Insuring Right of Way Acquisitions

Presenters:
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Overview of Title Company’s Role in Acquisition & Condemnation Process

• History

• Right of Way Title Services Vs. Retail Title Services

• Background

• It’s an Art not a Science
Review of the Initial Title Commitment

- Engineering / Surveying
- Appraisal
- Negotiation
- Condemnation Attorney
Common Title Issues Faced During the Acquisition Process

- Vesting
- Legal Description
- Real Estate Taxes
- Unreleased Liens
- Judgment of similar name
Title Clearance

- MORTGAGES
- JUDGMENTS / LIENS
- REAL ESTATE TAXES
- PUBLIC UTILITY EASEMENTS
- PRIVATE EASEMENTS
- RESTRICTIONS / COVENANTS
- MINERAL RIGHTS
- LEASES
Title Company’s Role in Condemnation Process

• Communication with Attorney before filing lawsuit

• Update of Title Commitment

• Proper Recording of Lis Pendens

• Review of Court Case by Title Company

• Importance of Recording Final Judgment Order or Order Vesting Title
Insuring the Acquisition & Issuing the Title Policy

• Proper Acquisition

• Mortgage/Liens Released or Subordinated

• Easements – Subordinated or taking subject to

• All necessary documents recorded and/or filed
Conclusion:
It’s an Art not a Science

Q & A