

## ***TOWN AGREEMENT PROCEDURE FOR TEAM SUPPORT***

Team Support has been authorized to prepare all Town Agreements necessary for projects that fall within incorporated City/Town limits. There are two types of agreements that are prepared by Team Support. There is the Town Agreement and the Letter Agreement. The following will explain the difference between the agreements, when to use each agreement format and the procedure for each agreement.

### **CITY / TOWN AGREEMENT**

This type of agreement is used for any State project that deals with the acquisition of right-of-way or the realignment of a highway or bridge. The Town Agreements are prepared when the final right-of-way has been approved for the project.

The following is the procedure taken when preparing a Town Agreement:

1. Determine if the project falls within an incorporated Town or City limits.
2. Determine who will be signing the agreements for the town. There is a website\* indicating who the mayors and town managers are for all the incorporated cities and towns. It is suggested to call the town to see if the town is aware of the project and to confirm who the mayor or town manager is at this stage.
3. Take a standard Town Agreement form and adjust the agreement to fit the scope of the project to include which town the agreement is with, the limits of the project, maintenance responsibility and right-of-way required.
4. Attached to the agreement should be an 11 x 17 copy of the Title Sheet, labeled Exhibit A, and right-of-way plan sheets. The right-of-way plan sheets should have the proposed right-of-way highlighted. For other (maintenance and pave and rehab) projects, an 8 ½ x 11 copy of the location map and scope of work is needed. **Steps 1 through 4 should take one week.**
5. When the agreement is completed, the agreement needs to be sent out within the department for comments. At a minimum, the following indicates who should receive the draft town agreement for review and comment:
  - Project Manager
  - District Engineer
  - Utilities Engineer
  - Chief Traffic Engineer
  - Director of Maintenance & Operations

\*Delaware League of Local Governments Online Directory  
(<http://www.ipa.udel.edu/localgovt/dllg/municipalities/index.asp>)

It is suggested to give two weeks for comments to be due. **Should take two weeks.**

6. When all comments have been returned, make any necessary corrections. Once completed, three original copies of the agreement need to be prepared and sent to the Deputy Attorney General for approval as to form. **Should take one week.**
7. When the agreements are returned from the Deputy Attorney General and the cover memo is signed by the Group Engineer for Right-of-Way Engineering, the agreements are ready to be sent to the Town for their review and approval. It is suggested to give three to four weeks for the agreements to be due since most towns must go through their town meetings to approve the agreement and the meetings usually occurs at the beginning of each month. It is also helpful to add a note for the town to call to confirm receiving the agreements. If the agreements are not back by the due date, give the town a call to see if there are any questions or concerns. **Should take three to four weeks.**
8. When the agreements are returned from the town, the Director of Finance and Chief of Right-of-Way needs to sign the agreements. To do this an Agreement Transfer Sheet needs to be prepared. **Should take one week.**
9. When the agreements are returned from the Chief of Right-of-Way and the Director of Finance, the town agreement is considered final. Now a letter can be prepared to the town stating the agreement is approved. Once the letter has been prepared, the agreements are ready to be distributed to the town and within the department.
10. Along with the three original signed agreements, four copies of the signed agreement will need to be made for distribution. The following indicates who will receive the town agreements:

- Agreement to file 1 original
- Agreement to Town 1 original
- Director of Finance 1 original
- Assistant Director, Program 1 copy
- Chief Traffic Engineer 1 copy
- District Engineer 1 copy
- Chief, Right-of-Way 1 copy
- Director of Maintenance & Operations 1 copy

The entire town agreement process **should take between 8 to 10 weeks** to complete but in cases when there is a rush for a town agreement, it is suggested to do the following:

1. Notify the town as soon as possible to see if the town can expedite their procedures quicker.

2. Email or fax a rough copy of the agreement to the town for their review before mailing the originals.
3. UPS the agreement overnight to the town.
4. Hand carry (deliver the agreements to the city/town).

By using this expedited process, the agreements **should take around 4 to 6 weeks** to complete a town agreement.

### **LETTER AGREEMENT / ELECTRONIC AGREEMENT**

This type of agreement is used for any State projects that deals with resurfacing of highways or bridges with construction occurring within the limits of existing public right-of-way and that no right-of-way is required for the project.

The following is the procedure taken when preparing a Letter Agreement:

1. Determine if the project falls within an incorporated Town or City limits. Once it has been determined, a memo or email is prepared to the appropriate Design Section stating whether or not a Letter Agreement is required.
2. Determine who will be signing the agreement for the town. There is a website \*, indicating who the mayors and town managers are for all the incorporated cities and towns. It is suggested to call the town to see if the town is aware of the project and to confirm who the mayor or town manager is at this stage.
3. Take a standard Letter Agreement form and adjust the agreement to fit the scope of the project to include which town the agreement is with, the limits of the project and the maintenance responsibility. Attached to the Letter Agreement should be an 8 ½ x 11 copy of the location map and scope of work, labeled Exhibit A.
4. Two copies of the letter agreement need to be made when completed. The two cover memos then need to be signed by the Group Engineer for Right-of-Way Engineering.
5. When the agreements are signed, they are ready to be sent or emailed to the town for their review and approval. It is suggested to give the town one week (electronic), or three to four weeks (letter) to approve the agreements since most towns must go through their town meetings to approve the agreement and the meetings usually occur during the beginning of each month. It is also helpful to add a note for the town to call to confirm receiving the agreement. Both Letter Agreements are signed by the town but one copy is retained by the town while the other is sent back to Team Support. If the agreement is not back by the due date, give the town a call to see if there are any questions or concerns. **Should take three to four weeks.** If the due date for the electronic agreement has passed, then it is considered concurrence by the town. **Should take one week.**

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6. When the agreement is sent back by the town, two copies of the agreement need to be made. Then a memo is prepared to the appropriate Design Section and Right-of-Way stating that the signed Letter Agreement by the Town is attached. The original Letter Agreement goes into Team Support's file and is also scanned into Primavera.

These are the procedures that should be taken when preparing a Town Agreement or Electronic/Letter Agreement for State projects.

**Town Agreement Steps**

<b><u>Step</u></b>	<b><u>Completed</u></b>	<b><u>Date</u></b>
Plans stamped in	<input type="checkbox"/>	_____
Plans assigned	<input type="checkbox"/>	_____
City/Town Agreement written	<input type="checkbox"/>	_____
Given to AS to Type/Format/Print	<input type="checkbox"/>	_____
Circulated for internal comments	<input type="checkbox"/>	_____
Received & addressed internal comments	<input type="checkbox"/>	_____
Signed by Group Engineer	<input type="checkbox"/>	_____
Sent to Legal	<input type="checkbox"/>	_____
Signed by Legal	<input type="checkbox"/>	_____
Date Mailed to City/Town	<input type="checkbox"/>	_____
Requested Return Date	<input type="checkbox"/>	_____
Returned Signed TA	<input type="checkbox"/>	_____
Returned Attested TA	<input type="checkbox"/>	_____
Prepare Transfer Sheet	<input type="checkbox"/>	_____
Sent to Chief of ROW	<input type="checkbox"/>	_____
Signed by Chief of ROW	<input type="checkbox"/>	_____
Sent to Director of Finance	<input type="checkbox"/>	_____
Signed by Director of Finance	<input type="checkbox"/>	_____
Cert was Requested	<input type="checkbox"/>	_____
Cert was Received	<input type="checkbox"/>	_____
TA distributed to City/Town	<input type="checkbox"/>	_____
TA distributed to DeIDOT	<input type="checkbox"/>	_____
TA scanned into Primavera & OnBase	<input type="checkbox"/>	_____