



Construction & Right-of-Way Limits

The District Seven Real Estate Office has received questions recently regarding the required offset from planned improvements for the purpose of establishing construction limits; and, where insufficient right-of-way exists, establishing the right-of-way acquisition limits.

As defined in the Location & Design Manual, Volume 3, Construction Limits are: "lines shown on a plan view that outline the lateral extent of the work. They are typically placed 4 feet outside of the point where the backslope touches the existing ground, unless additional room is required for construction activities."

It is ODOT District Seven's practice that the minimum 4 foot offset shall be provided on plans. This is a change from previous communications where the District Real Estate Office was requiring a 6 foot offset. The minimum 4 foot offset for the establishment of the construction limits is necessary to protect ODOT, our local partners, and the rights of property owners. On occasion, based on site conditions or past performance/experience, the ODOT District Real Estate Office may require a larger offset. Primarily this will occur where existing right-of-way is not sufficient and will require acquisition of temporary and/or permanent right-of-way.

We recognize that situations exist where an offset of less than 4 feet would be appropriate. This includes situations where an existing barrier (e.g. a building or a retaining wall, etc.) will restrict the contractor from undertaking work outside of the existing right-of-way. Any such restrictions should be clearly shown on plans.

The District Seven Real Estate Office is willing to consider other circumstances on a case-by-case basis and such requests may be submitted by the ODOT Project Manager, the Local Public Agency or its consultant. Requests must be submitted no later than Stage 1 Plan Development or prior to environmental coordination and must include:

- Justification for the request.
- Plans of adequate quality and detail to document the location of the improvement, relative to the existing right-of-way line.
- Details on measures and oversight to be implemented to ensure work is contained within the existing right-of-way.
- A commitment to provide photo-documentation post construction that demonstrates work was completed within existing right-of-way.
- Acknowledgement that failure to ensure work is completed within contemplated right-of-way may:
 - require after-the-fact compensation to the affected property owner;
 - place future funding opportunities at risk; and,
 - very likely, will require future projects utilize the 4-foot or greater buffer, without exception.

As always, we appreciate your cooperation in providing high quality projects that improve safety on Ohio's roadways and enhance our communities, while respecting the property rights of all affected. If you have questions or concerns, please contact me by email: Matt.Kendall@dot.ohio.gov or by telephone: 937-497-6741.

Respectfully,
Matt Kendall
Matt Kendall
District Seven Real Estate Administrator