

Design Standards Letter

Letter Number: G-1971-27

Letter Date: 11/23/1971

Effective Date: 11/23/1971

Section/Plan No.: None

Subject: Purchase of Uneconomic Remnants

Body

ALL DIVISION AND DISTRICT ENGINEERS

One of the requirements of the Uniform Relocation Assistance and Land Acquisition Policies Act of 1970 passed into law in 1971, states that "if the acquisition of only part of a property would leave its owner with an uneconomic remnant, the agency concerned shall offer to acquire the entire property."

In an effort to comply with this requirement, the following definition has been established to determine when a remainder should be considered as an uneconomic remnant:

When the value of the remainder is determined by the Division Reviewers to be less than \$200, or when the remnant obviously cannot be disposed of by the owner for an amount in excess of the cost of disposition to such owner.

The District Right-of-Way Department has authority to acquire all uneconomic remnants valued at \$200 or less, in accordance with the above definition. Any remainder valued in excess of \$200, where it is obvious that it would be to an advantage to the Commission to attempt to acquire the remainder for assemblage or trade purposes, the District must secure the Right-of-Way Division's concurrence prior to making the offer. Any offer to acquire an uneconomic remnant or any other remainder (except replacement lands for utilities, etc.) shall be at the option of the owner and will not be condemned unless approval is secured from the Right-of-Way Division.

Prior to submitting the right-of-way plans for final approval, District Right-of-Way personnel and Surveys and Plans personnel should discuss any special agreements, plan changes, ownership changes, etc., that may have occurred during the acquisition stage and decide whether the right-of-way line should encompass the remainders that have been acquired, or whether they should be considered as excess land and remain outside the normal right-of-way line. Plans should be corrected accordingly, prior to submission to the Main Office for final plan approval.

The Division of Surveys and Plans' Liaison Engineers and the Right-of-Way Division's Liaison Officers will be in constant contact with the Districts to recommend and advise so that uniformity can be maintained throughout the State.

At the time of acquisition, all uneconomic remnants will be coded as participating on Federal-aid projects.

Normally, all landlocked remnants will be included in the right-of-way at the final plan stage, as all effort will have already been made to dispose of them. Those parcels that are not encompassed in the right-of-way must be inventoried as excess land and processed in the normal manner. If a parcel is determined to be excess, the value as established in the appraisal must then be credited to the project and that portion withdrawn from Federal aid.

Robert E. Smith, Chief
Division of Right-of-Way

James F. Roberts
Division Engineer
Surveys and Plans