

Resolution #TC-2021-01-05

Approve Referral of CDOT Region 3 Access Appeal to the Office of Administrative Courts, 2 CCR 601-1(2.9),

Approved by the Transportation Commission on January 21, 2021.

WHEREAS, in accordance with the State Highway Access Code, 2 CCR 601-1, David and Mary Dewey (Dewey) applied for an Access Permit to US 34 in or near Grand Lake, Colorado for the purpose of boat and trailer storage pursuant to a Special Use Permit to be issued by Grand County; and

WHEREAS, the Dewey property is burdened by an access easement benefitting land owned by Bryce and Patty McCallum (McCallum); and

WHEREAS, the Dewey and McCallum properties have shared the same access to US 34; and

WHEREAS, because of the change in land use on the Dewey property and increase in traffic volumes, CDOT required the shared access to be relocated and reconstructed to meet engineering and safety standards; and

WHEREAS, CDOT required Dewey, as part of the relocated access, to close the previous access to US 34 and provide McCallum with a new easement so McCallum could reasonably access their property from the new access point; and

WHEREAS, Dewey provided McCallum with a new easement, constructed the relocated access and closed the previous access to US 34, which closure occurred on or about December 2, 2020; and

WHEREAS, McCallum has filed a written appeal objecting to and contesting the closure of the previous access to US 34 and has requested a hearing.

NOW THEREFORE BE IT RESOLVED, the Commission directs the hearing for McCallum's appeal be heard before an administrative law judge with the Office of Administrative Courts. The Office of the Attorney General is requested to facilitate the appeal pursuant to 2 CCR 601-1(2.9) and take all necessary actions to accommodate McCallum's request for a hearing.

BE IT FURTHER RESOLVED, the Commission delegates its authority to conduct the hearing to the Office of Administrative Courts and for the preparation of a complete record of the hearing should additional appeals be necessary.

Herman F. Stockinger A.A.A.

Herman Stockinger, Secretary
Transportation Commission of Colorado

1/21/2021
Date