

## 4. RIGHT OF WAY REQUIREMENTS

### 4.1 Right of Way

Implementation of partial access control will not require additional right-of-way because access points necessary to implement partial access control are included in the 4-lane construction of US 93.

Implementation of full access control will require additional right-of-way from BLM, ASLD, and privately owned parcels. Tables 4-1 through 4-6 identify additional right-of-way required for implementation of full access control. The Tables list the County assessor's parcel number, parcel ownership, and estimated additional right-of-way required. The plan sheets in Appendix A show Plans Reference Numbers keyed to the plan reference number column in the Tables

**Table 4-1: Estimated New Right-of-Way  
Full Access Control – Traffic Interchange and Access Road  
@ MP 162.7**

Plans Ref.	Parcel Number			Owner	Approx Take (Acres)
	BK	Map	Par.		
1-100	200	16-1		BLM land	13
1-101	200	16-1		State land	22
1-102	20	16	001	Barnes Erik & Tina / JT	13

**Table 4-2: Estimated New Right-of-Way  
Full Access Control – Traffic Interchange and Access Road  
@ MP 154.8**

Plans Ref.	Parcel Number			Owner	Approx Take (Acres)
	BK	Map	Par.		
1-100	300	02-1		BLM land	10
1-101	300	02-1		State land	7

**Table 4-3: Estimated New Right-of-Way  
Full Access Control – Traffic Interchange and Access Road  
@ MP 148.1**

Plans Ref.	Parcel Number			Owner	Approx Take (Acres)
	BK	Map	Par.		
1-100	102	75		BLM land	13

**Table 4-4: Estimated New Right-of-Way  
Full Access Control – Traffic Interchange and Access Roads  
@ MP 142.0**

Plans Ref.	Parcel Number			Owner	Approx Take (Acres)
	BK	Map	Par.		
1-100	102	66		BLM land	29

**Table 4-5: Estimated New Right-of-Way  
Full Access Control – Traffic Interchange  
@ MP 132.2**

Plans Ref.	Parcel Number			Owner	Approx Take (Acres)
	BK	Map	Par.		
1-100	102	33		BLM land	15

**Table 4-6: Estimated New Right-of-Way  
Full Access Control – Traffic Interchange and Access Roads  
@ MP 127.9**

Plans Ref.	Parcel Number			Owner	Approx Take (Acres)
	BK	Map	Par.		
1-100	102	41		BLM land	17
1-102	102	45		Caithness Big Sandy	8

### 4.2 Access Rights

When full access control is implemented, access rights will be acquired from all State land and private properties fronting on US 93. Right-of-way is acquired from BLM by easement. Access to BLM land and to mining claims located on BLM land will be addressed when the easements are obtained. In general, access will be provided between adjacent properties and US 93 through access roads that will connect with traffic interchanges. However, in areas where construction of access roads is not feasible because of severe terrain or cost, it may be advantageous for ADOT to acquire access rights in lieu of providing access to a traffic interchange, leaving such parcel landlocked, or ADOT may acquire such parcels in fee. The extent of acquisition of access rights will be determined on a parcel-by-parcel evaluation when the access rights are required.

WAPA has access road easements with both the BLM (BLM Serial Number AZAR 035584) and ASLD (CIV 99 0288 PHX-PGR, recorded March 31, 1999, and a crossing agreement, recorded September 27, 1995) in order to perform routine maintenance or emergency repairs. When full access control is implemented their ability to access their transmission lines may be impacted. The

installation of gates and locks could be required in some locations. This is provided for in the discussion of full access control in this study.

### 4.3 Acquisition of Right of Way and Access Rights

Right-of-Way and access rights for full access control should be acquired as soon as possible to preclude access points along US 93 being established before access control is implemented. Factors to be addressed before right-of-way and access rights can be acquired include the following:

- The locations of traffic interchanges shown in this study are subject to change depending on the location and extent of future development. If right-of-way is acquired many years in advance of development occurring, it is likely the interchange location will not meet the needs of the development.
- ASLD is unwilling to sell property in rural, undeveloped areas when future development upon which to base property value is undefined. They have indicated that they do not want to give up access rights until compensation can be determined and the highway improvement is imminent
- Environmental clearance will have to be obtained before the right-of-way can be obtained.
- Funding responsibility may involve developers at the time full access control is needed. However, finalizing plans and obtaining right-of-way and access control 15-25 years in advance of implementing access control would appear to preclude participation from developers.
- If access rights can be acquired in advance of the need for full access control, direct access from US 93 can be permitted during the interim period when partial access control is adequate. The permit would make it clear that the permit will be revoked and access closed when ADOT determines that full access control is necessary. The permit will identify the access that will be provided when full access control is implemented, and will state that the ultimate access will be available before the direct access to US 93 is removed.
- The ADOT District can be instrumental in getting projects programmed, including design, environmental clearance, and right-of-way acquisition.