



Right of Way Manual

Procedures for the Right of Way Bureau

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CHAPTER 1 – Authority & Organization

- 1.1 The MassDOT Highway Division (MHD), acting on behalf of MassDOT and through its Highway Administrator, is authorized to acquire land for state transportation purposes in accordance with the provisions of [Chapter 79](#) & [Chapter 81](#) of the Massachusetts General Laws, [Chapter 196 of the Acts of 2004](#) and [Chapter 25 of the Acts of 2009](#), as amended, and to regulate all off premise outdoor advertising displays in accordance with the provisions of [Chapter 6C](#) & [Chapter 93D](#) of the Massachusetts General Laws, as well as [700 CMR 3.00 et seq.](#), [23 USC Sections 131 et seq.](#), [23 CFR 750](#).
- 1.2 For all federally funded projects, the MassDOT Highway Division must also comply with the [Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970](#), as amended, and the applicable Federal laws and regulations outlined in more detail in [Chapter 13](#) of this manual.
- 1.3 The MassDOT Highway Division (MHD) is under the direction of an Administrator who is appointed by the Secretary of the Massachusetts Department of Transportation (MassDOT).
- 1.4 The operations of the Right of Way (ROW) Bureau (the Bureau) are carried out by personnel under the direction of the Director of the Bureau, who reports directly to the Deputy Chief Engineer for Design as shown on the Table of Organization of the MHD (refer to [Exhibit 1-1](#)).
- 1.5 The Bureau is responsible for the acquisition of all real property and rights in real property required for the highway program. These responsibilities include: assisting in highway location studies; reviewing and commenting on advance drafts of Environmental Impact Statements (EIS); performing preliminary Right of Way investigations and title studies; preparing relocation plans; making advance and hardship acquisitions; appraising property and establishing the fair market value of property acquired as a result of the highway program; meeting with property owners to discuss the settlement of their land damage case; functionally replacing certain properties and assisting in the relocation of displaced persons; processing of payments for eminent domain takings and court judgments; assisting the Office of the Attorney General in the preparation of land damage court cases, and performing other duties which may be assigned by the Administrator's Office.
- 1.6 To perform these duties, the Bureau is under the supervision and control of a Director. Responsible to the Director are the Deputy Director and the Administrators of the Finance/Clerical Section, Outdoor Advertising Section, Legal and Conveyance Section, Projects Section, Community Compliance Section, Appraisals Section, Negotiations Section, Relocation and Property Management Section, Layouts Section and the Engineering Section of the Bureau as shown on the Bureau's Table of Organization (refer to [Exhibit 1-2](#)).

- 1.7 The Deputy Director is responsible for the general operations, administrative and personnel matters, including: the planning and coordination of all IT needs; the management and monitoring of staff duties, time and attendance issues and policies; the review and revising of all standard operating procedures, including the Right of Way Manual and all standard forms and letters as to content and format; the planning and coordination of all motor vehicle needs; the preparation of the Annual Report; coordination and oversight of the Employee Performance Review System (EPRS) process, as well as assisting the Director in the performance of his/her duties. In the absence of the Director, the Deputy Director will administer the functions of the Right of Way Bureau and is authorized to sign the Right of Way Certificate and supporting documents.
- 1.8 The Finance Administrator is responsible for the general administration operations (office procedures), as well as Finance Operations and Clerical sections of the ROW Bureau.
- 1.9 The Projects Administrator is responsible for oversight for all MassDOT Federal-aid and non-Federal-aid public construction projects requiring the acquisition of rights of way. In addition, the Project Administrator is responsible for overseeing all Permit Projects, Alterations, and Discontinuances, Easement Grants, and other special projects as assigned by the Director or Deputy Director.
- 1.10 The Community Compliance Administrator is responsible for oversight and assistance for all municipal public construction projects requiring the acquisition of rights of way, including Federal-aid transportation enhancement projects.
- 1.11 The Legal and Conveyance Administrator is responsible for real property title reviews and the recordation of all MassDOT plans and instruments, and resolution of title and payment issues with property owners when possible, assisting the Attorney General's Office (AGO) in eminent domain case preparation, including: transmitting all case folders to and from the AGO's Office; accounting for the contents of such folders during the process; answering interrogatories; approving the use of outside experts; commenting on the settlement of such cases; and ensuring payment of all MassDOT property acquisition related court judgments. The Legal Administrator supports all bureau sections as required.
- 1.12 The Negotiations Administrator is responsible for presenting the Offer of Award to for all property acquisition cases and subsequent negotiations including acting as a liaison between the claimant and the Bureau during the administrative settlement process.
- 1.13 The Administrator of the Outdoor Advertising Section is charged with the regulation of all off-premise outdoor advertising displays, pursuant to applicable State and Federal law. Massachusetts General Laws (M.G.L.) [Chapter 6C](#) and [Chapter 93D](#), as well as [700 CMR 3.00 et seq.](#), [23 USC Sections 131 et seq.](#), [23 CFR 750](#). The Outdoor Advertising section is also responsible for administering the Public Service Announcement program.
- 1.14 The Relocation and Property Management Administrator is responsible for all relocation activity in accordance with the Uniform Act and the management of any property acquired by MassDOT, including managing tenants prior to completion of their relocation.

- 1.15 The Appraisals Administrator is responsible for supervision of the Right of Way Appraisal Section and is responsible for the assignment and delivery of all land damage appraisals and review appraisals which are used as the recommendation of just compensation by MassDOT for proposed real property acquisitions. The Appraisal Administrator is also responsible for approving and maintaining a list of qualified fee appraisers, coordinating and reporting appraisal related activities with other Administrators and Management within the Right of Way Bureau, and coordinating Real Estate Appraisal Review Board meetings where land damages estimates exceed \$300,000.
- 1.16 The State Layout Engineer is responsible for the oversight of the Layout Section's statewide operations. The Layout Section is responsible for the preparation and review of plans and written documents associated with the land rights of the state highway system under the jurisdiction of the MassDOT Highway Division. The Layout Section also maintains files and databases on past and working layout/easement documents and maintains a web page on the MassDOT public web site of record layout/easement plans and written instruments. Layout/Easement plans and written instruments are prepared in accordance with [M.G.L. c. 81](#), the [MassDOT Design Guide](#), the [MassDOT CAD Standard](#), the [Rules and Regulations Governing Professional Engineers and Land Surveyors – 250 CMR](#), and the Registry of Deeds Standards and Plan Regulations.
- 1.17 The Engineering Administrator is responsible for all engineering services required for the bureau's activities, including plan review, coordination with other sections within MassDOT and with consultants, contract administration for fee services, scheduling, monitoring and reporting plan development status, management of the bureau's electronic data management and technology needs.

CHAPTER 2 – Definitions and Acronyms

Administrative Settlement – The term *administrative settlement* means a settlement when the purchase price paid for the property exceeds the amount offered as just compensation. The settlement must be approved by a MassDOT official as being reasonable, prudent and in the public interest.

Agency-The term *Agency* means the Federal Agency, State, State Agency, or person that acquires real property or displaces a person.

Appraisal – The term *appraisal* means a written statement independently and impartially prepared by a qualified appraiser setting forth an opinion of defined value of an adequately described property as of a specific date, supported by the presentation and analysis of relevant market information.

Bureau – The term *Bureau* means the MassDOT Right of Way Bureau.

Comparable Replacement Dwelling – The term *comparable replacement dwelling* means a dwelling which is:

1. Decent, safe, and sanitary as described in [49 CFR 24.2\(a\)\(8\)](#);
2. Functionally equivalent to the displacement dwelling, which means that it performs the same function, and provides the same utility;
3. Adequate in size to accommodate the occupants;
4. In an area not subject to adverse environmental conditions;
5. In a location generally not less desirable than the location of the displaced person's dwelling;
6. On a site typical in size for residential development;
7. Currently available to the displaced person on the private market, except as provided in # 9 below.
8. Within the financial means of the displaced person;
9. For a person receiving government housing assistance before displacement, a dwelling that may reflect similar government housing assistance.

Refer to [49 CFR 24.2\(a\)\(6\)](#) for complete definition.

Displaced Person –

1. General – The term *displaced person* means any person who moves from the real property or moves his or her personal property from the real property (this includes a person who occupies the real property prior to its acquisition, but who does not meet the length of occupancy requirements of the Uniform Act):

- a. As a direct result of a written notice of intent to acquire, the initiation of negotiations for, or the acquisition of, such real property in whole or in part for a project.
 - b. As a direct result of rehabilitation or demolition for a project; or
 - c. As a direct result of a written notice of intent to acquire, or the acquisition, rehabilitation or demolition of, in whole or in part, other real property on which the person conducts a business or farm operation, for a project. However, eligibility for such person under this paragraph applies only for purposes of obtaining relocation assistance advisory services and moving expenses.
2. Persons not displaced
- a. A person who has occupied the property for the purpose of obtaining assistance under the Uniform Act
 - b. A person who is not required to relocate permanently as a direct result of a project.
- Refer to [49 CFR 24.2\(a\)\(9\)\(ii\)](#) for a complete list of persons not displaced.

Donation of Real Property – The term *donation* means the owner is willing to give all or a portion of the needed real property to MassDOT for less than what constitutes just compensation. The property owner retains certain rights, which are explained in [Chapter 13 - Negotiations](#).

Dwelling – The term *dwelling* means the place of permanent or customary and usual residence. It includes a single-family house, a single-family unit in a multi-family building or a multi-purpose property, a unit of a condominium or cooperative housing project, a mobile home, or any other residential unit.

Early Acquisition – The term *early acquisition* means acquisition of real property interests by MassDOT prior to completion of the environmental review process for a proposed transportation project, as provided under [23 CFR 710.501](#) and [23 U.S.C. 108](#).

Easement – The term *easement* means the right, privilege, or interest that one party has in the land of another. An easement may be temporary or permanent.

Eligibility Date – The term *eligibility date* means the date the ROW Agent makes the acquisition offer with the owner of the property, or his representative or the date that an occupant moves from the real property being acquired after issuance of a Notice of Intent to Acquire.

Eminent Domain – The term *eminent domain* means the right of the government or public utility to acquire privately-owned property for necessary public use; the property owner must be fairly compensated.

Fee Simple – The term *fee simple* means absolute ownership of real property; the owner is entitled to the entire property with unconditional power of disposition during the owner's life, and upon his/her death the property descends to the owner's designated heirs.

Household Income – The term *household income* means total gross income received for a 12-month period from all sources (earned and unearned) including, but not limited to wages, salary, child support, alimony, unemployment benefits, workers compensation, social security, or the net income from a business. It does not include income received or earned by dependent children and full-time students under 18 years of age.

Land Damage Agreement – The term *land damage agreement* refers to an agreement between MassDOT and a property owner for real property or rights in real property in which the property owner waives their right to just compensation and is typically, but not exclusively, for a zero dollar award.

Limited Access – The term *limited access* refers to transportation facilities specially designed for through traffic. The owners or occupants of abutting real property have no easement rights over, from or to the facility or only controlled rights of access, light, air, or view.

Local Public Agency-The term *Local Public Agency (LPA)* means any department, Agency or instrumentality of a political subdivision of a State, who has the authority to acquire property by eminent domain under State law.

Market Value – The term *market value* means the highest price which a hypothetical willing buyer would pay a hypothetical willing seller in an assumed free and open market, neither party being under any obligation to buy or sell. (Epstein V. Boston Housing Authority, (1944) 58 N.E. 2nd 135, 317 Mass. 297)

Mobile Home – The term *mobile home* refers to a complete livable dwelling unit, typically capable of being moved from place to place. Mobile homes may include trailers, manufactured homes and recreational vehicles used as residences.

Order of Taking – The term *Order of Taking* refers to a legal document recorded at the registry of deeds in the county where the taken property is located. This document must contain a description of the land taken, the interest therein taken and the purpose for which such property is taken.

Pro-Tanto Award Check – In an eminent domain case, *pro tanto* describes the payment award made by the government for the taking of land. This payment is given without prejudice which means that the property owner may later maintain an action if the property owner believes that the payment award amount made by the government was inadequate compensation for the taking.

Relocatee – The term *relocatee* means any person who meets the definition of a displaced person.

Right of Entry – The term *right of entry* means the right to enter and begin construction or perform other activities on real property temporarily by agreement with the property owner. Access acquired by a *right of entry* agreement is not recorded at the registry of deeds and is revocable by the property owner.

Uneconomic Remnant – The term *uneconomic remnant* means a parcel of real property in which the owner is left with an interest after the partial acquisition of the owner's property, and which MassDOT has determined has little or no value or utility to the owner.

Unlawful Occupancy – The term *unlawful occupancy* refers to a person who occupies without property right, title or payment of rent or a person legally evicted, who has no legal rights to occupy the property under State law. MassDOT may, at its discretion, consider such person to be in lawful occupancy.

ACRONYMS

CFR	Code of Federal Regulations
FHWA	Federal Highway Administration
IT	Information Technology
LPA	Local Public Agency
MassDOT	Massachusetts Department of Transportation
MBTA	Massachusetts Bay Transportation Authority
MGL	Massachusetts General Laws
MHD	MassDOT Highway Division
OREAD	Office of Real Estate Asset Development
RHP	Replacement Housing Payment
ROW	Right of Way
STIP	Statewide Transportation Improvement Program
TIP	Transportation Improvement Plan
URA	Uniform Act
USC	United States Code
USPAP	Uniform Standards of Professional Appraisal Practice

CHAPTER 3 – Projects Section

3.1 ACQUISITION

The Projects Section is responsible for initiating the acquisition of all necessary rights in private and public property for the design, construction, and implementation of transportation improvement projects. To provide uniform and equitable treatment for those whose property is acquired, and for persons displaced by such acquisitions, MassDOT is bound by the [Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970](#), as amended, and Massachusetts General Laws, primarily [Chapter 79](#) and [Chapter 81](#).

3.1.1 Preliminary ROW Plans

Preliminary project activities begin when Preliminary Right of Way (ROW) plans and correspondence are submitted to the Projects Administrator (PA) for review. This includes projects with no ROW requirements.

3.1.2 Plan Review

Plans are reviewed to ensure conformance with MassDOT's Project Development & Design Guide. A cursory review is performed prior to scheduling of the Design Public Hearing (DPH). After the hearing, a more thorough and substantial review is conducted, and comment and revision iterations occur to produce a plan set acceptable for use in the ROW acquisition process. These reviews include field visits to verify existing site conditions, examination of the current design to determine adequacy of the proposed ROW takings, and consideration of potential design changes that could reduce impacts to abutting property owners. When all comments are addressed, and the plans are of sufficient quality, the Plan Review Supervisor (PRS) notifies the PA and the State Layout Engineer that the Preliminary ROW Plans are accepted.

For projects with no ROW requirements, a letter from the designer is submitted. The design submission is reviewed to confirm that no right of way is needed. Subsequently, the 100%/PS&E submission is also reviewed prior to issuing the no ROW certificate.

3.1.3 Design Public Hearings/Public Information Meetings

The PA is notified of design public hearings and public information meetings. A Field Agent attends these meetings on behalf of the Bureau. At the hearing or public information meeting, the Field Agent explains the rights of the affected owners and responds to general questions regarding the Right of Way process.

3.1.4 Preliminary Projects Activity

The PA notifies the Projects area supervisor that the preliminary ROW plans are accepted and ready for assignment to Field Agents.

The Field Agent creates a case file for each property, which includes a title report, parcel sketch, and excel spreadsheet (eform). The eform contains property and owner

contact information, as well as various ROW forms, templates and a journal to memorialize contacts with the property owner(s) (refer to [Exhibit 3-1](#)).

Field Agents obtain assessment and zoning data from municipalities, retrieve documents from registries of deeds, and make on-site visits of properties and structures.

The Field Agent generates a Notice to Owner Letter and forwards it to the property owner prior to the preliminary interview.

If the property owner advises the Field Agent that an attorney has been retained, they must supply a letter of representation to the ROW Bureau, addressed to the Director.

3.1.5 Property Interview

The Field Agent conducts the property interview with owner(s) of record, and if applicable, tenants and lessees who hold an interest in the affected property.

At the property interview, the Field Agent provides the Right of Way brochure, a parcel sketch, and explains:

- A. the transportation improvement project;
- B. its impact to the property;
- C. the acquisition process as outlined in the Right of Way brochure; and
- D. the owner(s) rights.

Property and contact information is verified, and comments/concerns are noted on the property interview record.

The preferred type of contact is in person. If this is not possible or practical, a written request (Property interview record mail out) for completion of the preliminary interview record will be forwarded to the property owner(s).

Once the interviews are complete, the Projects area supervisor reviews the files for accuracy and completeness, compiles relevant documents, and provides them to the PA.

3.1.6 Appraisals

Once the interviews are complete, the PA requests Appraisals from the ROW Bureau Appraisals section.

3.1.7 Personal Property Reports

Personal property reports are generated by the Field Agents for all items considered as such.

3.1.8 Structure and Occupancy Reports

Structure and Occupancy reports are generated by the Field Agents for any acquisition involving a building or structure.

3.1.9 Federal Land Transfers

In situations where Mass DOT needs to acquire property interests in lands owned by the United States, it may employ the opportunities afforded for FHWA assistance as set out in [23 CFR 710.601](#).

3.1.10 Environmental Clearance Requirement

Although preliminary acquisition activity may occur prior to environmental clearance, Negotiations and Relocation Assistance activity must be deferred until NEPA clearance is obtained as stated in the federal regulations at [23 CFR 710.203\(a\)\(3\)](#).

3.1.11 Right of Way Certificate

Upon notification that all Awards have been made, the PA drafts the Right of Way Certificate in accordance with the provisions of federal regulations stated at [23 CFR 635.309](#), for the Director's signature and distributes to all interested parties.

3.2 EARLY ACQUISITIONS

3.2.1 Early Acquisitions are under the overall supervision of the PA. This procedure provides lead time for the acquisition and relocation of improved properties where project level environmental approvals, and acquisition authorization is pending; it also provides a means of alleviating physical or financial hardships to property owners caused by an impending project and precludes substantial and imminent property development within the preferred highway location.

3.2.2 Real Property Rights Involved

An early acquisition may employ any of the following property rights applications:

- A. Fee title acquisitions
- B. Permanent easements acquisitions
- C. Options to purchase; paying compensation for the right to purchase property at a stated value at a future date, at the discretion of Mass DOT
- D. Property reservations; would pay a rental fee for a stated period of time
- E. Any other appropriate reservation technique

3.2.3 Early Acquisition Hardship Purchase

A hardship purchase primarily applies to owner-occupants of real property who have been placed in an extraordinary or emergency situation by an impending highway project. In rare instances, an owner of income-producing or vacant property may also be eligible for advance hardship acquisition. Hardship acquisitions are generally instituted upon written request by the owner of real property citing the hardship created by the impending highway project.

The property owners' written request must contain:

- A. Support for the hardship acquisition by providing justification on the basis of health, safety or financial reasons that remaining in the property poses, and undue hardship compared to others; and
- B. Documents an inability to sell the property because of the impending project, at fair market value, within a time period that is typical for properties not impacted by the impending project.

MassDOT must concur and accept this request. Determinations will be made on a case by case basis in a uniform and compassionate manner.

3.2.4 Early Acquisition Protective Purchase

A protective purchase may occur at the discretion of Mass DOT, when it is determined that it is in the public interest to take effective control over real property to prevent excess future cost appreciation.

3.2.5 Environmental Decisions

Hardship or protective acquisitions may occur prior to final environmental clearance(s). However, acquisition of property under this section shall not influence the environmental assessment of a project, including the decision relative to the need to construct the project or the selection of a specific location.

3.2.6 Investigation

Upon request or notification, an investigation will be conducted into all the circumstances involving the property to be affected by the proposed highway improvement project. Written notification that an investigation has been initiated, signed by the Director of the ROW Bureau, will be sent to the requestor.

3.2.7 Recommendation

Upon completion of the investigation, the PA will make a recommendation to the Director of the ROW Bureau.

For hardship acquisitions, the PA will provide the following information:

- A. A copy of the owner's request for a hardship acquisition
- B. A plan showing the proposed acquisition and its relationship to the proposed project, including right of way limits
- C. Project status
- D. A statement reflecting the displacee's plans for obtaining replacement housing; or, assurance that replacement housing is available within the financial means of the relocatee and relocation will be accomplished in a reasonable and orderly manner

- E. A statement certifying that the acquisition will not influence the environmental considerations of the project, including the no-build alternative
- F. An estimate of the acquisition costs, and relocation costs (if applicable)

For protective acquisitions, the PA will provide the following information:

- A. A copy of pertinent correspondence detailing the reasons for initiating the action and evidence that it is in the public interest.
- B. It should demonstrate prevention of imminent development(s) and increased costs which would tend to limit the choice of highway alternatives.

This information is to be prepared in appropriate form for the Director's signature, and if required, for transmittal to the FHWA for approval of the advance taking.

3.2.8 Approval/Disapproval

On Federally participating highway projects, no further action will be taken until FHWA approval or disapproval of a hardship/protective acquisition case is received by MassDOT.

For non-federal aid projects, once the investigation is complete, the ROW Bureau Director, in consultation with MassDOT's Chief Engineer, will approve or disapprove all recommendations for advance acquisitions. The ROW Bureau Director will notify the property owner, in writing, of MassDOT's decision regarding his/her request for advance acquisition.

3.2.9 FHWA Reimbursement

On Federal aid projects, MassDOT may request FHWA agreement to provide reimbursement for hardship or protective acquisitions, provided the following conditions are met:

- A. The acquisition is included in the currently approved STIP;
- B. MassDOT has complied with the applicable public involvement requirements in 23 CFR, Parts [450](#) and [771](#);
- C. A determination has been completed for any property subject to the provisions of [23 USC 138](#); and
- D. Procedures of the Advisory Council on Historic Preservation are completed for the properties subject to 16 USC 470(f) (historic properties).

3.2.10 Federal Participation Alternatives

Federal participation in an early acquisition may occur in either of the following manners:

- A. If MassDOT desires federal participation at either the time of the acquisition or when normal project acquisition activities commence, then the acquisition must

be approved in writing by the FHWA as either a “early acquisition,” a “protective purchase,” or a “hardship acquisition,” as defined by federal regulations at 23 [CFR 710.501](#) or [710.503](#) (refer to [Exhibit 3-2](#)).

- B. If MassDOT does not desire Federal participation in the acquisition but would desire to be eligible for a project credit match at a later date, then Federal approval is not necessary, however, all applicable regulations and procedures must be followed. Under this procedure, a Federal project match credit will only be allowed for those real property rights incorporated into the eventual project operating right of way. It is important to note that a project credit match is only available for the value of the real property rights and does not include relocation assistance payments or miscellaneous MassDOT administrative expenses.

3.3 FUNCTIONAL REPLACEMENT PROGRAM

- 3.3.1 The functional replacement program is the responsibility of the Projects Administrator. Functional replacement allows for payment of the cost to erect a structure of similar function on a replacement site. When publicly owned and used land and facilities, such as fire stations or police departments, are needed for a highway project, the acquiring agency may functionally replace the property in lieu of providing compensation. The intent is that the replacement property will provide equivalent utility as the acquired property.

The acquiring agency may participate in costs necessary to replace the functions of the acquired property, but the costs must have been actually incurred and not include betterments or increases in capacity.

Publicly-owned properties including land and/or facilities may be subject to the functional replacement provisions of [23 CFR 710.509](#). Instead of paying fair market value for the real property, the State may provide compensation by functionally replacing the publicly owned real property with another facility which will provide equivalent utility.

The property must be in public ownership and use at the time of acquisition, and the public ownership and use must continue with the replacement property. Functional replacement is not allowable when a railroad or a utility owns the property. FHWA concurrence is required if federal funds will be participating in the functional replacement.

- 3.3.2 **Early Coordination**
During the early stages of highway project development, ROW Bureau personnel meet with representatives of the public agency that owns the property to discuss the effects of a possible acquisition and the potential application of functional replacement procedures. The results of these discussions and eventual decisions are to be included in

negative declarations and environmental impact and section 4F statements, if required on the project.

3.3.3 Federal Approvals

If federal funds are participating in the project acquisition costs, then a federal functional replacement approval process must be established to prevent any misunderstandings regarding federal participation.

3.3.4 Project Development

After FHWA concurrence in conjunction with Federal participating acquisition projects, or general court authorization for non-federal aid projects, the property is appraised and an amount for just compensation is established.

For Federal participating acquisition projects, MassDOT requests FHWA authorization to proceed with the acquisition of the substitute site and to proceed with the physical construction of minor structures. In the case of major improvements, authorization to proceed with development of detailed plans, specifications and estimates will be requested.

The completed plans, specifications, and estimates are submitted to FHWA for review and approval in accordance with established procedures. Where major improvements are involved, advertising for bids and letting of the contract to construct the replacement facility may follow the general procedures utilized by the owning agency, if acceptable to MassDOT and FHWA. The specifications where applicable, should include provisions for MassDOT inspection during construction of the replacement facility.

Prior to concurrence in the award for actual construction, an agreement is drafted setting forth the rights, obligations, and duties of each party with regard to the facility being acquired, the acquisition of the replacement site, and the construction of the replacement facility. The proposed agreement should also set forth how the costs of the new facility are to be shared between the parties. The proposed agreement will be approved by FHWA prior to execution with the owning agency.

3.3.5 Costs for Consultant

If the owning agency wishes to be reimbursed for costs of engaging a consultant for planning or architectural services, it must receive prior approval from MassDOT and FHWA.

- A. Prior to construction, MassDOT may require the owning agency to engage a Clerk of the Works, the cost of which is to be reimbursed by MassDOT as part of the total cost of the project.
- B. MassDOT may choose to assign a Project Liaison Engineer to represent them during the construction period.

3.3.6 Final Payment

On Federal participating projects a request for final payment will be prepared for submittal to FHWA after the replacement facility has been completed and accepted by the owning agency. This request will include:

- A. A signed statement by an appropriate official of both the owning agency and MassDOT, certifying that the cost of the replacement facility has actually been incurred, in accordance with the provisions of the executed agreement.
- B. The statement certifying that a final inspection of the facility was made by MassDOT and the owning agency, and that MassDOT is released from any further responsibility.

CHAPTER 4 – Appraisals Section

4.1 APPRAISALS

- 4.1.1 Staff appraisers are assigned and supervised by the Appraisal Administrator (AA). All appraisal assignments will be delegated by the AA.
- 4.1.2 Conflict of Interest:
 - A. The appraiser shall not have any interest, direct or indirect, in the real property valued for MassDOT.
 - B. Compensation for making an appraisal shall not be based on the amount of the valuation estimate.
 - C. No person shall attempt to unduly influence or coerce an appraiser regarding any valuation or other aspect of an appraisal.
- 4.1.3 Under the requirements of [Ch 79 M.G.L.](#), at least one written appraisal for damages must be made before any award of damages can be authorized by the Highway Administrator (HA). A minimum of two (2) appraisals must be obtained where the damages are estimated to exceed \$300,000, or where the appraisal is involved, complicated, or highly controversial. All appraisals produced and submitted to the Bureau must comply with the [Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970](#), as amended, [49 CFR 24](#), State Laws, and to the greatest extent practicable, the [Uniform Standards of Professional Appraisal Practice \(USPAP\)](#).
- 4.1.4 M.G.L. Ch. 79 requires that damages for property taken shall be fixed at the time immediately prior to the recording of the Order of Taking, and in cases where only part of the parcel of land is taken, damages for overall injury to the part not taken shall be included (if applicable).
- 4.1.5 Special benefits accruing to a remaining portion of land will be considered in accordance with State law.
- 4.1.6 The appraiser is specifically directed to disregard changes in value arising from knowledge or anticipation of the public improvement which requires the acquisition and may not be considered in the award of compensation.
- 4.1.7 Bureau staff appraisers are required to have the following qualifications:
 - A. Considerable knowledge of the laws, methods, procedures and practices relating to the appraisal of real property.
 - B. Considerable knowledge of current property values, valuation factors and condemnation appraisal practices.
 - C. Ability to collect and analyze real estate sales and related data to be used when making evaluations of property values.
 - D. Ability to prepare appraisal reports, according to MassDOT/ROW Bureau's standard operating procedures that are clear, concise, and informative.

- E. Ability to read complex highway and bridge construction plans.
 - F. Ability to represent the Commonwealth as an expert witness in land damage hearings and/or trials.
 - G. Being certified in accordance with title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (FIRREA) ([12 U.S.C. 3331 et seq.](#)) is preferred.
- 4.1.8 The AA will carry out a continuous program of evaluation as to qualifications and performances of each staff appraiser and will ensure that each appraiser's qualifications match the scope of work being assigned. The form and content of staff appraisers' work will be checked by a review appraiser.
- 4.1.9 The staff appraiser will be furnished with documentation provided by the Bureau's Project Section to assist in the preparation of a scope of work statement. The documentation will include a subject property title report, property owner interview report, sketch of the proposed right of way plan depicting all parcels (including uneconomic remnants) to be acquired, subject property assessors' field card, an environmental site assessment (if one has been prepared), and other related documentation.
- 4.1.10 The property owner or a representative is advised by the field agent who conducts the preliminary interview, of their right to accompany the appraiser on the property inspection. The staff appraiser will initiate property owner contact by means of an Appraiser Contact Letter (Refer to [Exhibit 4-1](#)) sent via certified receipt required. The appraiser will make every effort to contact the property owner or representative to schedule the property viewing. The appraiser will include in the body of the appraisal a copy of the Appraiser Contact Letter, returned certified mail receipt, and a signed Appraiser's Affidavit (Refer to [Exhibit 4-2](#)) confirming the date, time, purpose and person(s) involved in the property viewing.
- 4.1.11 In the event that buildings or structures are owned by some other person(s) than the owner of the land, the appraiser assigned will place a value on the building or structure to the extent that it enhances the value of the real property, using the recognized approaches to determining value.
- 4.1.12 Appraisals prepared by staff appraisers are produced utilizing standard formats supplied by the Bureau and must comply with the Bureau's requirements.
- 4.1.13 In general, the detail of the appraisal report will vary according to the amount and type of damage caused by the taking for the highway improvement.
- 4.1.14 When the amount of the estimated damage is \$500.00, or less, a payment of \$500.00 will be made.
- 4.1.15 Appraisal reports for each acquisition must contain or make reference to all items that are essential by explaining, substantiating and thereby documenting the estimate of just compensation. All unit values must be supported through an appropriate approach to value; namely the sales comparison approach, income approach, and/or cost approach.

- 4.1.16 Where a non-complex appraisal assignment involves only a minimum value estimate of damages for a partial taking, the appraiser may use the Restricted Appraisal format. Its use is limited to a maximum of \$10,000.00 for all damages, and this format may only be utilized by MassDOT staff appraisers. (Refer to [Exhibit 4-3](#))
- 4.1.17 Where the appraisal assignment involves a total taking or uncomplicated partial taking where damages are in excess of \$10,000.00; or a complex appraisal assignment of a property where it is deemed that a before and after valuation scenario is unnecessary, the Appraisal Report format shall be used. (Refer to [Exhibit 4-4](#))
- 4.1.18 When a complex appraisal assignment results in the measure of indirect damages to the remainder property, or a severance damage, that cannot be adequately addressed through a cost to cure, a before and after appraisal methodology is required. The appraiser shall allocate both direct and indirect damages via this methodology.
- 4.1.19 The appraisal report will include, where and if appropriate, all three (3) approaches to value, i.e. the sales comparison approach, the income approach, and the cost approach. These approaches will be correlated into a final estimate of value.
- 4.1.20 Where two (2) appraisals are required, the appraisers may use the same architect's or contractor's cost estimate in each appraisal, providing that each of the appraisers checks the estimate for reliability and accuracy. On acquisitions where damages are estimated to exceed \$300,000, two (2) cost estimates may be required, at the discretion of the Bureau.
- 4.1.21 All appraisals require the appraiser to list and delineate between items considered real or personal property. In instances where the appraiser has difficulty in differentiating between real or personal property, he/she should refer to the real and personal property report prepared by the review appraiser for the Bureau's Relocation Section, if one is available. Also, a special interpretation can be requested from the AA.
- 4.1.22 When an acquisition includes the taking of a rental unit improvement, an Economic Rental documenting the fair market rental rate for each unit will be prepared for the use of the Bureau ' s Relocation/Property Management Section.

4.2 FEE APPRAISAL ASSIGNMENT & CONTROL

- 4.2.1 The Appraisal Administrator (AA) has the responsibility of obtaining all fee (contract) appraisals. The AA's duties include: screening fee appraiser (FA) applicants; securing approval of fee appraisers (FAs); recommending FAs for use on a project; obtaining fees for contract appraisal work; furnishing data to selected appraisers for use in their assignments.
- 4.2.2 Conflict of Interest:

- A. The FA shall not have any interest, direct or indirect, in the real property valued for MassDOT.
 - B. Compensation for making an appraisal or review appraisal shall not be based on the amount of the valuation estimate.
 - C. No person shall attempt to unduly influence or coerce a FA regarding any valuation or other aspect of an appraisal or review appraisal.
- 4.2.3 The Bureau has adopted a set of qualifications which FAs must possess (refer to Sec. 4.2.4 & 4.2.5 for detail) if they are to be placed on the Bureau's list of approved FAs. The Bureau's primary purpose for utilizing FAs is to assist in establishing the fair market value of damages for real property and/or interests taken in the construction of highway improvements.
- 4.2.4 FAs used by the Bureau are classified into two (2) groups, i.e., Real Estate Appraisers (REA) and Real Estate Appraisal Specialists (REAS), contractors, cost experts, and engineers, in order to best serve the needs of the Bureau in various fields of appraising.
- 4.2.5 A REA must have the following qualifications and make the required submissions for review, to be approved by the AA.
- A. Have a minimum of five (5) years' experience, either as self-employed or with an agency concerned with the appraisal or acquisition of real estate.
 - B. Be certified in accordance with title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (FIRREA) (12 U.S.C. 3331 et seq.)
 - C. Present evidence of ability to qualify as an expert real estate appraiser in the Massachusetts Superior Court.
 - D. Presently be devoted at least 50% of a normal working days' time to the real estate field.
 - E. Satisfy the Bureau as to one's character, integrity, and ability to serve the best interests of the Commonwealth of Massachusetts.
 - F. Submit a completed MassDOT Experience Questionnaire for Fee Real Estate Appraisers.
 - G. Submit an up to date resume or qualifications statement.
 - H. Submit at least three (3) recent appraisals for review by the Bureau, with a minimum of one (1) each of three (3) different types of property, specifically: improved commercial/industrial, improved residential and vacant land. A sample of an appraisal prepared for eminent domain purposes or a sample of a partial valuation appraisal is highly recommended. Note: Freddie Mac and Fannie Mae forms are not acceptable.
 - I. Submit the names and addresses of at least three (3) references that have personal knowledge of the applicant's character and qualifications.
- 4.2.6 A REAS must have the following qualifications and make the required submissions for review to be approved by the AA.
- A. Have a minimum of five (5) years' experience in a specialized field, either as self-employed or with a firm or agency in that field.
 - B. Present evidence of ability to qualify as an expert in that specialized field in the Massachusetts Superior Court.

- C. Presently be devoted at least 50% of a normal working days' time to that specialized field.
 - D. Submit the names and addresses of at least three (3) references that have personal knowledge of the applicant's character and qualifications.
 - E. Satisfy the Bureau as to one's character, integrity, and ability to serve the best interests of the Commonwealth of Massachusetts.
 - F. Submit at least three (3) copies of separate work reports performed in that specialized field for review by the Bureau or other appropriate Divisions within MassDOT.
 - G. Be certified and/or licensed (if applicable) within that specialized field.
 - H. Submit an up to date resume or qualifications statement.
- 4.2.7 Any of the preceding requirements for REAs and REASs may be waived by MassDOT when it is considered to be in the best interest of the Commonwealth.
- 4.2.8 REAs and REASs who desire to be considered for inclusion on the Bureau's approved list of FAs must send in a written request to the Director of the Bureau. Said request is referred to the AA who in turn sends out a form letter (Refer to [Exhibit 4-5](#)) and Experience Questionnaire (Refer to [Exhibit 4-6](#)). The AA will assign a RA to review submissions. If the applicant is determined to be qualified, the RA so indicates in writing. Upon approval, the applicant is so informed and placed on the Approved REA and/or REAS list.
- 4.2.9 The approved list of REAs and REASs is re-examined from time to time and, where repeated deficiencies by a fee recipient are noted, a recommendation will be made to remove same from said list.
- 4.2.10 All Bureau appraisal work is performed either by staff or fee appraisers, the latter selected from the approved REA and REAS list. There is no fixed percentage for the appraisal workload to be done by staff or fee appraisers on Federal Aid Projects. The fee appraisal assignments are entirely dependent upon the extent and nature of the workload of staff appraisers.
- 4.2.11 When an appraisal assignment has been selected to be completed by a FA, the AA will supply selected applicants with documentation provided by the Bureau's Project Section to assist in the preparation of a scope of work statement. The documentation will include a subject property title report, property owner interview report, sketch of the proposed right of way plan depicting all parcels to be acquired, subject property assessors' field card, an environmental site assessment (if one has been prepared), and other related documentation. The FA is requested to submit in writing to the Bureau, a "bid" fee for each property plan or package of properties they will have been furnished.
- 4.2.12 Bid proposals received are submitted to the AA for his/her recommendation of assignment.
- 4.2.13 Upon the FA's acceptance, the Bureau will issue a "Letter of Assignment" detailing the contract specifics of the award (Refer to [Exhibit 4-7](#)).

- 4.2.14 Upon completion of a FA's assignment, the fee appraisal reports are to be transmitted to the AA for assignment to a RA.

4.3 APPRAISAL REVIEW

- 4.3.1 The function of the Review Appraiser (RA) is to determine the amount believed to be the estimate of just compensation of real property, or damages to same, taken for or affected by the construction of a highway improvement. The amount determined will govern negotiations and settlements by MassDOT in land damage cases.
- 4.3.2 Conflict of Interest:
- A. The RA shall not have any interest, direct or indirect, in the real property valued for MassDOT.
 - B. Compensation for making an appraisal review shall not be based on the amount of the valuation estimate.
 - C. No person shall attempt to unduly influence or coerce a review appraiser regarding any valuation or other aspect of an appraisal review.
 - D. A review appraiser making an appraisal review may be authorized by MassDOT to act as a negotiator for real property for which that person has made an appraisal review only if the offer to acquire the property is \$10,000 or less.
- 4.3.3 RAs are selected for their experience/expertise and have demonstrated ability to: analyze appraisal problems, determine property values, and evaluate the effect of partial takings, easements, and construction on various property values. It is recommended that a RA hold a valid MA Certified General appraisal license and have court experience, or the experience required to be qualified as an expert witness.
- 4.3.4 The RA position is one of important responsibility and public trust. The individual must be a person possessing good judgment, tact and integrity.
- 4.3.5 The RAs are selected, with the latter qualifications in mind, by the Deputy Director or Director of the Bureau.
- 4.3.6 The RA has the responsibility to determine:
- A. Whether or not the appraisals reflect the fair market value of the property and a reasonable estimate of just compensation.
 - B. Whether the appraisals have been made in accordance with accepted appraisal techniques and whether each applicable approach to value has been utilized.
 - C. If the appraisal reports are in compliance with applicable federal and state laws, standards, and guidelines.
 - D. Whether or not the appraisal reports contain sufficient documentation to substantiate the opinions/conclusions in the report.
 - E. Whether an uneconomic remnant has been established.

- 4.3.7 The AA, after a sufficient number of appraisal reports have been submitted on a particular project enabling a comparison of values, parcel by parcel for overall consistency, will assign the appraisals to the same RA, if possible, who is familiar with the project and/or area. It is important to have a number of appraisals on a project available for review at the same time, especially where properties of similar character and same range of value are involved.
- 4.3.8 The RA will field review all appraisals. If the field review is not made, the reasons for not doing so will be stated.
- 4.3.9 The RA will completely analyze the appraisal report and utilizing the RA's Checklist (Refer to [Exhibit 4-8](#)) he/she will ensure that the appraisal includes all information and documentation necessary to be in compliance with Bureau requirements.
- 4.3.10 The RA in utilizing the RA's Checklist will indicate the acceptability of the appraisal, the determination of damages, and will date and sign the form. An appraisal report can be considered to be either: (1) recommended, (2) accepted, but not selected, or (3) not accepted.
- 4.3.11 Upon completion of the review of each appraisal, the RA will complete the form entitled "Statement of the Review Appraiser" (Refer to [Exhibit 4-9](#))
- 4.3.12 If the appraisal report has omissions of any elements required in the specifications, contains improper and/or insufficient support data, unacceptable analysis of a problem, or errors in reflecting values, the appraiser will be requested to resubmit that portion of the report which requires correction.
- 4.3.13 The RA, upon receipt of the corrections, will examine them to ensure that the revised comments are satisfactory.
- 4.3.14 If the RA does not agree with the appraiser's estimate of fair market value and/or damages and it is determined by the AA that it is not practical to obtain an additional appraisal, the RA may prepare his/her own documented estimate of value and/or damages using the "Review Appraiser's Comments and Estimate Form" (Refer to [Exhibit 4-10](#))
- 4.3.15 No appraisal report will be submitted to the Real Estate Appraisal Review Board (REARB) for its action unless same is over \$300,000 and meets all the requirements, and is fully acceptable to the RA. However, if any corrections are deemed minor in nature and do not affect the estimates of value and/or damages, the items may be documented by the RA and forwarded to the REARB for their consideration in order to avoid unnecessary delay in a taking.
- 4.3.16 The RA may consult with the REARB for the purpose of obtaining any information which will assist the RA in establishing fair market value and/or the extent of damages.
- 4.3.17 The RA will appear before the REARB, at any time they so request, to assist them in their deliberations.

- 4.3.18 Any determination of just compensation or fair market value involving an uncertain legal premise may be referred, in writing, to the Attorney General's Office (AGO). In such instance the AGO's opinion will be incorporated in the case file. If the RA requests a revision in an appraisal because of the AGO's opinion, the appraiser of record must be given a copy of same.
- 4.3.19 When the REARB establishes an estimate of value different from that of the RA, the REARB will fully document the reasons for the change in the amount previously recommended by the RA.
- 4.3.20 Upon completion of the RA's assignment in establishing a fair market value and/or damages, the RA will prepare a "Just Compensation Summary Report" (Refer to [Exhibit 4-11](#))
- 4.3.21 The RA will, upon request through the Director of the Bureau, assist the AGO in the preparation and presentation of court cases resulting from eminent domain takings. The RA will also be prepared to testify as an expert witness for the Commonwealth, in any land damage case that the RA has reviewed and established the value.
- 4.3.22 The RA may be assigned to review sample appraisal reports submitted by fee appraisers who are seeking contract work from the Bureau. Recommendations following such reviews are submitted to the AA for final action.
- 4.3.23 The RA also recommends or may set the economic market rental charge (use and occupancy) for occupied property acquired by MassDOT. These rental figures will be made available for use by the Bureau's Relocation and Property Management Sections.
- 4.3.24 The RA will prepare a Real and Personal Property Report (Refer to [Exhibit 4-12](#)) from an inventory of real/personal property, furnished by the Bureau's Relocation Section, to assist said section in determining which items are eligible for relocation assistance.
- 4.3.25 The RA may reconsider his/her estimates of value, pertaining to any case, providing that new data for review is presented by the property owner, AGO, or other party of interest.
- 4.3.26 At the request of the Trial Division of the AGO, through the Director of the Bureau, the RA will review the acceptability of appraisals obtained for litigation purposes.

4.4 REAL ESTATE APPRAISAL REVIEW BOARD

- 4.4.1 The Real Estate Appraisal Review Board (REARB) was established and codified in [Section 43\(a\) of Chapter 6C of the Massachusetts General Laws](#). The REARB is mandated to review real property appraisals made by or for the MassDOT and determine the maximum amount to be paid by MassDOT in connection with any land acquisition meeting and exceeding the threshold amount for its jurisdiction.

- 4.4.2 The REARB meets when necessary but at least twice a year, as notified by the Bureau, for the purpose of carrying out its responsibilities. The Appraisal Administrator (AA) schedules the work agenda for said Board by completing the "Docket of Department Real Estate Appraisal Review Board" (Refer to [Exhibit 4-13](#)).
- 4.4.3 The Bureau will furnish the REARB with all the necessary data, pertinent plans, photographs and any other material, which has been compiled by MassDOT and would be of value to the REARB's review. MassDOT will also supply engineering services, research information, and additional appraisals that would be required to assist the REARB in its decisions.
- 4.4.4 The REARB will consult with the Review Appraiser (RA) in those cases in which it is deemed to be helpful to the REARB in determining value or damages. The RA will be made available for such a conference/ meeting.
- 4.4.5 At least one (1) member of the REARB shall make a field inspection, if appropriate, of each property involving possible damages of \$300,000 or more,
- 4.4.6 The REARB will furnish to MassDOT its determination of the maximum amount to be paid, as damages, for real property taken or injured due to construction of a highway improvement. This value is to be prepared by the REARB in a statement that must be signed by not less than three (3) members on the Real Estate Appraisal Review Board of which a minimum of (2) members must hold a valid MA Certified General Appraisal License. (Refer to [Exhibit 4-14](#)).
- 4.4.7 In the event that the REARBs recommendation, with respect to the value for any parcel of land taken by MassDOT differs from the amount fixed by the RA, the written statement accompanying the recommendation will set forth in full and complete detail the reasons for such difference.
- 4.4.8 The REARB may direct comments and recommendations to the Bureau with respect to the quality of appraisals that are submitted for review.

CHAPTER 5 – Legal Section

5.1.1 The Legal Section provides a broad range of services including the processing of eminent domain filings (as described below beginning at 5.2). The Legal Section also performs other legal duties assigned to it by the Director of Right of Way (ROW), including:

- A. The preparation of proposed legislation deemed necessary by the Director of ROW.
- B. The preparation of requests for opinions by the AGO in those areas where such legal opinion is required for official interpretation of statutes as such apply to MassDOT and ROW.
- C. The preparation of legal opinions on all statutes, regulations, case decisions, administration orders, both State and Federal, that affect the administrative and legal activities of ROW.
- D. The drafting of legal documents such as deeds, easements, and agreements.

The Legal Section represents MassDOT and ROW in administrative hearings before MassDOT's Administrative Law Judge and is responsible to secure witnesses, evidence, documentation and data in support of MassDOT and/or ROW position(s). Also, the Legal Section is responsible for resolving property rental arrearages and evictions.

5.1.2 When MassDOT determines that public necessity and convenience require that land or an interest in land be acquired for a highway purpose, it may acquire same by adopting an Order of Taking. This order is approved by MassDOT's Highway Administrator and must be recorded within thirty (30) days of the date of approval in the Registry of Deeds of the county in which the property taken is located. Upon recording, title to the land or the interest acquired vests with MassDOT.

5.1.3 Within sixty (60) days of the recording of the Order of Taking with the appropriate Registry of Deeds, MassDOT is required to pay every person entitled to damages on account of the acquisition, the full amount established as just and reasonable compensation, plus interest from the date of recording to the date of payment and, in the case of fee acquisitions an apportionment for the area acquired of taxes paid. In the event that there are no title problems with respect to the property, a check is then issued for payment of such damages. The pro tanto payment shall be without prejudice to or waiver of any right to claim a greater sum by filing a legal action in the Superior Court where the land is located.

5.1.4 A person dissatisfied with an award of damages may petition for an assessment of such damages to the Superior Court of the county in which the property taken is situated. The petition must be filed within three (3) years of the date that the Order of Taking was recorded with the appropriate Registry of Deeds.

5.1.5 A copy of the Petition filed with the Superior Court must be served on MassDOT and the Attorney General's office (AGO) within ninety (90) days of its filing by a Deputy

Sheriff or by registered or certified mail in accordance with [Mass. R. Civ. P 4\(d\)\(3\)](#). The AGO is statutorily authorized to represent MassDOT in any action brought against it.

- 5.1.6 The Petition served upon MassDOT is forwarded to the Right of Way Bureau (ROW) and transmitted to the Legal Section. On Federal-aid projects, a copy of the petition is forwarded to FHWA.
- 5.1.7 The AGO, by letter to the Director of ROW, requests MassDOT's case file.
- 5.1.8 The Legal Section prepares the case file and maintains a list of pending cases.
- 5.1.9 The Legal Section transmits the case file. The original case file is kept within the Legal Section at the Right of Way Bureau.
- 5.1.10 The AGO assigns an Assistant or Special Assistant Attorney General to represent MassDOT.
- 5.1.11 The assigned Attorney checks with ROW for unpaid rent that may affect any settlement or judgment. Also, information is sought regarding relocation assistance, the pro tanto payment, engineering documents, environmental reports and any other information which may be relevant to the case.
- 5.1.12 The assigned Attorney prepares an Answer to the Complaint or Petition together with a Counterclaim, if any, and prepares Interrogatories to be answered by the Plaintiff/Petitioner and files them with the appropriate Superior Court. Plaintiff's Interrogatories to MassDOT and the "Answers" thereto are coordinated and reviewed with the Legal Section of ROW and the signature of MassDOT's authorized signatory is secured.
- 5.1.13 If, prior to trial, an additional appraisal is needed by the AGO, a request for approval of the additional appraisal is processed through ROW. The Appraisal Administrator of ROW will arrange for a review of the revised/new appraisal, if needed.
- 5.1.14 In the event that settlement negotiations or mediation sessions are undertaken, the Legal Section of ROW will work closely with the AGO during this process. If the assigned Attorney, after a detailed review, determines that settlement of the case, without trial, is in the best interest of the Commonwealth, said Attorney shall prepare a written report recommending settlement. In preparing said report, the assigned Attorney will provide written documentation setting forth the rationale for the settlement. This recommendation is presented to the Director of ROW and the Legal Section Administrator for the purpose of obtaining settlement authority. After review by ROW, a determination will be made as to whether settlement is a viable course of action and, if so determined to be a viable course of action, a further determination will be made as to the monetary parameters of settlement.
- 5.1.15 When an actual date for the trial of a case is assigned by the Court, the assigned Attorney contacts the Legal Section of ROW to coordinate the availability of all

witnesses and to secure pertinent photographs of the premises subject to the taking either prior to construction, during construction or upon completion of the project. When requested, the Legal Section staff person will assist the assigned Attorney during the trial of any case.

- 5.1.16 As soon as possible after trial, the assigned Attorney shall review the course of events at the trial, including the conduct of witnesses for both sides, and determine whether an appeal should be filed.
- 5.1.17 Upon completion of trial or settlement, the Legal Section monitors the payment of eminent domain court judgments, including the calculation of post judgment interest.
- 5.1.18 The "Pending Eminent Domain Cases" report is prepared and maintained by the Legal Section.
- 5.1.19 The AGO's Trial Division will issue an annual status report showing those cases still awaiting assignment of a trial date to the Legal Section of ROW.

CHAPTER 6 – Conveyance Section

6.1 Conveyance Section Responsibilities

The Conveyance Section of the Bureau has responsibility for the legal work involved in the abstracting of titles relative to the acquisition of real property interests and rights in land for highway purposes. In conjunction with the Finance Section, this includes the actual payments for the aforesaid rights, titles or interests in all affected properties.

6.2 Types of Takings

Parcels are taken in fee simple or as easements (temporary or permanent) for such purposes as sloping of grade, drainage, access, utility location and highway construction.

6.3 Title Examination/Scope of Examination

Title examination requests for parcels affected by a highway improvement are submitted by the Project Administrator to the Bureau's Conveyance Section at such appropriate time(s) as determined by the Project Administrator in their discretion.

The overall purpose for performing an eminent domain title search is to confirm ownership of the parcel to be acquired for highway purposes as well as to confirm the names of any persons and/or entities holding mortgages, liens or other interests in the affected parcel to ensure that said persons and/or entities receive statutory notice and, if applicable, payment.

For takings in which the acquisition is greater than \$10,000¹, title examinations by the Bureau Conveyance staff or by an outside Fee Examiner will cover a period of not less than twenty-five (25) years which shall begin with a deed which on its face does not suggest a defect in title.

For takings in which the value of the acquisition is \$10,000¹ or less, an "abbreviated" title examination by the Bureau Conveyance staff or by an outside Fee Examiner may be utilized by conducting a search of the last owner of record or of the most recent deed involving an arms-length transaction to ensure that the current owner(s) holds the entire fee interest in the subject parcel. Liability will be borne by the Bureau for "abbreviated" title searches.

A title report listing the record owner and all encumbrances will be issued by the Bureau Conveyance staff or outside Fee Examiner for all title searches conducted.

6.4 Fee Title Examiner Qualifications

The Bureau may retain Fee Title Examiners to perform title exams on a contractual basis. A Fee Title Examiner may be an Attorney-at-law and member in good standing

¹ This amount may be adjusted periodically through administrative action.

of the Massachusetts Bar or a professional title examiner with proven skills and experience.

6.5 Fee Title Examiner List

The Conveyance Administrator may, in their discretion, assign title examinations to Fee Examiners who are on an approved list maintained in the Bureau on the basis of said Examiners' availability and expertise.

6.6 Fee Title Examiner Selection

Assignments to Fee Examiners may be by assignment letter or email. Assignments will contain all necessary and available title information for the examination. In the event of an involved, complex title, the Conveyance Administrator will select the Fee Examiner best qualified to do that type of work. The Conveyance Administrator may authorize additional billable hours above the contractual standard for complex title exams and is responsible for approving such bills for payment after reviewing the title work.

6.7 Title Examination Assignment

The Conveyance Section will assign title examinations at least three months prior to the implementation of the Order of Taking. Fee Examiners are instructed to complete their assignments and return them to the Bureau within 30 days. Additional time, if needed to complete an assignment, must be approved by the Conveyance Administrator.

6.8 Title Examination-Abstract of Title

The Fee Examiner or staff conveyancer is responsible to supply an electronic copy of the abstract of title. A staff conveyancer uploads the abstract to the proper electronic folder, reviews the abstract for locus and completeness and ascertains what instruments and/or corrective documentation may be necessary before payment to the proper parties can be processed. This information is also used by the Finance Section, at this time, in the preparation of the Vendor Update (VU) Form.

6.9 Review of Layout Schedules

The Bureau's Conveyance staff shall be responsible to review and approve layout schedules which have been prepared by the Projects Section. The approved layout schedules are, thereafter, used by the Layout Section with respect to the preparation of final taking plans.

6.10 Recording of Layout and Order of Taking Instruments

The Bureau's Layout Section or an outside engineering consultant prepares the plans and instruments for the Order of Taking. An appropriate official of the Highway Division of MassDOT signs the Order of Taking which is attested to by a Notary Public. Thereafter, a staff conveyancer records the Order of Taking and plans in the Registry of Deeds, the Registered Land Division, or both, as applicable, for the county in which the land is located. By statute, the Order of Taking must be recorded within thirty days (30) of the date of said signing. The date of recording is the effective date of the Taking.

6.11 Title Rundown Upon Recordation

Upon recording of the Order of Taking, the staff conveyancer will perform a title run-down for each affected property owner from the date that the title was last run through the time and date of said recording. Any changes in the title with respect to ownership, mortgages or liens are abstracted at this time.

6.12 Procedure Regarding Mortgages and Liens

In the event of a total or “substantial” acquisition of property, the lending institution holding the mortgage is requested to prepare a Discharge of Mortgage and forward it to the Conveyance Section. These instruments, although executed, are held in escrow and not recorded until payment is made to the damaged parties. Upon payment, said instruments are recorded in the appropriate registry of deeds. With respect to partial acquisitions, whether same are in fee simple or constitute temporary or permanent easements, when damages exceed \$20,000.00, all mortgage holders, lien holders and affected lessees shall be listed on the pro-tanto damage award check to the property owner. In the event that damages are \$20,000.00 or less, the pro-tanto damage award check will be made out solely in the name of the property owner.

6.13 Payment Authorization

Payment is authorized upon the recording of the acquisition document. In the event that the Bureau’s Conveyance section deems a property owner’s title to be defective, staff conveyancers are responsible to notify and obtain from the property owner all necessary corrective documentation before authorizing the delivery of payment checks to said property owner.

CHAPTER 7 – Layout Section

- 7.1 The purpose of this section is the production of documents (plans and written instruments) acceptable for recording at the Registry of Deeds.
- 7.2 Taking Documents: Taking Documents consist of Land Survey Plans and a Written Instrument. If a new State Highway Layout (SHLO) is being proposed, the plans are referred to as “Layout Plans,” and a proposed SHLO number is assigned. If an existing SHLO is being revised or altered, the plans are referred to as “Layout Alteration Plans,” and a proposed SHLO alteration number is assigned. If there are only acquisitions (i.e., easements) being made, and the existing Layout will not be changed, the plans are referred to as “Taking Plans,” and NO SHLO number is assigned.
- The Taking Document plans show the proposed acquisitions, proposed Layout lines or Easement lines, and the base mapping condition. Proposed construction details are not shown.
- When the Taking Documents are approved by the Layout Section, plans plotted on mylar are requested.
- 7.3 Plans must be stamped with the seal of a Massachusetts Professional Land Surveyor in responsible charge of the work. Plans prepared by Layout Section personnel must bear the stamp of a Professional Land Surveyor of the Layout Section. Plans prepared by consulting firms shall bear the stamp of a Professional Land Surveyor of their own staff. To prepare taking documents, a consulting firm is required to be prequalified by MassDOT’s Architects and Engineers Review Board in the Layout Document Preparation category.
- 7.4 The Written Instrument cites MassDOT’s authority to acquire property, describes the proposed SHLO line (if any), describes the baseline used, gives metes and bound descriptions of permanent acquisitions, states the purpose of any Temporary Easements, gives the Title of the plans, and has a schedule of Parcel numbers, owners names, parcel areas, and the Book and Page of the properties being impacted.
- 7.5 The Chief Engineer and the Highway Administrator or Director or the Right of Way Bureau sign the plans plotted on mylar. The Highway Administrator or Director or the Right of Way Bureau signs the written instrument.
- 7.6 Standard Symbols and Linestyles: The Linestyles used on the Right of Way and Layout or Taking Plans are shown in the latest edition of the [Project Development and Design Guidelines](#), Chapter 18, Exhibit 18-23. The abbreviations and symbols used are given in Section 18.2 of the Design Guidelines. [MassDOT’s CAD Standard](#) and the [Layout/Easement Plan Preparation Guidelines](#) are also required for the preparation of any Taking plan.

CHAPTER 8 – Finance and Clerical Section

8.1 ENCUMBRANCE

- 8.1.1 Funds are encumbered at the beginning of each new fiscal year and the determination of the amounts to be encumbered is predicated on the projected acquisition cost for projects programmed for the fiscal year.
- 8.1.2 Funds are encumbered for the following categories:
- A. Land Taking (non-federal aid)
 - B. Land Taking (federal aid)
 - C. Land Taking Bridge (non-federal aid)
 - D. Land Taking Bridge (federal aid)
 - E. Court Judgment (non-federal aid)
 - F. Court Judgment (federal aid)
 - G. Relocation (non-federal aid)
 - H. Title Examiners –For each individual consultant.
 - I. Real Estate Appraisers – For each individual consultant.
 - J. Cost Experts and Movers – For each individual consultant.
 - K. Administrative Expenses, which encompasses the following:
 - 1. ROW Subscription Expense,
 - 2. Fees and Fines,
 - 3. Municipal Taxes,
 - 4. Electric Expense,
 - 5. Gas expense,
 - 6. Water and Sewage Disposal,
 - 7. Stenographers,
 - 8. Process servers,
 - 9. Maintenance and Repair
- 8.1.3 Encumbrance package for items A thru F in Subsection 8.1.2 consists of the following documentation:
- A. Commonwealth of Massachusetts Office of the Comptroller Contract Commodity Encumbrance Form (CT Form).
 - B. Request for Allocation of Funds Prior to Encumbrance Form 681.
 - C. CT Form with event Type PR51 Request for Approval Form.
 - D. Sample of Administrator Approval memo from previous year's taking.
 - E. Sample Layout Schedule in support of item D.
 - F. Sample Order of Taking from previous year.

NOTE: For initial encumbrances, at the beginning of each fiscal year, all six steps and forms are required. For modification, such as increases or decreases, the first three items are sufficient.

- 8.1.4 Encumbrance package for item G in Subsection 8.1.2 consists of the following documentation:
- A. Commonwealth of Massachusetts Office of the Comptroller General Accounting Encumbrance Form (GAE Form)
 - B. Request for Allocation of Bond Funds Prior to Encumbrance (Form 681)
 - C. CT Form with event Type PR51 Request for Approval Form
 - D. Sample pages from the Federal Highway Administration of the Federal Register [49 CFR Part 24](#)
- 8.1.5 Encumbrance package for items H, I and J in Subsection 8.1.2 consists of the following documentation:
- A. CT Form
 - B. Form 681
 - C. Budget Page from RFR
 - D. Commonwealth of Massachusetts Purchase Order for Commodities and/or Services.
 - E. Copy of Master Agreement from MMARS
 - F. Open Market bid number from Combuys
 - G. Description or purpose of the procurement from the RFR
- 8.1.6 Encumbrance package for all the categories listed in item K in Subsection 8.1.2 consists of the following documentation:
- A. GAE Form
 - B. Form 681
 - C. Listing one or multiple entities that would be paid under this encumbrance.
- 8.1.7 The original encumbrance package, as referenced above with one (1) copy of the package, and 2 copies of Form 681 are sent to the MassDOT Budget Office to the Director of Capital Budgets for authorized signatures on the Form 681. The Budget Office forwards the encumbrance documentation to MassDOT Fiscal Management for processing and entry into the Massachusetts Management Accounting Record System (MMARS). Fiscal Management then forwards the documentation to the State Comptroller's Office for final approval.

8.2 VENDOR UPDATE

- 8.2.1 The vendor update (VU) forms are prepared by the Finance Section. Information on the VU form is entered onto a spreadsheet maintained by the Finance Administrator for tracking purposes. The Finance Section enters VU information, which contains the correct names of the payees as listed on the deed of record and the correct social security or Federal tax identification number as listed in the owner's signed W-9 IRS form (Refer to [Exhibit 8-1](#) or to <https://www.mass.gov/files/documents/2016/08/ny/fw9.pdf>). The current payee and SSI number or EIN number is entered into the MMARS. If a property owner's award is \$20,000.00 or less, they are encouraged to

complete an Electronic Funds Transfer (EFT) Form (Refer to [Exhibit 8-2](#)), thereby having the funds deposited directly into their bank account. At the discretion of the Finance Manager, where applicable the VU is prepared listing the property owner's address, therefore the check is sent directly to the payee from the treasurer's office.

8.3 MUNICIPAL REAL ESTATE TAXES

- 8.3.1 M.G.L., Ch.79, Sec.44A, provides in part that the municipal collector of taxes can claim taxes by written notice, prior to payment of the award. The Division's statutory obligation is to make a taking payment within 60 days: therefore, prior to recording an Order of Taking, the Finance Section will send the collector of taxes a form letter seeking such information, which is scanned into the record file. The amount is then deducted from the total award on the Payment Commodity Form (PRC).

8.4 NOTICE OF TAKING

- 8.4.1 A "Notice of Taking" (Refer to [Exhibit 8-3](#)), is sent to all parties of interest on the day of recording of the taking.

8.5 PAYMENTS

- 8.5.1 The Finance Section prepares the Payment Commodity Form (PRC). The PRC information contains the owner(s) name, as well as mortgagees and/or other parties of interest, ascertained from the title examination. Additionally, if there are any real estate taxes claimed by the City/Town, the Finance Section prepares a VU, always listing the owner on the first line of the VU and listing the City/Town on the second line, thereby assuring that both payees will be listed on the check. Upon receipt of the check, it is mailed to the City/Town with a copy of the letter sent to the property owner.
- 8.5.2 The customary documents that accompany the PRC for land acquisition are:
- A. Highway Administrator Approval Memo
 - B. Layout Schedule
 - C. Payment and Computation Schedule
 - D. Award memo listing property owners.
 - E. Real Estate Appraisal Review Board recommendation if required. (refer to [Section 4.4 Real Estate Appraisal Review Board](#) and [Exhibit 4-14](#))
 - F. Fixed Asset (FA) Sheet
- 8.5.3 PRC's processed for land acquisition, and Court Judgment must have a Fixed Asset Form (FA).
- 8.5.4 The Payment Commodity Form (PRC) with supporting documentation is delivered to MassDOT Fiscal Management Office for entry into the MMARS System.

- 8.5.5 The Comptroller's Office secures the required approval and forwards to the State Treasurer for the preparation of the payment checks. The payment checks are delivered to the Finance Administrator, who reviews the checks for accuracy and updates the tracking spreadsheet and the record file. The Finance Section prepares letters to be signed by the Deputy director for distribution of the checks to the payees.

8.6 EMINENT DOMAIN TRUST FUND (EDTF)

- 8.6.1 When payment cannot be processed due to a title defect or lack of proper documentation from the payee (correctly completed and signed W-9 form, etc.) the award is deposited into the Eminent Domain Trust Fund account at the State Treasurer's Office.
- 8.6.2 A PRC is prepared and processed for payment checks the EDTF with the same supporting documentation as a regular PRC. All checks for deposit into the EDTF are made payable to the Department of State Treasurer Eminent Domain.
- 8.7.3 Once an EDTF check is received from the treasurer's office, an Eminent Domain Trust Fund Account deposit form is prepared.
- 8.6.4 The following documentation is required to accompany the EDTF deposit form:
- A. Memo from Finance Administrator requesting deposit of check into EDTF
 - B. Original check made payable to the State Treasurer Eminent Domain
 - C. Spreadsheet listing the following information: check number, check date, check amount, vendor code, vendor name, city/town, parcels(s), cash transfer number and deposit date.

The deposit form and documentation is sent to MassDOT Fiscal Management for processing.

- 8.6.5 Documentation required for the retrieval of funds from the EDTF is as follows:
- A. Memo from the Finance Administrator requesting retrieval of funds.
 - B. Eminent Domain Trust Fund Account Payment Certification form is prepared
 - C. A copy of the check that was deposited into the EDTF account.
 - D. A copy of the vendor/customer sheet from MMARS with the correct name of the payees to be listed on the check.
- 8.6.6 The amount of interest earned on the award is calculated by the Treasurer's Office at the time of retrieval.
- 8.6.7 All deposit and retrieval documentation is uploaded to the record file.

8.7 RE-ISSUE CHECK

- 8.7.1 MassDOT may be required to re-issue a check. This can occur if the payee's status has changed, or if a lien holder listed on the check that is no longer valid. A check may only be re-issued up to one year from the date of its issuance. Funds from checks not cashed by the payee within one year of the date issued automatically go into the State Treasurer's Unclaimed Check Fund.
- 8.7.2 The Finance Section must first ascertain the names of the payees to be listed on the new re-issued check. If a lien holder is to be removed or the names for the payees changed, then a vendor update form needs to be prepared and signed by a ROW attorney. The information on the VU form needs to be entered into MMARS. Once the Comptroller approves the VCM in final status a re-issue request memo to Fiscal Management is prepared.
- 8.7.3 the re-issue request memo is prepared by the Finance Administrator explaining why the check needs to be re-issued. The memo along with the following supporting documentation is submitted to Fiscal Management.
- A. Original check-issue request form.
 - B. Original check that is to be re-issued.
 - C. Copy of vendor/customer AD number (name and address from MMARS). As an example, AD001, AD002 or whatever number is listed in MMARS, should be highlighted in yellow on the memo. This is very important. The re-issue check needs to reflect the names of the payees and address as stipulated in the VU form.
 - D. Copy of PRC that was prepared for the issuance of the original check.
 - E. Copy from MMARS – the AD-CTR-DISBQ number
 - F. Copies of any other supporting documentation that may be pertinent to a particular case.

8.8 UNCLAIMED CHECK FUND

- 8.8.1 If a check is not cashed within one year of being issued, the funds are automatically transferred over by the State Treasurer's office to the Unclaimed Check Fund (Chapter 759, acts of 1970). Once requested by the owner and all legal liabilities being met an award may be retrieved from the Unclaimed Check Fund. To retrieve an award, a letter is sent to the State Treasurer's Office with documentation of the particular circumstances that caused the check not to be cashed within one year of its issuance. The following three items must be submitted with the cover letter:
- A. Original check or a copy of the check.
 - B. Copy of the PRC that was prepared for the original check.
 - C. Disbursement Doc. ID – AD, CTR- DISBQ from MMARS.
- 8.8.2 Other documentation, such as a copy of a mortgage discharge, a copy of a death certificate, etc. should be included as warranted in a particular case.

- 8.8.3 When issuing checks under \$20,000.00 from the Unclaimed Check Fund that were originally disbursed prior to 2008, lien holders need not be listed pursuant to a MassDOT policy change, which was approved on January 15, 2008. (Amendment of Procedure for Award Payments)

8.9 PAYMENT OF SETTLEMENT/JUDGMENTS

- 8.9.1 The Legal Administrator sends a settlement/judgment package consisting of the following to the Finance Administrator.
- A. Original settlement statement or court judgment from the Attorney General's Office
 - B. Memo listing the name of the payees and the amount of the Judgment.
- 8.9.2 The Finance Section prepares a PRC with appropriate backup and forwards to Fiscal Management for processing.

8.10 RESCINDING OF 1099S AND 1099 INT. FROM THE IRS

- 8.10.1 There are times when MassDOT must contact the Comptroller's Office and request that the IRS rescind and revise the 1099S and 1099 Int. for a particular property owner. All information may be sent electronically to the Comptroller's Office. A detailed explanation and supporting documentation is required as to the reasoning for the rescinding of the current year's 1099S and 1099 Int.

CHAPTER 9 – Relocation

9.1 GENERAL

- 9.1.1 The Bureau's Relocation Section is responsible for administering relocation assistance and payments for state highway projects throughout the Commonwealth.
- 9.1.2 Guidance for the Relocation Program
- A. On January 2, 1970, the [Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970](#) was enacted. Implementing regulations associated with this law are set out in [49 CFR, Part 24](#), and these regulations provide the basic requirements of the relocation assistance program.
 - B. As there many unique circumstances associated with providing relocation assistance and benefits, additional guidance materials can be found at the Federal Highway Administration (FHWA) website under the title of “Uniform Act Frequently Asked Questions.” (Refer to https://www.fhwa.dot.gov/real_estate/index.cfm)
- 9.1.3 Relocation Planning
- The objective of relocation planning is to assure that the location and design engineering alternatives being considered are sensitive to potential right of way problems. A Summary Findings is included in the appropriate NEPA document for the project and serves as the analysis of impacts due to displacement, required in such documents.
- 9.1.4 The Relocation Plan is a blueprint of relocation needs and anticipated problems and is intended to be a basis for relocation assistance efforts. Therefore, copies of the Relocation Plan are circulated to field agents responsible for further case work within the Relocation Section.
- 9.1.5 When preliminary engineering is sufficiently complete to identify affected properties, and subsequent to departmental approval to acquire, MassDOT will conduct interviews with each household and business to be displaced. The Relocation Administrator will assign personnel to conduct the interviews, or similarly assist staff of local public agencies when required. Whenever practicable, Projects and Relocation Section personnel should team up when conducting residential or business interviews.
- 9.1.6 Eligibility for Relocation Benefits
- A. Eligibility for relocation assistance shall begin on the date of initiation of negotiations for the occupied property. MassDOT shall notify all occupants in writing of their eligibility for applicable relocation assistance.
 - B. When it is determined that it is in the public interest to establish eligibility for relocation benefits prior to the initiation of negotiations for acquisition of a parcel,

the MassDOT will issue to the owner and tenants a 'Notice of Intent to Acquire.' On Federal-aid projects, this notice will only be issued after FHWA authorizes the initiation of negotiations on a project or authorizes acquisition of individual parcels solely for protective buying or because of hardship or as an advance acquisition.

- C. The above notices shall be served in person or sent by certified mail, return receipt requested and so documented in MassDOT files. Persons who are unable to read and understand the notice must be provided with appropriate translation and/or counseling. Each notice shall indicate the name and telephone number of a MassDOT representative who may be contacted for answers to questions or other related matters.
- D. Notice to Vacate
Where real property is acquired and/or displacements required no person lawfully occupying the acquired property shall be required to move from said dwelling, business or farm unless he or she has received at least 120 days advance written notice of the earliest date by which he or she may be required to move. This notice is sent by Certified Mail to the relocatee by the Clerical Section. In the case of unimproved property, the displacee will be given a 30-day notice to vacate.
- E. Eviction for Cause
Eviction for cause must conform to applicable state and local law. Any person who has lawfully occupied the real property, but who is later evicted for cause on or after the date of the initiation of negotiations, retains the right to the relocation payments and other assistance set forth in these procedures. For purposes of determining eligibility for relocation payments, the date of displacement is the date the person moves or the date a comparable dwelling is made available, whichever is later. See Legal Section for clarity regarding this matter.

9.1.7 Relocation Process

A Relocation Agent makes preliminary personal contact and explains the relocation benefits and process and makes meeting notes. If a personal contact cannot be made, the Relocation Agent will document the record to show that reasonable efforts were made to achieve the personal contact. The Relocation Agent ensures that claimant has a relocation brochure and notes this fact on the appropriate form.

9.1.8 Relocation Assistance Advisory Services

- A. The MassDOT Relocation Advisory Services program includes but is not limited to providing displaced persons uniform and consistent services and payments regardless of race, color, religion, sex or national origin.
- B. Eligibility - Relocation Assistance Advisory Services will be offered to:
 - 1. All persons occupying property which has been acquired.
 - 2. All persons occupying property immediately adjacent to the real property acquired when the MassDOT determines that such person or persons are caused substantial economic injury because of the acquisition.

3. All persons who, because of the acquisition of real property used for a business or farm operation, move from other real property used for a dwelling, or move their personal property from such other real property.

9.2 RESIDENTIAL DISPLACED PERSONS

9.2.1 Residential Interview

The residential relocation interview obtains information on family composition, household income, housing and neighborhood characteristics, replacement housing preferences and any special circumstances affecting relocation.

9.2.2 Time for Filing Claims - All claims for a relocation payment shall be filed with MassDOT within 18 months after:

- A. For tenants, the date of displacement.
- B. For owners, the date of displacement or the date of the final payment for the acquisition of the real property, whichever is later.
- C. This time period may be waived by MassDOT for good cause.

9.2.3 Residential Moving Payments

- A. Any residential displaced person is eligible for the actual, reasonable, and necessary expenses for moving personal property from the displacement dwelling.
- B. The eligible moving expenses may be determined by the cost of one, or any combination of a commercial move, a self-move, or a fixed residential moving cost schedule. The federal regulations regarding application of these moving reimbursement payments are set out in [49 CFR 24.301](#) and [24.302](#).
- C. Moving expenses beyond 50 miles from the displacement dwelling are not eligible for reimbursement unless MassDOT determines that relocation beyond 50 miles is justified.

9.2.4 Replacement Housing Payments for Owners and Tenants

- A. The displaced person is eligible for the appropriate payments when he/she relocates and occupies a decent, safe and sanitary replacement dwelling within a one-year period beginning on the later of the following dates:
 1. The date on which the owner received payment from MassDOT for all costs associated with the acquired dwelling, or
 2. The date on which the displacee is required to move by MassDOT's written Notice to Vacate, or
 3. The date on which the displacee does, in fact, move, if prior to 2. above.
- B. Inspection for Decent, Safe and Sanitary
Before processing any replacement housing payment to a displaced occupant, the Relocation Agent must inspect the replacement dwelling and determine that it meets the standards for decent, safe and sanitary housing.

C. To Whom Payment is Made

Payments will be made directly to the relocated individual or family.

Alternatively, upon receiving a signed “Assignment of Relocation Payment” form from the relocated individual or family, the payment may be made directly to the landlord for rent; to the seller for use towards the purchase of a dwelling; or to a lender or lending institution, for the purchase of replacement housing. Upon a qualified applicant's written request, the MassDOT may deposit the Replacement Housing Payment into escrow pending the displacee's move.

D. Multiple Occupancy of Same Dwelling Unit

1. Families: If two or more eligible families occupy the same single-family dwelling unit, each family will be eligible for a replacement housing or rent supplement payment based on housing which is comparable to the quarters occupied by each family. For owner-occupants, the acquisition price to be utilized as the basis for a replacement housing computation is that amount that each owner received from the fair market value of the property acquired. For tenant-occupants, the supplement will be based on each displacee's share of the rent for the space they occupy and the cost of a replacement unit.
2. Individuals: If two or more eligible individuals, with no identifiable head of the household, occupy the same single-family dwelling unit, they will be considered as one "family" for replacement housing payment or rent supplement purposes, unless the MassDOT determines that such occupants maintain separate households within the same dwelling. When all individuals do not relocate to decent, safe and sanitary housing, the MassDOT will pay a pro rate share of the computed replacement housing payment, that would have been received if all individuals had relocated together into the same ownership or rental status as they had at the time of their eligibility date for relocation benefits.

E. Joint Residential and Business Use

Where displaced individuals or families occupy living quarters on the same premises as a displaced business, farm or nonprofit organization, such individuals or families are separate displaced persons from the businesses for purposes of determining eligibility for relocation payments. Since eligibility for residential and business relocation assistance and payments have different requirements, MassDOT will determine the allocation or breakout between residential and business use based upon square foot usage, percentage of occupancy, or some other reasonable measure.

F. Calculating Payments for Replacement Housing

1. Three Comparable Methods

The Relocation Agent will select three (3) comparable listings which are available on the open market and compute the payment based on the dwelling most nearly representative of, and equal to, or greater than the displacee's

dwelling. When three (3) listings are not available, less than three (3) may be utilized. Selection of the comparable and computation of the payment will be done by the Relocation Agent assigned to the case.

2. **Comparable Replacement Dwelling Lacks Major Exterior Attribute**
When the available comparable listing used in computing the replacement housing supplement is similar, but lacks a major exterior attribute such as a garage, outbuilding, swimming pool, etc., the value of said attribute shall be deducted from the acquisition cost of the displacement dwelling for purposes of computing the payment.

3. **Revisions to Replacement Housing Amount**
If the relocatee requests assistance in finding replacement housing, he/she will be provided information on housing which is comparable and available for purchase within the offered amount. When such housing is no longer available, the Relocation Agent will re-compute the new replacement housing amount, based on available housing which is equal to or better and meets the other comparable criteria.

9.2.7 Replacement Housing Payments for 90-Day Homeowner-Occupants

A displaced person is eligible for the replacement housing payment for a 90-day homeowner-occupant if the person has actually owned and occupied the displacement dwelling for not less than 90 days immediately prior to the initiation of negotiations. The amount of the payment is not to exceed \$31,000 (See also [Subsection 9.4, Replacement Housing of Last Resort](#)) and is comprised of the following:

- A. The price differential payment is the amount, if any, which, when added to the amount for which MassDOT acquired the property, equals the actual cost that the owner is required to pay for a decent, safe and sanitary replacement dwelling, or the amount determined by MassDOT as necessary to purchase a comparable dwelling; whichever is less.
- B. The increased mortgage interest costs and other debt service costs incurred by a mortgage being placed on the replacement dwelling. These costs are computed in accordance with [49 CFR 24.401\(d\)](#).
- C. The reasonable and necessary expenses that are incidental to the purchase of the replacement dwelling, in accordance with [49 CFR 24.401\(e\)](#).
- D. A 90-day homeowner-occupant eligible for a price differential payment who elects to rent a replacement dwelling, is eligible for a rental replacement housing payment. The amount of the rental replacement housing payment is computed in accordance with [49 CFR 24.401\(f\)](#). The amount of the rental assistance payment may not exceed the amount the homeowner could have received as a price differential payment.

9.2.8 Replacement Housing Payments for 90-Day Tenants Rental Assistance

- A. A displaced tenant is eligible for a rental assistance replacement housing payment not to exceed \$7,200 (See [Subsection 9.4, Replacement Housing of Last Resort](#)), when:
1. He/she is in occupancy at the initiation of negotiations for the acquisition of the real property, in whole or in part; or
 2. He/she is in occupancy at the time one is given a written notice by MassDOT that it is their intent to acquire the property by a given date; and
 3. Such occupancy has been for at least 90 consecutive days immediately prior to the date of vacate or "eligibility date," whichever is earlier. (See [Subsection 9.4, Replacement Housing of Last Resort](#) if occupancy has been for less than 90 days).
- B. Computation of the rental assistance payment shall be 42 times the amount obtained by subtracting the base monthly rental for the displacement dwelling from the lesser of:
1. The monthly rent and estimated average monthly cost of utilities for a comparable replacement dwelling; or
 2. The monthly rent and estimated average monthly costs of utilities for the decent, safe, and sanitary replacement dwelling actually occupied by the displaced person.
- C. Base monthly rental for displacement dwelling is the lesser of:
1. The average monthly cost for rent and utilities at the displacement dwelling for a reasonable period prior to displacement.
 2. Thirty (30) percent of the displaced person's average gross household income if the amount is classified as low income by the U.S. Department of Housing and Urban Development. (Updated and available at the FHWA Web site). In order to be eligible for this computation, the displaced person must provide appropriate evidence of household income, and for persons who are considered as dependents.
 3. The total of the amounts designated for shelter and utilities if receiving a welfare assistance payment from a program that designates the amounts for shelter and utilities.
- D. A 90-day tenant who is eligible for a rental assistance payment may convert the computed payment amount to downpayment assistance to purchase a decent, safe and sanitary replacement dwelling.
1. If the computed rental assistance payment is less than \$7,200, the displaced tenant may receive an amount up to \$7,200 to be applied to the down payment and eligible expenses incidental to the purchase of a replacement dwelling (See Subsection 9.2.7.C.)
 2. The full amount of the replacement housing payment for downpayment assistance must be applied to the purchase price of the replacement dwelling and related incidental expenses.

9.3 MOBILE HOMES

This section describes the requirements governing the provision of relocation payments to a person displaced from a mobile home and/or mobile home site who meets the basic eligibility requirements of this section. Except as modified by this section, such a displaced person is entitled to a moving expense payment and a replacement housing payment to the same extent and subject to the same requirements as persons displaced from conventional dwellings.

- 9.3.1 A homeowner-occupant displaced from a mobile home or mobile home site is entitled to a payment for the cost of moving his or her mobile home on an actual cost basis. A nonoccupant owner of a rented mobile home is eligible for actual cost reimbursement.
- 9.3.2 If the mobile home is not acquired, and the homeowner-occupant obtains a replacement housing payment, the owner is not eligible for payment for moving the mobile home but may be eligible for a payment for moving personal property from the mobile home.
- 9.3.3 The following rules apply to payments for actual moving expenses,
 - A. A displaced mobile homeowner, who moves the mobile home to a replacement site, is eligible for the reasonable cost of disassembling, moving, and reassembling any attached appurtenances, such as porches, decks, skirting, and awnings, which were not acquired, anchoring of the unit, and utility "hook-up" charges.
 - B. If a mobile home requires repairs and/or modifications so that it can be moved and/or made decent, safe, and sanitary, and the MassDOT determines that it would be economically feasible to incur the additional expense, the reasonable cost of such repairs and/or modifications is reimbursable.
 - C. A non-returnable mobile home park entrance fee is reimbursable to the extent it does not exceed the fee at a comparable mobile home park, if the person is displaced from a mobile home park or the MassDOT determines that payment of the fee is necessary to effect relocation.

9.4 REPLACEMENT HOUSING OF LAST RESORT

- 9.4.1 Any decision to provide last resort housing assistance must be adequately justified, which may be done on a case-by-case basis, for good cause, which means the appropriate consideration has been given to:
 - A. The availability of comparable replacement housing in the program or project area; and
 - B. The resources available to provide comparable replacement housing; and
 - C. The individual circumstances of the displaced person; or
- 9.3.3 Housing of last resort may also be justified by a determination that:

- A. There is little, if any, comparable replacement housing available to displaced persons within an entire program or project area; and, therefore, last resort housing assistance is necessary for the area as a whole; and
 - B. A program or project cannot be advanced to completion in a timely manner without last resort housing assistance; and
 - C. The method selected for providing last resort housing assistance is cost effective, considering all elements which contribute to total program or project costs.
- 9.3.4 The displaced tenant who does not meet length-of-occupancy requirements, qualifies for a replacement housing payment under [49 CFR 24.404\(c\)](#) and [24.2\(a\)\(6\)\(viii\)\(C\)](#).

9.5 DISPLACED BUSINESSES

- 9.5.1 Relocation Interviews
All displaced business owner/operators will be personally interviewed to determine the individual needs and requirements of that business in accordance with 49 CFR [24.205\(c\)\(2\)\(i\)](#).
- 9.5.2 Moving Payments to Businesses
Any business which qualifies as a displaced person is eligible for the appropriate moving payments as follows:
- A. The actual reasonable expenses incurred in moving and reestablishing the business or other personal property as provided for in this chapter.
 - B. The actual direct loss of tangible personal property incurred as a result of moving or discontinuing the business as provided for in this chapter.
 - C. The purchase of substitute personal property as provided for in this chapter.
 - D. The actual reasonable expenses incurred in searching for a replacement property as outlined in this chapter.
- 9.5.3 Actual and Reasonable Expenses
- A. Transportation of personal property. Transportation costs for a distance beyond 50 miles are not eligible, unless MassDOT determines that relocation beyond 50 miles is justified;
 - B. Packing, crating, unpacking, and uncrating of the personal property;
 - C. Disconnecting, dismantling, removing, reassembling, and reinstalling relocated machinery, equipment, and other personal property, including substitute personal property. This includes connection to utilities available nearby. It also includes modifications to the personal property necessary to adapt it to the replacement structure, the replacement site, or the utilities at the replacement site, and

modifications necessary to adapt the utilities at the replacement site to the personal property;

- D. Storage of the personal property for a period not to exceed 12 months at a location not owned or leased by the displacee, unless MassDOT determines that a longer period is necessary;
- E. Insurance for the replacement value of the personal property in connection with the move and necessary storage;
- F. Any license, permit, or certification required of the displaced person at the replacement location. However, the payment may be based on the remaining useful life of the existing license, permit or certification;
- G. The replacement value of property lost, stolen, or damaged in the process of moving (not through the fault or negligence of the displaced person, his or her agent, or employee) where insurance covering such loss, theft, or damage is not reasonably available;
- H. Professional services necessary for:
 - 1. Planning the move of the personal property,
 - 2. Moving the personal property, and
 - 3. Installing the relocated personal property at the replacement location.
- I. Re-lettering signs and replacing stationery on hand at the time of displacement that are made obsolete as a result of the move.
- J. Related Nonresidential Expenses
 - 1. Connection to available nearby utilities from the right of way to improvements at the replacement site
 - 2. Professional services prior to the purchase or lease of the replacement site for soil testing, feasibility and marketing studies to determine site suitability;
 - 3. Impact fees and one-time assessments for anticipated heavy utility usage.

9.5.4 Actual Direct Loss of Tangible Personal Property

When a business is displaced, in whole or in part, and is entitled to relocate its personal property but elects not to do so, it is entitled to receive an actual direct loss of tangible personal property payment for those items not relocated. The payment shall consist of the lesser of:

- A. The fair market value in place of the item as is for continued use at the displacement site, less the proceeds from its sale. (the claimant must make a good faith effort to sell the personal property, unless the MassDOT determines that such effort is not necessary).
- B. The estimated cost of moving the item, but with no allowance for storage or for reconnecting a piece of equipment if the equipment is in storage or not being used

at the acquired site. (If the business operation is discontinued, the estimated cost shall be based on a moving distance of 50 miles.)

- 9.5.5 The reasonable cost incurred in attempting to sell an item (auction, newspaper advertising, etc.) that is not to be relocated is also eligible for reimbursement.
- 9.5.5 Purchase of Substitute Personal Property
If an item of personal property which is used as part of a business or farm operation is not moved but promptly replaced with a substitute item that performs a comparable function at the replacement site, the displaced business is entitled to payment of the lesser of:
- A. The cost of the substitute item, including installation costs at the replacement site, minus any proceeds from the sale or trade-in of the replaced item; or
 - B. The estimated cost of moving and reinstalling the replaced item but with no allowance for storage. At MassDOT's discretion, the estimated cost for a low cost or uncomplicated move may be based on a single bid or estimate.
- 9.5.6 Searching for Replacement Property
A displaced business or farm operation is entitled to reimbursement for actual expenses, not to exceed \$2,500, as the MassDOT determines to be reasonable, which are incurred in searching for a replacement location.
- 9.5.7 Low Value/High Bulk - When the personal property (such as stockpiled sand, gravel, minerals, metals, and other similar items) to be moved is of low value and high bulk, and the cost of moving the property would be disproportionate to its value in the judgment of MassDOT, the allowable moving cost payment shall not exceed the lesser of:
- A. The amount which would be received if the property were sold at the site, or
 - B. The replacement cost of a comparable quantity delivered to the new business location.
- 9.5.8 Business Re-Establishment Benefit (BRB)
In addition to other payments authorized by these procedures, a small business, farm, or nonprofit organization is eligible to receive a BRB payment not to exceed \$25,000.00, when their eligibility for relocation benefits has been established as outlined in this chapter. These payments are described in 49 CFR 24.304.
- 9.5.9 Move Process - The Relocation Agent will interview each displacee and explain all relocation benefits and required applicable documentation to complete a claim as outlined below:
- A. Commercial Moves

1. Inventory - A complete inventory of all personal property must be prepared by the Relocation Agent and/or the displacee and must be dated and signed by both parties. Said inventory of personal property must be reviewed and certified as to real/personal property by the Review Appraiser and the Supervisor of the Review Appraisal Section.
 2. Specifications - The MassDOT, depending on the size and complexity of the move, may hire a consultant for the purpose of providing performance specifications, which would be supplied to MassDOT.
 3. Bids - After the above items have been properly prepared, the Relocation Agent will engage two commercial movers to make independent bids of moving expenses including all necessary categories such as carpentry and electrical etc., prior to the actual move. If the business move is determined to be complex, then a third bid may be required. For small, uncomplicated moves then MassDOT may utilize one commercial mover.
 4. Estimates and payments must be approved by the Director or Deputy Director of the Right of Way Bureau. Meetings are scheduled on an “as needed” basis to review, approve, or disapprove all claims. If a claim is denied, the claimant is notified of the right to appeal.
 5. Authorization to Move - The displacee is forwarded a letter of Authorization to Move, based on the most qualified acceptable bid, which must have been accepted by the Director of the Bureau.
 6. Pre-Move Inspection - The Relocation Agent will certify that the items as contained on the inventory were on the premises at the time of inspection.
 7. Monitoring of Move - At the commencement of the move, the Relocation Agent shall monitor the work in order to verify and support reasonableness of the move claim.
 8. Post-Move Inspection - After completion of the move, the Relocation Agent will certify that all items, are in fact moved and are located and installed on the new premises.
- B. Types of Commercial Moves
1. Negotiated Self Move - This type of claim will be utilized when the business owner elects to move themselves. MassDOT obtains moving bids from qualified commercial movers or specialists and proposes the negotiated amount which is equal to the low bid, less the overhead and profit fees. If the business owner accepts this amount, no further documentation is required, and the negotiated amount is paid.

2. Moving Expense Finding - On small uncomplicated moves, an Agent other than the Agent handling the claim may make a Moving Expense Finding in an amount not to exceed \$2,500. If displacee agrees with the amount, he/she signs a form accepting the amount and no further documentation is required to process this payment.

9.5.10 In Lieu of Actual Moving Expenses

Any displaced businesses (other than outdoor advertising/ display business or a non-profit organization) are eligible for a fixed payment, in lieu of a payment for actual moving and related expenses and the business reestablishment benefit, in an amount equal to its average annual net earnings as set out in the federal regulations at [49 CFR 24.305](#).

9.5.11 Moving Payments to Farm Operations

The owner of a displaced farm operation is entitled to receive payments for actual reasonable moving and related re-establishment expenses, and actual reasonable expenses incurred in searching for a replacement farm. A displaced farm operation may also choose a fixed payment in lieu of the payments for actual moving and related expenses and actual reasonable reestablishment expenses in accordance with [49 CFR 24.305\(c\)](#).

9.5.12 Moving Payments to Non-Profit Organizations

- A. A displaced non-profit organization is eligible to receive payments for actual reasonable moving expenses and related re-establishment expenses and actual reasonable expenses incurred in searching for a replacement site.
- B. In lieu of actual moving and related expenses, the non-profit organization may choose a fixed payment in accordance with the [49 CFR 24.305\(d\)](#).

9.5.13 Outdoor Advertising Sign (Billboards) Off Premise

- A. The owner of a displaced advertising sign is eligible to receive the actual reasonable moving expenses for a sign which is considered personal property.
- B. The amount of a direct loss payment for an advertising sign which is personal property is the lesser of:
 1. The depreciated reproduction cost of the sign as determined by MassDOT less the proceeds from its sale, or
 2. The estimated cost of moving the sign but with no allowance for storage.

9.5.14 Privately Owned Signs (On Premise)

The Projects Section will provide the Relocation Section with a Personal Property Report for each privately-owned sign, light pole and/or flag pole, whatever is categorized as personal property. The Relocation Agent will then provide the displacee with a Relocation Brochure and explain all relocation benefits and entitlements for a move to a new location.

9.6 CLAIM FILING AND APPEALS

9.6.1 Claim for Payment (Residential or Nonresidential)

A displacee must file a written claim within eighteen (18) months after the later of the following dates:

- A. For tenants, the date he/she moves from the real property or moves his/her personal property from the real property,
- B. For owners, the date the person moves from the real property or date of final payment for the acquisition of the real property, whichever is later.
- C. MassDOT may waive this time period for good cause.

9.6.2 Appeals

- A. Appeals may be requested anytime within 18 months after the date of displacement or, not less than 60 days after MassDOT acts on a final claim, whichever is later.
- B. MassDOT has established a procedure for appeals, consistent with applicable Massachusetts law and Federal requirements. Information of the appeal procedure is provided to the claimant by the Agent. MassDOT will be represented at all hearings by the Right of Way Bureau's Legal Counsel. The Administrative Law Judge will hear the claimant's case and upon making a determination shall submit a recommendation to the MassDOT Administrator for approval. The claimant shall then receive any adjustment determined by the Administrative Law Judge and approved by the Highway Administrator. If dissatisfied, claimant has the further right to appeal to the Division of Housing and Community Development.

CHAPTER 10 – Property Management

10.1.1 Bureau Responsibilities

The Bureau's Property Management responsibilities involve managing and preparing for the disposal of real property acquired by the Bureau on behalf of the MassDOT for highway purposes. Other sections (District Engineering and the Office of Real Estate Asset Development) within the Department are responsible for property demolition and/or other disposition. The Bureau's responsibilities include:

- A. Clearing the right of way of all structures and, where eviction is warranted, all occupants.
- B. Maintaining occupied and unoccupied real property, including contracting for property repairs or supplies or other necessary services pending turning over to District or OREAD for disposition.

10.1.2 Clearance Procedures

In order to clear the right of way of all structures as soon as possible the following steps will be taken:

- A. Obtain the key from the former occupant, once the premises have been vacated.
- B. Determine whether and/or what type of structure protection, e.g., boarding up, winterizing, may be necessary, and document installation. Once the task has been completed, document such action to the District Highway Director.
- C. Determine if the (former) owner has disconnected all utilities. If not, the agent assigned will provide for all utility disconnections.
- D. After a structure becomes vacant, the Relocation Administrator will inform the Construction Engineer of the availability of same for demolition and an agent will deliver a "Release of Structure(s) for Demolition" to the District Highway Director.

10.1.3 Eviction for Construction

In order to clear the right of way of occupants when deemed necessary, i.e., when they are unreasonably and/or willfully delaying the highway project by continuing to occupy areas needed for construction, Mass DOT may issue Eviction Warrants under the provisions of [M.G.L. Ch.79, Sec.3](#), or [Ch. 427 of the Acts of 1966](#), as well as the applicable provisions of the Code of Massachusetts Regulations (CMR) and guidelines issued by the Division of Housing and Community Development (See [Chapter 5 – Legal Section](#) for more information).

10.1.4 MassDOT views the use of an Eviction Warrant as being an extremely serious matter. The Eviction Warrant under provisions of [M.G.L Ch. 79, Sec. 3](#), is used only after all relocation efforts have proved to be unavailing and only after justifications for such procedure has been documented in detail.

10.1.5 No former owner, tenant or lessee who has had possession of real property, or any portion thereof, which has been acquired by the MassDOT, shall be required to vacate

any portion of such property which is being used by same as a dwelling place or place of business at the time the acquisition was made, until four (4) months after the notice of such acquisition has been given in writing. MassDOT may terminate any occupancy, by giving an occupant a thirty (30) day notice, in writing and by certified mail, of its intention to terminate said occupancy, providing the four (4) months grace period for which an occupant received notice of acquisition, has expired.

- 10.1.6 The maintenance and repair functions of the Property Management Section may be carried out by other MassDOT employees, or by contract with independent contractors or consulting firms. In the latter case, consideration is given, where possible, to the hiring of those businesses listed with the MassDOT Office of Civil Rights.
- 10.1.7 The maintenance and repair services, to MassDOT-owned buildings acquired for right of way purposes, are for basic necessities depending on whether same are occupied to be saved, sold or leased, including repairs for interruption or failure of heating, lighting, water and electric services, snow removal, repairs to common stairways or passageways. When MassDOT acquires property, which is occupied or will use acquired property for the housing of persons who are being moved from one acquired property to another, then such property shall be maintained as required by law and/or MassDOT contract. (Refer to [Chapter 427 of the Acts of 1966](#), "State Sanitary Code, Minimum Standard of Fitness for Human Habitation"; opinion of the Attorney General, dated 12/29/69).
- 10.1.8 When a MassDOT-owned structure requires repair, the Agent will consult with the Section Administrator as to agreement on a repair contract, making certain to follow MassDOT Fiscal Management procedures for securing goods and services. If the cost to repair exceeds \$5,000.00, the Agent shall obtain at least three (3) written bid proposals and the bid offering the best value will be accepted. Once all applicable approvals have been obtained, the ROW Agent notifies the successful bidder to proceed with the repair work.
- 10.1.9 In case of an emergency, where an occupant's health or safety is impaired, the requirement of securing three (3) bid proposals may be waived. When an emergency repair cost is \$1,000.00 or less, the Agent will secure a verbal service contract, documenting the agreement via email. In all cases, the Agent shall require prior approval of the Section Administrator before committing to the purchase of materials, equipment, or service commodities. In the absence of the Section Administrator, approval is required from the Director, or Deputy Director of the Bureau.

CHAPTER 11 – Community Compliance (LPA) Section

The purpose of this chapter is to identify and clarify the responsibilities of any political subdivision of the Commonwealth of Massachusetts that is undertaking a highway infrastructure project that will utilize Federal-aid in **any** phase of the project. This chapter will also outline the proper procedures required to assure compliance with property owner rights defined under the [Uniform Relocation Assistance and Real Property Acquisition Policy Act of 1970](#), as amended.

- 11.1.1 MassDOT is responsible for any highway, bridge, multi-use path and non-traditional (scenic by-way) projects undertaken with the assistance of Federal-aid funds, including those undertaken by political subdivisions or local public agencies. Accordingly, on any Federal-aid project where real property acquisition or relocation assistance activities are conducted by a local public agency (LPA), the MassDOT Right of Way (ROW) Bureau is responsible for certifying compliance by the agency with provisions of law and applicable regulations.

The Bureau is required to monitor through its Community Compliance Section, all real property acquisition and relocation assistance activities conducted by LPAs, to the extent necessary to assure compliance with applicable Federal and State law requirements and regulations.

Note: When there is Federal participation in any phase, including construction, of a project, LPAs must comply with the provisions of Title II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Uniform Act) (PL 91-646), as amended.

- 11.1.2 The Bureau's Community Compliance Administrator (CCA) is notified of the project by receipt of the 25% ROW Plan submission or Book Job submission which may be sent via Interoffice Memo from any of MassDOT's Project Development Sections. The CCA then assigns a ROW Community Compliance Officer (CCO) to the project and municipality.

The CCO prepares a letter (refer to [Exhibit 11-1](#)) under the signature of the CCA, to be sent to the appropriate LPA. The letter is sent to the highest elected official and copied to appropriate municipal boards, District Highway Director, Director of Project Management, MassDOT Project Manager and Director of the appropriate MassDOT Project Development Sections. The CCO is subsequently kept informed of the status of any approved project(s) by the appropriate MassDOT's Design Development Section.

- 11.1.3 LPAs are responsible for the right of way acquisition on Local Systems projects. The LPA is empowered to make acquisition(s) according to the provisions of Chapter 121B, [Section 11](#) and [Section 26](#), and [Chapter 79](#) of the Massachusetts General Laws, subject to exceptions when approved by MassDOT or FHWA. Title examinations of properties must be performed and reviewed to determine ownership and/or rights in the parcel(s) to be acquired. If MassDOT determines that the municipality has not acquired all

required land or rights therein, the municipality shall be responsible for all damages resulting there from, including compensation to private land owners, and contractor claims of any nature. In such events, MassDOT has the option to withdraw its participation from the project.

LPA's are responsible for interviewing property owner(s) or their representatives and discussing the issues and impacts regarding the property to be acquired. Property owners must be given the Federal Aid Acquisition Guide for Property Owners (refer to [Exhibit 11-2](#)). The Property Owner Contact Diary (refer to [Exhibit 11-3](#)) must be completed for each impacted property owner with a detailed description of all communication and contact. LPAs are responsible for notifying the property owner in writing of the municipalities' interest in acquiring an interest in their property and the basic protections provided to them by law.

- 11.1.4 In the event that land damages and/or relocation costs are determined to be excessive or a budgetary burden, the LPA may request in writing that MassDOT acquire the right of way and/or handle the relocation on their behalf, as provided for under M.G.L., Ch. 81, [Sec. 29A](#), and [Sec. 7J](#), as amended.

- 11.1.5 The CCO is responsible for monitoring LPA acquisition procedures for Uniform Act Title III compliance. MassDOT's CCA is responsible for monitoring LPA relocation assistance and payment activities for Uniform Act Title II compliance. The CCA will keep the Director of Right of Way informed of the LPA's relocation activity.

- 11.1.6 The CCA is notified of public hearings by MassDOT's Project Manager and/or District Project Development Engineer for the area involved in that district. Prior to scheduling any public hearing, the Project Manager must obtain approval from the CCA to use the 25% Preliminary ROW Plans for the public hearing.

The CCA or designee will attend all public hearings for the local project in that City or Town. At the public hearing, the CCO will explain both the responsibilities of the LPA and the rights of the affected owners, with regard to the ROW acquisition and relocation process.

- 11.1.7 The CCO is generally informed by the MassDOT Project Manager as to which local official has been designated by the LPA to serve as the Right of Way Representative. The CCO may contact other local officials, as needed, such as an Assessor, Highway Engineer, City Solicitor or Town Counsel. These contacts may be by phone, letter or personal contact and records of same should be maintained.

- 11.1.8 Around the 25% Design Public Hearing the CCO will meet with the designated municipal Right of Way Representative to review the project and deliver the informational package. The package will include the Federal Aid Acquisition Guide for Property Owners, MassDOT/Right of Way Bureau Municipal Guidelines for Right of Way Acquisitions on Federal and State Aid Projects (refer to [Exhibit 11-4](#)), Property Owner Contact Diary, and a Municipal ROW Document Checklist (refer to [Exhibit 11-](#)

5). Other items included in this meeting are the Affidavits (refer to [Exhibit 11-6](#)), the Appraisal forms and the LPA Appraisal Function Job Aid (refer to [Exhibit 11-7](#)).

- 11.1.9 The CCO and CCA will determine as the project progresses whether layout plans and/or easement plans will be required. The CCO will monitor the design submittals to make certain that the proposed work shown on the highway/construction plans, bridge plans, landscape and environmental plans match what is proposed and shown for work on the ROW Plans. The CCO will review and provide written responses to every design submittal received.

When a Design Consultant determines that “No ROW is necessary” for a project, the Design Consultant must submit a letter on company letter head stating, “The design has been prepared according to MassDOT Standard Specification for Highways and that all of the proposed work can be done within the existing roadway layout within the project limits as shown on the construction plan.” The CCO will coordinate with the District Utilities Constructability Engineer (DUCE) to verify and will recommend the Director issue a ROW Certificate stating “No Acquisitions Required” at the appropriate time.

- 11.1.10 The CCO will review all documents signed by property owners for consistency with the 100% PS&E Plans. The CCO will compare the parcel areas and term or easements in the review appraisal to the 100% PS&E Plans, and the Order of Taking for consistency and accuracy.
- 11.1.11 A Right of Entry (ROE) (refer to [Exhibit 11-8](#)) may be obtained by the LPA in lieu of acquiring temporary easement rights, provided the owner understands they are waiving their right to appraisals and just compensation. For projects that utilize a significant amount of ROE's in order to secure the necessary right of way, the CCA may request the CCO to perform an audit in order to ensure coercion was not used to obtain the ROE's.
- 11.1.12 In exceptional circumstances only, and with prior approval of the property owner and MassDOT, a Right of Entry may be used to gain access for construction purposes to a parcel identified on the ROW Plans as a permanent easement. The permanent acquisition must be completed, and all documentation submitted to the CCO for review as soon as possible following execution of the Right of Entry.
- 11.1.13 Appraisal and Review Appraisal reports are prepared by Certified General Appraisers and Certified General Review Appraisers, hired locally by the LPA. Note: for MassDOT projects please refer to definition of appraisal in [Chapter 2](#) of this manual. The property owner or a representative is advised by the field agent who conducts the preliminary interview, of their right to accompany the appraiser on the property inspection. The appraiser will make every effort to contact the property owner or representative to schedule the property viewing. The appraiser will include in the body of the appraisal a signed affidavit confirming the date, time, purpose and person(s) involved in the property viewing.

Completed appraisal reports and review appraisal reports are delivered to the CCO for review. The CCO will review to ensure that the appraisal and review appraisals comply with 49 CFR 24. The CCO will complete the CCO Appraisal Checklist (refer to [Exhibit 11-9](#)).

Acquisitions cannot be secured until the NEPA process has been approved. Please see definition of NEPA in Chapter 2 of Manual. In very rare circumstances, and with MassDOT ROW and FHWA approval, early acquisition can occur prior to NEPA approval. (Refer to [Chapter 3 – Projects Section, Subsection 3.2](#))

- 11.1.14 Property owners may donate some or all of their property in any combination to the LPA. The LPA cannot coerce or compel an owner to donate their property. The property owner must be made aware of their rights to an appraisal and just compensation. If the property owner decides to donate they must execute a Certificate of Donation Form (refer to [Exhibit 11-10](#)). If the subject parcel(s) is/are owned by a corporation, estate, trust, etc., then an appropriate document, authorizing the donation must be attached to the donation form.
- 11.1.15 LPA's are required to identify and offer to acquire from a tenant, any tenant owned improvements which are considered to be a part of the real property to be acquired, and in which the fee owner disclaims any interest.
- 11.1.16 LPA's are required to provide a written summary statement (Written Offer) to the impacted property owner(s). The Written Offer cannot be less than the amount of just compensation. The property owner must be provided a minimum of 30 days to consider the offer without coercive actions by the municipality. The Federal Aid Acquisition Guide for Property Owners must be included in the Written Offer.
- 11.1.17 Upon recording of acquisition documents, the LPA must provide affidavits of compliance for acquisition to the CCO. The affidavit may be signed by the Mayor or a Selectman, City Solicitor or Town Counsel, City Engineer, or Superintendent of Public Works. A separate affidavit is required for relocations.
- 11.1.18 The CCO maintains electronic files on all projects and makes certain that any information pertaining to a particular project, e.g., agency(s) correspondence, records, data, is placed in that file. This will include, but is not limited to, scanned copies of: recorded Orders of Taking, plans, instruments, deed grants, permits, licenses, donation forms, ROE's, appraisal affidavits, municipal affidavits, Property Owner Contact Diaries, the Municipalities Written Interest in acquiring, appraisals, and appraisal reviews as well as any written communication between MassDOT and the LPA.
- 11.1.19 Only when all Title II and Title III provisions of the Uniform Act have been complied with, including completion of the necessary affidavits, and upon the issuance of an award of damages to affected property owners, will the CCO recommend the issuance of a Right of Way Certificate. Upon receipt of the CCA's written recommendation for issuance of the certificate, the ROW Bureau Director executes the ROW Certificate.

The CCA then distributes the signed ROW Certificate to the FHWA MA Division Office and the appropriate MassDOT sections who in turn forward it to the Federal Aid Planning Office prior to advertising the project for construction bids.

- 11.1.20 MassDOT must make certain the LPA involved adheres to an appeal process consistent with applicable Massachusetts law and Federal requirements.

CHAPTER 12 – Outdoor Advertising Section

12.1 SIGN CONTROL

- 12.1.1 The purpose of the sign control program is to effectively control the erection and maintenance of outdoor advertising signs, displays and devices adjacent to the National Highway System and the Federal-Aid Primary System in existence on June 1, 1991 and within view of other public ways.
- 12.1.2 The laws under which this program is governed are: [Highway Beautification Act of 1965](#), as amended, and as outlined in [23 CFR Part 750](#); [M.G.L. 6C](#), [M.G.L. Ch. 93D](#); [700 CMR](#), and the [Federal/State Outdoor Advertising Control Agreement of 12/31/71 as amended in 1980](#).
- 12.1.3 This program will be controlled and implemented by the Outdoor Advertising Section within the ROW Bureau.
- 12.1.4 Definitions (See [700 CMR 3.01](#))
- 12.1.5 The Outdoor Advertising Section does maintain an inventory of all permitted signs.
- 12.1.6 The status of all signs will be checked on an ongoing basis for legality and existing valid sign permits, through current sign permit lists supplied by the OOA. Any questionable permit number will be checked directly with the OOA.
- 12.1.7 The Section Administrator is responsible for seeking appropriate remedy for un-permitted and/or unlawful signs.
- 12.1.8 The section staff are responsible for monitoring all off-premise signs and identifying violations.
- 12.1.9 The section personnel shall maintain continuing route reviews in order to locate, catalogue and identify illegal signs.
- 12.1.10 Sign permit applications submitted to the Outdoor Advertising Section shall be reviewed by section personnel so as to establish:
 - A. If the proposed sign is within the control areas;
 - B. The zoning of the proposed locus;
 - C. Conformity with local zoning;
 - D. The conformity with or the violation of the Federal/State Agreement Criteria, as incorporated into [M.G.L. Ch. 93D](#).
- 12.1.11 After said review by the Outdoor Advertising Section, if a determination is made that the application is in compliance with Federal/State requirements, the Section Administrator will issue a permit. If the Outdoor Advertising Section determines that the application is

not in compliance, the Section Administrator will notify the applicant and the applicant may appeal the denial.

- 12.1.12 A complete record of all permit applications, the permit or a copy of same, and the action(s) of the Outdoor Advertising Section, shall be maintained by the Section.
- 12.1.13 The Outdoor Advertising Section staff assigned to the sign control program may be required to appear at meetings, or legal proceedings, to discuss, or testify to the physical and legal facts.

12.2 JUNKYARD CONTROL

- 12.2.1 The purpose of the junkyard control program is to effectively control junkyards in order to protect public investment in highways; promote safety and recreational values; preserve natural beauty in areas adjacent to the National Highway System (NHS) and the Federal-Aid Primary System in existence on June 1, 1991 and encourage the recycling of scrap metal and junk.
- 12.2.2 Definitions: (Refer to [23 CFR 751.7](#))
- 12.2.3 If it is determined to be necessary in order to provide effective control of junkyards located within 1,000 feet of a NHS and/or Federal-Aid Primary Highway (as specified in paragraph 12.2.1 above), the State, operating through MassDOT, will do so in accordance with the provisions of [23 CFR Part 751](#), as amended.
- 12.2.4 If it is determined to be necessary, the Right of Way (ROW) Bureau of MassDOT shall be responsible for maintaining the inventory of junkyards within the control area established by [M.G.L. Ch. 140B](#).
- 12.2.5 The inventory shall be compiled by the ROW Bureau personnel associated with the sign control program and done in concert with the inventorying of signs located within the control area as set forth in the sign control section of this manual.
- 12.2.6 Records of the junkyard(s) inventory will be kept by the Bureau and be available for inspection by the FHWA.
- 12.2.7 Junkyard inventories will be compiled on a selected route basis within each MassDOT District. Each junkyard will be listed by city/town and route within each District. The Junkyard Data form will also contain the following information:
 - A. Locus, property owner, junkyard owner or lessee;
 - B. Principal type of business being conducted i.e. class & license number;
 - C. Date, zoning classification, extent of land use;
 - D. Remarks.

- 12.2.8 Each junkyard inventoried will be recorded on a separate Junkyard Inventory form. This form shall contain the following information:
- A. City/Town, route number, District & date;
 - B. Locus, property owner, junkyard owner or lessee;
 - C. Principal type of business being conducted;
 - D. Extent of land use, zoning legality;
 - E. Type of license, permit numbers, photograph(s)
- 12.2.9 Nonconforming junkyards will be reported on an individual basis to the Bureau for a determination regarding feasibility of a screening project.
- 12.2.10 Upon the determination that a screening project is feasible, the Bureau shall acquire any rights or easements required for the completion of the project, according to standard right of way procedures.
- 12.2.11 Every effort shall be made to screen a junkyard that is to continue as an ongoing business.
- 12.2.12 Upon the determination that a screening project is not feasible, the Bureau shall develop an estimate of costs for either relocating or acquiring the subject junkyard in accordance with standard ROW procedures.
- 12.2.13 Relocation data and/or relocation costs will be submitted to the Relocation Section for a final determination as to the method to be utilized in eliminating or relocating the nonconforming junkyard.
- 12.2.14 Upon determination that relocation or elimination of the nonconforming junkyard is required, the process will be completed utilizing standard Bureau procedures upon certification of the project by FHWA.
- 12.2.15 Authorization to proceed with a junkyard control project may be given when MassDOT submits a written request to FHWA which includes the following:
- A. The zoning and validation of the legal status of each junkyard on the project;
 - B. The control measures proposed for each junkyard including, where applicable, information relative to permanent disposal sites to be acquired by the State;
 - C. The real property interest to be acquired in order to implement the control measures;
 - D. Plans or graphic displays indicating the location of the junkyard relative to the highway, the 1,000-foot control lines, property ownership boundaries, the general location of the junk or scrap material, and any buildings, structures, or improvement involved; and
 - E. Where screening is to be utilized, the type of screening, and adequately detailed plans and cross sections, or other adequate graphic displays which illustrate the relationship of the motorist, the screen, and the material to be screened at critical points of view.

- 12.2.16 MassDOT records concerning each junkyard involved in a beautification project shall include, as a minimum, the following data:
- A. Satisfactory evidence of ownership of the junkyard or junk, or both;
 - B. Documentation of value or cost, including separate interest if applicable, as well as proof of obligation or payment of funds;
 - C. Evidence that necessary property interests have passed to the State and that the junk has either been screened, relocated, or disposed of;
 - D. If a dwelling has been acquired by the condemnation process, evidence that the costs involved are not included in the State's claim for Federal participation.
- 12.2.17 Appropriate authorities in cities and towns are to be notified, on a continuing basis by ROW Bureau personnel, of the existence and effects of the Highway Beautification Act and M.G.L., Ch. 140B. This will be done in conjunction with MassDOT's continuing inventory efforts. Applicable reference material shall be left with the appropriate city and/or town official.
- 12.2.18 Any junkyard which does not conform to the requirements of M.G.L., Ch. 140B, shall be deemed a nuisance. MassDOT, through the Attorney General's Office, shall make application to the Superior Court in the County in which the junkyard is located for any injunction to abate the nuisance.
- 12.2.19 MassDOT shall give a thirty (30) day notice by certified mail, to the owner of a junkyard and the junkyard business owner or lessee, if different, citing the violation of said Chapter 140B and requiring conformance with the law prior to requesting action through the Attorney General.
- 12.2.20 Where possible, any screening shall be located upon the property owned or controlled by the owner or operator of the junkyard. Once constructed, the screening is to become the property of the owner or operator of the junkyard, pursuant to an agreement between the owner and MassDOT. The duty to maintain any screening shall be vested in the owner or operator of the junkyard. Failure to maintain the screening shall be the basis of a recommendation from MassDOT to the Attorney General for prosecution as a nuisance.

CHAPTER 13 – Negotiations Section

Negotiations – All acquisition discussions shall be directed to accomplish the end result; that the property owner receive just compensation (which is also fair and just to the public); that every courtesy, consideration, and patience is extended to the property owner; and to foster a feeling of confidence and respect by the property owner toward the Department of Transportation and its employees.

MassDOT will make every reasonable attempt to negotiate the acquisition prior to the initiation of any court filing action.

13.1.1 All contact and effort used by the negotiator must be chronicled. This should include:

- A. Date and location of contact
- B. Persons present
- C. Dollar amounts of offers made
- D. Counteroffers
- E. Concerns
- F. Reasons agreement could or could not be reached
- G. Any other pertinent data

All entries will be initialed by the individual making the specific entry.

It is imperative that the entries refer only to the negotiations and discussions with the owners or their representatives, and do not include any comments or feelings that would cause embarrassment should they become part of court records.

13.1.2 The negotiator will prepare an offer letter (refer to [Exhibit 13-1](#)) and forward it to the property owner. It must be presented, along with the Just Compensation Report (refer to [Exhibit 4-11](#)), a minimum of 30 days prior to the scheduled Highway Administrator's approval. This will provide the owner with all the information necessary to make an informed decision and enough time to consider the offer.

13.1.3 The offer letter will at a minimum contain the following;

- A. State the amount of just compensation being offered for the acquisition.
- B. A description and location identification of the real property, as well as the interest in the real property.
- C. An identification of the buildings and any other structures being acquired.

13.1.4 If an “uneconomic remnant” has been identified, there will be two separate offer letters. One offer for the real property plus damages to the remainder, and a second offer including the total acquisition of the “uneconomic remnant.”

13.1.5 Subsequent to the initial offer, the personal negotiation contact usually consists of more than one meeting with the property owner. During the negotiation contact, the

negotiator will fully discuss the offer and answer any questions the owner may have regarding the offer and acquisition.

If the property owner is satisfied with the offer and wishes to release MassDOT from any future claims, the negotiator will obtain said release.

- 13.1.6 If the property owner is not satisfied with the offer, MassDOT will make the award to the owner without prejudice which allows the property owner to receive the award and maintain their right to dispute the amount.
- 13.1.7 MassDOT will neither advance or delay court filing action in any manner that may be interpreted as being coercive.
- 13.1.8 If a property owner should desire to donate some or all the real property required for project purposes, the owner must be informed in writing of their right to receive compensation for the property. A Federal matching credit may be applicable to project costs in accordance with the provisions of 23 CFR 710.505.
- 13.1.9 MassDOT provides for dispute resolution through the administrative settlement process. The negotiator will explain the administrative settlement process, in detail, and provide the owner with the Owner's Request for Review form (refer to [Exhibit 13-2](#)). This completed form initiates the administrative settlement process.
- 13.1.10 The property owner may provide documentation and information relative to the value of their property, including but not limited to an appraisal for consideration by MassDOT. Any appraisal submitted by the property owner will be reviewed to the same level of quality as a MassDOT obtained appraisal.
- 13.1.11 The negotiator will present all information provided by the property owner to the Right of Way Administrative Settlement Review Committee. The committee will take all information provided by the property owner into consideration and make a determination on the property owner's counter-offer. The negotiator will deliver that determination to the property owner.
- 13.1.12 If resolution cannot be reached through the administrative settlement process, the property owner can still bring a claim in court for additional monies within three years from the date of recording.
- 13.1.13 All reasonable efforts to negotiate the amount of the award will be made and will continue until an administrative settlement is reached or until a claim is filed in court by the property owner, whichever comes first.

CHAPTER 14 – Right of Way Engineering Section

Engineering - The Right of Way (ROW) Engineering Section is responsible for all engineering services required for the bureau's activities, including plan review, coordination with other sections within MassDOT and with consultants, contract administration for fee services, scheduling, monitoring and reporting plan development status, management of the bureau's electronic data management and technology needs.

- 14.1 The Engineering Section may be called on to participate in early phases of a project's design by the Project Manager or the design consultant. Particularly if a project is complex or non-typical, early coordination between the design team and the ROW Engineering Section is encouraged to avoid a lengthy Preliminary ROW Plan review process.
- 14.2 Preliminary ROW Plans – The Engineering Section receives the Preliminary Right of Way (ROW) Plans from the Design Project Manager for review.
- 14.3 The Preliminary ROW Plans are reviewed to ensure conformance with MassDOT's Project Development & Design Guide. A comment and revision process is repeated until the plans are acceptable for use in the ROW acquisition process. These reviews include field visits to verify existing site conditions, examination of the current design to determine adequacy of the proposed ROW acquisitions, and consideration of potential design changes that could reduce impacts to abutting property owners.
- 14.4 Prior to finalizing Preliminary ROW Plan review the Engineering Section will request title examinations from the Conveyance Section. When the title examinations are available, the Engineering Section will compare them to the information on the plans and make any final corrections to the property owner information necessary to match the title information.
- 14.5 When all comments are addressed, and the plans are of sufficient quality, the ROW Engineering Administrator notifies the Design Project Manager, the ROW Projects Administrator and the State Layout Engineer that the Preliminary ROW Plans are "accepted."
- 14.6 Parcel Sketches - After the preliminary ROW plans have been accepted the Engineering section uses the accepted plans to create individual color-coded parcel sketches for the Field Agents use in explaining the property impacts to the owner(s). The individual sketches are saved in PDF format and uploaded to the appropriate case files.
- 14.7 The Engineering Section is responsible for determining the technology needs of the Bureau in coordination with Director, Deputy Director and other section administrators.

- 14.8 The Engineering Section will advocate for the Bureau with MassDOT's IT department and with others as requested by the Director in support of the Bureau's technology requirements.
- 14.9 The Engineering Section will coordinate the development, installation, staff's education, and maintenance of the Bureau's technology assets, such as database development, maintenance, and updates; preservation of record documents; management and control of access by consultants to the bureau's case files; development and maintenance of the bureau's page on the MassDOT website; coordination with Layouts, Planning, OREAD, and MBTA regarding GIS data management and shared use applications.

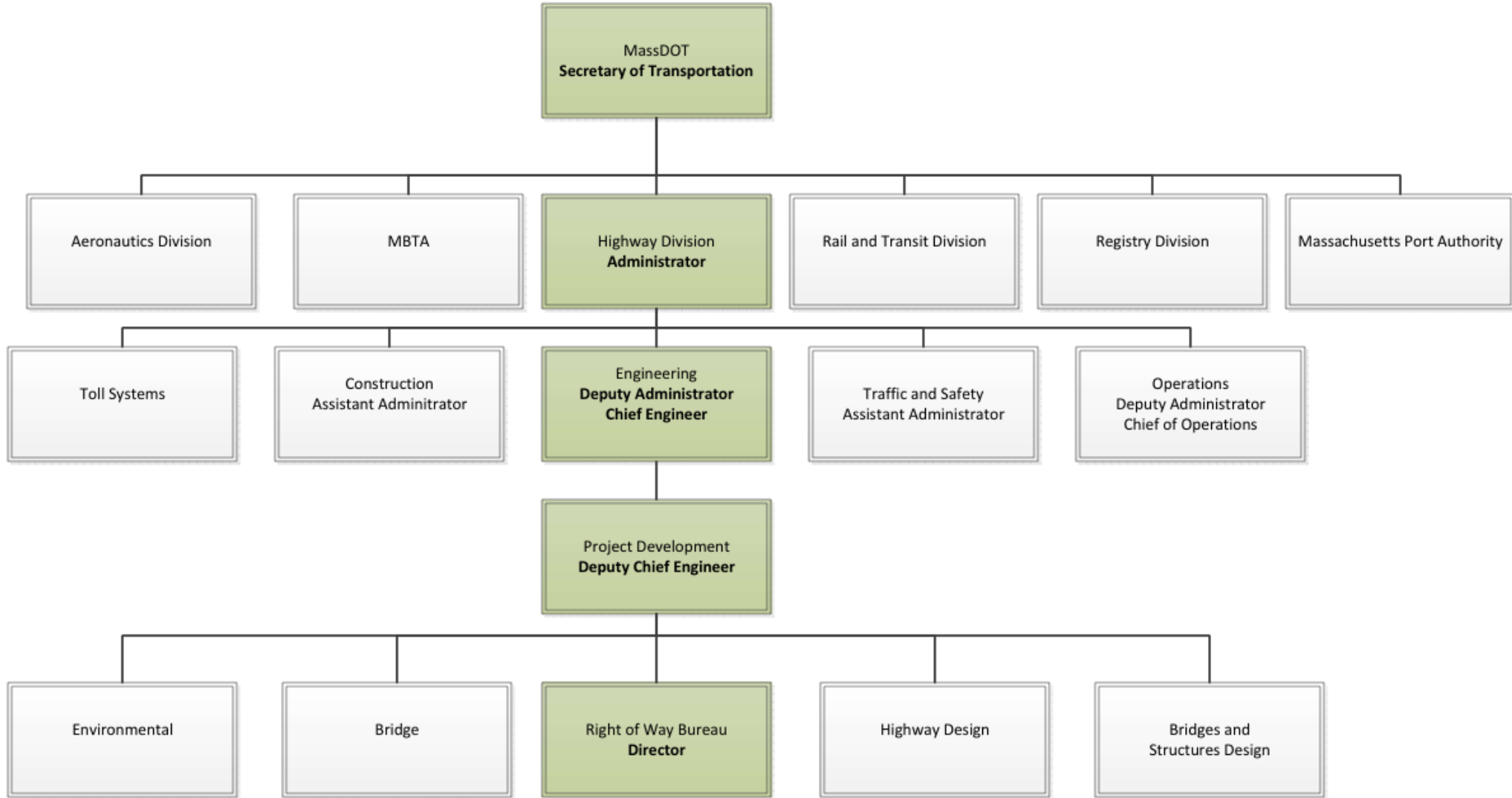
CHAPTER 15 – Federal Highway Administration

- 15.1 From the Federal perspective, oversight of the administration of the right of way program for Federal-aid projects in Massachusetts is primarily the responsibility of the Federal Highway Administration (FHWA), Massachusetts Division Office.
- 15.2 The Massachusetts Division Office is located in the John A. Volpe Transportation Systems Center, 55 Broadway – 10th Floor, Cambridge, MA, 02142.
- 15.3 Oversight responsibilities are carried out by the Right of Way Program Manager and/or Realty Specialist who reports to the Massachusetts Division Administrator
- 15.4 Right of way project and program oversight responsibilities are outlined in the most current “Stewardship and Oversight Agreement” executed between MassDOT and FHWA (refer to <https://www.fhwa.dot.gov/federalaid/stewardship/agreements/ma.pdf>).
- 15.5 The use of Federal funds in the right of way and real estate program is governed by various Federal laws and regulations. Among those referred to in this manual are:
 - A. Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended
 - B. Title 23, United States Code, Chapter 1, Section 131 (Control of Outdoor Advertising)
 - C. Title 23, United States Code, Chapter 1, Section 136 (Control of Junkyards)
 - D. Title 23, United States Code, Chapter 1, Section 142(f) (Availability of Right of Way)
 - E. Title 23, United States Code, Chapter 3, Section 323 (Donations)
 - F. Title 23, Code of Federal Regulations, Part 1, Section 1.23 (Right of Way)
 - G. Title 23, Code of Federal Regulations, Part 1, Section 635 (Physical Construction Authorization)
 - H. Title 23, Code of Federal Regulations, Part 645 (Utilities)
 - I. Title 23, Code of Federal Regulations, Part 646 (Railroads)
 - J. Title 23, Code of Federal Regulations, Part 652 (Pedestrian and Bicycle Accommodations and Projects)
 - K. Title 23, Code of Federal Regulations, Part 710 (Right of Way and Real Estate)
 - L. ROW use agreements and disposal of excess real property under 23 CFR 710.405 – 710.407 revised August 10, 2010

- M. Title 23, Code of Federal Regulations, Part 750 (Highway Beautification) Title 23, Code of Federal Regulations, Part 771 (Environmental Impact and Related Procedures)
 - N. Title 49, Code of Federal Regulations, Part 21 Nondiscrimination in Federally-Assisted Programs of the Department of Transportation)
 - O. Title 49, Code of Federal Regulations, Part 24 (Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally Assisted Programs)
 - P. Title VI, Civil Rights Act of 1964)
 - Q. Title VIII, Civil Rights Act of 1964
- 15.6 Additional right of way program guidance can be accessed electronically at the FHWA Real Estate Services website: https://www.fhwa.dot.gov/real_estate/index.cfm

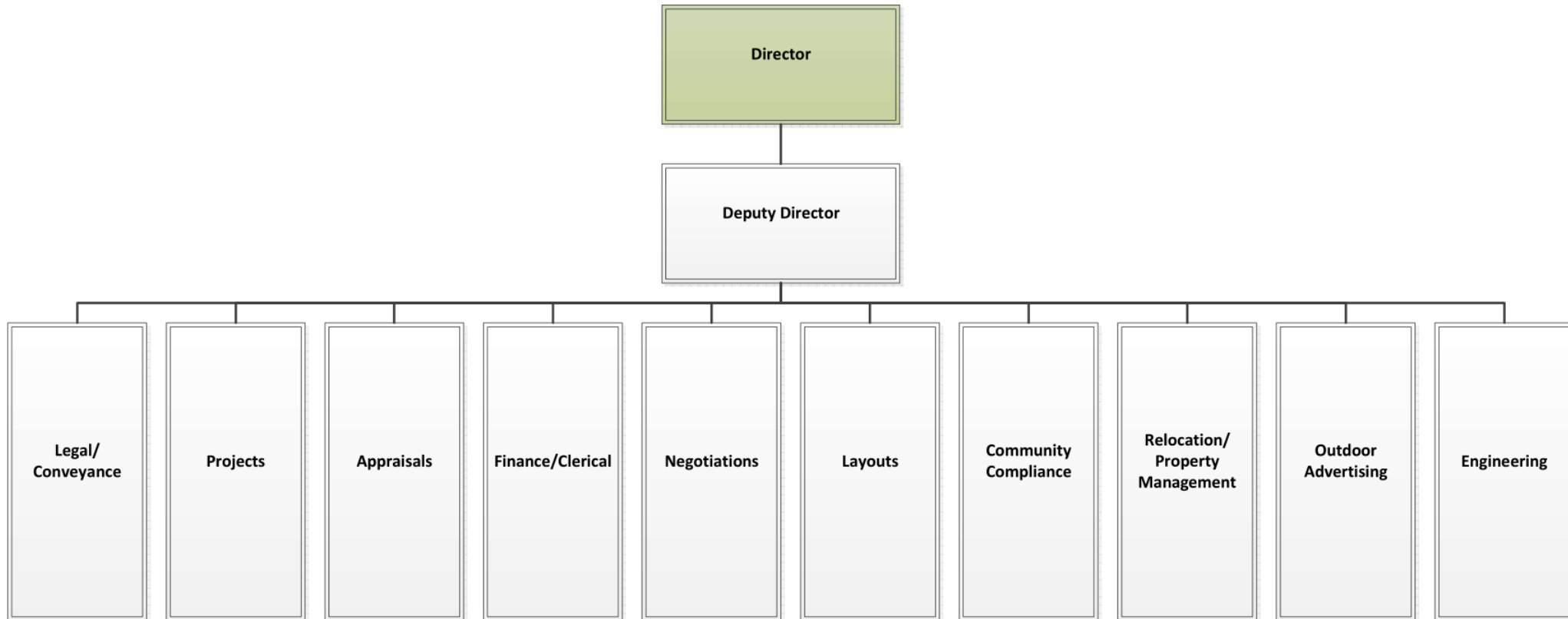
EXHIBITS

EXHIBIT 1-1



Right of Way Bureau Reporting Path within MassDOT's Organizational Structure

EXHIBIT 1-2



MassDOT – Highway Division - Right of Way Bureau Organizational Structure

EXHIBIT 3-1

Example of Information Contained in Excel Eform

Project Information			
Project Name:		Layout #:	Pinfo #:
City/Town:	FAP# (ROW):	Cost Acct. Num:	

Property Owner Information	
Owners:	
Mailing Address:	City, State, Zip:
Contact Name:	Co-owners:
Telephone #:	Alternate Phone:
Primary Email:	Alternate Email:
Contact info notes:	

Property Information			
Property Address:		City, State, Zip:	
Land Area (sf)		Land Area Source:	
Parcel ID:		Map:	Block: Lot:
Zoning District:		Overlay District:	Registry:
Req'd Min Lot (sf):		Req'd Min Frontage (ft):	Type of Property:
Status:		Rights acquired by:	

Parcel Information			
Parcel List:			
Parcel ID	Area	Interest Acquired	Notes
Other parcels:			

Mortgage Information			
Mortgage #1:		bk/pg:	
Address:		doc#:	
Mortgage #2:		bk/pg:	
Address:		doc#:	
Mortgage #3:		bk/pg:	
Address:		doc#:	
Mortgage #4:		bk/pg:	
Address:		doc#:	
Mortgage #5:		bk/pg:	
Address:		doc#:	
Mortgage #6:		bk/pg:	
Address:		doc#:	

Title Information			
Type:			
Recorded Land			
Grantor 1:		bk/pg:	
Grantor 2:		bk/pg:	
Registered Land			
Doc #:		Cert #:	
Plan Reference:			
Estate Information			
Name:			Probate #:

Encumbrances			
Grantee:			type:
Address:			
	Book:	Page:	Document:
			Non-monetary?
Grantee:			type:
Address:			
	Book:	Page:	Document:
			Non-monetary?
Grantee:			type:
Address:			
	Book:	Page:	Document:
			Non-monetary?
Grantee:			type:
Address:			
	Book:	Page:	Document:
			Non-monetary?

Lessees

Name:		bk/pg:	
Address:		Doc#:	
Name:		bk/pg:	
Address:		Doc#:	
Name:		bk/pg:	
Address:		Doc#:	
Name:		bk/pg:	
Address:		Doc#:	
Name:		bk/pg:	
Address:		Doc#:	

Tenants

[illegible]

EXHIBIT 3-2

Early Acquisition (EA) Alternatives & Requirements (23 CFR 710.501)							Revision date: 02/12/2018
Acquiring ROW Alternatives	Require NEPA Decision	Allow 4F Properties	Start Acquisition	Request Reimbursement/Credits	Comply w/ Federal Law*	Subject to Condemnation	Requirements
1) State-funded Early Acquisition without Federal Credit or Reimbursement 23 CFR 710.501(b) 23 USC 108(c)(1)	NO	No, if the State wishes to maintain Federal eligibility for future Federal assistance on any part of the transportation project	When legally permissible by State Law	N/A	Yes, if the transportation project maintains Federal eligibility.	YES, if State law allows	A State may carry out early acquisition entirely at its expense. However, a State may maintain eligibility for future Federal assistance on a transportation project. To maintain eligibility, early acquisition must comply with the following requirements of 23 CFR 710.501(c)(1)-(5): <ul style="list-style-type: none"> • Property lawfully obtained by the State agency; • Not 4F property; • Acquisitions and relocations comply with the Uniform Act; State agency complies with Title VI of the Civil Rights Act; • FHWA concurs with the State that the Early Acquisition did not influence the NEPA decision for the proposed transportation project including: <ul style="list-style-type: none"> ○ The need to construct, ○ The consideration of alternatives, or ○ The selection of design or location.
2) State-funded Early Acquisition eligible for Future Credit 23 CFR 710.501(c)	NO	NO	When legally permissible by State law.	Request credit for the portion of the property after incorporated in the Federal-aid transportation project	YES	YES, if State law allows	<ul style="list-style-type: none"> • Property lawfully obtained by the State agency; • Not 4F property; • Acquisitions and relocations comply with the Uniform Act; • State agency complies with Title VI of the Civil Rights Act; • FHWA concurs with the State that the Early Acquisition did not influence the NEPA decision for the proposed transportation project including: <ul style="list-style-type: none"> ○ The need to construct, ○ The consideration of alternatives, or ○ The selection of design or location; • Property is incorporated in the transportation project to which the credit will be applied; and • The amount of the credit may be current fair market value or historic acquisition cost to acquire; however, this credit must be applied consistently within the transportation project subject to the requirements at 23 U.S.C. 323(b).
3) State-funded Early Acquisition Eligible for Future Reimbursement 23 CFR 710.501(d) 23 USC 108(c)	NO	NO	When legally permissible by State law.	After NEPA is completed and real property interests are incorporated in a Title 23 project and all applicable requirements are met.	YES	YES, if State law allows	<ul style="list-style-type: none"> • Property lawfully obtained by the State agency; • Not 4F property; • Acquisitions and relocations comply with the Uniform Act; • State agency complies with Title VI of the Civil Rights Act; • FHWA concurs with the State that the Early Acquisition did not influence NEPA for the proposed transportation project including: <ul style="list-style-type: none"> ○ The need to construct, ○ The consideration of alternatives, ○ The selection of design or location; • State has a mandatory, comprehensive, and coordinated land use, environmental, and transportation planning process under State law, and the Governor has determined in advance that the acquisition is consistent with the State plans and is consistent with the State transportation planning process under 23 U.S.C. 135; • The State selects the alternative for which the real property interest is acquired pursuant to NEPA; • Prior to approval for Federal participation, NEPA, section 4(f), and all other environmental review/approval requirements are complete (see https://www.fhwa.dot.gov/environment/env_sum.cfm and provisions in 771.119(g) and 771.125(a)(1) on reasonable assurances of compliance). • Reimbursement of acquisition costs is based on the usual costs to acquire 23 CFR 710.203(b)(1).

Acquiring ROW Alternatives	Require NEPA Decision	Allow 4F Properties	Start Acquisition	Request Reimburse-ment/Credits	Comply w/ Federal Law*	Subject to Condemnation	Requirements
4) Federally Funded Early Acquisition (Stand-alone Project) 23 CFR 710.501(e) 23 USC 108(d)	YES, NEPA decision required for the early acquisition, stand-alone project only (separate from NEPA for the transportation project). (Usually a CE)	NO	After NEPA is complete for the Early Acquisition Project	This is a reimbursable, stand- alone, Federal-aid Project based on FHWA authorization to proceed with the early acquisition	YES	NO	<ul style="list-style-type: none">• State certifies and FHWA concurs that the following requirements have been met:<ul style="list-style-type: none">○ State has authority to acquire under State law;○ Is for a Title 23 eligible transportation project and does not involve 4F properties;○ Will not cause significant adverse environmental impacts because of the EA project or from cumulative effects of multiple EA projects carried out in connection with the transportation project;○ Will not limit the choice of reasonable alternatives for the transportation project or otherwise influence the decision of FHWA on any approval required of the transportation project;○ Will not prevent FHWA from making an impartial decision as to whether to accept an alternative that is being considered in the environmental review process for a proposed transportation project;○ Is consistent with the State transportation planning process under 23 U.S.C. 135;○ Complies with other applicable Federal laws (including regulations);○ Will be acquired through negotiation, without the threat or use of condemnation;○ Will not reduce or eliminate relocation benefits under the Uniform Act and Title VI of the Civil Rights Act;○ The Early Acquisition project is in the applicable Transportation Improvement Program(s); and○ NEPA for the Early Acquisition project is complete (including compliance with 23 CFR 710.501(e)(4)), and approved by FHWA.• Real property interests acquired cannot be developed in anticipation of the transportation project until a NEPA decision for that transportation project has been completed. No development activity related to demolition, site preparation, or construction that is not necessary to protect health or safety may be undertaken, and any such work requires prior FHWA approval under 23 CFR 710.501(f).• If reimbursement is made and the real property interests are not incorporated in a transportation project within 20 years, pursuant to 23 U.S.C.108(d)(7) FHWA must offset the amount against Federal-aid funds apportioned to the State.• Eligibility for Relocation Assistance a person is considered displaced when required to move from the real property as a direct result of a binding written agreement for the purchase of the real property interest. Except as provided in 23 CFR 710.501(h), options to purchase and similar agreements do not create an immediate commitment and do not create relocation eligibility. <p>Note: The “Option” to purchase the property at a later date allows the property to remain occupied limiting the risk of blight in the neighborhood due to vacant buildings.</p>

Advance Acquisition (EA) Alternatives & Requirements (23 CFR 710.501)							Revision date: 02/12/2018
Acquiring ROW Alternatives	Require NEPA Decision	Allow 4F Properties	Start Acquisition	Request Reimburse-ment/Credits	Comply w/ Federal Law*	Subject to Condemnation	Requirements
1) Protective Buying 23 CFR 710.503	** Yes, typically a CE. See 23 CFR 771.117(d)(12)	Yes, if 4F determination and, if applicable, procedures of the Advisory Council on Historic Preservation, are completed for the parcel. 710.503(a)(3)-(4)	Usually during the NEPA process.	After property is incorporated in the Federal-aid transportation project.	YES	YES, if State law allows	<ul style="list-style-type: none">Development of the property is imminent and would limit future transportation choices.Acquisition shall not influence the environmental review of the transportation project, including decisions on need to construct the transportation project or selection of an alternative.
2) Hardship Acquisition 23 CFR 710.503	** Yes typically a CE. See 23 CFR 771.117(d)(12)	Yes, if 4F determination and, if applicable, procedures of the Advisory Council on Historic Preservation, are completed for the parcel. 710.503(a)(3)-(4)	Usually during the NEPA process.	After property is incorporated in the Federal-aid transportation project.	YES	Yes, if State law allows. See comment at right.	<ul style="list-style-type: none">A request for hardship acquisition based on a property owner's written submission that shows (1) remaining in the property poses an undue hardship compared to other property owners because of health, safety, or financial reasons, and (2) the owner has been unable to sell the property at fair market value because of the impending transportation project, within a time period that is typical for properties not impacted by the impending transportation project.Acquisition must not influence the environmental review of the transportation project, including decisions on need to construct the transportation project or selection of an alternative. <p>Note: While the agency may condemn if a settlement cannot be reached on a hardship acquisition, great care should be taken to ensure that the decision is warranted both for the property owner and the agency.</p>

* Relevant Federal Law includes the Uniform Act, Title VI Civil Rights Act, and Federal Regulations (primarily, 23 CFR Part 710).

** Note: Protective Buying and Hardship Acquisitions usually occur However, prior to approving an AA, NEPA and section 4(f) clearance is necessary for the AA parcels. This requires the AA parcels to be carved out from the overall transportation project to do NEPA and 4(f) review on those parcels. The NEPA class of action is typically a CE. The AA reviews and decisions are for advanced acquisition, and the AA parcels still will be included in the NEPA and section 4(f) evaluations for the transportation project.

EXHIBIT 4-1



Charles D. Baker, Governor
Karyn E. Polito, Lieutenant Governor
Stephanie Pollack, Secretary & CEO
Jonathan L. Gulliver, Highway Administrator



«Print Date»

«Contact Name»

«Email»

«Owners»

«Mailing Address»

«Mailing City State Zip»

«Co Owners»

«City»

«Project Name»

Project #«Project Number»

Parcel(s): «Parcel List»

Property Address: «Property Address»

Dear Property Owner:

The purpose of this letter is to notify you that MassDOT – Highway Division will be initiating the appraisal process in reference to the above-mentioned project. I have been directed to provide an appraisal of the parcel(s) to be acquired from your property.

Over the next few weeks, I will be conducting inspections of the properties affected by this project and meeting onsite with property owners. If you wish to accompany me on the inspection of your property, please contact me at your convenience.

Sincerely,

«Appraiser»

MassDOT Right of Way Bureau

«Appraiser Phone»

«Appraiser Email»

Certified Mail No. «Certified Mail Number»

Example Appraisal Contact Letter

EXHIBIT 4-2



Charles D. Baker, Governor
Karyn E. Polito, Lieutenant Governor
Stephanie Pollack, Secretary & CEO
Jonathan L. Gulliver, Highway Administrator



Appraiser's Affidavit

I, «Appraiser», HEREBY CERTIFY:

that on «Appraisal Value Date» I afforded the property owner or the owners' representative the opportunity to accompany me on my inspection of the property located at:

«Property Address», «City», MA

Owner:

Appraiser:

Signature

Signature

Owner's Representative:

Appraiser:

Signature

Signature

Example Appraiser Affidavit

EXHIBIT 4-3



MassDOT Restricted Appraisal Report Format (Staff Only)

1. **Cover Page**
 - City/town, project, owner's name, owner's mailing address, property location, federal aid project number (if applicable), layout number, parcel numbers (including area and interest acquired).
2. **Table of Contents**
3. **Introduction - Summary of Salient Facts and Conclusions**
 - The Objective and Purpose of the Appraisal, Client and Other Intended Users, Competency of the Appraiser, Present Use of Property, Owner of Record, 5-Year Sale/Transfer, Brief Description of Property, Property Rights Appraised, Parts to be Acquired, Zoning, Effective Date of Valuation, Highest and Best Use Before Acquisition, Highest and Best Use After Acquisition, Valuation Date and Conclusion
4. **Scope of the Appraisal**
5. **Estimated Exposure Time**
6. **Definition of Market Value**
7. **Property Rights Appraised**
8. **Date of the Value Estimate and Property Inspection**
9. **Assumptions and Limiting Conditions**
10. **Extraordinary Assumptions and Hypothetical Conditions**
11. **Municipal Data; Location and Neighborhood**
12. **Transportation Project Overview**
13. **Project Influence**
14. **Grantor, Title, and Utilities Data**
15. **Property Assessment and Real Estate Tax Liability**
16. **5-Year Sales History**
17. **Zoning and Restrictions**
18. **Description of Land and Improvements (Before Acquisition)**
19. **Photographs**
 - Properly Identified, Direction Taken, Date Taken, and by whom
20. **Proposed Right of Way Plan (Sketch)**
21. **Description of Parcels to be Acquired (Land and Improvements), Effect of Taking and the Proposed Construction on Remainder Property, Work Included in Contract; In Lieu of Damages**
22. **Highest and Best Use Analysis**
23. **Description of Land and Improvements (After Acquisition)**
24. **Analysis of Value Cost to Cure, Correlation of Value, Explanation of Special Benefits (if applicable)**
25. **Reconciliation, and Final Estimate of Damages**
26. **Certificate of the Appraiser (USPAP)**

Addenda and Exhibits

27. **Subject Deed**
28. **Comparable Sale Location Map**
29. **Comparable Sale Data Sheet**
 - Photo, Sketch, Narrative Analysis of Sale/Rental
30. **Appraiser's Contact Letter**
 - Mailed Certified Mail with Returned Receipt
31. **Affidavit of Appraiser**
32. **Other Pertinent Exhibits**
33. **Allocation of Damages**

EXHIBIT 4-4



MassDOT Appraisal Report Format

1. Cover Page
 - City/town, project, owner's name, owner's mailing address, property location, federal aid project number (if applicable), layout number, parcel numbers (including area and interest acquired).
 2. Table of Contents
 3. Transmittal Letter (Fee Only)
 4. Introduction - Summary of Salient Facts and Conclusions
 - The Objective and Purpose of the Appraisal, Client and Other Intended Users, Competency of the Appraiser, Present Use of Property, Owner of Record, 5-Year Sale/Transfer, Brief Description of Property, Property Rights Appraised, Parts to be Acquired, Zoning, Effective Date of Valuation, Highest and Best Use Before Acquisition, Highest and Best Use After Acquisition, Valuation Date and Conclusion
 5. Scope of the Appraisal
 6. Estimated Exposure Time
 7. Definition of Market Value
 8. Property Rights Appraised
 9. Date of the Value Estimate and Property Inspection
 10. Assumptions and Limiting Conditions
 11. Extraordinary Assumptions and Hypothetical Conditions
 12. Municipal Data; Location and Neighborhood
 13. Transportation Project Overview
 14. Project Influence (Before)
 15. Grantor, Title, and Utilities Data
 16. Property Assessment and Real Estate Tax Liability
 17. 5-Year Sales History
 18. Zoning and Restrictions
 19. Property Plan
 20. Description of Land and Improvements (Before Acquisition), Floor Plans and Dimensions of Structure (if applicable)
 21. Photographs
 - Properly Identified, Direction Taken, Date Taken, and by whom
 22. Proposed Right of Way Plan (Sketch)
 23. Description of Parcels to be Acquired (Land and Improvements), Effect of Taking and the Proposed Construction on Remainder Property, Work Included in Contract; In Lieu of Damages
 24. Highest and Best Use Analysis (Before/After)
 25. Description of Land and Improvements (After Acquisition)
 26. Valuation Approaches to Value (Sales Comparison, Income Approach, and Cost Approach)
 27. Analysis of Value Cost to Cure, Correlation of Value, Explanation of Special Benefits (if applicable)
 28. Reconciliation, and Final Estimate of Damages
 29. Certificate of the Appraiser (USPAP)
- Addenda and Exhibits
30. Subject Deed
 31. Comparable Sales/Rentals Location Map
 32. Comparable Sales/Rentals Data Sheets
 - Photo, Sketch, Narrative Analysis of Sale/Rental
 33. Appraiser's Contact Letter
 - Mailed Certified Mail with Returned Receipt
 34. Affidavit of Appraiser
 35. Other Pertinent Exhibits
 36. List of Non-Compensable (Personal) Property (if applicable)
 37. Economic Rental for Property Management Purposes (if applicable)
 38. Allocation of Damages
 39. Qualifications of the Appraiser

EXHIBIT 4-5



December X, 20XX

ABC Appraisal Corporation
89 Summer Street
Hingham, MA 00243

Dear XX. Appraiser:

Thank you for your interest to appear on the MassDOT – Right of Way Bureau’s list of approved fee appraisers. The Right of Way Bureau has adopted a set of qualifications which appraisers must possess if they are to be placed on this roster. The primary purpose for utilizing fee appraisers is to assist in establishing the fair market value of damages for real property and/or interests taken in the construction of highway related improvements.

A Real Estate Appraiser must have the following qualifications and make the required submissions for review, to be approved:

1. Have a minimum of five (5) years’ experience, either as self-employed or with any agency concerned with the appraisal or acquisition of real estate.
2. Be certified in accordance with title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (FIRREA) (12 U.S.C. 3331 et seq.)
3. Present evidence of ability to qualify as an expert real estate appraiser in the Massachusetts Superior Court.
4. Presently be devoted at least 50% of a normal working day’s time to the real estate field.
5. Satisfy the Bureau as to one’s character, integrity, and ability to serve the best interests of the Commonwealth of Massachusetts.
6. Submit a completed MassDOT Experience Questionnaire for Fee Real Estate Appraisers.
7. Submit an up to date resume or qualifications statement.

All documentation should be sent to the attention of _____, Appraisal Administrator at:

State Transportation Building
10 Park Plaza, Suite 6160
Boston, MA 02116

Sincerely,

_____, Director
Right of Way Bureau

EXHIBIT 4-6

EXPERIENCE QUESTIONNAIRE FOR FEE REAL ESTATE APPRAISERS

1. **PERSONAL INFORMATION**

NAME: _____

PROFESSIONAL DESIGNATIONS: _____

COMPANY: _____

BUSINESS ADDRESS: _____

EMAIL _____ TEL. _____ FAX: _____

HOME ADDRESS: _____

EMAIL _____ TEL. _____ FAX: _____

2. **EDUCATION**

HIGH SCHOOL

<u>SCHOOL ATTENDED</u>	<u>DATES ATTENDED</u>	<u>YEAR GRADUATED</u>
------------------------	-----------------------	-----------------------

_____	_____	_____
_____	_____	_____
_____	_____	_____

COLLEGE

<u>SCHOOL ATTENDED</u>	<u>DATES ATTENDED</u>	<u>DEGREE RECEIVED</u>
------------------------	-----------------------	------------------------

_____	_____	_____
_____	_____	_____
_____	_____	_____

SPECIAL COURSES TAKEN

1. REAL ESTATE APPRAISAL

<u>PROVIDER/ COURSE ATTENDED</u>	<u>DATES ATTENDED</u>	<u>CERTIFICATE/ DEGREE RECEIVED</u>
--------------------------------------	-----------------------	---

2. OTHER (R.E. Law, Brokerage, Property Management, Investment etc.)

<u>SCHOOL/ COURSE ATTENDED</u>	<u>DATES ATTENDED</u>	<u>CERTIFICATE/ DEGREE RECEIVED</u>
------------------------------------	-----------------------	---

(Resumes detailing the above information can be attached, if they provide sufficient information.
Simply indicate “See attached”.)

3. **PROFESSIONAL WORK EXPERIENCE**

A. **REAL ESTATE APPRAISER**

Employer Name	Address	Date Employed	Title

B. **Are you qualified as an Expert Real Estate Appraiser in the Massachusetts Court?**

C. **COURT APPEARANCES AS AN EXPERT WITNESS (As a Real Estate Appraiser)**

Court	Type of Case	Dates

D. **OTHER REAL ESTATE RELATED PROFESSIONAL WORK EXPERIENCE**

Employer Name	Address	Dates Employed	Title

(Resumes detailing the above information can be attached, if they provide sufficient information. Simply indicate “See attached”.)

E. MASSACHUSETTS LICENSES:

APPRAISER LICENSE No.	_____
APPRAISER LICENSEE TYPE:	_____
R.E. BROKER LICENSE No.	_____

F. NUMBER & TYPES OF PROPERTIES APPRAISED IN THE PAST TEN (10) YEARS

<u>TYPE</u>	<u>NUMBER</u>
SINGLE FAMILY DWELLINGS	_____
TWO FAMILY DWELLINGS	_____
THREE FAMILY DWELLINGS	_____
MULTIPLE FAMILY DWELLINGS	_____
FOUR OR MORE LIVING UNITS	_____
COMMERCIAL	_____
MOTELS	_____
SCHOOLS	_____
CHURCHES	_____
HOSPITAL	_____
SERVICE STATIONS	_____
THEATERS	_____
SHOPPING CENTERS	_____
INDUSTRIAL	_____
CEMETERIES	_____
FARMS	_____
FOREST LAND	_____
GRAVEL AND SAND DEPOSITS	_____
SUBDIVISION -ACREAGE	_____
LEASEHOLD INTERESTS	_____
OTHER (SPECIFY)	_____

G. NUMBER AND PURPOSE OF APPRAISALS

<u>PURPOSE</u>	<u>NUMBER</u>
a. EMINENT DOMAIN TAKING	_____
• FOR TAKING AUTHORITIES	_____
• FOR AFFECTED OWNERS	_____
b. FOR BROKERAGE SALES	_____
c. FOR TAXATION	_____
d. FOR PROBATE	_____
e. FOR MORTGAGE LOANS	_____
f. FOR INSURANCE	_____

H. PERCENTAGE OF WORK HOURS SPENT DOING VARIOUS ACTIVITIES
(DURING THE LAST FIVE YEARS):

APPRAISING:	_____	%
REVIEWING APPRAISALS:	_____	%
R.E. BROKERAGE:	_____	%
PROPERTY MANAGEMENT:	_____	%
OTHER:	_____	% (Describe) _____

I. PROFESSIONAL ASSOCIATIONS: (Specify whether full, or associate member)

<u>Association</u>	<u>Designation (if any)</u>	<u>Membership Status</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

REFERENCES

SUBMIT THE NAMES AND ADDRESSES OF AT LEAST THREE (3) PERSONS KNOWLEDGEABLE OF YOUR QUALIFICATIONS-- ONE OF WHOM SHOULD BE A FULL MEMBER OF A NATIONALLY RECOGNIZED APPRAISAL ORGANIZATION.

Name	Appraisal Organization	Phone Number

9. PREFERRED GEOGRAPHIC AREA (S): Area(s) in which you are interested in doing work for MassDOT (if no restrictions, then indicated "Statewide"):

10. IS YOUR FIRM A CERTIFIED MINORITY-, WOMEN-, or DISADVANTAGED BUSINESS ENTERPRISE?

YES _____ NO _____

- If not currently certified, any minority or female appraisers are encouraged to become certified.

11. SUBMISSIONS REQUIRED -- IN ORDER TO QUALIFY AS FEE APPRAISER

- A. Three (3) recent narrative appraisals to be reviewed by the Bureau. It is recommended that an applicant submit one (1) each of three (3) different types of property appraisals, specifically: improved commercial and/or industrial, improved residential, or vacant land. **A sample of an appraisal prepared for eminent domain purposes or a sample of a partial valuation appraisal is highly recommended.** These appraisals are only for review by MassDOT, in order to determine the quality of the appraiser's work, and the contents will remain confidential. Note: Freddie Mac and Fannie Mae forms are not acceptable.
- B. A copy of your R.E. Appraiser's License, indicating that you have been **certified** and licensed in accordance with Title XI of the FIRREA.

12. LEGAL OR ADMINISTRATIVE PROCEEDINGS: COMPLIANCE WITH LAWS.

List all judicial or administrative proceedings currently pending, or concluded adversely, against the applicant or any partner or any officer of the applicant's company within the past ten (10) years -- which relate to the procurement or performance of any public or private contracts, or which relate to environmental offenses.

List any criminal proceedings relating to embezzlement, graft, forgery, bribery, falsification or destruction of records, receipt of stolen property, environmental offenses, or other felonies.

If any of the above applies, list on attached sheet each judicial, administrative, or criminal proceeding -- giving the dates, place, nature of the offense, and disposition of the case, including sentence imposed.

Any false statement in the application may, at the discretion of MassDOT, result in a determination not to award a contract to the applicant and/or the applicant's company, or to terminate an awarded contract.

Signature: _____ Date: _____

EXHIBIT 4-7



<Date>

<Sent Via>

City/Town: <City/Town>

Project: <Project Name>

Project No.: <XXXXXX>

Letter of Assignment

<Appraiser>

<Appraisal Firm>

<Street Address>

<City/Town, Zip Code>

Dear <Appraiser>:

Under authorization of and in accordance with the terms of your contract, you are hereby assigned to submit appraisal reports for the proposed total/partial acquisition(s) in relation to the above referenced project in <City/Town>. All information needed to perform this assignment was either sent to you already or will be sent when available.

Payment will be in accordance with your proposal given by email on <Date Received> in the amount of \$<Fee Amount> (<Written Fee Amount>). The completion of this assignment is not to exceed <XX> days starting <Assignment Commencement Date>. Delivery must be received in this office no later than <Assignment Completion Date>.

If there are any questions or if additional information is needed, please call <Appraisal Administrator Name>, Right of Way/Appraisal Administrator at (XXX) XXX-XXXX.

Sincerely,

<Director Name>, Director
Right of Way Bureau
Cc: file

Exhibit 4-8

REVIEW APPRAISER'S CHECKLIST

Appraiser: «Appraiser»

Field reviewed: Yes: ☒ No: ☐

Type of takings: «Count_Fee» fee interest taking(s), «Count_PE» permanent easement(s), and «Count_TE» temporary easement(s)

Compliant?		COMPLIANCE CHECKLIST
Yes	No	
<input checked="" type="checkbox"/>		1. Owner's name; owner's mailing address; address of property
<input checked="" type="checkbox"/>		2. Project number; Layout number; Federal Aid Project Number (if applicable)
	N/A	3. Letter of transmittal, dated and signed (fee appraisal only)
<input checked="" type="checkbox"/>		4. Purpose of appraisal; property rights appraised; extraordinary assumptions and/or hypothetical conditions
<input checked="" type="checkbox"/>		5. Estimated exposure time; definition of market value; scope of work; effective date of value
<input checked="" type="checkbox"/>		6. Description of location and neighborhood and neighborhood influence; overview of project
<input checked="" type="checkbox"/>		7. Grantor, title abstract; utilities; zoning including all information; assessment; five-year sales history
<input checked="" type="checkbox"/>		8. Photographs properly identified, date taken, and by whom
<input checked="" type="checkbox"/>		9. Plan showing all parcels to be acquired
<input checked="" type="checkbox"/>		10. Description of entire property; floor plans of structures: dimensions and areas (if applicable)
<input checked="" type="checkbox"/>		11. Highest and best use of property as of the date of value
<input checked="" type="checkbox"/>		12. Land valuation – comparable sales analysis
<input checked="" type="checkbox"/>		a. Comparable sales data form with detailed information, photo, sketch
<input checked="" type="checkbox"/>		b. Narrative analysis of sale
<input checked="" type="checkbox"/>		c. Explanation of adjustments
<input checked="" type="checkbox"/>		d. Map or sketch showing location of sales
	N/A	13. Valuation with improvements – comparable sales analysis
	–	a. Comparable sales data form with detailed information, photo, sketch
	–	b. Narrative analysis of sales
	–	c. Explanation of adjustments
	–	d. Map or sketch showing location of sales
<input checked="" type="checkbox"/>		14. Description of parcels to be acquired; work in lieu of damages
<input checked="" type="checkbox"/>		15. Description of remaining property:
<input checked="" type="checkbox"/>		a. Effect of layout and construction on remainder
<input checked="" type="checkbox"/>		b. Highest and best use after the taking
<input checked="" type="checkbox"/>		c. Special benefits to remainder, if any, justify
<input checked="" type="checkbox"/>		16. Analysis of value; correlation and final estimate of damages
<input checked="" type="checkbox"/>		17. Appraiser's certification statement; assumptions and limiting conditions
<input checked="" type="checkbox"/>		18. Subject property deed (complete title report is available on SharePoint)
	N/A	19. List of non-compensable (personal) property (if applicable)
	N/A	20. Economic rental, for property management purposes (if applicable)
<input checked="" type="checkbox"/>		21. Appraiser contact letter w/return receipt; appraiser affidavit properly filled out
<input checked="" type="checkbox"/>		22. Allocation of damages
<input checked="" type="checkbox"/>		23. Math check (by reviewer)

FINAL DETERMINATION OF DAMAGES

Date		Appraiser	Reviewer
Jul. 2, 2020	Recommended – accepted and approved as the basis for the establishment of the amount believed to be Just Compensation	Value before: N/A Value after: N/A Opinion of value: «Appraiser_Award_of_Damages»	N/A N/A «Reviewer_Award_of_Damages»
	Accepted – meets all requirements, but not selected as recommended	Date of Review: July 2, 2020	
	Not accepted (include reason in comments)	Reviewing appraiser:	

EXHIBIT 4-9

STATEMENT OF THE REVIEW APPRAISER

I, «Review_Appraiser», as Review Appraiser, hereby certify that:

- (1) It is my opinion that «Reviewer_Award_of_Damages» is a reasonable measure of market value and/or damages. I recommend the acceptance and approval of the appraisal report under review as the basis for the establishment of the amount believed to be Just Compensation. This determination is based upon all relevant information that is available, including the appraisal and data submitted by «Appraiser», as well as my own observations and calculations. This determination is not based upon additional information that was not available to the appraiser as of the effective date of the appraisal report.
- (2) I understand that the above-stated opinion of market value and/or damages is to be used in connection with a Federal Aid Project.
- (3) I acknowledge the following checked statements:

☒ I made a visual inspection of the parcel(s) to be acquired, and the comparable sales relating thereto.
☒ I am familiar with the project, and the area, from a recent visit.
- (4) I have no direct or indirect, present or contemplated future, personal interest in the property that is the subject of the appraisal report under review, nor in any benefit from the acquisition of such property; that my immediate family or partner, or any business organization in which I am serving as an officer, director, trustee, partner, or employee, or any person or organization with whom I am negotiating or have any arrangement concerning prospective employment, did not perform, in whole or in part, this review appraisal, and that I, my immediate family or partner, or any business organization in which I am serving as an officer, director, trustee, partner, or employee, or any person or organization with whom I am negotiating or have any arrangement concerning prospective employment, do not have a financial interest in the property which is herein appraised; that I have read the provisions of M.G.L. c. 268A, S. 23, a copy of which is attached to and made a part of this review appraisal report; and that to the best of my knowledge, in carrying out this appraisal review assignment, I have not violated the standards of conduct set forth in said section 23.
- (5) My opinions and determinations have been reached independently, without collaboration or direction.
- (6) My recommendation of acceptance of market value and/or damages included only items that are compensable under State law, and are eligible for Federal reimbursement as herein noted.

July 2, 2020
Date

Review Appraiser:

«Review_Appraiser», Right of Way Agent IV
Certified General Real Estate Appraiser MA
#CertificateNumber

Attachment: Appraisal report by «Appraiser» with a signature and transmittal date of «Appraisal_Report_Date», of property owned by «Owners» located at «Property_Address», «City», MA.

EXHIBIT 4-10

MASSDOT – HIGHWAY DIVISION, RIGHT OF WAY BUREAU REVIEWING APPRAISER'S COMMENTS AND ESTIMATE

Purpose of the Review Appraisal. The purpose of this appraisal review is to establish the amount of Just Compensation for the property rights conveyed through the proposed acquisition of «Count_Fee» fee interest taking(s), «Count_PE» permanent easement(s), and «Count_TE» temporary easement(s).

The function or intended use of this appraisal review report is for internal decision making by MassDOT (the client) and its regulatory partners. The information contained in this review appraisal report is specific to the needs of the client and for the intended use stated herein. The review appraiser is not responsible for unauthorized use of this review appraisal report.

Identification of the Work under Review.

1. The F.A. Project number is «FAP_No».
2. The subject of this appraisal review is the [appraisal report | restricted appraisal report] prepared by «Appraiser» with an effective date of value of «Appraisal_Value_Date» and a signature and transmittal date of the appraisal report of «Appraisal_Report_Date».
3. The property that is the subject of the appraisal report under review is the property owned by «Owners» located at «Property_Address», «City», MA.
4. The subject property is situated within «City»'s «Zoning_District» zoning district. The subject property also lies in a «Overlay_District» overlay district.
5. The subject property will be affected by the proposed acquisition(s) identified as «Parcel_List».
6. The temporary easements taken throughout the proposed project are for a five-year period.

Scope of the Review Appraisal. The review process included, but was not limited to the following:

1. Pre-work consultation with the appraiser regarding basic specifications, appraisal instructions, and review procedures.
2. Site inspections of the subject property and the comparable sales used by the appraiser.
3. Review of the Right of Way plans, legal description, deed, and property field card for the subject property and all of the comparable sales.
4. A complete reading of the appraisal report identified.
5. An analysis as to the adequacy and relevance of the data used and the propriety of any adjustments made.
6. An analysis as to whether or not the appraisal methods and techniques used are appropriate.
7. An analysis as to whether or not the analyses, opinions or conclusions in the appraisal being reviewed are credible and appropriate.
8. An analysis of the data contained in the appraisal report and a mathematical check of the calculations.
9. Consultation with the appraiser with requests for clarification, corrections and/or revisions.
10. An analysis as to whether the appraisal report conformed to applicable federal and state laws, standards, and guidelines.

Review Findings. Based on my analysis of the appraisal report that is the subject of this review, I conclude:

1. The appraisal report reflects fair market value of the property to be acquired and provides reasonable opinion of Just Compensation.
2. The appraisal report has been made in accordance with accepted appraisal techniques and the applicable approaches to value have been used. The appraiser has relied upon the sales comparison approach to conclude an opinion of land value, which is considered reasonable and well supported by the sales data.
3. The appraisal report is in compliance with applicable federal and state laws, standards, and guidelines.
4. The appraisal report contains sufficient documentation to substantiate the opinions and conclusions stated therein.
5. There will be no apparent change in access, overall utility, or highest and best use as a result of the proposed taking(s).
6. There will be no uneconomic remnant as a result of the proposed taking(s).
7. The appraiser has exhibited competency and has performed appropriate due diligence.
8. The appraiser has valued the real property properly and; therefore, I accept and approve the appraisal report as a reasonable measure of Just Compensation.

FINAL OPINION OF DAMAGES: «Reviewer_Award_of_Damages»

July 2, 2020

Date

«Review_Appraiser», Right of Way Agent IV

Certified General Real Estate Appraiser MA #CertificateNumber

EXHIBIT 4-11



Right of Way Bureau
10 Park Plaza, Room 6160
Boston MA 02116-3973

JUST COMPENSATION SUMMARY REPORT

Information included in this Summary Report is provided to the owner of real property who has interests in property acquired or to be acquired and shows (as required by Title III, Section 301 (3) of Public Law 91-646 "Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970") the basis for the amount established as Just Compensation.

OWNER'S NAME(S): «Owners»

MAILING ADDRESS: «Mailing_Address», «Mailing_City_State_Zip»

CITY/TOWN: «City», Massachusetts

F.A. PROJECT No.: «FAP_No»

PROJECT FILE No.: «Project_Number»

LAYOUT No.: «Layout_Number»

PROPERTY LOCATION: «Property_Address», «City», MA

ASSESSOR'S IDENTIFICATION: «Parcel_ID»

PROPERTY DESCRIPTION: According to the «City» assessor's records, the property is a [insert assessment description, which may include lot area, property type, style, stories, rooms, BR, BA, SF GLA, YB, quality, condition, etc.].

TAKINGS / ACQUISITIONS:

Parcel No. Acquired	Area (SF)	Interest
«Parcel_1»	«Area_1»	«Type_1»
«Parcel_2»	«Area_2»	«Type_2»
«Parcel_3»	«Area_3»	«Type_3»
«Parcel_4»	«Area_4»	«Type_4»
«Parcel_5»	«Area_5»	«Type_5»
«Parcel_6»	«Area_6»	«Type_6»

- (1) Separately held interest in the real property not being acquired in whole or in part (if applicable):
None.
- (2) Buildings, structures and other improvements, including fixtures, trade fixtures, and removable equipment in the building, which are considered to be part of the real property for which the offer of Just Compensation is made:
None.
- (3) Real property improvements, including fixtures not owned by the owner of the land (if none, so state):
None.
- (4) Types, and approximate quantity, of personal property located on the premises that is not being acquired, where the owner and/or tenant(s) are eligible for a Relocation Payment to relocate the personal property located on the premises being acquired (if not eligible, so state):
None.
- (5) The Department's determination of Just Compensation is based on the following:
- (A) The market value of the property.
 - (B) Just Compensation is not less than the approved appraisal of land damages, based on the interest acquired.
 - (C) Just Compensation disregards any decrease or increase in the market value of the property prior to acquisition caused by the project for which the property is being acquired.
 - (D) In the case of separately held interests in the real property, the apportionment of the total Just Compensation for each of those interests has been considered.
- (6) Estimate of value: **«Reviewer_Award_of_Damages»**
- (7) Damages to the remaining real property (if none, so state): **None**
- (8) Final estimate of value: **«Reviewer_Award_of_Damages»**
- (9) The amount of Just Compensation has been established through the use of acceptable principles applicable to the appraisal of real estate, by considering the three approaches to value, namely the cost approach, the sales comparison approach, and the income approach.

EXHIBIT 4-12



THE COMMONWEALTH OF MASSACHUSETTS

MassDOT – Highway Division

Right of Way Bureau

Real & Personal Property Report

Claimant:

Property Location:

Project:

Parcels:

I have reviewed the attached “Personal Property Inventory”, supplied by the MassDOT/Relocation Section, dated XX/XX/XXXX. Also, on XX/XX/XXXX, I personally made an inspection of the above stated property. Accompanying me on said in section was:

I have determined that all of the items on the attached list (#X–#XX) are considered personal property and eligible for relocation assistance through the Right of Way Business Relocation Unit, **excluding item #XX**.

Submitted By:

Review Appraiser

Date

Approved By:

Appraisal Administrator

Date

EXHIBIT 4-13

MASSDOT HIGHWAY DIVISION

RIGHT OF WAY BUREAU

DOCKET OF DEPARTMENT REAL ESTATE APPRAISAL REVIEW BOARD

CITY:

DATE OF MEETING:

SHEET ____ OF ____

LAYOUT NO: ____

CODE NO:

PARCEL(S)	OWNER(S)	APPRAISER(S)	REVIEW APPRAISER(S)	REVIEW BOARD
<u>CITY/TOWN</u> PARCEL(S)				

EXHIBIT 4-14



RIGHT OF WAY BUREAU REAL ESTATE APPRAISAL REVIEW BOARD RECOMMENDATION

Highway Administrator
Mass DOT Highway Division
10 Park Plaza
Boston, MA. 02116-3973

RE: Town:
Owner:
Parcel No.:
F.A.P. No.:

Dear Administrator:

We, the undersigned, Members of the Massachusetts Real Estate Review Board, have reviewed the appraisal reports and the recommendation of the Department's Review Appraiser submitted to us by the Right of Way Bureau in connection with the eminent domain taking for highway purposes of the parcel(s) identified above.

In the process of arriving at value estimates, it is customary to consider three approaches: depreciated replacement, capitalized income, and market comparisons. The Review Board gives consideration to all information contained in such reports as are submitted to it, correlating such information and arriving at a composite opinion of the highest price which the Mass DOT - Highway Division of the Commonwealth of Massachusetts should pay for a specific property, unless ordered otherwise by some court of jurisdiction.

We have concluded that the Mass DOT Highway Division's award should not exceed \$_____ for the parcel(s), as of date of taking, plus such interest as provided by law from date of recording of the order of taking to date of payment, and pro rata amount of local real estate property taxes for the balance of the calendar year. Unless otherwise noted, the maximum amount recommended by the Board represents the total value of the parcel(s).

Remarks: Total Taking; No Severance Damages included in the above amount.

Land	\$
Buildings	\$
Other Improvements	\$
Total	\$

DATE:

SIGNED:

EXHIBIT 8-1

Print Form

Form W-9
(Massachusetts Substitute W-9 Form)
Rev. April 2009

Request for Taxpayer Identification Number and Certification

Completed form should be given to the requesting department or the department you are currently doing business with.

Please print or type

Name (List legal name, if joint names, list first & circle the name of the person whose TIN you enter in Part I-See Specific Instruction on page 2)

Business name, if different from above. (See Specific Instruction on page 2)

Check the appropriate box: ☐ Individual/Sole proprietor ☐ Corporation ☐ Partnership ☐ Other

Legal Address: number, street, and apt. or suite no.

Remittance Address: if different from legal address number, street, and apt. or suite no.

City, state and ZIP code

City, state and ZIP code

Phone # ()

Fax # ()

Email address:

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. For individuals, this is your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the Part I instruction on page 2. For other entities, it is your employer identification number (EIN). If you do not have a number, see **How to get a TIN** on page 2.

Note: If the account is in more than one name, see the chart on page 2 for guidelines on whose number to enter.

Social security number

□ □ □ - □ □ - □ □ □ □

OR

Employer identification number

□ □ - □ □ □ □ □ □

Vendors:

Dunn and Bradstreet Universal Numbering System (DUNS)

DUNS

□ □ □ □ □ □ □ □

Part II Certification

Under penalties of perjury, I certify that:

- The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me), **and**
- I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Services (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding, **and**
- I am an U.S. person (including an U.S. resident alien).
- I am currently a Commonwealth of Massachusetts's state employee: (check one): No ☐ Yes ☐ If yes, **in compliance with** the State Ethics Commission **requirements**.

Certification instructions: You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply.

Sign Here

Authorized Signature ▶

Date ▶

Purpose of Form

A person who is required to file an information return with the IRS must get your correct taxpayer identification number (TIN) to report, for example, income paid to you, real estate transactions, mortgage interest you paid, acquisition or debt, or contributions you made to an IRA.

Use Form W-9 only if you are a U.S. person (including a resident alien), to give your correct TIN to the person requesting it (the requester) and, when applicable, to:

- Certify the TIN you are giving is correct (or you are waiting for a number to be issued).
- Certify you are not subject to backup withholding

If you are a foreign person, use the appropriate Form W-8. See Pub 515, Withholding of Tax on Nonresident Aliens and Foreign Corporations.

What is backup withholding? Persons making certain payments to you must withhold a designated percentage, currently 28% and pay to the IRS of such payments under certain

conditions. This is called "backup withholding."

Payments that may be subject to backup withholding include interest, dividends, broker and barter exchange transactions, rents, royalties, nonemployee pay, and certain payments from fishing boat operators. Real estate transactions are not subject to backup withholding.

If you give the requester your correct TIN, make the proper certifications, and report all your taxable interest and dividends on your tax return, payments you receive will not be subject to backup withholding. **Payments you receive will be subject to backup withholding if:**

- You do not furnish your TIN to the requester, or
- You do not certify your TIN when required (see the Part II instructions on page 2 for details), or
- The IRS tells the requester that you furnished an incorrect TIN, or
- The IRS tells you that you are subject to backup withholding because you did not report all your interest and dividends only), or

5. You do not certify to the requester that you are not subject to backup withholding under 4 above (for reportable interest and dividend accounts opened after 1983 only).

Certain payees and payments are exempt from backup withholding. See the Part II instructions on page 2.

Penalties

Failure to furnish TIN. If you fail to furnish your correct TIN to a requester, you are subject to a penalty of \$50 for each such failure unless your failure is due to reasonable cause and not to willful neglect.

Civil penalty for false information with respect to withholding. If you make a false statement with no reasonable basis that results in no backup withholding, you are subject to a \$500 penalty.

Criminal penalty for falsifying information. Willfully falsifying certifications or affirmations may subject you to criminal penalties including fines and/or imprisonment.

Misuse of TINs. If the requester discloses or uses TINs in violation of Federal law, the requester may be subject to civil and criminal penalties.

Specific Instructions

Name. If you are an individual, you must generally enter the name shown on your social security card. However, if you have changed your last name, for instance, due to marriage without informing the Social Security Administration of the name change, enter your first name, the last name shown on your social security card, and your new last name.

If the account is in joint names, list first and then circle the name of the person or entity whose number you enter in Part I of the form.

Sole proprietor. Enter your **individual** name as shown on your social security card on the "Name" line. You may enter your business, trade, or "doing business as (DBA)" name on the "Business name" line.

Limited liability company (LLC). If you are a single-member LLC (including a foreign LLC with a domestic owner) that is disregarded as an entity separate from its owner under Treasury regulations section 301.7701-3, **enter the owner's name on the "Name" line.** Enter the LLC's name on the "Business name" line.

Caution: A disregarded domestic entity that has a foreign owner must use the appropriate Form W-8.

Other entities. Enter your business name as shown on required Federal tax documents on the "Name" line. This name should match the name shown on the charter or other legal document creating the entity. You may enter any business, trade, or DBA name on the "Business name" line.

Part I - Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box.

If you are a **resident alien** and you do not have and are not eligible to get an SSN, your TIN is your IRS individual taxpayer identification number (ITIN). Enter it in the social security number box. If you do not have an ITIN, see **How to get a TIN** below.

If you are a **sole proprietor** and you have an EIN, you may enter either your SSN or EIN. However, the IRS prefers that you use your SSN.

If you are an **LLC** that is **disregarded as an entity** separate from its owner (see **Limited liability company (LLC)** above), and are owned by an individual, enter your SSN (or "pre-LLC" EIN, if desired). If the owner of a disregarded LLC is a corporation, partnership, etc., enter the owner's EIN.

Note: See the chart on this page for further clarification of name and TIN combinations.

How to get a TIN. If you do not have a TIN, apply for one immediately. To apply for an SSN, get **Form SS-5**, Application for a Social Security Card, from your local Social Security Administration office. Get **Form W-7**, Application for IRS Individual Taxpayer Identification Number, to apply for an ITIN or **Form SS-4**, Application for Employer Identification Number, to apply for an EIN. You can get Forms W-7 and SS-4 from the IRS by calling 1-800-TAX-FORM (1-800-829-3676) or from the IRS's Internet Web Site www.irs.gov.

If you do not have a TIN, write "Applied For" in the space for the TIN, sign and date the form, and give it to the requester. For interest and dividend payments, and certain payments made with respect to readily tradable instruments, generally you will have 60 days to get a TIN and give it to the requester before you are subject to backup withholding on payments.

The 60-day rule does not apply to other types of payments. You will be subject to backup withholding on all such payments until you provide your TIN to the requester.

Note: Writing "Applied For" means that you have already applied for a TIN or that you intend to apply for one soon.

Part II - Certification

To establish to the paying agent that your TIN is correct or you are a U.S. person, or resident alien, sign Form W-9.

For a joint account, only the person whose TIN is shown in Part I should sign (when required).

Real estate transactions. You must sign the certification. You may cross out item 2 of the certification.

Dunn and Bradstreet Universal Numbering System (DUNS) number requirement – The United States Office of Management and Budget (OMB) requires all vendors that receive federal grant funds have their DUNS number recorded with and subsequently reported to the granting agency. If a contractor has multiple DUNS numbers the contractor should provide the primary number listed with the Federal government's Central Contractor Registration (CCR) at www.ccr.gov. Any entity that does not have a DUNS number can apply for one on-line at www.DNB.com under the DNB D-U-N Number Tab.

Privacy Act Notice

Section 6109 of the Internal Revenue Code requires you to give your correct TIN to persons who must file information returns with the IRS to report interest, dividends, and certain other income paid to you, mortgage interest you paid, the acquisition or abandonment of secured property, cancellation of debt, or contributions you made to an IRA or MSA. The IRS uses the numbers for identification purposes and to help verify the accuracy of your tax return. The IRS may also provide this information to the Department of Justice for civil and criminal litigation, and to cities, states, and the District of Columbia to carry out their tax laws.

You must provide your TIN whether or not you are required to file a tax return. Payers must generally withhold a designated percentage, currently 28% of taxable interest, dividend, and certain other payments to a payee who does not give a TIN to a payer. Certain penalties may also apply.

What Name and Number to Give the Requester

For this type of account:	Give name and SSN of:
1. Individual	The individual
2. Two or more individuals (joint account)	The actual owner of the account or, if combined funds, the first individual on the account ¹ The minor ²
3. Custodian account of a minor (Uniform Gift to Minors Act)	The grantor-trustee ¹
4. a. The usual revocable savings trust (grantor is also trustee) b. So-called trust account that is not a legal or valid trust under state law	The actual owner ¹
5. Sole proprietorship	The owner ³
For this type of account:	Give name and EIN of:
6. Sole proprietorship	The owner ³
7. A valid trust, estate, or pension trust	Legal entity ⁴
8. Corporate	The corporation
9. Association, club, religious, charitable, educational, or other tax-exempt organization	The organization
10. Partnership	The partnership
11. A broker or registered nominee	The broker or nominee
12. Account with the Department of Agriculture in the name of a public entity (such as a state or local government, school district, or prison) that receives agricultural program payments	The public entity

¹ List first and circle the name of the person whose number you furnish. If only one person on a joint account has an SSN, that person's number must be furnished.

² Circle the minor's name and furnish the minor's SSN.

³ You must show your individual name, but you may also enter your business or "DBA" name. You may use either your SSN or EIN (if you have one).

⁴ List first and circle the name of the legal trust, estate, or pension trust. (Do not furnish the TIN of the personal representative or trustee unless the legal entity itself is not designated in the account title.)

Note: If no name is circled when more than one name is listed, the number will be considered to be that of the first name listed.

If you have questions on completing this form, please contact the Office of the State Comptroller. (617) 973-2468.

Upon completion of this form, please send it to the Commonwealth of Massachusetts Department you are doing business with.



EXHIBIT 8-2

COMMONWEALTH OF MASSACHUSETTS

OFFICE OF THE COMPTROLLER
Electronic Funds Transfer Sign Up Form

This form should be sent to a department with whom you do business.

Request type must be checked: ☐ Initial Request ☐ Changing Existing Account ☐ Closing Account

I _____, hereby certify that the account/s indicated on this form is under my direct control and access; therefore, I authorize the State Treasurer as fiscal agent for the State of Massachusetts to initiate, change or cancel credit entries to that account/s as indicated on this form. For ACH debits consistent with the International ACH Transaction (IAT) rules check one:

- ☐ I affirm that payments authorized hereunder are not to an account that is subject to being transferred to a foreign bank account.
- ☐ I affirm that payments authorized hereunder are to an account that is subject to being transferred to a foreign bank account.

This authority is to remain in full force and effect until the Office of Comptroller has received written notification, from either me or an authorized officer of organization of the account's termination in such time and in such a manner as to afford CTR a reasonable opportunity to act upon it.

VENDOR BANK INFORMATION

Vendor Bank Name: _____
Vendor Bank Transit Number (ABA): _____
Vendor Bank Account Number: _____
Account Type: _____

Filling out this field is a requirement for changing account number

Vendor Bank Old Account Number: _____
Account Type: _____

VENDOR INFORMATION

Vendor Tax Identification Number (TIN): _____
Vendor/Business Name: _____
Vendor Contact Name: _____
E-mail: _____
Telephone: _____
Address: _____
City: _____ State: _____ Zip: _____

This authorization will remain in effect until either canceled in writing or an updated form changing information is sent to the Department you currently do business with.

AUTHORIZED SIGNATURE: _____
Print Name: _____ Title: _____ Date: _____

Form forwarded to Commonwealth Department: _____
Attached voided check here:

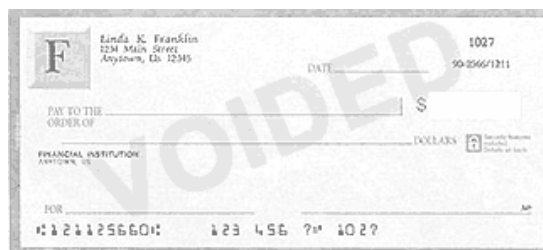


EXHIBIT 8-3

Massachusetts Department of Transportation – Highway Division Notice of Taking

Project #:

**Order of Taking:
City/Town:**

**Recording Date:
Registry of Deeds:**

Property Address: 39 Northampton Road Amherst, MA 01002

Pursuant to Massachusetts General Laws, Chapter 79, the MassDOT Highway Division has acquired certain land and/or rights in land for state highway purposes by Order of Taking.

The interests acquired are shown on the enclosed plan and described in the Order of Taking as follows:

Parcel #	Land Area	Interest Acquired
-----------------	------------------	--------------------------

In compensation for the interest(s) acquired, the Highway Division has awarded damages in the amount of:

«Award of Damages»

The right to these damages vested on the recording date identified above, and payment will be tendered to you within sixty (60) days of that date, provided a valid W-9 (Request for Taxpayer Identification Number and Certification) form is supplied to MassDOT in a timely fashion. Payment for said damages will be made by check or by electronic funds transfer, if applicable.

For awards less than \$20,000.00, MassDOT may make payment directly to the property owner, absent deed deficiencies such as tax liens, or other encumbrances. For awards greater than \$20,000.00, MassDOT may list all parties in interest on the check, unless discharges or releases are provided.

The Highway Division reserves the right to amend the award at any time prior to the payment for good cause. This payment may be reduced if the state or municipality exercise their right to make a claim on the award.

Payment is made without prejudice to any right to bring legal action in the Superior Court for the county in which the property is situated within three (3) years from the date of recording.

Owner(s) and/or person(s) in possession are hereby given one hundred twenty (120) days from the date of this notice to vacate the land which has been acquired and to remove their personal property.

John A. DeLeire, Director
MassDOT – Right of Way

Enclosure

cc: Mortgagee(s) and/or Lienholder(s), if applicable

EXHIBIT 11-1

(X/XX/20XX)

MR./MS. (NAME OF PERSON RECEIVING LETTER)
(THEIR WORK TITLE)
(ADDRESS)

Re: CITY/TOWN –NAME OF PROJECT –
PROJECT FILE No.XX

Dear Mr. XXXXX:

The Right of Way Bureau of the Massachusetts Department of Transportation Highway Division has been informed that the above proposal has received Departmental approval as a Federal Aid Project.

Accordingly, as a Federal Aid Project, a secured right of way is required to satisfy design, construction and future maintenance obligations for this project. Your community must acquire any and all rights in private or public lands necessary for this project to be undertaken, and your community is responsible for all of the costs and effort associated with such acquisitions. Your community must also adhere to all applicable federal and state laws and regulations relating to such acquisitions.

Please note that your community may acquire these necessary rights in land through the exercise of the right of eminent domain, by purchase or by donation. If your community has a town meeting form of government, please note the enclosed document concerning Town Meeting approval.

The Commonwealth is responsible for monitoring the acquisition activities of all local acquiring agencies on Federal Aid Projects. Therefore, it is advisable that the Right of Way Bureau and your municipality work closely together during the entire acquisition process. This association will enable your community to expedite the acquisitions while ensuring that federal and state requirements are met.

Please designate a municipal ROW representative to work with the Community Compliance section of the Right of Way Bureau. The Right of Way Bureau will provide brochures and sample forms, as well as provide guidance and advisory services to your community throughout this process. The scope of the right-of-way activity will determine the need or requirement for right-of-way plans, so please have your municipal ROW representative review the enclosed guidelines.

The Right of Way Bureau is looking forward to working with your community on this project. If you have any questions please feel free to contact (YOUR NAME), Community Compliance Officer, at (XXX) XXX-XXXX. (YOUR #)

Sincerely,

Pamela Marquis
Community Compliance Administrator

EXHIBIT 11-2



Right of Way Acquisition and Your Property

A Guide for Property Owners



Prepared by the Massachusetts Right of Way Bureau

Massachusetts' transportation system is dependent on an extensive network of highways, bridges, and streets. As our cities and towns grow, it becomes necessary to make changes and improvements to our transportation system.

The Massachusetts Department of Transportation (MassDOT) is responsible for providing roads, highways, and bridges that are safe for travel by vehicle, on foot, or by bicycle.

To serve this broad public interest, it is sometimes necessary to acquire land from private property owners. This brochure will provide you with basic information about the process of acquiring land and rights therein for public transportation projects. Hopefully, it will also provide the basis for understanding our process.

What are the definitions of some terms used in the process?

Eminent Domain

Eminent domain is the right of the Commonwealth to take private property for public use, including transportation purposes.

Right of Way

A right of way (ROW) is publicly-owned area reserved for transportation purposes. Adjacent land from private owners may be required to construct, or reconstruct, highways or bridges within the right of way.

Easements

An easement is the right of MassDOT to use all or part of a property for a specific transportation purpose. Easements can be permanent or temporary (limited to a stated period of time).

Examples are a permanent easement for drainage and a temporary easement for the reconstruction of sidewalks and driveways. Title to the property remains in the name of the property owner.

Fee Taking

A fee taking means that MassDOT becomes the owner of the property acquired. The title to the acquired property transfers to MassDOT on the date of the recording of the Order of Taking at the Registry of Deeds.

Just Compensation

The compensation is the dollar amount provided for property taken by eminent domain.

How are my property rights protected?

To provide uniform and equitable treatment for those whose property is acquired, and for persons displaced by such acquisitions, we are bound by the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (amended in 1987), and Massachusetts General Laws, primarily Chapter 79. These serve as the foundation for the information discussed in this brochure.

MassDOT respects these fundamental property rights and is committed to treating all property owners with fairness and respect.

How can I comment on a proposed project?

Before altering an existing state highway, or laying out a new one, MassDOT will hold a public hearing.

At the public hearing, representatives of MassDOT will provide you with information about the proposed project. As part of the public hearing process you will have a chance to enter your comments and recommendations into the record. All comments will be carefully considered before the project is finalized.

Who will contact me about the project?

If your property, or a portion of it, needs to be acquired, you will be contacted by a representative of the MassDOT Right of Way Bureau to arrange a meeting. At the meeting, our representative will provide you with a right of way plan showing the impacts to your property and offer an overview of the project. They will also explain the acquisition process, review information related to the property, and document any concerns you may have.

How will my property be valued?

The value will be determined by a qualified appraiser. The objective of the appraisal is to determine the estimate of Just Compensation.

The appraiser will contact you and will welcome any information you can provide regarding your property. You will be invited to accompany the appraiser on an inspection of the property. The purpose of the inspection is to determine and document the overall condition and physical features of the property, and to verify information about the property obtained from other sources.

How is the amount of the payment (Award of Damages) determined?

The Award of Damages is comprised of the appraised value and interest from the date the property is acquired to the date on which you are paid. In the event that there is a fee taking, a share of the real estate tax for the current year is also included.

How will I know how much I will be paid?

Approximately 4 to 6 weeks prior to approval by the Highway Administrator, you will receive a letter indicating our offer of Just Compensation. After you have received the letter, you will be contacted by a representative of the MassDOT Right of Way Bureau to address any questions or concerns you may have regarding our offer.

What if I am not satisfied with the Award of Damages?

The Award of Damages is made without prejudice. This allows you to receive the Award of Damages while still maintaining your right to dispute the amount. This right is reserved for a period of three years from the date of the recording of the Order of Taking. MassDOT provides for dispute resolution through the administrative settlement process. You can initiate this by providing documentation and information relative to the value of your property, including but not limited to, an appraisal for our review. If resolution cannot be reached through the administrative settlement process, you can still bring a claim in court for additional monies at any time during the three-year period.

How can I expedite payment?

Payment cannot be made without receipt of a completed W-9. MassDOT will provide you with a W-9 form (Request for Taxpayer Identification Number). The W-9 form must be completed by the owner or owners whose name(s) appear on the title deed as recorded at the Registry of Deeds.

When will I be paid?

If you have clear title to your property, payment will be issued within 60 days of the recording of the Order of Taking at the Registry of Deeds. The parties in interest to be named on payment checks are as follows:

- For acquisitions of permanent or temporary rights where the award of damages is **less than** \$20,000.00: MassDOT may make payment directly to the property owner, absent deed deficiencies such as tax liens, or other encumbrances.
- For acquisitions of permanent or temporary rights where the award of damages is **greater than** \$20,000.00: MassDOT may list all parties in interest on the check, unless discharges or releases are provided.

When will my property be acquired?

A Notice of Taking will be sent to you once the recording is made. The Notice of Taking explains what property was acquired, when it was acquired and how much you will be paid. A copy of a plan showing the property acquired will be enclosed.

What if the acquisition requires me to relocate?

If the acquisition of your property involves relocation, a MassDOT ROW representative specializing in relocation will meet with you to discuss the available benefits and procedures.

At Your Service

From your first notice to your final payment, you will be kept informed of all developments concerning the acquisition of your property. We are sincerely interested in offering assistance and understanding. If you have additional questions, please contact:

«Agent»

Right of Way Agent

MassDOT

«Agent_Email»

«Agent_Phone»

For more information regarding the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, visit: <https://uscode.house.gov/view.xhtml?path=/prelim@title42/chapter61&edition=prelim>

For more information regarding Massachusetts General Laws, visit:
<https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXIII/Chapter79>

EXHIBIT 11-3

All contact with Property Owner(s) by mail, email, and phone - or in person from pre-initiation of the project to issuing the Right of Way Certification must be chronologically detailed below.

**** All mail must be sent certified mail with return receipts****

Please contact your Community Compliance Officer for questions about this form.

Municipality:	Project Name:	Project Number:
Property Owner(s):	Property Address:	Deed:

Easements:
Date Federal Aid Guide for Property Owners was given to the Property Owner:

Summarize below the purpose of the contact with the Property Owner.

Include time and place of any conversations with the property owner(s): persons present, purpose of the conversation, topics discussed in detail, description of documents given to or signed by the property owner(s) concerns and expectations of the property owner(s), conclusion or follow up actions needed.

[illegible]

EXHIBIT 11-4

Massachusetts Department of Transportation/Right of Way Bureau Municipal Guidelines for Right of Way Acquisitions on Federal and State Aid Projects

1. Contact your MassDOT Community Compliance Officer to review acquisition procedures. Review the summary of the land acquisition process outlined in the **Federal Aid Acquisition Guide for Property Owners**. Forms and example documents will be provided by the Community Compliance Officer assigned to your project. These requirements are for ROW Certification and are not legal advice. Please consult your legal counsel.
2. Most towns require **Town Meeting Approval** to acquire land parcels for transportation purposes. Your town counsel and other appropriate officials should review and draft the proposed article for Town Meeting Approval. Right of Way Costs for the proposed project including appraisal fees, sign relocation, awards of damages, recording fees, attorney fees, etc. should also be considered. Submittal of a certified copy of your Town Meeting vote that authorized eminent domain, gift acceptance, etc. on land parcels is a requirement for ROW Certification.
3. Submit **ROW Plans** at each design submission. A ROW Plan Preparation Guide is in the process of being written. Recordable plans will most likely be required even for temporary construction easements. The layout lines defining the existing public layout shall be instrument surveyed to a standard that meets 250 CMR 6.02 and labeled with the document used to establish them. If no document exists to establish the layout in a manner that is acceptable for recording, then the land surveyor shall note that clearly on the face of the base plan. The base plan shall accurately show all existing ground features such as signs and other existing infrastructure and trees, shrubs, and landscaping as well as ground surfaces (e.g. grass, bit. conc., rip rap), etc. Property lines and existing ground features shall be located to a standard that meets or exceeds 250 CMR 6.01.
4. Beginning and end of **Layout Alterations** must be shown on the ROW Plans. If municipalities need Town Meeting Approval for a Layout Alteration, the Layout Plan must be recorded at the appropriate Registry of Deeds within 120 days of the Town Meeting Vote for the Layout Alteration. (Please note: Town Meeting Approval for a Layout Alteration could result in a separate vote from the Town Meeting Approval detailed above in Item #2.) Cities must also record a Layout Plan or Layout Alteration Plan at the appropriate Registry of Deeds. This will be a requirement for ROW Certification.
5. The municipality is responsible for **Encroachments** within the municipal ROW. The municipality determines if the encroachments will be allowed to remain for safety, construction and maintenance of the transportation improvement or if the encroachments will be removed. If the encroachments are to be allowed, a fully executed **Encroachment License** (an agreement between the municipality and the property owner allowing the encroachment to remain) needs to be in place *prior to ROW Certification*. Municipalities should begin the encroachment removal or negotiation of the license with the property owners at the 25% Design submission.
6. **Title Examinations** of properties must be performed and reviewed to determine ownerships and/or rights in the parcel(s) to be acquired by a qualified title examiner. Municipalities should begin the Title Examinations at the 25% Plan Submission and before the Design Public Hearing is held. The title package must be reviewed by the municipality and the designer to ensure the proper owner information is shown on the Parcel Summary Sheet, the Location Plan Sheets and the Property Plan Sheets. The title package must be reviewed to ensure that all abutter property frontages and all parcels shown on the location plans have the proper geometry per deed and record plan. The title package must be reviewed to ensure that all easements are properly shown. The deed research, easements, abutter information, and frontages based on deed description should be performed by the project surveyor with the title package review being done as a double check. Please make sure *all required changes* from the title package review are included in the next ROW Plan submission. If determined by MassDOT that the municipality has not acquired all required land or rights therein, the municipality shall be responsible for all damages resulting therefrom, including compensation to private landowners, and contractor claims of any nature. *In such event, MassDOT has the option to withdraw its participation from the project.*
7. The property owner(s) must be informed in writing (**Intent Letter**) of the municipality's interest in acquiring parcels on their property and the basic protections provided to them by law. The **Intent Letter** to the property

owner(s) must include the **Federal Aid Acquisition Guide for Property Owners** and the letter must be sent via certified mail with return receipt requested. This is the first required documented contact with affected property owners and should be sent ideally before the Design Public Hearing or within 2 weeks of the Design Public Hearing. A copy of each letter sent to property owners with the mail receipts should be submitted as soon as possible to the assigned Community Compliance Officer.

8. Interview property owner(s) or their representatives and discuss the issues and impacts regarding the property to be acquired. Property owners must again be given the **Federal Aid Acquisition Guide for Property Owners**. Retain notes of the interview for future reference and fill out the **Property Owner Contact Diary** which is required for ROW Certification. Also retain notes for potential appraisal of the property. Severance damage, cost to cure items, and uneconomic remainders may be indicated.
9. Assign a Massachusetts licensed Certified General Appraiser and Certified General Review Appraiser. Use the **LPA (local public agency) Appraisal Function Job Aid** which discusses appraisal scope of work, selecting and appraiser and review appraiser, responsibilities and check list. The 6 page **LPA Appraisal Function Job Aid**, the **Review Appraisal Checklist** and the **Appraiser's Affidavit** must be part of the appraisal report and review appraisal documents.
10. Municipalities are responsible for the ROW costs for the relocation of **Impacted Signs** on private property. The municipality will be responsible for coordinating with property owners the removal of the signs and their base abutments and electrification. Municipalities can obtain three estimates for the cost of relocating the impacted sign and work with the property owner on the sign relocation or have the Appraiser include the cost of relocating the impacted sign in the appraisal report (generally obtained from a qualified sign consultant).
11. The **Just Compensation** is established by the acquiring agency (municipality) and must be established prior to the municipality providing the property owners with a written summary statement (**Written Offer**). The **Written Offer** cannot be less than the just compensation. The property owner must be provided a minimum of *30 days to consider the written offer without coercive actions by the municipality*. The **Federal Aid Acquisition Guide for Property Owners** must be included in the **Written Offer**, sent certified with read receipt. A copy of each letter sent to property owners with the mail receipts should be submitted as soon as possible to the assigned Community Compliance Officer.
12. Prepare, vote and record the Order of Taking, Deed Grants or easements and plan(s), if required, with the appropriate Registry of Deeds. *NOTE: This must be accomplished within thirty (30) days of the vote by City Council or Board of Selectmen or Redevelopment Authority.*
13. Notify owner(s) in writing of the acquisition(s) and the award of damages (**Notice of Taking**). Notify the owner(s) in writing they are required to fill out a W9 in order to receive compensation. *Payment of the award must be tendered to the affected property owners immediately after the recording at the Registry of Deeds. Payment must be tendered to the property owner in order to issue the Federal Aid Right of Way Certificate.*
14. Gain physical and legal possession of the parcel(s)/structure(s). Municipalities must be in legal and physical possession of the ROW. Municipalities will need to have legal possession by Order of Taking, Deed Grants, or easements and plan(s), if required, with the appropriate Registry of Deeds. Physical Possession will not be obtained until all encroachments are removed or otherwise accommodated to the satisfaction of the parties by having a fully executed license agreement between the municipality and property owner(s), (**Encroachment License, see Item #5**).
15. Complete and submit the required **Property Affidavits** and supporting paperwork (Intent Letter and Written Offer). Completed **Property Owner Contact Diaries** are required for ROW Certification. Forward **Municipal Document Requirement Checklist** based on method of acquisition to MassDOT Community Compliance Officer as soon as possible.

Note: The Eminent Domain procedure is as unique and varied as the Municipality that implements the process. Your procedures are regulated by the Massachusetts General Laws.

EXHIBIT 11-5

MASSACHUSETTS DEPARTMENT OF TRANSPORTATION/HIGHWAY RIGHT OF WAY BUREAU MUNICIPAL DOCUMENT REQUIREMENT CHECKLIST

MUNICIPALITY :

PROJECT NAME:

PROJECT NUMBER #

**COPIES OF THE FOLLOWING DOCUMENTS ARE REQUIRED IN ORDER TO ISSUE
A RIGHT OF WAY CERTIFICATE ALLOWING THIS PROJECT TO BE ADVERTISED.**

****Your timely attention and response to this matter is required.****

- ☐ 1. Copies of the **Intent Letter** and the **Federal Aid Acquisition Guide For Property Owners** sent to each property owner via certified mail with return receipt requested. This requirement is for all parcels, even ones which will be donated.
- ☐ 2. Copies of **Property Owner's Contact Diary** for all parcels: includes all contact with Property Owner(s) by mail, email, phone and in person.
- ☐ 3. A certified copy of your **Town Meeting Vote** that authorized eminent domain, gift acceptance, etc. on land parcels.
- ☐ 4. A certified copy of your **Town Meeting Vote** that authorized Layout Alterations.
- ☐ 5. **Appraisals, Appraisal Review & Appraisal Affidavit Letter** offering owner accompaniment on appraisal inspection. **Appraisal & Review Appraisal Checklist** from **LPA Appraisal Function Job Aid**.
- ☐ 6. Written **Just Compensation Report** and **Written Offer** mailed to affected property owners at least 30 days prior to meeting vote and recording at the Registry of Deeds. All paperwork to the property owners must be sent certified mail with return receipt requested.
- ☐ 7. The **Order of Taking** as recorded. The book and page or document numbers along with the recording date must be clearly shown on the instrument.
- ☐ 8. Copies of the **Notice of Takings** that were mailed to all affected property owners and copies of the notification informing owners they were required to fill out a W9 in order to receive compensation.
- ☐ 9. **Plans** as recorded, with plan book/page or document number clearly shown.
- ☐ 10. **Layout Alteration Plan** as recorded with plan book/page or document number clearly shown.

- ☐ 11. **Deeded Donations** with the book/page or document number and recording date clearly shown.
- ☐ 12. A properly executed **Certificate of Donation** with supporting documentation authorizing the donation and an executed **Property Affidavit** from the municipality on all appropriate parcels.
- ☐ 13. Properly executed **Rights of Entries** with supporting documentation authoring the donation and an executed **Property Affidavit** from the municipality on affected properties.
- ☐ 14. A properly executed **Encroachment License** on all encroachments that have not been removed from the ROW.
- ☐ 15. Acknowledgement that **Impacted Signs** on private property have been relocated or acknowledgement that the municipality has made preparations to compensate the property owner for the relocation.
- ☐ 16. Acknowledgement that appropriate **Title Examinations** and run downs of properties were performed and reviewed.
- ☐ 17. **Property Affidavits** on all parcels.
- ☐ 18. Other_____ Please check with your compliance officer regarding documents you will need based on your specific project (Rights of Entry, Donation forms, Eminent Domain or Deed Grants)

EXHIBIT 11-6

City/Town: _____	Fed Aid Number: _____
Owner(s) of Record: _____	
Project: _____	
Assigned Parcel(s) Number: _____ (From ROW plans)	

To: **John DeLeire, Director**
Right of Way Bureau
MassDOT, Highway Division
10 Park Plaza, Room 6160 - Boston, Ma 02116-3973

The Municipality acknowledges to MassDOT that it is their sole responsibility to acquire all land or rights therein which are required for the Project # _____ for the City/Town of _____.

The Municipality represents that it has acquired all land or rights therein which are required for the City/Town of _____ Project # _____ and acknowledges that MassDOT is relying on this representation. If it is subsequently determined by MassDOT that the municipality has not acquired all required land or rights therein, the municipality shall be responsible for all damages resulting there from, including compensation to private land owners and contractor claims of any nature. Furthermore, it is acknowledged that in such event, MassDOT may withdraw from the Project.

This is to certify that all rights in land acquired by the City/Town in connection with the above referenced project were acquired in accordance with the provisions of Title III, Uniform Relocation Assistance and Real Property Acquisitions Policies Act of 1970 as amended.

With reference to the Act, the following applicable provisions were specifically met:

1. Real property was appraised on _____, before the initiation of the negotiations. The owner or his designated representative was given the opportunity to accompany the appraiser during the inspection of the property. The property owner was given a Federal Aid Acquisition Guide for Property Owners and was given the opportunity to review it.
2. A Review Appraisal was completed on _____.
3. A fair market value of \$ _____ for the acquired property was offered. The owner was provided with a basic summary (a written-statement) for the amount established as just compensation and a Just Compensation Report. The property owner was given a Federal Aid Acquisition Guide for Property Owners and was given the opportunity to review it.
4. The owner was not or will not be required to surrender possession of the subject property before the tender of payment.
5. The owner was not coerced or compelled in any way to agree on the price to be paid for the property and was not left with an uneconomic remnant.
6. Relocation, of residential/commercial occupancy, was not required.

Order of Taking Voted: _____ Recorded: _____

Written Offer Mailed: _____ Payment Tendered: _____

Physical Possession Secured: _____

Authorized City/Town Official Date

Physical Possession may only be secured after payment (award of damages) has been tendered.

EXHIBIT 11-7

LPA Appraisal Function Job Aid

Local Public Agency - Appraisal Responsibilities



- Identify and select qualified appraisers -appraiser and review appraiser
- Establish process for reviewing appraisals
- Ensure appraisals are completed and reviewed appropriately - use your review appraiser as a consultant to assist you (using Your Review Appraiser's Checklist at the end of this job aid)
- Review and approve the final appraisal report
- Establish an amount believed to be just compensation

Note: For your first project or a complex project, schedule a pre-appraisal meeting with your State DOT LPA coordinator and your appraisal and acquisition consultants to discuss the issues

Local Public Agency - Valuation Activities

1. Obtain survey and plans
2. Determine appraisal formats for the following types of acquisitions (and number of appraisals per acquisition)
 - Simple partial acquisitions (strip takings)
 - Simple total acquisitions
 - Complex acquisitions and before/after appraisals
3. Determine appraiser availability
 - Staff or fee
 - Residential or general qualifications
4. Identify the appraisal problem and write scope of work, taking into account:
 - Property ownership rights being acquired
 - Property encumbrances and pre-existing easements
 - Need for specialty appraisals (machinery, arborist, etc.)
 - Cost-to-cure situations
 - If partial acquisition, determine if items such as well or septic system is within take area
5. Determine highest and best use
 - Land viewed as if vacant
 - Contributory value of improvements
 - Possible transitional H&B use
6. Conduct data collection and analysis
 - Collect and verify data and comparable sales
 - Analyze data in relation to subject property
7. Prepare Land/Site Valuation
 - Identify the whole property, or larger parcel
 - Identify and address tenant owned improvements
 - Land is valued prior to consideration of improvements
 - Sales comparison approach typically used
 - If improved, identify realty vs. personalty
 - If before/after appraisal, identify additional after acquisition comparables
 - Develop Cost and Income approach, or explain why not applicable
8. Reconcile separate approaches to value, if appropriate

Local Public Agency- General Post-Valuation Activities

1. Help the review appraiser in thoroughly understanding the appraisal report
2. Discuss questions with the negotiator regarding the appraisal and the valuation process
3. Provide needed data to relocation personnel
4. Provide information to property management relating to highest and best use of the property
5. Serve as a resource to property management providing marketing ideas for disposing of the remainder if it is an uneconomic remnant
6. Assist with legal settlements and litigation (these activities may be performed by the appraiser and/or the review appraiser)
 - Consult on potential legal settlements if necessary
 - Appear as an expert witness in legal proceedings if necessary
 - Serve as a team member in helping to analyze a legal settlement
 - Participate in pre-trial conferences and selection of experts
 - Provide consulting regarding strengths and weaknesses of opponent's evidence
 - Discuss the theory of the case with the attorney to insure the adoption of a correct theory
 - Always consult with an attorney when preparing for discovery
 - Write answers to questions through written interrogatories
 - Produce all documents used in preparing the appraisal
 - Identify other experts or resources to complement your testimony

LPA Appraisal Function
Job Aid

Appraisal Scope of Work Criteria

- Does the Scope of Work require compliance?
 - Federal and State requirements
 - State DOT FHWA approved right-of-way or appraisal manual
 - The definition of an appraisal in 49 CFR 24.2(a)(3)
 - Does the Scope of Work specify property inspection requirements?
 - Give owner opportunity to accompany appraiser on inspection
 - Inspect neighborhood and project area
 - Inspect interior and exterior of subject improvements
 - Provide level of detail of physical characteristics
 - Does the Scope of Work address the following appraisal content requirements?
 - Property description, including floor plan, dimensions, photographs, location maps
 - Property rights to be acquired
 - Definition of value
 - Date of valuation and date of the report
 - Realty/personalty report
 - Observed or known encumbrances
 - Five-year sales history of the property
 - Highest and best use analysis of present use and zonings
 - Present and analyze relevant market information
 - Consider project influence in the appraisal report
 - Report opinions and conclusions
 - Intended use
 - Intended user
 - Required certification
 - Assumptions and limiting conditions
-

LPA Appraisal Function Duties and Responsibilities – Job Aid

Selecting an Appraiser and a Review Appraiser



Before hiring an Appraiser or a Review Appraiser:

- Consult with your State DOT to ensure both the Appraiser and Review Appraiser meet State DOT qualifications and are State certified or licensed
- Define the appraisal problem and select an Appraiser and a Review Appraiser based on the individual project or the complexity of parcels identified for the acquisition
- Consider the Appraiser and Review Appraiser's past eminent domain experience and quality of services provided to other clients

When selecting an Appraiser or Review Appraiser, check their:

- Education and credentials
- General & Geographic experience
- Property type experience
- Reputation and work ethic
- Court testimony experience
- Prior Agency experience

Appraiser's Responsibilities

- | | |
|--|--|
| <ul style="list-style-type: none">➤ Attend pre-appraisal meetings with LPA
Determine highest and best use and State DOT, if necessary➤ Develop scope of work in coordination with LPA➤ Write the problem definition➤ Prepare a preliminary survey and plan➤ Invite owner to property inspection➤ Conduct physical inspection of property➤ Conduct data collection and analysis | <ul style="list-style-type: none">➤ Prepare land/site valuation➤ Consider three approaches to value➤ Conduct reconciliation➤ Respond to questions/comments from review appraiser➤ Submit correction to appraisal report➤ Disclose any prior involvement with the subject property in the last 3 years |
|--|--|

LPA Appraisal Function Job Aid

Review Appraiser's Responsibilities

Review Appraiser's Pre-Appraisal Responsibilities:

- Participate as a member of the project development team to contribute expertise and improve the process through coordination
- Develop an appraisal complexity analysis
- Select an appraiser for the project
- Participate in pre-appraisal meetings
- Assist the Agency in the development of a scope of work

Review Appraiser Appraisal Responsibilities:

- Ensure appraisal compliance with the contract/assignment
- Communicate effectively with appraiser
- Review appraiser's findings
- Prepare review appraiser's report
- Review owner's appraisals, if applicable
- Recommend just compensation
- Establish just compensation, if Agency employee and authorized by Agency

Review Appraiser's Post-Appraisal Responsibilities:

- Negotiation
 - Assist acquisition agent with complex appraisal issues
- Relocation
 - Prevent double-payments during relocation
 - Provide carve-out calculations
- Property management
 - Establish economic rent
 - Provide data and market trends
- Settlement
 - Provide professional advice
- Litigation
 - Participate as a member of the litigation team (pre-trial conferences, selecting experts, consulting on strengths/weaknesses of evidence)
 - Assist in preparing for discovery (requests for admissions, written interrogatories, motions for producing documents, depositions)
 - Provide evidence consultation (discovering flaws in opponent's appraisal)
- Post-project review
 - Participate in project evaluation
 - Provide input for process improvements
 - Provide appraiser evaluation, to be included in Agency appraiser database

Fee Review Appraiser's Responsibilities

Fee Review Appraiser's should

- Comply with the contract
- Represent the Agency
- Review the requirements in the same manner as for staff
- Prepare estimate of market value for Agency approval

Your Review Appraiser's Checklist

<p>Ensure the Appraisal Complies with the Contract</p> <ul style="list-style-type: none"> <input type="checkbox"/> Does the appraisal comply with the contract? <input type="checkbox"/> Was the contract developed based on the scope of work? (See page 2 of checklist) <input type="checkbox"/> Does the appraisal comply with both Federal and State appraisal requirements? <input type="checkbox"/> Was the appraisal completion schedule and all milestones completion dates met? 	<p>Ensure the Appraisal Addresses the Main Requirements of 49 CFR Part 24</p> <ul style="list-style-type: none"> <input type="checkbox"/> Did the appraiser invite the owner or designated representative to accompany the appraiser on the property inspection? Is this documented? <input type="checkbox"/> What concerns did the property owner or representative express? Are they documented? <input type="checkbox"/> Does the appraisal separately address the tenant-owned improvements? <input type="checkbox"/> Was the tenant-owner given an opportunity to accompany the appraiser on the property inspection? Is this documented? <input type="checkbox"/> Does the appraisal clarify what is compensable and what is non-compensable? <ul style="list-style-type: none"> <input type="checkbox"/> Have damages occurred? <input type="checkbox"/> What was the impact of the taking on the remainder? <input type="checkbox"/> Did you measure the damage? <input type="checkbox"/> Does the report separate the identification of the damages? <input type="checkbox"/> Did you find any non-compensable damages included in the appraisal? <input type="checkbox"/> Did you request appropriate corrections? <input type="checkbox"/> Does the appraisal address all real property affected by the acquisition? <ul style="list-style-type: none"> <input type="checkbox"/> Does the appraisal consider all improvements? <input type="checkbox"/> Does the report appraise these improvements if they are impacted? <input type="checkbox"/> Does the report contain support and/or justification for not appraising the improvements? <input type="checkbox"/> Does the appraisal identify both real and personal property? <ul style="list-style-type: none"> <input type="checkbox"/> Is there a separate personal property report or list within the appraisal report? <input type="checkbox"/> Does the personalty report clearly delineate what the value estimate includes? <input type="checkbox"/> Is there a clear distinction between the personal and the real property? <input type="checkbox"/> If there is a potential uneconomic remnant situation, did the remainder suffer a loss of value? <ul style="list-style-type: none"> <input type="checkbox"/> Did you find all of the necessary data and analysis information in the report? <input type="checkbox"/> Do you need to gather more information before making your determination?
<p>Communicate with the Appraiser</p> <ul style="list-style-type: none"> • To communicate effectively with the appraiser, always remember these three points: • Critique the report and not the person • Solve the problem • Obtain necessary corrections 	
<p>Determine If Appraiser Used Proper Appraisal Methodology</p> <ul style="list-style-type: none"> <input type="checkbox"/> Does the whole property meet the test of unity of use, contiguity, and ownership, and if not, has the appraiser explained the rationale for determining the whole property? <input type="checkbox"/> Is the appraiser's opinion of highest and best use supported by market data? <input type="checkbox"/> Is the market data comparable to the subject, contain sufficient information, and appear to be properly verified? <input type="checkbox"/> Did the appraiser use and apply the three approaches to value correctly or explain the exclusion of one or more of the approaches? <input type="checkbox"/> Are the adjustments supported by market data or based on subjective reasoning? <input type="checkbox"/> Did the appraiser properly address the value of the partial acquisition and remainder? <input type="checkbox"/> Was project influence, if any, applied correctly? <input type="checkbox"/> Does the report use the proper compensation framework (Federal and State rules) for this jurisdiction? <input type="checkbox"/> Were the assumptions and limiting conditions made in the report reasonable? 	

Your Review Appraiser's Checklist

<p>Ensure The Quality And Accuracy Of The Appraisal</p> <ul style="list-style-type: none"> <input type="checkbox"/> Does the appraisal adhere to quality assurance principles? <ul style="list-style-type: none"> <input type="checkbox"/> Logical? <input type="checkbox"/> Consistent? <input type="checkbox"/> Mathematically correct? <input type="checkbox"/> Grammatically correct? <input type="checkbox"/> Clearly written? <input type="checkbox"/> Legally sufficient? <input type="checkbox"/> Does the appraisal contain any common mistakes? <ul style="list-style-type: none"> <input type="checkbox"/> Improper methodology? <input type="checkbox"/> Unsupported adjustments? <input type="checkbox"/> Data inconsistent with opinion of highest and best use? <input type="checkbox"/> Erroneous zoning assumptions? <input type="checkbox"/> Compensability issues? <input type="checkbox"/> Unsupported damage estimates? <input type="checkbox"/> Math errors? 	<p>Prepare a Review Appraiser's Report</p> <ul style="list-style-type: none"> <input type="checkbox"/> Is the Review Appraiser's Report based on 49 CFR Part 24? <ul style="list-style-type: none"> <input type="checkbox"/> Is it a written report? <input type="checkbox"/> Does it identify the appraisal report? <input type="checkbox"/> Does it document the findings and conclusions? <input type="checkbox"/> Does it identify damages? <input type="checkbox"/> Does it include a signed certification stating approved value? <input type="checkbox"/> Did you maintain and develop a comprehensive Review Appraiser's Report? <ul style="list-style-type: none"> <input type="checkbox"/> Does it discuss the strengths and weaknesses of the appraisal report? <input type="checkbox"/> Does it maintain a positive approach and avoid negativity? <input type="checkbox"/> Does it refer to the report and not the person? <input type="checkbox"/> Does it avoid imposing your opinion instead of the appraiser's?
	<p>Review Property Owner Appraisals</p> <p>If you received a property owner's appraisal did you ...</p> <ul style="list-style-type: none"> <input type="checkbox"/> Consider the findings? <input type="checkbox"/> Subject it to the same review process?
<p>Verify All Conclusions Are Fully Supported</p> <ul style="list-style-type: none"> <input type="checkbox"/> Did you verify that the appraisal fully supports all conclusions? <ul style="list-style-type: none"> <input type="checkbox"/> Are the opinions expressed supported by relevant market data? <input type="checkbox"/> Have you fully evaluated the analysis, data, and conclusions? 	<p>Establish Just Compensation</p> <ul style="list-style-type: none"> <input type="checkbox"/> As a Staff Review Appraiser, did you develop and report the amount believed to be just compensation? <input type="checkbox"/> As a Fee Review Appraiser, did you establish an estimate of market value for Agency approval?
<p>Review Appraiser's Findings</p> <ul style="list-style-type: none"> <input type="checkbox"/> Not acceptable <input type="checkbox"/> Acceptable- meets all requirements but not selected as recommended or approved <input type="checkbox"/> Recommended -as the basis for the establishment of the amount believed to be just compensation 	<p>Sequence for the review of an appraisal report –</p> <p>If you completed your compliance review in a favorable manner, then you accomplished the following:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Reviewed preliminary scope of work <input type="checkbox"/> Read the appraisal <input type="checkbox"/> Checked for compliance with regulations <input type="checkbox"/> Assessed comparability and accuracy of data <input type="checkbox"/> Assessed methodology, judgment, and conclusions <input type="checkbox"/> Assessed quality and accuracy of the report
<p>Appraisal Review Management Activities</p> <ul style="list-style-type: none"> • Reconcile consistency issues • Reconcile divergent values reconciliation • Provide assistance with project management review 	

EXHIBIT 11-8
CITY/TOWN
MASSACHUSETTS

RIGHT OF ENTRY - WITHOUT PREJUDICE

Owner(s) of Record: _____

Address: _____

Stations: _____

Parcel Number (ROW Plans) & Square Footage(s): _____

Projects: _____

Permission is hereby given to the above municipality and the Massachusetts Department of Transportation, Highway Division or its duly authorized agents to enter upon my property in connection with the reconstruction of a roadway on the above named project. Plans for this project are located in the Municipal Offices. **A ROW Plans showing the impacts to my property are attached.** The purpose of this Right of Entry is to allow for changes and to carry out the work on my property as out lined below.

This Right of Entry is made of my/our free will. I/we waive my/our right(s) to an appraisal and compensation. I/we have been advised of our rights for just compensation under the provisions of Uniform Act of 1970, as amended. This entry is to be made without prejudice to my rights in settlement of any claims for damages that may hereafter appear. I/we have been given the Federal Aid Acquisition Guide for Property Owners and have reviewed it.

Granted by: _____ / _____

Owner(s)/ Authorized Representative

Date

****All Owners of Records must sign****

Recommended by: _____ / _____

Authorized City/Town Official - Title

Date

Note: If the subject parcel(s) is/are owned by a corporation, estate, trust, etc., then an appropriate document, authorizing this donation must be attached to this document. Note: An executed Affidavit from the municipality must be attached for this document to be valid for ROW Certification.

EXHIBIT 11-9

CO Appraisal Checklist

Project name and number: _____
<Date>

Right of Way PLAN			
Considerations	Verification	Answer	Notes
Parcel count, Sq. Footage of easements and plan	Verify that the parcel count, and Sq.ft to make sure the appraiser is valuing the most up to date plan		
Term of Temporary Easements	Verify that the appraiser calculates the Temporary Easements for a minimum of a 3 year term, 5 years for TWLR that is the term which the Town is acquiring for.		
APPRAISAL			
Considerations	Verification	Answer	Notes
Scope of Work - Intended use and user	Verify the appraisal meets the appraisal definition in 49 CFR 24., USPAP,23 CFR 710. Intended use is acquisition for a federal aid project. Intended user is Municipality: DOT :FHWA		
Appraisal and review appraisal	Verify there is a separate appraisal and review appraisal for each property owner.		
Federal Opinion of an appraisal definition	Verify this is included and is greater than what MGL requires.		
Sales History	Verify there is a 5 year sales history which is greater than what MGL requires.		
Description	Verify the description of the real and personal property including any remainder of realty property has an adequate description.		
Highest and Best use	Verify this method of valuation was used.		
Review Appraiser Report			
Considerations	Verification	Answer	Notes
Documentation of Review appraiser findings	Verify the review appraiser reviewed the appraisal reports, findings and recommended values		
Findings must be 1, 2 or 3	1. Not Acceptable 2. Acceptable -meets all requirements 3. Recommended-as the basis for the establishment of the amount believed to be just compensation.		
Findings and Conclusion.	Verify findings and conclusions are documented and damages are identified		
Approved Value	Verify there is a signed certification of value.		
Considerations	Verification	Answer	Notes
Licensing	Verify the appraiser and review appraiser licenses are up to date. This information will be under the appraiser's signature with license number and expiration date		
Right of property owners	Verify the property owners was given the right to accompany the appraiser on inspection of their property.		
LPA Guide	Verify the 6 page LPA document is in included with each appraisal and review appraisal documents.		
Was the appraisal prepared according to the LPA Appraisal Job Aid.	Verify that the appraiser has prepared the appraisal in accordance to the LPA Appraisal Function Guide, either by checklist or a certification statement.		

EXHIBIT 11-10

CERTIFICATE OF DONATION

Owner(s) of Record: _____

City/Town: _____ Fed Aid Number: _____

Project: _____

Parcel Number (ROW Plans) & Square Footage(s): _____

In Fee: _____ Permanent Easement(s): _____

Temporary Easement(s): _____

Temporary Easement Term(s): (Term must be approved by DOT Right of Way Compliance Administrator and is not to be less than three years from the date of recording at the Registry of Deeds): _____ Years

This is to certify that the above referenced parcel(s) were donated by the owner(s) as provided for in the provisions of Title III, Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended.

The conveyance of these parcels will be accomplished by deed or Order of Taking and recorded in the Registry of Deeds.

This donation is made of my/our free will. I/we waive my/our right(s) to an appraisal and compensation. I/we have been given the Federal Aid Acquisition Guide for Property Owners and have reviewed it.

Owner(s)/ Authorized Representative

Date

****All Owners of Records must sign****

Authorized City/Town Official - Title

Date

Note: If the subject parcel(s) is/are owned by a corporation, estate, trust, etc., then an appropriate document, authorizing this donation must be attached to this document.

Note: An executed Affidavit from the municipality must be attached for this document to be valid for ROW Certification.

EXHIBIT 13-1



Charles D. Baker, Governor
Karyn E. Polito, Lieutenant Governor
Stephanie Pollack, Secretary & CEO
Jonathan L. Gulliver, Highway Administrator



«Date»

«Owners»

«Co Owners»

«Mailing Address»

«Mailing City State Zip»

Project #«Project Number»

«City»

«Project Name»

Re: Offer of Just Compensation
Parcel(s): «Parcel List»

The Massachusetts Department of Transportation (MassDOT) Right of Way Bureau proposes the following offer, subject to the Highway Division Administrator's approval, as just compensation for the anticipated impacts to your property.

Offer of Just Compensation:	«Reviewer Award of Damages»
Highway Division Administrator Approval:	«Approval Date»
Recording at Registry of Deeds:	«Recording Date»
Payment scheduled on or before:	«Payment Date»

Payment of the award will be made without prejudice to any additional information you may provide, or to your legal rights. In order to process payment in a timely fashion, you will need to complete and submit a W-9. Our Finance section will contact you directly for this part of the process, and an official Notice of Taking will be sent to you after the Order of Taking has been recorded at the Registry of Deeds. Interest and tax apportionment (if applicable) will be included in the payment.

Please know that if you are not satisfied with the offer, you do have the option to present additional information for our consideration through our Administrative Settlement process.

If you have any questions or concerns regarding this offer, do not hesitate to contact me.

Sincerely,

«Negotiator», Negotiator
MassDOT – Right of Way
«Negotiator Phone»
«Negotiator Email»

Enclosure: Acquisition Guide, Just Compensation Report

EXHIBIT 13-2

Massachusetts Department of Transportation - Highway Division

Right of Way Bureau

Owner(s) Request for Review

Project: _____ Project #: _____

City/Town: _____ Layout#/Order _____

Property Address: _____ F.A.P.# (ROW) _____

Parcel#(s): _____

Owner(s): _____

Address: _____ City/Town, State, Zip _____

Contact Information: Contact Name: _____

Phone#: _____

Alternate Phone#: _____

Email Address: _____

Material(s) provided by property owner: (Check all that apply)

Letter ___ Appraisal ___ Plans ___

Other: (Explain) _____

ROW Agent Date

This is to certify that I have provided the above noted material for further MassDOT review.

Property Owner Date