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1.0 PURPOSE:

The purpose of this procedure is to define the process by which Right-of-Way (ROW) eminent domain shall be utilized to acquire properties on behalf of NTTA. This process is needed when parcel settlement negotiations fail due to the owner(s) either being non-responsive or refusing to accept the NTTA's final offer letter for sale of the property.

2.0 RESPONSIBILITIES:

- 2.1 NTTA Board of Directors - NTTA Board shall be responsible for reviewing and approving the eminent domain resolutions to proceed with parcel condemnation.
- 2.2 ROW Team - Shall be responsible for preparing the list of parcels considered for Eminent Domain, preparing eminent domain packages, and requesting updated appraisals and title commitments on properties if necessary.
- 2.3 NTTA Legal Counsel - The NTTA legal counsel shall be responsible for reviewing the list of parcels and eminent domain documents for accuracy. Legal counsel makes recommendations to the NTTA Board to proceed with the eminent domain process, shall file the condemnation suit, and shall ensure that all parties named in the suit receive proper notice of a condemnation hearing.
- 2.4 Project Delivery (PD) - Project Delivery shall be responsible for oversight of all eminent domain procedures throughout the process.

3.0 SCOPE/APPLICABILITY:

This procedure shall apply to all NTTA projects and corridors.

4.0 REFERENCES:

- ROW-05 Relocation Services
- PC-06 Schedule Management

5.0 DEFINITIONS & ACRONYMS:

6.0 PROCEDURES:

The eminent domain process includes several activities which the NTTA Project Delivery Staff directs the ROW Team to perform and assist the legal counsel with, in order for a parcel to be correctly acquired.

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- 6.1 **Authorization to Proceed** – Parcels proposed for condemnation shall be prepared by the ROW Team and submitted to the legal counsel for their review. Legal counsel reviews the listing of eminent domain parcels for accuracy and makes recommendation to the NTTA Board to proceed with the eminent domain process and file the condemnation suit. The Board shall review each parcel on the eminent domain list with input from the legal counsel and authorize legal counsel to proceed with parcel condemnation.
 - 6.2 **Title** – Upon Board approval, the ROW Team shall obtain updated title commitments (if required) for all parcels prior to completing and submitting an eminent domain package to the legal counsel. The title commitment shall be used in preparation for filing and shall be no older than 6 months. The title commitment shall list ownership, liens, and any other encumbrances to the property.
 - 6.3 **Appraisal** – The ROW Team shall request an updated appraisal if the latest appraisal is more than 6 months old.
 - 6.4 **Eminent Domain Package** – The ROW Team shall certify that the eminent domain package includes correspondence concerning the interested parties, vesting documents, current appraisal and title commitment. The complete package shall be submitted to legal counsel for review.
 - 6.5 **Documentation** – Legal counsel shall review the package for accuracy and then shall prepare the proper legal papers to initiate the eminent domain action and verify that the proper notifications have been filed.
 - 6.6 **Right of Entry and Possession Agreement (ROEP)** – At any time prior to a Special Commissioners Hearing, a right of entry and possession agreement may be prepared by legal counsel and offered to a property owner for consideration. An executed ROEP agreement will allow for utility and/or roadway construction activities to commence within the described parcel area to avoid construction delays. ROW Team shall process the ROEP agreement.
 - 6.7 **Attend Hearing & Award of Special Commissioners** – Legal counsel shall determine who attends the Commissioner’s Hearing. Upon completion of the condemnation hearing, the Award of Special Commissioners shall be completed and signed by the Special Commissioners. This document shall be reviewed and signed by the presiding judge and shall be filed. At this time, legal counsel shall request payment in the amount set by the Special Commissioners. A Notice of Deposit shall be filed by legal counsel in order to acquire possession of property.
 - 6.8 **Relocation** – Should relocation of residents or businesses be necessary, continue to ROW-05, *Relocation Services* for further proceedings. No relocations may be performed until NTTA obtains legal rights to the property. ROW Team shall be responsible for the decision on relocation of residents.
 - 6.9 **Objections** – Immediately following the close of business on the first Monday, 20 days after the award of commissioners has been filed with the Court; legal counsel shall verify that no objections have been filed. If
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no objections have been filed, legal counsel shall receive the warrant and prepare the Judgment in Absence of Objections. The legal counsel shall then arrange for the Judge to sign the Judgment to be delivered to the title company for filing in the real property records and shall seek the issuance of the title policy. If objections are filed, the legal counsel shall continue to handle the condemnation proceeding until a settlement is reached or a jury trial is held.

6.10 Administrative Closeout – Upon completion of the process, the ROW Team shall be responsible for completing the *Eminent Domain Closeout Checklist* (ROW-04-F1) and that all parcel records are properly archived in accordance with QMS (Quality Management System) procedure ROW-03, *ROW Acquisition*.

7.0 REGULATORY REQUIREMENTS:

- Uniform Relocation and Real Property Acquisition Policies Act of 1970 as amended (see ROW-05)
- State and Local statutes as applicable.

8.0 RELATED BOARD POLICY:

N/A

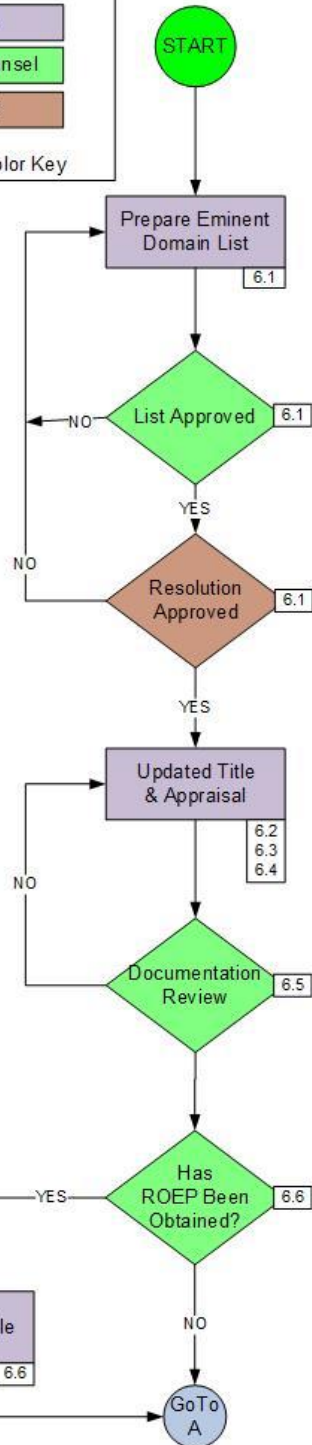
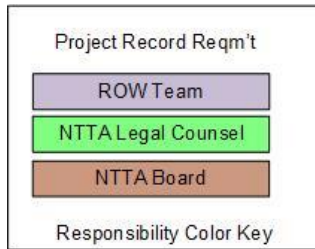
9.0 COMPONENT DOCUMENTS:

ROW-04-F1 Eminent Domain Closeout Checklist
ROW-03 ROW Acquisition
ROW-05 Relocation Services

10.0 FLOWCHART:

(See next page)

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Process Inputs:

- Negotiations fail (reference ROW-03)
- Final offer letter not agreed to by owner
- Non-response from owner
- Conflict of interest circumstances
- Owner requested

ROW Team:

- Prepares and submits listing of parcels to be considered for Eminent Domain

NTTA Legal Counsel:

- Legal counsel reviews listing of parcels for accuracy and makes recommendation to the NTTA Board to proceed with eminent domain process and file the condemnation suit

NTTA Board:

- Reviews Eminent Domain resolution to proceed with condemnation

ROW Team::

- Obtains updated title commitments
- Request updated title or appraisal if more than 6 months old
- Prepares Eminent Domain package for legal to review (appraisals, exhibits, title)

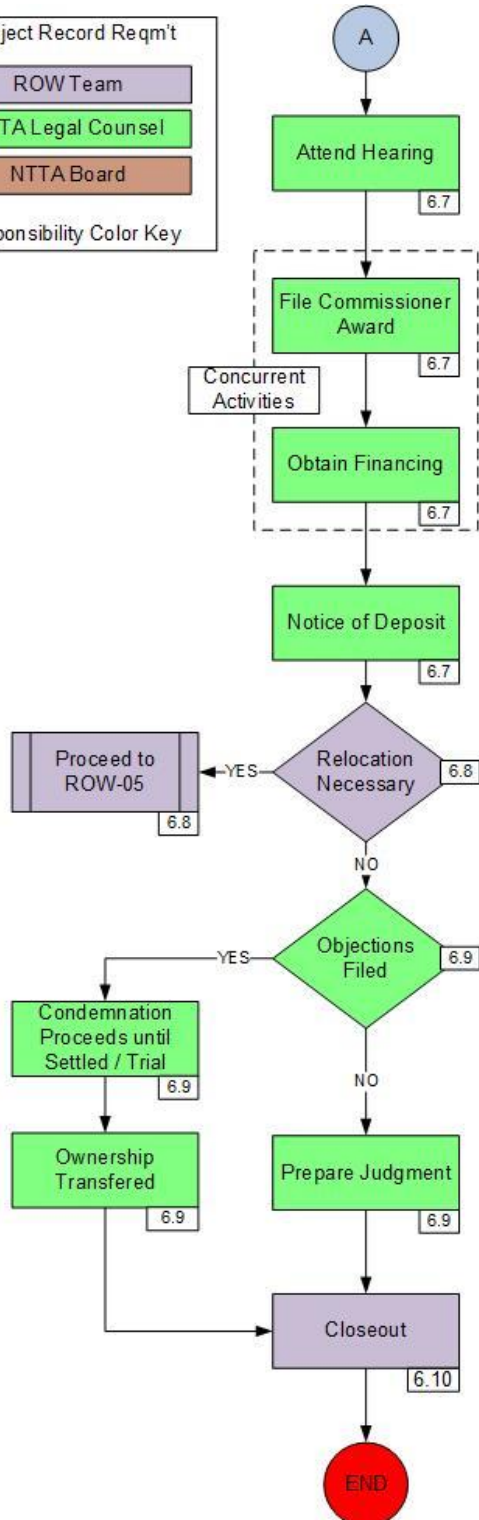
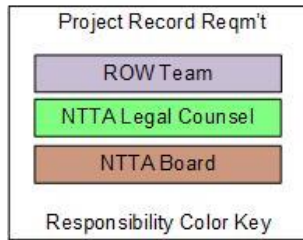
NTTA Legal Counsel:

- Review package for accuracy and prepare petition to condemnation to initiate eminent domain

NTTA Legal Counsel:

- Parcels that are deemed critical for construction shall have a Right of Entry and possession (ROEP) prepared by legal counsel and sent to owner for signature

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NTTA Legal Counsel & NTTA:

- Hearing attended by NTTA legal counsel and others as needed

NTTA Legal Counsel:

- Award of Special Commissioners is completed and signed by the Commissioners
- Reviewed and signed by the judge

NTTA Legal Counsel:

- Funds requested by the NTTA in the amount set by the Special Commissioners

NTTA Legal Counsel:

- Funds deposited with the court
- Notice of Deposit is filed to acquire possession of property
- Notification sent to property owners
- NTTA takes possession of property upon deposit

ROW Team:

- If relocation is necessary, proceed to Relocation Process (ROW-05)
- If no, proceed to next step

NTTA Legal Counsel:

- Verify that no objections have been filed
- Legal representative continues to handle the condemnation proceedings until a settlement is reached or a jury trial is held
- Receive warrant and prepare the Judgment in Absence of Objections
- Judge to sign Judgment
- Judgment delivered to title company
- Seek issuance of the title policy
- File the "Notice of Deposit" and notify all parties to the lawsuit that it has been filed
- Seek issuance of the title policy
- NTTA takes ownership of property

ROW Team:

- Responsible for completing parcel closeout and archiving all records in the EPDS system

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11.0 REVISION HISTORY:

Revision	Revised by:	Date Issued	DRN	Reason for Revision
0	Dave Clarke	06/05/2008		Original Issue
1	Gary Reinhardt	09/08/2008		Minor clarifications throughout document
2	Dave Clarke	03/25/2010	10099	Added flowchart, clarified procedure and added reference to checklist
3	Dave Clarke	04/30/2010	10137	Combined 2.1 and 2.4. Added Corridor Manager to 2.4. Edited 2.5
4	Dave Clarke	10/13/2011	10362	Update position/team/department title in text and flowchart.
5	Dave Clarke	12/27/2012	10431	The ROW Eminent Domain process required revision to reflect current roles and responsibilities, with clarification added to the written procedures and flowchart. The flow chart was revised to reflect the revisions made to the written procedures.
6	Marcos Sosa	05/26/2026	11107	Updated roles, procedures, references, and flowchart to reflect NTTA Project Delivery current practices.