

## 13. RIGHT-OF-WAY

### Introduction

Right-of-way is a general term denoting land, property, or an interest therein, usually in a strip, acquired for or devoted to a specific purpose. The methods for acquiring right-of-way are discussed in this chapter as well as the procedure for vacation or abandonment of right-of-way.

### Statutory Authority

The authority to establish county road rights-of-way is defined in A.R.S. §11-251, Powers of Board (of Supervisors), Paragraph 4, to "Lay out, maintain, control, and manage public roads, ferries, and bridges, within the county and levy such tax, therefore, as may be authorized by law." Additionally, A.R.S. §11-251, Paragraph 28, enables the board of supervisors to enter into agreements for acquiring rights-of-way, construction, etc.

### Establishment by Board Action

The establishment of a county highway by a board of supervisors as provided under A.R.S. §28-6701 does not create a public or county owned right-of-way. This action, by a board of supervisors, defines the intent to create, acquire legal rights-of-way, construct, and maintain a highway route of defined description for public benefit. Such action is also required prior to expending any public funds on such a roadway for right-of-way acquisition and construction. The steps required to establish a county highway are ~~(A.R.S. §28-6702 and A.R.S. §28-6702)~~ listed below, as taken from A.R.S. §28-6701, §28-6702, and §28-6703:

1. Presentation to the board of supervisors a petition signed by ten or more resident taxpayers of the county.
2. ~~Acceptance or rejection~~ **Rejection or action on the petition taken (see steps 3 through 7)** by the board of supervisors.
3. Survey of the proposed highway (by the county engineer).
4. File a report by (county engineer) which includes a map of the proposed highway including the legal subdivision of lands traversed by the survey (existing maps and data may be used) to the board of supervisors.
5. Scheduling of a public hearing (normally, scheduled on the agenda of a regularly scheduled board meeting) if accepted, the board of supervisors
6. Notice the public hearing by advertising once a week for two consecutive weeks in a newspaper in the county. The notice shall direct all persons objecting to the petition to file written statements of their objections or opposition.

- 7. At the hearing, the board of supervisors considers the feasibility and necessity of the highway sought to be established. If the board determines the proposed highway is a public necessity, it may approve the establishment of the highway by resolution, and may accept any right-of-way or property donated to the county. The resolution also directs the acquisition of any necessary right-of-way.**

~~*Note: Determination by the Board of the public necessity, allows it to establish the petitioned roadway by resolution. This resolution also directs the acquisition of right-of-way.*~~

At the completion of the statutory requirements listed in the above steps, the board of supervisors is enabled to spend public funds for rights-of-way acquisition, construction, and maintenance of the described segment of a county highway.

### **Establishment by Use**

Many roads and highways that exist on both county and state systems began as simple trails meandering between points of desired travel and follow a direction based on ease of negotiating terrain. In the early days of the settlement of Arizona, very little land was in described private ownership. Since land values were very low, formal road rights-of-way were not even conceived. Continued settlement brought about the homestead acts and, eventually, barbed wire to define property. Land values increased and it became necessary to provide for the right of the public to reserve travel routes and public access to land parcels. At first, homesteaded parcels had no easements or public ways reserved for access to individual parcels.

As the need was recognized, the Federal Government began requiring 33 feet along all section lines and sometimes along half-section lines as public easements. (33 feet equals one-half of the length of a surveyor's chain.) This provision provided a roadway right-of-way width of 66 feet (one surveyor's chain). However, because of topography, a practical road route could not always follow a section line. Therefore, road routes came into being through constant use by the public.

Due to the growing settlements and increased use, particularly with the advent of the motorized vehicle, the state legislature enacted laws in 1927 which established public rights to those roads that had been in open use for a period of two years (A.R.S. §28-7042. Subsequent legislation has provided that all highways, roads or streets that have been in constant use for ten years or more prior to January 1, 1960 are declared public highways (Section 28-7041, Paragraph B).

The 1927 Act stipulated such declared roads to be 66 feet wide; however, the 1960 Act is silent on width. As a result of this silence, considerable litigation has occurred at specific locations in determining the public's specific rights as to the width of right-of-way. In general, the courts have held that the public's right to use is restricted to the actual traveled roadbed width. (This should be interpreted to include drainage ditches.)

In modern practice, it is wise, when encountering such "establishment by use" roads or highways, to clarify the legal standing by reestablishment through board of supervisor action; and, if appropriate, to

acquire such rights-of-way described in the establishment petitions from the abutting property owners of record.

### **Dedication of Highway Right-Of-Way**

Dedication is described by the National Association of County Engineers (NACE) as, "*The setting apart by the owner and acceptance by the public for highway use, in accordance with statutory or common law practice.*" Such highway right-of-way dedications are made by a conveyance described as a "*written instrument by which a title, estate, or interest in property is transferred.*"

#### ***Dedication By Deed***

A deed is "*a duly attested, written instrument, under seal, conveying real property or interest therein,*" (NACE). A properly executed right-of-way deed document conveys the described property or specific interest to the appropriate government (state, county, or city), or to the public with the appropriate government as the trustee. Dedication by deed removes the described land parcel from the tax rolls. Property acquired by deed is described as held in "fee simple."

#### ***Dedication By Plat***

A plat is a drawn plan, map or chart of a specific land area showing boundaries with their dimensions, bearings, ownership and other pertinent information such as, street, road or highway rights-of-way and other encumbrances on the land area described. Plats are often used to dedicate specific use to the public for street or highway use. There are several types of plats serving this purpose.

A parcel plat is defined (NACE) as, "*A map of a single parcel of property or portion thereof needed for highway purposes, showing the boundaries, areas, the remainder, improvements, access, ownership, and other pertinent information.*" The parcel plat will contain a description or statement of dedication.

A subdivision plat is a map of a land parcel which is being divided into several smaller parcels. Title 32, Professions and Occupations, A.R.S. §32-2181 makes very detailed requirements of a land owner who proposes to subdivide land. One requirement is to file a plat with the County Recorder which must be approved by the board of supervisors and must show any streets, roads, highways or other public uses and contain a dedication to public use.

A survey plat may also be used to show and define street or highway right-of-way dedication. A survey plat may include several parcels through which a proposed right-of-way may pass. In such cases, all owners having interests described in the land areas shown must sign and attest the dedications being made.

## ***Dedication By Easement***

An easement may be defined (NACE) as, "*A right acquired by public authority to use or control property for a designated highway purpose.*" Webster defines easement in broader terms - "An acquired privilege or right of use or enjoyment which one person may have in the land of another."

Court decisions have held that only the specific purposes and limitations specified in an easement document may be enjoyed by the easement holder. It is, therefore, extremely important in preparing highway easement documents to fully state all qualifications of use.

Other types of easements are frequently utilized to serve highway construction or maintenance needs. Some of these special easements are:

- Drainage Easement (NACE) "An easement for directing the flow of water." A drainage easement may be used for constructing a channel from and to culverts or bridges to a point of intersection with a natural channel. Maintenance of a natural channel on private property adjacent to the highway right-of-way is another use of a drainage easement.
- Planting Easement (NACE) "An easement for reshaping roadside areas and establishing, maintaining, and controlling plant growth thereon."
- Scenic Easement (NACE) "An easement for conservation and development of roadside views and natural features."
- Sight Line Easement (NACE) "An easement for maintaining or improving sight distance."
- Slope Easement (NACE) "An easement for cuts or fills." Such easements may be permanent or for temporary construction use of either cuts or fills that extend beyond the normal right-of-way line or for added space to provide the construction need beyond the actual cut or fill.
- Construction easements are frequently used for temporary construction purposes; such as, detours, equipment storing sites, and other construction needs of adjacent private property to highway rights-of-way. It is important to specify time periods, restoration requirements, and any other conditions as may be required for a temporary use of a construction easement.

An easement for public road or highway right-of-way does not remove the area from the underlying title of the parcel from which it came. Any cessation of use of the purpose described in the easement causes the land area to return to its parent property and voids the easement.

Property tax may be assessed to a property owner for a highway right-of-way easement along with the parent property unless specifically relieved by the county assessor in agreement with the county highway agency as approved by the board of supervisors.

In Maricopa County, the rights to use irrigation water within the Salt River Project Area is tied to the land area ownership. Maricopa County utilizes the highway easement format in 90 percent of its right-of-way acquisition. Thus, the water rights remain with the parent land.

### **Purchase of Highway Right-Of-Way**

A.R.S.§28-6701 enables a board of supervisors in Arizona counties to acquire real property for highway rights-of-way by purchase, donation, dedication, condemnation or other lawful means. In past years, much right-of-way was acquired by donation as part of an agreement between property owners and a board of supervisors to schedule certain highway improvements. In programming Federal Aid Secondary projects for improvement, the Federal Highway Administration began to require evidence that each property owner had been fairly compensated for any project rights-of-way acquired or taken. Since this federal policy was adopted, the purchase of rights-of-way for highway projects of all classes has been more prominent. A typical procedure for the acquisition of right-of-way in a county highway project can be described as follows:

#### ***Pre-Acquisition Stage***

- Right-of-way and engineering personnel make a joint review and inspection of the project to ascertain if there are any special problems needing to be addressed.
- A strip map is prepared showing all parcels required and tied to project engineering stationing.
- Title reports are ordered for all property affected as shown on the strip map.
- Appraisals of each parcel to be taken must be prepared. If qualified property appraisers are not on the county staff, a contract with an independent fee appraiser must be prepared.
- Title reports and appraisal reports must be reviewed for completeness and accuracy.
- Legal descriptions for each parcel are prepared.
- Easements and agreements for highway purposes are prepared and proofed.

#### ***Acquisition Stage***

- Offer letters for each of the parcels to be acquired are presented to the owners.

- Negotiations may occur which require action to relocate, reconstruct or replace some property feature.
- Acquisition is continued by personal contact to a conclusion of signing the easements, deeds or other agreements as required.
- In case the property owner refuses offers and agreement cannot be negotiated, a condemnation package is presented to the county attorney's office with a request to commence action in eminent domain.
- Cooperation with the county attorney is required in pursuing condemnation as necessary.

## **Condemnation**

Condemnation is "*the process by which property is acquired for highway purposes through legal proceedings under power of eminent domain*" (NACE). A.R.S.§28-6701 enables a county board of supervisors to acquire private property by condemnation among other methods of acquisition.

A.R.S.§28-6704 provides for the exercise of eminent domain by a county to obtain right-of-way for a federal-county highway. This statute requires the county attorney to proceed with eminent domain procedures upon demand of a responsible federal agent for a highway project when such project is being performed under agreement with a board of supervisors.

A.R.S.§12-1111 defines the many public purposes for which eminent domain may be exercised and by whom it enables the exercise of such action. Of particular interest are statutory comments on entry and survey of property. Where land is required for public use, the state or its agents may enter land to make examinations, surveys and maps. The process in exercising the power of eminent domain is provided in A.R.S.§12-1111 through A.R.S.§12-1128.

## **Vacation Or Abandonment**

The status of a highway location or alignment may change for many reasons; therefore, the statutes have provided procedures for a board of supervisors to make such changes. Some of the changes that occur are:

- Partial or entire alignment changes in rights-of-way.
- Existing rights-of-way in excess of that required for public purpose.
- Replatting of an existing subdivision resulting in the changing of streets dedicated to the public.
- Rights-of-way dedicated to public use which are no longer required for public use.

A.R.S.§28-6701 enables a board of supervisors to alter or abandon rights-of-way in the county and other subdivisions.

Title 28, Chapter 14, Disposition of Public Roadways, A.R.S.§28-7201 through A.R.S.§28-7215 establishes the procedures and defines the resulting ownership qualifications for the disposition of public roadways. If the land or right-of-way is owned or held in fee title, the county may:

- Exchange it with an abutting owner for all or part of a new public roadway.
- Sell and, by quitclaim, convey that portion disposed. The statutes prescribe an advertising procedure and give preference to an abutting property owner.
- Vacate by resolution to the ownership to the same extent to which the original right-of-way was acquired.

A roadway in a platted planned development may be vacated to a property owners association under specified statutory conditions. Any easements for utility or similar purposes that may exist within a vacated roadway continue to exist unchanged. A right-of-way easement may only be extinguished by the governing body's resolution. A roadway cannot be vacated in a manner which would leave any parcel without an established public access or easement for ingress and egress. A state highway may be abandoned to a county or to an incorporated city or town.

## **Public Utilities**

The accommodation of utilities on highway and street rights-of-way has been provided for by the legislature in several measures by both franchised public utilities authorized by a board of supervisors and by special districts and cooperatives. While the legislature has granted the use of public highway rights-of-way for utilities, they delegated to the board of supervisors the responsibility to control these uses for the benefit of the public. Thus the location of a specific utility (in, under or over the right-of-way) must be carefully coordinated by the county engineer (Chapter 14, Coordination With Utilities) for the mutual benefit of all users.

Some of the statutory provisions for the accommodation of public utilities in public roadway right-of-way are described as follows:

- A.R.S.§10-827, Powers of a Generation and Transmission Cooperative, Paragraph 9, allow **utilities them** to:
  - 9:** *Construct, maintain and operate electric transmission lines along, on, under and across publicly owned lands and public thoroughfares, including all roads, highways, streets, alleys, bridges and causeways, and acquire for such purposes franchises, licenses, permits, easements, rights-of-way, and all similar rights and privileges relating to such purposes.*

- A.R.S.§10-836, Use of Roads and Streets; Notice; Protest, this statute states in part:
  - A. *A generation and transmission cooperative has the use of, and the right is expressly granted to it to use, the public highways, county highways and streets and alleys in any area of this state. The generation and transmission cooperative may construct and operate lines connecting any points within this state and connect at the state boundary with like lines.*
  - B. *Within the confines of municipal corporations, the use and occupancy of streets shall be under such rights as are required by franchises according to law and subject to control and regulation by municipal authorities, and the use of public highways, except state highways, by generation and transmission cooperatives not within the confines of an incorporated city or town shall be regulated by the board of supervisors of the county by license or franchise.*
- A.R.S.§30-359, Use of Public Rights-of-Way, describes the authority of power districts.
- In describing the powers of sanitary districts, A.R.S.§48-2012, Rights-of-Way, a right-of-way in or across public property, highways, or streets within a sanctuary district is granted to the district whenever found by the board of directors to be necessary or convenient for performing any work authorized by this article.

### **Right of Access**

The right of access from one's property to a public way or through an easement or private way to a public way historically is an inalienable right. If the public causes the lack of access, it is the public's responsibility to provide such access to a public way. If an access to a public way is reversed through no fault of the public or owner (such as a division of property by a third party sold without providing access). A.R.S.§12-1201 and A.R.S.§12-1202 provides the right of eminent domain through condemnation for a private way of necessity.

### **Control of Access**

“Controlled-Access Highway” means a highway, street or roadway to which owners or occupants of abutting lands and other persons have no legal right of access to or from except at locations and in the manner determined by the public authority having jurisdiction over the highway, street or roadway.

In the case of a freeway or controlled access highway, it is necessary for the responsible governing agency to purchase or condemn access rights if such highway or freeway falls over an existing highway where previous rights of access existed. In right-of-way acquisition for a



freeway or controlled access highway, proper consideration to the limited access is given in right-of-way negotiations.

## **Use Permits**

Right-of-way use or encroachment permits are a device used by a board of supervisors as authorized by law to control and manage public roads. As described in Chapter 14, Coordination With Utilities, the board of supervisors may impose such restrictions and limitations in the use of the public roads as deemed best for the public safety and welfare. In implementing this responsibility, the board of supervisors usually delegates the administrative and surveillance duties to the county engineer through the county highway department.

Most, if not all, Arizona counties have developed formal procedures and permit systems to control and ensure compliance of all permitted use of the public right-of-way. Some counties have established fee systems to cover the cost or partial cost in meeting this responsibility. Detailed specifications for locations and materials are published and made a part of the issued permits. To ensure adequate public safety, welfare, and protection of the public investment in street and roadway facilities, constant surveillance by the county engineer and/or county highway department is necessary.

## **Planning and Zoning Cases/Special Use Permit**

Arizona statutes require that the board of supervisors regulate the subdivision of all land within its county except land within corporate municipal limits. In addition, the statutes enable the board of supervisors to create a planning and zoning commission to act in an advisory capacity to the board of supervisors. This planning and zoning commission also evaluates and advises on such matters as building permits, zoning classifications and special use permits. In order to ensure the harmonious development of a county, the approval of a particular zoning case, building permit or a special use permit, the county board of supervisors, through recommendations of its planning and zoning commission, may require certain street or highway right-of-way dedications to the public as a condition of approval of the request of the applicant.

## **Signs**

Many counties, as a part of their planning and zoning regulations have established advertising sign controls to prevent the unsightly proliferation of advertising signs. Such regulated signs are located on private land with intent to be viewed from the public right-of-way. A.R.S.§28-648 disallows any sign that may imitate or become confused with a traffic regulatory sign.

The Beautification of Highways, Chapter 16, Title 28, was passed by the Arizona Legislature in concert with a similar act by Congress. These acts provide for the regulation of certain advertising displays and certain junkyards visible from the federal interstate highways, the declared primary system, and includes the secondary system in the regulation of outdoor advertising (A.R.S.§28-7901 through A.R.S.§28-7915).

Outdoor advertising authorized under this act conforming to the standards prescribed are required to bear permits issued by the state along interstate, primary, and secondary highways.

Secondary (FAS) highways on the county systems need only bear permits issued by the county in which the highway is located.

A.R.S. §28-7912 further provides that a county or municipality may control all outdoor advertising along the interstate, primary, and secondary highway systems by requesting and certifying to the director (ADOT) and to the secretary of transportation (federal) that it has enacted a comprehensive zoning ordinance that is not less restrictive than the state or federal law.

## **CHAPTER 13 RIGHT-OF-WAY TERMS**

**Abstract of Title.** A document showing the condensed history of the title to property, containing portions of all conveyances or other pertinent instruments relating to the estate of interest in the property, and all liens, charges, encumbrances and releases.

**Abandonment.** Cessation of use of right-of-way or activity thereon with no intention to reclaim or use again for highway purposes. (Sometimes called Vacation.)

**Acquisition or Taking.** The process of obtaining right-of-way, or that which is acquired or taken.

**Appropriation (or Expropriation).** The taking of private property for public use in the exercise of the power of eminent domain.

**Before and After Method of Appraisal.** A determination of the value of property acquired for public purposes based on the difference between the value of the whole parcel before the taking and the value of the portion remaining after the taking.

**Capitalization Method of Appraisal.** A determination of the value of property acquired for public purposes based upon the present value of its expected net yield of income.

**Certification of Title.** A document based on a title search stating that title or interest in property is vested in a designated person and showing outstanding liens, charges, or other encumbrances.

**Comparative Cost Method of Appraisal.** A determination of the value of property acquired for public purposes based upon its comparison with the value of like property under as similar circumstances as possible.

**Condemnation.** The process by which property is acquired for highway purposes through legal proceedings under power of eminent domain.

**Condemnation Appraisal.** An appraisal made for use in a condemnation proceeding.

**Consequential Damages.** Loss in value of a parcel, no portion of which is acquired, resulting from a highway improvement.

**Conveyance.** A written instrument by which a title, estate, or interest in property is transferred.

**Damages.** Compensation awarded by law to one injured in his person or property.

**Dedication.** The setting apart by the owner and acceptance by the public of property for highway use, in accordance with statutory or common law provisions.

**Deed.** A duly attested written instrument, under seal, conveying real property or interest therein.

**Direct Compensation.** Payment for land or interest in land and improvements actually acquired for highway purposes. (Sometimes called direct damages.)

**Direct Damages.** Damages for land or improvements actually acquired for public purposes.

**Donation.** The voluntary conveyance of private property to public ownership and use, without compensation to the owner.

**Drainage Easement.** An easement for directing the flow of water.

**Easement.** A right acquired by public authority to use or control property for a designated highway purpose.

**Eminent Domain.** The power to take property for public use with just compensation therefor.

**Escrow.** A deed, bond, or other written instrument, deposited with a third party, to be delivered to the grantee only upon the performance or fulfillment of some condition.

**Fee Simple.** An absolute estate or ownership in property including unlimited power of alienation.

**General Benefit.** Advantage accruing from a given highway improvement to a community as a whole, applying to all property similarly situated.

**Group Condemnation.** Condemnation of a number of separate parcels by a single suit or proceeding.

**Guarantee Title.** A title, the validity of which is insured by an abstract, title or indemnity company. (Sometimes called Insured Title.)

**Highest and Best Use.** The most productive use, reasonable but not speculative or conjectural, to which property may be put in the near future.

**Highway Development Right.** The right of abutting property owners to make changes in the use of their property, which, if exercised, would be inconsistent with present and future highway needs.

**Indirect Damages.** Damages to the remainder of a parcel, resulting from an acquisition.

**Inverse Condemnation.** The legal process by which a property owner may claim and receive compensation for the taking of, or payment for damages to, his property as a result of a highway improvement.

**Just Compensation.** A full and fair equivalent for the loss sustained by the owner as a result of taking or damaging of private property for highway purposes.

**Leasehold Damages.** Damages to an estate in realty held for a fixed term.

**Market Value.** The highest price for which property can be sold in the open market by a willing seller to a willing purchaser, neither acting under compulsion and both exercising reasonable judgment.

**Negotiation.** The process by which property is sought to be acquired for highway purposes through discussion, conference, and final agreement upon the terms of a voluntary transfer of such property.

**Option.** A written agreement granting a privilege to acquire property or interest therein at a fixed price within a specified period.

**Parcel Plat.** A map of a single parcel of property or portion thereof needed for highway purposes, showing the boundaries, areas, the remainder, improvements, access, ownership and other pertinent information.

**Partial Taking.** The acquisition of a portion of a parcel of property.

**Planting Easement.** An easement for reshaping roadside areas and establishing, maintaining, and controlling plant growth thereon.

**Plottage Damages.** Damage to a parcel by reason of the acquisition of such portion of it as to impair the value of the remainder because of the diminished size or resulting character of such remainder, in terms of highest or best use.

**Pre-Negotiation Appraisal.** An appraisal made before negotiation.

**Private Driveway.** A way in private ownership used for vehicular travel by the owner of those having express or implied permission from the owner.

**Property Description.** A characterization of a given parcel of property in legal terms, metes and bounds, by lot and block, by plane coordinates, or by the quarter system.

**Quitclaim Deed.** A deed conveying, without warranty, any title, interest, or claim which the grantor may have in the estate conveyed.

**Realignment.** Establishment of a highway not substantially removed from the existing highway.

**Relocation.** Establishment of a highway on a new location substantially removed from the existing highway.

**Remainder.** The portion of a parcel retained by the owner after a part of such parcel has been acquired.

**Remnant.** A remainder so small or irregular that it usually has little or no economic value to the owner.

**Reproduction Cost-Less Depreciation Method of Appraisal.** A determination of the value of property acquired for public purposes based on the market value of the land and the replacement cost new of improvements less depreciation.

**Right of Access.** The right of ingress to a highway from abutting land and egress from a highway to abutting land. (See control of access under Types of Highways.)

**Right of Immediate Possession.** The right to occupy property for highway purposes, after preliminary steps for acquisition have been taken and before final settlement.

**Right of Survey Entry.** The right to enter property temporarily to make surveys and investigations for proposed highway improvements.

**Right-of-Way.** A general term denoting land, property, or interest therein, usually in a strip, acquired for or devoted to a highway.

**Right-of-Way Appraisal.** A determination of the market value of property including damages, if any, as of a specified date, resulting from an analysis of facts; also commonly the report setting forth such determination.

**Right-of-Way Estimate.** An approximation of the market value of property including damages, if any, in advance of an appraisal.

**Right-of-Way Strip Map.** A plan of a highway improvement showing its relation to adjacent property, the parcels or portions thereof needed for highway purposes, and other pertinent information.

**Riparian Rights.** The rights of an owner of water-fronting lands in the bed, banks, accretions, water, access, moorage, and related items.

**Roadside Control.** The public regulation of the roadside to improve highway safety, expedite the free flow of traffic, safeguard present and future highway investment, conserve abutting property values, or preserve the attractiveness of the landscape.

**Roadside Zoning.** The application of zoning for roadside control.

**Scenic Easement.** An easement for conservation and development of roadside views and natural features.

**Setback Line.** A line outside the right-of-way, established by public authority, on the highway side of which the erection of buildings or other permanent improvements is controlled. By Maricopa County definition, the setback line is the future right-of-way line.

**Severance Damages.** Loss in value of the remainder of a parcel resulting from an acquisition. (Sometimes called Indirect Damages.)

**Sight Line Easement.** An easement for maintaining or improving the sight distance.

**Slope Easement.** An easement for cuts or fills.

**Special Benefit.** Advantage accruing from a given highway improvement to a specific property and not to others generally.

**Summation Method of Appraisal.** A determination of the value of property acquired for public purposes based upon the total of the divisible parts of a given parcel, each valued individually.

**Title.** The evidence of a person's right to property or the right itself.

**Title Opinion.** An analysis and interpretation of title search concerning present ownership, encumbrances, and other interests.

**Title Search.** An investigation of public records and documents to ascertain the history and present status of title to property, including ownership, liens, charges, encumbrances, and other interests.

**Torrens Title.** A certificate of title issued by a public authority under a system wherein all deeds and documents affecting real property are registered.

**Warranty Deed.** A deed containing covenants by the grantor, for himself and his heirs, to the grantee of his heirs, to warrant and defend the title and possession of the estate conveyed.

**Windshield Appraisal.** A superficial determination of the value of property acquired for public purposes, made without a thorough examination of the premises, as by a cursory inspection while passing by.

**Zoning.** The division of an area into districts and the public regulation of the character and intensity of use of the land and improvements thereon.

## REFERENCES

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2. An Information Guide for a Training Program of Right-of-Way Personnel, American Association of State Highway and Transportation Officials, Washington, D.C., June 1975.
3. Management and Organization Development for Property Acquisition Programs, International Right of Way Association, 1972.