

EXHIBIT A

COLORADO DEPARTMENT OF TRANSPORTATION
RECOMMENDATION FOR SETTLEMENT

PROJECT/PARCEL IDENTIFICATION

REGION:	_____	PARCEL NO:	_____
PROJECT NO:	_____	OWNER NAME:	_____
PROJECT CODE:	_____	COUNTY:	_____
LOCATION:	_____	TRIAL DATE:	_____
DOT ATTY:	_____	AG NO:	_____

TYPE OF SETTLEMENT

- | | |
|-----------------------------------------------------------------------------|--------------------------------------------------------------------|
| <input type="checkbox"/> ADMINISTRATIVE SETTLEMENT – REGION (ROW MGR) | <input type="checkbox"/> LEGAL SETTLEMENT – REGION (ROW MGR) |
| <input type="checkbox"/> ADMINISTRATIVE SETTLEMENT – REGION (RTD) | <input type="checkbox"/> LEGAL SETTLEMENT – REGION (RTD) |
| <input type="checkbox"/> ADMINISTRATIVE SETTLEMENT – HEADQUARTERS (CHF ENG) | <input type="checkbox"/> LEGAL SETTLEMENT – HEADQUARTERS (CHF ENG) |
| | <input type="checkbox"/> OTHER SETTLEMENT _____ |

PROPOSED SETTLEMENT AMOUNT

The amount of the proposed settlement is:	\$	_____
The established fair market value is:	\$	_____
The amount of variance is:	\$	_____

SUPPORT DATA

Owner Appraisal	\$	_____	Appraiser	_____
Second Owner Appraisal (if Applicable)	\$	_____	Appraiser	_____
CDOT Appraisal	\$	_____	Appraiser	_____
Second CDOT Appraisal	\$	_____	Appraiser	_____

Distribution: Right of Way, Headquarters – Original
 Acq/Relo Unit, Headquarters
 Appraisal Unit, Headquarters
 Attorney General's Office
 Region

**EXHIBIT A
SETTLEMENT JUSTIFICATION**

EXHIBIT A

- The variance from the FAIR MARKET VALUE appears substantial and the proposed settlement cannot be justified in accordance with Federal Aid Regulations. If settlement is made as proposed, \$ _____ of the amount of VARIANCE should be taken as non-participating.

RECOMMENDATION AND APPROVAL

REGION APPROVAL (as applicable)

RECOMMEND SETTLEMENT:

Right of Way Specialist Trial Attorney _____ Date

APPROVED **RECOMMENDED**
FOR SETTLEMENT:

Region Right of Way Manager _____ Date

APPROVED **RECOMMENDED**
FOR SETTLEMENT:

Region Transportation Director _____ Date

HEADQUARTERS APPROVAL (as applicable)

APPROVED
FOR SETTLEMENT:

Chief Engineer _____ Date

INSTRUCTIONS FOR COMPLETION OF THE RECOMMENDATION FOR SETTLEMENT (CDOT FORM 227)

This form is used to provide a self-explanatory narrative of all considerations that support a settlement. The relevant parcel details, the factors considered in the settlement, and the reasoning used in arriving at the settlement amount must be clearly explained.

The extent of the written recommendation must be consistent with the situation, circumstances and the consideration involved. The component parts of the settlement; land, improvements, real estate damages, fees and costs, etc., must be itemized to the greatest extent possible.

Recommendations for settlement of federal aid parcels must emphasize federal participating items. The participating items to be emphasized are the factors related to the acquisition value, real estate damages, sympathy for the owner, recent adverse awards in comparable cases and other related factors. Less emphasis should be placed on saving appraisal and attorney fees. Any portion of the increase attributable to nonparticipating items must be identified or estimated and handled as nonparticipating.

PROJECT/PARCEL IDENTIFICATION: The following information can be obtained from the legal documents, appraisal, Right of Way map, and the parcel file:

Region	Parcel No.
Project No.	Owners Name
Project Code	County
Location	Trial Date
DOT Atty	AG No.

TYPE OF SETTLEMENT: Identify the settlement type; Administrative Settlement, Legal Settlement, or other settlement, selecting the appropriate checkbox that relates to the applicable level of authority for approval.

PROPOSED SETTLEMENT AMOUNT: Detail the amount of the proposed settlement, the established fair market value and the resulting amount of the variance between them.

SUPPORT DATA: Any appraisal documentation provided by CDOT or the owner must be identified in this section.

SETTLEMENT JUSTIFICATION: Provide a detailed explanation of why the settlement is recommended. The settlement justification must address specific details of the parcel and the basis of the counteroffer, which support the settlement as being reasonable, prudent, and in the public interest:

- Information contained in all available appraisals reports, including those of the owner;
- Substantial differences of opinion regarding valuation issues;
- Complexity of severance or other issues leading to uncertainty in value;
- Handling of legal issues in approved appraisals;
- Consideration of time to anticipated title transfer date;
- Credibility of expert witnesses;
- Likelihood of jury sympathy for the owner;
- Possibility of obtaining an unbiased jury;
- Recent court awards for eminent domain takings;
- Potential cost of litigation; and
- Other relevant information.

If the settlement includes a non-monetary benefit, an explanation and quantification of the benefit must be included.

RECOMMENDATION AND APPROVAL: This section requires the signatures of the Right of Way Specialist or Trial Attorney recommending the settlement. Recommendation and/or approval of the settlement by the Region Right of Way manager and/or Region Transportation Director is necessary, as applicable, for settlements at the Region level. Settlements outside Region authority require recommendation by the Region Right of Way Manager and Region Transportation Director, prior to final approval in Headquarters by the Chief Engineer. Approval authority is as follows:

- Delegation of authority to approve any and all legal and administrative settlements may be delegated by the Region Transportation Directors to Region staff at a rank no lower than their respective Region Right of Way Manager up to \$150,000 over Fair Market Value (FMV).
- For any settlements that are over \$150,000 and up to \$500,000 over FMV, the RTD's written approval would be necessary and written notification (but not a requirement for approval) would be sent to the Chief Engineer.
- For any administrative or legal settlements over \$500,000 over FMV, written approval of both the RTD and the Chief Engineer would be required.