

ROW Records, Reports and Closing Projects Manual



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Manual Notice 2019-1

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Manual: ROW Records, Reports and Closing Projects Manual

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Purpose

To change the manual name from “Right of Way Manual Vol. 8 - Records, Reports and Closing Projects” to “ROW Records, Reports and Closing Projects Manual”.

Changes

Changing title of manual. No other changes.

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Archives

Past manual notices are available in a [pdf archive](#).

Table of Contents

Chapter 1 — Records, Reports and Closing of Projects

Section 1 — Records	1-2
ROW Records	1-2
Section 2 — Final Closing of Projects.....	1-3
Preparation for Closing ROW Projects	1-3
Submission for Closing ROW Projects	1-3
Closing of the ROW Project	1-3
Section 3 — ROW Record Requirements	1-4
General Objectives.....	1-4
Specific Requirements (for State and LPA)	1-4
ROW Cost Records	1-4
ROW Project Progress Records.....	1-5
Miscellaneous Records Maintenance	1-5
Final Close-Out of ROW Projects.....	1-6

Chapter 1 — Records, Reports and Closing of Projects

Contents:

[Section 1 — Records](#)

[Section 2 — Final Closing of Projects](#)

[Section 3 — ROW Record Requirements](#)

Section 1 — Records

ROW Records

The original right of way (ROW) project records must be retained for four years after closing a project. As a general rule, these records will be electronically stored before final retention date. After being electronically stored, and after the retention period, the original records may be destroyed **except** for the following, which are retained in the ROW Division as part of TxDOT's permanent files:

- ◆ ROW conveyances,
- ◆ final ROW maps,
- ◆ title insurance policies, and
- ◆ other instruments pertaining to the State's title to land or interests therein.

The TxDOT *Records Management Manual* contains a list of items which must be retained, and identifies which items must be retained permanently.

The Records Retention Schedule is available on the Department's intranet site as follows:

https://tntoday.dot.state.tx.us/imd/Documents/Online_Manuals_and_Records_Management_Page_Documents/TxDOT_RecordsRetentionSchedule.pdf.

Section 2 — Final Closing of Projects

Preparation for Closing ROW Projects

Before submitting the request for final closing of a project, the ROW staff should verify that:

- ◆ all required ROW is acquired
- ◆ all condemnation cases are closed by final judgment
- ◆ all utility adjustments are completed
- ◆ all charges owed by the State are paid
- ◆ (if applicable) the LPA has requested reimbursement on all expenses eligible for State participation
- ◆ all relocation assistance is completed
- ◆ all demolition invoices are paid
- ◆ (if applicable) the LPA participation deposit and expenditures have been reconciled, and determine if LPA has a refund or receivable due. Collection of debt should begin if a receivable is due.

During final closing submission, check ROW records as to the disposition of all parcels for which values were approved, and determine whether the ROW Division was notified. If it appears that there are parcels having approved values that are not to be acquired, these parcels should have a parcel status of “clear for construction” in ROWIS.

Submission for Closing ROW Projects

When all ROW is acquired, all improvements disposed of and all expenses paid and properly charged on a ROW project, submit one hardcopy of the final ROW map and one electronic copy, if available, a copy of the Parcel Summary Report by Project from ROWIS, and closeout request to the ROW Division.

Closing of the ROW Project

ROW staff's closing submission is reviewed by the ROW Division and then sent to the Finance Division for the actual close out and cancellation of any remaining funds. Before any project is closed, give special attention to see that all costs are in and the construction project is completed and closed.

Section 3 — ROW Record Requirements

General Objectives

In the acquisition of land for ROW and other highway purposes, complete records and files must be maintained to document the various processes, conclusions, and actions of TxDOT relative to each step of evaluation, acquisition and disposition. Various operations of TxDOT (in acquiring properties, selling improvements, and in the ultimate disposal of properties no longer needed for highway purposes) are subject to close scrutiny, both now and at any time in the future. While certain features of a transaction might be clearly understood at the time an action is taken, this understanding might not be as clear at a later date **unless** detailed documentation is provided which shows all the facts pertinent to the transaction.

To simplify and facilitate orderly development of a ROW project, payments and records should be maintained on a parcel basis, determined by the parcel identification numbers assigned on the ROW map. From the inception of the ROW project, all appraisals, approved values, payments, conveyance instruments and related items should be initiated, processed, accounted for, and permanently filed on the basis of the assigned parcel numbers. Since the entire ROW procedure is based upon the parcel numbers assigned, **any** changes in the parcel numbers requires corresponding corrections of all existing records of the activity on the parcel. This involves correcting ROW staff, LPA, and ROW Division records. Therefore, if a parcel or parcel number is added, deleted or changed in **any** way, correct all copies of the ROW map and inform the ROW Division, in detail, of the action and of all transfers of charges or cancellations of values to be made as a result of the change in the identifying parcel number. Only by following this procedure can values remain correct and payment properly charged.

Keep ROW records in a manner that facilitates and supports a final closing of the project which will indicate the total cost of each parcel and the total project cost.

Specific Requirements (for State and LPA)

ROW acquisition records must be retained for four years after a project is closed. FHWA may audit the records at any time to verify that FHWA ROW acquisition requirements were met.

ROW Cost Records

To facilitate recording of ROW costs, as well as establishing a system to facilitate a final audit, parcel and project costs must be recorded in a manner that allows them to be accumulated by categories of expenditures. The ROW staff must maintain cost records broken down to show at least the following items of parcel costs:

- ◆ land,

- ◆ damages and adjustments,
- ◆ improvements,
- ◆ title,
- ◆ appraisal fees,
- ◆ court costs,
- ◆ miscellaneous (to include those costs normally submitted directly to the Finance Division for payment),
- ◆ relocation costs, and
- ◆ utility adjustments.

ROW Project Progress Records

For proper control of progress on each ROW project, the ROW staff should establish and maintain a project journal or project progress records. These records should indicate, by individual parcels, progress being made toward acquisition. Close control and coordination are essential if the ROW staff is to have the necessary ROW available when construction is scheduled.

Miscellaneous Records Maintenance

In addition to the project progress and cost records, ROW staff should also maintain files and records relative to:

- ◆ approved appraisers,
- ◆ approved appraisal fees,
- ◆ appraisal contracts,
- ◆ appraisal reports,
- ◆ efficiency records for appraisers,
- ◆ approved values for negotiation,
- ◆ copies of executed Memorandums of Agreement (if applicable),
- ◆ standard Purchase Agreements,
- ◆ utility agreements,
- ◆ notice of proposed installation (utilities),
- ◆ joint bid utilities (reimbursable and non-reimbursable) being handled in the construction contract,

- ◆ complete negotiation reports documenting and supporting the negotiation for each ROW parcel,
- ◆ leases, and
- ◆ other items as set forth throughout this manual.

Final Close-Out of ROW Projects

Projects should be closed out promptly after all ROW is acquired and utility adjustments are accomplished. However, make provisions for **all** charges (e.g., utility audits, charges for reduction of the final map). When ROW acquisition is completed **and** all expenses paid and properly charged to the project, submit the following to the ROW Division:

- ◆ Closeout request
- ◆ One hardcopy of the final ROW map and electronic copy, if available.
- ◆ Parcel Summary Report by Project from ROWIS.

To successfully and completely close a ROW project, all instruments of conveyance for all ROW parcels and the necessary evidence of title must be submitted to the ROW Division. All necessary joint use agreements with utility companies must be secured and final payment made for eligible utility adjustment costs. Also, all relocation obligations must be met and payments made. The ROW Division advises the Finance Division in writing that the project is closed.