

8.0 RIGHT-OF-WAY

CDOT will acquire Right-of-Way (ROW) for this Project. At the level of design completed at the issuance of this document, it has been determined that this Project will be constructed on or within existing CDOT ROW and the additional ROW, as defined in the ROW plans in Book 4, being acquired. However, in the event that the Contractor requests additional ROW acquisition and CDOT Approves such request (Contractor Acquisitions), all Contractor Acquisitions, if needed, shall be performed by the Contractor in compliance with the requirements of this Section 8 and Book 1. Such Contractor Acquisitions include additional ROW acquisition for Additional Requested Elements (ARE) included in the Work. The Contractor shall be responsible for completion of all steps in the ROW acquisition process for Contractor Acquisitions, except for condemnations (if needed). The Colorado Attorney General's Office will file and prosecute all condemnations needed for Contractor Acquisitions.

8.1 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.

8.1.1 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, including regulations promulgated pursuant to such Act, which appear at 49 CFR Part 24, as amended.
2. Right of Way Requirements for Design/Build Projects, 23 CFR 710.313.
3. The Colorado Relocation Assistance and Land Acquisition Policies Act, Section 24-56-101, *et seq.*, C.R.S., as amended.
4. The Colorado Eminent Domain Act, Section 38-1-101, *et seq.*, C.R.S., as amended.
5. CDOT's *Right of Way Manual*, as amended.
6. 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.
7. If the acquisition of additional ROW by the Contractor is Approved by CDOT (Contractor Acquisitions), all appraisals, acquisition negotiation, and relocation shall be done by CDOT-Approved consultants.
8. All Contractor Acquisitions will be acquired in CDOT's name.

8.1.2 Status of Right-of-Way

CDOT will acquire all permanent ROW for the Project, including Permanent Easements (PEs). CDOT has also acquired some temporary construction easements (TEs) as shown on the ROW Plans included in Book 4. The ROW Plans included in Book 4 shows the ROW that CDOT owns

REQUEST FOR PROPOSAL – US6 BRIDGES DESIGN BUILD PROJECT

BR 0061-083, SUB ACCOUNT 18838 (CN)

BOOK 2 – TECHNICAL REQUIREMENTS

SECTION 8 – RIGHT-OF-WAY

and is acquiring for the Project. Temporary construction easements (TEs) are included in the ROW plans. These TEs will be purchased for two years.

If the Contractor determines that additional temporary construction easements are needed for the Work, the Contractor shall be responsible to define, value, negotiate, and pay for the acquisition of such temporary construction easements. If condemnation is needed to obtain possession of, or resolve acquisition negotiations, for any temporary construction easements, the Colorado Attorney General's Office will file and prosecute such condemnations. Temporary (construction) Easements (TE) will not be needed for construction on property owned by the City and County of Denver, however the Contractor must apply for permits to enter and construct the Project on certain types of City and County of Denver property. Additional information and requirements for such permits is set forth in Section 8.2.5.

The Contractor shall be allowed access to each parcel identified in Appendix A as each parcel is acquired. CDOT will provide the Contractor with status reports, written notice of parcel access, and any applicable restrictions that may apply. The Contractor shall not access any parcel on which access has not been provided.

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 as defined in Book 1, Section 17.

8.1.3 Right-of-Way Manager and Compliance with CDOT *Right-of-Way Manual*

A ROW Manager shall only be retained if ROW acquisition by the Contractor (Contractor Acquisitions) is Approved by CDOT. The Contractor's ROW Manager shall be responsible for all ROW coordination and compliance requirements. The Contractor's ROW Manager shall be qualified and Approved by CDOT for both acquisition and relocation services. The Contractor's ROW Manager shall coordinate all acquisition and relocation activities with CDOT. In compliance with 23 CFR §710.313(d)(3), the Contractor shall execute a certification in its Proposal that it has reviewed the current copy of the CDOT *ROW Manual* on CDOT's website and will comply with all of the requirements of the CDOT *ROW Manual*.

8.1.4 Property Management Plan

CDOT's property acquisition includes the acquisition of: (i) a lobby/administration building used as part of the Day's Inn Motel at 620 Federal Boulevard, (ii) a small office building, four garages used as automotive service bays and 2 abandoned underground petroleum storage tanks that have been filled with concrete, located on 690 Federal Boulevard, and (iii) a garage located on 2929 West Short Place. Except for the 2 abandoned underground storage tanks that have been filled with concrete, located on 690 Federal Boulevard, as set forth in Section 8.3.1 and Appendix B- Schedule of Improvements to be Demolished, the Contractor shall be responsible for demolition of these improvements before completion of construction of the Project. If such demolition is not immediately completed, the Contractor shall be responsible for all property management requirements for such improvements until their demolition. In addition the

REQUEST FOR PROPOSAL – US6 BRIDGES DESIGN BUILD PROJECT

BR 0061-083, SUB ACCOUNT 18838 (CN)

BOOK 2 – TECHNICAL REQUIREMENTS

SECTION 8 – RIGHT-OF-WAY

Contractor shall coordinate with CDOT and CDPHE the relocation of any Air Quality Monitoring stations impacted by the work. Relocation of these facilities shall be by CDPHE. All requests for relocation of these facilities shall be coordinated by the Contractor through CDOT. 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, 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. 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. Rodent Control
4. Safety
5. Hazardous Waste and Storage Tanks
6. Hazardous Materials
7. Improvement Security and Maintenance

The Property Management Plan shall be submitted to CDOT for Approval at least 60 Days after NTP2.

8.2 Acquisition and Relocation Requirements

8.2.1 Temporary Easements

The TEs acquired by CDOT for the Project are shown on the ROW Plans included in Book 4. Should the Contractor determine that it needs TEs in addition to the TEs shown on the ROW Plans included in Book 4 (Additional TEs), the Contractor shall submit a written request to purchase such the Additional TEs to CDOT for Approval. Each request shall include the following documentation:

1. Identification of the Additional TEs and an explanation of a justification for their need. An illustration of each Additional TE superimposed on an aerial photograph with the dimensions of the requested Additional TE will be sufficient.
2. A preliminary cost estimate for each Additional TE that includes separate values for land and improvements, if any improvements will be affected, and appraisal (if needed) and acquisition costs.
3. Conveyance deeds showing the names of the current owners of all properties from which Additional TEs will be needed.

CDOT will review each request and, if Approved, shall notify the Contractor in writing. If CDOT Approves the request, the Contractor, at its sole cost and expense, shall be responsible for acquiring such Additional TEs.

REQUEST FOR PROPOSAL – US6 BRIDGES DESIGN BUILD PROJECT

BR 0061-083, SUB ACCOUNT 18838 (CN)

BOOK 2 – TECHNICAL REQUIREMENTS

SECTION 8 – RIGHT-OF-WAY

Once authorization is obtained from CDOT, the Contractor may begin the ROW plans preparation, valuation, and acquisition negotiation process for the Additional TE's. All aspects of the ROW process for Additional TEs must be conducted in compliance with CDOT's Right of Manual, including ROW plans preparation and approval, appraisal, appraisal review (if required) or valuation, and acquisition negotiations. An appropriate environmental clearance, as specified in Section 5.0 of Book 2, shall be required as a prerequisite for approval of ROW plans for the Additional TEs. If an Additional TE is to be acquired from a landowner in which CDOT has an unsettled condemnation case, the same appraiser that prepared the appraisal for CDOT's condemnation case shall value the Additional TE. CDOT must Approve all value determinations and appraisals (if needed) for the Additional TE prior to any offer being made to the landowner. The steps of the ROW acquisition process, the entity that is responsible for completion of each step (contractor or CDOT), and approximate time frames for some of the steps are set forth in Appendix C of this Section 8. Note that all time frames in this table are approximate suggestions as opposed to binding agreements. As a general proposition, appropriate completion of the CDOT ROW acquisition process is subject to many variables that can create unforeseen delays. While every effort will be made by both Contractor and CDOT to minimize such delays, they are common in this process.

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 or value findings, 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 Approval no later than two Working Days following tender to the landowner. The Contractor shall not access any requested ROW parcel until CDOT provides written authorization allowing the Contractor access.

If the Contractor cannot reach an agreement with a landowner for the acquisition of the Additional TEs, the Contractor may request in writing that CDOT acquire the Additional TEs 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 instruction contained in the CDOT Right of Way Manual. The condemnation request shall include two certified checks payable to the Clerk of the District Court of the appropriate county in the amount of the required condemnation filing fee and approved fair market value or value finding. The Contractor shall not enter any properties until notified in writing that legal possession has been obtained. Any cost increases, including payment of landowner's attorney's fees in some cases, 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 testimony for each condemnation request.

The Contractor must work with the Colorado Attorney General's Office to establish a realistic schedule for filing condemnations, and setting and holding immediate possession hearings. It usually takes at least three 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 a settlement is agreed to, the Contractor must pay the full amount of the

REQUEST FOR PROPOSAL – US6 BRIDGES DESIGN BUILD PROJECT

BR 0061-083, SUB ACCOUNT 18838 (CN)

BOOK 2 – TECHNICAL REQUIREMENTS

SECTION 8 – RIGHT-OF-WAY

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, if any.

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.

8.2.2 Utility Easements

Construction of the Project will affect existing Utilities. Known easements for existing Utilities and Utilities to be relocated are shown in the ROW Plans included in Book 4.

If the Contractor determines that it needs Utility Easements (UE) in addition to, or as replacement for the UEs shown on the ROW Plans included in Book 4 (Additional UEs), the Contractor, at its sole cost and expense, shall be responsible for acquiring such Additional UEs. The steps of the ROW acquisition process, the entity that is responsible for completion of each step (Contractor or CDOT), and approximate time frames for some of the steps are set forth in Appendix C of this Section 8. Note that all time frames in this table are approximate suggestions as opposed to binding agreements. As a general proposition, appropriate completion of the CDOT ROW acquisition process is subject to many variables that can create unforeseen delays. While every effort will be made by both the Contractor and CDOT to minimize such delays, they are common in this process.

Acquisition parcels to be acquired from irrigation ditches or ditch companies (both those acquired by CDOT and those acquired by the Contractor), if any, will likely not be conventional acquisitions of a fee simple interest or a UE for a limited certain purpose. Instead, ditch agreements with terms and conditions defining parties' rights and responsibilities, including construction, use, and maintenance, may be negotiated. Each of these agreements may be different. The Contractor shall be responsible for compliance with certain of these terms and conditions during the effective time frame of this Contract.

The acquisition of Additional UEs requires prior Approval by CDOT. Acquisition of Additional UEs must be conducted in compliance with Book 2, Section 8.2.3, below.

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

Should the Contractor determine that additional ROW parcels or PE parcels (including Additional UEs) are necessary or desirable for the Design or any ARE included in the Work, the Contractor shall submit a written request to CDOT for Approval. If acquisition of both TEs and permanent ROW, including PEs if any, are requested, the application, Approval and acquisition requirements of this Section 8.2.3 are applicable. Book 2, Section 8.2.1, above, is only applicable for requests to acquire TEs only. Each request shall include the following documentation:

1. Identification of the additional parcels and an explanation of a justification for its need. An illustration of each parcel superimposed on an aerial photograph with approximate area of the parcel will be sufficient.

REQUEST FOR PROPOSAL – US6 BRIDGES DESIGN BUILD PROJECT

BR 0061-083, SUB ACCOUNT 18838 (CN)

BOOK 2 – TECHNICAL REQUIREMENTS

SECTION 8 – RIGHT-OF-WAY

2. A preliminary cost estimate for each parcel that includes separate values for land, improvements, damages or benefits (if any), relocation (if applicable), and survey, ROW Plan preparation, appraisal, and acquisition costs.
3. A title commitment report for each parcel, including all supporting documentation, not more than 30 Days old. The Contractor shall be required to purchase title insurance for all additional ROW, PEs, and Additional UEs it is allowed to purchase and, if condemnation is needed, the Contractor shall be responsible for providing litigation guarantees for eminent domain proceedings.
4. Any maps, deeds, or other information available to the Contractor that shall expedite the acquisition.
5. 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 Approved, shall notify the Contractor in writing (Contractor Acquisitions). 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 authorization is obtained from CDOT, the Contractor may begin the ROW acquisition process for the Contractor Acquisitions. All aspects of the ROW process for the Contractor Acquisitions must be conducted in compliance with CDOT's *Right of Way Manual*, including ROW plans preparation and approval, appraisal and valuation, and conduct and procedures for 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 acquisition parcels, including but not limited to releases of deeds of trust, mortgages, easements, and liens. If liens or encumbrances affect permanent easement parcels, CDOT should be notified of such liens and encumbrances and the Contractor will be required to take the action requested by CDOT, which may include subordination or release of the liens and encumbrances. 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.

If the additional ROW is to be acquired from a landowner with whom CDOT has an unsettled condemnation case, the same appraiser that prepared the appraisal for CDOT's condemnation case shall value the additional ROW. CDOT must Approve the value determination for the additional ROW, or if required, issue a fair market value determination prior to any offer being made to the landowner. CDOT must review and Approve certain administrative settlements, which are settlements over the amount of the CDOT-Approved offer to purchase that is made to the landowner. Contractor shall be delegated the same administrative settlement authority as the "Region" as set forth in Section 10.2.1 of the CDOT *Right-of-Way Manual*. CDOT Region 6 shall be delegated the same administrative settlement authority as "Central Office" as set forth in Section 10.2.2 of the CDOT *Right-of-Way Manual*.

The steps of the CDOT right of way acquisition process, the entity that is responsible for completion of each step (Contractor or CDOT), and approximate time frames for some of the steps are set forth in Appendix C of this Section 8. Note that all time frames in this table are approximate suggestions as opposed to binding agreements. As a general proposition, appropriate completion of the CDOT ROW acquisition process is subject to many variables that

REQUEST FOR PROPOSAL – US6 BRIDGES DESIGN BUILD PROJECT

BR 0061-083, SUB ACCOUNT 18838 (CN)

BOOK 2 – TECHNICAL REQUIREMENTS

SECTION 8 – RIGHT-OF-WAY

can create unforeseen delays. While every effort will be made by both the Contractor and CDOT to minimize such delays, they are common in this process.

If the additional Contractor Acquisitions requires occupant or personal property relocation, such relocation shall be conducted in compliance with Chapter 5 of the CDOT *Right of Way Manual*. As a general proposition, appropriate completion of the CDOT ROW relocation process takes longer than one would reasonably think it might. If an acquisition displaces an occupant, working through the relocation process will likely be the longest most Schedule-specific required ROW activity. As a result, prioritizing such acquisition is recommended.

After each parcel of Contractor Acquisitions is acquired, the Contractor shall submit a complete parcel acquisition file, which shall include but not be not limited to, copies of offer letters, fair market value determinations or value findings, fully executed easement documents and/or agreements, the negotiator's signed diary, a statement signed by the property owner acknowledging receipt of payment in full, and if relocation is applicable, all required relocation forms. Parcel acquisition files shall be submitted to CDOT for Approval no later than 2 Working Days following tender to the landowner. The Contractor shall not access any requested ROW parcel until CDOT provides written authorization allowing the Contractor access.

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 and submit to CDOT for Approval a properly completed Condemnation Memorandum and Check List Form in accordance with the instruction 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 required condemnation filing fee and approved fair market value or value finding.

The Contractor must work with the Colorado Attorney General's Office to establish a realistic schedule for filing condemnations, and setting and holding immediate possession hearings. It usually takes at least three 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 a settlement is agreed to, the Contractor must 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, if any.

If authorization is obtained from CDOT for the Contractor to purchase Contractor Acquisitions, the Contractor's ROW Manager shall meet with CDOT Region 6's ROW Manager, or a delatee, every two weeks to review the status of the ROW acquisitions and relocations, if applicable, and check Quality Control/Quality Assurance as needed, until the completion and CDOT Approval of the acquisitions and relocations. The Contractor is responsible for creation and implementation of an internal status tracking and quality control system for all ROW processes.

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.

REQUEST FOR PROPOSAL – US6 BRIDGES DESIGN BUILD PROJECT

BR 0061-083, SUB ACCOUNT 18838 (CN)

BOOK 2 – TECHNICAL REQUIREMENTS

SECTION 8 – RIGHT-OF-WAY

8.2.4 Permission to Enter Property

The Contractor shall secure permission to enter property forms prior to entering any property outside the ROW for surveying, nonintrusive environmental investigation, 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.

8.2.5 Permits for CCD and BNSF RR Property

CCD owns much of the right of way that the Project will be constructed upon. Externally, this appears as land titled in CCD's name. However, internally to CCD, there is a distinction of different types of land and there are different rights and procedures required for occupying and constructing on such different types of land. These types are: CCD dedicated roadway right of way and CCD park land.

CCD dedicated roadway right of way within the project limits includes the property within the right of way boundaries: of I-25, US 6, Federal Boulevard (these are also state highways), West 5th Avenue inclusive of the north-south spur that is a part of the ramp from Federal Boulevard to eastbound US 6, West 7th Avenue, Dale Court, North Canosa Court, North Bryant Street, and North Alcott Street. (Note: CCD and CDOT both own portions of the right of way for these facilities). The Contractor is allowed by CCD to work within the boundary of such dedicated roadway right of way without obtaining a CCD permit.

CCD park land includes property within the boundary of Barnum Park, Barnum North Park, Barnum East Park, the South Platte River channel and the banks of the South Platter River. If the Contractor needs to work in any of this park land outside the area of the CDOT acquisition parcels from such park land shown on the ROW plans included in Book 4, it must apply for and obtain a permit from the CCD parks for that activity. CCD will not require construction of additional infrastructure over and above the improvements shown on the design plans included in Book 4 as consideration for issuance of such permits.

Burlington Northern and Santa Fe Railway (BNSF RR) owns the ROW upon which the existing US 6 bridge over the BNSF RR rail line is currently located. CDOT has an easement that allows for use and maintenance of the existing bridge and construction, use, and maintenance of the new bridge. The limits of this easement are indicated on the right of way pans included in Book 4. Two permission instruments are required for the Contractor to work in BNSF RR ROW: (i) the CDOT easement, and (ii) a fully executed construction and maintenance agreement between CDOT and BNSF RR, however once those instruments are in place, they may only allow entry for construction within the limits of the CDOT easement (the final version of the construction and maintenance agreement should be consulted to determine this). If entry on BNSF RR ROW outside of the CDOT easement is required for construction, the Contractor shall apply for and obtain a permit from BNSF RR for that activity.

8.3 Construction Requirements

8.3.1 Demolition

The Contractor shall demolish all buildings, structures, and other improvements on the ROW, including but not limited to, those structures listed in Appendix B of this Section 8. In the event that ROW acquisition has been Approved by CDOT that includes acquisition of structures or

REQUEST FOR PROPOSAL – US6 BRIDGES DESIGN BUILD PROJECT

BR 0061-083, SUB ACCOUNT 18838 (CN)

BOOK 2 – TECHNICAL REQUIREMENTS

SECTION 8 – RIGHT-OF-WAY

improvements, demolition of such 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 of the Contract Documents. 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, in accordance with all federal, state, and local regulations, 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. The Contractor shall also obtain all permits or other approval documents required by state and local government, including a demolition plan Approved by the CDOT Manager of Property Management at Headquarters 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 Acceptance at least 15 Days prior to demolition.

8.3.2 Restoration of Property and Landscape

Temporary easements are temporary rental of property. At the end of the rental period, property occupied by the Contractor under a temporary easement shall be returned to the landowner in the same condition it was in prior to taking possession. 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 reasonably equal to that existing prior to the damage. Restoration may include, but is not limited to, repair, replacing in kind, rebuilding, or replanting. Such restoration must be completed prior to the termination date of the TE rental term.

8.3.3 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 Book 2, Section 18, 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.

8.3.4 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 the property is vacated.

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.

REQUEST FOR PROPOSAL – US6 BRIDGES DESIGN BUILD PROJECT

BR 0061-083, SUB ACCOUNT 18838 (CN)

BOOK 2 – TECHNICAL REQUIREMENTS

SECTION 8 – RIGHT-OF-WAY

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.

8.4 Deliverables

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

Deliverable	Review, Acceptance, or Approval	Schedule
Property Management Plan	Approval	60 Days after NTP2
Parcel Acquisition Files	Approval	No later than 2 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)	Approval	As needed
Permission to enter property form	Approval	Prior to entering private property
Asbestos and lead based paint inspection	Approval	15 Days prior to demolition

All deliverables shall also conform to the requirements of Book 2, Section 3, Quality Management.

8.5 Appendices

Appendix A Right of Way Schedule

Appendix B Right of Way Demolition Schedule

Appendix C Steps of the CDOT Right of Way Acquisition Process, Entity Responsible for Completion of Each Step, and Approximate Time Frames

REQUEST FOR PROPOSAL – US6 BRIDGES DESIGN BUILD PROJECT
BR 0061-083, SUB ACCOUNT 18838 (CN)
BOOK 2 – TECHNICAL REQUIREMENTS
SECTION 8 – RIGHT-OF-WAY

APPENDIX A
RIGHT-OF-WAY SCHEDULE

Parcel No.	Project Code	Owner	Access Date
AP-1200 Rev.	16311	Ferg's Enterprises	3-14-144-15-14
102, 102A, TE-102, TE-102A, TE-102B, TE-103, PE-202.	16311	U.S. Motels Federal, LLC	10-31-1311-29-13
AP-104	16311	Colorado Department of Transportation	9-17-12 CDOT owns it, now available for construction
205 Rev. 205A Rev. PE-205	18192	5th Avenue Properties	11-29-131-15-14
206, TE-206	16311	John Orlando	9-17-12 CDOT owns it, now available for construction
207, TE-207, TE-207A	16311	Dina Hinojos and Nancy Jacinto	12-31-12 CDOT owns it, now available for construction
208, TE-208	16311	Juan Luna	9-17-12 CDOT owns it, now available for construction
209, TE-209, TE-209A	16311	Thomas Harvey	9-17-12 CDOT owns it, now available for construction
210, TE-210	16311	Jim Zakhem	9-17-12 CDOT owns it, now available for construction
211, TE-211	16311	Young J. Kwon and Lily Kwon	9-17-12 CDOT owns it, now available for construction
212 Rev., 212A, 212B Rev., 212C,	16311	City and County of Denver	5-31-12 10-4-13

REQUEST FOR PROPOSAL – US6 BRIDGES DESIGN BUILD PROJECT
BR 0061-083, SUB ACCOUNT 18838 (CN)
BOOK 2 – TECHNICAL REQUIREMENTS
SECTION 8 – RIGHT-OF-WAY

RIGHT-OF-WAY SCHEDULE

Parcel No.	Project Code	Owner	Access Date
PE-212, PE-212A			
TE-213	16311	Vassilios & Lynne L. Sirolaidis	5-24-137-31-13
TE-214	16311	M&M Hi Performance Car Wash	5-24-137-31-13
PE-216	18192	Edward A. Robinson & Marcia K. Robinson	44-29-131-15-14
TE-217	16311	Charles S. Yamaguchi and Chiseko Yamaguchi -BTS 450 Federal SE LLC	5-24-137-31-13
218, PE-218, TE-218 Rev.	18192	School District No. 1 in the City and County of Denver and State of Colorado	44-29-131-15-14
TE-219	16311	Neostar, LLC, a Colorado limited liability company	5-24-137-31-13
TE-220	16311	Rui Fen Auyeung and Shun Y. Auyeung	5-24-137-31-13
TE-221	16311	405 Federal Blvd., LLC	5-24-137-31-13
TE-222	16311	Kayla Hanh Tran	5-24-137-31-13
223, 223A, PE-223, PE-223A, TE-223	18192	R.W. Properties, LLC	44-26-137-31-13
TE-224 2	16311	Sun H. Kim	5-24-132-14-14
225	18192	The Gail G. Gordon Marital Trust, dated November 12, 2009, Gail G. Gordon and BOKF, National Association, dba Colorado State Bank and Trust, Co-Trustees	42-27-132-14-14
PE-226	18192	Lordan Properties, LLC - 70% Interest & DYNA, LLC, a Colorado Limited Liability Company - 30% Interest	5-24-138-30-13

REQUEST FOR PROPOSAL – US6 BRIDGES DESIGN BUILD PROJECT
BR 0061-083, SUB ACCOUNT 18838 (CN)
BOOK 2 – TECHNICAL REQUIREMENTS
SECTION 8 – RIGHT-OF-WAY

APPENDIX B
SCHEDULE OF IMPROVEMENTS TO BE DEMOLISHED

Address of Improvement	Parcel Nos. on CDOT ROW Plans for Underlying Ownership	Owner from Whom Underlying Property shall be Acquired
Lobby/administration building used as part of the Day's Inn Motel at 620 Federal Boulevard, Denver CO 802040	102A, TE-102B	U.S. Motels Federal, LLC,
A 510 sf office building, four garages used as automotive service bays (the total size of the building and bays is 2,407 sf) located on 690 Federal Boulevard, Denver CO 80204. There are also 2 abandoned underground storage tanks that have been filled with concrete on this property, however they will remain in place and won't be removed.	200 Rev.	Fergs Enterprises, LLC
A garage located on 2929 West Short Place, Denver, CO 80204	207, TE-207A	Dina Hinojos and Nancy Jacinto

REQUEST FOR PROPOSAL – US6 BRIDGES DESIGN BUILD PROJECT
BR 0061-083, SUB ACCOUNT 18838 (CN)
BOOK 2 – TECHNICAL REQUIREMENTS
SECTION 8 – RIGHT-OF-WAY

APPENDIX C

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 6 Survey/ROW Plans Unit	2-3 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 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 6 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
Preparation of ROW Plans	Contractor	Variable depending on scope 2-4 weeks for small ROW Plan sets, 2-4 months for larger ROW Plan sets	CDOT Region 6 Survey/ROW Plans Unit	2-3 weeks from submission per plan review iteration (2 plan review iterations are typical)	Completion of ROW Plans is a common cause of delay in the ROW plans process

REQUEST FOR PROPOSAL – US6 BRIDGES DESIGN BUILD PROJECT
BR 0061-083, SUB ACCOUNT 18838 (CN)
BOOK 2 – TECHNICAL REQUIREMENTS
SECTION 8 – RIGHT-OF-WAY

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
Appraisal and Appraisal Review	Appraisal: Contractor Appraisal Review: CDOT	6-8 weeks per appraisal per landowner 1-2 weeks to review an appraisal	CDOT	1-2 weeks to review an appraisal	If the estimated value of the acquisition is \$25,000 or less, 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.

REQUEST FOR PROPOSAL – US6 BRIDGES DESIGN BUILD PROJECT
BR 0061-083, SUB ACCOUNT 18838 (CN)
BOOK 2 – TECHNICAL REQUIREMENTS
SECTION 8 – RIGHT-OF-WAY

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. At least 3 months from submission of request for condemnation to completing immediate possession hearing.	CDOT must review and Approve certain administrative settlements. Contractor shall be delegated the same administrative settlement authority as the "Region" as set forth in Section 10.2.1 of the CDOT ROW Manual. CDOT Region 6 shall be delegated the same administrative settlement authority as "Central Office" as set forth in Section 10.2.2 of the CDOT ROW Manual.	2-4 Days to review and Approve backup document-ation of completed acquisition negotia-tions	Contractor cannot use duress or coercion in acquisition negotiations

REQUEST FOR PROPOSAL – US6 BRIDGES DESIGN BUILD PROJECT
BR 0061-083, SUB ACCOUNT 18838 (CN)
BOOK 2 – TECHNICAL REQUIREMENTS
SECTION 8 – RIGHT-OF-WAY

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
Condemnation	Colorado Attorney General's Office	At least three 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.			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 6 ROW Manager		