

**COLORADO DEPARTMENT OF TRANSPORTATION
RIGHT OF WAY CERTIFICATION
FOR DESIGN BID BUILD, DESIGN BUILD, AND CONSTRUCTION
MANAGER/GENERAL CONTRACTOR PROJECTS**

To: NEIL LACEY

(Check One: Resident Engineer FHWA Project Development Branch Manager)

From: AMBER L BILLINGS

Date: 05/12/2021

Advertisement Date: 06/10/2021

Project Code: 23558

Project Number: FBR R200-266

Location: R2B2 (REGION 2 BRIDGE BUNDLE) (GRANT)

Region: 02

Project Engineer/Manager:

SCOTT R DALTON

Resident Engineer:

JENNIFER L SPARKS

Signature:



Date: 5/12/2021

This is to certify that all right of way acquisition and/or relocation for the above project meet the requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, in accordance with approved procedures. See details below:

Conditional ROW Clearance Approved by:

Signature: _____

Date: _____

Project Development Branch Manager

CONSTRUCTION FUNDING

(Check both if applicable)



State



Federal – Right of way meets the requirements of 23 CFR, Subpart C-Physical Construction Authorization, §635.309(b)(c)(g)(h) and (p) and/or §710.313 (a) Design build projects, if applicable.

CONSTRUCTION TYPE

(Complete Area A, B, OR C Only)

A.

Typical (Design/Bid/Build)

B.

Design/Build

C.

Construction Manager/General Contractor

A. TYPICAL (DESIGN/BID/BUILD) - STATUS OF RIGHT OF WAY

(Select One)



No additional right of way was required for this construction project. (Print page 1)

or



All right of way acquisition and/or relocation necessary for this construction project have been accomplished. The state has legal and physical possession of all property. (Print page 1 and Relocation Assistance, if applicable)

or



The acquisition of right of way and/or relocations is ongoing. The state has legal and physical possession of all property except for the parcels identified under Project Exceptions.

B. DESIGN/BUILD - STATUS OF RIGHT OF WAY

(Select One)



No additional right of way appears necessary for this construction project.

However, additional right of way and/or relocation may become necessary as a result of final design. If needed, arrangements will be made for the completion of the right of way acquisition and/or relocation pursuant to approved procedures. *(Print pages 1 and 2 only)*

Or



All anticipated right of way acquisition and/or relocations necessary for this construction project have been completed. The state has legal and physical possession of all required property.

However, additional right of way and/or relocation may become necessary as a result of final design. If needed, arrangements will be made for the completion of the right of way acquisition and/or relocation pursuant to approved procedures.

or



The acquisition of right of way and/or relocation is ongoing. The state has legal and physical possession of all required property except for the parcels identified under *Project Exceptions*.

However, additional right of way and/or relocation may become necessary as a result of final design. If needed, arrangements will be made for the completion of right of way acquisition and/or relocation pursuant to approved procedures. *The general contractor may be required to obtain legal possession of any additional parcels needed.*

C. CONSTRUCTION MANAGER/GENERAL CONTRACTOR - STATUS OF RIGHT OF WAY

(Select One)



No additional right of way appears necessary for this construction project.

However, additional right of way and/or relocation may become necessary as a result of final design. If needed, arrangements will be made for the completion of the right of way acquisition and/or relocation pursuant to approved procedures.

or



All anticipated right of way acquisition and/or relocations necessary for this construction project have been completed. The state has legal and physical possession of all required property.

However, additional right of way and/or relocation may become necessary as a result of final design. If needed, arrangements will be made for the completion of the right of way acquisition and/or relocation pursuant to approved procedures.

or



The acquisition of right of way and/or relocation is ongoing. The state has legal and physical possession of all required property except for the parcels identified under *Project Exceptions*.

However, additional right of way and/or relocation may become necessary as a result of final design. If needed, arrangements will be made for the completion of right of way acquisition and/or relocation pursuant to approved procedures.

COMMENTS:

PROJECT EXCEPTIONS					
Ownership	Owner Name	FMV Date	Offer Date	Anticipated Possession Date	Restriction Date

JUSTIFICATION OF PROJECT EXCEPTIONS

1. EXPLANATION OF NEED TO ADVERTISE PROJECT:

This project is a design build project and the draft RFP will be released 5/15/21. The project consists of bridge repair and replacement around the Region. This package will include 15 bridges. This clearance will enable the RFP to move forward at this point.

2. LIKELIHOOD THAT CDOT (OR THE LPA) WILL MEET THE EXPECTED POSSESSION DATES:

There are no anticipated ROW needs. The CDOT team thoroughly researched each location and believes all work can be done within ROW. The contractor will not be allowed to realign any roadway and only temporary or permanent easements will be considered.

There will be no relocation.

3. WHAT ARE THE FINANCIAL AND PROGRAMMATIC RISKS IF THE POSSESSION DATES ARE NOT MET:

N/A

4. EXPLAIN HOW CONSTRUCTION PHASING, PROJECT COSTS, AND PROJECT COMPLETION, ARE IMPACTED BY NO WORK AREAS:

N/A

RELOCATION ASSISTANCE		
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Relocation Assistance has been provided in accordance to approved procedures to the following: (Check all that Apply)		
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<input type="checkbox"/> Residential	<input type="checkbox"/> Business	<input type="checkbox"/> Personal property
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COMMENTS:

INSTRUCTIONS

RIGHT OF WAY CERTIFICATION FORM

(NOT APPLICABLE FOR LPA PROJECT CLEARANCE)

This form is used to provide Right of Way Clearance, request a Conditional Right of Way Clearance, and provide a synopsis of the right of way acquisition and/or relocation matters specific to the proposed construction project. If requesting a Conditional Right of Way Clearance, the request must be approved by the Program Development Branch Manager or his/her superiors.

The issuance of this Right of Way Certification form is the responsibility of the Region's ROW Manager or his/her supervisors.

On state funded projects (non-federal money), certification is made similar to federal projects but without CFRs being applicable.

For Conditional ROW Clearance Requests: Submit this form, the ROW Plan Set, Project Specifications if work restrictions are planned.

Certification is provided to:

Resident Engineer: Certification is provided to the Resident Engineer on most typical construction projects. For other circumstances see FHWA and Project Development Branch Manager below.

The certification should be sent to the Region's Resident Engineer. Copies should be sent to HQ's ROW Manager, HQ's Acquisition/Relocation Supervisor, and Project Manager. The issuing ROW Manager should retain a copy for Region's files.

FHWA: Certification is provided to the FHWA on FHWA oversight Projects (when the proposed construction project is on the interstate (new or reconstruction) and the proposed construction project is in excess of \$1 Million). See Colorado Department of Transportation Federal-Aid Highway Program Stewardship Agreement.

The certification should be sent to the FHWA Division Administrator, Attn: Operations Engineer: Copies should be sent to HQ's ROW Manager, HQs Acquisition/Relocation Supervisor, Region Resident Engineer, and Project Manager. The issuing ROW Manager should retain a copy for Region's files.

Project Development Branch Manager: Certification is made to the Project Development Branch Manager when all right of way and/or relocation necessary for the construction project is incomplete. This is known as a Conditional ROW Clearance and must be approved by the Program Development Branch Manager.

A Conditional Right of Way Clearance request should be sent to HQ's ROW Manager for processing. Once approved, copies and the approved clearance should be sent to the Region's Resident Engineer, HQ's Acquisition/Relocation Supervisor, and Project Manager. The issuing ROW Manager should retain a copy. Project Development Branch Managers will send approval clearance to FHWA.

All Design Build construction project certifications should be made to Project Development Branch Manager as indicated above.

Project Exceptions definitions:

Ownership – List parcel numbers

Owner Name – List owner's name

FMV Date – List the date Fair Market Value Certificate (FMV) was signed by the RTD or his/her delegate.

Offer Date – List the date the Real Estate Specialist made the offer of Just Compensation to the owner(s) or the date the offer will be made to the owner(s) with the wording Pending.

Anticipated Possession Date – List the anticipated possession date.

Restriction Date – List the date CDOT will have provided access to the parcel for construction.

Justification of Exceptions:

Provide detailed answers to the questions.

Relocation Assistance:

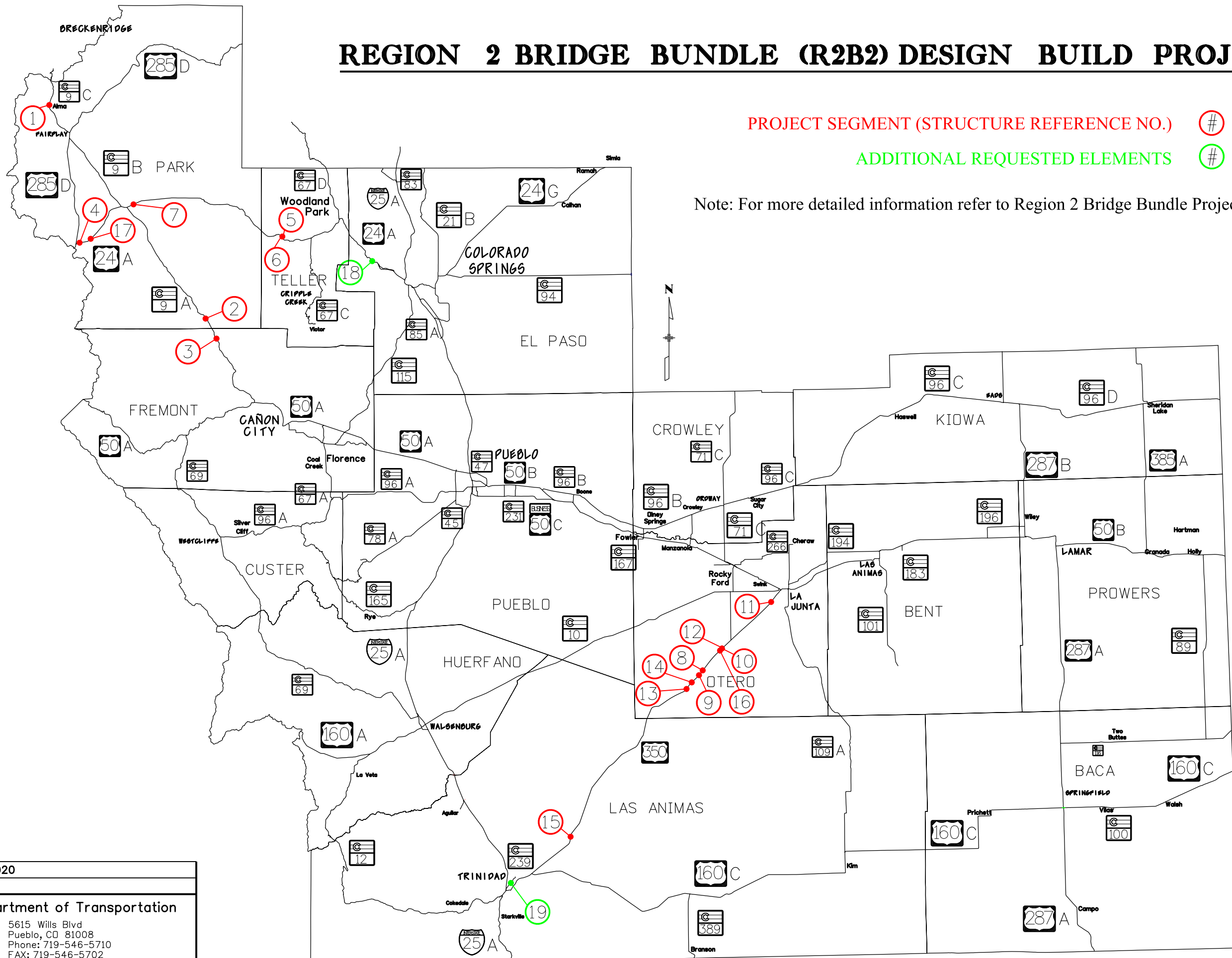
Check all boxes that are applicable and provide comments if necessary.

REGION 2 BRIDGE BUNDLE (R2B2) DESIGN BUILD PROJECT MAP

PROJECT SEGMENT (STRUCTURE REFERENCE NO.) #

ADDITIONAL REQUESTED ELEMENTS #

Note: For more detailed information refer to Region 2 Bridge Bundle Project Spreadsheet



PLAN DATE: 1/9/2020
 R2B2 PROJECT MAP

Colorado Department of Transportation
 5615 Wills Blvd
 Pueblo, CO 81008
 Phone: 719-546-5710
 FAX: 719-546-5702

Region 2 JLB

REGION 2 BRIDGE BUNDLE (R2B2) PROJECT

Map Ref. #	STRUCTURE NAME	HIGHWAY	Mile Post	YEAR BUILT	CURRENT BRIDGE TYPE	SCHEDULED AWARD	DURATION
23558						December 2021	January 2022 - June 2024
1	G-12-C	CO 9	71.445	1938	CBC		
2	J-14-C	CO 9	20.107	1934	TTS		
3	J-15-G	CO 9	15.97	1971	CMP		
4	I-13-G	US 24	227.095	1937	TTS		
5	I-15-AO	US 24	271.9	1937	CBC		
6	I-15-T	US 24	271.691	1937	CBC		
7	H-13-N	US 24	240.686	1937	TTS		
8	M-21-B	US 350	51.682	1937	CI		
9	M-21-C	US 350	50.582	1937	CI		
10	M-21-J	US 350	57.069	1935	TTS		
11	M-22-U	US 350	69.817	1935	CI		
12	M-22-Y	US 350	57.474	1935	TTS		
13	N-21-C	US 350	47.131	1936	TTS		
14	N-21-F	US 350	48.744	1937	CI		
23559							
15	O-19-D	US 350	10.289	1937	TTS		
16	M-21-I	US 350	56.454	1935	TTS		
17	I-13-H	US 24	229.468	1937	TTS		
18	I-17-X	US 24	295.45	1965	CBC		
19	P-19-G Minor	CO 239	1.74	1932	SSM		



COLORADO

Department of
Transportation

8.0 RIGHT-OF-WAY

This Section 8 includes the requirements for the Right-of-Way (ROW) Work for the Region 2 Bridge Bundle Design Build Project (Project). This Work shall be completed in accordance with the Contract Documents.

8.1 CDOT Provided ROW and Contractor Acquisitions

This Project shall be constructed within existing CDOT ROW.

Contractor Acquisitions - In the event that the Contractor requests additional ROW acquisition to perform the Work and CDOT Approves such request, the Contractor shall perform all acquisitions in compliance with the requirements of this Section 8 and Book 1. The term “Contractor Acquisitions” is defined as real property or interests needed in addition to the existing CDOT ROW. CDOT must Approve the Contractor request to purchase additional ROW for Approved design changes. The Contractor shall be responsible for completion of all steps in the ROW acquisition process for Contractor Acquisitions, if any, and for condemnations, if needed. If Approved by CDOT the Colorado Attorney General’s Office will file and prosecute all condemnations needed for Contractor Acquisitions.

If the Contractor’s design requires Contractor Acquisitions, the Contractor is required to:

1. Include the cost of all Contractor Acquisitions in the Contract Price.
2. Assume sole responsibility of all costs associated with Contractor Acquisitions, including, but not limited to, the Fair Market Value of the land to be acquired, cost of obtaining any necessary environmental clearances, as required by Section 2.25 of the CDOT *Right of Way Manual* and mitigation, if required; the costs associated with surveying and ROW Plan preparation; the costs associated with obtaining CDOT Chief Engineer Approvals; the costs associated with valuing and negotiating acquisition of the Contractor Acquisitions; condemnation costs and fees; relocation costs; and the costs of improvement demolition.
3. Acquire Contractor Acquisitions for the Project on behalf of CDOT with title reflecting: DEPARTMENT OF TRANSPORTATION, STATE OF COLORADO, whose legal address is 2829 W. Howard Place, Denver, CO 80204.

If the Contractor’s design requires Contractor Acquisitions, the Contractor is not entitled to:

1. Any Change Order for time or money as a result of Site conditions on the ROW (e.g., Recognized Hazardous Materials, Differing Site Conditions, geotechnical issues, Utilities, etc.).
2. Any Change Order for time or money as a result of any delay, inability, or cost associated with such ROW.

8.2 Administrative Requirements

CDOT will retain possession of each parcel and all improvements, if any, made thereon by the Contractor. The Contractor's access and use of the ROW arises solely from the permission granted by the CDOT ROW Manager under the Contract.

8.2.1 Acquisition and Relocation Standards

All ROW acquisition and relocations for Contractor Acquisitions shall be performed in accordance with all applicable federal and State laws, including:

1. The Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (Uniform Act), including regulations promulgated pursuant to the Uniform Act, which appear at Title 49 Code of Federal Regulations (CFR) Part 24, as amended.
2. ROW requirements for design-build projects per Title 23 CFR §710.313.
3. The Colorado Relocation Assistance and Land Acquisition Policies Act, Section 24-56-101, *et seq.*, Colorado Revised Statutes (C.R.S.), as amended.
4. The Colorado Eminent Domain Act, Section 38-1-101, *et seq.*, C.R.S., as amended.
5. CDOT *Right of Way Manual*, as amended.
6. CDOT Policy Directive 1301.0 entitled Transportation Guidelines to Determine Whether Acquisition of Property for a CDOT Highway Project will Serve the Public Interest (PD 1301.0).
7. CDOT's authority to acquire property and to acquire through eminent domain, if necessary, is set forth in Section 43-1-208, 210 and 43-3-106, C.R.S., as amended.
8. All recent changes in CDOT's ROW processes or administration procedures that are in effect, but not yet incorporated into the CDOT *Right of Way Manual*.

8.2.2 Status of Right-of-Way

Properties within CDOT Right of Way must be owned by CDOT in fee simple. The only exception to this is for publicly owned properties or roadways and properties owned by a Railroad or other Governmental Agencies; in such cases, a permanent easement is sufficient. Any additional permanent or temporary ROW for the Project will be acquired by the Contractor. Any additional Contractor Acquisitions are to be determined by the Contractor's design and Approved by CDOT's ROW Manager and authorized by CDOT's Chief Engineer. Relocation is not anticipated for the Project. Embankment cannot be built on any property that CDOT does not have a permanent interest in. TEs shall be restored to existing conditions following completion of construction at each Project segment.

If the Contractor determines that any ROW is needed for the Work, the Contractor shall be responsible for hiring an acquisition consultant Approved by the CDOT ROW Manager to define, value, negotiate, and pay for the acquisition of such. If condemnation is needed to obtain possession of, or resolve acquisition negotiations, for any ROW, the Colorado Attorney General's Office will file and process such condemnations. The Contractor must account for any time delays caused by such condemnations in their schedule.

The Contractor shall not trespass on private property. If CDOT discovers a trespass, the Contractor shall promptly vacate possession of the private property upon receipt of notice of the trespass from CDOT. If any liability occurs as a result of the trespass, the Contractor shall be responsible for such liability, including indemnifying CDOT for such liability. In the event that trespass occurs, and especially in instances where trespasses persist after receipt of a notice to desist from CDOT, the Contractor shall be liable for liquidated damages.

8.2.3 Right-of-Way Manager and Compliance with CDOT *Right-of-Way Manual*

The Contractor shall retain a ROW Manager if CDOT approves Contractor Acquisitions. The Contractor's ROW Manager shall be responsible for all ROW coordination and compliance requirements. The Contractor's ROW Manager shall be certified for both acquisition and relocation services pursuant to the CDOT *ROW Manual* and Approved by CDOT's ROW Manager and shall be on CDOT's approved acquisition consultant list.

The Contractor's ROW Manager shall coordinate all acquisition and relocation activities with CDOT's ROW Manager (or a designee). The Contractor shall execute a certification prior to NTP1 that it has reviewed the current copy of the CDOT *ROW Manual* and will comply with all of the requirements of the CDOT *ROW Manual*.

8.2.4 Property Management Plan

Property Management Plan is not necessary for the Project.

8.2.5 Permission to Enter Property

The Contractor shall secure Permission to Enter Property forms (CDOT Form 730) prior to entering any property outside the ROW for surveying, geotechnical investigation, environmental investigation, and appraisal purposes. It shall be the Contractor's sole responsibility to obtain signed forms from property owners, and the Contractor shall be responsible for any and all damages and liabilities arising from entering and occupying property outside of the ROW. The Contractor shall submit copies of all Permission to Enter Property forms to CDOT for Acceptance prior to entering the property.

Permission to Enter Property is limited to non-invasive activities (typically limited to foot travel, light vehicle travel, or minimally impactful survey work). If entry is needed for destructive or construction Activities, a TE or permanent acquisition (Contractor Acquisitions) acquired in accordance with the ROW acquisition requirements of this Section 8 is necessary.

8.3 Acquisition and Relocation Requirements

8.3.1 Request for Right-of-Way

Should the Contractor determine that Contractor Acquisitions, including but not limited to Fee parcel, Permanent Easements (PEs), Slope Easement, Utility Easements (UE), or TE parcels, are necessary or desirable for the Work, the Contractor shall submit a written request to CDOT's ROW Manager for Approval. If acquisition of both TEs and/or permanent ROW, including, but not limited to, Fee parcels, PEs, and Utility Easements (UE), are requested, the application, Approval, and acquisition requirements of this Section are applicable. Requests

shall be presented with the Preliminary Design plans and request for ROW will require Approval prior to any RFC Design Approval. Each request shall include the following documentation:

1. Identification of the additional parcel and an explanation of a justification for its need.
2. An illustration of each parcel, superimposed on an aerial photograph, with approximate area of the parcel.
3. A preliminary cost estimate (Chief Engineer’s ROW Cost Estimate, CDOT Form 438) for each parcel that includes separate values for land, improvements, and damages or benefits, if any. A separate cost estimate shall be provided for Utility impacts, relocation (if applicable), survey, ROW Plan preparation, appraisal, and acquisition negotiation.
4. A title commitment report for each parcel, including all supporting documentation, not more than 90 Days old.
5. Any maps, deeds, or other information available to the Contractor that shall expedite the acquisition.
6. Acquisition Stage Relocation Plan if additional ROW acquisition requires occupant or personal property relocation, in accordance with Chapter 5 of the CDOT *Right of Way Manual*.
7. Required environmental reports documenting all required clearances.
8. A certification, in compliance with 23 CFR §710.313(d)(3), that the Contractor’s ROW Manager has reviewed the current copy of the CDOT *Right of Way Manual*.

CDOT’s ROW Manager will Review each Contractor Acquisition request and, if Approved, shall notify the Contractor in writing. CDOT will notify the Contractor of any deficiencies and may request a resubmittal of the request. The Contractor shall promptly correct any deficiencies and resubmit the appropriate documentation.

If Approval is obtained from CDOT for the Contractor to purchase Contractor Acquisitions, the Contractor shall be responsible for creation and implementation of an internal status tracking and Quality Control system for all ROW processes. The Contractor shall submit the status tracking and Quality Control system to the CDOT ROW Manager for Acceptance before implementation. The Contractor’s ROW Manager shall meet with CDOT every two weeks to review the status of the Contractor Acquisitions and relocations, if applicable, and check Quality Control/Quality Assurance as needed, until the completion and CDOT Approval of the Contractor Acquisitions and relocations. An updated copy of the status tracking form shall be provided to the CDOT ROW Manager at the meetings.

In the event that the Contractor requests additional ROW acquisition on Federal Lands to perform the Work and CDOT Approves such request, the Contractor shall perform all acquisitions in compliance with this Section 8, Book 1, and Chapter 11 of the CDOT *ROW Manual*. The acquisition shall be completed in close coordination with the CDOT ROW Manager. The Application for Transportation and Utility Systems and Facilities on Federal Lands, Exhibit 8-A, shall be used if acquisition of Federal Lands is requested and Approved.

8.3.2 Right-of-Way Plans

If the CDOT ROW Manager Approves the request for Contractor Acquisitions, the Contractor may begin the ROW Plans preparation process in compliance with Chapter 2 of the CDOT *Right of Way Manual* and the CDOT *Survey Manual*. The Contractor's Project Survey Coordinator will arrange for title policies for and on behalf of CDOT. The Contractor's Project Survey Coordinator shall perform research and coordinate a field survey (tied to the Primary Control Network), to locate ROW monuments, private land surveyor monuments, and Public Land Survey System monuments to develop an existing property, encumbrance (from title commitments), and ROW model. The Contractor's Project Survey Coordinator shall resolve discrepancies between property boundary locations and the intersection of these boundary lines with the existing and proposed CDOT ROW.

If the additional ROW parcels are TEs only (no PEs or Fee parcels of any kind), TE exhibit(s) may be produced instead of producing a new ROW Plan set. See Section 2.25.10 of the CDOT *Right of Way Manual* for more detail. Any existing survey monuments that may be obliterated or disturbed within or adjacent to TE boundaries shall be replaced/reset at the Contractor's expense (see Book 2, Section 9).

An appropriate environmental clearance, as specified in Book 2, Section 5 - Environmental Requirements, shall be required as a prerequisite for Approval of ROW plans for the additional ROW.

For any acquisition of a permanent type (Fee parcel, PE, SE, UE, etc., as defined in the CDOT *Right of Way Manual*), the Contractor shall prepare a full ROW Plan set. The ROW Plan set shall contain, at a minimum, title sheet, tabulation of properties, land survey control diagram, tabulation of monuments to be set, plan sheet(s), and ownership map. Legal descriptions of parcels and Easements shall be prepared using the above-generated data. After completion of the ROW Plan set and the legal descriptions, a ROW Plan Review (ROWPR) shall be conducted.

After the Contractor incorporates comments and changes from the ROWPR into the ROW Plans, the Contractor shall prepare an authorization packet and submit it to the CDOT Survey Coordinator for Review. Pursuant to Section 2.25.6 of the CDOT *Right of Way Manual*, the authorization packet shall contain (electronic) copies of the ROW Plans; legal descriptions of the parcels and Easements; a memorandum listing individual ownerships requesting authorization of Function 3111 and/or 3109; a Chief Engineer's ROW Cost Estimate (CDOT Form 438); a title commitment for each parcel not more than 90 Days old and the environmental clearance required by Section 2.25 of the CDOT Right of Way Manual. All files shall use the current CDOT file naming conventions.

Approval of the Contractor Acquisitions by the Chief Engineer will require submittal of the authorization packet for the ROW Plans. The Contractor shall prepare the authorization packet for the ROW Plans for submittal to CDOT one week before the Chief Engineer reviews. If modification of these documents are requested by CDOT, the Contractor will promptly make the requested modifications. This lead time allows CDOT to Review and Accept the documents provided prior to their submittal by the CDOT ROW Manager. If the Chief Engineer Approves the Contractor Acquisitions, CDOT will then Approve the ROW Plans. The CDOT ROW Manager will communicate in writing the Chief Engineer resolution Approving the Contractor Acquisitions and CDOT's Approval of the ROW Plans to the Contractor.

8.3.3 Acquisition of Right Of Way

After the Contractor receives written notification of the Chief Engineer resolution, the Contractor shall begin the ROW acquisition process for the Contractor Acquisitions. The Contractor shall conduct all aspects of the ROW process for Contractor Acquisitions in compliance with the CDOT *Right of Way Manual*, any other CDOT ROW procedures and processes, and the Chief Engineer authorization of the Contractor Acquisitions. This required compliance pertains to, and is not limited to, the processes of appraisal, valuation Review and Approval (appraisal Review and fair market value [FMV] preparation is the responsibility of CDOT), acquisition negotiations, and relocation, if needed. For any Fee parcels acquired, the Contractor shall obtain and provide appropriate release documents for any encumbrances affecting the parcels, including but not limited to, releases of deeds of trust, mortgages, Easements, and Liens. If Liens or encumbrances affect PE parcels, the Contractor shall notify CDOT of such Liens and encumbrances, and the Contractor shall be required to take the action requested by CDOT, which may include subordination or release of Liens and encumbrances.

If the Contractor Acquisitions are to be acquired from a landowner with whom CDOT has an unsettled condemnation case, the same appraiser who prepared the appraisal for CDOT's condemnation case shall value the Contractor Acquisitions at the Contractor's expense. If a condemnation of the Contractor Acquisitions becomes necessary, the Contractor shall use the same appraiser for the condemnation case that the Contractor used originally as a basis for the original offer of just compensation, unless otherwise Approved by CDOT. CDOT must Review all value determinations for the Contractor Acquisitions, including, if required, issue a Determination of FMV (Form 930) prior to any offer being made to the landowner. CDOT must Review and Approve all settlements over the amount of the offer to purchase at FMV that are made to the landowner.

Appendix A is provided as a general guideline of the CDOT acquisition process. It describes most tasks of the CDOT acquisition process that the Contractor shall undertake, the entity that is responsible for completion of each task (Contractor or CDOT), and approximate time frames for some of the tasks. Note that, since this is a general guideline, all time frames in Appendix A are approximate and shall not be relied upon by the Contractor for scheduling purposes and completion of required tasks. The actual schedule for Contractor relocations, developed by the Contractor, and the actual time for completion of these tasks may vary dramatically from the approximations in Appendix A or Section 8.

After completion of all Contractor Acquisitions, the Contractor shall prepare and submit to the CDOT ROW Manager all documents and complete files demonstrating compliance with the Federal requirements for each parcel.

8.3.4 Utility Easements

Construction of the Project will affect existing Utilities. Most known Easements for existing Utilities and Utilities located to a Quality Level B are in the Reference Documents. If the Contractor determines UE parcels are needed, the Contractor, at its sole cost and expense, shall be responsible for acquiring such additional UEs. Additional UEs shall be added to the ROW Plans.

The acquisition of additional UEs requires prior CDOT Review. The Contractor shall conduct the acquisition of additional UEs in compliance with this Section 8.3.

8.3.5 Relocation

If Contractor Acquisitions require occupant or personal property relocation, such relocation shall be conducted in compliance with Chapter 5 of the CDOT *Right of Way Manual*. Appendix B is provided as a general guideline of the CDOT relocation process. It describes most tasks of the CDOT relocation process that the Contractor shall undertake, the entity that is responsible for completion of each task (Contractor or CDOT), and approximate time frames for some of the tasks. Note that, since this is a general guideline, all time frames in Appendix B are approximate and shall not be relied upon by the Contractor for scheduling purposes and completion of required tasks. The actual schedule for Contractor relocations, developed by the Contractor, and the actual time for completion of these tasks may vary dramatically from the approximations in Appendix B or Section 8. The Contractor shall be fully responsible for developing and meeting the actual relocation schedule. If an acquisition displaces an occupant, the Contractor is advised that the relocation process is lengthy and should be prioritized. CDOT does not anticipate a need for relocations on this project.

8.3.6 Condemnation

If the Contractor cannot reach an agreement with a landowner for the acquisition of the Contractor Acquisitions, the Contractor may request in writing that CDOT acquire the additional ROW through condemnation proceedings. The Contractor shall prepare the required documentation for CDOT Chief Engineer Review and Approval as required by PD 1301.0. The condemnation request shall include a certified check payable to the Clerk of the District Court of the appropriate county in the amount of the required condemnation filing fee and Approved FMV or waiver valuation.

The Contractor must work with CDOT's ROW Manager to establish a realistic schedule for filing condemnations, and setting and holding immediate possession hearings. It usually takes at least four months from the date of submission of a condemnation request file to the Colorado Attorney General's Office for a condemnation action to be filed and an immediate possession hearing to be set and held. The Contractor shall not enter any properties until notified in writing that legal possession has been obtained. If a settlement is negotiated with a property owner after the filing of a condemnation, the Contractor will be consulted on the settlement; however, CDOT shall have authority to decide whether to accept or reject the settlement. If CDOT Accepts the settlement, the Contractor shall pay the full amount of the settlement. If a valuation trial is held, the Contractor shall be responsible for payment of the full amount of the valuation trial award, including all interest, costs, and attorneys' fees per Section 38-1-101, et seq., C.R.S., as amended.

If there are any time delays as a result of condemnation proceedings, all costs associated with such time delays shall be borne by the Contractor. The Contractor may be required to provide personnel for pre-trial and court testimony for each condemnation request.

8.3.7 Contractor Possession of Acquired Properties

After each parcel of Contractor Acquisitions is acquired, the Contractor shall submit a complete parcel acquisition file, which shall include, but not be limited to, copies of offer letters, FMV determinations or waiver valuations, fully executed Easement documents and/or agreements, the negotiator’s signed diary, a copy of the payment, and a statement (CDOT Form 444) signed by the property owner acknowledging receipt of payment in full. If relocation is applicable, all required relocation forms shall be organized and submitted in a separate file. Parcel acquisition and relocation files shall be submitted to CDOT ROW Manager for Acceptance no later than 2 Working Days following payment to the landowner or displaced individual. The Contractor shall not access or take possession of any requested ROW parcel for construction until CDOT provides written Acceptance. CDOT will provide Contractor with a decision on a Contractor’s request for possession within 2 Days of the Contractor’s request.

8.4 Construction Requirements

8.4.1 Restoration of Property and Landscape

TEs are temporary rental of property. At the end of the rental period, property occupied by the Contractor under a TE shall be returned to the landowner in the same condition it was in prior to taking possession. If not purchased in the acquisition, the Contractor shall, at its sole cost and expense, repair and/or replace or restore any damage to TE property that may occur as a result of the Contractor’s occupancy, to a condition equal to or better than that which existed prior to the damage. Restoration may include, but is not limited to, repair, replacing in kind, rebuilding, or replanting. Such restoration shall be completed prior to the termination date of the TE rental term.

8.4.3 Protection of Property

Once the CDOT ROW Manager provides written authorization to access property, in accordance with the requirements herein, the Contractor shall manage and minimize losses to the property in accordance with the requirements of Book 2, Section 18 - Maintenance during Construction. This shall include securing all buildings and structures and the installation of temporary chain-link security fencing sufficient to contain animals, people, etc., and prevent unauthorized entry or trespassing of the property. The temporary fencing shall be installed prior to removing any ROW fencing or sound barrier in place within the Project limits.

8.4.4 Prohibition Against Coercion, Impairment of Safety, and Inconvenience of Displaced Occupants Still in Occupancy

In compliance with 23 CFR §710.313(d)(3), CDOT may establish hold off zones around occupied properties whose occupants are being displaced by a ROW acquisition, but have not vacated the premises. If such zones are established, no construction-related activity will be allowed within the hold off zone until CDOT’s ROW Manager provides written authorization in accordance with section 8.2.

In compliance with 23 CFR §710.313(d)(4), adequate access shall be provided to occupied properties whose occupants are being displaced by a ROW acquisition, but have not vacated the premises, to ensure emergency and personal vehicle access.

In compliance with 23 CFR §710.313(d)(5), utility service must be available to all to occupied properties whose occupants are being displaced by a ROW acquisition, but have not vacated the premises, at all times prior to and until relocation is completed.

In compliance with 23 CFR §710.313(d)(6), open burning should not occur within 305 meters (1,000 feet) of occupied properties whose occupants are being displaced by a ROW acquisition, but have not vacated the premises.

8.5 Deliverables

At a minimum, the Contractor shall submit the following to CDOT for review, Approval, and/or Acceptance:

Deliverable	Review, Acceptance or Approval	Schedule
Certification of Review of ROW Manual	Acceptance	Prior to NTP1
Permission to Enter Property form (Form 730)	Acceptance	Prior to entering private property
Contractor's formal request for Approval to acquire Contractor Acquisitions	Approval	As needed
Right-of-Way Plans for Contractor Acquisitions and all documents required for Authorization of Contractor Acquisitions	Review, Approval by Chief Engineer	Two weeks after submittal by Contractor (one package of all, not individual requests)
Appraisals or valuation waivers for Contractor Acquisitions	Approval	After delivery to CDOT of draft appraisals or waiver valuations
Settlements over the amount of the offer to purchase any Contractor Acquisitions	Approval	After delivery to CDOT of such proposed settlements
Status Tracking and Quality Control system for Contractor Acquisitions	Acceptance	After Chief Engineer Authorization of Contractor Acquisitions
Contractor's formal request for Approval to acquire Utility Easements as part of Contractor Acquisitions	Approval	As needed. If Approved, Approvals and Acceptances required for Utility Easements shall be the steps of the right-of-way process as indicated in 8.2.2 through 8.2.3, as set forth above in this Table 8-1.

Relocation Planning Study (49 CFR §24.205)	Approval	After delivery to CDOT.
For Business Relocations, Reimbursement Requests (49 CFR §§ 24,301, 24,304, 24,305 and Section 24-56- 103, C.R.S.)	Approval	After delivery of each request to CDOT.
For Residential Relocations, Reimbursement Requests (49 CFR §§ 24.301 and 24.401)	Approval	After delivery of each request to CDOT.
For Personal Property Relocations, Reimbursement Requests (49 CFR §24.301)	Approval	After delivery of each request to CDOT.
Contractor’s formal request for condemnation (letter) and required documentation	Review/ Approval by Chief Engineer	Two weeks after submittal by Contractor (one package of all not individual requests)
Parcel Acquisition File with all required documents (for Contractor Acquisitions)	Acceptance	No later than 7 Days following tender of payment to landowner

All deliverables shall also conform to the requirements of Section 3 - Quality Management.

8.6 Exhibits

Exhibit 8-A Application for Transportation and Utility Systems and Facilities on Federal Lands

8.7 Appendices

Appendix A Steps of the CDOT Right of Way Acquisition Process, Entity Responsible for Completion of Each Step, and Approximate Time Frames

Appendix B Steps of the CDOT Relocation Process, Entity Responsible for Completion of Each Step, and Approximate Time Frames

**APPENDIX A
STEPS OF THE CDOT RIGHT OF WAY ACQUISITION PROCESS, ENTITY RESPONSIBLE FOR COMPLETION OF EACH STEP,
AND APPROXIMATE TIME FRAMES**

Description of ROW Task	Entity Responsible for Completion of ROW Task	Approximate Time Frame for Completion of ROW Task	Entity Responsible for Review and Approval of ROW Task	Approximate Time Frame for Completion of Review and Approval of ROW Task	Comments
Survey	Contractor	Variable depending on scope 2-4 weeks for smaller surveys, 2-4 months for larger surveys	CDOT Region 2 Survey Unit	2-3 weeks from submission	This is only survey of property boundary and topography needed for development of ROW Plans for Contractor Acquisitions
Delivery of Engineering Design of Improvements Requiring ROW Completed to a Sufficient Level to Ensure that Location, Size and Shape of ROW Parcels Will Not Change as Design is Advanced	Contractor	Variable depending on scope of improvements to be designed	CDOT Design Review Team and CDOT Region 2 ROW Manager	Variable depending on scope of improvements designed	Completion of sufficient design to this level is a common cause of delay in the ROW plans development process

Description of ROW Task	Entity Responsible for Completion of ROW Task	Approximate Time Frame for Completion of ROW Task	Entity Responsible for Review and Approval of ROW Task	Approximate Time Frame for Completion of Review and Approval of ROW Task	Comments
Appraisal and Appraisal Review	Appraisal: Contractor Appraisal Review: CDOT	6-8 weeks per appraisal per landowner 1-2 weeks to review an appraisal	CDOT ROW Manager	1-2 weeks to review an appraisal	If the estimated value of the acquisition is \$5,000 or less (unless otherwise approved), a value finding can be prepared by a real estate specialist and an appraisal/appraisal review is not needed. All requests for valuation by a value finding vs. an appraisal must be Approved by CDOT.
Acquisition Negotiation	Contractor	4-6 weeks for the initial negotiation. 2 weeks for a final offer letter. 2 weeks for a last and final offer letter, if given.	CDOT must review and Approve all administrative settlements.	2-4 Days to review and Approve backup document-ation of completed acquisition negotiations	Contractor must hire a certified acquisition agent from the CDOT list and must comply with all CDOT and Federal guidelines.

Description of ROW Task	Entity Responsible for Completion of ROW Task	Approximate Time Frame for Completion of ROW Task	Entity Responsible for Review and Approval of ROW Task	Approximate Time Frame for Completion of Review and Approval of ROW Task	Comments
Condemnation	Colorado Attorney General's Office	At least four months to file a condemnation petition, serve it on the parties, set and hold an immediate possession hearing. Valuation trials can take a year or more from the date of filing the condemnation petition.	Initial condemnation request to be approved by CDOT ROW manager with final approval by CDOT's HQ ROW unit	1-3 weeks for initial request to be approved and sent to Attorney General's office Condemnation time varies depending on court system.	All offers to purchase must be made in CDOT's name, so the Attorney General's Office is properly authorized to represent the CDOT as the condemning authority in the condemnation proceeding.
Certification that Acquisition was completed in compliance with State and Federal Requirements	Contractor		CDOT Region 2 ROW Manager		

**APPENDIX B
STEPS OF THE CDOT RELOCATION PROCESS, ENTITY RESPONSIBLE FOR COMPLETION OF EACH STEP, AND
APPROXIMATE TIME FRAMES**

Description of ROW Task	Entity Responsible for Completion of ROW Task	Approximate Time Frame for Completion of ROW Task	Entity Responsible for Review and Approval of ROW Task	Approximate Time Frame for Completion of Review and Approval of ROW Task	Comments
Relocation Planning Studies Required by 49 CFR §24.205	Contractor	Variable depending on scope 1-2 weeks for smaller studies	CDOT HQ ROW Unit	1-2 weeks from submission	
Relocation Advisory Services Required by 49 CFR §24.205	Contractor	Variable. Typically continuous throughout relocation process.	CDOT Region 2 Acquisition/Relocation Supervisor. Note: Approval of a specific deliverable is not required. Rather this is general oversight.	Generally continuous throughout relocation process.	CDOT Region 2 Acquisition/Relocation personnel can assist with advisory services, as needed.

Description of ROW Task	Entity Responsible for Completion of ROW Task	Approximate Time Frame for Completion of ROW Task	Entity Responsible for Review and Approval of ROW Task	Approximate Time Frame for Completion of Review and Approval of ROW Task	Comments
Provide Displaced Occupants Notice that They Have 90 Days to Vacate the Premises, and Later That They Have 30 Days to Vacate the Premises 49 CFR §24.203	Contractor	The 90-Day notice is provided at the time the written offer to purchase the property is provided to the landowner	CDOT Region 2 Acquisition/Relocation Supervisor. Note: Approval of a specific deliverable is not required. Rather this is general oversight.		90 Days for a displaced occupant to find a replacement property and move into it is the minimum required by law. As a practical matter, that is too short, especially for displaced businesses. It is desirable to lengthen this minimum time frame as much as possible. At least 6 months is a better expectation. The 30-Day notice cannot be provided until possession of the underlining property is obtained.

Description of ROW Task	Entity Responsible for Completion of ROW Task	Approximate Time Frame for Completion of ROW Task	Entity Responsible for Review and Approval of ROW Task	Approximate Time Frame for Completion of Review and Approval of ROW Task	Comments
<u>Business /Farm/Non-Profit Relocation</u> Prepare and Submit Requests for Reimbursement of all Available Business Relocation Monetary Benefits, Including Expenses Incurred Searching for a Replacement Property, 49 CFR §24.301, Moving Expenses, 49 CFR §24.301, Reestablishment, 49 CFR §24.304, or single “In Lieu” payment, 49 CFR §24.305	Contractor	Variable Note: since these are reimburs- able expenses, the displaced occupant must actually incur the expenses before a request for reimbursement can be prepared.	CDOT HQ ROW Unit	2-5 Days per submittal	

Description of ROW Task	Entity Responsible for Completion of ROW Task	Approximate Time Frame for Completion of ROW Task	Entity Responsible for Review and Approval of ROW Task	Approximate Time Frame for Completion of Review and Approval of ROW Task	Comments
<u>Residential Relocation</u> Prepare and Submit Requests for Reimbursement of all Available Residential Relocation Monetary Benefits, Including Replacement Housing Payment, 49 CFR §24.401 and Moving Expenses, 49 CFR §24.301	Contractor	Variable Note: since these are reimburs- able expenses, the displaced occupant must actually incur the expenses before a request for reimbursement can be prepared.	CDOT HQ ROW Unit	5-10 Days per submittal	