


R/W MANUAL CHANGE

RWMC- 219

PROCEDURAL HANDBOOK
 (1984 Edition)

RWPH-____-____-____
 TRANSMITTAL#____

TITLE: CONDEMNATION	APPROVED BY:  RENÉ FLETCHER	DATE ISSUED: JUL 20 2012
SUBJECT AREA: CHAPTER 9 - CONDEMNATION	ISSUING UNIT: OFFICE OF PLANNING AND MANAGEMENT AND PROJECT COORDINATION	
SUMMARY OF CHANGES: Updates Forms RW 9-19, RW 9-20, and RW 9-21. Also, revises its Table of Contents.		

PURPOSE

This manual change updates Forms RW 9-19, RW 9-20, and RW 9-21 to reflect the terminology used in the Advantage system. It also transmits these forms from the Department's Caltrans Electronic Forms System (CEFS) to Chapter 9 in the Right of Way Manual.

<u>Form No.</u>	<u>Title</u>
RW 9-19	Request for Transfer of Funds
RW 9-20	Condemnation Check Request – Invoice
RW 9-21	Release of Condemnation Deposit

EFFECTIVE DATE

Immediately.

MANUAL IMPACT

- Remove the superseded pages and insert the attached pages in the Manual.
- Record the action on the Revision Record.

REVISION SUMMARY

<u>Chapter</u>	<u>Remove Old Pages</u>	<u>Insert New/Revised Pages</u>
	Remove the following in its entirety:	Replace with the following in its entirety:
9 - Forms	Table of Contents (REV 12/2006) RW 9-19 (REV 9/2004), (REV. 9/2010) RW 9-20 (REV 5/2004) RW 9-21 (REV 2/2003), RW-0921 (REV. 9/2010)	Table of Contents (REV 6/2012) RW 9-19 (REV. 6/2012) RW 9-20 (REV 6/2012) RW 9-21 (REV. 6/2012)

CHAPTER 9

Condemnation Table of Contents

FORMS

<u>Form No.</u>	<u>Title</u>
RW 9-1	Hold for Future Use
RW 9-2	Hold for Future Use
RW 9-3	Hold for Future Use
RW 9-4	Hold for Future Use
RW 9-5	Hold for Future Use
RW 9-6	Hold for Future Use
RW 9-7	Hold for Future Use
RW 9-8	Resolution of Necessity Request
RW 9-9	Consent to Substitute Condemnation
RW 9-10	Substitute Condemnation for Private Utility Service or Access Road
RW 9-11	Consent to Condemnation of Excess Lands
RW 9-12	Consent to Acquisition of and Easement to Remove Improvements Straddling the Right of Way Line
RW 9-13	Proof of Service
RW 9-14	Declaration of Mailing (Summons)
RW 9-15	Declaration of Mailing (Notice of Intent)
RW 9-16	Acknowledgement of Receipt of Summons and Complaint
RW 9-17	Application for Fee Appraiser
RW 9-18	Independent Expert Claim
RW 9-19	Request for Transfer of Funds
RW 9-20	Condemnation Check Request - Invoice
RW 9-21	Release of Condemnation Deposit

STATE OF CALIFORNIA • DEPARTMENT OF TRANSPORTATION
REQUEST FOR TRANSFER OF FUNDS
 RW 9-19 (REV. 6/2012)

- TO:** 1. R/W Planning & Management Branch
 2. R/W Accounting Section
 3. HQ Cashiering
 4. Forward to District R/W Planning and Management
 5. Forward to R/W Acquisition/Condemnation

Federal Project # _____

FEDERAL PARTICIPATION
 On the project Yes No
 On the parcel Yes No

A.R. # _____

FROM: RIGHT OF WAY ACQUISITION/CONDEMNATION

It is requested that a deposit with the State Treasurer be Executed for an Order for Possession in the following case:

People vs. _____
 County of _____
 Court Case No. _____

Dist	Co	Rte
PM	Parcel No.	Project ID
Phase		

CONDEMNATION DEPOSIT		Federal Eligible 090	Federal Ineligible 090N	CERTIFICATION OF FUNDS	
LAND:	Right of Way			I hereby certify that budgeted funds are available for the period and purpose of the expenditure shown.	
IMPROVEMENTS:	Right of Way			Sign:	Date:
	Personalty			Right of Way Planning and Management	
	Machinery and Equipment				
DAMAGES				Previous Deposit(s)	<input type="checkbox"/> Yes <input type="checkbox"/> No
GOODWILL				Amounts	Reference Documents
SUBTOTALS				\$	CO0
TOTAL AMOUNT OF THE DEPOSIT		\$		\$	CO0
				\$	CO0

NOTE: Differences between requested deposits and approved appraisals or authorized appraisals are to be explained.

CONDEMNATION AGENT:			CONDEMNATION SENIOR APPROVAL:		
Sign:	Date:		Sign:	Date:	
Print:	Telephone:		Print:	Telephone:	

RIGHT OF WAY PLANNING AND MANAGEMENT TO COMPLETE UNSHADED FIELDS

CT DOCUMENT	EVENT TYPE	DEPT	UNIT	PROJECT ID	PHASE	REPORTING CODE	OBJ CODE	(N)	BFY	AMOUNT
	C	2660					090			
	C	2660					090			
	C	2660					090			

R/W PLANNING & MANAGEMENT APPROVAL

Sign: _____ Date: _____

Print: _____ Telephone: _____

ACCOUNTING NOTE: All data must be entered exactly as shown. Verify coding prior to entry into Advantage. If any change is necessary, contact R/W Planning and Management who will fax a revised copy to R/W Accounting.

**INSTRUCTIONS FOR COMPLETING THE REQUEST FOR TRANSFER OF FUNDS
(RW 9-19)**

The RW 9-19 form is completed before an Order for Possession (OP) can be requested through Superior Court. It is the only document necessary to process the Transfer of Funds through Accounting.

The original form and a copy are forwarded to Planning and Management (P&M) for coding and funding review prior to sending to Accounting for fund transfer. A **copy** is included in the official parcel file maintained in the Region/District.

Right of Way Condemnation identifies R/W costs for Federal Aid eligibility and completes the following fields

- Federal project number, Federal participation on project and parcel
- District, County, Route
- Post Mile (PM), Parcel, Project ID/Phase
- Grantor/Defendant Name
- County where suit is filed
- Court Case No. (if not assigned, PENDING)
- Apply appropriate charges to the Federal Eligible or Federal Ineligible columns, subtotals and total.
Eligible/Ineligible refer to Federal participation

LAND: Right of Way/Right of Entry - Acquisition Cost - enter value of land in R/W as indicated in the appraisal.

IMPROVEMENTS: Right of Way - enter value of improvements in R/W.

Personalty - insert the settlement amount of personal property acquired pursuant to manual section 8.06.05.

Machinery & Equipment - enter value of acquired items pertaining to realty.

DAMAGES: insert dollar amount of damages.

GOODWILL: eligible for Federal participation.

- Previous Deposit - check YES or NO. If YES, provide amounts and document numbers for all previous deposits.
- Condemnation Agent will sign, date, print name and enter telephone number.
- Condemnation Senior will sign, date, print name and enter telephone number.

Right of Way - Planning & Management completes the following fields:

- Unshaded area of coding box.
- Planning and Management will sign the form indicating that the Project ID/Phase and FFY are set up in Advantage and that funding in Region/District allocation is available. Also, date, print name and telephone number.
- Funds are encumbered by the individual creating the CT document in Advantage.
- Sign and date in Certification of Funds box indicating that Funds have been confirmed and are available in Advantage.
- Once form is complete, forwards form to Headquarters Cashiering.

Headquarters Cashiering:

- Prepares Memo
- Forwards copy of memo and Transfer of Funds form (RW 9-19) to Right of Way Accounting

STATE OF CALIFORNIA • DEPARTMENT OF TRANSPORTATION
CONDEMNATION CHECK REQUEST - INVOICE
 RW 9-20 (REV 6/2012)

DATE: _____

TO: Right of Way Accounting Section
 FROM: Right Of Way - District # _____

Federal Project # _____	
FEDERAL PARTICIPATION	
On the project	<input type="checkbox"/> YES <input type="checkbox"/> NO
On the parcel	<input type="checkbox"/> YES <input type="checkbox"/> NO

Dist	County	Route	PM	Project ID	Phase	Parcel No.

People vs. _____
 SCC No. _____

Payment for:

Judgment
 Partial Judgment
 Interest
 Mediation Cost
 Other _____

WARRANT/CHECK TO BE MADE PAYABLE TO:

Judgment \$ _____
 CDF Withdrawal(s)* _____
 Land Exchange Value* _____
 Interest, attach Interest Calculation Sheet _____
 Legal Fees, attach Invoice or Receipt _____
 Court Cost _____
 Other _____

CHECK AMOUNT Total _____
 *Input a negative amount

PROPERTY ADDRESS OF PARCEL

ADDRESS _____
 CITY _____ STATE _____
 ZIP _____

If no street address:
 APN: _____

(If one or more parcel, put addresses in explanation section)

REQUIRED CLAIM SCHEDULE DOCUMENTS

Condemnation Check Request - Invoice (RW 9-20) + 1 Copy
 Federal Participation Memorandum (RW 8-16) + 1 Copy
 Certified copy of Condemnation Judgment + 1 Copy
 Interest Calculation Worksheet + 1 Copy
 Invoice or Receipt for Other Costs + 1 Copy, if applicable
 Payee Data Record (STD 204), if not already on file

Note: Notify the Attorney of Record to file a Request for Release of Deposit(s) a.s.a.p. Once the Release of Deposit(s), signed by the court, is received, complete a Release of Condemnation Deposit Fund (RW 9-21) form. Forward the completed approved package +1 copy to HQ's Cashier's Office.

PRIOR PAYMENTS ON CONDEMNATION PAID ON:

Schedule(s) # _____

FOR ISSUING CHECKS

Forward to District Cashier, By: _____ Date _____
 Attn: _____

Mail to payee by : _____ Date _____

Explanation: _____

Requested by: _____

Sign: > _____ Date: _____

Senior Right of Way Agent

CERTIFICATION OF FUNDS

I hereby certify that budgeted funds are available for the period and purpose of the expenditure shown here.

Item: _____ Chapter: _____ Statute: _____ FFY: _____

Sign: > _____ Date: _____

Right of Way Planning and Management

**INSTRUCTIONS FOR COMPLETING THE CONDEMNATION CHECK REQUEST - INVOICE
(RW 9-20)**

The RW 9-20 form is completed after court judgments are issued. The RW 9-20 then becomes part of a payment package described under the REQUIRED CLAIM SCHEDULE DOCUMENTS section for the form. A complete payment package will ensure prompt processing of the warrant through the State Controllers Office.

Right of Way Condemnation Agent completes the following fields:

- Date the payment package is initiated.
- District number
- Federal Project Number and Federal Participation on the project/parcel
- District, County, Route, Post Mile (PM), Project ID, Phase, and Parcel Number
- Name of the case
- Superior Court Case Number (SCC No.)
- Check appropriate box for Judgment, Partial Judgment, Interest, Mediation Cost, or Other.
- Name and address as shown on the STD 204 - Payee Data Record form.
- Expenses (Judgment, CDF Withdrawal(s), Land Exchange Value, Interest, Legal Fees, Court Cost, and Other)
- Input a negative amount for CDF withdrawal(s) and Land Exchange Value.
- Total of all appropriate costs in CHECK AMOUNT.
- Always complete the PROPERTY ADDRESS OF PARCEL. This information is needed to complete the informational IRS FORM 1099-S: Proceeds from Real Estate Transactions. Additional information or parcel addresses may be added here.
- REQUIRED CLAIM SCHEDULE DOCUMENTS assists in preparing the payment package.
- PRIOR PAYMENTS ON CONDEMNATION PAID ON: If prior payments have been made from the deposit, complete this section.
- FOR ISSUING CHECKS: Mark the box that indicates where the check should be mailed. The District Cashier will receive the check by the indicated date. R/W Accounting or the State Controller will place the warrant/ check in the mail by the indicated date. Therefore, calculate in 5 days of additional interest for mail delivery to the payee.
- Condemnation Senior will sign and date

Right of Way Planning & Management Agent completes the following field:

- Planning & Management will sign and date in Certification of Funds box indicating that they have confirmed through Advantage that the Project ID is masterfiled and that funding is available.

RELEASE OF CONDEMNATION DEPOSIT

RW 9-21 (REV. 6/2012)

TO: DIVISION OF ACCOUNTING CASHIERING OFFICE				FEDERAL PROJECT NUMBER	
				FEDERAL PARTICIPATION	
				On the project	<input type="checkbox"/> YES <input type="checkbox"/> NO
				On the parcel	<input type="checkbox"/> YES <input type="checkbox"/> NO
ATTENTION	UNIT	PARCEL NUMBER	PROJECT ID	PHASE	
	SCHEDULE NUMBER				
	TRANSFER NUMBER			DATE	

From: **RIGHT OF WAY ACQUISITION CONDEMNATION SECTION**

Subject: Release of Condemnation Deposit for People vs. _____
 Court Case No. _____ Total amount of Deposit to be cancelled/released \$ _____

We are requesting:

- The cancellation for the Request for Transfer of Funds. The reason for the cancellation:
- Settled by Right of Way Contract
 - Project/parcel cancelled - acquisition not required
 - Other: _____

- Release of the Condemnation Deposit from the Condemnation Fund. The reason for the release is:
- Settled by Right of Way Contract
 - Stipulated Judgement*
 - Final Order of Condemnation*
 - Other: _____

*Two court certified copies of the Request and Order for Release of Deposit are attached.

Please release \$ _____ from the Condemnation Fund to the State Transportation Fund.
 I affirm that this is the final settlement and Grantor(s) is/are seeking no further claims. I CERTIFY UNDER PENALTY OF PERJURY THAT THE ABOVE FACTS ARE TRUE AND CORRECT.

APPROVED

SENIOR RIGHT OF WAY AGENT	DATE	PHONE