

*Right Of Way Acquisition &
Access Management Issues
In Florida*

Prepared by:



GENESIS GROUP
FROM VISION TO REALITY

Mark T. Llewellyn, P.E.
2507 Callaway Road, Suite 100
Tallahassee, FL 32303
(850) 224-4400
mark@GenesisGroup.com

and

Murray F. "Lad" Hawkins, III, RLA
9250 Cypress Green Drive, Suite 200
Jacksonville, FL 32256
(904) 730-9360
lhawkins@GenesisGroup.com

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RIGHT OF WAY ACQUISITION AND ACCESS MANAGEMENT ISSUES

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INTRODUCTION

The eminent domain process in Florida is complex, time consuming, and expensive. In many cases, the right of way costs for new or expanded roadways exceed the cost for construction. One of the primary causes for high right of way costs is associated with changes to the access provided after the roadway improvements have been completed compared to the access prior to construction.

Access issues range from before and after construction driveway widths to the elimination of access due to the extension or creation of limited access rights of way. A significant effort is typically expended at all levels of the project development to address access to adjacent properties; however, during the design process critical access issues are occasionally not taken into consideration. The purpose of this section is to identify a few of the most common access stumbling blocks and to encourage all designers and engineers to carefully consider every access point on every project in order to affect an optimum design and hold last minute design changes and retro-fits to a minimum. The topics covered are as follows:

- Summary of the Eminent Domain Process
- Access Analysis during the Property Appraisal Process
 - Driveway Location
 - Driveway Widths and Configuration
 - Driveway Grades
 - Median Openings
 - Onsite Parking
 - Circuity of Travel
 - Delivery Truck Access
- Developing a Cure Plan (After Conditions Site Plan)

As previously stated, the eminent domain process is complex, time consuming and expensive. It is critical that Project Managers are aware of and are prepared to address all of the access issues related to their projects.

SUMMARY OF THE EMINENT DOMAIN PROCESS

Note: Carefully addressing access to all properties is important, whether the property is involved in right of way acquisition or not.

The eminent domain process begins during the Project Development and Environmental (PD&E) phase of the project and often extends beyond the completion of construction.

PD&E Phase

This is typically the first time that the property owners affected by a roadway project have the opportunity to meet face to face with the FDOT project team. A thorough analysis of the roadway corridor during the PD&E phase, in conjunction with close Right of Way Team coordination, will result in the identification of critical access management issues on both a macro and micro scale.

Macro Scale - The PD&E will address alternate alignments, limited access rights of way (if needed), medians and median openings, grade separations, frontage roads, intersections, and many other critical access management issues. Each decision made at a macro scale could result in a direct impact (either positive or negative) to adjacent properties.

Micro Scale - Along with the major issues, the PD&E team should take this opportunity to complete a thorough review of the potential secondary impacts to adjacent properties. The secondary impacts include everything from direct access points to impacts on adjacent land uses. During the process, the PD&E team will have an opportunity to address access concerns that property owners might have through either property owner meetings or direct changes to the PD&E documentation. Property owners are typically very open to direct dialogue during this phase of the project.

In addition to addressing existing conditions, the PD&E team should anticipate any new development or re-development of properties located adjacent to the project. Specific information can typically be obtained from the property owners or through discussions with the local Planning/Growth Management office. Understanding the allowable land uses and community development trends, along with direct communication with property owners, is essential to the validity of this effort.

Typically, right of way acquisition does not take place during the PD&E process. However, on occasion a property owner with land holdings along the corridor may recognize the benefit to either contributing or selling right of way to enhance the value of his or her property. In some instances the impending project may create a hardship on a property owner who may want to accelerate the acquisition process. This “advanced acquisition” scenario will inevitably require an agreement that will include providing adequate access. It is imperative that this agreement is thoroughly documented, runs with the land, and is passed on to the Roadway Design Team.

The PD&E is an extremely valuable tool for the Roadway Design Team when it has been prepared with a keen eye to access management. This includes intent listening during the public participation process. As previously stated, property owners are typically very open during this process. The information provided, which typically includes the current, planned or intended future use of their property and their access needs, should be carefully documented and included in the Preliminary Engineering Report and then applied in the Final Design Phase.

Final Design Phase

One of the many responsibilities that a Roadway Design Team Project Manager faces is using the Preliminary Engineering Report that was completed during the PD&E phase in the design of the improvements. Many times the report has been sitting on the shelf for several years and only limited time is provided for a reevaluation to be completed. During this process, it is vitally important to carefully review access issues and address any changes that may have occurred to adjacent land uses. It is very possible that significant changes to the PD&E Access Management Plan will be required, and such changes should include the involvement of the adjacent property owners. In addition to the constructed changes, adjacent property owners may have changed the land use or zoning, developed concept plans, or may have projects approved for construction that will require access to the roadway. This information can typically be obtained from the property owner, the City or County Growth Management office, or even the FDOT Maintenance Office that may have permitted a new driveway connection. The Roadway Design Team Project Manager

should take responsibility for the research required to obtain this information at the very beginning of the Final Design Phase and notify the FDOT of any required or potentially required changes to the access management plan. As this information is compiled, it should be documented in a format that can be forwarded to the Right of Way Team for use during the appraisal and acquisition process.

It is important to note that access management issues need to be addressed regardless of whether additional right of way will be acquired or not. The same research and care should be given for all properties located adjacent to the roadway. Effectively coordinating with right of way by addressing the access issues early in the design process can result in significant savings related to right of way costs that are incurred either through acquisition or inverse condemnation. All Roadway Design Team Project Managers must be prepared to participate in the right of way process.

Right of Way Acquisition Process

Note: The Right of Way Acquisition Process is complex and is abbreviated here for general information only. Seeking guidance and/or legal counsel from the FDOT Right of Way Team is critical during the design process.

The Right of Way Acquisition Process can begin after the Phase II submittal (60% complete) stage of the project; however, the process typically begins after the Phase III submittal (90% complete). The main emphasis here is for the Roadway Design Team to be aware of when the acquisition process will begin by keeping in contact with the Right of Way Team. Most FDOT districts are currently facilitating coordination between the Roadway Design Team and the Right of Way Team during the acquisition process. The Roadway Design Team Project Manager should be prepared with the back up documentation to support the design decisions made regarding access management and to provide that information to the Right of Way Team.

The Right of Way Team often can consist of appraisers, land planners, engineers, accountants, and other experts in the field. Their task is to estimate the fair market value of the property being acquired and the value of any associated impacts to the remaining real estate known as severance damages. Typically, the appraiser leads this effort under the direction of FDOT Right of Way and Legal staff with the support of the other professionals. After the appraisal is complete and approved by the FDOT, the process moves forward as follows:

- An official offer of the estimated fair market value is made to the property owner for the acquisition of the required right of way. This step is often complicated for commercial properties that have tenants or multiple ownerships. This task is typically handled by a right of way acquisition expert and is based on appraisal prepared by FDOT.
- If the offer is rejected and further negotiations fail, the FDOT will move forward with condemnation proceedings. This task is initiated with an Order of Taking Hearing, which is a court proceeding where the FDOT Right of Way Team appraiser introduces and supports the appraisal and the appropriate FDOT Professional Engineer introduces the necessity for the right of way acquisition in support of the public improvement. If the judge grants the Order of Taking, the FDOT deposits the funds with the clerk of the court for the appraised value and the acquired property title transfers to the FDOT. A certain amount of time is provided for the property owner to vacate the acquired right of way. The

process is complicated when the complete relocation of displaced persons or businesses is necessary. At this point, most property owners are typically represented by an eminent domain attorney who has hired a team of experts charged with completing a comprehensive review appraisal of everything that has been completed to date by the FDOT Roadway Design and Right of Way Teams, along with conducting an independent appraisal of the subject acquisition.

- The litigation process can continue on for several months, sometimes years, in pursuit of a monetary settlement between the FDOT and the property owner, and all displaced persons and businesses have been relocated. The final step of the right of way process is removing or demolishing any improvements from the new right of way. Once this is completed, the right of way is certified for construction. In Florida, property owners have the right to legal representation in condemnation proceedings at (for the most part) no expense to the property owner. Significant fees and costs are paid to attorneys and experts who represent the interest of property owners and other experts who represent the interests of FDOT. At any time during this process a settlement can be negotiated between the FDOT and the property owner. The settlement process can proceed as follows:
 - Pre-mediation Conference / Settlement Conference
 - Mediation
 - Jury Trial
 - Appeal

As previously stated, it is possible that property acquisition court proceedings can extend beyond the completion of construction depending on the complexity of the acquisition and related valuation issues. It should also be noted that a jury decision can be appealed, which only further extends the time and costs.

Construction Phase

Providing access to adjacent properties during construction has always been an issue in urban areas where businesses front on the roadways. Access to each business must be considered in the Maintenance of Traffic (MOT) plans. Do not under emphasize the importance of thorough MOT plans.

ACCESS ANALYSIS DURING APRAISAL PROCESS

Note: Carefully addressing access to all properties is important, whether the property is involved in right of way acquisition or not.

The purpose of this section is to focus on the analysis that is typically conducted to address access to properties that are involved in a right of way acquisition. This analysis is typically conducted by an engineer and land planner who has experience with providing support to appraisers. The work effort will include a complete review of the existing conditions, along with consideration for the after construction conditions (proposed roadway design). Several issues are addressed which include, but are not limited to, the following:

- Existing site topography including all features. This task typically requires a complete topographic survey of the property that extends beyond the limits of the Roadway Design Survey.
- Access points (including width and slope).
- Property signage. Sign relocation or replacement.
- Parking spaces (number, size, location, orientation, ADA compliance).
- Site vehicular circulation including car and truck circulation patterns/safety considerations.
- Pedestrian accessibility and ADA compliance.
- Stormwater management systems.
- Utility services.
- Site lighting.
- Land use and zoning. There are multiple subtasks associated with this item. This task is typically addressed by a land planner with eminent domain experience.
- Aesthetics, loss of trees, shrubs, buffers, etc.

The engineer and land planner work in conjunction with the appraiser to complete a comprehensive review of the property. Depending on the extent of the impact, other professionals may be required to address business damages and/or demolition or replacement costs. The analysis can be very complex. For the purposes of this report, the focus will be placed on access management issues.

The appraisal process begins at the point when the right of way maps are complete and the Final Design is at least to Phase II (60% complete). The Roadway Design Team Project Manager has been working on the design for several months and the project typically is moving forward. The appraisal will be developed based on the roadway plans and right of way maps, and supplemented with additional survey information and site specific analysis when needed. Just as it is in the PD&E phase of the project development process, it is also critical here that the Roadway Design Team and the Right of Way Team work together to effectively coordinate and communicate in the completion of the process.

The primary appraisal issues associated with access management include driveway location, width and grade, median openings, onsite parking and maneuvering, sign location, site visibility, traffic safety, drainage, aesthetic considerations and circuitry of travel.

Driveway Location

Driveway location is a very critical issue that needs to be carefully addressed for all properties located adjacent to the roadway being improved. Most of the time, driveways are designed in the same location, as they exist prior to construction; however, there are occasions when safety issues require the elimination or relocation of an existing driveway. Whenever a decision of this significance needs to be made, the Roadway Design Team Project Manager should consult with the Right of Way Team to consider the potentially larger impacts to the property. In addition, this decision should not be made without an analysis of accident data in the area of the existing driveway. An example is as follows:

Exhibit 1A is an existing conditions site plan for a fast food restaurant located on a corner parcel. The existing condition includes a driveway (right in and right out only) on the major roadway. This driveway provides access to parking spaces located directly in front of the restaurant and is the entrance/exit point for drive thru window circulation. During the design process, a decision

was made (based on a strict interpretation of the access management rules) to close this driveway due to its proximity to the intersection, even though there were no major changes to the intersection. The closing of this driveway would have created a significant impact to the internal circulation on site (see Exhibit 1B). Working closely with the Right of Way Team's appraiser and the Roadway Design Team, the appraiser's engineer conducted a site circulation and parking analysis, along with an evaluation of accident data for the driveway. After careful consideration of the issues, a decision was made to leave the driveway at its current location. This resulted in the development of a site plan that will allow for this business to continue in operation without compromising safety, while avoiding substantial severance and business damages (see Exhibit 1C).

Shared Driveways (Raymond Diehl)

Shared driveways should be encouraged at every opportunity to reduce the number of access points along the roadway. This approach to access is gaining momentum for new development; however, it is difficult to convince existing developments to combine and share a driveway when they have had their own access for years.

Exhibit 2 is an example of a situation that addressed a potentially difficult situation (see Exhibit 2A for the "before" condition). In this example, an interstate on-ramp was being relocated to an existing roadway that had driveways accessing a hotel and office building complex. Since an interstate was involved, Limited Access Right of Way was required that would eliminate the driveways and reduce the access opportunities to the property.

To address this problem, right of way was acquired that extended into the property along the common property line that was aligned with the new on-ramp. Through the right of way negotiations, site-specific issues were addressed and compromises were made by both parties to provide a common roadway/driveway access that served not only the existing business, but also future development (see Exhibit 2B).

Driveway Widths and Configuration

The width and configuration of driveways can become a contentious issue during the right of way acquisition process. On many state road-widening projects, the driveway widths to older businesses can be uncontrolled and any reduction in the driveway width is perceived to cause impacts to the real estate and business. The impacts could include:

- reduced vehicular access area
- reduced truck loading and access turning movement area
- reduced driveway throat length due to the widening of the roadway (traffic safety concerns)
- allowed turning radii into and out of the site
- elimination of pull in (front door) parking
- vehicle stacking capacity
- impacts to accessibility Americans with Disabilities Act (ADA) compliance

The Roadway Design Team should consider driveway widths to be flexible within a maximum width range of the standards (FDOT Design Standards, Index No. 515), and consideration should be given to the adjacent land use when designing the driveways. In addition, the use of driveway flares or driveway radius returns should be considered depending on required need of the property. The Roadway Design Team should avoid the standardization (cookie cutter solution) of driveway size and configuration to make certain that the existing conditions are taken into consideration.

During the right of way process, the Right of Way Team's planner/engineer will consider the before conditions driveway configuration in comparison to the proposed configuration identified on the construction plans. Consideration will be given to site circulation, the existing and potential use of the property, truck delivery requirements, and associated car and truck turning requirements for access to the property.

Driveway width and configuration is likely to be the most frequently encountered issue for urban roadway reconstruction projects. Exhibit 3 identifies a driveway that was designed and constructed without consideration for the properties use. The roadway improvement project consisted primarily of major widening (from two (2) lanes undivided to six (6) lanes divided. The subject property was occupied by a site development contract's office and equipment storage (both prior to and after the road widening was complete). Prior to the road widening, construction equipment transportation "low boy" trailers and trucks would turn into the site with adequate clearance to straighten and not encroach into or even near the building. The roadway design shifted the edge of pavement approximately thirty feet (30') closer to the front of the building, but did not require right of way acquisition.

The driveway return was located in close proximity to the before condition driveway; however, it was shifted to avoid an in-line stormwater inlet without consideration for the truck turning radii (see Exhibit 3A). The driveway was constructed in accordance with the plans even though the property owner raised his concerns regarding the design. After construction was complete, the property owner (based on liability concerns) filed an Inverse Condemnation suit against FDOT.

It was determined during the course of this lawsuit that the property owner demonstrated legitimate concerns and they were addressed. A new driveway was designed by modifying the stormwater inlet type and shifting the driveway to a location that allowed for large semi-truck access without being forced to make excessive wide turns (see Exhibit 3B).

This example is provided to demonstrate how important it is for the Roadway Design Team to pay particular attention to the adjacent land uses along with the type, size and location of access points required to service the property.

Driveway Grades

The Roadway Design Team should be familiar with the FDOT Design Standards as they relate to driveway grades (FDOT Design Standards, Index 515). Roadway widening projects that require raising the grade of the road, and on occasion lowering the grade of the road, can create challenges for driveway tie-ins. In addition, the basic design of adding bike lanes and sidewalks that meet ADA criteria can create grade differentials that require special consideration. Early coordination with the Right of Way Team to assist in driveway placement can often mitigate potential design impacts. Creating a driveway profile is the key design tool utilized; however, the simple

application of the FDOT Design Standards (Index 515) to the driveway profile can create problems on the adjacent property as follows:

- safety and visibility issues
- impacts to on site parking spaces or access to the parking spaces
- restrict access for trucks, campers, buses, etc., when the vertical grade transitions are high
- extended transition into the site that can impact buildings, drainage, parking, or other site features (such as trees, signs, sidewalks)

The Right of Way Team will carefully review the work completed by the Roadway Design Team utilizing an extended site topographic survey. This work will extend onto the property to address any secondary problems that the driveway grade might create. Careful consideration and good, proactive coordination in dealing with the secondary problems by the Roadway Design Team during the plans development phases can reduce the time and costs associated with the acquisition process.

Note: Property owner authorization must be obtained prior to completing the extended topographic survey.

Exhibit 4 is an example of an existing driveway that exceeded the maximum (standards) grade for a commercial driveway. This case was a complicated right of way acquisition that involved the closure of one driveway, so it was important to provide good access with the remaining driveway (compare Exhibits 4A and 4B). A careful analysis was completed for both the existing and proposed driveway profile to make certain that the vehicle types (including large trucks, buses, and recreational vehicles) would still be able to access the site (see Exhibit 4C). The end result was a design that replicated the existing condition and avoided adverse impacts to the site.

Median Openings

It is important to understand that adjustments to a roadway median, or the addition of medians within an existing right of way, are not considered a compensable impact. This means that adjacent property owners are not compensated for the often perceived/claimed damages related to the addition of medians or the location of median openings. Even though this is the law, medians are very often a significant issue raised during the right of way acquisition process. Attention to the location of medians and median openings begins with the PD&E process and continues throughout the Final Design Phase. The closing or relocation of a median opening is often perceived as having a direct effect on the business that has a driveway aligned with the median opening. Public information, education, and coordination with property owners can help reduce the costs associated with the acquisition process. The costs may not be directly associated with the median; however, roadway plan revisions or property circulation patterns may need to be modified to address a median adjustment. The Right of Way Team will take into consideration the effects that a median adjustment might have on the property. The property owner's attorney and expert team will most certainly address this issue in their analysis.

During the acquisition negotiation process, median locations are often discussed. The Right of Way Team must be familiar with the conditions on both sides of the roadway, along with any previously negotiated settlements that might have included median locations. Larger tracts of either developed or undeveloped property are typically most interested in the location of median openings; however, individual (smaller) businesses or even neighborhoods can also be very vocal

about this issue. Exhibit 5 shows the design of medians along a state highway that was being improved along with an interstate interchange expansion. The property being evaluated was a large tract of land that was partially developed with an active Development Order, which was obtained through the Development of Regional Impact (DRI) process. It was discovered by the Right of Way Team during the appraisal process that this property had essentially changed uses and the owner was in the process of considering a change to the DRI.

In order to address the issues, the Right of Way Team, which included a roadway design and traffic engineering consultant, completed an evaluation of changes to access that had occurred and worked closely with the property owner's consultant to modify the median configuration to provide the desired access to the property.

On Site Parking (Tampa Road)

The value of adequate parking to any business is obvious. Many businesses rely on front door parking as their primary parking facilities. It is very typical for roadway widening projects to impact on site parking facilities and the Roadway Design Team should pay close attention to the impacts associated with the project. Several examples have already been sited which include:

- Expanding lanes or adding bicycle lanes, curbing, and sidewalks can encroach into existing parking or change the character of the parking.
- Modification to the roadway grade can also create an encroachment of a back slope or the regrading of a driveway that could change the parking or site circulation patterns.
- Changes to the location of access points to account for intersection modifications on median locations can also have an effect on onsite parking.

The Roadway Design Team should take all of this into consideration to minimize the impacts to existing parking facilities while carefully considering safe and adequate access. One of the primary focus points for the Right of Way Team when evaluating existing development is always parking. The steps to this evaluation are simplified as follows:

1. Evaluate the existing parking conditions for compliance with local statutory requirements. Note: Older businesses may be "grandfathered" as far as local standards are considered.
2. Evaluate the existing parking conditions for compliance with the Americans with Disabilities Act (ADA) requirements.
3. Review the roadway construction plans to determine if any parking spaces are impacted by either the roadway improvements or proposed driveway connections.
4. Identify any possible design alternatives that should be considered to reduce or eliminate the impacts to existing parking spaces and/or improved safety.
5. Evaluate the onsite parking configuration and vehicular circulation patterns to determine if there are any opportunities to modify the existing conditions to account for the impacts to the parking.

In addition, it should once again be noted that the Roadway Design Team must pay close attention to the adjacent properties and make every attempt to resolve the impacts of their design during the preparation of the construction plans.

Circuitry of Travel

The circuitry of travel issue is often unavoidable and occurs with the reconstruction of major interchanges and bridges or the construction of flyovers/grade separations at major intersections. Even though this situation may be unavoidable, the Roadway Design Team should be well aware if their design creates a potential circuitry of travel issue and take into consideration the alternative route that will result from the design.

Exhibits 6A and 6B are graphics of the often quoted legal case known as Gefen. The reconstruction of the I-10/I-95 Interchange required the closure of the McCoy Creek Boulevard on and off ramp which significantly changed the travel pattern from the interstate to the business (Gefen). The court ruled in favor of FDOT because the property did not have direct access to the interstate, only to the abutting street and that access was not changed. The key element here is “direct access” to the state highway. Careful consideration should be given to this issue by the Right of Way Team during the acquisition process as case law continues to be challenged and to evolve.

Truck Access

Most businesses rely on truck access and circulation through the property. Modifications to driveways can impact the accessibility of the site for trucks. Once again, early coordination and careful consideration of the adjacent land uses by the Roadway Design Team should address the needs of the adjacent properties to minimize impacts and avoid last minute design changes. From a safety perspective, slowing and turning trucks can create problems at driveways. Whenever a truck access issue needs to be addressed, a turning analysis should be conducted to ensure that adequate driveway widths and radii are provided for both entering and existing trucks. Depending on the volume, a deceleration/right turn lane or acceleration lane may be required. It is important for the roadway design team to look beyond the right of way and be familiar with the adjacent site truck circulation and loading requirements to address the access issues.

The Right of Way Team will complete a thorough analysis of the vehicular access, including trucks during the appraisal process. Any adjustment to the location, width or configuration of the driveways can potentially impact truck access and loading operations. In addition, road widenings often reduce the driveway throat depth and slope that can also have an impact. Exhibit 7A shows a Before and Exhibit 7B an After Conditions truck turning analysis for a retail/commercial development that would experience an impact to truck access due to the roadway widening project. As indicated, the roadway improvements created domino impacts on the property that required the removal of a section of building along with other modifications to the parking facilities. This analysis was completed by the planning and engineering component of the Right of Way Team to work through the truck access issues not addressed during the roadway design. The end result was a settlement agreement that required revisions to the construction plans, which may have been able to be resolved much earlier through effective/ proactive coordination.

DEVELOPING A CURE PLAN (AFTER CONDITIONS SITE PLAN)

The information contained in this section is provided as a very general and abbreviated overview of one service provided by the Right of Way Team's planner/engineer during the eminent domain process. One of the primary tasks completed during the appraisal process is the development of an After Conditions Site Plan. The term "Cure Plan" is typically used in the development of appraisal support documents and implies that something needs to be corrected or fixed and that it can be completely cured. A preferred title (from FDOT's perspective) is "After Conditions Site Plan."

Addressing property impact issues associated with roadway improvement projects extends beyond the access to the property and into municipal ordinances related to zoning, land use, stormwater, redevelopment, building codes, signage, landscape, buffering, off street parking, ADA, loading, etc. The purpose of developing an After Conditions Site Plan is to quantify the differences between the before and after roadway construction conditions, then develop a plan with the objective to mitigate the potential severance damages and make the property function as closely as possible to the pre-acquisition condition. The property owner is monetarily compensated for the estimated cost to implement the After Conditions Site Plan along with any unmitigated severance damages that might remain even with the site plan in place.

A typical list of actions (not necessarily all inclusive) that are needed when developing an After Conditions Site Plan is as follows:

1. Complete a topographic and boundary survey of the property (including the location and type of any existing easements). The survey should identify all site features including trees. For larger parcels, this effort might be reduced to include only that portion of the site that may require modifications as a result of the right of way acquisition.
2. Determine the existing Future Land Use and current Zoning of the property, along with the reasonable probability that the Future Land Use or Zoning could be changed to a higher density/intensity use.
3. Evaluate the existing use of the property and determine if there is a reasonable probability for potential expansion of the existing use on the property. Also determine if the existing use is the highest and best use for the property.

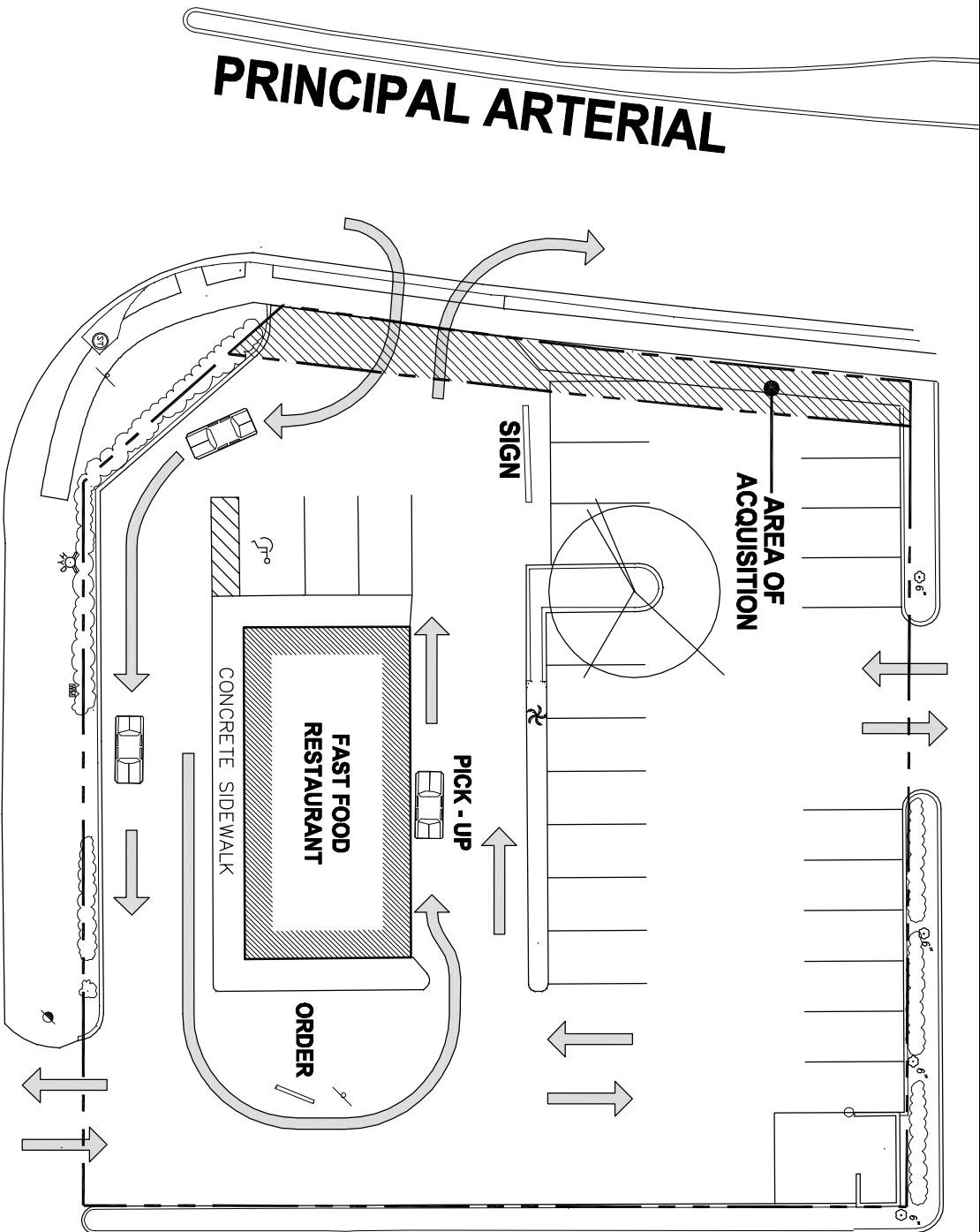
Under-developed sites, which have significant expansion potential, sites that are not developed at the highest and best use, or vacant properties are often some of the most difficult parcels to evaluate. This is due to the fact that many variable combinations of development scenarios are often possible on such properties.

4. Review the right of way maps to determine the extent of the proposed acquisition (review all acquisitions, right of way/perpetual easements, and temporary construction easements).
5. Review the proposed roadway construction plans. Identify proposed grade changes and site drainage impacts, and review driveway widths, grade, and location. Determine if the proposed grading will impact the existing trees or potentially create drainage problems onsite. Review proposed median breaks and other external ingress, egress issues.

6. Determine the impact of the acquisition and proposed roadway design on the remaining property.
7. Determine the value of all improvements located within the acquisition area.
8. Determine if the City or County having jurisdiction over the property has a condemnation relief ordinance that specifically addresses properties impacted by capital improvement projects or eminent domain actions. The typical condemnation relief ordinance provides a process to relieve adherence to local land development and zoning regulations for the properties involved in right of way acquisitions, along with a process to obtain variances from the land development and zoning regulations.
9. Prepare an After Conditions Site plan that restores, to the greatest extent possible, the functionality of the remaining site improvements (i.e., structures, parking spaces, signage, landscape, etc.) and determine the costs associated with the implementation of the proposed plan.
10. Design the After Conditions Site Plans to meet all minimum land development regulations unless specifically exempt by municipal condemnation relief ordinances. Safety and sound planning/engineering practices should dictate the plan design. It is not always possible to fully mitigate severance damages to a property. Items not fully addressed will be analyzed and included in the appraisal as damages to the remainder property.
11. Prepare truck and vehicle turning movement studies when appropriate. Site access and onsite circulation are very important issues, especially for properties that regularly require (or may potentially require) vehicles larger than standard passenger vehicles.
12. Determine if the acquisition will create any nonconformity on the remainder property. For example:
 - a. Does the acquisition reduce the lot width, depth, or size below the minimum zoning requirements?
 - b. Are building, sign, parking setbacks, or landscape islands and buffers reduced below the required minimum?
 - c. Does the before and after parking meet the code requirements or market norms (typical for the use)? Does the site plan replace the parking that is impacted by the acquisition? Are handicapped parking and ADA accessibility provided?
 - d. Are the legal nonconformities created by the acquisition allowed?
 - e. Can the structure and/or other nonconforming features be replaced if destroyed by fire or other disaster, or will a new site plan be required to fully comply with all municipal Land Development Regulations?
13. Determine if the parcels will require advanced analysis that may include a parking utilization study and/or a travel time analysis for before and after access routes (to address potential circuitry of travel issues), architectural or structural analysis of existing buildings, review and analysis of large development Master Plans, Planned Unit Developments (PUD), or previously defined DRI issues.

14. When necessary, investigate hazardous waste contamination issues and other potential limiting elements such as wetlands, endangered species, natural springs, sink holes, closed drainage basins, site flooding, coastal constructing issues, and other unique considerations that may be site specific.
15. Evaluate the site grading and drainage patterns to determine the proper conveyance of on-site stormwater and flood avoidance.

The most important point to emphasize here is that the Roadway Design Team must pay close attention to the adjacent properties and fully consider the effects that the roadway project has on each property as early in the project development process as practicable. The team should look beyond the right of way during the Design Phase of the project, bringing critical impacts or issues to the attention of the Right of Way Team during the design. Communicating with the property owners during the early stages of the project can result in significant time and cost savings.

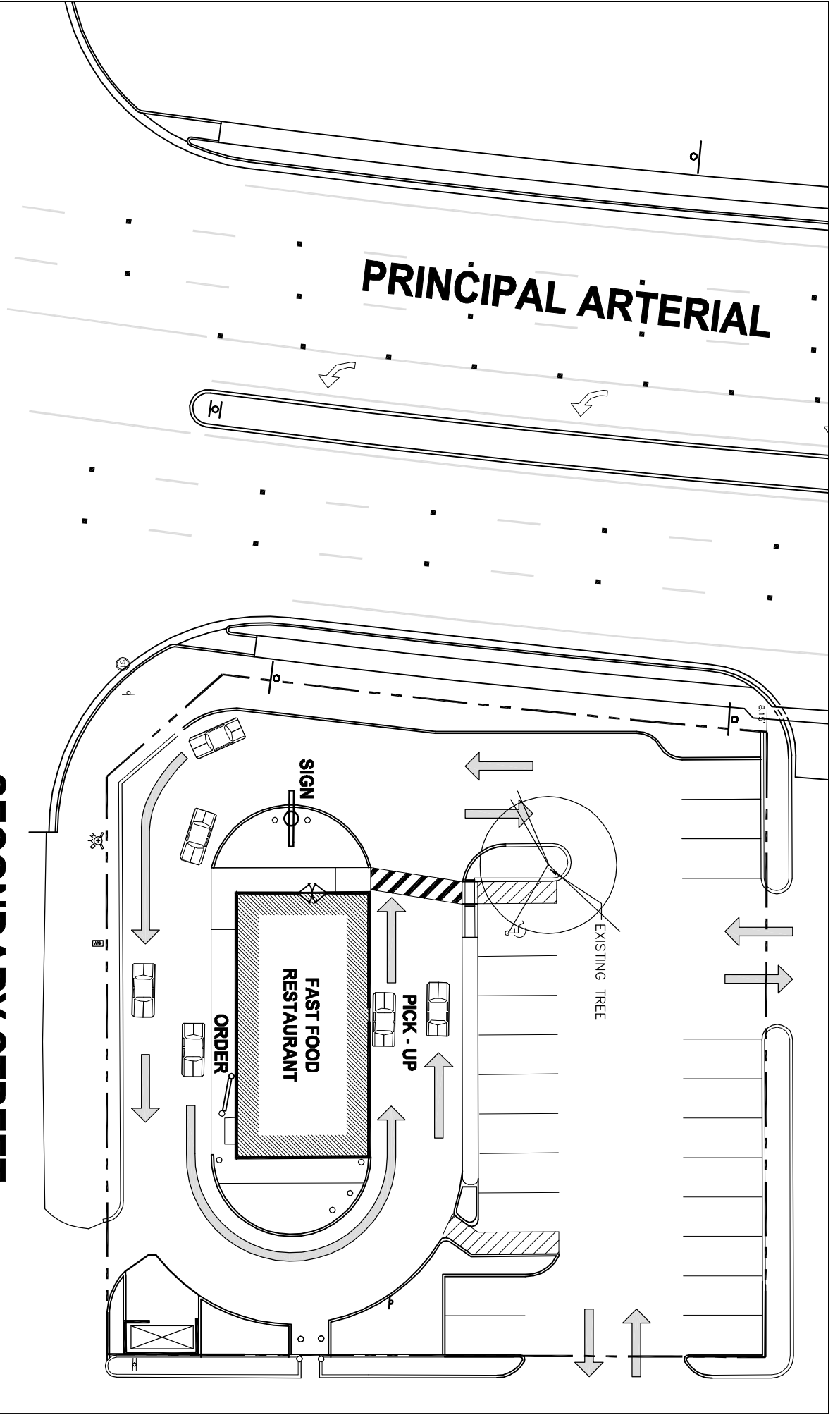


**EXHIBIT 1A:
 DRIVEWAY LOCATION
 BEFORE CONDITION
 FAST FOOD RESTAURANT**

SECONDARY STREET

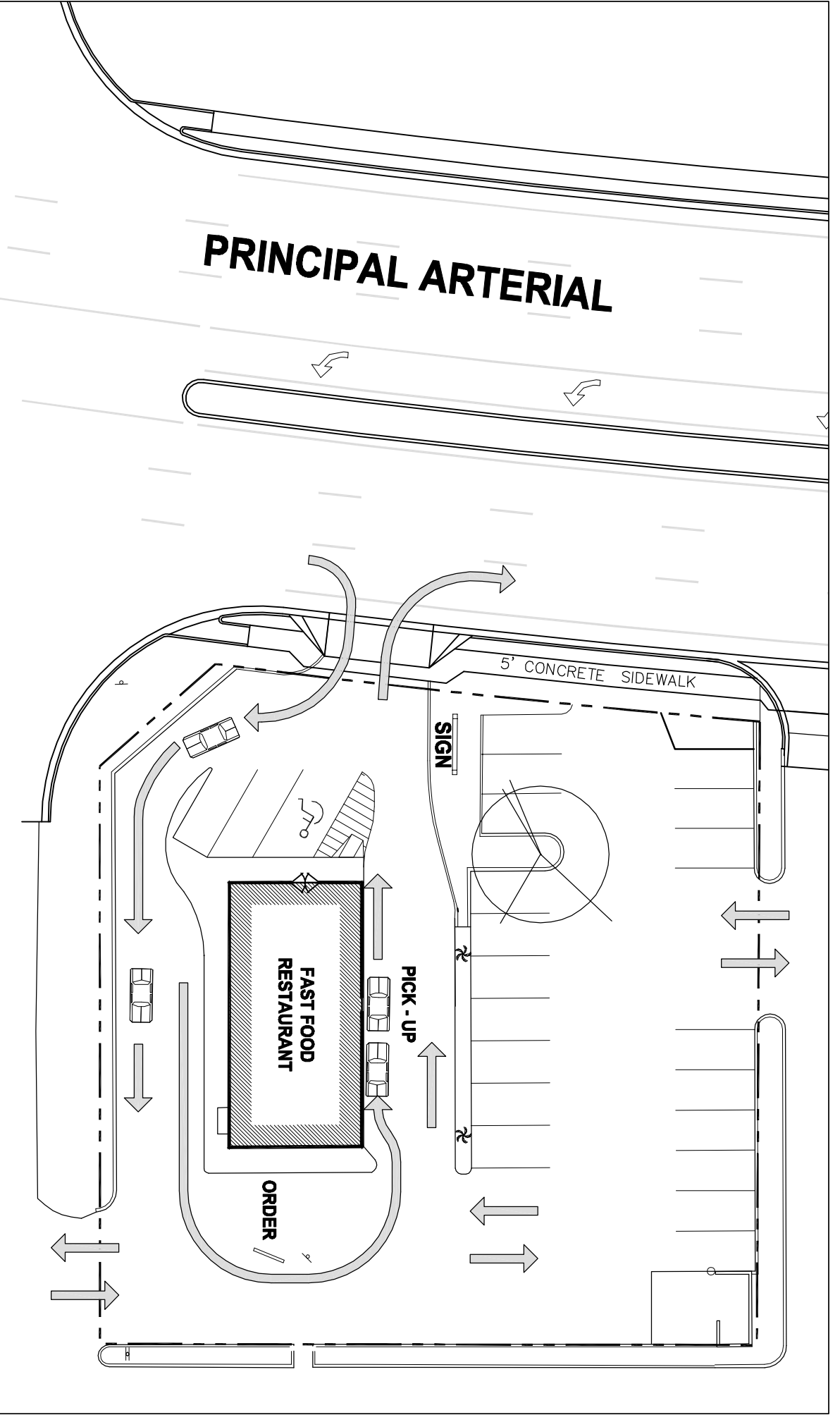
**EXHIBIT 1B:
DRIVEWAY LOCATION
ROADWAY DESIGN TEAM
FAST FOOD RESTAURANT**

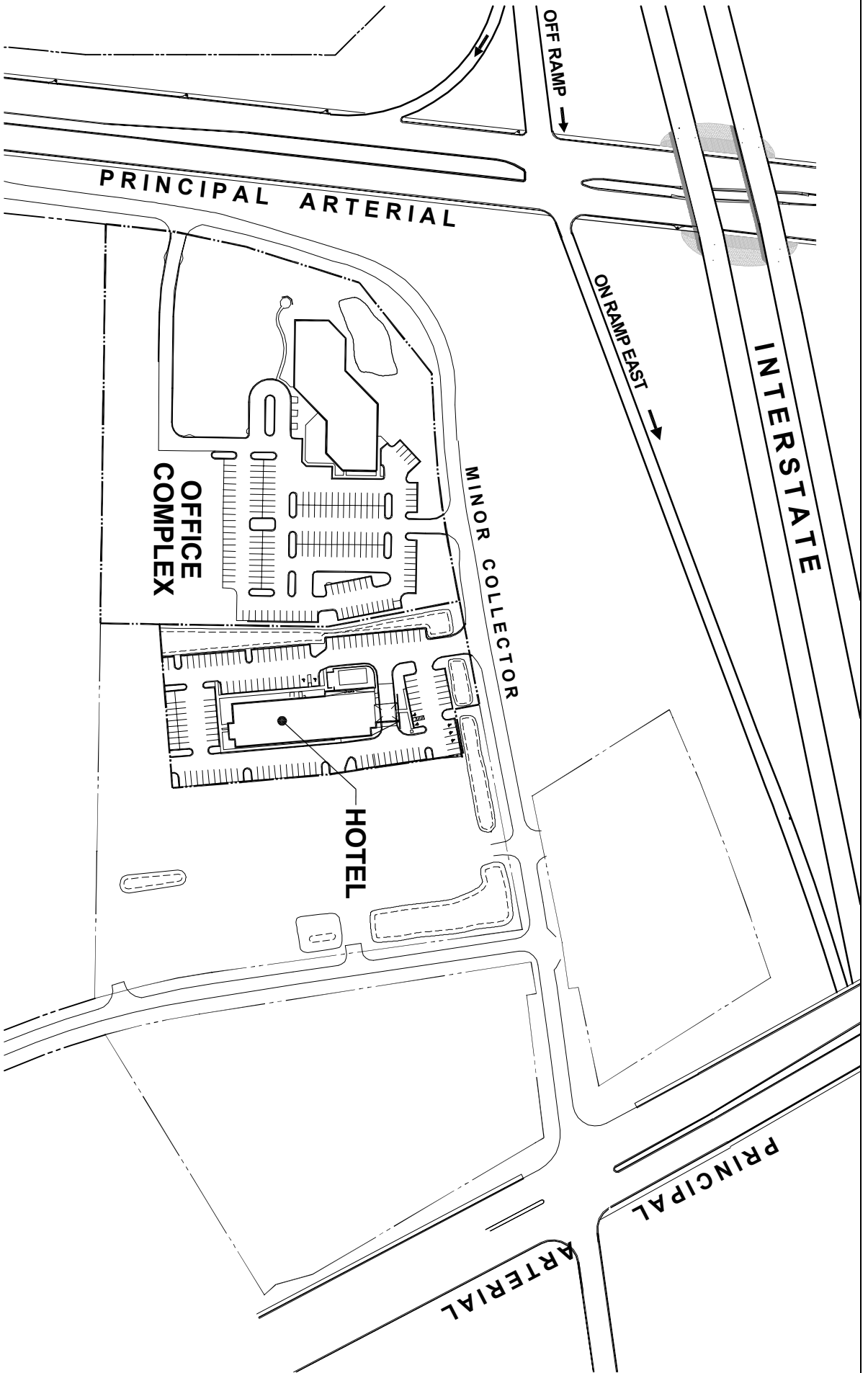
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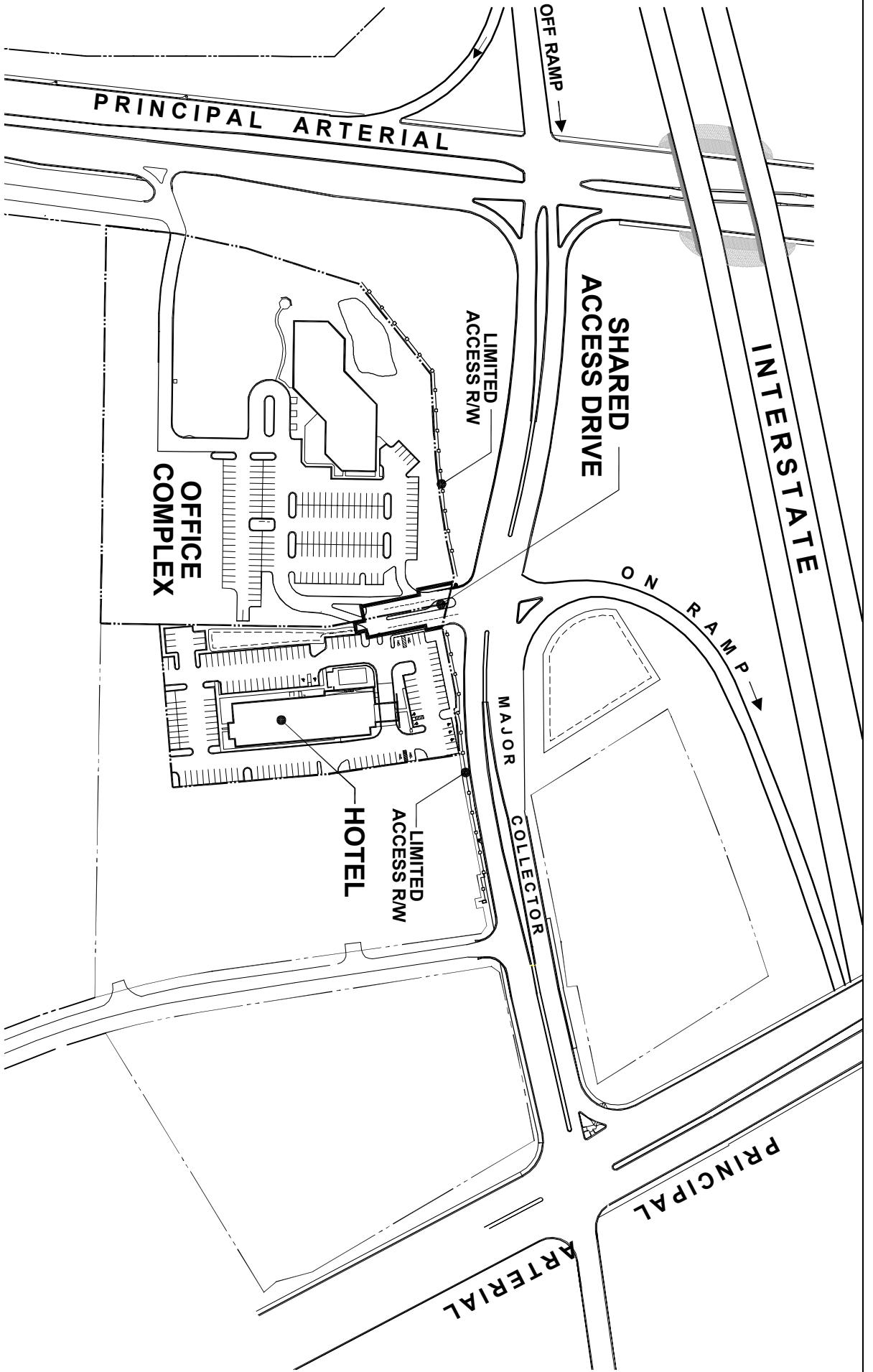
**EXHIBIT 1C:
DRIVEWAY LOCATION
AFTER CONDITION
FAST FOOD RESTAURANT**

SECONDARY STREET



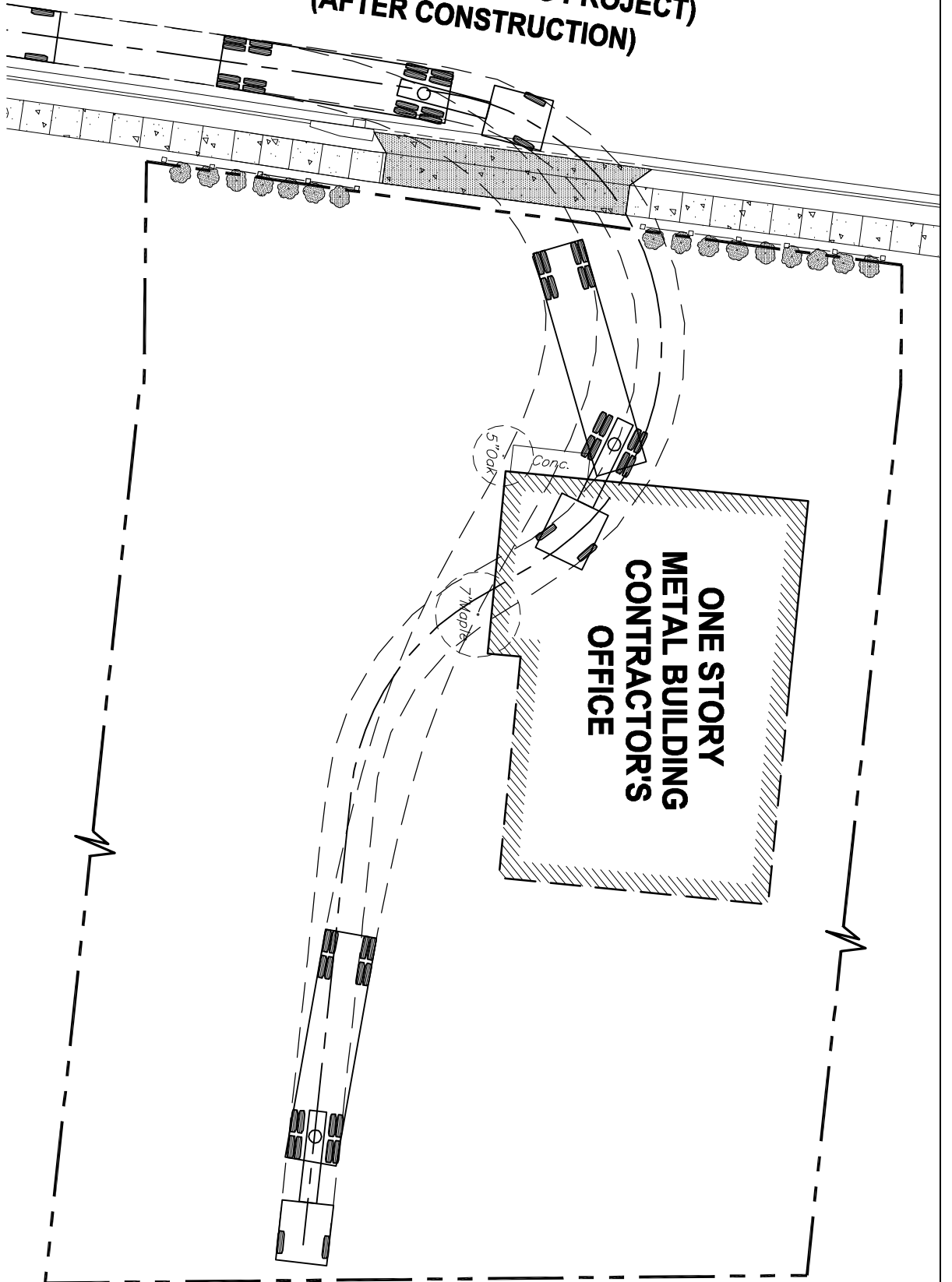


**EXHIBIT 2A:
SHARED DRIVEWAYS
BEFORE CONDITION
OFFICE COMPLEX/ HOTEL**



**EXHIBIT 2B:
 SHARED DRIVEWAYS
 AFTER CONDITION
 OFFICE COMPLEX/ HOTEL**

PRINCIPAL ARTERIAL
(ROADWAY WIDENING PROJECT)
(AFTER CONSTRUCTION)



**EXHIBIT 3A:
DRIVEWAY WIDTHS AND CONFIGURATION
AS CONSTRUCTED
CONTRACTORS OFFICE COMPLEX**

PRINCIPAL ARTERIAL

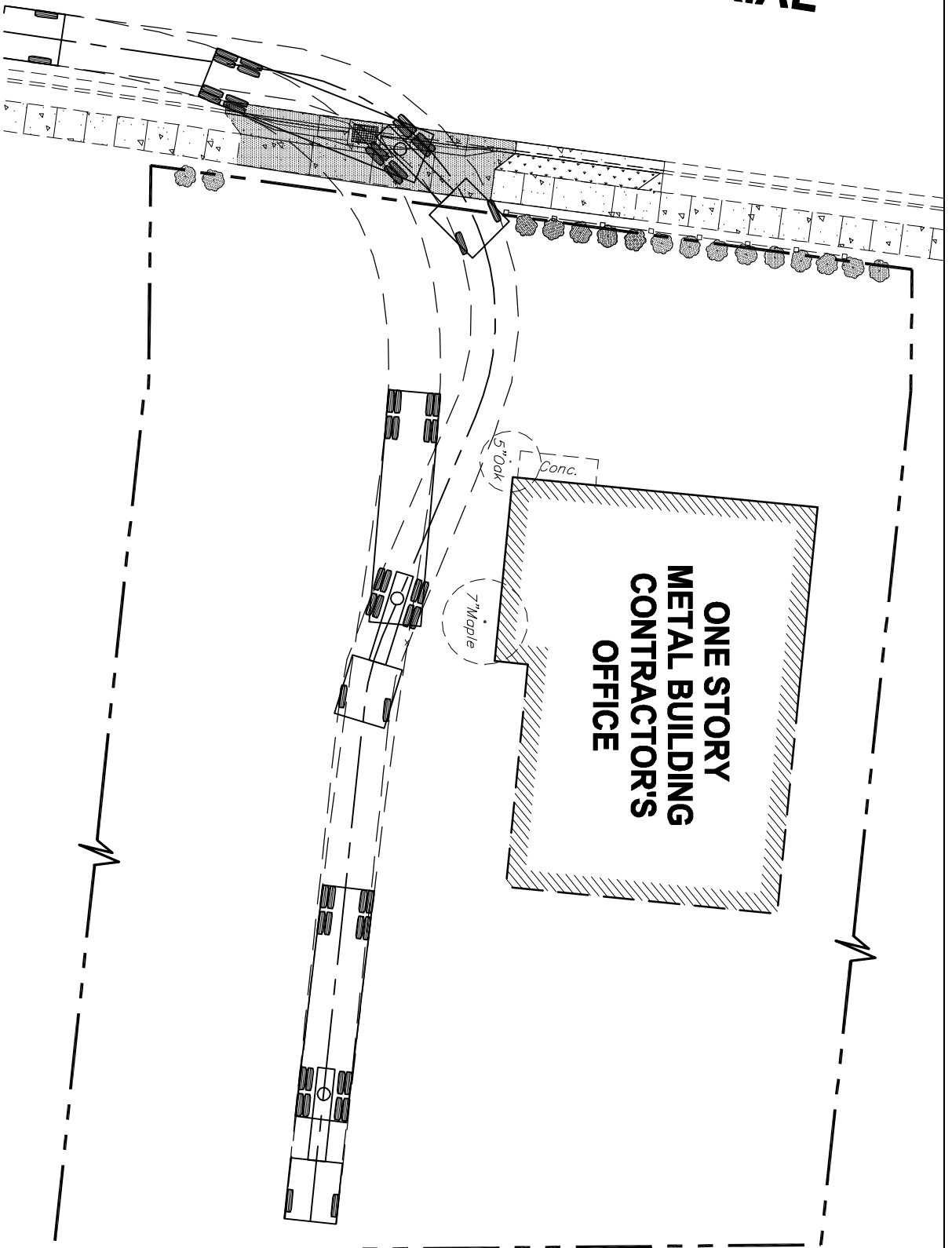
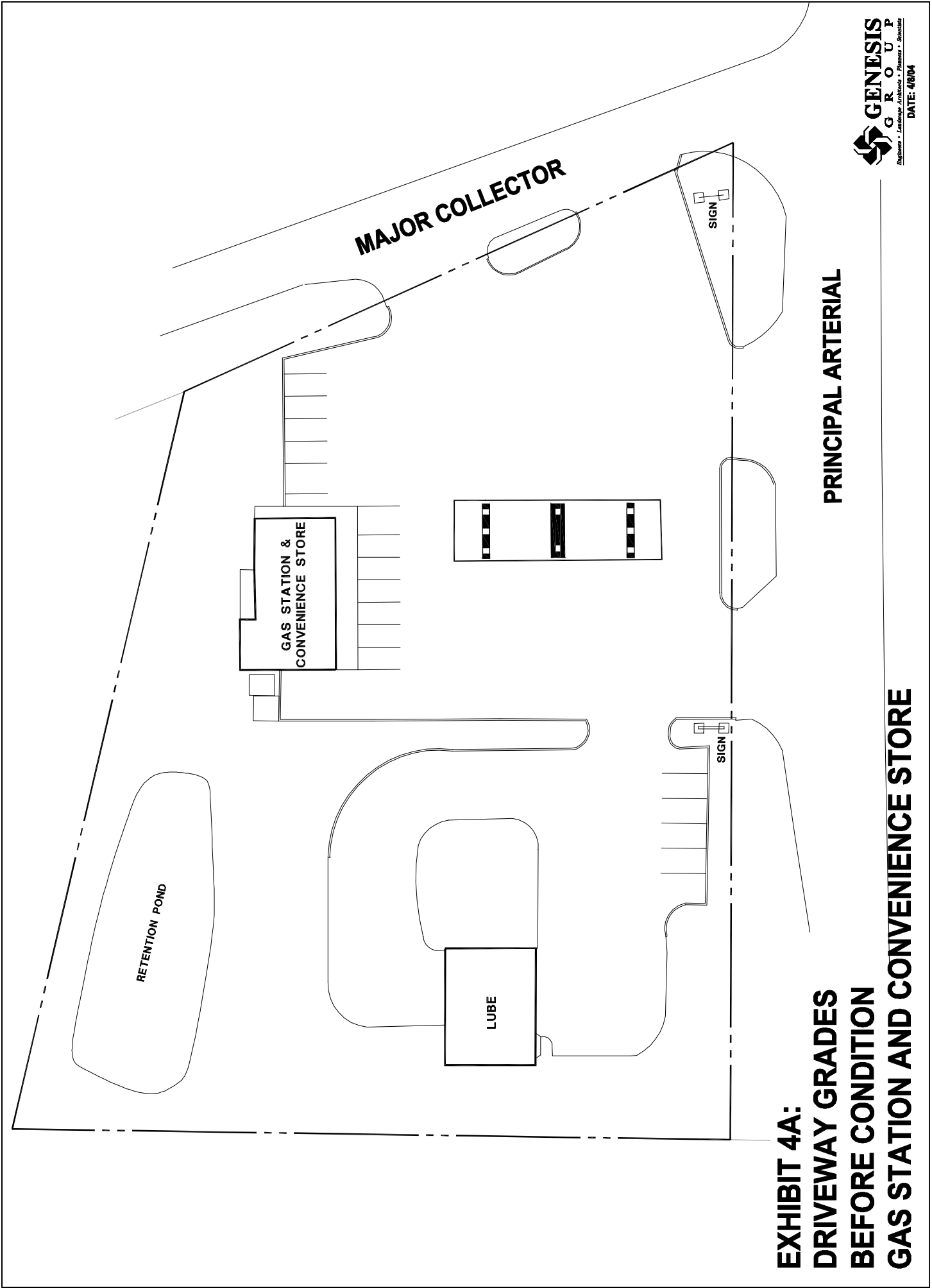


EXHIBIT 3B: DRIVEWAY WIDTHS AND CONFIGURATION RE-CONSTRUCTED CONTRACTORS OFFICE COMPLEX



MAJOR COLLECTOR

SIGN

**GAS STATION &
CONVENIENCE STORE**

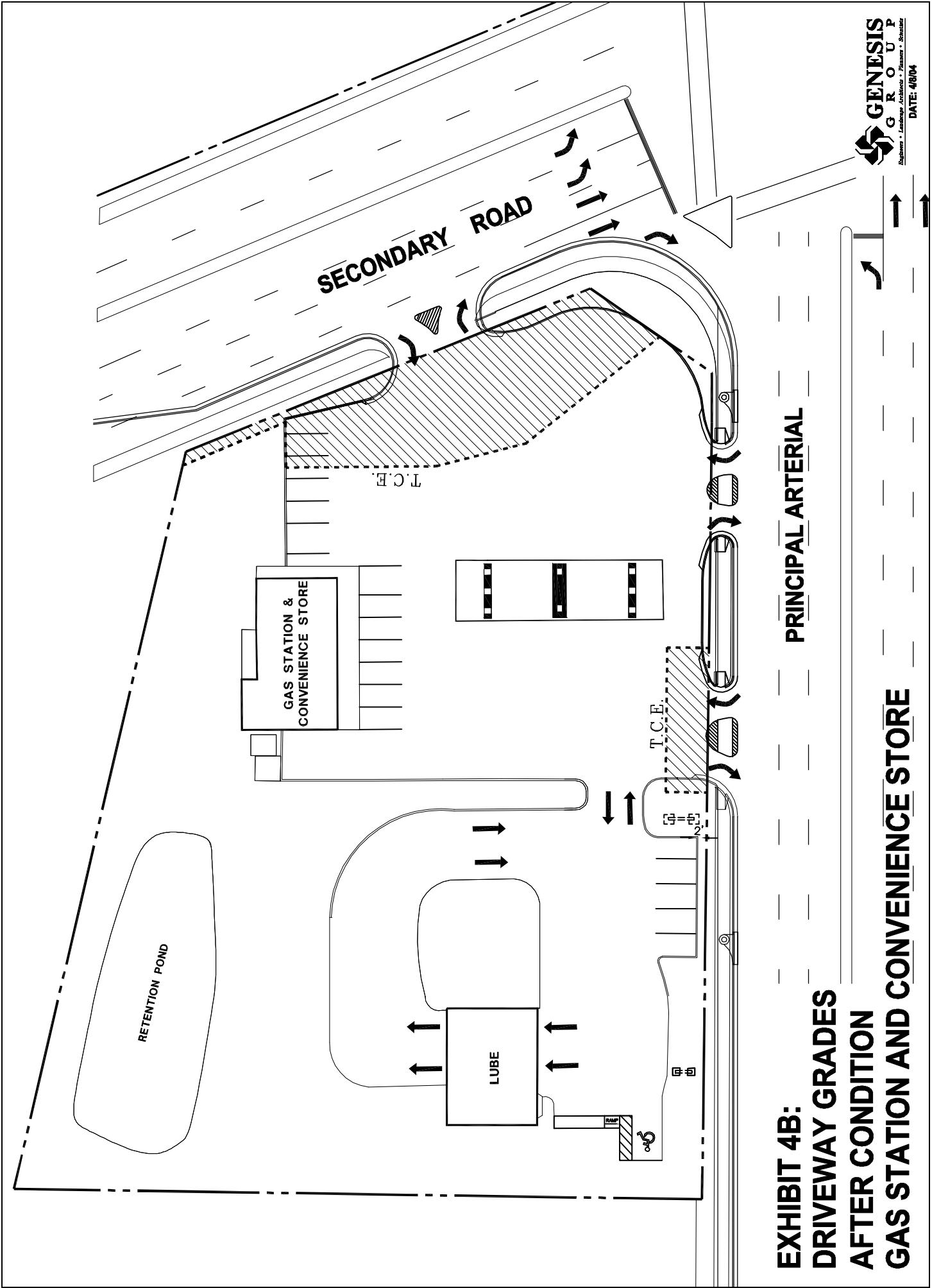
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RETENTION POND

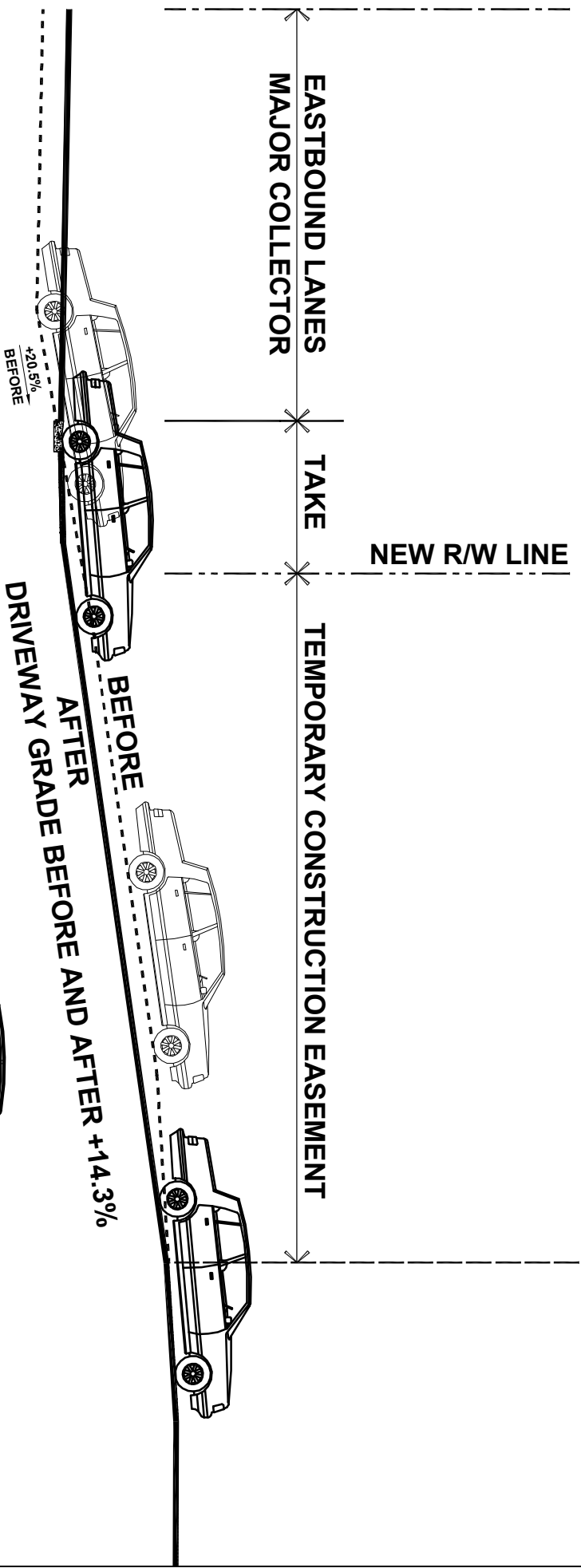
SIGN

PRINCIPAL ARTERIAL

**EXHIBIT 4A:
DRIVEWAY GRADES
BEFORE CONDITION
GAS STATION AND CONVENIENCE STORE**

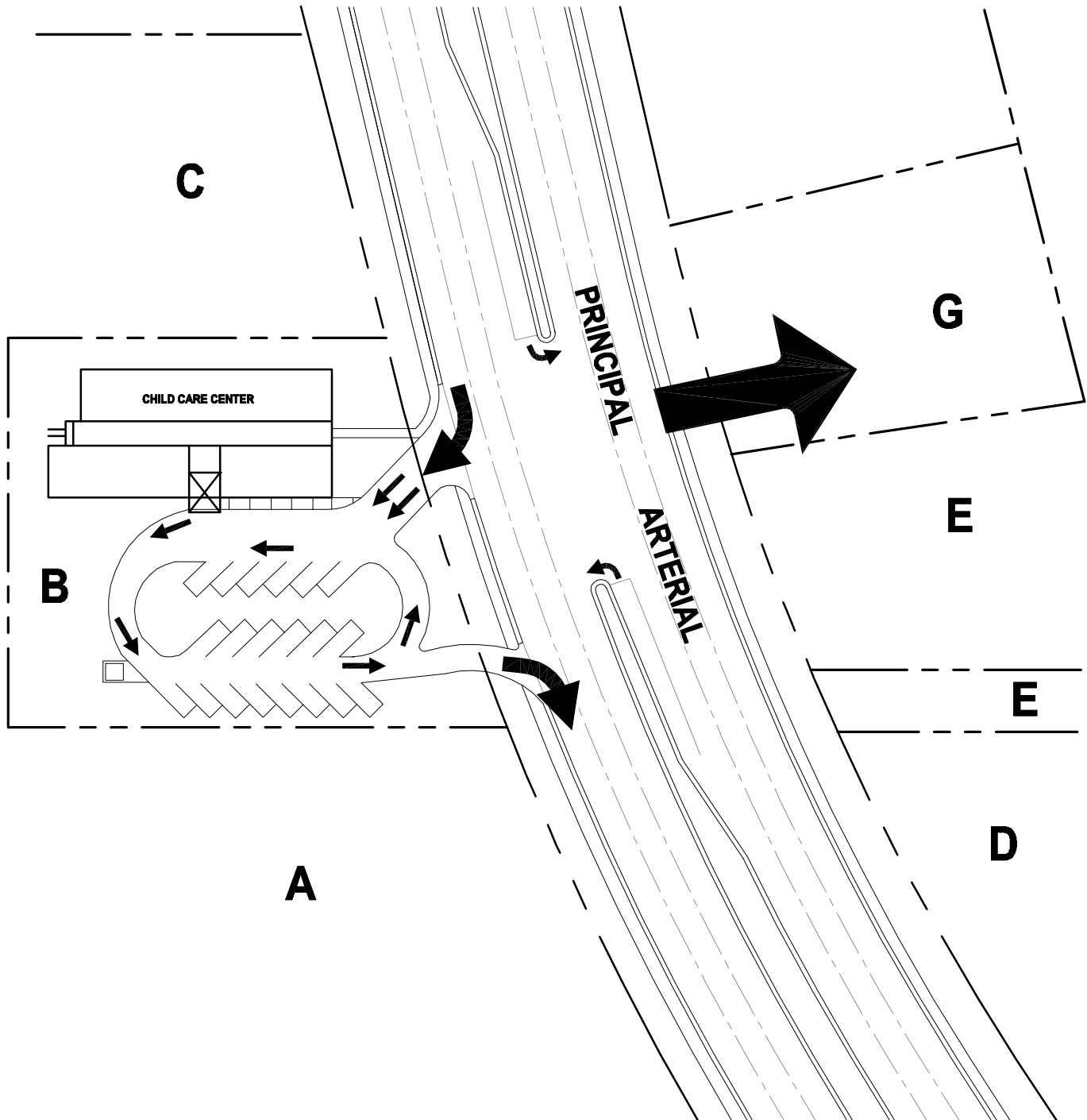


**EXHIBIT 4B:
DRIVEWAY GRADES
AFTER CONDITION
GAS STATION AND CONVENIENCE STORE**

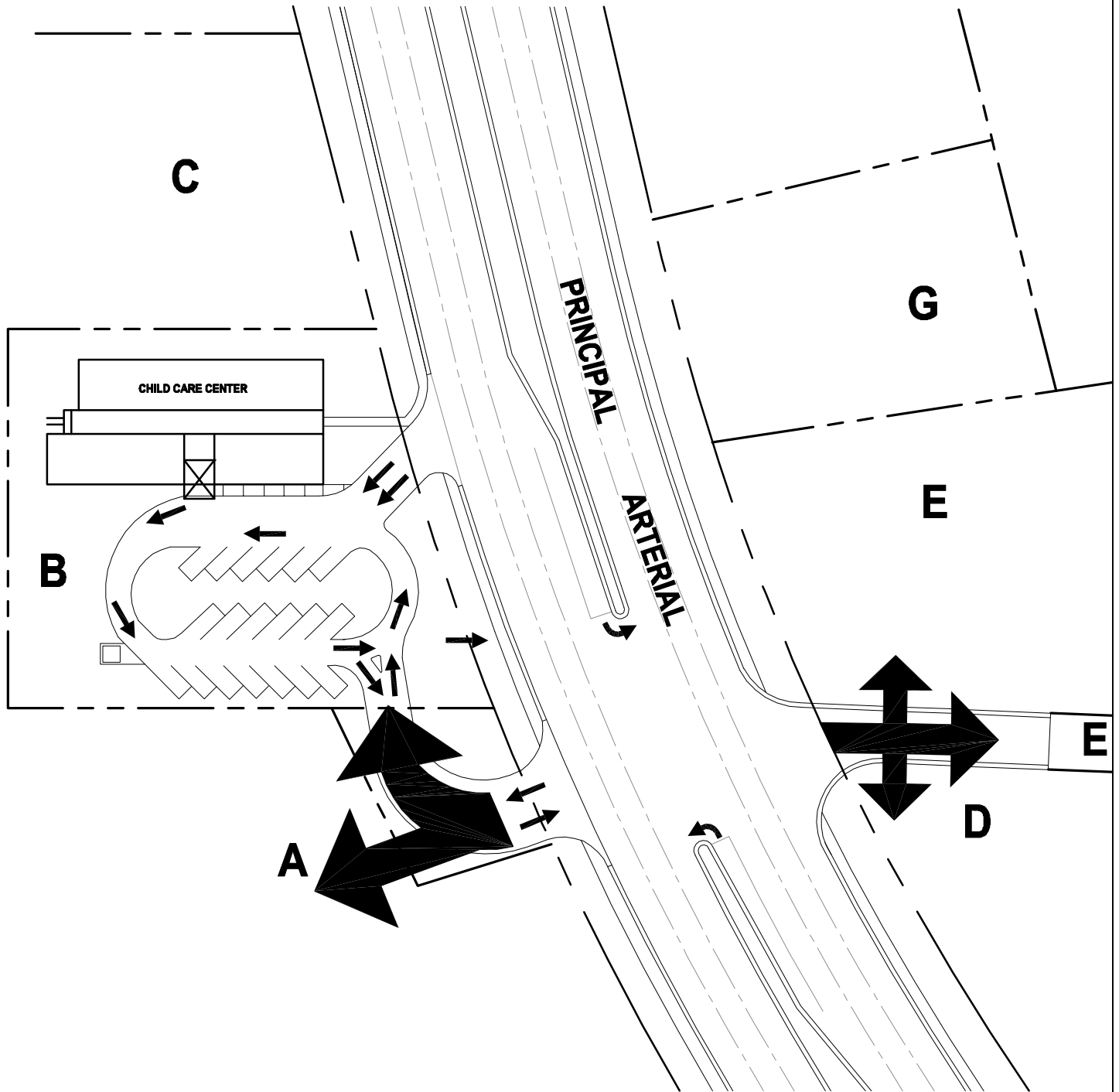


**EXHIBIT 4C:
DRIVEWAY GRADES
DRIVEWAY PROFILE
GAS STATION AND CONVENIENCE STORE**

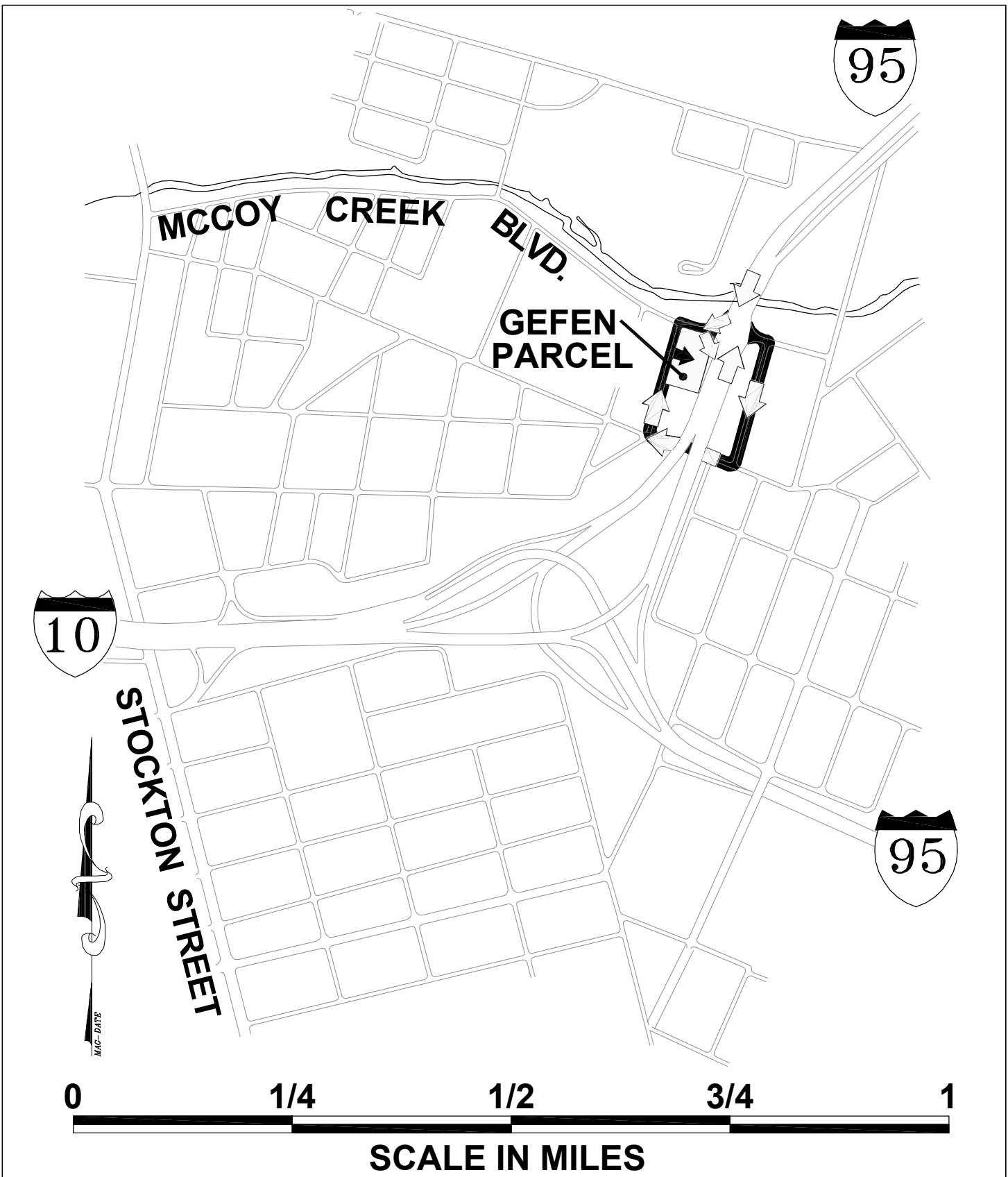
PASSENGER CAR



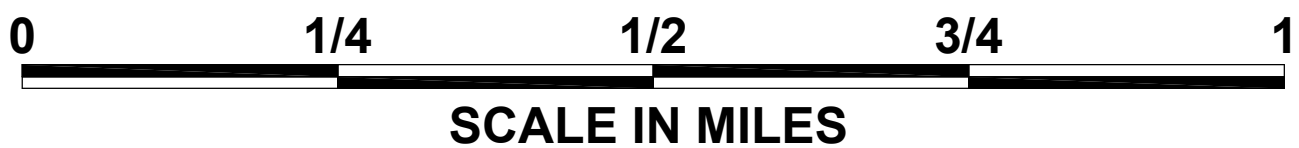
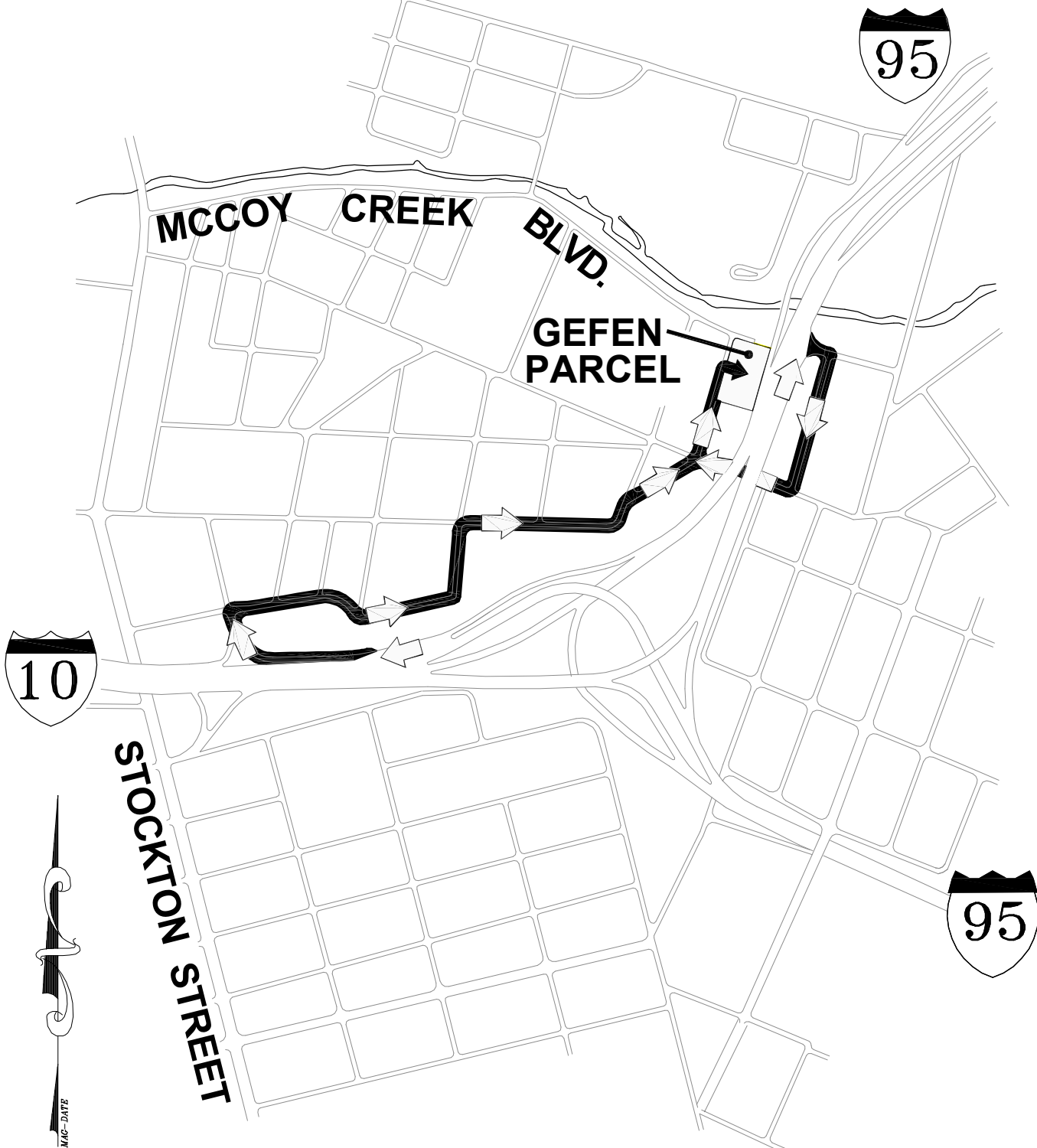
**EXHIBIT 5A:
 MEDIAN OPENINGS
 BEFORE CONDITION
 CHILD CARE CENTER**



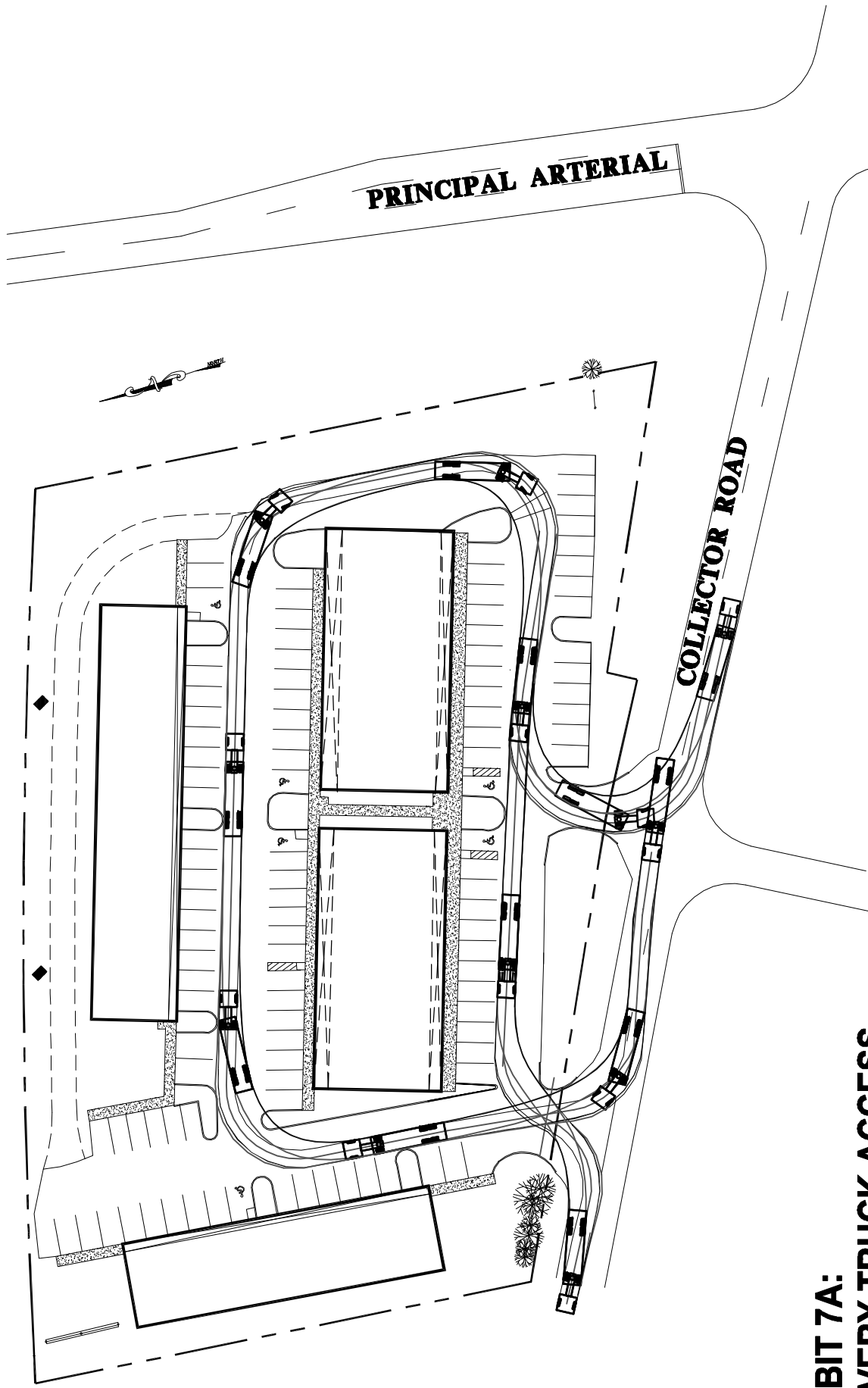
**EXHIBIT 5B:
 MEDIAN OPENINGS
 AFTER CONDITION
 CHILD CARE CENTER**



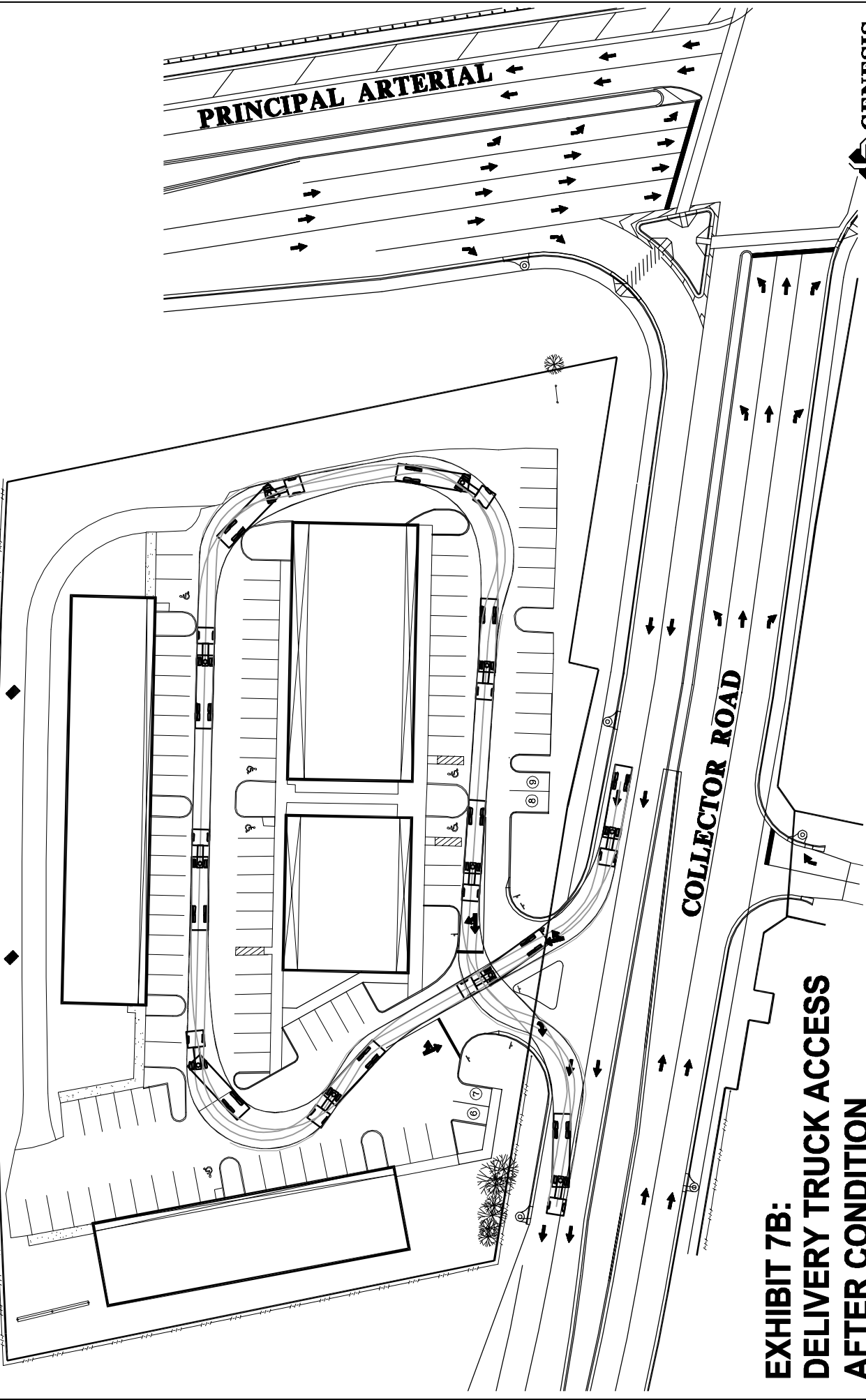
**EXHIBIT 6A:
 GEFEN: VS F.D.O.T.
 DUVAL COUNTY, JACKSONVILLE, FL.
 BEFORE CONDITION
 CIRCUITY OF TRAVEL**



**EXHIBIT 6B:
 GEFEN: VS F.D.O.T.
 DUVAL COUNTY, JACKSONVILLE, FL.
 AFTER CONDITION
 CIRCUITY OF TRAVEL**



**EXHIBIT 7A:
DELIVERY TRUCK ACCESS
BEFORE CONDITION
RETAIL COMMERCIAL**



**EXHIBIT 7B:
DELIVERY TRUCK ACCESS
AFTER CONDITION
RETIAL COMMERCIAL**