

Resolution # TC-18-05-12

R2 US 50-C Overlay (4th to Baxter), STA 050A-028, Project Code 20751

Affirming the property acquisitions and settlement amounts, which have been agreed to for the properties specified below.

Approved by the Transportation Commission on May 17, 2018.

WHEREAS, on September 26, 2016 the Colorado Supreme Court announced its decision in *Department of Transportation v. Amerco Real Estate Company, et al.*, 2016SA75; and

WHEREAS, the *Amerco Real Estate Company* opinion held that the Transportation Commission must decide that the public interest or convenience will be served by a proposed alteration of a state highway and that the Commission's decision must be made in consideration of the portions of land of each landowner to be taken and an estimate of the damages and benefits accruing to each landowner prior to authorizing condemnation of property; and

WHEREAS, the *Amerco Real Estate Company* opinion also held that "the decision whether, and if so precisely how and for how much, to take particular property, for a particular proposed highway alteration project, clearly involves the kind of judgment and discretion that is non-delegable in the absence express statutory authorization." *Amerco Real Estate Company*, 2016SA75, ¶15; and

WHEREAS, on October 19, 2017, the Transportation Commission entered resolution TC-17-10-9 ("Resolution") upon its minutes for the US 50-C Overlay (4th to Baxter) Project; and

WHEREAS, the Resolution determined that the public interest or convenience will be served by the proposed alterations to U.S. Highway No. 50, approved acquisition of properties needed for the proposed alterations, approved the Chief Engineer's estimate of value, damages and benefits, if any, accruing to each landowner, and authorized the CDOT Chief Engineer and CDOT staff to negotiate with landowners; and

WHEREAS, CDOT staff, without initiating or conducting condemnation proceedings, successfully reached an agreement with the landowners listed below; and

WHEREAS, the Transportation Commission must now approve and ratify all final settlement amounts that did not require approval by the Regional Transportation Director and Chief Engineer, as set forth in the Right-of-Way Manual in relation to the below acquisitions and must approve the actual size of the acquisitions; and

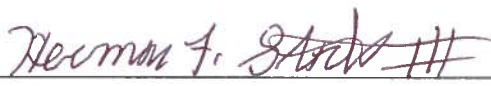
WHEREAS, CDOT shall acquire the following properties for the amounts listed below through settlement;

Property Location	Approved Chief Engineer's Estimate of Damages and Benefits	Approved Size of Acquisition	Actual Size of Acquisition	Incentive Payment Amount	Total Settlement Amount
Owner: Pueblo County Lot 6, Block 9, Pueblo Subdivision (Parcel TE-1)	\$200.00	66 sf	66 sf	\$500.00	\$700.00
Owner: Urban Renewal Authority of Pueblo 209 S. Santa Fe Drive, Pueblo (Parcel TE-2)	\$200.00	100 sf	100 sf	\$500.00	\$700.00
Owner: Judith H. Patti 247 S. Santa Fe Drive, Pueblo (Parcel RW-3, TE-3)	\$700.00	RW-3: 4.5 sf TE-3: 51 sf	RW-3: 4.5 sf TE-3: 51 sf	\$500.00	\$1000.00
Owner: Santa Fe 250, LLC 240 S. Santa Fe Drive, Pueblo (Parcel TE-4)	\$200.00	96 sf	96 sf	\$500.00	\$700.00
Owner: Raymond Orcutt 331 Santa Fe Drive, Pueblo (Parcel TE-10)	\$200.00	50 sf	50 sf	\$500.00	\$700.00
Owner: Pueblo Santa Fe Retail, LP 1659 Santa Fe Drive, Pueblo (Parcel TE-11)	\$200.00	50 sf	50 sf	\$500.00	\$700.00
Owner: SS Multi-Tenant, LLC 1708 Santa Fe Drive, Pueblo (Parcel RW-13)	\$500.00	225 sf	225 sf	\$500.00	\$1180.00
Owner: Blende Dollar, LLC 1724 Santa Fe Drive, Pueblo (Parcel RW-14, TE-14)	\$700.00	RW-14: 125 sf TE-14: 125 sf	RW-14: 125 sf TE-14: 125 sf	\$500.00	\$1000.00
Owner: Charlotte M. and John J. Cernac 1900 Santa Fe Drive, Pueblo (Parcel TE-15)	\$200.00	100 sf	100 sf	\$500.00	\$700.00
Owner: Alan Bickel 1917 Santa Fe Drive, Pueblo (Parcels RW-16, TE-16)	\$700.00	RW-16: 13 sf	RW-16: 13 sf	\$500.00	\$1000.00

		TE-16: 138 sf	TE-16: 138 sf		
Owner: FJF, LLC 2001 Santa Fe Drive, Pueblo (Parcel TE-17)	\$200.00	30 sf	30 sf	\$500.00	\$700.00
Owner: Joan R. Javornik 2000 Santa Fe Drive, Pueblo (Parcel TE-18)	\$200.00	100 sf	100 sf	\$500.00	\$700.00
Owner: Elaine S. De Luca, Floyd J. De Luca, Diana Armstrong Life Estate 2020 Santa Fe Drive, Pueblo (Parcel TE-19)	\$200.00	100 sf	100 sf	\$500.00	\$700.00
Owner: Epifanio M. Martinez, Jr. 2021 Santa Fe Drive, Pueblo (Parcel TE-20)	\$200.00	51 sf	51 sf	\$500.00	\$700.00
Owner: Jose Espana and Gloria Perez 2103 Santa Fe Drive, Pueblo (Parcel TE-21)	\$200.00	75 sf	75 sf	\$500.00	\$700.00
Property Location	Approved Chief Engineer's Estimate of Damages and Benefits	Approved Size of Acquisitio n	Actual Size of Acquisitio n	Incenti ve Payme nt Amoun t	Total Settleme nt Amount
Owner: Phil S. Prutch 1033 Gunnison Street, Pueblo (Parcel TE-22)	\$200.00	30 sf	30 sf	\$500.00	\$700.00
Owner: Phil S. Prutch 2203 Santa Fe Drive, Pueblo (Parcel TE-23)	\$200.00	70 sf	70 sf	\$500.00	\$700.00
Owner: Heather P. Firestone 2405 Santa Fe Drive, Pueblo (Parcel TE-24)	\$200.00	10 sf	10 sf	\$500.00	\$700.00
Owner: John R. Purdy and Julia V. Zane 2507 Santa Fe Drive, Pueblo (Parcel TE-25)	\$200.00	15 sf	15 sf	\$500.00	\$700.00
Owner: Sandra Springfield, Richard L. Springfield, Loaf 'N Jug	\$4,670.00	3559 sf	3559 sf	N/A	\$11,275.0 0

2610 Santa Fe Drive, Pueblo (Parcels PE-26, PE-28)					
Owner: 2648 Santa Fe Drive, LLC 2648 Santa Fe Drive, Pueblo (Parcel PE-29)	\$2,810.00	1,870 sf	1,870 sf	\$500.00	\$4,750.00
Owner: Richard D. and Lisa A. Williams 2771 Santa Fe Drive, Pueblo (Parcel TE-30)	\$200.00	125 sf	125 sf	\$500.00	\$700.00
Owner: Paul and Katie Cordova 23050 E. US Hwy 50, Pueblo (Parcel TE-31)	\$200.00	16 sf	16 sf	\$500.00	\$700.00

NOW THEREFORE BE IT RESOLVED, the Transportation Commission hereby affirms, ratifies, and makes effective as officially sanctioned actions of the Transportation Commission the final settlement amounts and acquisition size agreed to by CDOT and landowners with respect to the above listed acquisitions.



 Herman Stockinger, Secretary
 Transportation Commission of Colorado

5-17-18

 Date