**APPENDIX 11-5**

**RIGHT OF WAY CLEARANCE CERTIFICATE**  \_\_\_\_\_\_

To: Regional Real Estate Officer, Region    \_\_ Date:       \_\_Design Approval Date:

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| From: |  | | Sponsor: | |  | |
| P.I.N: |  | | Project: |  | | |
| Sponsor ID #: | |  | Acquiring Agency: | | |  |

I certify that; the right-of-way has been or will be acquired in accordance with the Highway Law, the Eminent Domain Procedure Law (when applicable), Uniform Relocation Assistance Real Property Acquisition Policies Act of 1970 as amended, and Title 23 of the Code of Federal Regulations, Part 635, Section 309 and that the status of the right-of-way is as follows:

***Select: a, b, c, or d***

**(a)** No right of way (including clearance of encroachments conflicting with the project construction within the existing right of way) is required for the project.

**(b)** All of the necessary rights of way, including control of access rights have been acquired (legal and physical possession). All payments/deposits are completed. If applicable, “Statement of Donations” attached. There are no improvements existing that need to be removed or demolished and/or all occupants have vacated the land and/or improvements and the acquiring agency has the physical possession and the right to remove.

**(c)** All the necessary rights of way, including control of access rights have not been completed, however, the acquisitions are being progressed and all legal and physical possession will be completed prior to advertisement of the contract (see attached ROW 9-15ALL “Acquisition and Clearance Status Report” for completion schedule).

**(d)** Acquisition of one or more remaining properties has not been completed and will not be completed prior to project advertisement for bids. All eligible occupants of the residences, if any, on such properties have had replacement housing made available to them in accordance with 49 CFR 24.204. (See attached ROW 9-15ALL “Acquisition and Clearance Status Report” for completion schedule and ROW 9-16ALL “Special Note – Availability of ROW”). The completion schedule will be included in the contract plans, engineering substantiation and a report of the quantity and quality of relocation assistance. A note designating the lack of availability shall appear on the specific plan sheet of each indicated property. FHWA approval of this (these) projection(s) is required. (Reasons property may not be available include acquisitions of properties in bankruptcy, acquisitions from cemeteries, acquisitions from the federal/state government, and relocations.)

**Project Information:**

No. of Maps required for project 0\_\_\_\_ No. of Relocations completed 0\_\_\_

No. of Claimants 0\_\_\_\_ No. of Maps paid to date 0\_\_\_

No. of Maps not requiring payment 0\_\_\_\_ No. of Maps deposited to date 0\_\_\_

No of Relocations required 0\_\_\_\_

Completed Project Checklist and Property Checklist must be attached.

Responsible Local Official NYSDOT Real Estate Officer:

Title:      Name:     \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Name:      \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Signature: \_\_\_\_\_\_\_ \_\_\_

Signature: \_\_\_\_\_\_ Date: \_\_\_\_\_ Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_