

Resolution # TC-19-03-15

R5 US 550 South Connection, Project Number FSA 5501-021, Project Code 19378

Approving the property acquisition and settlement amount which has been agreed for the property specified below.

Approved by the Transportation Commission on March 21, 2019.

WHEREAS, the Transportation 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, pursuant to Colorado law at Section 43-1-208, C.R.S., the Colorado General Assembly has conferred the power of eminent domain upon the Transportation Commission to acquire private property necessary for state highways purposes; and

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 November 16, 2017 the Transportation Commission did enter a resolution TC-17-11-9 upon its minutes for the US 550 South Connection Project, Project Number FSA 5501-021, Project Code 19378 ("Project"), approving proposed highway changes to U.S. Highways No. 550 and 160 and authorizing the CDOT Chief Engineer to negotiate with the landowners for the acquisition of parcels AP-RW-16, AP-RW-17, AP-17-RM, AP-RW-18, AP-18-RM, AP-PE-17 and AP-TE-17 the amount of damages as estimated by the Chief Engineer; and

WHEREAS; on August 16, 2018, the Transportation Commission did enter a resolution TC-18-08-17 upon its minutes for the Project, authorizing CDOT to initiate and conduct condemnation proceedings for parcels AP-RW-17, AP-17-RM, AP-RW-18, AP-18-RM, AP-PE-17 and AP-TE-17 pursuant to sections 38-1-101 *et seq.*, C.R.S.; and

WHEREAS, CDOT staff successfully reached an agreement with the landowners listed below for the acquisition of parcels AP-RW-17, AP-17-RM, AP-RW-18, AP-18-RM, AP-PE-17 and AP-TE-17; and

WHEREAS, the agreement reached by CDOT staff includes the acquisition of an additional property known as the "Nose Parcels" (Designated as AP-17A-RM and AP-17B-RM) which were not previously approved by the Transportation Commission; and


WHEREAS, CDOT now seeks Transportation Commission approval for the acquisition and settlement amount of the additional property known as AP-17A-RM and AP-17B-RM; and

WHEREAS, the Transportation Commission, as part of its non-delegable duties, must now approve and ratify all negotiation actions taken in relation to the below acquisitions and must approve the actual size of the acquisition and must approve the final settlement amount; and

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

Property Location	Appraised Value	Actual Size of Acquisition	Settlement Amount
<p>Owners: Marie J. Webb Ranch, LLC & The M J Mesa LLC (Parcel AP-17A-RM and AP-17B-RM) "Nose Parcels" Located on US 550</p>	<p>\$307,728</p>	<p>AP-17A-RM = 11.596 Acres AP-17B-RM = 14.048 Acres Total = 25.644 Acres</p>	<p>\$495,000</p>

NOW THEREFORE BE IT RESOLVED, the Transportation Commission hereby declares that the public interest or convenience will be served by the proposed changes to U.S. Highways No. 550 and 160 by virtue of the US 550 South Connection Project, Project Number FSA 5501-021, Project Code 19378. All approvals or other negotiation actions taken by CDOT with respect to the above listed acquisitions are hereby affirmed, ratified, and made effective as officially sanctioned actions of the Transportation Commission. If acquisition of the Property requires acquisition of buildings, structures, or improvements on real property as well as acquisition of tenant-owned improvements both real and personal property, or other real estate, the Transportation Commission authorizes CDOT to acquire those items for the agreed-upon amounts. The Transportation Commission hereby approves the acquisition of the parcel, approves the actual size of the acquisition, and the settlement amount listed above.



 Herman Stockinger, Secretary
 Transportation Commission of Colorado

3-21-19

 Date