



**Date:** October 10, 2023 (Rev. October 25, 2023)

**To:** Statewide Real Estate Services and Mega Programs

**From:** Heather Lindstrom, Acquisition Program Manager

**Re:** Right of Way Manual, Chapter 9-11.4: Improvements Straddling Right of Way Line *and* Chapter 9-11.7 Construction Item

The purpose of this memorandum is to (1) discontinue the use of certain language in the straddle clause as noted in the Right of Way Manual Chapter 9, Sections 9-11.4 and 9-11.7, and (2) provide updated policy and procedure regarding improvements or other items straddling the right of way line.

**Effective immediately, the portion of the straddle clause below is discontinued, and is no longer approved for use in any instruments:**

*“The grantor herein further grants to the State of Washington, or its agent, the right to enter upon the grantor’s remaining land where necessary to (construct said approach, remove said improvement, remove said crop, remove said timber, etc.).”*

The discontinued language is deleted from the following forms:

- RES-381, Miscellaneous clauses (New Form RES-334)
- RES-344, Memo.Construction Item (New Form RES-351)
- RES-335, Fixtures and Improvements Agreement (New Form RES-333)

Further, all improvements within the acquisition area are automatically acquired with the land as “real property.”

The following portion of the straddle clause is still required in conveyances if the acquisition includes an improvement, crop, timber, or other item straddling the owner’s remaining land:

*“It is understood and agreed that the (specify type of improvement(s)) located partially upon the lands herein conveyed and partially upon the grantor’s remaining lands is (are) conveyed herein in its (their) entirety to the State of Washington, its agents or assigns.”*

From this point forward, if the acquisition includes an improvement, crop, timber, or other item straddling the property owner’s remaining land, a Temporary Easement shall be acquired and valued accordingly for the required work or removal of said items by WSDOT. Please refer to the Temporary Easement requirements in Chapter 6-5.3.2.

Temporary Easement Exhibit Maps may be approved for use in these situations.  
Discuss with the Right of way plans office and HQ Title Acquisition team for guidance.

Right of Way Manual:

Chapter 9-11.4 and 9-11.7 of the Right of Way Manual will be updated as part of Real Estate Services' next scheduled manual revision.

Enclosure: Memo.Construction Item (RES-351), RW Manual Miscellaneous Clauses Chapter 9 (RES-334), Fixtures and Improvements Agreement (RES-333)

cc: J. Kevin Workman, Real Estate Services Program Administrator  
Jessica Stokesberry, Appraisal Program Manager  
Matt Huot, Attorney General's Office, TPC  
Mark Schumock, Attorney General's Office, TPC  
Clint Hill, Geometric Manager  
Sean Simmons, State Survey Manager

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