

### PREPARATION OF RIGHT OF WAY DOCUMENTS



Prepared by Right of Way Engineering

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## 1.0 Introduction

Right of Way Engineering is the application of sound engineering judgement to transportation improvements for the purpose of improving and promoting commercial and residential development within the community while considering future smart growth with the goal of creating an integrated transportation network.

This manual provides designers with Right of Way Engineering guidance for use in preparing Right of Way (ROW) plans and documents for NJDOT projects, Local Aid projects, Developer projects and other public transportation projects. This guidance, when used in conjunction with the ROW Acquisitions Manual, the Access Design Guidelines, and the New Jersey State Highway Access Management Code, will help to establish uniformity in design. This manual will not address every situation the designer may encounter, but, when used in conjunction with sound engineering judgement and knowledge, this manual should enable the designer to prepare accurate ROW documents.

## 2.0 Definitions and Abbreviations Used

**Agricultural Development Area (with 8-year deed restrictions):** Property that cannot be used for other than agriculture for 8 years. The property owner enters into an agreement with the County Agriculture Board resulting in a restrictive covenant being attached to the property.

**Agreement:** Contract between the owner of the subject property and the Department of Transportation for conveyance of fee or lesser interest of lands set forth in the description; conveys equitable title as compared to legal title.

**Alignment Schematic Plan:** A plan used to illustrate the geometry (i.e., alignment, curve data, etc.) of historic and proposed baselines from which existing and/or proposed ROW lines are "set". Plans are designated General Property Parcel Map (GPPM) and typically precede the Tab Sheet.

**Block:** A designated (numbered) portion of an incorporated municipality as shown on the official municipal tax map; comprised of one or more lots each with a unique designation (numbered).

**Bureau of Landscape Architecture and Environmental Solutions (BLAES):** The Office of Landscape Architecture prepares the landscape, architecture, reforestation, and wetland mitigation plans for projects. The Office of Environmental Solutions (i.e., E-Teams) is responsible for, amongst other tasks, permits/wetland delineations and applications, Green Acres coordination, contaminated soil/hazardous waste identification and wetland mitigation plans. Prepares appropriate documentation (CED, EA, EIS, for example) to obtain formal environmental approvals from FHWA and/or or NJDEP.

**Capital Project Delivery Process:** Department process setting forth the tasks and timing involved in developing a project from project statement through final construction and post construction activities.

**Condemnation:** The act of filing of a complaint seeking entry of a final judgment confirming the proper exercise of the Power of Eminent Domain and the recording of a Declaration of Taking in the Book of Deeds with the County recording officer.

**Course:** A boundary of a property that can be described by distance, bearing and/or arc length.

**Declaration of Taking (DT):** The means by which title to a property is acquired after a condemnation complaint is filed and payment is deposited with the court.

**Deed:** Conveyance of legal title; a document signed by the owner of the property conveying real property or an easement to another.

**Description:** The legal description of the property conveyed identifying the location, including, but not limited to county, municipality, street, street number block and lot, metes and bounds of the conveyance, as well as easement rights, if any.

**Dominant Estate Parcel (DE):** A parcel containing an existing private (usually access, parking or other similar type) easement owned by another entity encumbering a fee parcel being acquired. The corresponding fee take will be an SP parcel.

**Easement:** A right to use land of another for a specific or particular purpose consistent with the grant under which it was made. Easements can be for utility rights, access rights, construction rights or non-physical use such as conservation.

**Eminent Domain:** The power of government to acquire real property, including improvements, subject to the provisions of the Eminent Domain Law of 1971.

**Encumbrance:** A lien upon real property.

**Entire Tract Map (ETM):** A plan used to show the location of all parcels to be acquired and the remaining area of the property. This map shall be signed and sealed by a New Jersey licensed surveyor and filed by NJDOT in the courthouse of the county where the parcels are located.

**Et Al:** And others, and another.

**Et Seq:** And following.

**Et Ux:** And wife.

**Et Vir:** And husband.

**General Property Parcel Map (GPPM):** A plan used to show the property to be acquired. This map shall be signed and sealed by a New Jersey licensed surveyor and filed by NJDOT or lead agency (such as County, Municipality) in the county courthouse where the deed was obtained. GPPMs include the Alignment Schematic Plan and Tab Sheet.

**Grant:** An instrument that conveys some estate or interest in the lands that it embraces.

**Grantee:** The person or entity to whom a grant is made; the one who acquires the property.

**Grantor:** The person or entity by whom a grant is made; the one who transfers the property or property rights.

**Individual Parcel Map (IPM):** A plan that depicts a parcel and related parcels, having unity of ownership, use and associated easements. It is used for appraising and negotiating acquisition; it is also used as the map attached as an exhibit to a condemnation complaint and declaration of taking where and when condemnation is pursued. It must be based upon and consistent with the GPPM.

**Key Sheet:** The first ETM sheet. It identifies the designation and limits of the ROW Section of a highway and notes the adjoining ROW Section designation(s). It also identifies the area (or MP limits) where ROW is to be acquired for the ROW of a specific section of a highway.

**Lot:** Typically, a designated (numbered) fractional part or subdivision of a block, under one specific ownership.

**Lot Owner Access Concurrence (LOAC):** A concurrence form sent to the lot owner by OAD for acceptance of access alterations.

**Lot Owner Lease Agreement (LOLA):** A form sent to the lot owner with the LOAC by OAD offering a nominal amount or administratively determined amount of compensation for use of the property to construct the access alterations. This form is not used if the access alterations are within the ROW or OAD determines the alterations to be complex.

**Mean High Water Line (MHWL):** The line formed by the intersection of the tidal plane of mean high tide with the shore.

**Metes and Bounds:** A description of real property which begins at a specified starting point (point of beginning or P.O.B.) and proceeds, clockwise or counterclockwise, around the parcel or easement utilizing directions, distances (metes) and monuments (bounds) as descriptive elements of the property lines and property corners. An area is also generally given in the deed. This type of land description is usually based on an actual land survey.

**Mitigation:** Actions taken to reduce impacts from acquisitions, project environmental impacts or access changes. Included are:

- Temporary Site Mitigation Work permits NJDOT to enter property to offset damages to the property caused by acquisition and/or access changes, adjustments, modifications, or revocations.
- Acquisition of fee parcels or permanent easements from another owner to satisfy environmental and regulatory permit obligations or reduce damages on an owner's property.
- Use of existing NJDOT lands previously acquired by fee or easement to satisfy environmental and regulatory permit obligations or reduce damages on an owner's property. Use of NJDOT lands must be reviewed for parcel clearance through the Division of Right of Way & Access Management, Technical Support Bureau.
- The proposed action within a specialist "NRE" report which provides owner with a plan to lessen or correct acquisition damages and an estimate of the compensation needed for the mitigation.

**Monuments:** A physical marker, typically set by a surveyor, indicating boundaries, base lines, or ROW lines.

**Navigable Waters:** Flowing water courses that are upstream of the tidal zone but are still navigable. The lands under these water bodies (streams, creeks, brooks) are owned by the State but are not under the jurisdiction of the Tidelands Resource Council. The bottom of water bodies that are not tidal or navigable are owned privately, however, the water itself is under state jurisdiction whether water is tidal, navigable, or otherwise.

**New Jersey Department of Environmental Protection (NJDEP):** The Department of the State of New Jersey responsible to protect environmental quality and public health.

**New Jersey Department of Transportation (NJDOT):** The Department of the State of New Jersey responsible for the State highway system.

**New Jersey State Highway Access Management Code (Access Code):**

Administrative rule that provides a system of access management to protect and enhance the safety and efficiency of the State highway system and the public investment in that system, pursuant to New Jersey Statutes Annotated (N.J.S.A.) 27:7-89 et seq. The Access Code is found in the New Jersey Administrative Code under TITLE 16: Transportation CHAPTER 47: State Highway Access Management Code.

**North American Datum of 1983 (NAD 83):** The official plane coordinate system for the NJDOT.

**Office of Access Design (OAD):** Office with the responsibility for all access issues relating to State Highway, Local Aid and projects advanced by others. They review and set the driveway design within the limits of the project.

**Parcel:** Real Property (Fee Take) or easement to be acquired for highway or mitigation purposes. Fee takes are described by metes and bounds.

**Parcel Clearance:** Lands owned by NJDOT which are to be sold off or used for mitigation purposes including access mitigation must be cleared to determine if they are available for use and that no other overriding public use exists. Projects which propose the use of NJDOT land should begin the Parcel Clearance process through the Technical Support Bureau early to avoid delays due to unavailability of the proposed excess parcel. Land acquired as part of a project for a specific mitigation does not normally require a Parcel Clearance.

**Project Manager (PM):** Representative of the NJDOT Division of Project Management who oversees the project from the Final Design phase through construction.

**Remaining Area (RA):** Property retained by the owner after a portion (Fee Take) of the property is acquired. If there is not a fee parcel, the remaining area is equal to the original land area. The RA includes the areas of any associated proposed or existing easements.

**Right of Entry (ROE):** A right to enter the property of another for a temporary purpose given by the owner of the property to the NJDOT. This is to be obtained by a representative of the NJDOT Division of ROW. This can also include the right to enter prior to commencement of condemnation or tender of a deed for a permanent easement or parcel. It is always to be in writing, signed by the owner of the property or authorized corporate officer where a corporation is involved. Where the entry will be of a longer duration, or of a more complicated nature, an agreement may be needed. A ROE cannot be used as a substitute for bona fide negotiations.

**Right of Way Impact Plan:** Initial set of GPPMs produced during the Preliminary Engineering Phase and submitted to the Right of Way Technical Support Bureau to develop the initial ROW estimate.

**Right of Way Technical Support Bureau:** Unit responsible for activities before and after negotiations including ROW funding, condemnation coordination, ROW consultant contracts, approving and selling excess land, plan distribution and technical guidance on ROW related issues.

**Riparian Buffer:** Regulated lands adjoining a water body subject to regulatory control by NJDEP. Impacts to the buffer zone can require mitigation.



**Riparian (Tidelands) Grant:** The grant by the State Tidelands Resource Council of its right to areas within the flow of the mean high tide or areas of land which were historically flowed by the mean high tide. NJDOT would apply for a Riparian Grant to build a bridge within tidelands.

**Riparian Rights:** The rights of the owner of land on the bank of a watercourse relating to the water, its use and ownership of soil under the watercourse. In this manual, the term is used only to describe those rights of landowners abutting tidal waters.

**Right:** A real estate interest in a property (e.g., access, drainage, slope, etc.)

**Right of Way (ROW):** Land owned by, under the jurisdiction of or to be acquired by NJDOT or lead agency (such as County, Municipality) for highway purposes or other public related purposes.

**Right of Way (ROW) Border:** The area between the curb line or edge of pavement commonly used for sidewalks, utilities, and other highway features.

**Right of Way Engineering (ROWE):** The unit that is responsible for the review of the in-house or consultant designer's ROW documents.

**Servient Estate Parcel (SP):** A parcel to be acquired that is encumbered by an existing private easement (access, parking, or other similar type) owned by another entity.

**Slope Rights:** An easement over the lands of others abutting the ROW line, upon which cut and fill slopes may be constructed and maintained to protect or support the roadway.

**Tab Sheet:** The last GPPM sheet. It contains a tabulation or listing of owners with ROW impacts.

**Tidal Waters:** Any watercourse affected by tides. Land beneath the watercourse defined by the MHWL is subject to the jurisdiction of the Tidelands Resource Council.

**Tidelands:** Also referred to as riparian lands, are all those lands now or formerly flowed by the tide in a natural waterway, including filled lands.

**Tidelands Claim Line:** The line that depicts areas now or formerly flowed at or below means high tide. These lands are claimed by the State of New Jersey.

**Tidelands License:** A short term rental agreement from the State of New Jersey for the use of its currently flowed tidelands. NJDOT applies for licenses for drainage and utility easements and all temporary easements or rights.

**Title:** Ownership. Shown on ETMs, GPPMs and IPMs adjacent to the parcel bubble.

**Underground Storage Tanks (UST):** Subsurface containers which (1) store motor fuel for noncommercial purposes (more than 1100 Gal.), (2) store heating oil (more than 200 Gal.) or (3) store any quantity of fuel/oil for commercial purposes. Sites that have such containers are subject to the NJDEP regulations.

### **3.0 Right of Way Design Factors to be Considered by All Designers**

The following instructions emphasize ways for the designer to be flexible with their design. This would include both horizontal and vertical geometry. The NJDOT Roadway Design Manual shall be utilized as a guide as well. For example, when using slope ratios found in the Manual, the Designer can deviate from the examples, especially when the height of the slope is minimal. This is further described below. Often there are unique

situations which are not covered in either manual. In such cases, good engineering judgment and consultation with a ROW Subject Matter Expert (SME) shall prevail over the written word. Therefore, the intent is to limit the overall number of takings and when ROW impacts are unavoidable, to minimize them such a degree that the scope of damages to the remaining property (remainder) is minimized to the greatest extent practical. The goal is thus twofold:

- To reduce the number of takings to what is reasonably practical and does not interfere with the effectiveness or safety of the overall intended project.
- To limit damages that may be suffered by the remainder of a property due to a partial acquisition. If it is determined that a partial acquisition is necessary, the designer should consider the need for flexibility and any feasible option to reduce the impact of the acquisition. If the impact cannot be reduced or is more extensive than anticipated, it may be more economical for the Department to acquire the entire property and to promote relocation of the owner rather than to attempt to mitigate prospective damages.

### **3.1 Proposed ROW Border Width**

Before beginning the ROW design, the Designer should consider vehicle safety and usage, pedestrian safety and usage, the environment, and the community in the corridor. At that point the scope and/or width of the ROW border should be determined.

When designing the ROW border width, even though 10 or 15 foot border is desirable, there are no stipulations for a minimum ROW width (border) for State, County, or local roads. Proposed or relocated sidewalks, guiderail, utilities poles, underground utilities, highway signs and other highway features should be considered when designing the ROW border width. For example, a sidewalk width may vary based on the existing conditions and does not need to be parallel to the curb. Also, consider design speed and the required clear zone. Therefore, if the highway has no facilities and no clear zone issues and the acquisition needs to be minimized, the ROW line could be set on or just behind the curb line.

### **3.2 Proposed ROW Lines**

Although desirable, the proposed ROW line does not have to be parallel to the curb line or the edge of roadway. If it does not adversely affect the safety of the motoring public the design of the line can have various angle points and offsets to avoid or minimize impact to parking lots, private signs and lighting, buildings, sensitive environmental areas, private drainage structures, fences, or other features.

The ROW line can also be set to exclude the acquisition of a particular property because of its historic importance or because it renders a necessary social, educational, governmental, or environmental service to the community or because its acquisition would have severe impact on the economics of a particular project, the viability of the property or result in disproportionate acquisition costs. The Designer on each project should consult with the Project Manager before considering these factors in their design.

### **3.3 Treatment of Slopes**

#### **3.3.1 Eliminate Small Slope Easements**

Slope easements of two feet wide or less should be avoided. Usually, the slope can be moved in toward the existing or proposed ROW without significantly reducing the preferred 2:1 (H: V) ratio. If moving the slope is not possible, locating the proposed

ROW line to capture the slope is the next best option. In other words, for example, a ten-foot-wide border is generally better than an eight-foot-wide border with a two-foot-wide slope. Under this scenario one right is acquired instead of two, which simplifies the acquisition process. However, if a wider taking significantly increases damages to the remainder, such as reducing the building set back to less than the minimum required, the slope easement should remain. Note that the “wash and spread” area is part of the slope easement. Also, see Attachment H.

### **3.3.2 Slope Ratio**

The slope ratio may be reduced from 2:1 to 1.5:1 to 1:1 to minimize ROW impacts. Consider maintenance issues on steeper slopes. For example, rip rap may be needed on a steeper slope instead of grass. Consult with Landscape and/or Geotechnical Engineering for any slope design changes and or treatment. In addition, steep slopes may create significant damages to the remainder and should be avoided near residential development, schools, or where children or elderly may pass; where a steep slope is utilized, appropriate protection from falls by nearby pedestrians must be considered. Also, minimize the use of 4:1 to 6:1 slope. If slopes do not support the highway, a temporary grading easement could be used instead.

### **3.3.3 Slope Easements Not Required for Minimal Slope Height**

Slopes under approximately six inches high generally do not support the highway. It is not practical to design or construct a slope at that height or lower. Also, a steeper ratio at that height will not adversely affect the support of the highway. If a sidewalk or parking lot is involved, header curb may be used to avoid constructing slopes with minimal heights.

### **3.3.4 Cost of Retaining Walls or Curb versus Slope Impacts**

Consideration shall be made in using retaining walls, landscape walls, or vertical curb instead of slopes when designing highway borders. This is because slope easements may be quite expensive especially in north and central New Jersey commercial markets as well as along the coast. Often it is perceived that a wall will be too expensive to construct and/or maintain. The acquisition costs or the damages awarded to an owner (amount paid the owner and the administrative costs) may significantly exceed the additional construction costs of erecting a wall in comparison to construction and maintenance of a slope. A cost benefit analysis needs to be performed in consultation with the Department to determine whether the substitution of a slope with a wall is in fact the least expensive alternative.

## **3.4 Driveway Treatment**

### **3.4.1 Highway Profile Grade**

When the proposed vertical profile results in changes to the elevation along the edge of the highway, the grading and side slopes of the adjoining driveways will need to be adjusted. The grading and associated work on these driveways, if required to extend outside the ROW may be covered by a Temporary Site Mitigation Work Area (Access) (TSMWA) (Note: See Sections 7.5 and 9.3.3.H.3.b for further instruction on the use of this easement).

### **3.4.2 Minimum or Maximum Grade Criteria**

When designing a driveway profile, consider whether the vehicle will “bottom out” on any part of the driveway. The maximum grades can be found in the NJ State Highway Access Management Code, Section 16:47 - Appendix E. The maximum grades may be adjusted slightly if the safety of the driveway is not compromised. Compound profiles may be used. Also, if the elevation difference of the proposed roadway and driveway is six inches or less, the maximum and minimum grades should not apply. The six inch or less difference can be run out in a shorter distance without affecting the vehicle traveling across the driveway. Proposed grading should be within ROW or a proposed easement.

### **3.5 Signs with Footings**

Relocation of private signs that are supported on footings should be avoided unless absolutely necessary. These types of signs include, but are not limited to, single or multiple pylon aerial signs, ground level signs, or billboard signs. The location of proposed ROW lines and slope easement lines can be flexible if highway safety is not compromised. So, consideration should be given to angling the proposed ROW line (typically at 90 degrees) to keep footings and sign panels outside of the ROW and designing the roadside slope and easement line to avoid impacting footings. ROW Engineering and Technical Support shall be consulted for input when determining if a private sign needs to be moved. If any sign or other structure must be moved, the State could pay the owner to move their sign. If the State’s contractor moves the sign, a Temporary Site Mitigation Work Area will be required.

### **3.6 Use of Site Mitigation Easements**

A “Temporary Site Mitigation Work Area” or “Temporary Site Mitigation (Access)” is an easement provided for the State’s contractor when mitigating damages to a private property from the proposed highway construction. The easement should not be set off the baseline, instead a width and/or length of the easement could be used to depict the work area. The easement shall be a closed area with easement lines will generally intersecting with existing or proposed ROW or property lines. No part of the State highway is to be constructed from this easement. See Attachment I for an example. Also, to minimize damages or interference to ongoing use of the private property, a staging plan should be devised to be followed by the contractor, especially for large commercial properties in areas of needed parking and along store fronts where vehicular and pedestrian access to ongoing businesses could be affected.

### **3.7 Drainage Structures on Private Properties**

At times the drainage flow on private properties may be adversely affected due to the proposed work. The mitigation of potential damages may include construction of inlets or other drainage structures on these properties. If the drainage is not part of the State system, a temporary site mitigation easement shall be used instead of a drainage easement. Where the capacity of the State drainage system permits drainage of the private property, a clause will be added to the description regarding the acceptance of private runoff water into the State system, as shown in Section 9.5.C.18 of the ROWE Manual. This clause could include provisions for changes to existing drainage basins. The property owners will be responsible for maintenance of these structures unless the structure failure will affect the structural integrity of nearby infrastructure. In that case, other easements can be considered.

## **3.8 Sight and Clear Zone Easements In Lieu of Fee Takes**

### **3.8.1 Sight Easements**

Sight easements or sight triangle easements (if in that shape) should be used in place of fee acquisitions when the reason for the taking is for line of sight only. This prevents the owner from constructing or planting anything that would restrict a driver's line of sight. They could be used on intersection corners and the inside of horizontal curves.

### **3.8.2 Clear Zone Easements**

If there is a clear zone requirement, such as the area behind a guide rail end terminal, a clear zone easement should also be considered instead of a fee take. However, a utility or aerial utility easement may be used in combination with a sight triangle or clear zone easement. When determining what type of easement to use, it is important to consider all design factors including, but not limited to ITS, traffic signal structures, proposed signs, highway lighting, and all utilities. For additional guidance on ROW, clear area, and roadside recovery area around guide rail refer to the Roadway Design Manual, Figures 8-D, 8-I2, 8-P1 & 8-R.

## **3.9 Utilities**

### **3.9.1 Consider the Cost of Utility Relocation before Finalizing the Design**

Since the cost of utility relocations is relatively high when compared to ROW costs and often construction costs every effort should be made to minimize the acquisition of utility easements. If that is not possible, a different design may have to be considered.

### **3.9.2 Consider Aerial and Subsurface Utilities before Establishing the ROW Line**

Several utilities may share one proposed easement (combinations of would-be water, gas, cable, electric, etc.). It may cost less to acquire more ROW than to move all or certain utilities. Also, if proposed utility relocations conflict with a private sign, it is usually less expensive to move the sign. Prior to setting easements to accommodate utility construction, including temporary construction easements for temporary relocations, permanent utility easements, permanent aerial utility easements, and any shared-use utility easements, the designer shall seek concurrence with the utility company.

### **3.9.3 Utility Poles May be Placed in Utility Easements**

It is desirable to keep utility poles within the ROW. However, a utility easement may be used when a fee parcel is deemed too costly or not feasible for other reasons. For example, when a utility pole might be placed on private property outside of a required fee area, an easement may be considered.

### **3.9.4 Guy Wire Easements**

Guy wire easements should be considered when the need and location for proposed guy wires is definitive (i.e., highway crossing) and a direct result of impacts from the project. However, the acquisition of guy wire easements is not recommended in cases where their proposed locations are subject to change in construction. Use a UE parcel to acquire the rights to construct the guy wire.

### **3.9.5 Easement Overlaps**

Two or more temporary or permanent easements can overlap (occupy the same space) if two or more separate rights are being acquired. For example, a utility easement and a slope easement usually would overlap. The area of the overlap should be labeled and described on GPPMs and IPMs as shown in Attachment Q. However, if the work is similar or both easements required the work area to be graded, the similar work can be incorporated into the main easement. For example, a drainage easement and grading easement would not overlap.

### **3.9.6 Utility Service Lines**

A temporary construction easement can generally be used for relocations of utility service lines to private properties. Under ground and above ground facilities including service poles can be included within the limits of the easement.

## **4.0 ROW Process and Submissions**

### **4.1 Design Development Meetings**

During a project's Concept Development (CD) phase the NJDOT Project Manager with the Designer hold meetings (i.e., Scope Team/Core Group Meetings) with the internal stakeholders and SMEs. These meetings introduce the project to the SMEs, obtain information from the various SME groups and start to address concerns from all disciplines. Once the affected disciplines are identified, a Core Group is formed, and members hear concerns from other disciplines and may recognize that solving one problem may adversely affect another. At this time ROW impacts are identified and assessed. The goal of the Core Group is to consider all input including the ROW impacts and reach a consensus on the project scope and the Preliminary Preferred Alternative (PPA).

Dissemination of information and communication between all stakeholders and team members is an essential and an integral part of the successful project delivery process. Educated Team Members make informed decisions and earn credibility with external stakeholders and the general public.

If a County, Municipality or entity is the lead agency for a project, that agency will develop their own alternatives and may consult NJDOT's SMEs for input through the Local Aid and Economic Development Division.

### **4.2 Right of Way Report**

The ROW Designer is responsible for preparing a ROW Report during the Preliminary Engineering (PE) phase of the project. The report, which is to be submitted by the designer prior to the initial ROW kickoff meeting, is intended to demonstrate that alternatives were considered to avoid or lessen the impact of all ROW acquisitions. The underlying premise is that the designer shall first attempt to utilize only the existing ROW. Only after concluding that the intended scope and goals of the Transportation Infrastructure Improvement Project cannot be accommodated within the existing ROW should the acquisition of parcels or easements be considered. The following should be written in a ROW Report:

Preparation of a "Right of Way Report" should include the following:

- **Project Description** – This description lists the existing conditions, reasons for the proposed work, stakeholders, funding limitations, historical or environmental restraints or any other issue that must be considered when designing the ROW.
- **Project Narrative** - These states the reasons for the ROW design and the effect on the project and/or safety of highway users if ROW was not acquired or the acquisitions were limited.
- **ROW Impact Summary** – This is a list which includes the numbers, areas, and types of ROW takings such as fee parcels, permanent and temporary easements, and tidelands parcels. This list should be on an Excel formatted spreadsheet titled "Parcel Information Form" which can be found on the DOT website. This spreadsheet will be an aid in preparing the initial ROW estimate. Information can be updated, added, deleted, or changed for each subsequent ROW submission. See Section 9.3.5.C for further information.
- **Description of Each Parcel** – A statement, usually one paragraph describing the type and need for the parcel, the duration for temporary easement rights, impacts to the remainder and any information unique to the parcel. If there are several similar parcels on a large project, the descriptions may be combined.
- **Conclusion** – This section could state the time needed for construction of the project, the need for any Access Impact Assessment reports, property relocations or any other information that effects the entire project.
- **Appendices** – If applicable, NJDEP Green Acres Information, Tideland/Riparian maps and documents, an overall plan of the entire project and tax maps are examples of appendices that could be added. The Parcel Information Form can also be an appendix.

Three copies of the report shall be submitted at the initial ROW Kickoff meeting. ROWE will provide examples of ROW Reports.

### 4.3 ROW Preparation Process

To prepare the ROW documents and at the same time minimize acquisition delays, the following process is established for ROW document submissions. All days are calendar days. See Attachment N for submission requirements. All submission shall be sent to the Division of ROW, Technical Support Bureau, and ATTN: Project Coordination & Funding.

1. A **ROW Kickoff Meeting** shall be held after the ROW Report has been completed and after the Designer substantially progresses the ROW Impact Plan. The Project Manager will schedule the meeting and invite the attendees listed below. The designer will present the ROW Report. The ROW and access design for the project will then be customized. At this meeting the ROW Report (see Section 3), will be presented and will describe all proposed ROW impacts. The Project Manager will schedule the meeting and invite the listed attendees below.

***The ROW Engineering Unit will run the meeting.***

Attendees shall include:

- ROW Engineering (ROWE) Unit
- Technical Support Unit
- Office of Access Design (OAD)
- ROW District Office Representative
- Design Consultant Representative(s)

- Title Unit or Title Company Representative
- Surveyor
- Division of Project Management Project Manager
- NJDOT Environmental staff

**The Project Manager** will ensure that the following presentation material is available at the time of the meeting:

- Most recent construction plans with proposed geometry, preliminary drainage, and preliminary utility impacts.
- Aerial plan covering the proposed work area.
- The current ROW Impact Plan in hard copy and PDF.

The ROWE Unit will supply the Designer with sample documents (if requested), map quotes and potential parcel numbers. The Designer will record the minutes of the meeting and distribute them to all attendees.

Note: On Local Aid and Economic Development Division projects, the Local Aid project manager will organize and send invitation to attendees. Their attendees shall include County, Municipality or lead agency designers, ROW personnel and other representatives.

2. A **ROW Impact Plan Submission** shall be submitted in accordance with the schedule established by the NJDOT Project Manager (PM). It shall contain two sets of prints of the GPPMs (without the Alignment Schematic Plan and Tab Sheet, except include the chart for temporary easement durations); each sheet shall be stamped with "ROW IMPACT PLAN". These submission requirements are also listed in Attachment N. This submission is to be used by the Division of ROW to develop the initial ROW cost estimate.
3. A **ROW Plans and Documents Submission** shall be submitted after completion of the Title Search as described in Attachment N and the Capital Project Delivery Process and in accordance with the schedule established by the Division of Project Management Project Manager (PM). ROWE will perform a quality review of the documents to assure conformance to current standards. Comments will be returned to the Designer approximately 3 to 4 weeks after the submission has been received. The Designer will then prepare a ROW Plans and Documents Submission Comment Resolution Summary (CRS-See 4.5) to address comments from ROWE, the District, or other SMEs.
4. A **Pre-Final ROW Submission** shall be submitted approximately two to four weeks before the Final Submission date as established by the PM. The submission requirements are listed in Attachment N. This review will ensure that all ROW Plans and Documents Submission comments have been addressed, allow ROWE to review any new or changed parcels/descriptions and the accuracy of all ROW documents before the extensive printing required for the Final Submission. However, before the Final ROW submission, the Designer will then complete the Pre-Final CRS and submit the CRS for review by ROWE.
5. A **ROW Acquisition Kickoff Meeting** will be held at the ROW District office shortly after the Pre-Final ROW submission. The meeting shall be requested by the PM and the ROW District will be the lead for inviting the appropriate SMEs and the meeting will usually be held at the ROW District office. This meeting will allow the ROW acquisition team to become familiarized with each parcel.



Attendees could include:

- Technical Support Unit
- Design Consultant
- DAG
- Potential Appraiser

Presentation materials shall be transmitted to the District prior to the meeting and should include the following:

- PDFs of the Individual Parcel Maps (IPM)
- The latest Construction Plans
- The latest Access Cutouts
- Aerial Plan of the project area in PDF
- Comment Resolution Summary from the ROW Plans and Document Submission

*Communications between Project Manager, Designer and Division of ROW and Access Management need to be ongoing and not limited to the above-mentioned meetings.*

6. A **Final ROW Submission** shall be submitted after approval of the Pre-Final CRS and as described in Attachment N and in accordance with the schedule established by the PM. The letter of transmittal shall state the number of parcels to be acquired for the contract and list all parcels that were changed since the ROW Plans and Documents Submission. OAD will also provide the Technical Support Bureau with the status of all access cases, the access cutouts, final or access conclusion letters and a list, in the form of a spreadsheet, of signed Lot Owner Access Concurrence forms and Lot Owner Lease Agreement forms or required SA parcels. See the Access Design Guidelines and Sections 7.5 and 9.3.3.H.3.b for further guidance.

**Notes:**

1. Any change in these schedules must be requested through the Division of Project Management PM during Final Design.
2. The ROW process is summarized on a flow diagram in Attachment S.

#### **4.4 ROW Submissions Requirements**

The ROW Submission requirements for all phases of the ROW process can be found in Sections 3 and 4 and Attachment N. Attachment N lists the numbers of copies of each document required for all units. A submission package will be considered **incomplete** if any of the items mentioned in Attachment N are missing. If there is an incomplete Final ROW Submission, the start time assigned to the ROW Division to complete ROW acquisitions for the project will be delayed until the missing items are submitted. Also, for all submissions the Designer shall submit Attachment O, "Consultant Quality Control Checklist".

#### **4.5 Comment Resolution Summary**

To ensure that all comments are addressed, and revisions incorporated on the Pre-Final and Final ROW Submissions the Designer shall prepare a ROW Comment Resolution Summary (CRS) after the ROW Plans and Documents **and** the Pre-Final ROW Submissions. The CRS shall be submitted to ROWE in memorandum form with each comment and the reviewer's unit listed. All comments will be addressed with each review unit giving a concurrence or an objection to responses to each of their comments. When there is an objection to a response, the Designer will resolve the issue with the commenting unit and ROWE. ROW Engineering and OAD will then approve the CRS

before the next ROW submission and ROWE will distribute the approved CRS to the units that provided the comments.

#### **4.6 Project Commitments**

All project commitment letters or memorandums that involve local municipalities, Landscape, ROW, Access, Construction and Environmental or other agencies or groups will be attached to the ROW Plans and Documents Submission package letter. If project commitments change after this submission, new commitment letters or memorandums will be attached to subsequent submission packages.

Proposed non highway mitigation items such as creation of park areas, docks or parking lots for environmental mitigation need to have commitments for ownership and jurisdiction in place to proceed with the design. This includes obtaining binding agreements from the proposed recipients prior to final commitments by the Department regarding the purchase and/or construction of mitigation items.

#### **5.0 Material Specifications**

ETM and GPPM plans shall be prepared on print paper on 22" x 36" sheets.

The Parcel Information Form shall be submitted on 8 ½" x 14" or 11" x 17" paper and electronically.

IPMs shall be submitted on print paper and are limited to a maximum (as measured from the cutting edge) of 30" x 42". Parcels may be submitted on 8 ½" x 13", 11" x 17", 15" x 17", 15" x 21", 18" x 24", 22" x 36" and 24" x 36" size paper. For large parcels where match lines are necessary, plan sheets are limited to 22" x 36". The designer should use the smallest legible map size that shows the parcel and conforms to the requirements of Section 9.4.

Parcel descriptions shall be prepared on 8 ½" x 11" paper and are also submitted electronically, on CDs or other formats approved by ROW Engineering and ROW Technical Support.

Riparian/Tidelands Grant and application documents, except for the plans, shall be prepared on 8 ½" x 11" paper.

When final ETMs and GPPMs are requested for County filing, unless otherwise instructed, plan sheets shall be of synthetic film, such as Mylar, and shall be 4 mils thick and matted on both sides. Signed and sealed mylars to be submitted must use ink that does not come off with handling. Erasures and changes shall be made in accordance with instructions given for the material used so as not to harm the permanent original tracing.

#### **6.0 Title Search/Deed Abstract**

Historical data shows that the quality of ROW plans is compromised when title searches are limited to the last deeds recorded. The last deeds may not always reflect all easements and encumbrances on the impacted properties; therefore, their exclusive use could delay the ROW acquisition process.

A full Title Search/Deed Abstract shall be completed prior to preparing the ROW Plans and Documents in accordance with the Capital Project Delivery Process. The ROW Closing Bureau Manager will determine if the Title Search/Deed Abstract will be conducted by the In-House Title Unit, outsourced to an Independent Title Company, or should be included in the project budget and hired by the Designer.

If the work will be outsourced, the Designer or the Title Closing unit will be responsible for hiring a Title Company. The Scope of Work for the Title Company will then be provided by the In-House Title-Unit to the Project Manager. Close coordination with the In-House Title Unit shall be maintained throughout this process.

A Title Summary Document, as shown on Attachment P, will be provided to the NJDOT Project Manager at the completion of the Title Search/Deed Abstract.

## **7.0 ROW Parcels**

### **7.1 ROW Fee Parcels**

Property and underlying rights to be acquired by the State of New Jersey for highway, mitigation or other public purposes is accomplished by "fee" parcels. Fee parcel numbers (and easement parcel numbers) are provided to the designer by ROWE. Fee parcel number do not have a prefix unless noted below. These parcels are depicted on ETMs, GPPMs, IPMs, and in descriptions. Guidance for the preparation of "fee" parcels is contained in each of those sections. The types of "fee" parcels are as follows:

**Entire acquisition** - Whole property is acquired with No Remaining area (RA).

**Partial acquisition** - An unencumbered portion of the property is acquired, and the owner has RA.

**Riparian** - Use "T" with the parcel number.

**Utility** - Use "U" with the parcel number.

**Servient Estate** - Use "SP" with the same parcel number as that of the unencumbered fee. (See Attachments A and B).

**Dominant Estate** - Use "DE" with a parcel number designated for the owner of the easement (a different number than that of the servient estate parcel number). (See Attachments A and B). See Section 9.3.3.H.15.

**Remainder Acquisitions** - Remaining areas of properties that are acquired but not needed for highway purposes.

**Mitigation Parcels** - Parcels beyond the Proposed ROW Line that are needed for mitigation purposes and are not needed for the project. Fee mitigation parcels should be identified as "M".

**Note:** Fee parcels may be acquired subject to utility rights.

- See Section 9.3.3.G for more information.

### **7.2 ROW Easements Parcels**

The acquisition of property rights less than a fee interest, for a particular use by the State for highway, mitigation, or other public purposes, is accomplished through easement parcels. The current property owner still has possession of the land within the easement subject to rights of the easement holder (the State or other private or public party). These parcels are depicted on ETMs, GPPMs, IPMs, and in descriptions. They are designated with the "E" followed by the parcel numbers unless otherwise noted below. Guidance for the preparation of "easement" parcels in each of Section 9.3.3.H.

The more common types of easement parcels are as follows:

- **Slope**
- **Grading**
- **Drainage**
- **Utility** – Designated by a UE (any utility) or AE (aerial only).
- **Bridge**
- **Construction and Maintenance**
- **Temporary Construction**
- **Private** Designated by “PE”.
- **Perpetual Access Easement** - Designated by “PAE”.
- **Temporary Diversionary Road**
- **Sight Easement or Site Triangle**
- **Temporary Site Mitigation Work Area** – Designated by “S”. See Sections 7.5 and 9.3.3.H.3.a.
- **Temporary Site Mitigation Work Area (Access)** – also known as “SA” parcels. See Sections 7.5 and 9.3.3.H.3.b.
- **Mitigation Easement** – Designated by an “ME”.

An “E” or “S” parcel designation are not used if the easement is contiguous to a fee parcel or the main easement parcel. In those cases, the easement or work area is listed under the main parcel bubble and as a rider in the description. Parcels with the prefix “AE”, “ME”, “PAE”, “PE”, “SA” and “UE” are designated separately regardless of if there is another acquisition involved.

### **7.3 ADA Parcels for ADA Compliant Sidewalks and Curb Ramps**

Projects, often Limited Scope pavement resurfacing projects, may result in ROW impacts associated with the construction of sidewalks and curb ramps to comply with the Americans with Disabilities Act (ADA). Generally, such ROW impacts are minor, which allows the ROW Acquisition Team to utilize a shorted process, known as Administered Determination of Value (ADV), to acquire these parcels and compensate the property owners. Fee takings, permanent sidewalk easements or temporary sidewalk work areas may be required, and the criterion for their use is noted below (also refer to 9.5.C.31). The requirements for ROW plans depicting these parcels are the same as for other parcels.

#### **1. For Fee Parcels:**

- a. Criteria for use:
  - I. Where a new sidewalk is constructed (including curb ramps) partially or completely outside the ROW, spans the length of at least one lot and the location of the proposed ROW line **does NOT** cause a violation of the municipal setback or other zoning requirements.
  - II. Where the new sidewalk would be in the clear zone.
  - III. Where there are other proposed ground structures such as guide rail or traffic signal equipment in the area of the sidewalk.
  - IV. At corners of side streets where ROW was the not acquired to construct sidewalks connecting the Highway with the side street.
  - V. As directed by ROWE.

- b. On the ROW plans show 'sets' (stationing and offsets) for the fee parcels to the nearest hundredth of a foot.

## **2. For Permanent Sidewalk Easements:**

- a. Criteria for use:
  - I. Where a new sidewalk is constructed outside the existing ROW and does not span the entire length of at least one lot and/or where the new **will** cause a violation of the municipal setback or other zoning requirements.
  - II. Where existing sidewalk is to be reconstructed outside its existing footprint and is completely or partially outside the ROW.
  - III. Where a fee take is not required and where ADA ramps are outside of the ROW even if reconstructed within their existing footprint.
- b. Propose only sidewalk or related work shall be within the easement.
- c. On the ROW plans, label the easement area "Permanent Sidewalk Easement Area".
- d. On the ROW plans, label the proposed easement line "Permanent Sidewalk Easement Line".
- e. Show 'sets' (stationing and offsets) to the nearest tenth of a foot.

## **3. For Temporary Sidewalk Work Areas:**

- a. Criteria for use:
  - I. Where the proposed or reconstructed sidewalk is within the right of way and workspace needed is beyond the ROW.
  - II. Where sidewalk is reconstructed within its existing footprint even if footprint is outside of the ROW. (curb ramps excluded)
  - III. Curb Ramp is completely within the right of way, but workspace needed is beyond ROW.
- b. Label as "Temporary Sidewalk Work Area" on the ROW plans.
- c. Propose only sidewalk or related work shall be within the easement.
- d. Show the 'sets' (stationing and offsets) to the nearest foot.

## **4. Combined ADA Ramp and Sidewalk Construction:**

If all or any part of a curb ramp is constructed outside the right of way and temporary sidewalk work is required and is contiguous to the ADA ramp, then all the work may be combined into a "Permanent Sidewalk Easement Area". Both temporary sidewalk work areas and permanent sidewalk easements may be used if the temporary sidewalk work extends 10 feet beyond the ADA ramp construction.

## **5. General Notes:**

- 1. Fee takes and permanent sidewalks easement shall always be shown on the General Parcel Property Maps (GPPMs) and Individual Parcel Maps (IPMS).
- 2. GPPMs are not required if the only acquisitions on a project ROW section are temporary sidewalk work areas.

3. Generally, on project ROW sections where there are both permanent sidewalk easements and temporary work areas show both on the GPPMs and IPMS. Consult ROW Engineering about if unsure what to depict.
4. In the legal descriptions for easements or work areas, describe the exact work being performed.
5. There may be situations where construction of ADA ramps and sidewalk do not exactly match the criteria for use or general notes listed above.

#### **7.4 Denial of Access Parcels**

Denial of Access parcels are shown as a proposed line with cross hatching (see Standard Legend) and are used for limiting direct access across ROW lines. They designated with "DA" (permanent) or "TDA" (temporary). They do not have a parcel area, but the remaining is noted under on the ROW plans. This is a property right that is acquired through eminent domain and is separate from the "removal of driveway" under the New Jersey State Highway Access Management Act. See Sections 9.3.3.H.20 and 9.5.C.1 for more information.

#### **7.5 Temporary Site Mitigation (Access) Parcels**

Also known as "SA" parcels. "SA" Parcel designation is given only to that work specifically related to work or mitigation for the alteration of access including paving and work to allow driveways to conform to the NJ State Highway Access Management Code. It is distinct from any other mitigation or easement and is used to allow the appraiser to differentiate between access required mitigation and any other mitigation caused by an acquisition.

- OAD will send a Lot Owner Access Concurrence (LOAC) and Lot Owner Lease Agreement (LOLA) to property owners on State Highway projects where access related work extends outside the ROW line. Place the following note on the GPPM and IPM when the owner signs both forms: "The Owner has signed a LOLA for construction of the driveway(s) and associated site improvements identified on this plan." This note should be used even if other ROW is being acquired on the affected property. Also, before putting the note on the GPPM and IPM, ensure that the driveway construction depicted on the ROW plans matches the driveway construction on the access cutout. If the LOLA is not executed, the designer must prepare ROW documents for a "Temporary Site Mitigation Work Area (Access)" easement. The easement will be an individual parcel designated by "SA" followed by the appropriated number.
- If an SA parcel is required, label areas where the State's contractor is performing access related work as "Temporary Site Mitigation Work Area (Access)." This work may or may not be due to implementation of the New Jersey State Highway Access Management Code (Access Code). Access related work includes moving or closing driveways, paving, and grading driveways and striping the parking lot or reconstructing islands on the parking lot to mitigate circulation problems.
- Show a short, dashed line showing the limits of the work if the driveway related work is outside the ROW Line. A 5-foot distance between the physical limits of work and the dashed line is generally used. However, a shorter or longer distance may be used dependent on field conditions and ROW impacts. Label the line "Temporary Site Mitigation Work Line (Access)." Stations and offsets are **not** required on the line.

- Use a separate “SA” parcel designation.
- Use the appropriate clause in the description.
- Do not consider slopes along graded driveways as part of the roadway toe or top of slope (this is the limit Temporary Site Mitigation Work Area (Access)). Carry roadway slopes across each driveway as though the driveway did not exist. See Attachment I. This slope line across the driveway represents the toe or top of slope for support of the highway. Use the appropriate slope clause.

**NOTES:**

1. LOACs and LOLAs are sent out if the access related work is or is not a result of implementation of the Access Code.
2. On State highway projects, LOACs and LOLAs are generally sent to owners with driveways within the limits of the construction project, even if they are on a county or local road.
3. If the work is entirely within the ROW, only a LOAC may be sent to the owner and no parcel or signature note will be required.
4. A LOLA form is not used if the access alterations are within the ROW or if OAD determines the alteration are complex.
5. In all cases, even when where the owner signs LOAC and LOLA, SA Parcels are not to be shown on the plans or in the description. However, the lines shall remain on the plans, labeled as a “Temporary Site Mitigation Work Line (Access)” and the aforementioned note added indicating that the LOLA was signed.

**8.0 Parcels with NJDEP Involvement**

Since the acquisition of any right from the NJDEP (including their units such as Green Acres, Tidelands, etc.) is a time consuming and labor-intensive activity, it is critical that all aspects of possible acquisitions are carefully considered. The need to properly identify all existing riparian/tidelands grants and licenses or properties with NJDEP outright ownership is paramount. It is the responsibility of the Designer to clearly identify any issues as early as possible. Otherwise, the project schedule may be adversely affected. The Designer is to coordinate with ROW, the Project Manager, and possibly the Division of Law whenever NJDEP issues arise.

**8.1 Tideland/Riparian Parcels**

NJDOT acquires Tideland or Riparian parcels where areas over or in tidal waters are needed for highway improvement projects.-Tideland parcels in fee are labeled “T” followed by the assigned number and Tideland parcels acquired as easements ate labeled “TE” followed by the number.

**8.1.1 Tideland Applications for Grants and Licenses**

The Designer must complete a Tidelands application where acquisition of a Riparian/Tidelands parcel. If land is filled below the MHWL or another permanent right, except for drainage or utilities, is required a Grant application shall generally be prepared. If only a temporary right or drainage or utility easement is needed, a License application shall generally be prepared. Always confirm with the NJDEP Bureau of Tidelands Management (Tidelands Bureau) which type of application is required. Since the time frame to acquire a License is significantly less than to acquire a grant it is

imperative to distinguish between the two early in the design process. The application includes Tidelands Maps, Tidelands parcel description and forms.

The procedure for preparing Tideland applications and documents is as follows:

- 1. Identify** any parcels located along or adjacent to tidally flowed water bodies where existing or proposed right of way may have riparian issues. The Tidelands Resource Council (TRC) has jurisdiction for lands below the current tidal Mean High-Water Line (MHWL) and also claims lands which were formerly flowed by the tide, but which are now filled in due to manmade causes. The NJDEP Bureau of Tidelands Management (Tidelands Bureau) serves as the staff for the TRC and reviews applications and makes recommendations to the TRC. The [NJ-GeoWeb](#) at the NJDEP website can assist in determining if a project falls within an area of potential tidelands. This application provides user's access to NJDEP GIS Data on the internet. Currently the website has a quick start guide.
- 2. Contact the Tidelands Bureau** to verify any riparian involvement for acquisitions or existing right of way, either below the MHWL or on uplands which the Tidelands Bureau has identified as "Formerly Flowed" claimed areas on their maps. Any recent filled areas not shown on the maps are the result of later human influence are subject to a claim by the TRC. The Designer should consult with ROWE where a claimed area can be proven to exist entirely due to natural tidal action.
- 3. Meeting with Tidelands:** If there is riparian land involvement, schedule a meeting with the Tidelands Bureau to gather and confirm data required on the ROW documents. The Designer shall define the existing mean high-water line and provide a current NAVD88 elevation for the MHWL for parcels bordering on or inclusive of a tidal watercourse. This line must be accurately established in the field and confirmed with NJDEP. The designer shall utilize the NJDEP Tidelands claims maps to define any lands formerly flowed by the mean high tide located in or near right of way acquisition areas. The Tidelands claims maps are filed in each county and municipality where tidelands are located. Copies may be purchased from the Bureau of Tidelands Management, NJ Dept. of Environmental Protection in Trenton, NJ. Tidelands information is also available from the NJDEP website.
- 4. Lands below MHWL:** Label tidelands parcels on lands below the MHWL that will become filled land (the area approaching a bridge for example) with the "T" designation. Tidelands parcels over the MHWL (easement areas needed to construct a bridge and footings or any other permanent or temporary tidelands easement) shall be labeled with the "TE" designation. Show and label the same as other fee areas or easements.
- 5. Lands above the MHWL with claimed areas:** The TRC treats filled lands as if they belong to the upland owner, subject to a Tidelands claim. Parcels subject to "Formerly Flowed Claims Lines" are treated as part of the upland owner's land. The designer shall list only the upland owner of any property with "Formerly Flowed Claims Lines" in the Title Bubble (not NJDEP) and shall not use "T" or "TE" (riparian) designations for formerly flowed lands above the MHWL. However, the area of the "Formerly Flowed Claims" encumbrance within each acquisition area shall be calculated and shown both at the claimed area and listed under the parcel bubble. This area is to be labeled "Formerly Flowed Claim Area = \_\_\_\_". The RA shall be the deed or calculated property area minus the fee parcel area. The parcel area is the sum of both the



encumbered and unencumbered areas. The plan shall show the total parcel area and the area of the encumbrance (formerly flowed claims line).

- 6. Tidelands Maps:** The maps are titled "Existing and Proposed Tidelands" unless otherwise specified by the Tidelands Bureau. IPM are not used. In preparing maps for Tidelands Bureau use, the Designer should simplify the line work as much as possible so that the Mean High-Water Line(s), Claim Lines, edges of roads, footings and property lines are clear and readily identifiable. The Tidelands Bureau prefers the use of colors on their maps and the Designer may vary from the normal color scheme for these maps. Maps for submission to the Tidelands Bureau must indicate the owners' names for all adjoining properties, with the respective lots and blocks. The maps also need to identify any easements or right of ways on adjoining lands which are needed to permit the placement of utilities or drainage through tidelands. The TRC will not grant any utility or drainage rights unless they are assured there is a legal right to use the adjoining upland areas. These tideland rights are granted as licenses. Grants will require survey data from the Designer in the New Jersey Plan Coordinate System and maps for Tidelands are required to be sealed and signed (typically 4 to 6 copies). Survey requirements can be found on the DEP website at [NJDEP-Division of Land Resource Protection](#).
- 7. Descriptions:** The description for a Tidelands ("T" or "TE") parcel should be written like other descriptions except "T" parcel areas require an actual mete and bounds with a point of beginning (POB) based on NJ Plane Coordinates. In special circumstances the Tidelands Bureau may require metes and bounds for other Grant areas (permanent easements/TE parcels). All descriptions should include as many rights as possible. The right to enter, maintain, flow water, construct, install utilities, etc. should be included in the descriptions for Riparian Parcels. See Sections 9.5.C.32 and 9.5.C.33, and Attachment R for description clauses and examples.
- 8. The Tideland application** and additional background information is in the NJDOT Tidelands Application Guidelines which can be found at [NJDOT Engineering \(state.nj.us\)](#). Tideland Application forms and instruction can also be found on the NJDEP website at [NJDEP-Division of Land Resource Protection](#).
- 9. Submission:** When completed, the designer shall then submit the prints, description and application as shown in Attachment N for each submission. The ROW Technical Support Bureau will forward the application and required documents to the Bureau of Tidelands Management, NJ Dept. of Environmental Protection (Tidelands Bureau).

## 8.2 Green Acres

The Green Acres Program acquires land for the Department of Environmental Protection (DEP) that becomes part of the system of state parks, forests, natural areas, and wildlife management areas. Green Acres does not own the land it acquires; instead, land is assigned to the DEP's divisions of Parks and Forestry, Fish and Wildlife, and the New Jersey Natural Lands divisions listed above for management. For example, the Wharton State Forest is owned by the State of NJ and is managed by DEP's Division of Parks and Forestry.

The Green Acres program provides low interest (2%) loans and grants to municipal and county governments to acquire open space and develop outdoor recreation facilities. This land is also considered Green Acres encumbered.

The Designer should anticipate that any acquisition of publicly owned parkland or open space will have Green Acres impacts. This is true even in urban areas. Any acquisition from a local government or agency, regardless of use, should be checked to ensure that there is not Green Acres involvement.

Acquisitions from Green Acres encumbered land must show coordinates at the POB of the parcel. The parcels must mathematically close, therefore a property survey must be performed on the lot with Green Acres encumbrance. See more information on Green Acres surveys at [NJDEP Green Acres - Standard Scope of Survey Services](#).

### **8.3 Environmentally Sensitive Parcels**

1. Define environmentally sensitive parcels as early as possible in the design process. These parcels will be identified by BLAES during the preparation of the documents for the Categorical Exclusion (CE), Environmental Assessment (EA), Environmental Impact Statement (EIS) or EO 215 (State Funded Projects). The Division shall notify the ROW designer of all environmentally sensitive parcels as soon as they are identified.
2. Acquisition from any of the following example properties (but not limited to) will qualify them as environmentally sensitive parcels:
  - Section 4(f) properties
  - Green Acre properties
  - Historic Properties (Section 106 Involvement)
  - Landfills
  - Tidelands
  - Formally Flowed Tidelands
  - Areas subject to wetlands or riparian controls
  - Agricultural or conservation restriction easements
3. Identify environmentally sensitive parcels on the Parcel Information form. See Sections 4.2 and 9.3.5.C.
4. Wetlands and their buffers, tidelands, conservation and agricultural restriction easements and forested areas should be drawn on the GPPMs and IPMs.

## **9.0 ROW Documents Preparation**

### **9.1 General Information**

The preparation of all ROW maps shall comply with New Jersey Statutes Annotated (N.J.S.A.) 46:26B 1-8 and New Jersey Administrative Code (N.J.A.C.) 13:40-5.1 (minimum survey detail requirements as promulgated by the State Board of Professional Engineers and Land Surveyors). The ROW Title unit or other designated unit within the NJDOT will file each sheet of the ETMs & GPPMs with the appropriate County recording officer when all parcels contained within an individual ETM or the individual GPPM have been acquired. Also, place a combined Map Filing Statement on the Key Sheet in the lower left corner of the Key Sheet (see Checklist in Section 9.2.1.A).

In placing labels and notes on any map or plan sheet, it is important to arrange the labels and notes so that the topography remains clear and legible.

Topography features must remain visible to ensure that impacts to the property are identified and can be fully understood by appraisers, property owners, officers of the court and others.

All ETMS and GPPMs shall have a Revision Block. See Section 11 for information on revisions.

**9.1.1 Reference Documents Required**

Documents in the preparation of ROW maps that shall be required, if applicable to a particular project and where available, include, but are not limited to:

- Latest deeds, wills, all easements, leases, and other property rights documents on each property involved.
- Historic ROW plans (and/or construction plans) on-file with NJDOT (plans requested through EDU), other agencies, and/or counties.
- Current tax maps, development maps, zoning maps, county maps or master plans.
- Road returns, where applicable.
- Filed maps establishing public ROW.
- Vacations for streets that have been abandoned.
- Proposed or accepted dedications.
- Prior land surveys on properties with proposed ROW impacts.
- Subdivision Plans and Site Plans (Preliminary and/or final), if applicable.
- Municipal Resolutions and status of “paper” streets.

These documents, and in-particular any monuments (see Section 9.3.3.B) that are recoverable, will aid the Designer in developing a mosaic of existing ROW lines and best-fit property/easement lines suitable for the preparation of ROW plans in compliance with this Manual and the NJ Map Filing Law. It is paramount that the Designer be able justify how the existing ROW lines were re-established abutting areas of ROW impacts.

**9.2 Entire Tract Map (ETM)**

**9.2.1 Key Sheet**

**A. Checklist**

<b>Item</b>	<b>Yes</b>	<b>No</b>
Scale		
Title Block/Surveyor’s Title Block		
Construction project reference		
Map showing location of the project		
Corporate lines		
North Arrow		
The term KEY MAP		
Limits of ROW section		
Adjacent ROW section(s)		
Designer’s name		
Project location		
Map Filing Statement		

## B. Procedures

1. The Key Sheet shall be the first sheet, covering the entire ROW section. It should indicate the project area, showing partial coverage of adjoining sections, including mileposts and stations at the beginning and end of the ROW project.
2. The Key Sheet shall be prepared at a convenient scale to show the entire ROW section plus partial coverage of the adjacent ROW section(s). The New Jersey licensed Land Surveyor's Title Block is required on all ETMs, shall comply with N.J.A.C. 13:40-1.1, 1.2, and 1.3, et seq. (including signature and original seal on final Mylar) and shall be placed above the NJDOT Title Block or in the lower left corner as an alternate location. ROWE will supply a sample of the licensed Land Surveyor's Title Block at the Initial Meeting.
3. Center the map on the sheet. It shall show corporate lines, names of counties, municipalities, major highways, streets, any geographical and manmade features (lakes, rivers, railroads, etc.)
4. Center the term KEY MAP below the map showing the project location with a bar scale also centered below.
5. Show the limits of the ROW section outside of the KEY MAP by lines extending into the map to the locations on the subject route that are the beginning and end of that section.
6. Show a portion of the adjacent ROW sections in the same manner as in 8) above. The portion shown should be enough to readily identify the adjacent ROW sections and can be determined at the Initial Meeting when the designer is unsure of the limits.
7. Show the ROW project location by highlighting the subject route on the KEY MAP and designating the limits of the ROW project in a similar method to the NJDOT Sample Plans for construction projects, which are available on the NJDOT website.
8. Show the Map Filing Statement in the lower left corner of the sheet. It should show a blank line for number of sheets and break out the number of ETMs and GPPMs. For example, \_\_\_ SHEETS FILED IN THE OFFICE OF THE MERCER COUNTY CLERK, \_\_\_ ETMS AND \_\_\_ GPPMS. Leave one line of space below the above statement and add DATE. Add FILE NO on the next line below. The number sheets will be written in the blanks prior to filing with the County. **This statement is not required on any other sheet.**

### 9.2.2 Checklist for Remaining ETMs sheets

Item	Yes	No
Scale		
Title Block/Surveyor's Title Block		
North Arrow		
Revision Block		
Designer's name		
Baselines (Existing & Proposed)		
Block and lot for each property		
Existing deed course information not shown on the GPPMs		
Proposed parcel lines		
Parcel numbers		
Entire Property shown		
Adjacent owners		
Building and structures		
Municipal and county lines		
GPPM layout		

### 9.2.3 Procedures for ETM Preparation

- A. Scale: 1" = 100' throughout (**other scales may be used if approved by the ROWE Unit**). Inserts at other scales are permissible, if necessary, for clarification. Show the entire areas of the properties involved.
- B. Map coverage shall be complete and continuous end to end of the project. Either Match Lines or the overlap method is acceptable.
- C. Show the North Arrow and applicable NJ plane coordinate system (i.e., NAD 83 (2011)) per the ROW Standard Legend.
- D. Place a revision block in upper left longitudinal margin.
- E. Show existing baseline stationing, if possible. Show the proposed baseline in the same manner.
- F. Show the current tax map block and lot numbers for each property to be acquired.
- G. Show all courses - deed bearing and distance noted by the line representing it, **when not shown on the GPPMs**. Show deed book and page or any instrument conveying property rights, **when not shown on the GPPM**. Show the complete outline of the entire property for each owner.
- H. Show the proposed parcel by completely outlining the property to be acquired with a heavy solid line. However, if the parcel or easement is too small to be shown clearly on a 100 scale an arrow with the parcel bubble pointing to the area is acceptable.
- I. Show the parcel number (inside parcel if possible).

- J. Show block and lot and owner's names all adjacent properties, **when not shown on the GPPMs**. Write N/F (now or formerly) adjacent owner's names.
- K. Show all buildings, structures, driveways, parking lots, internal roads, and other important features within the area of the remainder (**when not shown on the GPPMs**) that exist as of the time the maps are turned over to the NJDOT for acquisition.
- L. A current aerial photo location verified in the field by visual observation may be used as an aid in drawing features in CADD, except when these features are within 100' of the parcel. Locate all items noted above accurately in the field by survey when within 100', and properly draw on the ETM in accordance with **in-field survey notes** and in accordance with generally accepted standards.
- M. Show the type of land (wooded, swamp, farm, etc. as per legend or note on ETM sheet). **In-field verification** shall occur prior to the time the ETM is submitted to the NJDOT for acquisition of parcels and associated easements depicted on the ETM. Update the ETM with any changes that have occurred since the time the ETM was originally prepared in accordance with the requirement stated above.
- N. Index the layout of the GPPM sheets on the ETM, showing just the corners of the GPPMs with the sheet numbers.
- O. Number the ETMs, including the Key Sheet, separately from GPPMs which includes the Tab sheet.

### **9.3 General Property Parcel Map (GPPM)**

#### **9.3.1 General**

All pertinent documents, such as development maps, tax maps, deeds, vacations, abandonments, dedications, and other county, municipal or corporate resolutions shall be shown as notes on the GPPM. The researcher should verify the owner(s) of all the parcels immediately before the Pre-Final ROW plans are submitted and note that date on the tab sheet.

In preparing the final GPPM for map recording, the Designer shall prepare the TIFF submission in a manner that allows the file to be incorporated into a GIS matrix as a layer for digital access by the public and other state entities. As part of the final GPPM submission, the Parcel Information form should be updated with a final set of information.

**Note:** Place the following statement, as part of the Standard Legend (See Attachments D and E), "The proposed parcel courses and the north arrow depicted may differ from the system utilized to plot the deed distances and courses".

### 9.3.2 Checklist (Except For Tab Sheet)

Item	Yes	No
Title Block/Surveyor's Title Block		
Legend		
Scale		
Layout		
North Arrow		
Revision Block		
County		
Municipality		
Designer		
Baselines		
Topography		
Proposed curb line openings		
Field ties		
Research references/Properties plotted		
Existing and proposed ROW Lines		
Existing easements		
Wetland delineation		
Riparian delineation		
Parcels to be acquired		
Proposed easements		
Existing Riparian grants/licenses		
Construction Project reference		
NJ Plane Coordinate grid marks with Coordinates		

### 9.3.3 Procedures

#### A. General Information

- Show the Standard Legend (See Attachments D and E) on the first GPPM. A combination legend and tabulation sheet may be used on the last GPPM, if approved by the ROWE Unit. The ROWE Unit can furnish this sheet. Line weights shall comply with those shown on the standard legend.
- Use the standard NJDOT Title Block, 3.5" x 6". A sample Title Block is provided on Attachment C. The New Jersey licensed Land Surveyor's Title Block is required on all Plans, shall comply with N.J.A.C. 13:40-8.1 et seq. (including signature and original seal) and shall be placed above the NJDOT Title Block or in the lower left corner as an alternate location. ROWE will supply a sample of the licensed Land Surveyor's Title Block at the Initial Meeting.

- Use the same scale as the construction plans, **generally 1" = 30"**.
- Use of either match lines or overlapping images on successive GPPM sheets by a **minimum of 1"** is acceptable. Number the sheet; place a 0.5" diameter circle in lower right corner of the 3.5" x 6" space reserved for the Title Block.
- Show the North Arrow and applicable NJ plane coordinate system (i.e., NAD 83 (2011)) per the ROW Standard Legend.
- Place a revision block in upper left longitudinal margin.
- Show the county and municipality designated in upper right corner of each sheet (except for Tab sheet).
- Show all municipal and county lines.
- Show the name of the prime consultant; sub-consultant or in-house unit that prepared the ROW plans in the lower left longitudinal margin.
- Place the construction project reference (Route and Contract) to the left of the Title Block.
- Provide all references used to determine the existing ROW.

## **B. Baselines and Monuments**

- The primary horizontal project control, to be established by GNSS (Global Navigation Satellite Systems) methods, should be based on the applicable NJ plane coordinate system, then converted to a "Project Specific, Localized Ground System" and documented in a standard NJDOT format "Survey Project Report".
- Mark all control lines, existing and proposed, on the GPPMs (baselines, centerlines, survey lines, etc.)
- When there is more than one new baseline, use the controlling base line as Baseline "A", others as Baseline "B", Baseline "C", Baseline Ramp "D", etc. W.B. (Westbound) and E.B. (Eastbound) baselines may be used on dual highways.
- Show existing and new baselines/centerlines accurately. Indicate their relationship by providing actual ties (**stations and offsets**). Provide ties to every P.C., P.C.C., P.T. and P.I. between the existing and the new baseline.
- Calculate stations and coordinates of P.C., P.C.C., P.T., P.I., equation stations, and record to the nearest 0.01' from traverses calculated, adjusted and tied into NJ Plan coordinate system, to a minimum closure accuracy of 1/10,000 by field survey methods.
- For each page identify **at least two** NJ Plane Coordinate grid locations with a small grid mark that includes the northing and easting to accommodate inclusion into a GIS system. Do not obscure topography when placing coordinates.
- Tie baselines of side streets into the NJDOT Baseline by **field survey methods**.
- Coordinate the establishment of county and municipal baselines, along with the existing ROW width, with the county and municipal engineers.
- Identify curves with numbers and tabulate curve data preferably on **the same** GPPM sheet.
- Show **existing** monuments designating or controlling existing baselines. Provide station, offset and coordinates to all existing NJDOT, USGS (United States Geological Survey), county, municipal monuments and recovered local survey markers.
- Show proposed monuments for baselines or ROW lines Locate ROW monuments on and along the State's proposed ROW lines at the following locations (**Note:** Monuments are to be set by the contractor's surveyor):



- a. At most angle points along straight/tangent proposed ROW lines and P.C., P.T., P.R.C. locations along curved proposed ROW lines. **Do not place a monument where the proposed ROW meets an existing ROW or property line.**
- b. Generally, no monument shall be within 100 feet of another monument.
- c. No monuments shall be placed on lines less than 25 feet long.
- d. At points not greater than 1,320' apart where the ROW is straight or on a continuous horizontal curve of constant radius.
- e. At an offset where a physical obstruction impedes the exact location.
- f. At the crest of a sharp hill or the shoulders of a large/rounded hill.
- g. As directed by ROWE.

### C. Topography

- Show existing buildings, bridges, and other permanent structures.
  - a. Show type and use (e.g., 2-1/2 sty. Brick Dwelling, 1 sty. Masonry Dwelling, Commercial) and house number.
  - b. Offsets to structures on the RA within 10' of the proposed ROW line or from the proposed slope line shall be measured and shown from the proposed ROW line to the nearest 0.10'.
  - c. All overhangs of structures within 10' of proposed ROW line shall be shown and labeled to nearest 0.10'.
  - d. Buildings or other significant structures beyond 100 feet of the ROW line may be shown approximately with the use of aerial mapping.
- Show above and below ground physical features in detail within 100' from the proposed ROW or proposed slope line, including, but not limited to:
  - a. Transmission lines.
  - b. Railroad tracks.
  - c. Inlets and manholes.
  - d. Drainage pipes and headwalls.
  - e. Retention and detention basins.
  - f. Sewage systems - municipal, corporate, or individual septic system. Obtain as-built location plans from municipality, if possible, or field investigate, as necessary, to ascertain location - both existing and proposed.
  - g. Wells.
  - h. Driveways, parking lots and paved areas - type: concrete, gravel, blacktop, etc. (show all driveways on property even if beyond 100 feet).
  - i. Proposed curb line openings. The openings shall match the Access plan.
  - j. Trees, shrubbery and outlined wooded areas.
  - k. Fences, signs, and light standards.
  - l. Retaining walls.
  - m. All water lines, all gas lines and underground storage tanks.
  - n. Concrete pads, islands, pumps, and appurtenances - show offset distance to the nearest 0.10' within 10'.
  - o. Other utility lines and facilities - for example, valve boxes, hydrants, traffic control boxes, etc.

- p. Existing floodway, floodplain, wetlands limits, wetland, and riparian buffers (show these limits for the entire property using an inset).
- q. Guide rail.

**Note:** Aerial GPS surveys may be used with field verification of information.

#### **D. Property Corner Markers**

Recovered property corner markers shall be obtained **by surveys** within the limits of the project. Only show property corners found in the field and identify that the marker type (iron pipes, monuments, etc.). Provide stations and offsets from the proposed baseline to the nearest 0.01' on the Alignment Schematic Plans in tabular form. If property corners cannot be found, other means such as deeds, filed maps, etc., will be used to establish the sidelines.

#### **E. Properties Plotted**

Show the following information for properties plotted:

- Label property line courses as per deed description or other sources in the absence of deed descriptions.
- Deed book and page or will book and page (show this information within the property if possible).
  - a. Tract number and tract lines.
  - b. Exceptions outlined and noted.
- Easements outlined and identified as follows: width; purpose; location of street or utility within easement; deed book and page.
- Current names of adjacent owners. Use n/f (now or formerly) in front of the adjacent owner's name.
- Private ROW outlined and identified as follows: width, purpose; location of road or path, etc.; Deed book and page.
- Public ROW (may need to check jurisdictional control).
  - a. Streets with official width, name, and source of information (provide road return book and page, where applicable). Municipal resolution, filed development map, tax map, deed calls, etc. (show name, date, and index references).
  - b. Vacations or abandonments, including date and location of information (provide road return book and page, name, date, and index references).
  - c. Map references and file number, if available.
- Development name and owner's name (from filed maps, if available).
- Block and lot numbers using the most current tax map (including its date in the research reference); house number, if available: land use and/or zoning.
- All land previously acquired by NJDOT shall indicate the route, section, parcel number and date of acquisition.
- Show Latin abbreviations et ux, et vir, or et al on GPPMs and ETMs after owners' names, if necessary.

## F. Locations of Existing and Proposed Row and No Access Lines

1. The designer shall establish the existing NJDOT baselines and ROW lines and No Access lines from existing NJDOT baseline and ROW line monuments. ROW lines and No Access lines are often combined on the same line.
2. Label all existing and proposed ROW lines, including sections where No Access lines where access was or will be denied by acquisition. Mark proposed and existing ROW lines on State highways and other public roads "Proposed ROW Line" and "Existing ROW Line". If A No Access line is separate from the ROW line use "Proposed No Access Line or Existing No Access Line". All acquired denial of access rights regardless of if they are combined with a ROW line or separate utilize a double slash line symbol: "//".
3. Provide sufficient information to enable the laying out of the ROW lines from the GPPM. Set points, stations, offsets, angles and/or bearings shown accurately and clearly. Show set points to proposed ROW lines to **the nearest 0.01'**, permanent easement lines **to the nearest 0.1'** and temporary easement line to the nearest foot from the proposed base line by stations and offsets.
4. Use solid heavy line weight to designate proposed ROW lines with small circles accurately defining each angle or direction change in the line. Also, refer to the NJDOT CADD standards. The link is [CADD Support Overview, Engineering \(state.nj.us\)](http://state.nj.us).

## G. Parcels to Be Acquired in Fee

Parcels to be acquired in fee will typically encompass only the property that is required for the highway ROW. This includes the roadway, border area and all permanent structures and their footings. Examples of permanent structures are bridges, wing walls, retaining walls, guide rail and sign structures. The designer shall review plan impacts early in the ROW plan preparation in order to identify property remainders that are too small for use and/or severely damaged by the acquisition (for example, landlocked because access is being denied). The designer should discuss these impacted remainders with the Division of ROW and the Project Manager to determine if the property should be an entire acquisition. **If this determination occurs later in the ROW plan preparation**, the acquisition shall be designated as a separate parcel using the "parent" parcel number with the next available letter as the prefix (For example, the RA to be acquired for parcel 15 would become 15B). **At no time** should a RA, which is not to become part of the physical and permanent part of the highway ROW, be acquired without the authorization of ROW Technical Support Bureau. Where the fee parcel is physically inaccessible from the roadway, a permanent right of access may be needed. (See Private Easements for physical access).

1. Delineate the fee parcel with heavy lines (see standard ROW legend). Show a bearing and distance for each course and number each course. Describe each numbered course of the proposed parcel with bearing or radius and arc length).
2. Associated Parcel number (inside parcel if possible).
  - Begin with lowest number (obtained from the ROWE Unit) and increase in direction of stationing.
  - Where more than one right is required (e.g., a fee parcel plus an easement) from an owner for various construction needs, set up only one parcel and

identify each additional right under the subject parcel bubble (utility parcels and temporary site mitigation (access) parcels are always separate parcels). This procedure applies where the rights are contiguous to the subject parcel. Set up separate parcels when permanent rights are not contiguous. Temporary rights can be under the subject parcel bubble even if they are not contiguous.

- Parcels required from **contiguous** properties in the same ownership, each having a separate tax lot designation, the designer should consult with ROWE and ROW Technical Support. The Department shall determine if the lots shall be treated as a unity of use with one parcel and one remaining area or as individual properties with each having its own parcel and remaining area designated. Different treatment may be required due to the presence of separate and distinct "highest and best uses" for each property. This consultation shall take place prior to ROW Plans and Documents submission but may occur later if ownership or use changes require a new determination. Therefore, if the properties are determined to have unity of use and there is one fee take across lots in question, one parcel number shall be used (21 for example). If they do not have unity of use, multiple parcels in the same number series (21A, 21B and so on) are required.
- If there are acquisitions in the same ownership on **non-contiguous** multiple properties or lots on the same ROW section, still use the same parcel number series. In other words, similarly, use 21A, 21B and so on.
- The "SP" and "DE" designation shall be used to identify the area to be acquired that includes a fee parcel and an existing private easement. **Two different parcel numbers** should be used to identify the component parts of the acquisition: one for "SP" parcel (owner of the acquisition parcel) and another for the "DE" parcel (under the name of the holder of the easement). (See Attachments A and B)
- If there is a "Formerly Flowed" area with the fee take see Section 8.1.1.5 for further instructions.

### 3. Parcel Areas and Remaining Areas.

- Show fee, easement, and remaining areas to the nearest 0.001 acre for areas greater than or equal to 0.20 acres and to the nearest square foot when they are less than 0.20 acres. Always use square feet in metropolitan areas and subdivisions.
- Show the remaining area and label it "R.A". Where areas remain on both sides the highway, show them as: R.A. North and R.A. South, or R.A. East and R.A. West. The designer, if possible, should avoid leaving a R.A. without access to the general system of streets and highways.
- For example: *R.A. = 6.543 Ac or R.A. = 1,043 SF*. RA - Calculate by subtracting the parcel area from the deed area, or filed map area, **except** for areas subject to public ROW (e.g., roadways). Also, if there is **no deed or file map area** calculate the remaining area by a C.A.D.D. program or other accepted method. Place a note on each GPPM that contains an RA which indicates the method of calculation.
- Total area should equal the deed area or filed map area if applicable.
- Whenever an easement is required, include the area of the easement as part of the remaining area.

4. Types of Parcels to be acquired in fee (as mentioned in Section 7.1). Add letter before the parcel numbers if appropriate (such as M21, U21 or T21). The types of parcels are as follows:
- **Entire Property Acquisition (entire taking)** – The whole property or holding (multiple lots) is acquired. An entire property acquisition (entire taking) will not have a remaining area.
  - **Partial acquisition** – An unencumbered portion of the property is acquired, and the owner has RA.
  - **Tidelands/Riparian** - A parcel to be acquired and artificially filled within actual or historically flowing tidal waters. This can also be a fee area acquired to provide a riparian buffer around a water body. Use "T" with the parcel number.
  - **Utility** - A parcel to be acquired if a utility company needed a new corridor or to provide replacement for the utility company's land interest lost under the terms of an "Order" or "Agreement" issued by the NJDOT. Use "U" with the parcel number (could also be an easement).
  - **Servient Estate** - A parcel to be acquired containing an existing private easement (access, parking, or other similar type) encumbering the subject property. Use "SP" with the same parcel number as that of the unencumbered fee. (See Attachments A and B).
  - **Remainder Acquisitions** – Remaining areas of properties that are acquired but not needed for highway purposes. They may be acquired for future mitigation because the remaining area is left without access (landlocked), due to the remaining area being unusable (uneconomic remainder) or other reasons. These parcels may be considered for private sale at a future date. They should be a separate parcel with separate metes and bounds from the fee parcel on the property that is need for highway purposes. Use the next available letter with the parent parcel number ("X" is no longer to be used).
  - **Mitigation Parcels** – Parcels beyond the Proposed ROW Line that are needed for mitigation purposes and are not needed for the project. Fee mitigation parcels should be identified as "M" and the next available parcel number as determined by ROWE (mitigation parcels can also be easements). The "M" parcel may be outside of the project limits. If the "M" is being acquired from an owner that we are already acquiring a parcel, designate the parcel with an "M" the original parcel number followed by an "A" or the next available letter. In certain situations, we can acquire an "M" parcel for access to an owner's property if his property was landlocked by the project. Note in the final version of the GPPM Tab Sheet the specific reason for the purchase of Mitigation parcels and include the applicable Green Acres or other regulatory permit number(s) related to the mitigation purchase. The designer can also consider utilizing existing NJDOT owned lands for mitigation purposes. Land purchased as part of an earlier project has become part of the State's inventory of land. To dispose of it for any reason, including mitigation, the land must go through a clearance review process where information about the parcel is circulated to the appropriate units within the Department by the Technical Support Bureau to determine if the land is in fact no longer required for some other use. Any potential alternative use of NJDOT owned land must be addressed early within the process to ensure that the land is in fact available to avoid project delays and revisions to the plans.

5. Area under Structures - The area under bridges (to the outer extent of the wing walls, abutments, and footings) **shall be acquired in fee, when practical** (see Bridge Easements, Drainage Easements and Construction and Maintenance Easements for the additional area required for construction of the structure.) **For structures over water**, the designer shall obtain a letter from the N. J. Department of Environmental Protection, Division of Coastal Resources, and Bureau of Tidelands Management, confirming any existing riparian rights or the lack thereof.

## H. Easements and Rights to Be Acquired

- All easements, both permanent and temporary, shall be tied to the proposed baseline by stations and offsets, except for slope, grading, site mitigation, site mitigation (access) and mitigation easements acquired outside of the project and off the highway baseline, which are normally based on a sealed property survey.
- Sets for permanent easements should be to a tenth of a foot and temporary easements should be set to the nearest foot.
- Easements which constitute a substantial use of a property (easements that are so intrusive that they allow no other use for the area of the easement, for example, slopes formed with rock backfill) should be treated like acquisitions in fee that is **each course of this type of easement should be described by metes and bounds**.
- Show all easement areas.
- Easement areas, including easements that constitute a substantial use of a property, are not deducted from the RA.
- A letter prefix designates any easement that is not contiguous to a fee property acquisition or the main easement parcel, for example: *parcel E1, UE8, AE9* and so on.
- For easements to be acquired from property designated as riparian lands by NJDEP that are tidally flowed, use the procedure for the type of easement that the parcel would have been if it had not been over tidelands and add the letters TE in front of the parcel number. (See RIPARIAN GRANT APPLICATIONS, Section I. below. Use the method for calculating easement areas as described in Section 9.3.3.G.3) (Parcel Area).
- All easements lines, **except** for Slope lines (See Section 9.3.3.H.1), shall be placed on the construction plans.
- Parcel areas for easements and work areas should be to the nearest SF if less than .20 acres and to the nearest .001 acre if greater than .20 acres.
- Use dashed lines as shown in the ROW Standard Legend (Attachment D) to delineate easement or work areas.
- Show temporary easement durations in a chart on the Tab Sheet and the special provisions.
- The duration of a temporary easement starts with notification of the start of work by the Resident Engineer and continues for the length needed to complete the work. Where there is a gap of time between entries into the property, then each length of duration should be noted. The duration is used to value the easement

and should not simply be the length of the project, only the length of time to perform the work. The easement language needs to note where multiple entries onto the property are needed. The duration should be a reasonable estimate. Some temporary easements actually needed as part of the overall project may need be expanded if the project is extended and would include language allowing the easement duration to be expanded.

- Where easements are physically inaccessible from the roadway, a permanent access right may be needed. (See Section 9.5.C.24).
- List all work required for the easement in the description.

### 1. Slope Easements

A permanent easement for grading that supports the roadway.

- Show proposed slope easement line, if outside of proposed ROW line. See the standard ROW legend.  
**Note:** This proposed slope line is not the same as the slope line shown on the construction plans. The slope easement includes wash and spread. See Attachment H for the sketch showing Slope E. In areas where the Department has acquired slope rights the easement parcel will be the computed area between the previously acquired slope line and the new Slope E Line. If the owner has filled or cut his property to the grade of the highway and the Department did not issue a deed of release, any new slope that falls within this previously acquired slope area will not require an easement parcel. However, a new slope easement parcel is required. if a deed of release for the slope easement is issued.
- Dimension slope offsets at the beginning and ending stations and at 50' intervals from the ROW line. Slope offsets shall be shown to the nearest foot.
- Show slopes previously acquired (reference to Route, Section, and date of acquisition).
- Show proposed slope easement area for each parcel, excluding existing slope areas previously acquired. Show multiple slope areas individually and totaled.
- Label the slope ratio for all slopes on the GPPM. so that the effect, if any, on the remaining lands can accurately be determined. Label the slope as, Slope "E" (4:1), Slope "E" (2:1), Slope "E" (1:1½), etc. (See Attachment H).

### 2. Grading Easements

Temporary easement for grading that does not support the roadway.

- Delineates a temporary right to grade the remaining lands in accordance with any change of grade along the road improvement. A detailed explanation of the work should be included within the description.
- Label line "Limit of Grading".
- Slopes constructed at 6:1 and flatter or slopes that do not support the highway (a 2:1 slope less than 6 inches high for example) are considered grading.
- If there is an access case, grading related to a driveway shall not be labeled "Limit of Grading." See Section 9.3.3.H.3.
- Do not set the Limit of Grading line unless otherwise directed by ROWE.

### 3. Temporary Site Mitigation Work Easements

#### a. Temporary Site Mitigation Work Area

A temporary right to repair or mitigate damage to private property caused by a roadway project. Designated by "S".

- Label areas where the State's contractor is working on mitigating damages to private property as "Temporary Site Mitigation Work Area."
- Examples of this work include construction of a drainage system to collect water from a parking lot, modification of a part of a building, removal of a private sign and relocation of a utility service line. See Section 9.3.3.H.3.b for access related work.
- Show a short, dashed line indicating the limits of the work if the work is outside the ROW line. A 5-foot distance between the physical limits of work and the dashed line is generally used. However, a shorter or longer distance may be used dependent on field conditions and ROW impacts. Label the line "Temporary Site Mitigation Work Line."
- Stations and offsets are **not** required on the line.
- Use the appropriate clause in the description.

#### b. Temporary Site Mitigation Work Area (Access)

A temporary right to repair or mitigate damage to private property caused by implementation of the Access Code. Designated by "SA".

- Label the line "Temporary Site Mitigation Work Line (Access)".
- Stations and offsets are **not** required on the line.
- See Section 7.5 for detailed information.

### 4. Right of Entry

The ROW Division, at their discretion during the ROW process, may request that property owners execute a right of entry (ROE) in the form of a letter to allow the State's contractor to perform generally minimal work on private property and not delay the project. No assumption is to be made that a ROE will eliminate the need for the entire ROW process because all owners are entitled to an official offer and compensation.

### 5. Drainage Easements

A permanent easement required to construct and maintain drainage structures/facilities including pipe and rip rap.

- Show and label pipes, headwalls, outfall protection and other drainage appurtenances and identify the direction of flow on each section of pipe. Proposed drainage system shall indicate direction of flow.
- It is not necessary to label the pipe size or provide any other dimensions related to the drainage system.
- Easement areas shall encompass the entirety of the proposed drainage system that extends outside the ROW.
- Label the line "Drainage Easement Line".
- Determine the width of the easement by approximate pipe size, structure size, depth of excavation and other factors. A minimum width of 10" from the outside of the pipe or structure on each side is recommended. However,



provide enough area to enable the proper construction, including access to the work area.

- Special situations, such as large or extremely deep drainage easements, where a larger area is required for the initial construction, include a Temporary Construction Easement with the Drainage Easement to minimize the permanent easement area.
- The designer shall adjust the easement appropriately for site conditions (a smaller construction area may be necessary to avoid wetlands or structures). Show areas individually and, in the case of multiple drainage easement areas, provide a total area.

## **6. Temporary Diversionary Road Easements**

An easement for a road for the public to use when the State highway is not passable due to construction.

- Show the traveled way, berms, slopes, guide rail, drainage system and all other temporary work of the diversionary road.
- The limits of the temporary diversionary road shall include all slopes and all other associated work and be marked "Temporary Diversionary Road Easement Line".
- Dimension the temporary diversionary road from the ROW line or set from baseline.

## **7. Utility Easements (UE or AE parcels)**

Designated by a UE (any utility) and AE (aerial only). Areas needed to construct and maintain utilities. Multiple utilities can be in one easement. Utility easements purchased for utility use should correctly identify the utility companies that will need to use the easement so that a deed conveying those rights to each of those utilities can be prepared, together with the rights to be conveyed.

- Show the width of easement.
- Label the line "Utility Easement Line" or Aerial Easement Line".
- Show the type of utility within the easement.
- Utility easements for guy wire may be used when the need and location is definitive (i.e., highway crossing) and a direct result of impacts from the project. However, the acquisition of guy wire easements is not recommended in cases where their locations are subject to change in construction.
- The Designer is responsible to identify where construction of proposed utilities will cross over or under State-owned Tidelands, and to prepare the application, plans, etc. required by NJDEP Bureau of Tidelands Management to issue the required Tidelands License. See Section 8.1.1 for Tidelands Applications.
- The designer must identify each new or relocated utility crossing at a railroad (active or inactive) which will be outside of the fee ownership of the road. Under certain circumstances, instead of an easement, the Designer will apply for a utility permit from the railroad owner.

## **8. Bridge Easements**

Permanent easement to construct and maintain any bridge structure.

To be used only when a fee acquisition is not practical.

- Delineate the proposed easement for the area required to construct and maintain the bridge, including access to the site.

- Label the line "Bridge Easement Line".
- Delineate and label any footings "Limit of Footing".
- Typically bridge easement lines are set a minimum of 15 feet from the structure.
- The designer shall include a clause in the description (see Sections 9.5.C.9 and 9.5.C.10) specifically prohibiting the storage of any combustible, hazardous and/or toxic material within the easement area, that could cause a fire, corrosive damage to the structure, or that would be a potential health hazard to any personnel performing their duties around or on the structure.

## **9. Construction and Maintenance Easements**

Permanent easement to construct and maintain any roadway structure or feature other than a bridge or drainage facilities. Examples are retaining walls, culverts, noise walls, traffic signal facilities, cofferdams, and pedestrian facilities.

- Delineate the proposed easement for the area required to construct and maintain the feature or structure, including access to the site.
- Label easement the line "Construction and Maintenance Easement Line".
- Delineate and label any footings "Limit of Footing".
- In the case of retaining walls where ROW was not acquired in fee to the back face of the footing, set the proposed ROW line on the back face of the proposed wall. See Attachments F and G.
- Show easement area.

## **10. Temporary Construction Easement**

Temporary easement or right to construct any roadway facility or structure including bridges and drainage facilities. This easement or right can be contiguous to fee takes or permanent easements but shall not overlap.

- Delineate limits of easement.
- Label easement "Temporary Construction Easement Line" or "Temporary Work Right Line" (on Green Acres, RR or other properties as directed by ROWE).
- List duration on the table on tab sheet and special provisions.

## **11. Private Easements (PE parcels)**

To be used when one property is given a right on another private owner's property usually for access.

- Delineate and dimension limits of easement.
- Label the line "Private Easement Line".
- Show easement area.

## **12. Perpetual Access Easements (PAE parcels)**

To be used when the State, the County or the Municipality must cross private property to permanently access a public facility.

- Delineate and dimension limits of easement.
- Label easement line "Perpetual Access Easement Line".
- Show easement area.

### **13. Sight Easements**

An easement at a corner or the inside of a curb to increase a line of site. Refer to Section 3.8.1 for more information.

- Delineate and dimension limits of easement.
- Label easement line "Sight Easement Line" or "Sight Triangle Easement Line" (if easement is a triangle shape at a corner).

### **14. Clear Zone Easement**

Usually, an area behind a guide rail where an obstruction is not permitted. Refer to Section 3.8.2 for more information.

- Delineate and dimension limits of easement.
- Label easement line "Clear Zone Easement Line".

### **15. Dominant Estate Easement**

A parcel to be acquired consisting of an existing private easement (usually access, parking or other similar type) encumbering a fee parcel. Use "DE" with a parcel number designated for the owner of the easement (a different number than that of the servient estate parcel (SP) number). (See Attachments A and B).

- Existing easements shall be shown as a parcel with the property for which it serves (not as a part of the property which it crosses or upon which it is physically located). (See Attachments A and B).
- Delineate the dimension and limits of the easement.
- Label the existing easement as DE (Dominant Estate). Label the underlying fee within the existing easement as a SP (Servient Estate) parcel. (See Attachments A and B).
- Show Dominant Estate easement area which will be identical to the corresponding SP area.

### **16. Roadway Easements**

A Roadway Easement is set up in the same manner as a fee parcel since it effectively grants the same rights as the fee parcel in allowing the road and related improvements. Railroads and utilities often request road easements be used instead of fee takes.

- Delineate and dimension limits of easement.
- Label easement line "Roadway Easement Line".

### **17. Mitigation Easements**

An easement used to mitigate damages by acquiring specific rights or deed restrictions when a Mitigation Fee parcel cannot be used.

- Delineate and dimension limits of easement.
- Label easement "Mitigation Easement".

### **18. Permanent Sidewalk Easement**

Criteria and detailed information are in Section 7.3.

- Delineate and dimension limits of easement.
- Label easement line "Permanent Sidewalk Easement Line".

### **19. Temporary Sidewalk Work Area**

Criteria and detailed information are in Section 7.3.

- Delineate and dimension limits of easement.
- Label easement line "Temporary Sidewalk Work Area Line".

## 20. Denial of Access

Denial of Access parcels are shown as a proposed line with cross hatching and are used for limiting direct access across ROW lines.

The rights acquired can be permanent or temporary. Use "DA" or "TDA" before the parcel number. A separate parcel is not used when a permanent Denial of Access line is also the Proposed ROW line. However, a clause for the Denial of Access is written in the description. See Section 9.5.C.1 for more information.

- Label the line "Proposed No Access Line".
- If the line does not go across the entire frontage or entire block, show the limits with a dimension line with arrows labeling "Access Permitted" and "Access Denied" on either side of the dimension line.
- DA or TDA parcels will not have an area or a length.
- Next to the bubble name the parcel "Denial of Access" or "Temporary Denial of Access".

## 21. Other Easements

The most used easements or rights are listed above the descriptions for some of the less commonly used easements are written in Section 9.5.C. Also, easements can be created and named for unique situations. Examples would be "Temporary Tree Branch Removal Limit", "Temporary Construction Storage Area", "Noise wall tieback area" etc. Other easements with defined areas are similarly labeled and tied to the proposed base line.

### I. Tidelands Parcels

Tideland parcels ("T" or "TE") on GPPMs are depicted like other fee takes and easements.

- Label T parcel proposed lines as "Proposed ROW Line".
- Label TE parcel lines as "Drainage Easement Line", "Temporary Construction Easement Line", etc.
- Delineate and dimension limits of fee or easement the same as other parcels.
- Under the bubble label easements areas as "Drainage Easement Area = \_\_\_\_", "Temporary Construction Easement Area = \_\_\_\_", etc.
- There will not be an RA unless the parcel is on a defined lot.

The link to application forms for tidelands grants and/or licenses, together with tideland description instructions are found in Section 8.1 of this manual. See Sections 9.5.C.32 & 9.5.C.33, and Attachment R for tidelands description clauses and examples.

### 9.3.4 Alignment Schematic Plan

A ROW Alignment Schematic Plan shall be prepared as a GPPM. This plan can be multiple sheets. The term Alignment Schematic Plan shall be placed at the top center of the sheet. These sheets shall be placed after the typical GPPM sheets and before the Tab Sheet. The scale shall be the same as the Tie Sheet in the construction plans or at a scale approved by ROWE. The existing baseline and right-of-way line shall be re-

established first, using proper surveying techniques and documented in a standard NJDOT format "Survey Project Report". The proposed ROW line shall be tied to the existing or proposed baseline and the proposed baseline will be tied into the existing baseline. **Existing State monuments should be used to re-establish a project baseline.** The Alignment Schematic Plan could contain the following:

- A graphic Tie Sheet for the Alignment Schematic Plans.
- A tabulation of the recovered monuments and markers including coordinates and baseline stations/offsets related to the reestablished roadway geometry.
- Bearings, curve data consisting of curve number, central angle, radius and tangent length, and coordinates of cardinal points (i.e., PI, PT, PC, PCC) for all baselines.
- Coordinates for all survey and/or traverse line and control points.
- Control point recovery (swing) tie diagrams.

Perform field surveys required to establish baselines and ROW lines in compliance with the NJDOT Survey Manual. When existing State monuments are not present use best available information, such as physical features (i.e., centerline joints in roadway between concrete slabs, concrete barrier and vertical curbs, bridge features, etc.), property markers, deeds, filed plans, tax maps, etc. to establish the baselines and ROW lines.

### 9.3.5 Tab Sheet

The tabulation sheet (or sheets) is the last GPPM and is numbered accordingly. This sheet (s) lists parcel numbers, parcel areas, owner’s names, deeds, and other information. Owner’s addresses will be on the Parcel Information Form and will not be on the tab sheet.

#### A. Checklist

Item	Yes	No
Title Block		
Plan sheet number		
Parcel numbers		
Parcel areas		
Easement types		
Location (Left or Right and Station Number) and Centroid Coordinates		
Ownership (show names exactly as indicated in the deed)		
Remarks including Mitigation Parcel notation and purpose including permit number where applicable for environmental mitigations.		
Revision block		
Designer’s name		
Standard ROW legend (if not on previous GPPM)		
Temporary Easement Chart		

## B. Procedures

Sample Tab Sheets are available from ROWE and can be included in the material distributed at the initial meeting. The "STANDARD ROW LEGEND" may be placed on the TAB SHEET for projects that have a small number of parcels to save room on the first GPPM sheet. The "**Standard ROW Legend**" is on Attachments D and E.

A Temporary Easement Chart shall be shown on the Tab Sheet with durations for all temporary easements except for Temporary Site Mitigation, Temporary Site Mitigation (Access) and Limit of Grading. It shall contain the Parcel Number, GPPM Sheet Number(s), Type and Duration (*For Example*). This information must also be submitted, by email, to the ROW Acquisition Team.

Temporary Easements			
Parcel No.	GPPM Sheet Number(s)	Easement Type	Duration
8	3	Erosion Control	2 Months
10	4	Construction	4 Months

## C. Parcel Information Form

As a separate item, the Designer will provide owner's names, addresses, parcel types and parcel areas. Environmental issues/Sensitive Parcels (Green Acres, contamination, landfill, wetlands, etc.) and additional information should be listed in the Special Comments column or the form can be edited, and the information can be listed in a new column. These items are to be updated as new information is available. This parcel information form is subject to revision. The current version of this form is RE10, provided at [NJDOT Engineering Forms \(state.nj.us\)](http://NJDOT Engineering Forms (state.nj.us)) in the Right of Way section.

### 9.4 IPM Preparation

#### 9.4.1 General

Prepare an IPM for each parcel to be acquired (see Section 5.0 for IPM sizes). IPMs should be as clear and concise as possible since they are used for appraisals, negotiations, and court hearings/cases. When there are multiple parcels under the same ownership, **contiguous to the same remainder**, show all the parcels on one IPM. Illustrate the ROW and pertinent construction information to a limit of 50' ± on each side of the parcel. **Generally**, the scale of the IPM should be 1 inch equals 30 feet (the same as the scale of the GPPM). Smaller scales (e.g. 1" = 50') may be used with the permission of ROWE and inserts at a larger scale may be used for clarification.

Show the owner's entire property. An entire tract insert is permitted for large properties, generally at the same scale as the ETM (Designer may request sample IPMs from ROWE). However, IPMs that show the entire property without the use of an entire tract insert are preferred. Match lines and additional sheets may be used in the preparation of the IPM.

When providing IPMs for the Final ROW submission and for condemnation cases, fold all sheets to 8½" x 11" with the Title Block showing (See Attachments J and K). Provide a border, approximately 1/2" around all IPMs (except that the top border shall be 1½"). Along the upper left margin, place the name of the designer (consultant or ROWE).

Signing and sealing of the IPMs is not required. Also, on the upper left margin, list the date and brief description of any revisions or plan changes.

See Sections 8.1 and 9.3.3.I for additional information on map preparation for tidelands parcels.

**9.4.2 Checklist**

<b>Item</b>	<b>Yes</b>	<b>No</b>
GPPM reference		
Sets		
Access (including existing and proposed curb line openings)		
Baselines		
Slopes		
Topography		
Existing easements		
Existing street widths		
Proposed easements		
Deed Information		
Wetland Delineation		
Scaled distances		
Block & lot		
North Arrow		
Bar scale		
Parcel bubble		
Remaining Area		
Title Block		
Parcel identification		
Insets		
Total of fee parcels		
Centroid Coordinates of Main Parcel		
Color code		

**9.4.3 Procedures**

The information on IPMs shall be identical to what is depicted on the GPPM except for the following:

- A. GPPM reference** – Base the IPM on the GPPM and reference the GPPM that the parcel is derived from. Show Route, ROW Section, date and "GPPM, Sheet \_\_\_ of \_\_\_."

- B. Topography** – The topography on the subject property should be the same as shown on the GPPM, which includes all structures, guide rail, trees, sidewalks, underground and aboveground utilities, etc., within the subject property and adjoining streets and highways. Also, show any feature that could affect the value of the property (e.g., *wetlands and wetland buffers*). Do not show topography in adjoining properties, except where it affects the subject property (e.g., *shared driveways, row houses, wetlands that are continuous from those located on the subject property or within the areas of the parcel, landfills, etc.*). To further clarify and delineate the property impacts, add the following additional information on each IPM: the distance, to the nearest 0.1', from the proposed ROW line to any building or appurtenance, including overhangs, commercial signs, pump islands, canopies, oil tanks, wells, detention/retention basins, parking spaces and septic locations within 100' of the proposed ROW line. Existing improvements must be clear and concise on the map.
- C. Curb Line Openings** - Show existing and proposed curb line openings. They shall match the Access plan.
- D. Proposed Easements** - Show and label all proposed easements within the remaining area with dimensions or offsets. When there are two or more easements of the same kind, each shall have its individual area labeled. Inserts at enlarged scales may be used for clarification in the case of multiple and/or overlapping easements. Where easements overlap, label the area of overlap of the smaller easement within the larger one. See Section 3.9.5 and Attachment Q.
- E. Scaled Distances** - Use scaled distances under the following conditions:
- When the subject property is made up of more than one lot and it appears that the information comes from different deeds and there is no total deed distance. When the deed line runs to the center of the roadway, in addition to the deed bearing.
  - When the parcel intersects the property line, in addition to the deed bearing.
  - Identify scaled distances as "(s)" on plans. Show scaled distances to the nearest foot, on the course inside the fee parcel area and on the adjoining remaining property lines.
- a. Title Block (See Attachment M)** - Show the ROW route and section, section limits, parcel number(s), municipality, county, and the date the IPM was prepared.
  - b. Revision Notes** – Revision or updates with the dates shall be listed in the upper left corner of all IPMS.
  - c. Parcel Identification (also on Attachment M)** - Indicate by a line and arrow from the title circle to the parcel or by a smaller circle within or adjacent to the parcel. Indicate parcels on the entire tract inset with a small circle. When there are two or more fee parcels on the IPM, indicate each by a small parcel circle showing the area, and the main title shall have the circles connected either horizontally or vertically and show the total area.
  - d. Servient and Dominant Estate Parcels** - Acquire Dominant Estate (DE) parcels under the name of the owner of the easement as a separate parcel and depict on a separate IPM from that used to show the acquisition of the underlying fee parcel (SP) which shall be established under the name of the owner of the fee. Also, the "SP" parcel shall be shown in red with dimensions



and area and the "DE" parcel shall be shown in pink with dimensions and area. (See Attachments A and B).

- e. Color Code** - The color code box shall be placed on the lower left corner of the IPM and shall only contain the colors used on each map. The lettering in the box shall be in the appropriate colors. Highlight fee parcels and all proposed easements in the following colors (no line is ever double colored):
1. **Red** – Fee Parcel Line (Including Tidelands (T parcels), Servient Estate & Fee Mitigation Lines).
  2. **Yellow** - Slope Easement Line.
  3. **Purple** - Bridge Easement Line.
  4. **Blue** - Utility Easement Line.
  5. **Orange** – Private Easement Line and Denial of Access Line when it extends beyond the parcel limits.
  6. **Green** - Drainage Easement Line, Ditch Easement Line, Channel Easement Line Riprap Easement Line and Mitigation Easement Line.
  7. **Brown** - Limit of Grading, Temporary Site Mitigation Work Line (Access), Temporary Site Mitigation Work Line, Construction and Maintenance Easement Line, all Temporary Easements Lines and any other easement lines not otherwise covered above.
  8. **Pink** – Dominant Estate Line.

Note: Numbers 3, 4, 6 and 7 also apply to TE parcels.

## 9.5 Descriptions

**A. Descriptions** are to be submitted with the IPMs. They are attached to agreements prepared by ROW Negotiators and may be attached to condemnation complaints and "Declarations of Takings", where agreements are not consummated.

- Checklist
- Date, initials of writer and typist
- All that certain land and premises* clause
- Title block quotation
- Parcel description
- Block and lot clause
- Easement clauses
- Subject However* clause
- Color code

### **B. Procedures**

1. Place the date, initials of the writer and typist in the upper left corner.
2. Insert clause: "All that certain land and premises, situate, lying and being in the \_\_\_\_\_ of \_\_\_\_\_, in the County of \_\_\_\_\_ and the State of New Jersey and more particularly described as follows:" For easement only parcels, start with: "An easement in certain lands ...." or "Easements in certain lands...."
3. Insert GPPM Title Block and IPM Title Block map quote clause. Add a reference to the construction project after citing the map quote (For example: "and also being

construction project ROUTE US 130 (1953), SECTION 3;”). See Attachment C and M.

4. Name parcel(s) and location.

- An example for a fee take would be: “Parcel 35A, including specifically all the land and premises located at about Station 207+25 (Proposed Route U.S. 46 Baseline Stationing) and more particularly described as follows:” (See Section 9.5.B.5).
- An example for an easement would be: “Parcel E98 consisting of the temporary (or permanent) right at about station 62+15 (Proposed Canfield Avenue Baseline Stationing), to enter upon the remaining lands of the owner or assigns with personnel, equipment and materials for the purpose of:” (Describe work and see language from clauses in Section 9.5.C).

5. Describe the parcel boundaries for fee takes and if requested by ROWE, roadway, or other complex easements. The writing procedure is as follows:

- If possible, begin at a control point (angle point, p.c., p.t, p.c.c. or p.r.c.) on the proposed ROW line for the parcel being described. Give the station and offset to that point. An example of describing a beginning point would be: “BEGINNING at a point in the Proposed ROW Line; said point being 41.79 feet northerly of Station 206+11.90 (Proposed Route U.S. 46 Baseline Stationing), and running, thence;”.
- If there is no control point on the proposed ROW line of the parcel, begin at the intersection of the proposed ROW line and the property line between the parcel and the adjacent property. Give an approximate station only. Do not add a set point or monument for a point of beginning on a single line or single radius.
- Proceed in a **clockwise** direction.
- Use the correct bearing (or radius) in the appropriate direction as you proceed around the parcel. It may become necessary to rotate a source bearing by 180 degrees (For example: S \_\_\_° \_\_\_' \_\_\_" W would have to be changed to N \_\_\_° \_\_\_' \_\_\_" E to maintain the clockwise direction to describe the parcel).
- Quote the source of the bearing on all property lines, including existing ROW lines (For example: Deed, subdivision plans, etc.)
- Cite courses as “to a point in the division line between lots \_\_\_ & \_\_\_, block \_\_\_” or “to a point (angle or control point) on the proposed (or existing) ROW line”. Use “along said (existing or proposed) ROW line” or “along said division line” where appropriate, in addition to the bearing and distance call out.
- Areas shall be in square feet. Use acres where appropriate (See Section 9.3.3.G.3).
- Parcel (course) lines shall be numbered, and data may be shown in table form when necessary.
- Scaled distances shall be shown to the nearest foot.

6. For entire takings, insert clause: “Being also known as Lot \_\_\_\_\_ in Block \_\_\_\_\_ on the tax map of the \_\_\_\_\_ of \_\_\_\_\_.” Use “Being also known as part of Lot \_\_\_\_\_ in Block \_\_\_\_\_” for partial fee takes. For easement only parcels use “Being also known as an easement(s) in Lot \_\_\_\_\_ in Block \_\_\_\_\_”.

7. Insert other or rider clauses. If an easement, other than a utility or site mitigation (access), is contiguous to a fee parcel or the main easement parcel (examples would be a drainage, bridge, construction, and maintenance easement) do not create separate parcels. Instead add the easement as a "rider". The first clause or rider after the parcel description(s) begins with TOGETHER WITH and each subsequent clause or rider begins with AND ALSO. See Typical Clauses in Section 9.5.C.
8. The following clause is to be used when a fee take adjoins a dedicated roadway, whether existing, an historic ancient roadway or a paper street: "any ownership, reversionary or associated right, title and interest that the owner may have in the right of way of (insert name of roadway), as shown on the aforesaid maps." This clause should not be used where the roadway has not been formally dedicated or there is not a deed transferring title to a public entity.
9. The next to last clause would mention any existing utility right within the proposed parcel(s) that must remain. This clause would start with SUBJECT HOWEVER TO, (See Section 9.5.C.6).
10. Include the IPM color code clause as the last clause in description: "The above-described premises are color-coded "Exhibit B" in the following manner: Red – Fee Parcel Line, Blue – Utility Easement Line, etc. (List only codes involved with the parcel.

### C. Description Clauses

Description clauses describe the work to be constructed on an owner's property which requires the acquisition of a corresponding right. Examples can include roadway widening, realignment, footings that extend past the existing ROW, a temporary right to enter to repair a driveway, etc. The following are standard clauses for typical situations and **are for example only**. Where additional rights are required that are not covered by the standard clauses, the nature of the work, including maintenance if applicable, must be included in the clause. When a right is acquired for transportation purposes, the clause shall provide space to enter and maintain and reconstruct as appropriate. When a right is acquired for the benefit of the property owner, use the Temporary Site Mitigation Work or Temporary Site Mitigation Work Area (Access) easement for repairing driveways, private drainage, parking lots, etc. No maintenance right is required. Specialized description clauses may be required to ensure that appropriate rights are acquired and that the full impact of the fee acquisition and/or easement is understood. It is important that the designer consider that, unless stated otherwise, the responsibility of maintenance of the property, unrelated to the State's improvements, is to be assumed by the owner of the fee interest and not by the NJDOT, unless specifically spelled out within the terms of the description. Descriptions for all temporary easements shall contain language identifying when the easement starts and its duration except on Temporary Site Mitigation Work, Temporary Site Mitigation Work Area (Access) and Limits of Grading. **However, the durations for these three easements are on the Temporary Easement Chart on the Tab Sheet.**

**Note: The exact Language in actual clauses can vary slightly for the typical clauses and examples in this manual.**

The typical clauses cite the name of the right to be acquired, the reason or purpose for the clause followed by the clause itself in quotes. Use the following typical clauses as models in preparing descriptions:

### **1. Denial of Access**

The ROW designer, OAD and a representative from the Division of ROW must meet early in the ROW plan preparation to determine if there are situations where a denial of access is appropriate. The ROW designer must consult with OAD to determine the owner's ability to apply for access in the future. Therefore, in the case of a wall, guide rail, severe grade change, etc. where the access is physically restricted, a determination must be made as to whether the owner will be allowed to modify or remove the physical obstruction, without affecting the integrity of the roadway, and apply for access. If the owner would be allowed to apply for access in the future, no denial is needed.

When a new or reconstructed roadway, ramp (at grade or elevated) or some other road structure is built along a property that requires permanent removal of access and the removal is not dictated by the Access Code and the owner is to have no access, use the following clause:

"The owner and its successors and assigns shall not have any direct access to and from the new roadway (ramp, bridge, etc.), (EXCEPT that the owner shall have direct access as far as the line marked "ACCESS PERMITTED") and/or (Except that the owner shall have direct access to and from \_\_\_\_\_ Street), as shown on the aforesaid maps;"

#### **Or**

Where a denial of access is required for an existing roadway or ramp that the owner would otherwise have access to and said denial cannot be accomplished through the access process and must be acquired:

"Any direct access is denied, which the owner may have to and from the highway and/or ramp; (EXCEPT that the owner shall have direct access to and from Smith Street ; ) (EXCEPT that the owner shall have direct access as far as the line marked "ACCESS PERMITTED"), as shown on the aforesaid maps."

#### **Or**

New denial of access line along new ROW where existing ROW had denial of access:

"It is hereby noted that the access rights along the frontage of (Proposed Ramp \_ or insert name of road here) were previously acquired under (name of ROW section, for example, Route 55 Freeway, Section 7, October 1963); the previously established denial of access line is hereby transferred to the new boundary line of the proposed R.O.W. line."

#### **Or**

Temporary Denial of Access during construction

Parcel TD\_\_\_\_, the temporary right at about Station 100+64 Lt. (State Route 94 Base Line Stationing) to close the owner's driveway.

"This temporary right shall be binding upon the owner's heirs or assigns. The temporary right shall begin from the date of notice from the State's Resident Engineer, and shall terminate upon completion of said work, which shall be for a

duration of \_\_\_months. If the State, within its sole discretion, determines that the temporary right needs to be extended to complete the work, such right may be extended simply by written notice from the Resident Engineer to the owner or its assigns. In such event that this temporary right is extended, payment will be made semi-annually during the extended term of the temporary right, based upon the 'per-monthly' rate set forth in the State's offer letter."

All denial of access lines regardless of clause utilizes a double slash line symbol: "//".

## **2. Slope**

The following clause is to be used to acquire slope rights outside the Proposed ROW Line for support of the roadway:

"the permanent right to form and maintain slopes for grading the said State roadway as far as the line marked "Slope E" (\_:1), as shown on the aforesaid maps, including the right to topsoil; seed, plant trees, vines and shrubs, in such a manner, so as not to interfere with points of access and to maintain the same so as to support the adjoining roadway; stabilize the soil, prevent erosion and/or to improve the aesthetic aspects of the roadway; areas of existing or proposed driveways, parking lots or other paved areas that are to remain in accordance with the construction plans and specifications for the project, may be replaced with equal or better paving or impervious or semi-impervious materials. The owner shall retain the right to use the area within said slope easement consistent with the purposes and rights described above, however, the owner shall not have the right to remove vegetative material, add or remove material from the slope to be constructed, construct walls or other structures, or in any manner modify said slope easement rights, without first applying for permission to the New Jersey Department of Transportation (NJDOT). The permission to modify or release said slope may be obtained from the NJDOT, Office of ROW, where it is demonstrated by the owner, to the satisfaction of the NJDOT in its sole discretion, that the slope is no longer needed to support the roadway or that the proposed modification will not interfere with or adversely affect the integrity of the slope; the NJDOT, however, reserves the right to impose such terms and conditions on the release of any slope rights that are necessary to ensure the stability of the adjacent roadway".

### **NOTES:**

- See Section 9.3.3.H.1 and Attachment H, for establishing the size of the easement.
- When the slope rate changes along a parcel it should be noted on the maps and captured in the description (for example, as far as the line marked Slope "E" (2:1) and Slope "E" (4:1), as shown on the aforesaid maps).

## **3. Drainage**

The following clause is to be used for NJDOT subsurface drains and outfalls:

"the permanent right to access, construct, reconstruct and maintain subsurface drains, (list headwalls rip rap or any other items constructed) and appurtenances as far as the line marked "Drainage Easement Line", as shown on the aforesaid maps. The drainage improvements shown are for illustration purposes only. The State reserves the right to place all drainage improvements as far as the line marked "Drainage Easement Line", as shown on the aforesaid maps."

**Or**

The following clause is to be used for subsurface drains that are shared with the adjoining owner's drainage system:

"and, the permanent right to access, construct, reconstruct and maintain subsurface drains, inlets, appurtenances as well as connections to the owner's existing drainage system at the location shown on the aforesaid map. The depiction of the drainage improvements is for illustration purposes only. The State reserves the right to place all drainage improvements anywhere within the confines of the easement. Reserving to the owner, its heirs, and assigns a non-exclusive cross easement permitting the right to allow runoff water into the drainage system within the State's drainage easement. Provided however, that the owner may not obstruct the drainage from the highway system or do any other act to the shared drainage which leads directly or indirectly to ponding or flooding of the highway. No future connection or reconnection to the State's drainage system will be permitted without the written approval of the State upon an application supported by a plan and specifications certified by a NJ Licensed Professional Engineer. The maintenance obligation of the grantee shall be limited to the pipe system located on the grantee property outside of the State drainage easement. Only runoff water is permitted into the system."

**Or**

The following clause is to be used on surface ditches and swales (insert swale instead of ditch where necessary):

"the permanent right to construct, reconstruct and maintain an open ditch as far as the line marked "Ditch Easement Line", as shown on the aforesaid maps. The ditch improvements shown are for illustration purposes only. The State reserves the right to place all ditch improvements as far as the line marked "Ditch Easement Line", as shown on the aforesaid maps"

**Or**

The following clause is to be used for access to natural drainage areas (stream, creek, etc.) for restoration purposes:

"the permanent right to clean and remove debris, silt or other such material which has the potential of impacting the ability of the depicted waterway to drain the adjoining highway and carry out other improvements to such banks or other structures in order to stabilize the adjoining banks of the existing waterway and prevent water from coming in contact with and damaging a state highway or construct such drain or drains as may be necessary to accomplish the preservation of the highway within the existing boundaries of said waterway; together with the right to enter the easement area for the purpose of accessing such waterway with personnel, materials and equipment to perform the above stated or related work as far as the line marked "Drainage Restoration Easement Line", as shown on the aforesaid maps."

**NOTE:** See Section 9.3.3.H.5 for instructions on establishing the easement size.

#### **4. Temporary Diversionary Road**

The following clause is to be used to acquire rights for a temporary roadway:

"the temporary right to construct and maintain a temporary diversionary road, utility facilities, and appurtenances as far as the line marked "Temporary Diversionary Road Line", as shown on the aforesaid maps. This right shall begin from the date of notice

from the State's Resident Engineer for use during the construction of the bridge and/or roadway improvements and shall terminate at the completion of the work, which shall be for a duration of \_\_\_ months. When the bridge and/or roadway improvements are completed and prior to opening to traffic, the land will be graded and seeded. All other items, including trees, shrubs, etc. will be restored. If the State, within its sole discretion, determines that the temporary easement or right needs to be extended to complete the Work, such right may be extended simply by written notice from the Resident Engineer to the owner or its assigns. In such event that this temporary right is extended, payment will be made semi-annually during the extended term of the temporary right, based upon the 'per-monthly' rate set forth in the State's offer letter."

## **5. Temporary Unsuitable Material Right**

The following clause is to be used to acquire temporary rights to remove and replace unsuitable material:

"the temporary right to remove unsuitable material and replace with suitable material as far as the line marked "Limit of Unsuitable Material", as shown on the aforesaid maps. This right shall begin from the date of notice from the State's Resident Engineer and shall terminate upon the completion of this work, which shall be for a duration of \_\_\_ months. If the State, within its sole discretion, determines that the temporary easement or right needs to be extended to complete the Work, such right may be extended simply by written notice from the Resident Engineer to the owner or its assigns. In such event that this temporary right is extended, payment will be made semi-annually during the extended term of the temporary right, based upon the 'per-monthly' rate set forth in the State's offer letter." This right to enter shall terminate when the construction work is completed.

## **6. Public Utility**

The following clause is to be used in connection with a highway construction project when the parcel to be acquired is subject to a specific public utility easement. The second variation (after "or") is to be used when no specific public utility easement is present, but utilities are present on the construction project. These clauses should be inserted into most descriptions:

"SUBJECT, HOWEVER, to the easement of (name of Public Utility Company) and all other public utility easements, recorded or unrecorded, affecting the herein described premises."

### **Or**

"SUBJECT, HOWEVER, to all public utility easements, recorded or unrecorded, affecting the herein described premises."

## **7. Private Utility**

The following clause is to be used when the parcel to be acquired is subject to a specific privately owned utility, such as Transco, Algonquin, etc.

"SUBJECT, HOWEVER, to all right, title and interest that the (name of Utility Company, e.g., Algonquin Transmission Company) may have in and to the above-described premises."

## **8. Permanent Easement Add on Clause**

The following clause is to be placed after permanent easement(s) is (are) cited in the description. If there are multiple permanent easements this clause shall be written once, after the last permanent easement.

"The location of all permanent easements and improvements constructed therein shall not be changed or modified in any manner without the specific written permission of the Division of ROW, New Jersey Department of Transportation within its sole discretion and upon such terms and conditions as it determines."

## **9. Bridge Easement**

The following easement shall only be used with the approval of ROWE; in most cases, a fee interest should be acquired for the construction of a bridge or viaduct subject to an access easement where necessary (See Section 9.5.C.10). A similar form of this clause may be used where only a wing wall or footing is being constructed or where bridge is small in size and does not allow one to traverse or store underneath; in such instances, Section 9.5.C.11 should be used and modified to reflect exact purpose and intent. The number of hours that a car can park within the easement area needs to be calculated by an engineer based on safety criteria. Where parking is not to be allowed, the clause should be modified accordingly.

"a right, in perpetuity, to enter with equipment, personnel and materials to construct, reconstruct, enlarge, inspect, repair and maintain a bridge (viaduct) and/or associated approaches and roadways as far as the line marked "Bridge Easement Line", as shown on the aforesaid maps. This easement right shall also include, by way of example and not limitation, the right to construct, reconstruct, enlarge, and maintain footings, abutments, piers, wing walls, retaining walls, decks, parapets and all related elements, appurtenances and structures associated with or needed for the construction and maintenance of a bridge or viaduct as far as the line marked "Bridge Easement Line", as shown on the aforesaid maps. The owner, or its assigns, as well as business invitees, tenants lessees and guests (to the extent permitted by the owner) shall retain the right to use those areas of the easement, as depicted on the aforesaid maps where travel and/or parking is permitted, so long as such use does not interfere with the rights set forth herein and does not adversely affect the physical integrity of the structures constructed or to be constructed or that may be reconstructed, enlarged or improved in the future within the area of the easement as far as the line marked "Bridge Easement Line", as shown on the aforesaid maps. However, the owner or its assigns as well as invitees, tenants and guests (to the extent permitted by the owner) shall not have the right to a) erect or construct any building or structures(exclusive of parking lots) within the area as depicted on the aforesaid maps, b) park or store vehicles on a continuous long term basis (such continuous period shall not extend more than \_\_\_ hours); c) store material or carry out or permit any activity which in any manner involves or includes combustible, hazardous or toxic material that has the reasonable potential of causing, directly or indirectly, a fire, explosion, implosion, or corrosive damage; or d) store material in such a manner or carry out or permit any activity that could have the potential of causing, directly or indirectly, a detrimental effect upon the physical integrity of the structure constructed or to be constructed, or that may be reconstructed, enlarged or improved in the future within the area of the easement as far as the line marked "Bridge Easement Line", as shown on the aforesaid maps. The owner, or its assigns, also, shall not use the easement area in any manner which could reasonably cause,



directly or indirectly, a potential health hazard, safety hazard to the traveling public or any personnel of the State or the contractor performing work, maintenance, or inspection services on or around the structure. Similarly, the owner, or its assigns, shall not do anything which shall unreasonably prevent or interfere with entry or reentry by personnel of the State or a contractor, or their material or equipment to the area of the easement as depicted on the aforesaid maps when carrying out or implementing the rights created under this easement. If the bridge easement is insufficient to permit access, a specific right of entry should be provided as a separate easement. See Private Easement PAE). Any permitted improvement removed by the State within the area of the easement during entry, which is not within or near the footprint of a structure, will be reasonably replaced in kind by the State. Upon ten calendar days written notice from the State, the owner or its assigns shall vacate the area of the easement as depicted on the aforesaid maps and remove all property which may interfere with the construction, reconstruction, enlargement, improvement, maintenance, repair, inspection or operation within the reasonable discretion of the State until written notice is provided by the State that the construction or operation has been completed, except in the event of an emergency which threatens the safety of the traveling public, the owner, or its assigns, shall immediately vacate the area of the easement upon receipt of oral or written notice.”

#### **10. Owner’s Access Easement (Under Viaduct Or Bridge Where Fee Interest Has Been Acquired)**

The following clause is to be used in conjunction with fee acquisitions only where there is a need to provide access to a remainder, such as where the remainder will be landlocked or will not retain reasonable access but for an access way beneath bridge or viaduct and is to be used only where conditions so permit. Thus, it is necessary to write this clause to the specific property conditions for which access is being provided, to minimize any damages to the remainder and to properly accommodate planned structures or future reconstruction. The intended areas of the access way need to be identified and situated to accommodate construction, future reconstruction, maintenance, inspection, and other activities. Terms may have to be changed depending upon the purpose of the access way and the use or potential highest and best use of the remainder. If the access way will not accommodate all types of vehicles that could conceivably be using the access way, such clause needs to be amended accordingly. Similarly, if the access way is to be used by vehicles in the other adjacent property, further amendments need to be made. The engineer shall determine the width of access and in doing so shall consider the needs of the user of the property for current and future uses.

“EXCEPT however, reserving to the owner, or its assigns, as well as business invitees, tenants lessees and guests (to the extent permitted by the owner) a nonexclusive right of ingress and egress under the bridge or viaduct, across the acquired right of way, as far as the line marked “Owner’s Access Easement Line”, as shown on the aforesaid maps or at such other location which may be re-established by the State, from time to time at its discretion, and at its expense, on a permanent or temporary basis, within the area of the State’s right-of-way. Such access way shall, however, be \_\_\_ feet in width, shall permit two way traffic and shall be constructed or relocated so as to accommodate vehicles from the point of ingress or egress along the border of the remainder(s) as far as the line marked “Owner’s Access Easement Line”, as shown on the aforesaid maps; after the access way is constructed or relocated in the future, all maintenance of the improved access way, short and long term, shall be the

responsibility of the owner or its assigns, exclusive of highway drainage except that drainage which serves only the remainder(s) and/or the access road, shall also remain the responsibility of the owner or its assigns. The access way shall not be used for storage of any personal property of the owner or its assigns or of anyone else and parking or storage of vehicles shall not be permitted for any reason, except on a temporary basis in conjunction with maintenance of the access way or drainage system only and not to exceed a 12-hour period without the written consent of the State, which consent may be denied within its discretion. The access way within the area of the ROW may be used for access by the State and its contractor(s) without notice and at the State's discretion but shall not be open to the public."

### **11. Construction and Maintenance Easement**

The following clause to be used when part or all of the permanent sections of the structure are within the proposed easement limits.

"the permanent right to enter upon the remaining lands of the owner or its assigns with personnel, equipment and materials for the purpose of constructing or reconstructing a (insert what is to be constructed. e.g., retaining wall, noise wall) and appurtenances as far as the line marked "Construction and Maintenance Easement Line", as shown on the aforesaid maps; along with the permanent right to access and perform maintenance and repairs upon the (repeat what is being constructed) and appurtenances; the permanent sections of the structures will be limited to the locations as far as the line marked "Construction and Maintenance Easement Line", as shown on the aforesaid maps."

#### **Or**

The following clause is to be used when the permanent sections of the structure are entirely within the right of way where the construction equipment is within the easement outside of the ROW area.

"the permanent right to enter upon the remaining lands of the owner or its assigns with personnel, equipment and materials for the purpose constructing or reconstructing a (insert what is to be constructed, e.g. retaining wall, noise wall) and appurtenances within the right of way from the proposed easement area along with the permanent right to access and perform maintenance and repairs upon the (repeat what is being constructed) and appurtenances from the easement area as far as the line marked "Construction and Maintenance Easement Line", as shown on the aforesaid maps."

See Section 9.5.C.16 and Attachments F and G for slope supported retaining walls within Construction & Maintenance Easement.

### **12. Temporary Construction Easement**

The following clause to be used when an additional temporary work area is required for the construction of highway related facilities.

"the temporary right at about Station (Base Line Stationing), to enter upon the remaining lands of the owner or assigns with personnel, equipment and materials to construct, (e.g., curb, relocate utility pole, store construction equipment and vehicles etc.) and appurtenances as far as the line marked "Temporary Construction Easement Line", as shown on the aforesaid maps. This temporary right shall begin from the date of notice from the State's Resident Engineer, and shall terminate upon completion of said work, which shall be for a duration of \_\_\_ months. If the State,

within its sole discretion, determines that the temporary easement or right needs to be extended to complete the Work, such right may be extended simply by written notice from the Resident Engineer to the owner or its assigns. In such event that this temporary right is extended, payment will be made semi-annually during the extended term of the temporary right, based upon the "per-monthly" rate set forth in the State's offer Letter." This right to enter shall terminate upon completion of the construction work.

**Note:** For Green Acres and Railroads (NJ Transit, Conrail, etc.) Temporary Construction Easements which are to be restored to original condition or which are used to create a benefit for those owners should be designated as a "Temporary Use Right" through the above clause. Using the term "easement" for these temporary uses creates compensation issues for Green Acres and mapping issues for the railroads which can be avoided by using "Temporary Use Right".

### **13. Temporary Grading on Owner's Land**

The following clause is to be used for small temporary areas of grading, 6:1 or flatter, in lieu of a permanent slope easement. This clause is not intended for any driveway grading work.

"the temporary right to enter upon the remaining lands of the owner for the purpose of grading, top soiling and seeding as far as the line marked "Limit of Grading", as shown on the aforesaid maps. This temporary right shall begin from the date of notice from the State's Resident Engineer and shall terminate upon the completion of the work."

**NOTE:** See Section 9.3.3.H.2 for instructions.

### **14. Building Encroachment**

The following clause is to be used to acquire the rights to allow the owner use of specific portions of a building within the proposed ROW:

"it is further agreed that the owner shall have the right to use that portion of the \_\_\_\_ story building (or describe nature of other encroachment permitted to remain temporarily such as septic fields, signs or other structures), which is within the proposed ROW (or existing right of way where applicable as determined by the commissioner pursuant to N.J.S.A. 27:7), during its natural period of usefulness without the right of extending same or causing same to become longer lasting and that upon the termination of the useful life of the structure, the owner will be required to demolish said portion of building and all rights of the parties hereto will be extinguished."

This clause is to be used only when allowing the building or structure to remain will not adversely impact the highway facility.

### **15. Flood Fringe Area Easement**

The following clause is to be used to acquire the rights to restrict the owner from placing any embankment or erect any permanent buildings in the Flood Fringe Area:

"a permanent easement fill for flood control purposes at about Station \_\_\_\_\_ (Baseline Stationing), specifically the acquisition of the owner's right to place embankment, or to erect any permanent buildings or structures as far as the line marked "Flood Fringe Area Line", as shown on the aforesaid maps; but to allow its

use for recreational, landscaping or for other passive use which does not decrease the storage capacity of the Flood Fringe Area as shown on the aforesaid maps.”

## **16. Placing Fill Against Structure**

The following clause shall only be used with approval of the ROWE Unit; an inset shall be prepared and shown on the IPM, which shall identify limits and height of fill, as well as the angle of the slope and other relevant dimensions and characteristics, including landscaping or paving type as required by the Division of ROW.

“the permanent right to enter upon the remaining lands of the owner to place fill against the existing (type of structure) as shown on the aforesaid maps. The owner or its assigns shall not have the right to remove said fill without the written consent of the State and said right can only be annulled where the owner or its assigns has provided and agrees to maintain adequate alternate support or protection for the highway and only after reasonable notice (at least 60 days’ notice to the NJDOT ROW Division) has been provided to the State. The fill will not exceed a height of \_\_\_\_\_ feet; the fill shall be top soiled and seeded or paved.”

The following clause is substituted for a standard Construction and Maintenance Clause where a proposed retaining wall is not self-supporting and requires fill support within the Construction and Maintenance area.

“the permanent right to enter upon the remaining lands of the owner or its assigns with personnel, equipment and materials for the purpose of constructing and maintaining a retaining wall and appurtenances within the State’s right of way, including the permanent right to access and perform maintenance and repairs upon the retaining wall and appurtenances, and its supporting slope, as far as the line marked “Construction and Maintenance Easement”, as shown on the aforesaid maps. Within the Construction and Maintenance Easement and behind the retaining wall, the State will maintain or re-establish existing ground elevations. The owner or its assigns shall not have the right to excavate, add fill, or alter the grades or ground elevations within the Construction and Maintenance Easement, unless they submit and receive approval from the NJDOT a plan that provides adequate support for the foundation of the retaining wall and preserves all rights granted to the State under this agreement to the State’s satisfaction.”

## **17. Temporary Erosion Control**

The following clause is to be used to acquire the temporary right to enter the remaining lands of the owner to construct temporary erosion control devices:

“the temporary right to enter upon the remaining lands of the owner for the purpose of constructing and maintaining erosion control facilities and appurtenances including the right to construct and maintain temporary fencing as far as the line marked “Temporary Erosion Control Line”, as shown on the aforesaid maps, for use during the construction of the (name what is being constructed, i.e., channel, culvert, and highway), as shown on the aforesaid maps. This right shall begin from the date of notice from the State’s Resident Engineer, and shall terminate when the new construction is completed, which shall be for a duration of \_\_\_\_ months, and prior to opening to traffic, the land will be graded and seeded; all other items, including trees, shrubs, etc., will not be restored. If the State, within its sole discretion, determines that the temporary easement or right needs to be extended to complete the work, such right may be extended simply by written notice from the Resident Engineer to

the owner or its assigns. In such event that this temporary right is extended, payment will be made semi-annually during the extended term of the temporary right, based upon the "per-monthly" rate set forth in the State's offer letter." This right to enter shall terminate upon completion of the construction work.

### **18. Temporary Site Mitigation Work**

The following clause is to be used when there is a need to acquire a right of entry to perform work for the benefit of the remaining lands to mitigate damages to the owner and this work is not related to revocations, modifications, adjustments, or changes in access. Also, it is not intended to serve or function as part of or facilitate construction or maintenance of the ROW or transportation project. Label as "Parcel S\_\_\_\_, at about Station \_\_\_\_, (Baseline \_\_ Stationing) consisting of "to the beginning of the clause". When accompanied by the taking of a fee or lesser permanent right, the clause will be a rider to the main parcel and will not have a separate designation. In all cases, label the line "Temporary Site Mitigation Work Line".

"the temporary right to enter upon the remaining lands of the owner with personnel, material and equipment for the purpose of implementing mitigation work in kind, consisting of (add specific items of work to be carried out for this particular property such as paving, constructing curb and grading of paved areas, parking lot expansion relocation, installing drainage structures and related work etc.), which may otherwise emanate from the proposed acquisition of parcel(s) \_\_ and or other lesser rights for a proposed transportation project, as far as the line marked "Temporary Site Mitigation Work Line", as shown on the aforesaid maps. This right shall begin from the date of notice from the State's Resident Engineer, and shall terminate upon the completion of the work, after which the improvements constructed shall become the property and responsibility of the owner, its successors and assigns."

When there is a temporary site mitigation parcel for work on the owner's drainage system and private drainage could be discharged into the State's drainage system and the capacity of the State drainage system has the capacity to permit the extra drainage the following clause could be added:

"Except however, reserving to the owner, or its assigns, the right to discharge storm water from the remaining lands of the owner into the State's storm drainage system installed along Route \_\_\_\_\_. The property owner will be responsible for meeting all prevailing State rules and regulations pertaining to water quality and storm water management of surface runoff for the remaining lands should the impervious area be increased or if the existing drainage system upon the remaining lands is modified in any way. The property owner shall be responsible for providing all necessary measures to prevent soil erosion or sedimentation in runoff toward the State's drainage system during any construction activities on the remaining lands, regardless of the need for certification of such measures by the local soil conservation district. The property owner will be responsible for the maintenance of the drainage system on the remaining lands up to the Proposed Right of Way Line."

## 19. Temporary Site Mitigation Work (Access)

The following parcel and clause are to be used when work is needed to mitigate damages from a (an) removal, modification, or adjustment driveway(s).

### Notes:

- This clause (SA parcel) is not used when a Lot Owner Access Concurrence (LOAC) and a Lot Owner Lease Agreement (LOLA) are signed.
- In all cases, even when the LOAC and LOLA are signed and the clause is not required in the description, show, and label the line as a "Temporary Site Mitigation Work Line (Access)".
- A separate parcel will still be used when accompanied by fee take or lesser right.
- The term "removal of driveway(s)" is used when all access to a property is removed to and from the State Highway.

Parcel SA \_\_\_, at about Station \_\_\_\_\_, (Baseline \_\_\_\_ Stationing) consisting of "the temporary right to enter upon the remaining lands of the owner with personnel, material and equipment for the purpose of implementing the mandates of N.J.S.A. 27:7-94 (d) pursuant to an access proceeding by the Commissioner of Transportation. The access proceeding involved a(n) (removal, modification or adjustment of driveway(s) and requires providing all necessary assistance to the property owner in establishing reasonable access to the general system of streets and highways (or reasonable alternative access in the case of a removal). The assistance includes providing improvements constructed in kind, consisting of (add specific items of work to be carried out for this particular property such as paving, constructing curb, and grading of paved areas, parking lot expansion relocation, installing drainage structures and related work or other form of construction specified under the aforesaid administrative proceeding). This temporary right shall extend as far as the line marked "Temporary Site Mitigation Work Line (Access)", as shown on the aforesaid maps. This right shall begin from the date of notice from the State's Resident Engineer, and shall terminate upon the completion of the work, after which the improvements constructed shall become the property and responsibility of the owner, its successors and assigns."

## 20. Utility Easement

The following parcel and clause are to be used to acquire rights to construct and maintain utilities on the owner's property. This includes areas for guy wires. The designer shall confer with the utility companies and the Utility and Railroad Engineering Unit for the specific rights to be acquired and restrictions that must be maintained.

"Parcel UE, at about Station, (Baseline Stationing), consisting of the permanent right to construct, place and maintain and repair (Identify the type of utility and whether it is above or below ground) utility facilities and appurtenances as far as the line marked "Utility Easement Line", as shown on the aforesaid maps".

**Note:** Utility Easements across NJ Transit may need to be in the form of Utility Permits issued by NJ Transit. Private railroads may also require the use a license rather than an easement. Railroads are regulated for safety, and thus must approve entry onto their lands that includes safety restrictions which may change over time.

Thus, an open-ended easement such as one would put on a private property is an issue for a regulated railroad.

## 21. Aerial Utility Easement

The following clause is to be used to acquire rights to allow for the overhang of utility wires and cross arms onto the owner's property only and does not cover poles or any other items that physically touch the ground.

**Note:** The standard distance is presently 15". The designer, however, must check with the Utility Company through the PM to verify this dimension.

"Parcel AE \_\_\_\_\_, at about Station \_\_\_\_\_, (Baseline \_\_\_ Stationing), consisting of the permanent right to allow utility facilities to overhang the owner's property, including the right to construct, maintain, repair and replace overhead utility facilities and appurtenances, including the right to trim trees and remove vegetation as far as the line marked "Aerial Utility Easement Line", as shown on the aforesaid maps. The owner or its successors and assigns shall not be allowed to construct any structures and/or structure additions or improvements above \_\_\_ feet vertically under said overhead utility facilities. The State and/or the utility owner must approve any installations encroaching into the restricted area."

### NOTES:

- Aerial Easements across NJ Transit property need to be in the form of Utility Permits issued by NJ Transit.
- If both poles and aerial facilities are within the easement limits use a "UE" parcel only.

## 22. Servient Estate

This parcel and clause are to be used to acquire a property in fee that is encumbered by a private easement (usually access or parking):

"Parcel SP\_\_\_\_\_, at about station \_\_\_\_\_, Baseline Stationing, including all the land and premises of the owner, exclusive of the right (name type of easement, e.g., to ingress and egress through a private easement held now or formerly by [the owner of the easement]), as shown on the aforesaid maps, and is more particularly described as follows;" (metes and bounds descriptions follows).

**Note:** The value of an SP parcel will generally have a lesser value than an unencumbered fee parcel.

## 23. Dominant Estate

The following clause is to be used to acquire the rights on a property containing an existing private (usually access or parking) easement owned by another entity encumbering a parcel being acquired.

Where rights remain on the remainder of the Servient property after the DE parcel is acquired, use the following:

"Parcel DE\_\_\_\_\_, at about station \_\_\_\_\_, Baseline Stationing, consisting of the owners' right to (insert right acquired ingress, egress, and parking) through the private easement held in lands now or formerly of (owner of the Servient parcel) as shown on the aforesaid maps. The acquisition of Parcel DE\_\_\_\_\_ does not change any

rights the owner may have within the remainder of the existing easement and is more particularly described as follows:" (metes and bounds description follows).

**Or**

Where no rights remain on the Servient property, use the following:

"Parcel DE\_\_\_ at about station \_\_\_\_\_, Baseline Stationing, consisting of the owners" right to (insert right acquired ingress, egress and parking) through the private easement held in lands now or formerly of (owner of the Servient parcel) as shown on the aforesaid maps and is more particularly described as follows:" (metes and bounds description follows).

**24. Private Easements (PE parcels) and Perpetual Access Easements (PAE)**

The following clause should reflect all properties that are to use or may use the private easement. This clause applies to easements being created to provide access to remainders or to properties where access was denied partially or in its entirety and is to be distinguished from existing private easements (DE Parcels). The PE clause should not be used where an access road for maintenance purposes is needed by the State. The engineer must determine which entity is to maintain the roadway/driveway; typically, the one who will primarily enjoy such use. Where it is equal, the clause should say both parties should be responsible.

"Parcel PE \_\_\_\_\_, at about Station \_\_\_\_\_, (Baseline Stationing), consisting of the permanent, nonexclusive right of ingress and egress for the owners, successors and assigns, as well as business invitees and guests (to the extent permitted by the owner of the easement) of Lot \_\_\_\_\_ Block \_\_\_\_\_, \_\_\_\_\_, across lands of \_\_\_\_\_ in Lot \_\_\_\_\_ Block \_\_\_\_\_, as far as the line marked "Private Easement Line", as shown on the aforesaid maps; maintenance shall be the responsibility of the owner of Lot \_\_\_\_\_ Block \_\_\_\_\_ (change as necessary depending upon circumstances) as far as the line marked "Private Easement Line", as shown on the aforesaid maps."

In some circumstances, such as where development of the remainder may require a municipal road, it may be necessary to create a roadway easement, or to buy it in fee.

**Or**

The following clause is used where an access road for maintenance purposes is needed by the State:

The PAE pre-fix may be used to provide physical access on a specific route or path for the State to use on a permanent basis from a public roadway to a fee parcel, under a bridge or viaduct, or to a drainage, utility, slope, construction, or maintenance easement.

"Parcel PAE at about Station \_\_\_\_\_, (Baseline Stationing), consisting of the permanent, nonexclusive right of ingress and egress for the State across the driveway and adjoining lands (or across the existing parking lot) of (Owner) in Lot \_\_\_\_\_ Block \_\_\_\_\_, as far as the line marked "Perpetual Access Easement Line", as shown on the aforesaid maps for the purpose of moving personnel, materials and equipment to the adjoining \_\_\_\_\_ easement; the State will repair damages which are a direct result of its use of this easement but will not be responsible for routine



maintenance as far as the line marked "Perpetual Access Easement Line", as shown on the aforesaid maps."

**Or**

Where a specific access route is not feasible or will result in significant damages to the remainder, a general easement may be used. This shall take the form of a general right to use a private ring road, parking lot, internal circulation road or driveway which connects or intersects with the easement or fee parcel to which access is sought. Use of such easements for the State to access fee parcels or easements should be used only when necessary and should be flexible so as not to unreasonably restrain potential development of the remainder. When no specific route is to be depicted, the pre-fix PAE should not be used, although the right may be described as a right of non-exclusive ingress and egress to (parcel or easement) and from (describe public road from which access is sought) for purposes of performing maintenance, repair, and inspection across the remaining lands with personnel, equipment, and material. Because of the diversity of rights that may be needed, no standard clause is provided; the required language will be dependent upon the surrounding circumstances. Thus, consultation with ROWE shall be required in such instances and the particular clause chosen must be approved.

**25. Sight or Sight Triangle Easements**

The following clause is to be used when it is necessary to acquire the rights to keep the owner's property clear of items that could restrict the line of sight of a driver:

"consisting of a permanent restriction against the use of any portion thereof for any structure, growth or physical impediment that would in any manner infringe upon a free and open line of sight over the same, as far as the line marked "Sight (or Sight Triangle) Easement Line", as shown on the aforesaid maps. The State has the permanent right to enter the easement area to remove any of the aforementioned impediments should the owner or its assigns fail to maintain the integrity of the sight triangle."

**26. Mitigation Easements**

Mitigation easement parcels should be identified as "ME" (if they are the only right acquired on a property, which is generally the case). In the event that the mitigation easement is to be placed on existing NJDOT lands, the parcel number will be ME plus the parcel number, which was originally used to obtain the underlying land. A note is to be placed on the map identifying the Route Section and Parcel that was used to acquire the NJDOT land. However, prior to using existing NJDOT lands, they must be cleared through ROW to determine if they may be encumbered for this purpose. Lands purchased as a part of the current project do not require this clearance process, so long as the new lands would not create a burden on the current or future use of the right of way corridor.

Specific ME description clauses will be dependent upon the specific rights which need to be acquired or deed restricted. Where the mitigation parcel easement is acquired to meet Green Acres or other regulatory permit requirements, the final version of the GPPM Tab Sheet will make specific note of the reason for the purchase, including the applicable permit number(s) and the Deed Book and Page recording the transfer. Consult with ROWE and the Technical Support Bureau for the specific language.

**27. Clear Zone Easement**

The following clause is to be used when it is necessary to acquire the rights to keep a portion of the owner's property (ex. - clear area behind breakaway cable terminals (BTCT) clear of fixed objects non-traversable hazards.

"consisting of a permanent restriction prohibiting the installation or construction of fixed objects or non-traversable hazards including but not limited to trees greater than 6 inches in diameter, concrete pedestals more than 4 inches above the ground, signs, signals or light pole supports of non-breakaway designs, buildings, above ground drainage structures and wood poles or post with a cross-sectional area greater than 50 square inches as far as the line marked "Clear Zone Easement"."

## **28. Easement for Access (EFA)**

This is a deed provided by NJDOT to be used when it is necessary to provide the adjoining owner with rights to utilize a portion of the State's land to mitigate damage from an access alteration. This easement requires parcel clearance before granting. Consult with ROWE, the Title Bureau, and the Technical Support Bureau before finalizing the easement. A sample is as follows:

"Easement For Access (EFA), being an easement located at about Station \_\_\_\_ (Baseline Stationing), and consisting of the permanent right, subject to the conditions stated herein to utilize improvements (such as pavement or a graveled area) constructed by the Grantor as part of the access permit conditions within the lands of the Grantor at the location shown on the aforesaid map. The said right includes the right to maintain said improvements, subject to written approval of work plans by the Grantor. The Grantee may not change the improvements within the easement without the written approval of the Grantor. The Grantee is responsible to obtain insurance covering any use by Grantee within the aforesaid easement.

The Grantee is responsible for mowing the grass and removing debris and litter in the easement area. The Grantee is prohibited from storing, placing, or discharging any hazardous materials or substances within the aforesaid easement. Conveyance of this easement shall not constitute a credit to the Grantee for the purpose of setbacks or bulk zoning on the Grantee's lands and shall be used for no purpose not specified above."

Note on the GPPM and the IPM that the EFA is deed restricted and is not used for development. Also, label the area as NJDOT property.

## **29. Roadway Easement**

Roadway easements are acquired in lieu of fee takes and are generally the only right acquired on the property. The following clause should be used in most circumstances:

"Parcel \_\_\_\_ at about Station \_\_\_\_ (Baseline Stationing), a Roadway Easement consisting of the right to construct, maintain and reconstruct from time-to-time roadway, cart way, shoulders, curbing, walkways, signs lights, traffic control devices and all other appurtenances necessary to serve and accommodate a public road and thoroughfare identified as a Roadway to and from (or adjacent to) Route \_\_\_\_\_. Said Roadway shall be open to and for use by public traffic, all vehicles of any type or description, including, but not limited to automobiles, trucks, bicycles, motorcycles, buses, trailers, and any other form of transportation as well as pedestrians in perpetuity all within the area depicted on the attached map at approximately \_\_\_\_ to approximately \_\_\_, being \_\_\_\_\_ acres (square feet) having a width of \_\_\_\_ at its widest point. Provided the grantor shall retain private access to and across the

easement to Road at such points of access designated by the State of New Jersey Department of Transportation in accord with applicable access code, regulations, and statutory provisions and within the actual roadway that may be constructed from time to time. The Grantee will be responsible for maintenance of the roadway within the easement area. All rights and obligations of grantor shall run with the land and bind any successor and assigns and grantee reserves right to transfer or assign its rights and obligations to any other public or successor entity."

### **30. Demolition Easement**

This easement and clause are used when a building or other significant improvement must be demolished but is not located within an existing fee parcel or easement. This should be depicted on a ROW plans. Under limited circumstances with the approval of ROWE, it may be used without a line on the plans if the improvement is shown on the map and there is no possibility of confusion as to the building or improvement which is to be removed:

"the temporary right to enter upon the owner's remainder with personnel, equipment and materials as far as the line marked Demolition Limit for the purpose of demolishing and removing the (specify exactly what structure) including its foundation, which is located at about Station \_\_\_\_ (Baseline Stationing) and grading the site to match the surrounding grade. This right to enter shall terminate upon completion of the demolition and associated work."

### **31. Sidewalk Easements**

See Section 7.3 for instructions on the appropriate use of each type of easement.

**Permanent Sidewalk Easements:** This easement and clause are used where a new or widened sidewalk or curb ramp is to be constructed that is outside of the original sidewalk area.

"Parcel E \_\_\_\_, at about Station \_\_\_\_ (Baseline Stationing) consisting of a right to enter upon the lands of the owner or its assigns with personnel, equipment and materials for the purpose of (list exact work such as "constructing a new sidewalk, and related sidewalk appurtenances, and for grading the supporting slope") (see Notes below), as far as the line marked "Permanent Sidewalk Easement", as shown on the aforesaid maps. (Use this sentence if easement combines temporary and permanent work: Together with the temporary right to (list exact work such as "reconstruct any driveways or regrade any sidewalks") which are directly impacted by the sidewalk work to the extent needed to meet ADA requirements.) At the completion of the sidewalk construction work, any disturbed ground will be restored in a workman like manner by regrading, adding topsoil and reseeding.

The owner or its assigns shall have (or resume if there is an existing sidewalk) responsibility for maintenance of the sidewalk upon completion of the work in accordance with law."

**Or**

**Sidewalk Work Right:** The following easement clause is for new sidewalks only for Green Acres or railroads, where the entity may allow us to build new sidewalks, but do not want the State to use the permanent easement provided above.

"Parcel E \_\_\_\_, at about Station \_\_\_\_ (Baseline Stationing) consisting of a right to enter upon the lands of the owner or its assigns with personnel, equipment and materials for

the purpose of (list exact work such as “constructing a new sidewalk, and related sidewalk appurtenances, and for grading the supporting slope”) (see Notes below) to the extent needed to meet ADA requirements as far as the line marked “Sidewalk Work Line”, as shown on the aforesaid maps. Together with the temporary right to reconstruct any driveways or regrade any sidewalks which are directly impacted by the sidewalk work to the extent needed to meet ADA requirements. This right shall begin from the date of notice from the State’s Resident Engineer, which will be for a duration of \_\_\_ months. If the State, within its sole discretion, determines that the temporary easement or right needs to be extended to complete the work, such right may be extended simply by written notice from the Resident Engineer to the owner or its assigns. At the completion of the sidewalk construction work, any disturbed ground will be restored in a workmanlike manner by regrading, adding topsoil and reseeding. This right to enter shall terminate when all work is completed.

The owner or its assigns shall have responsibility for maintenance of the sidewalk upon completion of the work.”

### **Or**

**Temporary Sidewalk Work Rights:** Use the following clause along with a Permanent Sidewalk Easement if work is **also** being done on existing sidewalk. Map should show parcels for both NEW sidewalks and for reconstruction of existing sidewalks. Use this Temporary Sidewalk Work Right clause as a separate clause or an individual parcel if we are only reconstructing existing sidewalks.

“Parcel E\_\_\_, at about Station \_\_\_ (Baseline Stationing) consisting of the temporary right to enter upon the Owner’s property, with personnel, materials, and equipment for the purpose (list exact work such as “reconstructing the existing sidewalk and any related appurtenances, and to grade its supporting slope”) (see notes below), as far as the line marked “Temporary Sidewalk Work Line”, as shown on the aforesaid maps. Together with the right to reconstruct and regrade any driveways which cross the sidewalk repair area, and to reconstruct and regrade any sidewalks which connect to the proposed sidewalk work area to the extent needed to meet ADA requirements. At the completion of the sidewalk construction work, any disturbed ground will be restored by regrading, adding topsoil and reseeding. This right shall begin from the date of notice from the State’s Resident Engineer, which will be for a duration of \_\_\_ months. If the State, within its sole discretion, determines that the temporary work right needs to be extended to complete the work, such right may be extended simply by written notice from the Resident Engineer to the owner or its assigns. In such event that this temporary right is extended, payment will be made semi-annually during the extended term of the temporary right, based upon the per-monthly rate set forth in the State’s offer letter. This right shall terminate when all work is completed.

Upon the completion of work, the owner or its assigns shall resume responsibility for maintenance of the sidewalk in accordance with law.”

### **NOTES:**

- Similar to other easements the above clause can be riders to the main parcel in the series (fee take, drainage easement, construction, and maintenance easement etc.)
- Bullet Points can be used to describe the actual work that will be performed in the particular parcel (s). As example:

"Parcel E99, at about Station 58+90 [Base Line Route 12 (1953) Stationing], consisting of the permanent right to enter upon the lands of the owner or its assigns within the Permanent Sidewalk Easement with personnel, equipment, and materials for the following purposes:

- To construct new or reconstruct existing public use sidewalk and to reconstruct the sidewalk and/or appurtenances at the locations shown on the aforesaid map to the extent needed to meet ADA requirements.
- To grade a supporting slope to support the sidewalk work.
- To re-grade, topsoil and seed the lawn adjacent to the sidewalk work.

The right to enter and to perform the work set forth above extends as far as the line marked "PERMANENT SIDEWALK EASEMENT LINE" as shown on the aforesaid maps. All proposed changes and improvements will be constructed as illustrated on the aforesaid maps;"

Also, see Attachment R Description Samples.

- Where a new **retaining wall** is required on private property to support a new or reconstructed sidewalk, that wall will be purchased using standard easements from the ROWE Manual applicable to a retaining wall. Where the work involves replacing an existing wall on the property in kind, and that wall is NOT required to support the adjoining roadway, a temporary construction easement or right may be used.

### **32. Bridge Easement in Tidelands**

Bridge easements are generally used to construct and maintain a bridge with in flowing tidal waters. They shall not be a rider to a fee take or other easement.

"Parcel TE\_\_\_, consisting of a right in perpetuity at about Station \_\_\_\_ Proposed \_\_\_\_\_ Baseline Stationing to construct and maintain a bridge and/or associated approaches and roadways as far as the line marked "Bridge Easement Line", as shown on the aforesaid maps. This easement shall further include the right, in perpetuity, to re-enter in the future to reconstruct, improve or enlarge said bridge or associated approaches and roadways as far as the line marked" Bridge Easement Line", as shown on the aforesaid maps. Temporary entry for inspections is permitted, access from the water is permitted within the Bridge Easement, work from beyond the Bridge Easement will require a Temporary Construction right."

See Attachment R for an example of a "TE" parcel for a bridge easement.

### **33. Other Easements in Tidelands**

Permanent tidelands easements parcels (TE) shall not be riders to "T" or other parcels. The clause is similar to other permanent easements such as Drainage or Construction and Maintenance.

"Parcel TE\_\_\_, located at about Station \_\_\_\_ Route \_\_\_\_ Baseline Stationing, consisting of the permanent right to access, construct, reconstruct and maintain \_\_\_\_\_ and appurtenances as far as the line marked "\_\_\_\_\_ Easement Line", as shown on the aforesaid maps. The State reserves the right to place all \_\_\_\_\_ improvements as far as the line marked "Drainage \_\_\_\_\_ Line", as shown on the aforesaid maps."

See Attachment R for an example of a tideland's drainage easement.

Temporary tidelands construction easements can be a rider to a "T" or "TE" parcel. A time frame and payment extension shall not be written in the clause.

"TOGETHER WITH the temporary right at Proposed Route \_\_\_\_ Baseline Stationing between approximate Station \_\_\_\_ to Station \_\_\_\_ to enter tidal waters with personnel, equipment, and materials to \_\_\_\_ as far as the line marked "Temporary Construction Easement Line", as shown on the aforesaid maps."

### **34. Easements on Railroads, NJ Turnpike, or other Entities**

Consult with ROWE, ROW Technical Support and the individual Railroad, NJ Turnpike or any other public transportation entity when designing easements on their properties. Metes and Bounds for permanent and/or temporary easements may be required along with special description language.

## **10.0 Process for Eliminating a Parcel**

- A. The NJDOT PM contacts the Project Coordination/Funding Unit within ROW Technical Support, by memorandum or e-mail, with a copy to ROWE, requesting the acquisition status of a parcel to be eliminated.
- B. After the parcel acquisition status is determined, Project Coordination/Funding will advise the PM whether the parcel can be eliminated. A parcel cannot be eliminated if the NJDOT has already taken possession of it. However, a parcel may be eliminated after a Declaration of Taking is filed, but only if the property owner agrees.
- C. If the parcel can be eliminated, the PM will contact the design consultant and ROW Engineering. If parcel is on an in-house project the PM will contact Design Services and ROW Engineering. The designer will update the ETM and GPPM, showing the parcel elimination using the following procedure:
  1. Draw an "x", through the parcel number. Print "Eliminated" on the GPPM and ETM near the affected parcel number. Place the parcel number, date and "Eliminated" in the revision block.
  2. Draw a line through the parcel on the Tab sheet and place "Eliminated" and the date in the remark's column.
  3. Do not resubmit the IPM unless another parcel on the property still needs to be acquired. In that case, erase the eliminated parcel and number (UE29B for example) including on the title block, leave the remaining parcel (s) (29A for example) and note the change to the IPM under the revision line in the upper left corner of the plan.
- D. The designer shall submit the updated ETMs, GPPMs and, if required, as described in Section 10.C.3, the changed IPM with the description to the Manager ROW Technical Support Bureau, ATTN: Project Coordination/Funding as outlined in Attachment N, Final Submission.

## **11.0 Process for Revising or Subdividing a Parcel**

### **11.1 Revising a Parcel**

- A. The initiator of the revision (ROW Designer, ROW District, etc.) shall first contact ROWE to determine if a revision is required. Then the PM will be contacted that a revision is necessary. The PM then requests the acquisition status of a parcel to be revised from the Project Coordination/Funding Unit within ROW Technical Support by memorandum or e-mail, with a copy to ROWE. All revisions made to ROW plans after

the Final Submission must be made only with the authorization of the PM. If authorized, consultant designers shall coordinate with ROWE before beginning any work on a revision.

- B. After the parcel acquisition status is determined, Project Coordination/Funding will contact the PM and advise whether the parcel can be revised. A parcel cannot be revised if the NJDOT has already taken possession of it. However, a parcel may be revised after a Declaration of Taking is filed, but only if the property owner agrees.
- C. If the parcel is already owned by the NJDOT, a new parcel will have to be added for additional rights to be required.
- D. If the parcel can be revised, the PM will place that parcel "on hold" with the Office of ROW and will contact the design consultant or ROWE (if the work is to be completed in-house), who will revise the ROW documents.
- E. Changes to the ROW after the final ROW submission that would necessitate another appraisal shall require a revision (e.g., area changes, adding or removing slope, drainage, denial of access, limit of grading, etc.). An "R" will be placed before the original parcel number. In some cases, multiple revisions may be needed.
- F. The following procedure shall be followed for revisions to the ROW documents:
  - Change the parcel number on the ETMs, GPPMs, IPMs, and descriptions.

For example:

	<b>Original</b>	<b>1<sup>st</sup>. Revision</b>	<b>2<sup>nd</sup> Revision</b>
Parcel	<b>8</b>	R8	2R8
Easement Parcel	<b>E8</b>	ER8	E2R8
Temporary Site Mitigation (Access)	<b>SA8</b>	SAR8	SA2R8
Tideland Parcel	<b>T8</b>	TR8	T2R8
Tideland Easement Parcel	<b>TE8</b>	TER8	TE2R8
Utility Easement	<b>UE8</b>	UER8	UE2R8

- Specify all revisions in the revisions block of the ETMs (not including the Key Sheet) and the GPPMs. Show the parcel number, date, the revision, and the reason for the revision.

For example:

<b>Parcel</b>	<b>Date</b>	<b>Revision</b>
48	01/02/21	Parcel 48 to parcel R48; Revised parcel area
R35	02/15/20	Parcel R35 to 2R35; Slope area added
E20	03/06/22	Parcel E20 to ER20; Slope area revised

G. The design consultant or ROW Design shall submit the revised ROW documents to Manager ROW Technical Support Bureau, ATTN: Project Coordination/Funding, as outlined in Attachment N, Final Submission. Electronic submission of the descriptions on by is required. The submission letter should also note the reasons for the revision of each parcel.

### **11.2 Subdividing a Parcel**

**A. Prior the Final ROW submission** and using the number 21 as an example of the original parcel. If the original owner is still the same and subdivides the original lot into two lots, parcel 21 becomes Parcel 21A and Parcel 21B (21A, 21B and 21C if three lots and so on). If the original owner subdivides the original lot and sells one of the lots, the parcels would be 21 (new area and not an R parcel) and 22 (or the next available number). No notes are needed on the plans, however, list the change(s) on the Final ROW transmission letter.

**B. After the Final Submission** and again using the number 21 as an example of the original parcel. If the original owner subdivides the original lot into two lots parcel 21 becomes parcels 21A and 21B. If the original parcel number is 21A the subdivided parcels would be 21A1 and 21A2 (21A1, 21A2 & 21A3 for three lots and so on). The numbering would be the same regardless of if the owner sells one or more of the new subdivided lots. Also, the subdivision would be noted on the Revision/Addition box/space on the GPPM and IPM. An additional note would be added on the GPPM near the parcel bubbles stating, for example, "parcel 21A was subdivided into parcels 21A1 and 21A2".



An acquisition on a subdivision of one lot into two lots is summarized in the following chart:

Subdivided Prior or After Final ROW Sub.	Original Parcel Number	Owner retains or sells lots	New Parcel Numbers	Noted on GPPM & IPM Revision/Addition Box
prior	21	Retains each	21A & 21B	no
prior	21	Sells 1 or 2	21 & 22	no
prior	21A	Retains each	21A & 21B	no
prior	21A	Sells 1 or 2	21A & 22	no
after	21	Retains each	21A & 21B	yes
after	21	Sells 1 or 2	21A & 21B	yes
after	21A	Retains each	21A1 & 21A2	yes
after	21A	Sells 1 or 2	21A1 & 21A2	yes
prior	E33	Retains each	E33A & E33B	no
prior	E33	Sells 1 or 2	E33 & E34	no
after	E33	Retains each	E33A & E33B	yes
after	E33	Sells 1 or 2	E33A & E33B	yes

**\*Notes:**

1. Use original parcel number if there is unity of use between the new multiple lots.
2. If the owner sells all new multiple lots on a subdivision and also has an acquisition on different non-contiguous property on the same ROW section use a new parcel number series for each of the new subdivided lots.
3. R parcels are not used unless the original parcel area changes.

**12.0 Process for a Condemnation Case**

When negotiations have reached an impasse, the District Office Manager contacts ROW Technical Support to advise that this case must go through the condemnation process which is described as follows:

- A. ROW Technical Support is responsible for obtaining the proper number of condemnation maps (IPMs) and descriptions. The number of copies is based on the number of parties having an interest in the subject parcel and the number required by NJDOT personnel (typically 30 copies plus 4 copies for the Engineering Witness).
- B. ROW Technical Support must contact the PM, who decides who will supply the condemnation documents. **NOTE:** The decision by the PM as to who supplies the condemnation map is based on the designer’s contract/proposal, time considerations,

where the existing color copies of the IPM's are located and whether any revisions to the IPMs are required. The PM should have the designer supply the condemnation material for consultant designed projects.

- C. If the PM chooses the consultant and authorizes him to supply the condemnation material, then the consultant is responsible for supplying all the condemnation material, including properly folded IPMs (see attachments J and K) to the Technical Support, while copying the PM on all transmittals.
- D. If the project is being designed in-house, ROWE will be responsible for supplying the required number of copies of the description and IPM, properly folded.
- E. The Litigation Support Unit in the Closing/Title Bureau is responsible for the proper distribution of the condemnation material.

### **13.0 ROW Parcel Dedication Requirements**

Dedicated Parcels is a transfer of land or other property rights from a property owner to the State of New Jersey on non-active or developer projects. NJDOT is authorized to process and approve a ROW dedication as part of a Major Access Permit. All right-of-way documents required for dedications shall be prepared in conformance with the requirements of 16:47-10.7 and Appendix E of the Access Code and this manual.

A summary of the process for dedicating a parcel is as follows:

1. The Bureau of Major Access Permits (MAP) determines need for dedication and notifies the applicant.
2. The applicant prepares documents, including a proposed GPPM, a parcel description(s) and the applicant's existing deed, to submit to MAP.
3. MAP sends the documents, to ROWE for review and approval.
4. After Department approval of the documents mentioned in Section 13 Note #2, the applicant will be advised to submit:
  - i. A 22-inch by 36-inch Mylar of the approved GPPM at a scale of one inch equals 30 feet.
  - ii. Six prints of the GPPM signed and sealed by a New Jersey licensed land surveyor.
  - iii. Six copies of the approved metes and bounds description signed and sealed by a New Jersey licensed land surveyor.
  - iv. Two copies of a signed waiver letter from the present owner indicating his or her knowledge that the land dedicated has value and his or her willingness to waive all rights to receive compensation from the State for these lands and access rights that he or she will dedicate to the State at no cost.
  - v. Two copies of a draft, unsigned deed of conveyance or perpetual easement for the right-of-way dedication to the State with legal description and reduced copy (either 8.5-inch by 11-inch or 8.5-inch by 14-inch to match the deed size) of the GPPM attached. The lot or site owner is solely responsible for resolving and removing all liens, encumbrances, or both, from the deed prior to obtaining the title policy, with the only exception being public utility easements.
  - vi. A single point of contact concerning any required revisions to the draft deed.
5. ROWE gets approval from any necessary DOT units, and when the documents are in an acceptable condition, ROWE sends the dedication package to the CLOSING/TITLE Bureau for review.

6. After approval of the documents mentioned in 5 above, the applicant will be notified to execute the deed of conveyance and record it with the county. The applicant will also be directed to submit one copy of the recorded deed of conveyance and a title policy to the Department. The required title policy is to be of a nominal dollar value of \$ 5,000 and is to be evidence that the State has acquired "good and marketable title" to the parcel dedicated with no exceptions other than public utility easements, which means the parcel cannot be encumbered by any rights held by others except for public utility easements.
7. After the recordation, the CLOSING/TITLE Bureau contacts ROWE who then notifies MAP that dedication process is complete.
8. MAP initiates close out AD-12 for applicant agreement if all other conditions of the applicant agreement are completed & documentation in hand. No bonds or guarantees will be released until all liens and/or encumbrances have been resolved or removed from the title of the dedicated property.

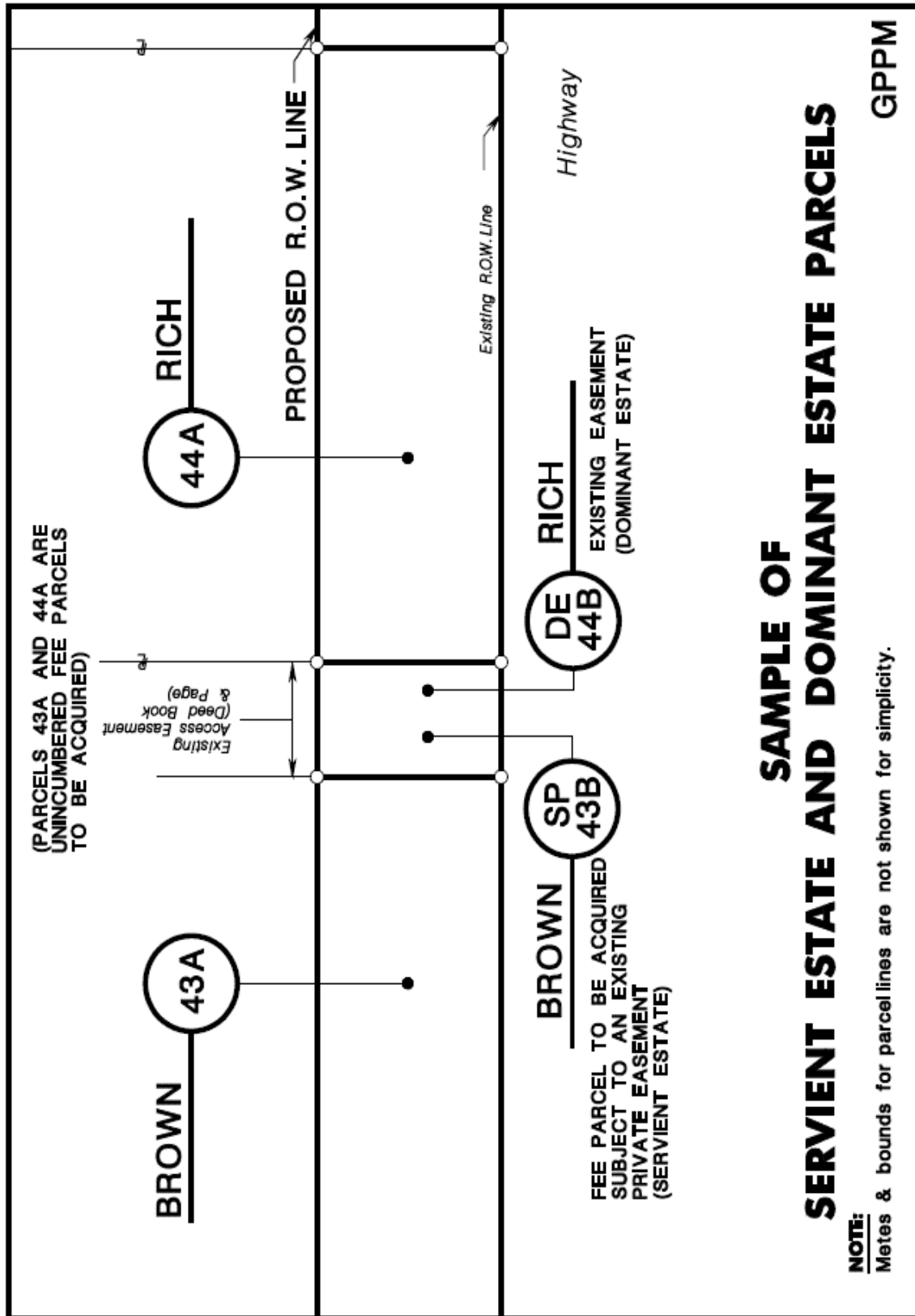
## **14.0 Donated Parcels**

Parcels that an owner gives to the NJDOT on active ROW projects at a minimal cost without appraisal, usually for \$1.00, are labeled "Donated." Donated parcels are depicted like standard parcels and should have an IPM and description prepared. Before donating a parcel, the owner must, in writing, be fully informed of his rights to receive just compensation and must, also in writing, voluntarily waive his rights to the compensation.

Parcels that are donated outside of a right of way project may be accepted by NJDOT if there is a reasonable probability of a future need, the property is accepted by one or more of the units which utilize right of way and there is little or no risk of contamination, unless the site is considered valuable enough that some level of contamination is deemed an acceptable business risk. For these donations, NJDOT would prepare maps and descriptions.

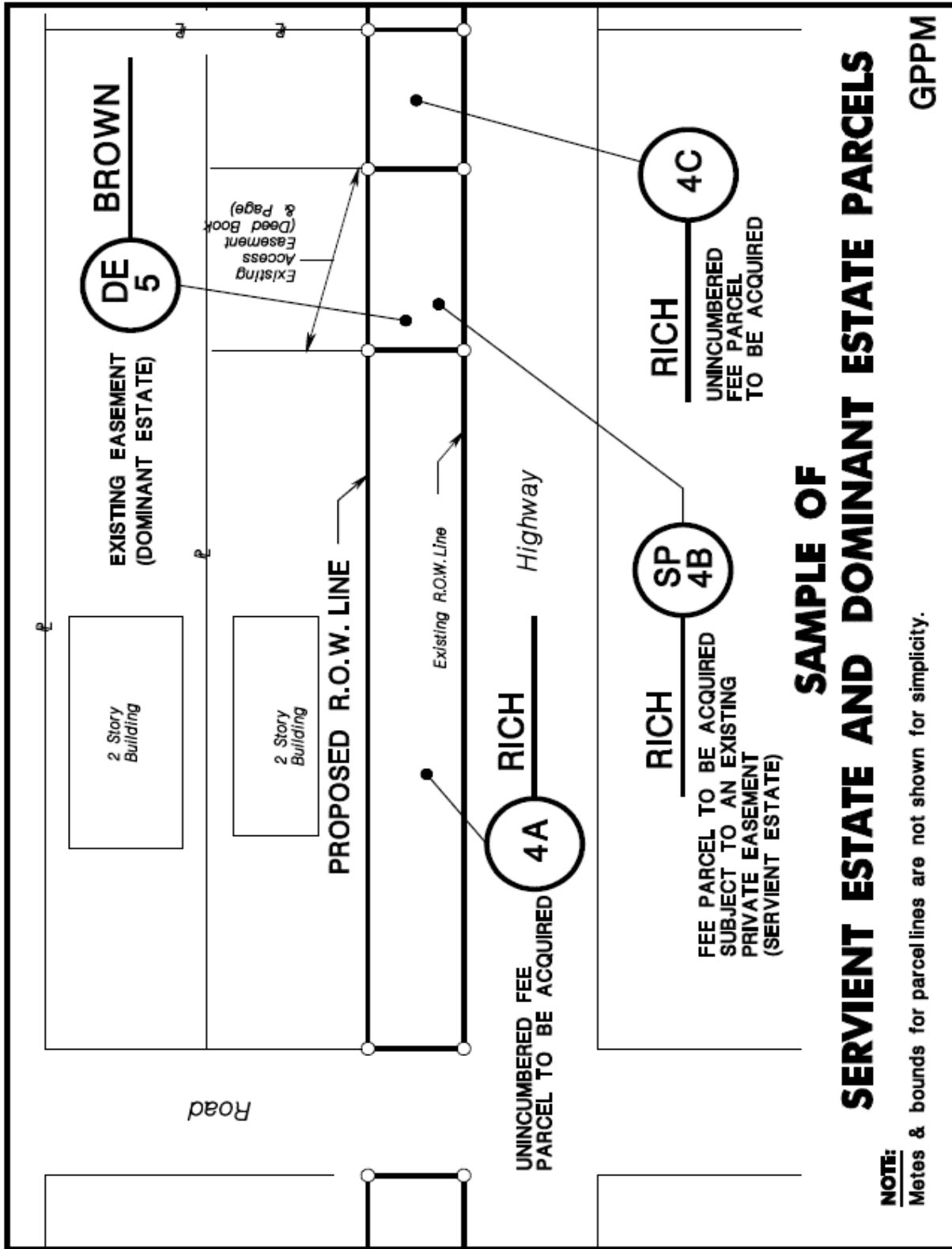
# Attachment A: Sample of Servient Estate & Dominant Estate Parcels

## ATTACHMENT A



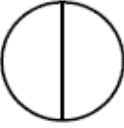
# Attachment B: Sample of Servient Estate & Dominant Estate Parcels

## ATTACHMENT B



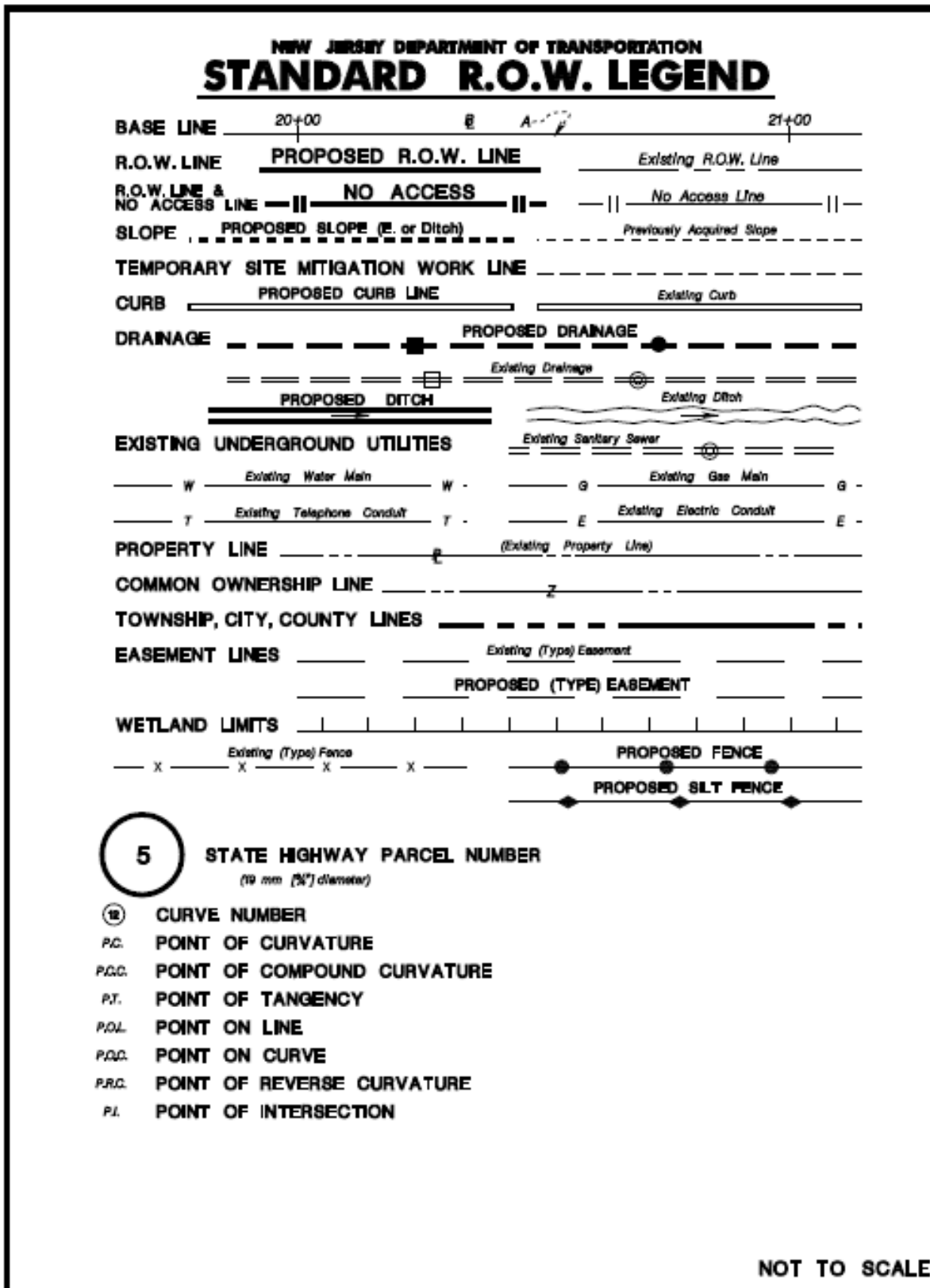
# Attachment C: Sample of G.P.P.M. Title Block

## ATTACHMENT C

<b><u>SAMPLE OF G.P.P.M. TITLE BLOCK</u></b> SCALE : FULL SIZE	
NEW JERSEY DEPARTMENT OF TRANSPORTATION	
<b>GENERAL PROPERTY PARCEL MAP</b>	
<b>ROUTE U.S. 1 (1953) SECTION 5</b>	
From South of Deans Road to North of Route 26	
Showing Existing Right of Way And Parcels To Be Acquired In The	
Townships of South Brunswick and North Brunswick	County of Middlesex March 1994
	
	LOWER RIGHT-HAND CORNER OF BORDER
<b>PROJECT: ROUTE U.S. 1 (1953) SECTION 5E &amp; 6S</b>	
	<b>NOTE:</b> See Section 9.0, B, 2, a

# Attachment D: Standard R.O.W. Legend

## ATTACHMENT D

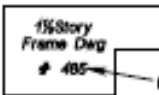


# Attachment E: Standard Legend

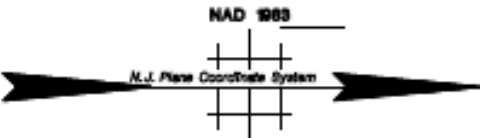
## ATTACHMENT E

—	BASE LINE
—	PROPERTY LINE
—	CENTER LINE
—	SURVEY LINE
1)	DEED COURSE NUMBER
(m)	MEASURED
(c)	CALCULATED
(±)	MORE OR LESS
(D)	DEED DATA
(sur.)	SURVEY DATA
D.A.	DEED AREA
(FM)	FILED MAP
(TM)	TAX MAP
(S)	SCALED
94	TAX MAP BLOCK NO.
<b>94</b>	FILED MAP BLOCK NO.
21	TAX MAP LOT NO.
<b>21</b>	FILED MAP LOT NO.
<b>6987</b>	DEED BOOK
<b>586</b>	PAGE
□	PROPOSED MONUMENT
W	WATER GATE VALVE
G	GAS GATE VALVE
○	POLE
Hyd.	HYDRANT
⊗	DECIDUOUS TREE
⊙	SHRUB
✕	EVERGREEN TREE
—	HEDGE
≡	SWAMP
R.A.	REMAINING AREA

 <p>1 1/2 Story Frame Dwg # 485 (house number)</p>	<p><b>BUILDINGS</b></p>
---	-------------------------



NAD 83

N.J. Plane Coordinate System

NOT IN N.J. PLANE COORDINATE SYSTEM, REMOVE GRID AND NOTATION FROM NORTH ARROW

**Note:**  
The proposed parcel courses and the north arrow depicted may differ from the system utilized to plot the deed distances and courses.

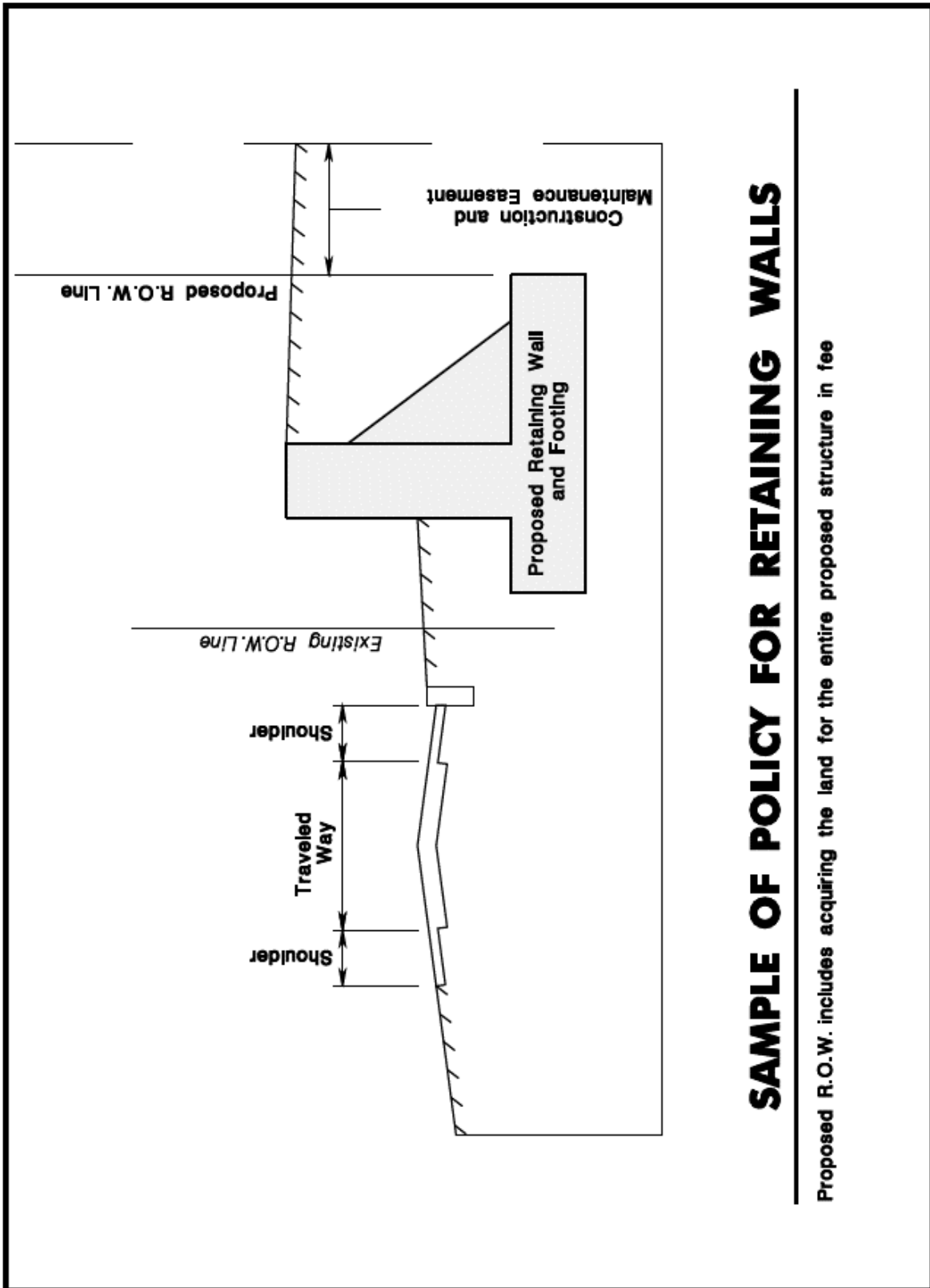
  

**NOT TO SCALE**



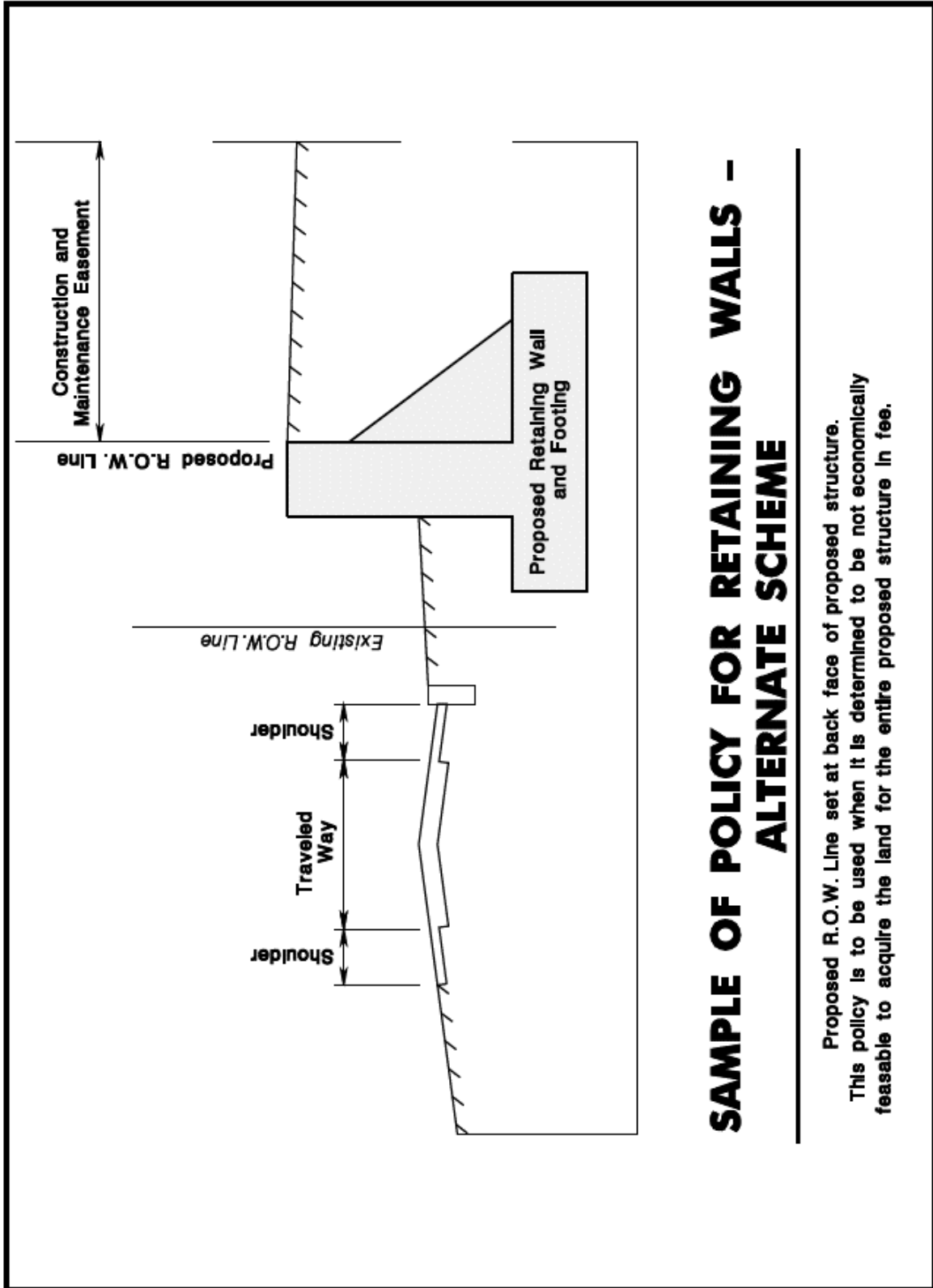
# Attachment F: Sample of Policy for Retaining Walls

## ATTACHMENT F



# Attachment G: Sample of Policy for Retaining Walls – Alternate

## ATTACHMENT G

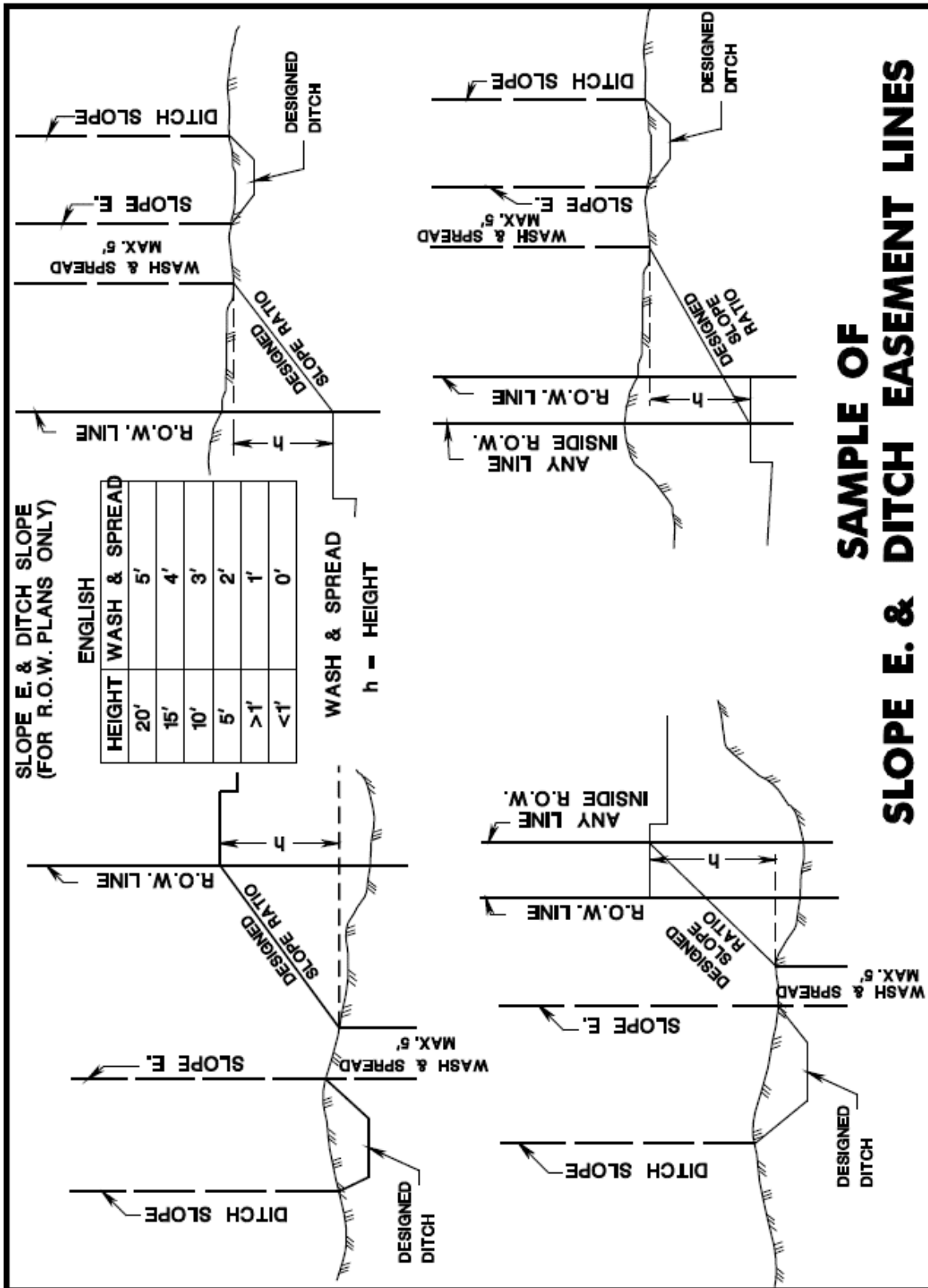


### **SAMPLE OF POLICY FOR RETAINING WALLS – ALTERNATE SCHEME**

Proposed R.O.W. Line set at back face of proposed structure.  
This policy is to be used when it is determined to be not economically  
feasible to acquire the land for the entire proposed structure in fee.

# Attachment H: Sample of Slope E. & Ditch Easement Lines

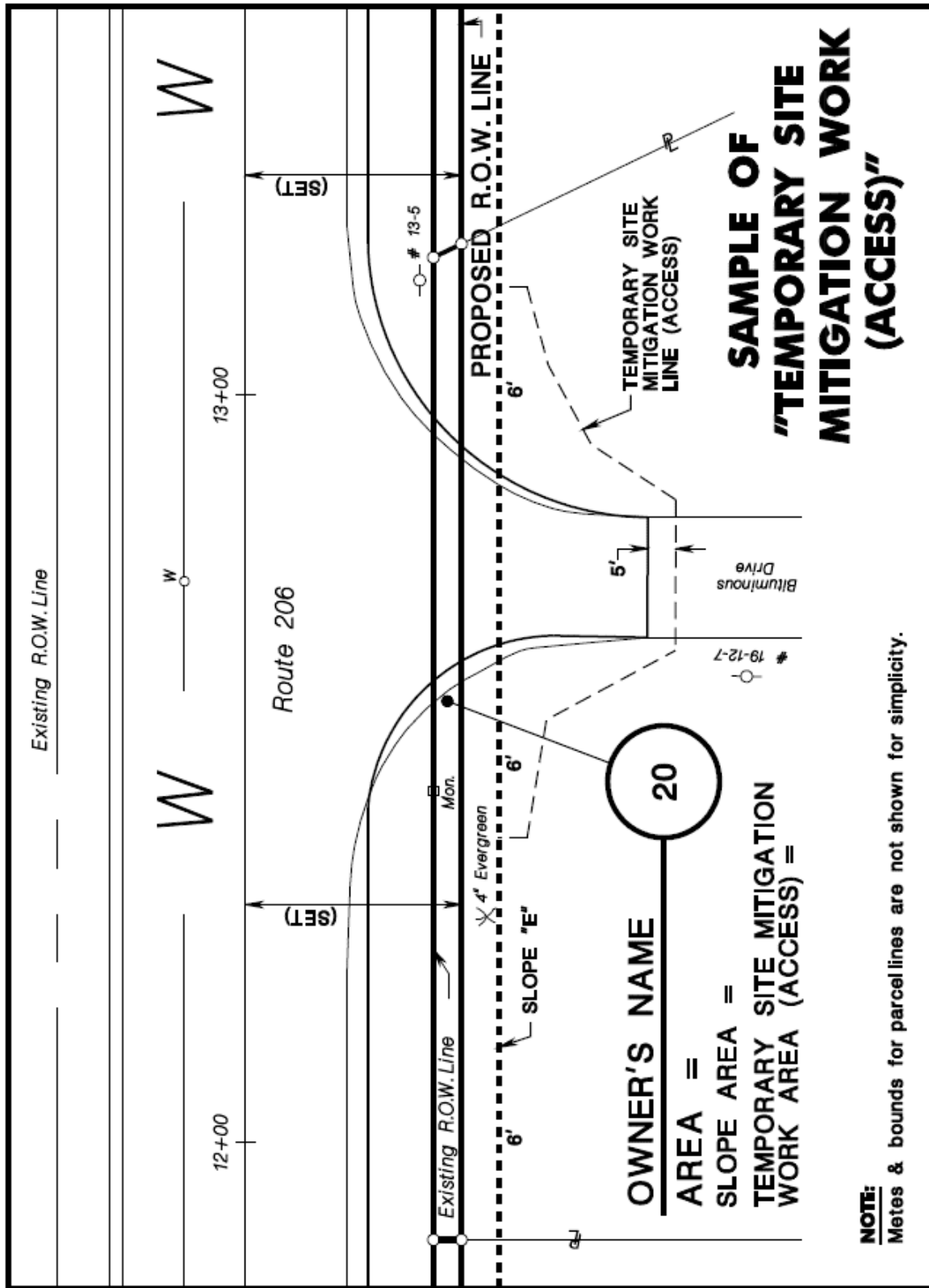
## ATTACHMENT H



# SAMPLE OF SLOPE E. & DITCH EASEMENT LINES

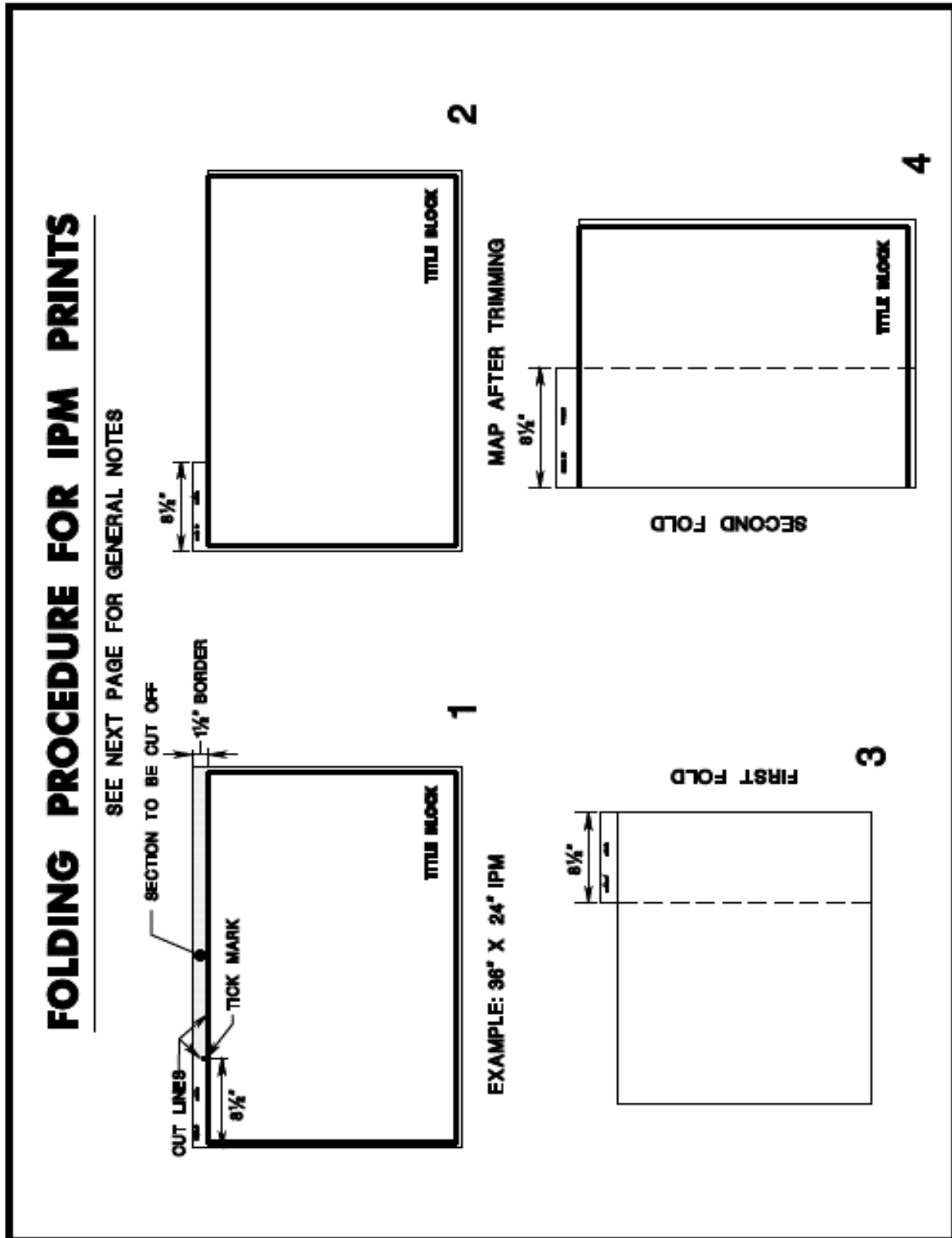
# Attachment I: Sample of "Temporary Site Mitigation Work (Access)"

## ATTACHMENT I



# Attachment J: Folding Procedure for IPM Prints

## ATTACHMENT J

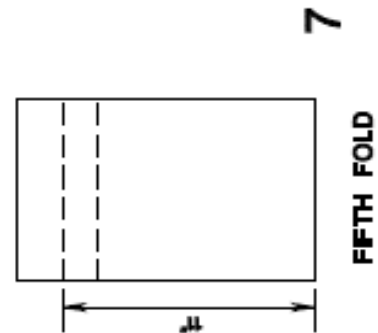
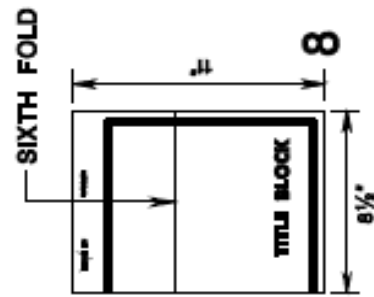
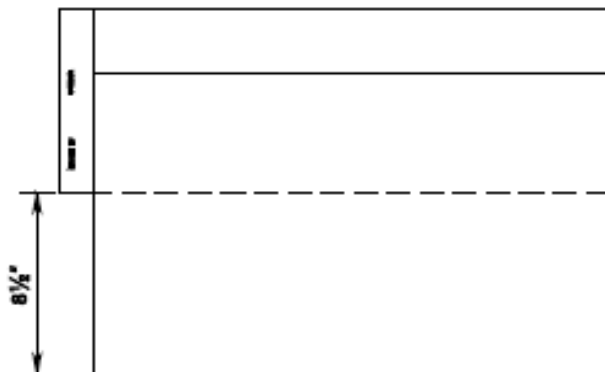


# Attachment K: Folding Procedure for IPM Prints: General Notes

## ATTACHMENT K

### GENERAL NOTES

1. - WHEN THE MAP IS DRAWN, A SMALL TICK MARK SHOULD BE PLACED AT THE VERTICAL CUT POINT IN THE TOP BORDER, 8 1/4" FROM THE LEFT EDGE OF THE MAP AS SHOWN IN SEQUENCE 1.
2. - FOR MAPS OF SIZES OTHER THAN THE ONE SHOWN, FOLLOW THE SEQUENCE UNTIL A FINAL SIZE OF 8 1/4" x 11" IS ATTAINED. IT IS DESIRABLE THAT THE WHOLE TITLE BLOCK BE VISIBLE ON THE FOLDED MAP, BUT THIS IS NOT POSSIBLE ON ALL ALLOWABLE MAP SIZES. DO NOT MAKE EXTRA FOLDS TO DISPLAY ONLY A SMALL PORTION OF THE TITLE BLOCK.
3. - IF THE LAST HORIZONTAL FOLD IS LESS THAN 8 1/4" WIDE, THAT PORTION SHOULD BE FOLDED SO AS TO LE ALONG THE RIGHT EDGE OF THE FOLDED MAP.
4. - FOLDING IS REQUIRED ONLY WHEN MAPS ARE TO BE USED FOR CONDEMNATION.



# Attachment L: Sample of Title Area (All Maps)

## ATTACHMENT L

The Latin abbreviations et ux, et vir and et al may be used

Circle size proportional to map size

**21**

**JOHN SMITH, ET UX**

AREA = 3398 SF ±  
TOTAL SLOPE EASEMENT AREA = 2091 SF ±  
DRAINAGE EASEMENT AREA = 436 SF ±  
R. A. = 23564 SF ±

Note:  
All easement areas follow parcel area with total areas given when there are two or more easements of the same kind

The parcel may be indicated by a line and arrow from the title circle to the parcel or by a smaller circle within or adjacent to the parcel. Parcels on the entire tract insert will be indicated with a small circle.

**NOTE:**  
See Section 9.0, B, 2, o ,3) & 4) for showing the area calculations

**SAMPLE OF  
TITLE AREA (ALL MAPS)**

# Attachment M: Sample of I.P.M. Title Block

## ATTACHMENT M

When two or more fee parcels are contiguous, each shall be indicated by a small parcel circle showing the area:

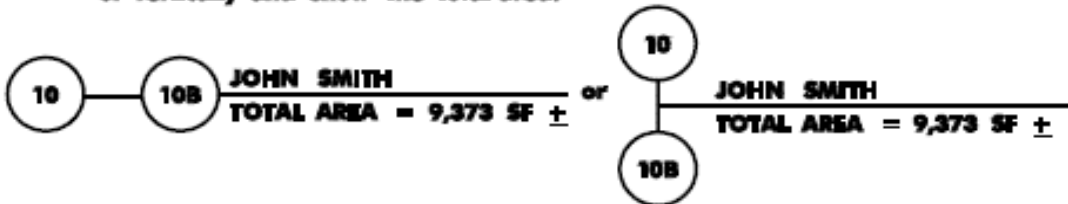
Inside Parcel:



Outside Parcel:



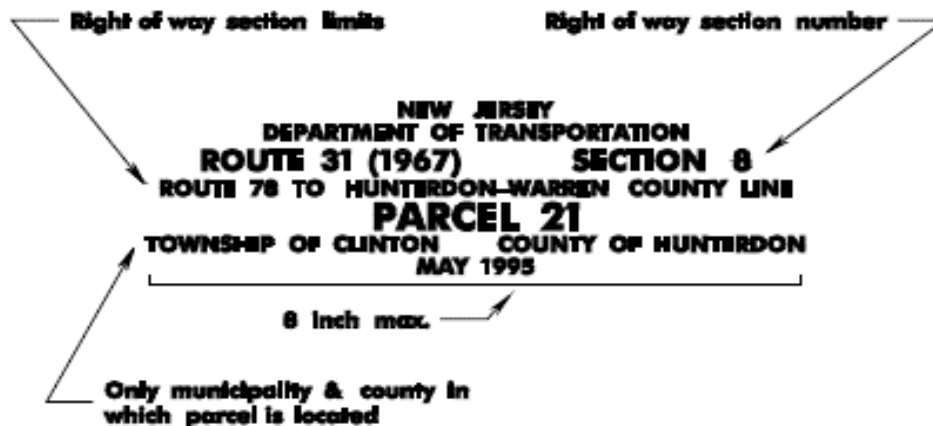
and the main title will have the circles connected either horizontally or vertically and show the total area:



Contiguous fee parcels are the only parcels joined in the title because they will be described together in the description. Easement or utility easement parcels, even when they adjoin a fee parcel, require a separate title bubble.

### NOTE:

See Section 9.0, B, 2, o, 3) & 4) for showing the area calculations



## SAMPLE OF I.P.M. TITLE BLOCK



# Attachment N: Submissions Requirements Table

LABELED FOR:		PROJECT COORDINATION (a)				ROWE		ENG. WITNESS	TITLE	DISTRICT	ENG. DOCUMENTS (b)		LEGAL	FHWA	ENVIRONMENTAL SOLUTIONS
Documents (Completed sets)	Submission	Word	PDF	Print	Print	Word	Print	Print	Print	Mylar	TIFF File	Print	Print	Print	
<b>ROW Plans (GPPMs &amp; ETM) Prepared in accordance with N.J.S.A. 46:26B 1-8 and N.J.A.C. 13:40-5.1.</b>	ROW IMPACT PLAN								2						
	ROW P&D		1		1			1	2				1	1	
	PRE-FINAL				1		1								
	FINAL		1		1			2	2				1	1	
	PROJECT CLOSED		1		1					3	1				
<b>IPMs In Color coded correlated sets. (d), (g) &amp; (h)</b>	ROW P&D		1		1 (c)				1						
	PRE-FINAL				1		1								
	FINAL		1					2	9						
	CONDEMN (e)		1						2			30			
<b>DESCRIPTIONS (SETS)</b>	ROW P&D	1			1	1		1							
	PRE-FINAL				1	1	1								
	FINAL	1						1							
	CONDEMN (e)	1										1			
<b>CURRENT DEEDS (IF APPLICABLE)</b>	ROW P&D				1			1							
	FINAL (only new)							1							
<b>TAX MAPS &amp; SITE PLANS</b>	ROW P&D				1										
	FINAL		1					2	1						
<b>½ SCALE ROW PLANS</b>	ROW P&D								1						
	FINAL				1				1						
<b>DESIGN PLANS</b>	ROW P&D				1				1						
	FINAL		1						1						
<b>RIPARIAN APPLICATION</b>	ROW P&D	1			1			1							
	FINAL	1						1	1						
<b>SIGNED LOAC &amp; LOLA &amp; STATUS OF ACCESS CASES</b>	FINAL			1											
<b>ACCESS CUTOUTS</b>	FINAL (f)		1												

## ATTACHMENT N (con't)

**Address all submissions to:**

**Manager, ROW Technical Support Manager  
(ATTN:) Project Coordination/Funding**

**Notes:**

- a. **Send updates or plan corrections to Project Coordination as needed.**
- b. **In-House designers will send 1 set of prints to ROW Technical Support.**
- c. **Or as directed by ROWE.**
- d. **IPM's must be correlated when receiving multiple copies (for example, 9 copies of parcel 12, 9 copies of parcel 13, etc.)**
- e. **Send individual condemnation documents only when requested.**
- f. **Submit cutouts only on concluded access cases where there is an SA parcel or any other ROW taking. Write parcel number series on upper right corner of cutouts when submitting to Project Coordination.**

# Attachment O: Consultant Quality Control Checklist

## ATTACHMENT O

Consultant Quality Control Checklist			
ROW Documents			
Route _____	Section _____		
_____	_____		
Project Name _____	County _____		
<input type="checkbox"/> ROW Plans and Document Submission	<input type="checkbox"/> Final Submission		
1. All Right of Way plans ( ETMs, GPPMs & IPMs) and descriptions have been prepared in accordance with the requirements outlined in the ROW Manual.	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
2. All Right of Way lines and easement line have been identified and are consistent between the right-of-way plans and construction plans.	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
3. The access control has been established in accordance with direction from the Project Manager/other offices within NJDOT and is in accordance with all applicable laws, regulations, FHWA and NJDOT policies	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
4. All comments regarding the right-of-way plans and descriptions have been addressed.	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
5. A field check was conducted on _____ to verify that all buildings and other important features are accurately shown on the ROW plans (Final Submission only).	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
NOTE : Any item checked NO shall be explained in the space provided below. Attach additional sheets if needed.			
Item No. _____	_____		
_____	_____		
_____	_____		
_____	_____		
Consultant _____	_____		
Project Manager _____	Date _____		
Sub-Contractor _____	_____		
Project Manager _____	Date _____		
* If Applicable			

# Attachment P: Title Summary Document

Preliminary Report

Route:            Section:            County:            Municipality:

---

Parcel:            Block:            Lot:

Record Owner:

Deed Book:            Page:             Copy Attached

OUTSTANDING RIGHTS AFFECTING PREMISES IN QUESTION:

Type of Interest:            Deed Book:            Page:             Copy Attached

Party in Interest:

Remarks:

---

Type of Interest:            Deed Book:            Page:             Copy Attached

Party in Interest:

Remarks:

---

Type of Interest:            Deed Book:            Page:             Copy Attached

Party in Interest:

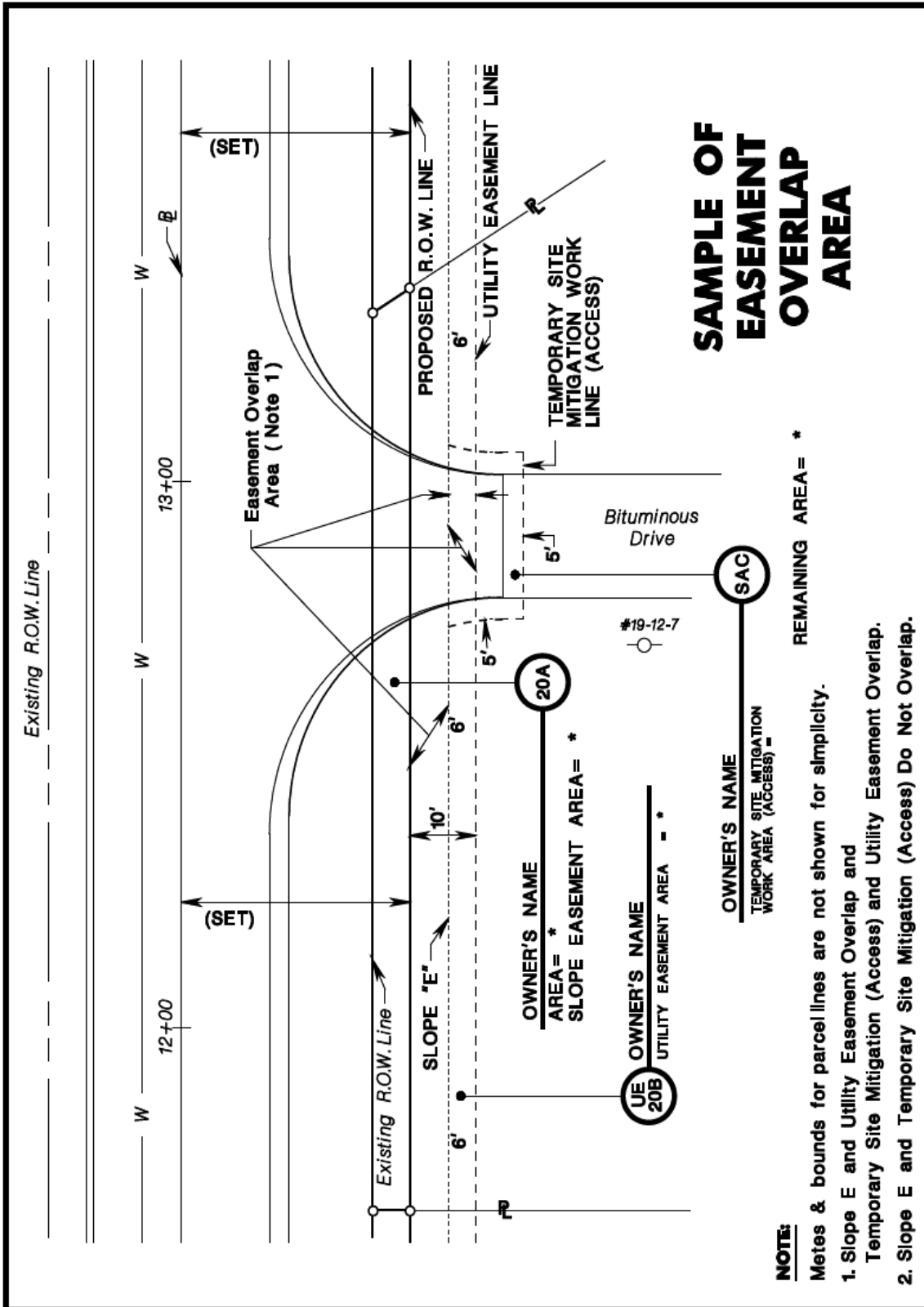
Remarks:

---

Type of Interest:            Deed Book:            Page:             Copy Attached

# Attachment Q: Sample of Easement Overlap Area

## ATTACHMENT Q



## Attachment R : Description Samples

### Description Samples

Please note that it is acceptable for the language in any description to vary slightly from what is described in this manual. Also, when preparing easements, the sample language provided can and should be modified to specify the exact work, and to identify the time frame required for the temporary easement.

#### Fee Take

(PI:kk 8/20/20)

All that certain land and premises situate, lying and being in the Township of Carneys Point, in the County of Salem and the State of New Jersey and more particularly described as follows:

Parcel 11, as indicated on a map entitled: "NEW JERSEY DEPARTMENT OF TRANSPORTATION, GENERAL PROPERTY PARCEL MAP, Route 48 (1953) SECTION 1, From Route US 130, Penn's Grove to Route US 40, Carneys Point, Showing Existing Right Of Way And Parcels To Be Acquired In The Borough of Penn's Grove and Township of Carneys Point, County of Salem, October 2013"; and as shown more particularly on a map attached hereto and made a part hereof entitled: "NEW JERSEY DEPARTMENT OF TRANSPORTATION, ROUTE 48 (1953) SECTION 1, FROM ROUTE US 130, PENNS GROVE TO ROUTE US 40, CARNEYS POINT, PARCEL 11, TOWNSHIP OF CARNEYS POINT, COUNTY OF SALEM, OCTOBER 2013"; and also being construction project ROUTE 48 LAYTON LAKE DAM, CONTRACT NO.003023100;

Parcel 11, including specifically all the land and premises located at about 34+30, (Route 48 ROW Base Line Stationing), and more particularly described as follows:

BEGINNING at the intersection of the proposed and the existing right of way line of Route 48, said point being approximately 80 feet northerly and perpendicular to Route 48 ROW Base Line Station 35+85 and running thence:

1. In a Northwesterly direction along said existing right of way line of Route 48 on a curve to the right with a radius of 3,920 feet (deed), having an arc distance of 27 feet (scaled) to the intersection of said existing right of way line of Route 48 and the existing line of Lakeside Drive.
2. N 66° 05' E (deed), 33 feet (scaled) along said existing line to a point of intersection with the proposed ROW line of Route 48.
3. N 16° 22' 39.71" W (calculated), 35 feet (scaled) along said proposed line to a point and place of beginning.

Containing 420 square feet more or less.

Being also known as part of Lots 12 in Block 235 on the tax map of the Township of Carneys Point, County of Salem.

TOGETHER WITH any ownership, reversionary or associated right, title and interest that the owner may have in Route 48 and Lakeside Drive, contiguous to the above-described premises as shown on the aforesaid map.

SUBJECT, HOWEVER, to a 10-foot-wide PSEG Gas Line easement and all other public utility easements, recorded or unrecorded, affecting the herein described premises.

The above-described premises are color coded in the following manner: Red – the Fee Parcel Line.

### **Fee Take with a Slope Easement and a Temporary Construction Easement**

(AOA April 2018)

(PHD March 2019)

All that certain land and premises, situate, lying and being in Township of Cherry Hill, in the County of Camden and the State of New Jersey and more particularly described as follows:

Parcel 158, as indicated on a map entitled: "NEW JERSEY DEPARTMENT OF TRANSPORTATION, GENERAL PROPERTY PARCEL MAP, ROUTE 70 (1953) SECTION 1, Route 38 To Route 41 (Kings Highway), Showing Existing Right Of Way And Parcels To Be Acquired In The Townships Of Pennsauken and Cherry Hill, County of Camden, April 2018"; and as shown more particularly on a map attached hereto, made a part thereof, marked "Exhibit B" entitled: "NEW JERSEY DEPARTMENT OF TRANSPORTATION, ROUTE 70 (1953) SECTION 1, FROM ROUTE 38 To ROUTE 41 (KINGS HIGHWAY), PARCEL 158, TOWNSHIP OF CHERRY HILL, COUNTY OF CAMDEN, APRIL 2018", and also being Construction Project Route 70, Route 38 To Cooper Avenue, Contract No. 000113380;

Parcel 158, including specifically all the land and premises located at about Station 167 + 20 (Route 70 E.B. Base Line Stationing) and more particularly described as follows:

Beginning at a proposed monument in the proposed right of way line of Route 70 (1953), as laid down on the aforesaid maps, said monument being 40.00 feet southwesterly of and perpendicular to Base Line Stationing 167 + 80 and running thence.

1. Along said proposed right of way line N 62° 5' 45.80" W (calculated) 114.97 feet (calculated) to a set point, said point being 40.00 feet southwesterly of and perpendicular to Base Line Stationing 166 + 65.00, thence.
2. Still along proposed right of way line N 62° 5' 45.80" W (calculated) 72 feet (scaled) to an intersecting point in the existing division line of Lots 1 and 3, Block 7.01, thence.
3. Along said existing division line N 24° 45' 09" E (deed) 6 feet (scaled) to an intersecting point in the existing right of way line of Route 70 (1953), thence.
4. Along said existing right of way line S 62° 12' 20" E (deed) 187 feet (scaled) to an intersecting point in the proposed right of way line of Route 70 (1953), thence.
5. Along said proposed right of way line S 27° 54' 14.20" W (calculated) 6.00 feet (calculated) to the monument and place of beginning.

Containing 1,130 square feet more or less.

Being also known as part of Lot 3 in Block 7.01 on the tax map of the Township of Cherry Hill.

TOGETHER WITH, the permanent right, at about Station 167+50 (Route 70 E.B. Baseline Stationing), to form and maintain slopes for grading the said State roadway as far as the line marked "Slope E", as shown on the aforesaid maps, including the right topsoil; seed; plant trees, vines and shrubs, in such a manner, so as to not interfere with points of access and to maintain the same so as to support the adjoining roadway; stabilize the soil, prevent erosion and/or to improve the aesthetic aspects of the roadway, areas of existing or proposed driveways, parking lots or other paved areas that are to remain in accordance with the construction plans and specifications for the project, may be

replaced with equal or better paving or impervious or semi-impervious materials. The owner shall retain the right to use the area within said slope easement consistent with the purposes and rights described above, however, the owner shall not have the right to remove vegetative material, add or remove material from the slope to be constructed, construct walls or other structures, or in any manner modify said slope easement rights, without first applying for permission to the New Jersey Department of Transportation (NJDOT). The permission to modify or release said slope may be obtained from the NJDOT, Office of ROW, where it is demonstrated by the owner, to the satisfaction of the NJDOT in its sole discretion, that the slope is no longer needed to support the roadway or that the proposed modification will not interfere with or adversely affect the integrity of the slope; the NJDOT, however, reserves the right to impose such terms and conditions on the release of any slope rights that are necessary to ensure the stability of the adjacent roadway;

AND ALSO, the temporary right, at about Station 168+70 (Route 70 E.B. Baseline Stationing), to enter upon the remaining lands of the owner or assigns with personnel, equipment, and materials to construct sidewalk and appurtenances as far as the line marked "Temporary Construction Easement Line", as shown on the aforesaid maps. This temporary right shall begin from the date of notice from the State's Resident Engineer, and shall terminate upon completion of said work, which shall be for a duration of 2 months. If the State, within its sole discretion, determines that the temporary easement or right needs to be extended to complete the Work, such right may be extended simply by written notice from the Resident Engineer to the owner or its assigns. In such event that this temporary right is extended, payment will be made semi-annually during the extended term of the temporary right, based upon the 'per-monthly' rate set forth in the State's offer letter.

The location of all permanent easements and improvements constructed therein shall not be changed or modified in any manner without the specific written permission of the Division of ROW, New Jersey Department of Transportation within its sole discretion and upon such terms and conditions as it determines.

AND ALSO, any ownership, reversionary or associated right, title and interest that the owner may have in Route 70 (1953), contiguous to the above-described premises as shown on the aforesaid map.

SUBJECT, HOWEVER to all other public utility easements, recorded or unrecorded, affecting the herein described premises.

The above-described premises are color coded on "Exhibit B" in the following manner: Red-Fee Parcel Line, Yellow-Slope Easement Line and Brown-Temporary Construction Easement Line.

### **Fee Take with Permanent Sidewalk Easement Parcels and Site Mitigation Parcels**

(FDR, hh, 9/30/19)

All that certain land and premises, situate, lying and being in the Township of Haddon, in the County of Camden and State of New Jersey and particularly described as follows:

Parcels 100A, E100B, E100C, SR100D and SR100F, as indicated on a map entitled: "NEW JERSEY DEPARTMENT OF TRANSPORTATION, GENERAL PROPERTY PARCEL MAP, ROUTE 168 (1953) SECTION 2, Ferry Avenue To Evesham Road, Showing Existing Right Of Way And Parcels To Be Acquired In City Of Camden, Township Of Haddon, And Boroughs Of



Woodlynne, Oaklyn, Audubon Park, Audubon, Mount Ephraim, Haddon Heights, Bellmawr, And Runnemede, County of Camden, March 2019"; and as shown more particularly on a map attached hereto, made a part hereof, marked "Exhibit B" entitled: "NEW JERSEY DEPARTMENT OF TRANSPORTATION, ROUTE 168 (1953) SECTION 2, Ferry Avenue To Evesham Road, PARCELS 100A, E100B, E100C, SR100D & SR100F, Township Of Haddon, County Of Camden, March 2019"; and also being construction project RT 168, MERCHANT STREET TO FERRY AVENUE, CONTRACT NO. 0100103410;

Parcel 100A, including specifically all the land and premises located at about Station 56+40 [Base Line Route 168 (1953) Stationing], and more particularly described as follows:

BEGINNING at a point in the proposed northeasterly right of way line of Route 168 (a.k.a. Mount Ephraim Avenue) where the same is intersected by the southeasterly line of Walnut Avenue said point being 39.00 feet northeastwardly and normal from about Station 56+32 Base Line Route 168 (1953) Stationing, and from said beginning point runs, thence:

1. Along said proposed northeasterly right of way line, through the lands of the grantor herein (Block 2.08, Lot 9),  $S17^{\circ}54'14''$  E (calculated), 13' (scaled), to a point and corner to the same, being 39.00 feet northeastwardly and normal from the aforementioned Base Line at Station 56+45.00 (calculated), as laid down on the aforesaid maps.
2. Still along said proposed northeasterly right of way line, through the lands of the grantor herein (Block 2.08, Lot 9),  $S72^{\circ}05'46''$  W (calculated), 6' (scaled), to a point in the existing northeasterly right of way line of the aforementioned Route 168, as laid down on the aforesaid maps.
3. Along the existing northeasterly right of way line,  $N10^{\circ}27'34''$  W (deed), 12' (scaled), to a point in the aforementioned southeasterly line of Walnut Avenue
4. Along said southeasterly line,  $N73^{\circ}35'41''$  E (deed), 6' (scaled), to the point and place of beginning.

Containing 80 Square Feet, more or less.

Being also known as part of Lot 9 in Block 2.08 on the Township of Haddon Tax Maps.

Parcel E100B, at about Station 58+90 [Base Line Route 168 (1953) Stationing], consisting of the permanent right to enter upon the lands of the owner or its assigns within the Permanent Sidewalk Easement area with personnel, equipment, and materials for the following purposes:

- To reconstruct existing public use sidewalk and to reconstruct sidewalk related appurtenances at the locations shown on the aforesaid map to the extent needed to meet ADA requirements.
- To grade a supporting slope to support the sidewalk work.

The right to enter and to perform the work set forth above extends as far as the line marked "PERMANENT Sidewalk Easement LINE" as shown on the aforesaid maps. All proposed changes and improvements will be constructed as illustrated on the aforesaid maps.

At the completion of the sidewalk construction work for the above parcel, any disturbed ground will be restored by regrading, adding topsoil and reseeding.

The owner or its assigns shall have responsibility for maintenance of the sidewalk upon completion of the work in accordance with law.

Being also known as a permanent easement in Lot 10 in Block 2.08 on the Township of Haddon Tax Maps.

Parcel E100C, at about Station 59+30 [Base Line Route 168 (1953) Stationing], consisting of the permanent right to enter upon the lands of the owner or its assigns within the Permanent Sidewalk Easement area with personnel, equipment, and materials for the following purposes:

- To reconstruct existing public use sidewalk and to reconstruct sidewalk related appurtenances to the extent needed to meet ADA requirements at the locations shown on the aforesaid map.
- To re-grade the existing driveway.

The right to enter and to perform the work set forth above extends as far as the line marked "PERMANENT Sidewalk Easement LINE" as shown on the aforesaid maps. All proposed changes and improvements will be constructed as illustrated on the aforesaid maps.

At the completion of the sidewalk construction work for the above parcel, any disturbed ground will be restored by regrading, adding topsoil and reseeding.

The owner or its assigns shall have responsibility for maintenance of the sidewalk upon completion of the work in accordance with law.

Being also known as a permanent easement in Lot 15 in Block 2.08 on the Township of Haddon Tax Maps;

The location of all permanent easements and improvements constructed therein shall not be changed or modified in any manner without the specific written permission of the Division of ROW, New Jersey Department of Transportation within its sole discretion and upon such terms and conditions as it determines.

Parcel SR100D, at about Station 57+20 [Base Line Route 168 (1953) Stationing], consisting of the temporary right to enter upon the remaining lands of the owner with personnel, material and equipment for the purpose of implementing mitigation work in kind, consisting of regrading and paving a driveway, constructing concrete pavement/sidewalk, which may otherwise emanate from the proposed acquisition of Parcel SR100D and or other lesser rights for a proposed transportation project, as far as the line marked "TEMPORARY SITE MITIGATION WORK LINE", as shown on the aforesaid map. This right shall begin from the date of notice from the State's Resident Engineer, and shall terminate upon the completion of the work, after which the improvements constructed shall become the property and responsibility of the owner, its successors and assigns

Being also known as a temporary easement in Lot 9 in Block 2.08 on the Township of Haddon Tax Maps.

Parcel SR100F, at about Station 59+20 [Base Line Route 168 (1953) Stationing], consisting of the temporary right to enter upon the remaining lands of the owner with personnel, material and equipment for the purpose of implementing mitigation work in kind, consisting of regrading and paving a driveway, constructing concrete pavement/sidewalk, which may otherwise emanate from the proposed acquisition of

Parcel SR100F and or other lesser rights for a proposed transportation project, as far as the line marked "TEMPORARY SITE MITIGATION WORK LINE", as shown on the aforesaid map. This right shall begin from the date of notice from the State's Resident Engineer, and shall terminate upon the completion of the work, after which the improvements constructed shall become the property and responsibility of the owner, its successors and assigns

Being also known as a temporary easement in Lots 10 & 15 in Block 2.08 on the Township of Haddon Tax Maps.

TOGETHER WITH any ownership, reversionary or associated right, title and interest that the owner may have in the right of ways of Route 168 (1953) (a.k.a. Mount Ephraim Avenue) and Walnut Avenue, as shown on the aforesaid maps.

SUBJECT, HOWEVER, to all public utility easements, recorded or unrecorded, affecting the herein described premises.

The above-described premises are color-coded on "EXHIBIT B" in the following man RED - FEE PARCEL LINE; BROWN - PERMANENT SIDEWALK EASEMENT LINE; TEMPORARY SITE MITIGATION WORK LINE.

### **Temporary Construction Easement**

(KG; pai 04/10/20)

An easement in certain lands situate, lying and being in the Borough of Butler, County of Morris and State of New Jersey and more particularly described as follows:

Parcel E275, as shown on a map attached hereto and made a part hereof, marked "Exhibit B", entitled "NEW JERSEY DEPARTMENT OF TRANSPORTATION, ROUTE U.S. 23 (1953) SECTION 3, Black Oak Ridge to Paterson Hamburg Turnpike, PARCEL E275, Borough of Butler, County of Morris, March 2020"; and also, being construction project ROUTE 23 ALEXANDER ROAD TO MAPLE LAKE ROAD, CONTRACT NO. 017114240.

Parcel E275 at about Baseline Station 545+10 (Existing Route 23 Baseline Stationing), consisting of the temporary right to enter upon the remaining lands of the owner or its assigns with personnel, equipment, and materials for the purpose of removing the existing guiderail and appurtenances and for top soiling, seeding, and mulching as far as the line marked "Temporary Construction Easement Line", as shown on the aforesaid maps. This temporary right shall begin from the date of notice from the State's Resident Engineer, and shall terminate upon completion of said work, which shall be for a duration of 2 weeks. If the State, within its sole discretion, determines that the temporary easement or right needs to be extended to complete the work, such right may be extended simply by written notice from the Resident Engineer to the owner or its assigns. In such event that this temporary right is extended, payment will be made semi-annually during the extended term of the temporary right, based upon the 'per-monthly' rate set forth in the State's offer letter.

Being also known as a temporary easement in Lot 2 in Block 203 on the tax map of the Borough of Butler.

The above-described premises are color coded on "Exhibit B" in the following manner: Brown -Temporary Construction Easement Line.

### **Temporary Sidewalk Work Area**

(IM; gvr, 7/30/20)

A Temporary Sidewalk Work Area in certain lands situate, lying and being in the Township of Cedar, County of Essex and State of New Jersey and more particularly described as follows:

Parcel E26 as indicated on a map entitled: "NEW JERSEY DEPARTMENT OF TRANSPORTATION, GENERAL PROPERTY PARCEL MAP, ROUTE 23 (1953) SECTION 1, Verona To Passaic County Line, Showing Existing Right Of Way And Parcels To Be Acquired In The Townships Of Verona And Cedar Grove, County Of Essex, June 2017"; and as shown more particularly on a map attached hereto, made a part hereof, marked "Exhibit B" entitled: "NEW JERSEY DEPARTMENT OF TRANSPORTATION, ROUTE 23 (1953) SECTION 1, Verona To Passaic County Line; PARCEL E26, TOWNSHIP OF CEDAR GROVE, COUNTY OF ESSEX, JUNE 2017"; and also being Construction Project ROUTE 23 BLOOMFIELD AVENUE TO BRIDGE OVER NJ TRANSIT;

Parcel E26, at about Station 189+20 (Route 23 Baseline Stationing), consisting of the temporary right to enter upon the lands of the owner or its assigns with personnel, equipment, and materials for the purpose of reconstructing existing public use sidewalk and to re-grade any asphalt areas which are directly impacted by the sidewalk work to the extent needed to properly connect with the public use sidewalk and meet ADA requirements as far as the line marked "Temporary Sidewalk Work Line", as shown on the aforesaid maps. This right shall begin from the date of notice from the State's Resident Engineer, which will be for a duration of 2 months. If the State, within its sole discretion, determines that the temporary easement or right needs to be extended in order to complete the work, such right may be extended simply by written notice from the Resident Engineer to the owner or its assigns. In such event that this temporary right is extended, payment will be made semi-annually during the extended term of the temporary right, based upon the per-monthly rate set forth in the State's offer letter. At the completion of the sidewalk construction work, any disturbed ground will be restored by regrading, adding topsoil and reseeding. This right shall terminate when all work is completed.

The owner or its assigns shall have responsibility for maintenance of the sidewalk upon completion of the work in accordance with law.

Being also known as a Temporary Sidewalk Work Area in Lot 33 in Block 120, Tax Map of the Township of Cedar Grove, County of Essex.

SUBJECT, HOWEVER, to all public utility easements, recorded or unrecorded, affecting the herein described premises.

The above-described premises are color-coded "Exhibit B" in the following manner:  
Brown – Temporary Sidewalk Work Line.

### **Permanent Sidewalk Easement with a Contiguous Temporary Sidewalk Work Area**

(PI; ct, 9/12/20)

Easements in certain land and premises situate, lying and being in the Township of Verona, in the County of Essex and State of New Jersey and particularly described as follows:

Parcels E21 as indicated on a map entitled: "NEW JERSEY DEPARTMENT OF TRANSPORTATION, GENERAL PROPERTY PARCEL MAP, ROUTE 23 (1953) SECTION 1, Verona To Passaic County Line, Showing Existing Right Of Way And Parcels To Be Acquired In The Townships Of Verona And Cedar Grove, County Of Essex, June 2017";

and as shown more particularly on a map attached hereto, made a part hereof, marked "Exhibit B" entitled: "NEW JERSEY DEPARTMENT OF TRANSPORTATION, ROUTE 23 (1953) SECTION 1, Verona To Passaic County Line; PARCEL E21, TOWNSHIP OF VERONA, COUNTY OF ESSEX, JUNE 2017"; and also being Construction Project ROUTE 23 BLOOMFIELD AVENUE TO BRIDGE OVER NJ TRANSIT;

Parcels E21, at about Station 108+70 (Route 23 Baseline Stationing), consisting of the permanent right to enter upon the lands of the owner or its assigns within the Permanent Sidewalk Easement with personnel, equipment, and materials for the following purposes:

- To construct new or reconstruct existing public use sidewalk and to reconstruct sidewalk related appurtenances at the locations shown on the aforesaid map to the extent needed to meet ADA requirements.
- To grade a supporting slope to support the sidewalk work.

The right to enter and to perform the work set forth above extends as far as the line marked "PERMANENT Sidewalk Easement LINE" as shown on the aforesaid maps. All proposed changes and improvements will be constructed as illustrated on the aforesaid maps.

The location of all permanent easements and improvements constructed therein shall not be changed or modified in any manner without the specific written permission of the Division of ROW, New Jersey Department of Transportation within its sole discretion and upon such terms and conditions as it determines.

TOGETHER WITH consisting of the temporary right to enter upon the lands of the owner or its assigns within the Temporary Sidewalk Work Area with personnel, equipment, and materials for the following purposes:

- To repair existing public use sidewalk
- To regrade existing driveways

This right shall begin from the date of notice from the State's Resident Engineer, which will be for a duration of 2 months. If the State, within its sole discretion, determines that the temporary easement or right needs to be extended to complete the work, such right may be extended simply by written notice from the Resident Engineer to the owner or its assigns. In such event this temporary right is extended, payment will be made semi-annually during the extended term of the temporary right, based upon the per-monthly rate set forth in the State's offer letter. This right shall terminate when all work is completed.

At the completion of the sidewalk construction work, any disturbed ground will be restored by regrading, adding topsoil and reseeding.

The owner or its assigns shall have responsibility for maintenance of the sidewalk upon completion of the work in accordance with law.

Being also known as a Permanent Sidewalk Easement and a Temporary Sidewalk Easement in Lot 1 in Block 207, Tax Map of the Township of Verona, County of Essex.

SUBJECT, HOWEVER, to all public utility easements, recorded or unrecorded, affecting the herein described premises.

The above-described premises are color-coded "Exhibit B" in the following manner:  
Brown – Permanent Sidewalk Easement Line and Brown – Temporary Sidewalk Work Line.

### **Permanent Sidewalk Easement**

(PI;cq 7/22/20)

An Easement in certain land and premises situate, lying and being in the Township of Verona, in the County of Essex and State of New Jersey and particularly described as follows:

Parcel E19 as indicated on a map entitled: "NEW JERSEY DEPARTMENT OF TRANSPORTATION, GENERAL PROPERTY PARCEL MAP, ROUTE 23 (1953) SECTION 1, Verona To Passaic County Line, Showing Existing Right Of Way And Parcels To Be Acquired In The Townships Of Verona And Cedar Grove, County Of Essex, June 2017"; and as shown more particularly on a map attached hereto, made a part hereof, marked "Exhibit B" entitled: "NEW JERSEY DEPARTMENT OF TRANSPORTATION, ROUTE 23 (1953) SECTION 1, Verona To Passaic County Line; PARCEL E19, TOWNSHIP OF VERONA, COUNTY OF ESSEX, JUNE 2017"; and also being Construction Project ROUTE 23 BLOOMFIELD AVENUE TO BRIDGE OVER NJ TRANSIT;

Parcel E19 consisting of a right to enter upon the lands of the owner or its assigns with personnel, equipment, and materials for the purpose of construct new public use sidewalk and to related appurtenances to the extent needed to meet ADA requirements as far as the line marked "Permanent Sidewalk Easement", as shown on the aforesaid maps. At the completion of the sidewalk construction work, any disturbed ground will be restored in by regrading, adding topsoil and reseeding.

The owner or its assigns shall resume responsibility for maintenance of the sidewalk upon completion of the work in accordance with law.

The location of all permanent easements and improvements constructed therein shall not be changed or modified in any manner without the specific written permission of the Division of ROW, New Jersey Department of Transportation within its sole discretion and upon such terms and conditions as it determines.

Being also known as an Easement in Lot 1 in Block 206, Tax Map of the Township of Verona, County of Essex.

SUBJECT, HOWEVER, to all public utility easements, recorded or unrecorded, affecting the herein described premises.

The above-described premises are color-coded "Exhibit B" in the following manner:  
Brown – Permanent Sidewalk Easement Line.

### **Fee Take with a Temporary Construction Easement and Temporary Site Mitigation (Access)**

All that certain land and premises, situate, lying and being in the Township of Winslow, in the County of Camden and the State of New Jersey and being more particularly described as follows:

Parcels 40A and SA40B as indicated on a map entitled: "NEW JERSEY DEPARTMENT OF TRANSPORTATION, GENERAL PROPERTY PARCEL MAP, ROUTE U.S. 30 (1953), SECTION 11, Atlantic-Camden County Line To Waterford Road, Showing Existing Right Of Way And Parcels To Be Acquired In The Township of Winslow, County of Camden, May 2011"; and

as shown more particularly on a map attached hereto and made a part hereof, marked "EXHIBIT B", entitled "NEW JERSEY DEPARTMENT OF TRANSPORTATION ROUTE U.S. 30 (1953), SECTION 11, Atlantic-Camden County Line To Waterford Road, PARCELS 40A & SA40B, TOWNSHIP OF WINSLOW, CAMDEN COUNTY, MAY 2011", and also being construction project RT. 30 BLUE ANCHOR DAM, CONTRACT NO. 026950292;

Parcel 40A, including specifically all the land and premises located at about Station 129+00 [Base Line Route U.S. 30 (1953) Stationing], and being more particularly described as follows:

BEGINNING at a point in the proposed northeasterly right of way line of Route U.S. 30 (1953) (a.k.a. White Horse Pike), where the same is intersected by the division line between lands of the grantor herein (Block 6601, Lot 20) and lands now or formerly of Garden State Vegetable Co., Inc. (Block 6601, Lot 19.05), at about Base Line Station 129+77, and from said beginning point runs, thence:

1. Through lands of the grantor herein and along the proposed northeasterly right of way line of Route U.S. 30,  $S39^{\circ}49'51''$  E (calculated), 38.00 feet northeastwardly and normal from said Base Line, 150 feet (scaled) to a point where the same is intersected by the division line between lands of the grantor herein and lands now or formerly of Joseph Gallo (Block 6601, Lot 21), as laid down on the aforesaid maps.
2. Along said division line between lands of the grantor herein and Lot 21,  $S42^{\circ}42'00''$  W (deed), 5 feet (scaled) to a point where the same is intersected by the existing northeasterly right of way line of Route U.S. 30 (1953) (a.k.a. White Horse Pike).
3. Along said existing northeasterly right of way line of Route U.S. 30,  $N47^{\circ}18'00''$  W (deed), 150.00 feet (deed) to a point where the same is intersected by the aforementioned division line between lands of the grantor herein and Lot 19.05.
4. Along said division line between lands of the grantor herein and Lot 19.05,  $N42^{\circ}42'00''$  E (deed), 5 feet (scaled) to the point and place of beginning.

Containing 750 square feet, more or less.

Being also known as part of Lot 20 in Block 6601 on the Township of Winslow Tax Maps.

TOGETHER WITH at about Station 129+45 [Base Line Route U.S. 30 (1953) Stationing], consisting of the temporary right to enter upon the remaining lands of the owner or its assigns with personnel, equipment, and materials for the purpose of installing proposed traffic signals and appurtenances within the State's ROW and also for top soiling, seeding and mulching as far as the line marked "Temporary Construction Easement Line", as shown on the aforesaid maps. This temporary right shall begin from the date of notice from the State's Resident Engineer, and shall terminate upon completion of said work, which shall be for a duration of 3 weeks. If the State, within its sole discretion, determines that the temporary easement or right needs to be extended to complete the work, such right may be extended simply by written notice from the Resident Engineer to the owner or its assigns. In such event that this temporary right is extended, payment will be made semi-annually during the extended term of the temporary right, based upon the 'per-monthly' rate set forth in the State's offer letter.

Parcel SA40B, at about Station 129+00 [Base Line Route U.S. 30 (1953) Stationing], consisting of the temporary right to enter upon the remaining lands of the owner with personnel, material, and equipment for the purpose of implementing the mandates of N.J.S.A. 27:7-94(d) pursuant to an access proceeding by the Commissioner of Transportation. The access proceeding involved a modification of driveway and requires

providing all necessary assistance to the property owner in establishing reasonable access to the general system of streets and highways. The assistance includes providing improvements constructed in kind, consisting of paving two driveways, grading, top soiling and seeding. This temporary right shall extend as far as the line marked "Temporary Site Mitigation Work Line (Access)", as shown on the aforesaid maps. This right shall begin from the date of notice from the State's Resident Engineer, and shall terminate upon the completion of the work, after which the improvements constructed shall become the property and responsibility of the owner, its successors and assigns.

AND ALSO, any ownership, reversionary or associated right, title and interest that the owner may have in the right of way of Route U.S. 30 (1953), as shown on the aforesaid maps.

SUBJECT, HOWEVER, to all public utility easements, recorded or unrecorded, affecting the herein described premises.

The above-described premises are color-coded on "EXHIBIT B" in the following manner: Red-Fee Parcel Line; BROWN-TEMPORARY SITE MITIGATION WORK LINE (ACCESS).

### **Temporary Denial of Access Easement and a Temporary Access Right**

04/22/19 (PAI:ok)

A temporary access easement in certain land and premises, situated, lying and being in the Township of Vernon, in the County of Sussex, and the State of New Jersey and more particularly described as follows:

Parcel TDA7C, as indicated on a map entitled: "NEW JERSEY DEPARTMENT OF TRANSPORTATION, GENERAL PROPERTY PARCEL MAP, ROUTE 94 (1953) SECTION 9, From McAfee Road to Vernon Stockholm Road, Showing Existing Right Of Way and Parcels To Be Acquired In The Township Of Vernon, County Of Sussex, March 2011"; and as shown more particularly on a map attached hereto and made a part hereof, marked "Exhibit B", entitled: "NEW JERSEY DEPARTMENT OF TRANSPORTATION, ROUTE 94 (1953) SECTION 9, From McAfee Road to Vernon Stockholm Road, PARCEL TDA7C, TOWNSHIP OF VERNON, COUNTY OF SUSSEX, MARCH 2011"; and also being CONSTRUCTION PROJECT: ROUTE 94 BLACK CREEK TRIBUTARY, CULVERT REPLACEMENT, CONTRACT No. 039103830;

Parcel TDA7C, the temporary right at about Station 100+64 Lt. (State Route 94 Base Line Stationing) to close the owner's driveway and an additional temporary right at about Station 101+47 Lt. (State Route 94 Base Line Stationing), to close the owner's driveway, utilized by the Sussex County MUA as a permanent easement holder on the property, to vehicular and pedestrian traffic as shown on the aforesaid maps. Including the temporary right at about Station 99+60 Lt. (State Route 94 Base Line Stationing), to enter upon the remaining lands of the owner or assigns with personnel, equipment, and materials to construct bituminous pavement parking areas and install a temporary chain-link pedestrian gate in an existing chain-link fence as shown on the attached Exhibit B. The temporary chain-link pedestrian gate will be removed, and the chain-link fence will be restored to its original condition upon completion of construction, all other bituminous paving shall remain in place for the benefit of the owner, including a total of 1 parking space for the benefit of the permanent easement holder (Sussex County Municipal Utilities Authority), as shown on the aforesaid maps. This temporary right shall be binding upon the owner's heirs or assigns. The temporary right shall begin from the date of notice from the State's Resident Engineer, and shall terminate upon completion of said



work, which shall be for a duration of 4 months. If the State, within its sole discretion, determines that the temporary right needs to be extended to complete the work, such right may be extended simply by written notice from the Resident Engineer to the owner or its assigns. *In such event that this temporary right is extended, payment will be made semi-annually during the extended term of the temporary right, based upon the 'per-monthly' rate set forth in the State's offer letter.*"

TOGETHER WITH the temporary right at about Station 99+60 Lt. (State Route 94 Base Line Stationing), consisting of the temporary, nonexclusive right of ingress and egress for the owners, successors and assigns, permanent easement holders (Sussex County Municipal Utilities Authority), as well as business invitees and guests (to the extent permitted by the owner) of Lot 12 Block 231, Township of Vernon, County of Sussex, across lands of Mountain Creek Resorts, in Lot 12 Block 231, as far as the line marked "TEMPORARY ACCESS EASEMENT LINE", as shown on the aforesaid maps; maintenance shall be the responsibility of the owner of Lot 12 Block 231 as far as the line marked "TEMPORARY ACCESS EASEMENT LINE", as shown on the aforesaid maps."

Being also known as an easement in Lot 12 Block 231 on the tax map of the Township of Vernon, Sussex County, Sheet No's 19.09, 23 and 23.08, Dated Jan. 1994.

### **Tidelands Easement**

A tidelands easement in the Borough of Lavallette, in the County of Ocean and the State of New Jersey and more particularly described as follows:

Parcel TE80F as indicated on a map entitled: "NEW JERSEY DEPARTMENT OF TRANSPORTATION, GENERAL PROPERTY PARCEL MAP, ROUTE U.S. 35 (1953), SECTION 2, Seaside Heights To Point Pleasant, Showing Existing Right Of Way And Parcels To Be Acquired In The Boroughs of Seaside Heights, Lavallette, Mantoloking, Bay Head, Point Pleasant Beach And Point Pleasant And In The Townships of Toms River And Brick, County Of Ocean, March 2013"; and as shown more particularly on a map attached hereto and made a part hereof, marked "Exhibit B," entitled "NEW JERSEY DEPARTMENT OF TRANSPORTATION, ROUTE U.S. 35 (1953) SECTION 2, SEASIDE HEIGHTS TO POINT PLEASANT, PARCEL TE80F, BOROUGH OF LAVALLETTE, COUNTY OF OCEAN, MARCH 2013";

Parcel TE80F, located at about Station 209+65 (Bay Boulevard Baseline Stationing), consisting of the permanent right to access, construct, reconstruct and maintain subsurface drains, rip rap bulkheads and appurtenances as far as the line marked "Drainage Easement Line", as shown on the aforesaid maps. The drainage improvements shown are for illustration purposes only. The State reserves the right to place all drainage improvements as far as the line marked "Drainage Easement Line", as shown on the aforesaid maps.

Being also known as an easement in tidelands adjacent to Jersey City Avenue between Blocks 65 and 66 on the tax map of the Borough of Lavallette.

The location of all permanent easements and improvements constructed therein shall not be changed or modified in any manner without the specific written permission of the Division of ROW, New Jersey Department of Transportation within its sole discretion and upon such terms and conditions as it determines. All the work to be done inside the easement areas.

SUBJECT, HOWEVER, to all public utility easements, recorded or unrecorded, affecting the herein described premises.

The above-described premises are color coded on "Exhibit B" in the following manner:  
Green – Drainage Easement Line.

### **Tidelands Parcels with a Bridge Easement and Temporary Construction Easement**

Notes: Consult with the Tideland Bureau at DEP before finalizing descriptions involving Tidelands. Parcel T51M is a conveyance of area to be filled or built over as part of the Project

(WS:sp, 4-13-16)

All that certain lands and premises, situate, lying and being in the Township of Stafford and the Borough of Ship Bottom, in the County of Ocean and State of New Jersey, more particularly described as follows:

PARCELS T51M, TE51N & TE51O, as indicated on a map entitled: "NEW JERSEY DEPARTMENT OF TRANSPORTATION, GENERAL PROPERTY PARCEL MAP, ROUTE 72 (1953) SECTION 7, ROUTE U.S. 9 TO BRIDGE OVER MANAHAWKIN BAY, Showing Existing Right Of Way And Parcels To Be Acquired In The Township of Stafford & Borough of Ship Bottom, County Of Ocean, April, 2010"; And as shown more particularly on a map attached hereto, marked "Exhibit B", entitled "NEW JERSEY DEPARTMENT OF TRANSPORTATION, Route 72 (1953) SECTION 7, ROUTE U.S. 9 TO BRIDGE OVER MANAHAWKIN BAY, TIDELANDS PARCEL MAP - PARCELS T51M, TE51N & TE51O TOWNSHIP OF STAFFORD, COUNTY OF OCEAN, NOVEMBER, 2010"; And also being construction project Route 72 Manahawkin Bay Bridges, CONTRACT NO. 025113850, 026118012, 026118013, & 026118014;

Parcel T51M, including specifically all the land and premises located at about Station 568+10 Proposed Route 72 EB Baseline Stationing, and more particularly as follows:

BEGINNING at a point on the proposed southwesterly Right of Way Line of Route 72, said point being 48.75 feet southwestwardly and perpendicular from the Proposed Route 72 EB Baseline Station 569+68.00 as laid down on the aforesaid maps and running thence.

1. Along the proposed southwesterly Right of Way Line of Route 72 N58°28'53" W (**calculated**), 138 feet +/- (**scaled**) to a point on the existing southwesterly Right of Way Line of Route 72, thence.
2. Still along said existing southwesterly Right of Way Line of Route 72 N31°31'29" E (**scaled**), 15 feet +/- (**scaled**) to a point on the existing southwesterly Right of Way Line of Route 72, thence.
3. Still along the same S58°28'31" E (**scaled**), 360 feet +/- (**scaled**) to a point on the existing southwesterly Right of Way Line of Route 72, thence.
4. Still along the same S 1°31'29" W (**scaled**), 15 feet +/- (**scaled**) to a point on the proposed southwesterly Right of Way Line of Route 72, thence.
5. Along said proposed southwesterly Right of Way Line of Route 72 N 58°28'53" W (**calculated**), 222 feet +/- (**scaled**) to the point and place of beginning.

Containing 5,276 square feet of land more or less.

Parcel TE51N, consisting of a right in perpetuity at about Station 569+40 Proposed Route 72 WB Baseline Stationing to construct and maintain a bridge and/or associated approaches and roadways as far as the line marked "Bridge Easement Line", as shown on the aforesaid maps. This easement shall further include the right, in perpetuity, to re-

enter in the future to reconstruct, improve or enlarge said bridge or associated approaches and roadways as far as the line marked " Bridge Easement Line", as shown on the aforesaid maps. Temporary entry for inspections is permitted, access from the water is permitted within the Bridge Easement and work from beyond the Bridge Easement will require a Temporary Construction right.

Containing 0.270 acres of land more or less.

TOGETHER WITH the temporary right at Proposed Route 72 WB Baseline Stationing between approximate Station 568+00 to Station 571+50 Stations 703+00 and 750+00 to enter tidal waters with personnel, equipment, and materials to construct precast concrete armor units, bridge deck, parapets, fender system repair and appurtenances and store construction equipment as far as the line marked "Temporary Construction Easement Line", as shown on the aforesaid maps.

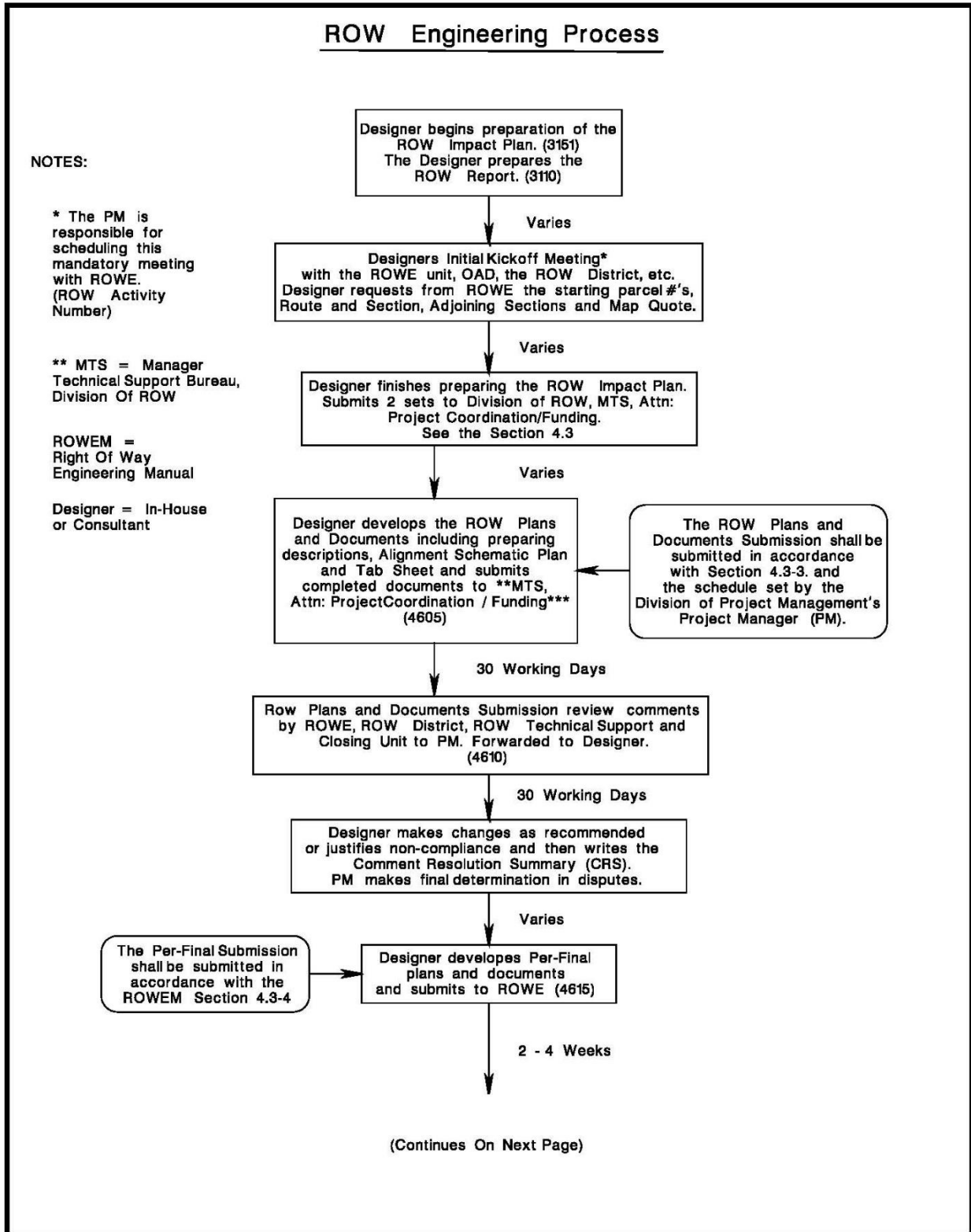
Parcel TE510, consisting of the temporary right about Proposed Route 72 WB Baseline Station to enter upon tidal waters with personnel, equipment, and materials to construct a cofferdam for a gas main relocation as far as the line marked "Temporary Construction Easement Line", as shown on the aforesaid maps.

The above-described premises are color-coded in "Exhibit B" the following manner: Red – Fee Parcel Line, Purple – Bridge Easement Line Brown – Temporary Construction Easement Line.

Containing 2.130 acres of land more or less.

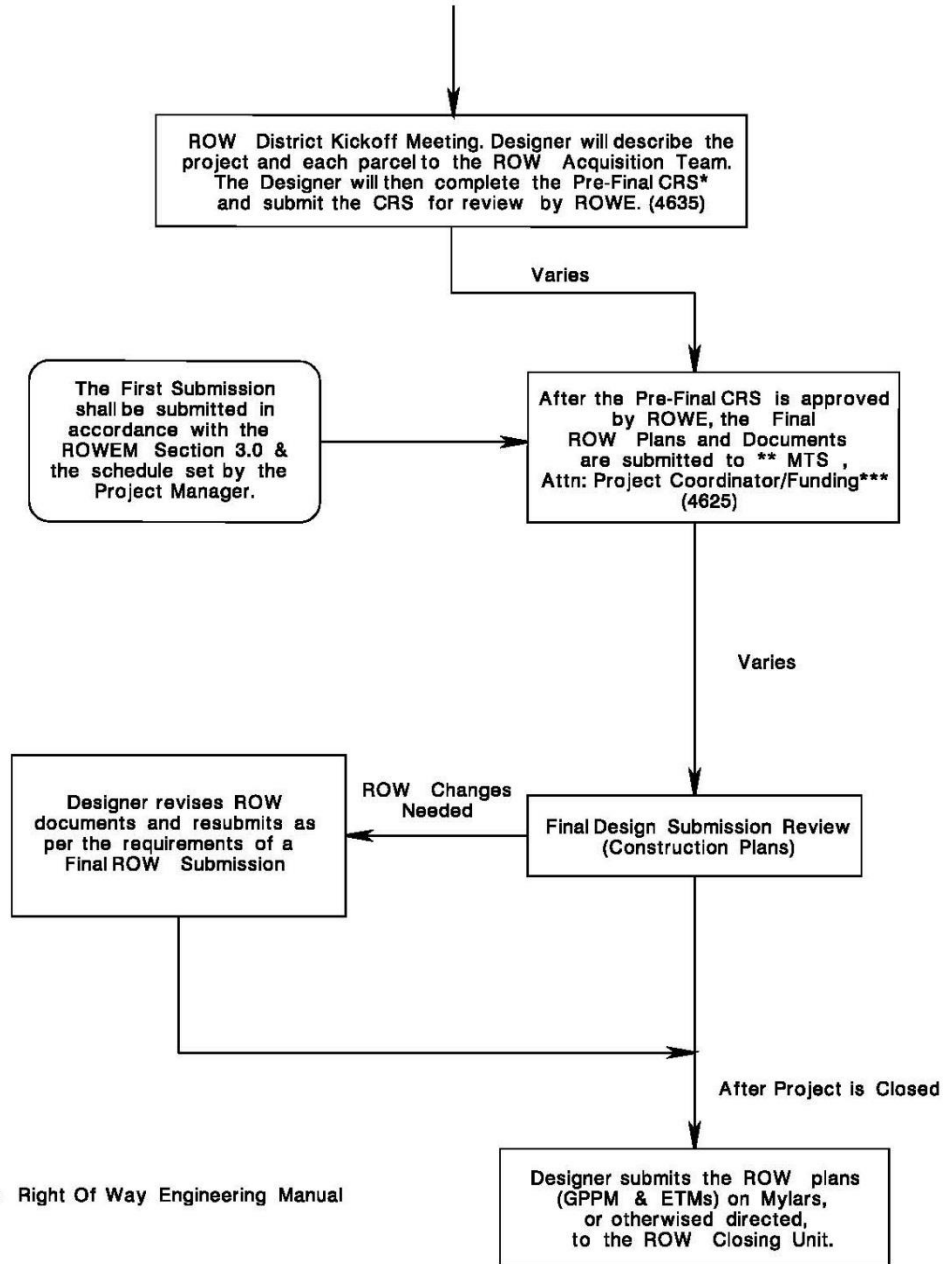
# Attachment S: ROW Engineer Process

## ATTACHMENT S (1 OF 2)



ATTACHMENT S ( 2 OF 2 )

ROW Engineering Process - continued



NOTES:

ROWEM = Right Of Way Engineering Manual