

**TCES – IMPROVEMENTS STRADDLING THE RIGHT OF WAY  
LINE MEMORANDUM**

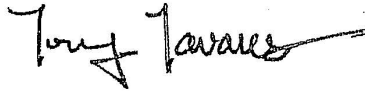
7-EX-20 (NEW 1/2019)

State of California  
DEPARTMENT OF TRANSPORTATION

Business, Transportation and Housing Agency

**M e m o r a n d u m***Flex your Power!  
Be energy efficient!***To:** DISTRICT DIRECTORS

Date: February 10, 2010

Attention: Deputy District Directors, Right of Way  
District Surveys Managers**From:** TONY TAVARES  
Chief  
Division of Right of Way and Land Surveys**Subject:** Temporary Construction Easements – Removal of Buildings or Improvements Straddling the State's Right of Way Line

A Temporary Construction Easement (TCE) is required to allow the Department to enter private property in order to modify/remove buildings or improvements that straddle the State's Right of Way (R/W) line.

When buildings or improvements are discovered straddling the R/W line, during any phase of project delivery, the R/W Agent, in consultation with R/W Engineering, the Project Engineer (PE), and the Construction Resident Engineer (RE) will establish the need for a TCE.

The TCE's identified under this procedure should be designed, mapped and included in the Department's approved appraisal and subsequent offer to the property owner (grantor). Care must be taken to avoid duplication of payment for the damages to the remainder of the property and the cost for acquiring the TCE. If the payment for damages to the property fully compensates the grantor for the loss in use during the modification or removal of the private building or improvements, the TCE may have nominal value.

The grantor has the option to perform the required modifications/removal of the building or improvements; or may request the Department to complete the necessary activities. In the event eminent domain is initiated, the appropriate TCE clause (R/W Manual Chapter 6, Section 6.08.07.01 or Section 06.08.07.02) shall be used for the condemnation description prior to proceeding with a Resolution of Necessity request.

If you have any questions, please contact Don Grebe, Chief, Office of Right of Way Project Delivery, at (916) 654-4456.

c: Terry Abbott, Chief, Division of Design  
Mark Leja, Chief, Division of Construction  
Mark Turner, Chief, Office of Land Surveys  
Don Grebe, Chief, Office of Project Delivery