

Resolution # TC-18-05-13

R2 Walsenburg Pedestrian Improvements SH 160, STR M331-007, Project Code 20790

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 September 21, 2017, the Transportation Commission entered resolution TC-17-9-9 ("Resolution") upon its minutes for Walsenburg Pedestrian Improvements SH 160 Project, Project Number STR M331-007, Project Code 20790; and

WHEREAS, the Resolution determined that the public interest or convenience will be served by the proposed alterations to U.S. Highway No. 160, 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;

Pr-operty 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: O'Reilly Auto 704 W. 7 th Street, Walsenburg (Parcel TE-1)	\$370.00	573 sf	573 sf	\$500.00	\$870.00
Owner: Margaret and E R Ted Cordova 638 W. 7 th Street, Walsenburg (Parcel TE-2)	\$200.00	238 sf	238 sf	\$500.00	\$700.00
Owner: Karl Supancic and Carol Spagnola 600 W. 7 th Street, Walsenburg (Parcel TE-3)	\$200.00	600 sf	600 sf	\$500.00	\$890.00
Owner: The Huerfano County Church of Christ 416 Walsen Ave., Walsenburg (Parcel TE-4)	\$200.00	750 sf	750 sf	\$500.00	\$700.00
Owner: Tina Marie Ryman 501 & 501 ½ Walsen Ave, Walsenburg (Parcel TE-5)	\$200.00	75 sf	75 sf	\$500.00	\$700.00
Owner: Alan W. Barnett and Denise G. Barnett 502 Walsen Ave., Walsenburg (Parcel TE-6)	\$200.00	250 sf	250 sf	\$500.00	\$700.00
Owner: Alexander Roybal 506 Walsen Ave., Walsenburg (Parcel TE-7)	\$200.00	250 sf	250 sf	\$500.00	\$700.00
Owner: Stephan D. Buck, III and Jean M. Buck	\$200.00	295 sf	295 sf	\$500.00	\$700.00

510 Walsen Ave., Walsenburg (Parcel TE-8)					
Owner: Kenneth Houpt, Calvin L. Houpt and Patricia M. Houpt 512 Walsen Ave., Walsenburg (Parcel TE-9)	\$200.00	233 sf	233 sf	\$500.00	\$700.00
Owner: Rong Wen Lei 516 & 520 Walsen Ave, Walsenburg (Parcels TE-10, TE-10A)	\$400.00	563 sf	563 sf	\$500.00	\$760.00
Owner: Yvette R. Vialpando and Charles J. Vialpando 608 Walsen Ave., Walsenburg (Parcel TE-11)	\$200.00	403 sf	403 sf	\$500.00	\$700.00
Owner: Bruce A. Roscoe and Collette J Roscoe. 701 Walsen Ave., Walsenburg (Parcel TE-12)	\$200.00	300 sf	300 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 F. Stockinger II
Herman Stockinger, Secretary
Transportation Commission of Colorado

5-17-18
Date

