

R/W MANUAL CHANGE

RWMC- 218

PROCEDURAL HANDBOOK
 (1984 Edition)

RWPH-____-____-____
 TRANSMITTAL#____

TITLE: ACQUISITION	APPROVED BY:  RENE FLETCHER	DATE ISSUED: JUL 20 2012
SUBJECT AREA: CHAPTER 8 - ACQUISITION	ISSUING UNIT: OFFICE OF PLANNING AND MANAGEMENT AND PROJECT COORDINATION	
SUMMARY OF CHANGES: Updates Forms RW 8-16 and RW 8-17. Also, revises its Table of Contents.		

PURPOSE

This manual change updates Forms RW 8-16 and RW 8-17 to reflect the terminology used in the Advantage system. It also transmits these forms from the Department's Caltrans Electronic Forms System (CEFS) to Chapter 8 in the Right of Way Manual.

<u>Form No.</u>	<u>Title</u>
RW 8-16	Federal Participation Memorandum
RW 8-17	Acquisition Invoice

EFFECTIVE DATE

Immediately.

MANUAL IMPACT

- Remove the superseded pages and insert the attached pages in the Manual.
- Record the action on the Revision Record.

REVISION SUMMARY

<u>Chapter</u>	<u>Remove Old Pages</u>	<u>Insert New/Revised Pages</u>
	Remove the following in its entirety:	Replace with the following in its entirety:
8 - Forms	Table of Contents (REV 5/2006) RW 8-16 (REV 05/2006) RW 8-17 (REV 10/2002)	Table of Contents (REV 6/2012) RW 8-16 (REV 6/2012) RW 8-17 (REV 6/2012)

CHAPTER 8

Acquisition Table of Contents

FORMS

<u>Form No.</u>	<u>Title</u>
RW 8-1	Hold for Future Use
RW 8-2	Hold for Future Use
RW 8-3	Right of Way Contract - State Highway
RW 8-4	Right of Way Contract—State Highway—Temporary Easement
RW 8-5	Contract Signature Sheet
RW 8-6	Application for Public Highway [Indian Lands]
RW 8-7	Affidavit of Completion [Indian Lands]
RW 8-8	Certificate [to Accompany Affidavit]
RW 8-9	Agreement for Purchase - Tax Deeded Property
RW 8-10	Grant of Right to Take Material
RW 8-11	Grant of Right to Dispose of Material
RW 8-12	Memorandum of Settlement
RW 8-13	Memorandum of Settlement (Short Form)
RW 8-14	Certification of Title
RW 8-15	Memorandum of Final Title
RW 8-16	Federal Participation Memorandum
RW 8-17	Acquisition Invoice

STATE OF CALIFORNIA • DEPARTMENT OF TRANSPORTATION
FEDERAL PARTICIPATION MEMORANDUM
 RW 8-16 (REV 6/2012)

Federal Project #			
FEDERAL PARTICIPATION			
On the project	<input type="checkbox"/>	YES	<input type="checkbox"/>
On the parcel	<input type="checkbox"/>	YES	<input type="checkbox"/>
		NO	<input type="checkbox"/>
		NO	<input type="checkbox"/>

TO: 1) R/W Planning & Management
 2) R/W Accounting Section

FROM: R/W ACQUISITION

ADA Notice

For individuals with sensory disabilities, this document is available in alternate formats. For information call (916) 654-6410 or TDD (916) 654-3880 or write Records and Forms Management, 1120 N Street, MS-89, Sacramento, CA 95814.

Dist	Co	Rte	Post Mile
Parcel		Project ID/Phase	
Grantor			

An agreement has been reached with the owner of the referenced parcel, which creates an encumbrance or obligation of capital funds. Following is a segregation of funds indicating whether they are eligible for Federal reimbursement or reportable to the IRS/FTB.

	Eligible	Ineligible	Suspense	Sub-Obj
LAND: Right of Way/Right of Entry	(050)	(050N)	(050N)	P
Early Acquisition		(083N)	(083N)	P
Excess		(080N)	(080N)	P
Mitigation Site or Credits	(081)	(081N)	(081N)	P
TEMPORARY EASEMENT(S)	(050)	(050N)	(050N)	R
Early Acquisition		(083N)	(083N)	R
IMPROVEMENTS: Right of Way	(050)	(050N)	(050N)	P
Early Acquisition		(083N)	(083N)	P
Excess		(080N)	(080N)	P
PERSONALTY	(059)	(059N)	(059N)	P
MACHINERY & EQUIPMENT	(050)	(050N)	(050N)	P
DAMAGES to Remainder(s)				
Cost-to-Cure Damages (Reportable-see instructions)	(050)	(050N)	(050N)	P
Other Damages (Reportable-see instructions)	(050)	(050N)	(050N)	P
DAMAGES to Excess Parcel(s)				
Cost-to-Cure Damages	(050)			G
Other Damages	(050)			G
GOODWILL	(050)	(050N)	(050N)	P
INTEREST	(053)	(053N)	(053N)	I
COURT COSTS	(130)	(130N)	(130N)	P
RENT	(050)	(050N)	(050N)	R
OTHER:	(050)	(050N)	(050N)	
SUBTOTALS TO GRANTOR	\$	\$	\$	
TOTAL TO GRANTOR	\$			
TOTAL TO DAMAGES to Excess Parcel(s)	\$			

I certify that FWO/ION was issued to the grantor(s) for amount shown on _____ (date)

INFORMATION MUST BE PROVIDED FOR ACCOUNTING TO PROCESS THIS TRANSACTION:

A) CONDEMN DEPOSIT	<input type="checkbox"/> Yes <input type="checkbox"/> No	Total of Deposits: \$	(090) (N)	\$
B) CONDEMN WITHDRAWAL	<input type="checkbox"/> Yes <input type="checkbox"/> No	CDF -	Amount	\$
C) Withheld Funds	<input type="checkbox"/> Yes <input type="checkbox"/> No		()	\$
D) Excises Exchanged	<input type="checkbox"/> Yes <input type="checkbox"/> No	DD# of Parcel Given:	Mkt value	\$
E) Right of Entry	<input type="checkbox"/> Yes <input type="checkbox"/> No	Date:	Prev. Enc.	\$
F) Settled by:	<input type="checkbox"/> R/W Contract <input type="checkbox"/> Court Order <input type="checkbox"/> Not yet settled			FFY:

R/W ACQUISITION AGENT:

Sign: _____ Date: _____

Print: _____ Telephone: _____

SR. R/W ACQUISITION AGENT APPROVAL:

Sign: _____ Date: _____

Print: _____ Telephone: _____

Add a coding line for any amounts in the "DAMAGES to Excess Parcel(s)" section.

RIGHT OF WAY PLANNING AND MANAGEMENT TO COMPLETE UNSHADED FIELDS

CT DOCUMENT	EVENT TYPE	DEPT	UNIT	PROJECT ID	PHASE	REPORTING	OBJ CODE	(N)	SUB OBJ	BFY	AMOUNT
	C501	2660				1					
	C501	2660				1					
	C501	2660				1					

VCUST#

PLANNING & MANAGEMENT APPROVAL:

Sign: _____ Date: _____

Print: _____ Telephone: _____

CERTIFICATION OF FUNDS

I hereby certify that budgeted funds are available for the period and purpose of the expenditures shown.

ITEM: _____ CHAP: _____ STAT: _____ FFY: _____ \$: _____

Signature: _____

INSTRUCTIONS

INSTRUCTIONS FOR COMPLETING THE FEDERAL PARTICIPATION MEMORANDUM (RW 8-16)

The RW 8-16 form is completed for settlements or agreements such as Right of Way Contracts, condemnation settlements (executed with a Right of Way Contract) or court judgments (executed with court documents), temporary easements, rental payments, release of contract retention, etc. When properly completed, the form provides essential information to ensure that Federal reimbursement is maximized.

The form is forwarded to Planning and Management (P&M) for coding and funding review prior to sending to R/W Accounting for payment. The **original** is included as part of the Acquisition Claim Schedule Package for payment request. A **copy** is included in the official parcel file maintained in the Region/District.

Right of Way Acquisition identifies R/W costs for Federal Aid eligibility and completes the following fields:

- Federal project number, Federal participation on project and parcel
(Consult R/W Planning and Management for eligibility of Federal participation on both parcel and project or if parcel is being acquired under the Early Acquisition guidelines. Early Acquisition parcels are INELIGIBLE. Advance Acquisitions (e.g. Hardship and Protection parcels) are ELIGIBLE.
- District, County, Route
- Post Mile (PM), Parcel, Project ID, Phase
- Grantor Name
- Apply appropriate charges to the Eligible, Ineligible, and Suspense columns, subtotals and total.

Eligible/Ineligible refers to Federal participation

Reportable/non-reportable refers to IRS tax reporting. Reportable does not mean taxable.

LAND: Right of Way/Right of Entry - Acquisition Cost - enter value of land in R/W as indicated in the appraisal.

Early Acquisition - enter value of land within R/W acquired under early acquisition process.

Excess - pro rata value of land in acquired Excess. (Excess land is not eligible for FHWA participation.

While damages to remaining land outside the right of way are eligible, the residual value of remainder property acquired as excess is not eligible.)

Mitigation Site or Credits - enter value of mitigation site or credits.

TEMPORARY EASEMENT(S) - value of the temporary easement - enter the amount paid to the grantor for use of land associated with (any) temporary easement. This amount is *reportable* to the IRS/FTB as rental income.

Early Acquisition - enter value of the temporary easement acquired under early acquisition process.

IMPROVEMENTS: Right of Way - enter value of improvements in R/W.

Early Acquisition - enter value of improvements within R/W acquired under early acquisition process.

Excess - enter value of improvements in the Excess. (Excess land is not eligible for FHWA participation.

While damages to remaining improvements outside the right of way are eligible, the residual value of remainder property acquired as excess is not eligible.

PERSONALTY - insert the settlement amount of personal property acquired pursuant to manual section 8.06.05.

MACHINERY & EQUIPMENT - enter value of acquired items pertaining to realty.

NOTE ON REPORTABILITY: Reportable does not mean taxable. Cost-to-cure damages will be reportable if the amount is greater than \$600.00.

DAMAGES to Remainder(s):

Cost-to-Cure Damages - in partial acquisitions, enter the amount of curative damages included in the acquisition price paid to the Grantor. These costs are normally eligible.

Other Damages - in partial acquisitions, enter the amount paid to the Grantor for permanent loss in value to the remainder. These damages are normally eligible.

INSTRUCTIONS**INSTRUCTIONS FOR COMPLETING THE FEDERAL PARTICIPATION MEMORANDUM (con't)
(RW 8-16)**

DAMAGES to Excess Parcel(s): These calculations are to capture federal participation only. They are not included in payment to Grantor.

Cost-to-Cure Damages - enter the amount of curative damages included in the partial acquisition appraisal, either primary or alternate, that is attributed to the excess parcel(s) acquired as either an uneconomic remnant or excess acquisition.

Other Damages - enter the amount of damages for permanent loss value to the excess parcel(s) included in the partial acquisition appraisal, either primary or alternate, that is attributed to the excess parcel(s) acquired as either an uneconomic remnant or excess acquisition.

GOODWILL - eligible for Federal participation.

INTEREST - eligible for Federal participation.

COURT COSTS - eligible for Federal participation.

RENT - rental amounts required to hold property vacant until acquisition is completed. Eligible for participation.

OTHER - are expenses paid to the Grantor such as Notary Fees.

NOTE ON INVERSE CONDEMNATION: Payment for inverse actions are generally ineligible unless individually approved for reimbursement by FHWA.

- **SUBTOTALS TO GRANTOR** - enter amounts for each column. Do not include amounts from the "DAMAGES to Excess Parcel(s)" section.
- **TOTAL TO GRANTOR** - enter total amounts in Eligible, Ineligible, and Suspense columns. Do not include amounts from the "Damages to Excess Parcel(s)" section.
- **TOTAL TO DAMAGES to Excess Parcel(s)** - total amounts for the two boxes in the "DAMAGES to Excess Parcel(s)" section.
- Complete all Yes and No boxes in Rows A through E and mark appropriate box in Row F. Complete corresponding boxes to the right.
- ***I certify FWO/ION was issued to the grantor(s) for amount shown on _____.**
To be filled out only when the Region/District chooses to encumber funds at the time of the First Written Offer (Initiation of Negotiation). Insert the date the First Written Offer was issued to the grantor(s).
- Acquisition Agent will sign, date, print name and enter telephone number.
- Acquisition Senior will sign, date, print name and enter telephone number.

Right of Way - Planning & Management completes the following fields:

- Unshaded area of coding box.
- Add a coding line for any amounts in the "DAMAGES to Excess Parcel(s)" section.
- *Codes the reference document prefix "FW" with the parcel number (i.e. FW parcel#) when encumbering funds at the time of the First Written Offer (Initiation of Negotiation).
- Planning and Management will sign the form indicating that the Project ID and FFY are set up in Advantage and that funding is available. Also date, print name and telephone number.
- Planning and Management will sign and date in Certification of Funds box indicating that they have confirmed through Advantage that the Project ID is set-up appropriately and that funding is available.

*Region/Districts have the ability to encumber funds at the time of the First Written Offer, subject to the procedures and criteria outlined in the Department's memorandum, entitled "Encumbering Right of Way Capital Funds at the First Written Offer a.k.a. Initiation of Negotiation, dated November 29, 2005 issued by the Office of Planning and Management.

ACQUISITION INVOICE

RW 8-17 (REV 6/2012)

To: **Right of Way Accounting Section**

Date: _____

From: **Right of Way - District** _____

District	County	Route	Post Mile	Project ID	Phase	Parcel No.

Payment for:

Execution of Deed Number: _____

Temporary Easement: _____

Release of Contract Retention – (FE 'N') _____

Rental Month(s): _____

Other: _____

Right of Entry: _____

PROPERTY ADDRESS OF PARCEL

Address _____

City _____ State _____

Zip _____

If no street address: _____

APN: _____

(If more than one parcel, put addresses in explanation)

Invoice Field:

- Payment Identifier _____

- Escrow No. _____

(Required if payable to a title company)

REQUIRED CLAIM SCHEDULE DOCUMENTS

ACQUISITION

- Invoice for property acquired (RW 8-17) + 1 copy
- Certified copy of the Right of Way Contract (RW 8-3) + 1 copy
- Certified copy of Deed (RW 6-1) + 1 copy, if applicable
- Federal Participation Memorandum (RW 8-16)
- Interest computation worksheet, if applicable
- Payee Data Record (STD 204), if not already on file

PAYMENTS FOR REAL PROPERTY; RENTAL

- Invoice for property rented (RW 8-17) + 1 copy
- Right of Way Rental Agreement + 1 copy
- Federal Participation Memorandum (RW 8-16)
- Payee Data Record (STD 204), if not already on file

Warrant/Check to be made payable to:
(Include mailing address if different from above)

Check Amount \$ _____

Prior payments on Acquisition, Rental or Withheld Funds Paid on: (if applicable)

Schedule(s) # _____

*Explanation:

Requested by:

Signature _____

Senior Right of Way Agent _____ Date _____

**INSTRUCTIONS FOR COMPLETING THE ACQUISITION INVOICE
(RW 8-17)**

The RW 8-17 form is completed for settlements or agreements such as Right of Way Contracts, temporary easements, rental payments, release of contract retention, etc. (Condemnation - court judgments are to use Form RW 9-20, CONDEMNATION CHECK REQUEST - INVOICE.) The completed RW 8-17 becomes a part of the payment package described under the CLAIM SCHEDULE GUIDELINES section of the form.

The payment package is forwarded to Planning and Management for funding review, coding accuracy, and tracking before it is sent to R/W Accounting for payment.

Right of Way Acquisition Agent completes the following fields:

- Date the form is being completed.
- District, County, Route, Post Mile, Project ID, Phase and Parcel Number. These coding boxes should be identical to the RW 8-16.
- Left side columns provide information for cutting check/warrant. (If there is more than one payee, it is advised to use a separate RW 8-17.)
 - Rental month(s) - include the month or months the check is to cover.
 - Invoice Field - this is to be used to identify what the check is to cover. This field imprints on both the warrant and remittance advice sheet that is attached to the warrant. Up to 14 characters are available to be used.
 - Payment Identifier - enter client's name or trust fund name if a warrant is issued to an attorney.
 - Escrow Number - enter escrow number if the warrant is issued to a Title and Escrow Company.
 - Warrant/Check to be made payable to - include name and address (should be the same as the STD 204).
 - Include mailing address if it is different from the property address of the parcel. When a warrant is payable to a title company, include a STD 204 from the title company, if it has not been previously submitted.
 - Check Amount - amount being paid to above payee.
- Right side columns provide information on property address of the parcel and claim schedule documents.
 - Property Address of parcel - this is the address of the parcel being acquired. If there is no street address enter the APN number.
 - Required Claim Schedule Documents - for Acquisition or Real Property include the documents listed to complete package.
 - Prior payments - complete if applicable.
- Explanation - use this area for multiple parcel addresses, special funding, or other instructions.

Right of Way Senior Acquisition Agent completes the following fields:

- Acquisition Senior will sign and date the form verifying that the form is correct and the payment is valid.
- The Acquisition Senior will forward the package onto Planning and Management Office.

Planning and Management:

- Review funding, coding accuracy and tracking.
- Forward completed package to Right of Way Accounting.

Right of Way Accounting:

- Review form for completion and signature of Senior Right of Way Agent.
-