

DESIGN BULLETIN No. 40/2006

LAND ACQUISITION - TERMS OF REFERENCE (T.O.R.)

This design bulletin is issued as an additional requirement to the “*Engineering Consultant Guidelines for Highway and Bridge Projects - Volume 1 - Design and Tender*” (ECG Vol 1). The following section, pertaining to the procurement of land agents for transportation and water management projects, shall form part of Section 3 “Right-of-Way” of the manual:

CONSULTING LAND AGENT QUALIFICATIONS

Consulting Land Agents must have a valid Alberta Land Agent's license, be a Commissioner for Oaths, and must have an Alberta Driver's License. Consulting Land Agents must hold a membership in either of the International Right-of-Way Association (IRWA), the Appraisal Institute of Canada (AIC), or other appraisal organization recognized by the department.

Selection of the CLA will be based on the best overall value to the department.

SCOPE OF WORK

As part of the duties of the Consulting Land Agent (CLA), the CLA shall:

1. meet with the landowners or their agents to assess their concerns, and to negotiate the terms of land agreements. The “Principles of Compensation” as set forth under the Expropriation Act, Revised Statutes of Alberta 1980, Chapter 16, shall form the basis of compensation packages.
2. establish priorities and set up schedules to ensure the landowners most affected are addressed first.
3. start negotiations in a timely manner to ensure possession dates for land do not delay or compromise established departmental construction schedules.
4. perform all title searches; locate all existing documents pertaining to that title, including crown land disposition, legal survey, and other plans.
5. review the sketches and/or preliminary plans showing the land to be acquired or the interests affected; and advise the department of additional information which may be required for negotiation.
6. review any appraisal requirements with the department. The department will provide the appraisal reports required. The reports shall be made available to the CLA for negotiation purposes; however, these reports remain the property of the department.
7. prepare recommendations for compensation for each landowner affected. The department will provide comments, and/or review and approve the CLA's recommendations prior to presenting the proposal to the landowner or the landowner's agent.

8. prepare all draft agreements with associated documentation necessary for negotiations and a final agreement. The associated documentation may include but is not limited to:
 - Offer To Sell Agreements,
 - Section 30 Agreements,
 - Earth Borrow – Letter of Understanding
 - Moving Agreements,
 - Agreements for Survey,
 - General Release Of All Demands,
 - Fencing Agreements,
 - Agreements Of Easement For Construction And Maintenance Of A Public Work,
 - Consent to Withdrawals,
 - Preliminary Agreements For Temporary Rental Of Haul Road,
 - Camp, Plant or Stockpile Site,
 - Permission to Enter, and
 - Approach/Access Relocation.
9. For all grading projects, the issue of earth borrow shall be discussed during negotiations with the landowner. In cases where the landowner is receptive to providing a borrow source, the CLA shall complete an “Earth Borrow – Letter of Understanding” with the landowner.
10. upon completion of the land acquisition for the project, provide a summary of the services including detailed notes of all communications, meetings, and documents pertaining to the services performed.
11. maintain frequent communication with the department's representative during negotiations with landowners and shall provide:
 - photographs of all land and improvements affected by the project;
 - detailed notes to file documenting all conversations, meetings and discussions pertaining to the project;
 - monthly status reports to track progress of the right of way acquisition process as defined in Appendix D-7 of the Engineering Consultant Guidelines (Right-of-way Progress Acquisition summary).
12. submit monthly invoices and Contract Summary Reports in a timely fashion.
13. prepare briefing notes and draft letters for ministerial responses and reports when and as required by the department.
14. sign an agreement addressing confidentiality requirements and conflict of interest disclaimer if required.
15. attend monthly Team Meeting in the Regional Office when invited to do so.
16. provide a history of negotiations upon completion of the negotiation or as requested by the department.
17. direct all contact from the media to the department's contact person listed in the Agreement.

PROJECT SPONSOR

On land acquisition projects, the department's project sponsor will generally be the Regional Property Manager (RPM). The RPM may designate other staff, who will have the authority to manage and coordinate the services of the CLA, however all communications with regard to scope change requests shall be directed to the individual identified in the Agreement.

ADDITIONAL INFORMATION

- Expropriation Act - available through the office of Queens Printer.
- Land Compensation Board Orders - available from the offices of the Land Compensation Board of Alberta
- Preliminary plans - provided by the department if available.

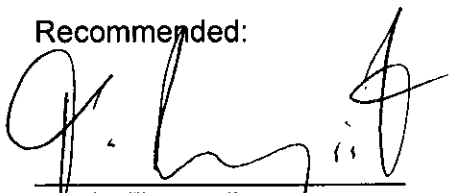
IMPLEMENTATION OF BULLETIN

Implementation of this bulletin is effective immediately for all future land acquisition agreements.

CONTACTS


Any questions with regard to this Design Bulletin should be directed to Alberta Infrastructure and Transportation's Professional Services Section (Attention: Greg Plewis, Specifications and Tendering Specialist (780) 427-7393.)

Recommended:



Ranjit Tharmalingam
Director, Professional Services

Approved:



Tim Hawnt
Executive Director, Program
Management Branch