

**Resolution #TC2021-06-03**

Devolution of US 40 Frontage Road between MM 89- Finley Lane (MM 89.9)

**Approved by the Transportation Commission on June 17, 2021.**

**WHEREAS**, The Department of Transportation owns approximately .9 linear miles of Highway in the City of Craig, Moffat County, Colorado identified as State Highway 40 (Frontage);

**WHEREAS**, Region 3 has determined that abandoning this portion of US 40 Frontage would be in the best interest of Colorado taxpayers;

**WHEREAS**, the Colorado Revised Statutes 43-2-106 (1) (a) provides that the Transportation Commission may determine that a state highway, or portion thereof, no longer functions as a state highway, and with the agreement of each affected county or municipality, the state highway, or portion thereof, can be abandoned to the affected county or municipality;

**WHEREAS**, the (1) City of Craig proposed to take ownership of US 40 Frontage from Milepost 89 to Finley Lane, approximate Milepost 89.8, in exchange for resurfacing of Frontage road, this work will be performed by CDOT for the estimated sum of \$226,000;

**WHEREAS**, the payment is anticipated to be less than the amount CDOT reasonably expects to expend to maintain, preserve, or improve this section of US 40 Frontage over the next 20 years;

**WHEREAS**, Colorado Revised Statutes (CRS) 43-2-106 (1) (b) further provides that any county or municipality receiving a payment from CDOT as a result of CRS 43-2-106 (1) (a) shall credit the payment to a special fund to be used only for transportation-related expenditures;

**WHEREAS**, the Parties desire to enter into an Intergovernmental Agreement (IGA) and agree upon the condition of the abandonment of said highway segment by the State and acceptance by the City of Craig pursuant to the terms and conditions of the IGA;

**WHEREAS**, the Parties agree to prepare the necessary right-of-way plans to execute the abandonment;

**WHEREAS**, the governing bodies of the Craig will adopt a resolution, agreeing to the state's abandonment of the portion of US 40 Frontage road, agreeing that said highway segment no longer serves the ongoing purposes of the state highway system; committing the City of Craig to assume ownership of said highway segment in the "as is" condition;

**WHEREAS**, Transportation Commission is authorized pursuant to Colorado Revised Statutes (C.R.S) 43-2-106 to make determinations regarding abandonment of State Highways(s) to affected county(ies) or municipality(ies);

**NOW THEREFORE BE IT RESOLVED**, the Commission herein approves Region 3 to proceed with the devolution of US 40 Frontage in the City of Craig Colorado.

*Herman F. Stockinger III*  
\_\_\_\_\_  
Herman Stockinger, Secretary  
Transportation Commission of Colorado

6/17/2021  
Date