

Project: I-70 Vail Pass Various Wall Repairs

Project Sub Acct. No: 21897

Date: October 16, 2018

Technical Requirements

Section 8 – Right-of-Way

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 Right-of-Way (ROW) arises solely from the permission granted by CDOT under the Contract.

Acquisition and Relocation Standards

All ROW acquisition and relocations shall be performed in accordance with all applicable federal and state laws, including:

1. The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended.
2. Design/Build Projects, 23 CFR 710.313(d).
3. The Colorado Relocation Assistance and Land Acquisition Policy, CRS 24-56-101, et seq., as supplemented.
4. CDOT's Right-of-Way Manual dated May 20, 2016. CDOT's authority to acquire property is contained in Sections 43-1-208, 210 and 43-3-106 CRS (1984).
5. Highway Easement Deed dated June 10, 2016.

Status of Right-of-Way

All work shall be completed within the existing CDOT ROW, and the existing ROW in the Highway Easement Deeds. The Contractor shall be responsible for any additional ROW (Fee, Permanent Easement (PE), or Temporary Easements (TE)) required to construct the Work for the Project. The Right-of-Way Plans in Book 4 show the existing CDOT ROW.

The Contractor shall not trespass on private property. In the event trespass occurs, the Contractor shall be liable for all mitigation costs and damages as provided by law.

Acquisition and Relocation Requirements

Fee, Permanent Easements, and Temporary Easements

The Contractor, at its sole cost and expense, shall be responsible for acquiring any Fee, PE, or TE required from any private property owner or from any governmental agency. The acquisition of Fee, PE, or TE requires Approval in writing by the CDOT Project Engineer and CDOT Region ROW Manager. Persons or firms involved in the valuation and acquisition of real estate interests required for the Project must be qualified by CDOT to perform those functions (Qualified Consultants).

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Once Approval is obtained, the Qualified Consultants may begin the valuation/appraisal process for the Fee, PE or TE. All Fee, TE, or PE shall be appraised and/or valued in accordance with CDOT's Right-of-Way Manual and shall comply with the requirements of Section 5 Environmental (which shall be completed at the contractor's expense). CDOT shall Approve the determination of value prior to any offers to property owners. After each Fee, TE, or PE is acquired, the Qualified Consultants shall submit a complete parcel acquisition file, which includes, but is not limited to, copies of offer letters, correspondences, appraisals, fair market value determinations, fully executed Fee, PE, or TE agreements, the negotiator's signed diary, and a statement signed by the property owner acknowledging receipt of payment in full and/or title company closing documents evidencing that prorated taxes have been paid and that liens or judgements have been released. Parcel acquisition files shall be submitted to the CDOT Project Engineer and CDOT Region ROW Manager for Acceptance no later than two working days following tender of payment to the landowner or the completion of closing by a title company. When appropriate and as directed by the CDOT Region ROW Manager, the Contractor may be required to obtain Title Insurance Policies naming CDOT as the insured. If the Contractor cannot reach an agreement with a property owner for the acquisition, the Contractor may request in writing that CDOT acquire the Fee, PE or TE through condemnation proceedings. The Contractor shall prepare and submit to the CDOT Project Engineer and CDOT Region ROW Manager for Approval, a properly completed Condemnation Memorandum and Check List Form in accordance with the instructions contained in the CDOT Right-of-Way Manual. The condemnation request shall include a certified check in the amount of the approved fair market value and shall be made payable to the Clerk of the District Court of the appropriate County in which the property is located. The Contractor shall not enter any properties until notified in writing that legal possession has been obtained. All costs or time delays as a result of condemnation proceedings shall be borne by the Contractor. The Contractor may be required to provide personnel for pre-trial and court hearing testimony for each condemnation request.

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, environmental, valuation, or any other purposes. It shall be the Contractor's sole responsibility to obtain the forms and the Contractor shall be responsible for any and all damages and claims. The Contractor shall submit copies of all fully executed Permission to Enter Property Forms to the CDOT Project Engineer and CDOT Region ROW Manager for acceptance.

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Construction Requirements

Restoration of Property and Landscape

Should the Contractor damage, injure or destroy property or landscaping for which the owner has not been compensated, the Contractor shall, at its sole cost and expense, repair and/or replace or restore the damage 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.

Protection of Property

Once the required property interests have been acquired in accordance with the requirements herein, the Contractor shall manage and minimize losses to the property in accordance with the Technical Requirement Section 18 - Maintenance during Construction. This shall include the installation of temporary security fencing sufficient to contain animals and people, and to delineate leach fields or water wells. The temporary fencing shall be installed prior to removing any ROW fencing in place within the Project limits.

RIGHT-OF-WAY

Plans are included in the Reference Documents depict the Right-of-Way. These plans are available on the website at [Project Website - I-70 Vail Pass Various Wall Repairs](#), until the date set for opening bids.

The Department anticipates no delay toward completion of the project due to the restrictions imposed herein.