**PLAN LETTER ATTACHMENT**

MUS-376-5.09

011-WD

**Date of offer:** Click or tap to enter a date.

To avoid any misunderstanding as to the work to be done, you are being furnished this plan letter attachment and a print of the right of way plan sheets applicable to your parcel and associated construction plan sheets, if applicable. The following explains the type of acquisition and what to look for on the plans provided. Changes to the plan required by engineering revisions or as agreed to in negotiations will be documented in writing by the Department of Transportation or its representatives.

**[Insert a paragraph that briefly describes the project. This information is obtained from the cover sheet of the plans or can be provided by the District Office. Some Districts may prepare a short description of the project that is more informative than the cover sheet of the plans. Such a description can be made a part of the Plan Letter Attachment. ]**

 The real property needed for the \*Insert CRS\* project requires the acquisition of only a part of your property. The agency needs to acquire from your parcels \*Insert Parcel Numbers\*-\*Suffix(s)\*. The acquisition is further explained as follows.

*[****Explanation****: Each parcel that is taken must be discussed in a way that is easily understood by the owner. Property owners have not taken plan reading classes and are not familiar with highway plans, legal descriptions or the acquisition process. The negotiator is giving the owner an immense amount of information during the initial face-to-face meeting with the owner and owners are often overwhelmed. Therefore, the Plan Letter Attachment is to be written in such a way that will allow the owner to read the information and understand the information without a negotiator having to interpret the information.*

*The Plan Letter has been created to comply with the legal mandate of 49 CFR 24.102 (e) and therefore, the description of each taking is to include:*

 *A description of the real property taken*

 *The location of the real property taken*

 *A description of the interest in the real property acquired*

 *An identification of buildings, structures and other improvements that are taken*

 *Identification of any separately held ownership interest in the property*

 *A statement if the separately held interest is not covered in this offer*

*To comply with this regulation, each taking must be thoroughly discussed. It is recommended that each discussion be based on the following outline:*

 *Define the property right that is acquired*

 *Reference the plan detail sheet(s) where the taking is located*

 *Discuss why the taking is needed for the project*

 *Discuss the size of the taking and reference the Summary Sheet for verification*

 *Discuss the shape of the take*

 *Discuss the location of the take*

*These explanations are provided for guidance to enable you to comply with the acquisition procedures of the Ohio Department of Transportation. These explanations are to be deleted from the Plan Letter that is submitted to the property owner. An example that illustrates a compliant description of a taking is shown in the following paragraph. ]*

**Parcel 3WD**

 WD is defined as Warranty Deed With Reservation of Access and this modifier is used to acquire title where limitation of access is of no consequence. This means that the residue property still has access to the road or highway. You will notice that the WD area is colored-in in yellow and green on the right of way Detail Sheet 12 of 24. The entire WD taking contains 0.834 acres as shown on the Summary Sheet. This WD taking is broken into two sub areas containing 0.824 acres and 0.010 acres. This taking is needed to widen SR 310 from 2 lanes into 4 lanes.

 The 0.824 acre take area is identified as Present Road Occupied, or, P.R.O. This is an area already encumbered by an existing highway easement and is highlighted in yellow. For this acquisition area, the remaining rights are being purchased by the Ohio Department of Transportation. This area has a L-shaped configuration and runs from the centerline of SR 310 to the edge of the current right of way line. From the Northerly edge of your property, this taking runs South to the centerline on the intersection of Morse Road and SR 310. From this location, the taking runs Easterly for 205 feet. The average width of this taking is approximately 30 feet.

 The 0.010 acre taking is located adjacent to the existing highway easement and is highlighted in green. For this acquisition, all property rights are being acquired. However, ODOT is reserving to you access rights to the road. This area has an irregular configuration. The area is approximately 15 feet in width at Station 457 + 72.38 and it runs South merging into a triangular shape at the intersection of Morse Road and SR 310 near Station 21 + 24.98. There is a sign identifying a church within this taking. This sign is owned by a third party.

Structures, Improvements and Tenant-Owned Improvements

*[* ***Explanation****: Delete this section if it is not applicable. Adequately describe any improvement that is taken. If the improvement is owned by another party, it needs to be made clear who owns the improvement. If the value of the improvement is not included in the offer, this too needs to be made clear. A RE 95 form needs to be part of the acquisition parcel file in such circumstances. ]*

Drives

***[ Explanation****: Delete this section if it is not applicable. Adequately describe the location of the drives and discuss if the drives will remain or be taken. If the project is creating new drives, these will also need to be adequately described. ]*

New Pavement/Grade/Swale

*[****Explanation:*** *Delete this section if not applicable. Adequately describe these features. Cross sections will be needed to adequately understand grade and swale features. ]*

Drainage

*[* ***Explanation:*** *Delete this section if not applicable. Adequately describe drainage features that will affect the residue property. ]*

Fencing

*[****Explanation****: Delete his section if it is not applicable. Adequately describe any fencing that is taken. Adequately discuss if there is a cost to cure to offset damages to a residue and whatever else is pertinent from the plans. If fencing has already been discussed else where in this letter, then state so. ]*

Items that will have to be moved or destroyed

*[* ***Explanation****: Delete his section if it is not applicable. Adequately describe the improvement. If this has already been discussed elsewhere in this letter, then reference where it has been discussed. If no improvements are affected, then state – N/A. ]*

Field Tiles

 The Department has made every effort to locate field tiles within the limits of the new right of way and to provide outlets for these tiles. However, since field tiles are underground installations, with their location difficult to establish, we do not guarantee that every tile has been located. For this reason, it is requested that you advise us of the location of any tile omitted from the plans. By doing this, you will be assured that provisions will be made on the plans for a re-connection if it is destroyed during construction.

*[****Explanation:*** *Delete this section if it is not applicable. Field tiles are generally on agricultural fields where the water table is high. ]*

Gas, Oil and/or Water Lines

We would appreciate being advised as to the location and ownership of any gas, water, or oil lines which might not appear on the plans.

*[****Explanation****: Delete this section if not applicable. Adequately describe any of these features if the plans indicate that they are affected by the project.]*

Sanitary Sewage Outlets

State and County health laws do not permit sanitary sewage to outlet into road side drainage systems.

Cost to Cure Items

These are items located partially or totally within an area being acquired as right of way and for which you are being compensated an amount for their purchase in addition to an amount for a cost to cure. A cost to cure is an amount paid to you to cure a damage to your remaining property resulting from the acquisition of the cost to cure items.

As soon as possible after you receive compensation you will be responsible for removing any cost to cure items from the right of way area(s) unless you desire ODOT to remove them for you as part of the project. **If ODOT does the removal, ODOT will NOT perform any additional work required to cure damages to your residue property since you will have already been compensated for that work**.

*[****Explanation****: Delete this section if not applicable. Adequately describe the reasons why a cost to cure was part of the compensation amount. This information is to be obtained from the RE 22 and the appraisal that was the basis of FMVE. The negotiator should find out from the District when construction is scheduled to occur in the area where a cost to cure item is located. The negotiator should inform the owner as to when this area will be disrupted by ODOT.*

Encroachments

There may be encroachments from your property into the State’s right of way. Encroachments are privately-owned items that occupy public right of way without permission. Private owners are responsible for removing their encroachment items from the right of way as soon as possible. If left in place, encroachments are subject to removal by ODOT with the cost for that work charged to the owner. (Ohio revised Code, Section 5515 and 5589)

*[* ***Explanation:*** *Delete this section if not applicable. Adequately describe the type of encroachment, the location of the encroachment and the extent of the encroachment into the right of way. ]*

Miscellaneous

Please be advised that after this acquisition is completed, no improvements, including fencing, may be placed in the new permanent right of way without a written permit from the local District Office of the Ohio Department of Transportation.