**Survey, Maps & Deeds September, 2018**

**Mississippi Department of Transportation**

**Roadway Design Operations Manual**

**Survey, Maps & Deeds**

The following procedures document the responsibilities of the Roadway Design Survey, Maps & Deeds Section for preparing acquisition maps and deed instruments to use in the acquisition of property and property rights for public transportation projects.

1. **General Map and Deed Policies**

## 1.1 Title Abstracts

## Title abstracts are required as a means of identifying the current and historic owners of properties, identifying property descriptions, and identifying lien holders and judgments. This information provides the foundation for preparing the ROW Acquisition Map and deed(s) for each parcel to be acquired for transportation projects. These Title Abstracts, as well as the preparation of surveys, maps, and deeds are charged as RWD Incidentals as defined in the Definitions Section of the ROW Operations Manual.

## 1.2 ROW Acquisition Maps

The RWD Survey, Maps & Deeds Section prepares a ROW Acquisition Map for all property to be acquired. The ROW Acquisition Map, which is the foundation for coordinating parcel acquisition, assigns parcel numbers in order to identify the parcels, provides ROW Agents with an orientation of parcels on the right of way and, for each parcel, it identifies the property owner, acreage to be acquired, any improvements, and remaining acreage for each parcel. The ROW Acquisition Map also identifies any easements of record.

## 1.3 Deeds[[1]](#endnote-1)

In accordance with Federal Regulations, the property owner of any property to be acquired is given a description and location identification of the real property to be acquired. This must be a legally sufficient description of the parcel, which means that the property is sufficiently described so that a surveyor could locate the subject property.[[2]](#endnote-2) At a minimum, deed instruments must include the following[[3]](#endnote-3):

1. Names of the grantor and grantee, both of which must have legal capacity
2. Name, address, and phone number of the person who prepared the instrument
3. Name, address, phone number, and marital status of the property owner
4. Parcel name, number, and acreage
5. Section, township, and range
6. If subdivision, lot and block number
7. Notation of the consideration
8. Granting or conveyance clause and other relevant clauses
9. Quantity and quality of the property interest
10. Legally sufficient description of the property and indexing instruction. Proper legal tie to one of the state authorized land reference systems (Government Land Office section tie, subdivision, state plane coordinate law)
11. Space for the signatures of the grantor(s) and witness
12. An acknowledgement (notary sheet)

**Page 1**

**Survey, Maps & Deeds September, 2018**

## 1.4 Deed Instrument Revisions

In all cases, changes resulting from new ownership or project/plan revisions are updated in the deed and other instruments. For each change, the instrument must be renumbered.[[4]](#endnote-4) Changes in a deed may require a new appraisal and a new offer to the property owner.

## 1.5 Other Instruments

Other instruments are prepared to ensure the Mississippi Transportation Commission has a clear understanding of the property to be acquired.

A partial release of mortgage will be created for each parcel. The partial releases must match W-Deeds, Q-Deeds, and X-Deeds. It is possible to have multiple partial releases

## 1.6 Standards of Practice Maps or Plats

Standards of practice maps or plats may be prepared as required. The plat shall conform to the Mississippi State Board of Registration for Professional Engineers and Land Surveyors: *Rules and Regulations of Procedure.* Rule No. 21.

## 1.7 Acquiring Easements

To assist in the acquisition of easements, the RWD Survey, Maps & Deeds Section identifies easements on ROW Acquisition Maps. When acquiring property that is adjacent to an easement owned by the same property owner, MDOT makes its best effort to acquire that easement. It is MDOT’s policy to acquire full Title on easements adjacent to property MDOT is acquiring. If the property owner does not want to provide MDOT with full title to the easement, MDOT still has a right to use the easement.

**Note that all property acquired by MDOT prior to 1948 was acquired via an easement only.**[[5]](#endnote-5)

1. **Map and Deed Preparation**
   1. **Preparation of RWD Survey, Maps & Deeds Project File**

At the initiation of a project, the District Office creates a project number and the Right of Way Division (ROW) District Coordinator requests that the ROW Title Section obtain tax maps, current deeds, lot and block information, and all maps, based on deeds and other court records.

Upon receipt of the above information from the Title Section, the RWD Survey, Maps & Deeds Section establishes a new RWD Survey, Maps & Deeds Project File. Each of the following items are added to the RWD Survey, Maps & Deeds Project File, as they are received:

|  |  |
| --- | --- |
| * Tax maps | * Aerial photography |
| * Recorded plats of individual parcels and subdivisions | * Current deeds * Lot and block information |
| * Historical research findings | * Other documentation and notes |

Where possible, all information is obtained in electronic format as well as hard copy.

**Page 2**

**Survey, Maps & Deeds September, 2018**

* 1. **Historical Research**

The RWD Survey, Maps & Deeds Section conducts the following research:

* Searches ROW Division records, State Aid Division records, and microfilm archives for existing ROW Acquisition Maps and deeds. Deeds must be recorded deeds.
* Searches Roadway Design Division records and/or District Office records for “as-built” construction plans.
* Searches for deeds on current right of way to determine if MDOT only has an easement (particularly for property acquired prior to 1948[[6]](#endnote-6)). If deeds are not available, requests that the Title Section locate the deeds.
* Where applicable, researches Government Land Office Survey Plats and Notes at the Secretary of State, Land Management Bureau for sectional information. Researches township plats, available electronically from the Secretary of State.

The RWD Survey, Maps & Deeds Section retains copies of all research in the RWD Engineering Project File. The research results are combined with Title Section information and forwarded (documents and electronic files) to District Surveyors.

* 1. **Materials Provided for Development of ROW Acquisition Map**

The materials provided to the RWD Survey, Maps & Deeds Section for use in the development of ROW Acquisition Maps include the following:

* Location Committee Report (from the Location Committee)
* Property Maps (from the District Office)
* Right of Way Plans (from the Roadway Design Division)
* Title Abstracts (from the ROW Title Section)
* Historical research data (from in-house research)

As received, each item is added to the RWD Survey, Maps & Deeds Project File.

* 1. **Distribution of Field Review Plans and Final ROW Plans**

Upon Roadway Design Division placing the Final ROW maps in ProjectWise, an email notification will be generated informing the requested sections that ROW plans are available. The ROW plans are deposited in the SMD section folder in Project Wise under the project FMS number. Preliminary or Field Review Plans can be accessed from the Project Wise SMD folder for cost estimate preparation in acquisition.

* 1. **Preparation of Consolidated Title Work Map**

Once the RWD Survey, Maps & Deeds Section receives a property map from the District Office and Final ROW Plans from the Roadway Design Division, the RWD Technician superimposes Final ROW Plans on the property map to create a Consolidated Title Work Map (CTWM). The CTWM can include Final ROW Plans (from the Roadway Design Division), property map (from the District Office), aerial photographs, quadrangle sheets (from United States Geological Survey), and other pertinent and available information.

The RWD Survey, Maps & Deeds Section distributes the CTWM to the Title Section for completion of title research.

**Page 3**

**Survey, Maps & Deeds September, 2018**

* 1. **Development of ROW Acquisition Map**

ROW Acquisition Maps are prepared from construction plans, property surveys, and title abstracts. When title abstracts are completed, RWD Technicians develop ROW Acquisition Maps based on current ownership as described in the title abstract. ROW Acquisition Maps show proposed and existing right of way lines, centerlines, property lines, proposed access limits, parcel numbers, acreage of right of way for each parcel acquired, remaining acreage for each property (see description of calculation of remainder below), pertinent topographic and construction features, and improvements. Parcel numbers are assigned as set out by these procedures.

Right of way acreage and other measurements on the deed are carried to the 2nd decimal point (e.g., 0.25 acres). If requested, for urban areas or areas of high value, square footage can be obtained from the closure statement. Any acquisition area less than 0.10 acres is shown in square footage.

In most instances, the remainder is calculated by taking the aggregate of the property owners’ deeds from the abstract and subtracting the required surveyed acquisition area. In situations where deeds are vague or contain incorrect descriptions, the manner in which the remainder is calculated is denoted on the ROW Acquisition Map. In all cases, the remainder calculation is based on best available data.

As ROW Acquisition Maps are developed, RWD Technicians refine the CTWM based on additional research of the ROW Title Section and the RWD Survey, Maps & Deeds Section. This research includes a review of ownership records (32-year history) for easements, changes in ownership, judgments or liens, and partial release requirements.

The RWD Technician will enter all parcel information in the PTS (Parcel Tracking System) at the completion of the Acquisition Maps. The Technician will update PTS at the completion of any and all revisions as they are received.

Each map will be submitted to the RWD District Surveyor for final review. The Surveyor must confirm the map(s) before release.

* 1. **ROW Acquisition Map, Eminent Domain Survey Review and Verification**

The RWD District Surveyor Senior reviews each ROW Acquisition Map and verifies that each item on the following checklist has been included or addressed:

* Existence of east or west transpose (for example, use mapping software and description to determine if it is not closed),
* Secondary roads (names and numbers),
* Liens not necessarily on the entire property,
* Centerlines,
* Property lines,
* Existing right of way lines,
* Section lines,
* Proposed and present access limits,
* Property owner names,
* Connection road names,
* Deed of trust lines,

**Page 4**

**Survey, Maps & Deeds September, 2018**

* Parcel numbers,
* Acreage of right of way for each parcel acquired,
* Remaining acreage for each property,
* Pertinent topographic and construction features,
* Improvements,
* Subdivision names, lots, and blocks,
* North arrow,
* Scale,
* Note on how acreage is calculated ‘as measured’ or ‘according to deed,’ and
* White line composites (to be included in the future).
  1. **Distribution of ROW Acquisition Map**

The RWD Technicians will place the completed acquisition map in a staging folder under the Project FMS number in the ROW folder in ProjectWise. The District Surveyor Senior makes a final review of the acquisition maps and moves the maps to the ROW folder. Each section that uses the acquisition map will access them from the ROW folder in ProjectWise.

* 1. **Preparation of Federal Land Maps**

For Indian Reservation Territories and federal agency-owned lands, the RWD Survey, Maps & Deeds Section prepares a Federal Land Map that shows all parcels owned by a particular agency on a single map. All Federal Land Maps meet minimum standards and are approved by a licensed surveyor.

* 1. **Identification of Deed Instruments**

Based on a review of title abstracts, the RWD Technician determines the necessary instruments for the property acquisition. These instruments may include the following:

1. W-Deed (Warranty Deed) [ROW 005] – to acquire fee simple title to right of way
2. X-Deed – to acquire fee simple title to an uneconomic remnant or landlocked remainder. Often the Appraisal Section requests X-Deeds from the RWD Survey, Maps & Deeds Section. Upon request of an X-Deed, the RWD Survey, Maps & Deeds Section prepares an X-Deed with a description of the remaining acreage.
3. Q-Deed (Quitclaim Deed) [ROW 640D] – to acquire interests other than fee-simple, e.g. leases, life estate, etc.
4. H-Deed [ROW 083] – to acquire signage, billboards.
5. G-Deed – to acquire access rights.
6. Facilities Deed – to acquire property outside of eminent domain procedures for non-right of way purposes, e.g. MDOT buildings.
7. Permanent Easement [ROW 017] – to acquire the right to the limited use by MDOT in the land of a property owner. An easement is a nonpossessory and intangible interest.
8. Temporary Easement [ROW 761] – to acquire the right to the limited use by MDOT in the land of a property owner. An easement is a nonpossessory and intangible interest. Temporary easements are used to acquire access to property around the project site for ramps, culverts, and ponds. All other construction-related activities, such as detour roads,

**Page 5**

**Survey, Maps & Deeds September, 2018**

sloping and grading, etc. must be acquired under a Warranty Deed (W-Deed) [ROW 005].

1. Partial Release of Mortgage [ROW 695] – to cure the title

**2.11 Right of Way Parcel Numbering System**

Right-of-Way parcel number is a unique number assigned to each parcel of land to be acquired for a given project, and to sub-interests in the land, such as easements, no-access limits, and other rights of use.

The 1st 7 digits of a file number are always numbers. These numbers are followed by a letter, which indicates the type of legal instrument to be used for the file. In some instances, a 4th set of numbers may follow the letter, to indicate sub-interests. The basic types of instruments are as follows:

**Types of Instruments**

W….. Warranty Deed for acquisition of right-of-way parcel in fee simple

T…… Temporary Easement

Q…… Quitclaim Deed

X…… Uneconomic Remnant

E…… Permanent Easement (USA, 16th Section Lands, Railroads, etc.)

G…… Conveyance of Access Rights only

R…… Partial Release of Mortgage

Parcel (File) Numbering

Typical Parcel Numbers: 001-00-00-W (Parent Parcel)

001-00-00-Q-001 (Sub-interest 1)

001-00-00-Q-002 (Sub-interest 2)

001-00-00-T-001

The 1st set of (3) digits form a base number for each individual parcel. The first parcel at the

beginning of the project should be 001-00-00-“Instrument Type”.

The 2nd set of (2) digits are used to indicate revisions to the deed. This always starts as “-00-”, and advances one number each time the parcel deed is revised. (i.e. -00- advances to -01-).

The 3rd set of (2) digits are used to indicate new parcels partitioned from the original parent tract.

When an existing acquisition parcel is partitioned, the new parcel is indicated by using

the 3rd set of digits. (I.e. a parcel partitioned from 001-00-00-W would become:

001-00-01-W.

The original parent parcel 001-00-00-W would be revised to:

001-01-00-W.

**Page 6**

**Survey, Maps & Deeds September, 2018**

A 4th set of digits, following the letter indicating the parcel type, should be used to indicate sub-Interest in a parcel, such as Q-deeds and T-deeds. For example, Q-deeds and T-deeds related to

001-00-00-W should be numbered as follows:

001-00-00-Q-001

001-00-00-Q-002, and so on.

001-00-0-T-001

001-00-0-T-002, and so on.

Any Q-deeds or T-deeds related to 001-00-01-W would be numbered:

001-00-01-Q-001

001-00-01-Q-002, and so on.

001-00-01-T-001

001-00-01-T-002, and so on.

All numbers should be complete, including place-holding zeros.

Right of Way Division Parcel Tracking System will automatically number the sub-interests with the 4th set of digits, as described above. It will be important to enter the parcels into PTS and compare the parcel numbers with the Acquisition Maps and deeds before distributing, to ensure that the parcel numbers and the corresponding names in PTS match the maps and deeds.

* 1. **Preparation of ROW Deed Descriptions**

As ROW Acquisition Maps are developed, the RWD Technicians begin to prepare property descriptions. When the ROW Acquisition Map is completed, the RWD Technician continues to prepare and finalize descriptions for each property. The description is used for deeds and other necessary instruments.

The RWD Technician then places the description into the appropriate deed template and

verify the following components of the deed are present and accurate:[[7]](#endnote-7)

1. Names of the grantor and grantee, both of which must have legal capacity
2. Name, address, and phone number of the person who prepared the instrument
3. Name, address, phone number, and marital status of the property owner
4. Parcel name, number, and acreage
5. Section, township, and range
6. If subdivision, lot and block number
7. Notation of the consideration
8. Granting or conveyance clause and other relevant clauses
9. Quantity and quality of the property interest
10. Legally sufficient description of the property and indexing and structuring. Proper legal tie to one of the state authorized land reference systems (Government Land Office section tie, subdivision, state plane coordinate law)
11. Space for the signatures of the grantor(s) and witness
12. An acknowledgement (notary sheet)

**Page 7**

**Survey, Maps & Deeds September, 2018**

Based on the deed description, the RWD Technician develops a closure report to verify that the parcel closes within acceptable limits and the acreage. The RWD Technician also checks the calls for typographical errors. The closure report includes bearings and distances, acreage of the acquisition area. If there are inaccuracies, these are corrected, a revised description is prepared, and the ROW Acquisition Map is corrected accordingly.

The final deeds will be given to the RWD District Surveyor for review. Once the Surveyor has determined that the deeds are correct, he/she will create Adobe PDF files of the deed documents. The Surveyor will place a digital “approval” stamp on each deed. The surveyor will coordinate with the project RWD Technician and will place the PDF Deeds in the Project FMS file SMD Staging Folder in ProjectWise. An email notification will be generated from ProjectWise to the requested Section Heads.

A Hard copy of the PDF deeds will be printed and delivered to Right of Way Division file room for older projects that are not in the electronic file room of the Parcel Tracking System.

* 1. **Preparation of Project Overlay Maps**

Upon request, RWD Technicians prepare Project Overlay Maps by overlaying the property lines and project lines on aerial photos.

1. **Ongoing Map and Deed Activities**
   1. **Standards of Practice Maps or Plats**

Standards of practice maps or plats may be prepared as required. Per the Mississippi State Board of Registration for Professional Engineers and Land Surveyors, the plat shall conform to the following requirements and shall include the following information:[[8]](#endnote-8)

1. The plat shall be drawn on any reasonably stable and durable drawing paper, vellum, linen, or film of reproducible quality. No plat or map shall have dimensions of less than 8 1/2 x 11 inches.
2. The plat shall show the scale, acreage, and classification of the survey (A, B, C or D). These classifications are based upon both the purposes for which the property is being used at the time the survey is performed and any proposed developments which are disclosed by the client. This classification must be based on the criteria in Appendix A, and the survey must meet the minimum specifications set forth in Appendix B. Scale shall be sufficient to show detail for the appropriate classification.
3. The reference meridian used to conduct the survey shall be stated on the survey plat. A definitive north arrow shall be shown on the plat. All surveys will be referenced to a true meridian by accepted methods with the following exceptions: (a) those used in existing subdivisions; (b) those shown on city or town plats; or, (c) those shown on a previous survey when the current survey is a division of said previous survey and enough monuments are available to establish the original orientation. If Global Positioning System equipment is used to obtain the reference meridian, it shall be stated on the plat whether the bearings are grid or geodetic. If any published horizontal control stations are occupied during the survey, they shall be listed on the plat and the horizontal datum used shall be listed on the plat. If a meridian established by the compass is used, the compass must be properly declinated and adjusted to a True Meridian. Regardless of the meridian used, the survey must be referenced to a well-defined line, group of monuments, reference points, etc. of a normally assumed permanent nature so the orientation of the survey can be re-established. This reference line and its relation to the meridian used must be clearly shown on the survey plat. **Page 8**

**Survey, Maps & Deeds September, 2018**

1. All monuments, natural and artificial (man-made), found or set shall be shown and described on the survey plat. The monuments shall be noted as found or set. All monuments set shall be ferrous metal, or contain ferrous metal, not less than 1/2 inch in diameter, and not less than eighteen inches in length. All monuments set shall display the license number of the Professional Surveyor, the COA number of the firm, or the name of the responsible government agency. All corners shall be monumented, either by found monument clearly described on the survey plat, or by a monument set a described above, except however, a corner which falls in a creek, stream or ditch, in a gravel or asphalt road or upon solid rock, concrete or other like materials shall be marked in a permanent manner and clearly identified on the plat. Monuments shall be set at all corners of all surveys as required by these Standards. Witness Corners shall be set whenever a corner monument cannot be set or is likely to be disturbed. Such witness corners shall be set as close as practical to the true corner and shall meet the same physical standards that would be required for the true corner where it set. If only one (1) witness corner is set, it must be set on the actual boundary line or prolongation thereof. Otherwise, at least two (2) witness corners shall be set and so noted on the plat of the survey. Concrete right-of-way markers

may be acceptable as monuments on all roadways, streets, and utility rights-of-way, and may be placed only at points where right-of-way width or direction change.

1. The plat of a metes and boundary survey must clearly describe and show the commencing point and show the point of beginning for the survey. Commencing Point is a well-defined monument point referenced to the U.S. Public Land (GLO) Survey system or other recorded reference system compatible with Mississippi Statutes for recording land ownership that is used in a metes and bounds description. Point of Beginning is a well-defined monument point referenced to the U.S. Public Land Survey system or other system compatible with Mississippi Statutes for recording land ownership that is used as the beginning and ending point in a metes and bounds land description.
2. All discrepancies between the survey and the record description, and the source of all information used in making the survey, shall be indicated. When an inconsistency is found, including a gap or overlap, excess or deficiency, erroneously located boundary lines or monuments, or when any doubt as to the location on the ground of the true boundary or property rights exists, the nature of the inconsistency shall be clearly shown on the drawing.
3. A description and location of any physical evidence of occupation found along a boundary line, including fences, walls, buildings or monuments.
4. The horizontal length (distance) and direction (bearing or azimuth) of each line as specified in the legal description and as determined in the actual survey process.
5. Four (4) elements of all circular curves shall be shown (radius, arc length, chord bearing and chord length).
6. When a property description is required by the client, the description prepared by the Professional Surveyor should list all pertinent information that is shown on the survey plat to include, but not limited to: commencing point, point of beginning, course bearing and distances, description of all corner monuments, description and offset of witness corners and basis of bearings.
7. The lot and block or tract numbers or other designations, including those of adjoining lots and tracts if the survey is within a recorded subdivision.
8. Visible encroachments onto or from adjoining property or abutting streets with the extent of such encroachment. No sub-surface encroachments are required to be located unless their existence and location is furnished to the surveyor by client.
9. All public and private rights-of-way or easements which are known or observed adjoining or crossing the land surveyed.
10. Location of all permanent improvements pertinent to the survey, with reference to the boundaries.

**Page 9**

**Survey, Maps & Deeds September, 2018**

1. Anytime State Plane Coordinates are used on a survey in the State of Mississippi, these surveys must be performed in compliance with state law (Chapter No.462, Senate Bill Number 2131, approved March 29, 1991) and compliance with item (c) of this rule. State Plane Coordinates shall be clearly referenced to the appropriate horizontal datum(s) on the plat. When State Plane Coordinates are used the following information shall be shown on the plat (1) the State Plane Coordinates System Zone, (2) he horizontal and vertical datum(s) used, (3) the method used to derive information such as Global Positioning System or conventional survey, (4) all horizontal and/or vertical control points used (5) a combined or correctional factor, (6) the convergence angle. The coordinates of a minimum of two (2) reference points relevant to the survey shall be shown on the plat or map.

p. Regardless of the type of survey, a plat or survey shall bear the name, address, date of field survey, and signature and seal (either embossed or stamped) of the licensee in responsible charge. This signature and seal is certification that the survey meets the Standards of Practice for Surveyors in Mississippi as adopted by the Mississippi State Board of Registration for Professional Engineers and Land Surveyors. Other regulations including the Manual of Instructions for the Survey of U.S. Public Lands and all subdivision Laws and regulations of the State of Mississippi Statutes shall be followed.

* 1. **Notification to Roadway Design Division of Potential Causes for Redesign**

The RWD Survey, Maps & Deeds Section may identify any of the following factors that may be cause for potential redesign:

* Acquisition of small parcels that could be avoided,
* Historical or environmental issues that could be avoided,
* Adjusting no access limits to avoid a relocation or large uneconomic remnant, and/or
* Examination of the use of frontage roads to avoid large right of way acquisition costs.

Upon identification of any of these factors, the RWD District Surveyor Senior discusses the factor with the Roadway Design Division Engineer. The RWD District Surveyor Senior also sends an e-mail memorandum to the Roadway Design Division Engineer confirming the discussion of such issues. If redesign is warranted, the Roadway Design Division generates revised Final ROW Plans.

* 1. **Plan Changes**

The Roadway Design Division notifies the RWD Survey, Maps & Deeds Section as soon as any Final ROW Plan changes are identified. Upon receipt of this notification from the Roadway Design Division, the RWD Survey, Maps & Deeds Section provides notification to the District Coordinator and all ROW Section Supervisors and Officers via memorandum detailing the change and its effect on right of way acquisition, and enter each parcel to be revised in to PTS (Parcel Tracking System) on the Project Revision Page. The acquisition process on affected parcels may be put on hold until revised title abstracts, maps, deeds, and other instruments are prepared.

* 1. **Map Updates**

During the life of a project, the RWD Survey, Maps & Deeds Section revises ROW Acquisition Maps, Federal Land Maps, Condemnation Maps, and other maps to correct errors, accommodate project/plan changes, and identify new land transfers. The RWD Survey, Maps & Deeds Section provides ROW Agents with revised maps throughout the life of the project.

**Page 10**

**Survey, Maps & Deeds September, 2018**

* 1. **Deed Instrument Revisions**

In all cases, changes resulting from new ownership or project/plan revisions are updated in the deed and other instruments. For each change, the instrument must be renumbered.[[9]](#endnote-9) Deed revisions are numbered sequentially from 0 (for the original deed) through 9 and then A through Z for any revised deeds. This accommodates up to 36 deed revisions (0, 1, 2, 3, 4, 5, 6, 7, 8, 9, A, B, C, D, E, etc.). Changes in a deed may require a new appraisal and a new offer to the property owner.

* 1. **Project Archives**

The RWD Survey, Maps & Deeds Section maintains an archive of all ROW Acquisition Maps and right of way plans, including revised plans, received from the Roadway Design Division.

* 1. **Eminent Domain Survey and Exhibits**

All exhibits and documents prepared for use in an Eminent Domain court case shall be prepared in a manner consistent with requirements of the legal staff. All exhibits and documents shall be based on a survey meeting the standards set forth by the Mississippi State Board of Registration of Engineers and Land Surveyors.

RWD Survey Maps and Deeds Section receive the ED surveys prepared by the District surveyors or the contract survey consultant for a particular project. The ED survey is reviewed by RWD District Surveyor based on the review checklist found in **item 2.7**. A review of the ED survey plat shall conform to the survey Standards of practice for land surveying per the Mississippi State Board of Registration for Professional Engineers and Land Surveyors rules. For ED surveys that are prepared by the District Surveyors a legal description is prepared by RWD Survey Maps and Deeds Section and sent to the District surveyors for their review. After approval of the ED survey plat and legal descriptions a package of the following items are prepared.

* + 1. 3 copies of a Signed and sealed Plat of survey.
    2. 1 copy of the Exhibit legal description.
    3. 7 copies of the acquisition map, with the highlighted condemned area.

The ED survey package is forwarded to the legal staff for further processing.

1. **Relinquishments and Turn Backs**

A relinquishment involves transfer of right of way to local authority without an existing contract and agreement with the local Authority. A turn back transfer of right of way to a local authority according to an existing contract and agreement with the local authority. Highway facilities in which federal funds participated in either the right of way acquisition or construction may be relinquished or turned back to another governmental agency for continued highway use under the provisions of 23 CFR 620.203(b). As a result, property originally purchased as right of way by MDOT may need to be transferred (or relinquished) to a local government entity. Relinquishments and turn backs of right of way of way purchased under an interstate project must be approved in writing by FHWA.

**Page 11**

**Survey, Maps & Deeds September, 2018**

4.1 Request Received

The District receives all relinquishment/turn back requests. Upon the District Engineer

Approval of the relinquishment/turn back request, the District forwards the relinquishment/turn back request with a map showing the area to be relinquished/turn back to the Roadway

Design Engineer. The Roadway Design Engineer will review the request and provides the

request to the RWD Survey Maps and Deeds Section.

4.2 Relinquishment Deed

The RWD Survey Maps and Deeds Section prepare a Quitclaim (Q-Deed) Deed and obtain FHWA approval for interstate right of way relinquishments.

* 1. Mississippi Transportation Commission Approval

The Mississippi Transportation Commission must approve all relinquishments, but not turn backs (having a contract and agreement). The RWD Survey Maps and Deeds Section arrange to have the proposed relinquishment put on the Mississippi Transportation Commission’s agenda.

4.4 Executive Director Approval

Following Mississippi Transportation Commission approval, the Executive Director signs the deed.

4.5 Execution of Deed and Agreement

Following approval and signature of the deed by the Executive Director, Right of Way Division’s Title section files the deed in the Chancery Clerk’s office in the county where the project is located. A copy of the recorded deed is provided to the RWD survey maps and deeds Section.

Survey maps and deeds section then provides a copy of the recorded deed, annotated right of way map and the Relinquishment Agreement to the District.

1. **Sale Back of Excess Right of Way and Uneconomic Remnant Property**

Excess right of way, property that was originally acquired as right of way, and uneconomic

remnant property, property acquired when remaining property of a land owner’s is determined

by MDOT (Mississippi Department of Transportation) to have little or no value or utility to the

owner. The District Engineer determines if excess right of way is necessary for right of way

purposes. The Real Property specialist of Right of Way Division makes a request for technical

support from RWD SMD section in preparation the legal description. The deeds are checked to

ensure they have a no access clause, if it applies, and that they follow the original acquired area.

Upon request from the Real Property specialist of Right of Way Division, RWD Survey Maps and

Deeds will prepare a legal description from recorded instruments on the area to be sold.

**6**. **ProjectWise System (PW)**

PW is a MDOT application file management system that provides file storage and sharing of RWD design files, PDF preliminary ROW drawings, PDF final ROW drawings and SMD PDF acquisition maps. RWD uploads the design files and other related files to the PW system. The files at this stage can be accessed by staff and other divisions that have permission. The RWD SMD technician downloads the files associated with their project for preparation of the acquisition maps. When the acquisition maps are completed, PDF copies of the acquisition maps are placed in PW system under the FMS project number and folders labeled ROW/Final PDF (ACQ MAP).

**Page 12**

1. **49 CFR 24.102(e)(2)** [↑](#endnote-ref-1)
2. MDOT Policy, 2002. Based on the definition of ‘Description’ in the *Handbook of Real Estate Terms*, Dennis S. Tosh, Jr., Prentice Hall, Englewood Cliffs, NJ, 1992. Civil engineers without professional surveyors’ license are prohibited in the state of Miss. from ROW, easements, or property activities (Cite: Miss Code 73-13 Definitions of Engineer.). [↑](#endnote-ref-2)
3. MDOT Policy, 2002. Adapted from the definition of ‘Deed’ in the *Handbook of Real Estate Terms*, Dennis S. Tosh, Jr., Prentice Hall, Englewood Cliffs, NJ, 1992. [↑](#endnote-ref-3)
4. MDOT Policy, 2002. [↑](#endnote-ref-4)
5. *Whitworth et al. v. Mississippi State Highway Commission*. January 12, 1948. 33 So.2d 612. [↑](#endnote-ref-5)
6. *Whitworth et al. v. Mississippi State Highway Commission*. January 12, 1948. 33 So.2d 612. [↑](#endnote-ref-6)
7. *Handbook of Real Estate Terms.* Dennis S. Tosh, Jr., Prentice Hall, Englewood Cliffs, NJ, 1992. [↑](#endnote-ref-7)
8. Mississippi State Board of Registration for Professional Engineers and Land Surveyors. *Rules and Regulations of Procedure.* Rule No. 21. <http://www.pepls.state.ms.us/web10.htm>. December 1, 2001. [↑](#endnote-ref-8)
9. MDOT Policy, 2002.

   **Page 13** [↑](#endnote-ref-9)