How to Achieve Right of Way Success

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Central Office Team

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Operations

Jim Crall
Appraising
One I NDOT

- Central Office
- LaPorte District
- Fort Wayne District
- Crawfordsville District
- Greenfield District
- Vincennes District
- Seymour District
- Consultants & Contractors
Appraising and Acquisitions

- Right of Way Acquisition Process
Attorney General’s Office

- Condemnation Process

Right of Way Agent assigned to Buying

Condemnation Specialist
- Review parcel:
  - Enter information in LRS
  - Verify legal and Federal Highway compliance
  - Flag possible settlements
  - Prepare service order
  - Submit to Property Management Supervisor

Property Management Supervisor
- Note improvements to be cleared through Relocation or Cost-to-Cure
- Return to Condemnation Manager

Condemnation Manager
- Review parcel
- Sign service order
- Submit to Deputy Attorney General

Deputy Attorney General
- File complaint and attend hearing(s)
- Prepare appropriation papers
- Court gives Order of Appropriation to approve acquisition
- Attend hearing to instruct Court Appraisers
- Review and respond to Report of Court Appraisers
- Deliver Entry and Order of court award to Condemnation Specialist

Condemnation Specialist
- Prepare voucher for court award

Deputy Attorney General
- Sign voucher

Finance Specialist
- Generate payment

Condemnation Specialist
- Send payment to County Clerk
- Update LRS
- Notify Property Management (INDOT takes possession)

Property Management
Focus of Legal Procedures

- United States Constitution
  - Just Compensation
    
    Amendment V (1971): No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury ... **nor shall private property be taken for public use, without just compensation.**

- Due Process
    
    Amendment XIV (1868): Section 1. All persons born or naturalized in the United States ... are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall enforce any law which shall abridge the privileges or immunities of citizens of the United States; **nor shall any State deprive any person of life, liberty, or property, without due process of law...**
Keys to Expediting Litigation

Goal:

To successfully predict and analyze potential legal (and non-legal) issues in advance of their occurrence in order to, to the extent possible, resolve these issues prior to them negatively impacting the legal proceeding.
Keys to Expediting Litigation

Needed for Success:
- Accurate and complete information
- Good relationships and communication
  - Owners
  - Lien holders
  - Court staff
  - More
- Honest and realistic expectations
- Time management and technology aids
Operations Section

- Operations Team Functions
  - Finance
  - Property
  - Condemnation
  - Technical Services

- Land Records System (LRS)
  - Documentation
  - Customer service
  - Reporting and workflow efficiency

- Federal funding
  - “50 Ways to Lose Your Money”
    - [http://www.in.gov/indot/2698.htm](http://www.in.gov/indot/2698.htm)
How to Achieve ROW Success

Questions?

INDOT Real Estate

Core 4
Respect Teamwork Accountability Excellence