

**Resolution #TC-16-4-5**

Disposal of property in Wiggins.

**Approved by the Transportation Commission on April 21, 2016**

**WHEREAS**, CDOT acquired property located at Hwy 34 and I-76 in the City of Wiggins in 1998 for use as a Rest Area and;

**WHEREAS**, a surveyor working for the owner of the truck stop adjacent to the Wiggins I-76 Rest Area discovered gaps and overlaps in the deeds for the truck stop and the Land Survey Plat done for CDOT in 1998 prior to the construction of the rest area and;

**WHEREAS**, CDOT Region 4 ROW reviewed deeds, plats and agreed with boundary line discrepancies that were established by the truck stop's surveyor and;

**WHEREAS**, the detention pond and parking surfaces of the truck stop adjacent to the Wiggins I-76 Rest Area were determined to be encroaching on CDOT property and;

**WHEREAS**, CDOT agreed to have the surveyor prepare a minor subdivision plat for submission to Morgan County that would eliminate the encroachments and;

**WHEREAS**, the subject parcel on the Stub's Minor Subdivision plat consists of 1.15 acres and;

**WHEREAS**, the subject parcel is only a small portion of the entire Wiggins Rest area and;

**WHEREAS**, the adjacent property owner would like to purchase the property to resolve the encroachments at fair market value and;

**WHEREAS**, the Department of Transportation would like to sell the property located at Hwy 34 and I-76 in the City of Wiggins to the adjacent property owner and;

**WHEREAS**, the disposal of the subject property will not affect the operation, maintenance, use or safety of CDOT's facility and;

**WHEREAS**, the Department of Transportation, Region 4 has declared through Joshua Laipply as

Chief Engineer, that property is no longer needed for maintenance of transportation purposes and;

**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 and;

**WHEREAS**, the Department has determined that the subject property consisting of 1.15 acres has value only to the adjacent owner and;

**WHEREAS**, pursuant to Colorado Revised Statutes (C.R.S) 43-1-210(5)(a)(III), when a parcel that is no longer needed for transportation purposes and has value to only one adjacent owner, that owner shall have first right of refusal to purchase said property for fair market value and;

**WHEREAS**, the adjacent property owner desires to exercise its first right of refusal to purchase the subject property, which is no longer needed for maintenance or 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 the subject property at Hwy 34 and I-76 in Wiggins as excess property and sell the subject property consisting of 1.15 acres, which is no longer needed for maintenance or transportation purposes for fair market value.

**FURTHER**, funds from the sale of the property shall be disbursed in accordance with Section 7.2.15 of the CDOT Right-of-Way Manual.

Herman F. Stockinger III  
Herman Stockinger, Secretary  
Transportation Commission of Colorado

4-21-16  
Date of Approval