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Project Land Acquisition Strategy Procedure



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Project Land Acquisition Strategy Procedure

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Project Land Acquisition Strategy Procedure

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1.0 PURPOSE

1.1 Purpose of this Document

The purpose of this procedure is to:

1. Assist an Entity in the preparation of a Land Acquisition Strategy;
2. Prepare a register of relevant documents;
3. Highlight land and easement acquisition issues that an Entity should bring to the A/E's attention, and
4. Update Land Acquisition Cost estimates for a project site.

2.0 SCOPE

This procedure is not location specific, and is relevant to all Government infrastructure projects undertaken within the Kingdom of Saudi Arabia. As permitting requirements vary across the Kingdom, early establishment of a land acquisition strategy (by the Entity) is essential for all involved parties, including the project owners themselves, A/E and Contractors; this should provide for the effective and efficient delivery of national infrastructure projects.

This procedure assumes that a Preferred Site was identified by the relevant Entity during their upfront 5-Year Projects Portfolio Planning process and that the site was further assessed and evaluated by members of the multi-disciplinary master planning team, during the Stage 2 initial planning process.

It is possible however that information gathered during the Stage 2 initial planning process could lead to the need for an Alternative Site being required. Should this be the case, this procedure should also be applied to that site.

The procedure focuses on Land (and Easement) acquisition and obtaining the necessary Land-Use approval. Other regulatory related issues such as environmental and technical issues (e.g. considered within the *Project Environmental Impact Assessment Procedure*), are outside the scope of this procedure.

3.0 DEFINITIONS

The following explanations are provided as general guidance only.

Term	Definition
Entity	A Saudi Government organization which is responsible for the delivery of government funded infrastructure construction projects.
Architect Engineer (A/E)	Any organization performing Engineering/ Detailed Design for a Project.
Easement	A right to access, cross, or otherwise use someone else's land for a specified purpose. A grant by a property owner for use by the public, a corporation or persons of an area of land for specific purposes.
Cadastral Map	A geospatially referenced map (usually electronic) showing the alignment, extent and ownership of land.
Expropriation	The compulsory acquisition of Land or Easements by the state, in the absence of a negotiated transfer.
Entity Project Management Organization (EPMO)	An Entity Project Management Organization, this is an integrated team that comprises the Entity and its PMC responsible for managing all the Entity's projects.

4.0 REFERENCES

1. EPM-S00-PR-000002 - Project Concept Master Plan and Development Framework Procedure
2. EPM-S00-PR-000003 - Project Environmental Impact Assessment Procedure



5.0 RESPONSIBILITY

The Entity Project Management Office (EPMO) is responsible for this procedure.

6.0 PROCESS

6.1 Preferred Site, Alternative Sites and Easements Identification

Prior work will have identified a *Preferred Site* or potentially an *Alternative Site* for a project. It is possible for the site to be a linear path, e.g. in the case of a railway line. The site must accurately identified using relevant cadastral references, along with the current owner(s) of the affected land parcel(s) and the GPS coordinates. Each project site should also include a provisional acquisition cost. Details for the following should be provided:

- Whether the land is to be purchased or leased for the lifetime of the project;
- Details of Easements being sought (it may be that land is not to be acquired and that the acquisition comprises Easements only, e.g. for a pipeline or power line). Note that even if the land itself is only to be acquired for construction, written permissions may need to be granted prior to that date, in order to allow access for pre-construction activities (i.e. specialist geotechnical investigations of topographical surveys),
- Details of permissions that need to be granted required for land access during construction, e.g. for access routes (see next section), and
- Whether the purchase of land and or easements will be negotiated or whether expropriation is required, as this will affect the documentation required.

6.2 Access Routes Identification

It is possible that the project site is not accessible from a public right of way and there is a need to obtain permission to access the site. If this is the case, necessary easements for access must be noted along with a statement whether these access-related easements for access will be negotiated or if expropriation will be required.

6.3 Timeline

The timeline for the project needs to be defined, so that the compatibility of the timing of the acquisition of Land and or Easements with the project schedule can be confirmed. The key project milestones include:

- Start of Pre-Construction Activity;
- Start of Construction Activity;
- Start of Operations, and
- End of Operations (unless presumed to be perpetual).

6.4 Statement of Land and Easement Requirements

The information listed above should be collated in the Land Acquisition Strategy Template EPM-S00-TP-000011: this template is contained in a spreadsheet, available for download. The template will provide a clear understanding of what is to be acquired and by when.

For each requirement, there must be statement of when it is required. A provisional set of costs for the acquisitions should also be provided, though it is likely that these will evolve, as further work is undertaken. It is possible that the final costs could influence whether a project should proceed.



6.5 Acquisition of Required Land Rights

Acquisition of land rights consists of executing required documents to grant legal rights to construct the proposed project. The following tasks will be performed, as required, during the Stage 2 initial planning stage:

- Determination of landlord ability to grant rights and negotiation of terms within preset guidelines, if possible;
- Clarification of whether a negotiated solution is possible or whether expropriation is required;
- Preparation and approval of all required documents, for negotiated transfer or expropriation, and
- Execution and recordation of all legal documents.

The document will either show a transfer of the legal right (to the Entity) to use of the Land by a stated date (either by purchase or lease), or the option to do so.

There must be a document relating to each Requirement listed in the template and a document reference must be entered in the template, along with the date at which the Land or Easement will be acquired.

Please note: it is preferable that the Land or Easement (or an option to purchase) is acquired on or before the date that it is required by the project schedule. If this is not possible, the project schedule will require adjustment, or an alternative site may need to be identified, to keep to the original project schedule.

6.6 Land-Use Permissions

Not only must the site be acquired, it is also necessary to obtain permission to use the land for the intended purpose. Obtaining land use permission will include:

- Determination of Land Use / Zone Requirements;
- Preparation of applications and required documents for land use approval;
- Preparation and presentation of material potential hearings for approval, and
- Listing of all Land Use Approval Requirements for the Entity to pass to the A/E, in order for them to incorporate into the design and documentation.

Details of land-use documents should be entered into the template.

The work may reveal other regulatory requirements and these should also be listed in the template for the Entity to pass to the A/E, along with the likely impact on cost (i.e. a site may have a decontamination requirement which could influence the cost / viability of a project).

6.7 Deliverable from the Procedure

The deliverable from this procedure is a land acquisition strategy, summarized in the Template. For each site, it lists:

- Specific acquisition requirements for the project site, including land and or easements, and additionally the easements required for Access Routes;
- Dates by when the requirements must be met and estimates of cost;
- A document register of written agreements to transfer the rights (or the option to do so) and the date on or by which transfer should occur;
- Details of land-use permission and any other regulatory matters that the Entity should be aware of, in order to inform the A/E.

7.0 ATTACHMENT

1. EPM-S00-TP-000011 - Land Acquisition Strategy Template



Project Land Acquisition Strategy Procedure

Attachment 1 - EPM-S00-TP-000011 - Land Acquisition Strategy Template

Project	
Name	
Reference	

Site Details	
Name	
GPS Coordinates	
Cadastral Reference(s)	

Access Route(s) Details	
Names (s)	
GPS Co-ordinates	
Cadastral References	

Timeline	Start of Pre-Construction	d/m/y
	Start of Construction	d/m/y
	Start of Operations (Ops.)	d/m/y
	End of Ops. (or perpetual)	d/m/y

Land, Easement & Access Requirements								
Requirement Reference	Land/Easement/Access	GPS Coordinate	Requirement Description	Negotiated/Expropriation	Date Required	Purchase/Lease/Grant	Estimated Cost	
Code	L/E/A	Co-Ord	Text	N/X	d/m/y	P/R/G	SAR	
(Add rows as needed)								

Document Register						
Requirement Reference	Document Reference	Document Date	Description	Document Owner	Date Available	Requirement Slack
Code	Code	d/m/y	Text	Text	d/m/y	Days
(Add rows as needed)						