

Resolution # TC-17-6-5

Proposal to dispose of property: project #: FSA 0503-081 and IM 025A-024

PROJECT CODE: 20386

Location: SH 233 (Baxter Rd.) SH 50B to SH 50C

Municipality: Pueblo County

Approved by the Transportation Commission on June 15, 2017.

WHEREAS, the Department of Transportation owns 2.05 miles of Highway in the County of Pueblo identified as SH 233 (Baxter Rd.);

WHEREAS, that portion of SH 233 is located between the Southerly right of way line of SH 50B and the northerly line of SH 50C (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 County of Pueblo proposed to take ownership of SH 233, between the Southerly right of way line of SH 50B and the northerly line of SH 50C, in exchange for a waiver of payment by the Local Agency for other projects;

WHEREAS, the agreed total waiver value is anticipated to be less than the amount CDOT reasonably expects to expend to maintain, preserve, or improve this section of SH 233 over the next 20 years;

WHEREAS, the governing body of the County of Pueblo shall adopt a resolution agreeing to the State's abandonment of the portion of SH 233 and agreeing that said highway segment no longer serves the ongoing purposes of the State Highway system; committing the County of Pueblo 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 County of Pueblo shall execute a resolution or ordinance accepting the abandoned portion of SH 233 as a county 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 County of Pueblo;

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 2.05 linear miles of SH 233 (Exhibit A) is no longer needed for State Highway purposes and that it could be abandoned to the County of Pueblo;

NOW THEREFORE BE IT RESOLVED, pursuant to the provisions of the CRS, Sections 43-2-106, the Transportation Commission declares approximately 2.05 linear miles of SH 233 located between the Southerly right of way line of SH 50B and the northerly line of SH 50C, as shown in Exhibit A, eligible for abandonment.

Herman F. Stockinger III
Herman Stockinger, Secretary
Transportation Commission of Colorado

6-15-17
Date