

# **Right of Way Property Management**

## **Manual Notices**

## Manual Notice 2019-1

**From:** Kyle Madsen, Right of Way Division Director

**Manual:** *ROW Property Management Manual*

**Effective Date:** June 01, 2019

### Purpose

The purpose of this revision is to update the manual to incorporate items from the United States Code of Federal Regulations (CFR) into the *ROW Property Management Manual*.

### Changes

In Chapter 1 [“Disposition of Right of Way Interests No Longer Needed for Highway Purposes”](#), the following sections contain modified content:

- ◆ In Section 3, [“Initial Procedures for all Dispositions”](#), added discussion of the Stewardship and Oversight Agreement between TxDOT and FHWA. Also added subsection titled “Environmental Review”.
- ◆ Added Section 13, [“Proceeds from the Use or Disposition of Federally Funded Property”](#).

In Chapter 4 [“Leasing”](#), added paragraph explaining that FHWA is the approving authority for ROW leases and use agreements on the interstate.

### Contact

Stephen Dodge, Real Estate Services Section, 512.416.2875

### Archives

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

## Manual Notice 2018-1

**From:** Gus Cannon, CTCM, Right of Way Division Director

**Manual:** *ROW Property Management Manual*

**Effective Date:** May 01, 2018

### Purpose

The purpose of this revision is to update the manual to incorporate repurchase rights if acquired through advance acquisition, as passed in HB 2646 of the 85th Texas Legislative Session. The manual name is being changed from *Right of Way Manual Vol. 5 - Property Management* to *ROW Property Management Manual*. The manual is also revised to clarify current policies.

### Changes

In Chapter 1 [“Disposition of Right of Way Interests No Longer Needed for Highway Purposes”](#), the following sections contain modified content:

- ◆ [“Introduction”](#)
- ◆ [“Initial Procedures for all Dispositions”](#)
- ◆ [“Sale of Right of Way \(Fee Simple\) No Longer Needed for State Highway Purpose to a GE under the Statutory Priority”](#)
- ◆ [“Transfer of Right of Way No Longer Needed for a State Highway Purpose to a GE with Waiver of Payment to the State”](#)
- ◆ [“Sale of Right of Way \(Fee Simple\) No Longer Needed for a State Highway Purpose to the Abutting Landowner\(s\)”](#)
- ◆ [“Sale of Right of Way \(Fee Simple\) No Longer Needed for a State Highway Purpose by Sealed Bid”](#)
- ◆ [“Sale of Easements No Longer Needed for a State Highway Purpose to Underlying Fee Owner”](#)
- ◆ [“Closing Procedures and Map Notations”](#)

In Chapter 4 [“Leasing”](#), added reference to the Texas Property Code.

Minor wording changes made throughout all chapters.

**Contact**

Mark Sumrall, Real Estate Services Section, 512.486.5886

**Archives**

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

## Manual Notice 2017-1

**From:** Gus Cannon, CTCM, Right of Way Division Director

**Manual:** *Right of Way Manual Vol. 5 – Property Management*

**Effective Date:** December 20, 2017

### Purpose

The purpose of this revision is to focus the *Right of Way Manual Vol. 5 - Property Management* more on policies and less on procedures, and to bring manual into alignment with current Texas Department of Transportation organizational structure.

### Changes

In Chapter 1 [“Disposition of Right of Way Interests No Longer Needed for Highway Purposes”](#), removed references to the Real Estate Management and Development Division (RMD). Updated Section 3 to include approvals required by 23 CFR 710.409.

In Chapter 4 [“Leasing”](#), revised the [“Overview”](#) section and [“Types of Leases”](#) section. Added a new section for [“Leasing Policy”](#). Removed the following sections since the content was either moved to the “Leasing Policy” section or the content belongs in ROW Division procedures:

- ◆ “Requests to Lease”
- ◆ “Methods of Awarding Leases”
- ◆ “Survey”
- ◆ “Appraisal”
- ◆ “Preparation of Lease Forms”
- ◆ “Insurance and Bonds”
- ◆ “Submission Package to the ROW Program Office in Austin”
- ◆ “ROW Program Office in Austin Review”
- ◆ “Completing a Lease Agreement”
- ◆ “Rental Payments”
- ◆ “Lease Management”
- ◆ “Leasing of Right of Way by LPAs”

**Contact**

Mark Sumrall, Real Estate Services Section, 512.486.5886

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## Manual Notice 2015-1

**From:** John P. Campbell, P.E., SR/WA, CTCM, Right of Way Division Director

**Manual:** *Right of Way Manual Vol. 5 – Property Management*

**Effective Date:** July 09, 2015

### Purpose

The purpose of this revision is to focus the *Right of Way Manual Vol. 5 - Property Management* more on policies and less on procedures, and to bring manual into alignment with current procedures.

### Changes

Updated text throughout Chapter 1 [“Disposition of Right of Way Interests No Longer Needed for Highway Purposes”](#).

In Chapter 2 [“Disposition of Real Property Facility Sites No Longer Needed for a State Highway Purpose”](#), added section for [“Exchange of Real Property”](#) and updated reference to a standard operating procedure.

In Chapter 4 [“Leasing”](#), removed references to a standard operating procedure that is no longer used.

### Contact

Hilda Correa, R/W Asset Management, 512.416.2902

### Archives

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

## Manual Notice 2014-1

**From:** John P. Campbell, P.E., SR/WA, CTCM, Right of Way Division Director

**Manual:** *Right of Way Manual Vol. 5 – Property Management*

**Effective Date:** July 01, 2014

### Purpose

The purpose of this revision is bring the *Right of Way Manual Vol. 5 - Property Management* into alignment with current processes and procedures.

### Changes

Updated text throughout Chapter 1 [“Disposition of Right of Way Interests No Longer Needed for Highway Purposes”](#) and Chapter 2 [“Disposition of Real Property Facility Sites No Longer Needed for a State Highway Purpose”](#).

Updated text in Chapter 3 regarding: [“Acquisition of Land for a Real Property Site”](#), and [“Acquisition of Land for Gulf Intracoastal Waterway Disposal Area Sites”](#).

Updated text in Chapter 4 regarding: [“Methods of Awarding Leases”](#), [“Survey”](#), [“Appraisal”](#), [“Submission Package to the ROW Program Office in Austin”](#), and [“Completing a Lease Agreement”](#).

Throughout the manual, replaced terms such as “District”, “Region”, and “Division” with more generic terms able to survive small organizational changes.

### Contact

Hilda Correa, R/W Asset Management, 512.416.2902

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## Manual Notice 2012-1

**From:** John P. Campbell, P.E., SR/WA, CTCM, Right of Way Division Director

**Manual:** *Right of Way Manual Vol. 5 – Property Management*

**Effective Date:** August 01, 2012

### Purpose

The purpose of this revision is to implement SB1420 legislation (passed in the regular session of the 82nd Texas Legislature).

### Changes

**Chapter 1, Disposition of Surplus Right of Way Interests:** Renamed Section 5 to [Transfer of Surplus Right of Way to an LPA with Waiver of Payment to the State](#), and added option that a Local Public Agency can assume jurisdiction, control, and maintenance for public road purposes. Throughout this chapter, replaced terms such as “District”, “Region”, and “Division” with more generic terms able to survive small organizational changes.

### Contact

Hilda Correa, R/W Staff Services, 512.416.2902

### Archives

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## Manual Notice 2011-2

**From:** John P. Campbell, P.E., SR/WA, Right of Way Division Director

**Manual:** Right of Way Manual Vol. 5 – Property Management

**Effective Date:** August 01, 2011

### Purpose

This revision is intended to update the **Right of Way Manual Vol. 5 - Property Management**, specifically to include a note to users that recent changes to Chapter 21 of the Texas Property Code and Chapter 2206 of the Texas Government Code, regarding the condemning of property may not be reflected in the manual. These changes will be included in the next revision of the manual estimated to be released by early Fall 2011.

### Changes

**In the first section of this manual, including the following text:** The information contained in this manual is in the process of being updated to reflect recent changes to Chapter 21 of the Texas Property Code and Chapter 2206 of the Texas Government Code, and may not accurately reflect current law or department procedures. Please contact the Right of Way Division at 512-416-2902 for more information.

### Contact

Hilda Correa, R/W Staff Services, 512.416.2902

### Archives

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## Manual Notice 2011-1

**From:** John P. Campbell, P.E., SR/WA, Right of Way Division Director

**Manual:** Right of Way Manual Vol. 5 – Property Management

**Effective Date:** February 01, 2011

### Purpose

To make minor text updates in chapters 1, 2, and 3.

### Changes

#### Chapter 1 – Disposition of Surplus Right of Way Interests:

- ◆ In Section 3 – [“Initial Procedures for all Dispositions”](#), added reference to Section 4 Overview. Stated that form ROW-A-10S is used to indicate the region’s approval of the estimated value.

#### Chapter 2 – Disposition of Surplus Real Property Facility Sites:

- ◆ In Section 3 - [“Sale of Surplus Site and Any Improvements to an LPA”](#), added reference & link to form ROW-A-10S.

#### Chapter 3 – Acquisition of Real Property Sites:

- ◆ In Section 2 - [“Acquisition of Land for a Real Property Site”](#), added reference & link to form ROW-A-10S.

### Contact

Hilda Correa, ROW Division Administrative Manager, 512.416.2902

### Archives

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## Manual Notice 2007-1

**From:** John P. Campbell, P.E., SR/WA, Right of Way Division Director

**Manual:** Right of Way Manual Vol. 5 – Property Management

**Effective Date:** November 01, 2007

### Purpose

To remove Chapter 1 - Disposition of Improvements, since disposition of improvements is a topic covered in the General Services Division [Property Management Manual](#). To revise chapters 2, 3, 4, and 5.

### Changes

**Chapter 1 – Disposition of Improvements:** Chapter has been deleted, and subsequent chapters have been re-numbered.

**Chapter 1 – Disposition of Surplus Right of Way Interests:** Minor text changes and link corrections have been made throughout the chapter, and the following items were revised:

- ◆ In Section 1 - [“Introduction”](#), modified text to clarify the statute and delete list of minute orders.
- ◆ In Section 2 - [“Types of Transactions”](#), made text changes to clarify the different types of transactions.
- ◆ In Section 3 – [“Initial Procedures for all Dispositions”](#), added text regarding service fee amounts. Also modified description of District and ROW Division processes.
- ◆ In Section 4 - [“Sale of Surplus Right of Way \(Fee Simple\) to an LPA”](#), modified text throughout the section.
- ◆ Removed former Section 5 – Sale of Surplus Right of Way (Highway Easement) to an LPA, and re-numbered subsequent sections.
- ◆ In Section 10 – [“Exchange of Surplus Right of Way \(Fee Simple\) for a Property Interest Needed for a State Highway Purpose”](#), removed text regarding submission of a billing statement because the same information is already covered in Section 13.
- ◆ In Section 11 – [“Exchange of Surplus Right of Way \(Drainage or Channel Easement\) with Underlying Fee Owner\(s\)”](#), removed text regarding submission of a billing statement because the same information is already covered in Section 13.
- ◆ In Section 12 - [“Disposition of Right of Way Interests without Consideration”](#), added [“Quit-claim of Right of Way”](#).

- ◆ Removed former Section 14 - Removals from the State Highway System, and re-numbered subsequent sections.
- ◆ Combined two former sections, Section 15 - Closing and Accounting Procedures and Section 16 - Map Notations, into one section. The section is now titled Section 13 - [“Closing Procedures and Map Notations”](#).

**Chapter 2 – Disposition of Surplus Real Property Facility Sites:** Minor text changes and link corrections have been made throughout the chapter, and the following items were revised:

- ◆ In Section 3 - [“Sale of Surplus Site and Any Improvements to an LPA”](#), added text to clarify what information the Districts submit to ROW Division.
- ◆ In Section 4 - [“Sealed Bid Sales”](#), added text to clarify that cities/counties/local school districts may purchase a site prior to a second sealed bid sale.

**Chapter 3 – Acquisition of Real Property Sites:** Minor text changes and link corrections have been made throughout the chapter, and the following items were revised:

- ◆ In Section 2 - [“Acquisition of Land for a Real Property Site”](#), added text to clarify what information ROW Division provides to the Finance Division.

**Chapter 4– Leasing:** Minor text changes and link corrections have been made throughout the chapter, and the following items were revised:

- ◆ In Section 1 - [“Overview”](#), added text to clarify TxDOT’s authority to lease its real property assets.
- ◆ In Section 7 - [“Preparation of Lease Forms”](#), removed text regarding acknowledgement forms in lease agreements.
- ◆ In Section 9 - [“Submission Package to the ROW Division”](#), deleted acknowledgements from the list of submission package contents.
- ◆ In Section 10- [“ROW Division Review”](#), deleted ROW Division review and approval of fair market value, and deleted submission to FHWA for approval.
- ◆ In Section 13- [“Lease Management”](#), added text regarding notification to ROW Division when a lease needs to be amended, cancelled, or terminated.

## Contact

Hilda Correa, ROW Division Administrative Manager, 512.416.2902

## Archives

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



## Manual Notice 2006-1

*To:* Users of the Right of Way Manual  
*From:* John P. Campbell, P.E., Right of Way Division Director  
*Manual:* Vol. 5 – ROW Property Management  
*Effective Date:* September 1, 2006

A handwritten signature in black ink that reads "John P. Campbell".

### Purpose

To revise and update text in Chapter 2 - Disposition of Surplus Right of Way Interests, Chapter 3 – Disposition of Surplus Real Property Facility Sites, and Chapter 4 – Acquisition of Real Property Sites. These chapters represent the current information and operating practices for property management relating to right of way.

### Contents

Chapter 2 – Disposition of Surplus Right of Way Interests: Entire chapter has revised text, and has been organized for improved clarity. Sections discussing Prepayment of Fees and Drainage Agreements for Maintenance Purposes have been eliminated. The new sections are as follows:

- Section 1 – Introduction
- Section 2 - Types of Transactions
- Section 3 – Initial Procedures for All Dispositions
- Disposals of ROW for Cash Consideration has now been expanded into the following sections describing specific transaction types:
  - Section 4 – Sale of Surplus Right of Way (Fee Simple) to an LPA
  - Section 5 – Sale of Surplus Right of Way (Highway Easement) to an LPA
  - Section 6 – Transfer of Surplus Right of Way to an LPA for the Savings to the State of Future Maintenance Costs
  - Section 7 – Sale of Surplus Right of Way (Fee Simple) to the Abutting Landowner(s)

- Section 8 – Sale of Surplus Access Rights
- Section 9 – Sale of Surplus Right of Way (Highway Easement) to the Underlying Fee Owner(s)
- Section 10 – Sale of Surplus Right of Way (Channel or Drainage Easement) to the Underlying Fee Owner(s)
- Exchanges of Property Interests has now been expanded into the following sections describing specific exchange types:
  - Section 11 – Exchange of Surplus Right of Way (Fee Simple) for Property Needed for a State Highway Purpose
  - Section 12 – Exchange of Surplus Right of Way (Drainage or Channel Easement) with Underlying Fee Owner(s)
- Section 13 - Disposition of Right of Way Interests without Consideration
- Section 14 - Removals from the State Highway System
- Section 15 - Closing and Accounting Procedures
- Section 16 - Map Notations

Chapter 3 – Disposition of Surplus Real Property Facility Sites: Entire chapter has revised text, and has been organized for improved clarity. The new sections are as follows:

- Section 1 - Introduction
- Section 2 - Types of Transactions
- Section 3 - Sale of Surplus Site and Any Improvements to an LPA
- Section 4 - Sealed Bid Sales

Chapter 4 – Acquisition of Real Property Sites: Entire chapter has revised text, and has been organized for improved clarity. The new sections are as follows:

- Section 1 - Introduction
- Section 2 - Acquisition of Land for a Real Property Site
- Section 3 - Acquisition of Land for Gulf Intracoastal Waterway Disposal Area Sites

**Supersedes**

Vol.5 – ROW Property Management, June 2005

**Contact**

Hilda Correa, ROW Division Administrative Manager, 512.416.2902



## **Manual Notice 2005-2**

**From:** John P. Campbell, P.E.  
Right of Way Division Director

**Subject:** Revised Volume 5, Property Management, Right of Way Manual

**Manual:** Right of Way Manual

**Effective Date:** June 1, 2005

### **Purpose**

To identify a policy change in Chapter 5, Section 3, regarding ROW Division approval of leases that have a primary term of two years or less, or that include a cancellation provision that is two years or less.

### **Contents**

Policy rewritten in Volume 5, Chapter 5, Section 3.

### **Supersedes**

Volume 5, Right of Way Manual, Online Manual System, May 1, 2005.

### **Contact**

Hilda Correa, Division Administrative Manager, 512.416.2902

## **Manual Notice 2005-1**

*From:* John P. Campbell, P.E., Right of Way Division Director

*Subject:* Revised Volume 5, *Right of Way Manual*, Online Manual System

*Manual:* *Right of Way Manual*

*Effective Date:* May 1, 2005

### **Purpose**

- ◆ To add reference to a new right of way form, ROW-L-2T, Telecommunications Lease Agreement, to the lease type descriptions in Chapter 5, Section 2.
- ◆ To add text relating to relocation requirements on leaseback agreements and a link in this volume, Chapter 5, Section 2, to Volume 3, Chapter 12, Section 13.

### **Contents**

- ◆ Chapter 5, Section 2: reference added.
- ◆ Chapter 5, Section 2: text and link added.

### **Supersedes**

Volume 5, *Right of Way Manual*, Online Manual System, May 5, 2004.

### **Contact**

Hilda Correa, Division Administrative Manager, 512.416.2902.

## **Manual Notice 2004-2**

*To:* Users of the Right of Way Manual

*From:* John P. Campbell, P.E.  
Director, Right of Way Division

*Subject:* Revised Volume 5, Right of Way Manual, Online Manual System

*Manual:* Right of Way Manual

*Effective Date:* May 5, 2004

### **Purpose**

To update procedure used by purchasers/lessees of surplus real property regarding appraisal of such property.

### **Contents**

Chapter 5, Section 6, details a new procedure used by purchasers/lessees of surplus real property regarding appraisal of such property.

### **Supersedes**

Volume 5, Right of Way Manual, Online Manual System, March 4, 2004.

### **Contact**

Hilda Correa, Division Administrative Manager, 512.416.2902.

## **Manual Notice 2004-1**

*To:* Users of the Right of Way Manual

*From:* John P. Campbell, P.E.  
Right of Way Division Director

*Subject:* Revised Volume 5, Right of Way Manual, Online Manual System

*Manual:* Right of Way Manual

*Effective Date:* March 4, 2004

### **Purpose**

To modify certain example form links to actual template links.

### **Contents**

“Example” form links in the following Chapters and Sections have been modified to link directly to the associated Word template; all appropriate Section and Subhead titles have been color-coded for ease of identification:

- ◆ Chapter 1, Section 2
- ◆ Chapter 2, Sections 3 and 7
- ◆ Chapter 4, Section 2
- ◆ Chapter 5, Section 2, 4, 6, 9, and 13

### **Supersedes**

Volume 5, Right of Way Manual, Online Manual System, July 1, 2003.

### **Contact**

Hilda Correa, Division Administrative Manager, 512.416.2902

## **Manual Notice 2002-3**

*From:* John P. Campbell, P.E., Right of Way Division Director  
*Subject:* Revised Volume 5, *Right of Way Manual*, Online Manual System  
*Manual:* *Right of Way Manual*  
*Effective Date:* September 1, 2002

### **Purpose**

To indicate a modified title and acronym change of the General Services Commission, now titled Texas Building and Procurement Commission (TBPC).

### **Instructions**

Not applicable.

### **Supersedes**

Volume 5, *Right of Way Manual*, Online Manual System, January 1, 2002

### **Contents**

Revised text in Chapter 3, Section 2, Definition.

### **Contact**

Hilda Correa, ROW Division Administrative Manager, 512.416.2902.

## **Manual Notice 2002-2**

**From:** John P. Campbell, P.E.  
Right of Way Division Director

**Subject:** Revised Volume 5, Right of Way Manual, Online Manual System

**Manual:** Right of Way Manual

**Effective Date:** January 1, 2002

### **Purpose**

To revise Volume 5, Property Management, by adding a subheading to Chapter 5, Leasing, Section 11, "Procedure" for clarity.

### **Instructions**

Not applicable

### **Supersedes**

Volume 5, Right of Way Manual, Online Manual System, November 1, 2001.

### **Contents**

Chapter 5, Section 11, contains the new subheading, "Procedure"

### **Contact**

Hilda Correa, Division Administrative Manager, 512.416.2902

## **Manual Notice 2001-1**

**From:** Kirby W. Pickett, P.E.  
**Subject:** Manual Rewrite and Update Complete  
**Manual:** Right of Way Manual  
**Effective Date:** August 1, 2001

### **Purpose**

This manual is a complete revision of the *Right of Way Manual* Book I and Book II, Edition 6. This manual is intended to provide guidance in the acquisition of right of way for transportation projects. The manual represents the current information and operating practices for acquisition of right of way for transportation projects, property management relating to right of way, and the highway beautification program.

### **Instructions**

This manual will be effective August 1, 2001. It supersedes *Right of Way Manual* Book I and Book II, Edition 6. Replace all hard copies of *Right of Way Manual* Book I and Book II, Edition 6 with this new edition.

### **Supersedes**

It supersedes *Right of Way Manual* Book I and Book II, Edition 6.

### **Contents**

This manual contains the following volumes with information on right of way acquisition for transportation projects, property management of right of way, and beautification:

Volume 1, Right of Way Procedures Preliminary to Release

Volume 2, Right of Way Acquisition

Volume 3, Relocation Assistance

Volume 4, Eminent Domain

- ◆ Six chapters and
- ◆ Appendix A – Eminent Domain Guide

***Volume 5, Property Management***

- ◆ Removal of Improvements

- ◆ Disposal of Surplus Right of Way Interests
- ◆ Disposal of Surplus Real Property Interests
- ◆ Acquisition of Real Property Sites
- ◆ Leasing

#### Volume 6, Miscellaneous

- ◆ Hazardous Materials
- ◆ Railroads
- ◆ Contract Outsourcing
- ◆ Records, Reports and Closing of Projects
- ◆ Utilities

#### Volume 7, Beautification

- ◆ Beautification
- ◆ Glossary of Terms

Also, included in this manual are sample copies of all forms and documents used within these various right of way functions. It contains a Right of Way Acquisition Flow Chart, as well as, online links to procedural manuals currently available online as well as those under development.

### **Contact**

For more information regarding any chapter or section in this manual, please contact the appropriate section in Right of Way Division. For general comments and suggestions for future revisions of this manual, please contact the Administrative Support Section in the Right of Way Division