



INTER-OFFICE COMMUNICATION
DIVISION OF ENGINEERING

DATE: April 8, 2015

TO: All District Deputy Directors, District Planning & Engineering Administrators, and
District Real Estate Administrators

FROM: James A Barna, P.E., Assistant Director for Transportation Policy and Chief Engineer *JAS*
BY: David Slatzer, P.E., Deputy Director of Engineering

SUBJECT: Right of Way Acquisitions: High Dollar Administrative and Case Settlement Review Panel Revisions

To reflect revisions to the August 11, 2009 IOC, effective immediately, I am revising authority of the "High Dollar Administrative and Case Settlement Review Panel" (Panel) and authorize it to approve the settlement of any administrative or case settlements equal to or greater than three million dollars for right of way acquisitions. The Panel consists of the department's Chief Legal Counsel and Deputy Director of Engineering, or their designees. On filed appropriations or administrative settlements on negotiated parcels, no settlements above these amounts shall be finalized without the Panel's written approval.

The dollar amount of percentage of the difference between ODOT's established fair market value offer and the recommended settlement amount has no bearing on the Panel's jurisdiction. The Panel will act on all settlements with a total amount equal to or exceeding three million dollars.

All Settlements below three million dollars will follow the process below:

ADMINISTRATIVE SETTLEMENTS	CASE SETTLEMENTS
A. Negotiation Agents < \$1000	A. District Real Estate Administrators will jointly decide, with advice and guidance from the assigned Assistant Attorney General
B. On LPA Projects: District Real Estate Administrators < \$5000	
C. District Real Estate Administrators on ODOT Projects – up to 20% or \$20,000	Any parcel <\$1,000,000
D. Administrator, Central Office of Real Estate	For parcels over \$1M, 50% of FMVE up to \$3M
Any parcel <\$1,000,000	
For parcels over \$1M, 50% of FMVE up to \$3M	

The Panel will schedule meetings as needed with the District Real Estate Administrators. The assigned Attorney Generals may present their recommended administrative and/or case settlements. The panel will respond in writing within 5 working days.

The Districts must provide all relevant documentation to the panel a minimum of 1 week prior to the hearing date. All District Real Estate Administrators and where applicable, Assistant Attorney Generals, need to allocate a reasonable amount of time to schedule and make their presentations to the Panel, and for the Panel to respond to their requests. Any acquisition or appropriation case that might result in a recommended settlement at or over three million dollars must be brought before the Panel prior to any mediation, trial settlement conference or final parcel negotiation meeting.

Should you have any questions, please contact Chief Legal Counsel, Patrick Piccininni or Dave Slatzer, Deputy Director of Engineering.

JB:DS:lb

c: Steve Johnson, AAG; Jim Barna; Patrick Piccininni; John Maynard; Doug Maitland; Jim Viau; Kevin O'Grady; Wayne Pace; Shawn Hillman; Matt Kouskouis; Ray Lorello