\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Insert district letterhead/ODOT logo

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Certification of Right of Way Control Letter 3**

Insert date *(date of letter)*

Insert addressee

Re: C/R/S:

PID:

Federal Project Number:

Dear (insert addressee):

I certify that:

1. **STATUS OF THE REQUIRED RIGHT OF WAY:** The acquisition or right of occupancy and use of a few remaining parcels is not complete, but all occupants of the residences on such parcels have had replacement housing made available to them in accordance with 49 CFR 24.204.

The Agency may request authorization on this basis only in very unusual circumstances. This exception must never become the rule. Under these circumstances, advertisement for bids or force account work may be authorized if FHWA finds that it will be in the public interest. The physical construction may then also proceed, but the Agency shall ensure that occupants of residences, businesses, farms, or non-profit organizations who have not yet moved from the right of way are protected against unnecessary inconvenience and disproportionate injury or any action coercive in nature. When the Agency requests authorization to advertise for bids and to proceed with physical construction where acquisition or right of occupancy and use of a few parcels has not been obtained, full explanation and reasons therefor including identification of each parcel will be set forth in the Agency’s request along with a realistic date when physical occupancy and use is anticipated as well as substantiation that such date is realistic. Appropriate notification shall be provided in the bid proposals identifying all locations where right of occupancy and use has not been obtained.

**PARCEL COUNT OF ALL PARCELS NEEDED FOR THE PROJECT**

|  |
| --- |
| Acquisition Parcels |
| Fee Owners |  |  |
| Tenant Owners (BS parcels) |  |
| **Total** |  |  |  |
|  |  |
| Relocation Parcels |  |
| Residential Owners (O parcels) |  |
| Residential Tenants |  |
| Business Owners (OB parcels) |  |
| Business Tenants (B parcels) |  |
| Personal Property Only, Owner (OP parcels) |  |
| Personal Property Only, Tenants (P parcels) |  |
| **Total** |  |  |  |
|  |
| **Total Number of Parcels** |  |  |

**STATUS OF ALL PARCELS NEEDED FOR THE PROJECT**

1. The State of Ohio, Ohio Department of Transportation has physical possession and the right to remove, salvage, or demolish any improvements and may enter on all land as follows:

**Parcels Appropriated:**

Quick Take Parcels:

|  |  |  |  |
| --- | --- | --- | --- |
| Parcel No. | Case No. | Filing Date | Comments |
|  |  |  |  |
|  |  |  |  |

Structure Parcels/Order of Possession Issued

|  |  |  |  |
| --- | --- | --- | --- |
| Parcel No. | Case No. | Filing Date | Date State Obtains Right of Possession |
|  |  |  |  |
|  |  |  |  |

**Relocation Parcels:**

|  |  |  |
| --- | --- | --- |
| Parcel No. | Post Move Inspection Date | Comments |
|  |  |  |
|  |  |  |

**Right of Entry Parcels**

|  |  |  |
| --- | --- | --- |
| Parcel No. | Date ROE Contract Signed | Comments |
|  |  |  |
|  |  |  |

**Acquisition Parcels That Are Acquired:**

|  |  |  |  |
| --- | --- | --- | --- |
| Parcel No. | Date Rec. | Vol. / Pg. | Comments |
|  |  |  |  |
|  |  |  |  |

1. The State of Ohio, Ohio Department of Transportation does not have control of the right of way needed for the project and does not have the right to remove, salvage, or demolish some improvements and may not enter on the following parcels:

**Appropriation Parcels Where the State Cannot Enter:**

|  |  |  |
| --- | --- | --- |
| Parcel | Explanation/Substantiated Date of State Control | Notification in Bid Proposals |
|  |  | *(in Utility Note or Plan Note)* |
|  |  |  |

**Where Occupant Has Not Vacated and the State Cannot Enter:**

|  |  |  |
| --- | --- | --- |
| Parcel | Explanation/Substantiated Date of State Control | Notification in Bid Proposals |
|  |  | *(in Utility Note or Plan Note)* |
|  |  |  |

**Acquisition Parcels Where the State Cannot Enter:**

|  |  |  |
| --- | --- | --- |
| Parcel | Explanation/Substantiated Date of State Control | Notification in Bid Proposals |
|  |  | *(in Utility Note or Plan Note)* |
|  |  |  |

1. **COMPLIANCE WITH RELOCATION ASSISTANCE PROGRAM REQUIREMENTS**

*(Select either*)

For this project, there were no displacements of individuals, personal property, residences, businesses, farms or not for profit organizations.

or

FOR THOSE PARCELS IDENTIFIED IN SECTION 1.A. ABOVE

There were occupants in the right of way required for this project resulting in their displacement/relocation. All relocations have been done in compliance to 23 CFR 635.309. All steps relative to relocation advisory assistance and payments as required by current FHWA directives covering the administration of the Highway Relocation Assistance Program have been taken. The occupants displaced were personal property, businesses, farms, not for profit organizations and/or residential displacements. If there were residential occupants, all individuals and families have been relocated to decent, safe and sanitary housing.

or

FOR THOSE PARCELS IDENTIFIED IN SECTION 1.B. ABOVE

There are still occupants in the right of way required for this project which will result in their displacement/relocation. All relocations to this point have been done in compliance to 23 CFR 635.309. All steps relative to relocation advisory assistance and payments as required by current FHWA directives covering the administration of the Highway Relocation Assistance Program have and will continue to be taken. The occupants displaced were personal property, businesses, farms, not for profit organizations and/or residential displacements. If there are displaced residential occupants that have yet to move these relocatees have had replacement housing made available in accordance with the provisions of the current Federal Highway Administration (FHWA) directives covering the administration of the Highway Relocation Assistance Program.

1. **STATUS OF REQUIRED UTILITY RELOCATIONS**

*(Select either)*

No utility relocation required.

or

There are utilities within the construction limits of the project. The status of these arrangements for the completion of the work prior to or in coordination with the physical construction is shown on the Utility Note below.

*(INSERT UTILITY NOTE)*

1. **STATUS OF RAILROAD OPERATING FACILITIES**

None affected.

or

The project will impact the following railroad operating facilities and the Agency has secured a Railroad Agreement from the railroad corporations operating these facilities. This Agreement allows the Agency onto the railroad facilities to construct the project.

|  |  |  |
| --- | --- | --- |
| Railroad Facility | Railroad Agreement No. | Date of Agreement |
|  |  |  |
|  |  |  |

1. **ENCROACHMENTS**

There are no improvements or obstructions located within the limits of this project.

or

All right of way clearance work has been completed and there are no improvements or obstructions remaining within the right of way area required for construction.

or

All necessary arrangements have been made for remaining right of way clearance work to be undertaken and completed as required for proper coordination with the construction schedule as follows:

|  |  |  |
| --- | --- | --- |
| Parcel No. | Description of Encroachment | How the Encroachment has been Addressed |
|  |  |  |
|  |  |  |

1. **COMPLIANCE STATEMENT**

All right of way acquisitions and all relocation activities, if any, have been done in compliance with 23 CFR 635.309(c)(3) and are also compliant to:

* + 42 United States Code, Chapter 61 – The Uniform Act.
	+ All pertinent federal directives and regulations – to include 49 CFR Part 24.
	+ The current Real Estate Manual of the Ohio Department of Transportation which has been approved by FHWA.

The Ohio Department of Transportation shall ensure that all occupants of residences, businesses, farms, or non-profit organizations who have not yet moved from the right of way are protected against unnecessary inconvenience and disproportionate injury or any action coercive in nature.

Right of way remaining to be acquired will be acquired in accordance with FHWA directives.

When the conditions have been removed, an updated Certification of Right of Way Control Letter 1 or Certification of Right of Way Control Letter 2 will be originated that explicitly states that all conditions have been eliminated and that the Ohio Department of Transportation has physical possession and the rights to remove, salvage, or demolish these improvements and enter all land.

Respectfully,

(Type name)

Real Estate Administrator, District (insert district)