

STATE OF SOUTH DAKOTA CLASS SPECIFICATION

Class Title: Right of Way Specialist

Class Code: 011561

Pay Grade: GI

A. Purpose:

Performs duties in a right of way activity such as appraisal, acquisition, or relocation to ensure clear title to property needed for state transportation projects.

B. Distinguishing Feature:

Right of Way Specialists performs right of way valuation/appraisals, basic appraisal reviews, acquisition/negotiation of property interests, or basic relocation determination on projects considered uncomplicated. Typically specializes in one of the right of way activities.

Senior Right of Way Specialists performs right of way acquisition tasks; valuation/appraisals, basic and complex appraisal reviews, acquisition/negotiation of property interests, or basic and complex relocation determination on all manner and variety of projects; and on projects considered complex, such as commercial or industrial properties in urban areas or properties that may incur significant damages as a result of a project, or serve as a title examiner.

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. Appraises property by conducting research to acquire sufficient background and supporting information in the area of the project to ensure development of the highest supportable market value.
 - a. Studies project plans, plats, and other related documents to plan for the appraisal process; and to obtain right of way requirements and owner information.
 - b. Inspects the project area to become familiar with various parcels, to identify the exact area and nature of the property to be appraised, and to take photographs of the parcels.
 - c. Compiles data on the property and on comparable sales in the property area by contacting real estate brokers; and applicable county offices such as Directors of Equalization, Treasurers, and Registers of Deeds.
 - i. Inspects comparable sales sites to ensure data is accurate.
 - ii. Verifies site locations and takes photographs of comparable sales.
 - iii. Verifies accuracy of information with buyers/sellers, and determines motivation for the sale.
 - d. Selects proper appraisal approach to analyze and evaluate the data to arrive at market value and just compensation for each parcel.
 - e. Creates and submits a final appraisal report for review; and performs any additional follow-up activities to ensure that the final report is accurate.
 - f. Completes procedures and forms, and includes the appraisal information in the appropriate project files.
 - g. Prepares appraisals for court and testifies in condemnation proceedings.
2. Acquires title to real property needed for transportation projects to ensure all necessary property has been obtained by the department prior to the time of construction.
 - a. Reviews plans, plats, and other documents pertinent to purchases of rights of way and easements; and meets with design and construction engineers to review landowner comments and unique conditions for the project or individual parcels.

- b. Inspects documentation for each parcel for completeness and for any special circumstances which may exist.
 - c. Reviews the project appraisal documents for each parcel to become familiar with the nature and extent of the acquisition of each parcel and how the compensation values have been derived.
 - d. Reviews title and owner information on each parcel and verifies that ownership is current.
 - e. Inspects the project area to become familiar with parcels that are being negotiated and to verify that all real and personal property has been correctly identified on the plans; and notes items which may require additional review.
 - f. Meets with property owners to explain the project and the effect it may have on their property; goes through the plans, aerial photographs, and plats; listens to, and notes, their concerns.
 - g. Goes over the appraisal of their property with them and makes an offer; and discusses and resolves as many issues as possible.
 - h. Addresses landowners' concerns and relays concerns to appropriate entities for consideration, following up with as many additional meetings as needed until resolutions are found.
 - i. Explains acquisition documents, and presents written offers of compensation to property owners; writes required agreements and acquires signatures to secure clear and legal property titles.
 - j. Completes required documentation for each parcel and submits completed project file for internal audit.
 - k. Maintains contact with landowners until all parcels are settled and the project is certified.
3. Facilitates relocation processes in a timely, orderly, and responsible manner to ensure that project implementation schedules are not jeopardized.
- a. Determines the needs of displaced property owners in conjunction with the acquisition, condemnation, and relocation of property.
 - i. Orders and reviews Certificates of Title, survey plats, and other documents.
 - ii. Reviews project concepts with engineers and managers.
 - b. Develops and analyzes socio-economic data on individuals and businesses displaced through the acquisition of property, searches for alternative relocation sites, determines fair reimbursement for relocation expenses, prepares and recommends comprehensive relocation plans.
 - c. Coordinates conditions of right of way settlements with other divisions of the department.
 - d. Coordinates issuance of public notices.
 - e. Initiates and maintains contacts with human resources agencies, real estate companies, and various governmental agencies for the purpose of relocation of persons and businesses.
 - f. Provides relocation cost estimates for project planning, including transitional costs such as temporary rentals, payments for crop loss, etc.
 - g. Inspects relocation housing to ensure compliance with federal relocation requirements.
 - h. Recommends condemnations, calculates and recommends amounts of settlements;
 - i. Prepares reports on relocation activities; and prepares relocation claims along with supporting documentation.
 - j. Prepares closing statements and directs final abstract update and final title opinion.
4. Performs other work as assigned.

D. Reporting Relationships:

Reports to a Right of Way Supervisor. Does not supervise.

E. Challenges and Problems:

Challenged to be an Appraiser. This is difficult because it requires preparation consistent with the standards of the Uniform Standards of Professional Appraisal Practice (USPAP), 49 CFR Part 24.103, and when appropriate, the Uniform Appraisal Standards for Federal Land Acquisition (UASFLA). Another difficulty is determining the Larger Parcel and the Highest and Best Use for each parcel that is appraised. Before and after appraisals are written with the before value based on the market value of the property at the time of inspection and the after value based on the market value as of a specified date under the hypothetical condition that the necessary right of way has been acquired as of that date and the effect of the project on the value of the entire property. Further challenged to collect adequate data to support the opinions expressed in the appraisal through extensive research in order to write a credible appraisal report then confirm market data with either the buyer, seller, or an individual that was knowledgeable about the transaction in order to properly analyze the sales, as some of the details about a particular transaction will not be available in county records.

Challenged to be part of the Acquisition/Research Staff. This is challenging because it requires obtaining a view of the various parcels which will allow better communication with the respective property owners; and explaining the effect of the project to each owner until it is understood and accepted. Further challenged to negotiate with property owners who may be at odds with the offer of compensation or with the effect of the project on their property, often requiring several meetings to arrive at acceptable terms while meeting the needs and wishes of property owners while acquiring the necessary property in the most cost effective manner for the state.

Problems include coping with methods of indexing and filing property information that may vary from county to county; dealing with the emotional issues that arise with property owners; finding adequate property sales data to support appraisals in areas where sales may be years and miles apart; securing comparable replacement housing for relocated persons; working with the pressure of bid letting deadlines; and ensuring that current, adequate, and appropriate documentation accompanies required paper work.

F. Decision-making Authority:

Decisions include whether enough data has been collected on sales and property values to calculate the most cost effective appraisal; recommendations for changes to plans and plats after property inspections; solutions to property owners' concerns within established parameters; appropriate offers of compensation within set limits; when negotiations are no longer feasible and stronger measures are required from higher authority; the extent and estimated costs of relocation needs including transitional costs such as rent for temporary housing, and payment for loss of crops; whether or not relocation facilities meet guidelines; and priority and schedule of assigned work within project deadlines.

Decisions referred are final approval of appraisals, settlements, condemnation of property, and relocation claims; and issues which require legal or policy expertise.

G. Contact with Others:

Daily contact with property owners to explain project plans, inspect property, and negotiate the purchase or use of property; local government agencies and businesses to collect market and comparable sales data and title information; banks and other lending institutions to discuss mortgaged property; and property owners' attorneys to provide information.

H. Working Conditions:

Extensive travel is required statewide.

I. Knowledge, Skills, and Abilities:

Knowledge of:

- real estate activities such as acquisition, sales, leasing, appraisal, title examination, and others;
- principles and practices of economics, finance, and business;
- legal documents, contracts, contracts for deeds, title reports, and sale and lease documents relating to real estate activities;
- items that may affect value that are non-compensable based on statute or case law;
- property appraisal and right of way acquisition processes and related statutes, guidelines, and procedures.

Ability to:

- seek out and analyze sufficient data to estimate true market value of affected property based on location and other factors peripheral to the location;
- interpret plans and plats, recognize the relationship to the project site, and recommend changes to the plans or issues for additional review;
- establish and maintain effective working relationships with property owners, design and construction engineers, local government officials, real estate agencies, lending agencies, and the public;
- communicate information and proposals to property owners in a professional, respectful, courteous, and cooperative manner;
- develop and prepare comprehensive and systematic plans for orderly relocation of affected parties;
- interpret and apply guidelines as tasks vary; and use established policies and practices to develop strategies and solve problems;
- prepare and present accurate and reliable reports containing findings and recommendations;
- operate a personal computer using standard or customized software applications appropriate to assigned tasks;
- perform a wide variety of duties and responsibilities with accuracy and speed under pressure of time-sensitive deadlines;
- communicate effectively.