

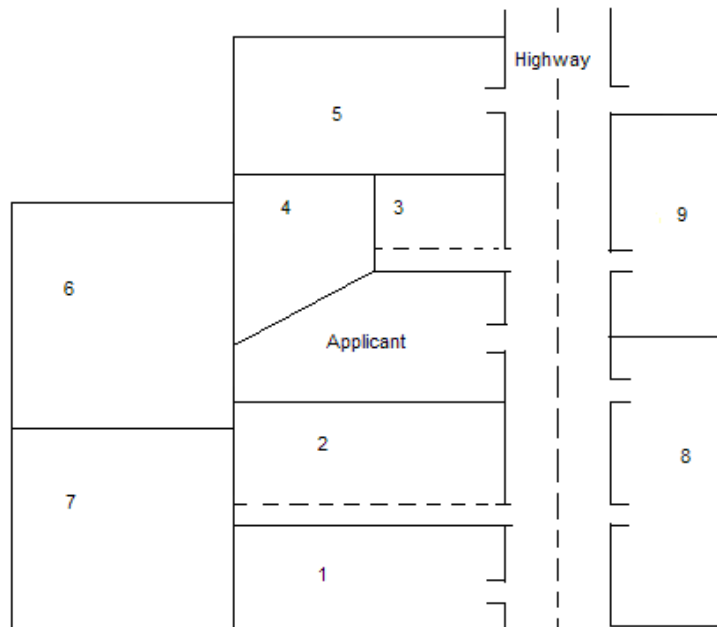
Attachment A

Who Must Receive Notice Under The Statutory Notification Process?

The existing land use patterns in the proximity of a property that has applied for a highway approach will determine which nearby land owners must receive notice under the statute. Attachment A contains two (2) diagrams that illustrate which nearby properties must be notified of the pending application. In Diagram A, the applicant's property is abutted by the highway and by other properties on three sides. In Diagram B, the applicant's property is abutted by the highway, a city street, and by other properties on two sides.

Based on the guidance provided in the Technical Bulletin, which of the property owners in Diagrams A and B should receive notice of the pending application?

Diagram A



Property owners 2 & 7, and 3 & 4 must receive Statutory Notification, along with the local jurisdiction via the LUCS form.

Property owners 1, 5, 6, 8 and 9 are not required to receive notice. However, if ODOT has particular concerns that these property owners may be potentially affected owners, they should be given the opportunity to comment on the permit application through the ODOT Notification process.

Statutory Notification Explanation:

Property 1 – Do not notify. The property is not adjacent.

Property 2 – Notify. The property is an adjacent property because it abuts the applicant's property to the right.

Property 3 – Notify. The property is an adjacent property because it abuts the applicant's property to the left.

Property 4 – Notify. The property takes its access to the highway over property that is adjacent to the applicant's property, it is defined it as an adjacent property because it has an access easement over the adjacent property. The adjacent property is requested to notify ODOT of access easements encumbered to their property.

Property 5 – Do not notify. The property is not adjacent.

Property 6 – Do not notify. Although the property abuts the applicant's property, it is located behind the applicant's property and as such is not defined as adjacent.

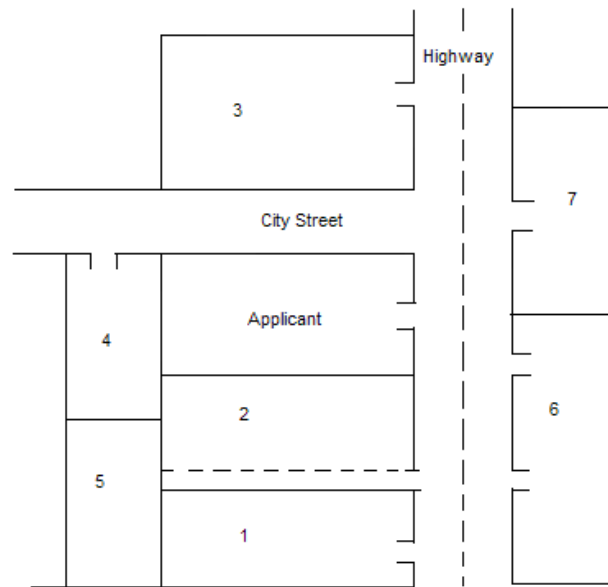
Property 7 – Notify. The property takes its access to the highway over property that is adjacent to the applicant's property; it is defined as an adjacent property because it has an access easement over the adjacent property. The adjacent property is requested to notify ODOT of access easements encumbered to their property.

Property 8 – Do not notify. Properties located across the highway are not defined as adjacent properties.

Property 9 – Do not notify. Properties located across the highway are not defined as adjacent properties.

(Continued on next page.)

Diagram B



Property owners 2 & 5 must receive Statutory Notification along with the local jurisdiction via the LUCS form.

Property owners 1, 3, 4, 6 and 7 are not required to receive notice. However, if ODOT has particular concerns that these property owners may be potentially affected owners, they should be given the opportunity to comment on the permit application through the ODOT Notification process.

Statutory Notification Explanation:

Property 1 – Do not notify. The property is not adjacent.

Property 2 – Notify. The property is an adjacent property because it abuts the applicant's property to the right.

City Street -- The City must receive notification because it is the local jurisdiction. Even if the applicant's property did not abut the city street, the city must receive notification as a local jurisdiction.

Property 3 – Do not notify. Although the property is located to the left of the applicant's property, it is not defined as adjacent because it does not abut the applicant's property.

Property 4 – Do not notify. Although the property abuts the applicant’s property, it is located behind the applicant’s property and as such is not defined as adjacent.

Property 5 – Notify. The property takes its access to the highway over property that is adjacent to the applicant’s property, it is defined it as an adjacent property because it has an access easement over the adjacent property. The adjacent property is requested to notify ODOT of access easements encumbered to their property.

Property 6 – Do not notify. Properties located across the highway are not defined as adjacent properties.

Property 7– Do not notify. Properties located across the highway are not defined as adjacent properties.