

CHAPTER 29 – RIGHT OF WAY, ACCESS AND APPROACHES

Before advertising for bids on a Project, the Agency must either certify that the Right of Way is clear or list the property files that it still does not have the right to enter, in the Special Provisions.

Do not allow the Contractor to enter upon any property before the Agency has obtained possession of the Right of Way. Contact the Region/Bridge Delivery Unit (BDU) Right of Way Manager if you have any questions. The Agency may be able to obtain a permit of entry before it actually acquires the property.

NOTE: *Right of Way obligations, processes and requirements for Design-Build Contracts are specified in the DB General Provisions, Section DB174.20. You will need to refer to DB174.20 when handling Right of Way on Design-Build projects.*

29-1 RIGHT OF WAY OBLIGATIONS

For each real property transaction that involves construction obligations of the Agency, the ODOT Region Right of Way office will send the Project Manager (PM) a copy of the Obligations of Oregon Transportation Commission on Real Property Acquisitions, form 734-3300 ([See Exhibit 29\(A\)](#)).

The PM must review the requirements listed on form 734-3300 to assure that all obligations are included in the Project Plans correctly. If there is a discrepancy, or if any changes in the obligations are necessary, the PM must resolve the issue with the Region/BDU Right of Way Manager and follow up with the Contractor.

When the work required fulfilling the obligations listed on form 734-3300 has been completed, the PM will sign the form and send copies to the Region/BDU Right of Way Manager and the ODOT Maintenance District Manager.

29-2 ADDITIONAL RIGHT OF WAY

If additional Right of Way is needed to construct the Project, the PM should work with the Region/BDU and Right of Way Manager to acquire possession of the needed property. Do not enter the property without possession of the property being received. Do not allow the Contractor to enter the property until a right of entry has been obtained. Refer to the [ODOT Right of Way Manual, Chapter 5.315](#). The manual is available online at:

http://www.oregon.gov/ODOT/HWY/ROW/publications.shtml#Right_of_Way_Manual

29-3 ROAD APPROACH, DRIVEWAY CONSTRUCTION

The Agency has an Access Control program. The PM must not change the road approaches/driveways or other accesses shown on the Project Plans without obtaining prior approval. The PM may need to contact the designer, Region/BDU Right of Way Manager, or the ODOT Maintenance District Manager to secure approval for any proposed change.

If the approach must be constructed at a different location than shown on the Plans and on the Right of Way Obligation form, the PM must request that the Region/BDU Right of Way Manager modify the obligation.

All road approaches/driveways and surfacing must be constructed according to the Right of Way obligations listed on form 734-3300 and as shown in the Contract Plans and Specifications.

**OREGON DEPARTMENT OF TRANSPORTATION
CONSTRUCTION MANUAL**

**FINAL REPORT ON REAL
PROPERTY NEGOTIATIONS**

		ODOT FILE/INVOICE NUMBER RFile
INTEREST HOLDER Grantor, GranTypeDesc	TELEPHONE GranPhone	SECTION Section
OWNER ADDRESS, CITY STATE AND ZIP GranAddress GranCity,GranState GranZipCode		HIGHWAY Highway
		COUNTY County
		CITY PropCity
ATTORNEY OwnerAtty	TELEPHONE OAPhone	F.A.P. NUMBER FAP
ADDRESS OAddress		R/W MAP RWMMap
AREA OF ENTIRE PROPERTY Area AreaUnit	SS No. or Fed ID Tax No. of Party Receiving Payment/ (Vendor Number) SSN GranBusinessTaxID	STATION TO STATION PropFromMilePoint PropToMilePoint

NotesToTitleUnit

BASIS OF SETTLEMENT

Land:
ParcelsTable

Total Land: LandAmt

Improvements: FinalImprovementDesc
Damages: FinaDamagesDesc
Deductions: FinaRepurchaseDesc
Other: FinaOtherDesc

FinalImprovementAmt
FinaDamages
(FinaRepurchaseAmt)
FinaOtherAmt

Total: TotalAmt

State's Obligations:
GranStateObligation

PropertyApprText PropertyApprSubTable FenceStartText GranFenceBoundary FenceEndText FencingSubTable GateText GateSubTable

Region Approval Date

Grantor's Obligations:
GranGrantorObligation

GrantorWillRemove

WITHHOLDING WithholdingSubTable

