

Resolution # TC-17-4-5

PROJECT #: C C010-117
PROJECT CODE: 21445
LOCATION: SH 265 (Brighton Blvd), 47th Ave to York
Municipality: City and County of Denver

Reaffirming the abandonment of a portion of SH 265.

Approved by the Transportation Commission on April 20, 2017.

WHEREAS, the Department of Transportation owns 1.05 linear miles of Highway in the City and County of Denver identified as State Highway 265 (Brighton Boulevard);

WHEREAS, that portion of SH 265 is located between I-70 and I-270, beginning at the northerly right of way line of 47th Avenue and ending near the southeasterly right of way line of York Street (Exhibit A);

WHEREAS, the Parties entered into an Intergovernmental Agreement (IGA) for the I-70 East Corridor and agree upon the condition of the abandonment of said highway segment by the State and acceptance by the City and County of Denver pursuant to the terms and conditions of the IGA;

WHEREAS, the Colorado Revised Statute 43-2-106 (1)(a) provides that the Transportation Commission may determine that a state highway, or portion thereof, no longer functions as a State Highway, and with the agreement of each affected county or municipality, the State Highway, or portion thereof, can be abandoned to the affected county or municipality;

WHEREAS, the Transportation Commission previously determined in TC Resolution 16-7-5 that the 1.05 linear miles between I-70 and I-270, beginning at the northerly right of way line of 47th Avenue and ending near the southeasterly right of way line of York Street of US 265 is no longer needed for State Highway purposes and that it could be abandoned to the City and County of Denver;

WHEREAS, the governing body of the City and County of Denver adopted ordinance #20170155 dated March 2017, agreeing to the State's abandonment of 1.05 linear miles of SH 265 and agreeing that said highway segment no longer serves the ongoing purposes of the State Highway system; committing the City and County to assume ownership of said highway segment in the "as is" condition;

WHEREAS, the Colorado Revised Statute 43-2-106 (1)(a) provides that within ninety days after the official notification of abandonment by the transportation commission the governing body of any affected municipality shall adopt a resolution agreeing to the abandonment;

WHEREAS, the governing body of the City and County of Denver adopted ordinance #20170155 dated March 2017 after ninety days from the Transportation Commission Resolution #TC-16-7-5 dated July 21, 2016;

WHEREAS, the Transportation Commission reaffirms that this portion of SH 265 is no longer needed for State Highway purposes;

WHEREAS, after Transportation Commission reaffirms; CDOT will execute quitclaim deeds that will include a reversion provision stating that if the property that is the subject of the quitclaim deed is not used for transportation purposes, title to such property will automatically revert back to CDOT;

NOW THEREFORE BE IT RESOLVED, pursuant to the provisions of the CRS, Sections 43-2-106, the Transportation Commission reaffirms its abandonment of US 265 between I-70 and I-270, beginning at the northerly right of way line of 47th Avenue and ending near the southeasterly right of way line of York Street as abandoned, as shown in Exhibit A, containing approximately 1.05 total linear miles and instructs CDOT Region 1 to proceed with the City and County of Denver for transfer of ownership of the abandoned portion of SH 265.

Herman J. Stockinger III

Herman Stockinger, Secretary
Transportation Commission of Colorado

4-20-17

Date