The flush median, with decorative stamped asphalt, allows for left turning movements anywhere along the corridor.

The raised median is used to minimize left turning movements and require vehicles to make left turns or u-turns at specified locations.

Raised median with landscaping
Cobb County is one of the fastest growing areas in the nation. The Cobb Department of Transportation (DOT) must keep pace with this growth so that residents can reach their destinations efficiently and have more time for their own pursuits. To effectively accomplish its goals, the Cobb DOT needs the help and cooperation of county residents and property owners.

In the process of improving the County's Transportation System, acquisition of land from private properties often becomes necessary. If your property will be affected by road improvements, be assured that the project plans have been well developed to serve the County's transportation needs.

The primary purpose of this pamphlet is to answer most questions that a property owner may have regarding acquisition of right-of-way. Pertinent definitions are included throughout the pamphlet.

Right-of-Way Acquisition

The right-of-way acquisition process requires several steps. This pamphlet will guide you through the process, and answer these frequently-asked questions:

- What is Eminent Domain?
- Why does my property have to be affected?
- What is the process of right-of-way acquisition?
- How will the value of my property be determined?
- How will the County acquire my property?
- What if I don’t agree with the compensation offered to me?
- What is a condemnation proceeding?
- When will I receive payment on my property?
- Will I be paid for expenses associated with selling my property to the county?

If you have additional questions, please contact the Cobb County Department of Transportation @ 770-528-1600.

*Note: The images, pictures, and illustrations found in this book are for illustration purposes only, and do not represent the exact plans, slopes, measurements and/or grades of an individual project or parcel. It is the owner’s responsibility to clarify plans, slopes, measurements and or grades.
Due to Cobb’s rapid growth, engineers continually evaluate traffic patterns to determine the need for transportation facility improvements. When the traffic patterns indicate a need for improvement, qualified engineers conduct in-depth studies of grade changes, slopes, sight distances, drainage, speed limit specifications and other land-use issues. Plans are designed in accordance with environmental, safety and cultural resource guidelines.

Before construction can begin, the Cobb DOT must acquire real property for the new or improved roadway. Through eminent domain, the County has the authority to acquire private property for public use, but must compensate the owner for the property.

The 5th Amendment to the Constitution of the United States and the State of Georgia provides that private property may be acquired for public purposes, provided just and adequate compensation is paid for all property acquired, as well as any damages to the remainder property.

As a property owner in an area proposed for road improvement, you may have attended a public information meeting about the planned road work. Following the meeting, residential, engineering, environmental and financial concerns are incorporated into the plans. A final meeting is held for all property owners to discuss completed plans.

**Stages of Construction**

The following photos illustrate the stages of construction for a typical roadway project. During the life of the project, the property owner can expect to encounter one or more of these activities on or in the vicinity of their property. Cobb DOT, along with the contractor, will strive to ensure that the property owners are inconvenienced as little as possible.

In commercial areas to minimize maintenance, the “grass strip” is often stained concrete, which provides an offset border for pedestrians.

The Right In – Right Out driveway is used in areas where left turning movements are not allowed.
Commercial Acquisition

Stages of Construction

(Figure 14a) Commercial Asphalt Driveway

Commercial asphalt driveway with sidewalk, ADA-compliant ramps and curb & gutter.

(Figure 14b) Commercial Concrete Driveway

Commercial concrete driveway with sidewalk, ADA-compliant ramps and curb & gutter.

Clearing

Utility Relocation

Grading

Curb and Gutter

Paving

Stabilization
An easement is the right to use or access a parcel of property owned by someone else for a specific purpose. Properties adjacent to public rights-of-way may have easements for such things as power lines, water/sewer lines, drainage structures and the like. In contrast to a right-of-way, an easement is a right to use the property, not the ownership of property. An easement, however, must be acquired if it has not been previously granted or implied. It is usually acquired during the right-of-way acquisition process. The area defined by the easement is referred to as Limit of Access.

**Types of Easements that Apply to the Acquisition of Right-of-Way**

- **Easement for the Construction and Maintenance of Slopes:** permanent easement to construct and maintain slopes necessary to support the roadway.
- **Permanent Drainage Easement:** area needed to construct and maintain a drainage system or to direct natural drainage across a parcel of property.
- **Temporary Construction Easement:** the easement leased from the property owner for the duration of the construction period. An annual rental rate is offered to the property owner based on current market conditions.
- **Ingress/Egress Easement:** permanent easement to provide access over, across and through adjoining property.
- **Permanent Utility Easement:** a permanent easement on a tract of land to provide for the installation and maintenance of public utilities.
- **Temporary Driveway Easement:** the easement is not necessary for the construction of the roadway. This easement is to tie private driveways into the newly-constructed roadway. There is no compensation for temporary driveway easements.
- **Retaining Wall Easement:** permanent easement for the installation and maintenance of a retaining wall adjacent to the roadway.
- **Sight Distance Easement:** a permanent easement across a parcel of property that allows the County to clear in order to maintain horizontal or vertical sight distances along the roadway.
- **Permanent Guardrail Easement:** a permanent easement over private property to install and maintain a guardrail adjacent to a roadway or sidewalk/Trail.

**Easement**

Catch basins are used on roads with curb & gutter to catch rainfall along the roadway and carry it to natural drainage areas.

Concrete headwalls, similar to flared end sections, are used at the end of cross drains. They are typically found on large diameter pipes and allow stormwater run-off to cross the roadway.

Covered drainage structures are used in grassed ditches or low lying areas.
When all road plans are finalized and approved by the Board of Commissioners, appraisers begin the evaluation process.

The appraiser is an independent contractor (not a County employee), certified by the State of Georgia, and is selected from a pre-qualified list of independent fee-based real estate appraisers.

In all cases, the appraiser inspects your property, taking into consideration its physical characteristics, easements and all other elements that affect its value. Recent sales of like properties in the area are reviewed. From the inspection and comparison with recent sales, the value of the property is determined.
Negotiations

The County’s Land Acquisition Agent will make personal contact with each owner and provide a written fair market value offer to the owner detailing the elements of compensation, with copies of the project plans, construction details and all conveyance documents necessary for the transaction. The owner has the opportunity at this time to meet the agent on site to discuss the details of the project and how it will affect the owner’s property. A project engineer will also be available. If the owner is not satisfied with the County’s offer, the owner may submit a counter-offer to the County for consideration.

Closing

The Land Acquisition Agent will discuss the title certificate to the property with the owner and discuss any outstanding taxes, mortgages, liens or other interests that must be satisfied prior to closing. If an agreement is reached and the title is cleared, the option is executed by the owner and submitted to the County for a closing within thirty (30) days. All document preparation and expenses related to the recording of the documents are paid by the County. As required under IRS regulations, the property owner will receive a 1099S form from the County for any acquisition proceeds. You should consult an accountant or lawyer if you need financial or legal advice as to the impact of these proceeds. The property owner has the right to consult with an attorney at anytime during the proceedings and have a lawyer present during the property closing.

Condemnation

If an impasse is reached during negotiations and an amicable settlement cannot be reached, or if the property owner is unable to convey clear title to the property, it may become necessary for the County to exercise its power of Eminent Domain to acquire the necessary property. At that time, a condemnation proceeding would be initiated. The County makes every effort to negotiate agreements with property owners prior to this step.

Payment and Possession

To transfer a clear title, all liens, releases or other interests against the property must be paid. Cobb County will pay any liens against the property and then pay the balance to you. For example, if you have been offered $5,000 for a parcel of land and there is a $2,000 mortgage on the property, the County will pay the $2,000 to the mortgage lender and you will receive the remaining $3,000.

All incidental expenses relating to the acquisition of the property are paid or reimbursed by the County. These and other expenses may be incurred as a result of transferring title to Cobb County: recording fees, transfer taxes, documentary stamps, evidence of title. Usually, the County pays these costs directly; however, if you are required to pay one of these expenses out of pocket, you will be reimbursed. You should, however, check with the County first to be sure that the expense is necessary.

Fair Market Value:

The price property will bring when it is offered for sale by one who desires, but is not obligated, to sell, and is bought by one who wishes to buy it, but is not obligated to do so.

Compensation:

Compensation consists of the actual value of the land or buildings taken plus damages to the remaining property.

Concrete ditches are installed in locations where there is a steep grade to prevent erosion and minimize maintenance work in the future.

Flared end sections are used at the end of cross drains. They are typically found on small diameter pipe and allow the stormwater runoff to cross the roadway or driveway.

Standard roadway-adjacent ditch intended to carry rainfall water.
Q. Why do you need more of my property than the owner’s across the street?
A. There can be several reasons for buying more property on one side of the road than the other. Engineers review all land issues before finalizing the road improvement plan: grade changes, slopes, sight distances, drainage and speed limit specifications. Based on these considerations and financial limitations, the engineers develop the plans accordingly.

Q. You are taking only part of my property. That will reduce the overall value of my home. Does the compensation offer include the reduced value my home will now have?
A. The County prepares an offer based on an independent appraisal that includes all factors affecting both the property to be acquired and your remaining property.

Q. Where does the county get the money to acquire all these properties and build new roads?
A. A 1% Special Purpose Local Option Sales Tax (SPLOST) referendum was passed by Cobb County voters, and is used to keep the county’s roads safe and uncongested. Through this sales tax, the cost of building roads is spread to residents and non-residents who make purchases in Cobb County. In some cases, road improvement costs are funded by the county budget as well as state and federal funds.

Q. When will construction begin? End?
A. Start-up times and completion dates for each road construction project vary, depending on the parcels of property to be acquired, contractors’ schedules and complexity of the project. A county representative can advise you of the start-up date and targeted completion date as you proceed through the property acquisition process.

Q. Will I be able to get in and out of my property when construction begins?
A. The Cobb DOT or the contractor will work closely with you to maintain proper access to your property during construction. If there are any special considerations you feel need to be addressed, please contact the Cobb DOT at 770-528-1653.

Q. Will any of my utilities be affected during construction?
A. Contractors make every effort to avoid interruption of power, water or gas to commercial or residential properties in the area. Occasionally, it may be necessary to have brief interruptions of utilities.

Q. Is the appraised value by the independent appraiser similar to the value established by the property tax office?
A. The appraisals arranged by the Cobb DOT are independent from the tax office. In most cases, the Cobb DOT appraisal is more recent and at a value greater than the property tax office. Appraisals initiated by the Cobb DOT are based on highest and best use conditions.

Q. Will the property tax office use the Cobb DOT-initiated appraisal, if it is higher, and raise my taxes on the remaining property?
A. Since the appraisals initiated by the Cobb DOT are independent, the appraisal values are not submitted to the tax office. Your property taxes would only increase or decrease during the next scheduled tax assessment.
2:1 cut slopes are used in areas where the County is attempting to minimize the impacts to property. The 2:1 ratio stands for every 2 foot horizontal distance the ground drops 1 foot vertically.

4:1 cut slopes are used in areas where impacts are not a major concern. The gentler slope tends to be easier to maintain by the property owner. The 4:1 ratio stands for every 4 foot horizontal distance the ground rises 1 foot vertically.

2:1 fill slopes are used in areas where the County is attempting to minimize the impacts to property. The 2:1 ratio stands for every 2 foot horizontal distance the ground rises 1 foot vertically.

4:1 fill slopes are used in areas where impacts are not a major concern. The gentler slope tends to be easier to maintain by the property owner. The 4:1 ratio stands for every 4 foot horizontal distance the ground drops 1 foot vertically.