

COMMON MISTAKES ON THE DOCUMENTS:

The proper deed shell is not used – **the shell is a guide only but often has to be modified.**

Names do not agree with the title documents. The names in the document should almost always agree exactly with the names in the title documents. In instances where they do not, such as a name change or a death, the document should address this.

Owner names or the easements described do not agree with the plans.

Abbreviations are used when they should not be.

Grammatical errors and errors relating to the type of owner often occur. For instance the owner will be one person and "we" or "it" will be seen; the owners are 2 or more people and "I" or "it" will be used; or the owner is a corporation and "I" or "we" is used.

Reference is not made to encumbrances.

Documents are signed with blank spaces which should have been filled in. These include such things as plan filing dates, names or dates of previous deeds or encumbrances, dates and/or places where the documents are signed, or the title of a person signing for a corporation.

Documents are not updated when names or plans change.

Documents are not proofread and reviewed prior to submittal for review.

COMMON MISTAKES ON PLANS:

Names do not agree with title abstracts. Initials, nicknames, and abbreviations are used.

Plans are not updated when title updates indicate a change.

The ROW plans do not agree with the engineering plans. For instance construction limits are not shown.

Detail sheets and layout sheets do not agree.

Plans do not show all the easements needed.

The easements are vague. For instance "Easement (T)" and "Install (T) without some indication of what these easements involve.

The easements shown are too inclusive or not specific. For example using simply "Drainage (P)" to cover all drainage system easements is inappropriate. These could include "Culvert (P), Ditch (P), Drainage (P), Culvert & Drainage (P), Ditch & Drainage (P), and Culvert, Ditch, & Drainage (P). Each of these easements might have a different effect on the property. For instance a Culvert & Ditch (P) at the inlet end of a culvert would usually be less intrusive and damaging than a Culvert, Ditch, & Drainage at the outlet end of the culvert. Another example is using a "Construction (T)" to cover many different temporary easements. A temporary construction easement is taken to allow construction equipment and personnel to utilize any area outside the actual disturbed areas to perform any number of construction related activities. It does not include the right to change the slopes of the land or construct such things as drives and walks within the construction easement area.

Remember - it is important that the plans are correct because the documents and appraisals are based on them. Also correct plans together with the documents ensure that both the owners and the municipality know exactly what was acquired and the limits of the acquisition can be determined by both parties in the future.

MORE ROW COMMOM MISTAKES:

The Town doesn't follow the ROW "process" and has deeds signed before the ROW plans and document are reviewed by VTrans ROW section. This often results in extra work for everyone including the need for corrective deeds.

The Town does not have the existing ROW correctly located on the plans, especially when claiming a "historic" ROW. Highway ROW should not be based on town's tax maps. A licensed surveyor or engineer should document the location of the existing highway ROW. The location of State Highway ROW should be confirmed by VTrans. This should take place early in the project development process; during the development of Conceptual Plans.

There needs to be close coordination between the Town's design consultant and attorney as the ROW plans and deeds need to match; not only the property owner names, but in the description of the work. There have been several cases where the work described in the deed is not reflected in the plans or vice versa.

The ROW Plans and/or documents submitted by the town or their consultant are not the most recent or up-to-date. It's amazing how many times I have seen supposedly updated plans and/or deeds accompanied by the wrong set (typically an earlier out-of-date set) of plans or deeds.

There is a lack of early coordination (during project scoping and/or conceptual plans) with AOT District staff and others (Traffic folks for crosswalks, etc.) for those projects that are on or affect State Highway ROW. It is critically important this take place long before a project gets to the ROW acquisition phase.

The ROW submittal is incomplete or is sent in piecemeal. It is much cleaner to submit and entire ROW package instead of sending in the various parts and pieces separately. It can get very confusing for the town, the project supervisor and the ROW reviewer when there are multiple submissions and back and forth emails.

For those projects where the town is claiming the right to an existing feature, typically a sidewalk, which is outside the existing ROW using dedication & acceptance it is important that the documentation be provided as a part of the ROW clearance request package.

The ROW Certification is not completely filled out, especially the date the ROW plans were filed, and/or not signed by the town's attorney.

A Section 1111 permit or "Letter of Intent" has not been obtained or included when there is work within State Highway ROW.

Although not an absolute requirement having a project centerline that runs down an adjacent highway centerline sure makes the ROW review process much cleaner.

The ROW plans and design plans should be at the same scale; again it makes the review much easier.

The town's consultant should be encouraged to use the VTrans developed ROW "Detail Sheet", instead of custom designing one for each project (be sure to have them remove the reference to State of Vermont & VTrans). This will save time and money and get the right information on the plans the first time. Again this helps expedite the ROW review process.

The construction limits (cut and fill) lines should be shown on the ROW plans as this is typically what drives the need for ROW and makes the ROW review process all that much cleaner.

The beginning and ending stations should be the earliest and latest part of the parcel relative to the project centerline.

The parcel numbers, used on the layout and detail sheets and in the deeds, should simply begin with Parcel 1 and proceed numerically to the final parcel.

Incorrect spelling and grammatical errors on the plans and documents. For example the Town of Derby spelled Oerby or easements copied from other easements where the old property owner's name is unchanged in some places.

Station on plans doesn't match Station on easements.

Not all blanks, such as dates, filled in or signatures obtained on easements. These usually can be fixed if the easement has not been filed in the town's land records. If the easement has been filed then a corrective easement is needed.

Existing landscaping items, such as trees, shrubs, hedges, etc. that are located within a construction, drainage or slope easement need to be noted as "saved" otherwise they are at the mercy of the contractor. This needs to be shown on the ROW and Construction Plans.

All plan sheets should have the project name and number and be dated in the "Title Block"

The installation of a new or replacement culvert typically will require a permanent drainage right.

Construction activities, especially for major work items, such as removing and/or constructing walls, removing large trees or stumps, that are in close proximity to the ROW line should typically have some type of "construction" related easement. The question needs to be asked; "Can a contractor reasonable perform the work and remain within the existing ROW?", if not an easement will be needed.