

8.0 RIGHT-OF-WAY

This Section 8 includes the requirements for the Right-of-Way (ROW) Work for the US 550/160 Connection South Design Build Project (Project). This Work shall be completed in accordance with the Contract Documents.

8.1 CDOT Provided ROW and Contractor Acquisitions

CDOT will acquire ROW for this Project, as defined in the ROW Plans in Book 4. It has been determined that this Project shall be constructed within existing CDOT ROW and the additional acquired ROW, as defined in the ROW Plans in Book 4.

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 ROW outside ROW in the ROW Plans in Book 4, that CDOT Approves the Contractor to purchase 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 the Colorado Transportation Commission (TC), 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 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 TC 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 CDOT under the Contract.

Definitions of terms used herein are set forth in Exhibit A of Book 1 of the Contract Documents.

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. 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. If Contractor Acquisitions are Approved by CDOT and the TC, all appraisal, acquisition negotiation, and relocation shall be done by CDOT-Approved consultants, and the Contractor shall comply with PD 1301.0.

8.2.2. Status of Right-of-Way

CDOT will acquire permanent and temporary ROW, including but not limited to, Fee Parcels (designated as "RW" parcels in ROW plans), Permanent Easements (PE), Utility Easements (UE), Slope Easements (SE) and Temporary Easements (TE) for the Project as shown on the ROW Plans included in Book 4. The ROW Plans included in Book 4 show the ROW that CDOT owns and will acquire for the Project. Any additional Contractor Acquisitions are to be determined by the Contractor's design and Approved by CDOT and the TC.

CDOT has possession of the parcels as shown on the ROW Plans included in Book 4 except for the parcels listed in Exhibit 8-A. The anticipated access date is itemized for each parcel in Exhibit 8-A. The Contractor shall not be allowed access to the parcels identified in Exhibit 8-A until the parcel is acquired. CDOT will provide the Contractor status reports, written notice of parcel access, and any applicable restrictions that may apply. CDOT will notify the Contractor in writing when access is allowed for each parcel. The Contractor shall not access any Exhibit 8-A parcel for which written notice for access has not been provided.

Unique terms and conditions applicable to certain parcels acquired and arising from the negotiation of such acquisitions are identified in Exhibit 8-B. The Contractor shall comply with such terms and conditions. CDOT will provide the Contractor updates to Exhibit 8-B as parcels are acquired.

The Contractor shall not trespass on private property. If CDOT discovers a trespass, the Contractor shall immediately vacate 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. If trespasses persist after receipt of a notice to desist from CDOT, such occurrence will be an Event of Default, as defined in Book 1, Section 16.

8.2.3. Right-of-Way Manager and Compliance with the 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 acquisition and relocation services pursuant to the CDOT *Right of Way Manual* and Approved by CDOT and shall meet the following minimum requirements:

1. 10 years of experience in the ROW profession.
2. 8 years of federal or state ROW experience, including 5 years of project management acquiring property under the Uniform Act, including managing and coordinating acquisition, appraisal, relocation, property management, and title/escrow.

The Contractor's ROW Manager shall coordinate all acquisition and relocation Activities with CDOT.

8.2.4. Property Management Plan

CDOT's property acquisition includes the acquisitions as shown in the ROW Plans included in Book 4. As set forth in this Section 8.2.4 and Section 8.4, the Contractor shall be responsible for demolition of any improvements acquired either by the Contractor or, if by CDOT, as listed in Exhibit 8-C. CDOT will provide the Contractor updates to Exhibit 8-C as information becomes available. Demolition shall not begin until CDOT has given the Contractor written authorization to access or take possession of the property. Demolition shall be completed prior to commencing construction Activities on the property.

If such demolition is not immediately completed, the Contractor shall be responsible for all property management requirements for such improvements until their demolition, including the Section 8.4 requirements. The Contractor shall establish and maintain a written Property Management Plan for the Work, including such improvements, which shall establish administrative and technical means for the security, Recognized Hazardous Materials assessment, demolition, debris removal, Site clearing, and cleanup of building Structures and property improvements acquired as a part of the ROW on the Project, including disposal of personal property left on premises by landowners. The Property Management Plan shall conform to Chapter 7, Property Management, of the CDOT *Right of Way Manual* and shall specifically address the following components:

1. Project land and improvements
2. Demolition
3. Storm Water Management Plan (SWMP)
4. Rodent control
5. Safety
6. Hazardous waste and storage tanks
7. Recognized Hazardous Materials
8. Improvement security and maintenance

The Property Management Plan shall be submitted to CDOT for Approval prior to Second Notice to Proceed (NTP2) and the Contractor being allowed access to the property.

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 RW, PE, SE, UE, or TE parcels, are necessary or desirable for the Work, the Contractor shall submit a written request to CDOT for Approval. If acquisition of both TEs and/or permanent ROW, including, but not limited to, RWs, PEs, and UEs, 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. Documents required by PD1301.0, Section IV.(C).
9. 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* and PD 1301.0.

CDOT 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.

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 RW 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).

For any acquisition of a permanent type (RW, 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) will 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; the environmental clearance required by Section 2.25 of the CDOT *Right of Way Manual*; and the documents required by PD 1301.0, Section IV.(C). All files shall use the current CDOT file naming conventions.

Approval of the Contractor Acquisitions by the TC will require submittal of the documents required by PD 1301.0 and the authorization packet for the ROW Plans. The Contractor shall prepare all documents required by PD 1301.0 and the authorization packet for the ROW Plans for submittal to CDOT 1 week before the TC schedule deadline for requests for matters to be included in the TC agenda. 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 to the TC. If the TC Approves the Contractor Acquisitions, CDOT will then Approve the ROW Plans. The CDOT ROW Manager will communicate in writing the TC 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 TC 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 TC resolution authorizing 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),

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acquisition negotiations, and relocation, if needed. For any RW 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.

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.

After completion of all Contractor Acquisitions, the Contractor shall prepare and submit to the CDOT ROW Manager all documents for TC Review and Approval or ratification of such Contractor Acquisitions required by PD 1301.0.

Exhibit 8-D is provided as a general guideline of the CDOT ROW acquisition process. It describes most tasks of the CDOT ROW acquisition process, 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 Exhibit 8-D are approximate and shall not be relied upon by the Contractor for scheduling purposes and completion of required tasks. The actual schedule for Contractor Acquisitions, developed by the Contractor, and the actual time for completion of these tasks may vary dramatically from the approximations in the Exhibit 8-D general guideline. The Contractor shall be fully responsible for developing and meeting the actual acquisition schedule for Contractor Acquisitions.

8.3.4. Utility Easements

Construction of the Project will affect existing Utilities. Most known Easements for existing Utilities and Utilities to be relocated are shown in the ROW Plans included in Book 4. 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 and TC Approval. The Contractor shall conduct the acquisition of additional UEs in compliance with this Section 8.3.

8.3.5. Relocation

If the additional 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*. Exhibit 8-E 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 Exhibit 8-E 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 the Exhibit 8-E general guideline. The Contractor shall be fully responsible for developing and meeting actual the relocation schedule. If an acquisition displaces an occupant, the Contractor is advised that the relocation process is lengthy and should be prioritized.

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 TC 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 shall work with CDOT to establish a realistic schedule for filing condemnations, and setting and holding immediate possession hearings. It usually takes at least four to six 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 will Review and 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, 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 for Acceptance no later than 7 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. Demolition

The Contractor shall coordinate with CDOT for the Contractor to properly demolish all buildings, Structures, and other improvements on all acquisitions. ROW acquisitions that include acquisition of buildings, Structures, or improvements and demolition of such buildings, the Structures and improvements shall be completed in compliance with this Section. The Contractor shall conduct and document asbestos and hazardous waste, including lead-based paint inspections and any required action in accordance with Book 1 and Chapter 7 of the CDOT *Right of Way Manual*. A SWMP shall be submitted to CDOT for Approval prior to any Work on these acquired parcels.

All Utilities associated with such buildings, Structures, and other improvements installed on or connected to the ROW shall be abandoned or removed in accordance with the requirements of the applicable Utility Owner as part of the demolition, unless otherwise noted.

The Contractor shall properly remove and dispose of all regulated asbestos containing material, all universal and other types of hazardous waste, and any other regulated material other than solid waste prior to demolition of any property in accordance with all Federal, State, and Local regulations. The Contractor shall obtain all permits and other documents required by State and local government, including a demolition plan Approved by CDOT in accordance with the Occupational Health and Safety Administration (OSHA) demolition regulations 1926.850, prior to demolition of any property. Such documentation shall be submitted to CDOT for Approval at least 21 Days prior to demolition.

8.4.2. 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 CDOT 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. This shall include securing all buildings and Structures and the installation of temporary fencing sufficient to contain animals and prevent the unauthorized entry or trespassing of the property. The temporary fencing shall be installed prior to removing any ROW fencing within the Project limits.

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

In compliance with Title 23 CFR §710.313(d)(3), CDOT may establish no-Work areas around occupied properties whose occupants are being displaced by a ROW acquisition, but have not vacated the premises. If such areas are established, no construction-related Activity shall be allowed within the no-Work area until CDOT provides written authorization in accordance with this Section.

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In compliance with Title 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 Title 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.

8.5 Deliverables

At a minimum, the Contractor shall submit the following to CDOT and or the TC Review, Acceptance, or Approval (as applicable):

Table 8-1 Deliverables

Deliverable	Review, Acceptance or Approval	Schedule
8.2.4 Property Management Plan	Approval	Prior to NTP2
8.2.5 Permission to Enter Property form (Form 730)	Acceptance	Prior to entering private property
8.3.1 Contractor’s formal request for Approval to acquire Contractor Acquisitions	Approval	As needed
8.3.2 Right-of-Way Plans for Contractor Acquisitions and all documents required for TC Approval of Contractor Acquisitions	Review, Approval by TC	One week before the TC schedule deadline for requests for matters to be included in the TC agenda
8.3.3 Appraisals or valuation waivers for Contractor Acquisitions	Approval	After delivery to CDOT of draft appraisals or waiver valuations
8.3.3 Settlements over the amount of the offer to purchase any Contractor Acquisitions	Approval	After delivery to CDOT of such proposed settlements

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Deliverable	Review, Acceptance or Approval	Schedule
8.3.3 Status Tracking and Quality Control system for Contractor Acquisitions	Acceptance	After TC Approval of Contractor Acquisitions and CDOT Approval of ROW Plans for Contractor Acquisitions
8.3.3 Documents for TC Approval or ratification of Contractor Acquisitions	Review, Approval by TC	One week before the TC schedule deadline for requests for matters to be included in the TC agenda as soon as possible after completion of Contractor Acquisitions
8.3.3 Settlements over the amount of the offer to purchase any Contractor Acquisitions	Approval	After delivery to CDOT of such proposed settlements
8.3.4 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 8.3.2 through 8.3.3, as set forth above in this Table 8-1.
8.3.5 and Exhibit 8-E Relocation Planning Study (49 CFR §24.205)	Approval	After delivery to CDOT.
8.3.5 and Exhibit 8-E 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.
8.3.5 and Exhibit 8-E For Residential Relocations, Reimbursement Requests (49 CFR §§ 24.301 and 24.401)	Approval	After delivery of each request to CDOT.
8.3.5 and Exhibit 8-E For Personal Property Relocations, Reimbursement Requests (49 CFR §24.301)	Approval	After delivery of each request to CDOT.

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Deliverable	Review, Acceptance or Approval	Schedule
8.3.6 Contractor's formal request for condemnation (letter) and required documentation	Review/ Approval by TC	One week before the TC schedule deadline for requests for matters to be included in the TC agenda
8.3.7 Parcel Acquisition File with all required documents (for Contractor Acquisitions)	Acceptance	No later than 7 Days following tender of payment to landowner
8.4.1 Documented result of hazardous materials inspection, including asbestos and lead-based paint (required if Contractor performs demolition)	Approval	No later than 7 Days following completion of hazardous materials inspection
8.4.1 Hazardous materials removal plan and SWMP associated with hazardous materials removal and demolition	Approval	21 Days prior to hazardous materials removal
8.4.1 Demolition Plan and required permits for demolition	Approval	21 Days prior to demolition

8.6 Exhibits

- Exhibit 8-A Right-of-Way Schedule
- Exhibit 8-B Schedule of Unique Acquisition Terms and Conditions
- Exhibit 8-C Schedule of Improvements to be Demolished
- Exhibit 8-D Tasks of the CDOT Right-of-Way Acquisition Process for Contractor Acquisitions, Entity Responsible for Completion of Each Task, and Approximate Time Frames
- Exhibit 8-E Tasks of the CDOT Relocation Process for Contractor Acquisitions, Entity Responsible for Completion of Each Task, and Approximate Time Frames

EXHIBIT 8-A

Right-of-Way Schedule - Updated: 5/22/2019

ROW Plan Parcel No.	Property Owner Name	Anticipated Access Date
12-EX, AC-12	Department of Highways/M J Mesa, LLC and Marie J, Webb Ranch, LLC	not available
TE-4182	Lawrence C. Zauberbis & Sandra M. Young	not available
4183-R, TE-4183 REV, TE-4183A	Craig E. Effress	not available
TE-4186A, TE-4186	Bruce E. and Terri Thorsby	not available
TE-4187, TE-4187A	William L. & Sherrie L. Lutgen	not available
TE-4188, TE-4188A	Luther E. & Maxine L. Eggertsen	not available
TE-4189	E. Michael Waggoner	not available
TE-4191	Lori Ann Ebberts	not available
TE-4192	June Comparato	not available
TE-4193	Georg E. Usinowicz	not available
TE-4194, TE-4194A, TE-4194B	Alton T. & Ruth E. Jameson	not available
TE-4199	Vista Pacifica Owner's Association, Inc.	not available
TE-4201	Robert Michael and Kathy Marie Ryan	not available
TE-4202	Larson Eoff	not available
TE-4203 REV 2	William J. & Judy E. Black	not available
TE-4204 REV	Richard L. & Evelyn M. Black	not available
TE-4205 REV	Naomi E. Riess	not available

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ROW Plan Parcel No.	Property Owner Name	Anticipated Access Date
TE-4206 REV	Naomi E. Riess	not available
TE-4207	David A. Werts	not available
TE-4208	Neil B. & Eva L McCleery	not available
TE-4209, TE-4209A	William Harland Branch & Beverly A. McAfee	not available
TE-4210, TE-4210A, TE-4210B	Snowcap Sod Farm, LLC	not available
TE-4211	Earl R. & Ethel E. Bachman	not available
TE-4212	Diane J. Millett	not available
TE-4213	P&D Investments of Durango, LLC	not available
AC-4214Rev, 4214, TE-4214Rev.	Kevin and Ellen Schneider/Schneider Properties III, LLC	10/15/2020
AC-4216, TE-4216	Weaselskin Corporation	10/15/2020
AC-4217REV, AC-4217A, 4217 REV, 4217A REV, PE-4217A REV2, TE-4217B REV	Weaselskin Farm LLC	10/15/2020
AC-4218 REV2, TE-4218 REV	Charles Benson & Beverly Jean Moore/Colvin, Michael Anthony Jr.	10/15/2020
AC-4220 REV, 4220 REV, PE-4220 REV2, PE-4220A, TE-4220A REV, TE-4220B REV, TE-4220C	Hotter Trust	10/15/2020
AC-4221 REV2, 4221 REV2, PE-4221 REV2, TE-4221A REV2	Hotter Trust	10/15/2020
TE-4226A	Eugene E. & Lori A. Bonds	not available

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ROW Plan Parcel No.	Property Owner Name	Anticipated Access Date
AC-4227 REV2, 4227REV, TE-4227	Rudy E. Selph	10/15/2020
TE-4230REV	Bradley T. & Monique R. Monson	not available
TE-4231	Margaret E. Pyle, Trustee	not available
TE-4232	Edwin L. Chalmers, Jr.	not available
TE-4234	Russell & Margaret Mass	not available
TE-4235	Joseph J. & Daphne B. D'Agostino	not available
TE-4235A	Joseph J. & Daphne B. D'Agostino	10/15/2020
TE-4236 Rev	Holly L. & Sean M. Smith	not available
TE-4236A	Holly L. & Sean M. Smith	10/15/2020
TE-4256	Earl P. & Rosebell Archuletta	not available
TE-4269, TE-4269A	Lone Pinon Sod, LLC	not available
AC-4271 REV, 4271 REV, 4271A REV, TE-4271 REV, 4271R	Weaselskin Corporation	10/15/2020
4275, TE-4275 REV	Weaselskin Corporation	10/15/2020
TE-4280	Daniel Louis and Stephanie Ann Orris	10/15/2020
TE-4281	Earl J. Boughan	10/15/2020
AC-4282	Amber M. Everett and Sharon A. Cook	10/15/2020

Exhibit 8-B

Schedule of Unique Acquisition Terms and Conditions

Updated: 5/22/2019

ROW Plan Parcel No.	Property Owner Name	Unique Terms and Conditions
AP-TE-1, AP-TE-1A	Jonas Grushkin and Ann M. Grushkin	1. Contractor shall make a reasonable attempt to avoid removing trees within Temporary Easements. Contractor shall provide CDOT a Tree Removal Plan that CDOT will review with the owner prior to removal of any trees.
AP-RW-2, AP-TE-2, AP-TE-2A	Craig Investments LLLP	1. Owner requested two cattle guards in lieu of one deer guard. Contractor to coordinate with owner to ensure grate meets requirements for cattle prior to install. 2. Owner received payment to re-establish the irrigation ditch. Contractor will not be required to re-establish the irrigation ditch on behalf of the property owner.
AP-RW-3, AP-SE-3, AP-TE-3	Adeline Bryant	1. Temporary fence shall be smooth wire fence and sufficient to contain horses. 2. Fence within AP-TE-3 to be protected in place. Temporary fence constructed north of the driveway and within AP-SE-3 shall tie into existing fence within AP-TE-3. 3. Contractor shall coordinate removal of temporary fence north of the driveway with property owner to avoid leaving the horse corral unfenced at any time.
AP-RW-4, AP-TE-4	Craig Investments LLLP	1. Owner requested two cattle guards in lieu of one deer guard. Contractor to coordinate with property owner to ensure grate meets requirements for cattle prior to install. 2. Owner received payment to re-establish the irrigation ditch. Contractor will not be required to re-establish the irrigation ditch on behalf of the property owner.

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ROW Plan Parcel No.	Property Owner Name	Unique Terms and Conditions
AP-RW-6, AP-TE-6 REV, AP-TE-6A	The Helen Craig Trust	<ol style="list-style-type: none"> 1. Owner requested two cattle guards in lieu of one deer guard. Contractor to coordinate with owner to ensure grate meets requirements for cattle prior to install. 2. Owner received payment to re-establish the irrigation ditch. Contractor will not be required to re-establish the irrigation ditch on behalf of the property owner. 3. Leach field and septic system shall be protected in place. 4. 24" Ponderosa Tree east of AP-RW-6 and north of the existing driveway (noted on the ROW plans) shall not be impacted by project. Contractor shall take care to avoid impacting root structure.
AP-RW-8, AP-RW-8A, AP-8-RM, AP-TE-8A	A.Winston Puig	<ol style="list-style-type: none"> 1. Owner requested two cattle guards in lieu of one deer guard. Contractor to coordinate with owner to ensure grate meets requirements for cattle prior to install. 2. Owner received payment to re-establish the irrigation ditch. Contractor will not be required to re-establish the irrigation ditch on behalf of the property owner. 3. Use of temporary easement will not extend past June 30, 2022 unless otherwise agreed to by property owner.
AP-RW-9, AP-TE-9	Richard A. Carlson	<ol style="list-style-type: none"> 1. To Be Determined 2. Driveway location may be modified
AP-RW-10, AP-TE-10	Richard F. & Carol Cohen Revocable Trust	<ol style="list-style-type: none"> 1. Owner is responsible for relocating owner's security gate. Contractor shall coordinate construction of the temporary fence with owner's temporary relocation of the temporary gate. Contractor will allow property owner sufficient time to relocate security gate and tie into the temporary fence prior to removal of the existing fence. Property shall remain fully fenced at all times. 2. Leach field shall be protected in place.

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ROW Plan Parcel No.	Property Owner Name	Unique Terms and Conditions
		3. Temporary and permanent ROW fence shall match existing fence. Existing fence is 5-strand smooth wire.
AP-RW-11, AP-PE-11 REV, AP-PE-11A, AP-TE-11A	J. Susan Hillmeyer	1. Retaining wall within AP-RW-11 will have segmented panels that will reasonably match the pattern and colors on the existing walls and bridges of the US160/550 interchange.
AP-RW-14, AP-PE-14, AP-TE-14	Eagle Block Company	<p>1. CDOT’s Contractor shall maintain 24/7 access to Grantor’s property and business unless otherwise agreed to by Grantor. Grantor shall reasonably work with CDOT’s Contractor to schedule work associated with driveway reconstruction.</p> <p>2. The shed identified in Exhibit “D”, attached to the MOA, is not within the acquisition area and shall not be impacted by the project.</p>
AP-RW-15, AP-15-RM, AP-PE-15, AP-PE-15A, AP-TE-15	Jerry T. Piccoli, Janet Maria Piccoli, James Franklin Piccoli, Steven Leo Piccoli, Donald Alex Piccoli, Rita Louise Piccoli and Gina Lee Piccoli	<p>1. CDOT’s Contractor shall maintain 24/7 access to Grantor’s property and business unless otherwise agreed to by Grantor. Grantor shall reasonably work with CDOT’s Contractor to schedule work associated with driveway reconstruction.</p> <p>2. Block inventory within AP-TE-15, as noted on the ROW plans (generally located within the southerly edge of AP-TE-15 between the two access points), is to be protected in place. Owner will continue use of this area of the temporary easement during the construction project.</p> <p>3. Well is in use. Protect well and water line in place.</p>
AP-RW-17, AP-17-RM, AP-17A-RM, AP-17B-RM, AP-PE-17, AP-TE-17, AP-RW-18, AP-18-RM	The M J Mesa, LLC and Marie J. Webb Ranch, LLC	<p>1. Sewer lagoon to be protected in place.</p> <p>2. To be determined</p>

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ROW Plan Parcel No.	Property Owner Name	Unique Terms and Conditions
4214 and 4215	Kevin and Ellen Schneider/Schneider Properties III, LLC and Alfred A. & Carol A Shablo/Same	1. Owner(s) will encase the existing septic line where it crosses the proposed driveway, generally within Parcel 4215 and 4214. Both parties agree to coordinate efforts for encasing the septic line to ensure that it's complete prior to construction of the driveway. Contractor will coordinate with CDOT and the property owners accordingly. Encased septic line will be protected during project. Subject to change.
4215	Alfred A. & Carol A Shablo/Same	1. Owner will construct barbed wired fence with wooden posts with mesh wiring (or similar style) along the north and east boundary of Parcel 4215. Fence will be constructed on the owner's property and will not be impacted by Contractor. Subject to change.
4229 REV3, 4229 R	Deborah Jean Brumfield	1. Structure to be protected in place. Contractor may utilize structure during the Project. 2. Final access to be determined by CDOT and constructed by Contractor.
4242REV, TE-4242REV	Philip S. Craig	1. Owner requested two cattle guards in lieu of one deer guard. Contractor to coordinate with property owner to ensure grate meets requirements for cattle prior to install. 2. Owner received payment to re-establish the irrigation ditch. Contractor will not be required to re-establish the irrigation ditch on behalf of the property owner.
4243REV, TE-4243REV	Craig Investments, LLLP	1. Owner requested two cattle guards in lieu of one deer guard. Contractor to coordinate with property owner to ensure grate meets requirements for cattle prior to install. 2. Owner received payment to re-establish the irrigation ditch. Contractor will not be required to re-establish the irrigation ditch on behalf of the property owner.
TE-4281	Earl J. Boughan	Protect existing well and well house
4183	Craig E. Effress	Protect existing structure.

Exhibit 8-C

Schedule of Improvements to be Demolished

UPDATED: 5/22/2019

Address of Improvement	Parcel Numbers on CDOT Plans for Underlying Ownership	Owner from Whom Underlying Property Shall Be Acquired	Description of Improvements to be Demolished
15723 Highway 550 South, Durango, CO	AP-RW-10, AP-TE-10	Richard F Cohen Revocable Trust and Carol Cohen Revocable Trust	Cedar trash enclosure. Well that is currently abandoned may need to be capped and properly disposed of.
15805 Highway 550 South, Durango, CO	AP-RW-11, AP-PE-11 REV, AP-PE-11A, AP-TE-11A	J. Susan Hillmeyer	Large wood shed and smaller shed with attached lean-to.
16073 Highway 550 South, Durango, CO	AP-RW-14, AP-PE-14, AP-TE-14	Eagle Block Company	Large wood barn. Possible excess debris if not removed by owner.
15805 Highway 550 South, Durango, CO	AP-RW-11, AP-PE-11 REV, AP-PE-11A, AP-TE-11A, AP-RW-14, AP-PE-14, AP-TE-14	Eagle Block Company and J. Susan Hillmeyer	Lagoon (overlaps two properties). Has not been in use for many years.
	4221 REV2	Frances M. Hotter Trust Dated November 16, 1999 & Joseph A. Hotter Marital Trust	Loafing shed and corral
12995 US Highway 550, Durango, CO	4271A REV	Weaselskin Corporation	Weaselskin house and garage (Buildings #1 and #2)
12995 US Highway 550, Durango, CO	4271 REV	Weaselskin Corporation	Cap and abandon well.
12995 US Highway 550, Durango, CO	4217 REV and TE-4217B	Weaselskin Farm, LLC	Chicken coop (Building #3). Possible excess debris underneath the building if not removed by owner.
12995 US Highway 550, Durango, CO	4271 REV	Weaselskin Corporation	Shed (building #4) - includes underground fuel tank.

EXHIBIT 8-D

Tasks of the CDOT Right-of-Way Acquisition Process for Contractor Acquisitions, Entity Responsible for Completion of Each Task, 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 Acceptance or Approval of ROW Task	Approximate Time Frame for Acceptance or Approval of ROW Task	Comments
Survey	Contractor	Variable depending on scope, 2 to 4 weeks for smaller surveys, 2 to 4 months for larger surveys	Department's Survey Unit	2 to 3 weeks from submission	This is only survey of property boundary and topography needed for development of ROW Plans
Delivery of engineering design of improvements requiring ROW completed to a sufficient level to verify 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	Contractor's design review team and Department's 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
ROW Plans	Contractor	60 to 120 Days for ROW Plan preparation depending upon the number of acquisitions, and complexity of the Plans and title matters	TC Approves ROW Plans	Approx. 45 to 60 Days for TC Approval of ROW Plans	ROW Plan preparation and procurement of TC Approval is a time-consuming process. TC Approval to be obtained in compliance with PD 1301.0.

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Description of ROW Task	Entity Responsible for Completion of ROW Task	Approximate Time Frame for Completion of ROW Task	Entity Responsible for Acceptance or Approval of ROW Task	Approximate Time Frame for Acceptance or Approval of ROW Task	Comments
Appraisal and Appraisal Review	Appraisal: Contractor Appraisal Review: Department	6 to 12 weeks per appraisal per landowner 2 to 4 weeks to Review an appraisal	Department	2 to 4 weeks to Review an appraisal	If the estimated value of the acquisition is \$10,000 or less, a value finding can be prepared by a real estate specialist and an appraisal Review of the value estimate is not needed. All requests for valuation by a value finding vs. an appraisal must be Approved by Department.
Acquisition negotiation	Contractor	4 to 6 weeks for the initial negotiation. 2 weeks for a final offer letter. 2 weeks for a last and final offer letter, if provided. At least 4 months from submission of request for condemnation to completing immediate possession hearing.	Department must Review and Approve settlements above FMV amounts.	2 to 4 Calendar Days to review and Approve request for settlements above FMV amount.	Contractor cannot use duress or coercion in acquisition negotiations

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Description of ROW Task	Entity Responsible for Completion of ROW Task	Approximate Time Frame for Completion of ROW Task	Entity Responsible for Acceptance or Approval of ROW Task	Approximate Time Frame for Acceptance or Approval of ROW Task	Comments
Condemnation	Colorado Attorney General's Office	At least 4 to 6 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.	Department must Review and Approve settlements above FMV amounts.	2 to 4 Calendar Days to Review and Approve request for settlements above FMV amount.	All offers to purchase must be made in CDOT's name, so the Attorney General's Office is properly authorized to represent CDOT as the condemning authority in the condemnation proceeding.
Certification that acquisition was completed in compliance with State and Federal Requirements	Contractor	At Contractor's discretion, but only after Department's Acceptance of Contractor's acquisition files	Department's ROW Manager	At least 7 Days after Department ROW Manager's receipt of the Contractor's Certification Letter in acceptable form and ROW Manager's Acceptance of acquisition files provided to Department by the Contractor.	For purposes of efficiency, it is preferred that the Contractor receive CDOT's Acceptance of its acquisition files prior to the Contractor's submittal of its Certification letter to CDOT.
Request for TC Approval or ratification of Contractor Acquisitions	Contractor	After Approval by Department of Certification that acquisition was completed in compliance with State and Federal Requirements.	TC	45 to 60 Days from submission of request	

EXHIBIT 8-E

Tasks of the CDOT Relocation Process for Contractor Relocations, Entity Responsible for Completion of Each Task, 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 Acceptance or Approval of ROW Task	Approximate Time Frame for Completion of Acceptance or Approval of ROW Task	Comments
Relocation Planning Studies Required by Title 49 CFR §24.205	Contractor	Variable depending on scope; 1 to 2 weeks for smaller studies; 60 to 90 Calendar Days for larger studies.	Department's Headquarters ROW Unit	1 to 3 weeks from submission, depending on size of the study	
Relocation Advisory Services Required by Title 49 CFR §24.205	Contractor	Variable. Typically continuous throughout relocation process.	Department's Acquisition / Relocation Supervisor. Note: Approval of a specific Deliverable is not required. Rather this is general oversight by CDOT.	Generally continuous throughout relocation process.	Department's Acquisition / Relocation personnel can assist with advisory services, as needed.

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Description of ROW Task	Entity Responsible for Completion of ROW Task	Approximate Time Frame for Completion of ROW Task	Entity Responsible for Acceptance or Approval of ROW Task	Approximate Time Frame for Completion of Acceptance or Approval of ROW Task	Comments
Provide displaced occupants with notice that they have 90 Calendar Days to vacate the premises and, additionally, later notice that they have 30 Calendar Days to vacate the premises Title 49 CFR §24.203	Contractor	The 90-Calendar Day notice is provided at the time the written offer to purchase the property is provided to the landowner.	Department's ROW Manager. Note: Approval of a specific Deliverable is not required. Rather this is general oversight by CDOT.		90 Calendar 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 Calendar Day notice cannot be provided until possession of the underlying property is obtained.
Personal Property Relocation: Prepare and submit requests for reimbursement moving expenses, Title 49 CFR §24.301,	Contractor	Variable	Department's Headquarters ROW Unit	2 to 5 Calendar Days per submittal	Because these are reimbursable expenses, the displaced occupant must actually incur the expenses before a request for reimbursement can be prepared.

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Description of ROW Task	Entity Responsible for Completion of ROW Task	Approximate Time Frame for Completion of ROW Task	Entity Responsible for Acceptance or Approval of ROW Task	Approximate Time Frame for Completion of Acceptance or Approval of ROW Task	Comments
Business Relocation: Prepare and submit requests for reimbursement of all available business relocation monetary benefits, including expenses incurred searching for a replacement property, Title 49 CFR §24.301, moving expenses, Title 49 CFR §24.301, reestablishment Title 49 CFR §24.304 and Section 24-56-103, C.R.S., or single “in lieu” payment, Title 49 CFR §24.305	Contractor	Variable	Department’s Headquarters ROW Unit	2 to 5 Calendar Days per submittal	Because these are reimbursable expenses, the displaced occupant must actually incur the expenses before a request for reimbursement can be prepared.
Residential Relocation: Prepare and submit requests for reimbursement of all available residential relocation monetary benefits, including replacement housing payment, Title 49 CFR §24.401 and moving expenses, Title 49 CFR §24.301	Contractor	Variable	Department’s Headquarter ROW Unit	5 to 10 Calendar Days per submittal	Since these are reimbursable expenses, the displaced occupant must actually incur the expenses before a request for reimbursement can be prepared.
Certification that relocation was completed in compliance with State and Federal Requirements	Contractor	At Contractor’s discretion, but only after all relocation has been completed.	Department’s ROW Manager	At least 7 Days after receipt by Department’s ROW Manager	