

# **RIGHT OF WAY 101**

**Presented by:**

**Jennifer Hall, SR/WA**

**5.21.19**

# Jennifer Hall, SR/WA

- **Director of ROW Services**
- **17 Years of Experience**
- **I ❤️ ROW Acquisition**



# Four Main Topics

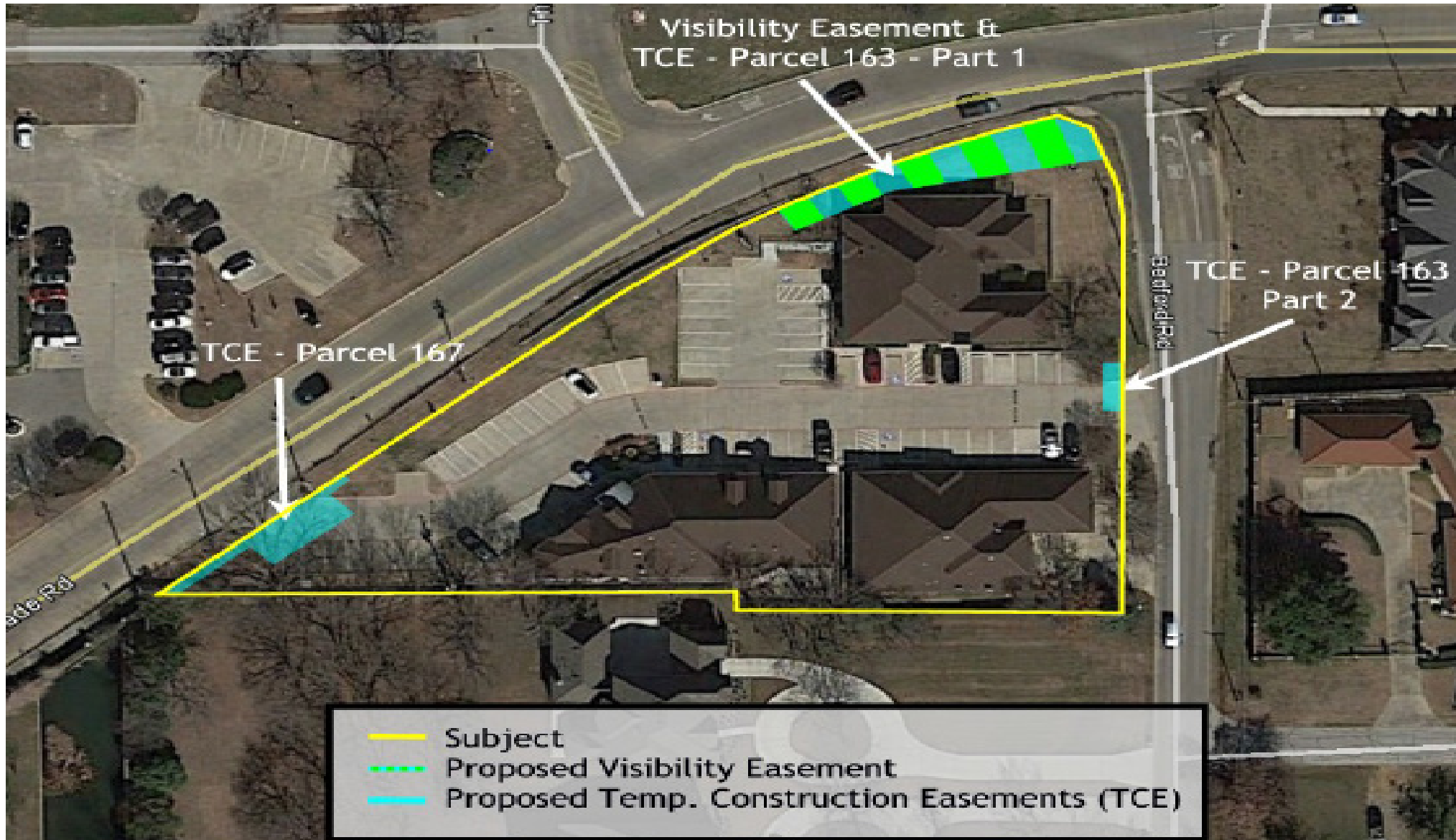
- 1. Easements (Temporary vs. Permanent)**
- 2. Determining Value**
- 3. Title Research**
- 4. Eminent Domain**

# Topic 1 - Easements

**“Oh s#\*! ... I need an easement for that!”**



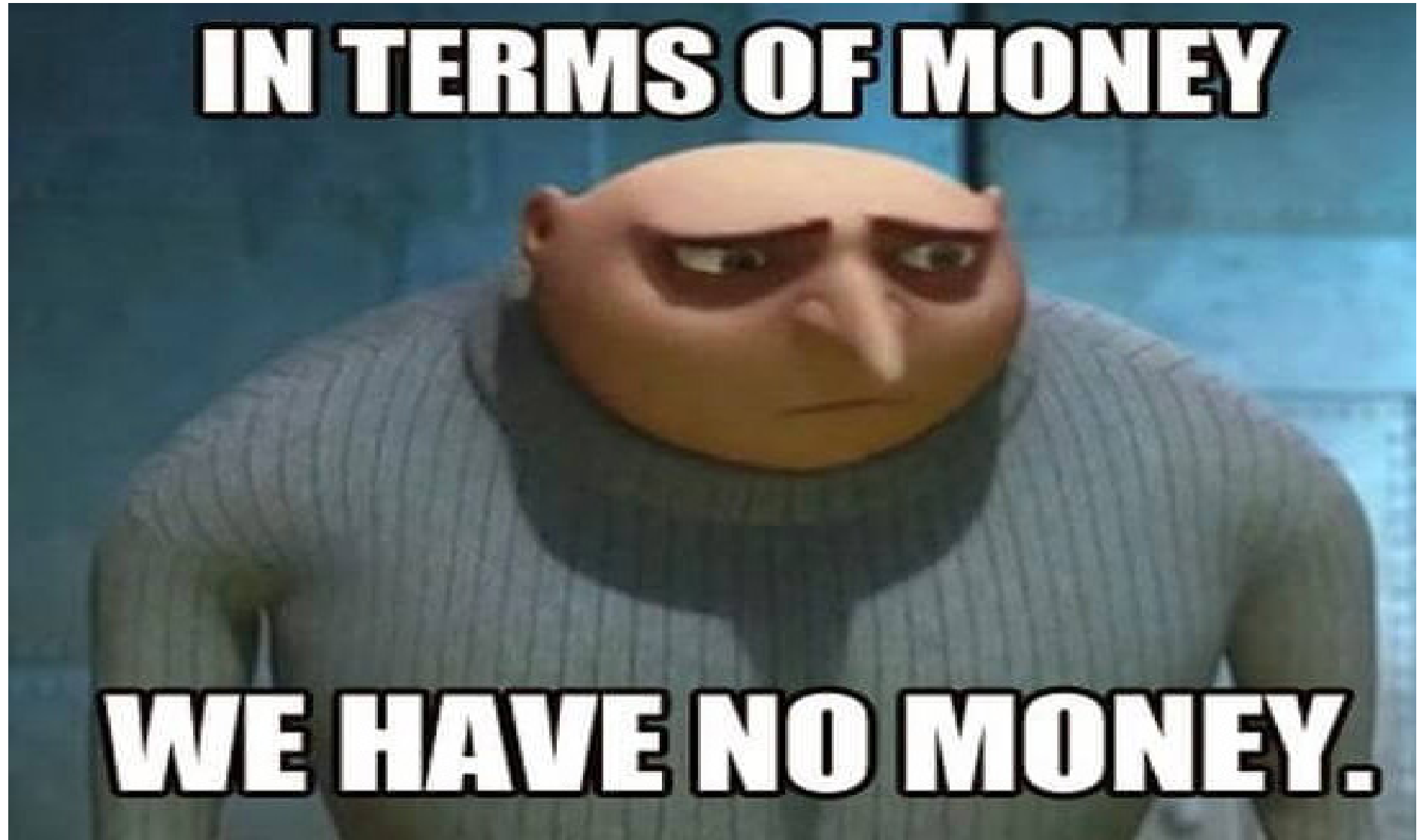
# Easements – Example 1



# Easements – Example 2



# Topic 2 – Determining Value







# Methods for Determining Value

- **Donation**
- **Appraisal District**
- **Appraisal**

# Getting Donations

- **Limited applicability**
- **Usually only occurs on highly favorable projects**
- **Creates issues when not all owners want to donate**

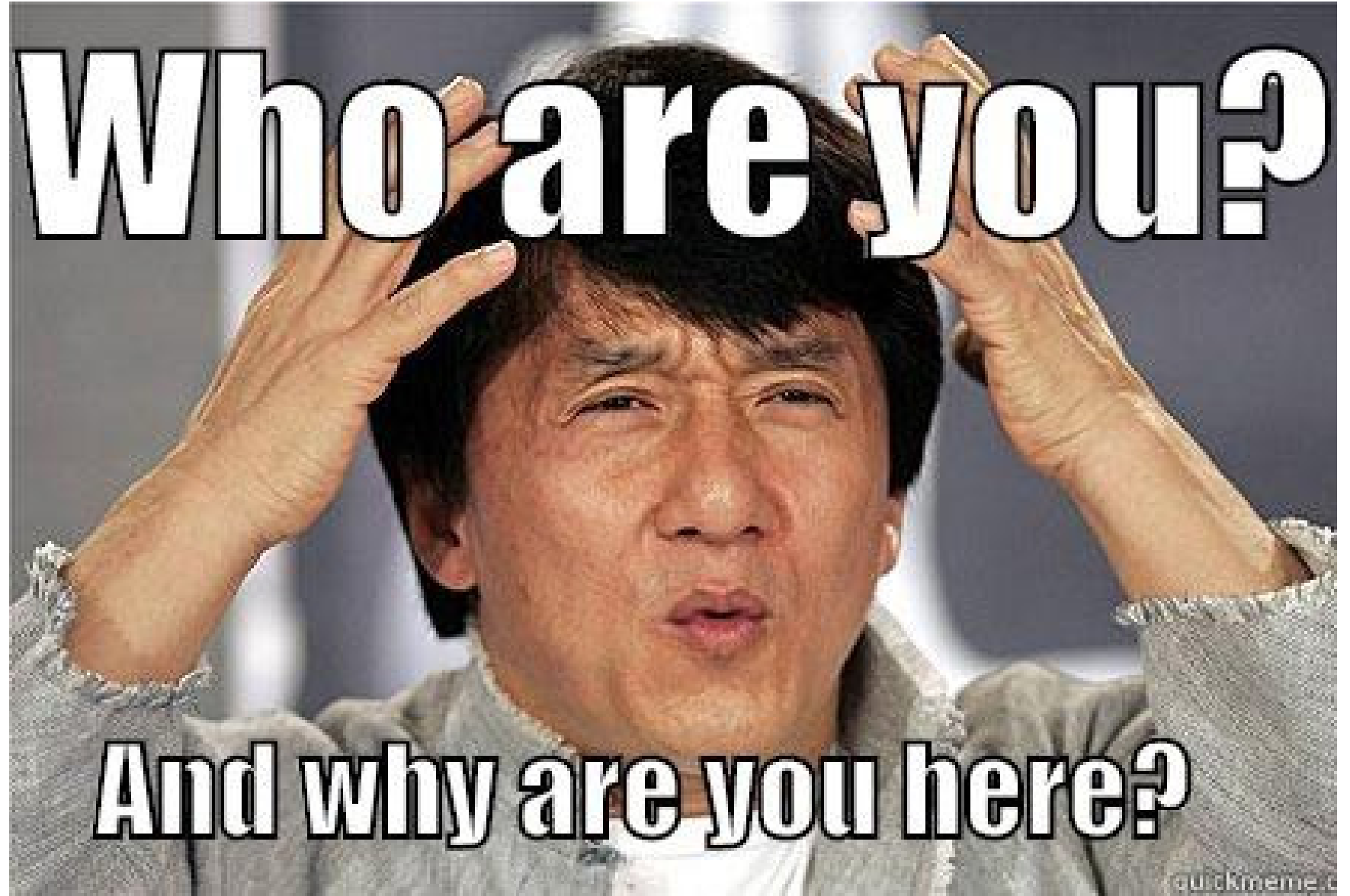
# Using Appraisal District Values

- **Limited applicability**
- **Useful when there's little opposition to a project**
- **For easements with limited surface impacts**
- **Easy to obtain and calculate values**

# Using Appraisals

- **Limited project support/tangible benefit for owners**
- **Reduces subjectivity**
- **Landowners may not trust appraisers (“intentionally lowballing me...”)**
- **Appraisals needed for eminent domain**

# Topic 3 – Title Research



# **Title Research – Example 1**

- **Water Line Project**
- **Current residents were 3 generations removed from the people in title**
- **Title Research revealed current ownership and allowed us to connect the dots and put title into the current residents**

# **Title Research – Example 2**

- **Water Line Project**
- **City used Appraisal District info to determine ownership**
- **Negotiated easement purchase with HOA member**
- **HOA member was not an authorized signatory**
- **Title Research helped verify correct contacts**

# Topic 4 – Eminent Domain

**“What does ‘E.D.’  
stand for again?”**



# Eminent Domain

- **Also known as “ED” or “condemnation”**
  - **Administrative Process with County Courts**
- **Two uses for ED**
  - **Disagreement in Value**
  - **Title issues**

# **Eminent Domain – Example 1**

- **Value Disagreement**
- **City appraisal estimated cost of \$250,000 and assumed no “remainder damages”**
- **Property owner appraisal estimated cost of \$1M, and assumed 60% “remainder damages”**
- **ED used to move forward with acquisition**

# Eminent Domain – Example 2

- Title vested in deceased people
- No will (legal or to live)
- 9 Heirs
  - 7 living
  - 2 deceased
- ED used to clear title



# **Take Home Recommendations**

- 1. Always evaluate end use and function of an easement**
- 2. Consider getting appraisals based on project complexity**
- 3. Title research is a small price to pay**
- 4. Eminent domain is a useful tool!**

# **CONTACT**

**Jennifer Hall, SR/WA**

**[jhall@tnpinc.com](mailto:jhall@tnpinc.com)**

**817.665.8213**