

Resolution #TC-17-1-5

Abandonment of a portion of US 34

Approved by the Transportation Commission on Jan. 19, 2017.

WHEREAS, the Department of Transportation owns 1.30 linear miles of Highway in the Town of Kersey identified as US 34 Frontage Road (Hill Street);

WHEREAS, that portion of US 34 Frontage Road is located between US 34A Milepost 118.7 and the US 34A Milepost 120.1 (Exhibit A);

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 governing body of the Town of Kersey shall adopt a resolution agreeing to the State's abandonment of the portion of US 34 Frontage Road and agreeing that said highway segment no longer serves the ongoing purposes of the State Highway system; committing the Town of Kersey to assume ownership of said highway segment in the "as is" condition;

WHEREAS, within 90 days of the official notification of such abandonment by the Transportation Commission, the Town of Kersey shall execute a resolution or ordinance accepting the abandoned portion of US 34 Frontage Road as a city street;

WHEREAS, the Parties desire to enter into an Intergovernmental Agreement (IGA) and agree upon the condition of the abandonment of said highway segment by the State and acceptance by the Town of Kersey;

WHEREAS, after execution of the IGAs 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;

WHEREAS, Transportation Commission is authorized pursuant to 43-2-106 to make determinations regarding abandonment of State Highway(s) to affected county(ies) or municipality(ies);

WHEREAS, the Transportation Commission has determined the 1.30 linear miles of US 34 Frontage Road (Exhibit A) is no longer needed for State Highway purposes and that it could be abandoned to the Town of Kersey;

NOW THEREFORE BE IT RESOLVED, pursuant to the provisions of the CRS, Sections 43-2-106, the Transportation Commission declares approximately 1.30 linear miles of US 34 Frontage Road located between US 34A Milepost 118.7 and the US 34A Milepost 120.1, as shown in Exhibit A, eligible for abandonment.

Herman F. Stockinger III

Herman Stockinger
Approval Transportation Secretary

1-19-17

Date of