
Section 11.4

RIGHT OF WAY PROJECT CLOSING

TABLE OF CONTENTS

PURPOSE	1
AUTHORITY	1
SCOPE	1
REFERENCES	1
TRAINING.....	1
FORMS.....	2
11.4.1 Closing Completed Right of Way Projects.....	2
11.4.2 Closing Incomplete Right of Way Projects	4
11.4.3 Funds Management Handbook	4
HISTORY.....	4

Section 11.4

RIGHT OF WAY PROJECT CLOSING

PURPOSE

To establish uniform procedures for closing right of way projects.

AUTHORITY

Section 20.23 Florida Statutes
Section 95.361, Florida Statutes
Section 119.011(1), Florida Statutes
Section 119.021, Florida Statutes
Section 334.048, Florida Statutes

SCOPE

This section will be utilized by District and Central Offices of Right of Way. Other affected offices include the District Financial Services Offices/Disbursement Operations Office, District Work Program Offices, and Office of the Comptroller.

NOTE: Throughout this chapter, the use of the term “District(s)” includes the Turnpike Enterprise unless otherwise stated.

REFERENCES

Funds Management Handbook
Right of Way Manual Section 11.3, Right of Way Records Management

TRAINING

None required.

FORMS

050-020-06, Records Disposition Request

The following forms are located in the R/W Management System (RWMS):

575-090-10, Right of Way Project Completion – FAP Projects

575-090-11, Right of Way Project Completion – Non FAP Projects

11.4.1 Closing Completed Right of Way Projects

11.4.1.1 In accordance with *Right of Way Manual, Section 11.3, Right of Way Records Management*, the district shall insure all real property has been acquired and all subordinate interests cleared. The district must verify that copies of all legal documents and subordinate releases, properly executed, are in the district's right of way files. However, if an executed subordinate document cannot be located, the district must determine whether the subordinate interest has expired or otherwise been extinguished. Alternatively, the Office of the General Counsel may determine whether the outstanding interest is of sufficient importance to require further action. Projects may also be closed pursuant to **Section 95.361, F.S.** if four (4) years have passed since the documented completion of construction. Reasonable efforts must be made to locate the missing documentation.

11.4.1.2 A right of way project should be closed within eighteen (18) months of the date of closing on the last parcel on the project or the date of entry of the last final judgment on the project, whichever is later. When the district determines that a project is ready to be closed, the district shall:

- (A) Determine that all required documents, including all legal documents, are in the district files; obtain any outstanding legal documents; verify that unneeded legal documents have been officially voided; verify that all fees and costs and relocation claims have been paid; document the file accordingly; and ensure that the Right of Way Management System (RWMS) is updated;
- (B) Determine the financial and contractual status of the project. This review includes:
 - (1) Review of the Department's financial management systems, to determine the status of the work program 4X phases, funds, and whether the project is open for charges;

- (2) Review the Department's financial management systems to obtain encumbrance balance(s) on 4X phases.
 - (3) Review of the Department's information management systems to determine whether the project is open for charges, and to obtain contract numbers;
 - (4) Review of the Florida Accounting Information Resource System (FLAIR) to obtain the contract status and encumbered balances;
 - (5) If the project is open for charges, contact the section responsible for managing the contract to determine whether final billing has been processed.
- (C) When final billing has been processed, request in writing that:
- (1) The DOT Financial Management Office, Contract Funds Management, close the project and unencumber any balances, and
 - (2) The District Financial Services Office (Contract Payment Section) updates the contract status.
- (D) Request in writing that the District Work Program Coordinator or, on federal aid projects, the District Federal Aid Coordinator, place the project in a status of closed for expenditures, but open for receipt of revenue.
- (E) When all research has been completed, the District Right of Way Manager shall execute the following:
- (1) For federal aid projects, a completed **Form No. 575-090-10, Right of Way Project Completion - FAP Projects**, to the District Federal Aid Coordinator, certifying that all parcels have been acquired and all legal documents are on file. The date of project closing shall be immediately entered into Right of Way Management System (RWMS).
 - (2) For non-federal aid projects, a completed **Form No. 575-090-11, Right of Way Project Completion - Non FAP Projects**, to the District Work Program Office certifying that all parcels have been acquired and all legal documents are
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on file. The date of project closing shall be immediately entered into RWMS.

- (F) The district must document the date the project is closed or certified for final vouchering, in order to determine when the retention schedule has been met. This allows files to be destroyed timely upon completion and approval of **Form No. 050-020-06, Records Disposition Request**.

11.4.2 Closing Incomplete Right of Way Projects

11.4.2.1 Right of way projects may be closed when documents are outstanding because of lengthy pending litigation. FHWA has authorized the Department to consider final vouchering for these projects with the understanding that the project may be reopened to allow federal aid billing of subsequent right of way settlements or final judgments.

11.4.2.2 By closing the projects, the unexpended balance will be available for obligation on new projects.

11.4.2.3 If a project is closed in FLAIR, and its remaining balance is committed to other projects, current year funds must be used to process payments if the closed project is reopened.

11.4.3 Funds Management Handbook

A **Funds Management Handbook** has been developed and is available to assist District personnel in performing their responsibilities. The handbook details the criteria to be followed in order to comply with this procedure. Copies of the handbook are available on the FDOT Infonet on the Office of Right of Way website.

HISTORY

07/1/03; 04/30/07; 11/13/07; 07/28/09