

''''Eminent Domain

Manual Notices'Cej k&g

Manual Notice 2024-1

From: Kyle Madsen, Right of Way Division Director

Manual: ROW Eminent Domain Manual

Effective Date: February 21, 2024

Purpose

The purpose of this revision is to update the *ROW Eminent Domain Manual* to align with HB2730 passed in the 87th Texas Legislative Session and to match current practice.

Changes

In **Chapter 2**, updated the procedure in *Section 4 - Special Commissioners' Hearing and Award*.

In **Chapter 3**, updated *Fee Owners to be Joined* in *Section 3*.

In **Appendix A**, updated *Filing of ED Petition & Related Court Papers* in *Section 2*. Also updated *Section 4 - Form ROW-E-49 Checklist* to be consistent with the associated form, and modified a sentence in *Control of Access* in *Section 5*.

Disclaimer

Some hyperlinks will not work when a PDF version of this manual is downloaded and used offline.

Contact

Lezlie Kirby, Right of Way Project Delivery Section Director, 512.416.2868

Archives

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

Manual Notice 2023-1

From: Kyle Madsen, Right of Way Division Director

Manual: ROW Eminent Domain Manual

Effective Date: July 25, 2023

Purpose

This revision is intended to update the manual to match current requirements for right of way eminent domain.

Changes

Added references to TxDOTCONNECT (TxC) process requirements, references to upload documentation to OnBase, and added links to all regulatory code references throughout the manual.

In **Chapter 2**, updated the guide for the following areas: *ED Submission Requirements, Procedure Before Special Commissioners' Hearing, Procedures After Special Commissioners' Award, and Trial & Post-Judgment Procedures*. Also added references for the use of Smartsheet for Eminent Domain submissions.

In **Chapter 3**, removed title certificate requirements from *Overview* section.

In **Chapter 4**, updated the guide in the *Overview* section and added clarification to LPA responsibilities in the *Miscellaneous Procedures for LPA Acquisition in ED* section.

In **Chapter 5**, updated the guide for the following areas: *General Payment Procedures, Payment for Condemnation Judgments, Payment of Commissioners' Awards, Payment of Final Judgment, Payment of Special Commissioners' Fees and Eminent Domain Costs*.

In **Appendix A**, updated the guide for the following areas: Eminent Domain Submission Checklist, Who, Where, When - Helpful Suggestions.

Contact

Lezlie Kirby, Right of Way Project Delivery Section Director, 512.416.2868

Archives

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

Manual Notice 2022-1

From: Kyle Madsen, Right of Way Division Director

Manual: ROW Eminent Domain Manual

Effective Date: May 31, 2022

Purpose

This revision adds language to implement SB721 of the 87th Texas Legislative Session and updates the bankruptcy checklist.

Changes

Added sentence in Chapter 2 - State Acquisition by Eminent Domain, [Section 3 - Procedure Before Special Commissioners' Hearing](#).

Updated text in Appendix A - Eminent Domain Guide, [Section 7 - Bankruptcy Checklist](#).

Contact

Lezlie Kirby, Right of Way Project Delivery Section Director, 512.416.2868

Archives

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

Manual Notice 2019-1

From: Kyle Madsen, Right of Way Division Deputy Director

Manual: ROW Eminent Domain Manual

Effective Date: February 05, 2019

Purpose

This revision is intended to update the manual to match current requirements for right of way eminent domain.

Changes

Added new subsection in [Chapter 1 Legal Aspects of Eminent Domain](#) for “Federal Laws and Regulations”.

Removed references to obsolete form *ROW-E-74, Data Sheet, Settlement or Court Trial* from [Appendix A Eminent Domain Guide](#).

Contact

Lora Gunter, Right of Way Project Delivery Director, 512.416.2907

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 Eminent Domain Manual

Effective Date: December 28, 2018

Purpose

This revision is intended to update the manual to match current requirements for right of way eminent domain. Also, the manual name is changing from “Right of Way Manual Vol. 4 - Eminent Domain” to “ROW Eminent Domain Manual”.

Changes

All chapters contain revised text.

Contact

Lora Gunter, Right of Way Project Delivery Director, 512.416.2907

Archives

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

Manual Notice 2014-2

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

Manual: Right of Way Manual Vol. 4 - Eminent Domain

Effective Date: July 01, 2014

Purpose

This revision is intended to update the **Right of Way Manual Vol. 4 - Eminent Domain** to match current practice.

Changes

Updated text in Chapter 5, [Section 1 — Payment for Condemnation Judgments](#) explaining the documentation needed for the Texas Department of Transportation to issue a payment on a judgment.

Updated text in Chapter 5, [Section 2 — Payment of Commissioners' Awards](#) describing the documentation needed for the Texas Department of Transportation to issue a payment on a Special Commissioners' Award.

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, Right of Way Division Director

Manual: Right of Way Manual Vol. 4 - Eminent Domain

Effective Date: April 01, 2014

Purpose

This revision is intended to update the **Right of Way Manual Vol. 4 - Eminent Domain**, specifically to conform to changes to Chapter 21 of the Texas Property Code and Chapter 2206 of the Texas Government Code, regarding the condemning of property.

Changes

Removed the cautionary note, regarding pending manual updates, from the beginning of Chapter 1, [“Legal Aspects of Eminent Domain”](#).

Updated text in Chapter 2 regarding: [“Offer Letters”](#), [“ED Submission Requirements”](#), [“Procedure Before Special Commissioners’ Hearing”](#), [“Special Commissioners’ Hearing and Award”](#), and [“Procedures After Special Commissioners’ Award”](#).

Updated text in Chapter 4 regarding: [“LPA Appeal of Unfavorable Awards”](#) and [“State Intervention in Eminent Domain”](#).

Corrected typo in heading of Chapter 5, [Section 4 — Payment of Special Commissioners’ Fees and Eminent Domain Costs](#).

In Appendix A, updated the guide for the following areas: [“Filing of ED Petition & Related Court Papers”](#), [“Substitute a Commissioner”](#), [“Lis Pendens”](#), [“Order Appointing Special Commissioners”](#), [“Oath of Special Commissioners”](#), [“Order Setting Hearing Before Special Commissioners”](#), and [“Notice of Hearing with Service of Notice Attached”](#).

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 Staff Services, 512.416.2902

Archives

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

Manual Notice 2011-1

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

Manual: Right of Way Manual Vol. 4 - Eminent Domain

Effective Date: August 01, 2011

Purpose

This revision is intended to update the **Right of Way Manual Vol. 4 - Eminent Domain**, 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

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

Manual Notice 2010-1

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

Manual: Right of Way Manual Vol. 4 - Eminent Domain

Effective Date: December 01, 2010

Purpose

To further clarify how to provide a Final Offer Letter, how to serve property owners with a Notice of Hearing, how to serve property owners with a Notice of Lis Pendens, and how to process a Notice of Deposit. To update the special clauses used with property descriptions when an easement is being acquired.

Changes

Chapter 2 – State Acquisition by Eminent Domain: In Section 1- [Letter of Final Offer](#), added instructions for the special circumstance where a property owner either indicates or provides written verification that they have legal representation. In Section 3 - [Procedure Before Special Commissioners’ Hearing](#), added subsection regarding service of notice of lis pendens per Texas Property Code Section 12.007(d). In Section 4 - [Special Commissioners’ Hearing and Award](#), clarified the required timing for serving each party with a notice of hearing.

Chapter 4 – LPA Acquisition by Eminent Domain: In Section 1 - [Overview](#), added a reference to the new subsection in Chapter 2, Section 3. In [Section 2 - Eminent Domain Forms for City](#), modified a clause used when taking a drainage easement only. In [Section 3 - Eminent Domain Forms for County](#), modified a clause used when taking a drainage easement only.

Appendix A – Eminent Domain Guide: In Section 5 - [Preparation of Access, Bisection, and Special Clauses for Easements](#), updated the special clauses used when an easement is being acquired. In Section 8 - [Who, When, Where - Helpful Suggestions](#), added further clarification regarding Notices of Deposit & Notice of Hearing.

Contact

Hilda Correa, R/W Staff Services, 512.416.2902

Archives

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

Manual Notice 2008-1

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

Manual: Right of Way Manual Vol. 4 - Eminent Domain

Effective Date: October 01, 2008

Purpose

To implement *Landowner's Bill of Rights* legislation which passed in HB1495 of the 80th Regular Session of the Texas Legislature.

Changes

Chapter 2 – State Acquisition by Eminent Domain: In Section 2- [ED Submission Requirements](#), added bullet regarding the *Landowner's Bill of Rights* statement.

Chapter 4 – LPA Acquisition by Eminent Domain: Two minor grammatical changes were made in this chapter.

Appendix A – Eminent Domain Guide: Removed reference to ROW Division Legal Section, and made minor grammatical changes in this chapter.

Contact

Hilda Correa, R/W Staff Services, 512.416.2902

Archives

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

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Manual Notice 2005-1

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

Subject: Revised Volume 4, *Right of Way Manual*, Online Manual System

Manual: *Right of Way Manual*

Effective Date: March 1, 2005

Purpose

To detail procedures and clauses to be used when channel, drainage, construction, or temporary easements are to be acquired through eminent domain.

Contents

Volume 4, Appendix A, Section 5 has been revised to include procedures and suggested clauses.

Supersedes

Volume 4, *Right of Way Manual*, Online Manual System, December 1, 2004.

Contact

Hilda Correa, Division Administrative Manager, 512.416.2902.

Manual Notice 2004-4

To: Users of the *Right of Way Manual*

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

Subject: Revised Volume 4, *Right of Way Manual*, Online Manual System

Manual: *Right of Way Manual*

Effective Date: December 1, 2004

Purpose

To add a new Final Offer Letter, Form ROW-N-FOLE, specifically designed for easements.

Contents

- ◆ Chapter 2, Section 1: form description and link added.

Supersedes

Volume 4, *Right of Way Manual*, Online Manual System, November 1, 2004.

Contact

Hilda Correa, Division Administrative Manager, 512.416.2902.

Manual Notice 2004-3

To: Users of the *Right of Way Manual*

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

Subject: Revised Volume 4, *Right of Way Manual*, Online Manual System

Manual: *Right of Way Manual*

Effective Date: September 6, 2004

Purpose

To document the need for requests for updated title information and submission of owner's appraisal reports when Form ROW-E-49 is submitted to ROW Division.

Contents

- ◆ Chapter 2, Sections 1 and 2, updated.
- ◆ Appendix A, Eminent Domain Guide, Section 2, updated.

Supersedes

Volume 4, *Right of Way Manual*, Online Manual System, June, 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.
Right of Way Division Director

Subject: Revised Volume 4, Right of Way Manual, Online Manual System

Manual: Right of Way Manual

Effective Date: June 1, 2004

Purpose

To revise procedures relating to administrative settlements.

Supersedes

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

Contents

- ◆ Chapter 2, Sections 1 and 2, contain revised procedures relating to administrative settlements.
- ◆ Appendix A, Eminent Domain Guide, Section 2, contains revised procedures relating to administrative settlements.

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 4, 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 2, Sections 1 and 5
- ◆ Chapter 3, Section 1
- ◆ Chapter 5, Sections 7, 8, and 9
- ◆ Chapter 6, Sections 2 and 3

Supersedes

Volume 4, Right of Way Manual, Online Manual System, July 1, 2003.

Contact

Hilda Correa, Division Administrative Manager, 512.416.2902

Manual Notice 2003-1

To: All Users of TxDOT's *Right of Way Manual, Volume 4*

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

Subject: Revisions to *Volume 4*

Manual: *Right of Way Manual*, Online Manual System

Effective Date: July 1, 2003

Purpose

To revise the subsection on Mediation in *Volume 4*, Appendix A, Eminent Domain Guide, Section 3.

Contents

Appendix A, Eminent Domain Guide, Section 3: revised procedures to be used for the mediation process.

Supersedes

Volume 4, Right of Way Manual, Online Manual System, December 1, 2002

Instructions

Not applicable

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 4, Right of Way Manual*, Online Manual System

Manual: *Right of Way Manual*

Effective Date: December 1, 2002

Purpose

To remove erroneous telephone numbers in the Appendix A, Eminent Domain Guide, of *Volume 4*.

Instructions

Not applicable.

Supersedes

Volume 4, Right of Way Manual, Online Manual System, January 7, 2002.

Contents

Deleted telephone numbers in Appendix A, Section 6, Bank Information.

Contact

Hilda Correa, ROW Division Administrative Manager, 512.416.2902.

Manual Notice 2002-1

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

Subject: Combining Chapters 5 and 6, *Volume 4, Right of Way Manual* into one Chapter

Manual: *Right of Way Manual*

Effective Date: January 1, 2002

Purpose

To combine Chapters 5 and 6 of Volume 4 for clarity and ease of use.

Instructions

Not applicable

Supersedes

Chapters 5 and 6, *Volume 4, Right of Way Manual*, Online Manual System, September 1, 2001.

Contents

Chapter 5 now contains the following Sections:

- ◆ Section 1: Payment for Condemned Parcels
- ◆ Section 2: Payment of Commissioners' Awards
- ◆ Section 3: Payment of Final Judgment
- ◆ Section 4: Payment of Special Commissioners' Fees and Eminent Costs
- ◆ Section 5: Payment of Owner's Litigation Expenses
- ◆ Section 6: Eligible Condemnation Costs and Methods of Reimbursement (for LPA)
- ◆ Section 7: Submission for Single Reimbursement Based on Final Judgment (for LPA)
- ◆ Section 8: Submissions for Partial Reimbursement Based on 80% of the State's Participation Amount of the Commissioners' Award (for LPA)
- ◆ Section 9: Submission for Reimbursement Following Partial Reimbursement on the Commissioners' Award (for LPA)

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