

Resolution #TC20-01-04

Disposal/Assignment: Project #: I 70-1(3)24 Unit 3; Location: I-70 at 23 ½ Road; Parcel #: E-213; County: Mesa

Approved by the Transportation Commission on January 16, 2020.

WHEREAS, CDOT acquired Parcel E-213 on December 12, 1963 as a part of CDOT Project # I 70-1(3)24 Unit 3 for CDOT to construct the original I-70;

WHEREAS, the purpose of the easement was not recorded and believed was acquired to accommodate the relocation of an irrigation ditch associated with the original I-70 construction;

WHEREAS, the only use within the easement is for the conveyance of private irrigation water through an open ditch;

WHEREAS, there are three users of the irrigation water conveyed by the ditch, comprised of the real property owner burdened by the easement (Canyon View Resort, LLC), property owned by The Lily Silzell Trust and property owned by Hirons Family, LLC;

WHEREAS, the water then enters a waste ditch so there are no other users of the irrigation water;

WHEREAS, Parcel E-213 consists of 1.137 acres;

WHEREAS, the Department of Transportation would like to convey and assign Parcel E-213 to the beneficiaries of the ditch;

WHEREAS, the disposal and assignment of Parcel E-213 will not affect the operation, maintenance, use or safety of CDOT's facility;

WHEREAS, the Department of Transportation, Region 3, has declared through Stephen Harelson as Chief Engineer that Parcel E-213 is not needed for transportation purposes;

WHEREAS, pursuant to Colorado Revised Statutes (C.R.S) 43-1-210(5)(a)(I) The Department of Transportation is authorized, subject to approving resolution of the Transportation Commission, to dispose of any property or interest therein which is no longer needed for transportation purposes;

WHEREAS, the Department has determined that Parcel E-213 consisting of 1.137 acres of land is of use only to the beneficiaries of the ditch;

WHEREAS, the property encumbered by the easement, owned by Canyon View Resort, LLC, consents to the assignment of 1.137 acres of easement;

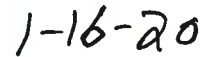
WHEREAS, the beneficiaries of the irrigation ditch, The Lily Silzell Trust and Hirons Family, LLC, desire to accept the assignment of 1.137 acres of easement no longer needed for transportation purposes;

NOW THEREFORE BE IT RESOLVED, pursuant to the provisions of the C.R.S, 43-1-210(5) and 23 CFR 710.403 the Department of Transportation be given authority to declare Parcel E-213 as excess property and dispose and assign the 1.137 acres of easement, which is no longer needed for transportation purposes.

FURTHER, any funds from the disposal of easement shall be disbursed in accordance with Section 7.2.15 of the CDOT Right-of-Way Manual.



Herman Stockinger, Secretary
Transportation Commission of Colorado



Date