

Right of Way Group

Technical Memorandum for Privately Funded Infrastructure

The purpose of the Right of Way Group is to function as the acquiring agency of the Arizona Department of Transportation in acquiring all real property and real property rights required for the construction and maintenance of all federal and state highways, and other highway-related purposes.

All Right of Way tasks and deliverable products associated with this project will be developed according to the instructions and policies contained herein, and, according to the standards and policies governing the Arizona Department of Transportation Right of Way Group.

The ADOT Right of Way Group will provide further direction and guidance regarding right of way requirements and personnel contacts at the initial Pre-Application meeting. For immediate detailed information, see <https://azdot.gov/business/right-way-properties/booklets-and-manuals-right-way-properties>.

The following provides background information on items that are to be submitted to the ADOT Right of Way Group: The Developer and all other owner(s) shall waive the right to receive just compensation and donate by deed, or dedicate by plat, the real property for the referenced project in fee title, or easement, depending on design requirements as approved by the ADOT District, to the State of Arizona, by and through its Department of Transportation and the Developer or other owner(s) will execute Warranty Deeds ("Deeds") or Easements for the Right of Way to ADOT. The Developer will deliver the Deeds and/or Easements to the Right of Way Group for review, along with the Title Insurance Policy reflecting the Developer and all other owner(s), as the party in possession of the real property being donated, including copies of all documents referenced in said Title Insurance Policy. The property must be free and clear of all liens, encumbrances and judgments, including real estate taxes. Following construction, ADOT District approval on all constructed transportation facilities and the Right of Way Groups approval of all Deeds and/or Easements, including plans and surveys, ADOT will submit a Resolution of Establishment to the State Transportation Board for official action. Upon approval (by Resolution) from the State Transportation Board, the State will accept ownership, jurisdiction, and maintenance of the donated/dedicated Right of Way and record all deeds and easements and said Resolution of Establishment simultaneously with the appropriate county recorder. The Developer will be responsible for recording the Plat of Dedication, if any, and providing a copy to the ADOT Right of Way Group.

The Developer shall prepare all necessary surveys, plans and documents required by the ADOT R/W Group. These can include the following: right of way surveys, right of way plans, existing right of way exhibits, supplemental surveys, legal descriptions, right of way staking plans and right of way monumentation surveys. All right of way surveys, right of way plans and legal descriptions will be developed according to current ADOT R/W Group standards, policies and procedures. The Developer will deliver all the above documents to the Right of Way Group, at specified development stages, to ensure conformance with said standards, policies and procedures. Prior to commencement of any work in the preparation of any of the items listed herein, the Developer, or its Agents, will meet with the R/W Group to receive more detailed items and instructions regarding said standards, policies and procedures.

Until the above items are met and ADOT is satisfied with the requirements provided, all newly constructed private infrastructure facilities will not be accepted nor established into the State Highway System.

Right of Way Group Contact Information:

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Effective February 02, 2023