

STATE OF SOUTH DAKOTA CLASS SPECIFICATION

Class Title: Right of Way Technician

Class Code: 11517

Pay Grade: GG

A. Purpose:

Assists in acquiring property for pending construction projects by selecting and preparing the appropriate legal documents for acquisition and relocation; processing and recording documents after acquisition or relocation has taken place; working with other government agencies to acquire easements; updating computer records to show project status; and preparing payment vouchers to facilitate the purchase of, and access to, property included in the projects.

B. Distinguishing Feature:

Right of Way Technicians provide program support to the Right of Way Program Manager. Right of Way Specialists acquire property and specialize in appraisal, negotiation, or relocation.

C. Functions:

(These are examples only; any one position may not include all of the listed examples nor do the listed examples include all functions which may be found in positions of this class.)

1. Selects and prepares the correct legal documents needed for acquisition or relocation of each property parcel in a project to assist negotiators in the purchasing process.
 - a. Comprehends highway right of way and construction plans, plats, and Certificates of Title to determine ownership of each property; property legal descriptions; and which ownerships have mortgages, judgments, or contracts for deed.
 - b. Selects appropriate legal documents, prepares them with owner information and property descriptions, and creates a file for each parcel.
 - c. Determines if temporary easements are required by reading project plans.
 - d. Contacts other government agencies who have property involved in right of way acquisition, provides legal descriptions of property, answers questions, offers the appraised price, and obtains agreements.
 - e. Prepares documents for purchases of billboards and billboard sites.
 - f. Sends plats to Registers of Deeds for filing and recording, and to Directors of Equalization notifying them of intent to purchase property.
2. Coordinates with the Bureau of Indian Affairs (BIA) to acquire grants of easement for projects that involve Native American Trust Land.
 - a. Reviews the plats in each project to ensure legal descriptions are accurate; obtains appropriate signatures; and sends plats to Registers of Deeds for recording.
 - b. Prepares and forwards the right of way application, the portfolio of plats, appraisals, and other appropriate documentation to the BIA.
 - c. Sends forms requesting rights of way to owners of parcels and starts negotiations for acquisition.
 - d. Requests verification from the BIA that a majority of interest in each parcel has been acquired, and sends grants of easement to Registers of Deeds for recording.
 - e. Notifies the BIA when the project is completed by forwarding appropriate documentation.
3. Compiles, processes, and records documents from finalized property acquisition to assist in completing the procedures required to prepare projects for bid letting.

- a. Receives reviewed files from the internal auditor along with a check list of issues, resolves issues if possible, or forwards to the negotiator for resolution.
 - b. Forwards purchase agreements signed by property owners to approving authorities for signature, and sends final copies to landowners.
 - c. Secures releases from mortgages, liens, and judgments if not obtained by the negotiators.
 - d. Prepares and codes vouchers, delivers them to authorized representatives for signatures, forwards them to the finance office for processing, and sends warrants to property owners.
 - e. Sends copies of documents to appropriate agencies for legal recording, e.g., Registers of Deeds, Directors of Equalization, Clerks of Courts.
 - f. Monitors property files that remain open after the project has been completed, e.g., condemnation, right of entry, and relocation; and after closure, calculates interest and prepares vouchers for payment.
 - g. Maintains project files until processing is complete, audits to verify that they are complete, and files them in the central filing system.
 - j. Provides the department's legal staff with project information when condemnation procedures are implemented.
4. Prepares and processes legal resolutions to facilitate condemnation, abandonment, or transfer actions; and resolutions of necessity to implement the purchase of right of way.
 - a. Reviews property descriptions for accuracy by comparing them to the project plans and reviews and resolves inconsistencies with the right-of-way engineer or the project engineers.
 - b. Ensures resolutions state the correct purpose and intent of the department by conducting research of the property, verifying that property descriptions are complete and correct, preparing the resolution with the correct verbiage, and referring documentation to the program manager for final review.
 - c. Forwards resolutions to appropriate agencies for recording; sends copies to affected parties; and maintains files.
 - d. Acts as a liaison among city and county governments and the department to facilitate property transfers.
5. Compiles project documentation and data into required books and computer record keeping systems to provide reference information regarding project components and status.
 - a. Receives computer disks containing completed property appraisal forms, photographs, sketches, aerial photographs, basic data, and sales; and assembles books for review appraisers.
 - b. Receives computer disks with review memorandums from review appraisers, copies data to computer, prints all data, and assembles three books with covers, end tabs, and check-out cards.
 - c. Prepares record books by creating an information sheet for each parcel in the project showing ownership, legal description, mortgages, recording information, amount paid, and warrant data, etc.; filing them by county; and updating them continuously as the project progresses.
 - d. Maintains a computerized acquisition system by entering initial property data, e.g., landowner name and number, acres of right of way, etc.; appraisal and review information; and settlement and payment data.
 - e. Maintains a computerized relocation information system to record the status of relocation assistance activities, e.g., address of property owner, date of relocation offer, date agreement was approved, settlement date, claim data, warrant data, etc.
 6. Performs other work as assigned.

D. Reporting Relationships:

Reports to the Right of Way Program Manager. Does not supervise.

E. Challenges and Problems:

Challenged to determine the appropriate, required legal documents for each parcel of property for each assigned project; and to select and transfer legal property descriptions from the plans, plats, and Certificates of Title to the documents. This is challenging because legal descriptions are difficult to interpret, there are often variable factors that must be recognized in order to select the appropriate documentation, and errors are costly and time-consuming to repair. Further challenged to acquire grants of easement from projects involving Native American Trust Land because there are often multiple owners on one parcel or the owners are not readily available, notice must be sent by certified mail at least twice, and it is often not possible to deal with the same individual through completion of the negotiations.

Problems include making sure all the documentation is in place and ready for the negotiators; making sure documents are completed and recorded properly; maintaining good relationships with multiple agencies who often interpret the rules differently; verifying that documentation contains property descriptions, legal verbiage, signatures, and dates that are correct and valid; conducting research into historical files that are often vague and incomplete; and ensuring that a project is completed before closing the files.

F. Decision-making Authority:

Decisions include which documents to use for each parcel file; whether ownerships have mortgages or judgments against them; appropriate coding for vouchers; when and where to send documents to be recorded; proper codes for data entry; who in other agencies to contact to negotiate acquisition of right of way; whether to authorize allowable, additional payment in BIA negotiations; and whether projects are complete and can be finalized.

Decisions referred include project priority; final approval of project documentation and vouchers, requests for additional compensation over a certain amount, and legal resolutions; solutions to conflicts regarding legal property descriptions; and interpretation of policies, rules, and regulations.

G. Contact with Others:

Daily contact with landowners and tenants regarding agreements or payments; with attorneys and local government officials to explain procedures and payments; with Registers of Deeds and Directors of Equalization to record project documentation, research legal descriptions, and explain procedures; with the general public to answer questions about procedures or specific parcels of property; with negotiators on assigned projects; with appraisers to exchange information on appraisals and project documentation; with project engineers regarding plans and plats; and with the right of way internal auditor to receive direction; weekly contact with BIA and Tribal agencies to explain projects, exchange information, obtain ownership lists, grants of easement, and approval of appraisals; monthly contact with the Federal Highway Administration to exchange information and obtain direction; and frequent contact with region and area offices of the department regarding projects and property in their areas; with other agencies who have property involved in projects to negotiate acquisition; and with county officials regarding condemnations, judgments, and tax information.

H. Working Conditions:

Works in a typical office environment.

I. Knowledge, Skills, and Abilities:

Knowledge of:

- legal descriptions of real property;
- documents used to record acquisition or transfer of various types of property;
- recording agencies and procedures for plats and property transfers;
- voucher and warrant processing;
- computerized and manual record keeping;
- records management procedures.

Ability to:

- comprehend right of way plans, plats, and construction plans to obtain property legal descriptions and determine need for easements;
- research regulations and procedures to determine appropriate documentation required for a variety of property acquisitions and transfers;
- organize and prioritize an assigned work load;
- communicate sufficiently to convey information about assigned work and understand directions;
- monitor progress and timelines of multiple projects;
- answer and refer questions;
- proofread legal documentation;
- use a computer.