

## **General**

The Project is located on CDOT Right-of-Way (ROW) and a United States Air Force Academy (USAFA) Easement granted to CDOT and allowing I-25 to be on USAFA property.

## **Administrative Requirements**

The Contractor's access and use of the CDOT Right-of-Way and USAFA Easements 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 January 2001, as amended. CDOT's authority to acquire property is contained in Sections 43-1-208, 210 and 43-3-106 CRS (1984).

## **Status of Right-of-Way**

CDOT does not anticipate the need to acquire additional ROW or USAFA Easements for the Basic Configuration for this Project.

If the Contractor finds it necessary to acquire additional ROW, USAFA Easement, or temporary or permanent easements to complete the Work, the Contractor shall:

1. Be required to obtain the additional ROW or Easements at their own cost
2. Reflect this acquisition in the Project Schedule
3. Follow the requirements contained in this section for acquisition of additional ROW/Easement

CDOT will retain possession of each parcel and all improvements, if any, made thereon by the Contractor.

The ROW Plans included on the project webpage show the ROW and Easements that CDOT has obtained for the Project:

<http://www.coloradodot.info/projects/I25NorthCOSDB>

The Contractor shall not trespass on private property. In the event trespass occurs, the Contractor shall be liable for liquidated damages as defined in the Contract.

### **Acquisition and Relocation Requirements**

#### ***Temporary Easements***

The Contractor, at its sole cost and expense, shall be responsible for acquiring all TE's, not otherwise shown in Reference Documents, necessary to meet the requirements of the Contract Documents.

The acquisition of TE's requires prior written consent by CDOT. Once authorization is obtained from CDOT, the Contractor may begin the valuation/appraisal process for the TE's. All temporary easements must be appraised and valued in accordance with CDOT's Right-of-Way Manual and must have an acceptable Phase I Environmental Assessment in accordance with ASTM Standard E 1527. If a TE is to be acquired on a property which CDOT has an unsettled condemnation case, the same original appraiser shall value the TE. CDOT must Approve the value determination prior to any offers to property owners.

After each TE is acquired, the Contractor shall submit a complete parcel acquisition file, which includes, but is not limited to, copies of offer letters, fair market value determinations, fully executed easement documents and/or agreements, the negotiator's signed diary, and a statement signed by the property owner acknowledging receipt of payment in full. Parcel acquisition files shall be submitted to CDOT for Acceptance no later than two Working Days following tender of payment to the landowner.

If the Contractor cannot reach an agreement with a property owner for the acquisition, the Contractor may request in writing that CDOT acquire the easement or easements through condemnation proceedings. The Contractor shall prepare and submit to CDOT 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 payable to the Clerk of the District Court of the appropriate County in the amount of the approved fair market value. The Contractor shall not enter any properties until notified in writing that legal possession has been obtained. Any cost 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.

#### ***Utility Easements***

Construction of the Project may affect existing utilities. CDOT is responsible for all permanent utility easements necessary to complete the Work.

***Request for Additional Right-of-Way and Permanent Easements***

Should the Contractor determine that additional ROW, Easements or PE's are necessary or desirable; the Contractor shall submit a written request to CDOT for Acceptance. Each request shall include the following documentation:

1. Identification of the additional ROW or easement and a justification for its need.
2. A preliminary cost estimate for each parcel that includes separate values for land, improvements, damages or benefits (if any), relocation (if applicable), and appraisal and acquisition costs.
3. A title commitment report, or CDOT Memorandum of Ownership form including all supporting documentation, not more than 30 Days old for each additional ROW or easement parcel. The Contractor shall not be required to purchase title insurance policies for parcels with values less than \$10,000, but shall be responsible for providing litigation guarantees for eminent domain proceedings.
4. A current Phase I Site Assessment prepared in accordance with ASTM Standard E 1527, not more than 30 Days old for each additional ROW parcel.
5. Any maps, deeds, or other information available to the Contractor that shall expedite the acquisition.
6. Acquisition Stage Relocation Plan in accordance with the CDOT Right-of-Way Manual, Chapter 5, if additional ROW acquisition requires occupant or personal property relocation.

CDOT will review each request and, if Accepted, 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. Once CDOT has received a complete request with no deficiencies, CDOT will obtain ROW authorization and commence acquisition. Access to the additional ROW shall be granted upon written notification to the Contractor. Cost responsibilities associated with acquiring additional ROW shall be as defined in the Contract.

***Permission to Enter Property***

The Contractor shall secure Permission to Enter Property Forms prior to entering any property outside the ROW or USAFA Easements for surveying, environmental, and appraisal 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 Permission to Enter Property Forms to CDOT for Acceptance.

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### Construction Requirements

#### ***Restoration of Property and Landscape***

Should the Contractor damage, injure or destroy property and/or landscaping on TE's 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 similar or equal to that existing prior to the damage. Restoration may include, but is not limited to, repair, replacing in kind, rebuilding, or replanting.

#### ***Protection of Property***

Once permission to enter has been acquired for a property in accordance with the requirements herein, the Contractor shall manage and minimize losses to the property in accordance with the requirements of Maintenance During Construction. This shall include the installation of temporary chain link security fencing sufficient to contain animals, people, etc. The temporary fencing shall be installed prior to removing any ROW fencing or sound barrier in place within the Project limits.

### Deliverables

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

<b>Deliverable</b>	<b>Acceptance or Approval</b>	<b>Schedule</b>
Parcel acquisition file	Acceptance	No later than two Working Days following tender of payment
Condemnation memorandum and check list form	Approval	Concurrent with the request to CDOT for property condemnation
Request for additional ROW (letter)	Acceptance	As needed
Permission to Enter Property Form	Acceptance	Prior to entering private property

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