

# Port Everglades Expressway – I-595 Fort Lauderdale, Florida

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## INTRODUCTION

Construction of Interstate 595 in South Florida established new standards in the field of highway right of way acquisition. I-595 presented a challenge in acquisition because the roadway was built through the heart of a highly populated urban area. The project is believed to be the first in the country in which a single construction manager oversaw right of way, design and construction.

ICF Kaiser Engineers, Inc., (KE) was hired by the Florida Department of Transportation (DOT) in 1983 to manage the design and construction of the \$1.2 billion project.



Looking east along I-595 and its four-level \$62 million interchange with US 441 (State Road 7). This one interchange has 38 lane miles and 19 of the project's 93 bridges, and occupies a footprint of approximately 300 acres.

Interstate 595 was opened to traffic on October 21, a full five years ahead of the original schedule.

## PORT EVERGLADES EXPRESSWAY

Kaiser Engineers, Inc. has had the opportunity to provide engineering consulting, construction management and right-of-way services for Florida's largest public works project and the nation's second largest ongoing highway construction project. The Port Everglades Expressway – Interstate 595 – is a 13.4 mile freeway which connects Port Everglades on the east with Interstate 75 and the Sawgrass Expressway on the west. Interstate 595 connects to nine major north-south roadways including Florida's Turnpike, I-95 and U.S. 1. The \$1.2 billion roadway encompasses some of the

most heavily developed areas in Broward County, Florida and has radically changed the development and redevelopment patterns of nearby properties.

As the right-of-way services consultant to the Florida Department of Transportation (DOT) KE has provided a full range of right-of-way services which include contract administration, appraisal,

appraisal review, acquisition, relocation, property management and environmental services. KE has acted on behalf of the Florida DOT for the procurement of approximately 500 parcels. When taking on such a large project, a number of challenges are presented in the area of appraisal administration.

This is especially so on the I-595 project because of the project's size, the type of properties in the highway alignment and the complexity of the Florida eminent domain laws. Most acquisitions were commercial or industrial properties and

required a substantial oversight effort.

A problem area was the classification of real property and personal property for the acquisition appraisal. One procedure developed over the course of the project seemed to offer the best control from a managerial viewpoint and the best results from an acquisition perspective. A team of right-of-way personnel representing the appraisal, acquisition, relocation, environmental and property management departments inspected all commercial and industrial properties. These inspections were conducted to classify real property items, personal property items and to locate environmental hazards or pollution. A **realty/personalty inventory** of each property was prepared. Interviews with owners and tenants were conducted in order to determine the property classification using guidelines provided by the Florida DOT. Written lease copies were requested from the



Looking southeast across a major part of the I-595 project nearing completion – the I-595/I-95 four-level interchange and the three-level I-95/S.R. 84 interchange. This \$120 million construction contract is DOT's largest ever.

# Early Identification of Real Property, Personal Property and Environmental Hazards

owners and tenants. Leases helped to determine the ownership of items and helped the appraiser in determining property interests. The participation of both owners and tenants in the preliminary inventory helped to eliminate ownership conflicts during the acquisition phase.

In complex property ownerships interest situations or in franchise or sublease situations the realty/personalty inventory was invaluable in sorting out the complex arrangements of property ownerships and classification.

A sample scenario of the complex interworkings of property ownership interests and property classification could be the typical mini-mart gasoline station. The underlying fee could be owned by one party giving a long term land lease to another party who owns the building but sub-leases to an oil company or other party who installs their underground tanks, gas pumps or walk-in coolers while maintaining a sublease with the right

to remove all trade fixtures.

The trade sign face might be owned by the sublessee while the base could be owned by another. Phone systems could be either purchased or leased or a combination of both. Many different situations can arise in a landlord/tenant situation.

The three tests as shown below were used to differentiate between real property and personal property.

1. The manner of affixation – an item which cannot be removed without causing damage to the remaining realty, or to the item itself is generally considered a part of the real estate. If no damage would be inflicted by its removal, the item meets one test of being classified as personal property.
2. Adaptation to real estate – an item installed, or constructed that contributes to accomplishing the purpose for which a structure was built is usually real estate. Such an item characteristically becomes a permanent component of total

improvements and contributes to overall value.

3. Intent of party who attached the item – an item attached by the owner or tenant with the intent for the attachment to become permanent, most likely becomes a real estate item. If the intent of the party responsible for the attachment is to remove the item at some time in the future, the item is generally classified personal property.

The intentions of the parties involved is usually the most important, and often the deciding factor in determining whether an item is realty or personalty. One needs to be alert for specific language in leases or other written documents such as a mortgage deed for determinations of property classification.

During the property inspections a preliminary realty/personalty inventory classification was made. Shortly thereafter the KE staff met

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## Environment Seminar Videotapes

Buckeye Chapter 13 held its 32nd annual seminar on September 28 and 29. The single-topic format was well received by the more than 130 persons in attendance.

The thought-provoking sessions gave helpful insights, valuable information and a logical continuum of subject matter. These pervasive issues, which concern most of us today, were covered in depth by the excellent speakers.

Anyone interested in such areas of concern as "Wetlands-Regulations and Development," "Acquisition & Relocation of Affected Properties," "Environmental Hazards to Your Development," or "Pre-Acquisition Site Audits," presented by authoritative professionals will want to purchase videotapes of the sessions in which you have interest.

These sessions would be excellent for presentations at one-day chapter meetings. If your members are concerned about Right-of-Way environment issues, the videos would be excellent resource materials.

These videotapes are available in two-hour segments for the nominal price of twenty-five dollars (\$25.00) per tape. Contact Chapter 13 President W.W. Pemberton, Jr., SR/WA, for further information and ordering of taped segments. (513) 632-3554

Order your videotapes today!!