

8.0 Right-of-Way

This Section 8 includes the requirements for the Right-of-Way (ROW) Work for the Eisenhower Johnson Memorial Tunnel Drainage, Plumbing, and Heat Trace (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 is not anticipated to 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.

8.4.2 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.

8.4.3 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 |

| Deliverable | Review, Acceptance or Approval | Schedule |
|--|------------------------------------|--|
| 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 1 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 1 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 |
| 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. |

| 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 |
|--|---|--|---|---|---|
| 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 documentation of completed acquisition negotiations | Contractor must hire a certified acquisition agent from the CDOT list and must comply with all CDOT and Federal guidelines. |
| 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 1 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 1 Acquisition/Relocation Supervisor. Note: Approval of a specific deliverable is not required. Rather this is general oversight. | Generally continuous throughout relocation process. | CDOT Region 1 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 1 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 |
|--|---|---|--|--|----------|
| Business /Farm/Non Profit Relocation 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 reimbursable 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 | |
| Residential Relocation 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 reimbursable 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 | |