area.

“the permanent right to enter upon the remaining lands of the owner or its assigns with personnel, equipment and materials for the purpose constructing or reconstructing a (insert what is to be constructed, e.g. retaining wall, noise wall) and appurtenances within the right of way from the proposed easement area along with the permanent right to access and perform maintenance and repairs upon the (repeat what is being constructed) and appurtenances from the easement area as far as the line marked “Construction and Maintenance Easement Line”, as shown on the aforesaid maps.”

See Also Item 15 for slope supported retaining walls within Construction & Maintenance Easement

#### 20. Temporary Construction Easement

The following clause to be used when an additional temporary work area is required for the construction of highway related facilities.

“the temporary right at about Station \_(Base Line Stationing), to enter upon the remaining lands of the owner or assigns with personnel, equipment and materials to construct \_, (e.g. curb, relocate utility pole, store construction equipment and vehicle etc.) and appurtenances as far as the line marked “Temporary Construction Easement Line”, as shown on the aforesaid maps. This temporary right shall begin from the date of notice from the State’s Resident Engineer, and shall terminate upon completion of said work, which shall be for a duration of \_months. If the State, within its sole discretion, determines that the temporary easement or right needs to be extended in order to complete the Work, such right may be extended simply by written notice from the Resident Engineer to the owner or its assigns. In such event that this temporary right is extended, payment will be made semi-annually during the extended term of the



temporary right, based upon the 'per-monthly' rate set forth in the State's offer letter."

NOTE: For Green Acres and railroads (NJ Transit, Conrail, etc.) Temporary Construction Easements which are to be restored to original condition or which are used to create a benefit for those owners should be designated as a Temporary Use right through the above clause. Using the term easement for these temporary uses creates compensation issues for Green Acres and mapping issues for the railroads which can be avoided by using this term.

## 21. Utility Easement

The following clause is to be used to acquire rights to construct and maintain utilities on the owner's property. This includes areas for guy wires. The designer shall confer with the utility companies and the Utility and Railroad Engineering Unit for the specific rights to be acquired and restrictions that must be maintained.

"Parcel UE \_\_, at about Station \_\_, (Baseline Stationing), consisting of the permanent right to construct, place and maintain and repair (Identify the type of utility and whether it is above or below ground) utility facilities and appurtenances as far as the line marked "Utility Easement Line", as shown on the aforesaid maps".

NOTE: Utility Easements across NJ Transit property need to be in the form of Utility Permits issued by NJ Transit.

## 22. Aerial Utility Easement

The following clause is to be used to acquire rights to allow for the overhang of utility wires and cross arms onto the owner's property only and does not cover poles or any other items that physically touch the ground:

**NOTE:** The standard distance is presently 15'. The designer, however, must check with the Utility Company through the PM to verify this dimension.

"Parcel AE \_\_\_\_\_, at about Station \_\_\_\_\_, (Baseline \_\_ Stationing), consisting of the permanent right to allow utility facilities to overhang the owner's property, including the right to construct, maintain, repair and replace overhead utility facilities and appurtenances, including the right to trim trees and remove vegetation as far as the line marked "Aerial Utility Easement Line", as shown on the aforesaid maps. The owner or its successors and assigns shall not be allowed to construct any structures and/or structure additions or improvements above \*\* feet vertically under said overhead utility facilities. The State and/or the utility owner must approve any installations encroaching into the restricted area."

**NOTE:** Aerial Utility Easements across NJ Transit may need to be in the form of Utility Permits issued by NJ Transit.

### 23. Servient Estate

The following clause is to be used to acquire the property encumbered by a private easement (for example, access, conservation, parking, or similar types):

"Parcel SP\_\_\_\_, at about station \_\_\_\_\_, Baseline Stationing, including all the land and premises of the owner, exclusive of the right (name type of easement, e.g. to ingress and egress through a private easement held now or formerly by [the owner of the easement]), as shown on the aforesaid maps, and is more particularly described as follows;" (metes and bounds descriptions follows).

### 24. Dominant Estate

The following clause is to be used to acquire the rights on a property containing an existing private (access, conservation, parking, or similar types) easement owned by another entity encumbering a parcel being acquired:

Where rights remain on the remainder of the Servient property after the DE parcel is acquired, use the following:

"Parcel DE\_\_\_\_, at about station \_\_\_\_\_, Baseline Stationing, consisting of the owners' right to **(insert right acquired...ingress, egress and parking)** through the private easement held in lands now or formerly of (owner of the Servient parcel) as shown on the aforesaid maps. The acquisition of Parcel DE\_\_\_\_ does not change any rights the owner may have within the remainder of the existing easement and is more particularly described as follows:" (metes and bounds description follows).

Where no rights remain on the Servient property, use the following:

"Parcel DE\_\_\_\_ at about station \_\_\_\_\_, Baseline Stationing, consisting of the owners' right to **(insert right acquired...ingress, egress and parking)** through the private easement held in lands now or formerly of (owner of the Servient parcel) as shown on the aforesaid maps and is more particularly described as follows:" (metes and bounds description follows).

### 25. Private Easement

The following clause should reflect all properties that are to use or may use the private easement. This clause applies to easements being created to provide access to remainders or to properties where access was denied and is to be distinguished from existing private easements (DE Parcels). The PE clause should not be used where an access road for maintenance purposes is needed by the State. Instead a special clause would have to be drafted using PAE (Perpetual Access Easement) as the pre-fix to the parcel, but using the same color as the PE parcel. The engineer must determine which entity is to maintain the roadway/driveway; typically the one who will primarily enjoy such use. Where it is equal, the clause should say both parties should be responsible.

"Parcel PE \_\_\_\_\_, at about Station \_\_\_\_\_, (Baseline Stationing), consisting of the permanent, nonexclusive right of ingress and egress for the owners, successors and assigns, as well as business invitees and guests (to the extent permitted by the owner of the easement) of Lot \_\_\_\_ Block \_\_\_\_\_,

\_\_\_\_\_, across lands of \_\_\_\_\_ in Lot \_\_\_\_\_ Block \_\_\_\_\_, as far as the line marked "Private Easement Line", as shown on the aforesaid maps; maintenance shall be the responsibility of the owner of Lot \_\_\_\_\_ Block \_\_\_\_\_ (change as necessary depending upon circumstances) as far as the line marked "Private Easement Line", as shown on the aforesaid maps."

The PAE pre-fix may be used to provide physical access for the State on a permanent basis from a public roadway to a fee parcel, under a bridge or viaduct, to a drainage, utility, slope, construction or maintenance easement. Where a specific access route is not feasible or will result in significant damages to the remainder, a 'floating' easement may be used. This shall take the form of a general right to use a private ring road, parking lot, internal circulation road or driveway which connects or intersects with the easement or fee parcel to which access is sought. Use of such easements for the State to access fee parcels or easements should be used only when necessary and should be flexible so as not to unreasonably restrain potential development of a RA. When no specific route is to be depicted, the pre-fix PAE should not be used, although the right may be described as a right of non-exclusive ingress and egress to (parcel or easement) and from (describe public road from which access is sought) for purposes of performing maintenance, repair and inspection across the remaining lands with personnel, equipment, and material. Because of the diversity of rights that may be needed, no standard clause is provided; the required language will be dependent upon the surrounding circumstances. Thus, consultation with ROWE shall be required in such instances and the particular clause chosen must be approved.

"Parcel PAE at about Station \_\_\_\_\_, (Baseline Stationing), consisting of the permanent, nonexclusive right of ingress and egress for the State across the driveway and adjoining lands (or across the existing parking lot) of (Owner) in Lot 6 Block 125, as far as the line marked "Perpetual Access Easement Line", as shown on the aforesaid maps for the purpose of moving personnel, materials and equipment to the adjoining \_\_\_\_\_ easement; the State will repair damages which are a direct result of its use of this easement but will not be responsible for routine maintenance as far as the line marked "Perpetual Access Easement Line", as shown on the aforesaid maps."

## 26. Sight Triangle Easements

The following clause is to be used when it is necessary to acquire the rights to keep the owner's property clear of items that could restrict the line of sight of a driver:

"consisting of a permanent restriction against the use of any portion thereof for any structure, growth or physical impediment that would in any manner infringe upon a free and open line of sight over the same, as far as the line marked "Sight Triangle Easement Line", as shown on the aforesaid maps. The State has the permanent right to enter the easement area to remove any of the aforementioned impediments should the owner or its assigns fail to maintain the integrity of the sight triangle."

## 27. Mitigation Easements

Mitigation easement parcels should be identified as "ME" (if they are the only right acquired on a property, which is generally the case). In the event that the mitigation easement is to be placed on existing NJDOT lands, the parcel number will be ME plus the parcel number, which was originally used to obtain the underlying land. A note is to be placed on the map identifying the Route Section and Parcel that was used to acquire the NJDOT land. Specific ME description clauses will be dependent upon the specific rights which need to be acquired or deed restricted. Where the mitigation parcel easement is acquired to meet Green Acres or other regulatory permit requirements, the final version of the GPPM Tab Sheet will make specific note of the reason for the purchase, including the applicable permit number(s) and the Deed Book and Page recording the transfer.

Consult with ROWE and the Technical Support Bureau for the specific language.

#### 28. Clear Zone Easement

The following clause is to be used when it is necessary to acquire the rights to keep a portion of the owner's property (ex. - clear area behind breakaway cable terminals (bcts) clear of fixed objects non-traversable hazards.

"consisting of a permanent restriction prohibiting the installation or construction of fixed objects or non-traversable hazards including but not limited to trees greater than 6 inches in diameter, concrete pedestals more than 4 inches above the ground, signs, signals or light pole supports of non-breakaway designs, buildings, above ground drainage structures and wood poles or post with a cross-sectional area greater than 50 square inches as far as the line marked "Clear Zone Easement".

#### 29. Easement For Access (EFA)

This is a deed provided by NJDOT to be used when it is necessary to provide the adjoining owner with rights to utilize a portion of the State's land to allow for an access modification to work. This easement requires parcel clearance before granting. Consult with ROWE, the Title Bureau and the Technical Support Bureau before finalizing the easement. A sample is as follows:

"Easement For Access EFA \_, being an easement located at about Station (proposed Route \_Base Line Stationing), and consisting of the permanent right, subject to the conditions stated herein to utilize improvements (a graveled area) constructed by the Grantor as part of the access permit conditions within the lands of the Grantor at the location shown on the aforesaid map. The said right includes the right to maintain said improvements, subject to written approval of work plans by the Grantor. The Grantee may not change the improvements within the easement without the written approval of the Grantor. The Grantee is responsible to obtain insurance covering any use by Grantee within the aforesaid easement.

The Grantee is responsible for mowing the grass and removing debris and litter in the easement area. The Grantee is prohibited from storing, placing or discharging any hazardous materials or substances within the aforesaid easement. Conveyance of this easement shall not constitute a credit to the

Grantee for the purpose of setbacks or bulk zoning on the Grantee's lands and shall be used for no purpose not specified above."

Note on the GPPM and the IPM that the EFA is deed restricted and is not used for development. Also, label the area as NJDOT property.

### 30. Roadway Easement

Roadway easements are acquired in lieu of fee takes and are generally the only right acquired on the property. The following clause should be used in most circumstances:

"Parcel \_\_\_ a Roadway easement consisting of the right to construct, maintain and reconstruct from time to time roadway, cart way, shoulders, curbing, walkways, signs lights, traffic control devices and all other appurtenances necessary to serve and accommodate a public road and thoroughfare identified as Road \_to and from Route \_\_\_. Said Roadway shall be open to and for use by public traffic, all vehicles of any type or description, including, but not limited to automobiles, trucks, bicycles, motorcycles, buses, trailers and any other form of transportation as well as pedestrians for perpetuity all within the area depicted on the attached map at approximately \_\_\_ to approximately \_\_\_, being \_\_\_\_\_ acres (square feet) having a width of \_at its widest point. Provided the grantor shall retain private access to and across the easement to Road \_at such points of access designated by the State of New Jersey Department of Transportation in accord with applicable access code, regulations and statutory provisions and within the actual roadway that may be constructed from to time. The Grantee will be responsible for maintenance of the roadway within the easement area.

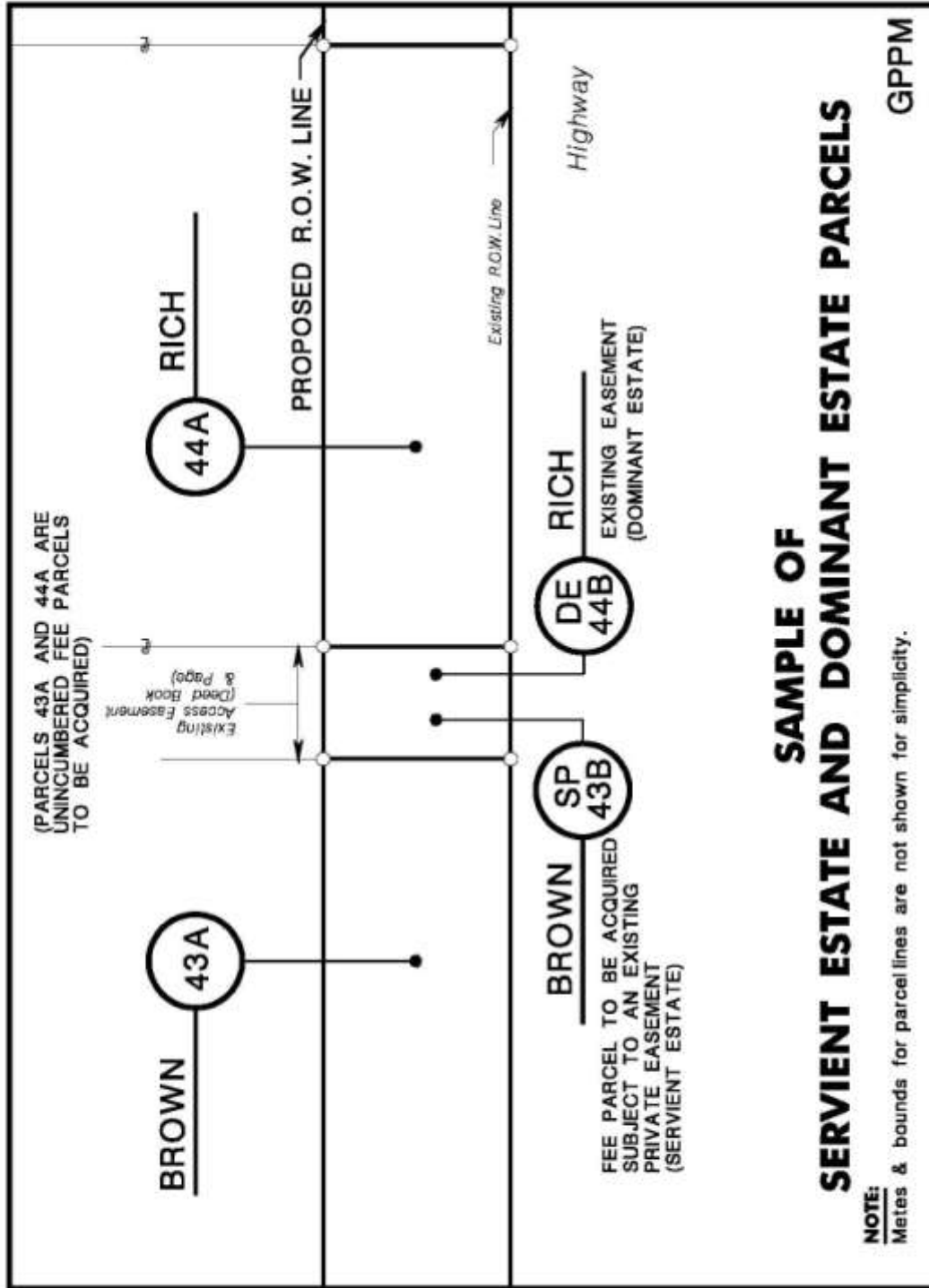
All rights and obligations of grantor shall run with the land and bind any successor and assigns and grantee reserves right to transfer or assign its rights and obligations to any other public or successor entity."

### 31. Demolition Easement

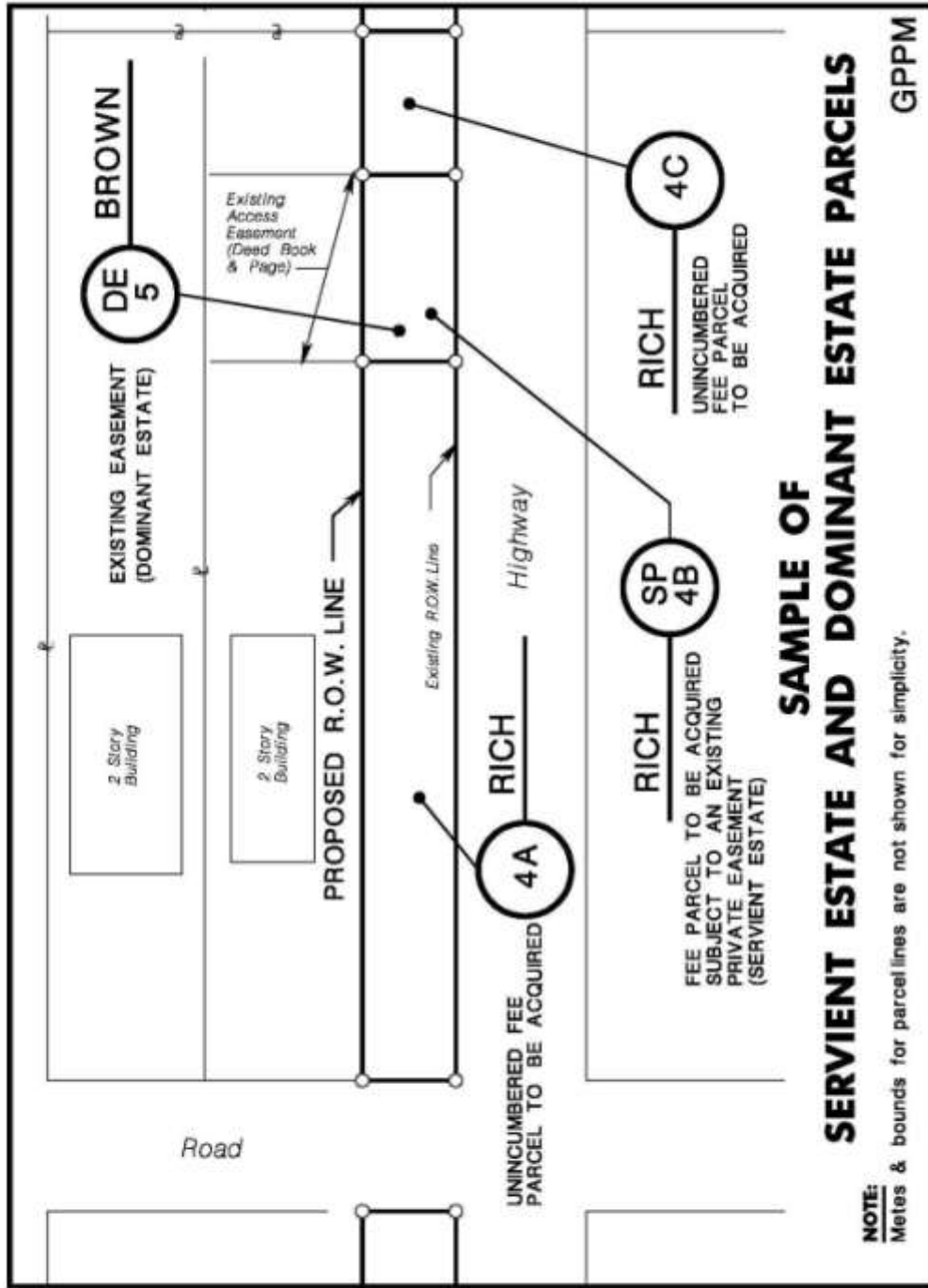
This easement and clause is used when a building or other significant improvement must be demolished but is not located within an existing fee parcel or easement. This should be drawn on a map. Under limited circumstances with the approval of ROWE, it may be used without a line on the map if the improvement is shown on the map and there is no possibility of confusion as to the building or improvement which is to be removed:

"the temporary right to enter upon the owner's remainder with personnel, equipment and materials as far as the line marked Demolition Limit for the purpose of demolishing and removing the (specify exactly what structure) including its foundation, which is located at about Station \_\_\_\_\_ (Baseline Stationing), and grading the site to match the surrounding grade."

ATTACHMENT A



ATTACHMENT B



**SAMPLE OF G.P.M. TITLE BLOCK**

SCALE : FULL SIZE

NEW JERSEY DEPARTMENT OF TRANSPORTATION

**GENERAL PROPERTY PARCEL MAP**

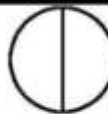
ROUTE U.S. 1 (1953) SECTION 5

From South of Deans Road  
to North of Route 26

Showing Existing Right of Way  
And Parcels To Be Acquired In The

Townships of South Brunswick  
and North Brunswick

County of Middlesex  
March 1994



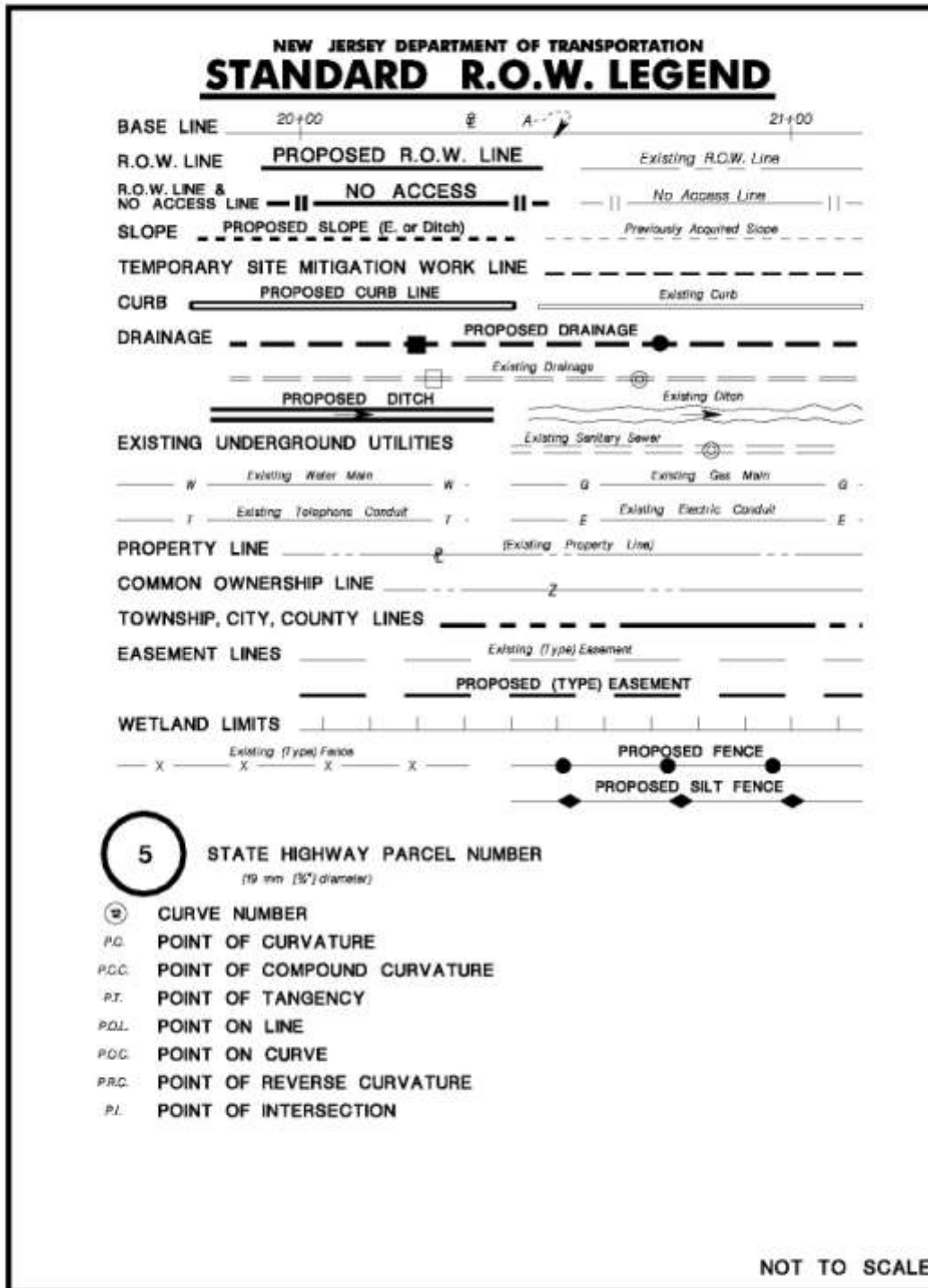
LOWER RIGHT-HAND CORNER OF BORDER

PROJECT: ROUTE U.S. 1 (1953)  
SECTION 5E & 6S

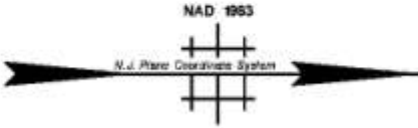
**NOTE:**  
See Section 9.0, B, 2, a



ATTACHMENT D

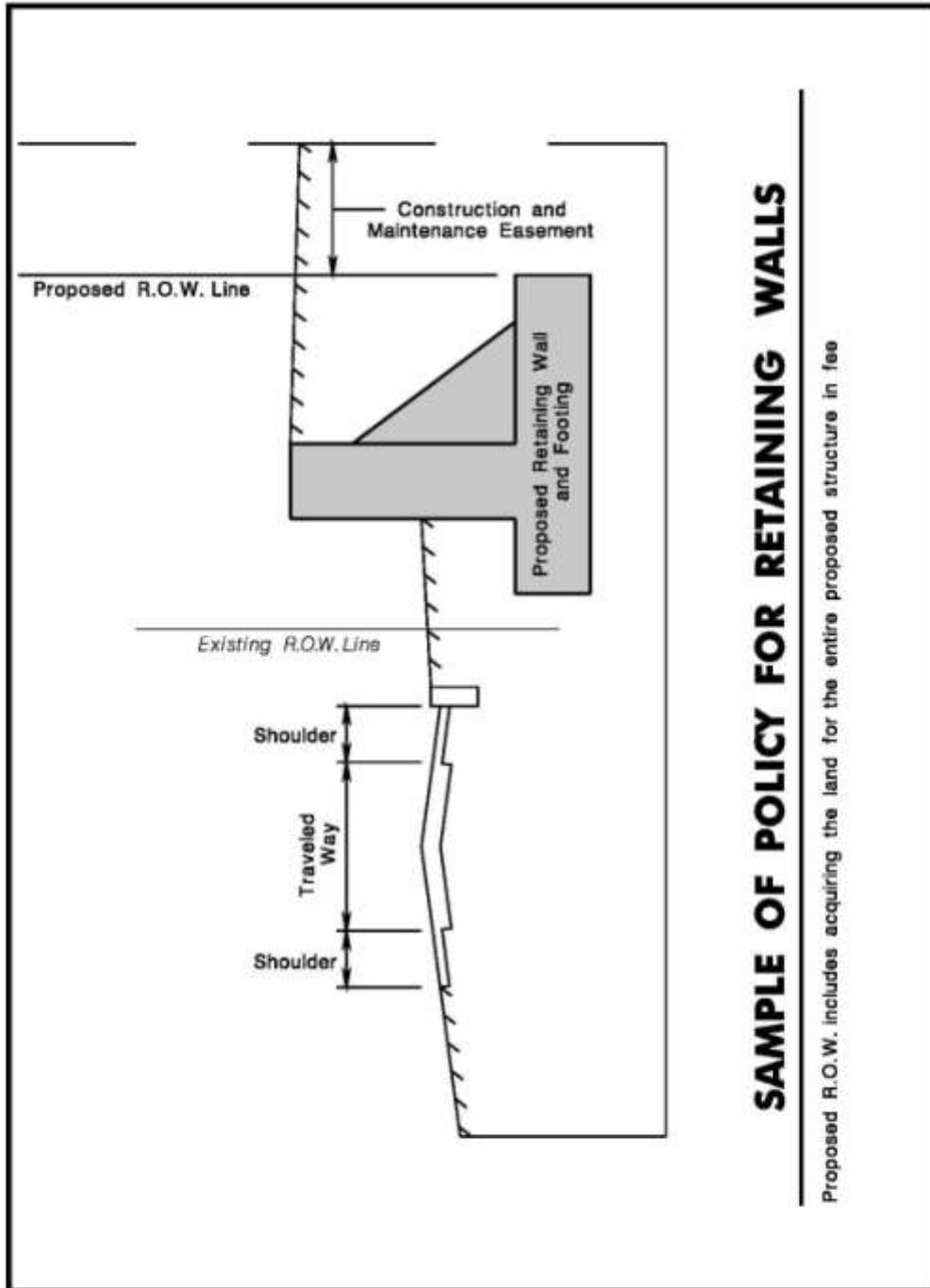


# ATTACHMENT E

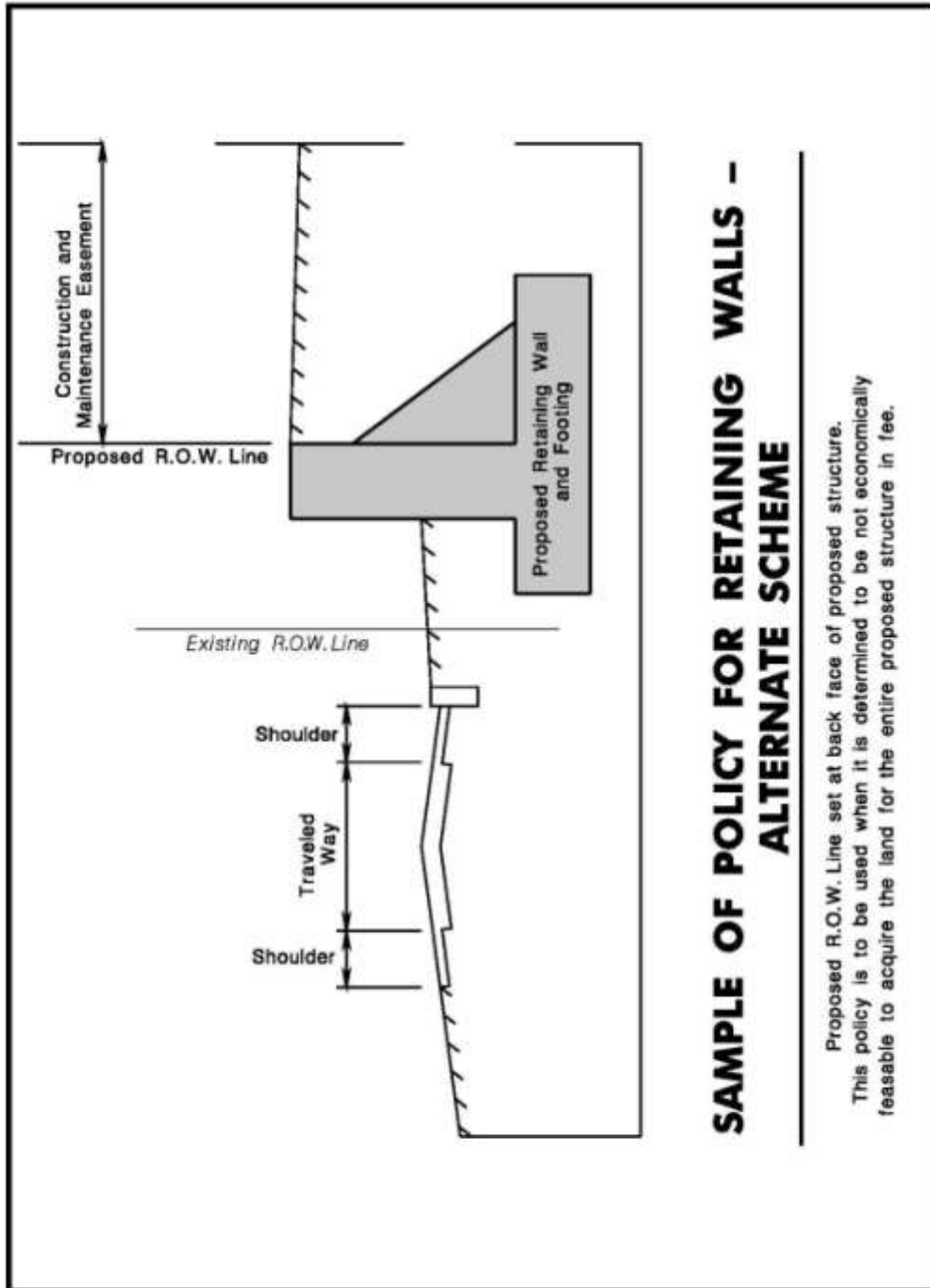
<p>⊖ BASE LINE          ⊖ PROPERTY LINE          ⊖ CENTER LINE          ⊖ SURVEY LINE          (1) DEED COURSE NUMBER          (m) MEASURED          (c) CALCULATED          (±) MORE OR LESS          (D) DEED DATA          (sur.) SURVEY DATA          D.A. DEED AREA          (F.M) FILED MAP          (T.M) TAX MAP          (S) SCALED  <b>94</b> TAX MAP BLOCK NO.  <b>94</b> FILED MAP BLOCK NO.  <b>21</b> TAX MAP LOT NO.  <b>21</b> FILED MAP LOT NO.  <del>6967</del> DEED BOOK          586 PAGE</p>	<p>□ PROPOSED MONUMENT          ○ WATER GATE VALVE          ○ GAS GATE VALVE          ○ POLE          Hydr. HYDRANT          ○ DECIDUOUS TREE          ○ SHRUB          ✕ EVERGREEN TREE          — HEDGE          ⚡ SWAMP          R.A. REMAINING AREA</p>	<p>BUILDINGS</p> <div style="border: 1px solid black; padding: 2px; display: inline-block; margin-bottom: 5px;">             1½ Story              Frame Dwg              # 485         </div> <p>(house number)</p>	 <p>NAD 1983</p> <p>N.J. Plane Coordinate System</p> <p>IF NOT IN N.J. PLANE COORDINATE SYSTEM, REMOVE GRID AND NOTATION FROM NORTH ARROW</p> <p><b>Note:</b>              The proposed parcel courses and the north arrow depicted may differ from the system utilized to plot the deed distances and courses.</p>
---	---	--	---

NOT TO SCALE

ATTACHMENT F



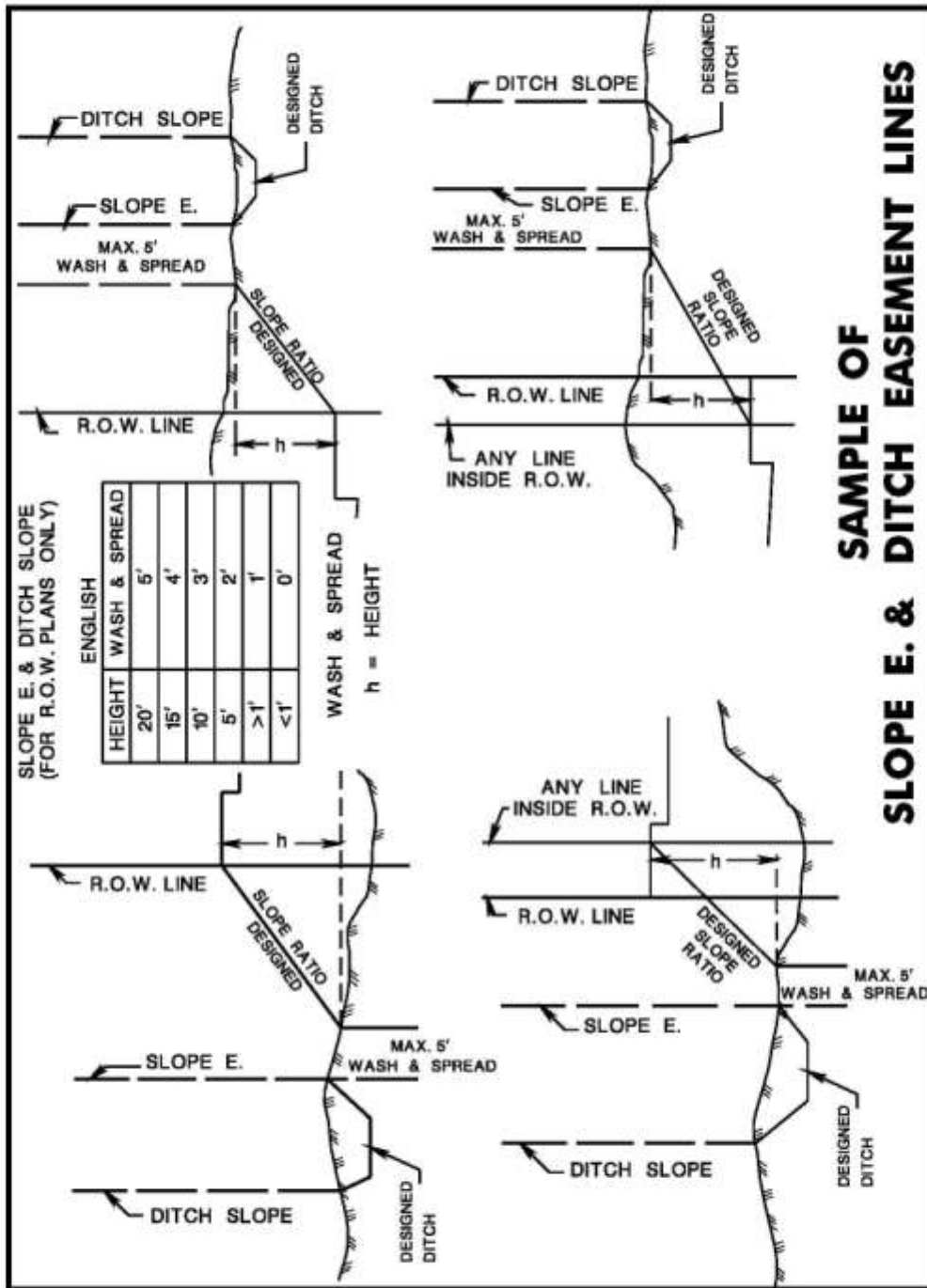
ATTACHMENT G



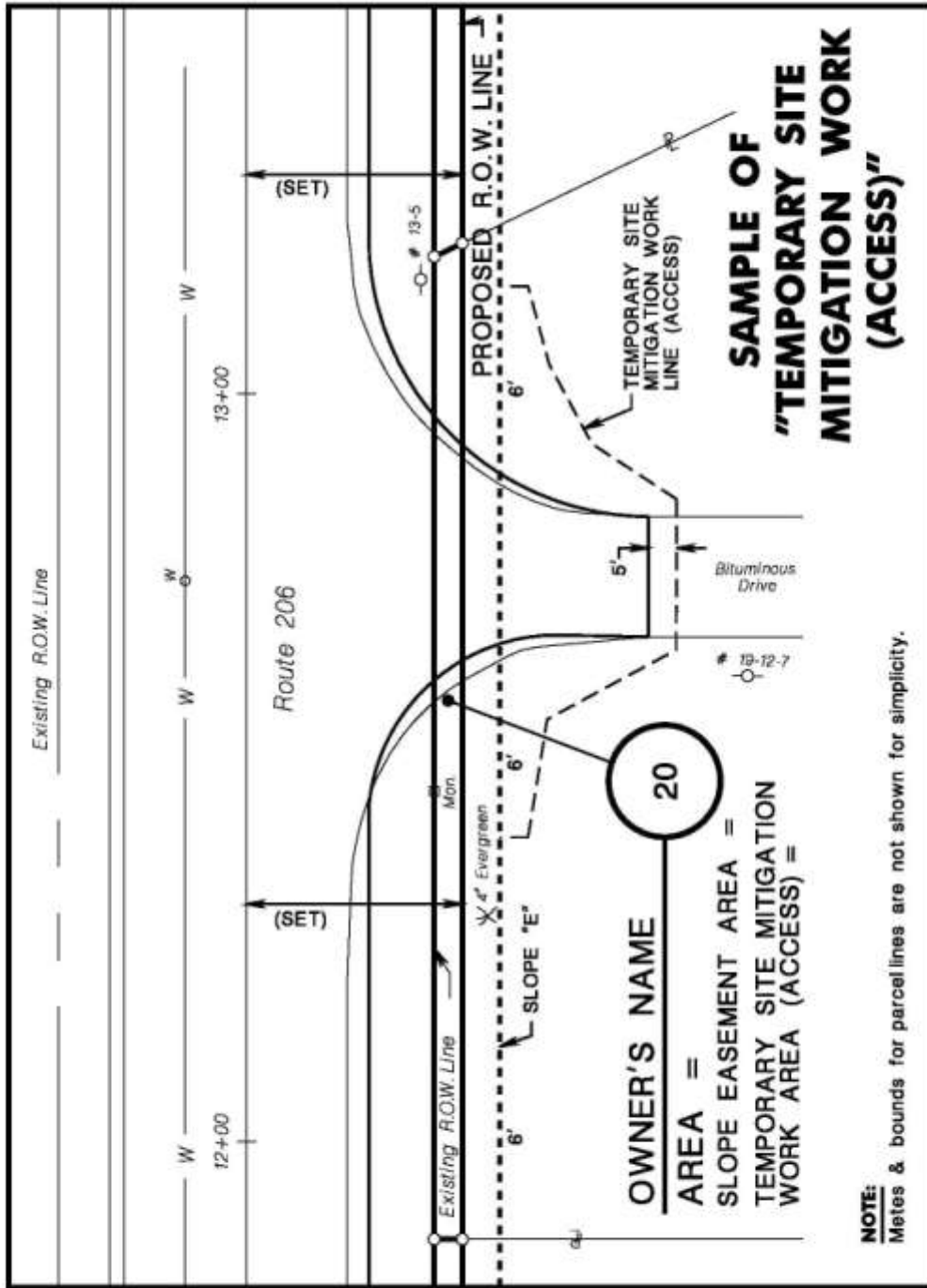
**SAMPLE OF POLICY FOR RETAINING WALLS -  
ALTERNATE SCHEME**

Proposed R.O.W. Line set at back face of proposed structure.  
This policy is to be used when it is determined to be not economically  
feasible to acquire the land for the entire proposed structure in fee.

ATTACHMENT H

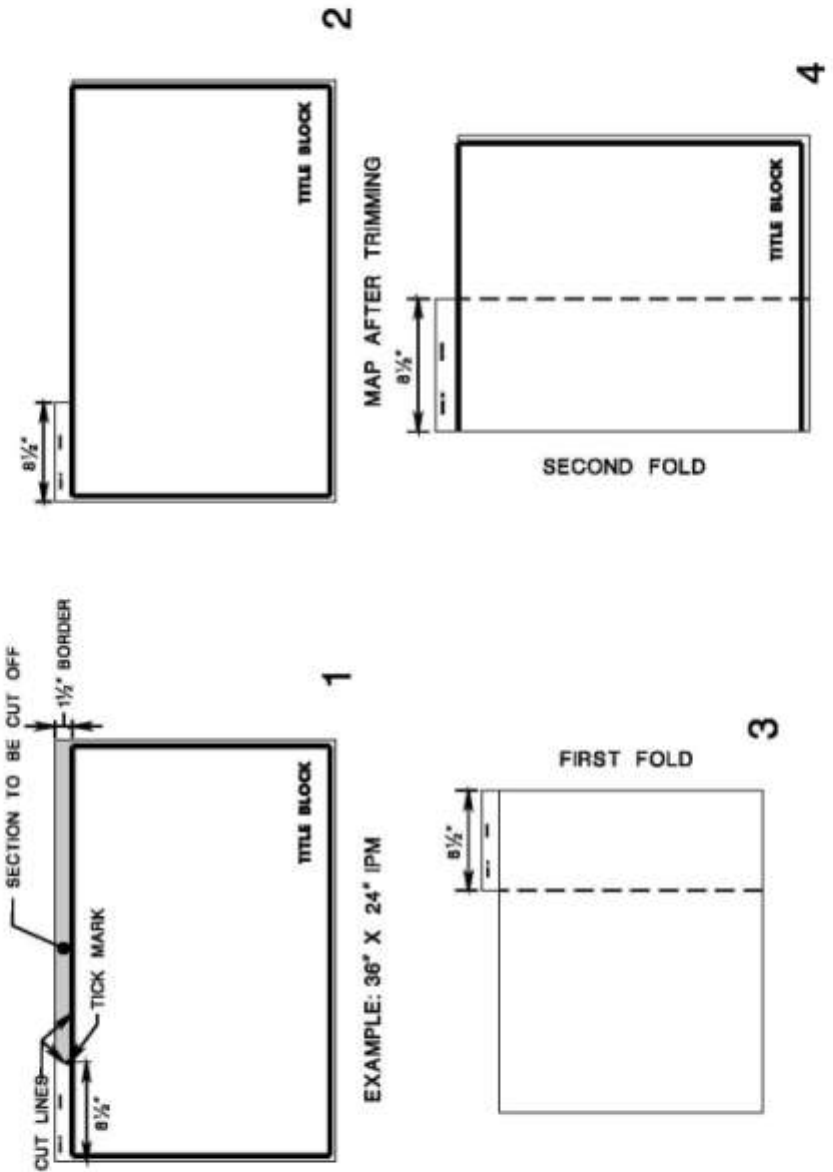


ATTACHMENT I



# FOLDING PROCEDURE FOR IPM PRINTS

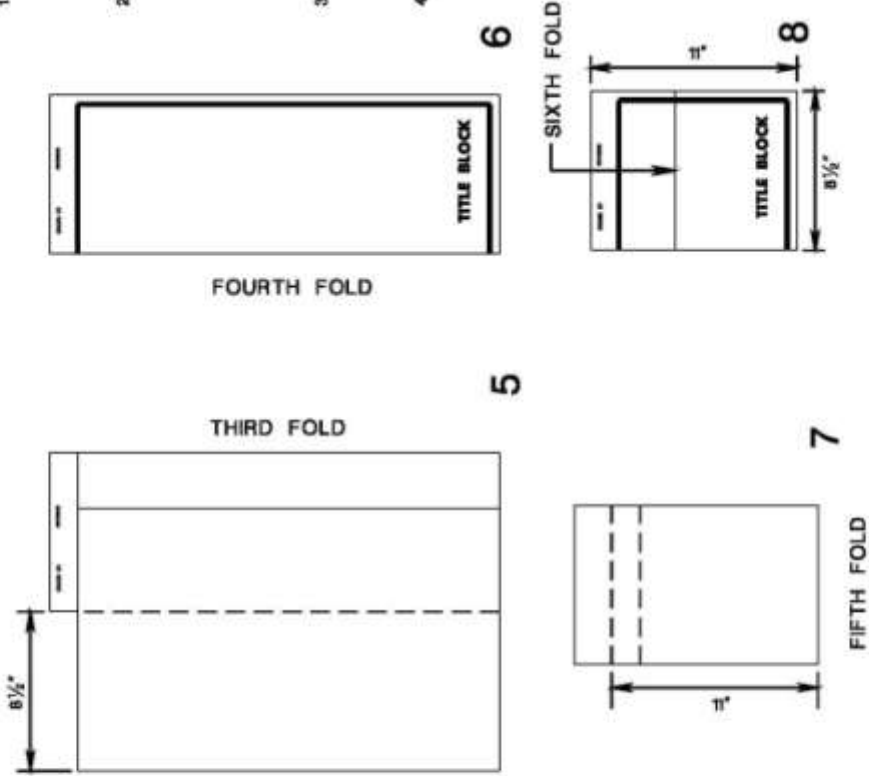
SEE NEXT PAGE FOR GENERAL NOTES



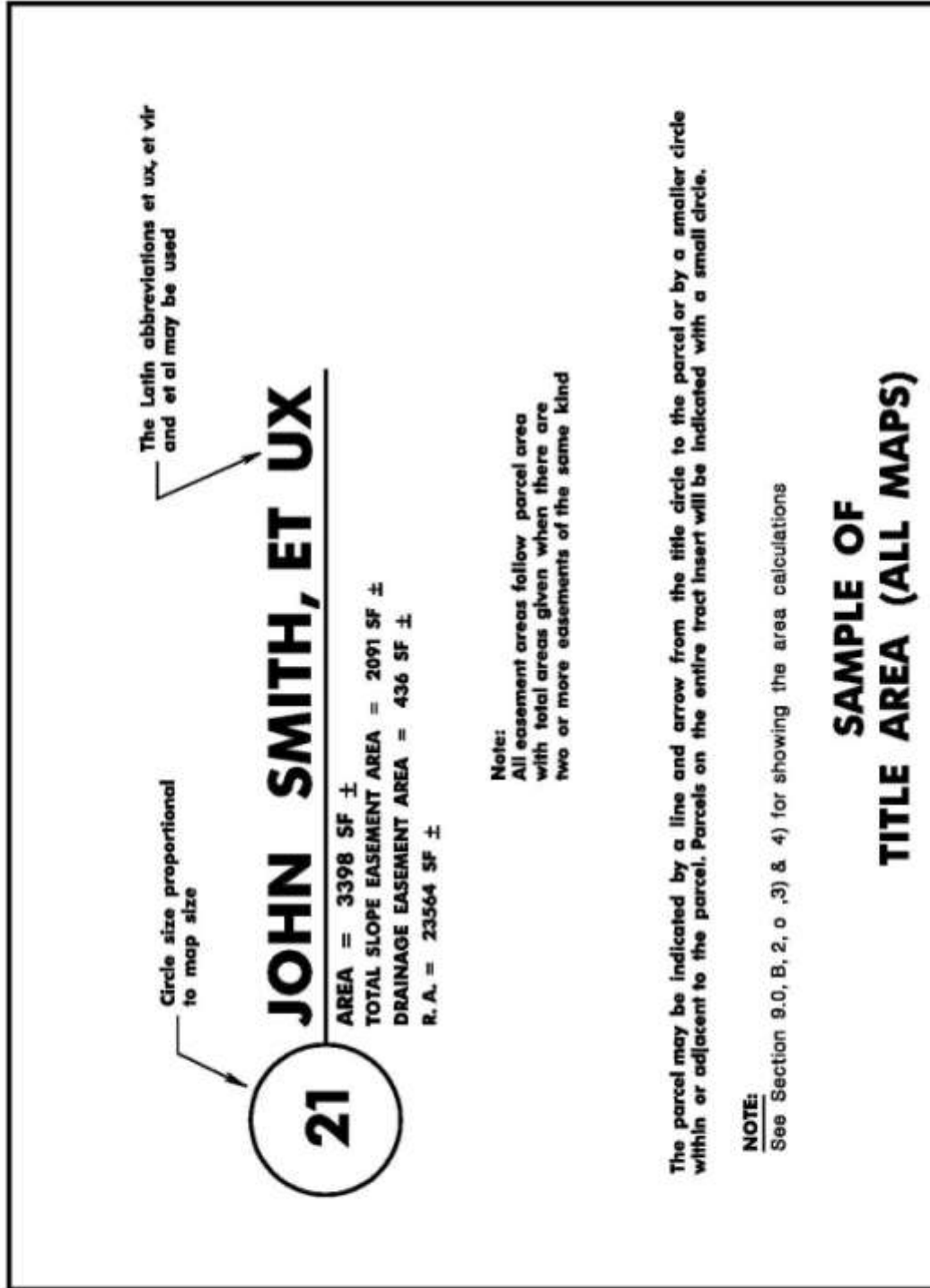
# ATTACHMENT K

**GENERAL NOTES**

- 1.- WHEN THE MAP IS DRAWN, A SMALL TICK MARK SHOULD BE PLACED AT THE VERTICAL CUT POINT IN THE TOP BORDER, 8 1/2" FROM THE LEFT EDGE OF THE MAP AS SHOWN IN SEQUENCE 1.
- 2.- FOR MAPS OF SIZES OTHER THAN THE ONE SHOWN, FOLLOW THE SEQUENCE UNTIL A FINAL SIZE OF 8 1/2" x 11" IS ATTAINED. IT IS DESIRABLE THAT THE WHOLE TITLE BLOCK BE VISIBLE ON THE FOLDED MAP, BUT THIS IS NOT POSSIBLE ON ALL ALLOWABLE MAP SIZES. DO NOT MAKE EXTRA FOLDS TO DISPLAY ONLY A SMALL PORTION OF THE TITLE BLOCK.
- 3.- IF THE LAST HORIZONTAL FOLD IS LESS THAN 8 1/2" WIDE, THAT PORTION SHOULD BE FOLDED SO AS TO LIE ALONG THE RIGHT EDGE OF THE FOLDED MAP.
- 4.- FOLDING IS REQUIRED ONLY WHEN MAPS ARE TO BE USED FOR CONDEMNATION.







ATTACHMENT M

When two or more fee parcels are contiguous, each shall be indicated by a small parcel circle showing the area:

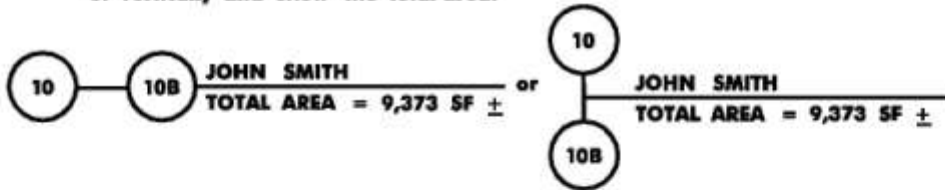
Inside Parcel:



Outside Parcel:



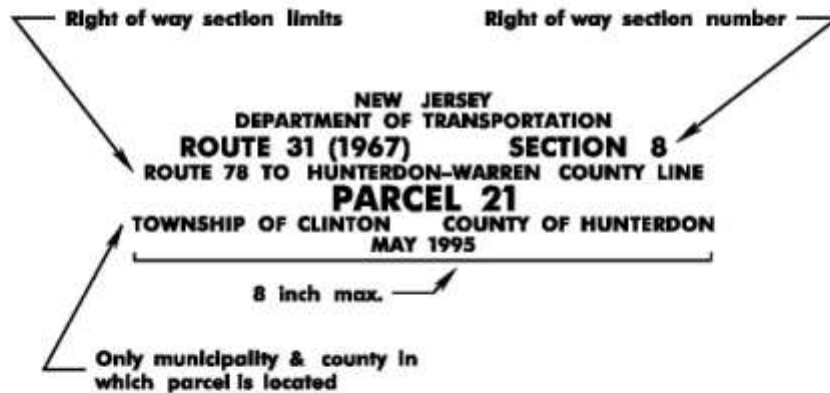
and the main title will have the circles connected either horizontally or vertically and show the total area:



Contiguous fee parcels are the only parcels joined in the title because they will be described together in the description. Easement or utility easement parcels, even when they adjoin a fee parcel, require a separate title bubble.

**NOTE:**

See Section 9.0, B, 2, o, 3) & 4) for showing the area calculations



**SAMPLE OF I.P.M. TITLE BLOCK**

## **10.0 Application Of Upland Owner On Tidal Water For A Lease Or License/Grant Of Riparian Land**

The description for a Tidelands ("T" or "TE") parcel should be written as other descriptions except grant areas require an actual metes and bounds with a point of beginning (POB) based on NJ Plane Coordinates. The designer shall then submit the prints, description and completed application as shown in Attachment N for each submission. The ROW Technical Support Bureau will forward the application and required documents to the Bureau of Tidelands Management, NJ Dept. of Environmental Protection (Tidelands Bureau).

The Tideland application and additional background information can be found in the *NJDOT Tidelands Application Guidelines*.

## **11. ROW Documents Submission**

### **11.1 General**

- A. All documents shall be completely checked before being submitted.
- B. Plans shall be checked for compliance with this manual's checklists and procedures. The design of all ROW parcels, slopes, drainage, etc., including temporary features, shall facilitate the building of the highway to its complete and final design.
- C. The ROW line shall **only** indicate what is required for highway purposes. The Technical Support Bureau shall determine whether to acquire any additional property (for example, an uneconomic remnant).
- D. A complete ROW submission shall include:
  - ETMs, including a Key Sheet
  - GPPMs, including an Alignment Schematic Plan and a Tab Sheet
  - IPMs
  - Descriptions (CD-ROMs preferred)
  - Riparian application, if needed
  - Other documentation - Deeds, tax maps, etc.
- E. The PM, in coordination with the ROWE Unit, may waive the requirement to include any of the above. The PM may request a copy of the ROW submission. This copy should be sent directly to the PM and is not part of the ROW Plans and Documents or Final ROW Submission.

### **11.2 Submission Packaging**

- A. The designer shall submit the ROW documents for the required submission, ROW Impact, Preliminary, Pre-Final or Final, to the units listed in Attachment N by labeling them for that unit and submitting them to Project Coordination except where specifically directed otherwise by Attachment N. All plans for a ROW Impact submission shall be stamped "ROW Impact Plan" and all plans for a ROW Plans and Documents ROW Submission shall be stamped "Preliminary". The ROW Impact Plan submission shall be sent only to The Division of ROW, Technical Support. The Pre-Final submission shall be sent only to ROWE. Plans on CD or plans on e-mail may be submitted to ROW Engineering with their permission for the preliminary and pre-final submissions.
- B. The consultant designer shall fill out and submit Attachment O to ROWE with the ROW Plans and Documents and Final ROW Submissions.
- C. The Designer shall hold 3 sets of signed & sealed ETM & GPPM mylars, for each county, and submit them, along with a TIFF file of all plans, to the Engineering Documents Unit when the project is closed. EDU will contact the designer on the closing date.
- D. ROW Engineering / Office of Access Design will notify ROW Technical Support the status of all access cases and submit all access cutouts and signed LOACs and LOLAs at the Final Submission.

ATTACHMENT N

SEND TO Labeled For		ROWE		Manager, Technical Support Bureau Attn: Project Coordination/Funding													
		Print	Env. Solutions	Title	District	Word	PDF	Print	Mylar	TIF	Legal	FHWA	Print				
DOCUMENTS (COMPLETE SETS)	SUBMISSION																
	PD ROW				2												
	Preliminary	1		1	2										1		1
	Pre-Final + Final	1		2	2										1		1
ROW PLANS (OPPM & ETM) Prepare in accord with N.J.S.A. 46:23-9.9, et seq.	Project Closed	1							3	1							
	Preliminary	20%															
	Pre-Final + Final	1		2	9		1										
	Condemn **			1	2		1					30					
DESCRIPTORS (SETS)	Preliminary	1		1													
	Pre-Final + Final	1		1													
	Condemn **			1													
	Preliminary			1													
CURRENT DEEDS (IF APPLICABLE)	Final (Only New)			1													
	PD ROW																
	Preliminary	1		2	1												
	Final																
TAX MAPS & SITE PLANS	Preliminary																
	Final																
	Preliminary	1			1												
	Final																
V2 SCALE ROW PLANS	Preliminary	1															
	Final																
	Preliminary	1			1												
	Final																
DESIGN PLANS	Preliminary	1			1												
	Final																
	Preliminary	1		1	1												
	Final																
RIPARIAN APPLICATION	Preliminary	1		1	1												
	Final																
	Preliminary	1		1	1												
	Final																
SIGNED LOAC & LOLA & STATUS OF ACCESS CASES	Preliminary																
	Final																1

- Send updates or plan corrections to Project Coordination as needed.
- \*\* Send Individual Condemnation Documents Only When Requested.
- \*\*\* In-House will send 1 set of prints (not mylars) to Engineering Documents. In-House will supply only PDF's of IPM's for the Final ROW Submission and Condemnation cases unless otherwise directed by ROW Engineering. Submit Electronic Files on CD or DVD or by email if size permits and send 2 copies to the Engineering Witness in the appropriate ROW District.
- + Pre-Final documents should be sent directly to ROW Engineering.

ATTACHMENT O

**Consultant Quality Control Checklist  
ROW Documents**

Route \_\_\_\_\_ Section \_\_\_\_\_

Project Name \_\_\_\_\_ County \_\_\_\_\_

ROW Plans and Documents Submission       Final Submission

	YES	NO	N/A
1. All right-of-way plans (ETMs, GPPMs & IPMs) and descriptions have been prepared in accordance with the requirements outlined in the ROW Manual.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. All right-of-way lines and easement lines have been identified and are consistent between the right-of-way plans and construction plans.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. The access control has been established in accordance with direction from the Project Manager/other offices within NJDOT and is in accordance with all applicable laws, regulations, FHWA and NJDOT policies.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. All comments regarding the right-of-way plans and descriptions have been addressed.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. A field check was conducted on _____ to verify that all buildings and other important features are accurately shown on the ROW plans (Final Submission only).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

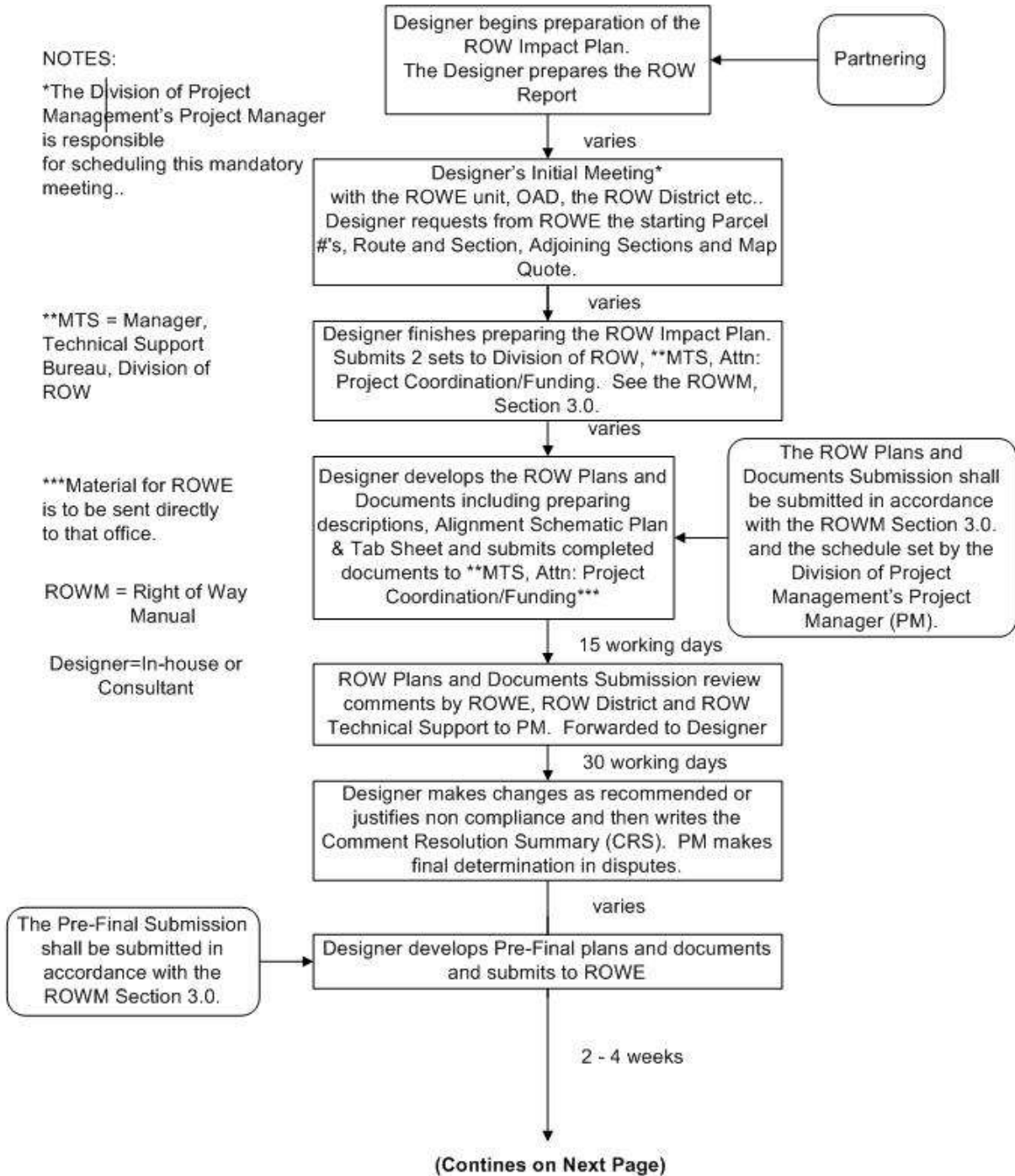
NOTE : Any item checked NO shall be explained in the space provided below. Attach additional sheets if needed.

Item No. \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

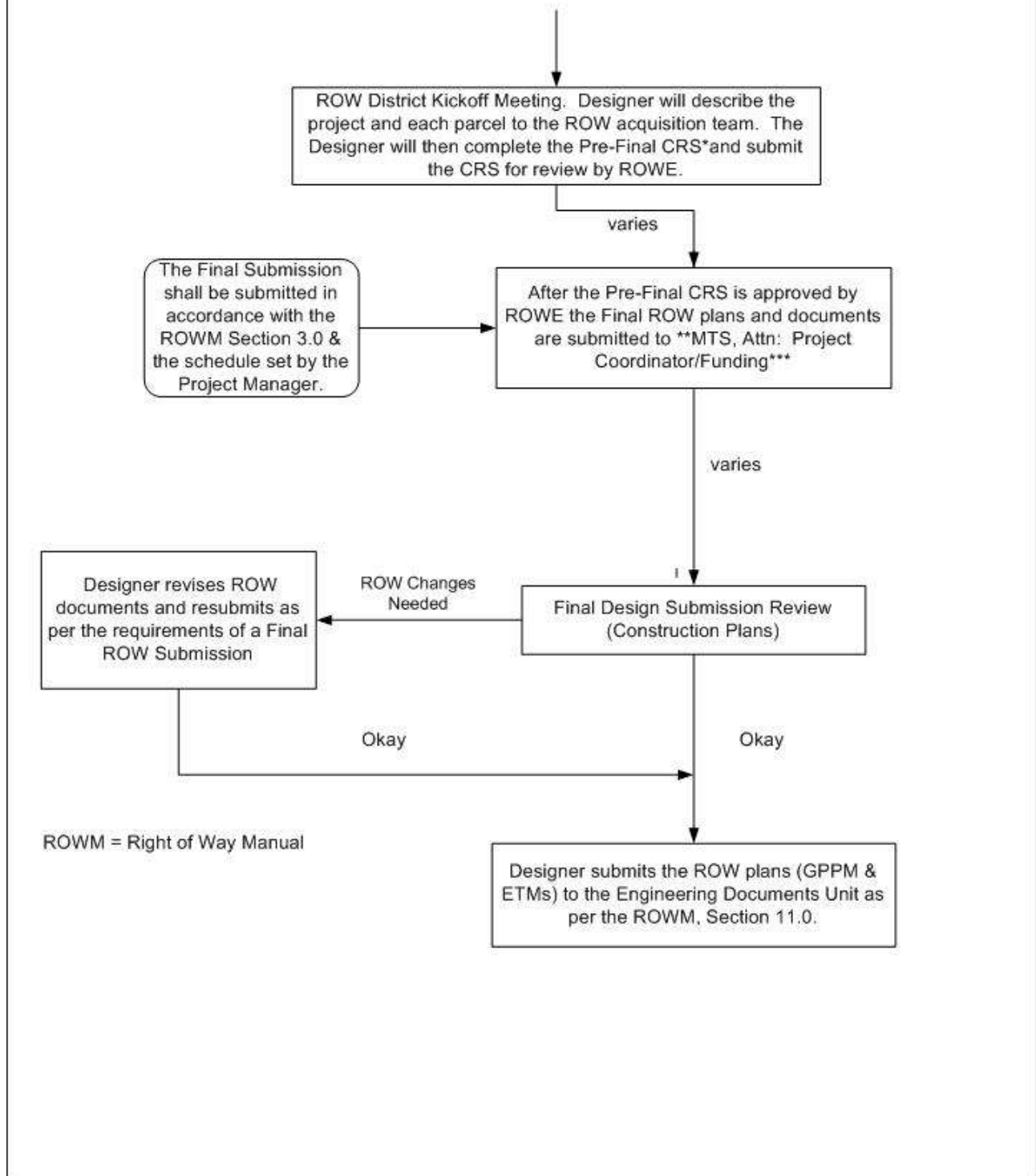
Consultant \_\_\_\_\_  
 Project Manager \_\_\_\_\_ Date \_\_\_\_\_  
 Sub-Contractor \_\_\_\_\_  
 Project Manager \_\_\_\_\_ Date \_\_\_\_\_

\* if applicable

## 12.0 ROW Engineering Process



## 12.0 ROW Engineering Process - continued





### 13.0 Process For Eliminating A Parcel

- A. The PM contacts the Project Coordination/Funding Unit within ROW Technical Support, by memorandum or e-mail, with a copy to ROWE, requesting the acquisition status of a parcel to be eliminated.
- B. After the parcel acquisition status is determined, Project Coordination/Funding will advise the PM whether the parcel can be eliminated. A parcel cannot be eliminated if the NJDOT has already taken possession of it. However, a parcel may be eliminated after a Declaration of Taking is filed, but only if the property owner agrees.
- C. If the parcel can be eliminated, the PM will contact the design consultant or ROW Design (in Design Services), if the PM desires the work to be done in-house. The designer will update the ETM and GPPM, showing the parcel elimination using the following procedure:
  - 1. Draw an "x", through the parcel number. Print "Eliminated" on the GPPM and ETM near the affected parcel number. Place the parcel number, date and "Eliminated" in the revision block.
  - 2. Draw a line through the parcel on the Tab sheet and place "Eliminated" and the date in the remarks column.
- D. The designer shall submit the updated ETM and GPPM to Manager ROW Technical Support Bureau, ATTN: Project Coordination/Funding as outlined in Attachment N, Final Submission.

### 14.0 Process For Revising A Parcel

- A. The initiator of the revision (ROW designer, Department ROW negotiator, etc.) shall notify the PM that a revision is necessary (The initiator of the revision shall contact ROWE to determine if a revision is required before making contact with the PM.). Consultant designers **must** contact ROWE before beginning any work on a revision. The PM then requests the acquisition status of a parcel to be revised from the Project Coordination/Funding Unit within ROW Technical Support by memorandum or e-mail, with a copy to ROWE. All revisions made to ROW plans after the Final Submission must be made only with the authorization of the PM.
- B. After the parcel acquisition status is determined, Project Coordination/Funding will contact the PM and advise whether the parcel can be revised. A parcel cannot be revised if the NJDOT has already taken possession of it. However, a parcel may be revised after a Declaration of Taking is filed, but only if the property owner agrees.
- C. If the parcel is already owned by the NJDOT, a new parcel will have to be added to include whatever rights are needed for that parcel.
- D. If the parcel can be revised, the PM will place that parcel "on hold" with the Office of ROW and will contact the design consultant or ROW Design (if the work is to be done in-house), who will revise the ROW documents.
- E. Changes to the ROW after the final ROW submission that would necessitate another appraisal shall require a revision number (e.g. area changes, adding or removing slope, drainage, denial of access, limit of grading, etc.).
- F. The following procedure shall be followed for revisions to the ROW documents:

1. Change the parcel number on the ETMs, GPPMs, IPMs, and descriptions. For example:

	<b>Original</b>	<b>1<sup>st</sup> Revision</b>	<b>2<sup>nd</sup> Revision</b>
Parcel	8	R8	2R8
Easement Parcel	E8	ER8	E2R8
Utility Parcel	U8	UR8	U2R8
Utility Easement Parcel	UE8	UER8	UE2R8
Tideland Parcel	T8	TR8	T2R8
Tideland Easement Parcel	TE8	TER8	TE2R8
Landscape Parcel	L8	LR8	L2R8

2. Specify all revisions in the revisions block of the ETMs (not including the Key Sheet) and the GPPMs. Show the parcel number, date and, under the revisions column, the revised parcel number and the revision. For example:

<b>Parcel</b>	<b>Date</b>	<b>Revision</b>
48	01-02-98	Parcel 48 to parcel R48; Revised parcel area
R35	02-15-98	Parcel R35 to 2R35; Slope area added
E20	03-06-98	Parcel E20 to ER20; Slope area revised

- G. The design consultant or ROW Design shall submit the revised ROW documents to Manager ROW Technical Support Bureau, ATTN: Project Coordination/Funding, as outlined in Attachment N, Final Submission. Submission of the descriptions on by CD-ROM or e-mail is required. Specify all revisions in the revisions block, showing date, parcel affected, and the reason for the revision. The submission letter should also note the reasons for the revision of each parcel.

## **15.0 Process For A Condemnation Case**

- A. When negotiations have reached an impasse, the District Office Supervisor contacts the supervisor of the Acquisition Section (AS) of ROW Technical Support to advise that this case must go through the condemnation process.
- B. The supervisor of the AS is responsible for obtaining the proper number of condemnation maps (IPMs) and descriptions. The number of copies is based on the number of parties having an interest in the subject parcel and the number required by NJDOT personnel (the average is 30 copies).
- C. The supervisor of the AS must contact the PM, who decides who will supply the condemnation documents. **NOTE:** The decision by the PM as to who supplies the condemnation map is based on the designer's contract/proposal, time considerations, where the existing color copies of the IPM's are located and whether any revisions to the IPMs are required. The PM should have the designer supply the condemnation material for consultant designed projects.

- D. If the PM chooses the consultant and authorizes him to supply the condemnation material, then the consultant is responsible for supplying all the condemnation material (including properly folded IPMs) to the AS, while copying the PM on all transmittals. The PM may request that the consultant and the AS deal directly with each other on any questions that arise.
- E. If the PM chooses to have in-house Design Services supply the condemnation material, he must send a request to the Director of Design Services. Design Services will then be responsible for making the color copies of the IPM. The AS will be responsible for providing Design Services with a color copy of the IPM and a copy of the complaint description (both supplied to the AS at the Final ROW Submission).
- F. If the project is being designed in-house, Design Services will be responsible for supplying the required number of copies of the description and IPM, properly folded, to the AS.
- G. The AS is responsible for the proper distribution of the condemnation material.

## **16.0 ROW Parcel Dedication Requirements**

### **16.1 Dedicated Parcels**

Dedicated Parcels are parcels that an owner gives to the NJDOT on non-active or developer projects. When dedicating a parcel use the following process:

- The Bureau of Major Access Permits (MAP) determines need for dedication & notifies developer and obtains developer's single point of contact.
- Developer prepares documents in accordance with N.J.A.C. 16:47-4.20, Corrective Action Notice (CAN) No. 65 dated 5/2/2007 and the ROW Engineering Manual and submits to MAP. All three of these references are available on the NJDOT web site <http://www.state.nj.us/transportation/eng/>
- MAP sends documents to ROWE for review (ROWE deals directly with developer back & forth until acceptable documents are received with copies of correspondence to MAP).
- ROWE sends request for Environmental Clearance Memo to the Bureau of Landscape Architecture and Environmental Solutions.
- ROWE notifies MAP that unsigned acceptable documents have been received from the developer.
- MAP initiates AD-12 for acceptance of dedication
- MAP sends fully executed AD-12 to ROWE to include in package
- ROWE sends dedication package which includes the unsigned draft of deed of conveyance or perpetual easement with legal description and reduced size copy of the GPPM attached, fully executed AD-12 & the developer's single point of contact information to CLOSING/TITLE Unit for review.
- CLOSING/TITLE Unit will notify Developer of required changes to the deed or provide direction to execute and record the deed in the county.
- After receiving direction to execute and record the deed, the Developer shall submit a copy of the recorded deed, and title policy to the CLOSING/TITLE UNIT

with a copy of the correspondence to ROWE. The title policy required is to be a nominal dollar value of \$5,000 but is to be evidence that the State has acquired "good and marketable title" to the parcel(s) dedicated with no exceptions other than public utilities which means the parcel(s) cannot be encumbered by any rights held by others with the only exception of public utility easements.

- Developer sends requested documents directly to CLOSING/TITLE UNIT. CLOSING/TITLE UNIT notifies ROWE upon receipt of documents.
- ROWE notifies MAP that dedication process is complete.

MAP initiates close out AD-12 for developer agreement if all other conditions of the developer agreement are completed & documentation in hand. No bonds or guarantees will be released until all liens and /or encumbrances have been resolved or removed from the title of the dedicated property.

## **16.2 Donated Parcels**

Parcels that an owner gives to the NJDOT on active ROW projects at a minimal cost without appraisal, usually for \$1.00, are labeled "Donated." Donated parcels are depicted like standard parcels and should have an IPM and description prepared. Before donating a parcel the owner must, in writing, be fully informed of his rights to receive just compensation and must, also in writing, voluntarily waive his rights to the compensation.