

Right of Way Manual

Chapter 2

Right of Way Plans

Policies, Procedures and Information

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SECTION 2.1 - GENERAL INFORMATION

2.1.1 - Acronyms

| | |
|-------------|--|
| BLM | Bureau of Land Management |
| CAD | Computer Aided Drafting |
| Cat Ex | Category Exclusion |
| CDOT | Colorado Department of Transportation |
| CFR | Code of Federal Regulations |
| CHARN | Colorado High Accuracy Reference Network |
| CRS | Colorado Revised Statutes |
| FHWA | Federal Highway Administration |
| FIR | Field Inspection Review |
| FLPMA | Federal Land Policy and Management Act of 1976 |
| FMV | Fair Market Value |
| FONSI | Finding of No Significant Impact |
| FOR | Final Office Review |
| GLO | Government Land Office |
| GPS | Global Positioning System |
| IGA | Intergovernmental Agreements |
| LPA | Local Public Agencies |
| LSCD | Land Survey Control Diagram |
| MOO | Memorandum of Ownership |
| MOU | Memorandum of Understanding |
| NEPA | National Environmental Policy Act |
| NGS | National Geodetic Survey |
| NSRS | National Spatial Reference Network |
| PCD | Project Control Diagram |
| PLS | Professional Land Surveyor (licensed in the state of Colorado) |
| REPM | Region Environmental Project Manager |
| ROD | Record of Decision |
| ROW | Right of Way |
| ROWPR | ROW Plan Review |
| RS | Revised Statute |
| TMOSS | Terrain Modeling Survey System (InRoads) |
| Uniform Act | Uniform Relocation Assistance and Real Property Acquisition Policies of 1970, as amended (42 USC 4601 <i>et seq.</i>) |
| USC | United States Code |
| USFS | United States Forest Service |
| USGS | United State Geological Survey |

2.1.2 - Authorities

- U.S. Constitution, Fifth and Fourteenth Amendments
- Colorado Constitution, Article II, Section 15
- Uniform Relocation Assistance and Real Property Acquisition Policies of 1970, as amended (42 USC 4601 *et seq.*)
- 49 CFR Part 24
- 23 CFR Part 710
- Title VI of the 1964 Civil Rights Act

- National Environmental Policy Act
- Colorado Revised Statutes
- Memorandum of Understanding with the State Board of Licensure for Professional Engineers and Land Surveyors
- FHWA Stewardship Guide
- CDOT ROW Manual
- CDOT Survey Manual
- CDOT Specifications for Road and Bridge Construction
- CDOT Design Manual
- CDOT CAD Manual

2.1.3 - Federal Authority (23 CFR 710.201)

(b) Program Oversight. The State Transportation Department shall have overall responsibility for the acquisition, management, and disposal of real property on Federal-aid project. This responsibility shall include assuring that acquisitions and disposals by a State agency are made in compliance with legal requirements of State and Federal laws and regulations.

2.1.4 - State Authority (CRS)

The provisions of Articles 50, 51, 52 and 53 of Title 38, and Article 25, Part 2 of Title 12, of the Colorado Revised Statutes, as amended, apply to the Colorado Department of Transportation's practice of land surveying and ROW plans.

2.1.5 - Colorado State Board of Licensure Memorandum of Understanding

It is the intent of the Colorado Department of Transportation to comply fully with the laws of the State of Colorado as they relate to the practice of land surveying. On July 1, 1985, CDOT entered into a Memorandum of Understanding with the Colorado State Board of Licensure for Professional Engineers and Land Surveyors, which addresses the legal aspects of surveying for ROW Plans and clarifies the responsibility of the CDOT and consultant surveyors. The MOU was last updated on January 13, 1995.

The MOU shall be adhered to at all times even though many highway surveys are performed primarily to ensure that roadway features, fences, and other appurtenances are constructed upon property belonging to CDOT.

2.1.6 - FHWA Stewardship Agreement

In 1994, the Federal Highway Administration (FHWA) and CDOT jointly established a Stewardship Agreement to define how they will work together to provide project and program oversight. The Stewardship Agreement was last updated October, 2002. Under the Stewardship Agreement, FHWA and CDOT will share the responsibility for oversight of projects using Federal-aid funds.

The Stewardship Agreement between FHWA and CDOT is intended to be a document that is under continual review. Each organization has the opportunity to make a change to the document when there is mutual agreement that the change is necessary. The document will also be modified to reflect changes in authorization or regulations.

2.1.7 - Purpose

The purpose of this chapter is to instruct the new employee, provide a review and reference for the experienced employee, and to promote uniformity and continuity of ROW Plans prepared by CDOT Regions, consulting Engineering and Land Surveying companies. This manual should provide detailed information and guidance to both consulting firms and Local Public Agencies alike. Following the procedures outlined in this manual should result in preparation of ROW Plans in compliance with Federal and State laws and regulations.

SECTION 2.2 - HISTORY OF HIGHWAY ROW IN COLORADO

2.2.1 - History of Highway ROW Plans in Colorado

State Statutes created the State Highway Commission in 1910 and the State Highway Department in 1935 (although there are instances where documents preceding this date have been found with State Highway Department on them) A ROW Section was formed within Staff Design in 1943. With the exceptions of West Sixth Ave and parts of Santa Fe Drive in the Denver metropolitan area, ROW for State Highway projects were acquired by the Counties until the 1950s. In the 1950s the Department began to acquire ROW for highway projects in their name.

Because many State Highways were originally Count Roads or because the Counties were the agencies that acquired the ROW (either in their name or the States) Staff ROW Services and Regional ROW Sections may not have copies of acquisition documents or vesting deeds prior to the 1950's.

State ROW may have been acquired by purchase, dedication, donation or prescription. ROW research can be straight forward and/or very convoluted.

2.2.2 - Preparation of ROW Plans – CDOT Regional Responsibility

In 1982, the preparation of ROW Plans, deeds and condemnation exhibits was decentralized to the Regional offices. At that time, Staff ROW retained the responsibility of securing approvals, reviewing projects, preparing commission resolutions and the application for State and Federal lands, and the Federal oversight of the ROW process.

Currently, ROW Plans are prepared by both internal CDOT personnel and external consultants with contract management and review being handled by the Regional offices. ROW Plan authorization has been delegated by FHWA via the Stewardship Agreement to the Central Office Project Development Branch, ROW Services.

ROW Plans and the Federal and State laws and regulations governing them are part of a specialized field. The Region ROW unit must take the responsibility of doing a thorough review of all consultant ROW Plans for format and compliance with this manual.

2.2.3 - Revised Statute (RS) 2477

RS 2477 was enacted on July 26, 1866. Section 8 of the Act stated "The ROW for the construction of highways over public lands, not reserved for public use is hereby granted".

This standing offer to local municipalities to establish transportation corridors across public lands they deemed necessary, was one of the many early laws passed by the Federal government to promote settlement of the west. Since passage of the Act, thousands of public highways have been claimed by various state, county and local governments responsible for public roads. RS 2477 was repealed by the Federal Land Policy and Management Act of 1976.

Three conditions must have occurred before the date of repeal on 10/21/76 for the BLM to acknowledge the existence of an RS 2477 ROW:

- 1) The lands involved must have been unreserved public lands. This is determined by a review of the BLM's public land records.
- 2) Some form of construction of the highway must have occurred. A review of maps, BLM or county records and other data is made to determine whether a road or trail existed on or before 10/21/76. The definition of construction is very liberal and may include projects other than an actual construction project (e.g. an overlay project).
- 3) The road or trail constructed should be considered a public highway. This factor is determined by state law. The inclusion of a highway in a state, county, or municipal road system constitutes a public highway.

2.2.4 - General Statutes of the State of Colorado 1883

Section 1: "All roads and highways, except private roads heretofore established in pursuance of any law of this State or the Territory of Colorado, and roads dedicated to public use, that have not been vacated or abandoned, and such other roads as are now recognized and maintain by the corporate authorities of any county in the State, are hereby declared to be public highways."

Section 4: "The board of county commissioners may alter, widen or change any established road, or lay out any new road in the respective counties, when petitioned by ten freeholders residing within two miles of the road sought to be altered, widened, changed or laid out. Said petition shall set forth a description of the road sought to be altered, widened or changed, and if the petition be for a new road is shall set forth the point where it is to commence, its general course, and place where it is to terminate."

Section 12: "The viewers (road viewers) shall file a report of the view in the office of the county clerk and recorder of the county in which such view was made."

Section 13: "The board of county commissioners, at their next regular meeting after the return of such report, shall proceed to consider the same and all objections that may be made thereto, and they shall determine whether or not such road shall be established and opened for travel."

Section 14: "If the board of county commissioners determine to open any such road, they shall cause the full and final report of the viewers, including the plat and report of the surveyor, to be recorded in the office of the county clerk and recorder in a book kept for that purpose."

Section 19: "All public highways hereafter laid out in this State shall be sixty feet in width, unless otherwise ordered by the board of county commissioners."

2.2.5 - Emergency Relief Appropriation Act of Congress of 1935

On April 8, 1935, the United States Congress passed the Emergency Relief Appropriation Act of 1935. The Act created the Works Progress Administration (WPA). Many of the projects done under this government office are similar to ones sponsored by the Public Works Administration. The WPA remained in operation until June 30, 1943.

Today, many of Colorado's state highways were originally acquired by the WPA through the states' counties eminent domain authority. Records from these acquisitions are often difficult to

find and may require additional research of county records to recover. WPA ties to aliquot corners may also exist in county records to aid in monument search and recovery efforts.

2.2.6 - 1935 Colorado Statutes Annotated – Roads and Highways

C. 143 § 93. Public highways or roads – All roads and highways which are, at the time of the passage of this article, by law open to public traffic shall be public highways, within the meaning of this article.

C. 143 § 94. Highway defined – The term “highway” as used in this article includes bridges on the roadway and culverts, sluices, drains, ditches, water-ways, embankments, retaining walls, trees, shrubs and fences along or upon the same and within the ROW.

C. 143 § 95. State highway – A “state highway” within the meaning of this article is a ROW or location, whether actually used as a highway or not, designated for the construction of a state highway upon it.

C. 143 § 97. State highways – County highways – Public highways are divided for the purpose of this article into two classes: “state highways” and “county highways”. State highways are those designated and accepted as such by the commission (highway commission) and are to be constructed and maintained by the state in accordance with the provisions of this article. County highways are those constructed and to be maintained by the counties.

2.2.7 - Public Highways or Roads (CRS 43-1-202)

All roads and highways which are, on May 4, 1921, by law open to public traffic shall be public highways within the meaning of this part 2.

2.2.8 - Public Highways (CRS 43-2-201)

(1) The following are declared to be public highways:

(a) All roads over private lands dedicated to the public use by deed to that effect, filed with the county clerk and recorder of the county in which such roads are situate, when such dedication has been accepted by the board of county commissioners. A certificate of the county clerk and recorder with whom such deed is filed, showing the date of the dedication and the lands so dedicated, shall be filed with the county assessor of the county in which such roads are situate.

(b) All roads over private or other lands dedicated to public uses by due process of law and not heretofore vacated by an order of the board of county commissioners duly entered of record in the proceedings of said board;

(c) All roads over private lands that have been used adversely without interruption or objection on the part of the owners of such lands for twenty consecutive years;

(d) All toll roads or portions thereof which may be purchased by the board of county commissioners of any county from the incorporators or charter holders thereof and thrown open to the public;

(e) All roads over the public domain, whether agricultural or mineral.

2.2.9 - Prescriptive ROW - Adverse Possession (CRS 43-2-201)

(c) All roads over private lands that have been used adversely without interruption or objection on the part of the owners of such lands for twenty consecutive years;

This section requires claimant to meet a three-part test for the establishment of a public road by prescription:

- (1) Members of the public must have used the road under a claim of right and in a manner adverse to the landowner's property interest;
- (2) The public must have used the road without interruption for the statutory period of 20 years; and
- (3) The landowner must have actual or implied knowledge of the public's use of the road and made no objection to such use. *McIntyre v. Bd. of County Comm'rs*, 86 P.3d 402 (Colo. 2004).

SECTION 2.3 - PRELIMINARY DEVELOPMENT OF ROW PLANS

2.3.1 - Land Surveys

As soon as the route of the proposed highway has been selected and approved by the Transportation Commission, Region forces shall make a survey in accordance with the survey procedures as outlined in CDOT's Survey Manual, in accordance with the Memorandum of Understanding between the Colorado State Board of Licensure for Professional Engineers and Land Surveyors and CDOT and in accordance the applicable laws of the State of Colorado. All land surveys shall be based upon the National Geodetic Survey (NGS) National Spatial Reference Network (NSRS) and meet the minimal horizontal and vertical tolerances in accordance with the CDOT's Survey Manual. All primary control, secondary control, aliquot, ROW, property, and any other survey monuments within the influence of the project shall be tied into or included in the control network.

2.3.2 - Topography

Topographic and InRoads TMOSS terrain surveys are primarily conducted for design purposes but are also valuable in the ROW process. These surveys document the existing conditions and show the impacts proposed construction design would have on a particular parcel of land.

ROW Plans often require extensive research to determine property boundaries, impacts of easements and to locate improvements to the property. The location of topographic features provide additional evidence used in boundary retracement surveys.

ROW Plans developed for appraisal and acquisition purposes may require a significant amount of detail, outside normal construction boundaries, which often has nothing to do with the actual construction.

2.3.3 - Improvements

All visible or known improvements (buildings, signs, and leaching fields) indicated in the Scope of Work within the proposed ROW and extending 100 feet beyond the proposed ROW boundary must be located and shown on the ROW Plans. An accurate field location is necessary when proximity damages may be present. Particular attention should be given to the following:

- 1) Underground cables and conduits - location, size, owner, where they originate and terminate.
- 2) Wells - location, size, owner, area served.
- 3) Irrigation ditches and systems - location, size, owner, where they originate and terminate, party(ies) served.
- 4) Septic tanks, cesspools, and leaching fields - location, size, in use or abandoned.
- 5) Underground storage tanks - owner, location, size, capacity, when installed, condition.

2.3.4 - Utilities

For the purpose of planning and allocating utility relocation and construction costs, it is necessary to know whether utilities must be moved and if they occupy their own ROW or CDOT's. Field forces shall note the location and type of all utility lines and irrigation canals indicated in the Scope of Work and lying within the proposed project limits and report the same to the Region ROW Section.

2.3.5 - Aerial Photography

Where aerial photography was used in the route location study, aerial planimetric maps may be available for use as a basis for the development of ROW maps. These maps should not be used as a substitute for land surveying and field topography but as a firm basis for the layout and development of the field data. With the use of picture control points tied in the field to the control survey, an accurate ROW map can be plotted.

2.3.6 - Colorado Coordinate System (a.k.a. National Spatial Reference System NSRS)

Where the Colorado Coordinate System (a.k.a. National Spatial Reference System (NSRS) is used to establish a control network, it shall be done in accordance with the National Geodetic Survey's standards and Colorado State Law.

When a control network is established for Colorado's High Accuracy Reference Network (CHARN) densification or any other type of survey that requires the approval of NGS the current standards of the appropriate agency documentation should be followed.

Horizontal and vertical control data standards of the various mapping and charting agencies of the Federal Government in the State of Colorado can be obtained from the agency directly.

2.3.7 - Original Data Files

Upon completion of the preliminary survey, the information is transmitted to the Project Manager, Region ROW Manager and Region Survey Coordinator. At this time, the ROW widths required to meet the requirements of the proposed construction will be ascertained. Original electronic data files are prepared showing the alignment, topographic details and ROW required, in project coordinates and transmitted to the Regional ROW Plans Supervisor for the preparation of final plans.

SECTION 2.4 - CONTENTS OF ROW PLANS

2.4.1 - Federal Guidelines

ROW Plans are a prerequisite to Federal participation in the cost of acquiring real property. 23 CFR 710.201 (e) requires that the real property interest acquired for all Federal-aid projects funded pursuant to title 23 of the U.S. code shall be adequate for the construction, operation, and maintenance of the resulting facility and for the protection of both the facility and the traveling public.

To help meet this requirement, CDOT has adopted the following list from the 1991 Federal Aid policy guide for its ROW plan requirements:

ROW Plans should show:

- 1) ROW and access control line.
- 2) Width to be acquired.
- 3) Proposed slope limits.
- 4) Centerline and stationing with appropriate lines and changes in ROW widths.
- 5) Any additional easement areas, either temporary or permanent, that are required to accommodate intersecting roads and streets, land service, access and temporary roads, drainage areas, material storage areas, slope widening, utilities, railroads, or any other special uses.
- 6) All pertinent data affecting the cost of the ROW such as structures, land service or access roads, improvements, drain fields, and fences.
- 7) All approved points of entry to or exit from the traffic lanes, even where the ROW lines and access control lines are coincident.
- 8) Disposition of improvements within the proposed ROW.
- 9) For each parcel to be acquired:
 - a. Parcel identification number.
 - b. The property ownership lines.
 - c. The name of the property owners.
 - d. The area in acres or square feet of the part to be taken and of each remainder of a partial taking. (CDOT's standard of showing all distances in dual units has been suspended, units are only required to be shown in feet).

- 10) The size, form, and arrangement of ROW Plans should conform to the general requirements for highway plans and should contain sufficient dimensional and angular data to permit ready identification and correlation with the legal descriptions of all parcels, easements and special use areas that are required by the associated highway project.

2.4.2 - State Requirement (CRS 38-51-106)

(1) All land survey plats shall include but shall not be limited to the following:

(a) A scale drawing of the boundaries of the land parcel;

(b) (I) All recorded and apparent rights-of-way and easements, and, if research for recorded rights-of-way and easements is done by someone other than the professional land surveyor who prepares the plat, the source from which such recorded rights-of-way and easements were obtained; or

(II) If the client wishes not to show rights-of-way and easements on the land survey plat, a statement that such client did not want rights-of-way and easements shown;

(c) All field-measured dimensions necessary to establish the boundaries on the ground and all dimensions for newly created parcels necessary to establish the boundaries on the ground;

(d) A statement by the professional land surveyor that the survey was performed by such surveyor or under such surveyor's responsible charge;

(e) A statement by the professional land surveyor explaining how bearings, if used, were determined;

(f) A description of all monuments, both found and set, that mark the boundaries of the property and of all control monuments used in conducting the survey. If any such boundary monument or control monument marks the location of a lost or obliterated public land survey monument that was restored as a part of the survey on which the plat is based, the professional land surveyor shall briefly describe the evidence and the procedure used for such restoration. If any such boundary monument or control monument marks the location of a quarter section corner or sixteenth section corner that was established as a part of the survey, the professional land surveyor shall briefly describe the evidence and procedure used for such establishment, unless the corner location was established by the mathematical procedure as outlined in section 38-51-103.

(g) A statement of the scale or representative fraction of the drawing, and a bar-type or graphical scale;

(h) A north arrow;

(i) A written property description, which shall include but shall not be limited to a reference to the county and state together with the section, township, range, and principal meridian or established subdivision, block and lot number, or any other method of describing the land as established by the general land office or bureau of land management;

(j) The signature and seal of the professional land surveyor;

(k) Any conflicting boundary evidence; and

(l) A statement defining the lineal units used including but not limited to meters, chains, feet, and U.S. survey feet. If it is necessary to define conversion factors, the factors shall be a function of the meter as defined by the United States department of commerce, national institute of standards and technology.

2.4.3 - Basis of Bearings Requirements (AE/PE/PLS State Board Polices 60.0)

The purpose of a basis of bearing statement on a ROW Plan set is to enable another surveyor to retrace all or part of that survey in the future. Any basis of bearing statement that does not facilitate a retracement of the survey is inadequate. All ROW Plans shall show and/or or state the graphic and mathematical relationship between the basis of bearing and the land parcel in accordance with Colorado State Law. All legal descriptions must state the basis of bearings used, immediately after the metes and bounds portion of the description.

All bearings on the ROW Plans and legal descriptions shall be related to a basis of bearing established from two monuments found in the field that are intervisible and described on either the Project Control Diagram (PCD) or the Land Survey Control Diagram (LSCD).

2.4.4 - CDOT Plan Set Requirements

ROW Plans shall be in accordance with the Memorandum of Understanding between the Colorado State Board of Licensure for Professional Engineers and Land Surveyors and CDOT and in accordance the applicable laws of the State of Colorado. Because ROW Plans will be deposited with the respective counties per State Statutes, the dimensions and type of material used for the plan sheets must comply with the law.

- 1) A "**Title Sheet**", numbered sheet number 1.01.
- 2) One or more "**Tabulation of Properties**" sheets numbered numerically beginning with Sheet 2.01 followed by sheet numbers 2.02, 2.03, etc.
- 3) One or more "**Project Control Diagram**" sheets as determined by the Region Survey Coordinator, numbered numerically beginning with Sheet 3.01, followed by sheet numbers 3.02, 3.03, etc.
- 4) One or more "**Land Survey Control Diagram**" sheets as determined by the Region Survey Coordinator, numbered numerically beginning with Sheet 4.01, followed by sheet numbers 4.02, 4.03, etc.
- 5) One or more optional "**Monumentation Sheet**" sheets, numbered numerically beginning with Sheet 5.01 and followed by sheet numbers 5.02, 5.03 etc. .
- 6) One or more "**Tabulation of Road Approach**" sheets numbered numerically beginning with Sheet No. 6.01 followed by sheet numbers 6.02, 6.03 etc. Tabulation of Road Approach Sheets are optional depending on the project type.
- 7) One or more "**Plan Sheet**" sheets numbered numerically beginning with sheet number 7.01 followed by sheets 7.02, 7.03 etc. Details too large or too complicated to

be shown on a plan sheet, should be drawn on a separate plan sheet numbered numerically.

- 8) One or more "**Ownership Map**" sheets numbered numerically beginning with sheet number 8.01 followed by sheets 8.02, 8.03 etc.

Instances will arise when some of the above sheets are not necessary. In such cases, care should be taken to insure the above sheet numbering scheme is maintained through the complete plan set. If a particular sub-set is not used its numbers shall not be used for the next sub-set, instead the numbers shall not be used and NA shall be listed on the index of sheets.

2.4.5 - Library of Templates for CDOT Survey and ROW Plans

http://www.dot.state.co.us/ROW_Manual/Chapter2/ROWExhibits/New_CDOT_ROW_Exhibits.htm

The purpose of the Library of Templates for CDOT Survey and Right of Way Plans is to define the minimum specifications that shall be used for a set of Survey and ROW Plans for CDOT in order to secure an optimum degree of statewide uniformity, to establish and maintain minimum survey and plan standards, and to improve the overall efficiency of CDOT's survey and plan development functions.

The Library of Templates for CDOT Survey and Right of Way Plans are based on federal and state statutes, rules, policies, and procedures. By these templates CDOT strives to ensure the use of uniform procedures and the compliance with federal and state law to achieve an effective survey and plans program. It is the responsibility of the user to adhere to these templates.

The Library of Templates for CDOT Survey and Right of Way Plans is a living document. Any changes to these templates will be posted quarterly (January, April, July, October) unless a substantial change is made which requires immediate updating. It is the responsibility of the user to check for revisions.

MicroStation / InRoads Disclaimer: The Library of Templates for CDOT Survey and Right of Way Plans are the most current and up-to-date contractual documentation of the minimum specifications that shall be used for a set of Survey and ROW Plans for CDOT and takes precedence over any MicroStation / InRoads Configuration that may have become out-dated by these templates.

2.4.6 - The Title Sheet

Basically, there are three types of Title Sheets posted on the Library of Templates for CDOT Survey and Right of Way Plans:

- 1) Federal Aid Project
- 2) Non-Federal Aid Project
- 3) Local Public Agency Project

2.4.7 - Federal Aid Projects

The Title Sheet of Federal Aid projects shall contain a CDOT Federal-aid project plan authorization signature block for the ROW Program Manager to sign.

2.4.8 - Non-Federal Aid Projects

The Title Sheet of Non-Federal Aid projects shall contain a CDOT State project plan authorization signature block for the Region ROW Manager to sign.

2.4.9 - Local Public Agency Projects

The Title Sheet of Local Public Agencies project shall contain either a:

- 1) CDOT Federal-aid project plan authorization signature block for the ROW Program Manager to sign (for federal aid projects).
- 2) CDOT State project plan authorization signature block for the Region ROW Manager to sign.
- 3) No signature block is required if no federal are state funds are being used.

See Chapter 8 – Local Public Agencies for additional information.

2.4.10 - The Tabulation of Properties Sheet

All parcels, including permanent and temporary easements, shall be tabulated on the Tabulation of Properties sheet as follows:

- Parcel number(s) with their appropriate designation to be acquired
- Name of the owner(s) of each parcel
- Owner('s) address
- Site address
- Location of the parcel by section, township, range, and principal meridian
- Lot and block if subdivided
- Area of the parcel being acquired
- Area of the parcel being acquired within the existing ROW
- Net area being acquired (area of parcel - existing ROW)
- The area of the contiguous remainders, if any, on the right and left sides of the acquisition (based upon proceeding along the centerline in the direction of stationing)
- Areas of parcels, easements, and remainders (expressed in acres and rounded to the nearest thousandth of an acre in rural parts of the regions - In urban parts of the region or where the cost of acquisition could be great, parcels, easements, and remainder areas shall be expressed and rounded to the nearest square foot.)
- Book and Page number and/or reception number of the parcel being acquired.

A "remarks" column is provided for the explanation of items in the tabulation and to state the purpose of required easements or to list other pertinent information that would be helpful in extraordinary situations.

2.4.11 - The Project Control Diagram and Land Survey Control Diagram

The purpose of the Project Control Diagram and the Land Survey Control Diagram is to graphically show how the survey was performed in the field. Both of these diagrams shall be prepared in accordance with CDOT's Survey Manual, the Memorandum of Understanding between the Colorado State Board of Licensure for Professional Engineers and Land Surveyors and CDOT and Colorado State Law.

See CDOT Survey Manual Chapter 5 – Preliminary Surveys for exact definitions and minimum requirements.

2.4.12 - The Monumentation Sheet

The purpose of the Monumentation Sheet is to provide CDOT and private surveyors with the project coordinates of monuments to be set in the field. The monuments thus established, will aid in protecting the adjoining landowners, the highway rights of way, locating future land boundaries and performing construction surveying.

The tabulation shall include coordinates and stations of ROW monuments to be set as well as PE's, SE's, and TE's and miscellaneous points necessary to stake ROW.

2.4.13 - Single Plan Sheet Projects

Small projects or single parcel acquisitions may be compiled on a single plan sheet meeting all of the required minimum specifications.

A Title Sheet is required for all single plan sheet projects.

SECTION 2.5 - THE PLAN SHEET GENERAL NOTES AND SURVEYORS STATEMENTS

2.5.1 - General Notes

The following general notes shall be used for all ROW Plans as a minimum:

Basis of Bearings: Bearings used in the calculations of coordinates are based on a grid bearing of NXX^XX'XX"W from CM-MP XX.XX and CM-MP XX.XX. Both monuments are CDOT Type II, marked appropriately for their milepost location and control position. The survey data was obtained from a Global Positioning System (GPS) survey based on the Colorado High Accuracy Reference Network (CHARN). The ROW Plans Title Sheet shall at a minimum, contain the notes

1. This Right-of-Way Plan is not a boundary survey of the adjoining property and is prepared for the Colorado Department of Transportation purposes only.
2. For title information, The Colorado Department of Transportation relied on (Title Policy), (Title Commitments), (Memorandums of Ownership) prepared by (Title Co. or individual) for (Title Insurance Co. or consultant)
3. This plan set is subject to change and the information contained on the attached drawing is not valid unless this copy bears an original signature of the Professional Land Surveyor hereon named.

NOTICE: According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten years from the date of certification shown hereon.

2.5.2 - Surveyor's Statements

The following Surveyor's Statements were accepted by the State Board of Licensure for Professional Engineers and Land Surveyors on September 13, 2005. The statements shall be used by all CDOT and consultant Professional Land Surveyors, subject to Board Rule 6.2 – Surveyor's Certification, for any ROW Plans requiring such statement:

Surveyor's Statement (ROW Plan):

I, _____, a professional land surveyor licensed in the State of Colorado, do hereby state to the Colorado Department of Transportation that based upon my knowledge, information and belief, research, calculations and evaluation of the survey evidence were performed and this ROW Plan was prepared under my responsible charge in accordance with applicable standards of practice defined by Colorado Department of Transportation publications. This statement is not a guaranty or warranty, either expressed or implied.

xxxxxxx PLS No. xxxxx

Date

Surveyor's Statement (ROW Monuments):

I, _____, a professional land surveyor licensed in the State of Colorado, do hereby state to the Colorado Department of Transportation that based upon my knowledge, information and belief, adequate research, calculations and evaluation of survey evidence were performed and the ROW monuments depicted on this ROW Plan were set under my responsible charge in accordance with applicable standards of practice defined by Colorado Department of Transportation publications. This statement is not a guaranty or warranty, either expressed or implied.

xxxxxxx PLS No. xxxxx

Date

SECTION 2.6 - THE PLAN SHEET

2.6.1 - General

The primary purpose of the plan sheet is to depict to scale, in as complete detail as possible, the highway ROW and the parcels of which it is composed, their dimensions and the buildings, structures, and all other topography on or near the ROW.

There are certain items that are to appear on all plan sheets. For example, the title block mentioned in the Title Sheet section will be in the upper right hand corner of all plan sheets. Under the title block will be the words "ROW" and the geographical designation or location of the project. An effort should be made to put the revision block as close to the title block as possible. Each plan sheet should show the Township, Range, and Principal Meridian near the top of the sheet with sectional subdivision to 1/16th sections, shown in appropriate locations. All plan sheets and detailed enlargements shall have a north arrow and graphic scale.

Throughout the discussion of plan sheets, the word "detail" appears again and again. Detail and Clarity cannot be overemphasized. The object should be to insure that prints, especially the half size final prints, be as legible and uncluttered as possible. For this reason, the scale to be used should be governed by the amount of detail required and the complexity of the ownerships involved. The most generally used scale is 1:1,000, but 1:500, or even larger scale may be preferable to avoid crowding of details. Detailed enlargements or supplemental sheets can prove to be an effective method of showing particularly congested areas. The various kinds of lines drawn on the plan sheets to represent project centerlines, ROW lines, property lines, section, township and range lines, etc. must all be distinguishable one from the other. Conformity with the Conventional Signs legend on the Title Sheet shall be practiced.

The beginning and end ROW stations will be marked and so noted on the centerline on the appropriate plan sheets.

2.6.2 - Centerline

Bearings along the centerline must be shown. All points of curve (P.C.), points of tangent (P.T.), and other points of transition, tangent to spiral (T.S.), spiral to tangent (S.T.) points of compound curve (P.C.C.), points of reverse curve (P.R.C.), points of intersection (P.I.) shall be marked and designated by station.

In addition, other reference points, such as centerline intersections with section lines, 1/4 & 1/16 section lines, property lines, etc. will be marked and the station calculated and shown on the plan. Curve data on centerline for each curve shall be tabulated near the appropriate curve. If a large number of curves and curve data are to be placed on a sheet and it becomes difficult to identify which set of information goes with which curve, the P.I. stationing of each curve should be listed with the corresponding curve data to facilitate identification. Curve data shall include the delta angle left or right, the degree of curvature, the tangent, length of the arc, and the radius. If the curve along the centerline is spiraled, and the spiral in and spiral out are identical, the spiral data will be tabulated above, below, or adjacent to the curve data. In the case of unequal spirals, the spiral data will be tabulated near the spiral to which it refers.

2.6.3 - ROW Lines

When ROW lines are parallel with centerlines or aliquot lines, widths shall be shown at each end of the sheet and at each change in width. Recovered monumentation along the existing ROW shall be shown and identified. All lines of ROW parcels shall be annotated. If measured courses differ significantly from record, both values shall be shown. If line and/or curve tables are needed, they shall be placed on the same sheet the lines or curves are shown. Each line and/or curve shall be labeled with a unique identifier.

ROW lines shall not contain spirals. Typically, when the centerline is spiraled, the centerline elements before and after the spiral are offset and then connected with a chord.

2.6.4 - ROW Parcels

All bearings and distances for parcels shall conform to the written legal descriptions of those parcels. The point of beginning (P.O.B.) of each ROW parcel shall be marked and the bearing and distances of the primary tie shown, if practical. Every effort should be made to keep points of beginning on the outer ROW line and to use one point of beginning for as many parcels as possible.

ROW parcels shall be numbered consecutively from the beginning to the end of the project as follows:

- When feasible, ownerships should be assigned a number prior to the start of plan development for the project. This number will be the ownership number used for all parcels and easements.
- The appropriate parcel designation shall be used for each parcel and easement.
- When numbering parcels or easements for a ROW project with more than one unit, the use of numbers 1 to 199 for Unit 1, 200 to 299 for Unit 2, etc., should be used for filing purposes and the computer database.
- In case of an ownership on both sides of the centerline they should be numbered alternately as they occur, an example of this would be 10, 11, 12, etc. Exceptions should be made when the ownership was conveyed by a single deed.
- An ownership should have more than one parcel number where the parcels are not contiguous (example: 1, 2, 3, etc.).
- If an ownership is being divided into parcels for simple conveyances it should be described simply with its own unique parcel number, a parcel for CDOT ROW, a parcel for county ROW, and a parcel for city ROW, an example of this would be 10, 10A, and 10B, etc.
- Parcels shall not be numbered along one side from beginning to end, then numbered on the other side.
- When feasible adherence to parcel numbering for projects having more than one unit, as outlined in the "Tabulation of Properties" should be followed.

- In any case where an ownership is divided, officially subdivided and accepted by the county after preparation of plan sheets, requiring a plan revision to show the new parcel and its owner, the parcels (both the remaining portion of the original and the derived parcel) shall be numbered as follows:
- The parcel being acquired shall bear the number of the highest ownership on the unit or project plus one. An example of this would be: If a project had twenty existing parcels and Parcel No. 10 is divided into four new owner ships, the derived parcels shall be numbered 21, 22, and 23, and the remaining portion of the original parcel would be number 10 Rev.
- Do not revise a parcel for a name change only.
- Subsequent revisions to the same parcel will be designated as “Rev. 2” and “Rev. 3” etc.
- Where formerly dedicated streets, avenues, and alleys, now vacated, are within the ROW, they should be indicated and record of vacation noted.

2.6.5 - Parcel Designations

| <u>Parcel Designation</u> | <u>Meaning</u> | <u>Example</u> |
|---------------------------|--------------------|----------------|
| AC | ACCESS | <u>AC-1</u> |
| AP | ADVANCE OF PLANS | <u>AP-1</u> |
| EA | EARLY ACQUISITION | EA-1 |
| EX | EXCESS | 1-EX |
| HS | HARDSHIP | HS-1 |
| MS | MAINTENANCE SITE | MS-1 |
| ME | MINERAL ESTATE | ME-1 |
| PB | PROTECTIVE BUY | PB-1 |
| PE | PERMANENT EASEMENT | PE-1 |
| RE | RAILROAD EASEMENT | RE-1 |

| | | |
|----|------------------------------|------|
| RM | REMAINDER PARCEL | 1-RM |
| RW | RIGHT OF WAY | RW-1 |
| SE | SLOPE EASEMENT | SE-1 |
| SN | SIGN EASEMENT | SN-1 |
| SV | SCENIC VISTA | 1-SV |
| TE | TEMPORARY EASEMENT | TE-1 |
| UE | UTILITY EASEMENT | UE-1 |
| UN | UNKNOWN | 1-UN |
| WH | WILDLIFE HABITAT | 1-WH |
| WL | WETLAND | 1-WL |
| XX | ONLY FOR CONVERSION PURPOSES | 1-XX |

2.6.6 - Right of Way Parcel (RW)

Parcels conveyed to CDOT for Right of Way in fee simple shall be delineated on the ROW plan sheets and prefixed by the letters "RW".

2.6.7 - Permanent Easements (PE)

Permanent easements conveyed to CDOT are required in all cases where present and future accessibility is needed for maintenance or reconstruction. All permanent easements shall be delineated on the ROW Plan sheets and prefixed by the letters "PE".

The numbers assigned to Permanent Easements or other easements shall be derived from the ownership number of the parcel. For example, the permanent easement in the same ownership as Parcel 2 would be number PE-2. If there are multiple permanent easements under the same ownership, they would be numbered PE-2, PE-2A, PE-2B. etc.

A unique category of permanent easement is an aerial easement, or air rights easement. Such an easement is taken when property is spanned, as in the case of a bridge or viaduct.

2.6.8 - Slope Easements (SE)

Slope easements conveyed to CDOT are required for the purpose of constructing and maintaining a highway fill or cut slope. Slope easements are permanent in nature until such time as the Grantor shall cut or fill his adjacent land to a level where the slope would intersect the ROW line. Slope easements should not be used if there is little chance of the adjacent land being changed. All such easements shall be delineated on the ROW Plans and designated or "SE". Slope easements will be numbered in the same manner as permanent easements but prefixed by the letters "SE".

2.6.9 - Temporary Easements (TE)

Temporary easements conveyed to CDOT for construction are required for landscaping, work area, or drainage problems which CDOT does not intend to maintain on a permanent basis. Temporary easements shall be numbered in the same manner as permanent easements but prefixed by the letters "TE".

Additional letters may be added to the parcel designation to TE for geotechnical and/or environmental investigation. An example of this is TE-G.

See Easements section of this chapter for additional information.

2.6.10 - Utility Easements (UE)

Permanent easements conveyed to CDOT for the use of utility companies shall be delineated on the ROW Plan sheets and prefixed by the letters "UE". When the intent is to replace an existing easement in kind, the recording information of the easement to be replaced should be stated on the plans. Replacement utility easements should be acquired in the name of the utility company.

2.6.11 - Railroad Crossing Easements (RE)

Permanent easements conveyed to CDOT for the purpose of at-grade railroad crossings shall be delineated on the ROW Plan sheets and designated prefixed by the letters "RE". Railroad easements that are not for at-grade crossings shall be identified as permanent easements as previously discussed.

2.6.12 - Excess Land Parcels (EX)

Parcels of land which were acquired for roadway purposes may be recommended as excess by the Regional Transportation Director. If Federal funds were involved in the acquisition, Federal Highway Administration approval of the land disposal may be required. Central Office Project Development Branch, ROW Services prepares an Excess Land Finding and a Resolution for Approval by the Transportation Commission.

The number of the excess parcel shall be the same as the number of the parcel originally purchased followed by the letters "EX". In the event the parcels are made excess by a new project, the parcels will be numbered in accordance with the new project followed by the letter "EX". All excess parcels shall be shown on the ROW Plan sheet and tabulation of properties sheet and labeled "to be conveyed, subject to Transportation Commission approval". Access rights and easements should also be considered when excess land is sold. As with "RE" parcels, these parcels shall also be described separately.

2.6.13 - Remainder Parcels (RM)

It is the responsibility of the Region ROW personnel to identify obvious remainder parcels during preparation of the ROW Plans. Obvious remainder parcels include landlocked parcels and small, triangular or irregular shaped tracts with limited utility in the after conditions. All remainder parcels shall be designated by the number of the original parcel followed by the letter RM.

2.6.14 - Uneconomic Remnant and Damaged Remainder Parcels (RM)

(See ROW Manual, Chapter 7, Property Management, for details for selling remainder property). The review appraiser, in accordance with ROW Manual Chapter 3, Appraisal Review, shall make the determination as to which remainders are damaged a sufficient amount to qualify as "uneconomic remnant". The Region ROW Manager may also make the determination that a parcel is a remainder due to factors (i.e. access) as a result of the project.

The review appraiser shall consult with the Region ROW Manager who will relay this to the Regional Office Survey Coordinator for addition to the ROW Plans. The number of the remnant and damaged remainder parcels shall be the same as the parcel to be acquired for roadway purpose followed by the letter "RM". A separate legal description shall be prepared for the RM parcel and shall be shown as a parcel to be acquired on the tabulation of properties sheet. All remainder parcels are assumed to be Federal participating unless otherwise noted on the plan sheets and in remarks on the tabulation sheet.

2.6.15 - Mineral Estate (ME)

A property owner may be in title to both the surface and mineral rights of a property. When the surface and mineral estates are severed by deed, it creates two ownerships (for example, Mr. Smith owns the surface estate; Mr. Jones owns the mineral estate). CDOT is not permitted to offer to purchase the mineral estate; however, when CDOT purchases the surface estate, access to the mineral estate is precluded. If there are damages to the mineral estate because of lack of access, a parcel should be created to address compensation for damages. These parcels will be delineated on the plans sheets and designated "Mineral Estate" or "ME". The number assigned to the Mineral Estate shall be derived from the parent number of the parcel. For example, if the surface rights owner is Parcel 5, then the Mineral Estate parcel would be ME-5.

2.6.16 - Scenic Vista (SV)

Scenic vista parcels conveyed to CDOT are primarily used to maintain, protect, and/or provide access to a scenic view. Scenic vista parcels are numbered accordingly, the parcel number is followed by the letters "SV".

2.6.17 - Wildlife Habitat (WH), Wetland Parcels (WL), and Conversion Easements (XX)

Wildlife habitat parcels conveyed to CDOT are primarily used to maintain a natural habitat or environment. Wildlife habitat parcels are numbered accordingly, the parcel number is followed by the letters "WH".

Wetland parcels conveyed to CDOT from previously arid or semi-arid lands or designated to maintain a natural habitat or environment. This is done to compensate for the wetlands damaged or destroyed by construction. Wetland parcels are numbered accordingly, the parcel number is followed by the letters "WL".

Conversion Easements conveyed to CDOT are a restriction limiting the future use of a piece of property to preservation, conservation or wildlife habitat. Easements are generally permanent in nature, but may not always be acquired in the normal way. Conversion parcels are numbered accordingly, the parcel number is followed by the letters "XX".

2.6.18 - Condominiums

Condominium ownership is a "system of separate ownership of individual units in a multiple unit building." Besides fee title to the unit itself, there may be an undivided interest in and to the common areas, based upon the total number of units, or a fractional interest based upon a proportionate division of the square footage of floor area or the price of a single unit proportionate to the total price. An additional requirement is a primary instrument of record covering the common areas, such that they can be referenced in the documents conveying title to the units themselves.

2.6.19 - Improvements and Land Service Facilities

All affected lands and improvements within the ROW, or within the zone of influence of the ROW, must be shown. They should be drawn to scale in their accurately determined locations and either labeled or designated by a number or a letter referring to a tabulation of improvements. This must also be observed whenever enlarged detail drawings (blowups) are made to supplement the plan sheets.

All other improvements must be shown in their actual location by sketches or by standard mapping symbols. Existing highway ROW, fences, electric transmission and distribution towers and poles, telephone and telegraph poles or underground conduits, sprinkler systems, water valves, pipe lines, ditches, canals, natural water courses, and signs shall be shown, together with all easements or rights of way on which such facilities are erected. If the book and page of the record of such easements and the project number of the existing ROW are known, or can be ascertained, such information should be included on the plan sheet.

The name and direction of flow should be shown on all water courses, including ditches and canals, and the primary use of ditches and canals, whether for irrigation or for drainage, shall be indicated.

Streets and avenues, designated by name, and alleys intersected by the ROW, or within the ROW limits, must be shown. Also, land service facilities such as frontage roads, county roads, road approaches, trails, bridle paths, and stock drives must be indicated on the plans. Bridges, culverts, overpasses, encasements, and other structures must be indicated on the plan sheet and briefly described. Show major improvements within ownerships as well as existing access to the street system. All land service facilities must be justified in accordance with CDOT Project Development Manual.

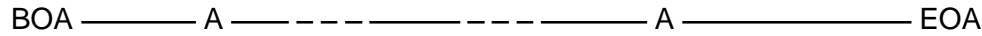
2.6.20 - Outer Lane Lines and Road Approaches

The ROW Plans should show all approved points of entry to or exit from the traffic lanes. To avoid cluttering the plans with extraneous lines, only the outer shoulder line or edge of traveled way need to be shown. Curb, gutter, sidewalk, and inner lane lines are not required.

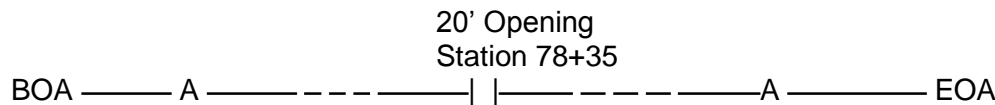
2.6.21 - Access (AC)

Access control, if any, conveyed to CDOT is a restriction of access to/from a transportation facility. Access control shall be indicated on all plan sheets prefixed by the letters "AC". Except for unusual circumstances, the access controls and symbols denoting said control will be on the ROW line.

2.6.22 - Control by Deed or Rule and Order



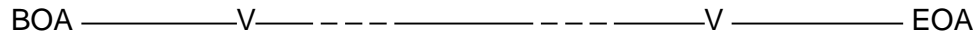
In cases of limited access control, openings are indicated by a break in the ROW line (or access line) with width and a stationing opposite the center of the opening. An example follows:



Openings should conform to applicable requirements of State Highway Access Code. Openings do not constitute permits to access. An access permit pursuant to 2 CCR 601-1 (State Highway Access Code) is required in addition to the opening. Beginning and ending points of access control along ROW lines shall be indicated by the words, or by appropriate symbols, such as "E.O.A." or "B.O.A." In addition, the distance through which access is to be controlled along interchange roads will be shown. It is advisable to use a different size and/or slant lettering, or the word "access" in parentheses, to distinguish an access distance from a parcel distance when the two are not the same.

2.6.23 - Control by Law on Virgin Access

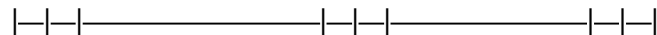
When access is controlled by operation of freeway law, C.R.S. 43-3-102(2) the existence of a freeway resolution for that specific section must be verified. An example of this is a highway on a virgin location. In this case the property owner has no rights of access, and this fact is symbolized on the ROW Plans as follows:



The existence of a freeway resolution may be verified on the Freeway Resolution Map, as distributed by the Division of Transportation Development.

2.6.24 - Control by Frontage Road

When access is available to a frontage road and access between the frontage road and the arterial lanes is prohibited, the fact will be indicated by the barrier line symbol:



2.6.25 - Control of Access by Statute, Rule and Regulations CRS 43-2-147

Authorizes CDOT and appropriate local governments to regulate vehicular access to and from the state highway. The State Highway Access Code, 2 CCR 601-1, is a rule and regulation that provides the detailed procedures, standards and specifications for the control of access.

Access authorization can only be obtained through the issuance of an access permit signed by specific authorized Department personnel. Openings in -A- lines do not constitute authorization. A permit defining the terms, conditions and design is also required by statute. The Transportation Commission has adopted the State Highway Access Category Assignment, that classifies each and every segment of highway into an access category. Information regarding the category assignment for a specific roadway section can be obtained from the regional access manager.

The access category is not shown on ROW Plans. Where access plans are developed, key elements will be put on ROW Plans and construction plans. Access is an important element in appraisal and acquisition.

Access regulation and access control plans are not substitutes for freeway resolutions and control by deed. Control by deed is still and will remain the preferred method to control access.

2.6.26 - Unknown Parcels (UN)

Parcels conveyed to CDOT that are not identifiable by any other parcel designation may be designated as an unknown parcel followed by the letters "UN". This designation shall be used infrequently and only in rare cases where the parcel designation is not know.

SECTION 2.7 - THE OWNERSHIP MAP

2.7.1 - Purpose

The purpose of the ownership map is to show plan sheet information as it relates to total contiguous ownership. The format for the ownership map is much the same as the plan sheet: i.e. Title Block, revision block, North arrow, graphic scale, sections, townships, range, Principal Meridian, and centerline orientation. It is the intent of the ownership map to identify conflicts in property boundaries and should be made in conjunction with the field survey.

2.7.2 - Specifications for Ownership Map

- 1) A scale drawing of the boundaries of all land ownerships affected by the highway improvement.
- 2) Must show all recorded and apparent rights of way and easements.
- 3) Scale and north arrow.
- 4) Number ownerships alternately as they occur from centerline to correspond with the plan sheets. Show current names of owners and lessees.

2.7.3 - Content

Ownership maps are usually drawn to the scale 1:5,000 so that more of the ownership can be shown. It is obvious that, with this small a scale, ownership maps cannot and need not deal with as much detail as does the plan sheet. The ROW alignment must be shown, drawn to scale, but need not be dimensioned except for centerline bearings, important ties, and ROW widths. The curve data may be abbreviated to show the delta angle, right or left, and the degree of curve. Stationing shall be shown at least at 200 foot intervals. Whenever possible, deed bearings and distances on property lines outside the ROW should be shown.

Structures, fences, rivers, streams and drainage, and field roads and topography shall be included in the ownership maps because of their effect on access and access control.

When access is to be controlled, approved overpasses, underpasses, grade separations, interchanges, grade intersections, and public and private access points shall all be shown and labeled on the ownership maps as well as natural water courses, canals, lakes, large reservoirs, etc. Culverts five feet (1,500 mm) and larger, designed primarily for drainage, and bridges must be shown and their size indicated, since they may possibly be used as passageways under the roadway.

Railroads, highway, jeep trails, utility easements and rights of way should also be indicated. It is important on Interstate projects, and others requiring total access control, especially with large ownerships, that all county roads, according to county highway records, within the scope of the map be shown, so that access to, or land locking of ownership remainders, if any, can be determined. For the same reason, frontage or service roads, planned to be constructed, should be shown.

When land within the scope of the ownership map is owned by the State, or is in the Public Domain, but is occupied under a lease, the name of the lessee and other pertinent lease data should be shown.

The owner's or lessee's system of cross fencing should also be indicated as an aid to understanding operating methods.

Beginning and ending stations of the ROW project must be indicated on the map.

It may be unnecessary to prepare an ownership map for projects where the ROW parcels to be acquired are total takings, or where the total ownership can be shown on the regular plan sheets.

2.7.4 - Total Ownership Maps

There may be times when a smaller scale might be necessary in order to include total ownerships; but such small scale maps should be avoided if possible, especially when some desirable details on the ownership map would have to be sacrificed. In such cases, it is recommended that small scale supplemental plats be included, solely to show the total ownerships. A plat similar to the sketch map on the title sheet might suffice.

SECTION 2.8 - ROW PLANS PREPARATION PROCESS

2.8.1 - Preliminary Field Survey

All survey work shall conform to the specifications as required in the current edition of the CDOT Survey Manual, including but not limited to the following:

- 1) Obtain written permission to enter private land for survey work (CDOT 730: Permission to Enter Property).
- 2) Establish horizontal and vertical control in accordance with CDOT Survey Manual.
- 3) Make field ties to aliquot corners, property pins, ROW markers and all found monuments in the area.

Request and secure all necessary survey data prior to conducting the preliminary survey such as preliminary design data, existing control points, and requirements for the design process (such as topography, profiles, InRoads TMOSS, and hydraulic survey data). The Project Manager and the ROW Plans Supervisor will confer to complete the preliminary Survey Scope (Form 1217a) prior to commencing any preliminary survey work, and a pre-survey conference will be held. The consultant, his Professional Land Surveyor licensed in the State of Colorado who is in charge of field survey work and the CDOT Regional Survey Coordinator for field and office will discuss CDOT requirements including method, equipment, basis of bearings, and project coordinate basis. Any GPS or electronic distance meters shall be checked and/or calibrated at an approved NGS Calibrated Base Line.

Obtain any maps and data that will aid in the survey such as:

- 1) BLM Township Plat and Field Notes.
- 2) USGS Topographic Maps.
- 3) Existing ROW Plans and Railroad Maps.
- 4) County Assessor Maps.
- 5) Monument Records.
- 6) NGS Horizontal and Vertical Control Points.
- 7) Subdivision Plats.
- 8) Deposited Surveys.
- 9) Utility Location Services.

2.8.2 - ROW Ownership Map

The following work must be done by or under the immediate supervision of a Professional Land Surveyor licensed in the State of Colorado:

- 1) Identification of Property Owners:
 - a. Identify affected ownership from preliminary Design Plans.
 - b. Obtain assessors map, encompassing limits of project.
 - c. Locate documents which transfer title.
 - d. Prepare chain of title.
 - e. Look for encumbrances, releases, etc.
 - f. Make physical inspection of property. Note any physical evidence of easements, wells, ditches, ingress and egress.
 - g. Check with County Road Department or County Engineer for location of existing roads.
 - h. Check for latest subdivisions plats and vacations of streets.
- 2) Preparation of ROW Ownership Map (Prior to FIR):
 - a. Review preliminary design and field survey notebooks.
 - b. Prepare Project Control Diagram and Land Survey Control Diagram (to be used as base sheet for ownership map.)
 - c. Establish basis of bearings and coordinate with CDOT Design and ROW Sections.
 - d. Compute alignment and coordinates of all found legal monuments within the first tier of properties Left (LT) & Right (RT) of Centerline.
 - e. Review Memorandums of Ownership and supporting plats supplied by either CDOT or title company.
 - f. Calculate coordinates of lost or obliterated corners using guidelines established by the Bureau of Land Management. (To be used by field surveyor in resetting the monuments).
 - g. Establish subdivision of sections using Bureau of Land Management Guidelines. Show all Section Lines and Aliquot Parts on the ownership map.
 - h. Determine existing ROW limits from deeds of record. Previous ROW Plans, if available, will be provided by CDOT as an aid.
 - i. Determine ownerships and existing easements of record

- 3) Secure additional property corner ties and additional topography where the highway improvement may affect improvements adjacent to the ROW. This additional topography should include:
 - a. Underground cables and conduits.
 - b. Wells.
 - c. Irrigation ditches and systems.
 - d. Septic tanks, cesspools, and leaching fields.
 - e. Trees and other shrubbery.

- 4) Reconcile overlaps and gaps in ownerships, documenting method used (may require additional field work).
 - a. Plot OWNERSHIP MAP on a 24 in. by 36 in. (1/2 sheet 11" by 17") in accordance with specifications. Normal scale, 1"=400' in rural areas, 1:2,000 in urban areas. If entire ownership will not fit on the sheet at this scale, an additional abbreviated OWNERSHIP MAP may be used at a scale of 1:50,000, or other suitable scale, to show the configuration of large ownerships.
 - b. Label all monuments found with description of monument and coordinates.
 - c. Show improvements and topography within the ownerships as well as existing access to the street system.
 - d. Number ownerships alternately as they occur along the Centerline from south to north or west to east in the same direction as the stationing. Show current names of owners and lessees.
 - e. Calculate area of all ownerships affected, establishing bearings and distances on all ownership lines, including coordinates of all property corners. Deduct areas for existing road rights of way. Bearings, distances and coordinates do not need to be shown on 1:50,000 abbreviated OWNERSHIP MAPS.
 - f. Show areas of complex ownerships graphically by cross hatching different land uses.
 - g. Show seal, number, and name of Professional Land Surveyor licensed in the State of Colorado who is in responsible charge of the work in the lower right corner of the OWNERSHIP MAP.
 - h. Transmit finished reproducible Ownership Map and Memorandums of Ownership to CDOT along with all calculations, field notes and supporting data. The Ownership Map will include a Project Control Diagram, and/or a Land Survey Control Diagram and monument sheet. Note that only the project control data needs to be completed at this time.

2.8.3 - ROW Plan Preparation

Verify toes of slope on base map from earthwork data.

Plot ownership lines and control from OWNERSHIP MAP.

- 1) Plot new ROW requirements and access control from design plans following the FIR on base map. Normal scale, 1:500 in urban areas, 1:1,000 in rural areas.
- 2) Determine areas of parcels, easements and remainders.
- 3) Draft ROW Plan Sheets including driving lanes, structures, pipes & boxes larger than five feet (1,500 mm).
- 4) Prepare legal descriptions of parcels, easements and remainders using MicroStation and latest edition of Microsoft Word. Submit descriptions to the Central Office Project Development Branch, ROW Services electronically, in Microsoft Word compatible format.
- 5) Prepare tabulation of properties sheets.
- 6) Draft new ROW lines, access control, easements, frontage roads and lane lines on OWNERSHIP MAP. Revise ownership numbers to correspond to ROW acquisitions.
- 7) Prepare ROW title sheet.
- 8) Prepare monumentation sheet, including a complete list of ROW points to be set, section corners and control monuments. Determine coordinates for ROW intersections with property lines and their offsets to centerline.
- 9) Prepare ROW tabulation of road approaches, if applicable. Show owner, milepost/station, rt. or lt. of centerline, width of approach, skew angle and any pertinent remarks.
- 10) Transmit plans, memos, and legal descriptions to the Regional ROW Supervisor for cost estimate, letter of information to appraisers, and request for authorization. Transmit current, updated title work (Memorandum of Ownership and/or Title Commitments).

2.8.4 - ROW Plan Revisions

Review changes in design affecting the ROW limits as they occur.

- 1) Review changes brought about by the appraisers and negotiators.
- 2) Review changes brought about by updated Memos of Ownership, or title commitments.
- 3) Draft plan revisions and prepare revised legal descriptions and calculations.

- 4) Transmit revision to the Central Office Project Development Branch, ROW Services for processing.

SECTION 2.9 - MEMORANDUM OF OWNERSHIPS & TITLES

2.9.1 - Purpose

From the information given in the Memorandum of Ownership, CDOT plans to buy property and clear it of all encumbrances. CDOT may use the memorandum in lieu of title commitments, insurance, or other ownership reports.

2.9.2 - Title Commitments

If title commitments are used in lieu of the Memorandum of Ownership process copies of all conveyances within the last five (5) years must be attached to the document in chronological order. Title policies are recommended on all acquisitions over \$5,000.00.

2.9.3 - Memorandum of Ownerships

The memorandum of ownership may be used by CDOT in lieu of title commitments or insurance provided by private companies. The memorandum must provide an accurate and complete accounting of the ownership of an affected tract of land. The information provided by it is used to identify parcels to be acquired, and is used by the appraisers and determines to whom payments are made. Again, the information must be **accurate** and **complete**.

The following steps should be adhered to in compiling a Memorandum of Ownership:

- 1) From the alignment of the project, locate the section, township, and range of the project. Approximate distances from the centerline to section corners is helpful in determining the quarter section. Once the location of the project is identified, locate the project on the county tax assessor's map in the appropriate county. These maps vary from county to county. However, the assessor's records should contain some type of plat depicting properties being assessed taxes. In some instances, subdivisions are indicated only by boundary and name, and separate maps or books contain information as to specific lots and blocks within those subdivisions.
- 2) Once the project is located on the assessor's map, identify those tracts affected by the project. Often, the tracts are numbered or keyed in some fashion to an index of owners. After the affected tract has been identified, determine the owner (the party that is being assessed property taxes for that particular tract). From the key number, or owner's name, obtain the date and/or recording information of the document whereby that party acquired title. This information may be contained with the map, in a separate book, or elsewhere, such as assessor's files, treasurer's records, etc. In some cases, no record of the transaction is noted by either the assessor or the treasurer. In this case, a search of the grantor-grantee index records in the Clerk and Recorder's office is necessary to find that conveyance. County personnel may be helpful in this instance by providing an approximate date or year of the transaction, i.e., "John Doe owned that since before the war," or : He bought that about three years ago." In any case, attempt to get the information relative to the transaction whereby the party currently being assessed acquired title to the property.

- 3) In the records of the County Clerk and Recorder, locate the document that transfers title according to the assessor's records. In most cases, this document will be a deed of some type, however, it may be a last will and testament, a court decree, a death certificate (property held in joint tenancy), or some other document transferring ownership from one party to another. If the document is a deed, note the pertinent information, and, obtain a copy of it. If the legal description is fairly simple, i.e. "Lot 1, Block 2, Interstate Subdivision," or "the E 2 of the NW 1/4 of Section 32, Township 8 South, Range 70 West, of the Sixth Principal Meridian," it may be less time consuming to abstract the necessary information from the deed. Care must be taken to insure that any information is set forth exactly as it appears on the document, even if there are obvious errors, i.e. typos, numbers transposed, etc. Make note of any such errors separately.
- 4) Begin the chain of title from the date that the current owner acquired title. Search the grantor index under the name of the current owner from the date of the deed forward to the present. This search will reveal any portions conveyed out of the ownership, any liens or encumbrances made by the current owner, or a sale of the property not yet noted by the assessor. Then search the grantee index under the name of the current owner backward from the present to the entry whereby title was acquired. This search will reveal any releases of liens or encumbrances, any corrective deeds, or additions to the ownership.
- 5) If the current owner has held title for less than 20 years, continue the chain of title backward from the date title was acquired. This is done by searching the grantee index backward under the name of the party granting title to the current owner. This search will identify when and by what method that party acquired title. It will also reveal any releases of liens or encumbrances made by that party. After the entry is found whereby title was acquired by that party, search the grantor index forward under that name to the time when title was acquired by the current owner. This search will reveal any easements, encumbrances, liens, or sales made by that owner prior to conveying to the present owner.
- 6) Continue the process until a history for the preceding 20 years can be developed for the property.
- 7) Always search the current owner from the time title was acquired to the present, even if title has been held longer than 20 years.

2.9.4 - Instructions for completing Memorandum of Ownership Forms

CDOT will provide information on what land the memo should include. Depending on the circumstances and availability of base maps, this information may be in various forms:

- 1) A list of aliquot parts of a section or sections.
- 2) A list of lots and blocks in a subdivision.
- 3) Maps showing highway alignment and affected property needed for highway expansion.
- 4) A list of property owner's names in sections or aliquot parts of a section.

- 5) If the title company or employee has any questions as to including or excluding any property, they should contact the highway employee placing the order.

2.9.5 - Preparing the Memorandums of Ownership Forms

The Memorandum of Ownership has four sheets: CDOT Forms 242, Page 1; Page 1A; Page 2; and Page 3; Page 1 has several blocked spaces in the upper right corner. The only spaces concerning the title company are the ones **TRACT, SECTION, TOWNSHIP, RANGE, AND PRINCIPAL MERIDIAN**. The project, location and parcel spaces will be filled in by Department personnel. In the preamble of CDOT Form 242, Page 1, the county name should be filled in.

The main part of the page is for the description of the parcel of land; describing the parcel of land may be done in several ways: The description of the entire property may be typed as it appears in the deed; exceptions may be typed and noted by reference to the book and page of the county clerk's records, or simply noted by book and page of the records. On long complicated descriptions where there is the possibility of error or transposition, the property and exceptions may be described by listing both the book and page of the deed and the book and page of the exceptions "The land described in Book ____ on Page ____ of the _____ County Clerk and Recorder's records, except the property conveyed by Book ____ on Page ____ of said records." In both cases please provide legible prints or photocopies of all instruments referred to. These instruments often contain additional useful information.

2.9.6 - CDOT Form 242, Page 1A

This sheet is for the continuation of lengthy descriptions from CDOT Form 242, Page 1. This sheet is used only when lengthy property description warrant additional pages.

2.9.7 - CDOT Form 242, page 2 - Schedule 1: Ownership

List the requested information from the deed of the current owner. The names of the Grantor and Grantee should be exactly as shown on the deed.

Where ownership was conveyed by several deeds, all instruments should be listed. Partial ownership may be shown in different ways: If there is one parent instrument that establishes several partial ownerships it can be covered in one memo. When partial ownerships have been conveyed multiple times, separate memos should follow each chain of title. When a property has several complete ownerships, (wild deeds), show this on separate memos.

In "Remarks", should be shown any matters which may tend to clarify the status of the title, whether such matters are of record or not. For example, if the owner of record of the subject premises has died, and you know this to be true although no transcript of the Decree has been recorded, a statement to that effect should be noted. Any survivors should also be noted, if known. It often happens, too, that title is taken in the name of a corporation, sometimes a partnership, and occasionally a trade name. If a corporation, CDOT must be advised if the Articles of Incorporation are recorded; if a partnership or trade name, CDOT must know the names of the partners or the persons doing business under the trade name.

Under "SCHEDULE 2: ENCUMBRANCES" any liens or encumbrances of record affecting the subject premises must be shown. This should include deeds of trust, mortgages, judgments, mechanic's liens, leases, tax sale certificates, and all other such interests. If any leases affect

the premises, please furnish a photocopy of the same for the information and use of the appraisers. Remarks: "remarks" may prove most useful in clearing title. Information not a matter of record, will aid materially in securing the necessary releases.

2.9.8 - Certificates of Taxes Due

It is Department policy to secure "Certificates of Taxes Due" for each parcel CDOT acquires. Therefore, it will not be necessary for the abstractor to fill in the section pertaining to taxes provided on the Memorandum.

2.9.9 - CDOT Form No. 242, Page 3 - Schedule of Transfers

CDOT Form No. 242, Page 3. "Schedule of Transfers", is required by the Federal Highway Administration to obtain information regarding all transfers of title affecting the various parcels during a period of five years immediately preceding the date of Memorandum. The form provides space for this information and, as shown in the sample, may indicate not only the frequency of transfer, but also any possible trend toward speculation. The amount of consideration will be shown for use by the Appraisers in their reports. **DO NOT USE THIS FORM** if the present owner has held title for more than five years.

The schedule or summary (CDOT Form No. 242, Page 3) must contain the name of the Grantor in each such transfer, the name of the Grantee, the kind of instrument, the date thereof, the date of recording, the book and page of record, the stated consideration, and the amount of documentary fee.

2.9.10 - Updating Memorandums of Ownerships

Memorandums of Ownership must be current (less than 90 days from the date they were prepared) for appraisal and negotiation purposes. Consequently, Memos need to be updated periodically. If there are no changes in Ownership or Encumbrances, the memo can be updated by typing the sentence "No change in Ownership or Encumbrances from (date of the memo) to (current posting date)".

When there are changes in Ownership and/or Encumbrances, they should be added on Sheet 2. It may be necessary to prepare a new memo.

Fees. There is no fee schedule CDOT will pay for memos. We expect to pay title companies an hourly rate.

2.9.11 - Title Research Cautions

In some cases, the entries in the Grantor-Grantee indices may be abbreviated or possibly misspelled. This is particularly true in those counties where the entries are hand-written. (Example - searching the name John J. Jones, check any entry for J.Jones, J.J. Jones, John Jacob Jones, etc. Also, Schultz may appear Shultz, Shulz, etc.)

- If a *lis pendens* is found, try to check the court records to determine the status of the case.

- A judgment recorded with the Clerk and Recorder's office becomes a lien on all real property located in that county which the defendant owns at the time it is filed or may afterward acquire. This lien continues for a period of six years, and may be extended. Therefore, the name of the current owner should be searched back for at least six years, even if title has not been held that long.
- Releases may be recorded in a separate index or as a margin note adjacent to the entry of the original lien. Also, the public trustee may have the release records in that office for deeds of trust.
- Make a physical inspection of the properties affected by the project. Note any physical evidence of easements, rights of way, etc., including any indication of to whom granted, i.e. Public Service, water districts, ditch company, ingress and egress for adjacent owners, etc. If the 20 year search fails to reveal an obvious easement, it may be helpful to contact the party occupying the easement to determine by what right the area is being used.
- When the deed contains an exception by reference to a book and page or reception number, furnish a copy of the applicable information contained on that document.
- Be sure to note the terms of any deed of trust, mortgage, etc. Also, record the addresses of the lien holder and/or local agents.
- If records indicate that an owner is deceased, and there has been no death certificate or will recorded, try to locate the probate records. This may be difficult, as the records may not necessarily be filed in the same county that the property is situated in. If an approximate date of death can be determined (deed from John Jones with signature dated 4/9/59) a copy of the death certificate may be obtained from the Bureau of Vital Statistics in Denver. This may be helpful in trying to locate the probate records. In any case, try to determine by what authority an executor or personal representative is transferring title.
- If title is held in a trust, be sure to include the names of the trustees and the beneficiaries of the trust.
- If title is held by a partnership, note the type (general, limited). If title is held by a corporation, record the jurisdiction of incorporation (a Colorado Corporation, A Delaware Corporation, etc.).
- Articles of Incorporation or registration of businesses may be filed with the County. These may be entered in the grantor-grantee indices or in a separate index. If no registration of a corporation or partnership is found in the county records, check with the Secretary of States office. In any case, record the place of business and the names of the principals, (registered agent, partners, etc.).
- In some instances, such as a break in the chain of title or a substantial discrepancy between adjacent owners, it may become necessary to search a title forward from the original patent grant. The patent information is obtained from the Department of Interior, Bureau of Land Management, Colorado State Office. Using the date of the grant and the name of the party receiving the grant, locate the entry in the county records and start

the chain of title forward from that entry. Be sure to search for this entry in the records of the county that had jurisdiction at the time the patent was recorded. Present county boundaries may be substantially different than those in effect at the time of recording. Also, handwritten styles in the older records tend to be difficult to decipher, so exercise care in this search.

- When attempting to locate an existing road or highway ROW, check with the county engineer or road department. Often they have records of dedications or conveyances for roadway purposes.
- Spend some time familiarizing yourself with the records of the county in which you are working. Ask the county personnel for assistance, but do not expect them to search for you. Ask for the location of records that you may search. Inquire as to plat books for roads or ditch rights of way. County personnel can be extremely helpful.
- In the early years of Colorado history, Spanish surnames were often compound names. Jose Valdez y Romero received the Valdez name from his father, and the Romero name from his mother. As the years passed and customs changed, the mother's surname would be dropped. There are instances where Jose Valdez y Romero would buy property and this would be indexed in the "R" section of the grantee index book. Years later when the mother's surname had been dropped, the property would be sold by Jose Valdez, and this would be indexed in the "V" section of the grantor's index book. Both parts of compound names should be followed.
 - In Spanish surnames, "B's" can be interchanged with "V's" and S can be interchanged with Z. Property purchased by Ballejos may be sold by Vallejos, and Sanchez may sell property owned by Sanches. Phonetically B is the same as V, and S is the same as Z.
 - Given names of a compound nature can cross the borders of gender; Jesus y Maria is not uncommon among Spanish male surnames. Jesus often chooses to go by the name Jess or Jessie.
 - When a title search in Spanish surnames appears to be at a dead end, it is time to consider possible variations.

SECTION 2.10 - CALCULATION OF ROW

2.10.1 - General

The calculation of ROW involves knowledge of surveying principles including the Public Land Survey System in relation to some common trigonometric operations. These include traverses, a method of breaking down the distances and bearings or a series of courses into their northing and easting projections for the purpose of solving unknown elements and parcel areas. The northing projection is called the latitude and the easting projection is called the departure.

Error of closure should be calculated for all new ROW parcels as well as for all adjoining deeds. In addition to plotting the adjoining deeds on the plans, poor closures should be noted on the plans.

Bearings may be rounded to the nearest second for normal calculating operations. Simple horizontal curves are used extensively. All data should be given for each curve. This includes the delta angle, radius, arc length, chord and chord bearing or radial bearing for simple curves.

Spiral curves should not be used in calculating right-of-way parcels.

2.10.2 - Notation of Given or Surveyed information

Field measured ties to found land monuments should be noted on the plans. Where space and clarity permit, the tie should be shown as a dashed line, and labeled with course distance. All "found" monuments will be so designated and shown on the plans with a full description of the monument, its cap or disk and markings.

2.10.3 - Calculation of Alignment

Before any final calculation can be made, the survey control and project alignment must be completely checked. The coordinates of the survey control must not be adjusted in any manner without the permission of the Region Survey Coordinator. ROW and design alignments must be on the same horizontal (and vertical) datums.

SECTION 2.11 - CALCULATION OF PROPERTY BOUNDARIES

2.11.1 - Analysis of Survey Information

To analyze the survey information it may be necessary to plot the original ROW alignment, section corner information, and property lines on a project location map for the purposes of calculating a closure of all section lines found and identifying problem areas. If there is any doubt in position, have the survey crew recheck the corner ties.

Using memorandums of ownership, or title commitments, calculate the boundary of each ownership and, if possible, which parcels are senior to their neighbors. Identify gaps and overlaps in the mathematical location of deed description and review the deed calls to see if any of the hiatus can be resolved therein. Determine if there are areas where additional search for survey monuments might prove productive. CDOT does not resolve boundary conflicts or ambiguities in deeds of parcels adjoining a highway.

2.11.2 - Calculation of Property Corners Not Found by Survey

All property corners not found shall be calculated using proper land survey methods in accordance with Colorado law. It is the policy of CDOT not to perform boundary surveys of adjoining properties but to determine the coordinates of missing property corners using the most current title information and survey information of record. This work shall be supervised by a Licensed Professional Land Surveyor licensed in the State of Colorado.

2.11.3 - Adjustment of Deed Information to the Survey

If the owner's deed contains a statement that the property was surveyed when the deed was written or the deed contains calls to physical land monuments in each course, the actual distances and bearings between these found monuments in their original, undisturbed, location, will hold above all other information. Quite often the deed distances, when measured with more advanced equipment, will yield information different from previously recorded courses. In this case the actual distance and bearings will be used in the new computations.

If the owner's deed does not call out any monuments or no monuments can now be found, the deed bearings and distances shall be used. If the deed bearings and distances do not close mathematically, only a weighted least squares adjustment or other acceptable adjustment will be used to adjust the corner locations to a a-best-fit of the deed calls. However, if there is an obvious error in the deed, such as a transposition of numbers or reversal of bearings which can be proved mathematically, it is permissible to correct these errors. Conflicting class per the record should be noted on the plans.

Where various deeds in a given area overlap or have gaps between them, special consideration must be given to determine which deed has senior rights.

SECTION 2.12 - CALCULATION OF PARCELS

2.12.1 - General

After the proposed ROW and the property lines have been established, all parcel points can then be calculated. ROW lines are usually chorded when the alignment contains spiral curves, they are never spiraled. If there is a circular arc in the ROW line, it should be made concentric with the alignment.

2.12.2 - Calculation of Ties

Ties of parcels and access may be one distance - one bearing course to a found legal corner. Broken back ties, composed of a series of courses leading to a "true" point of beginning, are also acceptable. Ties should be along aliquot lines as often as possible.

2.12.3 - Area Computations

Areas of parcels, easements, and remainders are to be expressed in acres and rounded to the nearest thousandth of an acre in rural parts of the regions. In urban parts of the region or where the cost of acquisition could be great, parcels, easements, and remainder areas shall be expressed and rounded to the nearest square foot as outlined under "ROW Parcel Descriptions". Bearings for legal descriptions must be related to the project survey control. It is permissible to use grid bearings for computational purposes as long as the basis of bearings is stated in the parcel descriptions as well as on the final plans.

2.12.4 - Calculation of Remainders

The areas to the left and right of the centerline of the contiguous remainder properties must be calculated and tabulated along with the parcel areas. It is sometimes necessary to break down these remainder areas into the various land classifications involved. These areas should be expressed in acres and rounded to the nearest thousandth of an acre in rural parts of the regions. In urban parts of the region or where the cost of acquisition could be great, these areas shall be expressed and rounded to the nearest square foot. If the remainder parcel is large enough to go beyond the project survey control, no additional field work is performed. The remainder is calculated from the best information on hand including assessor and GIS information.

2.12.5 - Length of ROW and Begin and End Stations

Length of the ROW project is determined by the length of the centerline at the extremities of the parcel at each end of the job. This is calculated by subtracting the begin station from the end station. If there are equations throughout the project, they must be taken into consideration. The beginning and ending ROW stations are determined by computing the centerline stationing of the furthestmost point of the end parcels. Mile posts shall be calculated to 3 decimal places.

In Urban areas, mile points are seldom marked on the ground and can and do have equation stations.

SECTION 2.13 - TIES AND POINT OF BEGINNINGS

2.13.1 - Establishing Point of Beginning

The point of beginning for any ROW parcel shall be on the **proposed ROW line** rather than on the centerline, or prior right-of way line if possible.

2.13.2 - Direct and “Broken-Back” Ties

Generally, direct ties shall be calculated and used from the point of beginning (POB) to the monument of record (or Point of Commence (POC) at the monument and then go to the point of beginning). However, "broken-back" ties (ties with more than one bearing and distance) may be permitted in some circumstances. If "broken-back" ties are used, all courses in the traverse, from the aliquot corner to the " point of beginning" start at the beginning of the body of the description and shall not be numbered.

2.13.3 - Railroad Parcels – Required Ties

Parcels to be acquired from a railroad shall include, in addition to the regular ties to land monuments, a tie to the nearest railroad milepost.

SECTION 2.14 - DONATIONS AND DEDICATIONS

2.14.1 - Definitions

Donation - The voluntary transfer of privately owned real property for the benefit of a public transportation project without compensation or with compensation at less than fair market value.

Dedication – The transfer of land or an easement by the owner for the use of the public and accepted by or on behalf of the public.

See Chapter 4 – ROW Acquisition of the ROW Manual for additional information.

2.14.2 - Private Donations (23 CFR 710.505)

The donation of private land shall have ROW plans and legal descriptions prepared in accordance with CDOT's specifications and procedures as required in the most recent addition of the Survey Manual and ROW Manual.

Donations of private land shall include a ROW plan authorization package to be submitted to Central Office Project Development Branch, ROW Services for completion of plan authorization and filing purposes.

Donation private land shall have a donation form completed in accordance with Chapter 4 – ROW Acquisition of the ROW Manual.

2.14.3 - State and Local Government Donations (23 CFR 710.507)

The donation of state or local government land shall have ROW plans and legal descriptions prepared in accordance with CDOT's specifications and procedures as required in the most recent addition of the Survey Manual and ROW Manual.

Donations of state or local government land shall include a ROW plan authorization package to be submitted to Central Office Project Development Branch, ROW Services for completion of plan authorization and filing purposes.

Donation state or local government land shall have a donation form completed in accordance with Chapter 4 – ROW Acquisition of the ROW Manual.

2.14.4 - State and Local Government Dedication Requirements

The dedication of land by cities and/or counties by means of their respective platting review and approval process shall meet the requirements as set forth by the city and/or county.

Land which has been dedicated due to a CDOT project shall have copies of the subdivision for which the dedication was made submitted to Central Office Project Development Branch, ROW Services for filing purposes.

See Chapter 4 – ROW Acquisition of the ROW Manual for additional information.

SECTION 2.15 - GENERAL LEDGER AND MAINTENANCE PARCELS

2.15.1 - Definitions

General Ledger Parcels - General Ledger Property is that property paid for by CDOT funds not programmed for highway projects.

Maintenance sites - Maintenance sites are generally located on General Ledger Property and commonly contain facilities and storage areas that are needed for maintenance shops and material storage areas required to maintain the highway system.

2.15.2 - General Ledger Parcels and Maintenance Site Plans

All General Ledger and Maintenance Site plans must comply with Section 7.5.1 - Property Inventory and contain the proper site designations. The development of these plans shall follow the same procedures outlined in above sections for right-of-way plans and comply with state statutes for a monumented improvement survey. Final plans shall be developed from current title work and depict all information required for right of way plans. The information shown on these plans shall include, but not limited to the following: all topography, structures, drainage features, utilities, etc. The plans must also show ownerships, easements and any conflicts that may impact title. Survey control diagrams and monumentation must also be depicted.

Any such site plans produced shall be recorded and or deposited by the Region Surveyor and a copy forwarded to the Property Management Section.

SECTION 2.16 - EASEMENTS

2.16.1 - Permanent Easements and Slope Easements

Permanent easements and slope easements required by CDOT for any purpose shall be described in the same manner as any other ROW parcel and shall be numbered in accordance with this chapter. Areas of these easements are to be expressed in acres and rounded to the nearest thousandth of an acre in rural parts of the regions. In urban parts of the region or where the cost of acquisition could be great, these easements areas shall be expressed and rounded to the nearest square foot. The areas of these easements shall not be deducted from the owner's remainder since CDOT is not acquiring them in fee. The purpose of the easement shall be stated at the bottom of the description.

2.16.2 - Temporary Easements

Temporary easements shall not be formally described unless condemnation becomes necessary. All temporary easements not in condemnation shall be described on the Memorandum of Agreement by the agent at the time of negotiation. See ROW Manual, Chapter 4 – ROW Acquisition, for details. When the condemnation package is prepared, the temporary easements will be described in the same manner as any other ROW parcel. A purpose must also be stated at the bottom of the description. As in the case of permanent easements, the areas of temporary easements shall not be deducted from the owner's remainder.

2.16.3 - Temporary Easements for Construction

Temporary easements for construction should not be used in areas where the slope of the land is significantly and permanently changed from the existing condition. This would require either a SE, PE, or fee parcel.

All temporary easements become void 30 days after construction is completed unless otherwise specified on the Memorandum of Agreement (MOA).

Temporary easements shall be numbered in the same manner as permanent easements but prefixed by the letters "TE".

2.16.4 - Temporary Easements for Geotechnical Drilling and Environmental Investigations

Additional letters may be added to the parcel designation of TE's for geotechnical and/or environmental investigation. An example of this is TE-G.

2.16.5 - Existing Utility Easements Crossing the ROW

Generally, existing utility easements crossing the ROW are not described or purchased. They are usually handled by the Regional Utility Engineer's office as a construction item if the relocation of utilities becomes necessary. Existing utility easements are always included on the plans, together with the book and page of recording.

SECTION 2.17 - LEGAL DESCRIPTIONS

2.17.1 - General Format

Parcels shall be numbered as previously discussed in this chapter. ROW parcel descriptions may be prepared using a WordPerfect-compatible word processor for editing descriptions.

2.17.2 - Compliance with the Memorandum of Understanding

In accordance with the Memorandum of Understanding with the State Board of Professional Engineers and Land Surveyors, any legal description written for the acquisition of real property in CDOT's name from data collected by field surveyors shall be written by a Professional Land Surveyor licensed in the State of Colorado and shall bear the seal and signature of the surveyor in responsible charge of writing the legal description.

Legal descriptions are specified by the Professional Land Surveyor in responsible charge and may be either metes and bounds, or portions of lots and blocks.

2.17.3 - Basis of Bearings

The purpose of a basis of bearing statement on a ROW Plan set is to enable another surveyor to retrace all or part of that survey in the future. Any basis of bearing statement that does not facilitate a retracement of the survey is inadequate. All ROW Plans and legal descriptions shall show and/or state the graphic and mathematical relationship between the basis of bearing and the land parcel in accordance with Colorado State Law.

All bearings on the ROW Plans and legal descriptions shall be related to a basis of bearing established from two monuments found in the field that are intervisible. If grid bearings are used in the preliminary development, the relationship between grid and true shall be noted on the final plans. All legal descriptions must state the Basis of Bearings used in the descriptions.

Additionally, the monuments should be in close proximity to the parcel being described.

2.17.4 - Standard Preamble to be use in all Legal Descriptions

A tract or parcel of land no. _____ of the Department of Transportation, State of Colorado, Project No. _____ containing _____ acres more or less in the _____ of Section __, Township _____, Range _____, of the _____ Principal Meridian, in _____ County, Colorado, Said tract or parcel being more particularly described as follows:

When describing easements, the terms "tract or parcel" will be replaced with the type of easement being acquired, i.e., permanent easement, slope easement, etc.

Please note that on descriptions on "Off System" projects not on the State Highway system, the words Department of Transportation, State of Colorado" should be replaced by the name of the municipality to which the property is to be conveyed. According to the Colorado law, the site address (where possible within the limits of a municipality) of the parcels to be acquired must be shown in the deed of conveyance. A space is provided in the description form for this purpose.

The name of the owner shall be shown on the appropriate line in accordance with the Memorandum of Ownership. However, if the signature of the spouse of the owner is required by law, that name should also appear. The area of each ROW parcel shall be shown in the preamble of the description and at the end of the description. Such area shall be the gross area, including areas within streets, alleys or roadways. The call for area at the end of the description shall include the following statement:

"The above described parcel contains a total of _____ acres or square feet of which _____ acres or square feet are in the ROW of the present road."

The wording of all points of beginning and courses in all the descriptions shall be uniform and consistent with the appended examples.

SECTION 2.18 - METES AND BOUNDS LEGAL DESCRIPTIONS OUTSIDE OF PLATTED SUBDIVISIONS

2.18.1 - Total Takings

When the taking of an ownership is total and we are acquiring all of the owner's interest, it is generally the policy of CDOT to describe the tract exactly as it was described on the original deed. The following clause shall be attached to the description:

"The above description contains all of the land conveyed to _____ by deed dated _____ and recorded _____ in Book _____. Page _____ of the records in the Clerk and Recorder's office in _____ County, Colorado".

In rare cases, however, deviation from this policy may be permitted if the deed of record is "grossly" in error. In this instance the above mentioned clause should also be appended to the description. Care should be taken to show both sets of bearings and distances on the plan sheets.

2.18.2 - Numbering of Courses

Each course in the traverse of the parcel shall be separately numbered and paragraphed. The last, or closing course, shall end with "more or less, to the point of beginning" or "more or less, to the true point of beginning" as the case may be.

2.18.3 - Monumenting of Calls

When a course in a description follows a land line or a property line, or when the terminal point of a course falls on such a line, the fact must be stated in the description. Where property line bearings and distances are recorded, the book and page must also be stated. (e.g. Thence along that line described by deed recorded in Book 252, Page 128 of the Morgan County records, South, a distance of 365.0 feet to a point on the south line of Sec. 26, T. 3 N., R. 57 W., 6th P.M.). In certain cases, it is necessary to further define a line by adding, to the call of the line, the month and year that the line actually existed at that location. Two such cases are when the line is a physical boundary line subject to change, such as the bank or centerline of a river, or an existing ROW line, not of record (e.g. Thence along the southerly bank of the Colorado River (Jan. 1975) S. 45° 00' W., a distance of 350.0 feet).

2.18.4 - Combining Parcels

When a ROW parcel extends into two or more sections, the portions in each section should be separately described by complete metes and bounds descriptions and connected as parts of the same parcel by the word "**also**". These parts, however, must have a common boundary. The call for the area at the end of each part shall include the following statement: "The above described portion of Parcel No. _____ contains _____ acres or square feet of which _____ acres or square feet are in the ROW of the present road." The call for total area at the end of the parcel description and in the preamble shall be the combined area of all parts.

2.18.5 - Splitting of Parcels

When an ownership and the derived ROW are split by a county line, the parts in each county must be separately described and numbered as separate parcels.

2.18.6 - Public Ways – When Excluded/Included

If the ROW for an existing road is deeded ROW, the deed being of record, or if the existing street or alley is dedicated on a duly recorded plat, such roadway, street, or alley should not be included in the ROW parcel description. If the ROW is not a matter of record, the ROW parcel should include the portion which the owner is assessed for and which would revert to the owner in the event of abandonment.

2.18.7 - Ownership Split by Existing Roadway

When the required ROW is to be taken from both sides of a deeded or dedicated ROW, the taking should be described as separate parcels, with consecutive parcel numbers. If the existing ROW is not recorded, or it is recorded but contains information that is doubtful, it shall be included in the parcel description and then excepted out as previously explained. Otherwise, the existing ROW shall be excluded from the parcel description.

2.18.8 - Conflicting Former Surveys

If the accuracy of a former survey is questionable and new survey data produces conflicting data, the area of conflict should be noted on the plans in an obvious manner.

2.18.9 - Rounding of Areas

Areas of parcels and easements are to be expressed in acres and rounded to the nearest thousandth of an acre in rural parts of the regions.

In urban parts of the region or where the cost of acquisition could be great, parcels and easement areas shall be expressed and rounded to the nearest square foot.

2.18.10 - Centerline Descriptions

Centerline descriptions may be used in describing regular shaped strips of land, such as easements, along the ROW. Care should be taken to insure that the shape of the parcel or easement readily lends itself to this type of description. Centerline descriptions are used only with the approval of the Region Office Survey Coordinator for special purposes.

SECTION 2.19 - LEGAL DESCRIPTIONS WITHIN PLATTED SUBDIVISIONS

2.19.1 - General

When land required for ROW is part of a subdivision, the plat of which is duly recorded, the description must state the numbers or letters of the lots, blocks, tracts, or plats affected in the subdivision, designated by its proper name as it appears on the recorded plat. The description must also contain the section, township, range, and principal meridian in which the subdivision is located.

2.19.2 - Total Taking

When entire lots or blocks are required, they may be described by number or other appropriate designation, according to the recorded plat, rather than by metes and bounds. The address must be included if the taking is within an incorporated municipality.

2.19.3 - Lots – Blocks Split by ROW Line

Parts of lots and blocks required for ROW, lying on one side of a specific line, may be so described.

2.19.4 - Metes and Bounds

Metes and Bounds descriptions may be used to describe irregularly shaped parcels which fall inside a particular lot, block or tract. Care shall be taken to reference lot, block, and subdivision names in the appropriate calls and in the preamble.

SECTION 2.20 - LEGAL DESCRIPTIONS IN PATENTED MINING CLAIMS

2.20.1 - General

ROW parcels which are parts of patented lodes, placers, mill sites, or other mineral claims, must designate the claim by name, as patented, and the mineral survey number, and the mining district in which it is located.

2.20.2 - Combining Parcels

When several adjacent patented mining claims, owned by the same owner, are traversed by ROW, the portions lying within separate claims should be separately described and connected with the word "**also**" under one parcel number in the same manner as parcels in two or more sections are described.

2.20.3 - Strip Descriptions

For linear features, such as roads, pipelines, canals, etc., strip descriptions are sometimes used in property conveyances. As implied, the description applies to a narrow strip of land. Such a description may take the form of "A strip of land 18 foot in width, being 9 feet on each side of the following described line:....."

Where two or more courses intersect at an angle, it may be preferable to use a metes and bounds description around the perimeter of the strip. This practice would eliminate the problem of added areas at the angle points, due to the shortening or lengthening of the side lines.

SECTION 2.21 - ACCESS LEGAL DESCRIPTIONS

2.21.1 - General Requirements

When the right of access is to be acquired, either by deed or by Rule and Order, it is necessary to describe the location of the contiguous remainder property encumbered and the line across which access will be limited or denied.

CDOT Forms Nos. 850-1 and 850-2 are used to describe the access rights which we are acquiring. Please note that if the State Highway has not been declared a freeway by Transportation Commission and approved by the Governor, the phrase "a freeway established according to the laws of the State of Colorado" shall be deleted from the preamble of the access description. In the indicated spaces of the preamble, the location of the contiguous remainder property encumbered will be described. The access line is, in most cases, the ROW line indicating the property to be acquired for roadway purposes. This line will be described from a point of beginning tied to a found land monument in the same manner as a parcel description. Rules governing the writing of ROW parcels also apply to access descriptions. The courses shall be numbered and contain the bearings and distances of the line to the end of access control in the ownership. The description shall include the project number, parcel number, and location of line as indicated on the form. The access parcel number shall be the same as the parcel to be acquired for roadway purposes. The "location of line" shall be the general direction from the centerline to the access line.

2.21.2 - Central Office Requirements

When Modification of access becomes necessary, the Region Access Coordinator needs to submit the following information to the Central Office Project Development Branch, ROW Services.

A memo from the Region ROW Manager stating the requested changes is needed. As a minimum, the existing access needs to be identified; the location of the proposed new access(es) or the location of the widened access. The reason for the changes may be related to safety issues; i.e., improved sight distances, or merely improved access to a site. This information is required when requesting Federal approval.

When the original ownership has been subdivided, or otherwise sold off piecemeal, it is necessary to supply a copy of the deed of the present owner. This allows the Central Office to determine the extent of the present owner's frontage along the highway. It is also necessary to supply the address of the present owner, as it is required by statute (C.R.S. 38-35-122) as well as to process the deed.

2.21.3 - Degree of Control

Access control may be partial, characterized by allowance of a limited number of private access points, or full, which permits no private access directly to the arterial lanes and provides for public access only at specified points - usually at interchanges.

In the case of partial access control, openings of specified width are usually provided; and these are described by the distances of their center points along the ROW line: ". . . . a distance of

_____ feet to the center of a _____ foot opening which is being excepted from this access limitation". Such openings are to be tabulated at the end of the description. The width of each, whether on the right of left side, and the centerline station directly opposite the center point shall be shown. If no access openings are allowed, the phrase "NO POINTS OF ACCESS" shall be added at the end of the description.

2.21.4 - Access Description Along Property Lines

When the ROW is to be acquired up to a property line, and access rights would then have to be obtained from an adjacent owner, the following procedure will be observed:

The deed for the ROW parcel, and the deed for the access rights (or the Rule and Order in Condemnation) shall then be obtained from the same owner. The line of access control shall be described along the revised line of taking, the same being the boundary line common to the ROW parcel and the adjacent remaining one-foot strip.

This procedure will alleviate the necessity of acquiring ROW from one owner, and access rights only from another owner whose property is then adjoining the new ROW.

2.21.5 - Temporary Access Descriptions

In all cases where a Memorandum of Agreement contains language similar to, or evidencing a similar point of agreement as, the following: "Temporary access will be permitted to arterial lanes until such time as service roads are constructed, when all access will be to service roads only", the following clause must be inserted in the deed to CDOT immediately after the description:

"Together with all right or rights of the Grantor or Grantors of direct access to or from the above described parcel of land, part of the ROW for State Highway No. _____ ; a freeway established according to law, from or to the remaining land of the Grantor or Grantors adjacent thereto; except such access as may be provided by means of local service roads, now or hereafter to be constructed on portions of said parcel or parcels. Any direct access heretofore agreed upon between the parties hereto, between land of the Grantor or Grantors and the arterial lanes of said highway, is understood by the Grantor or Grantors to be temporary only, and shall be denied immediately whenever a service road shall have been constructed."

SECTION 2.22 - ACCESS LEGAL DESCRIPTIONS WITH REMAINDER PARCELS

2.22.1 - General

When an access line falls on the line between the parcel acquired for roadway purpose and the remainder parcel, the following procedure will be applied:

As previously covered under the section on descriptions, the parcels shall be described separately. The access line will then be described as the line common to both parcels. It is Department policy to then have the access deed and the deed of the property acquired for roadway purpose recorded. After this has been done, the deed for the remainder parcel shall be sent for recording.

2.22.2 - Parcels in Condemnation

For condemnation, if an access line falls between the ROW and a remainder parcel, the access description will not be included in the suit. If the remainder parcel is ever disposed of by CDOT, the access will be reserved at the time of the conveyance. The ROW Plans shall show the parcels described separately with the access line on the common line between the parcels with a note that access will be reserved by CDOT.

2.22.3 - Access Only Descriptions

In the case where access rights only are to be acquired, they will be described in the same manner as previously discussed. However, if the land is encumbered by a lien, a release must be secured from the lien-holder when the access limitation affects the value of the remainder. The access-only description will be numbered in sequence with the parcel descriptions and prefixed by the letters "AC".

2.22.4 - Exchange of Access Deeds Unsubdivided Ownership

When an owner requests a change of location of an access opening, or an enlargement of an opening, after an access deed is recorded, the following procedure will be followed:

In the case of CDOT dealing with an original owner where the ownership boundaries have not changed or a new owner where the ownership was not subdivided, the original access deed may be reconveyed to that owner in exchange for a new deed which will change access openings as follows:

FROM CDOT TO GRANTEE - on Quit Claim Deed:

Each and every right or rights of access to and from any part of the ROW of Colorado State Highway No. _____, a freeway established according to the laws of the State of Colorado, along or across the access line or lines described as follows:

Project No. Parcel No. Line

DESCRIPTION

(Omit exceptions in description)

It is the intent of the Grantor herein to reconvey to the Grantee access rights along the _____ line heretofore conveyed by deed dated _____ and recorded _____, in Book _____, Page _____, in the records of the Clerk and Recorder's office in the County of _____, Colorado, in exchange for a new deed from the Grantee to the Grantor which will change a point of access opening.

FROM THE GRANTEE TO DEPARTMENT - on General Warranty Deed:

Project No. Parcel No. Line

DESCRIPTION

This conveyance is made to change the access opening described by deed dated _____ and recorded _____, in Book _____, Page _____, in _____ County, Colorado.

2.22.5 - Subdivided Ownership

If the original ownership is now subdivided into more than one ownership or only a portion of the original deed is to be changed, the openings may be exchanged in the same manner as above. However, the access-only description will contain only that portion of the access line in the new ownership or that portion of the original description affected and the clause at the end of the Quit Claim deed from CDOT to the Grantee will be amended to say the following:

"It is the intent of the Grantor herein to reconvey to the Grantee a portion of the access rights along the _____ line heretofore conveyed by deed dated _____ and recorded _____, in Book _____, Page _____, in the County of _____, Colorado, in exchange for a new deed from the Grantee to the Grantor which will change a point of access opening."

The access-only description will be designated by a parcel number prefixed by the letters "AC" with the exceptions omitted. The new description will have the same parcel number with the line location revised.

2.22.6 - Granting Additional Opening

If an additional opening is to be granted in an access line of record, this may be more easily done by writing an access-only description containing an access line the same length as the width of the opening to be granted. The preamble of the access-only description shall be modified as follows:

"Each and every right or rights of access to and from any part of the ROW of Colorado State Highway No. _____, a freeway established according to the laws of the State of Colorado, along or across the access line or lines described as follows":

The following clause shall be added at the end of the description:

"This conveyance is made to grant an access opening _____ of Station _____ in addition to that access deed dated _____ and recorded _____ in Book _____, Page _____, in _____ County, Colorado."

The access-only description will be designated by a parcel number prefixed by the letters "AC".

2.22.7 - Closing Existing Openings

If an existing opening is to be closed in an access line of record, this may be done in the same manner as above. An access-only description, containing an access line the same length as the width of the opening to be closed, will be required. The following clause will be added:

"This conveyance is made to close an access opening _____ of Station _____ as described by deed dated _____ and recorded _____ in Book _____, Page _____, in _____ County, Colorado."

The access-only description will be designated by a parcel numbered prefixed by the letters "AC".

SECTION 2.23 - ACCESS LEGAL DESCRIPTIONS UNDERPASSES AND PUBLIC WAYS

2.23.1 - Access Acquired by Deed

When an underpass or box culvert is allowed under a highway for the purpose of access from one side of the road to the other, the access line does not need to be broken nor an opening allowed. The following clause is preprinted on the access deed form which allows access to and from such underpasses:

"Further excepting from this grant, the right of the Grantor or Grantors to have access across the aforesaid line or lines at those points where passageways under the roadway, and public openings in said line or lines, may be provided for that purpose by the Grantee."

2.23.2 - Access Acquired by Rule and Order

In the case where access rights are in condemnation, the above mentioned clause must be added to the access description, if it applies, before the filing of the suit.

SECTION 2.24 - DEEDS

2.24.1 - General

CDOT acquires ROW in fee unless stated otherwise in the deed. At the request of the Attorney General's office, CDOT is using a warranty deed as opposed to a special warranty deed. In special cases, a lesser deed may be used where title insurance is purchased or the risk is otherwise minimal.

CDOT takes title in the name "Department of Transportation, State of Colorado." The address on the deed must be that of the Central Offices located at 4201 E. Arkansas Ave., Denver, CO 80222. This becomes especially important when title companies or others prepare the deeds.

2.24.2 - Written Instruments

In accordance with the Memorandum of Understand with the State Board of Professional Engineers and Land Surveyors, any legal description written for the acquisition of real property in CDOT's name from data collected by field surveyors shall be written by a Professional Land Surveyor licensed in the State of Colorado and shall bear the seal and signature of the surveyor in responsible charge of writing the legal description.

2.24.3 - Written Instruments (CRS 38-35-106.5)

Except as otherwise provided in this article, any deed, power of attorney, agreement, or other instrument in writing executed and recorded on or after July 1, 1992, which contains a newly created legal description of real property shall include the name and address of the person who created such legal description. Nothing in this section shall affect the validity or recordability of any instrument which is prepared in violation of this section. Nothing in this section shall confer liability upon a person who prepares any instrument which is in violation of this section.

2.24.4 - Corrective Deeds from CDOT to Owner

When it becomes necessary to correct a deed due to an unforeseen development, the description on the quit claim deed reconveying the property to the original owner must be exactly as originally described. The following clause shall be added to the quit claim deed:

"It is the intent of the Grantor herein to reconvey to the Grantee that right or interest heretofore conveyed by deed dated ____ and recorded ____ in Book ____, Page ____, in the County of _____, Colorado, in exchange for a new deed from the Grantee to the Grantor which will more definitely and correctly described said right or interest."

2.24.5 - Corrective Deeds to CDOT

When the corrective deed is written to CDOT, the following clause shall be added:

"This conveyance is made to more definitely and correctly describe the right or interest conveyed by deed dated ____ and recorded ____, in Book ____, Page ____, in the records of the County of _____, Colorado."

2.24.6 - Duplicate Deeds

When the original deed has been lost, or otherwise not recorded, a new deed may be prepared. At the head of the description, the words "DUPLICATE DEED@ are inserted and the following clause is added, following the description to state the intent:

"It is the intent of this deed to replace the original document of conveyance to the above described property to _____ from the Department of Transportation which was signed on _____ by _____, as Chief Engineer and _____, as Chief Clerk for ROW. Said document was not recorded and cannot be located."

SECTION 2.25 - PROCESSING OF PLANS AND LEGAL DESCRIPTIONS FOR ROW PLAN AUTHORIZATION

2.25.1 - Logic Check of Plans and Legal Descriptions

The Region Office Surveyor in charge of the preparation of ROW Plans shall perform the following logic check of ROW Plans and legal descriptions.

- 1) Check design alignment. Determine basis of bearings. Has basis of bearings of design plans been correlated with ownership data? Check the design alignment, basis of bearings and benchmark elevation datum. Confirm that the design plans are on the same coordinate base and elevation datum as the Project Control Diagram and ROW Plans. If there is a difference in the coordinate base or elevation datum, identify possible solutions.
- 2) Check section and property corner ties. Compare recovered monuments to calculated positions. Has sufficient survey work been done or does more survey evidence need to be gathered? Are all found corners identified and described on the plans?
- 3) Check method used in calculating the aliquot parts of the section and methodology used in calculating the position of lost or obliterated PLSS corners.
- 4) Confirm the topography is current and matches existing conditions.
- 5) Check existing ROW from deeds and previous project plans. Are the previous projects noted on the plan sheets? Have abandonments or vacations been researched?
- 6) Have the Memorandums of Ownership or title work commitments been interpreted properly? Are they current within 90 days? Do owners' names appear correct and complete? Are the owners' names in agreement with title and tax documents? Have the Memorandums of Ownership been constructed properly?
- 7) Does deed information agree with survey data? If not, what rationale was used to resolve the conflict? Has the senior rights of deeds been investigated? Have survey plats of local surveyors been used? Have GLO plats and railroad plats been investigated?
- 8) Check method used in calculating property boundaries. Review sufficient calculations to verify that acceptable methodology was used in determining boundary locations. If there are discrepancies do they affect CDOT's ability to obtain clear title? Has sufficient research back through a chain of title been performed to determine ownerships and title encumbrances?
- 9) Is the basis of bearings given in the parcel description and is it the same as on the ROW Plans?
- 10) Have calls to adjoining and for monuments been correctly used?

- 11) Check legal description acquisition areas and remainders with areas shown on plan sheets, tabulation of properties sheets, chief engineers cost estimate and appraisal reports.
- 12) Has the property right which we are acquiring been sufficiently described?
- 13) Compare with design plans for structures, the begin and end construction stations and mileposts. Are all structures over five feet in diameter/height/width shown?
- 14) Is access plan shown? If required, are the widths and stationing of all road approaches shown? Do all ownerships have legal access?

[For additional information see ROW Plans Check List by clicking here.](#)

2.25.2 - ROW Plan Review

- 1) On projects requiring ROW, the Region ROW Designer shall hold a ROW Plans Review (ROWPR) with the Region ROW Manager and others as deemed necessary immediately preceding authorization to appraise and acquire. The Region ROW Designer or Surveyor shall determine if the ROW Plans are sufficiently complete in accordance with this manual and CDOT's ROW Plans Review Guidelines.
- 2) ROW Plans shall not be submitted to the Central Office Project Development Branch, ROW Services for authorization until after the ROWPR has been held and all parties agree as to the ROW to being acquired..
- 3) Once a project has been authorized for acquisition, design revisions which affect ROW will not be considered until the revision has been justified by the office initiating the revision and concurred in by the Region Office Survey Coordinator or the Region ROW Manager and the Region Preconstruction Engineer.
- 4) Once a parcel has been filed for condemnation with the Attorney General's Office, ROW Plan revisions will not be considered until they have been approved by the Chief Engineer. Unless the landowner agrees to the proposed revisions, a motion to amend the legal description must be filed with the court. The granting of such a motion is discretionary with the court.

2.25.3 - Environmental Category

An integral part of the ROW plan authorization process is the National Environmental Policy Act (NEPA) documentation of the environmental category. There must be a completed environmental clearance before the ROW plans can be authorized.

See CDOT's Environmental Stewardship Guide, Chapter IV – Project Development for additional information:

www.dot.state.co.us/environmental/StandardsForms/Forms.asp

Projects are environmentally categorized as follows:

| FHWA and CDOT CATEGORIES | | |
|--|--|---|
| CLASS I | CLASS II | CLASS III |
| <p><i>Environmental Impact Statements (EIS)</i> Actions that are likely to have significant effects on the environment. Examples include:</p> <ul style="list-style-type: none"> / A new controlled access freeway / A highway project of four or more lanes on a new location / New construction or extension of fixed rail transit facilities <p>CDOT, or FHWA for federal projects, signs a Record of Decision that presents the basis for the decision, summarizes any mitigation measures to be incorporated in the project, and documents any 4(f) approval*.</p> | <p><i>Categorical Exclusions (Cat Ex) Programmatic and Non-Programmatic</i> Actions that do not individually or cumulatively have a significant environmental effect. Examples may include:</p> <ul style="list-style-type: none"> / Pedestrian facilities / Landscaping / Routine Maintenance including resurfacing, bridge replacement and rehabilitation, and minor widening. <p>CDOT or FHWA approval is required on all Cat Ex projects. In Colorado, FHWA has programatically approved some Cat Exs. (See Guidance Memorandum in Appendix G)</p> | <p><i>Environmental Assessments (EA)</i> The significance of the environmental impact of the action is not clearly established. Examples include:</p> <ul style="list-style-type: none"> / Actions that are not clearly Cat Exs / Actions that do not clearly require an EIS / An EA would assist in determining the need for an EIS <p>CDOT or FHWA adopts "A Finding of No Significant Impact" (FONSI) if FHWA agrees for federal projects with the study findings that "no significant impacts" are created by the action.</p> <p style="text-align: right;"><i>23 C.F.R. § 771.115 et seq</i></p> |
| <p>* In some cases, if during the course of the project it is determined the project will not have a significant impact, the project can be re-categorized to an EA (Class III) and result in a FONSI. FHWA retains final categorization determination for federal projects..</p> | | |

For state only funded projects (i.e. non-participating) CDOT will use the Category Exclusion document (Form 128) process without federal signature for projects that require CDOT approval.

2.25.4 - Plan Authorization Region Transmittal of Data

The Central Office Project Development Branch, ROW Services requires the following package of materials from the Region ROW Plans Section before authorization of Project Level final ROW plans can be done. The package shall contain the following:

- 1) Memo listing individual ownerships requesting authorization of Functions 3111 and/or 3109 (if the project is a Local Public Agency project state which agency, see Chapter 8 – Local Public Agencies for additional information)
- 2) Chief Engineer's ROW Cost Estimate (Form 438). The Region ROW Manager shall prepare a ROW cost estimate (CDOT Form 438).
- 3) ROW Plan Review (ROWPR) checklist.
- 4) Project Level Environmental approval (Form 128) or copy of signature page for the approved NEPA clearance document (i.e. Cat Ex, FONSI, ROD) for the project.

- 5) Two (2) sets reduced (11" X 17") ROW Plans (both colored). One (1) set plans for State only funded non-participating projects is all that is needed.
- 6) One (1) set legal descriptions.
- 7) One set memos of ownerships (CDOT Form #242) with deeds attached or one set of commitments to insure from a title insurance company with deeds attached. Said Memorandums or commitments must be at least 90 days current.
- 8) Explanation of how property boundary conflicts were addressed.
- 9) Copy of land service facilities justification letters.

Justification of these facilities is delegated by FHWA to CDOT. The construction of highways occasionally changes access conditions in a manner which may seriously inconvenience the general public as well as the private property owner. The purpose of the land service facilities justification letter is for justification of federal participation in the costs of land service facilities designed to provide or restore access to properties affected by a highway facility.

By copy of the same transmittal letter requesting review, the Region ROW Plans Section shall transmit the following two packages as follows:

- 1) Design Squad responsible for roadway project
 - a. One (1) set reduced (11" X 17") ROW Plans
- 2) Region ROW Manager
 - a. One (1) set reduced (11" X 17") ROW Plans
 - b. One (1) set legal descriptions
 - c. One (1) set memo of ownerships
- 3) Appraisal / Appraisal Review
 - a. One (1) set reduced (11" X 17") of updated ROW Plan sheets.
 - b. Revised legal descriptions.

2.25.5 - Requirements for Authorization of ROW Plans

ALL Federal Aid project plans must be approved in accordance with the FHWA Stewardship Agreement and 23 CFR 710 Subpart B – Program Administration. The Region is responsible for the obligation of ROW funds and establishing the spending authority under Function 3114 for appraisal.

The following steps must be completed before authorization can proceed to the acquisition or relocation stage under Functions 3111 or 3109.

- 1) Obligation of funds and establishment of spending authority under function 3114 by Region.
- 2) Project Level Environmental approval (Cat Ex, FONSI, ROD).
- 3) Design public hearing and FIR held by Region.
- 4) Preparation of Project Level ROW Plans and Descriptions.
- 5) ROW Plan Review (ROWPR) held, ROWPR form completed.
- 6) Hardship and/or Protective buy parcels (designated as H or A Parcels on the ROW plans) approved in advance by FHWA.

After these conditions have been met, the Central Office Project Development Branch, ROW Services shall process the authorization package and issue a CDOT Form 462a (ROW Plan Approval) authorizing the ownerships requested for Functions 3111 and/or Function 3109 as applicable. A Transportation Commission Approval shall then be prepared and processed for signature by the Chief Engineer.

Once plan approval has been given the following individuals shall be notified:

- 1) Program Engineer
- 2) ROW Manager
- 3) Authorization Requestor
- 4) Financial Management and Budget Office
- 5) Center for Accounting - Projects and Grants
- 6) ROW Services – Appraisal, File
- 7) FHWA

2.25.6 - State Only Funded (Non-Participating) Projects

State only funded (Non-Participating) projects submitted for plan authorization require the same plan authorization package processed in the same manner as Federal Aid projects with the exception of the CDOT Federal-aid project plan authorization signature block and 462 are both excluded from the process. The CDOT Federal-aid signature block on the title sheet of the plan set shall be replaced with a CDOT State project plan authorization signature block for the Region ROW Manager signature prior to the plans being sent to Central Office Project Development Branch, ROW Services for filing.

2.25.7 - Parcels Acquired in Advance of Plans – AP Parcels (CDOT Procedure)

The ROW plan authorization process for Parcels Acquired in Advance of Plans require the submittal of an authorization package which includes an Advanced Acquisition Plan Sketch meeting the minimum specifications as described in this chapter.

Individual parcels may be authorized in Advance of Project Level final ROW Plans (AP) as long as a Project or Parcel Level Environmental Document has been approved and funds are available to acquire the ROW parcel.

The Central Office Project Development Branch, ROW Services requires the following package of materials from the Region ROW Plans Section before authorization can be done. The package shall contain the following:

- 1) Memo listing the parcel being acquired in advance of plans requesting authorization of Functions 3111 and/or 3109 including a brief explanation indicating the need to acquire the parcel in advance of plans.
- 2) Chief Engineer's ROW Cost Estimate (Form 438). The Region ROW Manager shall prepare a ROW cost estimate (CDOT Form 438).
- 3) Project or Parcel Level Environmental document (Form 128, FHWA or CDOT approval).
- 4) Two (2) Advance Acquisition Plan Sketches showing:
 - a. Name of owner(s)
 - b. Number (prefixed by the letter "AP")
 - c. Recording information (e.g. reception number and/or book and page)
 - d. Deed dimensions (e.g. bearings and distances)
 - e. Acquisition area
 - f. Remainder
 - g. Topography (if available)
 - h. North Arrow
 - i. Scale
 - j. Note: This is not a ROW Plan, Land Survey Plat or Improvement Survey Plat and was prepared for CDOT purposes only.
- 5) One (1) Deed and legal description of the area to be acquired.
- 6) One set memos of ownerships (CDOT Form #242) or one set of commitments to insure from a title insurance company with deeds attached. Said Memorandums or commitments must be at least 90 days current.

All parcels acquired in advance of plans shall be numbered consecutively in accordance with the projects numbering scheme and shall be prefixed by the letters "AP" which will remain with the parcel number when incorporated into the final plan set.

The following note must be added under conditions on the ROW Plan Approval form (CDOT Form 462a):

"Parcels _____ acquired in Advance of Plans are authorized with the understanding that the parcels acquired will be incorporated within the final ROW Plans."

After these conditions have been met, the Central Office Project Development Branch, ROW Services shall process the authorization package and issue a CDOT Form 462a (ROW Plan Approval) authorizing the ownerships requested for Functions 3111 and/or Function 3109 as applicable. A Transportation Commission Approval shall then be prepared and processed for signature by the Chief Engineer.

Once plan approval has been obtained the following individuals shall be notified:

- 1) Program Engineer
- 2) ROW Manager
- 3) Authorization Requestor
- 4) Financial Management and Budget Office
- 5) Center for Accounting - Projects and Grants
- 6) ROW Services – Appraisal, File
- 7) FHWA

2.25.8 - Transportation Commission Approval TC-271

The Transportation Commission, by Resolution No. TC-271, directed the Executive Director of CDOT, or his designee, to approve land acquisition actions and the tendering of payment to land owners for damages in connection with a previously approved highway project. The Executive Director has delegated to the Chief Engineer, the above stated approval. The following conditions must be met before the Commission Package is sent to the Chief Engineer for approval:

- 1) The project must be on the State Highway System.
- 2) The project must be in the budget previously approved by the Transportation Commission.
- 3) Acquisition must be permanent in nature

The Commission Package shall contain the following:

- 1) Land acquisition approval form.
- 2) ROW Cost Estimate (CDOT Form 438).
- 3) Copy of Resolution TC-271
- 4) One (1) set of half scale plans

2.25.9 - Plan Authorization of Projects Without Any Federal Funding

When ROW plans are completed, checked and authorized by the Region ROW Manager or designee, one plan set and legal descriptions are forwarded to the Central Office Project Development Branch, ROW Services for filing.

2.25.10 - Federally Funded Projects Under CDOT Jurisdiction

All Federal-aid projects including Interstate and major bridge projects are under the jurisdiction of CDOT. The review for this process is done by holding a ROW Plan Review (ROWPR) with the Region Project Manager and the Region ROW Plans Unit.

After the completion of the ROWPR, the ROW Program Manager shall sign the authorization block on the title sheet of the plans and on the CDOT Form No. 462a (ROW Plan Approval) in the place indicated for the Division Administrator of Federal Highway Administration. Distribution is then made.

2.25.11 - Temporary Easement Only Projects

Project Development ROW Services does not require original ROW Plans, memorandums of ownership or legal descriptions on projects which only have temporary easements and no permanent acquisitions will occur (*i.e.* no permanent easements or parcels of any kind).

In this case, two sets of sketches or construction prints showing the following information is acceptable for plan authorization:

- 1) Temporary Easement number
- 2) Name of owner(s)
- 3) Vesting deed
- 4) Dimensions
- 5) Area
- 6) Topography

A monumented land survey is not typically required for temporary easement projects. In rare cases permission to enter or to acquire may be denied, in such a case a monumented land survey and a ROW Plan may be needed for condemnation proceedings.

2.25.12 - Preparation of Reduced Plans

The Region ROW office will process reduced plans (if necessary) through Reproduction at the time of the advertisement date. Distribution, at this time, will be made to the Region Transportation Director offices, to FHWA and to the Central Office Project Development Branch, ROW Services by transmittal letter.

2.25.13 - Plans for County Assessor

It is the responsibility of the Region offices to supply a final reduced print to Property Management and/or to the County Assessor's Office for their use in removing properties acquired by the CDOT from county tax rolls.

SECTION 2.26 - PROPERTY ACQUISITION ALTERNATIVES FOR ROW PLAN AUTHORIZATION

2.26.1 - Property Acquisition Alternatives Techniques

Advanced Acquisition is the Acquisition of ROW for projects prior to the completion of Project Level NEPA under the following procedures:

- Early Acquisition: 23 CFR 710.501
- Protective Buying and Hardship Acquisition: 23 CFR 710.503

2.26.2 - Early Acquisition Parcels - EA Parcels (23 CFR 710.501)

The ROW plan authorization process for Early Acquisition Parcels require the submittal of an authorization package which includes an Early Acquisition Plan Sketch meeting the minimum specifications as described in this chapter.

Individual parcels may be authorized under 23 CFR 710.501 Early Acquisition (EA) in advance of Project Level final ROW plans for corridor preservation, access management, or other purposes as long as a Parcel Level Environmental Document has been approved and non-federal funds (non-participating) are available to acquire the ROW parcel..

The Central Office Project Development Branch, ROW Services requires the following package of materials from the Region ROW Plans Section before authorization can be done. The package shall contain the following:

- 1) Memo listing the parcel being acquired as Early Acquisition requesting authorization of Functions 3111 and/or 3109 including a brief explanation indicating the need to acquire the early acquisition parcel under the requirements of 23 CFR 710.501 and that the action taken did not influence the environmental assessment for the project.
- 2) Chief Engineer's ROW Cost Estimate (Form 438). The Region ROW Manager shall prepare a ROW cost estimate (CDOT Form 438).
- 3) Parcel Level Environmental document (Form 128, DOT approval)
- 4) Two (2) Advance Acquisition Plan Sketches showing:
 - a. Name of owner(s)
 - b. Number (prefixed by the letter "EA")
 - c. Recording information (e.g. reception number and/or book and page)
 - d. Deed dimensions (e.g. bearings and distances)
 - e. Acquisition area
 - f. Remainder
 - g. Topography (if available)
 - h. North Arrow
 - i. Scale
 - j. Note: This is not a ROW Plan, Land Survey Plat or Improvement Survey Plat and was prepared for CDOT purposes only.

- 5) One (1) Deed and legal description of the area to be acquired.
- 6) One set memos of ownerships (CDOT Form #242) or one set of commitments to insure from a title insurance company with deeds attached. Said Memorandums or commitments must be at least 90 days current.

All parcels acquired under early acquisition shall be numbered consecutively in accordance with the projects numbering scheme and shall be prefixed by the letter "EA" which will remain with the parcel number when incorporated into the final plan set.

The following note must be added under conditions on the ROW Plan Approval form (CDOT Form 462a):

"Early Acquisition Parcels _____ are authorized with the understanding that ultimate use as an in-kind match of the property acquired is dependent upon incorporation of these parcels within the final ROW Plans per 23 CFR 710.501."

For additional information on In-Kind Match, See Chapter 4 – Acquisition.

After these conditions have been met, the Central Office Project Development Branch, ROW Services shall process the authorization package and issue a CDOT Form 462a (ROW Plan Approval) authorizing the ownerships requested for Functions 3111 and/or Function 3109 as applicable. A Transportation Commission Approval shall then be prepared and processed for signature by the Chief Engineer.

Once plan approval has been obtained the following individuals shall be notified:

- 1) Program Engineer
- 2) ROW Manager
- 3) Authorization Requestor
- 4) Financial Management and Budget Office
- 5) Center for Accounting - Projects and Grants
- 6) ROW Services – Appraisal, File
- 7) FHWA

If an Local Public Agency desires to pursue early acquisition of ROW in advance of project level NEPA clearance under 23 CFR 710.501, the LPA must discuss such acquisition activities with the Region ROW Manager and the FHWA Operations Engineer prior to proceeding.

See ROW Manual, Chapter 8 – Local Public Agencies for additional information.

2.26.3 - Protective Buying and Hardship Parcels (23 CFR 710.503 - PB and HS Parcels)

The ROW plan authorization process for Protective Buy and Hardship Parcels require the submittal of an authorization package which includes an Early Acquisition Plan Sketch meeting the minimum specifications as described in this chapter.

Individual parcels may be authorized under 23 CFR 710.503 Protective Buy (PB) or Hardship (HS) in advance of Project Level final ROW plans as long as a Parcel Level Environmental Document has been approved and federal funds (participating) are available to acquire the ROW parcel .

Protective Buy and Hardship parcels require advanced notification to the CDOT ROW Program Manager before plan approval may begin.

The Central Office Project Development Branch, ROW Services requires the following package of materials from the Region ROW Plans Section before authorization can be done. The package shall contain the following:

- 1) Memo listing the parcel being acquired as Protective Buy or Hardship requesting authorization of Functions 3111 and/or 3109 including a brief explanation indicating the need to acquire the Protective Buy or Hardship parcel under the requirements of 23 CFR 710.503.
- 2) Chief Engineer's ROW Cost Estimate (Form 438). The Region ROW Manager shall prepare a ROW cost estimate (CDOT Form 438).
- 3) Parcel Level Environmental approval (Form 128).
- 4) Two (2) Advance Acquisition Plan Sketches showing:
 - a. Name of owner(s)
 - b. Number (prefixed by the letter "PB" for Protective or "HS" for Hardship)
 - c. Recording information (e.g. reception number and/or book and page)
 - d. Deed dimensions (e.g. bearings and distances)
 - e. Acquisition area
 - f. Remainder
 - g. Topography (if available)
 - h. North Arrow
 - i. Scale
 - j. Note: This is not a ROW Plan, Land Survey Plat or Improvement Survey Plat and was prepared for CDOT purposes only.
- 5) One (1) Deed and legal description of the area to be acquired.
- 6) One set memos of ownerships (CDOT Form #242) or one set of commitments to insure from a title insurance company with deeds attached. Said Memorandums or commitments must be at least 90 days current.

All parcels acquired under early acquisition shall be numbered consecutively in accordance with the projects numbering scheme and shall be prefixed by the letter "PB" for protective or "HS" for hardship which will remain with the parcel number when incorporated into the final plan set.

The following note must be added under conditions on the ROW Plan Approval form (CDOT Form 462a):

"(Protective Buy) or (Hardship) Parcels _____ are authorized with the understanding that the parcels acquired will be incorporated within the final ROW Plans.."

After these conditions have been met, the Central Office Project Development Branch, ROW Services shall process the authorization package and issue a CDOT Form 462a (ROW Plan Approval) authorizing the ownerships requested for Functions 3111 and/or Function 3109 as

applicable. A Transportation Commission Approval shall then be prepared and processed for signature by the Chief Engineer.

Once plan approval has been obtained the following individuals shall be notified:

- 1) Program Engineer
- 2) ROW Manager
- 3) Authorization Requestor
- 4) Financial Management and Budget Office
- 5) Center for Accounting - Projects and Grants
- 6) ROW Services – Appraisal, File
- 7) FHWA

If an Local Public Agency desires to pursue early acquisition of ROW in advance of project level NEPA clearance under 23 CFR 710.503, the LPA must discuss such acquisition activities with the Region ROW Manager and the FHWA Operations Engineer prior to proceeding.

See ROW Manual, Chapter 8 – Local Public Agencies for additional information.

SECTION 2.27 - PROCESSING OF PLAN REVISIONS FOR AUTHORIZATION

2.27.1 - General

A plan revision consist of revisions to the plans made after authorization. All major revisions shall be submitted to the Central Office Project Development Branch, ROW Services for processing and authorization. Major revisions shall include any changes or alterations to the plans after plan authorization has been obtained under a previous authorization request for one or more of the following categories:

- 1) Any change in ROW geometry.
- 2) Any change in access control.
- 3) Revisions involving structures over five feet (1,500 mm).
- 4) Revisions in topography affecting appraisals.

It is important to note that an ownership name change is not a major revision unless one of more of the above situation occurs.

2.27.2 - Revision Process

In accordance with CDOT's guidelines for the ROW Plans Review (ROWPR), all plan revisions must be justified by the Region or staff office initiating the revision and concurred in by the Region ROW Manager. Central Office Project Development Branch, ROW Services requires the following package of material.

- 2) Plans and Survey Section.
 - a. Justification letter stating in detail the revisions and the purpose for the revisions.
 - b. Two sets reduced (11" x 17") of revised ROW Plan sheets (both colored) with revision blocks filled out for each sheet revised along with the title sheet revision block filled out and updated showing the last revision date for the page numbers revised.
 - c. Revised legal descriptions.
 - d. Revised memo of ownerships with deeds attached.
 - e. Chief Engineer's ROW Cost Estimate (Form 438) only for the addition of any new ownership.
- 3) Design Squad responsible for roadway project.
 - a. One set reduced (11" X 17") of revised ROW Plan sheets with revisions underlined in red.

- b. After these conditions have been met, the Central Office Project Development Branch, ROW Services shall process the ROW Plan revisions and issue all appropriate authorizations for the ownerships revised as applicable.
- 4) Appraisal / Appraisal Review
- a. One set reduced (11" X 17") of revised ROW Plan sheets.
 - b. Revised legal descriptions.

After these conditions have been met, the Central Office Project Development Branch, ROW Services shall:

For federally participating projects' previously authorized ownerships:

The revised federal aid plan set shall be processed and submitted to the ROW Program Manager for delegated FHWA signature authority in accordance with the Stewardship Guide for FHWA approval to participate in the plan revision.

For non- participating projects' previously authorized ownerships:

When revised non-federal ROW plans are completed, checked and authorized by the Region ROW Manager or designee, one plan set and legal descriptions are forwarded to the Central Office Project Development Branch, ROW Services for filing.

For federally participating projects' ownerships not previously authorized:

The revised federal aid plan set shall be processed and submitted to the ROW Program Manager for delegated FHWA signature authority in accordance with the Stewardship Guide for FHWA approval to participate in the plan revision. A CDOT Form 462a requesting Functions 3111 and/or Function 3109 as applicable and a Transportation Commission Approval shall be prepared and processed for signature by the Chief Engineer.

An important distinction exists between plan revisions of ownerships previously authorized and plan revisions of ownerships not previously authorized as another 462 or another Transportation Commission Approval form shall not be processed for previously authorized ownerships. In those cases where previously authorized ownerships are federally participating only the plan revisions are authorized by the ROW Program Manager under the FHWA Stewardship Guide delegation of FHWA approval of federal participation in the plan revision. In both of these instances the plans shall be processed and filed accordingly.

For non-participating projects' ownerships not previously authorized:

The revised non-federal aid plan set shall be processed and submitted to the ROW Program Manager for CDOT signature authority for CDOT approval to participate in the plan revision. A CDOT memo is sent to HQ accounting requesting Functions 3111 and/or Function 3109 as applicable and a Transportation Commission Approval shall be prepared and processed for signature by the Chief Engineer.

An important distinction exists between plan revisions of ownerships previously authorized and plan revisions of ownerships not previously authorized as another CDOT memo to accounting or another Transportation Commission Approval form shall not be processed for previously authorized ownerships. In those cases where previously authorized ownerships are non-participating only the plan revisions are authorized by the ROW Program Manager for CDOT participation in the plan revision. In both of these instances the plans shall be processed and filed accordingly.

Local agency only projects that are not nonfederal and non-state participating:

The revised LPA plan set shall be filed accordingly. No plan authorization is required other than the region authorization.

2.27.3 - Addition or Disposals of Excess or Remainder ROW

Disposal of excess or remainder ROW shall be treated as a plan revision. These plans will be the basis for any ROW disposals or access control changes that require FHWA concurrence, which has been delegated to CDOT.

2.27.4 - Addition or Disposals of Access Control

Disposal of access control shall be treated as a plan revision. Approval shall be obtained on all NHS projects from FHWA. CDOT shall approve all non-NHS projects

2.27.5 - Addition or Disposals of Air Space Leases

Air space leases shall also be treated as a plan revision. Approval shall be the same as Disposal an Access changes.

2.27.6 - Projects Without Any Federal Funding

When plans revisions are completed, checked and authorized by the Region, one plan set and legal descriptions are forwarded to the Central Office Project Development Branch, ROW Services for filing.

2.27.7 - Revisions of Closed Projects for the Sale of Excess and Remainders

Revisions of closed projects for the sale of excess and remainder property must be finalized prior to FHWA and Transportation Commission approval.

SECTION 2.28 - APPLICATION FOR STATE AND FEDERAL LANDS

2.28.1 - State of Colorado Lands

The Central Office Project Development Branch, ROW Services shall be the only entity within CDOT to make application directly to the Colorado Board of Land Commissioners for an easement for ROW purposes over State lands. The Region shall provide the following information to be used with this application:

- 1) State Land Board application (Form SLB-38).
- 2) Two half size plan sheets of state land parcel.
- 3) FMV and appraisal or value finding.
- 4) ROW parcel description.
- 5) Text of the legal description as per State Land Board format.

Parcels to be acquired from the State Land Board should have any "broken back" ties replaced with a direct radial tie or have the direct radial tie in parenthesis.

2.28.2 - U.S. Forest Service Land, BLM Land, and Other Federal Government Agencies

Maps will be prepared in accordance with Chapter 11 – State and Federal Lands, by the Region ROW Office to show by hatching, all lands, which CDOT needs for new construction plus lands which are not covered by an easement deed in the vicinity. The parcels to be acquired shall be listed on the Highway Easement Deed. Timber to be removed must be approved and mutually agreed upon by USFS/BLM, CDOT and purchased or stockpiled in place shown on the plans.

See Chapter 11 – State and Federal Lands, Conversion of Existing Highways to Easement Deeds in the absence of Reconstruction for additional options and information.

Where CDOT is acquiring Forest Service and BLM lands, three sets of half scale maps are sent to FHWA for their use. With these plans, FHWA makes application to the appropriate agency for a Highway Easement Deed on behalf of CDOT.

For each project, there is a set of stipulations or grant/easement items mutually agreed upon by both parties for a specific construction project. Once agreed upon, a letter of consent which contains the conditions and stipulations is sent to the Central Office Project Development Branch, ROW Services, and a copy to the appropriate Region ROW Manager for review and concurrence for clearance of the construction project.

The Region will review the stipulations and advise the Central Office Project Development Branch, ROW Services of their concurrence. Once the concurrence by the Region is received, the Highway Easement Deed which includes all the conditions and stipulations are sent to the Chief Engineer for signature.

The letter of consent is a decision which is subject to comment and appeal. The comment procedures require a minimum thirty day waiting period, following publication in a local

newspaper. If comments are received, there is an additional forty-five day appeal period. On projects with environmentally sensitive impacts, the appeals process can last as long as 135 days or more. Since the letter of consent is dependent upon these occurrences, it is imperative that these time frames be factored into project planning and scoping when National Forest lands are involved.

After the Central Office Project Development Branch, ROW Services receives the Highway Easement Deed signed by the Chief Engineer, the Highway Easement Deed is transmitted to FHWA for signatures requesting transfer of land to CDOT.

The FHWA will sign the Highway Easement Deed and forward to the Central Office Project Development Branch, ROW Services for recording. After the Deed has been recorded, four copies of the Deed are transmitted to FHWA, one copy is sent to the Region ROW Office, the original Highway Easement Deed is kept in the Central Office Project Development Branch, ROW Services files.

SECTION 2.29 - EMINENT DOMAIN (CONDEMNATION)

2.29.1 - General

The Region ROW Unit assists the Attorney General's Office in the preparation of court maps, sales maps, graphs, charts, legal descriptions, aerial photograph overlays, the condemnation package, and to take photographs of property in condemnation at the time of possession. The court map is a composite, scale drawing of the ROW parcels, permanent and temporary easements, survey data, topography, and other special features. Also shown are the affected ownerships or remainders, buildings, rivers, wells, leach fields, frontage roads, and other natural or man-made features that relate to the subject property. The Region ROW Unit may contract with a consultant or use Reproduction in preparation of these documents.

See Chapter 4 - Acquisitions for additional information.

2.29.2 - Aerial Photos

Aerial photos or aerial photo mosaics of the subject property are purchased from outside sources for use in condemnation cases. The subject property, ROW lines, parcel lines, remainder lines, and roads to be constructed are drawn on the photographs or overlays. The name of the person or company who took the aerial photo is marked on the photo along with the date of the flight. Roads, streets, and rivers are marked for orientation and/or identification. Special land use areas are highlighted to show areas of different land classifications.

2.29.3 - Revisions

Revisions to plans and legal descriptions of parcels in condemnation will be coordinated with the region personnel. If applicable, the squad will work with the supervising appraiser to update the Appraisal and the Review Section to update the FMV. The Region will forward the amended exhibits, if applicable, and revised FMV's to the Attorney General's office and monitor to assure that additional amounts, if any, are deposited in court.

SECTION 2.30 - RECORDING OF PLANS

2.30.1 - General

Once the ROW Plans for a project are completed and monuments set in the field, the final ROW Plans shall be signed and sealed by the Colorado Professional Land Surveyor(s) licensed in the State of Colorado who is (are) in responsible charge for the ROW Plans stating that the ROW Plans and legal descriptions were prepared under his/her direct supervision and checking, and by the Professional Land Surveyor(s) licensed in the State of Colorado who is (are) in responsible charge for setting the monumentation stating that the monumentation was set under his/her direct supervision and checking.

Current CDOT drafting standards call for multiple plan sheets to be placed on the appropriate sized page (24x36" or 18x24") depending on the county(ies) involved. The final signed and sealed ROW Plans shall be deposited in the appropriate County Clerk and Recorder's office within six months after the monumentation was set in the field in accordance with the Memorandum of Understanding between the Colorado State Board of Professional Engineers and Land Surveyors and CDOT, and Colorado State Law.

A complete, non-colored, 11"x17" Right-of-Way Plan Set, comprising all sheets contained the deposited plan and bearing the Professional Land Surveyors' original signatures and seals and depositing information shall be sent to the Central Office Project Development Branch, ROW Services along with a memo stating the following information:

- 1) Region
- 2) Project Code
- 3) Project Number
- 4) Project Location
- 5) Highway Route Number and Segment
- 6) Beginning and ending mile post
- 7) Counties
- 8) Sections, Townships, Ranges and Principal Meridian
- 9) Date deposited
- 10) Recording information for all counties deposited in (*i.e.* reception number, book page)
- 11) Total number of pages deposited

When a complete set of Right-of-Way Plans is deposited in more than one county, single sheets containing the depositing information for each additional county should be included with the plan set delivered to the Central Office.

Once the memo along with a copy of the final deposited ROW Plans are received at Central Office Project Development Branch, ROW Services the title sheet shall be stamped by ROW services and filed with the project records as follows:

Final ROW Plans deposited with
_____ County
Reception Number _____,
Book _____, Page _____, Date _____.

2.30.2 - Revisions

In the event that an amended ROW Plan set is needed to be deposited for the same project due to revisions after the final ROW Plans have been deposited, it shall be clearly stated on the title sheet of the amended ROW Plans that the plan set is an amended ROW Plan, and shall contain a note referencing the previously deposited ROW Plans recording information and date. The same procedures stated above shall be followed for amended ROW Plans as for final ROW Plans.

REFERENCES

- CDOT Survey Manual
http://www.dot.state.co.us/Survey_Manual/
- FHWA / CDOT Stewardship Agreement:
<http://www.dot.state.co.us/FormsDepository/StewardshipAgreement.pdf>
- Uniform Act & other Federal Highway Administration information:
www.fhwa.dot.gov/realestate
- Code of Federal Regulations:
<http://www.gpoaccess.gov/cfr/index.html>
<http://www.access.gpo.gov/uscode/>
- National Geodetic Survey
<http://www.ngs.noaa.gov/>
- Search for LexisNexis or Colorado Revised Statutes:
<http://198.187.128.12/colorado/lpext.dll?f=templates&fn=fs-main.htm&2.0>
- Colorado State Statutes, Board Rules & Policies:
http://www.dora.state.co.us/Engineers_Surveyors/
- CDOT Design Support:
<http://www.dot.state.co.us/DesignSupport/>
- Other:
<http://www.ohiohistorycentral.org/entry.php?rec=1491>