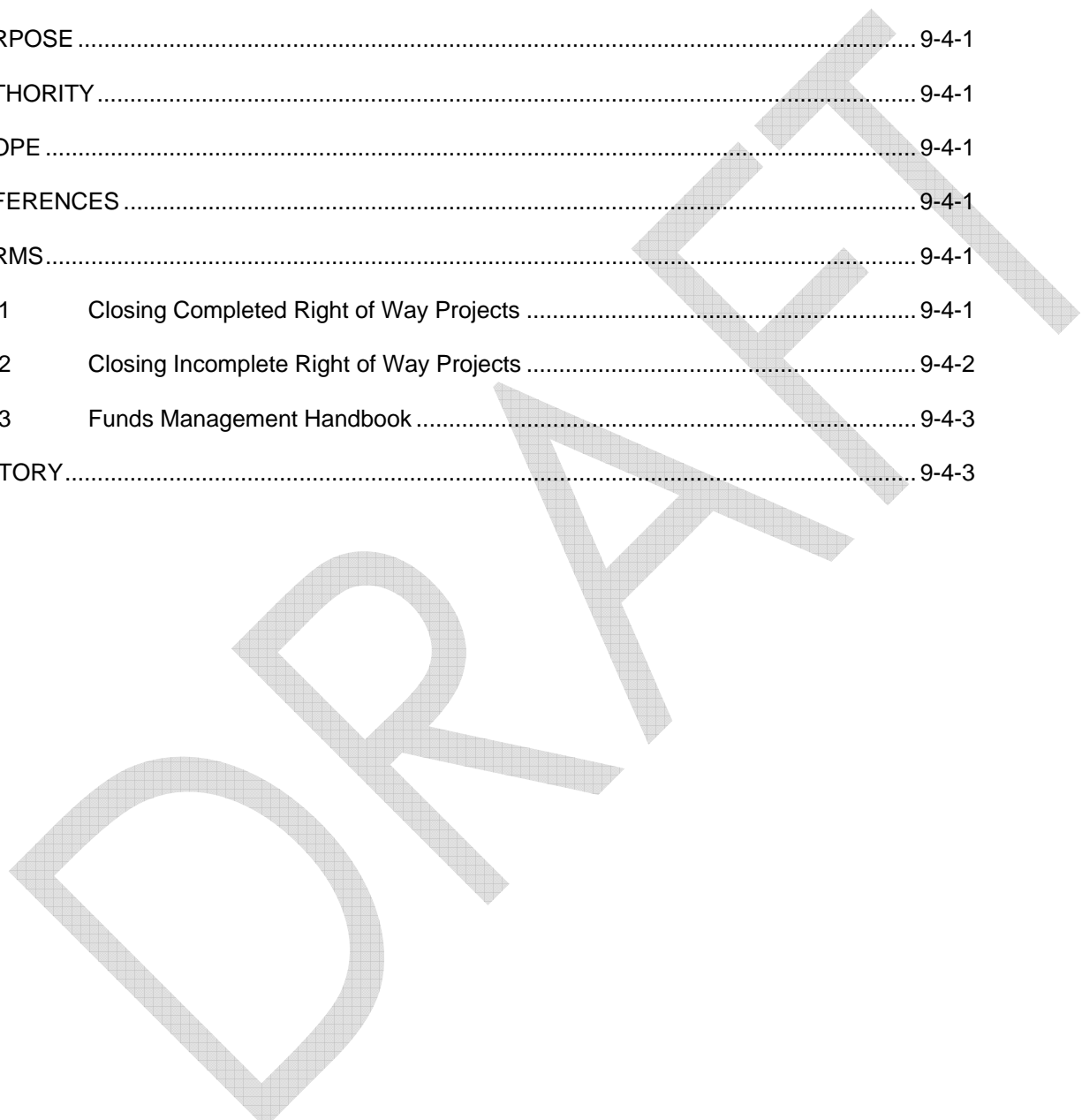


**Section 9.4**

**RIGHT OF WAY PROJECT CLOSING**

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**Section 9.4**

**RIGHT OF WAY PROJECT CLOSING**

**PURPOSE**

The purpose of this section is to establish the process the Guam Department of Public Works Office of Right of Way (Department) must follow to close right of way projects

**AUTHORITY**

5 GCA, Chapter 20, Article 6, Records Management

**SCOPE**

The principal users of this document are Department of Public Works Office of Right of Way employees and those persons contracted by the Department to perform records management functions.

**REFERENCES**

Right of Way Manual Section 9.3, Right of Way Records Management

**FORMS**

None specific to this section.

**9.4.1 Closing Completed Right of Way Projects**

**9.4.1.1** In accordance with *Right of Way Manual, Section 9.3, Right of Way Records Management*, the Department shall insure all real property has been acquired and all subordinate interests cleared. The Department must verify that copies of all legal documents and subordinate releases, properly executed, are in the Department's official right of way files. However, if an executed subordinate document cannot be located, the Department must determine whether the subordinate interest has expired or otherwise been extinguished. Alternatively, the Office of the Attorney General (OAG) Counsel may determine whether the outstanding interest is of sufficient importance to require further action. Projects may also be closed if **three years** have passed since the documented completion of construction. Reasonable efforts must be made to locate the missing documentation.

**9.4.1.2** A right of way project should be closed within **eighteen months** of the date of closing on the last parcel on the project or the date of entry of the last final judgment on the project, whichever is later. When the Department determines that a project is ready to be closed, the Department shall:

- (A) Determine that all required documents, including all legal documents, are in the Department's official project and parcel files; obtain any outstanding legal documents; verify that unneeded legal documents have been officially voided; verify that all fees and costs and relocation claims have been paid; document the file accordingly;
- (B) Determine the financial and contractual status of the project. This review includes:

- (1) Review of the Department's financial management systems, to determine the status of the work program phases, funds, and whether the project is open for charges;
  - (2) Review the Department's financial management systems to obtain encumbrance balance(s).
  - (3) Review of the Department's files to determine whether the project is open for charges, and to obtain contract numbers;
  - (4) Review of the Department's Fiscal Section (DPWFS) with Department of Administration (DOA) records to obtain the contract status and encumbered balances;
  - (5) If the project is open for charges, contact the agency responsible for managing the contract to determine whether final billing has been processed.
- (C) When final billing has been processed, request in writing that:
- (1) The DOA Accounting Section, close the project and unencumber any balances, and
  - (2) The DPWFS update the contract status.
- (D) Request in writing that the DPWFL, place the project in a status of closed for expenditures, but open for receipt of revenue.
- (E) When all research has been completed, the Department of Public Works Right of Way Supervisor (DPWRS) or designee shall execute the following:
- (1) For Federal aid projects, the DPWRS or designee shall submit a memo to the DPWFS, certifying that all parcels have been acquired and all legal documents are on file.
  - (2) For non-federal aid projects, the DPWRS or designee shall submit a memo to the DPWFS certifying that all parcels have been acquired and all legal documents are on file.
- (F) The Department must document the date the project is closed or certified for final vouchering, in order to determine when the retention schedule has been met. This allows files to be destroyed timely upon completion of the retention period.

#### **9.4.2 Closing Incomplete Right of Way Projects**

**9.4.2.1** Right of way projects may be closed when documents are outstanding because of lengthy pending litigation. Federal Highway Administration (FHWA) can authorize the Department to consider final vouchering for these projects with the understanding that the project may be reopened to allow Federal aid billing of subsequent right of way settlements or final judgments.

**9.4.2.2** By closing the projects, the unexpended balance will be available for obligation on new projects.

**9.4.2.3** If a project is closed, and its remaining balance is committed to other projects, current year funds must be used to process payments if the closed project is reopened.

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**9.4.3 Funds Management Handbook**

A ***Funds Management Handbook*** should be developed by the Department to assist Department personnel in performing their responsibilities. The handbook should detail the criteria to be followed in order to comply with this procedure.

**HISTORY**

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DRAFT