

SECTION: TRANSPORTATION

SUBJECT: RIGHT OF WAY PURCHASE

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Revised Resolution No.: 97-03-18  
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### **Purchase of Right of Way**

It is the policy of the County of Warner No. 5 to obtain the necessary right of way for roads by either purchasing the needed land and/or exchanging right of ways that are no longer required for road purposes for newly required right of ways.

#### **1. Preliminary Procedures**

- (a) All road widenings are to be surveyed prior to construction. Assessment for the parcel affected should be reduced to reflect the reduced acreage.
- (b) The authorized County employees, or agent as appointed by the County Council shall purchase right of way at rates established by Council.
- (c) The movement of underground lines and power poles are to be considered well in advance of the commencement of construction to avoid conflict and added costs to the County.

#### **2. Administration of Policy**

- (a) The Right to Enter Agreement Form (Policy 320.15), is to be used and signed by the landowner.
- (b) Payment for the land required will be paid by the County upon receipt of a registered plan.
- (c) The maximum price negotiated for the land required for the right of ways shall not exceed the market value of the land as determined by the County assessor.
  - i. The County agrees to exchange with the landowner, the old right of way for the new right of way, and pay the negotiated price per acre on any difference in the number of acres. If this cannot be successfully negotiated with the landowner, it would have to be referred to County Council before being approved.
  - ii. Land required for road right of ways, which have been broken and seeded to tame grass will be treated as cultivated lands and the land will be purchased at cultivated and/or irrigated land prices. If a price cannot be negotiated with the landowner, it would then have to be referred to the County Council before being approved.
- (d) The survey firm is to be responsible for registration of the right of way.

- (e) Any agreements that require cost adjustments and changes which are considered substantial because of fencing, trees, road, approaches, culverts or any other reason are to receive approval of Council.
- (f) If borrow material is required beyond the boundary of the right of way, a separate agreement is to be made.
- (g) Fencing agreement is to be obtained from the landowner and shall be according to the County fencing policy 320.05.
- (h) Crop damage agreements are also to be negotiated as per policy.