

Checklist for Issuing Right of Way Certificates

When a Right of Way Certificate is issued, by your County or City, to the Nebraska Department of Roads, you are certifying that all rights-of-way have been acquired and paid for, all in accordance with the appropriate Federal and State laws and regulations, and that the project is clear and ready for construction.

We, at the Department of Roads, in turn, certify to the Federal Highway Administration that the above has been done, all in accordance with the appropriate Federal and State laws and regulations.

Until this has been done, in a manner acceptable to the Federal Highway Administration, your project cannot move forward to letting.

Since it is not economically feasible for the Department of Roads to send out an auditor to check every project, we are requiring that full documentation shall be a part of your submittal with all future Right of Way Certificates. You should keep the original documents and submit copies to us. This documentation shall consist of the following:

When no additional right of way is required for the project.

i.e., overlay, signing, traffic signals or any project that can and will be built on existing right of way.

Requirements:

- Right of Way Certificate (Attachment AP-19)
- A short letter explaining the project.

When new right of way is acquired by donation.

Requirements:

- Donation form
- Contract(s) (R.O.W.; Temporary Easement; Permanent Easement) (signed by both the owner and county or city official)
- Call Reports, including the fact that the informational booklet was delivered and that the owner was shown the plans and informed of his/her right to have the property appraised and an offer to purchase in writing.
- Negotiator Certificate (each tract)
- Warranty or Quitclaim Deed, Permanent Easement Document – recorded
- Mortgage Release (if appropriate)
- Leasehold Interest Contract (if appropriate)
- Right of Way Certificate (One per project) (Attachment AP-18)

When it is necessary to acquire right of way by purchase.

Requirements:

- Valuation Report
- Reviewed Determination of Just Compensation.
- Information letter (copy)
- Contract(s) (R.O.W.; Temporary Easement; Permanent Easement) (signed by both the owner and county or city official)
- Call Reports, including the fact that the informational booklet was delivered and that the owner was shown the plans and informed of his/her right to have the property appraised and an offer to purchase in writing.
- Negotiator Certificate (each tract)
- Proof of Payment (Voucher)
- Warranty or Quitclaim Deed, Permanent Easement Document – recorded
- Mortgage Release (if appropriate)
- Leasehold Interest Contract (if appropriate)
- Administrative Settlement Report (if appropriate)
- Right of Way Certificate (One per project) (Attachment AP-18)
- When it is necessary to acquire right of way through eminent domain (condemnation). The following requirements are necessary.
 - A copy of the petition filed by your County or City Attorney.
 - A recorded copy of the findings of the Board of Appraisers.
 - A condemnation report from your attorney.
 - Proof of payment into the court.