

Resolution # TC-19-03-11

R3 Craig Residency ADA Curb Ramps Phase 1, Project Number C R300-248, Project Code 22768

Authorizing the Chief Engineer to make an offer to the landowner of the property specified below and deviate from Policy Directive 1301.0 under CDOT's ADA Voluntary Curb Ramp Acquisition Pilot Program.

Approved by the Transportation Commission on March 21, 2019.

WHEREAS, the Transportation Commission ("Commission") is authorized pursuant to Section 43-1-106(8), C.R.S. to formulate the general policy with respect to management, construction and maintenance of public highways and other transportation systems in the state and to promulgate and adopt all budgets of CDOT; and

WHEREAS, 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; and

WHEREAS, the Commission previously adopted Policy Directive 1301.0, "Transportation Commission Guidelines to Determine Whether Acquisition of Property for a CDOT Highway Project Will Serve the Public Interest," which sets forth the type of information CDOT staff, including the Chief Engineer, need to present to the Commission to assist Commissioners in making public policy determination pursuant to Section 43-1-106(8)(a), C.R.S. and the *Amerco Real Estate Co*, 380 P.3d 117 (Colo. 2016), opinion; and

WHEREAS, the *Amerco Real Estate Company* opinion also held that the Transportation Commission is authorized to either direct the Chief Engineer to make tender to a landowner or the Transportation Commission can proceed in the acquisition of private lands for state highway purposes, according to articles 1 to 7 of title 38, C.R.S., without tender to the landowner; and

WHEREAS, the Commission previously adopted Resolution No. TC-18-01-16, which approved the CDOT ADA Voluntary Curb Ramp Acquisition Pilot Program and allowed CDOT staff to deviate from Policy Directive 1301.0.

WHEREAS, on January 17, 2019, the Transportation Commission entered resolution TC-19-01-07 ("Resolution") upon its minutes for the Craig Residency ADA Curb Ramps Phase 1, Project Number C R300-248, Project Code 22768; and

WHEREAS, the Resolution determined that the public interest or convenience will be served by the proposed alterations to State Highways No. 13, 40 and 64, authorized the CDOT Chief Engineer and CDOT staff to make offers to the landowners, and authorized

CDOT staff to deviate from Policy Directive 1301.0 for CDOT's ADA Voluntary Curb Ramp Acquisition Pilot Program; and

WHEREAS, CDOT seeks to acquire an additional permanent easement for the Project, and also seeks to conduct the project under the CDOT ADA Voluntary Curb Ramp Acquisition Pilot Program.

WHEREAS, CDOT seeks to acquire a permanent easement, as specified in the attached Chief Engineer's Report for the Project. The Chief Engineer's Report specifies the landowner and property location of the permanent easement; and

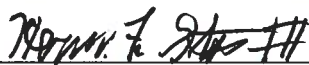
WHEREAS, CDOT may make offers to property owner on a voluntary basis, in an amount greater than the determined just compensation for each easement based on the estimated highest value acquisition on the project in a particular area.

WHEREAS, the Transportation Commission acknowledges that it has reviewed the written report of the Chief Engineer, which contains sufficient information for the Commission to determine whether the property is needed in the public interest and in order for CDOT to comply with 43-1-106(8)(a), and the *Amerco* decision;

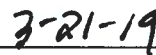
WHEREAS, after reviewing the Chief Engineer's written report regarding Project and the Property, the Transportation Commission has determined that the proposed changes to State Highway No. 64 will serve the public interest and/or convenience of the traveling public and that acquisition of the Property described in the report will serve the purposes of the Project; and

NOW THEREFORE BE IT RESOLVED, the Transportation Commission hereby declares that the public interest and/or convenience will be served by the proposed changes to State Highway No. 64 by virtue of the Craig Residency ADA Curb Ramps Phase 1, Project Number C R300-248, Project Code 22768, parcel 064A_019.087_A2 and authorizes CDOT staff to make an offer to the landowner.

NOW THEREFORE BE IT FURTHER RESOLVED, CDOT staff may deviate from Policy Directive 1301.0 for CDOT's ADA Voluntary Curb Ramp Acquisition Pilot Program in order to acquire a permanent easement needed for the Project.



Herman Stockinger, Secretary
Transportation Commission of Colorado



Date